



Ruthanne Fuller  
Mayor

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

Barney S. Heath  
Director

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## PUBLIC HEARING MEMORANDUM

**DATE:** November 17, 2023

**TO:** City Council

**FROM:** Barney S. Heath, Director of Planning and Development  
Katie Whewell, Chief Planner for Current Planning  
Alyssa Sandoval, Deputy Chief Planner for Current Planning

**SUBJECT:** **Petition #340-23** for SPECIAL PERMIT/SITE PLAN APPROVAL to allow indoor vehicle sales and service in a 2,486 square foot indoor space at 32 Needham Street, Ward 8, Newton Highlands, on land known as Section 83 Block 11 Lot 14, containing approximately 14,865 sq. ft. of land in a district zoned MIXED USE 2. Ref: Sec. 7.3.3, 4.4.1, 6.4.36 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 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.



**32 Needham Street**

## **Project Description**

The subject property consists of approximately 14,865 square feet of land in the Mixed Use 2 (MU-2) zone on Needham Street. The petitioner seeks a special permit to allow indoor vehicle sales and service at this commercial building.

The property is located on a through lot with frontage on both Needham Street and Winchester Street. The site is improved with a one-story 5,400 square foot commercial building constructed in 1960. The surrounding neighborhood is predominately commercial along Needham Street to the west and north and predominantly residential along Winchester Street to the east of the site.

Planning notes that the proposed use of indoor vehicle sales and service at this location is unlikely to result in neighborhood impacts as the vehicles will only be shown indoors and outdoor space will not be utilized for vehicle sales as the outdoor vehicle sales use is prohibited in the MU-2 zone. The indoor vehicle sales will occupy a 2,486-square-foot space formerly occupied by a retail showroom. The business will abut other commercial uses on Needham Street including an existing vehicle sales use at 14 Needham Street that is currently operated by the petitioner and a restaurant. The main entrance and business frontage is on a commercial section of Needham Street.

As the Zoning Memorandum notes, there is no waiver required for parking as the proposed use replaces an existing retail use. Planning does note that the main parking area on Needham Street is very limited with only four parking spaces. The Petitioner notes that this parking area will be dedicated to customers and one to two spaces on the side of the building will be utilized by employees. The parking area on Winchester Street has twelve parking stalls, which also could help to provide parking. While technically no waiver is required for parking, Planning notes the available parking is quite constrained in its availability and layout. This may not be an issue if the volume of customers is anticipated to be low and employees utilize the side and rear parking area.

### I. Zoning Relief Requested:

| <b>Zoning Relief Required</b> |   |                        |
|-------------------------------|---|------------------------|
| <i>Ordinance</i>              | <i>Required Relief</i>                            | <i>Action Required</i> |
| §4.4.1<br>§6.3.14.B.2         | Request to allow indoor vehicle sales and service | S.P. per §7.3.3        |

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

II. Criteria for Consideration per §7.3.3 and/or §5.1.13:

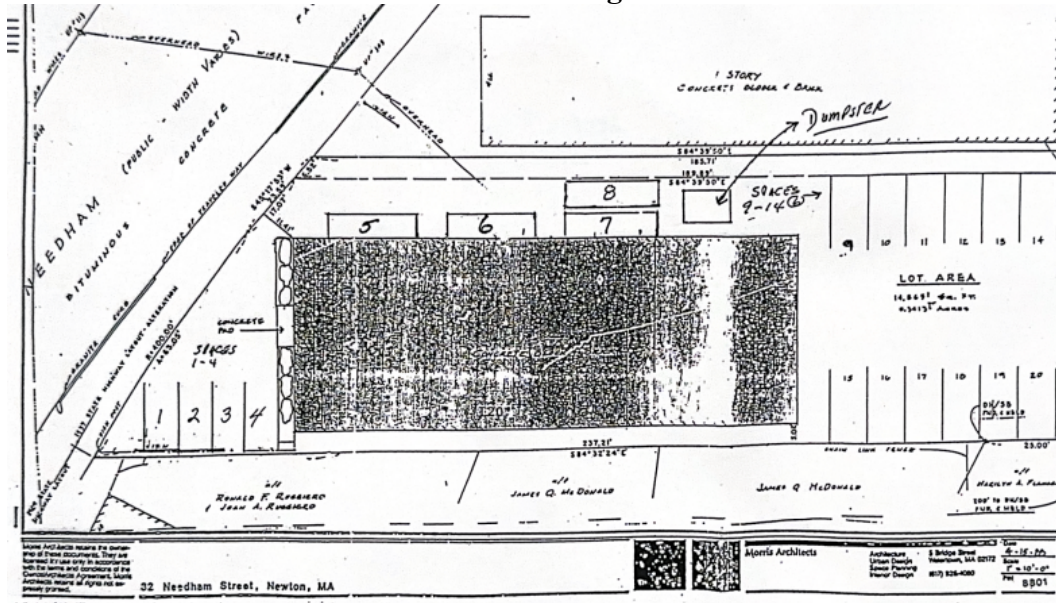
- The specific site is an appropriate location for proposed indoor vehicle sales and service business. (§7.3.3.C.1.)
- The site as developed and operated will not adversely affect the neighborhood. (§7.3.3.C.2.)
- There will be no nuisance or serious hazard to vehicles or pedestrians because of the proposed indoor vehicle sales and service business. (§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.)

