

CITY OF NEWTON  
IN BOARD OF ALDERMEN  
LAND USE COMMITTEE REPORT  
TUESDAY, OCTOBER 14, 2014

Present: Ald. Laredo (Chairman), Ald. Cote, Harney, Lennon, Schwartz, Crossley, Albright, and Lipof; also present: Ald. Leary  
Staff: Stephen Pantalone (Chief Planner), Ouida Young (Associate City Solicitor), Linda Finucane (Assistant Clerk of the Board)

*Hearing opened on June 10, continued to July 29; continued to September 16; continued to October 14:*

#165-14      RICHARD D. SEWALL petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing single-family dwelling and construct two sets of two attached single-family dwellings for a total of four dwellings which includes waivers from the side-and rear-yard setback and lot coverage requirements and relief to locate a driveway within 10 feet of a side lot line at 3-5 AUBURN STREET, Ward 3,

ACTION:      REQUEST FOR WITHDRAWAL WITHOUT PREJUDICE APPROVED

#317-14      HEAMEE INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow for tandem parking and parking within a setback and to waive dimensional requirements for parking facilities with more than 5 stalls re stall dimensions, aisle width, landscaping and lighting, and to waive the number of required parking stalls in order to convert approximately 1,500 sf of basement space from storage to office space at 1175 WALNUT STREET, Ward 6, Newton Highlands, on land known as SBL 52, 39, 1, containing approximately 10,921 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-19(d)(11), 30-19(h)(1), (2), (3), (5)a), 30-19(i)(1), (2), 30-19(j), and 30-19(m) of the City of Newton Rev Zoning Ord.

ACTION:      HEARING CLOSED; APPROVED 8-0

NOTE: The petition was present by attorney Terrence Morris. The property contains a 6,000 square-foot, one-story commercial building with a surface parking lot. A dry cleaner and a nail salon occupy the first floor. The petitioner wishes to use the basement, which is currently storage space, as an office use, which increases the number of parking stalls required on the site by six stalls. The basement is accessed from a ramped portion of the parking lot, previously used as a loading area. The proposed office tenant is a small design company with approximately three to four employees. The nature of business involves employees going to clients, so most of the time there will be few other people other than the employees on the site. Mr. Morris noted that the lot is never fully utilized. The site is constrained by its topography which slopes steeply down from Walnut Street towards the rear of the property. The petitioner is also seeking relief for four tandem parking stalls and to legalize existing nonconformities on the site, including parking stall dimensions, interior landscaping and perimeter landscaping, lighting, aisle width,

and parking within setbacks. The petitioner is proposing to increase the number of parking stalls from 15 stalls to 19 stalls, including one HP stall, which meets the 19 parking stalls required for the proposed mix of uses. Currently, vehicles enter and access from both Floral and Walnut Streets. The petitioner will add signage and pavement markings to define a one-way circulation from Floral Street to Walnut Street. The dumpster is shown in close proximity to the sidewalk on Floral Street.

Although the number of parking stalls meet the requirements, the petitioner is requesting relief to waive the number so that if he is requested to revise the site plan to reduce the number of stalls he may do so without having to withdraw and re-advertise the petition. The Planning Department would support a parking waiver if requested, given the proposed use and the proximity to public transportation. After reviewing and incorporating suggestions from the Transportation Division, the Planning Department remains concerned with the usability of the tandem spaces, the location of the dumpster, and the dimensions of the HP accessible parking stall. Reducing the number of proposed parking stalls would allow the petitioner to maintain the dumpster in its location in the rear of the site with screening and to provide an accessible HP stall. The Planning Department recommends that the petitioner remove at least one of the four tandem stalls and mark the others for employees only, maintain the dumpster in its existing location with screening, and provide an HP stall that is 18 feet in length for its entire width. The Planning Department also suggests that the petitioner consider contributing towards the planting of street trees or construction of planter boxes on Floral Street side of the property.

There was no public comment.

