



TOWN of BROOKLINE  
Massachusetts

BUILDING DEPARTMENT

Michael Shepard  
Building Commissioner

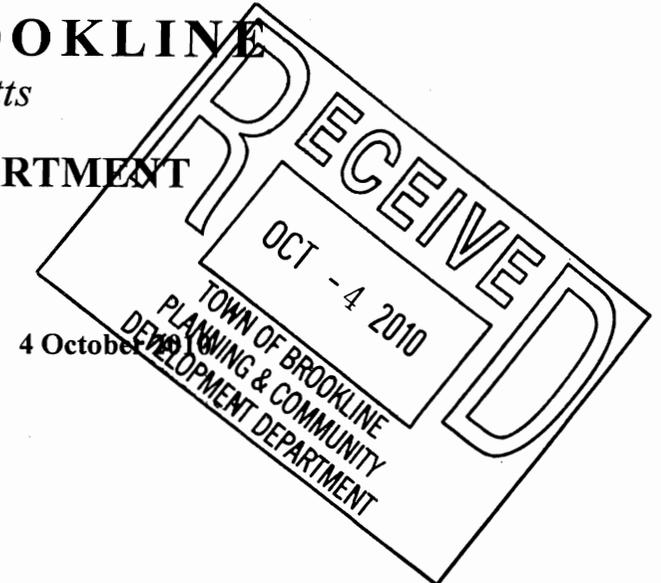
Mr. Marc L. Levin  
Chestnut Hill Realty Corp.  
P.O. Box 67396  
Chestnut Hill, MA 02467

Subj: Hancock Village Project  
Encl: Stantec Memo dated 8 September 2010  
Plans dated 31 March 2010 by Stantec Planning and Landscape Architecture

Dear Mr. Levin,

I am in receipt of your application for a building permit dated 29 September 2010 for 50 cluster homes in accordance with Section 5.11 of the Town of Brookline Zoning By-Law. This is a Major Impact Project as defined in Section 5.09.3.b of the Zoning By-Law. As such, certain preliminary steps are required prior to a formal submission for my review. Therefore, I have returned your check #69489 and advise you to follow the procedure outlined in Section 5.09. In reviewing your submission, I have made a preliminary and informal determination that the following relief would be required from the Board of Appeals for this project. Please be advised that this determination is provided as a courtesy only and is subject to further review after you complete the mandatory review process for Major Impact Projects and file a formal application with the appropriate fee.

1. As stated, the proposal constitutes a "Major Impact Project" as contemplated by the Zoning By-Law. The process for review is outlined in Section 5.09.3.b. In addition, I direct your attention to the pre-application procedure in Section 5.09.3, some of which you have completed.
2. A designed group of single family dwellings requires special permits under Sections 5.11.2, 5.09.2.c, Design Review, and 4.07, Table of Use Regulations, Use #1A. I question whether the plan submitted constitutes a cluster as envisioned by the drafters of Section 5.11. In my opinion, the proposal resembles a line of single family homes strung along a common driveway rather than the "cluster" considered by the drafters of the by-law. Therefore, my preliminary opinion of the proposal

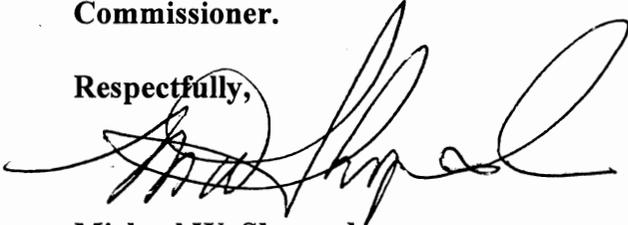


submitted is that it does not constitute a cluster development and several variances may be required to proceed as proposed.

3. Common driveways, a special permit will be required under Section 6.04.(5)(e).
4. Affordable Housing, a special permit is required under Section 4.08(4).

In accordance with the requirements of paragraph 2 of Section 5.09.3.b, Major Impact Projects, I have forwarded your Memo dated 8 September, 2010 to the Planning Director. Please be advised that additional information is required in accordance with this section and you should contact the Planning Director with any questions on additional material required under this section. As I am sure you know, paragraph 4) of this section stipulates only after review by the Planning Board, may the applicant proceed with a formal submission to the Building Commissioner.

