



# Town of Brookline

## Massachusetts

### PLANNING BOARD

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To: Brookline Board of Appeals  
From: Brookline Planning Board  
Date: March 7, 2013  
Subject: Convert the structure from a two- to a three-family dwelling, requiring a use variance and relief from setback requirements

Location: **157 Babcock Street**

Atlas Sheet:	6	Case #:	2013-0012
Block:	027	Zoning:	T-5
Lot:	17	Lot Area (s.f.):	33,455

Board of Appeals Hearing: March 21, 2013 at 7:15 p.m.

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### **BACKGROUND**

July 27, 1978 – The Brookline Board of Appeals approved a use variance to convert the two-family dwelling into a three-family dwelling, subject to conditions. However, this was never done.

January 15, 2013 – The Brookline Preservation Commission voted unanimously to approve proposed exterior changes needed to convert the two-family dwelling into a three-family dwelling, except the skylights on the front dormer.

### **SITE AND NEIGHBORHOOD**

157 Babcock Street is a two-family Colonial Revival-style dwelling that was built in 1925, located in North Brookline on a lot that is substantially larger than those in the immediate neighborhood. The property is located within the Graffam-McKay Local Historic District. Neighboring properties include both single- and two-family dwellings, as well as a multi-family condominium complex. The property borders the M-1.5 zoning district to the south.

### **APPLICANT'S PROPOSAL**

The applicant, Martina McPherson, is proposing to convert the existing two-family dwelling into

a three-family dwelling. The new unit would be at the third floor and the finished square footage of the dwelling at that level will slightly increase, from 1565 s.f. to 1615 s.f., due to the construction of stairs to serve as a secondary means of egress for the unit. The proposed square footage for the entire building is 7,417 s.f. A new deck at the rear for the third unit will be constructed above an existing two-story porch, requiring changing an existing window into a door. Other exterior modifications include the installation of new skylights. All other modifications to effect the conversion will be interior.

## **FINDINGS**

### **Section 4.07 – Table of Use Regulations, Use #4A**

The property's zoning district, T-5, allows for two-family dwellings, but not three-families, therefore the proposal requires a use variance. **Section 9.09, Conditions for Approval of Use Variance**, describes the four conditions under which the Board of Appeals may grant a use variance, provided statutory variance requirements are met. The most applicable condition for a use variance for this proposal, **9.09.1.d**, is as follows:

Existence on the lot in question of a structure(s) of appearance compatible with its vicinity which is either of historical or architectural significance which shall be preserved or restored in a manner sufficient to justify the relief granted herein, and/or contains gross floor area excessive for the use permitted in the district wherein the structure is located, and which can reasonably be maintained as a visual and taxable asset only if a nonconformity of use is permitted. A special permit under **§5.09** shall be required in conjunction with every variance request pursuant to this subparagraph.

In this case, if it is demonstrated that the building is architecturally or historically significant, it could be argued that the building is being saved from demolition-by-neglect through its rehabilitation and use as a three family.

### **Section 5.09 – Design Review**

Any structure for which a use variance is requested under **Section 9.09.1.d**, a special permit subject to the community and environmental impact and design standards under **Section 5.09** is also required. The following design standards are most applicable to this proposal:

*Preservation of Trees and Landscape:* The subject property has a significant amount of landscaped open space that would continue to remain unchanged with this proposal.

*Relation of Buildings to Environment:* The proposed changes to the structure are in harmony with the surrounding landscape.

*Relation of Buildings to the Form of the Streetscape and Neighborhood:* The exterior alterations for the conversion are relatively minor, with the most significant, a new deck, being located at the rear and minimally visible from Babcock Street.

*Open Space:* There is a significant amount of open space on the property. This is clearly an amenity, and would not be altered with this proposal. However, at this point, there is nothing preventing the subdivision, sale and transfer of much of this space for future development.

*Circulation:* There would be no change in the existing parking facilities for this proposal. The applicant has submitted a parking plan indicating 7 parking spaces, 4 in the existing garage, for the three dwelling units.

*Heritage:* In January, the Preservation Commission reviewed and approved all of the proposed exterior modifications to the structure, except for the new skylights on the front dormer.

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

**Section 5.55 – Front Yard Requirements**

**Section 5.60 – Side Yard Requirements**

<b>Dimensional Requirements</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Front Yard Setback	25'	17.86'	17.86'	Special Permit*/ Variance
Side Yard Setback	20'	15.06'	15.06'	Special Permit*/ Variance

\* Under Section 5.43, the Board of Appeals may waive setback requirements if a counterbalancing amenity is provided.

**Section 8.02.2 – Alteration or Extension**

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

**PLANNING BOARD COMMENTS**

The Planning Board is supportive of the conversion from a two- to a three-family dwelling. The proposed exterior modifications are minor; however, the plans should be revised to remove the proposed skylights from the front dormer to be in compliance with the decision of the Preservation Commission. The property has sufficient parking for three units, and there is a significant amount of open space on the property. The dwelling is quite large for only two units, so the conversion should make property maintenance more financially feasible.

The lot is significantly larger than others in the area, and there is more than enough land to subdivide. Even though the property is located in a local historic district, the Planning Board recommends a condition limiting future subdivision of the property without the prior review and approval of the Board of Appeals, particularly since this application allows for an increase in the intensity of use for this property.

**Therefore, should the Board of Appeals find that the applicant meets the statutory requirements for a variance and a use variance, the Planning Board recommends approval of the plans by Leah Greenwald, Architect, dated 12/27/2012 subject to the following conditions:**

1. Prior to issuance of a building permit, final elevations, indicating all exterior alterations and proposed materials, shall be submitted to the Preservation Commission for review and approval, in consultation with the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit an updated final site plan and a final landscaping plan, indicating all counterbalancing amenities, setbacks and parking areas, subject to the review and approval of the Assistant Director of Regulatory Planning.

3. The lot shall not be subdivided without the prior review and approval by the Board of Appeals.
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 building elevations stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

*tcr/lkch*



**157 Babcock Street**



**Above:** Driveway leading to rear garage at 157 Babcock Street  
**Below:** Rear façade; proposed deck would be above rear porches.





View from the existing parking area at 157 Babcock Street onto the landscaped space on the southern portion of the lot.