



# **Land Use Committee Report**

## **City of Newton** **In City Council**

**Tuesday, July 10, 2018**

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

**City Staff Present:** City Solicitor Ouida Young, 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](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.

**#196-18      President's Appointment of Lynn Yetra to the BC Neighborhood Council**  
PRESIDENT LAREDO re-appointing Lynn Yetra, 15 Rochester Road, Newton, as the Boston College Law School Campus neighborhood Representative to the Boston College Neighborhood Council for a term to expire December 31, 2019.

**Action:**      **Land Use Approved 6-0 (Greenberg, Crossley not Voting)**

**#197-18      President's Appointment of Kenneth Lyons to the BC Neighborhood Council**  
PRESIDENT LAREDO reappointing Kenneth Lyons, 170 Suffolk Road, Chestnut Hill, as a member of the Boston College Neighborhood Council for a term to expire December 31, 2019.

**Action:**      **Land Use Approved 6-0 (Greenberg, Crossley not Voting)**

**Note:**              Committee members expressed support and gratitude for appointees Lynn Yetra and Kenneth Lyons to the BC Neighborhood Council. Committee members voted unanimously in favor of a motion to approve for items #196-18 and #197-18.

**#180-18      Petition to amend Board Orders 43-10 and 307-12(2) at 199 Boylston Street**  
TIM FOX/SIMON MALLS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow non-accessory parking to lease 496 parking stalls to off-site, third party users, requiring amendments to Special Permit Board Orders #43-10 and #307-12, a waiver for 496 parking stalls and approval to allow non-accessory parking at 199 Boylston Street, Ward 7, Chestnut Hill, on land known as Section 65 Block 08 Lot 100, containing approximately 324,691 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: 7.3.3, 7.4, 4.4.1, 5.1.4, 5.1.1 of the City of Newton Rev Zoning Ord, 2015.

**Action:**      **Land Use Approved 8-0; Public Hearing Closed July 10, 2018**

**Note:** Atty. Dave Jackowitz (Shaevel, Krems, O'Connor & Jackowitz, Boston, MA) represented petitioner Timon Fox/Simon Malls to present the petition to amend Special Permit Board Orders #43-10 and #307-12(2) at 199 Boylston Street. The petition for a Special Permit was initially a request to waive 496 parking stalls at 199 Boylston Street to allow parking for two third parties using separate shuttle services (253 for transport to St. Elizabeth's and 243 for transport with MASCO to the Longwood Medical Area). Due to concerns raised by Councilors, the petitioner has withdrawn the portion of the request to waive 253 parking stalls for users of the shuttle service to St. Elizabeth's. Atty. Jackowitz noted that as the MASCO shuttle service has been operating out of 300 Hammond Pond Parkway, there should be very little change to the current traffic patterns for the shuttle service. Atty. Jackowitz stated that the hours of service will run from 5:30 am – 9:00 pm (consistent with current operations) and suggested that the extended hours allow for service during lower peak times. The draft Council Order required an amendment to the Special Permit with any change to the shuttle route as well as to the number of waived parking stalls. Atty. Jackowitz requested that the draft be amended to require a Special Permit amendment when the change of route is within City limits. Committee members expressed no concerns relative to the request. It was noted that the petitioner will need to seek approval of the shuttle service from the Public Safety and Transportation Committee.

Senior Planner Neil Cronin reviewed the requested relief and criteria for consideration as shown on the attached presentation. Mr. Cronin stated that the fourth floor of the parking garage will be designated for the stalls to be used by the MASCO shuttle users. He stated that the petitioner submitted a parking study which indicated that the parking facilities were used at 70% capacity (672 unused stalls) on Black Friday 2017 (the busiest day of the year) and noted that the fourth floor of the garage was the least utilized area. Mr. Cronin stated that the petitioner has committed to enlarging the sidewalk to enhance the space for shuttle users and has agreed to investigate the option to locate a bus shelter and/or lighting at the area. Committee members questioned whether the petitioner would be willing to commit to the installation of the bus shelter. Atty. Jackowitz confirmed that the petitioner will install the bus shelter.

The Public Hearing was Opened. Seeing no member of the public wishing to speak, Councilor Laredo motioned to close the public hearing which carried unanimously. A Councilor questioned whether the Council Order should include an expiration date to require the petitioner to return for review or an amendment. The Planning Department noted that a lookback should not be necessary as the shuttle is currently operating and no change to traffic conditions is anticipated. VHB Traffic Engineer Sean Manning noted that there is no traffic study to serve as a baseline for a lookback period but confirmed that the petitioner is willing to work with the City if concerns arise. A Committee member expressed dissatisfaction relative to the withdrawal of a portion of the request, noting that shuttle services and shared parking spaces can be beneficial for the regional economy. Mr. Manning noted that the petitioner was encouraged to withdraw the St. Elizabeth's portion while evaluating the programming for the site and may return for an additional amendment in the future. Committee members reviewed the draft findings and conditions. Committee members asked that the draft Order reflect the petitioner's commitment to installing the bus shelter. Committee members voted unanimously in favor of Councilor Laredo's motion to approve.

BLOOMINGDALE'S DEPARTMENT STORES, INC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL for a 5-YEAR permit for a temporary tent to hold an ANNUAL rug sale in May and the temporary displacement of approximately 153 parking spaces for the event at 175 BOYLSTON STREET, Ward 7, Chestnut Hill. Ref: Sec. 7.3.3, 5.1.4, 5.1.13, 4.4.1, 6.4.29 of the City of Newton Rev Zoning Ord, 2015.

**Action:** **Land Use Approved 8-0; Public Hearing Closed July 10, 2018**

**Note:** Bloomingdales Director of Administration Joanne Azar presented the request for a Special Permit Petition for temporary displacement of 153 parking stalls to allow a tented rug sale event at 175 Boylston Street during the two weeks prior to Labor Day. Ms. Azar noted that the rug sale has been held annually since 1999 with a two-year lapse (2016-2017).

Senior Planner Neil Cronin reviewed the requested relief and criteria for consideration as shown on the attached presentation. Mr. Cronin noted that the petitioner requires a waiver of 153 which includes 81 stalls for the physical location of the tent as well as 72 stalls to be used for staff and customers for the tent event. Mr. Cronin noted that the petitioner's parking counts demonstrate 30% availability during private events.

The Public Hearing was Opened. Seeing no member of the public who wished to speak, Councilor Laredo motioned to close the public hearing, which carried unanimously. Councilor Laredo motioned to approve the petition. Committee members reviewed the draft findings and conditions. Ms. Azar confirmed that Bloomingdales will give the City three-months' notice prior to the tent sale each year in accordance with the Council Order. Mr. Cronin confirmed that a building permit and gas permit must be issued to hold the tent event and confirmed that the event is limited to 15 days. Committee members expressed no concerns relative to the request for a Special Permit and voted unanimously in favor of the pending motion to approve.

**#361-18      Special Permit Petition for Restaurant with more than 50 seats**

BLOOMINGDALE'S DEPARTMENT STORES, INC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a restaurant with four outdoor tables, requiring a Special Permit for a restaurant with greater than 50 seats at 225 BOYLSTON STREET, Ward 7, Chestnut Hill. Ref: Sec. 7.3.3, 7.4, 5.1.4, 5.1.13, 4.4.1, 6.4.29 of the City of Newton Rev Zoning Ord, 2015.

**Action:** **Land Use Approved 8-0; Public Hearing Closed July 10, 2018**

**Note:** Bloomingdales Director of Administration Joanne Azar presented the request for a Special Permit petition for to add four outdoor tables for the existing restaurant (40 Carrots) outside the customer doors at Bloomingdales located at 225 Boylston Street. Ms. Azar noted that Bloomingdales hopes to locate the four tables during the summer months on the sidewalk to be used primarily during lunchtime. A Special Permit is required to allow a restaurant to exceed 50 seats.

Mr. Cronin reviewed the requested relief and criteria for consideration as shown on the attached presentation. The Public Hearing Was Opened. Seeing no member of the public who wished to speak, Councilor Laredo motioned to close the public hearing which carried unanimously. Councilor Laredo motioned to approve the petition.

Ms. Azar stated that the four proposed tables will be located in the sidewalk space adjacent to the driveway to Route 9. She noted that the sidewalk space is not typically used by pedestrians to access the store but confirmed that some sidewalk space will remain available for pedestrians. Ms. Azar noted that a dedicated door in the restaurant will be used to service the four outdoor tables. Committee members reviewed the draft findings and conditions. Expressing no concerns relative to the request, Committee members voted unanimously in favor of the motion to approve.

**#362-18      Petition to allow four attached dwellings at 21-25 Gardner Street**

OLIMPIA FUSCO AND GUISEPPE BOVE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to combine two parcels to allow four attached dwelling units in two structures, requiring a Special Permit to allow single-family dwellings in an MR2 district, to allow reduced side setbacks for attached single-family dwellings in an MR2 district, to allow a reduced front setback for attached single-family dwellings in an MR2 district, to allow a reduced rear setback for attached single-family dwellings in an MR2 district and to allow reduced lot coverage for attached dwellings in an MR2 zoning district at 21-25 Gardner Street, Ward 1, Newton, on land known as Section 11 Block 25 Lots 7 & 8, containing approximately 18,717 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3.3, 7.4, 3.4.1, 3.2.4 of the City of Newton Rev Zoning Ord, 2015.

**Action:**      **Land Use Approved 8-0; Public Hearing Closed July 10, 2018**

**Note:**      Atty. Terry Morris, offices at 57 Elm Road, presented the request for a Special Permit Petition to combine two lots at 21-25 Gardner Street to allow for the construction of one single-story attached dwelling unit to the property at 21 Gardner Street. Atty. Morris stated that the property at 25 Gardner Street has contained two dwelling units since the property was purchased in 1974. He noted that an architect has identified that the structure contains a firewall that may date back to the original construction in 1959. The property at 21 Gardner Street is a single-family dwelling. The petitioner seeks to construct a rear, single-story 2,600 sq. ft. addition (2,086 sq. ft. living space, 558 sq. ft. two-car garage) to accommodate a family member with accessibility needs. Ms. Marisa Fusco and Ms. Olimpia Fusco, reiterated that the existing home does not sufficiently accommodate the needs of their sister.

Senior Planner Michael Gleba reviewed the requested relief and criteria for consideration, land use and zoning for the site as well of photos which are shown on the attached presentation. Mr. Gleba stated that in order to accommodate the addition an existing shed and an existing barn will be taken down. Mr. Gleba confirmed that relief is required to allow the proposed addition within 25' of the side setback. He noted that the proposed extension will be approximately 10'-11' away from the property line (further than the existing shed structure). Atty. Morris stated that the abutter to the right is supportive of the plans. Mr. Gleba demonstrated the proposed elevations.

The Public Hearing was Opened.

Joyce McCarthy, 22 Gardner Street, noted that she required a similar modification to her house and urged Committee members to support the petition.

Seeing no other member of the public wishing to speak, Councilor Greenberg motioned to close the public hearing, which carried unanimously. Committee members noted that the location of the proposed extension is subordinate to the existing house at 21 Gardner and will not be visible from the street. Councilor Greenberg motioned to approve the petition. Committee members reviewed the draft findings and conditions. The Committee voted unanimously in favor of approval.

**#288-18      Special Permit Petition to allow RMD at 24-26 Elliot Street**

CYPRESS TREE MANAGEMENT, INC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a registered medical marijuana dispensary in a non-conforming structure, to waive minimum stall dimensions, to waive minimum aisle width for two-way traffic, to waive perimeter screening requirements, to waive interior landscaping requirements, to waive requirements for interior planting, to waive requirement for interior tree planting, to waive requirements for bumper overhang area landscaping, to waive requirements for 1-foot candle lighting and to allow the RMD to be located within 500' of a school at 24-26 Elliot Street, Ward 5, Newton Highlands, on land known as Section 51 Block 25 Lot 01, containing approximately 25,320 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec 7.3.3, 7.4, 6.10.3, 6.10.3.D.1, 6.10.3.F.2, 4.1.3, 6.10.3.D.5, 7.8.1.C.1, 7.8.2.C.2, 5.1.12, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 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 of the City of Newton Rev Zoning Ord, 2015.

**Action:**      **Land Use Held 7-0 (Lipof Recused); Public Hearing Closed July 10, 2018**

**Note:**      Atty. Stephen Buchbinder, from the offices of Schlesinger and Buchbinder, 1200 Walnut Street represented the petitioner Cypress Tree Management, LLC. In response to concerns raised at the public hearing on June 5, 2018, the petitioner submitted responses which addressed circulation, traffic, security, parking, building design and landscaping. Two parallel parking stalls adjacent to the gas station have been removed and replaced with landscaping and one new van stall is included. Atty. Buchbinder noted that the Police Department and Fire Department discouraged cross hatching in front of the driveway but proposed “do not block” and “no left turn” signage instead. A supplemental traffic memorandum was submitted showing a range of .04-.40% increase in traffic during peak travel time which should not be perceptible. Atty. Buchbinder stated that the Police and Fire Department did not express concerns relative to the traffic impact but agree that a police detail from 3:45 pm – 7:45 pm may be beneficial for monitoring operations. The petitioner is committed to the police detail for 90 days with the option to continue for a longer period if it is determined necessary. Atty. Buchbinder noted that the valet service proposed by the petitioner may be beneficial for monitoring the flow of traffic and the pedestrian experience. Additionally, having a valet service will ensure that customers leave the site after purchase. Atty. Buchbinder stated that it is possible that valet service may not be necessary during all hours of operation and suggested that a lookback may be beneficial to evaluate the continued need.

Managing Partner of Cypress Tree, Victor Chang reiterated that the valet service will provide a premium service for patients. He stated that the valet service will also be beneficial for traffic flow control. Regarding security, the petitioner has hired retired state trooper Rick Nagle as the Director of Security. Mr. Nagle will be responsible for the development of security protocols, access to the building, perimeter controls, prevention of diversion of product, transportation of product and training of security staff. Atty. Buchbinder noted that while the option of closing access to the Negoshians site was

discussed, the abutter is not amendable to the change at this time. The Committee asked that the Planning and Law Department investigate how and when the entry into the garage (in the easement) was created.

