



Ruthanne Fuller  
Mayor

City of Newton, Massachusetts  
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**#264-23**  
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**Barney S. Heath**  
Director

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## PUBLIC HEARING/WORKING SESSION MEMORANDUM

**DATE:** September 15, 2023  
**MEETING DATE:** September 19, 2023  
**TO:** Land Use Committee of the City Council  
**FROM:** Barney S. Heath, Director of Planning and Development  
Katie Whewell, Chief Planner for Current Planning  
Michael Gleba, Senior Planner  
**CC:** Petitioner

In response to questions raised at the City Council public hearing, the Planning Department is providing the following information for the upcoming public hearing/working session. This information is supplemental to staff analysis previously provided at the Land Use Committee public hearing.

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### **PETITION #264-23**

**1349 Centre St.**

**Petition #264-23** for SPECIAL PERMIT/SITE PLAN APPROVAL to amend the site plan associated with the special permit **and to allow dimensional relief for the additional paved parking area at 1349 Centre Street**, Ward 6, Newton Centre, on land known as Section 51 Block 04 Lot 03, containing approximately 10,579 sq. ft. of land in a district zoned BUSINESS 2. Ref: Sec. 7.3.3, 5.1.8.A.1, 5.1.13, 5.1.9.A, 5.1.10.A of Chapter 30 of the City of Newton Rev Zoning Ord, 2017. (note: **REVISED LANGUAGE**)

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The Land Use Committee (the "Committee") held a public hearing on August 22, 2023, on this petition. This memo reflects additional information addressed to the Planning Department as of September 13, 2023.

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### **BACKGROUND**

The subject property at 1349 Centre Street is a 10,579 square foot lot located at the corner of Centre Street and Trowbridge Road in a Business 2 (BU2) zoning district. It is improved with a mixed commercial use building that was originally built as a single family dwelling, converted into a two-family dwelling ca. 1920, used as a funeral parlor and music school in the 1950s, and subsequently converted to its current

commercial use.

Nearby properties are occupied by commercial, nonprofit organizations, private educational, and residential land uses. The subject property is zoned Business 2 (BU2), as are parcels to the immediate north and south. Other properties in the area are zoned Single Residence 1 (SR1), Multi-Residence 1, 2, and 3 (MR1, MR2, MR3), Business 1 (BU1), and Public Use (PU).

Plans can be found at <https://newtonma.viewpointcloud.com/records/797694>

**UPDATE**

On August 22, 2023, the public hearing was opened on this petition for a special permit to amend the site plan associated with Special Permit #179-15. The item was subsequently held while additional relief identified to legitimize the as built parking area was noticed and advertised.

Special Permit #179-15 was granted in 2015 to allow a free-standing sign, and the associated approved site plans included certain areas that were to remain as unpaved open spaces. Some of those areas were paved, apparently between July 2019-August 2019. These additional paved areas include an 80 square foot (16 by 5 feet) area along the northeast property line and a 108 square foot (26 by 4 feet) area along the right side of the Centre Street frontage. The present petition was originally submitted requesting an amendment to Special Permit #179-15 only to reflect that additional paving on an updated site plan.

**Zoning Relief Requested**

Accordingly, the zoning review memorandum was revised (**Attachment A**) and the revised petition was renoticed and readvertised. The petitioner now seeks to amend the previous special permit and associated site plan to reflect the additional paving on site as well as to grant relief relative to certain parking facility requirements.

Zoning Relief Required		
Ordinance		Action Required
	To amend Special Permit #179-15	S.P. per §7.3.3
§5.1.8.A.1 §5.1.13	To allow parking within five feet of a front lot line	S.P. per §7.3.3
§5.1.9.A §5.1.13	To waive the perimeter screening requirement	S.P. per §7.3.3
§5.1.10.A §5.1.13	To waive the lighting requirement	S.P. per §7.3.3

More specifically, the additional relief includes the following:

- As parking is located in the southeastern portion of the lot along the back of the Centre Street sidewalk (to accommodate an accessible stall and ramp) and within five feet of Trowbridge Street, per Sec 5.1.8.A.1 a special permit is required to locate parking within five feet of a front lot line.
- No vegetative screening or and fencing is, or proposed to be, installed in the altered southeastern portion of the parking facility. As such, a special permit per Sec. 5.1.13 is required to waive the Sec. 5.1.9.A parking facility perimeter screening requirement.



**Analysis and Recommendations**

Given its location along a commercial section of Centre Street the Planning Department is generally not concerned with the proposed retention of existing, but unapproved, paved areas and the requested waivers of several parking facility requirements. That said, Planning recommends that the petitioner consider some appropriate fencing along the back of the sidewalk along the right side section of the property's Centre Street frontage and the side property line perpendicular to that frontage to mitigate the parking area's visual impact on the neighborhood.

