



PLANNING DEPARTMENT
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July 11, 2017

To: Jesse Geller, Chairman Zoning Board of Appeals
From: Ashley Clark, Planner & Zoning Coordinator

RE: 120 Babcock Street parking requirements

Residents of the building listed as 120, 122, 124 and 126 Babcock Street (Parcel ID: 049-07-00) "120 Babcock Street" currently lease parking spaces located on the abutting property at 134 Babcock Street (Parcel ID: 049-06-00). The latter property has a comprehensive permit application pending before the Zoning Board of Appeals pursuant to M.G.L.c.40B. This has raised a number of concerns regarding compliance with zoning to maintain the existing parking spaces at 134 Babcock Street for the residents of 120 Babcock Street.

This memo seeks to answer two questions: (1) how much parking did the Zoning By-Law require for the building at 120 Babcock Street at the time of permitting and (2) have any zoning conditions been placed on either property requiring parking at 134 Babcock Street for residents at 120 Babcock Street.

- (1) 120 Babcock Street is listed in the Assessor's data as a 9+ apartment building that was constructed in 1920. Building Department records indicate permits were issued for 120 Babcock Street to add units; all such permits were issued prior to 1961.¹ Therefore, unless parking conditions were subsequently placed on the property after original construction, 120 Babcock Street is exempt from the Town's zoning regulations requiring a certain amount of off-street parking.²
- (2) Records available through the Town as well as the Norfolk County Registry of Deeds were reviewed. The Building Department was also consulted. Through this review, no zoning conditions requiring parking on the premises at 134 Babcock Street to meet zoning requirements for 120 Babcock Street were found.

The removal of parking spaces for residents at 120 Babcock Street as a result of the pending 40B application at 134 Babcock Street will not create an infectious invalidity or other zoning violation. To our knowledge, the parking arrangement is there by a private agreement and a change will not create a new zoning nonconformity or make the lot at 120 Babcock Street more nonconforming with regards to parking requirements.

CC: Dan Bennett, Building Commissioner; Alison Steinfeld, Director of Planning and Community Development; Maria Morelli, Senior Planner; Jonathan Simpson, Associate Town Counsel

¹ The Brookline Zoning By-Law was passed in 1961. Additional units applied for after the passage of the bylaw would have been subject to zoning regulations.

² M.G.L. 40A §6 states that a zoning ordinance or by-law shall not apply to structures or uses lawfully in existence prior to the existence of the by-law.