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City of Newton, Massachusetts
Department of Planning and Development
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Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING 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
Alyssa Sandoval, Deputy Chief Planner for Current Planning
COPIED: Mayor Ruthanne Fuller
City Council
SUBJECT: **Application #CP-11-23** Boylston Properties, requesting a Comprehensive Permit, pursuant to M.G.L. Chapter 40B, 307 dwelling units in four buildings with 263 parking stalls in multiple garages on 4.76 acres of land located at 70, 78-84 Crafts Street; 68-70 Crafts Street; 9 Maguire Court; 17-19 Maguire Court; 67 Court Street; 67R Court Street; in the MR1, MAN Zoning Districts.

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.



78 Crafts Street

EXECUTIVE SUMMARY

The Applicant, Boylston Properties, is seeking a Comprehensive Permit pursuant to Massachusetts General Laws Chapter 40B, Sections 20 through 23, to develop 78 Crafts Street into an all-residential multifamily development. The subject site is located along the west side of Crafts Street between Court Street to the south and Crafts Street to the north in the Newtonville neighborhood. The subject properties are zoned Manufacturing (MAN) and Multi-Residence 1 (MR-1) and contain a variety of light industrial uses, such as automotive services, engineering office, as well as one two-family residence.

The Applicant proposes a series of four multifamily buildings as well as a separate two-story parking structure. The site comprises a total of 11 parcels fronting Crafts Street on a 4.76-acre site. There would be a total of 307 apartments ranging from studios to three-bedroom apartments, of which 62 (20%) would be affordable at 50% of area median income (AMI). A total of 263 parking spaces are proposed. The parking will be located within ground level parking garages and the separate parking structure. At this time, the Planning Department is seeking authorization for three on-call peer review consultants for the following areas: urban design, stormwater management and sustainability, and transportation review.

The Applicant has submitted a list of waivers requested for this project (**Attachment A**). The Chief Zoning Code Official has completed a memorandum which identifies the required relief that the Zoning Board of Appeals (the "ZBA") must grant in order to approve the project as proposed (**Attachment B**).

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, Section 20, 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.

As of the filing of this application, Newton has not reached safe harbor. A separate analysis of the safe harbor threshold will be provided in a subsequent memorandum prepared by City staff.

Standard of Review

If one of the statutory thresholds 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 financially infeasible. However, conditions that do make the project financially infeasible 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 subject site is located along the south side of Crafts Street between Court Street to the south and Crafts Street to the north. The subject properties are zoned Manufacturing (MAN) and Multi-Residence 1 (MR-1) and contain a variety of light industrial uses such as automotive services, engineering office, and one two-family residence. The site is largely impervious with pavement and/or building structures located throughout the site. The site is surrounded by a mix of uses including multi- and single family, public use (including a Department of Public Works building and yard), and business uses. To the north, properties are zoned Public Use (PUB) and Multi-Residence 1 (MR-1) and to the south properties are zoned MR-1 and MR-2, and one block to the east on Crafts Street is zoned Business Use 1 (BU-1).

The project site in Newtonville is approximately 0.25 miles from the main commercial corridor of Washington Street, with a mix of restaurants, commercial and multi-family developments. The site is located approximately 0.7 miles from the MBTA Newtonville Commuter Rail Station on Washington Street. A mix of grocery, dining, retail, small office buildings, and auto-oriented services are located along Washington Street, within walking distance of the Site. Multiple MBTA bus lines run along Washington Street (MBTA Bus 553, 554, and 556) with a stop at 641 Washington Street that is located within 0.2 miles of the site.

B. Site

The subject property consists of 11 parcels combined into a single 4.76-acre site at 78 Crafts Street in Newtonville. The Site has direct vehicular and pedestrian access to Court Street and Crafts Street, both public ways. There is also a private way, Maguire Court, running from Crafts Street along the southern boundary of the site. The lot contains existing buildings, vehicular access, and surface parking areas. There are limited vegetated areas on landscape islands and along the western boundary of the site. Existing buildings onsite are currently occupied with various automotive services (salvage/storage, maintenance, repair, and sales), a mechanical engineering and contracting operation, and a 2-family residence. The Site contains nine buildings, two sheds, various concrete paved parking areas, and various material stockpile areas located throughout the Site.

The site is located in an already developed area of the City that does not have any

identified streams, rivers, or wetlands onsite and is not within buffer zones associated with wetlands. There is a drainage easement/culvert running through the site from east to west traversing the property along the southern border. There are no contemplated buildings or structures within the culvert area where internal roadways are proposed. The Engineering Division provided preliminary feedback to Planning noting that all infrastructure improvements within City of Newton easements will need a License Agreement. Further detailed review by Public Works will be required to ensure that City infrastructure is not impacted during any proposed construction.

The site is located within Zone X of the FEMA Flood Insurance Rate Map (FIRM), which is located outside the area of 0.2% annual chance of flood. According to FEMA, areas in Zone X have a moderate to low risk for flooding.¹

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 Inspectional Services Department and the Engineering Division of Public Works.

2. Adequacy of sewage removal

The Applicant has submitted a preliminary utilities plan prepared Weston and Sampson Engineers, which will be reviewed by the City's Engineering Division.

3. Adequacy of handling water runoff

The Applicant has submitted a grading and drainage plan and a Stormwater Report, prepared by Weston and Sampson Engineers, which will be reviewed and addressed at a future meeting. The City is seeking the authorization of a peer reviewer to review the stormwater materials submitted by the Applicant. The existing properties on the current site are a mix of older automotive and storage facilities and the site itself lacks appropriate stormwater controls as an older industrial area.

¹ FEMA Website: <https://www.fema.gov/blog/fema-flood-maps-and-zones-explained>. Accessed January 2, 2024.

The proposal presents an opportunity to improve site conditions including environmental conditions such as stormwater management and open space. The site is largely impervious with very limited vegetated areas. There are no known wetlands or related wetland buffers, streams, rivers, or ledge on the site.

The design of the site is constrained by several easements including City of Newton drainage easements, which bisect the property and limit where buildings may be located. The Engineering Division has provided initial feedback on the Project and notes that all infrastructure improvements within the City easements will need a License Agreement. The Applicant will need to work closely with the City's Engineering Division to determine appropriate procedures for the protection of City infrastructure in addition to licensing.

The Applicant also will be required to comply with the state Stormwater Standards and should consult with the City of Newton Engineering Department. As part of further review of this project, it will be important to understand the impact of the project on stormwater management and to ensure the project improves upon the existing conditions.

4. Adequacy of fire protection

A preliminary fire protection plan prepared by Weston & Sampson Engineers, Inc. will be reviewed by the City Fire Department. A secondary fire access entrance is proposed from Court Street to the development at the southeast corner of the site, which will provide access to the buildings on the site. A turning template was provided demonstrating the ability of fire trucks to maneuver the site. 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 not submitted a transportation impact assessment (TIA). Although a TIA is strongly recommended at the time of filing a comprehensive permit with the ZBA, it is not required. The Applicant has recently submitted a Transportation Demand Management Plan. The Planning Department recommends that a TIA is completed as soon as possible given the site's location on Crafts Street with existing traffic issues. The Applicant communicated to Planning that a TIA was in the process of being completed.

The Planning Department recommends that a consultant peer reviewer be engaged

to review the transportation impact of the project fully and appropriately. This should include an independent analysis of the traffic impacts, parking, site access and circulation, loading, and transportation demand management aspects of the proposal to assist the ZBA in its review of the proposed project.

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

The site consists of a variety of industrial uses and automotive uses and will require careful planning and removal of any hazardous materials that are likely to be present. A portion of the Site is subject to an existing Activity and Use Limitation (AUL) that prohibits residential use, pursuant to the Massachusetts Contingency Plan (MCP). Prior to the acquisition and development of the Site, all hazardous, flammable and/or explosive materials are proposed to be removed from the Site by the current occupants and owners and according to state environmental regulations. The proposed development does present an opportunity to address historic issues with prior hazardous materials that exist on the site currently. The Planning Department requests that the Applicant provide further details regarding the cleanup of hazardous materials during project construction and potential impacts on the health of residents.

