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Candace Havens  
Director

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**MEMORANDUM**

Public Hearing Date: September 11, 2012  
Land Use Action Date: November 19, 2012  
Board of Aldermen Action Date: December 3, 2012  
90-Day Expiration Date: December 4, 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>  
James Freas, Chief Planner for Long Range Planning

SUBJECT: Petition #213-12 by NEEDHAM STREET VILLAGE SHOPS LLC/H&J NEWTON LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXTEND A NONCONFORMING USE/STRUCTURE to construct two single-story commercial buildings with an aggregate total gross floor area of 19,200 sq. ft.; to permit retail/service uses including restaurant uses containing up to 110 seats; to waive 8 parking stalls and certain dimensional requirements and associated fencing and lighting requirements for parking facilities greater than five stalls; to waive one required loading dock facility; and to allow a freestanding sign and the number of secondary signs and dimensionals at 49, 55, 71 NEEDHAM STREET, Ward 5, on land known as Sec 51, Blk 28, Lots 23, 22, 20, containing approximately 11,775 sq. ft., 19,625 sq. ft. and 27,475 sq. ft., respectively, for a total of 58,875 sq. ft., in a district zoned MIXED USED 1. Ref: Sec. 30-24, 30-23, 30-21(b), 30-13(b)(1), (4), (5), (h)(1), 30-19(d), (h)(3)a), (i), (l)a)(ii), (j), (k), (l), (m), 30-20(f)(1), (2), (9) and 30-20(l) 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 applicant, Needham Street Village Shops LLC, proposes to construct two new multi-tenant commercial buildings with a mixture of retail, service, and restaurant uses on a new lot created by combining three existing lots located at 49, 55, and 71 Needham Street. The existing lots are occupied by two single-story and single-tenant commercial buildings, one formerly contained the restaurant Skipjack's and the other is currently occupied by International Bicycle Center. The applicant is seeking special permits and site plan review from the Board of Aldermen in order to allow the retail, restaurant, and service uses, to permit the two buildings with an aggregate total gross floor area of 19,200 square feet, to waive 8 required parking stalls, and to waive a number of other criteria related to the site design, detailed below. Over the last several years the City has been engaged in a number of planning studies of the Needham Street corridor, including design studies of the roadway and land use and urban design studies of the overall area. A Master Plan effort is currently under way. The proposed project is largely consistent with many of the conclusions drawn in those studies.



### **I. SIGNIFICANT ISSUES FOR CONSIDERATION:**

When considering the special permits requested in this application, the Board should decide whether the following findings apply:

- 1) That the continuation of a non-conforming retail use at this location would not be substantially more detrimental to the neighborhood.

- 2) That a service establishment, and/or restaurant use at this location would be appropriate and not adversely affect the neighborhood nor present a nuisance or hazard to vehicles or pedestrians.
- 3) That a waiver of 8 parking stalls and other dimensional requirements is appropriate based on the mixed use nature of the area, the potential for shared-parking between uses within the project, and the size and depth of the lot.
- 4) That a waiver for the required lighting area is appropriate because the provision of the one foot candle standard would negatively affect adjacent residential uses.
- 5) That a waiver for the required loading dock facility is appropriate because of the small size of the businesses that will occupy the proposed buildings, which will generally not require large deliveries necessitating a loading dock.
- 6) That permitting a free standing sign and an additional secondary sign on each of the four end businesses is appropriate because, based on the use and architecture of the project, and the location of the proposed sign, it would be in the public interest to allow the requested signs beyond what is allowed by-right under the ordinance.

The proposed project also requires site plan approval for which the Board should consider the convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets, the adequacy of the proposed methods of waste disposal, the provision of space for off-street loading, the screening of parking and structures from adjoining properties, the avoidance of major topographical change, the potential to locate utility lines underground, and the overall design of the site as it relates to nearby structures.

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD



49 &amp; 55 Needham St



71 Needham St

### A. Neighborhood and Zoning

The project site is on the west side of Needham Street, close to the intersection with Winchester Street and directly next to the Avalon at Newton Highlands residential development. The north end of Needham Street is characterized by a mix of single-story commercial buildings with retail, service, and restaurant uses, a large multi-family residential development, and mixed office and light industrial/research and development space. The area is predominantly zoned mixed use 1, with mixed use 2 to the east.

The Needham Street corridor can be generally described as a transitioning urban environment. Historically an area for industrial manufacturing uses, over time the area became a largely automobile-oriented commercial retail area and is now host to one of the largest residential developments in the City as well as a small concentration of technology-oriented office and industrial space. The current Needham Street corridor is in many ways unique, with its different land uses from different periods of its development and, despite the poor state of its pedestrian amenities, a large number of people do walk along the corridor between destinations as a result of this mixed-use environment.

### B. Site

The project is proposed for a site currently consisting of three lots, which the applicant proposes to combine to form a single 58,875 square foot lot. The first lot at 49 Needham Street is 11,775 square feet and has on it only parking and landscaping associated with the former Skipjack's Restaurant and is accessed via a public driveway on 41 Needham Street. The 55 Needham Street lot, with 19,625 square feet, has a currently vacant, single-story commercial building that was formerly occupied by Skipjack's. The final lot, at 71 Needham Street, is 27,475 square feet and is occupied by International Bicycle Center, a retail store with associated bicycle repair and warehouse space, located in a single-story commercial building. The existing buildings are more than 50 years old and, as

they are amongst the oldest buildings on Needham Street, the applicant has submitted a demolition application to the Newton Historical Commission for review to determine if they are historically significant.

The three lots provide a total of 71 parking spaces, 29 less than what would be required for the existing uses under the zoning ordinance. In 1984, the Board of Aldermen granted a special permit (B.O. #55-84) to 55 Needham Street permitting the restaurant use to be open until 1:00 am and allowing additional seating once off-site customer parking was secured. In 1999, the Board of Aldermen granted another special permit (B.O. #362-99) to 55 Needham Street permitting the restaurant use by special permit and allowing an increase in seating to 149 seats and parking on 41 Needham Street, a nearby parcel formerly under joint ownership with 55 Needham Street. In 2001, the Board of Aldermen granted another special permit (B.O. #221-01), increasing the total number of seats to 176 and amending the site plan to allow parking on 49 Needham Street while parking was eliminated at 41 Needham Street (the two parcels were effectively swapped as part of the Avalon at Newton Highlands development project and Avalon constructed their driveway on the 41 Needham Street site).

### III. PROJECT DESCRIPTION AND ANALYSIS

#### A. Land Use

The applicant proposes two single-story commercial buildings with multiple retail, service, and restaurant tenants in structures totaling 19,200 square feet.

