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BUILDING DEPT.
TOWN OF BROOKLINE

Town of Brookline Massachusetts

BOARD OF APPEALS
Enid Starr, Co-Chair
Jesse Geller, Co-Chair
Robert De Vries

Town Hall, 1st Floor
333 Washington Street
Brookline, MA 02445-6899
(617) 730-2010 Fax (617) 730-2043
Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2011-0019

Petitioner, Richard Coakley, applied to the Building Commissioner for permission to construct an addition to the side of his home at 681 Hammond Street. The application was denied and an appeal was taken to this Board.

On March 24, 2011, 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 May 5, 2011, at 7:15p.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 his 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 April 14 and 21, 2011, 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: **COAKLEY, RICHARD B.**
Owner: **COAKLEY, RICHARD B.**
Location of Premises: **681 HAMMOND ST**
Date of Hearing: **May 5, 2011**
Time of Hearing: **7:15PM**
Place of Hearing: **Selectmen's Hearing Room, 6th. floor**

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

1. **5.10; Minimum Lot Size, variance required (pre-existing, non-conforming).**
2. **5.15.2; Exception to Minimum Lot Size and Lot Width Requirements, finding required.**
3. **5.43; Exceptions to Yard and Setback Regulations, special permit required.**
4. **5.70; Rear Yard Requirements, variance required (existing structure pre-existing, non-conforming), proposed addition, non-conforming.**
5. **8.02.2; Alteration or Extension, special permit required.**

Of the Zoning By-Law to: **ADDITION REQUIRING BOA RELIEF at 681 Hammond St.**

Said premise located in a **T-6 (two-family and attached 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.

**Enid Starr
Jesse Geller
Robert De Vries**

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 Jonathan Book and Mark Zuroff. The petitioner, Richard Coakley, was represented by his wife Elizabeth Coakley. Due to a scheduling conflict, the site of the hearing was moved to the employee lounge, 3rd floor of the

Town Hall. Appropriate notice was posted throughout the building advising of the change in location.

Mrs. Coakley described the property at 681 Hammond Street as a single-family two-story wood shingle cottage style home with a detached garage, built in 1924. The property is located in a district for single-family homes and single-family homes converted to two-families. The residence is located south of Boylston Street, near the Baldwin School, on a private passageway perpendicular to Hammond Street. The home's front door is on the south side of the home which fronts on the way, not Hammond Street. There is an undeveloped wooded lot to the east of the residence, closer to Hammond Street, as well as on the opposite side of the way. All three of these lots, including the land on which 681 Hammond Street is built, are under the same ownership. The only other property sharing this way is to the west of 681 Hammond Street and is under different ownership than the other three lots.

Mrs. Coakley stated that she and her husband, Richard, propose to construct a two-story, 800 s.f. addition on the east side of their home. The addition will be 20'x20'6" and accommodate a living room on the first floor and a master bedroom on the second floor. The addition would be clad in cedar shingles and the trim would be painted pine boards to complement the existing exterior. The addition would also include two rows of four windows, which would have painted western red cedar sills on the home's front façade. A box bay window with custom wood support brackets is proposed on the west elevation. The roof shingles would be Cambridge architectural grade, and the street facing façade would have pergola ends. The existing entry on the rear of the home would be removed.

Mrs. Coakley advised the Board that the home has been in the family since it was constructed in 1924. She said that both homes on the shared passageway were constructed about the same

time. About twenty years ago ownership was transferred to them. She reported that they have a son whose medical condition requires their assistance so they decided to move back from Maine for this reason. The addition will provide a more reasonable accommodation for the family. Mrs. Coakley stated that she needed relief from Section 5.70, rear yard setback. She reported that they plan to do some landscaping perhaps a hedge but still try to retain the wooded nature of the lot.

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

The Chairman called upon Courtney Synoweic, Planner, to provide the findings of the Planning Board.

