



# Town of Brookline

## Massachusetts

### PLANNING BOARD

Town Hall, 3<sup>rd</sup> Floor  
333 Washington Street  
Brookline, MA 02445-6899  
(617) 730-2130 Fax (617) 730-2442

Mark J. Zarrillo, Chairman  
Linda K. Hamlin, Clerk  
Robert Cook  
Steven Heikin  
Jerome Kampler  
Steven Kaness  
Jonathan Simpson

To: Brookline Board of Appeals  
From: Brookline Planning Board  
Date: June 13, 2013  
Subject: Create a parking lot for 22 spaces for new park

Location: **0 Fisher Avenue (Fisher Hill Reservoir Park)**

Atlas Sheet:	57	Case #:	ZBA 2013-0042
Block:	256	Zoning:	S-15
Lot:	01	Lot Area (s.f.):	± 432,512

Board of Appeals Hearing: **June 27, 2013 at 7:00 pm**

---

### **BACKGROUND**

**June, 2001** - the Division of Capital Asset Management (DCAM) notified the Town that the state-owned former reservoir on Fisher Avenue had been declared surplus property. The Town was offered the property for a direct municipal use.

**Spring, 2002** - a Master Planning Committee was established by the Board of Selectmen to evaluate the reuse potential. A recommendation was made for a scenic amenity and public park that incorporates an athletic field, passive recreation and open space, and preservation, treatment, and/or reuse of the historic gatehouse (the gatehouse is on the national and state Registers of Historic Places).

**January, 2003** the Board of Selectmen established a new Committee to develop a preliminary plan and program for the park with associated costs. The Committee held public meetings over a period of nine months. Construction of the park was to be funded by development of mixed income housing on the Town-owned underground reservoir site across the street, grant money and tax dollars.

**February 10, 2011** - The Town completed the purchase and sale of the formerly state-owned Fisher Hill Reservoir with a Conservation Restriction on the land and historic Gatehouse.

### **SITE AND NEIGHBORHOOD**

This approximately 10 acre Town-owned site is located on Fisher Avenue on the crest of Fisher Hill. It is across the street from a new residential development of three multi-family buildings of 34 affordable units and 8 market-rate detached single family homes, built on the former Town-owned underground reservoir property. The site also abuts Newbury College and a single family area, known as Fisher Hill.

### **APPLICANT'S PROPOSAL**

The applicant, Erin Gallentine, Director of Parks and Open Space Division, is proposing to create a parking lot with 22 spaces to serve the newly created park. The lot is located at the northern end of the park and is accessed via Fisher Avenue. One of the 22 parking spaces is handicap accessible in compliance with the Zoning By-Law and ADA requirements. There are also three interior landscaped islands within the parking lot, meeting the requirement that at least 5% of lots with 21 or more parking spaces have landscaping areas distributed throughout the parking lot. There is also a "comfort station" at the end of the parking lot which conforms to all setback and dimensional requirements. There is a 6' chain link fence on the northern property line and a concrete retaining wall on the northern edge of the parking lot. Landscaping surrounds the parking lot except for the entrance and exit drives. A bridge leads from the parking lot over a vegetated storm water retention swale to the upper area of the park. Another pathway near the back end of the parking lot leads to the playing field and is handicap accessible.

### **FINDINGS**

1. **Sec. 4.07; Table of Use Regulations, Use #55** - a special permit is required for "... more than four spaces for a permitted nonresidential use". **A special permit may be issued under Sec. 6.02.3.e for parking lots for Town-owned recreational areas.**
2. **Sec. 5.09.2.i; Design Review** - a special permit for "non-residential uses in a residential district with more than ... 10 or more parking spaces". The special permit is subject to the following Community and Environmental Impact and Design Standard found in 5.09.4:

Preservation of Trees and Landscape—the parking lot has been designed to maintain the one valuable mature shade tree in the parking lot area; this is in the large plant bed at the front of the parking lot. Other trees to be removed are invasive species that seeded themselves once the reservoir use was discontinued by the Commonwealth and maintenance abandoned by them. When the reservoir was active, the areas around the basin were maintained as mown lawn.

3. **Sec. 5.43; Exceptions for Yard and Setback Regulations** - the Board of Appeals may allow by special permit the substitution of other dimensional requirements than those specified in the By-Law as long as there are features that counterbalance such a reduction. Counterbalancing amenities include a newly developed recreational facility, a vegetative buffer and restored woodland, conservation and preservation restrictions, and off-street parking supported by the Design Review Committee and Park and Recreation Commission.

4. **Sec. 6.02.3.e; Off-Street Parking Regulations** - this states that “For recreational or social uses primarily designed for neighborhood or Town-wide activities and owned or operated by an agency of the Town, The Board of Appeals may by special permit modify the requirements of this section”. This can apply to the relief we are requesting for the number of parking spaces.
  
