



# Town of Brookline

## Massachusetts

### PLANNING BOARD

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Steven Heikin, Clerk  
Robert Cook  
Sergio Modigliani  
Mark J. Zarrillo

To: Brookline Board of Appeals  
From: Brookline Planning Board  
Date: September 17, 2015  
Subject: Modify previous Board of Appeals decisions to allow subdivision of lot into two separate lots  
Location: **50 Arlington Road**

Atlas Sheet:	117	Case #:	2015-0042
Block:	412	Zoning:	S-10
Lot:	07-08	Lot Area (s.f.):	±24,394

**Board of Appeals Hearing: October 1, 2015, at 7:05 p.m.**

### **BACKGROUND**

June 29, 1970, BOA Case #1639: The Board of Appeals granted relief to construct an attached two-car garage in the front yard setback of a single-family dwelling. To this relief, the Board attached four conditions:

1. **The structure shall not be less than 10.4 feet from any lot line.**
2. No enlargement of the existing residence and no further construction in the back yard shall be permitted unless this condition is modified or revoked after another hearing.
3. The garage shall not be higher than the existing residence.
4. Notice of this decision shall be recorded before construction commences.

July 1, 1971, BOA Case #1639-A: The Board of Appeals granted relief to construct a pool, tennis court and rear addition, along with a fence exceeding height limits, for the existing single-family dwelling. The owner was returning to the Board to modify condition #2 to allow the construction. The Board modified Case #1639, revoking condition #2, and granted the needed relief with five new conditions:

1. **All of the site shown on the plot plan of May 5, 1971, shall remain in one ownership.**

2. The pool and tennis court shall be accessory to the house numbered 50 Arlington Road.
3. The arborvitae hedge shall be at least seven and one-half feet high, when planted, and it shall be planted where shown on the plan.
4. The southerly corner of the swimming pool shall be at least 16 feet from the lot line as shown on the plan.
5. The proposed den shall be no bigger than 14 feet by 14 feet.

### **SITE AND NEIGHBORHOOD**

50 Arlington Road is a two-and-a-half-story single-family dwelling at the corner of Arlington and Beresford Roads. The property consists of two lots in common ownership. Aside from the home, there is also a pool and tennis court on the property. A stockade fence in somewhat poor condition screens the pool and tennis court from the street and neighbors, and there are a number of significant trees and other landscaping on the lot. Surrounding properties are also single-family dwellings of similar style and size.

### **APPLICANT'S PROPOSAL**

The applicant, Rosemont Trust LLC, wishes to modify the property's past Board of Appeals decisions to allow for the lot to be subdivided into two lots. The existing structure is non-conforming as to front yard setback, and this condition will remain. The new subdivision plan would create a new side yard setback for the home of 10 feet, which is the requirement in S-10 zoning districts.

### **FINDINGS**

#### **Modification, as necessary, of BOA case 1639 and 1639A, June 18, 1970, and June 24, 1971**

The Board of Appeals decisions currently have conditions that require the home to be not less than 10.4 feet from any lot line (condition #1 of BOA Case #1639) and that the entire site remain in one ownership (condition #1 of BOA Case #1639A). The new subdivision plan would create a side yard setback for the home of 10 feet, the requirement in S-10 zoning districts, and would allow for the property to be divided and sold.

### **PLANNING BOARD COMMENTS**

The Planning Board is not opposed to modifying the past Board of Appeals decisions to allow for the lot to be subdivided. The property has more than twice the minimum lot size, plenty of frontage, and the applicant has indicated the existing home would be retained.

**Therefore, the Planning Board recommends approval of the site plan by VTP Associates, dated 6/12/2015, subject to the following conditions:**

1. Prior to subdivision of the property, an ANR plan shall be submitted to the Planning Board for endorsement.
2. 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; and 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

*lkch*



Pictures from top to bottom:

- Front façade of 50 Arlington Road
- Garage addition (BOA Case 1639) as seen from Beresford Road
- Frontage of what would be second lot along Beresford Road



