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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: October 14, 2014
Land Use Action Date: November 18, 2014
Board of Aldermen Action Date: December 15, 2014
90-Day Expiration Date: January 5, 2015

DATE: October 10, 2014

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Stephen Pantalone, Senior Planner

SUBJECT: **Petition #317-14, HEAMEE, INC.** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow for tandem parking and parking within a setback and to waive dimensional requirements for parking facilities with more than five stalls including stall dimensions, aisle width, landscaping and lighting, and to waive the number of required parking stalls in order to convert approximately 1,500 square feet of basement space from storage to office space at **1175 Walnut Street**, Ward 6, on land known as SBL 52, 39, 1, containing approx. 10,921 sq. ft. of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-19(d)(11), 30-19(h)(1),(2),(3),(5a), 30-19(i),(1),(2), 30-19(j) and 30-19(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.



1175 Walnut Street

EXECUTIVE SUMMARY

The property at 1175 Walnut Street consists of a 10,921 square foot lot in a Business 2 zoning district, improved with an approximately 6,000 square foot, one-story commercial building and surface parking. A nail salon and a dry cleaning business occupy the first floor of the building. The petitioner is proposing to use the basement, which is currently storage space, as an office use, thereby increasing the required number of parking stalls on the site by six stalls. Due to the physical constraints of the existing parking lot, the petitioner is requesting a special permit to allow for four tandem parking stalls to accommodate the additional use. The petitioner is also requesting a special permit to legalize existing nonconformities on the site, including parking stall dimensions, interior and perimeter landscaping, lighting, aisle width, and parking within setbacks. The Planning Department notes that the petitioner has requested relief to waive the required number of parking stalls, even though the number of proposed parking stalls on the site plan meets the requirement. This will allow the petitioner to revise the site plan if the Committee asks the petitioner to reduce the number of stalls, without having to withdraw the application.

The petitioner has indicated that the prospective tenant for the office use is a small design company consisting of approximately three employees. The petitioner is proposing to increase the number of parking stalls on the site from 15 to 19, including one handicap accessible stall, which will meet the 19 parking stalls required for the proposed mix of uses under the Newton Zoning Ordinance (NZO). The petitioner will also add signage and pavement markings on the site to better define the one-way circulation entering from Floral Street and existing onto Walnut Street. The dumpster is shown on the site plan in close proximity to the sidewalk on Floral Street.

The Planning Department reviewed the proposed site plan with the Transportation Division, and many of the suggested changes are reflected in the revised plan. However, the Planning Department remains concerned with the usability of the tandem spaces, the location of the dumpster as shown on the site plan, and the dimensions of the handicap accessible parking stall. Considering the nature of the proposed use and that the site is located in a walkable neighborhood with access from public transit, the Planning Department would support a parking waiver if requested. The reduction in the number of proposed parking stalls would allow the petitioner to maintain the dumpster in its existing location in the rear of the site with screening and to provide an adequately sized handicap accessible stall.

The Planning Department recommends that the petitioner submit a revised site plan that removes at least one of the tandem spaces, maintains the dumpster in its existing location with screening, and provides a handicap accessible stall that is 18 feet in length for the entire width of the stall. The Planning Department also suggests that the tandem spaces are marked as employee only for the office use, and that the petitioner considers contributing towards the planting of street trees or construction of planter boxes on Floral Street.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The waiver of parking stalls is appropriate, as there is adequate parking on the site for the actual parking demand and the site is located in close proximity to public transit options. (§30-19(d)(11), (§30-19(m))
- The site is an appropriate location for the proposed office use, as it is located in a village center with other commercial uses and is adjacent to public transit options. (§30-24(d)(1))
- The proposed use as developed and operated will not adversely affect the neighborhood. (§30-24(d)(2))
- The proposed parking layout, which includes the use of tandem spaces and nonconforming parking stalls, will not create a nuisance or serious hazard to vehicles or pedestrians (§30-24(d)(3))
- Access to the site over streets is appropriate for the types and number of vehicles involved. (§30-24(d)(4))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located in the center of Newton Highlands on Walnut Street. The land uses surrounding the site include commercial uses on Walnut Street and Lincoln Street, and residential uses on the periphery of the village center (**ATTACHMENT A**). The site is located within a Business 2 zoning district (**ATTACHMENT B**). The Newton Highlands MBTA Green Line stop is across the street from the site.

B. Site

The site consists of a 10,921 square foot lot improved with a one-story commercial building with surface parking. The first floor of the approximately 6,000 square foot commercial building consists of a nail salon and a dry cleaning business, and the basement is used for storage.

