



Land Use Committee Report

City of Newton In City Council

Tuesday, January 26, 2021

Present: Councilors Lipof (Chair), Greenberg, Kelley, Markiewicz, Downs, Bowman, Laredo and one vacancy; also Present: Councilors Wright, Malakie and Crossley

City Staff Present: Chief Planner Neil Cronin, Senior Planner Katie Whewell, Senior Planner Michael Gleba

All Special Permit Plans, Plan Memoranda and Application Materials can be found at http://www.newtonma.gov/gov/aldermen/special_permits/current_special_permits.asp. Presentations for each project can be found at the end of this report.

#28-21 **Appointment of Jeff Aliber to the Northland Construction Liaison Committee**
PRESIDENT ALBRIGHT appointing JEFF ALIBER, 173 Oak Street, as a neighborhood representative, to the Neighborhood Liaison Committee as established in Condition 40 of Special Permit 426-18 granted on December 2, 2019 to Northland Investment Corporation for an 800-unit mixed use development, with 193,200 sq. ft. office space, 115,114 sq. ft. of retail/commercial/restaurant space, below grade parking for approximately 1,350 spaces and related site amenities.

Action: **Land Use Approved 6-0 (Councilor Greenberg not Voting)**

Note: The committee expressed no concern relative to Mr. Aliber's appointment to the Northland Construction Liaison Committee who was appointed by Council President Albright to represent the Condos at Village Falls. Councilor Downs motioned to approve the item which carried unanimously.

#8-21 **Petition to allow parking in the front setback at 141 Waban Hill Road**
MIRIAM ROSENBLUM petition for SPECIAL PERMIT/SITE PLAN APPROVAL to remove an existing paved parking area and construct a semi-circular driveway with two parking stalls within the front setback, where one is allowed at 141 Waban Hill Road, Ward 7, Chestnut Hill, on land known as Section 63 Block 04 Lot 37, containing approximately 10,505 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 5.1.7.A, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved 7-0; Public Hearing Closed 01/26/2021**

Note: Petitioners Miriam Rosenblum and Sheldon Benjamin presented the request for a special permit petition to allow parking in the front setback at 141 Waban Hill Road North. Mr. Benjamin explained that the proposed plans include the replacement of an existing rectangle blacktop with a semi-circular driveway at the front of the site. He noted that there is no space on site to create a garage. Although no additional cars will be parked on site, the reconfiguration of the driveway will place two parking stalls within the front setback. Mr. Benjamin stated that as part of the plan, the petitioners

propose to plant shrubs and a series of interconnecting gardens. He confirmed that he has communicated the proposal to members of the neighborhood who have all been supportive.

Senior Planner Katie Whewell reviewed the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation.

The Public Hearing was Opened. No member of the public wished to speak. Committee members were supportive of the petition. The Committee noted that on the plan submitted by EMB Surveyors shows the sidewalk lowering where it meets the driveway. It was noted that typically there is no change to the sidewalk and the driveway is placed over the sidewalk. Mr. Benjamin confirmed that there is no intention to lower the sidewalk and confirmed that he will work with the project engineer to ensure there is no disruption to the sidewalk. Mr. Cronin suggested that the sidewalk detail could have been a computer error.

The Committee questioned whether the petitioners considered the use of pervious pavers. Mr. Benjamin explained that while they did research the use of pervious pavers, they require consistent maintenance to ensure they remain pervious. He noted that given the added cost of the pavers and the negligible difference in the amount of water at the site, the decision was made to use impervious pavers.

Seeing no member of the public who wished to speak, Councilor Laredo motioned to close the public hearing which carried unanimously. Councilor Laredo motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation and voted 6-0 in favor of approval.

#443-20 **Petition to allow marijuana retailer at 232 Boylston Street and to amend Order #774-85**
MME Newton Retail, LLC petition for a **SPECIAL PERMIT/SITE PLAN APPROVAL** to allow a recreational retail marijuana establishment, allow waivers to parking facility requirements for; parking in the side setback, parking stall width and depth, reduced dimensions for accessible parking stalls, to reduce the minimum aisle width for two-way traffic, to waive perimeter screening requirements, to waive lighting requirements, to allow tandem parking and parking managed by an attendant, to waive the 25% front façade ground floor transparency requirements, to allow a free-standing sign and to allow an oversized directional sign and to amend Special Permit Board Order #774-85 at 232 Boylston Street, Ward 7, Chestnut Hill, on land known as Section 82 Block 02 Lot 09, containing approximately 16,570 sq. ft. of space in a district zoned BU4. Ref: Sec. 7.3.3, 7.4, 6.10.3.D, 4.4.4, 5.1.8.A.1, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.C.1, 5.1.8.E.1, 5.1.8.E.2, 5.1.9.A, 5.1.10, 5.2.3, 5.2.8, 5.2.13, 6.10.3.E.15 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Held 7-0; Public Hearing Continued**

Note: Atty. Katherine Adams, with law offices at Schlesinger and Buchbinder, 1200 Walnut Street, represented the petitioner MME Newton Retail, LLC. Atty. Adams presented updates to the petition as shown on the attached presentation. An amended report to reflect the discussion on this item will be available Monday, February 1, 2021.

#27-21 **Class 1 Auto Dealer License**
FLAHERTY EQUIPMENT SALES CORPORATION

846 Walnut Street
Newton, MA. 02459

Action: **Land Use Approved 7-0**

#516-20 **Class 2 Auto Dealers License**
NEWTON COLLISION INC. D/B/A GM AUTO BODY
64 Crafts Street
Newton, MA. 02458

Action: **Land Use Approved 7-0**

#517-20 **Class 2 Auto Dealers License**
STAN'S AUTOMOTIVE INC.
249 Centre Street
Newton Corner, MA. 02458

Action: **Land Use Approved 7-0**

#518-20 **Class 2 Auto Dealers License**
MAP DEVELOPMENT & INVESTMENTS
d/b/a CHRISTIAN TAPIA/MASTER USED
CARS of WATERTOWN
175 North Street
Newtonville, MA. 02460

Action: **Land Use Approved 7-0**

#519-20 **Class 2 Auto Dealer License**
PARAGON EXPORTS
40 Summit Street
Newton, MA. 02458

Action: **Land Use Approved 7-0**

#520-20 **Class 2 Auto Dealer License**
JAPAN AUTO SERVICES
1205 Washington Street
Newton, MA. 02465

Action: **Land Use Approved 7-0**

Note: The Committee discussed items #27-21, #516-20, #517-20, #518-20, #519-20, and #520-20 together. The Chair confirmed that there are no issues on the items related to taxes or zoning complaints. With that, the Committee voted 7-0 in favor of approval with a motion from Councilor Downs.

The Committee adjourned at 8:50 pm.

