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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

PUBLIC HEARING II MEMORANDUM

DATE: July 17, 2023
MEETING DATES: July 24, 2023
TO: Zoning Board of Appeals
FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Deputy Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning
Alyssa Sandoval, Deputy Chief Planner for Current Planning
Cat Kemmett, Senior Planner

COPIED: Mayor Ruthanne Fuller
City Council

In response to questions raised at the Zoning Board of Appeals public hearing on May 24, 2023, the Planning Department is providing the following information for the upcoming continued public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

PETITION #04-23

528 Boylston Street

Toll Bros. Inc., requesting a Comprehensive Permit, pursuant to M.G.L. Chapter 40B, to construct a six-story all-residential development with 244 residential units on 5.82 acres of land located at 528 Boylston Street; 0, 502-504, 516 Boylston Street; 0 Hagan Road; and 24-26, 32-34 Hurley Place in the SR1, SR2 Zoning Districts. The proposal includes 61 affordable units and 385 parking stalls.

The Zoning Board of Appeals (Board) opened the public hearing on this petition on May 24, 2023, which was held open for the petitioner to respond to questions and concerns raised in the Planning Department's Memorandum and at the public hearing by the Board as well as by members of the public.

EXECUTIVE SUMMARY

The applicant, Toll Brothers, Inc., is seeking a Comprehensive Permit pursuant to Massachusetts General Laws Chapter 40B, Sections 20 through 23, to develop 528 Boylston Street, currently used as the Sam White and Son's landscape yard, into an all-residential multifamily development. The subject property comprises approximately 253,454 square feet (5.82 acres) on seven lots in the Single Residence 1 (SR-1) and Single Residence 2 (SR-2) zoning districts on the eastbound side of Boylston Street (Route 9) in the Chestnut Hill area of Newton.

The applicant initially proposed a residential-only building with 244 units and 385 parking stalls in total. This would have consisted of approximately 71,521 gross square feet. Sixty-one (61) of those units (25%) were proposed to be deed-restricted to remain permanently affordable to households at up to 80 percent of Area Median Income (AMI). On July 7, 2023, the applicant submitted a revised conceptual package of visuals and floor plans, as well as a revised site layout plan on July 14, 2023. This new design will consist of a 6-story building comprised of 198 units (38 one-bedroom units, 100 two-bedroom units, and 60 three-bedroom units). Fifty (50) of the units (25%) will be deed-restricted to remain permanently affordable. In the revised proposal, there will be 273 parking stalls in total.

Reflected in this memo are comments from NBBJ, the City's design on-call consultant who have been engaged by the City to review and analyze relevant aspects of the proposed development (**Attachment A**) as well as an overview of materials the Planning Department and on call consultant team still need to further analyze this project. The project materials submitted for review [can be found on the City's website here.](#)

I. Revised Building and Site Design

Building Design

On July 7, 2023, the applicant submitted a conceptual revised plan for this project based on feedback the development team received from members of the ZBA, comments from the public, and City staff. The materials submitted include revised renderings of the exterior of the building, floorplans, and a landscape plan. Once a complete plan set is uploaded to the NewGov Portal, the Chief Zoning Code Official will review and issue a revised zoning review memorandum confirming the number of stories and zoning relief.

Overall, the size of the project has been reduced in both size and number of units. Originally the project was proposed at 244 units (with 66 affordable units) and is now proposed to be 198 units (with 50 affordable units). Though details regarding the

affordable units have yet to be provided for the revised design, the previous design proposed all affordable units at 80% of AMI. The Planning Department encourages the Applicant to consider incorporating deeper levels of affordability, as there is a great need for units set at or below 50% AMI and 65% AMI, and requests that the applicant clarify what level of affordability is proposed for the deed-restricted units.

