



Land Use Committee Report

City of Newton **In City Council**

Tuesday, January 14, 2020

Present: Councilors Lipof (Chair), Auchincloss, Kelley, Markiewicz, Downs, Bowman, Laredo

Also Present: Councilors Albright, Wright, Danberg, Krintzman

City Staff Present: Associate City Solicitor Jonah Temple, Senior Planner Michael Gleba, Chief Planner Jennifer Caira, Senior Planner Neil Cronin, Planning Associate Katie Whewell

All Special Permit Plans, Plan Memoranda and Application Materials can be found at http://www.newtonma.gov/gov/aldermen/special_permits/current_special_permits.asp. Presentations for each project can be found at the end of this report.

Request for a Consistency Ruling relative to 642 Centre Street as it relates to Special Permit Council Order #361-16. Requesting an amendment to the site plan to make changes to paved areas at the site.

Note: Ms. Lisa Schwarzberg, 642 Centre Street, presented the request for a consistency ruling relative to the approved special permit at 642 Centre Street. Ms. Schwarzberg stated that when the special permit was approved, a condition of approval was the replacement of some square footage from the front paved area with green space. Ms. Schwarzberg explained that the removal of the paved area at the front of the site makes maneuverability difficult, so they are seeking a consistency ruling allow the paved portion to remain and a portion of paved patio at the rear to be removed. Senior Planner Michael Gleba stated that the amount of the patio removed at the rear should match the amount to be maintained at the front of the site so as not to trigger any drainage requirements. The Committee was supportive of the consistency request and took a straw vote in favor of permitting the to the site plan.

#26-20 Request to Rezone Approximately 4.4 acres to MU-3 to Create a Contiguous MU-3 Zone
MD 399 GROVE OWNER, LLC/RAMIREZ CONCORD, LLC/BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY petition for a change of zone to Mixed Use 3/Transit Oriented District for portions of land located at 355 Grove Street (currently zoned BU-2) and 399 Grove Street (currently zoned BU-5), also identified as Section 42, Block 11, Lots 3, 4, and 4A, abutting the existing MU-3 Zone.

Action: **Land Use Held 7-0**

#27-20 Petition to allow Mixed Use Transit Oriented Development at Riverside Station
MD 399 GROVE OWNER, LLC/RAMIREZ CONCORD, LLC/BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed use, transit-oriented development of

residential units, office, retail, personal services, restaurant, hotel, and related commercial uses not to exceed 1,025,000 square feet of gross floor area, with residential uses comprising not less than 60% of the total gross floor area with a residential density of not less than 800 square feet per unit with not less than 560 units nor more than 620 units with special permit relief and/or waivers as follows: as to dimensional standards, a development of more than 20,000 square feet of gross floor area, building height of up to 170 feet, buildings up to 11 stories, Floor Area Ratio of up to 2.5, beneficial open space of not less than 15%, increase of height of certain buildings with the Grove Street Area Corridor (to the extent necessary), and reduction in setback from Grove Street for certain buildings within the Grove Street Corridor Area (to the extent necessary); as to design standards, waiver of the sustainable development design standards and placement of a retaining wall greater than 4 feet in height located in a setback; as to uses, for-profit educational use, retail sales of over 5,000 square feet, restaurant with more than 5,000 square feet of gross floor area, personal service use of over 5,000 square feet, place of amusement, health club on ground floor, animal services, hotel, bank up to and over 5,000 square feet, theatre/hall, laboratory/research facility, parking facility, accessory, multi-level, parking facility, non-accessory, single level; as to parking, reduction of the residential parking requirement to 1.25 stalls per unit, reduction of the overall commercial parking requirement by 1/3, and waiver of parking stalls not to exceed 685 stalls, above and beyond the reductions specified above; as to parking facilities, waivers of the parking stall dimension requirements, the end stall maneuvering space requirements, the driveway entrance and exit requirements, the 5% interior landscaping requirements, the interior planting area requirements, the tree requirements, the bumper overhang requirements, the one-foot candle lighting requirement, the parking stall striping requirements (to the extent necessary), the curbing, wheel stop, guard rail, or bollard requirements, and the number of off-street loading facilities requirements; and as to signage, waiver of the number, size, type, location, and design requirements, all at 355 and 399 GROVE STREET on land known as Section 42, Block 11, Lots 3, 4 and 4A, containing approximately 13.05 acres of land in districts zoned Mixed Use 3 Transit Oriented (MU3), BU2 (a portion to be rezoned to MU3), BU5 (to be rezoned to MU3). Ref: Sec. 4.2.2.B.1, 4.2.2.B.3, 4.2.3, 4.2.4, 4.2.4.A.4, 4.2.4.B.3, 4.2.4.G.2, 4.4.1, 5.1.4, 5.1.4.A, 5.1.4.C, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.B.6, 5.1.8.D.1, 5.1.8.D.2, 5.1.9.B.1, 5.1.9.B.2, 5.1.9.B.3, 5.1.9.B.4, 5.1.10.A.1, 5.1.10.B.3, 5.1.10.B.5, 5.1.12, 5.1.12.B.4, 5.1.13, 5.2, 5.2.13, 5.4.2.B, 5.12, 6.4.29.C.5, 7.3.3, 7.3.5, 7.4 of the City of Newton Revised Zoning Ordinance, 2017. Additionally, as to infiltration and inflow mitigation, an abatement of the infiltration/inflow mitigation fee pursuant to Section 29-170 of the City of Newton Revised Zoning Ordinance, 2017.

Action: **Land Use Held 7-0**

Note: Attorney Steve Buchbinder, offices of Schlesinger and Buchbinder, 1200 Walnut Street, represented the petitioner, Mark Development, LLC. Atty. Buchbinder noted that after filing the Special Permit in 2019, the petitioner worked with the City Council and members of the Lower Falls Improvement Association (LFIA) to develop text amendments acceptable to the developer and the neighborhood. The City Council approved the text amendments to the MU3 zone on November 18, 2019. The special permit filed in December 2019 reflects a modified proposal based on the new MU3 zone limits. The proposed

development will be capped at 1,025,000 sq. ft. and 60% of the program will be dedicated to residential uses. Atty. Buchbinder and Principal Damien Chavieno presented an update to the Committee on how the proposed special permit petition differs from the petition filed in 2019. Details and renderings comparing the filings can be found on the presentation at the end of this report. The public hearing for the proposed development is scheduled to open on January 28, 2020 after a presentation on Site Design and Open Space. Topics of discussions are currently planned as follows:

February 11, 2020 – Housing and Fiscal Impacts

February 25, 2020 – Transportation

March 5, 2020 – Design Guidelines, Sustainability

Mr. Chavieno confirmed that it is the petitioner's intent to have the MBTA present for each of the discussions relative to the project. The Committee requested that the petitioner is able to discuss a connection between the Auburndale commuter rail station and the Riverside station, responses to the LFIA letter dated January 13, 2020 and an analysis of the pros and cons of not undergrounding parking. With that, the Committee held items #26-20 and #27-20.

#483-18(2) Petition to allow 20-unit multi-family dwelling at 182-184 & 166 California Street

LA&CA, LLC. petition for an EXTENSION OF TIME to EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL to allow the expansion of a nonconforming multi-family dwelling use by constructing a three-story multi-family development 32.6' in height in a manufacturing district with greater than 20,000 sq. ft. new gross floor area in Ward 1, Newton, at 182-184 California Street (Section 11 Block 12 Lot 12) and 166 California Street (Section 11 Block 12 Lot 13), containing approximately 18,121 sq. ft. of land in a district zoned MANUFACTURING. Said Extension of Time to Run from February 19, 2020 to February 19, 2021. Ref: 7.3, 7.4, 4.4.1, 7.8.2.2, 4.3.2.B.1, 4.3.3, 7.8.2.C.2, 4.3.2.B.3, 5.1.4, 5.1.8.B.6, 5.1.13, 5.1.8.E.1, 5.4.2 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0

Note: Committee members expressed no concerns relative to the request for an extension of time. Councilor Laredo motioned to approve the extension of time which carried 7-0.

#14-20 Petition for parking facility waivers at 287-289 Newtonville Avenue

POFCO, Inc. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow parking design criteria including waivers to; interior landscaping requirements, lighting requirements, to allow parking accessory to a manufacturing use in a residential district and to allow parking in the front and side setback at 287-289 Newtonville Avenue, Ward, 2 Newtonville, on land known as Section 22 Block 01 Lots 17 and 13, containing approximately 72,643 sq. ft. of land in a district zoned MANUFACTURING and MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 5.1.6.C, 3.2.3, 5.1.8.A.1, 5.1.13, 5.1.9.B, 5.1.10 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Held 7-0; Public Hearing Closed 01/14/2020

Note: Attorney Michael Peirce, office at 60 Walnut Street, Wellesley, represented the petitioner POFCO, Inc. Atty. Peirce presented the request to allow modifications to the parking facility and waivers to landscaping and lighting requirements at the 38,000 sq. ft. warehouse building at 287-289 Newtonville Avenue. Atty. Peirce presented details of the plans as shown on the attached presentation. The petitioner proposes to upgrade the paved area in front of the warehouse building with landscaping and dimensionally compliant parking stalls, and a bicycle parking facility. Additional parking is also proposed on the Albany Street side of the property. Senior Planner Michael Gleba presented the request relief, criteria for consideration, zoning, land use and existing and proposed conditions as shown on the attached presentation.

The Public Hearing was Opened.

Michael Monticelli, 297-299 Newtonville Avenue, believes the proposed changes to the site are improvements. He stated that he would like to see a fence installed between his property and the petitioner's property.

Aline Sammut, 317 Newtonville Avenue, questioned whether the neighborhood has any assurances relative to the maintenance and installation of the proposed landscaping. She noted that some landscaping at Cradles to Crayons that was proposed has not been installed.

Jill Roff, 327 Newtonville Avenue, asked for clarification on the site plan. Ms. Roff expressed concerns relative to maintenance of the proposed shrub and tree buffer.

The Chair explained that the site plan and landscaping would require maintenance and are subject to enforcement from Inspectional Services. Seeing no other member of the public who wished to speak, Councilor Kelley motioned to close the public hearing which carried 7-0. The Committee deliberated the benefit of the increased number of parking stalls. It was noted that the site is approximately .3 miles from the Newtonville commuter rail and the 59 bus. A Committee member suggested that having adequate parking to support the 38,000 sq. ft. commercial building protects the neighborhood from overflow parking. Atty. Peirce explained that if the building were built in 2020, the zoning would require no less than 38 parking stalls.

Responding to questions from the Committee, Hancock Associate Civil Engineer Anthony Donato explained that the shaded trees in the western corner on Newtonville Avenue are existing mature trees and are greater than 8 caliper inches. Atty. Peirce confirmed that is the petitioner's intent to install sidewalks in accordance with the Engineering Department's recommendation. Additionally, it was confirmed that the petitioner can coordinate with the abutter to install a fence. The Committee was generally supportive of the proposed site improvements but noted that the petitioner is still working with the Engineering Department on the proposed drainage and the Albany Street curb cut. It was also noted that there are Councilors who are interested in visiting the site prior to the Council vote. Committee members asked that the petitioner consider a reduction in the number of stalls, narrowing of the Albany Street curb cut and the inclusion of native tree species in the landscape plan. Atty. Peirce confirmed that the petitioner is not seeking a waiver of the \$1100 I&I mitigation payment. With that, Councilor Auchincloss motioned to hold the item and the Committee voted 7-0 in favor of holding the item.

#15-20 Petition to amend Deed Restriction and Orders #148-15(2) and (3) at 180 Wells Ave
180 WELLS AVENUE, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Orders #148-15(2) and (3) to revise the design of the parking structure and surface parking and to add a fourth story to the approved three-story office building; requiring a variance from the height and story limitations and an amendment to the deed restriction at 180 Wells Avenue, Ward 8, Newton Centre, on land known as Section 84 Block 34A Lot 03, containing approximately 219,980 sq. ft. of land in a district zoned LIMITED MANUFACTURING. Sec. 7.3.3, 7.4, 5.1.9.B.1, 5.1.13, 5.1.12.D.1, 4.3.3, 7.6 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Held 7-0; Public Hearing Continued**

Note: Attorney Michael Peirce, office at 60 Walnut Street, Wellesley, represented the petitioner 180 Wells Avenue, LLC. Atty. Peirce presented the request to revise the parking structure and surface parking at 180 Wells Avenue. The petitioner proposes to reduce the number of spaces in an approved parking deck and upgrade the quality. The removed spaces will be moved to surface parking. Steve Dube, Architect, Elkus Manfredi presented an overview of the proposed changes as shown on the attached presentation. The project includes a new entrance, accessible to both the existing structure and the new structure. Mr. Dube noted that the location of the parking stalls and the structure is somewhat dependent on the varied topography of the site. Atty. Peirce noted that the petition will need to be re-advertised. Mr. Dube showed renderings of the approved plans and the proposed plans as shown on the attached presentation.

