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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: September 13, 2021
Land Use Action Date: November 23, 2021
City Council Action Date: December 6, 2021
90- Day Expiration Date: December 12, 2021

DATE: September 10, 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 #295-21**, for SPECIAL PERMIT/SITE PLAN APPROVAL to waive 2 parking stalls to accommodate a new physical therapy office use in place of the former bank use at 405-411 Watertown Street, Ward 1, Newton, on land known as Section 14 Block 08 Lot 01, containing approximately 3,871 sq. ft. of land in a district zoned BUSINESS USE 2. 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.



405-411 Watertown Street

EXECUTIVE SUMMARY

The subject property at 405-411 Watertown Street consists of a 3,871 square foot lot located in the Business Use 2 (the "BU-2") zone in Nonantum. The subject property is improved with a commercial building constructed circa 1900. The petitioner is seeking to locate a medical office in the space formerly occupied by offices associated with the bank on site. The change in use from general office to medical office increases the parking requirement to 11 stalls. The prior use offers a nine-stall credit and as a result, a special permit is required to waive two required parking stalls.

The medical office use operates in such a way that there is one full time staff member and three part-time staff members, with some of the business conducted via telehealth, home visits and flexible work from home arrangements for staff. Due its location on Watertown Street with on street parking nearby, proximity to transit, and flexible operations of the use, Planning is unconcerned with the two-stall parking waiver.

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 two parking stalls. (§7.3.3.C.1.)
- The proposed waiver of two parking stalls will adversely affect the neighborhood. (§7.3.3.C.2.)
- There will be a nuisance or serious hazard to vehicles or pedestrians due to the proposed waiver of two 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 at the intersection of Watertown Street and Adams

Street in the BU-2 zone in Nonantum. The site is adjacent to the Adams Street municipal parking lot. Most of the properties to the west of the intersection, including the site, are zoned BU-2, with a Business 1 zone to the east along Watertown Street. There are multi residence zones beyond the Business zones to the north and south, and a public use zone, Coletti-Magni Park, to the east along Watertown Street (**Attachment A**). There are a mix of uses in the area including residential, commercial, mixed use, and open space (**Attachment B**).

B. Site

The site consists of 3,871 square feet of land improved with a multi tenanted commercial building constructed circa 1900. There is vehicular access off Watertown Street and pedestrian access to the building at the corner for Watertown Street and Adams Street. The building takes up almost the entire site and there is limited parking on site in the form of a drive aisle from Watertown Street to Adams Street, where cars park in a tandem configuration.

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 medical office will be leasing a 2,170 square foot tenant space.

C. Operations

The petitioner is the only full-time employee and employs two part time physical therapists, and one part-time administrative assistant. Patients are seen for an hour and the office expects to have approximately 10 patients throughout the day. Their hours of operation are 9 AM to 5 PM, Monday through Friday. The petitioner stated they typically have no more than three employees in the office at one time and in addition to seeing patients in the office, they conduct virtual telehealth visits and home visits.

D. Parking and Circulation

With 2,170 square feet of space, the parking requirement for the medical office is 11 parking stalls. The prior use provides a parking credit of nine stalls, thus a waiver of two stalls is required. Planning Staff is not concerned with parking for patients due to the availability of short-term parking in the area. The petitioner has not provided a parking

plan to the Planning Department for employees but is exploring parking options with the bank to determine whether an arrangement for employee parking can be reached.

Due to the less intense use and flexible operations with mostly part-time employees, the Planning Department is unconcerned with the two-stall parking waiver.

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 two 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 petition is considered complete.

ATTACHMENTS:






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

Zoning

405-411 Watertown Street

*City of Newton,
Massachusetts*

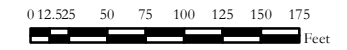
Zoning

-  Multi-Residence 2
-  Business 1
-  Business 2
-  Manufacturing
-  Public Use

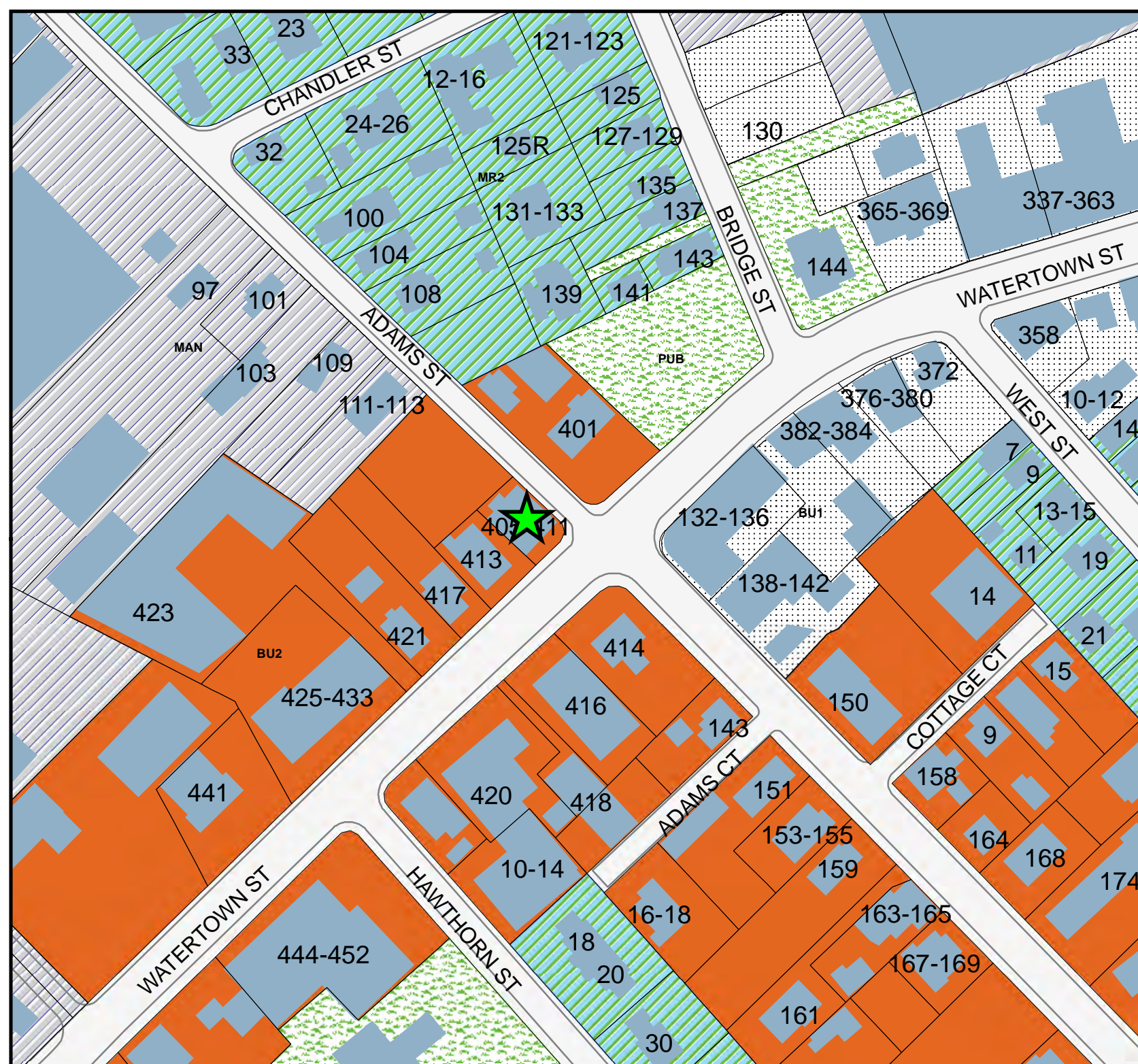


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: September 03, 2021









ATTACHMENT B

Land Use

405-411 Watertown Street

*City of Newton,
Massachusetts*

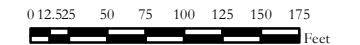
Land Use

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

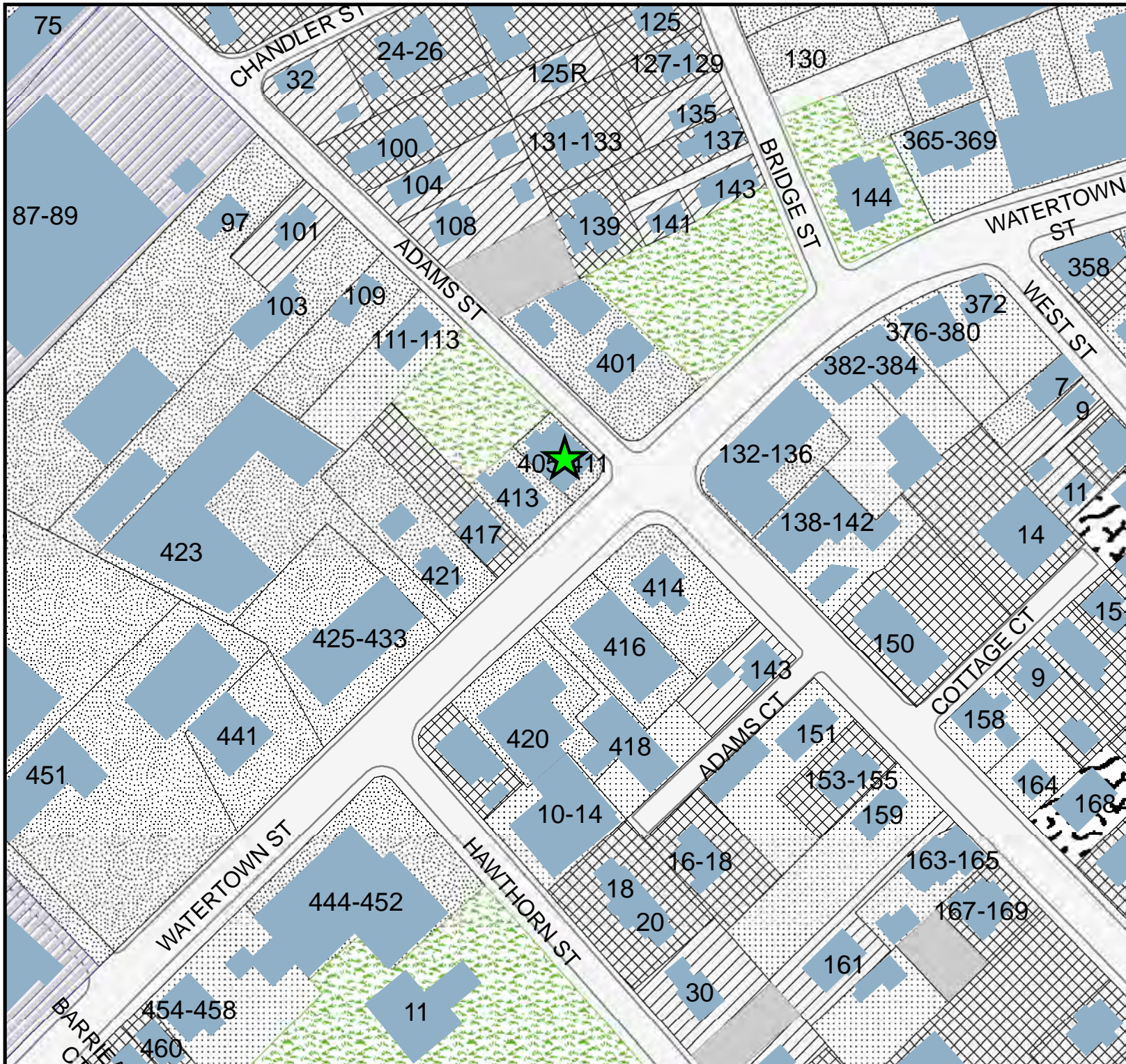


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Director

ZONING REVIEW MEMORANDUM

Date: July 14, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Tim Dreher, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to waive 2 parking stalls

Applicant: Tim Dreher	
Site: 405-411 Watertown Street	SBL: 14008 0001
Zoning: BU2	Lot Area: 3,871 square feet
Current use: Bank and? offices	Proposed use: Physical therapy office

BACKGROUND:

The property at 405-411 Watertown Street consists of a 3,871 square foot lot improved with a multi-tenant commercial building constructed in 1900. A physical therapy office is proposing to locate in the second story space, formerly occupied by offices associated with a bank. The proposed physical therapy office use increases the parking demand beyond the credit afforded 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 Tim Dreher, applicant, dated 6/10/2021
- Floor Plan, submitted 6/10/2021

