

Town of Brookline Massachusetts

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TOWN OF BROOKLINE

BOARD OF APPEALS
Jesse Geller, Chairman
Christopher Hussey
Jonathan Book

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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2013-0026
THE 32 MEADOWBROOK ROAD LP

Petitioner, Michael Schneider, applied to the Building Commissioner for permission to establish a common driveway for 28-30 and 32-34 Meadowbrook Road, each with two attached single-family town homes. The application was denied and an appeal was taken to this Board.

On March 14, 2013 the Board met and determined that the properties affected were those shown on a schedule in accordance with the certification prepared by the Assessors of the Town of Brookline and approved by the Board of Appeals and fixed May 2, 2013 at 7:15 p.m. in the Selectmen's hearing room as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the Petitioner, to their 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 April 18, 2013 and April 25, 2013 in the Brookline Tab, a newspaper published in Brookline. A copy of said notice is as follows:

NOTICE OF HEARING

Pursuant to M.G.L. C. 39, sections 23A & 23B, the Board of Appeals will conduct a public hearing to discuss the following case:

Petitioners: Michael Schneider

Owner: The 32 Meadowbrook Road Limited Partnership

Location of Premises: **28-30 and 32-34 Meadowbrook Road**

Date of Hearing: **May 2, 2013**

Time of Hearing: **7:15 p.m.**

Place of Hearing: **Selectmen's Hearing Room, 6th Floor**

A public hearing will be held for a variance and/or special permit from:

- 1. Section 6.04.5.e: Design of All Off-Street Parking Facilities**
- 2. Section 8.02: Alteration or Extension**

of the Zoning By-Law to establish a common driveway for 28-30 and 32-34 Meadowbrook Road.

Section 6.04.5.e – Design of All Off-Street Parking Facilities

In all districts, the Board of Appeals may by special permit authorize the owners of adjoining properties to establish common driveways under mutual easements provided that any such permit shall not become effective until the easement has been recorded.

Section 8.02.2 – Alteration or Extension

A special permit is required for alterations to a dimensionally nonconforming structure.

Said premise located in a **T-5 district**.

Hearings, once opened, may be continued by the Chair to a date and time certain. No further notice will be mailed to abutters or advertised in the TAB. Questions regarding whether a hearing has been continued, or the date and time of any hearing may be directed to the Zoning Administrator at 617-734-2134 or check meeting calendar at: <http://calendars.town.brookline.ma.us/MasterTownCalendar/?FormID=158>.

The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to the ADA Coordinator, Stephen Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2330; TDD (617) 730-2327.

**Jesse Geller
Christopher Hussey
Jonathan Book**

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Zoning Board of Appeals Chairman Jonathan Book, and Zoning Board Members Christopher Hussey and Mark Zuroff. The case was presented by the attorney for the Petitioners,

Robert L. Allen, Jr., Law Office of Robert L. Allen, Jr. LLP, 300 Washington Street, Second Floor, Brookline, Massachusetts 02445. Also in attendance was Michael Schneider, the developer for the properties located at 28-30 and 32-34 Meadowbrook Road. The hearing was opened on May 2, 2013 and, at the request of the Petitioner, continued to June 20, 2013.

Zoning Board of Appeals Chairman Jonathan Book, called the hearing to order at 7:15 p.m. Attorney Allen stated that the Petitioner proposes to establish a common driveway for 28-30 and 32-34 Meadowbrook Road, each with two attached single-family town homes. Attorney Allen stated the property once had a single-family home on a double lot, but the Petitioner purchased the home to construct a two-family home at 28-30 Meadowbrook Road and a two-family home at 32-34 Meadowbrook Road, with a common driveway.

Attorney Allen stated that the foundation for each lot is poured and the exterior construction is substantially complete; however, the initial denial letter failed to include special permit relief to establish a common driveway. Attorney Allen stated that if special permit relief was originally required, the Petitioner could have worked with neighbors and the Planning Board to implement design changes to create a parking configuration as of right. Attorney Allen stated the omission of the special permit reference in the initial denial letter places the Petitioner in a difficult position because any change now comes with a substantial cost. Attorney Allen stated that any neighborhood opposition is based on the density of the structures rather than relief for the common driveway. Attorney Allen reminded the Board that the property is located in a T-5 district that permits a 1.0 FAR.

