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Candace Havens
Director

MEMORANDUM

Public Hearing Date: November 13, 2012
Land Use Action Date: January 8, 2013
Board of Aldermen Action Date: January 22, 2013
90-Day Expiration Date: February 11, 2013

DATE: November 9, 2012

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development
Eve Tapper, Chief Planner for Current Planning ^{ET}
Alexandra Ananth, Senior Planner

SUBJECT: Petition **#212-12**, Michael Sokolowski, Trustee of 1081 Washington Street Realty Trust, petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive 2 parking stalls; locate 5 parking stalls within the side setback; to waive associated lighting, surfacing, and maintenance requirements for parking facilities of greater than 5 stalls; and to waive the one required loading dock, in order to construct a new two-story building for retail use at **1081 Washington Street**, Ward 3, West Newton, on land known as SBL 31, 9, 6, containing approximately 8,736 square feet of land in a district zoned BUSINESS 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 3, 30-19(c), (d)(1), (d)(10), (h)(1), (l), (j), and (m) of the City of Newton Rev Zoning Ord, 2012.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



EXECUTIVE SUMMARY

The subject property is located at 1081 Washington Street and consists of an 8,736-square foot lot located in the Business 2 zone. The property is currently improved with a two-family dwelling and a farm stand. The petitioner is proposing to demolish the existing structures and to construct a new two-story commercial building for retail use in its place.

This project was originally heard at a public hearing on September 11, 2012. The hearing was held open due to neighborhood concerns about the project. Since the September public hearing the petitioner has met with the neighborhood and revised plans to reduce the size of the building from 5,820 square feet to 4,470 square feet. In addition, the front setback of the building has been increased to seven feet, which complies with zoning requirements utilizing the averaging method of calculation. The east side setback to the building has also been increased to a conforming 12 feet. Proposed landscaping has increased and the easterly elevation has been enhanced. The petitioner is now proposing to provide eight parking stalls behind the building but must still seek a waiver of two required stalls. Finally, the petitioner submitted a parking study that appears to show that on-site parking will be sufficient for the proposed retail use.

The Planning Department agrees that the site design, with the commercial building towards the front with parking behind it, is beneficial to the neighborhood. However, we remain concerned that the proposed architecture of the building is driven by signage visibility, and encourage the petitioner to agree to limit the size and number of signs on site, including window signs.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this petition, the Board shall consider whether the following findings apply:

- Literal compliance with parking requirements is impracticable due to the nature of the use, of the location, size, or grade of the lot, or such exceptions are in the public interest.
- A waiver for two required parking stalls is appropriate given the site's location on a commercial corridor with on-street parking available on both sides of the street and within proximity of an MBTA bus stop.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The parcel is located on the outskirts of the West Newton business district, across from the Massachusetts Turnpike. The site is located in a Business 2 zone but abuts a Multi-Residence 1 zone to the north. Immediate abutters include the Beacon Hill Athletic Club on the west and a nonconforming two-family residence on the east. The block also includes an office building and a kitchen design store. The site is not far from 1149

Washington Street, a two-story commercial office building built under special permit Board Order #13-08.

B. Site

Currently the 8,736-square foot site contains a two-family structure as well as a farm stand located at the front of the property. The site is fairly level, with an asphalt drive leading to the back of the lot. There is also an old shed located at the rear of the lot. The adjacent commercial property to the west has an easement for an encroachment onto the subject property and the existing farm stand structure appears to encroach onto the adjacent residential property to the east.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The proposed retail use is allowed by right in the Business 2 zone. In order to minimize impacts any future tenants might have on the neighborhood the petitioner has volunteered certain use restrictions (**ATTACHMENT "E"**).

B. Building and Site Design

The petitioner is proposing to demolish the existing buildings on site and to build a new 4,470-square foot commercial building towards the front of the lot. The building is proposed as two stories. The building façade at ground level spans only a portion of the frontage. The second story spans the majority of the width of the property and covers not only the ground floor but also a two-way driveway leading to an eight-stall parking facility at the rear of the site.

The building has a brick front façade but side and rear elevations are less detailed. Elements of the front façade wrap around the east façade, in order to improve the appearance of the building for the residential abutter to the east.

A seven foot front setback is appropriate for the commercial corridor and is considerate to the adjacent residential structure. The Planning Department also notes that the petitioner has reduced the height of the structure to 24 feet.

The Planning Department agrees that the proposed site plan offers the benefit of a street presence more in keeping with the Washington Street commercial corridor than an alternative with the proposed structure set back toward the rear of the property with parking in front. However, we remain concerned that the proposed architecture of the building is driven by signage visibility. The Planning Department encourages the petitioner to agree to limit the size and number of signs on site, including window signs.

