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Barney Heath
Director

PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: October 20, 2017
MEETING DATE: October 24, 2017
TO: Land Use Committee of the City Council
FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Michael Gleba, Senior Planner
CC: Petitioner

In response to questions raised at the City Council public hearing, the Planning Department is providing the following information for the upcoming public hearing/working session. This information is supplemental to staff analysis previously provided at the Land Use Committee public hearing.

PETITION #229-17

454-458 Watertown Street

Request for SPECIAL PERMIT/SITE PLAN APPROVAL to expand the existing auto service business to allow the sale and service of up to ten used cars and waivers to requirements for parking facilities.

The Land Use Committee (the "Committee") opened the public hearing on September 7, 2017 and continued it to October 24, 2017. This memo reflects revised plans and additional information submitted by the petitioner as of October 19, 2017, as addressed to the Planning Department.

The petitioner proposes to convert the use of the auto service portion of the property from auto detailing and service to outdoor vehicle sales and service. The property also includes a four-unit multi-family dwelling constructed ca. 1895 which has co-existed with the auto service uses on the site since 1930.

The petitioner requests a special permit, per Section 4.4.1, to allow an outdoor vehicle sales and service use in a Business 2 (BU2) zoning district. As originally proposed, the existing auto service area of the site (the existing four-unit residential use will remain unchanged) would have been used for the "outdoor or open-air sales space" for up to ten cars, seven of which would be stored on site.

Plan Modifications

In response to comments from the September 7th public hearing, the petitioner submitted a revised site plan on October 19, 2017. Upon initial review, the Planning Department observes that, per this plan:

- the proposed number of cars to be displayed for sale has been reduced from seven to five, and the length of those spaces have been reduced by approximately two feet;
- this change reduces the square footage of proposed outdoor retail display area which, in turn would reduce the number of required customer parking stalls from three to two;
- the two customer spaces, which would measure 9 x 19, would be rotated 90 degrees so they are parallel with the sidewalk;
- the area between the parking areas and the back of the adjacent sidewalk, which would measure seven feet in depth, would be striped and marked as “No Parking.”

The Planning Department notes that it will continue to review the revised site plan and be prepared to discuss it at the public hearing.

ATTACHMENTS:

Attachment A: DRAFT Board Order

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 an outdoor vehicle sales and service facility and grant exceptions to literal compliance with the dimensional requirements for parking facilities of more than five stalls*, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. the site in a Business 2 (BU2) district is an appropriate location for outdoor vehicle sales and service facility as the subject property and adjoining properties are currently occupied by similar automobile-related uses (§7.3.3.C.1);
2. the proposed outdoor vehicle sales and service facility will not adversely affect the neighborhood (§7.3.3.C.2);
3. the proposed outdoor vehicle sales and service facility will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
4. access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4);
5. exceptions to literal compliance with the dimensional requirements for parking facilities of more than five stalls would be in the public interest as the proposed design of the parking area located in the front of the property would improve the existing conditions (§5.1.13).

PETITION NUMBER: #229-17

PETITIONER: Jose D. Junior

LOCATION: 454-458 Watertown Street, on land known as Section 14, Block 16, Lot 35 containing approximately 14,277 square feet of land

OWNER: Tee Gee LLC

ADDRESS OF OWNER: P.O. Box 81371
Wellesley Hills, MA 02481

TO BE USED FOR: Outdoor vehicle sales and service use

CONSTRUCTION: Single-story commercial building.

EXPLANATORY NOTES: Special permit per Sec. 7.7.3 to allow outdoor vehicle sales and service use in a Business 2 (BU2) zoning district (§4.4.1) and waive relevant requirements for parking facilities (§5.1.4; §5.1.13)

ZONING: Business 2 District

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) A site plan entitled "Topographic Site Plan, Newton, Massachusetts, Showing Proposed Conditions at 454, 456 & 458 Watertown Street," prepared by VTP Associates Inc., dated **May 10, 2017, as revised through October 19, 2017**, signed and stamped by Joseph R. Porter, Professional Land Surveyor.
2. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a) Recorded a certified copy of this order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b) Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c) Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:
 - a) Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b) Submitted to the Director of Department of Planning and Development, Commissioner of Inspectional Services and the City Engineer, a final as-built survey plan in digital format.