



City of Newton, Massachusetts

Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

617-796-1120

Ruthanne Fuller
Mayor

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: September 27, 2024

TO: City Council

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

SUBJECT: **Petition #355-24** for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a mix of for-profit education, personal instruction, non-accessory parking, wholesale bakery, vehicle storage and vehicle repair, sales and services, and to waive 41 parking stalls at 28-30 Riverdale Avenue, Ward 1, Newton, on land known as Section 11 Block 01 Lot 04, containing approximately 31,138 sq. ft. of land in a district zoned MANUFACTURING. Ref: Sec. 7.3.3, 4.4.1, 5.1.4, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

APPLICATION RECORD: <https://newtonma.viewpointcloud.com/records/840687>

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



28-30 Riverdale Avenue

I. Project Description

Use – Current uses are mixed industrial including manufacturing, contractor’s yard, and office. Proposed use is mixed industrial and commercial including for-profit education, craft beverage establishment (off-site consumption), personal instruction (up to 5,000 square feet), personal instruction (over 5,000 square feet), vehicle repair shop (minor), vehicle sales and service (indoor), vehicle sales and service (outdoor), wholesale bakery, vehicle storage, manufacturing uses not allowed by right.

Zone – Manufacturing

Lot size – 31,138 square feet

Existing Nonconformities –none

Proposal- The petitioner has completed construction on site to renovate an existing building, construct a two-story building, and redesign parking to total twelve stalls.

Analysis

The petition does not consist of construction as the construction of a new building was by right. The owner has filled one building and two units with manufacturing, office, and a contractor’s yard, but has struggled to find tenants for the remaining four units. At this time, they do not have a proposed tenant which would require a special permit, instead they are proactively asking for approval for additional manufacturing uses, those that would require a special permit, in order to make the site more attractive to future tenants. The proposed waiver of 41 parking stalls where 53 are required corresponds to the request to allow the nine proposed uses. As there are not specific tenants identified at this time staff worked with the petitioner to make conservative assumptions about the space. However, Planning notes that the site is not capable of hosting all nine uses simultaneously and likely would not host a configuration that requires 53 parking stalls at one time. As configured with twelve parking stalls and its location in Manufacturing district, the site is already limited in its potential uses and parking relief can encourage a greater variety of uses.

Although Planning is generally supportive of efforts to increase economic viability, some of the vehicle-related proposed uses may create adverse impacts to the limited parking and circulation on the site. In particular, the following uses create the potential to increase parking demand and/or creating obstacles to site circulation: vehicle repair shop (minor), vehicle sales and service (indoor), vehicle sales and service (outdoor), and vehicle storage. For example, the lot’s limitation to twelve parking stalls does not support the lot’s usage as a car dealership or as an auto mechanic storing many vehicles awaiting parts or services. However, some variations of these usages may be entirely contained indoors and with little to no impact on parking or circulation, such as indoor vehicle storage or other vehicle services, such as auto detailing, stereo systems, or window tinting.

Planning proposes to work with the petitioners to refine the proposed uses to more narrowly identify uses that would be appropriate at this location while also encouraging a greater variety

of economic opportunity and flexibility for the petitioners. In particular, Planning recommends the petitioners carefully consider the need for requesting relief to allow for “manufacturing uses not allowed by right.” The manufacturing use as defined in Section 6.5.10 of the Zoning Ordinance can be performed by right at 28-30 Riverdale Avenue and is broadly defined and carries the protection that such use shall not be “injurious, noxious, or offensive to the neighborhood.” “Manufacturing uses not allowed by right” may not be necessary to request given the broad range of uses that can be performed by right. Planning recommends retaining the protection against detrimental manufacturing uses that comes with the by-right manufacturing use.