Attorney Allen described the composition of the neighborhood and noted the variety of districts surrounding 28-30 and 32-34 Meadowbrook Road, including an S-15 district down the street, an S-25 district behind the property, and an S-7 around the corner. Attorney Allen stated

that although the properties on Meadowbrook Road are predominantly single family homes, there is a cluster of condos and a scattering of two-family homes in the area. Attorney Allen stated that opposition appears is based on the neighborhood's surprise that four new units could be built as of right in this location. Attorney Allen maintained that the Petitioner built the homes in a T-5 and did not exceed the maximum FAR permitted by the Zoning By-Law.

Attorney Allen stated that it is important for the Zoning Board of Appeals to consider whether the common driveway will provide a safer ingress and egress point and is less obtrusive than adding another curb cut to support separate driveways for each lot. Attorney Allen stated the approved plan requires ten parking spaces. Attorney Allen described how four parking spaces will be located in the garages and six parking spaces will be located outside in two, three-car tandem configuration. Attorney Allen stated that there will likely never be a need for ten parking spaces, but **Section 2.03** of the Zoning By-Law requires the Petitioner to show the Board that ten cars can fit on the lot.

Attorney Allen stated that the Petitioner is looking for special permit relief from **Section 6.04.5.e** of the Zoning By-Law, which states that the Zoning Board of Appeals may by special permit, authorize the owners of adjoining properties to establish a common driveway under mutual easements. Attorney Allen stated that 28-30 and 32-34 Meadowbrook Road are separate lots and an easement will be recorded if relief is granted.

Finally, Attorney Allen discussed relief under **Section 8.02.2** of the Zoning By-Law, whereby a special permit is required to alter and/or extend a non-conforming structure. Attorney Allen then discussed special permit relief under **Section 9.05** of the Zoning By-Law, and noted: (1) the specific site is an appropriate location for such use where **Section 6.04.5.e** of the Zoning By-Law specifically allows a common driveway in a T district where the properties are

adjoining; (2) the use will not adversely affect the neighborhood where relevant complaints by neighbors potential drainage problems, which have been addressed by a certified drainage plan and a revised landscaping plan; (3) no nuisance or serious hazard to vehicles or pedestrians where a common driveway will keep the existing curb cut intact and prevent two separate curb cuts and the increased safety hazards incident to the same; (4) adequate and appropriate facilities will be provided for the proper operation and proposed use; and (5) the development will not have a significant adverse effect on the supply on housing available for low and moderate income people.

Attorney Allen described the revised landscaping plan, which includes a fence, some shrubbery, and a grass buffer in the rear of the property to separate the homes at 28-30 and 32-34 Meadowbrook Road from the condominiums along Goddard Avenue. Attorney Allen stated that based on the revised landscaping plan, a new and improved set of drainage plans were sent to Town Engineer Peter Ditto. Attorney Allen stated that Mr. Ditto confirmed that the new Drainage Summary, certified by Steve Poole a civil engineer at VTP Associates, met the standards and was improved despite what was required by the Town.

The Board Members then asked several questions about the proposal. Zoning Board Member Christopher Hussey inquired about the buffer zone depicted on the landscaping plans. Attorney Allen showed an aerial view of the property and stated the boundary lines were defined as part of the permitting process. Board Member Hussey asked how many bedrooms would be located on the property. Attorney Allen responded that there are four bedrooms within each of the dwellings on the lots. Zoning Board Member Hussey asked whether additional special permit relief was required for parking compact cars under the Zoning By-Law. Chief Building Inspector Mike Yanovitch stated that **Section 6.04.11** of the Zoning By-Law contained an exemption for

buildings with six cars or less. Attorney Allen stated that 28-30 Meadowbrook Road is required to have five spaces and 32-34 Meadowbrook Road is required to have 5 spaces, for a total of ten parking spaces.

Zoning Board Member Christopher Hussey asked whether relief was required under **Section 5.43** of the Zoning By-Law. Chief Building Inspector Yanovitch stated that the center lot line will not be dissolved, but begged the question whether special permit relief under **Section 5.43** of the Zoning By-Law would be required for front yard setback where the lots are presumably held in common ownership. Zoning Board of Appeals Chairman Jonathan Book asked whether the lots were held in common ownership. Attorney Allen confirmed they were. Chairman Book asked whether there would be one condominium association for 28-30 and 32-34 Meadowbrook Road. Attorney Allen stated that the understanding is that there will be a condominium association for 28-30 Meadowbrook Road and a condominium association for 32-34 Meadowbrook Road. Attorney Allen stated that because the Petitioner cannot self-grant an easement, each condominium association will enter into a cross-easement that will stipulate common area responsibilities like parking, maintenance, and landscaping.