The Planning Department also notes that it is good practice to group and screen any rooftop mechanical equipment and encourages the petitioner to locate any rooftop

equipment as far away from the residential abutter as possible and to screen the equipment both visually and to muffle the sound. Finally, any proposed fencing should be detailed on plans prior to being scheduled for a working session.

C. Parking and Circulation

The site is proposed to contain eight compliant parking stalls behind the building, although five of them are located in the side setback. The proposed retail use requires ten stalls. Therefore, the petitioner must seek a waiver of two stalls and to locate five parking spaces in the side setback.

The petitioner submitted a parking study based on observations taken over three weekend days at their other Newton store on Needham Street (**ATTACHMENT "F"**). Weekend afternoons were chosen as they represent the peak hours for the proposed mattress tenant. The parking study observed that most customers come in pairs but arrive in one car, and at no point were there more than six customers (arriving in three vehicles) in the store at any one time. The petitioner's study also noted the general availability of on-street parking along Washington Street westbound, both immediately in front of the store and within a one minute walk of the subject property during projected peak hours. The petitioner expects there will be two employees at the store during peak hours.

The petitioner notes that the proposed retail use is a low traffic and parking generator and there is public transportation available on Washington Street, as well as ample public parking along Washington Street. The Planning Department agrees that a parking waiver is unlikely to have a detrimental effect on the neighborhood. In addition, we agree that even if the proposed use changes to a different by-right use, the site's location on Washington Street, close to available public parking and public transportation, make it a reasonable location for reduced on-site parking.

The petitioner is also asking to waive the loading bay requirement that is typically required for a structure of this size. The petitioner should explain how this is not necessary for the proposed use or any future tenants.

The petitioner submitted a photometric plan indicating there will not be any light spillover at the lot lines. Nevertheless, the Planning Department encourages the petitioner to consider using low bollard-style lighting so as not to affect abutting residences.

Prior to being scheduled for a working session the petitioner should clarify how trash and snow removal will be handled and should ensure that any dumpsters on site will be screened.

D. Landscape Screening

The petitioner submitted a landscape plan for the site that appears adequate. A fence is also proposed along the north and east property lines but should be detailed on plans. This portion of Washington Street is located within the West Newton Community Development Block Grant target neighborhood and the West Newton Advisory Committee recently approved funding for landscaping and street trees along this stretch of Washington Street. The petitioner should consider adding two street trees or contributing to the purchase and installation of street trees along this portion of Washington Street as a public benefit.

E. Signage

Conceptual plans appear to indicate that the petitioner is proposing wall-mounted signage that appears to project above the roof line of the building. Although the petitioner may seek a special permit for an exception to the Sign Ordinance this was not requested. The petitioner should make sure any proposed signage conforms to the Sign Ordinance and seek approval from the Urban Design Commission. The proposed building is allowed up to 100 square feet of signage, however, the Planning Department encourages the petitioner to limit the square footage of signage to a considerably smaller number including any window signs in order to avoid sign clutter along this commercial corridor.

IV. COMPREHENSIVE PLAN

The Washington Street corridor offers important economic development opportunities for the City. Redeveloping the presently underutilized site can increase the City's tax base and add vitality to the commercial corridor. The goal of the Economic Development section of the *2007 Newton Comprehensive Plan* is to encourage development opportunities along existing commercial corridors, if well-conceived and designed to be sensitive to the surrounding residential neighborhoods. This proposal appears to be consistent with the Comprehensive Plan in this manner, particularly if the petitioner agrees to limit the size and number of signs including window signs.

V. TECHNICAL REVIEW

A. Technical Considerations

The Zoning Review Memorandum (**ATTACHMENT "A"**) provides a complete analysis of the project with respect to zoning. Since the Zoning Review Memorandum was written, the petitioner has changed the site plan and the structure will now meet the seven foot front (averaging) setback requirement, as well as the 12 foot east side setback requirement. Additionally the petitioner is now proposing eight parking stalls where ten are required, bringing the requested parking waiver down to two parking stalls. The petitioner has also reduced the height of the building to 24 feet, which is allowed by right in the Business 2 zone. Below is a revised zoning table.

