



Setti D. Warren  
Mayor

**City of Newton, Massachusetts**  
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Candace Havens  
Director

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**MEMORANDUM**

Public Hearing Date: September 11, 2012  
Land Use Action Date: November 27, 2012  
Board of Aldermen Action Date: December 3, 2012  
90-Day Expiration Date: December 10, 2012

DATE: September 7, 2012

TO: Board of Aldermen

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

SUBJECT: Petition **#208-12**, Brae Burn Country Club, petition to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL #270-97 for an EXTENSION OF A NONCONFORMING USE/STRUCTURE to expand an existing clubhouse and adjacent landscaping including an outdoor terrace; convert an outdoor temporary tent structure into a permanent pergola with an increase of 32 seats for seasonal dining, which requires a parking waiver at 326 FULLER STREET, Ward 3, on land known as Sect 53, Blk 40 Lot 13, containing approximately 5,932,256 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Special Permit #270-97 and Sec. 30-8(b)(5) and 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

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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.



### EXECUTIVE SUMMARY

The Brae Burn Country Club, located at 326-358 Fuller Street, consists of approximately 193.5 acres utilized as a country club and golf course. The petitioner is proposing to expand the clubhouse restaurant and grill and adjacent outside eating area and landscaping that was approved as part of Board Order #270-97. In order to alter the clubhouse as proposed the petitioner must amend Board Order #270-97.

The Club has indicated that it does not intend to increase membership but are proposing these improvements to better serve its existing members. In addition to the expanded restaurant and grill, the petitioners propose adding a new terrace for outdoor dining, and converting an outdoor temporary tent structure into a permanent pergola with fabric covering part of the new outdoor terrace. The expanded restaurant and grill would still accommodate the existing number of seats (156) and 32 new seasonal seats would be added outside (bringing the total number of seats to 188).

#### I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this petition, the Board shall consider whether the following findings apply:

- The expansion of the nonconforming building and use is not more detrimental to the neighborhood than the existing nonconforming building and use.
- The site is an appropriate location for a club use.
- The use as developed and operated will not adversely affect the neighborhood.
- Access to the site over streets is appropriate for the types and numbers of vehicles involved.
- There will be no nuisance or serious hazard to vehicles or pedestrians as a result of the operation of the restaurant, as expanded.

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

##### A. Neighborhood and Zoning

The entire parcel is located within the Single Residence 1 District. The majority of the golf course abuts single-family homes with the Riverside line of the MBTA Green Line to the south. There are Single Residence 2 and 3 zones in many of the areas surrounding the site.

##### B. Site

The Brae Burn Country Club is a large open tract of land containing approximately 193.5 acres with an 18-hole golf course. The site contains a number of recreational facilities including the clubhouse, a golf course, six tennis courts, four paddle tennis courts, and a

swimming pool. There are two ponds located throughout the course, one in close proximity to Day Street.

Access to the clubhouse facility occurs from the main entrance directly on Fuller Street. Across Fuller Street and accessed from both Commonwealth Avenue and Fuller Street are two separate parking lots that accommodate 179 cars in total. Internal to the facility is an access road (west of the clubhouse), which leads to small parking areas for the swimming pool as well as for maintenance and grounds employees.

### III. PROJECT DESCRIPTION AND ANALYSIS

#### A. Land Use

There are no changes proposed to the nonconforming country club use and there will be no increase in membership. The petitioners are proposing 32 outdoor seats for seasonal use by its existing membership.

#### B. Building and Site Design

The petitioners are proposing to expand the existing grill room and lounge by approximately 400 sq. ft. The additions include a rounded addition in the Grille Bar/Lounge, as well as a new bay window in the Grille Dining Room. Existing seating will be re-arranged but the existing and proposed seating within the building will remain at the current 156 seats.

Currently, there is a tent-like structure immediately adjoining the southeast corner of the building. This has been used for informal seasonal seating and would be eliminated along with the patio surface beneath the tent. It would be replaced by a proposed new terrace in order to meet the members' demand for outdoor seating and dining. The proposed new outdoor terrace is adjacent to the Grille Dining Room and would have 32 seats, representing an increase in seating for the facility, though only seasonally.

#### C. Parking and Circulation

The petitioners are not proposing any changes to the parking and there should be minimal (if any) increase in parking or traffic as a result of the renovation and expansion as the petitioners are not proposing to increase membership. The petitioners submitted a Parking Management Plan, which indicated the Club utilizes valet stack parking for large events.

#### D. Landscape Screening

The petitioners submitted a Landscape Plan, which sufficiently blends the new additions into the existing landscape. The outdoor terrace includes a pergola attached to the Club House building. The nearest residential abutters are well over 200 feet away from the proposed new outdoor terrace.

