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PUBLIC HEARING MEMORANDUM

Public Hearing Date: October 18, 2022
Land Use Action Date: December 27, 2022
City Council Action Date: January 2, 2023
90-Day Expiration Date: January 16, 2023

DATE: October 14, 2022

TO: City Council

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

SUBJECT: **Petition #449-22** for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #234-10 to extend a nonconforming use; to allow the construction of sport courts, a warming hut and associated parking; to determine appropriate dimensional requirements; to determine appropriate setbacks relative to parking; to waive perimeter screening; to waive interior landscaping; to waive lighting and to waive bike parking facilities at **1897 Washington Street**, Ward 4, Newton, on land known as Section 43 Block 46 Lot 11, containing approximately 2,291,142 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 3.1.2.A.3, 5.1.8.B.2, 5.1.13, 5.1.9.A, 5.1.9.B, 5.1.10.A, 5.1.11 of Chapter 30 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 conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



1897 Washington Street

EXECUTIVE SUMMARY

The subject property at 1897 Washington Street is a 53-acre portion of the 128-acre Woodland Golf Club of Auburndale (the petitioner or “Club”) which is improved with numerous structures related to the operations of the Club. Established before Newton adopted zoning, the Club is a legally nonconforming use that spans Single Residence 1 (SR1) and Single Residence 2 (SR2) zoning districts, with the subject property in the former.

As a legally nonconforming use, the petitioner has obtained numerous special permits throughout its history for its facilities and operations. In 1983, a Special Permit (Board Order #517-83) was granted to allow the renovation of the clubhouse and dining area. In 1987, another Special Permit (Board Order #101-87) allowed the creation of a pool and pool house. More recently, Special Permit #234-10 was granted in 2010 to allow for construction of a new pool house building, food service building and patio deck, and to amend the approved site plan.

The petitioner seeks to upgrade existing tennis and racquet facilities with the addition of four paddle courts, a multi-use court, a “warming hut” with sanitary facilities, and an associated 50 stall parking facility. The proposed construction requires an amendment to Special Permit #234-10 per Section 7.8.2.C.2 of the Newton Zoning Ordinance (NZO) to extend the nonconforming club use in a SR1 zoning district.

As designed, the proposed improvements would also require additional zoning relief. As no dimensional controls are set forth for a clubhouse use, the petitioner seeks a determination of the appropriateness of the setbacks for the proposed warming hut and courts (Sec. 3.1.2.A.3). Also, several aspects of the proposed 50 stall parking lot require exceptions per Sec. 5.1.13 to the provisions of Sec. 5.1 of the NZO, including: determining whether the proposed parking is appropriate relative to the setback distances from Washington Street and the side lot line abutting the MBTA property (Secs. 3.1.2.A.3 and 5.1.8.A.1); allowing parking stalls with depths of 17 and 18 feet, less than the 19 feet required per Sec. 5.1.8.B.2; and to allow the petitioner to not provide required perimeter screening along the boundary shared with the abutting MBTA property (Sec. 5.1.9.A); interior parking facility landscaping (Sec. 5.1.9.B); required security lighting for the outdoor parking facility which is to be used at night (Sec. 5.1.10.A); and required bicycle parking (Sec. 5.1.11).

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The site in a SR1 district is an appropriate location for the project as designed which would extend the existing nonconforming use (§7.3.3.C.1)
- The project as designed will adversely affect the neighborhood (§7.3.3.C.2)
- The project as designed will create a nuisance or serious hazard to vehicles or pedestrians (§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 certain parking facility requirements related to setbacks, perimeter screening, landscaping, lighting, and bicycle parking 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 (§5.1.13)

- the proposed changes extending the nonconforming use would be substantially more detrimental than the existing nonconforming use to the neighborhood (§7.8.2.C.2)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

While the Club as a whole is comprised of several large parcels zoned either SR1 and SR2 and is almost entirely surrounded by residential uses (with the exception of properties which are zoned for manufacturing and business to the west of the Club), the location of the proposed work is zoned SR1 and surrounded on two sides by Club property (west and north) MBTA rail property (south), and Washington Street (east). The fairways of the Club contribute to the perceived open space in a fairly dense neighborhood (**Attachments A & B**).