B. Site and Building Design

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

The project proposes four residential buildings containing 307 rental units with a mix of studio, one, two, and three-bedroom units. The four residential buildings are located from east to west on the site starting at Crafts Street to an area just north of Court Street and east of Wilton Road. The buildings range in height and size from a four-story to a six-story building (with ground level parking occupying the first story). There is also a two-level parking structure proposed at the western portion of the site to the east of Wilton Road. The two tallest buildings, including a five-story building and a six-story building, are located along the northern portion of the site fronting Crafts Street and the DPW building and yard. All existing improvements (including buildings) will be razed prior to construction of the site. The design of the site is constrained by several easements including City of Newton drainage easements, which bisect the property and limit where buildings may be located.

Zoning Relief:

As detailed in the attached Zoning Review, the Project would exceed several applicable zoning controls and regulations in the MR1 (Multi-Residence) and MAN (Manufacturing) zoning districts. The Applicant provided a list of waivers requested (Attachment A). The Applicant requested a waiver of the Zoning Review requirement and filed the Comprehensive Permit request before the Zoning Review Memorandum (Attachment B) was completed. As such, the waivers provided by the Applicant may need to be updated to reflect the Zoning Review memorandum's description of the relief needed.

The project requires relief for the multifamily use, and relief from dimensional standards of either the MR1 or MAN zoning districts where the project is located. Approximately three-quarters of the proposed lot is zoned MAN and the remainder is zoned MR1. However, the MR1 district where Buildings C and D are located, do not have dimensional requirements for multifamily developments for several categories such as frontage, lot area per unit, maximum lot coverage and minimum open space and it is up to the ZBA to determine appropriate standards. The ZBA must also determine appropriate heights for Buildings C and D located in the MR1 district.

Several waivers would be required for front, side, and rear setbacks where the buildings are located closer to the property lines than allowed by zoning. In the case of Building A, for example, the front setback proposed is 8.9 feet where 32.1 feet are typically required in the MAN district. Buildings A and B require zoning relief for height at five and six stories respectively, where only two stories are allowed in the MAN District. The maximum FAR allowed in the MAN district is 1.5. The petitioner proposes an FAR of 2.07, requiring a waiver to exceed the maximum FAR in the MAN district. Additionally, a special permit is required for developments over 20,000 square feet in the MAN district where the proposed development is over 400,000 square feet also requiring a waiver.

Design:

In general, Planning supports the design choice to include buildings of varying heights and styles, which helps to minimize the overall visual mass of the project. Planning has concerns about the setbacks to the residential neighborhood toward Court Street and recommends scaling back the development toward this area and planning for a smoother transition between the density of the proposed development and the residential neighborhood in the vicinity of Court Street. The Applicant should submit renderings and additional information on how the proposed development will appear from Crafts Street, Court Street, and Wilton Road. In addition, the building on

Crafts Street may need to be set back further from Crafts Street (proposed at 8.9 feet) to create a more attractive environment for pedestrians and abutters.

The Planning Department encourages the Applicant to submit to the City's Urban Design Commission for design review, and they are strongly urged to work closely with the Commission prior to filing the Comprehensive Permit application. The Applicant has stated they are investigating Passive House feasibility and Planning looks forward to further information on achieving this goal as well as other sustainability commitments.

Planning staff seek authorization for an architectural peer review of the overall site design and building massing given the size of the project and site constraints.

2. Physical characteristics of the surrounding land

The closest structures are a mix of residential, commercial and public uses. The property to the north is a DPW building and yard, predominantly single-family to the south and east on Court Street, ranging in size roughly from two to three stories and two-family residential across the street on Crafts Street. Crafts Street is a two-lane road with travel lanes in each direction. On-street parking is not readily accessible in this area. There are sidewalks located on each side of Crafts Street near the site while no sidewalks are located on the private way, Maguire Court.

The property has few trees and vegetation comprises a majority of paved area with older industrial and automotive uses and storage areas. A small number of trees and vegetation is located along southern portion of the site screening the residential areas to the south on Court Street.

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

The Planning Department recommends that a peer review consultant is engaged to respond to the Applicant's traffic study when it is provided and potential impacts and mitigations. Planning notes concerns with safe access to and from Crafts Street and traffic/capacity at nearby intersections as well as pedestrian and bicycle connectivity. The Project proposes to add 263 parking stalls, the majority of which will be located in a ground level garages and a separate two-level parking structure, for the 307 apartments. More information is necessary to fully analyze traffic impacts, parking needs, infrastructure improvements, loading, and circulation within the site.

There will need to be careful consideration of the planning around the shared

driveway with Court Street to ensure that the needs for emergency access are balanced with the potential impact on the residential abutters. Further details will be required on the roadway layout including Maguire Court. Planning supports minimizing parking and impervious surfaces to the extent feasible and incentivizing alternative modes of transportation. The Department is concerned with the siting of ground level parking on the majority of proposed residential structures as it gives a more commercial instead of residential character. The Applicant should submit a traffic impact analysis study, parking analysis, and transportation demand management plan to supplement their Comprehensive Permit application.

The project requires waivers related to the amount of parking proposed, setbacks, and stall dimensions and maneuvering. The petitioner proposed to construct 263 parking stalls. Per Section 5.5.4, two parking stalls are required per residential unit, which may be reduced to 1.25 per unit by special permit. Using the 1.25 ratio, the project would still require a waiver of 121 parking stalls. The petitioner also requests a waiver to locate parking stalls within the required front and side yard setbacks and a parking stall depth of 18 feet where 19 feet are required.

The petitioner seeks to waive the requirement for parking facilities containing more than five stalls must provide the Commissioner of Inspectional Services with an off-street parking and loading plan. The Project also requires a waiver to allow for assigned parking as several surface stalls will be assigned and marked for visitor parking.

The Project will require a waiver from the applicable portions of the Sustainable Development Design Guidelines. The Applicant should clarify which stalls specifically will be outfitted with EV chargers. Bicycle parking would be available in Buildings A, B, and C for a total of 71 bike parking stalls. The Applicant should clarify whether short-term bicycle parking would be available for visitors to the site. Pedestrian and bicycle access within the site is limited. Planning requests additional details on the pedestrian and bicycle walkways/crosswalks within the site. The Planning Department would like to better understand how the Applicant plans to improve upon the walking and biking conditions, including the potential for bicycle and pedestrian improvements in the area.

The site is located within walking distance of a grocery store (5-minute walk or under 0.2 miles) and many services, restaurants, services, and stores nearby on Washington Street (retail, banking, restaurants, veterinarian, and dental services). Multiple MBTA bus lines run along Washington Street (MBTA Bus 553, 554, and 556) with a stop at 641 Washington Street (within 0.2 miles). The Applicant should

discuss how these conditions could be improved and the options for first and last mile transit connections.

The Applicant states that the development will be designed using Passive House standards for energy use and thermal envelope and the buildings would be all-electric. Planning would like to better understand the planned sustainability and requires additional information on sustainable aspects of the project, including the ability to achieve Passive House certification. Planning staff recommend that a consultant peer reviewer be engaged to assist the ZBA in its review of the proposed project.

4. Adequacy of open areas

The Applicant has submitted a Landscape Plan prepared by Weston & Sampson Engineers showing the open areas and landscaping provided on site. Open space on the site will include two courtyards on the southern side of Buildings A and B, narrow landscaped areas adjacent to buildings, a small linear dog park adjacent to the property line abutting the DPW, and a linear open space/path connecting to Court Street.

While there are no specific applicable open space requirements in the MR-1 District or MAN district, the open space proposed for the entire site is 36.2 percent. The requirements for open space are determined at the discretion of the ZBA.

The Planning Department notes that the proposed project as designed lacks usable open space for a residential project of this size. While there is open space in the form of a courtyard, hardscape, and buffer areas, these have limited function for passive and active recreation. The proposed dog park is not large enough to be functional and could be better located sited away from the active DPW yard. Planning recommends that the Applicant explore ways to include additional active and passive outdoor areas for residents, ideally incorporating areas for children to play. There are no adjacent parks or public recreational areas within close walking distance. Pelligrini Park is one of the closer parks and is approximately 0.6 miles from the site. While there is proposed to be more open space than currently existing on the primarily industrial site, because of the change of use from industrial to residential, Planning recommends that additional open space is incorporated into the site plan.

C. Economic Need for Housing Units

1. General feasibility of the project

The Massachusetts Housing Finance Agency (MassHousing) provided a preliminary determination of project eligibility dated December 8, 2023 that qualifies this proposal for comprehensive permit consideration. **(Attachment C)** The preliminary determination is based, in part, on their analysis that the project is eligible under the NEF housing subsidy program, the proposed site is generally appropriate for the project, it is financially feasible, and the housing design is appropriate for the site.

2. 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 does not appear to impose any such limits on the proposed project.

