



Jesse Geller, Chair
Christopher Hussey
Jonathan Book

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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2013-0059
OWNER: BETH E and MARC W MYERS

Petitioners, Beth and Marc Myers, applied to the Building Commissioner for permission to construct a second story addition on the rear of their home at 201 Buckminster Road. 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 at 7:45 PM September 12, 2013, in the Selectmen's Hearing Room as the date, time and place of a hearing for the appeal. Notice of the hearing was mailed to the Petitioner, 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 August 22th and 29th, 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: **MYERS BETH ELLEN**
Owner: **MYERS BETH E AND MARC W**
Location of Premises: **201 BUCKMINSTER RD**
Date of Hearing: **September 12, 2013**
Time of Hearing: **07:45 PM**
Place of Hearing: **Selectmen's hearing room, 6th floor**

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

5.09.2.j Design Review, Special Permit required
5.22.3.b.1.b; Exceptions to Maximum Floor Area Ratio(FAR) for Residential Units
8.02.2; Alteration or Extension, special permit required.

Of the Zoning By-Law to **CONSTRUCT A 566 SQUARE FOOT SECOND STORY ADDITION AT THE REATR OVER THE EXISITING FOORPRINT** at 201 **BUCKMINSTER RD ROAD**

Said premise located in an **S-15 (Single Family)** residence 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/MasterTownCalandar/?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

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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, Jesse Geller and Board Members Jonathan Book and Christopher

Hussey. Arthur Choo, architect for the petitioner, Business address 1 Billings Road, Quincy, MA presented the case for the petitioners.

Mr. Choo said 201 Buckminster Road is a two-story single-family Colonial style dwelling that was built in 1917. The neighborhood is comprised of primarily single-family dwellings that are similar in overall bulk. He said his clients, Beth and Marc Myers, are proposing to construct a 566 square foot second story addition. The addition will be above an existing first story area, and will not expand the footprint of the dwelling. The addition will allow the applicant to create a master bedroom, a study, and a master bathroom. The design of the addition is attractive and will match existing materials to make the addition appear to be a part of the original dwelling. The roof of the addition will have a low pitch that will connect to the steeper pitched roofline. The windows on the rear side of the addition will match the windows beneath on the first floor.

The Chairman then asked if anyone in attendance wished to speak in support of or in opposition to the petitioner's proposal. No one asked to be heard.

Lara Curtis Hayes, Planner, delivered the findings of the Planning Board.

Section 5.09.2.j – Design Review: All exterior additions that require a special permit under *Section 5.22 (Exceptions to Maximum Floor Area Ratio)* also require a special permit for design review. A community and environmental impact and design statement has been submitted, and the most applicable standards are reviewed below:

- *Preservation of Trees and Landscape* – The proposal does not include the removal of any trees or landscaping, as it will be entirely above the existing footprint.

- *Relation of Buildings to Environment* – The addition is located to the rear of the building, and will retain the look of the existing dwelling, therefore it is not anticipated that the addition will negatively impact the existing environment.
- *Relation of Buildings to the Form of the Streetscape and Neighborhood* – The proposed addition will not impact the streetscape as it is located to the rear side of the dwelling. The proposed roofline will not be very visible from the street. It is not anticipated that the addition will have a negative impact on the neighborhood.

Section 5.22.3.b.1.b – Exceptions to Maximum Floor Area Ratio for Residential Units

Floor Area	Required	Existing	Proposed	Finding
Floor Area Ratio	.25	.251	.27	Special Permit*/ Variance
(% of allowed)	100%	100%	108%	
Floor Area (s.f.)	5,000	5,003	5,569	

*Under *Section 5.22.3.b.1.b*, the Board of Appeals may grant by special permit an increase in floor area for an exterior addition up to 20 percent above the permitted gross floor area.

Section 8.02.2 – Alteration or Extension

A special permit is required to alter or extend a non-conforming condition.

Ms. Hayes said the Planning Board is supportive of the proposed addition. The addition does not increase the footprint of the building, is attractively designed and complementary to the style of the structure. The neighborhood is not expected to be negatively impacted as a result of this addition. The Board supports granting the applicant a special permit under Section 5.22.3.b.1.b, to increase the total floor area to 108% of the allowed FAR.

Therefore, the Planning Board recommends approval of the site plan by J.F. Hennessy, dated 5/31/13, and the floor plans and elevations prepared by Choo & Company, Inc., revised and dated 4/18/13, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, floor plans, and 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 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 then called upon Michael Yanovitch, Chief Building Inspector, to deliver the comments of the Building Department. Mr. Yanovitch stated that the Building Department has no objections to the request for relief. Mr. Yanovich said the additions are well designed and the relief can be granted by special permit. Mr. Yanovich concluded by saying if the Board grants relief the Building Department will ensure compliance with the Building Code.

The Board, having deliberated on this matter and having considered the foregoing testimony, concludes that it is desirable to grant Special Permits and that the petitioner has satisfied the requirements necessary for relief under **Sections 5.09.2.i, 5.22.3.b.1.b, 8.02.2, and 9.05** of the Zoning By-Law and made the following specific findings pursuant to **Section 9.05** of the Zoning By-Law:

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

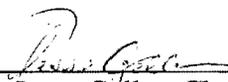
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.
- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

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 a final site plan, floor plans, and 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 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

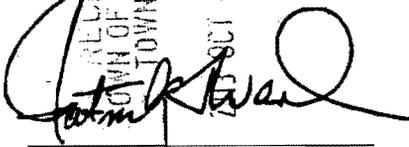


Jesse Geller, Chairman

Filing Date: October 7, 2013

A True Copy

ATTEST



Patrick J. Ward
Clerk, Board of Appeals