B. Site

The Club property, which is bisected by the MBTA Green Line corridor, covers roughly 128 acres and is accessed via a long driveway off Washington Street. The subject property itself, which is located just to the north of the MBTA right-of-way and has frontage on Washington Street, consists of approximately 53 acres and is improved with numerous structures related to the operations of the Club. Screening fencing is located along the site's Washington Street frontage.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The subject property will continue to be used as a golf course and country club with additional outdoor sport courts.

B. Building and Site Design

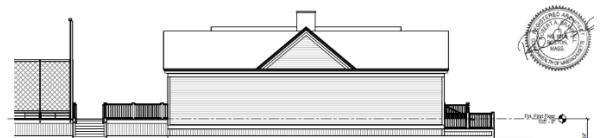
The petitioners are proposing to extend the existing nonconforming use with the construction of four paddle courts, a multi-use sport court, and a one story, approx. 15 feet high structure (the "warming hut") with restrooms, changing rooms and other sports facilities. The proposed structure and two courts are located approximately three feet from the abutting MBTA rail property. As the property across that corridor is also owned by the petitioner and operated as part of the Club, the Planning Department is generally not concerned with this placement.



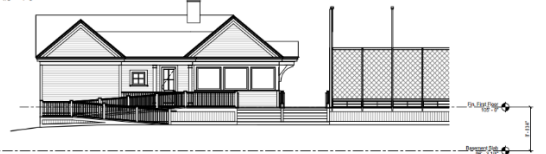
West Elevation
1 Scale: 1/8" = 1'-0"



South Elevation
2 Scale: 1/8" = 1'-0"

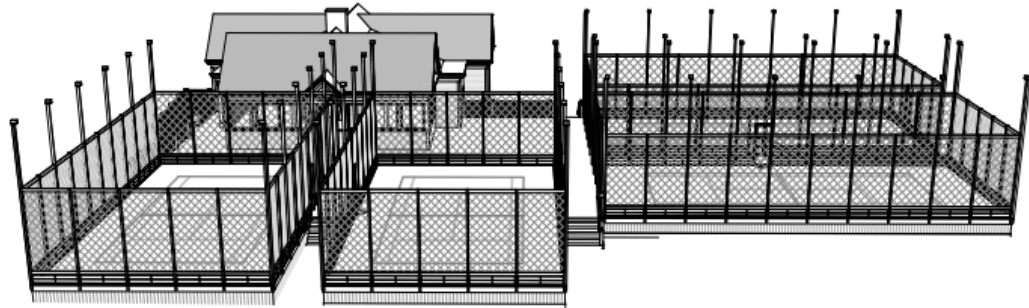


East Elevation
1 Scale: 1/8" = 1'-0"