#### B. Building and Site Design

The development concept is village-style retail with the new buildings fronting directly onto a pedestrian walkway adjacent to Needham Street and parking located to the rear of the property. Each tenant space will have entrances on both the street and parking sides of the building. This design is consistent with much of the newer commercial space that has been developed along the Needham Street corridor. The enhanced pedestrian space along Needham Street in particular will address one of the remaining gaps in the corridor's sidewalks, potentially drawing larger numbers of pedestrians to this end of the street.

The proposed buildings will have nine to ten storefronts, divided between the two buildings. The majority of these storefronts will accommodate small retail or service establishments. The applicant also proposes up to two restaurants on the site, with the parking constraints of the site driving the total number of seats that will be available. The Planning Department encourages a greater degree of variety in the storefront design/fenestration.

The project will include parallel concrete sidewalks along Needham Street,

separated by a vegetated strip. The petitioner is proposing to improve the pedestrian facilities within the Needham Street right-of-way.

C. Parking and Circulation

The proposed development site is accessible via multiple modes of transportation. Pedestrian traffic along Needham Street is surprisingly robust considering the current state of the corridor and this project offers clear enhancements to the environment that will encourage pedestrian access to the site. Beyond the improvements at the front of the site, the applicant has also proposed a pedestrian link to the apartments to the west of the site.

With a bike trail proposed for the abandoned rail right-of-way that runs parallel to the corridor, site access by bicycle is increasingly likely. Per the requirements of the zoning ordinance, the applicant is providing bike racks to accommodate this mode of access. These racks will be placed on the sidewalk at the front of the parcel where they will be convenient to the primary tenant entrances.

The applicant has prepared a parking demand study, provided as Attachment E, that offers a shared parking calculation demonstrating the retail and restaurant uses on this site will generally be able to utilize the same parking spaces. These uses typically have different utilization peaks such that some of the parking stalls used by retail customers will be available to restaurant patrons.

The proposed site also offers limited transit accessibility for both employees and customers of the businesses that might occupy the space. While the Green Line Station at Highlands is slightly more than a half mile walk, the Route 59 bus, running from Watertown to Needham and offering a connection to the Green Line at the Highlands Station, stops at Easy and Columbia Streets within a short walk of the subject parcel. While the current bus service is infrequent, it may still be useful to some employees and patrons.

Onsite parking for automobiles is proposed to be accessed from the driveway at 41 Needham Street and from Needham Street at the center of the property frontage. Egress is proposed at both of these locations as well as an additional exit at the south end of the property. These new access and egress points will replace the existing continuous uncurbed access area that runs along the frontage of 55 and 71 Needham Street. Formalizing the curb cuts in this way will also contribute to improving the flow of traffic along this portion of Needham Street. The project will include 64 parking spaces.

The Planning Department is supportive of the requested waivers related to the parking area. The parking waiver requested (8 stalls) relative to the number of parking spaces required to be provided (72) is consistent with a development of

this nature on a site presenting this degree of multi-modal access and shared uses. The constraints of the site justify the modest dimensional waivers sought with regard to the landscaped buffer area and the twenty-three foot aisles in the parking area, particularly as the overall imperviousness of the site will be reduced from existing conditions. Finally, given that each tenant space is so small, a loading dock area would be unnecessary as each tenant's shipments will likely be delivered in small increments.

The petitioner has not submitted a photometric plan and it is unclear to what extent the proposed parking lot lighting is deficient. Evidence should be submitted at the working session indicating the type and location of lighting fixtures, as well as quantifying any lighting requirement waiver that is needed.

D. Landscaping

The submitted landscaping plan shows five-foot buffer strips along the side and rear property lines, landscaped areas in the bump-out and pedestrian crossing areas in the parking lot, and a landscaped strip along the front property line separating the sidewalk fronting the storefronts from that directly abutting the road. Overall this plan shows a number of trees that will serve to shade pedestrian areas and the impervious area of the site will be lessened from just over 54,000 square feet to just less than 53,000 square feet. There is one existing tree on the site, which will be preserved. There are two dumpster pads, one in each of the rear corners and both are screened by a fenced enclosure.

The applicant is requesting a waiver with regard to the rear landscaped buffer area. The request is for either the allowance of a two foot bumper overhang to intrude into the five-foot required buffer area or a waiver of the required fence with a three foot buffer area. Either waiver is appropriate; the result on the ground whichever waiver is granted will be a five-foot buffer area with car bumpers protruding over a two-foot area and the maintenance of the existing wooden fence.



#### E. Signage

The applicant is requesting a special permit to allow a free-standing sign adjacent to the central access/egress driveway between the two proposed buildings. The proposed sign meets all requirements under the applicable provisions. Signs will also be provided above each storefront on both the front and rear sides of each building with larger signs on the front clearly denoting the front as the primary entrance of the building. The corner storefronts on each building will also have signs on the north and south elevations. A special permit is also necessary to allow for three secondary signs on each of the corner tenant spaces, front side, and rear.

The Urban Design Committee has not yet reviewed the signs but should do so before a building permit is issued. The Planning Department recommends that the free-standing sign is unnecessary as there are multiple signs on each storefront and the front of the building is close to the street and parking behind the building is relatively common on Needham Street and therefore not such an unusual situation that it requires special signage. A free-standing sign at this location has the potential to add to the clutter of signs along Needham Street and detract from the quality of the pedestrian environment. Without the free-standing sign, the three signs on the corner tenant spaces are allowed without a special permit.

#### IV. COMPREHENSIVE PLAN

The *2007 Comprehensive Plan* identifies the Needham Street corridor as one of the City's mixed-use areas where residential, business, and institutional uses are intermingled as well as a regional business area where commercial development serving a regional market is intended to occur. Within that context, new development that is consistent with the corridor and contributes to improvements to the transportation system, in this case by formalizing the site access and improving the pedestrian network, would be welcome. The proposed development is therefore supported by the goals of *2007 Comprehensive Plan*.

#### V. TECHNICAL REVIEW

##### A. Technical Considerations

In order to develop the project as proposed, the applicant will need to receive a number of reliefs allowing the requested uses of the site and waiving certain dimensional and other requirements as detailed in Section VI below. A special permit is required to allow retail, service establishment and restaurant uses on the site. Waivers are necessary to reduce the required parking, reduce the required driving aisle widths, reduce the necessary landscaped buffer width,



adjust the lighting requirement, and eliminate the requirement for a loading dock. The calculations of required parking can be viewed in the Zoning Review Memorandum (“ATTACHMENT C”). The applicant is requesting a free-standing sign and one additional secondary sign on each of the end business tenant spaces, requiring additional special permits. This project also requires site plan approval by the Board of Aldermen.

B. Engineering Review

The Engineering Division of the Department of Public Works has reviewed the petition and has provided a memorandum; see (“ATTACHMENT D”). The Division requires further information with respect to environmental studies performed and design details for water and sewer services, as well as a construction management plan. The petitioner should provide this information for review prior to the issuance of a building permit.

