



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: September 6, 2023

MEETING DATE: September 13, 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
Michael Gleba, Senior Planner

COPIED: Mayor Ruthanne Fuller
City Council

SUBJECT: **Application #08-23-** 41 TusNua LLC, requesting a Comprehensive Permit, pursuant to M.G.L. Chapter 40B, to construct a 16-unit residential unit development on a 25,902 square foot lot located at **41 Washington Street** within a Single-Residence 3 (SR-3) zoning district. The proposed development would consist of reconfiguring the existing dwelling and constructing an addition. The proposal includes 4 affordable units.

The purpose of this memorandum is to provide the Zoning Board of Appeals and the public with technical information and planning analysis which may be useful in the comprehensive permit decision-making process. 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 Zoning Board of Appeals will want to consider in its discussion at a subsequent Public Hearing/Working Session.



41 Washington Street

EXECUTIVE SUMMARY

The subject site at 41 Washington Street is a 25,902 square foot parcel on the north side of Washington Street between Grasmere Street and Elmhurst Road in the Hunnewell Hill neighborhood of Newton Corner. Located in a Single Residence 3 (SR3) zoning district, the site is improved with an approximately 6,800 square foot residential structure. Built in 1891 as a single-family home, the dwelling was divided into two units in 1925 and it remains a two-family home today.

The applicant, 41 TusNUA LLC, proposes to reconfigure the existing two-family home into four units and construct a four story addition with twelve units to the rear of the dwelling, resulting in a 16-unit multi-family dwelling. Eight (8) of the units would have two bedrooms, the other eight would have three bedrooms. The resulting four story, 27,197 square foot structure would have a measured height of 47.9 feet. Twenty-four parking stalls would be provided. Six would be located under the proposed rear addition, with the other 18 distributed in several surface parking areas at the left, right, and rear of the parcel.

As four (4) of the units (25%) would be deed restricted to remain permanently affordable to households at up to 80 percent (80%) of Area Median Income (AMI), a Comprehensive Permit under MGL Chapter 40B is requested to construct the project as designed. The Applicants have submitted a list of waivers requested for this project that is attached hereto as **Exhibit A**. The Chief Zoning Code Official has completed a memorandum which outlines the required relief that the Zoning Board of Appeals must grant in order to approve the project as proposed (**Attachment A**).

I. ZONING BOARD OF APPEALS

The ZBA is required to render a decision, based on a majority vote, within forty (40) days after termination of the public hearing, unless such time period is extended by written agreement of the ZBA and the applicant. The hearing is deemed terminated when all public testimony has been received and all information requested by the ZBA has been submitted.

The ZBA may dispose of the application in one of the following ways:

- approve a comprehensive permit on the terms and conditions set forth in the application;
- deny a comprehensive permit; or
- approve a comprehensive permit with conditions.

II. REVIEW CRITERIA

Pursuant to Massachusetts General Laws, Chapter 40B, the comprehensive permit process is designed to increase the supply and improve regional distribution of affordable housing by allowing a limited suspension of existing local regulations and expediting the local

approval process for the construction of such housing. The general principle governing consideration of a comprehensive permit application is that the ZBA's decision must be "consistent with local needs."

Statutory Safe Harbors

If the City has created its fair share of affordable housing by meeting one of the statutory safe harbors, the ZBA's decision will be unassailable as a matter of law. As a result, the decision to deny a comprehensive permit or to impose conditions will automatically qualify as "consistent with local needs," and must be upheld on appeal, if the City has achieved one of the following criteria as of the date of the project's application: (1) more than 10% of housing units are utilized for affordable housing; (2) 1.5% or more of the land area zoned for residential, commercial or industrial use contains affordable housing; or (3) the proposed project would lead to construction of affordable housing on sites comprising more than .03% of the total land area zoned for residential, commercial or industrial use or ten acres, whichever is larger, in one calendar year.

At the time of filing of this application the City had not met any of the safe harbor criteria.

Standard of Review

If one of the statutory safe harbors described above has not been met, the ZBA must engage in a balancing test that weighs the regional need for affordable housing against local health, safety, open space, and site and building concerns. The denial of a comprehensive permit will be "consistent with local needs" only when a valid local concern outweighs the regional need for affordable housing. Such local concerns should be verifiable concerns about the health and safety of residents of the proposed housing, surrounding neighborhood or community as a whole, or serious building and site design deficiencies that cannot be rectified with conditions of approval.

In the case of conditional approval of a comprehensive permit, the conditions or requirements imposed should not make the building or operation of the project uneconomic. However, conditions that do make the project uneconomic may still be imposed if they are reasonable and necessary to protect valid health, safety, design, environmental or open space concerns.

III. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The parcel is zoned Single Residence 3 (SR3), as are the other parcels in the immediate area to the north, east and south; a Multi Residence 1 (MR1) is located to the southwest across Washington Street. The neighborhood is predominately occupied by single-family dwellings, with some two-family and multi-family dwellings interspersed throughout. The

abutting properties are mostly single-family homes, with the exceptions being a few two-family homes).

The neighborhood is served by the MBTA's 57 and 501 bus routes, both located to the south along Tremont Street. The site is approximately 650 feet from the Newton-Boston boundary with Brighton's Oak Square neighborhood approximately half of a mile to the east.

B. Site

The subject site, an "L"-shaped 25,902 square foot parcel located on the north side of Washington Street between Grasmere Street and Elmhurst Road. It is improved with an approximately 6,800 square foot residential structure built in 1891 as a single-family home that was divided into two units in 1925. It remains a two-family home today.

The property slopes downward approximately 19 feet from its high point at the front right (southern) corner of the property's Washington Street frontage to its low point at the rear left (northern) corner property boundary.

Vehicular access is provided by a curb cut an associated approximately 90 foot long paved driveway and at the front right of the property. The driveway continues under a porte cochere near its midpoint. The remainder of the site includes mature lawn area, trees and shrubbery.

IV. **ANALYSIS**

A. The Health and Safety of the Residents of the Proposed Housing and the Current Residents of the City

1. Structural soundness of the proposed buildings

The Planning Department has no concerns with the structural soundness of the proposed building at this time. Prior to the issuance of any building permits, the applicant will be required to file final construction drawings and details, for review and approval by the Fire Department, Inspectional Services Department and the Engineering Division of Public Works.

2. Adequacy of sewage disposal

The applicant has submitted preliminary Utility Plans prepared by Spruhan Engineering. These will be reviewed by the City's Engineering Division, and the Planning Department recommends that a consultant peer reviewer also be engaged to fully and appropriately assist the ZBA in its review of the proposed project's utilities, including the adequacy of its sewerage disposal system.

3. Adequacy of handling water runoff

The applicant has submitted a stormwater management report prepared by Spruhan Engineering. This document will be reviewed by the City's Engineering Division, and the Planning Department recommends that a consultant peer reviewer be engaged to fully and appropriately assist the ZBA in its review of the proposed project.

4. Adequacy of fire protection

The Project will be reviewed by the City's Fire Department. The Planning Department noted that the applicant has indicated the expanded structure would have a fire sprinkler system. Should the Board choose to approve this project, final plans will need to be reviewed and approved by the Fire Department prior to the issuance of any building permits.

5. Adequacy of handling traffic generated by the project on adjacent streets

The applicant has submitted a traffic impact assessment (TIA) prepared by MDM Transportation Consultants, Inc. The TIA includes analysis and recommendations related to existing and proposed vehicular access and egress, traffic conditions, trip generation, vehicular sight lines, transportation alternatives, crash history, and parking demand.

It also includes a proposed approach to transportation demand management (TDM), including providing weather protected bicycle parking for residents and racks for visitors and employees and, possibly, "unbundling" residential parking spaces from apartment ownership.

Based upon its initial review of this document, the Planning Department recommends that a consultant peer reviewer be engaged to fully and appropriately review this aspect of the proposal so as to assist the ZBA in its review of the proposed project. The peer review should evaluate potential impacts from traffic generation as well as the effectiveness of the proposed transportation demand management plan to reduce trips to and from the site.

6. Proximity of the site to industrial activities which might affect the health of the proposed residents

The applicant should provide relevant information regarding this issue about the site and nearby properties to better determine if a 21E report would be appropriate.

B. Site and Building Design

1. Height, bulk and placement of the proposed buildings, accessory structures and improvements

The applicant proposes to retain the existing dwelling and add a substantial wood-

frame addition to the rear of the structure. As designed, the existing dwelling would be divided to have one unit on each of its levels. That portion of the addition physically attached to the existing dwelling would be “L-shaped,” with it widening to the left (west) about thirty feet behind the existing structure.

The lot has a small “dogleg” toward the other direction, at the rear of the sit which shares a boundary with single-family homes on Elmhurst Road . The parcel’s grade drops approximately 20 feet from the high point at Washington Street to the low point at the rear property boundary. The applicant has indicated that snow would be transported off-site.

The resulting four level, 27,197 square foot structure would have a measured height of 47.9 feet. The corresponding floors of the existing structure and the proposed addition would be aligned, and all four levels would be served by an elevator and two interior staircases.

While the proposed building type- multi-family dwelling- is not subject to floor area ratio (FAR) regulations, the applicant has indicated that the project would have an FAR of 1.05, significantly higher than the existing two-family dwelling’s 0.26 FAR.

Per the applicant, the existing structure would be “restored” with new thermal pane windows and the replacement of siding, trim, and roofing in kind as necessary. The addition would have an asphalt shingle roof and be clad ‘in a mix of painted clapboards and shingles.”

