



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

Town of Brookline

Massachusetts

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(617) 730-2010 Fax (617) 730-2043
Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2011-0035

Petitioners, Peter and Karlyn Grimes, applied to the Building Commissioner for permission to construct a new parking area in the front yard of their home at 58 Brook Street. The application was denied and an appeal was taken to this Board.

On May 26, 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 July 14, 2011, at 7:00 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 June 30 and July 7, 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: GRIMES PETER N & KARLYN L
Owner: GRIMES PETER N & KARLYN L

Location of Premises: **58 BROOK ST**

Date of Hearing: **July 14, 2011**

Time of Hearing: **7:00 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, special permit required.**
2. **5.63; Accessory Buildings or Structures in Side Yards, variance required.**
3. **5.72; Accessory Buildings or Structures in Rear Yards, variance required.**
4. **6.04.5.c.1; Parking in front yard, variance required.**
5. **6.04.5.c.2; Setback to side lot line, variance required.**
6. **6.04.12; Exceptions to dimensional requirements for new parking for existing structures, special permit required.**
7. **8.02.2; Alteration or Extension, special permit required**

of the Zoning By-Law to **CONSTRUCT DRIVEWAY IN FRONT YARD REQUIRING BOA RELIEF** at 58 Brook Street.

Said premise located in a **T-5 (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, Jesse Geller and Board Members Christopher Hussey and Mark Zuroff. The case was presented by the petitioner, Mr. Grimes.

the curb cut to be drawn on the final plans. Therefore, the Planning Board recommends approval of the proposed front yard parking space and the plans by Christopher Charlton, submitted 6/30/11, subject to the following conditions:

1. Prior to the issuance of that building permit for the new driveway, the applicant shall either remove the pergola structure from their rear yard or apply for the required relief to construct the pergola.
2. Prior to the issuance of a building permit, the applicant shall submit a final site plan indicating the location of the new parking space, reconfigured driveway, driveway materials and curb cut width 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; and 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

The Chairman then called upon Michael Shepard, Building Commissioner, for the report from the Building Department. Mr. Shepard said that the petitioner has done a significant amount of work to improve the appearance of their home. He commented particularly on the new wall in the front yard and the professional manner in which it was constructed. Mr. Shepard stated that the proposed driveway would in his opinion blend seamlessly with others in the neighborhood.

Chairman Geller advised the petitioner that the Board will not condone parking that will impair the passage of pedestrians on the sidewalk. Mr. Grimes responded that he understood and advised that none of his vehicles would cover any portion of the sidewalk.

For the record, since there were two site plans submitted to the Board, both dated June 19, 2011, the plan of record is the site plan that depicts the removal of a portion of the existing driveway.

The Board, having deliberated on this matter and having considered the foregoing testimony, concluded that it was desirable to grant special permit relief from Section 6.04.12 and 8.02.2 of the

Town of Brookline Zoning By-Law and made the following specific findings pursuant to Section 9.05 of the Zoning By-Law:

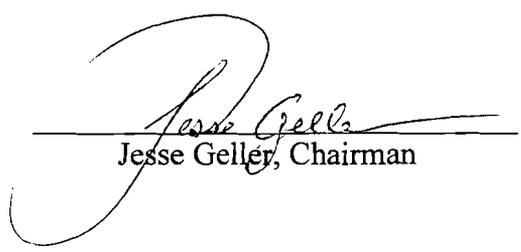
- a. The specific site is an appropriate location for such a use, structure, or condition.
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.
- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

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

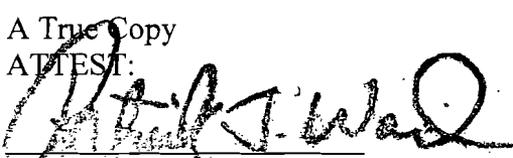
- 1. **Prior to the issuance of that building permit for the new driveway, the applicant shall either remove the pergola structure from their rear yard or apply for the required relief to construct the pergola.**
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Unanimous Decision of
The Board of Appeals

RECORDED
2012 MAR 23 10 11 AM


Jesse Geller, Chairman

Filing Date: March 23, 2012

A True Copy
ATTEST:

Patrick J. Ward
Clerk, Board of Appeals