Town of Brookline
Massachusetts

PLANNING BOARD
Town Hall, 3rd Floor
333 Washington Street
Brookline, MA 02445-6899
(617) 730-2130 Fax (617) 730-2442

Linda K. Hamlin, Chairman
Steven Heikin,Clerk
Robert Cook
Blair Hines
Sergio Modigliani
Mathew Oudens
Mark J. Zarrillo

To: Brookline Board of Appeals

From: Brookline Planning Board

Date: September 8, 2016

Subject: Create a common driveway, construct garage and provide all parking for 29-31 Winthrop Road and 33 Winthrop Road on front lot

Location: **29-31 Winthrop Road (existing dwelling)**

Atlas Sheet:	41	Case #:	2016-0040
Block:	210	Zoning:	T-6
Lot:	10	Lot Area (s.f.):	10,355

Board of Appeals Hearing: September 22, 2016 at 7:15 p.m.

SITE AND NEIGHBORHOOD

September 14, 2015: The lot at 33 Winthrop Road was subdivided and the building formerly 31-33 Winthrop Road was renumbered to 29-31 Winthrop Road, where there is an existing two family dwelling. The surrounding uses are primarily multifamily residential dwelling units; many of which have front yard parking areas.

APPLICANT'S PROPOSAL

As-of-Right Permitted Proposal:

The applicant has an as-of-right proposed permitted layout which includes all the required parking. The existing garage at 29-31 Winthrop Road has been removed to allow for the construction of an asphalt driveway to accommodate for the parking for the new dwelling at 33 Winthrop Road, as well as the parking at 29-31 Winthrop Road (See Appendix A).

The as-of-right parking plan for the existing home at 29-31 Winthrop Road consists of 4 tandem spaces along the east side of the building and one space at the south side of the lot.
The as-of-right parking plan for the new two-family home at 33 Winthrop Road consists of five

tandem spaces sited along the left side of the building, five feet from the abutter's property line.

The as-of-right parking proposal for both 33 Winthrop Road and 29-31 Winthrop Road with each lot having fewer than 6 spaces would qualify, under **Section 6.03.11,** for a special permit to waive dimensional parking requirements for parking lots.

However, the applicant is seeking zoning relief for a proposal to construct an alternative parking plan from that allowed as-of-right. If not granted, he states that he will build the as-of-right proposal.

Parking Proposal Needing Relief

The new parking proposal places all the required parking for both 29-31 Winthrop Road and 33 Winthrop Road on the front lot. By proposing to place all of the parking (10 spaces) onto one lot, the number of spaces is greater than six, and therefore not exempt from **Section 6.03**. A special permit would be required to waive the dimensional relief for the parking.

The Applicant is proposing to create a common driveway that runs northwesterly along the lot line for 29-31 Winthrop Road. Along the common drive are five parking spaces (3 compact and 2 regular) for 29-31 Winthrop Road. As the proposed common drive wraps around the property line, it allows access to an underground parking structure at the rear of 29-31 Winthrop Road with 5 parking spaces to serve 33 Winthrop Road (See Appendix B)

The proposed parking structure would also serve as an open space deck for 29-31 Winthrop Road.

FINDINGS 29-31 Winthrop Road

Section 5.43: Exceptions to Yard and Setback Regulations
Section 5.50: Front Yard Requirements
Section 5.60: Side Yard Requirements
Section 5.91: Usable Open Space

Dimensional Requirements	Required	Existing	Proposed	Relief Required
Front-Yard Setback	30'	25'	no change	**Existing Condition**
West Side-Yard Setback (parking spaces)	5'	n/a	0'	**Special Permit***
Rear-Yard Setback (parking structure)	5'	n/a	0'	**Special Permit***
Usable Open Space 29-31 Winthrop Road	30% of GFA **2,084.1** (Max 521.025 >8% grade)	n/a	3,769 SF (62.8%)	**Conforms****

** Under **Section 5.43**, the Board of Appeals may waive by special permit yard and/or setback requirements if counterbalancing amenity is provided. The applicant is working on a landscaping plan which will show counter-balancing amenities.*
*****The applicant has not submitted a topographical map indicating the existing and proposed grade.***

Section 5.44.3, 4: Accessory Underground Structures: The Board of Appeals may by special permit authorize such an accessory underground garage structure or part of a main building which is not located entirely beneath the surface of the ground at the natural grade level within a required front yard provided: a) The structure shall meet all the conditions of paragraph 2, no parking on the roof of such structure, no parked vehicles shall be seen from the street (See Appendix C).

Relief Required: The Board of Appeals may by special permit modify the setback requirements as long as counterbalancing amenities are provided as well as appropriate landscaping and screening.

Section 6.03.1.a,b: Location of Required Off-Street Parking Facilities

> **Section 6.03.1.a**: Location of Required Off-Street Parking Facilities: Required off-street parking facilities shall be provided on the same lot or premises with the principal use served.
>
> **Section 6.03.1.b:** Where the requirements in subparagraph above cannot be met, the BOA by special permit under article IX may authorize within the same district required parking on any lot in the same ownership within 400 feet of the principal us served, subject to such bond or other assurance of permanence as it may deem adequate.

Relief Required: The Board of Appeals may grant a **special permit** under article IX per conditions stated above. The applicant is proposing to provide the parking on the adjacent lot, less than 400' away. To assure permanence of common ownership the applicant is working with their attorney to meet the requirement of the by-law.

Section 6.04.2.a.b: Design of All Off-Street Parking Facilities

Relief Required: The proposed plans for 29-31 Winthrop and 33 Winthrop comply with the minimum dimensions of stalls, no relief is required.

Section 6.04.4.b: Design of All Off-Street Parking Facilities: Entrance and exit drives shall be a minimum of 20 feet wide for two-way use. The majority of the proposed driveway is 10 feet wide, with the exception of the portion of the driveway behind the entrance to the parking structure at the rear at 19' and 16' (See Appendix D).

Relief Required: Variance

Section 6.04.4.c.: Design of All Off-Street Parking Facilities: Entrance and exit drives shall be a maximum of 20 feet wide at the street lot line in residence districts.

Relief Required: Variance

Section 6.04.5.d: Design of All Off-Street Parking Facilities: In all districts, curbs shall be provided to prevent motor vehicles from being parked within required setback areas, or beyond

the boundaries of the lot where no setback is required.

Relief Required: The applicant needs to provide curbs.

Section 6.04.6: Design of All Off-Street Parking Facilities: Nearby properties shall be protected from lights, as follows: a. All illumination on parking lots must be shielded so as not to shine upon abutting or other nearby properties or streets.

Relief Required: The applicant must include ways to mitigate light disturbances in their landscaping plan.

Section 6.04.7: Design of All Off-Street Parking Facilities: No stall shall be located within 10 feet of a building having windows of habitable rooms at the basement or first-story level.

Relief Required: The applicant has not provided enough information regarding where existing windows are in relation to the proposed parking. The building footprint does come within 10' of the proposed parking (See Appendix E).

PLANNING BOARD COMMENTS

The Planning Board considered both the as-of-right parking solution and the proposed parking solution, which requires zoning relief. Though the Planning Board feels the proposed parking solution creates a congested environment for the front lot, they are not opposed to this proposal because it is functional compared to having five tandem spots on each lot separately. Additionally, the new proposal also provides a counterbalancing amenity in the form of a roof deck on top of the parking structure. The Planning Board would like to see landscape screening to protect abutters from light disturbances.

Therefore, if the Board of Appeals finds that the statutory requirements for relief are met, the Planning Board recommends approval of the site plan prepared by Bruce Bradford, dated 7/27/16, and the architectural plans by Kent Duckham, dated 7/28/16 subject to the following conditions.

1) Prior to the issuance of a building permit, the applicant shall submit stamped and surveyed site plan showing setbacks for parking structures and floor plans and elevations showing all proposed materials, 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 final engineered plans showing grade and sections through University Path, 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 a drainage plan, subject to the review and approval of the Department of Public Works Engineering Division.

