



BOARD OF APPEALS  
Jesse Geller, Chair  
Mark Zuroff

# Town of Brookline Massachusetts

Town Hall, 1<sup>st</sup> Floor  
333 Washington Street  
Brookline, MA 02445-6899  
(617) 730-2010 Fax (617) 730-2043  
Patrick J. Ward, Clerk

TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. 2019-0045  
25 WHITE PLACE, BROOKLINE, MA

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SEP 10 A 10: 10

Petitioner, Alan Rawizza, applied to the Building Commissioner for permission to build a second story rear addition at 25 White Place. 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 22, 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 August 8, 2019 and August 15, 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:

**25 WHITE PLACE, BROOKLINE, MA 02445 - Add second story bath over existing single story rear addition in a(n) T-5 TWO-FAMILY & ATTACHED SINGLE-FAMILY on 08/22/2019 at 7:00pm in the 6th Floor Select Board's Hearing Room (Petitioner/Owner: Jeramy P Curcio) Precinct 6**

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:

**§5.09.2.J – DESIGN REVIEW**

**§5.10 - MINIMUM LOT SIZE**

**§5.13 - LOT WIDTH**

**§5.43 - EXCEPTIONS TO YARD AND SETBACK REGULATIONS**

**§8.02.2 – ALTERATION AND 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](http://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](mailto:chaynes@brooklinema.gov).*

*Jesse Geller, Chair  
Christopher Hussey  
Mark Zuroff*

**Publish: 08/08/2019 & 08/15/2019**

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing were Chairman Lark Palermo and Board Members Randolph Meiklejohn and Kate Poverman. Also present at the hearing were Zoning Coordinator/Planner Charlotte Leis and Deputy Building Commissioner Joseph Braga.

The case was presented by Attorney Robert Cornetta for applicant Alan Rawizza, who was also present. Mr. Cornetta waived the reading of the public notice.

Mr. Cornetta said that, per the request of the Planning Board, they met with abutters and made aesthetic changes to the north elevation to satisfy concerns that the neighbors at 24 Davis expressed. They plan on replacing the house's aluminum siding with clapboard.

Chair Palermo asked if there was anyone present who wished to speak in support or opposition of the project.

Elisabeth Lighthart (16 White Place) is supportive of what the applicant is doing. She said there is almost unanimous precedent on the street for 2nd story additions on rear kitchens similar to the one proposed in this case.

Cheryl Schneider (White Place) is supportive of proposal and believes it is a very reasonable accommodation to allow family to age in place.

Rebecca Moor (24 Davis) said her property abuts the rear of 25 White Place. She originally thought the plan was hideous when viewed from the rear but she has worked with the applicant's lawyer to make it better, although it still greatly impacts them. She wants to make sure that what is built isn't hideous and the new design is huge improvement over original plan.

The Board and applicant discussed materials to be used on the addition and agreed that architectural shingles on its roof would improve its appearance. They also approved of the removal of the aluminum siding from the entire house and replacing it with wood or HardiePlank clapboard and determined that was a counterbalancing amenity. The Board changed condition #2 concerning the counterbalancing amenity to mention materials for the addition.

Ms. Moor asked if the applicant could ensure that trees are kept if possible. Mr. Rawizza said the trees Ms. Moor was referring to were not on his property but they will try not to damage them.

Chair Palermo asked to hear from the Planning Department. Ms. Leis, Zoning Coordinator / Planner, presented the findings and recommendation of the Planning Board. She noted the following:

**FINDINGS**

**Section 5.10: Minimum Lot Size**

**Section 5.13: Lot Width**

	Required	Existing	Proposed	Finding
Minimum Lot Size	4,000 sf	2,141 sf	2,141 sf	Special Permit*
Lot Width	40 feet	34 feet	34 feet	Special Permit*

*\* Under §8.02.2, the Board of Appeals may grant a special permit to alter a pre-existing non-conforming structure.*

**Section 5.60: Side Yard Requirements**

**Section 5.70: Rear Yard Requirements**

**Section 5.43: Exceptions to Yard and Setback Regulations**

	Required	Existing	Proposed	Finding
Right Side Yard	7.5 feet	0.9 feet	0.9 feet	Special Permit*
Rear Yard	30 feet	11.1 feet	11.1 feet	Special Permit*

*\* Under §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: 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 DEPARTMENT COMMENTS**

The Planning Department is supportive of this proposal. The proposed alteration is a reasonable extension of the existing dwelling that maintains the character of the home as viewed from the public way. The proposed addition does not expand the footprint of the existing building and 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.

The applicant has not explicitly offered specific counterbalancing amenities, but providing new landscaping would be appropriate. The addition/renovation will have a minimal impact on the public way and while it will be noticeable to abutters, it should not be substantially more detrimental than the existing conditions.

**PLANNING BOARD COMMENTS**

The Planning Board is supportive of this proposal and believes that, due to the topography of the site and the density of the neighborhood, the addition is not substantially more detrimental to abutters than existing conditions. However, the Board believes that the rear façade of the addition should be made visually more interesting. The Applicant agreed to discuss changes to the rear elevation with abutters.

Chair Palermo asked to hear from the Building Department. Mr. Braga, Deputy Building Commissioner, said the Building Department had no objections to the relief being sought.

**The ZBA members voted unanimously to approve the special permit relief per the site plan by Boston Survey, Inc. dated 5/29/19 and the architectural plans by Thomas Rose Architect dated 6/19/19 (page A3.3 updated 8/19/19) subject to the following conditions:**

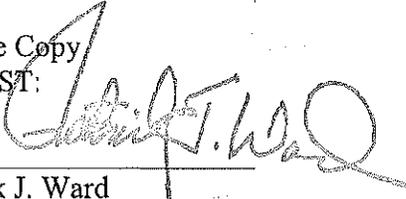
- 1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, floor plans and elevations subject to the review and approval of the Assistant Director of Regulatory Planning.**
- 2. Prior to the issuance of a building permit, the applicant shall submit to the Assistant Director of Regulatory Planning for review and approval a materials plan including architectural shingles on hip roof of addition and removal of aluminum siding on entire building and replacement with wood or HardiePlank (or equivalent) clapboards.**
- 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; and 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.**

Unanimous Decision of  
The Board of Appeals

  
Lark Palermo, Chair

Filing Date: 9/10/19

A True Copy  
ATTEST:

  
Patrick J. Ward  
Clerk, Board of Appeals

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