



BOARD OF APPEALS  
Jesse Geller, Chairman  
Christopher Hussey  
Jonathan Book

RECEIVED

*Town of Brookline*  
*Massachusetts*

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Patrick J. Ward, Clerk

TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. 2013-0047  
**Owner: Shalini Shahani**

Petitioners, Shalini Shahani, applied to the Building Commissioner for permission to construct a front entry and a two story addition at the rear of 21 Princeton Road. The application was denied and an appeal was taken to this Board.

On May 30, 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 July 11, 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 its 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 June 20 and June 27, 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 **Shalini Shahani**

Owner: **Shalini Shahani**

Location of Premises: **21 Princeton Road**

Date of Hearing: **July 11, 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

- 1. 5.09.2.j; Design Review**
- 2. 5.22.3.3.b.1.b; Exceptions to Maximum Floor Area Ratio (FAR) for Residential Units**

Of the Zoning By-Law to construct a front entry and 2 additions at the rear

**At 21 Princeton Road**

Said Premise located in a **S-15 (Single-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 Robert Sneirson, Town of Brookline, 11 Pierce Street, Brookline, MA ~02445. ~Telephone (617) 730-2328; TDD (617) 730-2327; or e-mail [atrsneirson@brooklinema.gov](mailto:atrsneirson@brooklinema.gov)*

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At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Chairman Mark Zuroff and Board Members, Christopher Hussey and Avi Liss. Petitioner, Shalini Shahani, presented the case.

Ms. Shahani described the property as a single-family dwelling that was built in 1922. The dwelling is a two-story structure that was constructed with a brick exterior and a slate roof. The dwelling appears to be one of the smaller structures on Princeton Road in both bulk and total floor area. The neighborhood is comprised of single-family dwellings.

Ms. Shahani said she is proposing to construct a two-story addition at the rear of the dwelling. The proposed addition will increase the total floor area by 1,859 square feet. The addition will allow the applicant to create a family room and relocate the kitchen. After construction the dwelling will have a total of seven bedrooms and four bathrooms.

The Chairman asked if anyone in attendance would like to speak in favor of the petition. No one rose to speak.

The Chairman asked if anyone in attendance would like to speak in opposition to the proposal. No one rose to speak.

The Chairman called upon Tim Richard, Planner, to deliver the comments of the Planning Board.

**FINDINGS**

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**Section 5.09.2.j – Design Review**

- a. Preservation of Trees and Landscape – The proposal will not affect any trees located on the property.
- b. Relation of Buildings to Environment – The addition is on expected to negatively impact the environment.
- c. Relation of Buildings to the Form of the Streetscape and Neighborhood – The addition is in the rear of the dwelling, and will not impact the streetscape or neighborhood.
- d. Open Space – The property will continue to meet the open space requirement after construction of the addition.

**Section 5.22.3.b.1 – Exceptions to Maximum Floor Area (FAR) for Residential Units**

<b>Dimensional Requirements</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
<b>Total Floor Area</b>	4,800	3,832	5,691	Special Permit*
<b>Floor Area Ratio</b>	.25	.19	.29	Special Permit*
<b>Percent of Allowed FAR</b>	100%	76%	116%	Special Permit*

\*Under **Section 5.22.3.b.1**, the Board of Appeals may by special permit grant permission to construct an exterior addition that is less than or equal to 20% of the permitted gross floor area.

Mr. Richard said the Planning Board is supportive of this proposal. The addition will allow more usable floor area to a dwelling that is smaller than what is allowed in this zoning district. The addition will not negatively impact the neighborhood, furthermore, the addition will be constructed nearly 100’ from the rear property line.

**Therefore, the Planning Board recommends approval of the plans by I.S. Hernandez Design Services, dated 5/7/13, subject to the following conditions:**

1. Prior to the issuance of a building permit, the applicant shall submit final plans and elevations indicating all salient dimensions and materials shall be submitted 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 landscape 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 building elevations stamped and signed by a registered architect; and 3)

evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

The Chairman called upon Mike Yanovitch, Chief Building Inspector, to deliver the comments of the Building Department. Mr. Yanovitch said the Building Department concurs with the Planning Boards report and recommendations. He said the Building Department has no objections to the request for relief.

The Board deliberated on the merits of special permit relief. The Board voted unanimously the requirements for the grant of a special permit for 5.09.2.j, 5.22.3.b.1.b, were met. The Board made the following specific findings pursuant to said **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:

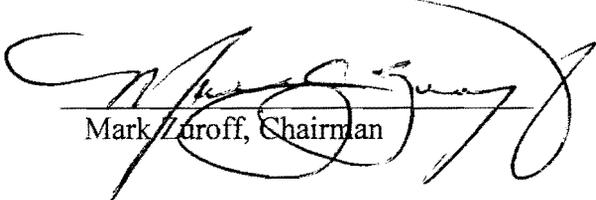
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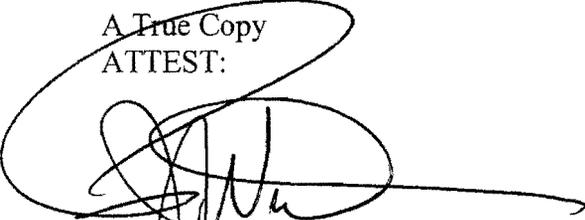
Unanimous Decision of

The Board of Appeals

Filing Date: August 5, 2013

  
Mark Zuroff, Chairman

A True Copy  
ATTEST:

  
Patrick J. Ward  
Clerk, Board of Appeals