IV. TECHNICAL REVIEWA. Technical Considerations

The Zoning Review Memorandum (**ATTACHMENT "A"**) provides a complete analysis with respect to zoning. The petitioners must amend Board Order #270-97 to expand the clubhouse footprint and alter outside eating areas and landscaping.

B. Other Reviews

The City's Engineering Division reviewed the project (**ATTACHMENT "B"**) and had no significant comments.

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum the petitioner is seeking the following reliefs:

- Amend Board Order #270-97 to expand the clubhouse footprint.

VI. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.

**ATTACHMENTS:**

**ATTACHMENT A:** ZONING REVIEW MEMO

**ATTACHMENT B:** ENGINEERING DIVISION REVIEW MEMO

**ATTACHMENT C:** ZONING MAP

**ATTACHMENT D:** LAND USE MAP



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**ATTACHMENT "A"**

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Candace Havens  
Director

## ZONING REVIEW MEMORANDUM

Date: July 5, 2012

To: John Lojek, Commissioner of Inspectional Services

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

ET

Cc: Jason Rosenberg and Laurance Lee, attorneys representing applicant  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to amend an approved site plan**

Applicant: Brae Burn Country Club	
Site: 326-358 Fuller Street	SBL: 53040 0013 <sup>1</sup>
Zoning: SR1	Lot Area: 193.5 acres
Current use: Country Club and Golf Course	Proposed use: Country Club and Golf Course

### BACKGROUND:

The property at 326-358 Fuller Street (and associated parcels, see footnote 1 below) consists of a total of 193.5 acres utilized as a country club and golf course. The applicant proposes to expand and alter the clubhouse and adjacent landscaping that was approved as part of Board Order #270-97.

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

- Architectural plans, by Jason Bailey, TMS Architects, unsigned and unstamped, dated 6/4/12
  - Existing lower level floor plan
  - Proposed lower level floor plan
  - Elevations
- Existing site plan, signed and stamped by Robert E. Weidknecht, Landscape Architect, dated 5/24/12
- Proposed site plan, signed and stamped by Robert E. Weidknecht, Landscape Architect, dated 5/24/12
- Brae Burn C.C. Schedule of Operations and Occupancy, dated 3/9/12
- Summary of Parking Management Plan
- Copy of Board Order #270-97, dated 11/3/97

<sup>1</sup> The parcel on which the clubhouse is located; the golf course is located on several parcels, including 333 Fuller Street 32027 001, 90 Stanton Avenue 43045 0027, 83 Stanton Avenue 43044 0007A, 29 Kinmoth Road 53029 0001, 89 Moffat Road 53040 0012, 246 Windsor Road 53031 0026, 243 Windsor Road 53031 0025

**ADMINISTRATIVE DETERMINATIONS:**

1. The existing golf club is a nonconforming use in the Single Residence 1 District and operates under a number of special permits dating back to the 1950's. The use of the clubhouse is limited to members and their guests and the club does not propose any increase in the overall membership. Therefore, the renovations to the dining rooms and the additional outdoor seating do not represent an extension of the nonconforming use.
2. The Commissioner of Inspectional Services has determined that the proposed addition of 32 seasonal, outdoor seats does not represent an increase in the overall parking demand for the country club use and, therefore, no additional parking is required per Section 30-19.
3. The alterations to the building footprint and outdoor eating areas constitute an alteration of the clubhouse area site plan approved as part of Board Order #270-97. To alter the clubhouse area as proposed, the applicant must obtain an amendment to B.O. #270-97 from the Board of Aldermen.
4. The applicant must comply with all prior special permit conditions and approvals. Planning staff recommends that the applicant work with the Planning Department to consolidate all previous special permits, requirements, and conditions into one current special permit document and site plan that can govern future alterations to the use or site.
5. See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
	Expand clubhouse footprint and alter outside eating areas and landscaping	Amend B.O. #270-97

CITY OF NEWTON  
ENGINEERING DIVISION

MEMORANDUM

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

From: John Daghlian, Associate City Engineer

Re: Special Permit – Brae Burn Country Club 326 Fuller Rd.

Date: August 29, 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)

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

*Proposed Grille Room & Lounge Renovation  
Brae Burn Country Club  
In  
West Newton, MA  
Prepared by: Beals & Thomas Inc.  
Dated: April 9, 2012  
Revised: May 8 & 24, 2012*

Executive Summary:

Since the site work is minimal and very little impervious surface is being added without any impact to any abutter, the Engineering Division has no issues with this proposal. Once a Building Permit is issued, the contractor of record should coordinate with ISD any drainage improvements that occur within 10' from the foundation, which falls under the State Plumbing Codes.

