



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

306-12
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Candace Havens
Director

MEMORANDUM

Public Hearing Date: November 13, 2012
Land Use Action Date: January 8, 2013
Board of Aldermen Action Date: January 22, 2013
90-Day Expiration Date: February 11, 2013

DATE: November 9, 2012

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development
Eve Tapper, Chief Planner for Current Planning
Alexandra Ananth, Senior Planner

SUBJECT: Petition #**306-12**, Evelyn P. Greenspan Trust, Paul I. Feinberg, Trustee, request for a special permit/site plan approval to waive the dimensional requirements, lighting, curbing, surface and maintenance requirements for an existing nonconforming 18-stall parking facility or alternatively to waive the required five additional parking stalls required for a change of use at **35-41 Lincoln Street**, Ward 6, Newton Highlands, on land known as SBL 52, 8, 18, containing approx. 15,000 sq. ft. of land in a district zoned Business 1. Ref: Sec 30-24, 30-23, 30-19(c), 30-19(d), 30-19(h), 30-19(j), and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

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 petitioner's property consists of a 15,000 square foot lot in a Business 1 zone in the Newton Highlands Village Center. The site is improved with a single-story commercial building with six retail bays on the north side of Lincoln Street, and a noncompliant 18-stall accessory parking lot located behind the building. The petitioner is proposing to change the mix of uses in the building, which would increase the parking requirement for the site. In order to provide as much on-site parking as possible, the petitioner is proposing to legalize the existing noncompliant striping pattern in the rear parking area, which would provide sufficient parking for the proposed tenant uses. In the event that the Board chooses not to legalize the parking lot as it exists, the petitioner is seeking a five-stall parking waiver to allow for proposed tenant uses.

The noncompliant lot has been in use in its current configuration since the petitioner purchased the site in 1985. It appears to work for the employees of the retail shops and is not used by customers. The petitioner submitted a parking study of the immediate commercial area that appears to support the request for a parking waiver in the event the Board chooses not to legalize the existing lot.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this petition, the Board shall consider whether the following findings apply:

- There will be no nuisance or serious hazard to vehicles or pedestrians as a result of the legalization of the noncompliant parking facility, which has existed since at least 1985.
- Literal compliance with parking requirements is impracticable because the site was developed prior to the adoption of the parking ordinance and the site cannot accommodate additional compliant on-site parking.
- A waiver for five required parking stalls is appropriate given the site's proximity to public transportation and the availability of parking within the village at the peak hours of operation for the business.
- Waivers for lighting, curbing, surfacing and maintenance requirements are in the public interest.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject site is located in the heart of the Newton Highlands village center on Lincoln Street between Walnut Street and Columbus Street. There are a variety of commercial store-fronts along this portion of Lincoln Street, as well as along Walnut Street just east of the site. The Business 1 zoning encompasses the area that is in commercial use west of Walnut Street, including the petitioner's site.

B. Site

The site consists of 15,000 square feet of land improved with a one-story commercial building. There is an alley to the west of the building that leads to a parking area behind the building. Although the site is striped with 18 parking stalls, including six tandem parking spaces, there are no conforming parking spaces on the site. There is one dumpster located in the rear parking area.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The petitioner is proposing to change the mix of uses in the building to add a hair salon and an ATM vestibule.

B. Building and Site Design

The petitioner is not proposing any changes to the building, façade, or parking area. The proposed new tenants require interior renovations only.

C. Parking and Circulation

In 1967 a building permit was issued showing a layout for a nine-stall parking facility behind the existing commercial building. Sometime between 1967 and 1985, the lot was restriped with 18 parking stalls, reflecting the current use of the rear parking lot. The petitioner is now proposing to legalize existing conditions in the parking area.

The petitioner is proposing to convert one retail bay from retail use to a salon use, with up to 15 employees on the largest shift. The petitioner is also proposing to add a Bank of America ATM vestibule. The new uses in conjunction with the existing uses require a total of 41 parking spaces. Using the A-B+C parking requirement formula (employing the nine legal parking spaces as "C" – the number of on-site spaces), the building as proposed has a parking requirement of 14 stalls. The petitioner is proposing to legalize the 18-stall existing parking lot. If the Board approves the needed waivers for the dimensional standards for parking spaces, the property will have 18 legal spaces on site versus the nine legal spaces that are shown on the 1967 plan. That means that going forward in the A-B+C calculation, "C" will equal 18. To clarify this issue for the future, the Planning Department recommends that if the Board approves this petition, the Board

Order should include a condition that specifies that the property owner may change the tenant mix as long as the total parking demand for all of the uses in the building does not exceed 41 spaces.

