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Candace Havens  
Director

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## WORKING SESSION MEMORANDUM

Date: May 30, 2014  
To: Land Use Committee of the Board of Aldermen  
From: Candace Havens, Director of Planning and Development  
Alexandra Ananth, Chief Planner for Current Planning  
Daniel Sexton, Senior Planner  
Cc: Petitioner

In response to questions raised at the Land Use Committee public hearing and/or staff technical reviews, the Planning Department is providing the following information for the upcoming public hearing/working session. This information is supplemental to the staff analysis previously provided at the public hearing/working session.

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**PETITION #424-13**

**19-33 Needham Street**

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A request to develop retaining walls greater than four feet in height and to locate two parking spaces in the front yard setback.

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The Land Use Committee held a public hearing on May 13, 2014. The public hearing was held open so that the petitioner could provide supplemental information. In response to the items requested in staff's technical review memo and concerns raised by the Committee at the public hearing, the petitioner submitted the following supplemental information:



**New/Updated Plans.** To clarify the question of the total square footage for the buildings on the site, the petitioner provided floor plans identifying the potential square footage allocations to each of the proposed uses. Per the floor plans and conceptual site improvements plan, the total building square footage for the existing and proposed uses on the site appears to be approximately 66,289 square feet. To further support the indicated total building square footage, the petitioner provided a copy of a correspondence from Jason Rosenberg Esq., counsel for Special Permit #141-91(2) petition.

The petitioner also provided an updated conceptual site improvement plan accommodating many of the comments previously raised by staff of potentially hazardous interactions between cyclists, pedestrians, and vehicles on and from the site. On the proposed plan, near the NUGF trailhead, the

petitioner has proposed informational signage, removable bollards, and fencing. These measures should help to minimize potential conflicts between pedestrians and vehicles. To better explain the parking scenario along Easy Street, the petitioner has demarcated the typical parking configuration on the opposite side of Easy Street from the subject property, which is owned by National Lumber. Per the Easy Street parking configuration, it appears  $\pm$  22 feet of the private right-of-way will be available to vehicle and pedestrian movements.

The Planning Department is concerned that the proposed passageway width, which would need to accommodate the two-way travel of bicycles, pedestrians, passenger vehicles, and trucks, may not afford the safe maneuverability and separation of pedestrians and vehicles. This concern is further reinforced by the City's Transportation Division comments (**ATTACHMENT A**), which speak to the projection of vehicles parked in the substandard angled parking stalls into the passageway, and the inequitable approval of the Easy Street parking configuration. The City's Transportation Division also suggested that the diagonal parking spaces on Easy Street be converted to parallel stalls and that Easy Street be improved as part of this request to address the safety and visibility needs of the additional motorists, cyclists and pedestrians who will be using it. The City's staff does, however, recognize that the shape and steep topography of the site may constrain making certain improvements.

Per the updated conceptual site improvement plan, the petitioner has proposed the installation of additional landscape plantings adjacent to the parking facility abutting the MBTA right-of-way to supplement the existing vegetation in this area. These plantings, which staff has not received a planting detail plan for, should help to screen the activities of the site and discourage the unwanted trespass of vehicles on to the NUFG. Per a site visit conducted by staff, numerous planters around the lower parking lot are sparsely planted and/or lack plantings completely. The Planning Department encourages the petitioner to incorporate additional plants in these planters.

**Updated Parking Evaluation and Trip Generation Evaluation Report.** Comments from the City's Transportation Division on the Updated Parking Evaluation and Trip Generation Evaluation report are pending. Staff anticipates being able to verbally present the comments of the City's Transportation Division at the working session.

**Transportation-Related Comments.** According to conversations with the City's Transportation Division, the responses submitted by MDM Transportation Consultants, Inc regarding the transportation-related comments have been found to be satisfactory.

**Parking Analysis.** In a letter submitted by counsel for the petitioner (**ATTACHMENT B**), an update of the historic and proposed parking calculations for the subject property was provided. The letter was not able to fully explain the different figures presented in the application materials and City memorandums for Special Permit #141-91(2). It was, however, put forward in the letter that a parking waiver of 35 stalls was most likely authorized under Special Permit #141-91(2), per a copy of a correspondence from Jason Rosenberg Esq., counsel for Special Permit #141-91(2) petition. The counsel for this petition also made an assertion that the parking requirement for the automotive retail use, granted under Special Permit #141-91(2), may have been set at 11 parking stalls. Furthermore, the petitioner's counsel speculated that the off-site parking stalls shown on the site plan approved under Special Permit #141-91(2) were either treated as *"(i) approval of the off-site*

*parking and the granting of waivers or (ii) recognition of the prior non-conformity of the use” of off-site parking stalls without prior special permit approval.*

With this information in mind, counsel for the petitioner calculated the parking requirement for the uses on the site by using the formula A-B+C outlined in §30-19(c)(2). Per this calculation, it appears the parking requirements for the uses on the subject site have not changed from 182 parking stalls, and that the site has a parking credit of 28 parking stalls. Per the proposed restriping plan, which indicates 159 parking stalls on the site, the proposed number of parking stalls exceeds the number of required parking stalls per the formula above. To provide flexibility in the re-tenanting of the property, the petitioner is requesting an additional waiver of 18 parking stalls, on top of the already granted waiver of 35 stalls, so that the aggregate parking demand cap for all the uses on the site could or would be capped at 200 parking stalls (182+18=200).

Based on information available for Special Permit #141-91(2) and provided by the petitioner for the current petition, the Planning Department believes the petitioner’s assertion that the previously obtain waiver of 35 parking stalls is reasonable. The Department is less comfortable with the position that the parking requirement for the automotive retail use was set at 11 stalls under Special Permit #141-91(2). However, no evidence is available to refute this argument and the majority of vehicles for the retail automotive use are located inside the building. Since the assumptions put forth by counsel for the petitioner regarding the formalization of the off-site parking stalls are open for interpretation, the Department supports the request to formalize the off-site parking stalls in the MBTA right-of-way and along Easy Street. While the layout for the proposed parking facility appears operational, staff still has reservations that the full occupancy of the property with the proposed mix of uses may result in on- and off-site impacts.

