



BOARD OF APPEALS
Jesse Geller, Chair
Kate Poverman

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Brookline, MA 02445-6899
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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2019-0038
53 RISLEY ROAD, BROOKLINE, MA

Petitioners, Tom Timko, applied to the Building Commissioner for permission to construct two small additions to the side and rear portions of the house at 53 Risley Road. The application was denied and an appeal was taken to this Board.

The Board administratively determined that the properties affected were those shown on a schedule certified by the Board of Assessors of the Town of Brookline and fixed August 1, 2019 at 7:00 PM., in the Select Board's Hearing Room as the date, time and place of a hearing for the appeal. Notice of the hearing was mailed to the Petitioners, to their attorney (if any) of record, to the owners of the properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board and to all others required by law. Notice of the hearing was published on July 18, 2019 and July 25, 2019 in the Brookline Tab, a newspaper published in Brookline. A copy of said notice is as follows:

Notice of Hearing

Pursuant to M.G.L., C. 40A, the Board of Appeals will conduct a public hearing at Town Hall, 333 Washington Street, Brookline, on a proposal at:

53 RISLEY ROAD, BROOKLINE, MA 02467 - Expand first floor at rear and to the side to create a larger Family Room and Kitchen. Add a master Suite above. Other minor modifications. in a(n) S-7 SINGLE-FAMILY on August 1, 2019 at in the 6th Floor Select Board's Hearing Room (Petitioner/Owner: Tom Timko) Precinct 16

The Board of Appeals will consider variances and/or special permits from the following sections of the Zoning By-Law, and any additional zoning relief the Board deems necessary:

§5.13 - LOT WIDTH

§5.20 - FLOOR AREA RATIO

§5.22.3.B.1.B – EXCEPTIONS TO FLOOR AREA RATIO (FAR) FOR RESIDENTIAL UNITS

§5.43 - EXCEPTIONS TO YARD AND SETBACK REGULATIONS

§5.60 - SIDE YARD REQUIREMENTS

§8.02 - ALTERATION OR EXTENSION

Any additional relief the Board may find necessary.

Hearings may be continued by the Chair to a date/time certain, with no further notice to abutters or in the TAB. Questions about hearing schedules may be directed to the Planning and Community Development Department at 617-730-2130, or by checking the Town meeting calendar at: www.brooklinema.gov.

The Town of Brookline does not discriminate in its programs or activities on the basis of disability or handicap or any other characteristic protected under applicable federal, state or local law. Individuals who are in need of auxiliary aids for effective communication in Town programs or activities may make their needs known by contacting the Town's ADA Compliance Officer. Assistive Listening Devices are available at the Public Safety Building for public use at Town of Brookline meetings and events. Those who need effective communication services should dial 711 and ask the operator to dial the Town's ADA Compliance Officer.

If you have any questions regarding this Notice or the Assistive Listening Device, please contact Caitlin Haynes at 617-730-2345 or at chaynes@brooklinema.gov.

*Jesse Geller, Chair
Christopher Hussey
Mark Zuroff*

Publish: 7/18 & 7/25

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing were Chairman Kate Poverman and Board Members Stephen Chiumenti and Randolph Meiklejohn. Also present at the hearing were Zoning Coordinator / Planner Charlotte Leis, Assistant Director of Regulatory Planning Polly Selkoe, and Deputy Building Commissioner Joseph Braga.

The case was presented by applicant Tom Timko. Chairman Poverman called the hearing to order at 7:00 p.m. Mr. Timko waived the reading of the public notice.

Mr. Timko gave an overview of the proposal and explained why they were requesting relief.

Mr. Chiumenti asked what the dashed line on the landscape plan is. Mr. Timko said he believed the dashed line is an old access way. The existing driveway overlaps the neighbor's property, and they are not proposing any changes to that.

Mr. Meiklejohn asked what changes to the elevations will be visible from the street. Mr. Timko said they are not doing anything to the front of the house; if one is standing at the front of the property and looking to the back they will see a small protrusion on the 2nd floor where master bedroom is, but that is the primary change.

Chair Poverman asked if anyone was there to speak for or against the project. No one spoke. Mr. Timko said the owners had spoken to their neighbors; the neighbors to the right were fine with the project and no other neighbors had comments.