Respectfully Submitted,

Richard Lipof, Chair

Department of Planning and Development



PETITION #8-21

141 WABAN HILL ROAD NORTH

**SPECIAL PERMIT/SITE PLAN
APPROVAL TO ALLOW PARKING
WITHIN THE FRONT SETBACK**

JANUARY 26, 2021



Requested Relief



Special Permit per §7.3.3 of the NZO to:

- Allow parking within the front setback (§5.1.7A, §5.1.13)

Criteria to Consider



When reviewing this request, the Council should consider whether:

- The site is an appropriate location for the proposed additional parking stall within the front setback. (§5.1.7.A, §5.1.13, §7.3.3.C.1.)
- The additional parking stall within the front setback will adversely affect the neighborhood. (§5.1.7.A, §5.1.13, §7.3.3.C.2.)
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§5.1.7.A, §5.1.13, §7.3.3.C.3.)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§5.1.7.A, §5.1.13, §7.3.3.C.4)
- Literal compliance with the parking requirements is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features. (§5.1.7.A, §5.1.13).

Aerial/GIS Map





ATTACHMENT A

Zoning

141 Waban Hill Road N

*City of Newton,
Massachusetts*

Zoning

-  Single Residence 2
-  Public Use

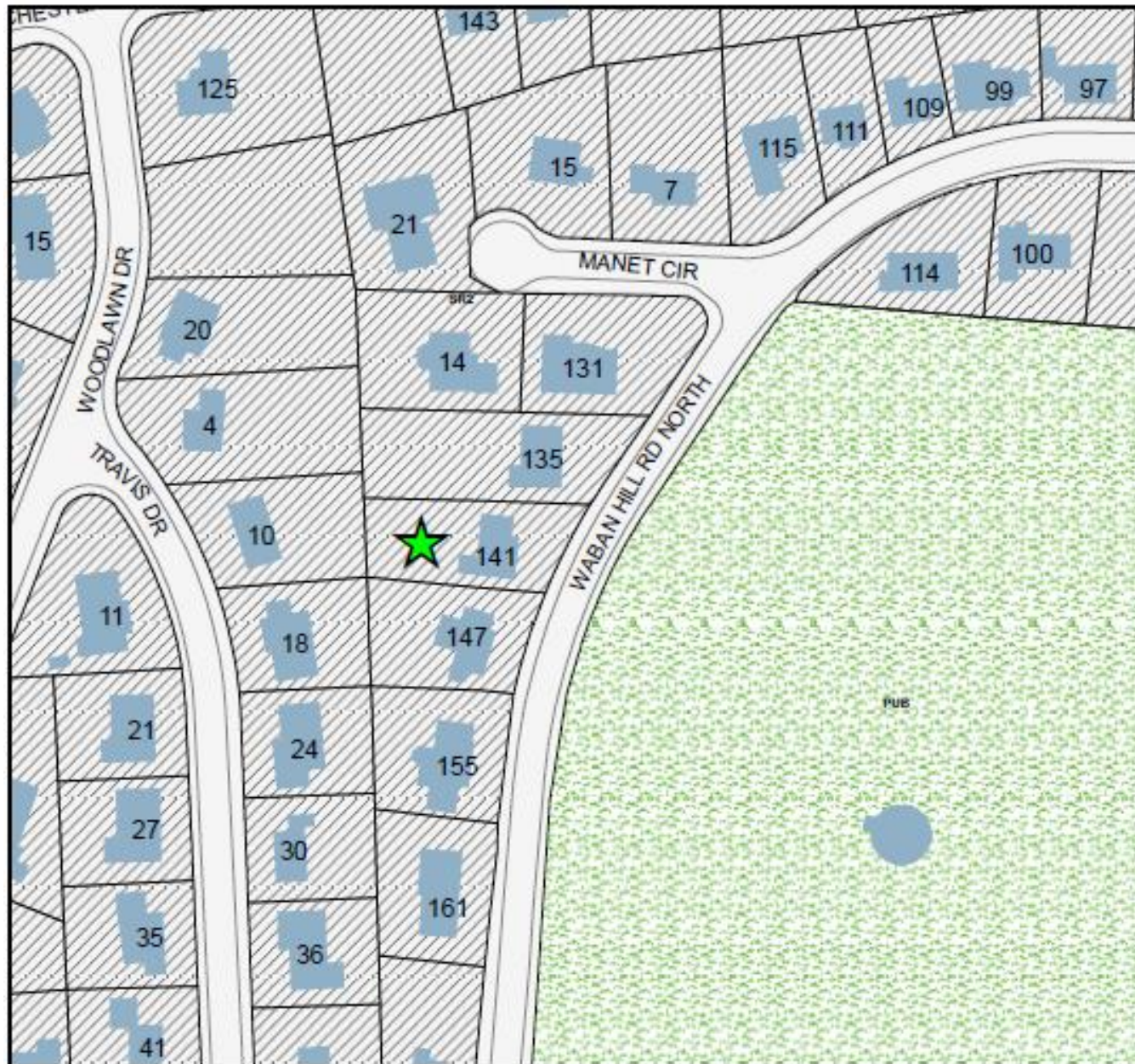


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of the information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS
Mayor - Rathbone Fuller
GIS Administrator - Douglas Greenfield

