



# *Town of Brookline*

## *Massachusetts*

### **PLANNING BOARD**

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To: Brookline Board of Appeals

From: Brookline Planning Board

Date: September 10, 2015

Subject: **Demolish existing two-family and construct a new one-family attached dwelling (two units)**

Location: 794-796 Heath Street

Atlas Sheet:	121	Case No.	2015-0010
Block:	424A	Zoning:	T – 5
Lot:	02-02	Lot Area (sf):	± 5,000 sf

Board of Appeals Hearing: 9/17/2015 at 7:00 pm

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### **BACKGROUND**

The Preservation Commission certified on January 14, 2015, that the house at 794-796 Heath Street is not historically or architecturally significant and may be demolished.

ANR Plan for left abutter at 790 Heath Street, supported by the Planning Board August 13, 2015, re-configured side lot line to make previously under-sized lot at 794-796 Heath the minimum required (5000 sf).

### **SITE AND NEIGHBORHOOD**

794-796 Heath Street is a 1½ story, two-family ranch-style residence built in 1953 with a rear deck, brick exterior, and asphalt-shingle roof. It is located west of Hammond Pond Parkway and near the Heath Street-Arlington Road intersection.

The neighborhood is made up of single-family and two-family houses. Along its rear property line, the site abuts the S-7 single-family district beginning on Lyon Road off Arlington Road. It is three lots away from townhomes on Heathwood Lane at the Brookline-Newton border (Heath Street becomes Florence

Street in Newton). To the east, the site is a block away from multi-family housing on Hammond Pond Parkway. Traffic on relatively narrow Heath Street is moderate to heavy.

**APPLICANT’S PROPOSAL**

The development team led by Laurence Wintersteen proposes demolishing the existing two-family house and constructing a 3-1/2-story, two-unit townhouse-style condominiums with one entrance at the front, and the second entrance at the rear. Two patios off the lower-level sunrooms are proposed in the left side yard. The height will increase from approximately 18 feet to 35 feet; the footprint area, from 1,252 sf to 1,300 sf (including sunrooms); the gross-floor area, from 2,420 sf to 4,778 sf for an FAR of 0.94. Four parking spaces will be garaged inside at the lower level of the structure; one parking space will remain in the rear yard.

**Public Comments:** Abutters have submitted letter of support; however, the direct abutter on the right has submitted no comments.

**FINDINGS**

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

*“Attached dwelling occupied by not more than one family in each unit between side walls, provided that in T districts no row of such units shall consist of more than two such units.” Special Permit*

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

**Section 6.04.5.c.2– Design of All Off-Street Parking Facilities**

**Section 9.05.2.c – Conditions for Approval of Special Permit**

*“In approving a special permit, the Board of Appeals may attach such conditions and safeguards as are deemed necessary to protect the neighborhood, such as but not limited to the following:*

*2.c. Modification of the exterior features or appearances of the structure”*

<b>Dimensional Requirements</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Finding</b>
<b>Lot size</b>	5,000 sf	5,000 sf	5,000 sf	Compliant
<b>Height</b>	35 feet	+/-18 feet	35 feet	Compliant See Note 1
<b>Usable Open Space</b>	1,437 sf	0 sf	1452 sf (1440 sf measured by Planning—ok)	Compliant See Note 2
<b>Off-Street Parking, setback side yard in front yard</b>	5 feet	0 feet	2.5 feet	Special Permit Pursuant to Sec. 5.43
<b>Off-Street Parking, rear yard setback</b>	5 feet	0 feet	8.5 feet	Compliant
<b>Side Yard Setback (left)</b> Table 5.01, Footnote 2	10 feet	8.5	10 feet [7.5 feet to	Compliant Building Comm. will consider bump out

			French doors]	under balconies a permitted projection into side yard under Sec. 5.61
<b>Rear Yard Setback</b>	30 feet	21.75 feet	30.67 feet (28 feet to bay; bay projection does not exceed 3.5 feet)	Compliant (Building Comm. will treat projection as a bay, per Sec. 5.71)

Under a special permit after a hearing the Board of Appeals may permit, in lieu of the requirements for yards or setbacks specified in this By-law, the substitution of such other dimensional requirements if counterbalancing amenities are provided. The applicant is introducing about 1200 sf of open space where previously there had been driveway paving.

Note 1: “Height shall be measured from the record grade of the street opposite the midpoint of the street frontage of the lot [Sec 5.30(1)(a)].”

Note 2: Plans clarified to show that area of sunrooms on ground level counts toward the usable open space calculation, pursuant to Sec 5.91(2)(b).

**Section 8.02.2 – Alteration or Extension**

A special permit is required to alter this pre-existing non-conforming structure.

**PLANNING BOARD COMMENTS**

**The applicant should provide a site plan of the proposed project with dimension labels stamped by a registered land surveyor, indicating open space, footprint dimensions, parking layout, setbacks, and any fences.**

**Parking and Site Circulation:** The proposed parking plan accommodates five parking spaces, as required. Four of the parking spaces would be garaged at the lower level of the two-family with four garage doors on the right side of the structure. The remaining parking space is located in the rear yard. Because the existing parking spaces are in the side and rear yards with no usable open space, the proposed parking plan improves the site by eliminating excessive paving in the rear and introducing about 1200 sf of usable open space. The pedestrian walkway from the front yard to the second entrance is awkward because it require one to walk around the building to reach the door: It would be better to have the second entrance located readily within sight of the pedestrian walkway at the rear (perhaps facing the rear yard instead of the right side yard).

Before the lot was re-configured to meet the 5,000 sf minimum, the vehicles turning in the driveway would trespass on the abutter’s adjoining driveway. The footprint of the proposed dwelling is closer to the left lot line and permits a wider driveway to avoid the need for an easement with the abutter at 798-800 Heath. The driveway is 10.5 feet wide with a 2.5 foot landscape setback to the right side lot line.