**ATTACHMENT(S)**

- Attachment A**            Planning Department Public Hearing memorandum dated August 18, 2023
- Attachment B**            Revised Zoning Review Memorandum dated August 22, 2023
- Attachment C:**            Revised DRAFT Council Order



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Mayor

## ATTACHMENT A

### City of Newton, Massachusetts

Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459  
Telephone: 617-796-1120

Petition: # #264-23  
Public Hearing: ----  
8/18/23

Barney S. Heath  
Director

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### PUBLIC HEARING MEMORANDUM

DATE: August 18, 2023

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development  
Katie Whewell, Chief Planner for Current Planning  
Michael Gleba, Senior Planner

SUBJECT: **Petition #264-23** for SPECIAL PERMIT/SITE PLAN APPROVAL to amend the site plan associated with the special permit to reflect additional paving on site at **1349 Centre Street**, Ward 6, Newton Centre, on land known as Section 51 Block 04 Lot 03, containing approximately 10,579 sq. ft. of land in a district zoned BUSINESS 2. Ref: Sec. 7.3.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision making process of the City Council. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the City Council will want to consider in its discussion at a subsequent Working Session.



**1349 Centre Street**

## Project Description

### **Background**

The subject property at 1349 Centre Street is a 10,579 square foot lot located at the corner of Centre Street and Trowbridge Road in a Business 2 (BU2) zoning district. It is improved with a mixed commercial use building that was originally built as a single family dwelling, converted into a two-family dwelling ca. 1920, used as a funeral parlor and music school in the 1950s, and subsequently converted to its current commercial use.

The site plans associated with Special Permit #179-15, which allowed a free-standing sign, included certain now-paved areas that were to remain as unpaved open spaces. It appears the areas were paved between July 2019-August 2019. These additional paved areas are an 80 square foot (16 by 5 feet) area along the northeast property line and a 108 square foot (26 by 4 feet) area along the right side of the Centre Street frontage.

Nearby properties are occupied by commercial, nonprofit organizations, private educational, and residential land uses. The subject property is zoned Business 2 (BU2), as are parcels to the immediate north and south. Other properties in the area are zoned Single Residence 1 (SR1), Multi-Residence 1, 2, and 3 (MR1, MR2, MR3), Business 1 (BU1), and Public Use (PU).

### **Need for Special Permit**

To maintain the 188 square feet of additional paving the petitioner requires a special permit per §7.3.3 of the Newton Zoning Ordinance (NZO) to amend Special Permit #179-15 to modify the associated approved site plan to include said additional (but existing) paved areas.

### **Analysis and Recommendations**

Given its location along a commercial section of Centre Street the Planning Department is generally not concerned with the proposed retention of existing, but unapproved, paved areas. That said, Planning recommends that the petitioner consider some appropriate fencing along the back of the sidewalk along a section of the property's Centre Street frontage to mitigate the parking area's visual impact on the neighborhood.

#### **I. ZONING RELIEF REQUESTED:**

<b>Zoning Relief Required</b>		
<b>Ordinance</b>		<b>Action Required</b>
	To amend Special Permit #179-15	S.P. per §7.3.3

For more details regarding the zoning analysis please refer to **Attachment A**.

II. CRITERIA FOR CONSIDERATION PER §7.3.3.:

When reviewing this request, the Council should consider whether:

1. The specific site is an appropriate location for the amendment to Special Permit #179-15 to allow approximately 188 square feet of additional paved area.
2. The approximately 188 square feet of additional paved area will not adversely affect the neighborhood.
3. There will be no nuisance or serious hazard to vehicles or pedestrians.
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved.

III. PROJECT PROPOSAL AND SITE CHARACTERISTICS:

A. Site - Existing Conditions

The subject property consists of a 10,579 square foot level corner lot improved with a 2½-story structure originally constructed as a single-family dwelling and converted to a two-family dwelling in 1920 and to commercial use in the 1950s. The site is accessed by two curb cuts and driveways which allow one way vehicular movement on the property with entrances and exits occurring on Centre Street and Trowbridge Road, respectively. Some low vegetation is located along portions of both frontages but is concentrated at the corner of Centre Street and Trowbridge Road.