Respectfully,



Michael W. Shepard

Cc: File: Hancock Village

Board of Appeals

Planning

Mr. Joseph Geller, Stantec Planning and Landscape Architecture P.C.  
141 Portland Street, Boston, MA 02114



**Stantec Planning and Landscape Architecture P.C.**  
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**Stantec**

September 8, 2010

Mr. Michael Shepard  
Building Commissioner Town of Brookline  
Town Hall  
333 Washington Street  
Brookline, MA 02445

Dear Commissioner Shepard:

**Reference: Hancock Village Building Permit Application**

We are writing to you to make application for a building permit for the above referenced project. The description of the project and our interpretation of the applicable zoning requirements and special permits and other relief or permits necessary to facilitate the approval of the project are as follows:

We have analyzed the provisions of the Town of Brookline Zoning By-Law (the "By-Law") applicable to the proposed project (the "Project"), illustrated by the attached plan entitled "Hancock Village - S-7 District Special Permit Cluster Subdivision with Detached Single Family Units Per Section 5.11", dated March 31, 2010, prepared by Stantec Planning and Landscape Architecture (the "Plan"), at Hancock Village in Brookline, Massachusetts (the "Property"). We have determined that the Project will require the following special permits under the By-Law: (1) a special permit for a designed group of single family dwellings pursuant to §§ 4.07 and 5.11; (2) a special permit for common driveways pursuant to Section 6.04(5)(e); (3) a special permit for affordable housing pursuant to § 4.08(4); and (4) a special permit for Design Review pursuant to §§ 5.09 and 5.11(2)(l).

**I. Description of the Project.**

The Project will involve the division of the two (2) current lots comprising the Property into four (4) lots. The new lot lines will roughly, but not exactly, follow the district boundary between the S-7 and M-0.5 Zoning Districts. The Project will be constructed only on Lots 1 and 2, which are located entirely within the S-7 District. The division of lots will not result in a subdivision because each of the newly created lots will have adequate frontage on a public way: Lots 1 and 2 will have approximately 150 feet and 108 feet of frontage, respectively, on Independence Drive, a public way, and Lot 2 will also have approximately 163 feet of frontage on VFW Parkway, also a public way. Lots 3 and 4 will have approximately 1,090 and 855 feet of frontage, respectively, on Independence Drive. The By-Law requires twenty-five (25) feet of frontage in the S-7 District, and twenty (20) feet of frontage in the M-0.5 District. Therefore, the creation of the new lots is not a subdivision and instead requires only an Approval Not Required Endorsement pursuant to G.L. c. 41, § 81P.

As shown on the Plan, fifty (50) new single family dwelling units will be constructed in the S-7 District: twenty (20) on Lot 1, and thirty (30) on Lot 2. The units will be four-bedroom homes with private driveways leading to two (2) concealed parking spaces within each unit. The Project will involve the elimination of twelve (12) existing parking spaces from Lot 2; these spaces currently serve existing dwelling units on Lot 4 in the M-0.5 District, and will be relocated to Lot 4. Other than the relocation of the twelve (12) surface parking spaces, there will be no changes made to the existing structures in the M-0.5 District; the only change will be the reduction in size of Lots 3 and 4.

**Reference: Hancock Village Building Permit Application**

The Project is eligible for a density bonus for concealed parking pursuant to § 5.11(2)(d)(2). The Project may take a 1% bonus for every 5% of required parking concealed within a residential structure. Because 100% of the parking in the Project is so concealed, the Project is entitled to a 20% bonus, or three (3) units on Lot 1 and five (5) units on Lot 2. Thus, including the bonus units the Project may contain up to twenty (20) units on Lot 1 and thirty-one (31) units on Lot 2. The Project will contain twenty (20) units on Lot 1 and thirty (30) units on Lot 2, in conformance with the By-Law.

