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Mayor

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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: May 10, 2016
Land Use Action Date: July 26, 2016
City Council Action Date: August 1, 2016
90-Day Expiration Date: August 8, 2016

DATE: May 6, 2016

TO: City Council

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

SUBJECT: **Petition #130-16**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive 23 parking stalls where 140 is required for combined uses at **260 Elliot Street**, Ward 5, Newton Upper Falls, on land known as SBL 51 37 02, 51 37 01A, 51 37 01, containing approximately 106,657 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3, 7.4, 5.4.1, 5.1.13, 5.1.8.A.1, 5.1.8.A.2, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.C.1, 5.1.8.C.2, 5.1.9.A, 5.1.9.B, 5.1.10, 5.1.11 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



260-270-280 Elliot Street

EXECUTIVE SUMMARY

The property, 260- 280 Elliot Street in Newton Upper Falls is the site of the Mary Immaculate of Lourdes Parish. It includes a Roman Catholic church, rectory, the currently unused Saint Elizabeth's Center, and parking areas associated with these uses. The church and rectory were constructed between 1909 and 1910, and the building used for the Saint Elizabeth's Center was built in 1890. The site is comprised of three separate lots totaling 106,657 square feet. The applicant proposes to deed 260 Elliot Street (the site of the former St. Elizabeth's Center), along with eight parking spaces to a new owner. There currently exist 128 parking stalls for the total site, where 141 are required for the combined uses, creating a preexisting nonconforming shortfall of 13 stalls. The proposed sale of the 260 Elliot Street lot and the eight parking stalls will leave 120 available stalls on site, increasing the deficit for the remaining church and rectory to 21 stalls, requiring a special permit.

The Planning Department is generally not concerned with the proposed increase of the site's parking deficit from 13 to 21 parking spaces. However, the petitioner is also requesting eight additional parking-related waivers. As discussed below, the Planning Department does have concerns regarding some of the other requested waivers, especially regarding the screening of the current parking areas, as discussed below.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

- The site is an appropriate location for the requested waivers in the Multiple Residence 1 (MR-1) district. (§7.3.3.C.1)
- The requested waivers will not adversely affect the neighborhood. (§7.3.3.C.2)
- The requested waivers will not create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
- Furthermore, under §5.1.13 of the NZO, exceptions to or waivers from parking regulations and requirements may be made by special permit if it is determined that literal compliance is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features.

I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on the south side of Elliot Street, between Oak and Linden streets in Nonantum. The surrounding area is occupied by a mix of one- and two- family and multi-family dwellings as well as the Stone Rehabilitation & Senior Living facility which is located directly across the street. (**Attachment A**). The

surrounding area is zoned either Multiple Residence 1 (MR-1) or Multiple Residence 2 (MR-2) (**Attachment B**).

B. Site

The property, 260-280 Elliot Street, is comprised of three separate lots totaling 106,657 square feet. The site occupies most of the block bounded by Elliot Street, Linden Street, Cliff Road and Oak Street. It is the site of the Mary Immaculate of Lourdes Church and rectory, both constructed between 1909 and 1910, and 260 Elliot Street, a currently unused Greek Revival structure built in 1890 and previously occupied by Saint Elizabeth's Center.

According to material submitted by the petitioner, Mary Immaculate of Lourdes Church has a capacity of 400; its finished basement, which is not used concurrently with the church, has a capacity of approx. 75-100. The rectory houses one resident and includes two offices used by the parish (1.5 employees) and a two-car basement level garage.

The property generally slopes downward southerly from Elliot Street toward Cliff Road. The site currently contains 128 parking spaces in total, mostly within two large parking areas: a 63 space lot directly behind the church and a 50 space lot at the corner of Linden Street and Cliff Road. These two lots are separated by a large landscaped area with lawn and mature trees at the center of the block and a single family home owned by others with frontage on Cliff Road (it should be noted that there is only one other property on the block, a multi-family dwelling located at the corner of Elliot and Linden streets). The remainder of the property is composed of additional landscaped areas, internal circulation driveways/walkways, five parking areas around the rectory, and the eight spaces intended to be sold along with the former St. Elizabeth's Center.

The site and its current 128 parking spaces are accessed via several curb cuts: one on Elliot Street between the church and rectory, two on Oak Street, providing access to the 63 space lot on that street, and three on Linden Streets, with two of those providing direct access to the 50 space lot on Linden Street.

II. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site will remain as a church and associated rectory. It is assumed that the former St. Elizabeth's Center at 260 Elliot Street will be sold, along with the land currently occupied by eight parking spaces, for a yet-to-be determined use.

B. Building and Site Design

No new construction is contemplated at this time. It is presumed the property will be divided as described above at a future time.

C. Parking, Circulation and Landscaping

The petitioner intends to deed a portion of the site that includes 260 Elliot Street and eight parking spaces to a new owner. This will increase the existing deficit of 13 spaces for the current uses to 21. Accordingly, the petitioner is requesting special permits to waive 21 of the parking spaces that would otherwise be required under §5.4.1 of the NZO for the uses remaining on the property (the church building and rectory) after the transfer of 260 Elliot to new owners.

The petitioner has provided reasonable estimates of the current demand for parking for the rectory and church, indicating that the peak use of parking is during a Sunday morning mass during which approximately 90 parking spaces are utilized, just under 80% of the capacity of 113 spaces available in the main two parking areas lots.

Furthermore, there is on-street parking on Elliot, Oak and Linden streets, and the petitioner has indicated that some church attendees use on street parking on Elliot Street on Sundays and for funerals even when the parking lots are not filled to capacity.

The Parish has existed at this location for decades and the Planning Department is unaware of problems resulting from any lack of adequate parking at the site. As there is no construction proposed for the portions of the lot that would remain, and there would be no change in access to the site from adjoining public ways after 260 Elliot Street is deeded out of the property, the Planning Department has no concerns with granting the requested waiver of 21 spaces.

The petitioner is also requesting waivers of several dimensional requirements that regulate parking facilities under the NZO.

These include the waiver of the 9 feet by 19 feet parking stall dimensions required by the NZO (§5.1.8.B.1, §5.1.8.B.2) for some existing spaces, as well as the minimum maneuvering aisle width of 24 feet (§5.1.8.C.1, §5.1.8.C.2). This is because some spaces fall short of the required stall size (for example, some measure only 17.7 feet in length and/or 8 feet in width) and several of the maneuvering aisles in the two large parking lots measure less than the required 24 feet, ranging from 20.2 feet to 22.9 wide, all as indicated on the "Proposed Conditions Plan" submitted by the petitioner (dated March 15, 2016).

The existing lots were repaved and relined in the fall of 2015 and no changes to the lots are proposed at this time. The Planning Department, however, recommends that at such time these lots are resurfaced, relined, and/or reconfigured, all dimensional requirements be applied at that time, including handicapped stall requirements, and that this be made a condition of any special permit granted for

this petition.

The petitioner is requesting a waiver (§5.1.13) to allow parking within five feet of a building containing dwelling units. (§5.1.8.A.2) The Planning Department generally is not concerned with granting this waiver as the affected dwelling is the rectory which is owned and occupied by the parish and will continue to be so after the proposed division of the site into two properties.

The petitioner has further requested a waiver to allow parking in the front and side setbacks. (§5.1.8.A.1) As this parking currently exists, and apparently has for quite some time, the Planning Department generally has no concerns, and is not aware of others' concerns, about granting this waiver. However, this request should be considered in conjunction with the petitioner's request to waive the NZO's parking lot landscape screening requirements (§5.1.9.A).

First, regarding the front setbacks, it appears that there are opportunities to provide some screening along certain portions of the Cliff Road and Linden Street frontages of the property where planting strips containing some grass and other vegetation already exist. As additional vegetative screening would improve the appearance of the parking lots from abutting properties and public ways, the Planning Department recommends that the petitioner provide and maintain such screening within the existing planting strips. Regarding the side setbacks, the Planning Department similarly recommends that the petitioner provide additional screening along the property lines it shares with the abutter on Cliff Road.

As such, the Planning Department recommends that the petitioner design, implement and maintain a Landscape Plan that addresses the above concerns. Furthermore, the Planning Department recommends that when the parking lots are resurfaced, relined, and/or reconfigured, all dimensional requirements be applied at that time and that this be made a condition of any special permit granted for this petition.

The petitioner is requesting a waiver (§5.1.13) of the requirement to provide 12 bicycle spaces (one per 10 parking stalls) (§5.1.11). The Planning Department does not see any reason why the required bicycle spaces could not be located somewhere on the property, either in one location or in two or more smaller groups distributed on the property.

