



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

RECEIVED  
TOWN OF BROOKLINE  
CLERK  
2019 AUG 10 A 10:10

TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. 2019-0028  
385 CLINTON ROAD, BROOKLINE, MA

Petitioner, Celine Sellam, applied to the Building Commissioner for permission to build a rear addition at 385 Clinton 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 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:

**385 CLINTON ROAD, BROOKLINE, MA 02445 - Construct rear addition in a(n) S-10 SINGLE-FAMILY on 08/22/2019 at 7:00PM in the 6th Floor Select Board's Hearing Room (Petitioner/Owner: Celine Sellam) Precinct 13**

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:

**§5.20 - FLOOR AREA RATIO**

**§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](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 applicant Celine Sellam, who waived the reading of the public notice. She gave an overview of project and noted that the Board had received 2 letters of support from abutters and 3 other neighbors had offered to provide letters of support.

Chair Palermo asked if there was anyone present who wished to speak in support or opposition of the project. No one spoke.

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 5.20 – Floor Area Ratio**

<b>Floor Area</b>	<b>Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Finding</b>
<b>Floor Area Ratio (% of allowed)</b>	.30 (100%)	.35 (117%)	.41 (137%)	Special Permit*/ Variance
<b>Floor Area (s.f.)</b>	3,448	4,042	4,742	

*\* Under **Deadrick**, the Board of Appeals may allow an extension of an existing non-conformity if it finds there is no substantial detriment to the neighborhood.*

**Section 8.02.2 – Alteration or Extension**

A special permit is required to alter a pre-existing non-conforming structure.

**PLANNING STAFF ANALYSIS**

The staff has no objections to the proposal. The proposed addition is located in the rear yard which is very deep and will remain within the allowable rear setback. The impact on abutters appears to be minimal and the homeowners have letters of support from two neighbors. The increase in FAR is relatively modest. The staff would like the Board to weigh in on the architectural details of the addition, as the applicants have chosen to use an engineer rather than an architect to design the addition.

**PLANNING BOARD COMMENTS**

The Planning Board had no major concerns with this proposal. They felt that its location at the rear was minimally visible, it is within all setbacks and the applicant had the support of numerous neighbors.

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.

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 Michael Paul Antonino dated 7/31/19 and the floor plans and elevations by Richard Volkin dated 1/10/19 and revised 8/13/19, subject to the following conditions:

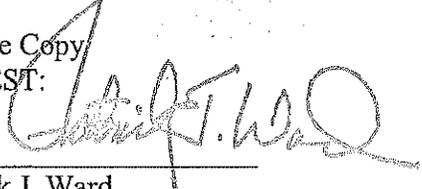
1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, floor plans and elevations subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner 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