The petitioner is currently proposing to have five stations for walk-in patients. Atty. Buchbinder noted Garden Remedies has not found the appointment only model to be necessary for medical use. Atty. Buchbinder confirmed that if approved, the proposed facility would not have protected status to convert to recreational as Garden Remedies does. In response to questions from Committee members, Atty. Buchbinder noted that the front parking stalls are compliant. The stalls to be used for valet and employee parking require dimensional relief. If the parking stalls were 19', the aisle width would only be 11'. As the petitioner also requires relief for interior landscaping in the parking lot, Atty. Buchbinder stated that the petitioner is working to create landscaped islands within the parking lot. There is an existing loading dock/driveway that may be replaced with landscaping. Committee members urged the petitioner to include as much landscaping as possible. It was noted that the plantings must be low as regulated by DPH to ensure security camera visibility.

#### **Public Comment**

Jouveth Shortell, Founder of Spanish Montessori School, 991 Boylston Street, noted that the Montessori school is located within 500' of the proposed dispensary. She urged Committee members to deny the Special Permit to protect the Montessori school and noted that zoning laws are in place to protect children. She has concerns about her investment, the health impacts and she noted that the location of the proposed dispensary will prevent the children from playing outside. She noted that the school is directly across route 9.

Pam Feng, 31 Pennsylvania Avenue, is opposed to the proposed RMD on Elliot Street. She noted that the state sets a basic standard of 500' for proximity to a school for a reason. She has concerns that the proposed facility will not be a benefit to the community and noted that it is located adjacent to Newton South bus stop where children congregate.

Serena Ting, 1024 Boylston Street, is concerned about the proposed dispensary. Ms. Ting has concerns that children and teens will be influenced to purchase and use marijuana.

Sindy Ting, 1024 Boylston Street, noted that her family put their life savings into buying a house in the area. She noted that other states have more knowledge and do not allow RMDs within 600' of a school. Ms. Ting believes that the commercial business should be located farther from residences and schools.

A Resident, noted that the FDA has not approved marijuana as a safe and effective drug for treatment. He has concerns about the future conversion to a recreational facility and believes that that marijuana use is a public health concern. He also does not believe that the parking and parking plans are sufficient.

A Resident on Auburn Street, BU Assistant Professor Mechanical Engineering, is strongly opposed to the proposed facility. He has concerns about the potential traffic impact. He believes that the traffic study

contains inaccuracies and does not account for existing traffic conditions. He believes there will be significant traffic impacts.

Rohid Singh, Charles street, Hitchhikers Guide to the Galaxy does not think that the pot shops should be "Somebody Else's Problem". He noted that marijuana dispensaries are typically located in communities with lower socio-economic status' according to Dr. Bridget Fresler (Ohio State University).

A Resident, stated that based on 2016-2017 census data, the highlands have a higher percentage of children ages 11-19. The majority of students are middle school and high school aged students. She noted that fast food, liquor stores and marijuana dispensaries can contribute to higher crime levels.

Francine Ting, 1024 Boylston Street, has concerns about the proximity of the proposed dispensary to bus stops as well as the traffic impacts. She has concerns about the diversion of marijuana to underage students.

Holly, 1 Frances Street, has concerns about safe driving and noted that Colorado has more experience and statistics about driving under the influence of marijuana. She demonstrated examples of people in Colorado who were in accidents after marijuana use. She believes traffic accidents should be prevented wherever possible.

Ann, Thurston Road, has serious concerns about the reliability and accuracy of the traffic report. She noted that the traffic data was taken on Friday before Christmas and does not reflect real conditions. She noted that the traffic report uses data from other municipalities and she has concerns that the intersection will be made worse and will delay fire response times. She urged Committee members to visit the site.

Jenny, 7 White Pine Road, has concerns about medical marijuana and the chemicals used in the products. She has concerns about the regulation of the medical marijuana and urged Committee members to oppose the petition.

A Resident, 4 Francis Street, has concerns about the traffic impacts. She noted that many people report driving under the influence of marijuana. She believes that with the high-volume intersections, the proposed dispensary will pose a safety hazard for those who travel in the area. She has concerns that pedestrians will have trouble accessing CVS, and other businesses and that there will be safety hazards.

A Resident, 21 Elliot Street, agrees with the previously mentioned concerns about the proposed RMD. She noted that her and her husband are concerned they will have to leave the neighborhood.

Seth, 21 Elliot Street, noted that snow is placed on site and takes away 3-4 parking spaces for an extended period of time. He noted that in the winter there is a massive snow pile in the lot. He also expressed concerns about the traffic in the neighborhood.

Mingteh Ma, 16 Frances Street, urged Councilors to look at the traffic flow in the area and noted that there are existing unsafe conditions.

John Kane, 978 Ramsdell Street (CVS site), Ramsdell Associates, noted that they own the rights to the roadway and stated that the easement is one way into the property. Mr. Kane has concerns that clients will park in their parking lot and urged Committee to hear he concerns of abutters.

Michael Vahey, 27-29 Elliot Street, noted that he is opposed to the medical facility. He noted that the Council is supposed to be looking at the proposed use which should be evaluated as a restricted use site. He doesn't feel that the information provided is complete due to the petitioner's intent to convert to recreational. Mr. Vahey noted that there is no need for this facility at this site and he believes it is an inappropriate use in the residential neighborhood.

Yao Wang, 7 White Pine Road, has concerns that recreational marijuana will have negative impacts on the community.

Tiffany Ting, 1022 Boylston Street, is a nurse practitioner and believes that medical marijuana is good but noted that there is another RMD in Needham. She noted that Garden Remedies is also very close. Ms. Ting does not believe that the dispensary should be in residential neighborhoods and should be located in commercial locations.

James Pacheco, 48 Circuit Avenue, noted that the City has a draft of where RMDs may be permissible and the proposed location is not adequate. Mr. Pacheco noted that people use the easement to enter the site. He believes Elliot Street will be overburdened and will impact the City's safety services.

Evan Mitchell, 21 Elliot Street, noted that appointments would be beneficial. He noted that there will be a police detail. He thinks that adding a speed bump will increase the number of people cutting through.

Mitch Greenberg, 35 Pennsylvania avenue, is concerned with local businesses; particularly the Spanish Montessori School. He noted that the site does not have trouble acquiring tenants.

A Resident, is not supportive of the proposed dispensary on Elliot Street. He has concerns that access to marijuana will be diverted to underage children. Mr. Ying noted that children could pick up the product and consume it.

Dianne Sanborn, 48 Circuit Ave, agrees with the concerns expressed by other residents. She noted that Route 9 is state road and is controlled by the Department of Transportation. Ms. Sanborn noted that the City does not have control over what happens on Route 9. If traffic is gridlocked, a police detail will not have the authority help eliminate the traffic. She believes the RMD should be on Needham Street or Wells Avenue. She urged Committee members to vote against the proposed RMD on Elliot Street.



Seeing no other member of the public wishing to speak, Councilor Crossley motioned to close the public hearing which carried unanimously. Committee members acknowledged that traffic continues to be an issue as well as exiting the site. Committee members asked that the petitioner submit additional data relative to the traffic counts, motor vehicle accident counts and snow management at the site and asked that the Planning Department evaluate pedestrian safety at the site, the proximity to the school and whether Route 9 is a sufficient buffer. It was confirmed that signage for the proposed dispensary is restricted by the state and cannot include graphic symbols or images. It was noted that the petitioner will need approval from the UDC prior to installation. Councilor Crossley motioned to hold the item until August 7, 2018 which carried unanimously.

The Committee adjourned at 10:00 pm.

**Respectfully Submitted,**

**Greg Schwartz, Chair**



# The Shops at Chestnut Hill Chestnut Hill Parking/Traffic Study

July 2018

# Objective

VHB has been retained by the Shops at Chestnut Hill to:

1. Quantify parking occupancies during the peak 2017 holiday shopping season (in November and December)
2. Define parking needs of two future tenants and demonstrate that their demands can be accommodated
3. Assess related traffic impacts

This research is available for public review purposes only, and shall not be deemed to be a warranty, representation or endorsement by E-Track, the Center, Congress, Alaska, or others and/or sources and to be an illustration of this exhibit or that any means what can be referenced on this exhibit will at any time be occurred at the Center. E-Track does reserve the right to modify this configuration and components of the Center at any time.

Project Data	
0 ROOMS/FLRS	117,720
0 DOWNLOADES/FLR/SEC	19,355
Total Equipment Spec Q/LA	297,285
Level 01	86,678
Level 02	81,270
Total Small Shops Q/LA	172,948
100H Q/LA	470,207
TOTAL PARKING SPACES:	213
SPACE/1000 SF OF Q/LA:	4.49

**MALL COMMON AREA**


INDICATES LOWER LEVEL  
MALL COMMON AREA

INDICATES UPPER LEVEL  
MALL COMMON AREA

PAGE 27 OF 28  
DATE: 01/26/2005  
TIME: 10:00 AM

Site Plan

The Shops at Chestnut Hill  
199 Boylston Street  
Chestnut Hill, MA 02467  
COPR # 7004

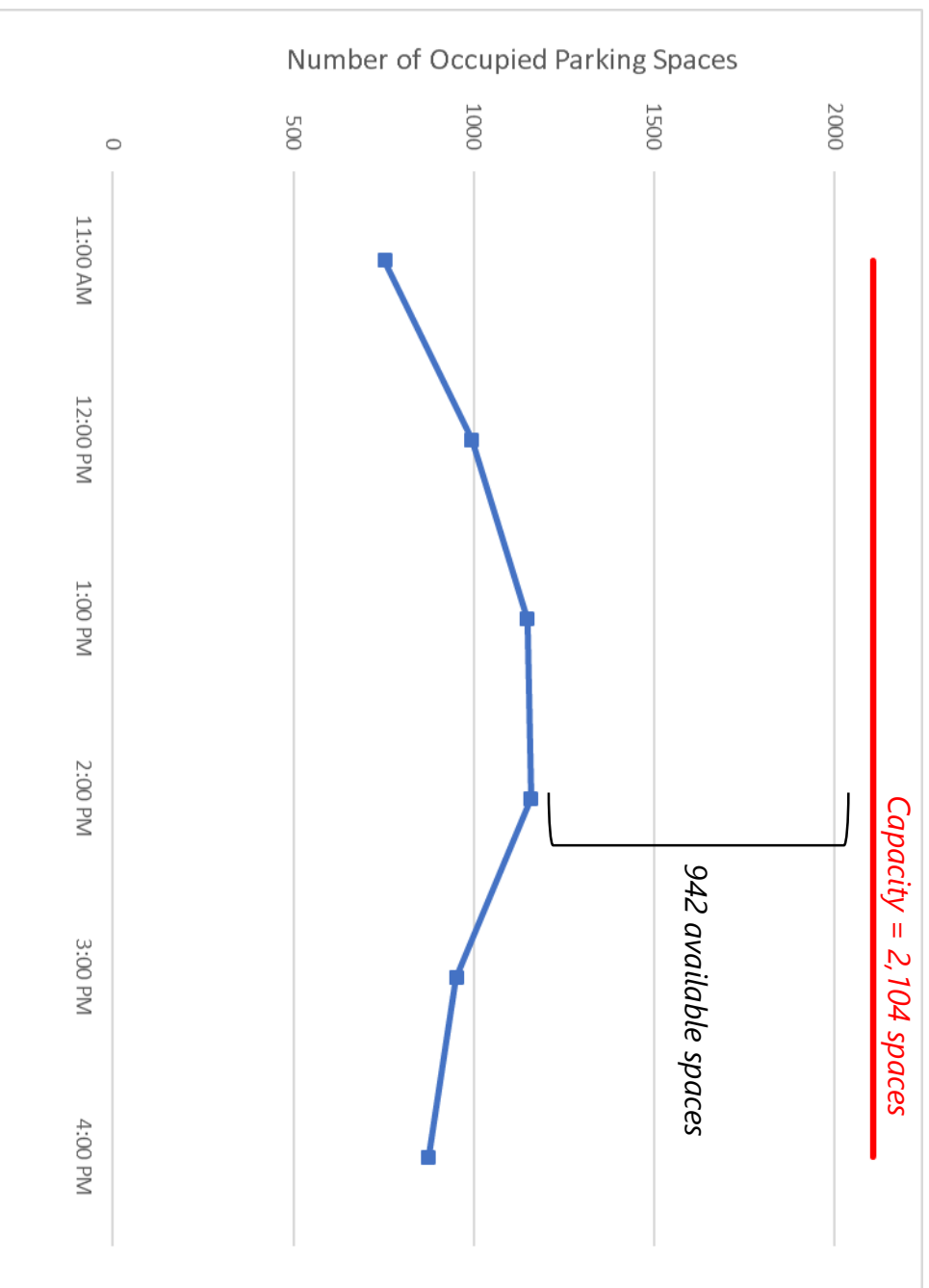
 **SIMON**<sup>SM</sup>

# Black Friday (November 24, 2017) Parking Occupancy



# Wednesday (December 13, 2017)

## Parking Occupancy



# Future Proposed Parking Leases

Third Party User	Leased Spaces
MASCO	243
<u>St. Elizabeth's Medical Center</u>	<u>253</u>
<b>TOTAL</b>	<b>496</b>



# Key Parking Study Findings

1. Peak parking occupancy was observed at:
  - 2:00 PM on Black Friday (November 24, 2017)
  - 2:00 PM on Wednesday (December 13, 2017)
2. The maximum occupancy was:
  - 70% on Black Friday (November 24, 2017)
  - 55% on Wednesday (December 13, 2017)
3. Drivers park as close as possible to the mall entrances/exits
4. Drivers circulate throughout the front and side surface lots as they approach capacity
5. Spaces located in the rear lots (behind the garage), the roof and P2 levels of the garage, and the lower section of the front lot generally the least popular spots. These were observed to be the last resort for parkers
6. Lease demands can be easily accommodated with available weekday supply



# St. Elizabeth's Medical Center\Remote Parking Trip Generation Chestnut Hill Mall

Chestnut Hill Mall Parking Lot			
Time Period	Future Vehicle Parking Lot Occupancy	% of Parking Lot Occupancy	Vehicles Entering/Exiting
before 6:30 AM	167	66%	-
<b>6:30 AM</b>	<b>167</b>	<b>66%</b>	<b>62</b>
7:30 AM	229	90%	20
8:30 AM	249	98%	3
9:30 AM	252	99%	2
10:30 AM	253	100%	0
Shuttle Service Ends at 10:45 AM			
Shuttle Service Begins at 2:00 PM			
2:30 PM	235	93%	6
3:30 PM	217	85%	18
4:30 PM	166	65%	51
5:30 PM	118	46%	48
<b>6:30 PM</b>	<b>63</b>	<b>25%</b>	<b>55</b>

