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Director

PUBLIC HEARING II MEMORANDUM

DATE: January 3, 2024
MEETING DATES: January 10, 2024
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

COPIED: Mayor Ruthanne Fuller
City Council

In response to questions raised at the Zoning Board of Appeals public hearing on September 13th of this year, the Planning Department is providing the following information for the upcoming continued public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

PETITION #08-23

41 Washington Street

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 (SR3) zoning district. The proposed development would consist of reconfiguring the existing dwelling and constructing an addition. The proposal includes four affordable ownership units.

The Zoning Board of Appeals (Board) opened the public hearing on this petition on September 13, 2023 and held a subsequent meeting on November 29, 2023. This item was held open at that meeting and subsequent meetings for the petitioner to respond to questions and concerns raised by members of the public, the Board, and the Planning Department.

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. As proposed, 24 parking stalls would be provided on site. The public hearing was opened on September 13, 2023, and held open to allow for traffic, stormwater, and landscape analysis of the plans submitted. No changes have been proposed to the project since the project's initial filing.

On November 20, 2023 the applicant submitted the following:

- Shadow studies
- Revised landscape plan
- MDM response to the transportation peer review.

Since the November 29th meeting, the following has been submitted:

- Response from BSC (transportation)
- Applicant sought feedback from the Urban Design Commission (UDC)

The applicant has expressed that they are revisiting the overall design of the project and are expected to provide an update at the hearing. Thus, there is not a significant update for this hearing. Planning and its consultants anticipate reviewing new materials prior to a future public hearing. The project materials submitted for review can be found [here](#).

I. Updates

Materials received November 20, 2023

Prior to the November 29th public hearing, the applicant submitted the following materials: shadow studies, revised landscape plan, and the response to the City's transportation consultant, BSC. The materials were not received in time to review prior to the November 29th hearing.

Shadow studies

The applicant submitted a shadow study that anticipates the largest impact from shadows is both at 9 AM and 3 PM on the Winter Solstice. At 9 AM, shadows would be cast largely to the west, moving in a northerly direction, and between 3 PM and 5 PM

much of the area will be in darkness due to the earlier sunsets at around approximately 4 PM. During the summer solstice on June 21, the building's shadow moves in a similar direction and casts its shadow upon neighboring properties to the east.

Revised Landscape Plan

The applicant submitted a revised landscape plan prior to the November 29th hearing, however, they have indicated that they are revisiting the design of the project based on feedback from the ZBA and UDC. Once the applicant submits a revised set of plans reflecting the new design, Horsley Witten will review any revised landscape plans.

Traffic/Transportation Response

MDM, the applicant's transportation consultants, responded to the concerns raised by BSC which included minor clarifications in their calculations and clarifying when data was collected. BSC, the City's on call consultant, issued a response and indicated that they are satisfied with the responses and the traffic review is complete.

II. Urban Design Commission

The applicant presented their plans to Urban Design Commission (UDC) on December 13, 2023. Many of the comments made by the UDC reflected those expressed by both the ZBA and the Planning Department. Common themes of feedback expressed by City entities and staff are the amount of paving proposed, the overall bulk of the building, and the landscaping.

Members of the UDC noted the amount of paving and parking on site and expressed support for more green space on the overall site plan. While support was expressed for screening for the parking at the front of the site, it wouldn't solve the issue of the overall massing and bulk of the building. Sentiments expressed by members of the UDC were that the rendering from the western property line looked institutional and bulky. These comments are consistent with comments made by both Planning and the ZBA and their concern that the FAR proposed for this project is 1.05 where .36 is the maximum allowed for the SR3 zoning district. An FAR of .36 would represent an approximately 9,325 square foot building, where the proposed building would contain 27,205 square feet. Members of the UDC noted the pattern of development in Newton that skews towards longer, narrow lots which typically result in a driveway running along the property line screened by a fence and arborvitae.

Members of the UDC commented on the façade, window placements, rooflines, and minor inconsistencies in the renderings that were graphically inconsistent with the roof

design at the rear of the addition appearing “unresolved”. They also weighed in on how best to respect the existing mansion and which features should be carried forth in an addition (accent colors) and which features should be designed to complement the mansion (materials). Members also commented on the landscape plan and whether the Norway Maples can be eliminated.

