

From the Desk of:
Robert L. Allen, Jr., Esq.
ballen@bballenlaw.com

July 2, 2019

VIA HAND DELIVERY

Attn: Polly Selkoe
Planning Department
Brookline Town Hall
333 Washington Street
Brookline, MA 02445

**Re: Zoning Appeal
18 Spooner Road, Brookline, MA 02445**

Dear Polly:

I write on behalf of my clients, Will and Gray Hughes, applicants for the property located at 18 Spooner Road, Brookline, Massachusetts. Enclosed please find the following documents related to this zoning appeal:

- **Application for Special Permit;**
- **Denial Letter;**
- **Impact Statement;**
- **Certified FAR Analysis;**
- **Existing and Proposed Floor Plans;**
- **Existing and Proposed Survey; and**
- **Filing Fee (\$400.00 Town of Brookline; \$21.00 Brookline TAB).**

Kindly notify my office once the application has been deemed complete pursuant to Section 9.04.4 of the Zoning By-Law in order to schedule the Planning Board and Board of Appeals hearings.

Thank you for your attention to this matter. If you have any questions or if any further information is required, please be in touch at my above-listed telephone number.

Very Truly Yours,

Robert L. Allen, Jr.
Robert L. Allen, Jr. 



BA/slg
Enclosure

EXHIBIT "A"

TOWN OF BROOKLINE BOARD OF APPEALS
APPLICATION FOR SPECIAL PERMITS AND/OR VARIANCES
(See MGL c. 40A s. 9 &10, BOA Rules and Regulations, and Zoning By-laws § 9)

Date: 07/02/19

Address of Premises: 18 Spooner Road

Applicant(s): Will and Gray Hughes Address: 18 Spooner Road
Brookline, MA 02467

Owner(s) of Record: same Address: same

c/o Robert L. Allen, Jr., 300 Washington Street, 2nd Floor, Brookline, MA 02445

Deed recorded in Registry of Deeds, Book: 30660 Page: 550

or registered in the Land Registration Office under Certificate No. _____

Tax Assessor's Property ID No.: 281-31-00 Map: 66 Block: 281 Lot: 31-00

1. Is the applicant applying for special permits X and/or variances X? Please list Zoning By-law sections under which special permits and/or variances are requested. (Refer to Denial Letter.)
Sections 5.22 – Exceptions to Floor Area Ratio; 5.09.2.J – Design Review; 6.04.5.C.3 – Design of Off-Street Parking Facilities; 5.43 – Exceptions to Yard and Setback Regulations; 8.02.2 – Alteration or Extension; and any other relief deemed necessary.

2. Provide a description of your proposal including proposed use, size, location on the site, etc.
Construct addition and new garage

3. Present use of property (No. of dwelling units, if any).
Single-family dwelling

4. Proposed use of property (description of all buildings and facilities, hours of operation, number of employees, visits by clients or pupils, amount of off-street parking, square footage of proposed additions or structures, etc.)

Single-family dwelling

5. Why does the applicant believe that the proposed use or building will meet the conditions for a special permit under Sec. 9.05 of the Brookline Zoning By-Law and will be in harmony with the purpose and intent of the Bylaw?

The proposed changes are appropriate for the single-family dwelling, and will not adversely affect the neighborhood. The proposal will not cause a nuisance or serious hazard to vehicles or pedestrians, and the reduction in pavement will improve the lot's relationship to the streetscape. Adequate and appropriate facilities will be provided for the proper operation of a single-family dwelling with a detached garage.

6. (IF APPLICABLE) Why does the applicant believe that the proposed use or building will meet the conditions for a variance under MGL c. 40A, Sec. 10, i.e. what are the special circumstances relating to soil conditions, shape, or topography of such land or structures, which do not generally affect other land or structures in the same zoning district, so that a literal enforcement of the by-law would involve substantial hardship, financial or otherwise, and that relief may be granted without substantial detriment to the public good and without substantially derogating from the intent or purpose of the By-law?

N/A



TOWN of BROOKLINE
Massachusetts
BUILDING DEPARTMENT

Daniel Bennett
Building Commissioner

Sunday, June 16, 2019

Robert L. Allen, Jr.
300 Washington Street
Brookline, MA 02445

Subject: 18 SPOONER ROAD, BROOKLINE, MA 02467

Dear Robert L. Allen, Jr.,

Your request to:

Construct addition and new garage

at 18 SPOONER ROAD, BROOKLINE, MA 02467 is denied.

The subject premises is located in a(n) S-10 SINGLE-FAMILY District.

The site plan by Everett M. Brooks Co. dated April 9, 2018 and architectural plans by ART Architects dated May 28, 2019 do not conform to the following requirements of the Town of Brookline Zoning By-Law:

§5.09.2.J – DESIGN REVIEW

§5.22 - EXCEPTIONS TO FLOOR AREA RATIO REGULATIONS FOR RESIDENTIAL UNITS

§5.43 - EXCEPTIONS TO YARD AND SETBACK REGULATIONS

§6.04.5.C.3 – DESIGN OF ALL OFF-STREET PARKING FACILITIES

§8.02 - ALTERATION OR EXTENSION

ANY OTHER RELIEF THE BOARD MAY FIND NECESSARY

In accordance with the provisions of the Zoning By-Law, you may apply to the Board of Appeals for the above noted relief within thirty (30) days of receipt of this letter.

Respectfully,

Joseph Braga

Joseph Braga
Deputy Building Commissioner
617-730-2104

July 2, 2019

Attn: Polly Selkoe
Planning Department
Brookline Town Hall
333 Washington St.

Re: Impact Statement
18 Spooner Road, Brookline, MA

Dear Polly,

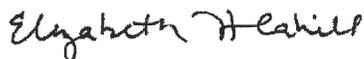
We write to you on behalf of our client, William & Gray Hughes, the owners of 18 Spooner Road in Brookline, MA.

In compliance with Section 5.09.4 of the Town of Brookline Zoning By-Laws, we submit the following Impact Statement describing the impact of the proposed addition and garage project at 18 Spooner Road on the environment and on the local community.

- a. Preservation of Trees and Landscape
One mature tree is planned to be removed in order to accommodate this project, a 22" evergreen. This tree is located on the "Existing Site Plan." All other trees will remain, and they will be appropriately protected during construction.
The new garage location and the bottom of the driveway will require some moderate regrading along the southwest side of the property. No grade changes will be made at the front of the property. No grade changes will be made at any property lines.
- b. Relation of Buildings to Environment
The proposed addition will have no impact on the shadows on abutting properties or on public space.
- c. Relation of Buildings to the Form of the Streetscape and Neighborhood
The proposed addition and garage are located at the rear of the property. The addition is minimally visible from any public way. The addition and garage are both consistent with the use, scale, and setbacks of the existing property and other properties in the neighborhood. The architecture of the house addition is consistent with that of the existing house.
- d. Open Space
Landscaping at the front of the house is to remain as it is. With the addition and the new garage located towards the rear of the house, much of the back yard will be re-landscaped to include a small bluestone patio at grade between the garage and the lawn.
- e. Circulation
The upper portion of the driveway will remain as it is. The lower portion of the driveway will be shortened and re-shaped to accommodate the new garage location. All of the existing paths on the property are to remain where they are. Repairs to paths will be made as needed.

- f. Stormwater Drainage
A comprehensive stormwater management system will be provided, as required in the Brookline Stormwater By-Law. Special attention will be paid to the bottom of the driveway where water will be prone to pooling and to the property lines of 145 & 151 Middlesex Road, where stormwater control has historically been challenged. Efforts will be made to improve drainage near these particular property lines.
Pervious pavers will be used for the lower portion of the driveway, and the garage is planned to have a green roof. Both of these aspects of the project should aid our efforts to control stormwater.
- g. Utility Service
No new utility service is anticipated to be required for this addition and garage project.
- h. Advertising Features
Not Applicable
- i. Special Features
Not Applicable
- j. Safety and Security
This project will meet all code requirements with regard to safety and security.
- k. Heritage
This property is within the Chestnut Hill North Local Historic District. The Brookline Preservation Commission has reviewed this proposed house addition and new garage project, and they verbally granted approval for it at the May 14, 2019 Preservation Hearing. Their approval is pending Preservation Staff's acceptance of a few minor adjustments to the proposed plans, all of which are included in this current set of plans.
- l. Microclimate
No new outdoor mechanical equipment is planned for this project. Three existing condenser units will be relocated and screened appropriately to meet Noise Control provisions.
- m. Energy Efficiency
The addition to the house will meet the stretch energy code. The garage will not be heated. Efforts will be made to select energy efficient light fixtures and systems for the addition and the garage.

Sincerely,



Elizabeth H. Cahill, AIA

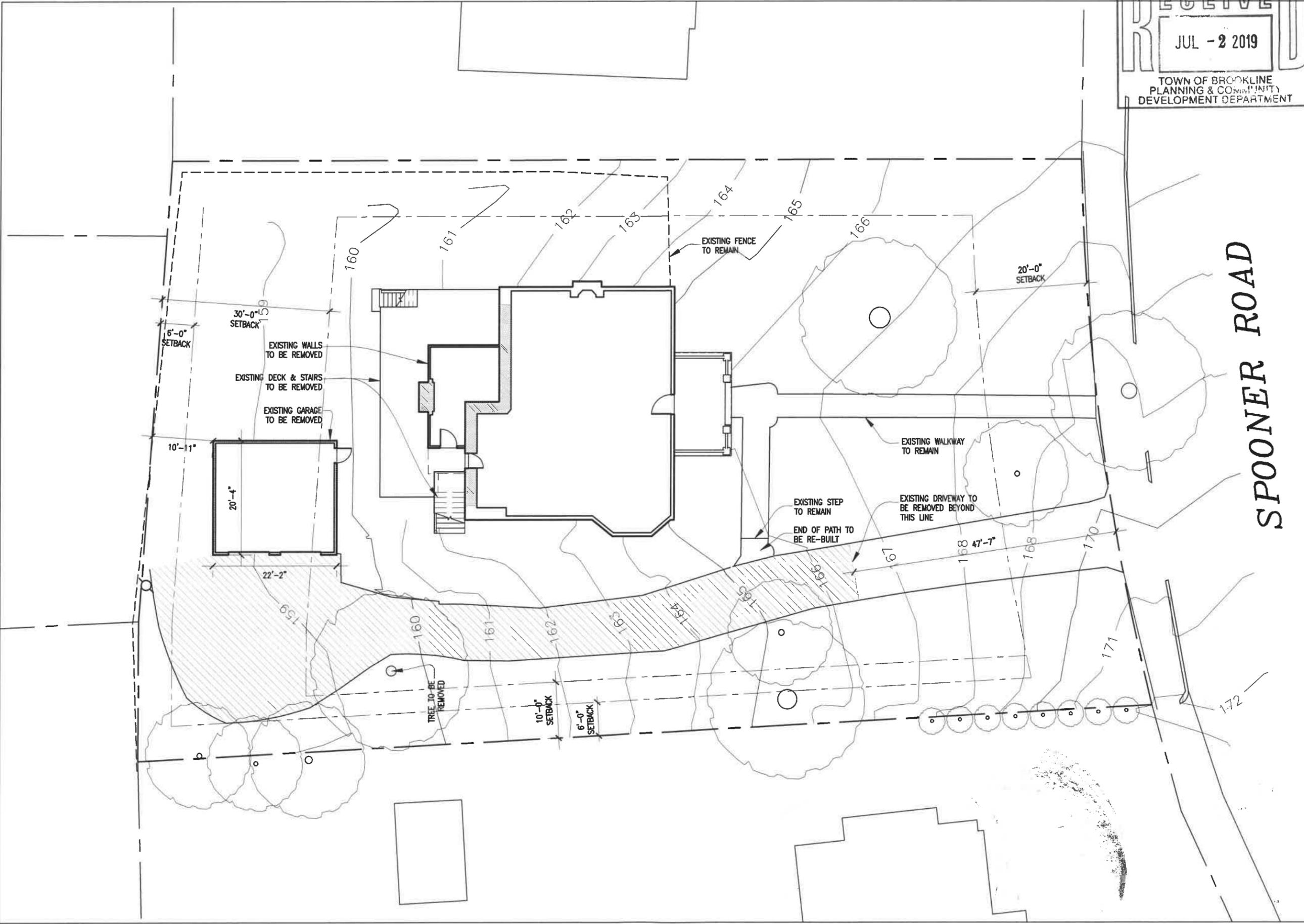
18 Spooner Rd.
 FAR Calculations

6/5/2019

| | | | | | | |
|---|--------|----|--|--|--|--|
| Parcel Size (per Everett Brooks survey) | 17,497 | SF | | | | |
| Zoning | S-10 | | | | | |
| FAR Allowed | 0.30 | | | | | |
| GFA Allowed | 5,249 | SF | | | | |

