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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: August 31, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Alan Schlesinger, Attorney
Norcross Trust, Applicant
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RECEIVED
NEWTON CITY CLERK
2016 FEB -9 PM 1:39
David A. Quinn, CAC
Newton, MA 02459

RE: **Request to waive 36 parking stalls, to allow a building exceeding 20,000 square feet, to allow a building height of 36 feet, three stories and an FAR of 1.5, and to waive certain requirements of the parking ordinance**

Applicant: Norcross Trust	
Site: 255-257 Newtonville Ave	SBL: 12016 0008
Zoning: MAN	Lot Area: 75,634 square feet
Current use: Office and landscape contractor yard	Proposed use: Self storage facility

BACKGROUND:

The property at 255-257 Newtonville Avenue is comprised of 75,634 square feet in the Manufacturing district. It is improved with an office building constructed in 1964, and a small wood frame structure used as a landscaper's and contractor's office. There are three fenced areas on the property used by a dog day care. The site is bordered to the north by the Mass Pike, to the west by a power tool retailer and to the east by Lewis Terrace, which crosses over the Pike. Residential uses are located on the other side of Lewis Terrace in the MR1 zoning district. The lot is largely wooded, with a drainage easement zig-zagging through the northern section.

The applicant proposes to raze the existing buildings and construct a 113,187 square foot self storage facility with 11 parking stalls.

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

- Zoning Review Application, prepared by Alan Schlesinger, attorney, dated 7/23/2015
- Existing Conditions, prepared by BL Companies, dated 5/15/2015
- Concept Plan, signed and stamped by Raymond Gradwell, civil engineer, dated 7/17/2015
- Elevations, signed and stamped by Rainer A. Muhlbauer, architect, dated 7/17/2015
- Conceptual Landscape Plan, prepared by BL Companies, dated 7/17/2015
- FAR Worksheet
- Average Grade Plane Worksheet

ADMINISTRATIVE DETERMINATIONS:

1. The applicant proposes to raze the existing buildings and construct a self-storage facility. Per Section 4.4.1 storage facilities are allowed by right in the Manufacturing district.
2. The proposed building is three stories and 36 feet high. Per Sections 4.3.2.B.3 and 4.3.3, a special permit is required.
3. The applicant proposes an FAR of 1.5. Section 4.3.3 allows an FAR of 1.0 by right, and requires a special permit for anything greater. An FAR of 1.5 requires a special permit.
4. Section 5.1.4 addresses the parking requirement for a storage facility. The provision requires one stall per every four employees and one stall per every 2,500 square feet. The applicant proposes four employees at the highest shift, and a building with 113,187 square feet, which requires 47 parking stalls per the Ordinance. The applicant is proposing 11 parking stalls on the site, and therefore requires a waiver of 36 spaces under Section 5.1.13.
5. Section 5.1.8.A.1 requires that no parking stalls be located within a setback. Two parking stalls are located within the side setback. A special permit per Section 5.1.13 is required.
6. The requirements for providing accessible parking within Section 5.1.8.B.3 are in conflict with 521 CMR 23, the State code for providing access. To determine the number of required accessible stalls for a property, the requirement is based on the number of stalls necessary to meet the Ordinance, not the number of stalls that actually exist. The applicant requires 47 stalls for the proposed self-storage facility. Per the State code, two accessible stalls are required, which they provide. However, Section 5.1.8.B.3 of the Newton Ordinance requires three accessible stalls. The applicant seeks a waiver from the local regulations via Section 5.1.13, however is compliant with the State code.
7. Section 5.1.9.A.1 requires parking lots be screened from abutting properties and streets with landscaping and/or fencing. The section requires five feet of densely planted shrubs and fencing. To the extent that the proposed parking lot does not meet the screening requirements of Section 5.1.9.A.1, the applicant seeks a waiver through Section 5.1.13.
8. No lighting plan was submitted with the application for zoning review. Section 5.1.10.A requires that all facilities provide security lighting of at least one foot candle, and be arranged so as to

prevent glare on neighboring properties. To the extent that the proposed plan doesn't comply with this section, a special permit is required.

9. The applicant proposes to raze the existing buildings and construct a new building with 113,187 square feet. Section 4.3.1.B.1 requires a special permit for a building greater than 20,000 square feet.

Zone MAN	Required/Allowed	Existing	Proposed
Lot Size	10,000 square feet	75,634 square feet	No change
Setbacks			
• Front (half building height)*	18 feet	15 feet	19.6 feet
• Side (half building height)	18 feet	>20 feet	18.1 feet
• Rear (half building height)	18 feet	>35 feet	20.6 feet
Building Height	24 feet (36 ft by SP)	24 feet	35.33 feet
Max number of stories	2 (3 by SP)	1	3
FAR	1 (1.5 by SP)	<1.0	1.5
Parking	47	NA	11

*The existing buildings are one story, therefore the existing front setback is conforming

10. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance	Required Relief	Action Required
§4.3.2.B.3 §4.3.3	To allow a building with three stories	S.P. per §7.3.3
§4.3.3	To allow a building 36 feet in height	S.P. per §7.3.3
§4.3.3	To allow an FAR of 1.5	S.P. per §7.3.3
§5.1.4 §5.1.13	To waive 36 parking stalls	S.P. per §7.3.3
§5.1.8.A.1 §5.1.13	To allow parking in the side setback	S.P. per §7.3.3
§5.1.8.B.3 §5.1.13	To waive the accessible parking requirement of the Newton Zoning Ordinance (but not the State code)	S.P. per §7.3.3
§5.1.9.A.1 §5.1.13	To waive the landscape screening requirements	S.P. per §7.3.3
§5.1.10.A §5.1.13	To waive lighting requirements	S.P. per §7.3.3
§4.3.1.B.1	To allow a building greater than 20,000 square feet	S.P. per §7.3.3