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Barney Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: March 6, 2018
Land Use Action Date: May 8, 2018
City Council Date: May 21, 2018
90-Day Expiration Date: June 4, 2018

DATE: March 2, 2018

TO: City Council

FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Michael Gleba, Senior Planner

SUBJECT: **Petition #133-18, AUBURNDALE REALTY VENTURES NOMINEE TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert the existing structure to allow a restaurant with more than 50 seats, to allow a free standing sign, to allow more than two secondary signs, waivers to the interior landscaping requirements, waivers to lighting requirements, waivers to perimeter screening requirements, and parking waivers for parking in the front setback and reduced aisle width at **2095 Commonwealth Avenue**, Ward 4, Auburndale, on land known as Section 41 Block 17 Lot 18 containing approximately 19,627 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4, 4.4.1, 5.1.8.A.1, 5.1.13, 5.1.8.C.1, 5.1.8.C.2, 5.1.9.A.1, 5.1.9.B, 5.1.10.A, 5.2.3, 5.2.8, 5.2.13.A of the City of Newton Rev Zoning Ord, 2015.**

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.



2095 Commonwealth Avenue

EXECUTIVE SUMMARY

The subject property at 2095 Commonwealth Avenue is a 19,627 square feet parcel located at the northwest corner of Commonwealth Avenue and Lexington Street. Located in a Business 2 (BU2), the site is currently improved with an approximately 2,016 square foot one-story commercial structure previously used since 1937 (and subject to several special permits) as a service station with associated light retail.

The petitioner has removed the gas station's pump island and its associated canopy and converted the existing structure into a Starbucks. Currently operated with 50 or fewer seats, the petitioner is seeking approval for a total of 56 seats divided between indoor restaurant space and an outdoor seasonal patio. Per section 4.4.1 of the Newton Zoning Ordinance (NZO), a special permit is required for a restaurant with more than 50 seats.

The petitioner proposes to have 25 parking stalls, including one accessible stall, thus exceeding the 21 stalls required per §5.1.4 for the proposed 56 seats and up to six employees (one stall for every three seats and one per every three employees at the busiest shift). However, the parking facility as designed does not meet several of the NZO's parking regulations, including: fourteen of the-proposed stalls are located within the front setbacks along Commonwealth Avenue and Lexington Street; there are maneuvering aisles that measure less than the 24 feet in width required for two-way circulation; required perimeter and interior landscaping is neither installed nor proposed; and a waiver to the lighting requirements of §5.1.10.A which requires a minimum intensity of one foot candle. The petitioner is requesting exceptions to these regulations, requiring a special permit.

Also, the petitioner is seeking approval for a free-standing sign identifying the new business at the location of an existing free-standing sign at the intersection of Lexington Street and Commonwealth Avenue per §5.2.13.A. Further, as the requested free-standing sign, if approved, would be considered the business' "principal sign" as defined by §5.2.3, all other signs on the building would be considered "secondary signs." While §5.2.8 allows one secondary sign per frontage on a street, only a maximum of two signs is allowed. As the petitioner is proposing one sign on each of the three street-facing façades, a special permit per §5.2.13.A to exceed the maximum two allowed secondary signs is required.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The specific site is an appropriate location for restaurant use with more than 50 seats, (§7.3.3.C.1)
- The proposed project as developed and operated will not adversely affect the

neighborhood (§7.3.3.C.2)

- There will be no 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 number of vehicles involved. (§7.3.3.C.4)
- Literal compliance with the parking requirements of the Newton Zoning Ordinance (NZO) 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 nature of the use of the premises, the architecture of the building or its location with reference to the street is such that free-standing signs or exceptions should be permitted in the public interest. (§5.2.13)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The land uses within the neighborhood located around the intersection of Commonwealth Avenue and Lexington Street consists of a variety of commercial and residential uses (including retail, office and services) located immediately across Commonwealth Avenue to the south and southeast and a mix of predominately single, two- and multi- family dwellings in the other directions (**Attachment A**).