| | Existing GFA | | Existing FAR | Proposed GFA | | Proposed FAR |
|---|--------------|-----------|--------------|--------------|-----------|--------------|
| Basement | 1,644 | SF | | 2,056 | SF | |
| (Mechanical) | (346) | SF | | (323) | SF | |
| (Crawl Space) | (191) | SF | | - | SF | |
| Garage | 452 | SF | | 650 | SF | |
| (Garage Credit) | (452) | SF | | (650) | SF | |
| First Floor | 1,687 | SF | | 2,056 | SF | |
| Second Floor | 1,629 | SF | | 1,692 | SF | |
| Third Floor | 1,383 | SF | | 1,458 | SF | |
| 50% Unfinished Attic between 5'-0"-7'-0" Clg. Ht) | 17 | SF | | 17 | SF | |
| (Unfinished Attic <5'-0" Clg. Ht) | (189) | SF | | (264) | SF | |
| (<5'-0" Clear Clg. Ht.) | (317) | SF | | (317) | SF | |
| TOTAL | 5,317 | SF | 0.30 | 6,375 | SF | 0.36 |





RECEIVED
 JUL - 2 2019
 TOWN OF BROOKLINE
 PLANNING & COMMUNITY
 DEVELOPMENT DEPARTMENT

SPOONER ROAD

ART Albert · Righter · Tittmann
 ARCHITECTS
 262 Washington Street 2nd Floor Boston, MA 02108
 (617) 451-5740 ARTarchitects.com

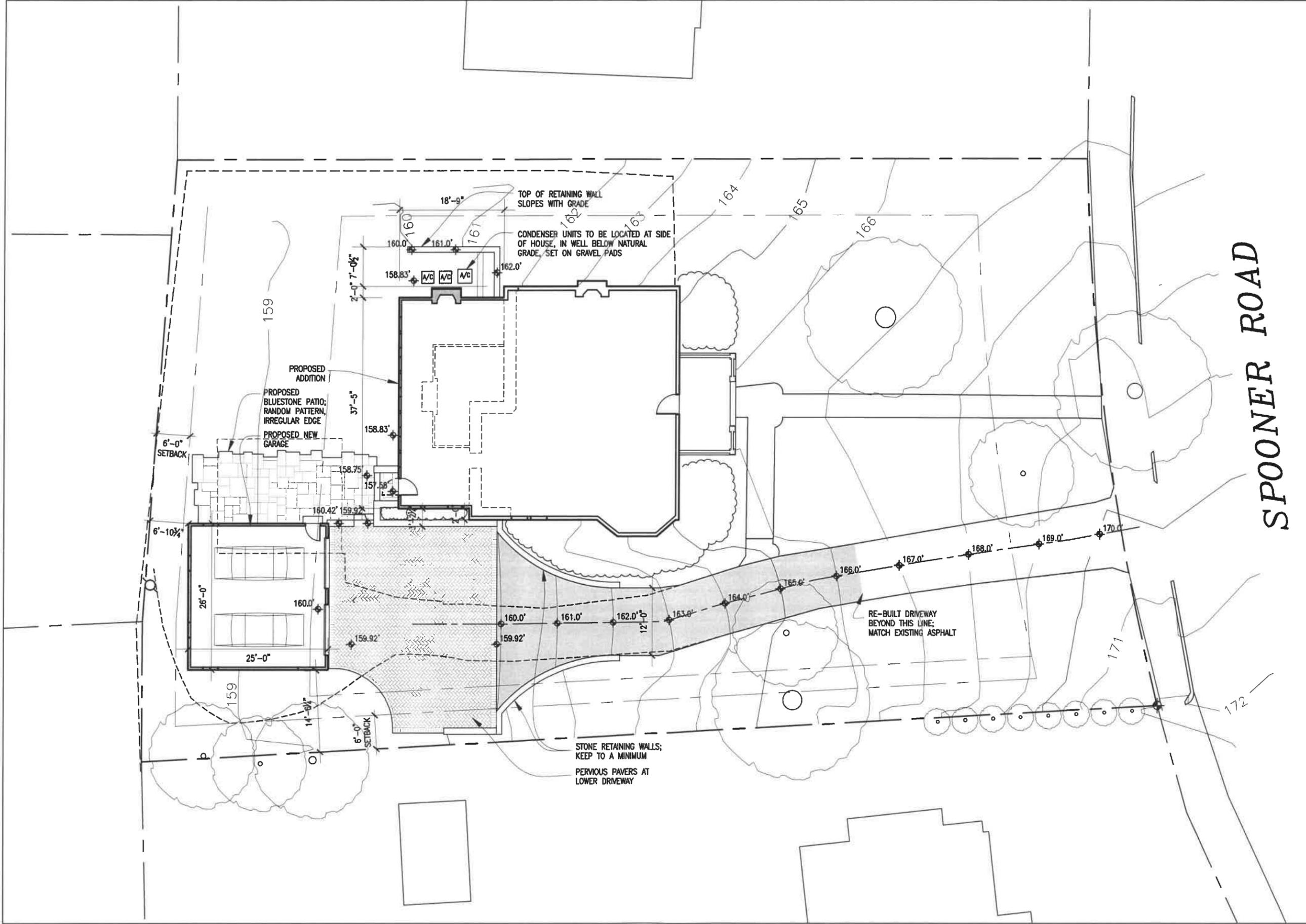


HUGHES
 18 SPOONER ROAD
 CHESTNUT HILL, MA

| DATE | ISSUE | DRAWN | CHECKED |
|----------|--------------|-------|---------|
| 04/23/19 | PRESERVATION | EJC | JBC |
| 05/20/19 | PLANNING | EJC | JBC |
| | | | |
| | | | |

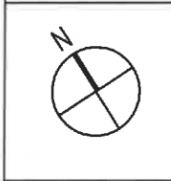
| TITLE | SCALE |
|--------------------|---------------|
| EXISTING SITE PLAN | 1/16" = 1'-0" |
| JOB NUMBER | 1805 |

A1.0



SPOONER ROAD

ART Albert · Righter · Tittmann
ARCHITECTS
262 Washington Street 2nd Floor Boston, MA 02108
617-451-5740 ARTInchitects.com



HUGHES
18 SPOONER ROAD
CHESTNUT HILL, MA

| DATE | ISSUE | DRAWN | CHECKED |
|----------|--------------|-------|---------|
| 04/23/19 | PRESERVATION | ENC | JBC |
| 05/22/19 | REVIEW | ENC | JBC |
| 05/24/19 | REVIEW | ENC | JBC |
| 05/28/19 | PLANNING | ENC | JBC |

| | | |
|------------|-------|--------------------|
| TITLE | | PROPOSED SITE PLAN |
| JOB NUMBER | SCALE | 1/16"=1'-0" |
| 1805 | | |

A1.1

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



DEED REFERENCE:
 BOOK 30660 PAGE 550
 ZONING DISTRICT
 RESIDENCE S-10
 FLOOD PLAIN ZONE X
 COMMUNITY PANEL NO.
 25021C0033E

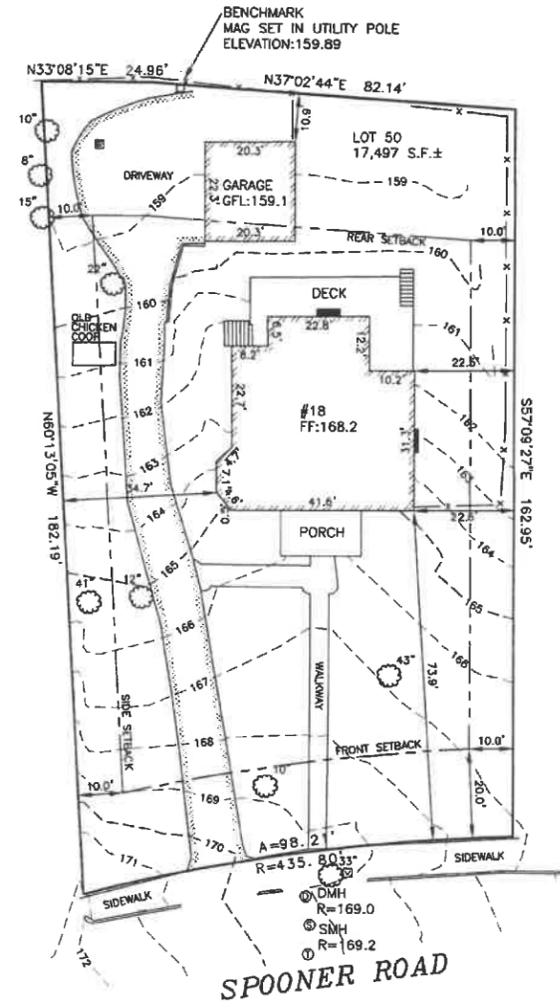
**PLAN OF LAND IN
 BROOKLINE, MA**
 18 SPOONER ROAD
 EXISTING CONDITIONS

SCALE: 1 IN. = 20 FT.
 DATE: APRIL 9, 2018
 DRAWN: GAR
 CHECK: BB

REVISIONS:

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
| | | |
| | | |
| | | |

PROJECT NO. 25497



- LEGEND**
- UTILITY POLE
 - WATER GATE
 - HYDRANT
 - GAS GATE
 - SEWER MANHOLE
 - DRAIN MANHOLE
 - CATCH BASIN
 - TREE
 - TREE
 - LIGHT POLE
 - SIGN
 - 71.4 X SPOT ELEVATION
 - - 71 - - EXISTING CONTOUR
 - X - FENCE



A PROPOSED SITE SECTION THROUGH DRIVEWAY
SCALE: 1/16" = 1'-0"