Senior Planner Neil Cronin reviewed the requested relief, criteria for consideration, zoning, land use and proposed plans as shown on the attached presentation. Mr. Cronin confirmed that the petition will need to be re-advertised. Mr. Cronin stated that the planning department is supportive of the petitioner's investment wells avenue but has concerns relative to the reduction of open space in lieu of placement of surface parking stalls. The Committee expressed support for a clear recommendation from the Planning Department in response to concerns raised regarding the Transportation Demand Management (TDM) plan. Councilors asked the petitioner to consider; safe bicycle parking, a secure and/or covered bicycle parking facility and interior landscaping. With that, Councilor Markiewicz motioned to hold the item which carried 6-0 (Auchincloss not voting).

#16-20 Petition to allow parking waiver and restaurant with more than 50 seats at Piccadilly Sq.
FIRST GENERAL REALTY GROUP petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a restaurant with more than 50 seats and a parking waiver of 478 parking stalls in Ward 6, Newton Centre, at 93-105 Union Street, (containing approximately 31455 sq. ft. of land) on land known as Section 61 Block 36 Lot 09, 1280 Centre Street (containing approximately 27,560 sq. ft. of land) on land known as Section 61 Block 36 Lot 05, 47-61 Langley Road (containing approximately 10,037 sq. ft. of land) on land known as Section 61 Block 36 Lot 06, 49-63 Union Street (containing approximately 8,735 sq. ft. of land) on land known as Section 61 Block 36 Lot 07 and 790-794 Beacon Street (containing approximately 7,400 sq. ft. of land) on land known as Section 61 Block 36 Lot 03, all zoned BUSINESS USE 1. Ref: 7.3.3, 7.4, 5.1.4.A, 5.1.13, 4.4.1, 6.4.29 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved 6-0 (Laredo Recused); Public Hearing Closed 01/14/2020**

Note: James Curtin, First General Realty Corp CEO presented the request for a waiver of parking stalls and a restaurant with more than fifty stalls at Picadilly Square. The subject parcels, which are not contiguous, are composed over 80,000 sq. ft. on Herrick Road, Union Street, Langley Road and Beacon Street in Newton Centre. Mr. Curtin explained that each time there is a change in tenancy and/or a modified use, the petitioner has to seek a parking waiver through the special permit process. He noted that as the process can take up to four months, prospective tenants are often deterred from leasing space. The petitioner is seeking a comprehensive parking waiver of 478 parking stalls in order to eliminate the need to return for a special permit in order to lease space to tenants.

Planning Associate Katie Whewell reviewed the requested relief, criteria for consideration, land use, zoning and plans as shown on the attached presentation. Ms. Whewell explained that the waiver for 478 would cover 109 commercial spaces containing a mix of uses. She noted that Picadilly Square is within Newton Centre and adjacent to the Newton Centre train and a bus line. There are several municipal parking lots. The total number of available public parking stalls (consisting of street parking and municipal lots) is 367. Ms. Whewell explained that any change in use typically triggers a change in the parking requirement. The parking credit system allows credits to be carried forward or loss due to a change in use. Some uses have a higher zoning requirement than others and can present a barrier to tenants. Ms. Whewell explained that if a café (requiring 7 stalls) sought to replace a 1200 sq. ft. space that a nail salon tenant occupied (requiring 5 stalls), the café would have to make up the difference, requiring a special permit amendment. She noted that restaurants with more than 50 seats is consistent with the goals for Newton Centre as envisioned in the Comprehensive Plan. Approval of the special permit will allow for flexibility for the petitioner as well as make analysis easier for the City.

The public hearing was opened.

Lisa Gordon, 76 Elgin Street, noted that no information on the petition was available to members of the public. Ms. Gordon expressed concerns relative to the relief for a restaurant with more than 50 seats.

Nina Crowley, 888 Beacon Street, expressed concerns relative to granting relief for restaurants with more than 50 seats and overflow parking in the neighborhood.

Nancy Honig, 62 Dalton Road, noted that the spaces in Newton Centre are desirable. She noted that changes in use have always been evaluated and discussed and now any approval process will be taken away from the Council for the benefit of the retailers.

Seeing no other member of the public who wished to speak, Councilor Downs motioned to close the public hearing which carried 6-0 (Councilor Laredo recused).

Ms. Caira explained that to provide a conservative estimate, the Planning Department thought about the most intense uses and assumed many of the spaces maximize the space. Ms. Caira confirmed that if approved, the special permit would grant relief allowing any of the spaces to have a restaurant with more than 50 seats. The Committee noted that many of the spaces do not have the physical space for a restaurant with more than 50 seats, the largest spaces containing Baramor (60 seats) and Union Street (125 seats). Councilors expressed support for the petition and noted that the intensity is not likely to

increase significantly. The Committee reviewed the draft findings and conditions as shown on the attached presentation. Committee members expressed no concerns relative to the draft order and voted six in favor none opposed with a motion from Councilor Bowman to approve the petition.

#17-20 Class 1 Auto Dealer License
MAG RETAIL HOLDINGS – CJ LLC. D/B/A MCGOVERN CHRYSLER JEEP DODGE RAM
777 Washington Street
Newton, MA. 02460

#18-20 Class 1 Auto Dealer License
FLAHERTY EQUIPMENT SALES CORPORATION
846 Walnut Street
Newton, MA. 02459

#19-20 Class 2 Auto Dealer License
JACOB & ASSOCIATES
1232 Washington Street
Newton, MA. 02465

#20-20 Class 2 Auto Dealer License
NEW ENGLAND MOTOR MART, INC.
1211 Washington Street
West Newton, MA. 02465

#21-20 Class 2 Auto Dealer License
MOTORCARS OF BOSTON, INC.
1191 Washington Street
Newton, MA. 0246

#22-20 Class 2 Auto Dealers License
JR CAR CARE, INC.
454 Watertown Street
Newtonville MA 02460

#23-20 Class 2 Auto Dealers License
KC AUTO
55 Farwell Street
Apartment 13
Newtonville MA 02460

#66-20 Class 2 Auto Dealers License
ENZO'S AUTO SALES
10 Hawthorn Street
Newton MA 02458

#67-20 **Class 2 Auto Dealers License**
AUCTION DIRECT PREOWNED
1545 Washington Street
West Newton, MA. 02465

#68-20 **Class 2 Auto Dealers License**
NEWTON COLLISION INC. D/B/A GM AUTO BODY
64 Crafts Street
Newton, MA. 02458

Action: **Land Use Approved Items #17-20-#68-20 6-0 (Laredo not Voting)**

Note: Committee members expressed no concerns relative to the auto dealers' licenses. It was confirmed that ISD has not reported and site-specific complaints.

The Committee adjourned at 9:50 pm.

Respectfully Submitted,

Richard Lipof, Chair

Riverside Station

Land Use Presentation

January 14, 2020

Program Matrix Comparison

	[A]			[B]		[C]	
	Original						
	Special Permit Filing	Special Permit Re-Filing		September 2019	December 2019		
	March 2019	September 2019	December 2019				
Total GFA (1)	1,457,592	1,233,862	1,025,000				
Residential Units	675	524	560 - 620				
For Rent	618	524	560 - 620				
For Sale	57	0	0				
% of Affordable Units	25.0%	17.5%	17.5%				
# of Affordable Units	169	92	98 - 109				
Retail GFA	56,200	64,176	43,242				
Office GFA	562,961	523,509	250,887				
Hotel Keys	194	154	150				
Parking Spaces	2,922	2,758	2,030				
% Residential	49.9%	45.1%	63.8%				
% Commercial	50.1%	54.9%	36.2%				



September 2019

1.234M

M_D A R K
D E V E L O P M E N T



MBTA

1
TEN / ELEVEN
STORIES
(plus mech.
penthouse)

2
SIX
STORIES

FOUR
+HALF*
STORIES

3
FIVE*
STORIES

FOUR
STORIES

FOUR
STORIES

SIX STORIES

10
EIGHT PARKING TRAYS
(SEVEN STORIES + ROOF

8
FIVE+HALF
STORIES

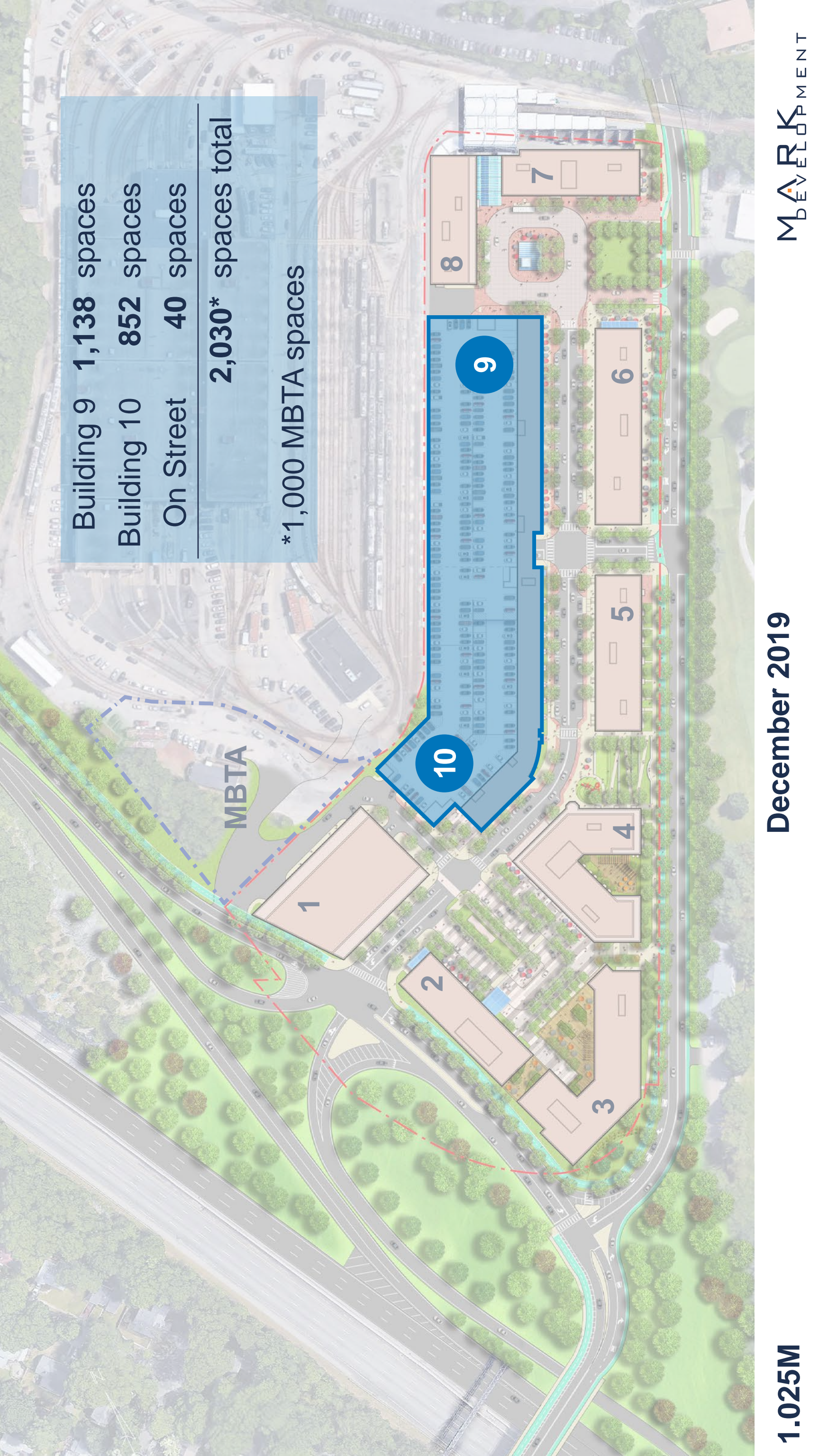
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FIVE
STORIES