The height of the building will remain the same as proposed in the initial design, at 70 feet and six stories tall. The lot area per unit has increased in the new design from 1,039 square feet to 1,280 square feet per unit. The FAR has decreased from 1.95 to 1.66. The front setback has increased from 17.2 feet to 27.8 feet (this still requires relief as a minimum of 30 feet is required in SR-2). The rear setback has increased from 35.8 feet to 43.9 feet. The side setback has decreased from 59.8 feet to 58.1 feet.

In their review, NBBJ recommends utilizing bays, balconies, material changes, or other elements to make the façade along Boylston Street less imposing, and requests additional information about the specific materials proposed for the building exterior. The renderings of the revised design show a change from a flat roofline to pitched roofs facing out on Boylston Street, which presents as more residential than the previous flat roof proposed. NBBJ noted that the pitched roofs appear to reduce the mass of the building.

Courtyards and Parking

The revised design retains the same overall shape of the proposed building but adds a third courtyard (with one located on the south side of the building and two located on the north side along Boylston Street). This helps to break up the massing more than the previous design which only had one courtyard on Boylston Street.

The area along Boylston Street that was proposed as a pocket park and pedestrian entrance in the previous iteration is now proposed to be an entrance and parking area for short-term parking, labeled as an autocourt. This autocourt area is larger than the pocket park in the original design, creating a more pronounced separation of building massing. This area will have 6-8 temporary parking spaces, a drop off/delivery zone, and covered bike parking and building access. This parking area will also have access to the underground garage. Two new curb cuts are proposed for entry and exit to the autocourt from Boylston Street. This design also includes a driveway and garage entrance at the west side of the building similar to the initial building design, for a total of four curb cuts on the site.

The proposed second entrance and autocourt can serve to provide a more active streetscape on Boylston Street. NBBJ noted that this additional entrance may better

distribute traffic volume on the site and can provide additional functionality because it allows someone to drop off someone at the main entrance and then go directly into the garage without needing to get back onto Boylston Street.

The number of parking stalls has been reduced from 397 to 273, with the majority located underground. This amounts to a reduction in the proposed parking ratio from 1.58 to 1.4 in the revised design. The Planning Department supports this reduction in parking, and recommends the applicant consider further reducing the amount of parking proposed for the project.

II. Revised Landscaping and Recreation Design

Recreation areas

The revised proposal includes several changes to the landscaping and recreation program for the development. The dog park shown along Boylston Street at the northwestern corner in the previous design has been removed and replaced with a sitting grove and walking path with seating in the same location. It is not clear from the plan whether this area will be open to the public or exclusive to building residents. The pocket park originally proposed in between the two main masses of the building is now proposed further west closer to the main entry and exit driveways to the site in an area with an increased setback from Boylston Street. This pocket park will have pedestrian access from Boylston Street and seating options. The Planning Department notes that any park or recreational area located close to Boylston Street is likely to be loud and unpleasant for pedestrians, and the trees proposed may not be sufficient to mitigate the impact of the noise and air pollution from the highway. Staff agree with NBBJ's recommendation to relocate this park or take measures to buffer pedestrians by increasing screening such as a physical barrier and/or increased landscaping.

The previous design showed an outdoor swimming pool and shared outdoor recreation area along the south side of the building. In the new design this has been replaced with a raised courtyard. The landscaped area proposed in May at the southeast corner of the site with turf, patio seating, and seat walls has been retained in the revised design. The Planning Department requests that the applicant clarify the programming of the outdoor and recreation areas and consider dedicating some of this recreation space to youth activities or a playground.

The revised landscape plan indicates the location of a potential stone dust path at the south of the site which would provide access from the site through to Hagen Road. The

Planning Department is supportive of this feature, which would improve pedestrian connectivity and public access from the site to the south. NBBJ recommends that the applicant consider making a north-south linear park that connects Boylston Street to Hagen Road which could include a multi-use path for both pedestrians and bicyclists.

