



Land Use Committee Report

City of Newton **In City Council**

Tuesday, June 12, 2018

Present: Councilors Schwartz (Chair), Greenberg, Auchincloss, Kelley, Markiewicz, Crossley, Laredo

Also Present: Councilors Brousal-Glaser, Leary, Ciccone

City Staff Present: Associate City Solicitor Bob Waddick, Chief Planner Jennifer Caira, Senior Planner Neil Cronin, Senior Planner Michael Gleba

All Special Permit Plans, Plan Memoranda and Application Materials can be found at http://www.newtonma.gov/gov/aldermen/special_permits/current_special_permits.asp. Presentations for each project can be found at the end of this report.

#292-18 Special Permit Petition to exceed FAR at 39 Summit Street

VANESSA LIPSCHITZ AND MATTHEW HELMING petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 455 sq. ft. two-story addition, creating an FAR of .58 where .39 exists and .45 is allowed at 39 Summit Street, Ward 1, Newton, on land known as Section 12 Block 22 Lot 24, containing approximately 5,439 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 7.3.3, 7.4, 3.1.3, 3.1.9 of the City of Newton Rev Zoning Ord, 2015.

Action: **Land Use Approved 6-0 (Laredo not Voting); Public Hearing Closed June 12, 2018**

Note: Petitioners Matthew Helming, Vanessa Lipschitz and Designer Tavis Babbit presented the petition to exceed the FAR at 39 Summit Street. Mr. Babbit noted that the second floor of the existing structure has two and a half bedrooms, but is a half story; limiting the amount of usable living space. The petitioner proposes to raise the height of the structure to allow larger bedrooms, office space and a second bathroom. It was noted that a one-story side addition will be reconstructed. Mr. Babbit stated that while the increase to the structure is approximately 16.4%, an existing porch will be removed, to reduce some mass.

Senior Planner Michael Gleba reviewed the relief requested, criteria for consideration, land use, zoning and photos of the site as shown on the attached presentation. Mr. Gleba confirmed that the existing non-conforming east side setback will not be extended.

With no member of the public wishing to speak, Councilor Greenberg motioned to close the public hearing which carried unanimously. Councilor Greenberg motioned to approve the petition. Committee members reviewed the draft findings and conditions. Committee members expressed no concerns relative to the petition. The petitioners confirmed that they do not intend to remove

significant amounts of vegetation and all of the trees will be preserved. Committee members voted unanimously in favor of the motion to approve.

#178-18 Petition to amend Board Order #257-13(4) at 145 Wells Ave
ANDRIAN SHAPIRO/WELLS AVENUE BUSINESS CENTER, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to extend the hours of operation and increase the number of customers at one time, requiring an amendment to Special Permit Board Order #257-13(4) at 145 Wells Avenue, Ward 8, Newton Centre, on land known as Section 84 Block 34 Lot 2G, containing approximately 86,256 sq. ft. of land in a district zoned LIMITED MANUFACTURING. Ref: 7.3.3, 7.4 of the City of Newton Rev Zoning Ord, 2015.

Action: **Land Use Approved 6-0 (Laredo not Voting); Public Hearing Closed June 12, 2018**

Note: Attorney Terry Morris represented the petitioner Andrian Shaprio/Well Avenue Business Center to present the request to amend the Special Permit Board Order #257-13(4) at 145 Wells Avenue. Atty. Morris stated that it is the petitioner's intent to extend the hours of operation to allow for simultaneous operation of the existing uses (daycare and amusement center) at the site. It was noted that the Planning Department expressed concerns relative to the potential growth of either the amusement center or the daycare. Atty. Morris noted that while the daycare was permitted originally by the State for 120 children, they have seen lower attendance than anticipated and the State has reduced their license to a limit of 81 children.

Senior Planner Michael Gleba reviewed the requested relief, criteria for consideration, zoning, land use and photos of the site as shown on the attached presentation. It was noted that both uses at the site have been operating for several years. The amusement center has operated during the weekends and the daycare during the week. The daycare will remain open Monday-Friday, but the amended permit would allow the recreation center to operate during the weekdays. A Committee member questioned why the original Board Order may have prohibited simultaneous operation. Mr. Gleba noted that it may have been a concern relative to parking. He noted that the petitioner has submitted parking counts and is now operating at a reduced number.

With no member of the public wishing to speak, Councilor Markiewicz motioned to close the public hearing which carried unanimously. Committee members reviewed the draft findings and conditions. A Committee member asked that the Planning Department review the findings and include a reference to the sufficient parking at the site. Based on the reduction by the State for the number of allowable children for the daycare, Committee members noted that the Council Order should limit the number of children to 81. Committee members questioned whether a lookback provision should be included relative to operations. Committee members voted unanimously in favor of the motion to approve.

#293-18 Petition to allow restaurant with more than 50 seats at 342-344 Watertown Street
ARTUR ANDRONIC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a restaurant with greater than 50 seats, a waiver for 12 parking stalls and allow the re-use of an existing non-conforming sign at 342-344 Watertown Street, Ward 1, Newton, on land known as Section 14 Block 12 Lot 21 containing approximately 8,364 sq. ft. of land in

a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4, 4.4.1, 6.4.29.C.1, 5.1.4, 5.1.13, 5.2, 5.2.13 of the City of Newton Rev Zoning Ord, 2015.

Action: **Land Use Approved 7-0; Public Hearing Closed June 12, 2018**

Note: Petitioner Artur Andronic presented the petition to expand the existing restaurant at 342-344 Watertown Street into the adjacent space, creating a restaurant with greater than 50 seats, requiring a Special Permit. Mr. Andronic noted that the restaurant has been operating since 2016 and due to the recent vacancy of the adjacent space by Silver Lake liquors; the petitioner has the opportunity to expand to 71 spaces, with a full bar, dining space and live music. The petition includes a waiver for 12 parking stalls and the maintenance of an existing sign.

Senior Planner Neil Cronin reviewed the relief requested and criteria for consideration as shown on the attached presentation. Mr. Cronin noted that the petitioner submitted a parking study which demonstrated sufficient parking for the proposed use. Mr. Cronin noted that the Zoning Review Memo did not account for the increase in staff. As such, the petitioner has agreed to reduce the number of customers to 68 to allow up to 8 staff members or 71 seats and 5 staff members.

The Public Hearing was Opened.

Ann Berardi, 157 Chapel Street, stated that she is proud of the local businesses, but noted that they don't accommodate parking on site. Customers park on Chapel Street and create parking issues for the residents of Chapel Street and creates dangerous conditions. She noted that parking is constrained at the site.

Andrea Forsythe, 172 Chapel Street, has concerns about parking. She noted that the neighborhood has been burdened by the reduction in parking on Chapel Street and the influx of new restaurants that do not provide parking. She noted that many of the spots on Chapel Street are handicapped, further limiting available spaces. She asked that the petitioner consider alternate options to a parking waiver (i.e. valet parking).

*A Committee member questioned how valet parking will address a parking waiver. It was noted that the petitioner would need to secure parking spots off-site at a local underutilized lot. It was noted that the off-site parking would require additional Special Permit relief.

With no other member of the public wishing to speak, Councilor Greenberg motioned to close the public hearing which carried unanimously. Councilor Greenberg moved approval of the item. A Councilor noted that Moldova has been an asset to the community and a cooperative petitioner. It was suggested that pedestrian activity should be encouraged as the village is walkable. It was noted that the proposed sign will be an improvement to the existing façade. Committee members questioned where the petitioner anticipates staff will park. Mr. Andronic stated that he is encouraging employees to take public transportation and carpool. If necessary, he has considered the option of renting spaces for staff use.

Mr. Andronic noted that he additionally posts information for customers regarding where parking is available. He noted that there is typically parking available within a two-minute walking distance. He confirmed that he has not yet considered offering valet parking. A Committee member noted that the increase in number of seats at the restaurant is significant. Some Committee members expressed concerns relative to the possible impact on parking. Committee members were supportive of a Transportation Demand Management Plan. Mr. Andronic confirmed that he would consider a shared parking option for employees if he could come to an agreement with a private entity. It was noted that the Chapel Bridge Park has a separate park sharing arrangement and may be open to the opportunity. It was suggested that dynamic parking prices may help to alleviate some parking constraints.

Committee members reviewed the draft findings and conditions. Councilors members agreed that the Council Order should include a provision, requiring submission of a Traffic Management Plan to be approved by the Planning Department. Committee members suggested that Finding #5 should be revised to reflect that the waiver for parking is appropriate given the petitioner's Transportation Demand Management Plan. A Committee member suggested that Planning Department can review the effectiveness of the TDM Plan after implementation. One Councilor suggested that the restaurant can require employees to park off-site. Committee members voted unanimously in favor of the motion to approve.

