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Virtual Guide for Applicants and the Public

Zoning Board of Appeals Agenda
Virtual Public Hearing
M.G.L. Chapter 40A Cases
Thursday, July 30, 2026 at 7:00 PM

1. **Administrative Items**

1a. **1223 Beacon Street Comprehensive Permit 2018-000057 Pct. 3**

No discussion or testimony: Administrative request to continue public hearing from July 30, 2026, to July 29, 2028, pursuant to 760 CMR 56.05(3) (extended close of hearing granted to January 25, 2028) for a Chapter 40B Comprehensive Permit application submitted by Hampton Court, LLC for an addition at the rear of an existing building for a total of 123 residential rental units including 31 affordable units and 79 parking spaces at 1223 Beacon Street.

PLANS: For plans and other documents related to this case, visit:
https://www.brooklinema.gov/1474/HAMPTON-COURT

2. **Board of Appeals Cases (Address, Case Num., Precinct, Description)**

2a. **61 Colbourne Crescent 2026-000017 Pct. 12**
Appeal of a Building Permit granted to expand a driveway, BP-2024-001770.

2b. **47 School Street 2026-000021 Pct. 7**
Construct a three unit dwelling with underground parking.

2c. **12 Prince Street 2026-000023 Pct. 5A**
Construct dormers to create habitable space in the attic.

2d. **129 Walnut Street 2026-000026 Pct. 4**
Convert single-family dwelling to two-family dwelling and construct a roof deck.

2e. **40 Kent Street and 40 Webster Place 2026-000002 and 2026-000003 Pct. 6**
Hearing Materials: https://www.brooklinema.gov/3814/40-Kent-St-40-Webster-Pl
Design Review for major impact project with proposed height bonus for public benefit: Demolish historic 40 Webster Place, relocate historic 40 Kent Street building on site, construct new 5-story residential building; total 116 units.

PUBLIC COMMENT FILES, PDFs, OR PRESENTATIONS: Advance submissions of files and presentations are strongly encouraged. In an effort to ensure the Board has adequate time to review materials, we ask that any additional documents such as written comment letters, photos, files, or presentations be sent before the hearing to Cameron James at cjames@brooklinema.gov. Public testimony will be taken during the hearing as normal.

Zoning Board of Appeals Webpage

For help attending meetings on Zoom, go to BrooklineMA.gov/ZoomTips. If you need reasonable accommodations or modifications related to this meeting, please contact Sarah E. Kaplan, ADA Compliance Officer, at skaplan@brooklinema.gov or call 617-730-2329. ADA Information: BrooklineMA.gov/Town-Legal-Notice
Requests for language access may be sent to the Language Access Coordinator at ODEICR@brooklinema.gov.

Bk 33334 Pg59 $70010
07-23-2015 @ 11:48a

EASEMENT AGREEMENT

PARTIES: Cynthia Roney and Bank of America, N.A., Trustees of 61 Colbourne Crescent Nominee Trust u/d/t dated May 22, 1995 and recorded with Norfolk Registry of Deeds in Book 10900, Page 040 ("Trust") as owners of record of the premises at 61 Colbourne Crescent, Brookline Massachusetts, by deed dated May 22, 1995 and recorded in the Norfolk Registry of Deeds in Book 10900, Page 044;

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

CERTIFY

WILLIAM P. O'DONNELL, REGISTER

and

David Arthur Shushan and Jamie Horr Shushan ("Shushan") as owners of record of the premises at 51 Colbourne Crescent Massachusetts, by deed dated December 22, 2011 and recorded in Book 29513, Page 87.

NOW COME the parties to this Agreement for $10.00 and other good and valuable consideration receipt of which is hereby acknowledged who agree as follows:

1. Shushan, for themselves, their heirs, successors and assigns, do hereby grant to Trust, its heirs, successors and assigns, a permanent easement over the land described as "Easement" and shown on the plan entitled "Easement, 61/51 Colbourne Crescent Brookline, Massachusetts, dated July 10, 2015 by Anderson Surveys, Inc." to be recorded herewith for the purpose of passing and re-passing over the Easement on foot and for the installation of asphalt in the area of the Easement shown as "Parking Area" as depicted on said Plan for parking one (1) motor vehicle.
2. Trust shall install and maintain grass, mulch or other ground cover on all portions of the Easement not within the Parking Area, and the area commencing at the Southwesterly property boundary of the Shushan property and continuing 20 feet into the Easement in a Northwesterly direction shall remain in an open and unimproved condition except for said grass, mulch or other groundcover. Trust may install the following non-permanent improvements in that portion of the Easement area commencing 20 feet from the Southwesterly property boundary of the Shushan property: flagstone, step-stones or pavers, railroad ties, or other landscaping materials. Said non-permanent improvements shall be installed in a manner that avoids unreasonable runoff or erosion onto the land of Shushan, and shall not be set into concrete or any other permanent base. No plantings other than grass, much or groundcover shall be installed or maintained in the Easement, and the Easement shall not be substantially re-graded. Except as set forth in this paragraph, no fence, permanent or non-permanent structure shall be installed in the Easement except for the installation of asphalt in the Parking Area.
3. Asphalt in the Parking Area shall be installed and maintained in a manner that avoids unreasonable runoff and erosion onto the land of Shushan. The Parking Area shall be maintained in reasonable condition and shall not be permitted to deteriorate or erode into the Shushan land. The Parking Area, including any adjacent area extending into the Trust land, shall be used for parking a single motor vehicle only by the owners or residents (and their short-term invitees) of the property at 61 Colbourne Crescent. The Parking Area may not be rented out to external third parties for any reason.

4. Trust, its heirs, successors and assigns shall maintain premises liability insurance for the land which is subject to the easement and shall name Shushan and its heirs, successors and assigns as a certificate holder. Shushan shall be entitled to 30 days' notice of cancellation of any liability insurance policy. In the event that Trust fails to maintain such liability policy Shushan may place insurance and seek reimbursement for the cost of such insurance from Trust. Trust shall indemnify and hold harmless Shushan and their successors and assigns from any loss, cost or liability incurred by Shushan or a third party which may arise from Trust's use or any third party's use (if a guest or invitee of Trust or resident of the house) of the Easement. Such indemnification shall include all costs actually incurred by Shushan or its successors and assigns, including but not limited to reasonable attorneys' fees and costs incurred in connection with the defense of any claim of injury to person or property arising from the use of the Easement.
5. Any dispute or claim arising out of or relating to the Agreement which cannot be resolved in good faith directly between the Parties shall be submitted for binding arbitration. The cost and fees shall be borne by the party that does not prevail in the arbitration. The decision of the arbitrator shall be binding upon the parties thereto.

THIS AGREEMENT is signed and sealed this 14 day of July, 2015.

David Arthur Shushan

Jamie Horr Shushan

61 Colbourne Crescent Trust

by:_____
Cynthia Roney, Trustee
and not individually

61 Colbourne Crescent Trust

by:_____
, duly Authorized
By Bank of America, as Trustee

STATE OF NEW YORK

_____, ss.

On this _____ day of July, 2015, before me, the undersigned notary public, personally appeared Cynthia Roney, proved to me through satisfactory evidence of identification which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose, as Trustee.

_____
Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

On this 14 day of July, 2015, before me, the undersigned notary public, personally appeared Jamie Horr Shushan, proved to me through satisfactory evidence of identification which were Drivers License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

JASON ROSS HORTON
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
March 27, 2020

_____
Notary Public
My Commission Expires: March 27, 2020

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

On this 14 day of July, 2015, before me, the undersigned notary public, personally appeared David Arthur Shushan, proved to me through satisfactory evidence of identification which were Drivers License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

JASON ROSS HORTON
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
March 27, 2020

_____
Notary Public
My Commission Expires: March 27, 2020

4. Trust, its heirs, successors and assigns shall maintain premises liability insurance for the land which is subject to the easement and shall name Shushan and its heirs, successors and assigns as a certificate holder. Shushan shall be entitled to 30 days' notice of cancellation of any liability insurance policy. In the event that Trust fails to maintain such liability policy Shushan may place insurance and seek reimbursement for the cost of such insurance from Trust. Trust shall indemnify and hold harmless Shushan and their successors and assigns from any loss, cost or liability incurred by Shushan or a third party which may arise from Trust's use or any third party's use (if a guest or invitee of Trust or resident of the house) of the Easement. Such indemnification shall include all costs actually incurred by Shushan or its successors and assigns, including but not limited to reasonable attorneys' fees and costs incurred in connection with the defense of any claim of injury to person or property arising from the use of the Easement.
5. Any dispute or claim arising out of or relating to the Agreement which cannot be resolved in good faith directly between the Parties shall be submitted for binding arbitration. The cost and fees shall be borne by the party that does not prevail in the arbitration. The decision of the arbitrator shall be binding upon the parties thereto.

THIS AGREEMENT is signed and sealed this 14 day of July, 2015.

David Arthur Shushan

Janie Horr Shushan

61 Colbourne Crescent Trust

61 Colbourne Crescent Trust

by: _____
Cynthia Roney, Trustee
and not individually

by: _____, SVP
duly Authorized
By Bank of America, as Trustee

COMMONWEATLH OF MASSAHCUSETTS

Suffolk, ss.

On this 16th day of July, 2015, before me, the undersigned notary public, personally appeared G. Bryan McNeil, proved to me through satisfactory evidence of identification which were Personally known, to be the person whose name is signed on the preceding or attached document, as the duly authorized representative of Bank of America, N.A., and acknowledged to me that he signed it voluntarily for its stated purpose, as Trustee.

Wun Wa Ng

Notary Public

My Commission Expires:

WUN WA NG
Notary Public Commonwealth of Massachusetts
My Commission Expires July 6, 2018

4. Trust, its heirs, successors and assigns shall maintain premises liability insurance for the land which is subject to the easement and shall name Shushan and its heirs, successors and assigns as a certificate holder. Shushan shall be entitled to 30 days' notice of cancellation of any liability insurance policy. In the event that Trust fails to maintain such liability policy Shushan may place insurance and seek reimbursement for the cost of such insurance from Trust. Trust shall indemnify and hold harmless Shushan and their successors and assigns from any loss, cost or liability incurred by Shushan or a third party which may arise from Trust's use or any third party's use (if a guest or invitee of Trust or resident of the house) of the Easement. Such indemnification shall include all costs actually incurred by Shushan or its successors and assigns, including but not limited to reasonable attorneys' fees and costs incurred in connection with the defense of any claim of injury to person or property arising from the use of the Easement.
5. Any dispute or claim arising out of or relating to the Agreement which cannot be resolved in good faith directly between the Parties shall be submitted for binding arbitration. The cost and fees shall be borne by the party that does not prevail in the arbitration. The decision of the arbitrator shall be binding upon the parties thereto.

THIS AGREEMENT is signed and sealed this 14 day of July, 2015.

David Arthur Shushan

Jamie Horr Shushan

61 Colbourne Crescent Trust

by: Cynthia Roney
Cynthia Roney, Trustee
and not individually

61 Colbourne Crescent Trust

by: _____
, duly Authorized
By Bank of America, as Trustee

STATE OF NEW YORK

COUNTY OF NEW YORK ss.

STATE OF NEW YORK

On this 20TH day of July, 2015, before me, the undersigned notary public, personally appeared Cynthia Roney, proved to me through satisfactory evidence of identification which were KNOWN TO ME, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose, as Trustee.

JOSEPHINE NAPPI
Notary Public - State of New York
No. 01NA4791885
Qualified in Queens County
My Commission Expires Jan. 31, 2018

Josephine Nappi
Notary Public
My Commission Expires: 1/31/18

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

On this 14 day of July, 2015, before me, the undersigned notary public, personally appeared Jamie Horr Shushan, proved to me through satisfactory evidence of identification which were Drivers License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

JASON ROSS HORTON
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
March 27, 2020

Notary Public
My Commission Expires: March 27, 2020

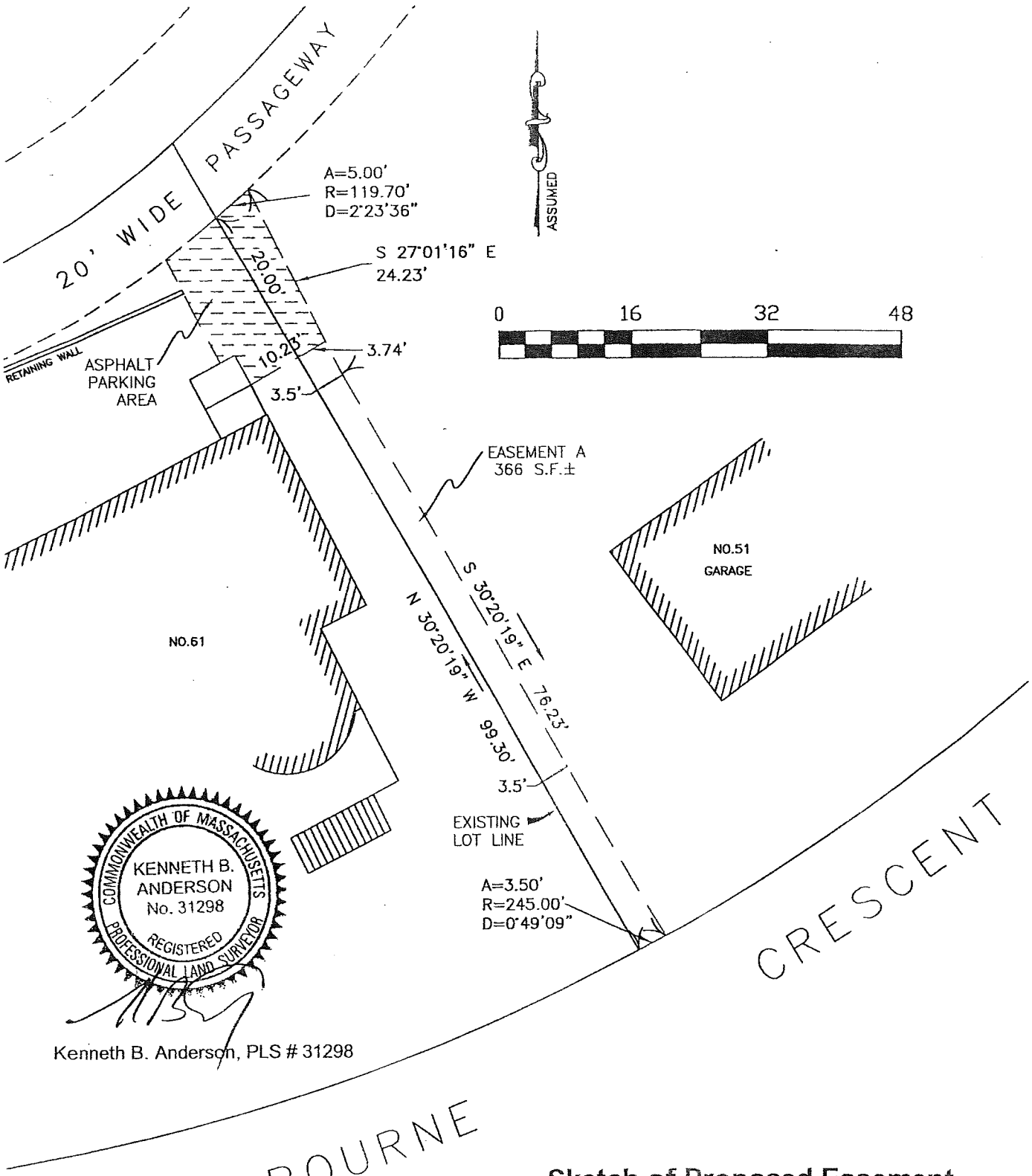
COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

On this 14 day of July, 2015, before me, the undersigned notary public, personally appeared David Arthur Shushan, proved to me through satisfactory evidence of identification which were Drivers License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

JASON ROSS HORTON
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
March 27, 2020

Notary Public
My Commission Expires: March 27, 2020



Sketch of Proposed Easement

51&61 Colbourne Crescent, Brookline, MA

July 10, 2015 Scale 1"= 16'

ANDERSON SURVEYS, INC.

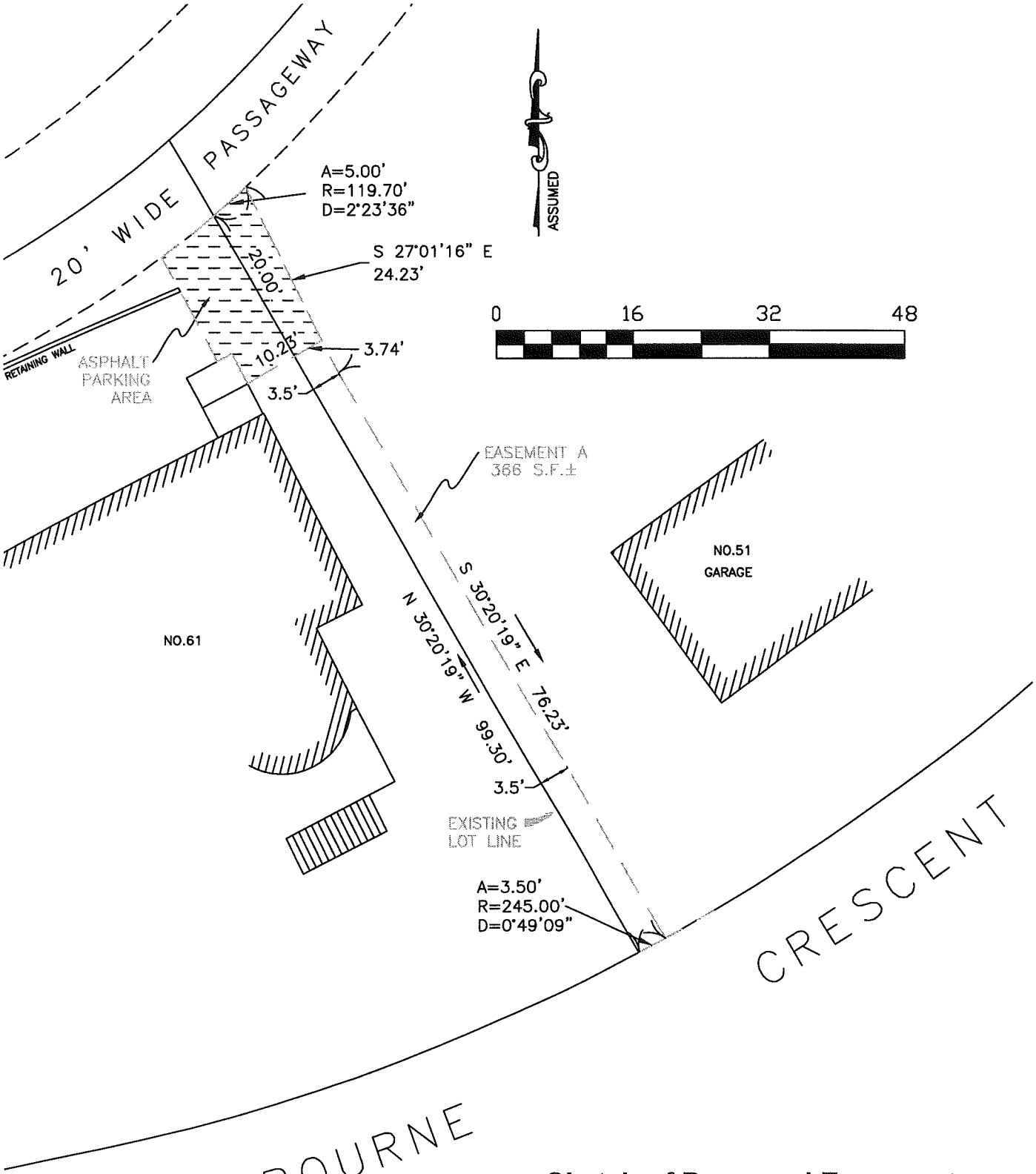
Professional Land Surveyors

800 HIGH STREET

HANSON, MA 02341-0149

(781) 293-3349

Carlson Surveys 2015 - 82062-EASEMENT SKETCH - AutoCAD 2015



Sketch of Proposed Easement

51&61 Colbourne Crescent, Brookline, MA

July 10, 2015 Scale 1"= 16'

ANDERSON SURVEYS, INC.

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HANSON, MA 02341-0149

(781) 293-3349

Carlson Surveys 2015 - 82062-EASEMENT SKETCH - AutoCAD 2015

TOWN OF BROOKLINE

Building Department
(617) 730-2100

PERMIT NO BP-2024-001770

ISSUE DATE 12/13/2024

APPLICANT Rebecca Cutino

Area Insp.:

Insp. Phone:

CO Required:

BUILDING PERMIT

JOB WEATHER CARD

AT (LOCATION) **61 COLBOURNE CRESCENT**	ZONING DISTRICT **SC-7 SINGLE-FAMILY & CONVERTED FOR TWO-FAMILY**	Type: **Residential Building**

MAP BLOCK LOT **219-11-00** BUILDING IS TO BE: CONST TYPE USE GROUP

TO PERFORM THE FOLLOWING WORK:

Excavate and pave lower and upper driveways 800 square feet

AREA (SQ FT) **8,025.00** EST COST($) **6400** PERMIT FEE($) **140.00**

OWNER: YETMAN TRS, NANCY C

ADDRESS: C/O RYAN, LLC
HOUSTON, TX 77056

CONTRACTOR

LICENSE Cs-111992
CSL

Joseph Gonsalves

Wrentham, MA 02093
PHONE: ||

POST THIS CARD SO IT IS VISIBLE FROM STREET

BUILDING INSPECTION APPROVALS

Electric	**Gas**	**Plumbing**	**Building**
Rough:	**Rough:**	**Rough:**	**Excavation:**
Final:	**Final:**	**Final:**	**Footings:**
			Foundation:
D.P.W.	**Fire**	**Health**	**Rough Frame:**
Water:	**Smoke:**		**Firestopping/Fireblocking:**
Sewer:	**Alarm:**	**Misc. Dept / Insp**	**Insulation:**
	Sprinklers:	**Final:**	**Final:**

THIS PERMIT MAY BE REVOKED BY THE TOWN OF BROOKLINE UPON VIOLATION OF ANY OF ITS RULES AND REGULATIONS. THIS CARD IS THE PROPERTY OF THE TOWN OF BROOKLINE AND MUST BE RETURNED TO THE BUILDING DEPARTMENT AT THE TIME OF JOB COMPLETION.

MGL CH142A HOME IMPROVEMENT CONTRACTOR REGISTRATION. PERSONS CONTRACTING WITH UNREGISTERED CONTRACTORS DO NOT HAVE ACCESS TO THE GUARANTY FUND IN THE EVENT OF A DISPUTE.

Signature:

ALL WORK SHALL CONFORM TO THE STAMPED OR ENDORSED APPLICATION AND PLANS FOR WHICH THIS PERMIT HAS BEEN ISSUED (107.4). THIS PERMIT WILL BECOME NULL AND VOID IF CONSTRUCTION IS NOT STARTED WITHIN 180 DAYS FROM THE DATE THE PERMIT WAS ISSUED (105.5). APPROVED PLANS MUST BE RETAINED ON THE JOB AND THIS CARD MUST BE DISPLAYED UNTIL FINAL INSPECTION (105.7, 107.3.1). SEPARATE PERMITS ARE REQUIRED FOR PLUMBING, GAS, ELECTRICAL, SHEETMETAL, MECHANICAL AND SPRINKLER INSTALLATIONS. THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK. A DEBRIS REMOVAL FORM AS REQUIRED BY THE STATE BUILDING CODE MUST BE ON FILE WITH THE PERMIT (105.3.1.4)

A. EXCAVATION BEFORE POURING OF CONCRETE
(24 hr. notification before time of delivery)
B. FOOTING - SOIL - REBAR (if applicable)
C. FOUNDATION BEFORE BACKFILLING
(Foundation drain / damproofing in place)
** FOUNDATION AS-BUILT **
** MUST BE SUBMITTED PRIOR TO PLACING SILL**
(Failure to submit at this time, contractor/homeowner cont. at own risk)

E. ROUGH WIRING - ROUGH PLUMBING / GAS - ROUGH FRAME
(drywall fire rated assembly / rated recessed lighting if applicable)
ROUGH MECHANICAL - SPRINKLER
(WEATHER TIGHT SHELL & FIRESTOPPING IN PLACE)
F. INSULATION
G. FINISH WIRING, PLUMBING / GAS,
MECHANICAL AND SPRINKLER

§8.15.6 CONSTRUCTION HOURS **7 A.M. to 7 P.M. Monday thru Friday, and 8:30 A.M. to 6:00 P.M. Saturdays, Sundays and Holidays.**
§7.5.8 IDLING OF MOTOR VEHICLES: **No person shall permit the unnecessary operation of the engine of a motor vehicle while said vehicle is stopped in excess of five minutes.**

FEE DESCRIPTION	RECEIPT NUMBER	DATE PAYMENT	CHECK NUMBER	AMOUNT
Building Permit (Enter BLDG Portion of Value ONLY - $)	1727649	12/5/2024		$140.00

TOWN of BROOKLINE
Massachusetts

BUILDING DEPARTMENT REFERRAL
STORMWATER MANAGEMENT AND/OR
LAND DISTURBING ACTIVITIES
(Article 8.26 of By-Laws of the Town of Brookline)

Address of Project: 61 Colbourne Crescent Referral Date: 12/2/24

Applicant: Asphalt Services Inc.
(Contact Person for Information and Questions)

Address: 210 New Boston Street Woburn MA

Telephone No's (Office) 781-938-6800 (Cell) _____

(Fax) _____ Email rebecca@paulenthal.com

Description of Proposed Project:
excavate and pave upper and lower driveways 800 sq ft

(For example: new house, addition, tennis court, garage, retaining walls, patios, driveway, swimming pool, filling in land, cutting grades, or change in grades, etc)

Name, Address & Phone No. of Civil Engineer, Land Surveyor or Landscape Architect:

Date of Drawings: _____

NOTE:
- Drawings must be submitted with complete proposal and scope of work.
- Additional drawings and information may be necessary to document your proposal.

Building Inspector Signature: _____

Received by Brookline Building Department	Approved by DPW-Engineering Division
	Jake Scarpino 12/5/24 N/A

THIS IS NOT A BUILDING PERMIT APPLICATION

333 Washington Street, Brookline, Massachusetts 02445
Tel: (617) 730-2100 Fax: (617) 739-7542

PHOTO ONE (TAKEN 6/30/2026)

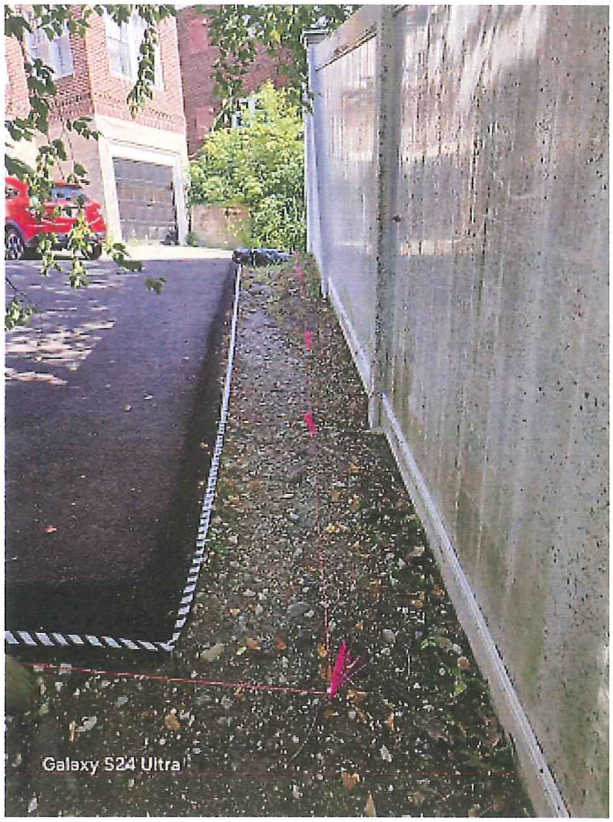


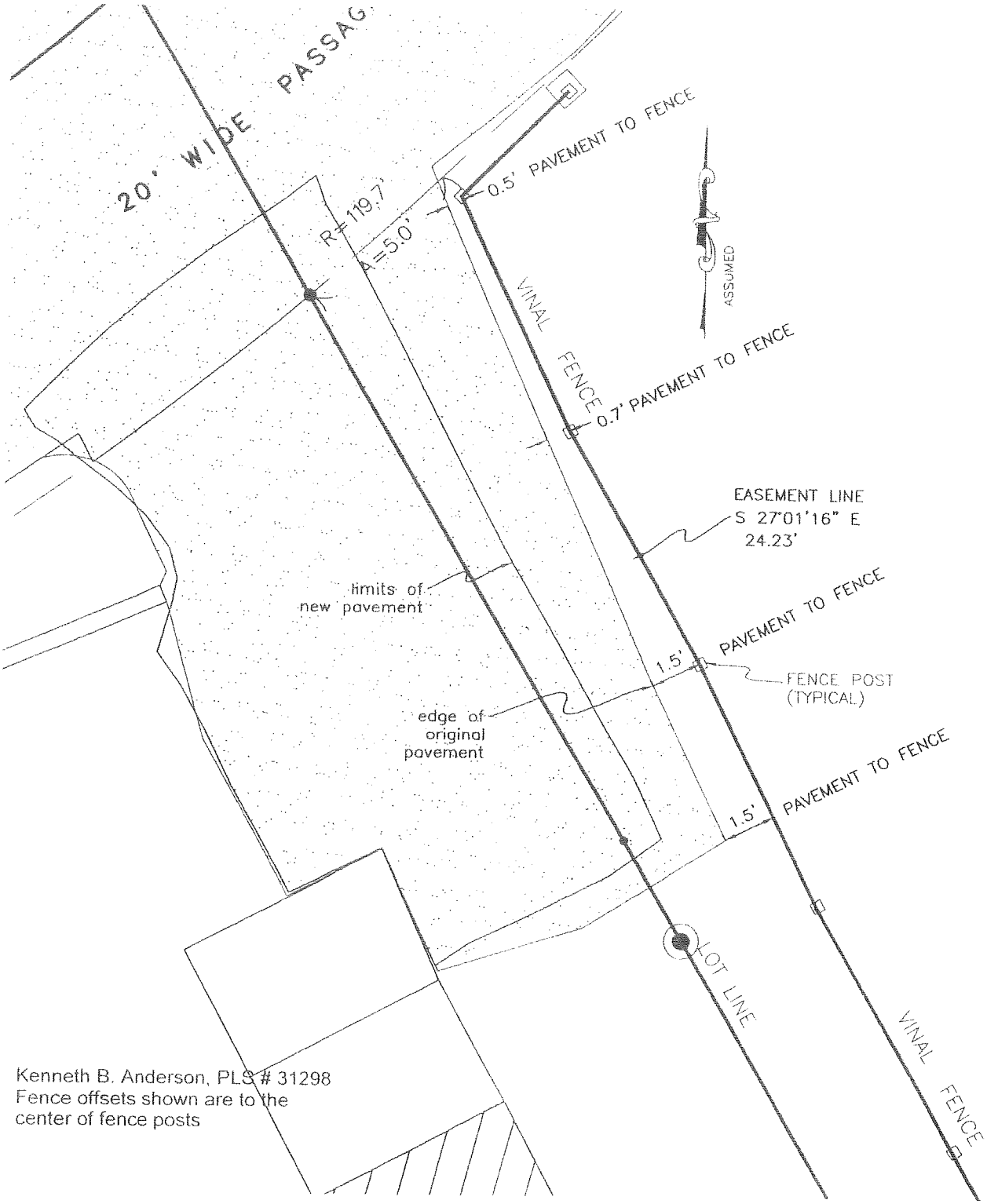
PHOTO TWO (TAKEN 6/30/2026)

PHOTO ONE (TAKEN 4/2/2025)

ANDERSON SURVEYS, INC.
Professional Land Surveyors
800 HIGH STREET
HANSON, MA 02341-0149
(781) 293-3349

Sketch Showing New Pavement Relative to Old Pavement

51&61 Colbourne Crescent, Brookline, MA
Jun.30, 2026 Scale 1"= 4'
See Easement Bk.33335, pg.59
Carlson Surveys 2025 - 84394-3 - AutoCAD 2021
Page Two of Two



ANDERSON SURVEYS, INC.

Professional Land Surveyors

800 HIGH STREET

HANSON, MA 02341-0149

(781) 293-3349

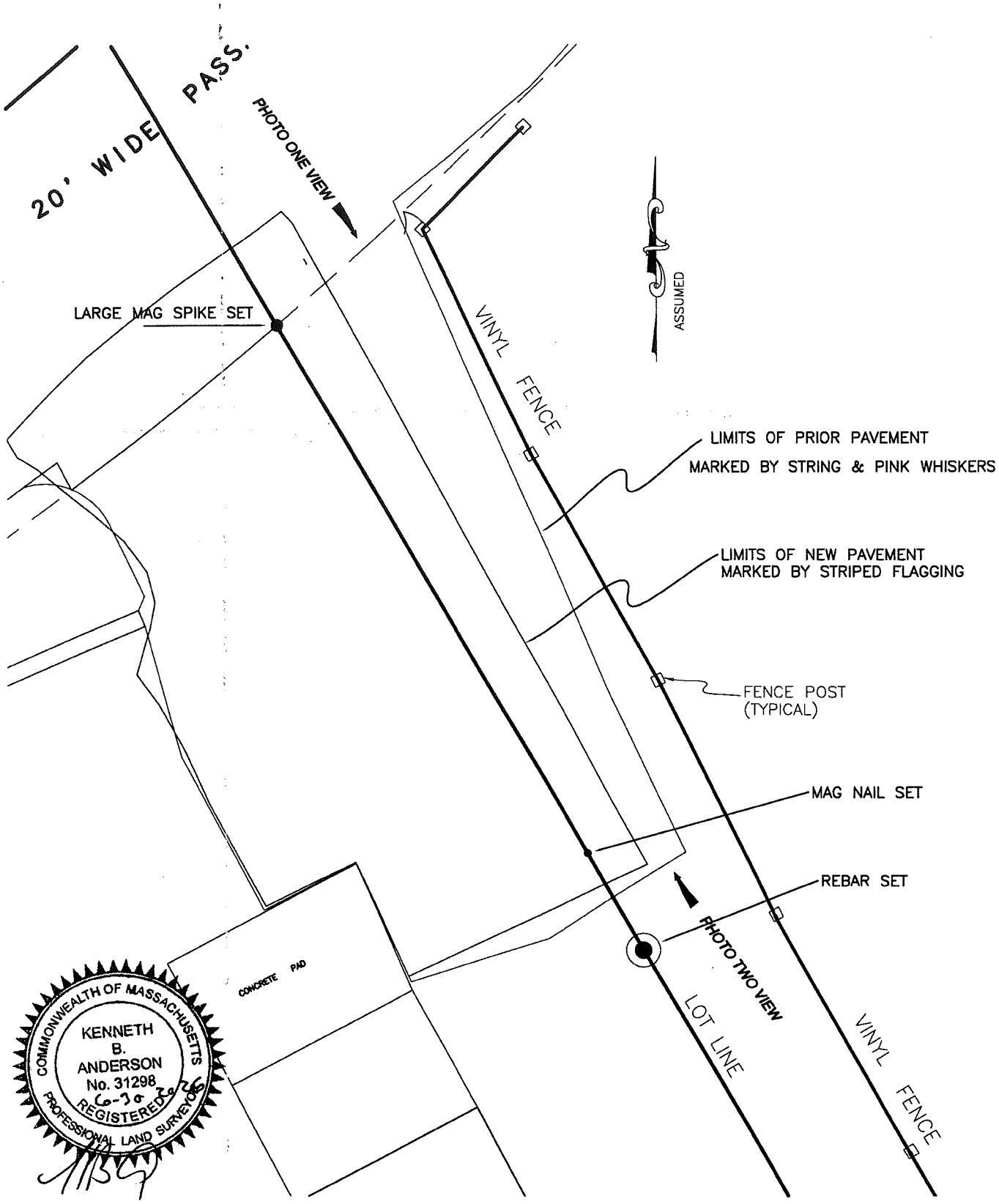
Sketch Showing New Pavement Relative to Old Pavement

51&61 Colbourne Crescent, Brookline, MA

Jun.2, 2026 Scale 1"= 4'

See Easement Bk.33335, pg.59

Carlson Surveys 2025 - 84394-1 - AutoCAD 2021



Kenneth B. Anderson, PLS # 31298

ANDERSON SURVEYS, INC.

Professional Land Surveyors

800 HIGH STREET

HANSON, MA 02341-0149

(781) 293-3349

Sketch Showing New Pavement Relative to Old Pavement

51&61 Colbourne Crescent, Brookline, MA

Jun.30, 2026 Scale 1"= 4'

See Easement Bk.33335, pg.59

Carlson Surveys 2025 - 84394-3 - AutoCAD 2021

Page One of Two

Subject: RE: Parking Space Paving 61 Colbourne Crescent
From: Dan Bennett <dbennett@brooklinema.gov>
Date: 4/8/2026, 8:32 AM
To: Davis Yetman <Yetman@Earthlink.net>
CC: "Paul R. Campbell" <prcampbell@brooklinema.gov>, Ted Murray <emurray@brooklinema.gov>

Davis,

The additional work to be performed as part of your original driveway permit can be performed pursuit to that permit. All work must be performed per the survey prepared by K. Anderson "Sketch showing existing pavement to relative vinyl fence dated April 2, 2025.

Regards,

Daniel F. Bennett
Building Commissioner
Town of Brookline
333 Washington Street
Brookline, MA 02445
(617) 730-2100
dbennett@brooklinema.gov
www.brooklinema.gov

-----Original Message-----
From: Davis Yetman <Yetman@Earthlink.net>
Sent: Tuesday, April 7, 2026 10:34 PM
To: Dan Bennett <dbennett@brooklinema.gov>
Subject: Re: Parking Space Paving 61 Colbourne Crescent

CAUTION: This email originated from a sender outside the Town of Brookline mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Dan - hope you are well. The survey was done on 4/02/2025. The drawing states that in the text block at lower right. This was surveyed a week before the original pavement was taken up and new pavement laid on 4/08/25 and 4/09/25.

Note on the timeline - The original pavement was in place well before there was a fence. Attached are two pictures taken before the fence was installed which show the original paved area.

Let me know if you need anything else

Thanks

Davis

On 4/7/2026 2:22 PM, Dan Bennett wrote:

> Two questions. When was this survey done? Do you have additional photos of the area before?
>
> ----Original Message-----

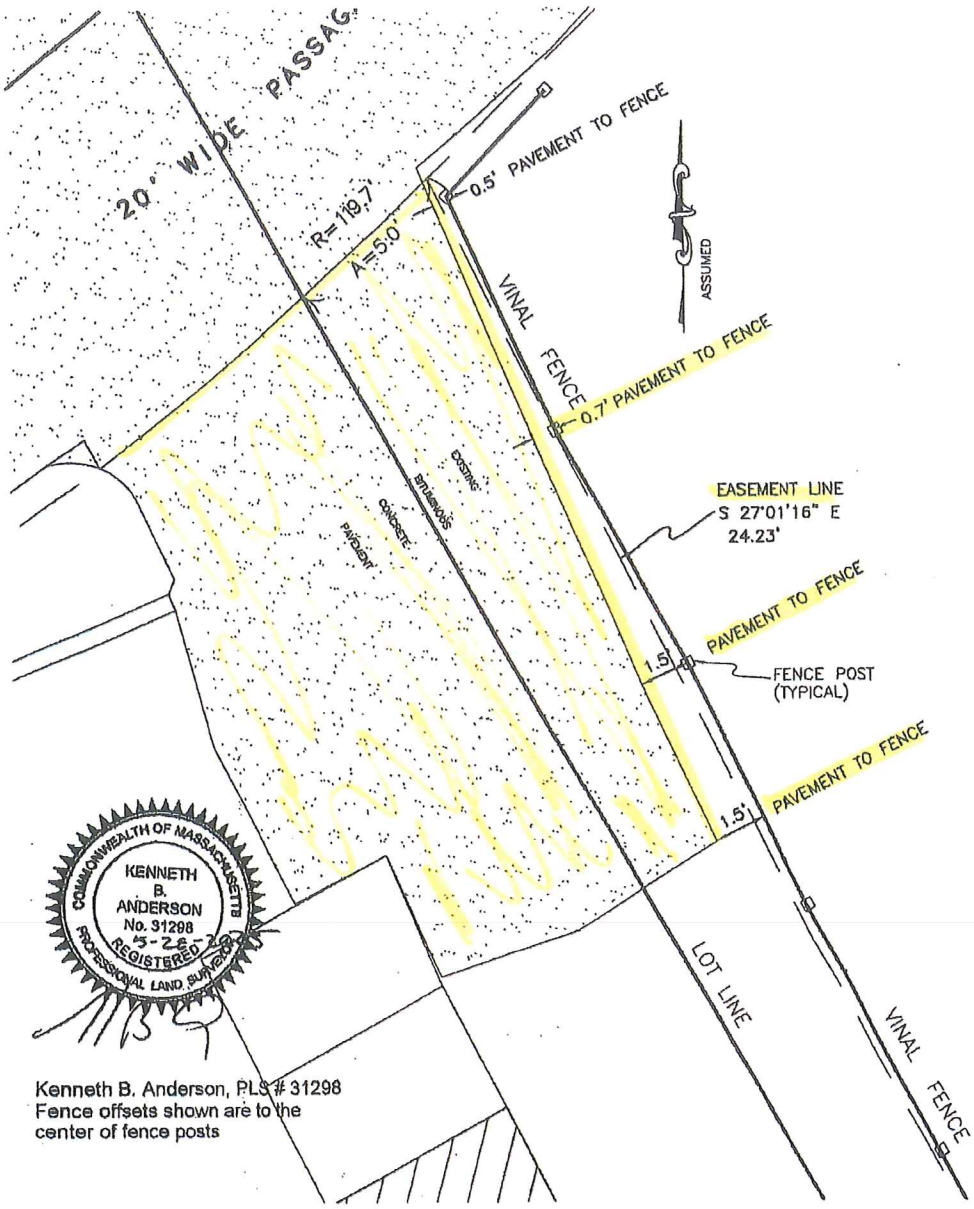
From: Davis Yetman <Yetman@Earthlink.net>
Sent: Thursday, April 2, 2026 4:30 PM
To: Dan Bennett <dbennett@brooklinema.gov>
Subject: Parking Space Paving 61 Colbourne Crescent

CAUTION: This email originated from a sender outside the Town of Brookline mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Daniel - hope you are well. Pursuant to our conversation regarding repaving of an existing parking space - could you send me an email confirming that our permit allows us to replace the pre-existing pavement as shown in the attached surveyors drawing, up to the line as denoted on the right edge of the pavement with four "Pavement to Fence" measurements?

