

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, FEBRUARY 7, 2006

Present: Ald. Mansfield (Chairman), Ald. Hess-Mahan, Albright, Harney, Samuelson, and Vance;
absent: Ald. Fischman and Merrill;

Also present: Ald. Weisbuch, Danberg, Linsky, Burg, and Baker

City staff: Nancy Radzevich (Chief Planner), Ouida Young (Associate City Solicitor), Linda Finucane, Chief Committee Clerk

Also present for a discussion of participation of City departments in the special permit process that occurred after the working session were: Michael Kruse (Director of Planning & Development), Lou Taverna (City Engineer), Clint Schuckel (City Traffic Engineer), John Lojek (Commissioner of Inspectional Services), Bruce Proia (Assistant Fire Chief), David Olson, City Clerk/Clerk of the Board

#285-04(2) BLOOMINGDALE'S DEPARTMENT STORES, INC./FEDERATED DEPARTMENT STORES, INC. petition to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL #285-04, dated August 9, 2004, granting a 5-YEAR permit to erect a temporary tent and temporarily displace approximately 90 parking spaces to hold an annual rug sale not to exceed 15 days in August; the proposed amendment seeks to change the date of the sale to MAY (the 16th through the 29th) at 225 BOYLSTON STREET, CHESTNUT HILL, Ward 7. REF: Sec. 30-24, 30-23, 30-11(d)(10), 30-19(m) of the City of Newton Rev. Zoning Ords., 2001.

ACTION: APPROVED AS AMENDED 6-0

NOTE: Bloomingdale's has been holding an annual outdoor rug sale since 1996, when the petitioner sought and was granted an initial 1-year special permit to hold a tent sale in late August in the parking lot displacing 66 parking spaces. In 1997, a second special permit displaced the same number of parking spaces in the same general location. In 1998, the petitioner received a 1-year special permit to erect a larger tent, displacing 90 parking spaces. In 1999, the petitioner acting on the suggestion of the then Land Use Committee requested a 5-year consecutive permit to hold an annual tent sale between August 15 and Labor Day, displacing 90 parking spaces. In 2004, the Board granted another 5-year permit, for "an open air sales event of not more than 15 days in duration...to occur generally between August 24th and September 6th, and which will displace not more than 90 parking spaces." It appears these outdoor sales have occurred without any inconvenience to the shoppers or others using the Chestnut Hill Mall. There are no complaints on file with the Inspectional Services Department. Historically, late August is a slow retail period.

The public hearing opened and closed on January 10, 2006 without any public comment or issues raised. The petitioner wishes to amend special permit #285-04 by holding the sale in mid- to late-May instead of August. The General Operations Manager of Bloomingdales explained that the request to move the sale to May is because four other retailers have rug events in August. She noted that a parking survey submitted to the Planning Department did not count the displaced spaces and still 41 to 74 spaces remained available during last year's sale, without including the parking garage in the survey. She noted that the months of May and August account for only 5% of Bloomingdale's annual volume each year.

At this evening's working session, the Planning Department reviewed its working session memo. Planning suggested a condition that would require the petitioner to submit to the City Traffic Engineer a parking survey at least 8 weeks prior to the 2007 event to allow an administrative review by both the Traffic Engineer and City Transportation Planner that the event did not result in any significant issues relative to on-site circulation, access to and from the site, or any other parking/traffic complaints received by the Inspectional Services Department. Members of the committee were hesitant about granting a special permit with a condition allowing an administrative review when the results such review might require an amendment to the permit by the Board of Aldermen anyway. Although the petitioner submitted data from May 2005, this year the closing of Filene's will skew the data. The petitioner noted that it is just as concerned about the impact of parking and traffic circulation on its customers.

After a brief discussion concerning the merit of an administrative review, the results of which could ultimately necessitate amending the special permit anyway, Ald. Vance made a motion to approve a 1-year permit for the May sale, with a condition that the petitioner return with a report of traffic and parking conditions from this year's experience prior to filing a petition for 2007. Existing conditions in special permit #285-04 also will be modified to reflect the issuance of a 1-year permit. The motion carried 6-0.

#461-05 CHAPEL BRIDGE PARK, INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to install two freestanding signs at the 55 CHAPEL STREET/70 BRIDGE STREET, NONANTUM, building entrances. The property also know as Sec 14, Blk 1, Lot 14, contains 170,913 sf of land and is located in a district zoned MANUFACTURING. Ref: Sec. 30-24, 30-23, and 30-20(l) of the City of Newton Rev Zoning Ord, 2001.