* AT GROVE STREET

December 2019

1.025M



Building 9 1,138 spaces

Building 10 852 spaces

On Street 40 spaces

2,030* spaces total

*1,000 MBTA spaces

December 2019

1.025M

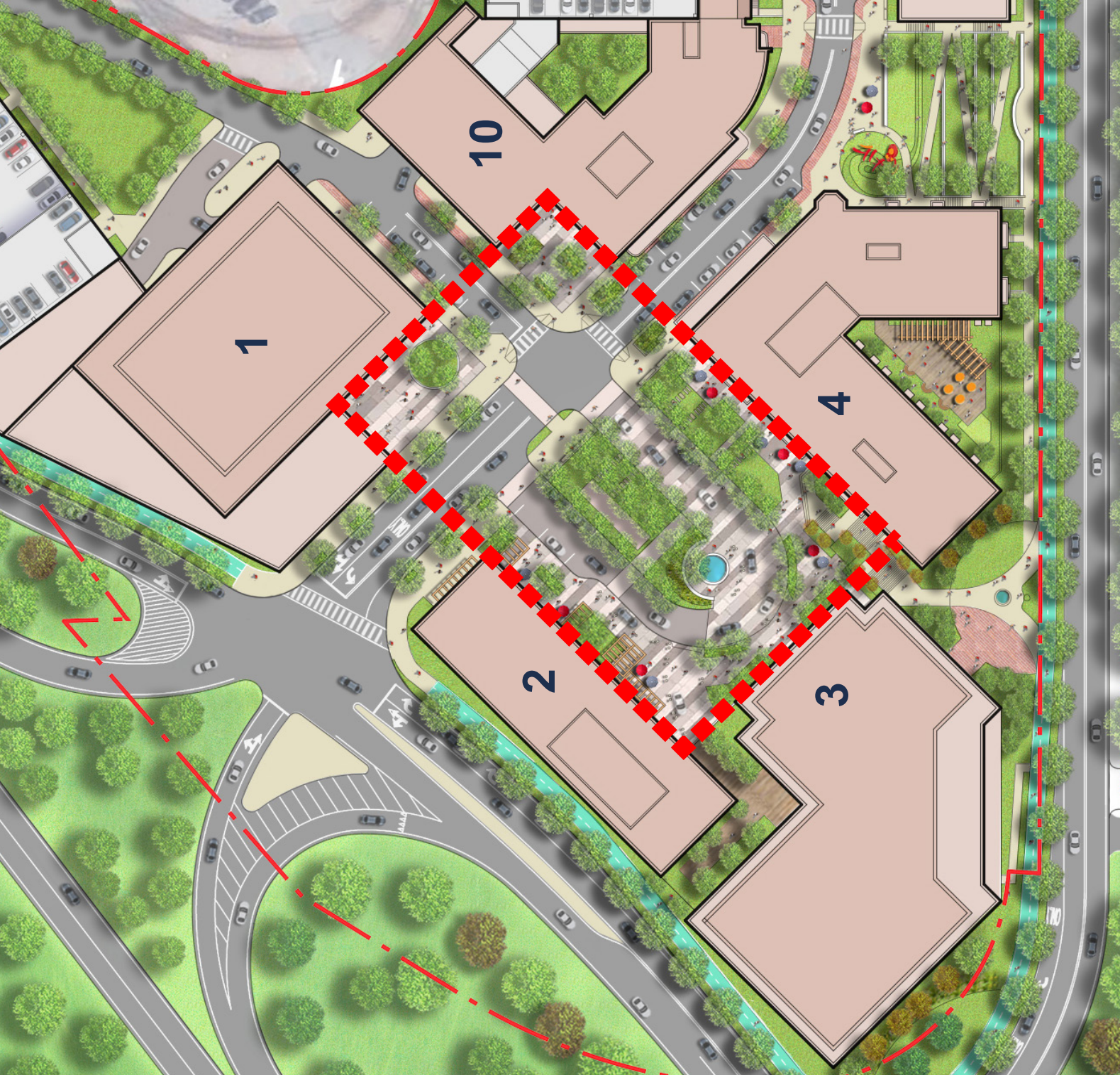
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September 2019



