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Barney Heath
Director

PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: September 22, 2017
MEETING DATE: September 26, 2017
TO: Land Use Committee of the City Council
FROM: Barney S. Heath, Director of Planning and Development
Neil Cronin, Senior Planner
CC: Petitioner

In response to issues raised at the City Council public hearing, the Planning Department is providing the following information for the upcoming continued public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

PETITION #231-17

60 Needham Street

Request for Special Permit/Site Plan Approval to amend Board Order #437-03 to allow a first floor health club use and either waive the associated parking requirement or allow the parking requirement to be met off-site.

The Land Use Committee opened the public hearing on this petition on Thursday, September 7, 2017 and held the hearing open. At that hearing, the Committee wanted more information regarding the off-site parking facility, particularly if there are enough stalls available to support the combined uses of 60 Needham Street. The approved site plan from 2003 shows the parking facility at the rear of 133 Winchester Street, now known as 56 Needham Street, containing forty-nine (49) stalls. Twenty-five (25) of these stalls are currently dedicated to the uses of 60 Needham Street and the restaurant at 40 Needham Street. The remaining twenty-four (24) stalls are in excess of the fifteen (15) stalls required for the proposed health club use.

The petitioner has submitted a revised draft schedule of classes which indicates the only time of day when the proposed health club use will overlap with the restaurant is the evening, specifically after 4:30 p.m. Monday through Friday (**Attachment A**). In order to evaluate the existing parking demand at 60 Needham Street, the petitioner reached out to the existing retail use at 60 Needham Street and learned there is very little business done during these hours. The retail use noted their busiest times are during the weekend when customers are more likely to pursue custom projects rather than shop. The other use at 60 Needham Street is an office use, which will no longer be a tenant as of the end of the year. Additionally, the Planning Department has observed this parking area on several occasions

during this timeframe and believes there are enough available stalls at 60 Needham Street and 56 Needham Street to accommodate the uses of 60 Needham Street as well as the restaurant. Lastly, staff notes that the restaurant at 40 Needham Street and the proposed uses at 60 Needham Street would be operating without parking stalls waivers. That is, all uses are compliant with the parking requirements of the Newton Zoning Ordinance and there is an excess of nine stalls.

The property owner of 60 Needham Street has a long term lease to use the parking facility at 56 Needham Street, and the trustee of that ownership group will provide a signed affidavit attesting that the parking facility at 56 Needham Street will be dedicated to the users of 60 Needham Street and 40 Needham Street only, should this project be approved.

ATTACHMENTS:

Attachment A: Draft Class Schedule

Attachment B: Draft Council Order

Attachment A

Expected Schedule - Burn Boot Camp Newton							
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
5:30:00 AM	X	X	X	X	X		
6:30:00 AM	X	X	X	X	X		
7:00:00 AM						X	
8:00:00 AM	X	X	X	X	X	X	
9:00:00 AM	X	X	X	X	X	X	
4:30:00 PM	X	X	X	X	X		
5:30:00 PM	X	X	X	X	X		
6:30:00 PM	X	X	X	X	X		

CITY OF NEWTON
IN CITY COUNCIL

October 3, 2017

ORDERED:

That the City 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 to amend Board Order #437-03, allow a first floor health club use and to locate the parking requirement off site as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The site in an Mixed Use 2 district, is an appropriate location for first floor health club because the subject property and the surrounding neighborhood along Needham Street are characterized by commercial uses (§7.3.3.C.1).
2. The proposed health club will not adversely affect the neighborhood (§7.3.3.C.2).
3. The proposed health club use will not create a nuisance or serious hazard to vehicles or pedestrians due to the one-way circular flow of traffic through the site (§7.3.3.C.3).
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).
5. Literal compliance with the number of parking stalls is impractical due to the shape of the lot. The petitioner has a long term lease until the year 2024 for the existing parking lot adjacent to 60 Needham Street, which has sufficient capacity to accept the stalls being relocated.

PETITION NUMBER: #231-17

PETITIONER: Christine D'Amico

LOCATION: 60 Needham Street, Section 83, Block 28, Lot 02, containing approximately 25,753

OWNERS: Sullivan Realty Trust

ADDRESS OF OWNERS: P.O. Box 122
Newton, MA 02456

TO BE USED FOR: Retail, office, health club

CONSTRUCTION: Single-story, multi-tenant, commercial building

EXPLANATORY NOTES: Amend Board Order #473-03; §4.4.1 and §7.3.3 to allow a first floor health club use; §5.1.6.A, §5.1.6.B, and §5.1.13 to locate the parking requirement off-site

ZONING: Mixed Use 2 District

This special permit supersedes, consolidates, and restates provisions of prior special permits to the extent that those provisions are still in full force and effect. Any conditions in prior special permits not set forth in this special permit #231-17 are null and void.

