



Setti D. Warren  
Mayor

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Candace Havens  
Director

**MEMORANDUM**

Public Hearing Date: July 10, 2012  
Land Use Action Date: September 18, 2012  
Board of Aldermen Action Date: October 1, 2012  
90-Day Expiration Date: October 8, 2012

DATE: July 6, 2012

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development  
Eve Tapper, Chief Planner Current Planning <sup>ET</sup>  
Alexandra Ananth, Senior Planner

SUBJECT: **Petition # 176-12**, Walgreen's Real Estate/Waban-1332 LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 3,736 sq. ft. addition onto an existing building, to install new signage and façade, and to modify the existing parking lot at **1099-1101 Beacon Street, 871 and 875 Walnut Street** Ward 6, on land known as Sec. 64, Blk. 3, Lots 10, 11 and 12, containing approximately 43,922 sq. ft. of land in a district zoned Business 2. Ref: Sec 30-24, 30-23, 30-20(f)(1) and (2), 30-20(1), 30-11(j)(3), 30-19(j)(2) and (3) of the City of Newton Rev Zoning Ord, 2007.

CC: Mayor Setti D. Warren

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.



**1099 Beacon St.**

### EXECUTIVE SUMMARY

The subject property consists of three separate lots containing a total of 43,922 square feet, located at the northwest corner of Beacon and Walnut Streets. These lots will be merged as one lot subject to the approval of an ANR plan if this special permit application is approved.

The site is improved with a one-story retail building and an associated surface parking lot and is currently occupied by Walgreens Pharmacy. The existing building is 9,963 square feet and the petitioner is proposing to renovate and expand the retail building by 3,736 square feet toward the northern part of the existing parking lot. These plans will increase the total building size to 13,690 square feet.

Because the addition increases the building size to over 10,000 square feet the project requires Site Plan Approval. Additionally, the petitioner is proposing new signs with a total area of 184 square feet where only 100 square feet of signage is allowed. The petitioner must obtain a special permit for the new signs.

#### I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Board should consider whether:

- The convenience and safety of vehicles and pedestrians is appropriate.
- The screening of parking areas is sufficient.
- The proposed exceptions to the signage regulations are in the public interest.

#### II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

##### A. Neighborhood and Zoning

The property is located on the northwest corner of Beacon and Walnut Streets, an area known as "Four Corners." The site is abutted to the north by the Newton Cemetery, to the west by a 12-unit condominium development, and by commercial uses across the street to the south and east. The site is zoned Business 2 but abuts Multi Residence, Open Space with other Business 2 parcels across the street. Nearby commercial uses include a gas station, a grocery store, an office building, multiple restaurants, and other retail and service uses.

##### B. Site

The 43,922-square foot site currently contains a 9,963 square foot retail building and parking facility improved with 54 parking stalls. There is a fenced dumpster area approximately four feet from the west property line and one loading dock facing Walnut Street. The site has access from both Beacon Street and Walnut Street and a landscaped buffer strip separates the parking area from the sidewalk.

### III. PROJECT DESCRIPTION AND ANALYSIS

#### A. Land Use

No changes in use are proposed. The existing use is appropriate for the Business 2 zone and would remain.

#### B. Building and Site Design

The petitioners are proposing to renovate and expand the existing building and to improve the parking lot. The proposed addition to the building will be on the north side of the building meets all setback requirements. The addition will contain the stock room, an employee room and a new pharmacy. The petitioners are proposing to reorient the front door so that it faces Walnut Street and to make improvements to the façade including new glazing, a new header over the entrance, and additional signage.

Changes to the site including narrowing both the Beacon and Walnut Street curb cuts to 25 feet, improving the landscape buffer, and reconfiguring the parking area. The proposed site plan shows a fenced trash enclosure located approximately four feet from the north property line that the Commissioner of Inspectional Services has determined does not require zoning relief due to the location of the existing dumpster adjacent to the west property line.

#### C. Parking and Circulation

The site currently has 54 parking stalls, but to make room for the new addition the size of the parking lot will be reduced to only 43 stalls. The proposed use of the enlarged building requires 43 stalls therefore no zoning relief is needed for parking as all stalls conform to the parking requirements.

