



# Town of Brookline

## Massachusetts

### PLANNING BOARD

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To: Brookline Planning Board  
From: Brookline Planning staff  
Date: May 9<sup>th</sup>, 2019 (continued)  
Subject: Demolish a two-family and construct two attached single-family dwellings  
Location: **761 Washington Street**

Atlas Sheet: 21  
Block: 92  
Lot: 15

Case #: 2018-0093  
Zoning: T-5  
Lot Area (s.f.): 7,824

Board of Appeals Hearing: **June 6<sup>th</sup>, 2019 at 7:00 pm**

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### **BACKGROUND**

**August 2018** – The Preservation Commission upheld the initial determination of significant on this house and placed a 12-month stay of demolition on this property.

### **SITE AND NEIGHBORHOOD**

761 Washington Street is a two and a half story, two-family house located near the intersection of Bartlett Street. The property abuts a private way – Bartlett Crescent – and Driscoll School at the rear. A detached garage is accessed from this private way. The neighborhood consists mostly of two-family homes and small multi-unit buildings and is close to Washington Square and the Boston city line.

### **APPLICANT'S PROPOSAL**

The applicants, Robert and Lee Shin, propose to demolish the existing two-family dwelling and two-car garage and construct two attached single-family units. The new structure will contain 7,675 square feet of finished area. Each unit will have three levels of finished space and an unfinished basement.

In response to the Planning Board's initial feedback, the applicant revised the parking arrangement to now include four basement-level parking spaces at the rear of the house underneath a porch rather than as the semi-attached garage that previously sat perpendicular to the main structure. The applicant has also changed the roof shape and made exterior changes to the screening and porches. This proposal meets the allowable FAR, setbacks and open space requirements.

## **FINDINGS**

### **Section 4.07 – Table of Use Regulations Use #5**

A special permit is required for an attached dwelling provided that no row of such units shall consist of more than two units.

**Sections 5.09.2.a and n – Design Review:** Any exterior addition for which a special permit is requested pursuant to *Section 5.09.2.n* as well as any property on Washington Street requires a special permit subject to the design review standards listed under *Section 5.09.4(a-l)*.

SEE ATTACHED RESPONSE FROM APPLICANT

### **Section 5.09.2.n**

n. any construction of newly created space, whether or not habitable, finished or built out, where such space substantially satisfies the requirements for habitability under the State Building Code or could with the addition of windows or doors and without other significant alterations to the exterior of the building be modified to substantially meet such habitability requirements, and which space if finished or built out or converted to habitable space would result in the total Gross Floor Area of the structure being greater than the permitted Gross Floor Area in Table 5.01. In granting any such special permit, the Board of Appeals, in addition to the requirements of §5.09 and §§9.03 to 9.05, shall be required to find that the massing, scale, footprint, and height of the building are not substantially greater than, and that the setbacks of the building are not substantially less than, those of abutting structures and of other structures conforming to the zoning by-law on similarly sized lots in the neighborhood. **In granting a special permit for construction of such non-habitable space, the Board of Appeals shall set forth as a condition of the special permit the extent to which such space may or may not be converted to habitable space in the future pursuant to Section 5.22 or otherwise, with the allowed future conversion to habitable space no greater than the applicant's representation of the intended amount of future conversion.**

Floor Area	Allowed	Proposed	Finding
Floor Area Ratio (% of allowed)	1.0	Without unfinished space: .98 (98%) With unfinished space: 1.25 (125%)	Special Permit
Floor Area (s.f.)	7,824	Without unfinished space: 7,675 With unfinished space: 9,810	

**Section 5.34** – Exception to Yard and Setback Regulation

**Section 5.50** – Front Yard Requirements

**Section 5.60** – Side Yard Requirements

Dimensional Requirements	Required	Existing	Proposed	Relief Required
Front Yard Setback (Bartlett Crescent)	15 feet	n/a	15.9 feet	Complies
Side Yard Setback	10 feet	n/a	12 feet	Complies

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

**Table of Dimensional Requirements, Footnote 1**

**Section 6.04.14.b** – Design of All Off-Street Parking Facilities

	Required	Proposed	Finding
Garage Width	<40% total façade	90%	Special Permit*
Garage Entrance Setback	20 feet	15.9 feet	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.

### **PLANNING STAFF ANALYSIS**

The Planning staff would still prefer to see the original house maintained and this project envisioned as a renovation and addition. However, the staff does feel that the new location of the garage underneath the house was responsive to Planning Board feedback and is an improvement to the site. This change further reduces the amount of overall zoning relief required. Although the four-bay garage does require new zoning relief relating to the width of the garage and its setback from the property line, the staff finds this relief to be reasonable for a property that has two front yards. The “rear” property line faces Driscoll School where impact will be minimal. The staff would like the Board to weigh in on the aesthetic changes to the roof pitch and the porches, decks and materials.

**Therefore, the Planning Board recommends approval of the site plan dated 1/8/2019 by Joseph Porter and the floor plans and elevations dated 4/10/2019 by Elizabeth Whitaker 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 the review and approval of the Assistant Director of Regulatory Planning.
2. The extent to which any non-habitable space may be converted to habitable space in the future, in addition to other relevant By-law sections regulating FAR, must comply with §5.22 of the Zoning By-law.
3. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan subject to the review and approval of the Assistant Director of Regulatory Planning.
4. 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 or engineer; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

*Knm*