III. Project Proposal and Site Characteristics

A. Site

The site consists of a 14,865-square-foot lot in the Mixed Use 2 zoning district and is improved with a one-story 5,400-square foot commercial building constructed in 1960. The petitioner proposes to introduce indoor vehicle sales to a 2,486 square foot portion of the existing building facing Needham Street with the main access on Needham Street. The building also includes a 2,941 square foot space with a professional office that is accessed from Winchester Street. There are no site changes proposed but the site plan below is provided for contextual purposes.

### Existing Site Plan



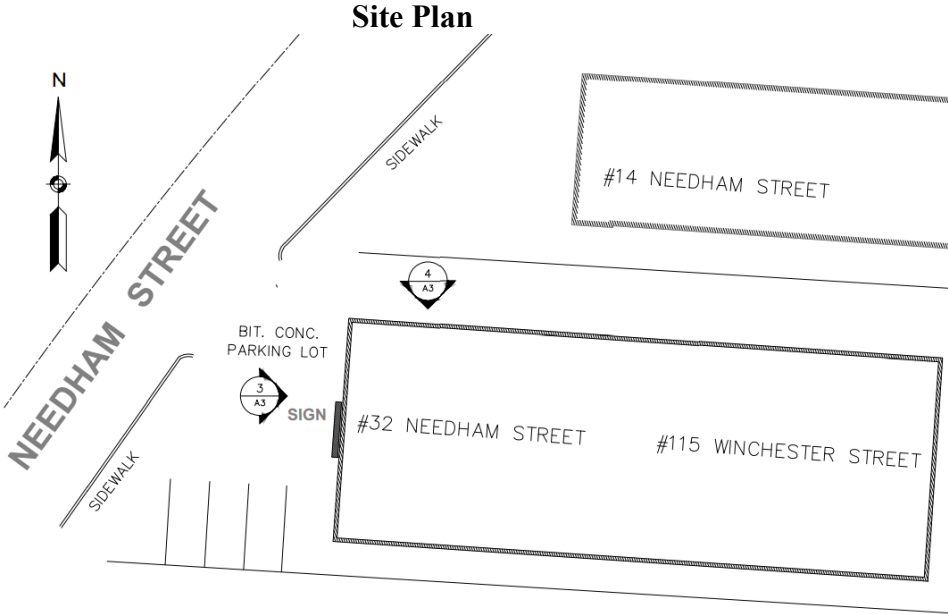
#### IV. Project Description and Analysis

##### A. Land Use

The current use of the site is mixed use commercial. If approved, the use would not change.

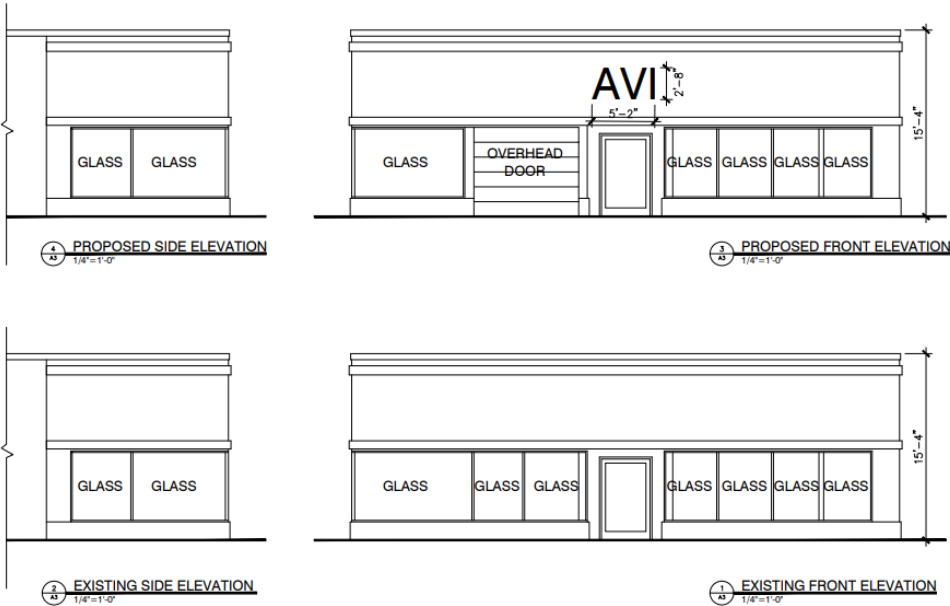
##### B. Site Design

A site plan is provided showing the parking area accessed by Needham Street and location of sidewalks and adjacent automotive showroom at 14 Needham Street.