Zoning Board of Appeals Chairman Jonathan Book asked Attorney Allen what the Petitioner was able to do as of right. Attorney Allen stated that in order to provide suitable parking, the Petitioner would have to remove two-feet from the foundation of both 28-30 and 32-34 Meadowbrook Road in order to construct two driveways. Chairman Book asked Attorney Allen to indicate the best solution for the Petitioner and the neighborhood. Attorney Allen stated that the common driveway scheme is a better alternative where the common driveway includes a single entrance on Meadowbrook Road, less pavement, and no new curb cuts or change in the

streetscape. Further, Attorney Allen stated the as of right solution is cost prohibitive due to the location of the plumbing components in the foundation.

Zoning Board Member Zuroff inquired about the Petitioner's expectations for resident parking. Attorney Allen stated the petitioners do not expect to use the ten spaces required by the Zoning By-Law. Zoning Board of Appeals Chairman Jonathan Book asked if the pavement would be lined to indicate each unit's parking space. Attorney Allen stated the pavement would not be lined.

Zoning Board of Appeals Chairman Jonathan Book asked if anyone present wanted to speak in favor of the application. No one spoke in favor.

Zoning Board of Appeals Chairman Jonathan Book asked if there was anyone present who wished to speak in opposition of this application. Diane Gold, 1 Forest Street, requested Chairman Book to count those present at the hearing in opposition to the common driveway scheme. Chairman Book counted 16 neighbors in opposition. Further, Diane Gold stated concern with the drainage plan, potential flooding, traffic safety, and the footprint of the construction expanding if the driveways were joined.

Joseph McMahon, 17 Country Road, stated a preference for two driveways. Richard Houlihan, 36 Meadowbrook Road, expressed concern about drainage, parking, and the use of blue clay during the construction process. Janice Houlihan, 36 Meadowbrook Road, stated that the Petitioner does not meet the requirements of **Section 9.05** of the Zoning By-Law whereby the streetscape will be affected by the ingress and egress of ten vehicles as opposed to the previous owner who only parked one vehicle. Elena Losina, 19 Forest Street, stressed the lack of forethought regarding drainage and the issue of traffic safety.

Julie Rafferty, 36 Country Road, stated a concern that the units will be sold to college students, which will depreciate the value of homes located in the area and impinge on the quality of life in the neighborhood. George Sell, stated that the Petitioner did not meet the conditions for a special permit. Christine Holley, 11 Forest Street, reiterated Janice Houlihan's concerns. Dominic Hodgkin, 1 Forest Street, stated the common driveway scheme was not thoughtful. Michael Rafferty, 36 Country Road stated concern for the safety of the children in the neighborhood.

Zoning Board of Appeals Chairman Book then called upon Polly Selkoe, Assistant Director for Regulatory Planning, to deliver the comments of the Planning Board.

Assistant Director Selkoe stated the Planning Board is opposed to the proposal to establish a common driveway for two lots, each with two attached single-family townhomes. Assistant Director Selkoe stated that the Planning Board typically supports common driveway requests because they decrease the amount of paving on a lot and allow more green space to be provided. However, in this case, the common driveway is not practicable given the design of the townhouses and that five parking spaces are required to be provided for each lot, due to the size of each unit. Assistant Director Selkoe stated that since each townhouse has only one garage space, three additional tandem spaces must be provided in the driveway itself. Assistant Director Selkoe commented that this blocks the garage spaces and compromises the vehicular circulation on the lot. The Planning Board believes adequate parking is not being provided and cannot support this unworkable design. Assistant Director Selkoe highlighted the fact that numerous neighborhood residents were present at the Planning Board meeting and in opposition to the issuance of a special permit. Assistant Director Selkoe stated that neighbors were concerned about the common driveway and proper drainage, since flooding in the area occurs every spring.