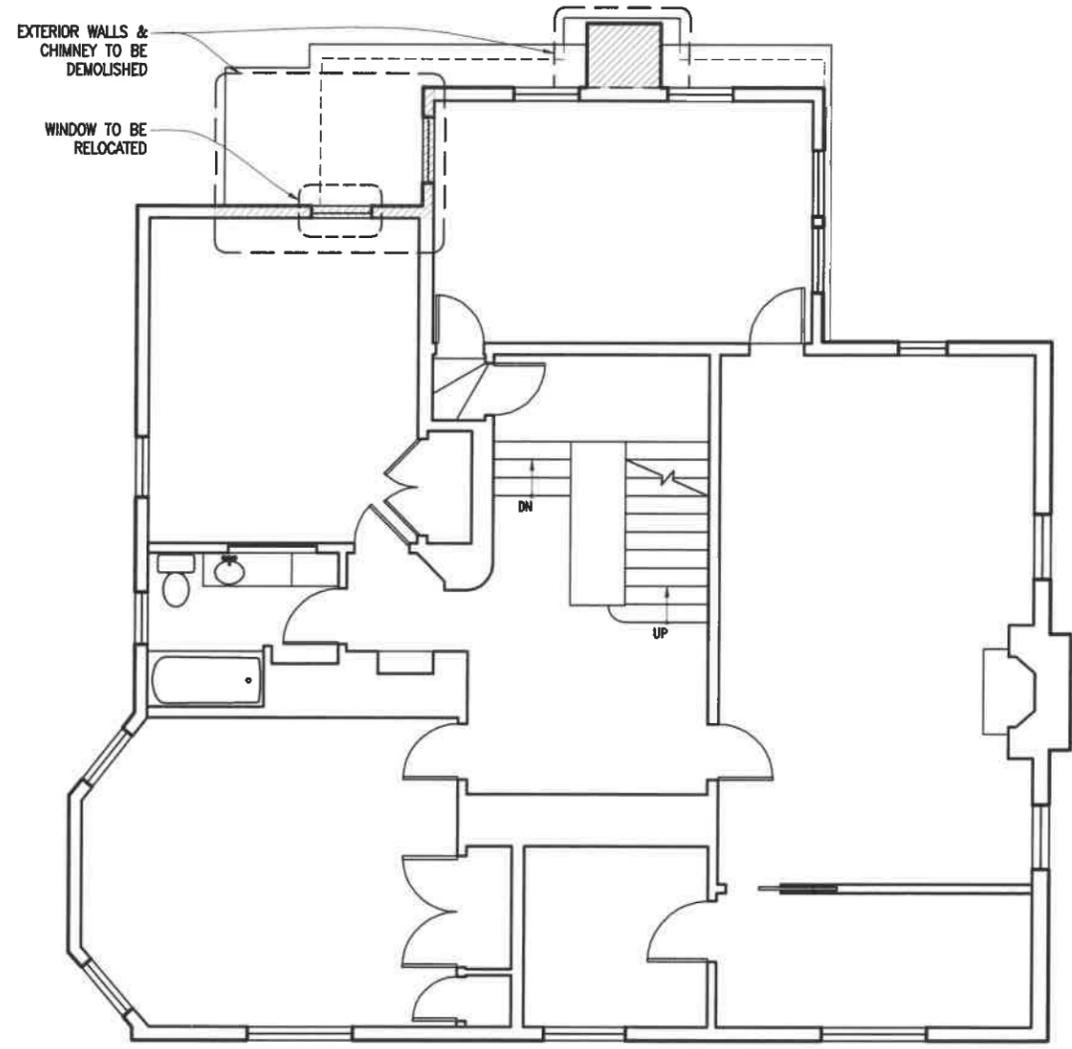
B EXISTING SITE SECTION THROUGH DRIVEWAY
SCALE: 1/16" = 1'-0"

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262 Washington Street 2nd Floor Boston, MA 02108
617-451-5740 ARTarchitects.com

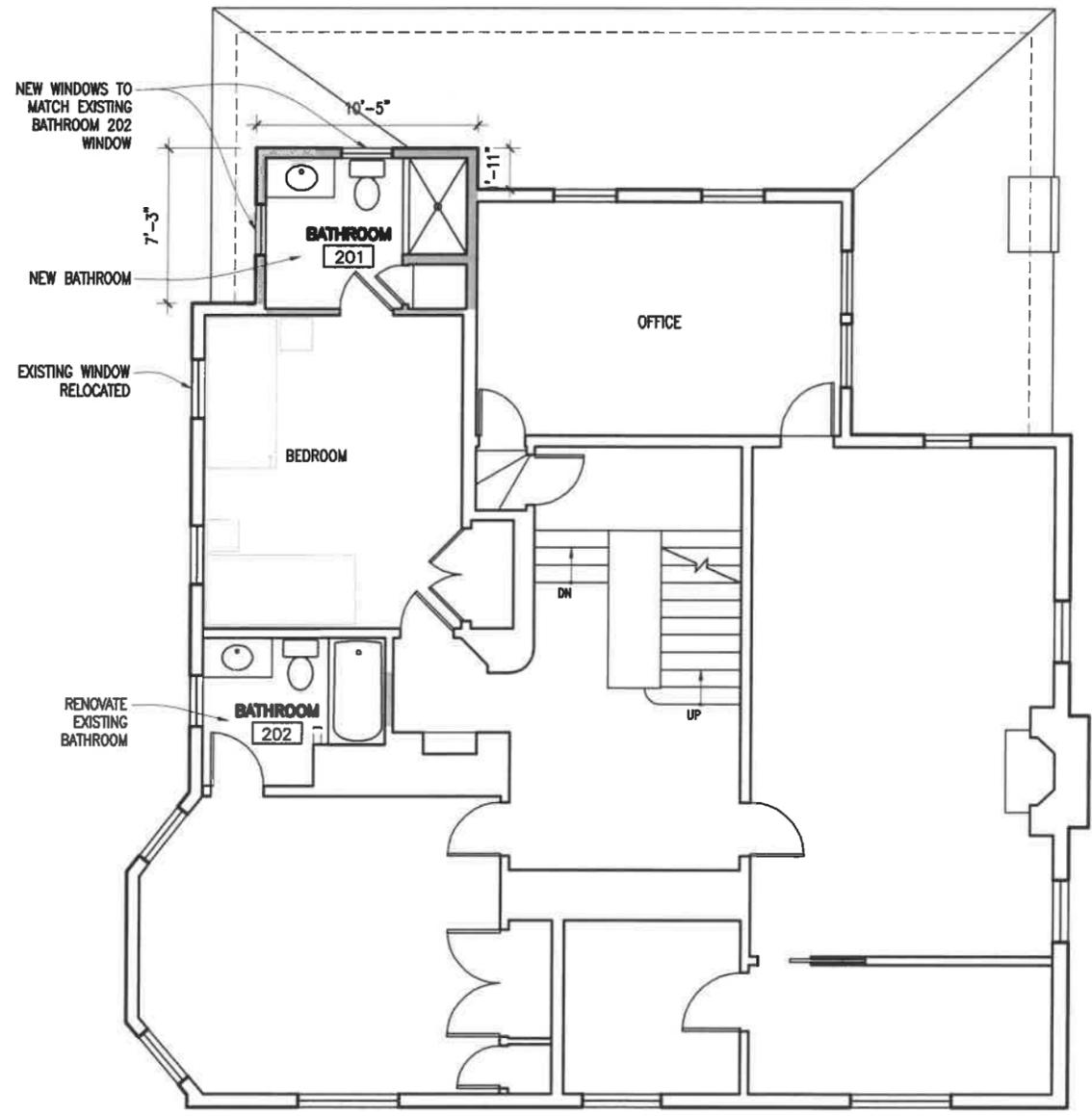
HUGHES
18 SPOONER ROAD
CHESTNUT HILL, MA

| TITLE | DATE | ISSUE | DRAWN | CHECKED |
|---------------|---------------|--------------|-------|---------|
| SITE SECTIONS | 04/23/19 | PRESERVATION | EHC | JBC |
| | 05/22/19 | REVIEW | EHC | JBC |
| | 05/28/19 | PLANNING | EHC | JBC |
| JOB NUMBER | SCALE | | | |
| 1805 | 1/16" = 1'-0" | | | |

A1.2



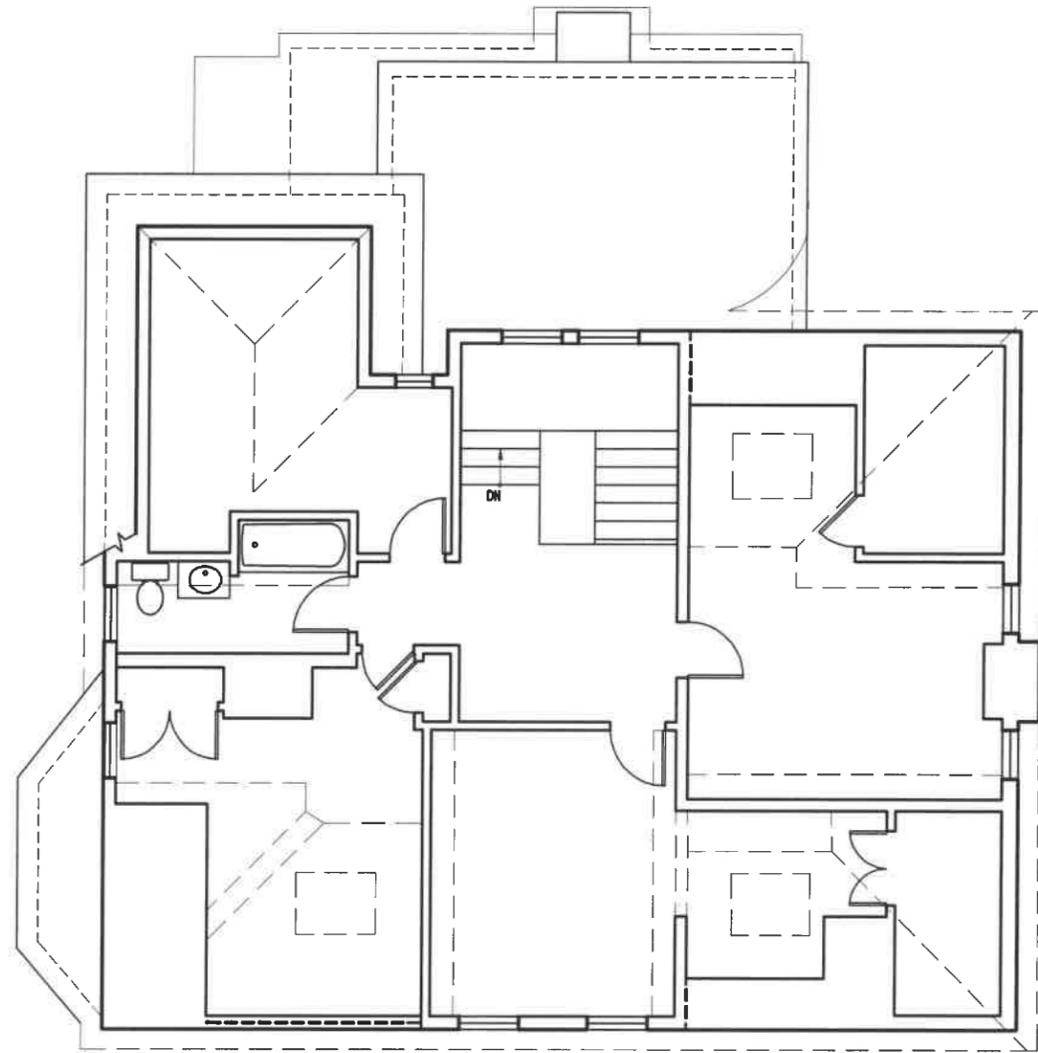
B EXISTING 2ND FL. PLAN
SCALE: 1/8" = 1'-0"