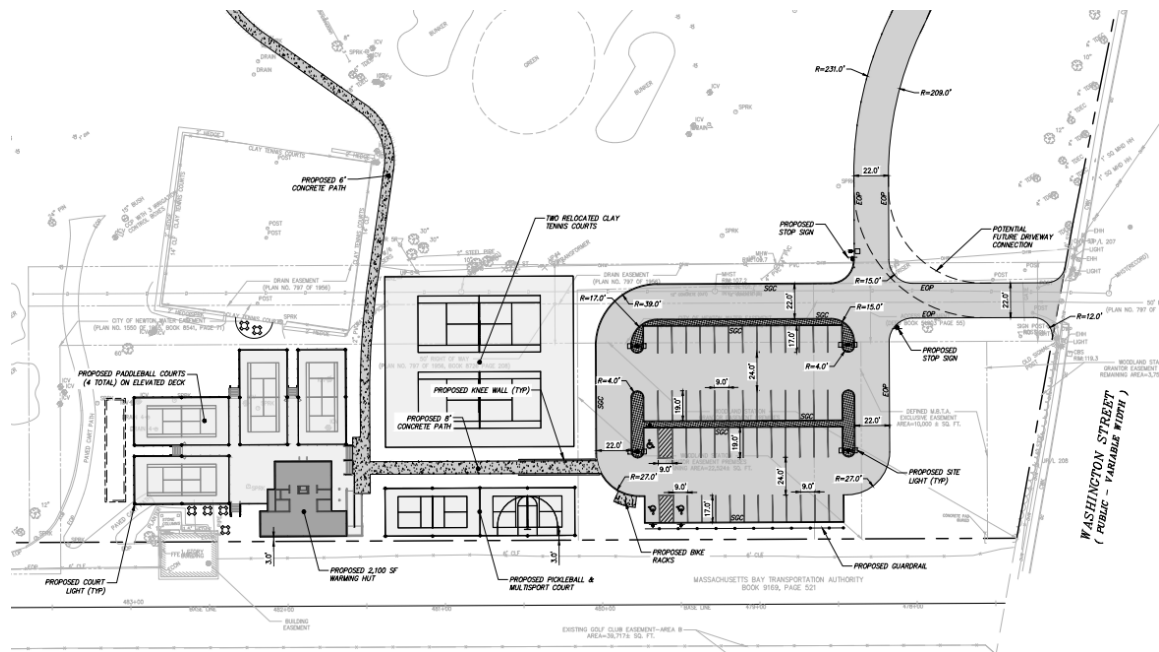


North Elevation
2 Scale: 1/8" = 1'-0"

Proposed structure elevations



Perspective of proposed courts and structure



Proposed site plan (detail)

C. Parking and Circulation

The petitioners are proposing to construct new access roads to connect the location of the proposed improvements with the existing main entrance driveway off Washington Street as well as another connecting the proposed parking area directly to Washington Street. The new roadways would measure 22 feet in width and provide access to 50 parking spaces to be located adjacent to the proposed facility improvements/additions. The proposed parking area would be located in an area now apparently used for the storage of maintenance vehicles. The Planning Department suggests that the petitioner be prepared to discuss how it expects to operate these two access roads, e.g., traffic flow direction(s), hours of operations, etc.

Generally, the stalls located along the periphery of the parking area are proposed to have nonconforming depths of 17 feet, rather than the NZO-required 19 feet. While the petitioner should endeavor where possible to provide conforming parking stall sizes, the Planning Department notes that such spaces would be utilized by club members who could reasonably be expected to become familiar with the facility.

As indicated in the submitted plans, the parking area would include several bicycle parking spaces. The petitioner should confirm the number of bicycle parking stalls so as to determine whether the requested relief from relevant requirements is needed at this time.

Given the scale and secluded nature of the subject property (and its use by members), the Planning Department is generally not concerned with the sought parking facility requirement exceptions.

D. Landscaping

A landscaping plan was not submitted by the petitioner. Approximately 10 existing trees would be removed in the area of the proposed construction. The Planning Department notes that the area of the proposed work is adjacent to the petitioner's property on two sides (north and west) and an MBTA corridor on one side (south) and is located approximately 50 feet from Washington Street to the east. The Planning Department suggests the petitioner consider installing replacement trees on its property.

E. Lighting

The petitioner has submitted a photometric plan indicating that while the proposed outdoor sports facilities would be robustly lit, no light is expected to spill over to adjacent properties or public rights-of way. The petitioner should clarify if the proposed exception to parking facility lighting requirements is needed at this time.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking a Special Permit per §7.3.3 to:

- amend Special Permit #234-10 to extend a nonconforming use (§3.4.1, §7.8.2.C.2)

- determine appropriate dimensional requirements (§3.1.2.A.3)
- determine appropriate setbacks relative to parking (§3.1.2.A.3, §5.1.8.B.2, §5.1.13)
- To waive perimeter screening (§5.1.9.A,)
- waive interior landscaping (§5.1.9.B, §5.1.13,)
- waive lighting (§5.1.10.A, §5.1.13)
- waive bike parking facilities (§5.1.11, §5.1.13)

B. Engineering Review

Review by the Engineering Division is not required at this time.

C. Historic Review

The project as designed does not require historic review.

