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November 8, 2012

Ted Hess-Mahan, Chairman
Land Use Committee
Board of Aldermen
City of Newton
1000 Commonwealth Ave.
Newton, MA 02459

Re: 1081 Washington Street – Docket #212-12

Dear Chairman Hess-Mahan;

On September 11, 2012 the public hearing on this matter was continued until October 23, 2012, and by subsequent correspondence the public hearing was further continued until November 13, 2012.

As I indicated in my letter of October 16 the petitioner has prepared revised plans to reflect comments made by the neighbors at the public hearing, and we met with the neighbors on October 23 to present significant revisions to the building and the site. Several of the comments made at that meeting and in the days following have been incorporated into plan revisions which are attached and which we are submitting for the public hearing on November 13.

To summarize the changes in the plans submitted herewith:

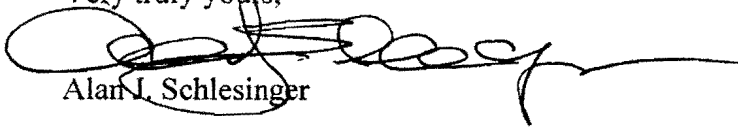
- The square footage of the building has been reduced from 5,820 s.f. to 4,470 s.f., a reduction of 23%
- The height has been reduced to a conforming 24'
- The front yard has been increased to a conforming 7.0'
- The easterly side yard has been increased to a conforming 12.0' by narrowing the building to 26.1' on the first floor and 47.2' on the second floor
- The planting strip adjacent to the parking lot at the easterly side has been increased from 3' to 5' and the westerly side adjacent to the rear of the health club correspondingly decreased
- The landscape plan has been enhanced and the size of plantings increased

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Prior requests for extension of the non-conforming structure are waived as is the initial request for a special permit for height in excess of 24'.

I look forward to seeing the Committee at the continuation of our hearing on November 13.

Very truly yours,



Alan J. Schlesinger

AJS:dnb

cc: Land Use Committee
Linda Finucane, Clerk
Alexandra Ananth
Ouida C.M. Young
Eve Tapper
Jonathan Katz

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.

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

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

**1081 WASHINGTON STREET
CONSTRUCTION MANAGEMENT PLAN**

During construction, the following provisions shall apply. Unless otherwise designated by the Owner the Contractor herein shall be _____:

CONSTRUCTION ADMINISTRATION

1. **The Owner's Contact Person:** The Owner shall designate a person responsible for the construction process with telephone and email contact information. That person shall be identified to the police department and the Commissioner of Inspectional Services, and the neighborhood representatives or any liaison committee and shall be contacted if problems arise during the construction process. The person initially appointed by The Owner is:

Michael Sokolowski
Tel. (617) 462-2344
Email: mikes@levlee.com

2. **Contractor Contact Person:** The contractor shall provide the name of its project manager and superintendent with telephone and email contact information. That person shall be identified to the police department and the Commissioner of Inspectional Services and the liaison committee and may also be contacted if problems arise during the construction process. The person initially appointed by the Contractor is:

3. **Communications:** Both The Owner and the General Contractor will establish means of ongoing communication with a liaison committee or neighborhood representative whether by email circulation, newsletter or telephone chain. The purpose of such communication will be to advise the neighborhood of (i) commencement of construction, (ii) commencement of structural elements, (iii) any blasting permitted under this plan, (iv) the progress of phases of construction or any changes in schedules (v) any material changes in any exterior conditions, (vi) any extended hours approved by the Commissioner of Inspectional Services under sub-paragraph 4, and (vii) any other matters which the neighbors may deem appropriate from time to time. The Owner and the General Contractor shall meet with the neighborhood or a liaison committee as appropriate from time to time during construction.
4. **Hours of Construction:** The hours of site and exterior construction shall be 7:00 a.m. until 6:00 p.m. Monday through Friday and 8:00 a.m. – 4:00 p.m. on Saturdays. There shall be no work on Sundays. Work at other times either wholly interior to the building or due to unusual construction needs may occur only with the advanced approval of the Commissioner of Inspectional Services and notice to the neighborhood representative or liaison committee.

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SECURITY

Security Fence: A secure, 6' high, temporary construction fence shall be erected at the beginning of the project, along the perimeter of the new construction area. The exact location of this fence will be adjusted occasionally during the course of the project to accommodate the phasing of the ongoing construction activities. However, at all times throughout the project, this fence shall be maintained in a secure condition so as to assure the public safety and to segregate the construction operations from the activities of the Owner and the neighborhood. It shall not be removed until such times as these issues are no longer a concern.