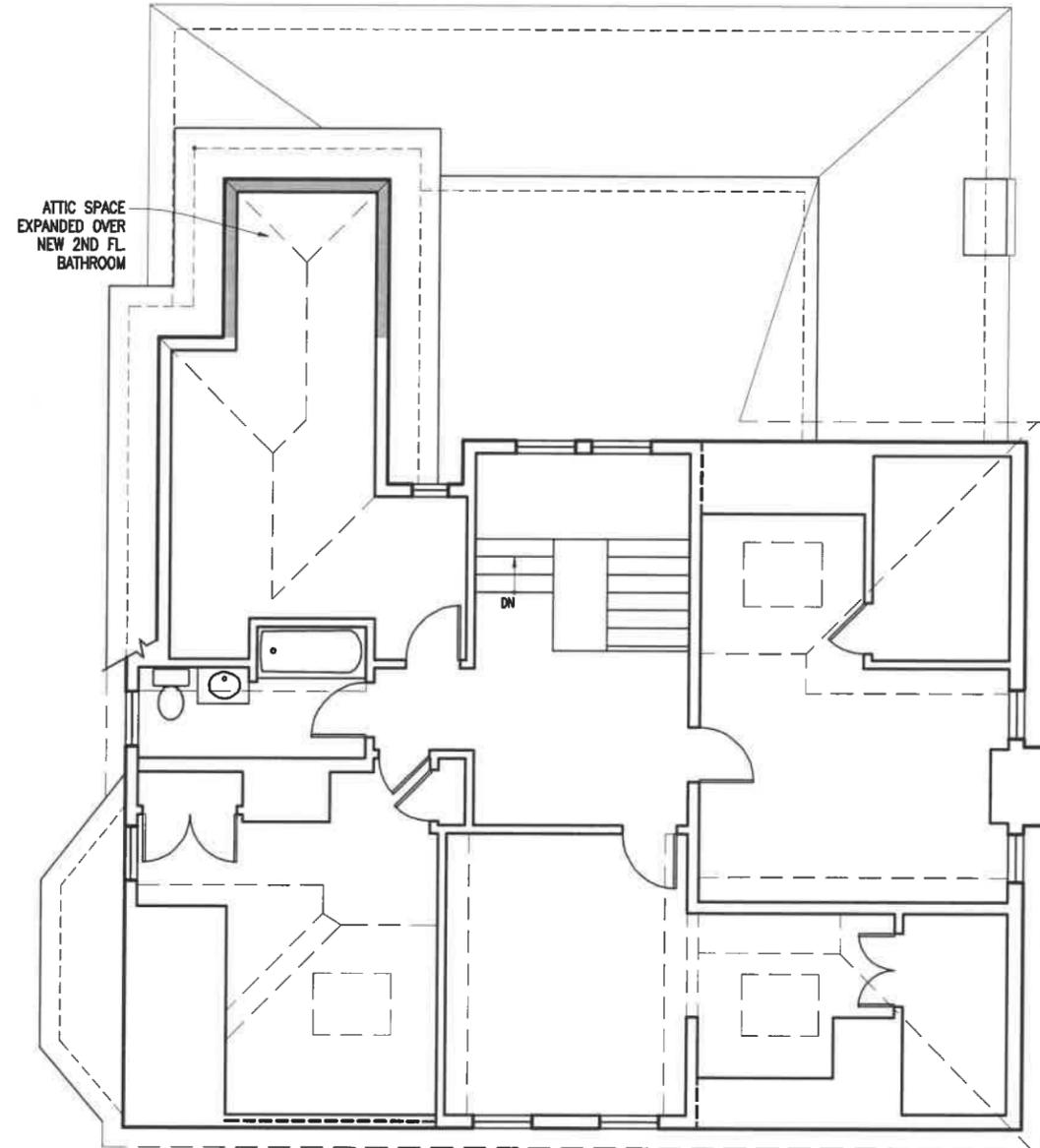
A PROPOSED 2ND FLOOR PLAN
SCALE: 1/8" = 1'-0"



| TITLE | JOB NUMBER | SCALE | DATE | | ISSUE | | DRAWN | | CHECKED | | | | | |
|-----------------|------------|--------------|----------|----------|----------|--------------|--------|----------|---------|------|------|------|--|--|
| | | | 04/23/19 | 05/22/19 | 05/29/19 | PRESERVATION | REVIEW | PLANNING | ERIC | ERIC | ERIC | ERIC | | |
| 2ND FLOOR PLANS | 1805 | 1/8" = 1'-0" | | | | | | | | | | | | |



B EXISTING 3RD FL. PLAN
SCALE: 1/8" = 1'-0"



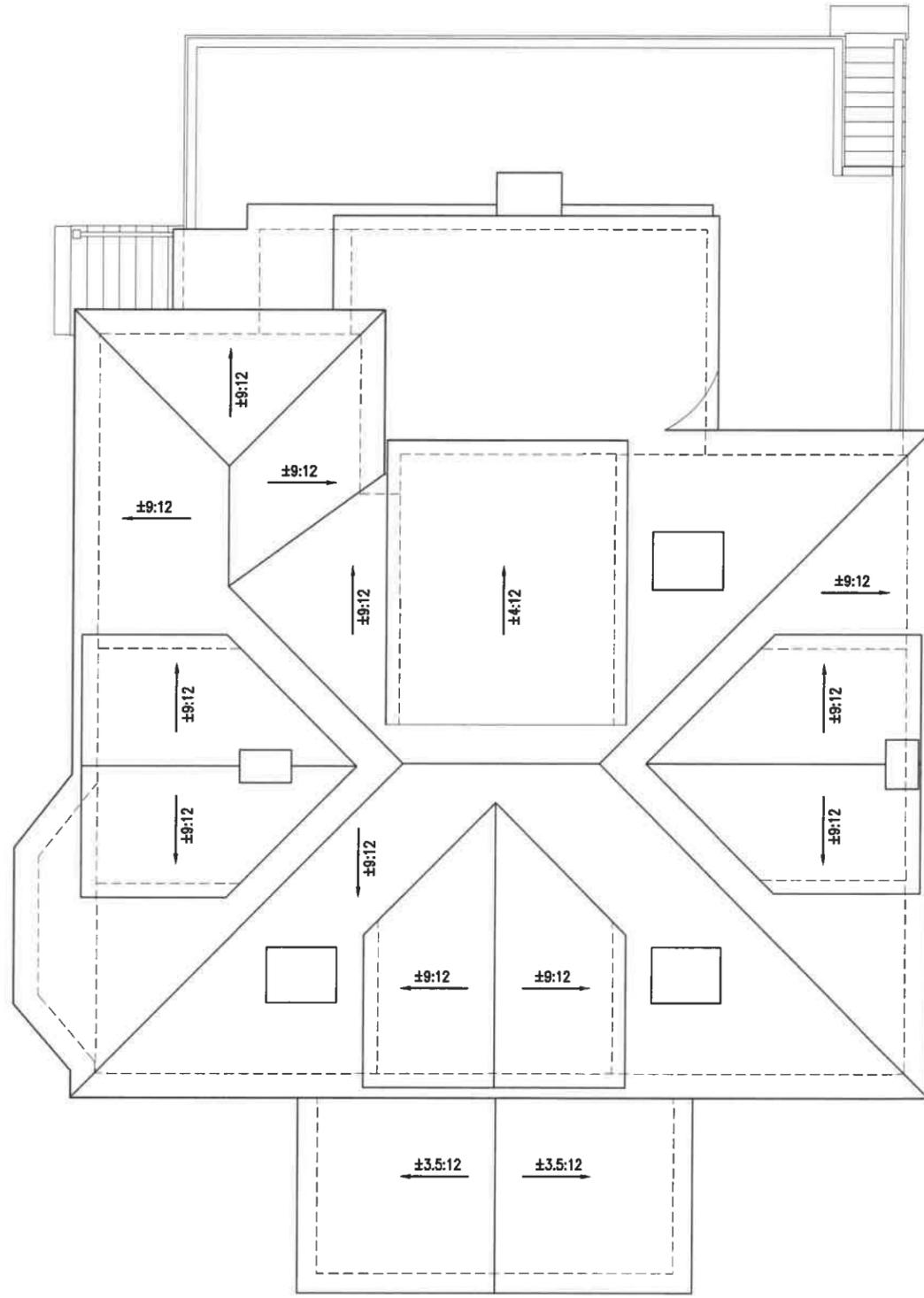
A PROPOSED 3RD FL. PLAN
SCALE: 1/8" = 1'-0"

| | | | |
|------------|----------------|----------|--------------|
| TITLE | 3RD FLOOR PLAN | SCALE | 1/8"=1'-0" |
| JOB NUMBER | 1805 | | |
| DATE | 04/23/19 | ISSUE | PRESERVATION |
| | 05/22/19 | REVIEW | |
| | 05/28/19 | PLANNING | |
| DRAWN | EH | CHECKED | BC |
| | EH | | BC |
| | EH | | BC |

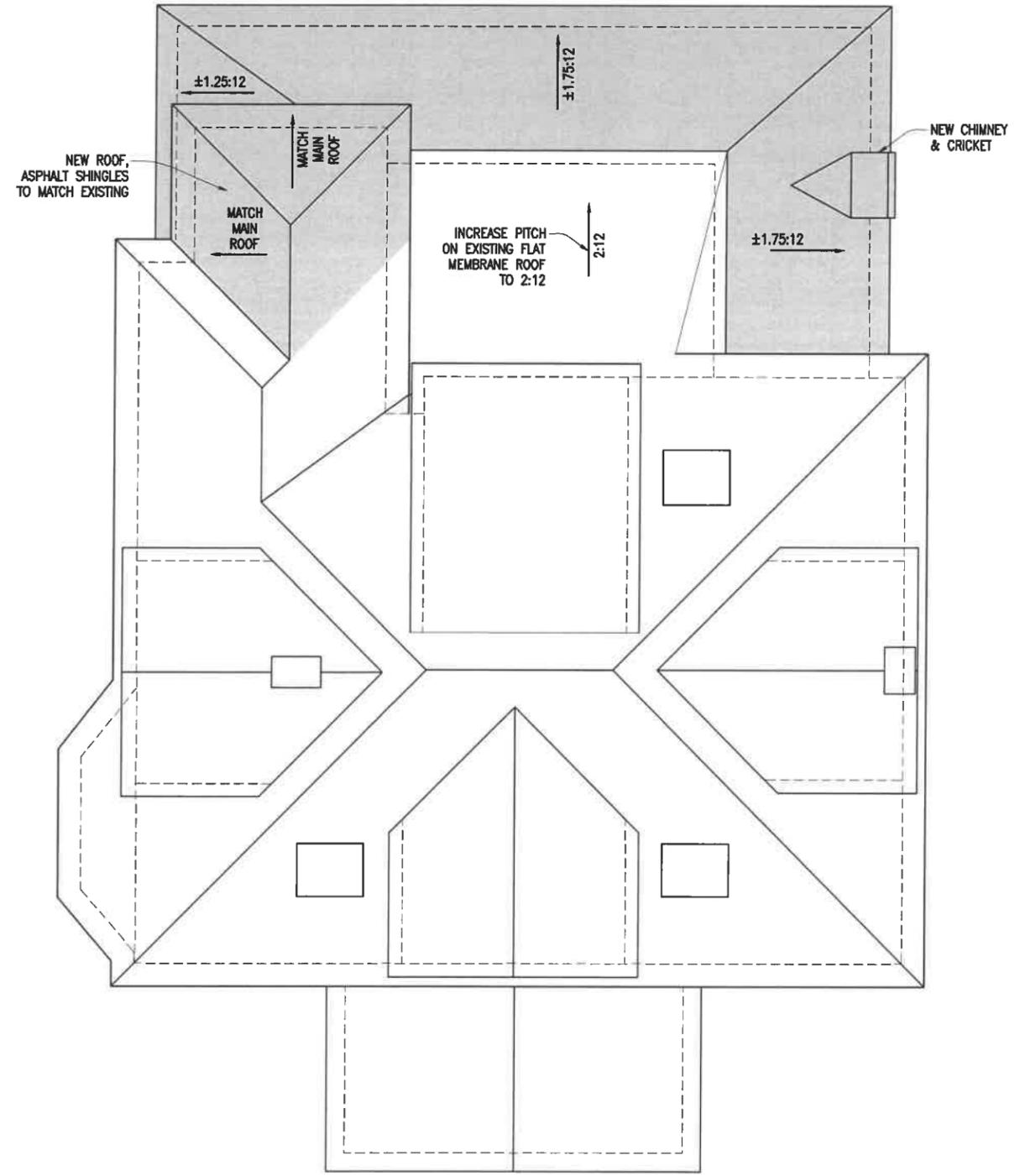
HUGHES
18 SPOONER ROAD
CHESTNUT HILL, MA