II. Zoning Relief Requested:

| Zoning Relief Required | | |
|-------------------------------|---|------------------------|
| <i>Ordinance</i> | | <i>Action Required</i> |
| 4.4.1 | Request to allow: <ul style="list-style-type: none"> • For-profit education • Personal instruction (up to 5,000 sf) • Personal instruction (over 5,000 sf) • Vehicle repair shop (minor) • Vehicle sales and service (indoor) • Vehicle sales and service (outdoor) • Wholesale bakery • Vehicle storage • Manufacturing uses not allowed by right | S.P. per §7.3.3 |
| §5.1.4 §5.1.13 | Request to waive 41 parking stalls | S.P. per §7.3.3 |

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

III. Criteria for Consideration per §7.8.2.C.2:

1. The specific site is an appropriate location for the waiver of 41 parking stalls pursuant to the proposed uses as for-profit education, personal instruction (up to 5,000 square feet), personal instruction (over 5,000 square feet), vehicle repair shop (minor), vehicle sales and service (indoor), vehicle sales and service (outdoor), wholesale bakery, vehicle storage, and manufacturing uses not allowed by right. (§7.3.3.C.1)
2. The waiver of 41 parking stalls pursuant to the proposed uses as for-profit education, personal instruction (up to 5,000 square feet), personal instruction (over 5,000 square

feet), vehicle repair shop (minor), vehicle sales and service (indoor), vehicle sales and service (outdoor), wholesale bakery, vehicle storage, and manufacturing uses not allowed by right on the site as designed will not adversely affect the neighborhood. (§7.3.3.C.2)

3. There will be no nuisance or serious hazard to vehicles or pedestrians created by for the waiver of 41 parking stalls pursuant to the proposed uses as for-profit education, personal instruction (up to 5,000 square feet), personal instruction (over 5,000 square feet), vehicle repair shop (minor), vehicle sales and service (indoor), vehicle sales and service (outdoor), wholesale bakery, vehicle storage, and manufacturing uses not allowed by right. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved in the waiver of 41 parking stalls pursuant to the proposed uses as for-profit education, personal instruction (up to 5,000 square feet), personal instruction (over 5,000 square feet), vehicle repair shop (minor), vehicle sales and service (indoor), vehicle sales and service (outdoor), wholesale bakery, vehicle storage, manufacturing uses not allowed by right. (§7.3.3.C.4)

IV. Project Proposal and Site Characteristics

Existing Conditions

The site consists of nine commercial units across two buildings totaling 14,185 square feet with twelve parking spaces on a lot totaling 32,138.7 square feet. Per Building Permit 22-5723, one building was razed, one building, labeled Building A on the plans, was preserved and one building, labeled Building B, was newly constructed. Both buildings consist of bays and reach a maximum height of 24 feet. Building A is a single-story and consists of three units with open bays and large garage doors. Building B consists of six units with open bays and large garage doors on the first floor and second story office space above. For Building B, the smallest unit is approximately 1,682 square feet and the largest is approximately 4,157 square feet.