0 25 50 75 100 125
Feet

Map Date: January 26, 2021



ATTACHMENT B

Land Use

141 Waban Hill Road N

City of Newton,
Massachusetts

Land Use

Land Use

-  Single Family Residential
-  Mixed Use
-  Open Space
-  Vacant Land

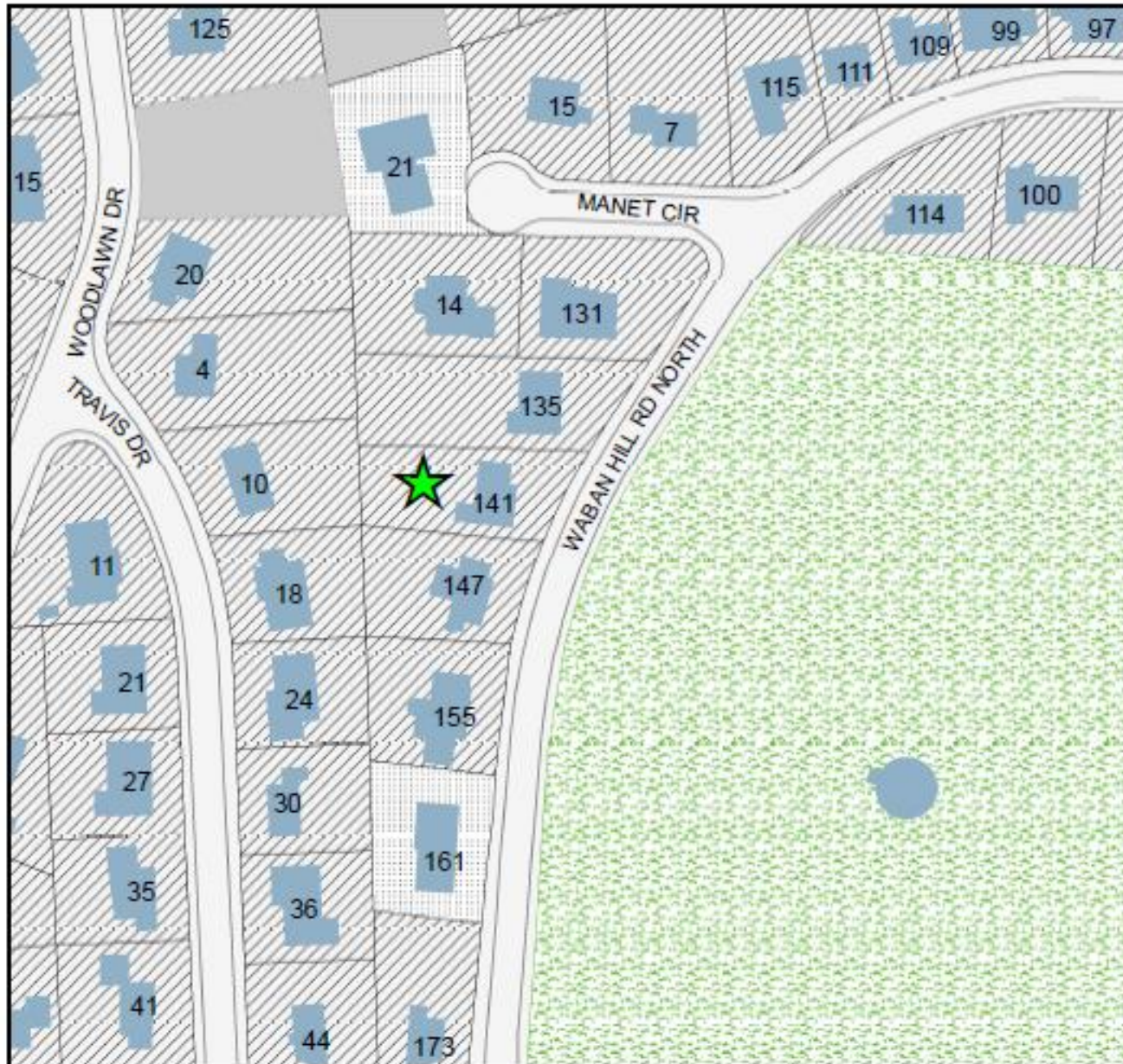


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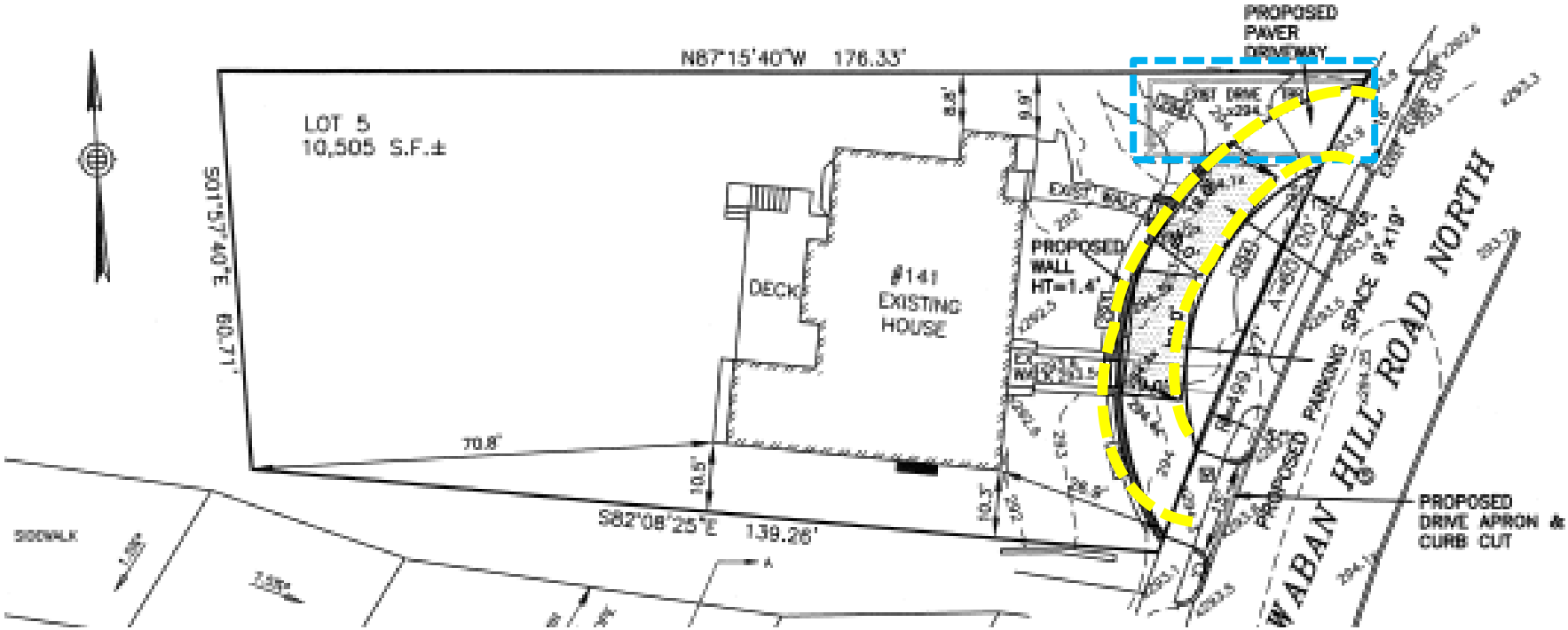
CITY OF NEWTON, MASSACHUSETTS
Mayor - Barbara Fuller
GIS Administrator - Douglas Greenfield