An illustration of the turning radii is provided. The Planning Board would prefer that a civil engineer prepare the turning radii instead of the architect, and for all five parking space. The Planning Board felt the 10.5 foot wide driveway was not wide enough for vehicles entering the garage to make the 90-degree turn. Even if the applicant were to pave rather than landscape the 2.5 foot wide setback to make the driveway 13 feet wide, the Planning would still be concerned that the driveway width is insufficient. Planning Board members feel that 6.04.2.b should have been cited for minimum driveway width. [Planning Department staff and Building Commissioner disagree about the citation; 6.04.2.b does not pertain to lots with fewer than six parking spaces.]

**Height and Massing:** The height was measured from grade indicated the front of the house on the elevations (176'-0") for a height of 35 feet. Topographic plans were submitted in a previous iteration of this proposal; however, they were not stamped by a registered land surveyor. The applicant selected a methodology for calculating height pursuant to Sec. 5.30(1)(a), which the Building Commissioner reviewed and approved when the proposal was first submitted. (The applicant has used a different methodology when he first submitted his proposal, which resulted in a citation for excessive height.)

It should be noted that at the 3-1/2-stories, the structure would be larger than comparable two-families on similarly undersized lots in the neighborhood. Although the two units are configured such that one entrance is in the front and the other in rear, the left and right facades read as four stories, more typical of a multifamily. The fenestration for each unit is a mirror image of the other on both facades, which contributes to this quality. The paving in the side setbacks does not accommodate landscaping that could screen these views.

The Planning Department does acknowledge the valuable contribution of about 1200 sf of usable open space in the rear yard, which was previously paved for parking.

**Usable Open Space:** At total of 210 sf, the areas of the lower level sunrooms are counted toward usable open space. Without them, the project would not meet the minimum requirement for usable open space. Initially, the Chief Building Inspector did not have clear plans of the sunrooms and therefore cited Sec. 5.91, Minimum Usable Open Space. The Building Commissioner has confirmed this calculation .

The Planning Board might wish to review renderings that provide better views of left façade to confirm that 40 percent of the intervening wall area is constructed of transparent material that can be opened in good weather, pursuant to 5.91(2)(b).

A retaining wall of about 2 feet high is proposed in the left side yard and is compliant.

### **General Comments**

Overall, the Planning Department feels that a smaller footprint with improved pedestrian and vehicular circulation would make the project more successful and in scale with dwellings in the surrounding area.

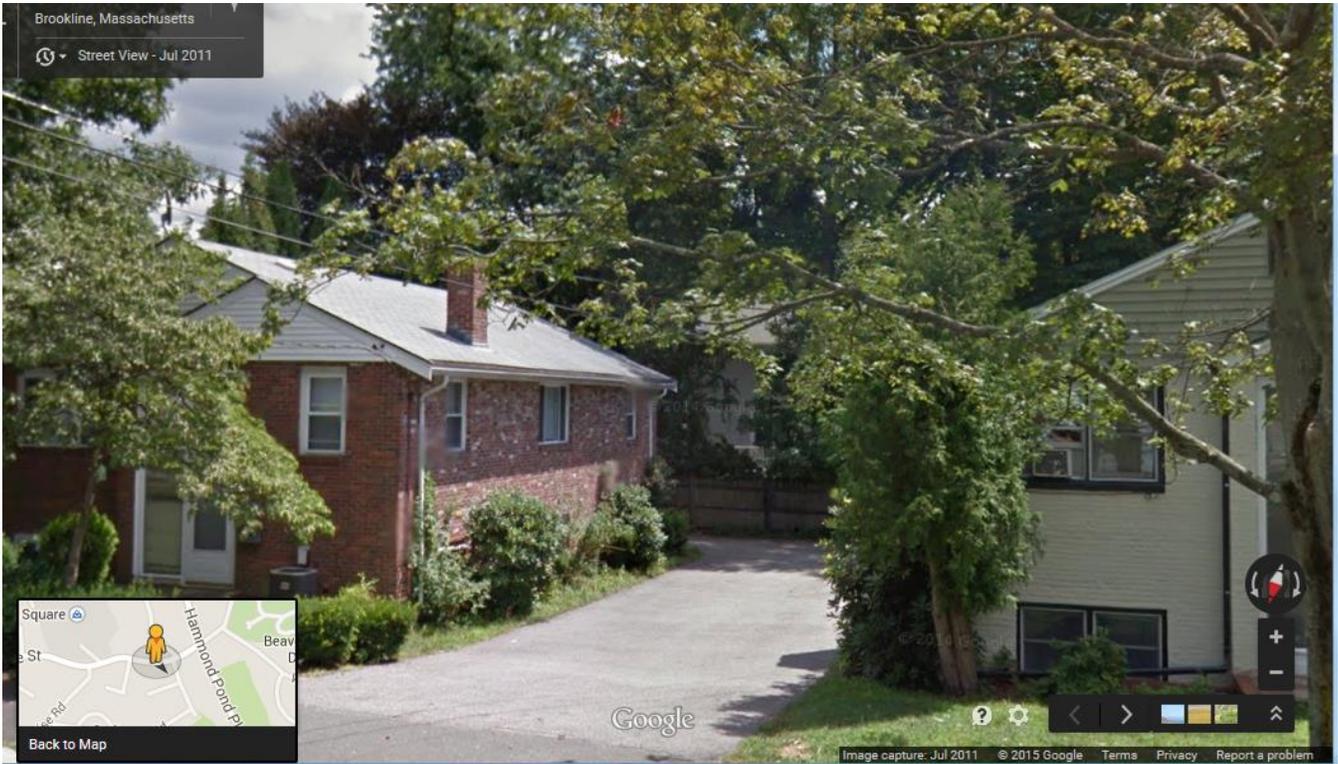
**Therefore, the Planning Board recommends denial of the plans, by David O'Sullivan and dated as follows: Open Space Diagram with setbacks revised 9/9/2015, floor plans dated**

**August 19, 2015, elevations dated August 20, 2015. If the Board of Appeals does find that the standards for special permit relief are met, the Planning Board recommends the following conditions:**