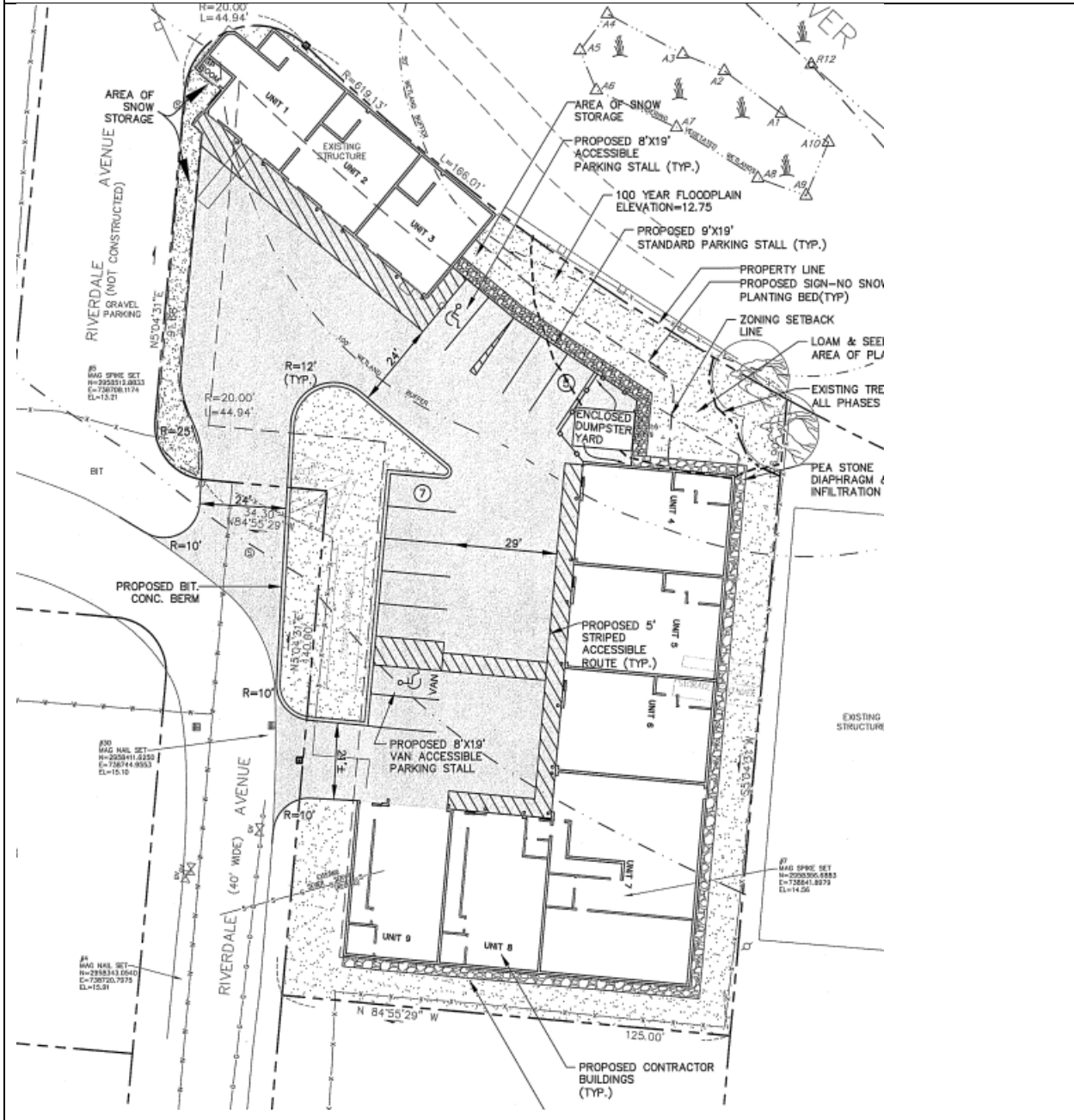
Per the Section 4.4.1 of the Zoning Ordinance, by-right uses are limited to most industrial uses and other miscellaneous uses such as business incubator, health club, job printing, and office. Given twelve parking stalls, there are few options for occupying all units without some relief for use or parking. The by-right use with the lowest parking requirement would be storage warehouse, which requires one parking stall per every four employees plus one per every 2,500 square feet. However, the remainder of by-right industrial uses require one parking stall per 1,000 square feet and one parking stall per every four employees. Given the units for Building B total over 12,000 square feet, at least one unit would have to be held vacant or used as storage. There are some combinations of by-right uses that can occur on site given the limitation of twelve parking stalls. However, the number of parking stalls, total building area, and parking requirements for the lot significantly limit the potential uses for the lot without some degree of parking relief and/or relief to accommodate other uses.

Currently, the three units of Building A are utilized as a contractor's yard and two units from Building B are leased as office and manufacturing. The remaining four units of Building B are vacant and advertised as industrial/flex (rental listing: <https://castlearchpa.com/properties/13-Industrial-Flex-28-30-Riverdale-Ave-Newton-Massachusetts-02458-USD28/>). The listing and design, particularly the incorporation of bathrooms and office space in each unit, demonstrate the intent and potential for uses beyond storage. While there is the option for some combination of vacancy, storage, and other by-right uses, the site is limited by the parking design. Additionally, given the lot abuts the Charles River and Charles River Reservation and is largely in the River Protection Act, development of additional parking or structures on the site would require additional review.

Proposed Project

All work was completed on site and a Certificate of Occupancy was issued for the construction at 28-30 Riverdale Avenue on June 7, 2024. This project does not seek any additional construction or site work, but rather relief to waive parking requirements and allow for additional uses. The petitioners propose the following uses: for-profit education, personal instruction (up to 5,000 square feet), personal instruction (over 5,000 square feet), vehicle repair shop (minor), vehicle sales and service (indoor), vehicle sales and service (outdoor), wholesale bakery, vehicle storage, and manufacturing uses not allowed by right. These uses and their projected area and employee requirements generate a parking requirement of 53 parking stalls based on probable tenant needs and trends. However, given that there are currently nine units and limited parking area, these uses cannot all occur simultaneously and there is unlikely to be a requirement for 53 parking stalls. By requesting the above uses, the petitioners seek greater flexibility to accommodate a wider variety of tenants within the existing site conditions.