Alternatively, if the Board does not approve the 18-stall lot, the petitioner proposes to restripe the parking lot to conform to the approved 1967 parking plan, which would allow for only nine stalls, and would instead request a parking waiver for five additional stalls not provided on-site.

The petitioner submitted a parking study (**ATTACHMENT "A"**) for the immediate neighborhood. The petitioner surveyed 114 available public short-term parking spaces on Lincoln and Hartford Street (including the Hartford Street municipal lot) over the course of a few days. The parking study appears to show that the neighborhood can meet the parking demand for the proposed new salon and the five-stall parking waiver requirement.

D. Landscape Screening

The petitioner is not proposing any changes to existing landscape screening. A fence, which is mostly stockade but includes some chain link on one side, screens the parking area from residential abutters. Should the Board choose to approve this petition, the Planning Department recommends that as a condition of the special permit, the petitioner maintain all fencing in good repair.

IV. COMPREHENSIVE PLAN

The *2007 Comprehensive Plan* encourages vibrant, attractive village centers with a mix of small businesses that are responsive to residents' needs within village centers. This proposal will add a new hair salon and an ATM vestibule, both of which are compatible and appropriate uses for a village center.

V. TECHNICAL REVIEW

A. Technical Considerations

The Zoning Review Memorandum (**ATTACHMENT "B"**) provides a complete analysis with respect to zoning. The petitioner is proposing to legalize a noncompliant parking area or to waive five required parking stalls.

B. Other Review

No other reviews are required for this petition.

VI. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum, the petitioner is seeking the following reliefs:

- Section 30-19(h)(2)a), (2)b), (2)c), and (2)e); 30-19(h)(3); 30-19(h)(4); 30-

- 19(h)5(); and 30-19(m), to waive the required stall dimensions, maneuvering aisle widths, end-stall maneuvering space, minimum entrance and exit driveway widths, and number of handicap parking stalls and to allow tandem parking; and
- Section 30-19(j); and 30-19(m), to waive or comply with the lighting, curbing, surfacing and maintenance requirements; or
 - Section 30-19(c); 30-19(d)(10); and 30-19(m), to waive five required parking stalls if the parking lot is not approved as existing.

VII. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

ATTACHMENT A: PETITIONER'S PARKING STUDY

ATTACHMENT B: ZONING REVIEW MEMO

ATTACHMENT C: ZONING MAP

ATTACHMENT D: LAND USE MAP

To: Land Use Committee of the City of Newton Board of Aldermen

From: Lou Mercuri, Planning Horizons

Re: 41 Lincoln Street

Date: October 2, 2012

On behalf of the petitioner for this land use petition, I am submitting this report regarding the availability of parking for the proposed hair salon (Station Row) and retail use at 41 Lincoln Street in Newton Highlands.

Hair Salon Proposal

The proposed salon will operate at the renovated space at 41 Lincoln Street in Newton Highlands, a location previously occupied by Stacatto, a women's clothing store. The full service salon will operate 6 days a week from 9:00 AM to 7:00 PM and will be closed on Mondays. It is expected that 15 employees will be on site during the largest shift. A zoning and parking analysis conducted by the Inspectional Service department reveals that the proposed use will require a parking waiver of 5 parking stalls. The expected peak hours of operation will be at the lunch hour and mid afternoon. Saturdays are expected to be the busiest day of operation.

Existing Conditions

The interior of 41 Lincoln Street will be renovated to accommodate the new use. It is a first floor retail space in the heart of the Newton Highlands village shopping district. A small parking area in the rear of the lot with 18 spaces (many non compliant) exists for employees only.

The salon will need to rely on off-site parking to meet its customer demand for parking. Parking for customers needs to be readily available and within a comfortable two-minute walk for patrons. Typical salon appointments range from 30 minutes to 2 hours, depending on the services provided.

Planning Horizons conducted extensive surveys of public parking usage in the area at both the lunch hour and mid afternoon hour when parking demands of the village center would be the greatest. These times also coincide with the likely peak operating hours of the salon. The results of these surveys are described throughout this report and include available public parking areas within a two-minute walk of 41 Lincoln Street.

Part of the submission for this special permit application is a plan entitled "Area Plan, 41 Lincoln St, located in Newton Massachusetts" prepared by VTP Land Surveyors which identifies 8 parking locations surveyed for potential use by patrons and employees. The eight areas and surveyed capacities are noted as follows:

1. Lincoln Street westbound between Walnut Street and Hartford Street, 12 one-hour metered spaces, including the area in front of 41 Lincoln Street
2. Lincoln Street westbound between the Hartford Street crosswalk and the Newton Highlands Post Office, 6 one-hour metered spaces
3. Lincoln Street westbound between the Newton Highlands Post Office and Chester Street, 7 two-hour metered spaces
4. Lincoln Street eastbound between the Hyde Community Center playground and the closest parking meters, 10 one-hour unmetered spaces
5. Lincoln Street eastbound from in front of the Hyde Center to the intersection with Hartford Street, 6 one-hour metered spaces
6. Lincoln Street eastbound between Hartford Street and Walnut Street, 11 one-hour metered spaces
7. The Hartford Street municipal lot includes a total of 61 spaces, for this survey the long-term (12-hour) parking spaces, handicapped spaces, and spaces reserved for the Brigham House were not included, leaving a net total of 50 three-hour metered spaces
8. Hartford Street eastbound between Erie Avenue and the Brigham House Community Center, 12 two-hour unmetered spaces

This inventory of parking areas includes a total of 114 available public short-term parking spaces during the regular 8:00 AM - 6:00 PM daytime business hours. Our survey was limited to short-term parking areas (three hours or less) as most or all of the patrons of 41 Lincoln will typically need parking for 60 to 90 minutes or less. There are five additional long-term parking spaces in the Hartford Street lot (12 hours) and others further away from the site on Walnut Street traveling northbound towards Beacon Street.

Parking Methodology and Results

To get a complete picture of the parking supply and demand in the area, it is necessary to understand the proposed salon operation and its peak periods. It is expected that the peak periods occur near or during the lunch hour, mid afternoons, and on Saturdays. The salon will be closed on Mondays, but it is believed that Thursdays, Fridays, and Saturdays best capture the conditions on the typically more crowded days.

Planning Horizons surveyed all of the available parking locations on nine different occasions; six counts were conducted during the mid day hour and three counts were conducted at the mid afternoon hour at 3:00. All of the counts were conducted between Tuesdays and Saturdays, no counts were conducted on

Mondays (salon will be closed) or Sundays (day of light commercial activity) as parking is readily available on those days.

The six mid day counts were conducted between September 11 and September 22 and all counts were conducted within a few minutes of 12:30 PM. Two separate counts were conducted on Wednesdays, and one count on each of the other days between Tuesday and Saturday. Weather conditions were ideal and the temperatures warm. The day-by-day summary of all the counts follow and are further referenced in Appendix I.

The 3 mid afternoon counts were conducted between September 11 and September 15 at approximately 3:00 PM on a Tuesday, Thursday, and Saturday. Conditions were similar to the counts taken at the mid day hour. The day-by-day summary of all the mid afternoon counts follow and are further referenced in Appendix I.

The results of the data reveal two important factors. First, the overall parking demand in the Newton Highlands village center is greatest between the business hours of 9:00 AM and 5:00 PM. Our surveys focused on the busy lunch hour (12:30 PM) and the mid afternoon (3:00 PM) after school peak times and the average available parking in the area was very close at both times. During the mid day hour, on average 36 spaces were available, and 32 spaces were available during the mid afternoon.

The second common factor relates to the location of the availability of parking. Generally, the metered spaces in front of the businesses are most widely used, however the Hartford Street municipal lot is presently an underutilized resource with an average of 15 or 16 available spaces at the time of the surveys. This lot is particularly valuable for patrons of 41 Lincoln as it is such a close walk and offers three hour parking limits which is an ideal length of time for salon patrons.

the data below reveals the following summary of the mid day and mid afternoon periods. The roman numerals indicate the chart numbers in the back of this report (there were no roman numerals)

MID DAY COUNT 12:30 PM			
Parking Area	Capacity	Average Occupancy	Average Number of Vacant Spaces
Lincoln St westbound, 1 hr metered at site	12	10	2
Lincoln St westbound, Post Office, 1 hr metered	6	5	1
Lincoln St westbound to Chester St, 2 hr unmetered	7	5	2
Lincoln St eastbound, Hyde Center, 1 hr unmetered	10	4	6
Lincoln St eastbound Hyde Center, 1 hr metered	6	5	1
Lincoln St eastbound, 1 hr metered	11	8	3
Hartford St Municipal Lot, 3 hr metered	50	34	16
Hartford St, 2 hr unmetered	12	7	5
TOTALS	114	78	36

MID AFTERNOON COUNT 3:00 PM			
Parking Area	Capacity	Average Occupancy	Average Number of Vacant Spaces
Lincoln St westbound, 1 hr metered at site	12	11	1
Lincoln St westbound, Post Office, 1 hr metered	6	6	0
Lincoln St westbound to Chester St, 2 hr unmetered	7	5	2
Lincoln St eastbound, Hyde Center, 1 hr unmetered	10	4	6
Lincoln St eastbound Hyde Center, 1 hr metered	6	3	3
Lincoln St eastbound, 1 hr metered	11	9	2
Hartford St Municipal Lot, 3 hr metered	50	35	15
Hartford St, 2 hr unmetered	12	9	3
TOTALS	114	82	32

The data indicates that there is on average a surplus of available parking in the area to allow the 5 space parking waiver. It is interesting that both the mid day and mid afternoon surveys revealed 36 available spaces on average at both times.