Thanks

Davis



Kenneth B. Anderson, PLS # 31298
Fence offsets shown are to the center of fence posts

ANDERSON SURVEYS, INC.
Professional Land Surveyors
800 HIGH STREET
HANSON, MA 02341-0149
(781) 293-3349

Sketch Showing Existing Pavement Relative to Vinyl Fence

51&61 Colbourne Crescent, Brookline, MA
April 2, 2025 Scale 1"= 4'
See Easement Bk.33335, pg.59
Carlson Surveys 2025 - 84394-1 - AutoCAD 2021

APPELLEE EXHIBIT INDEX

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1A. 2015 Plan..... 10

2. December 13, 2024 Building Permit 11

3. Photo Array of Driveway 13

4. Bennett April 8, 2026 Authorization to Complete Original Driveway Permit 17

61 Colbourne Crescent Driveway Exhibits

May 2026

Section 1: Sketch Inaccuracies

April 2 2025: Anderson Surveys SKETCH (downhill)

2025 Sketch indicates 1.5’ from pavement to fence

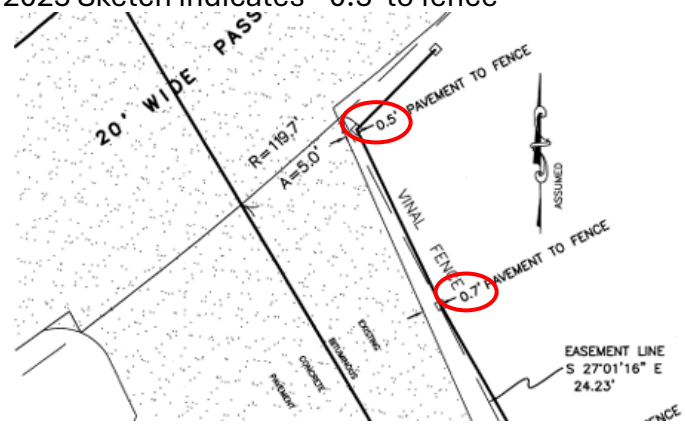
September 1 2023: Pavement measured @ 2.5’+ from fence

April 1 2025: Survey Stake and paint@ 1.5’, pavement @ 2.5’

October 1 2023: Survey Stake @ 1.5’, pavement @ 2.5’

April 2 2025: Anderson Surveys SKETCH (Uphill area)

2025 Sketch indicates ~0.5’ to fence



September 1 2023: Mounded berm w/ pavement measured @ ~2.5’ from fence

October 1 2023: Mounded berm showing elevation change (down) to driveway, for drainage

December 2 2022: 2.5’ permeable berm area

March 30 2022: 2.5’ berm berm w/ surveyor markings

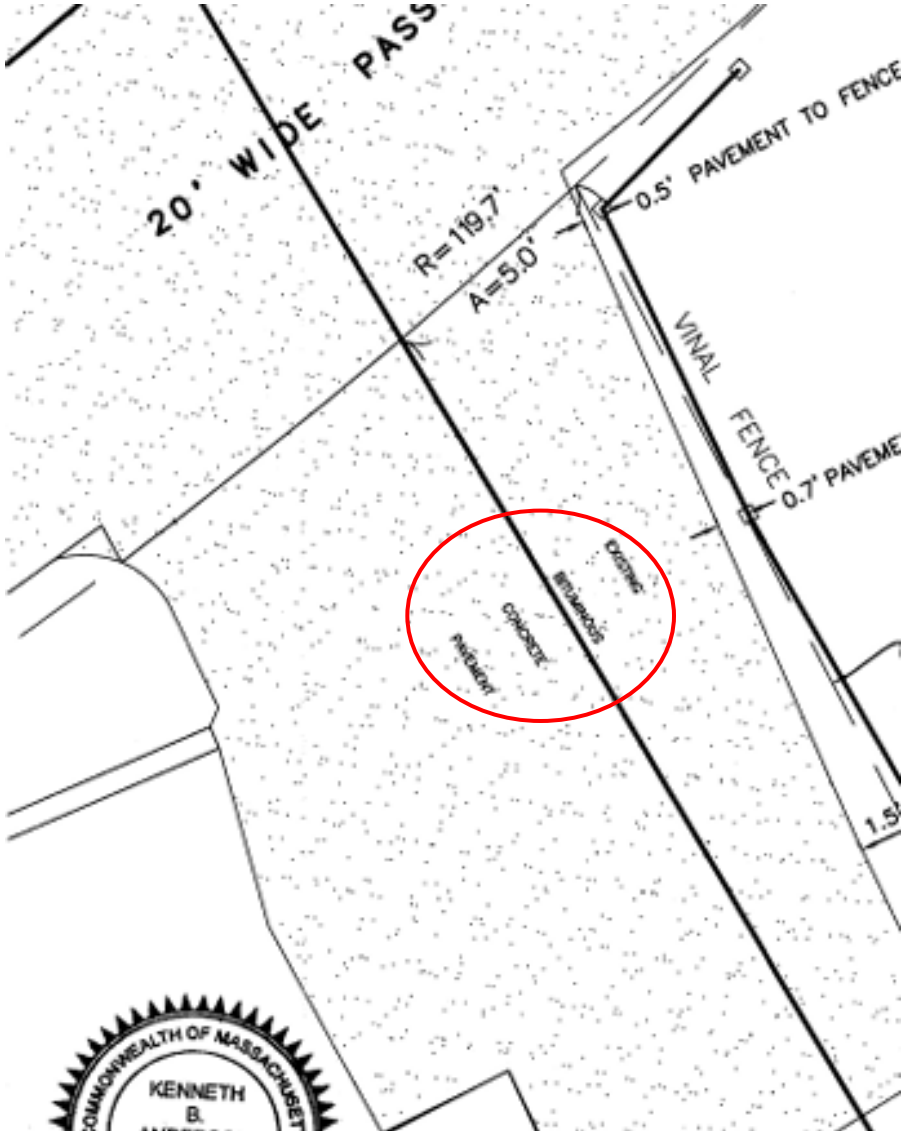
April 13 2021: 2.5’ permeable berm

Older photos showing consistent conditions over 7+ years

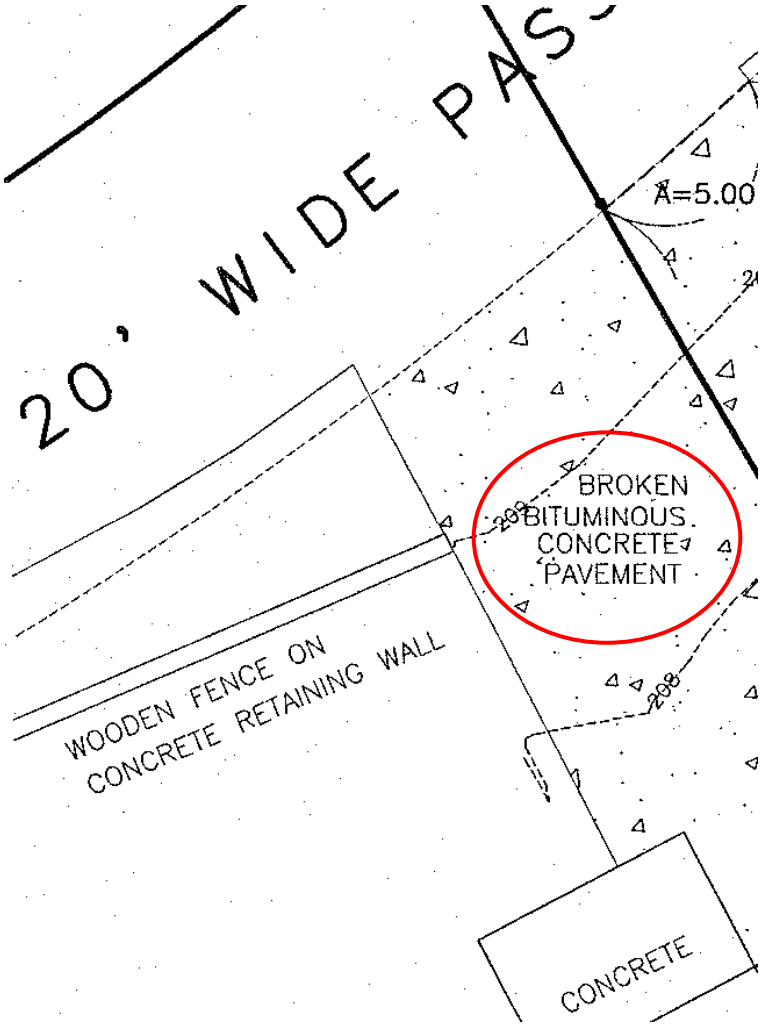
July 3, 2019: Permeable berm; driveway elevation below bottom of fence

March 7, 2019: Slow snow melt on berm allowed to absorb into permeable surface and melt downhill onto driveway area

April 2 2025: Anderson Surveys Sketch indicating <u>existing</u> bituminous concrete pavement



March 30 2023: Anderson Surveys Draft indicating <u>broken</u> bituminous concrete pavement



Section 2: Currently Installed Driveway

Current Conditions

May 4, 2026: Current driveway is 10’ wide, typical of a parking spot

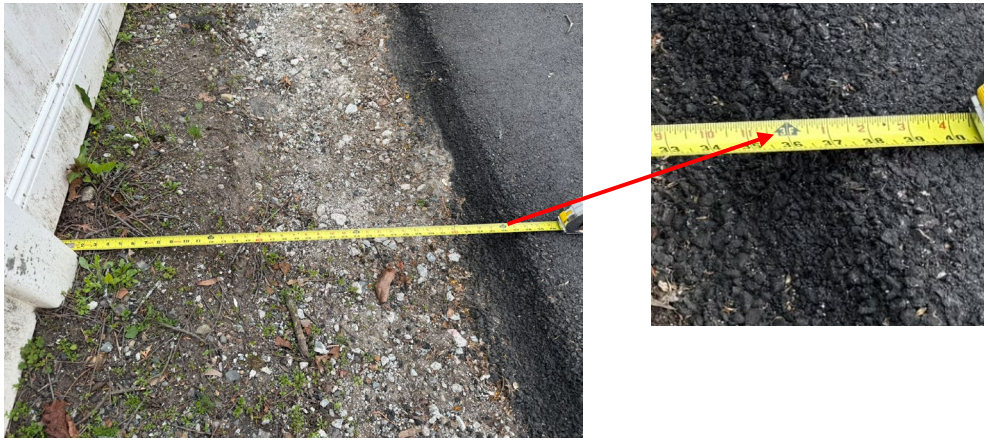
April 9, 2025 and May 4, 2026:
Grade has been raised by ~1’, causing runoff, a large step down, and steep slope

Installed driveway is (irregularly) narrower than instructed by Building Department, and could be enlarged while still fitting inside the specified location

April 8, 2025: Marking from Building Department indicating **2.5' offset from fence**

May 4, 2026: Driveway is **39"** from fence @ corner vs. 30" specified by building inspector

Driveway is **36"** from fence @ 2nd post vs. 30" specified by inspector



DAVIS MALM
ATTORNEYS

James E. Gallagher

P: 617.589.3883 | F: 617.523.6215
jgallagher@davismalm.com

May 8, 2026

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

Re: Appeal of the Building Commissioner's Decision Dated April 8, 2026 Regarding Residential Building - BP-2024-001770

Dear Ma'am / Sir:

This office represents David and Jamie Shushan of 51 Colbourne Crescent. I am writing to appeal an administrative action taken by the Building Commissioner on April 8, 2026, purporting to authorize the expansion of a new portion of a driveway at 61 Colbourne Crescent, without proper or accurate documentation and in violation of Section 8.02 of the Zoning Bylaws and violation of Section 4.11 of the Town Zoning Bylaws and 8.26.2 of the Town Bylaws for failure to include a proper stormwater management plan or including temporary and permanent erosion control structures.

Specifically, in 2024 the homeowner at 61 Colbourne Crescent obtained a permit to excavate and replace two pre-existing driveways. The driveway at the rear of the property was a pre-existing non-conforming use adjacent to and uphill from 51 Colbourne Crescent. *See* Residential Building - BP-2024-001770. The original permit allowed the replacement of the pre-existing condition, and the Stormwater Management certificate was stamped "N/A," presumably because there was to be no change to the grade. The work was completed in April 2025.

Recently, through email correspondence, the resident at 61 Colbourne requested to re-open the permit and expand the driveway using a sketch and old photos rather than submitting a new permit application. On April 8, 2026, the Building Department approved the requested expansion of the previously completed driveway. A copy of the email exchange purportedly approving this expansion is attached. This action should be reviewed and overturned and the expansion of the driveway denied for the following reasons:

1. <u>Permitting Without Proper Procedures and Inaccurate Documents</u>

a. According to the Town website (https://www.brooklinema.gov/186/FAQs) a building permit is required for the installation of all driveways. This is consistent with the State Building Code (780 CMR § 105 – Permits). The homeowner at 61 Colbourne obtained a building permit for the initial construction. That permit is currently listed as "closed" and the work completed was the work originally

permitted. Attached to this document are photos depicting the condition of the driveway prior to the work, the Department's determination of what would be built, and the completed work ("Driveway Photos for ZBA").

The new work is beyond the scope and size of the original permit as then previously decided by the Building Department. As such, this is a request for new construction, requiring a new permit. The current email exchange is an attempt to end-run the permitting requirements established by the Town's Bylaws. A new building permit application for this new work was required to be submitted but that rule has not been enforced. It should be.

b. The request to expand is being supported by two photos and a sketch. The photos are outdated by 13 years and do not reflect the reality of the pre-existing use. They fail to show the exact location, width, length, size, and grade of the pre-existing driveway. The sketch, which is neither a Site Plan or a Plot Plan, is missing elevations, appears to have inaccurate information, and fails to accurately reflect the ground in 2025, as shown in the "Driveway Photos for ZBA." For example, actual measurements photographed and taken at the same time as the survey show a berm and other permeable surfaces sloping down toward the driveway generally 2.5' offset from the fence to the pavement. This is in direct contrast to the measurements indicated on the sketch. Further, the sketch identifies the driveway as "existing bituminous concrete pavement," but just two years earlier, in 2023, the same surveyor identified this same area as "broken bituminous concrete pavement." No work had been completed on the driveway between 2023 and 2025, making an improvement in the condition impossible. While the Building Department possesses some latitude in making its decisions, in this instance, it should direct the applicant to submit a certified plot plan that accurately reflects what the pre-existing conditions were, including elevations, so the Department can determine actual locations and grades.

c. Further, section 107.4 – Amended Construction Documents - requires that when any changes made during construction under the original permit, new or amended documents must be submitted and approved prior to commencement of any new proposed work. Even presuming that 61 Colbourne was allowed to ask to "reopen" the old permit and conduct work under that permit, which appears to be an improper end-around, no amended documents were ever officially submitted that meet the requirements of the code. This is a procedural violation that cannot be waived.

2. <u>Expansion of Pre-Existing Non-Conforming Use Without Following Proper Procedures:</u>

a. The request to expand the completed driveway, which is a request to expand a non-conforming use, violates Section 8.02 of the Town Zoning Bylaws. To the extent that the applicant wants to expand the non-conforming use, such an expansion is subject to a proper application to the ZBA and/or Planning Board under c. 40A § 6. Until such an application is made and approved, the Building Commissioner and Department does not possess the legal authority to approve such an expansion.

b. Further, any request to expand the non-conforming use must be accompanied by the appropriate construction documents. Specifically, section 105.3 – Application for Permit of the State Building Code, requires that all permits be accompanied by "construction documents and other information required by section 107." Section 107, and specifically Section 107.2.9 – Site Plan or Plot Plan – states,

> the *construction documents* submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design based flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

Here, no appropriate site plan or plot plan meeting the above requirements was submitted with this new request. Even the original "Site Plan" associated with the original permit is simply an aerial photo indicating a rough location of the 2 driveways and does not meet the standards that would typically be required of a project of this nature.

Because the old driveway was excavated and removed, any plan concerning the proposed expansion should be required to contain not only the pre-existing street grades but also the pre-existing grade of the removed driveway and the completed grade of the driveway. The sketch does not include any of that information, and it is more critical given the original permit file also lacks this information.

3. <u>Lack of an Approved Erosion and Sediment Control Plan for Change of Grade.</u>

Paragraph 4 of the Amended Stormwater Bylaw (Section 8.26.2), in connection with Zoning Bylaw Section 4.11 requires an Erosion and Sediment Control Plan for "activities which require the change of existing grade […]."

In the permit file, the Department of Public Works stamped the Erosion and Sediment Control Plan "N/A," presumably because the work did not anticipate any grade change. However, as shown in the "Photos," the actual work conducted resulted in a substantial grade change of ~1'. The result is that the driveway is now higher than the adjacent fence and includes a significant downward slope from the driveway to the fence base and a more significant slope facing downhill. This is shown in the attachment "Driveway Photos for ZBA". Instead of runoff being contained, this slope channels it downhill and toward the adjacent property increasing the likelihood of channel or gully type erosion. The new proposed work which brings raised non-permeable surfaces closer to the fence would also result in a change to the existing grade and exacerbate the runoff situation.

This work requires an Erosion and Sediment Control Plan. One has not been submitted, and it appears one has never been created. This in and of itself violates the spirit and intent of the Amended Stormwater Bylaw. The ZBA should compel the Building Commissioner to mandate that such a plan is required prior to any work being performed and should include both temporary and permanent erosion control structures as required by Paragraph 4, subsection 7 that eliminate or reduce the adverse effects of soil erosion.

4. <u>Conclusions</u>

The Building Commissioner's decision to allow new construction on a closed permit should be overturned. This approval procedurally violates at a minimum Sections 8.02 of the Zoning Bylaws, Section 4.11 of the Town Zoning Bylaws and 8.26.2 of the Town Bylaws because it failed to require: 1) a new permit application, 2) new construction documents including a certified plot plan with elevations, 3) a proper Erosion and Sediment Control Plan with

temporary and permanent control measures, and 4) a determination by the permit granting authority under 40A § 6.

Sincerely,

/s/ James E. Gallagher

James E. Gallagher

JEG:tpl

Subject: RE: Parking Space Paving 61 Colbourne Crescent
From: Dan Bennett <dbennett@brooklinema.gov>
Date: 4/8/2026, 8:32 AM
To: Davis Yetman <Yetman@Earthlink.net>
CC: "Paul R. Campbell" <prcampbell@brooklinema.gov>, Ted Murray <emurray@brooklinema.gov>

Davis,

The additional work to be performed as part of your original driveway permit can be performed pursuit to that permit. All work must be performed per the survey prepared by K. Anderson "Sketch showing existing pavement to relative vinyl fence dated April 2, 2025.

Regards,

Daniel F. Bennett
Building Commissioner
Town of Brookline
333 Washington Street
Brookline, MA 02445
(617) 730-2100
dbennett@brooklinema.gov
www.brooklinema.gov

-----Original Message-----
From: Davis Yetman <Yetman@Earthlink.net>
Sent: Tuesday, April 7, 2026 10:34 PM
To: Dan Bennett <dbennett@brooklinema.gov>
Subject: Re: Parking Space Paving 61 Colbourne Crescent

CAUTION: This email originated from a sender outside the Town of Brookline mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Dan - hope you are well. The survey was done on 4/02/2025. The drawing states that in the text block at lower right. This was surveyed a week before the original pavement was taken up and new pavement laid on 4/08/25 and 4/09/25.

Note on the timeline - The original pavement was in place well before there was a fence. Attached are two pictures taken before the fence was installed which show the original paved area.

Let me know if you need anything else

Thanks

Davis

On 4/7/2026 2:22 PM, Dan Bennett wrote:

> Two questions. When was this survey done? Do you have additional photos of the area before?
>
> -----Original Message-----

From: Davis Yetman <Yetman@Earthlink.net>
Sent: Thursday, April 2, 2026 4:30 PM
To: Dan Bennett <dbennett@brooklinema.gov>
Subject: Parking Space Paving 61 Colbourne Crescent

CAUTION: This email originated from a sender outside the Town of Brookline mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Daniel - hope you are well. Pursuant to our conversation regarding repaving of an existing parking space - could you send me an email confirming that our permit allows us to replace the pre-existing pavement as shown in the attached surveyors drawing, up to the line as denoted on the right edge of the pavement with four "Pavement to Fence" measurements?

Thanks

Davis

BUTTERS BRAZILIAN LLP

John H. Brazilian, Esq.
Joseph A. Coluntino, Jr., Esq.
Real Estate Team

420 BOYLSTON STREET, 4TH FLOOR
BOSTON, MASSACHUSETTS 02116
Office: 617.367.2600
Fax: 781.723.8383

July 21, 2026

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

Re: Opposition to Appeal of Building Commissioner's Decision Dated April 8, 2026 Regarding Residential Building of Permit – BP-2024-001770, dated 12/13/24

To the Board:

Cynthia Roney and Bank of America, N.A., Trustees, are owners of 61 Colbourne Crescent, Brookline MA (hereinafter, the "Trust") and submit this opposition to the Appeal filed May 8, 2026 by David Arthur Shushan and Jamie Horr Shushan, owners of the adjacent parcel at 51 Colbourne Crescent.

Members of the Trust family have owned and have resided at 61 Colbourne Crescent since its purchase in 1936. The property and that of the Shushans are both sited on a downward slope from the alley in the north downhill to Colbourne Crescent in the south. The subject driveway of this appeal is located off the alley and borders the adjacent Shushan property which is to the east.

After the Shushans constructed a fence on their property line in 2015 (without prior notice to the Trust), the Trust filed an adverse possession Complaint in the Land Court which resulted in a Settlement Agreement which divided the disputed land between the parties. (See Settlement Agreement as Exhibit 1). The Trust was granted an Easement which included a portion of the driveway which is the subject of the instant hearing. (See 2015 Plan as Exhibit 1A).

For context, see photo above from Exhibit 3 showing the interruption of the asphalt paving in relation to the pink flagging which represents the approved driveway edge next to the fence.

For several years after the Settlement Agreement was reached, the Shushans repeatedly made claims about purported violations of the Easement by the Trust, threatened litigation, and demanded monetary damages.

The parties conducted ongoing negotiations beginning in 2022 related to the Trust's intent to pave of the subject driveway and the rest of the Easement located downslope. Despite numerous proposals by the Trust, and because of endless unreasonable demands and continued threats by Shushan, the Trust concluded it should limit the paving to the language of the Settlement Agreement, which required "*installation of asphalt in the area of the Easement shown as 'Parking Area' as depicted on said Plan for parking of one (1) motor vehicle.*" The Agreement further stated that, "*Asphalt in the Parking Area shall be installed and maintained in a manner that avoids unreasonable runoff and erosion onto the land of Shushan*." This resulted in the 12/13/24 paving application and issuance of the permit which allowed "excavation and paving" of the driveway. (See Exhibit 2).

The Appeal states that the Trust requested to "re-open the permit" to "expand the driveway, using a sketch and old photos, rather than submitting a new application" and that, "On April 8, 2026,

the Building Department approved the *requested expansion of the previously completed driveway*." (emphasis supplied). These characterizations are inaccurate.

Subsequent to the driveway paving being permitted on 12/13/24, the Trust notified the Shushans and all abutters of the work which would affect the alley. Upon receiving the notice, Mr. Shushan called the contractor and strongly maintained that the Trust's permit was defective. As a result, because it was winter, the contractor was forced to cancel the planned paving date causing a delay until April 8, 2025. At this time, during the paving, Shushan interrupted the workers at the site by ordering them to stop work. He maintained that the width of the pavement could not be closer than two (2) feet to his vinyl fence located on the Trust's Easement boundary. Rather than continue paving in accordance with the approved permit, the pavers left the site. As a result, the paving was not completed, leaving a substantial space between the driveway edge and Shushan's fence. (See Photo array as Exhibit 3)

Shushan's actions interrupted the paving, which was being done in accordance with the permit, and therefor, was not completed. The April 8, 2026 authorization given to the Trust by the Building Commissioner was not for an "*expansion of the previously completed driveway*" but for completion of what was permitted on 12/13/24. The Building Commissioner authorized resumption of the paving to the Trust, as follows:

> **"The additional work to be performed as part of your original driveway permit can be performed pursuant to that permit. All work must be performed per the survey prepared by K. Anderson "sketch" showing existing pavement to relative vinyl fence dated April 2, 2025." (See Email and April 2, 2025 Plan as Exhibit 4).**

The Appellant's appeal misstates the basis of the Trust's request to finish the paving and the Building Commissioner's authorization. It neglects to reference the connection between the 12/13/24 permit and the April 8, 2026 authorization of the Commissioner to complete it. Simply stated, there was no "*expansion* of a *previously completed driveway*" because the permitted driveway was neither to be "*expanded*" nor had it been "*completed*." But for Shushan's intervention and intransigence during the paving, the driveway would have validly been completed on the original paving date of April 8, 2025, in accordance with the approved and issued permit. The authorization by the Building Commissioner on April 8, 2026 made clear the intention to complete the work interrupted by Shushan which had been authorized by the permit.

Appellant's reliance on Section 8:02 of the Zoning By-Laws and 4.11 of the Town Zoning By-Laws and 8.26.2 of the Town by-laws is misplaced since the work approved to complete the paving was not a new permit application requiring the referenced construction documents and erosion and sediment control plan. Rather, it was work to the parking area which was permitted

as a pre-existing non-conforming use and as memorialized in the parties' 2015 Settlement Agreement. No authority was needed pursuant to G.L ch. 40A.

For the reasons stated above, the Trust respectfully requests the Board deny the Appeal and to permit the completion of the approved permit as authorized by the Building Commissioner.

Respectfully submitted,

Appellee,
By its attorneys

BUTTERS BRAZILIAN LLP

_____
John H. Brazilian, Esq.

DAVIS MALM
ATTORNEYS

James E. Gallagher

P: 617.589.3883 | F: 617.523.6215
jgallagher@davismalm.com

July 27, 2026

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

Re: Appeal of the Building Commissioner's Decision Dated April 8, 2026 Regarding Residential Building - BP-2024-001770

Dear Ma'am / Sir:

I submit this statement to supplement the record related to the above matter and to correct several material factual assertions in the Trust's Opposition statement.

Civil Matters

The Trust expands upon historical disputes and the parties' private Easement Agreement at length. It should be obvious those are civil issues not relevant to the matter at hand, and that a private agreement cannot supplant Town and State Regulations.

Also, to ensure an accurate record, it is important to note the problems described are a product of the Trust's pattern of disregard for the terms to which they agreed including, but not limited to:

- Without a permit or prior notice, in November 2022, the Trust attempted to regrade and install a walkway in the Easement Area, alongside unpermitted work on their front stairs. The work violated Town and State Bylaws as well as the terms of the Easement Agreement. The illegal work was promptly halted by the Building Department and the area has been left in disrepair for years.
- From 2015-2022, the Trust failed to insure the Easement Area, in violation of the Agreement, despite several requests from the Shushans. It was only after the Shushans threatened legal action when the Trust finally honored its commitment to obtain insurance and protect the Shushans.
- The "ongoing negotiations" referenced in 2022 were the result of a notice informing the Trust they failed their obligation to pave the driveway and control runoff, leading to erosion. The "endless unreasonable demands" were two requests: (1) that the Trust obtain a proper survey with elevations (grade is not to be changed per the Easement Agreement), and (2) provide a certified drainage plan from a Civil Engineer. Both remain

deficient to date, and the installed driveway violates the Agreement with respect to both grading and drainage (matters for a civil forum) while also exacerbating erosion issues.

ZBA Matters

With respect to the actual issue at hand, the Trust appears to be confused in thinking an agreement replaces permitting, zoning, and legal requirements, which should be corrected. In addition, in its statement, the Trust inaccurately represents several material facts.

Notice:

The Trust asserts that they informed the Shushans and all abutters of the planned work after they received their permit on December 13, 2024. This is not true. As Supplement Exhibit 1 shows, on or before December 4, 2024, a flyer was distributed by Davis Yetman, indicating work was to occur on December 9-10, 2024. However, it was shared with all abutters *except* the Shushans. The Shushans received a copy of the notice from a neighbor, not directly.

Interruption:

The Shushans did not interrupt any construction activities or force anyone to leave the worksite.

As shown in Supplemental Exhibits 2 and 3, it was the **Building Department** who:

- Recognized the driveway was a preexisting nonconforming structure that was required to remain within its existing footprint;
- Visited the property and reviewed the available information and photographs;
- Marked the allowable boundary physically on the ground;
- Spoke directly with the contractor regarding the limits of work; and
- Documented the determination in an email and photographs.

The Commissioner was copied on the contemporaneous communications.

Accordingly, the work did not stop because an abutter ordered the contractor to leave or prevented completion of authorized construction. The contractor completed the work in accordance with an express direction from the Town's own enforcement official. The Trust's characterization of the project as construction interrupted by the Shushans is inconsistent with the Department's contemporaneous written record.

Original Application Footprint:

The Building Department's April 8, 2025 determination was required because the Trust's permit application was unusually sparse, particularly considering it was dealing with a non-conforming

driveway. The application did not mention that the driveway in question was a pre-existing non-conforming structure, did not contain a certified survey showing setbacks or elevations, did not include a drainage plan, or any photos. The submitted "Site Plan" was a zoomed out aerial photograph showing two generalized red boxes with no dimensions. This left ambiguity which was subsequently addressed by the Building Department. The Inspector expressly stated that the nonconforming driveway" must remain the same size," marked the controlling line, and instructed the contractor that paving could not extend beyond it.

Sketch and Reconsideration:
If the Trust felt the Building Department's 2025 determination regarding the permitted footprint was issued in error, it had an opportunity to go through standard appeal channels and provide documentation to amend the decision. The Trust's April 2, 2025 surveyor's "sketch" was apparently available, not newly discovered evidence which came available after the permit was closed.

The Trust could have presented the sketch and its supporting field information or additional photos while the Department was determining the boundary, promptly sought a written reconsideration, pursued the available administrative review, or requested approval through a revised application. It did none of those things. Instead, the driveway was paved and the permit was completed and closed.

Approximately one year later, the Commissioner relied on the previously available sketch and historical photographs to authorize additional paving under the same permit. No new application identifying the additional paved area was filed, no revised dimensioned plan was subjected to ordinary review, and no new drainage or grading information was submitted.

Conclusion:
In summary, the April 8, 2026 authorization of the Commissioner was a change to a closed and fully executed permit. There was no interruption by an abutter to the construction that would have kept the permit open. The decision specifically altered a prior dimensional determination for an existing non-conforming driveway made one year earlier by the same Building Department. That determination was based on all available and relevant information. The Commissioner was fully aware of it. , and the Trust chose to do nothing in response for a full year. The Commissioner's alteration to the determined boundaries was based on previously available information which appears to have inaccuracies, as well as outdated photos.

As previously outlined, we ask that the ZBA overturn the Building Commissioner's decision to allow new construction on a closed permit.

Sincerely,

/s/ James E. Gallagher

James E. Gallagher

JEG:tpl

ANDERSON SURVEYS, INCORPORATED
Professional Land Surveyors

P. O. Box 149
800 High Street
Hanson, MA 02341-0149
USA

Phone (781) 293-3349
Fax (781) 293-0323

July 28, 2026

Daniel F. Bennett
Building Commissioner
Brookline Town Hall, 3rd Floor
333 Washington Street
Brookline, MA 02445

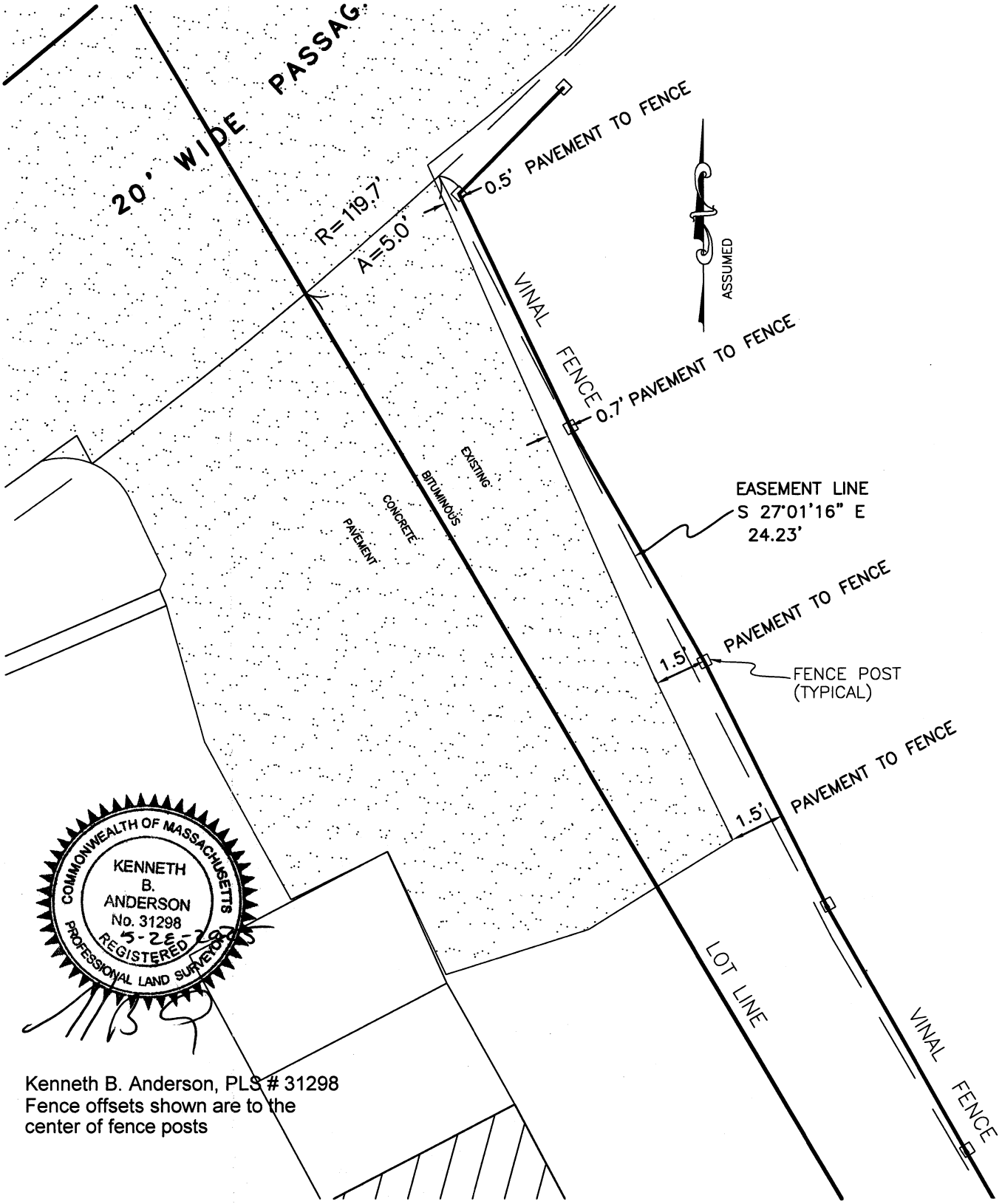
RE: 61 Colbourne Crescent, Brookline

Mr. Bennett,

This letter is to certify that the plan dated; April 2, 2025. Entitled;"Sketch showing existing pavement relative to vinyl fence 51 and 61 Coburn Crescent, Brookline, MA." Prepared by Anderson Surveys, Inc. Accurately shows the location of the previous existing pavement at this location. I personally performed the field work and created the drawing.

COMMONWEALTH OF MASSACHUSETTS
KENNETH B. ANDERSON
No. 31298
7-28-26
REGISTERED PROFESSIONAL LAND SURVEYOR

Kenneth B. Anderson,
P.L.S. #31298



Kenneth B. Anderson, PLS # 31298
Fence offsets shown are to the center of fence posts

ANDERSON SURVEYS, INC.

Professional Land Surveyors

800 HIGH STREET

HANSON, MA 02341-0149

(781) 293-3349

Sketch Showing Existing Pavement Relative to Vinyl Fence

51&61 Colbourne Crescent, Brookline, MA

April 2, 2025 Scale 1"= 4'

See Easement Bk.33335, pg.59

Carlson Surveys 2025 - 84394-1 - AutoCAD 2021

61 Colbourne Crescent Supplemental ZBA Exhibits

July 2026

Supplement Exhibit 1:

Flyer distributed to all abutters *except* the Shushans on or before 12/4/2024

Note: Planned date of work (12/9/24-12/10/24) pre-dates the permit issue date of 12/13/2024

Attention

Work currently scheduled for Monday December 9 and Tuesday December 10 will have workers in the alley from 7:00am – 5:00pm on both days. Vehicles do not need to be removed from the alley, but to avoid access and egress delays, if you need to be able to get your car out of the alley on these days, appreciate it if you could plan on exiting the alley by 7:00am.

Schedule is weather dependent so if there is a change in schedule there will be an updated notice.

Thanks – I Appreciate your understanding

Davis Yetman

Supplement Exhibit 2:

4/8/25 Email from Building Department regarding pre-existing footprint & instruction to contractor

Ted Murray <emurray@brooklinema.gov>
to me, Dan, Maria, Sam

Apr 8, 2025, 1:06 PM

David,

I have performed a site visit and also spoke to the contractor regarding the fact that the existing conditions and the proposed are to match. Please see the attached photos taken this morning which verify the driveway location to be installed. The driveway is pre existing non conforming and must remain the same size. The Building dept does not regulate the Tree By-Law. Please direct questions or concerns to Tree Warden Peter Jutras. The Building Dept also has no regulation over property disputes and easements. I would advise you to contact your attorney if you wish to take legal action.

Best,

Ted Murray
Local Building Inspector
Town of Brookline
333 Washington Street
Brookline, MA 02445
(617)-730-2016
Emurray@brooklinema.gov

From: David Shushan <dshushan@gmail.com>
Sent: Tuesday, April 8, 2025 11:18 AM
To: Ted Murray <emurray@brooklinema.gov>
Cc: Dan Bennett <dbennett@brooklinema.gov>; Maria Rose <mrose2@brooklinema.gov>; Sam Downes <sdownes@brooklinema.gov>
Subject: Re: 61 Colbourne Crescent Rear Driveway

...

[EXTERNAL EMAIL] [CAUTION] This email originated from a sender outside of the Town of Brookline mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

2 Attachments • Scanned by Gmail Add all to Drive

Supplement Exhibit 3:

Attachments from Building Department email. Line drawn by Building Department for Contractor.

Supplement Exhibit 4:

Unreported tree impact

DAVIS MALM
ATTORNEYS

James E. Gallagher

P: 617.589.3883 | F: 617.523.6215
jgallagher@davismalm.com

July 27, 2026

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

Re: Appeal of the Building Commissioner's Decision Dated April 8, 2026 Regarding Residential Building - BP-2024-001770

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deficient to date, and the installed driveway violates the Agreement with respect to both grading and drainage (matters for a civil forum) while also exacerbating erosion issues.