Chairman Poverman then called upon Charlotte Leis, Zoning Coordinator / Planner, to deliver the findings of the Planning Board. Ms. Leis noted the following:

FINDINGS

Section 5.13: Lot Width

The subject lot does not meet the minimum lot width from Table 5.01 and therefore requires a Special Permit.

Lot Width	Required	Existing	Proposed	Relief
1-family Detached Dwelling	65 ft.	45 ft.	45 ft.	Special Permit*

Section 5.20: Floor Area Ratio

Section 5.22.3.b.1.b: Exceptions to Floor Area Ratio (FAR) for Residential Units

Section 5.09.2.j: Design Review

The existing structure complies with the FAR requirements of the S-7 district laid out in Table 5.01 but the altered structure will exceed the requirement and therefore require a Special Permit.

Floor Area	Allowed	Existing	Proposed	Finding
Floor Area Ratio (% of allowed)	.35 (100%)	.25 (71%)	.37 (105%)	Special Permit*
Floor Area (s.f.)	2,282	1,622	2,398	

Because the proposed work is subject to the provisions of §5.22, Design Review is required, as per §5.09. Below are the relevant Community and Environmental Impact and Design Standards from §5.09.4:

- Preservation of Trees and Landscape
- Relation of Buildings to Environment
- Relation of Buildings to the Form of the Streetscape and Neighborhood
- Open Space
- Stormwater Drainage
- Utility Service
- Heritage

The proposed addition generally maintains the existing footprint of the building (if existing deck is included) so no significant changes to the landscape are proposed. The addition and resulting house are consistent with the scale and style of the neighborhood and are unlikely to have significant impact on abutters. Utilities are underground, existing drainage patterns are unlikely to be affected, and no significant heritage-related concerns are present. Please also see the applicant's Impact Statement. Staff is of the opinion that the design standards of §5.09.4 are satisfied.

Section 5.60: Side Yard Requirements

Section 5.43: Exceptions to Yard and Setback Regulations

The existing structure does not comply with the setback requirements of Table 5.01, and therefore requires a Special Permit. A Special Permit may be granted per Section 5.43 if a counterbalancing amenity is provided.

Side Yard Setback	Required	Existing	Proposed	Relief
1-family Detached Dwelling	7.5 ft.	7.3 ft.	7.3 ft.	Special Permit*

As

required by §5.43, a counterbalancing amenity must be provided. None have been explicitly offered by the applicant, and staff recommends that landscaping be considered, particularly along the left side property line, where it will be most effective in screening the proposed addition and where sufficient space is available.

Section 8.02: Alteration or Extension

The existing structure is nonconforming and therefore may be altered as allowed by §8.02.2, provided that no nonconforming condition is increased. The proposal complies with this section.

PLANNING BOARD COMMENTS

The Planning Board has no objection to this proposal. The proposal is not expected to have any significant impacts on abutters.

Therefore, the Planning Board recommends approval of the site plan by G & C Survey Company, dated 11/7/18 and architectural plans by Copper Beach Design, dated 4/15/19, subject to the following conditions:

- 1. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan indicating all counterbalancing amenities 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 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; and 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.*

Joe Braga, Deputy Building Commissioner, said the Building Department had no objections to the relief being sought.

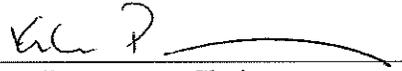
Mr. Meiklejohn said the project was well presented by applicant and he appreciated the Staff's analysis. Mr. Chiumenti said he was perfectly fine with the project. Chair Poverman said all criteria for granting a special permit are met.

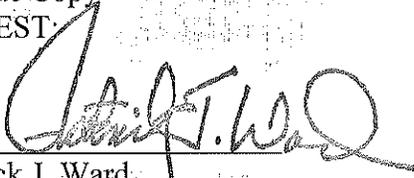
The ZBA members voted unanimously to approve the special permit relief per the site plan by G & C Survey Company, dated 11/7/18 and architectural plans by Copper Beach Design, dated 4/15/19, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan indicating all counterbalancing amenities 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 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; and 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Unanimous Decision of
The Board of Appeals

Filing Date: 8/21/19


Kate Poverman, Chair

A True Copy
ATTEST

Patrick J. Ward
Clerk, Board of Appeals