

City of Newton Planning and Development

Petition: #113-23

Special Permit/Site Plan Approval to amend the prior Special Permit with site plan modifications to remove nine parking stalls to be used for outdoor dining seats and to waive 23 parking stalls

April 25, 2023



344-346 Elliot St.

Zoning Relief

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
	Amend Special Permit #215-16(2)	S.P. per §7.3.3
§5.1.4 §5.1.13	To waive 24 parking stalls	S.P. per §7.3.3

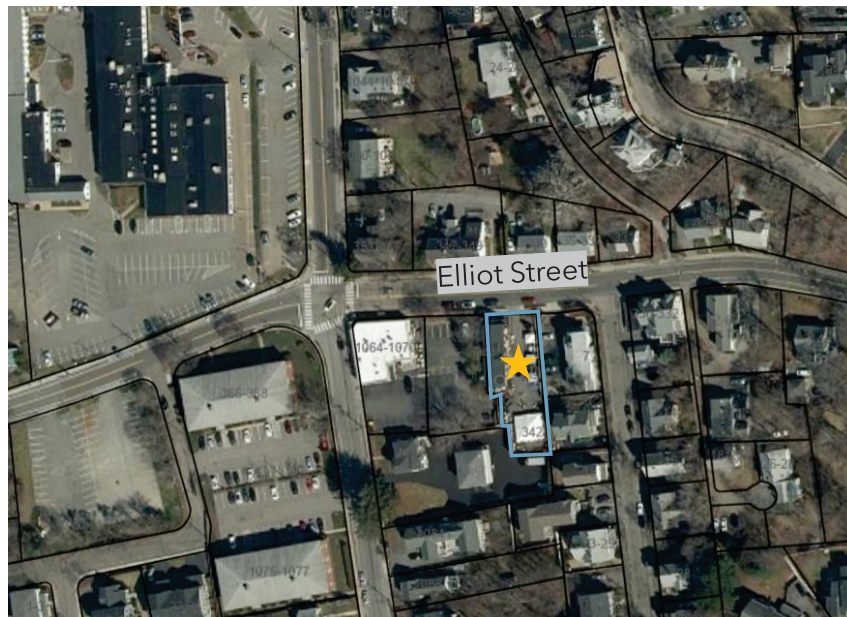
Criteria to Consider

When reviewing this request, the Council should consider:

- The site in BU-1 is an appropriate location for the requested parking waivers (§7.3.3.C.1)
- The requested parking waivers will not adversely affect the neighborhood (§7.3.3.C.2)
- The requested parking waivers will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Literal compliance with the required amount of parking is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features (§5.1.13);
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

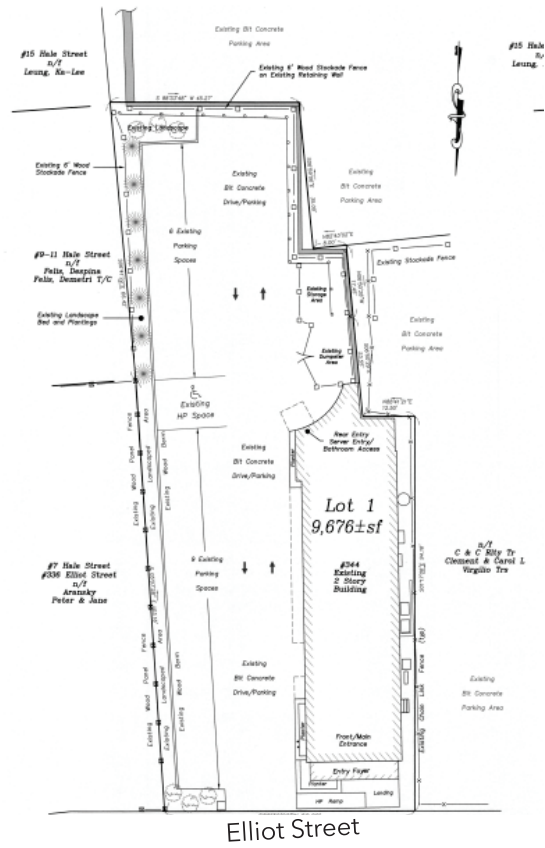
3

Aerial Map



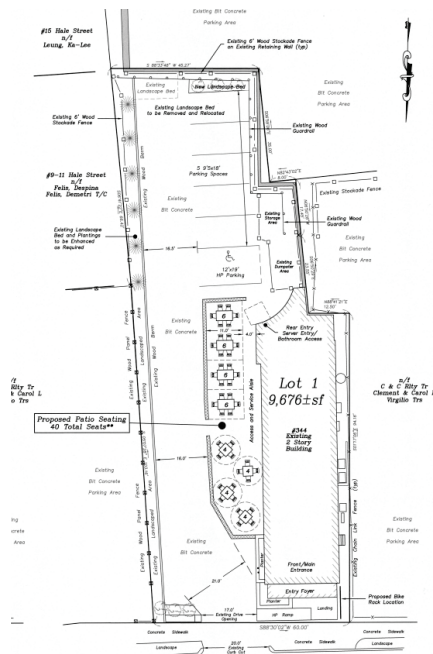
4

Existing Site Plan



Proposed Site Plan

(submitted 4/21/23)



Operations

- Patio seating will be located near restaurant and away from residential abutters
- Patio will be seasonal subject to weather, but closed December-January, and revert to parking when not used as dining area
- Kitchen to close at 9:00 p.m.
- New lighting will be limited to non-permanent string lights
- Noise ordinance would apply

Zoning Enforcement

- Zoning enforcement violation notice sent on April 12, 2023
- Bike rack per Condition #19
- Violations to remedy:
 - Condition #1, #8, and #13 related to landscaping
 - Condition #14, requiring striped parking stalls and 9.5 feet in stall width
 - Condition #15, maintaining appropriate signage for parking

Proposed findings

1. The site in a Business 1 (BU1) district is an appropriate location for the requested parking waivers because modest sized lots with less parking than would be required under current zoning requirements is consistent with the historic pattern of commercial space in Newton Upper Falls, much of which developed before zoning was implemented. Additionally, some on-site parking will remain, and public transportation is available. (§7.3.3.C.1)
2. The requested parking waivers will not adversely affect the neighborhood because on-street parking is available nearby. (§7.3.3.C.2)
3. The requested parking waivers will not create a nuisance or serious hazard to vehicles or pedestrians because the existing curb cut will remain unchanged (§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 required amount of parking is in the public interest because constructing 24 additional parking stalls would require a substantial increase in impervious paving. (§5.1.13)

9

Proposed conditions

1. Plan referencing & standard conditions
2. Parking spaces shall be striped and maintained at 9.5 feet in width
3. No more than 109 seats for restaurant
4. Appropriate signage for parking
5. Encourage restaurant customers to comply with all parking and other traffic safety regulations
6. All deliveries to the restaurant shall occur from the parking area and at off-peak hours
7. Outdoor dining to end at 9 pm
8. No tents unless allowed by permit

10