



Land Use Committee Report

City of Newton In City Council

Tuesday, March 10, 2020

Present: Councilors Lipof (Chair), Kelley, Greenberg, Markiewicz, Downs, Bowman, Laredo

Absent: Councilors Auchincloss

Also Present: Councilors Wright, Ryan, Humphrey, Danberg

City Staff Present: Chief Planner Neil Cronin, Planning Associate Katie Whewell, Associate City Solicitor Jonah Temple, Director of Planning & Development Barney Heath, Newton Housing Authority Executive Director Amy Zarechian, Community Preservation Committee Lara Kritzer

All Special Permit Plans, Plan Memoranda and Application Materials can be found at http://www.newtonma.gov/gov/aldermen/special_permits/current_special_permits.asp. Presentations for each project can be found at the end of this report.

#89-20 Petition to allow waivers for a rear lot subdivision at 40 Williston Road

LAUREN AND DAVID BROOKS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a rear lot subdivision and construct a new single-family dwelling on the rear lot, requiring relief to exceed FAR on the front (from .40 to .42) and rear (from .24 to .30) lots, and to allow a retaining wall greater than four feet in the setback at 40 Williston Road, Ward 4, Auburndale, on land known as Section 43 Block 28 Lot 06, containing approximately 25,099 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.5, 3.1.10.A, 3.1.3, 3.1.9, 3.1.5, 3.1.10.C, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0; Public Hearing Continued

Note: Attorney Laurance Lee, offices of Rosenberg, Freedman and Lee represented the petitioners Lauren and David Brooks. Atty. Lee presented the request for a continuance, noting the petitioner is making changes to the plans based on community feedback. The Public Hearing was opened. No member of the public wished to speak. Councilor Markiewicz motioned to hold the item which carried 7-0.

Referred to Land Use and Finance Committees

#165-20 Requesting CPA funding be awarded to the Newton Housing Authority

COMMUNITY PRESERVATION COMMITTEE requesting that one million one hundred and five thousand (\$1,105,000) in CPA funding for the support of Community Housing be awarded to the Newton Housing Authority for the acquisition of the CAN-DO Housing Portfolio.

Action: Land Use Approved 7-0

Note: Executive Director of the Newton Housing Authority Amy Zarechian presented the request for \$1,105,000 in CPA funding to acquire the CAN-DO portfolio. Ms. Zarechian's presentation, attached, provides an overview of the request to acquire the CAN-DO portfolio. CAN-DO's inventory includes 33 units at 12 addresses. Ms. Zarechian noted that CAN-DO could not sustain their portfolio because their operating budget and income could not sufficiently cover their debt service and capital needs as the properties aged. She confirmed that the Housing Authority has identified sources, including grant funding, that will help reduce the debt and make the portfolio manageable long-term. Funds that will be used to reduce the existing debt include CPA funds and CDBG funds. She stated that additional funds will be used for capital needs and to be held in reserve for future needs. Ms. Zarechian confirmed that CAN-DO will not be receiving City funds.

The Committee was supportive of the Housing Authority taking over the affordable housing units but expressed concern relative to how the CAN-DO funds may have been used. CPC member Peter Sargent explained that when the City provided CPA/CDBG funds to CAN-DO, the funds were sufficient for short-term operating expenses and did not provide reserves or funds for capital investments. He noted that CAN-DO did not have the resources to sustain their operations long-term. Mr. Sargent emphasized the CPC's support of the proposal, given the Housing Authority's accounting of future needs. With that Councilor Kelley motioned to approve which carried 7-0.

Request for a Consistency Ruling relative to Special Permit Council Order #124-15 to allow conversion of approximately 10,500 sq. ft. of existing office space to be used for childcare at 2 Wells Avenue.

Note: Senior Director of Design for Bright Horizons Steve Geller presented the request for a consistency ruling relative to converting existing office space for childcare use at 2 Wells Avenue. Mr. Geller explained that Bright Horizons is moving their headquarters from Watertown to Newton. Bright Horizons proposes to convert 10,500 sq. ft. of one-story office space to provide a day care from Monday – Friday for 90 children aged 6 weeks to 6 months. Mr. Geller noted that it is anticipated that approximately 25% of the children will be children of Bright Horizon employees. The remaining 75% of the spaces will be open to the public and likely children of employees in the Wells Avenue office park. Mr. Geller stated that additional work associated with relocation of the daycare includes a 4' buffer around a new nature space/playground at the rear of the site and the installation of bollards. The site contains 39 parking spaces where 18 are required by zoning and pickup and drop-off will be directly against the building.

Chief Planner Neil Cronin confirmed that the petitioner will need to go through Administrative Site plan review to establish the daycare. He noted that drop-off and pickup circulation will be evaluated as part of the administrative approval. Mr. Cronin showed the existing and proposed site plans (shown on the attached presentation). With that, the Committee took a straw vote 7-0 in favor of finding the modifications consistent with the special permit.

Request for a Consistency Ruling relative to Special Permit Council Order #362-18 to allow a change in the façade of the building from Hardie board to vinyl.

Note: Attorney Terry Morris, office at 57 Elm Road, presented the request for a consistency ruling on the approved single-family attached dwelling units approved in 2018 at 21-25 Gardner Street. Atty. Morris explained that the approved plans, referenced in the Council Order, lists the use Hardie Board and the petitioner is hoping to switch to vinyl, which fits in the neighborhood. Committee members expressed no concerns relative to the change. The Committee took a straw vote 7-0 in favor of finding the modification consistent with the approved special permit.

#118-20 Petition to extend nonconforming setback at 112 Grasmere Street

JEN AND CHRIS MURPHY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND THE NONCONFORMING SETBACK by constructing a covered front porch and entry, decreasing the nonconforming setback from 20.9' to 18.6' where 20.8 is allowed at 112 Grasmere Street, Ward 1, Newton, on land known as Section 71 Block 28 Lot 09, containing approximately 9,254 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.1.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0; Public Hearing Closed 03/10/2020

Note: Architect Lee Silverstone, SB Architects, Boston, represented the petitioners Jen and Chris Murphy. Ms. Silverstone presented the request to extend the nonconforming setback at 112 Grasmere. She explained that the petitioners are seeking to upgrade the existing dwelling to create a front porch which extends an additional 2' into the front setback. Ms. Silverstone showed photos of other homes in the vicinity of the subject property (shown on the attached presentation). The petitioners have communicated their plans to abutters and neighbors and received support for the project.

Chief Planner Neil Cronin presented the requested relief, criteria for consideration, and proposed plans and elevations as shown on the attached presentation. As part of the proposed renovations, the petitioners intend to raze an existing detached garage and replace it with an attached garage. This change requires no relief and the historic commission has approved the demolishing of the detached garage.

The Public Hearing was opened. No member of the public wished to speak. Councilor Greenberg motioned to close the public hearing which carried unanimously. Councilor Greenberg motioned to approve the petition. Committee members reviewed the draft findings and conditions, expressed no concerns and voted 7-0 in favor of approval.

#337-16(2) Petition to amend Special Permit Council Order #337-16 at 41 Dorset Road

TIMOTHY LEARY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Order #337-16, which approved an oversized dormer, an accessory structure with ground floor area in excess of 700 sq. ft. and an accessory apartment in a detached structure, to make changes to the site plan at 41 Dorset Road, Ward 5, Waban, on land known as Section 55 Block 10 Lot 45, containing approximately 24,936 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0; Public Hearing Closed 03/10/2020

Note: Architect Andrew Falkenstein, Concise Design Group, Brookline, represented the petitioner Timothy Leary. Mr. Falkenstein presented the request to amend the site plan which was

approved during the Special Permit process in December 2016. Mr. Falkenstein noted that the work approved by the Special Permit has been completed according to the approved plans. After approval of the special permit, the property owner engaged a landscape architect who designed a landscape plan inconsistent with the special permit plans. Although no dimensional relief is required, the special permit governs the site and construction of the patio requires an amendment to the special permit. The proposed changes to the site include the replacement of a 600 sq. ft. patio with a 1400 sq. ft. patio. Mr. Falkenstein noted that the lot is large and the drainage for the increase impervious space at the site will be managed on site.

Chief Planner Neil Cronin presented the requested relief, criteria for consideration, approved and proposed plans as shown on the attached presentation. Mr. Cronin confirmed that the Planning Department does not have concerns relative to the petition. The Public Hearing was opened. No member of the public wished to speak. Councilor Downs motioned to close the public hearing which carried unanimously. With a motion from Councilor Downs to approve the petition, Committee members reviewed the draft findings and conditions and voted 7-0 in favor of approval.

#16-20 Petition to allow parking waiver and restaurant with more than 50 seats at Piccadilly Sq.

FIRST GENERAL REALTY GROUP petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a restaurant with more than 50 seats and a parking waiver of 478 parking stalls in Ward 6, Newton Centre, at 93-105 Union Street, (containing approximately 31455 sq. ft. of land) on land known as Section 61 Block 36 Lot 09, 1280 Centre Street (containing approximately 27,560 sq. ft. of land) on land known as Section 61 Block 36 Lot 05, 47-61 Langley Road (containing approximately 10,037 sq. ft. of land) on land known as Section 61 Block 36 Lot 06, 49-63 Union Street (containing approximately 8,735 sq. ft. of land) on land known as Section 61 Block 36 Lot 07 and 790-794 Beacon Street (containing approximately 7,400 sq. ft. of land) on land known as Section 61 Block 36 Lot 03, all zoned BUSINESS USE 1. Ref: 7.3.3, 7.4, 5.1.4.A, 5.1.13, 4.4.1, 6.4.29 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 6-0 (Laredo Recused); Public Hearing Closed 01/14/2020

Action: Land Use Approved 6-0 (Laredo Recused); Public Hearing Closed 01/14/2020

Note: Jodi Zussman, Boston Development Group presented the request for a 478-parking stall waiver for Picadilly Square. It was noted that the request to allow restaurants with greater than 50 seats has been withdrawn from the request for a special permit.

Planning Associate Katie Whewell presented the requested relief, criteria for consideration, land use and zoning as shown on the attached presentation. Ms. Whewell explained that currently, any change in use in the buildings that make up Picadilly Square typically triggers a change in the parking requirement. Additionally, with no change in use but a change in operator to an operator with a higher number of employees could also trigger a change in the parking required by zoning. The parking credit system allows parking credits to be carried forward or lost due to any changes in use. Due to the zoning requirements, certain uses (restaurants, health clubs, business office, and medical office) have a higher zoning requirement than others such as retail or personal service (i.e. banks, nail salons, dry cleaners, hair salons). Ms. Whewell explained that if a café (requiring 7 stalls) sought to replace a 1200 sq. ft. space that a nail salon tenant occupied (requiring 5 stalls), the café would have to make up the difference, requiring a special permit amendment, which could take up to four months.

Ms. Whewell noted that the petitioner identified tenant spaces that are likely to turn over and is estimating uses with higher parking demand to allow for increased flexibility in order to tenant these spaces. Based on this information, the total number of required stalls would increase from 412 to 510. The petitioner has 32 stalls on site, resulting in a gap of 66 stalls. Ms. Whewell noted that the Planning Department believes the request to allow the 478-stall parking waiver is consistent with goals in the Comprehensive plan as it relates to commercial areas and transportation. She explained that the 478 parking stalls assumes the uses with the highest zoning requirements for parking wherever that use seems feasible given the location and size of the tenant space, and are not intended to exist all at once, but rather to cover a variety of uses to allow for maximum flexibility and enable faster turnover in leasing tenant space, particularly to smaller business owners. The parking waiver would supersede previous waivers totaling 33 stalls and legitimize the 412 existing credits across 109 tenant spaces.

Councilors expressed support for the petition, noting that being able to lease the spaces more quickly than the special permit process allows will encourage smaller business owners. The Committee noted that parking requirements are not always accurate for the site. Committee members expressed no concerns relative to the request. Councilor Bowman motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown on the attached presentation and voted 6-0 in favor of approval, Councilor Laredo recused.

#15-20(2) Petition to amend Deed Restriction and Orders #148-15(2) and (3) at 180 Wells Ave
180 WELLS AVENUE, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Orders #148-15(2) and (3) to revise the design of the parking structure and surface parking to the approved three-story office building, to reduce interior landscaping requirements, to reduce loading bay length requirements and to allow reduced minimum open space requirements which requires an amendment to the deed restriction at 180 Wells Avenue, Ward 8, Newton Centre, on land known as Section 84 Block 34A Lot 03, containing approximately 219,980 sq. ft. of land in a district zoned LIMITED MANUFACTURING. Sec. 7.3.3, 7.4, 5.1.9.B.1, 5.1.13, 5.1.12.D.1, 4.3.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 3-2-2 (Councilors Bowman and Kelley opposed, Councilors Greenberg, Downs abstaining) Public Hearing Closed 03/10/2020

#15-20(3) Petition to amend Deed Restriction at 180 Wells Ave
180 WELLS AVENUE, LLC. requesting an amendment to the restriction adopted by Board Order #276-68(3), dated November 18, 1968, and subsequent amendments including 148-15(3) be further amended to allow a waiver of the minimum open space requirement to less than 40% at 180 Wells Avenue, Ward 8, Newton Centre. *NOTE: Public Hearing not required.*

Action: Land Use Approved 3-2-2 (Councilors Bowman and Kelley opposed, Councilors Greenberg, Downs abstaining) Public Hearing Closed 03/10/2020

Note: The Committee discussed items #15-20(2) and #15-20(3) together. Attorney Michael Peirce, office at 60 Walnut Street, Wellesley, represented the petitioner 180 Wells Avenue, LLC. Atty. Peirce summarized an update to the request to amend Special Permit Board Order #148-15(2) and (3) to

revise the design of the parking structure. The revised plans include the elimination of 8 parking spaces as well as an increase in interior landscaping. The establishment of parking islands eliminates the need for relief relative to interior landscaping. The remaining relief required is to reduce the loading bay requirements and to amend the site plan to reorient the parking structure at 180 Wells Avenue. Atty. Peirce noted that the reorientation of the parking allows the parking to be built in a way that takes advantage of the sloped site. Atty. Peirce noted that the deed restriction placed on the property was established when Wells Avenue was established as an office park that abutted a residential zone. He noted that nowhere else in the City is 40% open space required and suggested that the 40% open space requirement is not practical for Wells Ave. He noted that the reduction from 40% to 35% open space is the result of eliminating two drainage basins.

Chief Planner Neil Cronin reviewed the requested relief, criteria for consideration and proposed plans as shown on the attached presentation. Mr. Cronin noted that the Planning Department is unconcerned with the request to waive loading bay requirements as trucks that currently serve the site will continue to do so. The Planning Department does recommend that the traffic mitigation funds approved by Board Order #148-15(2) and (3) are used for the Wells Avenue shuttle and that a transportation coordinator is hired for transportation operations.

No member of the public wished to speak. Councilor Laredo motioned to close the public hearing which carried 7-0. The Transportation Demand Management (TDM) plan is required by the previous special permit order. The Committee expressed support for a transportation coordinator. The Committee asked that the Law Department draft a condition relative to the TDM mitigation funds that allow the City to receive and appropriate them for transportation improvements as needed. In response to the Committee's suggestion, Atty. Peirce confirmed that the 30 bicycle parking spaces can be accommodated within the garage.

