



RECEIVED

JUL 17 AM 10:50

TOWN OF BROOKLINE

# Town of Brookline Massachusetts

**BOARD OF APPEALS**  
Jesse Geller, Chairman  
Jonathan Book  
Christopher Hussey

Town Hall, 1<sup>st</sup> Floor  
333 Washington Street  
Brookline, MA 02445-6899  
(617) 730-2010 Fax (617) 730-2043  
Patrick J. Ward, Clerk

TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. 2013-0032

**Owner: Alice Guionnet and Pierre Benoit**

Petitioners, Alice Guionnet and Pierre Benoit, applied to the Building Commissioner for permission to construct a two-car garage within the front yard setback of 22 Mason Terrace. The application was denied and an appeal was taken to this Board.

On April 11, 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 June 20, 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, 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 May 30 and June 6, 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:

Petitioner: Alice Guionnet and Pierre Benoit  
Owner: Alice Guionnet and Pierre Benoit  
Location of Premises: 22 Mason Terrace  
Date of Hearing: **June 20, 2013**  
Time of Hearing: **07:15 p.m.**  
Place of Hearing: **Selectmen's Hearing Room, 6<sup>th</sup> Floor.**

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

**5.01; Table of Dimensional Requirements**  
**5.43; Exception to Yard and Setback Regulations**  
**5.50; Front Yard Requirements**  
**5.53; Accessory Buildings in the Front Yard**  
**6.04.4.c; Design of All Off Street-Parking Facilities**

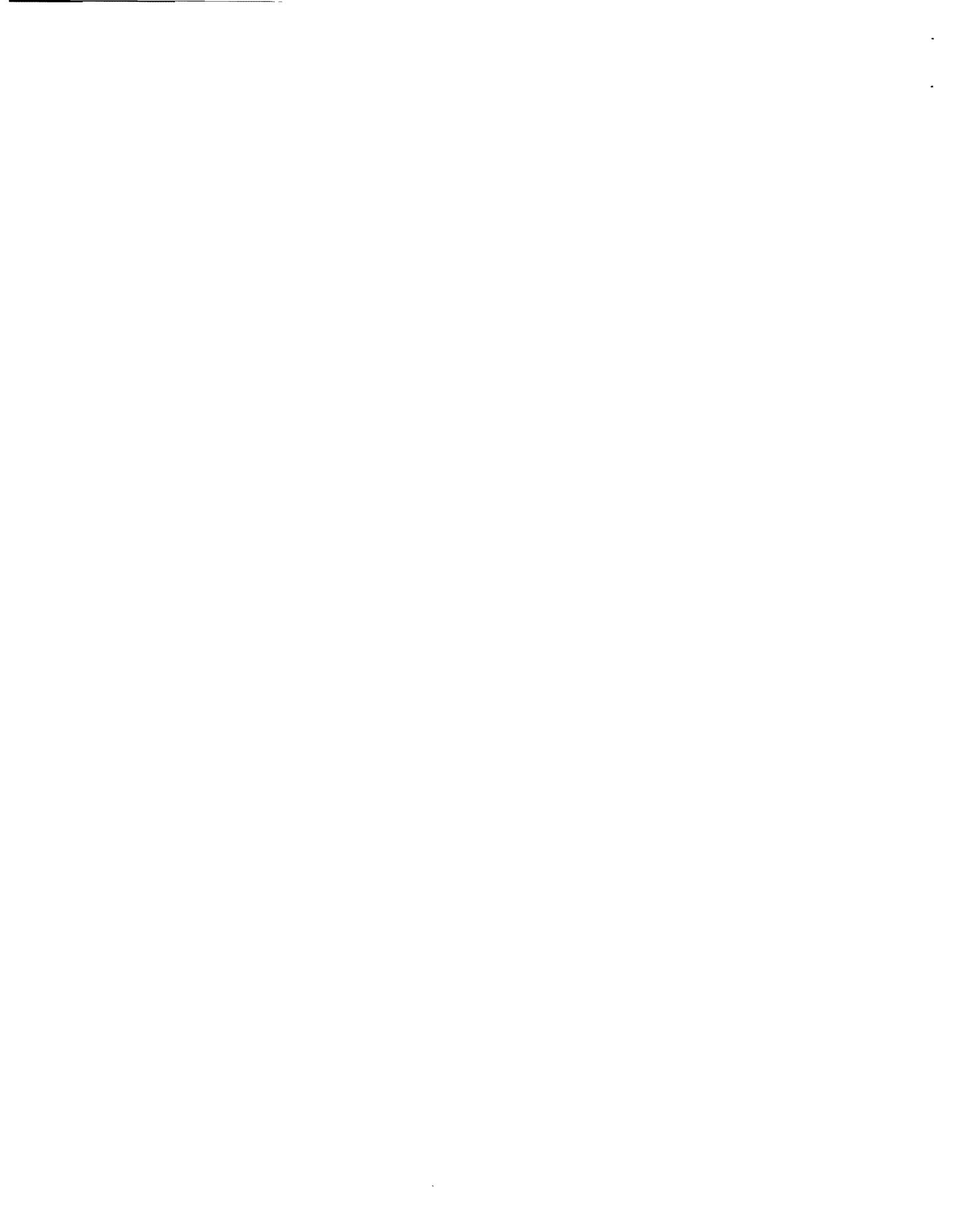
Of the Zoning By-Law to construct a garage in the front yard  
At 22 Mason Terrace  
Said Premise located in a SC-7 (Single-Family and Converted Two-Family) residential district.