ACTION: APPROVED 6-0

NOTE: The petitioner is seeking approval of two existing freestanding internally-illuminated identification signs for two entrances located on different streets at Chapel Bridge Park, a former manufacturing complex of approximately 130,000 sf converted to office and research and development uses. The complex is currently undergoing some renovations. The main pedestrian entrance, located at 55 Chapel Street, contains a directory of individual tenants. Two tenants are exclusive to 80-90 Bridge Street, identified with an awning. 70 Bridge Street contains a new common lobby. Parking for the complex is provided in one internal lot and a second lot across the

street. The proposed special permit will legalize the existing sign on Chapel Street and legalize and replace the existing sign on Bridge Street. There are no other proposed changes. Minor landscaping improvements are proposed. The Urban Design & Beautification Commission has reviewed and approved the proposed signs and the landscape plan.

A public hearing opened and closed on January 10, 2006. There was testimony from Lori Delvarado of 54 Bridge Street, the direct abutter to the property. She is not opposed to the signs, but is bothered at night by the spillover of light from the offices into her home that has caused her to install thick shades. The petitioner, in response to questions from the Aldermen about hours of operation, said that general hours of operation are from 6:00 AM to 9:00 PM. Usually there are no outside visitors after 6:00 PM; however, some tenants offer their employees flextime.

At the working session, the committee reviewed with Ms. Radzevich the petitioner's response as to the hours of illumination for the signs. The petitioner agreed that the illuminated signs will be turned off at 6:30 PM, since the building lobby and common entrances are locked at that time representing the close of business.

The spillover of internal light proved more problematic to the committee. However, the petitioner said he had met with Ms. Delvarado, the abutter at 54 Bridge Street. (NB The clerk had a telephone conversation with Ms. Delvarado confirming this meeting.) The petitioner said that Chapel Bridge Partners is addressing the "over illuminated" areas of the complex and will work with Ms. Lovardo to remedy the spillover. Asked if there was a nexus between the sign petition and the light overspill, Ms. Young said no, a condition to require shades drawn has nothing to do with the proposed signs. She said that the light trespass ordinance provides a means for someone seeking relief, but noted the alternative is being a good neighbor. The committee agreed.

Ald. Albright moved approval, conditioned on extinguishing the illuminated signs at 6:30 PM, finding that the existing and proposed freestanding signs identify the occupants of multi-tenanted buildings. The committee voted 6-0 in agreement.

#396-05 VILLAGE MOTORS GROUP INC.
 d/b/a HONDA VILLAGE
 371 Washington Street
 Newton Corner, 02458 Class 1

ACTION: APPROVED 6-0

NOTE: This application was not received until 2006. There are no issues relative to the site or the operation of the dealership.

#40-06 MAP DEVELOPMENT & INVESTMENTS, INC. d/b/a/ ALBEMARLE
MOTORS, 175 North Street applying for a Class 2 License to Buy Sell,
Exchange, or Assemble Second Hand Motor Vehicles.

ACTION: APPROVED 6-0

NOTE: This application also was received in 2006. This site is under special permit granted in 1941, which in 1946 had a prohibition against outdoor storage removed. There are no issues with taxes or zoning complaints.

#403-05 NEWTON TRADE CENTER
 103 Adams Street
 Nonantum, 02458 Class 2

ACTION: APPROVED 6-0

NOTE: Again, the application for this long-time business was not received until 2006. Again, there are no issues relating to the site or operator.

#39-06 ELIAS AUDY/CYPRESS AUTO MART INC., 1235 Washington Street, West
 Newton, applying for a Class 2 License for 2006 to Buy, Sell, Exchange Second
 Hand Motor Vehicles.

ACTION: HELD 6-0

NOTE: The Committee discussed with City Engineer Lou Taverna and City Traffic Engineer Clint Schuckel the request to engage outside consultants for peer reviews of traffic and drainage design for the proposed development at Kessler Woods prior to the filing of the special permit application by Cornerstone Development. Mr. Taverna wished to hire Woodard & Curran, who have provided similar reviews for other projects. The scope of services includes a site visit, attendance at the public hearing, review of drainage and the blasting plan, among other tasks, ultimately providing a report to the city. The traffic consultant, to be identified, will review traffic impact on the surrounding neighborhood that includes Brookline as well as internal site circulation.

Respectfully submitted,

George E. Mansfield, Chairman