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#278-22

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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	June 7, 2022
Land Use Action Date:	August 23, 2022
City Council Action Date:	September 5, 2022
90-Day Expiration Date:	September 5, 2022

DATE: June 3, 2022

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Michael Gleba, Senior Planner

SUBJECT: **Petition #278-22** for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #372-94 to raise a portion of the roof and allow construction of a furnace, further extending the nonconforming height at **33 Industrial Place**, Ward 8, on land known as Section 83 Block 28 Lot 79, containing approximately 43,740 sq. ft. of land in a district zoned MIXED USE 1. Ref: Sec. 7.3.3, 7.4, 4.2.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



33 Industrial Place

EXECUTIVE SUMMARY

The subject property at 33 Industrial Place consists of a 43,740 square foot lot in a Mixed Use 1 (MU1) zoning district improved with a 23,710 square foot light industrial building constructed in the 1950s. The building, known as "Plant 1A," shares a wall with another known as "Plant 1," which is located on an adjacent property, 45 Industrial Place.

Several special permits have previously been issued for the subject and surrounding associated properties, including Special Permits #591-66 (parking layout behind Plant 2); #543-89 (interior renovation of Plant 6); #12-93 (5,100 square foot footprint addition to Plant 2); and #372-94 (448 square foot footprint addition to Plant 1). Also, around 1982 an addition was added to Plants 1 and 1A that established Plant 1A's (and Plant 1's) current 38.76-foot height. This modification apparently did not require a special permit as at the time the property was within a Manufacturing (MAN) zoning district with an allowed building height of 60 feet.

Currently, Plant 1A has approximately 2,500 square feet of roof area that measures 38.76 feet in height; the remaining 20,300 square feet of roof area is lower at one story in height. The petitioner proposes to extend that portion of the building roof area with a height of 38.76 feet from the existing 2,500 square feet (approx.) by 5,300 square feet. The resulting structure would have 7,800 square feet of roof area measuring 38.76 (approx.) in height, with the balance remaining at its current single-story height.

As indicated by the petitioner, the proposed work would accommodate an additional melting furnace that would increase Plant 1A's capacity to refine tantalum. No changes to the building footprint or site plan are proposed.

As the proposed addition would extend (but not increase) the existing nonconforming height of 38.76 feet where 36 feet is the maximum by-right, it requires a special permit per Sections 4.2.3 and 7.8.2.C.2 of the Newton Zoning Ordinance (NZO) and an amendment to the most recent previous special permit, # 372-94 (discussed above).

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The site in a Mixed Use 1 zoning district is an appropriate location for a structure with the proposed extended nonconforming roof height (§7.3.3.C.1)
- The structure with the proposed extended nonconforming roof height will adversely affect the neighborhood (§7.3.3.C.2)
- The structure with the proposed extended nonconforming roof height 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); and
- The proposed extended nonconforming roof height would be substantially more detrimental than the existing nonconforming roof height to the neighborhood (§7.8.2.C.2)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on the south side of Industrial Place, east of Needham Street. While it and several properties to its immediate north, east, and south have industrial uses, parcels to the west along Needham Street are mostly commercial uses; single- and multi-family residential parcels are located approximately 150 feet to the east (**Attachment A**). The site and its immediate neighborhood are within a Mixed Use 1 (MU1) zoning district. Areas to the east are zoned Single Residence 3 (SR3) and Multi Residence 1 (MR1) (**Attachment B**).

B. Site

The subject property at 33 Industrial Place consists of a level 43,740 square foot lot in a Mixed Use 1 (MU1) lot improved with a one-story industrial building constructed in the 1950s. The building is known as "Plant 1A" and shares a wall with "Plant 1," located at 45 Industrial Place. Vehicular access is provided by a paved driveway along the right (west) property line that leads to 33 parking stalls in the rear of the property (as well as one stall located between the building and that boundary. The front of the property has some lawn area, trees, and shrubs, as well as four parking stalls on the left (east) side.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site will remain a manufacturing facility, albeit with an increased production capacity.