ZBA Matters

With respect to the actual issue at hand, the Trust appears to be confused in thinking an agreement replaces permitting, zoning, and legal requirements, which should be corrected. In addition, in its statement, the Trust inaccurately represents several material facts.

Notice:

The Trust asserts that they informed the Shushans and all abutters of the planned work after they received their permit on December 13, 2024. This is not true. As Supplement Exhibit 1 shows, on or before December 4, 2024, a flyer was distributed by Davis Yetman, indicating work was to occur on December 9-10, 2024. However, it was shared with all abutters *except* the Shushans. The Shushans received a copy of the notice from a neighbor, not directly.

Interruption:

The Shushans did not interrupt any construction activities or force anyone to leave the worksite.

As shown in Supplemental Exhibits 2 and 3, it was the **Building Department** who:

- Recognized the driveway was a preexisting nonconforming structure that was required to remain within its existing footprint;
- Visited the property and reviewed the available information and photographs;
- Marked the allowable boundary physically on the ground;
- Spoke directly with the contractor regarding the limits of work; and
- Documented the determination in an email and photographs.

The Commissioner was copied on the contemporaneous communications.

Accordingly, the work did not stop because an abutter ordered the contractor to leave or prevented completion of authorized construction. The contractor completed the work in accordance with an express direction from the Town's own enforcement official. The Trust's characterization of the project as construction interrupted by the Shushans is inconsistent with the Department's contemporaneous written record.

Original Application Footprint:

The Building Department's April 8, 2025 determination was required because the Trust's permit application was unusually sparse, particularly considering it was dealing with a non-conforming

driveway. The application did not mention that the driveway in question was a pre-existing non-conforming structure, did not contain a certified survey showing setbacks or elevations, did not include a drainage plan, or any photos. The submitted "Site Plan" was a zoomed out aerial photograph showing two generalized red boxes with no dimensions. This left ambiguity which was subsequently addressed by the Building Department. The Inspector expressly stated that the nonconforming driveway" must remain the same size," marked the controlling line, and instructed the contractor that paving could not extend beyond it.

Sketch and Reconsideration:
If the Trust felt the Building Department's 2025 determination regarding the permitted footprint was issued in error, it had an opportunity to go through standard appeal channels and provide documentation to amend the decision. The Trust's April 2, 2025 surveyor's "sketch" was apparently available, not newly discovered evidence which came available after the permit was closed.

The Trust could have presented the sketch and its supporting field information or additional photos while the Department was determining the boundary, promptly sought a written reconsideration, pursued the available administrative review, or requested approval through a revised application. It did none of those things. Instead, the driveway was paved and the permit was completed and closed.

Approximately one year later, the Commissioner relied on the previously available sketch and historical photographs to authorize additional paving under the same permit. No new application identifying the additional paved area was filed, no revised dimensioned plan was subjected to ordinary review, and no new drainage or grading information was submitted.

Conclusion:
In summary, the April 8, 2026 authorization of the Commissioner was a change to a closed and fully executed permit. There was no interruption by an abutter to the construction that would have kept the permit open. The decision specifically altered a prior dimensional determination for an existing non-conforming driveway made one year earlier by the same Building Department. That determination was based on all available and relevant information. The Commissioner was fully aware of it. , and the Trust chose to do nothing in response for a full year. The Commissioner's alteration to the determined boundaries was based on previously available information which appears to have inaccuracies, as well as outdated photos.

As previously outlined, we ask that the ZBA overturn the Building Commissioner's decision to allow new construction on a closed permit.

Sincerely,

/s/ James E. Gallagher

James E. Gallagher

JEG:tpl

PROPOSED SOUTHWEST CORNER FROM SCHOOL STREET

PROPOSED SOUTHEAST CORNER FROM SCHOOL STREET

47 SCHOOL STREET

PLANNING AND ZONING DRAWINGS

DRAWING LIST

G000	COVER SHEET
0000	EXISTING SURVEY
0002	PROPOSED SURVEY
G001	ARCH SITE DRAWING AND ZONING SUMMARY
A101	BASEMENT AND FIRST FLOOR PLANS
A102	SECOND AND THIRD FLOOR PLANS
A103	ROOF PLAN
A201	EXTERIOR ELEVATIONS
A202	EXTERIOR 3D VIEWS
A301	BUILDING SECTION

SCOPE OF WORK:
NEW ALL-ELECTRIC THREE UNIT RESIDENTIAL BUILDING WITH FIVE PARKING SPACES CONSTRUCTED BELOW BUILDING.
FIRST FLOOR UNIT WILL BE AN ACCESSIBLE GROUP 1 DWELLING UNIT PER 521 CMR 9.3.

LOCUS PLAN
N.T.S.

BOND WORTHINGTON ARCHITECTURE
21 BISHOP ALLEN DRIVE
CAMBRIDGE MASSACHUSETTS 02139
WWW.BONDWORTHINGTON.COM

CLIENT:

ASHKAN SANIEOFF
385 HARVARD ST, UNIT B2
BROOKLINE MA 02446

REGISTERED ARCHITECT
BOND W. WORTHINGTON
No. 952115
CAMBRIDGE
MASS.
COMMONWEALTH OF MASSACHUSETTS
4-29-26

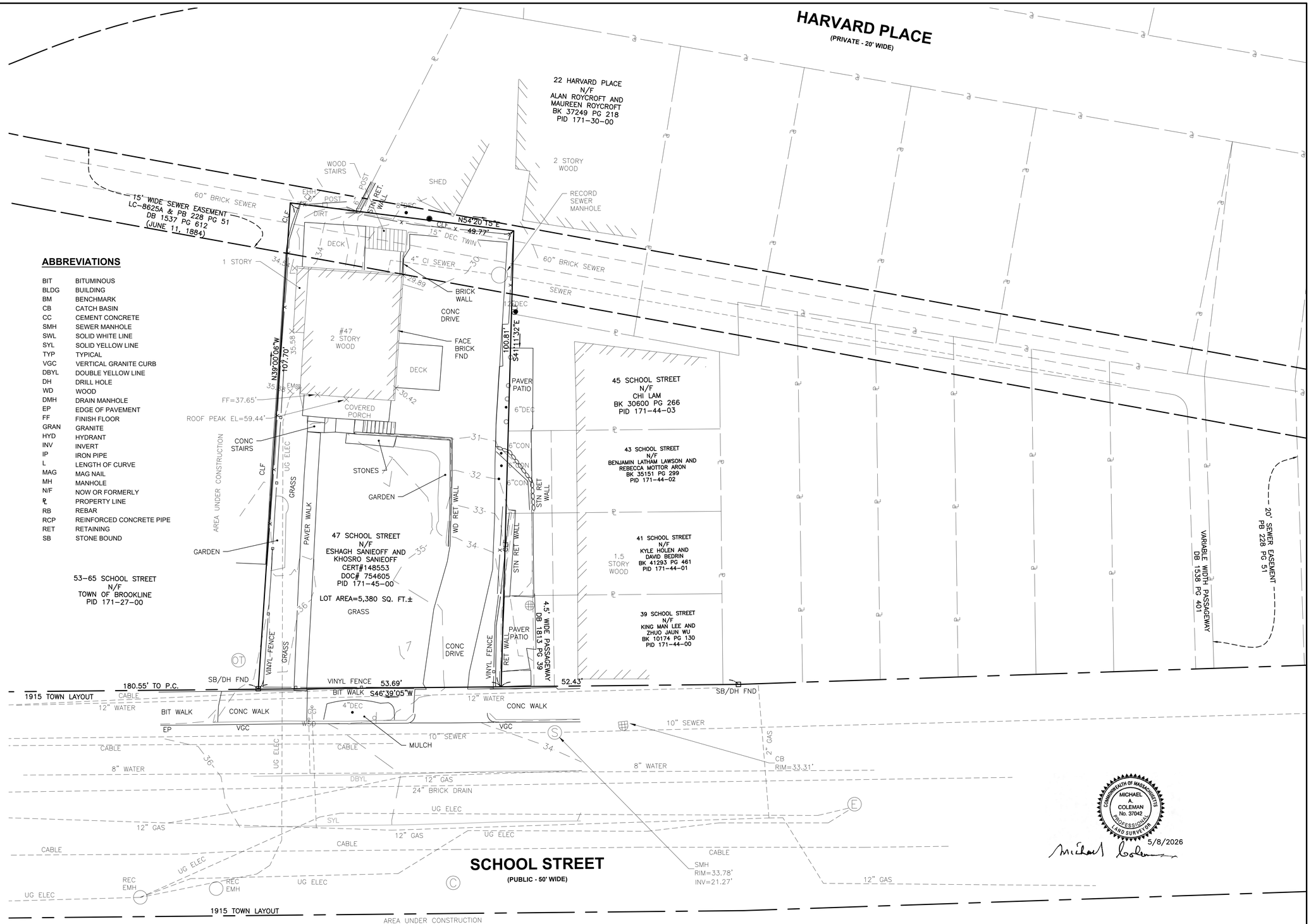
Project

47 SCHOOL STREET
BROOKLINE MA 02446

DRAWING ISSUE DATE	4-29-26
Date	4-29-26
Scale	12" = 1'-0"

COVER SHEET

G000



N

NAD 83

NOTES

1. UNDERGROUND UTILITIES SHOWN ARE BASED UPON FIELD OBSERVATIONS AND INFORMATION OF RECORD. THEY ARE NOT WARRANTED TO BE EXACT, NOR IS IT WARRANTED THAT ALL UNDERGROUND PIPES OR OTHER STRUCTURES ARE SHOWN ON THIS PLAN. CH. 82 SEC. 40 OF THE M.G.L. REQUIRES 72 HOUR NOTICE TO ALL UTILITY OWNERS. PRIOR TO EXCAVATIONS, CALL "DIG SAFE" 1-888-DIG-SAFE AND EACH UTILITY OWNER.
2. THE HORIZONTAL CONTROL IS BASED ON MASSACHUSETTS COORDINATE SYSTEM, MAINLAND ZONE, NAD83(2011) EPOCH 2010.00 (USFT) SET BY A-PLUS CONSTRUCTION SERVICES CORP. BY RTK GPS MEANS USING THE KEYNETGPS VRS NETWORK. CONVENTIONAL TRAVERSE WAS PERFORMED AND A LEAST SQUARE ADJUSTMENT USING STAR*NET WAS COMPLETED PASSING THE CHI SQUARE TEST.
3. THE ELEVATIONS DEPICTED ARE BASED ON THE TOWN OF BROOKLINE VERTICAL DATUM WHICH IS THE NORTH AMERICAN VERTICAL DATUM (NAVD88) + 6.60 US FEET.

   BROOKLINE TOWN BENCHMARK HELD – KEY BENCH #6 (EL=56.33'):
   DESCRIBED AS A SQUARE CUT IN THE NORTH END OF PIERCE KINDERGARTEN, NORTH SIDE ENTRANCE, FLUSH WITH BUILDING.

ZONING CLASSIFICATION: M-1.0

PLAN REFERENCES:

PB 68 PL NO 3291	TOWN LAYOUTS:
PB 211 PL NO 547	PLAN BOOK 83 PLAN NO 4012 (SCHOOL STREET 1915)
PB 227 PL NO 340	
PB 228 PL NO 51	
PB 448 PL NO 404	LAND COURT PLANS:
DB 394 PG 137	LC-2070A
DB 1513 PG 278	LC-8625A
DB 1537 PG 612	
DB 1538 PG 401	
DB 1539 PG 517	
DB 1660 PG 421	
DB 1745 PG 352	
DB 1780 PG 449	
DB 1813 PG 449	
DB 2668 PG 206	
DB 3018 PG 449	
DB 2668 PG 206	
DB 3018 PG 509	
DB 3928 PG 741	
DB 4642 PG 190	
DB 4744 PG 366	

ABBREVIATIONS

BIT	BITUMINOUS
BLDG	BUILDING
BM	BENCHMARK
CB	CATCH BASIN
CC	CEMENT CONCRETE
SMH	SEWER MANHOLE
SWL	SOLID WHITE LINE
SYL	SOLID YELLOW LINE
TYP	TYPICAL
VGC	VERTICAL GRANITE CURB
DBYL	DOUBLE YELLOW LINE
DH	DRILL HOLE
WD	WOOD
DMH	DRAIN MANHOLE
EP	EDGE OF PAVEMENT
FF	FINISH FLOOR
GRAN	GRANITE
HYD	HYDRANT
INV	INVERT
IP	IRON PIPE
L	LENGTH OF CURVE
MAG	MAG NAIL
MH	MANHOLE
N/F	NOW OR FORMERLY
℄	PROPERTY LINE
RB	REBAR
RCP	REINFORCED CONCRETE PIPE
RET	RETAINING
SB	STONE BOUND

LEGEND

	BUSH
	BOUND (CONC, STONE, LAND COURT, ETC.)
	CABLE MANHOLE
CB	CATCH BASIN - SQUARE
CB	CATCH BASIN - ROUND
	DRAIN MANHOLE
EHH	ELECTRIC HANDHOLE
	ELECTRIC MANHOLE
EM	ELECTRIC METER
GG	GAS GATE
GM	GAS METER
GPL	GUY POLE
	GUY WIRE ANCHOR
	FIRE HYDRANT
IP	IRON PIPE
	LIGHT POLE
PED	PEDESTRIAN SIGNAL
POST	CIRCULAR POST
POST	SQUARE POST
RB	REBAR/IRON PIN
	SEWER MANHOLE
	TELEPHONE MANHOLE
TFMR	TRANSFORMER
	TRAVERSE POINT
22"M	TREE
TS	TRAFFIC SIGNAL
TS	TRAFFIC SIGNAL MAST ARM/SPAN WIRE POLE
	SIGN
WG	WATER GATE
WM	WATER METER
WSO	WATER SHUTOFF

0 10 20 30 40

SCALE: 1" = 10'

REVISIONS

REV.	COMMENTS	DATE

ORIGINAL FULL SIZE DRAWING=4"

REPRODUCTIONS MAY BE REDUCED SIZE

PREPARED BY:

A-PLUS
CONSTRUCTION SERVICES CORP.

17 ACCORD PARK DRIVE, UNIT #102
NORWELL, MA 02061-1629
PHONE (781) 681-6667
FAX (781) 681-6673

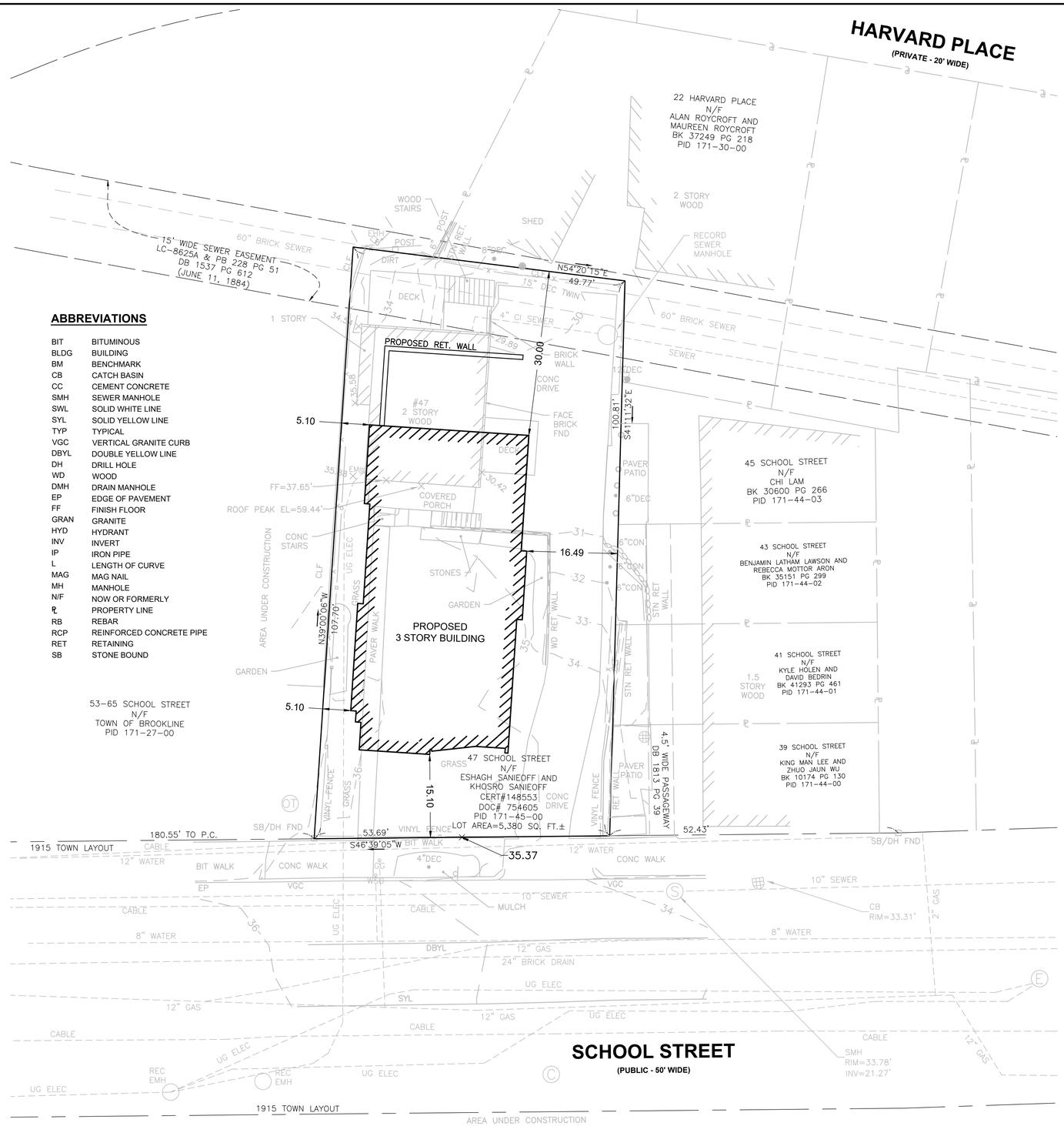
FIELD CHIEF: JF	DES/COMP: N/A	DRAFTED BY: JW	CHECKED BY: MC
DATE: 12/11/2025	SCALE: 1"=10'	JOB#:4696	FILE: 4696 47 SCHOOL ST BROOKLINE_EX(BTB)

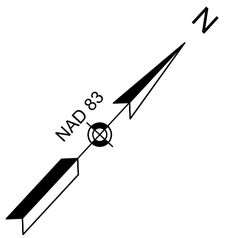
PLOT PLAN
47 SCHOOL STREET
BROOKLINE, MASS.

PREPARED FOR:
ASHKAN SANIEOFF

SHEET
1 of 1

REV





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TOWN LAYOUTS:
PLAN BOOK 83 PLAN NO 4012 (SCHOOL STREET 1915)

LAND COURT PLANS:
LC-2070A
LC-8625A

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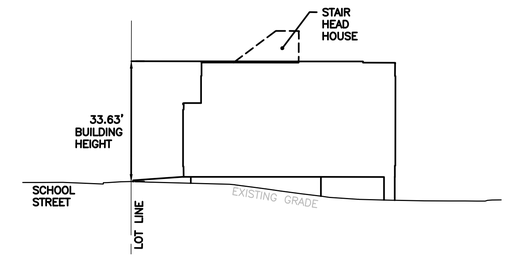


BUILDING HEIGHT SKETCH
N.T.S.

COMMONWEALTH OF MASSACHUSETTS
MICHAEL A. COLEMAN
No. 37042
PROFESSIONAL LAND SURVEYOR
5/8/2026

0 10 20 30 40
SCALE: 1" = 10'

REVISIONS

REV.	COMMENTS	DATE

ORIGINAL FULL SIZE DRAWING=4"
REPRODUCTIONS MAY BE REDUCED SIZE

PREPARED BY:
A-PLUS
CONSTRUCTION SERVICES CORP.
17 ACCORD PARK DRIVE, UNIT #102
NORWELL, MA 02061-1629
PHONE (781) 681-6667
FAX (781) 681-6673

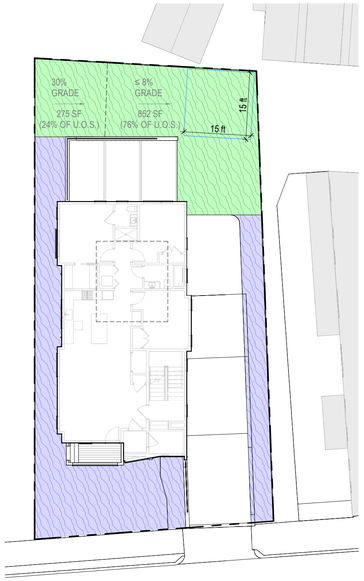
FIELD CHIEF: JF	DES/COMP: N/A	DRAFTED BY: JW	CHECKED BY: MC
DATE: 5/8/2026	SCALE: 1"=10'	JOB#:4696	FILE: 4696 PROP_PLOT

PLOT PLAN OF LAND
47 SCHOOL STREET
BROOKLINE, MASS.

PREPARED FOR:
ASHKAN SANIEOFF

SHEET
1 of 1

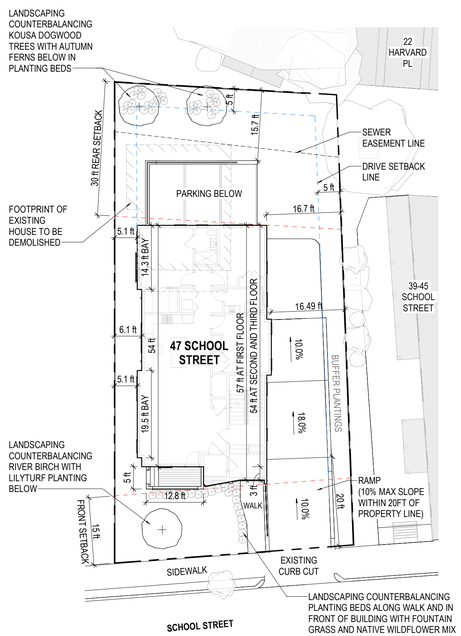
REV



OPEN SPACE LANDSCAPED = 1,322 SF

OPEN SPACE USEABLE = 1,127 SF

OS G001 OPEN SPACE DIAGRAM
1/16" = 1'-0"



AS G001 ARCH SITE DRAWING - SEE SURVEY FOR MORE INFO
1/16" = 1'-0"

N

ZONING DIMENSIONAL ANALYSIS

Zoning District : M1.0 — Parcel ID: 171-45-00

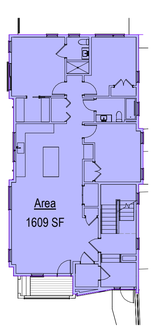
	BZO Art.V Table 5.01	Actual
Min. Lot Size	5,000 SF	5,380 SF
Min. Lot Width	40 FT	49.77 FT

	Allowable / Required	Proposed	Comments
FAR	1.0	.92	Conforms
GFA	5,380 SF	4,961 SF	
# of Units	3	3	Conforms
Front Yard Setback	15 FT	15.1 FT	Conforms
Side Yard Setback-East	10 + (L/10) = 15.7	16.49 FT BAY / 16.7 FT	Conforms
Side Yard Setback-West	10 + (L/10) = 15.4	5.1 FT BAY / 6.1 FT	Special Permit Requested
Rear Yard Setback	30 FT	30 FT	Conforms
Maximum Height	40 FT	33.63 FT	Conforms
Open Space, Landscaped	MIN = 496 sf / 10% of GFA	1,322 sf / 26.6% of GFA	Conforms
Open Space, Useable	MIN = 992 sf / 20% of GFA	1,127 sf / 22.7% of GFA	Conforms
Off Street Parking	3 Spaces	5 Spaces	Conforms, All spaces will be EV ready

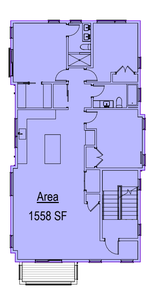
PROPOSED GFA - ZONING

LEVEL	AREA
BASEMENT	174 SF
L1	1609 SF
L2	1558 SF
L3	1558 SF
L4 / ROOF	60 SF
Grand total	4961 SF

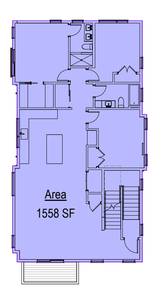
BASEMENT - ZONING AREA
1/16" = 1'-0"



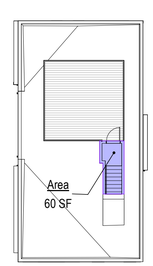
L1 - ZONING AREA
1/16" = 1'-0"



L2 - ZONING AREA
1/16" = 1'-0"



L3 - ZONING AREA
1/16" = 1'-0"



L4 / ROOF - ZONING AREA
1/16" = 1'-0"

BOND WORTHINGTON ARCHITECTURE
21 BISHOP ALLEN DRIVE
CAMBRIDGE MASSACHUSETTS 02139
WWW.BONDWORTHINGTON.COM

CLIENT:

ASHKAN SANIEOFF
385 HARVARD ST, UNIT B2
BROOKLINE MA 02446

REGISTERED ARCHITECT
BOND W. WORTHINGTON
No. 952115
CAMBRIDGE
MASS.
COMMONWEALTH OF MASSACHUSETTS
4-29-26

Project

47 SCHOOL STREET

BROOKLINE MA 02446

DRAWING ISSUE DATE	4-29-26

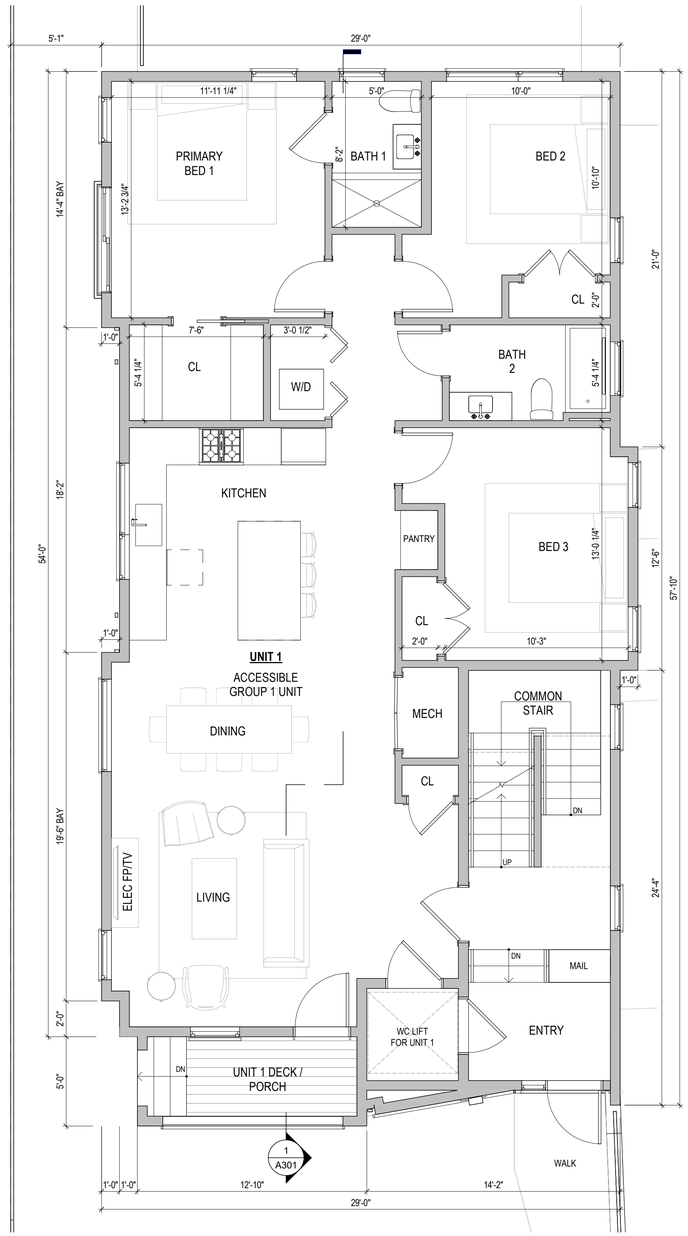
Date 4-29-26

Scale As indicated

ARCH SITE DRAWING AND ZONING SUMMARY

G001

2 A101 BASEMENT FLOOR PLAN
1/4" = 1'-0"



1 A101 FIRST FLOOR PLAN
1/4" = 1'-0"

N

BOND WORTHINGTON ARCHITECTURE

21 BISHOP ALLEN DRIVE
CAMBRIDGE MASSACHUSETTS 02139
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BROOKLINE MA 02446

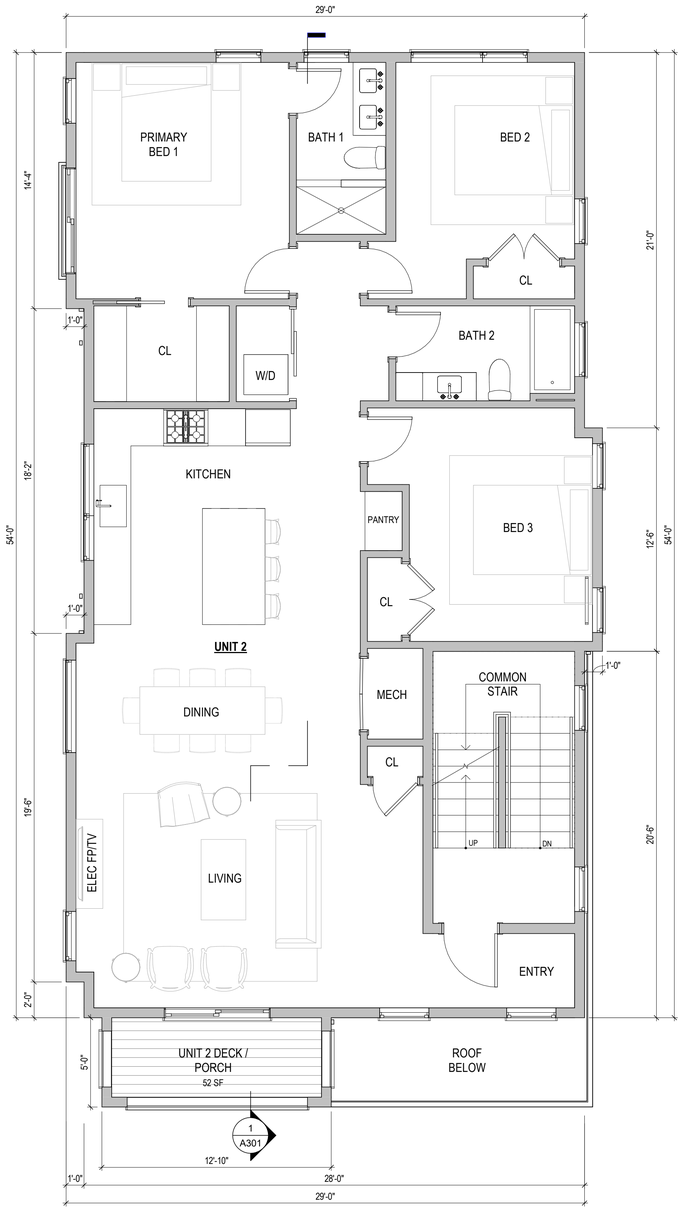
DRAWING ISSUE DATE	4-29-26

Date 4-29-26

Scale 1/4" = 1'-0"

BASEMENT AND FIRST FLOOR PLANS

A101



1 A102 SECOND FLOOR PLAN
1/4" = 1'-0"

2 A102 THIRD FLOOR PLAN
1/4" = 1'-0"

N

BOND WORTHINGTON ARCHITECTURE
21 BISHOP ALLEN DRIVE
CAMBRIDGE MASSACHUSETTS 02139
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ASHKAN SANIEOFF
385 HARVARD ST, UNIT B2
BROOKLINE MA 02446

REGISTERED ARCHITECT
DAVID W. WORTHINGTON
No. 952115
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MASS.
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4-29-26

Project

47 SCHOOL STREET
BROOKLINE MA 02446

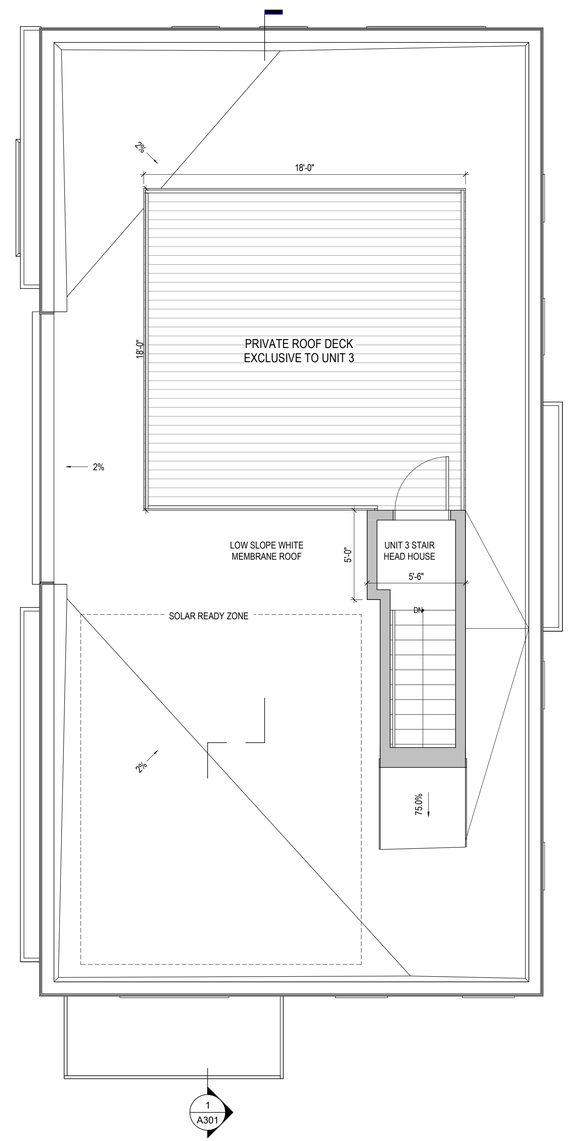
DRAWING ISSUE DATE	4-29-26

Date 4-29-26

Scale 1/4" = 1'-0"

SECOND AND THIRD FLOOR PLANS

A102



1 A103 ROOF PLAN
1/4" = 1'-0"

N

BOND
WORTHINGTON
ARCHITECTURE

21 BISHOP ALLEN DRIVE
CAMBRIDGE MASSACHUSETTS 02139
WWW.BONDWORTHINGTON.COM

CLIENT:

ASHKAN SANIEOFF
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4-29-26

Project

47 SCHOOL STREET

BROOKLINE MA 02446

DRAWING ISSUE DATE	4-29-26

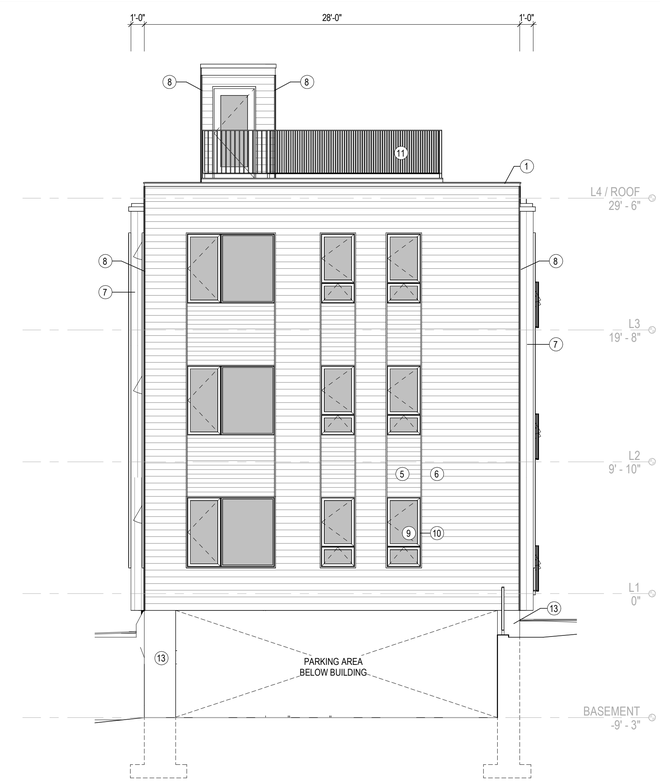
Date 4-29-26

Scale 1/4" = 1'-0"

ROOF PLAN

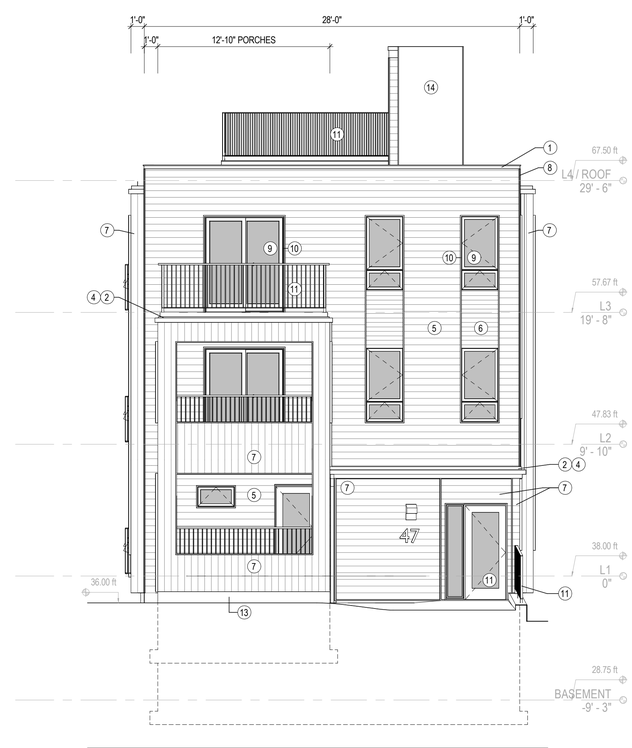
A103

4 A201 EAST ELEVATION
3/16" = 1'-0"



3 A201 NORTH ELEVATION
3/16" = 1'-0"

2 A201 WEST ELEVATION
3/16" = 1'-0"



1 A201 SOUTH ELEVATION (SCHOOL STREET)
3/16" = 1'-0"

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ELEVATION MATERIALS LEGEND

1. 4" HIGH CONTINUOUS METAL ROOF EDGE ON CLEAT AT PARAPET, COLOR: WHITE
2. 4" HIGH CONTINUOUS METAL ROOF EDGE ON CLEAT AT PARAPET, COLOR: BLACK
3. 6" X 6" CONTINUOUS METAL BOX GUTTER WITH SOLDERED CORNERS AND OUTLET TO DOWNSPOUT, COLOR: WHITE. CONNECT TO RAINWATER SYSTEM
4. 3" X 3" CONTINUOUS METAL BOX GUTTER WITH SOLDERED CORNERS AND OUTLET TO DOWNSPOUT, COLOR: DARK GRAY, CONNECT TO RAINWATER SYSTEM
5. JAMES HARDIE FIBER CEMENT RAINSCREEN CLAPBOARD SIDING, SMOOTH FINISH, 6" EXPOSURE, COLOR: WHITE
6. JAMES HARDIE FIBER CEMENT RAINSCREEN CLAPBOARD SIDING, SMOOTH FINISH, 4" EXPOSURE, COLOR: WHITE
7. THERMALLY MODIFIED WOOD RAINSCREEN SIDING INSTALLED VERTICALLY OR HORIZONTALLY WITH CONCEALED FASTENERS. THERMORY OR AMBARA, TBD
8. ALUMINUM SIDING TRANSITION CORNER TRIM - EZ TRIM #34 @ OUTSIDE CORNERS, COLOR: PAINT TO MATCH SIDING FIELD
9. HIGH-PERFORMANCE EUROPEAN-STYLE WINDOWS AND SLIDING DOORS WITH INSULATED GLAZING AND MULTI-POINT LOCKING HARDWARE COLOR: WHITE
10. 1" THICK X 2" PROJECTING WINDOW AND DOOR CASINGS, COLOR: MATCH SIDING FIELD AT EACH LOCATION (WHITE OR WOOD)
11. SHOP FABRICATED FLAT BAR STOCK METAL RAILINGS, 42" HIGH WITH MAX 4" SPACING BETWEEN BALUSTERS AND BETWEEN DECK AND BOTTOM RAIL, COLOR: WHITE
12. INSULATED ALUMINUM STOREFRONT ENTRY DOOR WITH FULL-HEIGHT SIDELIGHT AND TEMPERED INSULATED GLAZING
13. PARGED / PAINTED CONCRETE FOUNDATION WALLS - LIGHT GRAY
14. LOW-ALBEDO WHITE EPDM MEMBRANE ROOF SYSTEM WITH FULLY ADHERED INSTALLATION AND HEAT-WELDED SEAMS

Project

47 SCHOOL STREET

BROOKLINE MA 02446

DRAWING ISSUE DATE	4-29-26

Date 4-29-26

Scale As indicated

EXTERIOR ELEVATIONS

A201

PROPOSED NORTHWEST CORNER FROM PIERCE PLAYGROUND

PROPOSED NORTHWEST CORNER FROM PIERCE PLAYGROUND

PROPOSED SOUTHWEST CORNER FROM SCHOOL STREET

PROPOSED SOUTHEAST CORNER FROM SCHOOL STREET

PROPOSED SOUTHEAST CORNER FROM SCHOOL STREET

BOND
WORTHINGTON
ARCHITECTURE

21 BISHOP ALLEN DRIVE
CAMBRIDGE MASSACHUSETTS 02139
WWW.BONDWORTHINGTON.COM

CLIENT:

ASHKAN SANIEOFF
385 HARVARD ST, UNIT B2
BROOKLINE MA 02446

REGISTERED ARCHITECT
DAVID W. WORTHINGTON
No. 952115
CAMBRIDGE
MASS
COMMONWEALTH OF MASSACHUSETTS

4-29-26

Project

47 SCHOOL STREET

BROOKLINE MA 02446

DRAWING ISSUE DATE	4-29-26

Date 4-29-26

Scale

EXTERIOR 3D VIEWS

A202

1 A301 NORTH SOUTH BUILDING SECTION
1/4" = 1'-0"

BOND
WORTHINGTON
ARCHITECTURE

21 BISHOP ALLEN DRIVE
CAMBRIDGE MASSACHUSETTS 02139
WWW.BONDWORTHINGTON.COM

CLIENT:

ASHKAN SANIEOFF
385 HARVARD ST, UNIT B2
BROOKLINE MA 02446

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4-29-26

Project

47 SCHOOL STREET

BROOKLINE MA 02446

DRAWING ISSUE DATE	4-29-26

Date 4-29-26

Scale 1/4" = 1'-0"

BUILDING SECTION

A301

T O W N o f B R O O K L I N E
Massachusetts
BUILDING DEPARTMENT

Daniel Bennett
Building Commissioner

Thursday, May 28, 2026

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

Subject: 47 SCHOOL STREET, BROOKLINE, MA 02446

Dear Robert L. Allen, Jr.,

Your request to:

Construct three dwelling unit building with five subterranean parking space

at 47 SCHOOL STREET, BROOKLINE, MA 02446 is denied .

