



Ruthanne Fuller  
Mayor

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

**#543-22**

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Barney S. Heath  
Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date:	December 13, 2022
Land Use Action Date:	February 28, 2023
City Council Action Date:	March 6, 2023
90-Day Expiration Date:	March 7, 2023

DATE: December 9, 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 #543-22** for SPECIAL PERMIT/SITE PLAN APPROVAL to divide the current bank space in half allowing for 3,007 sq. ft of space for veterinary hospital use at **714-724 Beacon Street**, Ward 6, Newton, on land known as Section 61 Block 38 Lot 08 containing approximately 37,932 sq. ft. of land in a district zoned BUSINESS 2. Ref: Sec. 7.3.3, 7.4, 4.4.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017

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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.



**714-724 Beacon Street**

## EXECUTIVE SUMMARY

The subject property at 714-724 Beacon Street consists of a 37,932 square foot lot in a Business 2 (BU2) zoning district improved with a one-story commercial building constructed in the 1920s. The building is occupied by several tenants including a post office, medical office, and a bank.

Per a building permit issued in error, a veterinary hospital was established within a 3,007 square foot portion of the bank space (the latter was reduced from 6,126 to 2,929 square feet). The petitioner now seeks a special permit per Section 4.4.1 of the Newton Zoning Ordinance (NZO) to allow a Veterinary Hospital in a BU2 district.

Regarding parking requirements, there are 45 surface parking stalls on site, and a six-stall parking waiver per Special Permit #1-15 was granted with the introduction of the medical office use. As both the bank and veterinary hospital are considered “personal services” uses for the purpose of calculating the parking per Sec. 5.1.4, the proposed veterinary hospital space has the same parking requirement as the former bank space it is occupying, and no additional parking relief is required.

### I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The site in a Business 2 (BU2) zoning district is an appropriate location for the proposed veterinary hospital (§7.3.3.C.1)
- The proposed veterinary hospital will adversely affect the neighborhood (§7.3.3.C.2)
- The veterinary hospital 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)

### II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

#### A. Neighborhood and Zoning

The subject property is on the north side of Beacon Street in Newton Centre. The properties directly abutting the subject property contain multi-family residential and commercial land uses, and the Massachusetts Bay Transportation Authority’s (MBTA) Green Line (**Attachment A**). The subject property is zoned Business 2. The surrounding parcels are zoned Single Residence 2, Multi-Residence 1 and 2, Business 1 and 2 (**Attachment B**).

#### B. Site

The site consists of 37,932 square feet of land is improved with a one-story commercial building. Parking is located along the east and south sides of the structure and the MBTA’s Green Line corridor abuts directly to the rear (south). Vehicular access is provided via a curb cut and associated driveway on the lot’s left (east) side. The lot is largely level, with an unpaved area in its back right corner that slopes upward fairly steeply from east to west.

