



# *Town of Brookline*

## *Massachusetts*

### **PLANNING BOARD**

Town Hall, 3<sup>rd</sup> Floor  
333 Washington Street  
Brookline, MA 02445-6899  
(617) 730-2130 Fax (617) 730-2442

9/20/19

Steve Heikin, Chair  
Robert Cook, Clerk  
James Carr  
Linda K. Hamlin  
Blair Hines  
Mathew Oudens  
Mark J. Zarrillo

To: Brookline Zoning Board of Appeals  
From: Brookline Planning Board  
Date: 9/26/19 Zoning Board of Appeals Meeting  
Subject: Convert a three-unit dwelling into a five-unit dwelling.  
Location: **111 Winthrop Road**

Atlas Sheet:	43	Case #:	2019-0055
Block:	217	Zoning:	M-1.0
Lot:	43	Lot Area:	9,250 SF

Board of Appeals Hearing: **September 26, 2019 at 7:00 pm**

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### **DEMOLITION/PRESERVATION**

On December 11, 2018, the Preservation Commission voted to uphold the Preservation staff's initial determination that the structure at 111 Winthrop Road is significant and imposed a 12-month stay on partial demolition. The applicants have not applied to lift the stay, which will expire on December 11, 2019.

### **SITE AND NEIGHBORHOOD**

The building at 111 Winthrop Road was constructed as a single-family house between 1893 and 1900. It was converted to a two-family house in 1945, and is listed today as a three-family dwelling. The structure is a good example of a Queen Anne, despite having lost some important character defining features. The property is located in the northern portion of the Aspinwall Hill neighborhood, in an apartment zoned district just south of Washington Square. This neighborhood consists primarily of apartment buildings or townhouses.

### **APPLICANT'S PROPOSAL**

The owner, Lim Epstein Nominee Trust, is proposing to convert the three-family dwelling into a five unit apartment building. The conversion entails renovation of all facades of the building

with substantial additions to the rear façade. Interior work aside, the majority of the scope of work would occur on the rear of the structure. The front façade would see some material changes, the replacement of the roof deck, and the elimination of the two brick chimneys. The left and right elevations would see minimal change except the addition or elimination of windows and the squaring-off of some building volumes. The rear portion of the structure would be expanded on all 5 floors, creating an entirely new rear elevation. The total added square footage resulting from these changes is 2,451 sq. ft.

**FINDINGS**

ZONING: M-1.0	Required/Allowed	Existing	Proposed	Relief
Use		3-Unit	5-Unit	None
Lot Size	7,000sf	9,250sf	9,250sf	None
Floor Area Ratio	1.0 / 100% 9,250sf	0.62 / 62% 5,706sf	0.88 / 88% 8,157sf	None
Lot Width	None	90'	90'	None
Height	40'	40'11"	40'11"	Special Permit, § 5.05 <sup>1</sup>
Setbacks: F/S/R	15/14.6/30	21/4/51	21/4/43	Special Permit, §§ 5.05 <sup>1</sup> , 5.43 <sup>2</sup>
OS: Landscaped/Usable	10%/20%		22%/26%	None
Parking Spaces	10	9	9	Special Permit, §6.01.2.a <sup>3</sup>

<sup>1</sup> **Section 5.05: Conversions** – In M districts, conversions that create additional units must conform to all dimensional requirements. The Zoning Board of Appeals may waive any dimensional requirement (except lot size) by Special Permit provided that “no previously existing nonconformity to such requirements is increased and provided that all other requirements of this By-law for such conversions are met.”

<sup>2</sup> **Section 5.43: Exceptions to Yard and Setback Regulations** – The Zoning Board of Appeals may waive any setback requirement in the Bylaw if appropriate counterbalancing amenities are provided.

<sup>3</sup> **Section 6.01.2.a: General Regulations Applying to Required Off-Street Parking Facilities** – In M districts, when a structure is converted for additional units, the Zoning Board of Appeals may waive up to one half the number of parking spaces required.

## **Other Zoning Requirements**

### **Section 5.44: Accessory Underground Structures**

A portion of the main building located below grade is located less than 10 feet from a property line. The Zoning Board of Appeals may waive this by Special Permit, per §5.44, provided that it is *“counterbalanced by appropriate landscaping and screening to assure the same standard of amenity to nearby properties as would have been provided by compliance with the regulations of the By-law.”*

### **Section 5.62: Fences and Terraces in Side Yards**

The applicant is proposing retaining wall over 7 feet tall within a required side yard setback. The Zoning Board of Appeals may allow this by Special Permit, per §5.62, if the Board determines that it is *“warranted to mitigate noise or other detrimental impact or provide greater safety.”*

### **Section 6.04.5.a: Design of All Off-Street Parking Facilities**

The existing (and proposed) parking spaces do not comply with a number of the design requirements for parking spaces, including: the width of parking stalls; the setback of the parking area from property lines; the percentage of spaces devoted to compact stalls; the design of stalls to avoid backing out into a public/private way; prohibition on tandem spaces. All of these are pre-existing conditions that will remain unaltered and simply require a Special Permit.

### **Section 8.02: Alteration or Extension**

A Special Permit is required to alter and/or extend this non-conforming structure.

## **PLANNING DEPARTMENT COMMENTS**

The Planning Department is supportive of this proposal. The proposal successfully preserves an existing historic building and converts it to produce 2 additional dwelling units located in close proximity to a commercial area and public transit. No new nonconformities are being produced, aside from new retaining walls, which are necessary to maintain the steep slope.

Counterbalancing amenities will need to be provided in the form of landscaping or screening; this can be required as a condition to the Special Permit.

## **PLANNING BOARD RECOMMENDATION**

The Planning Board is supportive of the proposal, although they suggested a few changes to improve the project. The Board would like the front façade to reflect some of the original design elements. The Planning Board also recommended that the applicant eliminate the parking space furthest from the left-side property line and replace it with landscaping, reduce the width of the curb-cut, and relocate the AC units. The Board requested that the project return to the Planning Board for final design review after the Zoning Board of Appeal's decision.

**The Planning Board recommends approval of the site plan and architectural plans by Philip Kramer Architect, LLC, dated July 9, 2019, and revised July 30, 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 and elevations subject to the review and approval of the Planning Board. Revised plans shall also show the elimination of the parking space furthest from the left-side property line, the reduction in the width of the curb cut, and the relocation of the AC units.**

2. **Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan showing all counterbalancing amenities subject to the review and approval of the Planning Board.**
  
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: a) a final site plan stamped and signed by a registered engineer or land surveyor; b) final floor plans and elevations stamped and signed by a registered architect or engineer; and c) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.**

**Subject Site**



**Aerial Photograph - Neighborhood Context**

