



# Town of Brookline

## Massachusetts

12/2/19

### PLANNING BOARD

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To: Zoning Board of Appeals  
From: Planning Board  
Date: November 14, 2019  
Subject: Construct new two-family dwelling  
Location: 761 Washington Street

<b>Atlas Sheet:</b>	21	<b>Case #:</b>	2018-0093
<b>Block:</b>	92	<b>Zoning:</b>	T-5
<b>Lot:</b>	15	<b>Lot Area:</b>	7,824 SF

**Board of Appeals Hearing: December 12, 2019 at 7:00 pm or later**

### DEMOLITION/PRESERVATION

**August 2018** – The Preservation Commission upheld the initial determination of significance on this house and placed a 12-month stay of demolition on this property. The 12-month expired on August 21, 2019.

### SITE AND NEIGHBORHOOD

761 Washington Street is a two and a half story, two-family house located near the intersection of Bartlett Street. The property abuts a private way – Bartlett Crescent – and Driscoll School at the rear. A detached garage is accessed from this private way. The neighborhood consists mostly of two-family homes and small multi-unit buildings and is close to Washington Square and the Boston city line.

### APPLICANT'S PROPOSAL

The applicants, Robert and Lee Shin, propose to demolish the existing two-family dwelling and two-car garage and construct a new two-family dwelling. The new structure will contain 7,709 square feet of finished area. Each unit will have three levels of finished space and an unfinished basement.

### FINDINGS

**Section 4.07 – Table of Use Regulations Use #5**

A special permit is required for an attached dwelling provided that no row of such units shall consist of more than two units.

**Sections 5.09.2.a and n – Design Review:** Any exterior addition for which a special permit is requested pursuant to *Section 5.09.2.n* as well as any property on Washington Street requires a special permit subject to the design review standards listed under *Section 5.09.4(a-l)*.

**Section 5.09.2.n**

n. any construction of newly created space, whether or not habitable, finished or built out, where such space substantially satisfies the requirements for habitability under the State Building Code or could with the addition of windows or doors and without other significant alterations to the exterior of the building be modified to substantially meet such habitability requirements, and which space if finished or built out or converted to habitable space would result in the total Gross Floor Area of the structure being greater than the permitted Gross Floor Area in Table 5.01. In granting any such special permit, the Board of Appeals, in addition to the requirements of §5.09 and §§9.03 to 9.05, shall be required to find that the massing, scale, footprint, and height of the building are not substantially greater than, and that the setbacks of the building are not substantially less than, those of abutting structures and of other structures conforming to the zoning by-law on similarly sized lots in the neighborhood. **In granting a special permit for construction of such non-habitable space, the Board of Appeals shall set forth as a condition of the special permit the extent to which such space may or may not be converted to habitable space in the future pursuant to Section 5.22 or otherwise, with the allowed future conversion to habitable space no greater than the applicant’s representation of the intended amount of future conversion.**

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

**Section 6.04.5.c.1 – Design of All Off-Street Parking Facilities**

Section 6.04.5.c.1 requires that parking areas must be setback a from the front lot line the same distance as the building is required to be setback. On Bartlett Crescent, the required setback is 23.11’; there are two proposed parking spaces within that required setback. Under §5.43, the Board can approve the substitution of counterbalancing amenities in place of the required parking setback.

**PLANNING STAFF ANALYSIS**

The Planning staff would prefer to see the original house maintained and this project envisioned as a renovation and addition. The neighborhood has an established architectural style and it would be preferable to see new construction remain consistent with that style. Nonetheless, the area is in close proximity to a commercial area and a school and could reasonably accommodate additional density.

At the September 26, 2019 meeting, the Planning Board expressed continued concern with the increase in floor area and wanted further revisions to the look of the house

from Washington Street to make it more in line with the rest of the neighborhood. The applicant has revised their plans to slightly increase the setback from Washington Street by 3' and reduce the floor area slightly (110sf less of finished space and 315sf less of unfinished space). The two unenclosed parking spaces on Bartlett have also been shifted so that they are now in front of the garage area, and the deck covering them has been removed. Besides those changes, the proposal remains substantially the same as the plans presented at the September 26<sup>th</sup> meeting.

### **PLANNING BOARD RECOMMENDATION**

The Planning Board is supportive of the proposal although Planning Board members remain concerned with a few aspects of the project. The Board would like to ensure that the lighting on the front deck is reasonable and will not negatively impact the surroundings. The Board also feels that the width of the battens that surround the front deck is of critical importance to the success of the design, in that thin battens are necessary to reduce the perception of mass along the front elevation.

**Therefore, the Planning Board recommends approval of the site plan and architectural plans prepared by Merge Architects, dated 11/14/19, 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 Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit a final site plan, floor plans, elevations, landscape plans, a lighting plan, and details on the materials and construction of the board and batten siding on the front elevation to the Planning Board for review and approval.
3. The extent to which any non-habitable space may be converted to habitable space in the future, in addition to other relevant By-law sections regulating FAR, must comply with §5.22 of the Zoning By-law.
4. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan produced and stamped by a certified arborist which shall also show tree protection measures subject to the review and approval of the Assistant Director of Regulatory Planning.
5. 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.