3. 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 does not appear to impose any such requirements regarding rents and unit sizes limits on the project. The Project's affordability component responds to the City's interest in adding to the permanent supply of deeply affordable housing stock as articulated earlier in this document, with 62 units being affordable to individuals and families at or below 50% AMI. Newton's Planning and Development Department appreciates the unique opportunity this project provides to set aside deeply affordable units to the City's affordable housing inventory.

D. Landscaping, Lighting, and Fencing

The Applicant has submitted a Landscape Plan prepared by Weston & Sampson Engineers, Inc. which has been reviewed by the City's Director of Urban Forestry, Marc Welch.

The design proposes a variety of new plantings bordering the site including canopy and evergreen trees. There are six Lacebark Elms and six Moonglow Junipers proposed along the front of Crafts Street. Several trees and other vegetation along internal walkways and plazas. Along the northern side of the property abutting the DPW yard, there are extensive plantings of arborvitae screening the DPW yard. Along the southern side of the property, there will be arborvitae screening the area adjacent to the Court Street neighborhood. Other trees internal to the site include a mix of Norway spruce, red

maple, English oak, dogwood, and honeylocust. Mr. Welch recommends a native version of the Elm and notes the spacing of many of the trees is closer than would normally be recommended but it appears to the goal is rapid screening. If authorized, Planning can also include landscaping review in a scope of work for an on-call consultant.

The Applicant has requested a waiver to the lighting requirements in Section 5.1.10.A. The Planning Department requests that the Applicant provide a detailed site lighting plan to determine whether this relief is required, and to ensure that lighting does not negatively impact neighboring properties. The Planning Department notes that there needs to be additional detail provided on lighting for the proposed open two-level parking deck that is abutting a residential area to ensure there is not light spill over to this area. The Applicant has also requested waivers for signage, and fences and retaining walls.

A series of six-foot tall fences are proposed along the property lines including a six-foot-tall wood fence to the south of the development and a six-foot tall black chain link fence to the north of the property adjacent to the DPW property.

The Planning Department notes that the Applicant is also seeking a waiver from the City's Sustainable Development Design Standards and requests further information on what standards may be reduced under this Project.

V. ADDITIONAL INFORMATION AND MATERIALS

The Planning Department notes that, based on its initial review of the Applicant's submissions, additional material and documentation should be submitted by the Applicant. This additional material includes:

- traffic impact analysis
- sustainability narrative
- a shadow study for the project
- a photometric study/plan of the project
- a three-dimensional (3D) physical model of the project
- lighting plan
- noise study
- updated waiver list

The Planning Department recommends three peer reviews of the associated Project plans/

studies including:

- Transportation peer review to provide feedback on the Project's Traffic Impact Assessment and transportation-related issues
- Design peer review to provide feedback on the Project's design, layout, and landscape plans
- Stormwater/Engineering peer review to provide feedback on Project's stormwater/engineering and sewer infrastructure

ATTACHMENTS

- Attachment A:** List of Exceptions/Waiver Requests
Attachment B: Zoning Review Memorandum
Attachment C: MassHousing Project Eligibility Letter

Attachment A

78 Crafts Street Comprehensive Permit Application for Comprehensive Permit

Waiver Analysis

Newton Zoning Ordinance (“NZO”) – Zone MR1/M		
Section	Requirement (in the MR1 ¹ and/or M Districts)	Relief Request
§30.3.4.1, §30.4.41, §30.6.2.4	Multifamily residential use is prohibited in both the MR1 and the M districts.	Proponent seeks a waiver to allow Project uses including multifamily residential apartment use (including on the ground floor), together with accessory uses including leasing office, resident amenity areas and similar accessory residential uses.
§30.3.4.1, §30.4.41	Parking facility, accessory, multi-level is prohibited in the MR1 and requires a special permit in the M district. Parking facility, accessory, single level is prohibited in the MR1 and permitted in the M district.	Proponent seeks a waiver to allow a multi-level accessory parking structure, and multiple single-level accessory parking areas under the residential buildings.
§30.3.4.3, §30.6.7 – Accessory Building Requirements	General requirements for accessory buildings.	Proponent seeks a waiver to the extent required to permit construction of the accessory parking garage.
§30.3.4.4 – Garage Design Standards	Design standards related to construction of an attached or detached garages in residence districts.	Proponent seeks general waiver to permit construction of parking garage accessory to the Project within the MR1 district.

¹ Pursuant to §3.2.2 of the NZO, density and dimensional standards in the MR districts are regulated differently for different uses that are permitted as of right. Where a use is only permitted by special permit in any MR districts and thus there are no density or dimensional control for such use specified in §3.2, §3.2.2.3 provides for the application of “the most restrictive density or dimensional control applicable to such use in any district where the use is allowed as of right.” As indicated below, the Proponent has sought a waiver from §3.2.2.3 to allow the application of the most restrictive density or dimensional control applicable to multifamily dwelling use where such use is allowed as of right. However, to the extent that such waivers is disallowed or the application of the most restrictive density or dimensional control applicable to multifamily dwelling use is otherwise deemed inappropriate, the Proponent hereby requests such additional waivers as may be required to permit the construction of the Project as shown on the Plans submitted herewith.

§30.3.2.2.3 – Applicable zoning within MR1	Where a density or dimensional control is not set forth in this Sec. 3.2 for a use granted in the MR1 District by special permit, the most restrictive density or dimensional control applicable to such use in any district where the use is allowed as of right shall be applicable, unless otherwise required in the special permit by the City Council.		Although multifamily use within the MR1 is permitted in the case of the Project by a comprehensive permit in lieu of a special permit, the Proponent seeks a waiver from this requirement to apply to the Project the most restrictive density or dimensional control applicable to multifamily housing use in any district where the use is allowed as of right. See note 1 above.
§30.4.1.2, §30.4.1.3, §30.4.2.3– Density and Dimensional Controls	Applicable to MR1 District²	Applicable to M District	
<i>Min. Lot Area</i>	<i>10,000 SF (see BU1)</i>	<i>10,000 SF</i>	<i>Project Complies (207,228 square feet).³</i>
<i>Min. Lot Area per Unit</i>	<i>1,200 SF (see BU1)</i>	<i>N/A</i>	<i>Proponent seeks a waiver to permit a lot area per unit of 675 SF</i>
<i>Max Lot Coverage</i>	<i>N/A</i>	<i>N/A</i>	<i>No applicable constraint, Project will have a lot coverage of approximately 46%.</i>
<i>Min. Frontage</i>	<i>N/A</i>	<i>N/A</i>	<i>No applicable constraint, Project will have 163.4 feet of frontage on Crafts street.</i>
<i>Beneficial Open Space</i>	<i>5% (see MU4)</i>	<i>N/A</i>	<i>Project Complies (36.2% of Project Site will be Beneficial Open Space)</i>
<i>Min. Front Setback</i>	<i>Total height of building (see MU2)</i>	<i>Greater of ½ bldg ht, 15 feet, or Average (see fn. 4).</i>	<i>Proponent seeks a waiver to permit a front setback off of Crafts Street of</i>

² In accordance with §6.2.4(B)(1), multifamily residential use is permitted as of right in the upper stories of buildings within the Business 1 (BU1), Business 2 (BU2), Business 3 (BU3), Business 4 (BU4), Mixed Use 2 (MU2) and Mixed Use 4 (MU4) Districts. In accordance with §3.2.2.3 (as modified by the waiver set forth above to apply to a multifamily use permitted in the MR1 district pursuant to a comprehensive permit), the most restrictive density or dimensional control applicable to multifamily housing use in any such district is provided below as being applicable to the Project. For the Board’s reference the applicable district where the provided density or dimensional control applies is provided in parenthesis for each constraint.

³ Where the Project complies with the NZO, no waiver is required. However, the Project’s compliance with certain density and dimensional constraints is provided for informational purposes. Such information is italicized to differentiate from the waivers required for the Project.

			approximately 8.9 feet, as shown on the Plans. ⁴
Min. Side ⁵ Setback	Lesser of ½ bldg ht or Average ⁶ ; provided that when abutting a residential district, it is greater of ½ bldg ht or 15 feet (see BU1)	½ bldg ht; provided that when abutting a residential district, it is greater of ½ bldg ht or 20 feet.	Proponent seeks a waiver to permit the following side setbacks, as shown on the Plans: <ul style="list-style-type: none"> • Approximately 10 feet at Buildings A and B; • Approximately 5 feet for Building E; and • Approximately 19.7 feet for Buildings C and D (which both abut a residential district).
Min. Rear Setback	Greater of ½ bldg ht of 15 feet (see BU1)	½ bldg ht; provided that when abutting a residential district, it is greater of ½ bldg ht or 20 feet.	Proponent seeks a waiver to permit the following rear setbacks, as shown on the Plans: <ul style="list-style-type: none"> • Approximately 5.2 feet for Building E (at the point at which it abuts a non-residential district); • Approximately 11.1 feet for Building E (at the point at which it abuts a residential district); and • Approximately 20.4 feet for Buildings C and D (which abut a residential district).

