



# *Town of Brookline*

## *Massachusetts*

**BOARD OF APPEALS**  
Jesse Geller, Chair  
Johanna Schneider  
Lark Jurev Palermo

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**Benjamin Kaufman, Clerk**

TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. 2023-000011  
154 WOODLAND ROAD

Petitioner, KRazdan Woodland, LLC, applied to the Building Commissioner for a building permit to construct a single-family home on this vacant lot. The application was denied and an appeal was taken to this Board.

The Board administratively determined that the properties affected were those shown on a schedule certified by the Board of Assessors of the Town of Brookline and fixed May 25, 2023 at 7:00 p.m. as the date and time for a virtual hearing on the appeal. Notice of the hearing was mailed to the Petitioner, to its attorney 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 5/11/2023 & 5/18/2023 in the Boston Globe, a newspaper published in Brookline. A copy of said notice is as follows:

### **Notice of Hearing**

#### **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, May 25, 2023**

**Location: Virtual Hearing**

**Virtual Registration Link: <https://bit.ly/3nJi7PM>**

**Petitioner: KRazdan Woodland, LLC**

**Address:** 154 Woodland Road  
**Subject:** Construct Single Family Home

**Nature of Action/Relief:**

§5.09.2.N – DESIGN REVIEW

*Plans and submissions may be viewed online at*

<https://www.brooklinema.gov/DocumentCenter/Index/4159>

*Interested persons may provide comments at the public hearing or by submitting written comments by email to [manthony@brooklinema.gov](mailto:manthony@brooklinema.gov).*

**Assistive Listening Devices are available upon request:**

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

**Publish: 5/11/2023 & 5/18/2023**

The public hearing was held on May 25, 2023.

Present at the May 25, 2023 virtual hearing were Chair Jesse Geller and Board Members Randolph Meiklejohn and Saul Feldman.

Attorney Jeffrey P. Allen appeared for the Petitioner and waived a reading of the published notice. Chair Geller explained that, in the interests of efficiency commonly applicable information regarding the neighborhood and development discussed during the immediately preceding hearing involving the abutting property at 152 Woodland Road (Case No. 2023-000012), would be entered into the record of this hearing. Attorney Allen provided an overview of the proposed project. Attorney Allen explained that this is a difficult site and that the Petitioner worked with the Conservation Commission and the Planning Board during multiple hearings with both. He explained that the item of concern in this case, which differentiates it from 152 Woodland Road, is that there was a porte cochere in the original plans that was originally designed to be two stories high and was now reduced by the Petitioner to one-story. Attorney Allen explained that, in response to Planning Board comments, the Petitioner made the roof simpler and made other changes. He stated that this home is approximately 6,650 sq. ft., but it is next door to a 25,000 sq. ft. home. Attorney Allen explained that this is the final house in

the subdivision of similarly designed and sized homes. Attorney Allen explained that the maximum allowable gross floor area of this house is 6,672 sq. ft. He stated that 130% of that would be 8,673.6 sq. ft., and the house has proposed gross floor area of 6,655 sq. ft. Therefore, he calculated the maximum space in the basement that could be converted to habitable space in ten years is 2,018.6 sq. ft.

Board Member Meiklejohn asked for confirmation that only the basement space is able to be converted to habitable space in the future and not the space over the garage and second floor. Attorney Allen and the project architect Michael McKay, who was also present for the hearing, confirmed this.

Chair Geller asked if there were members of the public who wished to speak in favor of or against this application. There were none.

Richard Nangle of 854 Hammond Street asked whether this site or 152 Woodland Road will involve blasting and, if so, whether notice to the neighbors would be provided (of which he is one). Attorney Allen stated that he believed the projects would involve blasting and that his understanding is that the Fire Department approves the parameters of the blasting. In response to inquiry from Chair Geller, Deputy Building Commissioner Paul Campbell stated that, although he was not sure, he believed that notice goes out to people within a certain radius.

Chair Geller called upon Zoning Coordinator/Planner Madison Anthony to review the findings of the Planning Board.

## **FINDINGS**

### **§5.09.2.N - DESIGN REVIEW**

A Special Permit for Design Review is required where a structure complies with the maximum allowed FAR but contains unfinished space that could be converted in the future and result in a structure with more FAR than allowed. The applicant has submitted an Impact Statement that explains how the project satisfies the Community and Environmental Impact and Design Standards of Section 5.09.4.

### **PLANNING DEPARTMENT STAFF COMMENTS**

The Planning Board met on March 30, 2023 to consider this proposal for a single-family house on a lot created from an ANR subdivision of the property at 150 Woodland Road. The only zoning relief needed is design review under Sec. 5.09.2.n to convert the basement to habitable space in ten years, per Section 5.22. Planning Board members expressed two main concerns: the porte-cochere was too tall and the design of the house did not work with the site features. The applicant has now submitted new plans changing the height of the porte-cochere from two stories to one story, revising façade details, and simplifying the roofs. The location of the house on the site has not been changed. There is an Order of Conditions to protect the wetlands on the lot. Staff is pleased that EV charging will be provided and encourages the applicant to make the building fossil fuel-free.