2. Physical characteristics of the surrounding land

At approximately 26,000 square feet, the site is one of the larger lots located in the surrounding SR3-zoned residential neighborhood.

The lot surrounded by single-family and two-family homes of varying sizes; and lot sizes are generally in the 7,500-10,000 square foot range with several exceptions. The homes in the area also have a range of open space on-site, with examples of various combinations of house sizes and lot sizes generating a variety of on-site conditions throughout the neighborhood.

The neighborhood generally slopes upward from the northwest to southeast, resulting in abutting parcels to the west and north being several feet lower than the subject property.

The grade pattern of the neighborhood consists of a downwards slope of about 20 feet from Washington Street toward the north, ultimately terminating at the Charles River, approximately 1,670 feet away. The Massachusetts Turnpike is approximately 1,288 feet away to the north.

The SR3 zoning district allows for a single-family detached dwelling, a rear lot

subdivision (on sites greater than 22,000 sf), and single-family attached dwellings (on sites greater than 1 acre). The project requires zoning relief for the use, type of building, dimensional standards, and parking. While the site has an existing nonconforming two-family use, the SR3 zoning district does not allow for multifamily buildings.

The project site was reviewed in 2020 by the Engineering Division of Public Works for a prior special permit project considered for the site, which was ultimately not granted. The Associate City Engineer noted that groundwater was discovered four and a half feet below the existing surface. He noted the neighborhood has consistent issues with basement flooding, however, these conditions are also typical for the New England area as many foundations constructed of field stone, masonry block, or even cast in place concrete develop cracks and become an entry for groundwater. During the project eligibility phase, many neighbors stated there was an underground stream, however the Associate City Engineer stated that to confirm that, several observation wells need to be drilled and monitored to properly model groundwater flow.

3. Adequacy of access to the site and adequacy of parking arrangements

The traffic impact assessment (TIA) prepared by MDM Transportation Consultants, Inc., and submitted by the applicant “provides a primary summary of the baseline traffic conditions at the Site and adjacent roadways, evaluates existing and projected trip generation, quantifies incremental traffic impacts of the Site development on area roadways, evaluates safety-related conditions at key study locations that provide access to the Site, and provides a review of projected parking demand.” As discussed in further detail in the submitted TIA, the applicant asserts that proposed development would generate fewer than ten new vehicle trips per hour.

As designed, the existing curb cut on the right (east) side of the parcel that serves the porte-cochere will be maintained to provide access to two parking stalls. A second curb-cut and associated an asphalt paved, 20 foot wide driveway would be created at the left (west) side of the parcel to provide access to the remaining 22 parking stalls to be located on that side and the rear of the property. The City has previously urged the applicant to explore the possibility of having only curb cut serve the site to minimize interruption to the sidewalk and potential conflicts between vehicles and pedestrians.

Twenty-four parking stalls would be provided resulting in a parking ratio of 1.5 spaced per unit. Six would be located under the proposed rear addition, with the other 18 distributed in several surface parking areas at the left, right, and rear of the parcel. The Planning Department notes that it generally supports minimizing parking to the extent feasible and incentivizing alternative transportation modes.

Regarding Transportation Demand Management (TDM) measures, the applicant's transportation consultant has indicated that the "preliminary list of potential TDM program elements may include" providing weather protected bicycle parking racks for residents and visible accessible racks for visitors and employees and that the applicant "will consider unbundling of residential parking to provide an option for residents to rent or purchase fewer or no parking spaces with their unit." Planning notes that notwithstanding the foregoing, the applicant would be required to provide at least one no-cost parking stall to each of the affordable units. The applicant should also clarify their TDM measure and/or provide a further developed TDM plan for the project.

Based upon its initial review of the TIA, and given the size and scale of the project and range of zoning relief it requires, the Planning Department recommends that a consultant peer reviewer be engaged to fully and appropriately review the transportation aspects of the project including, parking demand and management, TDM measures, parking circulation, loading access and adequacy, bicycle and pedestrian connections, bicycle parking, etc. The Project will also be reviewed by City Transportation staff.

4. Adequacy of open areas

The applicant has submitted landscape plans. The City has previously expressed its concerns that the proposed site layout leaves little room for active and passive open space, especially areas for children to play. The submitted landscaping plan includes a play area with a play structure in the rear right corner of the site, behind the rear of the abutting property to the right (east) on Washington Street. The applicant is proposing a retaining wall bordering parking area and the play space that ranges in height from three feet to eight feet, which is likely to require a safety fence. The applicant should consider safety aspects of the site with the interaction between the parking area, retaining wall, and play area at the northeast corner of the site. The applicant should also provide more information on how residents of the site will access the play area as it is only accessible along the eastern boundary.

The City also noted the need for landscaping to screen the Site for privacy for future occupants as well as for abutters, and the retention of as many trees as possible due to concerns about flooding in the area. The submitted landscape plan includes the retention and protection of approximately eleven trees of various species on the site. While sixteen trees totaling 208.5 caliper inches would be removed, the plan calls for the installation of approximately 47 new trees totaling 242.5 caliper inches.

In terms of open space, the site less than a mile from Hunnewell Park, Burr Playground, Farlow Park, and Charles River walking trails.

C. Economic Need for Housing Units

1. Four (4) of the units (25%) would be restricted to remain permanently affordable to households at up to 80 percent (80%) of Area Median Income (AMI)(the Planning Department notes that eight of the units would have two bedrooms, the other eight would have three bedrooms.

While the affordability of the project responds to the City's diverse housing goals the Department would like to see a deeper level of affordability represented throughout the four affordable units, including some units set at or below 50% AMI and 65% AMI. There is a substantial affordability gap amongst Newton's lowest income families, particularly for those at and below 50% AMI. The pandemic exacerbated these issues and increasing rents continue to put pressure on Newton most vulnerable populations, many of whom were already severely housing cost burdened. The dire need for units affordable to families at and below 50% AMI cannot be understated. This project provides a unique opportunity to set aside units at these lower levels to support Newton's and the region's vastly under-served individuals and families.

2. General feasibility of the project

The Massachusetts Housing Finance Agency (MassHousing) has provided preliminary determination of project eligibility, dated July 10, 2023, that qualifies this proposal for comprehensive permit consideration (**Attachment B**) The preliminary determination is based, in part, on MassHousing's analysis at that point in time and that the project is eligible under the New England Fund Program housing subsidy program. In addition, the preliminary determination indicated that the project "appears generally eligible under the requirements" of that program.

3. Limitations imposed by the financing agency with respect to size or character of the development, amount or nature of the subsidy, and permissible rentals and tenant limits

MassHousing's preliminary determination of Project Eligibility/Site Approval does not appear to impose any such limits on the proposed Project. It does state that its preliminary determination is limited to a project of no more than 16 homeownership units, no fewer than four of which must be affordable under applicable guidelines.

MassHousing did reiterate the comments provided by the City in response to the project eligibility application which include recommendations to address concerns regarding the size, massing and architectural details of the building, to provide further information regarding soil and groundwater conditions and work with the City Engineering Division on those issues, to incorporate pedestrian and bicycle improvements, to provide detailed landscaping (submitted) and lighting plans.

4. Changes in rents and units' sizes of the development which would be necessary to accommodate the requirements and regulations sought to be imposed

MassHousing's preliminary determination of Project Eligibility/Site Approval does not appear to impose any such requirement(s) regarding rents (it is a homeownership project) and unit sizes limits on the project.

D. Landscaping, Lighting, and Fencing

As referenced above, the applicant has submitted Landscaping plans. Based upon its initial review of these documents, the Planning Department recommends that a consultant peer reviewer be engaged to fully and appropriately review the proposed landscaping, lighting, and fencing and related aspects of the proposal so as to assist the ZBA in its review of the proposed project.

V. ADDITIONAL INFORMATION AND MATERIALS

The Planning Department notes that, based on its initial review of the applicant's submissions, a photometric study/plan of the project should be submitted by the applicant. Also, the Planning Department requests that the applicant responds to questions and comments raised above.

The Planning Department also notes that based on its initial assessment of the project and the supporting submission materials, it is expected that as review of the proposal proceeds additional material and documentation might be required and requested of the applicant to facilitate the ZBA's review.

VI. CONCLUSION AND NEXT STEPS

The Planning Department will continue to review the proposal and as, where appropriate and authorized, coordinate reviews of the project by City agencies and consultant peer reviewers and provide updated and expanded memoranda in advance of future ZBA hearings.

ATTACHMENTS

- Attachment A:** Zoning Review Memorandum dated August 9, 2023
Attachment B: Massachusetts Housing Finance Agency Determination of Project Eligibility/Site Approval, dated July 10, 2023
Attachment C: City of Newton Project Eligibility Comment Letter, dated December 9, 2022

EXHIBIT A

SUMMARY OF RELIEF AND WAIVERS REQUESTED

The Applicant requests that the Zoning Board of Appeals grant a comprehensive permit in lieu of any required special permits, variances, licenses, and/or approvals in accordance with the provisions of M.G.L. Chapter 40B §20 et seq. Ordinance references herein are to the Newton Revised Ordinances of 2017, as amended, of which Chapter 30 is the Zoning Ordinance.