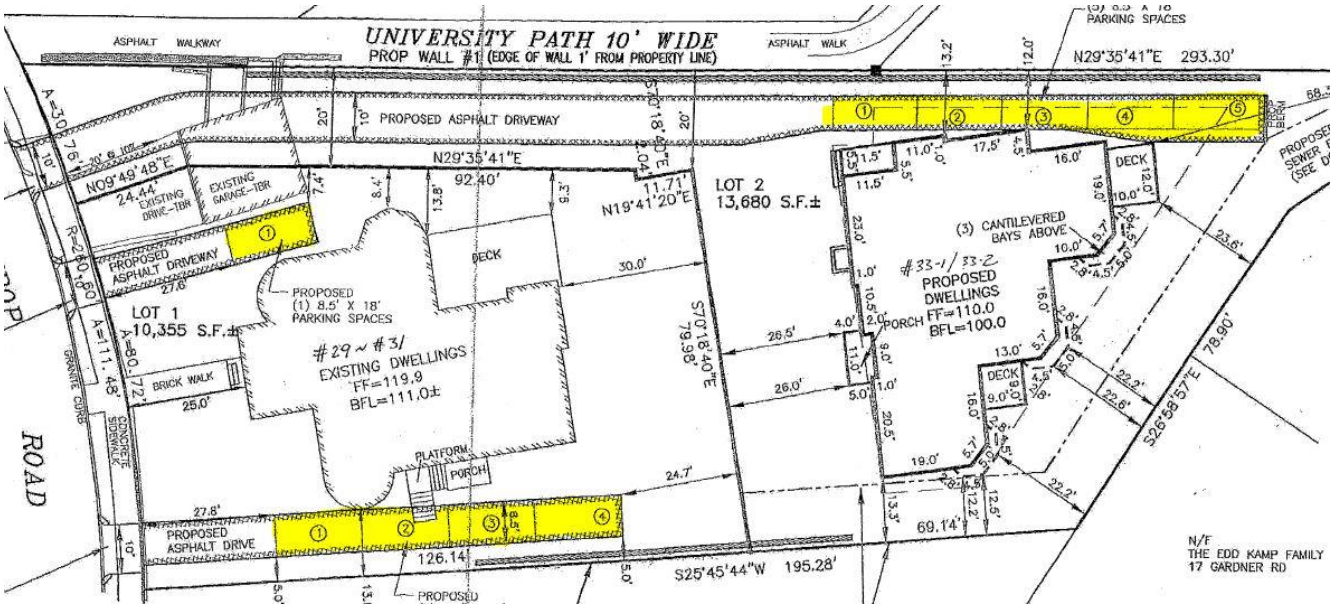
4) Prior to the issuance of a building permit, the applicant shall submit an assurance of permanence of common ownership of the parking structure easement as outlined by the Brookline Zoning By-Law under 'lot'.

5) Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan, including all counterbalancing amenities and features intended to minimize the visual impact of vehicle headlights on abutting properties and the fencing/retaining wall between the new access drive and University Path to separate vehicular and pedestrian traffic, subject to review and approval by the Assistant Director for Regulatory Planning.

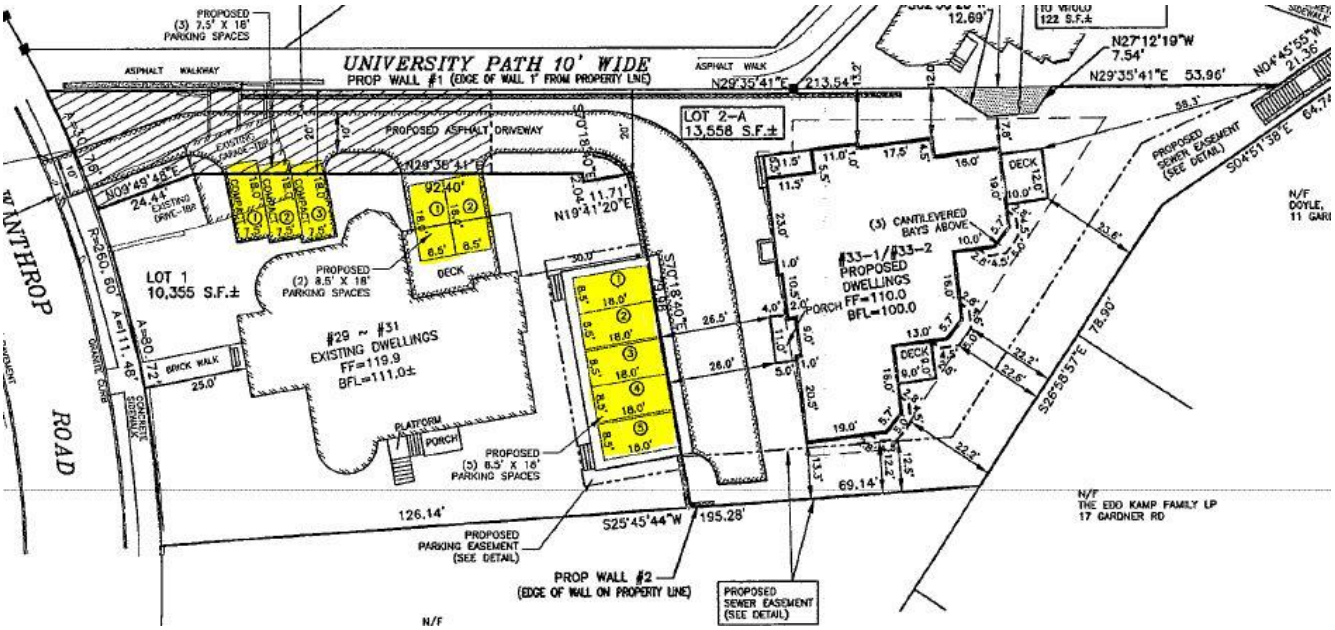
6) Prior to issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered engineer or land surveyor; 2) final building elevations and floor plans stamped and signed by a registered architect; and 3) evidence easements and decision have been recorded at the Registry of Deeds.

