



#264-20

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## City of Newton, Massachusetts

### Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

Ruthanne Fuller  
Mayor

Barney S. Heath  
Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date:	July 7, 2020
Land Use Action Date:	September 22, 2020
City Council Action Date:	October 5, 2020
90- Day Expiration Date:	October 5, 2020

DATE: July 2, 2020

TO: City Council

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

SUBJECT: **Petition #264-20**, for SPECIAL PERMIT/SITE PLAN APPROVAL to waive two parking stalls at 450 Lexington Street, Unit 203, Ward 4, Auburndale, on land known as Section 44 Block 25 Lot 04E, containing approximately 43,473 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 5.1.3.B, 5.1.4, 5.1.13 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 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.



**450 Lexington Street**

### **EXECUTIVE SUMMARY**

The subject property at 450 Lexington Street consists of a 43,473 square foot lot located in the Business Use 2 (the “BU-2”) zone in Auburndale. The lot is improved with a two-story, commercial building constructed circa 1985 and 61-stall surface parking facility. The petitioner is proposing a medical office use in a space formerly occupied by a general business use. Based on the square footage of the office space, the parking requirement for the medical office use is higher than the prior use and a parking waiver of two stalls is required by special permit.

The Planning Department is unconcerned with the parking waiver of two stalls. The petitioner stated that appointments will be staggered to minimize client overlap and that several clients and staff will utilize the commuter rail, as well as the Lexington Street public parking lot at 441 Lexington which is within walking distance to the site.

#### **I. SIGNIFICANT ISSUES FOR CONSIDERATION**

When reviewing this request, the City Council should consider whether:

- The specific site is an appropriate location for the proposed waiver of two parking stalls. (§7.3.3.C.1.)
- The proposed waiver of parking two stalls will adversely affect the neighborhood. (§7.3.3.C.2.)
- There will be no nuisance or serious hazard to vehicles or pedestrians due to the proposed waiver of two parking stalls. (§7.3.3.C.3.)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
- Literal compliance with the 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)

#### **II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD**

##### **A. Neighborhood and Zoning**

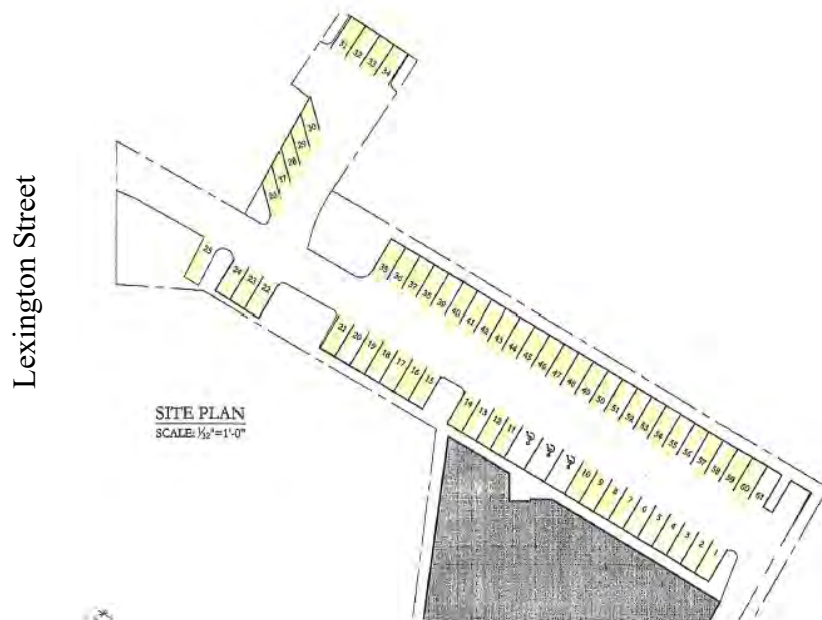
The subject property is located on Lexington Street within the BU-2 zone in Auburndale. The BU-2 zone encompasses the block of properties north of the site to Commonwealth Avenue, while there are two Business Use 1 parcels west of the site (**Attachment A**). These zones contain a variety of uses from mixed use to commercial uses (**Attachment B**). The site is located within walking distance of the public parking

lot at 441 Lexington Street, Auburndale Commuter Rail Station and the 505-express bus on Commonwealth Avenue.

B. Site

The site consists of 43,473 square feet of land improved with a two-story office building constructed in 1985. The site also contains a 61-stall surface parking facility at the rear, accessed by a driveway from Lexington Street. The rear of the building abuts the MBTA Commuter Rail and Massachusetts Turnpike. The site plan graphic below shows the parking layout and existing office building in the lower right-hand corner.

