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M E M O R A N D U M

TO: LAND USE COMMITTEE OF THE BOARD OF ALDERMEN

FROM: CANDACE HAVENS, DIRECTOR OF PLANNING AND DEVELOPMENT  
EVE TAPPER, CHIEF PLANNER FOR CURRENT PLANNING <sup>ET</sup>  
DEREK VALENTINE, SENIOR PLANNER

RE: INFORMATION FOR JULY 24, 2012 WORKING SESSION

DATE: JULY 20, 2012

CC: PETITIONERS  
JOHN LOJEK, COMMISSIONER OF INSPECTIONAL SERVICES

In response to questions raised at the Land Use Committee public hearings, previous working session meetings and/or staff technical reviews, the Planning Department is providing the following information for the upcoming working session. This information is supplemental to staff analysis previously provided at the public hearing.

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PETITION #162-12

1181-1189 WALNUT STREET

PROPOSAL TO EXTEND A NONCONFORMING STRUCTURE IN THE FRONT SETBACK AND TO INCREASE THE NUMBER OF SEATS FROM 90 TO 120 AND TO WAIVE SEVEN REQUIRED PARKING STALLS.

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The petitioner operates O'Hara's Restaurant at the site and is proposing an expansion into the adjacent site, consisting of 663 square feet, formerly occupied by a retail use. The footprint of the building will be expanded slightly to the rear (11'9" by 3'8") to provide improved circulation for deliveries and for access to the kitchen. This project had a public hearing on July 10, 2012. At the working session, the following issues may be discussed:

- **Loading area.** Deliveries are currently received through the rear entrance of the building, off of Floral Street. A condition of the prior Board Order (B.O. #188-94) stipulated that delivery trucks not park on sidewalks in the neighborhood. The Planning Department recommends that this condition be included in the current board order. The petitioner has indicated that the increase of 30 seats will not result in an increase in the frequency or size of deliveries.
- **Trash removal.** The Committee requested a long-term trash management plan. The Planning Department recommends a condition requiring the dumpster to be located to the rear of the building (where it is currently located), the lid of the dumpster be closed at all times, and sanitary conditions be maintained.

- **Availability of parking in the neighborhood.** The petitioner provided a comprehensive parking survey in advance of the public hearing that indicated that there is an abundance of available parking in the neighborhood, particularly during O'Hara's peak evening hours. The petitioner also explained the informal arrangement that various property owners in the Highlands use to share parking on their respective sites when they are not in use (the greatest availability during O'Hara's busiest evening hours). The petitioner should inform patrons of the availability of parking and public transit in the neighborhood on their website, on their menus, and with signage in a prominent location within the restaurant. The notification should also alert patrons where not to park (1197-1203 Walnut Street was referenced at the public hearing). The petitioner has offered a contribution to the Newton Highlands Pedestrian Mitigation Fund to aid in future improvements to pedestrian and bicycle accommodations in the neighborhood, including, but not limited to the addition of a countdown pedestrian crossing signal at the intersection of Walnut Street and Lincoln Street.
- **Parking in the rear of the building.** Board Order #188-94 included a condition that parking be lined and designated to the rear of the building. The Board at that time determined that five cars could be parked safely, in stalls that are not dimensionally compliant. These spaces were not included in the parking calculations at that time or for this current petition. It is not evident that this condition was ever executed. The Planning Department recommends that this area continue to be used for employee parking, but that encouraging formal parking stalls in this area would be in conflict with the ability to accept deliveries and empty the dumpster. Since the current arrangement has functioned for several years without reported disruption to the neighborhood, the Department recommends eliminating this condition from the current board order. Alternatively, the Board may decide to make a finding that a parking waiver is appropriate because there are a number of informal employee parking stalls to the rear of the restaurant. However, even in this case, the Planning Department recommends that these stalls should not be formally delineated in order to continue to accommodate the other important functions that this area serves.

The prior board order stipulated that snow not be deposited on any sidewalks. This condition should also be incorporated into the current board order.