The zoning districts within the vicinity reflect this mix, again with Business 1 (BU1) parcels directly across Commonwealth Avenue from the site, which itself is zoned BU2, as are the parcels cater-corner to the southwest. The balance of the neighborhood is a mix of Single Residential 3 (SR3), Multi-Residence 1 (MR1) and Multi-Residential 2 (MR2) areas, with the area north of Commonwealth Avenue uniformly zoned SR3 (**Attachment B**).

B. Site

The subject property is a 19,627 square feet parcel located at northwest corner of Commonwealth Avenue and Lexington Street. The site, which is generally level, is improved with an approximately 2,016 square foot one-story commercial structure. While the site is mostly paved, it is ringed with curbed planting areas of approximately four to seven feet in width containing some mature vegetation.

Access and egress to the site is provided by two, two-way driveways, one each on Commonwealth Avenue and Lexington Street. Somewhat uncommonly, the first is

buffered from Commonwealth Avenue's main roadway by the wide landscaped islands associated its carriageway, and the second is separated from Lexington Street by a generous sidewalk approximately 15 feet in width.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The site is currently occupied by a 50-seat restaurant. If the subject special permit is granted, an additional 6 seats would be added.

B. Building and Site Design

The petitioner has refashioned the exterior of the structure to reflect its current restaurant use. There is a single structure on the property, surrounded by parking on three sides, and an enclosed dumpster area in the rear left of the property.

C. Parking and Circulation

Per § 5.1.4, a restaurant requires one stall for every three seats and one per every three employees at the busiest shift. With 56 seats and up to six employees, 21 stalls are required to meet the Ordinance. The petitioner proposes to construct 25 parking stalls, thus meeting the requirement of §5.1.4.

However, as noted above, the new parking for property requires relief from various requirements.

- Per § 5.1.8.C.1 and 2, parking facilities with 90-degree parking require a minimum aisle width of 24 feet for two-way traffic. The aisle in the front of the building narrows to 22 feet, and the aisle on the western side of the property narrows to 11 feet at the rear corner of the building.
- Section 5.1.8.A.1 requires that no parking be located within any required front or side setbacks. Per §4.1.3 and based upon the average setbacks of the buildings on the abutting properties, the required front setback is 10 feet. As such, fourteen of the existing and proposed stalls are located within the front setbacks from Commonwealth Avenue and Lexington Street. Given the wide sidewalks and landscaped areas along the property's frontage the Planning Department is generally not concerned with the requested exception.

The site is accessed via two two-way driveways, one from Commonwealth Avenue and one from Lexington Street. The driveway at Commonwealth Avenue is not signalized, however the driveway from Lexington Street is signalized. The traffic signal at this location was installed as part of the original Auburndale Square Project and has been activated with the opening of the Starbucks at this site. The

Department of Public Works (DPW) has worked to modify the signal timing plan for the Starbucks/Lexington/Wolcott intersection and has installed and configured vehicle video detection for the driveway approach. The Traffic Division of DPW has expressed concerns regarding pedestrian and vehicle safety at this intersection. Recent observations have shown vehicles exiting the driveway onto Lexington Street have either pulled out over the sidewalk, thus blocking pedestrian travel, or have not pulled up far enough into the driveway, effectively blocking vehicles from exiting the parking spaces at the northeast corner of the site. Staff recommends a condition of approval be added to require a painted stop bar and R10-6 sign stating "Stop Here on Red" be located behind the back of sidewalk and a double yellow centerline be painted along the centerline of the driveway to guide vehicles exiting and entering the driveway. The Traffic Division expressed additional concerns regarding pedestrians crossing the driveway when cars entering or exiting the driveway may have a green light as there are no pedestrian signals to alert pedestrians that cars turning into or out of the driveway have a green light. Planning Department staff will provide an update as to these concerns at the public hearing.

D. Landscaping, Screening and Lighting

The Planning Department has some concerns regarding the requested exceptions to requirements related to landscaping, screening and lighting. These include the following:

- The plans do not indicate landscaping or fencing which would satisfy the requirement that outdoor parking facilities with more than five stalls be screened from abutting streets and properties with a strip at least five feet in width and 3.5 feet in height of densely planted shrubs or trees and fencing (§5.1.9.A.1). The Planning Department notes that there is a fence in place along the property line shared with the two-dwelling directly to the north.