Section 5.10 – Minimum Lot Size

Section 5.15.2 – Exception to Minimum Lot Size and Lot Width Requirements: This is an undersized lot for the district, which is pre-existing, non-conforming. The applicant inherited this lot and two other lots on the passageway from his father – one adjacent lot with frontage on Hammond Street and one on the opposite side of the way with frontage on Hammond Street. *Pre-existing, nonconforming.*

Section 5.70 – Rear Yard Requirements

Dimensional Requirements	Required/Allowed	Existing	Proposed	Relief
Rear Yard Setback (addition)	30'	n/a	19'	Special permit*/ Variance
Rear Yard Setback (existing house)	30'	16'	16'	Pre-existing Nonconforming

*Under Section 5.43, the Board of Appeals may waive by special permit yard and setback requirements if counterbalancing amenities are provided. The applicant is planning on providing landscaping around the addition.

Section 8.02.2 – Alteration or Extension

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

Ms. Synoweic reported that the Planning Board was generally supportive of this proposal to construct a two-story rear addition at 681 Hammond Street. The Board believed the proposal relates well to the character of the dwelling and should be an improvement to the structure. The

Planning Board noted the applicant may want to consider installing a window on the rear façade to allow for cross-ventilation, and is supportive of the addition of windows to that elevation should the applicant choose to do so. Finally, the Planning Board believed that while a fairly substantial tree will be lost to accommodate the addition, new landscaping around the proposed addition should improve the overall appearance of the dwelling and screen it from the property to the west of 681 Hammond Street. Therefore, she said, the Planning Board recommended approval of the proposal and plans, including the topographic site plan dated December 16, 1999 by J.F. Hennessy Co. and the elevations and floor plans prepared by Richard Coakley dated April 15, 2011, subject to the following conditions:

1. Prior to issuance of a building permit, final plans and elevations of the proposed addition shall be submitted to the Assistant Director of Regulatory Planning for review and approval.
2. Prior to issuance of a building permit, the applicant shall submit a final landscaping plan indicating all counterbalancing amenities to the Assistant Director of Regulatory Planning for review and approval.
3. Prior to issuance of a building permit, the applicant shall submit to the Building Commissioner to ensure conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered land surveyor or engineer; 2) final building elevations; and 3) evidence the Board of Appeals decision has been recorded at the Registry of Deeds.

The Chairman then called upon Michael Shepard, Building Commissioner, to deliver the comments of the Building Department. Mr. Shepard stated that the site is relatively wooded and the home obscured by trees from Hammond Street. He said that in his opinion the proposed addition would meet the needs of the family, improve the appearance of the home and add value to it as well as the rest of the neighborhood. Mr. Shepard said that should the Board consider the

grant of the requested relief that the Building Department would ensure compliance with the Massachusetts State Building Code.

During deliberations, Board Member Book inquired as to whether the abutting neighbors had been advised of the addition by the owner. Mrs. Coakley responded that they had spoken with most of the neighbors and they seemed supportive of their proposal. Board Members, Book and Zuroff, said that they were supportive of the requested relief, and Chairman Starr agreed. The Board, having deliberated on this matter and having considered the foregoing testimony, concludes that it is desirable to grant the Special Permit relief requested 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 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 issuance of a building permit, final plans and elevations of the proposed addition shall be submitted to the Assistant Director of Regulatory Planning for review and approval.**
- 2. Prior to issuance of a building permit, the applicant shall submit a final landscaping plan indicating all counterbalancing amenities to the Assistant Director of Regulatory Planning for review and approval.**
- 3. Prior to issuance of a building permit, the applicant shall submit to the Building Commissioner to ensure conformance to the Board of Appeals decision: 1) a**

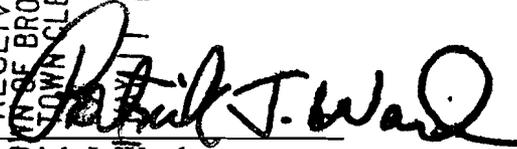
final site plan, stamped and signed by a registered land surveyor or engineer; 2) final building elevations; and 3) evidence the Board of Appeals decision has been recorded at the Registry of Deeds.

Unanimous Decision of
The Board of Appeals


Enid Starr, Chairman

Filing Date: May 11, 2011

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APPEALS
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Patrick J. Ward
Clerk, Board of Appeals