December 2019



September 2019



December 2019

MARK DEVELOPMENT

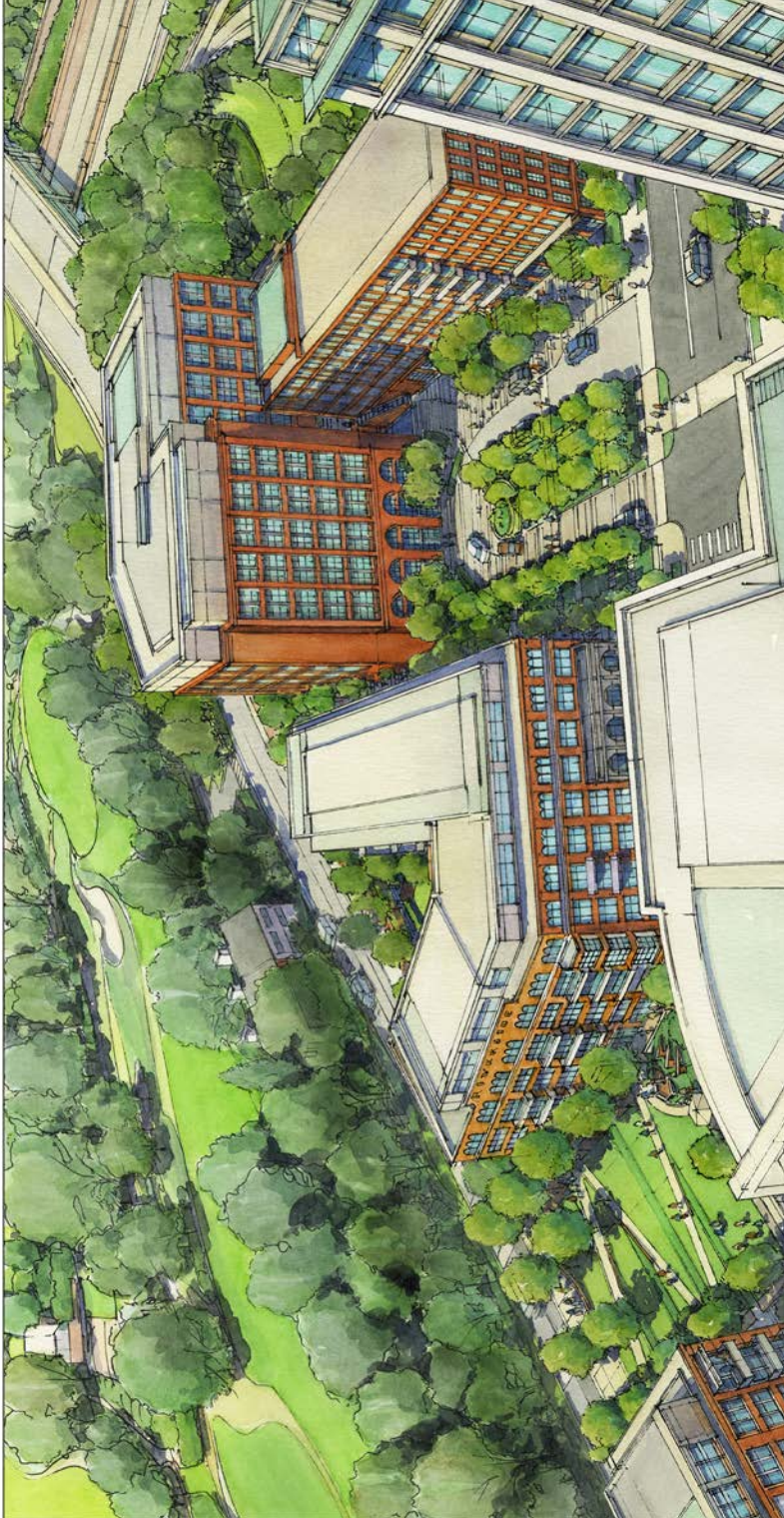


September 2019

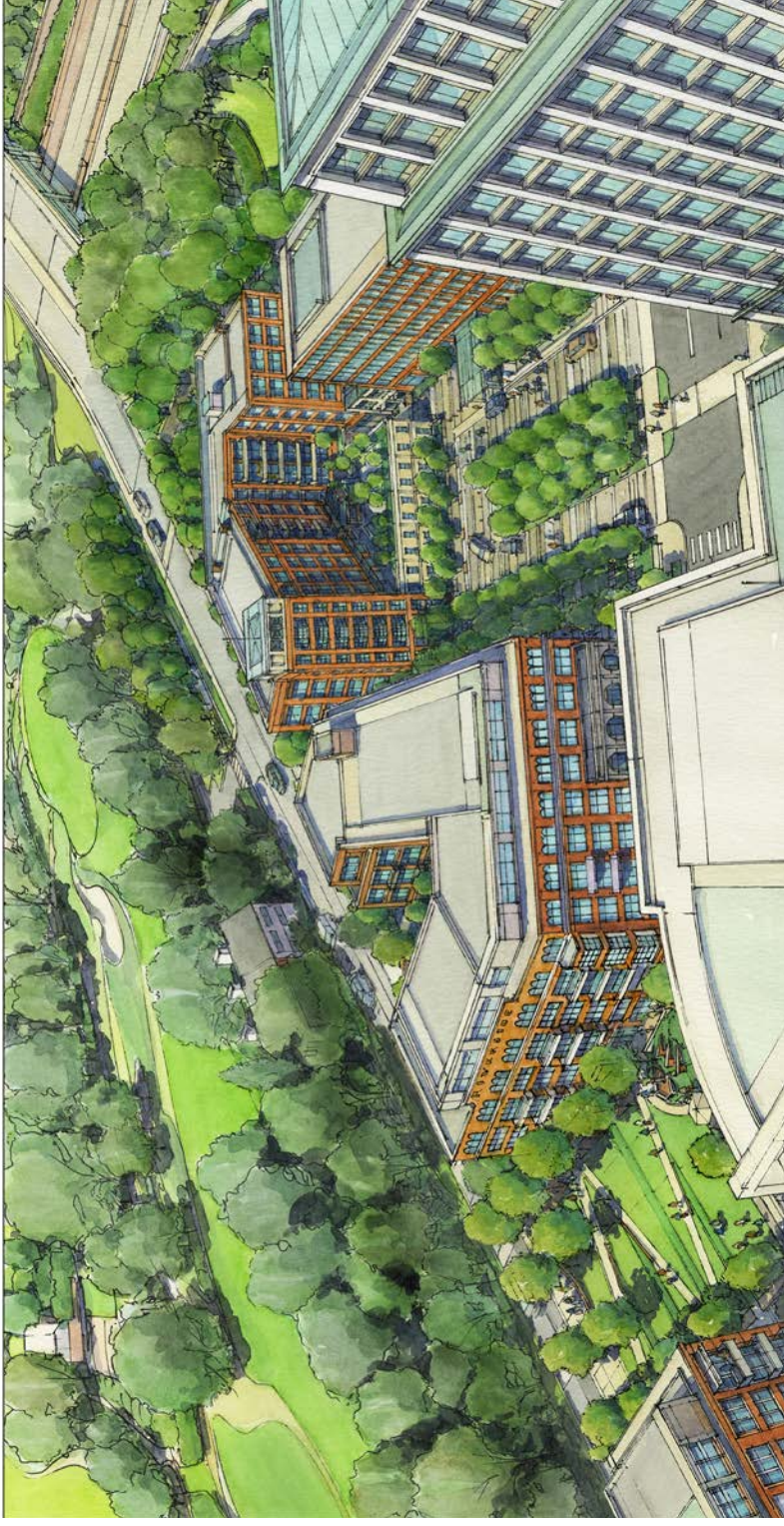


December 2019

MARCK DEVELOPMENT



September 2019



December 2019



September 2019



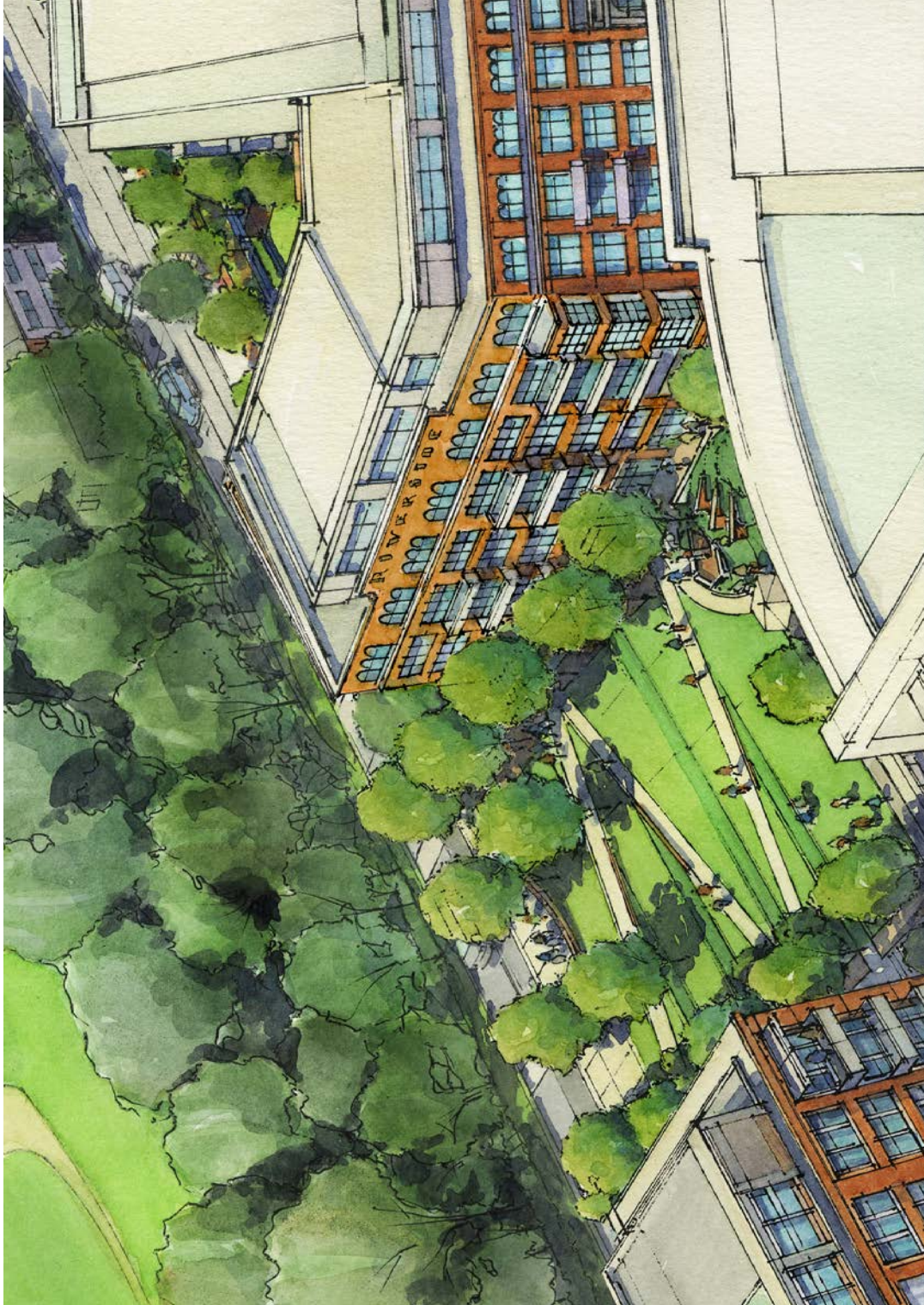
December 2019



September 2019



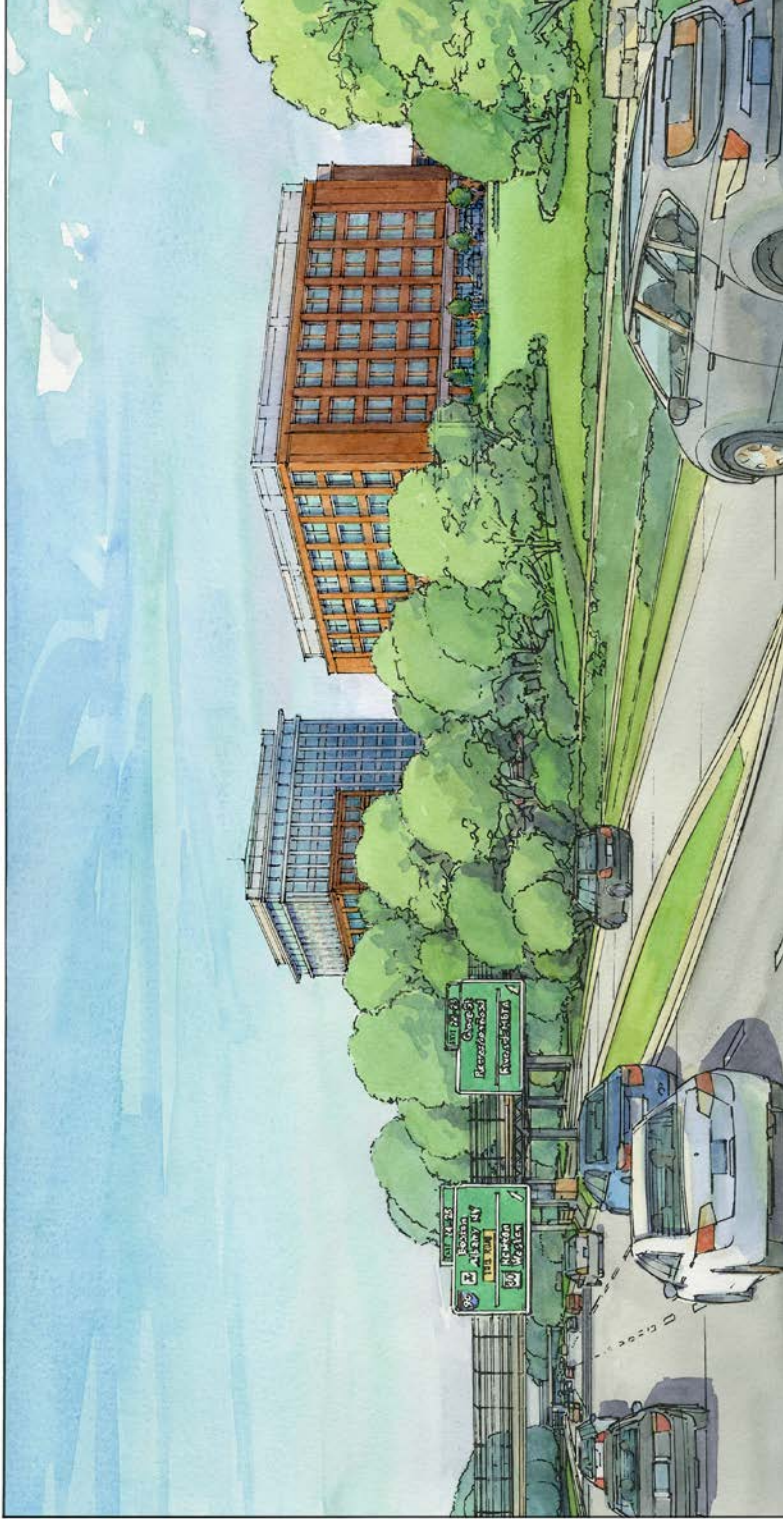
December 2019



September 2019



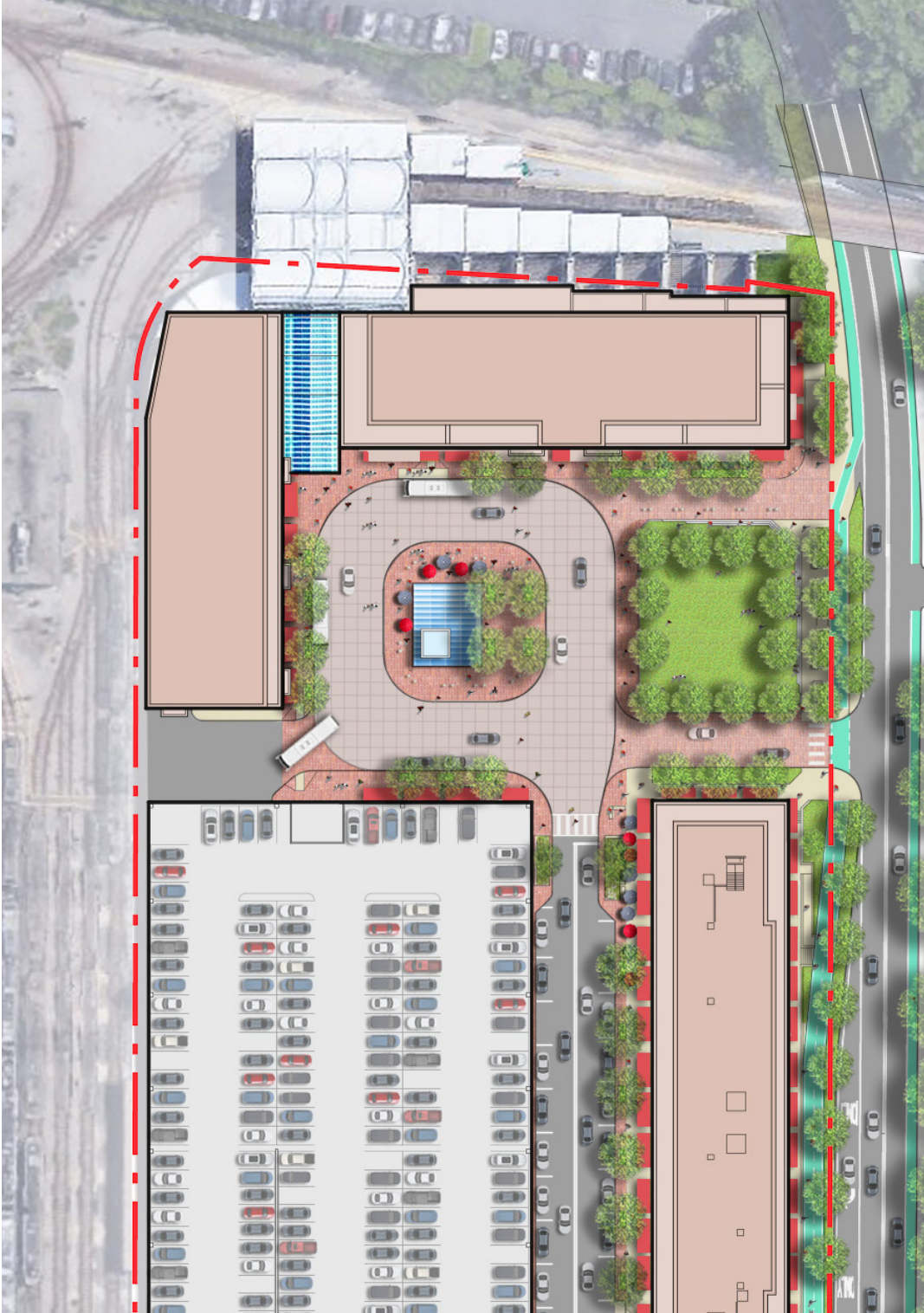
December 2019



September 2019