The minimum lot width in the S-7 District is 65 feet. See Table 5.01. The minimum width of Lot 1 is approximately 85 feet and the minimum width of Lot 2 is approximately 78 feet, in conformance with the By-Law.

b. Setbacks

In the S-7 district, the following setback requirements apply:

	Single Family Detached Dwelling	Nonresidential Structure or Principal Use
Front	20 feet	30 feet
Side	7.5 feet	20 feet
Rear	30 feet	40 feet

See Table 5.01. As shown on the Plan, the Project will satisfy the setback requirements in Table 5.01.<sup>1</sup> However, if existing buildings on lots on either or both sides of a lot fronting the same street has a greater setback, then the average of the existing setbacks for all buildings within 150 feet of the lot shall be the required front yard, provided that the front yard requirement is limited to no more than twice the requirement provided in Table 5.01. See § 5.54. According to the Plan, the existing setback for the buildings on the lots on either side of Lots 1 and 2 are smaller than the proposed setbacks for the Project, so the Project complies with this section.

Section 5.11(2)(k) prohibits the location of any building, parking area, swimming pool or active recreation area nearer to any side or rear lot line than the minimum rear yard setback, except that no detached single-family dwelling need be farther from any lot line than required by the yard regulations for the district. Therefore, the required setbacks for the units themselves are as noted above, but the driveways may be required to be at least thirty (30) feet from the side and rear lot lines. As shown on the Plan, the Project complies with the setback requirements in Section 5.11(2)(k).

c. Frontage

In S districts, lots must have a minimum frontage of not less than twenty-five (25) feet upon a street not less than forty (40) feet wide. As discussed above, the Project meets the frontage requirements for all four (4) proposed lots.

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<sup>1</sup> Note that Lot 2 has two front yards and no rear yard.

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**Reference: Hancock Village Building Permit Application**

additional dwelling unit, in compliance with the By-Law. There is no minimum lot width for multi-family dwellings in the M-0.5 District. See id.

b. Setbacks

Only the side setbacks for Lots 3 and 4 will change as a result of the Project. The minimum side setback for attached dwelling structures in the M-0.5 District is determined by the formula  $10+L/10$ , where L is the length of the wall parallel to the lot line. As shown on the Plan, the existing buildings on Lots 3 and 4 will comply with the setback requirements from the new lot lines.

c. Floor Area Ratio

The FAR on Lots 3 and 4 will be .32 and .25 respectively, in conformance with the By-Law.

d. Height

The building heights on Lots 3 and 4 will not change as a result of the Project.

e. Open Space

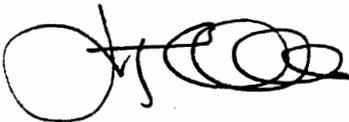
In the M-0.5 District, a lot must have landscaped area in the amount of 10% of the gross floor area and useable open space in the amount of 30% of the gross floor area. See Table 5.01. Lot 3 will have open space in the amount of 229% of gross floor area and Lot 4 will have open space in the amount of 250% of gross floor area, in full compliance with the By-Law.

Accompanying this letter are the applicable plans, the permit application and the fee required for the plan review. We would appreciate your prompt response to this application and understand that you will provide us with a denial letter indicating the relief required for the project within the statutory 30 day review period.

Thank you for your attention to this matter. Please contact me directly should you have any questions.

Sincerely,

**STANTEC PLANNING AND LANDSCAPE ARCHITECTURE P.C.**



Joseph T. Geller, ASLA  
Vice President  
Tel: (617) 226-9234  
Fax: (617) 523-4333  
joe.geller@stantec.com  
Attachment: Plans

c.



# TOWN of BROOKLINE

*Massachusetts*

## BUILDING DEPARTMENT

Michael W. Shepard  
Building Commissioner

### INTEROFFICE MEMORANDUM

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Date: 4 October 2010

To: Jeff Levine  
Planning Director

From: Michael W. Shepard  
Building Commissioner

Re: **Hancock Village Proposal** – Jeff, a short while ago I delivered the most recent Hancock Village Proposal. As I suspect you and I agree, it constitutes a “Major Impact Project” as defined in **Section 5.09.3.b** of the by-law. The applicants have been advised of this determination and the requisite steps, should they desire to go forward.