The subject premises is located in a(n) M-1.0 APARTMENT HOUSE District.

The site plan prepared by MICHAEL A. COLEMAN, PLS, dated May 8, 2026 and architectural plans prepared by BOND W. WORTHINGTON, RA, dated April 29, 2026 do not conform to the following requirements of the Town of Brookline Zoning By-Law:

§5.43 - EXCEPTIONS TO YARD AND SETBACK REGULATIONS

§5.60 - SIDE YARD REQUIREMENTS

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,

Paul Campbell

Paul Campbell
Deputy Building Commissioner
617-730-2104

MEMORANDUM

To: Brookline Planning Board **From:** David Burdette and Katie Stack, Owners, 39 School Street, Brookline, MA 02446 **Date:** July 9, 2026 **Re:** Case #2026-000021 — 47 School Street (Demolition and Construction of Three-Unit Dwelling); Board of Appeals Hearing July 30, 2026

Introduction and Position

We are the owners of 39 School Street, a direct abutter to the east of the proposed project. We purchased our home last year and live there with our infant son. We want to state at the outset that we **support this project and support new housing in Brookline generally**. Additional homes in Brookline Village benefit the residents in a multitude of ways, and we do not ask the Board to recommend denial. We write to ask that the Board's recommendation include conditions preserving safe access along the existing path between the properties and addressing light impacts on our home.

1. Preservation of the Existing Path and Safe Access

A path runs along the shared boundary between 47 and 39 School Street — the applicant's survey depicts a 4.5-foot-wide passageway in this location — and it is used daily by our household and others for pedestrian access up the driveway. This access matters to us in concrete ways: our son is in a stroller; I am a veteran who was wounded in combat and I appreciate a ramped route from time to time, especially as I continue to age; and both of our parents who visit regularly, are older and will increasingly rely on step-free access.

The proposed plans place the new driveway and an 18% parking ramp in this same area. Our request is simple: that safe, continuous pedestrian access along this path be preserved, both **during construction** and **in the finished design**.

On the question of rights: we have not yet completed a title review, and we recognize a recorded easement may or may not exist. We note, however, that the long history of open and continuous use of this path by the residents of 39 School Street - including our predecessors in title, whose use would tack to ours - may support a prescriptive easement under G.L. c. 187, § 2 if the question were ever litigated. We raise this not as a threat but in candor: we would far prefer that access be resolved cooperatively through a condition of approval or a recorded agreement with the applicant than through litigation, and we believe the applicant would as well.

2. Pedestrian and Vehicle Safety at the Driveway

Independent of the easement question, the below-grade parking ramp exits across a sidewalk directly opposite the Pierce School and playground. We ask that the Board's recommendation address sight lines for vehicles emerging from the ramp and require appropriate safety measures (mirrors, signage, pavement treatment, or physical separation of the pedestrian route) as a condition.

3. Light and Massing

The proposed building, including the stair headhouse and roof deck, will present as approximately 42'-7" from School Street grade in a block of predominantly two-story homes. We ask that the applicant be required to provide a **shadow study** (solstices and equinoxes, morning/noon/afternoon) comparing existing conditions, the proposed building, and a fully conforming envelope, so the Board and neighbors can assess the incremental impact on light to our home before the July 30 hearing. We also ask the Board to consider screening or setback conditions for the roof deck to limit overlook into adjacent yards.

4. Construction-Phase Conditions

We support the draft conditions requiring a construction management plan and rodent control plan, and ask that the construction management plan specifically address: (a) maintaining safe pedestrian access along the shared path throughout demolition and construction; (b) protection of the abutting foundation and vibration monitoring; and (c) work hours and dust control. With the Pierce Elementary construction happening concurrently (or in rapid succession) across the street with this project, it is imperative to ensure construction is completed in a manner that reasonably mitigates further pollution/disruption of the area.

Conclusion

We appreciate the applicant's investment in the neighborhood and the Planning Board's work. With conditions preserving the path, addressing ramp safety, and evaluating light impacts, we believe this project can proceed with our support. I am an attorney and am glad to work directly with the applicant's counsel on an access agreement in advance of the July 30 Board of Appeals hearing.

Respectfully submitted,

David Burdette, Katie Stack, 39 School Street, Brookline, MA 02446 713.303.5596 · burdette.d@northeastern.edu

More

We're pleased to share that with conditions preserving the path, addressing ramp safety, and evaluating light impacts, our neighbors also believe this project can proceed with their support.

Kyle Holen, David Bedrin, 41 School Street, Brookline, MA 02446 847.370.7371
kyle.holen@gmail.com

Rebecca Aron, Ben Lawson, 43 School Street, Brookline, MA 02445 608.628.5266
aron.rebecca@gmail.com

Nickolette Gaglia, 45 School St, Brookline, MA 02446 617.304.4257 Nickolettep2@gmail.com

BROOKLINE
PLANNING & COMMUNITY DEVELOPMENT

Planning Board

Matt Hyatt, Chair
Andrea Brue, Clerk
Linda K. Hamlin
Steven A. Heikin
Blair Hines
Thomas Renkes
Mark J. Zarrillo

To: Brookline Board of Appeals

From: Brookline Planning Board

Date: July 9, 2026

Subject: Demolish existing single-family dwelling and construct a three-unit multi-family dwelling with an underground parking area

Location: 47 School Street

Atlas Sheet: 35	Case #: 2026-000021
Block: 171	Zoning: M – 1.0
Lot: 45	Lot Area (s.f.): 5,380

Board of Appeals Hearing: July 30, 2026, 7:00 p.m. or after

SITE AND BACKGROUND

47 School Street is in the Brookline Village neighborhood and across the street from the Pierce School. School Street is in a M-1.0 "Apartment House" zoning district and connects Washington Street to Harvard Street. The neighborhood is primarily made of two-story multi-family dwellings. The property was deemed non-significant by Preservation.

APPLICANT'S PROPOSAL

The applicant is proposing to demolish the existing two-story single-family dwelling and construct a three-story dwelling with three units and five parking spaces in the basement. The proposed dwelling would be 42'-7" from the grade at School Street, including the penthouse and roof deck. The proposed building would be further from the rear lot line than the existing dwelling and would be slightly farther from the west side lot line than the existing dwelling.

The underground parking would be accessible on the east side of the lot and would have at least one space for each unit. The parking spaces for units 2 and 3 face the rear of the lot and are not entirely underground. The spaces will have garage doors and would be outside. The underground space would also include a trash room, storage, a water room, and a wheel chair lift for Unit 1.

FINDINGS
Section 5.43 – Exceptions to Yard and Setback Regulations
Section 5.60 – Side Yard Requirements

ANY OTHER RELIEF THE BOARD MAY FIND NECESSARY

	Requirement	Existing	Proposed	Finding
West Side Yard Setback	15.4 feet	<5 feet	5.1 feet	Special Permit[1]

[1] Under **Section 5.43 "Exceptions to Yard and Setback Regulations"** The ZBA may grant a Special Permit for setback relief provided a counterbalancing amenity is provided by the applicant.

PLANNING STAFF COMMENTS
The existing building is pre-existing, non-conforming in the east side setback and the rear setback. The proposed building only requires relief for the east side setback which is farther from the lot line than the existing structure. Having additional dwelling units in Brookline Village will benefit the Town.

PLANNING BOARD RECOMMENDATION
The Planning Board is supportive of the proposal. The Board agreed that proposed increase of units without creating new non-conformities is a good use of the lot. The Board did suggest, based on public comment from neighbors, that the proposed roof deck be moved away from the edge facing the abutters.

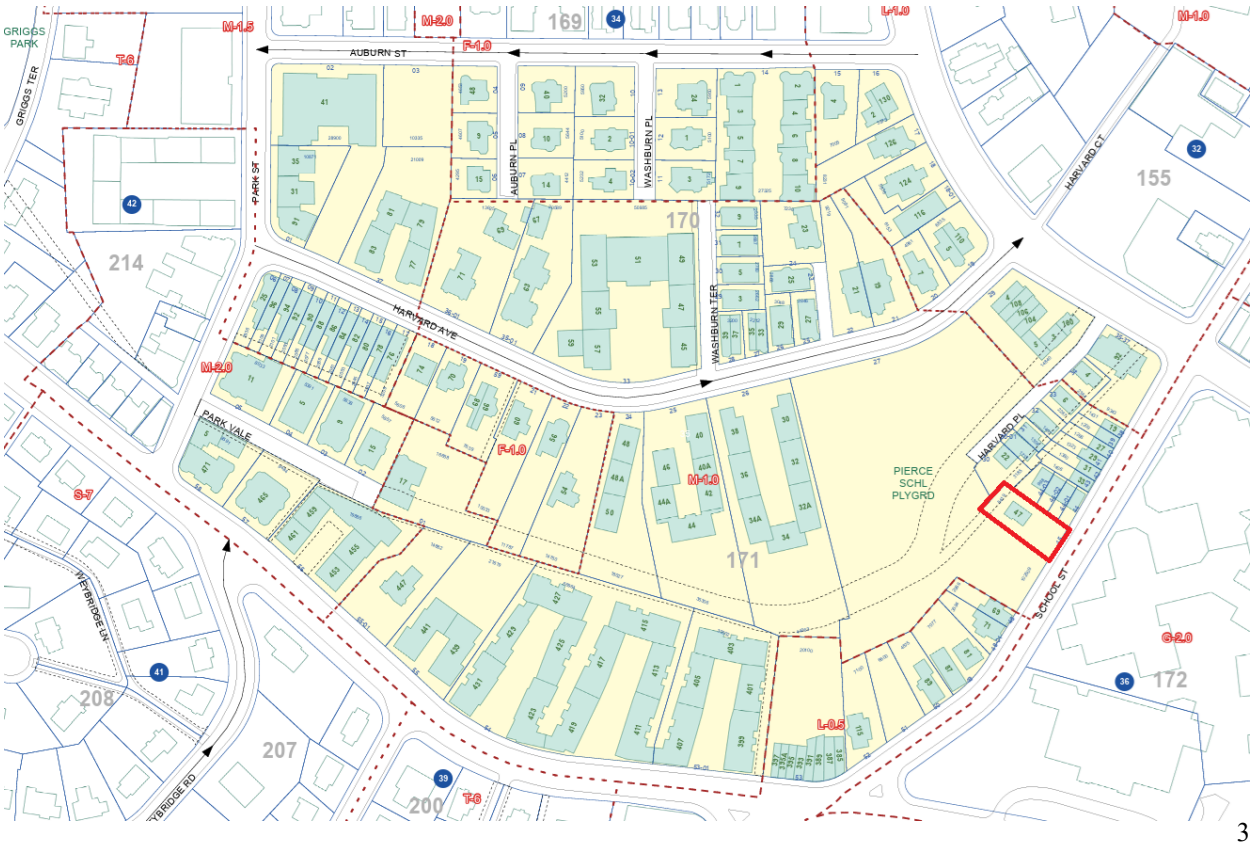
The Planning Board recommends approval of the site plan prepared by MICHEAL A. COLEMAN, PLS, dated May 8, 2026, and the architectural plans prepared by BOND W. WORTHINGTON, RA, dated April 29, 2026, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final plans and elevations prepared by a registered architect and a final site plan prepared by a registered engineer or land surveyor, subject to the review and approval of the Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall electronically submit a landscape plan, subject to approval by the Director for Regulatory Planning. The counterbalancing amenities must be executed in accordance with the approved plan.
3. Prior to the issuance of a building permit, a construction management plan shall be submitted for review and approval of the Building Commissioner or designee.
4. Prior to the issuance of a building permit for demolition or construction, a rodent control plan shall be submitted for review and approval of the Director of Health or designee.
5. 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; 2) final floor plans and building elevations stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

CDJ

MAP & CONTEXT



T O W N o f B R O O K L I N E
Massachusetts
BUILDING DEPARTMENT

Daniel Bennett
Building Commissioner

Monday, April 27, 2026

Tuller, Susan
225 Riverview Ave, B1
Auburndale, MA 02466

Subject: 12 PRINCE STREET, #2, BROOKLINE, MA 02445

Dear Tuller, Susan,

Your request to:

Construct shed dormer to create habitable space at attic level

at 12 PRINCE STREET, #2, BROOKLINE, MA 02445 is denied .

The subject premises is located in a(n) M-1.0 APARTMENT HOUSE District.

The site plan prepared by DOUGLAS L. JOHNSTON, PLS, dated February 25, 2026 and architectural plans prepared by BECKY MILLER, RA, dated April 17, 2026 do not conform to the following requirements of the Town of Brookline Zoning By-Law:

§5.20 - FLOOR AREA RATIO

§5.50 - FRONT YARD REQUIREMENTS

§5.60 - SIDE YARD REQUIREMENTS

§5.70 - REAR YARD REQUIREMENTS

§5.91 - MINIMUM USABLE OPEN SPACE

§8.02 - ALTERATION OR EXTENSION

ZBL §8.02 - Alteration or Extension - Pre-Existing Non-Conformities: FAR Maximum, Lot Size Minimum, Front Yard Setbacks, Side Yard Setbacks, Rear Yard Setbacks and Usable Open Space

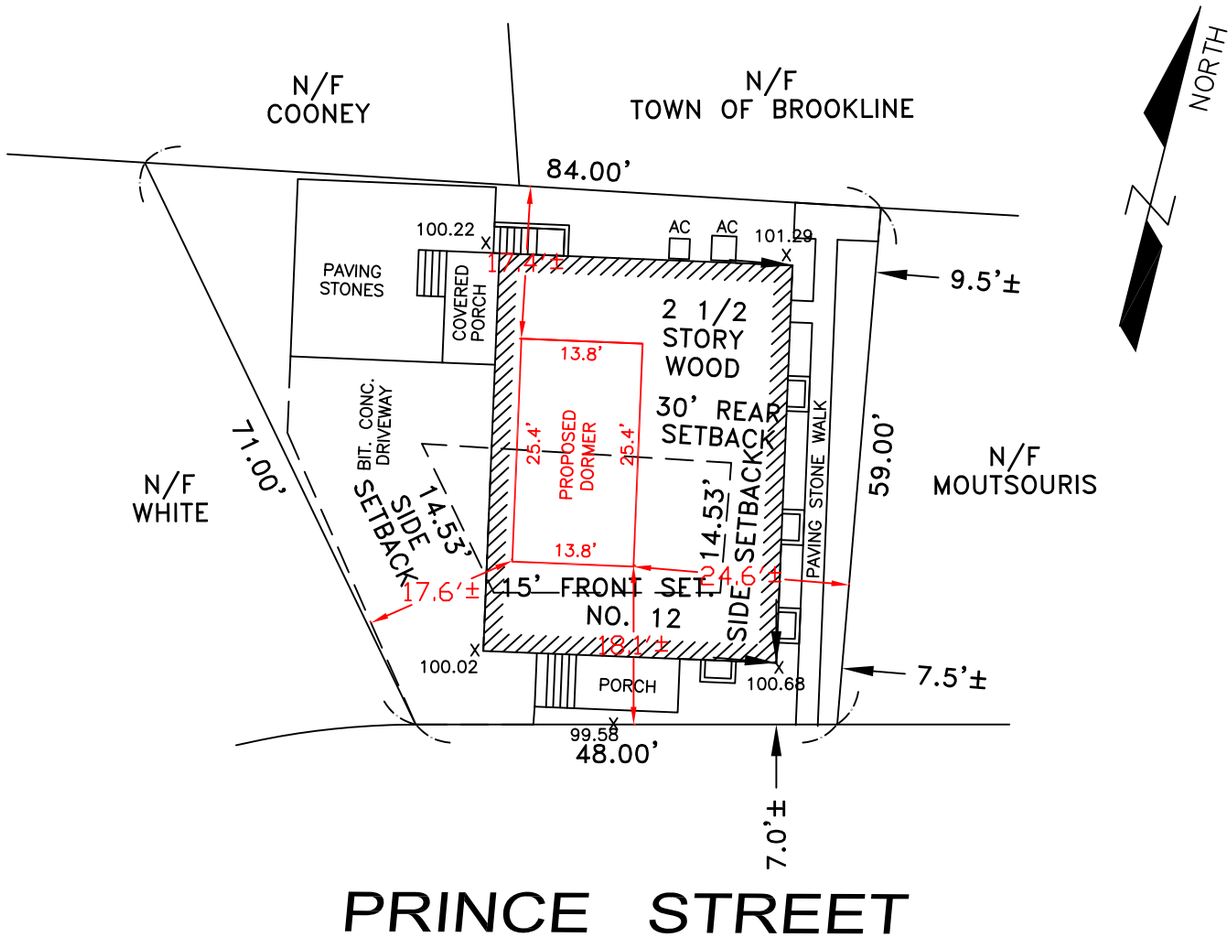
ANY OTHER RELIEF THE BOARD MAY FIND NECESSARY

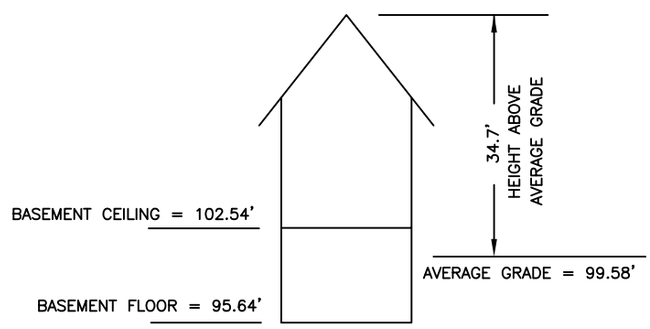
In accordance with the provisions of the Zoning By-Law, you may apply to the Board of Appeals for the above noted relief within thirty (30) days of receipt of this letter.

Respectfully,

Paul Campbell

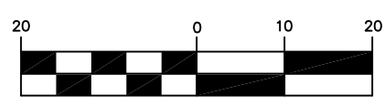
Paul Campbell
Deputy Building Commissioner
617-730-2104





LOT AREA = 4,290 S.F.±
EXISTING BUILDING = 1,513 S.F.±
EXISTING PAVEMENT = 750 S.F.±
EXISTING PAVING STONE = 550 S.F.±
PROPOSED ADDITION = 0 S.F.± (DORMER ONLY)
EXISTING LOT COVERAGE = 35.3%
PROPOSED LOT COVERAGE = 35.3%
EXISTING LANDSCAPED OPEN SPACE = 2,024.9 S.F.
PROPOSED LANDSCAPED OPEN SPACE= 2,024.9 S.F.
PROPOSED USABLE OPEN SPACE = 287 S.F.

NOTES
1. SEE DEED RECORDED IN NORFOLK COUNTY REGISTRY OF DEEDS IN DEED BOOK 24950, PAGE 573.
2. SEE PLAN RECORDED IN NORFOLK COUNTY REGISTRY OF DEEDS IN DEED BOOK 1646, PAGE 526.
3. SUBJECT PARCEL IS LOCATED IN ZONE M-1.0.
4. SUBJECT PARCEL IS LOCATED IN FLOOD ZONE X AS SHOWN ON PANEL 25021C0034F WITH AN EFFECTIVE DATE OF JULY 8, 2025.



(IN FEET)
1 inch = 20 ft.

CERTIFIED PLOT PLAN
IN
BROOKLINE, MA

SCALE: 1" = 20' FEBRUARY 19, 2026

DLJ GEOMATICS
PROFESSIONAL LAND SURVEYING
276 NORTH STREET
WEYMOUTH, MA 02191
(781) 812-0457
12 PRINCE ST BROOKLINE.dwg

PROFESSIONAL LAND SURVEYOR DATE

GENERAL NOTES:

1. CONTRACTOR TO OBTAIN AND PAY FOR ALL PERMITS REQUIRED TO PERFORM THE WORK.
2. COORDINATE AND BE RESPONSIBLE FOR THE PROTECTION OF PERSONS AND PROPERTY FOR THE DURATION OF CONSTRUCTION AS REQUIRED BY AGENCIES AND AUTHORITIES HAVING JURISDICTION.
3. DO NOT DAMAGE BUILDING ELEMENTS AND IMPROVEMENTS INDICATED TO REMAIN.
4. DO NOT INTERRUPT UTILITIES WITHOUT THE WRITTEN PERMISSION OF THE OWNER.
5. REMOVE SALVAGE AND DEBRIS FROM THE SITE AS IT ACCUMULATES. DO NOT STORE, SELL, BURN OR OTHERWISE DISPOSE OF THE DEBRIS ON THE SITE. KEEP ALL PAVEMENTS AND AREAS ADJACENT TO AND LEADING FROM THE SITE CLEAN AND FREE OF MUD, DIRT, AND DEBRIS AT ALL TIMES. ALL MATERIALS SHALL BE DISPOSED OF IN A LEGAL MANNER.
6. SORT DEBRIS FOR RECYCLING TO THE EXTENT POSSIBLE. REMOVE OR ARRANGE FOR THE TRANSPORT OF SORTED MATERIALS SCHEDULED TO BE RECYCLED TO APPROPRIATE OFF-SITE FACILITIES EQUIPPED FOR THE RECYCLING OF SPECIFIC MATERIALS. PROVIDE CONTAINERIZED DUMPSTERS FOR THE SORTING OF DEMO WASTES.
7. CEASE OPERATIONS IF PUBLIC SAFETY OR REMAINING STRUCTURES ARE ENDANGERED. PERFORM TEMPORARILY CORRECTIVE MEASURES UNTIL OPERATIONS CAN BE CONTINUED PROPERLY.

8. ALL INTERIOR DIMENSIONS ARE FROM FACE OF GWB TO FACE OF GWB UNLESS SPECIFICALLY NOTED OTHERWISE. DO NOT SCALE DRAWINGS.

9. HVAC CONTRACTOR TO MODIFY EXISTING MECHANICAL SYSTEM AS NEEDED TO SUPPORT THE ADDITION AND THE NEW LAYOUT. CONTRACTOR TO COORDINATE SPECIFICS WITH OWNER.

10. CONTRACTOR TO UPGRADE ELECTRICAL PANEL, PROVIDE ALL WIRING AND OUTLETS AS NEEDED TO MEET CODE, COORDINATE THE LOCATION OF NEW ELECTRICAL OUTLETS TO MEET CODE, AND SUBMIT SWITCHING LOCATIONS TO OWNER / ARCHITECT FOR APPROVAL.

11. PAINT AND/OR STAIN ALL EXTERIOR SIDING, DOORS, WINDOWS, AND TRIM AND INTERIOR SURFACES PER OWNERS DIRECTION.

12. ALL INTERIOR WOOD TRIM AND WOOD BASE TO BE SELECTED BY OWNER.

13. ALL FLOOR TILE, APPLIANCES, PLUMBING FIXTURES AND LIGHT FIXTURES TO BE FURNISHED BY OWNER, INSTALLED BY CONTRACTOR.

14. ALL INTERIOR WALLS TO BE 2X4 CONSTRUCTION AND EXTERIOR WALLS TO BE 2X6 CONSTRUCTION, UNLESS NOTED OTHERWISE.

15. R13 BATT INSULATION TO BE PROVIDED IN ALL INTERIOR BEDROOM AND BATHROOM WALLS. R25 BATT INSULATION TO BE PROVIDED IN ALL INTERIOR BEDROOM AND BATHROOM FLOORS.

16. CONTRACTOR TO SPRAY APPLY ICYNENE INSULATION FORMULA, APPLIED TO A THICKNESS ADEQUATE TO ACHIEVE SPECIFIED R VALUES. ALL FOUNDATION SILL PLATES AND FLOOR / WALL JUNCTION PLATES TO BE CAULKED TO AVOID AIR LEAKAGE. ALL ROUGH OPENINGS FOR EXTERIOR DOORS AND WINDOWS TO BE SIZED TO FURNISH A MINIMUM 1/2" SPACE AROUND THE PERIMETER OF FRAME TO PERMIT INSTALLATION OF FOAM INSULATION. ALL JOINTS BETWEEN EXTERIOR FRAMING MEMBERS TO BE CAULKED TO AVOID AIR LEAKAGE. CEILING VAPOR BARRIER TO BE CAULKED AND STAPLED TO THE TOP PLATES OF INTERIOR PARTITIONS AND TO THE LOWER TOP PLATES OF EXTERIOR WALLS. ROOF ASSEMBLY TO BE NON-VENTED (NO SOFFIT OR RIDGE VENTS) PER MFGR SPECS FOR ICYNENE INSULATION SYSTEM, ROOF INSULATION TO BE CLASS II VAPOR PERMEANCE TO MEET CODE. BUILDING TO BE MECHANICALLY VENTED. ALL VERTICAL WIRING FOR ELECTRIC, CABLE, TELEPHONE, SECURITY, ETC. SHALL BE SECURED TO THE INSIDE OF STUDS EVERY 3'-0" AND 1 1/2" FROM THE GWB SURFACE FOR ALL RUNS. CEILING OUTLETS SHALL BE INSTALLED USING VAPOR BARRIER PANS/ BOXES WHICH ARE CAULKED WITH ACOUSTICAL CAULKING MATERIAL PRIOR TO THE INSTALLATION OF THE ATTIC INSULATION.

17. ALL MATERIALS, SYSTEMS AND ASSEMBLIES TO BE INSTALLED IN ACCORDANCE WITH LOCAL CODES AND WITH MANUFACTURER SPECIFICATIONS.

WINDOW SCHEDULE:

ALL WINDOWS TO BE ANDERSEN 400 SERIES OR APPROVED EQUAL. WINDOW SPECIFICATIONS TO BE APPROVED BY OWNER. EXACT DIMENSIONS MAY BE ADJUSTED TO MEET STANDARD SIZING AVAILABLE, WITH OWNER'S CONSENT. ALL WINDOWS TO INCLUDE SCREENS. TEMPERED GLASS WHERE REQUIRED BY CODE.

WINDOW A: DOUBLE HUNG - 2'-9"W X 4'-4"H, SILL AT 3'-3" AFF (VIF TO COORDINATE WITH COUNTERTOP & PORCH ROOF)

WINDOW B: DOUBLE HUNG - 2'-9"W X 3'-4"H, SILL AT 3'-8" AFF

WINDOW C: DOUBLE HUNG - 2'-4"W X 4'-4"H, SILL AT 3'-0" AFF - TO MEET EGRESS REQUIREMENTS FOR BEDROOMS (MIN 24" X 20" AND 3.3 CLEAR OPENING)

DOOR SCHEDULE:

ALL INTERIOR DOORS TO BE SOLID WOOD DOORS. DOORS AND HARDWARE TO BE SELECTED BY OWNER.

DOOR 1: KITCHEN TO LAUNDRY ROOM - 2'-8"W X 6'-8"H WOOD POCKET DOOR
DOOR 2: LAUNDRY ROOM TO REAR STAIR - 2'-8"W X 6'-8"H WOOD DOOR
DOOR 3: BEDROOM 1 TO CLOSET - PAIR OF 1'-10"W X 6'-8"H WOOD BIFOLD DOORS
DOOR 4: BEDROOM 2 TO CLOSET - PAIR OF 2'-6"W X 6'-8"H WOOD BIFOLD DOORS
DOOR 5: BEDROOM 3 TO EAVES - 2'-6"W X 4'-8"H WOOD DOOR, VIF & COORDINATE WITH HEIGHT
DOOR 6: BATH TO LINEN CLOSET - 1'-6"W X 6'-8"H WOOD DOOR, VIF
DOOR 7: BEDROOM 3 TO BATH - 2'-6"W X 6'-8"H WOOD DOOR
DOOR 8: BEDROOM 3 TO CLOSET - 2'-6"W X 6'-8"H WOOD POCKET DOOR
DOOR 9: HALL TO BEDROOM 3 - 2'-6"W X 6'-8"H WOOD DOOR
DOOR 10: CLOSET TO EAVES - 2'-6"W X 4'-8"H WOOD DOOR, VIF & COORDINATE WITH HEIGHT
DOOR 11: HALL TO MECH ROOM - PAIR OF 3'-0"W X 6'-8"H WOOD BIFOLD DOORS, VIF
DOOR 12: HALL TO BEDROOM 4 - 2'-6"W X 6'-8"H WOOD DOOR
DOOR 13: BEDROOM 4 TO EAVES - 2'-6"W X 4'-8"H WOOD DOOR, VIF & COORDINATE WITH HEIGHT
DOOR 14: BEDROOM 4 TO CLOSET - 2'-6"W X 6'-8"H WOOD DOOR
DOOR 15: CLOSET TO EAVES - 2'-6"W X 4'-8"H WOOD DOOR, VIF & COORDINATE WITH HEIGHT

PROJECT INFORMATION: BROOKLINE M1.0 (2 FAM DETACHED) BUILT IN 1927:

REQUIRED:

FLOOR AREA RATIO: 1.0
HEIGHT MAX: 35'
MIN FRONT YARD: 15'
MIN SIDE YARD: 10'
MIN REAR YARD: 30'
MIN LANDSCAPE OPEN SPACE: 10% OF GFA
MIN USABLE OPEN SPACE: 20% OF GFA

ACTUAL (SEE CERTIFIED PLOT PLAN FOR SETBACKS AND LOT COVERAGE PERCENTAGES):

LOT: 4290 SF

EXISTING GROSS FLOOR AREA: 5153 SF
(1511 SF BASEMENT + 1511 SF FIRST FLOOR + 1579 SF SECOND FLOOR + 552 SF ATTIC)

EXISTING FAR: 1.2
(5153/ 4290)

PROPOSED GROSS FLOOR AREA: 5523 SF
(5153 EXISTING + 370 SF NEW ATTIC SPACE)

PROPOSED FAR: 1.29
(5523 / 4290)

REQUIRED LANDSCAPED OPEN SPACE: 552 SF
(10% OF 5523 GFA)

REQUIRED USABLE OPEN SPACE: 1104 SF
(20% OF 5523 GFA)

CONSTRUCTION DOCUMENTS
APRIL 17, 2026

ENERGY AUDIT:

COMPLIANCE DETERMINED BY MASSACHUSETTS 2025 RESIDENTIAL STRETCH CODE AND SPECIALIZED OPT-IN CODE (IECC 2021 W/ MASS AMENDMENTS). PROPERTY FALLS UNDER CLIMATE ZONE 5A.

1. RENOVATION TO COMPLY WITH ENERGY STAR QUALIFIED HOMES THERMAL BYPASS INSPECTION CHECKLIST. INSULATION VALUES AS FOLLOWS: R60 ROOF R-VALUE, R30 FLOOR R-VALUE, R20+5 WALL R-VALUE, R15/19 BASEMENT / CRAWL SPACE WALL R-VALUE.

2. RENOVATION TO COMPLY WITH ENERGY STAR PROGRAM REQUIREMENTS FOR RESIDENTIAL WINDOWS, DOORS, AND SKYLIGHTS - VERSION 5.0. ALL NEW WINDOW GLAZING TO BE .30 U FACTOR AND SKYLIGHTS TO BE .55 U-FACTOR.

3. HEATING / COOLING DUCTS TO BE SEALED AND TESTED TO MEET REQUIREMENTS OF 401.3.

4. ELECTRICAL SERVICE TO BE 200 AMPS TO EACH UNIT. ELECTRICAL POWER TO THE BUILDING WILL BE FROM OVERHEAD. AT LEAST ONE 50-AMP BRANCH CIRCUIT PER UNIT TO PROVIDE FOR AC LEVEL II CHARGING FOR ELECTRIC VEHICLES.

DRAWING LIST

A1 COVER SHEET
A2 EXISTING BASEMENT PLAN
A3 EXISTING FIRST FLOOR PLAN
A4 EXISTING SECOND FLOOR PLAN
A5 EXISTING ATTIC
A6 EXISTING ELEVATIONS
A7 EXISTING ELEVATIONS
A8 NEW SECOND FLOOR
A9 NEW ATTIC FLOOR PLAN
A10 NEW ATTIC REFLECTED CEILING PLAN
A11 NEW ROOF PLAN
A12 NEW ELEVATIONS
A13 NEW ELEVATIONS
A14 SECTIONS AND DETAILS

*NOTE: ALL FRAMING AND STRUCTURAL ENGINEERING BY OTHERS

LIGHTING LEGEND

RECESSED CAN LIGHT - 5" 75W HALOGEN IN KITCHEN, 7" 150W INCANDESCENT IN ALL OTHER LOCATIONS - AS SELECTED BY OWNER
CEILING MOUNTED PENDANT - AS SELECTED BY OWNER
CEILING MOUNTED DIRECT / INDIRECT LIGHT - AS SELECTED BY OWNER
WALL MOUNTED SCONCES AS SELECTED BY OWNER
CEILING FAN - AS SELECTED BY OWNER
S.D. SMOKE DETECTOR - NOTE ALL NEW AND EXISTING SMOKES TO BE HARD-WIRED PER CODE
S/CO HARD-WIRED SMOKE / CARBON MONOXIDE DETECTOR
DATA CONNECTION
TELEPHONE / DATA CONNECTION
ELECTRIC OUTLET (SPECIFIC LOCATIONS ONLY - ALL OUTLETS AS REQUIRED BY CODE ARE NOT SHOWN ON PLANS)

SYMBOL LEGEND

WALL TO BE DEMOLISHED
EXISTING WALL TO REMAIN
NEW WALL
1 A10 C INTERIOR ELEVATION
2 A12 SECTION
5 DOOR TAG
B WINDOW TAG

MILLER DESIGN LLC

80 CLARK STREET
BELMONT, MA 02478

Architect:
Miller Design LLC
80 Clark Street
Belmont MA 02478
617-993-3157

Date:	Issued for:
12/18/25	SCHEMATIC DESIGN
1/15/26	DESIGN DEVELOPMENT
2/25/26	PLAN REVIEW
4/17/26	CONSTRUCTION DOCS

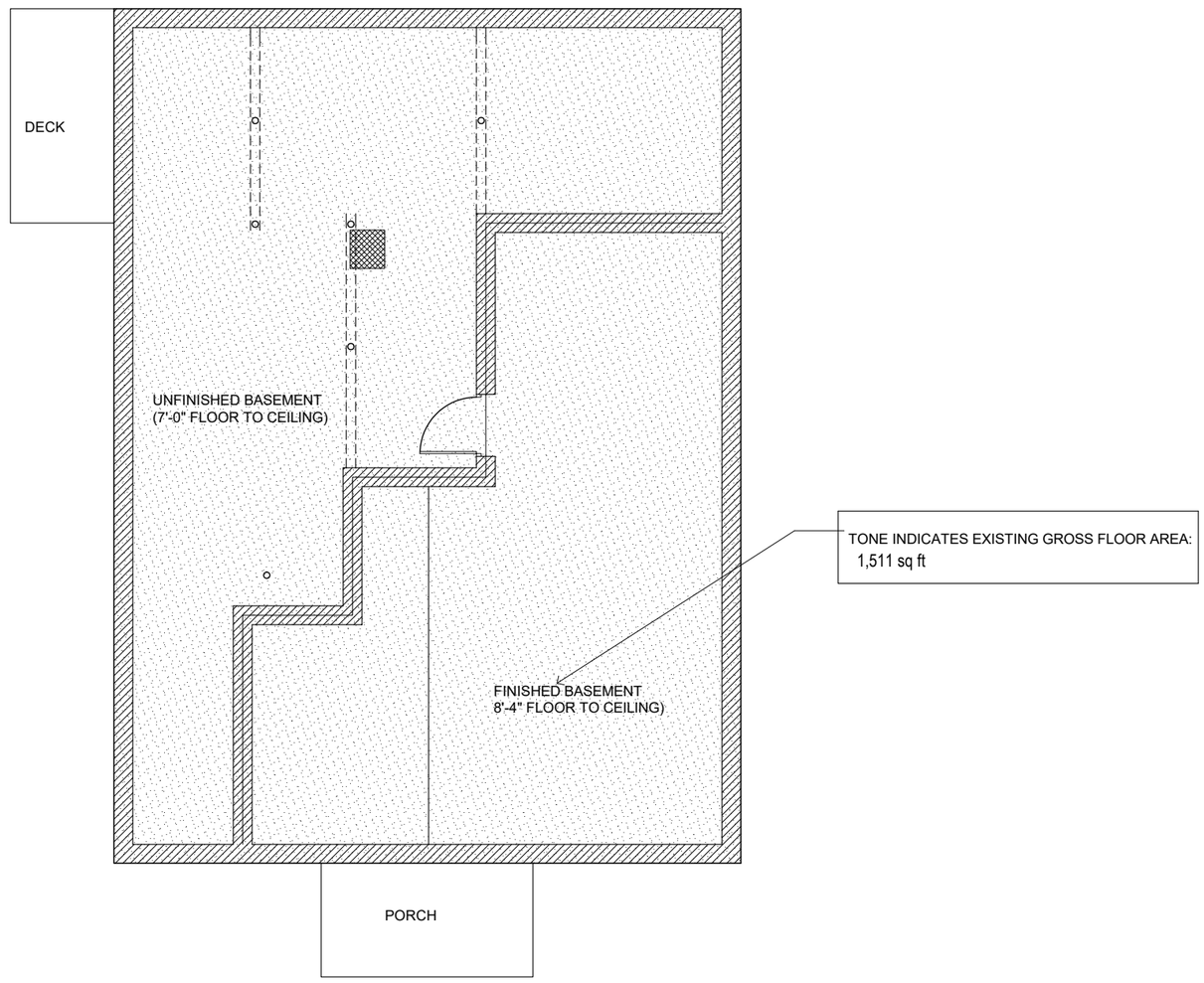
REGISTERED ARCHITECT
DONE BECKLEY MILLER
No. 20146
MEDFORD
MA
COMMONWEALTH OF MASSACHUSETTS

BEASLEY RESIDENCE
12 PRINCE STREET
BROOKLINE MA

COVER SHEET

Sheet Number:

A1



1 PLAN
SCALE: 1/8" = 1'

0 5 10 15

MILLER DESIGN LLC

80 CLARK STREET
BELMONT, MA 02478

Architect:
Miller Design LLC
80 Clark Street
Belmont MA 02478
617-993-3157

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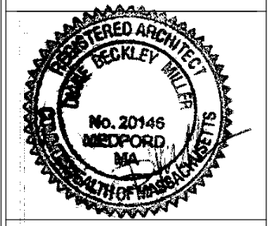
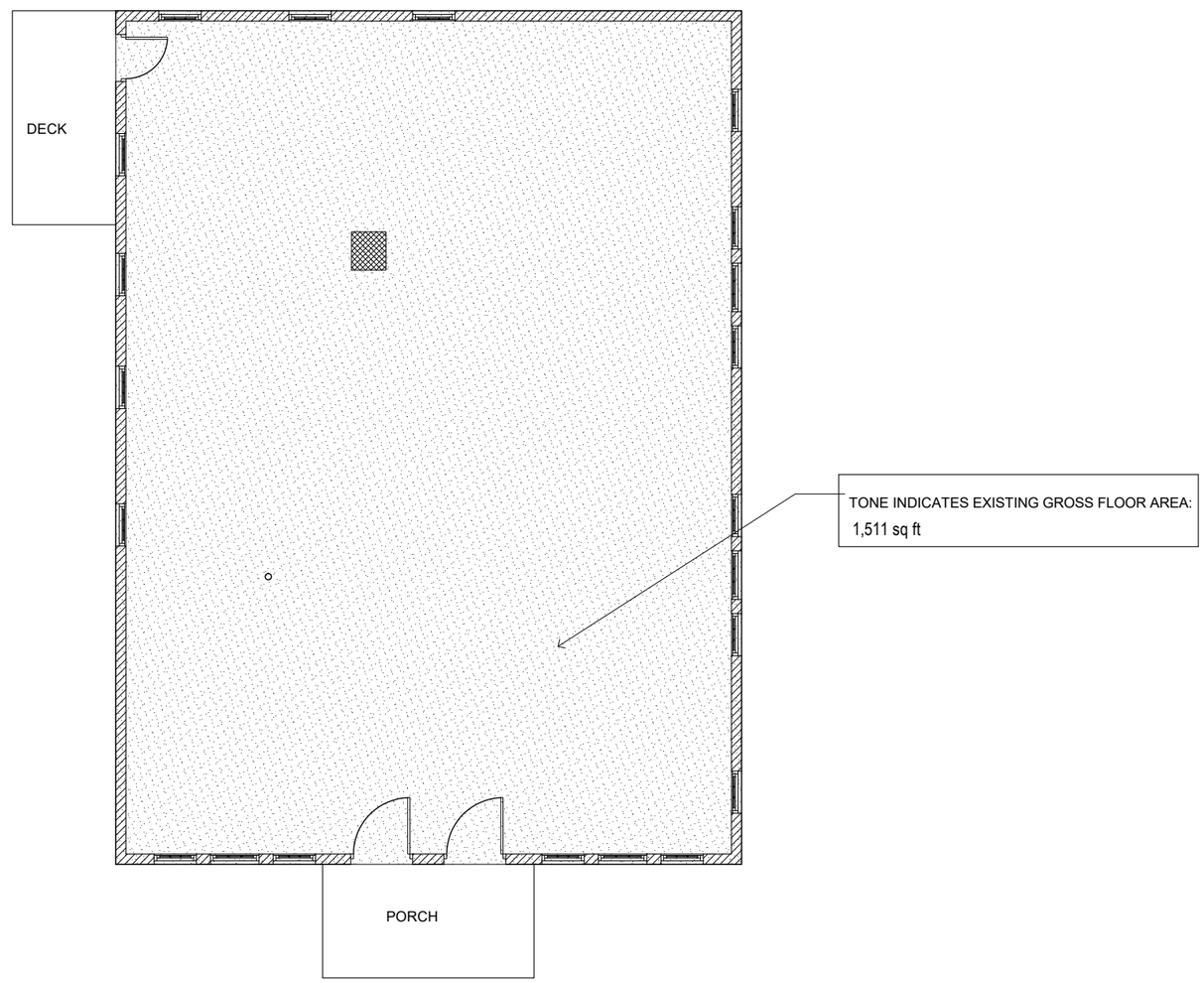


BEASLEY RESIDENCE
12 PRINCE STREET
BROOKLINE MA

EXISTING BASEMENT

Sheet Number:

A2



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0 5 10 15

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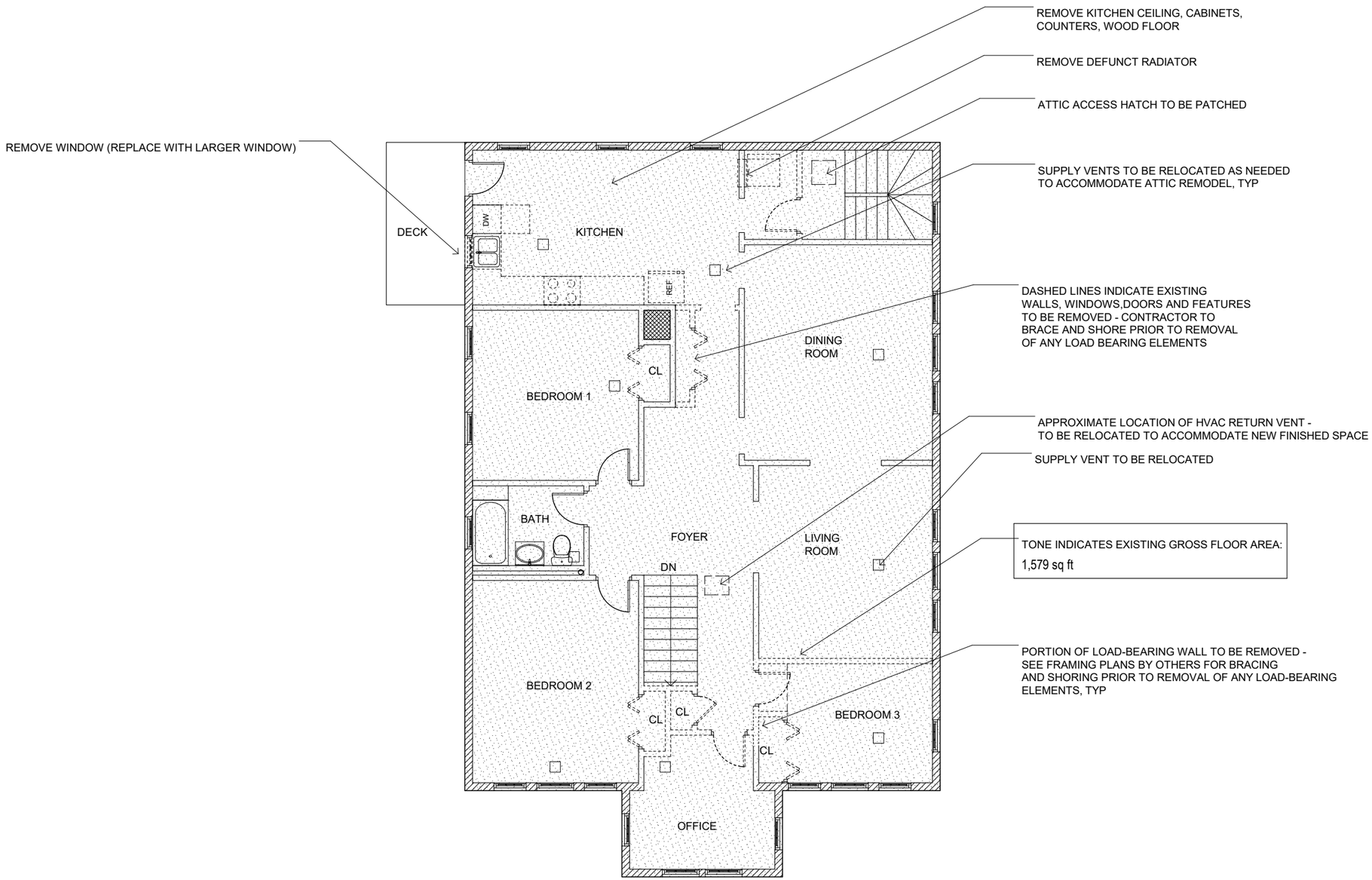
DUANE BECKLEY MILLER
No. 20146
MEDFORD
MA
COMMONWEALTH OF MASSACHUSETTS

BEASLEY RESIDENCE
12 PRINCE STREET
BROOKLINE MA

EXISTING
FIRST FLOOR

Sheet
Number:

A3



1 PLAN
SCALE: 1/8" = 1'

0 5 10 15

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80 CLARK STREET
BELMONT, MA 02478

Architect:
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80 Clark Street
Belmont MA 02478
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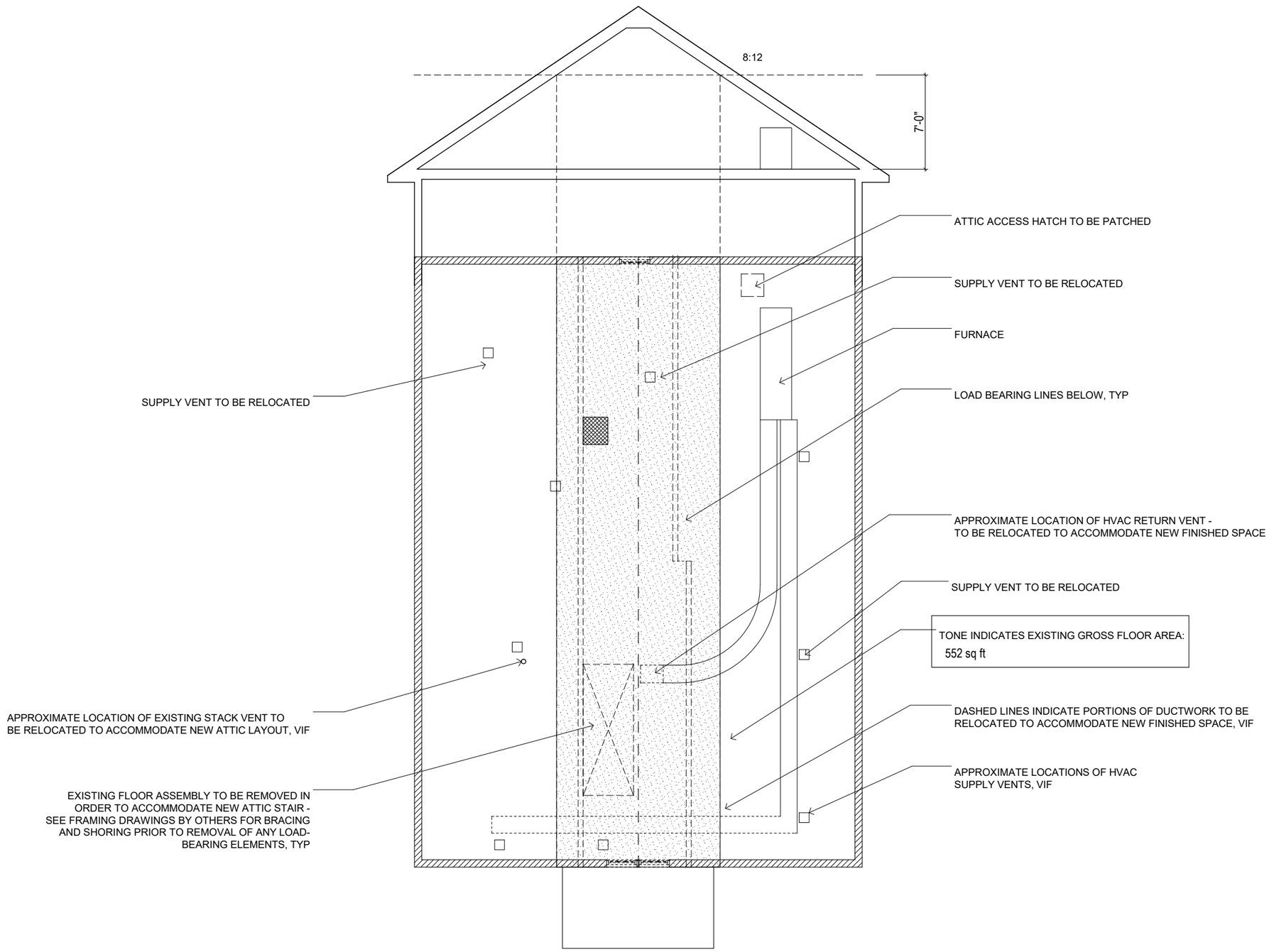
DUANE BECKLEY MILLER
No. 20146
MEDFORD, MA
COMMONWEALTH OF MASSACHUSETTS

BEASLEY RESIDENCE
12 PRINCE STREET
BROOKLINE MA

EXISTING
SECOND FLOOR

Sheet Number:

A4



1 PLAN
SCALE: 1/8" = 1'

MILLER DESIGN LLC

80 CLARK STREET
BELMONT, MA 02478

Architect:
Miller Design LLC
80 Clark Street
Belmont MA 02478
617-993-3157

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DUNE BECKLEY MILLER
No. 20146
MEDFORD, MA
COMMONWEALTH OF MASSACHUSETTS

BEASLEY RESIDENCE
12 PRINCE STREET
BROOKLINE MA

EXISTING
ATTIC

Sheet
Number:

A5

1 FRONT ELEVATION
SCALE: 1/8" = 1'

2 SIDE ELEVATION
SCALE: 1/8" = 1'

MILLER DESIGN LLC

80 CLARK STREET
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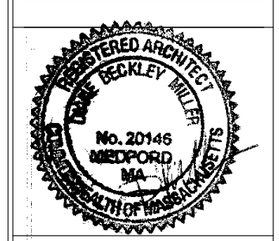

BEASLEY RESIDENCE
12 PRINCE STREET
BROOKLINE MA

EXISTING ELEVATIONS

Sheet Number:

A6

1 REAR ELEVATION
SCALE: 1/8" = 1'

2 SIDE ELEVATION
SCALE: 1/8" = 1'

0 5 10 15

MILLER DESIGN LLC

80 CLARK STREET
BELMONT, MA 02478

Architect:
Miller Design LLC
80 Clark Street
Belmont MA 02478
617-993-3157

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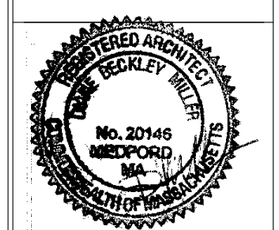
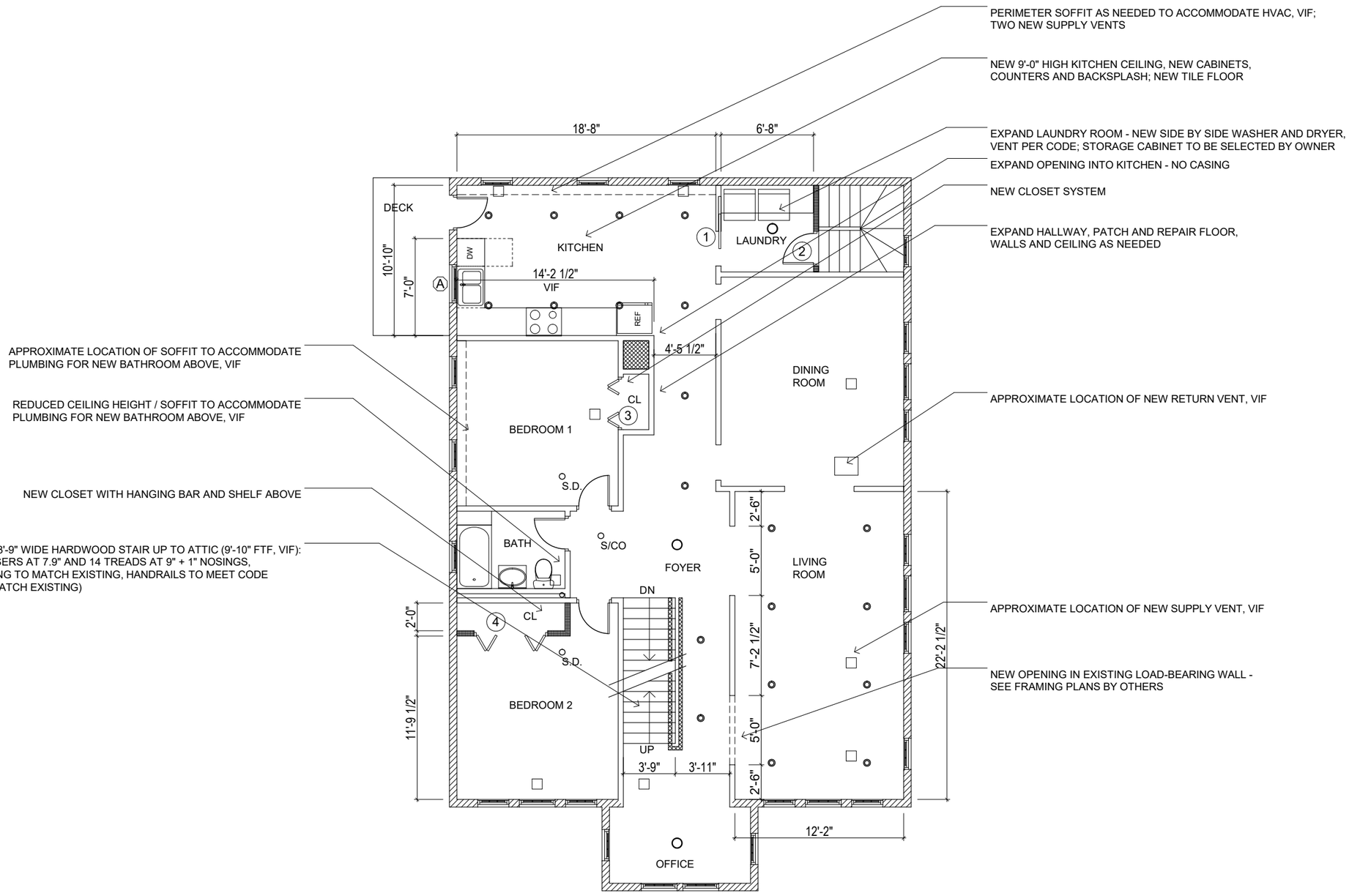


BEASLEY RESIDENCE
12 PRINCE STREET
BROOKLINE MA

EXISTING ELEVATIONS

Sheet Number:

A7



1 PLAN
SCALE: 1/8" = 1'

0 5 10 15

MILLER DESIGN LLC

80 CLARK STREET
BELMONT, MA 02478

Architect:
Miller Design LLC
80 Clark Street
Belmont MA 02478
617-993-3157

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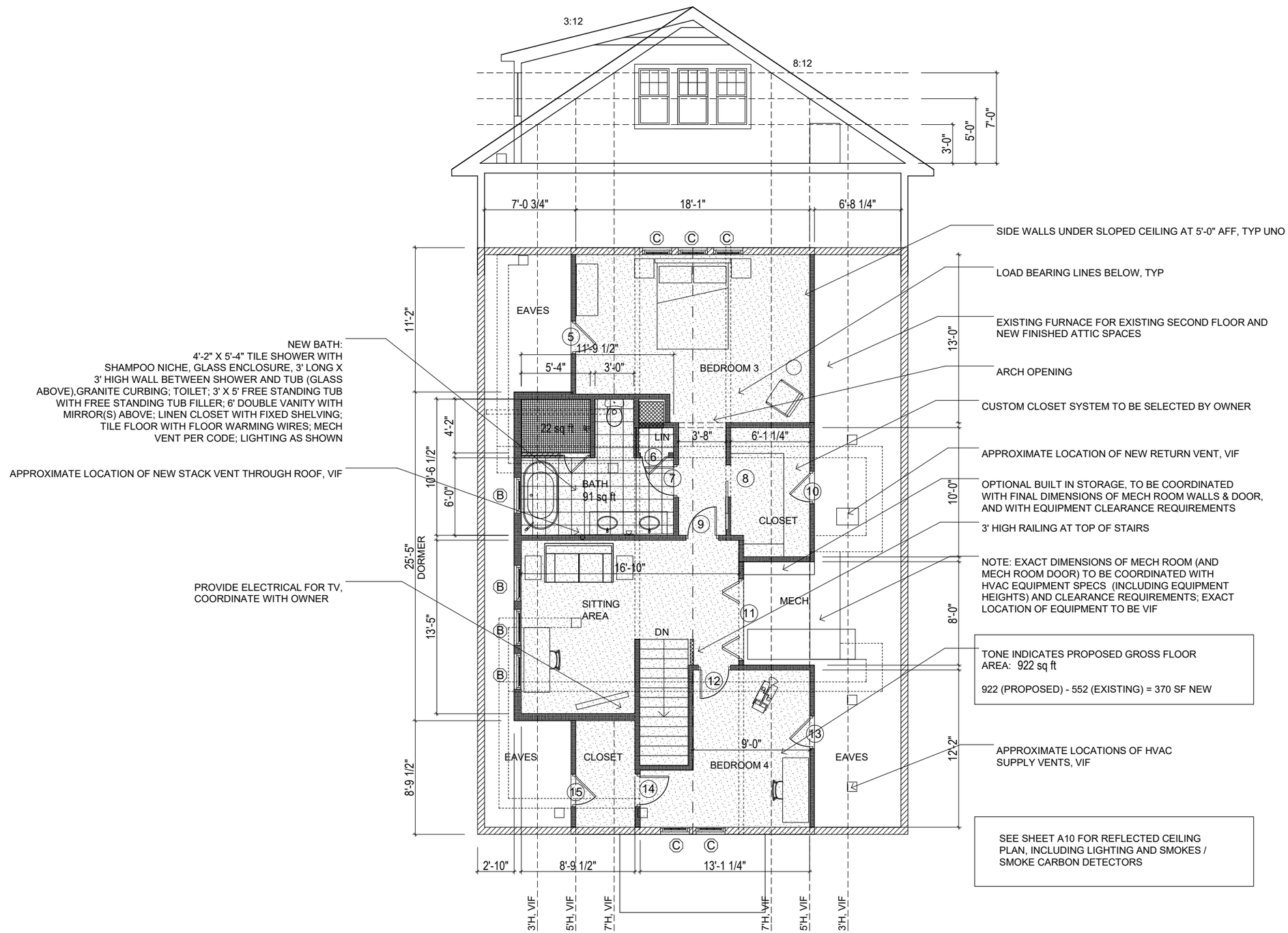
REGISTERED ARCHITECT
DUANE BECKLEY MILLER
No. 20146
MEDFORD
MA
COMMONWEALTH OF MASSACHUSETTS

BEASLEY RESIDENCE
12 PRINCE STREET
BROOKLINE MA

NEW
SECOND FLOOR

Sheet Number:

A8



1 PLAN
SCALE: 1/8" = 1'

MILLER DESIGN LLC

80 CLARK STREET
BELMONT, MA 02478

Architect:
Miller Design LLC
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Belmont MA 02478
617-993-3157

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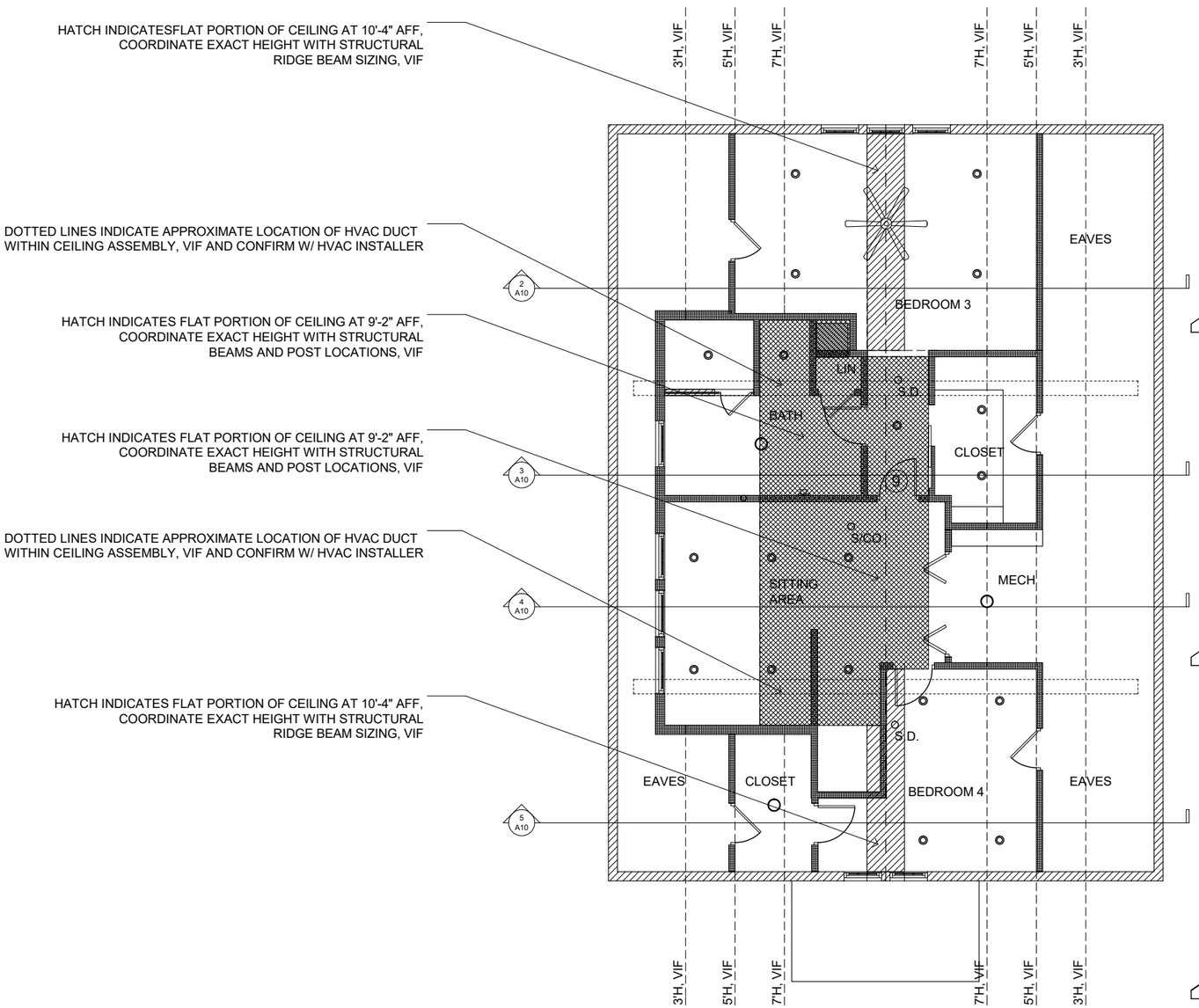
DUNE BECKLEY MILLER
No. 20146
MEDFORD
MA
COMMONWEALTH OF MASSACHUSETTS

BEASLEY RESIDENCE
12 PRINCE STREET
BROOKLINE MA

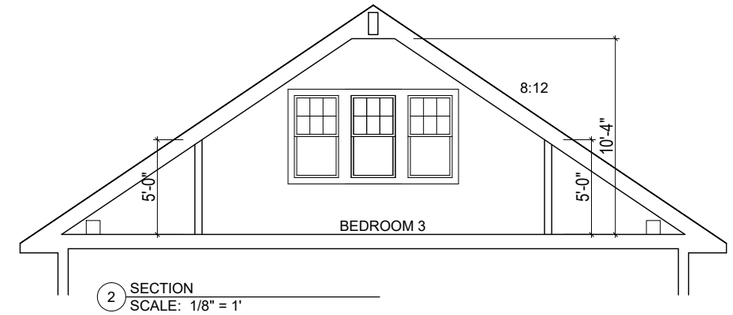
NEW ATTIC
FLOOR PLAN

Sheet
Number:

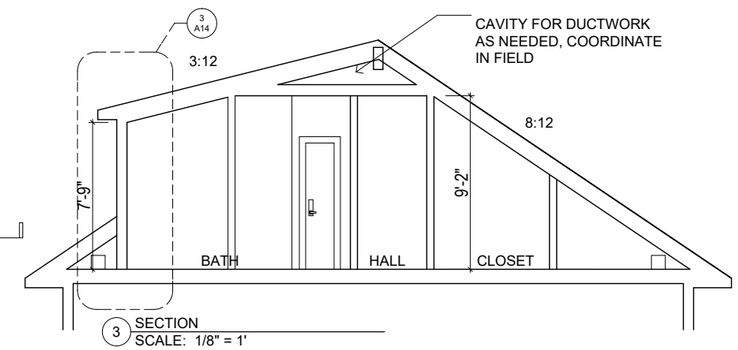
A9



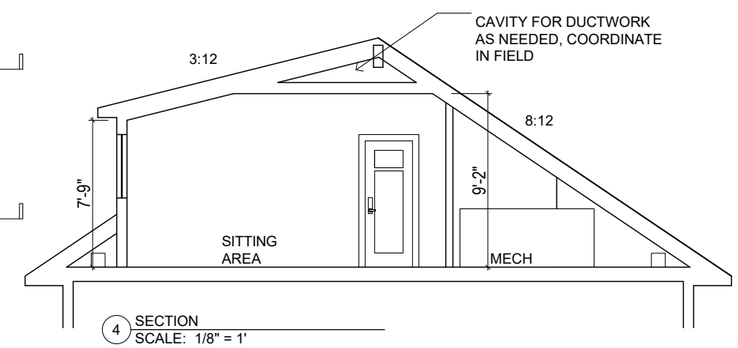
1 PLAN
SCALE: 1/8" = 1'



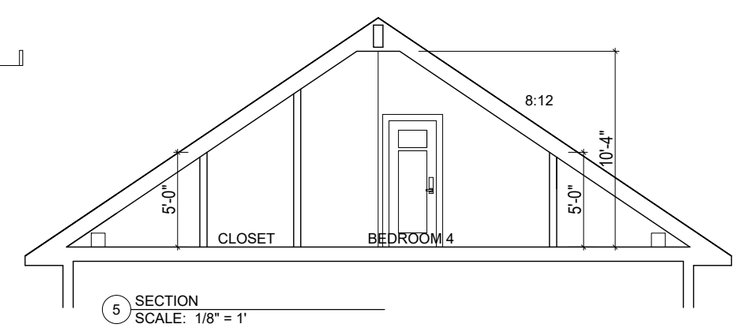
2 SECTION
SCALE: 1/8" = 1'



3 SECTION
SCALE: 1/8" = 1'



4 SECTION
SCALE: 1/8" = 1'



5 SECTION
SCALE: 1/8" = 1'

MILLER DESIGN LLC

80 CLARK STREET
BELMONT, MA 02478

Architect:
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80 Clark Street
Belmont MA 02478
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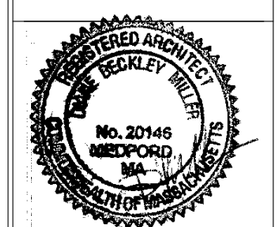
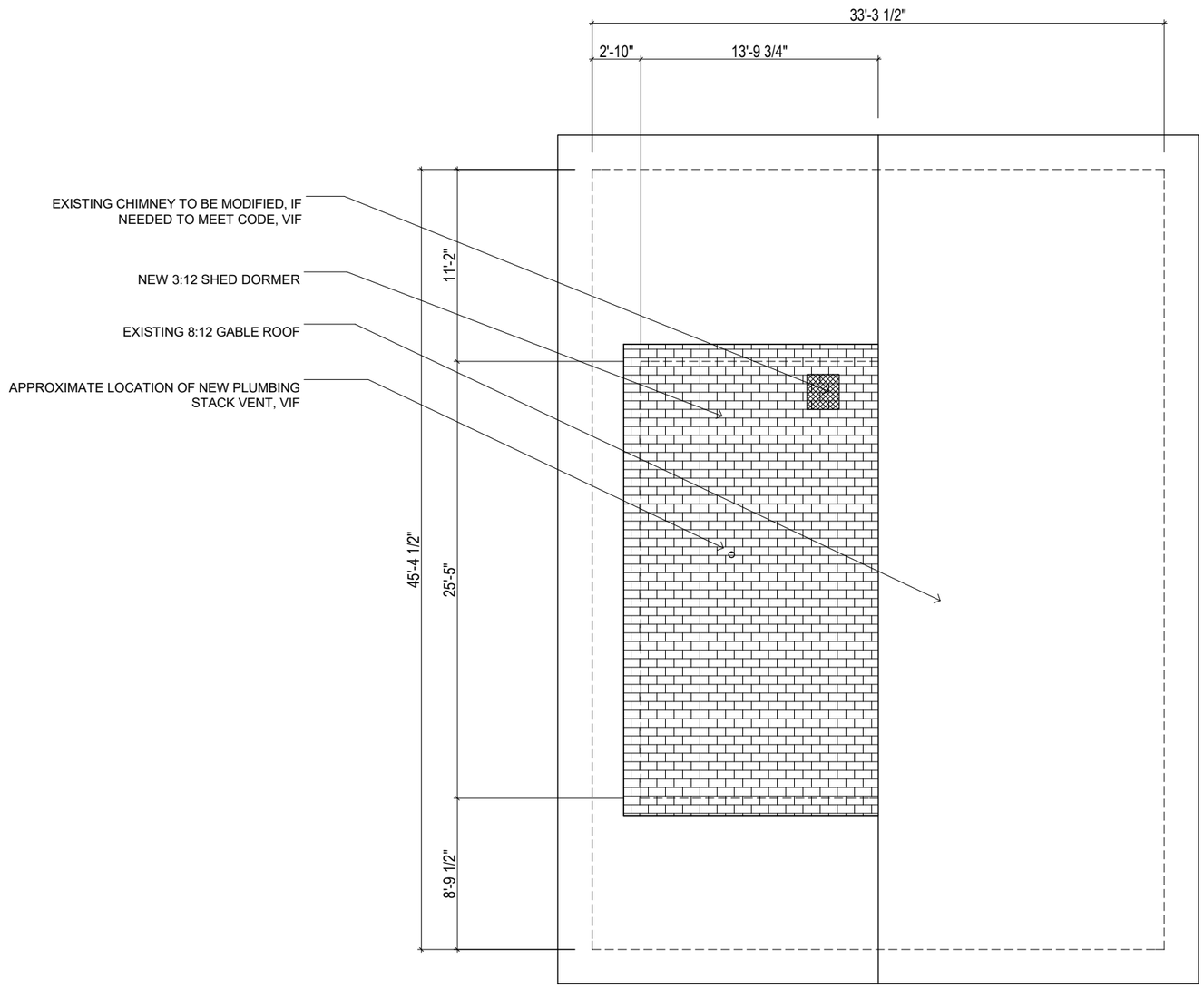


BEASLEY RESIDENCE
12 PRINCE STREET
BROOKLINE MA

NEW ATTIC CEILING PLAN

Sheet Number:

A10



1 PLAN
SCALE: 1/8" = 1'

0 5 10 15

MILLER DESIGN LLC

80 CLARK STREET
BELMONT, MA 02478

Architect:
Miller Design LLC
80 Clark Street
Belmont MA 02478
617-993-3157

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REGISTERED ARCHITECT
DUANE BECKLEY MILLER
No. 20146
MEDFORD
MA
COMMONWEALTH OF MASSACHUSETTS

BEASLEY RESIDENCE
12 PRINCE STREET
BROOKLINE MA

NEW
ROOF PLAN

Sheet Number:

A11

1 FRONT ELEVATION
SCALE: 1/8" = 1'

2 SIDE ELEVATION
SCALE: 1/8" = 1'

MILLER DESIGN LLC

80 CLARK STREET
BELMONT, MA 02478

Architect:
Miller Design LLC
80 Clark Street
Belmont MA 02478
617-993-3157

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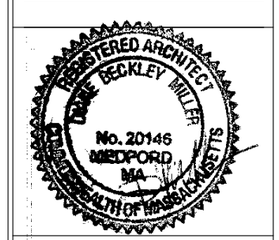

BEASLEY RESIDENCE
12 PRINCE STREET
BROOKLINE MA

NEW
ELEVATIONS

Sheet
Number:

A12

1 REAR ELEVATION
SCALE: 1/8" = 1'

NO CHANGES TO EXISTING RIGHT SIDE ELEVATION

2 SIDE ELEVATION
SCALE: 1/8" = 1'

0 5 10 15

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80 CLARK STREET
BELMONT, MA 02478

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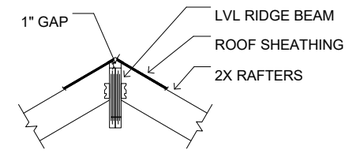
DUANE BECKLEY MILLER
No. 20146
MEDFORD
MA
COMMONWEALTH OF MASSACHUSETTS

BEASLEY RESIDENCE
12 PRINCE STREET
BROOKLINE MA

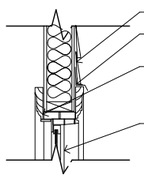
NEW
ELEVATIONS

Sheet
Number:

A13

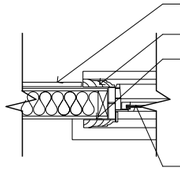


2 RIDGE BEAM DETAIL
SCALE: 1/2" = 1'



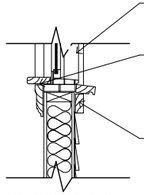
SEE WALL SECTION FOR SIDING PROFILE TME
WOOD WINDOW CASINGS TO MATCH EXISTING
INTERIOR WOOD WINDOW CASING TO MATCH EXISTING
SEE WINDOW SCHEDULE FOR DETAILS
- MUTTONS AS SHOWN

A - WINDOW HEAD



SEE WALL SECTION FOR SIDING PROFILE TME
WOOD WINDOW CASING TO MATCH EXISTING
INTERIOR WOOD WINDOW CASING TO MATCH EXISTING
SEE WINDOW SCHEDULE FOR DETAILS
- MUTTONS AS SHOWN

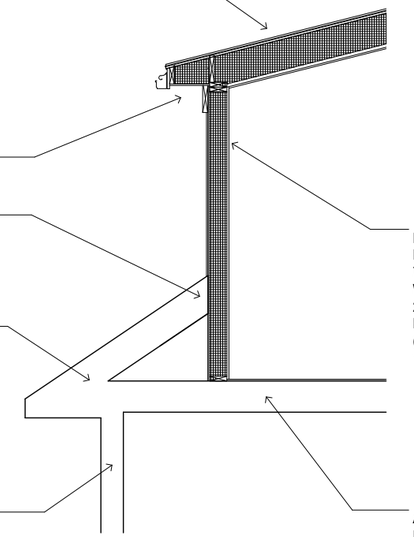
B - WINDOW JAMB



WOOD WINDOW CASINGS TO MATCH EXISTING
INTERIOR WOOD WINDOW SILL AND SKIRT BOARD
TO MATCH EXISTING
SEE WALL SECTION FOR WOOD SIDING PROFILE TME

C - WINDOW SILL

1 WINDOW DETAILS
SCALE: 1/4" = 1'



ROOF ASSEMBLY:
50 YEAR ASPHALT ROOF SHINGLES
NO. 15 BUILDING PAPER
BITUTHENE ICE AND WATER BARRIER
5/8" ZIP SYSTEM SHEATHING PANELS
W/ TAPE AT ALL SEAMS PER MFGR SPEC
SEE FRAMING PLAN FOR STRUCTURE
R60 ICYNENE INSULATION
(CLOSED CELL AT R7 PER INCH)
1" STRAPPING AT 16" OC
1/2" GWB CEILING

AZEK FASCIA BOARDS, GUTTERS
AND DOWNSPOUTS TME

LEDGER BOARD (SEE FRAMING PLANS) AND
FLASHING AT INTERSECTION OF EXISTING
ROOF AND NEW DORMER WALL

EXISTING ROOF, SOFFIT, FASCIA,
GUTTERS & DODWNSPOUTS

EXISTING EXTERIOR WALL ASSEMBLY

EXTERIOR WALL ASSEMBLY:
HARDIE CLADDING TME
7/16" ZIP SYSTEM SHEATHING PANELS
W/ TAPE AT ALL SEAMS PER MFGR SPEC
2X6 WOOD STUDS @ 16" O.C.
R35 ICYNENE INSULATION
(PROSEAL CLOSED CELL AT R7/INCH)
1/2" GWB ON INTERIOR

ATTIC FLOOR / CEILING ASSEMBLY:
FLOOR FINISH VARIES
3/4" T&G SUBFLOOR
SEE FRAMING DRAWINGS FOR
FLOOR JOISTS AND BRIDGING
R30 BATT INSULATION
EXISTING STRAPPING & GWB

3 WALL SECTION
1/4" = 1'-0"

MILLER DESIGN LLC

80 CLARK STREET
BELMONT, MA 02478

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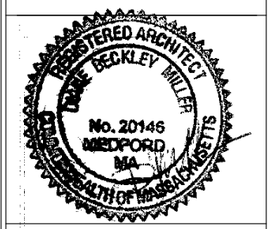


ROCK RESIDENCE
39 SUNNYSIDE AVE
ARLINGTON MA 02474

SECTIONS AND DETAILS

Sheet Number:

A14

BROOKLINE
PLANNING & COMMUNITY DEVELOPMENT

Planning Board

Matt Hyatt, Chair
Andrea Brue, Clerk
Linda K. Hamlin
Steven A. Heikin
Blair Hines
Thomas Renkes
Mark J. Zarrillo

To: Brookline Board of Appeals

From: Brookline Planning Board

Date: July 9, 2026

Subject: Construct a dormer to create additional habitable space at attic level

Location: 12 Prince Street

Atlas Sheet: 73	Case #: 2026-000023
Block: 317	Zoning: M – 1.0
Lot: 44	Lot Area (s.f.): 4,290

Board of Appeals Hearing: July 30, 2026, 7:00 p.m. or after

SITE AND BACKGROUND

12 Prince Street is a two-story two-family dwelling in an M-1.0 "Apartment House" zoning district. The property abuts the Clark Playground in the rear. Prince Street connects Cypress Street and Chestnut Street south of Boylston Street on the edge of the Pill Hill Historic District. The neighborhood is made of two- and three-story multi-family dwellings on similarly lots.