ART ARCHITECTS
Albert · Righter · Tittmann
262 Washington Street 2nd Floor Boston, MA 02108
617-451-5740 ARTarchitects.com



B EXISTING ROOF PLAN
SCALE: 1/8" = 1'-0"

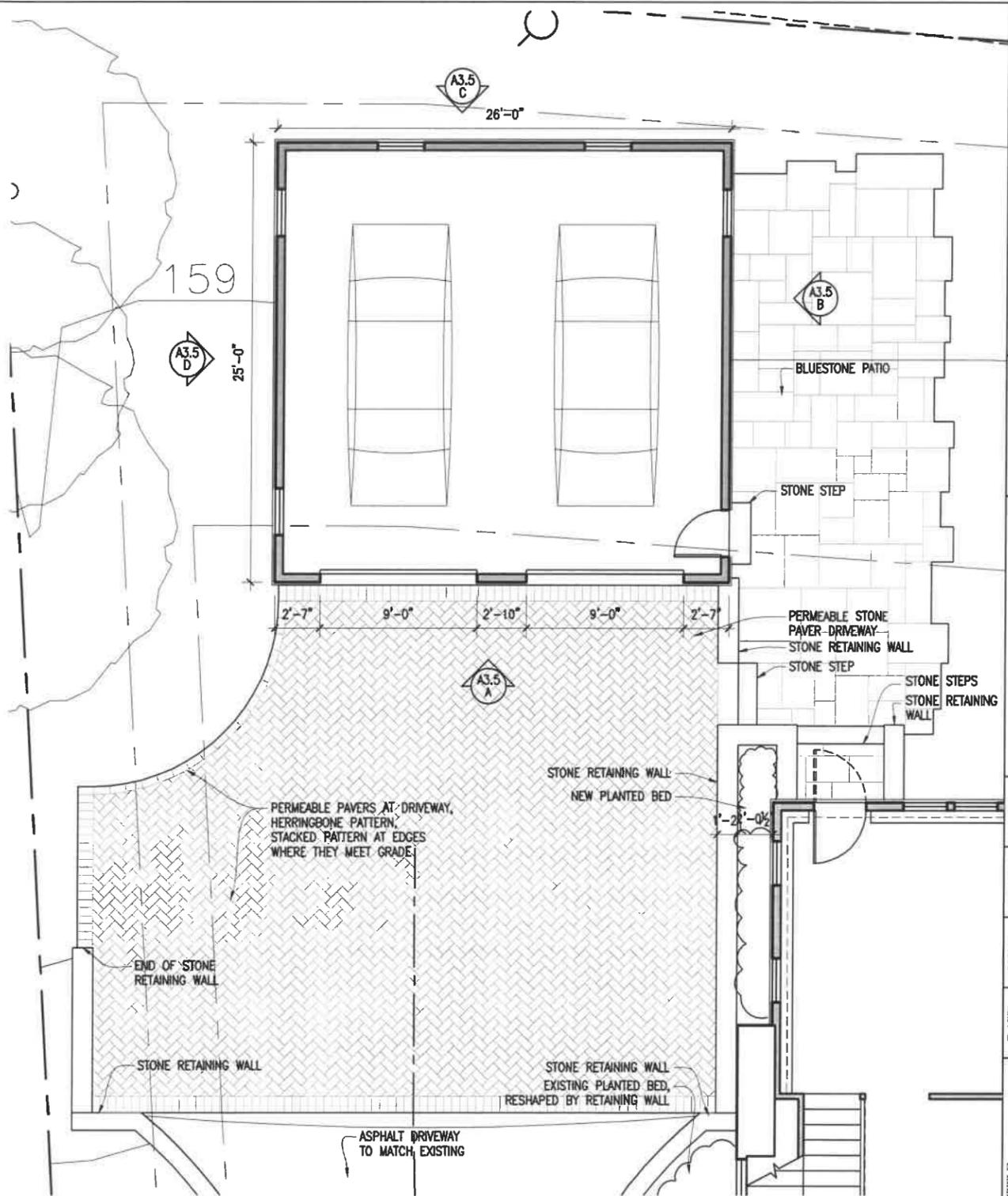
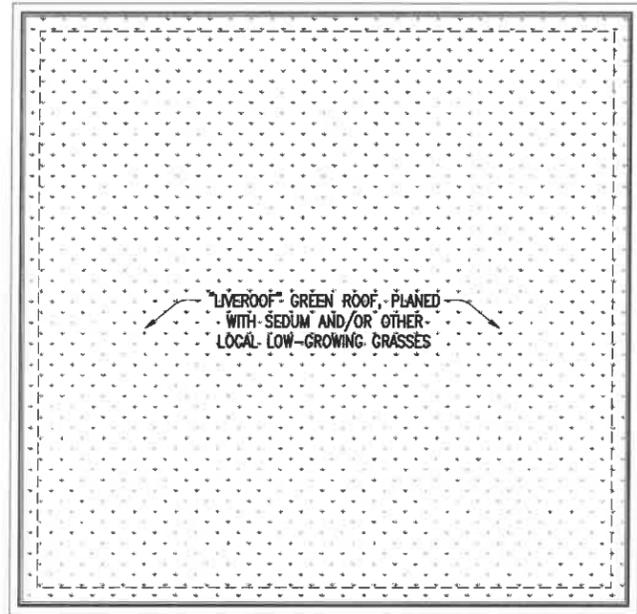


A PROPOSED ROOF PLAN
SCALE: 1/8" = 1'-0"

| | | | |
|------------|-----------|----------|--------------|
| TITLE | ROOF PLAN | SCALE | 1/8" = 1'-0" |
| JOB NUMBER | 1805 | | |
| DATE | 04/23/19 | ISSUE | PRESERVATION |
| | 05/22/19 | REVIEW | |
| | 05/29/19 | PLANNING | |
| DRAWN | EDC | CHECKED | JBC |
| | EDC | | JBC |
| | EDC | | JBC |

HUGHES
18 SPOONER ROAD
CHESTNUT HILL, MA





B PROPOSED GARAGE ROOF PLAN
SCALE: 1/8" = 1'-0"

A PROPOSED GARAGE PLAN
SCALE: 1/8" = 1'-0"

ART Albert · Righter · Tittmann
ARCHITECTS
262 Washington Street 2nd Floor Boston, MA 02108
617-451-5740 ARTarchitects.com



HUGHES
18 SPOONER ROAD
CHESTNUT HILL, MA

| TITLE | DATE | ISSUE | DRAWN | CHECKED |
|-----------------------|------------|--------------|-------|---------|
| PROPOSED GARAGE PLANS | 04/23/19 | PRESERVATION | ERC | ERC |
| | 05/22/19 | REVIEW | ERC | ERC |
| | 05/29/19 | PLANNING | ERC | ERC |
| JOB NUMBER | 1805 | | | |
| SCALE | 1/8"=1'-0" | | | |

A2.5



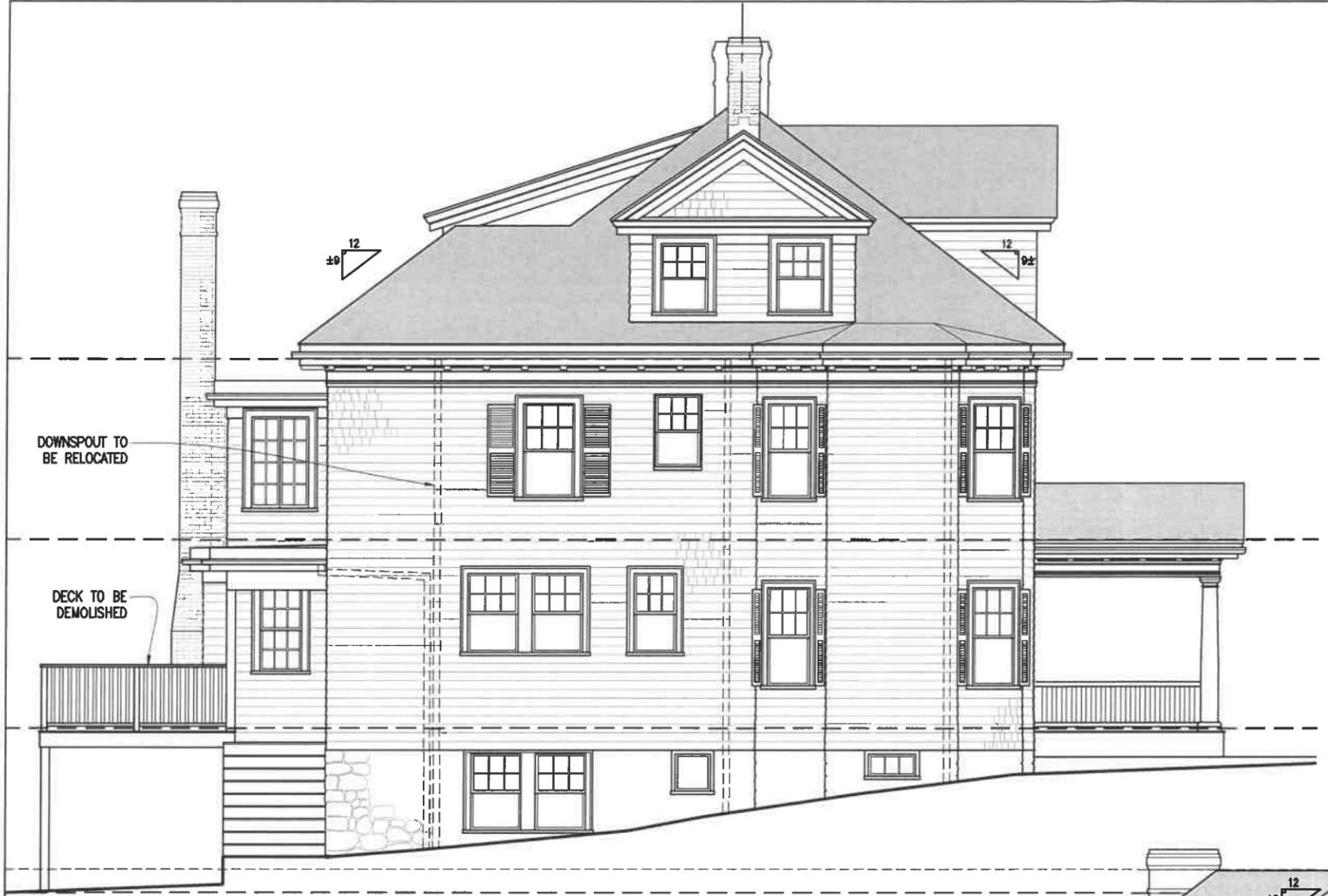
A EXISTING & PROPOSED SOUTHEAST ELEVATION
 SCALE: 1/8" = 1'-0"

