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James Freas  
Acting Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date:	September 10, 2015
Land Use Action Date:	October 13, 2015
Board of Aldermen Action Date:	December 7, 2015
90-Day Expiration Date:	December 10, 2015

DATE: September 4, 2015

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development  
Alexandra Ananth, Chief Planner Current Planning  
Daniel Sexton, Senior Planner

SUBJECT: **Petition #416-12(5)**, JULIA WILLIAMSON/WALLY ZAINOUN, MAIN GATE REALTY, to AMEND Special Permit/Site Plan #416-12(3), granted on August 12, 2013, and to AMEND special permit application #416-12(4), for which a public hearing was opened on July 13, 2015, with respect to EXTENDING a NONCONFORMING USE, to permit more than 3 customers for the service use on site at any one time and change the hours of operation of MODERN BARRE at 242-244 COMMONWEALTH AVENUE, Ward 7, Chestnut Hill, on land known as SBL 61, 13, 11, containing approximately 7,452 sq. ft. of land in a district zoned MULTI-RESIDENCE 1. Ref.: Sec. 30-24, 30-23, 30-21(b), 30-19(m) of the City of Newton Rev. Zoning Ord., 2012.

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The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision-making process of the Board of Aldermen. 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 Board of Aldermen will want to consider in its discussion at a subsequent public hearing or working session.



242-244 Commonwealth Ave.

### **EXECUTIVE SUMMARY**

The property located at 242-244 Commonwealth Avenue consists of a 7,452 square foot lot improved with a small legally nonconforming commercial building and a legally nonconforming surface parking lot in the rear. The commercial building, used by two service use establishments, obtained special permit approvals via Board Orders #194-73 and #416-12(3) to allow service, office, and retail uses on the first floor of the building, as well as waivers to the parking requirements. In July 2015, the property owner submitted a special permit amendment request, for which a public hearing was opened and continued, to legitimize an office use in a portion of the basement level for a personal real estate business. The property owner and a tenant, Modern Barre, are now requesting to further amend the previous special permit approval to allow more than 3 customers for the service use on site at any one time and change the hours of operation.

At this time, the Planning Department is unable to analyze the latest amendment, as no information has been provided by the petitioner. As such, the Planning Department recommends the Land Use Committee continue this item until the petitioner submits the following information:

- The total number of classes to be held each week;
- The total number of customers and employees per class;
- The proposed hours of operation; and
- A plan for managing parking.