

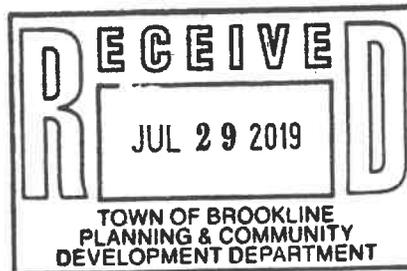
From the Desk of:
Robert L. Allen, Jr., Esq.
ballen@boballenlaw.com

July 29, 2019

VIA HAND DELIVERY

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

Re: **Zoning Appeal**
210 Bonad Road, Brookline, MA



Dear Polly & Charlotte:

I write on behalf of my clients, Lauren Mistretta & Andrew Dean, applicants for the property located at 210 Bonad Road, Brookline, Massachusetts. Enclosed please find the following documents related to this zoning appeal:

- **Application for Special Permit (original and 1 copy);**
- **Denial Letter (2 copies);**
- **Impact Statement (16 copies);**
- **Certified FAR Analysis (16 copies);**
- **Zoning Chart (16 copies);**
- **Existing and Proposed Survey Plans (16 copies);**
- **Existing and Proposed Floor Plans (16 copies);**
- **FAR Calculation Plan (16 copies); and**
- **Filing Fee (\$350.00 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: 7 / 29 / 2019

Address of Premises: 210 Bonad Road **Brookline, MA**

Applicant(s): Lauren Mistretta & Andrew Dean **Address:** 210 Bonad Road
Brookline, MA

Owner(s) of c/o Law Office of Robert L. Allen Jr., LLP 300 Washington Street, Brookline, MA02445

Record: Same **Address:** Same

Deed recorded in Registry of Deeds, Book 31181 **Page** 66

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

Tax Assessor's Property ID No.: **Map:** 110 **Block:** 390 **Lot:** 12-00

1. Is the applicant applying for special permits x and/or variances ? Please list Zoning By-law sections under which special permits and/or variances are requested. (Refer to Denial Letter.)

Sections 5.09.2.J - Design Review; 5.10 - Minimum Lot Size; 5.13 - Lot Width; 5.15 - Exception to Minimum Lot Size & Lot Width; 5.22 - Exceptions to Floor Area Ratio; 5.43 - Exceptions to Yard and Setback Regulations; 5.60 - Side Yard Requirements; 8.02 - Alteration or Extension; and any other relief the Board deems necessary.

2. Provide a description of your proposal including proposed use, size, location on the site, etc.

Construct additions to existing structure.

3. Present use of property (No. of dwelling units, if any).
Single-family dwelling with 1,857 s.f. of gross floor area

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 with 2,099 s.f. of gross floor area

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, which will remain the use of the structure. The proposal will not adversely affect the neighborhood as the additions will be within the existing footprint. The proposal will not cause a nuisance or serious hazard to vehicles or pedestrians and on-site circulation will not change. Adequate facilities will be provided for the operation of a single-family dwelling.

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 - 40A, section 6

Certification and Signatures

If your application is deemed incomplete per §9.04.4 of the Zoning By-law, the missing information must be submitted before a Board of Appeals hearing is scheduled. After the Board of Appeals hearing is set, the Planning Board will hold a meeting prior to the Board of Appeals hearing to consider the case and make a recommendation to the Board of Appeals. Contact the Planning and Community Development Department (617-730-2130) with any questions about the approval process and/or meeting schedules.

Checklist

- An original completed application (2 copies)
- Denial Letter issued by the Building Department (2 copies)
- A certified plot plan or site plan showing **existing** and **proposed** conditions (16 copies)
- One full size floor plans and elevations showing existing and proposed conditions
- 11x17 sized plans including floor plans and elevations which indicate **all existing** and **all proposed** conditions (16 copies)
- Application fee (\$350 base fee + \$21 newspaper fee + \$50 per 1,000 net sqft)
- Any previous relief granted by the Board of Appeals for the lot (*if applicable*)

(Signatures of Appellant(s) and Owner(s) of Record are required.)

I (We) hereby certify that the statements within my (our) Appeal and attachments are true and accurate to the best of my (our) knowledge and belief.

Jamena Mitchell (SR) 7/29/19
 Signature(s) of Appellant Date

 Daytime Telephone Number and/or Cell

 E-Mail Address

Jamena Mitchell (SR) 7/29/19
 Signature(s) of Owner of Record Date

 Daytime Telephone Number and/or Cell

 E-Mail Address

If Applicable:

Robert L. Allen, Jr.
 Name of Attorney for Applicant

617-383-6000
 Phone Number of Attorney

300 Washington Street Brookline, MA 02445
 Address of Attorney

RAllen@boballenlaw.com
 E-Mail Address

Richard Levey, RBL Architects
 Name of Architect or Designer

617-527-5300
 Phone Number

RBLarchitect@gmail.com
 E-Mail Address



TOWN of BROOKLINE
Massachusetts
BUILDING DEPARTMENT

Daniel Bennett
Building Commissioner

Tuesday, July 23, 2019

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

Subject: 210 BONAD ROAD, BROOKLINE, MA 02467

Dear Robert L. Allen, Jr.,

Your request to:

Construct additions to existing structure

at 210 BONAD ROAD, BROOKLINE, MA 02467 is denied.