The site slopes significantly from Walnut Street towards the rear (south). The basement unit is accessed from a ramped portion of the parking lot, previously used as a loading area, on the southern property line.



There are currently 15 parking stalls on the site and no handicap parking stalls. The parking lot is nonconforming in many respects, including in regards to lighting, landscaping, stall dimensions, parking in the setbacks, and aisle width, which is common for older parking lots developed before parking facility design requirements were implemented.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The petitioner is proposing to occupy the approximately 1,500 square foot basement space with an office use, which is a by-right use in this zoning district. The petitioner has indicated that the prospective tenant for the office space is a small design company with approximately three employees. Irrespective of parking, the Planning Department has no particular concerns with the proposed use, as the site is located in the center of Newton Highlands which is an existing commercial area and is close to an MBTA Green Line stop. The Planning Department believes that the increase in the use of the site will have a negligible impact on the surrounding area.

B. Building and Site Design

The petitioner is proposing to fit out the interior of the existing building to create office space, but does not appear to be proposing any changes to the exterior of the building. The petitioner is proposing changes to the parking lot, including restriping existing parking stalls and adding wheel stops, adding tandem parking stalls and adding signage to better indicate one-way circulation.

The site plan is showing the dumpster near the side walk which is an unacceptable location. The Planning Department believes that the dumpster should remain in the current location near the entrance to the basement and should be screened; however it is unclear whether this would be possible with the creation of the tandem spaces. The addition of the tandem stalls will also limit snow storage on the site. As a result the petitioner is proposing to have snow moved off-site by a private company.

C. Parking

The petitioner is proposing a total of 19 parking stalls, where 19 are required under the NZO for the proposed mix of uses. However, the Planning Department is concerned with the maneuverability of the proposed tandem spaces and whether the dumpster can be accommodated. The site is located in a walkable village center close to public transit, and based on several site visits by the Planning Department during different daytime hours, the parking lot appears to be underutilized most of the time. For these reasons the Planning Department believes that a parking waiver would be appropriate if some of the tandem stalls and potentially one of the stalls in the main area were removed. These changes would ensure that the tandem spaces can be safely maneuvered and a more compliant handicap accessible stall can be accommodated. The Planning Department notes that the petitioner has included a parking waiver in its requested relief in the event the Committee requests the removal of proposed parking stalls.

The parking lot is currently nonconforming as to aisle width, stall dimensions, interior and perimeter landscaping and lighting, which due to the size of the lot, cannot be brought into conformance with the dimensional and design controls required in the NZO. The Planning Department does not have any particular concerns with legalizing these nonconformities and believes that the proposed changes to the existing portion of the lot are an improvement in terms of better identifying circulation and providing a handicap accessible space.

D. Landscape Screening

The petitioner is not proposing to make any changes to the landscaping on the site, as nearly the entire site consists of structures or parking areas. With the increase of traffic in the ramped area of the lot a site obscuring fence, or vegetation should be considered. The petitioner should also screen the dumpster to the extent possible. Finally, as an improvement to the streetscape, the Planning Department suggest that the petitioner contribute to street trees or construct planter boxes on Floral Street, since vegetation cannot be accommodated on the site.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum (**ATTACHMENT C**) provides an analysis of the proposal with regard to zoning. The petitioner is seeking the following reliefs:

- Section 30-19(d)(11) and §30-19(m), to waive the required number of parking stalls
- Section 30-19(h)(1), to allow parking within a setback
- Section 30-19(h)(2), to waive dimensional requirements for parking stalls
- Section 30-19(h)(3), to waive dimensional requirements for maneuvering aisles
- Section 30-19(h)(5)(a), to allow tandem parking
- Section 30-19(i)(1), to waive perimeter landscaping requirements
- Section 30-19(i)(2), to waive interior landscaping requirements
- Section 30-19(j), to waive lighting requirements

B. Engineering Review

As the petitioner is not proposing to increase the amount of impervious surfaces on the site by more than 400 square feet, no engineering review is required.

V. PETITIONER'S RESPONSIBILITIES

The petitioner should consider the recommendations made by the Planning Department regarding the number of parking stalls and the dimensions of the handicap parking stall, the location and screening of the dumpster, screening along the western property line, and vegetation along Floral Street.