C. Fire Department Review

The Newton Fire Department has not reviewed the plans for site design and access. The petitioner will have to comply with all fire codes, such as the installation of fire suppression sprinklers during the building permit procedure.

VI. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum (“ATTACHMENT C”), the petitioners are seeking the following reliefs:

- Section 30-21(b), to extend a nonconforming retail use
- Section 30-13(b)(4), to allow a service establishments in the MU1 zone
- Section 30-13(b)(5), to allow restaurants in the MU1 zone
- Section 30-13(f)(1), to allow two buildings with an aggregate gross floor area of 19,200 square feet
- Sections 30-19(c); Section 30-19(d)(10) and (13); and Section 30-19(m) to waive eight required on-site parking stalls
- Sections 30-19(h)(3) and 30-19(m) to allow a maneuvering aisle of 23 feet, where a minimum of 24 feet is required
- Sections 30-19(i)(1)(a)(i) and 30-19(m) to permit a landscape buffer that includes a two-foot vehicle bumper overhang or to allow a three foot landscape buffer without a fence.
- Sections 30-19(j) and 30-19(m) provide required parking facility lighting or obtain a waiver
- Sections 30-19(l) and 30-19(m) to waive one required loading dock facility.
- Section 30-20(h)(1), (f)(2), and (f)(9); and 30-20(l) to permit a free-standing sign

and to waive the required maximum number of secondary signs to allow three secondary signs on each of the end units (four total).

VII. PETITIONERS' RESPONSIBILITIES

- The petitioner should provide a construction management plan for review by the Planning Department and the Engineering Division prior to the issuance of a building permit
- The petitioner should comply with the requirements of the Engineering Division Memorandum
- The petitioner should submit a photometric plan and details for location and type of lighting fixtures in the parking facility
- The petitioner should submit plans to the Urban Design Commission for review prior to the working session.

ATTACHMENTS:

**ATTACHMENT A: VICINITY ZONING MAP**

**ATTACHMENT B: VICINITY LAND USE MAP**









**ATTACHMENT C: ZONING REVIEW MEMO**

**ATTACHMENT D: ENGINEERING DIVISION MEMO**

**ATTACHMENT E: NEEDHAM STREET VILLAGE SHOPS PARKING DEMAND STUDY**

213-12  
**Vicinity  
 Zoning  
 Map**  
*City of Newton,  
 Massachusetts*

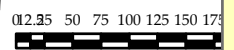
**Legend**

-  Subject Properties
-  Buildings
-  Single Residence 3
-  Multi-Residence 1
-  Manufacturing
-  Mixed Use 1
-  Mixed Use 2
-  Public Use

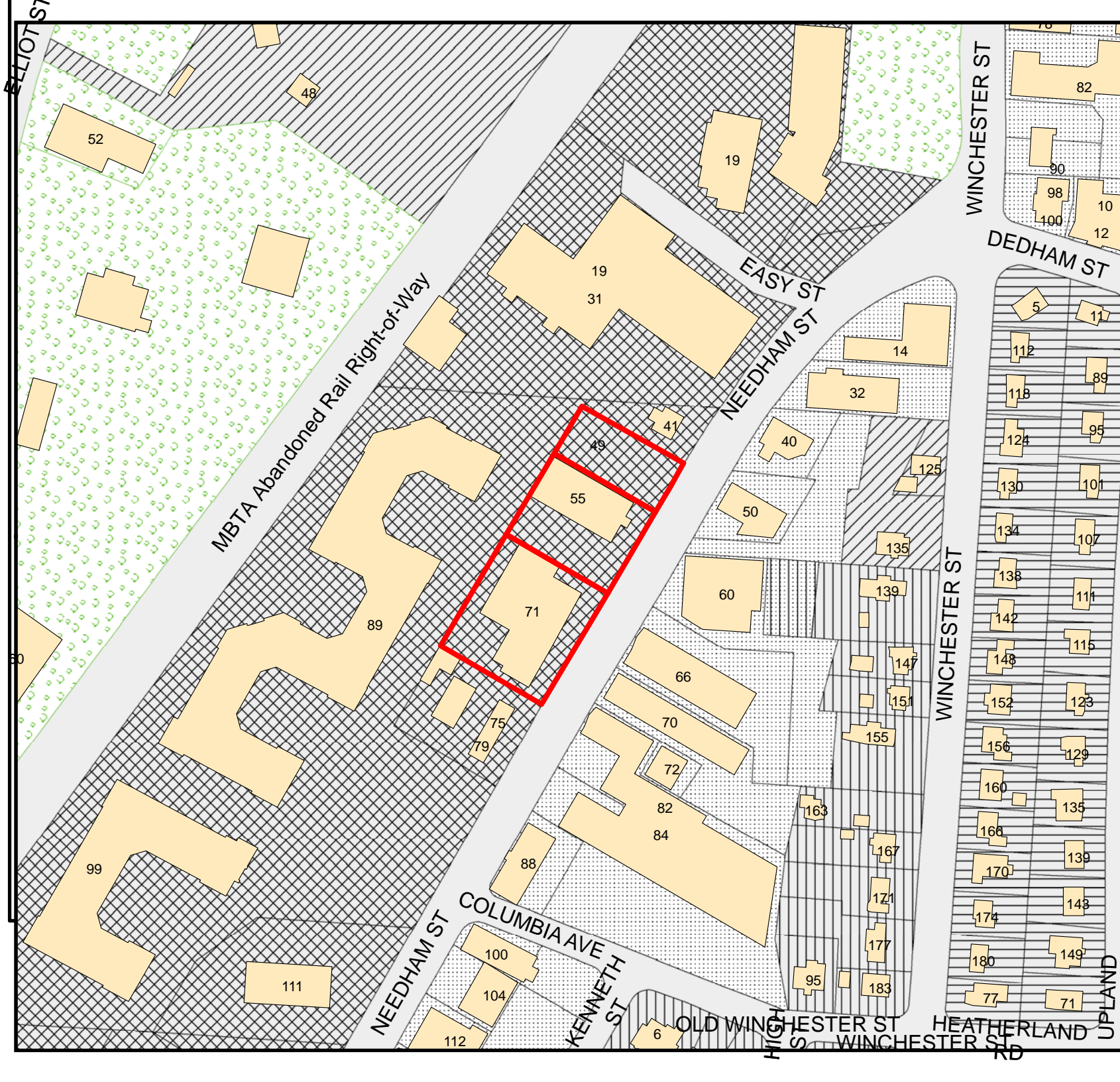


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CITY OF NEWTON, MASSACHUSETTS  
 Mayor - Setti D. Warren  
 GIS Administrator - Douglas











**ATTACHMENT "A"**



213-12  
**Vicinity  
 Land Use  
 Map**  
*City of Newton,  
 Massachusetts*

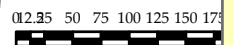
**Legend**

-  Subject Properties
-  Property Boundaries
-  Buildings
- Land Use**
-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Industrial
-  Open Space