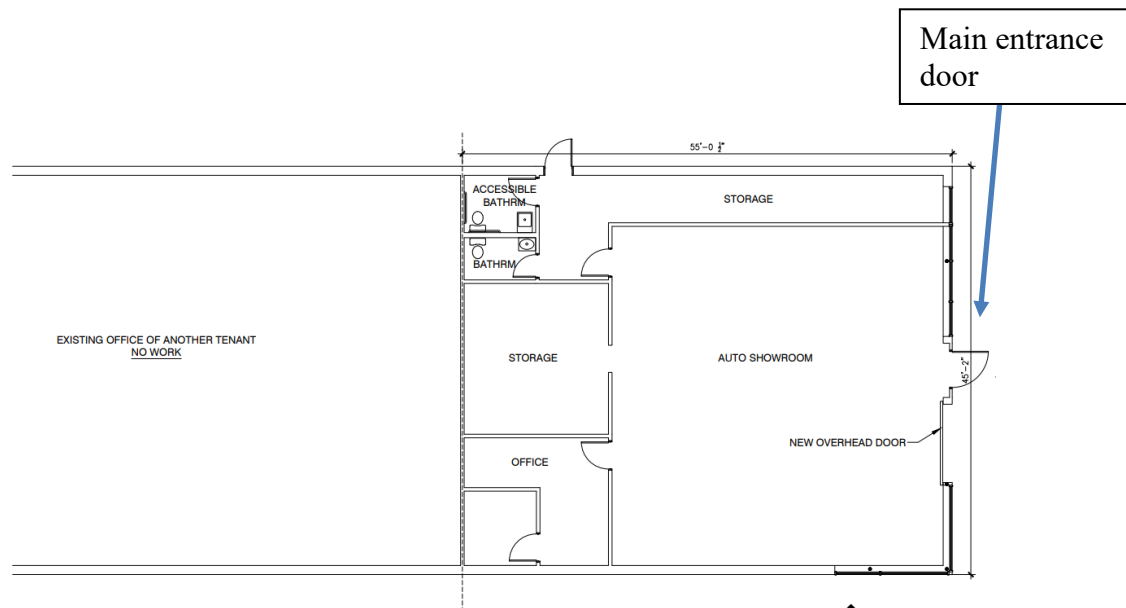
There are no modifications proposed to the site although there are minor exterior building modifications such as a new overhead door as indicated on the proposed front elevation below. The petitioner would need approval for the by-right wall sign proposed from the Urban Design Commission.

### Front Elevation



C. Floor Plan and Operations

According to the petitioner, the operating hours for the indoor vehicle sales business would be from 8 am to 5 pm daily. There is an existing main door that is indicated on the plans for customer access. See floor plan below.



In response to further details requested by Planning, the petitioner notes that the vehicle sales would be a supplement to the current automotive business located at the adjacent property on 14 Needham Street. The focus of the business proposed would be on lower volume, unique/high end automotive sales.

D. Parking and Access

The proposed business location on Needham Street is currently under reconstruction as part of a public street improvement project. The City of Newton in conjunction with the Massachusetts Department of Transportation (MassDOT) is making improvements to the Needham Street Corridor. There is anticipated to be a new sidewalk adjacent to the business location, which should improve pedestrian access to the business.

There are four parking stalls located in front of the building perpendicular to the Needham Street frontage; four along the northern side of the building; and twelve in the rear of the building accessed from Winchester Street for a total of 20 parking stalls. As the main entrance to the building and business frontage is on Needham Street, visitors would utilize the Needham Street parking area.

An additional 2,941 square foot space is tenanted with a professional office, which requires one parking stall per every 250 square feet. The previous combination of uses

(retail and office) required 22 parking stalls per section 5.1.4.A, where 20 parking stalls exist on the property. As noted in the Zoning Memorandum (Attachment A), because the proposed vehicle sales use has the same parking requirement as the previous retail use, there is no waiver required as the credit from the previous use satisfies the proposed parking requirement.

Planning notes a potential issue with the limited and separate parking areas. The parking area on Needham Street only has four parking spaces while the parking area on Winchester Street has twelve parking stalls. On a recent site visit, Planning noted the parking in front of 32 Needham Street was close to full. While technically no waiver is required for parking, Planning notes the available parking is quite constrained in its availability and layout. This may not be an issue if the volume of customers is anticipated to be low and employees utilize the side and/or rear parking area. In response to an inquiry from Planning, the petitioner notes that one to two employees will park along northern side of the building, and the front parking area on Needham Street would be reserved for clients. There is also the option for overflow parking on the rear lot if needed. Planning recommends that the petitioner ensures there is messaging to indicate appropriate parking areas for visitors/customers and employees to prevent confusion and parking overflow.