Committee members expressed some concern relative to the waiver of the 40% open space requirement, noting that the elimination of some parking spaces could result in achieving 40% open space. Atty. Peirce noted that further reductions to the parking would result in the need for additional parking. It was noted that the special permit that governs the site was previously approved and the pending request is an improvement on the prior configuration. Councilor Laredo motioned to approve the petition. Committee members reviewed the draft findings and conditions. The Committee asked that a condition be included that requires approval of a final site plan, which identifies the location of snow storage. With that, the Committee voted 3 in favor, 2 opposed (Councilors Bowman and Kelley and 2 abstaining (Councilors Downs and Greenberg).

#71-20**Amended Petition to allow 27-unit multi-family dwelling at 1114 Beacon Street**

1114 BEACON STREET LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 27-unit multi family dwelling greater than 20,000 sq. ft. of new gross floor area, a four-story structure up to 48' in height, alteration of a nonconforming front setback, to allow ground floor residential use, to allow an FAR of up to 2.0, a waiver of 4 parking stalls, a waiver for parking in the side setback, a waiver of the minimum stall depth requirements and a waiver of the sustainable design standards at 1114 Beacon Street, Ward 6, Newton Highlands, on land known as Section 54 Block 22 Lot 04, containing approximately 51,745 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 4.1.2.B.1,

4.1.2.B.3, 4.1.3, 7.8.2.C.2, 5.1.4.A, 5.1.13, 5.1.7.A, 5.1.8.B.2, 5.1.8.D.2, 5.4.2.B, 5.12 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Held 6-0 (Markiewicz not Voting); Public Hearing Continued

#119-20 Request to waive I&I fee for Special Permit #71-20 at 1114 Beacon Street
1114 BEACON STREET LLC. Request an abatement of the infiltration/inflow mitigation fee pursuant to the City of Newton Revised Ordinances, Chapter 29 Section 29-170.

Action: Land Use Held 6-0 (Markiewicz not Voting); Public Hearing Continued

Note: Attorney Franklin Schwarzer, offices of Schlesinger and Buchbinder, 1200 Walnut Street represented the petitioner, 1114 Beacon Street LLC. Atty. Schwarzer presented an overview of the proposed development as shown on the attached presentation. The petitioner proposes to locate a 27-unit condominium building on the 51,745 sq. ft. lot, located in the BU2 zoned Four Corners neighborhood at 1114 Beacon Street. Within the 27 units, the plans include 5 one-bedroom units, 16 two-bedroom units and 6 three-bedroom units. 5 units will be affordable. 3 three-story townhouse units are proposed at the front of the site and the structure steps back as you get to the rear of the building. An internal driveway allows guests to enter and exit the site without parking/stopping along Beacon Street. The proposed development includes underground parking, bicycle storage and small courtyards and landscaping along the streetscape. The open space represents 51% of the site and the development will be LEED gold certifiable. It was noted that the traffic study suggests the proposed development will have a negligible impact on the roadway network. The traffic study is currently being peer reviewed.

Planning Associate Katie Whewell presented the requested relief and criteria for consideration as shown on the attached presentation. Ms. Whewell presented an overview of the petition. She noted that the site features a shared easement along the eastern driveway with 1106-1108 Beacon Street which provides access to the rear parking facility. The western driveway at the site provides access to parking at the western side of the structure as well as the rear parking facility.

The existing structure has a nonconforming front setback of .3 feet, where 10 feet is the maximum required. The site has a slight downward slope and features wetlands at the rear property line. The petitioner proposes to raze the existing structure and construct a new structure containing four stories (approximately 46' in height). The new structure will have a front setback of 6 feet. The rear setback would decrease from 106.5 feet to 43.7 feet. Two surface parking stalls within the side setback are proposed. The total impervious surface at the site will be reduced by approximately 20%.

Ms. Whewell noted that the Planning Department has questions/concerns relative to the proposed driveway configuration and width and the placement of the 3 townhouse units relative to the property line. Additionally, the Planning Department requested approval to utilize an on-call building design consultant. Atty. Schwarzer confirmed that the petitioner is willing to pay the design consultant. The Committee took a straw vote in favor of allowing the design peer reviewer.

The Public Hearing was opened.

Public Comment

Ronda Jacobson, 35 Garland Road, expressed concerns relative to the traffic on Beacon street, the height of the building and the proposed setbacks. She noted that the reduced setback will decrease sunlight. She stated that the driveway width is not sufficient for two-way drive.

Evans Huber spoke on behalf of Gary Lesanto, 1126 Beacon Street, He expressed concerns relative to the setback on Beacon Street, the massing of the building, the drainage impacts, the parking garage and the height of the proposed building. He noted that many of the requests for relief are at the maximum and stated that the proposed structure will block other structures and signs from view.

A resident, noted that the proposed building is humungous, not setback enough and will create massive amounts of traffic.

Jackie Bloomberg, 20 Beaconwood Road, echoed concerns about flooding and the impact on abutters relative to stormwater.

Chaim Senior, 919 Walnut Street, urged the petitioner to present accurate details of the project and noted there is no adequate access to public transportation. He expressed concern about the width of the two-way drive aisle and asked that the petitioner scale down the development and build within the current environment

Phil Levoff, 61 Beaconwood Road, 1172 Beacon (office), expressed concerns relative to the Citizens Bank sign which will not be visible and the impact on stormwater management. He noted that flooding is an issue at the site and stated that the petitioner has not been responsive to the neighborhoods request to increase the setback, decrease the height and mass and manage the water runoff on-site.

Matt Bell, 1111 Beacon street, shares concerns relative to the scale of the proposed development. He noted that design considerations could help the building look less massive.

Hoony Youn, 19B Carthay Circle, noted that the style of the building is not consistent with other residential buildings in the neighborhood. He believes the building is too large. He noted that the developer has not been responsive to neighborhood concerns.

John Tsay, 19 Carthay Circle, noted that the size and scale and adequate drainage at the site is a major concern. He noted that traffic is currently a burden in the neighborhood.

Councilor Questions and Comments

Please show bicycle parking locations.

How will cars enter and exit the site? Where is the entrance to the garage?

The driveway seems very narrow. Can you consider separate driveways?

The setback seems very close to the street. Can it be pushed further into the site?

Can you consider how to utilize the roof space? (i.e. gardens)

The Committee expressed concern relative to the massing of the structure and inadequate articulation of the townhouse units. Committee members noted that the peer review will be helpful in reviewing the articulation of the buildings as well as the site plan circulation. With that, Councilor Bowman motioned to hold the item (#71-20) which carried 6-0 (Markiewicz not Voting). Councilor Laredo motioned to hold Item #119-20 which carried 6-0 (Markiewicz not Voting).

#90-20 **Discussion regarding utility undergrounding costs for special permit projects**
COUNCILORS LAREDO, ALBRIGHT, CROSSLEY AND LEARY requesting a discussion of whether to require, as part of the Special Permit process for projects over a certain size, that developers provide a project-specific cost estimate for undergrounding utilities, both on the project site and in adjacent streets and sidewalks, so that the City Council can decide whether to include such requirements in the special permit.

Action: **Land Use Held 6-0 (Markiewicz not voting)**

Note: Councilor Laredo presented the request to require undergrounding during the Special Permit process. He noted that the wires are not aesthetically pleasing in neighborhoods and the impact on the City's tree canopy is detrimental. It was noted that cost estimates for undergrounding can be difficult to obtain. The Committee agreed to continue the discussion at a later date. Councilor Laredo motioned to hold the item which carried unanimously.

#139-20 **Reappointment of Elizabeth Smith to the Washington Place Liaison Committee**
PRESIDENT ALBRIGHT reappointing Elizabeth Smith, 40 Foster Street, Newtonville, to the Washington Place Construction Liaison Committee (as created by condition #19 of the Special Permit Council Order #96-17) for a term to expire December 31, 2021.

Action: **Land Use Approved 7-0**

#140-20 **Reappointment of Meghan Smith to the Washington Place Liaison Committee**
PRESIDENT ALBRIGHT reappointing Meghan Smith, 34 Foster Street, Newtonville, to the Washington Place Construction Liaison Committee (as created by condition #19 of the Special Permit Council Order #96-17) for a term to expire December 31, 2021.

Action: **Land Use Approved 7-0**

#141-20 **Reappointment of Wayne Koch to the Washington Place Liaison Committee**
PRESIDENT ALBRIGHT reappointing Wayne Koch, 64 Greylock Road, West Newton, to the Washington Place Construction Liaison Committee (as created by condition #19 of the Special Permit Council Order #96-17) for a term to expire December 31, 2021.

Action: **Land Use Approved 7-0**

Note: The Committee expressed no concerns relative to the reappointments of Elizabeth Smith (#139-20), Meghan Smith (#140-20) or Wayne Koch (#141-20) to the Washington Place Liaison

Committee. Committee members voted 7-0 in favor of motions to approve each appointment from Councilor Laredo.

#120-20 Temporary license to hold Nonantum Village Day

NONANTUM NEIGHBORHOOD ASSOCIATION requesting a temporary license pursuant to Chapter 30 Section 6(k) of the City of Newton Ordinances to hold NONANTUM VILLAGE DAY on Sunday, June 7, 2020.

Action: Land Use Approved 7-0

Note: Councilor Greenberg presented the request for a one-day license for Nonantum Village Day. She invited Councilors and members of the public to attend the event where rides are free and two students will be honored with scholarships. With that the Committee voted 7-0 in favor of a motion to approve from Councilor Greenberg.

#41-19(3) Extension of Time to Exercise Special Permit #41-19 at 24-26 Elliot St

CYPRESS TREE MANAGEMENT, INC requests a two-year EXTENSION OF TIME to EXERCISE Special Permit petition #41-19 for a SPECIAL PERMIT/SITE PLAN APPROVAL which amended Special Permit Council Order #288-18 to allow retail marijuana sales in conjunction with as the approved RMD (Registered Medical Dispensary) at 24-26 Elliot Street, Ward 5, Newton Highlands, on land known as Section 51 Block 25 Lot 01, containing approximately 25,320 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 6.10.3.D, 4.4.1, 6.10.3.E.15, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.C.1, 5.1.8.C.2, 5.1.13, 5.1.9.A, 5.1.9.B, 5.1.10.A, 5.1.10, 7.3.2.E of the City of Newton Rev Zoning Ord, 2017. Said EXTENSION OF TIME will run from May 6, 2020 to May 6, 2022.

Action: Land Use Approved 7-0

Note: Committee members reviewed the request for an extension of time. The Committee questioned why the petitioner is seeking a two-year extension of time. The Chair explained that the state's approval process can be lengthy. With that, the Committee voted 7-0 in favor of a motion to approve from Councilor Markiewicz.

The Committee adjourned at 9:45 pm.

Respectfully Submitted,

Richard Lipof, Chair



**Newton Community
Preservation Program**
Funding Recommendation for the
Newton Housing Authority
Acquisition of the CAN-DO Housing
Portfolio

Land Use Committee Public Hearing
Tuesday, March 10, 2020

Newton Housing Authority

- **Newton Housing Authority (NHA)**

- Established in 1959
- Largest provider of affordable housing in Newton
- Over 1300 residents
- 500 public housing units
- 441 Rental Assistance Vouchers
- 57 management units

- **Mission of the NHA**

- Provide a high standard of housing
- Create a sense of community for residents
- Increase affordable housing opportunities in City of Newton
- Provide robust social services



Jackson Gardens



Amy Zarechian, Executive Director
Vincent O'Donnell, Commissioner

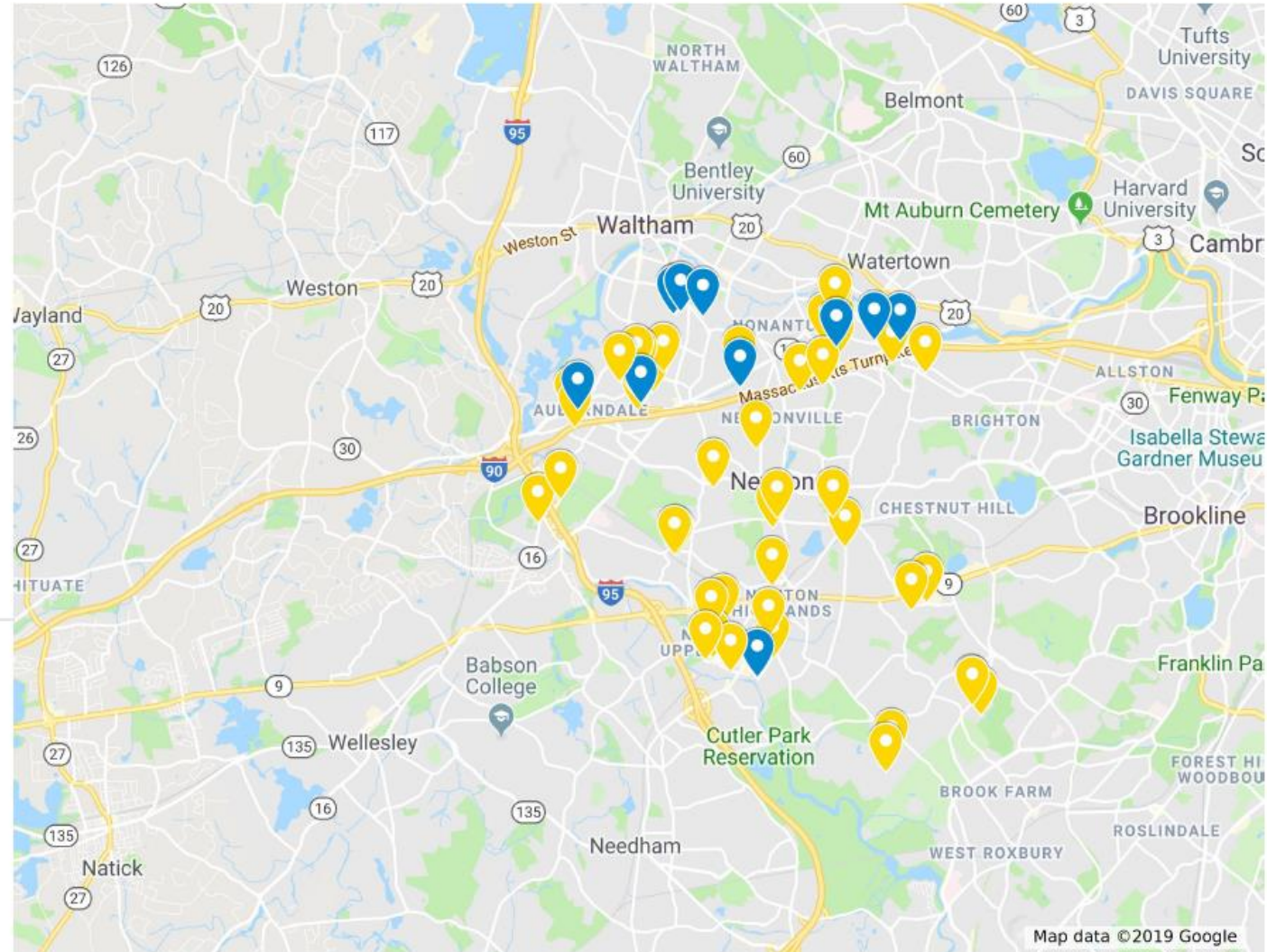
CAN-DO and NHA Properties

CAN-DO Portfolio

- 14 Nonantum Pl
- 90 Christina St
- 10-12 Cambria Rd
- 11 Cambria Rd
- 18 Cambria Rd
- 163 Jackson Rd
- 20 Falmouth Rd #22
- 228 Webster St
- 54 Eddy St
- 61 Pearl St
- 2148 Commonwealth Avenue
- 54 Taft Ave