**Recommendation.** Based on these submittals, the Planning Department recommends no action at this time for petition #424-13. The Department is awaiting comments from the City’s Transportation Division on the Updated Parking Evaluation and Trip Generation Evaluation Report. The petitioner is encouraged to consider staff’s comments and submit the planting detail plan.

#### **ATTACHMENTS**

**ATTACHMENT A:** Transportation Division Memorandum, dated 5/28/14

**ATTACHMENT B:** Letter from Alan Schlesinger, counsel for the petitioner, dated May 28, 2014

# Memorandum

**To:** Daniel Sexton  
Senior Planner

**CC:** Bill Paille  
Director of Transportation


**From:** Zach Bosch  
Transportation Engineer

**Date:** 5/28/2014

**Re:** 19-33 Needham Street Parking and Pavement Marking Plan

Staff of the Transportation Division of the Department of Public Works reviewed both the Site Plan and the Parking Evaluation and Trip Generation Evaluation Memorandum of the proposed 19-33 Needham Street project, and has the following comments:

- The revised site plan appears to accommodate many of the comments previously specified by staff, especially in terms of the locations and number of accessible parking spaces, and the removal of the most deficient parking spaces. This has created the best possible site plan, given the existing constraints.
- However, staff remains concerned about the proposed parking and future travel conditions on Easy Street. The site plan shows a 22 foot wide passageway, and must accommodate two-way traffic, large delivery vehicles, bicycles and pedestrians. The diagonal parking spaces shown on Easy Street are substandard in width and length, and will push vehicles further out toward the middle of Easy Street. Furthermore, as Easy Street is a private way, owned jointly by the lumber yard at 15 Needham Street, and 19-33 Needham Street, it appears inequitable seek official approval of diagonal parking on one side of Easy Street (19-33 Needham) while requiring parallel parking spaces on the other (lumberyard side). It is suggested that the diagonal parking spaces on Easy Street be converted to parallel spaces. It is also suggested that Easy Street be improved as part of this Special Permit request, to address the safety and visibility needs of the additional motorists, cyclists and pedestrians who will be using it.
- Staff comments of the Parking Evaluation and Trip Generation Evaluation are pending based on additional discussions of the methodology used.

 **SCHLESINGER<sup>AND</sup>  
BUCHBINDER, LLP**  
ATTORNEYS AT LAW  
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Attachment B

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OF COUNSEL  
ROBIN GORENBERG

May 28, 2014

Daniel Sexton  
Senior Planner  
Department of Planning and Development  
City of Newton  
1000 Commonwealth Avenue  
Newton, MA 02459

Re: 19-33 Needham Street - Special Permit # 424-13

Dear Dan;

This letter is to update the parking calculations for this petition to take into account the revised site plan dated May 22, 2014 (the "Site Plan") which you have received.

We have attempted with mixed results to understand the relationship of the 1991 petition to the current petition.

The 1991 site plan approved by the Board of Aldermen showed a total of 154 parking spaces including 28 spaces on the MBTA right of way, 10 of which were shown as NTW employee parking and 13 partially within the limits of Easy Street, or what we count as a total of  $154 - 28 - 13 = 113$ . We believe that this can be treated as either (i) approval of the offsite parking and the granting of waivers or (ii) recognition of the prior non-conformity of the use.

Although the Board Order in Docket # 141-91 (2) (NTW) does not specify a calculation of a parking waiver we do have correspondence of Jason A. Rosenberg Esq., counsel for the petitioner attached as Exhibit A stating that a waiver of 35 parking spaces was sought in that petition. A Planning Department review of that petition attached as Exhibit B calculates that the building would require 211 parking spaces as a new development and 144 spaces under Section 30-19, which I understand to be the calculation as of that time under then Section 30-19(c)(2). The Planning Department report also says that 109 parking spaces were provided, so at  $144 - 109$  it seems that a waiver of 35 spaces was granted. We counted 113 spaces on the approved plan.

SCHLESINGER AND BUCHBINDER, LLP

Daniel Sexton  
May 28, 2014

Our current view is that the parking calculations in 1991 were flawed in their assumption that the buildings contained 74,860 s.f. We cannot explain that figure, and the petitioner has submitted architectural plans of the buildings as 66,289 s.f. The larger building figure would affect the calculations both of the amount of parking required and of the "credit" under Section 30-19 (c)(2), overstating both.

Our understanding is that the current parking requirement for the as-right and NTW special permit uses at the Premises are:

NTW - parking counted as interior plus subject to whatever waiver was granted plus 11 exterior spaces by special permit	=	11
Office - 50,289 s.f. as of right		
20,000 x 1/250	=	80
30,289 x 1/333	=	91
	Total required	= 182

Currently the uses of the property which under the current Ordinance require 182 parking spaces were served by 154 spaces of which 23 are off site and 131 were on site or on that portion of the site which is the private way of Easy Street.

In order to convert the property to other uses we believe that a calculation is required in Revised Ordinances Section 30-19 (c)(2). The proposed uses and the parking required for those uses ("A" in the formula) are:

NTW - parking counted as interior plus 11 exterior spaces by special permit or waiver	=	11
Office - 23,110		
20,000 @ 1/250	=	80
3,110 @ 1/333	=	10
Warehouse - 9,699 s.f 1/2500 +1	=	5
Retail - 9117 s.f w/9 employees		
9117/300	=	31
9 employees/3	=	3
Medical Office - 8353 s.f. 1/200	=	42
	Total	= 182

"B" in the formula is the parking required for the current uses = 182

"C" in the formula is 154

The formula of A-B+C = 182-182+154 = 154 parking spaces required for the new proposed uses under the formula.

Daniel Sexton  
May 28, 2014

The applicant's proposed plan of May 22, 2013 shows parking as:

128 parking spaces on the site

8 parking spaces on the site within Easy Street

23 parking spaces on the MBTA property

Total 159 parking spaces

The applicant believes that the 159 spaces provided on the plan exceed number as is required for the new proposed unit mix under Section 30-19 (c)(2). With the revised plan including improvements in movements and re-organization of the parking the applicant believes that no additional waiver of parking is required for the new uses. However, in order to provide flexibility in the leasing of the property the applicant requests a waiver of 18 parking spaces so that the aggregate parking demand of all uses on the property would not exceed  $182 + 18 = 200$ , and the applicant also seeks a special permit to maintain 23 parking spaces offsite on the MBTA land and 8 spaces within that portion of the property which is within Easy Street.