**Site Plan**



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site is and will remain commercial.

B. Building and Site Design

The building contains seven separately owned office units with various business office uses. The petitioner will occupy Unit 203 which consists of a 1,600 square foot office suite, previously used as a general office use. The proposed medical office use will provide behavioral health and therapy services. Per the Newton Zoning Ordinance, the

medical office requires eight stalls, where six stalls were required by the general office use. As such, the petitioner requires a waiver of two parking stalls. There are no site changes proposed and the size of the office unit is not changing.

The petitioner stated that appointments are generally one hour long and will be staggered to minimize client overlap. After school hours from 3-5 PM is when the petitioner anticipates the highest use of the site. At the most, there would be five staff members on site, but more often there would be only three staff members. The petitioner stated that clients and staff will utilize nearby public transportation, as well as the Lexington Street public parking lot at 441 Lexington which is within walking distance to the site. The Planning Department is unconcerned with the request to waive two parking stalls.

C. Parking and Circulation

The surface parking facility contains sixty-one (61) parking stalls which are allocated to each condominium unit.

D. Landscape Screening

A landscape plan is not required with this petition.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (the "Memorandum") provides an analysis of the proposal regarding zoning. Based on the Memorandum, the petitioner is seeking the following relief:

- §5.1.4 and §5.1.13 of Section 30, to waive two parking stalls.

B. Engineering Review

This petition does not meet the minimum threshold for review from the Engineering Division of Public Works.

C. Newton Historical Commission

This petition does not meet the minimum criteria for review from the Newton Historical Commission review.

V. PETITIONER'S RESPONSIBILITIES

The petitioner should respond to the issues raised in this memorandum and other questions raised at the public hearing, as necessary. Written responses to all significant issues should be provided for analysis by the Planning Department prior to being scheduled for additional

public hearings. The Planning Department will prepare an updated memo prior to any future public hearings.

**ATTACHMENTS:**

- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Zoning Review Memorandum, dated May 28, 2020
- Attachment D:** DRAFT Council Order