NHA Properties

- 21 Parker St
- 111 Kennedy Cir
- 676 Watertown St
- 58 Ash St
- 80 Thurston Rd
- 239 Watertown St
- 234 Central St
- 82 Lincoln St
- 541 Grove St
- 15 Wilson Cir



CAN-DO Portfolio

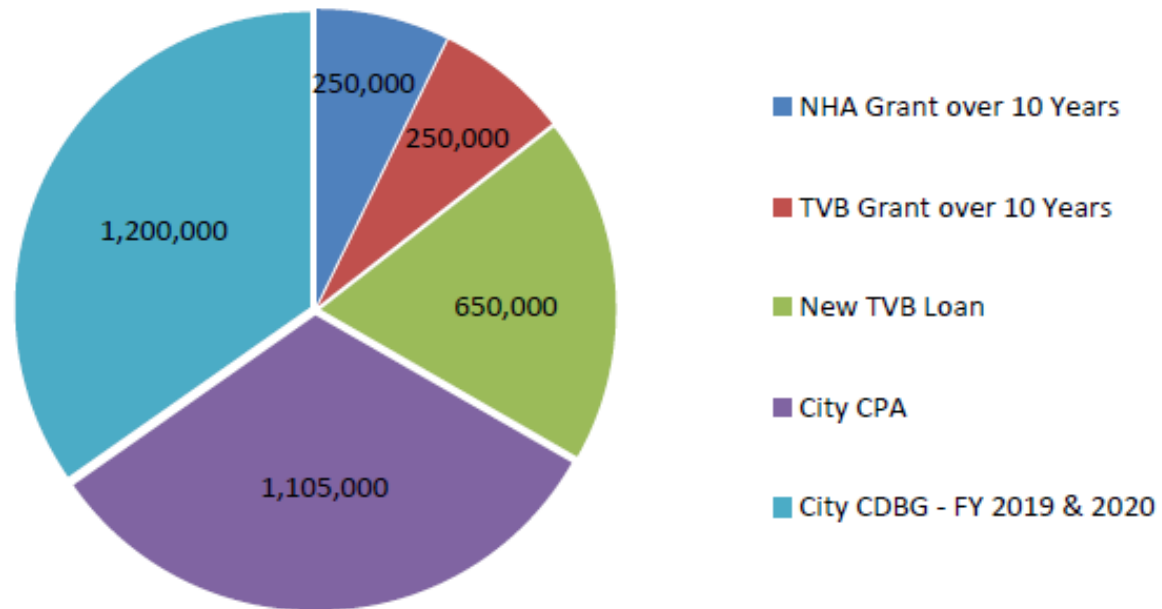
Address	Units	City Sources	Total City \$
14 Nonantum Place/Garfield House	3	HOME, NHRF	\$308,611
90 Christina St./Kayla House	5	CDBG, HOME	\$695,574
10-12 Cambria Rd.	2	CDBG, HOME, CPA	\$855,370
11-13 Cambria Rd.	2	CDBG, CPA	\$630,850
18-20 Cambria Rd.	2	CDBG, CPA	\$541,417
163 Jackson Rd.	2	CDBG, CPA	\$587,750
20-22 Falmouth Rd.	2	CDBG, CPA	\$651,202
228 Webster St.	6	HOME, NHRF	\$237,957
54 Eddy Street	2	CDBG, CPA	\$945,250
61 Pearl Street	3	CDBG, HOME, CPA	\$1,145,000
2148 Comm. Ave./Veteran House	2	CDBG, CPA	\$675,000
54 Taft Ave.	2	CDBG, HOME, CPA	\$1,089,029



228 Webster Street

CAN-DO Acquisition Sources

CAN DO DEVELOPMENTS



CAN-DO Acquisition Sources for Uses

Sources:

Village Bank (TVB) Grant over 10 years	\$250,000
NHA Grant over 10 years	\$250,000
New TVB Loan*	\$650,000
City CPA	\$1,105,000
City CDBG	\$1,200,000
Total:	\$3,455,000

*New TVB debt at 4.75%, 30 year amortization

Uses:

TVB Debt Repayment	\$1,498,784
Cambridge Savings Debt Repayment	\$343,486
Boston Community Loan Fund Repayment	\$80,378
Replacement Reserve	\$500,000
Operating Reserve	\$250,000
Financing Fees (1%)	\$10,381
Legal Fees	\$150,000
Title & Recording	\$40,000
Development Consultant	\$30,000
Appraisal	\$4,500
Total:	\$3,455,000

Department of Planning and Development



2 WELLS AVENUE

**REQUEST FOR
CONSISTENCY**

MARCH 10, 2020

Background



- Council Order #124-15 authorized the construction of a three-story addition to contain office space.
- The petitioners also obtained an amendment to the Wells Avenue Deed Restriction to exceed the amount of office space within Wells Avenue and to exceed the floor area ratio.
- The petitioners are seeking a consistency determination to construct outdoor play areas associated with a proposed childcare center.

Additional Review



- The petitioners will require Administrative Site Plan Review as well as an amendment to the Wells Avenue Deed Restriction to establish the childcare center on site















Department of Planning and Development



PETITION #118-20

112 GRASMERE STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO EXTEND THE
NONCONFORMING SETBACK BY
CONSTRUCTING A COVERED
FRONT PORCH AND ENTRY,
DECREASING THE
NONCONFORMING SETBACK
FROM 20.9' TO 18.6' WHERE
20.8 IS ALLOWED

MARCH 10, 2020



Requested Relief



Special Permit per §7.3.3 to:

- to further extend a nonconforming front setback (§3.1.3; §7.8.2.C.2).

Criteria to Consider



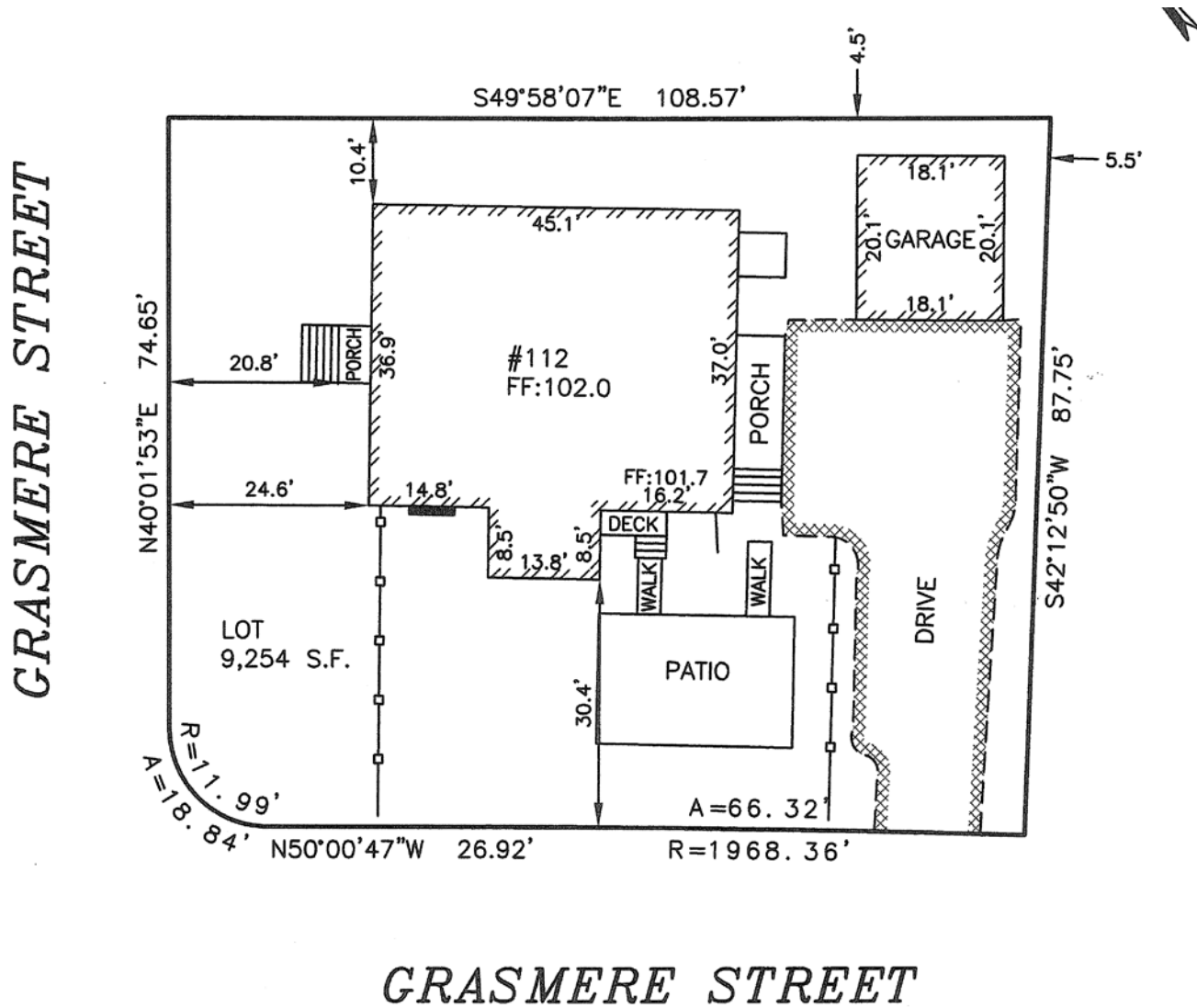
When reviewing the requested special permits the Council should consider whether:

- the proposed extension of the nonconforming front setback will be substantially more detrimental than the existing nonconforming front setback is to the neighborhood (§3.1.3; §7.8.2.C.2).

AERIAL/GIS MAP

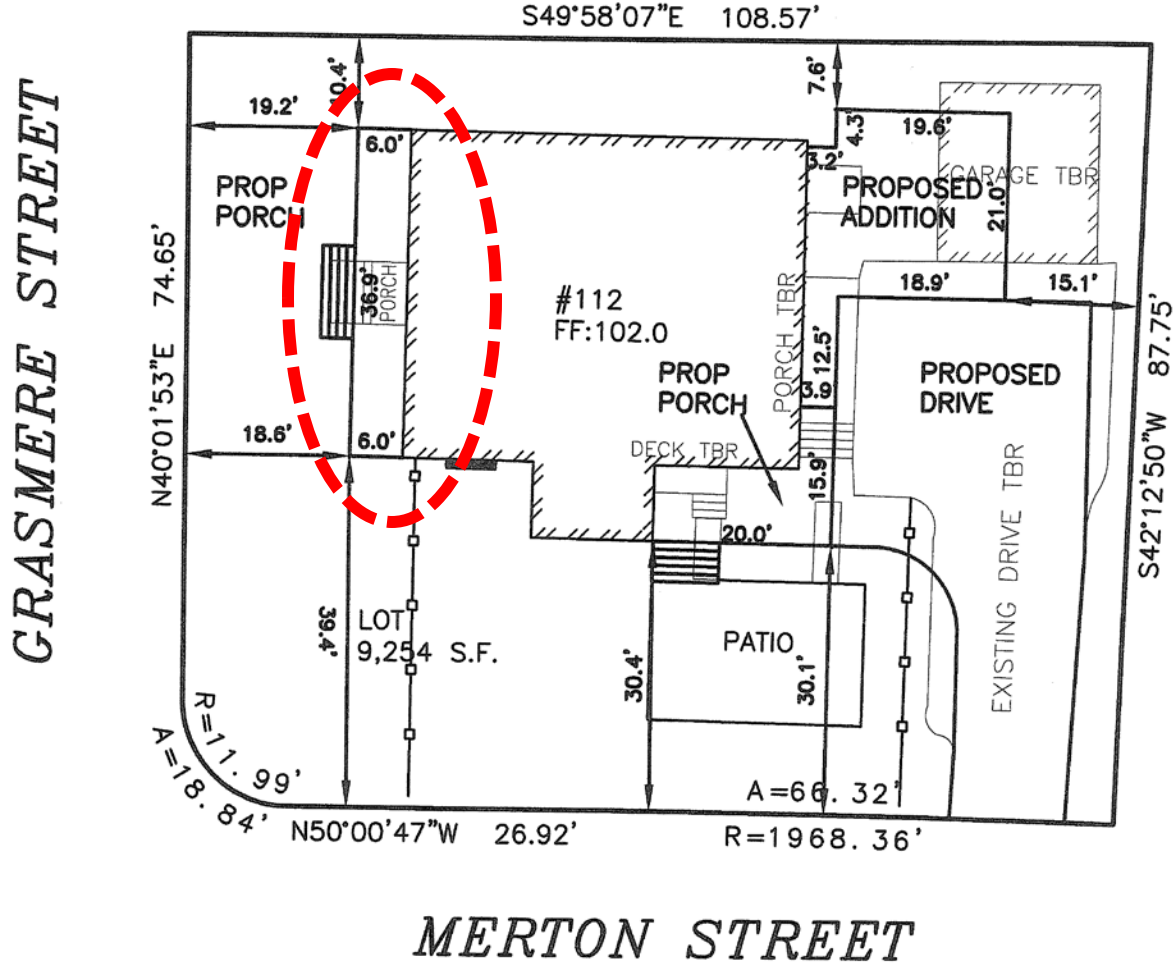


Site Plan- existing

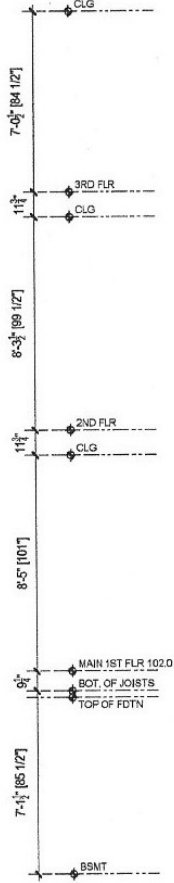


Site Plan- proposed

AVERAGE SETBACK CALCULATION
 GRASSMERE STREET
 $(\#102 + \#124)/2 =$
 $(19.6 + 22.2)/2 = 20.9'$



Elevations- Grasmere St. (existing)



68.0

68.0

Elevations- Merton St. (existing)



Elevations- Merton St. (proposed)



Proposed Findings



1. The proposed extension of the nonconforming front setback is not substantially more detrimental than the existing nonconforming front setback is to the neighborhood given that the proposed open porch and covered entry is one-story in height and would be subordinate in scale to the existing dwelling (§3.1.3 and §7.8.2.C.2).