IV. PROJECT DESCRIPTION AND ANALYSIS:

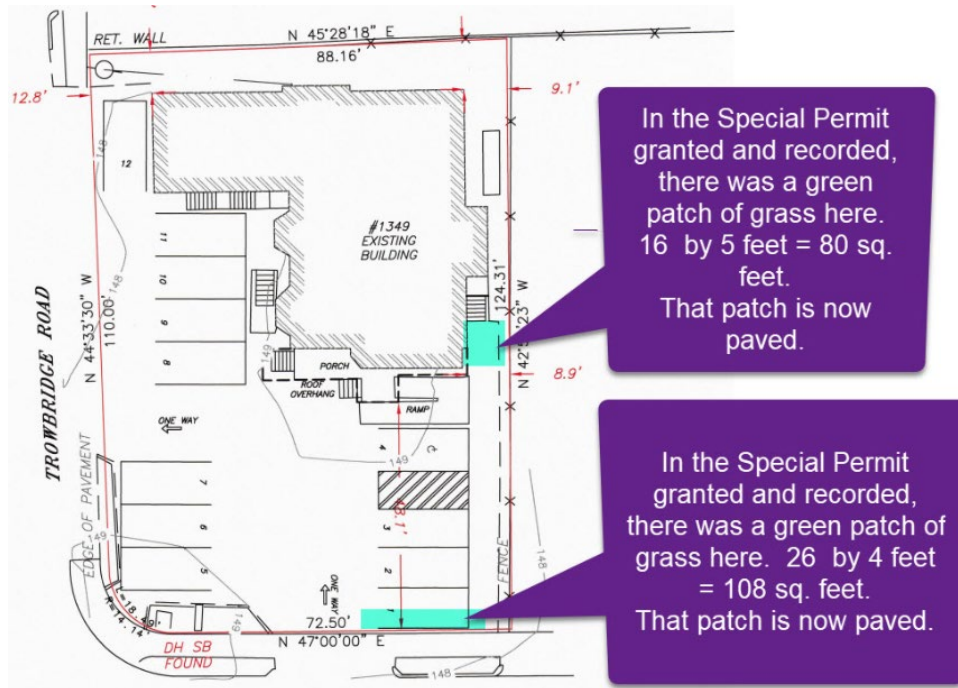
A. Land Use

The property would continue to be used for commercial purposes.

B. Site and Building Design

No changes to the existing structure are contemplated by this petition. In the event the petition is granted approximately 188 square feet more than that permitted by the previous special permit would remain paved. This additional, but existing, paved area are located in two locations: an 80 square foot (16 by 5 feet) area along the northeast property line and a 108 square foot (26 by 4 feet) area along the right side of the Centre Street frontage. The latter constitutes approximately half the area occupied by a parking stall per the submitted site plan.

The amount of impervious area existing on the parcel would remain at 86.7% (9,154 square feet). This would exceed the approx. 84.9% (8,966 square feet) indicated by the site plan associated with Special Permit #179-15.



***Proposed modifications to Special Permit #179-15 site plan (graphic provided by petitioner)***

C. Parking and Circulation

No changes to the existing onsite parking and circulation are contemplated by this petition.

D. Landscaping

A landscape plan was not provided with this petition.

The Planning Department notes that the now-paved 108 square foot area along the back of the Centre Street sidewalk provided an opportunity for some appropriate screening of the parking area. Planning suggests that the petitioner consider some low fencing (consistent with safe vehicular and pedestrian site lines) in this area.

V. INTERDEPARTMENTAL REVIEW:

- **Engineering Review:** Review of this petition by the Engineering Division is not required at this time.
- **Newton Historical Commission:** Review by the Newton Historic Commission is not



required.

VI. PETITIONER'S RESPONSIBILITIES:

The petition is considered complete at this time.

**ATTACHMENTS:**

**Attachment A:** Zoning Review Memorandum

**Attachment B:** DRAFT Council Order



Ruthanne Fuller  
Mayor

# ATTACHMENT B

City of Newton, Massachusetts  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

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Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: August 22, 2023

To: Anthony Ciccariello, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Katie Whewell, Chief Planner for Current Planning

Cc: Myrtha Chang, Applicant  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

RE: Request to amend the site plan associated with Special Permit #179-15 and parking waivers

Applicant: Myrtha Chang	
Site: 1349 Centre Street	SBL: 51004 0003
Zoning: BU2	Lot Area: 10,579 square feet
Current use: Mixed commercial	Proposed use: No change

### Background:

The property at 1349 Centre Street is located in the Business 2 district and is improved with a mixed commercial use building at the corner of Centre and Trowbridge Streets. The existing structure was originally built as a single family dwelling and was converted into a two-family in 1920. During the 1950's it was used as a funeral parlor and music school and was converted over to business uses sometime thereafter. A special permit was granted in 2015 allowing a free standing sign. The petitioner seeks to amend the site plan associated with the special permit and to add relief relative to parking to reflect additional paving on site.