Very truly yours,



Alan J. Schlesinger  
AJS:imp

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December 6, 1991

Ms. Susan Basham, Chairperson  
Land Use Committee  
Newton Board of Aldermen  
Newton City Hall  
Newton Centre, Massachusetts 02159

Re: #141-91(2) Petition of NTW, Inc./Sally Starr and Carol T. Donovan,  
Trustees, for retail tire store and repair shop at 21 Needham Street

Dear Chairperson Basham:

A great deal of time has passed since the public hearing and Land Use Committee meeting in July with respect to this petition. I thought I would try to refresh everybody's memory on the Land Use Committee and point out the pertinent reasons why a favorable recommendation is warranted. I have also enclosed for you and the Land Use Committee copies of the acoustical report and the July 12 Planning report.

The site contains 109,399 s.f. in a Mixed-1 zone. The existing building contains 74,860 s.f. of floor area, of which NTW would occupy approximately 16,000 s.f. This portion of the building, the one-story portion nearest Needham Street, used to house the Lodge which was office and warehouse.

A special permit is sought to allow a limited type of automotive service use, namely the sale and installation of tires, and certain very limited incidental operations, e.g., installation of shocks. Also, a special permit parking waiver for 35 spaces is sought, primarily because 15 parking spaces in front of the site along Needham Street would be removed and would be replaced with landscaping, and also because certain parking spaces which would be used and are immediately adjacent to the NTW portion of the building are partly within the private way (these spaces do not count under the Zoning Ordinance's formula even though the owner has a right to use them).

The NTW tire operation is not a full service auto repair use, such as the Goodyear tire store and garage on the other side of Needham Street. That Goodyear store sells and installs tires, does general auto repairs including engine work, performs shock repairs, etc. NTW sells and installs tires, and does some limited work to the automobile, such as replacement of shocks. Mr. Larkin for NTW represented that the business includes offering appointments. There is a guarantee of service within a forty-five (45) minute period; and accordingly, the customer must remain on the premises in light of the quick service guarantee.

One concern that has been raised by several Aldermen is whether the use would generate fumes from the continuous running of the engines, noise from the continuous running of the engines and repairs, and whether there are noxious gases from such repairs being made by chemicals and torches. NTW has authorized me to represent to you that, since engine repairs are not the type of function performed in this proposed use, a condition would be acceptable that prohibits the running of an automobile engine on a stationery car being repaired within any garage bay, and prohibits repairs to the engines and transmissions. The cars would be brought in to the bay and the engine shut off. In addition, a condition is acceptable which prohibits the use of machinery, chemicals and torches which give off



Ms. Susan Basham, Chairperson  
December 6, 1991  
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noxious fumes. None of the NTW operations include the type of activities for which concern has been expressed.

Another concern was that the repair/tire operation would be so noisy that it would be detrimental to the public on Needham Street, the public in adjoining properties, and the marketability of the rest of the building at 19-33 Needham Street, for uses such as offices. In performing the study for an acoustic report by Cavanaugh Tocci Associates, Inc. (see attached copy), Cavanaugh Tocci visited a nearby NTW facility which would be typical of the type of activities for the proposed site. They took measurements and concluded that there would be no adverse impact.

Revised plans were submitted by NTW to the Planning Department. The Planning Department in its July 12, 1991, memorandum, changed its recommendation from denial to neutrality. The Planning Department felt that there were significant improvements to the site which would be unlikely to take place in a by-right situation. Extensive landscaping in the front and the removal of parking spaces in the front had positive results both aesthetically and in terms of safety. Additionally, since over 48,000 s.f. of the building has been vacant for some time, the use would provide jobs and income for the city.

I suggest to you that the issues raised by the Planning Department as potential negatives in fact are resolvable such that approval is appropriate. The Planning Department indicated that the use may conflict with other tenants. By having the garage doors on the Easy street side, there is separation of the functions with other tenants. The other office tenants have stated they have no objection to this type of a use. Because NTW is not an all-purpose auto repair business and because it is oriented towards a very clean and orderly appearance (interior and exterior) with no exterior noise levels, the owner has no qualms whatsoever about the NTW impacting any other tenants.

The Planning Department indicated that the use may send the wrong signal about the future of Needham Street. Along the approximately mile-long Needham Street, there are scattered a Goodyear tire and repair business, a Jiffy-Lube business, and a transmission repair business. The NTW store business would be the fourth automotive use on a very long corridor with very many buildings and uses. The question is where is there a message here since no automotive use can go in without a Special Permit? And note that the comprehensive amendments in 1987 to the Zoning Ordinances kept automotive uses for this zone as a special permit, rather than prohibiting such a use.

The character of Needham Street is certainly not changing. The fact that NTW might be opposite a Goodyear operation does not change the character of the gateway to Needham Street; frankly, the National Lumber retail operation and warehouse is the primary "gateway" on that end of Needham Street which is pre-existing and over which the City does not presently have the ability to impose aesthetic improvements. Why lose the chance to obtain significant aesthetic improvements on the adjoining property when the alternative is that the front of the building and site will remain as is (either by vacancy or by a by-right use)? The barn door on uses has been opened far too long to change Needham Street into an office park or back into an all-manufacturing area. Note that there is a four year oversupply of office building area within Route 128. And since the economy is so bad and will continue for several years, there is no incentive for other uses which might be considered by some as "higher" uses.

Planning also indicated that, because the lot has an irregular shape and topography, site circulation might be difficult. The circulation on the site is relatively simple. NTW's uses will be on the Easy street side with designated employee parking towards the rear of the parking areas and the other uses will have all other areas. Circulation also will be improved by the elimination of the frequent daily tractor trailer trips within the premises. The non-Easy Street side has its own curbcut and is adequate for the other uses which would use that driveway. The Fire Department has indicated that the exterior circulation is satisfactory.