Proposed Conditions



- Plan Referencing Condition
- Standard Building Permit Condition
- Standard Certificate of Occupancy Condition

Department of Planning and Development



PETITION #337-16(2)

41 DORSET ROAD

**SPECIAL PERMIT/SITE PLAN
APPROVAL TO AMEND COUNCIL
ORDER #337-16**

MARCH 10, 2020



Requested Relief



Special Permit per §7.3.3 to:

- Amend Council Order #337-16 which authorized an oversized dormer, an accessory structure with a footprint greater than 700 square feet, and an accessory apartment within a detached structure.

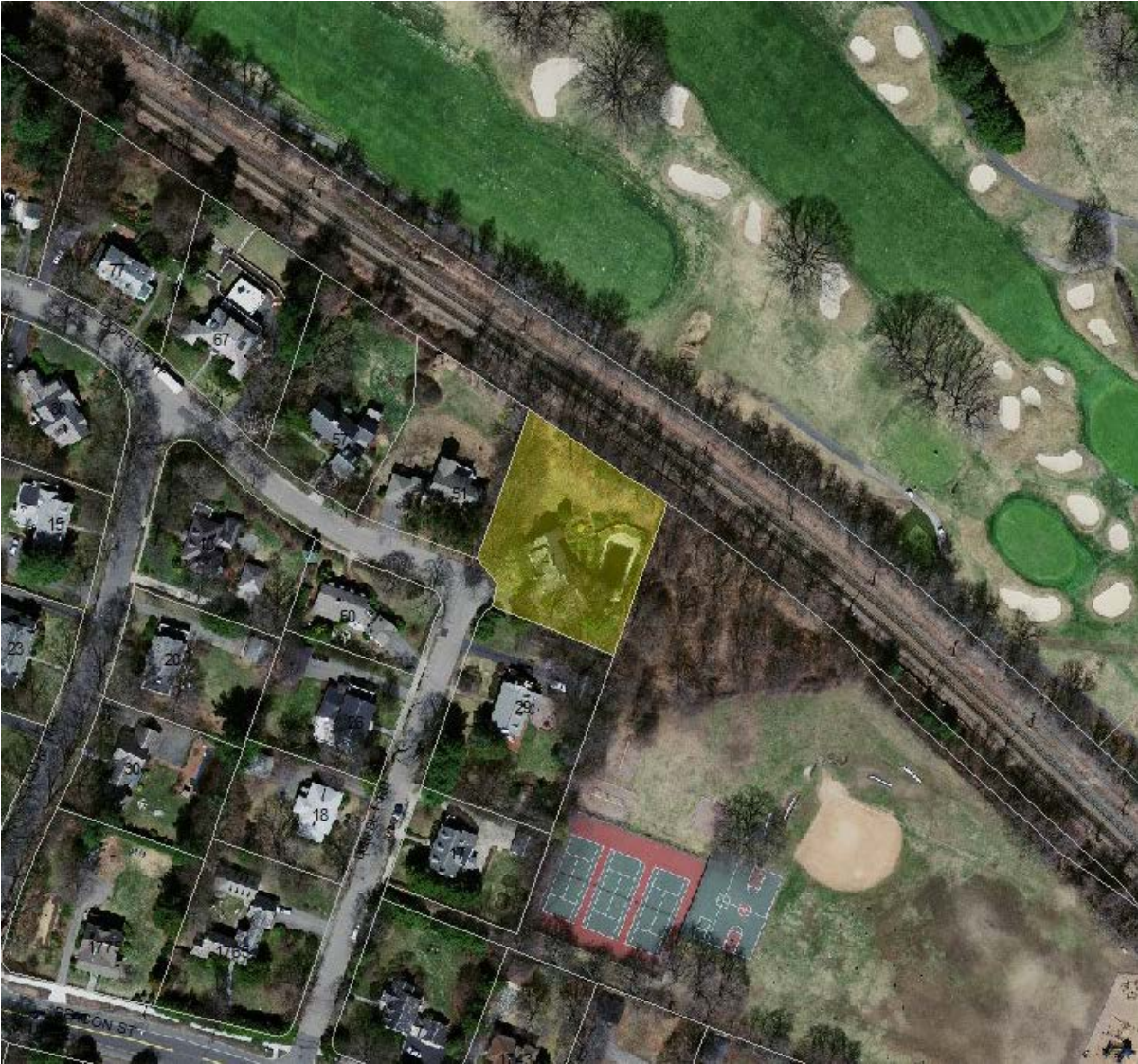
Criteria to Consider



When reviewing the requested special permits the Council should consider whether:

- The site is an appropriate location for the proposed alterations to the site plan approved pursuant to Special Permit #337-16, including changes to the site's grading and the installation of features including a larger patio area, an outdoor fireplace, a grill and spa (§7.3.3.C.1);
- The proposed changes to the site's grading and the installation of features including a larger patio area, an outdoor fireplace, a grill and spa, will not adversely affect the neighborhood (§7.3.3.C.2);
- The proposed changes to the approved site plan will not be a nuisance or create a serious hazard to vehicles or pedestrian (§7.3.3.C.3);
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

AERIAL/GIS MAP



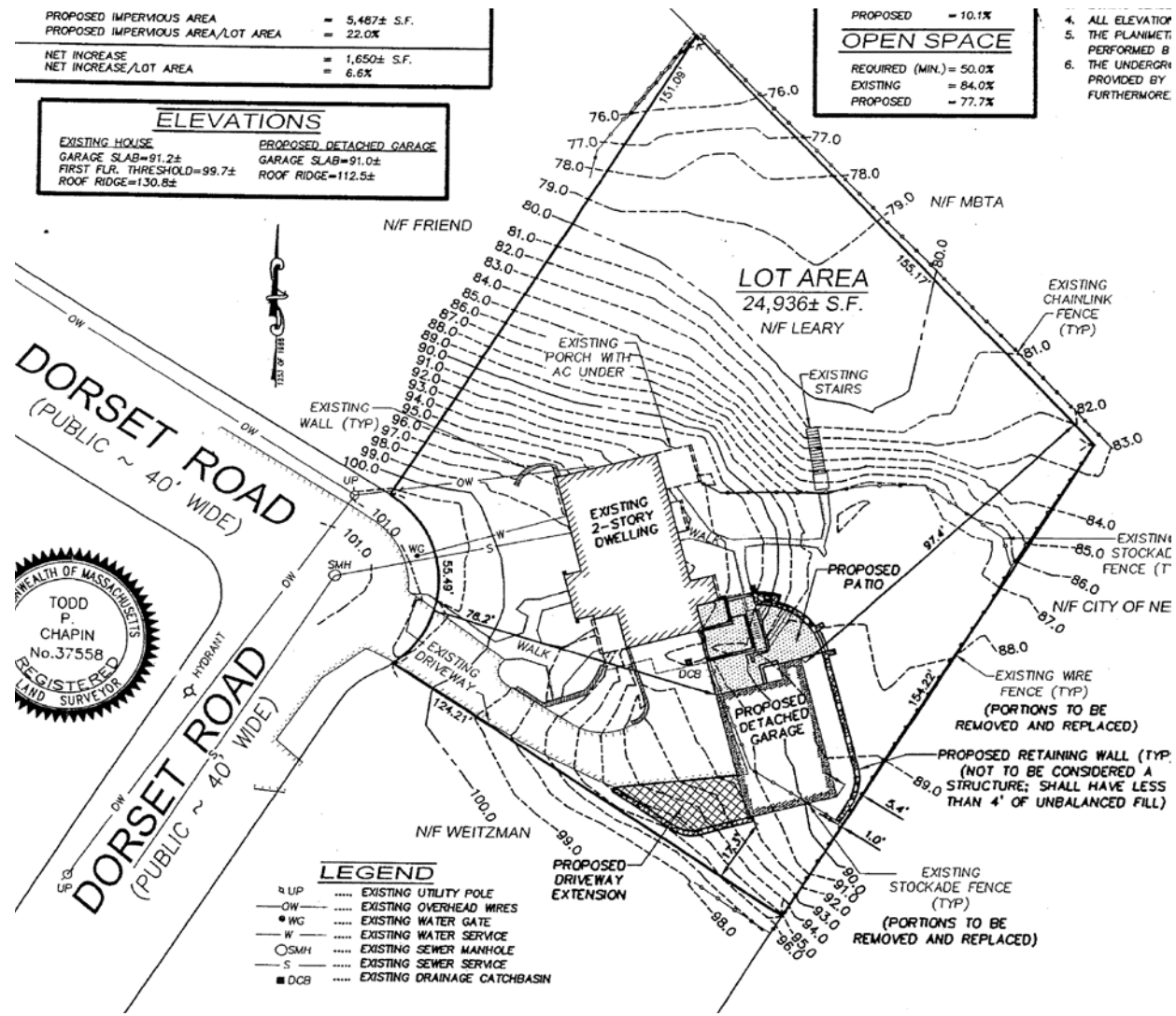
Approved Site Plan

PROPOSED IMPERVIOUS AREA	= 5,467± S.F.
PROPOSED IMPERVIOUS AREA/LOT AREA	= 22.0%
NET INCREASE	= 1,650± S.F.
NET INCREASE/LOT AREA	= 6.6%

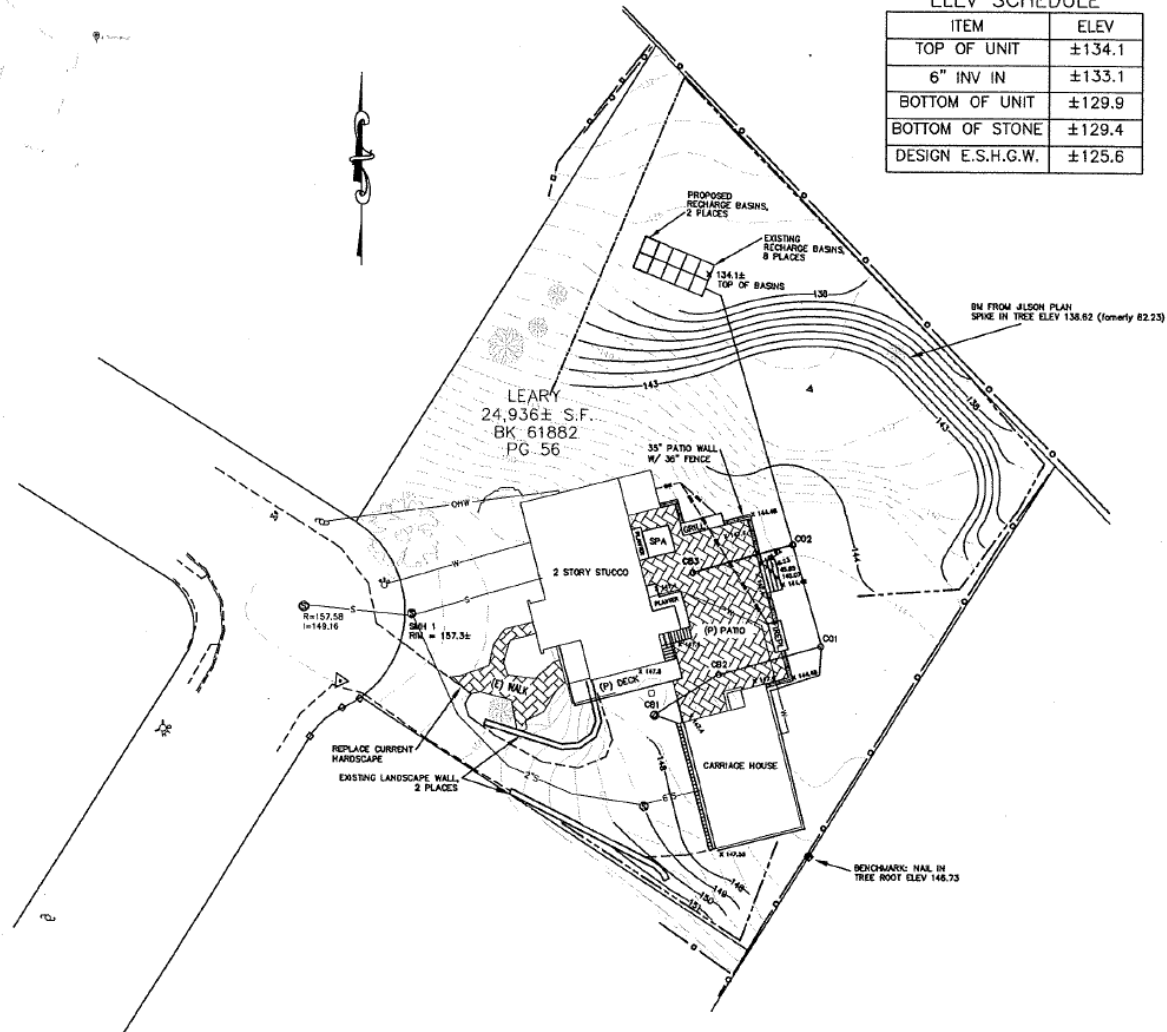
ELEVATIONS	
EXISTING HOUSE	PROPOSED DETACHED GARAGE
GARAGE SLAB=91.2±	GARAGE SLAB=91.0±
FIRST FLR. THRESHOLD=99.7±	ROOF RIDGE=112.5±
ROOF RIDGE=130.8±	

PROPOSED	= 10.1%
OPEN SPACE	
REQUIRED (MIN.)	= 50.0%
EXISTING	= 84.0%
PROPOSED	= 77.7%

- ALL ELEVATION
- THE PLANMETR
- PERFORMED B
- THE UNDERGRA
- PROVIDED BY
- FURTHERMORE



Proposed Site Plan



ELEV SCHEDULE

ITEM	ELEV
TOP OF UNIT	±134.1
6" INV IN	±133.1
BOTTOM OF UNIT	±129.9
BOTTOM OF STONE	±129.4
DESIGN E.S.H.G.W.	±125.6

Proposed Findings



1. The site is an appropriate location for the proposed alterations to the site plan approved pursuant to Special Permit #337-16, including changes to the site's grading and the installation of features including a larger patio area, an outdoor fireplace, a grill and spa as they will be located toward the rear of a large, downward sloping site which abuts a rail right-of-way and the Angier School fields, limiting their visibility from abutting public ways and properties (§7.3.3.C.1)
2. The proposed changes to the site's grading and the installation of features including a larger patio area, an outdoor fireplace, a grill and spa, will not adversely affect the neighborhood as they will be located toward the rear of a large, downward sloping site which abuts a rail right-of-way and the Angier School fields, limiting their visibility from abutting public ways and properties (§7.3.3.C.2);

Proposed Findings Continued



3. The proposed changes to the approved site plan will not be a nuisance or create a serious hazard to vehicles or pedestrian (§7.3.3.C.3);
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

Proposed Conditions



- Plan Referencing Condition
- Standard Building Permit Condition.
- Standard Certificate of Occupancy Condition