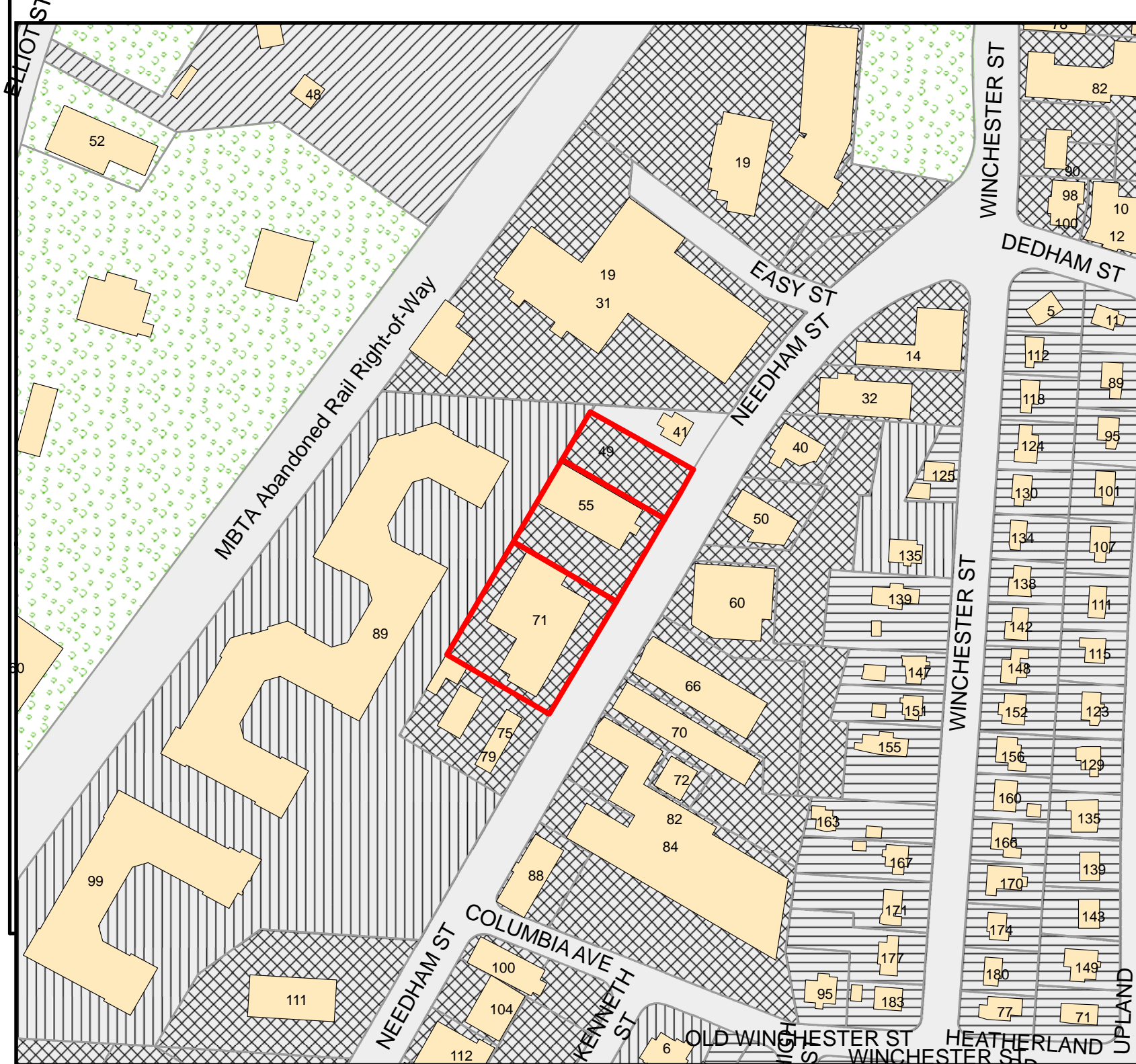


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**ATTACHMENT "B"**





Setti D. Warren  
Mayor

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Candace Havens  
Director

## ZONING REVIEW MEMORANDUM

Date: August 9, 2012

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Alan Schlesinger, attorney representing applicant  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to permit the construction of two commercial buildings**

Applicant: Needham Street Village Shops LLC	
<b>Site:</b> 49, 55, and 71 Needham Street	<b>SBL:</b> 51028 lots 0023, 0022, 0020
<b>Zoning:</b> MU1	<b>Lot Area:</b> 58,875 square feet (combined)
<b>Current use:</b> Retail store and restaurant	<b>Proposed use:</b> Retail stores, service establishments, and restaurants

### **BACKGROUND:**

The property at 71 Needham Street consists of a 27,475-square foot lot improved with a commercial building currently occupied by International Bicycle. The properties at 49 and 55 Needham Street consist of two lots of 11,775 square feet and 19,625 square feet, respectively, improved with a commercial building currently occupied by Skipjack's restaurant and associated parking. In 1984, the Board of Aldermen granted a special permit (B.O. #55-84) to 55 Needham Street permitting the restaurant use to be open until 1:00 am and allowing additional seating once off-site customer parking was secured. In 1999, the Board of Aldermen granted another special permit (B.O. #362-99) to 55 Needham Street permitting the restaurant use by special permit and allowing an increase in seating to 149 seats and parking on 41 Needham Street. In 2001, the Board of Aldermen granted a final special permit (B.O. #221-01), increasing the total number of seats to 176 and amending the site plan to allow parking on 49 Needham Street accessed by a public driveway on 41 Needham Street constructed as part of the Avalon Newton Highlands development at 109 Needham Street. The applicant proposes to demolish the existing structures, combine the lots, and construct two new commercial buildings to be occupied by various retail, personal service, and restaurant uses.

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

- Architectural plans, signed and stamped by David Chilinski, Architect, dated 6/29/12
  - Building 1 Floor Plan
  - Building 2 Floor Plan
  - Elevations
- Site plans and landscaping plan, signed and stamped by Gregg Mixolaities, Engineer, dated 6/28/12
- Copies of B.O. #55-84, B.O. #362-99, and B.O. #221-01

#### ADMINISTRATIVE DETERMINATIONS:

1. The property is in the MU1 zone and must comply with the dimensional standards of Section 30-15, Table 1 and Table 3 (see chart below).

MU1 Zone	Required/Allowed	Existing	Proposed
Lot Size	40,000 square feet	58,875 square feet (combined)	No change
Frontage	80 feet	377 feet +/- (combined)	No change
Setbacks			
<ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Rear</li> </ul>	15 feet 7.5 feet 7.5 feet	N/A* N/A* N/A*	15 feet 17.3 feet 69 feet
FAR	1.5 by right, up to 2.0 by special permit	N/A*	0.33
Building Height	36 feet by right, up to 48 feet by special permit	N/A*	32.8 feet
Maximum Stories	3 by right, up to 4 by special permit	N/A*	1

\*As the applicant proposes to demolish the existing structures and construct the new buildings within the required dimensional standards, the applicant did not provide these measurements.