alc

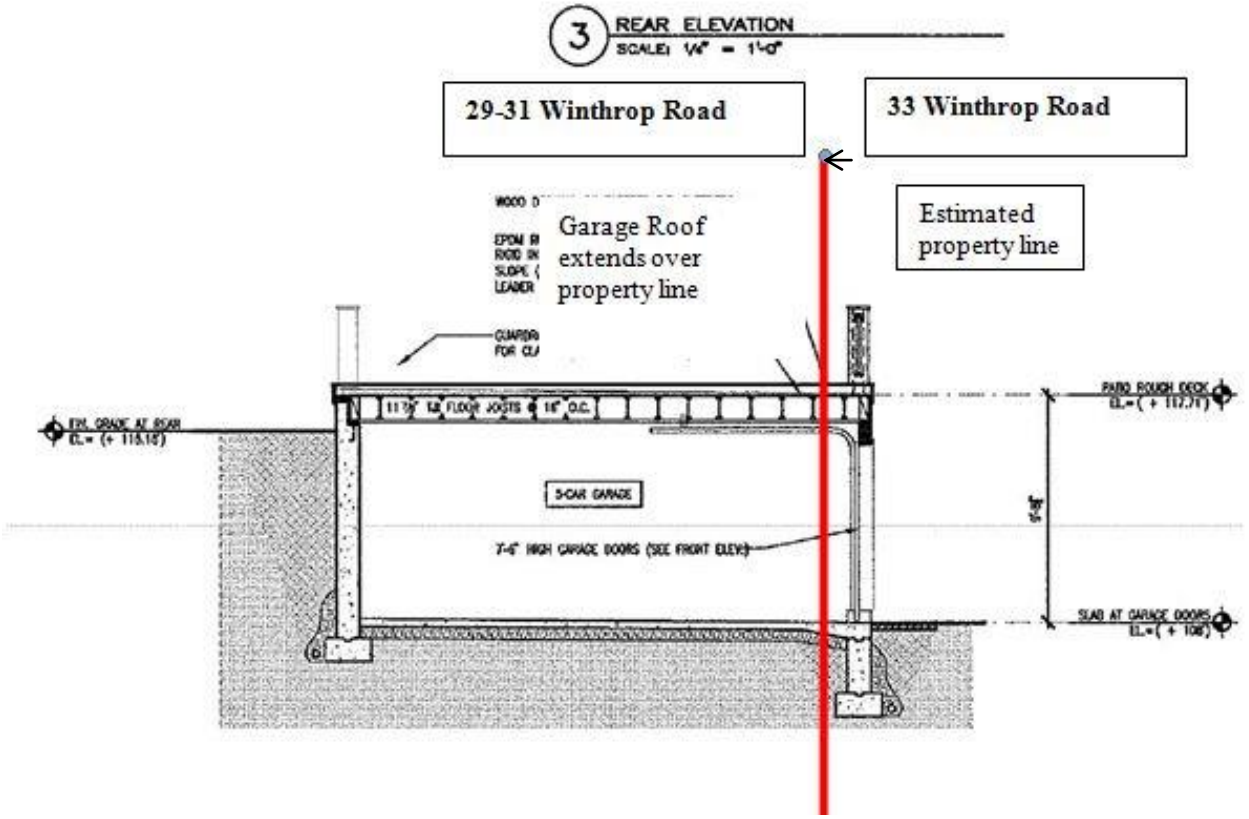
Appendix A: Permitted Layout



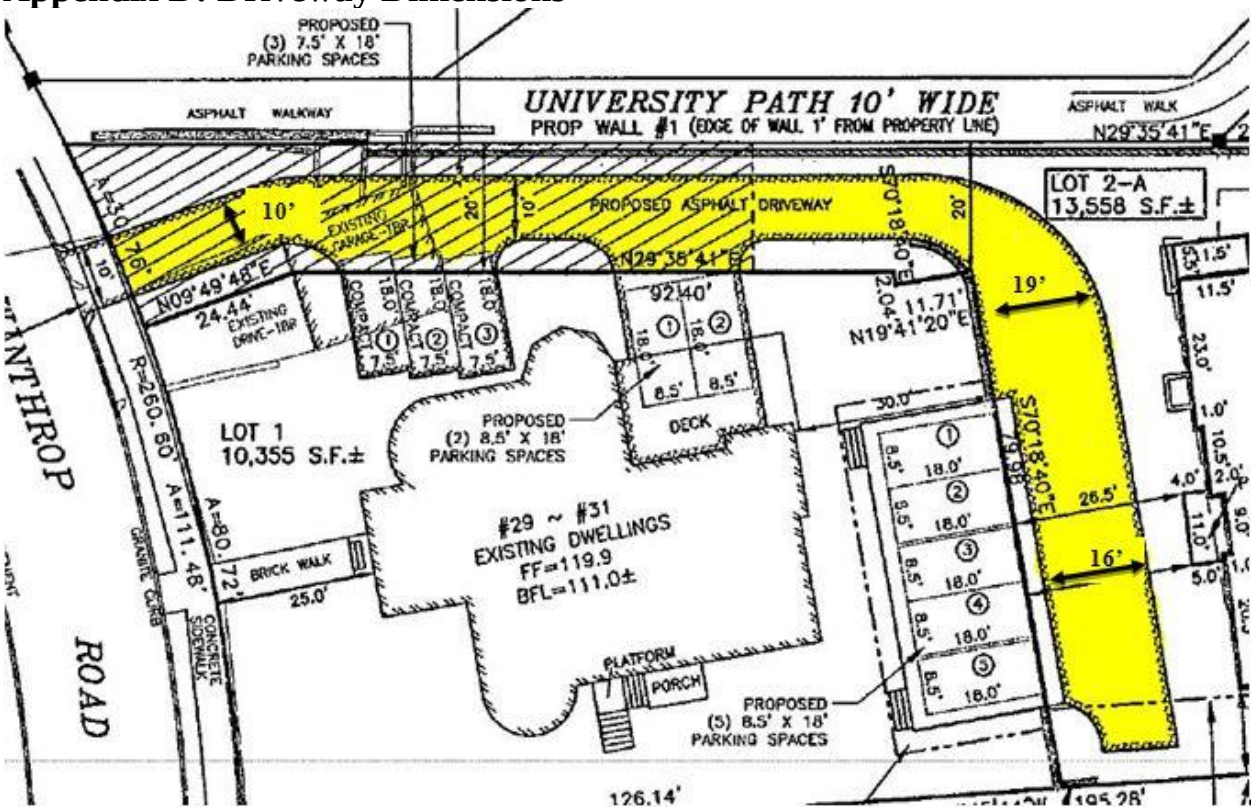
Appendix B: Proposed Parking Layout



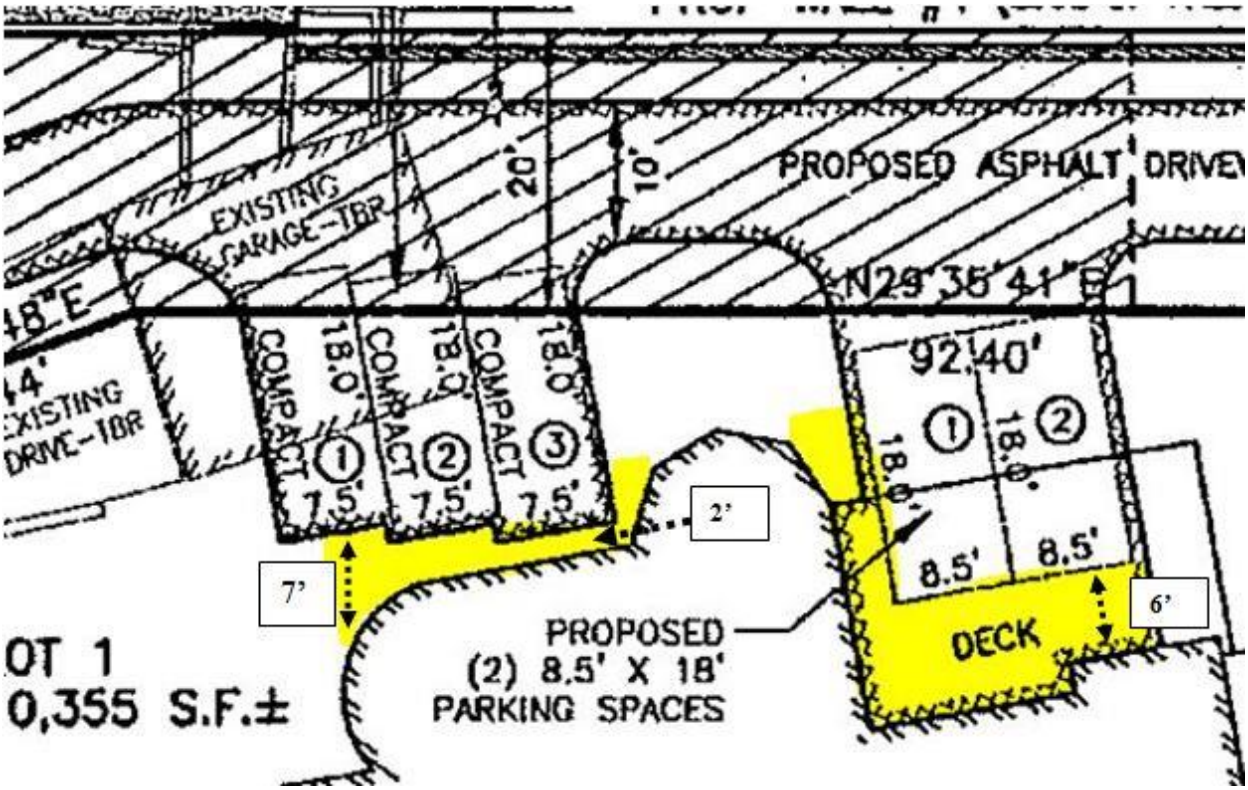
Appendix C: Underground Parking Structure



Appendix D: Driveway Dimensions



Appendix E: Parking Space Location in Relation to Building Footprint



Appendix F: Street View Conditions

Street View Pre-Garage Removal (Assessor's photo)

Current Street View (August 2016)

View from Stairs on University Path (August 2016)