III. Next Steps

The Planning Department will continue to review the proposal and provide updated and expanded memoranda in advance of future ZBA hearings. While the traffic review based on the 16 proposed units is largely complete, the stormwater, landscape, and site design reviews are ongoing and will be reviewed as part of any new designs presented to the ZBA.

Planning previously recommended the applicant upload a revised plan set with any changes to the project and to correct previously identified issues of inconsistencies amongst the plan and lack of a compass. The applicant should ensure these recommendations are incorporated into any new set of plans.

ATTACHMENTS

Attachment A: BSC review (Transportation)

Attachment B: UDC memorandum



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DECEMBER 1, 2023

Katie Whewell
Chief Planner
City of Newton
Planning and Development Department
1000 Commonwealth Avenue
Newton, MA 02459

RE: Transportation Peer Review –41 Washington Street

Dear Ms. Whewell,

As requested, BSC Group, Inc. (BSC) conducted a peer review of the Traffic Memorandum prepared by MDM Transportation Consultants, Inc. dated August 4, 2023 for the proposed 16-unit housing development located at 41 Washington Street in Newton, MA. The initial peer review that BSC conducted is dated October 24, 2023 and included recommendations and clarifications for the Nitsch Engineering report.

The purpose of this supplemental review is to either ensure that the comments submitted by BSC have been addressed or to provide further comments. Only initial comments that required a response have been included. The numbering is consistent with BSC's initial peer review data October 24, 2023.

The key findings of our review of the Traffic Impact Assessment are presented in the following sections. BSC's initial comments to the October 24, 2023 Traffic Impact Assessment are presented in normal font, MDM's response is presented in **bold**, and BSC's second comments are presented in *italics*.

Data Collection and Existing Traffic Conditions

2. The existing traffic volumes were collected in April 2023, however the TIA report states that a seasonal adjustment factor based on MassDOT count station data from the month of June was employed. BSC requests the Applicant verify that the correct seasonal adjustment factor was used.

MDM Response: A review of the seasonal adjustment factors based on MassDOT permanent count station data indicates that the month of April is 1% higher than average (see Attachments). Upon review a 1% increase was provided to the data in the August 4, 2023, TIA; therefore, the data used for Washington Street adjacent to the Site was slightly conservative. MDM notes that the project minimal impact on area traffic volumes as outlined under TIA Table 5 remain valid.

Second BSC Comment: BSC has reviewed the seasonal adjustment factors provided in the Attachments for Continuous Count Station 4165 and agrees with the calculation that traffic volumes in the month of April are 1% higher than average. BSC agrees that the application of a 1% growth rate in the August 2023 TIA is conservative. As such, Comment #2 is satisfied, and no further action is required.

3. BSC recommends the Applicant specify the dates and days of the week that the ATR data was collected.

MDM Response: The ATR data was collected along Washington Street on Tuesday, April 18, 2023, and Wednesday, April 19, 2023.

Second BSC Comment: BSC agrees with the collection of ATR data over a 48-hour period during a Tuesday and Wednesday. BSC does note that although the data was collected during Spring Recess for Newton Public Schools, which could lead to an inaccurate representation of the amount of traffic on the roadway, BSC does

agrees with the overall statement that the project will have an inconsequential change to overall traffic operations along the roadway. As such, Comment #3 is satisfied, and no further action is required.

Sight Line Evaluation

7. Given the on-street parking west of the site, BSC recommends the Applicant explain if the ISD was measured with or without parked vehicles along the roadway. If ISD was measured without the presence of parked vehicles, BSC recommends the Applicant conduct the analysis with on-street parked vehicles.

MDM Response: The ISD was measured during the daytime hours in April 2023 with several vehicles parked along Washington Street. The sight line analysis assumed that vehicles exiting the proposed site driveway would first “STOP” prior to the sidewalk area, then proceed forward to a position that you could see behind or in front of any on-street parking. This phenomenon is consistent with locations with on-street parking as is typical within urban environments. Per the City of Newton regulations, no parking is allowed within 5 feet of a driveway or 20 feet of an intersection.

Second BSC Comment: BSC has reviewed the response provided by MDM and agrees with the explanation that vehicles will stop and proceed forward before exiting the driveway onto Washington Street. BSC also agrees with the description of the City of Newton regulations that no parking is allowed within 5 feet of a driveway.

However, given the on-street parking availability on both sides of the driveway, BSC recommends the Applicant provide a graphic illustrating the sight triangles for vehicles exiting the site driveway to confirm that the on-street parking will not affect sight distances.

