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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: April 8, 2013

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Eve Tapper, Chief Planner for Current Planning ET

Cc: Stephen J. Buchbinder, Attorney representing the applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to make an addition to an existing building on a split lot in the Business 1 and Business 4 Districts and to amend an existing site plan and special permit for waivers from setback distance for parking stalls, interior landscaping requirements, lighting requirements and the bicycle parking space requirements.

Applicant: Dana Katz, DK Realty Trust	
Site: 176 Boylston Street	SBL: 82 002 0018 / 82 002 0018A
Zoning: BU-1/BU-4	Lot Area: 64,007 square feet
Current use: Retail (Milton's)	Proposed use: No change

BACKGROUND:

The property at 176 Boylston Street consists of two lots totaling 64,007 square feet improved with an existing building constructed in 1968. The applicant proposes a 1,280 square foot addition to the existing building with a relocation of its existing front entrance to face the interior of the Chestnut Hill Square development. The relocation of the front entrance will also create a new two-story, 122-square foot vestibule. The first floor of the proposed 1,280-square foot addition, consisting of 668 square feet, will be available for a new tenant. The upper floor will be used for additional dressing rooms and storage for the existing Milton's clothing store. The applicant is also constructing an expanded parking facility for the site.

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

- Zoning Review Application, prepared by Stephen Buchbinder, Attorney, submitted 3/11/13
- Area Plan, signed and stamped by John J. Stoy, Professional Engineer, dated 3/04/13
- Existing conditions plan, signed and stamped by John J. Stoy, Professional Engineer, dated 3/04/13

- Layout and Traffic Control Plan, signed and stamped by John J. Stoy, Professional Engineer, dated 3/04/13
- Existing conditions (interior) plan, signed and stamped by James Batchelor, architect, dated 2/3/13
- Plans and views, signed and stamped by James Batchelor, architect, dated 2/3/13
- Special Permit/Site Plan Approval dated March 15, 1999 (Board Order 505-98)
- Special Permit/Site Plan Approval dated August 13, 2012 (Board Order 139-12)
- Email from Stephen Buchbinder, attorney, dated 4/1/2013

ADMINISTRATIVE DETERMINATIONS:

1. The existing building was built in 1968 at 27.73 feet high, which exceeds the current height limit of 24 feet by 3.73 feet. The Board of Aldermen granted a Special Permit in 1999 to extend the existing nonconforming structure for a 1300 square foot addition. The proposed addition will maintain the existing nonconforming building height, but not exceed it.
2. The applicant purchased an abutting parcel to the rear of the property in 2001, which for the purposes of zoning, has merged with the larger lot. A portion of the property was rezoned in 2011 from BU-1 to a BU-4 zoning district to provide access for the Chestnut Hill Square development.
3. The proposed parking area to the southeast of the building will be two (2) feet from the side lot line. The lot line runs parallel to the proposed interior access drive serving Chestnut Hill Square.

Zone BU-1/BU-4	Required	Existing	Proposed
Lot Size	10,000 sf	64,007	No change
Frontage	80 feet / 80 feet	NA	No change
Building Height	24 feet	27.73 feet	27.73 feet
Setbacks for existing structure			
• Front	10 feet	99 feet	No change
• Side	0 feet*	0 feet	No change
• Rear	0 feet	415 feet	No change
Setbacks for parking	5 feet	2 feet	2 feet

*One-half the building height or a distance equal to the side yard setback of the abutting property at any given side yard

4. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§30-21	Extension of a nonconforming structure	S.P. per §30-24
§30-19(m) §30-19(h)(1) §30-19(i)(1)a) §30-19(i)(2) §30-19(j)(1) §30-19(k)	Parking waiver (for the following:) Setback distance of parking stalls from side setback Landscaping requirements Interior landscape requirements Lighting requirements Bicycle parking requirements	S.P. per §30-24