Planning was concerned that using Easy Street as an access near the National Lumber driveway and the signalized intersection of Needham and Winchester Streets might create traffic problems. The

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prior company, the Lodge, was using this same site for warehouse and office, its large tractor-trailers frequently blocked Easy Street, and when the trucks pulled out of or into Easy Street, there was substantial traffic blockage on Needham Street. If the City cannot control the volume and hours of business (including trailer truck deliveries) for National Lumber on Easy Street and for a by-right use in the proposed site, the City by granting the special permit can lessen the frequency and number of tractor trailers using Easy Street. Passenger vehicles, which make the turns faster and with less potential for blockage in Needham Street and near the signalized intersection would take the place the tractor-trailers previously used on a daily basis by the Lodge. And frankly, as Roy Lamotte and Planning also indicated, ANY USE GOING INTO THE PROPOSED PREMISES MIGHT OR WILL HAVE A TRAFFIC IMPACT AT NEEDHAM STREET AND THE INTERSECTION.

Planning was concerned that there is limited parking on Easy Street. Easy Street is a private way. The owner has rights to the middle of the private way, and the parking spaces along Easy Street have been there form more than 21 years, so the owner also has rights to continue that parking. Those parking spaces are immediately next to NTW's premises. There is also a parking area for customers and employees at the rear of Easy Street. There is more than enough parking for the type and number of customers anticipated and frequency of customers anticipated by NTW. NTW has indicated that the customers are not concentrated at any one time but generally are scattered across the day.

Finally, concern was raised by Planning that there is a similar automotive use directly across the street. That is not correct. Goodyear Tire is a complete automotive service and repair business. Grandfathered, it also is not subject to the type of site controls which would be applied to NTW under a special permit, e.g., no exterior unsightly storage of materials, and limitations upon the type of use. NTW would not change the character of Needham Street, or send a "message". Where is the message in what would be only the fourth automotive use on Needham Street? Note that Ava Boutelle had replaced the Winn Pontiac Dealership which was a by-right change; Winn Pontiac would have been the fourth so-called automotive use on Needham Street.

Mr. Larkin's presentation at the public hearing on behalf of NTW indicated that NTW, a subsidiary of Sears, is completely self-enclosed with respect to storage, work and display. There would be several zones within the building: sales, waiting area, tire storage area and service area. All tires are removed pursuant to proper licenses to EPA authorized land fills or other EPA authorized facilities. In Boston, NTW is a participant in a Boston energy re-use program which uses tires as a fuel. Shocks and wheel balancing are the types of uses in addition to sales and installation of tires; no oil changes, lubrication, auto body work, and other engine work would take place.

With respect to the traffic issue, it is important to note that both the traffic study submitted by the applicant, and the city's own traffic consultant, indicated that the proposed use would not result in an increase in traffic compared with a by-right office use. The estimate was approximately 150 trips per day for an NTW facility (at the very worst) and 347 trips per day as a general rule for office. Moreover, the timing of the traffic will not be at the peak demand hours on Needham Street.

The reasons to approve the petition are as follows:

- (1) There either will be no adverse impact on traffic on Needham Street, or at the worst if there is a traffic impact, it will be benign, i.e., the same as with any other by-right use or use like prior one, the Lodge. Any use which goes into that site will have a "traffic impact" on Needham Street and that intersection.
- (2) There will be an increase in safety because of the elimination of the motor vehicles in the front of the building. The elimination of the parking spaces and their replacement with landscaping will not take place if any by-right use moves into the building. There is no economic incentive to make such changes if a by-right use occupies it. This is the

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opportunity to make one more older property on Needham Street conform to the long-term plans for a Needham Street "street-scape."

- (3) There will be enhanced pedestrian safety because of the addition of a sidewalk. Again this conforms to the long-term plan.
- (4) The aesthetics of the building will be improved with the extensive landscaping and signage changes. Again, there is no incentive to make these changes in a by-right occupancy of the premises. These changes are consistent with the long-term plans for the street-scape.
- (5) The environment will not be harmed. The amount of traffic will be comparable, or less, than other uses, and the manner by which NTW operates the business, including but not limited to the recycling of tires as part of an energy program and the absence of running engines within the site, are a significant factor.
- (6) This building has been substantially empty for two (2) years, and the addition of NTW will be an important enhancement to the tax base.
- (7) Jobs, in a time of recession, will be created and the jobs here are of the blue collar variety.

I suggest that these benefits support a conclusion that the proposal would serve the public convenience and welfare. I urge the Land Use Committee to approve the petition.

Please call if you have any questions. I look forward to discussing this on Tuesday evening with you.

Very truly yours,

Jason A. Rosenberg

JAR:arj  
enclosures

cc Members of the Land Use Committee  
Alderman Paul Coletti  
Alderman Brian Yates  
Alderman George Mansfield  
Alderman Rodney Barker  
Susan Glazer, Planning Department  
Steven Weinig  
Steven B. Larkin  
Glenn Morris

Our File No. 7109-D



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DEPARTMENT OF PLANNING AND DEVELOPMENT

Eugene A. Bober, Director

July 12, 1991

TO: Board of Aldermen  
Land Use Committee

FROM: Eugene A. Bober, Director of Planning and Development

SUBJECT: Review Of Revised Plans For 21 Needham Street

=====

L EXECUTIVE SUMMARY

At the June public hearing revised plans were submitted for the proposed tire sales and installation facility. The new plans change the entrance for the garage doors from the west side of the building where there is a large parking area to the east side of the building off Easy Street. With the new plans the Planning Department reanalyzed the proposed use and design. Our conclusion is that it is difficult to determine if this proposal will be positive or negative for this part of Needham Street.

The proposal is a difficult one in several aspects:

- o The use may conflict with other tenants.
- o The use may send the wrong signal about the future of Needham Street.
- o The lot has an irregular shape and topography which make site circulation difficult.
- o Using Easy Street as access near the National Lumber driveway and the signalized intersection of Needham and Winchester Streets will create traffic problems.
- o There is limited parking on Easy Street.
- o There is a similar automotive use directly across the street.