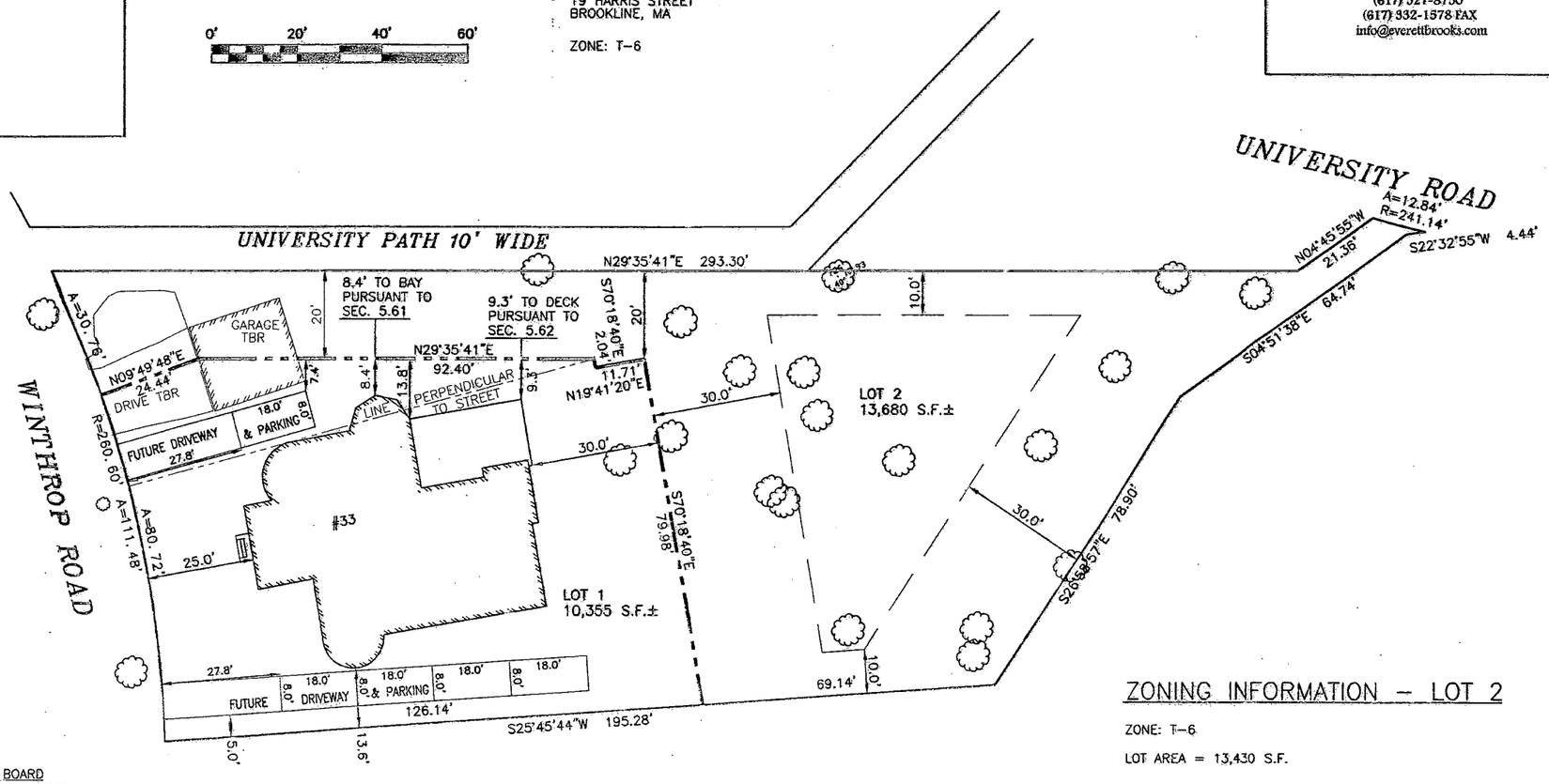
DEED REFERENCE:
BOOK 7245 PAGE 429

PLAN REFERENCE:
PLAN 1341 OF 1986

OWNER OF RECORD:
31-33 WINTHROP ROAD DEVELOPMENT, LLC
19 HARRIS STREET
BROOKLINE, MA

ZONE: T-6

ESTABLISHED 1916
EMB
EVERETT M. BROOKS CO.
SURVEYORS & ENGINEERS
49 LEXINGTON STREET
WEST NEWTON, MA 02465
(617) 527-8750
(617) 332-1578 FAX
info@everettbrooks.com



ZONING INFORMATION – LOT 2

ZONE: T-6

LOT AREA = 13,430 S.F.

BROOKLINE PLANNING BOARD
APPROVAL NOT REQUIRED UNDER THE SUBDIVISION CONTROL LAW

DATE:_____

PLANNING BOARD ENDORSEMENT OF THIS ANR PLAN DOES NOT IMPLY CONFORMANCE WITH THE BROOKLINE ZONING BY-LAW.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

DATE: 9/14/15

Bruce Bradford

PROFESSIONAL LAND SURVEYOR

COMMONWEALTH OF MASSACHUSETTS
BRUCE BRADFORD
No. 29370
PROFESSIONAL LAND SURVEYOR

ZONING INFORMATION – LOT 1

ZONE: T-6

		PROPOSED	REQUIRED (2-FAMILY DWELLING)
LOT SIZE		10,355 S.F.±	6,000 S.F. MIN.
LOT WIDTH		81.2' MIN. AT BUILDING	55' MIN.
MINIMUM YARD	(FRONT)	25.0'	15' MIN. (27.8' SEC 5.54-2)
	(SIDE)	13.8' AND 13.6' (8.4' TO BAY PURSUANT TO SECTION 5.61) (9.3' TO UNCOVERED PORCH PURSUANT TO SECTION 5.62)	10' MIN.
	(REAR)	30.0'	30' MIN.
LOT WIDTH		81.2' MIN. AT BUILDING	55' MIN.

PLAN OF LAND IN BROOKLINE, MA

33 WINTHROP ROAD

SCALE: 1 IN.= 20 FT.
DATE: SEPTEMBER 14, 2015
DRAWN: LNP/ES/JF
CHECK: BB

REVISIONS:

PROJECT NO. 24750

PERMITTED LAYOUT

N/F
JAMES
35–37 WINTHROP RD

N/F
VITOLO
153 UNIVERSITY RD

N/F
DOYLE, COLEMAN
11 GARDNER RD

N/F
THE EDD KAMP FAMILY LP
17 GARDNER RD

N/F
KLEIN
25–27 WINTHROP RD

UNIVERSITY PATH 10' WIDE
PROP WALL #1 (EDGE OF WALL 1' FROM PROPERTY LINE)

ASPHALT WALKWAY
ASPHALT WALK
PROPOSED ASPHALT DRIVEWAY
N29°35'41"E 293.30'
N29°35'41"E 92.40'
N09°49'48"E 24.44'
EXISTING DRIVE–TBR
EXISTING GARAGE–TBR
PROPOSED ASPHALT DRIVEWAY
LOT 1
10,355 S.F.±
LOT 2
13,680 S.F.±
N19°41'20"E 11.71'
S70°18'40"E 79.98'
S04°51'38"E 64.74'
N04°45'55"W 21.36'
PROPOSED SEWER EASEMENT (SEE DETAIL)
PROPOSED (5) 8.5' X 18' PARKING SPACES
PROPOSED (1) 8.5' X 18' PARKING SPACES
PROPOSED (4) 8.5' X 18' PARKING SPACES
(3) CANTILEVERED BAYS ABOVE
#33-1 / 33-2
PROPOSED DWELLINGS
FF=110.0
BFL=100.0
#29 ~ #31
EXISTING DWELLINGS
FF=119.9
BFL=111.0±
DECK
PORCH
PLATFORM
BRICK WALK
PROPOSED ASPHALT DRIVE
S25°45'44"W 195.28'
S26°58'57"E 78.90'
PROP WALL #2
(EDGE OF WALL 1' FROM PROPERTY LINE)
EDGE OF PAVEMENT
GRANITE CURB
CONCRETE SIDEWALK
GRANITE CURB
CONCRETE SIDEWALK
WINTHROP ROAD

SCALE: 1 IN. = 20 FT.
0' 20' 40' 60'

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49 LEXINGTON STREET
WEST NEWTON, MA 02465
(617) 527-8730
info@emerettbrooks.com

I CERTIFY THAT THE LOT CORNERS, DIMENSIONS AND ELEVATIONS SHOWN ON THIS PLAN ARE FROM AN ACTUAL SURVEY ON THE GROUND COMPLETED AUGUST 19, 2015

Bruce Bradford 5/9/16
PROFESSIONAL LAND SURVEYOR DATE

COMMONWEALTH OF MASSACHUSETTS
MICHAEL S. KASHO
CIVIL
No. 31414
5/9/16

COMMONWEALTH OF MASSACHUSETTS
BRUCE BRADFORD
No. 38376
PROFESSIONAL LAND SURVEYOR

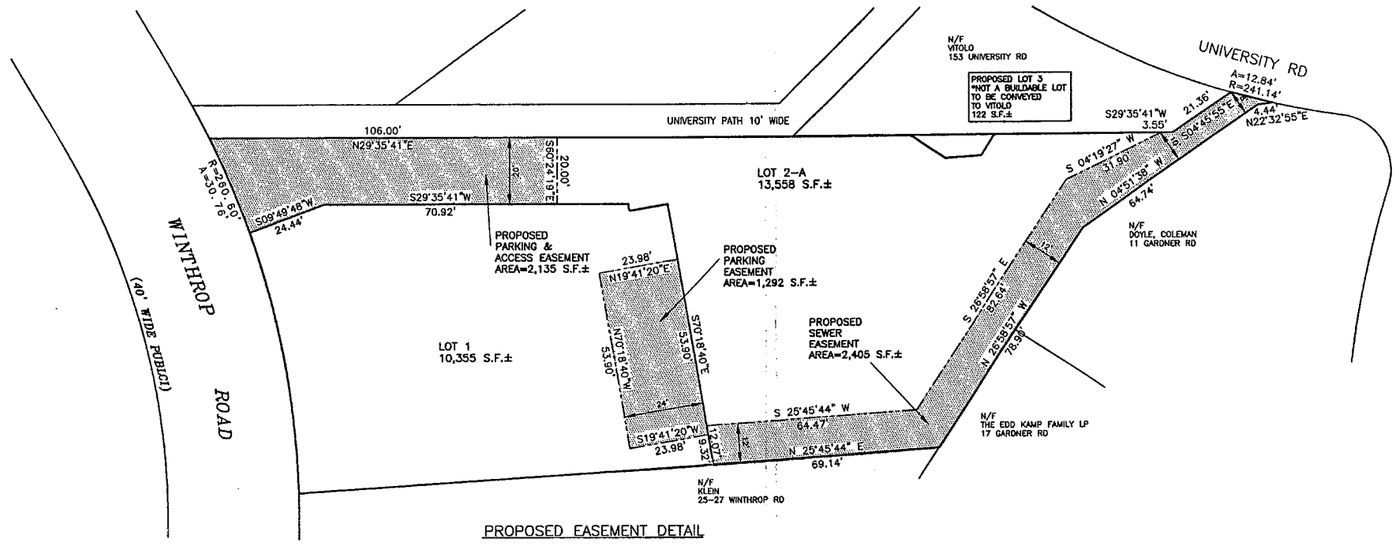
SITE PLAN OF LAND IN
BROOKLINE, MA

SCALE: AS NOTED
DATE: MARCH 1, 2016
DRAWN: ES
CHECK: BB & MSK

REVISIONS:

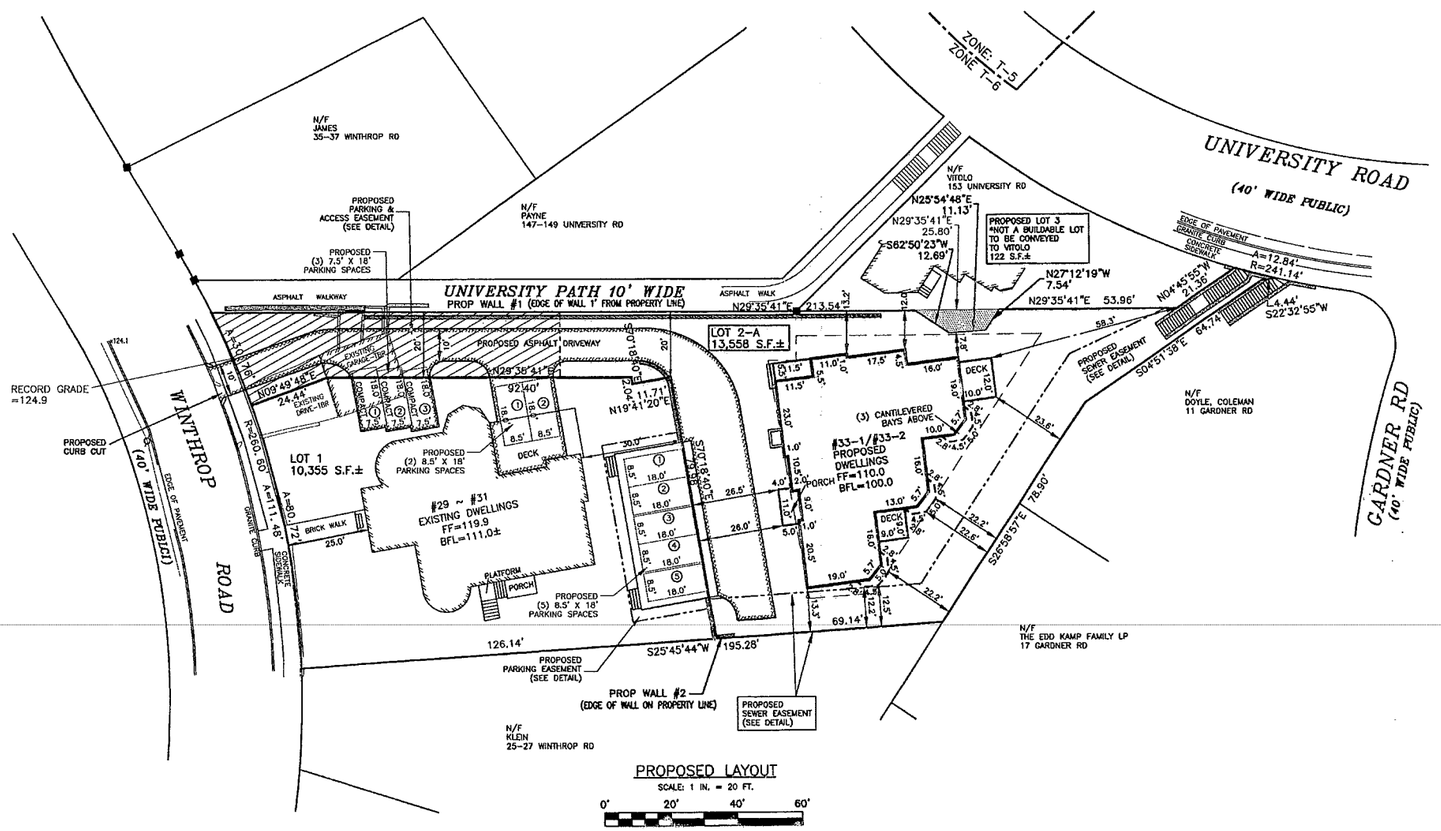
4/7/16	VARIOUS REVISIONS	ES
4/26/16	VARIOUS REVISIONS	ES
5/4/16	VARIOUS REVISIONS	ES
5/9/16	IMPERVIOUS BARRIERS	MF

PROJECT NO. 24750 SHEET 1 OF 3



PROPOSED EASEMENT DETAIL

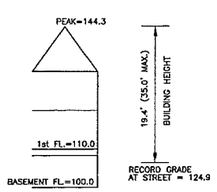
SCALE: 1 IN.= 20 FT.



PROPOSED LAYOUT

SCALE: 1 IN. = 20 FT.

0' 20' 40' 60'



PROPOSED DWELLING

N.T.S.

ZONING INFORMATION

ZONE: T-6
PARCEL ID: 210-10-3/4

GROSS FLOOR AREA = 9,847 S.F.*

DEED REFERENCE:
BOOK 33609 PAGE 216

PLAN REFERENCE:
PLAN 97 OF 2015

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info@everettbrooks.com

0' 20' 40' 60'

I CERTIFY THAT THE LOT CORNERS, DIMENSIONS AND ELEVATIONS SHOWN ON THIS PLAN ARE FROM AN ACTUAL SURVEY ON THE GROUND COMPLETED AUGUST 19, 2015

