



#176-21

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

Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: June 22, 2021
Land Use Action Date: September 14, 2021
City Council Action Date: September 20, 2021
90- Day Expiration Date: September 20, 2021

DATE: June 17, 2021

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Neil Cronin, Chief Planner for Current Planning
Katie Whewell, Senior Planner

SUBJECT: **Petition #176-21**, for SPECIAL PERMIT/SITE PLAN APPROVAL to waive five parking stalls at 47 Lincoln Street, Ward 6, Newton Highlands, on land known as Section 52 Block 08 Lot 01, containing approximately 6,968 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 5.1.4, 5.1.13 of the City of Newton Rev Zoning Ord, 2017.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision making process of the City Council. 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 City Council will want to consider in its discussion at a subsequent Working Session.



47 Lincoln Street

EXECUTIVE SUMMARY

The subject property at 47 Lincoln Street (43-53 Lincoln Street) consists of a 6,968 square foot lot located in the Business Use 1 (the “BU-1”) zone in Newton Highlands. The subject property is improved with a commercial building constructed circa 1910. The petitioner is seeking to locate a fitness studio in the space formerly occupied by a nail salon. The change in use from personal service to fitness studio increases the parking requirement by five parking stalls which cannot be accommodated on site, as a result a special permit is required.

The Planning Department reviewed this petition with the Transportation Division whose main concern was employee parking and lack of long-term parking in the area. The Transportation Division did not have any concerns regarding parking for clients of the business due to the availability of short-term parking in the area. After conferring with the Transportation Division, the petitioner confirmed they were able to obtain two parking passes from the City. Due its location in a Village Center near transit, the Planning Department is unconcerned with the request to waive five parking stalls.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the City Council should consider whether:

- The specific site is an appropriate location for the proposed waiver of five parking stalls. (§7.3.3.C.1.)
- The proposed waiver of five parking stalls will adversely affect the neighborhood. (§7.3.3.C.2.)
- There will be no nuisance or serious hazard to vehicles or pedestrians due to the proposed waiver of five parking stalls. (§7.3.3.C.3.)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
- Literal compliance with the required number of parking stalls 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. (§5.1.3.E, §5.1.4 and §5.1.13)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Lincoln Street in Newton Highlands and is

approximately 500 feet from the Newton Highlands MBTA station. The properties that front Lincoln Street from Walnut Street to Columbus Circle are zoned BU-1 (**Attachment A**) with residential zones to the north, west, and southwest. There are a mix of uses in the area including residential, commercial, nonprofit, and open space (**Attachment B**).

B. Site

The site consists of 6,968 square feet of land improved with a multi tenanted commercial building constructed circa 1910. There is access to the rear of the building from Columbus Circle that leads to a back-alley area with refuse receptacles. The building takes up almost the entire site and there is no parking on site.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site is and will remain commercial.

B. Building and Site Design

There are no changes to the site or building proposed. The fitness studio will be leasing the 1,950 square foot tenant space formerly occupied by a nail salon.

C. Parking and Circulation

With 1,950 square feet of space and a maximum of three employees at one time, the parking requirement for the fitness studio is 14 parking stalls. The prior use provides a parking credit of nine stalls, thus a waiver of five stalls is required. Planning Staff reviewed this petition with the Transportation Division of Public Works whose concerns were limited to employee parking and the lack of long-term parking in the area. The Transportation Division stated they were not concerned with parking for clients due to the availability of short-term parking in the area. The petitioner confirmed they were able to obtain two parking permits for two of the employees, alleviating concerns with the lack of long-term parking.

D. Operations

The petitioner submitted a potential class schedule which ranges from 3-4 classes per day, with classes running for 30, 45 or 50 minutes. Weekday classes typically start at 6 or 6:30 AM and the last class of the day would start at 5:30 PM. Weekend classes typically start at 8:00 AM and the last class would start at 5:00 PM. The petitioner expects 10-12 clients per class.

The petitioner expects front desk employees and instructors to work shorter shifts

than a typical eight-hour shift, and only need to park for two to three hours at a time.

Table 1. Draft Schedule

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Morning	8:00 AM 9:00 AM	6:00 AM 9:00 AM	6:30 AM 7:30 AM	6:00 AM 9:00 AM	6:30 AM 7:30 AM 9:00 AM	6:00 AM 9:00 AM	8:00 AM 9:00 AM
Afternoon	4:00 PM 5:00 PM	5:30 PM	5:30 PM	5:30 PM	5:30 PM	5:00 PM	4:00 PM 5:00 PM

Due to the ability of the petitioner to obtain parking passes that satisfy the Transportation Divisions concerns and the site’s location in a Village Center near transit, the Planning Department is unconcerned with the request to waive five parking stalls.