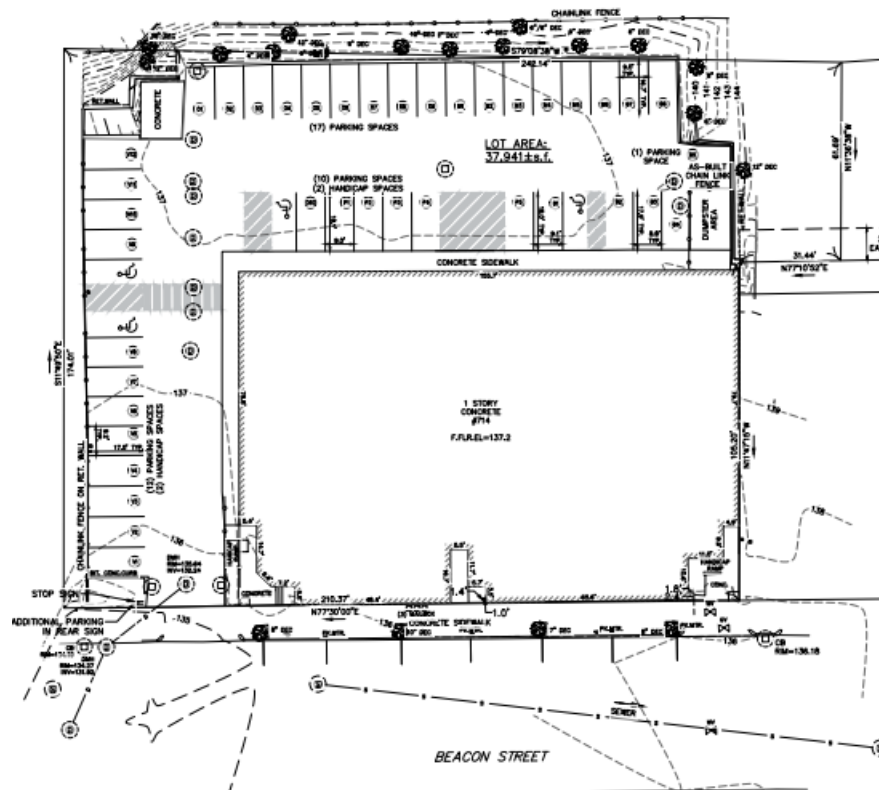
### III. PROJECT DESCRIPTION AND ANALYSIS

#### A. Land Use

The use of the site will continue to be as a multi-tenanted commercial building, with a veterinary hospital replacing a portion of an existing bank.

#### B. Building and Site Design

No exterior changes to the building or site are proposed.



*Site Plan*

#### C. Parking and Circulation

No changes to the existing 45 parking stalls and circulation space are contemplated by the present petition. As both the bank and veterinary hospital are considered “personal services” uses for the purpose of calculating the required parking, the proposed veterinary hospital space has the same parking requirement as the former bank space it is occupying and does not require parking relief.

The Planning Department notes that a six-stall parking waiver that was granted per Special Permit #1-15 to allow the establishment of the medical office use was granted with an apparent intent to eliminate the need for future tenants to seek parking waivers.

#### D. Landscape, Lighting and Signage

No changes to the site's landscaping or lighting are contemplated by this petition. It would be expected that any signage would reflect the identity of the proposed veterinary hospital in the event the petition is granted.

#### 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:

- allow a veterinary hospital (§4.4.1)

##### B. Engineering Review

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

##### C. Historic Review

Historic review of this proposal is not required at this time.

#### V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

#### **ATTACHMENTS:**

- |                      |                          |
|----------------------|--------------------------|
| <b>Attachment A:</b> | Land Use Map             |
| <b>Attachment B:</b> | Zoning Map               |
| <b>Attachment C:</b> | Zoning Review Memorandum |
| <b>Attachment D:</b> | DRAFT Council Order      |

# ATTACHMENT B

## Zoning

### 714-724 Beacon St.



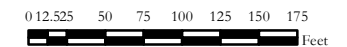
City of Newton,  
Massachusetts

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



The information on this map is 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





Ruthann Fuller  
Mayor

## ATTACHMENT C

**City of Newton, Massachusetts**  
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Barney S. Heath  
Director

### ZONING REVIEW MEMORANDUM

**Date:** November 17, 2022

**To:** John Lojek, Commissioner of Inspectional Services

**From:** Jane Santosuosso, Chief Zoning Code Official  
Katie Whewell, Chief Planner for Current Planning

**Cc:** Canton Circle LLC, Applicant  
Small Door Veterinary  
Katherine Braucher Adams, Attorney  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

**RE:** Request to allow a veterinary hospital use

Applicant: Canton Circle LLC	
<b>Site:</b> 714-724 Beacon Street (718 Beacon St)	<b>SBL:</b> 61038 0008
<b>Zoning:</b> BU2	<b>Lot Area:</b> 37,932 square feet
<b>Current use:</b> Mixed use	<b>Proposed use:</b> Mixed use and veterinary hospital

**BACKGROUND:**

The property at 714-724 Beacon Street consists of a 37,932 square foot lot in a Business 2 zone with the MBTA tracks to the rear. The site is improved with a one-story commercial building constructed in 1920 and 45 surface parking stalls. The commercial building is currently occupied by several tenants with varying uses, including a post office, medical office and a bank. The applicant seeks to divide the bank space, with one half remaining for bank use and the other half for use as a veterinary hospital, requiring a special permit.