# ATTACHMENT A

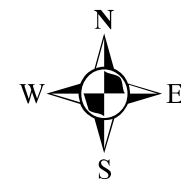
## Zoning

450 Lexington Street

*City of Newton,  
Massachusetts*

## Zoning

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

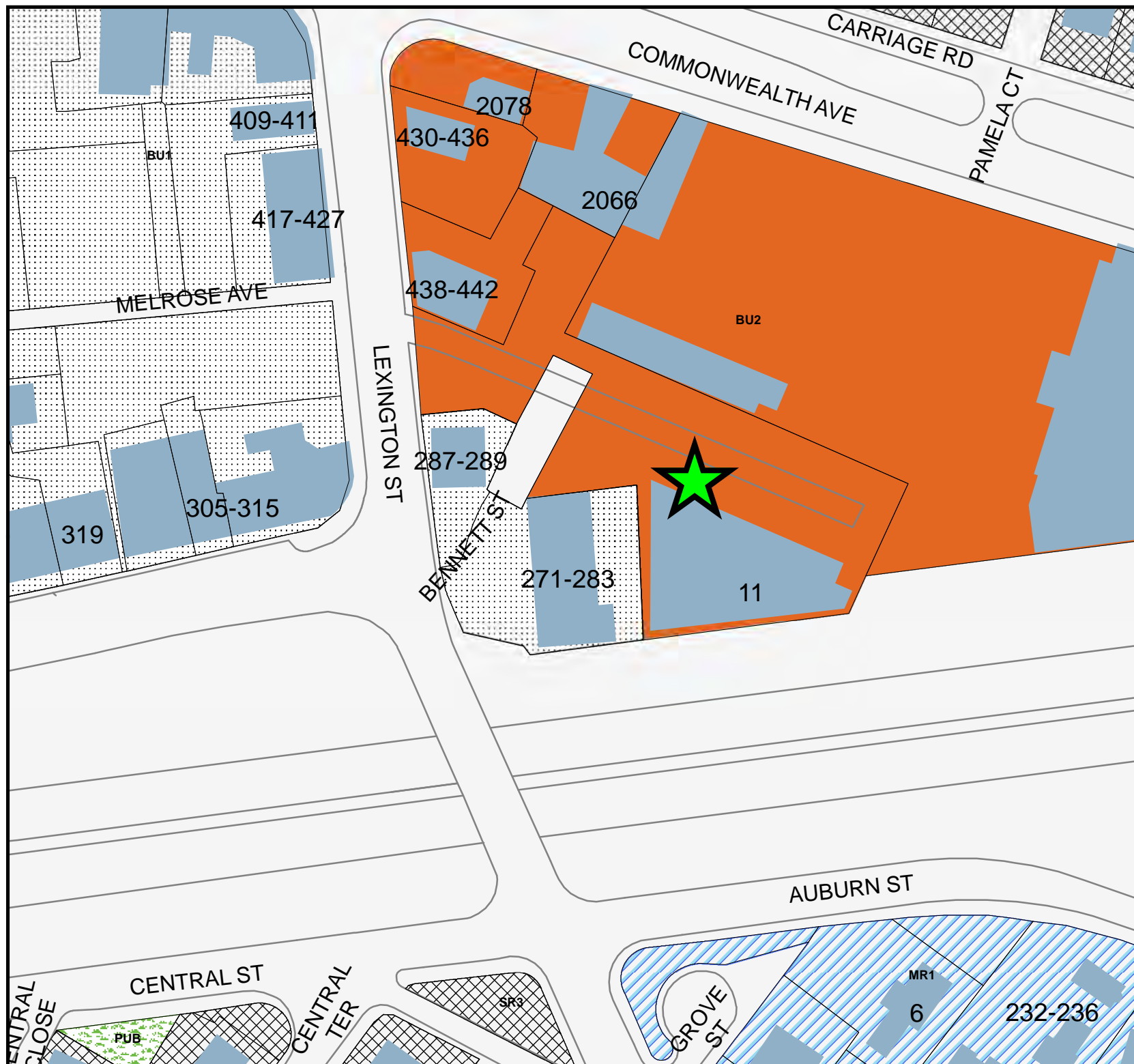


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125 Feet

Map Date: June 26, 2020











# ATTACHMENT B

## Land Use

450 Lexington Street

*City of Newton,  
Massachusetts*

## Land Use

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

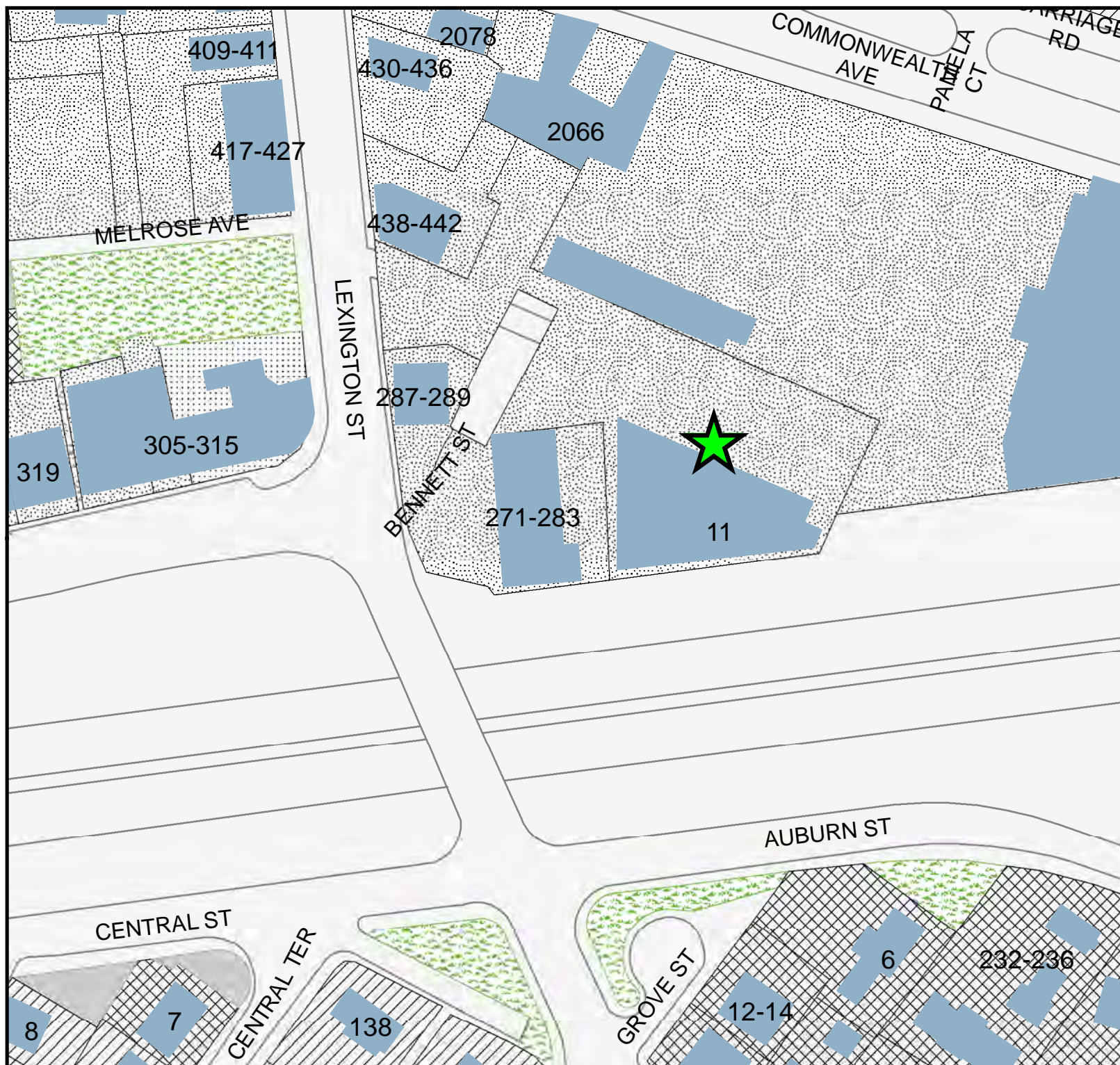


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Map Date: June 26, 2020





Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
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ATTACHMENT C

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Barney S. Heath  
Director

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## ZONING REVIEW MEMORANDUM

Date: May 28, 2020

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Brooks Staley, Applicant  
Terrence P. Morris, Attorney  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

RE: Request to waive 2 parking stalls

Applicant: Brooks Staley	
Site: 450 Lexington Street, Unit #203	SBL: 44025 0004E
Zoning: BU2	Lot Area: 43,473 square feet
Current use: Business office	Proposed use: Medical office

### BACKGROUND:

The property at 450 Lexington Street consists of a 43,473 square foot lot improved with a two-story office building constructed in 1985 with 61 surface parking stalls. There are seven office units in the building, which are all separately owned and each unit is assigned an adequate number of parking stalls to meet the requirements of the zoning ordinance. The proposed medical office use requires more stalls than are available, requiring a special permit to waive two parking stalls to allow for a medical office use.

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

- Zoning Review Application, prepared by Terrence P. Morris, attorney, dated 5/11/2020



**ADMINISTRATIVE DETERMINATIONS:**

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1. There are seven office condominiums in the building, and 61 surface parking stalls. Each office condo has been assigned the number of parking stalls necessary to meet the parking requirement of section 5.1.4.A of one stall per every 250 square feet for an office use based on the square footage of the