⁴ The Project Site fronts on both Craft Street and Court Street. The primary entrance to the Project will be off of Crafts Street, and Court Street will only be used for pedestrian and emergency access and egress. As such, Crafts Street is treated as the front yard for purposes of this waiver list. To the extent Court Street should also be treated as a front yard, the Proponent seeks all additional waivers as may be necessary to construct the Project as shown on the Plans.

⁵ The Project Site is irregularly shaped and it is thus difficult to determine which lot lines should be deemed side lot lines and which lot lines should be deemed rear lot lines. Attached to this waiver analysis is a site diagram identifying how each lot line has been categorized. To the extent the Board determines that a different categorization of any lot line should apply, the Proponent seeks such waivers as are necessary to permit construction of the Project as shown on the Plans.

⁶ As defined in §30.1.5.3, “Average” setback means the “average of the setbacks of the buildings on the nearest lot on either side, a vacant lot of a lot occupied by a building set back more than the required distance for its district to be counted as though occupied by a building set back such required distance.”

<i>Min. Front Parking Setback</i>	<i>15 feet (see MU2)</i>	<i>N/A</i>	<i>Project Complies.</i>
<i>Min. Side/Rear Parking Setback</i>	<i>5 feet (see MU2)</i>	<i>5 feet</i>	<i>Project Complies.</i>
Building Height (feet)	24 feet by right and 36 feet by special permit (see BU1)	24 feet by right and 36 feet by special permit	Proponent seeks a waiver to permit the following approximate building heights, as shown on the Plans: <ul style="list-style-type: none"> • Building A: 64’-2”; • Building B: 74’-8”; • Building C: 53’-6”; • Building D: 52’-2”; • Building E: 19’-6”.
Building Height (stories)	2 stories by right and 3 stories by special permit (see BU1)	N/A	Proponent seeks a waiver to permit the buildings to with the following number of stories, as shown on the Plans: <ul style="list-style-type: none"> • Building A: 5 stories; • Building B: 6 stories; • Building C: 4 stories; and • Building D: 4 stories.
Floor Area Ratio	1.5 (see BU1)	1.0 for buildings up to 2 stories; 1.5 for buildings 3 stories	Proponent seeks a waiver to permit an FAR of approximately 2.07, as shown on the Plans
§30.1.5.5.B – Calculation of Gross Floor Area	Gross floor Area is calculated differently in “Residential Districts” and “All Other Districts”.		Although the MR1 district is a Residential District and the M district is not, it would be difficult to calculate Gross Floor Area differently in each district. For consistency, all Gross Floor Area calculations for purposes of the application have been calculated using the residential methodology in §30.1.5.5.B.1. The Proponent seeks a waiver to the extent necessary to allow for this

		calculation method to apply in the M district.
<i>§30.4.3.2.B, §30.7.4 – Special Permit Requirement</i>	<i>A special permit is required for any development in the M district in excess of 20,000 square feet or more of new Gross Floor Area, or that exceeds 2 stories. To the extent applicable to the Project, such a Special Permit is also required in the BU districts.</i>	<i>Proponent seeks a comprehensive permit in lieu of such a special permit.⁷</i>
§30.4.3.3, §30.5.1.8(A) – Parking Setbacks	No parking stall shall be located within any required setback distances from a street and side lot lines and shall in any case be set back a minimum of five feet from the street, and five feet from any building or structure containing dwelling units.	Proponent seeks a waiver to permit parking layout within required yard setbacks as shown on plans.
§30.5.1.4 – Min. Parking Stalls	614 stalls (2 per unit) or 384 (1.25 per unit) by special permit	Proponent seeks a waiver to permit 263 stalls as shown on Plans.
<i>§30.5.1.5 – Parking facility permits</i>	<i>Parking facilities containing 5 or more stalls require a parking facility permit</i>	<i>The Proponent seeks a Comprehensive Permit in lieu of a parking facility permit.</i>
§30.5.1.8.B.2 – Stall depth	Stall depths must be 19 feet for all angled parking and 21 feet for parallel parking.	Proponent seeks a waiver to permit angled parking stall depths of 17 and 18 feet within parking structures, as shown on Plans. All surface parking will comply.
§30.5.1.8.B.4 – Handicapped stall depth	Handicapped stall depths must be 19 feet for all angled parking and 24 feet for parallel parking.	Proponent seeks a waiver to permit angled handicapped parking stall depths of 18 feet within parking structures, as shown on Plans. All surface parking will comply.
§30.5.1.8.B.6 – End stall maneuvering space	End stalls restricted on one or both sides by curbs, walls, fences or other obstructions must have a maneuvering space at the aisle end of at least 5 feet in depth and 9 feet in width.	Proponent seeks a waiver to permit parking layout, as shown on Plans.

⁷ Pursuant to M.G.L. c. 40B, a Comprehensive Permit from the ZBA may be granted in lieu of all other local permits and approvals. As such, where local rules and regulations require the issuance of a permit or approval for a Project, no waiver from such requirement is needed. However, certain approvals being sought through a Comprehensive Permit are provided for informational purposes. Such information is italicized to differentiate from the waivers required for the Project.

§30.5.1.8.10.A – Parking lighting standards	Lighting requirements for surface parking facilities.	Proponent seeks a general waiver to permit Project lighting, as shown on Plans.
§30.5.2 – Signage	Requirements applicable to signage	Proponent seeks a general waiver to permit Project signage, as shown on Plans.
§30.5.3 – Stormwater Management	Requirements applicable to Stormwater Management	Proponent seeks a general waiver, as the Project will comply with DEP stormwater requirements.
§30.5.4 – Fences and Retaining Walls	Requirements applicable to Fences and Retaining Walls	Proponent seeks a general waiver to permit fences/retaining walls as shown on Plans.
§30.5.11 – Inclusionary Zoning	Requirements applicable to inclusionary zoning	The Project will be developed pursuant to M.G.L. c. 40B and will comply with the affordability requirements thereunder. Proponent seeks a general waiver from compliance with local inclusionary zoning bylaw.
§30.5.13 – Sustainable Development Design Standards	Sustainable Development Design Standards	Proponent seeks a general waiver of the sustainable development design standards.
§30.7.3, §30.4.1.2B,– Special Permit/Site Plan Approval Procedures	Procedures related to the issuance of a Special Permit/Site Plan approval, where applicable.	In accordance with M.G.L. c. 40B, the Project will be obtaining a Comprehensive Permit in lieu of such approvals. However, to the extent any of the procedures under §30.7.3 or §30.7.4 are deemed applicable to the pending application, the Proponent seeks a waiver therefrom.

Newton Regulations and General Ordinances		
Section	Requirement	Relief Request
City’s Stormwater	Stormwater management ordinance.	Proponent seeks a general waiver, as the Project will comply with DEP stormwater requirements.

