



Town of Brookline

Massachusetts

PLANNING BOARD

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To: Brookline Board of Appeals

From: Brookline Planning Board

Date: September 27, 2018

Subject: Convert existing three-family dwelling into a four-family dwelling through renovation of the basement

Location: **338 Tappan Street**

Atlas Sheet: 46
Block: 225
Lot: 15

Case #: 2018-0050
Zoning: M-2.0
Lot Area (s.f.): 2,520

Board of Appeals Hearing: **November 8th, 2018 at 7:00 pm**

SITE AND NEIGHBORHOOD

338 Tappan Street is a three-family dwelling in a row of seven attached row homes at the intersection of Garrison Road near Beacon Street. The unit has 3.5 stories and was built in 1915. The neighborhood consists of many similar rowhouses and 338 Tappan abuts properties on Regent Circle at the rear and is also located near Star Market and other businesses in Washington Square.

APPLICANT'S PROPOSAL

The applicant, Derric Small, proposes to convert the existing three-family building to a four-family by renovating the basement into an additional dwelling unit. The basement level will become the lower level of a two-story unit occupying the first and basement floors. In the basement, the applicant proposes to add a living room and two bedrooms. Common utility space will remain. The living space on the lower level will total 963 square feet. At the front of the structure, a lower level entry will be created by adding a staircase with a wrought iron railing, a doorway and a window to the left of the existing ground floor entry.

FINDINGS

Section 5.05 – Conversions

In the case of a conversion ... in an F or M district, the structure shall conform to all dimensional requirements specified in 5.01. However, the Board of Appeals may waive by special permit any of said dimensional requirements, provided that no previously existing nonconformity to such requirements is increased and provided that all other requirements are met.

Section 5.09.2.d – Design Review

Exterior alterations associated with multiple dwellings with four or more units on the premises require a **special permit** subject to design review standards listed under **Section 5.09.4 (a-m)**. The most relevant design review sections are described below:

- c. **Relation of Buildings to the Form of the Streetscape and Neighborhood** – The existing green space in the front of this building will be removed in order to create a stairway and entrance to the lower level. One of the rowhouses in this group currently has a front entrance to a lower level unit.

- e. **Circulation** – The total of four units in the building requires 8 parking spaces but zero are provided.

Section 5.20 – Floor Area Ratio

M-2.0	Allowed	Existing	Proposed	Relief
FAR (%)	2.0 (100%)	1.79 (89.5%)	2.17 (109%)	Variance*
Gross Floor Area	5,040	4,510	5,468	

** Relief under Deadrick does not apply to dwellings greater than two units*

Section 5.43 – Exceptions to Yard and Setback Requirements

Section 5.60 – Side Yard Requirements

Section 5.91 – Minimum Landscaped Open Space

M-2.0	Required	Existing	Proposed	Relief
Side Yard Setback	16 feet	none	none	Special Permit*
Minimum Landscaped Open Space	20%	9%	7.5%	Variance

** Under Section 5.43, the Board of Appeals may waive yard and/or setback requirements by special permit if counterbalancing amenity is provided.*

Section 6.02, Paragraph 1 – Table of Off Street Parking Requirements

Parking	Required	Existing	Proposed	Relief
Off-Street Parking Spaces	8	0	0	Variance

Section 8.02.2 – Alteration or Extension

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

STAFF ANALYSIS

The staff has had difficulty determining the current situation in the lower level of 338 Tappan Street. Although the applicant has applied to create a new unit in the basement, their plans indicate the unit already exists. Other information provided indicates the unit existing in the past but was later demolished. Staff would like to clarify if the previous unit was an illegal unit and what the current status of that unit is.

Regardless, the staff feels that the relief requested is not warranted. Although other rowhouses in this block have 4 units, the staff feels that this four-story building could be renovated to have four units without utilizing the basement level. The requested increase in FAR is over the allowable 2.0 which is already substantially high and would require a variance. The staff does not believe there is uniqueness to this property which is surrounded by nearly identical properties. The proposed stairway, door and windows at the front require substantial change to the façade and streetscape and will detract from the character and the front yard area. There is also no parking provided and the addition of one more unit will increase parking demand in this high density area.

PLANNING BOARD RECOMMENDATION

The Planning Board was not supportive of this proposal both from a design perspective or a legal perspective. The Board did not feel that the design allowed for a well-designed basement unit nor did they feel that the applicant would meet the legal requirements for a variance because the unit is a row house surrounded by other identical units. However, the Board did specify that if the ZBA were to grant the requested variance, the applicant should return to the Planning Board to review the final design.

Therefore, staff recommends denial of the site plan by Carlos Ferreira, dated 3/4/2018 and floor plans and elevations by MF Engineering & Designs dated 10/10/2017, subject to the following conditions:

- ~~1. Prior to the issuance of a building permit, the Applicant shall submit a final site plan, floor plans, and elevations, subject to review and approval by the Assistant Director for Regulatory Planning.~~

- ~~2. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan including all counterbalancing amenities, subject to review and Approval by the Assistant Director for 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, 2) final floor plans and elevations, stamped and signed by a registered architect, and 3) evidence that the Board of Appeals decision has been recorded at the registry of Deeds.~~

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