ART Albert · Richter · Tittmann
 ARCHITECTS
 262 Washington Street 2nd Floor Boston, MA 02108
 617-451-5740 ARTArchitects.com

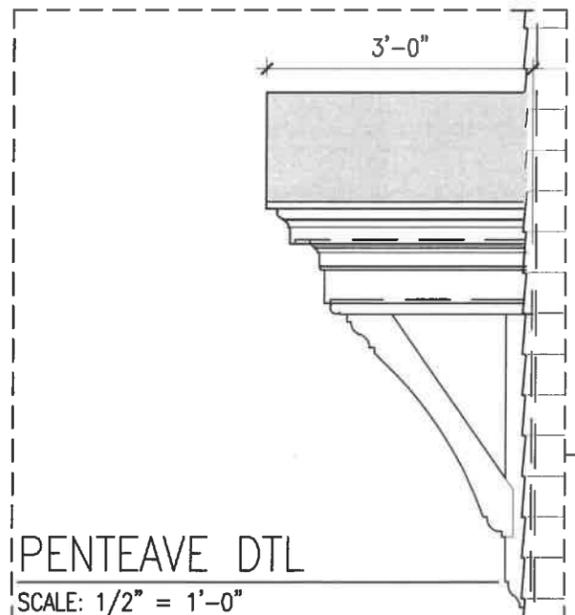
HUGHES
 18 SPOONER ROAD
 CHESTNUT HILL, MA

| TITLE | DATE | ISSUE | DRAWN | CHECKED | | | | |
|---------------------|--------------|--------------|-------|---------|--------------|----------|-----|-----|
| | | | | | PRESERVATION | PLANNING | ERC | ERC |
| EXTERIOR ELEVATIONS | 04/23/19 | PRESERVATION | ERC | ERC | JBC | JBC | | |
| | 05/29/19 | PLANNING | ERC | ERC | JBC | JBC | | |
| JOB NUMBER | 1805 | | | | | | | |
| SCALE | 1/8" = 1'-0" | | | | | | | |

A3.1



B EXISTING SOUTHWEST ELEVATION
SCALE: 1/8" = 1'-0"



PENTEAVE DTL
SCALE: 1/2" = 1'-0"

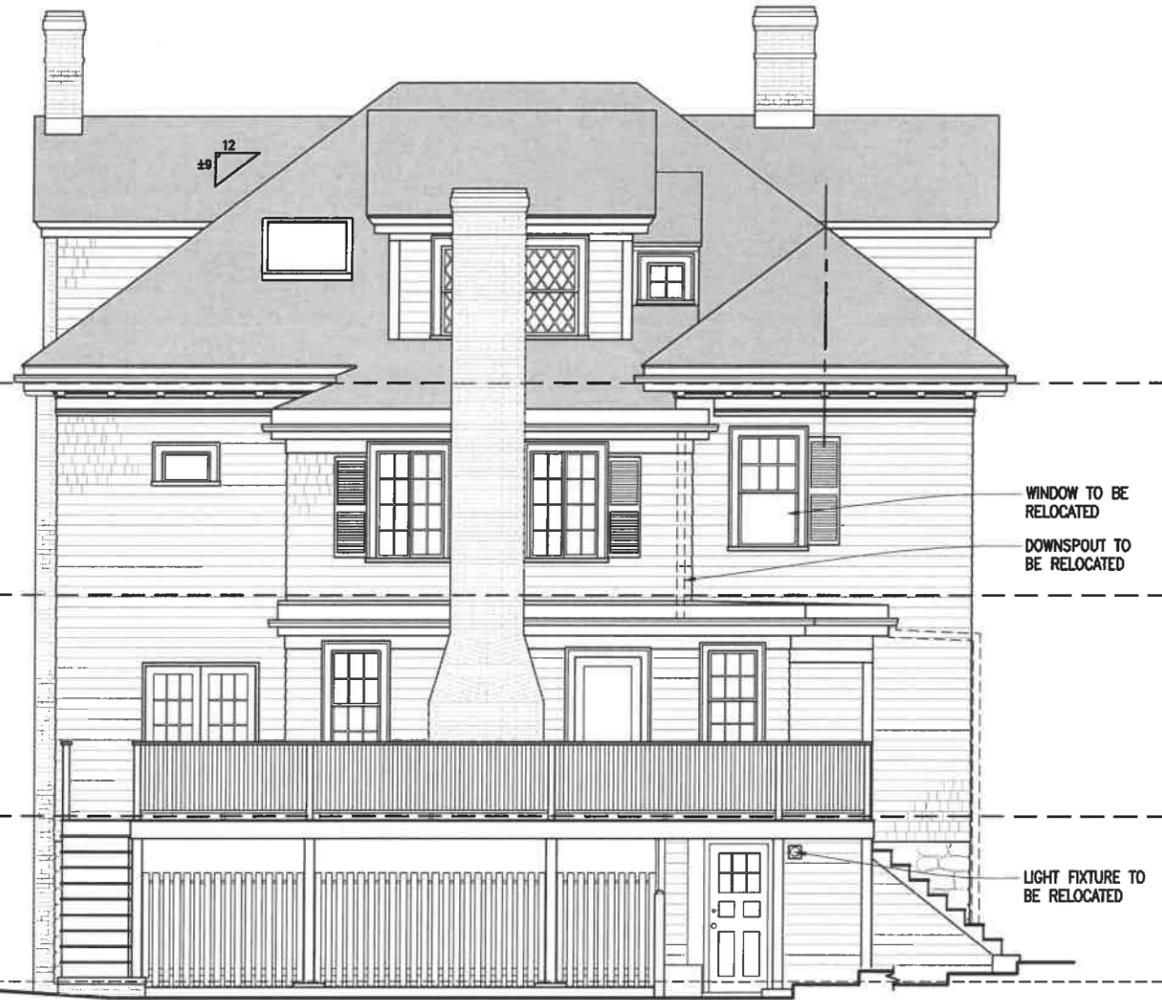
- NEW WOOD SHUTTERS TO MATCH EXISTING
- NEW DOWNSPOUT
- EXISTING WINDOW RELOCATED
- DOWNSPOUT RELOCATED
- 5" K-STYLE GUTTER, TO MATCH EXISTING
- SHINGLES AT ADDITION TO MATCH EXISTING
- NEW DOWNSPOUT, TIE INTO DRY WELL
- PENTEAVE OVER NEW BACK DOOR



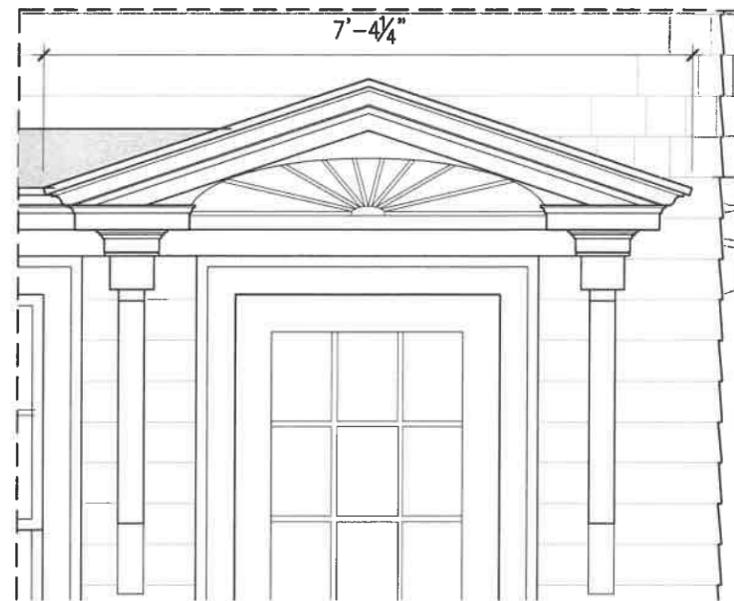
A PROPOSED SOUTHWEST ELEVATION
SCALE: 1/8" = 1'-0"

| TITLE | JOB NUMBER | SCALE |
|---------------------|------------|------------|
| EXTERIOR ELEVATIONS | 1805 | 1/8"=1'-0" |
| TITLE2 | | |

| DATE | ISSUE | DRAWN | CHECKED |
|---|---|------------------|---------|
| 04/23/19 <td>PRESERVATION <td>ERC <td>JBC</td> </td></td> | PRESERVATION <td>ERC <td>JBC</td> </td> | ERC <td>JBC</td> | JBC |
| 05/22/19 <td>REVIEW <td>ERC <td>JBC</td> </td></td> | REVIEW <td>ERC <td>JBC</td> </td> | ERC <td>JBC</td> | JBC |
| 05/26/19 <td>PLANNING <td>ERC <td>JBC</td> </td></td> | PLANNING <td>ERC <td>JBC</td> </td> | ERC <td>JBC</td> | JBC |



B EXISTING NORTHWEST ELEVATION
SCALE: 1/8" = 1'-0"



PENTEAVE DTL
SCALE: 1/2" = 1'-0"