As indicated by the site plans, the perimeter of the parcel is ringed by an unpaved landscaping strip already occupied in some locations by mature shrubs. While cognizant of the fact that this strip varies in width and is narrower in some locations than the five feet required, the Planning Department is not aware of any reasons why screening could not be installed in these areas, consistent with appropriate safety and security practices, including vegetation of heights that would screen views of the parking area but still allow views of the structure and signage from adjacent public ways.

- The proposed plans do not indicate interior landscaping that would satisfy the requirements for outdoor parking facilities with more than 20 stalls, including that an area equivalent to at least five percent of the area of the parking facility be landscaped, an interior planting area must consist of at least 25 square feet

with no dimension less than five feet, and one three-inch caliper tree be provided for every ten parking stalls (§5.1.9.B).

The Planning Department recommends that the petitioner explore opportunities to provide some such interior landscaping (including one or more appropriate trees), perhaps located in one or more of the areas within the front setback denoted with crosshatching on the site plan.

The Planning Department therefore recommends that the petitioner submit a landscaping plan that addresses the above issues for review by appropriate City offices.

- No lighting is shown on the proposed plans that would satisfy the requirement that parking facilities that are used at night have security lighting with a minimum intensity of one-foot candle on the entire surface of the parking facility (§5.1.10.A). The Planning Department recognizes the one-foot candle requirement is likely not appropriate, particularly given the proximity of the site to adjacent residential dwellings to the north. While lighting is not shown on the submitted plans, lighting is currently provided on the sides of the building. The Department recommends the petitioner provide lighting information on the final plans prior to issuance of a building permit.

The Planning Department recommends the petitioner address these issues at the public hearing and/or a subsequent working session.

E. Signage

A free-standing sign was permitted in 1980 by special permit in Order #430-80 along the curve of the intersection of Lexington Street and Commonwealth Avenue. The order specifically allowed a “Mobil Rectangular I.D. sign.” The petitioner requests a new free-standing sign identifying the new business in the same location. The Urban Design Commission approved of the proposed approximately 36 square foot sign with the condition that it not exceed 16 feet in height.

Section 5.2.8 allows one secondary sign per frontage on a street, with a maximum of two signs allowed. As the petitioner is proposing a free-standing sign, that free-standing sign would become the “principal sign” per the definition in § 5.2.3, rendering all other signs on the building “secondary signs.” The petitioner proposes one sign on each of the three street-facing facades. As only two secondary signs are permitted, an exception is required to allow a third.

The Planning Department is generally not concerned with the proposed free-standing sign as it is replacing a previous sign at the same location, nor is it particularly concerned about the sign located on the south facade of the building as it faces the adjacent intersection. That said, there are some concerns about the

signs on the east and west façades as they face residential properties, and the Planning Department suggests that the proponent consider approaches, consistent with the landscaping-related comments above, to use perimeter and/or interior planting areas to provide, where possible, some screening for nearby residential properties.

IV. TECHNICAL REVIEW

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

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

- allow a restaurant with more than 50 seats (§4.4.1)
- allow parking in the front setback (§5.1.8.A.1, §5.1.13)
- allow reduced aisle width (§5.1.8.C.1, §5.1.8.C.2, §5.1.13)
- waive perimeter screening requirements (§5.1.9.A.1, §5.1.13)
- waive interior landscaping requirements (§5.1.9.B, §5.1.13)
- waive lighting requirements (§5.1.10.A, §5.1.13)
- allow a free-standing sign (§5.2.3, §5.2.8, §5.2.13.A)
- allow more than two secondary signs (§5.2.3, §5.2.8, §5.2.13.A)

B. Engineering Review

No review by the Engineering Division is required at this time.

C. Traffic Division

The Traffic Division is reviewing the proposal with a focus on the functioning of the two driveways, especially that located on Lexington Street. The Planning Department expects to receive additional comments in advance of the Public Hearing and will be prepared to discuss any related issues at the hearing.

V. PETITIONER'S RESPONSIBILITIES

The petitioner should be prepared to discuss the issues raised above at the public hearing.