Landscaping, Trees, and Conservation Area

Additional trees are proposed, with most new trees located primarily along the side of the building closest to Olde Field Road and along the front of the building along Boylston Street. The previous plan proposed the removal of 2,575 caliper inches with a replacement of 307 caliper inches. This revised plan proposes the same number of trees removed, but to increase the amount of caliper inches replaced to 485 inches. The previous design proposed 65.3% open space where 70% is required in the SR-1 zone and 65% is required in the SR-2 zone. The revised plan proposes 57% open space. Lot coverage has increased from the 30% proposed initially to 43% in the revised plan, where up to 15% is allowed in SR-1 and up to 20% is allowed in SR-2. A retaining wall is depicted near the wetlands adjacent to Paul Brook.

NBBJ included several recommendations to better enhance and improve the site's landscaping and conservation land impacted by this project including enhancing Paul Brook and the existing conservation land by removing invasive species. The applicant could provide greater accessibility through boardwalks and interpretive signage. NBBJ also recommended considering preserving some of rock outcrops on the east side of the site if possible.

III. Additional Information and Materials

The Planning Department and members of the ZBA have requested materials that have not yet been provided by the applicant. These materials include:

- a shadow study
- a photometric study/plan of the project
- a three-dimensional (3D) physical model of the project
- lighting plan
- transportation demand management plan, including information about improvements for the pedestrian and bicycle access to the site
- revised Traffic Study, because the applicant contracted a different traffic engineering firm than the traffic study initially submitted

NBBJ requests the following information for their review:

- Details on the design of the proposed open spaces, including retaining wall details, paving materials, plant materials and quantities, signage
- Detailed site sections (including the Boylston Street frontage) and 3d ground level vignettes
- Truck turning study
- Landscape details

The Department notes that the conceptual plans submitted include floor plans that do not align with the landscape plan in several areas and do not include sections and elevations. This poses a challenge in understanding certain aspects of the proposal including the grading of the site, how cars will access and maneuver between the autocourt and the underground garage, and how the revised design will present to abutters. The Department requests an updated set of plans that will address these points.

IV. Next Steps

The City's peer reviewers for traffic and transportation, BETA Group, Inc., and for sustainability and site design, Horsley Witten, will provide an analysis of the project as revised. Once the materials requested above are provided, NBBJ will provide further analysis of the urban design of the project. The Planning Department will continue to review the proposal and provide updated and expanded memoranda in advance of future ZBA hearings.

ATTACHMENTS

Attachment A: NBBJ Review



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July 14, 2023

Ms. Katie Whewell
Chief Planner for Current Planning
1000 Commonwealth Ave.
Newton, MA 02459

Subject: 528 Boylston Street 40B Design Review

Dear Ms. Whewell,

NBBJ is pleased to submit the following memo on the design review for Toll Brothers, Inc. at 528 Boylston Street in Newton, MA. NBBJ was engaged to provide peer design review and signed a work order in May of 2023. The following design review comments are based on a review of materials supplied by the City of Newton along with site visits, historical research, zoning analysis, and a review of recent local planning documents. On June 15, 2023, our team provided an informal review of the initial submission (dated April 26, 2023) and supplemental material presented during a virtual meeting with the applicant on June 7, 2023. The following analysis is based on the revised submission dated July 7, 2023.

Project understanding

The 5.82-acre project site is between the Newton Highlands and Thompsonville neighborhoods along Boylston Street (Route 9). It is proximate to the Chestnut Hill shopping area to the east, Newton South High School to the southeast, and abutting single-family homes. Current uses on the site include a landscape yard and two residential buildings. The site is heavily wooded and includes significant topography ranging from 118' at the western edge rising to 190' to the east. Paul Book travels along the western edge of the property, presenting a potential resource for the project and the surrounding neighborhood.

The applicant proposes to demolish the existing structures on the property and construct

a six-story building with 198 residential units with 273 parking spaces and 65.3% open space. Most of the parking will be in a partially below-grade garage that includes residential uses lining the edges that abut surrounding residential properties. The building includes an “H” shape with three courtyards – two facing Boylston Street (Route 9) to the north and one facing south.