0 25 50 75 100 125 Feet

Map Date: January 26, 2021



Site Plan



-  Existing driveway, to be removed
-  Proposed driveway

Proposed Findings



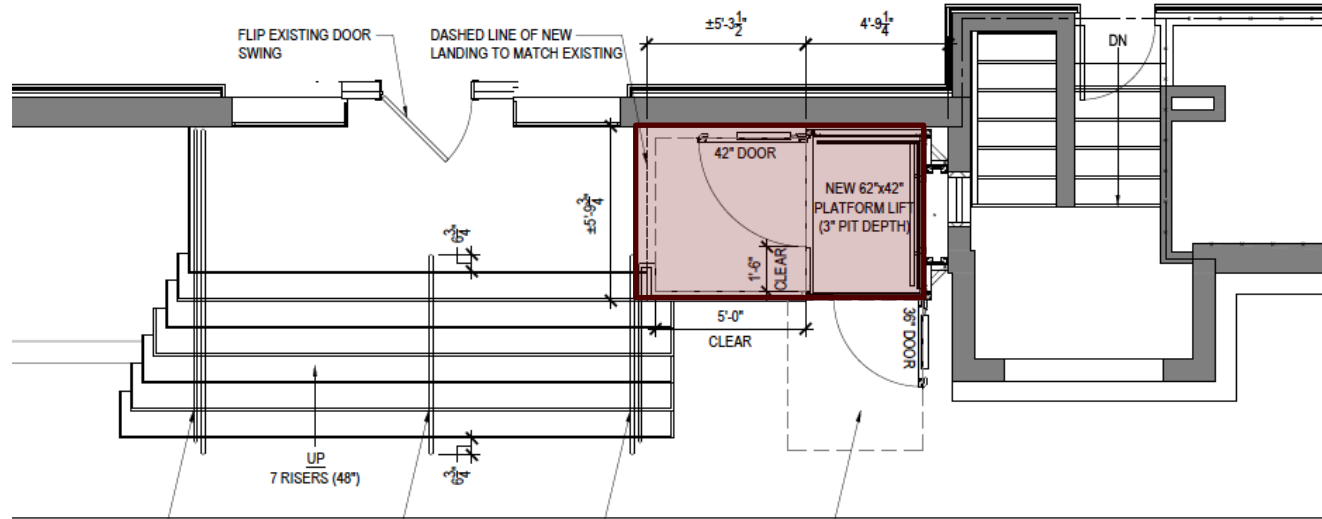
1. The site is an appropriate location for the proposed additional parking stall within the front setback due to the steep grade change from the front to the rear of the site and the site features that condition parking within the front setback. (§5.1.7.A, §5.1.13, §7.3.3.C.1.)
2. The additional parking stall within the front setback will not adversely affect the neighborhood because many properties on Waban Hill Road north feature parking within the front setback. (§5.1.7.A, §5.1.13, §7.3.3.C.2.)
3. There will be no nuisance or serious hazard to vehicles or pedestrians because proposed configuration increases the distance between vehicles and the sidewalk. (§5.1.7.A, §5.1.13, §7.3.3.C.3.)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because the driveway can accommodate two parking stalls that meet the dimensional standards of the zoning ordinance. (§5.1.7.A, §5.1.13, §7.3.3.C.4)
5. Literal compliance with the parking requirements is impracticable due to the steep grade change from the front to the rear of the lot. (§5.1.7.A, §5.1.13).

Proposed Conditions

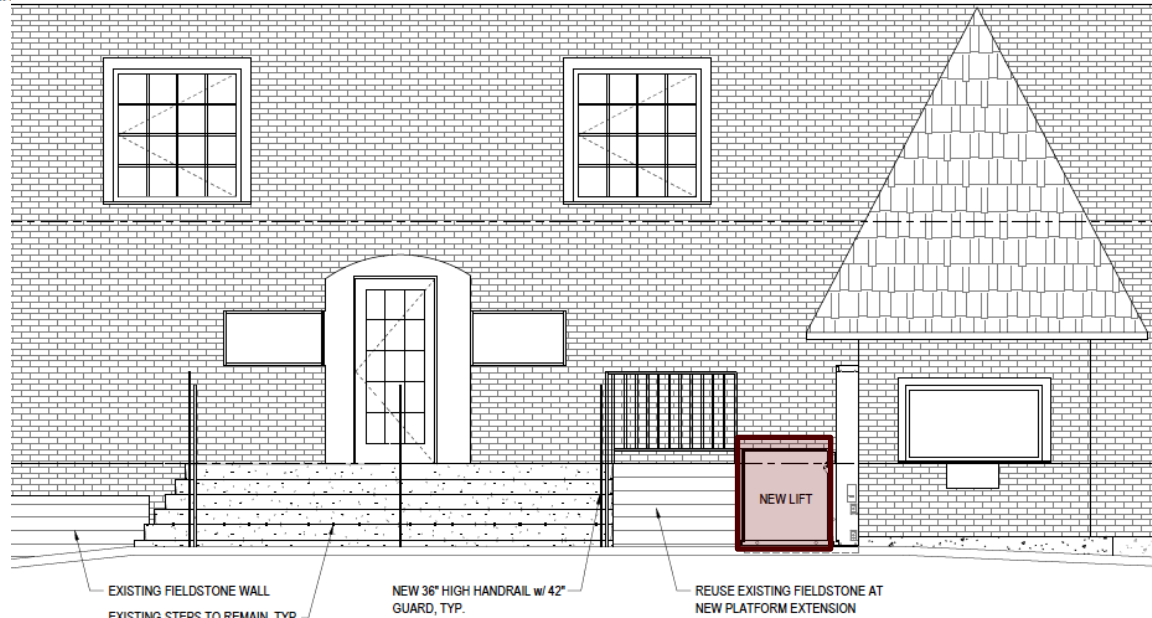


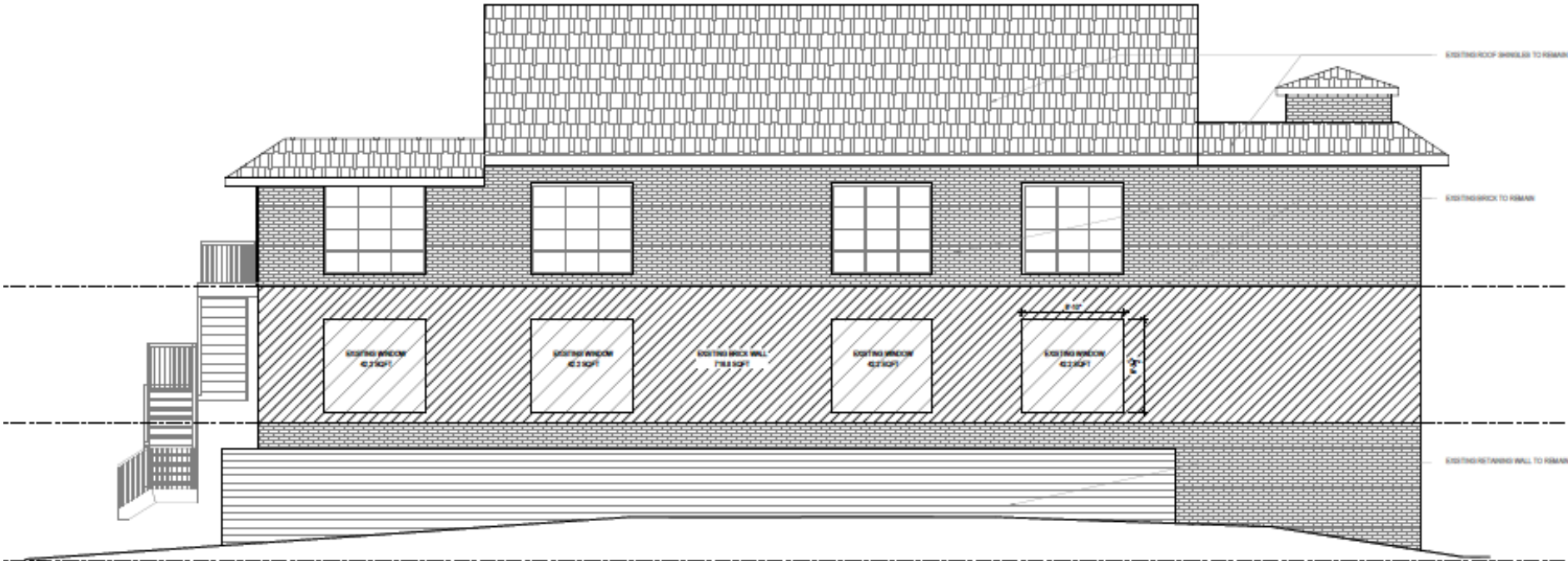
1. Plan Referencing Condition.
2. Standard Building Permit Condition.
3. Standard Certificate of Occupancy Condition