# Employee Trip Distribution

Route	% Trips	AM Peak Hour Vehicles (6:30-7:30 AM)	PM Peak Hour Vehicles (5:30-6:30 PM)
Beacon Street to/from the East	1%	9 *	9 *
Beacon Street to/from the West	10%	6	6
Hammond Pond Parkway to/from the South	50%	31	27
Route 9 to/from the West	33%	20	18
Route 9 to/from the East	6%	4	3
<b>Total</b>	<b>100%</b>	<b>70</b>	<b>63</b>

\*Includes future shuttle bus trips

# Trip Distribution Findings

1. The rate of arrival and departure will be spread out over multiple hours
2. The shift requirements have been designed so that essential staff can get to the hospital outside of traditional commuter peak periods
3. Most cars path of travel will be limited to Hammond Pond Parkway (DCR) and Route 9 (MassDOT)
4. There will be only a small amount of incremental traffic generated on local Newton Streets



# Traffic Study Findings

## MASCO:

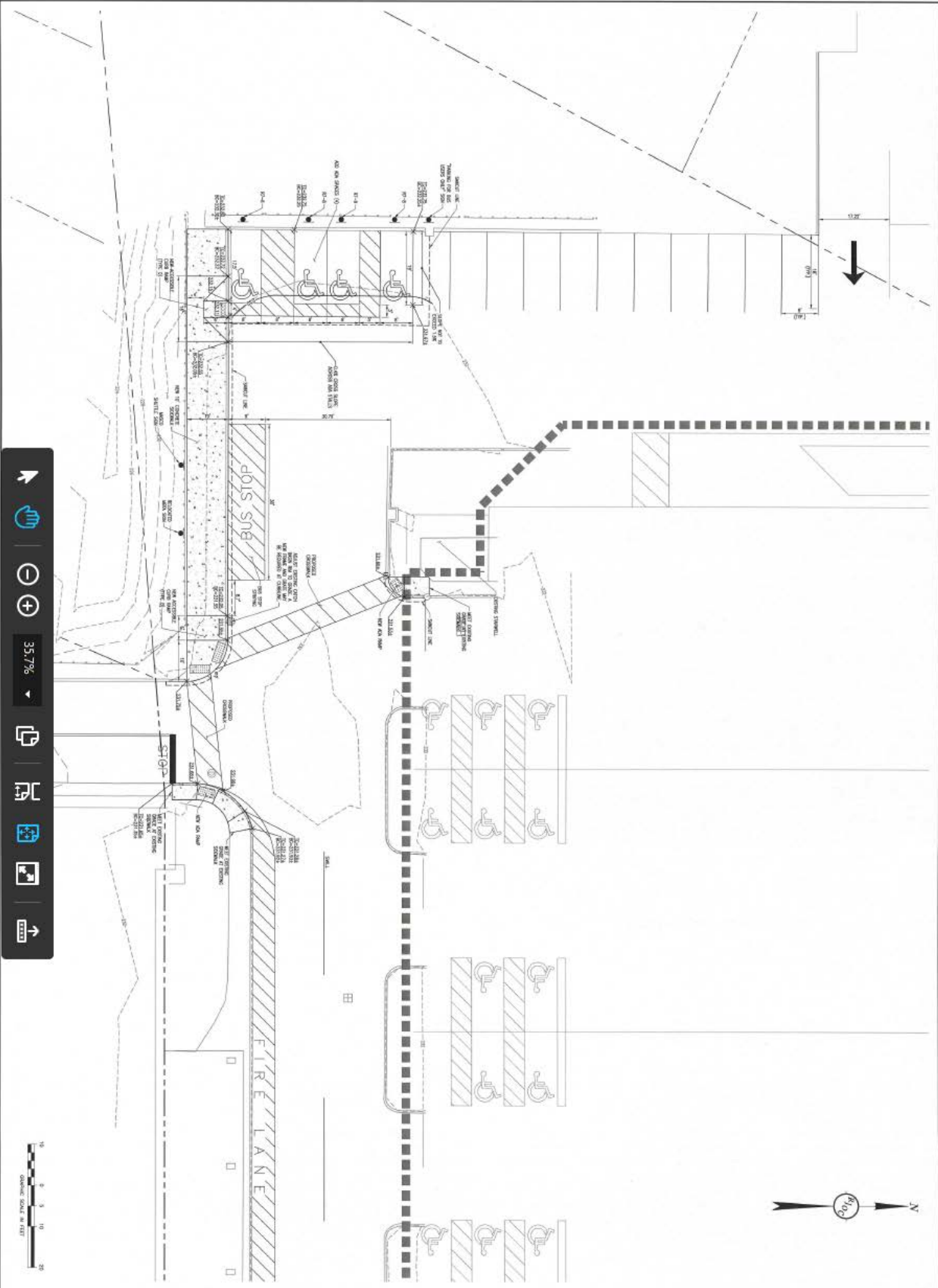
1. Existing parking and shuttle currently operates just north of the site at 300 Hammond Pond Parkway
2. Trips already occur in the area during peak hours and relocating the park and ride to the project site will not affect traffic
3. Shuttle operation would remain unchanged on area streets

## St. Elizabeth's Medical Center:

1. Will not create a measurable impact on surrounding traffic network due to operations occurring mainly outside of the typical peak hours for this area
2. Shuttle bus will operate along major roadways and will not travel down local streets and neighborhoods







Project No. <b>C-1</b> Project No. 18003		Prepared by <b>THE MALL AT CHESTNUT HILL</b> WESTON, MA		Project Name <b>SITE PLAN</b>		Prepared by <b>RIO CONNELL &amp; ASSOCIATES, INC.</b> CIVIL ENGINEERING CORPORATION 80 MONTVALE AVE WESTON, MA 02458 TEL: 781-379-0080 FAX: 781-379-0170		Project No. <b>MALL AT CHESTNUT HILL, LLC</b> 46 DOWNTOWN STREET CHESTNUT HILL, MA 02151		Prepared by 		Designed by: SP2 Drawn by: NUY/BCE Checked by: SP2 Scale: 1"=10' Date: 02/22/2018		<table border="1"> <tr> <th>No.</th> <th>Revision</th> <th>Date</th> </tr> <tr> <td>1</td> <td>FOR SPECIAL PERMIT</td> <td>04/25/2018</td> </tr> <tr> <td>2</td> <td>REVISED</td> <td>04/25/2018</td> </tr> </table>		No.	Revision	Date	1	FOR SPECIAL PERMIT	04/25/2018	2	REVISED	04/25/2018
No.	Revision	Date																						
1	FOR SPECIAL PERMIT	04/25/2018																						
2	REVISED	04/25/2018																						

## Department of Planning and Development



### **PETITION #180-18**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO AMEND COUNCIL  
ORDER #474-14  
TO WAIVE 243 PARKING STALLS  
AND TO ALLOW NON-ACCESSORY  
PARKING AT 199 BOYLSTON STREET



JULY 10, 2018

## Requested Relief



- To amend Council Order #474-14
- To waive 496 parking stalls (§5.1.4)
- To allow non-accessory parking (§4.4.1).



## Special Permit Criteria

- The specific site is an appropriate location for non-accessory parking. (§7.3.3.C.1)
- The non-accessory parking 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. (§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)

## Waivers to Parking Requirements

- Literal compliance with the parking requirements of the Newton Zoning Ordinance 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)

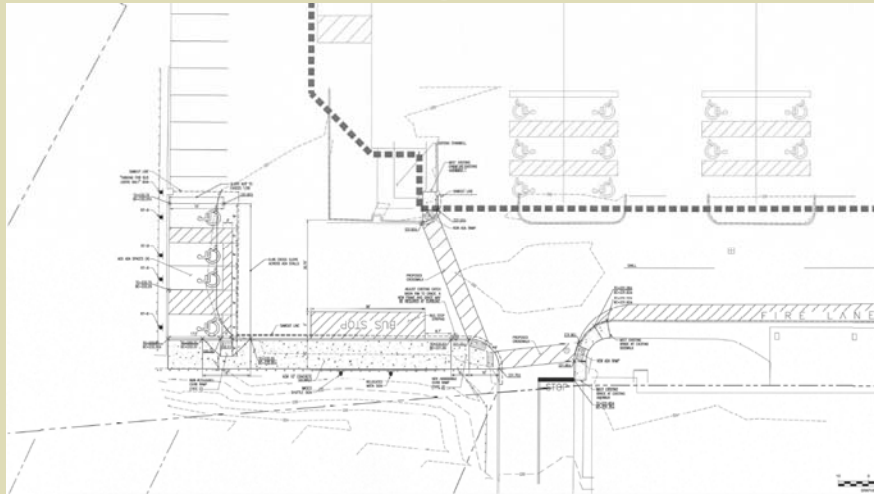
## Non-Accessory Parking

- The petitioner is seeking to reserve 243 stalls on the fourth floor of the parking garage to third-party users allowing for a shuttle serving Longwood Medical Center; the petitioner withdrew the request to establish a second shuttle serving St. Elizabeth's Medical Center
- The shuttle serving Longwood Medical Center currently operates out of 300 Hammond Pond Parkway.

## AERIAL



## Bus Stop



## Parking Study

- The petitioner submitted a parking study which indicated the parking facilities on site are underutilized. On Black Friday, the peak hour of the study showed the facilities were at 70% capacity, representing 672 unused parking stalls.
- Study indicated the stalls on the fourth floor of the garage were the least utilized stalls.

## Findings



1. The specific site is an appropriate location for non-accessory parking because the site consists of underutilized parking facilities. (§7.3.3.C.1)
2. The non-accessory parking, as developed and operated, will not adversely affect the surrounding neighborhood because the resulting trips will occur outside of peak hours and will not impact the local road network. (§7.3.3.C.2)
3. The non-accessory parking will not create a nuisance or serious hazard to vehicles or pedestrians because all pick-up and drop-off of passengers will occur within the site. (§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 located on the Boylston Street/Route 9 corridor with sufficient ingress and egress points. (§7.3.3.C.4)

## Findings Continued



5. A waiver of 243 parking stalls is in the public interest because the site's parking facilities are underutilized and allowing non-accessory parking will allow for a new use on site without affecting the existing businesses. (§5.1.4 and §5.1.13)

## Conditions

1. Standard Plan Reference Condition.
2. Prior to an issuance of a certificate of occupancy for the improvements authorized by the Order, the shuttle operator shall obtain a bus license from the City of Newton acting by and through the City Council through its Public Safety Committee.
3. The petitioner shall use best efforts to install a bus shelter and/or light at the bus stop
4. The parking stalls shall only be dedicated to the third-party users Monday through Friday from 6 a.m. to 7 p.m. but shall not be dedicated to the third-party users on major shopping days during these days.

## Conditions Continued

5. The parking stalls leased as part of this Order shall only be dedicated to shuttles serving the Longwood Medical Center. Any increase in the number of stalls leased, the number of shuttles, or a change in the shuttle routes shall require an amendment to this Special Permit/Site Plan Approval.
6. Standard Certificate of Occupancy Condition

## Department of Planning and Development



### **PETITION #360-18**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO TEMPORARILY  
WAIVE 153 PARKING STALLS  
AT 199 BOYLSTON STREET



JULY 10, 2018

## Requested Relief

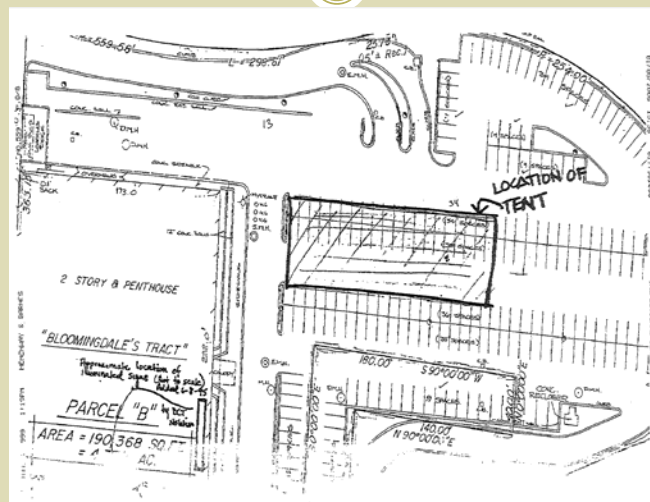


- To temporarily waive 153 parking stalls. (§5.1.4 and §5.1.13)

## Special Permit Criteria

- Literal compliance with the parking requirements of the Newton Zoning Ordinance 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)

## Proposed Site Plan



## Analysis

- The petitioner is seeking a five-year permit to hold an outdoor event annually for two weeks, up to and including Labor Day.
- A previous five-year permit was issued in 2012 and expired in 2016. This permit and earlier one-year permits occurred during Memorial day.
- The petitioner conducted parking counts during prior events indicating the site has sufficient capacity to accommodate the waiver. An additional study conducted on Black Friday of 2017 indicated the site had 672 parking stalls available during the peak hour.

## Findings

1. Literal compliance with the parking requirements is in the public interest due to the short-term nature of the event and prior parking counts of similar events indicate the site has sufficient parking available to meet the demand during the outdoor sales event (§5.1.4 and §5.1.13).



## Conditions



1. Standard Plan Reference Condition.
2. The approval of this special permit for a temporary event and the temporary waiver of 153 parking spaces for the erection of the tent during the rug sale is valid for five (5) years, allowing the petitioner to hold five events, and shall be allowed to continue to be held during the same general time period over the next five years, at the discretion of the Commissioner of Inspectional Services and the Director of the Department of Planning and Development. The petitioner must file a letter stating its intent to hold the sale with the Commissioner and Director no later than three months prior to the proposed start date of the sale.
3. The petitioner must obtain building permit(s) for the tent for each event approved by the Commissioner of Inspectional Services and Director of Planning and Development.