Bruce Bradford 8/11/16
PROFESSIONAL LAND SURVEYOR DATE

COMMONWEALTH OF MASSACHUSETTS
BRUCE BRADFORD
No. 33370
PROFESSIONAL LAND SURVEYOR

PLAN OF LAND IN BROOKLINE, MA

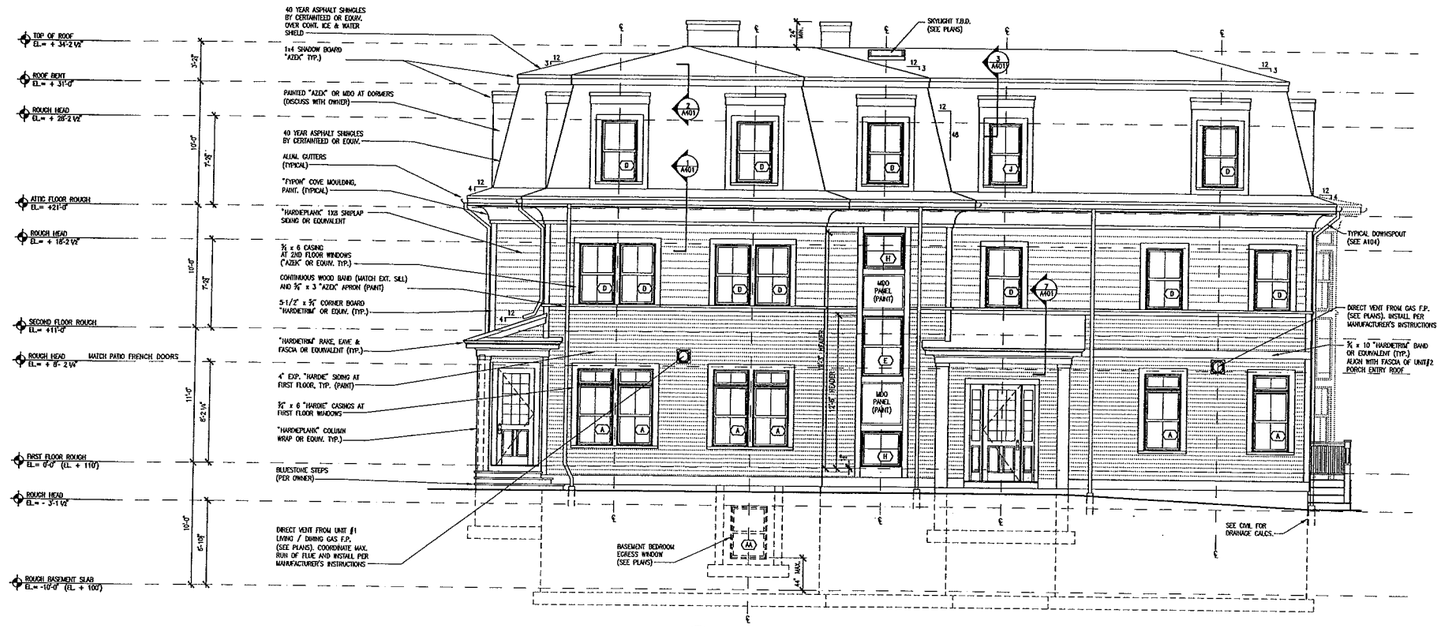
29-31-33 WINTHROP ROAD

SCALE: AS NOTED
DATE: JULY 27, 2016
DRAWN: ES/MF
CHECK: BB & MSK

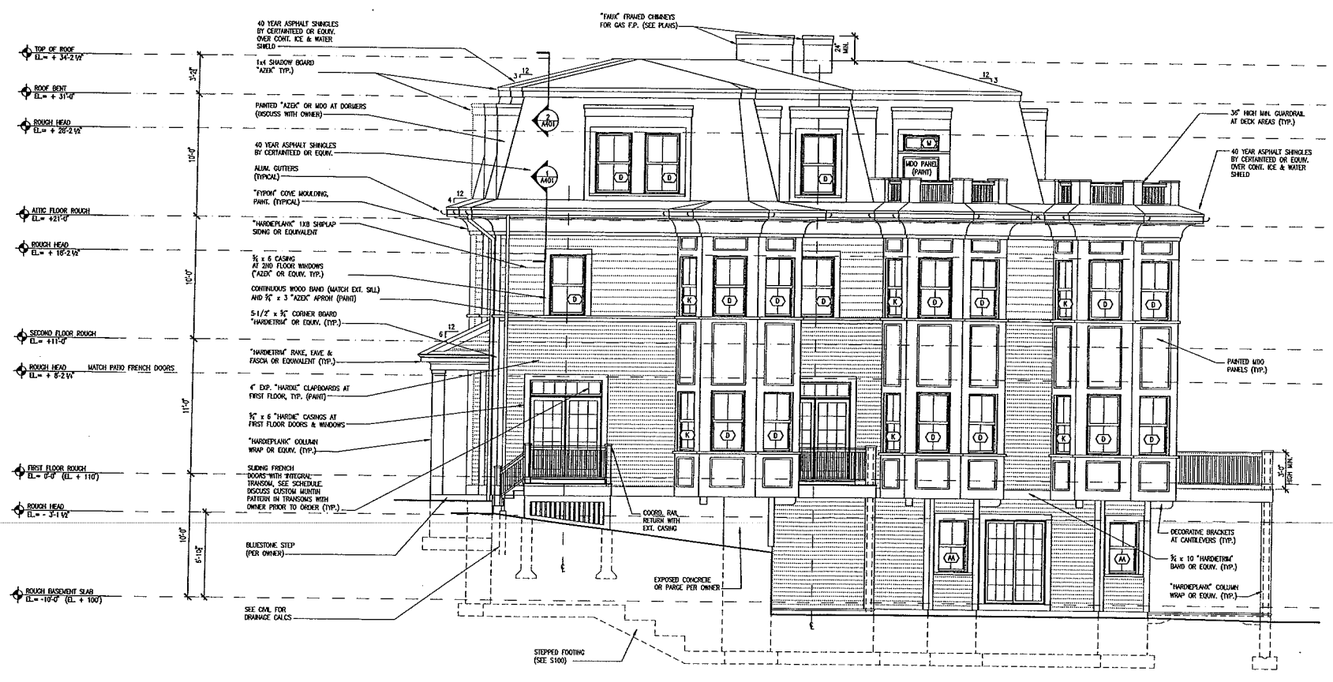
REVISIONS:

8/4/16	REVISED PROPERTY LINE	MF
8/11/16	REVISED PROPERTY LINE	MF

PROJECT NO. 24750



1 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



2 RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

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www.kentduckham.com

Architecture & Interior Design

PERMIT SET

JULY 14, 2016

Issues

Number	Date	Description

Revisions

Number	Date	Description

Checked by:

Drawn by:

Proposed Residences at:
33 Winthrop Road
(Winthrop Court)
Brookline, MA

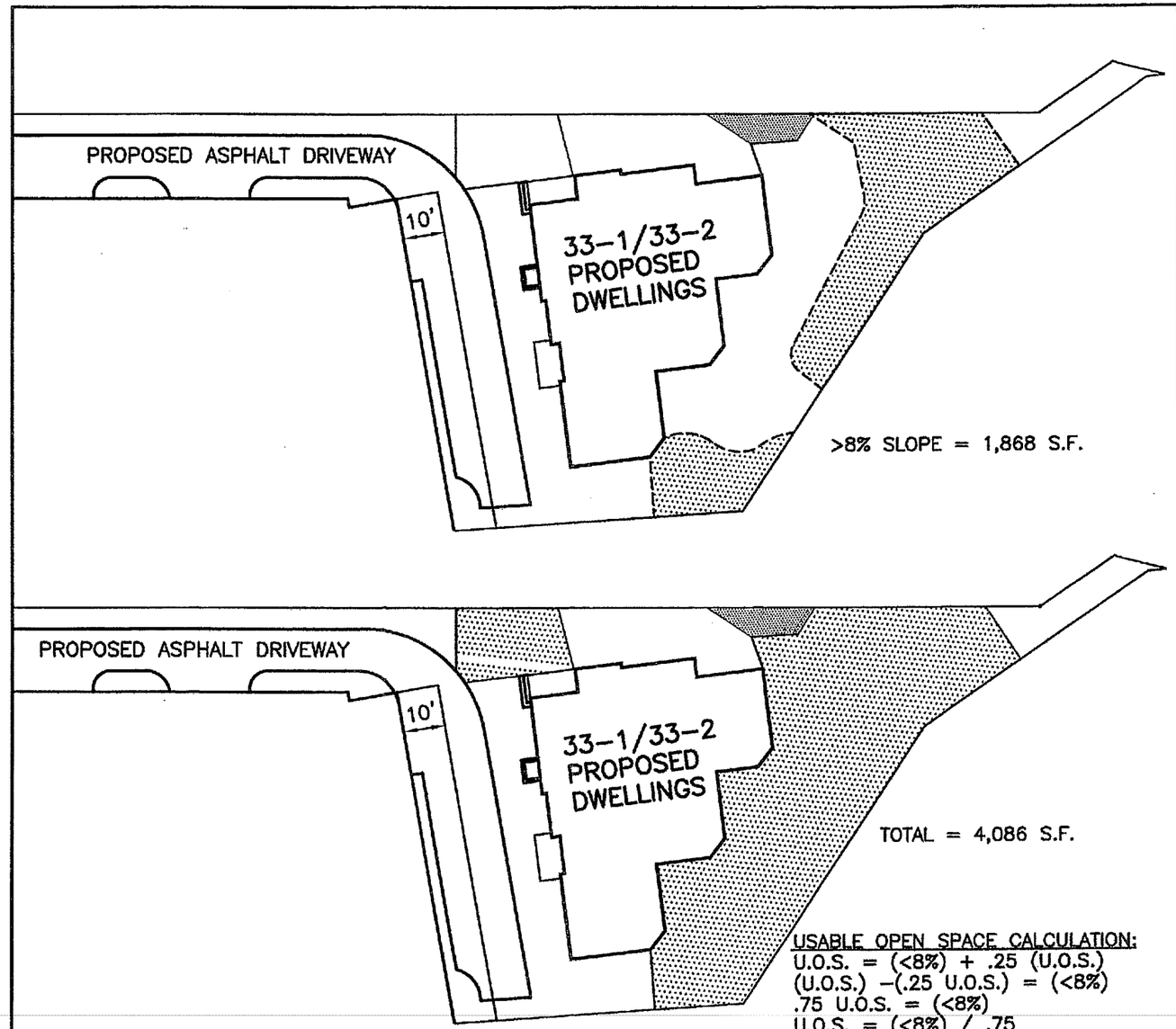
BUILDING ELEVATIONS

Drawing Scale:
1/4"=1'-0"

Project Number:
201529.00

Date Issued:
07.14.16

A201



USABLE OPEN SPACE REQUIREMENTS:
REQUIRED = .3 X 9,847 = 2,954
TOTAL = 4,086 S.F.
>8% = 1,868 S.F.
<8% = 2,218 S.F.

USABLE OPEN SPACE CALCULATION:
U.O.S. = (<8%) + .25 (U.O.S.)
(U.O.S.) –(.25 U.O.S.) = (<8%)
.75 U.O.S. = (<8%)
U.O.S. = (<8%) / .75
U.O.S. = 2,218 / .75 = 2,957

USABLE OPEN SPACE:
= (2,957 S.F. / 9,847 S.F.) X 100% = 30.0%
(30% MIN. REQUIRED)

ESTABLISHED 1916
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COMMONWEALTH OF MASSACHUSETTS
BRUCE
BRADFORD
No. 38376
PROFESSIONAL
LAND SURVEYOR