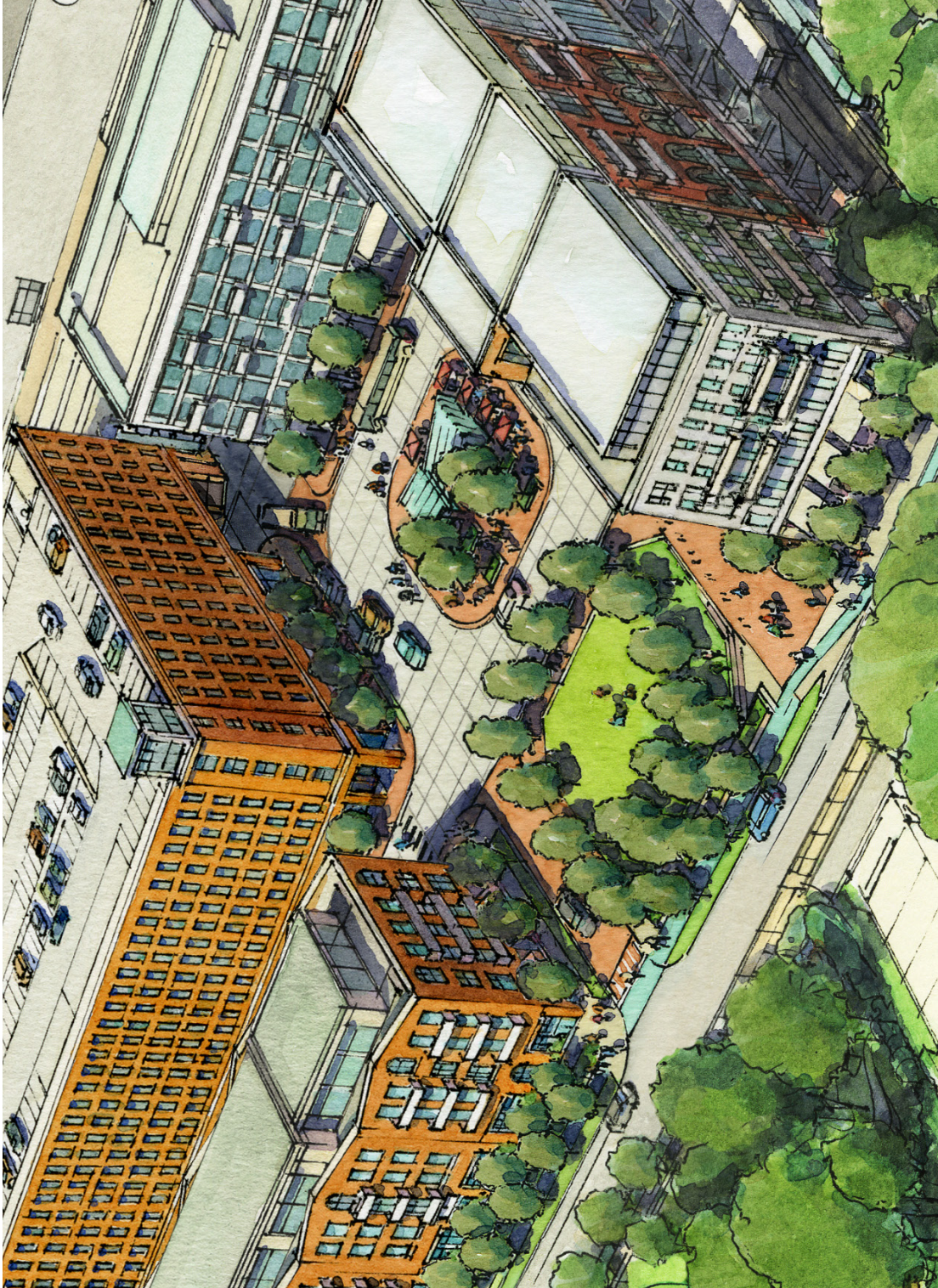
December 2019



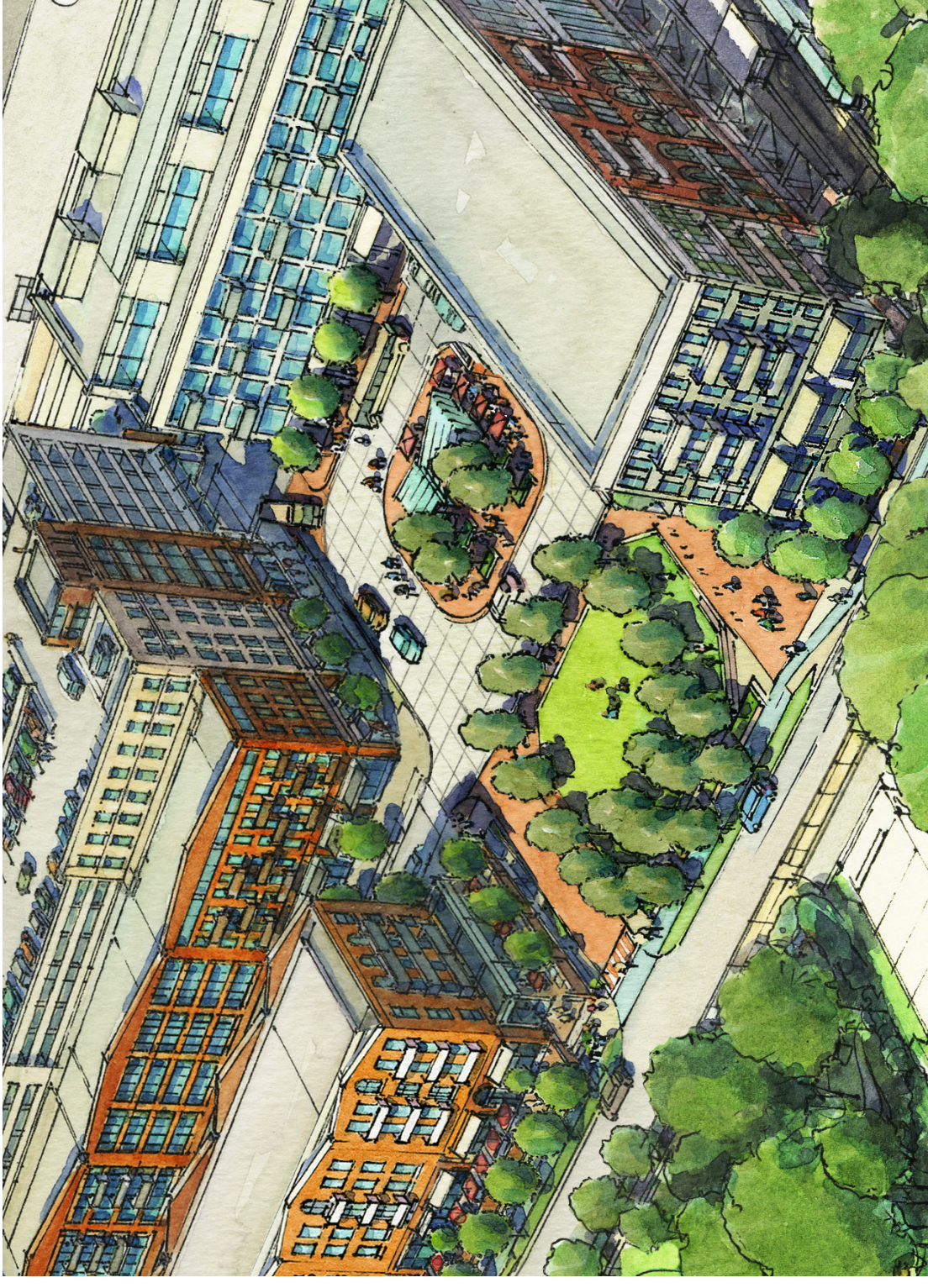
September 2019



December 2019



September 2019



December 2019



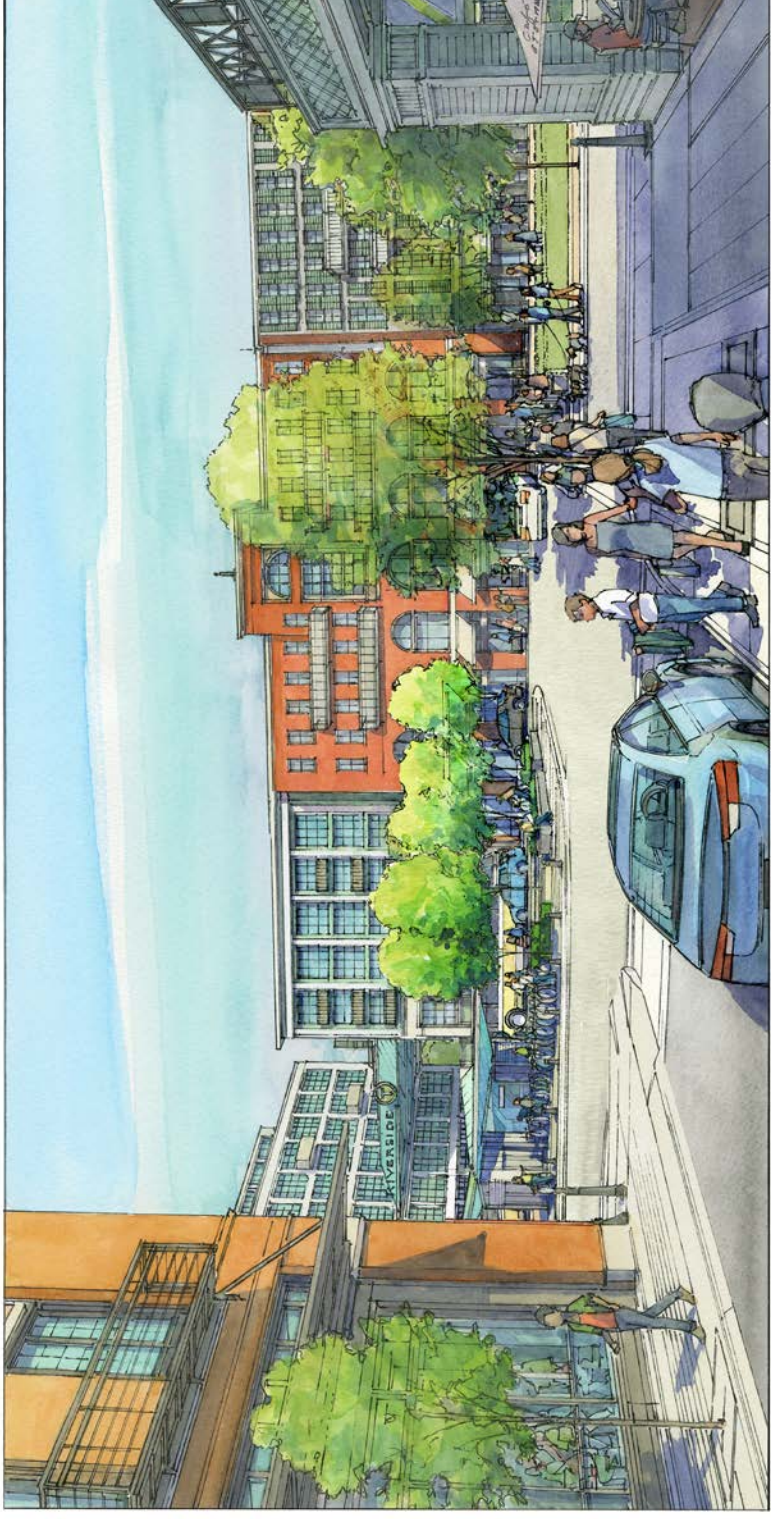
September 2019



December 2019



September 2019



December 2019



September 2019



December 2019



September 2019



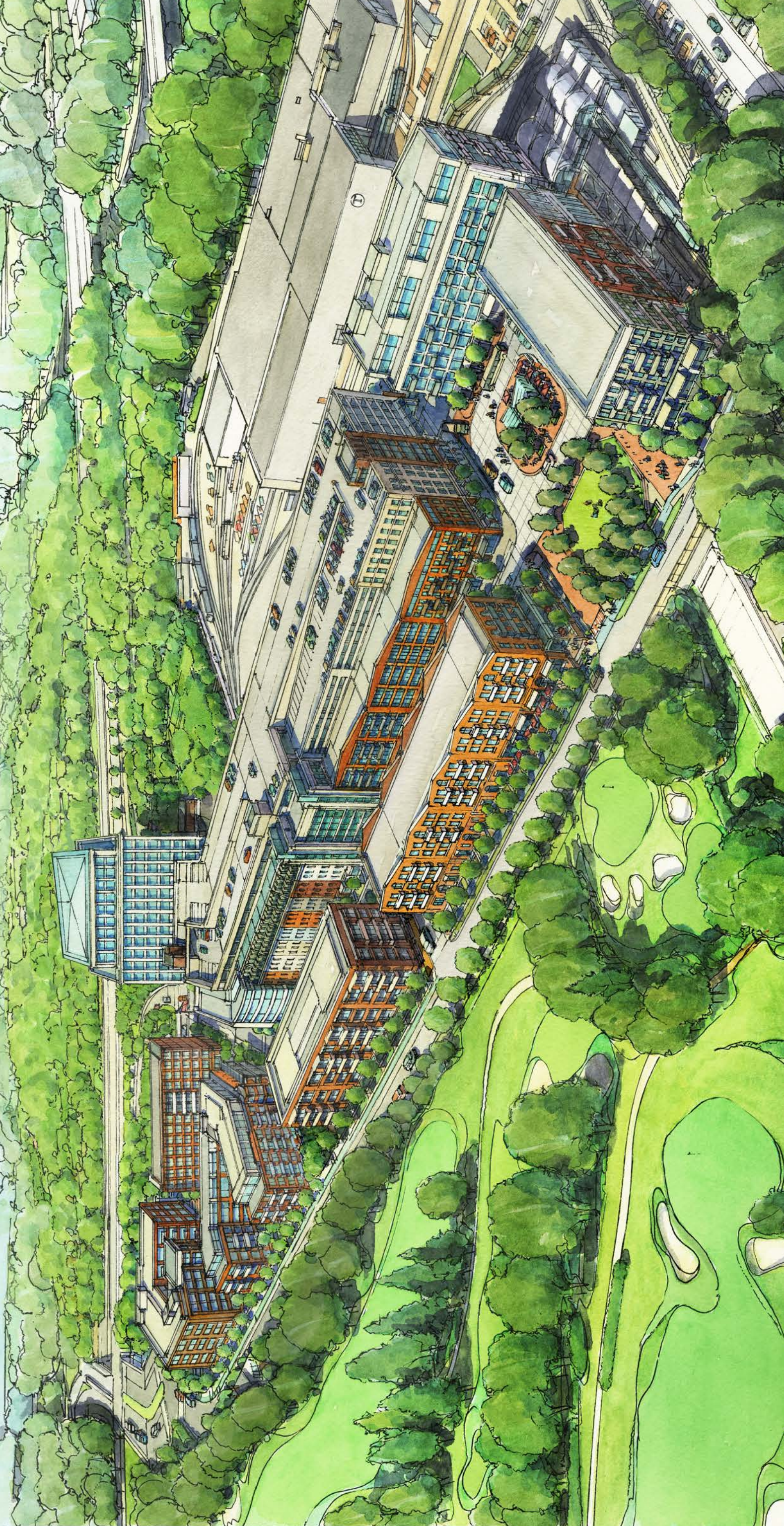
December 2019



September 2019



December 2019

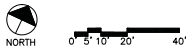


INTERSTATE - 90



ADDITIONAL SITE INFORMATION:

1. NEW LIGHTING FOR PARKING AREAS WILL BE PROVIDED TO COMPLY WITH NEWTON ORDINANCES FOR "DARK SKY" AND NO "OVERSPILL" ON ADJACENT PROPERTIES. LIGHTING LEVELS WILL BE DESIGNED TO COMPLY WITH ORDINANCES OR FURTHER RESTRICTIONS REQUIRED DURING SPECIAL PERMIT REVIEW PROCESS.
2. THE RESIDENTIAL ZONED PARCEL #291 WILL HAVE 85% OPEN SPACE AFTER PARKING IS ADDED. 50% OPEN SPACE IS REQUIRED BY ZONING.



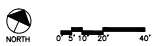
LA FRIERE
ARCHITECTS

287 NEWTONVILLE AVENUE
NEWTONVILLE, MA

JANUARY 13, 2020

OWNER:
POFCO, INC.

INTERSTATE - 90



LA FRIERE
ARCHITECTS

287 NEWTONVILLE AVENUE
NEWTONVILLE, MA

JANUARY 13, 2020

OWNER:
POFCO, INC.

Department of Planning and Development



PETITION #14-20
287-289 NEWTONVILLE AVE.

SPECIAL PERMIT/SITE PLAN
APPROVAL TO ALLOW PARKING
DESIGN CRITERIA INCLUDING
WAIVERS TO; INTERIOR
LANDSCAPING REQUIREMENTS,
LIGHTING REQUIREMENTS, TO
ALLOW PARKING ACCESSORY TO A
MANUFACTURING USE IN A
RESIDENTIAL DISTRICT AND TO
ALLOW PARKING IN THE FRONT
AND SIDE SETBACK

JANUARY 14, 2020



1

Requested Relief



Special permit per §7.3.3 to:

- allow parking accessory to a manufacturing use in a residential district (§5.1.6.C)
- allow parking in the front and side setback (§3.2.3, §5.1.8.A.1, §5.1.13)
- waive interior landscaping requirements (§5.1.9.B, §5.1.13)
- waive the lighting requirements (§5.1.10, §5.1.13)

2

Criteria to Consider

When reviewing the requested special permits the Council should consider whether:

- The specific site is an appropriate location for the proposed parking accessory to a manufacturing use in a residential district (§7.3.3.1);
- The proposed parking accessory to a manufacturing use in a residential district will not adversely affect the neighborhood (§7.3.3.2);
- Access to the site over streets is appropriate for the types and numbers of vehicles involved with the proposed parking accessory to a manufacturing use in a residential district (§7.3.3.3);
- There will be no nuisance or serious hazard to vehicles or pedestrians associated with the proposed parking accessory to a manufacturing use in a residential district (§7.3.3.4);

3

Criteria to Consider (cont.)

When reviewing the requested special permits the Council should consider whether:

- Granting the requested exceptions to provisions Section 5.1 related parking in the front and side setback (§3.2.3, §5.1.8.A.1), interior landscaping requirements (§5.1.9.B), and lighting requirements (§5.1.10) would be appropriate because literal compliance 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).

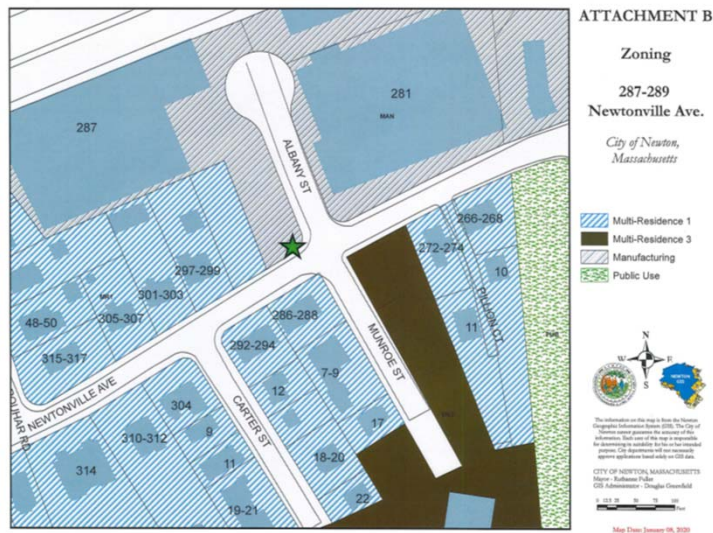
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AERIAL/GIS MAP



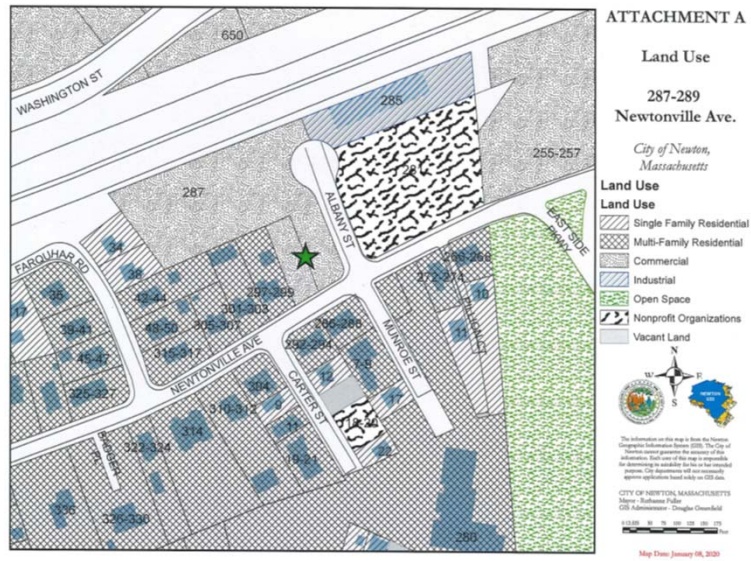
5

Zoning



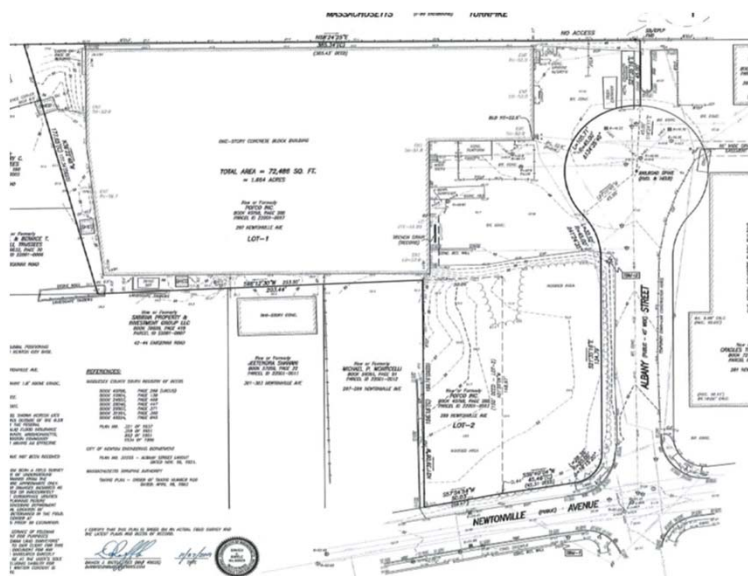
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Land Use



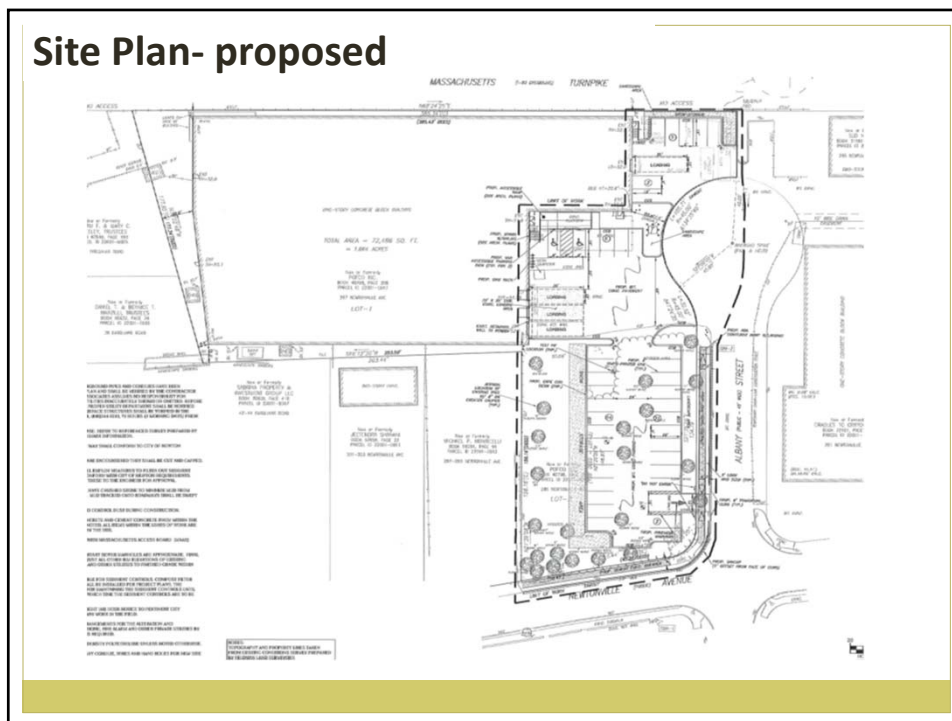
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Site Plan- existing



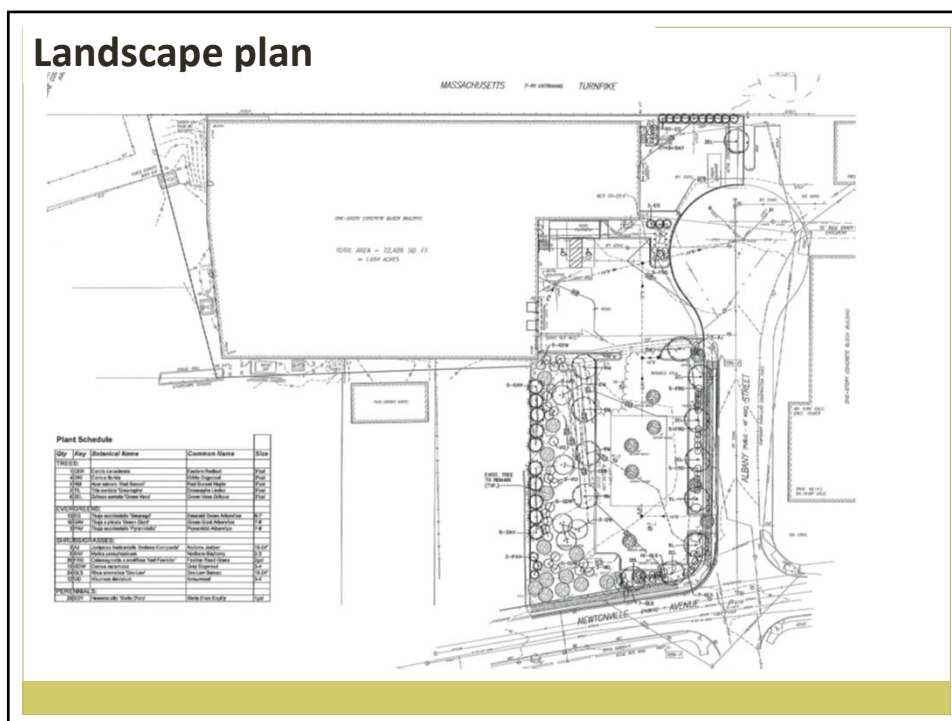
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Site Plan- proposed