2. The applicant's site plan shows the total gross floor area of the proposed structures as 19,200 square feet. Section 30-13(h)(1) requires site plan approval for projects containing an aggregate of between 10,000 and 19,999 square feet of gross floor area. To construct the structures as proposed, the applicant must obtain site plan approval from the Board of Aldermen.
3. The applicant proposes to include retail uses in the proposed development. Per Section 30-13(b)(1), retail stores are permitted in the MU1 zone by special permit. To permit retail stores to locate in the proposed development, the applicant must obtain a special permit from the Board of Aldermen.

Alternatively, as the existing retail use at 71 Needham Street is legally nonconforming, the Board of Aldermen may instead grant a special permit per Section 30-21(b) to extend a preexisting nonconforming use into the larger development.

4. Per Section 30-13(b)(5), restaurants are permitted in the MU1 zone by special permit. In 1999, Board Order #362-99 made the then nonconforming restaurant use conforming. To permit restaurants to locate in the proposed development, the applicant must obtain a special permit from the Board of Aldermen per Section 30-13(b) continuing the prior approval of B.O. #362-99.

5. Per Section 30-13(b)(4), service establishments are allowed in the MU1 zone by special permit. To permit service establishments to locate in the proposed development, the applicant must obtain a special permit from the Board of Aldermen.
6. The proposed development must conform to the parking regulations of Section 30-19 (see the table below). Taking into account the parking stalls grandfathered by the calculation in Section 30-19(c), a total of 84 parking stalls are required for the proposed uses. The applicant's proposed site plan shows 64 parking stalls. To construct the development as proposed, the applicant must obtain a special permit from the Board of Aldermen, per Section 30-19(m), to waive 20 required parking stalls.

<b>Proposed</b>	<b>Parking Formula</b>	<b>Required Parking</b>
Up to 150 restaurant seats with a total 15 employees on the largest shift	1 per 3 seats and per 3 employees	55 (A)
1,312 square feet of retail with three employees on the largest shift	1 per 300 square feet and per 3 employees	6 (A)
1,554 square feet of retail with three employees on the largest shift	1 per 300 square feet and per 3 employees	7 (A)
1,313 square feet of retail with three employees on the largest shift	1 per 300 square feet and per 3 employees	6 (A)
2,711 square feet of retail with three employees on the largest shift	1 per 300 square feet and per 3 employees	11 (A)
2,646 square feet of retail with three employees on the largest shift	1 per 300 square feet and per 3 employees	10 (A)
1,274 square feet of retail with three employees on the largest shift	1 per 300 square feet and per 3 employees	6 (A)
1,489 square feet of retail with three employees on the largest shift	1 per 300 square feet and per 3 employees	6 (A)
1,274 square feet of retail with three employees on the largest shift	1 per 300 square feet and per 3 employees	6 (A)
<b>Existing</b>	<b>Parking Formula</b>	<b>Parking Credits</b>
49/55 Needham Street:		
176 seat restaurant with 12 employees on the largest shift	1 per 3 seats and per 3 employees	63 (B)
71 Needham Street:		
6,919 square feet of retail with four employees on the largest shift	1 per 300 square feet and per 3 employees	25 (B)
6,446 square feet of manufacturing with two employees	1 per 1,000 square feet and per 4 employees	8 (B)
6,447 square feet of warehouse with one employee	1 per 2,500 square feet and per 4 employees	4 (B)
Total existing off-street parking stalls		71 (C)
<b>Total Number of Spaces Required:</b>		<b>84</b>
Number of stalls proposed:		64
<b>Waiver required:</b>		<b>20</b>

Calculation per §30-19(c)(2): A (113) – B (100) + C(71) = Required number of parking stalls (84)

7. The applicant proposes to create a 64-stall parking facility and must, therefore, meet the requirements of Section 30-19(h), (i), (j), and (k).
8. Per Section 30-19(h)(2)c), the applicant must provide three handicap parking stalls for a 64-stall parking facility. The applicant's site plan shows four handicap parking stalls. No further zoning relief is required.
9. Per Section 30-19(h)(2)d), parking stalls may be 17 feet in length where stalls head into a curb which bumpers can overhang by two feet. The applicant's site plan shows parking stalls that are 17 feet in length plus two-foot overhangs. Therefore, no further zoning relief is required.
10. Per Section 30-19(h)(3)a), 24-foot maneuvering aisles are required for 90-degree parking stalls. The applicant's plans show 23-foot maneuvering aisles. To construct the parking facility as shown, the applicant must obtain a special permit from the Board of Aldermen per Section 30-19(m).
11. Per Section 30-19(h)(4), entrance and exit drives must be a minimum of 12 feet wide for one-way use and 20 feet wide for two-way use; entrance and exit drives may be a maximum of 25 feet wide. The applicant's plans show three conforming entrance and exit drives. Therefore, no additional zoning relief is required.
12. Section 30-19(i)(1), landscape screening is required for outdoor parking facilities. The applicant proposes to provide a five-foot landscape buffer between the parking facility and the side and rear lot lines, per Section 30-19(i)(1)a)(i). The applicant also proposes that the parking stall bumper overhang will project two feet into this landscaped area. To permit a landscaping buffer that also includes a bumper overhang, the applicant must obtain a special permit from the Board of Aldermen, per Section 30-19(m).
13. The applicant's site plan does not note compliance with the interior landscaping requirement of Section 30-19(i)(2). The applicant must comply with the landscaping requirements of Section 30-19(i)(2) or obtain a special permit from the Board of Aldermen, per Section 30-19(m), to waive all or part of these requirements.
14. Section 30-19(j) requires parking facilities to be property lighted, surfaced, and maintained. The applicant's plans do not note compliance with these requirements. The applicant must either satisfy these requirements or obtain a special permit from the Board of Aldermen, per Section 30-19(m), to waive all or part of these requirements.
15. Per Section 30-19(k), seven bicycle parking stalls are required for a parking facility with 64 stalls. The applicant's site plan shows two proposed bike rack locations. A total of seven stalls must be provided or the applicant must obtain a special permit from the Board of Aldermen, per Section 30-19(m), to waive all or part of this requirement.
16. Section 30-19(l) requires the provision of one off-street loading facility for commercial buildings between 5,000 and 50,000 square feet. The applicant's site plan does not show a conforming loading facility. To waive the loading facility requirement, the applicant must obtain a special permit from the Board of Aldermen, per Section 30-19(m).



