



Town of Brookline

Massachusetts

PLANNING BOARD

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To: Brookline Board of Appeals
From: Brookline Planning Board
Date: February 7, 2013
Subject: **Renew special permit to provide 28 parking spaces for off-site residents and modify previous ZBA decision #2011-0041**
Location: 175 Freeman Street (Dexter Park)

Atlas Sheet:	5	Case #:	2013-0005
Block:	24	Zoning:	M-2.0
Lot:	01	Lot Area (s.f.):	184,887

Board of Appeals Hearing: February 28, 2013 at 7:15 p.m.

BACKGROUND

12/68, Case #1536: The Board of Appeals approved plans for a 376 unit, 9 story apartment building with bonus floor area and height provisions (without Design Review). The original proposal was approved with 440 parking spaces (with the bulk in the underground garage).

1/16/70, Case# 1617: The Board of Appeals denied an application for two levels of underground parking for 480 autos with an attendant.

6/26/72, Case # 1739: The Board of Appeals allowed for attended parking for some tandem parking provided the applicant reduced the number of surface parking spaces by the same number of underground tandem spaces resulting in a total of 371 parking spaces.

8/4/72, Case# 1741: A building permit issued for construction at 175 Freeman Street was appealed because no special permits for Design Review were granted. The decision notes a discrepancy in the number of units listed (411) and the number of units approved (376). This decision resulted in litigation, which resulted in approval for the construction of 409 units.

4/17/74, Case# 1850: Board of Appeals approved revised plans after reviewing the partially completed building under the newly adopted Design Review under Section 5.09, requiring a special permit. Many of the landscape elements which were adopted were as a result of the Planning Board's extensive recommendations.

12/30/74, Case# 1943: The Board of Appeals denied an appeal of Temporary Certificate of Occupancy by Building Commissioner for 240 units.

5/12/75, Case# 1972: The Board of Appeals modified previous decisions to include 158 full size parking spaces on the surface lot; 107 full-size spaces, 158 full-size tandem spaces, 16 compact spaces and 13 compact tandem spaces in the parking garage (for a total of 496 parking spaces).

2/15/77, Case#2102: The Board of Appeals approved a request to reduce the parking space to incorporate the arrangement from Case #1972, but reduce the parking requirement from 1.2 to .9 parking spaces per unit.

6/28/99, Case# 3461: The Board of Appeals approved a new parking area extension for an additional 20 spaces on the surface lot, a loading dock, and a new walkway.

8/12/10, Case# 2010-0020: The Board of Appeals granted a special permit to allow for 28 off-street parking spaces to be rented to Brookline residents residing within 1,000 feet of the property. The relief had a one-year sunset date and expires 8/12/11.

9/08/11, Case# 2011-0041: The Board of Appeals extended the special permit through 3/13 to allow for 28 off-street parking spaces to be rented to Brookline residents residing within 1,000 feet of the property. The relief was to expire eighteen months from 9/08/11, unless renewed.

SITE AND NEIGHBORHOOD

175-185 Freeman Street, or Dexter Park Apartments, is a 409 unit, 9 story brick H-shaped apartment building constructed in 1974. It is located within one entire town block, bounded by Freeman, Saint Paul, Thatcher and Pleasant Streets, in northeast Brookline. A central entrance/courtyard with circular drive and drop-off is located on Freeman Street. The building consists of 76 one bedroom units, 71 three bedroom units, and 262 two bedroom units. There is a total of 396 parking spaces on site; 182 outdoor spaces and 214 garage spots, 14 of which are tandem. 163 outdoor spaces and 151 garages spaces are currently rented, leaving a delta of 62 unrented parking spaces. Entrances to the two parking levels are located on Thatcher Street. Currently, there is only one loading dock for trucks serving trash removal and moving activities with access to Saint Paul Street.

APPLICANT'S PROPOSAL

The applicant, Hamilton Park LLC, is proposing to continue to rent 28 parking spaces in their underground garage to off-site Brookline residents who reside within a 1,400 ft. radius from the subject property.

FINDINGS

Table of Uses, Use #22: The Board of Appeals may grant by special permit, residential parking or parking area for the storage of cars of other residents of other lots located 1,400 ft. of the subject property.

Modification of Board of Appeals decision, Case #2011-0041, Condition #4 requiring extension of relief within 18 months of 9/8/11, after a finding that the parking and rental plan is working effectively.

PLANNING BOARD COMMENTS

When this request was initially submitted in 2010, the Planning Board and Zoning Board of Appeals considered the concerns voiced by neighbors about safety and traffic issues. As a result, the Zoning Board of Appeals set a one year sunset date for the relief to ensure the efficacy of the safety and security measures to address those concerns. In 2011, the applicant asked for a renewal and it was granted for another 18 months to allow time to evaluate the rental parking and its impacts on the neighborhood because there were too few renters at the time to determine the impact.

Since the initial application, the applicant states that several measures have been implemented, including improved circulation through the site; better access from Thatcher Street; installation of a mirror at the garage entry; periodic inspections by police; relocation of deliveries and cabs to the Freeman Street side, and management personnel on the site. Currently, two acoustic walls are about to be installed by the front entrance to Dexter Park, which will reduce the noise at late hours from taxi cabs closing their doors and people talking outside. The walls are 8' high by 35' long and will be placed between the parking area and the drop off point.

Therefore, the Planning Board recommends approval of the renewal of the special permit to rent 28 parking spaces within 1,400 feet of the perimeter of the property, subject to the following conditions:

1. **Renters of the available spaces shall live within 1400 feet of the perimeter of 175 Freeman Street.**
2. **This relief shall expire in 5 years 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.**
3. **The applicant shall record the Board of Appeals decision at the Registry of Deeds.**

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