#294-18 Special Permit Petition to allow development at 1314 Washington and 31, 33 Davis St. HQ, LLC petition for a8 SPECIAL PERMIT/SITE PLAN APPROVAL to construct a three-story addition in the BU1 district to be used for mixed uses, to allow a building in excess of 20,000 sq. ft., to extend the existing non-conforming structure with regard to height, to extend the existing non-conforming structure with regard to side setback, to allow a restaurant with more than 50 seats, to waive the requirement of using the A-B+C parking formula, to allow a reduction in the overall parking required by 1/3, to waive 27 parking stalls, to allow parking in the front and side setback, to allow reduced parking stall dimensions, to waive end stall maneuvering space requirements, to allow reduced aisle width, to waive perimeter screening requirements, to waive interior landscaping requirements, to waive requirements for interior planting area, tree planting, and bumper overhang area landscaping, to waive lighting requirements, to waive off-street loading facility requirements in Ward 3, West Newton, at 1314 Washington Street, 31 Davis Street and 33 Davis Street (Section 33 Block 10 Lots 01, 11, 12), containing approximately 30,031 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 7.8.2.C.1, 7.8.2.C.2, 4.4.1, 6.4.29.C.1, 5.1.3.B, 5.1.13, 5.1.4, 5.1.4.C, 5.1.8.A.1, 5.1.8.A.2, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.C.1, 5.1.8.C.2, 5.1.9.A, 5.1.9.B.1, 5.1.9.B.2, 5.1.9.B.3, 5.1.9.B.4, 5.1.10.A.1, 5.1.12 of the City of Newton Rev Zoning Ord, 2015.

Action: **Land Use Held to August 7, 2018; Public Hearing Continued**

Note: Attorney Stephen Buchbinder, offices at 1200 Walnut Street represented the petitioner, HQ, LLC to present the request for a mixed-use development on the 30,000 sq. ft. lot at the corner of Washington Street and Highland Street, located in the Business Use 1 district at 1314 Washington Street, 31 and 33 Davis Street. Atty. Buchbinder stated that the original building was established in

1915, prior to the establishment of Zoning laws. Subsequent additions to the building were constructed in 1935 and 1959. He noted that until 1976, BU1 could be up to 4 stories and 40'. In 1987, the by-right maximum became two stories and 24'. The existing building is legally non-conforming with respect to height and side setback. The petitioner proposes to construct a three-story, 40' addition to the rear of the building to include a bank and a restaurant up to 150 seats on the first floor and office space on the second and third floors. Architect John Hall Martin, Elkus Manfredi Architects, presented details of the proposed structure (shown on the attached presentation). He noted that the banking space will be used for the proposed restaurant space and will maintain the existing stairs. He stated that the front façade will be maintained and noted that the side elevations will step back from Washington Street. Mr. Martin showed renderings of the development to demonstrate the proposed massing and design.

Atty. Buchbinder noted that existing lot has 60 parking stalls which are dimensionally non-compliant. He noted that the proposed parking lot is reduced to 49, that are more dimensionally complaint. Atty. Buchbinder stated that the traffic study as submitted by Stantec shows a peak demand of 48 parking stalls. He noted that the Planning Department has requested a modified traffic study, showing all of the parking available within West Newton Square. Atty. Buchbinder stated that the Historic Commission and the Urban Design Commission are supportive of the plan and noted that there has been a community meeting. He stated that the petitioner is working to accommodate the church parking, which has been accommodated from 9:00 am – 12:00 pm on Sundays for years.

Senior Planner Michael Gleba reviewed the requested relief, criteria for consideration, zoning, land use plans and photos of the site as shown on the attached presentation. Mr. Gleba stated that the Planning Department has identified concerns relative to the following items: lack of screening and interior landscaping in the parking lot, the dimensional concerns for parking and the number of parking spaces. Ms. Caira noted that because the peak uses are complementary and staggered, the traffic study indicates that 48 stalls meet the demand. She confirmed that the Planning Department has requested a larger study.

Councilors questioned how and where trash and recycling will be picked up. Mr. Martin noted that there is a mechanical and trash room (shown in grey) adjacent to the parking lot. He noted that trash and recycling operations will be similar to the existing operations. Mr. Martin also noted that the petitioner is seeking a waiver from the loading dock requirement but noted that trash and recycling can be handled from the back door.

Public Comment

Miriam Tuchman, 269 Waltham Street, has concerns about the lack of sufficient parking and the demand for the retail space. She noted that West Newton Square has been undergoing redesign and the City has not been able to address parking. She noted that the bank has allowed the community to use the parking lot. She stated that more than 48 spaces for a 150-seat restaurant will be necessary and noted that some people who used the parking lot will now need to park elsewhere. Ms. Tuchman noted that the addition of this restaurant space will choke other businesses and stated that there is no additional space for parking in West Newton Square. She does not believe the location is appropriate for the proposed development.

Peter Dimond, 18 Sterling Street, noted that the City is removing spaces and installing a bike path. He noted that the police officers park on Davis Street, using many of the spaces. He does not believe that granting a waiver for the restaurant and building is a good idea. He believes that preservation of the historic structure is nice.

Mary Potere, 18 Inis Circle, noted that commuters are taking over West Newton Square and are already parking in the bank and church lots. She noted that the design of the rear of the bank is unappealing and questioned whether it can be designed to fit more nicely with the bank or community.

Richard Tormey, 16 Hunter Street, noted that parking in West Newton is terrible. He stated that people park in his driveway and believes that the people on Chapel, Hunter and Davis Street have decreasing quality of life.

Annette Seaward, 17 Davis Street, noted that she understands that the developer doesn't have to provide parking, but she remains concerned about the pressure in parking. She is concerned that the lack of parking will cause businesses to suffer. She is also concerned about the impact on her street as well as loadings and deliveries.

Neil Epstein, 1306 Washington Street, West Newton Dental Associates, stated that the parking has been getting increasingly worse over time. He noted that the lack of parking is causing problems for customers as well as residents. He does not believe that the 48 parking stalls will be sufficient.

Barbara Smith, 19 Ricker Road, stated that most of the requested relief is for parking and noted that many of the residents have expressed concerns relative to parking.

Matthew Epstein, 1306 Washington Street, West Newton Dental Associates, noted that parking is a major concern for residents and customers in West Newton Square. He believes the 150-seat restaurant will create unsafe conditions and urged Committee to vote against the proposed development.

Seamus Tuohy, 15 Davis Street, noted that traffic will be forced to exit onto Davis Street. He has concerns about the impact on traffic/parking on Davis Street and the impact of the noise at the site.

Karen Levy, 45 Sheffield Road, noted that the proposed parking plan is very bad. She believes that the building is beautiful. She noted that there are some lots in the area that are never full but noted that the pedestrian access in the area is poor.

Joan Schulz, 64 Hatfield Road, noted that the proposed development doesn't conform to what members of the community want. She doesn't believe that non-conforming structures should be allowed to extend their non-conformities. Ms. Schulz urged Committee members to help preserve the neighborhood.

Peter Harrington, 157 Lowell Avenue, owns a small commercial building at 505 Waltham Street, stated that traffic has been an ongoing issue in West Newton Square. He questioned what the commercial space will be used for if the restaurant leaves and whether there will be sufficient parking. He noted

that the police station uses the parking that was previously public parking. He stated that parking is insufficient and noted that Councilor Lipof has been working to improve traffic conditions in the square. He stated that it is unsafe for pedestrians and emphasized that a loading dock is necessary for trucks.

William Seaward, 19 Davis Street, likes the design of the building. He stated that there is no parking in the Square and deliveries are frequently parking, affecting residents.

Laurel Farnsworth, 73 Perkins Street, Represented the First Unitarian Society, she stated that they share the concerns relative to parking. She noted that the First Unitarian Church has been in the square for many years and the bank has always allowed them to park in the parking lot as well as use the lot for pickup and drop-off for preschool students. She is concerned that lack of access for a prolonged period will cause problems relative to attendance and enrollment for the daycare. Ms. Farnsworth reiterated the need for parking at all times and noted that the new developments will not be usable without adequate parking.

Committee members acknowledged that parking in the Square is a major concern. Additionally, it was noted that members of the public expressed concern relative to lack of a loading dock and trash pickup. Some Councilors were in agreement that it is not appropriate to waive all of the landscaping to the extent requested; particularly on Highland Street and Davis Street and in the parking lot. A Committee member questioned whether there is a Transportation Demand Management Plan. Atty. Buchbinder confirmed that details of the Transportation Demand Management Plan and how the petitioner intends to meet the 5th special permit criteria can be provided at the next meeting.

With a motion to hold, Committee members held the item and public hearing open to be continued on August 7, 2018.

#137-18 Petition to allow 18-unit multi family dwelling at 189-193 Adams St/19 Quirk Ct
183-193 ADAMS STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a multi-family development in a business district with greater than 20,000 gross floor area, with a four-story structure 41' in height, containing an 18-unit dwelling with ground floor units, to allow an FAR of 1.31, to allow a density bonus to reduce the lot area per unit and increase the number of inclusionary units, to allow a reduction of the requirement for parking to 1.25 stalls per unit, to allow parking in the setback, to allow parking within 5' of a building containing dwelling units, to waive minimum stall dimension requirements, to allow a reduction in the minimum width of a entrance/exit drive, to allow a reduction in the minimum width of maneuvering aisles, to waive lighting requirements and to waive perimeter landscape screening requirements in Ward, 1, Newton, at 189-193 Adams Court, Section 14 Block 15 Lot 39, Section 14 Block 15 Lot 38 and 19 Quirk Court Section 14 Block 15 Lot 44, containing a combined lot area of approximately 19,349 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4, 4.4.1, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 5.1.4, 5.1.13, 5.1.8.A.1, 5.1.8.A.1, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.C.1, 5.1.8.C.2, 5.1.8.D.1, 5.1.9.A, 5.1.10.A, 5.11.4, 5.11.15, 4.1.2 of the City of Newton Rev Zoning Ord, 2015.