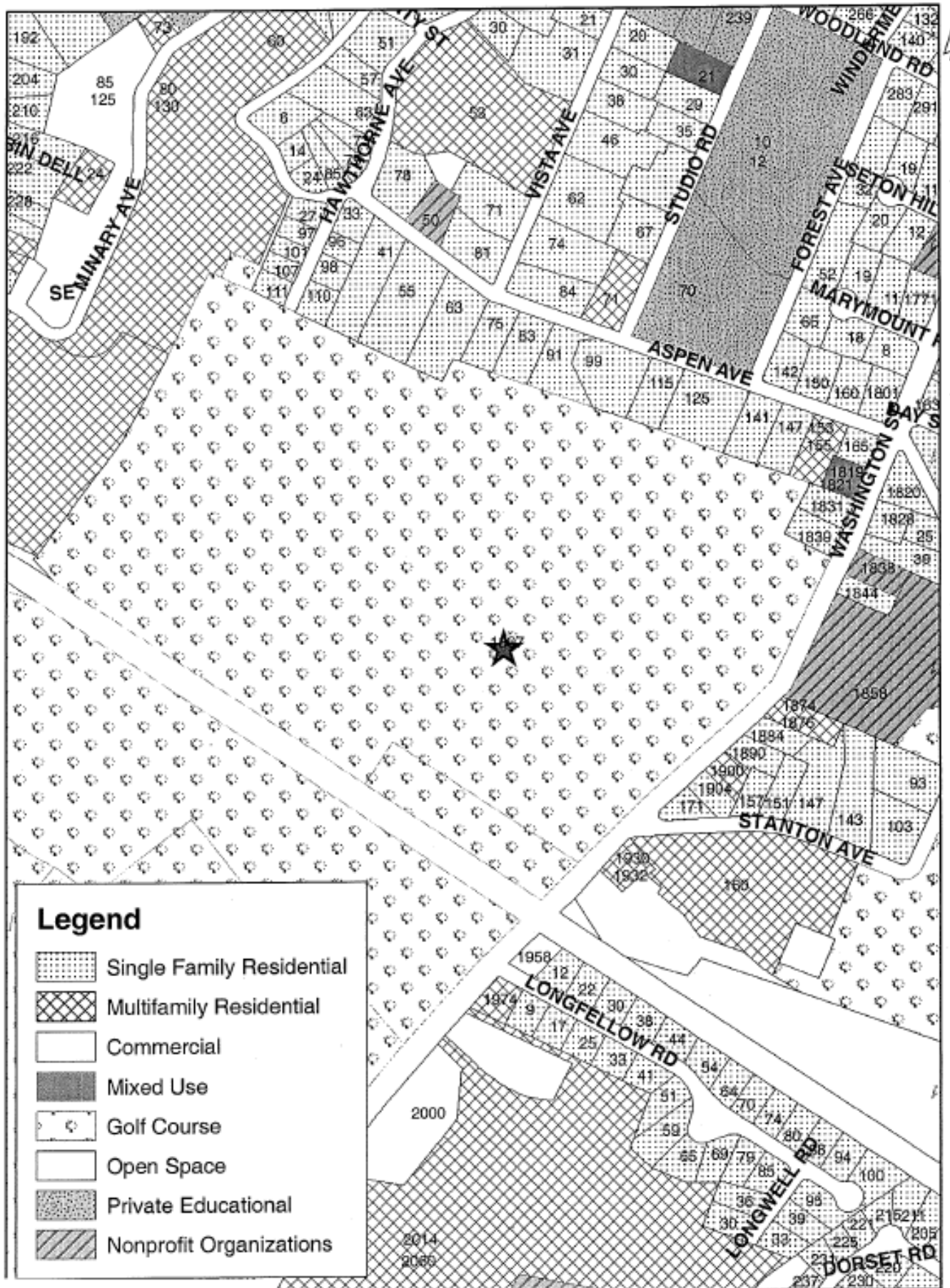
V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

