

# City of Newton Planning and Development

## Petition #204-23

Special Permit/Site Plan Approval  
Request to allow a drive-in business and  
associated parking waivers, to allow two  
free-standing signs, and to allow  
oversized directional signs

**June 13, 2023**



**940 Boylston Street**

1

# Zoning Relief

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§4.4.1 §6.4.11	Request to allow a drive-in establishment	S.P. per §7.3.3
§5.1.9.A §5.1.13	Request to waive the perimeter screening requirements	S.P. per §7.3.3
§5.10.A §5.1.13	Request to waive the outdoor lighting requirements	S.P. per §7.3.3
§5.2.3 §5.2.13.A	Request to allow two free-standing signs and two principal signs	S. P. per §7.3.3
§5.2.8 §5.2.13	Request to allow oversized directional signs	S. P. per §7.3.3

2

## Criteria to Consider

When reviewing this request, the Council should consider whether:

- The site in a Business Use 2 (BU-2) zoning district is an appropriate location for the proposed drive-in business, one free standing and two principal signs (§7.3.3.C.1)
- The proposed drive-in business will adversely affect the neighborhood. (§7.3.3.C.2)
- The proposed drive-in business as designed will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

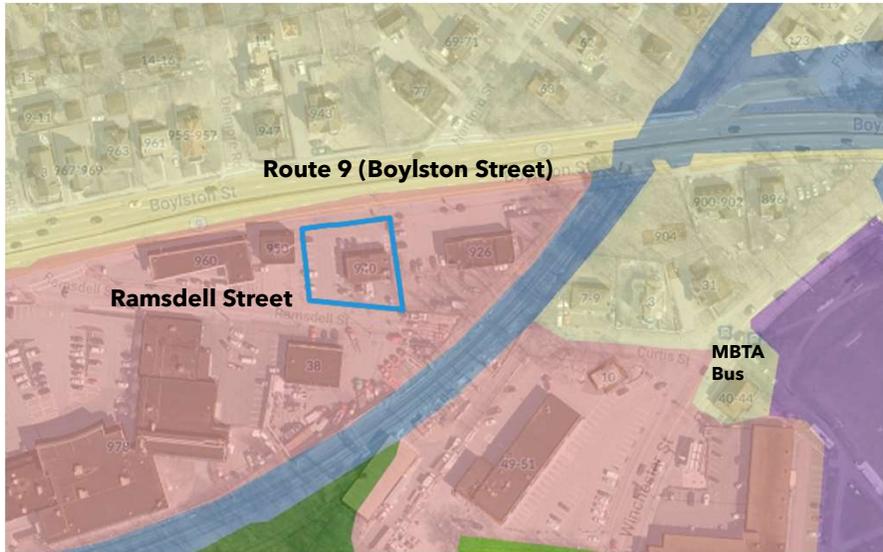
3

## Criteria to Consider Continued

- Literal compliance with the perimeter landscaping requirements for parking facilities is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that exceptions to one or more of said requirements would be in the public interest, or in the interest of safety, or protection of environmental features. (§5.1.13)
- Literal compliance with the outdoor lighting requirements for parking facilities is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that exceptions would be in the public interest, or in the interest of safety, or protection of environmental features. (§5.1.13)
- The proposed exceptions to the sign ordinance should be permitted and are appropriate due to the nature of the use of the premises, the architecture of the buildings or their location with reference to the street is such that such exceptions are in the public interest. (§5.2.13)