Lastly, the petitioner has also requested a waiver of the interior landscaping requirements. (§5.1.9.B) There is considerable existing lawn and mature vegetation at the center of the parcel between the two main parking areas and directly to the north of the single family home on the block at 11 Cliff Street.

While not distributed throughout the parking areas as contemplated by the NZO, this existing landscaped area nevertheless breaks up the parking into discreet, smaller areas and provides shade and visual benefit. As such, the Planning

Department has no concerns with this requested waiver.

D. Lighting

The petitioner has requested a waiver of the **parking lot lighting** requirements under §5.1.10 of the NZO. According to the petitioner, the main parking areas lots are currently equipped with timed lights. As no changes to the parking areas and their lighting systems are being made at this time, and the Planning Department is unaware of any issues related to the existing lighting levels, the Department is generally not concerned about this waiver.

III. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- Special Permit per §7.3.3:
 - a. To waive 21 required parking stalls (§5.4.1, §5.1.13);
 - b. To allow parking in the front and side setbacks (§5.1.8.A.1, §5.1.13);
 - c. To allow parking within five feet of a building containing dwelling units (§5.1.8.A.2, §5.1.13);
 - d. To waive parking stall dimensions (§5.1.8.B.1, §5.1.8.B.2, §5.1.13);
 - e. To waive minimum maneuvering aisle width (§5.1.8.C.1, §5.1.8.C.2, §5.1.13);
 - f. To waive the parking lot screening requirements (§5.1.9.A, §5.1.13);
 - g. To waive interior landscaping requirements (§5.1.9.B, §5.1.13);
 - h. To waive parking lot lighting requirements (§5.1.10, §5.1.13);
 - i. To waive bicycle parking requirements (§5.1.11, §5.1.13).

IV. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:



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

DRAFT

Zoning Map 260 Elliot St.

City of Newton,
Massachusetts

Legend

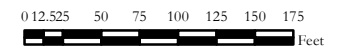
-  Multi-Residence 1
-  Multi-Residence 2