SITE ACCESS AND TRAFFIC CONTROL

1. **Worker Vehicles.** Construction worker and subcontractor vehicles will park exclusively either (i) on the site or (ii) on the southerly side of Washington Street. Construction worker and subcontractor vehicles will be prohibited from parking on Cross Street, Wiswall Road or Parsons Street.
2. **Deliveries.** Deliveries will be made to the extent possible at the front of the site adjacent to Washington Street. The Owner will schedule deliveries during regular working hours to avoid parking in front of adjacent properties to the extent reasonably possible. If a staging or back-up area is necessary, available parking on the south side of Washington Street will be utilized.
3. **Traffic Pattern.** The construction contract will require the general contractor to cause all delivery and worker vehicles to access and depart the site via Washington Street. The general contract and all subcontracts will require that no access to the site or traffic leaving from the site will use Cross Street, Wiswall Road or Parsons Street. .

NOISE AND DUST CONTROL

1. During construction, the Contractor shall provide street cleaning on Washington Street as necessary to remove mud or construction debris if requested by the Commissioner of Public Works. The Contractor shall repair damage to public ways caused by construction vehicles.
2. The Contractor shall take appropriate steps and initiate proceedings to eliminate dust generation during grading of the site, excavation, and construction (including, but not limited to, wetting down materials when appropriate), stone mats as appropriate, and shall require subcontractors to place covers over any open trucks transporting debris and materials to and from the site.
3. Noise levels shall comply with Revised Ordinances Section 20-13.

LIGHTING

Unless otherwise required by municipal or police authority, insurance requirements or building codes construction site lighting will be extinguished by 8:00 PM any evening during construction, unless extended construction hours are permitted by the Commissioner of Inspectional Services as provided herein.

EROSION CONTROL

Prior to the start of excavation or earth removal, erosion control measures shall be in place. These shall consist of silt fences, hay bales or whatever other means may be needed to properly control erosion. Erosion control shall be located wherever surface water runoff from the construction site is a potential. Temporary erosion control measures shall be removed only after permanent measures are fully established. Erosion control measures shall be implemented to prevent drainage and siltation from flowing on the construction access to abutting streets.

CONSTRUCTION STAGING AREAS

1. **Site Office Trailer**: Any required site office trailer will be located onsite, within the area of the perimeter fence.
2. **Delivery Truck Holding Areas**: On days when the construction activities require multiple truck deliveries, such as for the placement of concrete or structural steel deliveries these deliveries will be carefully scheduled so that there is always adequate area on the site or on the southerly side of Washington Street for the holding of the trucks until they can be unloaded. No trucks will be permitted to stand on the neighborhood streets waiting for access to the site except during active unloading.

BLASTING

The Owner does not expect that the construction will involve blasting.

If blasting is to occur, all blasting and drilling for the driveway, utility trenches, and/or structures, whenever they are built, shall be carried out in accordance with federal, state and local blasting permit practices and in accordance with the following conditions:

a. **Selection of the blasting contractor**

A blasting contractor, acceptable to both the Owner and the Newton Fire Department, shall be selected after review of the qualifications of such contractor by a qualified independent geotechnical blasting consultant who shall also be acceptable to both The Owner and the Newton Fire Department.

b. **Preblast survey**

A preblast survey shall be done in accordance with State law for the interior and exterior of all including at least structures within 250 feet of the blast area.

c. **Insurance coverage**

The blasting contractor shall carry \$2 million in comprehensive liability insurance for damage to structures caused by underground explosion and collapse hazard. A certificate shall be submitted to the Newton Fire Department by the contractor documenting that the required coverage will be in force for the duration of the blasting at the site. If there is a

general contractor or developer associated with the blasting, each shall carry a minimum of \$1 million of comprehensive liability insurance.

d. Blasting limits

The State blasting limits shall be observed.

e. Notification

Not less than 72 hours prior to the commencement of any period of blasting, The Owner shall send written notification to the persons subject to the pre-blast survey, stating when the blasting period will begin. Such notification shall include an explanation of the warning procedures for blasting including soundings. The Owner shall send another letter notifying the same people that the blasting period has been completed.

11/6/12 (3)

Use Restriction
(Draft)

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 processing, 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 building requires a waiver under Section 30-19 greater than the waiver provided in this Order. Potential uses that exceed this demand will not be allowed unless a further parking space waiver is approved.

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