General:

1. 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*

2. All tree removal shall comply with the City's Tree Ordinance.
3. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
4. 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.*
5. 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.

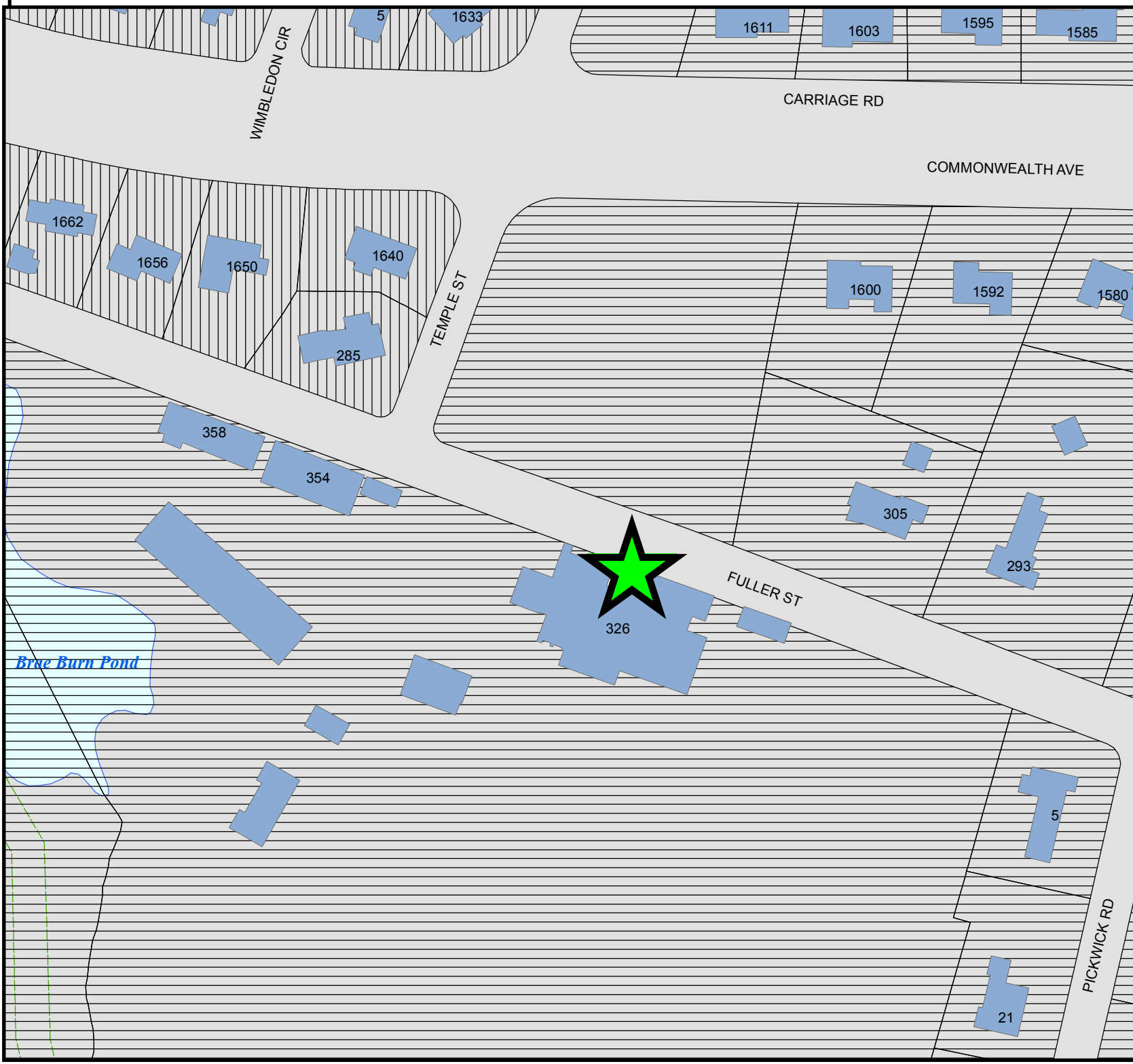
If you have any questions or concerns please feel free to contact me @ 617-796-1023.



