



BOARD OF APPEALS
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Johanna Schneider
Lark Palermo

Town of Brookline Massachusetts

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TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2022-00068
255 RUSSETT ROAD

Petitioners Tracy J. McNeal and William D. McNeal, Jr. sought a time extension from this Board for Special Permit 2021-000041, granted on December 7, 2021.

The Board of Appeals administratively determined that the property affected was that shown on a schedule certified by the Board of Assessors of the Town of Brookline and fixed January 19, 2023, at 7:00 p.m., virtually as the date, time, and place of a hearing for the extension. Notice of the hearing was mailed to the Petitioner, to their attorney (if any) of record, to the owners of the properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board, and to all others required by law. Notice of the hearing was published on January 5, 2023, and January 12, 2023, in the Boston Globe, a newspaper of general circulation in Brookline. A copy of said notice is as follows:

TOWN OF BROOKLINE – Zoning Board of Appeals
NOTICE OF HEARING

The Brookline Zoning Board of Appeals will hold a public hearing on

Date/Time: Thursday, January 19, 2023

Location: Virtual Hearing

Virtual Registration Link: <https://bit.ly/3VWzVSF>

Petitioner: WILLIAM D JR & TRACY J MCNEAL

Address: 255 Russett Street

Subject: Time Extension of Special Permit granted 12/7/2022

Nature of Action/Relief:

§5.20 - FLOOR AREA RATIO

§5.70 - REAR YARD REQUIREMENTS

§8.02 - ALTERATION OR EXTENSION

§8.02 - Alteration or Extension

Plans and submissions may be viewed online at

<https://www.brooklinema.gov/DocumentCenter/Index/3526>

Interested persons may provide comments at the public hearing or by submitting written comments by email to manthony@brooklinema.gov.

Assistive Listening Devices are available upon request:

<https://www.brooklinema.gov/560/Americans-With-Disabilities-Act-ADA>

Publish: 1/5/2023 & 1/12/2023

On January 19, 2023, the Zoning Board of Appeals held a public hearing. Present at the hearing were Chair Johanna Schneider and Board Members Randolph Meiklejohn and Wadner Oge. The case was presented by the attorney for the Petitioner, Jennifer Dopazo Gilbert., RLAW P.C., 300 Washington Street, Brookline, Massachusetts.

Zoning Board of Appeals Chair Schneider called the hearing to order at 7:00 pm. Chair Schneider reviewed the standard hearing procedure for virtual hearings and confirmed that all Board Members and staff could visually and auditorily engage in the hearing. Attorney Dopazo Gilbert waived a reading of the published notice.

Attorney Dopazo Gilbert presented the case for Petitioner. Attorney Dopazo Gilbert stated that the property at 255 Russett Road had previously been the subject of a Special Permit, granted December 7, 2021. She continued that in 2021, the Board had granted a special permit per its findings under M.G.L. 40A Section 6 and Deadrick, allowing for a small addition at the rear of the existing home at 255 Russett, for an increase in nonconforming FAR, and for a small decrease in the nonconforming rear yard setback. Attorney Dopazo Gilbert noted that the addition consisted of about 1,000 square feet and would allow the Petitioners' growing family to remain in their current home. She further stated that Petitioners, faced with rising construction costs and interest rates in the aftermath of COVID, had been unable to find a contractor. She added that Petitioners

were presently undergoing negotiations with several contractors, and that, pending the grant of an extension, the project would hopefully be underway by March of the current year.

Attorney Dopazo Gilbert then stated that nothing about the proposal had changed except for the delay in construction. She continued that several neighbors had spoken in support of the project at the original hearing, noting that Petitioners would abide by a condition, requiring the submittal of a construction plan, that had been added at that hearing to allay the concerns expressed by an abutter. Attorney Dopazo Gilbert concluded that Petitioners, under **Section 9.07** of the Zoning By-Law, were therefore seeking an extension from the Board for the relief previously granted under Special Permit 2021-000041.

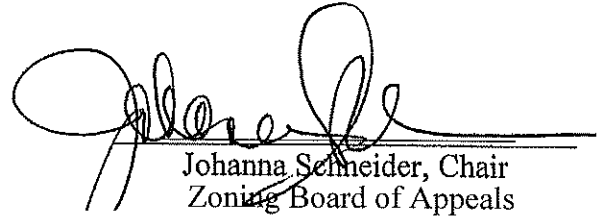
Chair Schneider, having received no questions or comments from Board Members Oge and Meiklejohn, then requested a motion to grant the requested extension, noting that such a procedure was within the Board's authority under **Section 9.07** of the Zoning By-Law.

Board Member Meiklejohn then moved to grant the extension of Special Permit relief for 255 Russett Road, adding that the requirements of **Section 9.07** were satisfied.

Board Member Oge also voted in favor of the motion.

Chair Schneider then voted in favor of the motion. Chair Schneider continued that the Board, therefore, unanimously approved a one-year extension of the following Special Permit relief, having been previously granted December 7, 2021, for 255 Russett Road: From **Section 5.20**, to allow for an increase in FAR; from **Section 5.70**, to decrease a nonconforming rear yard setback; and to allow for the alteration or extension of a nonconforming structure, under **Section 8.02**.

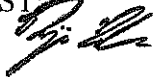
Unanimous Decision of
The Board of Appeals



Johanna Schneider, Chair
Zoning Board of Appeals

Filing Date: 3/8/2023

A True Copy
ATTEST:



Benjamin Kaufman
Clerk, Board of Appeals