APPLICANT'S PROPOSAL

The applicant is proposing to add a dormer on the west side of the dwelling to add floor area to the partially finished attic space accessible only to the second-floor unit. The proposal would rearrange the second-floor unit and allow for two bedrooms, a bath, a living area, and a small mech room to be added on the attic level.

The space provided by the proposed dormer would add 370 Square Feet of habitable space to the existing 552 Square Feet at a total proposed Square Feet of 922.

FINDINGS

Section 5.20 – Floor Area Ratio
Section 5.50 – Front yard Requirements
Section 5.60 – Side Yard Requirements

Section 5.70 – Rear Yard Requirements
Section 5.91 – Minimum Usable Open Space
Section 8.02 – Alteration or Extension
ANY OTHER RELIEF THE BOARD MAY FIND NECESSARY

	Requirement	Existing	Proposed	Finding
Floor Area Ratio	1.0	1.20	1.28	Special Permit[1]
Front Yard Setback	15	Preexisting Non-Conformity	No Change	Special Permit[1]
Side Yard Setback	14.53	Preexisting Non-Conformity	No Change	Special Permit[1]
Rear Yard Setback	30	Preexisting Non-Conformity	No Change	Special Permit[1]
Usable Open Space	1104 Sq. Ft.	287 Sq. Ft.	287 Sq. Ft.	Variance

[1] Under **M.G.L Chapter 40A Section 6**, the Board of Appeals may, by Special Permit, waive dimensional requirements for pre-existing non-conformities so long as any change is not substantially more detrimental.

PLANNING STAFF COMMENTS

All the relief requested is for pre-existing non-conformities. The FAR is increasing due to the new habitable space in the attic created by the dormers. The lot is undersized for the zoning district and is an odd shape.

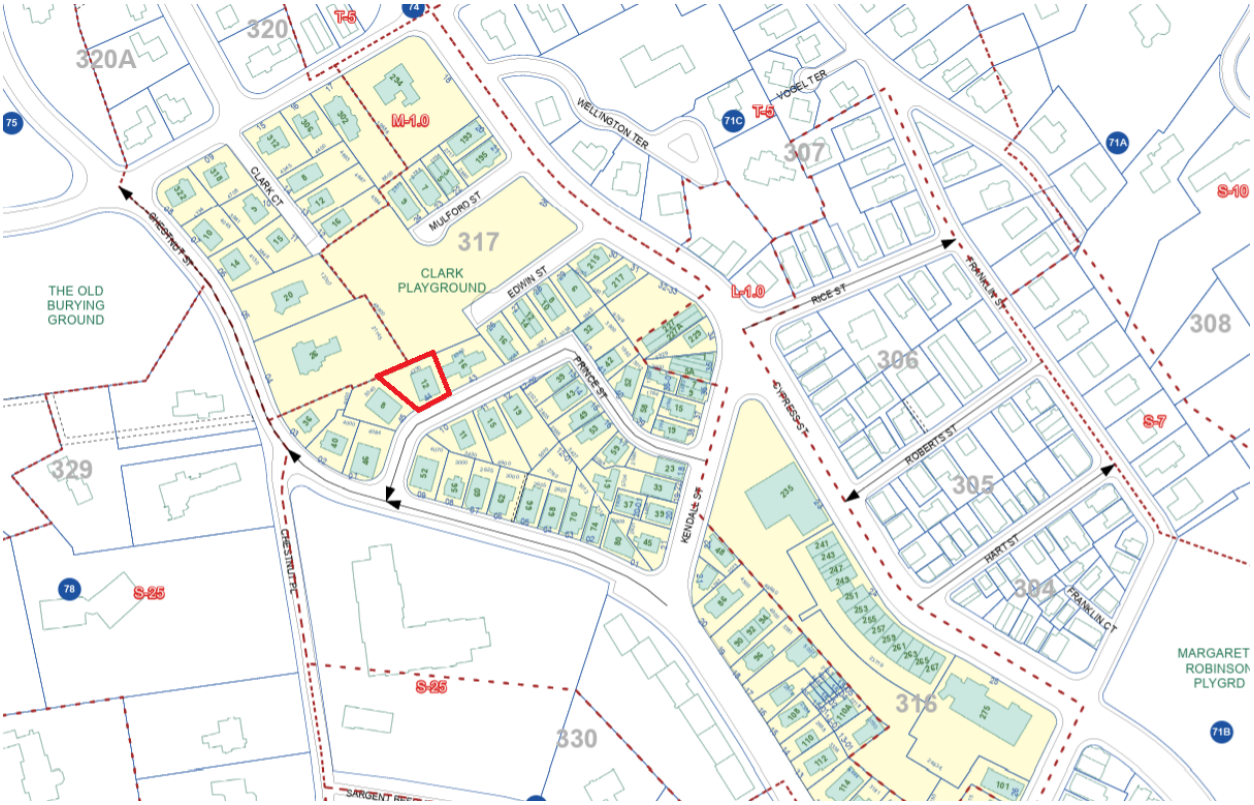
PLANNING BOARD RECOMMENDATIONS

The Planning Board found that the design was good and agreed that the proposal was a good way to create additional space.

If the Zoning Board of Appeals approves of the Variance, then the Planning Board recommends approval of the site plan prepared by DOUGLAS L. JOHNSTON, PLS, dated February 25, 2026, and the architectural plans prepared by BECKY MILLER, RA, dated April 17, 2026, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final plans and elevations prepared by a registered architect and a final site plan prepared by a registered engineer or land surveyor, subject to the review and approval of the Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall electronically submit a landscape plan, subject to approval by the Director for Regulatory Planning. The counterbalancing amenities must be executed in accordance with the approved plan.
3. 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; 2) final floor plans and building elevations stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

MAP & CONTEXT


320
320A
T-5
M-1.0
317
CLARK PLAYGROUND
CLARK CT
MULFORD ST
EDWIN ST
THE OLD BURYING GROUND
329
S-25
CHESTNUT ST
WELLINGTON TER
VOGEL TER
307
L-1.0
RICE ST
PRINCE ST
KENDALL ST
CYPRESS ST
ROBERTS ST
HART ST
FRANKLIN ST
FRANKLIN CT
306
305
304
308
S-7
S-10
316
330
MARGARET ROBINSON PLYGRD
71A
71B
71C
75
78

SOUSAdesign
Architects

129 WALNUT STREET

BROOKLINE, MA
02445

ISSUED FOR:

ZONING SUBMISSION
05.21.2026

PROJECT DIRECTORY

OWNER:

NATHAN PECK

116 HARVARD ST
BROOKLINE, MA 02446

SURVEYOR:

FELDMAN GEOSPATIAL

BOSTON HEADQUARTERS
152 HAMPDEN STREET
BOSTON, MA 02119

617.357.9740

ARCHITECT:

SOUSAdesign

81 BOYSLTON STREET, 2ND FLOOR
BROOKLINE, MA 02445

Attn: Stephen A. Sousa
617.879.9100

STRUCTURAL ENG:

CU ASSOCIATES, LLC.

P.O. BOX 13
WESTBOROUGH, MA 01581

GENERAL CONTRACTOR:

KAPLAN CONSTRUCTION

116 HARVARD ST
BROOKLINE, MA 02446

ATTN: NATE PECK

DOCUMENT LIST

A-000	COVER SHEET
SP-100	EXISTING SITE PLAN
SP-101	PROPOSED SITE PLAN
SP-101.1	PROPOSED ARCHITECTURAL SITE PLAN
SP-102	ZONING SUMMARY
A-100	EXISTING AND PROPOSED LOWER LEVEL PLAN
A-101	EXISTING AND PROPOSED FIRST FLOOR PLAN
A-102	EXISTING AND PROPOSED SECOND FLOOR PLAN
A-103	EXISTING AND PROPOSED THIRD FLOOR PLAN
A-104	EXISTING AND PROPOSED ROOF PLAN
A-200	ELEVATIONS

ZONING SUMMARY & PROJECT DESCRIPTION

ZONING SUMMARY (ZONE T-5: TWO-FAMILY & ATTACHED SINGLE-FAMILY)

	ALLOWABLE	EXISTING	PROPOSED	CONFORMING?
LOT SIZE	5,000 SF MIN.	2,006 SF	2,006 SF	EXISTING NON-CONFORMANCE
LOT WIDTH	45'-0" MIN.	26'-4 3/4"	26'-4 3/4"	EXISTING NON-CONFORMANCE
BUILDING HEIGHT	35'-0" MAX.	39'-2"	39'-2"	EXISTING NON-CONFORMANCE
FLOOR AREA RATIO (F.A.R.)	1.0 MAX.	2.21	2.21	EXISTING NON-CONFORMANCE
FRONT SETBACK	15'-0" MIN.	10'-8"	10'-8"	EXISTING NON-CONFORMANCE
SIDE SETBACK	10'-0" MIN.	0'-0"	0'-0"	EXISTING NON-CONFORMANCE
REAR SETBACK	30'-0" MIN.	16'-6"	16'-6"	EXISTING NON-CONFORMANCE
LANDSCAPE OPEN SPACE	10% OF GFA* (445 SF)	4.6% (205 SF)	4.6% (205 SF)	EXISTING NON-CONFORMANCE
USABLE OPEN SPACE	30% OF GFA* (1,334 SF)	12% (534 SF)	12% (534 SF)	EXISTING NON-CONFORMANCE

BUILDING SUMMARY (GROSS SQUARE FEET)

	EXISTING	PROPOSED	
LOWER LEVEL	±1,110 SF	±1,110 SF	NO CHANGE
FIRST FLOOR	±1,162 SF	±1,162 SF	NO CHANGE
SECOND FLOOR	±1,115 SF	±1,115 SF	NO CHANGE
THIRD FLOOR	±1,058 SF	±1,058 SF	NO CHANGE
TOTAL GROSS SF	**±4,445 SF**	**±4,445 SF**	**NO CHANGE**

BUILDING SUMMARY:

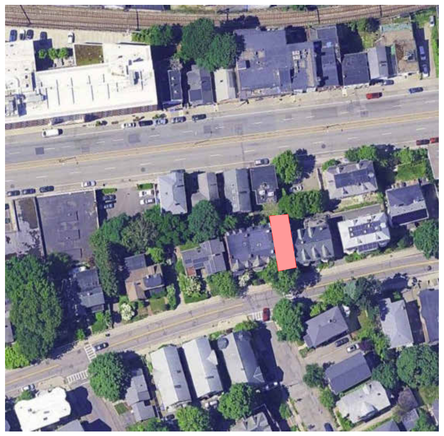
GROSS FLOOR AREA: 4,445 SF (EXISTING TO REMAIN)

FAR SUMMARY:

ZONING DISTRICT: T-5
LOT SIZE: ±2,006 SF
ALLOWABLE FAR: 1.0
EXISTING FAR TO REMAIN: 2.21

NOTE: NO CHANGE TO BUILDING HEIGHT OR AREA

LOCUS MAP



129 WALNUT STREET CONDOMINIUMS

129 WALNUT STREET
BROOKLINE, MA 02445

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ISSUED FOR:
ZONING SUBMISSION

SOUSAdesign
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81 Boylston St., 2nd Floor
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617 . 879 . 9100
www.sousadesign.com

Job # 202544

Drawn by NA **Ckd by** SAS

Date 05.21.2026

Revisions

01	PLAN REVIEW

COVER SHEET

A-000

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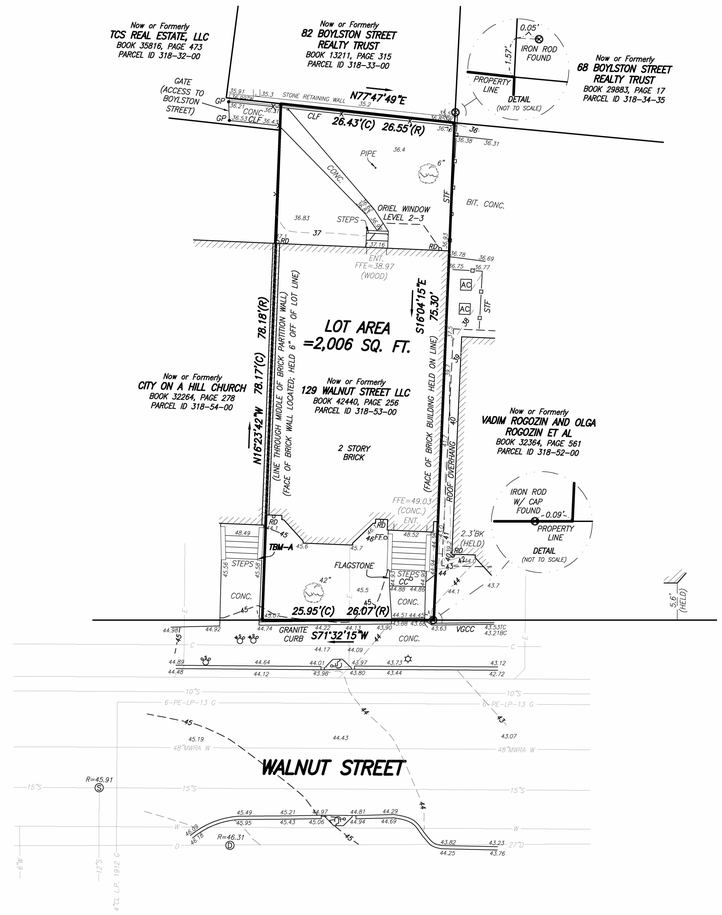

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LEGEND

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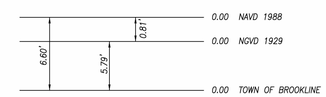
- DRAIN MANHOLE
- WATER SHUT OFF/WATER GATE
- GAS SHUT OFF/GAS GATE
- LIGHT POLE
- FF — FUEL FILL
- CC — COAL CHUTE
- RD — ROOF DRAIN
- IRON ROD
- AC — AIR CONDITIONING UNIT
- DECIDUOUS TREE
- HANDICAP RAMP

- BC — BOTTOM OF CURB
- BIT. — BITUMINOUS
- BK — BACK
- (C) — CALCULATED
- CLF — CHAIN LINK FENCE
- CONC. — CONCRETE
- ENT — ENTRANCE
- FFE — FINISH FLOOR ELEVATION
- (R) — RECORD
- R= — RADIUS
- STF — STOCKADE FENCE
- TBM — TEMPORARY BENCH MARK
- TC — TOP OF CURB
- VGCC — VERTICAL GRANITE COBBLE CURB
- —C— COMMUNICATIONS SERVICE
- —D— DRAIN
- —E— ELECTRIC
- —G— GAS
- —S— SEWER
- —W— WATER
- —12"D(CI)— PIPE SIZE AND MATERIAL
- —X—X— CHAIN LINK FENCE

REFERENCES

NORFOLK COUNTY REGISTRY OF DEEDS

BOOK 42440, PAGE 256
PLAN NO. 40 OF 2009



RELATIONSHIP OF DATUM PLANES
NOT TO SCALE

I CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY AND THE LATEST PLANS AND DEEDS OF RECORD.

JOHN L. McDONAGH, PLS (MA# 56280)
SMCDONAGH@FELDMANGEO.COM

8-18-2025
DATE

COMMONWEALTH OF MASSACHUSETTS
JOHN L. McDONAGH No.56280
PROFESSIONAL LAND SURVEYOR

10 0 5 10 20
SCALE: 1"=10'

SHEET NO. 1 OF 1

FELDMAN GEOSPATIAL

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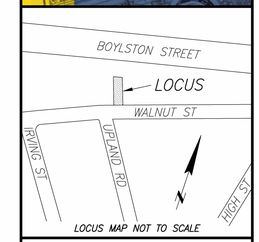
152 HAMPDEN STREET
BOSTON, MA 02119

WORCESTER OFFICE
27 MECHANIC STREET
WORCESTER, MA 01608

(617)357-9740
www.feldmangeo.com

Right. From the Ground Up



LOCUS MAP NOT TO SCALE

DRAWING NAME:

PLAN OF LAND

129 WALNUT STREET BROOKLINE, MASS.

DATE: AUGUST 5, 2025

REVISIONS:

FILENAME: 2500809-EC.dwg

RESEARCH:	GL	FIELD CHIEF:	FS
PROJ MGR:	JLM	APPROVED:	
CALC:	GD	CADD:	GD
FIELD CHK:		CRD FILE:	2500809

129 WALNUT STREET CONDOMINIUMS

129 WALNUT STREET
BROOKLINE, MA 02445

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ISSUED FOR:
ZONING SUBMISSION

SOUSAdesign Architects
81 Boylston St., 2nd Floor
Brookline, MA 02445
617 . 879 . 9100
www.sousadesign.com

REGISTERED ARCHITECT STEPHEN A. SOUSA BROOKLINE, MASS. COMMONWEALTH OF MASSACHUSETTS

Job # 202544
Drawn by NA **Ckd by** SAS
Date 05.21.2026

Revisions

01	PLAN REVIEW

EXISTING SITE PLAN

SP-100

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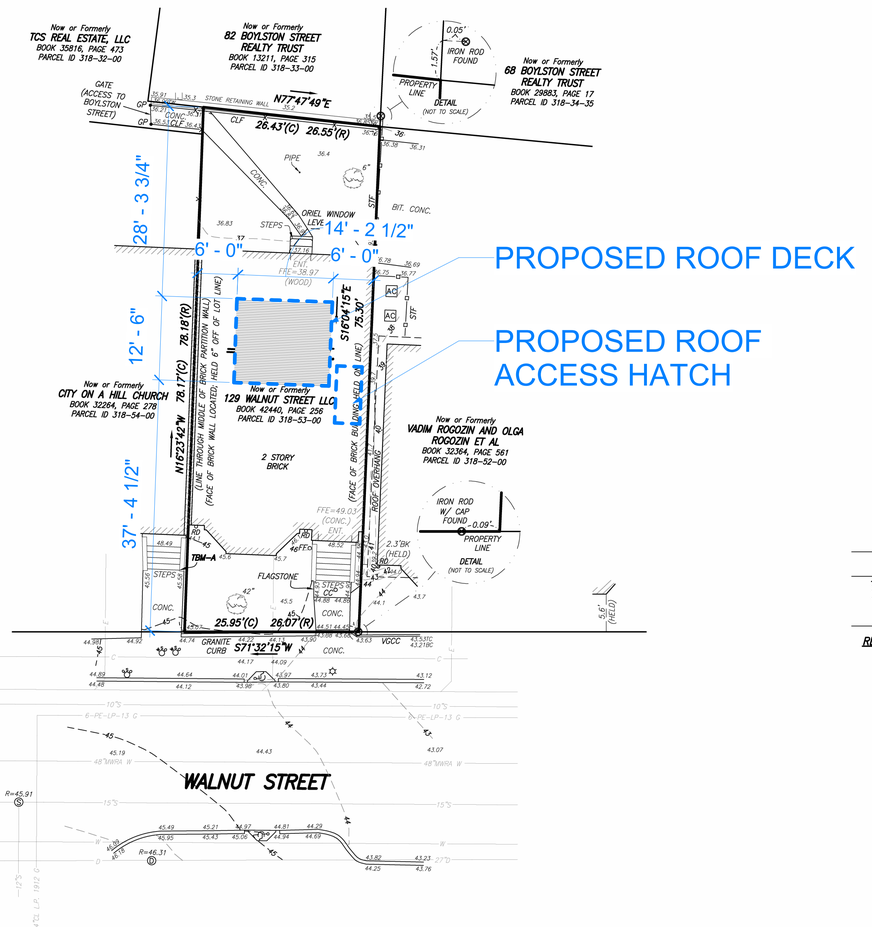
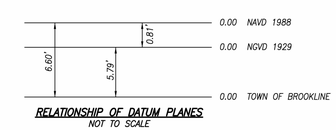
*ANNOTATIONS OF THE SAME COLOR MADE BY SOUSADESIGN TO DEMONSTRATE PROPOSED LOCATION OF ROOF DECK.

PLAN NO. 40 OF 2009





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LEGEND

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JOHN L. McDONAGH, PLS (MA# 56280)
SMCDONAGH@FELDMANGEO.COM

8–18–2025
DATE

COMMONWEALTH OF MASSACHUSETTS — JOHN L. McDONAGH No. 56280 — PROFESSIONAL LAND SURVEYOR

FILENAME: S:\PROJECTS\2025\2500809_129 Walnut\DWG\2500809-EC.dwg

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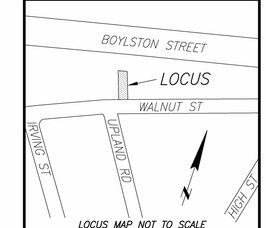

LOCUS MAP NOT TO SCALE

DRAWING NAME:

PLAN OF LAND

129 WALNUT STREET
BROOKLINE, MASS.

DATE: AUGUST 5, 2025

REVISIONS:

FILENAME:	2500809–EC.dwg
RESEARCH: GL	FIELD CHIEF: FS
PROJ MGR: JLM	APPROVED:
CALC: GD	CADD: GD
FIELD CHK:	CRD FILE: 2500809

10 0 5 10 20
SCALE: 1"=10'

SHEET NO. 1 OF 1

129 WALNUT STREET CONDOMINIUMS

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Job # 202544

Drawn by NA **Ckd by** SAS

Date 05.21.2026

Revisions

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PROPOSED SITE PLAN

SP-101

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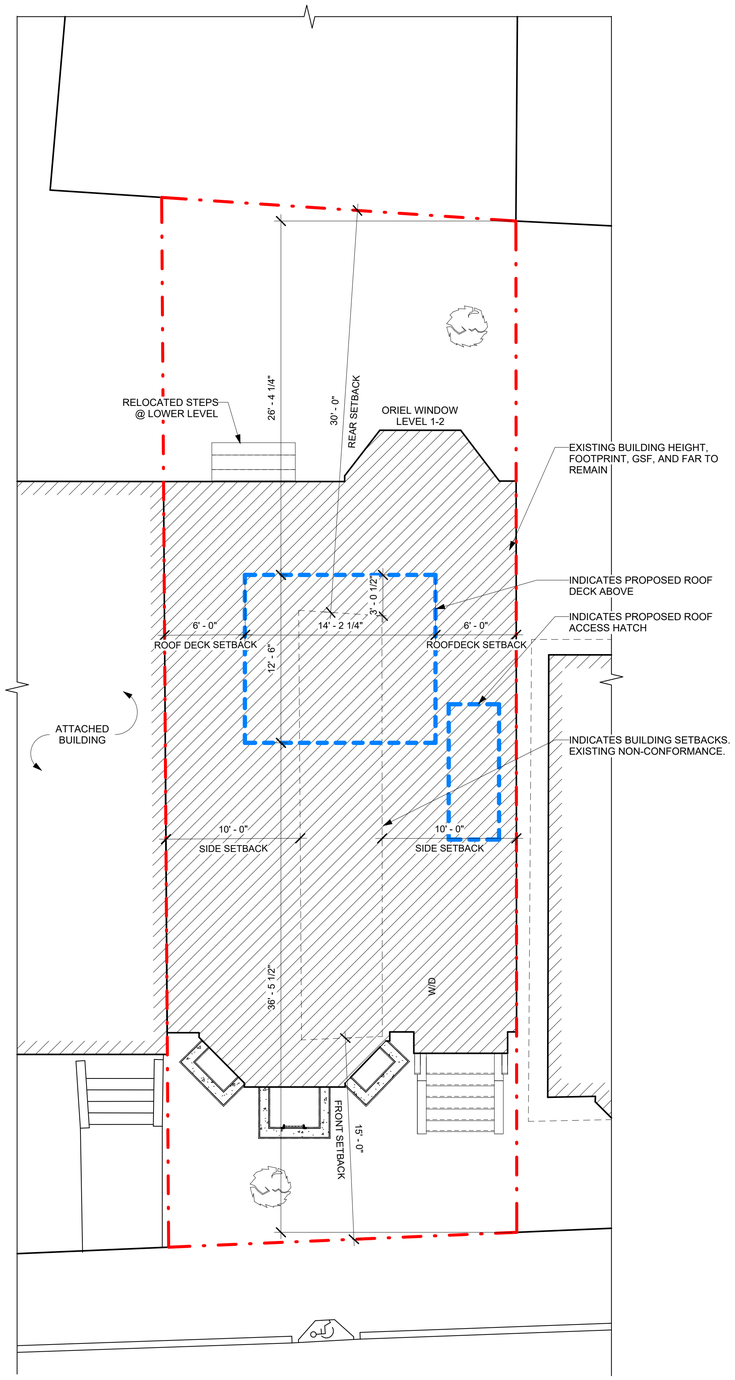

1 PROPOSED SITE PLAN
3/16" = 1'-0"

☐ § 5.62 **FENCES AND TERRACES IN SIDE YARDS**

Subject to **§ 5.45**, the provisions of **§ 5.60** shall not apply to fences, hedges or walls not over seven feet high above the natural grade nor to terraces, steps, uncovered porches, or other similar features not over three feet high above the level of the ground story. Piers, pilasters, columns, and posts not over sixteen inches square as supports may exceed the height limitation by not more than twelve inches. Uncovered porches or decks may not extend into the yard more than fifty per cent of the required yard setback but in no case closer than six feet to the property line. Fences or walls over seven feet high above the natural grade may be allowed by special permit in cases where the Board of Appeals determines that it is warranted to mitigate noise or other detrimental impact or provide greater safety, such as when a property is bounded by active train tracks.

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Job # 202544

Drawn by NA **Ckd by** SAS

Date 05.21.2026

Revisions

01	PLAN REVIEW

PROPOSED ARCHITECTURAL SITE PLAN

SP-101.1

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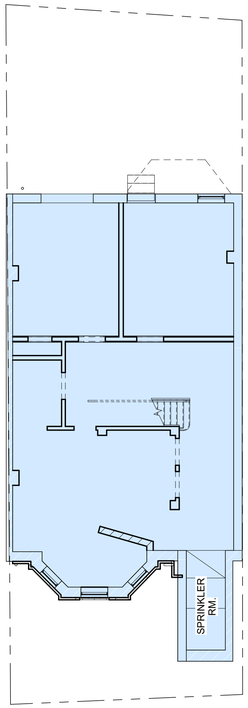
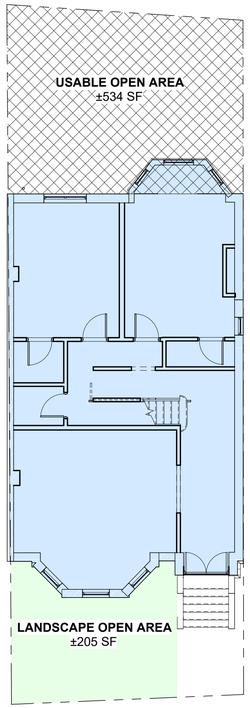
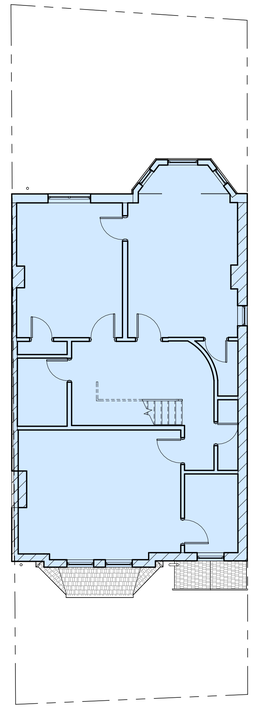
EXISTING



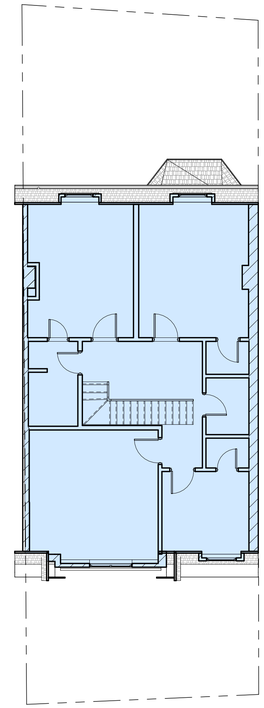
0A EXISTING LOWER LEVEL PLAN
1/8" = 1'-0"



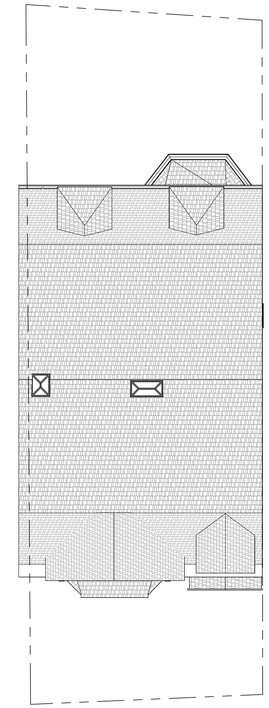
1A EXISTING FIRST FLOOR PLAN
1/8" = 1'-0"



2A EXISTING SECOND FLOOR PLAN
1/8" = 1'-0"

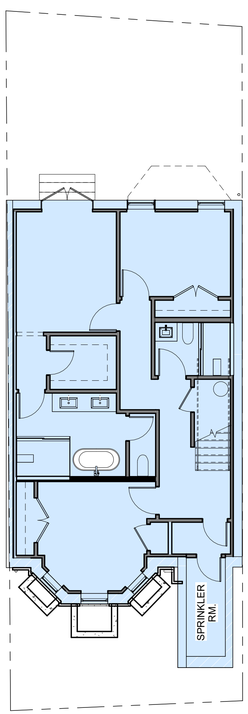


3A EXISTING THIRD FLOOR PLAN
1/8" = 1'-0"

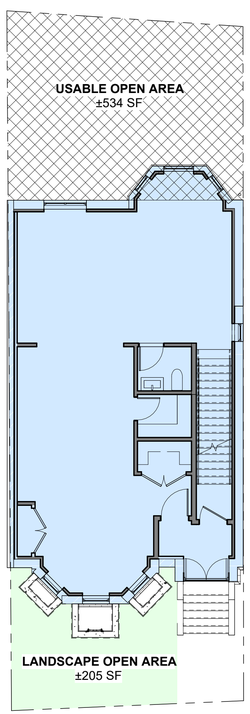


4A EXISTING ROOF PLAN
1/8" = 1'-0"

PROPOSED



0B PROPOSED LOWER LEVEL PLAN
1/8" = 1'-0"



1B PROPOSED FIRST FLOOR PLAN
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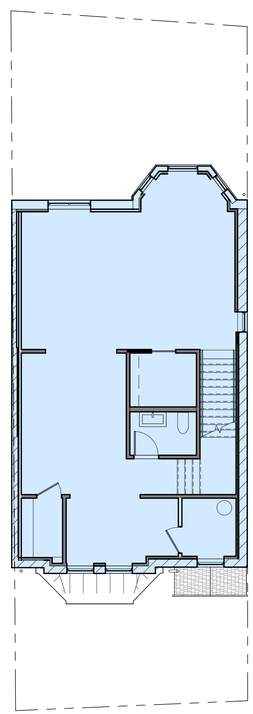
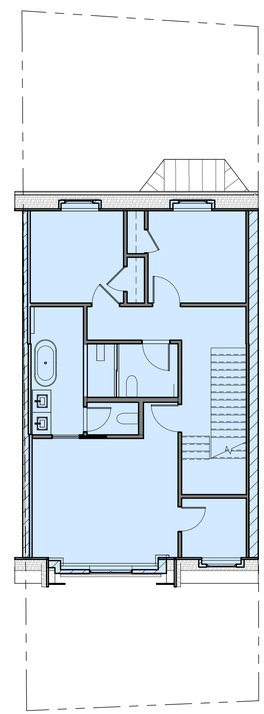
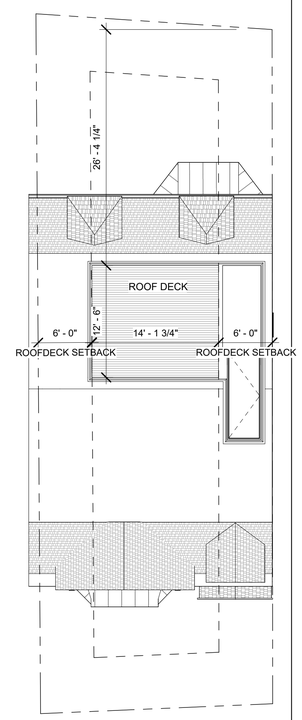


2B PROPOSED SECOND FLOOR PLAN
1/8" = 1'-0"



3B PROPOSED THIRD FLOOR PLAN
1/8" = 1'-0"



4B PROPOSED ROOF PLAN
1/8" = 1'-0"

ZONING SUMMARY (ZONE T-5: TWO-FAMILY & ATTACHED SINGLE-FAMILY)

	ALLOWABLE	EXISTING	PROPOSED	CONFORMING?
LOT SIZE	5,000 SF MIN.	2,006 SF	2,006 SF	EXISTING NON-CONFORMANCE
LOT WIDTH	45'-0" MIN.	26'-4 3/4"	26'-4 3/4"	EXISTING NON-CONFORMANCE
BUILDING HEIGHT	35'-0" MAX.	39'-2"	39'-2"	EXISTING NON-CONFORMANCE
FLOOR AREA RATIO (F.A.R.)	1.0 MAX.	2.21	2.21	EXISTING NON-CONFORMANCE
FRONT SETBACK	15'-0" MIN.	10'-8"	10'-8"	EXISTING NON-CONFORMANCE
SIDE SETBACK	10'-0" MIN.	0'-0"	0'-0"	EXISTING NON-CONFORMANCE
REAR SETBACK	30'-0" MIN.	16'-6"	16'-6"	EXISTING NON-CONFORMANCE
LANDSCAPE OPEN SPACE	10% OF GFA* (445 SF)	4.6% (205 SF)	4.6% (205 SF)	EXISTING NON-CONFORMANCE
USABLE OPEN SPACE	30% OF GFA* (1,334 SF)	12% (534 SF)	12% (534 SF)	EXISTING NON-CONFORMANCE

BUILDING SUMMARY (GROSS SQUARE FEET)

	EXISTING	PROPOSED	
LOWER LEVEL	±1,110 SF	±1,110 SF	NO CHANGE
FIRST FLOOR	±1,162 SF	±1,162 SF	NO CHANGE
SECOND FLOOR	±1,115 SF	±1,115 SF	NO CHANGE
THIRD FLOOR	±1,058 SF	±1,058 SF	NO CHANGE
TOTAL GROSS SF	**±4,445 SF**	**±4,445 SF**	**NO CHANGE**

*GFA = GROSS FLOOR AREA

LEGEND

- EXISTING GFA TO REMAIN
- PROPOSED NEW GFA
- EXISTING GFA TO BE DEMOLISHED
- INDICATES LANDSCAPE OPEN AREA
- INDICATES USABLE OPEN AREA
- INDICATES PROPERTY LINE

NOTE: NO CHANGE TO BUILDING HEIGHT OR AREA

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Job # 202544

Drawn by NA **Ckd by** SAS

Date 05.21.2026

Revisions

01	PLAN REVIEW

ZONING SUMMARY

SP-102

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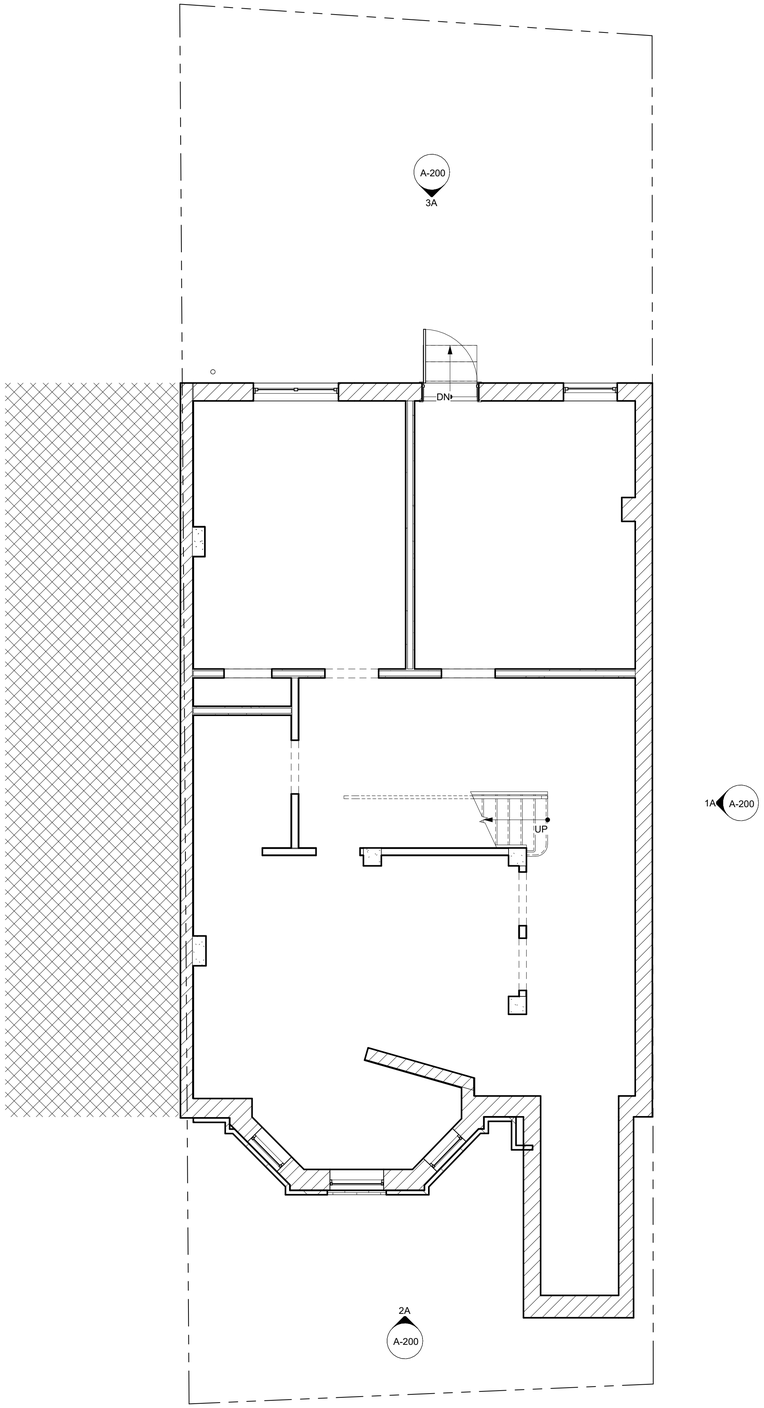
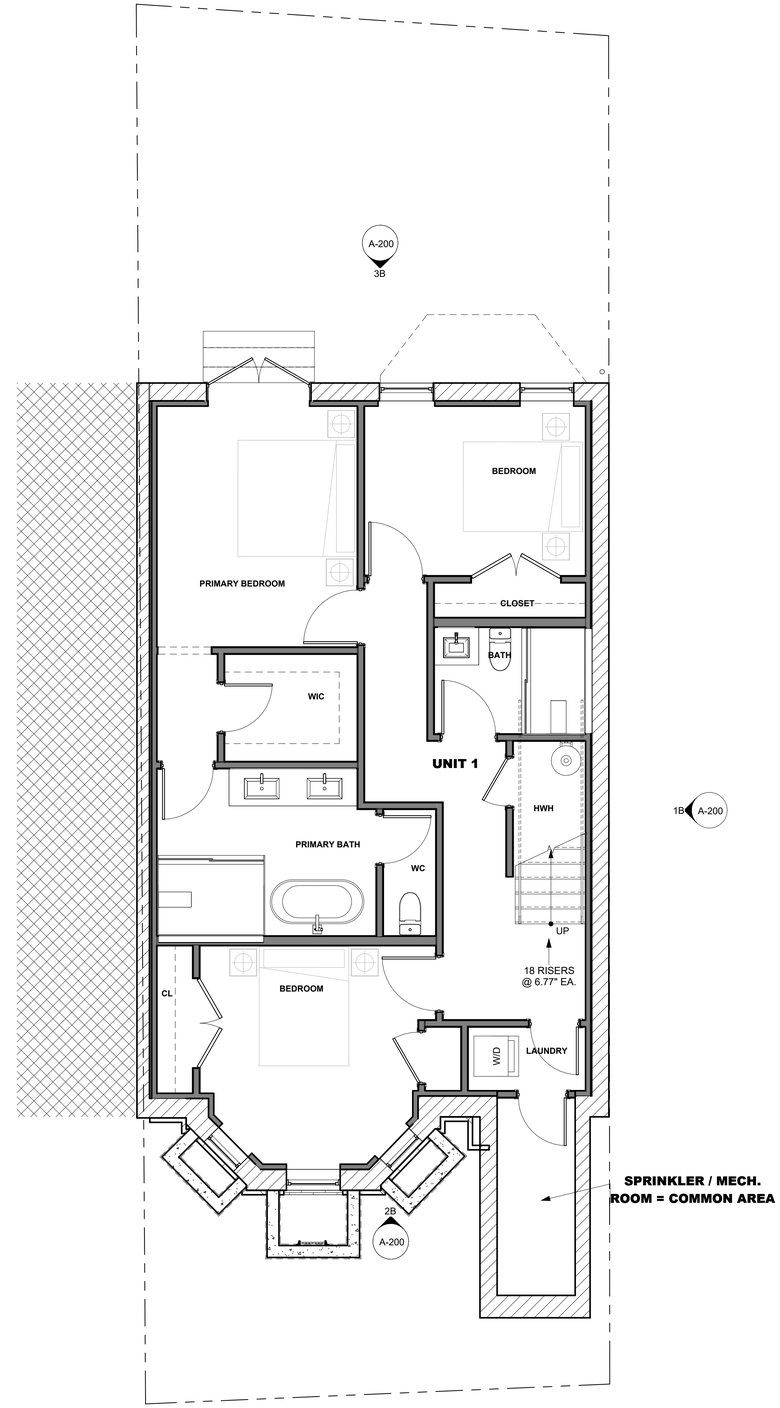