### **PLANNING BOARD COMMENTS**

The Planning Board is pleased that the applicant has made some changes to improve the façade and that the rip-rap wall has been reduced. The Board is supportive of the project with a one-story port cochere.

**The Planning Board recommends approval of the site plans by VERNE T. PORTER JR., PLS, dated December 29, 2022 and architectural plans prepared by MCKAY ARCHITECTS, RA, dated March 4, 2022, and updated April 27, 2023, subject to the following conditions:**

- 1. Prior to the issuance of a building permit, the applicant shall electronically submit final floor plans and elevations, stamped and signed by a registered architect, and a final site plan, stamped and signed by a registered engineer or land surveyor, to the Assistant Director for Regulatory Planning or designee for review and approval.**
- 2. Prior to the issuance of a building permit, the applicant shall electronically submit a landscaping plan, stamped and signed by a registered landscape architect, to the Assistant Director for Regulatory Planning or designee for review and approval.**
- 3. If the applicant chooses to convert the basement into habitable space, provisions specified under Section 5.22 shall be met.**
- 4. Prior to the issuance of a Certificate of Occupancy, the applicant shall electronically submit an as-built plan, stamped by a registered engineer, showing that the private right-of-way shown on the site plan by Verne T. Porter, dated 2/25/21, has been constructed in accordance with the Subdivision Plan of Land for 150 Woodland Road, as subsequently amended. The as-built plan shall be reviewed and approved by the Assistant Director of Regulatory Planning and the Commissioner of Public Works prior to the issuance of a Certificate of Occupancy.**
- 5. Prior to the issuance of a building permit, the applicant shall electronically submit to the Building Commissioner for review and approval a) the site plan, floor plans, and elevations displaying the approval stamp of the Assistant Director for Regulatory Planning; and b) evidence that the Board of Appeals decision has been obtained from the Town Clerk's office by the applicant or their representative and recorded at the Registry of Deeds.**

Chair Geller requested that Deputy Building Commissioner Paul Campbell present the findings of the Building Department. Mr. Campbell stated that the Building Department has no objection to the requested relief sought by the Petitioner and that, should the Board grant the requested relief, the Building Department will work with the Petitioner to ensure compliance with the Board's decision, Zoning By-Law, and applicable codes.

Chair Geller invited deliberation from the Board. Board Member Meiklejohn noted that he is pleased to see the reduction in the porte cochere but also noted what he regarded as significant asphalt associated with the project. Board Member Meiklejohn stated that he was happy that the Board had the Conservation Commission to process all of that. He stated that, with respect to the Zoning By-Law, the conversion of space in the basement to habitable space in the future should be limited to 2,018.6 sq. ft. Board Member Feldman indicated that he was in favor of the requested relief. Chair Geller explained that, for the reasons stated by Board Member Meiklejohn, he was in favor of granting the requested relief. He stated he believes that the proposed project meets the requirements of By-Law **Section 9.05** and that he would be in favor of the Board making a finding that no more than 2,018.6 sq. ft. in the basement may be converted in the future and granting the requested zoning relief subject to the conditions read into the record by Ms. Anthony.

The Board found that the requirements for special permit were met pursuant to **Section 9.05** of the Zoning By-Law, specifically:

- a. The specific site is an appropriate location for such a use, structure, or condition.
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.

- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- e. The development as proposed will not have a significant adverse effect on the supply of housing available for low and moderate income people.

Accordingly, the Board voted unanimously to grant special permit relief and approve the project as reflected in the site plans by VERNE T. PORTER JR., PLS, dated December 29, 2022 and architectural plans prepared by MCKAY ARCHITECTS, RA, dated March 4, 2022, and updated April 27, 2023, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall electronically submit final floor plans and elevations, stamped and signed by a registered architect, and a final site plan, stamped and signed by a registered engineer or land surveyor, to the Assistant Director for Regulatory Planning or designee for review and approval.
2. Prior to the issuance of a building permit, the applicant shall electronically submit a landscaping plan, stamped and signed by a registered landscape architect, to the Assistant Director for Regulatory Planning or designee for review and approval.
3. If the applicant chooses to convert the basement into habitable space, provisions specified under Section 5.22 shall be met, and the space converted shall not exceed 2,018.6 sq. ft.
4. Prior to the issuance of a Certificate of Occupancy, the applicant shall electronically submit an as-built plan, stamped by a registered engineer, showing that the private right-of-way shown on the site plan by Verne T. Porter, dated 2/25/21, has been constructed in accordance with the Subdivision Plan of Land for 150 Woodland Road, as subsequently amended. The as-built plan shall be reviewed and approved by the Assistant Director of Regulatory Planning and the Commissioner of Public Works prior to the issuance of a Certificate of Occupancy.
5. Prior to the issuance of a building permit, the applicant shall electronically submit to the Building Commissioner for review and approval a) the site plan, floor plans, and elevations displaying the approval stamp of the Assistant Director for Regulatory Planning; and b) evidence that the Board of Appeals decision has been obtained from the Town Clerk's office by the applicant or their representative and recorded at the Registry of Deeds.

Unanimous Decision of  
The Board of Appeals

Filing Date: 6/22/2023



Jesse Geller, Chair  
Zoning Board of Appeals

A True Copy  
ATTEST:



Benjamin Kaufman  
Clerk, Board of Appeals