## Conditions Continued



4. The use of the temporary tent is allowed for not more than 15 days, for a period generally two weeks leading up to and including Labor Day.
5. The temporary tent shall displace no more than 81 parking spaces.
6. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the City of Newton Fire Department, Department of Planning and Development, and Department of Inspectional Services.

## Conditions Continued



7. If the petitioner intends to seek permission to hold the event in 2024, the petitioner shall conduct a parking demand survey during the 2023 event. The parking demand survey shall take place during at least three full days and shall include at least one day over the Labor Day Holiday weekend. The petitioners should provide a scope of the proposed parking demand survey, including the dates, area of the parking facility that is proposed to be included in the survey, and manner in which the survey will be conducted to the Director of Planning and Development at least two weeks prior to beginning the 2023 study, for review and approval. A copy of the completed parking demand survey shall be filed with the petitioner's application for a special permit for a 2023 event.

## Conditions Continued



7. Standard Building Permit Condition

## Department of Planning and Development



### **PETITION #361-18**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO AMEND COUNCIL  
ORDER #474-14 TO ALLOW  
A RESTAURANT WITH MORE THAN  
50 SEATS AT 199 BOYLSTON STREET

JULY 10, 2018



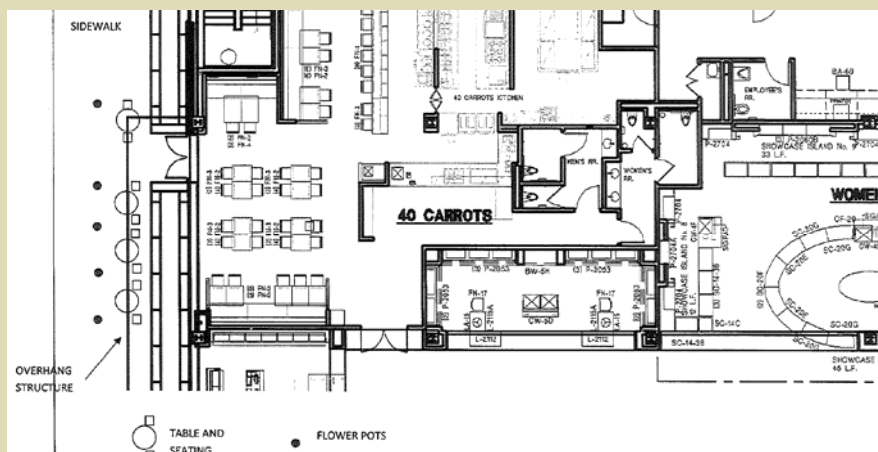
## Requested Relief

- To amend Council Order #474-14
- To allow a restaurant with more than 50 seats. (§4.4.1 §6.4.29)

## Special Permit Criteria

- The specific site is an appropriate location for a restaurant with more than fifty seats. (§7.3.3.C.1)
- The restaurant with more than fifty seats 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. (§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)

## Proposed Site Plan



## Summary

- The site has a surplus of 46 stalls which can accommodate the increased demand of the restaurant.

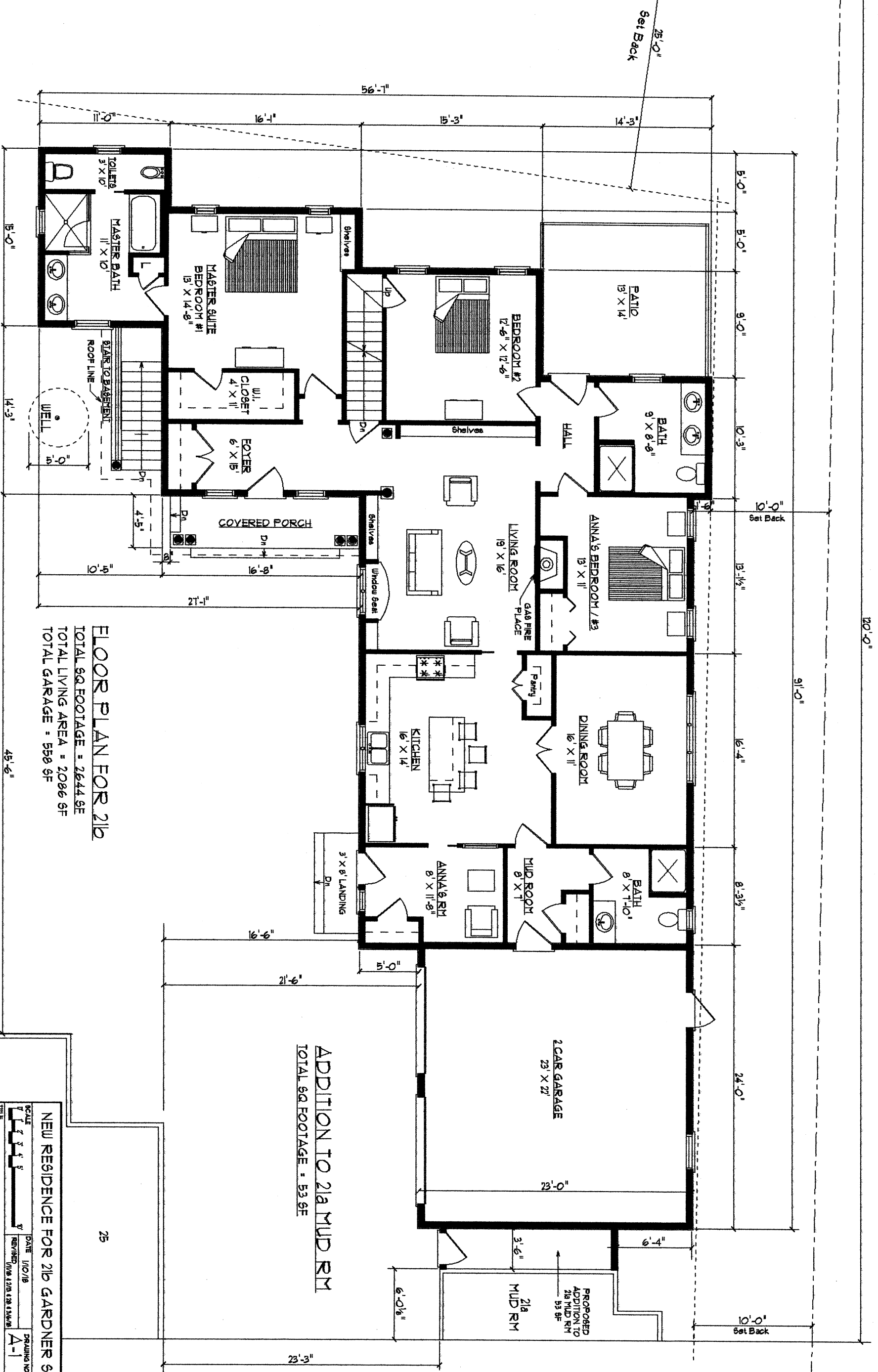
## Findings

1. The specific site is an appropriate location for a restaurant with more than 50 seats because the site contains a large shopping center and the enlarged restaurant will provide another feature for guests. (§7.3.3.C.1)
2. The restaurant with more than 50 seats will not adversely affect the neighborhood because the shopping center is set back from the street with dedicated access and egress. (§7.3.3.C.2)
3. The proposed restaurant will not create a nuisance or serious hazard to vehicles or pedestrians because the ten seats will be located on the sidewalk with adequate clearance. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved given the site's location on the Boylston Street/Route 9 corridor. (§7.3.3.C.4)

## Conditions



1. This Order incorporates conditions from previous Orders.
2. Standard Plan Reference Condition.
3. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Fire Department, Health Department, Department of Planning and Development, and Department of Inspectional Services.
4. Standard Certificate of Occupancy Condition

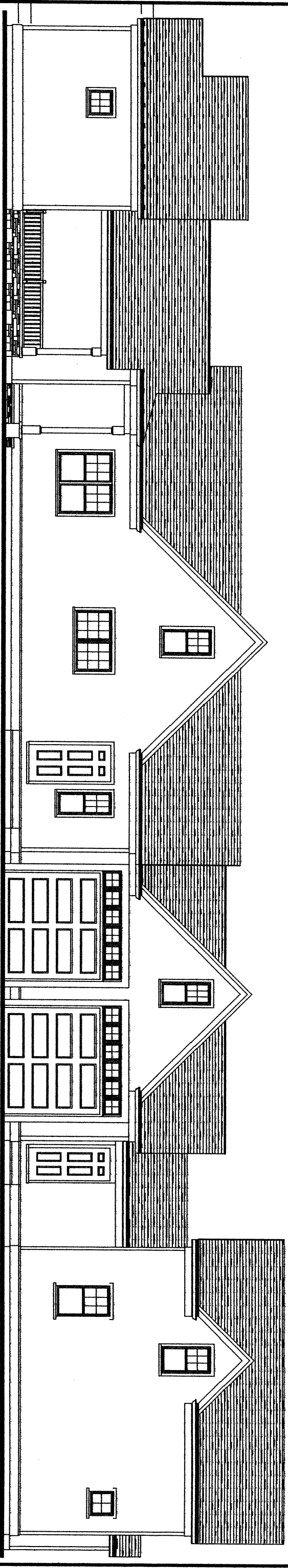


FLOOR PLAN FOR 21b  
TOTAL SQ FOOTAGE = 2644 SF  
TOTAL LIVING AREA = 2086 SF  
TOTAL GARAGE = 558 SF

ADDITION TO 21a MUD RM  
TOTAL SQ FOOTAGE = 53 SF

NEW RESIDENCE FOR 21b GARDNER ST  
C.D. CALHOUN  
ASSOCIATES INCORPORATED  
51 BACHEM DRIVE, BOURNE MA 019, 02532 508-833-3106

SCALE	DATE	DRAWING NO.
1" = 4'-0"	11/01/18	A-1
1" = 8'-0"	11/01/18	
1" = 12'-0"	11/01/18	

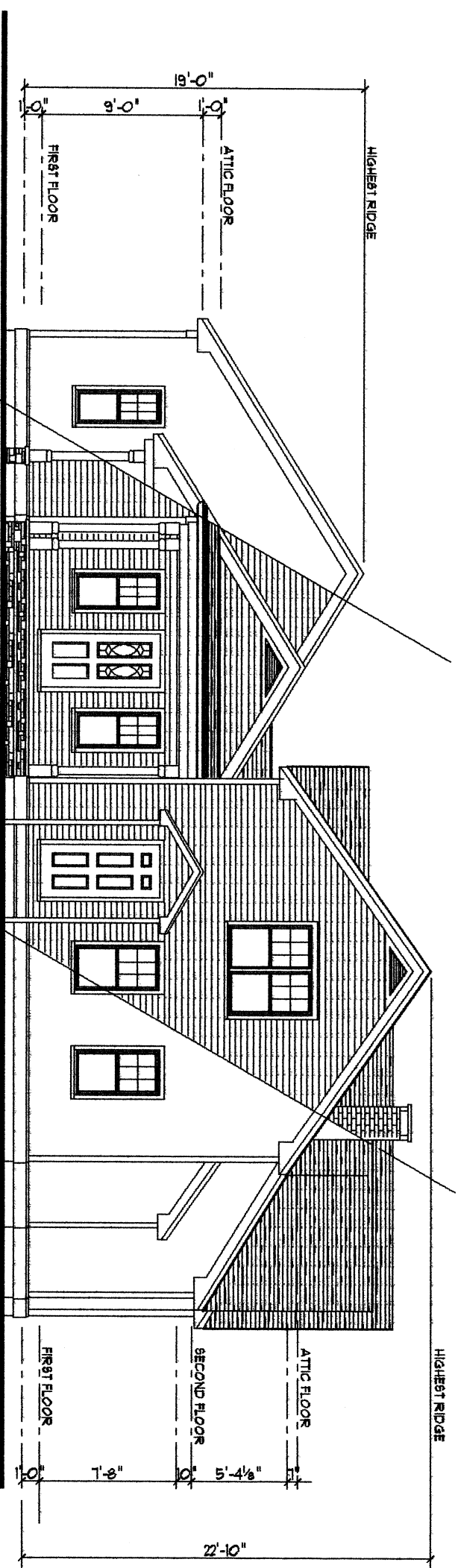


## LEFT ELEVATION

PROPOSED HOUSE @ 216 GARDNER ST

## LEFT ELEVATION

EXISTING HOUSE @ 218 GARDNER ST



TRIM SCHEDULE:

ROOFING - ARCHITECTURAL SERIES  
25 YEAR, ASPHALT SHINGLES  
4" ALUMINUM GUTTER & DOWN SPOUT  
1" X 6" FACIA  
1" X 8" FREEZE BOARD  
1" X 4" CORNER BOARDS  
6'X12' - HARDIE PLANK CLAPBOARD  
WITH 4 1/2" TO THE WEATHER  
TWO PIECE 1" X 12" WATER TABLE  
WINDOWS PELLA 6/1

FRONT ELEVATION:

PROPOSED HOUSE @ 216 GARDNER ST

FRONT ELEVATION:

EXISTING HOUSE @ 21a GARDNER ST

**NEW RESIDENCE FOR 216 GARDNER ST**

	SCALE	DRAWING NO. <b>A-2</b>
	DATE 1/10/18 REVISED 3/6/18	

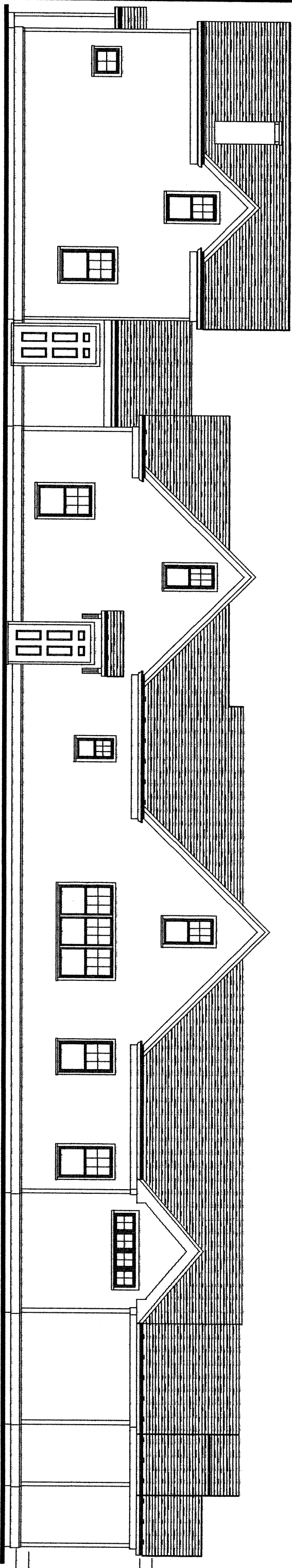
**FRONT & LEFT ELEVATIONS FOR 21b & 21a**

