



Board of Appeals
Jesse Geller, Chair

Town of Brookline

Massachusetts

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Board of Appeals Virtual Public Hearing Minutes

Thursday, March 11, 2021

7:00 p.m.

Via ZOOM

ZBA DECISIONS can be found at: <https://www.brooklinema.gov/Archive.aspx?AMID=76>

Board Members Present: Chair Johanna Schneider, Mark Zuroff, and Lark Palermo

Staff Present: Monique Baldwin (*Cannabis Licensing & Mitigation Coordinator, on behalf of the Planning Department*) and Joseph Braga (*on behalf of the Building Department*)

Chair Johanna Schneider opened the meeting.

2021-0005 27 Intervale Road – Construct a second-story addition and make interior renovations

Attorney Robert Allen, on behalf of the owner, provided an overview of the project. Project architect, Paul Girello, provided an overview of the design.

Mr. Allen described the proposal to construct a 2,288 square foot second-story addition. He noted that the Preservation Planner issued a Certificate of Non-Significance for the existing house. Mr. Allen stated that no neighbors have voiced opposition to the requested relief, and a letter in support was provided from 257 South Street.

Mr. Allen reviewed the special permit standards in Section 9.05, and stated that all requirements would be met.

Chair Schneider asked if there was anyone present to speak in favor or opposition. No one spoke.

Monique Baldwin, Cannabis Licensing & Mitigation Coordinator, provided the Planning Board Report. The Planning Board supported the project.

Joseph Braga, on behalf of the Building Department, stated that the Building Department had no objections to the proposal.

Board Member Zuroff stated that the proposal will improve the house and noted that the criteria were met for the requested FAR increase.

Board Member Palermo concurred and stated that the addition is modest and appropriate in this neighborhood. Ms. Palermo then stated that the criteria for special permit relief were met under Section 9.05 of the Zoning By-law.

Chair Schneider concurred.

The Board unanimously granted the request for special permit.

2021-0001 144 Walnut Hill Road – Construct a rear addition

Attorney Robert Allen, on behalf of the owner, provided an overview of the project. Project architect, Alan Christ, provided an overview of the design.

Mr. Allen stated that the proposal received a lot of support from the neighborhood, and noted that 19 letters of support have been submitted to the Board from the abutters.

Mr. Allen stated that an immediate abutter had some concerns about the impact of the construction to their property. To address this, Mr. Allen noted that a condition - of the Board's decision - requiring that the Petitioner provide plans to the Department of Public Works for review and approval, including stormwater run-off, would be acceptable to the Petitioner.

Mr. Allen stated that the proposal is to construct a rear 2-story plus basement addition that will add approximately 1,010 square feet, and noted that the proposed addition will accommodate storage in the basement, an expansion of the dining space on the first floor, and some changes to the layout on the second floor.

Mr. Allen stated that the existing FAR is .33, where a maximum of .3 FAR is allowed by-right, and noted that the FAR will increase to .43 as a result of the proposed addition.

Mr. Allen opined that zoning relief is available to allow proposed additions by a finding of the ZBA under the case law pursuant to M.G.L. ch. 40A Section 10, (Deadrick v. Board of Appeals of Chatham, 85 Mass. Appt Ct 539), to allow for the extension of the preexisting nonconforming FAR.

Chair Schneider asked if there was anyone present to speak in favor or opposition. No one spoke.

Monique Baldwin, Cannabis Licensing & Mitigation Coordinator, provided the Planning Board Report. The Planning Board supported the project.

The Board discussed the potential addition of a condition requiring the Department of Public Works to review stormwater, and were in support of adding it as a condition.

Joseph Braga, on behalf of the Building Department, stated the Building Department had no objections to the proposal.

Board Member Zuroff stated that the project, as presented, was well designed and worthy of the requested relief.

Board Member Palermo concurred.

Chair Schneider stated that the proposal met the criteria under Section 9.05, and the strong support is an indicator that there will be no substantial detriment.

The Board unanimously granted the request for special permit.

2021-0002 85 Sears Road– Demolish a two story rear addition and replace it with a single-story addition

Attorney Robert Allen, on behalf of the owner, provided an overview of the project. Project architect, Jacob Lilley, provided an overview of the design.

Mr. Allen described the proposal to add a total of 36 square feet to the rear of the home. He noted that Preservation Staff determined that partial demolition was not triggered.

Mr. Allen stated that the existing FAR is .17, where a .15 is allowed by-right, and noted that the proposal seeks to add a total of 36 additional square feet of gross floor area which would increase the FAR to a .18.

Mr. Allen opined that relief is available by a finding by the ZBA, under the case law pursuant to M.G.L. ch. 40A, Section 6 (Deadrick v. Board of Appeals of Chatham, 85 Mass. Appt Ct 539), to allow for the extension of a preexisting nonconforming FAR if the Board finds that there is no new non-conformity created, and that the extension is not substantially detrimental to the neighborhood.

Mr. Allen noted that the Board has analyzed substantial detriment to the neighborhood through the lack of opposition, and through the special permit requirements under Section 9.05.

Mr. Allen noted that Mr. Hayes spoke with the neighbors, and there has been no opposition to the project.

Attorney Allen described the standards under Section 9.05 of the Zoning By-Law, and how the project would satisfy the requirements.

Chair Schneider asked if there was anyone present to speak in favor or opposition. No one spoke.

Monique Baldwin, Cannabis Licensing & Mitigation Coordinator, provided the Planning Board Report. The Planning Board supported the project.

Joseph Braga, on behalf of the Building Department, stated the Building Department had no objections to the proposal.

Chair Schneider stated that the addition was a modest 36 square feet, and noted that the proposal would not create a new nonconformity, nor be substantially detrimental to the neighborhood.

Board Members Zuroff and Palermo concurred.

The Board unanimously granted the request for special permit.

Minutes

The Minutes of 11/30/20 and 12/10/20 are continued.

The meeting was adjourned.