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June 27, 2018

Town of Brookline
Zoning Board of Appeals
Brookline Town Hall
333 Washington Street
Brookline, MA 02445

Attn: Jesse Geller, Chairman

RE: Response for Meeting of June 13, 2018
Application for a Comprehensive Permit (40B)
1299 Beacon Street Proposal
By Brighton Allston Properties, LLC

Dear Chairman and Zoning Board of Appeals Members,

Pursuant to the requirements of submittal of comments to the “Application for a Comprehensive Permit (40B), 1299 Beacon Street Proposal by Brighton Allston Properties, LLC, (Project)(Petitioner)” as a representative of the immediate abutter, Dr. Charles Heinberg, Owner of 1295-1297 Beacon Street, the following concerns are offered to the Town of Brookline Zoning Board of Appeals for their consideration.

- 1) Within the context of technical concerns, the site plan representation within the Architect’s submittal does not represent the existing site nor the Site Survey by Boston Survey, included in the proposal and information package submittal. The error of showing an access from Beacon Street to the rear of 1295-1297 Beacon Street does not exist and misrepresents a significant concern of the present and proposed Project’s ability for 1295-1297 Beacon Street to comply with 780 CMR Massachusetts Building Code, 9th edition, the National Fire Code (IFC) 2015, Chapter 10, and the International Building Code (IBC), 2015, Section 1006.2.1 “Accessible Means of Egress” as it has

significant impact on the adjacent Owner's emergency egresses from 1295-1297 Beacon Street to Sewall Avenue.

The present condition has the Petitioner deliberately blockading the emergency egress from 1295-1297 Beacon Street with a fence across one emergency egress within 12 inches of the emergency door, and a locked gate at the second egress (adjacent to the US Post Office Building) and fire escape preventing an emergency egress from the rear of the building. Placed adjacent to the fence, immediately at the emergency egress door is a significant dumpster, further blocking the emergency escape area. This condition creates a direct violation of the 780 CMR Massachusetts Building Code.

The proposed layout does not allow for a passage from either emergency egresses of 1295-1297 Beacon Street to Sewall Avenue. Present obstructions of the 1295-1297 Beacon Street (rear) prevents access for fire, police or other emergency requirements and created violations for 1295-1297 Beacon Street to meet mandated State Codes. We recommend the Town of Brookline resolve the present issue and future consideration for the proposed project to take this issue into consideration.

2) The plans and discussions reflected of the Project.

The plans and discussions reflected of the Project indicate sharing their left wall with the right wall of 1295-1297 Beacon Street towards Sewall Avenue. The present tie of the party walls was granted under a previous Owner's agreement for extension on a lateral direction. The existing wall "sisters" and shares the 1295-1297 Beacon Street footing.

The proposed structure is considerably larger and deeper with a two level garage under. 1295-1297 Beacon Street has a one level basement along with the present adjacent 1299 Beacon Street structure. The impact of removal of the 1299 Basement wall (on the 1295-1297 foundation footing) and construction of a two level garage, underpin excavating the 1295-1297 foundation footing can cause an extreme possibility of causing damage to 1295-1297 Beacon Street structure. Based on the fragility of the existing structure, we would require a minimum five to seven foot set-off between the buildings

with inclusion of deep sheet piles between the structure to secure the existing loaded soils and 1295-1297 Beacon Street structure.

Both the conditions stated above are 780 CMR Massachusetts State Building Code issues and fire and safety violations. Massachusetts Regulations involving the “rights” of a “40B” construction project does not relieve the Petitioner to freely violate the 780 CMR Massachusetts Building Code, 9th edition, the International Building Code (IBC) 2015, the International Fire Code (IFC) 2015 and the Town of Brookline related Regulations for fire, safety and construction activities.

Therefore, we respectfully petition the Town of Brookline Zoning Board of Appeals to accept these concerns and enforce compliance for fire, safety and structural considerations.

Respectfully submitted,
RAV & ASSOCIATES, INC.



Richard A. Volkin, PE

for/ Dr. Charles Heinburg, Owner 1295-1297 Beacon Street