C.D. CALHOUN

ASSOCIATED INCORPORATED

51 SACHAM DRIVE, BOURNE MASS, 02532 BOB - 833 - 3706



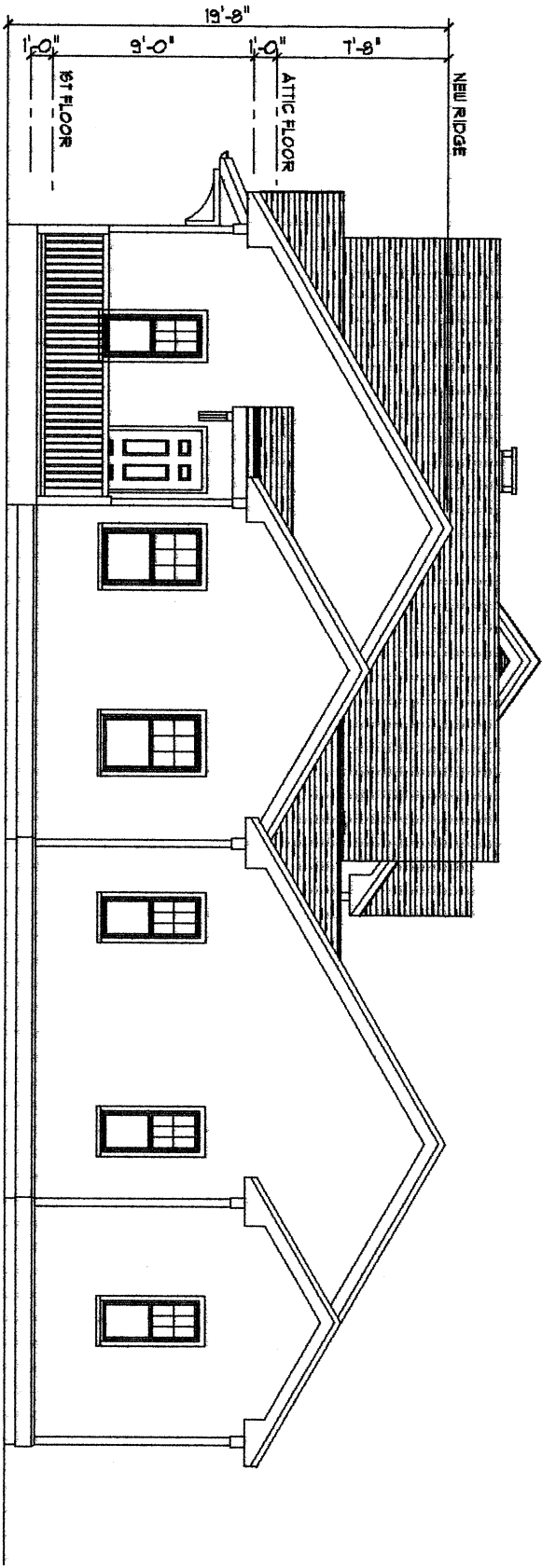


RIGHT ELEVATION

EXISTING HOUSE @ 21a GARDNER ST

RIGHT ELEVATION

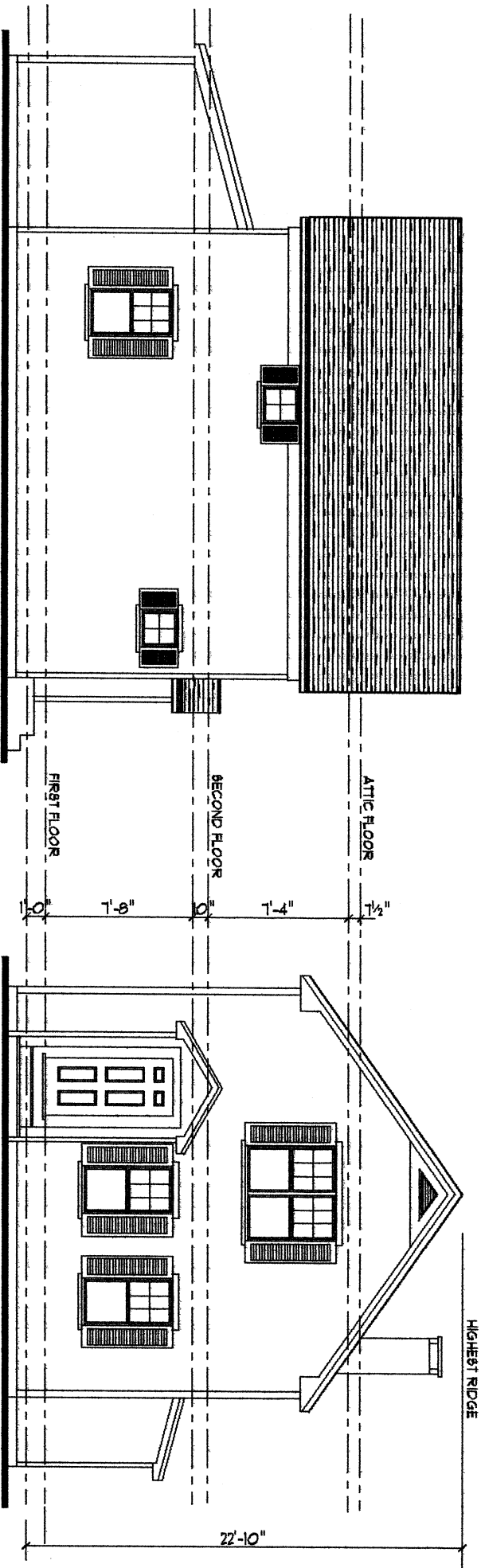
PROPOSED HOUSE @ 21b GARDNER ST



REAR ELEVATION

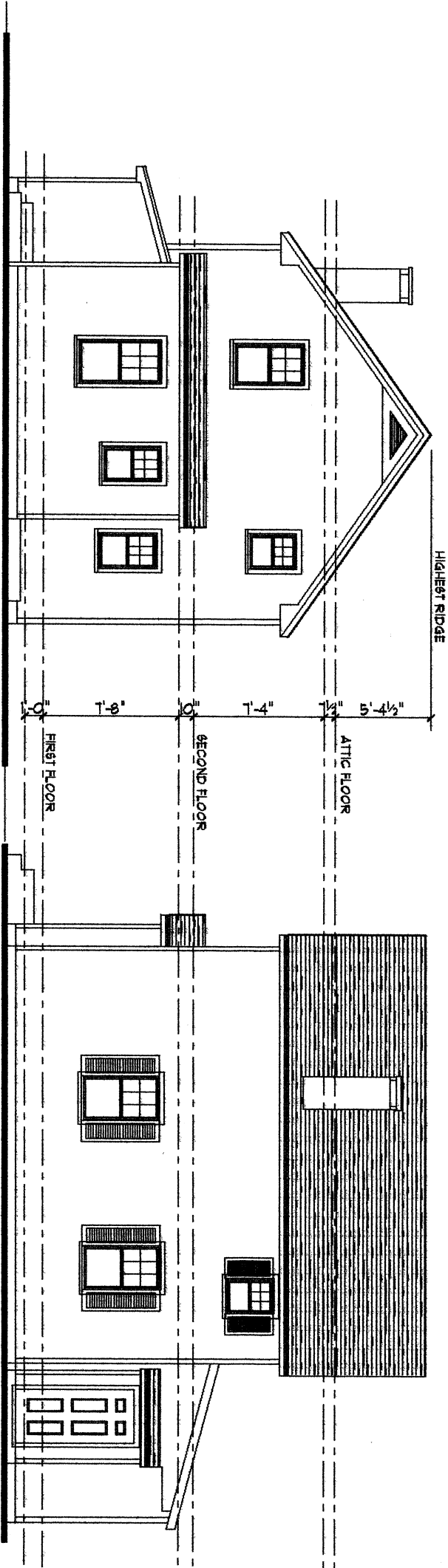
PROPOSED HOUSE @ 21b GARDNER ST

NEW RESIDENCE FOR 21b GARDNER ST			
SCALE	DATE	1/10/18	DRAWING NO.
1" = 4'	REVISED	3/6/18	A-3
REAR & RIGHT ELEVATIONS			
C.D. CALHOUN			
ASSOCIATES INCORPORATED			
51 BACHEM DRIVE, BOURNE MASS, 02532 508-833-3106			



RIGHT ELEVATION  
EXISTING HOUSE @ 21 GARDNER ST

FRONT ELEVATION:  
EXISTING HOUSE @ 21 GARDNER ST

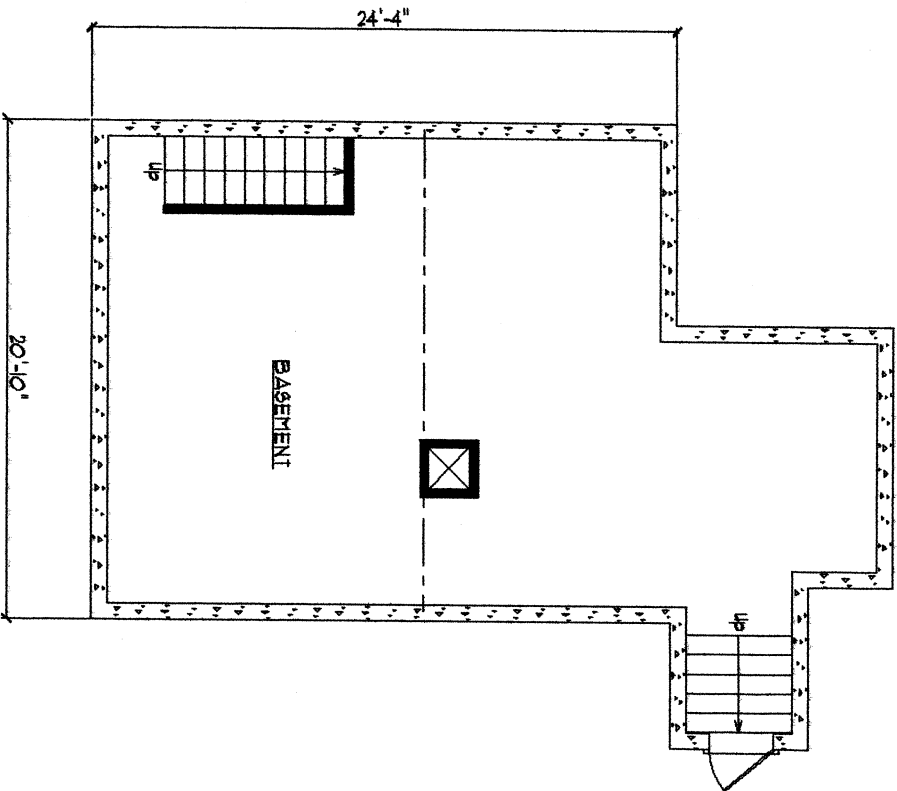


REAR ELEVATION:  
EXISTING HOUSE @ 21 GARDNER ST

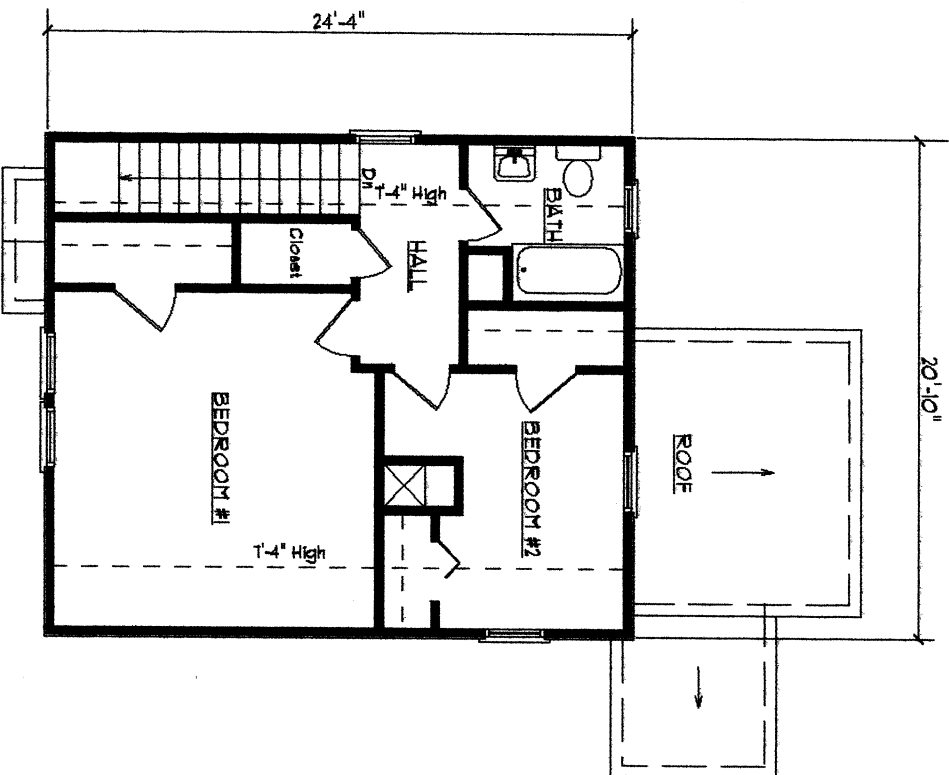
RIGHT ELEVATION  
EXISTING HOUSE @ 21 GARDNER ST

\* GENERAL AND OR SUB CONTRACTOR SHALL VERIFY ALL DIMENSIONS PRIOR TO ORDERING MATERIALS AND STARTING CONSTRUCTION. ALL STATE AND LOCAL BUILDING CODES SHALL BE ADHERED TO ANY DISCREPANCIES SHALL BE BROUGHT TO OWNER OR C.D. CALHOUN'S ATTENTION. DO NOT FIELD MEASURE DRAWINGS FOR LAYOUT PURPOSES. ASK QUESTIONS!