ZONING ORDINANCE

- A. Use: The Applicant seeks a comprehensive permit in lieu of such special permits, variances, licenses, and/or approvals as may be required to allow the property to be used as a multifamily housing development, including without limitation waivers from the following sections of the Zoning Ordinance:
1. Section 3.4.1 to allow multi-family dwellings in the SR3 District.
 2. Section 5.11 to conform the provisions for affordable housing to the terms of the application, if and to the extent necessary.
- B. Density and Dimensional Controls: The Applicant seeks a comprehensive permit in lieu of such special permits, variances, licenses, and/or approvals as may be required for construction of the Project in the SR3 District, including without limitation:
1. Deviations from the dimensional requirements of Section 3.1, as set forth below. Note that multi-family dwellings are not allowed in the SR3 District and therefore there are no applicable dimensional requirements listed in Section 3.1. The required/allowed standards listed below are for single family homes in the SR3 District. Deviations of the proposed project from such standards are listed in bold.

| <u>Dimension</u> | <u>Required/Allowed (SR3)</u> | <u>Provided</u> |
|--------------------|-------------------------------|-------------------|
| Lot Area | 7,000 sf | 25,902 sf |
| Lot Area Per Unit | 10,000 sf | 1,619 sf |
| Lot Coverage (max) | 30% | 27.3% |
| Frontage | 80 ft | 106.8 ft |
| Front Setback | 25 ft | +/- 27 ft |
| Side Setback | 7.5 ft | +/- 3.3 ft |
| Rear Setback: | 15 ft | +/- 49.3 ft |
| FAR: | .36 | 1.05 |

| | | |
|------------------|------------------------------------------|---------------------|
| Stories: | 2.5 | 4 |
| Building Height: | 36 ft (sloped roof) 30 ft (flat roof) | +/- 47.87 ft |
| Open Space | 50% | 31% |

C. Parking/Loading Requirements:

The Applicant seeks a comprehensive permit in lieu of a special permit pursuant to Section 5.1.13 to permit a parking facility in accordance with the submitted plans and to deviate, *inter alia*, from the following requirements under Section 5.1:

1. To comply with the A-B+C formula of Section 5.1.3.B to determine the number of parking stalls required.
2. To the extent that Section 5.1.3.E prevents assignment of parking stalls to individual tenants, a waiver is sought from that provision.
3. To reduce the number of parking stalls under 5.1.4.A to 1.25 stalls per unit.
4. To the extent the plans provided do not comply, a waiver from the obligation to provide an off-street parking or loading plan under Section 5.1.5.
5. To reduce the depth of parking stalls pursuant to Section 5.1.8.B.2.
6. To reduce the depth of accessible parking stalls pursuant to Section 5.1.8.B.4
7. To allow tandem parking.
8. To waive perimeter screening requirements.
9. To waive the end stall maneuvering requirement of five feet in depth and nine feet in width pursuant to Section 5.1.8.B.6.
10. To the extent the plans provided do not comply, a waiver from the requirement to provide security lighting maintaining a minimum intensity of one-foot candle for outdoor facilities containing more than five stalls pursuant to Section 5.1.10.
11. Any consent of the City Engineer as to drainage of the parking facility pursuant to Section 5.1.12.D.3

12. Any other relief which may be necessary or appropriate and which may be granted by the City Council under Section 5.1.13 in order to conform the waivers sought to the plans submitted.

D. Site Plan Approval: The Applicant requests a comprehensive permit in lieu of site plan approval required under Section 7.4 in connection with special permits granted under Section 7.3.

E. Retaining Walls: The Applicant requests a comprehensive permit in lieu of a special permit pursuant to Section 5.4.2 to allow placement of a retaining wall of 4 feet or more within a setback.

NON-ZONING ORDINANCES

F. Consent of the Planning Board

To the extent that any consent or review of the Planning Board is required under the Planning Board rules, including for the definitive subdivision of land, an ANR plan, the construction of ways, and/or the installation of municipal services therein, a comprehensive permit in lieu of such approval is sought.

G. Curb Cut Permit (Chapter 26)

The Applicant requests a comprehensive permit in lieu of any sidewalk crossing permits or consent of the Commissioner of Public Works to the extent necessary to comply with the requirements of Revised Ordinances §26-65.

H. Utility Connection Permits (Chapters 23, 26, and 29)

The Applicant seeks a comprehensive permit in lieu of such local approvals as are required under Chapters 23, 26, and 29 of the Revised Ordinances or otherwise to (i) open streets, (ii) make utility connections for water, sewer, stormwater, gas, electric, cable, or other utilities, or (iii) cross sidewalks from time to time.

I. Stormwater Management and Erosion Control (Chapter 29 and the Rules and Regulations Promulgated thereunder)

The Applicant seeks a comprehensive permit in lieu of such local approvals as are required under Chapter 29 of the Revised Ordinances and/or Rules and Regulations promulgated thereunder or otherwise to: (i) retain the volume of runoff equivalent to, or greater than, two (2) inches multiplied by the total post-construction impervious surface area on the site.

J. Outdoor Lighting (Chapter 20)

§20-23 through §20-28 provide limitations on certain light sources which do not conform to the stated criteria. §20-26 provides for a waiver from the Planning and Development Board of such criteria. To the extent that any light source does not conform to the requirements of these sections, or that these requirements may be inconsistent with Section 5.1.10.A, the Applicant seeks a waiver.

K. Fences (Chapter 5)

To the extent needed, the Applicant seeks a comprehensive permit in lieu of obtaining a fence permit from the Commissioner of Inspectional Services under §5-30.

L. Demolition Delay (Chapter 22)

§22-50 provides for a review by the Newton Historical Commission and the possible imposition of a demolition delay for demolition of historically significant buildings. To the extent that any elements of the property are deemed to fall within the jurisdiction of the Newton Historical Commission under §22-50 and such elements are to be demolished, the Applicant seeks a waiver of such review.

M. Public Tree Ordinance (Chapter 21 and M.G.L. Chapter 87)

§21-72, §§21-80 through 21-90, and M.G.L. Chapter 87 require a permit and payment of fees for the removal of certain trees, and in some instances, a contribution to the tree replacement fund. To the extent that any permit, fee payment, or contribution would otherwise be required under §21-72, §§21-80 through 21-90, or M.G.L. Chapter 87, the Applicant requests a comprehensive permit in lieu of such permit, fee payment, or contribution.

N. Amended Relief

The Applicant seeks a comprehensive permit for such amendments to the relief sought herein as may be required to conform the relief sought to the plans as filed or to any amendments thereof filed in connection with the actions of the Zoning Board of Appeals or the Housing Appeals Committee.

O. Additional Relief

The Applicant seeks a comprehensive permit in lieu of all special permits, variances, licenses, and/or approvals as may be issued by the City of Newton as necessary to conform the relief sought to the plans filed with the application, as the same may be amended from time to time. Included within the relief sought are all ancillary, subsidiary, usual, customary, or necessary local permits,

variances, licenses, or approvals in lieu of which the Board may grant a Comprehensive Permit to the extent necessary to conform to the relief required for construction of the plans submitted herewith, as amended from time to time.

ATTACHMENT A



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: August 9, 2023

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Katie Whewell, Chief Planner for Current Planning

Cc: Franklin Schwarzer, Attorney
41 TusNua LLC, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request for a Comprehensive Permit to construct a 16-unit multi-family dwelling with 24 parking stalls

| Petitioner: 41 TusNua LLC | |
|----------------------------------|---------------------------------------------|
| Site: 41 Washington Street | SBL: 71029 0007 |
| Zoning: SR3 | Lot Area: 25,902 |
| Current use: Two-family dwelling | Proposed use: 16-unit multi-family dwelling |

BACKGROUND:

The property at 41 Washington Street consists of 25,902 square feet and is improved with a two-family dwelling built in 1891 in the SR3 zoning district, originally as a single-family and converted into two units in 1925. The petitioners propose to reconfigure the existing dwelling into four units and construct an addition with twelve units to the rear of the dwelling, resulting in a 16-unit multi-family dwelling. A Comprehensive Permit under MGL Chapter 40B is requested to construct the four-story building.

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

- Zoning Review Application, prepared by Franklin Schwarzer, attorney, dated 4/21/2023
- Existing Conditions Plan, signed and stamped by Bruce Bradford, Surveyor, dated 9/28/2022
- Proposed Site Plan, signed and stamped by Edmond Spruhan, engineer, dated 3/24/2023
- Floor plans and elevations, signed and stamped by Jose Guzman, architect, dated 4/6/2023
- FAR calculations, signed and stamped by Jose A. Guzman, architect, submitted 4/21/2023, revised 8/3/2023

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners propose to reconfigure the existing dwelling into four units and construct an addition with twelve units to the rear, resulting in a 16-unit multi-family dwelling. A Comprehensive Permit in lieu of a variance is required per section 3.4.1 to allow for a multi-family dwelling in the SR3 zoning district.
2. As a multi-family dwelling is not allowed by right or by special permit in the SR3 zoning district, there are no applicable dimensional standards. For the purpose of this memo, the dimensional standards for the only by-right use, single-family dwelling, are used to determine which standards apply and the subsequent relief.
3. Section 3.1.3 requires 10,000 square feet of lot area per each dwelling unit in the SR3 zoning district. The petitioner proposes to construct 16 dwelling units, resulting in a lot area per unit of 1,619 square feet, requiring a waiver in the Comprehensive Permit in lieu of a variance for relief from the lot area per unit requirements of section 3.1.3.
4. The maximum height allowed in the SR3 district is 30 feet for a flat roof and 36 feet for a sloped roof per section 3.1.3. The dwelling has an existing nonconforming height of 42.8 feet and the proposed addition increases the height to 47.9 feet. A waiver in the Comprehensive Permit in lieu of a special permit per section 7.8.2.C.2 is required to extend the nonconforming height.
5. Per sections 3.1.3, the maximum number of stories allowed in the SR3 district is 2.5 by right, and three by special permit. The existing dwelling is nonconforming with three stories, and the proposed addition increases the number of stories to four. A waiver in the Comprehensive Permit in lieu of a special permit per section 7.8.2.C.2 to extend a nonconforming three-story dwelling to four stories is required.
6. The dwelling has an attached carport on the northern side lot line with an existing side setback of 4.8 feet where 7.5 feet is required per section 3.1.3. The petitioners propose to raze the carport and reconstruct it resulting in a 3.3-foot side setback. A waiver in the Comprehensive Permit in lieu of a special permit per section 7.8.2.C.2 is required to extend the nonconforming side setback.
7. The maximum FAR allowed per sections 3.1.3 and 3.1.9 is .36 in the SR3 district. The petitioner proposes a an FAR of 1.05, requiring a waiver in the Comprehensive Permit in lieu of a special permit to exceed the maximum FAR allowed as of right.
8. Section 3.1.3 requires a minimum of 50% open space in the SR3 district. The petitioner proposes 31% open space, requiring a waiver in the Comprehensive Permit in lieu of a variance.
9. Per section 5.1.3.B, whenever there is an extension of gross floor area or change of use which increases the parking requirements, the parking is to be complied with per the formula found in this section of A-B+C to equal the number of stalls required, where "A" is the proposed number of parking stalls required, "B" is the number of stalls currently required and "C" is the number of stalls that physically exist. The petitioner seeks a waiver in the Comprehensive Permit in lieu of a special permit to waive this requirement.

