

To Brookline Board of Appeals  
From Maria Morelli, Senior Planner  
Date November 8, 2022

Re **40 Centre c.40B Proposed Project Change**

Meeting Materials: <https://www.brooklinema.gov/1302/40-Centre-Street-40B>

### Background

- **February 2017:** Approved with Conditions (six stories, 40 units, 20% affordable, 25 parking spaces with stackers)
- **2017:** ZBA Decision Appealed
- **August 2020:** Preservation Commission issued an extension for the demolition permit to two years beyond the end of litigation.
- **2022:** Appellate Court sustained the judgment of the trial court in favor of the developer. The neighbors filed an application for Further Appellate Review with the Supreme Judicial Court
- **August 2022:** Board voted to determine that the proposed vehicular parking changes are Substantial.
- **September 13, 2022:** Assistant Town Counsel Jonathan confirmed that the Supreme Judicial Court denied the 40 Centre Street neighbors' application for Further Appellate Review.

### Proposed Change: Reduce number of parking spaces

Would reduce parking spaces from 25 spaces with stackers to 16 spaces without stackers for 40 units

Note: The Board is limited to the proposed change that the Applicant is requesting.

### New or Extended Waivers

Vehicular Parking: Waiver N: 16 parking spaces

Height: No change expected: Staff understands that the slope of the garage floor will be leveled but that the overall height of the building will not increase. We have asked for site sections, though they are not required for this hearing. The applicant is required to meet the overall height when he applies for a building permit.

### Staff Findings

1. For reference, for initial Comprehensive Permit the peer reviewer recommended a ratio of 0.67 for the proposed bedroom mix and 0.77 with visitor parking included. The Board approved of ratio of 0.62.
2. The site is in the heart of Coolidge Corner near the MBTA C-line train and within the Transit Parking Overlay District.
3. In Fall 2021, Town Meeting Fall passed Warrant Article 23<sup>1</sup>, which the Attorney General approved Article 23 would allow the Board to reduce or eliminate required parking requirements if one or more criteria are met.

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<sup>1</sup> <https://www.brooklinema.gov/DocumentCenter/View/24265/May-2022-Addendum-to-11-13-2018-By-law?bidId=>

Although this article is not applicable to this comp permit because of Waiver N, the Applicant is providing an increase in affordable units and fossil-fuel free construction.

4. The Town has strict on-street regulations that prohibit parking for longer than two hours. Residents who desire long-term parking will not have the option of parking on public streets as they would in Boston, reducing the impact on the public way. By providing a lower parking ratio for the Project, the applicant restricts the pool of potential tenants who do not prioritize this amenity—a risk to the developer not the town. The lower parking ratio reduces traffic volumes in this congested area, which staff believes further lowers the impact on the surrounding neighborhood.

Note: Public comment was submitted by one resident who opposes the reduction in parking.

5. The demand for visitor parking would conceivably increase; however, the Board granted a waiver from the 10% requirement (an additional three parking spaces) in the 2017 Decision (Waiver O). The subject site is near two public parking lots.
6. Staff considers the increase in intensity of use to be minimal and overall the compensatory changes (increased bike parking spaces, EV chargers) substantively improve impact on environmental and public health as well as reduce any potential impact on traffic safety.
7. If the Board agrees, Staff would recommend modifying the Decision to incorporate the following waivers and conditions:
  - a. Waiver N: 16 parking spaces no stackers
  - b. Conditions should memorialize:
    - the installation of fossil fuel free, provisions for future rooftop solar, EVSE-installed and EV Ready Spaces C as defined in Spring Town Meeting 2021 Article 17 (Sec. 6.10)<sup>2</sup>.
    - bedroom mix and increase in affordable units at 80% AMI
    - any additional long-term bike parking spaces

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<sup>2</sup> <https://www.brooklinema.gov/2369/New-By-Laws-Bulletin>