EW 36" H
'42" GUA





EXISTING BRICK FACADE
716.8 SQFT

EXISTING WINDOW
42.2 SQFT

$42.2 \times 4 = 168.8$ SQFT

$168.8 / 716.8$ SQFT = 0.235

$0.235 \times 100 = 23.5\%$

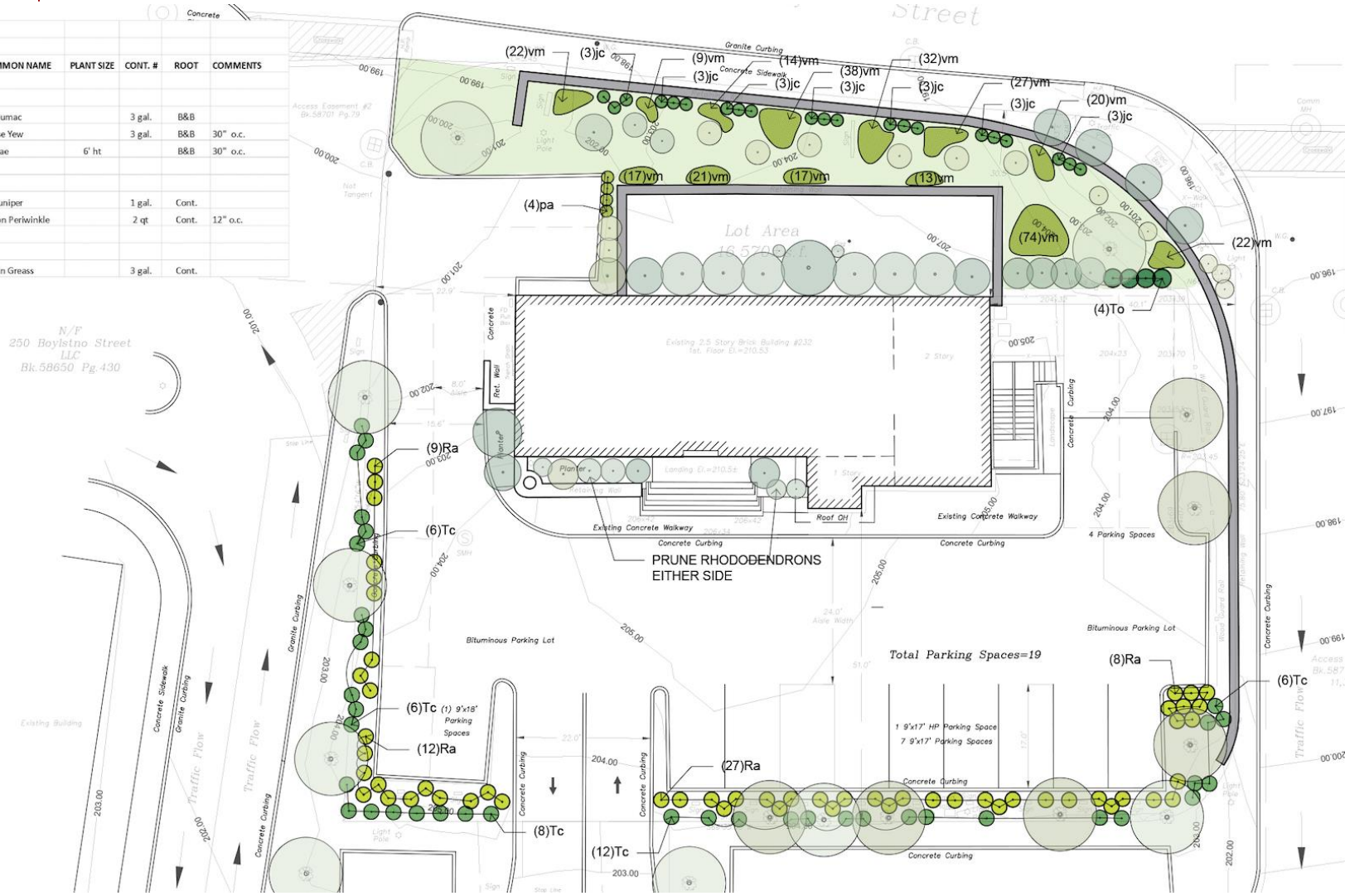
TOTAL TRANSPARENCY : 23.5%



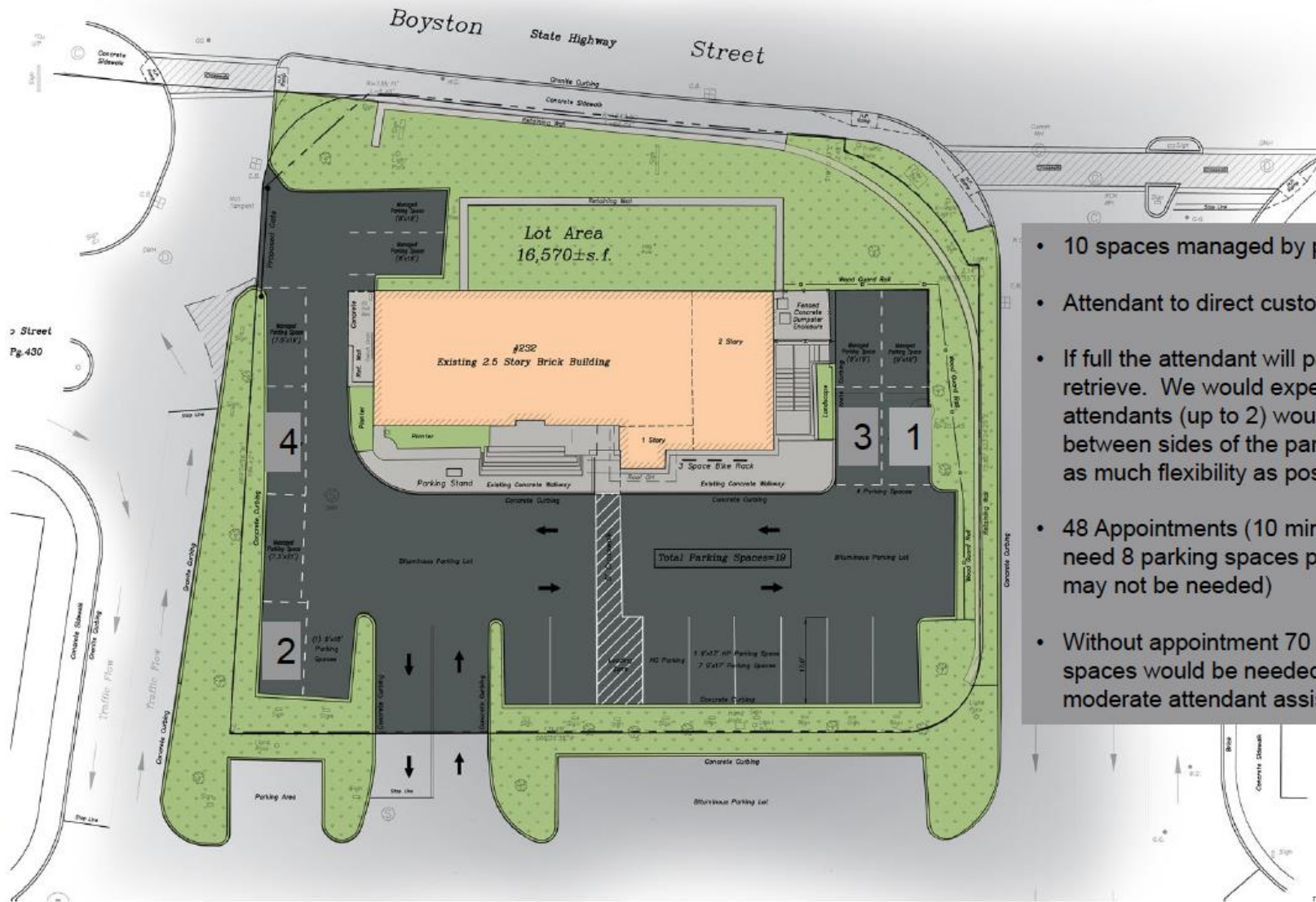


PLANT SCHEDULE

KEY	QTY	BOTANICAL NAME	COMMON NAME	PLANT SIZE	CONT. #	ROOT	COMMENTS
SHRUBS							
Ra	56	Rhus aromatica 'Gro-Low'	Dwarf Sumac	3 gal.	B&B		
Tc	38	Taxus cuspidata 'Nana Aureoscens'	Japanese Yew	3 gal.	B&B	30" o.c.	
To	4	Thuja occidentalis 'Emerald Green'	Aborvitae	6' ht	B&B	30" o.c.	
GROUNDCOVER							
Jc	21	Juniperus conferta 'Blue Pacific'	Shore Juniper	1 gal.	Cont.		
vm	327	Vinca minor 'Bowles'	Common Periwinkle	2 qt	Cont.	12" o.c.	
PERENNIALS							
pa	4	Pennisetum alopecuroides	Fountain Grass	3 gal.	Cont.		



Proposed Conditions Site Plan



- 10 spaces managed by parking attendant
- Attendant to direct customer to self park
- If full the attendant will park the car and retrieve. We would expect the attendant or attendants (up to 2) would alternate between sides of the parking lot to leave as much flexibility as possible
