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James Freas  
Acting Director

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## PUBLIC HEARING/WORKING SESSION MEMORANDUM

**DATE:** March 27, 2015  
**MEETING DATE:** March 31, 2015  
**TO:** Land Use Committee of the Board of Aldermen  
**FROM:** James Freas, Acting Director of Planning and Development  
Alexandra Ananth, Chief Planner for Current Planning  
Stephen Pantalone, Senior Planner  
**CC:** Petitioner

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

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### PETITION #40-15

95-97 Elm Street

Request for Special Permit/Site Plan Approval to extend the existing nonconforming structure, extend the nonconforming Floor Area Ratio (FAR), increase the seating from 116 seats to 146 seats, and waive 11 parking stalls.

The Land Use Committee (Committee) held a public hearing on March 10, 2015, which was held open so that the petitioner could respond to questions/concerns that were raised in the Planning Department's memorandum and at the public hearing by the Committee and public. The petitioner submitted information on March 24, 2015 in response to the questions/concerns that were raised (**ATTACHMENT A**).

**Shared/Off-Site Parking.** The Committee did not require the petitioner to complete a parking study, but asked that they explore off-site parking options proximate to the site. The petitioner identified several parking lots, as follows:

1. MBTA-owned parking lot across from "The Local" restaurant ("MBTA Lot #1")
2. MBTA-owned parking lot west of "The Local" restaurant ("MBTA Lot #2")
3. Private parking lot on 1385 Washington Street
4. Private parking lot at 30 Border Street (Galaxy Auto Body)

Of the potential sites, MBTA Lot #1 is the only facility that would be open to the public during the day. The petitioner has agreed to encourage its employees to utilize the MBTA Lot #1, and notes that it is already used by a number of the employees. Employees and patrons may also use MBTA Lot #2 during the evening when court is not in session. The private sites at 30 Border Street and 1385 Washington Street would be available at night after 5:00 pm or 6:00 pm, which is the peak time for the restaurant. However, the petitioner is concerned with the effectiveness of these lots for patrons, as the lot on Border Street would require stacked parking, and parking at the Washington Street property would only include a portion of the parking stalls. These sites would also not work well for employees, as they would likely be arriving before 6:00 pm when the lots become available.

The Planning Department agrees that the most effective option is to encourage and incentivize employees to park in the MBTA lots, and to notify patrons of their location. The Planning Department recommends that the petitioner identify the location of the MBTA lots on its website and within the restaurant, and consider incentivizing the use of public transportation by its employees. The petitioner should formalize these actions in a parking management plan. The Planning Department also suggests that the petitioner further explore the use of 1385 Washington Street lot for patron parking, as appropriate signage may alleviate the concerns of the petitioner.

**Dumpster Screening.** The petitioner has agreed to enclose the dumpster with a wooden fence.

**Contribution for Parking and/or Pedestrian Improvements.** The petitioner has agreed to make a contribution of \$2,500 to the City to be used for parking improvements and/or pedestrian accessibility or circulation improvements in the West Newton Square vicinity.

**Recommendation.**

Based on the supplemental information submitted, the Planning Department finds the petition to be complete. The Planning Department is supportive of the project and recommends approval with conditions.

**ATTACHMENTS**

**ATTACHMENT A:** Petitioner Letter

**ATTACHMENT B:** Illustrative Site Plan

**ATTACHMENT C:** Map of Off-site Parking



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OF COUNSEL  
ROBIN GORENBERG

March 24, 2015

**By E-mail**

Mr. Stephen Pantalone  
Senior Planner  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459-1449

Re: Paddy's/95 Elm Street/#40-15

Dear Steve,

At the March 10, 2015 public hearing on this matter, the Land Use Committee requested that the petitioner investigate shared parking options within a close walk to the restaurant. Since that time, the petitioner has identified four possible options.

The first option is to use the MBTA-owned parking lot on Washington Street directly across from "The Local" (1391 Washington Street). This lot is open to the public at a charge of \$4 per day. Karl O'Hara has indicated that he parks in this lot, as do many other employees of Paddy's.

The second option is to use the MBTA-owned parking lot to the west of "The Local," across Lucas Court, which is used for court personnel during court hours. Apparently, it can be used by the public when court is not in session.

The third option is to rent spaces from the owners of the property at 1385 Washington Street, who have indicated a willingness to rent up to a dozen spaces there to Paddy's. Paddy's would only have access to the spaces after 6:00 pm. As Paddy's would not be renting the entire lot, the spaces for Paddy's exclusive use in the evening would need to be clearly delineated. Directing patrons to this lot would also pose a challenge. As a result of these issues, my client is not sure that utilizing this site would be particularly effective.