21 GARDEN STREET	
AS BUILT ELEVATIONS	
C.D. CALHOUN	
ASSOCIATES INCORPORATED	
51 SACHET DRIVE, BOURNE MA 01939 508-893-3106	
SCALE 1" = 4'-0"	DATE 6/20/18
TITLE AS BUILT ELEVATIONS	DRAWING NO. AB - 4

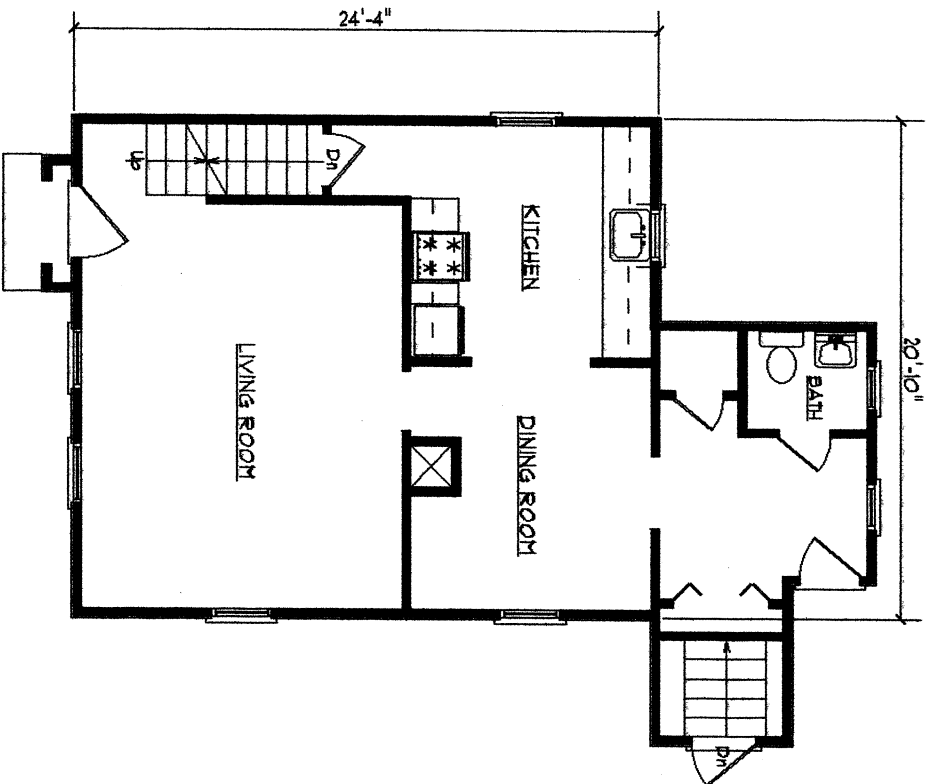


21a GARDNER ST 1ST FL PLAN



21 GARDNER ST 2ND FL PLAN

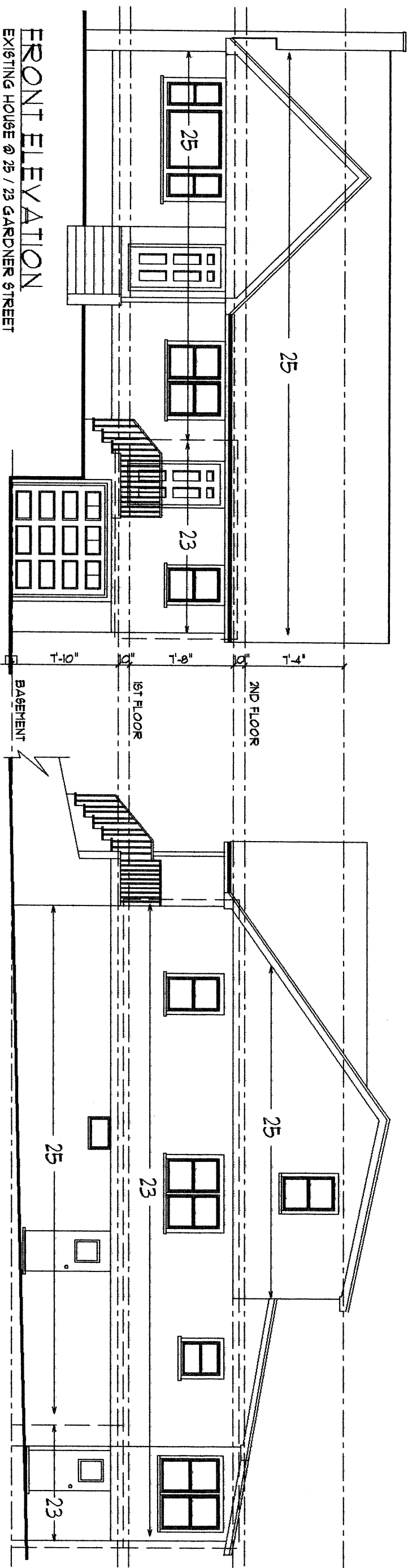
TOTAL SQUARE FOOTAGE = 396 SF



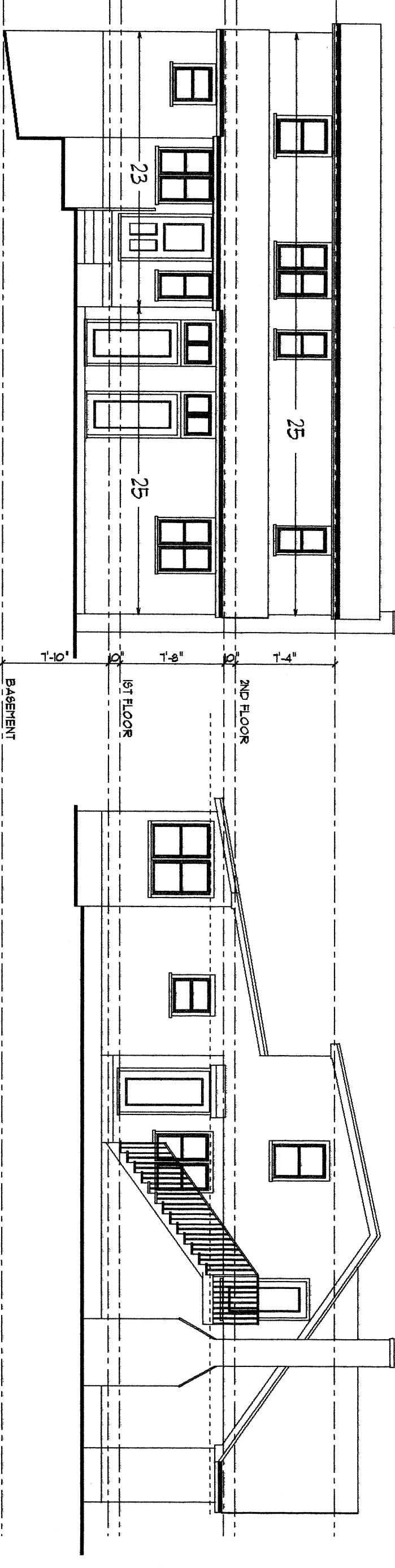
21a GARDNER ST 1ST FL PLAN

TOTAL SQUARE FOOTAGE = 653 SF

21 GARDNER STREET		
SCALE	DATE 6/20/18	DRAWING NO. AB - 5
1" = 4'	REVISED	
AS BUILT FLOOR PLANS		
C.D. CALHOUN		
ASSOCIATES INCORPORATED		
51 SACHET DRIVE, BOURNE MASS, 02532 508 - 833 - 3106		



RIGHT ELEVATION  
EXISTING HOUSE @ 25 / 23 GARDNER STREET



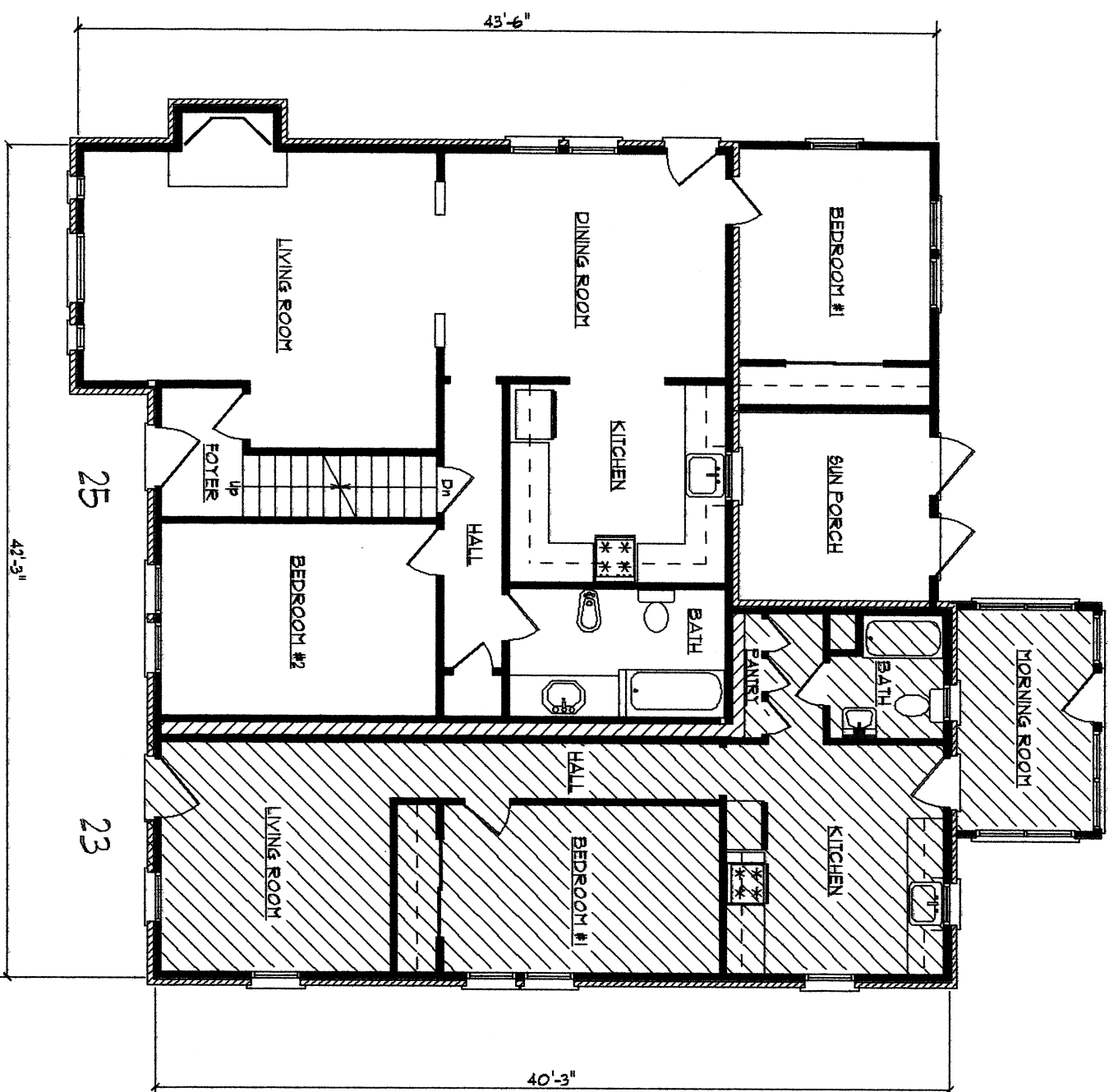
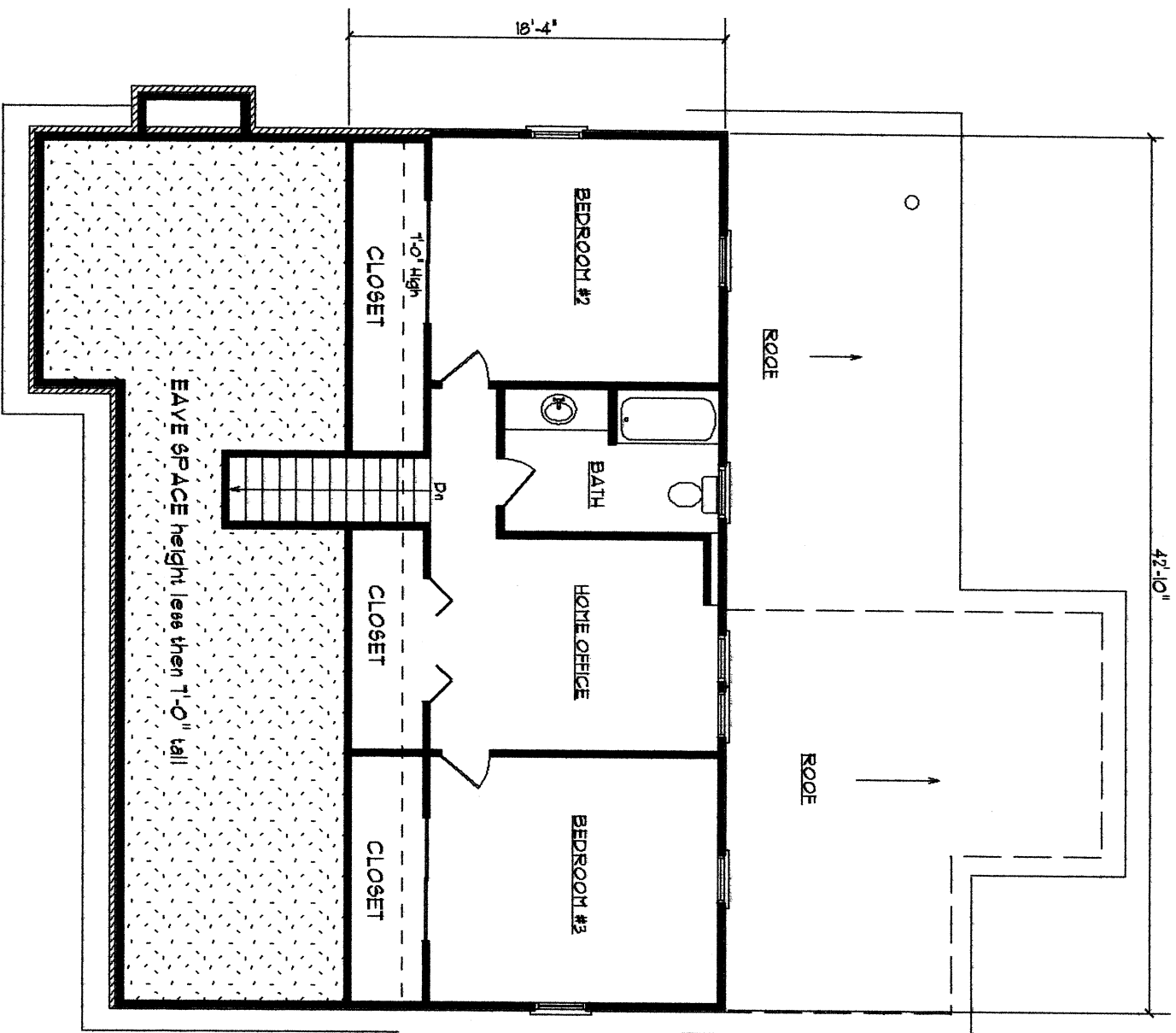
REAR ELEVATION  
EXISTING HOUSE @ 25 / 23 GARDNER STREET



