



Town of Brookline

Massachusetts

PLANNING BOARD

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To: Brookline Zoning Board of Appeals
From: Brookline Planning Board
Date: August 8, 2019
Subject: Demolish single-family dwelling and construct new single-family dwelling
Location: **114 Clyde Street**

Atlas Sheet: 87	Case #: 2018-0069
Block: 339	Zoning: S-40
Lot: 12	Lot Area (s.f.): 45,831

Board of Appeals Hearing: **August 29, 2019, 7:00 pm or after**

BACKGROUND

March 7, 2019 – Planning Board considered the case and felt that the house was too large and the mansard roof added unnecessary massing to the building. The applicant agreed to revise the design and return to the Planning Board.

June 2018 – The applicant submitted an application for demolition, and the Preservation Commission found the structure to be significant and placed a twelve month stay of demolition on the property, which expired in June 2019.

SITE AND NEIGHBORHOOD

114 Clyde Street is a large single family home with a two-car garage in the rear left corner of the property and a small pool in the front yard. The neighborhood consists of other large single-family homes. The Country Club is nearby.

APPLICANT'S PROPOSAL

The applicant, Whittenton Investment, LLC, is proposing to demolish the existing single family dwelling (7,963 s.f.). The new residence will contain 10,653 s.f. and will have a two-car garage. The structure will have a basement and two levels. The basement will contain a family room, play area and guest suite.

The first floor houses the main living spaces, master suite and an in-law suite. The third floor will have four additional bedrooms.

A pool to the front right side of the house will remain. A cobblestone circular driveway is in front of the house and along the side.

REVISED PROPOSAL

The revised style of the house is Italianate. It has a gently sloped clay tile roof with deep overhangs and decorative brackets, light tone stucco finish, a paired French entry door, narrow windows with a simple stone surround, a small porch at entry with arcades that supports a porch on second level, and stone columns and balusters. The previous submission was a three story Mansard Second Empire design, whereas the current design is a two story Italianate structure with some of its mass being one story, although there is an additional story at the rear for a walk-out basement. The large covered rear patio in the previous submission has been decreased in size, and the circular driveway in the front yard has been eliminated.

Sections 5.09.2.j and n – Design Review: Any exterior addition for which a special permit is requested pursuant to *Section 5.22 (Exceptions to Maximum Floor Area Ratio Regulations)* requires a special permit subject to the design review standards listed under *Section 5.09.4(a-l)*. The most relevant sections of the design review standards are described below:

- a. Preservation of Trees and Landscape – The proposal requires removal of some trees, including one with a 30” caliper and a red maple.
- b. Relation of Buildings to Environment – Although this is a large lot, the new house, cobblestone drive, pools, pool house and greenhouse cover much more of the lot than is the current condition.
- c. Relation of Buildings to the Form of the Streetscape and Neighborhood – The proposed house will be closer to the street than the existing house but is well-screened from the street by shrubbery.

Section 5.20 – Floor Area Ratio

Floor Area	Allowed	Existing	Proposed	Finding
Floor Area Ratio (% of allowed)	.15 (100%)	.156* (104%)	.19 (126%)	Special Permit**/ Variance
Floor Area (s.f.)	6,875	7,963 (11/2018)* 7,153 (8/2019)*	8,668 (previously 10,653)	

**The Planning Board questioned the figures for the existing floor area and asked for an independent certified analysis to ensure this project would fall under Deadrick for a special permit. Several different figures were submitted at different times.

*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 this non-conforming structure. This is no longer applicable when revisions were made which do not retain part of the house.

PLANNING DEPARTMENT ANALYSIS

The Planning Department would have preferred to see this historic home renovated, and not demolished. After the first Planning Board meeting on this case and in response to Planning Board comments on the massing and design, the applicant has significantly revised the architectural style of the proposed new house and reduced the floor area by 1,985 s.f. At 8,668 s.f., however, the proposed house is still quite large, and the façade and form very busy. With some simplifications to the varied roof lines, the design of this house could be improved. The Planning Department would like the Planning Board to weigh in on the architectural aspects of this new house.

PLANNING BOARD COMMENTS

The Planning Board was pleased with the revised design of the house, which was changed from a Mansard Second Empire design to an Italianate design. However, the Board still found the size of the house too large and that, therefore, it would be detrimental to the neighborhood. The Board felt that if the floor area of the house were reduced by 200 s.f., making it a little less than 120% of the allowed FAR, the Board could find the house not detrimental. The Board used as a guide Sec. 5.22.3.b.1.b, Exceptions to Maximum FAR, in the Zoning By-Law, which allows an addition to an existing house to go up to 120% of the allowed FAR by special permit.

The Board also wanted to note that the floor area calculations provided of the previously existing house changed several times, including on two “certified” floor plans. The most recently submitted calculation was over the allowed .15 maximum FAR by only .006, a de minimus amount. The Board specifically questioned the accuracy of the amount of floor space in the basement that was counted as habitable space, noting that the Assessors data considered only 351 SF of the existing basement as habitable. Plans and elevations of the existing house indicated that the front portion of the basement was windowless and may not have qualified as habitable space, and therefore would not count as part of the gross floor area for purposes of determining FAR. Since the house has now been demolished, this cannot be verified. The Planning Board believed that allowing a house to use Deadrick to greatly exceed the FAR allowed for a new house on the same size lot, was questionable. The Board was particularly concerned that, even if accurate, the application of Deadrick where the previous FAR non-conformity was so minimal was a worrisome precedent.

Therefore, if the Board of Appeals finds that this proposal falls under Deadrick, the Planning Board recommends approval of the site plan by Michael Clancy, revised 6/24/19, and the floor plans and elevations by Tipler, dated 7/1/2019, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, floor plans certified and dimensioned demonstrating that the FAR of the new house does not exceed 120% of the allowed floor area, and elevations subject to the review and approval of the Planning Board.
2. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan showing screening on both sides and rear of the property, after input from the rear abutter, subject to the review and approval of the Assistant Director of Regulatory Planning.

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 floor plans and elevations stamped and signed by a registered architect or engineer; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Pss/knm