The fourth option is to park employee vehicles at 30 Border Street, the site of Galaxy Auto Body. The owner has agreed to let Paddy's use any available spaces after 5PM. The site is very congested, and therefore would not be particularly useful for customers, as any parking at

**SCHLESINGER AND BUCHBINDER, LLP**

the site would need to be stacked. The MBTA lot across from "The Local" is clearly a better option for employee parking.

The Langione Dance Studio has a pending special permit petition to relocate to the former Barry Price Center at 38 Border Street. There is substantial on-site parking at that location. As a result, the petitioner believes that some of the spaces on Border Street will now be available for others.

The petitioner will encourage its employees to park at the MBTA lot across from "The Local" to the extent that spaces are available. There are 39 regular spaces and 3 handicap spaces at that location. There may be times, of course, when that lot is full, and the petitioner cannot guarantee that an employee will not park elsewhere.

I am also forwarding herewith a revised site plan showing the proposed enclosed, gated dumpster enclosure. The petitioner is proposing a wooden fence.

Finally, the petitioner is amenable to a voluntary donation of \$2,500.00 to be used by the City for parking improvements and/or pedestrian accessibility or circulation improvements in the West Newton Square vicinity to help mitigate parking impacts in the neighborhood. A similar condition was included in the O'Hara's Board Order.

Please feel free to call me if you have any questions regarding the same.

Sincerely,



Stephen J. Buchbinder

SJB/fjs

w/enclosure

cc: (By E-mail)