The Chief Zoning Code Official notes in his review of the project that the petitioner must comply with the surfacing and maintenance requirements of the City's Parking Regulations or obtain a special permit from the Board to waive these requirements (**SEE ATTACHMENT "A"**). The petitioner should specify if the lot will be resurfaced prior to being scheduled for a working session.

The petitioner's plans indicate one loading dock and a truck turning template appears to show adequate room for deliveries and trash removal. The Planning Department notes that tightening the curb cuts to 25 feet may help to reduce vehicles from cutting through this parking lot in order to avoid the intersection of Beacon and Walnut Street, which can get congested at some times during the day.

The petitioner is proposing a bike rack along the Beacon Street façade at the entrance to the building and should remove the existing concrete pad for the current pad if no longer necessary..

D. Landscape Screening, Lighting, and Signage

Although there are mature trees on the edges of the parking lot, existing landscaping appears tired. The petitioners are proposing to add one new deciduous tree on the Walnut Street frontage and to significantly improve the understory plantings with a mix of perennials, ornamental grasses, and shrubs. This should help to improve the streetscape along this prominent corner and help to mitigate the impact of the parking area's location between the building and the street.

The petitioner submitted a photometric plan and appears to meet the lighting requirements. The petitioner should specify the height of proposed new light poles and provide a cut sheet on these fixtures for the working session. Energy efficient lighting is encouraged.

The petitioner is proposing four signs, two on each frontage of the building. Although the proposed signs are smaller than existing, there is no record that the existing signs were properly permitted and are therefore not considered grandfathered. Proposed new signs total 184 square feet compared to the existing 330 square feet. The petitioner must seek relief to allow principal signs totaling greater than 100 square feet and secondary signs on the same wall as principal signs.

IV. COMPREHENSIVE PLAN

The 2007 *Newton Comprehensive Plan* advocates for an economic development program based on three complementary principles: preserving residential amenities, strengthening business in Newton's village centers, and promoting commercial development along Newton's commercial corridors. It supports fostering viable businesses to enhance the commercial real estate tax and employment bases and encouraging such businesses to embrace locations in vibrant, attractive, mixed-use commercial centers. With its location in an existing commercial area and successful track record, the petitioner's proposed renovation and expansion is consistent with the aims of the *Comprehensive Plan*.

V. TECHNICAL REVIEW

A. Zoning Reliefs Sought

Based on the completed Zoning Review Memorandum the petitioners are seeking approval through or relief from:

- Sections 30-11(j)(3) and 30-23 for site plan approval and to allow a building of

13,690 square feet of gross floor area in a Business 2 District.

- Section 30-19(j)(2) and (j)(3) to meet required surfacing and maintenance requirements or obtain a special permit waiver.
- Section 30-20(f)(1), 30-20(f)(2), and 30-20(l) to allow principal signs totaling greater than 100 square feet, and secondary signs on the same wall as principal signs.
- Sections 20-31 through 39 to remove existing trees.

Additionally, the Zoning Review notes that in order to construct the addition across lot lines the petitioner must merge the parcels into one lot and record a new deed.

B. Engineering Division Review

The Associate City Engineer reviewed the proposed project (**SEE ATTACHMENT "B"**), and notes that water quality that enters the City's drainage system will be improved with the replacement of a new trench drain. He notes that an overflow pipe needs to be replaced and reconnected. Finally he notes that as a public benefit the concrete sidewalk along Beacon Street should be replaced with cement concrete, as well as the driveway apron. The petitioner should respond to these issues at the public hearing or prior to being scheduled for a working session.

C. Tree Protection Ordinance

The petitioner is working with the City's Tree Warden and must provide evidence that they will be in compliance with the Tree Protection Ordinance.

VI. PETITIONERS' RESPONSIBILITIES

At the public hearing or prior to being scheduled for a working session the petitioner should specify if the lot will be resurfaced, provide cut sheets for proposed lighting fixtures, clarify any engineering concerns, and resolve compliance with the Tree Protection Ordinance.