Assistant Director Selkoe stated that the townhouses were constructed at risk by the developer because the design was based on being approved for a common driveway, which requires a special permit. Assistant Director Selkoe stated that the developer assumed the relief would be granted, but the Planning Board could not support a special permit for a parking design that did not meet any of the criteria for a special permit under Section 5.09 of the Zoning By-Law, which requires that the site be appropriate for the use and structure, not adversely affect the neighborhood, not create a nuisance or hazard to vehicles or pedestrians, and provide adequate facilities for the proper operation of the use. The Planning Board recommends denial of the special permit and suggests that the developer explore ways to provide more parking spaces under the buildings themselves, perhaps by eliminating some of the habitable floor area at the lowest levels. Therefore, the Planning Board unanimously recommended denial of the Site Plan by VTP Associates, dated February 26, 2013.

Zoning Board of Appeals Chairman Book then called upon Michael Yanovitch, Chief Building Inspector, to deliver the comments of the Building Department. Mr. Yanovitch stated opposition to the Planning Board's unanimous decision. Mr. Yanovitch provided an example of a similar common driveway, approved in May 2011, whereby the Planning Board stated a shared driveway was preferable for a four-unit dwelling where the proposal eliminated the need for two access driveways and used an existing curb cut. Mr. Yanovitch reminded the Board that the property is located in a T-5 district where the allowable FAR is 1.0 and a 5,000 structure can be built as of right, as long as the usable landscaped and open space can support it. Mr. Yanovitch stated that the drainage was checked by Town Engineer Peter Ditto and will be rechecked once the Zoning Board of Appeals decision is recorded. Mr. Yanovitch stated that there is no net

change as of right with five vehicles parked in the driveway and recommends that one entrance is better than two entrances.

Zoning Board of Appeals Chairman Jonathan Book called on the Board to deliberate. In deliberation, Chairman Book stated the issue before the Board is limited to a decision regarding the common driveway scheme. Zoning Board Member Christopher Hussey inquired as to whether the Planning Board considered alternative ways the driveway(s) could be laid out. Assistant Director of Regulatory Planning Selkoe stated the Planning Board discussed constructing a single parking space in the lower level as well as additional parking under the buildings. Chairman Book asked how parking more cars under the building would improve the driveway scheme. Mrs. Selkoe stated the Planning Board felt the parking plan was impracticable because it showed four cars parked in tandem, thus another space in the basement of each structure would have improved the traffic flow. Zoning Board Member Mark Zuroff inquired as to whether the Petitioner had considered other design options for the common driveway to improve safety. Board Member Hussey questioned whether decreasing the slope of the driveway near the road would improve visibility and safety. Attorney Allen consulted with the Petitioner and then requested that the Board continue the hearing to a later date to give the Petitioner the opportunity to examine design option to improve safety. The Board granted Attorney Allen's request for a continuance.

The hearing was continued to June 20, 2013. At the continued hearing, Zoning Board Chairman Book motioned to re-open the hearing for the limited purpose of allowing Attorney Allen to present a revised common driveway scheme to address the neighborhood's concerns regarding safety. The motion was adopted and the hearing re-opened. Zoning Board Chairman stated that because testimony had closed at the May 2, 2103 hearing and the Board was in

deliberations, Attorney Allen would be permitted to present a revised common driveway scheme, and that persons in the audience would be permitted to speak only with respect to the proposed revised driveway scheme.

Attorney Allen then presented to the Zoning Board of Appeals a revised common driveway scheme. Attorney Allen stated that the Petitioner removed the column located outside the garage to provide more swing-space for vehicles pulling into and out of the parking spaces. Attorney Allen stated that the column would be replaced by reinforced steel at a cost of nearly \$20,000.00. Zoning Board of Appeals Chairman Jonathan Book asked if there was a revised plan. Attorney Allen stated upon the Board's approval, new plans would be submitted depicting the removed column. Zoning Board Member Christopher Hussey stated a condition of approval may include a revised site plan.

Attorney Allen reminded the Board that at the May 2, 2013 hearing, abutting neighbors were concerned with vehicles backing down the driveway onto the road. Attorney Allen discussed the slope of the driveway and stated that the project engineers were not comfortable changing the slope. In the alternative, Attorney Allen stated that the Petitioner is willing to remove a portion of the perimeter fence in front yard of the lots to provide more visual access for passersby on Meadowbrook Road. Attorney Allen described how the engineers believed this was the last option available to alleviate the abutting neighborhood's concerns.

The Board Members then asked several questions about the revised proposal. Zoning Board Member Christopher Hussey asked Attorney Allen if the Petitioner would be able to install two separate driveways for 28-30 Meadowbrook Road and 32-34 Meadowbrook Road, as of right. Attorney Allen stated that he was confident the Zoning By-Law provided the Petitioner the right to install two driveways.