1 EXISTING LOWER LEVEL PLAN
1/4" = 1'-0"



2 PROPOSED LOWER LEVEL PLAN
1/4" = 1'-0"

NOTE: NO CHANGE TO BUILDING HEIGHT OR AREA

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Date 05.21.2026

Revisions

01	PLAN REVIEW

EXISTING AND PROPOSED LOWER LEVEL PLAN

A-100

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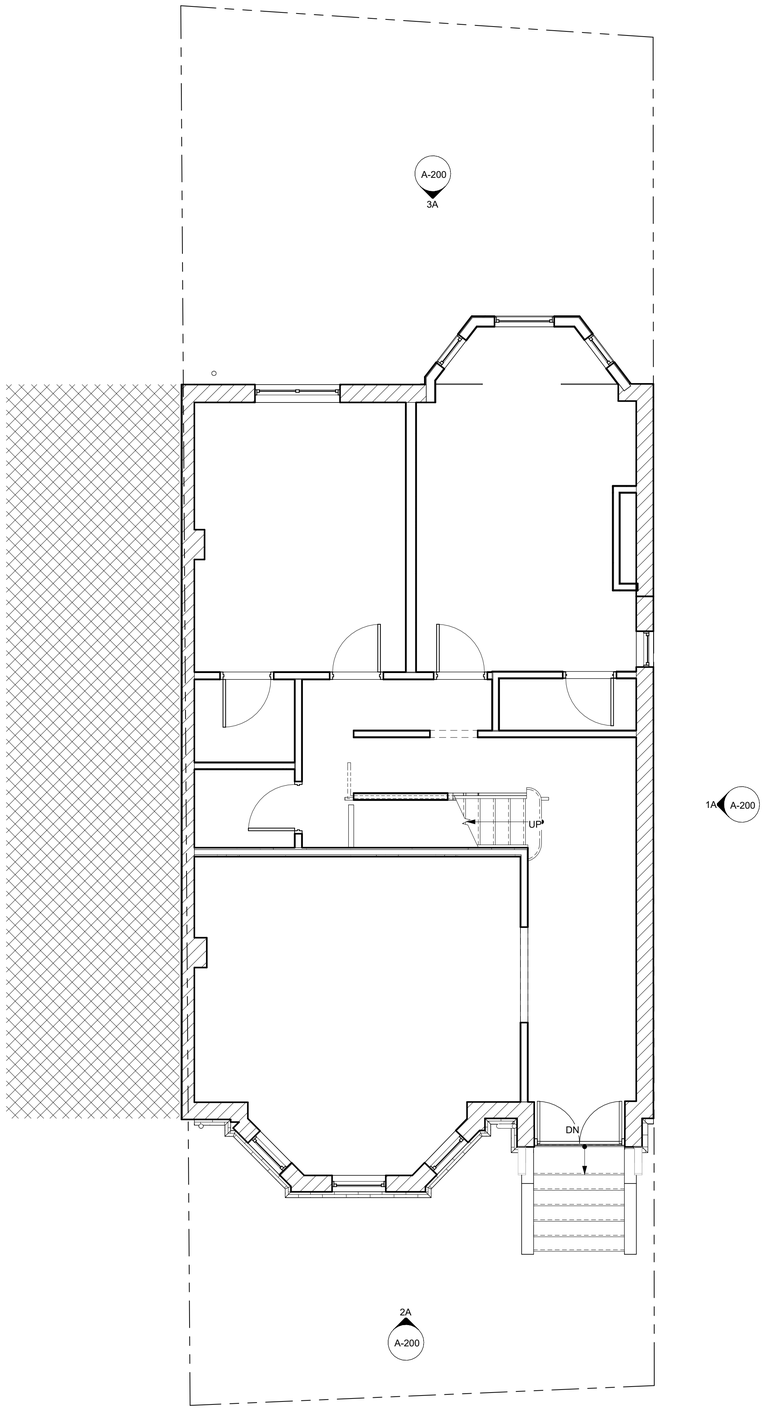

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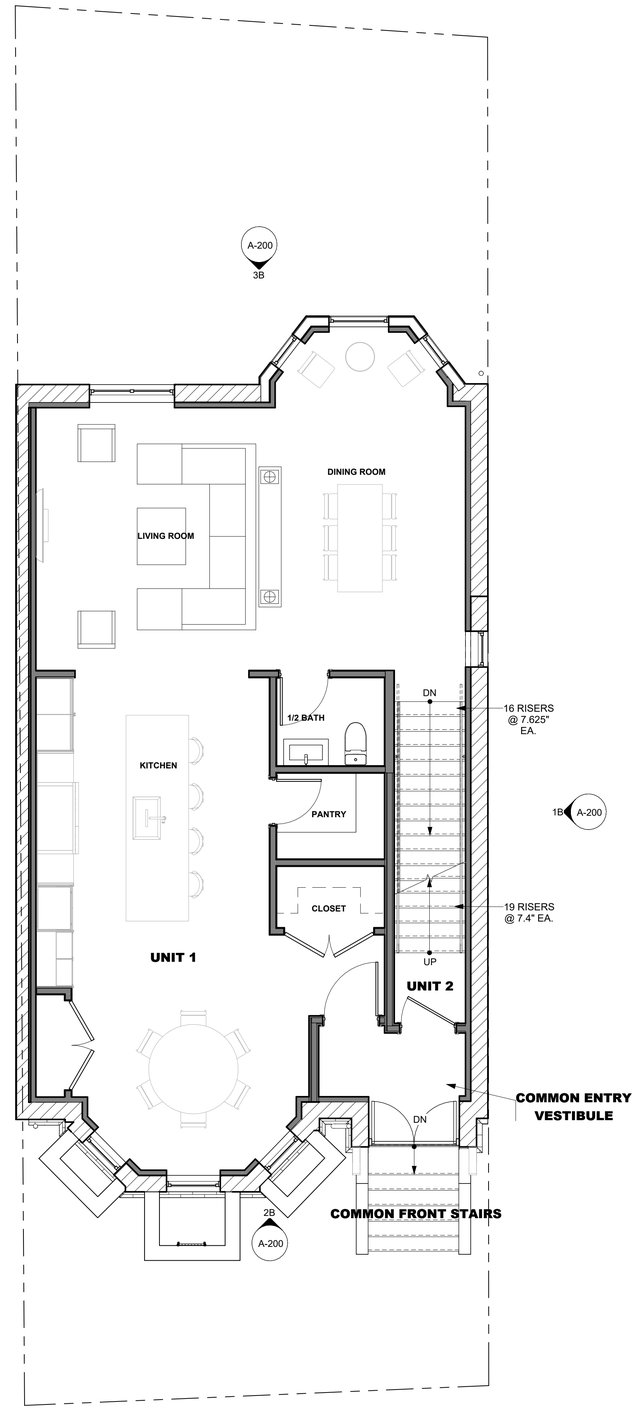

2 PROPOSED FIRST FLOOR PLAN
1/4" = 1'-0"

NOTE: NO CHANGE TO BUILDING HEIGHT OR AREA

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Drawn by NA **Ckd by** SAS

Date 05.21.2026

Revisions

01	PLAN REVIEW

EXISTING AND PROPOSED FIRST FLOOR PLAN

A-101

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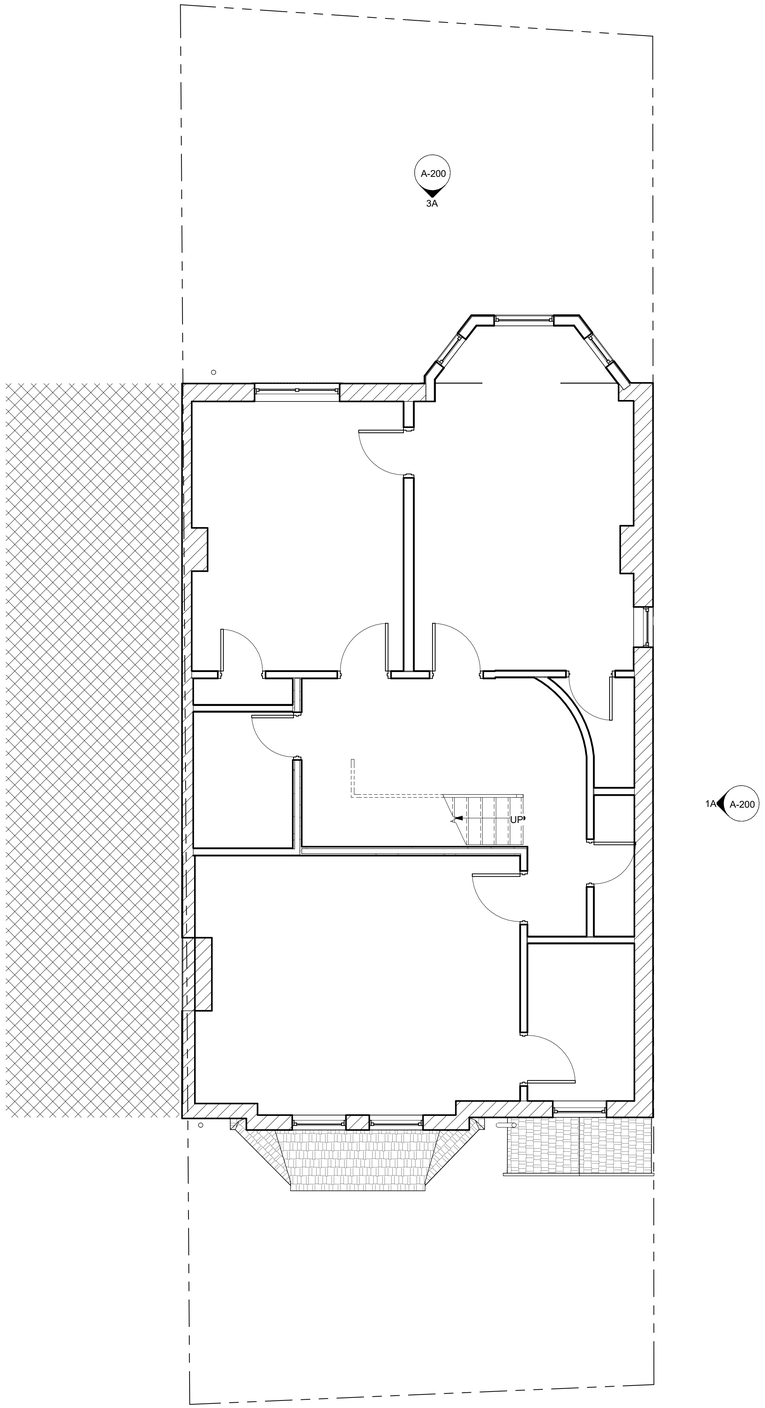
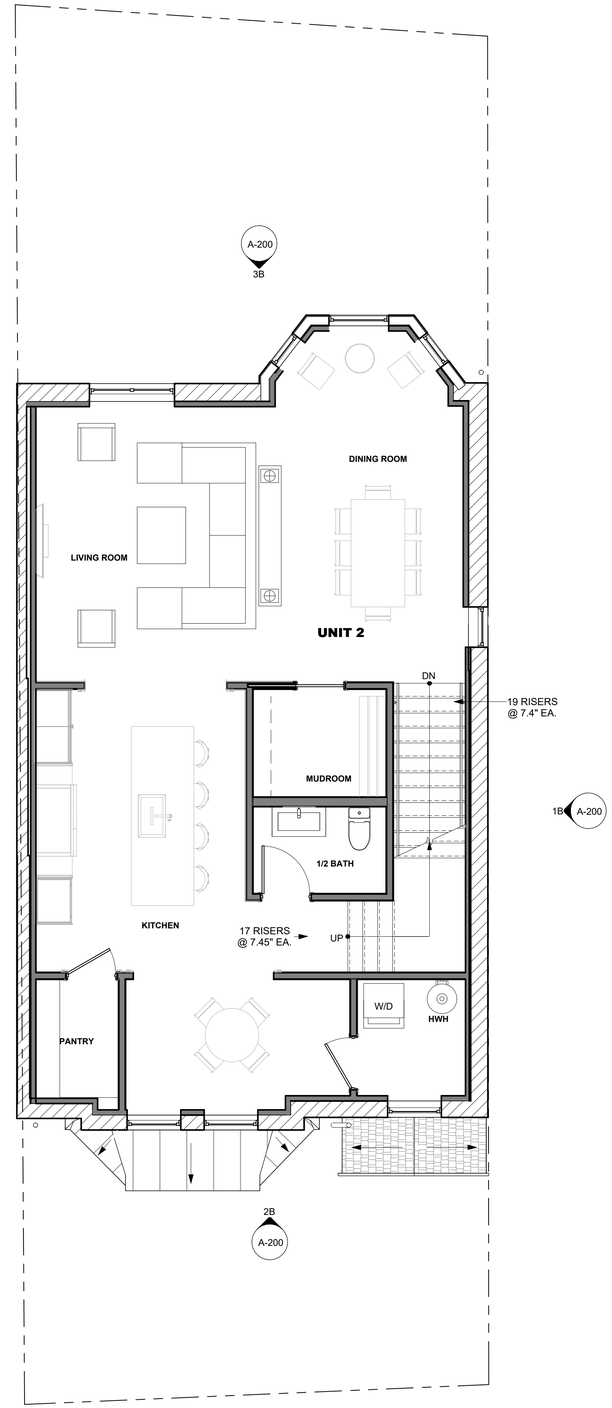


1 EXISTING SECOND FLOOR PLAN
1/4" = 1'-0"



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

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REGISTERED ARCHITECT
STEPHEN A. SOUSA
No. 9803
Cambridge
Mass.
COMMONWEALTH OF MASSACHUSETTS

Job # 202544

Drawn by NA **Ckd by** SAS

Date 05.21.2026

Revisions

01	PLAN REVIEW

EXISTING AND PROPOSED SECOND FLOOR PLAN

A-102

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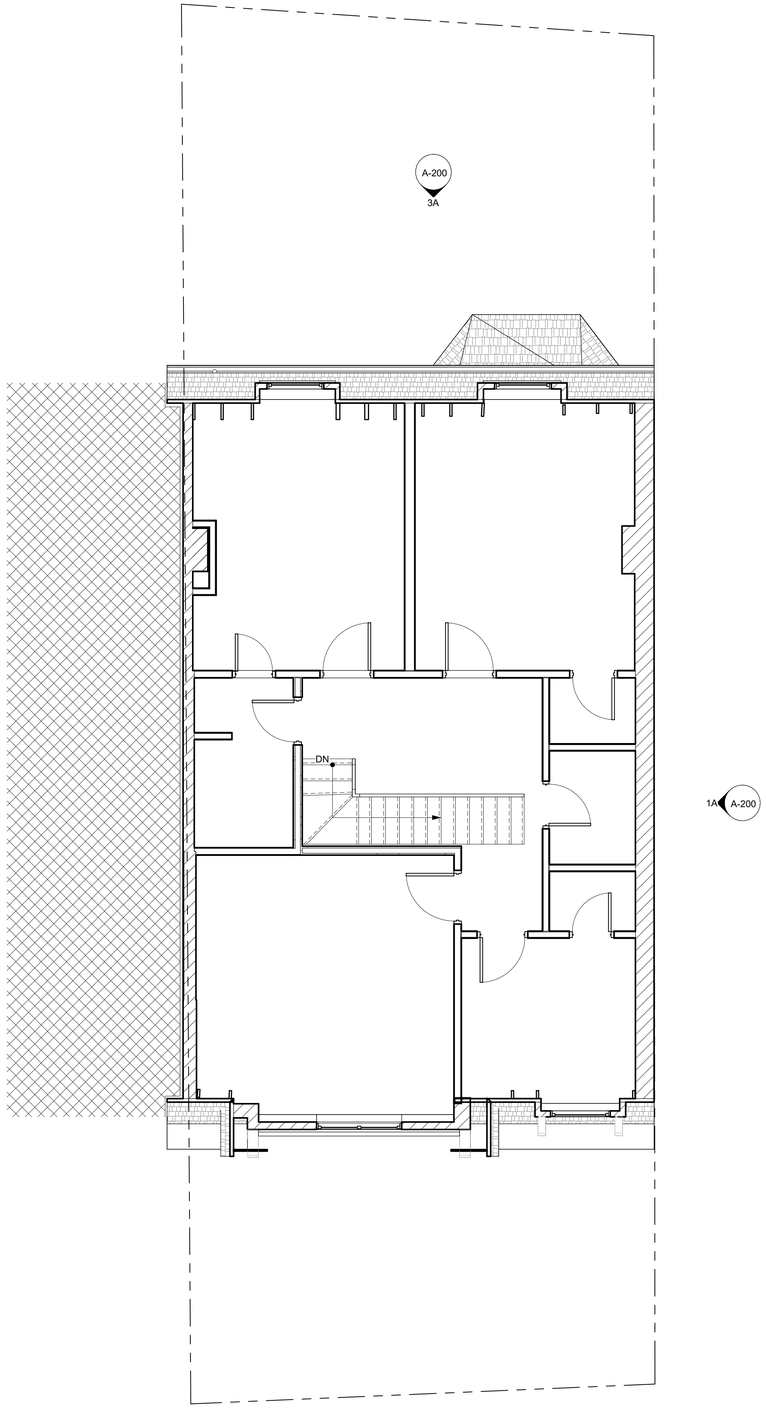

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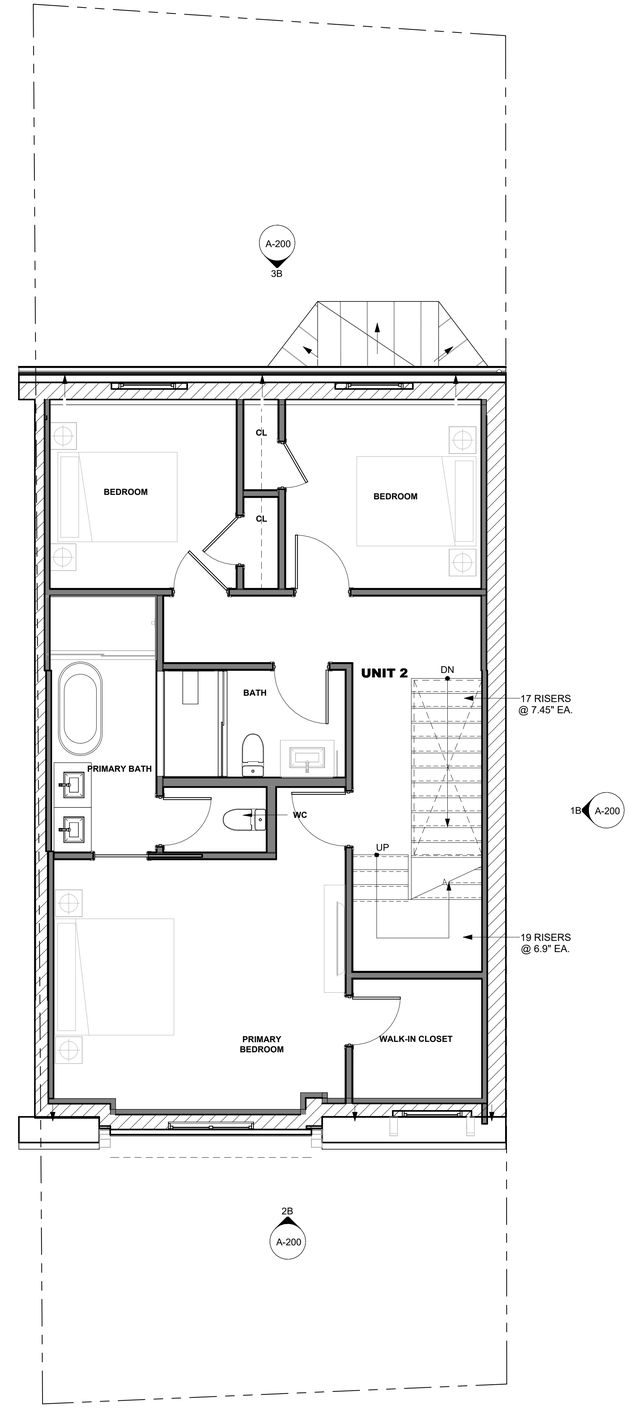

2 PROPOSED THIRD FLOOR PLAN
1/4" = 1'-0"

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Revisions

01	PLAN REVIEW

EXISTING AND PROPOSED THIRD FLOOR PLAN

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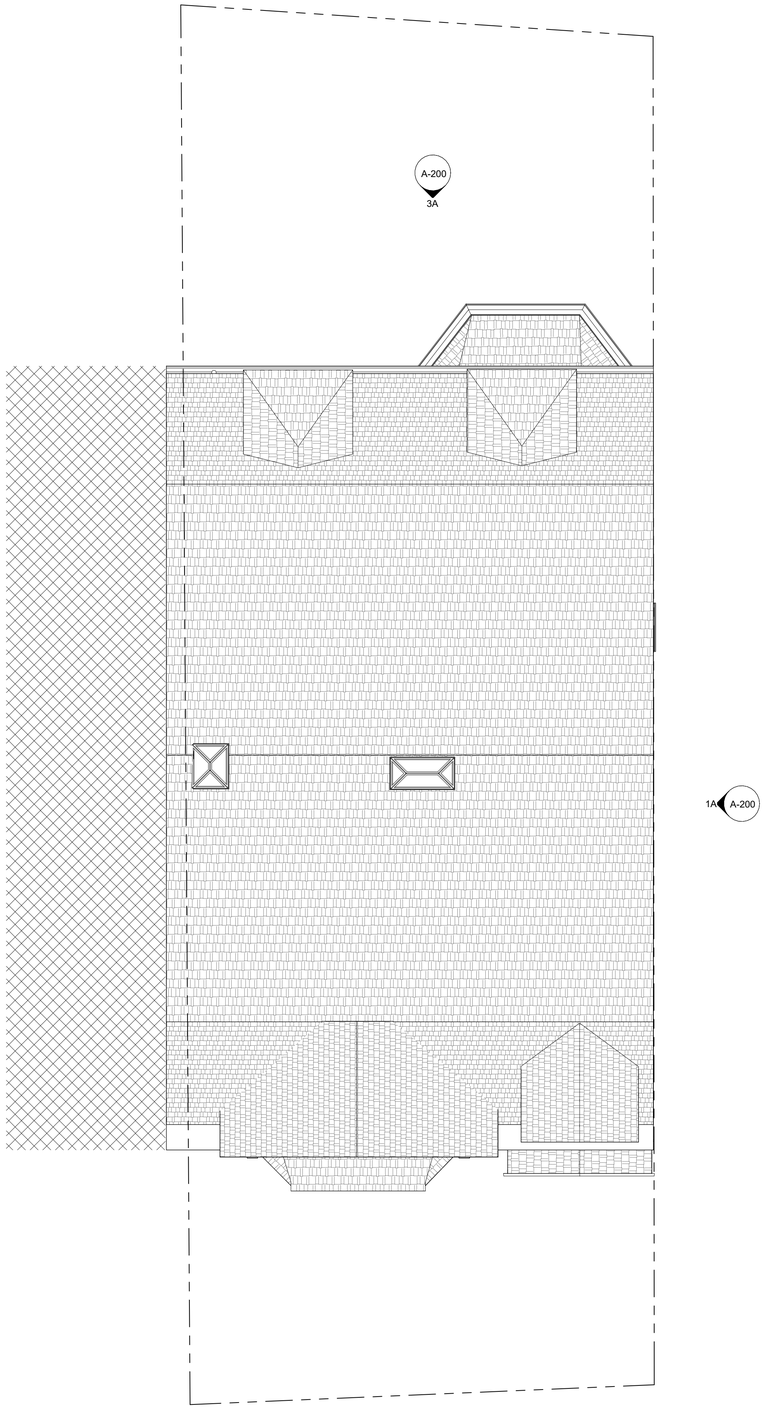

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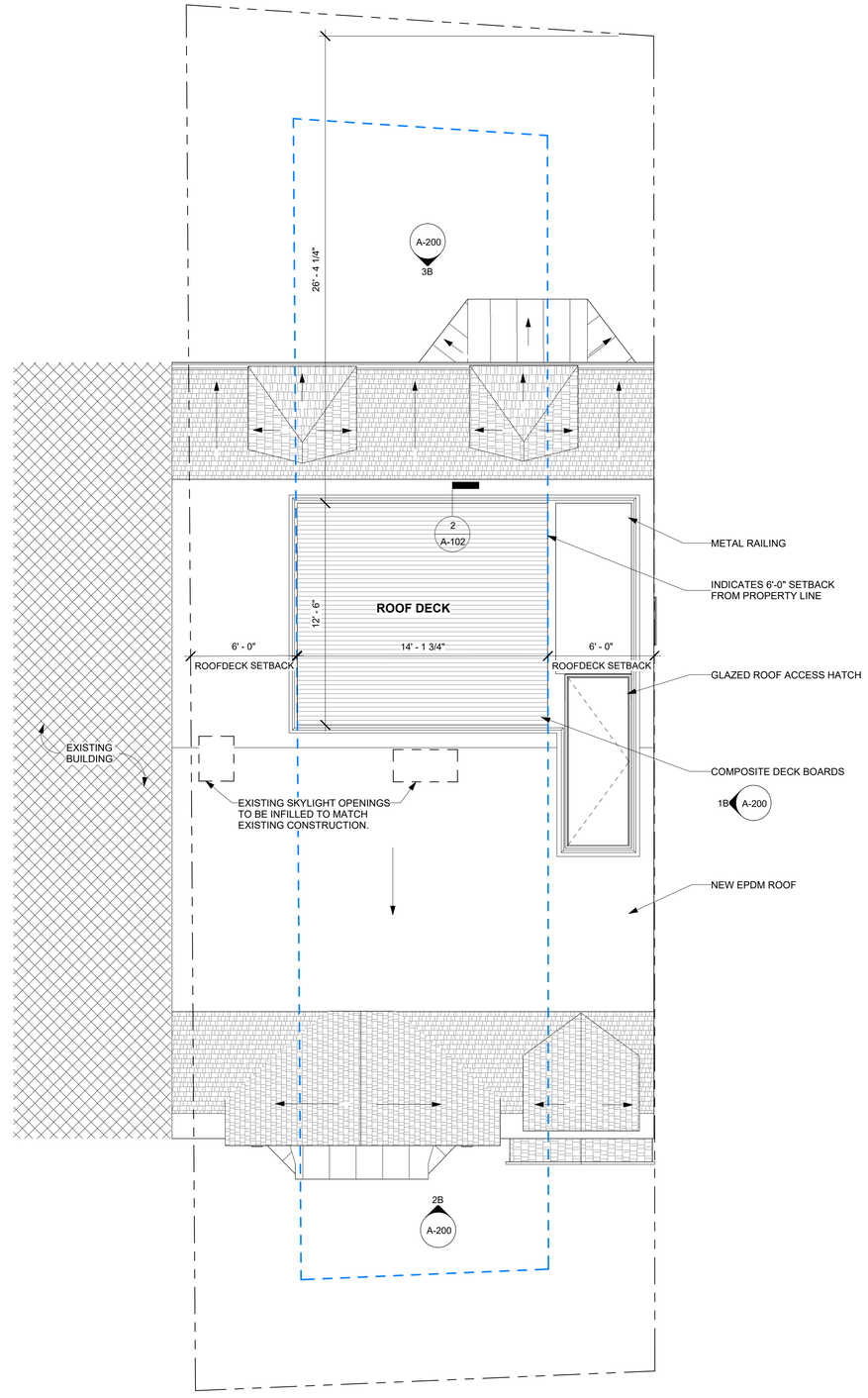

2 PROPOSED ROOF PLAN
1/4" = 1'-0"

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ISSUED FOR:
ZONING SUBMISSION

SOUSAdesign
Architects

81 Boylston St., 2nd Floor
Brookline, MA 02445
617 . 879 . 9100
www.sousadesign.com

Job # 202544

Drawn by NA **Ckd by** SAS

Date 05.21.2026

Revisions

01	PLAN REVIEW

EXISTING AND PROPOSED ROOF PLAN

A-104

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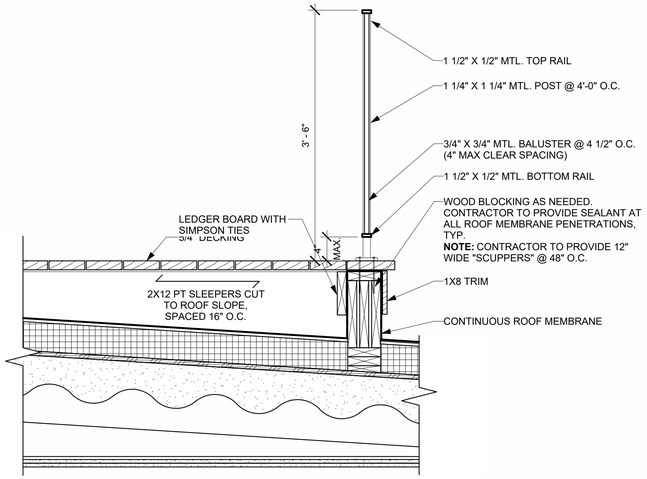
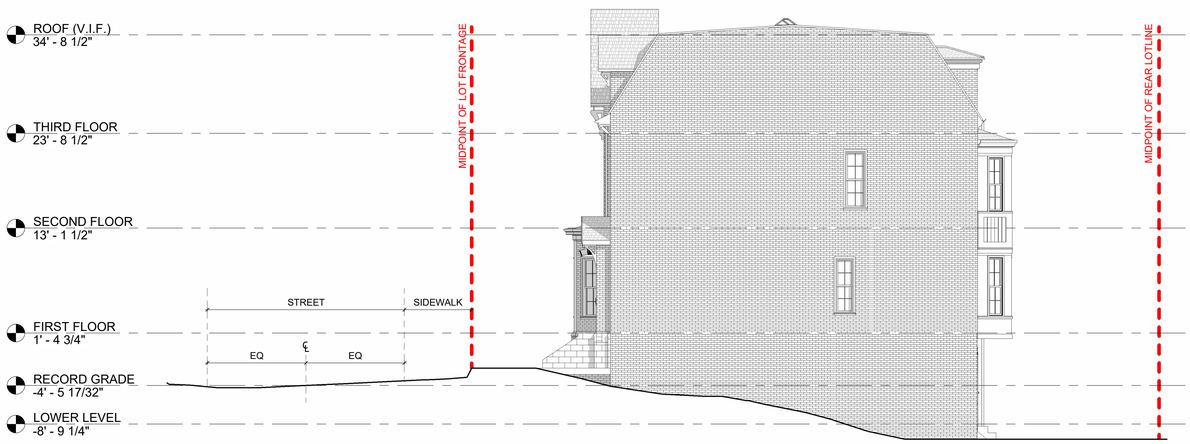


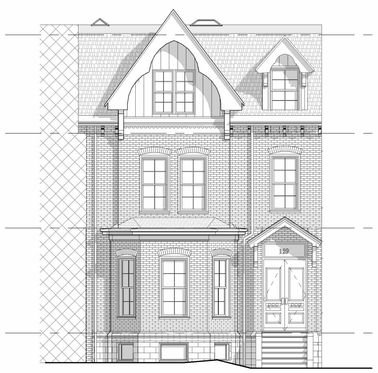
1 SECT. DET. @ ROOF DECK AND RAILING
1" = 1'-0"

NOTE: NO CHANGE TO BUILDING HEIGHT OR AREA

ZONING SUMMARY (ZONE T-5: TWO-FAMILY & ATTACHED SINGLE-FAMILY)				
	ALLOWABLE	EXISTING	PROPOSED	CONFORMING?
LOT SIZE	5,000 SF MIN.	2,006 SF	2,006 SF	EXISTING NON-CONFORMANCE
LOT WIDTH	45'-0" MIN.	26'-4 3/4"	26'-4 3/4"	EXISTING NON-CONFORMANCE
BUILDING HEIGHT	35'-0" MAX.	39'-2"	39'-2"	EXISTING NON-CONFORMANCE
FLOOR AREA RATIO (F.A.R.)	1.0 MAX.	2.21	2.21	EXISTING NON-CONFORMANCE
FRONT SETBACK	15'-0" MIN.	10'-8"	10'-8"	EXISTING NON-CONFORMANCE
SIDE SETBACK	10'-0" MIN.	0'-0"	0'-0"	EXISTING NON-CONFORMANCE
REAR SETBACK	30'-0" MIN.	16'-6"	16'-6"	EXISTING NON-CONFORMANCE
LANDSCAPE OPEN SPACE	10% OF GFA* (445 SF)	4.6% (205 SF)	4.6% (205 SF)	EXISTING NON-CONFORMANCE
USABLE OPEN SPACE	30% OF GFA* (1,334 SF)	12% (534 SF)	12% (534 SF)	EXISTING NON-CONFORMANCE

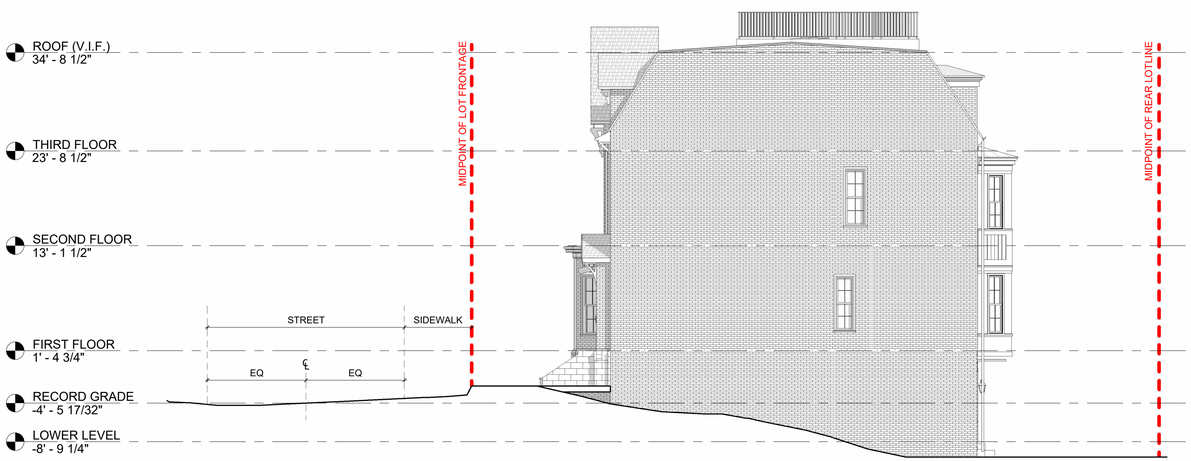


1A EXISTING EAST ELEVATION
1/8" = 1'-0"

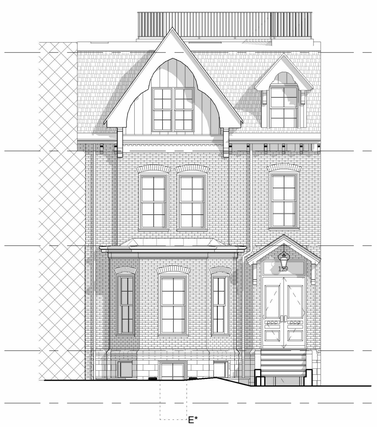


2A EXISTING FRONT ELEVATION
1/8" = 1'-0"

3A EXISTING REAR ELEVATION
1/8" = 1'-0"



1B PROPOSED EAST ELEVATION
1/8" = 1'-0"



2B PROPOSED FRONT ELEVATION
1/8" = 1'-0"

3B PROPOSED REAR ELEVATION
1/8" = 1'-0"

129 WALNUT STREET CONDOMINIUMS

129 WALNUT STREET
BROOKLINE, MA 02445

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ISSUED FOR:
ZONING SUBMISSION

SOUSAdesign
Architects

81 Boylston St., 2nd Floor
Brookline, MA 02445
617 . 879 . 9100
www.sousadesign.com

REGISTERED ARCHITECT
STEPHEN A. SOUSA
No. 9863
CAMBRIDGE
Mass.
COMMONWEALTH OF MASSACHUSETTS

Job # 202544

Drawn by NA **Ckd by** SAS

Date 05.21.2026

Revisions

01	PLAN REVIEW

ELEVATIONS

A-200

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Contractor to verify all information and dimensions in the field prior to start of construction and is to notify SOUSA design Architects of any discrepancies.

T O W N o f B R O O K L I N E
Massachusetts
BUILDING DEPARTMENT

Daniel Bennett
Building Commissioner

Monday, June 8, 2026

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

Subject: 129 WALNUT STREET, BROOKLINE, MA 02445

Dear Robert L. Allen, Jr.,

Your request to:

Convert existing singe-family dwelling to two-family dwelling and construct a roof deck.

at 129 WALNUT STREET, BROOKLINE, MA 02445 is denied .

The subject premises is located in a(n) T-5 TWO-FAMILY & ATTACHED SINGLE-FAMILY District.

The site plan prepared by JOHN L. MCDONAGH, PLS, dated August 18, 2025 and architectural plans prepared by Nicholas STEPHEN A. SOUSA, RA, dated May 21, 2026 do not conform to the following requirements of the Town of Brookline Zoning By-Law:

§5.09 - DESIGN REVIEW

§5.10 - MINIMUM LOT SIZE

§5.13 - LOT WIDTH

§5.30 - MAXIMUM HEIGHT OF BUILDINGS

§5.43 - EXCEPTIONS TO YARD AND SETBACK REGULATIONS

§5.50 - FRONT YARD REQUIREMENTS

§5.60 - SIDE YARD REQUIREMENTS

§5.70 - REAR YARD REQUIREMENTS

§5.90 - MINIMUM LANDSCAPED OPEN SPACE

§5.91 - MINIMUM USABLE OPEN SPACE

§6.02.1.B – GENERAL REGULATIONS APPLYING TO REQUIRED OFF-STREET PARKING FACILITIES

§6.02.2.H – OFF-STREET PARKING SPACE REGULATIONS

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.

333 Washington Street, Brookline, Massachusetts 02445 Tel: (617) 730-2100 Fax: (617) 739-7542 www.brooklinema.gov

Respectfully,

Paul Campbell

Paul Campbell
Deputy Building Commissioner
617-730-2104

BROOKLINE
PLANNING & COMMUNITY DEVELOPMENT

Planning Board

Matt Hyatt, Chair
Andrea Brue, Clerk
Linda K. Hamlin
Steven A. Heikin
Blair Hines
Thomas Renkes
Mark J. Zarrillo

To: Brookline Board of Appeals

From: Brookline Planning Board

Date: July 9, 2026

Subject: Conversion of a single-family to a two-family dwelling and construct a roof deck

Location: 129 Walnut Street

Atlas Sheet: 74	Case #: 2026-000026
Block: 318	Zoning: T-5
Lot: 53	Lot Area (s.f.): 2,017

Board of Appeals Hearing: July 30, 2026, 7:00 p.m. or after

BACKGROUND

This property is located in the Pill Hill Local Historic District. The Preservation Commission staff several years ago identified demolition by neglect at this site due to disrepair of the building, which allowed damage to the interior by animals and weather. Violation notices date back to 2009. After unsuccessfully working with the property owner to address these issues, the property was finally sold and brought into compliance by the new owner. A Certificate of Appropriateness was issued by the Preservation Commission on 4/2/26 for the applicant's proposal.

SITE AND BACKGROUND

This building is part of a block of brick rowhouses at 129-137 Walnut Street built on the street in the decade after the Civil War. This group of three houses are examples of the type of picturesque design with decorative woodwork popular in Europe and derived from medieval or Gothic Revival design motifs. The buildings behind the rowhouses front on the inbound side of Boylston Street, and the property is not far from Brookline Village.