BU2 Zone	Required/Allowed	Existing	Proposed
Lot Size	10,000 feet	8,910 square feet	No change
Frontage	80 feet	60 feet	No change
Setbacks			
<ul style="list-style-type: none"> • Front • West Side • East Side • Rear 	7 feet* 0 feet (equal to the side setback of abutter)* 13.3 feet (1/2 building height)* 15 feet*	4.6 feet** 10.6 feet 0 feet 41.2 feet	7 feet 0.3 feet 12 feet 71.9 feet
FAR	1.0	.53	.51
Building Height	24 feet by right or up to 48 feet by special permit	38.9 feet	24 feet
Maximum Stories	2 by right, or up to 4 by special permit	2.5	2

B. Other Reviews

The Engineering Division has reviewed the proposed project (**ATTACHMENT "B"**), and notes a number of issues that will need to be addressed prior to building permit should the Board chose to approve this petition.

The petitioner applied to the Historical Commission for demolition of the existing buildings, which were deemed not preferably preserved.

VI. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum and the proposed changes to the site plan, the petitioner is currently seeking the following reliefs:

- Section 30-19(c), (d)(1), (d)(10), and 30-19(m), to waive two required parking stalls.
- Section 30-19(h)(1) and 30-19(m), to locate five parking stalls in a required side setback.
- Section 30-19(l), and 30-19(m), to waive one required loading dock facility.
- Section 30-19(j) and 30-19(m), to comply with lighting, surfacing, and maintenance requirements or obtain a waiver.

VII. PETITIONERS' RESPONSIBILITIES

Prior to being scheduled for a working session the petitioner should:

- Explain how trash and snow removal will be handled
- Consider reducing the size of signage proposed
- Consider a restriction on window signs
- Consider reducing the height of proposed lighting poles

ATTACHMENTS:

ATTACHMENT A: ZONING REVIEW MEMORANDUM

ATTACHMENT B: ENGINEERING REVIEW MEMORANDUM

ATTACHMENT C: ZONING MAP

ATTACHMENT D: LAND USE MAP

ATTACHMENT E: PETITIONER'S PROPOSED USE RESTRICTIONS

ATTACHMENT F: PETITIONER'S PARKING REPORT



Setti D. Warren
Mayor

City of Newton, Massachusetts
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ATTACHMENT "A"

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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: July 12, 2012

To: John Lojek, Commissioner of Inspectional Services

From: Seth Zeren, Chief Zoning Code Official
Eve Tapper, Chief Planner for Current Planning *ET*

Cc: Alan Schlesinger, attorney representing applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Request to allow the construction of a new retail building**

Applicant: Michael Sokolowski, 1081 Washington Street Realty Trust	
Site: 1081 Washington Street	SBL: 31009 0006
Zoning: BU2	Lot Area: 8,736 square feet
Current use: Two-family dwelling and farm stand	Proposed use: Retail store

BACKGROUND:

The property at 1081 Washington Street consists of an 8,736-square foot lot located in the Business 2 zone, currently improved with a two-family dwelling and a farm stand. The applicant proposes to demolish the existing structures and construct a new, two-story commercial building for a retail use.

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

- Proposed site plan, signed and stamped by Bruce Bradford, Surveyor, dated 5/29/12
- Existing site plan, signed and stamped by Bruce Bradford, dated 3/26/12
- Architectural plans, signed and stamped by Mark A. Armstrong, Architect, dated 4/30/12
 - First Floor Plan
 - Second Floor Plan
 - Site Plan
 - 3D Renderings
 - Landscaping Plan

ADMINISTRATIVE DETERMINATIONS:

1. Per Section 30-11(a)(2), the applicant's proposed retail use is allowed by right in the Business 2 (BU2) zone.
2. The property is in the BU2 zone and must comply with the dimensional standards of Section 30-15, Table 1 and Table 3 (see chart below).

BU2 Zone	Required/Allowed	Existing	Proposed
Lot Size	10,000 feet	8,910 square feet	No change
Frontage	80 feet	60 feet	No change
Setbacks			
• Front	7 feet*	4.6 feet**	4 feet
• West Side	0 feet (equal to the side setback of abutter)*	10.6 feet	0.3 feet
• East Side	13.3 feet (1/2 building height)*	0 feet	5 feet
• Rear	15 feet*	41.2 feet	75.6 feet
FAR	1.0	.53	.67
Building Height	24 feet by right or up to 48 feet by special permit	38.9 feet	26.6 feet
Maximum Stories	2 by right, or up to 4 by special permit	2.5	2

* Per Section 30-15, Table 3, Footnote 1, the front setback shall be the average of the setbacks of the buildings on either side ($4+10/2=7$); per Section 30-15, Table 3, Footnote 2, the side setback shall be $\frac{1}{2}$ the building height or a distance equal to the side yard setback of the abutting property; per Section 30-15, Table 3, Footnote 3, where abutting a residential zone, the rear setback shall be $\frac{1}{2}$ the building height or 15 feet, whichever is more.