- 48 Appointments (10 min per) we would need 8 parking spaces per hour (Attendant may not be needed)
- Without appointment 70 peak hour trips 12 spaces would be needed per hour so moderate attendant assistance.

Thank You!



Department of Planning and Development



PETITION #774-20

232 BOYLSTON STREET

SPECIAL PERMIT/SITE PLAN APPROVAL TO ALLOW A RECREATIONAL RETAIL MARIJUANA ESTABLISHMENT, ALLOW WAIVERS TO PARKING FACILITY REQUIREMENTS FOR: PARKING IN THE SIDE SETBACK, PARKING STALL WIDTH AND DEPTH, REDUCED DIMENSIONS FOR ACCESSIBLE PARKING STALLS, TO REDUCE THE MINIMUM AISLE WIDTH FOR TWO-WAY TRAFFIC, TO WAIVE PERIMETER SCREENING REQUIREMENTS, TO WAIVE LIGHTING REQUIREMENTS, TO ALLOW TANDEM PARKING AND PARKING MANAGED BY AN ATTENDANT, TO WAIVE THE 25% FRONT FAÇADE GROUND FLOOR TRANSPARENCY REQUIREMENTS, TO ALLOW A FREE-STANDING SIGN AND TO ALLOW AN OVERSIZED DIRECTIONAL SIGN AND TO AMEND SPECIAL PERMIT BOARD ORDER #774-85