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner intends to occupy a 2,170 square foot space intended for a physical therapy office. The space includes three offices totaling 1,261 square feet and 909 square feet of common space including restrooms, hallways and stairwells and an elevator. Per section 5.1.4, a medical office requires one stall per 200 square feet. With 2,170 square feet, the proposed medical office requires 11 stalls. The previous general office use provides a parking credit of 9 stalls, having required one stall per every 250 feet ($2,170/250 = 9$ stalls). A waiver of two 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 2 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 two 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 two parking stalls due to its location in the Nonantum Village Center. (§7.3.3.C.1.)
2. The proposed waiver of two parking stalls will not adversely affect the neighborhood due to the short-term parking needs of the use and flexible operations. (§7.3.3.C.2.)
3. There will be no nuisance or serious hazard to vehicles or pedestrians because the site is located in a walkable, village center. (§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. Literal compliance with the required number of stalls is impracticable due to the size of the site. (§5.1.3.E, §5.1.4 and §5.1.13)

PETITION NUMBER: #295-21

PETITIONER: Timothy Dreher

ADDRESS OF PETITIONER: 55 Knollwood Lane
Wayland, MA 01778

LOCATION: 413 Watertown St. Newton, Section 14, Block 08, Lot 1,
containing approximately 3,871 square feet of land

OWNER: Hamilton Linewt Associates

ADDRESS OF OWNER: 413 Watertown St.
Newton, MA 2458

TO BE USED FOR: Medical Office

CONSTRUCTION: Interior renovations only

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

ZONING: Business 2

1. 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.
2. The parking waiver of two parking stalls shall only apply to the medical office use, any change in use which requires the two stalls waived by this Order shall require an amendment to this Council Order.