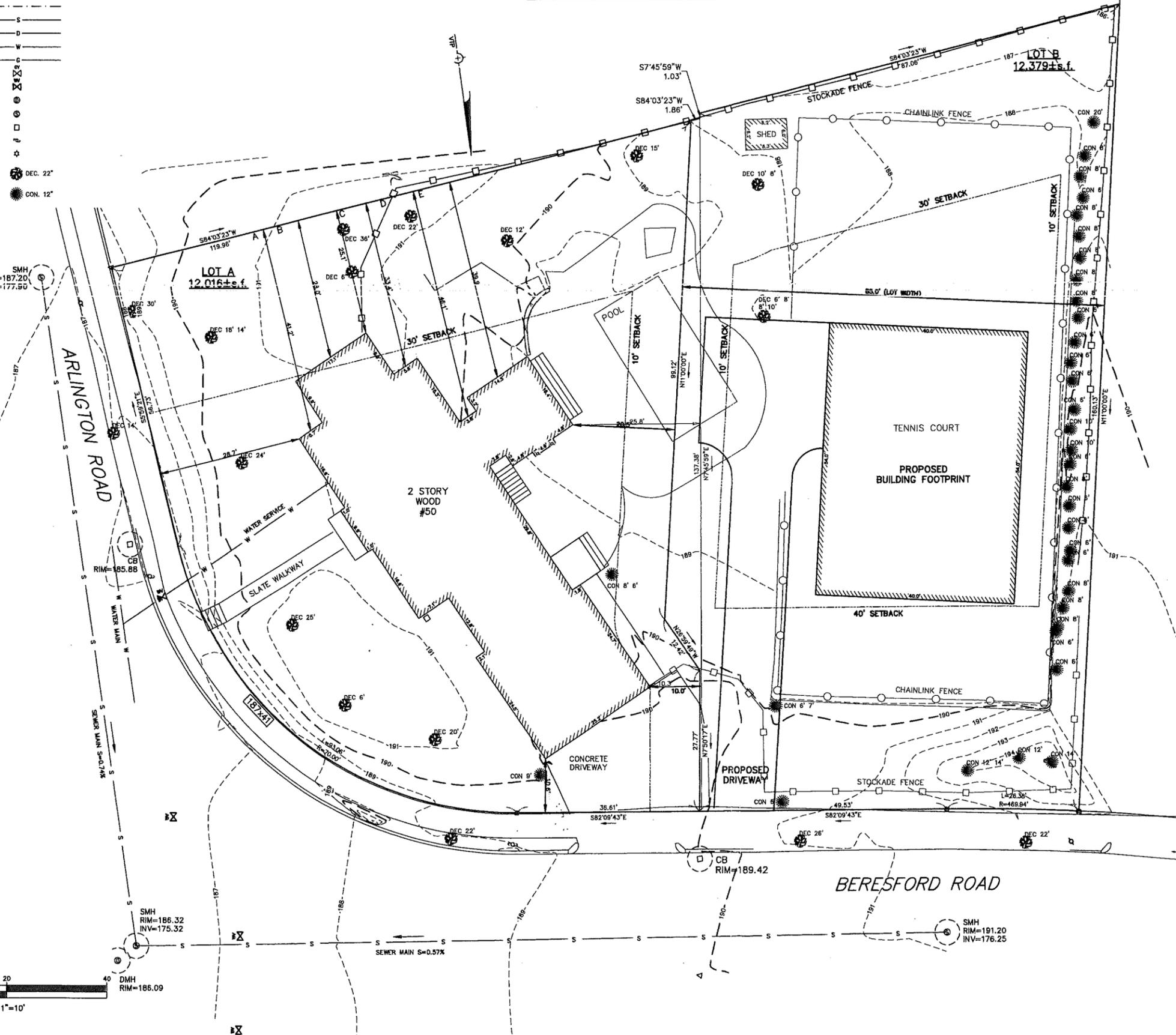


50 Arlington Road

**LEGEND**

BUILDING	---
PROPERTY LINE W/ BEARING DISTANCE	S81°56'34"E 118.23'
CONTOUR	-70-
STOCKADE FENCE	—○—○—○—
CHAINLINK FENCE	—○—○—○—
PICKET FENCE	—○—○—○—
SEWER LINE	—S—
DRAIN LINE	—D—
WATER LINE	—W—
GAS LINE	—G—
GAS VALVE	⊗
WATER VALVE	⊗
DRAIN MANHOLE	⊗
SEWER MANHOLE	⊗
CATCH BASIN	⊗
UTILITY POLE	⊗
LIGHT POLE	⊗
DECIDUOUS TREE	⊗ DEC. 22'
CONIFEROUS TREE	⊗ CON. 12'

LOT A + LOT B AREA:  
24,395±S.F.



Address: #60 Arlington Rd

**Length Weighted Mean Average Rear Alignment Calculation**

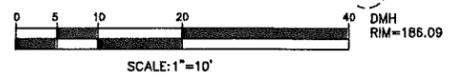
Part	Length in Feet	Width in Feet	Area in Sq. Ft.
Part A	5.70	41.20	234.84 Sq. Ft.
Part B	17.10	28.00	478.80 Sq. Ft.
Part C	5.60	33.40	187.04 Sq. Ft.
Part D	3.80	46.10	175.18 Sq. Ft.
Part E	14.50	39.90	578.55 Sq. Ft.
<b>Total</b>	<b>46.70</b>		<b>1654.41 Sq. Ft.</b>

Total Column B / Total Column D = Average Rear Alignment  
Average Rear Alignment = **35.43**

**ZONING CHART**

REGULATION	REQUIRED	PROPOSED LOT A	PROPOSED LOT B
LOT AREA	10,000±s.f.	12,016±s.f.	12,378±s.f.
LOT WIDTH	85.0'	85'	85'
FRONT SETBACK	20'	10.6'	>40'
SIDE SETBACK	10.0'	10.0'	>10'
REAR SETBACK	30.0'	35.4' *	>30'
FLR. AREA RATIO	0.30	—	<0.30
BUILDING HEIGHT	35.0'	31.06'	<35'
LANDSCAPE AREA	10%	—	—
USAGE AREA	40%	—	—

\* LOT A AVERAGE REAR SET BACK=35.43'



TOPOGRAPHIC SITE PLAN  
BROOKLINE, MASSACHUSETTS  
SHOWING PROPOSED CONDITIONS  
AT #50 ARLINGTON ROAD  
SCALE: 1in.=10ft. DATE: JUNE 12, 2015

215140  
**VTP**  
ASSOCIATES  
INC.

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