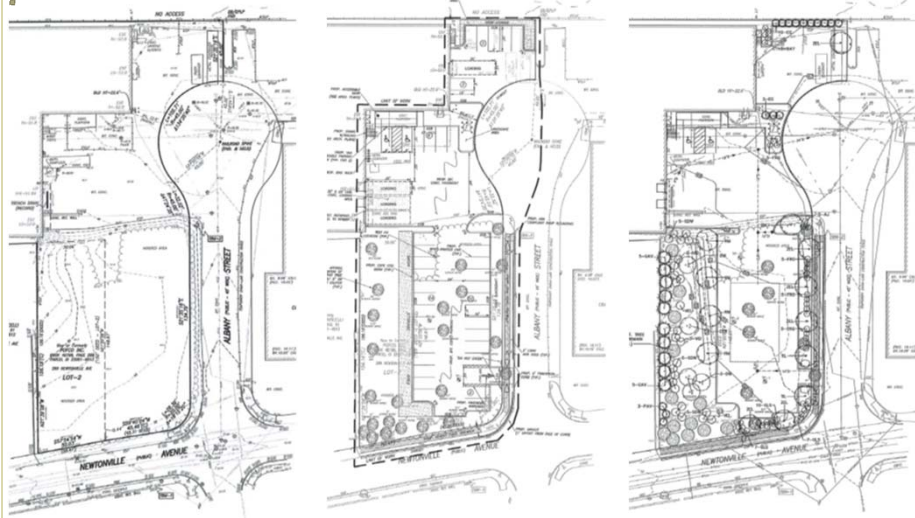
9

Landscape plan



10

Site Plans (Detail)- Existing, Proposed & Landscape



11

Photos



12

Photos



13

Photos



14

Photos

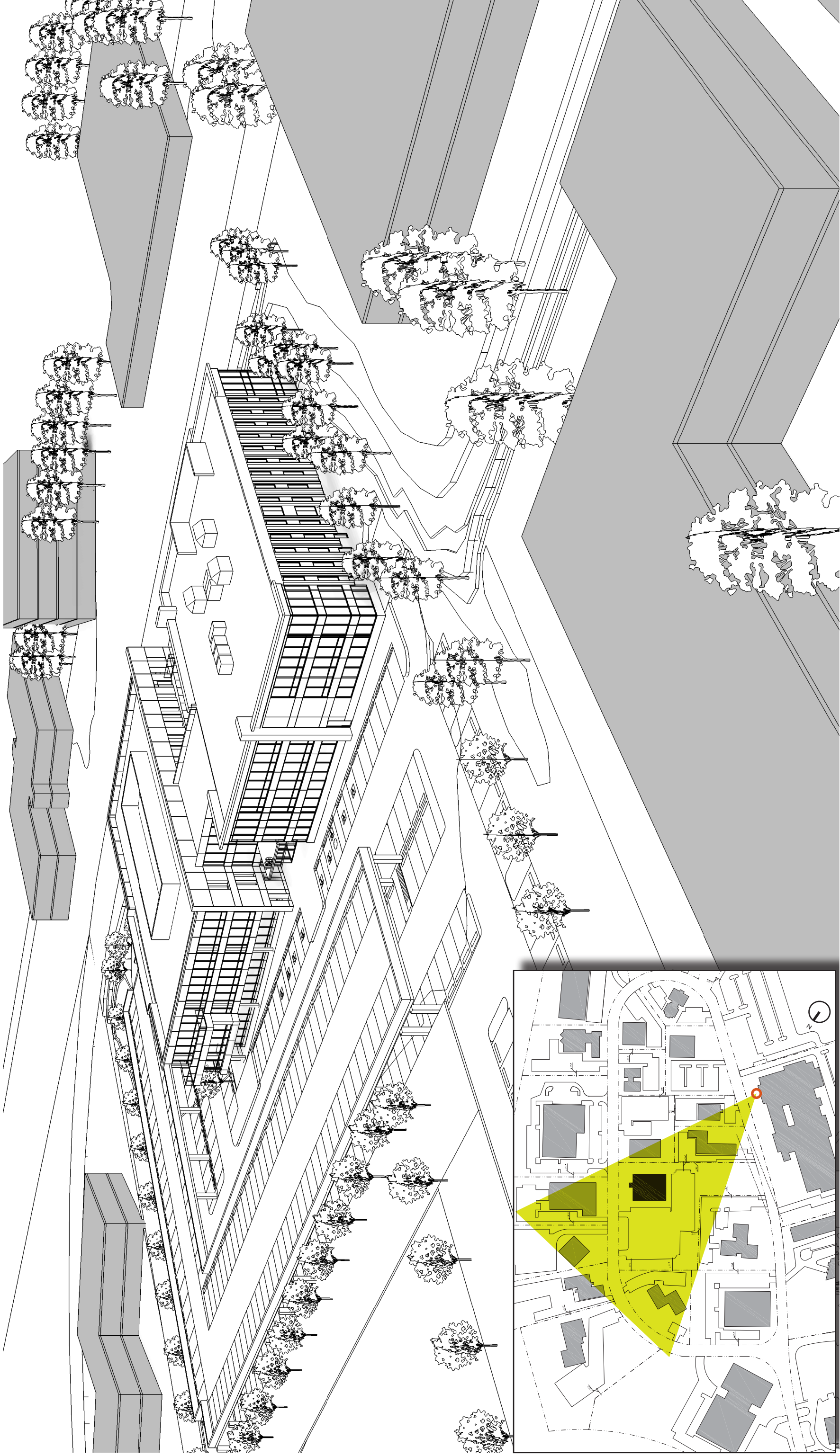


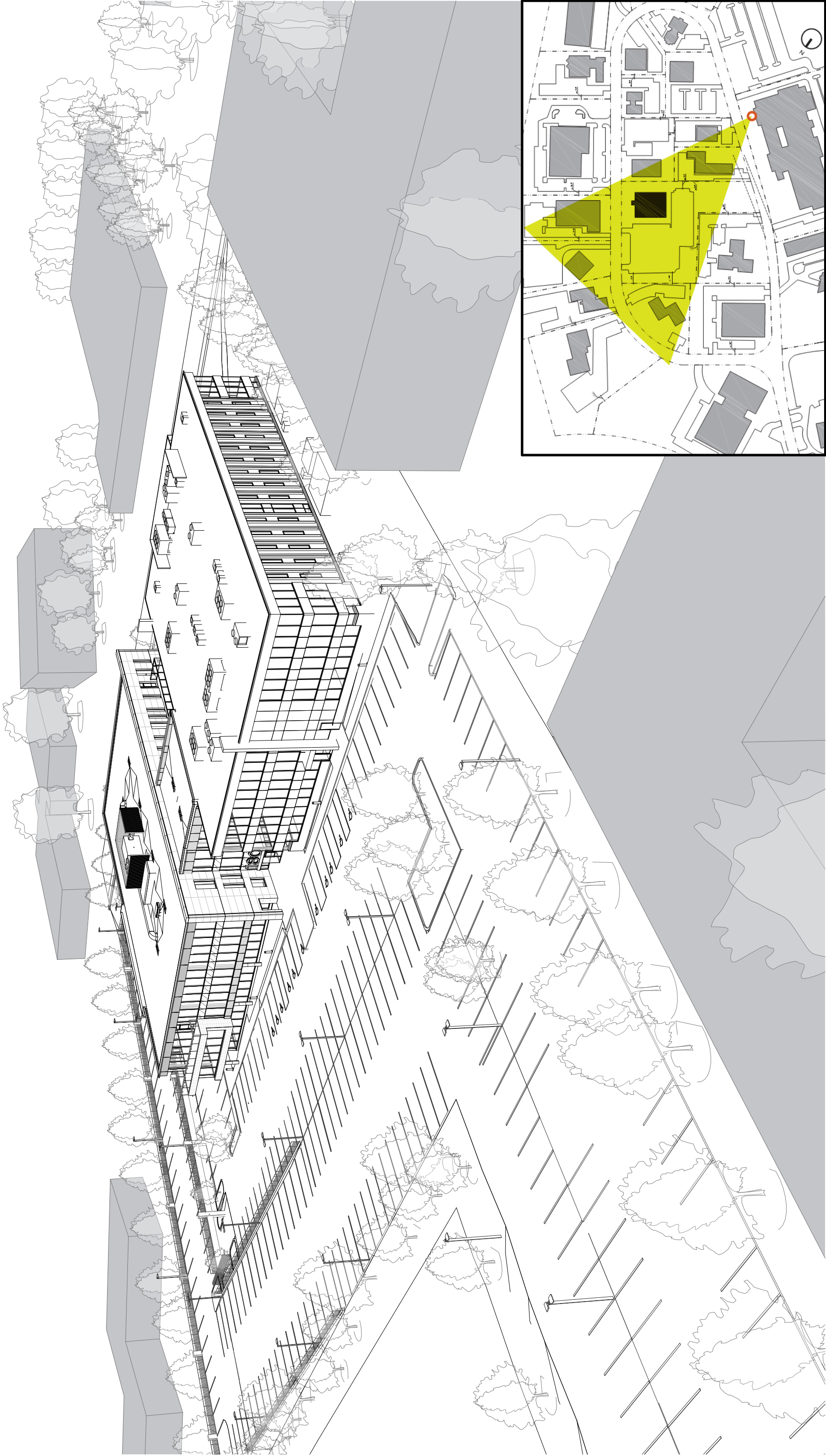
15

Photos



16









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NEWTON CITY COUNCIL PRESENTATION

Newton, Massachusetts, 02459

PROPOSED PARKING STRUCTURE / WEST ENTRY

JANUARY 14, 2020



ELKUS | MANFREDI

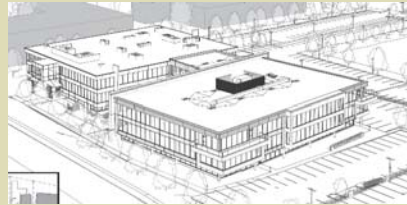
ARCHITECTS

Department of Planning and Development



PETITION #15-20 180 WELLS AVENUE

SPECIAL PERMIT/SITE PLAN
APPROVAL TO AMEND COUNCIL
ORDERS #148-15(2) AND (3) TO
REVISE THE PARKING DECK, A
CONSTRUCT A FOURTH FLOOR, TO
AMEND THE WELLS AVENUE DEED
RESTRICTION TO REDUCE THE
MINIMUM REQUIRED OPEN SPACE



JANUARY 14, 2020

1

Requested Relief



Special Permits per §7.3.3 of the Newton Zoning Ordinance to:

- Amend Council Orders #148-15(2) and (3)
- Reduce the interior landscaping requirement (§5.1.9.B.1 and §5.1.13)
- Reduce the loading bay length requirement (§5.1.12.D.1 and §5.1.13)
- Amend the Wells Avenue Deed Restriction to reduce the minimum open space

2

Criteria to Consider

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed amendments to Council Order #148-15(2) and (3) (§7.3.3.1).
- The use, as developed and operated, due to the proposed amendments to Council Order #148-15(2) will adversely affect the neighborhood (§7.3.3.2).
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.3).
- Access to the site is appropriate for the types and numbers of vehicles involved (§7.3.3.4).

3

Criteria to Consider Continued

- Literal compliance with the requirements of parking facilities containing more than five 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 (§5.1.9.B.1, §5.1.12.D.1, and §5.1.13.)