The most available areas at both times were the Hartford Street lot (16 spaces available at mid day and 15 at mid afternoon) and along Lincoln Street in front of the Hyde Center (6 spaces available at both times). Both of these areas are readily accessible to the salon at 41 Lincoln Street and together supply a total surplus of well over 5 parking spaces at both times.

It is expected that a number of employees will access the site from the nearby MBTA Green Line station in Newton Highlands. In addition the salon will rely on some walk-in traffic from the numerous businesses and offices in the immediate area, which will not alter the parking demand.

Summary and Conclusion

Based on the observations and analysis contained in this report, it appears that the 41 Lincoln Street salon can readily meet the 5 space parking waiver requirement. On average, there are 36 available parking spaces within a two-minute walk of the site at mid day and 32 available spaces at the mid afternoon hour. The following charts and appendices detail the quantitative data used in the analysis.

APPENDIX I

Summary by Day of Week Total of All Parking Areas

Date	Weather	Time	Spaces Used	Spaces Available
MID DAY COUNTS				
1 Tuesday, September 11, 2012	65° sunny	12:30 PM	76	38
2 Wednesday, September 12, 2012	70° sunny	12:30 PM	87	27
3 Wednesday, September 19, 2012	70° sunny	12:30 PM	68	46
4 Thursday, September 20, 2012	70° sunny	12:30 PM	83	31
5 Friday, September 14, 2012	85° sunny	12:30 PM	95	19
6 Saturday, September 22, 2012	60° cloudy	12:30 PM	75	39
		AVERAGE	78	36
MID AFTEROON COUNTS				
1 Tuesday, September 11, 2012	75° sunny	3:00 PM	80	34
2 Thursday, September 13, 2012	80° sunny	3:00 PM	89	25
3 Saturday, September 15, 2012	75° sunny	3:00 PM	78	36
		AVERAGE	82	32

APPENDIX II

Summary by Parking Area Using Daily Average Spaces

	Average Spaces Used	Average Spaces Available
Mid Day: 114 available spaces		
1 Lincoln St westbound, Walnut St to Hartford	10	2
2 Lincoln St westbound Post Office	5	1
3 Lincoln St westbound, Post Office to Chester St	5	2
4 Lincoln St eastbound, Hyde Center	4	6
5 Lincoln St eastbound, Hyde to Hartford	5	1
6 Lincoln St eastbound, Hartford to Walnut	8	3
7 Hartford St Municipal Lot	34	16
8 Hartford St eastbound, Brigham House	9	3
TOTAL	79	35
Mid Afternoon: 114 available spaces		
1 Lincoln St westbound, Walnut St to Hartford	11	1
2 Lincoln St westbound Post Office	6	0
3 Lincoln St westbound, Post Office to Chester St	5	2
4 Lincoln St eastbound, Hyde Center	4	6
5 Lincoln St eastbound, Hyde to Hartford	3	3
6 Lincoln St eastbound, Hartford to Walnut	9	2
7 Hartford St Municipal Lot	35	15
8 Hartford St eastbound, Brigham House	9	3
TOTAL	82	32

CHART I

Location: Lincoln St westbound, Walnut St to Hartford St, 1 hr Metered (at site)

Date	Weather	Time	Spaces Used	Spaces Available
MID DAY COUNTS				
1 Tuesday, September 11, 2012	65° sunny	12:30 PM	10	2
2 Wednesday, September 12, 2012	70° sunny	12:30 PM	12	0
3 Wednesday, September 19, 2012	70° sunny	12:30 PM	9	3
4 Thursday, September 20, 2012	70° sunny	12:30 PM	9	3
5 Friday, September 14, 2012	85° sunny	12:30 PM	10	2
6 Saturday, September 22, 2012	60° cloudy	12:30 PM	11	1
		AVERAGE	10	2
MID AFTEROON COUNTS				
1 Tuesday, September 11, 2012	75° sunny	3:00 PM	11	1
2 Thursday, September 13, 2012	80° sunny	3:00 PM	11	1
3 Saturday, September 15, 2012	75° sunny	3:00 PM	10	2
		AVERAGE	11	1

