



PLANNING DEPARTMENT
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Planning Director

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To: Jesse Geller, Chairman Zoning Board of Appeals
From: Ashley Clark, Planner & Zoning Coordinator
RE: 1299 Beacon Street and 1309 Beacon Street (Trader Joes) Parking

06/29/2018

Raj Dhanda, the property owner of 1299 Beacon Street (Parcel ID: 161-02-01) "Project Site" currently has a comprehensive permit application pursuant to M.G.L c. 40B pending before the Brookline Zoning Board of Appeals (ZBA) that proposes to eliminate parking spaces currently leased by the Trader Joe's retail establishment at an abutting property, 1309 Beacon Street (Parcel ID: 161-02-00) "Center Place". This has raised a number of concerns regarding compliance with zoning to maintain the existing parking spaces at 1299 Beacon Street for Trader Joe's use.

Staff reviewed records from the building and planning departments, as well as records available in the Town Clerk's Office and the Norfolk Registry of Deeds and found no evidence that an elimination of the leased parking spaces at the Project Site will create an infectious invalidity or other zoning violation for either the Project Site or Center Place.

It should be noted that in 2006, the current Trader Joe's received special permit relief to construct an addition on the eastern elevation of the Center Place building where the Zoning Board of Appeals imposed a condition on the grant of that relief that states¹:

"Parking for customers of 1309 Beacon Street shall be made available at 1299 and 1319 Beacon Street when possible, and new and appropriate signage shall indicate the availability of the additional parking. The new signage for the parking lot shall be approved by the Planning Board."

Building Commissioner Dan Bennett does not interpret the condition above as definitively requiring Trader Joe's to secure parking at 1299 Beacon Street for the operation of its retail establishment as a result of the special permit relief granted in 2006. To our knowledge, the parking arrangement is in existence by a private agreement and a change to such an agreement will not create a new zoning nonconformity or make the lot at either 1299 or 1309 Beacon 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 See 2006 Board of Appeals Decision Case No. BOA060041, condition number three. Norfolk Registry of Deeds Bk 24202 P497.