Attachment A

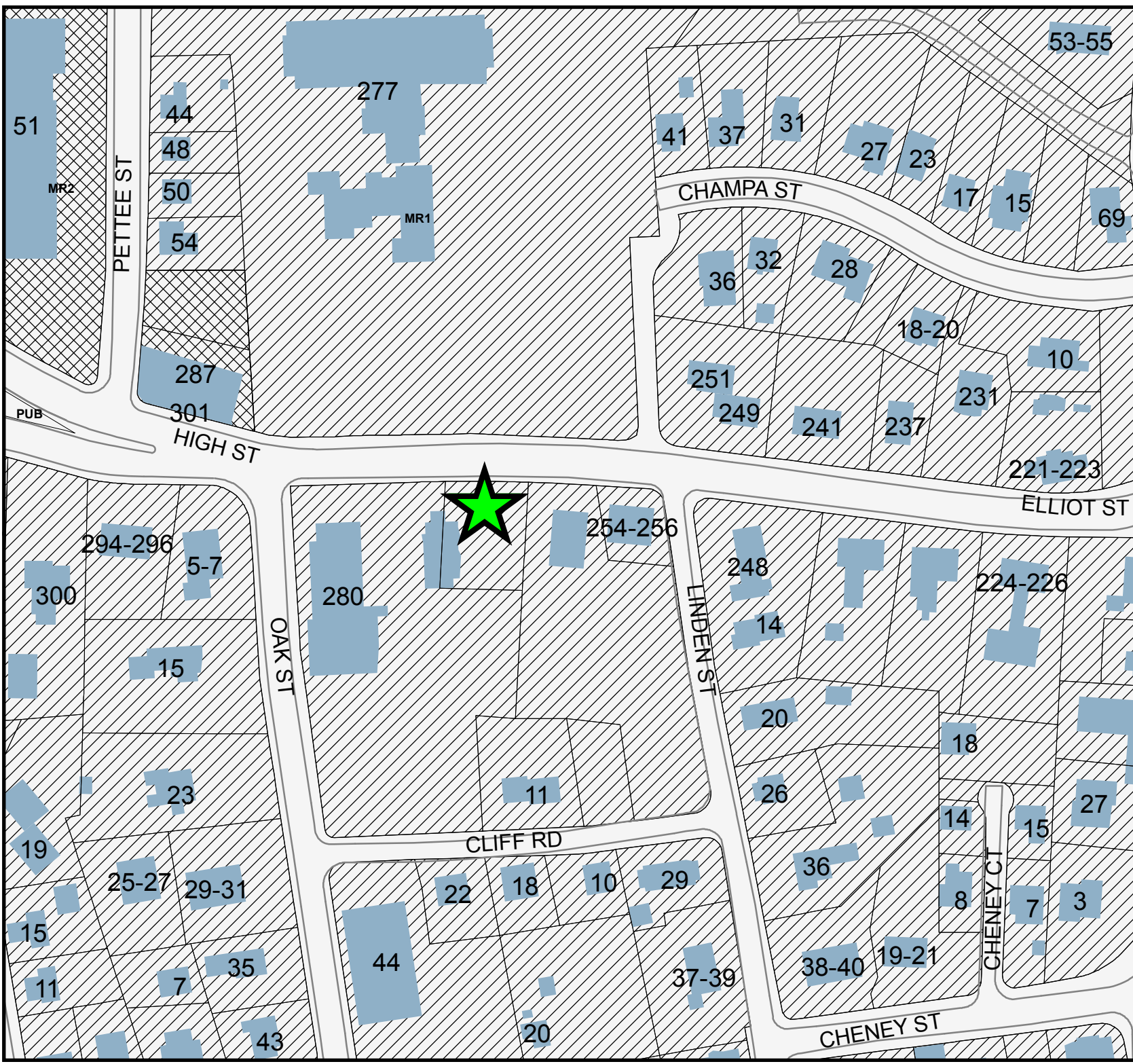


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: May 05, 2016








Land Use Map 260 Elliot St.

City of Newton,
Massachusetts

Legend

Land Use

Land Use

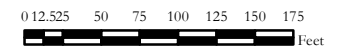
-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Nonprofit Organizations
-  Surface Water