ATTACHMENTS:






- Attachment A:** Land Use Map
Attachment B: Zoning Map
Attachment C: Zoning Review Memorandum

Land Use Map 1175 Walnut Street

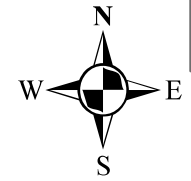
*City of Newton,
Massachusetts*

Legend

Land Use

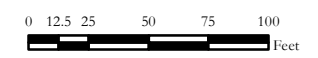
-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Mixed Use
-  Open Space

ATTACHMENT A

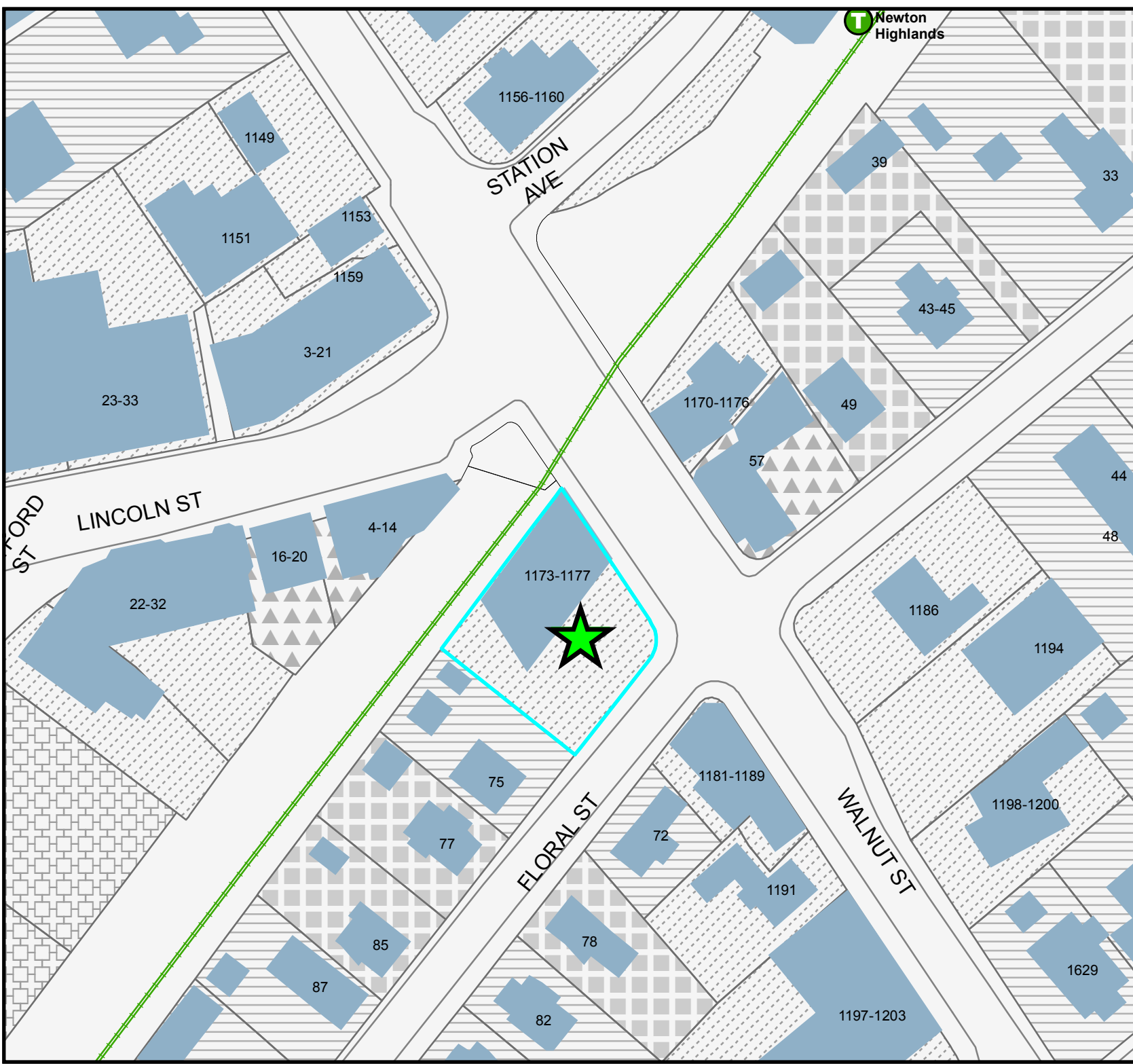


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

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



Map Date: October 09, 2014



Zoning Map 1175 Walnut Street

*City of Newton,
Massachusetts*

Legend

Zoning

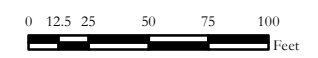
- Multi-Residence 1
- Multi-Residence 2
- Business 1
- Business 2
- Public Use