Trip Generation

10. BSC notes that the Applicant refers to the Project as a mixed-use development in this section of the TIA report. BSC recommends clarification as to whether this development will include other uses not identified in this report.

MDM Response: MDM confirms that the project is residential only and does not include other uses.

Second BSC Comment: BSC agrees with MDM's response that the project is residential only. As such, Comment #10 is satisfied, and no further action is required.

11. BSC agrees with the methodology to use ITE Land Use Code 220 for this trip generation analysis. However, BSC recommends employing the ITE best-fit equations instead of the average rates. For each analysis period (weekday daily, weekday AM peak hour, and weekday PM peak hour), the R^2 values for the best-fit equations all exceed 0.75, which is the minimum threshold for which the ITE *Trip Generation Handbook* recommends using best-fit equations.

MDM Response: MDM notes that while the best fit equations all exceed 0.75, the use of the best fit equations do not make sense for the low number of units for low rise multi-family developments as the linear equations for the daily, am peak hour, and pm peak hour include +75.31 trips, +22.85 trips, and +20.55 trips (see Attachments) which isn't applicable for a small project. No further analysis is required .

Second BSC Comment: BSC has reviewed MDM's response, as well as the Attachments pertaining to the trip generation, and is in agreement that it is likely that the 16-unit development will not generate an additional 23 trips during the Weekday AM peak hour and 21 trips during the Weekday PM peak hour. As such, Comment #11 is satisfied, and no further action is required.

Projected Parking Demand

14. BSC recommends the Applicant provide a calculation of the required number of on-site parking spaces per City of Newton zoning to compare to the proposed number of on-site parking spaces.

MDM Comment: The Site will be supported by a approximately 24 on-site parking spaces resulting in a parking supply of 1.5 spaces per unit. The City of Newton zoning requirements are 2.0 spaces per unit, which would

require 32 spaces. As indicated by BSC Group, industry standard parking rates and empirical data indicate that the proposed parking supply at the Site is adequate without reliance of on-street parking along Washington Street in the immediate site vicinity. As outlined in the TIA, the 1.5 spaces per unit is equivalent to the 85th percentile peak parking rate for a suburban multi-family development without any reduction for area alternative transportation (transit, walk, bike) which has been shown to be 27% for the immediate Census tract (3731).

Second BSC Comment: BSC agrees with the Applicant's comparison of proposed parking spaces to required number of parking spaces per City of Newton zoning (24 proposed vs 32 required). BSC agrees with the Applicant that the number of parking spaces provided will be sufficient, as stated in the initial October 24, 2023 review. As such, Comment #14 is satisfied, and no further action is required.

17. BSC agrees with the Applicant's methodology to conduct an analysis of the on-street parking provided near the Project site. Although overnight parking is prohibited between December 1st and March 31st, BSC recommends the Applicant conduct an on-street parking analysis during the overnight hours, as this will be the peak period residents will be parking, as well as overnight visitors, from April 1st to November 30th.

MDM Response: Supplemental parking observations were conducted using video data collected on Friday, April 14, 2023 and Saturday, April 15, 2023 (See Attachments). The parking observations were extended to include the 9:00 pm to 4:00 am period. The data indicates that 3 to 4 vehicles park along the immediate section of Washington street overnight during non-restricted periods outside the overnight winter parking ban. The resulting overnight on-street parking surplus is 11 to 12 spaces based on the parking spot check conducted in April 2023. These on-street spaces are available to augment the on-site parking supply during non-winter periods.

Second BSC Comment: BSC has reviewed the additional information provided by the Applicant in the Attachments regarding the overnight parking utilization and agrees that there is a surplus of parking provided on-street overnight for tenants/visitors, if required. As such, Comment #17 is satisfied, and no further action is required.

Transportation Demand Management

19. BSC notes that the Applicant mentions "tenants and customers" and "tenant employees" in this section of the TIA report. BSC recommends the Applicant clarify if other non-residential land uses will be provided in the building.

MDM Response: MDM confirms that the project is residential only and does not include other uses.

Second BSC Comment: BSC agrees with MDM's response that the project is residential only. As such, Comment #19 is satisfied, and no further action is required.

BSC still recommends clarification for an additional item for Comment 7. Please do not hesitate to contact our office with any inquiries you may have.

Sincerely,

BSC Group, Inc.



Stephen Siragusa, M.S.