Action: Land Use Approved 5-0-2; Public Hearing Closed June 12, 2018

Note: Attorney Terry Morris, offices at 57 Elm Road, represented the petitioner, 183-193 Adams Street. Atty. Morris noted that the petitioner has revised the petition based on concerns and requests from members of the public as well as Councilors.

Senior Planner Neil Cronin stated the revisions to the proposed development at 183-1193 Adams Street include; removal of the fourth floor of the structure which reduces the height from 41' to 33' feet, reduction in the number of units from 18 to 15 (removal of 3 3-bedroom units), a reduction in the FAR from 1.37 to 1.03, reduction in the total square footage to 19,900 sq. ft. and a reduction in the parking stalls per unit to 1.5 with the option to increase to 1.8 stalls per unit. He stated that the Planning Department believes the revised structure better fits the character and massing in the neighborhood and believe the dimensions of the driveway are sufficient for access. It was noted that of the other three developments in the neighborhood, 2/3 are fully tenanted and 1/3 has one vacancy. It is the petitioner's belief that the 3 developments are operating successfully with 1.5 stall/unit. The petitioner has provided the option to increase the landscaping at the rear of the lot or eliminate the landscaping in favor of three additional parking stalls, increasing the parking to 1.8 stalls per unit. It was noted that the petitioner has requested to submit a final photometric plan to be approved by the Director of Planning & Development.

Public Comment

Terry Sauro, 50 Cook Street, emphasized the insufficient and constrained parking in the neighborhood. Ms. Sauro noted that the fumes from cars are going to go onto the abutting property.

Ruggiero Cerqua, stated that 15 units is still too dense. He has concerns about the impact of open space, and lack of sun on his property and noted that the development will negatively impact his quality of life and health. He noted that the petitioner can de

Debra Visco, 153 Adams Street, stated that there is insufficient parking in the City. Ms. Visco stated that she likes the design of the proposed structure but believes it should be 8-10 units. She has concerns about the ability to get in/out of Adams Street. She noted that two-way traffic on Adams Street is sometimes very difficult. She believes the proposed development will have a negative impact on the existing residents. She urged Committee members to protect the homeowners on Adams Street.

Perter Harrington, 157 Lowell Avenue, noted that Mr. Cerqua doesn't understand why the proposed development can't be further setback to prevent the elimination of sunlight to his property. Mr. Harrington believes that the City should be cognizant of the needs of the residents on Adams Street and an accommodation should be made.

Simon French, Glen Avenue, stated that it appears that the petitioner is using the side abutters' setback and questioned how the Zoning Ordinance is being applied. He questioned why the 15' setback isn't being applied and noted that Mr. Cerqua's house may be at risk of being hit.

With no other member of the public wishing to speak, Councilor Greenberg motioned to close the public hearing which carried unanimously. Councilor Greenberg moved approval of the item. Committee members expressed concerns relative to the following items:

- Width of the driveway – one way at any given time seems problematic. It was noted that if the number of units was reduced, the driveway could be sized to better accommodate cars safely. It was noted that the driveway will function similarly to Quirk Court and confirmed that Quirk Court is approximately 12'-14' and is a two-way road (not simultaneously).
- The elimination of sunlight for the immediate abutter where pushing the proposed structure could protect the sunlight. It was noted that for a more enhanced streetscape, it is beneficial to have the structures closer to the street.
- Reduction in the proposed parking stalls to 1.5 per unit, given that residents will need to park and may have visitors. It was confirmed that the final design includes 5 1-bedroom units, 7 2-bedroom units and 3 3-bedroom units (2 2-bedroom units are inclusionary; average of 65% AMI, 1 local preference). A Committee member suggested that many couples and families will be reliant on more than one car. Mr. Cronin confirmed that there are 10-11 surface parking stalls and 14 below grade parking stalls.
- A Councilor suggested that a fire truck will not be able to maneuver a firetruck into the driveway. It was noted that at the community meeting, residents were told that the development was going to be 9-10 units and the corresponding driveway would have been larger.
- A Councilor member noted that there have been consistent concerns regarding parking management. Councilors emphasized the lack of sufficient parking in the City and on Adams Street.
- A Committee member noted that the landscaping at the north of the site may be too dense and noted that the developer should be conscious of what plantings are planted.
- A Committee member questioned why the existing utility poles cannot be undergrounded, noting that it would create additional space (approximately 12').

Chief Planner Jennifer Caira confirmed that there is one pinch point in the driveway that is the cause for concern. She noted that the petitioner stated that widening of the driveway would reduce the depth of the units to the point where it does not support the design of the structure. She stated that the Planning Department worked with the Transportation Department to explore additional options for increasing safety in the driveway (flashing light, a waiting space) and confirmed that the Transportation Division and the Fire Department are comfortable with the proposed plan. Councilors were in agreement that the proposed project is improved as compared with the project proposed at the initial public hearing. A Councilor noted that an initial concern was the massing of Quirk Court which has been reduced to match the height of the existing structure. It was noted that the developer has reduced the proposed project to the extent possible.

Committee members reviewed the draft findings and conditions and made minor edits. Committee members discussed whether to include the green space and remove three parking stalls (1.5 stalls/unit) or remove the green space and include three additional parking stalls (1.8 stalls/unit). It was noted that the 1.8 stalls per unit does not encourage alternative transportation methods. Some Councilors preferred the option with the green space, while others felt that the petitioner should accommodate as much parking on site as possible. The Committee took a straw vote which supported 1.8 stalls per unit. It was noted that the petitioner will build a bus shelter to be maintained by the City. Mr. Cronin noted that Condition #21, the petitioner will be required to mill and overlay according to the City's Ordinance, as Adams Street was paved within the past year.

Committee members voted 5-0-2 in support of the motion to approve (Councilors Laredo, Markiewicz abstaining). The Committee adjourned at 10:00 pm.

Respectfully Submitted,

Greg Schwartz, Chair

Department of Planning and Development



PETITION #292-18
39 SUMMIT STREET
SPECIAL PERMIT/SITE PLAN
APPROVAL TO CONSTRUCT A
455 SQ. FT. TWO-STORY
ADDITION, CREATING AN FAR
OF .58 WHERE .39 EXISTS AND
.45 IS ALLOWED

JUNE 12, 2018



Requested Relief

Special permit per §7.3.3 to

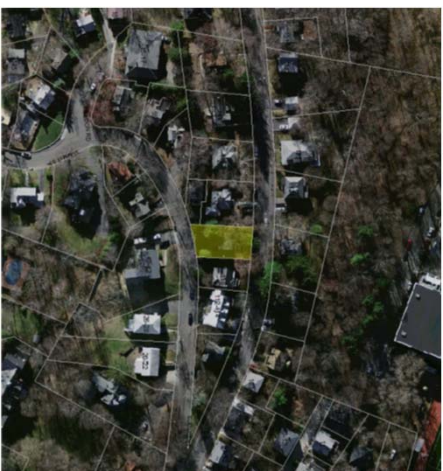
- exceed the maximum floor area ratio (FAR) (§3.1.9.A)

Criteria to Consider

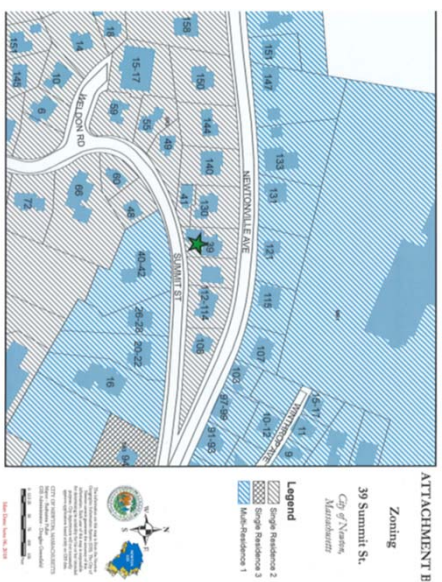
When reviewing the requested special permits the Council should consider whether:

- The proposed increase in FAR from 0.39 to 0.58, where 0.45 is the maximum allowed by right, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood (§3.1.9.A.2).