Zoning Board Member Mark Zuroff reminded the Board that at the hearing on May 2, 2013, Attorney Allen stated that the Petitioner would not likely utilize all ten spaces required by **Section 2.03** the Zoning By-Law. Attorney Allen confirmed and stated that the Petitioners do not foresee using the required number of spaces. Chairman Book inquired about the location of the ten required parking spaces and the layout of both the common and separate driveway schemes. Attorney Allen stated the ten parking spaces would be in the same location, but for a ten-foot strip of unpaved land between the separate driveways.

Zoning Board Member Zuroff asked why variance relief from the ten parking space requirement was not sought. Attorney Allen explained that in the event an appeal of this decision was filed, the special permit standard was more favorable where spaces could be provided as of right. Attorney Allen stated that the Petitioner is not concerned about the marketability of the lot if at some time in the future a zoning appeal is filed to waive two to four parking spaces. Zoning Board Member Hussey asked if the properties would be “condominium-ized.” Attorney Allen stated yes.

Zoning Board Member Hussey asked whether both properties would be under common ownership. Chairman Book responded that a common driveway necessitates separate ownership resulting in a two-unit condominium at 28-30 Meadowbrook Rd. and a two-unit condominium at 32-34 Meadowbrook Rd. Attorney Allen stated that both owners would maintain the driveways. Board Member Hussey discussed the limits of the common driveway and the requirements of a cross-easement to allow enough swing-space for the vehicles to exit the driveway and turn around on the shared pavement. Attorney Allen stated that the cross-easement between the condominium associations would cover all the paved area. Board Member Zuroff commented

that unlike a common driveway, two separate driveways would require vehicles to back down the driveway on to the road.

Zoning Board of Appeals Chairman Jonathan Book asked if anyone present wanted to speak in favor of the revised plan. No one spoke in favor.

Zoning Board of Appeals Chairman Jonathan Book asked if there was anyone present who wished to speak in opposition of the proposed revised driveway scheme. Attorney James Gray Wagner, spoke on behalf of Richard Houlihan who immediately abuts the Petitioner at 36 Meadowbrook Road. Attorney Wagner presented concerns regarding safety, convenience, and conformity with the Zoning By-Laws. Attorney Wagner suggested to the Board that the revised plan does not include material changes and urged the Board to deny the revised proposal because the Brookline By-Laws do not permit “tandem-ized” parking and/or vehicles reversing onto the street. Zoning Board Member Mark Zuroff asked Attorney Wagner to list the Zoning By-Laws that prohibit tandem parking and reversing onto the street. Attorney Wagner stated **Section 6.04.3** of the Zoning By-Law prohibits tandem parking and **Section 6.04.2.f** of the Zoning By-Law prohibits reversing onto the street. Chairman Book corrected Attorney Wagner and stated that **Section 6.04.11** of the Zoning By-law exempts **Section 6.02**, **Section 6.03**, **Section 6.04**, and **Section 6.07** of the Zoning By-Laws for six vehicles or less. Chief Building Inspector Michael Yanovitch explained that the lot line is not being dissolved and that the exemption applies where only five parking spaces are permitted on each driveway. Attorney Wagner urged the Board to take the advice of the Brookline Town Meeting who, by passing Sections 6.04.3 and 6.04.2.f of the Zoning By-Law, believes driveway of this kind to be unsafe.

Richard Houlihan, 36 Meadowbrook Road, agreed with Attorney Wagner that safety remains an issue and the plans submitted to the Planning Board remain incomplete. Mariella

Ames, 25 Whitney Street, stated that there is presently an issue with flooding and the number of vehicles permitted in one driveway is disconcerting when there are more than 25 children in the neighborhood. Diane Gold, 1 Forest Street, stated that where a right exists to park ten vehicles, the Board should not make a decision based on the Petitioner's promise to restrict the number of vehicles. Robert Liao, 55 Meadowbrook, stated a preference for two separate driveways without the ten foot strip of pavement between the driveways because there will be less pavement to park vehicles. Janice Houlihan, 36 Meadowbrook Rd, expressed disbelief in the sincerity of the effort put forth in the revised common driveway scheme.