Attachment B

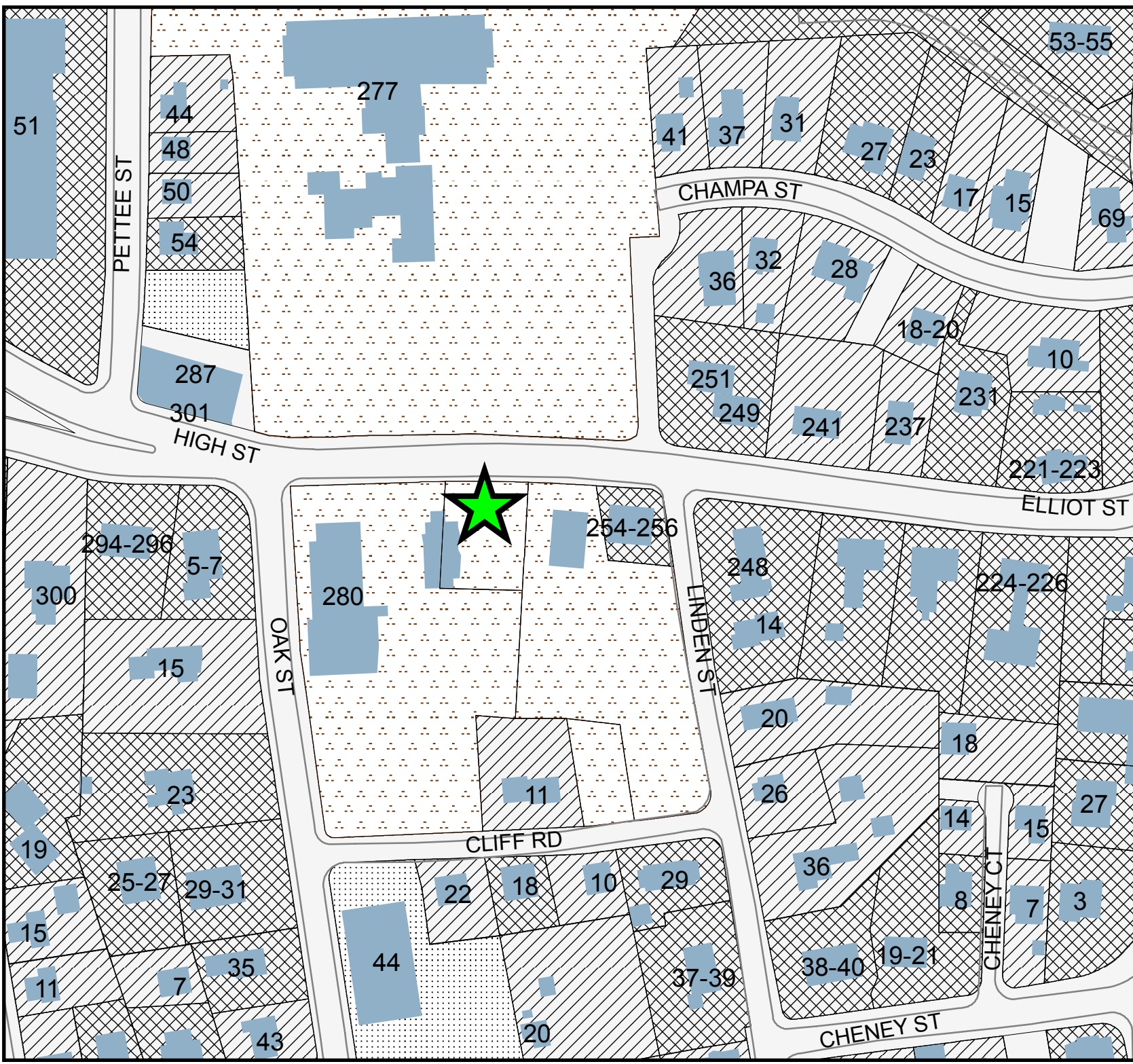


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: May 05, 2016





Setti D. Warren
Mayor

ATTACHMENT C

City of Newton, Massachusetts Department of Planning and Development

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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: April 12, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Jason Rosenberg, Attorney
The Roman Catholic Archbishop of Boston, applicant
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to waive 21 parking stalls and certain parking requirements

Applicant: The Roman Catholic Archbishop of Boston	
Site: 260, 270 & 280 Elliot Street	SBL: 51037 0002, 51037 0001A, 51037 0001
Zoning: MR1	Lot Area: 106,657 square feet
Current use: Church and rectory	Proposed use: Division of lot

BACKGROUND:

The property 260- 280 Elliot Street is the site of the Mary Immaculate of Lourdes Parish, a rectory, and the Saint Elizabeth’s Center, which is currently unused. The church and rectory were constructed between 1909 and 1910, and the building used for the Saint Elizabeth’s Center was built in 1890. The site is comprised of three separate lots totaling 106,657 square feet. The applicant proposes to deed the lot at 260 Elliot Street, along with eight parking spaces to a new owner. There currently exist 128 parking stalls for the total site, where 140 are required for the combined uses, creating a preexisting nonconforming shortfall of 14 stalls. The sale of the 260 Elliot Street lot and the eight parking stalls will increase the deficit for the church and rectory to 21 stalls by leaving 120 available stalls on site, which requires a special permit.

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

- Zoning Review Application, prepared by Jason Rosenberg, attorney, dated 4/1/2016
- Parking calculation, submitted 4/1/2016
- Requested relief, submitted 4/1/2016
- Narrative, submitted 4/1/2016
- Area Plan, signed and stamped by Richard Mede Jr, surveyor, dated 3/15/2016

- Existing conditions survey, signed and stamped by Richard Mede Jr, surveyor, dated 3/15/2016
- Proposed conditions survey, signed and stamped by Richard Mede Jr, surveyor, dated 3/15/2016
- Architectural Plans, signed and stamped by John Q. Williamson, architect
 - Church Plan, first floor, dated 1/8/2016
 - Church Plan, lower level, dated 7/15/2013
 - Rectory Plans, dated 1/8/2016
- 260 Elliot Street Architectural Plans, prepared by Tise Design Associates, dated 2/3/2016
 - Floor plans, existing
 - Elevations, existing

ADMINISTRATIVE DETERMINATIONS:

1. The Mary Immaculate of Lourdes Church has the legal capacity for 400 persons, which produces a parking requirement of 134 stalls with one stall required for each three seats per Section 5.1.4. There are three employees and an office space, requiring two stalls, which increases the total parking requirement for the church building to 136 stalls. Additionally, the rectory requires two parking stalls as a dwelling, as well as an additional three stalls for 675 square feet of office space, for a total of five stalls required. In total, the church and rectory have a parking requirement of 141 stalls per Section 5.1.4.

There are 128 parking stalls on site. After the subdivision of the property, eight stalls will be allotted to 260 Elliot Street, leaving a remaining 120 stalls available for the use of the church and rectory, where 141 are required. Per Section 5.1.4, a special permit is required to waive 21 parking stalls.

