



Town of Brookline

Massachusetts

PLANNING BOARD

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To: Brookline Zoning Board of Appeals
From: Brookline Planning Board
Date: July 2, 2019
Subject: Demolish single-family and construct a new single family
Location: **28 Cushing Road**

Atlas Sheet: 75
Block: 320
Lot: 03

Case #: 2019-0030
Zoning: S-7
Lot Area (s.f.): 9,280

Board of Appeals Hearing: **July 11, 2019 at 7:10 pm**

DEMOLITION / PRESERVATION

At its August 14, 2018, public hearing the Brookline Preservation Commission certified that the house at 28 Cushing Road is not historically significant and may be partially demolished. Its twin at 22 Cushing Road was demolished in 2013, and a new house was recently constructed. The existing Colonial Revival style home was one of six houses on Cushing Road designed by architect Joseph Selwyn and built by Goldie and Harry Sklaver in the 1940s.

SITE AND NEIGHBORHOOD

Cushing Road extends from Milton Road off Route 9 East between Kennard Road and Cypress Street not far from the Lincoln School and the Brookline Music School to the west and the Maimonides School to the north on Route 9 West.

APPLICANT'S PROPOSAL

The applicants, Gulraiz and Fariha Chaudry, propose to construct a new single-family house with 3,248 square feet of living space (excluding attic and basement). The first floor will contain

living space, a two car garage and two porches in the front and rear yards, respectively. The second floor will be composed of a master bedroom suite with a deck at the rear and three bedrooms. There will be a first and a second floor deck. The exterior of the residence will be clad in brick. The front yard setback will increase from about 18 feet to 30 feet; however, the attached garage will be set back about 20 feet from the front yard property line.

An oak tree in the rear yard and a hemlock tree in the side yard are marked for removal.

FINDINGS

Section 5.09.2.n – Design Standards

The most relevant sections of the design review standards are described below. Comments are provided by Planning Department staff. Also see the Applicant's narrative included with the plans.

a. **Preservation of Trees and Landscape:** The proposal includes the removal of two trees on the site—a 28" oak and a 24" hemlock—which may trigger Art. 8.26 (erosion and sedimentation control plan) prior to removal. Applicant's Design Review narratives states that the two trees are dying, but has not provided a statement from an arborist. Review by DPW would include the opportunity to consider saving the trees or planning plantings that would eventually restore valuable otherwise lost tree canopy, especially provided by the oak tree.

b. **Relation of Buildings to Environment:** The proposed structure would be sited in the same area as the existing structure, except for the proposed garage, which would jut ahead of the front façade by 10 feet.

c. **Relation of Buildings to the Form of the Streetscape and Neighborhood:** The front yard setbacks on Cushing are about 17 to 18 feet, including that of the existing house, less than the required 20 feet. The proposal would locate the new structure 30 feet from the front yard property line, except for the garage, which would jut ahead of the front façade about 10 feet (aligning with the 20 foot setback requirement). Staff asked the architect to provide renderings of the proposal with the surrounding context, for the Planning Board's reference. It is expected that the architect's presentation will include the requested visuals.

d. **Open Space:** The proposal appears to conserve much of the rear yard open space. A landscape plan, especially one that shows how the existing tree canopy would be conserved or restored, was not provided.

e. **Circulation:** The driveway would remain in the same location as that on the existing conditions. Protection of the street tree is expected.

f. **Stormwater Drainage:** Stormwater management shall comply with Article 8.26 and meet stormwater management standards. Special attention will be given to proper site surface drainage so removal of surface waters will not affect the neighboring properties or the public storm drain system. Because tree removal is proposed, the stormwater management plan should include nature based solutions to lower the impact of the development.

g. **Utility Service:** All electric, telephone, cable TV, and other such lines and equipment shall be

underground from the source in the public way to the residence as best possible.

h. **Advertising Features:** This standard is not applicable.

i. **Special Features:** This standard is not applicable.

j. **Safety and Security:** The proposal is expected to meet all code requirements with respect to safety and security.

k. **Heritage:** This standard is not applicable.

l. **Microclimate** Two outdoor condensing units are proposed. The applicant should consider screening as needed to meet the Noise Control provisions.

m. **Energy Efficiency:** Brookline has adopted the Stretch Code, which new construction is required to meet.

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) Lot Area 9280 sf	0.35 (100%)	Without basement and attic: 0.3497 With basement and attic: 0.5537	Special Permit
Floor Area (s.f.)	3,248	Without basement and attic: 3,246 With basement and attic: 5,139	

Section 8.02.2 – Alteration or Extension

A special permit is required to alter this non-conforming structure.

PLANNING DEPARTMENT STAFF ANALYSIS

Staff is generally supportive of this proposal. It meets or exceeds minimum dimensional and open space requirements. The quality of the architectural design is high. Although the garage does jut ahead of the front façade of the residence, it is offset to the side, and does not obscure the symmetry of the architectural elements on the front façade.

The loss of tree canopy is of concern. Staff advises exploring measures to conserve the existing trees or planting species that would eventually restore the tree canopy on the site. The proposed removal of trees very likely triggers the erosion and sedimentation control regulations in the Stormwater Management bylaw.

New construction is an opportunity for the property owners to consider measures to reduce greenhouse gas emissions that go beyond those stipulated by the State's Energy Stretch Code. It may be helpful for the team to borrow measures from LEED BD+C (new construction) requirements and credits for energy and water management. Although the Town cannot mandate this, staff notes that the most opportune time to consider energy goals is at schematic design.

PLANNING BOARD COMMENTS:

The Planning Board found the proposed house to be generally acceptable but did not believe the protruding garage wing to be consistent with the architecture of the neighborhood. The Board explored ways in which the design could be revised to push back the garage wing. No conclusive alteration was arrived at, so the Board agreed to allow the applicants to proceed to the Zoning Board of Appeals with a condition requiring the front garage façade to be pushed back approximately 4 feet and an agreement that the applicant would return to the Planning Board for final design review.

Therefore, the Planning Board recommends approval of the site plan by Neponset Valley Survey Assoc. Inc. dated 10/30/2018 and floor plans and elevations by Kent Duckham dated 3/21/2019 subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final site plans, floor plans and elevations 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 review plans showing the garage face pushed back to be coplanar with the front porch. The revised plans shall require final approval by the Planning Board.
3. 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.

4. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan showing a tree survey retaining walls and materials, subject to the review and approval of the Assistant Director of Regulatory Planning.
5. 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; b) final floor plans and elevations stamped and signed by a registered architect or engineer; and c) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Submitted,
Maria Morelli, Senior Planner

Photos and map follow