On the other hand, the proposed development is positive in several ways:

- o Parking space which require motorists to back out onto Needham Street would be removed.
- o Substantial landscaping would be installed at the front of the building, thereby enhancing the site.
- o The building has been vacant for some time and its use would provide jobs and income for the City.

## II. OVERVIEW OF THE ORIGINAL NTW PROPOSAL

This memorandum is in response to revised plans that have been submitted to the Planning Department for the NTW, Inc. petition (# 141-91) at 21 Needham Street.

The original plans submitted to the Planning Department indicated a tire sales and service facility in 16,000 square feet with ten service bays. The entrance doors were originally located on the west side of the building. The lot contains 109,399 square feet and is currently designated as office space, although a majority of the space on the lot is currently vacant. The plans also indicated the removal of approximately 15 spaces in the front of the site along Needham Street which are to be replaced with landscaping. A waiver for 35 spaces would be required pursuant to Section 30-19 of the Ordinance. This figure was based on 144 spaces required and 109 spaces that were provided on site with the original proposal.

In the first memorandum from the Planning Department on this petition we recommended that this petition be denied for the following reasons:

1. An automotive use in combination with the existing office use would change the character of the site and would be detrimental to future marketability of office use. In other words, the noise, fumes and appearance of an automotive use which would use the same entry way off Needham Street as the office uses, would be detrimental to this site.
2. Due to the asymmetrical shape of the lot, access to the NTW site on the west side as shown on the original plan would create internal circulation problems.
3. The location of the parking in relation to the proposed entry to the NTW site would limit the access to the customers.
4. The turning movements into and out of the site onto Needham Street are difficult and unsafe.

### III. THE REVISED PLANS

The petitioners submitted revised plans with the primary change being the relocation of the garage entry doors on the east side along Easy Street.

The primary parking for customers under this revised proposal would be in the eleven spaces along the Easy Street side of the site and ten spaces on the steep incline of Easy Street toward the rear of the site. The petitioner has stated that the employee parking would be limited to the 27 spaces in the rear of the site along the railroad tracks.

The Planning Department has reviewed these revised plans in an effort to establish how the relocation of the entry doors would alter our original concerns.

The relocation of the entry door does partially address the original concerns of the potential conflict with office use, but it also raises an entirely new set of issues.

- o use of Easy Street
- o congestion
- o availability of customer parking

In relation to the above concerns this revised plan has the following effect:

1. Although the automotive use continues to be combined with office uses, the relocation of the entry doors to the Easy Street side of the site would separate the uses in a manner that would more clearly distinguish the entry to NTW via Easy Street and the entry to the office via the curbcut along Needham Street. It would allow most of the office space to have entrance and parking area separate for the NTW.
2. Easy Street is a 40' wide private way with a flat area in the front and a steep incline in the rear. With a primary entrance to the NTW site off Easy Street, the circulation problems within the site would decrease, but would acerbate the difficult traffic access and entry off Easy Street. National Lumber currently uses Easy Street as a delivery entrance via a gate off Easy Street. Furthermore, many employees and customers of National Lumber presently park along Easy Street adjacent to the chainlink fence. As many as fifteen cars have been observed along the fence outside National Lumber. With the addition of NTW, Easy Street would be extremely congested.

With peak customer service for NTW predicted for Saturday A.M., Easy Street would be congested with National Lumber and NTW traffic as well as delivery space for both establishments.

3. This site offers only 12 parking spaces along Easy Street close to the proposed NTW customer service area and the garage entry doors. Therefore, realistically, customers would very likely double park along Easy Street rather than parking on the west side of the site. The petitioner has stated that employees would be required to park on the northwest corner of the site adjacent the railroad tracks in the rear. Restricting employee parking to this area would be difficult to enforce and may result in additional parking along Easy Street.
4. The turning movements into and out of the site onto Needham Street would continue to be a problem with this revised petition. Although the petitioner has claimed that the peak hours of NTW would differ from the office use and would, therefore, decrease the negative impacts of traffic along Needham Street, traffic from Easy Street will become more congested. In addition, the close proximity of the entrance to National Lumber on Needham Street, Easy Street and the curb cut to 21 Needham Street would severely congest this area of Needham Street.

#### IV. OTHER NTW FACILITIES

As part of the review of this petition, Planning Department staff inspected NTW stores in Revere, Natick and Dedham. At each of those three locations, the sites had ample parking for customers with easy access to both the customer service area and the bays. In addition, most stores had at least three garage doors with access to the service bays. At the Dedham site, there is a garage door for access to each of the ten service bays. The site at 21 Needham Street has limited parking and indicates only two garage doors which greatly restricts customer access and would create additional access and egress problems on Easy Street.

#### V. CONCLUSION AND RECOMMENDATION

In reviewing the original plans and the revised plans, our intention was to look for ways in which NTW could co-exist with existing and future tenants without creating additional traffic and pedestrian hazards. However, this site was an awkward configuration and limited parking along Easy Street. On the one hand, the proposed use would add additional landscaping to Needham Street, discontinue the potentially dangerous parking in front of the site and more importantly, would fill an important economic need. However, when these positive attributes are weighed against the limitations of this site in terms of access from Easy Street to Needham Street, difficult internal circulation and limited accessible parking, it is difficult to determine whether this petition would have an overall positive or negative impact on Needham Street.

Should the Board approve this petition, I would recommend the following minimum conditions:

1. Remove the 15 parking spaces in the front of the site and replace with a sidewalk for pedestrian access and granite curbing along the Needham Street frontage.

2. Landscaping plans should be reviewed and approved by the Director of Planning and Development.
3. The need for possible additional fire protection should be reviewed and approved by the Fire Department.
4. Revise plans to allow a pedestrian entrance directly off the parking lot.
5. That a waiver be obtained for approximately 28 parking spaces.
6. That the City Engineer review the final plans including; curbing along Needham Street, sidewalks, and turning radius at Easy Street and south driveway.
7. That the utility pole on the south side be relocated prior to occupancy upon review and approved by the Director of Planning and Development.
8. That the free-standing sign and the planter at the corner of Easy Street be removed for greater sight distance of exiting vehicles and better visibility of the property.