Zoning Board of Appeals Chairman Jonathan Book asked Attorney Allen if he would like to rebut. Attorney Allen assured the Zoning Board of Appeals that construction on Meadowbrook Road is uphill from Whitney Street, therefore the engineers do not expect to experience the same flooding issues as the property owner of 25 Whitney Street. Attorney Allen stated that the Petitioner is sensitive to the number of children in the neighborhood, which is why the Petitioner urges the Board to keep the common driveway because passersby are familiar with the location of the existing driveway. Attorney Allen stated the removal of the fence was a suggestion put forth by Richard Houlihan, thereby evidencing the ongoing communication with concerned neighbors. Finally, Attorney Allen stated that the Petitioner challenged the engineers and is willing to invest more than \$20,000.00 to remove the column.

Zoning Board of Appeals Chairman Jonathan Book called on the Board to deliberate. In deliberation, Chairman Book stated the issue before the Board is limited to a decision regarding the common driveway scheme. Board Member Zuroff stated relief should be granted, but in the event the Board denies relief, it is important for the Petitioner have an alternative that does not require the structures to be altered. Board Member Zuroff maintained that the Board's decision

would only affect whether the Petitioner is granted the ability to establish a common driveway, not change or alter the existing two-family structures. Chairman Book asked the Board to consider the best alternative between a common driveway and two separate driveways. Board Member Hussey stated a preference to condition the approval on submission of a revised plan that does not include the “lally column” in the drawing and on the requirement of a cross-easement that covers the entire paved area (including the area in front of the garages) so that cars can turn-around in the driveway to exit front-out. Board Member Zuroff stated that the common driveway appears to be the best option and reminded the Zoning Board that the Planning Board consistently favors common driveways. Chairman Book stated that the common driveway was the better alternative.

The Board discussed several conditions for approval. Attorney Allen stated that the cross-easement to be established by the condominium associations for 28-30 and 32-34 Meadowbrook Road will cover the entire paved area (including the area in front of the garages), and encourage, if not require, residents to exit the driveway front-out instead of backing down the driveway. Attorney Allen stated that the condominium documents would voluntarily eliminate two outside parking spaces (so that there will be a total of two sets of two-car tandem spots); however, he noted that because a total of 10 spaces is required by the Zoning-Bylaw, the Board’s decision could not be conditioned upon the reduction in the number of spaces.

The Board then determined that special permit relief from the requirements of **Section 6.04.5.e** and **Section 8.02.2** of the Zoning By-Law pursuant to **Section 9.05** of the Zoning By-Law was desirable and appropriate. The Board made the following specific findings under said **Section 9.05** of the Zoning By-Law:

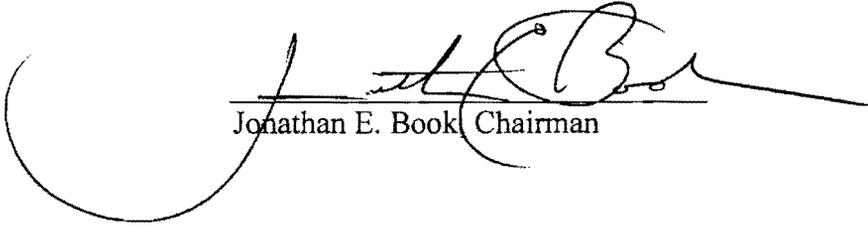
- a. The specific site is an appropriate location for such a use, structure, or condition.

- 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 the requested relief subject to the following conditions:

- 1. Prior to the issuance of a Certificate of Occupancy, a final site plan indicating easements, dimensions, a permeable material for the driveway, and landscaping shall be submitted subject to the review and approval of the Assistant Director of Regulatory Planning.**
- 2. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit a final drainage plan subject to the review and approval of the Director of Transportation and Engineering.**
- 3. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit the final site plan to the Fire Chief for a determination that emergency access is adequate.**
- 4. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) evidence that the structural columns in front of the garages have been removed; and 2) the perimeter fence has been scaled back from the front lot line to improve sight line for vehicles exiting the driveway.**
- 5. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan stamped and signed by a registered engineer or land surveyor; and 2) evidence that the Board of Appeals decision and related easements establishing the common driveway and covering the entire paved area (including the area in front of the garages) have been recorded at the Registry of Deeds.**

Unanimous Decision of
The Board of Appeals



Jonathan E. Book Chairman

Filing Date: July 23, 2013

A True Copy
ATTEST



Patrick J. Ward
Clerk, Board of Appeals

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