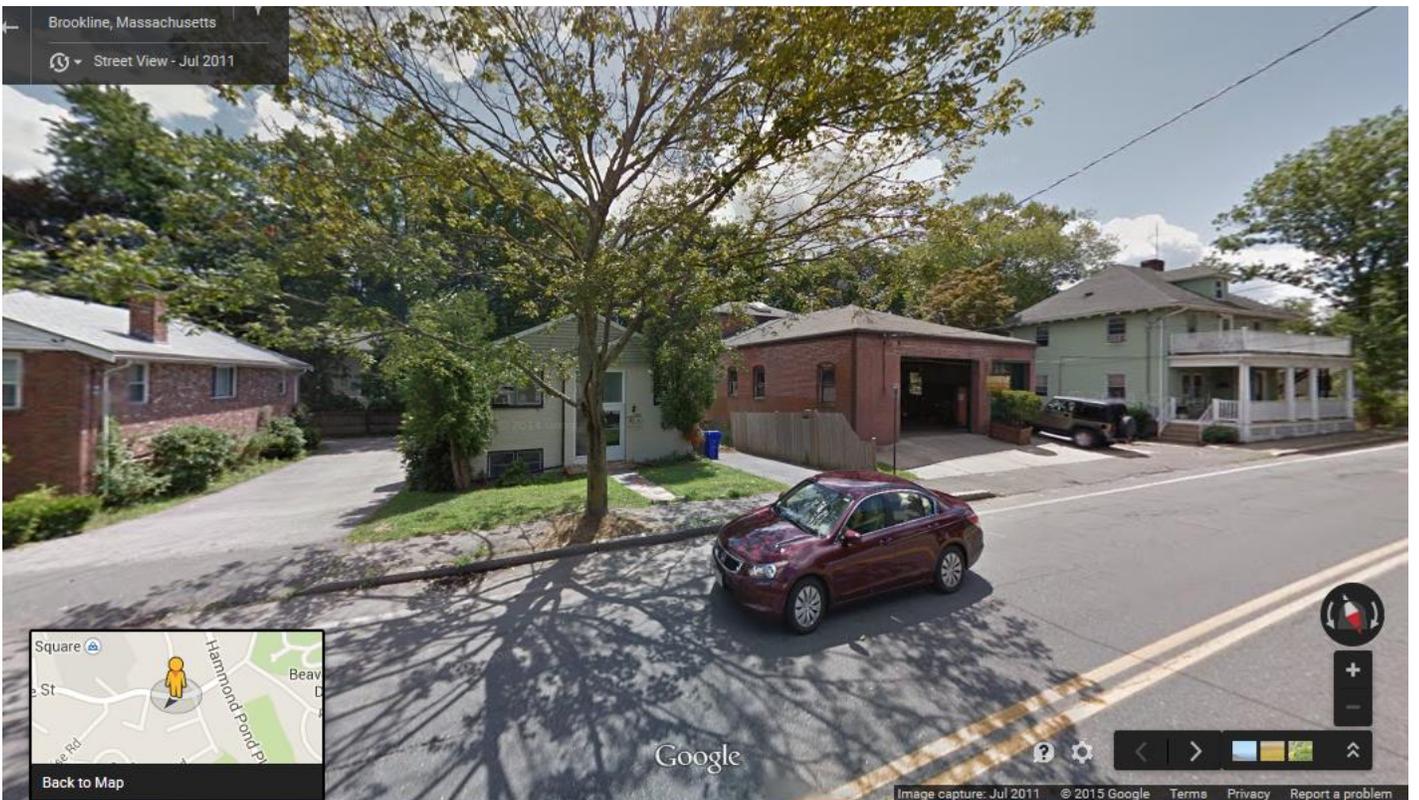
- 1. Prior to the issuance of a Building Permit, the applicant shall submit to the Assistant Director for Regulatory Planning for review and approval (a) site plan with dimension labels, stamped and signed by a registered land surveyor, including setbacks, open space, parking area layout, fencing; and (b) floor plans and elevations. The applicant shall also include; (c) an illustration of the auto-turn radius on the driveway.**
- 2. Prior to the issuance of a Building Permit, a landscaping plan shall be submitted subject to the review and approval of the Assistant Director for 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; 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds. *mm***



794-796 Heath Street (brick structure) and its single-family abutter.



794-796 Heath Street (brick structure) and the shared driveway. Both owners are in the process and establishing an easement.



794-796 Heath Street (brick structure) is far left.



Aerial view of Heath Street neighborhood. At the bottom left is Heathwood Lane. Far right is the Heath-Arlington intersection. At the bottom right is the single-family (s-7) district.

