



Town of Brookline

Massachusetts

PLANNING BOARD

Town Hall, 3rd Floor
333 Washington Street
Brookline, MA 02445-6899
(617) 730-2130 Fax (617) 730-2442

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Robert Cook, Clerk
James Carr
Linda K. Hamlin
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Mathew Oudens
Mark J. Zarrillo

To: Brookline Board of Appeals
From: Brookline Planning Board
Date: May 9, 2019
Subject: Extend existing patio
Location: **1443 Beacon Street**

Atlas Sheet: 42
Block: 214
Lot: 31-34

Case #: 2019-0043
Zoning: M-2.5
Lot Area (s.f.): 58,926

Board of Appeals Hearing Date: **May 30, 2019 at 7:00 pm**

BACKGROUND

July 2018 – The applicant received façade approval from the Planning Board for a new fitness room and deck.

SITE AND NEIGHBORHOOD

1443 Beacon Street is an eight story brick commercial and residential property at the corner of Beacon Street and Marion Street with 114 apartment units, 3 commercial units and over 100 on-site parking spaces.

APPLICANT'S PROPOSAL

The applicant, Chestnut Hill Realty, proposes to extend a patio area located at the southwestern corner of the property adjacent to the pool and fitness room area. The patio wall runs at a 45 degree angle from the rear of the lot to the western lot line and is located partially above grade. The applicant would like to square off this corner of the patio by adding a wooden deck portion

supported by posts and concrete footings. The patio area is not visible from either Marion or Beacon Streets. The expanded patio will be shielded by new landscaping and planter boxes will be installed around the perimeter.

FINDINGS

Sections 5.09.2.a – Design Review: Any exterior addition for which a special permit is requested pursuant to *Section 5.22 (Exceptions to Maximum Floor Area Ratio Regulations)* requires a special permit subject to the design review standards listed under *Section 5.09.4(a-l)*. All the conditions have been met, and the most relevant sections of the design review standards are described below:

- a. **Preservation of Trees and Landscape** – The proposal requires the removal of three deciduous trees that are dead and one small evergreen tree. These trees will be replaced to the extent practicable and planter boxes will be installed around the perimeter of the expanded patio.
- b. **Relation of Buildings to Environment** – The existing patio area is minimally visible from Beacon and Marion Streets and well screen from all nearby properties.
- c. **Relation of Buildings to the Form of the Streetscape and Neighborhood** – Due to heavy screening, there is little to no impact on the streetscape.

Section 5.43 – Exceptions to Yard and Setback Regulations

Section 5.60 – Side Yard Setback

Section 5.70 – Rear Yard Setback

Setback	Allowed	Existing	Proposed	Finding
Side Yard	10 feet	20' 7"	7' 8"	Special Permit*
Rear Yard	15 feet	13' 10"	6' 4"	Special Permit*

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

Section 8.02.2 – Alteration or Extension

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

STAFF ANALYSIS

The Planning Staff has no objection to this proposal which will be tucked at the rear of the property at a substantial distance from any abutters. The patio already exists along both the rear and side property lines and this proposal adds a rather minimal triangular piece to the existing area. The deck is and will be further landscaped for privacy and screening in order to minimize any impacts.

PLANNING BOARD COMMENTS

The Planning Board was supportive of this proposal and felt that it would be minimally visible. The Board encouraged the applicant to install appropriate landscaping and specifically requested that they remove invasive vines that are growing on the trees at the rear of the patio.

Therefore, the Planning Board recommends approval of the site plan by Stantec dated 9/13/18, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan 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 counterbalancing amenities, 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: a) a final site plan stamped and signed by a registered engineer or land surveyor and b) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

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