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September 20, 1991

Steve Weinig  
Hamilton Realty Company  
39 Brighton Avenue  
Boston, MA 02134

SUBJECT: 19-33 Needham Street, Sound Isolation

Dear Steve,

We understand that the Hamilton Realty Company intends to lease space to NTW (a company which sells and services automobile tires) in a presently unoccupied space in 19-33 Needham Street. Concerns have been expressed about the potential for noise transmission from NTW into diagonally adjacent office spaces.

Figure 1 shows the schematic relationship between the future NTW space and the offices. Note that NTW will not be horizontally or vertically adjacent to any other occupied spaces. The only adjacency of concern is a diagonal adjacency to the offices.

As requested, we visited an existing NTW facility in Natick, MA in order to measure noise levels from typical activities, with an emphasis on the loudest and noisiest events. Note that the loudest events are usually associated with operation of pneumatic wrenches and occasional metallic impacts.

Figure 2 shows the range of noise levels across the frequency spectrum in the Natick NTW facility. As would be expected, there is some variation in noise levels, depending on particular activities. The loudest events are typically in the higher frequencies, especially centered at 4000 Hz. These levels in the high frequencies are caused primarily by operation of pneumatic wrenches and the occasional metallic impact sounds. It should be noted that all building constructions are more effective at attenuating high frequency sounds than low frequency sounds, which of course is advantageous in this situation.

In addition to the frequency measurements, we statistically analyzed overall measured noise levels. Table 1 shows the results. In each case, our analyzer sampled ambient noise levels for a 3 minute period, in order to determine values of average background noise levels (i.e., between obvious intermittent loud noises) and maximum noise levels associated with individual, intermittent loud noises.



In order to assess the range of possible noise levels in an NTW facility, we sampled noise levels within 5 ft. of an operating pneumatic wrench, within 5 ft. of an operating alignment machine, and then ambient noise levels in the center of the work area. During each of these sample periods, we specifically asked the NTW personnel to generate the highest levels of noise possible with their equipment.

The results are expressed in dBA, in terms of  $L_{90}$  (i.e., background) and  $L_1$  (maximum levels). For your reference,  $L_{90}$  is the level exceeded for 90 percent of the measurement period (in this case, 162 seconds out of 180 seconds) and so is considered to be the background noise level. The  $L_1$  is the noise level exceeded only 1 percent of the time (for a 3 minute sample, this is 1.8 seconds) and so is considered the maximum level. It is the maximum levels, expressed as  $L_1$ , which would be the most intrusive and cause for concern. Again, this would be associated with operation of pneumatic wrenches and occasional metallic impact sounds.

Table 1 indicates that maximum noise levels were 88 dBA at 5 ft. from the noisiest equipment.

The goal for sound isolation is to reduce transmitted sound to levels which are lower than ambient sound within the "receiver" space, in this case the offices. Measured levels in unoccupied and occupied offices at 19-33 Needham Street are also indicated on Table 1. The unoccupied office  $L_{90}$  was measured to be 37 dBA, which is rather quiet. Maximum noise levels, measured at 42 dBA, would be associated primarily with traffic noises from outside.

As would be expected, noise levels in an occupied office are somewhat higher. The background noise levels increase because of continuously operating office equipment, and maximum noise levels would include speech, intermittent sounds, and so on.

Table 1 indicates that the sound isolation goal is to assure that maximum levels of 88 dBA, generated by NTW equipment, would be reduced to or below the range of 37 to 42 dBA, so that transmitted noises would be inaudible and/or would blend-in with other ambient noises in an unnoticeable and acceptable manner. Furthermore, measured noise levels in the occupied spaces indicate that this is a rather conservative goal (i.e., should satisfy even very noise-sensitive persons), because typical office noises are significantly higher than 42 dBA.

Our calculations, which are based on our understanding of the building construction of 19-33 Needham Street, on measured noise levels at the Natick NTW facility, and on our understanding of the building construction at 19-33 Needham Street, indicate the following:

Steve Weinig  
19-33 Needham Street, Sound Isolation

Page 3

Maximum transmitted levels of NTW noise into the offices will be in the range of 30-35 dBA. This is somewhat quieter than our "conservative" goal.

Transmitted levels of background NTW sounds will be in the range of 20-25 dBA.

Transmitted NTW noises will be clearly acceptable, and typically inaudible.

In summary, based on measured noise levels of existing conditions, we expect that an NTW facility in 19-33 Needham Street should have no noise impact on the diagonally adjacent offices. This should be an acceptable situation.

Please do not hesitate to contact us if we may be of further assistance.

Sincerely yours,

CAVANAUGH TOCCI ASSOCIATES, INC.

*K. Anthony Hoover*  
K. Anthony Hoover *alw*

encl:

KAH/alw/91232



Measured Levels in dBA

	L <sub>90</sub> (background)	L <sub>1</sub> (maximum)
<u>NTW, Natick</u>		
Pneumatic wrench (5' away)	77	88
Alignment (5' away)	70	88
Ambient (center of work area)	71	81
<u>Offices, 1933 Needham Street</u>		
Unoccupied	37	42
Occupied (syndicated ad features)	42	64

TABLE 1. Overall Measured Noise Levels  
(3 Minute Samples)

JOB \_\_\_\_\_  
 SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_  
 CALCULATED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 SCALE \_\_\_\_\_