The subject premises is located in a(n) S-7 SINGLE-FAMILY District.

The site plan by Land Mapping dated July 8, 2019 and architectural plans by Richard B. Levey Architects dated July 5, 2019 do not conform to the following requirements of the Town of Brookline Zoning By-Law:

§5.09.2.J – DESIGN REVIEW

§5.10 - MINIMUM LOT SIZE

§5.13 - LOT WIDTH

§5.15 - EXCEPTION TO MINIMUM LOT SIZE & LOT WIDTH REQUIREMENTS

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

§5.43 - EXCEPTIONS TO YARD AND SETBACK REGULATIONS

§5.60 - SIDE YARD REQUIREMENTS

§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

July 26, 2019

Planning Department
Brookline Town Hall
333 Washington St.
Brookline, MA 02445

RE: Mistretta Residence, 210 Bonad Rd.

Design Summary and Impact Statement

Preservation of trees and landscape:

An existing specimen tree is located on the south side of the lot adjacent to the driveway. This tree will remain in its current location with minor pruning as required to install the new second floor master bath above the existing den. The front entry addition will not impact any existing trees on the site.

Relation of building to the environment:

The proposed front entry addition has little to no impact on the grades at the front of the property. Minor modifications to the pavers will be required in order to integrate the addition with the existing front walk.

Relation of buildings to the streetscape and neighborhood:

The expansion of the front entrance by approximately 7 feet will not significantly impact the streetscape and is in compliance with front setback regulations. The master bath adds an area of approximately 85 sf above the existing den and expands the roofline but is lower in height than the main roof of the house. The additions are consistent with the use, scale and architecture of neighboring properties.

Open space:

The existing open space at the front of the house consists of grass and low plantings with a single specimen tree located on the south side adjacent to the driveway. Areas disturbed by the entry addition near the north side will be replaced with new planting and grass similar to the existing. No other portions of the lot are to be changed.

Circulation:

No changes are to be made to the driveway and the existing entry point of the front walk will be maintained. Minor changes to the front walk and steps are to be enacted to integrate with the new entry footprint.

Stormwater Drainage:

The existing gutters will be extended to tie into the new rooflines. The addition at the front entry of approximately 79 SF footprint will not adversely affect the neighboring properties or the existing public drainage system.

Utility service:

The existing electrical (and presumably cable) lines from the street connect to the roofline above the front entrance. These lines will need to be relocated to the new façade closer to the street. All below grade connections affected by the new entry crawl space will be modified as required if impacted by the construction.

Advertising Features:

N/A

Special Features:

N/A

Safety and Security:

N/A

Heritage:

The additions and final design as proposed are in keeping with the scale and character of the neighborhood. This proposal was determined to trigger partial demolition review. The applicants submitted a demolition permit application and the Preservation Staff and Chair found that the existing structure was not historically or architecturally significant and issued a certificate of non-significance on July 22, 2019.

Energy Efficiency:

The new additions will meet energy code provisions as required in the state building code including new insulation, energy efficient windows and lighting. The existing heating and cooling systems in the house are to remain since we are adding a relatively small amount of square footage.

Please let me know if you have any questions or require further assistance.

Regards,



Richard B. Levey
RBL Architects
Mass. Registration #9161



July 15, 2019

Inspectional Services
 Brookline Town Hall
 333 Washington St.
 Brookline, MA 02445

RE: Mistretta Residence, 210 Bonad Rd.

To Whom it may concern.

Per your request, the following is a summary of the overall gross floor area square footages and FAR calculations for 210 Bonad Rd.

Existing Habitable Basement	371 SF	Proposed Habitable Basement	371 SF
Existing First Floor	789 SF	Proposed First Floor	868 SF
<u>Existing Second Floor</u>	<u>697 SF</u>	Proposed Second Floor	860 SF
Existing Total Area	1857 SF	Proposed Total Area	2099 SF

The existing lot size is 5000 SF with an allowable FAR of .35 or 1,750 SF.
 The existing FAR for the residence is .37. The proposed increase in FAR (from the net square footage increase of 242 SF) is now .42

Please note that the total area proposed is under the 20% increase (of 2100 SF) allowed by special permit per section 5.22.3 b)1.b)

Please let me know if you have any questions or require further assistance.