B. Building and Site Design

The petitioner proposes to raise an approximately 5,300 square foot portion of Plant 1A's currently 20,300 square foot one-story roof area to match the existing 38.76' height of 2,500 square feet (approx.) area of Plant 1A's roof. The latter was constructed circa 1982 when the property was zoned Manufacturing and allowed a height up to 60 feet).

The resulting structure would have 7,800 square feet of roof area measuring 38.76 (approx.) in height (slightly exceeding the 36-foot maximum now allowed by-right), with the balance remaining at its current single-story height.

The additional height would be used to accommodate an additional melting furnace that would increase the plant's capacity to refine tantalum.

No changes to the building footprint or site plan are proposed.

The petitioner included in its submission material perspective renderings that show the general location of the increased height and how it would appear from an adjacent parking area. Based upon these renderings it appears the proposed roof-level addition would be similar in

appearance to the existing two-story height area of the building.



Existing



Proposed addition indicated

The petitioner has indicated that it would prefer to produce final architectural plans for the proposed addition only if the present petition is granted. In the event the Land Use Committee is amenable to this approach, the Planning Department will coordinate with the Legal Department and the petitioner to draft order language that would ensure that building permit plans appropriately reflect the design of the proposed addition as depicted in the submitted perspectives.

C. Parking and Circulation

No changes to the property's parking and circulation are contemplated by this petition.

D. Landscape, Lighting and Signage

No changes to the property's landscaping, lighting or signage are contemplated by this petition.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- Special Permit per §7.3.3 to:
 - amend Special Permit #372-94
 - extend nonconforming height (§4.2.3, §7.8.2.C.2)

B. Engineering Review

Review of the proposed project by the Engineering Division is not required at this time.

C. Historic Review

Review of the proposed project by the Newton Historic Commission is not required at this

time.

V. PETITIONER'S RESPONSIBILITIES

As discussed above, the petitioner should coordinate with City staff to draft order language that, in the event the petition is granted, would ensure that building permit plans appropriately reflect the design of proposed addition as depicted in the submitted perspectives.

ATTACHMENTS:

- Attachment A:** Land Use Map
Attachment B: Zoning Map
Attachment C: Zoning Review Memorandum

ATTACHMENT A






Land Use

33 Industrial Pl.

*City of Newton,
Massachusetts*

Land Use

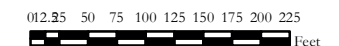
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Industrial
-  Vacant Land

