



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459
617-796-1120

Petition: #143-25
Public Hearing: 12/9/2025

Barney S. Heath
Director

WORKING SESSION MEMORANDUM

DATE: December 5, 2025

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning
Cat Kemmett, Deputy Chief Planner for Current Planning

SUBJECT: **Petition #143-25**, for SPECIAL PERMIT/SITE PLAN APPROVAL Request to allow a non-accessory surface parking lot and associated dimensional waivers relative to surface parking lots and a retaining wall over four feet at 56 Chapel Street

APPLICATION RECORD: <https://newtonma.viewpointcloud.com/records/861717>

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.



56 Chapel Street

Project Description

Background

The public hearing for this petition was initially opened and held on May 20, 2025 for the petitioner to respond to comments and questions from staff and the Committee. The Petitioner presented their plans for a 19-stall surface parking lot to serve the tenants of 49-55 Chapel Street, a commercial office building across the street. The project needs special permit relief to allow a parking facility associated with manufacturing use in a residential district and to allow portions of the parking facility to be more than 150 feet from the boundary of the Manufacturing district, with additional relief to waive perimeter screening requirements and to waive lighting requirements, and relief for a retaining wall over four feet in height.

A subsequent public hearing was held on November 25. The petitioner presented minor revisions to their plan including a switch to utilizing permeable pavers for the surface parking area and new plantings on Chapel Street and two other associated properties owned by the petitioner. At the end of that meeting the petitioner indicated they may be open to offering to remove some parking on another property owned by the petitioner on a separate site on Bridge Street. The petitioner indicated they may be open to replacing the Bridge Street site's parking with green space to mitigate the impact of the proposed parking lot at 56 Chapel Street.

Updates

While staff are supportive of creating new green space on Bridge Street, the Planning Department's analysis remains the same. This area of Chapel Street is still a heat island and the petitioner has ample parking to fulfill the needs of the Zoning Ordinance and the tenants at Chapel Bridge Park.

Since November 25th, the petitioner has not provided any new supporting material. Planning has requested further details about the location of the hardscape that would potentially be removed, and the proposed design for the offsite improvements. While the petitioner has indicated that they will prepare a conceptual site plan to illustrate these proposed changes, there has been no supplemental materials submitted to further their application. If the Council is amenable to this proposal from the petitioner, Planning recommends site plans be submitted for both properties showing the proposal.

ATTACHMENTS:

Attachment A: DRAFT Council Order

#143-25
56 Chapel Street

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 non-accessory surface parking lot with special permit relief for its location in a residential district with portions of the facility more than 150 feet from the Manufacturing district, a retaining wall over four feet in height, and with waivers for perimeter screening and lighting as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

FINDINGS:

1. The site is an appropriate location for the proposed parking facility in a residential district with portions of the facility more than 150 feet from the boundary of the Manufacturing district with waivers for perimeter screening and lighting requirements because the area already features a significant amount of parking, so additional parking would not be out of context. (§7.3.3.C.1)
2. The proposed parking facility as designed will not adversely affect the neighborhood because the landscaping will include new plantings to mitigate the impact of the new paving. (§7.3.3.C.2)
3. The proposed parking facility will not create a nuisance or serious hazard to vehicles or pedestrians because the proposed curb cut will provide adequate access and sightlines for those entering or exiting the parking area. (§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. The lot presents challenging topography which limits the use of the property, such that it could not be improved without the implementation of the proposed retaining wall system because the site has a slope. (§5.4.2c)
6. The proposed retaining walls will not adversely impact adjacent property, the neighborhood, or the public because other properties nearby also feature retaining walls. (§5.4.2c)
7. The proposed retaining wall and wall system over four feet in height is the minimum structure necessary to allow a subject property to be reasonably utilized due to the sloped topography of the site. (§5.4.2c).

PETITION NUMBER: #143-25

PETITIONER: Alan Schlesinger, Trustee of Chapel 56 Realty Trust

LOCATION: 56 Chapel Street, Ward 1, Newton, on land known as Section 11 Block 06 Lot 49, containing approximately 9,480 sq. ft. of land

OWNER: Alan Schlesinger, Trustee of Chapel 56 Realty Trust

ADDRESS OF OWNER: 1200 Walnut Street
Newton, MA 02461

TO BE USED FOR: 19 stall surface parking facility

RELIEF GRANTED: Special Permit per §7.3 to allow the following:

- Parking facility associated with manufacturing use in a residential district (§5.1.6.C)
- Portions of the parking facility to be more than 150 feet from the boundary of the Manufacturing district (§5.1.6.C and §5.1.13)
- Waiver for perimeter screening requirements (§5.1.9.A and §5.1.13)
- Waiver for lighting requirements (§5.1.10.A and §5.1.13)
- Retaining wall exceeding four feet (§5.4.2.B)

ZONING: Multi-Residence 1

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. Civil Plans prepared by Nitsch Engineering, signed and stamped by Matthew T Brassard, Professional Engineer, most recently revised October 3, 2025, consisting of the following sheets
 - i. Sheet C-3.0, Layout Plan
 - ii. Sheet C-3.1, Grading and Utility Plan
 - b. A set of landscape drawings entitled “Chapel Bridge Landscape Improvements” prepared by BSC Group, signed and stamped by Eric Joseph, Registered Landscape Architect, dated September 22, 2025, consisting of the following sheets:

- i. Sheet LS-1.0, Planting Plan: Chapel Street Lots
 - ii. Sheet L-1.0, Planting Plan
2. Prior to the issuance of any Building Permit pursuant to this Special Permit/Site Plan Approval, the Petitioner shall provide a final Operations and Maintenance Plan (the “O&M Plan”) for stormwater management to the Engineering Division of Public Works for review and approval, should a system be required. Once approved, the O&M Plan must be adopted by the Petitioner and recorded at the Middlesex South District Registry of Deeds. A copy of the recorded O&M Plan shall be filed with the Engineering Division of Public Works and submitted with the Building Permit application.
3. The Petitioner shall do the following to remediate pest and rodent activity
 - a. Prior to issuance of any demolition or building permit, the Petitioner, at its sole cost and expense, shall hire a licensed Pest Control Operator to assess the property for pest and rodent activity and develop and implement a pest remediation action plan to eliminate the activity and prevent off-site migration. The plan shall include the target pest, the methods for eliminating activity, and plan for preventing pest migration off-site during demolition and construction.
 - b. A copy of the Pest Control inspection report and the remediation action plan shall be submitted to the Inspectional Services Department for review and approval prior to issuance of any demolition or building permit. A copy of such approval shall be provided to the Department of Planning and Development.
 - c. The Pest Control Operator shall implement the approved remediation action plan, monitor the site for the duration of the project, and take whatever action the Operator deems necessary to control pest infestation and migration.
4. 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 Approval 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. Submitted final engineering, utility, and drainage plans, and a recorded copy of the O&M Plan with the Middlesex South District Registry of Deeds and provided a copy of the recorded document to the City Engineer in accordance with this Order.
 - d. Provided a Final Landscape Plan showing for review and approval by the Director of Planning and Development.
 - e. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.

5. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
 - a. Filed with the building permit record statements by a registered architect (or professional engineer) and a professional land surveyor (or professional engineer) certifying compliance with Condition #1
 - b. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.
 - c. Filed with the building permit record a statement by a registered landscape architect certifying compliance with the landscape plan referenced Condition #1.
 - d. Obtained approval from the City Engineer certifying that all engineering details for the portion of the Project for which a certificate of occupancy is requested have been constructed to standards of the City of Newton Public Works Department.

6. The Petitioner shall install all landscaping consistent with this Special Permit/Site Plan approval and shall maintain landscaping in good condition. Any plant material that becomes diseased or dies shall be replaced as soon as feasibly possible with similar material.

#143-25
56 Chapel Street

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That it is the decision of the City Council, based upon the findings and reasons set forth below, as recommended by the Land Use Committee through its Chair, Councilor Andrea Kelley, that the request for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a non-accessory surface parking lot with special permit relief for its location in a residential district with portions of the facility more than 150 feet from the Manufacturing district, a retaining wall over four feet in height, and with waivers for perimeter screening and lighting does not satisfy the criteria for approval set forth in §7.3.3 of the Zoning Ordinance. The City Council finds the public convenience and welfare will not be substantially served by approval of the requested relief and that granting of the requested relief would not be in harmony with the conditions, safeguards, and limitations set forth in the Zoning Ordinance. In making its findings, the City Council relied upon the oral testimony received by the City Council, the written information filed with the City Council, as well as the plans filed by the petitioner. The City Council therefore DENIES the requested relief based upon the following findings and reasons:

FINDINGS:

1. The site is not an appropriate location for the proposed parking facility in a residential district with portions of the facility more than 150 feet from the boundary of the Manufacturing district with waivers for perimeter screening and lighting requirements because the associated office building already has a sufficient amount of parking on site to fulfill the needs of the zoning ordinance without creating 19 additional stalls. (§7.3.3.C.1)
2. The proposed parking facility as designed may adversely affect the neighborhood because there is already a significant amount of paving in the area. Adding more surface parking may exacerbate the negative impacts of the large amount of paving in the area. (§7.3.3.C.2)
3. The proposed parking facility may create a nuisance or serious hazard to vehicles or pedestrians because it lacks the perimeter screening required by the zoning ordinance. (§7.3.3.C.3)
4. Access to the site over streets is not appropriate for the types and numbers of vehicles involved because creating a parking facility will increase the number of cars

- entering and exiting the site. The traffic generated by these vehicles may have an adverse impact on nearby residential uses. (§7.3.3.C.4)
5. The lot presents challenging topography which limits the use of the property, such that it could not be improved without the implementation of the proposed retaining wall system (§5.4.2c)
 6. The proposed retaining walls will not adversely impact adjacent property, the neighborhood, or the public (§5.4.2c)
 7. The proposed retaining wall and wall system over four feet in height is the minimum structure necessary to allow a subject property to be reasonably utilized (§5.4.2c).

PETITION NUMBER: #143-25

PETITIONER: Alan Schlesinger, Trustee of Chapel 56 Realty Trust

LOCATION: 56 Chapel Street, Ward 1, Newton, on land known as Section 11 Block 06 Lot 49, containing approximately 9,480 sq. ft. of land

OWNER: Alan Schlesinger, Trustee of Chapel 56 Realty Trust

ADDRESS OF OWNER: 1200 Walnut Street
Newton, MA 02461

TO BE USED FOR: 19 stall surface parking facility

RELIEF GRANTED: Special Permit per §7.3 to allow the following:

- Parking facility associated with manufacturing use in a residential district (§5.1.6.C)
- Portions of the parking facility to be more than 150 feet from the boundary of the Manufacturing district (§5.1.6.C and §5.1.13)
- Waiver for perimeter screening requirements (§5.1.9.A and §5.1.13)
- Waiver for lighting requirements (§5.1.10.A and §5.1.13)
- Retaining wall exceeding four feet (§5.4.2.B)

ZONING: Multi-Residence 1