Department of Planning and Development



PETITION #16-20 49-63 UNION STREET

TO ALLOW A COMPREHENSIVE
PARKING WAIVER OF 478
PARKING STALLS

MARCH 10, 2020

PICCADILLY
SQUARE

Requested Relief



Special Permit per §7.3.3 of the NZO to:

- To waive 478 parking stalls (§5.1.4 and §5.1.13)

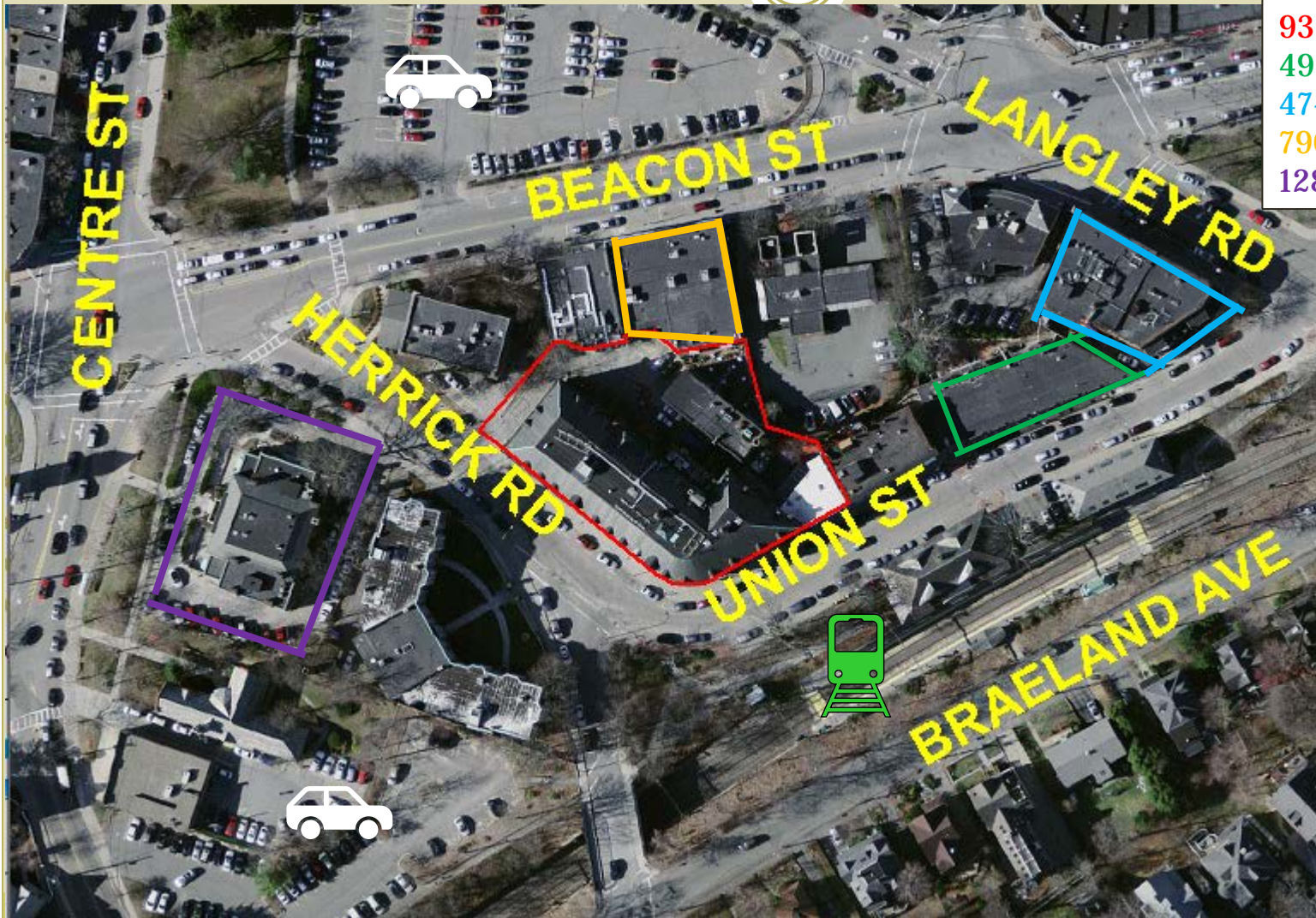
Special Permit Criteria



When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed parking waiver of 478 parking stalls. (§7.3.3.C.1.)
- The proposed parking waiver of 478 stalls as developed and operated will adversely affect the neighborhood. (§7.3.3.C.2.)
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3.)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
- Literal compliance with the parking requirements is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features (§5.1.3.E, §5.1.4 and §5.1.13).

AERIAL



93-105 Union St.
49-63 Union St.
47-61 Langley Rd.
790-794 Beacon St.
1280 Centre St.

Attachment B Zoning Map

*City of Newton,
Massachusetts*



Legend

- Single Residence 2
- Multi-Residence 1
- Business 1
- Business 2
- Public Use
- Building Outlines
- Surface Water
- Property Boundaries



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller



Map Date: January 14, 2020

Attachment C Land Use Map

*City of Newton,
Massachusetts*



Legend

- Land Use**
- Single Family Residential
 - Multi-Family Residential
 - Commercial
 - Mixed Use
 - Open Space
 - Nonprofit Organizations
 - Vacant Land
 - Building Outlines
 - Surface Water
 - Property Boundaries



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller



Map Date: January 14, 2020

Parking Requirements

Use	Parking Requirement
Retail and Personal Service <i>Different Use, Same requirement</i>	1/300 sf 1/3 employees
Restaurant	1/3 seats 1/3 employees
Business Office	1/250 sf
Medical Office	1/200 sf
Health Club – 2,000 sf	1/150 sf 1/3 employees

Example:

1200 square foot tenant space with:

Nail salon (personal service) with 3 employees: **5 stalls required**

1200 square foot tenant space with:

Café (restaurant) with 15 seats and 6 employees: **7 stalls required**

Parking credits: The café must make up the difference of **2 stalls**. As there is no parking on site, they must seek a parking waiver of **2 stalls per special permit**.

Planning Analysis



- Consistency with Comprehensive Plan – adopted 2011
 - Allows for a more vibrant Village Center with a greater mix of uses and feasibility for a variety of uses to locate there by waiving parking.
 - Encourages mix of uses near transit
 - Strengthen and prioritize alternative modes of transportation
- Village Center developed prior to parking and automobile.
- Allows for flexibility and faster turnover in leasing space
- Cleans up previous parking waivers and existing 412 parking credits across 109 tenant spaces.
- Similar to Chestnut Hill Mall or The Street, where a parking waiver is sought based on the expectation that the uses will change for each space.

Proposed Findings



1. The specific site is an appropriate location for the proposed parking waiver of 478 parking stalls due to its location the BU-1 zone and in a Village Center with access to transit. (§7.3.3.C.1.)
2. The parking waiver of 478 stalls will not adversely affect the neighborhood as the sites are located in a major commercial center of Newton with a mix of uses. (§7.3.3.C.2.)
3. There will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3.)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. Literal compliance with the parking requirements is impracticable as the parking waiver is in the public interest and in the interest of safety as the waiver will maintain the Village Center's status as a walkable commercial area. The parking requirement is also impracticable due to the sites as having been constructed during a time when the automobile was not utilized as the primary mode of transportation. (§5.1.3.E, §5.1.4 and §5.1.13).

Proposed Conditions



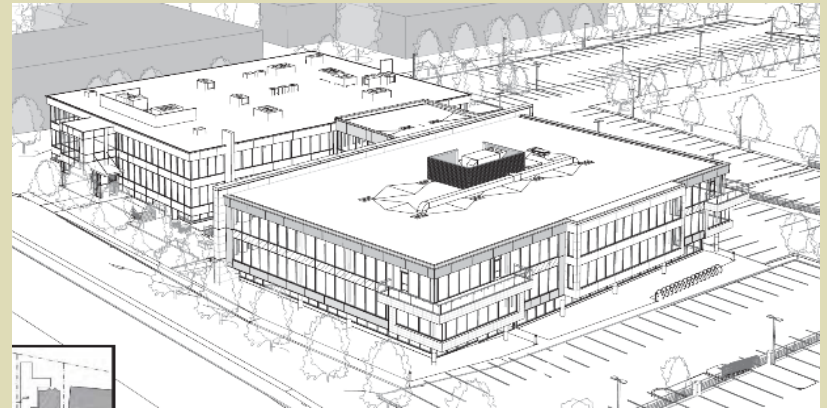
1. The Petitioner must provide annual documentation to the Planning Department as to the tenants of the sites as the Planning Department will keep an updated list and track the parking stall so as not to exceed the number of waived stalls.
2. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - Recorded a certified copy of this order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
3. Prior to the issuance of any building permit for improvement to a tenant space or change of use for a tenant space, the Petitioner must provide documentation to the Director of Planning for approval to ensure compliance with this waiver.
4. The petitioner shall not lease any of the existing parking stalls on site to those not associated with their tenant spaces for any non-accessory use.

Department of Planning and Development



PETITION #15-20(2) 180 WELLS AVENUE

SPECIAL PERMIT/SITE PLAN
APPROVAL TO AMEND COUNCIL
ORDERS #148-15(2) AND (3) TO
REVISE THE PARKING DECK, A
CONSTRUCT A FOURTH FLOOR, TO
AMEND THE WELLS AVENUE DEED
RESTRICTION TO REDUCE THE
MINIMUM REQUIRED OPEN SPACE



MARCH 10, 2020

Requested Relief



Special Permits per §7.3.3 of the Newton Zoning Ordinance to:

- Amend Council Orders #148-15(2) and (3)
- Reduce the interior landscaping requirement (§5.1.9.B.1 and §5.1.13)
- Reduce the loading bay length requirement (§5.1.12.D.1 and §5.1.13)
- Amend the Wells Avenue Deed Restriction to reduce the minimum open space

Criteria to Consider



When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed amendments to Council Order #148-15(2) and (3) (§7.3.3.1).
- The use, as developed and operated, due to the proposed amendments to Council Order #148-15(2) will adversely affect the neighborhood (§7.3.3.2).
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.3).
- Access to the site is appropriate for the types and numbers of vehicles involved (§7.3.3.4).

Criteria to Consider Continued



- Literal compliance with the requirements of parking facilities containing more than five stalls is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features (§5.1.9.B.1, §5.1.12.D.1, and §5.1.13.)

Additional Updates



- The Planning Department is not concerned with the request to waive the loading dimensions because the trucks currently serving the building will continue to do so.
- The Planning Department suggests that the petitioner's donation to a traffic mitigation fund be directed to the operations of the soon to be established Wells Avenue Shuttle.
- Staff is unconcerned with the photometric plan of the enlarged parking facility.

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the Council, finding that the proposed construction can be made without substantially derogating from the purpose for which the City of Newton was granted certain restrictions in a deed from the Trustees of the “Newton at 128 Realty Trust” to the City of Newton dated May 22, 1969 and recorded with the Middlesex South Registry of Deeds in Book 11669, Page 535, and as amended, the Council hereby agrees to approve the proposed construction, as follows:

PETITION NUMBER: #15-20(2)

PETITIONER: Intrum Corporation

LOCATION: 180 Wells Avenue, Ward 8, on land known as Section 84, Block 34A, Lot 3, containing approximately 220,097 square feet of land

OWNER: 180 Wells Realty, LLC

ADDRESS OF OWNER: 60 Wells Avenue, Suite 100
Newton, MA 02459

TO BE USED FOR: Reduction in Open Space

That the restriction adopted by the Board Order #276-68(3) as conveyed to the City of Newton by a Deed recorded with Middlesex South District Registry of Deeds in Book 11699, Page 535 as amended by Board Order nos. 570-71(2), 189-72, 734-72, 591-76, 541-89(2), 282-91, 293-93(2), 469-93, 428-01(B), 38-03(2), 324-06(2), 325-06(2), 231-07(2), 56-12, and 257-13(3) and 124-15 be further amended as specifically set out in Exhibit A attached hereto for the sole purpose of permitting the construction of a three-story addition to a three-story building which will increase the gross floor area in the aggregate by more than 20,000 square feet and to waive certain parking facility design controls at 180 Wells Avenue and to reduce the open space as proposed in Special Permit Council Order #15-20(2), to be used for offices and all accessory uses as are proper, usual and customary in connection with such use.

1. The Council finds that granting the specific amendment to the deed restriction to allow for the expanded parking facility proposed for 180 Wells Avenue will not diminish the safeguards for which the restriction was implemented, including floodplain management and watershed protection.

2. The amendment to the deed restriction authorized by this Council Order is limited to the extent necessary to develop the special permit project at 180 Wells Avenue authorized by Special Permit Council Order #15-20(2).
3. The amendment to the deed restriction authorized by this Council Order is subject to the approval and exercise of Special Permit Board Order #15-20(2) in accordance with the terms and conditions of such Council Order.
4. Her Honor the Mayor be and hereby is authorized to execute on behalf of the City such recordable documents as may be usual, customary or necessary to give effect to this Order of the Council.

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed in accordance with:
 - a. Architectural and civil plan set entitled "Special Permit Modification Submission", prepared by Elkus Manfredi Architects, dated October 10, 2019, revised February 18, 2020, consisting of the following nineteen (19) sheets.

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to amend Council Order #148-15(2) and to waive the loading dimensions construct as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Rick Lipof:

1. The specific site is an appropriate location for the proposed amendments to Council Order #148-15(2) because the site is governed by a special permit and the Wells Avenue Deed Restriction which control development on site (§7.3.3.1).
2. The use, as developed and operated, due to the proposed amendments to Council Order #148-15(2) will not adversely affect the neighborhood because the petitioner is only amending the site plan (§7.3.3.2).
3. There will be no nuisance or serious hazard to vehicles or pedestrians due to the installation of a pedestrian walkway protected from the parking facility (§7.3.3.3).
4. Access to the site is appropriate for the types and numbers of vehicles involved because the intensity of use is not changing from what was approved under Council Order #148-15(2)(§7.3.3.4).
5. A waiver from the loading dimensions is in the public interest because loading will be accommodated on site without affecting pedestrian or vehicular circulation (§5.1.12.D.1, and §5.1.13.)

PETITION NUMBER: #15-20(2)

PETITIONER: Intrum Corporation

LOCATION: 180 Wells Avenue, Ward 8, on land known as Section 84, Block 34A, Lot 3, containing approximately 220,097 square feet of land

OWNER: 180 Wells Realty, LLC

ADDRESS OF OWNER: 60 Wells Avenue, Suite 100
Newton, MA 02459

TO BE USED FOR: Site Plan Modification

EXPLANATORY NOTES: Special Permit to amend Council Order #148-15(2) which allowed a three-story addition to a three-story building, which will increase the gross floor area in aggregate by more than 20,000 square feet, and to waive certain parking facility design controls to waive the loading dimensions and to amend the Wells Avenue Deed Restriction to reduce the minimum open space from 40 percent to 35 percent.

ZONING: Limited Manufacturing district

This special permit supersedes, consolidates, and restates provisions of prior special permits to the extent that those provisions are still in full force and effect. Any conditions in prior special permits not set forth in this special permit #15-20(2) are null and void.