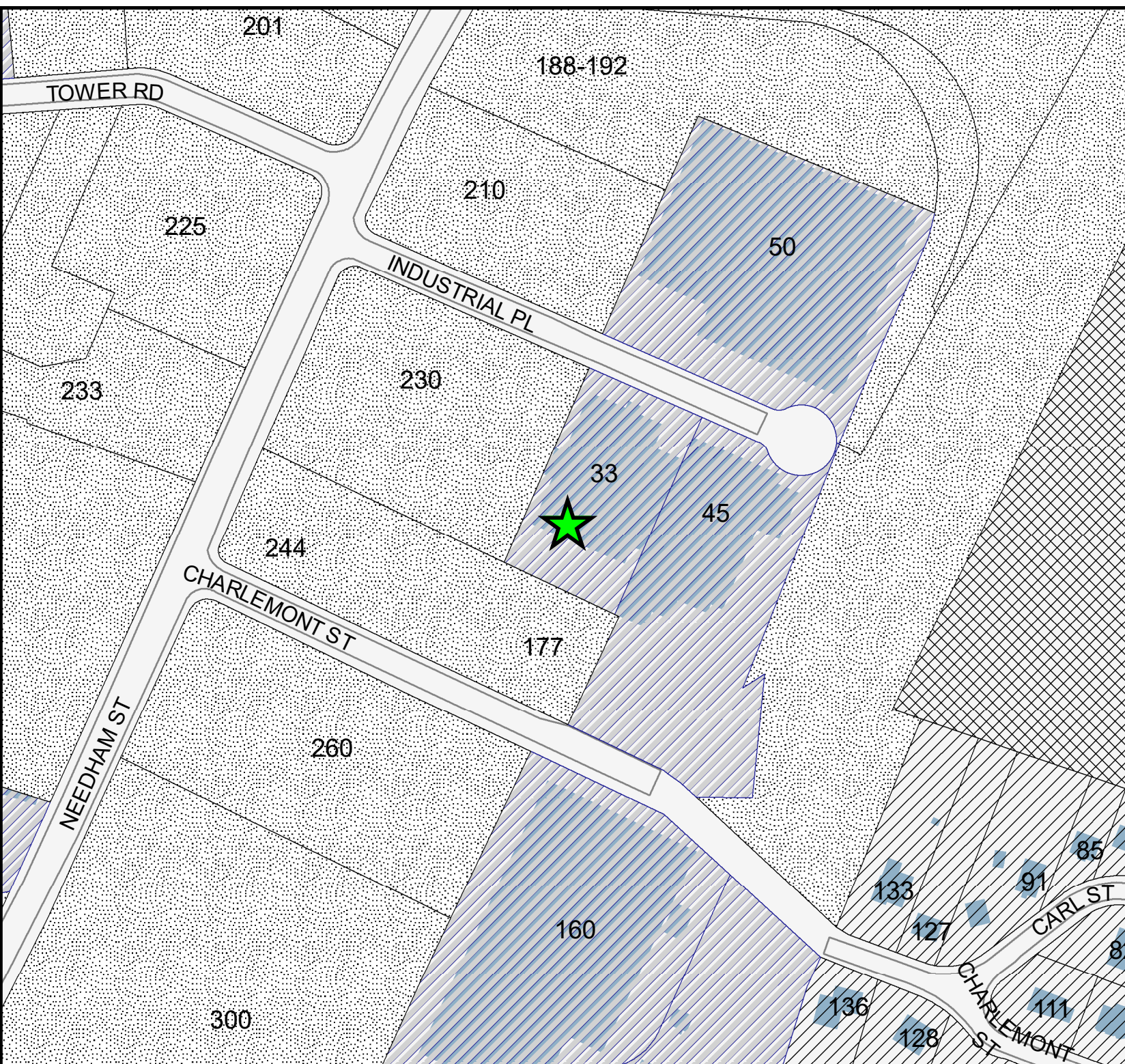


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: May 23, 2022





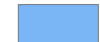
ATTACHMENT B

Zoning

33 Industrial Pl.

*City of Newton,
Massachusetts*

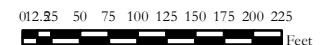
Legend

-  Single Residence 3
-  Multi-Residence 1
-  Mixed Use 1

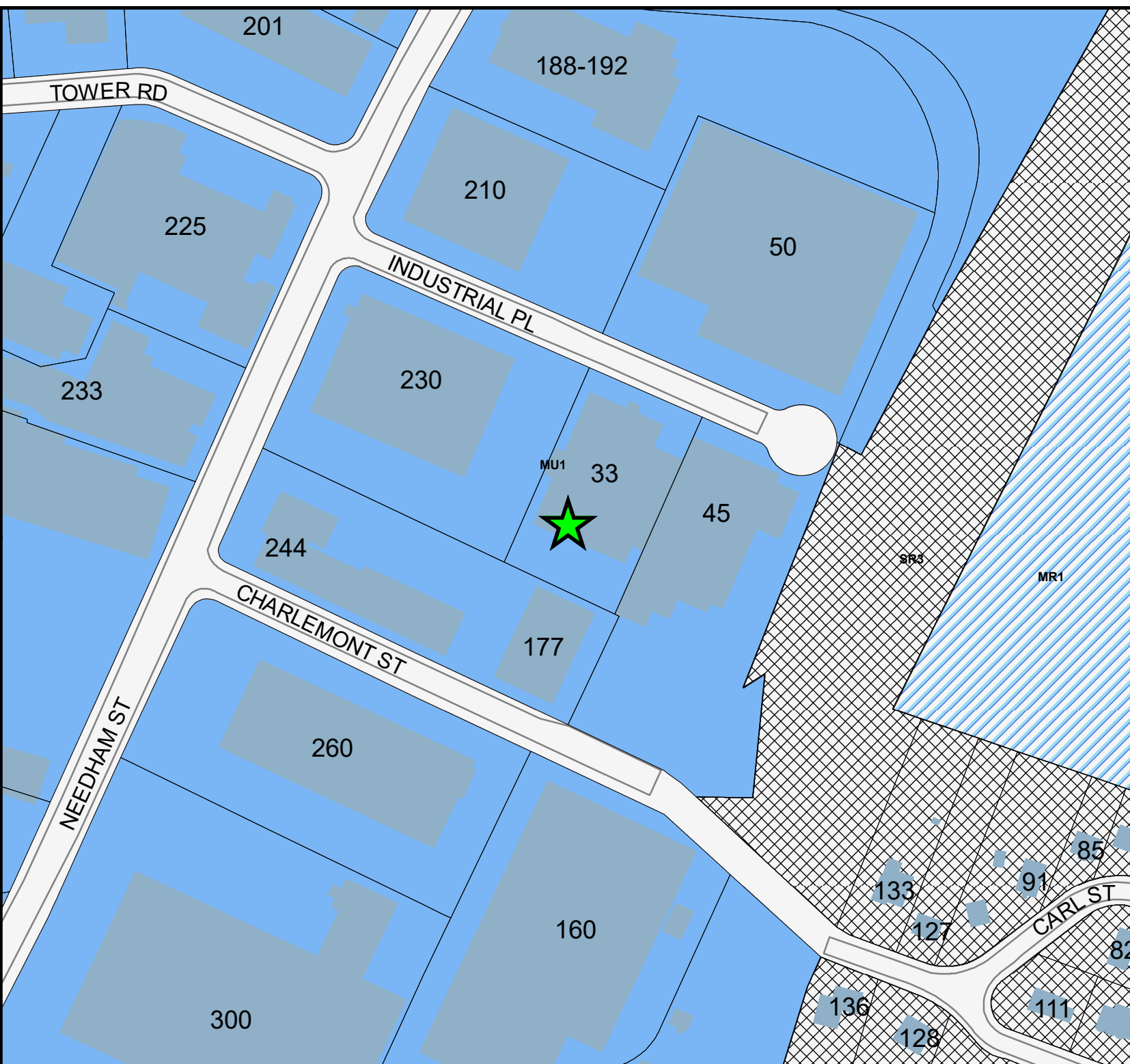


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ZONING REVIEW MEMORANDUM

Date: April 7, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Frank Stearns, Attorney
Materion Newton, Inc
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to amend Special Permit #372-94 to raise the roof to construct an additional furnace

Applicant: Materion Newton, Inc	
Site: 33 Industrial Place	SBL: 83028 0079
Zoning: MU1	Lot Area: 43,740 square feet
Current use: Research & Development	Proposed use: No change

BACKGROUND:

The property at 33 Industrial Place consists of 43,740 square feet improved with a one-story industrial building constructed in the 1950s. The building is known as Plant 1A and shares a wall with Plant 1, located at 45 Industrial Place. Several special permits have been issued to the properties for additions to the building. The petitioner intends to raise a portion of the roof of Plant 1A to accommodate the height of an additional furnace required to increase manufacturing capacity. No changes to the building footprint or site plan are proposed. An amendment to the special permit is required.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Frank Stearns, attorney, submitted 2/25/2022
- Project Narrative, submitted 2/25/2022
- Plot Plan, prepared by R.E. Cameron & Associates, Inc, surveyors
- PowerPoint presentation, prepared by Frank Stearns, attorney, submitted 2/25/2022

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to raise a portion of the roof of Plant 1A to accommodate the height of an additional melting furnace used to refine tantalum. The proposed addition’s height will not exceed the current high- rise element of the roof of Plant 1A of 38.76 feet. The proposed changes require an amendment to the most recent Special Permit # 372-94.
2. The existing furnace results in a nonconforming height of 38.7 feet where 36 feet is the maximum by-right height. The addition resulting in the existing height was constructed in 1982 when the property was zoned Manufacturing and allowed a height up to 60 feet. The proposed addition extends the nonconforming height, but does not increase it, requiring a special permit per sections 4.2.3 and 7.8.2.C.2.

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
	Amend Special Permit #372-94	
§4.2.3 §7.8.2.C.2	Request to extend nonconforming height	S.P. per §7.3.3