# Zoning Map

## Brae Burn CC

City of Newton,  
Massachusetts



**Legend**

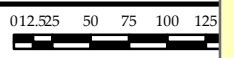
- Single Residence 1
- Single Residence 2
- Single Residence 3
- Multi-Residence 1
- Multi-Residence 2
- Multi-Residence 3
- Multi-Residence 4
- Business 1
- Business 2
- Business 4
- Business 5
- Limited Manufacturing
- Manufacturing
- Mixed Use 1
- Mixed Use 2
- Open Space/Recreation
- Public Use
- Single Residence 1
- Single Residence 2
- Building Outlines
- Surface Water



**ATTACHMENT "C"**

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

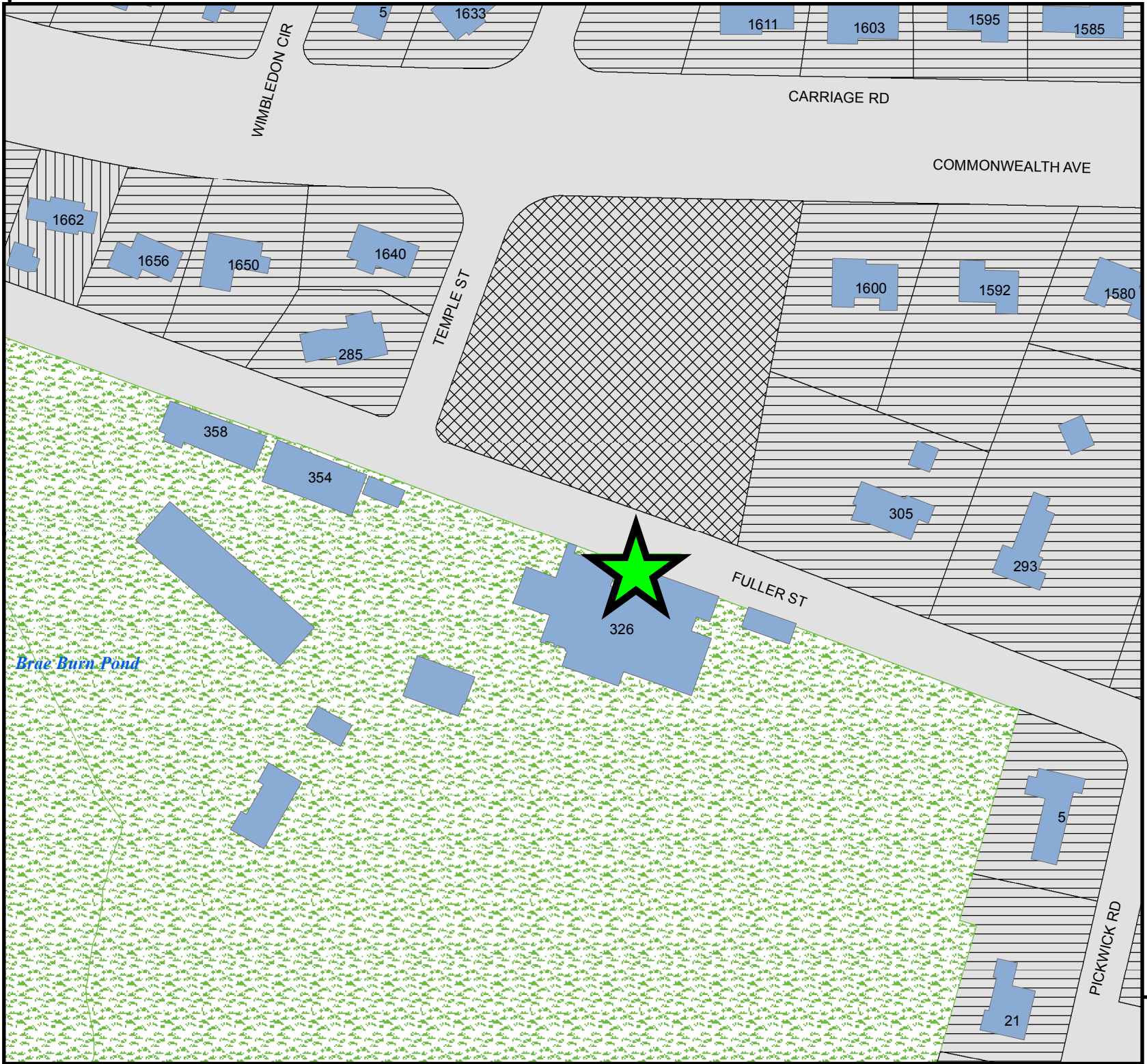
CITY OF NEWTON, MASSACHUSETTS  
 Mayor - Setti D. Warren  
 GIS Administrator - Douglas...



# Land Use Map

## Brae Burn CC

City of Newton,  
Massachusetts



**Legend**

**Land Use**

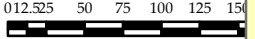
- Single Family Residential
- Multi-Family Residential
- Commercial
- Golf Course
- Building Outlines
- Surface Water



**ATTACHMENT "D"**

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



Map Date: September 2008