V. INTERDEPARTMENTAL REVIEW

- A. Urban Design Commission: The Petitioner should schedule a meeting with the Urban Design Commission to review and receive required approvals for the proposed by-rightwall sign.

VI. PETITIONER'S RESPONSIBILITIES

This petition is considered complete. The Petitioner should receive approval from the Urban Design Commission for any proposed signage.

**ATTACHMENTS:**

- Attachment A:** Zoning Review Memorandum  
**Attachment B:** Council Order #340-23



Ruthann Fuller  
Mayor

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Barney S. Heath  
Director

ZONING REVIEW MEMORANDUM

Date: October 18, 2023

To: Anthony Ciccariello, Commissioner of Inspectional Services

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

Cc: Safi Barqawi, Applicant  
Stuart Smith, Owner  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

RE: Request to allow indoor vehicle sales and service

| Applicant: Stuart Smith      |                              |
|------------------------------|------------------------------|
| Site: 32 Needham Street      | SBL: 83011 0014              |
| Zoning: MU2                  | Lot Area: 14,865 square feet |
| Current use: Retail showroom | Proposed use: Vehicle sales  |

BACKGROUND:

The property at 32 Needham Street consists of 14,865 square feet improved with a single-story commercial building constructed in 1960. The parcel is a through lot with frontage and access on Needham and Winchester Streets. The petitioner proposes to introduce vehicle sales in a 2,486 square foot space formerly occupied by a retail showroom. Indoor vehicle sales require a special permit in the MU2 zoning district.

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

- Zoning Review Application, prepared by Safi Barqawi, dated 9/20/2023
- Floor plans and elevations, signed and stamped by Paul R. Lessard, architect, dated 9/14/2023
- Site Plan, prepared by Morris Architects, submitted 9/20/2023



**ADMINISTRATIVE DETERMINATIONS:**

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1. The petitioner proposes to introduce indoor vehicle sales to a 2,486 square foot portion of the existing building facing Needham Street. Per sections 4.4.1 and 6.4.35, a special permit is required to allow indoor vehicle sales and service in the MU2 zoning district.
2. The tenant space was previously used as a retail showroom, which requires one parking stall per 300 square feet plus one per every three employees per section 5.1.4. An additional 2,941 square foot space is tenanted with a professional office, which requires one parking stall per every 250 square feet. The previous combination of uses required 22 parking stalls per section 5.1.4.A, where 20 exist on the property. There are four stalls located in front of the building perpendicular to the Needham Street frontage; four along the northern side of the building; and twelve in the rear of the building accessed from Winchester Street. The proposed vehicle sales use has the same parking requirement as the previous retail use. No waiver is required, as the credit from the previous use satisfies the proposed parking requirement.

| <b>Zoning Relief Required</b> |   |                        |
|-------------------------------|---|------------------------|
| <i>Ordinance</i>              | <i>Required Relief</i>                            | <i>Action Required</i> |
| §4.4.1<br>§6.3.14.B.2         | Request to allow indoor vehicle sales and service | 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 allow indoor vehicle sales and service as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The site is an appropriate location for the proposed to allow indoor vehicle sales and service because the site is located on a commercial corridor and abuts other commercial and auto-oriented uses. The indoor vehicle sales will be limited to a small showroom area and have lower customer volume resulting in less parking demand. (§7.8.2.C.1)
2. The proposed indoor vehicle sales and service use will not adversely affect the neighborhood because the business frontage is located on an active commercial corridor and adjacent to automotive uses. (7.3.3.C.2)
3. There will not be a nuisance to vehicles or pedestrians because the existing conditions of the site will be maintained. (§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)

PETITION NUMBER: #340-23

PETITIONER: Safi Barqawi

LOCATION: 32 Needham Street, Ward 8, Newton Highlands, on land known as Section 83 Block 11, Lot 14, containing approximately 14,865 sq. ft. of land

OWNER: 32 Needham Street Trust

ADDRESS OF OWNER: 115 Winchester ST  
Newton, MA 02461

TO BE USED FOR: To allow indoor vehicle sales and service.

RELIEF GRANTED: Special Permit per §7.3.3:

- To allow indoor vehicles sales and service (§4.4.1; §6.3.36)

ZONING: Mixed Use 2

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
  - a. Floor plans and elevations, signed and stamped by Paul R. Lessard, architect, dated 9/14/2023.
2. No building permit (other than a demolition permit) or certificate of occupancy 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.