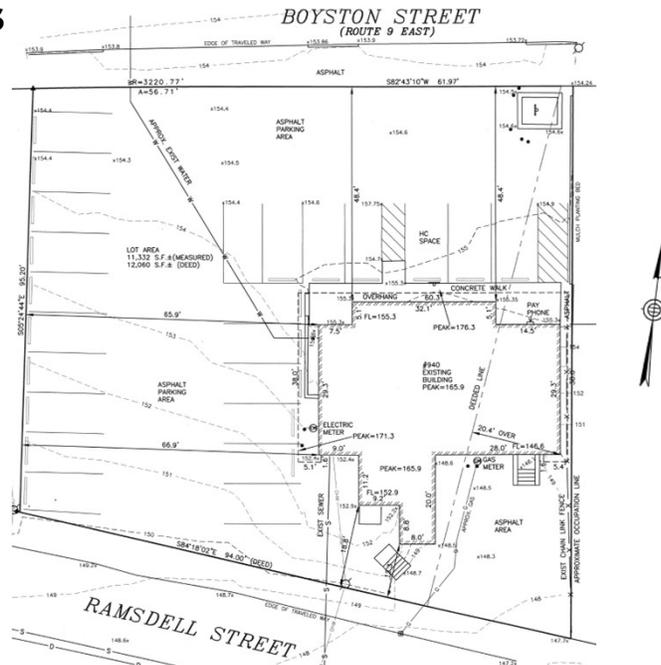
4

# Aerial Map

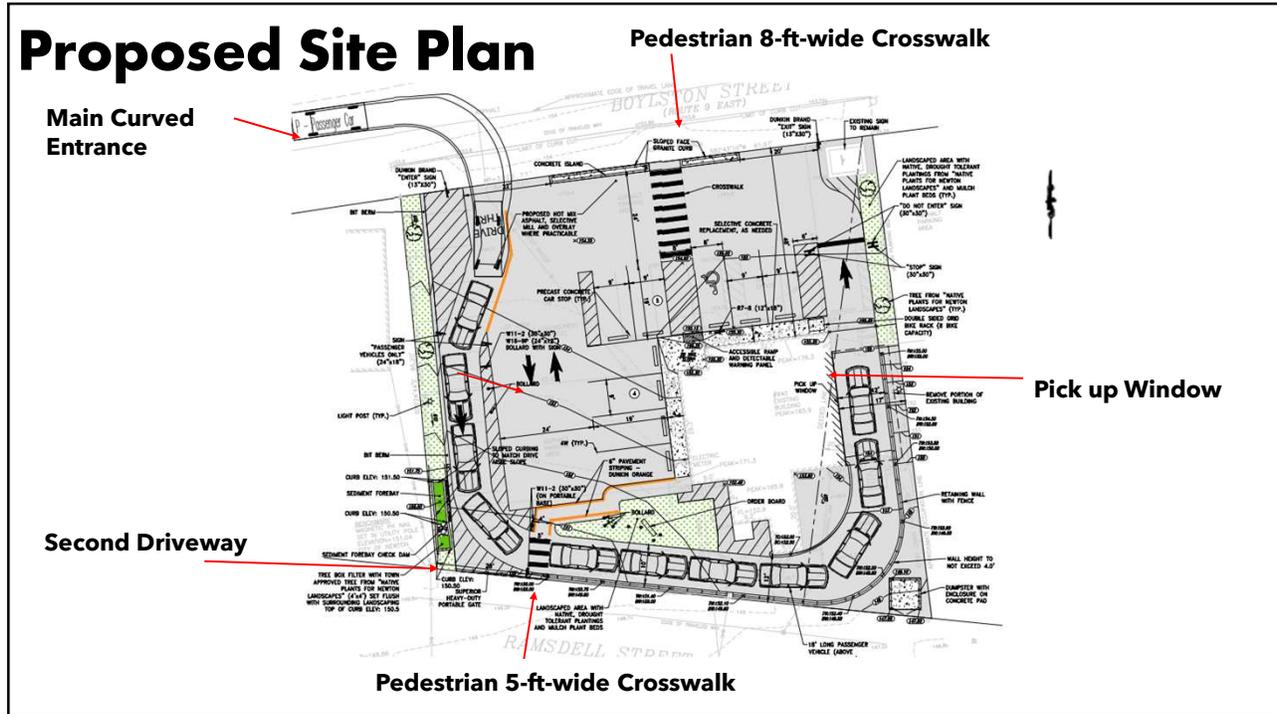


5

# Existing Conditions Site Plan



6



7



8

## Photos

View From Route 9 sidewalk toward Site



View toward rear of property toward Ramsdell Street, facing west



9

## BETA Peer Review/Transportation

### + Traffic & Other Concerns from Peer Review

- Strong potential for queue spillover on Route 9 with no clear mitigation yet determined
- Delivery Trucks should be restricted to Ramsdell Street
- Snow storage area needs to be identified
- Rear pedestrian walkway across drive through aisle near curve is not best location for driver visibility and not ADA accessible
- *Recommend additional pedestrian signs prior to the crosswalk on right side of drive through*
- *Extend curbing between the two front driveways (rather than include concrete island)*

10

### Outstanding Information/Issues

- Mitigation for queue spillover on Route 9
- Snow storage/removal plan
- Signage restricting access from Ramsdell Street to deliveries only
- Accessibility and location of rear pedestrian crosswalk
- Additional pedestrian signage for drive through aisle

11

### Findings

1. *The site in a Business-2 (BU-2) zoning district is an appropriate location for the proposed drive-in business due to its location in a Business zone and mix of commercial uses nearby. The site is an appropriate location for the proposed and two free standing, principal signs because the menu board associated with the use is considered a free-standing sign, from the Boylston Street public way, the site will present as having one free standing, principal sign. (§7.3.3.C.1)*
2. *The proposed drive-in business will not adversely affect the neighborhood. (§7.3.3.C.2)*
3. *The proposed drive-in business as designed will not create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)*
4. *Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)*
5. *Literal compliance with the perimeter landscaping requirements for parking facilities is in the public interest because there will be an overall increase in landscaping from the existing conditions. (§5.1.13)*
6. *Literal compliance with the outdoor lighting requirements for parking facilities is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that exceptions to one or more of said requirements would be in the public interest, or in the interest of safety, or protection of environmental features. (§5.1.13)*
7. *The two free standing signs and directional signs should be permitted and are appropriate due to the site's location on Route 9. (§5.2.13)*

12

## Conditions

- + *Standard Plan Condition*
- + *Install Sign on Ramsdell Street for Deliveries Only*
- + *Standard Building Permit Condition*
  - + *Snow Storage Plan*
- + *Standard Final Inspection/Certificate of Occupancy Condition*