Approved subject to the following conditions:

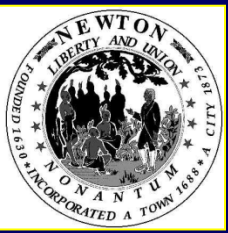
1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with:
 - a. Architectural and civil plan set entitled "Special Permit Modification Submission", dated October 10, 2019, revised February 18, 2020, consisting of the following nineteen (19) sheets.
2. The trash collection area shall be maintained in a sanitary condition at all times when not in use. The collection/emptying of such receptacles shall only occur on weekdays between 8:00 a.m. and 5:00 p.m.
3. The petitioner shall not use salt or associated chemicals on roadways and parking areas.
4. All landscaping associated with this Special Permit/Site Plan Approval shall be maintained in good condition. Any plant material that becomes diseased or dies shall be replaced on an annual basis with similar material.
5. The petitioner shall execute a Traffic Mitigation Fund Agreement and donate \$80,000.00 which it has offered to pay for the operation of a shuttle serving Wells Avenue.
6. The petitioner shall implement a transportation demand management program to be reviewed and approved by the Department of Planning and Development, which program shall encourage the use of public transportation, promote the use of bicycles by provisions of lockers and shower facilities for cyclists, promote ride sharing, and assistance in the organization as well as participation in a shuttle service for the Wells Avenue Office Park. The

program shall also include the designation of an on-site transportation coordinator to disseminate information to new tenants and employees and act as the point of contact for the operator of the Wells Avenue shuttle.

7. Snow may be stored on-site in designated snow storage areas, or otherwise snow shall be removed from the site. If snow is to be stored on-site, a snow storage plan shall be submitted for review and approval to the Director of Planning and Development and City Engineer.
8. Signage shall conform to the City standards and provisions of the Deed Restriction. The Urban Design Commission and the Director of Planning and Development shall review and approve all by right signs.
9. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall submit final lighting details illustrating light pole heights under 20 feet, bollard light fixtures, and shielded light fixtures that will be installed on the site, for review and approval by the Director of Planning and Development.
10. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall provide a final site plan which includes an uninterrupted walkway linking the building to the southeast frontage of the site on Wells Avenue for review and approval by the Director of Planning and Development and City Engineer.
11. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall have filed a Tree Permit with the Director of Urban Forestry to ensure compliance with the City Tree Preservation Ordinance.
12. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall submit a Construction Management Plan for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer. The Construction Management Plan shall be consistent and not in conflict with relevant conditions of this Board Order and shall include, but not be limited to, the following provisions:
 - a. 24-hour contact information for the general contractor of the project.
 - b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Mayor. Except as to construction within the proposed building once it is fully enclosed.
 - c. The proposed schedule of the project, including the general phasing of the construction activities.
 - d. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for delivery vehicles, and location of any security fencing.
 - e. Proposed truck route(s) that minimize travel on local streets.
 - f. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using

- dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
- g. Proposed methods of noise control, in accordance with the City of Newton's Ordinances. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.
 - h. A plan and proposed methods for control of any blasting work, in accordance with City and State regulations.
 - i. Tree preservation plan to define the proposed method for protection of any existing trees to remain on the site.
 - j. A plan for rodent control during any demolition activities and during construction.
13. Prior to the issuance of a building permit, the petitioner shall obtain a license in a form approved by the Law Department to cross and to park within the City's easement along the western frontage.
14. Prior to issuance of a certificate of occupancy, the petitioner, at its sole expense, shall complete pedestrian safety improvements consisting of the installation of concrete sidewalks and pedestrian aprons along the frontage of the property bordering Wells Avenue as well as an uninterrupted walkway linking the building to the southeast frontage of the site on Wells Avenue. The petitioner shall submit final details and plans for such improvements to the City Engineer for review and approval as part of the building permit process.
15. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall provide a final landscape plan including more conifer tree plantings and additional plantings along the site perimeter adjacent to the parking deck for review and approval by the Director of Planning and Development.
16. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
- a. Recorded a certified copy of this Board Order for the approved Special Permit/Site Plan Approval and an amendment to the Deed Restriction as proposed in Council Order #15-20(3) with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Council Orders with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Executed the Traffic Mitigation Fund Agreement and payed the traffic mitigation contribution per Condition #5.
 - d. Submitted final lighting details to be reviewed and approved by the Director of Planning and Development per Condition #9.
 - e. Submitted final site plan including an uninterrupted pedestrian walkway linking the building to the southeast frontage of the site on Wells Avenue for review and approval Director of Planning and Development and City Engineer per Condition #10.
 - f. Filed a Tree Permit with the City's Director of Urban Forestry per Condition #11.

- g. Submitted a construction management plan for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer per Condition #12.
 - h. Filed plans for pedestrian safety improvements consisting of the installation of concrete sidewalks and pedestrian aprons along the frontages of the property bordering Wells Avenue for review and approval by the City Engineer per Condition #14.
 - i. Filed a final landscape plan for review and approval by the Director of Planning and Development per condition #15.
 - j. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
17. No Final Inspection/Occupancy Permit for the use covered by this Special Permit/Site Plan Approval shall be issued until the petitioners has:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development, a statement by a registered architect certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services and the Department of Planning and Development, a final as-built survey plan in paper and digital format by a licensed surveyor.
 - c. Constructed, at its sole expense, the pedestrian safety improvements referenced in Condition #14, above, and all consistent with the plans to be approved by City Engineer. The petitioner shall submit a final as built plan for the improvements to the City Engineer for review and approval.
 - d. Submitted to the Director of Planning and Development for review and approval a final transportation demand management plan per Condition #6.
 - e. Filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, final landscape features, fencing, signage and parking areas.
18. Notwithstanding the provisions of Condition #17 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the site prior to installation of final landscaping, fencing, signage and parking areas provided that the petitioner shall first have filed with the Director of Planning and Development a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining site work to secure installation of such landscaping, fencing, signage and parking areas.



1114 Beacon Street

March 10, 2020



Aerial View



Existing Conditions



1114
Beacon



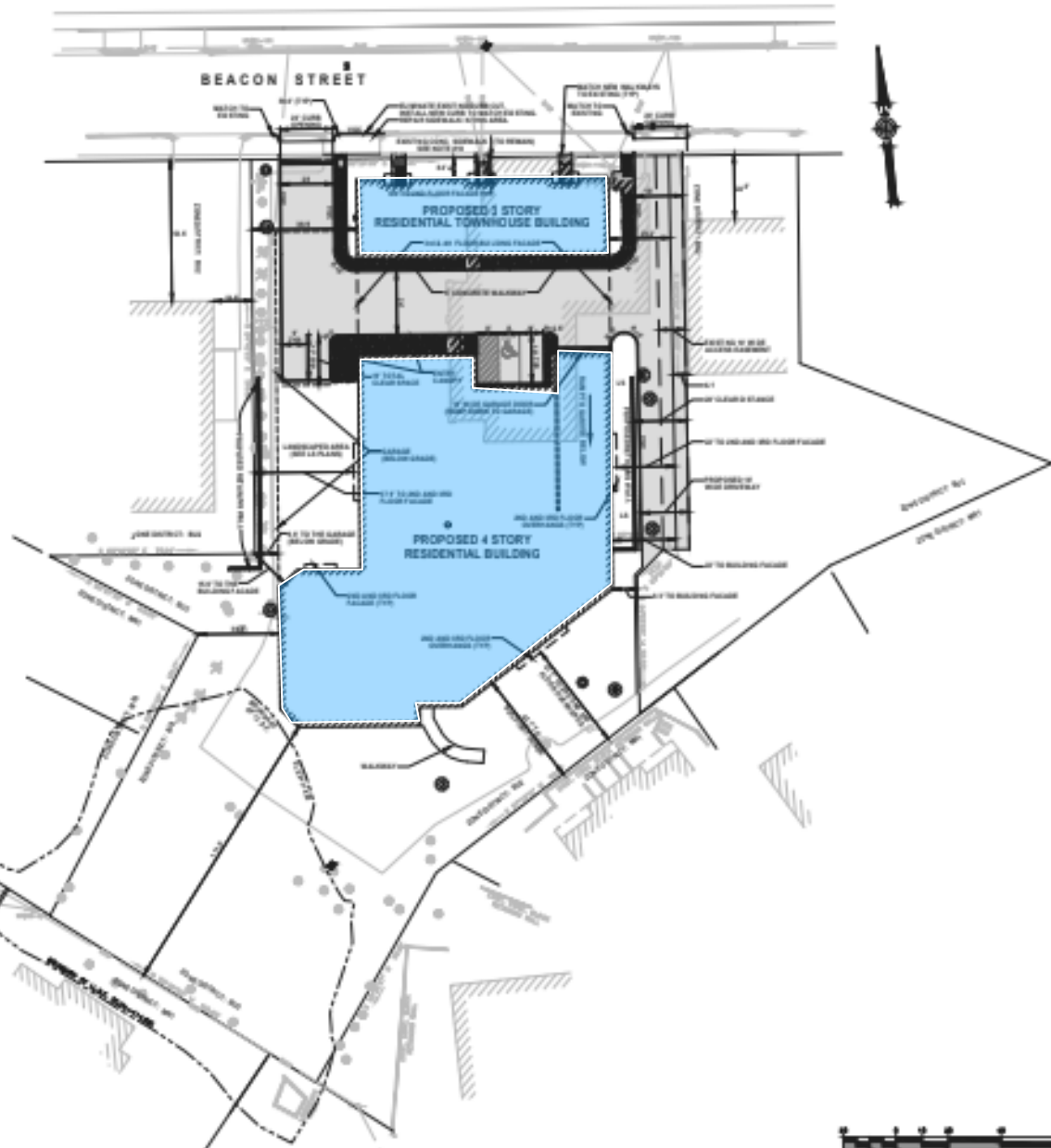
Proposed Conditions

LAYOUT AND MATERIALS NOTES

1. ALL ACCESSIBLE CURB EXITS SHALL BE CONSTRUCTED TO MEET ADA AND MAAB REGULATIONS.
2. AT AREAS OF VERTICAL CURB, TRANSITIONAL CURB, TRANSITIONAL GRANITE CURB AND FLUSH GRANITE CURB SHALL BE PROVIDED AS NECESSARY.
3. SEE LANDSCAPE DRAWINGS FOR ALL LANDSCAPE DETAILS.
4. ACCESSIBLE PARKING SPACES AND ACCESS AISLES SHALL NOT EXCEED A SLOPE OF 1:60 (2%) IN ANY DIRECTION.
5. ALL ACCESSIBLE PARKING SPACES SHALL HAVE STORAGE AND SIGNAGE COMPLY WITH MAAB REGULATIONS. SEE SPECIFICATIONS.
6. DRIVEWAY SPACES SHALL NOT HAVE SLOPES IN EXCESS OF 1:20 (5%) OR CROSS SLOPES IN EXCESS OF 1:80 (1%), UNLESS OTHERWISE NOTED.
7. WALK SPACES AND DRIVE SLUICES SHOWN ON THE GRADING PLANS ARE MEANT, BY LESS THAN, THE REQUIREMENTS OF THE MASSACHUSETTS ARCHITECTURAL BOARD'S (MAB) REGULATIONS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONSTRUCT THE WORK SO THAT IT IS COMPLIANT WITH ALL REQUIRED REGULATIONS. NOTE THAT THE MAB'S APPROVAL WITHIN THE REGULATIONS IS NOT RECONSIDERED "CONSTRUCTION TOLERANCES" EXCEEDING THE MAB'S APPROVALS IN THE REGULATIONS IS ESSENTIAL TO THE CONTRACTOR'S RISK. THE CONTRACTOR SHALL NOTIFY IN WRITING THAT ALL ACCESSIBLE DRIVEWAYS AND PARKING HAVE BEEN CONSTRUCTED IN COMPLIANCE WITH THE MAB'S REGULATIONS.
8. CURB RADI AND DIMENSIONS SHOWN ARE AT THE FACE OF CURB.
9. LAYOUT SHOWN HEREIN IS BASED UPON THE EXISTING CONDITIONS SURVEY PLAN CONTAINED IN THIS SET OF DRAWINGS. SURVEYOR OF RECORD SHALL BE CONTACTED PRIOR TO COMMENCEMENT OF ANY SITE WORK TO ESTABLISH SURVEY CONTROL FOR LAYOUT PURPOSES.
10. FOR CONCRETE DRIVEWAYS AND RETAINING CONCRETE OVERLAYS, FINISHES, SURFACE TREATMENTS, PATTERNS AND COLORS, SEE LANDSCAPE PLANS AND SPECIFICATIONS.
11. PARKING SPACES SHALL BE STANDARD 4-8'4" WIDE WHITE STRIPING UNLESS OTHERWISE NOTED ON THE PLANS.
12. RETAINING WALLS SHALL BE CONSTRUCTED ACCORDING TO THE CITY POLICY AND STANDARDS.