Regards,



Richard B. Levey
 RBL Architects
 Mass. Registration #9161



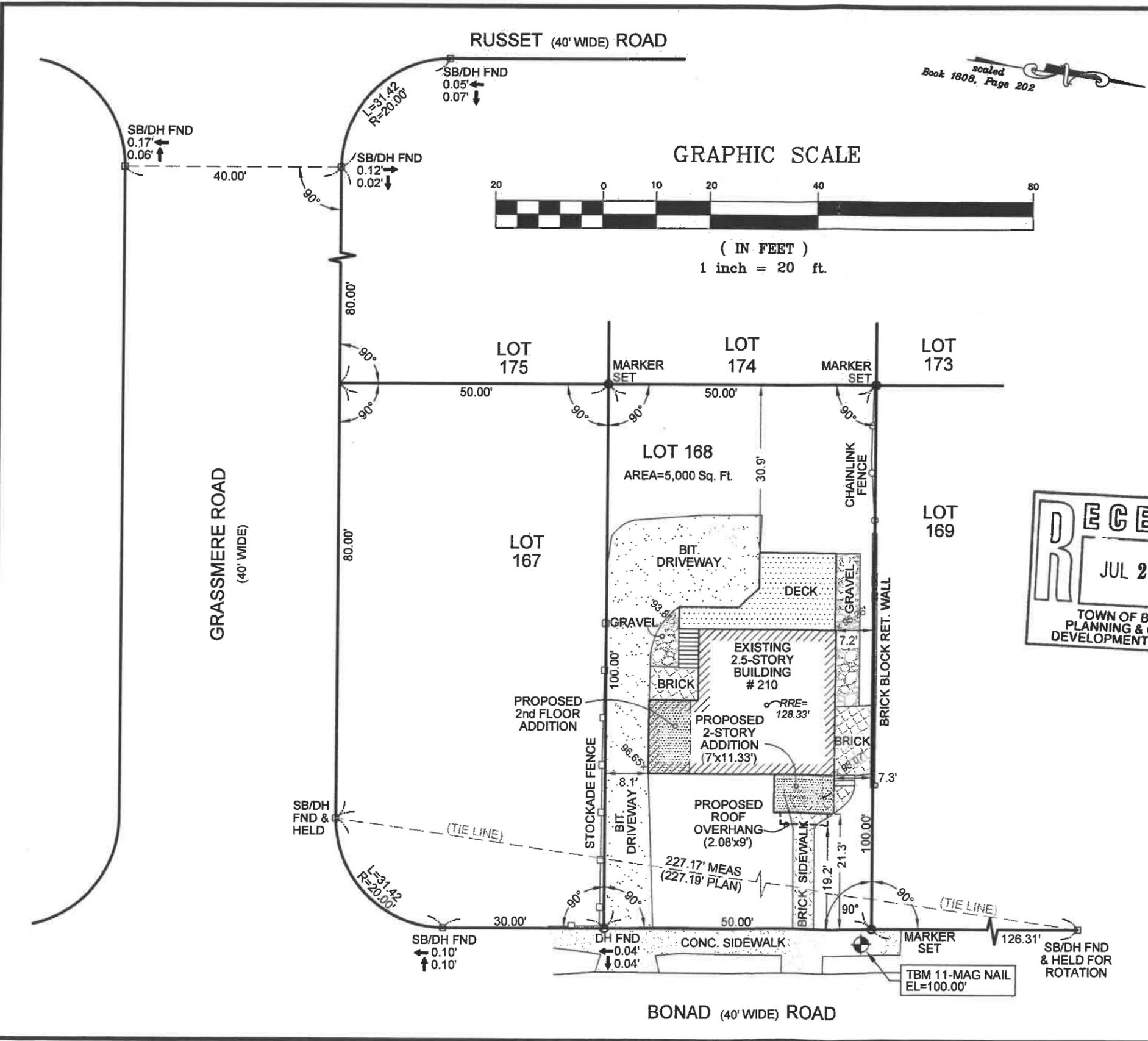
Zoning Chart.
 210 Bonad Rd.
 RBI Architects – Richard B. Levey

210 Bonad Road S-7 Zoning	Required Zoning	Existing (built 1937)	Proposed
Lot Size	7000 sf min	5000 sf	5000 sf
FAR (GFA)	0.3500 @ 100% of allowed 1750 sf 120% for exterior addition = 2100 sf or 0.42 FAR (see note 1)	0.3714 or 1.0611% of allowed 1857 sf	0.4198 or 1.1994% of allowed 2099 (+242 sf)
Basement	-	371 sf	371 sf (+0 sf)
First Floor	-	789 sf	868 sf (+79 sf)
Second Floor	-	697 sf	860 sf (+163 sf)
Attic	-	Non-habitable	Non-habitable
Open Space		Complies	Complies
Usable	30% of proposed GFA = 629.7	3057 sf	2978 sf (Subtract 79 sf area of addition)
Landscaped	10% sf of proposed GFA = 210 sf	2832 sf	2753 sf (Subtract 79 sf area of addition)
Setbacks		Existing non-conforming	Existing non-conforming (side)
Front	20 ft	27.4 ft - conforming	21.3 ft - conforming to two-story vestibule/bay foundation 19.2 ft to portico overhang (see note 2)
Side Yard (Left / South)	7.5 ft	8 ft - conforming	8 ft - conforming
Side Yard (Right / North)	7.5 ft	7.2 ft (existing non conforming)	7.2 ft (7.3 ft at new addition)
Rear Yard	30 ft	30.9 ft to deck	30.9 ft

Zoning Notes

1 – Special Permit - Exceptions to max FAR Sec. 5.22.3.b.1.b

2 - The proposed front door overhang projects about 2 feet into front yard, allowed per Sec. 5.51



scaled
Book 1608, Page 202

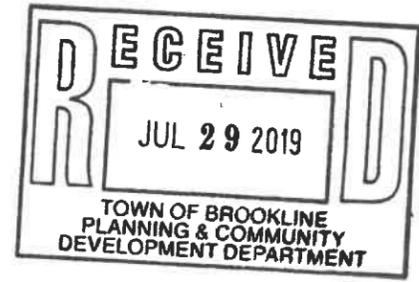
GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

NOTES:

- * Registered Owner: Lauren Mistretta & Andrew Dean
- * Assessors Ref.: 390-12-00
- * Deed Ref.: Book 31181, Page 66
- * Plan Ref.: Book 1608, Page 202
Book 2064, Page 541
Book 2074, Page 303
- * Zoning: S-7
- * Elevations shown based on assumed datum.
- * Existing Average Grade = 95.95'
- * Existing Building Height = 32.38'



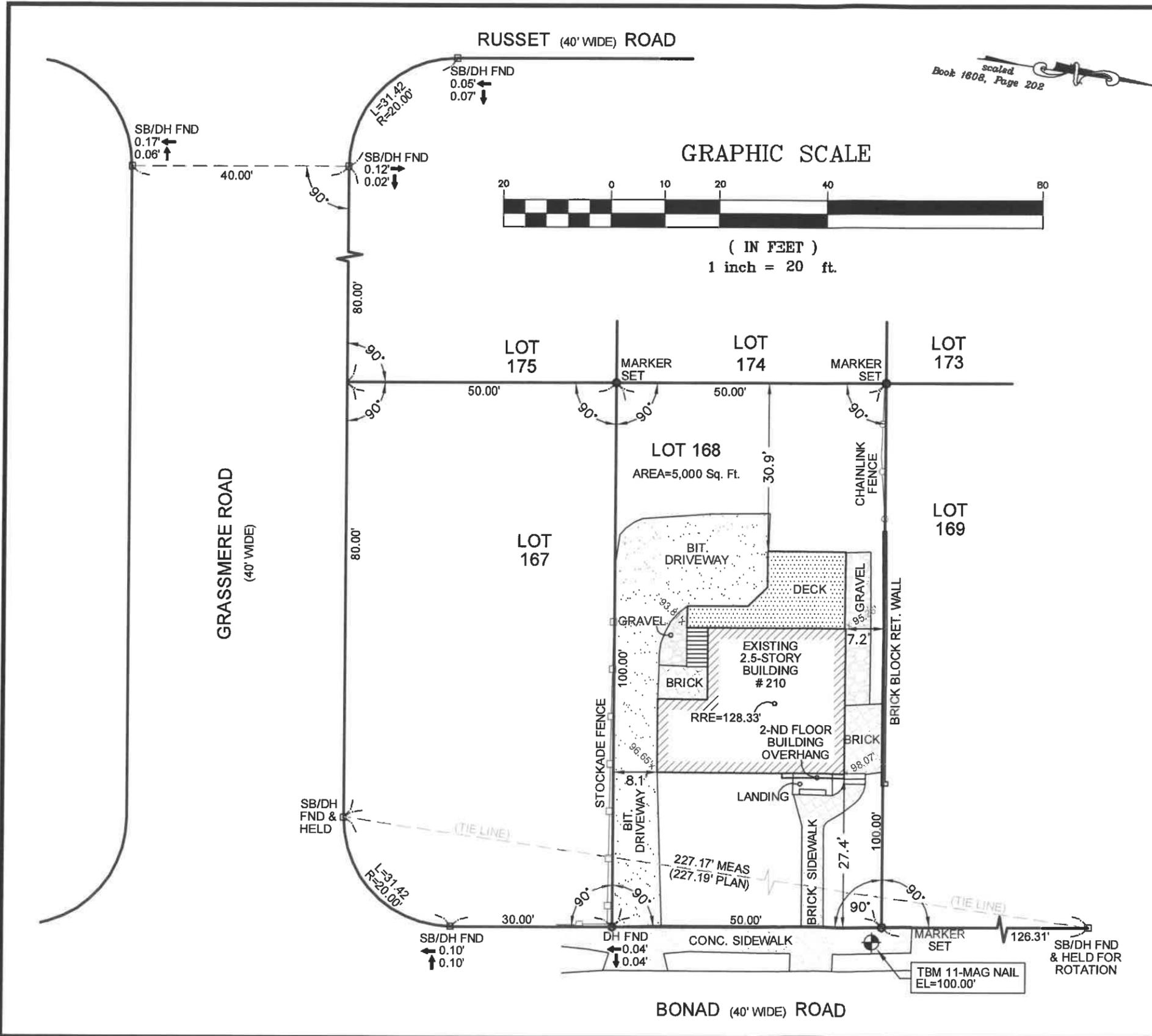
NEIL J. MURPHY
Professional Land Surveyor
Lic # 17450

Plot Plan
210 Bonad Road
Chestnut Hill, MA 02467



10 Andrew Square, Suite 201B
South Boston, MA 02127
Tel. 857-544-3061
www.land-mapping.com

Date: July 8, 2019



NOTES:

- * Registered Owner: Lauren Mistretta & Andrew Dean
- * Assessors Ref.: 390-12-00
- * Deed Ref.: Book 31181, Page 66
- * Plan Ref.: Book 1608, Page 202
Book 2064, Page 541
Book 2074, Page 303
- * Zoning: S-7
- * Elevations shown based on assumed datum.
- * Existing Average Grade = 95.95'
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Neil J. Murphy Lic.#17460
Professional Land Surveyor