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) Layout and Materials Plan, prepared by Symmes, Maini, & McKee Associates (SMMA), unsigned and unstamped, dated October 14, 2003 revised 11/7/2003, 11/13/2003, 11/20/2003, and 11/26/2003
 - b) Architectural Set entitled "Interior Renovations to 60 Needham Street" prepared by UDA Architects, unsigned and unstamped dated consisting of three (3) sheets:
 - i. A1.1 New Work Floor Plan & Reflected Ceiling Plan, dated July 12,2017
 - ii. A-1 Existing Condition Floor Plan, dated July 12,2017
 - iii. A-0 Site Plan, dated July 13, 2017
2. All trash and recycling areas on-site shall be maintained in a sanitary condition at all times. The collection/emptying of such receptacles shall only occur on weekdays between 8:00 a.m. and 5:00 p.m.
3. There shall be no classes held before 5:30 a.m. and no class shall begin after 7:30 p.m. Monday through Friday. There shall be no classes held before 7 a.m. on Saturday and there shall be no classes held on Sunday.
4. The health club class sizes shall be limited to 25 clients per class.
5. There shall be at least 15 minutes between classes for the health club use, so that new customers are not arriving before the previous customers have left.
6. The owner shall provide signage or a flyer notifying clients of which parking stalls are available to all users of 60 Needham Street. In addition, such signage or flyer shall direct

users of the first floor health club use to access the site via the southernmost curb cut, between 60 Needham Street and 66 Needham Street, and exit the site via the northernmost curb cut, between 60 Needham Street and 50 Needham Street.

7. The owner shall maintain all landscaping and features on the site in good condition. Any plant materials that become diseased or dies shall be replaced on an annual basis with similar materials.
8. Prior to the issuance of a building permit, the owner shall submit an affidavit to the Director of Planning and Development, Commissioner of Inspectional Services, and the Law Department stating that the parking facility at 56 Needham Street will be dedicated to the users of 60 Needham Street only.

