



BOARD OF APPEALS
Enid Starr, Co-Chair
Co-Chair Jesse Geller
Christopher Hussey

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TOWN OF BROOKLINE
Town of Brookline
Massachusetts

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Patrick J. Ward, Clerk

**TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2012-0069**

Petitioners, Ananth and Padmaja Raman, applied to the Building Commissioner for permission to construct an 850 square foot addition at 80 Newton Street. The application was denied and an appeal was taken to this Board.

On December 6, 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 January 17, 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 (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 January 3, 2013 and January 10, 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: Ananth and Padmaja Raman

Owner: **Ananth and Padmaja Raman**
Location of Premises: **80 Newton Street**
Date of Hearing: **January 17, 2013**
Time of Hearing: **7:15 p.m.**
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**
2. **5.44; Accessory Underground Structures**
3. **5.54.2; Exceptions for Existing Alignment**
4. **5.50; Front Yard Requirements**
5. **5.60; Side Yard Requirements**
6. **8.02.2; Alteration and Extension**

of the Zoning By-Law to construct a parking area **Construct an 850 square foot addition**

Said premise located in a **S-25 (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, Jesse Geller, and Board Members Mark Zuroff and Jonathon Book. The case was presented by Bruce Miller, architect for the petitioner, 46 Waltham Street Boston.

Mr. Miller described the property as a single family Ranch style dwelling that was built in 1950. The driveway connects to a sub-level garage, and an existing stairway leads to the front entry. The property directly abuts the Dexter School, which is to the rear. Larz Anderson Park is located across the street.

Mr. Miller said the proposal is to construct an 850 square foot addition to the right side of the house to accommodate the unique requirements of Mr. and Mrs. Padmaja's child who is confined to a wheelchair and has intensive special needs. He said the relief required from the front yard set back requirements results from the need under the Zoning By-Law to use the average front yard alignment for the calculation. Mr. Miller said the layout proposed is the product of many revisions and the most desirable for the petitioner.

Board Member Zuroff asked if the abutters are in support. The petitioner, Ananth Padmaja, read an email in support of the construction, from the direct abutter at 92 Newton Street.

Board Member Book asked the petitioner to describe the proposed counterbalancing amenities under **Section 5.43** of the Zoning By-Law. Mr. Miller said they were in the process of interviewing landscape contractors and a landscape layout would be provided for review and approval by the Town's Planning Department.

The Chairman asked whether anyone in attendance wished to speak in favor of or against the proposal. No one spoke in favor of or in opposition to the proposal.

The Chairman called on Tim Richard to deliver the comments of the Planning Board.

FINDINGS

Section 5.43 – Exceptions to Yard and Setback Regulations

Section 5.44 – Accessory Underground Structures

Section 5.54.2 – Exceptions for Existing Alignment

Section 5.50 – Front Yard Requirements

Section 5.60 – Side Yard Requirements

Dimensional Requirements	Required	Existing	Proposed	Relief
Front Yard Setback	60'	59.3'	47.9'	Special Permit*
West Side Yard Setback	20'	19.3'	19.3'	Special Permit*

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

Section 8.02.2 – Alteration or Extension

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

Mr. Richard said the Planning Board supports the requested relief to allow the applicant to construct the proposed addition. The addition will be complementary to the dwelling, providing accessibility for one of the residents, and will balance the appearance of the façade from the road.

Therefore, the Planning Board recommends approval of the plans by Bruce Miller Architecture & Interiors, dated 9/20/12, 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 Assistant Director of Regulatory Planning.

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; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

The Chairman then called on Michael Yanovitch, Chief Building Inspector, to deliver the comments of the Building Department. Mr. Yanovitch said the Building Department is supportive of the request for relief and will work with the petitioner to ensure compliance with the Building Code as well as any conditions of the granted relief.

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; 5.44, 5.54.2, 5.50, 5.60 and Section 8.02.2 of the Zoning By-Law were met. The Board made the following specific findings pursuant to said 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.

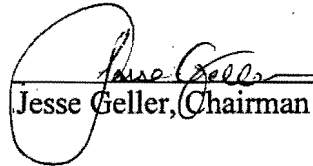
Accordingly, the Board voted unanimously to grant the requested relief subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final 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 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 by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Unanimous Decision of
The Board of Appeals

RECEIVED
TOWNSHIP OF BROOKLYN
CLERK
2013 FEB 19 A 8: 18

Filing Date: February 19, 2013


Jesse Geller, Chairman

A True Copy
ATTEST:



Patrick J. Ward
Clerk, Board of Appeals