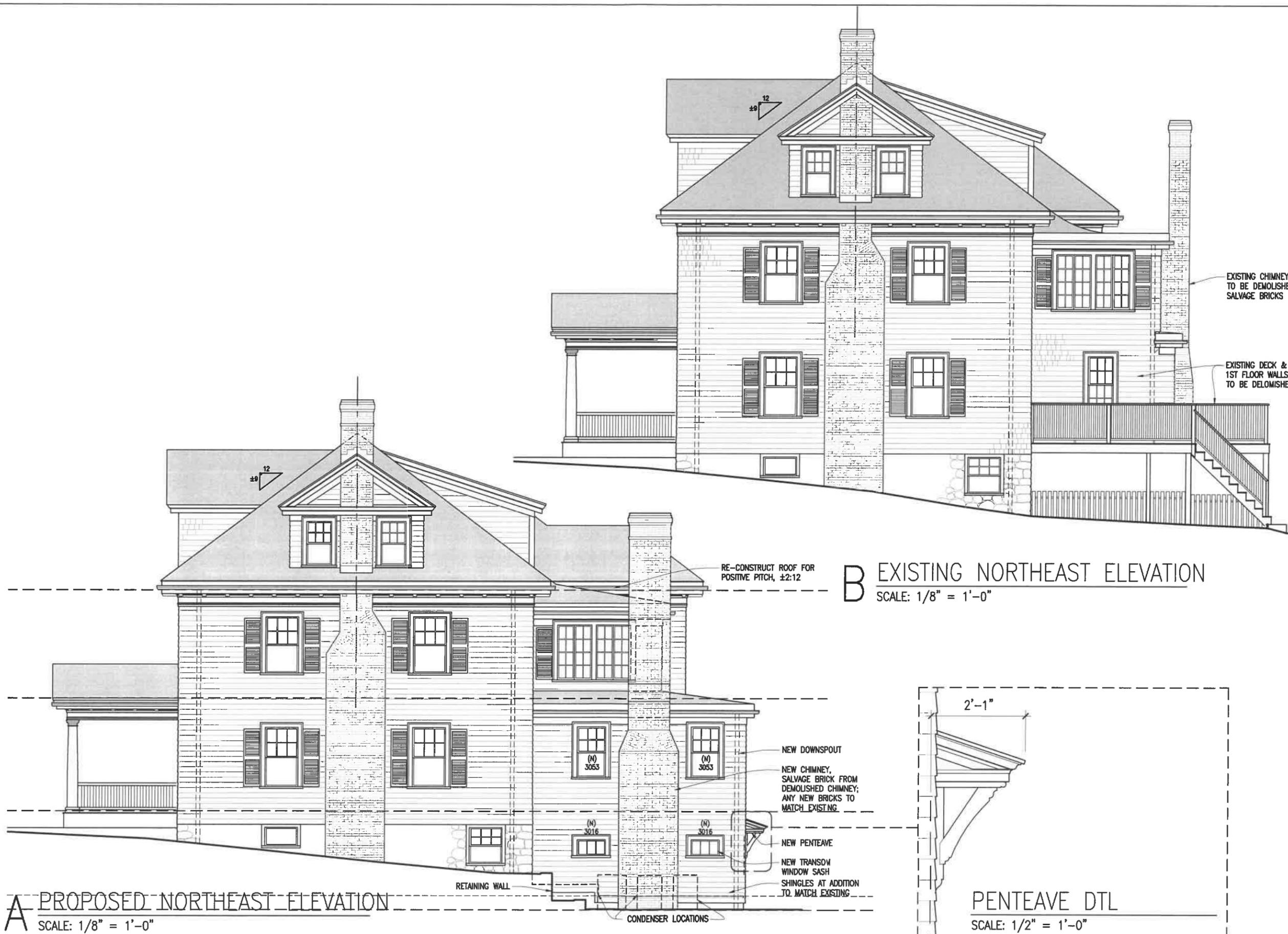
A PROPOSED NORTHWEST ELEVATION
SCALE: 1/8" = 1'-0"

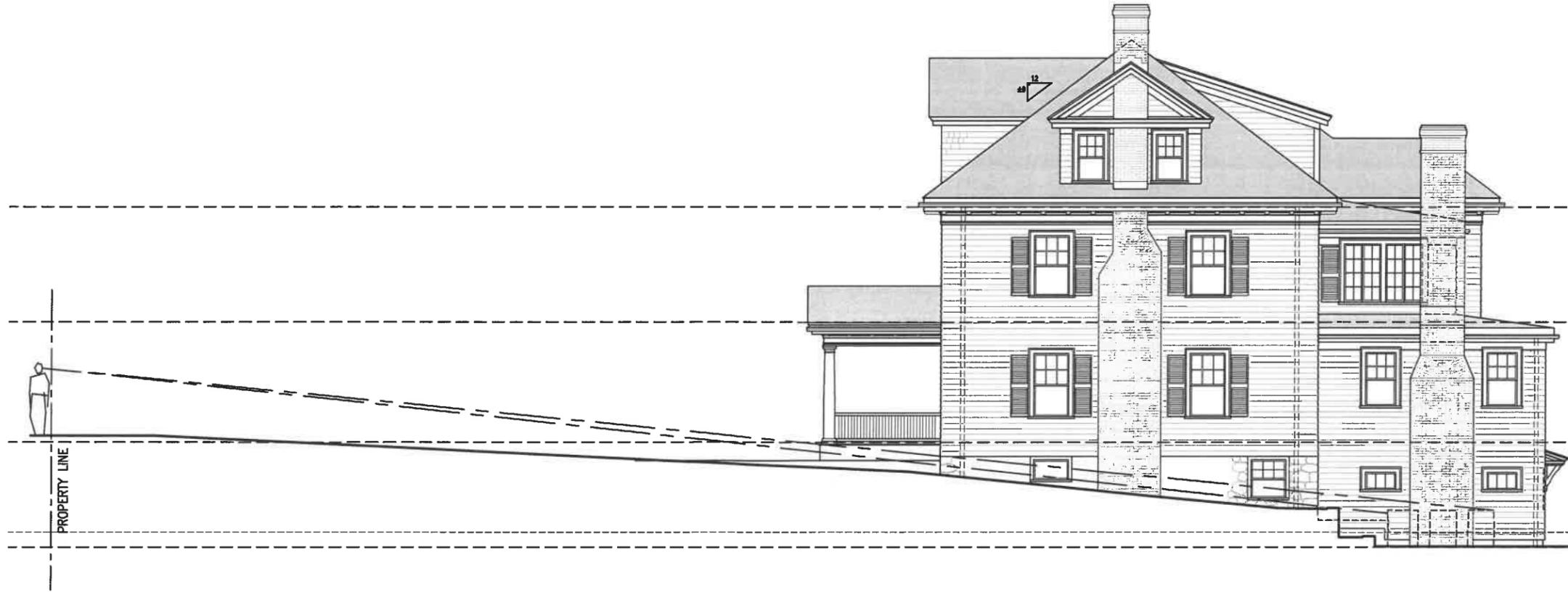
| DATE | ISSUE | DRAWN | CHECKED |
|----------|--------------|-------|---------|
| 04/23/19 | PRESERVATION | ERC | JBC |
| 05/22/19 | REVIEW | ERC | JBC |
| 05/29/19 | PLANNING | ERC | JBC |

| TITLE | SCALE |
|---------------------|------------|
| EXTERIOR ELEVATIONS | 1/8"=1'-0" |
| TITLE2 | |
| JOB NUMBER | 1805 |

| DATE | ISSUE | DRAWN | CHECKED |
|----------|-------------|-------|---------|
| 04/23/19 | PRELIMINARY | ABC | ABC |
| 05/22/19 | REVIEW | ABC | ABC |
| 05/24/19 | REVIEW | ABC | ABC |
| 05/28/19 | PLANNING | ABC | ABC |

| TITLE | SCALE |
|---------------------|------------|
| EXTERIOR ELEVATIONS | |
| TITLE2 | |
| JOB NUMBER | 1805 |
| SCALE | 1/8"=1'-0" |





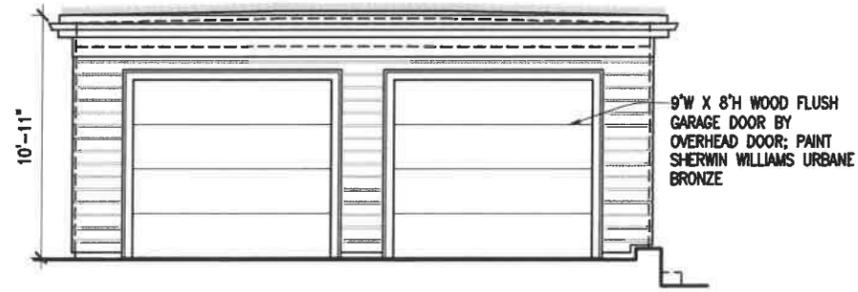
A PROPOSED NORTHEAST ELEVATION
 W/ VIEW FROM STREET TO CONDENSERS
 SCALE: 3/16" = 1'-0"

| TITLE | DATE | ISSUE | DRAWN | CHECKED |
|-------------------------------|----------|--------------|------------|---------|
| EXTERIOR ELEVATIONS TITLE2 | 04/23/19 | PRESERVATION | EDC | JBC |
| | 05/22/19 | REVIEW | EDC | JBC |
| | 05/24/19 | REVIEW | EDC | JBC |
| JOB NUMBER | 1805 | SCALE | 1/8"=1'-0" | |

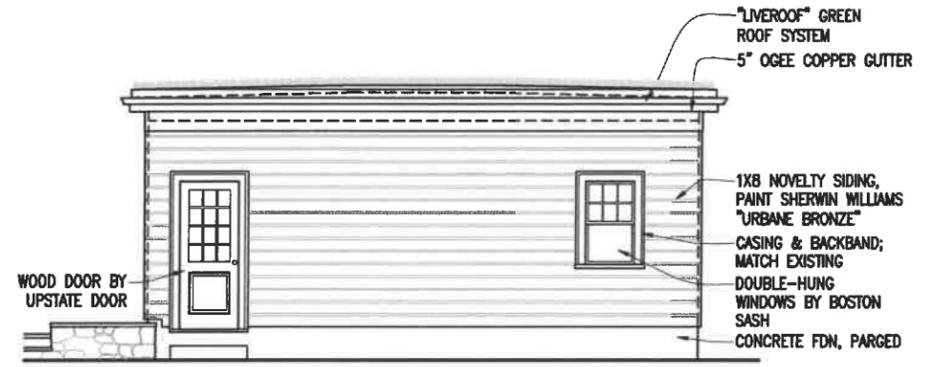
HUGHES
 18 SPOONER ROAD
 CHESTNUT HILL, MA

ART Albert · Righter · Tittmann
 ARCHITECTS
 262 Washington Street 2nd Floor Boston, MA 02108
 617-451-5740 ARTarchitects.com

A3.4B



A PROPOSED SOUTHEAST ELEVATION
SCALE: 1/8" = 1'-0"



B PROPOSED NORTHEAST ELEVATION
SCALE: 1/8" = 1'-0"