**ATTACHMENTS**

- ATTACHMENT A:** ZONING REVIEW MEMORANDUM  
**ATTACHMENT B:** ENGINEERING DIVISION REVIEW  
**ATTACHMENT C:** ZONING MAP  
**ATTACHMENT D:** LAND USE MAP



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**City of Newton, Massachusetts**  
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**Attachment 176,12 "A"**

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Candace Havens  
Director

## ZONING REVIEW MEMORANDUM

Date: June 7, 2012

To: John Lojek, Commissioner of Inspectional Services

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

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

RE: **Request for site plan review to allow a building of 13,690 square feet in a Business 2 District**

Applicant: Walgreen's Real Estate	
<b>Site:</b> 1099 Beacon Street, 875 Walnut Street, and 871 Walnut Street	<b>SBL:</b> 64003 0012, 64003 0011, and 64003 0010
<b>Zoning:</b> BU2	<b>Lot Area:</b> 43,922 square feet
<b>Current use:</b> 9,963 square foot retail building with 54 parking stalls	<b>Proposed use:</b> 13,690 square foot retail building with 43 parking stalls

### BACKGROUND:

The properties at 1099 Beacon Street, 875 Walnut Street and 871 Walnut Street have been jointly developed as a 43,922 square foot lot improved with a retail building, occupied by a Walgreens Pharmacy, and an associated surface parking lot. The applicant proposes to expand the retail building to the north, replacing a portion of the parking lot.

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

- Architectural floor plans, elevations, and signage details (3 sheets), signed and stamped by F. Paul Frederick, Architect, dated 2/29/12
- Site plans, signed and stamped, by Benjamin C. Osgood, Jr. Civil Engineer, dated 4/26/12
  - Existing conditions plan, Layout and materials plan, Demolition plan, Photometric plan, Truck turnaround plan, Landscape and lighting plan
- Letter on behalf of the Urban Design Commission recommending approval of proposed signage, dated 4/19/12
- Parking calculations, by Frank Stearns, dated 4/27/12, amended by phone

**ADMINISTRATIVE DETERMINATIONS:**

1. The City's records show that the existing use, structure, and site improvements occupy three separate parcels. The Commissioner of Inspectional Services has determined that in order to construct the addition as proposed, across the lot lines, the parcels must be merged and a new deed recorded with the Middlesex County Registry of Deeds.
2. The applicant's plans show that the current building is 9,963 square feet in gross floor area and occupied by a retail use which is allowed by right in the Business 2 zone. The applicant now proposes to increase the size of the building to 13,690 square feet, an addition of 3,736 square feet. Per Section 30-11(j)(3), any addition to an existing building which increases the gross floor area to between 10,000 and 19,999 square feet requires Site Plan Approval in accordance with Section 30-23. To construct the addition as proposed, the applicant must obtain Site Plan Approval from the Board of Aldermen per Sections 30-11(j)(3) and 30-23.
3. The property is located in the BU2 zone and must comply with the dimensional standards of Section 30-15, Tables 1 and 3 (see chart below).

MU2 Zone	Required/Allowed	Existing*	Proposed
Lot Size	10,000 square feet	43,922 square feet	No change
Frontage	80 feet	217.67 feet	No change
Setbacks			
• Front	10 feet	53.8 feet	No change
• North (current rear, proposed side)	7.75 feet	75 feet	15.1 feet
• West (current side, proposed rear)	15 feet	15 feet	15 feet
FAR	1.0	.23	.31
Building Height	24 feet	15.5 feet	No change
Maximum Stories	2	1	No change

\* After the three parcels are combined

4. Per Section 30-15(d) and Table 3, the required front setback is ten feet. Due to the proposed relocation of the front entrance from the Beacon Street frontage to the Walnut Street frontage, the rear lot line will change from the north lot line to the west lot line, per Section 30-15(f). Per Table 3, when abutting a residential district (as in this case) the required rear setback is one-half the building height or 15 feet whichever is greater. Per Table 3, the required side setback shall be one-half the building height or a distance equal to the side-yard setback of the abutting property, except when abutting a public-use or residential zone. The north property line (proposed side lot line) abuts the Newton Cemetery which is zoned Open Space/Recreation. Therefore the required side setback from the north property line is 7.75 feet. The applicant's plans comply with these requirements; therefore no additional zoning relief is required.
5. Section 30-20 regulates the size and location of signage. Per Section 30-20(f)(1), two principal signs are allowed on a corner lot up to a total of 100 square feet of area. The proposed plans show new signs with a total area of 154 square feet. In order to construct the signs as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-20(l).