CHART II

Location: Lincoln St westbound, Hartford St to Post Office, 1 hr metered

Date	Weather	Time	Spaces Used	Spaces Available
MID DAY COUNTS				
1 Tuesday, September 11, 2012	65° sunny	12:30 PM	5	1
2 Wednesday, September 12, 2012	70° sunny	12:30 PM	6	0
3 Wednesday, September 19, 2012	70° sunny	12:30 PM	4	2
4 Thursday, September 20, 2012	70° sunny	12:30 PM	5	1
5 Friday, September 14, 2012	85° sunny	12:30 PM	6	0
6 Saturday, September 22, 2012	60° cloudy	12:30 PM	3	3
		AVERAGE	5	1
MID AFTEROON COUNTS				
1 Tuesday, September 11, 2012	75° sunny	3:00 PM	5	1
2 Thursday, September 13, 2012	80° sunny	3:00 PM	6	0
3 Saturday, September 15, 2012	75° sunny	3:00 PM	6	0
		AVERAGE	6	0

CHART III

Location: Lincoln St westbound, Post Office to Chester St, 2 hr unmetered

Date	Weather	Time	Spaces Used	Spaces Available
MID DAY COUNTS				
1 Tuesday, September 11, 2012	65° sunny	12:30 PM	6	1
2 Wednesday, September 12, 2012	70° sunny	12:30 PM	5	2
3 Wednesday, September 19, 2012	70° sunny	12:30 PM	4	3
4 Thursday, September 20, 2012	70° sunny	12:30 PM	2	5
5 Friday, September 14, 2012	85° sunny	12:30 PM	7	0
6 Saturday, September 22, 2012	60° cloudy	12:30 PM	7	0
AVERAGE			5	2
MID AFTEROON COUNTS				
1 Tuesday, September 11, 2012	75° sunny	3:00 PM	5	2
2 Thursday, September 13, 2012	80° sunny	3:00 PM	6	1
3 Saturday, September 15, 2012	75° sunny	3:00 PM	5	2
AVERAGE			5	2

CHART IV

Location: Lincoln St eastbound at Hyde Center, 1 hr unmetered

Date	Weather	Time	Spaces Used	Spaces Available
MID DAY COUNTS				
1 Tuesday, September 11, 2012	65° sunny	12:30 PM	6	4
2 Wednesday, September 12, 2012	70° sunny	12:30 PM	7	3
3 Wednesday, September 19, 2012	70° sunny	12:30 PM	2	8
4 Thursday, September 20, 2012	70° sunny	12:30 PM	2	8
5 Friday, September 14, 2012	85° sunny	12:30 PM	4	6
6 Saturday, September 22, 2012	60° cloudy	12:30 PM	5	5
AVERAGE			4	6
MID AFTEROON COUNTS				
1 Tuesday, September 11, 2012	75° sunny	3:00 PM	5	5
2 Thursday, September 13, 2012	80° sunny	3:00 PM	4	6
3 Saturday, September 15, 2012	75° sunny	3:00 PM	4	6
AVERAGE			4	6

CHART V

Location: Lincoln St eastbound from Hyde Center to Hartford St, 1 hr metered

Date	Weather	Time	Spaces Used	Spaces Available
MID DAY COUNTS				
1 Tuesday, September 11, 2012	65° sunny	12:30 PM	5	1
2 Wednesday, September 12, 2012	70° sunny	12:30 PM	3	3
3 Wednesday, September 19, 2012	70° sunny	12:30 PM	5	1
4 Thursday, September 20, 2012	70° sunny	12:30 PM	6	0
5 Friday, September 14, 2012	85° sunny	12:30 PM	4	2
6 Saturday, September 22, 2012	60° cloudy	12:30 PM	5	1
AVERAGE			5	1
MID AFTEROON COUNTS				
1 Tuesday, September 11, 2012	75° sunny	3:00 PM	1	5
2 Thursday, September 13, 2012	80° sunny	3:00 PM	3	3
3 Saturday, September 15, 2012	75° sunny	3:00 PM	5	1
AVERAGE			3	3

CHART VI

Location: Lincoln St eastbound, Hartfors St to Walnut St, 1 hr metered

Date	Weather	Time	Spaces Used	Spaces Available
MID DAY COUNTS				
1 Tuesday, September 11, 2012	65° sunny	12:30 PM	7	4
2 Wednesday, September 12, 2012	70° sunny	12:30 PM	6	5
3 Wednesday, September 19, 2012	70° sunny	12:30 PM	8	3
4 Thursday, September 20, 2012	70° sunny	12:30 PM	9	2
5 Friday, September 14, 2012	85° sunny	12:30 PM	10	1
6 Saturday, September 22, 2012	60° cloudy	12:30 PM	9	2
AVERAGE			8	3
MID AFTEROON COUNTS				
1 Tuesday, September 11, 2012	75° sunny	3:00 PM	9	2
2 Thursday, September 13, 2012	80° sunny	3:00 PM	9	2
3 Saturday, September 15, 2012	75° sunny	3:00 PM	10	1
AVERAGE			9	2

