



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

# Town of Brookline Massachusetts

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TOWN OF BROOKLINE

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Patrick J. Ward, Clerk

TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. 090033

Petitioner, Robert Franklin, applied to the Building Commissioner for permission to enclose an existing screened porch thereby creating additional habitable space in his home at 145 LaGrange Street. The application was denied and an appeal was taken to this Board.

On June 11, 2009, 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 August 6, 2009, at 7:30 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 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 July 16 and 23, 2009 in the Brookline Tab, a newspaper published in Brookline. 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:**

**Petitioners: FRANKLIN, ROBERT M & WUSLIN ANNE E**  
**Location of Premises: 145 LAGRANGE ST BRKL**  
**Date of Hearing: 08/06/2009**

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:

**5.20, Floor Area Ratio, Variance Required.**

**5.22.3.b.1.a, Exceptions to Maximum Floor Area Ratio (FAR) Regulations for Residential Units, Special Permit Required.**

**8.02.2, Alteration or Extension, Special Permit Required.**

**Modification of Board of Appeals Case #379, dated 26 May 1949, as necessary of the Zoning By-Law to enclose an existing screened porch thereby creating additional habitable space in your home at 145 LAGRANGE ST BRKL.**

Said Premise located in a S-15 (single family) 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 Jonathan Book and Mark Zuroff. Mr. Franklin presented his case before the Board.

Mr. Franklin described his home at 145 LaGrange Street as a 1.5 story single family Cape Cod style home located between Rangeley Road and Princeton Road that was built in 1949. The basement is partially finished and there is a dormer on the rear façade to make the second story habitable. In addition,

there is an existing three season porch on the rear of the house. The surrounding neighborhood is comprised primarily of single family homes.

Mr. Franklin, said that he is proposing to enclose the existing porch to create additional habitable area. The dimensions of the porch are 13'6" by 11'4", which will result in an additional 153 square feet of gross floor area. In the future, there may be a stair added to provide access from the addition to the rear yard but that has not yet been decided. None of the work is anticipated to alter the original footprint of the structure or change the roofline.

Mr. Franklin submitted a new set of plans dated August 6, 2009 by Mr. Scott Payette of Scott Payette Architects, Boston MA, in response to Planning Board concerns regarding detail. The plans consisted of five sheets, A1 through A5.

The Chairman asked whether anyone in attendance wished to speak in favor or against the proposal. No one rose to speak. Mr. Franklin reminded the Board that three letters of support, all direct abutters, had been submitted. The Chairman acknowledged receipt of the subject letters.

Polly Selkoe, Assistant Director for Regulatory Planning, delivered the findings of the Planning Department staff.

**Section 5.20 – Floor Area Ratio**

	<b>Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Finding</b>
<b>Floor Area Ratio (% of allowed)</b>	.25 100%	.29 114%	.30 118%	Variance/Special Permit*
<b>Floor Area (s.f.)</b>	3,800	4,348	4,501	

\* Under Section 5.22.3.b.1.a a special permit may be granted by the Board of Appeals to allow for an interior conversion that is less than or equal to 30% of the permitted gross floor area. The applicant is proposing to increase their FAR to 118%.

**8.02.2 – Alteration or Extension**

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

Ms Selkoe said that the Planning Board was supportive of the proposal to convert an existing porch into habitable floor area. The porch will not alter the footprint of the existing structure and should not

substantially change the appearance of the structure. Further, the conversion will not be visible from LaGrange Street or Rangeley Road and should have a minimal visual impact on the abutting properties and Princeton Road. However, since the porch will be visible from some neighboring properties, complete architectural plans of the building should be submitted, indicating the design of the exterior stair and building materials. The plans submitted by the applicant do not accurately represent the proposed exterior appearance of the enclosed porch as they are the original plans for the house; drawn over by the applicant. As the house was built in 1949, there have been some alterations to the home over the past sixty years that are not reflected on the plans. As a result, the Planning Board recommended the applicant provide plans that accurately depict the current and proposed conditions at this property for the Board of Appeals meeting. Ms Selkoe acknowledged that the submission at the Board of Appeals hearing would satisfy that concern. Therefore, she said, the Planning Board recommended approval (3-2) of the plans by Robert Franklin and Scott Payette, dated May 19, 2009, subject to the following condition:

**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 floor plans, including all stair details and exterior materials, stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.**

Michael Shepard, Building Commissioner, delivered the comments from the Building Department. He said that the petitioner has the support of his neighbors in his proposal and that the proposed work would improve the appearance of his property. Mr. Shepard said that the Building Department is supportive of the proposal as well as the conditions proposed by the Planning Board. Mr. Shepard did say that in his opinion the condition requiring a final site plan was not necessary.

The Board, having deliberated on this matter and having considered the foregoing testimony, concludes that it is desirable to grant a Special Permit in accordance with Section 5.22.3.b.1.a, exception to maximum floor area ratio and Section 8.02.2, alteration of a pre-existing, non-conforming structure and makes the following 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.
- e. The development as proposed will not have a significant adverse effect on the supply of housing available for low and moderate income people.

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

**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. Final building elevations and floor plans, including all stair details and exterior materials, stamped and signed by a registered architect.**
- 2. 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: August 18, 2009

2009 AUG 18 P 2:51  
A True Copy  
ATTACHED

A handwritten signature in black ink that reads "Patrick J. Ward". The signature is written in a cursive style with a large initial "P" and a large "Q" at the end.

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Patrick J. Ward  
Clerk, Board of Appeals