

RAV & ASSOCIATES, Inc.

21 HIGHLAND AVENUE
NEEDHAM, MA 02494

TEL: (781) 449-8200

E-MAIL: RICHARD@RAVASSOC.COM

June 19, 2019

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

Attn: Jesse Geller, Chairman

RE: Application for a Comprehensive Permit (40B)
1299 Beacon Street Proposal
By Brighton Allston Properties, LLC

Dear Chairman and Zoning Board of Appeals Members,

In our continued pursuit of resolution of differences between Brighton Allston Properties, LLC and its immediate abutter, Dr. Charles Heinberg, Owner of 1295-1297 Beacon Street being filed as an "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 remain to the Town of Brookline Zoning Board of Appeals and the Building Department for their continued consideration.

- 1) Within the context of technical concerns, the site plan representation within the Architect's submittals continue to prevent the ability for 1295-1297 Beacon Street to continue 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 a safe area or to Sewall Avenue.

The present condition continually shown on the latest known plans has the Petitioner blocking the emergency egress from 1295-1297 Beacon Street with a fence across one emergency egress within 12 inches of the emergency door, and a 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 to a safe area or to Sewall Avenue. This condition creates a direct violation of the 780 CMR Massachusetts Building Code as the proposed layout does not allow for a passage from either emergency egresses of 1295-1297 Beacon Street to Sewall Avenue. The proposed architectural plans further obstructs the ability of emergency escape

from the 1295-1297 Beacon Street (rear) and prevents access for fire, police or other emergency requirements and creates violations for 1295-1297 Beacon Street to meet mandated State Codes.

The document titled "Brighton Allston Properties, LLC – Site Logistics" continually ignores and does not address this critical code issue.

Attention must be brought to the Parties regarding the "Construction Management Plan", Page 6, Description of 1299 Beacon Street and Adjoining Properties. "The adjoining existing properties include a two story brick building located at 1297 Beacon Street. The Trader Joe's building located at 1309-1317 Beacon Street with an alley between, and US Post Office at 1295 Beacon Street." As the plan is not clear, does the Developer now intend to provide a shared escape alleyway from the rear of 1295-1297 Beacon Street to Sewall Avenue (at grade only)?

We recommend the Town of Brookline resolve the present issue and future consideration for the proposed project to take this issue into priority consideration.

2) The plans and discussions reflected of the Project.

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

The proposed structure is considerably larger and deeper with a two level garage under in accordance with the latest proposed plans. 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 (reference the Geotechnical Report, Geotechnical and Environmental Considerations, Geotechnical/Environmental Technical Review Comments and Developer Representative Response) 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 structures 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.

Prior to and up to the last Zoning Board of Appeals meeting involving this proposed project, there have been a number of cooperative discussions with the Petitioner towards resolution of these two significant issues. To date, no resolution has been accepted by the Petitioner or Abutter. It is not clear whether the Petitioner has modified his plans for a four level garage under (which will exasperate the noted conditions) or remain as a two level garage under, as shown on their latest plans.

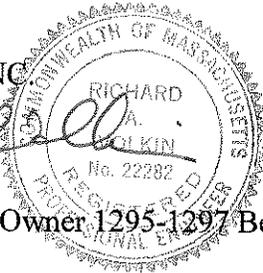
As we continue to proffer suggestions to Brighton Allston Properties, LLC towards resolution, we respectfully continue to petition the Town of Brookline Zoning Board of Appeals to accept these concerns and enforce compliance for fire, safety and structural considerations.

Respectfully submitted,
RAV & ASSOCIATES, INC



Richard A. Volkin, PE

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



Cc: Daniel Bennett, Building Commissioner
Joseph Braga Jr., Deputy Building Commissioner
Maria Morelli, Senior Planner
Rachna Balakrishna, Esq.
Raj Dhanda
Dr. Charles Heinberg
J. Jerome Coogan, Esq.