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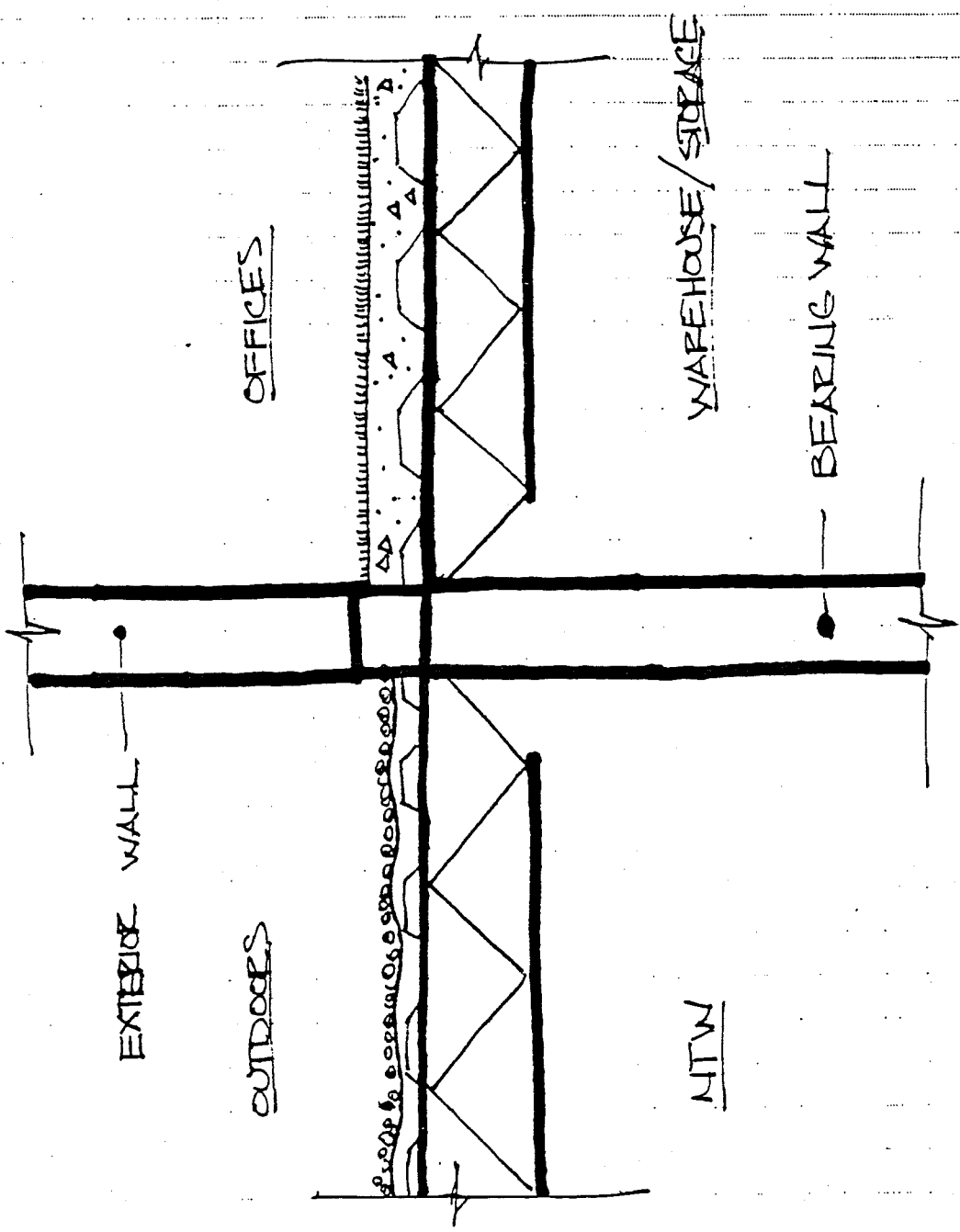
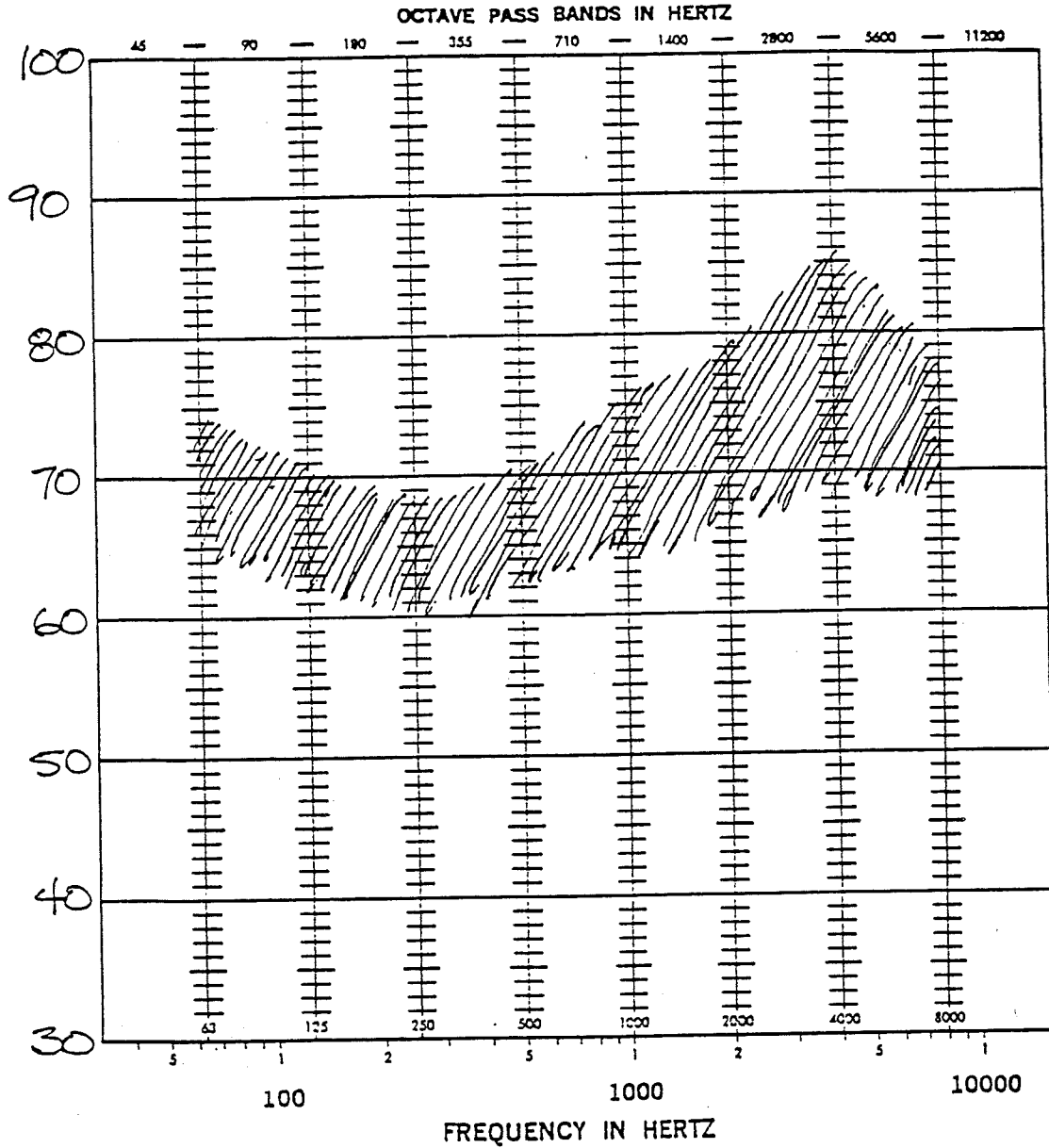