E. Landscape Screening

A landscape plan is not required with this petition.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum (the “Memorandum”) provides an analysis of the proposal regarding zoning. Based on the Memorandum, the petitioner is seeking the following relief:

- §5.1.4 and §5.1.13 of Section 30, to waive five parking stalls.

B. Engineering Review

This petition does not meet the minimum threshold for review from the Engineering Division of Public Works.

C. Newton Historical Commission

This petition does not meet the minimum criteria for review from the Newton Historical Commission.

V. PETITIONER’S RESPONSIBILITIES

The petitioner should respond to the issues raised in this memorandum and other questions raised at the public hearing, as necessary. Written responses to all significant issues should be provided for analysis by the Planning Department prior to being scheduled for additional public hearings. The Planning Department will prepare an updated memo prior to any

future public hearings.

ATTACHMENTS:

- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Zoning Review Memorandum
- Attachment D:** DRAFT Council Order

ATTACHMENT B




Land Use

47 Lincoln Street

City of Newton,
Massachusetts

Legend

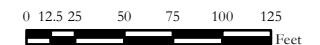
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Open Space
-  Nonprofit Organizations

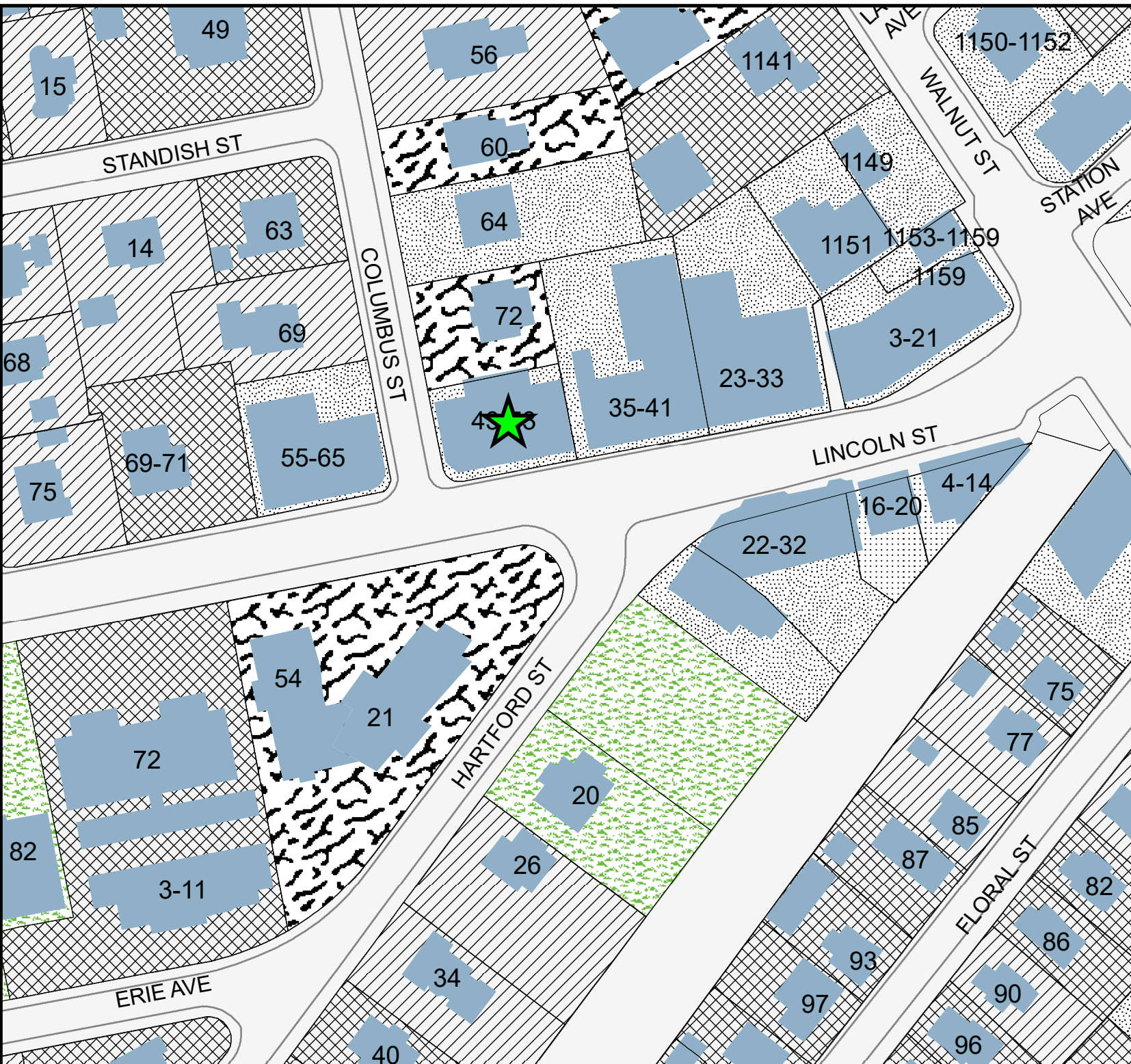


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: June 08, 2021





Ruthanne Fuller
Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: April 27, 2021

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Neil Cronin, Chief Planner for Current Planning

Cc: Denise Crowe, Applicant
Jameson Brown, The Hamilton Company
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request to waive 5 parking stalls**

Applicant: Denise Crowe	
Site: 47 Lincoln Street	SBL: 52008 0001
Zoning: BU1	Lot Area: 6,968 square feet
Current use: Nail salon	Proposed use: Fitness studio

BACKGROUND:

The property at 43-53 Lincoln Street consists of a 6,968 square foot lot improved with a multi-tenant commercial building constructed in 1910. A boutique fitness studio is proposing to locate in the space at 47 Lincoln Street, formerly occupied by a nail salon. The proposed fitness studio use increases the parking demand beyond that which was grandfathered by the previous use, requiring a special permit.

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

- Zoning Review Application, prepared by Heidi Woerner, applicant, dated 4/15/2021