2. There are several parking stalls within the front and side setbacks. Per Section 5.1.8.A.1, a special permit is required to locate parking within a required setback.
3. Section 5.1.8.A.2 requires that no outdoor parking be located within five feet of a building containing dwelling units in a parking facility with more than five stalls. As the rectory building and its associated parking is part of the parcel as a whole, the three unmarked parking stalls adjacent to the building must be waived, as the rectory is a dwelling unit.
4. Sections 5.1.8.B.1-2 require that stalls are a minimum of 9 feet wide and 19 feet deep. Several of the existing stalls do not meet these minimum dimensions, requiring a special permit per Section 5.1.13.
5. The minimum width for maneuvering aisles for 90 degree parking is 24 feet per Sections 5.1.8.C.1 and 5.1.8.C.2. The parking area located behind the church has a 22.1 foot wide two-way access aisle, requiring a special permit.
6. Section 5.1.9.A requires perimeter screening via landscaping and fencing. No changes to the landscaping are proposed at this time. To the extent that the parking does not meet the requirements of Section 5.1.9.A, a special permit is required.

7. Section 5.1.9.B requires interior landscaping for parking facilities with more than twenty stalls. No interior landscaping is visible in the plans. To the extent that the parking lot does not meet the requirements of Section 5.1.9.B, a special permit is required to legitimize the situation.
8. Parking facilities are required to provide adequate security lighting per Section 5.1.10. To the extent that the proposed parking does not meet the requirements of this section, a special permit is required.
9. Section 5.1.11 requires bicycle parking for facilities with more than 20 parking stalls. The applicant seeks a waiver from the bicycle parking requirements of Section 5.1.11.
10. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§5.4.1, §5.1.13	Parking waiver of 21 parking stalls	S.P. per §7.3.3
§5.1.8.A.1, §5.1.13	To allow parking in the front and side setbacks	S.P. per §7.3.3
§5.1.8.A.2, §5.1.13	To allow parking within five feet of a building containing dwelling units	S.P. per §7.3.3
§5.1.8.B.1, §5.1.8.B.2, §5.1.13	To waive parking stall dimensions	S.P. per §7.3.3
§5.1.8.C.1, §5.1.8.C.2, §5.1.13	To waive minimum maneuvering aisle width	S.P. per §7.3.3
§5.1.9.A §5.1.13	To waive the parking lot screening requirements	S.P. per §7.3.3
§5.1.9.B §5.1.13	To waive the interior landscaping requirements	S.P. per §7.3.3
§5.1.10 §5.1.13	To waive parking lot lighting requirements	S.P. per §7.3.3
§5.1.11, §5.1.13	To waive bicycle parking requirements	S.P. per §7.3.3

CITY OF NEWTON

IN CITY COUNCIL

May 16, 2016

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL for exceptions to and waivers from certain parking regulation, including a waiver of 21 parking stalls, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Marc Laredo:

1. The requested exceptions related to the number of parking stalls, parking stall dimensions and maneuvering aisle width requirements are appropriate as the parking areas have existed for many decades in its current condition and because such exceptions would be in the public interest and provide for the protection of environmental features by reducing the amount of unnecessary paving on the site. Furthermore, the petitioner submitted a parking study indicating that the existing number of stalls are sufficient to meet expected demand and any occasional spillover can be accommodated by existing on-street parking.
2. The requested exceptions related to parking stalls located in the front and side setbacks and within five feet of a building containing dwelling units, as well as parking lot screening, interior landscaping and lighting requirements are appropriate as they reflect long-standing existing conditions on a property where no new construction or other physical changes are being contemplated

PETITION NUMBER: #130-16

PETITIONER: The Roman Catholic Archbishop of Boston, a Corporation Sole

LOCATION: 260, 270 and 280 Elliot Street, Newton Upper Falls, on land known as Section 51 Block 37 Lots 1, 1A, 2

OWNER: The Roman Catholic Archbishop of Boston, a Corporation Sole

ADDRESS OF OWNER: c/o RCAB Real Estate, 66 Brooks Drive, Braintree, MA 02184

TO BE USED FOR: Parking

CONSTRUCTION: n/a

EXPLANATORY NOTES: Special Permits per §7.3.3:

- to waive 21 parking stalls (§5.1.4, §5.1.13);
- to allow parking in the front and side setbacks (§5.1.8.A.1, §5.1.13);
- to allow parking within five feet of a building containing dwelling units (§5.1.8.A.2, §5.1.13);
- to waive parking stall dimensions (§5.1.8.B.1, §5.1.8.B.2, §5.1.13);
- to waive minimum maneuvering aisle width (§5.1.8.C.1, §5.1.8.C.2, §5.1.13);
- to waive the parking lot screening requirements (§5.1.9.A; §5.1.13);
- to waive the interior landscaping requirements (§5.1.9.B; §5.1.13);
- to waive parking lot lighting requirements (§5.1.10; §5.1.13)
- to waive bicycle parking requirements (§5.1.11, §5.1.13).

ZONING: Multiple Residence 1 (MR-1) District

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - a. A plan entitled "Area Plan- 260, 270 & 280 Elliot Street, Roman Catholic Archdiocese of Boston, Mary Immaculate of Lourdes Parish, Newton, Mass.; prepared by Medford Engineering & Survey, Angelo B. Veneziano Associates, dated March 15, 2016 and signed and stamped by Richard J. Mede, Jr., Professional Land Surveyor on March 3, 2016.
 - b. A plan entitled "Existing Conditions Plan- 260, 270 & 280 Elliot Street, Roman Catholic Archdiocese of Boston, Mary Immaculate of Lourdes Parish, Newton, Mass.; prepared by Medford Engineering & Survey, Angelo B. Veneziano Associates, dated March 15, 2016 and signed and stamped by Richard J. Mede, Jr., Professional Land Surveyor on March 3, 2016.

- c. A plan entitled "Proposed Conditions Plan- 260, 270 & 280 Elliot Street, Roman Catholic Archdiocese of Boston, Mary Immaculate of Lourdes Parish, Newton, Mass.; prepared by Medford Engineering & Survey, Angelo B. Veneziano Associates, dated March 15, 2016 and signed and stamped by Richard J. Mede, Jr., Professional Land Surveyor on March 3, 2016.
 - d. A plan entitled "Church Plan- 1st Floor, The Archdiocese of Boston, Mary Immaculate of Lourdes, 270 Elliot Street, Newton MA 02464," Sheet A-1, prepared by JQW Architecture LLC, dated January 8, 2016, stamped and signed by John O. Williamson, Registered Architect.
 - e. A plan entitled "Church Plan- Lower Level, The Archdiocese of Boston, *Mary Immaculate of Lourdes*, 270 Elliot Street, Newton MA 02464, Sheet A-2, prepared by JQW Architecture LLC, dated *January 8, 2016*, stamped and signed by John O. Williamson, Registered Architect.
 - f. A plan entitled "Rectory Plans, The Archdiocese of Boston, Mary Immaculate of Lourdes, 270 Elliot Street, Newton MA 02464, Sheet A-3, prepared by JQW Architecture LLC, dated January 8, 2016, stamped and signed by John O. Williamson, Registered Architect.
2. Prior to the submission of any "Approval Not Required" (ANR) plan under G.L. ch. 41, §81P to create Lot 1 and Lot 2 as shown in the plan referenced in Condition 1(c) herein, petitioner shall submit a Final Landscape Plan for review and approval by the Director of Planning and Development.
 3. In the event that an ANR plan as referenced in Condition 2 is recorded in the Registry of Deeds for the Southern District of Middlesex County, the petitioner shall install the landscaping shown in the Final Landscape Plan as approved by the Director of Planning and Development within one year of the date of such recording.
 4. In the event that a Building Permit is required for work involving the resurfacing, relining or reconfiguration of the parking areas with frontages on Cliff Road, petitioner shall bring said parking areas into compliance with all relevant dimensional requirements for parking as provided by the Newton Zoning Ordinances at that time. However, this condition shall not be construed to prevent the petitioner from requesting waivers and/or exceptions to said dimensional requirements at such time.
 5. The landscaping shown on the approved Final Landscaping Plan shall be maintained in good condition by the petitioner. The plantings shall be inspected annually and any plant material that becomes diseased or dies shall be replaced in a timely manner with similar material.
 6. The petitioner shall locate one or more bike racks on the property to encourage alternate modes of transportation and to help relieve any constraints on the parking lots. The petitioner shall submit evidence that the landscaping has been installed to the satisfaction of the Director of Planning and Development contemporaneously with the completion of the landscaping work required as per Condition 3.