10. Section 5.1.3.E requires a special permit to allow for assigned parking stalls. To the extent that parking stalls are assigned to individual units, a waiver in the Comprehensive Permit is required in lieu of a special permit.
11. The petitioner proposes to construct 24 surface parking stalls, of which twelve are located under the rear addition. Per section 5.1.4, the total parking requirement of two stalls per residential unit may be reduced to 1.25 stalls per unit by special permit. The petitioner seeks a Comprehensive Permit in lieu of a special permit per section 5.1.4 to reduce the parking requirement to 1.25 stalls per unit, or 20 stalls.
12. Section 5.1.5 requires that parking facilities containing more than five stalls must provide the Commissioner of Inspectional Services with an off-street parking and loading plan. The petitioner seeks to waive this requirement in the Comprehensive Permit in lieu of a special permit per section 5.1.13.
13. Per section 5.1.8.B.2, parking stalls must have a depth of at least 19 feet in facilities containing more than five stalls. There are several stalls with 18-foot depths, requiring a waiver in the Comprehensive Permit in lieu of a special permit per section 5.1.13.
14. Section 5.1.8.B.4 requires that accessible stalls have a minimum depth of 19 feet. The accessible stalls are proposed with 18 foot depths, requiring a waiver in the Comprehensive Permit in lieu of a special permit per section 5.1.13. The 18-foot depth meets the minimum requirement of the Building Code.
15. Section 5.1.8.E.1 requires that parking facilities be designed so that each vehicle can move to and from a parking space without moving another vehicle. The petitioner proposes tandem parking at the front of the property for two vehicles, requiring a Comprehensive Permit in lieu of a special permit per section 5.1.13.
16. Per section 5.1.9.A, outdoor parking facilities containing more than five stalls must be screened from abutting streets and properties by walls, fencing and/or landscaping. No screening is proposed, requiring a waiver in the Comprehensive Permit in lieu of a special permit per section 5.1.13.
17. Per section 5.1.10, outdoor facilities containing more than five stalls used at night must provide security lighting maintaining a minimum intensity of one-foot candle on the entire surface of the parking facility. To the extent the petitioner does not intend to provide lighting at the minimum intensity for the 10 surface stalls at the rear of the building, a waiver in the Comprehensive Permit in lieu of a special permit per section 5.1.13 is required.
18. Section 5.1.11 parking facilities containing more than 20 stalls must provide one bicycle parking space per ten vehicle parking stalls. With 24 vehicle stalls proposed, three bicycle stalls are required. No bicycle parking is proposed, requiring a waiver in the Comprehensive Permit in lieu of a special permit per section 5.1.13.
19. The petitioner seeks to waive the consent of the City Engineer as to drainage of the driveways and loading areas per section 5.1.12.D.3 in the Comprehensive Permit in lieu of a special permit per section 5.1.13.

20. Section 5.4.2.B requires a special permit for the placement of retaining walls 4 feet or higher within a required setback. The petitioner proposes retaining walls along the perimeter of the property exceeding four feet in the northwest corner, within the rear setback. The petitioner seeks a waiver in the Comprehensive Permit in lieu of a special permit to allow a retaining wall exceeding four feet in height within the front setback.
21. Section 5.11 of the Zoning Ordinance provides requirements for providing affordable units for private residential developments. To the extent that Section 5.11 of the Zoning Ordinance is applicable to the project, a comprehensive permit is requested in lieu of a variance or cash payment under Section 5.11 to conform to the affordability elements of the proposed development to the requirements of the Zoning Ordinance.
22. The Petitioner seeks a waiver from the site plan approval requirements of section 7.4 in connection with special permits granted under Section 7.3 through the Comprehensive Permit.
23. Revised Ordinances Sections 20-23 to 20-28 provide limitations on installation of light sources which do not conform to the criteria of the Ordinances. Section 20-26 provides for waivers to be granted by the Planning Board to the extent that any light source does not conform to the requirements of Section 20-24. To the extent that any light source may not conform to these requirements, or that these requirements may be inconsistent with Section 5.1.10.A, the Petitioner seeks a waiver.
24. The petitioner seeks a Comprehensive Permit in lieu of meeting the provisions of section 5-30, Article III pertaining to fences.
25. The Petitioner seeks a permit to cross the sidewalk under the provisions of Section 26-65 Construction of Sidewalks, Driveways and Driveway Entrances.
26. The petitioner seeks a Comprehensive Permit in lieu of such local approvals as are required under Chapters 23, 26 and 29 or otherwise to open streets, make utility connections for water, sewer, stormwater, gas, electric, cable, or other utilities or to cross sidewalks from time to time.
27. The Applicant seeks a waiver from the provisions of the Tree Preservation Ordinance, sections 21-81 through -89, as amended by Ordinance No. A-38 (#397-13), to allow removal of protected trees from the property without relocation or replacement, or payment to the tree replacement fund. To the extent that any permit or fee payment would otherwise be required under the Revised Ordinances section 21-80, the Applicant seeks a waiver.
28. Revised Ordinances Section 22-50 requires review by the Newton Historic Commission and the possible imposition of a demolition delay for the demolition of historically significant buildings. To the extent that the existing dwelling or other elements of the property are deemed historically significant and fall under the jurisdiction of the Newton Historic Commission under Section 22-50, the Applicant seeks a waiver under the Comprehensive Permit.

29. The petitioner seeks a Comprehensive Permit for such amendments to the relief sought herein as may be required to conform to the relief sought to the plans as filed or to any amendments filed in connection with the actions of the Zoning Board of Appeals or the Housing Appeals Committee.
30. The Petitioner seeks any relief from local rules and regulations, and any additional required local approvals as may be necessary for approval for the Comprehensive Permit plans as may be amended prior to the termination of the public hearing.

| Zone SR3 | Required | Existing | Proposed |
|-----------------------|--------------------|--------------------|---------------------------|
| Lot Size | 7,000 square feet | 25,902 square feet | No change |
| Frontage | 70 feet | 106.8 feet | No change |
| Lot area per unit | 10,000 square feet | 12,951 square feet | 1,619 square feet* |
| Setbacks | | | |
| • Front | 25 feet | 25.9 feet | 27 feet |
| • Side (south) | 7.5 feet | 41.1 feet | 23.6 feet |
| • Side (north) | 7.5 feet | 4.8 feet | 3.3 feet* |
| • Rear | 15 feet | 133.3 feet | 49.3 feet |
| Building Height | 36 feet | 42.8 feet | 47.9 feet* |
| Max number of stories | 2.5 or 3 by SP | 3 | 4* |
| FAR | .36 | .26 | 1.05* |
| Maximum Lot Coverage | 30% | 8.5% | 27.3% |
| Minimum Open Space | 50% | 87% | 31%* |