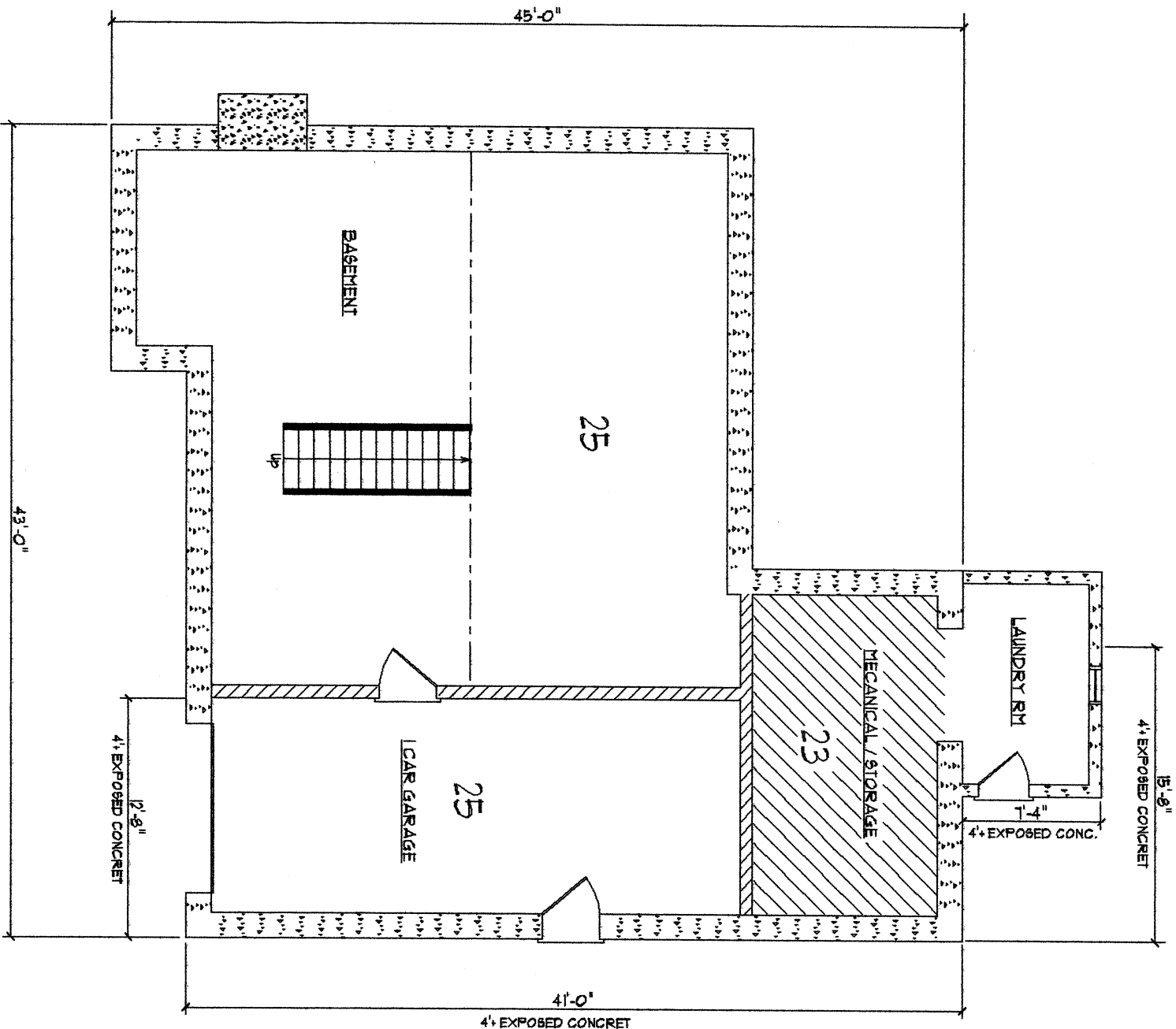
LEFT ELEVATION  
EXISTING HOUSE @ 25 / 23 GARDNER STREET



25 - 23 GARDNER STREET	
SCALE	DATE 6/20/18
1" = 4'	REVISED
DRAWING NO. AB-1	
TITLE	
AS BUILT ELEVATIONS	
C.D. CALHOUN	
ASSOCIATES INCORPORATED	
51 BACHEN DRIVE, BOURNE MASS, 02532 508-893-5106	



25 - 23 GARDNER STREET		
SCALE	DATE	DRAWING NO.
1" = 4'-0"	6/20/18	AB - 2
C.D. CALHOUN		
ASSOCIATES INCORPORATED		
51 SACHET DRIVE, BOURNE MASS. 02532 508-833-3106		



25 GARDNER STREET BASEMENT PLAN

TOTAL SQUARE FOOTAGE = 543 SF

25 - 23 GARDNER STREET			
SCALE	DATE	REVISION	DRAWING NO.
1" = 4'-0"	6/20/18		AB - 3
TITLE			
BASEMENT FLOOR PLAN			
C.D. CALHOUN			
ASSOCIATES INCORPORATED			
51 SACHET DRIVE, BOURNE MASS, 02532 508-833-3106			

## Department of Planning and Development



### **PETITION #362-18**

#### **21-25 GARDNER STREET**

SPECIAL PERMIT/SITE PLAN APPROVAL TO COMBINE TWO PARCELS TO ALLOW FOUR ATTACHED DWELLING UNITS IN TWO STRUCTURES, REQUIRING A SPECIAL PERMIT TO ALLOW SINGLE-FAMILY DWELLINGS IN AN MR2 DISTRICT, TO ALLOW REDUCED SIDE SETBACKS FOR ATTACHED SINGLE-FAMILY DWELLINGS IN AN MR2 DISTRICT, TO ALLOW A REDUCED FRONT SETBACK FOR ATTACHED SINGLE-FAMILY DWELLINGS IN AN MR2 DISTRICT, TO ALLOW A REDUCED REAR SETBACK FOR ATTACHED SINGLE-FAMILY DWELLINGS IN AN MR2 DISTRICT AND TO ALLOW REDUCED LOT COVERAGE FOR ATTACHED DWELLINGS IN AN MR2 ZONING DISTRICT

*JULY 10, 2018*



## Requested Relief



Special permit per §7.3.3 to:

- allow attached single-family dwellings in an MR2 zoning district (§3.4.1)
- reduce the side setback requirement for attached single-family dwellings in an MR2 zoning district (§3.2.4)
- reduce the front setback requirement for attached single-family dwellings in an MR2 zoning district (§3.2.4)
- reduce the rear setback requirement for attached single-family dwellings in an MR2 zoning district (§3.2.4)
- reduce the lot coverage requirement for attached dwellings in an MR2 zoning district (§3.2.4)



## Criteria to Consider



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

- The site is an appropriate location for the proposed four attached single-family dwellings in two structures in a Multi-Residence 2 (MR2) district (§7.3.3.C.1)
- The proposed four attached single-family dwellings in two structures will adversely affect the neighborhood (§7.3.3.C.2)
- The proposed four attached single-family dwellings in two structures will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4), and
- Literal compliance with the dimensional standards for front, side and rear setbacks and lot coverage is impractical due to the nature of the use, or the location, size, frontage, 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 (§3.2.4)

## AERIAL/GIS MAP





## Zoning



### ATTACHMENT B

#### Zoning

21-25 Gardner St.

City of Newton,  
Massachusetts

#### Legend

- Multi-Residence 1
- Multi-Residence 2



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

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Scott D. Wilson  
GIS Administrator - Douglas Greenfield

Scale: 1" = 100' 0"

Map Date: June 29, 2018

## Land Use



### ATTACHMENT A

#### Land Use

21-25 Gardner St.

City of Newton,  
Massachusetts

#### Land Use

- Single Family Resident
- Multi-Family Residential
- Vacant Land
- Tax Exempt



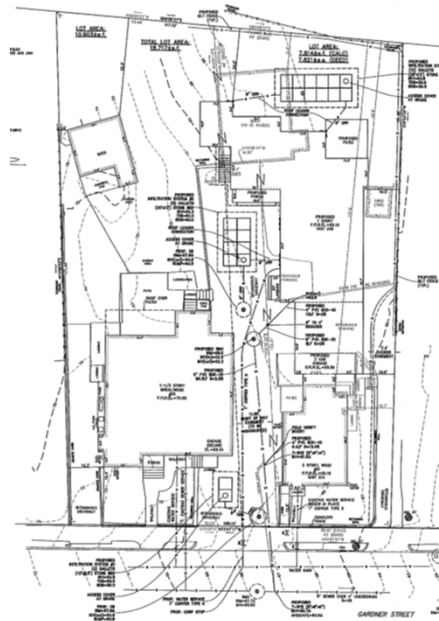
The information on this map is from the Newton Geographic Information System (GIS). The City of Newton does not guarantee the accuracy of this information. Each user of this map is responsible for ensuring its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Scott D. Wilson  
GIS Administrator - Douglas Greenfield

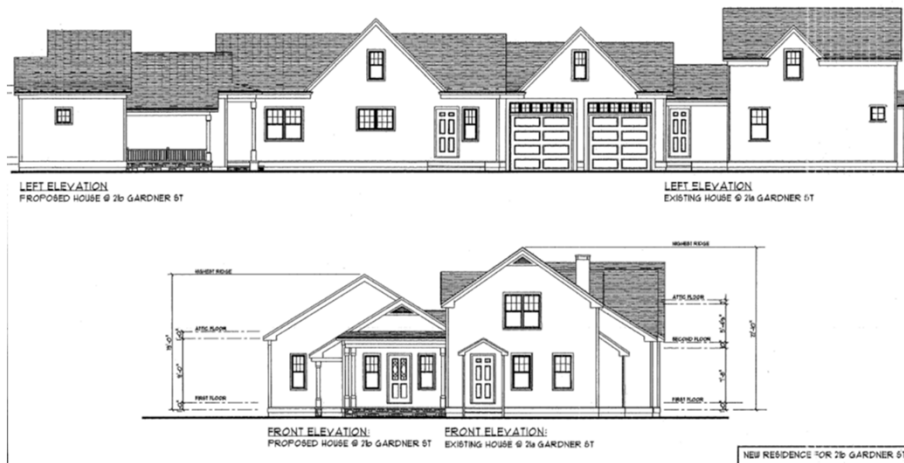
Scale: 1" = 100' 0"

Map Date: June 29, 2018

## Site Plan



## Elevations- 21 Gardner St.-Front and Left



## Elevations- 21 Gardner St.-Right and Rear



RIGHT ELEVATION  
EXISTING HOUSE @ 21b GARDNER ST

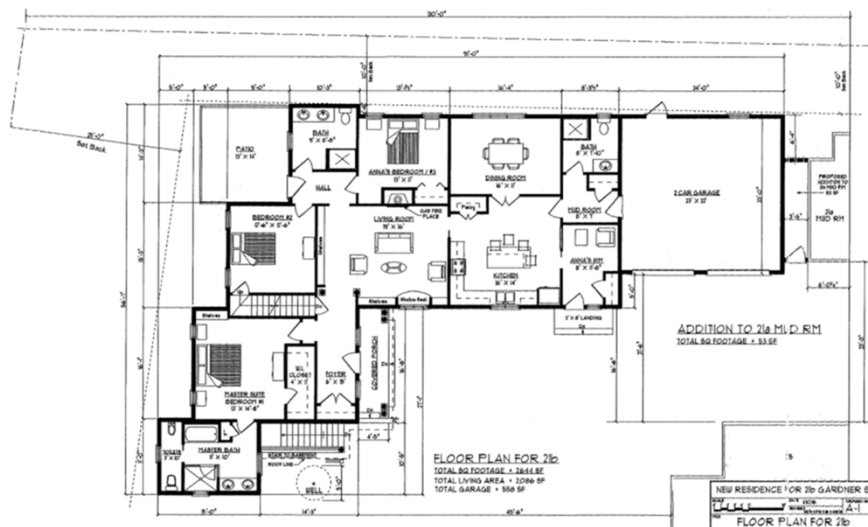
RIGHT ELEVATION  
PROPOSED HOUSE @ 21b GARDNER ST



REAR ELEVATION  
PROPOSED HOUSE @ 21b GARDNER ST

NEW RESIDENCE FOR 21b GARDNER ST

## Floor Plan- Addition to 21 Gardner St.



**Photos**



**Photos**





**Photos**



**Photos**



## Photos



## Photos



## Proposed Findings

1. The site is an appropriate location for the proposed four attached single-family dwellings in two structures as it is located in a neighborhood with a mix of single-, two- and multi- family dwellings and the project will preserve three existing dwellings and create a new accessible dwelling unit (§7.3.3.C.1);
2. The proposed project as developed and operated will not adversely affect the surrounding neighborhood (§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 site is appropriate for the number and types of vehicles involved (§7.3.3.C.4).
5. Granting the required exceptions to the dimensional standards for front, side and rear setbacks and lot coverage is in the in the public interest as they will allow for the preservation of three existing dwellings in two structures with nonconforming setbacks and the addition of a one-story, accessible attached dwelling unit (§3.2.4)

## Proposed Conditions

1. Plan Referencing Condition
2. The petitioner shall file with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a plan recorded at the Registry of Deeds a plan showing the lots known as Section 11, Block 25, Lots 7 and combined into a single lot.
3. The petitioner shall comply with the Tree Preservation Ordinance.
4. All lighting fixtures shall be residential in scale.
5. Standard Building Permit Conditions
6. Submit Final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval.
7. Standard Final Inspection/Certificate of Occupancy Conditions

