



# *Town of Brookline*

## *Massachusetts*

Department of Planning and  
Community Development

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**Alison Steinfeld**  
Director

TO: Zoning Board of Appeals

FROM: Planning and Building Departments

DATE: February 24, 2016

SUBJECT: **175 Freeman Street, Dexter Park Apartments  
(Modification of BOA case #2011-0041)**

Atlas Sheet: 5	Case #: 2016-0007
Block: 024	Zoning: M-2.0
Lot: 01	Lot Area: ±184,887

Board of Appeals Hearing: March 3, 2016 at 7:15 p.m.

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Hamilton Park Towers, LLC, property owner of 175 Freeman Street (Dexter Park Apartments) is requesting to modify Board of Appeals case numbers 2011-0041. This prior case granted special permit relief to rent 28 underground parking spaces to individuals who are not residents of the Dexter Park Apartment complex but live within 1,400 feet of the subject property. This granted relief included an 18-month sunset provision that may be extended following public hearing and vote by the Board of Appeals. The Petitioner is now requesting to modify Condition #4 in order to further extend special permit relief or strike this condition entirely.

On **August 12, 2010** (BOA #2010-0020) the Board of Appeals granted zoning relief to allow the Petitioner, Hamilton Park Towers, LLC, to rent 28 of 396 parking spaces located on the subject property to residents who live outside of the Dexter Park apartment complex but reside within a 1,000 foot buffer area around the property. These 28 parking spaces (#165-192 on the enclosed parking diagram) are located in a structured parking facility that is below grade and accessible from Thatcher Street. The Board found that the standards for the grant of a special permit under **Sections 4.07, Table of Use Regulations, use #22** and **9.05** of the Zoning By-Law were satisfied. Accordingly, the Board voted unanimously to grant the requested relief, subject to

conditions. The most relevant imposed conditions for this current request for modification are Conditions #2, #3 and #4:

2. The Petitioner shall submit to the Building Commissioner annually, a list of addresses and registration numbers of clients utilizing any of the 28 available spaces in the garage to ensure compliance with use #22. The Petitioner shall provide evidence that residency was established by presentation of proof of those wishing to rent spaces.
3. Renters of the available spaces shall live within a 1,000 foot radius of 175 Freeman Street
4. This relief shall expire initially in one year from the date of this decision, unless extended by the Board of Appeals after finding that the parking and rental plan is working effectively.

On **August 11, 2011** (BOA #2011-0041) the Board of Appeals unanimously voted to extend this zoning relief permitting the rental of 28 underground parking spaces for an additional 18-month period. The Board also supported the Petitioner's request to revise the required buffer distance for said renters from 1,000 feet to 1,400 feet (Condition #3). The most relevant revised conditions for this current request for modification are Conditions #3 and #4:

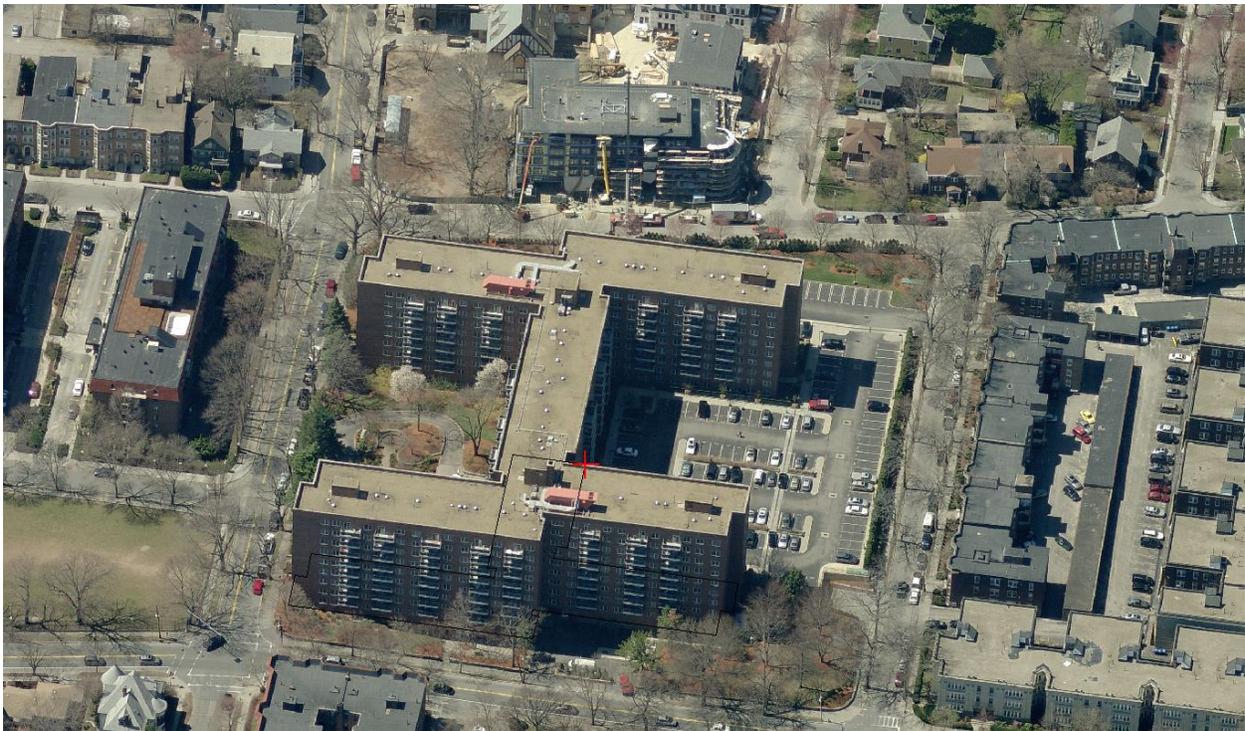
3. Renters of the available spaces shall live within a 1,400 foot radius of 175 Freeman Street
4. The relief shall expire initially in 18 months from the date of this modification, unless extended by the Board of Appeals after a finding that the parking and rental plan is working effectively

On **February 7, 2013** the Board of Appeals again voted unanimously to "renew" this special permit after finding that the parking and rental plan for 175 Freeman Street is "working effectively." The Board also supported the Petitioner's request to revise the extension period of said special permit from 18 months to five years. This modification was characterized as a "renewal" of the previously granted special permit, therefore no decision was filed with the Town Clerk regarding this matter however documented public notice and recorded hearing minutes confirm this Board vote.

The Town of Brookline is not aware of any formal resident complaint concerning the 28 rental spaces following the February 7, 2013 hearing on this matter. Should the Board support the Petitioner's request to further modify BOA case #2011-0041, the Building Department recommends the following conditions:

1. The Petitioner shall submit to the Building Commissioner annually, a list of addresses and registration numbers of clients utilizing any of the 28 available spaces in the garage to ensure compliance with use #22. The Petitioner shall provide evidence that residency was established by presentation of proof of those wishing to rent spaces.

2. Renters of the available 28 spaces numbered 165-192 shall live within a 1,400 foot radius of 175 Freeman Street.
3. This relief shall expire in five (5) years from the date of this decision, unless extended by the Board of Appeals after finding that the parking and rental plan is working effectively.
4. The Petitioner shall provide signage on both sides of the underground parking garage facing Thatcher Street directing all pedestrians not to use garage doors for entry/exit and that all pedestrian entry/exit shall be through the main lobby.
5. The Petitioner shall submit to the Building Commissioner for review and approval to ensure conformance to the Board of Appeals decision: 1) a final parking and site layout plan; and 2) evidence that the Board of Appeals decision has been recorded at the registry of deeds





175 Freeman Street