ATTACHMENTS:

Attachment A: Zoning Review Memorandum
Attachment B: Land Use Map
Attachment C: Zoning Map
Attachment D: Draft Order

ATTACHMENT A

Land Use





2095 Commonwealth Ave.

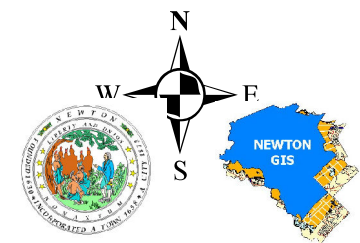
*City of Newton,
Massachusetts*

Legend

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Vacant Land



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 - Setti D. Warren
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125 Feet

Map Date: February 28, 2018








ATTACHMENT B

Zoning

2095 Commonwealth Ave.

*City of Newton,
Massachusetts*

Legend

-  Single Residence 3
-  Multi-Residence 1
-  Multi-Residence 2
-  Business 1
-  Business 2



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
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0 12.5 25 50 75 100 125
Feet

Map Date: February 28, 2018





Ruthanne Fuller
Mayor

ATTACHMENT C

City of Newton, Massachusetts
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: January 24, 2018

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Michael Argiros, Charles River Realty
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Request to allow a restaurant with more than 50 seats, a free-standing sign and various waivers for parking**

Applicant: Starbucks	
Site: 2095 Commonwealth Avenue	SBL: 41017 0018
Zoning: BU2	Lot Area: 19,627 square feet
Current use: Gas station	Proposed use: Starbucks

BACKGROUND:

The property 2095 Commonwealth Avenue is comprised of 19,627 square feet in the Business 2 zoning district currently improved with a vacant gas and service station. The property is at the corner of Commonwealth Avenue and Lexington Street, buffered by the Carriage Road along Commonwealth. Elberta Terrace is located along the western border. Inspectional Services files show that the property has been used as a gasoline sales and service station since as early as 1937, with several special permits issued since to extend that nonconforming use. The petitioner would like to abandon the permitted use to convert the existing structure into a 56-seat Starbucks restaurant.

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

- Zoning Review Application, prepared by Michael Argiros, dated 11/21/2017
- Proposed Water Service plan, signed and stamped by Verne T. Porter, surveyor, and Paul J. Tyrell, engineer, dated 7/25/2017
- Architectural Site Plan, signed and stamped by Brent D. Zeigler, architect, dated 9/25/2017
- Sign plan, prepared by Hilton Displays, dated 7/17/2017, revised 9/28/2017, 10/13/2017, 11/13/2017
- Urban Design Commission recommendation, dated 11/20/2017

ADMINISTRATIVE DETERMINATIONS:

1. The property currently is improved with an existing structure formerly used as an auto service station and associated light retail, as well as a covered gasoline pump island for three cars. The petitioner intends to raze the covered pump island, and convert the existing structure into a 56-seat Starbucks restaurant. The seats will be divided between indoor restaurant space and an outdoor seasonal patio. Per section 4.4.1, a special permit is required for a restaurant with more than 50 seats.
2. The petitioners propose to reconfigure the parking lot after the removal of the island and create several more parking stalls to meet demand. Per section 5.1.4, a restaurant requires one stall for every three seats and one per every three employees at the busiest shift. With 56 seats and up to six employees, 21 stalls are required to meet the Ordinance. The petitioner proposes to construct 23 parking stalls, thus meeting the requirement of section 5.1.4.
3. Section 5.1.8.A.1 requires that no parking locate within any required front or side setbacks. The required front setback is the lesser of half the building height or the average of the abutting front setbacks. The buildings on the abutting properties are each approximately 25 feet from the street, and are thus calculated at 10 feet, as the footnote to section 4.1.3 states that in a Business district a building set back more than 10 feet is counted as 10 feet. As half the building height is 10.56 feet, the required front setback is 10 feet. Thirteen of the existing and proposed stalls are located in the front setbacks from Commonwealth Avenue and Lexington Street, requiring a special permit.
4. Per section 5.1.8.C.1 and 2, parking facilities with 90 degree parking require a minimum aisle width of 24 feet for two-way traffic. The parking in the front of the building narrows to 22 feet, and the aisle on the western side of the property narrows to 11 feet at the rear corner of the building. A special permit is required for a reduce aisle width.
5. Section 5.1.9.A.1 requires outdoor parking facilities with more than five stalls to be screened from abutting streets and properties with a strip at least five feet in width and 3.5 feet in height of densely planted shrubs or trees and fencing. The plans do not indicate any landscaping or fencing. To the extent that the proposed parking does not meet the perimeter screening requirements of section 5.1.9.A.1, a special permit is required.
6. Section 5.1.9.B requires interior landscaping for outdoor parking facilities with more than 20 stalls. This section requires an area equivalent to at least five percent of the area of the parking facility be landscaped. An interior planting area must consist of at least 25 square feet with no dimension less than five feet. One three-inch caliper tree is required for every ten parking stalls. The proposed plans do not indicate any interior landscaping. To the extent that the proposed parking does not meet the interior landscaping requirements of section 5.1.9.B, a special permit is required.
7. Section 5.1.10.A requires that parking facilities which are used at night have security lighting with a minimum intensity of one foot candle on the entire surface of the parking facility. No lighting is shown on the proposed plans. To the extent that any proposed lighting in the parking facility does not meet the requirements of section 5.1.10.A, a special permit is required.