## By-right

- **Detached single-family or two-family dwelling**
  - (Several other uses, subject to listed conditions and/or administrative site plan review, including: dormitories for 20 or more residents, schools, public uses, and religious institutions.)
- **Dimensional requirements:**
  - Floor area ratio (FAR) - 0.39  
(7,300 square feet of floor area in one or two units)
  - Front, side and rear setbacks of 30 ft., 10 ft. and 15 ft., respectively
  - Height- 2 ½ stories; 36 ft. high sloped roof, 30 ft. flat roof
  - Lot Coverage- 30%
  - Open Space- 50%



C.D. CALHOUN AND ASSOCIATES

CHARLES D. CALHOUN  
51 SACHEM DRIVE SAGAMORE BEACH, MA 02562  
TEL / FAX 1-508-833-3106

F.A.R. W O R K S H E E T

DATE: 6/22/18  
PROPERTY: 25 - 23 - 21a & 21b GARDNER STREET  
ZONING: MR2 old  
SETBACKS: F 25' S 1'-6" R 15'  
LOT AREA: 18,718 SF  
F.A.R.: .39  
TOTAL ALLOWED SQUARE FOOTAGE = 18,718 SF X .39 = 7300 SF

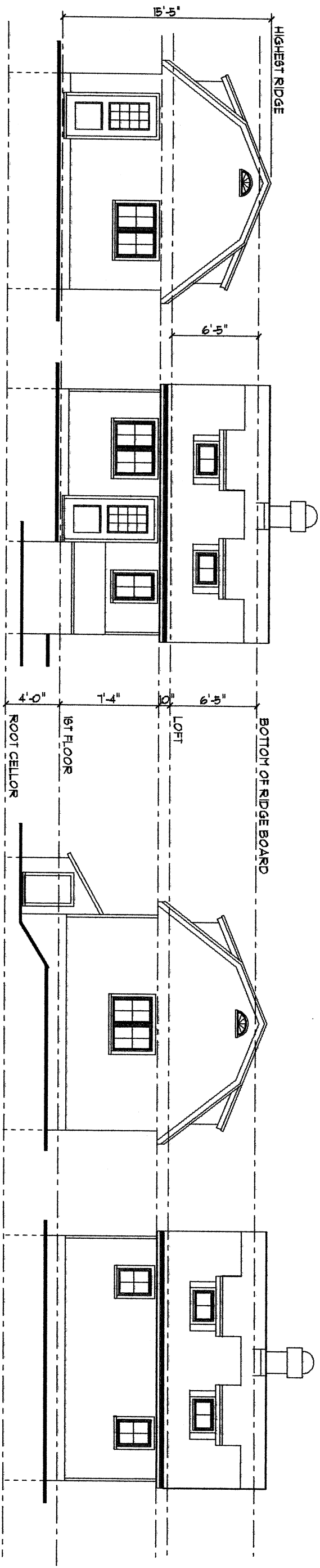
AS BUILT STRUCTURES SQUARE FOOTAGE:

25 -23 GARDNER STREET	25 1ST FLOOR = 1,193 SF 23 1ST FLOOR = 703 SF 25 2ND FLOOR = 745 SF 25 - 23 BASE. = 543 SF TOTAL COMBINED = 3,184 SF
21a GARDNER STREET	1ST FLOOR = 653 SF 2ND FLOOR = 396 SF TOTAL = 1,049 SF
25 GARDNER ST SHED	1ST FLOOR = 292 SF
TOTAL COMBINED SQUARE FOOTAGE = 4,525 SF	

NEW HOUSE ATTACHED TO 21a GARDNER STREET SQUARE FOOTAGE:

21b GARDNER STREET	1ST FLOOR LIVING AREA = 2086 SF 1ST FLOOR GARAGE AREA = 558 SF TOTAL = 2646 SF
--------------------	--

TOTAL COMBINED SQUARE FOOTAGE OF EXISTING & NEW = 7171 SF [ under by 79 sf ]

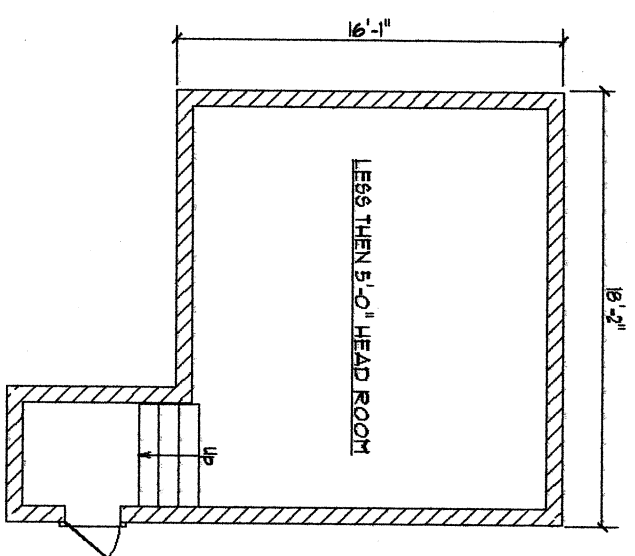


LEFT ELEVATION

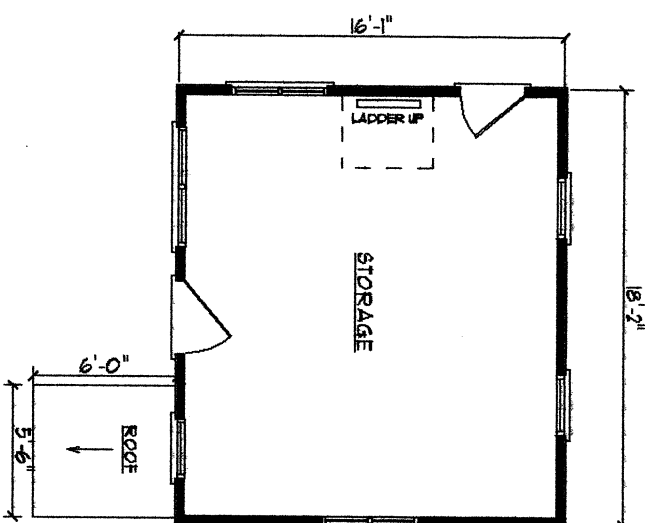
FRONT ELEVATION

RIGHT ELEVATION

REAR ELEVATION

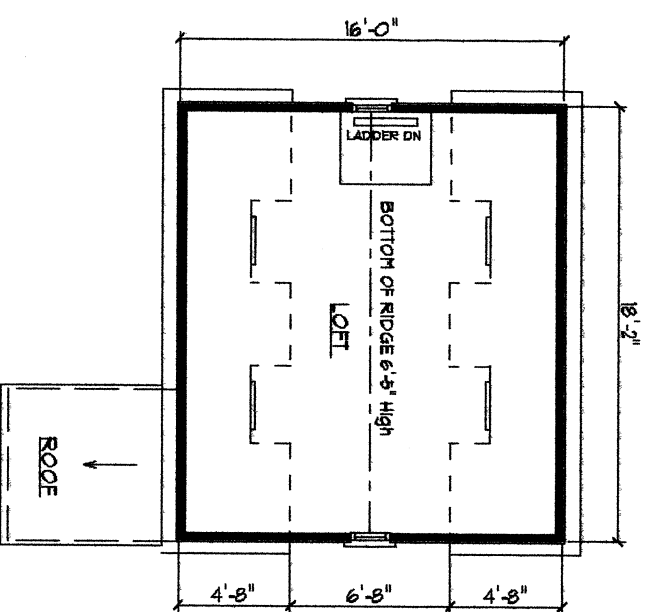


SHED END PLAN



SHED 1ST FLOOR

TOTAL SQUARE FOOTAGE = 292 SF



SHED LOFT PLAN

TOTAL SQUARE FOOTAGE = 119 SF all less then 6'



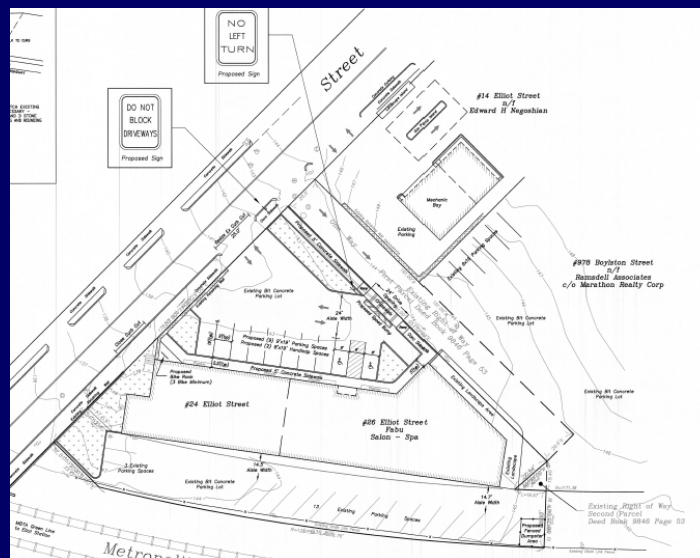
Schlesinger and Buchbinder, LLP  
Attorneys at Law

# Cypress Tree Management 24-26 Elliot Street July 10, 2018 Land Use Committee



Schlesinger and Buchbinder, LLP  
Attorneys at Law

## Revised Site Plan



## Police Detail/Valet Parking

- Police Detail from 3:45 p.m. until 7:45 p.m. on weekdays to monitor traffic along Elliot Street curb cut.
- Valet Parking
  - Ensure cars are parked legally
  - Ensure smooth and efficient flow of traffic throughout site
  - Attendants to work with security staff to monitor site
  - Rear parking spaces reserved for valet and employees





## Revised Landscape Plan



## Department of Planning and Development



**PETITION #298-18**  
**24-26 ELLIOT STREET**

SPECIAL PERMIT TO ALLOW A REGISTERED MEDICAL MARIJUANA DISPENSARY WITHIN 500 FEET OF A SCHOOL AND TO ALLOW WAIVERS TO THE REQUIREMENTS OF PARKING FACILITIES CONTAINING MORE THAN FIVE STALLS



JULY 10, 2018

### Requested Relief



Special Permits per §7.3.3 of the NZO to:

- Allow a registered medical marijuana dispensary (RMD) within 500 feet of a school (§6.10.3.D.1 and §6.10.3.F.2)
- Waive the minimum stall dimensions (§5.1.8.B.1, §5.1.8.B.2, and §5.1.13)
- Waive the minimum aisle width for two-way traffic (§5.1.8.C.1, §5.1.8.C.2, and §5.1.13)
- Waive the perimeter screening requirements (§5.1.9.A and §5.1.13)
- Waive the interior landscaping requirements (§5.1.9.B and §5.1.13)
- Waive the lighting requirements (§5.1.10 and §5.1.13)



## Criteria to Consider



When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the RMD (§7.3.3.1).
- The RMD, 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 numbers of vehicles involved (§7.3.3.4).
- Literal compliance with the parking requirements of the Newton Zoning Ordinance 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).

## Criteria to Consider Continued

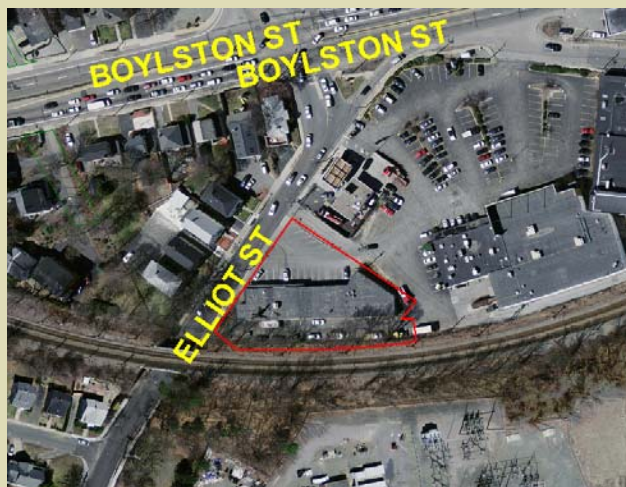


- The RMD is located to serve an area that currently does not have reasonable access to medical marijuana. (§6.10.3.F.1)
- The site is at least five hundred (500) feet from a school, daycare center, preschool or afterschool facility or any facility in which minors commonly congregate, or from a house of worship or religious use, or the site is located at a lesser distance, if the City Council finds that the site is sufficiently buffered such that these facilities or uses will not be adversely impacted by the RMD's operation (§6.10.3.F.2).
- The lot is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site, whether driving, bicycling, walking or using public transportation (§6.10.3.F.3).
- Traffic generated by client trips, employee trips, and deliveries to and from the RMD do not create a significant adverse impact on nearby uses (§6.10.3.F.4).
- Loading, refuse and service areas are designed to be secure and shielded from abutting uses (§6.10.3.F.5).

## Criteria to Consider Continued

- The building and site have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the buildings interior (§6.10.3.F.6).
- The building and lot are accessible to persons with disabilities (§6.10.3.F.7).
- The lot is accessible to regional roadways and public transportation (§6.10.3.F.8).
- The lot is located where it may be readily monitored by law enforcement and other code enforcement personnel (§6.10.3.F.9).
- The RMD's hours of operation will have no significant adverse impacts on nearby uses (§6.10.3.F.10).

## AERIAL/GIS







## Plan Revisions



1. The Petitioner submitted a revised site plan which removes three parking stalls from the front parking facility in favor of additional landscaping. The Planning Department is supportive of the redesign.
2. The rear parking facility will be dedicated to employee parking and will be used for valet parking.

## Traffic



1. The Petitioner submitted a supplemental traffic analysis which indicates the proposed RMD use will generate less trips than other as of right uses.
2. Staff met with the petitioner, members of the Newton Police Department, and members of the Transportation Division to address potential queuing southbound on Elliot Street. The petitioner has agreed to provide a City of Newton Police Detail for 90 days from 3:45 to 7:45 during the weekday evening peak to facilitate this movement into the site.
3. At the end of the 90 days, this group will meet again to determine whether a police detail is still necessary, and to determine whether any changes need to be made to address queuing issues.