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In working session, the committee reviewed the site plan and agreed that the topography limited the parking layout. Although an HP stall should be as close as possible to an entrance, it obviously cannot be located on a slope. The committee suggested it could be located on the side of the building in the area previously use as a loading dock. The petitioner suggested taking parking stall nos. 3 and 4, which are adjacent to the stairs in that area and combining them into one HP stall. This location is equidistant to the front and side entrances of the property. However, ultimately, everyone agreed that the Planning and Inspectional Services Departments would be asked to consult with the Transportation Division and the Commission on Disability to determine the best location for the HP stall. If the HP stall is located towards the front of the property, one parking stall will be eliminated. If located on the side, two parking stalls will be removed.

The petitioner agreed to leave the dumpster in its current location and to screen it with either a fence or planting. This location will eliminate one tandem parking stall. The petitioner will encourage employees to use public transportation. The petitioner also agreed to plant vegetation along the rear of the property line, which abuts a residential area on Floral Street. In addition, the petition will install box planters on the Floral Street side of the property. Snow will be removed from the site.

Alderman Schwartz moved approval of the petition finding that a parking waiver of up to three stalls is appropriate as literal compliance with the parking requirements is impractical due to the

size and topography of the lot; the site is located in a village center and close to public transportation; the site is appropriate for office use as it is in a village center with other commercial uses and will not adversely affect the neighborhood; the parking layout will not create a nuisance or serious hazard to vehicles or pedestrians as the new tandem parking spaces will be marked for employees and the lot will be marked and upgraded with one-way signage; access to the site is appropriate for the types and number of vehicles. The motion to approve was carried unanimously.

#336-14      FOX & HOUNDS REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct an addition of approximately 840 square feet to the rear of an existing property, to be used for an auto detailing business, at 230 NEEDHAM STREET, Ward 8, on land known as SBL 83, 28, 78, in a district zoned MIXED USE 1. Ref: Sec 30-24, (d)(5), 30-23, 30-13(b)(6) of the City of Newton Rev Zoning Ord, 2012 and special permit #91-91.

ACTION:      HEARING CLOSED; APPROVED 8-0

NOTE: The petition was presented by Jamie McManus representing his family, owners of the property. The subject 88,742 square-foot lot and the adjacent 74,927 square-foot lot at 244 Needham Street were redeveloped together into one lot under special permit #91-91. The properties share a 223-stall parking lot. Businesses on the site include Splash, Sleepys, Starbucks, New England Soup Factory, etc. The petitioner wishes to construct an 840 square-foot addition to the rear of the existing 33,900 square-foot building, which will be used for an auto detailing business, which use is considered an ‘inside service of motor vehicles’ use and for which a special permit is needed. The petitioner believes the proposed use will be a convenience and amenity for customers already shopping on the site. The business will be by appointment only.

The proposed business will have three employees on the largest shift, and will operate by appointment ranging from thirty minutes to an hour. The detailing services will consist of hand washing and interior cleaning and will occur inside the four garage bays of the proposed addition. The proposed addition will necessitate the removal of a portion of an existing walkway along the rear of the building, as well as six parking stalls to allow a clear area to the garage. Elimination of the six parking stalls will reduce the number of stalls from 223 to 217, which is the number of stalls required for the mixed use, including the proposed auto detailing business, of the site.

The Planning Department has no particular concerns with the proposal. There was no public comment.

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In working session, several members mentioned the loss of the walkway and the potential danger to pedestrians walking across the parking lot. Other members of the committee pointed out that people walk through parking lots all the time. Although there are already several designated employee parking areas throughout the site, Mr. McManus said he is willing to designate those rear spaces for employees; however, there is no way of preventing customers from parking there if spaces are unavailable elsewhere. There was also some discussion about where vehicles that were ready for pick up would be parked. Since customers will be by appointment and drop off

their cars, the petitioner hopes and expects they will shop in the center then notified when the vehicle is ready to be picked up.

Alderman Lipof moved approval finding that the site, which is located in a commercial corridor, is an appropriate location for the auto detailing use; that the loss of 6 parking stalls still leaves 217 parking stalls, which is the number required for the mixed uses on the site; there will be no nuisance or serious hazard to vehicles or pedestrians as the use will be by appointment; access to the site over streets is appropriate for the types and number of vehicles involved. The motion to approve carried unanimously.