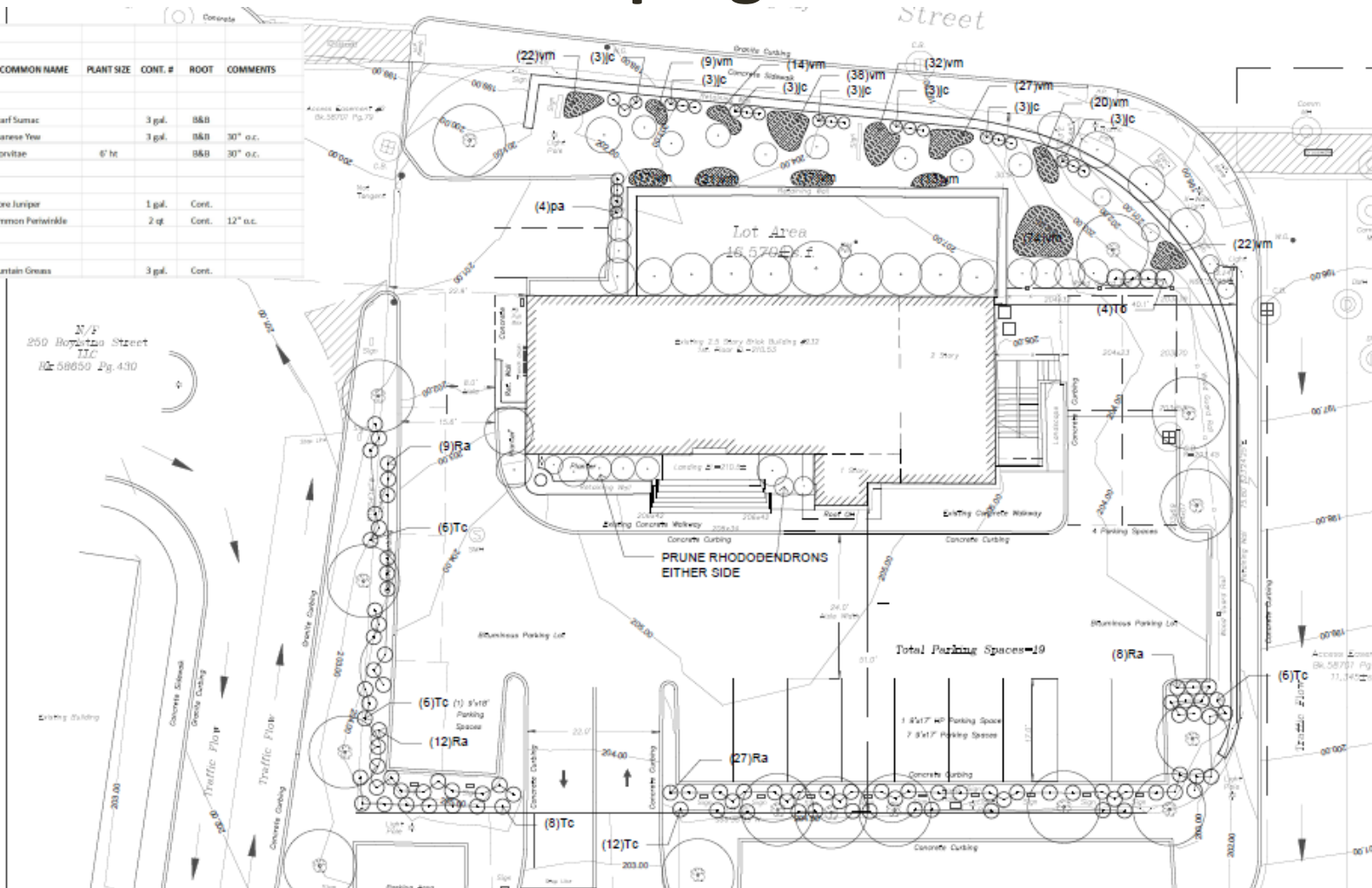


JANUARY 26, 2021

Landscaping

PLANT SCHEDULE

KEY	QTY	BOTANICAL NAME	COMMON NAME	PLANT SIZE	CONT. #	ROOT	COMMENTS
SHRUBS							
Ra	56	Rhus aromatica 'Gro-Low'	Deerf Sumac	3 gal.	8&8	8&8	
Tc	38	Taxus cuspidata 'Nana Aurea'	Japanese Yew	3 gal.	8&8	30" o.c.	
To	4	Thuja occidentalis 'Emerald Green'	Ahorvitae	6' ht	8&8	30" o.c.	
GROUND COVER							
Jc	21	Juniperus conferta 'Blue Pacific'	Shore Juniper	1 gal.	Cont.	Cont.	
vm	327	Vinca minor 'Bowles'	Common Periwinkle	2 qt.	Cont.	12" o.c.	
PERENNIALS							
pa	4	Pennisetum alopecuroides	Fountain Grass	3 gal.	Cont.	Cont.	



G2 COLLABORATIVE
232 Moody Street, Suite 306
Waltham, MA 02453
781.373.5945
www.g2coll.com

30 PROJ # 2019
DRAWN BY: YJC
DWG NO: 000
SCALE: 1/4" = 1'-0"
DATE: 01.07.2021

PROJECT: 232 Boylston St, Newton MA

SHEET TITLE: Overall Planting

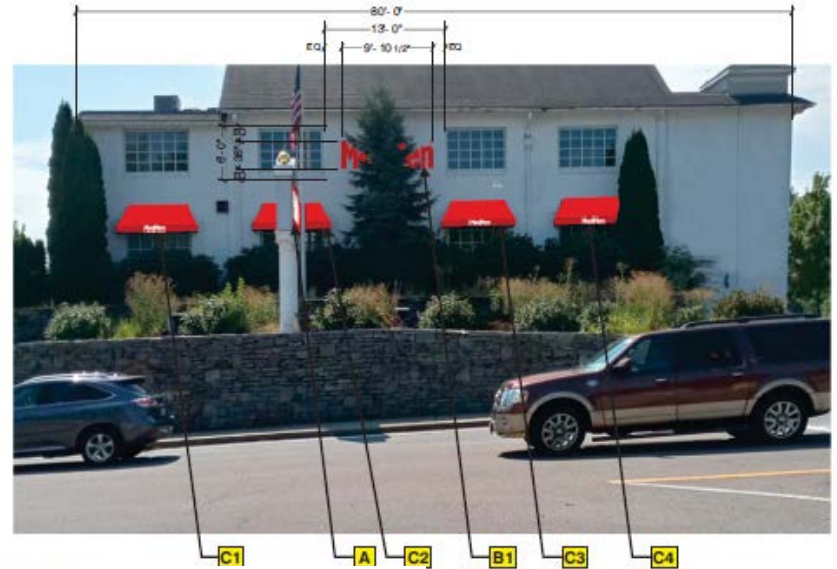
GENERAL NOTE:
DO NOT SCALE OFF OF DRAWING. VERIFY ALL DIMENSIONS IN FIELD PRIOR TO CONSTRUCTION. REPORT ANY DISCREPANCIES OR CONFLICTS TO LANDSCAPE ARCHITECT IMMEDIATELY.



Signage- Front (existing, initial & 1/22/21 proposal)



Existing



Proposed
Signs rendered proportional to the photo

Signage- Rear (existing, initial & 1/22/21 proposal)

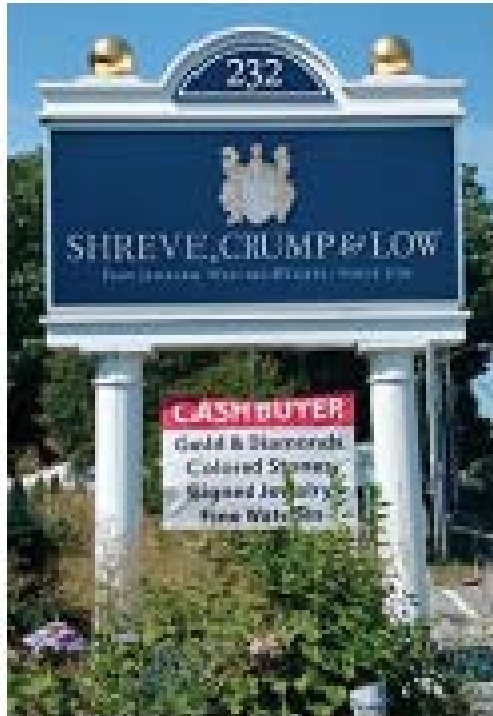


Existing.