** The existing awning extends 3.1 feet over the public sidewalk but does not count as part of the structure for the purposes of setbacks.

3. The existing structures are legally nonconforming with regard to front and side setbacks. The applicant proposes to locate the new structure closer to the front lot line and expand the degree of nonconformity by adding a second story that extends nearly the width of the property within the front setback. The applicant's plans show the proposed building to be located farther from the east side lot line than the existing farm stand but to extend higher and longer within the side setback than the existing structures. To construct the proposed building, the applicant must obtain a special permit from the Board of Aldermen per Section 30-21(b).
4. Section 30-15, Table 3 allows a building height of up to 24 feet by right or up to 48 feet by special permit in the BU2 zone. The applicant's plans show a proposed 26.6-foot structure. To construct the structure as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-15, Table 3. In the alternative, the applicant may apply to extend the nonconforming building height of the existing residential structure with a larger building at a lower peak height by obtaining a special permit from the Board of Aldermen per Section 30-21(b).
5. The development must also comply with the parking requirements of Section 30-19. The existing uses include a 1,300 square foot retail store and two dwelling units. Per Section 30-19(d)(1), two parking stalls are required for each dwelling unit for a total of four stalls. Per Section 30-19(d)(10),

retail stores must provide one stall per 300 square feet of floor area and one stall per three employees on the largest shift for a total of six stalls. The property currently contains four nonconforming parking stalls for the residential units. The applicant proposes to create a new 5,820-square foot retail space with up to three employees on the largest shift. The existing uses provide a grandfathered parking credit for the proposed uses based on the formula A – B + C in Section 30-19(c), see the table below. Section 30-19(c) requires a total of 15 parking stalls be provided for the proposed use. The applicant's site plan shows eight parking stalls. To use the site in the manner proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-19(d)(m) to waive seven required parking stalls.

Proposed	Parking Formula	Required Parking
5,820 square feet retail with 3 employees on the largest shift	1 stall per 300 square feet and per 3 employees	21 (A)
Existing	Parking Formula	Parking Credits
2 dwelling units	2 stalls per DU	4 (B)
1,300 square feet of retail with 3 employees on the largest shift	1 stall per 300 square feet and per 3 employees	6 (B)
Off-street parking spaces		4 (C)
Total Parking Requirement		15
Parking Stalls Proposed		8
Additional Spaces Required:		7

Calculation per §30-19(c)(2): A (21) – B (10) + C(4) = Required number of parking stalls (15)

6. The applicant's proposed eight-stall parking facility must meet the design requirements of Sections 30-19(h), (i), and (j). The applicant proposes to locate five parking stalls in the required side setback from the east property line as prohibited by Section 30-19(h)(1). The applicant's site plan shows conforming parking stalls that are 9'x17' employing the two foot curb overhang, allowed by Section 30-19(h)(2)d). The proposed maneuvering aisles, exit and entrance drives and provision of handicap parking are conforming. To construct the parking facility as proposed, the applicant must obtain a special permit per Section 30-19(m) to locate parking stalls in a required side setback.
7. Per Section 30-19(i), landscape screening is required for outdoor parking facilities containing more than five stalls. The applicant's site plans and landscaping plans show a five-foot buffer, including a three-foot tall fence, meeting the requirements of Section 30-19(i)(1)a)(ii). No additional zoning relief is required.
8. Per Section 30-19(j), the parking facility must be adequately lighted, surfaced, and maintained. The applicant's plans do not note lighting, surfacing material, presence of curbing, drainage plan, or maintenance procedures. The applicant must satisfy the requirements of Section 30-19(j) or obtain a special permit, waiving strict compliance, from the Board of Aldermen per Section 30-19(m).
9. Per Section 30-19(l), retail stores of between 5,000 and 50,000 square feet of gross floor area require one off-street loading facility. The applicant's plans do not show a loading facility per the requirements of Section 30-19(l). To use the site in the manner proposed, the applicant must

obtain a special permit from the Board of Aldermen per Section 30-19(d)(m) to waive the required loading facility.

10. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Building</i>	<i>Action Required</i>
§30-15, Table 3; §30-21(b)	Allow a new structure to expand a nonconformity with regard to front and side setbacks	S.P. per §30-24
§30-15, Table 3 or §30-21(b)	Allow a 26.6 foot tall structure where 24 feet is allowed by right, or allow the extension of a nonconforming structure with regard to height	S.P. per §30-24
<i>Ordinance</i>	<i>Parking</i>	<i>Action Required</i>
§30-19(c), (d)(1), and (d)(10); §30-19(m)	Waive seven required parking stalls	S.P. per §30-24
§30-19(h)(1); §30-19(m)	Locate five parking stalls in a required side setback	S.P. per §30-24
§30-19(l); §30-19(m)	Waive one required loading dock facility	S.P. per §30-24
§30-19(j); §30-19(m)	Comply with lighting, surfacing, and maintenance requirements or obtain a waiver	S.P. per §30-24

**CITY OF NEWTON
ENGINEERING DIVISION**

MEMORANDUM

To: Alderman Ted Hess-Mahan, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 1081 Washington Street

Date: August 30, 2012

CC: Lou Taverna, PE City Engineer (via email)
Linda Finucane, Associate City Clerk (via email)
Eve Tapper, Chief Planner (via email)
Alexandria Ananth, Sr. Planner (via email)

In reference to the above site, I have the following comments for a plan entitled:

*1081 Washington Street
Plan of Land in
Newton, MA
Prepared by: Everett M. Brooks Co.
Dated: May 29, 2012*

Executive Summary:

A 2-story building is proposed on 0.20 acres, the plan needs to show new utilities to service the building, as well as drainage improvements. Proposed grading is needed for the entire site. Since the building has a second floor overhang over the driveway access to the parking lot in the rear of the parcel, truck clearance for emergency vehicles needs to be addressed for potential emergency calls. It is not clear if the new building will have a fire suppression system, which the Fire Department may require given the limited access issue. As a public benefit, the sidewalk & driveway apron should be reconstructed to City Standards.

I recommend that the applicants engineer schedule an appointment with me to review these outstanding issues.

Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction equipment, construction material, construction worker's vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of contractor.
2. Stabilized driveway entrance is needed during construction, which will provide a tire wash and mud removal to ensure City streets are kept clean.

Drainage:

1. A drainage analysis needs to be performed based on the City of Newton's 100-year storm event of 6-inches over a 24-hour period. All runoff from impervious areas need to be infiltrated on site, for the respective lots. The drainage
2. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be drafted and submitted for review. Once approved the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
3. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the Homeowners Association.

Environmental:

1. Has a 21E investigation & report been performed on the site, if so copies of the report should be submitted to the Newton Board of Health and the Engineering Division.
2. Are there any existing underground oil or fuel tanks, are they to be removed, if they have been evidence should be submitted to the Newton Fire Department, and Newton Board of Health.

Sewer:

1. A detailed profile is needed which shows the existing water main, proposed water service(s), sewer main and proposed sewer service(s) with the slopes and inverts labeled to ensure that there are no conflicts between the sewer services and the water service. The minimum slope for a service is 2.0%, with a maximum of 10%. Pipe material shall be 6" diameter SDR 35 PVC pipe within 10' of the dwelling then 4" pipe per Massachusetts State Plumbing Code. In order to verify the slopes and inverts of the proposed service connection, two manholes of the existing sanitary sewer system need to be identified on the plan with rim & invert elevations. The crown of the service connection & the sewer man need to match.
2. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the site and properly back filled. The Engineering Division must inspect this work; failure to having this work inspected my result in the delay of issuance of the Utility Connection Permit.
3. All utility trenches with the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E; detail is available in the city of Newton Construction Standards Detail Book.
4. The new sewer service and/or structures shall be pressure tested or video taped after final installation is complete. Method of final inspection shall be determined solely by the construction inspector from the City Engineering Division. The sewer service will NOT be accepted until one of the two methods stated above is completed. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer. ***This note must be added to the final approved plans.***

Water:

1. If a fire suppression system is proposed then a Fire flow test is required. The applicant must coordinate this test with both the Newton Fire Department and the Utilities Division; representatives of each department shall witness the testing, test results shall be submitted in a write report. Hydraulic calculation shall be submitted to the Newton Fire Department for approval.

General:

1. As of January 1, 2009, all trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
4. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
5. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
6. Prior to Occupancy permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
7. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work. *This note must be incorporated onto the site plan.*






Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.

Zoning Map 1081 Washington St.

*City of Newton,
Massachusetts*

Legend

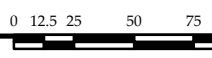
-  Multi-Residence 1
-  Multi-Residence 3
-  Business 2
-  Building Outlines
-  Surface Water



ATTACHMENT "C"

The information on this map is derived from a Geographic Information System. The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for their intended purpose. City departments will not be held responsible for approving applications based solely on this map.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas...