17. The proposed development must meet the requirements of Section 30-20, *Signs and Other Advertising Devices*. Though not shown on the site plan, the applicant includes plans for a proposed free-standing sign to be located between the two buildings. The Board of Aldermen may permit freestanding signs by special permit, per Section 30-20(f)(9). The proposed free standing sign is smaller than 35 square feet in area, 10 feet in any linear direction, and 16 feet in height above the ground, as required by Section 30-20(l). The applicant's plans also show a number of other signs affixed to the buildings. As free-standing signs are considered principal signs per Section 30-20(f)(1), these other signs are secondary signs which are limited to one square foot per foot of storefront or 50 square feet, whichever is less, per Section 30-20(f)(2). Each establishment is allowed up to two secondary signs on separate frontages. The applicant's plans show that the signs facing Needham Street exceed the maximum allowed area, either due to the length of the storefront or because they exceed 50 square feet. The signs facing the parking to the rear of the site conform to the maximum allowed size. The north-most commercial space is also depicted with three secondary signs facing north, east, and west. To locate the signs proposed in their plans, the applicant must obtain a special permit from the Board of Aldermen per Section 30-20(l) to waive compliance with the limitations on size and location of signage and to permit a free-standing sign.
18. As 55 and 49 Needham Street are governed under special permits and approved site plans, the applicant must either demonstrate that they have abandoned these special permits or must consolidate any conditions or approvals that remain relevant from the previous permits into this new approval to create one comprehensive and complete special permit and site plan governing the site.

19. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Use</i>	<i>Action Required</i>
§30-13(b)(1); or §30-21(b)	Permit retail stores on site, or extend nonconforming retail use	S.P. per §30-24
§30-13(b)(5)	Permit restaurants on site	S.P. per §30-24
§30-13(b)(4)	Permit service establishments on site	S.P. per §30-24
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
	Consolidate conditions and approvals of prior special permits into new special permit	S.P. per §30-24
<i>Ordinance</i>	<i>Structure</i>	<i>Action Required</i>
§30-13(h)(1)	Permit two buildings that have in the aggregate a total gross floor area of 19,200 square feet	Site plan approval per §30-23
<i>Ordinance</i>	<i>Parking</i>	<i>Action Required</i>
§30-19(c); §30-19(d)(10) and (d)(13); §30-19(m)	Waive 20 required parking stalls	S.P. per §30-24
§30-19(h)(3)a); §30-19(m)	Allow maneuvering aisles 23 feet in width where 24 feet is required	S.P. per §30-24
§30-19(i)(1)a)(i); §30-19(m)	Permit a landscape buffer that also includes a bumper overhang	S.P. per §30-24
§30-19(i)(2); §30-19(m)	Comply with interior landscaping requirements or obtain a waiver	Comply or S.P. per §30-24
§30-19(j); §30-19(m)	Provide required lighting, surfacing, curbing, and maintenance or obtain a waiver	Comply or S.P. per §30-24
§30-19(k); §30-19(m)	Provide seven required bicycle stalls or obtain a waiver	Comply or S.P. per §30-24
§30-19(l); §30-19(m)	Waive one required loading dock facility	S.P. per §30-24
<i>Ordinance</i>	<i>Signs</i>	<i>Action Required</i>
§30-20(f)(1), (f)(2), and (f)(9); §30-20(l)	Permit a free-standing sign and waiver dimensional standards and number of secondary signs	S.P. per §30-24

**CITY OF NEWTON  
ENGINEERING DIVISION**

**MEMORANDUM**

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

From: John Daghlian, Associate City Engineer

Re: Special Permit – 49, 55, & 71 Needham Street

Date: September 5, 2012

CC: Lou Taverna, PE City Engineer (via email)  
Linda Finucane, Associate City Clerk (via email)  
Eve Tapper, Chief Planner (via email)  
Derek Valentine, Planner (via email)

---

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

*Proposed Retail Development  
49, 55, & 71 Needham Street  
Site Plan of Land  
Newton, MA  
Prepared by: Tighe & Bond  
Dated: August 6, 2012  
Revised: 8/30/12*

*Executive Summary:*

This development is proposed on three separate lots totaling 1.5 acres, which need to be combined if the Special Permit is approved. An *Approval Not Required (ANR)* ~ Mass. Gen. Law Ch. 41 Sec. 81P plan will be required to combine the lots into one and submitted to the Clerk of the Board of Survey for approval and must be recorded at the Middlesex Registry of Deeds. The two existing buildings are to be razed and two new buildings totaling 19,200 square feet are proposed. The wide curb cut on Needham Street (*a MassDOT controlled road*) will be closed down to two curb cuts while maintaining the driveway access from the Avalon property that abuts these properties.

Currently the existing site has poor stormwater controls for both water quality and quantity (a majority of which is uncontrolled, leaving the site) will be improved dramatically under the proposed development; as always; the key for long-term drainage improvements is proper maintenance. The engineer of record has submitted an

acceptable Stormwater Operations & Maintenance plan, which must be recorded at the Registry of Deeds once the Special Permit is approved.

Prior to final approval, the engineer of record should submit a turning template plan showing the proper maneuvering of emergency fire apparatus entering and exiting the proposed driveways.

All electric power, telecommunications services to these buildings will be placed underground off an existing utility pole within the Needham Street layout.

In regards to public benefit, the applicant is proposing to reduce the wide existing curb cuts vis-a-vis limiting them to two, while improving the sidewalks to cement concrete and adding ADA & AAB compliant pedestrian curb cuts or (a.k.a. HP ramps) at each driveway apron crossing.

As Needham Street is a state owned road, the applicants will have to apply for various permits with District VI of the MassDOT.

Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction equipment, construction material, construction worker's vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of contractor.
2. Stabilized driveway entrance is needed during construction, which will provide a tire wash and mud removal to ensure City streets are kept clean.

Drainage:

1. The on-site drainage systems are properly designed for the City's 100-year storm event. The system will have an overflow connection to Avalon's drainage system, the applicant and Avalon has some sort of agreement to this connection, a copy of the agreement should be filed at the Registry of Deeds and with the City in this application.
2. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all apparentness including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the property owner(s).

3. The Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division

Environmental:

1. Has a 21E investigation & report been performed on the site, if so copies of the report should be submitted the Newton Board of Health and the Engineering Division.
2. There are several monitoring wells on site, what is the status of these wells, and what is the long-term intent to maintaining these wells?
3. Are there any existing underground oil or fuel tanks, are they to be removed, if they have been evidence should be submitted to the Newton Fire Department, and Newton Board of Health.
4. As the total site disturbance is over an acre, a Phase II General Construction (NPDES) Permit will need to be filed with DEP & EPA. A Stormwater Pollution Prevention Plan (SWPPP) will need to be developed.

