

**CITY OF NEWTON**

**IN BOARD OF ALDERMEN**

**LAND USE COMMITTEE REPORT**

**TUESDAY, JUNE 4, 2002**

Members of Committee present: Ald. Basham, Chairman; Ald. Bryson, Fischman, Linsky, Lipsitt, Merrill, Salvucci and Samuelson.

Other Aldermen present: Ald. Mansfield.

City officials present: Ouida Young, Associate City Solicitor; Alexandra Ananth, Planner; Linda Finucane, Chief Committee Clerk; Tom Daley, City Engineer.

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**SPECIAL PERMIT and SITE PLAN APPROVAL PETITIONS**

127-02        DANIEL AND CHERYL GRAU petition for SPECIAL PERMIT TO EXTEND NONCONFORMING STRUCTURE and SITE PLAN APPROVAL for the addition of a porch and two-car garage, with a loft above and basement below, at 334 KENRICK STREET, Ward 7, on approximately 12,947 sf of land known as Section 72, Block 40, Lot 1, in a district zoned SR 2.

ACTION:        Held 8-0.

NOTE:        The Committee spent considerable time reviewing the site plan and the proposed uses associated with this project. Members of the Committee expressed serious concerns about the preservation of a large street tree, the dramatic grade change associated with the proposed location of the garage, the incursion of the garage into the front setback, the massive size of the garage in relation to the house and the other residences in the area, and the potential for the loft to become an apartment. The item was held to give the petitioners an opportunity to confer with Parks and Recreation about the street tree and to consider a response to the Committee's concerns.

95-02        VIKING CULINARY ARTS CENTER, LLC/FOX & HOUNDS REALTY TRUST, JAMES H. MC MANUS, JR., TRUSTEE petition for SPECIAL PERMIT TO EXTEND NONCONFORMING USE AND STRUCTURE and SITE PLAN APPROVAL to locate a culinary arts center including retail sale of kitchen accessories, a kitchen design center, and a cooking school, including waivers for number of parking spaces and landscaping, and special permit for a free standing sign, all at 230-244 NEEDHAM STREET, Ward 8, on land known as Section 83, Block 28, Lots 77 and 78, measuring approximately 163,655 sf, in a district zoned Mixed Use One. This petition involves a change of tenant in a portion of the building known as 230 Needham Street, located on Lot 78, measuring 88,728 sf.

ACTION:        APPROVED 7-0-1 (Ald. Lipsitt abstaining).

NOTE: Viking Culinary Arts Center wishes to occupy approximately 8500 sf of the space at 230 Needham Street now used by Decathlon Sports. Viking intends to open a kitchen design center with retail sales and a cooking school. They require special permits for several aspects of their proposed operation: (1) extension of the nonconforming use (retail), (2) alteration of the nonconforming structure, (3) waiver of parking requirement for 17 spaces, (4) license to consume beer and wine on premises, (5) outdoor display of products for sale, (6) waiver of the required intensity of sight lighting, and (7) a free-standing sign. There was no public testimony at the hearing held April 9, 2002.

The co-petitioner, Fox & Hounds Realty Trust, owns both 230 and 244 Needham Street, and these buildings operate together as one site, sharing parking and access. The petitioners initially focused their attention on the space to be occupied by Viking and the parking requirements associated with that area, then expanded the analysis to include the entire Decathlon Sports space, estimating impacts associated with an anticipated change of use. At its working session of May 21, 2002, the Committee asked for a parking analysis of the entire site with all of its uses and held the item pending receipt of that data. It turned out that the analysis produced a composite deficit of 17 spaces, rather than the 15 originally estimated by looking only at one building. The petitioners represented, and Tom Daley agreed, that this is essentially a technical deficiency because the parking lots shared by the buildings have more than adequate space to absorb the actual demand. The Committee also worked with the petitioners on landscaping and pedestrian access from the parking along Industrial Place, and at this working session the petitioners presented several modifications that met with the Committee's approval.

The petitioners propose the conversion of an existing below-grade egress onto Needham Street into a patio where they will display one of their built-in outdoor stove/grill assemblies. The Committee initially was leery of the concept of outdoor display, but found the petitioner's design both handsome and unobtrusive. The area will be screened with evergreens and deciduous plantings of sufficient height and density to conceal the display area. Mr. Daley confirmed that there are no sight line issues associated with this screening. Ald. Samuelson had asked whether the patio area might be converted to a public seating area to make Needham Street more pedestrian friendly. Some members of the Committee thought that was going too far, since the patio is intended to be an adjunct to the business and pedestrian use of Needham Street is limited. The petitioner, however, accommodated Ald. Samuelson's concern by proposing two benches that will back up to the screening and allow public seating at the Needham Street level.

The petitioners propose the free-standing sign as an identification sign at the corner of Industrial Place, which will assist motorists in locating businesses not otherwise visible from Needham Street. The petitioners agreed to reduce the height of the sign, based on a determination that the number of businesses requiring identification will be fewer than originally estimated. They also have agreed to seek amendment of a previous Board Order to adjust the size of the site identification sign, which has several more identification panels than originally approved.

Ald. Samuelson moved approval of all of the special permit and site plan approval requests, finding that the proposed retail use will not be substantially more detrimental to the neighborhood than the existing use because the petitioners have agreed to cap the number of people in their classes and stagger classes so as to minimize impact on traffic. Changes to the exterior of the structure will enhance its appearance. At the same time, the petitioners have agreed to parking, circulation and pedestrian access improvements. The parking waiver of 17 spaces is justified because the actual demand will not exceed available spaces. Ald. Samuelson moved that this waiver expire if the proposed use ceases to operate. The outdoor display is unobtrusive and will have sufficient screening, and it provides a suitable backdrop to public seating in the front setback. The alcohol license will enhance the petitioner's ability to conduct its business. Ald. Merrill suggested that this permit expire with this use. The reduced lighting intensity is preferable where security does not demand otherwise.

Ald. Lipsitt asked to bifurcate the motion so that separate votes would be taken on two of its components: the expiring parking waiver and the free-standing sign. She stated that there was no reason to make the parking waiver expiring because the site has a surfeit of parking. Ald. Samuelson's motion to make the parking waiver expiring failed by a vote of 4-4. Her motion to include a special permit for a free-standing sign prevailed by a vote of 7-0-1, Ald. Lipsitt abstaining. The Committee then supported the motion to approve the remaining requests in the petition by 7-1, Ald. Lipsitt abstaining.

The meeting was adjourned at 10:42 p.m.

Respectfully submitted,

Ald. Susan M. Basham  
Chairman