FIGURE 1 • SCHEMATIC RELATIONSHIP, MTW TO OFFICES  
 19 - 33 NEEDHAM ST



RANGE OF MEASURED NOISE LEVELS,  
NTW, NATICK, MA

FIGURE 2 . EXISTING NTW NOISE SPECTRUM



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DEPARTMENT OF PLANNING AND DEVELOPMENT

Eugene A. Bober, Director

July 12, 1991

TO: Board of Aldermen  
Land Use Committee

FROM: Eugene A. Bober, Director of Planning and Development

SUBJECT: Review Of Revised Plans For 21 Needham Street

=====

I. EXECUTIVE SUMMARY

At the June public hearing revised plans were submitted for the proposed tire sales and installation facility. The new plans change the entrance for the garage doors from the west side of the building where there is a large parking area to the east side of the building off Easy Street. With the new plans the Planning Department reanalyzed the proposed use and design. Our conclusion is that it is difficult to determine if this proposal will be positive or negative for this part of Needham Street.

The proposal is a difficult one in several aspects:

- o The use may conflict with other tenants.
- o The use may send the wrong signal about the future of Needham Street.
- o The lot has an irregular shape and topography which make site circulation difficult.
- o Using Easy Street as access near the National Lumber driveway and the signalized intersection of Needham and Winchester Streets will create traffic problems.
- o There is limited parking on Easy Street.
- o There is a similar automotive use directly across the street.

On the other hand, the proposed development is positive in several ways:

- o Parking space which require motorists to back out onto Needham Street would be removed.
- o Substantial landscaping would be installed at the front of the building, thereby enhancing the site.
- o The building has been vacant for some time and its use would provide jobs and income for the City.

## II. OVERVIEW OF THE ORIGINAL NTW PROPOSAL

This memorandum is in response to revised plans that have been submitted to the Planning Department for the NTW, Inc. petition (# 141-91) at 21 Needham Street.

The original plans submitted to the Planning Department indicated a tire sales and service facility in 16,000 square feet with ten service bays. The entrance doors were originally located on the west side of the building. The lot contains 109,399 square feet and is currently designated as office space, although a majority of the space on the lot is currently vacant. The plans also indicated the removal of approximately 15 spaces in the front of the site along Needham Street which are to be replaced with landscaping. A waiver for 35 spaces would be required pursuant to Section 30-19 of the Ordinance. This figure was based on 144 spaces required and 109 spaces that were provided on site with the original proposal.

In the first memorandum from the Planning Department on this petition we recommended that this petition be denied for the following reasons:

1. An automotive use in combination with the existing office use would change the character of the site and would be detrimental to future marketability of office use. In other words, the noise, fumes and appearance of an automotive use which would use the same entry way off Needham Street as the office uses, would be detrimental to this site.
2. Due to the asymmetrical shape of the lot, access to the NTW site on the west side as shown on the original plan would create internal circulation problems.
3. The location of the parking in relation to the proposed entry to the NTW site would limit the access to the customers.
4. The turning movements into and out of the site onto Needham Street are difficult and unsafe.



### III. THE REVISED PLANS

The petitioners submitted revised plans with the primary change being the relocation of the garage entry doors on the east side along Easy Street.

The primary parking for customers under this revised proposal would be in the eleven spaces along the Easy Street side of the site and ten spaces on the steep incline of Easy Street toward the rear of the site. The petitioner has stated that the employee parking would be limited to the 27 spaces in the rear of the site along the railroad tracks.

The Planning Department has reviewed these revised plans in an effort to establish how the relocation of the entry doors would alter our original concerns.

The relocation of the entry door does partially address the original concerns of the potential conflict with office use, but it also raises an entirely new set of issues.

- o use of Easy Street
- o congestion
- o availability of customer parking

In relation to the above concerns this revised plan has the following effect:

1. Although the automotive use continues to be combined with office uses, the relocation of the entry doors to the Easy Street side of the site would separate the uses in a manner that would more clearly distinguish the entry to NTW via Easy Street and the entry to the office via the curbcut along Needham Street. It would allow most of the office space to have entrance and parking area separate for the NTW.
2. Easy Street is a 40' wide private way with a flat area in the front and a steep incline in the rear. With a primary entrance to the NTW site off Easy Street, the circulation problems within the site would decrease, but would acerbate the difficult traffic access and entry off Easy Street. National Lumber currently uses Easy Street as a delivery entrance via a gate off Easy Street. Furthermore, many employees and customers of National Lumber presently park along Easy Street adjacent to the chainlink fence. As many as fifteen cars have been observed along the fence outside National Lumber. With the addition of NTW, Easy Street would be extremely congested.

With peak customer service for NTW predicted for Saturday A.M., Easy Street would be congested with National Lumber and NTW traffic as well as delivery space for both establishments.

3. This site offers only 12 parking spaces along Easy Street close to the proposed NTW customer service area and the garage entry doors. Therefore, realistically, customers would very likely double park along Easy Street rather than parking on the west side of the site. The petitioner has stated that employees would be required to park on the northwest corner of the site adjacent the railroad tracks in the rear. Restricting employee parking to this area would be difficult to enforce and may result in additional parking along Easy Street.
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