Proposed
Signs rendered proportional to the photo

Signage- Freestanding (existing, initial & 1/22/21 proposal)



Existing

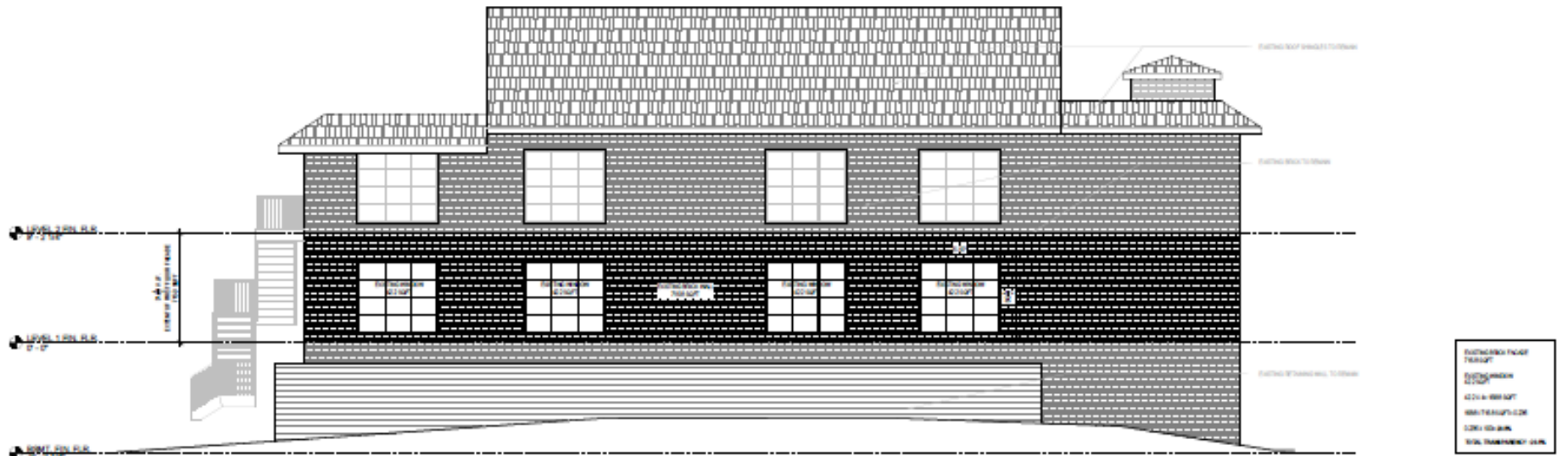


Proposed
Sign rendered proportional to the photo



Proposed
Sign rendered proportional to the photo

Transparency



Transportation Division review



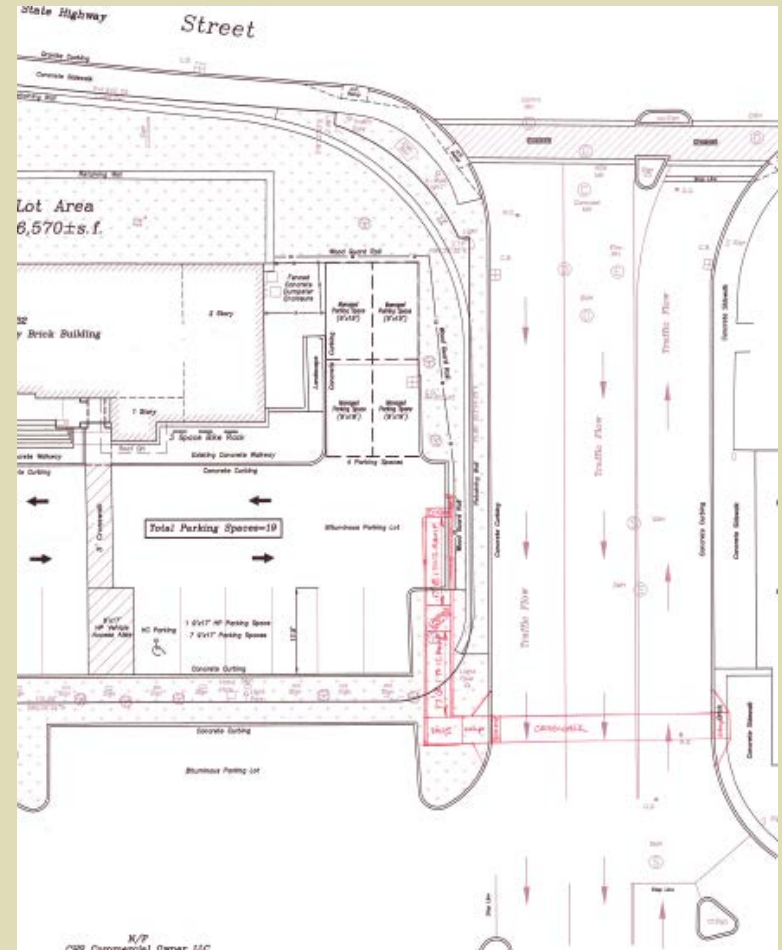
- DPW's Transportation Division reviewed petitioner's traffic and parking information. Its comments included:
 - concerns regarding expected use of parking stalls located on adjacent properties
 - could easily drive to and from the site via Florence Street, thereby avoiding the need to negotiate across several lanes of Boylston Street traffic and through additional traffic signals
 - that a shared parking approach and better pedestrian connections be explored with neighboring properties
 - that "efforts to initiate further work on creating the proposed shuttle service for the area to public transit options" be made

(note: petitioner submitted a letter on January 21, 2021 in which it offers to "endeavor in taking the administrative lead in coalescing support from nearby employers to operate, maintain, and fund a shared shuttle service that would provide a first-mile/last-mile solution for employees traveling to and from their workplace.")

Pedestrian Access

To facilitate pedestrian access to the site the petitioner has explored creating a cross walk across the three-lane wide driveway east of the site

- would allow pedestrians from Boylston Street to use sidewalk on east side of that driveway and then cross to reach the subject property
- crosswalk would be located on separately owned property
- Planning Department has suggested exploring options on subject property &/or not dependent on agreements with abutting properties



Traffic & Transportation- peer review



Regarding trip generation:

- BETA has requested that the petitioner provide, if available, “empirical vehicle trip generation data from other similar facilities to confirm” that the ITE rates used to project the proposal’s trip generation “are reasonable”

Regarding site access and circulation:

- whether the 8 foot wide access aisle on the west side of the parcel would be “blocked by parked vehicles restricting emergency vehicle access”
- whether there is adequate loading area maneuvering area
- some customers might “use the Florence Street driveway” located on an adjoining property to the west

Traffic & Transportation- peer review



Regarding parking:

- whether petitioner will subsidize employees' costs to park off-site, not merely the cost of their transportation to/from off-site parking areas
- area for “managed spaces on the west side of the site is tight”
- some customers may avoid the valet operation by parking in adjoining parking areas (the petitioner has stated that there is no expectation that its customers would use such adjacent parking).
- whether parking attendants would be provided in perpetuity.
- “how additional vehicles will be accommodated on-site if the parking lot is full”
- recommends the petitioner provide more information regarding how its managed parking plan for the 19 parking stalls onsite would be operated