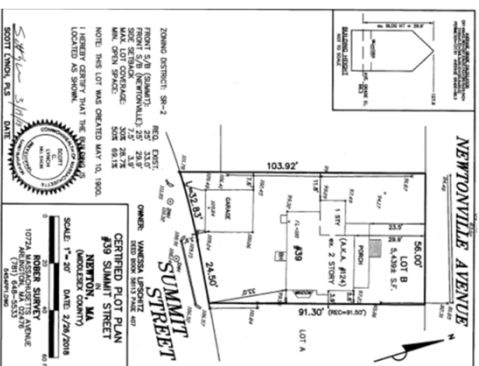
AERIAL/GIS MAP



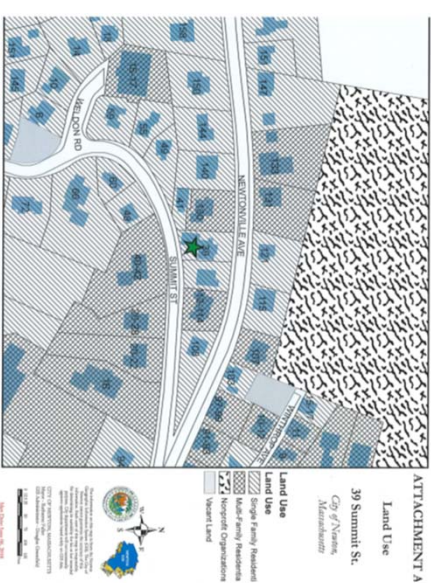
Zoning



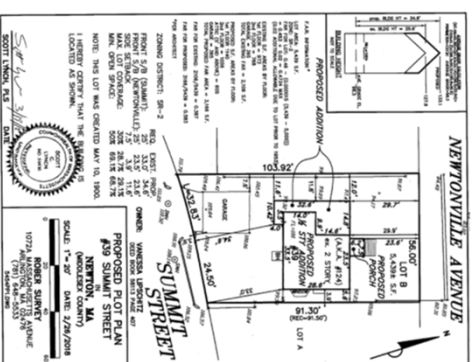
Site Plan- existing



Land Use



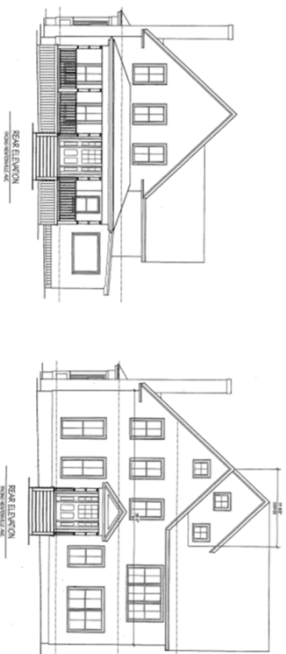
Site Plan- proposed



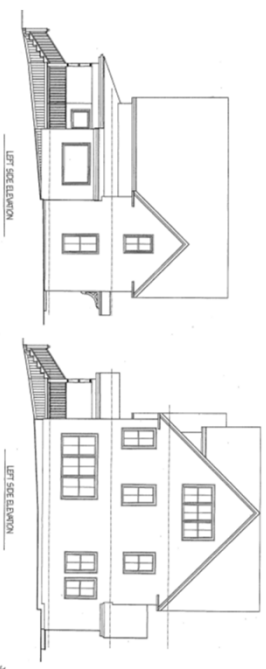
**Existing & Proposed Elevations-
Front (Summit St.)**



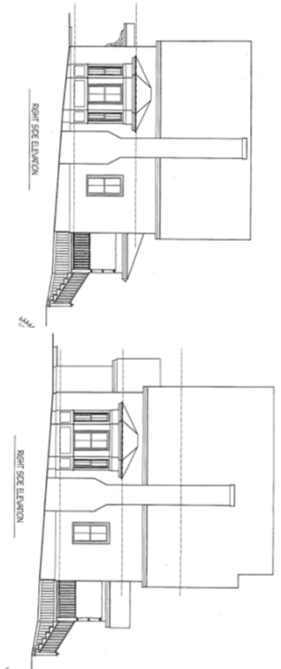
**Existing & Proposed Elevations-
Rear (Newtonville Ave.)**



**Existing & Proposed Elevations-
Left Side (West)**



**Existing & Proposed Elevations-
Right Side (East)**



Photos



Photos



Photos



Photos



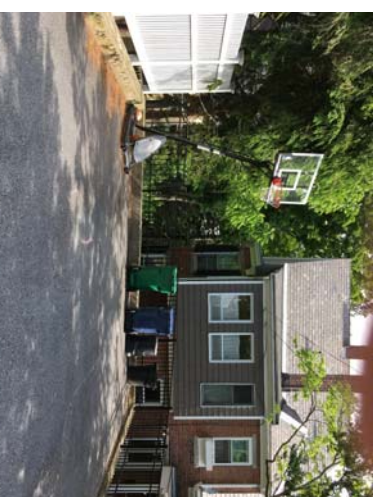
Proposed Findings

1. The expanded structure that would result from the proposed increase in floor area ratio (FAR) from 0.39 to 0.58, where 0.45 is the maximum allowed by-right, will be consistent with and not in derogation of the size, scale and design of other structures in the neighborhood as it will be similar in regard to those characteristics of other structures in the surrounding area and conform to other relevant dimensional requirements; further, the addition will have limited visibility from the street given its location on the east side of the dwelling, its setbacks from the property's two frontages, and that it would be obscured from view from Summit Avenue side by the existing nonconforming garage on that public way.

Proposed Conditions

1. *Plan Referencing Condition*
2. *Standard Building Permit Condition.*
3. *Standard Final Inspection/Certificate of Occupancy Condition.*

Photos



Photos



Photos



Photos



Department of Planning and Development



PETITION #178-18

145 WELLS AVENUE

SPECIAL PERMIT/SITE PLAN
APPROVAL TO EXTEND THE
HOURS OF OPERATION AND
INCREASE THE NUMBER OF
CUSTOMERS AT ONE TIME,
REQUIRING AN AMENDMENT
TO SPECIAL PERMIT BOARD
ORDER #257-13(4)

JUNE 12, 2018



Requested Relief



Special permit per §7.3.3 to:

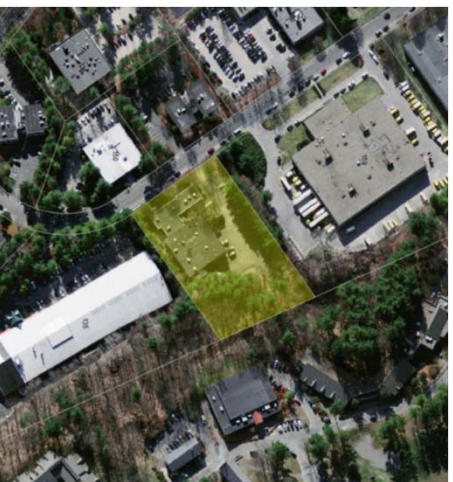
- amend Special Permit #257-13(4)

Criteria to Consider

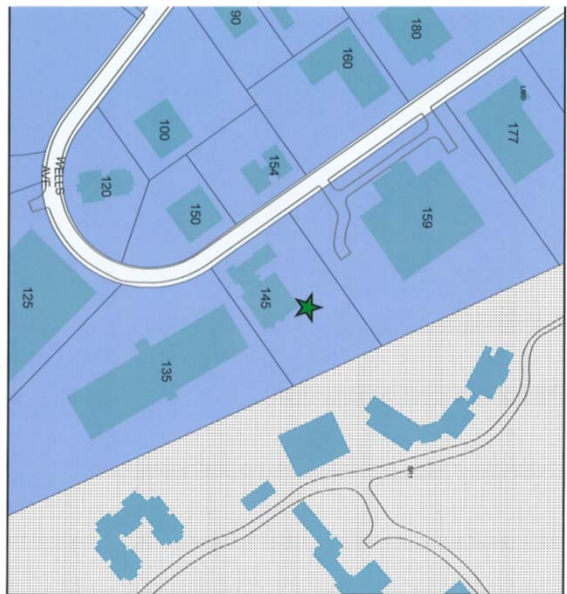
When reviewing the requested special permits the Council should consider whether:

- The specific site is an appropriate location for the proposed use (§7.3.3.1),
- The use as developed and operated will not adversely affect the neighborhood. (§7.3.3.2),
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.3),
- Access to the site over streets is appropriate for the types and number of vehicles involved (§7.3.3.4).

AERIAL/GIS MAP



Zoning



ATTACHMENT B

Zoning

145 Wells Ave.

City of Natick,
Massachusetts

Legend

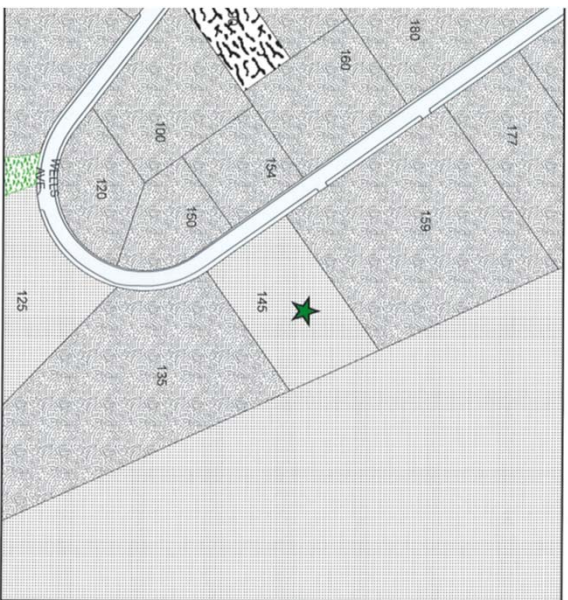
- Single Residence 1
- Limited Manufacturing



This information is for informational purposes only and does not constitute a contract. The City of Natick is not responsible for any errors or omissions. The information is provided as a service to the public and is subject to change without notice. The information is not to be used for any other purpose.

Map Date: June 15, 2018

Land Use



ATTACHMENT A

Land Use

145 Wells Ave.

City of Natick,
Massachusetts

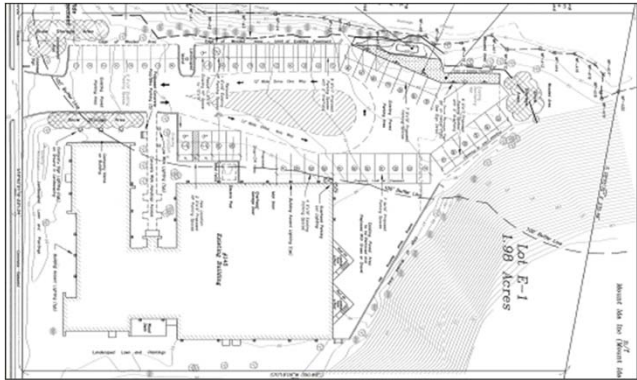
- Single Residence 1
- Limited Manufacturing



This information is for informational purposes only and does not constitute a contract. The City of Natick is not responsible for any errors or omissions. The information is provided as a service to the public and is subject to change without notice. The information is not to be used for any other purpose.

