



# *Town of Brookline*

## *Massachusetts*

### **PLANNING BOARD**

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To: Brookline Board of Appeals  
From: Brookline Planning Board  
Date: October 26<sup>th</sup>, 2017  
Subject: Legalize fence over seven feet in the rear yard  
Location: **21 Kent Street**

Atlas Sheet: 30	Case #: 2017-0025
Block: 140	Zoning: G-2.0
Lot: 15	Lot Area (s.f.): 5,704

Board of Appeals Hearing: **November 2<sup>nd</sup>, 2017 at 7:00 pm**

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### **BACKGROUND**

**2016 (Case #2016-0009)** – The Board of Appeals granted relief to convert this three-unit residential dwelling to a four-unit dwelling by adding a unit in the basement. They also received relief for a shed in the rear yard and an additional parking space along Andem Place.

**1984 (Case #2613)** - The Board of Appeals granted zoning relief to convert the two-family dwelling at 21 Kent Street into a three-family dwelling. Relief was required to locate two additional off-street parking spaces within required front and side yard setbacks. This additional parking, in combination with existing parking at the site, resulted in one parking space located along Kent Street and three total parking spaces along Andem Place, which is a private way.

### **SITE AND NEIGHBORHOOD**

21 Kent Street is a four-unit dwelling located within the Brookline Village General Business district. The 2 ½ story clapboard and shingle structure was constructed around 1925. The subject property is bounded by Kent Street, Andem Place (private way), the municipally owned Kent Street parking lot, and a two-family dwelling at 17 Kent Street. A large portion of the property is surrounded by fencing with a solid board fence screening the property from the adjacent public parking lot.

The surrounding neighborhood presents a diverse building stock with larger mixed-use buildings

along Station Street and Washington Street, and attached multi-family dwellings to the northeast along Kent Street. The subject property is located in close proximity to the Brookline Village T station and various retail/commercial activities.

**APPLICANT’S PROPOSAL**

The applicants, Mikael and Tiffany Rinne, recently re-landscaped this property and constructed a deck at the rear. The applicants installed a fence with a lattice top to enclose the deck and yard in order to separate it and block noise from Andem Place, a private alleyway, as well as the Kent & Station Street parking lot. The fence separates the backyard, garden unit and rear deck from the parking spaces along Andem Place. Due to the grade at the rear of the property, the fence was raised 33” above ground. At its lowest height, the fence is 5’ 11” and at its highest point (along the raised deck surface) it is 8’ 7”. The fence is 58 feet long, with 25.5 feet of the total length being above 7 feet.

At the time of inspection, the applicants were informed the fence exceeded the minimum height allowed by the Zoning By-Law. They are now applying to legalize the fence height.

**FINDINGS**

**Section 5.74 – Fences and Terraces in rear yards**

Fence Height	Allowed	Existing	Finding
<b>Height (rear)</b>	7’	8’ 7”	Special Permit*

*\*The Zoning Board of Appeals may allow a fence to exceed 7 feet at the rear by Special Permit if it can determine that it is warranted to mitigate noise or other detrimental impact.*

**PLANNING BOARD COMMENTS**

The Planning Board is supportive of legalizing this fence at the rear of this home. In 2016, the Planning Board supported the applicant’s proposal to make significant changes to the property and the resulting landscaping improvements were a condition of that project. Therefore, the Board is happy to see this work undertaken. The request for a fence above the maximum allowed height is reasonable due to the property’s location in a business district abutting a public parking lot and the rear yard’s proximity to a paved parking area. They have the support of their abutter at 17 Kent Street.

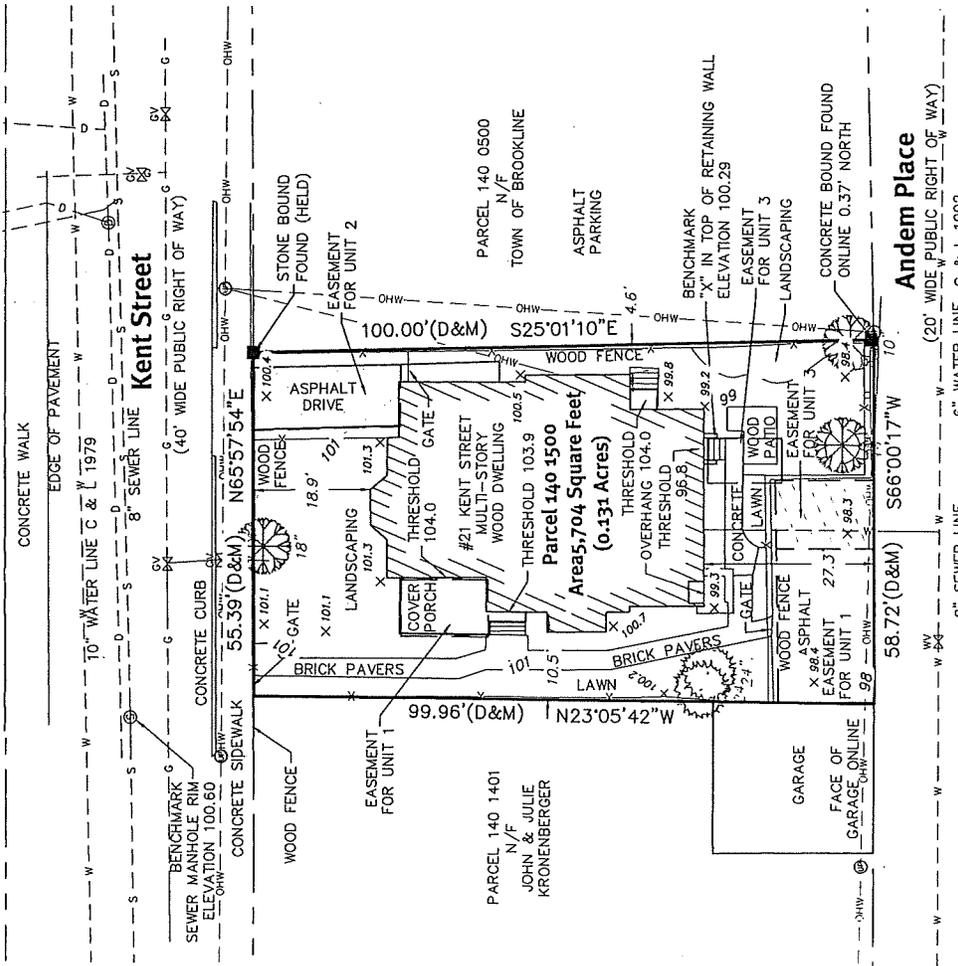
**Therefore, the Planning Board recommends approval of the site plan dated 12/2/2015 by Robert G. Babcock, subject to the following conditions:**

1. Evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

*knm*

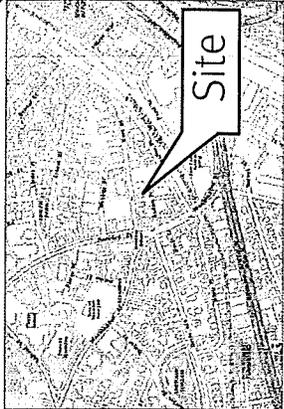
**Plan References:**

1. PLAN 139 OF 1997
2. "PLAN SHOWING LAND OF TWICHELL, BROOKLINE MASS" BY ASPINWALL AND LINCOLN, DATED DECEMBER 18, 1890. RECORDED IN VOL 649 PAGE 640.
3. "PLAN SHOWING LAND IN BROOKLINE MASS" BY HENRY F. BRYANT & SON, DATED JUNE 27, 1938. RECORDED IN BOOK 2203 PAGE 601.



**Legend**

---	PROPERTY LINE
---	ASSESSORS LINE
---	FENCE
---	MINOR CONTOUR LINE
---	MAJOR CONTOUR LINE
---	WATER LINE
---	SEWER LINE
---	SEWER FORCE MAIN
---	GAS LINE
---	OVERHEAD WIRES
---	DRAINAGE LINE



**Locus Map** Not To Scale

**General Notes**

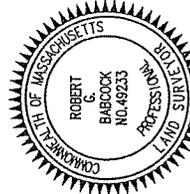
1. THE PARCEL IS LOCATED IN THE TOWN OF BROOKLINE PROPERTY ID 140 1500.
2. THE OWNER IS 21 KENT STREET CONDOS. (MOLLY GALETTO, UNIT 3; AMY SWEARINGEN, UNIT 2; MUKAEL AND TIFFANY RINNE, UNIT 1)
3. THE PARCEL IS LOCATED IN ZONE X PER FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP 25021C0053E, DATED JULY, 17, 2012.
4. THE PARCEL IS ZONED G-2.0 PER THE TOWN'S ZONING VIEWER MAP. PLEASE CONTACT THE ZONING DEPARTMENT FOR ANY ADDITIONAL INFORMATION OR FOR A CERTIFICATE OF ZONING.
5. THERE WERE NO CEMETERIES, GRAVE SITES, AND OR BURIAL GROUNDS OBSERVED WITHIN THE LIMITS OF THE SURVEY.
6. FIELD SURVEY PERFORMED BY DIPRETE ENGINEERING ON NOVEMBER 23, 2015. THIS PLAN REFLECTS ON THE GROUND CONDITIONS AS OF THAT DATE.
7. ALL UNDERGROUND UTILITIES SHOWN ON THIS PLAN HAVE BEEN LOCATED FROM FIELD SURVEY OBSERVATIONS TOGETHER WITH EXISTING PLANS BY OTHERS. DIPRETE ENGINEERING IS NOT RESPONSIBLE FOR MISSING UNDERGROUND UTILITIES, EITHER IN SERVICE OR ABANDONED, NOT OBSERVED AT THE TIME OF THE SURVEY. (PLEASE CONTACT DIGSAFE 72 WORKING HOURS PRIOR TO ANY CONSTRUCTION AT 1-888-344-7233).
8. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. DIPRETE ENGINEERING IS NOT RESPONSIBLE FOR ANY UNKNOWN OR UNRECORDED EASEMENTS, DEEDS OR CLAIMS THAT A TITLE REPORT WOULD DISCLOSE.

**Datum Note:**

1. ELEVATIONS SHOWN HEREON, IN U.S. SURVEY FEET, ARE REFERENCED TO AN ASSUMED DATUM.

**Certification:**

I CERTIFY THAT THIS ACTUAL SURVEY WAS MADE ON THE GROUND IN ACCORDANCE WITH THE RULES AND REGULATIONS AS STATED IN CMR 250 SECTION 6.00.



*Robert G. Babcock*  
 ROBERT G. BABCOCK, PLS #49233

Scale: 1"=20'



12/2/15  
 DATE