6. The applicant also proposes to install secondary signage. Per Section 30-20(f)(2), secondary signs are not permitted on the same frontage as a principal sign. The proposed plans show one secondary sign on the Beacon Street frontage on the same wall as the principal sign and the same configuration on the Walnut Street frontage. In order to construct these signs as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-20(l).
7. The applicant's plans show a fenced trash enclosure located approximately four feet from the north property line. The Commissioner of Inspectional Services has determined that the proposed fence does not require additional zoning relief.
8. The applicant's plans show an existing 54-stall parking lot. The applicant proposes to reduce the size of the parking lot to 43 stalls to make room for the proposed addition. The applicant must comply with the parking regulations of Section 30-19(c), (d)(10), and (d)(15), per the table below. The number of required parking stalls for the proposed uses is 43, the same as the number proposed; therefore no additional zoning relief is required.

Proposed	Parking Formula	Required Parking
12,000 square feet retail	1 stall per 300 square feet	40 (A)
1,690 square feet storage	1 stall per 2,500 square feet	1 (A)
6 employees on the largest shift	1 stall per 3 employees	2 (A)

9. The applicant's proposed parking lot conforms to the design requirements of Section 30-19(h) for setbacks, stall dimensions, handicapped stalls, maneuvering aisle width, and entry and exit driveways. No additional zoning relief is required.
10. Sections 30-19(i)(1) and (i)(2) require screening and interior landscaping for parking facilities of greater than 20 stalls. The proposed plans appear to meet these requirements; therefore no additional zoning relief is required.
11. Section 30-19(j) requires adequate lighting, surfacing, and maintenance of parking facilities. The applicant's plans note compliance with the lighting requirement, 30-19(j)(1). The applicant must also comply with the surfacing and maintenance requirements of Sections 30-19(j)(2) and (j)(3) or obtain a special permit from the Board of Aldermen to waive these requirements.
12. Section 30-19(l) requires the provision of off-street loading facilities. The applicant's plans indicate a loading dock that conforms to the requirements of Section 30-19(l). Therefore, no additional zoning relief is required.
13. The applicant's plans show a number of trees to be removed to make room for the addition. The applicant must comply with Chapter 20, Sections 31-39 of the City Ordinances.



14. See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Relief</i>	<i>Action Required</i>
	Construct a structure across a lot line	Merge the parcels and record a new deed
§30-11(j)(3)	Allow a building of 13,690 square feet of gross floor area in a Business 2 District	Site Plan Approval per §30-23
§30-19(j)(2) and (j)(3)	Meet required surfacing and maintenance requirements or obtain a special permit waiver	Certify compliance with requirements or S.P. per §30-24
§30-20(f)(1), 30-20(f)(2), 30-20(l)	Allow principal signs totaling greater than 100 square feet and secondary signs on the same wall as principal signs	Special Permit per §30-24
§20-31 through 39	Remove existing trees	Comply with §20-31 through 39

**CITY OF NEWTON  
ENGINEERING DIVISION**

**MEMORANDUM**

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

From: John Daghlian, Associate City Engineer

Re: Special Permit – Walgreen’s Pharmacy 1101 Beacon St.

Date: June 27, 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)  
Derek Valentine, Planner (via email)

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

*Site Plan Improvement Plans  
Newton, MA  
Prepared by: Pennoini Associate Inc.  
Dated: 4/26/12*

Executive Summary:

The plans indicate that an addition to the existing Walgreen’s Pharmacy is proposed and will be located at the rear of the building. Since the addition is not adding any new impervious areas as it will be placed over a portion of the existing asphalt parking lot, it does not trigger any new on site drainage facilities. However, some improvements are proposed in regards to the existing on site drainage system. The site drains from the north and south to almost the middle of the site to a common drain manhole that has an overflow pipe to the City’s drainage system.