8. A free-standing sign was permitted in 1980 by special permit in Order #430-80 at the curve of the intersection of Lexington Street and Commonwealth Avenue. The order specifically allowed a “Mobil Rectangular I.D. sign.” The petitioner requests a new free-standing sign identifying the new Starbucks business in the same location. The Urban Design Commission approved the proposed approximately 36 square foot sign with the condition that it not exceed 16 feet in height. Per section 5.2.13.A, a special permit is required for a free-standing sign.
9. Section 5.2.8 allows one secondary sign per frontage on a street, with a maximum of two signs allowed. As the petitioner is proposing a free-standing sign, that free-standing sign becomes the principal sign per the definition of “principal sign” in section 5.2.3, and all other signs on the building become secondary signs. The petitioner proposes one sign on each of the three street-facing facades. To exceed the maximum of two secondary signs to allow a third, requires a special permit per section 5.2.13.A.

See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§4.4.1	Request to allow a restaurant with more than 50 seats	S.P. per §7.3.3
§5.1.8.A.1 §5.1.13	Request to allow parking in the front setback	S.P. per §7.3.3
§5.1.8.C.1 §5.1.8.C.2 §5.1.13	Request to allow reduced aisle width	S.P. per §7.3.3
§5.1.9.A.1 §5.1.13	Request to waive perimeter screening requirements	S.P. per §7.3.3
§5.1.9.B §5.1.13	Request to waive interior landscaping requirements	S.P. per §7.3.3
§5.1.10.A §5.1.13	Request to waive lighting requirements	S.P. per §7.3.3
§5.2.3 §5.2.8 §5.2.13.A	Request to allow a free-standing sign	S.P. per §7.3.3
§5.2.3 §5.2.8 §5.2.13.A	Request to allow more than two secondary signs	S.P. per §7.3.3

Next Steps

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

The following must be included when filing a Special Permit Application:

10. Two (2) copies of the completed Special Permit Application (signed by property owner)
11. Filing Fee (see Special Permit Application)
12. Two (2) copies of the Zoning Review Memorandum
13. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
 - Site Plans showing existing and proposed conditions (including topography as applicable)
 - Architectural plans showing existing and proposed conditions (including façade materials)
 - Landscape plan (as applicable)
14. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
15. One (1) copy of any previous special permits or variances on the property (as applicable)
16. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
17. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

Incomplete applications will delay the intake and review of your project.