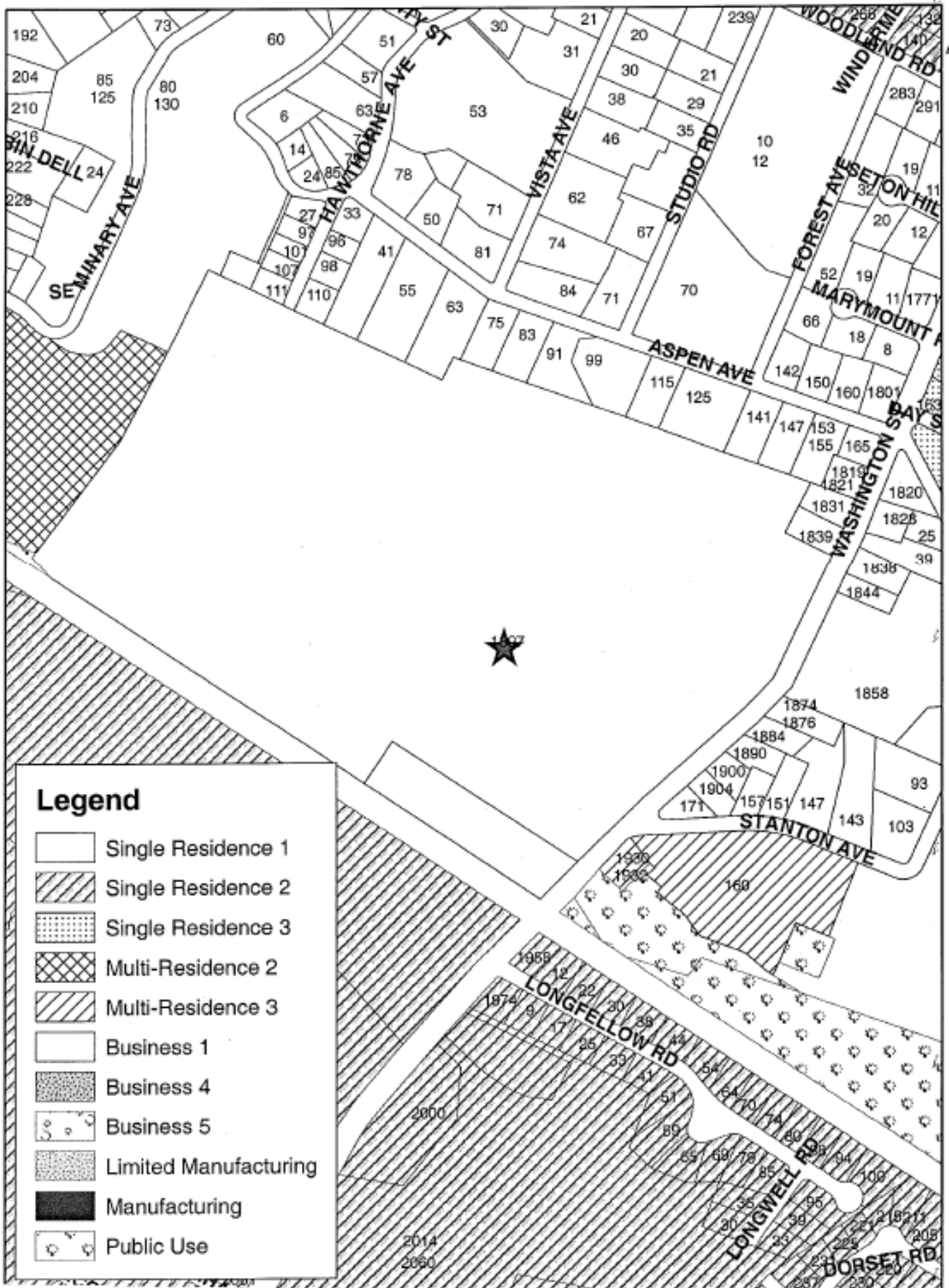
ATTACHMENTS:

- Attachment A:** Land Use Map
Attachment B: Zoning Map
Attachment C: Zoning Review Memorandum

ATTACHMENT A- LAND USE



ATTACHMENT B- ZONING





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Mayor

ATTACHMENT C

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: July 18, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Woodland Golf Club of Auburndale, Applicant
Robert C. Buckley, Attorney
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to amend Special Permit #234-10 to construct sport courts, a warming hut and parking