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

- Zoning Review Application, prepared by Myrtha Chang, applicant, dated 5/4/2023
- Plan Showing Existing Conditions, signed and stamped by Dennis O'Brien, surveyor, dated 4/20/2015
- Proposed Conditions Plan, signed and stamped by Dennis O'Brien, surveyor, dated 6/15/2023

**ADMINISTRATIVE DETERMINATIONS:**

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1. The property was granted a special permit to allow a free-standing sign in 2015, which included associated proposed site plans showing parking and landscaping. During construction of the sign and parking lot improvements, additional open space not accounted for on the proposed site plan was paved. The petitioner seeks an amendment to Special Permit #179-15 to reflect the changes to the approved site plan.
2. The property is improved with a surface parking lot with nonconformities relative to setbacks, screening and lighting. Those portions of the parking facility which have been altered are subject to section 5.1 per section 5.1.2.C.
3. The petitioner reconfigured the four parking stalls on the southeastern lot line to accommodate an accessible stall and ramp. The existing parking is situated within the front setback Centre Street and is within five feet of Trowbridge Street. The alteration now situates the parking on the southeastern portion of the lot along the front lot line along Centre Street. A special permit per sections 5.1.8.A.1 and 5.1.13 is required to locate parking within five feet of Centre Street.
4. Section 5.1.9.A requires perimeter screening in the form of vegetation and fencing. No landscaping or fencing is proposed in the altered southeastern portion of the parking facility, requiring a special permit per section 5.1.13.
5. Section 5.1.10.A requires lighting for outdoor parking facilities used at night. No lighting is proposed in the altered southeastern portion of the parking facility, requiring a special permit per section 5.1.13.
6. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<b>Ordinance</b>		<b>Action Required</b>
	To amend Special Permit #179-15	S.P. per §7.3.3
§5.1.8.A.1 §5.1.13	To allow parking within five feet of a front lot line	S.P. per §7.3.3
§5.1.9.A §5.1.13	To waive the perimeter screening requirement	S.P. per §7.3.3
§5.1.10.A §5.1.13	To waive the lighting requirement	S.P. per §7.3.3

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #179-15 to allow additional paved area, to allow the location of parking stalls within five feet of a front lot line, and waive certain parking facility perimeter screening and lighting requirements, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for approximately 188 square feet of additional paved area and parking stalls within five feet of a front lot line and to waive certain parking facility perimeter screening and lighting requirements given its location along a commercial section of Centre Street . (§7.3.3.C.1)
2. The approximately 188 square feet of additional paved area and parking stalls within five feet of a front lot line and waiver of certain parking facility perimeter screening and lighting requirements will not adversely affect the neighborhood given the site's location along a commercial section of Centre Street. (§7.3.3.C.2)
3. There will be no 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. Granting exceptions to certain provisions of Sec. 5.1 to locate parking within five feet of a front lot line and waive certain parking facility perimeter screening and lighting requirements is appropriate because literal compliance is impracticable due to the location and size of the lot and that such exceptions would be in the public interest as allows for the creation of an accessible parking stall in close proximity to the commercial building and avoids the installation of excessive lighting on the site. (§5.1.13)

PETITION NUMBER: #264-23

PETITIONER: Myrtha W. Chang

LOCATION: 1349 Centre Street, Ward 6, Newton Centre, on land known as Section 51 Block 04 Lot 03, containing approximately 10,579 sq. ft. of land

OWNER: Myrtha W. Chang

ADDRESS OF OWNER: 226 Winchester St.  
Newton, MA 02461

TO BE USED FOR: Commercial use

RELIEF GRANTED: Special permit per §7.3.3 to amend Special Permit #179-15 to modify the associated approved site plan to include additional paved area and to allow parking within five feet of a front lot line (§5.1.8.A.1, §5.1.13), waive the perimeter screening requirement (§5.1.9.A, §5.1.13) and to waive the lighting requirement (§5.1.10.A, §5.1.13)

ZONING: Business 2 (BU2)

Approved subject to the following conditions:

1. All conditions set forth in Special Permit/Site Plan Approval #179-15 shall remain in full force and effect with the exception that the following plan is substituted for the plan identified in Condition 1(b) as “Proposed site plan titled ‘Plan Showing Existing (*sic*) Conditions- 1349 Centre Street Newton MA,” prepared , stamped ,and signed by Dennis O’Brien, with modification by Myrtha Change (*sic*), dated April 20, 2015”:
  - a. A site plan entitled “Plan Showing Proposed Parking, 1349 Centre Street, Newton, MA, Middlesex County,” prepared by D. O’Brien Land Surveying, dated June 15, 2021, signed and stamped by Dennis O’Brien, Professional Land Surveyor, October 26, 2022.
2. No building permit (other than a demolition permit) and unless otherwise specified shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
  - a. Recorded a certified copy of this Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.
  - b. Obtained a written statement/sign off from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
3. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the petitioner has:

- a. Filed with the building permit record statements by a registered architect, professional engineer, or professional land surveyor certifying compliance with Condition #1.
- b. Submitted final as-built survey plans in digital format, stamped and signed by a professional engineer or professional land surveyor.