CHART VII

Location: Hartford St Municipal Lot, 3 hr metered

Date	Weather	Time	Spaces Used	Spaces Available
MID DAY COUNTS				
1 Tuesday, September 11, 2012	65° sunny	12:30 PM	31	19
2 Wednesday, September 12, 2012	70° sunny	12:30 PM	39	11
3 Wednesday, September 19, 2012	70° sunny	12:30 PM	29	21
4 Thursday, September 20, 2012	70° sunny	12:30 PM	39	11
5 Friday, September 14, 2012	85° sunny	12:30 PM	45	5
6 Saturday, September 22, 2012	60° cloudy	12:30 PM	23	27
		AVERAGE	34	16
MID AFTEROON COUNTS				
1 Tuesday, September 11, 2012	75° sunny	3:00 PM	34	16
2 Thursday, September 13, 2012	80° sunny	3:00 PM	43	7
3 Saturday, September 15, 2012	75° sunny	3:00 PM	28	22
		AVERAGE	35	15

CHART VIII

Location: Hartford St eastbound, Erie Avenue to Brigham House, 2 hr unmetered

Date	Weather	Time	Spaces Used	Spaces Available
MID DAY COUNTS				
1 Tuesday, September 11, 2012	65° sunny	12:30 PM	6	6
2 Wednesday, September 12, 2012	70° sunny	12:30 PM	9	3
3 Wednesday, September 19, 2012	70° sunny	12:30 PM	7	5
4 Thursday, September 20, 2012	70° sunny	12:30 PM	11	1
5 Friday, September 14, 2012	85° sunny	12:30 PM	9	3
6 Saturday, September 22, 2012	60° cloudy	12:30 PM	12	0
		AVERAGE	9	3
MID AFTEROON COUNTS				
1 Tuesday, September 11, 2012	75° sunny	3:00 PM	10	2
2 Thursday, September 13, 2012	80° sunny	3:00 PM	7	5
3 Saturday, September 15, 2012	75° sunny	3:00 PM	10	2
		AVERAGE	9	3



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Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephones
306-12
ATTACHMENT "B"

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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: September 28, 2012

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Paul Feinberg, representing applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to permit a change in use

Applicant: Evelyn P. Greenspan Trust	
Site: 35-41 Lincoln Street	SBL: 52008 0018
Zoning: BU1	Lot Area: 15,000 square feet
Current use: Retail commercial building	Proposed use: Retail commercial building

BACKGROUND:

The property at 35-41 Lincoln Street consists of a 15,000 square foot lot improved with a commercial building with six retail bays. Behind the building is a small parking facility. The applicant intends to change the mix of uses in the building in such a way as would increase the parking requirement for the parcel. The applicant proposes to legalize an existing noncompliant striping pattern in the rear parking facility to provide the additional parking required.

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

- Building permit, showing original buildings, dated 12/19/30
- Building permit, showing rear addition, dated 4/30/40
- Plot plan for the creation of a rear parking facility, showing nine parking stalls, dated 9/5/67
- Schematic plan showing six retail bays, by Edwards and Kelcey, Architects and Engineers dated 4/24/06
- Proposed parking plan showing 18 parking stalls, unsigned, unstamped, and undated
- Parking calculations, unsigned, unstamped, undated

ADMINISTRATIVE DETERMINATIONS:

1. In 1967, a building permit was issued showing a layout for a nine-stall parking facility to the rear of the building. The applicant has submitted a new, proposed plan for an 18-stall parking facility which

reflects the current use of the rear parking lot. However, this 18-stall configuration was never approved by the City and is noncompliant with regard to several of the dimensional standards for a parking facility per Section 30-19(h) of the Newton Zoning Ordinance.

2. Per Section 30-19(d)(10), a number of parking stalls must be provided for each commercial establishment on the parcel. (See the following table).

Proposed	Parking Formula	Required Parking
Highland Opticians, 1,765 square feet retail with 6 employees on largest shift	1 stall per 300 square feet and per 3 employees	8
Village Kids, 2,930 square feet retail with 4 employees on largest shift	1 stall per 300 square feet and per 3 employees	12
Flower store, 824 square feet retail with 2 employees on largest shift	1 stall per 300 square feet and per 3 employees	4
Jewelry store, 557 square feet, with 2 employees on largest shift	1 stall per 300 square feet and per 3 employees	3
Tailor/Cleaners, 594 square feet, with 2 employees on largest shift	1 stall per 300 square feet and per 3 employees	3
Bank of America ATM 165 square feet	1 stall per 300 square feet and per 3 employees	1
Beauty salon, 1,306 square feet with 15 employees on largest shift	1 stall per 300 square feet and per 3 employees	10
TOTAL REQUIREMENT		41 (A)
Existing	Parking Formula	Parking Credits
Highland Opticians, 1,765 square feet retail with 6 employees on largest shift	1 stall per 300 square feet and per 3 employees	8
Village Kids, 2,930 square feet retail with 4 employees on largest shift	1 stall per 300 square feet and per 3 employees	12
Flower store, 824 square feet retail with 2 employees on largest shift	1 stall per 300 square feet and per 3 employees	4
Jewelry store, 557 square feet, with 2 employees on largest shift	1 stall per 300 square feet and per 3 employees	3
Tailor/Cleaners, 594 square feet, with 2 employees on largest shift	1 stall per 300 square feet and per 3 employees	3
Women's clothing store, 1,471 square feet with 3 employees on largest shift	1 stall per 300 square feet and per 3 employees	6
TOTAL REQUIREMENT		36 (B)
Existing, legal off-street parking spaces		9 (C)
Parking Stalls Required*		14
Parking Stalls Proposed		18

