



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

TOWN OF BROOKLINE
Town of Brookline
TOWN OF BROOKLINE
Massachusetts

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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2012-0058

Petitioner Kenneth Hertz and Sushma Boppana, applied to the Building Commissioner for permission to construct an addition on the rear of 12 Griggs Terrace. The application was denied and an appeal was taken to this Board.

On September 20, 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 November 15, 2012, at 7:00p.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 October 25 and November 1, 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: **HERTZ KENNETH BOPANA SUSHMA**
Owner: : **HERTZ KENNETH BOPANA SUSHMA**
Location of Premises: **12 GRIGGS TER**
Date of Hearing: **November 15, 2012**
Time of Hearing: **07:00 PM**
Place of Hearing: **Selectmen's hearing room, 6th floor**

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

1. **5.43; Exceptions to Yard and Setback Regulations, special permit required.**
2. **5.60; Side Yard Requirements, variance required.**
3. **5.70; Rear Yard Requirements, variance required.**
4. **8.02.2; Alteration and Extension, special permit required.**

Of the Zoning By-Law to **Construct an addition at the rear.**
at **12 GRIGGS TER**

Said premise located in a **T-6 (Two-Family and Attached 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 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 Christopher Hussey and Mark Zuroff.

Thomas Shine , architect, whose business address is 358 Tappan Street, Brookline, presented the case for the petitioner.

Mr. Shine described the as a two-family Craftsman style structure that was built in 1920. Griggs Terrace is a small loop road off of Griggs Road, running to the north around Griggs Park, then reconnecting with Griggs Road. The property is located in a neighborhood primarily comprised of single and two-family dwellings that were built between 1890 and 1930 by landowner Thomas B. Griggs. The architecture in the area consists of numerous Craftsman structures, as well as Arts and Crafts style structures that have been altered over the years.

Mr. Shine presented a model, and multiple photographs, to the Board for their review. He said the proposal is to add an addition on the rear allowing the petitioner to add more space to the house. The location of the addition was influenced by the setback requirements and is located on the right side of the house because that location has the least affect on the direct abutter. The chairman asked, if the relief is granted, what the petitioner planned to provide for counterbalancing amenities. Mr. Shine said the lot would be re-landscaped with attention to the rear of the lot which currently does not contain any landscaping.

The Chairman then asked if anyone in attendance wished to speak in support of the petitioner's proposal. Arden Reamer, spoke in support. The chairman asked if anyone wished to speak in opposition to the request. No one rose to speak

The Chairman then called on Lara Curtis Hayes, Planner, to deliver the findings of the Planning Department.

FINDINGS

Section 5.43 – Exceptions to Yard and Setback Regulations

Section 5.60 – Side Yard Setback

Section 5.70 – Rear Yard Setback

Dimensional Requirements	Required	Existing	Proposed	Relief
Side Yard Setback	10'	11'	9.4'	Special
Rear Yard Setback	30'	18.3	10.3'	Special

*** Under Section 5.43, the Board of Appeals may waive yard and setback requirements if a counterbalancing amenity is provided. The applicant is proposing to install additional landscaping to help screen the addition as a counterbalancing amenity.**

Section 8.02.2 – Alteration or Extension

A special permit is required to alter a pre-existing non-conforming structure or use.

Ms. Hayes said the Planning Board supports this proposal for a small second story addition. It appears to have no adverse impact on the abutters. The house to the east side is separated from the narrow part of the addition by side-by-side driveways, and to the north is a Beacon Street apartment building with an overgrown sloped rear yard. To serve as a counterbalancing amenity, the applicants will install new landscaping.

Therefore, the Planning Board recommends approval of the plans by Choi & Shine Architects, dated 8/23/2012, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final plans and elevations subject to the review and approval of the Planning Board

2. Prior to the issuance of a building permit, the applicant shall submit a final 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 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 said the Building Department has no issue with this request for relief. He said, if relief is granted, the Building Department will work with

the petitioner to ensure compliance with the State Building Code and any conditions of the granted relief.

The Chairman called on the Members of the Board for deliberation. During deliberations Member Hussey said he felt the project was worthy of relief. Member Zuroff said there were sufficient counterbalancing amenities to satisfying the requirements for granting the special permit. Chairman Starr agreed.

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 5.43, 8.02.2 and 9.05 of the Zoning By-Law , has modified BOA Case # 2209 as needed, 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:

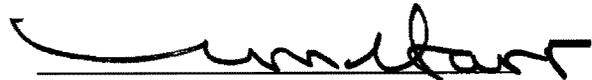
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RECEIVED
 TOWN OF BROOKLYN
 TOWN CLERK

Unanimous Decision of
 Board of Appeals
 Meeting Date: December 24, 2012


 Enid Starr, Chairman

A True Copy
 ATTEST:



 Patrick J. Ward
 Clerk, Board of Appeals