The building is located along Boylston Street (Route 9) with a setback of approximately 28’ from the property line (38’ to the curb line). It is bordered by conservation land to the west, steep topography to the east and low-scale single-family properties to the south. The project includes a service drive and parking entry on the east side of the building and a separate vehicular and pedestrian entry in the middle of the building facing Boylston Street that includes a total of 6-8 surface parking spaces.

Urban Design Considerations

Current residential single-family zoning on the site does not provide guidance on massing or density and the surrounding area does not have a small area plan or other guidance on urban design considerations. Despite the lack of design guidance, NBBJ has identified the following design considerations for our site review:

Respect and protect adjacent residential neighborhood: Keep buildings as far as possible from abutting neighbors and reduce heights near residential neighborhoods. While the project may not conform to height restrictions, setbacks and max site coverages should be respected.

Enhance environmental conditions: The location along Paul Brook is an opportunity to enhance environmental conditions and provide more public access to the brook. The Brook is currently constrained within a concrete channel that could be removed to provide better conditions for wildlife.

Provide connectivity: The site lies between Hagen Road and Route 9 which currently has no public access. Allowing the public through the site may provide convenience for Newton residents to travel to the nearby Newton South High School or to nearby crossings of Route 9 on Parker Street.

Improve pedestrian accommodations on Route 9: The current pedestrian accommodations on Route 9 are neither pleasant nor accessible for persons with disabilities. At a minimum, the site plan should improve those conditions along the site frontage, but additionally off-site improvement would be desirable to connect to any nearby transit locations.

Recommendations:

Building Footprint Size

The proposed building is 420' long and 270' deep. Although this building footprint is significantly larger than abutting residential single-family buildings, it is consistent with other recently approved 40B developments in Newton, including the Dunstan East project in West Newton and the 40B project at 15 Riverview Avenue along the Charles River.

Building Massing and Scale

The applicant has reduced the size of the building from 244 units to 198 Units in the latest submission. This has allowed the applicant to include a range of building heights between 4 and 6 stories, including terracing at the west side and south side of the building adjacent to single family residential properties. The revised plan also includes an additional courtyard facing Boylston Street that helps break up the scale of the building, giving the impression that there are multiple buildings rather than one large building. While these adjustments have made considerable progress, the building still has an imposing façade along Boylston Street. We encourage the applicant to consider additional measures such as bays, balconies, material changes, or other elements to bring down the scale. As mentioned in our prior memo, a 5-story building expression along Boylston Street is preferred since it will provide a more human scale along this important frontage. The current proposal for pitched roofs appears to reduce the mass of the building and conforms to residential standards that allow higher elevations for peaks than for flat roofs. Additionally, we request that the applicant provide detailed building sections, full building elevations, and more information on specific materials and colors.

Boylston Street Frontage

The revised plan shifts the building further away from Boylston Street, creating opportunities for additional buffering and transitions in massing to establish a human scale. (However, the setback proposed still does not fully comply with current zoning setback of 30' in SR2 zones) We encourage the applicant to fully take advantage of this additional space by including a wider planted buffer separating the sidewalk and Boylston Street. Trees could be planted within this buffer to provide shade and physical protection for pedestrians. Alternatively, we would encourage an additional physical barrier to provide more protection for pedestrians. For example, this could include a continuous low stone wall or slight grade separation along the Boylston Street frontage, perhaps made of reclaimed stone from any required building excavation rather than the highway traffic barriers found on the site today. At a minimum this should be done on the site, but

potentially offsite improvements should be considered to connect the project with nearby transit facilities on Parker Street.