* Calculation per §30-19(c)(2): A (41) – B (36) + C(9) = Required number of parking stalls (14)

Per Section 30-19(c)(2), a total of 14 parking stalls are required for the proposed mix of uses. The applicant has provided a parking plan that shows 18 parking stalls, with dimensional standards that

do not comply with the requirements in Section 30-19(h). The applicant must obtain waivers for these dimensional standards (see #3 below) or must obtain a waiver of the number of required parking spaces (see#6 below).

3. Per Sections 30-19(h), (i), and (j), parking facilities of greater than five stalls must meet certain design requirements. The applicant's parking plan shows an 18-stall facility that does not meet many of these requirements, summarized as follows. Per Section 30-19(h)(1), parking facilities may not be located within required setback distances. Per Section 30-19(h)(2)a) and b), parking stalls must have a minimum dimension of 9'x19.' The applicant's plan shows the proposed parking stalls as either 8'x18' or 8.5'x18.' The applicant's plans do not show the required handicapped parking stall, per Section 30-19(h)(2)c). The applicant's plans do not show the required maneuvering space, per Section 30-19(h)(2)e), for the stalls at the north-west corner of the lot and for the tandem parking stalls. Per Section 30-19(h)(3), a minimum maneuvering aisle width of 24 feet is required for a parking facility with 90-degree parking stalls. The applicant's plans indicate a maneuvering aisle of approximately 16 feet. The previous plot plans show the existing exit and entry drive to be approximately ten feet in width, instead of the 12 feet required by Section 30-19(h)(4). Per Section 30-19(h)(5), parking facilities shall be designed so that each vehicle may proceed to and from the space without moving any other vehicle. The applicant's site plan shows six proposed tandem parking stalls in the north-east corner of the site. To stripe and utilize the parking facility as proposed, the applicant must obtain a special permit from the Board of Aldermen, per Section 30-19(m) to waive compliance with the design requirements.
4. The original parking layout, approved in a building permit dating to 1967, was not set back from adjacent properties, as now required by Section 30-19(h)(1), and provides no landscape buffer, as is now required by Section 30-19(i). Therefore, the parking facility is nonconforming with regard to the setback and landscaping buffer. As the applicant does not propose to worsen these nonconforming characteristics, no additional zoning relief is required.
5. Per Section 30-19(j), parking facilities must meet lighting, surfacing, curbing, and maintenance standards. The applicant's plan has not indicated compliance with these requirements. The applicant must either comply with the lighting, surfacing, curbing, and maintenance standards or obtain a further special permit waiver from the Board of Aldermen per Section 30-19(m).
6. Alternatively, instead of waiving the dimensional requirements to allow for the proposed 18-stall parking facility, the applicant may return the parking facility to the layout originally approved in 1967 and obtain a waiver for five required parking stalls from the Board of Aldermen, per Section 30-19(m).
7. See "Zoning Relief Summary" below:





Zoning Relief Required		
<i>Ordinance</i>	<i>Parking</i>	<i>Action Required</i>
§30-19(h)(2)a), (2)b), (2)c), and (2)e); §30-19(h)(3); §30-19(h)(4); §30-19(h)(5); §30-19(m)	Waive the required stall dimensions, maneuvering aisle widths, end-stall maneuvering space, minimum entrance and exit driveway widths, and number of handicapped parking stalls and allow tandem parking	S.P. per §30-24
§30-19(j); §30-19(m)	Waive or comply with the lighting, curbing, surfacing and maintenance requirements	S.P. per §30-24
§30-19(c); §30-19(d)(10); §30-19(m);	Alternatively waive five required parking stalls	S.P. per §30-24

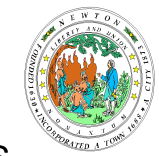
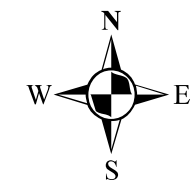
306-12
35-41