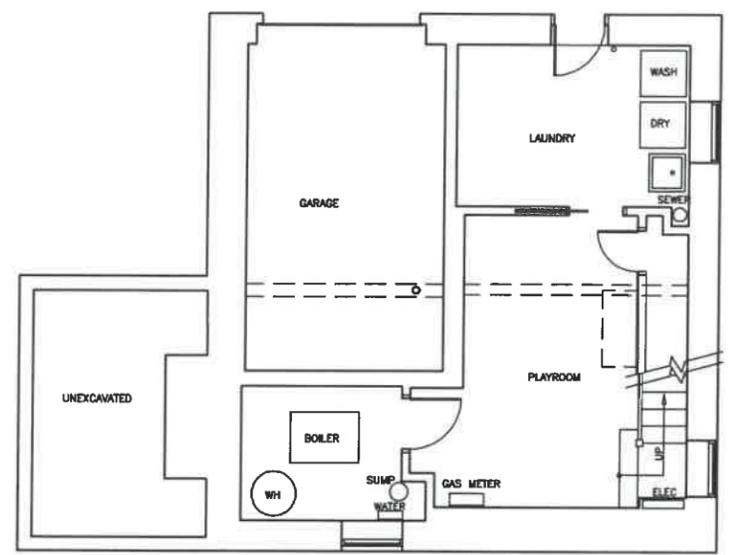
Plot Plan
210 Bonad Road
Chestnut Hill, MA 02467



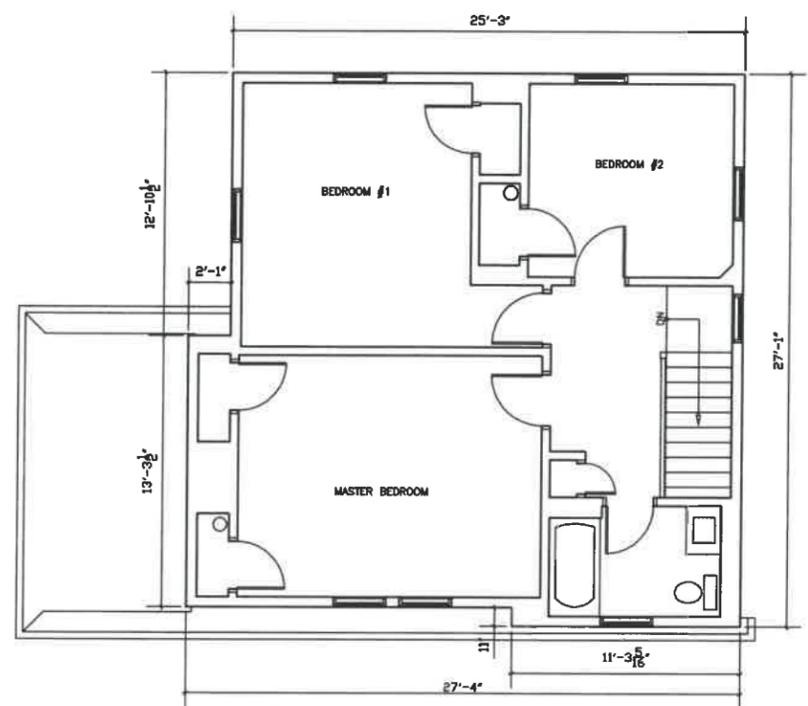
10 Andrew Square, Suite 201B
South Boston, MA 02127
Tel. 857-544-3061
www.land-mapping.com