Management and Erosion Control Rules & Regulations		
30	Fence and retaining wall permits and standards	Proponent seeks a general waiver to the extent required to permit fences/retaining walls as shown on Plans.
§12-1	Change of certificate of habitability	Proponent seeks a general waiver from the requirement that apartment rooms be certified by the department of health and human services. The Proponent will use industry standard turnover and cleaning practices between tenancies.
§20-23 through §20-49	Outdoor Lighting Ordinance	Proponent seeks a general waiver to the extent required to permit proposed Project lighting.
§21-72, §§21-80 through 21-90	Public Tree Ordinance	To the extent that any permit would otherwise be required under §21-72 or §§21-80 through 21-90 the Proponent requests a comprehensive permit in lieu of such permit, fee payment, or contribution.
§22-50	Demolition Delay Ordinance	To the extent any elements of the property are deemed to fall within the jurisdiction of the Newton Historical Commission under §22-50 and such elements will be demolished, the Proponent seeks a Comprehensive Permit in lieu of demolition review or a determination that such structures are preferably preserved.
Ch. 23, 26 and 29	Utility Connection Permits	Comprehensive permit will be granted in lieu of approvals required to (i) open streets, (ii) make utility connections for water, sewer, stormwater, gas, electric, cable, or other utilities or (iii) establish curb cuts or cross sidewalks from time to time. Comprehensive Permit will also be granted in lieu of an permits required from the City Council related to the extension of water or sewer facilities associated with the Project.
Newton ZBA Rules and	Zoning Review Memorandum	Applicants for comprehensive permits are required to request and receive a Zoning Review Memorandum

<p>Regulations §VI.2.B</p>		<p>generated by the Chief Zoning Code Official (which must be issued by the Chief Zoning Code Official within 45 days of request thereof). On November 30, 2023, the applicant applied for a Zoning Review Memorandum from the Chief Zoning Code Official. Although the 45 day period within which the Chief Zoning Code Official must issue such a memorandum has not run at the time of this filing, the applicant’s application for a comprehensive permit is otherwise complete and so the applicant seeks a waiver of this requirement to avoid undue delay. The Zoning Review Memorandum will be issued and promptly forwarded to the Board.⁸</p>
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⁸ Further, the applicant notes that local rules and regulations adopted by Zoning Boards of Appeal with respect to comprehensive permits are permitted pursuant to 760 C.M.R. 56.05(1) to the extent such rules are “not inconsistent with M.G.L. c. 40B, §§ 20 through 23”, which is intended to “provide a streamlined permitting process that overcomes regulatory barriers to the development of Low or Moderate Income Housing.” Consistent with this requirement, the Newton ZBA Rules and Regulations state, at §VI.1, “These 40B Rules must be read in conjunction with and implemented in a manner consistent with Chapter 40B. In the event of any inconsistency between these 40B Rules and Chapter 40B [or its implementing regulations and guidelines] ...[Chapter 40B] shall control.” With respect to the requirement in VI.2.B of the ZBA Rules that a proponent obtain a Zoning Review Memorandum prior to filing an application for a Comprehensive Permit, by adding additional submittals and waiting periods to the front end of the Comprehensive Permit process, such requirement is inconsistent with the intent of Chapter 40B of provide a “streamlined permitting process that overcomes regulatory barriers to the development of Low or Moderate Income Housing”. For example, Section 56.05(3) of the Regulations specifically states that “in order to further the purpose of M.G.L. c. 40B, §§ 20 through 23 to provide a streamlined permitting process that overcomes regulatory barriers to the development of Low or Moderate Income Housing, a hearing shall not extend beyond 180 days from the date of opening the hearing.” Similarly, it would be inconsistent with the intent of Chapter 40B to delay the filing of a Comprehensive Permit application and opening of a hearing in order for a municipality to conduct its pre-filing review.

Attachment B



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: December 21, 2023

To: Anthony Ciccariello, Commissioner of Inspectional Services

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

Cc: Lynne Sweet, LDS Consulting Group
Andrew Copelotti, 78 Crafts Street Newton LLC
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: **Request for a Comprehensive Permit to construct 307 dwelling units in four buildings with 263 parking stalls in multiple garages**

Petitioner: 78 Crafts Street LLC	
Site: 70, 78-84 Crafts Street; 9, 13-15, 17-19, 24, 31, 31R Maguire Court; 63, 67R Maguire Court	SBL: 23015 0025, 23015 0026, 23015 0024, 23015 0023, 23015 0022, 23016 0001, 23015 0021, 23015 0020, 23016 0030, 23016 0025, 23016 0029
Zoning: MR1, MAN	Lot Area: 4.76 acres
Current use: Office, warehouse, parking lot, residential	Proposed use: 307 dwelling units and associated parking in five buildings

BACKGROUND:

The subject site is comprised of eleven parcels which are to be combined, resulting in a single 4.76 acre lot with access from Crafts Street, Maguire Court and Court Street. The parcels are located within the Multi-Residence 1 and Manufacturing zoning districts. The site is improved with multiple buildings housing commercial uses, residential uses and surface parking lots. The petitioners propose to raze the existing structures and construct five buildings (referred to as Buildings A-E throughout this memo); four multi-family dwellings with at-grade garages and a separate two-level parking facility, with a total of 307 dwelling units and 263 parking stalls. A Comprehensive Permit under MGL Chapter 40B is requested to construct the proposed project.

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

- Zoning Review Application, prepared by Lynne Sweet, LDS Consulting, dated 11/30/2023
- Chapter 40B Waiver Analysis, submitted 11/30/2023
- Development Description, submitted 11/30/2023
- ALTA/NSPS Land Title Survey, signed and stamped by Kevin D. Arsenault, surveyor, dated 6/26/2023, stamped 11/28/2023
- Erosion and Sediment Control Plan, signed and stamped by Jesse M. Johnson, engineer, dated 10/13/2023, revised 11/30/2023
- Demolition Plan, signed and stamped by Jesse M. Johnson, engineer, dated 10/13/2023, revised 11/30/2023
- Site Plan, signed and stamped by Jesse M. Johnson, engineer, dated 10/13/2023, revised 11/30/2023
- Fire Emergency Response Plan, signed and stamped by Jesse M. Johnson, engineer, dated 10/13/2023, revised 11/30/2023
- Grading and Drainage Plan, signed and stamped by Jesse M. Johnson, engineer, dated 10/13/2023, revised 11/30/2023
- Utility Plan, signed and stamped by Jesse M. Johnson, engineer, dated 10/13/2023, revised 11/30/2023
- Lighting Plan, signed and stamped by Jesse M. Johnson, engineer, dated 10/13/2023, revised 11/30/2023
- Exhibit for ZRA, prepared by Weston & Sampson, dated 10/13/2023
- Floor plans and elevations, prepared by The Architectural Team, dated 11/30/2023
- Design Intent Drawings: Monument Sign, prepared by Gregory Lombardi Design, Landscape Architecture, dated 12/12/2023

ADMINISTRATIVE DETERMINATIONS:

1. While the petitioner intends to consolidate the eleven lots into one, the underlying zoning will remain, resulting in a split lot. Approximately three-quarters of the proposed lot is zoned Manufacturing, and the balance of the lot is zoned Multi-Residence 1. This memo provides the relief required for components of the project found in each zoning district in accordance with the standards set forth for those districts in the Zoning Ordinance. Not all aspects of the project will require separate relief based on the zoning district, and some will require different relief dependent upon the district.
2. The petitioner proposes to raze all of the existing structures, combine the eleven lots into one, and construct five buildings; four multi-family dwellings with a total of 307 dwelling units and garage parking; the fifth building will consist of a two-level parking garage. In total, the site will consist of 263 parking stalls amongst the five buildings. A waiver in the Comprehensive Permit in lieu of a variance is required per section 3.4.1 to allow for multi-family dwellings in the MR1 zoning district.

A waiver in the Comprehensive Permit in lieu of a variance is required to allow multi-family dwellings and in lieu of a special permit to allow a multi-level parking facility in the Manufacturing district per section 4.4.1.

3. As stated above, multi-family dwellings are prohibited in the MR1 zoning district. Per section 3.2.2.A.3, where a density or dimensional control is not set forth for a use in a residential district, the most restrictive density or dimensional control applicable to such use in any district where the use is allowed by right shall be applied. The two uses are not allowed in any district by right. As such, the applicable

density and dimensional controls for the structures within the MR1 district are at the discretion of the Board.

Per section 4.3.3, the density and dimensional controls for the Manufacturing district apply to all buildings within the MAN zone regardless of their uses.

4. The total lot area of the combined parcel is 4.76 acres. Should the Board determine that the total lot size is not appropriate for the MR1 district, a waiver in the Comprehensive Permit in lieu of a variance is required per section 3.2.

Section 4.3.3 requires a minimum 10,000 square foot lot for all building types in the Manufacturing district. No relief is required.

5. The petitioner proposes to construct 307 dwelling units on the 207,228 square foot lot, resulting in a lot area per unit of 675 square feet. The Board will determine whether the proposed lot area per unit is appropriate for the MR1 district or if a waiver in the Comprehensive Permit in lieu of a variance for relief from the lot area per unit requirement of section 3.2 is required.

There is no lot area per unit requirement in section 4.3.3 for the Manufacturing district.

6. The proposed construction results in a lot coverage of approximately 46%. The Board should determine if the proposed lot coverage is appropriate for the MR1 district or if a waiver in the Comprehensive Permit in lieu of a variance from section 3.2 is required.

There is no maximum lot coverage requirement in section 4.3.3 for the Manufacturing district.

