



# *Town of Brookline*

## *Massachusetts*

### **PLANNING BOARD**

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To: Brookline Board of Appeals  
From: Brookline Planning Board  
Date: May 15, 2014  
Subject: Construct a nine foot high retaining wall requiring side and rear yard relief  
Location: **55 Shaw Road**

Atlas Sheet:	111	Case #:	2014-0022
Block:	395	Zoning:	S-10
Lot:	09	Lot Area (s.f.):	±9,461

Board of Appeals Hearing: June 12, 2013 at 7:15 p.m.

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### **SITE AND NEIGHBORHOOD**

55 Shaw Road is a single family Tudor home built in 1930 that is similar in style and overall bulk to other properties in the immediate vicinity. Shaw Road is located in South Brookline, and is in an area that consists of solely single-family dwellings.

### **APPLICANT'S PROPOSAL**

The applicant, Erika Rangel, is proposing to construct a nine to ten foot high retaining wall at the rear of the property. The retaining wall will be within the side and rear yard setbacks. The wall is designed so the applicant can fill in their rear yard and make it level and usable.

### **FINDINGS**

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

**Section 5.60 – Side Yard Requirements**

**Section 5.62 – Fences and Terraces in the Side Yard**

**Section 5.70 – Rear Yard Requirements**

**Section 5.72 – Fences and Terraces in the Rear Yard**

Height Requirements	Required	Proposed	Relief
Side Yard Retaining Wall*	7'	9'-10'	Special Permit**
Rear Yard Retaining Wall*	7'	9'-10'	Special Permit**

\* The fence is over the allowed height of seven feet.

\*\* Under **Section 5.43**, the Board of Appeals may waive yard and setback requirements if a counterbalancing amenity is provided. The applicant is proposing to plant a row of evergreen trees as a counterbalancing amenity to screen the retaining wall from neighbors.

### **PLANNING BOARD COMMENTS**

The Planning Board is supportive of this proposal to allow the applicant to construct a nine to ten foot high retaining wall within the side and rear yard. The retaining wall will allow the property owner to fill in their rear yard and have a usable rear yard. The 9' high wall is necessary due to the grade of the property in the rear. The Board recommends that the applicant install landscaping to screen the retaining wall to the greatest extent possible as a counterbalancing amenity required for a special permit.

**Therefore, the Planning Board recommends approval of the site plan by Peter Nolan & Associates, LLC., dated 11/14/13, subject to the following conditions:**

1. Prior to the issuance of a building permit, a final site plan and wall section details and materials shall be submitted to the Assistant Director of Regulatory Planning for review and approval.
2. Prior to the issuance of a building permit, a final landscaping plan, indicating all counterbalancing amenities, shall be submitted to the Assistant Director of Regulatory Planning for review and approval.
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; 2) final wall elevations; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

*tcr*



55 Shaw Road front façade