Map Date: June 15, 2018

Site Plan



Photos



Photos



Photos



Photos



Photos



Proposed Findings

1. The specific site is an appropriate location for the proposed use (§7.3.3.1),
2. The use as developed and operated will not adversely affect the neighborhood. (§7.3.3.2),
3. There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.3),
4. Access to the site over streets is appropriate for the types and number of vehicles involved (§7.3.3.4).

Proposed Conditions (from SP# 257-13)

1. *Plan Referencing Condition.*
2. *The petitioner shall provide landscaping in the striped area located in the middle of the parking lot. Prior to the issuance of a building permit, the petitioner shall submit a revised site plan to the Department of Planning and Development for its review and approval.*
3. *For the day care use, the maximum number of staff allowed on site at any one time shall be 17, and the maximum number of children allowed on site at any one times shall be 120.*
4. *For the bouncy house use, the maximum number of staff allowed on site at any one time shall be three, and the maximum number of children allowed on site at any one time shall be 30.*

This image shows a blank, cream-colored page, likely an endpaper or flyleaf of a book. A vertical gold-colored binding strip is visible along the left edge. A small, gold-colored circular fastener or clip is attached to the page near the bottom center. The page is otherwise empty of text or illustrations.

Department of Planning and Development



PETITION #293-18
342-344 WATERTOWN STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO ALLOW A
RESTAURANT WITH MORE THAN 50
SEATS, TO WAIVE TWELVE PARKING
STALLS, AND TO REUSE AN
EXISTING NONCONFORMING SIGN



JUNE 12, 2018

Requested Relief

Special Permit per §7.8.2.C.2 of the NZO to:

- Allow a restaurant with more than 50 seats(§4.4.1 and §6.4.29.C.1).
- Waive twelve parking stalls (§5.1.4 and §5.1.13).
- Reuse an existing nonconforming sign (§5.2 and §5.2.13).

Criteria to Consider

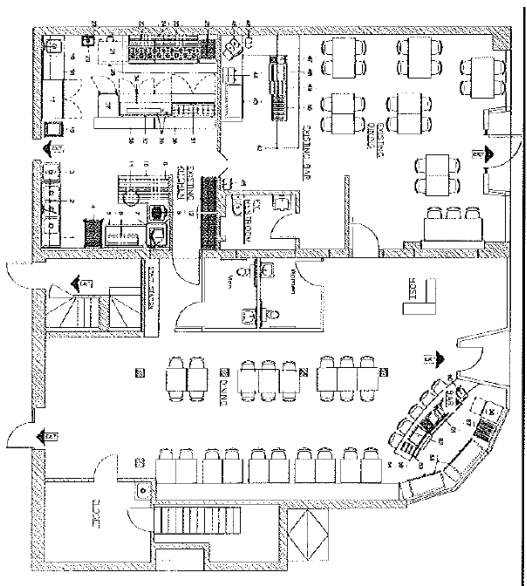
When reviewing this request, the Council should consider whether:

- Literal compliance with the parking requirements 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 (§5.1.4 and §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 and §5.2.13).

Aerial/GIS Map



Floor Plan



Sign



Additional Analysis

1. The petitioner submitted a parking study suggesting the waiver can be accommodated by public parking in the area. Staff agrees with the findings of the study and supports the waiver.
2. The Zoning Review Memorandum did not account for the increase in employees from five to eight. The petitioner is prepared to operate with a twelve stall waiver, resulting in a 71-seat restaurant with five employees or a 68-seat restaurant with eight employees.

Zoning ReDesign

1. Staff is proposing changes to parking requirements for Council consideration. These include an overall reduction to the current requirements, establishing parking maximums, and removing parking requirements from first-floor commercial uses in defined village center zoning districts.
2. Staff believes these measures will enhance village centers, improve opportunities for small businesses, and work in conjunction to current City efforts to manage parking supply, utilize shared-parking, and improve transportation system design for walking, biking, and transit in Newton's walkable village centers.

Proposed Findings

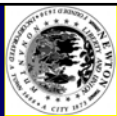
1. The specific site is an appropriate location for a restaurant with more than fifty seats because the expanded restaurant is consistent with the *2007 Comprehensive Plan* by strengthening viable businesses that contribute to the vitality of Newton's village centers without adverse impact on the surrounding neighborhood (§4.4.1, §6.4.29.C.1, and §7.3.3.C.1).
2. The restaurant as developed and operated will not adversely affect the neighborhood because the expansion only requires interior renovations and there is sufficient parking available nearby (§7.3.3.C.2).

Proposed Findings

3. There will be no nuisance or serious hazard to vehicles or pedestrians because the site is located in a walkable village environment (§7.3.3.C.3).
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because the site is served by sufficient public parking (§7.3.3.C.4).
5. The waiver of up to twelve (12) parking stalls is appropriate because literal compliance with the number of parking stalls is impractical due to the size and location of the lot in a village center (§5.1.4 and §5.1.13).
6. The reused nonconforming sign should be permitted and is appropriate due to the nature of the use of the premises because the sign is a historical element which speaks to the character of the neighborhood (§5.2 and §5.2.13).

Proposed Conditions

1. Plan Referencing Condition.
2. The petitioner may operate a restaurant with a maximum of seventy-one (71) seats and five employees or 68 seats and eight employees.
3. The petitioner shall screen any dumpsters with a wooden fence, or similar material as approved by the Director of Planning and Development.
4. Prior to the issuance of a Building Permit to reuse the existing nonconforming sign, the petitioner shall receive approval from the Urban Design Commission.
5. Standard Building Permit Condition.
6. Standard Certificate of Occupancy Condition.