7. The property has 163.4 feet of frontage on Crafts Street, as well as frontage on Maguire Court and a small amount of frontage on Court Street. The Board should determine if the proposed frontage is appropriate for the MR1 district or if a waiver in the Comprehensive Permit in lieu of variance from section 3.2 is required.

There is no frontage requirement in the Manufacturing district.

8. The application states that the proposed construction results in a usable open space of 36.2%. The Board will determine whether the proposed open space is appropriate for the MR1 district or if a waiver in the Comprehensive Permit in lieu of a variance from section 3.2 is required.

There is no minimum open space requirement in section 4.3.3 for the Manufacturing district.

9. The lot has frontage on Crafts Street and Maguire Court in the Manufacturing district, and Court Street in the MR1 district. The front setback requirement in the Manufacturing district is the greater of 15 feet or one-half the building height, or the average of the adjacent buildings on either side per section 4.3.3. Building A is proposed along the Crafts Street frontage with a front setback of 8.9 feet, where half the building height, or 32.1 feet is required. This same building also fronts Maguire Court with a proposed front setback of 22.2 feet where 32.1 feet is required. A waiver in the Comprehensive Permit in lieu of a variance is required to allow the proposed reduced front setbacks for Building A.

10. Two multi-family dwellings (Buildings C and D) are proposed within the MR1 portion of the lot. Due to the configuration of the lot, there are only side setbacks applicable to the proposed buildings. Building C is proposed with side setbacks of 19.7 and 20 feet; Building D is proposed with side setbacks of 20.4 feet on both sides. The Board will determine the appropriateness of the proposed setbacks. Should the Board determine that the proposed side setbacks are not appropriate for the district, a waiver in the Comprehensive Permit in lieu of a variance is required per section 3.2.

Section 4.3.3 requires a side setback equal to half the building height or 20 feet, whichever is greater, on a lot abutting a residential or Public Use district in the Manufacturing district. The Manufacturing zoned portions of the lot abut the Public Use district to the north and the MR1 district to the west and south. The petitioners propose three buildings within the Manufacturing zoned portion of the parcel with heights of 64.2 feet (Building A), 74.7 feet (Building B) and 19.5 feet (Building E). The side setback requirement for Building B is 37.4 feet, where 10 and 28.1 feet are provided; and the requirement for Building E is 20 feet where 5, 5.2 and 11.1 feet are provided. A waiver in the Comprehensive Permit in lieu of a variance from the side setback requirement of section 4.3.3 for Buildings B and E is required.

11. Buildings A and B are proposed abutting the rear setback. Per section 4.3.3, the rear setback requirement is the greater of half the building height or 20 feet. Building A is proposed with a rear setback of 10 feet where 32.1 feet (half the building height) is required. Building B is proposed with a rear setback of 10 feet where 37.4 feet (half the building height) is required. A waiver in the Comprehensive Permit in lieu of a variance from the rear setback requirement of section 4.3.3 for Buildings A and B is required.
12. The maximum height allowed in the Manufacturing district is 24 feet by right and 36 feet by special permit per section 4.3.3. Building A has a proposed height of 64.2 feet; Building B with 74.7 feet; and Building E has a proposed height of 19.5 feet. A waiver in the Comprehensive Permit in lieu of a variance is required to allow the heights of Buildings A and B.

Buildings C and D are located within the MR1 portion of the parcel. Building C is proposed with a height of 53.5 feet and Building D with a height of 52.2 feet. The Board will determine the appropriateness of the proposed heights for Buildings C and D. Should the Board determine that the proposed heights are not appropriate for the district, a waiver in the Comprehensive Permit in lieu of a variance is required per section 3.2.

13. Section 4.3.2.B.1 requires a special permit for any development in the Manufacturing district of 20,000 square feet or more of new gross floor area. The petitioner proposes over 400,000 square feet of construction, requiring a waiver in the Comprehensive Permit in lieu of a special permit.
14. Per section 4.3.2.B.3 buildings located in the Manufacturing district are allowed two stories by right and up to three by special permit. Building A is proposed with five stories; Building B with six and Building E with two. A waiver in the Comprehensive Permit in lieu of a variance is required per section 4.3.2.B.3 to allow up to six stories in the Manufacturing district.

Buildings C and D are proposed with four stories. The Board should determine the appropriateness of four-story buildings in this location. Should the Board determine that the proposed four-story buildings

are not appropriate for the district, a waiver in the Comprehensive Permit in lieu of a variance is required per section 3.2.

15. The maximum FAR allowed per section 4.3.3 is 1.5 in the Manufacturing district. The petitioner proposes an FAR of 2.07, requiring a waiver in the Comprehensive Permit in lieu of a variance to exceed the maximum FAR in the Manufacturing district.

Should the Board determine that the proposed FAR exceeds that which is appropriate for the MR1 district, a waiver in the Comprehensive Permit in lieu of a special permit per section 3.2 is required.

16. 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.
17. Section 5.1.3.E requires a special permit to allow for assigned parking stalls. The surface stalls will be signed and designated for visitor parking. A waiver in the Comprehensive Permit is required in lieu of a special permit per section 5.1.13.
18. The petitioner proposes to construct 263 parking stalls distributed between three of the four residential buildings, a multi-level garage and 24 as surface stalls. Per section 5.1.4, two parking stalls are required per each residential unit, however by special permit that may be reduced to 1.25 parking stalls per unit, resulting in a requirement of 384 stalls. After the 1.25 reduction, the petitioner requires a waiver of 121 parking stalls in the Comprehensive Permit in lieu of a special permit per section 5.1.13.
19. 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.
20. Section 5.1.8.A.1 requires that no surface parking stall locate within any required front or side setbacks, and in no case within five feet of the street. There are five stalls located directly on the front lot line along Maguire Court, as such within five feet of the street and within the front setback. Additionally, five stalls are located within the side setback between Buildings B and C. The petitioner seeks a waiver in the Comprehensive Permit in lieu of a special permit per section 5.1.13.
21. 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. The parking garages' stalls are all 18 feet deep (surface stalls are all 19 feet in depth), requiring a waiver in the Comprehensive Permit in lieu of a special permit per section 5.1.13.
22. 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.

23. Section 5.1.8.B.6 requires that end stalls restricted on one or both sides by obstructions require a maneuvering space of at least five feet in depth and nine feet in width. The petitioner seeks a waiver in the Comprehensive Permit in lieu of a special permit per section 5.1.13 to waive this requirement.
24. 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 24 surface stalls dispersed throughout the site, a waiver in the Comprehensive Permit in lieu of a special permit per section 5.1.13 is required.
25. Per section 5.2.13.A a special permit is required for all free-standing signs. A 40 square foot free-standing sign on a two-foot high wall is proposed at the corner of Crafts Street and Maguire Court. The proposed free-standing sign requires a waiver within the Comprehensive Permit in lieu of a special permit per section 5.2.13.A.
26. Per section 5.2.13.B a free-standing sign may not exceed 35 square feet in area. The proposed 40 square foot free standing sign requires a waiver within the Comprehensive Permit in lieu of a special permit per section 5.2.13.B.
27. 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 a retaining wall adjacent to Building D currently projected at 3.2 feet in height. To the extent that the wall is increased with revisions to the design and is to be within the required setback as determined by the Board, the petitioner seeks a waiver in the Comprehensive Permit in lieu of a special permit.
28. 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.
29. Section 5.13 of the Zoning Ordinance provides requirements for Sustainable Development Design. To the extent that Section 5.13 is applicable to the project, a waiver from these requirements in the Comprehensive Permit in lieu of a special permit per section 5.13.7 is requested.
30. 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.
31. 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.

32. To the extent that any consent or review by the Planning Board is required under Planning Board rules, or that the submission of an Approval Not Required plan is needed, a waiver is requested through the Comprehensive Permit.
33. The petitioner seeks a Comprehensive Permit in lieu of meeting the provisions of section 5-30, Article III pertaining to fences.
34. The Petitioner seeks a permit to cross the sidewalk under the provisions of Section 26-65 Construction of Sidewalks, Driveways and Driveway Entrances.
35. 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.
36. 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.
37. 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 dwellings 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.
38. 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.
39. 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.