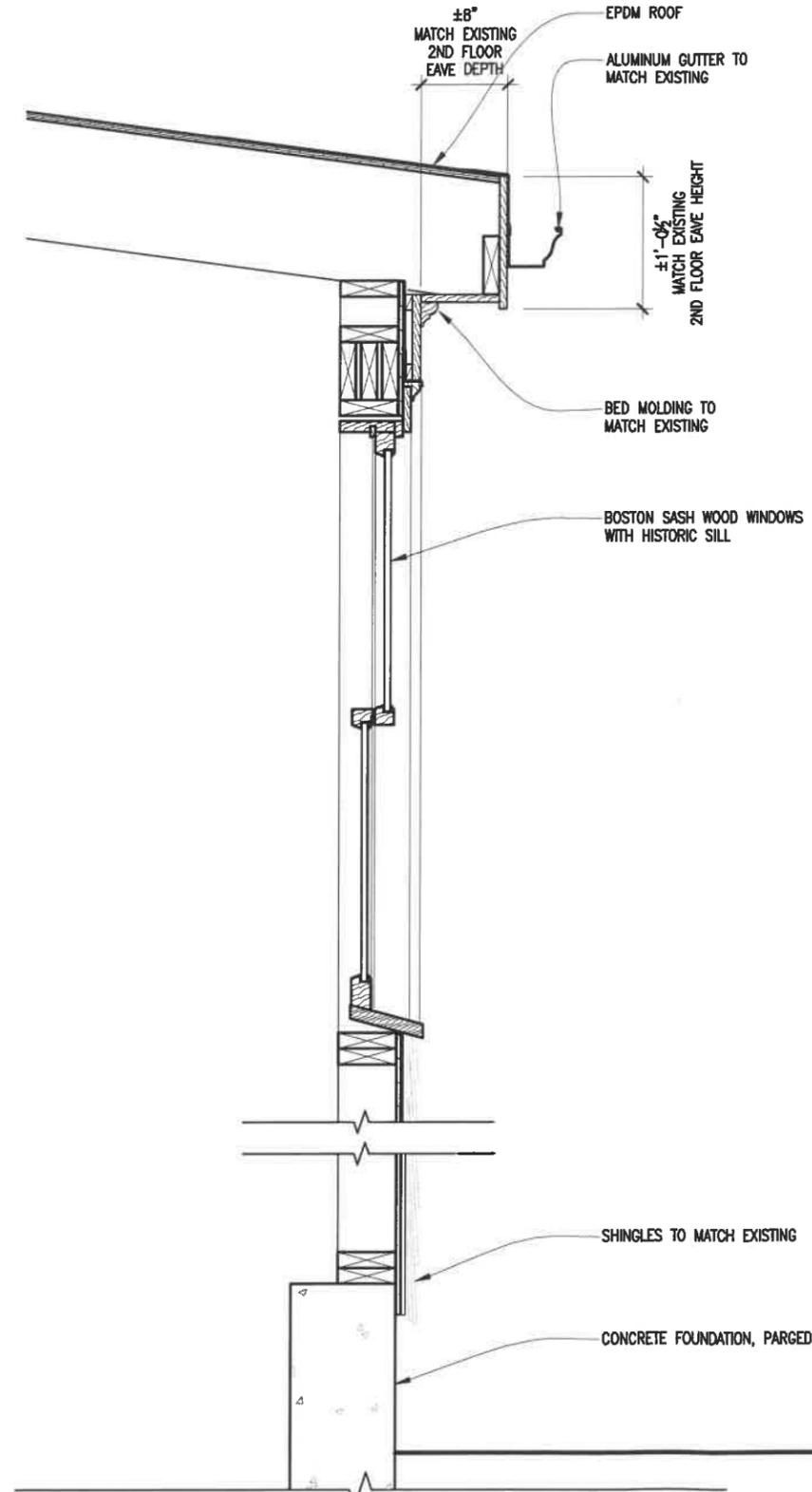
C PROPOSED NORTHWEST ELEVATION
SCALE: 1/8" = 1'-0"



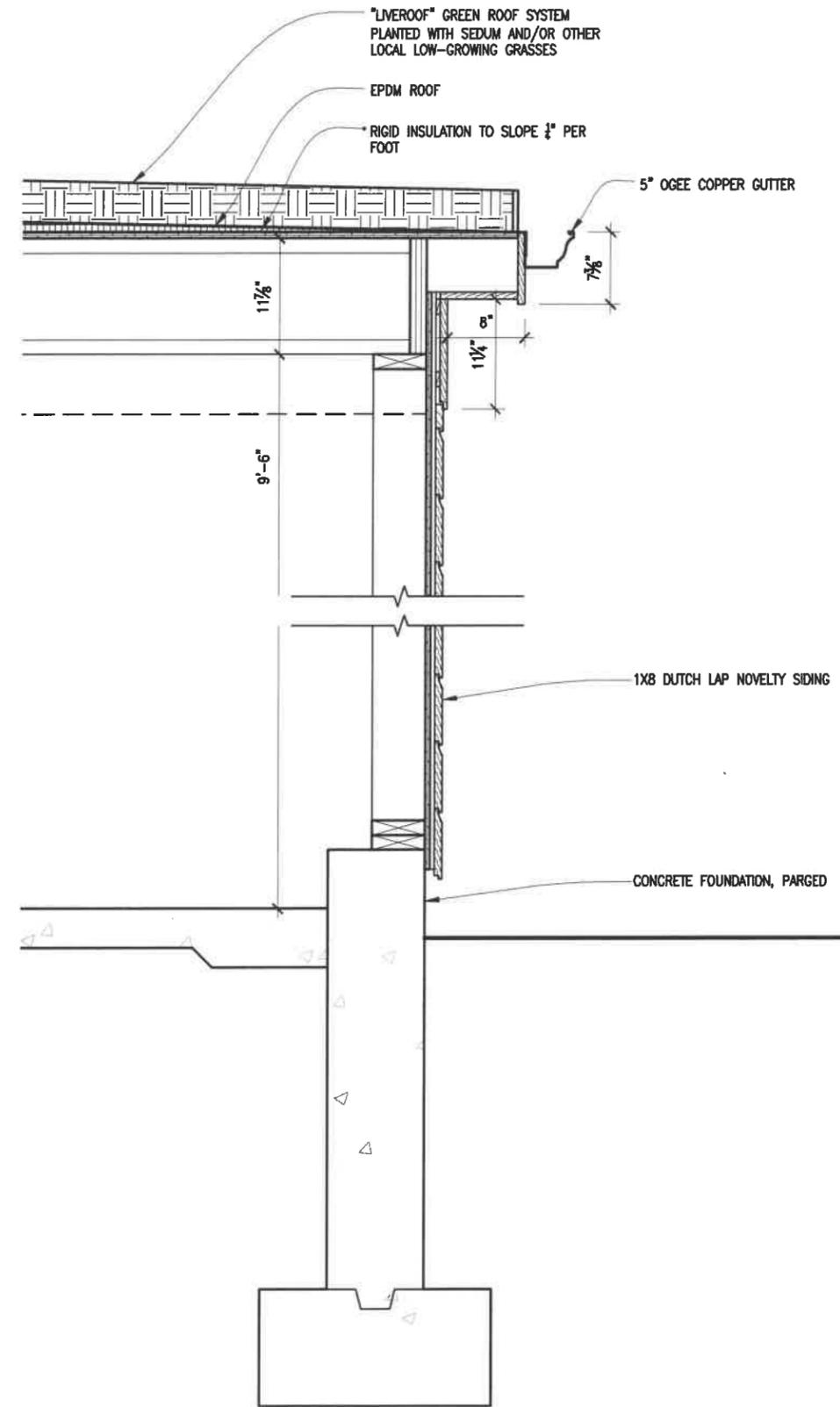
D PROPOSED SOUTHWEST ELEVATION
SCALE: 1/8" = 1'-0"

| DATE | ISSUE | DRAWN | CHECKED |
|----------|--------------|-------|---------|
| 04/23/19 | PRESERVATION | ETC | JBC |
| 05/22/19 | REVIEW | ETC | JBC |
| 05/26/19 | PLANNING | ETC | JBC |

| | |
|------------|-------------------|
| TITLE | GARAGE ELEVATIONS |
| JOB NUMBER | 1806 |
| SCALE | 1/8"=1'-0" |



B PROPOSED WALL SECTION
DTL @ ADDITION/WINDOW
SCALE: 3/4" = 1'-0"



A PROPOSED WALL SECTION
DTL @ GARAGE
SCALE: 3/4" = 1'-0"

| DATE | ISSUE | DRAWN | CHECKED |
|----------|--------------|-------|---------|
| 04/23/19 | PRESERVATION | EHC | JBC |
| 05/22/19 | REVIEW | EHC | JBC |
| 05/28/19 | PLANNING | EHC | JBC |

| | |
|------------|----------------------|
| TITLE | WALL SECTION DETAILS |
| JOB NUMBER | 1805 |
| SCALE | 3/4" = 1'-0" |

ESTABLISHED 1916
EMB

EVERETT M. BROOKS CO.
SURVEYORS & ENGINEERS
49 LEXINGTON STREET
WEST NEWTON, MA 02465

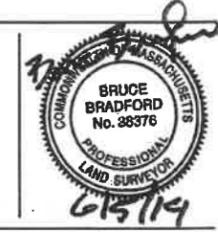
(617) 527-8750
info@everettbrooks.com



DEED REFERENCE:
BOOK 30660 PAGE 550

ZONING DISTRICT
RESIDENCE S-10

FLOOD PLAIN ZONE X
COMMUNITY PANEL NO.
25021C0033E



**PLAN OF LAND IN
BROOKLINE, MA**

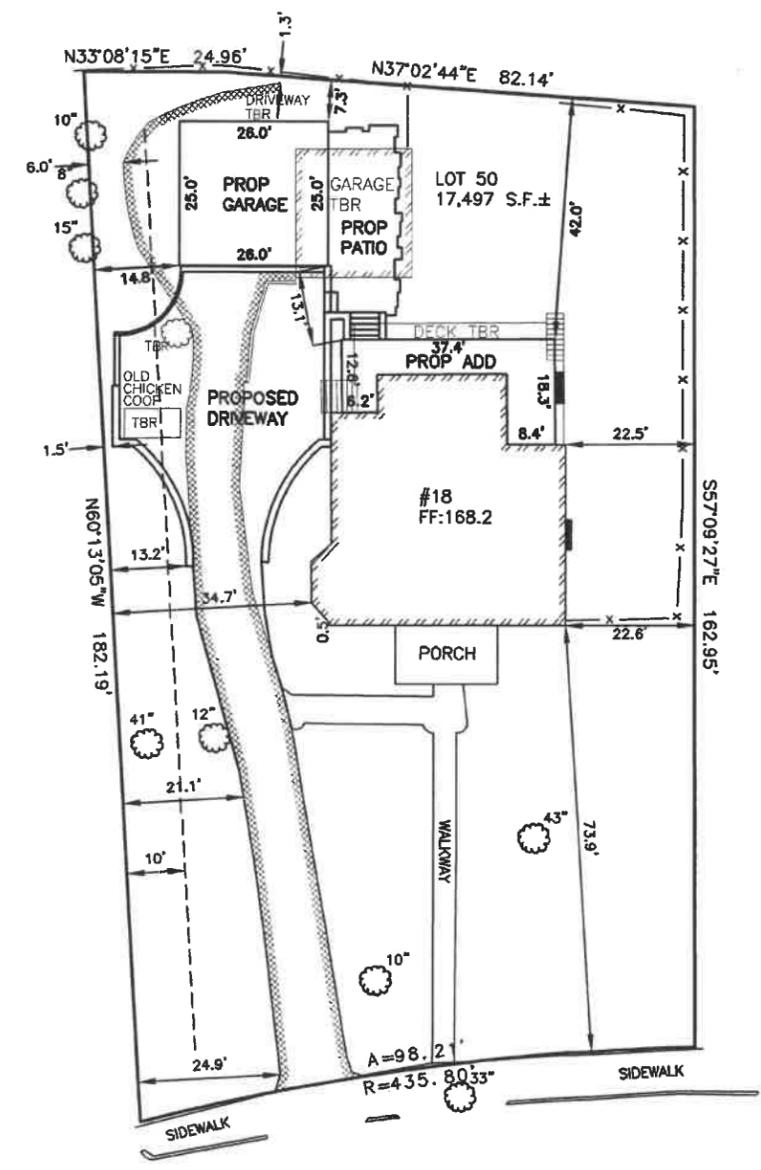
18 SPOONER ROAD
PROPOSED ADDITION

SCALE: 1 IN. = 20 FT.
DATE: MAY 30, 2019
DRAWN: GAR
CHECK: BB

REVISIONS:

| DATE | DESCRIPTION |
|--------|-------------|
| 6/5/19 | various |
| | |
| | |

PROJECT NO. 25497



SPOONER ROAD