*Requires relief

31. See "Zoning Relief Summary" below:

| Zoning Relief Required | | |
|------------------------------|-----------------------------------------------------------------|--------------------|
| Ordinance | | Action Required |
| §3.4.1 §7.6 | To allow a 16-unit multi-family dwelling | C.P. per MGL c 40B |
| §4.3.1.3 §7.6 | Waive required minimum lot area per unit | C.P. per MGL c 40B |
| §3.1.3 §7.8.2.C.2 §7.3 | To further extend nonconforming height to allow up to 47.9 feet | C.P. per MGL c 40B |
| §3.1.3 §7.8.2.C.2 §7.3 | To further extend nonconforming stories to allow 4 | C.P. per MGL c 40B |
| §3.1.3 §7.8.2.C.2 §7.3 | To further extend a nonconforming side setback | C.P. per MGL c 40B |

| | | |
|-------------------------------------|------------------------------------------------------------------------------------------------------------|--------------------|
| §3.1.3 §3.1.9 §7.3 | To exceed maximum FAR | C.P. per MGL c 40B |
| §3.1.3 §7.6 | To reduce minimum open space | C.P. per MGL c 40B |
| §5.1.3.B §5.1.13 §7.3 | Waive requirement to apply the A-B+C parking formula | C.P. per MGL c 40B |
| §5.1.3.E §5.1.13 §7.3 | To allow assigned parking | C.P. per MGL c 40B |
| §5.1.4.A §7.3 | To reduce the residential parking requirement to 1.25 stalls per unit | C.P. per MGL c 40B |
| §5.1.5 §5.1.13 §7.3 | To waive the requirement to provide a off-street parking and loading plan | C.P. per MGL c 40B |
| §5.1.8.B.1 and 2 §5.1.13 §7.3 | Waive minimum parking stall depth for a parking facility with more than five stalls | C.P. per MGL c 40B |
| §5.1.8.B.4 §5.1.13 §7.3 | Waive minimum parking stall depth for accessible stalls | C.P. per MGL c 40B |
| §5.1.8.E.1 §5.1.13 §7.3 | To allow tandem parking | |
| §5.1.9 §5.1.13 §7.3 | To waive the perimeter screening requirements | C.P. per MGL c 40B |
| §5.1.10 §5.1.13 §7.3 | To waive the security lighting requirement for outdoor parking facilities containing more than five stalls | C.P. per MGL c 40B |
| §5.1.11 §5.1.13 §7.3 | To waive the bicycle parking requirement | C.P. per MGL c 40B |
| §5.1.12.D.3 §5.1.13 §7.3 | To waive consent of the City Engineer as to drainage of driveways and loading areas | C.P. per MGL c 40B |
| §5.4.2.B §7.3 | To allow retaining walls of four feet or more within the setback | C.P. per MGL c 40B |
| §5.11 §7.6 | Waive the Inclusionary Zoning requirements | C.P. per MGL c 40B |
| §7.4 §7.3 | Waive site plan approval procedures | C.P. per MGL c 40B |
| §20-23 | Waive Light Trespass provisions | C.P. per MGL c 40B |

| | | |
|-----------------------------|-------------------------------------------------------------------|--------------------|
| §20-28 | | |
| §5-30, Article III | Waive Fence Ordinance provisions | C.P. per MGL c 40B |
| §26-65 | Permit to cross the sidewalk and connect to the street | C.P. per MGL c 40B |
| §29, Article II | Permit to connect to public utilities and water supply | C.P. per MGL c 40B |
| §29, Article III | Sewer connection permit | C.P. per MGL c 40B |
| §29, Article IV | Storm drain connection permit | C.P. per MGL c 40B |
| §21-80 §21-81 through 89 | Waive Tree Preservation Ordinance | C.P. per MGL c 40B |
| §22-50 | Waive review and demolition delay by Newton Historical Commission | C.P. per MGL c 40B |

ATTACHMENT B



Massachusetts Housing Finance Agency
One Beacon Street Boston, MA 02108

Tel: 617-854-1000
Fax: 617-854-1091

Relay 711
www.masshousing.com

July 10, 2023

41 Tusnua LLC
67 Dunboy Street
Brighton, MA02135
Attn: Joseph A. Keegan

**Re: 41 Washington Street
Project Eligibility/Site Approval
MassHousing ID No. 1167**

Dear Mr. Keegan:

This letter is in response to your application as “Applicant” for a determination of Project Eligibility (“Site Approval”) pursuant to Massachusetts General Laws Chapter 40B (“Chapter 40B”), 760 CMR 56.00 (the “Regulations”) and the Comprehensive Permit Guidelines issued by the Department of Housing and Community Development (“DHCD”) (the “Guidelines” and, collectively with Chapter 40B and the Regulations, the “Comprehensive Permit Rules”), under the New England Fund (“NEF”) Program (“the Program”) of the Federal Home Loan Bank of Boston (“FHLBank Boston”).

41 Tusnua LLC (the “Applicant”) has submitted an application with MassHousing pursuant to Chapter 40B to build sixteen (16) homeownership units (the “Project”) on approximately 0.6 acres of land located at 41 Washington Street (the “Site”) in Newton (the “Municipality”).

In accordance with the Comprehensive Permit Rules, this letter is intended to be a written determination of Project Eligibility by MassHousing acting as Subsidizing Agency under the Guidelines, including Part V thereof, “Housing Programs In Which Funding Is Provided By Other Than A State Agency.”

MassHousing has performed an on-site inspection of the Site and has reviewed the pertinent information for the Project submitted by the Applicant, the Municipality and others in accordance with the Comprehensive Permit Rules.

Municipal Comments

Pursuant to the Regulations, the Municipality was given a thirty (30) day period in which to review the Site Approval application and submit comments to MassHousing. An additional comment period of fifteen (15) days was provided to review project revisions that were submitted by the Applicant. The Municipality submitted initial comments in a December 9, 2022 letter. Supplemental comments were provided in response to project revisions on April 27, 2023. While generally supportive of housing on the Site, the Municipality noted that the application represents a significant change from the single- and two-family neighborhood, detailing the following concerns regarding the proposal:

Maura Healey, Governor
Kim Driscoll, Lt. Governor

Jeanne Pinado, Chair
Carolina Avellaneda, Vice Chair

Chrystal Kornegay, Executive Director

- While the Municipality supports the revised plan's consolidation of the proposed Project within one addition to the Site's existing dwelling, they recommended the Applicant explore ways to further subordinate the addition and reflect the historic architectural details and materials of the existing structure.
- The Municipality is concerned that the proposed site layout leaves little room for active and passive open space. The Municipality requested a landscape plan and consideration for the following:
 - Landscaping to screen the Site for privacy for future occupants as well as for abutters.
 - Retention of as many trees as possible due to concerns about flooding in the area.
 - Reduction in the amount of parking spaces and impervious paving on the Site.
 - Areas for children to play.
- The Municipality requested additional information on how the Applicant plans to improve upon existing walking and biking conditions around the Site, including incorporating bicycle facilities on-site and exploring the elimination of one of the two curb cuts to minimize interruption to the sidewalk and potential conflicts between vehicles and pedestrians. In general, the Municipality supports minimizing parking to the extent feasible and incentivizing alternative modes of transportation.
- The Municipality noted that the Site is known to have high groundwater and that the project will require further review by the City's Engineering Division to discuss the engineering components needed to manage water on the Site.
- The Municipality requests that the Applicant provide a detailed site lighting plan to ensure that lighting does not negatively impact neighboring properties. HVAC and other equipment and their locations should be selected carefully in order to minimize sounds heard by residential abutters. A construction management plan should be prepared to give assurance to the neighborhood that the contractor will mitigate the impacts of construction, including noise and vibration.

Community Comments

In addition to comments submitted by the Municipality, MassHousing received approximately seventy-nine (79) letters from area residents expressing comments and concerns regarding the proposed Project. Seventy (70) of these letters were submitted in connection with the original project design. Nine (9) were submitted in connection with project revisions, one of which was a joint response from abutters and neighbors to the Site. While letters submitted in connection with project revisions acknowledged several positive improvements, and a few letters indicated an openness to a workable solution for the development of affordable housing on the Site, overall, the letters expressed opposition to the proposed Project. The following concerns were detailed by area residents:

- Traffic impacts from additional cars entering and exiting the Site.
- The scale of the proposed Project, including massing, height, and related impacts such as shadows and privacy for abutting properties.
- Trash management and removal.
- Construction impacts, including noise, pollution, and the potential for structural damage to nearby homes, particularly as it relates to groundwater concerns.

- Environmental concerns, particularly high groundwater and potential flooding as a result of construction and new impervious area.
- Insufficient parking.
- Tree removal, in connection with concerns about water retention as well as loss of vegetative buffer.
- Pedestrian Safety on Washington Street, particularly as it relates to schoolchildren.
- Developer qualifications.

MassHousing Determination and Recommendation

MassHousing staff has determined that the Project appears generally eligible under the requirements of the Program, subject to final review of eligibility and to Final Approval.¹ As a result of our review, we have made the findings as required pursuant to 760 CMR 56.04(1) and (4). Each such finding, with supporting reasoning, is set forth in further detail on Attachment 1 hereto. It is important to note that Comprehensive Permit Rules limit MassHousing to these specific findings in order to determine Project Eligibility. If, as here, MassHousing issues a determination of Project Eligibility, the Applicant may apply to the Zoning Board of Appeals (“ZBA”) for a comprehensive permit. At that time local boards, officials and members of the public are provided the opportunity to further review the Project to ensure compliance with applicable state and local standards and regulations.

Based on MassHousing’s site and design review, and considering feedback received from the Municipality, the following issues should be addressed in the application to the ZBA, and the Applicant should be prepared to explore them more fully during the public hearing process:

- Development of this Site will require compliance with all state and federal environmental laws, regulations and standards applicable to existing conditions and to the proposed use related to building construction, stormwater management, wastewater collection and treatment, and hazardous waste safety. The Applicant should expect that the Municipality will require evidence of such compliance prior to the issuance of a building permit for the Project.
- The Applicant should be prepared to work closely with its design team and the Municipality’s Urban Design Commission to address concerns regarding building size, massing, and architectural details.
- The Applicant should provide a detailed landscaping plan. Consideration should be given to incorporating pervious materials, enhancing open space for recreation, depicting vegetative buffers, and identifying areas for trash management and snow storage.
- The Applicant is encouraged to work with its design team to incorporate pedestrian improvements and bike facilities into the site plan. As a part of this, consideration should be given to reducing the parking ratio to mitigate unnecessary impervious areas.
- The Applicant should be prepared to provide detailed information regarding soil and groundwater conditions at the Site, including for groundwater management and dewatering

¹ MassHousing has relied on the Applicant to provide truthful and complete information with respect to this approval. If at any point prior to the issuance of a comprehensive permit MassHousing determines that the Applicant has failed to disclose any information pertinent to the findings set forth in 760 CMR 56.04 or information requested in the Certification and Acknowledgment of the Application, MassHousing retains the right to rescind this Site Approval letter.

during construction, and work with the City's Engineering Division and its geotechnical engineer to design a solution to related site constraints.