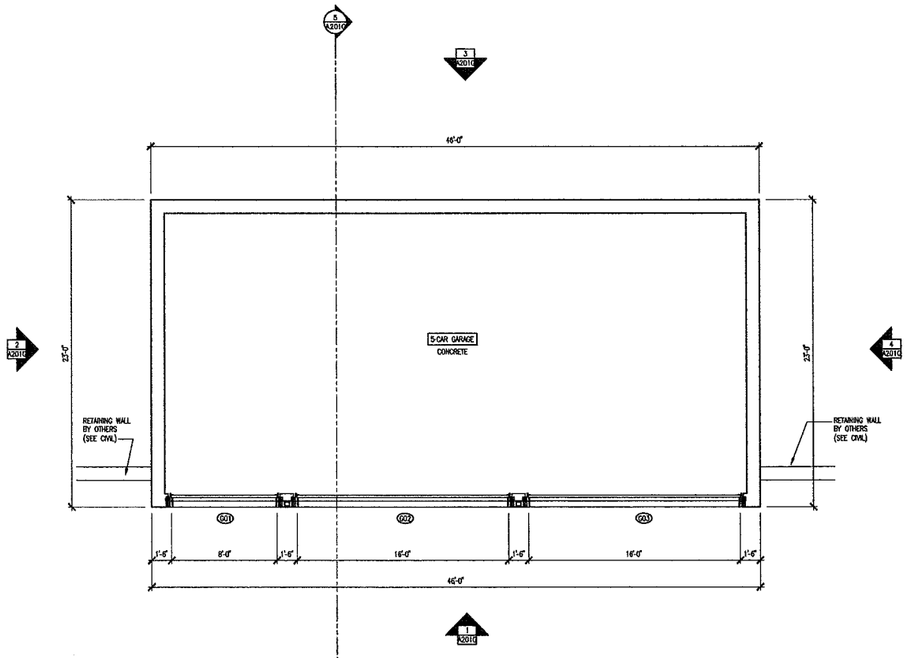
8/11/16

PLAN OF LAND IN BROOKLINE, MA

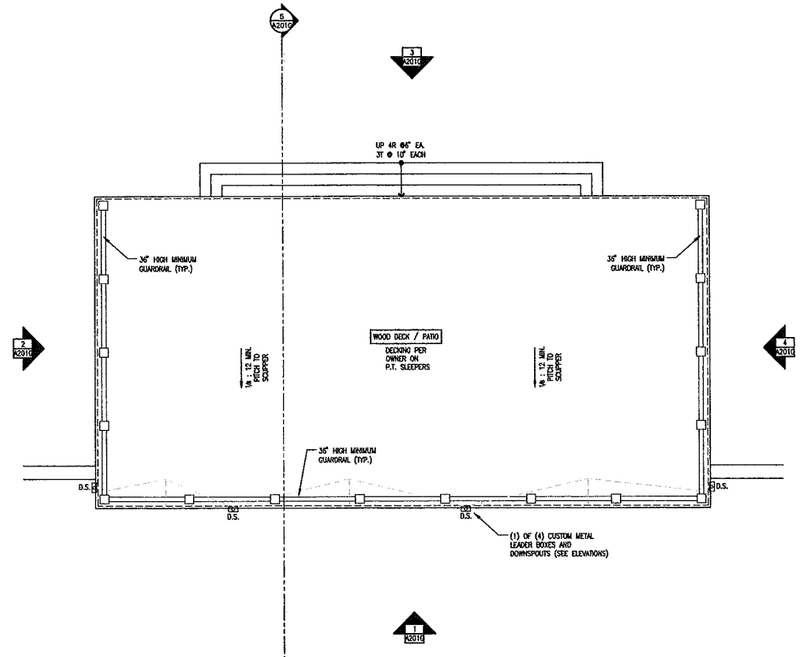
33-1/33-2 WINTHROP ROAD
OPEN SPACE CALCULATION

SCALE: 1 IN.= 40 FT.
DATE: AUGUST 11, 2016
DRAWN: MF
CHECK: BB

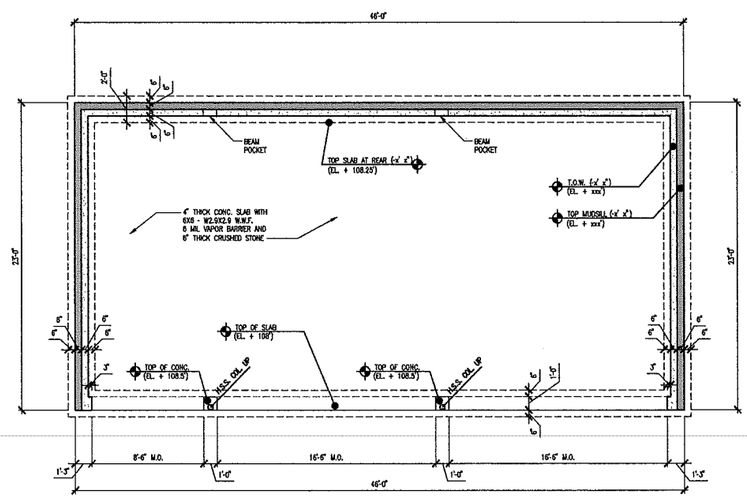
PROJECT NO. 24750



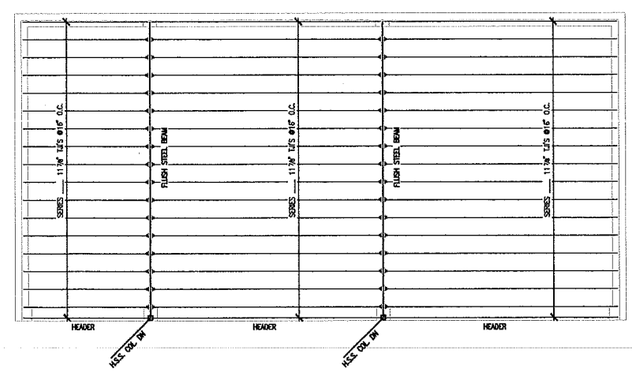
1 GARAGE LEVEL PLAN
SCALE: 1/4" = 1'-0"



2 DECK / PATIO LEVEL PLAN
SCALE: 1/4" = 1'-0"



3 FOUNDATION PLAN
SCALE: 1/4" = 1'-0"



4 DECK / PATIO LEVEL FRAMING PLAN
SCALE: 1/4" = 1'-0"

DUCKHAM
ARCHITECTURE & INTERIORS

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Architecture & Interior Design

PERMIT SET

JULY 28, 2016

Issues

Number	Date	Description

Revisions

Number	Date	Description

Checked by :

Drawn by :

Proposed Garage at:
33 Winthrop Road
(Winthrop Court)
Brookline, MA

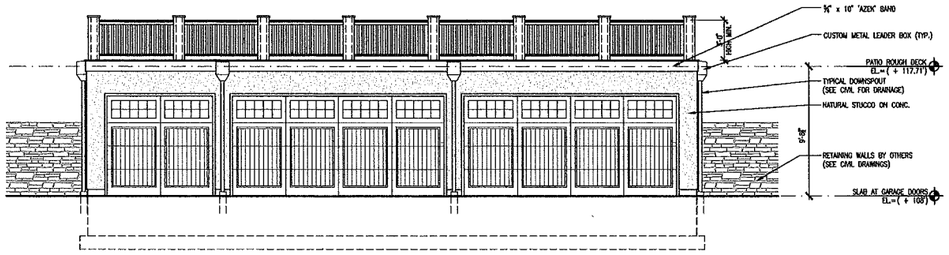
PROPOSED ARCHITECTURAL, FOUNDATION & FRAMING PLANS

Drawing Scale:
1/4"=1'-0"

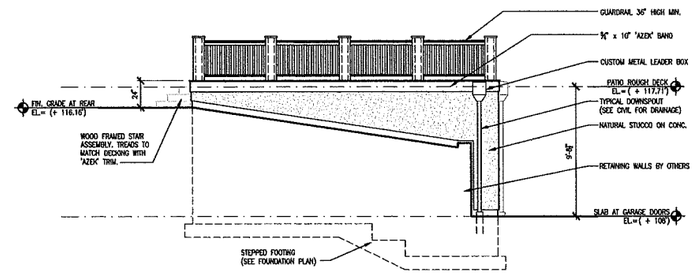
Project Number:
201529.00

Date Issued:
07.28.16

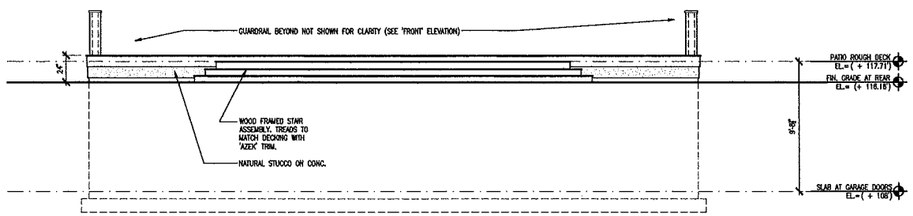
A101G



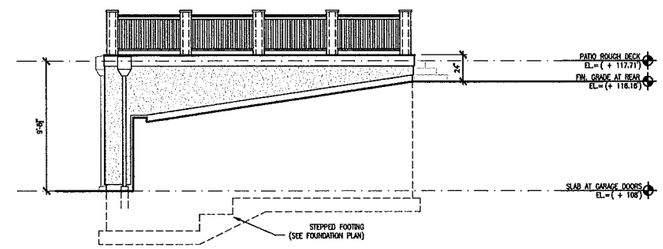
1 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



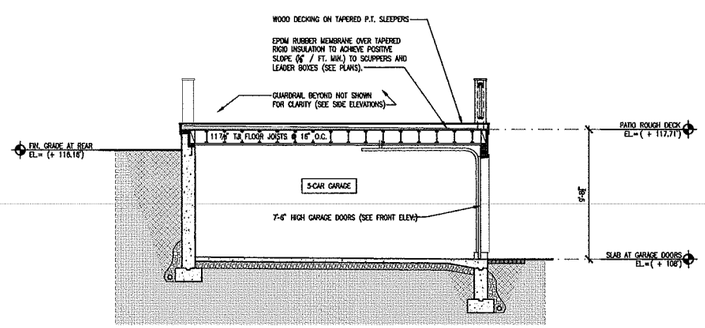
2 LEFT ELEVATION
SCALE: 1/4" = 1'-0"



3 REAR ELEVATION
SCALE: 1/4" = 1'-0"



4 RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



5 BUILDING SECTION
SCALE: 1/4" = 1'-0"

DUCKHAM
ARCHITECTURE & INTERIORS

53 Central Avenue
Needham, MA 02494

Telephone 781-449-4109

www.kentduckham.com

Architecture & Interior Design

PERMIT SET

JULY 28, 2016

Issues

Number	Date	Description

Revisions

Number	Date	Description

Checked by:

Drawn by:

Proposed Garage at:
33 Winthrop Road
(Winthrop Court)
Brookline, MA

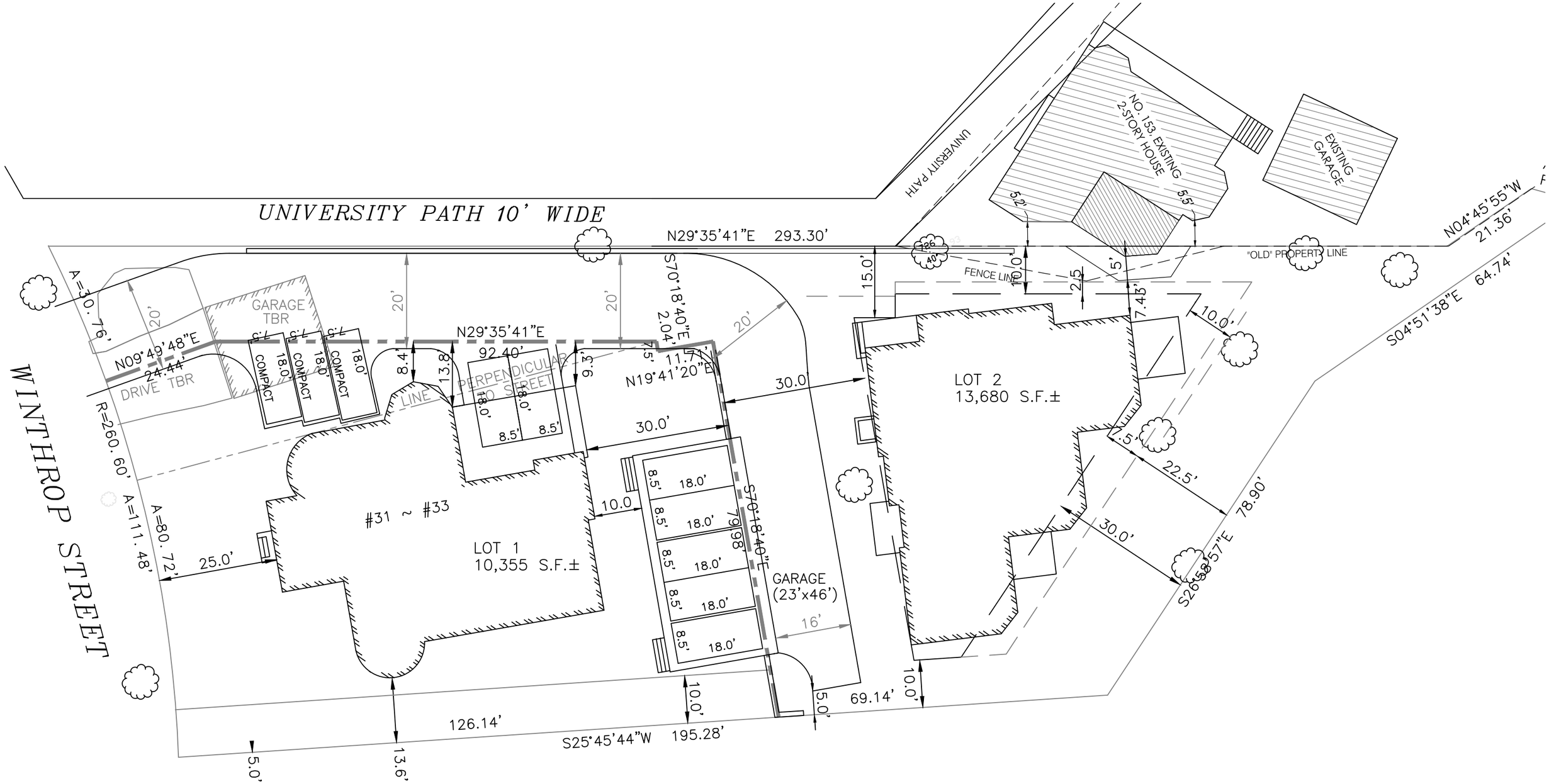
PROPOSED ELEVATIONS,
BUILDING SECTIONS & DETAILS

Drawing Scale:
1/4"=1'-0"

Project Number:
201529.00

Date Issued:
07.28.16

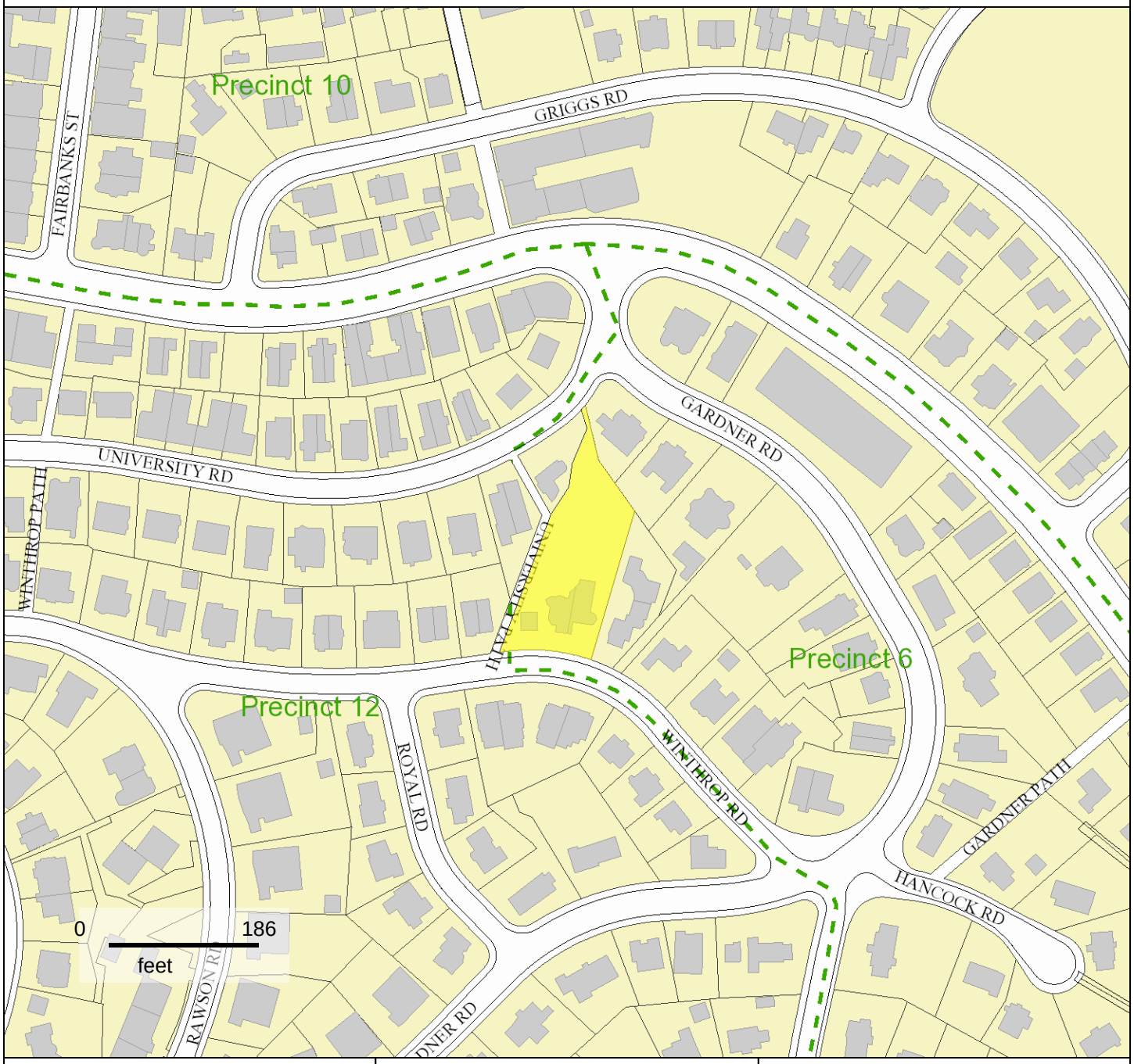
A201G

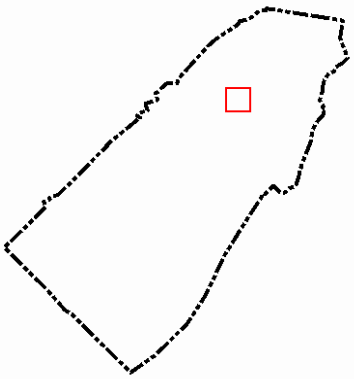


PROPOSED SITE PLAN DRAFT BY:
DUCKHAM ARCHITECTURE & INTERIORS
REVISION ~ SEPTEMBER 8, 2016

9/13/2016

Town of Brookline



Property ID	210 1003
Address	31 WINTHROP RD, 1
Owner	31 33 WINTHROP DEVELOPMENT LLC,

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This application is intended for reference only. For certified parcel information please contact the Town of Brookline Assessors Office.