Date: April 16, 2019

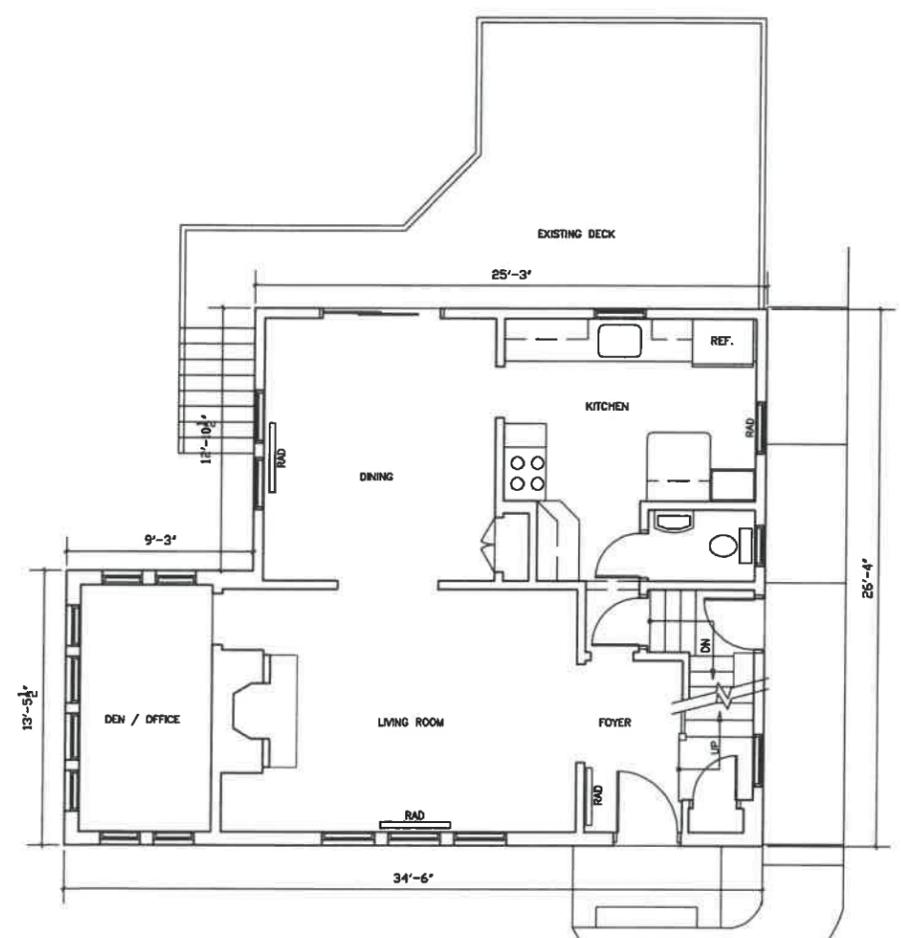
NO.	DATE	REVISION



1 EXISTING BASEMENT PLAN
1/4"=1'-0"



2 EXISTING SECOND FLOOR PLAN
1/4"=1'-0"



3 EXISTING FIRST FLOOR PLAN
1/4"=1'-0"



RBL
RICHARD B. LEVEY architects
30 Jacobs Terr.
Newton, MA 02459
817.527.6300
www.rblarchitects.com

MISTRETTA
RESIDENCE

210 BONAD RD
BROOKLINE, MA

EXISTING
FLOOR PLANS
WITH DEMO.
NOTES

DATE: 7/5/19
SCALE: 1/4"=1'-0"
DRAWN: RBL

A1

NO.	DATE	REVISION



1 EXISTING REAR ELEVATION
1/4"=1'-0"



2 EXISTING NORTH ELEVATION
1/4"=1'-0"



3 EXISTING SOUTH SIDE ELEVATION
1/4"=1'-0"



4 EXISTING FRONT ELEVATION
1/4"=1'-0"



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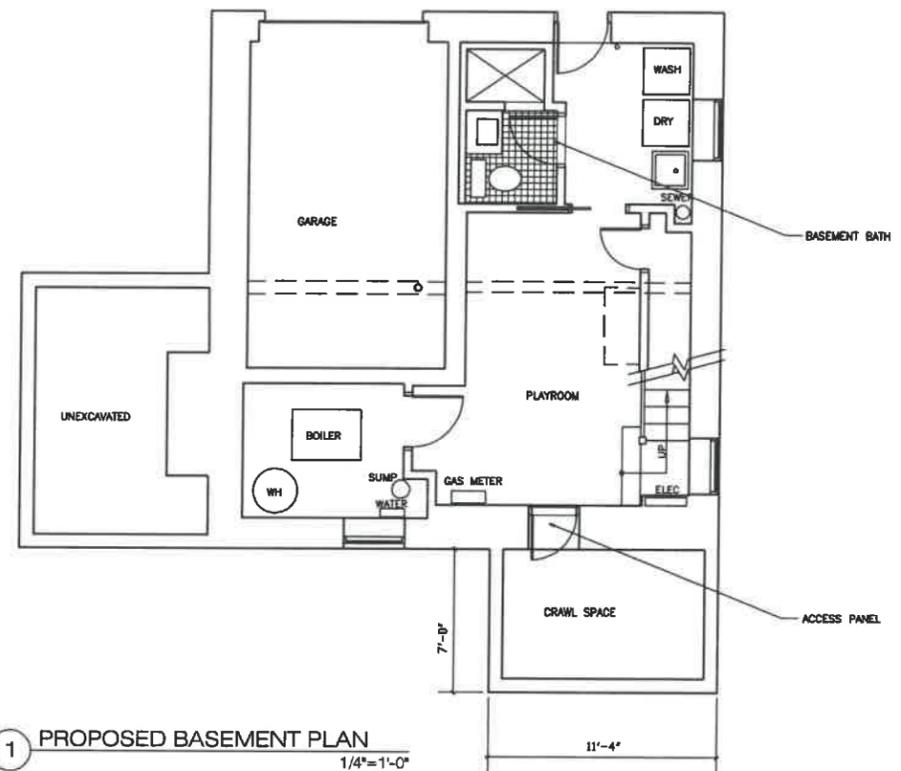
MISTRETTA
RESIDENCE