- The Applicant should be prepared to provide detailed information relative to light, noise, and construction impacts, and respond to reasonable requests for mitigation.

MassHousing has also reviewed the application for compliance within the requirements of 760 CMR 56.04(2) relative to Application requirements and has determined that the material provided by the Applicant is sufficient to show compliance.

This Site Approval is expressly limited to the development of no more than sixteen (16) homeownership units under the terms of the Program, of which not less than four (4) of such units shall be restricted as affordable for low- or moderate-income persons or families as required under the terms of the Guidelines. It is not a commitment or guarantee of financing and does not constitute a site plan or building design approval. Should you consider, prior to obtaining a comprehensive permit, the use of any other housing subsidy program, the construction of additional units or a reduction in the size of the Site, you may be required to submit a new Site Approval application for review by MassHousing. Should you consider a change in tenure type or a change in building type or height, you may be required to submit a new site approval application for review by MassHousing.

For guidance on the comprehensive permit review process, you are advised to consult the Guidelines. Further, we urge you to review carefully with legal counsel the M.G.L. c.40B Comprehensive Permit Regulations at 760 CMR 56.00.

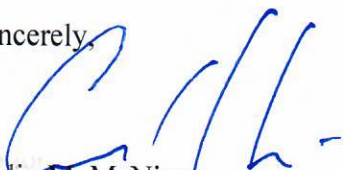
This approval will be effective for a period of two (2) years from the date of this letter. Should the Applicant not apply for a comprehensive permit within this period this letter shall be considered to be expired and no longer in effect unless MassHousing extends the effective period of this letter in writing. In addition, the Applicant is required to notify MassHousing at the following times throughout this two-year period: (1) when the Applicant applies to the local ZBA for a Comprehensive Permit, (2) when the ZBA issues a decision and (3) if applicable, when any appeals are filed.

Should a comprehensive permit be issued, please note that prior to (i) commencement of construction of the Project or (ii) issuance of a building permit, the Applicant is required to submit to MassHousing a request for Final Approval of the Project (as it may have been amended) in accordance with the Comprehensive Permit Rules (see especially 760 CMR 56.04(07) and the Guidelines including, without limitation, Part III thereof concerning Affirmative Fair Housing Marketing and Resident Selection). Final Approval will not be issued unless MassHousing is able to make the same findings at the time of issuing Final Approval as required at Site Approval.

Please note that MassHousing may not issue Final Approval if the Comprehensive Permit contains any conditions that are inconsistent with the regulatory requirements of the New England Fund Program of the FHLBank Boston, for which MassHousing serves as Subsidizing Agency, as reflected in the applicable regulatory documents. In the interest of providing for an efficient review process and to avoid the potential lapse of certain appeal rights, the Applicant may wish to submit a "final draft" of the Comprehensive Permit to MassHousing for review. Applicants who avail themselves of this opportunity may avoid significant procedural delays that can result from the need to seek modification of the Comprehensive Permit after its initial issuance.

If you have any questions concerning this letter, please contact Kat Miller at (617) 854-1217.

Sincerely,



Colin M. McNiece
General Counsel

cc: Ed Augustus, Secretary, EOHLIC
The Honorable Ruthanne Fuller, Mayor, City of Newton
The Honorable Cynthia Stone Creem
The Honorable Ruth B. Balsler
Barney Heath, Director, City of Newton Planning and Development
Jennifer Caira, Deputy Director, City of Newton Planning and Development

Attachment 1

760 CMR 56.04 Project Eligibility: Other Responsibilities of Subsidizing Agency
Section (4) Findings and Determinations

41 Washington Street, Newton, MA #1167

MassHousing hereby makes the following findings, based upon its review of the application, and taking into account information received during the site visit and from written comments:

(a) that the proposed Project appears generally eligible under the requirements of the housing subsidy program, subject to final approval under 760 CMR 56.04(7);

The Project is eligible under the NEF housing subsidy program and at least 25% of the units will be available to households earning at or below 80% of the Area Median Income, adjusted for household size, as published by the U.S. Department of Housing and Urban Development (“HUD”). The most recent HUD income limits indicate that 80% of the current median income for a four-person household in Newton is \$118,450.

The applicant submitted a letter of financial interest from Rockland Trust, a member bank of the FHLBank Boston under the NEF Program.

(b) that the site of the proposed Project is generally appropriate for residential development, taking into consideration information provided by the Municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, such as inclusionary zoning, multifamily districts adopted under c.40A, and overlay districts adopted under c.40R, (such finding, with supporting reasoning, to be set forth in reasonable detail);

Based on a site inspection by MassHousing staff, internal discussions, and a thorough review of the application, MassHousing finds that the Site is suitable for residential use and development and that such use would be compatible with surrounding uses and would address the local need for housing.

MassHousing commends the Municipality’s progress towards creating a range of diverse housing options to meet its affordable housing needs, however, according to DHCD’s Chapter 40B Subsidized Housing Inventory, updated through June 6, 2023, Newton has 2870 Subsidized Housing Inventory (SHI) units (8.67% of its housing inventory), which is 441 units short of the statutory minima of 10%.

(c) that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail);

In summary, based on evaluation of the site plan using the following criteria, MassHousing finds that the proposed conceptual Project design is generally appropriate for the Site. The following plan review findings are made in response to the conceptual plan, submitted to MassHousing:

Relationship to adjacent streets/Integration into existing development patterns

The Site is located at 41 Washington Street, approximately 0.5 miles southeast of Interstate 90 in the Newton Corner neighborhood of Newton, roughly equidistant between the Newton Corner Rotary and Brighton's Oak Square. The neighborhood along this portion of Washington Street consists primarily of one- and two-family homes. The Site has an advantageous location in terms transportation and access to services. In addition to highway access, nearby MBTA bus service provides express routes to downtown Boston and Back Bay. Various supermarkets, restaurants, and retail amenities are pedestrian and transit accessible from the Site. Given its transit-oriented location near employment and services, the Site is able to successfully integrate into existing development patterns and is well positioned to support the proposed multifamily residential use.

Relationship to Adjacent Building Typology (Including building massing, site arrangement, and architectural details)

The proposed Project will preserve and expand the existing Victorian home located on the Site resulting in a multifamily structure containing 16 two- and three-bedroom units. The massing of the addition maintains alignment with the side facades of the existing home as it extends back into the Site approximately 30 feet before turning to form an "L" shape. This configuration aims to maintain the massing as perceived from the Washington Street frontage. Planar changes in the facades and angled bay windows, serve to break down the scale of the addition and relate architecturally to the massing of the Site's existing structure and adjacent homes. The building is 3 stories at Washington Street and 4 Stories at the rear, taking advantage of the Site's downward sloping topography. The proposed Project's architectural design and building scale is compatible with the style of homes found in the surrounding area.

Density

The Applicant proposes to build sixteen (16) homeownership units on approximately 0.66 acres, all of which are buildable. The resulting density is 26.6 units per buildable acre, which is acceptable given the proposed housing type.

Conceptual Site Plan

Site access is by a proposed curb cut at the Site's southwest corner, which will connect to a 20' wide driveway that extends back into the Site to service 24 surface parking spaces, 6 of which are located outside the preserved Victorian home approximately 30' off the curb cut, and the remaining 18 of which are located at the rear of the Site, hidden behind the structure. The driveway and surface parking areas are proposed to be constructed with permeable paving. A retaining wall lines the rear parking area and aims to create privacy with single-family abutters. An existing curb cut at the Site's southeast corner will be maintained, providing access to the existing front porch and porte-cochere, also to be maintained. A small area at the northeast corner of the Site is preserved for an open space amenity. Existing utilities (water/sewer, gas, electric, telephone and cable) are available at Washington Street.

Environmental Resources

While information provided by the Applicant, indicates that no significant natural or cultural resources, endangered species habitat, or areas of flood hazard are present on the Site, the Applicant acknowledges area concerns in terms of the high water table and soil composition and is working to engineer an appropriate on-site infiltration system.

Topography

The topography slopes downward approximately 19 feet from the high point at the Site's Washington Street frontage to the low point at the rear property boundary. The design makes effective use of this

grade change by situating the massing of the addition in the low area of the Site as to maintain the perceived height of the building from Washington Street.

(d) that the proposed Project appears financially feasible within the housing market in which it will be situated (based on comparable rentals or sales figures);

The Project appears financially feasible based on a comparison of sales submitted by the Applicant.

(e) that an initial pro forma has been reviewed, including a land valuation determination consistent with the Department's Guidelines, and the Project appears financially feasible and consistent with the Department's Guidelines for Cost Examination and Limitations on Profits and Distributions (if applicable) on the basis of estimated development costs;

The initial pro forma has been reviewed for the proposed residential use, and the Project appears financially feasible with a projected profit margin of 9.29%. In addition, a third-party appraisal commissioned by MassHousing has determined that the "As Is" land value for the Site of the proposed Project is \$1,430,000.

(f) that the Applicant is a public agency, a non-profit organization, or a Limited Dividend Organization, and it meets the general eligibility standards of the housing program; and

MassHousing finds that the Applicant must be organized as a Limited Dividend Organization. MassHousing sees no reason this requirement could not be met given information reviewed to date. The Applicant meets the general eligibility standards of the NEF housing subsidy program and has executed an Acknowledgment of Obligations to restrict their profits in accordance with the applicable limited dividend provisions.

