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Director

ZONING REVIEW MEMORANDUM

Date: May 12, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: 1021 Boylston Street LLC, Applicant
Jennifer R. Shultz, Attorney
Barney S. Heath, Director of Planning and Development
Jonah temple, Assistant City Solicitor

RE: Request to alter a nonconforming use to allow a drive-in business and associated parking waivers

Applicant: 1021 Boylston Street LLC	
Site: 1021 Boylston Street	SBL: 51026 0003
Zoning: MR2	Lot Area: 17,280 square feet
Current use: Retail	Proposed use: Drive-in business

BACKGROUND:

The property at 940 Boylston Street consists of 17,280 square feet improved with a one-story building constructed in 1949 currently occupied with a retail use and six surface parking stalls. The petitioner proposes to reconfigure the parking area and to construct a drive-in window for a drive-in business, requiring a special permit.

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

- Zoning Review Application, prepared by Jennifer Schultz, Attorney, submitted 3/26/2021
- Existing Conditions Site Survey, signed and stamped by Francis L. Struble, surveyor, dated 9/25/2020
- Proposed Conditions Site Survey, prepared by Pare Corporation, dated 3/24/2021
- Drive-Thru Plan, signed and stamped by Katie Enright, Civil Engineer, dated 3/19/2021
- Layout and Materials Plan, signed and stamped by Katie Enright, Civil Engineer, dated 3/19/2021
- Elevations, submitted 3/26/2021

ADMINISTRATIVE DETERMINATIONS:

1. The property is located in the Multi Residence 2 zoning district, rendering the existing retail use nonconforming. The petitioner proposes to raze a rear deck and reconfigure the parking area to allow for construction of a drive-in window for a drive-in business within the building. Per section 6.4.11, a drive-in business is a retail use in which all or part of the business is conducted by a customer from with a motor vehicle, including drive-in food establishments. Per sections 6.4.11 and 7.8.2.C.2, a special permit is required to allow for the alteration of the existing nonconforming retail use into a drive-in business in the Multi Residence 2 zoning district.
2. The existing retail use occupies all 3,050 square feet of the building, requiring 11 parking stalls per section 5.1.4 with one stall per every 300 square feet and one stall per every three employees. Per section 5.1.4, a drive-in establishment requires one parking stall per every 600 square feet, resulting in a parking requirement of five stalls. The petitioner proposes to reconfigure the parking area, eliminating stalls to accommodate the queuing lane for the drive-in. The reconfiguration results in twelve parking stalls with a queuing lane for twelve vehicles. No waiver is required.
3. Per section 5.1.8.A.1 required parking stalls may not be located in any required front and side setbacks and may not be within five feet of the street. The petitioner proposes a total of nine parking stalls within the side setback, of which the accessible stall is located within the front setback within five feet of the street, requiring a special permit per section 5.1.13.
4. Section 5.1.8.C.1 requires a minimum aisle width of 24 feet for 90-degree parking. The three parking stalls directly behind the building are at 90 degrees with a 13-foot aisle width, requiring a special permit per section 5.1.13.
5. Per section 5.1.9.A, outdoor parking facilities containing more than five stalls are required to provide perimeter screening from abutting properties. Perimeter screening meeting the required dimensions is proposed at the rear and northeastern property lines but is limited on the western lot line and the front section of the eastern property boundary, requiring a waiver per section 5.1.13.
6. Section 5.1.10.A requires outdoor parking facilities used at night provide lighting with a minimum intensity of one-foot candle on the entire surface and that the lighting does not spill onto neighboring properties. No lighting is indicated on the proposed site plan, requiring a waiver per section 5.1.13.

Zoning Relief Required

<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§6.4.11 §7.8.2.C.2	Request to alter an existing nonconforming retail use to allow a drive-in business	S.P. per §7.3.3
§5.1.8.A.1 §5.1.13	Request to allow parking in the side and front setbacks, and within five feet of the street	S.P. per §7.3.3
§5.1.8.C.1 §5.1.13	Request to allow a reduced required aisle width	S.P. per §7.3.3
§5.1.9.A §5.1.13	Request to waive the perimeter screening requirements	S.P. per §7.3.3
§5.10.A §5.1.13	Request to waive the outdoor lighting requirements	S.P. per §7.3.3