Open Space

The project includes two courtyards along Boylston Street, one south-facing elevated courtyard, a small pocket park at the northwestern corner of the property, and conservation land along the western edge of the site adjacent to Paul Brook. Although this represents a significant amount of open space, we have the following recommendations:

1. Reconsider the location of a pocket park along Boylston Street. The noise and pollution from the roadway will limit the functionality of a park at this location unless significant steps are made to buffer pedestrians. This could include grade changes, low walls, additional landscaping, or small structures that can shield the roadway.
2. Consider making a strong north-south linear park that connects Boylston Street to Hagen Road. This could include a 10'-12' wide continuous multi-use path for both pedestrians and bicyclists, providing a safe connection to community facilities including Newton South High School. Additionally, gateway and interpretive signage could be included to further improve the accessibility and functionality of the space - one that can be enjoyed by both residents and the surrounding community.
3. Enhance Paul Brook and the existing conservation land by removing invasive species and providing greater accessibility (ex: boardwalks and interpretive signage).
4. Provide additional information on the design of the proposed open spaces, including retaining wall details, paving materials, plant materials and quantities, signage, and lighting. Additionally, we request that the applicant provide detailed site sections (including the Boylston Street frontage) and 3d ground level vignettes.
5. During our site walk we noticed beautiful rock outcrops on the east side of the site. Can some of these outcrops be preserved and/ or featured in the landscape design?

Promote Low Impact Development

It is not clear how the existing wetlands and stream will be protected and whether the project will meet the Massachusetts Stormwater Management Standards, including any phosphorous reductions. We recommend that the applicant provide a narrative describing how the existing wetland and stream will be protected and enhanced, including any innovative stormwater strategies (green roof, rain gardens, etc.) that may be utilized.

Site Lighting and Overhead Utilities

We would like additional information on the proposed site lighting strategy, including the location and type of streetlights, landscape lighting, building lighting, and the relocation of existing overhead utility lines. Additionally, we strongly recommend that the applicant bury the existing overhead utilities located along Boylston Street.

Proposed Amenities

The project applicant proposes significant amenities that are in a central location within the building, including a portion that will help activate the Boylston Street frontage. However, we feel additional consideration should be given to the location of the bike storage. The current bike room is proposed on the east side of the building with access from Boylston Street that may not be convenient for most riders. We anticipate that more riders will be arriving from the west or conversely from the south on Hagen Road, suggesting another location for the bike parking may be more convenient.

Location of Service and Parking Entrances

The revised design submission includes an additional parking entrance adjacent to the new drop-off area along Boylston. We think that this additional entrance provides functionality (allowing someone to drop off someone at the main entrance and then go directly into the garage without needing to get back onto Boylston Street). It may also better distribute the traffic volume across the site. However, this new configuration requires two curb cuts along Boylston Street rather than the single point of entry in the initial proposal. We recommend that the traffic engineer provide additional analysis to verify that there will be no additional safety concerns for vehicles or pedestrians. The loading dock for the project is located at the back of the building adjacent to one of the parking garage entries, minimizing the impact on Boylston Street. We request that the applicant provide a truck turning study along with additional information that highlights how noise and lighting associated with the loading area will be mitigated to protect abutting single-family homes.

Guest Parking

The site plan includes a small parking area at the main entrance on Boylston Street that includes 6-8 parking spaces. Will there be additional guest parking provided? If so, will these spaces be located within the garage?

Additional Information

Below is a summary of additional information needed for design review:

- Site sections through courtyards showing building massing

- Building elevations (all sides)
- Street level rendering along Boylston Street illustrating pedestrian experience
- Ground level rendering of conservation land on west side showing public access path and improvements to wetland area
- Architectural rendering of rear elevations
- Shadow study
- Proposed streetlights, building lighting and landscape lighting
- Landscape details (including section along Boylston Street and design of retaining wall along wetland)

We truly appreciate the opportunity to offer design review service to the City of Newton.

Sincerely

A handwritten signature in black ink, appearing to read "Alan Mountjoy". The signature is fluid and cursive, with the first name "Alan" being more prominent than the last name "Mountjoy".

Alan Mountjoy, Principal, NBBJ