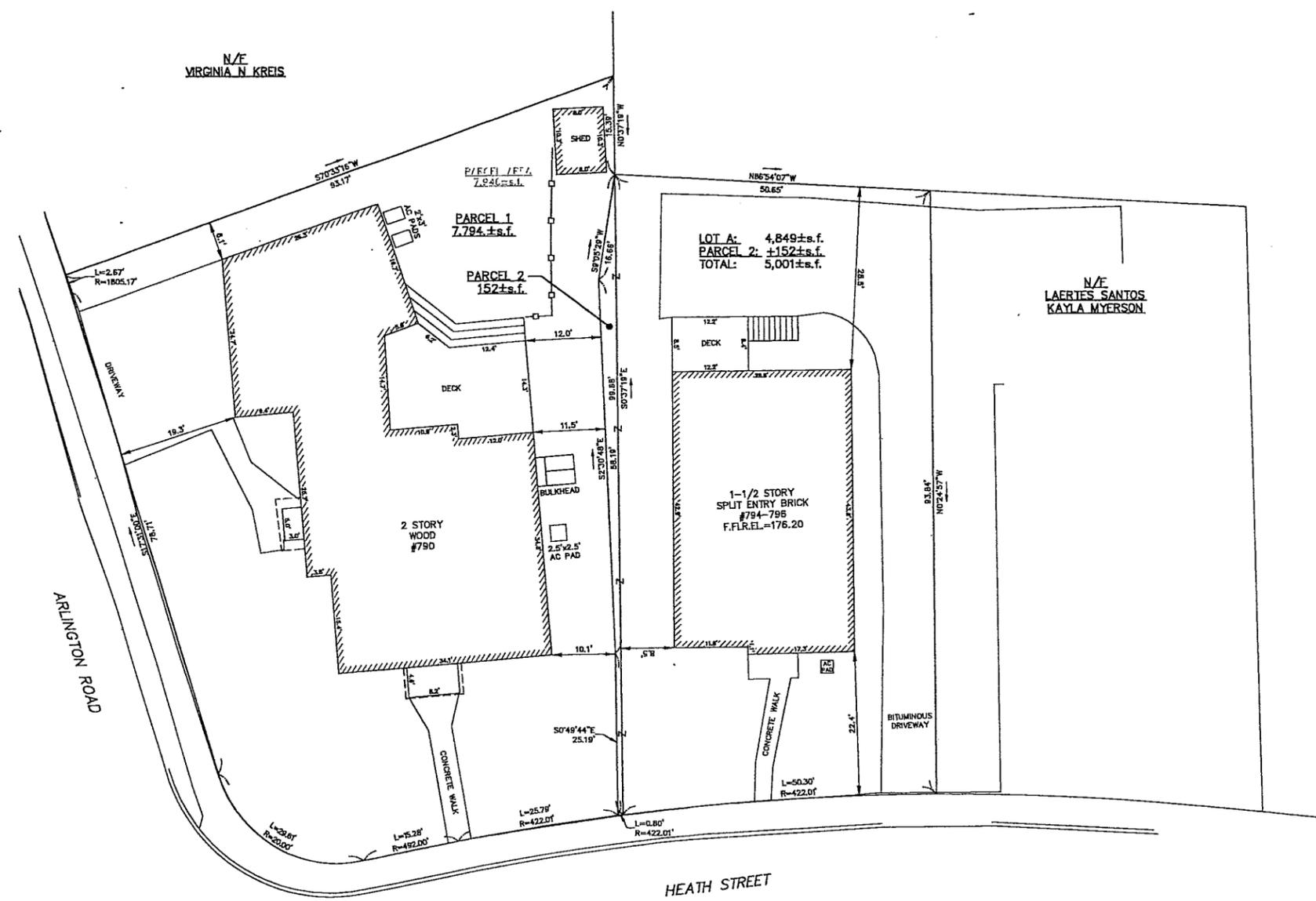


Existing rear yard parking at 794-796 Heath Street.

LEGEND

BUILDING 
PROPERTY LINE W/ BEARING DISTANCE 
S81°36'34"E 116.23'

FOR REGISTRY USE ONLY



I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.  
*Joseph R. Porter* 8/10/2015  
JOSEPH R. PORTER DATE



APPROVAL OF THIS PLAN UNDER THE SUBDIVISION CONTROL LAW IS NOT REQUIRED.  
BROOKLINE PLANNING BOARD

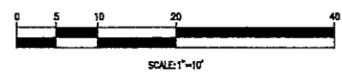
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REFERENCES:

PLANS  
BOOK 3166 PAGE 429  
BOOK 10167 PAGE 685

DEEDS  
BOOK 20804 PAGE 363  
BOOK 25276 PAGE 188

OWNERS OF RECORDS  
AJAY K. METHA AND EILEEN F. METHA  
IRWIN H. FRANKEL AND MARCY FRANKEL

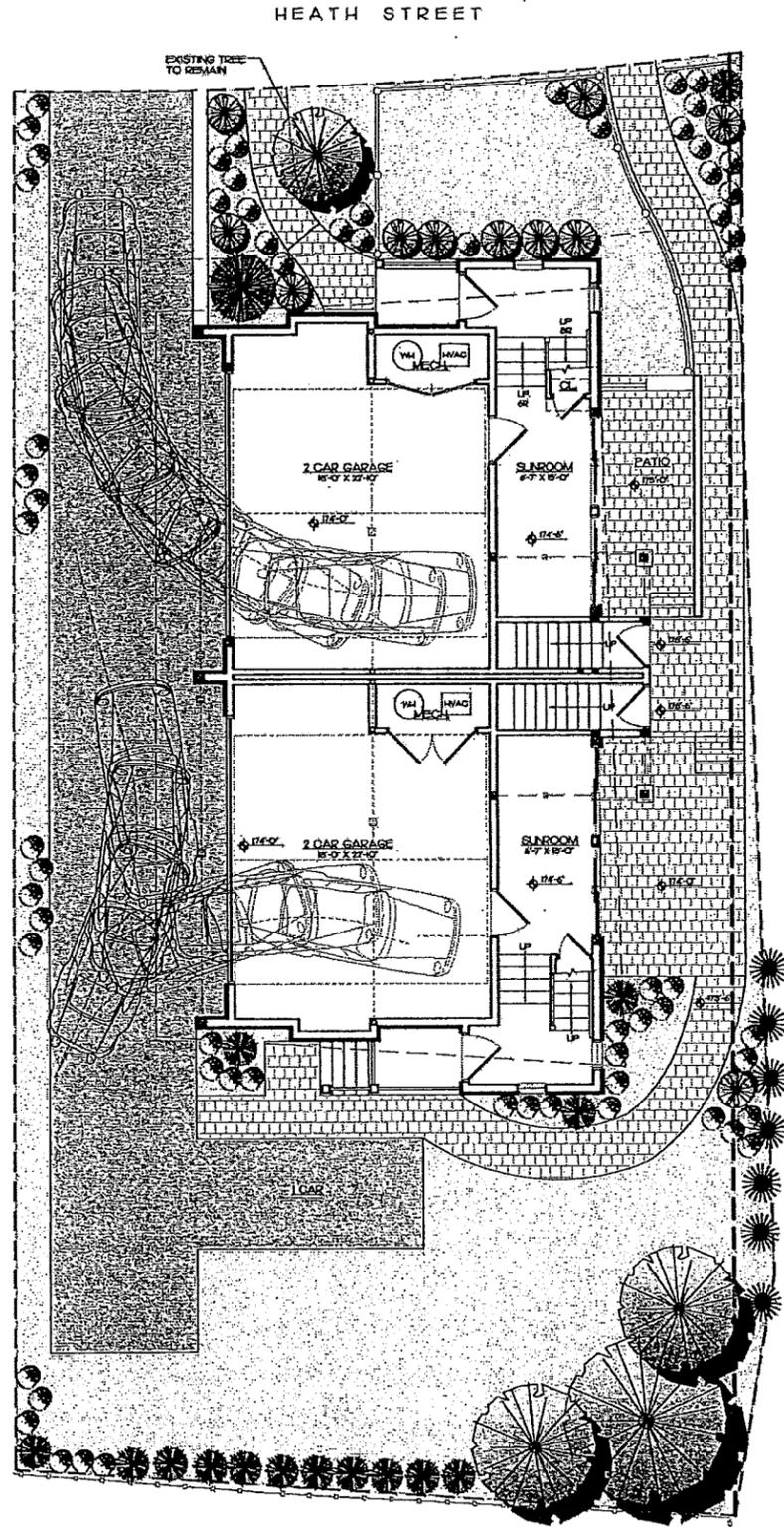


PLAN OF LAND  
BROOKLINE, MASSACHUSETTS  
AT  
790 HEATH STREET  
SCALE: 1in.=10ft. DATE: AUGUST 5, 2015

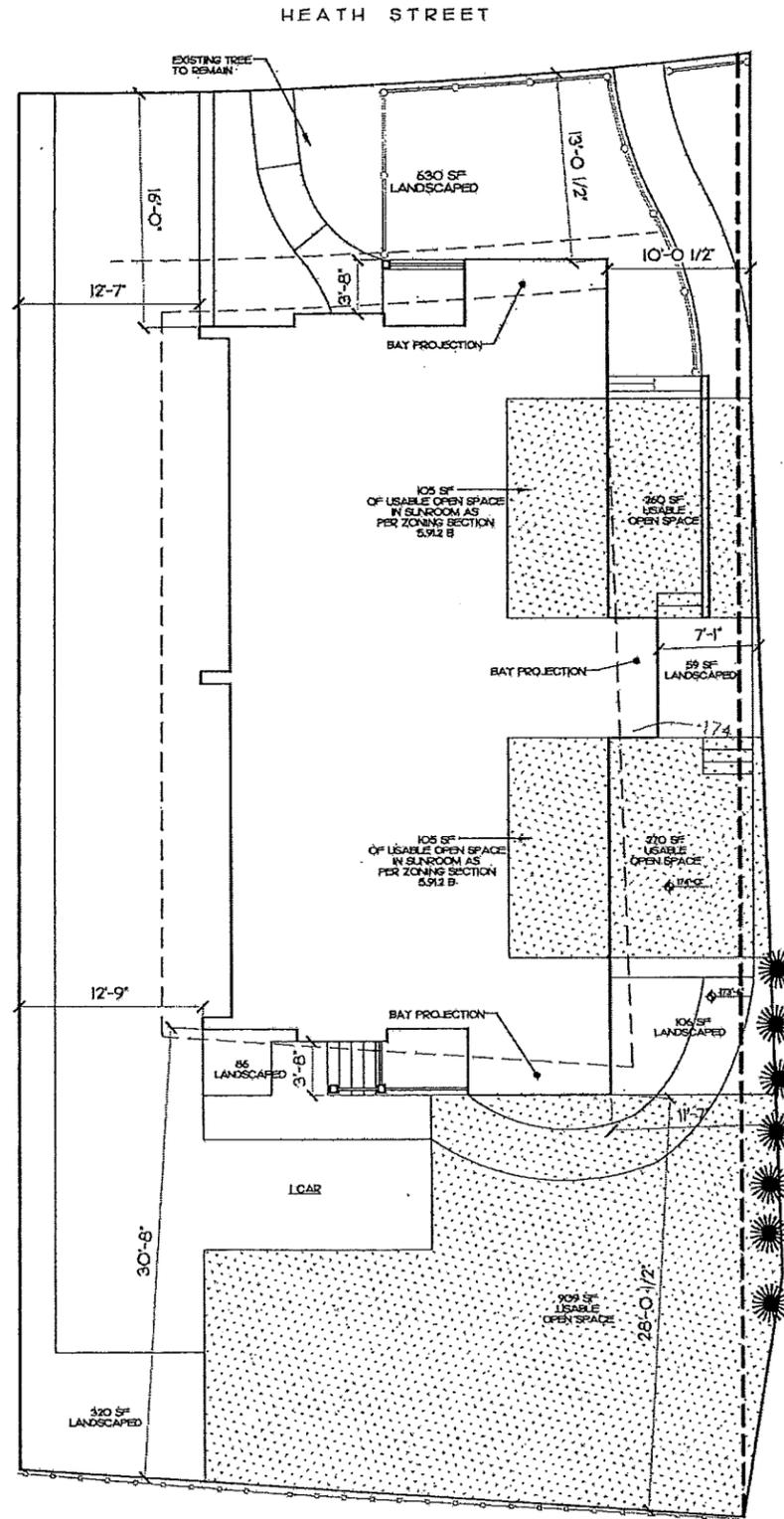


LAND SURVEYORS - CIVIL ENGINEERS, 132  
ADAMS STREET 2ND FLOOR SUITE 3  
NEWTON, MA 02458  
(617) 332-8271  
SHEET 1 OF 1

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1 Site/Lower Level Plan  
Scale: 3/16" = 1'-0"



2 Open Space Diagram  
Scale: 3/16" = 1'-0"

LOWER LEVEL AREA	166 SQ FT
FIRST FLOOR AREA	668 SQ FT
SECOND FLOOR AREA	706 SQ FT
THIRD FLOOR AREA	536 SQ FT
TOTAL AREA	2,076 SQ FT

Unit Square Footage

LOWER LEVEL AREA	495 SQ FT
FIRST FLOOR AREA	1,560 SQ FT
SECOND FLOOR AREA	1,534 SQ FT
THIRD FLOOR AREA	1,856 SQ FT
TOTAL AREA	4,778 SQ FT
LOT AREA	5,001 SQ FT
F.A.R. PROPOSED (TOTAL AREA ÷ LOT AREA)	.955 (223 SQ FT UNDER)
F.A.R. ALLOWED	1.0

FAR Calculation

	REQUIRED	PROPOSED
USABLE	30% GFA - 1,433 SQ FT	1,452 SQ FT*
LANDSCAPED	10% GFA - 478 SQ FT	1,201 SQ FT

\* 20 SF OF SUNROOM AT LOWEST LEVEL

Open Space Calculation

	REQUIRED	PROVIDED	TYPE
EXISTING	4.6 SPACES	4 SPACES	4 TANDEM EXT.
PROPOSED	4.6 SPACES	5 SPACES	4 GAR, 1 EXT.