As-Built Site Plan



V. Interdepartmental Review

No further departmental review is required.

VI. Petitioner's Responsibilities

The petition is complete. Planning recommends the petitioner consider the likely uses on the site and come up with a list that is more focused than the broad zoning categories, particularly related to vehicular uses.

ATTACHMENTS:

ATTACHMENT A: Zoning Review Memorandum

ATTACHMENT B: DRAFT Council Order



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: August 23, 2024

To: Anthony Ciccariello, Commissioner of Inspectional Services

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

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

RE: Request to allow a mix of for-profit education, personal instruction, non-accessory parking, wholesale bakery, vehicle storage and vehicle repair, sales and service and to waive 41 parking stalls

| Applicant: Teresa Jones | |
|-------------------------------|--|
| Site: 28-30 Riverdale Avenue | SBL: 11001 0004 |
| Zoning: MAN | Lot Area: 31,138 square feet |
| Current use: Mixed industrial | Proposed use: Mixed industrial and instruction |

BACKGROUND:

The property located at 28-30 Riverdale Avenue consists of 31,138 square feet in the Manufacturing district. Prior to 2022, the site was improved with a multi-bayed garage building used for vehicle and equipment storage and a separate building used for offices (formerly a single-family dwelling). A building permit was issued in 2022 to renovate the existing garage building and to raze the office building to construct a larger two-story building and twelve surface parking stalls. With the completion of construction, the petitioner seeks to allow several uses on site which require special permits within the Manufacturing Zone and to waive 41 parking stalls.

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

- Zoning Review Application, prepared by Teresa Coppola-Jones, submitted 7/17/2024
- Existing Condition and Demolition Plan, signed and stamped by Brian R. Marchetti, engineer, dated 2/22/2021
- Proposed Development, signed and stamped by Brian R. Marchetti, engineer, dated 2/22/2021

ADMINISTRATIVE DETERMINATIONS:

1. The property was subject to a major renovation and construction of a second two-story building and surface parking in 2022. The existing renovated building was and is still used for vehicle and equipment storage for contractors. To broaden the appeal of the property to prospective tenants, the petitioner seeks to allow various special permit uses on the site. Per section 4.4.1, the following requested prospective uses require special permits in the Manufacturing district:
 - For-profit education
 - Craft beverage establishment (off-site consumption)
 - Personal instruction (up to 5,000 sf)
 - Personal instruction (over 5,000 sf)
 - Vehicle repair shop (minor)
 - Vehicle sales and service (indoor)
 - Vehicle sales and service (outdoor)
 - Wholesale bakery
 - Vehicle storage
 - Manufacturing uses not allowed by right
2. There are 12 surface parking stalls on the property for use by the tenant spaces in the two buildings totaling approximately 14,185 square feet. Assuming a combination of likely by-right and special permit uses, the following parking requirement is based on probable tenant needs and trends:

| Use | Square Footage | Employees | Parking Requirement | Required |
|---|------------------|-----------|-------------------------------------|-----------|
| For profit education | 575 sf | 3 | 1 per each employee | 3 |
| Personal Instruction Vehicle Repair Vehicle Sales and Service | 3,900 sf | 9 | 1 per 300 sf 1 per 3 employees | 16 |
| Craft Beverage Establishment | 1,000 sf | 8 | 1 per 1,000 sf 1 per 8 employees | 2 |
| Wholesale Bakery Manufacturing (generally) | 2,000 sf | 12 | 1 per 1,000 sf 1 per 4 employees | 5 |
| Office | 3,750 sf | | 1 per 250 sf | 15 |
| Contractor's Yard | 3,000 sf | | 1 per 250 sf | 12 |
| TOTAL | 14,185 sf | | | 53 |

Based on the existing and projected tenants, the proposed parking requirement per section 5.1.4 is 53 stalls. Where 12 stalls exist, a waiver of 41 stalls is requested per section 5.1.13.