LEGEND

- (SEE EXISTING CONDITIONS PLAN FOR EXISTING CONDITIONS SYMBOLS AND ABBREVIATIONS)
- PROPOSED VERTICAL GRANITE CURB
 - FLUSH VERTICAL GRANITE CURB
 - TRANSITIONAL GRANITE CURB
 - ADA



DGT Associates
 Surveying & Engineering
 Framingham • Worcester
 1071 Worcester Road
 Framingham, MA 01701
 508-879-0030
 www.DGTassociates.com

ISSUED FOR:
 PERMIT SET

PREPARED FOR:
 1114 BEACON STREET LLC
 200 NORTH MAIN STREET, SUITE 100
 WATFORD, MASSACHUSETTS 02159



DATE: JANUARY 28, 2019
 SCALE: 1" = 30'

NOTICE OF INTENT SITE PLAN
 THE BEACON

1114 BEACON STREET
 WATFORD, MASSACHUSETTS 02159

SHEET NO.:
 SITE LAYOUT AND MATERIALS PLAN

DATE:
 PROJECT NO.:
 2019

Proposed Elevations



WEST ELEVATION

3/8" = 1'-0"



EAST ELEVATION

3/8" = 1'-0"



NORTH ELEVATION - BEACON STREET FACADE

3/8" = 1'-0"



SOUTH ELEVATION

3/8" = 1'-0"

South Elevation (Beacon Street)



Southeast Elevation



Northwest Elevation



Southwest Elevation



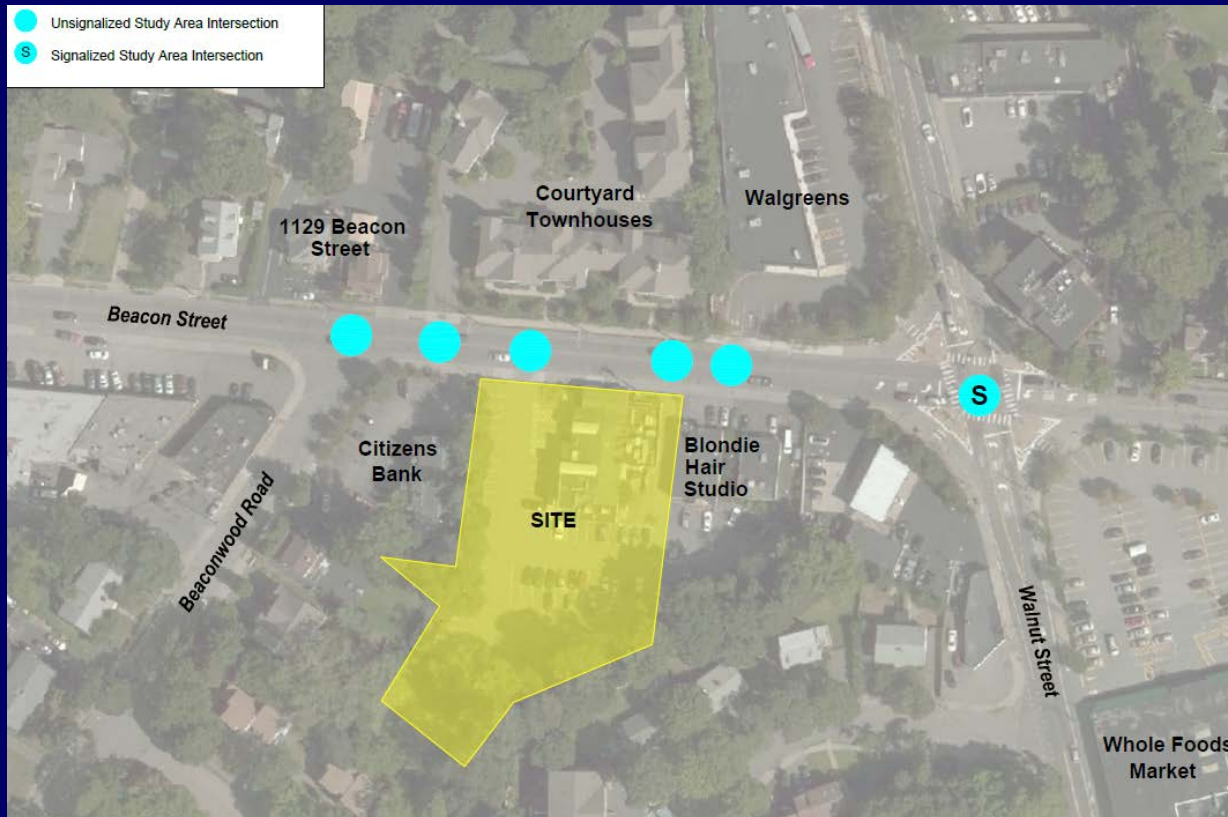


Traffic Overview

- 1114 Beacon Street Redevelopment Project (27 residential units)
- Detailed Traffic Study prepared consistent with typical MassDOT and City Requirements
- Peer-review process on-going with City of Newton



Project Study Area



- Study area confirmed with City of Newton



Traffic Analyses

- 2019 Existing Conditions
- 2026 No Build Conditions
 - 7 year Projection of Traffic Conditions without Project
 - Includes Population Growth and Other Development Projects
- 2026 Build Conditions
 - Future Traffic Projections with the Project in place
- By comparing these three conditions we can identify project impacts and assess what is needed to address them



Project-Generated Trips

- Project expected to generate approximately 9 new trips during AM peak hour (2 entering/7 exiting)
- Project expected to generate approximately 13 new trips during PM peak hour (8 entering/5 exiting)
- Based on standard procedures by Institute of Transportation Engineers
- No credit taken for residents who may take transit or walk/bike
- No credit taken for previous restaurant use on-Site (which had the potential to generate substantially more trips than the proposed residential)

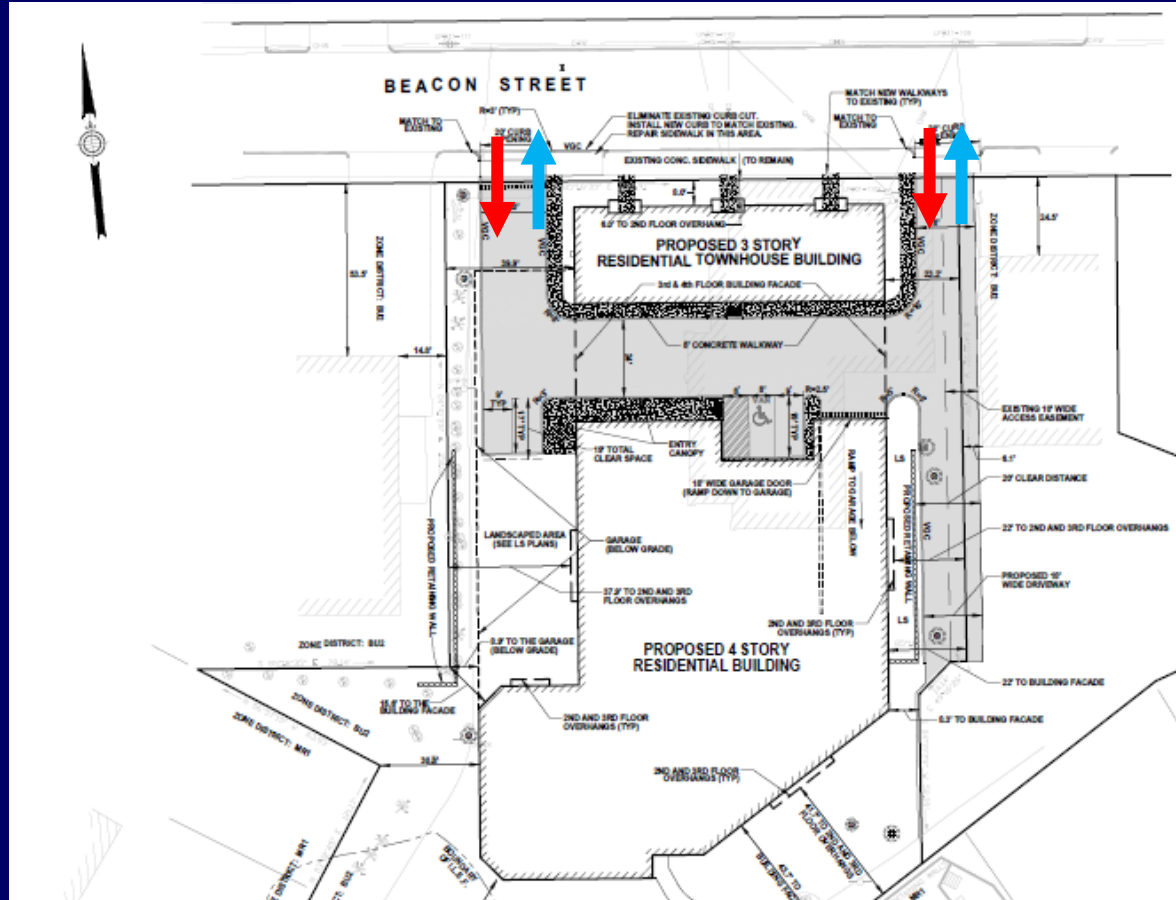


Project Impacts

- Negligible impacts on roadway network
 - No movements to experience a drop in level-of-service
- Site will continue to be served by two curb cuts on Beacon Street
- Project will be supported with 50 vehicle parking spaces and 27 bicycle parking spaces



Site Plan



Zoning Relief



Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§4.4.1	Request to allow a residential use with ground floor units	S.P. per §7.3.3
§4.1.2.B.1	A development of 20,000 square feet or more of new gross floor area	S.P. per §7.3.3
§4.1.2.B.3 §4.1.3	To allow a four-story structure at 46.15 feet in height	S.P. per §7.3.3
§4.1.3 §7.8.2.C.2	To alter a nonconforming front setback	S.P. per §7.3.3
§4.1.2.B.3 §4.1.3	To allow an FAR of 1.142 in a four-story structure	S.P. per §7.3.3
§5.1.4.A §5.1.13	To waive 4 required parking stalls	S.P. per §7.3.3
§5.1.7.A §5.1.13	To allow parking in the side setback	
§5.1.8.B.2 §5.1.13	To waive the minimum stall depth requirements	S.P. per §7.3.3

Community Outreach

- November 1, 2018 – Newton Highlands Area Council
- January 8, 2019 – Women's Club of Newton
- February 7, 2019 – Women's Club of Newton
- February 13, 2020 – Newton City Hall



Department of Planning and Development



PETITION #71-20 1114 BEACON STREET

PETITION FOR SPECIAL PERMIT/SITE PLAN APPROVAL TO ALLOW A 27-UNIT MULTI FAMILY DWELLING GREATER THAN 20,000 SQ. FT. OF NEW GROSS FLOOR AREA, A FOUR-STORY STRUCTURE UP TO 48' IN HEIGHT, ALTERATION OF A NONCONFORMING FRONT SETBACK, TO ALLOW GROUND FLOOR RESIDENTIAL USE, TO ALLOW AN FAR OF UP TO 2.0, A WAIVER OF 4 PARKING STALLS, A WAIVER FOR PARKING IN THE SIDE SETBACK, A WAIVER OF THE MINIMUM STALL DEPTH REQUIREMENTS AND A WAIVER OF THE SUSTAINABLE DESIGN STANDARDS

MARCH 10, 2020



1114 Beacon Street

Requested Relief



Special Permit per §7.3.3 of the NZO to:

- Allow a residential use with ground floor units (§4.4.1)
- A development of 20,000 square feet or more of new gross floor area (§4.1.2.B.1)
- To allow a four-story structure at 46 feet in height, and FAR of 1.142 (§4.1.2.B.3, §4.1.3)
- To alter a nonconforming front setbacks (§4.1.3)
- To waive 4 required parking stalls (§5.1.4.A, §5.1.13)
- To waive the minimum stall depth requirements (§5.1.8.B.2, §5.1.13)
- To allow parking in the side setback (§5.1.7.A, §5.1.13)

Special Permit Criteria



When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed multi-family structure. (§7.3.3.C.1.)
- The proposed multi-family structure as developed and operated will not adversely affect the neighborhood. (§7.3.3.C.2.)
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3.)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4.)
- The proposed floor area ratio of 1.14 in a four-story structure is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood (§4.1.2.B.3, §4.1.3 and §7.3.3).

Continued on next slide

Special Permit Criteria (cont'd)



When reviewing this request, the Council should consider whether:

- The alteration of the nonconforming front setback is not more substantially detrimental to the neighborhood than the existing nonconforming structure (§7.8.2.C.2).
- The site planning building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy. (§7.3.3.C.5.)
- Literal compliance with the parking requirements of the Newton Zoning Ordinance (Ordinance) is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features. (§5.1.13.)

AERIAL



ATTACHMENT A

Zoning

1114 Beacon Street

City of Newton,
Massachusetts

Legend

- Single Residence 2
- Multi-Residence 1
- Multi-Residence 2
- Multi-Residence 3
- Business 1
- Business 2
- Open Space/Recreation
- Public Use

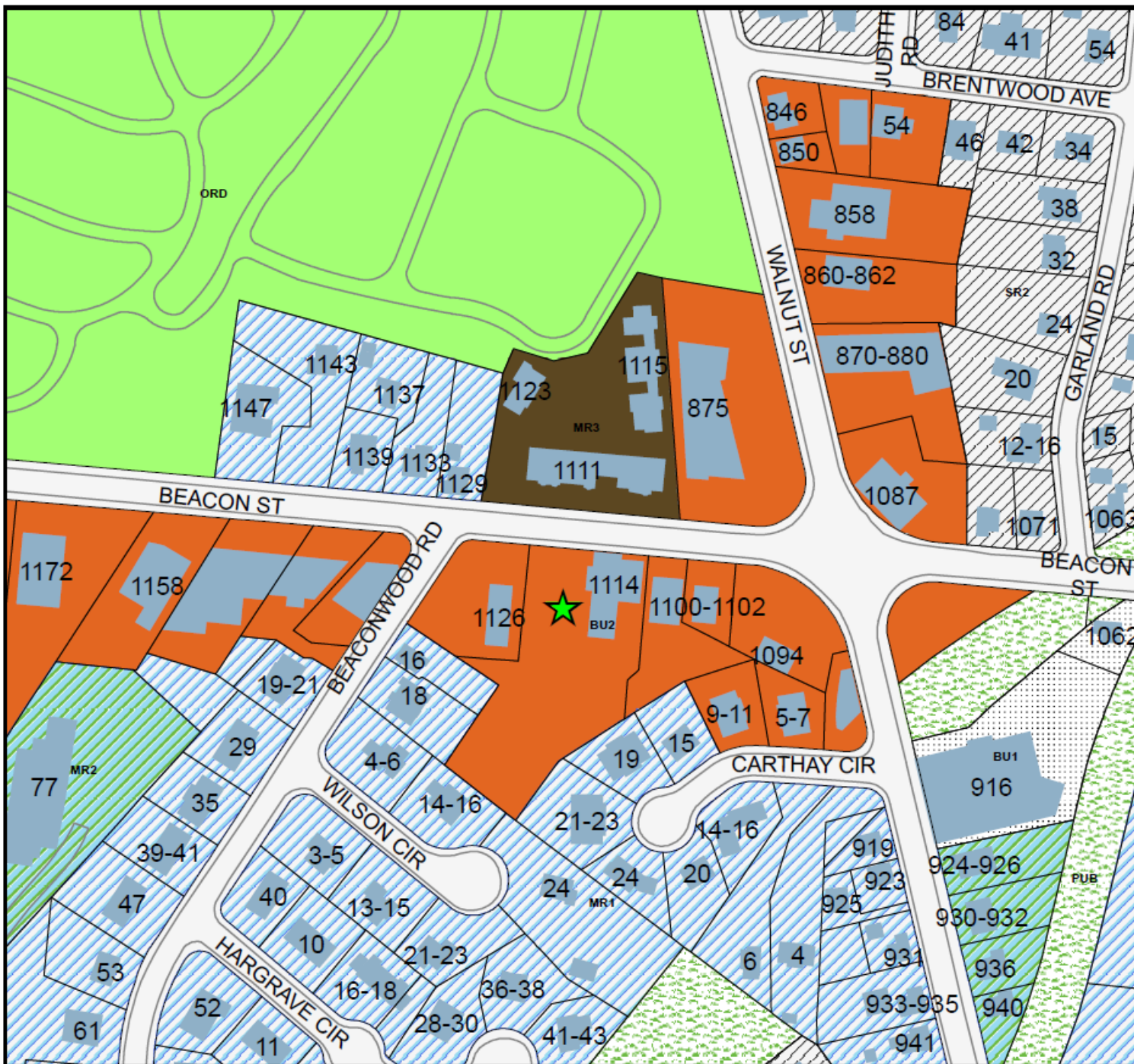


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

0 12.5 50 75 100 125 150 175 200 225
Feet

Map Date: March 05, 2020



ATTACHMENT B

Land Use

1114 Beacon Street

City of Newton,
Massachusetts

Land Use

Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Mixed Use
- Open Space
- Nonprofit Organizations
- Vacant Land