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

- Zoning Review Application, prepared by Katherine Braucher Adams, attorney, submitted 11/14/2022
- Topographic Site Plan, prepared by VTP Associates, dated 9/26/2004
- Parking Plan, submitted 11/14/2022
- Narrative, submitted 11/14/2022
- Egress Plan, signed and stamped by Atilio G. Leveratto, architect, dated 3/25/2022, revised 4/1/2022, 4/8/2022, 4/28/2022, 5/24/2022

**ADMINISTRATIVE DETERMINATIONS:**

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1. Section 4.4.1 requires a special permit in the Business 2 District for a Veterinary Hospital use. The petitioner is proposing a veterinary hospital within a subdivided portion of the bank’s tenant space. The Veterinary Hospital will occupy 3,007 square feet. The veterinary hospital was issued a building permit in error for a tenant fit-out and now seeks a special permit per section 4.4.1 for the proposed use.
2. The site is tenanted by a post office, bank and medical office. There are 45 surface parking stalls on site, as well as a six-stall parking waiver per Special Permit #1-15 which was granted with the introduction of the medical office use. The petitioner intends to divide the existing 6,126 square foot bank space into two units; 2,929 square feet maintained for the bank use and 3,007 square feet intended for the proposed veterinary hospital. The bank and veterinary hospital are considered personal services uses for the purpose of calculating the parking per section 5.1.4. As the proposed veterinary hospital has the same parking requirement as the former bank space it is occupying, no additional parking relief is required.

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§4.4.1	Request to allow a veterinary hospital	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 allow a veterinary hospital (§4.4.1) as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The site in a Business 2 (BU2) zoning district is an appropriate location for the proposed veterinary hospital as it is an existing commercial building (§7.3.3.C.1)
2. The proposed veterinary hospital will not adversely affect the neighborhood as it is located in an existing commercial building and replacing a portion of a bank use with identical parking requirements (§7.3.3.C.2)
3. The veterinary hospital will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

PETITION NUMBER: #543-22

PETITIONER: Canton Circle LLC

ADDRESS OF PETITIONER: 651 Washington Street  
Brookline, MA 024467

LOCATION: 714-724 Beacon Street, on land known as Section 61 Block  
38 Lot 08 containing approximately 37,932 sq. ft. of land

OWNER: Canton Circle LLC

ADDRESS OF OWNER: 651 Washington Street  
Brookline, MA 024467



TO BE USED FOR: Veterinary Hospital

CONSTRUCTION: Site and landscaping improvement

EXPLANATORY NOTES: Special Permit per §7.3.3 to:

- allow a veterinary hospital (§4.4.1)

ZONING: Business 2 (BU2)

This Special Permit/Site Plan Approval amends Board Order #1-15 by modifying Condition #1 in that order so as to incorporate Condition #1(a) below. All other conditions of said order shall remain in full force and effect.

Approved subject to the following conditions:

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) A plan entitled "Final As-Built Plan, Newton, Massachusetts, Showing Final As-Built at #714 Beacon Street," dated September 4, 2015, prepared by VTP Associates, Inc., signed and stamped by Joseph R. Porter, Professional Land Surveyor."
  - b) A drawing entitled "Small Door, 718 Beacon Street, Newton, MA, 02459, Egress Plan" (G-020), prepared by Leveratto AG, as revised through May 24, 2022, stamped and signed by Atilio G. Levertto, 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
  - c. obtained a statement from the Director of Planning and Development that all plans are consistent with Condition #1.
3. 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 from a Registered Architect certifying compliance with Condition #1.