ATTACHMENT B

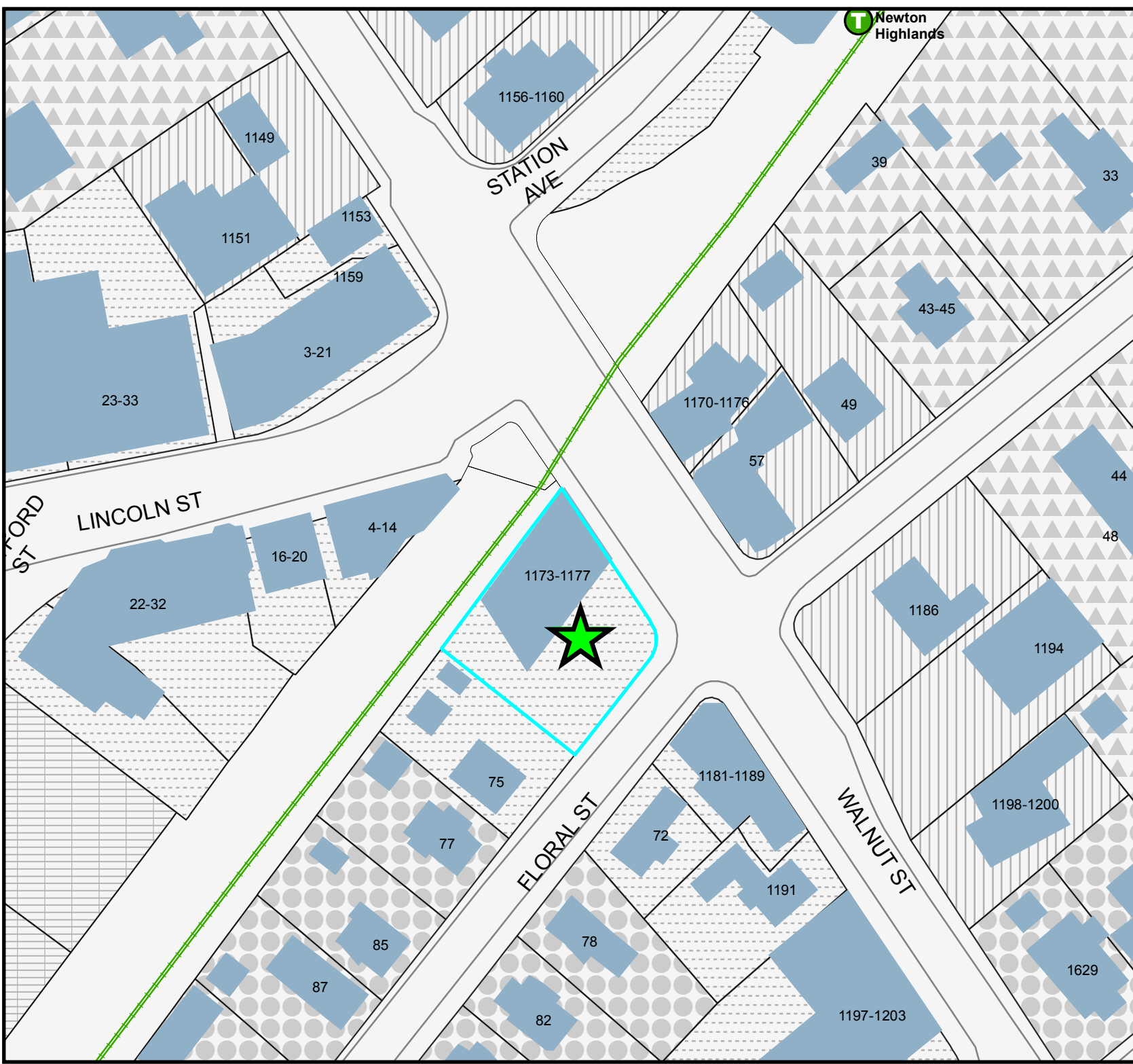


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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: August 11, 2014

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Terrence P. Morris, Attorney for the applicant
Haemee, Inc, Applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to waive one parking stall and certain design standards for parking lots

Applicant: Haemee, Inc	
Site: 1175 Walnut St	SBL: 61038 0005 and 61038 0006
Zoning: BU2	Lot Area: 10,921 square feet
Current use: Commercial building with 2 tenants	Proposed use: Commercial building with 3 tenants

BACKGROUND:

The property 1175 Walnut Street consists of a 10,921 square foot lot at the corner of Walnut and Floral Streets. Currently, the driveway for the site is one-way, with vehicles entering the property from Floral Street and exiting onto Walnut Street. The northeast section of the property abuts the MBTA rail line. The site is improved with a one-story commercial building containing two street-level retail units comprising approximately 4,452 square feet of space. The applicant wishes to convert 1,500 square feet of space in the basement level from storage to office use, which will increase the number of parking stalls required on site by six. Four additional stalls are necessary on site to meet the parking requirement for the various uses in the building. However, by increasing the number of stalls on site above 15, the applicant will be required to provide one handicapped parking stall, which will require eliminating one existing stall to provide an adjacent striped area. The applicant proposes to create four tandem stalls intended for employee parking, but the new stalls will require waivers from some of the requirements of the Ordinance through a special permit. With the four additional stalls, and the creation of a handicapped accessible stall, a waiver of one stall is required.

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

- Zoning Review Application, prepared Terrence Morris, Attorney, dated 7/1/2014
- Area Plan, prepared by Essex Engineering and Survey, dated 5/7/2014
- Ground Floor Plan, dated 6/2013

ADMINISTRATIVE DETERMINATIONS:

1. There are currently 15 parking stalls on the site, which exceeds the service and retail use requirements of 13 stalls per Section 30-19(d)(10). The addition of 1,500 square feet of office space will require an additional four stalls per Section 30-19(d)(11). The applicant is proposing to locate four stalls at the rear of the building (opposite Walnut Street) in an alley created by retaining walls which is currently used as a location for the trash container. The stalls will consist of three stacked stalls, and a fourth beside them which will require moving the stacked vehicles to enter or exit. These stalls will be intended for employee parking only. It is unclear from the application where the trash container will be relocated.
2. Section 30-19(h)(1) requires that no parking stall be located within any required setback. The existing parking for this property is within the front setback, which requires a special permit pursuant to Section 30-19(m).
3. Section 30-19(h)(2) requires parking stalls to be 9 feet by 19 feet. The new stalls are proposed at 9 feet by 21 feet, however the existing parking stalls are undersized. A waiver under Section 30-19(m) is required.
4. There is currently no handicapped parking stall designated on site. Pursuant to 521 CMR 23, one 8 foot by 19 foot stall with an adjacent 8 foot striped area is required. To provide adequate accessible parking, an existing stall will need to be eliminated. Eliminating one stall will require a waiver of that one stall from the parking requirements of Section 30-19(d).
5. The property has one-way access off Floral Street, exiting to Walnut Street. There currently exists a low retaining wall creating an 11 foot wide access aisle from Floral Street. The applicant proposes to reduce the length of the wall to allow for a 12 foot wide access. This does not meet the requirement of 14 feet for angled parking, and 24 feet for the 90 degree parking. A waiver is required to reduce the aisle width per Section 30-19(m) is required.
6. The applicants are proposing four tandem parking stalls for employees. Section 30-19(h)(5)(a) requires that a parking stall be accessible without requiring moving any other motor vehicle. A waiver from this requirement is necessary per Section 30-19(m).
7. Section 30-19(i)(1) requires landscape screening for parking facilities from neighboring streets and properties. There is no landscaping on the property. A waiver per Section 30-19(m) is required.
8. Section 30-19(i)(2) requires interior landscaping for parking facilities from neighboring streets and properties. There is no landscaping on the property. A waiver per Section 30-19(m) is required.
9. Section 30-19(j) requires security lighting for parking facilities requiring more than five stalls. No lighting is proposed on the applicant's plans. The applicant's plans must show such lighting as needed, or request a waiver per Section 30-19(m) of the Ordinance.

10. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§30-19(d)(11) §30-19(m)	To waive the requirement of one parking stall	S.P. per §30-24
§30-19(h)(1) 30-19(m)	To allow parking within a setback	S.P. per §30-24
§30-19(h)(2) §30-19(m)	To waive dimensional requirements for parking stalls	S.P. per §30-24
§30-19(h)(3), §30-19(m)	To waive the dimensional requirements for maneuvering aisles	S.P. per §30-24
§30-19(h)(5)(a), §30-19(m)	To allow tandem parking	S.P. per §30-24
§30-19(i)(1) §30-19(m)	To waive perimeter landscaping requirements	S.P. per §30-24
§30-19(i)(2) 30_19(m)	To waive interior landscaping requirements	S.P. per §30-24
§30-19(j), §30-19(m)	To waive lighting requirements	S.P. per §30-24