

CITY OF NEWTON
IN CITY COUNCIL

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 a 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 property owner 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 15 stalls to be located off site for the health club use.

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 which permitted 15 off site parking stalls; §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 for 15 (additional) stalls off site for the health club use; Board Order #437-03(2) permitted a 33.8 sq.ft. freestanding sign.

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
 - c) Sign Details, dated December 6, 2004, prepared by Back Bay Sign
 - i. Drawing 1, "Proposed Monument Sign", and
 - ii. Drawing 2, "Proposed Monument Sign, Lighting Details."
2. In the event that the off site parking stalls required hereunder for the uses at the 60 Needham Street property are no longer available in the adjacent lot, and the combined use(s) of the 60 Needham Street property require more than eighteen (18) parking stalls, then the 60 Needham Street property will be out of compliance with this special permit.
3. All trash and recycling areas onsite 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.
4. The hours of operation for the health club use shall be from 5:30 a.m. to 8:30 p.m. Monday through Friday, and 7 a.m. to 7 p.m. on Saturday and Sunday.

5. The health club class sizes shall be limited to 30 clients per class.
6. 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.
7. The health club shall communicate with its clients regarding which parking stalls are available to them. In addition, the health club shall direct its clients 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.
8. The property owner shall maintain all landscaping and features on the site in good condition. Any plant materials that become diseased or die shall be replaced on an annual basis with similar materials.
9. Prior to the issuance of a building permit, the property owner shall submit an affidavit to the Director of Planning and Development, Commissioner of Inspectional Services, and the Law Department stating that there is adequate off site parking at 56 Needham Street required for the uses at 60 Needham Street, including the proposed health club use.
10. The 33.8 sq. ft. freestanding sign shall not be lighted other than between the hours of 8 a.m. and 5 p.m.
11. 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.
12. 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.

The following condition is carried over from special permit #437-03

13. The existing vegetated hillside between the site and the residences to the rear shall be maintained by the property owner to ensure adequate screening of the off-site parking area.

The following condition is carried over from special permit #437-03(2)

14. All landscaping proposed in connection with this special permit amendment shall be maintained by the property owner at a maximum height of 20" to assure clear sight lines for drivers and vehicles entering the site.