5. **Sec. 6.04.2.c; Design of All Off-Street Parking Facilities** - the parking lot was designed by a Professional Traffic Operations Engineer and is in accordance with *Parking Spaces: A Design, Implementation, and Use Manual for Architects* as cited in *Landscape Architecture Graphic Standards, 2007* for level of service D, slow speed and low turnover. The parking spaces in the parking lot are at a 75 degree angle with one way traffic, with an 8.5 ft. wide by 18 ft. long stall. The mandated widths of backing aisles as described in this section are 17 ft. wide for 60 degree angled parking, and 23 ft. wide for 90 degree angled parking. We show a 17 ft. wide backing aisle and would find it very difficult to make this dimension larger because we are limited in the space between the property line with Newbury College and the existing berm around the reservoir basin. Widening the backing aisle would either mean cutting into the berm in a way that would negatively impact the pedestrian circulation, or reducing the width and therefore the capacity for runoff stormwater treatment which is between the parking lot and the berm. The 17 ft. wide backing aisle was found by a qualified professional to be adequate. **A special permit may be issued under Sec. 5.43 to waive dimensional requirements.**
  
6. **Sec. 6.04.4.f; Design of All Off-Street Parking Facilities** - safety measures are required to minimize potential conflicts between pedestrians and vehicles. Director of Engineering and Transportation Peter Ditto has recommended the following measures shown on the submitted stamped plan (please see attached letter from Mr. Ditto):
  - More than adequate sight distances have been maintained at the parking lot exit to ensure that vehicle users have a clear view of any pedestrian; no existing or proposed plantings or other obstructions are within five ft. to either side of the exit at a distance of six ft. behind the property line and along the centerline of the driveway.
  - Pavement markings have been provided at vehicular entry and exit lanes to the parking lot where the vehicle lanes coincide with the pedestrian sidewalk.
  - Signage has been indicated to bring vehicles to a full stop before entering the sidewalk and exiting the parking lot to the street.
  - Existing street trees do not impair visibility, nor will those proposed for future planting in the streetscape.
  
7. **Sec. 6.04.5.c.4; Design of All Off-Street Parking Facilities** - this refers to the dimensions for front, side, and rear yards in Table 5.01 – Table of Dimensional Requirements, and requires that “a parking lot containing more than six vehicles shall be set back from all lot lines the distance specified for minimum front yard depth”, or 35 ft in this case. The parking

lot design exceeds the required front and rear yard dimensions, but provides a side yard along the Newbury College property line of 15 ft. rather than the required 35 ft. The same constraints that affected the width of the backing aisle apply here, and again we are asking for relief. **This can be granted by a special permit under Sec. 5.43.**

8. **Sec. 6.04.12; Design of All Off-Street Parking Facilities** - the Board of Appeals may substitute by special permit other dimensional requirements for a new use as long as the provisions in 6.04.6 regarding protection of nearby properties from lights are met. The intent of the proposed lighting for the parking lot is to provide pedestrian scale lighting along the front of the parking lot for safety purposes only; the park and parking lot are not proposed for night use.) The provisions in 6.04.6 are as follows:

- No illumination shines upon abutters or others nearby;
- Abutters and those across the street are protected from headlight glare by plantings meeting the specified size requirements or a wall, barrier, or fence between five and seven feet high with not more than 50% of the face being open;
- The screening is maintained in good condition at all times; and
- There are no signs hung or attached to the screening other than those permitted.

The screen plantings shown in the stamped plan are a layered mix of woody deciduous and evergreen shrubs and trees, and will comply with this requirement and Figure 6.02 – Light Protection to Nearby Property from Parking Lot. They will be densely planted, a minimum of 4 ft. high above the parking lot elevation at installation, and will grow to 6 ft. minimum above the parking lot elevation within three years.

9. **Number of Parking Spaces Required** - According to Section 6.02, Paragraph 1, Table of Off-Street Parking Space Requirements, an unreasonable number of parking spaces would be required (7,209 spaces). This is based on a parcel size of 432,512 square feet, which at 20 square feet per one seat for Public Assembly space is 21,626 seats. Twenty-two parking spaces are being provided, which is more than most other Brookline parks, and there is on-street parking as well. **A special permit may be issued under Sec. 6.02.3.e for parking lots for Town-owned recreational areas.**

### **PLANNING BOARD COMMENTS**

The Planning Board strongly supports this proposal for a 22 space parking area to support this new park and multi-purpose playing field. The parking lot has been designed by a professional Traffic Operations Engineer, was approved by Peter Ditto, Director of Transportation and Engineering, and supported by the park's Design Review Committee and the Town Park and Recreation Commission.

The dimensional relief that is needed is minimal and is for the side yard setback with Newbury College and the width of the drive aisles in the parking lot, which have been approved by the Director of Transportation and Engineering. The number of provided parking spaces balanced park user needs and the goal of maintaining as much green space as possible. The parking lot includes internal landscaped islands and perimeter landscaping so that the lot is well-screened

and attractive.

The Planning Board finds that the statutory requirements for a special permit, under Sec. 9.05, are met because:

- The parking lot site is in an appropriate location, chosen because it had the least impact on the residential abutters, was adjacent to the Newbury College parking lot, and has the safest entry and exit location due to the grades at this end of the property.
- The use will not adversely affect the neighborhood. (The Fisher Hill Association and Newbury College have provided letters of support, please see attached).
- There will be no nuisance or serious hazard to vehicles or pedestrians.
- The parking lot will be adequately and appropriately operated and maintained.

**Therefore, the Planning Board voted unanimously to recommend approval of the parking lot plan, entitled Fisher Hill Reservoir Park, prepared by kmdg design group, and dated June 1, 2013, subject to the following conditions:**

1. Prior to the issuance of a building permit, final plans shall be submitted to the Assistant Director of Regulatory Planning for review and approval.
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; and 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.