(g) that the Applicant controls the site, based on evidence that the Applicant or a related entity owns the site, or holds an option or contract to acquire such interest in the site, or has such other interest in the site as is deemed by the Subsidizing Agency to be sufficient to control the site.

The Applicant controls the Site through a Deed of ownership recorded at the Middlesex South Registry of Deeds in Book 80886; Page 124.

ATTACHMENT C



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

December 9, 2022

[By Electronic Mail]

Kat Miller
Planning and Programs Specialist
Massachusetts Housing Finance Agency
One Beacon Street
Boston, MA 02108

RE: Chapter 40B Comprehensive Permit Project Eligibility Application/Site Approval

| | |
|---------------------------|----------------------------------------------------|
| Project Name: | 41 Washington Street |
| Location: | 41 Washington Street |
| Number of Proposed Units: | 16 |
| Subsidizing Agency: | Massachusetts Housing Finance Agency (MassHousing) |
| Applicant: | 41 Tusnua LLC |

Dear Ms. Miller:

The Planning and Development Department, on behalf of the City of Newton, appreciates the opportunity to comment on the Project Eligibility/Site Approval application recently submitted by 41 Tusnua LLC (the "Applicant") for 41 Washington Street (the "Project"). This letter constitutes the City's response to your letter addressed to Mayor Fuller, dated November 9, 2022, seeking comments regarding the Project.

The Planning and Development Department (the "Department") solicited written comments from abutters to the proposed project as well as from City staff, and members of the City Council and Boards and Commissions. Comments were received from several abutters, which can be found in Attachment A.

Comments in Response to the Project Proposal

The Planning and Development Department offers the following comments in response to the information provided by the Applicant to help MassHousing evaluate this request for Project Eligibility/Site Approval:

A. Affordable Housing

- **Affordable Housing Need.** The need for affordable housing in Newton is vast, impacting extremely low-income individuals and families to those earning upwards of 120% of the area median income. These needs continue to persist as evidenced by the latest Comprehensive Housing Affordability Strategy data published by HUD. Of the total 30,850 households in the City, 23% are low-to-moderate with incomes at or below 80% of the area median income (AMI). More startling is the percentage of housing cost burdened families in the City – close to 30% of *all* households in Newton, regardless of income level. Housing cost burden pertains to those individuals or families that spend over 30% of their monthly gross income on housing costs. As a result, these households are likely to struggle to afford other basic needs such as food, clothing, transportation, medical care, and childcare, which force difficult trade-offs. An even more shocking statistic is that over 46% of low-to-moderate income families (at or below 80% AMI) in Newton are considered severely housing cost burdened, paying greater than 50% of their annual incomes on housing costs.¹

In Newton, the lowest income families experience the greatest challenges related to housing. According to the City's 2016 Housing Strategy, approximately 16% of all households in the city, or over 4,900 households, earn at or below 50% of AMI, yet there are only 2,145 rental units and 106 ownership units affordable to families at these low-income levels.² This affordability gap amongst Newton's vulnerable populations is also highlighted by the over 1,300 families and seniors on the Newton Housing Authority waitlist. Many of these households spend close to ten years on the Housing Authority's waitlist before receiving notification of an available unit in Newton.

While there are a handful of pending and approved developments in the City with SHI-eligible units, these additional units will not meet the overwhelming demand for affordable rental and ownership housing throughout Newton. As of August 2022, 8.90%, or 2,878 units of the City's housing units are listed on Newton's Subsidized Housing Inventory (SHI). However, only 5.35%, or 1,729 units, of the City's housing units are deed-restricted affordable units, set at prices affordable to households at or below 80% AMI.

¹ 2014-2018 CHAS.

² 2011-2015 CHAS.

- **Newton's Housing Strategy and Priorities.** Newton's housing priorities stem from the urgent need for affordable housing. According to the City's *Newton Leads 2040 Housing Strategy*, published in 2016, since 2003 the average sale price of a single-family home in Newton has doubled from approximately \$600,000 to \$1.2 million. A 2021 Boston Globe article cited that more than one out of every four single-family homes sold in Newton that year went for more than \$2 million and the median single-family home price from January to July 2021 was \$1.5 million.³ The rental market in Newton also corresponds to this widening price trend as most rentals in the City are only affordable to households earning 100% of the area median income (AMI) or higher. In addition, the number of households earning less than \$125,000 declined by 22.2% between 2000 and 2013. The combination of escalating housing prices and the City's significant loss of low- and middle-income households over the past 15 years means that without action, Newton will become predominantly a city affordable to only the wealthy, with limited diverse housing options for younger and older Newtonians and those of more limited means.⁴

The dearth of housing options affordable to a variety of populations at a range of incomes, including individuals with disabilities, threatens the vibrancy of our village centers, our schools, and community life. The City, therefore, has consulted with stakeholders and residents to create public plans with clear goals to guide Newton in combatting this challenge. These documents, the City's Comprehensive Plan, the *2040 Housing Leads Strategy*, the Economic Development Strategic Plan, and the Needham and Riverside Vision Plans all identify the protection and broadening of Newton's housing diversity as major priorities. The plans emphasize that the creation of affordable housing could assist in maintaining the diversity of Newton by providing housing opportunities of varying types to different populations at mixed incomes. Doing so creates the opportunity for greater economic and social diversity, as families and individuals of varying ages, ethnicities, occupations, and income levels can find a home in Newton.

The enactment of these overarching goals and others (e.g., walkable village centers, lowering greenhouse gas emissions, co-locating housing and public transit to address congestion) requires the implementation of key strategies, which are also outlined in the City's public planning documents. One strategy is the purposeful placement of new housing. For instance, housing development in mixed-use developments, near walkable amenities and access to transit.

In addition to the desirability of mixed-use development, Newton also recognizes mixed-income development as an integral strategy. Mixed-income projects that offer equitable housing units and amenities for both low-and middle-income and higher income

³ "More than one out of every four homes in Newton sold for more than \$2 million this year," Boston Globe, John Hilliard, August 31, 2021, <https://www.bostonglobe.com/2021/08/31/metro/more-than-one-out-every-four-homes-newton-sold-more-than-2-million-mayor-says/>

⁴ Newton Leads 2040 Housing Strategy, p. 28

individuals and families are crucial for encouraging newcomers to Newton and helping residents stay in community. The creation of a greater number of mixed-income developments may help to reverse the trend of Newton's shrinking low- and middle-income populations. Finally, leveraging a mix of local, state, federal, and private dollars to create affordable ownership and rental housing is crucial for Newton to meet its housing goals and create the diverse and welcoming city it desires

- **Project Unit Mix and Affordability.** The Project will add four ownership units affordable to households at 80% of the Area Median Income (AMI): two two-bedrooms, and two four-bedrooms. By producing affordable units at these sizes, the Project allows individuals and families with a range of social and economic diversity to find a home in Newton. The remaining 12 units will be available for ownership at market-rate. The multifamily building will have an elevator and will be visitable, however the townhouse units will not be visitable and none of the units in the project appear to be fully accessible. There is a great need for accessible, and particularly affordable accessible units in the City and staff would like to see the applicant create at least one affordable accessible unit.

The creation of ownership units, and particularly deed-restricted affordable ownership units, responds to the City's diverse housing goals as articulated earlier in this document.

B. Land Use, Site Plan Design and Sustainability

The regulation for a Comprehensive Permit under M.G.L. Chapter 40B states that the Subsidizing Agency determines whether *"the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns."*⁵

- **Land Use and Density.** The subject site is located along the north side of Washington Street between Grasmere Street and Elmhurst Road in Newton Corner. The subject property is zoned Single Residence 3 (SR3) and is improved with an existing historic two and a half story, Shingle Style, two-family dwelling constructed circa 1891. The rear yard setback is approximately 133 feet and the rear yard slopes downwards approximately 20 feet towards the rear property line and consists of open space and landscaping. The neighborhood along Washington Street consists of single- and two- family homes. There is a two-family to the east at 47 Washington and a single family directly to the west at 33 Washington Street. To the north, properties are zoned Single Residence 3 (SR3), south of Washington Street the majority of the properties are zoned Multi-Residence 1 however, there is also a block of properties south of Washington Street zoned SR3. The site is

⁵ (760 CMR 56.04(4)(c))

approximately 650 feet from the Newton-Boston boundary with Brighton's Oak Square neighborhood approximately half of a mile to the east.

The Applicant proposes to retain the existing dwelling and construct an addition to convert it to a nine-unit multifamily building. In addition to the nine-unit multifamily building ("Building A"), the applicant proposes two additional buildings, one townhouse style building with five units that is parallel to the rear property line ("Building B") and another two-unit structure at the northeast corner of the site ("Building C"). There would be a total of 16 ownership apartments consisting of two- and four-bedroom units of which 4 (25%) would be affordable at 80% of area median income (AMI). A total of 22 parking spaces are proposed, or a ratio of 1.37 parking spaces per unit. There are five surface parking spaces, and the remaining 17 spaces are located below Building B.

The SR3 zoning district allows for a single-family detached dwelling, a rear lot subdivision (on sites greater than 22,000 sf), and single-family attached dwellings (on sites greater than 1 acre). The project requires zoning relief for the use, type of building, dimensional standards, and parking. While the site has an existing nonconforming two-family use, the SR3 zoning district does not allow for multifamily buildings, of which there are two proposed as well as an additional two-unit dwelling. The ZBA will be required to determine reasonable standards through the comprehensive permit process.

While Washington Street is likely an appropriate location for additional density, determining the appropriate levels of density as well as other dimensional controls such as building height, floor area, and setbacks will require careful consideration by the ZBA along with input from City staff, peer reviewers, and the community.