210 BONAD RD
BROOKLINE, MA

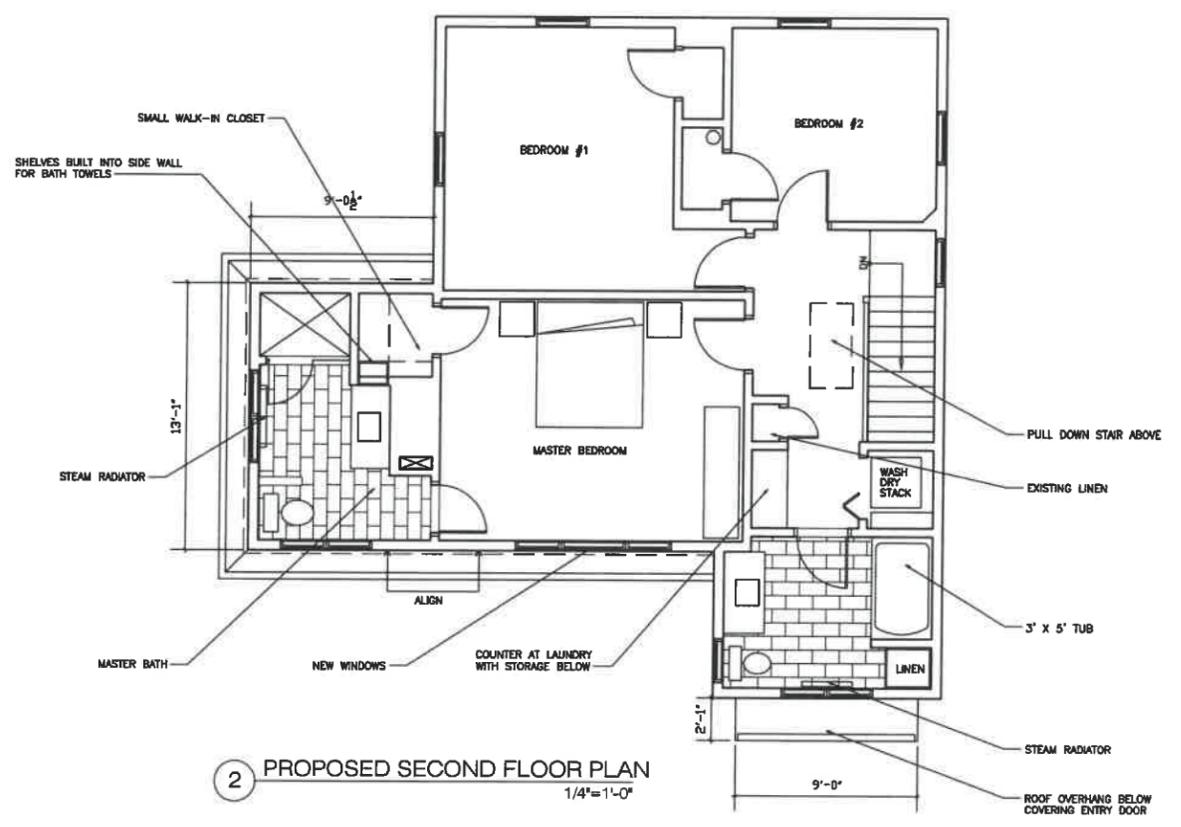
EXISTING
ELEVATIONS
WITH DEMO.
NOTES

DATE: 7/5/19
SCALE: 1/4"=1'-0"
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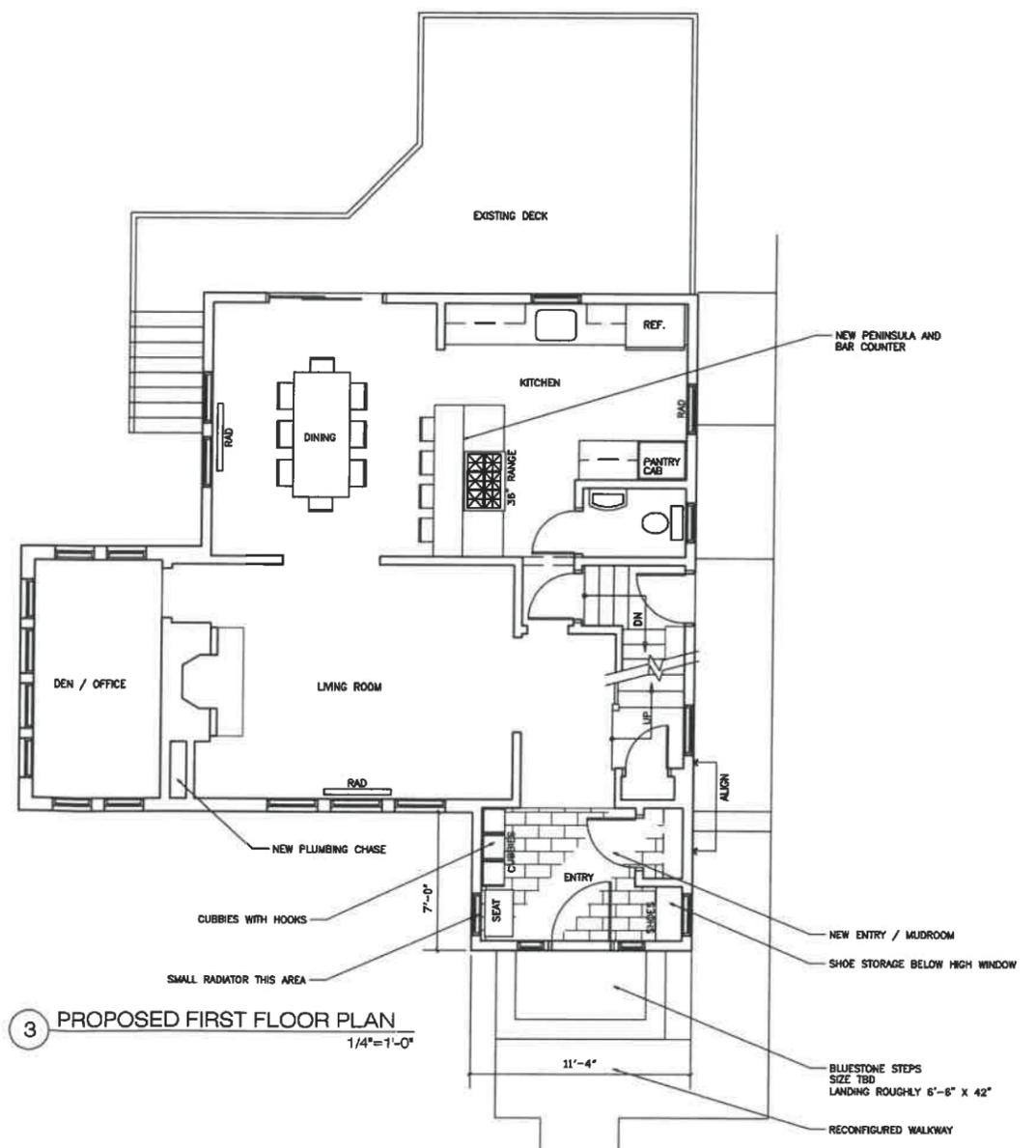
A2