Land Use Map

1081 Washington St.

*City of Newton,
Massachusetts*

Legend

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Mixed Use
-  Building Outlines
-  Surface Water



ATTACHMENT "D"

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CITY OF NEWTON, MASSACHUSETTS
 Mayor - Setti D. Warren
 GIS Administrator - Douglas...



Use Restriction

To assure future uses are similar in their demand for parking, the following uses shall not be permitted to occupy the subject property: restaurant, retail food establishment, drug store, hair salon/barbershop/spa, laundromat, dry cleaning, public assembly, convenience store, liquor store, grocery store, high volume discount retail store, high turnover medical office such as pediatrician or dentist, or any other uses for which the aggregate number of parking spaces for all uses in the office building required by the Zoning Ordinance exceeds 16 spaces. Potential uses that exceed this demand will not be allowed unless a further parking space waiver is approved.

To: Land Use Committee of the City of Newton Board of Aldermen

From: Lou Mercuri, Planning Horizons

Re: 1081 Washington Street

Date: October 12, 2012

On behalf of the petitioner for this land use petition, I am submitting this report regarding the availability of parking and supporting customer count surveys for the proposed Sleepy's Mattress location at 1081 Washington Street in West Newton.

Project Overview

Sleepy's Mattress is proposing to locate a second Newton location at 1081 Washington Street in West Newton. This location on 8910 square feet of land is currently occupied by a vegetable stand and a two-family house in the rear. The mattress retail outlet will operate in a two story 4470 square foot building and will be open 7 days a week from 10AM to 9PM from Monday through Saturday and from 11AM to 7PM on Sundays. It is anticipated that there will be a maximum of two employees on site during busier weekend hours and one employee on site during slower weekday periods. As required by the Newton Zoning Ordinance, a total of 8 onsite parking spaces will be provided for both customers and employees. The expected busiest hours of operation will occur on weekend afternoons with the hours of 2PM to 4PM being the projected peak.

Even though the technical off-street requirements of 8 spaces have been met in this proposal, Planning Horizons was asked to review the current availability of on-street parking in the area and to establish the likely customer demand at the proposed location based on the experience at one existing Sleepy's location. The successful Sleepy's location at 230 Needham Street was surveyed for actual customer counts for a total of 10 hours on three different weekend afternoons.

Both the results of the area parking survey and the customer counts at the Needham Street location are described fully in this report.

Existing Conditions

The entire 8910 square foot parcel with the existing vegetable stand and two-family home in the rear will be rebuilt to accommodate the proposed retail use. Both existing buildings will be demolished and a 4470 square foot building would be built to house Sleepy's Mattress as the sole tenant. The area is along the westbound side of Washington Street between Parsons Street to the east and Cross Street to the west. There is a mix of residential and office use in the area with the largest operation being the Beacon Hill Athletic Club at 1089 Washington Street adjoining the site. The Athletic Club provides onsite parking for its clients and employees.

The mattress retailer will be able to rely on the 8 proposed parking spaces in its onsite lot. In addition, there is currently a limited amount of 9 on-street parking spaces on Washington Street (westbound side) within a most a one-minute walk of the site. These spaces also serve other businesses in the area but are generally open and available as the survey demonstrates.

Planning Horizons conducted surveys of 9 on-street public parking spaces on 6 occasions during the weekend afternoon and weeknight time periods. It was believed that these times would coincide with the potential peak hours of Sleepy's operation. In total, there were 5 surveyed locations between 1075 Washington Street and 1113 Washington Street that demonstrated 9 available spaces as follows:

1. 1075 Washington Street – site of a two story residential-styled office building, 1 on-street parking space
2. 1081 Washington Street – proposed Sleepy's site, 2 on-street parking spaces
3. 1089 Washington Street, Beacon Hill Athletic Club, 3 on-street parking spaces
4. 1105 Washington Street – office building, 2 on-street parking spaces
5. 1111-1113 Washington Street, site of a multi-tenant office building, 1 on-street parking space

All of the surveyed spaces are unmetered and do not post any time restriction. It is the experience of Sleepy's customers that typical shopping visits occur within a one-hour window. There is also open parking across Washington Street on the Massachusetts Turnpike side, however it is used last by businesses in the area as Washington Street is extremely wide at this point and crossing Washington Street in this location raises safety concerns

230 Needham Street Customer Counts – Methodology and Results

The second aspect of this report relates to projecting the potential number of customers who will frequent the proposed location and whether the onsite and nearby parking can accommodate the demand. There are numerous Sleepy's Mattress locations in the Boston area, but for consistency the location at 230 Needham Street at Industrial Place was thought to be a good representation of expected conditions at the Washington Street location. Planning Horizons conducted a customer count survey at the Needham Street location on Saturday, September 29, Saturday October 6, and Sunday October 7, 2012. A total of 10 hours of personal observations were recorded; four hours on each of the two Saturdays and two hours on Sunday October 7. Observations were conducted from a parking area across the street so as not to conflict with the operation of the store. Customers were counted individually upon entering or exiting the location and the data was recorded in 15-minute intervals to best represent changes in the number of customers in the store. Persons under 18 years of age were not counted and neither were those who entered and exited in less than one minute.