Schlesinger and Buchbinder, LLP
ATTORNEYS AT LAW

1314 Washington Street

Presentation to the Land Use Committee of the Newton City Council

June 12, 2018



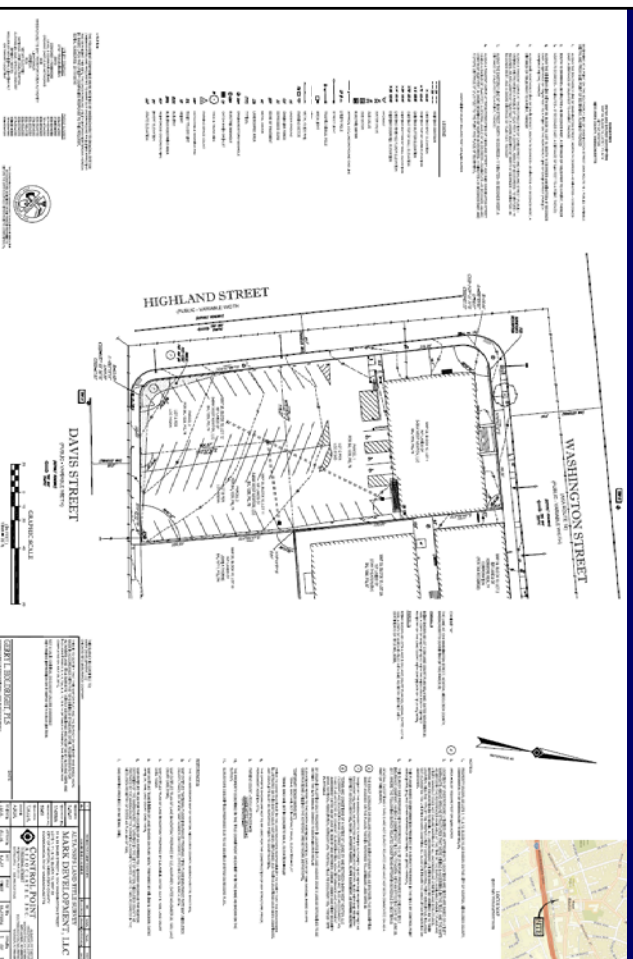
Aerial View



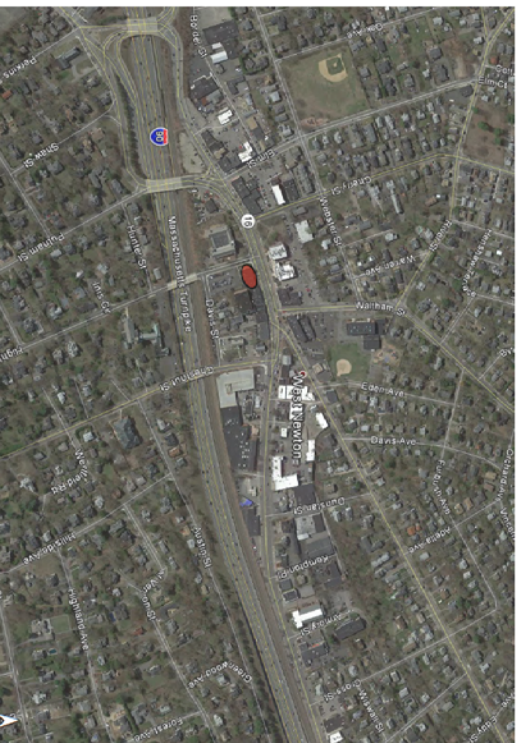
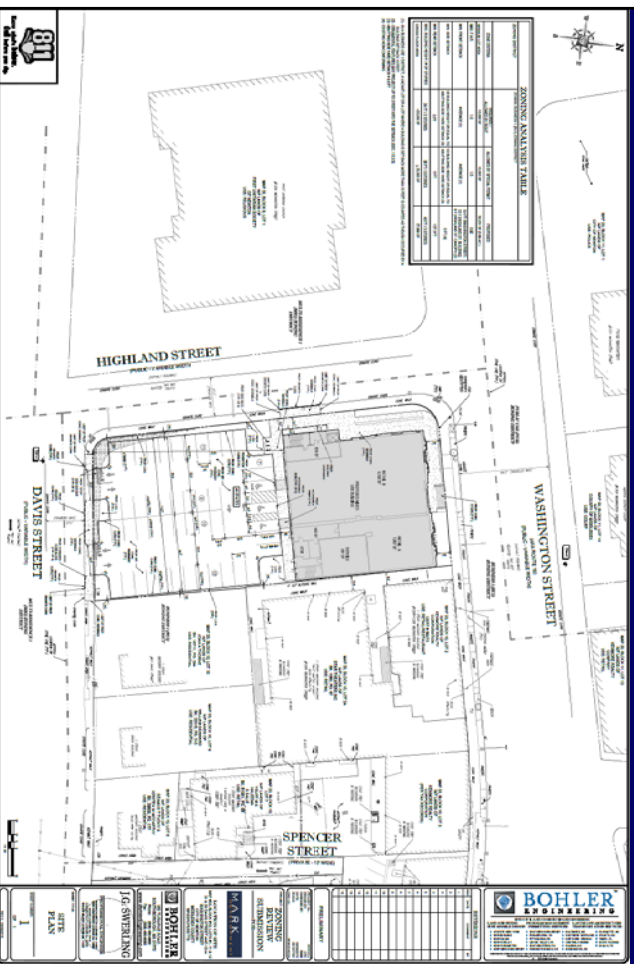
Existing Conditions



Existing Conditions Plan



Proposed Conditions Site Plan

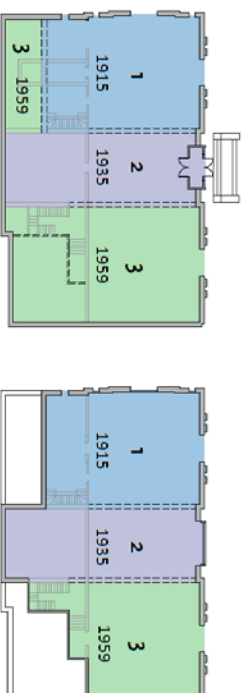


114 WASHINGTON STREET

Location Map

MARK

ELKTON MARYLAND



GROUND LEVEL

SECOND LEVEL

1914 WASHINGTON STREET
Historic Foundation

Existing Building - Chronological Phases
1915-1935-1959

MARK
STREET

ELKHART MANFREDI
ARCHITECTS

6



1914 WASHINGTON STREET
Historic Foundation

Historic Aerial Photo
1915-1935-1959

MARK
STREET

ELKHART MANFREDI
ARCHITECTS

3



114 WASHINGTON STREET
Mark, Washington

Existing Conditions
March 19, 2018

MARK
L. F. L. F. L.

ELKS | MANFREDI
ARCHITECTS

4



114 WASHINGTON STREET
Mark, Washington

Existing Conditions
March 19, 2018

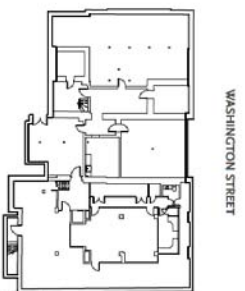
MARK
L. F. L. F. L.

ELKS | MANFREDI
ARCHITECTS

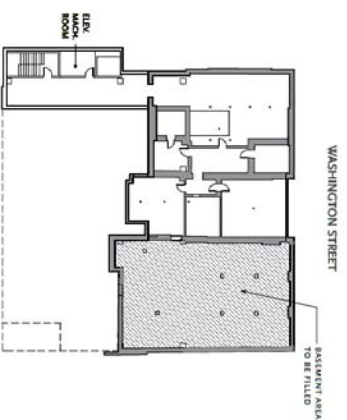
5



114 WASHINGTON STREET
 Conceptual Site Plan
 1/2" = 1'-0"



TOTAL AREA: 1,672 GSF
 EXISTING BASEMENT LEVEL



TOTAL AREA: 2,243 GSF
 NEW BASEMENT LEVEL

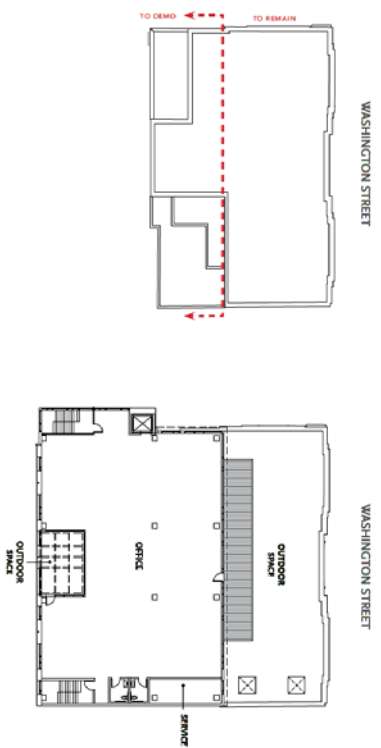
114 WASHINGTON STREET
 1/2" = 1'-0"

Basement Level Comparison
 1/2" = 1'-0"



MARK
 ARCHITECTS

ELKUS | MANFREDDI
 ARCHITECTS



EXISTING ROOF LEVEL

TOTAL AREA: 6,800 CSF
NEW THIRD LEVEL

1314 WASHINGTON STREET
2nd Floor, Washington

Third Level Comparison
New 3rd level



MARK
ARCHITECT

ELKINS | MANFREDDI
ARCHITECTS

11



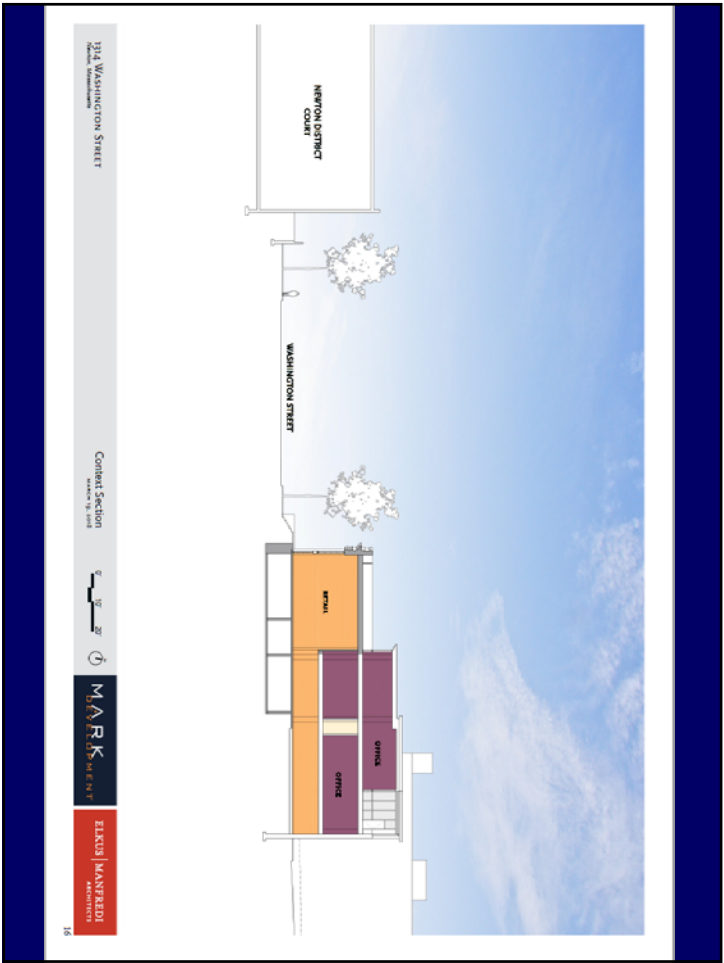
1314 WASHINGTON STREET
2nd Floor, Washington