Sewer:

1. A detailed profile is needed which shows the existing water main, proposed water service(s), sewer main and proposed sewer service(s) with the slopes and inverts labeled to ensure that there are no conflicts between the sewer services and the water service. The minimum slope for a service is 2.0%, with a maximum of 10%. Pipe material shall be 6" diameter SDR 35 PVC pipe within 10' of the dwelling then 4" pipe per Massachusetts State Plumbing Code. In order to verify the slopes and inverts of the proposed service connection, two manholes of the existing sanitary sewer system need to be identified on the plan with rim & invert elevations.
2. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the site and properly back filled. The Engineering Division must inspect this work; failure to having this work inspected may result in the delay of issuance of the Utility Connection Permit.
3. With the exception of natural gas services, all utility trenches with the right of way shall be backfilled with Control Density Fill (CDF) excavatable Type I-E, detail is available in the City of Newton Construction Standards Detail Book.
4. The new sewer service and/or structures shall be pressure tested or video taped after final installation is complete. The method of final inspection shall be

determined solely by the Engineering Division. The sewer service will NOT be accepted until one of the two methods stated above is completed. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer. ***This note must be added to the final approved plans.***

5. An invert table detail is needed for the modification of the final connection to the existing sewer manhole; see the details available on line.

Water:

1. Fire flow testing is required for the proposed fire suppression system. The applicant must coordinate this test with both the Newton Fire Department and the Utilities Division; representatives of each department shall witness the testing, test results shall be submitted in a written report. Hydraulic calculation shall be submitted to the Newton Fire Department for approval.
2. Approval of the final configuration of the water service(s) shall be determined by the Utilities Division, the engineer of record should submit a plan to the Director of Utilities for approval.


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 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 contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be available for an inspection of water services, sewer service, and drainage system installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
4. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*

5. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
6. Prior to the issuing a Certificate of Occupancy, 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.*
7. 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 needs to 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.



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OF COUNSEL  
ROBIN GORENBERG

September 4, 2012

James Freas  
Chief Planner, Long Range Planning  
City of Newton  
1000 Commonwealth Avenue  
Newton, MA 02459

Re: 49-71 Needham Street Board of Aldermen Docket # 213-12

Dear James;

The Applicant in Docket #213-12 proposes to request a reduction in the parking waiver applied for in order to seek a smaller waiver. Since we are requesting a reduction in the relief required we understand that no additional public hearing advertising is required.

Attached is a Parking Demand analysis provided by Vanasse & Associates, Inc. reviewing the anticipated parking demand at the Needham Street Village Shops.

You will recall that in order to provide future flexibility in uses at the property the Applicant contemplated up to 150 restaurant seats in 5500 s.f. of restaurants. Based on those parameters the Applicant requested a parking waiver of 20 parking spaces as calculated in Seth Zeren's Zoning Review Memorandum.

Based upon the Parking Demand analysis the Applicant believes that the flexibility we have sought is in fact not practical in view of the parking to be provided. In the attached analysis Vanasse & Associates has determined that the appropriate mix of retail and restaurant would lead to a maximum of 110 restaurant seats in 5,000 s.f. rather than the 150 originally requested in 5,500 s.f..

The reduction in the maximum number of restaurant seats and concomitant increase in retail changes the proposed parking mix. Reviewing the Zoning Review Memorandum, the initial calculation of A-B+C is amended as follows:

150 seat restaurant(s) 15 employees = 55 parking required

110 seat restaurant(s) 12 employees = 41 parking required

14 fewer required



SCHLESINGER AND BUCHBINDER, LLP

James Freas

September 4, 2012

Page 2 of 2

13,700 s.f. retail

58 parking spaces

14,200 s.f. retail

60 parking spaces

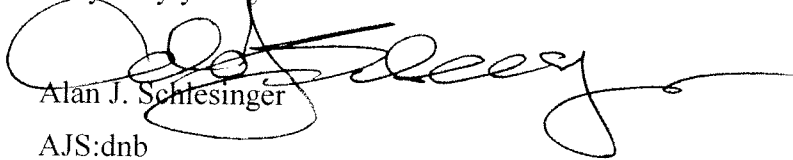
2 additional

Net

12 fewer required.

Based on that calculation the Applicant's waiver request is reduced from 20 parking spaces to (20-12) 8 spaces.

Very truly yours,



Alan J. Schlesinger

AJS:dnb

cc: Candace Havens  
Derek Valentine  
Linda Finucane  
Alderman Ted Hess-Mahan  
Alderman Deb Crossley  
Alderman Mitch Fischman  
By electronic mail

## NEEDHAM STREET VILLAGE SHOPS PARKING DEMAND

### INTRODUCTION

Bierbrier Development is proposing a small retail/restaurant mixed-use development on Needham Street. The shops would replace the existing Bicycle Sales, Repair and Storage building and Skipjacks Restaurant located along the westerly side of Needham Street adjacent to the Avalon residential units.

Access would be provided by two Curb Cuts replacing the continuous uncurbed section which currently exists along Needham Street on the site's frontage. A revised northerly access would be located off the Avalon Drive, the center curb cut would be two-way, and the southerly curb cut would be out only. A State Curb Cut Permit under MGL 81 Section 21 is required from the MassDOT for the two drives intersecting Needham Street.

Parking would be provided by 64 spaces located primarily in the rear in a standard 90° double-loaded parking field with a two-way circulation aisle. Additional parking would be located along the southerly drive in a single-loaded 90° configuration and along the center drive adjacent to the building in a parallel configuration.

### Program

The mixed-use project is planned for two family-type quality sit-down restaurants at ±5,000 sf with a total of ±110 seats. The retail is planned for ±14,200 sf located in two buildings in a standard in-line store configuration. Total square footage is approximately 19,200 sf.

The theme of the "Village Shops" is an experience of "Convenient Service Retail" and "Quick Service/Short Duration of Stay" restaurants woven into the current Needham Street fabric of mixed-use retail and restaurants.

### Methodology

The current restaurant profile proposed for the development consists of two restaurants, both family, quality sit-down restaurants, one on the north end cap with seasonal seating and one inline adjacent to the other stores. The employee count per restaurant would be six (6) employees per restaurant with up to 55 seats each for a total of 110 seats. The retail profile consists of up to eight (8) small stores with an employee count of 16 people or two per store.

Consequently, the project is planned with ±5,000 square feet (110 seats) of restaurant space and ±14,200 sf of retail space demised into eight (8) units in a standard in-line configuration.

To accurately project parking demand for the center, considering type, roadway location, and competition, VAI has analyzed projections by several methods as well as a procedure for shared parking due to non-coincident peaks between restaurants and retail. From an overall land use standpoint, the two restaurants with 110 seats replace Skipjacks with ±175 seats and the 14,200 sf of small retail replaces the 19,812 sf bicycle shop. Although the provided spaces decrease from ±71 to 64, the restaurant size is down by ±65 seats and the retail has decreased by ±5,000 sf.

Furthermore, the type of restaurants proposed are unlike Skipjacks in that they are not “Destination Generators”. Skipjacks functioned as a reservations and longer duration of stay/destination restaurant that many times created a parking overflow.