Parking Chart



794-796 Heath Street

Brookline, MA

September 1, 2015

Revised 9/9/15

**REVISED**



O'SULLIVAN ARCHITECTS, INC.

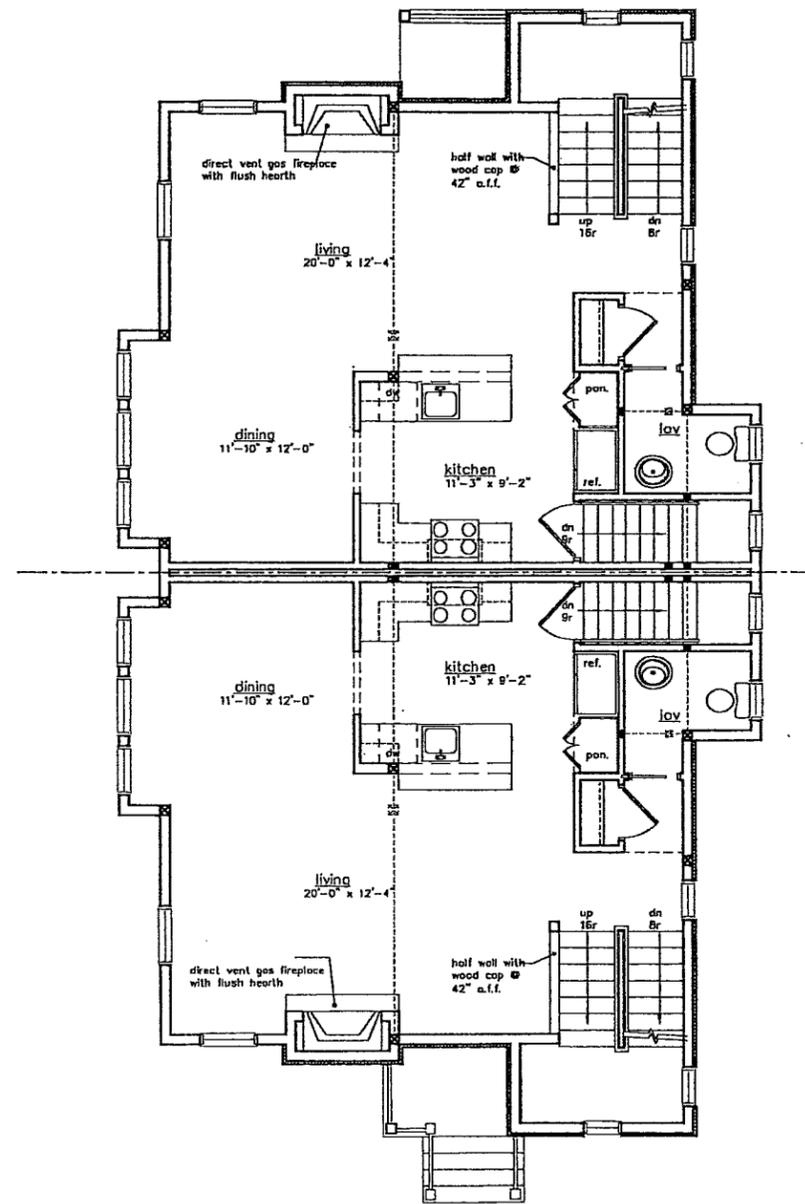
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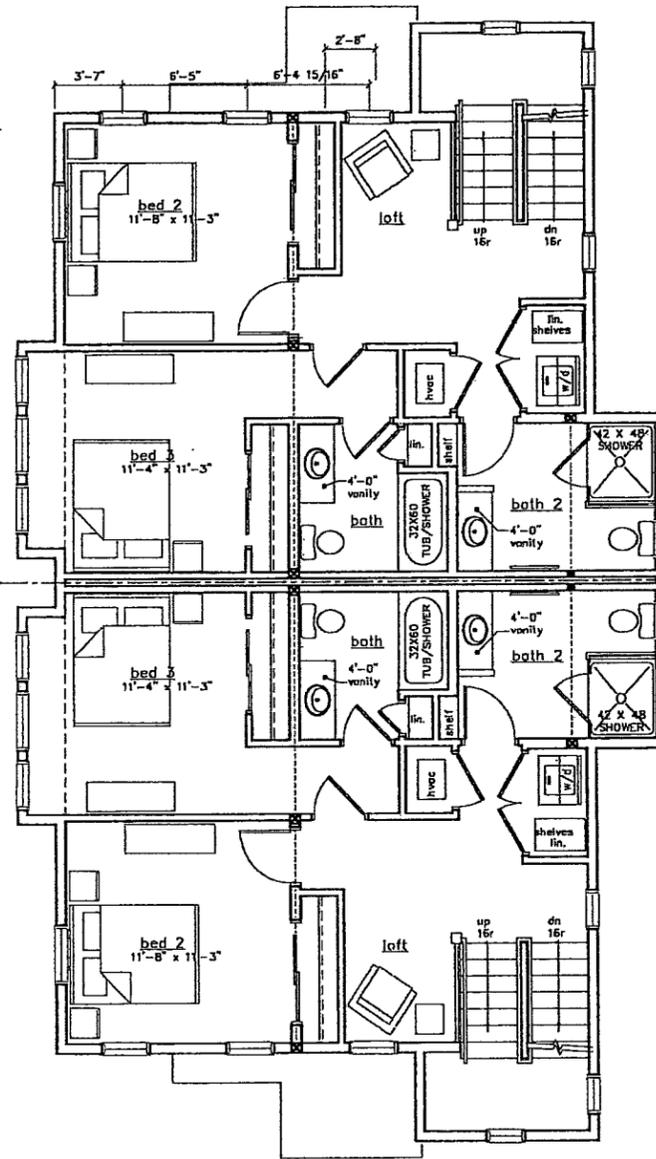
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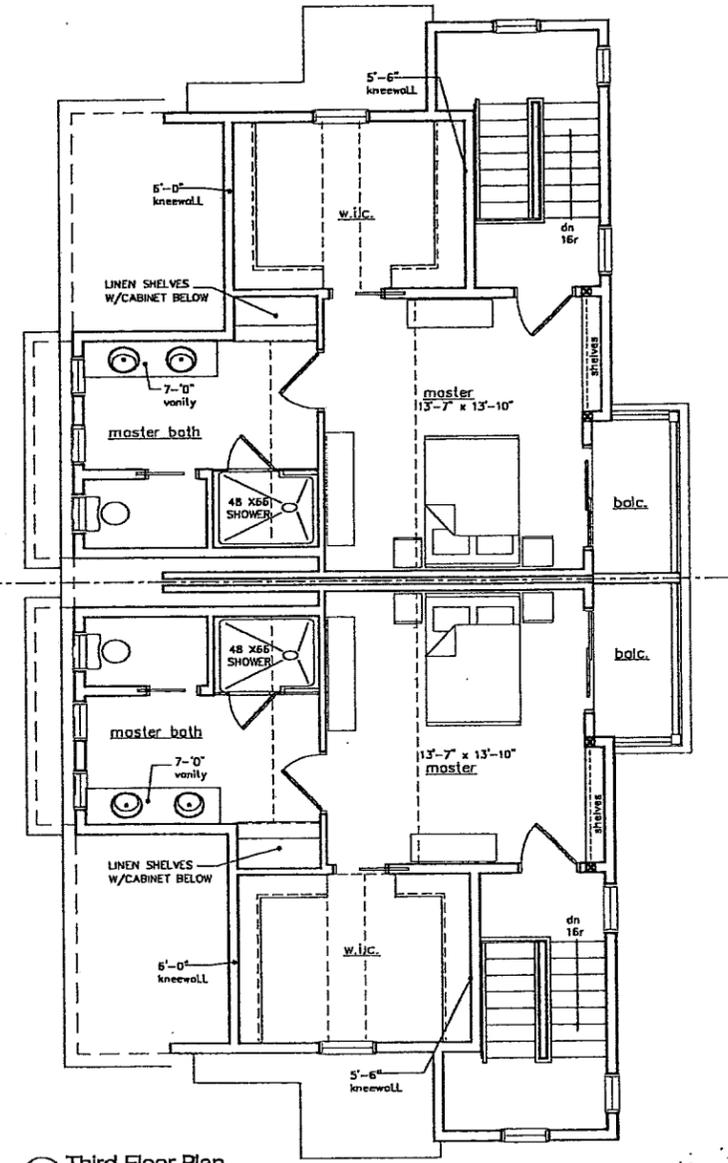
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1 First Floor Plan  
Scale: 1/4" = 1'-0"