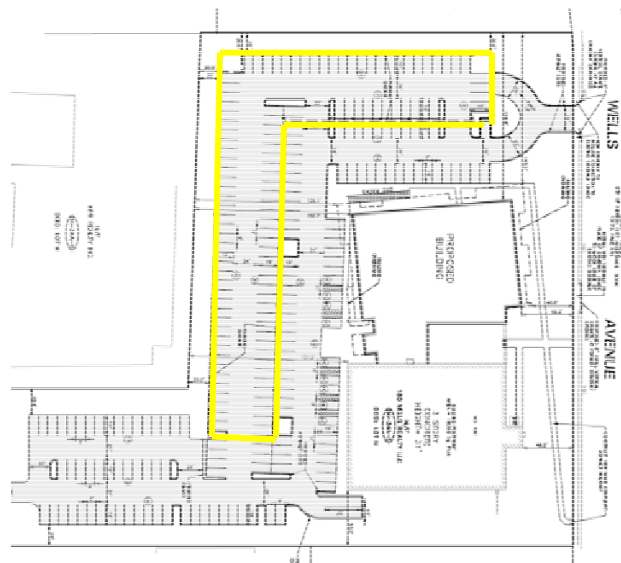
4

Aerial/GIS Map



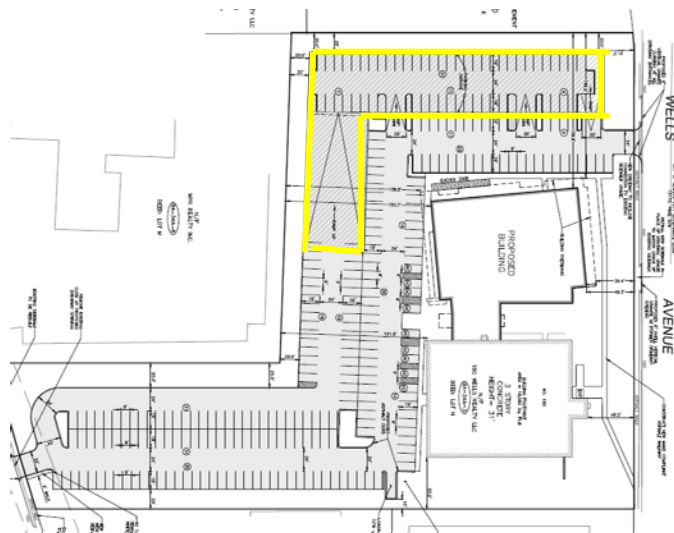
5

Approved Site Plan



6

Proposed Site Plan




7

Open Space and Landscaping

- The revised design requires an amendment to the Wells Avenue Deed Restriction to waive the minimum open space from 40% to 34%
- The design also requires a special permit to reduce the interior landscaping required by the Newton Zoning Ordinance from 5% to 2%.

8

Department of Planning and Development



PETITION #16-20
49-63 UNION STREET


TO ALLOW RESTAURANTS WITH
MORE THAN 50 SEATS AND A
COMPREHENSIVE PARKING WAIVER
OF 478 PARKING STALLS

PICCADILLY
SQUARE

JANUARY 14, 2020

1

Requested Relief



Special Permit per §7.3.3 of the NZO to:

- To waive 478 parking stalls (§5.1.4 and §5.1.13)
- To allow restaurants with more than 50 seats (§4.4.1 and §6.4.29)

2

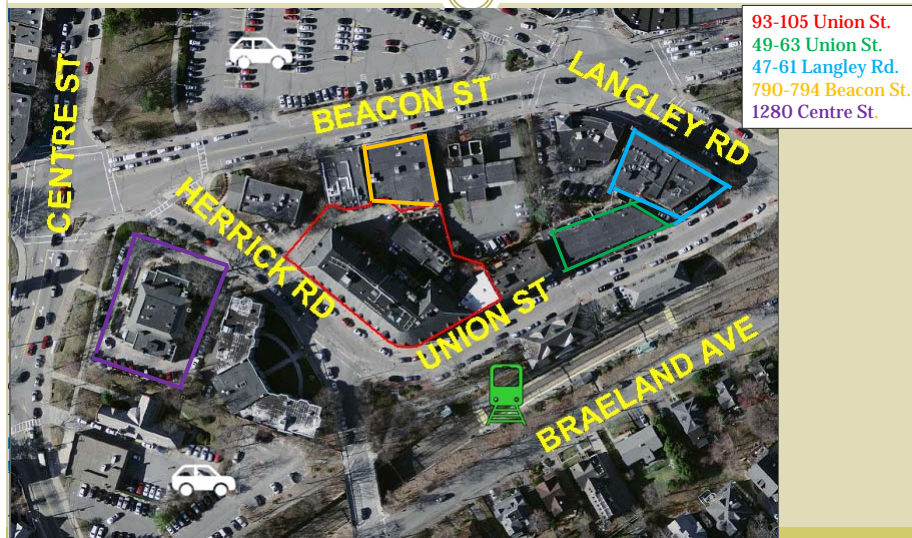
Special Permit Criteria

When reviewing this request, the Council should consider whether:

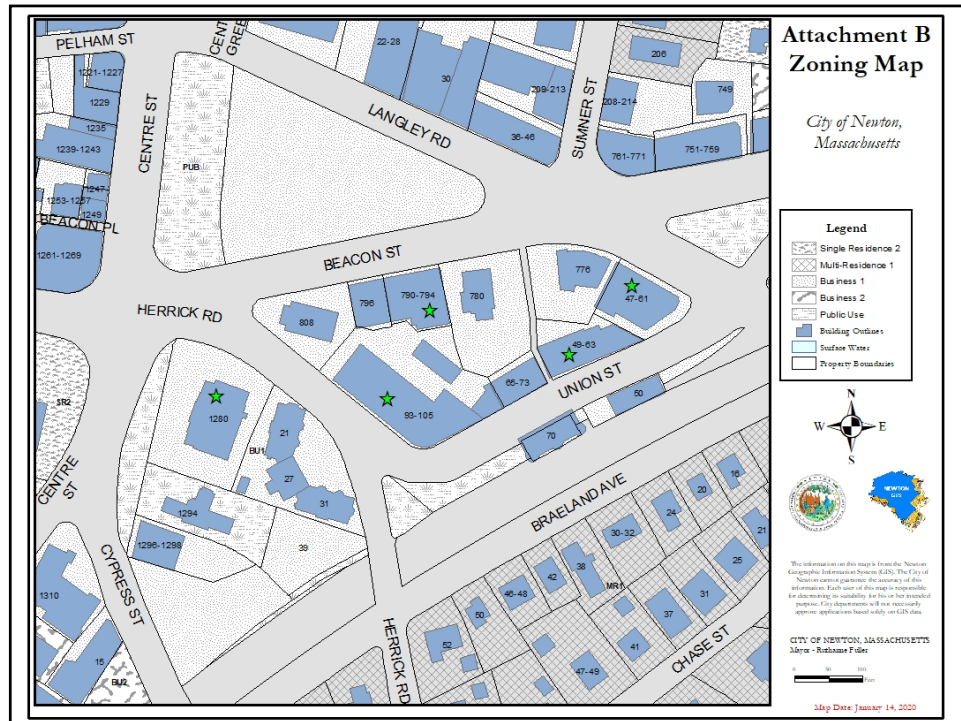
- The specific site is an appropriate location for restaurants with more than 50 seats and the proposed parking waiver of 478 parking stalls. (§7.3.3.C.1.)
- Restaurants with more than 50 seats, and the parking waiver of 478 stalls as developed and operated will adversely affect the neighborhood. (§7.3.3.C.2.)
- 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 numbers of vehicles involved. (§7.3.3.C.4)
- Literal compliance with the parking requirements 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).

3

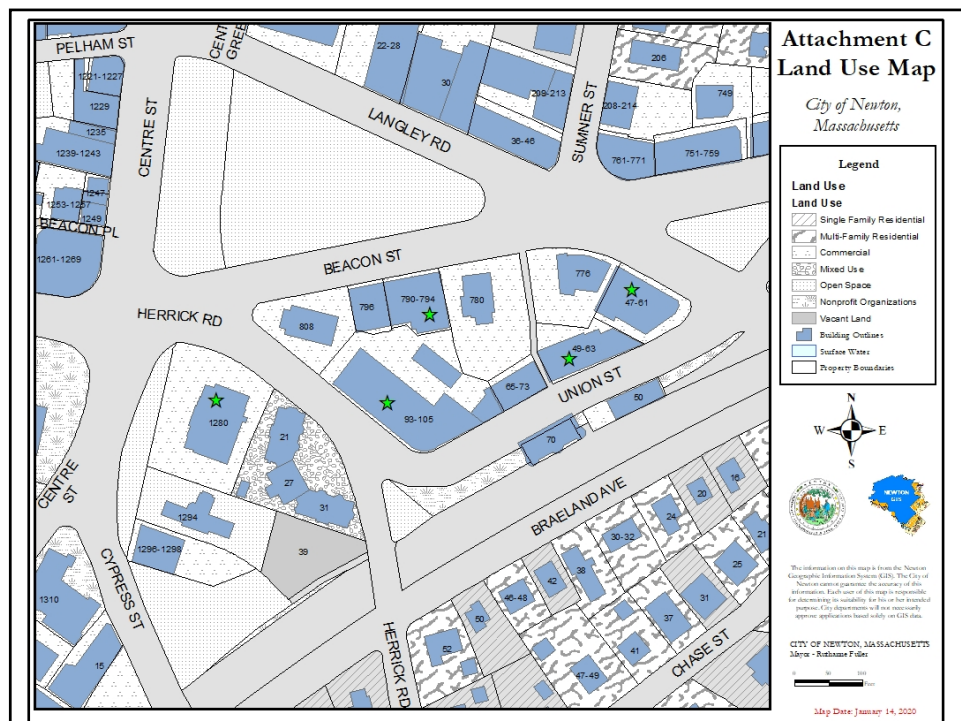
AERIAL



4



5



6

Parking Requirements

Use	Parking Requirement
Retail and Personal Service <i>Different Use, Same requirement</i>	1/300 sf 1/3 employees
Restaurant	1/3 seats 1/3 employees
Business Office	1/250 sf
Medical Office	1/200 sf
Health Club – 2,000 sf	1/150 sf 1/3 employees

Example:

1200 square foot tenant space with:

Nail salon (personal service) with 3 employees: **5 stalls required**

1200 square foot tenant space with:

Café (restaurant) with 15 seats and 6 employees: **7 stalls required**

Parking credits: The café must make up the difference of **2 stalls**. As there is no parking on site, they must seek a parking waiver of **2 stalls per special permit**.

7

Planning Analysis

- Consistency with Comprehensive Plan – adopted 2011
 - Allows for a more vibrant Village Center with a greater mix of uses and feasibility for a variety of uses to locate there by waiving parking.
 - Encourages mix of uses near transit
 - Strengthen and prioritize alternative modes of transportation
- Newton Centre Parking Strategy – data from 2015
 - Underutilization of on-street parking, with the exception of Union Street (is typically at capacity)
 - Short term parking supply was sufficient for the current demand
 - More long-term parking options were needed for commuters and Newton Centre employees.
- Allows for flexibility and faster turnover in leasing space
- Administratively cleans up previous parking waivers and credit system
- Similar to Chestnut Hill Mall or The Street, where a parking waiver is sought based on the expectation that the uses will change for each space.

8

Proposed Findings

1. The specific site is an appropriate location for restaurants with more than 50 seats and the proposed parking waiver of 478 parking stalls due to its location the BU-1 zone and in a Village Center with access to transit. (§7.3.3.C.1.)
2. Allowing restaurants with more than 50 seats, and the parking waiver of 478 stalls will not adversely affect the neighborhood as the sites are located in a major commercial center of Newton with a mix of uses. (§7.3.3.C.2.)
3. There will be no 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)
5. Literal compliance with the parking requirements is impracticable as the parking waiver is in the public interest and in the interest of safety as the waiver will maintain the Village Center's status as a walkable commercial area. The parking waiver is also impracticable due to the sites as having been constructed during a time when the automobile was not utilized as the primary mode of transportation. (§5.1.3.E, §5.1.4 and §5.1.13).

9

Proposed Conditions

1. The Petitioner must provide annual documentation to the Planning Department as to the tenants of the sites as the Planning Department will keep an updated list and track the parking stall so as not to exceed the number of waived stalls.
2. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - 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.
 - Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
3. Prior to the issuance of any building permit for improvement to a tenant space or change of use for a tenant space, the Petitioner must provide documentation to the Director of Planning for approval to ensure compliance with this waiver.

10