Lincoln St. Zoning

*City of Newton,
Massachusetts*

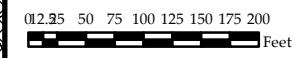
Legend

-  Multi-Residence 1
-  Multi-Residence 2
-  Business 1
-  Business 2



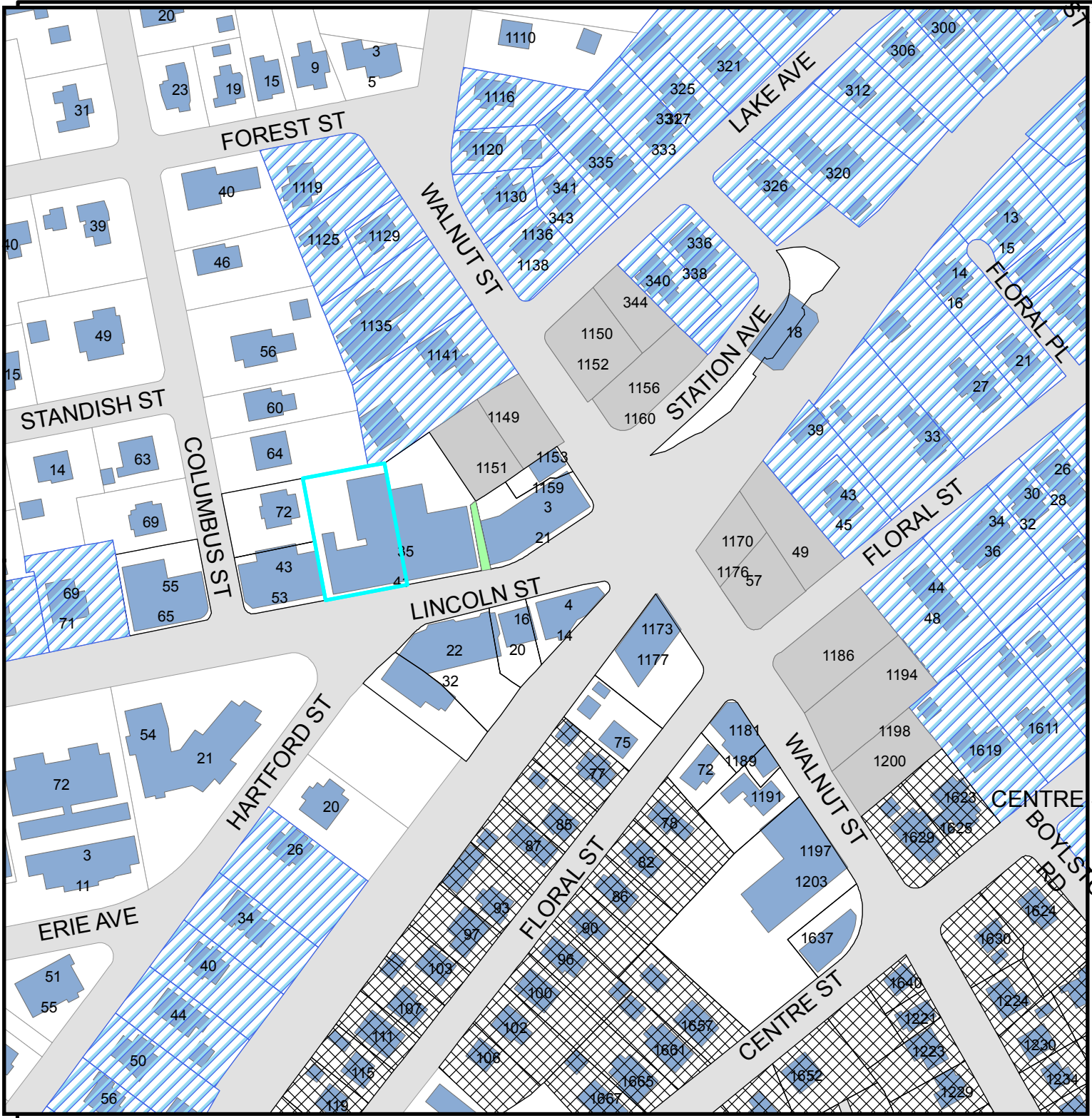
The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

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



ATTACHMENT "C"

Map Date: November 09, 2012








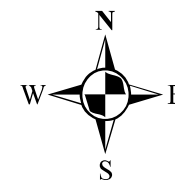
35-41 Lincoln St. Land Use

*City of Newton,
Massachusetts*

Legend

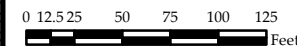
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Mixed Use
-  Open Space



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 Mayor - Setti D. Warren
 GIS Administrator - Douglas Greenfield



ATTACHMENT "D"