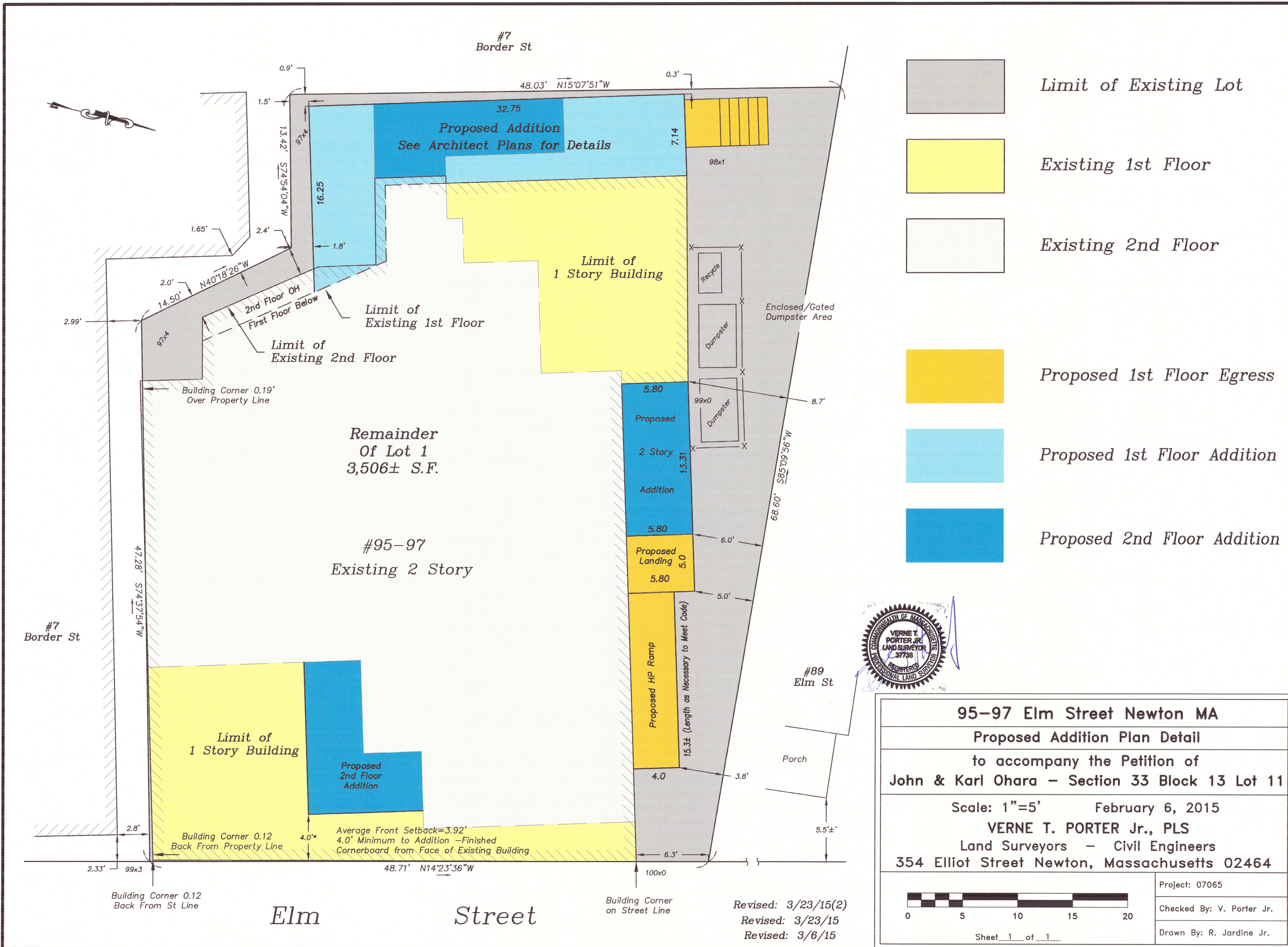
Mr. John O'Hara

Mr. Karl O'Hara

Mr. Verne Porter

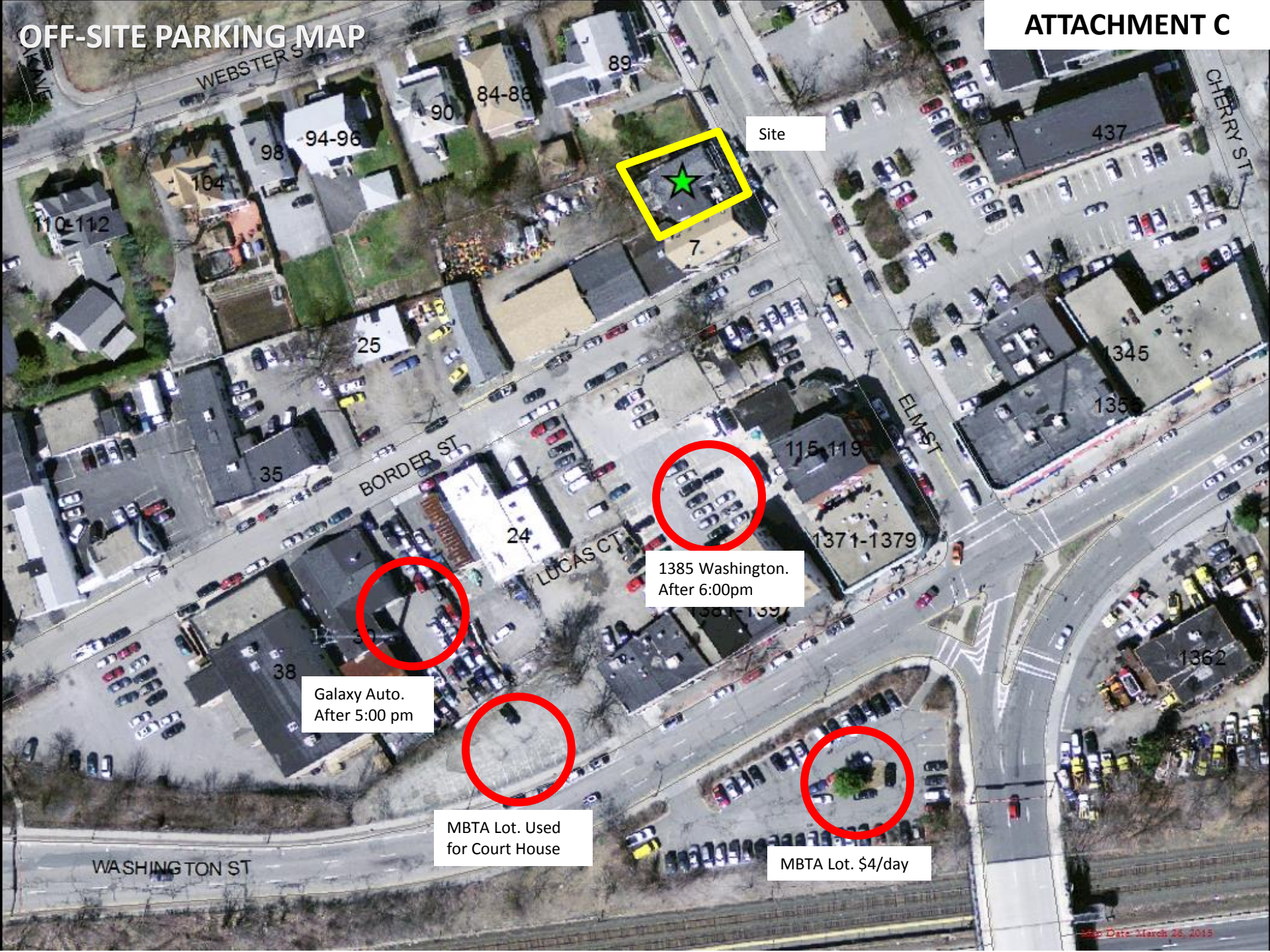
Mr. Donald Lang

# ATTACHMENT B



# OFF-SITE PARKING MAP

# ATTACHMENT C



Site

Galaxy Auto.  
After 5:00 pm

1385 Washington.  
After 6:00pm

MBTA Lot. Used  
for Court House

MBTA Lot. \$4/day