- **Site Design, Building Massing, Design and Architecture.** The project proposes three buildings with 16 units total. Building A incorporates an existing Shingle Style two family with notable features as outlined by the Massachusetts Historical Commission such as its Shingle style architecture with a fieldstone first story, corner tower, and porte cochère. The existing building is referred to as the George H. Hastings House and the pavilions, gables, bay windows and corner tower are reminiscent of Queen Anne style architecture. Other details such as cropped shingle raking eaves, jambs in the gable window, and shingled parapet in the side bay are Shingle style in origin. The applicant proposes to construct an addition to the dwelling which would ultimately house nine units. Building B is parallel to the rear property line and would house five townhouse style units with an underground parking garage. Building C, in the site's rear dog leg portion of the lot will feature two townhouse style units, divided vertically. Buildings B and C have setbacks of approximately five feet from their corresponding side and rear property lines. Building A, with nine units proposed, maintains the front and side setbacks of the existing two-family dwelling. The five-foot setbacks are less than what is prescribed for single- and two-family residences and staff have concerns with the inadequate setbacks. Setbacks closer to five

feet are commonly seen with accessory buildings, not buildings containing two units (Building C) and five units (Building B). Building C has a proposed setback of 3.7 feet and 4.8 feet from the side and rear of the building. Building C is located in a dog leg part of the site and is oriented inward towards the west. The applicant stated the minimum side setback as five feet in their zoning analysis, however 3.7 feet is the shortest side setback for the project at Building C.

The project site was reviewed in 2020 by the Engineering Division of Public Works for a prior unsuccessful special permit project considered for the site. The Associate City Engineer noted that groundwater was discovered four and a half feet below the existing surface. He noted the neighborhood has consistent issues with basement flooding, however, these conditions are also typical for the New England area as many foundations constructed of field stone, masonry block, or even cast in place concrete develop cracks and become an entry for groundwater. Many neighbors stated there was an underground stream, however the Associate City Engineer stated that to confirm that, several observation wells need to be drilled and monitored to properly model groundwater flow.

The Associate City Engineer stated that should the proposed project move forward, it would be a challenge to keep the proposed underground garage dry. Planning staff have concerns with this aspect of the proposal that places an underground parking garage for seventeen vehicles in an area with high groundwater, which the applicant would be expected to address as part of their application. The Engineering Division commented that seasonal high ground water table during the Spring months would be higher and due to concerns regarding flooding, additional soil testing would need to be done. Under the prior special permit review, the Associate City Engineer suggested the applicant install an interceptor/French drain which would act as a backstop to prevent the migration of water underground to the neighborhood. This project will require review by the City's Engineering Division. The engineering components and water table issues are anticipated to be a significant topic of discussion, should this project move forward.

The buildings have varying heights from 3-5 stories. Building A will consist of five stories, Building B will consist of three stories, and Building C will consist of four stories. The applicant has provided varying heights of 42, 45, 48 feet and 51 feet in different areas of their applications for the three buildings but did not provide a height analysis for each building from the average grade. The applicant should provide height measurements for each building as measured from the average grade. The floor area ratio, or how the City measures bulk by dividing the gross floor area by the lot size, is 1.05 which is more commonly seen in Business districts.

The site will have two points of access from Washington Street. The proposed driveway loops around Building A and provides access to Building B's underground garage containing 17 parking stalls as well as five surface stalls on the western side of Building A.

The driveway is 19.9 feet wide along the right property line, and less than five feet from the right property line.

In general, the three buildings proposed for the site add a generous amount of lot coverage and height to the site beyond what is existing. Planning appreciates the aspect of the proposal which breaks the additional 14 units into three buildings, while retaining the existing notable two-family dwelling. Staff suggests more consideration should be given to abutters near the side and rear property lines where the new construction is placed five feet or less from those side and rear property lines at heights of three to four stories. Most of the surrounding buildings consist of two or two and a half stories and there are no four or five story buildings in the vicinity of the project. The applicant should consider ways to articulate the massing differently and revisit the size and placement of the buildings on the site. Staff also have concerns with Unit 10 in line with the western driveway and question whether the future occupants of that unit will experience significant impacts from the vehicles accessing the driveway such as headlights and noise. The applicant should consider a submittal to the City's Urban Design Commission for design review, and they are encouraged to work closely with the Commission prior to filing the Comprehensive Permit application.

- **Open Space, Landscaping and Tree Removal.** The existing site contains a nonconforming two-family dwelling and undeveloped land. The rear of the site is predominantly vegetated/wooded and the grade changes approximately 20 feet from the front to the rear of the site. The rear yard contains several trees ranging in diameters of ten inches to 33 inches. The applicant did not submit a landscape plan, but from the architectural site plan it appears all are slated to be removed for the additional buildings and driveway that are proposed.

The proposed project lacks usable open space and eliminates several existing trees. The proposed building placement leaves little room for additional landscaping to screen the site and provide privacy for the future occupants as well as for the abutters. The applicant submitted a zoning analysis indicating they are maintaining 50% of the site as open space, however, staff have concerns with that calculation as driveway, regardless of materials, are to be counted against the open space calculation. Given that much of the site is covered by building or driveway, staff would encourage the applicant to dedicate more of the site to active and passive outdoor areas for residents, ideally incorporating areas for children to play, given the unit mix of the project with seven four-bedroom units and nine two-bedroom units. The applicant should provide a landscape plan and revisit the open space calculation to ensure it is calculated correctly. Due to the concerns about flooding in the area, the applicant should also consider retaining as many trees as possible as they provide a means of retaining water.

- **Noise, Lighting, and Construction Management.** The applicant should submit a detailed site lighting plan to ensure the lighting does not negatively impact neighboring properties. HVAC and other equipment and their locations should be selected carefully in order to minimize sound heard by residential abutters and to ensure there is a location for the materials and type of equipment required by these types of buildings. A construction management plan should be prepared to give assurance to the neighborhood that the contractor will mitigate the impacts of construction, including noise and vibration. The construction management plan should include a designated contact person for the construction along with 24-hour contact information.

- **Access to Public Transit and a Village Center.** The project site is located in Newton Corner, at the edge of the City and is within walking distance of Newton Corner village center and Boston's Brighton neighborhood. Brighton's Oak Square neighborhood is approximately half of a mile to the east. The 57 bus which connects Watertown Square to Kenmore Square in Boston via Newton and Brighton has a stop less than one mile away at Waverly Avenue and Tremont Street. Exactly one-half mile away is a connection to the 501 express bus and another 57-bus stop at Park Street at Elmwood Street. The 501 express bus services Boston's downtown.

This section of Washington Street is a walkable neighborhood and features a conventional bicycle lane delineated by pavement markings. Most of this stretch of Washington Street features parking nearest the sidewalk, the bike lane, and then the motor vehicle travel lane, but further west are sections with no parking and only the bike lane and travel lane. The Planning Department would like to better understand how the applicant plans to improve upon the walking and biking conditions, including incorporating bicycle facilities onsite and exploring the elimination of one of the two curb cuts to minimize interruptions to the sidewalk and eliminate potential conflicts between vehicles and pedestrians.

- **Traffic, Parking and Transportation Impacts.** The Planning Department will want to better understand any potential circulation or traffic impacts and will review with the Transportation Division of Public Works. The Zoning Board of Appeals also has the ability to bring in a peer reviewer to review any site circulation and traffic materials the Applicant provides. A preliminary area of concerns is the site circulation and how vehicles will access the driveway that leads to the underground garage under Building B. Planning understands that the underground garage is only accessible if a vehicle is driving in from the western driveway and the eastern driveway will be reserved for fire access only, however the applicant should provide additional information. Staff will also want to confirm that the materials used for the eastern driveway are appropriate for the types of vehicles that will need to utilize that driveway, such as emergency and fire access. The Project proposes to add 22 parking stalls, 17 of which will be located in an underground garage under Building B. More information is necessary to fully analyze traffic impacts, parking need, and circulation within the site. The Department supports minimizing

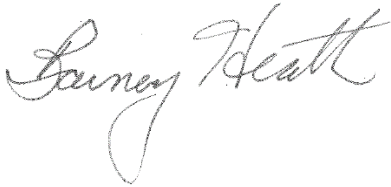
parking to the extent feasible and incentivizing alternative modes of transportation. The applicant should submit a traffic study, parking analysis, and transportation demand management plan as part of their Comprehensive Permit application.

C. Conclusion

As detailed above, the Planning Department is supportive of adding housing at this location given the size of the site and proximity to transit, however the application represents a significant change from the existing single- and two-family neighborhood. We support the preservation and reuse of the existing two-family home, and the proposal would add nine units of housing in a multifamily building accessible by elevator, which is greatly needed. The project would also provide additional opportunities for home ownership. However, we have concerns with the location of the townhouse units so close to the property line, the lack of fully accessible units and the lack of visitability of the townhouse units. We would like to see the applicant address the concerns and questions raised above, as well as those included in the attached abutter comment letters. If a Comprehensive Permit application is filed, City staff will provide additional analysis of the Project, both internally and through peer-reviews, pending an announcement of 40B project eligibility from MassHousing.

Please do not hesitate to contact me if you have any questions about the contents of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Barney Heath".

Barney Heath
Director, Planning and Development Department

cc: Mayor Ruthanne Fuller
Alissa O. Giuliani, City Solicitor
Applicant
Councilor Greenberg
Councilor Leary
Councilor Oliver

ATTACHMENT A: Comment Letters Received