individual office space. Per that same section, a medical office requires one stall per every 200 square feet. The petitioner proposes to replace a general business office use with a medical office in the 1,600 square feet suite. The general office required six parking stalls per section 5.1.4.A (1 stall/250 square feet at 1600 square feet = 6) The proposed medical office requires eight stalls (1 stall/200 square feet at 1600 square feet = 8). The proposed medical use increases the parking requirement by two, requiring a waiver for those two stalls

See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§5.1.3.B §5.1.4 §5.1.13	Request to waive 2 parking stalls	S.P. per §7.3.3

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to waive two parking stalls, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Rick Lipof:

1. The specific site is an appropriate location for the proposed waiver of two parking stalls due to its proximity to transit and public parking facilities. (§7.3.3.C.1.)
2. The proposed waiver of two parking stalls will not adversely affect the neighborhood due to the site's proximity to transit and public parking facilities. (§7.3.3.C.2.)
3. There will be no nuisance or serious hazard to vehicles or pedestrians due to the proposed parking waiver because the petitioner is not proposing any changes to the parking facility. (§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 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 because there is both public transit and public parking within one half mile from the site. (§5.1.3.E, §5.1.4 and §5.1.13).

PETITION NUMBER: #264-20

PETITIONER: SMARTMoves, LLC

ADDRESS OF PETITIONER: 30 Domino Drive, Suite 2  
Concord, MA 01742

LOCATION: 450 Lexington Street, Section 44, Block 25, Lot 4E containing  
approximately 43,473 square feet of land

OWNER: Brooks Staley

ADDRESS OF OWNER: 44 Inman Street Apt. A  
Cambridge, MA 02138

TO BE USED FOR: Medical Office

CONSTRUCTION: Interior renovations only

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

ZONING: Business 2

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 "450 Lexington Street Condominium.," signed and stamped Stephen J. Wessling, dated October 2005
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; and
  - 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 certifying compliance with Condition #1.