*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**  
**Jonathan Book**  
**Christopher Hussey**

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing were Chairman Jonathan Book and Board Members Mark Zuroff and Christopher Hussey. The case was presented by the attorney for the petitioner, Michael W. Merrill, Merrill &



McGeary, 100 State Street, Suite 200, Boston, Massachusetts, 02109. Also in attendance were the petitioners and two of their children, two neighbors who support the project, and Lynn Osborn of Osborn Studio +, the architect who designed the garage. Mr. Book called the meeting to order at approximately 7:15pm

Mr. Merrill described 22 Mason Terrace as a single-family home located at the beginning of Mason Terrace, half-way up Summit Hill, and currently has no parking. The neighborhood is comprised of single-family and two-family dwellings that are similar in overall size and share the same topographical characteristics.

He said the applicants are proposing to construct a two-car garage approximately 10 feet in height and 27 feet wide, requiring an 18 foot curb cut. Attorney Merrill noted that the property currently has no parking and described the proposed two car garage as one which fits the character and needs of the neighborhood. The garage will not be visible above ground and would be cut into the hill. Additional landscaping in the form of removal of invasive landscaping and addition of replacement plants and shrubs more suitable to the property and the neighborhood will serve as the counter-balancing amenity as required for the issuance of a Special Permit.

The Chairman asked if anyone in attendance would like to speak, either in favor of or in opposition to the petition. Two neighbors, Ms. Kuwabara and Ms. Barnes spoke in favor of the proposed garage indicating it was a benefit to the neighborhood and the design appropriately would reuse the existing materials from the retaining wall, and no one spoke in opposition.

The Chairman called upon Polly Selkoe, Assistant Director of Regulatory Planning, to deliver the comments of the Planning Board.



**FINDINGS**

**Section 5.01 – Table of Dimensional Requirements (Footnote 1)**

**Section 5.43 – Exceptions to Yard and Setback Regulations**

**Section 5.44.4 – Accessory Underground Structures**

**Section 5.50 – Front Yard Requirements**

**Section 5.53 – Accessory Buildings in the Front Yard**

<b>Dimensional Requirements</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
<b>Front Yard Setback (garage)</b>	20'	N/A	1.75'	Special Permit*

\* Under *Section 5.43*, the Board of Appeals may waive yard and setback requirements if a counterbalancing amenity is provided.

\* Under *Section 6.04.12*, the Board of Appeals may waive dimensional requirements for parking to serve existing structures.

Ms. Selkoe said the Planning Board is supportive of this proposal. It is anticipated that the impact to the neighborhood will be minimal, and it will provide parking on the property where there is currently none. The design of the parking structure is attractive, and will help to preserve the existing landscape of the property.

**Therefore, the Planning Board recommends approval of the plans by Osborn Studio +, dated 4/13/13, and site plan by AGH Engineering dated 2/14/13 subject to the following conditions:**



1. Prior to the issuance of a building permit, the applicant shall submit final elevations subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit a final site plan, subject to the review and approval of the Assistant Director of Regulatory Planning.
3. Prior to the issuance of a building permit, 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; 2) final wall elevations stamped by an architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

The Chairman called upon Michael Yanovitch, Chief Building Inspector, to deliver the comments of the Building Department. Mr. Yanovitch said the Building Department has no objection to the requested relief. He said the relief could be issued by special permit and satisfactory counterbalancing amenities have been proposed. Mr. Yanovitch said if relief were to be granted the Building Department would ensure compliance with the Building Code as well as any conditions of the grant.

After deliberating on the merits of the request for special permit relief, The Board voted unanimously that the requirements have been met for the issuance of a special permit under



Section 5.43 of the Zoning By-Law. The Board made the following specific findings pursuant to

**Section 9.05:**

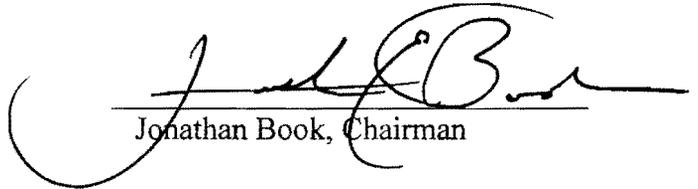
- a. The specific site is an appropriate location for such a use, structure, or condition.
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.
- d. Adequate and appropriate facilities will be provided for the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

Accordingly, the Board voted unanimously to grant the requested relief subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit elevations subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit a final site and landscape plan indicating all counterbalancing amenities, subject to the review and approval of the Assistant Director of Regulatory Planning.
3. Prior to the issuance of a building permit, 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; 2) final building elevations; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

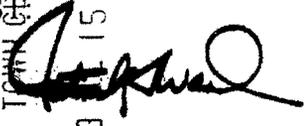


Unanimous Decision of  
The Board of Appeals



Jonathan Book, Chairman

Filing Date: July 15, 2013

RECEIVED  
TOWN OF BUCKINGHAM  
TOWN CLERK  
2013 JUL 15 4:11  
A True Copy  
ATTES  


Patrick J. Ward  
Clerk, Board of Appeals