APPLICANT'S PROPOSAL

The applicant is proposing to convert this single-family to a two- family and construct a roof deck. The zoning relief needed is for the side yard setback for the dwelling, because the side yard setback requirement increases by 2.5' for a two family, as compared to a one-family. Also the roof deck does not meet the 10' side yard setback requirement. A waiver by special permit would also be required for an additional parking space for the extra dwelling unit.

FINDINGS

§5.09 - DESIGN REVIEW – Although the lot is on Walnut Street, the property is within 100' of Boylston Street and therefore requires a special permit for design review.

The changes to the exterior approved by the Preservation Commission include:

- Installation of a light fixture at front entryway
- Replacing windows at rear with aluminum clad windows to match existing fenestration pattern: elsewhere rear windows approved for restoration
- Adding basement level rear door
- Reconstructing rear bay to recreate historic detailing using jointed wood, not MDO panels
- Installing window wells: CIP with bluestone cap to be flush with final grade
- Installing new wood single glazed double hung windows in front window well
- Constructing a rooftop deck set back and having a metal safety railing.

§5.10 - MINIMUM LOT SIZE
§5.13 - LOT WIDTH
§5.30 - MAXIMUM HEIGHT OF BUILDINGS
§5.43 - EXCEPTIONS TO YARD AND SETBACK REGULATIONS
§5.50 - FRONT YARD REQUIREMENTS
§5.60 - SIDE YARD REQUIREMENTS
§5.70 - REAR YARD REQUIREMENTS
§5.90 - MINIMUM LANDSCAPED OPEN SPACE
§5.91 - MINIMUM USABLE OPEN SPACE
§6.02.1.B – REQUIRED OFF-STREET PARKING FACILITIES
§6.02.2.H – OFF-STREET PARKING SPACE REGULATIONS

ANY OTHER RELIEF THE BOARD MAY FIND NECESSARY

	Requirement	Existing	Proposed	Finding
Front Yard Setback	15 feet	10.75 feet	10.75 feet	Pre-existing non-conforming
Side Yard Setback	10 feet	0 feet	0 feet	Special Permit[1]
Side Yard Setback (roof deck)	10 feet	NA	6'	Special Permit[1]
Rear Yard Setback	30 feet	16.5 feet	16.5 feet	Pre-existing non-conforming
Usable Open Space	10 %	0%	8%	Pre-existing non-conforming
Off-Street Parking	1 addtl.	0	0	Special Permit[2]

[1] Under **Section 5.43**, the ZBA may waive dimensional requirements by Special Permit provided that counterbalancing amenities are provided. The historic renovations may serve as a counterbalancing amenity.

[2]Under **Section 6.02.1.b 'Off-Street Parking Space Regulations'**, the ZBA may reduce or eliminate parking space requirements by Special Permit for creation of additional dwelling units.

PLANNING STAFF COMMENTS

This proposal takes a derelict property and returns it to functional use for not one, but two dwelling units, and restores its historic value. The Preservation Commission has approved the exterior renovations proposed by the new owner and will ensure that all work is done according

to the approved plans. Most of the zoning relief required is due to the preexisting non-conforming nature of this undersized lot for the zoning district in which it is located. The floor area of the building is remaining the same so the landscaped and open space requirements are pre-existing, non-conforming.

PLANNING BOARD RECOMMENDATION

The Planning Board is very pleased that the new owner has corrected all the prior violations cited by the Preservation Commission and is very supportive of the conversion of this single-family to a two-family, thus providing an additional dwelling unit in this two-family zoned district. The Board has no objection to the roof deck nor to the parking relief that is required since there is no parking possible on this lot, and the property is not far from the Brookline Village MBTA rapid transit stop.

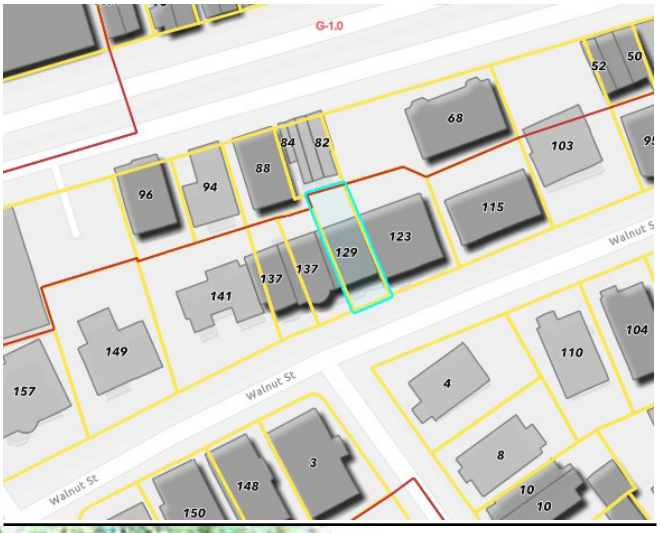
Therefore, the Planning Board voted to recommend approval of the site plan prepared by JOHN L. MCDONAGH, PLS, dated August 18, 2025, and architectural plans prepared by Nicholas STEPHEN A. SOUSA, RA, dated May 21, 2026, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final plans and elevations prepared by a registered architect and a final site plan prepared by a registered engineer or land surveyor, subject to the review and approval of the Senior Preservation Commission Planner and Director of Regulatory Planning.

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; 2) final floor plans and building elevations stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

PSS

MAP & CONTEXT


G-1.0
52
50
68
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137
137
141
149
157
Walnut St
Walnut St
Walnut St
104
110
4
8
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148
150

BROOKLINE PRESERVATION COMMISSION
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DAVID KING, Vice-chair
DAVID JACK
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ELTON ELPERIN
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BRUCE EHRLICH, Alternate
JEAN WOY, Alternate

Rebecca Moroski, Senior Preservation Planner
Meri Beth Slaughter, Preservation Planner

TOWN OF BROOKLINE

Massachusetts

CERTIFICATE OF APPROPRIATENESS
Revised

To: **Nathan Peck**
116 Harvard Street
Brookline, MA 02446

The Brookline Preservation Commission hereby certifies, pursuant to the M.G.L. Chapt. 40C (Historic District Act) and Article 5.6 of the By-laws of the Town of Brookline (Preservation Commission and Historic Districts By-law), that the construction described below is not incongruous with the historic aspects or the architectural characteristics of the Pill Hill Local Historic District:

Property location: **129 Walnut Street**

- Install light fixture at front entryway
- Replace windows at rear to match existing fenestration pattern: rear windows approved for aluminum clad; windows elsewhere to be restored
- Add door at rear on the basement level
- Reconstruct rear bay to match and recreate historic detailing – alternate material approved with the exception to not use MDO panel and instead use jointed wood
- Install window wells: CIP with bluestone cap to be flush with final grade
- Install new windows in front window well: wood single glazed double hung
- Construct a rooftop deck to be set back according to plans and have a metal safety railing.

All improvements shall be carried out as shown on the plans and specifications received and approved by the Preservation Commission.

Note: A building or mechanical permit must still be obtained from the Building Department.

Date
4/2/2026

Elizabeth Armstrong,
Chair of the Commission

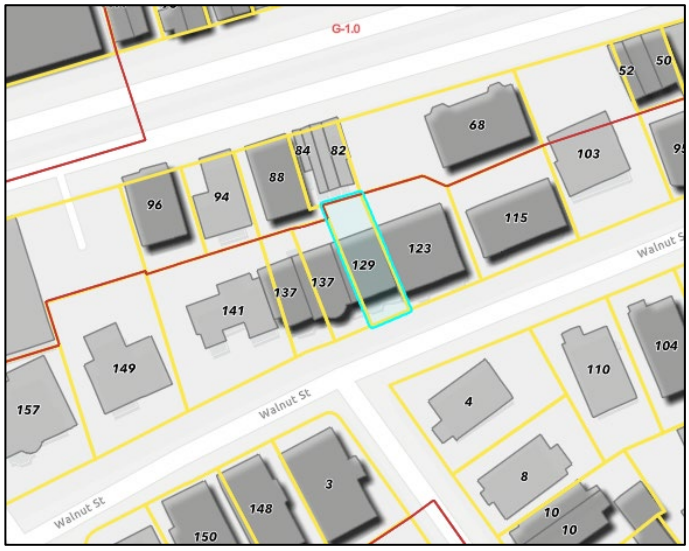
Town Hall 333 Washington Street Brookline, MA 02445 Tel (617) 730-2089 Fax (617) 730-2442

cc: Building Department
Town Clerk
Applicant
Neighborhood Association

Application # HDC-25-000048

Brookline Preservation Commission
Local Historic District Report

Address: 129 Walnut Street
District: Pill Hill LHD
Applicant: Kaplan Construction
Date Built: 1877
Architect: Unknown
Builder: Walter Warren



Statement of Significance:

The block of brick rowhouses at 129-137 Walnut Street is one of several small clustered row houses built on the street in the decade after the Civil War. This group of three houses, designed by an unknown architect, are excellent examples of the type of picturesque design with decorative woodwork popular in Europe and derived from medieval or Gothic Revival design motifs. The three houses were built by George Richardson, who lost the properties before they were completed due to financial problems. The contractor, Walter Warren of Worcester, obtained a lien on the property and sold them at auction.

The most unaltered of the three is #129, which may even feature an original paint scheme. By comparing this unit with the others, the alterations, particularly to #133, are evident. At an unknown date, probably without a permit, #133 lost or has had covered its original bay window cornice, gable end vergeboard and board and batten siding with scalloped trim. The house at #137 lost part of its bay window cornice in 1959 and steps rebuilt in 1978.

There are no building permits on record for this address. The only documents in Planning and Building Department records are violation notices and correspondence relating to demolition by neglect, dating back to 2009.

Proposed Alterations:

The Applicant is proposing to complete the following repairs/replacements eligible for a Certificate of Non-applicability:

- Restore wood single pane sash on the front elevation 1st, 2nd & 3rd floors.
- Restore the front doors.
- Repair/restore the slate roofing and replace the rubber roof.
- Replace deteriorated wood trim with new to match or recreate existing.
- Restore front entry stairs
-

The Applicant is requesting a Certificate of Appropriateness for the following changes to the property:

- Install copper gutters and downspouts.
- Install new code compliant rail on front stairs.
- Install a new light fixture at the front entrance.
- Enlarge basement window openings to allow the installation of 1/1 aluminum clad Marvin Ultimate windows.
- Install window wells in front of new egress basement windows.
- Replace the windows at the rear & right elevation with 1/1 aluminum clad Marvin Ultimate windows.
- Rebuild the rear bay window. Reproduce exterior in Acre by Modern Mill.
- Create an additional entrance at the basement level below the bay window.
- Replace the existing rear door.

Applicable Guidelines:

The Preservation Commission's Design Guidelines for Local Historic Districts state that:

- Traditional building materials should be used for existing buildings.
- Replacement wood trim, siding or shingles should replicate the materials, dimensions, detailing and patterns of the original. Artificial and composite siding may not be used except as a replacement in kind.
- Existing historic windows should be restored, not replaced. Historic windows were constructed of wood or steel with single pane glass. Where muntins exist, they are true divided lite. The Commission can supply names of window restoration specialists. The Commission requires the retention or in-kind replacement of historic windows on street facing elevations and side or rear elevations visible from the public way.
- Slate and terra cotta tile roofing should be repaired or replicated in kind, including color, decorative patterns and style. Synthetic slate or tile should not be used.
- Existing doors and door openings, including transoms and sidelights, should be repaired, not replaced.
- Porch and entry steps should be replicated in kind.

Preliminary Findings:

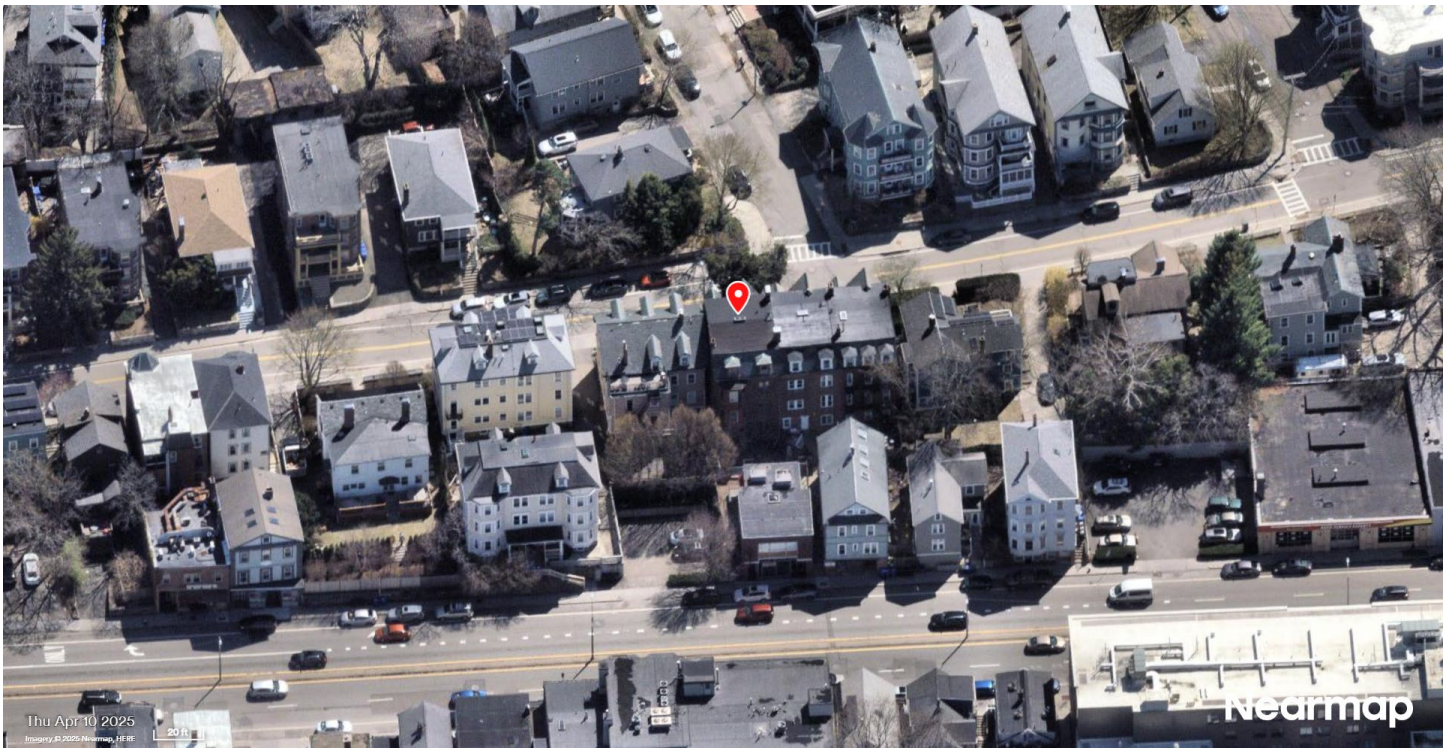
The applicant recently purchased this home in a state of serious disrepair with the intention of restoring it and correcting the Demolition by Neglect violations that the previous owner was unable to address. Full restoration is proposed for the exterior, with minor modifications to the front and rear elevations.
At the front, the existing basement windows are missing and/or damaged beyond repair. The plans propose installing new, enlarged, egress windows in these locations along with window wells. The proposed windows are Marvin Ultimate 1/1 aluminum clad windows. Although the Commission has made exceptions to the guidelines in the past to allow egress windows to be installed on a façade, the visible portions in other cases were

required to remain wood. The Commission may consider the current absence of any windows in these locations in their decision, as it is not clear what the previously existing condition was.

The addition of a code compliant rail and light at the front entrance and copper gutters with downspouts are reasonable requests and may be considered appropriate.

At the rear and right elevations, the replacement of all windows with 1/1 aluminum clad Marvin Ultimate windows with insulated glass does not meet the requirement of the Design Guidelines that historic wood single pane windows be retained. The guidelines do allow exceptions for windows with minimal visibility from the public way; the Commission should consider if these windows may qualify for that exception. Similarly, the cladding and trim details proposed for the rebuilt rear bay window do not comply with the guidelines requirement that wood architectural details remain wood, however, the visibility in this case is also minimal. There will be a new door added at the rear elevation (in the place of the existing left window on the first floor) and the existing rear door will be replaced. Specifications have not yet been provided for these items.

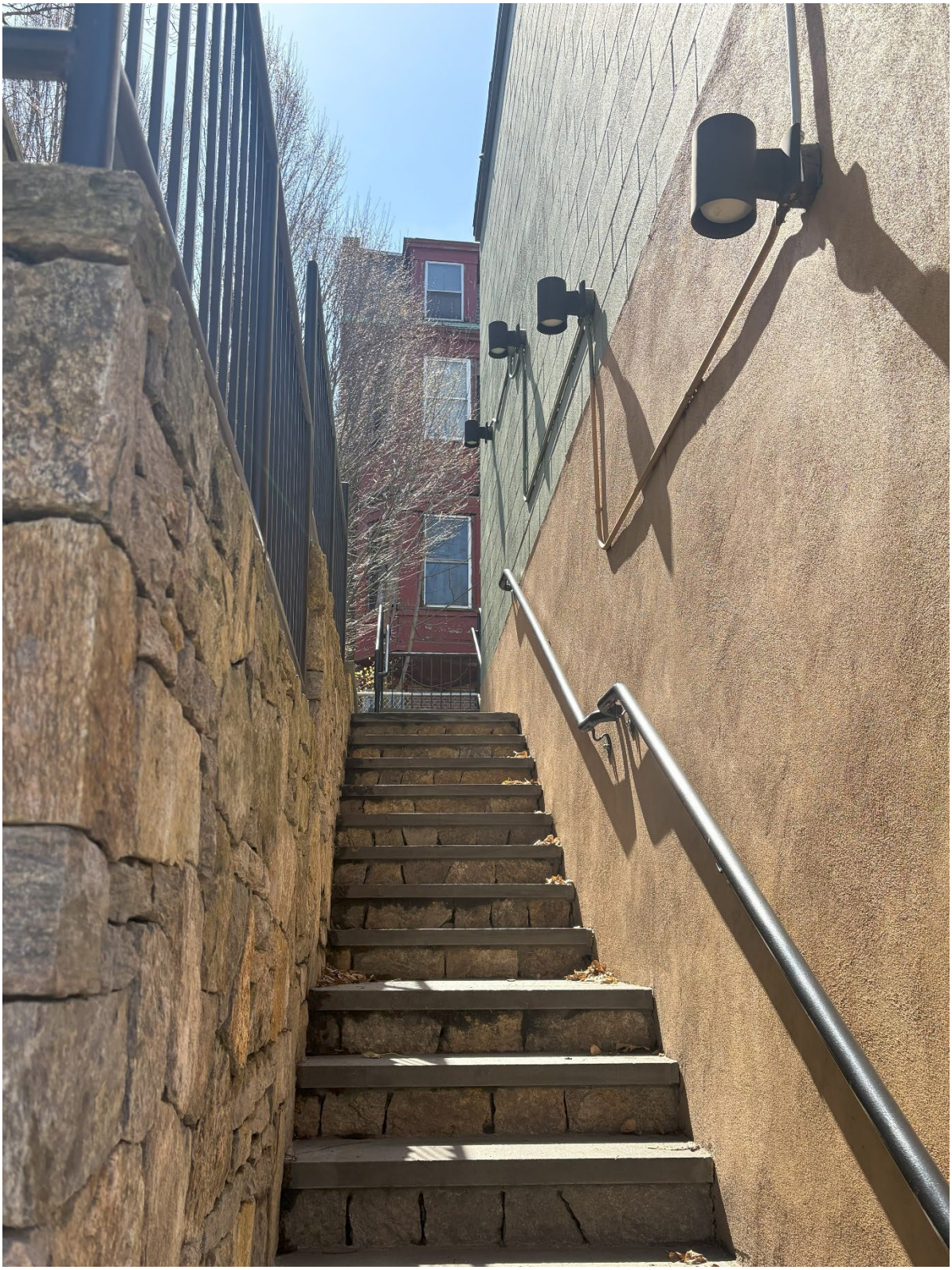
Aerial view of 129 Walnut Street, looking west.



Aerial view of 129 Walnut Street, looking south.

Façade, 129 Walnut Street

Rear visibility from Boylston Street



Additional rear visibility from Boylston Street

129 Walnut Street in 2002

Rear elevation of 129 Walnut Street in 2003 from Boylston Street (top); current street view, summer (bottom)

Proposed cladding/trim material for the rear window bay.

mar-flex WATERPROOFING & BUILDING PRODUCTS

EGRESS WINDOW WELLS

EGRESS WINDOW WELLS AND ACCESSORIES

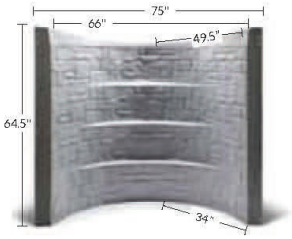
STONEWELLS EGRESS WINDOW WELLS

Stonewells™

Stone textured window wells

Stonewells Egress Window Wells are fitted with a simulated rock texture that looks and feels like real stone at a fraction of the cost. They come in two designer colors to coordinate with other Mar-flex window wells.

Speckled Sandstone Stonewells
WW-44440
75" W x 49.5" Projection x 64.5" H
Inside width 66"
Inside projection at bottom 34"
*Installation hardware kit WW-44180 must be used to validate warranty

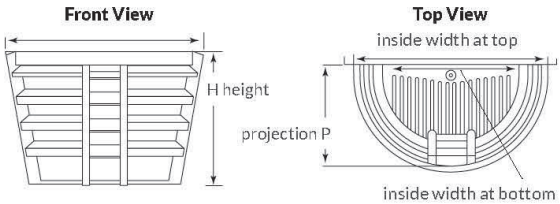


Speckled Granite Stonewells
WW-44430
75" W x 49.5" Projection x 64.5" H
Inside width 66"
Inside projection at bottom 34"
*Installation hardware kit WW-44180 must be used to validate warranty

Stonewells Advantages

- Meets building codes for below-grade living space
- Won't rust or dent like metal
- Comes in two designer colors
- Fine stone texture
- Provides escape with built-in steps
- Lets in more natural light
- Up to 5' window
- One piece unit, no assembly required
- Dual wall design offers high backfill rating
- Enhances your homes value
- Optional Polycarbonate cover eliminates weeds, pests and rainwater
- Maintenance Free

Dimensions Guide



Accessories:

Stonewells Egress Window Well Cover WW-44450
Clear window well cover designed to fit Mar-flex Stonewells Egress Window Wells.

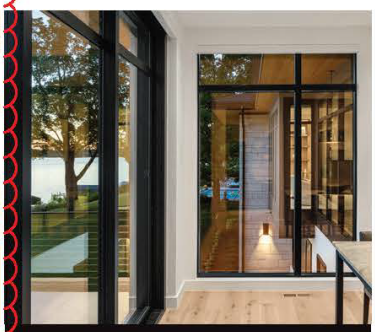
*** Universal Egress Window Well Installation Kit** WW-44180
Hardware needed to install any of the egress window wells. Sold individually.

Proposed window wells to be installed at the front basement windows.

THE MARVIN PORTFOLIO

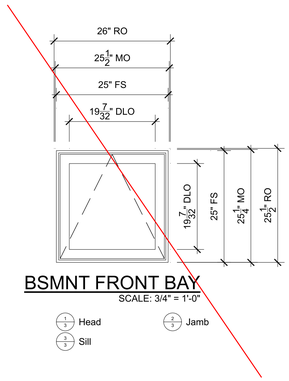
The Marvin portfolio consis
three distinct collections de
and customization opportu

Marvin windows and doors
efficiency, low maintenance,
touch to help bring your visi

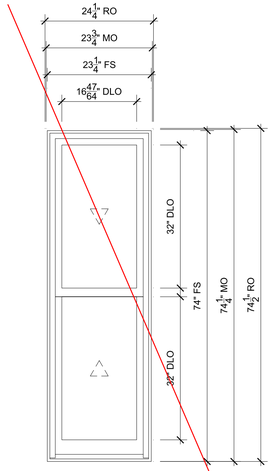


	ULTIMATE Most extensive selection of features, options, and product types	MODERN Design flexibility in a purely modern aesthetic available exclusively at Marvin Modern dealers	COASTLINE Custom windows and doors for high velocity hurricane zones in the coastal Southeast
	MARVIN SIGNATURE® COLLECTION		
INTERIORS	WOOD 6 species options + custom 2 painted or primed options 6 stains + clear coat	EXTRUDED ALUMINUM 5 color options	EXTRUDED ALUMINUM 6 solid colors, 4 woodgrain finishes
EXTERIORS	EXTRUDED ALUMINUM 19 colors + custom OR WOOD 3 species + custom	FIBERGLASS 5 color options	EXTRUDED ALUMINUM 6 solid colors, 4 woodgrain finishes
SIZING	Standard + custom sizing for replacement, remodeling, or new construction	Custom sizing for remodeling or new construction	Custom sizing for replacement, remodeling, or new construction
HARDWARE	Extensive selection including Marvin Gallery Hardware	Minimalist hardware for modern design aesthetic	Available in multiple styles, sizes, and finishes to complement the window + door aesthetics
COASTAL + WATERFRONT	Hurricane Impact Zones 3 and 4, + PG 50 Products		All products rated for High Velocity Hurricane Zone (IZ4)

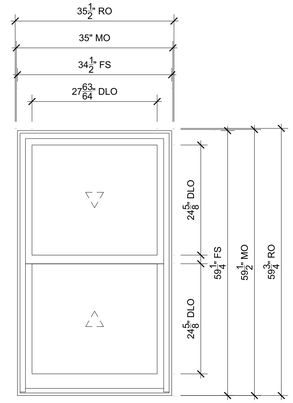
Proposed window type for front basement, right elevation & rear windows



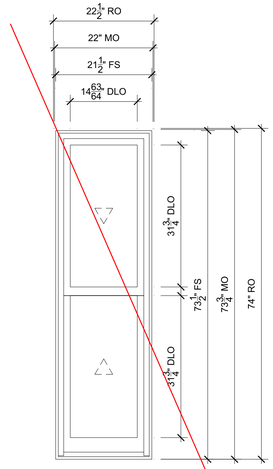
BSMNT FRONT BAY
SCALE: 3/4" = 1'-0"
Head
Jamb
Sill



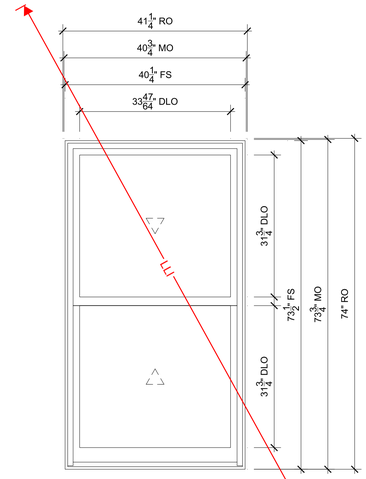
BSMNT REAR WINDOW
SCALE: 3/4" = 1'-0"
Head
Jamb
Sill
Checkrail



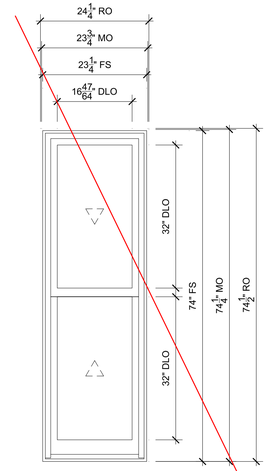
BSMNT REAR WINDOW
SCALE: 3/4" = 1'-0"
Head
Jamb
Sill
Checkrail



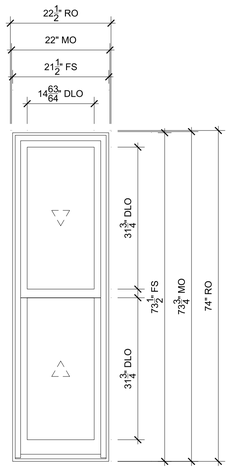
1ST FLR FRONT BAY FLANKERS
SCALE: 3/4" = 1'-0"
Head
Jamb
Sill
Checkrail



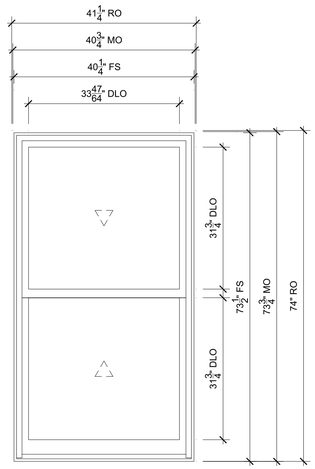
1ST FLR FRONT BAY CENTER
SCALE: 3/4" = 1'-0"
Head
Jamb
Sill
Checkrail



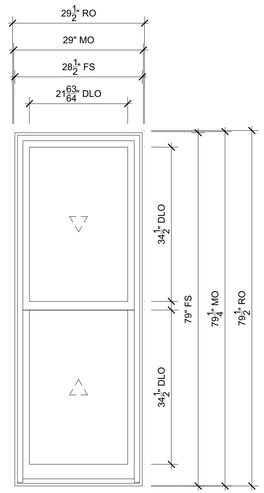
1ST FLR REAR WINDOWS
SCALE: 3/4" = 1'-0"
Head
Jamb
Sill
Checkrail



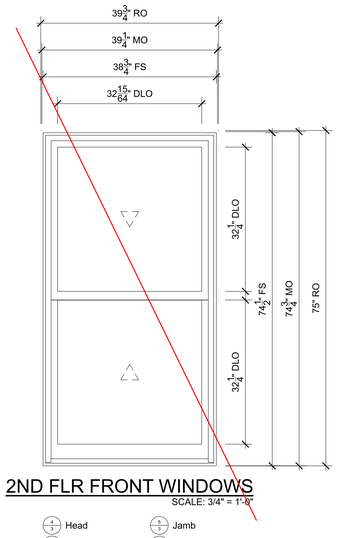
1ST FLR REAR BAY FLANKERS
SCALE: 3/4" = 1'-0"
Head
Jamb
Sill
Checkrail



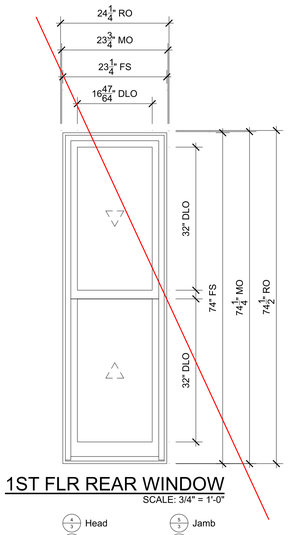
1ST FLR REAR BAY CENTER
SCALE: 3/4" = 1'-0"
Head
Jamb
Sill
Checkrail



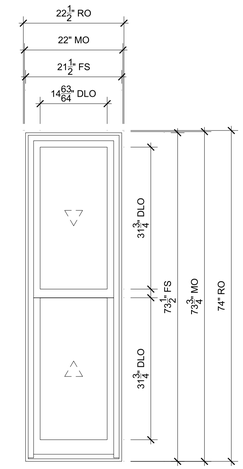
1ST FLR SIDE ALLEY WINDOW
SCALE: 3/4" = 1'-0"
Head
Jamb
Sill
Checkrail



2ND FLR FRONT WINDOWS
SCALE: 3/4" = 1'-0"
Head
Jamb
Sill
Checkrail



1ST FLR REAR WINDOW
SCALE: 3/4" = 1'-0"
Head
Jamb
Sill
Checkrail



2ND FLR REAR BAY FLANKERS
SCALE: 3/4" = 1'-0"
Head
Jamb
Sill
Checkrail

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MARVIN®

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REVISION:

CREATED: 06/23/2025

PROJ/JOB: Kaplan Construction / 129 Walnut St

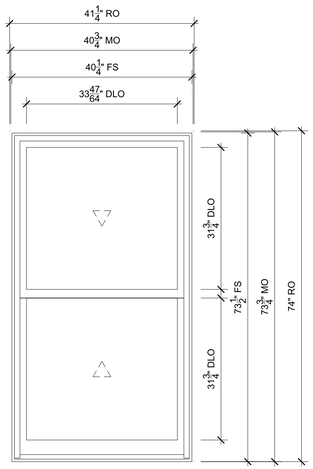
DIST/DEALER: GRAND BANKS BUILDING PRODUCTS

DRAWN: RYAN COTTER

QUOTE#: N3TD2FR

PK VERSION: 0004.15.00

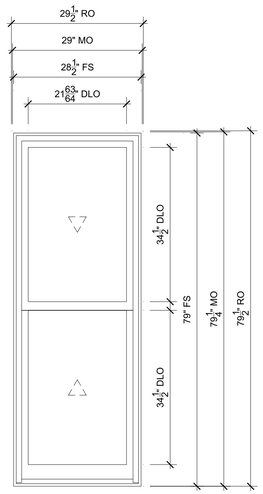
SHEET 1 OF 4



2ND FLR REAR BAY CENTER

SCALE: 3/4" = 1'-0"

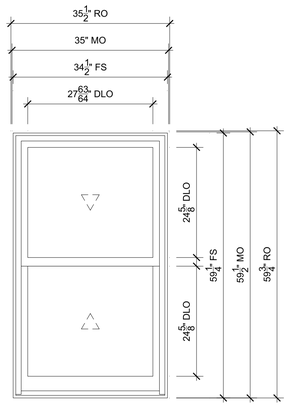
Head
Jamb
Sill
Checkrail



2ND FLR SIDE ALLEY WINDOW

SCALE: 3/4" = 1'-0"

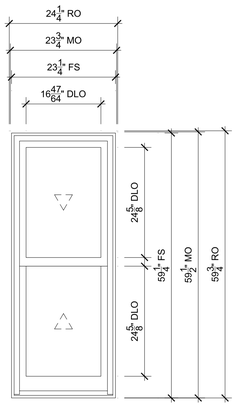
Head
Jamb
Sill
Checkrail



3RD FLR

SCALE: 3/4" = 1'-0"

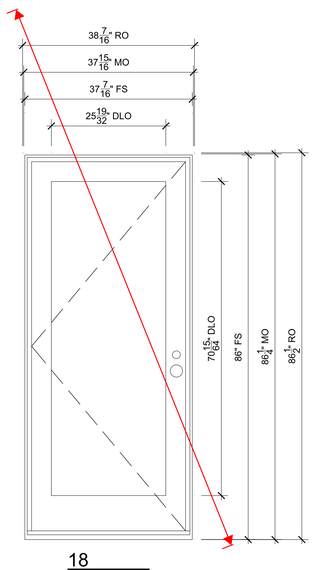
Head
Jamb
Sill
Checkrail



3RD FLR

SCALE: 3/4" = 1'-0"

Head
Jamb
Sill
Checkrail



18

SCALE: 3/4" = 1'-0"

Head
Jamb
Jamb
Sill

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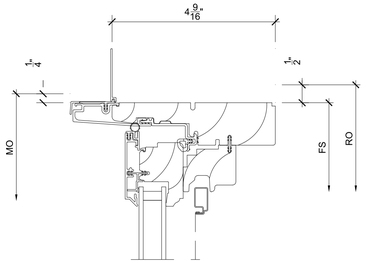
DIST/DEALER: GRAND BANKS BUILDING PRODUCTS

DRAWN: RYAN COTTER

QUOTE#: N3TD2FR

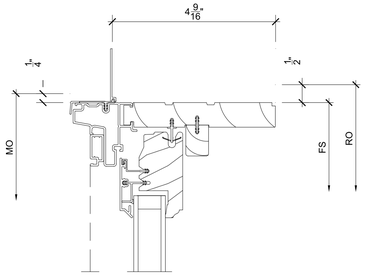
PK VERSION: 0004.15.00

SHEET 2 OF 4



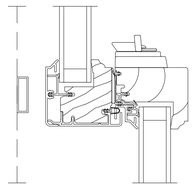
1/3 Head

SCALE: 6" = 1'-0"



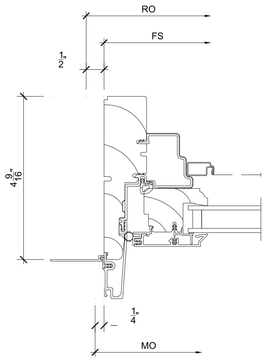
4/3 Head

SCALE: 6" = 1'-0"



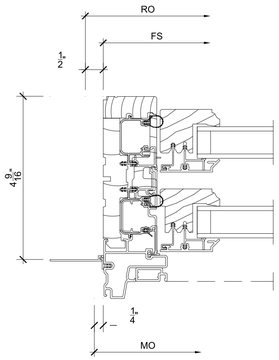
7/3 Checkrail

SCALE: 6" = 1'-0"



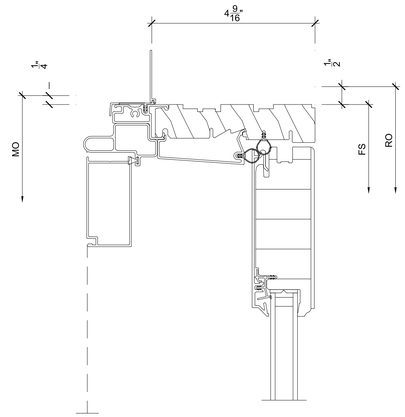
2/3 Jamb

SCALE: 6" = 1'-0"



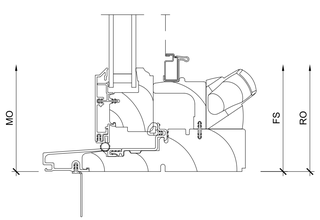
5/3 Jamb

SCALE: 6" = 1'-0"



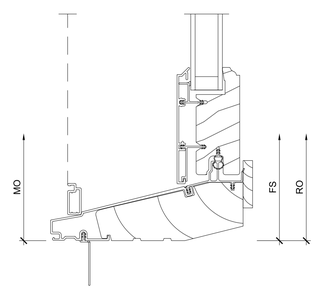
8/3 Head

SCALE: 6" = 1'-0"



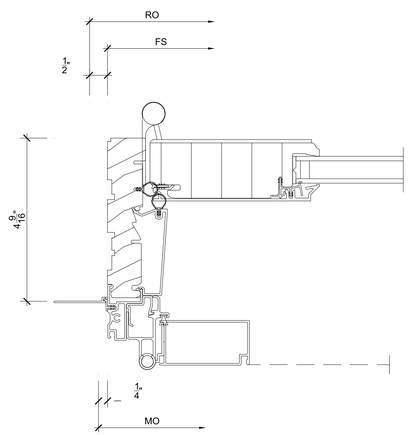
3/3 Sill

SCALE: 6" = 1'-0"



6/3 Sill

SCALE: 6" = 1'-0"



9/3 Jamb

SCALE: 6" = 1'-0"

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DIST/DEALER: GRAND BANKS BUILDING PRODUCTS

DRAWN: RYAN COTTER

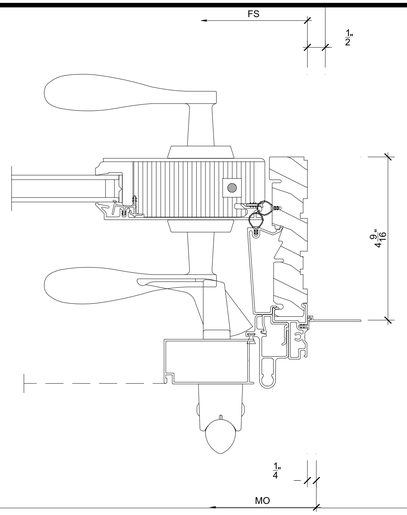
QUOTE#: N3TD2FR

PK VERSION: 0004.15.00

CREATED: 06/23/2025

REVISION:

SHEET 3 OF 4



1/4 Jamb

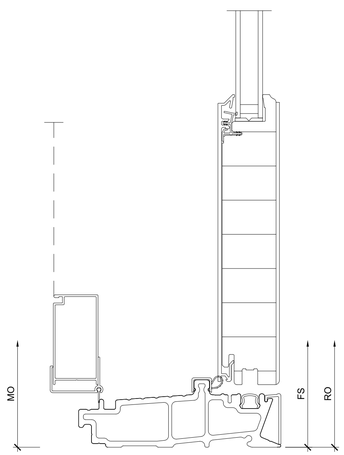
SCALE: 6" = 1'-0"

4/4 NOT USED

SCALE: 6" = 1'-0"

7/4 NOT USED

SCALE: 6" = 1'-0"



2/4 Sill

SCALE: 6" = 1'-0"

5/4 NOT USED

SCALE: 6" = 1'-0"

8/4 NOT USED

SCALE: 6" = 1'-0"

3/4 NOT USED

SCALE: 6" = 1'-0"

6/4 NOT USED

SCALE: 6" = 1'-0"

9/4 NOT USED

SCALE: 6" = 1'-0"

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SHEET 4 OF 4