40. Required and Proposed Dimensions:

Zone MAN/MR1	Required (MAN/MR1 ZBA)**	Proposed (MAN/MR1 ZBA)
Lot Size	10,000 square feet	207,228 square feet* **
Frontage	NA	163 feet (Crafts St)* **
Lot area per unit	NA	675 square feet**
FAR	1.5	2.07* **
Maximum Lot Coverage	NA	46%**
Minimum Open Space	NA	36.2%**

Building	Front Setback Required/Provided	Side Setback Required/Provided	Rear Setback Required/Provided	Height Required/Provided	Stories Required/Provided
Building A	32.1 feet/ 8.9 ft* 32.1 feet/ 22.2 ft*	NA	32.1 feet/ 10 ft*	24 ft/ 64.2 ft*	2 / 5*
Building B	37.3 feet/ 47 ft	37.4 feet/ 28.1 ft*	37.4 feet/ 10 ft*	24 ft/ 74.7 ft*	2 / 6*
Building C	NA	MR1 ZBA/ 20 ft** MR1 ZBA/ 19.7 ft**	NA	MR1 ZBA/ 53.5 ft**	MR1 ZBA / 4**
Building D	NA	MR1 ZBA/ 20.4 ft** MR1 ZBA/ 20.4 ft**	NA	MR1 ZBA/ 52.2 ft**	MR1 ZBA / 4**
Building E	NA	20 feet/ 5 ft* 20 feet/ 5.2 ft* 20 feet/ 11.1 ft*	NA	24 ft/ 19.5 ft	2 / 2

*Relief required

NA – Not Applicable

**There are no dimensional requirements provided for multi-family dwellings in the MR1 district. As such, none are shown in the table above, and those requirements are at the discretion of the Board. The Manufacturing district provides dimensional requirements for “All Building Types”, as provided.

41. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.4.1 §4.4.1 §7.6	To allow multi-family dwellings	C.P. per MGL c 40B
§4.4.1 §7.3.3	To allow a multi-level accessory parking facility	C.P. per MGL c 40B
§3.2	To determine appropriate minimum lot area	C.P. per MGL c 40B
§3.2	To determine appropriate minimum lot area per unit	C.P. per MGL c 40B
§3.2	To determine appropriate maximum lot coverage	C.P. per MGL c 40B

§3.2	To determine appropriate minimum frontage	C.P. per MGL c 40B
§3.2	To determine appropriate minimum open space	C.P. per MGL c 40B
§4.3.3 §7.6	To waive minimum front setback	C.P. per MGL c 40B
§3.2	To determine the appropriate side setback	C.P. per MGL c 40B
§4.3.3 §7.6	To waive the minimum side setback	C.P. per MGL c 40B
§4.3.3 §7.6	To waive the minimum rear setback	C.P. per MGL c 40B
§4.3.3 §7.6	To waive the minimum height requirement	C.P. per MGL c 40B
§3.2	To determine the appropriate maximum height	C.P. per MGL c 40B
§4.3.2.B.1 §7.3.3	Development over 20,000 square feet	C.P. per MGL c 40B
§4.3.2.B.3 §7.6	To waive maximum number of stories	C.P. per MGL c 40B
§3.2	To determine the appropriate number of stories	C.P. per MGL c 40B
§4.3.3 §7.6	To waive maximum FAR	C.P. per MGL c 40B
§3.2.3 §3.1.9 §7.3	To determine the appropriate maximum FAR	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 §5.1.13 §7.3	To reduce the residential parking requirement to 1.25 stalls per unit	C.P. per MGL c 40B
§5.1.4.A §5.1.13 §7.3	To allow a waiver of 121 parking stalls	C.P. per MGL c 40B
§5.1.5 §5.1.13 §7.3	Waive the requirement to provide a off-street parking and loading plan	C.P. per MGL c 40B
§5.1.8.A.1	To allow parking in the front and side setbacks	C.P. per MGL c 40B

§5.1.13 §7.3		
§5.1.8.B.2 §5.1.13 §7.3	Waive minimum parking stall depth	C.P. per MGL c 40B
§5.1.8.B.4 §5.1.13 §7.3	Waive minimum handicapped parking stall depth	C.P. per MGL c 40B
§5.1.8.B.6 §5.1.13 §7.3	To waive maneuvering space for restricted end stalls	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
§5.2.13.A §7.3	To allow a free-standing sign	C.P. per MGL c 40B
§5.2.13.B §7.3	To allow a free-standing sign exceeding 35 square feet	C.P. per MGL c 40B
§5.2 §5.2.13 §7.3	Waive all sign procedures	C.P. per MGL c 40B
§5.2 §5.2.13 §7.3	Waive all sign regulations and procedures	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
§5.13 §5.13.7 §7.3	Waive Sustainable Development Design requirements	C.P. per MGL c 40B
§7.4 §7.3	Waive site plan approval procedures	C.P. per MGL c 40B
§20-23 §20-28	Waive Light Trespass provisions	C.P. per MGL c 40B
§22-4	Waive requirement for review by and submission of an ANR plan to the Planning Board	C.P. per MGL c 40B
§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	Waive Tree Preservation Ordinance	C.P. per MGL c 40B

§21-81 through 89		
§22-50	Waive review and demolition delay by Newton Historical Commission	C.P. per MGL c 40B



Massachusetts Housing Finance Agency
One Beacon Street Boston, MA 02108

Tel: 617-854-1000 | Relay 711
Fax: 617-854-1091 | www.masshousing.com

December 8, 2023

78 Crafts Street Newton LLC
800 Boylston Street, Suite 1390
Boston, MA
Attention: Michela DeSantis

**Re: 78 Crafts Street
Project Eligibility/Site Approval
MassHousing ID No. 1208**

Dear Ms. DeSantis:

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 Executive Office of Housing and Livable Communities (“EOHLC”) (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”).

78 Crafts Street Newton LLC has submitted an application with MassHousing pursuant to Chapter 40B. You have proposed to build three hundred and seven (307) units of rental housing (the “Project”) on approximately 4.76 acres of land located at 78 Crafts 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, which local boards and officials were invited to attend, 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. The following comments and concerns were identified by the Municipality in a letter dated November 28, 2023:

- The Municipality noted that the proposed Project’s affordability component of 20% of units at 50% AMI responds to the City’s interest in adding to their supply of more deeply affordable housing stock.

- The Municipality indicated that all infrastructure improvements within City easement areas will need a License Agreement and that the Applicant will be expected to work closely with the City to determine appropriate procedures for the protection of City infrastructure.
- The Municipality expressed concerns about the proposed Project's setback at the residential neighborhood on Court Street and recommends scaling back the development in this area to plan for a smoother transition. Furthermore, the Municipality requested renderings and additional information on how the proposed development will appear from Crafts Street, Court Street, and Wilton Road.
- The Municipality requested additional information on the Applicant's goal to achieve Passive House standards as well as on other sustainability commitments.
- The Municipality is concerned that the proposed site layout leaves little room active and passive open space and made the following recommendations for increasing the adequacy and functionality of open space within the site plan:
 - Creating additional active and passive spaces for residents overall;
 - Including play areas for children; and
 - Relocation and expansion of the proposed dog park away from the DPW yard.
- 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.
- The Municipality is concerned about safe access to and from Crafts Street and requested additional information on the roadway and driveway layouts for both Maguire Court and off Court Street. The Municipality expressed additional concern for the siting of ground level parking on the residential structures as it results in a commercial instead of residential character. In general, the Municipality supports minimizing parking to the extent feasible and incentivizing alternative modes of transportation.

Community Comments

In addition to comments submitted by the Municipality, 12 letters were received from area residents detailing the following comments and concerns regarding the proposed Project:

- Construction impacts, including noise, vibration, dust, and emissions, and a management plan for schedule and mitigation.
- Environmental concerns related to groundwater impacts and hazardous materials that exist on the Site from preexisting industrial uses.
- The scale of the proposed Project, including massing, height, setbacks with Crafts and Court Streets, and related impacts such as shadows and privacy for abutting properties.
- Traffic and safety impacts from additional cars entering and exiting the Site.
- A desire to see homeownership development as opposed to rental.
- Cumulative impacts and clustering of multifamily development on adjacent properties.

- Insufficient parking.
- A desire to see commercial/retail space incorporated into the proposed Project.

Comments Outside of the Findings

While Comprehensive Permit Rules require MassHousing, acting as Subsidizing Agency under the Guidelines, to “accept written comments from Local Boards and other interested parties” and to “consider any such comments prior to issuing a determination of Project Eligibility,” they also limit MassHousing to specific findings outlined in 760 CMR 56.04(1) and (4). The following comments submitted to MassHousing identified issues that are beyond the scope of our review:

- Possible impacts on the value of nearby homes.