Applicant: Woodland Golf Club of Auburndale	
Site: 1897 & 1947 Washington Street	SBL: 43046 0011
Zoning: SR1	Lot Area: 2,291,142 square feet
Current use: Country club/golf course	Proposed use: No change

BACKGROUND:

The site at 1897 and 1947 Washington Street consists of approximately 53 acres and is improved with numerous structures related to the operations of the Woodland Golf Club. The Club began operations in the 1920s and is a legally nonconforming use in the SR1 zone. As such, the use now requires a special permit. Throughout its history, the Club has obtained numerous special permits for its facilities and operations. The Club proposes to upgrade existing tennis and racquet facilities with the addition of four paddle courts, a multi-use court, a warming hut with sanitary facilities and associated parking.

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

- Zoning Review Application, prepared by Robert C. Buckley, attorney, dated 3/3/2022
- Concept Plan, prepared by CHA, dated 3/1/2022, revised 7/12/2022
- Floor Plans and Elevations, prepared by Rob Bramhall Architects, dated 3/1/2022
- Special Permit #234-10

ADMINISTRATIVE DETERMINATIONS:

1. Special Permit #234-10 was granted in 2010 to allow for construction of a new pool house building, food service building and patio deck, and to amend the most recently approved site plan. The petitioner seeks to amend the special permit to upgrade existing tennis and racquet facilities with the addition of four paddle courts, a multi-use court, a warming hut with sanitary facilities and associated surface parking. The petitioner intends to construct 50 parking stalls for use in conjunction with the sport court and warming hut.

The proposed construction requires an amendment to Special Permit #234-10 per section 7.8.2.C.2 to extend the nonconforming country club use in the Single Residence 1 zoning district.

2. Per section 3.1.2.A.3, where a dimensional control is not set forth for a use granted by special permit, the most restrictive dimensional control applicable to such use where it is allowed by right is applied unless otherwise required by the special permit. No dimensional controls are set forth for a clubhouse use. The petitioner seeks a determination of the appropriateness of the setbacks for the proposed warming hut and courts.
3. The petitioner proposes to construct 50 parking stalls adjacent to the courts. Per section 5.1.8.A.1 no parking stall may be located within any required setback distances from the street and side lot lines. Per section 3.1.2.A.3, the City Council must determine if the proposed parking is appropriate relative to the setback distances from Washington Street and the side lot line abutting the MBTA property.
4. The petitioner proposes to construct parking stalls with depths of 17 and 18 feet, where 19 feet is the minimum required per section 5.1.8.B.2. A waiver from the stall depth is required 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 streets and properties. No screening is indicated on the western boundary with the MBTA, requiring a waiver per section 5.1.13.
6. Per section 5.1.9.B, interior landscaping is required for outdoor parking facilities with 20 or more stalls. The petitioner does not propose any interior landscaping, requiring a waiver per section 5.1.13.
7. Section 5.1.10.A requires outdoor parking facilities which are used at night to provide security lighting. No lighting is indicated on the submitted plans, requiring relief per section 5.1.13.
8. Section 5.1.11 requires bicycle parking for parking facilities with 20 or more stalls. No bike parking is indicated on the plans, requiring relief per section 5.1.13.

Zoning Relief Required

<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§3.4.1 §7.8.2.C.2	Amend Special Permit #234-10 to extend a nonconforming use	S.P. per §7.3.3
§3.1.2.A.3	To determine appropriate dimensional requirements	S.P. per §7.3.3
§3.1.2.A.3 §5.1.8.B.2 §5.1.13	To determine appropriate setbacks relative to parking	S.P. per §7.3.3
§5.1.9.A	To waive perimeter screening	S.P. per §7.3.3
§5.1.9.B §5.1.13	To waive interior landscaping	S.P. per §7.3.3
§5.1.10.A §5.1.13	To waive lighting	S.P. per §7.3.3
§5.1.11 §5.1.13	To waive bike parking facilities	S.P. per §7.3.3