2 Second Floor Plan  
Scale: 1/4" = 1'-0"

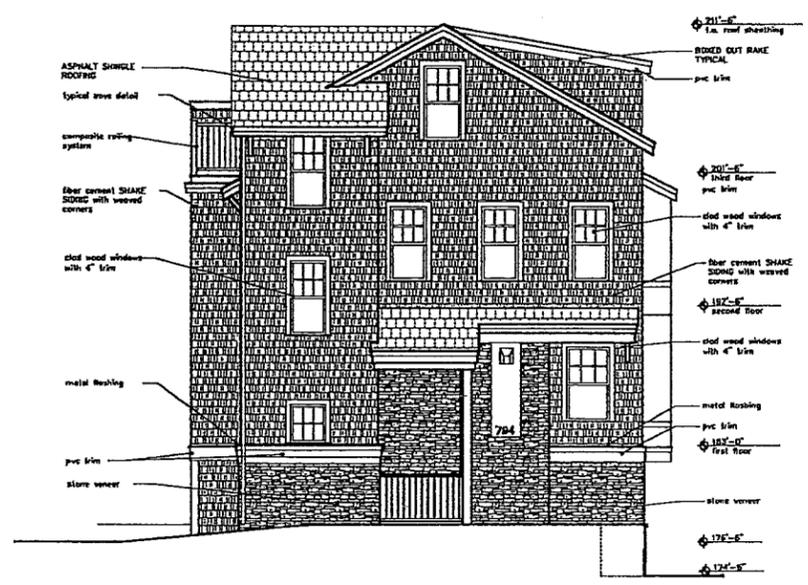


3 Third Floor Plan  
Scale: 1/4" = 1'-0"

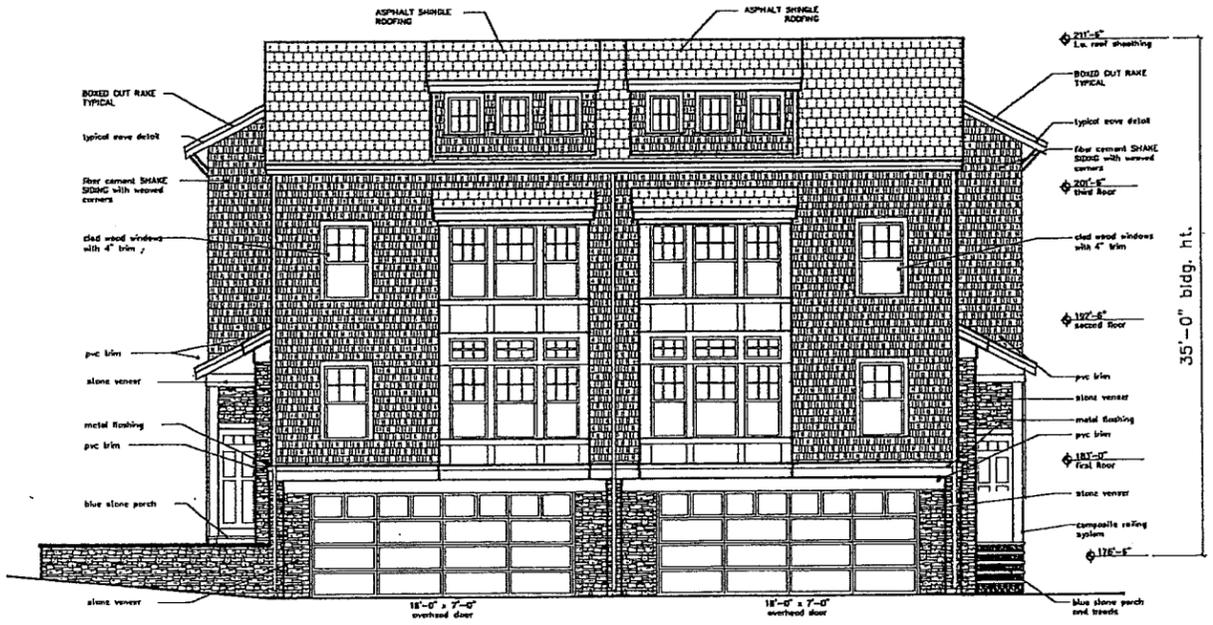


794-796 Heath Street  
Brookline, MA  
August 19, 2015

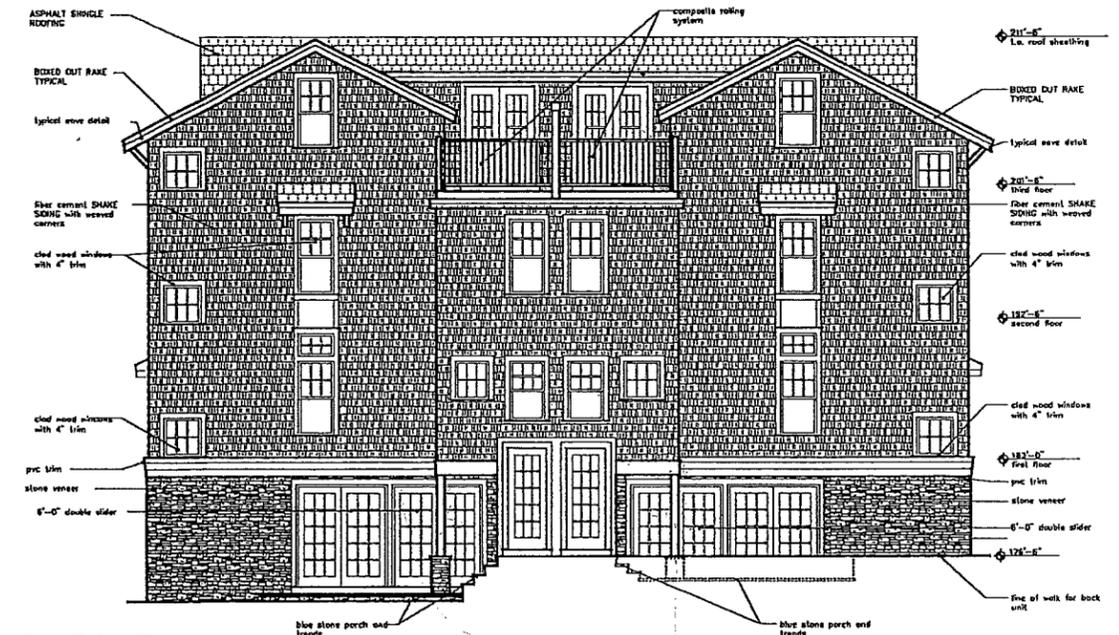
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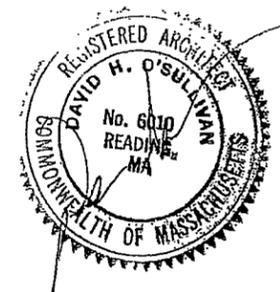
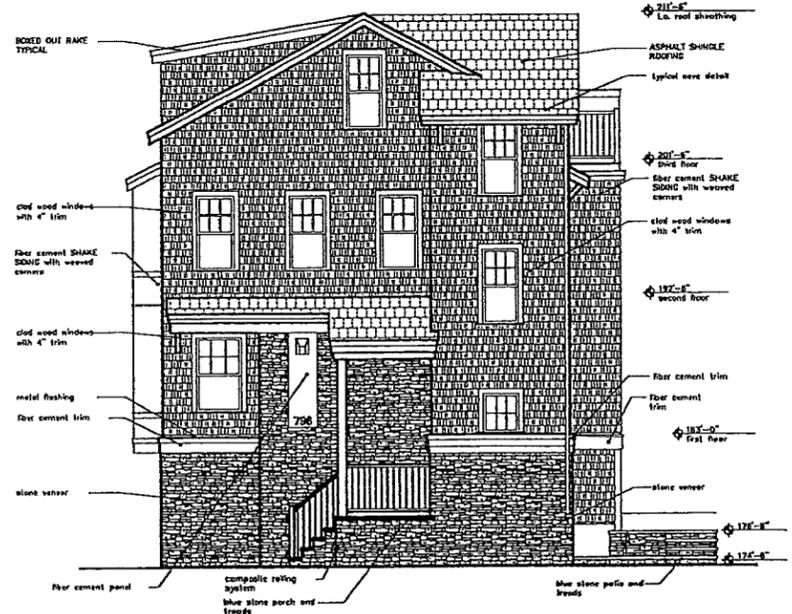
1 Front Elevation  
Scale: 3/16" = 1'-0"



Right Side Elevation



3 Left Side Elevation  
Scale: 3/16" = 1'-0"



794-796 Heath Street  
Brookline, MA  
August 20, 2015

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