The following three charts provide the specific detail:

Sleepy's Customer Counts			Sleepy's Customer Counts		
230 Needham Street			230 Needham Street		
Saturday 9/29/2012			Saturday 10/6/2012		
Time Started: 12:00		Time Ended: 4:00	Time Started: 12:15		Time Ended: 4:15
	Customers at start of interval	Customers at end of interval		Customers at start of interval	Customers at end of interval
12:00-12:15	0	0	12:15-12:30	2	1
12:15-12:30	0	3	12:30-12:45	1	1
12:30-12:45	3	0	12:45-1:00	1	0
12:45-1:00	0	2	1:00-1:15	0	0
1:00-1:15	2	0	1:15-1:30	0	0
1:15-1:30	0	1	1:30-1:45	0	2
1:30-1:45	1	0	1:45-2:00	2	2
1:45-2:00	0	3	2:00-2:15	2	0
2:00-2:15	3	1	2:15-2:30	0	1
2:15-2:30	1	2	2:30-2:45	1	0
2:30-2:45	2	3	2:45-3:00	0	1
2:45-3:00	3	2	3:00-3:15	1	2
3:00-3:15	2	3	3:15-3:30	2	2
3:15-3:30	3	4	3:30-3:45	2	2
3:30-3:45	4	2	3:45-4:00	2	2
3:45-4:00	2	1	4:00-4:15	2	2

Sleepy's Customer Counts		
230 Needham Street		
Sunday, 10/7/2012		
Time Started: 1:00		Time Ended: 3:00
	Customers at start of interval	Customers at end of interval
1:00-1:15	0	0
1:15-1:30	0	0
1:30-1:45	0	2
1:45-2:00	2	4
2:00-2:15	4	5
2:15-2:30	5	5
2:30-2:45	5	6
2:45-3:00	6	3

The actual customer data reveals several points. First, the maximum number of customers in the store at any time was 6 (arriving in 3 vehicles) , of the 40 intervals counted only 5 times showed 4 or more customers in the store at one time. The mean score for all values was 1.75 customers at any time. The median (middle point) was two customers at any time.

Three additional observations marked this survey. The majority of Sleepy’s customers come in pairs and from observation travel together in one vehicle. As an example, the 6 customers recorded at 2:45PM on October 7 were seen exiting 3 vehicles and entered the store. Second, Sleepy’s conducted a wide marketing and advertising campaign for a large sale at all stores concluding on Columbus Day October 8. It would therefore be expected that larger than usual numbers of customers would be present. Finally, all of the counts were conducted at the week’s busiest times of operation and serve as a likely predictor of activity at the proposed Washington Street site.

Parking Survey and Results

To get a complete picture of the parking supply and demand in the area, it is necessary to understand the proposed mattress retail operation and its peak periods. It is expected that the peak periods would occur near or during the mid-afternoon hours on Saturdays and Sundays. It is believed that Thursdays through Sundays best capture the conditions on the typically more crowded days.

Planning Horizons surveyed the five already-noted parking locations on six occasions between September 21 and October 7, 2012. Three counts were conducted at 7PM to capture any evening peak activity at three counts were conducted on weekend afternoons. One of the evening counts was conducted on a Saturday and the other two on Fridays during this time period. Weather conditions were fine with the exception of the evening count on October 2 when light rain was falling.

The data below reveals the following summary for each count:

Summary by Day of Week, Total of All Parking Areas

	Date	Time	Weather	Spaces Used	Spaces Available
1	Friday September 21	7:00	70°, clear	3	6
2	Saturday September 29	2:30	60°, cloudy	5	4
3	Saturday September 29	7:00	55°, cloudy	2	7
4	Tuesday October 2	7:00	60°, light rain	3	6
5	Friday October 5	7:00	75°, clear	4	5
6	Sunday October 7	1:00	60°, cloudy	5	4

The results of the data reveal consistent patterns regardless of the time of day or day of the week surveyed. No more than 5 spaces were occupied at any time, leaving at least 4 spaces available. Weekend afternoon counts showed five spaces being used and this coincides with Sleepy’s expected busier periods.