1 PROPOSED BASEMENT PLAN
1/4"=1'-0"



2 PROPOSED SECOND FLOOR PLAN
1/4"=1'-0"



3 PROPOSED FIRST FLOOR PLAN
1/4"=1'-0"



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MISTRETTA RESIDENCE

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BROOKLINE, MA

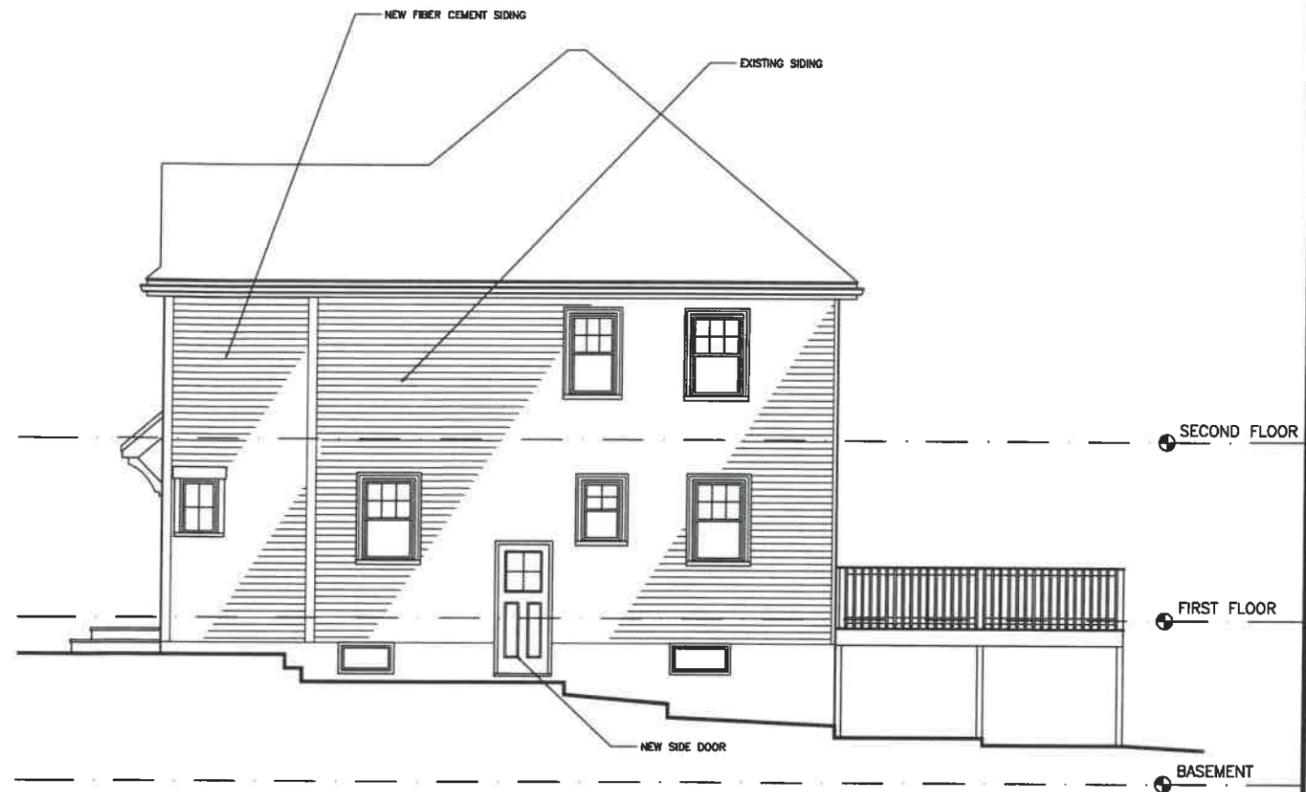
PROPOSED FLOOR PLANS

DATE: 7/5/19
SCALE: 1/4"=1'-0"
DRAWN: RBL

A3



1 PROPOSED REAR ELEVATION
1/4"=1'-0"



2 PROPOSED NORTH ELEVATION
1/4"=1'-0"



3 PROPOSED SOUTH SIDE ELEVATION
1/4"=1'-0"



4 PROPOSED FRONT ELEVATION
1/4"=1'-0"



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MISTRETTA
RESIDENCE

210 BONAD RD
BROOKLINE, MA

PROPOSED
ELEVATIONS

DATE: 7/5/19

SCALE: 1/4"=1'-0"

DRAWN: RBL

A4