Washington Street Elevation (North)
New 2nd level

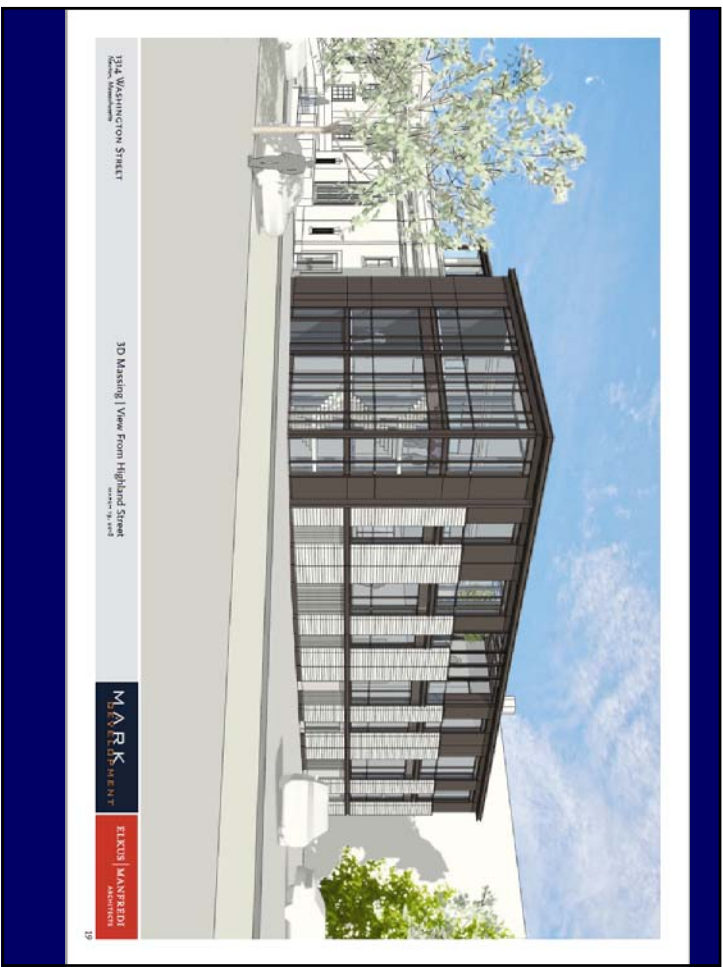
MARK
ARCHITECT

ELKINS | MANFREDDI
ARCHITECTS

12



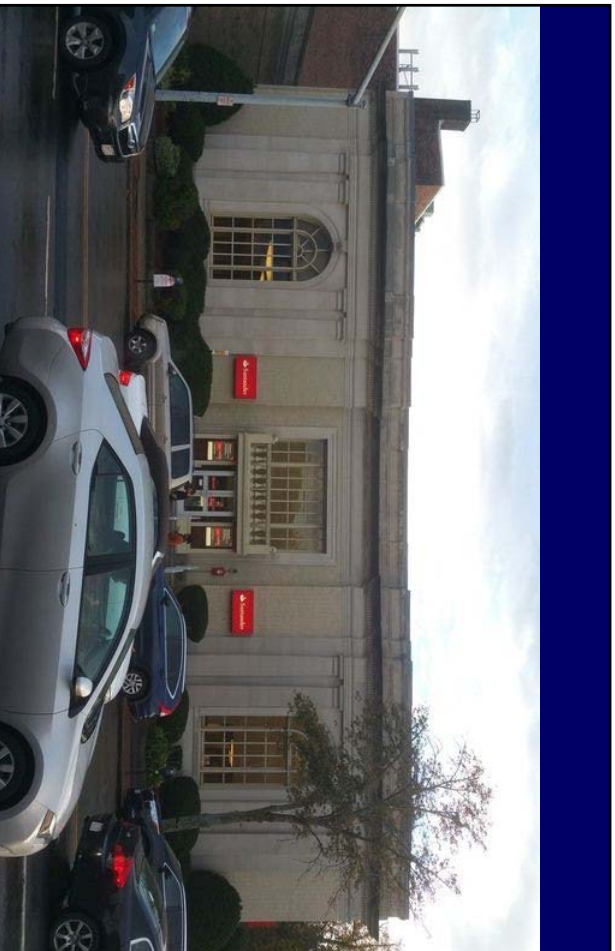




Zoning Relief



- extension of a nonconforming structure as to height and side setback (Sections 7.8.2.C.1 and 2)
- development of over 20,000 square feet (Section 4.1.2.B.1)
- three stories (Sections 4.1.2.B.3 and 4.1.3)
- restaurant of over 50 seats (Section 4.4)
- waiver of the A-B+C formula (Section 5.1.1.3)
- reduction of parking requirement by 1/3 (Section 5.1.4.C)
- waiver of 27 parking stalls (Section 5.1.1.3)
- waiver from the dimensional, design, screening, interior landscaping, lighting, and loading bay requirements of Section 5.1 (Section 5.1.1.3)



Department of Planning and Development

PERMIT NO. 2204-18
1314 WASHINGTON AND 31, 33 DAVIS ST.



SPECIAL PERMIT/SITE PLAN APPROVAL TO CONSTRUCT A THREE-STORY ADDITION IN THE BU1 DISTRICT TO BE EXCESS OF 20,000 SQ. FT., TO EXTEND THE EXISTING NONCONFORMING STRUCTURE WITH REGARD TO SIDE SETBACK, TO WAIVE THE REQUIREMENT OF USING THE A-B+C PARKING FORMULA, TO ALLOW A REDUCTION IN THE PARKING STALLS TO FOLLOW PARKING IN THE FRONT AND SIDE SETBACK, TO ALLOW REDUCED PARKING MANEUVERING SPACE REQUIREMENTS, TO ALLOW REDUCED AISLE WIDTH, TO WAIVE PERIMETER LANDSCAPING REQUIREMENTS, TO WAIVE LANDSCAPING REQUIREMENTS, TO WAIVE TREE LANDSCAPING, TO WAIVE LIGHTING REQUIREMENTS, TO WAIVE OFF-STREET LOADING FACILITY REQUIREMENTS



JUNE 12, 2018

Requested Relief (cont.)

- allow parking in the front and side setbacks (§5.1.8.A.1, §5.1.13)
- allow reduced parking stall dimensions (§5.1.8.B.2, §5.1.13)
- waive end stall maneuvering space requirements (§5.1.8.B.6, §5.1.13)
- allow reduced aisle width (§5.1.8.C.1, §5.1.8.C.2, §5.1.13)
- waive perimeter screening requirements (§5.1.9.A, §5.1.13)
- waive interior landscaping requirements (§5.1.9.B, §5.1.13)
- waive lighting requirements (§5.1.10.A, §5.1.13)
- waive the off-street loading facility requirements (§5.1.1, §5.1.13)

Requested Relief

Special permit per §7.3.3 to:

- allow a building in excess of 20,000 square feet (§4.1.2.B.1)
- allow a three-story building in the BU1 district (§4.1.2.B.3, §4.1.3)
- Extend a nonconforming structure with regard to height (4.1.3, §7.8.2.C.2)
- extend a nonconforming structure with regard to side setback (§4.1.3, §7.8.2.C.2)
- allow a restaurant with more than 50 seats (§4.4.1, §6.4.29.C.1)
- waive the requirement of using the A-B+C parking formula (§5.1.3.B, §5.1.13)
- allow a 1/3 reduction in overall parking (§5.1.4.C)
- waive 27 required parking stalls (§5.1.4, §5.1.13)

Criteria to Consider

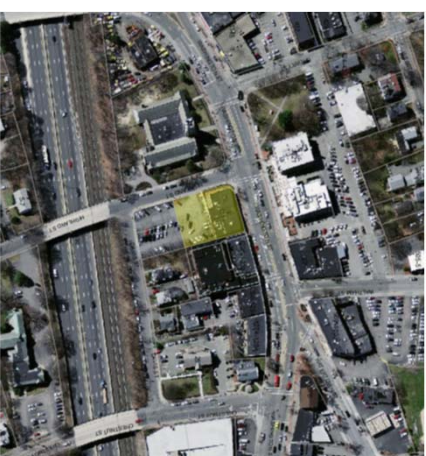
When reviewing the requested special permits the Council should consider whether:

- the site is an appropriate location for the proposed three-story building in excess of 20,000 square feet in the Business 1 (BU1) (§7.3.3.C.1);
- the proposed three-story building in excess of 20,000 square feet will adversely affect the neighborhood (§7.3.3.C.2);
- the proposed three-story building in excess of 20,000 square feet will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
- the site planning, building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy (§7.3.3.C.5);
- the site in a Business 1 (BU1) is an appropriate location for a restaurant with more than 50 seats (§7.3.3.C.1);

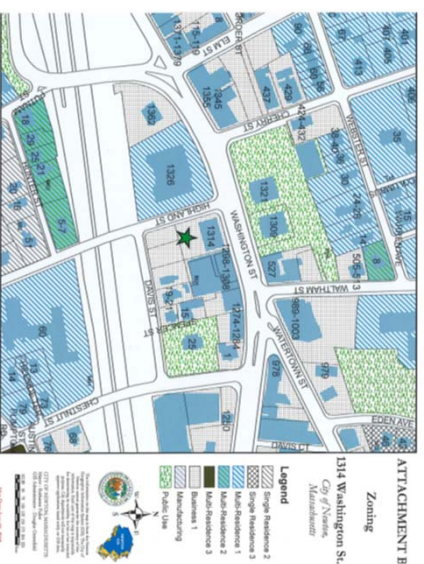
Criteria to Consider (cont.)

- the proposed restaurant with more than 50 seats will adversely affect the neighborhood (§7.3.3.C.2);
- the proposed restaurant with more than 50 seats 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);
- the proposed extension of the existing structure's nonconformities with regard to height and side setback would be substantially more detrimental than the existing nonconforming use to the neighborhood (§7.8.2.C.2);
- literal compliance with the parking facility requirements of §5.1 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).