An individual day-by-day summary of the parking counts identifying the usage at each of the five locations is included as an appendix to this report.

Summary and Conclusion of both Customer Counts and Parking Studies

The proposed Sleepy's Mattress location at 1081 Washington Street in West Newton would bring a more active retail use to an area that has a mix of commercial, office, and residential uses. There are three critical considerations related to parking and access to the new site. These are: the adequacy and availability of on-site parking, the expected customer demand based on similar establishments, and whether on-street, offsite parking can accommodate this business and the needs of other businesses in the immediate area. We will address each of these areas based on our survey results.

Sleepy's is proposing a 4470 square foot facility with at most two employees at the busier weekend periods. The petitioner is proposing an 8-space parking lot onsite, consistent with the zoning requirements. If each employee brings his or her own vehicle to work there remains six available spaces for Sleepy's customers. Our surveys of a similar and existing Sleepy's outlet on Needham Street during the weekend afternoon peak periods reveal a maximum of 6 customers in the store at any time. Many Sleepy's customers shop in pairs so it can be concluded that if similar customer patterns occur at the proposed Washington Street location, there will not be a demand for more than 3 or 4 vehicles needing parking at any time. Therefore, the remaining 6 parking spaces in the lot will easily handle the peak customer demand.

The on-street offsite parking surveys conducted on the westbound side of Washington Street reveal an average of 5 additional parking spaces available within at most a one-minute walk of the site. The neighboring Beacon Hill Athletic Club, an active use, has its own self-contained large parking area. To conclude, the on-street parking spaces supplement the proposed onsite parking area and does not limit or hinder other businesses in the area.

The proposed Sleepy's Mattress location at 1081 Washington Street will easily be able to meet employee and customer demands for parking. Documenting customer counts at a sister location during peak periods reinforces this conclusion and is a useful planning tool.

Appendix

Day by Day Summary by Location of Parking Areas		
Date: September 21		
Day of week: Friday		
Time: 7:00 PM		
Conditions: 70°, Clear		
Location on Washington Street	Spaces Used	Spaces Vacant
1075 Offices	1	0
1081 site	2	0
1089 Beacon Hill Athletic	0	3
1105 Marketing Offices	0	2
1111 and 1113 Offices	0	1
TOTALS	3	6

Day by Day Summary by Location of Parking Areas		
Date: September 29		
Day of week: Saturday		
Time: 2:30 PM		
Conditions: 60°, Cloudy		
Location on Washington Street	Spaces Used	Spaces Vacant
1075 Offices	1	0
1081 site	1	1
1089 Beacon Hill Athletic	1	2
1105 Marketing Offices	1	1
1111 and 1113 Offices	1	0
TOTALS	5	4

Day by Day Summary by Location of Parking Areas		
Date: September 29		
Day of week: Saturday		
Time: 7:00 PM		
Conditions: 55°, Cloudy		
Location on Washington Street	Spaces Used	Spaces Vacant
1075 Offices	0	1
1081 site	1	1
1089 Beacon Hill Athletic	0	3
1105 Marketing Offices	0	2
1111 and 1113 Offices	1	0
TOTALS	2	7

Day by Day Summary by Location of Parking Areas		
Date: October 2		
Day of week: Tuesday		
Time: 7:00 PM		
Conditions: 60°, Light Rain		
Location on Washington Street	Spaces Used	Spaces Vacant
1075 Offices	1	0
1081 site	1	1
1089 Beacon Hill Athletic	1	2
1105 Marketing Offices	0	2
1111 and 1113 Offices	0	1
TOTALS	3	6

Day by Day Summary by Location of Parking Areas		
Date: October 5		
Day of week: Friday		
Time: 7:00 PM		
Conditions: 75°, Clear		
Location on Washington Street	Spaces Used	Spaces Vacant
1075 Offices	1	0
1081 site	1	1
1089 Beacon Hill Athletic	0	3
1105 Marketing Offices	2	0
1111 and 1113 Offices	0	1
TOTALS	4	5

Day by Day Summary by Location of Parking Areas		
Date: October 7		
Day of week: Sunday		
Time: 1:00 PM		
Conditions: 60°, Cloudy		
Location on Washington Street	Spaces Used	Spaces Vacant
1075 Offices	0	1
1081 site	0	2
1089 Beacon Hill Athletic	2	1
1105 Marketing Offices	2	0
1111 and 1113 Offices	1	0
TOTALS	5	4