See “Zoning Relief Summary” below:

| Zoning Relief Required | | |
|-------------------------------|--|------------------------|
| <i>Ordinance</i> | | <i>Action Required</i> |
| 4.4.1 | Request to allow: <ul style="list-style-type: none"> • For-profit education • Craft beverage establishment (off-site consumption) • Personal instruction (up to 5,000 sf) • Personal instruction (over 5,000 sf) • Vehicle repair shop (minor) • Vehicle sales and service (indoor) • Vehicle sales and service (outdoor) • Wholesale bakery • Vehicle storage • Manufacturing uses not allowed by right | S.P. per §7.3.3 |
| §5.1.4 §5.1.13 | Request to waive 41 parking stalls | S.P. per §7.3.3 |

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow a mix of for-profit education, personal instructions, non-accessory parking, wholesale bakery, vehicle storage and vehicle repair, sales and services, and to waive 41 parking stalls for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The specific site is an appropriate location for the waiver of 41 parking stalls pursuant to the proposed uses as for-profit education, personal instruction (up to 5,000 square feet), personal instruction (over 5,000 square feet), vehicle repair shop (minor), vehicle sales and service (indoor), vehicle sales and service (outdoor), wholesale bakery, vehicle storage, and manufacturing uses not allowed by right given the lot abuts the Charles River and additional pervious area for parking could be detrimental to stormwater management and environmental protection and the proposed uses will help revitalize an industrial area and promote local business activity. (§7.3.3.C.1)
2. The waiver of 41 parking stalls pursuant to the proposed uses as for-profit education, personal instruction (up to 5,000 square feet), personal instruction (over 5,000 square feet), vehicle repair shop (minor), vehicle sales and service (indoor), vehicle sales and service (outdoor), wholesale bakery, vehicle storage, and manufacturing uses not allowed by right on the site as designed will not adversely affect the neighborhood as the provision of all required parking stalls may promote additional vehicle traffic to the area and the proposed uses may help promote employment and economic activity in the neighborhood. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians created by for the waiver of 41 parking stalls pursuant to the proposed uses as for-profit education, personal instruction (up to 5,000 square feet), personal instruction (over 5,000 square feet), vehicle repair shop (minor), vehicle sales and service (indoor), vehicle sales and service (outdoor), wholesale bakery, vehicle storage, and manufacturing uses not allowed by right (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved in the waiver of 41 parking stalls pursuant to the proposed uses as for-profit education, personal instruction (up to 5,000 square feet), personal instruction (over

5,000 square feet), vehicle repair shop (minor), vehicle sales and service (indoor), vehicle sales and service (outdoor), wholesale bakery, vehicle storage, manufacturing uses not allowed by right. The site is unlikely to host a combination of uses that would require 53 parking stalls and provision of the fully required parking may reduce maneuvering area on the site. Further, relief for the proposed uses will be minimally impactful as the site design does not promote uses with significant traffic or parking demands. (§7.3.3.C.4)

PETITION NUMBER: #355-24

PETITIONER: Teresa Jones

LOCATION: 28-30 Riverdale Avenue

OWNER: 28-30 Riverdale Avenue LLC

ADDRESS OF OWNER: 30 Riverdale Avenue Suite 3
Newton, MA 02458

TO BE USED FOR: For-profit education, personal instruction (up to 5,000 SF), personal instruction (over 5,000 SF), wholesale bakery, vehicle storage, vehicle repair shop (minor), vehicle sales and services (indoor), vehicle sales and services (outdoor), and manufacturing uses not allowed by right

RELIEF GRANTED: Special Permit per §7.3.3, §4.4.1, §5.1.4, §5.1.13 to allow a mix of for-profit education, personal instruction (up to 5,000 SF), personal instruction (over 5,000 SF), wholesale bakery, vehicle storage, vehicle repair shop (minor), vehicle sales and services (indoor), vehicle sales and services (outdoor), and manufacturing uses not allowed by right (§4.4.1), and to waive 41 parking stalls where 53 are required (§5.1.4 and §5.1.13)

ZONING: Manufacturing

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - a. Plot Plan signed and stamped by Brian Marchetti, Registered Professional Engineer, dated October 21, 2022.
2. No building permit (other than a demolition permit) and unless otherwise specified shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
 - a. Recorded a certified copy of this Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.

- b. Obtained a written statement/sign off from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
3. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with for the portion of the project for which occupancy is requested and the Petitioner has:
 - a. Filed with the building permit record statements by a professional land surveyor (or professional engineer) certifying compliance with Condition #1.
 - b. Submitted final as-built survey plans in digital format, stamped, and signed by a professional land surveyor or professional engineer, as applicable.