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 site planning and building setbacks. Architectural renderings addressing concerns should be provided.
- The Applicant should provide a detailed landscaping plan. Consideration should be given to incorporating pervious materials, additional active and passive outdoor spaces for residents, including a play area for children, and pedestrian friendly features to enhance the streetscape and integrate into the surrounding neighborhood.

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.

- The Applicant should be prepared to provide additional information on Passive House certifiability and other sustainability measures.
- The Applicant should be prepared to work with the City to obtain a license agreement for work in municipal easement areas and determine appropriate procedures for the protection of City infrastructure.
- The Applicant should be prepared to provide detailed information relative to light, noise, and construction impacts, and respond to reasonable requests for mitigation.
- The Applicant should be prepared to provide sufficient data to assess the proposed Project's potential traffic impacts on area intersections and respond to reasonable request for mitigation. Safe access and egress to the Site with respect to site distances should be confirmed.

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 three hundred and seven (307) rental units under the terms of the Program, of which not less than sixty-two (62) 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.

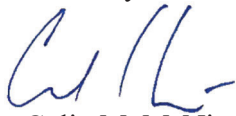
This approval will be effective for a period of two (2) years from the date of this letter. Should the Applicant not apply for a comprehensive permit within this period this letter shall be considered to be expired and no longer in effect unless MassHousing extends the effective period of this letter 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 in order 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, EOHLA
The Honorable Ruthanne Fuller, Mayor, City of Newton
The Honorable Cynthia Stone Creem
The Honorable Kay S. Khan
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

78 Crafts Street, Newton, MA #1208

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 20% of the units will be available to households earning at or below 50% 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 50% of the current median income for a four-person household in Newton is \$74,200.

Proposed rent levels of \$1,298 for a studio affordable unit, \$1,391 for a one-bedroom affordable unit, \$1,670 for a two-bedroom affordable unit and \$1,929 for a three-bedroom affordable unit, less utility allowances for the area, are within current affordable rent levels for the Boston-Cambridge-Quincy HMFA under the NEF Program.

The Applicant submitted a letter of financial interest from Needham Bank, 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.

The City of Newton does not have an EOHLC-approved Housing Production Plan. According to EOHLC’s Chapter 40B Subsidized Housing Inventory, updated through November 21, 2023, Newton has 2,870 (SHI) units (8.67% of its housing inventory), which is 442 units below the statutory minima requirement 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);

Relationship to adjacent streets/Integration into existing development patterns

The Site is located in the Newtonville area of Newton, with frontage and access to the proposed Project located at 70-78 Crafts Street. Washington Street, a 4-lane commercial corridor that runs east-west through much of Newton and parallel to the Massachusetts Turnpike, is approximately one quarter mile south of the Site at the end of Crafts Street. A mix of grocery, dining, retail, small office buildings and auto-oriented services are located along Washington Street, within walking distance of the Site. Similar multifamily uses are also located along Washington Street. The nearest commuter rail station is located 0.25 miles away at Newtonville station. MBTA Bus 553, 554 and 556 stops at Crafts and Washington Streets and Washington & Court Streets and provide connections to express bus routes to downtown Boston. Given its transit-oriented location near employment and services, the Site is well positioned to support the proposed multifamily residential and successfully integrate into existing development patterns.

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

The proposed Project consists of five buildings (labeled A-E on the site and architectural plans) of varying heights and sizes. Building A is a 5-story structure with 4 stories of wood frame over a 1-story parking podium. Building B is a 6-story structure with 5 stories of wood frame over a 1-story parking podium. Building C is a 4-story structure with 3 stories of wood frame over a 1-story parking podium. Building D is a 4-story wood-framed structure, and Building E is a 2-level parking deck. The varying building heights respond to adjacencies with abutting buildings and uses, with the larger 5- and 6-story buildings located on Crafts Street and at the interior of the Site adjacent to industrial/municipal uses to the north, and the smaller 4-story structures adjacent to the mix of two-family and multifamily uses located on Court Street to the south. The choice of materials for the building's exteriors appear to be influenced by its contextual environment and includes traditional materials including clapboard siding, masonry bases, as well as small gable and shed dormers. Fenestration, balconies, color variations and the variation of building heights break down the scale of the massing and allow the proposed Project to create a village-like environment and integrate into the surrounding context.

Density

The Developer intends to build 307 homes on approximately 4.76 acres, all of which are buildable. The resulting density is approximately 64.5 units per acre. The proposed density is acceptable given the proposed housing type and similar patterns of development found within neighborhood and surrounding regional context.

Conceptual Site Plan

The proposed Project will be situated across eleven existing parcels, two of which have frontage on Crafts Street, one of which has frontage on Court Street, and eight of which are landlocked and/or accessed by Maguire Court, a private way connecting to Crafts Street. The intent of the proposed site layout is to create a village-like environment that integrates into the surrounding context. Primary entry to the Site off Crafts Street will widen and improve Maguire Court. Buildings A and B form courtyard spaces that face the interior of the Site and highlight this primary entry, as well as the primary amenity spaces for the Site. The entry drive extends further west into the Site, partially aligning with an existing municipal drain easement affecting the Site, and provides access/egress to all buildings, podium parking, and the 2-level parking deck at the far west of the Site. The driveway culminates in a small rotary to facilitate Site circulation. Access to and from the Court Street frontage is located south of the rotary, proposed for emergency and pedestrian access only. Several stormwater infiltration systems are proposed under the courtyards and limited paved area throughout the Site. All utilities will be extended to the Site from Crafts Street and Court Street.

Environmental Resources

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. However, given the Site's current industrial uses, hazardous materials are likely present on the Site. A Phase I Environmental Site Assessment has been completed and the Applicant reported that all hazardous materials will be removed from the Site prior to acquisition and development. The Applicant further reported that a small portion of the Site is subject to an Activity and Use Limitation that prohibits residential use (pursuant to Massachusetts Contingency Plan (MCP) (RTN 3-15019)). The Applicant is working with McPhail Associates to terminate the AUL in accordance with MassDEP regulations.

Topography

The Site is generally level, with a slight slope downward from Court Street at the western edge of the Site. The Site's topography is not an impediment to development of the Site.

(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);

According to the appraisal report for the Site, Newton's rental market appears strong, with real time vacancy rates remaining below 1% since March 2022, the longest period on record, suggesting that the Site will adequately support multifamily residential development.

The Applicant proposes 307 rental apartments to be financed under the NEF Program. There will be 245 market-rate units with proposed average rent levels of \$3,100 for the studios, \$3,570 for the one-bedroom units; \$4,930 for the two-bedroom units; and \$5,900 for the three-bedroom units.

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

MassHousing has commissioned an as "As-Is" appraisal which indicates a land valuation of \$17,070,000. Based on a proposed investment of \$180,163,368 in equity and permanent financing the development pro forma appears to be financially feasible and within the limitations on profits and distributions.

(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.

A related entity to the Applicant controls the Site by virtue of the following Purchase and Sale Agreements:

Grantor/Seller	Address	Parcel #	Contract Date	Expiration Date
Robert W. Hart, Jr. and Kathleen P. Hart, Trustees of the Hart Realty Trust	70 Crafts Street 78 Crafts Street 9 Maguire Court 17-19 Maguire Court	23015/0025 23015/0026 23015/0024 23015/0022	June 12, 2023	June 27, 2026
Randall W. Schiavone, Richard W. Schiavone, Ralph G. Schiavone. II, and Ronald J. Schiavone	13-15 Maguire Court	23015/0023	August 8, 2023	January 14, 2027
Randall W. Schiavone, Richard W. Schiavone, and Ronald J. Schiavone, Trustees of the Schiavone Irrevocable Real Estate Trust	24 Maguire Court	23016/0001	May 3, 2023	December 30, 2026
Linda Wigren, as Executrix of the Estate of Arnold R. Belli a/k/a Arnaldo R. Belli Middlesex County Probate No. 96P-1959, and Karen Keaveny, Cindy Sementelli, Lisa DiFelice, and Linda Wigren, as Trustees of the A.R. Belli 1992 Revocable Trust	31R Maguire Court 31 Maguire Court	23015/0020 23015/0021	December 20, 2021	February 5, 2025
Nancy L. Fraser, Trustee of Fraser Court Street Realty Trust	63 Court Street	23016/0030	January 5, 2022	December 1, 2025
Fraser L.L.C.	67R Court Street	23016/0025 23016/0029	December 20, 2021	December 1, 2025