Traffic Engineer



Ruthanne Fuller
Mayor

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Barney Heath
Director

DATE: January 2, 2024
TO: Zoning Board of Appeals
FROM: Urban Design Commission
RE: 41 Washington Street Design Review
CC: Barney Heath, Director of Planning and Community Development
Jennifer Caira, Deputy Director
Katie Whewell, Chief Planner
Petitioner

Section 22-80 of the Newton City Ordinances authorizes the Urban Design Commission to act in an advisory capacity on matters of urban design and beautification. At their regular meeting on December 13, 2023, the Newton Urban Design Commission (UDC) reviewed the proposed project at 41 Washington Street for design. The Urban Design Commission had the following comments and recommendations at the meeting:

Commission's point of view is that the building is too big and too bulky for this site.

Site Plan

UDC commented that there are a lot of creative and sophisticated elements to this project, so, compliments to the team for their thoughtfulness and how the project presents to the street. It's strategically done from the street but not sure what's it doing for neighbors behind the site and on the two sides. Appreciate that the site drops down but it's a pretty tall building in the back. It's taller than the mansion, by about eight feet or so. There is a problem with bulk that cannot be solved with landscape. Some of it can be solved with screening, but it doesn't solve the core problem. This project looks institutional and it's bulky.

UDC is concerned about the site plan, which has an awful amount of pavement and parking, which is a directly related to the number of units. For 16 units, 24 parking spaces are needed. If there were 12 units, there will be a lot more green space and less parking spaces. The plan could use more green space. If there were programmatic changes, it will result in a very handsome project.

The Commission commented many of the projects UDC has been reviewing, the lots are too narrow for these kinds of projects. So, what happens in every one of these projects, there is a driveway, hard against the property line, almost with enough room for a fence, with arborvitaes lined up along the fence.

Building Massing, Height, and Architecture

The UDC recommended to consider subtly continuing the red colored band that's under the eaves in the mansion to the addition. The applicant responded that they have thought about it and will consider including it in the design.

The UDC recommended to pick up some of the brownish tones from the stones instead of the blue gray color shown on the renderings. It may also help to paint the ends of the shed dormers a little darker so that the gable is more prominent. The architect responded that he likes both ideas.

The UDC asked about the roof on the back, the closest gable on the backside, it could be called an edge? Why is it taller than the adjacent roof? The architect responded it's a tricky detail and will get resolved in the final drawings, it's a graphic inconsistency. The Commission hopes that it will be resolved because it is not successful.

The UDC commented that elevation with a bay window and a small balcony that sticks out between the two gables, that probably needs to be recessed rather than extending out to make the gables look separate. The whole roof in the back looks unresolved. UDC hopes and trusts that will get fixed in later iterations.

The UDC recommended to have windows where there are currently blank facades. The windows could be higher so a bed can be placed underneath or on the sides of the bed. There could be windows in the bathrooms and dressing rooms as well. An entire blank gable or façade is unacceptable and unfortunate.

The Commission understands the idea of not having the shingles on the entire bulk of this project, but the applicant could certainly do the shed dormers as shingles to tie back to the original house, which seems to have the shingles up high anyway. The applicant responded that's a good suggestion and they could do it. And then maybe find other places, maybe bays are shingled, just to sort of break up the monotony of Hardie plank. If it is Hardie plank, then it's going to need corner boards. Recommend that the color of the corner board is the same as the wall rather than a trim color because the front house is shingles, and the shingles just turn the corner. If there were hardy shingles, then some of them could turn corners. The applicant responded that it might be good on the bays. The Commission commented that a lot of these issues are coming up because of the bulk.

The Commission recommended to make the columns in the back appear bulkier, so they look like they are supporting the building. Understand that structurally they don't need to be bulkier but will help. The applicant responded they could become a good amount deeper and that would be good because it will have the extra depth in perspective.

Landscape

The Commission asked about the height of the fence. The landscape architect responded it is currently proposed to be 6 feet tall but may increase to 7 feet height. The Commission recommended to keep the fence height to 6 feet as allowed by fence ordinance.

The Commission complimented the applicant on the tree survey and the kinds of information absorbed into the planning. Encouraged the applicant to remove every Norway maple on the property since they

are not native and illegal to import into Massachusetts. Understand that a lot of Norway maples will be removed but encourage to remove the one in the toddler lot as well. The applicant responded that they would take that under advisement but there's quite a penalty for cutting down a large tree, even if it is a Norway Maple.