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners? Y/N

DRAFT #133-18
2095 Commonwealth Avenue

CITY OF NEWTON

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 a SPECIAL PERMIT/SITE PLAN APPROVAL to convert the existing structure to allow a restaurant with more than 50 seats, to allow a free standing sign, to allow more than two secondary signs, waivers to the interior landscaping requirements, waivers to lighting requirements, waivers to perimeter screening requirements, and parking waivers for: parking in the front setback and reduced aisle width, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The specific site is an appropriate location for a restaurant use with more than 50 seats, as it is located in an active commercial corridor with similar uses. (§7.3.3.C.1)
2. The proposed use, as developed and operated, will not adversely affect the neighborhood. (§7.3.3.C.2)
3. The project will not result in nuisance or serious hazards to pedestrians or vehicles. (§7.3.3.C.3)
4. Access to the site is appropriate for the types and numbers of vehicles involved, as the site is located at a signalized intersection and contains driveways on both Commonwealth Avenue and Lexington Street. (§7.3.3.C.4)
5. Literal compliance with the parking requirements of the NZO is impracticable due to the nature of the existing location, size, width, and shape of the lot. (§5.1.13)
6. The signs approved are in the public interest given the nature of the use of the premises and the location of the building with reference to the street. (§5.2.13.A)

PETITION NUMBER: #133-18

PETITIONER: Auburndale Realty Ventures Nominee Trust

LOCATION: 2095 Commonwealth Avenue, on land known as Section 41, Block 17, Lot 18, containing approximately 19,627 square feet of land

OWNER: Auburndale Realty Ventures Nominee Trust

ADDRESS OF OWNER: P.O. Box 262
Norwood, MA 02062

TO BE USED FOR: Restaurant with 56 seats.

EXPLANATORY NOTES: To allow a restaurant with more than 50 seats (§4.4.1); to allow parking in the front setback (§5.1.8.A.1 and §5.1.13); to allow reduced aisle width (§5.1.8.C.1, §5.1.8.C.2, and §5.1.13); to waive perimeter screening requirements (§5.1.9.A.1 and §5.1.13); to waive interior landscaping requirements (§5.1.9.B and §5.1.13); to waive lighting requirements (§5.1.10.A and §5.1.13); to allow a free standing sign (§5.2.3, §5.2.8, and §5.2.13.A); and to allow more than two secondary signs (§5.2.3, §5.2.8, and §5.2.13.A)

ZONING: Business Use 2 district

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:
 - a. A plan entitled "2105 Commonwealth Avenue Proposed Parking and Drive Location," stamped and signed by Verne T. Porter, Registered Land Surveyor, dated February 7, 2018.
 - b. A Plan entitled "Exterior Elevations," prepared by Dyer Brown Architects, revised September 8, 2017.
 - c. A set of sign plans entitled "Starbucks 50017 2105 Commonwealth Ave. Newton MA, 02466," prepared by Hilton Displays, revised September 28, 2017:
 - i. Sheet 1 - Cover Sheet
 - ii. Sheet 2 – Site Plan
 - iii. Sheet 3 – South Elevation
 - iv. Sheet 4 – East Elevation
 - v. Sheet 5 – West Elevation
 - vi. Sheet 6 – 10" Channel Letters - Remote
 - vii. Sheet 7 – 60" Illuminated Siren

viii. Sheet 8 – 72" Illuminated D/F Pylon

2. The Petitioner shall provide to the satisfaction of the Director of Transportation Operations, a white stop bar and R10-6 sign at the back of sidewalk of the Lexington Street driveway and a double yellow centerline along the Lexington Street driveway.
3. 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 Board Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Board Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Filed final site plans for review and approval by the City Engineer. A copy of such written approval shall be filed with the Clerk of the Board, Director of the Department of Planning and Development, and the Commissioner of Inspectional Services.
 - d. Obtained a written statement from the Department of Planning and Development that confirms plans submitted with any building permit are consistent with plans approved in Condition #1.
4. No Certificate of Occupancy for the buildings and uses 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 by a registered architect or surveyor certifying substantial compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services and the Department of Planning and Development a final as-built survey plan in digital format by a licensed surveyor.
 - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.
 - d. Filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, final landscape features, fencing, signage and parking areas.
5. Notwithstanding the provisions of Condition #4d above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the site prior to installation of final landscaping, fencing, signage and parking areas provided that the Petitioner shall first have filed with the Director of Planning and Development a bond, letter of credit, cash or other security in the form satisfactory to the Director of

Planning and Development in an amount not less than 135% of the value of the aforementioned remaining site work to secure installation of such landscaping, fencing, signage and parking areas.