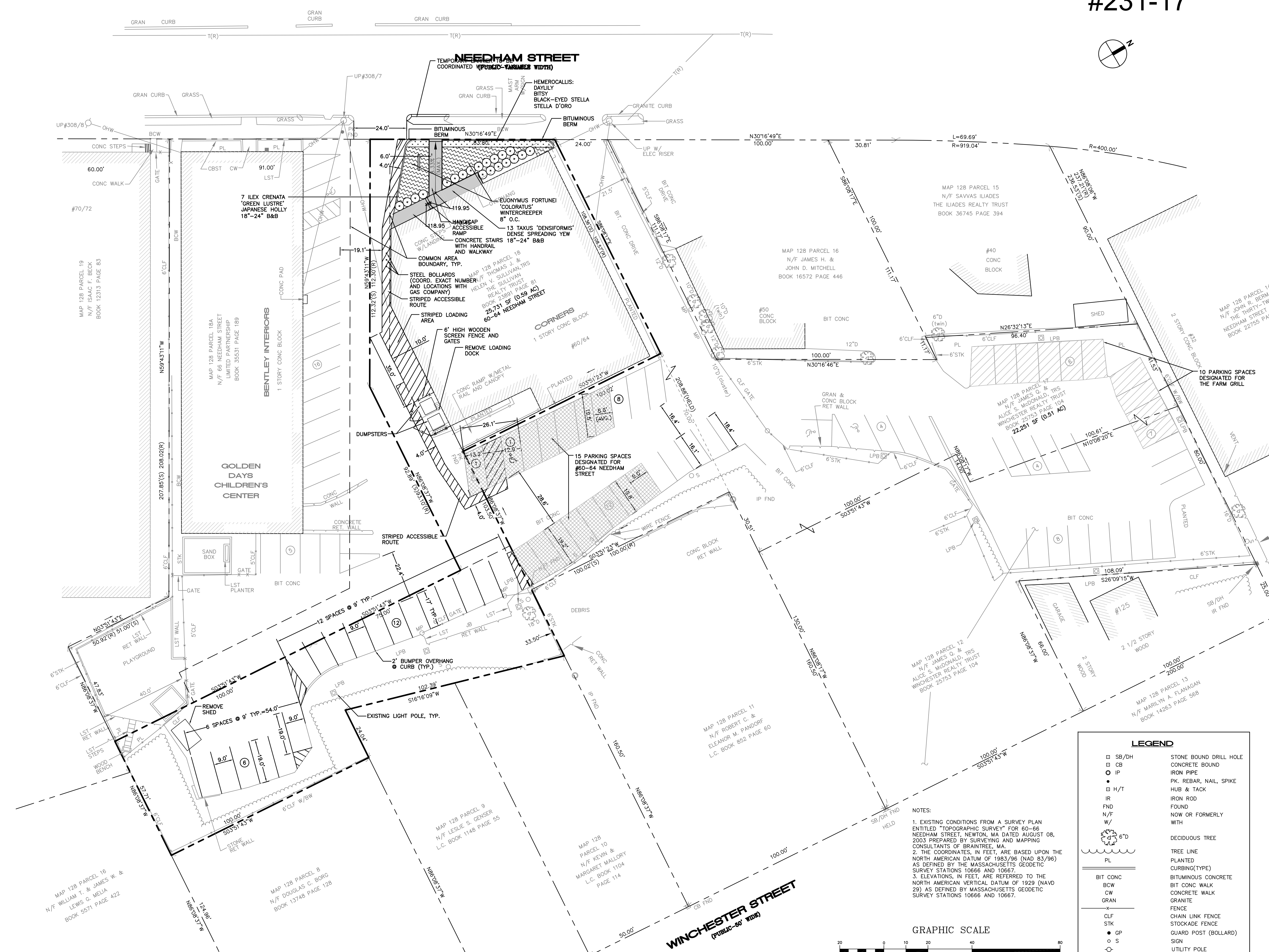
Condition Carried over from #437-03

9. The existing vegetated hillside between the site and the residences to the rear should be maintained to ensure adequate screening of the off-site parking area.

Condition Carried over from #437-03(2)

10. All landscaping proposed in connection with this special permit amendment shall be maintained at a maximum height of 20" to assure clear sight lines for drivers and vehicles entering the site.
11. The sign shall not be lighted earlier than one-half hour prior to the opening of the business or later than one-half hour after the closing of the business.
12. No building permit shall be issued pursuant to this Special Permit/Site Plan approval until the petitioner has:
 - a. Recorded a certified copy of this board order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
13. No occupancy permit shall be issued pursuant to this Special Permit/Site Plan approval until the petitioner has:
 - a. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1.

- b. Submitted to the Director of Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format.



OWNER REVIEW

NAME	DATE

NO.	DATE	DESCRIPTION
E	11/26/03	REV. PER CITY COMMENTS
D	11/20/03	REV. PER CITY COMMENTS
C	11/13/03	REV. PER CITY COMMENTS
B	11/07/03	REV. PER CITY COMMENTS
A	10/14/03	ISSUE FOR SPECIAL PERMIT

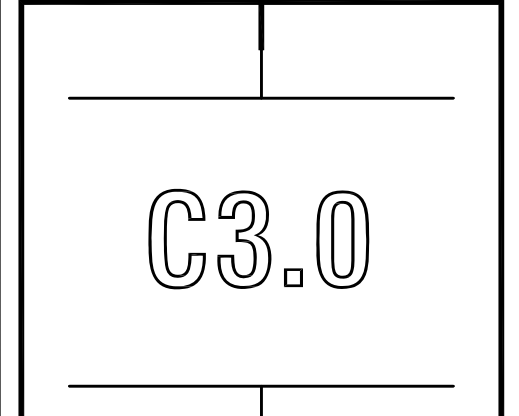
ISSUE LOG
 △ = CLOUDED CHANGE

SOVEREIGN BANK
64 NEEDHAM STREET
NEWTON, MA

G:\Logo\SovereignBank.tif

LAYOUT & MATERIALS PLAN

SCALE: 1"=20'
 DRAWN BY: PSG
 CHECKED BY:
 PROJ. ARCH./ENGR.: BWL
 PROJ. MGR.: SKD
 JOB NO.: 03051.00
 © SYMMES, MAINI & MCKEE ASSOCIATES, INC. 2003



LEGEND

□ SB/DH	STONE BOUND DRILL HOLE
□ CB	CONCRETE BOUND
○ IP	IRON PIPE
●	PK, REBAR, NAIL, SPIKE
○ H/T	HUB & TACK
IR	IRON ROD
FND	FOUND
N/F	NOW OR FORMERLY
W/	WITH
⊗ 6"D	DECIDUOUS TREE
PL	TREE LINE
BIT CONC	PLANTED
BCW	CURBING(TYPE)
CW	BITUMINOUS CONCRETE
GRAN	BIT CONC WALK
-x-	CONCRETE WALK
CLF	GRANITE
STK	FENCE
● GP	CHAIN LINK FENCE
○ S	STOCKADE FENCE
○	GUARD POST (BOLLARD)
○	SIGN
○	UTILITY POLE
☆	LIGHT POLE

NOTES:
 1. EXISTING CONDITIONS FROM A SURVEY PLAN ENTITLED "TOPOGRAPHIC SURVEY" FOR 60-66 NEEDHAM STREET, NEWTON, MA DATED AUGUST 08, 2003 PREPARED BY SURVEYING AND MAPPING CONSULTANTS OF BRAintree, MA.
 2. THE COORDINATES, IN FEET, ARE BASED UPON THE NORTH AMERICAN DATUM OF 1983/96 (NAD 83/96) AS DEFINED BY THE MASSACHUSETTS GEODETIC SURVEY STATIONS 10666 AND 10667.
 3. ELEVATIONS, IN FEET, ARE REFERRED TO THE NORTH AMERICAN VERTICAL DATUM OF 1929 (NAVD 29) AS DEFINED BY MASSACHUSETTS GEODETIC SURVEY STATIONS 10666 AND 10667.

