



Enid Starr, Co-Chair
Jesse Geller, Co-Chair
Christopher Hussey

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Town of Brookline
Massachusetts

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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2012-0044

Petitioner, Elisabeth Murphy, applied to the Zoning Board to modify Board of Appeals case #2012-0029.

On 12, July 2012, 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 02, August 2012, at 7:15p.m. in the Selectmen's Conference Room as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the Petitioners, to 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 July 19 and July 26, 2012, 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: **MURPHY ELIZABETH**
Owner: Location of Premises: **200 RESERVOIR**

Date of Hearing: **August 02, 2012**
Time of Hearing: **07:15 PM**
Place of Hearing: **Selectmen's hearing room, 6th floor**

A public hearing will be held for:

Modification of Board of Appeals case #2012-0029 dated June 29, 2012

at **200 RESERVOIR RD.**

Said premise located in a **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/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.

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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, Enid Starr and Board Members Jesse Geller and Jonathan Book.

David Kelly, builder, whose professional address is 10 Edgewood Drive Ashland,

Massachusetts, presented the case for the petitioner.

Mr. Kelly said he was present to request a modification to the previous special permit relief that had been granted. Chairman Starr said the Board has read the requested modification and believes the change to be di minimus. Courtney Synowiec, planner, said there was an

administrative error as well an error by the petitioner in not filing for the side yard relief. The Board agreed that the modification requested was di minimus.

Chairman Starr called on Courtney Synowiec to deliver the Planning Departments findings. Ms. Synowiec said the Planning Department believes the modification is absolutely acceptable and has no objections to the request. Ms. Synowiec delivered the comments from the Chief Building Inspector, Michael Yanovitch. She said Mr. Yanovitch enthusiastically supports the request and wanted it known that there has been an at risk permit issued for the work in question.

Chairman Starr said that taking into account the di minimus nature of the request as well as the Planning Department's position and the Building Department's comments it is a unanimous grant of the special permit subject to the conditions of the original special permit. Chairman Starr said insofar as is necessary, the Board has modified the original Special Permit #2012-0029.

PLANNING DEPARTMENT
COURTNEY SYNOWIEC
12-01-12 12:37

Unanimous Decision of
The Board of Appeals

Filing Date: October 25, 2012


Enid Starr, Chairman

A True Copy

ATTEST:



Patrick J. Ward
Clerk, Board of Appeals