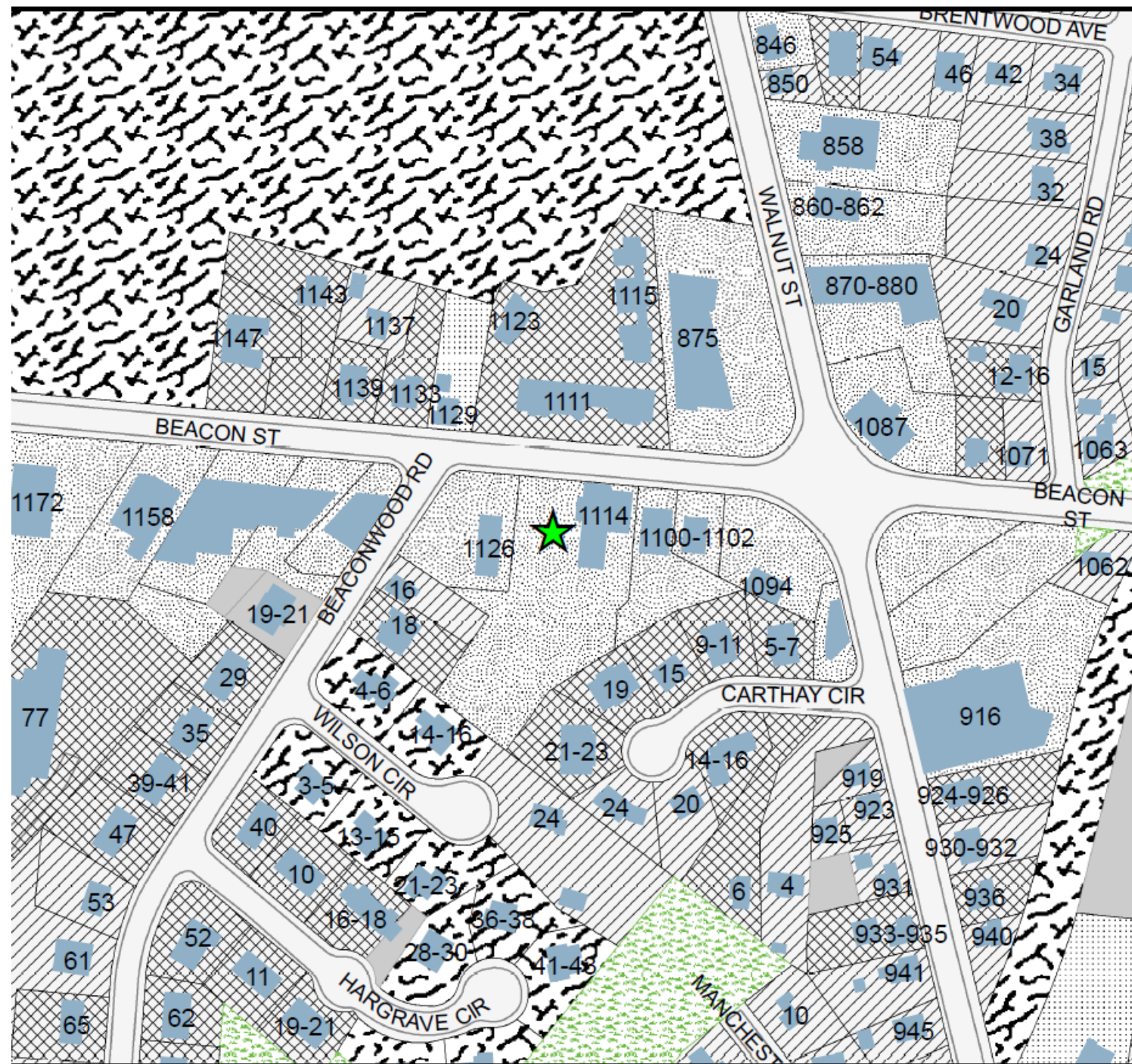


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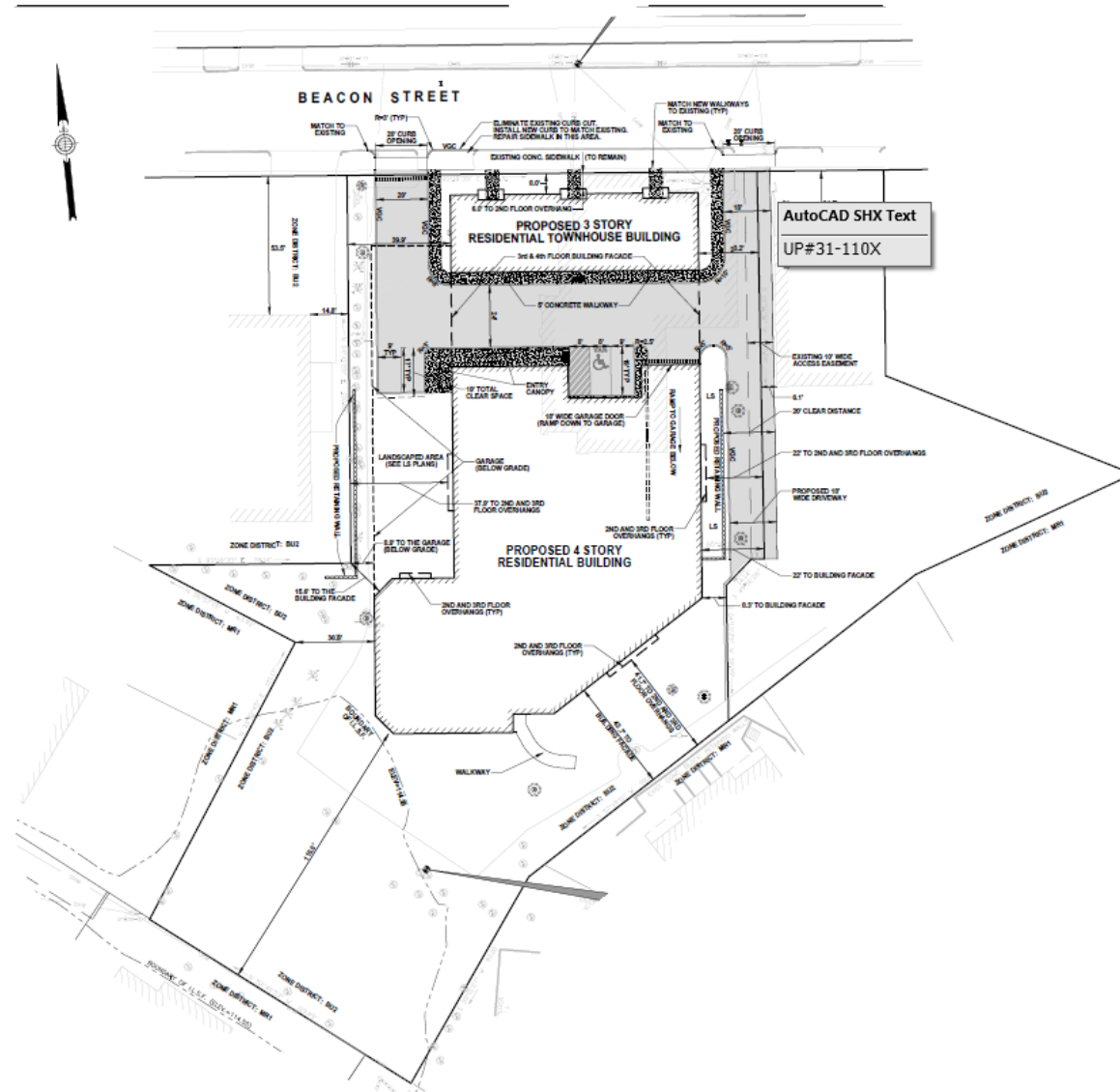
CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
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0 25 50 75 100 125 150 175 200 225
Feet

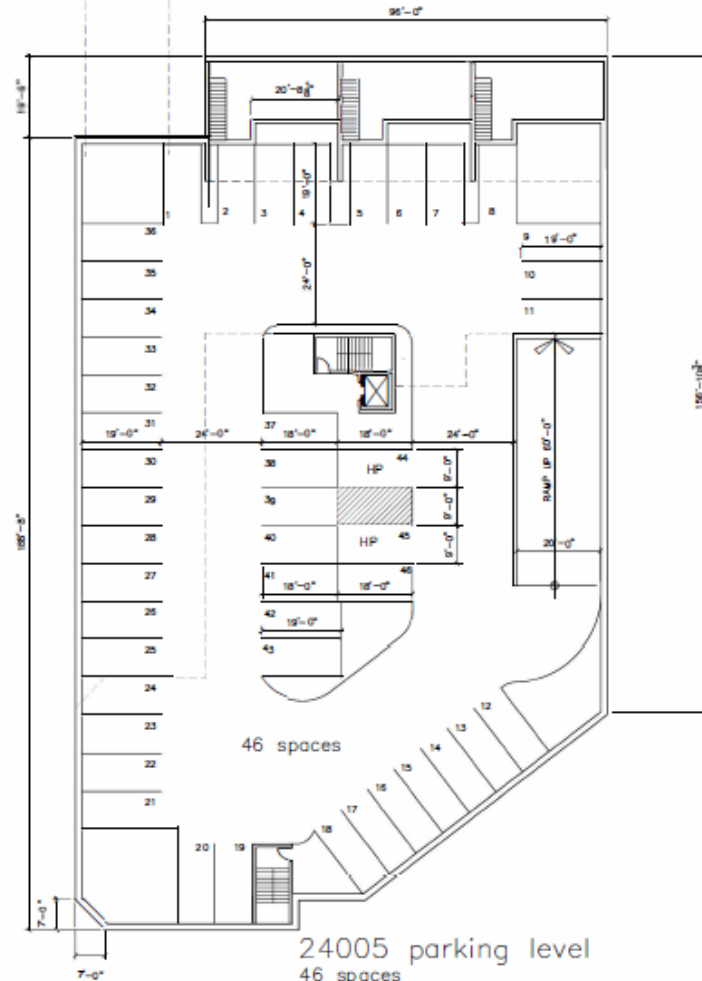
Map Date: March 05, 2020



Proposed Site Plan



Parking Level Plan

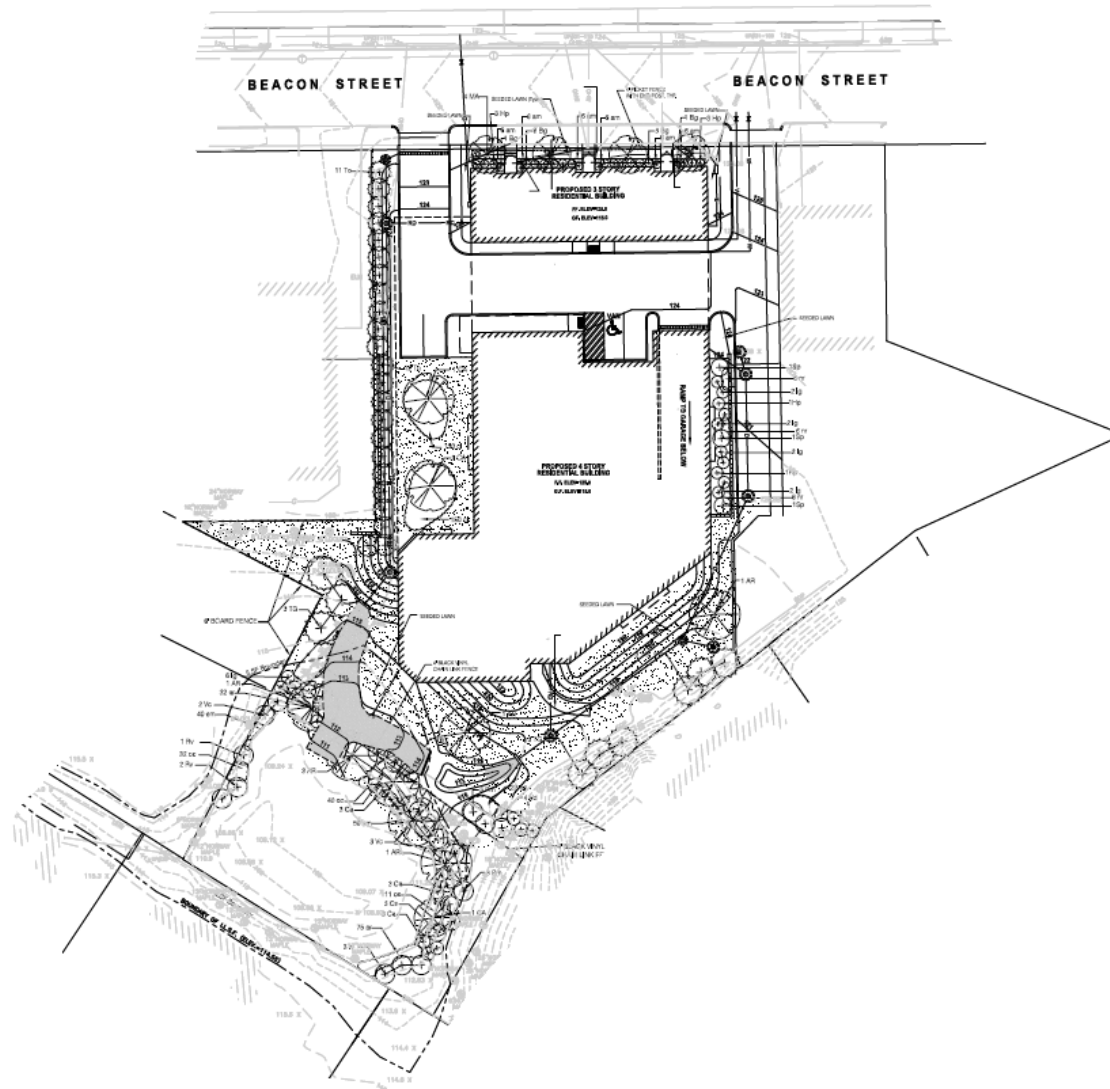


24005 parking level
 46 spaces
 NOTE: PARKING STALL SIZE
 9'X19' UNLESS DIMENSIONED
 OTHERWISE ON PLAN

PARKING LEVEL (below grade) 46 spaces

1/8" = 1'-0"

Landscape Plan



Front and Rear Elevations



3/32" = 1'-0"



NORTH ELEVATION— BEACON STREET FACADE

3/32" = 1'-0"



SOUTH ELEVATION

3/32" = 1'-0"

Side Elevations



WEST ELEVATION

3/31" = 1'-0"



EAST ELEVATION

3/32" = 1'-0"

Unit Mix



Unit Type	Number of Units	Number of Deed Restricted Units	Average Square Footage (Of Unit Type)
One-Bedroom	5	2	1,172 S.F.
Two-Bedroom	16	2	1,783 S.F.
Three-Bedroom	3	1	2,679 S.F.
Two-Bedroom Town home, three levels	3	0	2,546 S.F.*
Total	27	5	N/A

Outstanding Items



Planning Staff Review :

- Sustainability Narrative with internal departments
- Review with ADA coordinator
- Transportation Peer Review - ongoing
- Authorization for a design peer review
- Review of I&I mitigation memo, received March 9, 2020
- Compliance with Inclusionary Zoning Ordinance
- Engineering Memorandum review
- Location of bicycle parking
- Enhanced TDM Plan