***Note: Subsequent to the meeting, it was determined that there are actually 219 parking stalls on the site, not 223. The reduction in parking will result in 218 stalls on the site, where 217 parking stalls are required. The petitioner has submitted a revised site plan, which is included in today's packet and available online under Board of Aldermen/Current Special Permits/230 Needham Street.***

#132-14(2) STONE GALLERYLLC/CLINE REALTY LIMITED petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a second freestanding sign at 49-51 WINCHESTER STREET, Ward 5, Newton Highlands, on land known as SBL 51, 28, 30, containing approximately 79,500 sf of land in a district zoned MIXED USE 1. Ref: 30-24, 30-23, 30-20(1) and special permits #219-05 #132-14.

ACTION: HEARING CLOSED; APPROVED 8-0

NOTE: The petitioner was granted a special permit #132-14 on May 19, 2014 to operate a retail and wholesale business for landscaping materials with an outdoor display area at the subject site. The property is located at the corner of Curtis and Winchester Streets, but is closer to the intersection of Boylston Street at Winchester and Centre Streets. The site contains a mix of commercial uses and is adjacent to other commercial, nonprofit, and residential uses. Existing signage consists of two wall-mounted signs (facing Winchester Street) and a two-sided free-standing sign, which is also along Winchester Street. In accordance with conditions in special permit #132-14 the petitioner is in the process of making improvements to enhance the streetscape along Winchester Street, as well as remedying the noncompliant parking facility.

The petitioner wishes to erect a freestanding sign, integrating it into the larger outdoor display area for the landscaping materials, which area is set back near the small structure and wooded area at the northern end of the site. The proposed sign will improve visibility for the business from Winchester Street. The proposed sign was reviewed and approved by the Urban Design Commission, which lauded the design. There was no public comment. In working session, Alderman Crossley moved approval finding that the erection of a second freestanding sign is in the public interest as it will improve way-finding along Winchester Street for customers; the site is an appropriate location for the freestanding sign, since the portion of the site is separate from the other uses in the principal building and the sign enhances the streetscape; the location of the sign will not create a nuisance or serious hazard to pedestrians or vehicles, as it will not impede visibility or movement of either. The motion to approve carried unanimously.

#337-14      A&M REALTY TRUST, ANDREW & MONICA HEALY, TRUSTEES, petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXTEND A NONCONFORMING STRUCTURE to convert an existing detached structure into an accessory apartment at 59-61 WARWICK ROAD, Ward 3, on land known as SBL 31, 28, 62 and 64, containing approximately 11,218 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-21(b) 30-8(d)(4), 30-15 Table 1, 30-15(m)(2) and (3), Table 30-8 of the City of Newton Rev Zoning Ord, 2012.

ACTION:      HEARING CLOSED; APPROVED 8-0

NOTE: Attorney Terrence Morris represented the petitioners. Mr. Morris said this type of petition underscores if the city is committed to a diverse housing stock, one way of which is by creating accessory apartments. The property contains a two-family dwelling constructed in 1925 and a detached garage. The abutting 5,455 square-foot parcel to the west, which is also owned by the petitioners, has a nonconforming approximately 1,197 square-foot two-story building built in 1910 as a stable and shed. The petitioners wish to remain in their home and are seeking a special permit to use this building as an accessory apartment. The interior needs extensive renovations; however, proposed exterior renovations are modest and consist of new windows and a new entryway. There will be no change to the site plan on either parcel. There was no public comment. The only suggestion from the Planning Department, which the petitioners have agreed to, is that additional shrubs be planted along the western property line to increase the amount of screening from the adjacent property.

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In working session, Alderman Crossley moved approval finding the extension of the nonconforming use is not substantially more detrimental to the neighborhood than the existing nonconforming use; the site is an appropriate location for an accessory apartment and the accessory apartment in an existing building will not adversely affect the neighborhood; there will be no nuisance or serious hazard to vehicles or pedestrians, as there is adequate parking; access to the site is appropriate for the types and number of vehicles involved. The motion carried unanimously.

The meeting was adjourned at approximately 10:10 PM.

Respectfully submitted,

Marc C. Laredo, Chairman