The proposed restaurants are such that if they are full and parking spaces are scarce, patrons will tend to alter their dining choice and move on.

Additionally, the bicycle retail, repair, storage use was a “regional destination” drawing traffic from more than just Needham Street, while the new retail is both smaller and will have a local attraction from the City and Needham Street due to the fact that Needham Street itself has become a shopping destination with multiple stop trips once on Needham Street.

### Parking Generation Methods

Initially, this project contained 150 restaurant seats, as evidenced by the Traffic Study, which sized and analyzed the traffic impacts for that larger size. Traffic impacts for the larger shops were easily accommodated and, in fact, a safer, more efficient access plan was developed with the closing of the uncurbed section along Needham Street, elimination of the front parking which backed directly onto Needham Street, the aggregation of the Needham Street drives to two spaced properly, and finally the re-design of the Avalon driveway intersection located back from Needham Street.

As may be noted in the developer’s initial applications, the project was originally conceived to contain up to two restaurants with a combined maximum seat count of 150 seats. The developer asked VAI to analyze parking demand with this configuration to validate the early assumptions.

Because of the constraints on the site, and our belief that regardless of reductions in project footprint, few, if any, additional parking spaces could be designed into the center. VAI suggested and conducted an analysis which ‘solved for’ a recommended seat count that could be accommodated with the 64 available spaces and the center as designed.

It was determined that at 64 spaces, a value of 110 seats in the two restaurants could be accommodated in concert with 14,200 sf of non-restaurant retail space

The methodology utilized is explained as follows:

1. Empirical Data Method - Actual Empirical data from adjacent/corridor retail and restaurants, and VAI information and studies conducted for retail and restaurant uses over the last 20 years were utilized as follows.

Parking Demand by Use – Without a Shared Analysis – From Actual Data

Retail – For ±11 months a year, rates of 2.8 to 3.2 spaces/1,000 square feet are sufficient to handle demand at small retail inline stores. With 14,200 sf in 7-8 units, 43 spaces would be sufficient to handle daily and Saturday median and daily Saturday peak demand and Non-Coincident Peaking with the restaurants.

$$14.2 \text{ ksf} (3.0) \text{ space/ksf} = 43 \text{ spaces required}$$

Restaurant - Actual usage data confirms, in our view, that 32 spaces would be sufficient for 11 months of the year without a shared analysis based upon a rate less exacting rate.

$$1 \text{ space}/4 \text{ seats} + 12 \text{ employees}/3 \text{ seats}/\text{employee}$$

$$1/4 \text{ seats} = 110/4 = 28 + 12/3 = 4 = 32 \text{ spaces required.}$$

The total of 75 spaces was calculated.

The difference between using 1 space/4 seats vs. 1 space/3 seats is 8 fewer spaces required at 110 seats.

$$1 \text{ space}/3 \text{ seats} = 36 \text{ spaces is } 8 \text{ spaces fewer}$$

2. Shared Parking Method – Applying the Shared Use Formulas, used in the Chestnut Hill site, VAI determined the following:

Coupled with this straight-forward analysis, VAI also conducted a “Shared-Use” analysis, knowing and considering that restaurants do not have coincident peaks with retail and therefore neither use peaks its demand at the same time allowing usage of each others spaces at each’s respective peak. Consequently, when the restaurants peak, typically 7-8 PM on Friday/Saturday evenings (89% and 100% of median sales) (see Tables 1 and 2), the retail is not peaking which does so on Saturdays between 11:00 AM and 3:00 PM.

In order to determine the overall projected parking demands for the project and to account for the non-coincident peaks between the proposed retail and restaurant uses, a detailed shared parking analysis was completed using the methodology outlined in the Urban Land Institute’s (ULI) *Shared Parking* manual.<sup>1</sup> The shared parking analysis was conducted using the base parking demand of 75 parking spaces which is based on the empirical data outlined above.

Using the ULI shared parking analysis methodology and the empirical parking data, the proposed parking supply of 64 spaces is sufficient to accommodate the overall peak parking demand for the project with the revised seating of 110 seats in the two restaurants.

***Summarizing, it is our view that after analyzing all methods (the City Zoning requirements and the ITE method) the application of empirical rates calculates to a reasonable number, at the provided 64 spaces. Decreasing the restaurant seats to 110 yields a value of 64 spaces to be provided. In our view, are sufficient, with the above parameters for 11 months of the year. During the 30 days between thanksgiving and the Holidays, parking demand peaks radically to a value well beyond any reasonable supply and therefore, it is not used for design or prudent to supply spaces that would not be used.***

<sup>1</sup>Shared Parking, Second Edition: Urban Land Institute; Washington, D.C.; 2005.

**Table 1**  
**PARKING/TRAFFIC CONDITIONS QUALITATIVE MEASURES ONLY**

<b>LUC</b>	<b>Use/Peak</b>	<b>Weekday AM</b>	<b>Weekday Noon</b>	<b>Weekday PM</b>	<b>Weekday Use Peak</b>	<b>Saturday Use Peak</b>
820	Retail	Closed	Minor Volumes Traffic/Parking	Minor Volumes Traffic/Parking	If any, after 6:00 PM Peak	11:00 AM – 2:00 PM
932	Restaurant 1 50 seats Family-Style Sit-Down Lunch/Dinner Only – End Cap	Closed	Moderate Traffic/Parking	Moderate Traffic/Parking	Dinner after 6:00 PM Friday	Dinner after 6:00 PM Saturday
932	Restaurant 2 55 seats Family-Style Sit-Down Inline	Closed	Moderate Traffic/Parking	Moderate Volumes Traffic/Parking	Dinner after 6:00 PM Friday	Dinner after 6:00 PM Saturday
Use Peak						
Coincident Peak		--	No	No	No	No

**Summary**

- ***Use Peaks of Retail      Saturday 11:00 AM – 3:00 PM***
- ***Use Peak of Restaurant   Friday/Saturday After 6:00 PM***  
***Non-coincident with each other***
  
- ***Roadway Peaks   Thursday PM and Friday PM***  
***Non-coincident with either land use***

**Table 2**  
**RESTAURANT PARKING CHARACTERISTICS**

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LUC 931 – Quality Restaurant Sit-Down

Daily Demand

Sunday	51%
Monday	52%
Tuesday	62%
Wednesday	71%
Thursday	77%
Friday	89%
Saturday	100%

Temporal Distribution

<11:00 AM	--
11:00 AM – 12:00 PM	21%
12:00 - 1:00 PM	69%
1:00 - 2:00 PM	59%
2:00 - 3:00 PM	74%
3:00 - 4:00 PM	31%
4:00 - 5:00 PM	50%
5:00 - 6:00 PM	39%
6:00 - 7:00 PM	72%
7:00 - 8:00 PM	100%
8:00 - 9:00 PM	88%
>9:00 PM	--

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