



# *Town of Brookline*

## *Massachusetts*

### **PLANNING BOARD**

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To: Brookline Board of Appeals  
From: Brookline Planning Board  
Date: March 21, 2013  
Subject: Construct a pool in the front yard setback  
Location: 37 Warren Street

Atlas Sheet:	76	Case #:	2013-0013
Block:	324	Zoning:	S-15
Lot:	01-00	Lot Area (s.f.):	±36,720

Board of Appeals Hearing: March 28, 2013, at 7:15 p.m.

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### **SITE AND NEIGHBORHOOD**

37 Warren Street is located near the intersection of Boylston Street and Warren Street, abutting the Brookline Reservoir. On the site is a single-family dwelling and a carriage house that is used as both a garage and an accessory dwelling. The lot has two curb cuts, one driveway leading to the carriage house and another leading to the front of the main residence. A vertical board fence runs along the front property line. Surrounding properties include other single-family dwellings, as well as the Brookline Reservoir and the Reservoir Gatehouse.

### **APPLICANT'S PROPOSAL**

The applicants, John and Darla Soukas, wish to construct a pool in the property's front yard, next to the accessory dwelling/garage. The pool would be 16' x 34' and include a new patio area with lawn on the other side. A wire mesh fence would separate the new pool and patio area from the rest of the yard.

### **FINDINGS**

**Section 5.50 – Front Yard Requirements**

**Section 5.53 – Accessory Buildings in Front Yards**

**Section 5.54 – Exceptions for Existing Alignment**

<b>Dimensional Requirements</b>	<b>Required</b>	<b>Proposed</b>	<b>Relief</b>
<b>Front Yard Setback</b>	50'	37.4'	Special Permit/Variance**

\* Under **Section 5.54**, a front yard setback of 65' was calculated based on the existing alignment of neighboring buildings, however the setback cannot be greater than twice the existing requirement, which in an S-15 zoning district is 25'.

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

### **Section 8.02.2 – Alteration or Extension**

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

### **PLANNING BOARD COMMENTS**

The Planning Board is supportive of the proposed pool and related improvements. While the triangular-shaped lot is large, there are few places on the property where a pool would be appropriate. The proposed location, along with the landscaping and fencing shown on the “Overall Site Plan,” should adequately screen the pool and patio area from the road.

**Therefore, the Planning Board recommends approval of the site plan by Site Design Engineering, LLC, last dated 12/13/2012, and the plans prepared by Keith LeBlanc Landscape Architecture, dated 1/10/2013, subject to the following conditions:**

1. Prior to the issuance of a building permit, the applicant shall submit final plans 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 a final landscape and fencing plan including some jog backs on at least a couple of the fence panels with landscaping on the outside of the fence as well as other landscaping on the property, subject to the review and approval of the Assistant Director of Regulatory Planning.
3. A wood board fence, or similar, along with adequate landscaping shall be maintained along the front lot line to appropriately screen the pool area from the street.
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, and 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

*lkch*



**37 Warren Street**