Stormwater- water quality that ultimately enters the City’s drainage system will be improved with the replacement of existing trench drain at the driveway apron on Beacon Street. The new trench drain installation will include an oil/water separator hood; and a new leaching pit will be installed at the northern portion of the site to replace the old leaching pit that infiltrates roof runoff. I will also recommend that the existing catch

basin in the middle of the site along the parking lot parallel to Walnut Street having a proposed [rim grade of 98.95'] be replaced with a 4' deep sump and a hooded outlet.

Based on a site visit today a closed circuit TV (CCTV) inspection of 8" diameter overflow pipe that connects to the City's drain manhole in Walnut Street revealed a sag in the pipe due to settlement needs to be replaced and reconnected. After this pipe has been replaced, a post construction CCTV inspection shall be required and shall be witnessed by the City Engineer's Office.

As a public benefit, the concrete sidewalk along Beacon Street from the existing stone bound towards to westerly property line should be replaced with cement concrete as well as the driveway apron. As the City has Walnut Street slated for reconstruction, this office will not require any improvements along this alignment as they will be performed once the City reconstructs the roadway.

Drainage:

1. The proposed trench drain should have a proper base to prevent it from frost heave, the unit is only 1'-8" deep, and frost in this area is typically 4 feet. The base should be set in a free draining compacted stone approximately 48" in depth.
2. When a connection to the City's drainage system is proposed, prior to approval of the Building Permit a Closed Circuit Television (CCTV) inspection shall be performed and witnessed by the Engineering Division, the applicant shall retain a contractor that specializes in CCTV inspection. The applicant shall contact the Engineering Division 48 hours in advance to schedule an appointment. At the end of the inspection the video or CD shall be given to the inspector. Furthermore, upon completion of the connection to the drainage system a Post – Construction video inspection shall also take place and witnessed as described above.
3. 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 South-Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
4. **Regularly scheduled maintenance of the on-site drainage system is imperative for the proper functioning of the system which currently is not being observed.**

5. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all apparentness including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the owner.

General:

1. An abandoned parking lot light foundation located along the backside of the Beacon Street sidewalk should be removed & disposed.
2. All utility trenches with the City's 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 on line.
3. The radius curb at the driveway apron on Walnut Street should be sloped granite curb in lieu of the proposed bituminous curb; in filled with concrete so that delivery trucks can ride over the curb without damaging it. Furthermore, this driveway apron should not be narrowed as proposed since delivery trucks have to ride up on the curb and sidewalk area under existing conditions.
4. As Walnut Street has been paved within the last 5-years, the utility trenches and roadway will have to be milled 25' on both sides of the utility trenches from curb line to curb line; then paved with 1-1/2" of Type I-1 Bituminous Concrete.
5. 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.*
6. 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 the 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*
7. 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.*

8. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
9. 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.*
- 10.** 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.

# 176-12 Zoning Map

## 1099 Beacon St.

### Walgreens

City of Newton,  
Massachusetts

Legend	
	Single Residence 2
	Multi-Residence 1
	Multi-Residence 2
	Business 1
	Business 2
	Open Space/Recreation
	Public Use
	Streets-Pavement Edge
	Building Outlines
	Surface Water



Attachment "C"

The information on this map is derived from a Geographic Information System (GIS) maintained by the City of Newton. The City of Newton cannot guarantee the accuracy of the information. Each user of this map is responsible for determining its suitability for their intended purpose. City departments will only approve applications based solely on the information provided on this map.

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



Map Date: June 26, 2012



# Land Use Map

## 1099 Beacon St.

### Walgreens

City of Newton,  
Massachusetts

**Legend**

**Land Use**

- Single Family Residential
- Multi-Family Residential
- Commercial
- Open Space
- Nonprofit Organizations
- Streets-Pavement Edge
- Building Outlines
- Surface Water



Attachment "D"

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



Map Date: July 03, 2012