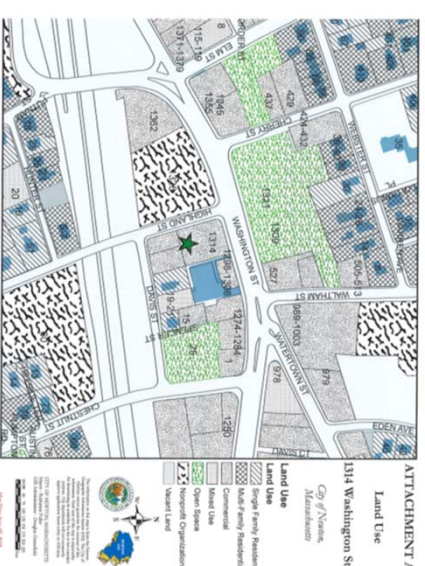
AERIAL/GIS MAP



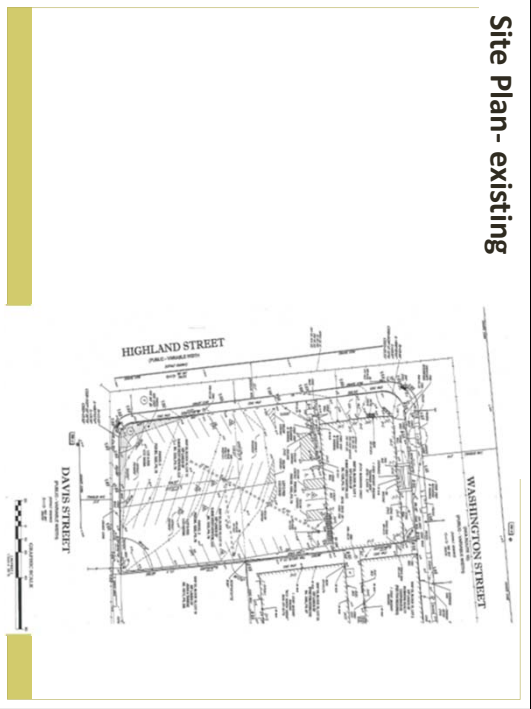
Zoning



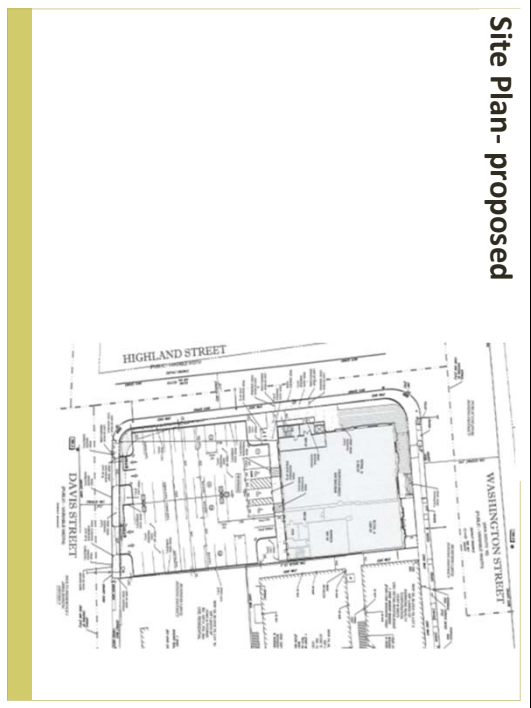
Land Use



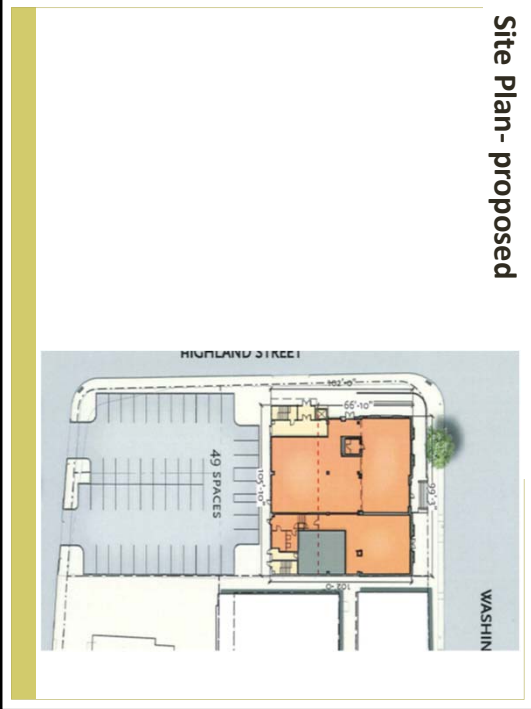
Site Plan - existing



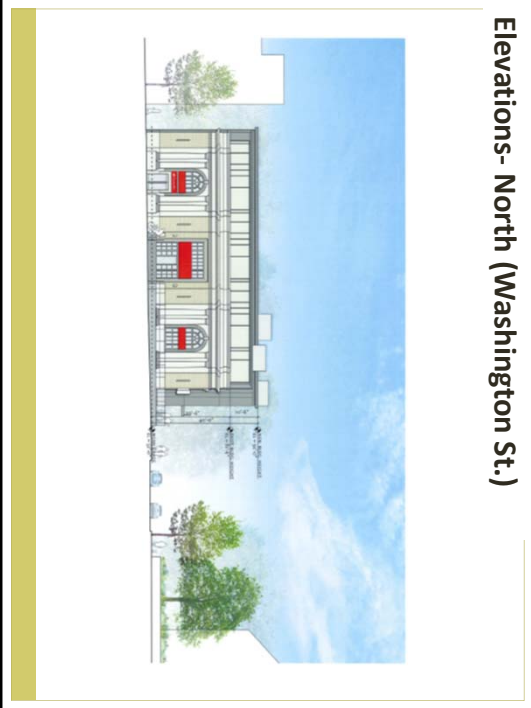
Site Plan - proposed



Site Plan - proposed



Elevations - North (Washington St.)



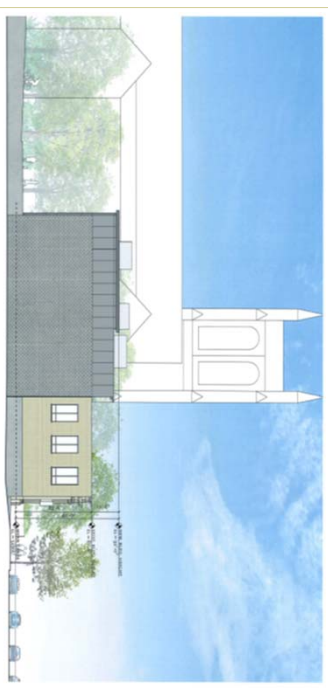
Elevations- West (Highland St.)



Elevations- South (Davis St.)



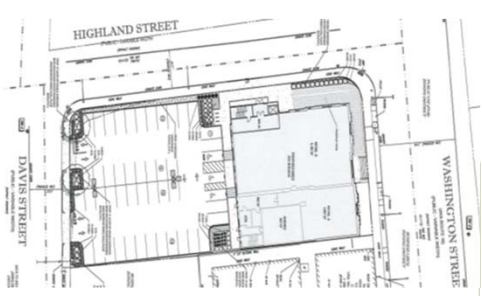
Elevations- East



Perspectives



Landscape plan



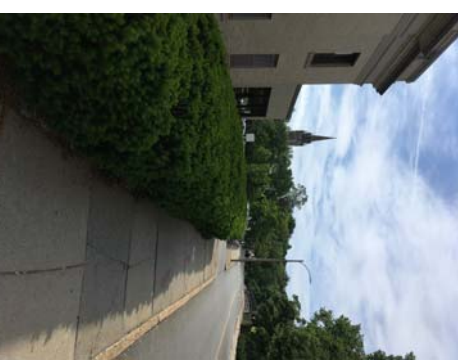
Photos



Photos



Photos



Photos



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Photos



Photos



Photos



Department of Planning and Development



PETITION #137-18
189-193 ADAMS STREET/19 QUIRK COURT

SPECIAL PERMIT/SITE PLAN APPROVAL TO
CONSTRUCT A FOUR-STORY STRUCTURE, 41
FEET IN HEIGHT, EXCEEDING 20, 000 SQUARE
FEET, CONTAINING 18 RESIDENTIAL UNITS,
TO ALLOW A DENSITY BONUS, AND TO ALLOW
WAIVERS TO THE PARKING AND LIGHTING
REQUIREMENTS



JUNE 12, 2018

Plan Revisions

The petitioner has submitted revised plans detailing the following changes:

- Reduction from four-stories to three-stories
- Reduction in height from 41 feet to 33 feet
- Reduction in the number of units from 18 to 15 (removal of three, 3-bedroom units)
- Reduction in FAR from 1.37 to 1.03
- Reduction in total square footage from 26, 602 square feet to 19, 922 square feet
- Parking ratio of 1.5 stalls per unit, with the option to increase to 1.8 stalls per unit

Plan Revisions Continued

- The revisions alter the design of the structure from a Second Empire design featuring a mansard roof to an Italianate design with a flat roof.
- The Planning Department believes the revised structure is more in keeping with the scale and massing of the existing historic structure.
- Staff also believes the revised structure better fits the scale of development in the neighborhood.

Outstanding Items

- The Planning Department consulted with the Transportation Division of Public Works and believes the dimensions of the driveway will allow for sufficient access.
- Petitioner was able to confirm two multi-family structures in the area were fully occupied, while a third was 97% occupied, thereby supporting a ratio of 1.5 stalls per unit. The petitioner is proposing to increase green space by removing three parking stalls at the rear of the lot. Should the demand arise, the petitioner will remove the green space to stripe the three parking stalls.
- Staff suggests a condition requiring a final photometric plan to be reviewed and approved by the Director of Planning and Development, should this petition be approved.