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner intends to occupy a 1,950 square foot space intended for a group fitness boutique health club. Per section 5.1.4, a health club requires one stall per 150 square feet, plus one stall per each three employees. With 1,950 square feet and no more than three employees working at one time, the proposed health club requires 14 stalls. The previous personal service use provides a parking credit of 9 stalls, having required one stall per every 300 feet ($1,950/300 = 7$ stalls) plus one stall per every three employees (up to 6 employees = 2 stalls). A waiver of five stalls is required per sections 5.1.4 and 5.1.13 for the change in use.

See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§5.1.4 §5.1.13	Request to waive 5 parking stalls	S.P. per §7.3.3

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to waive five parking stalls, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the proposed waiver of five parking stalls due to its location in the Newton Highlands Village Center and its proximity to transit. (§7.3.3.C.1.)
2. The proposed waiver of five parking stalls will not adversely affect the neighborhood due to the short-term parking needs of the use. (§7.3.3.C.2.)
3. There will be no nuisance or serious hazard to vehicles or pedestrians due to. (§7.3.3.C.3.)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved due to its location in a Village Center. (§7.3.3.C.4)
5. A waiver of five parking stalls is in the public interest due to its location in the Newton Highlands Village Center and the site's proximity to transit. (§5.1.3.E, §5.1.4 and §5.1.13)

PETITION NUMBER: #176-21

PETITIONER: Hamilton Linewt Associates

ADDRESS OF PETITIONER: 39 Brighton Avenue
Boston, MA 02134

LOCATION: 47 Lincoln Street, Section 52, Block 08, Lot 1, containing approximately 6,968 square feet of land

OWNER: Hamilton Linewt Associates

ADDRESS OF OWNER: 39 Brighton Avenue
Boston, MA 02134

TO BE USED FOR: Fitness Studio

CONSTRUCTION: Interior renovations only

EXPLANATORY NOTES: Special permit to waive five parking stalls (§5.1.3.B, §5.14,
and §7.3.3)

ZONING: Business 1

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with the following plans:
 - a. "Crowe Barre Studio Floorplan" dated April 6, 2021, signed and stamped by Andrea G Zaff, Registered Architect.
2. No building permit shall be issued pursuant to this special permit/site plan approval until the petitioner has:
 - a. Recorded a certified copy of this Order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County;
 - b. Filed a copy of such recorded Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development; and
 - c. Obtained a statement from the Director of Planning and Development that all plans are consistent with Condition #1.
3. The parking waiver of five parking stalls shall only apply to the health club use, any change in use pertaining to this site shall require an amendment to this Council Order.
4. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:
 - a. filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement certifying compliance with Condition #1.