

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

Town of Brookline

Massachusetts

Town Hall, 1st Floor
333 Washington Street
Brookline, MA 02445-6899
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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2010-0057

Petitioners, Daniel Romanow and B. Andrew Zelermyer, applied to the Building Commissioner for permission to construct a front vestibule on their home at 141 Buckminster Road. The application was denied and an appeal was taken to this Board.

On August 26, 2010 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 October 14, 2010 at 7:30 p.m. in the Selectmen's Hearing Room, 6th floor, Town Hall, as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the Petitioner, to the 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 September 23 and 30, 2010 in the Brookline Tab, a newspaper published in Brookline. A copy of said notice is as follows:

LEGAL NOTICE
TOWN OF BROOKLINE
MASSACHUSETTS
BOARD OF APPEAL
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: **ROMANOW, DANIEL & ZELERMYER, B.A.**

Owner: **ROMANOW, DANIEL & ZELERMYER, B.A.**

Location of Premises: **141 BUCKMINSTER RD**

Date of Hearing: **October 14, 2010**

Time of Hearing: **7:30 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. **5.50; Front Yard Requirements, variance required. See 5.54.2, Exceptions for existing alignment.**
3. **8.02.2; Alteration or Extension, special permit required**

Of the Zoning By-Law to **CONSTRUCT FRONT VESTIBULE REQUIRING SETBACK RELIEF FROM BOA at 141 BUCKMINSTER RD.**

Said premise located in a S-10 (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
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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, Jonathan Book and Lisa Serafin. One of the petitioners, B. Andrew Zelermeyer, presented the case before the Board.

Mr. Zelermyer described his home at 141 Buckminster Road as a two-story brick single family that was constructed in 1930. The home features a recessed front entry with a covered stair and stone path with landscaping on either side. The surrounding uses in the neighborhood are predominately single-family homes he said.

Referring to a site plan dated March 11, 2010, the entry sketch and the architectural plans dated October 10, 2009 and revised on May 3, 2010, Mr. Zelermyer said that he is proposing to construct a 1'6" x 10' vestibule on the front of the structure with a canopy that will extend approximately 4'6" beyond. The canopy will have a cantilevered roof section to cover the new steps in front of the new entry door. The front steps will be extended and reconstructed with the same stone and brick materials as the existing stair. The Mr. Zelermyer said the construction of vestibule is intended to better manage issues with falling ice and snow accumulating on the front stair creating a safety hazard. He further explained that melting snow and ice on the proposed canopy will be directed to the gutters provided on either side and from there enter the stormwater drainage system. When asked about what counterbalancing amenities he intended to provide, Mr. Zelermyer responded that the increased safety at the entry and increased energy efficiency of the vestibule were the primary counterbalancing amenities. He said that there are extensive plantings at the front of the home with large, mature shrubbery screening most of the entrance. He said, however, that he would be willing to provide increased plantings if the Board thought it would be desirable.

Mr. Zelermyer said that the only relief needed was dimensional and could be granted under **Section 5.43** of the Zoning By-Law.

The Chairman asked whether anyone wished to speak either in support or in opposition to the proposal. No one rose to speak.

The Chairman then called upon Lara Curtis Hayes to deliver the findings of the Planning Board.

Section 5.50 – Front Yard Requirements

Section 5.54.2 – Exceptions for Existing Alignment – The front yard setback for lots where the front yard setback on neighboring lots exceeds the required setback for the zoning district, the required setback shall be the average alignment for all buildings within 150’ of said lot. The front yard setback for this lot is 40 feet.

Dimensional Requirements	Required	Existing	Proposed	Relief
Front Yard Setback	40’	29.2’	22.4’	Special Permit*

* Under Section 5.43, the Board of Appeals may waive dimensional requirements by special permit dimensional requirements for yards and setbacks if counterbalancing amenities are provided. The applicant is proposing to provide increased safety into the entry of the home and increased energy efficiency as a counterbalancing amenity.

Section 8.02.2 – Alteration or Extension

A special permit is required to alter a non-conforming structure.

Ms. Curtis Hayes said that the Planning Board was supportive of this proposal to construct a front entry vestibule with canopy. The applicant is looking to install the canopy to protect visitors from falling snow and ice, while allowing a buffer between the outdoors and interior of the house which should reduce heat loss during the winter months. The vestibule is attractively designed and should integrate well into the design of the existing home. Finally, the Planning Board believed the applicant may want to provide a small amount of additional landscaping around the front entry as an additional counterbalancing amenity. Therefore, the Planning Board recommends approval of the plans by CBT, dated October 10, 2009 and revised May 3, 2010, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final plans and elevations, indicating all materials details and dimensions, 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 landscaping plan indicating all counterbalancing amenities subject to the review and approval of the Assistant Director of Regulatory Planning.
3. Prior to 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

plans and elevations; and 3) evidence that 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 said due to the design of the home where all the front roof surfaces converge at the entry, he can see why there would be a significant ice/snow issue. He said that the canopy seemed well designed in that it does not incorporate any posts to support the leading edge. He said that the proposed vestibule would provide additional energy savings for the homeowner. Mr. Shepard said that the Building Department is supportive of the requested relief as well as the conditions proposed by the Planning Board.

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, and 8.02.2, of the Zoning By-Law and made the following specific findings pursuant to Section 9.05:

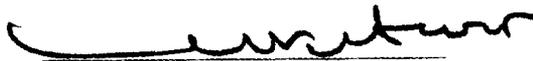
- a. The specific site is an appropriate location for such a use, structure, or condition.
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.
- d. Adequate and appropriate facilities will be provided for the 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, indicating all materials details and dimensions, 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 landscaping plan indicating all counterbalancing amenities subject to the review and approval of the Assistant Director of Regulatory Planning.**

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

Unanimous Decision of the
Board of Appeals



Enid Starr, Chairman

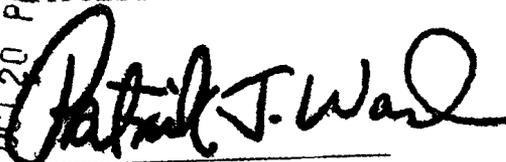
Filing Date: October 20, 2010

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A True Copy

ATTEST:



Patrick J. Ward
Clerk, Board of Appeals