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PUBLIC HEARING MEMORANDUM

DATE: March 27, 2024
MEETING DATE: April 3, 2024
TO: Zoning Board of Appeals
FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Deputy Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning

COPIED: Mayor Ruthanne Fuller
City Council

In response to revised plans submitted on March 8, 2024 and in conjunction with public hearings held on September 13, November 29, and January 10, the Planning Department is providing the following information for the upcoming continued public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

PETITION #08-23

41 Washington Street

Application #08-23- 41 TusNua LLC, requesting a Comprehensive Permit, pursuant to M.G.L. Chapter 40B, to construct a 16-unit residential unit development on a 25,902 square foot lot located at **41 Washington Street** within a Single-Residence 3 (SR3) zoning district. ~~The proposed development would consist of reconfiguring the existing dwelling and constructing an addition.~~ The proposal includes four affordable ownership units.

This item was held open for the petitioner to respond to questions and concerns raised by members of the public, the Board, and the Planning Department.

EXECUTIVE SUMMARY

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

The applicant, 41 TusNUA LLC, submitted revised plans on March 8, 2024 representing a significant revision to the project. The initial iteration consisted of reconfiguring the existing two-family home into four units and constructing a four-story addition with twelve units to the rear of the dwelling, resulting in a 16-unit multi-family dwelling. The revised plans consist of demolishing the existing two-family dwelling and new construction of 16 units and all parking within the first floor of the proposed building.

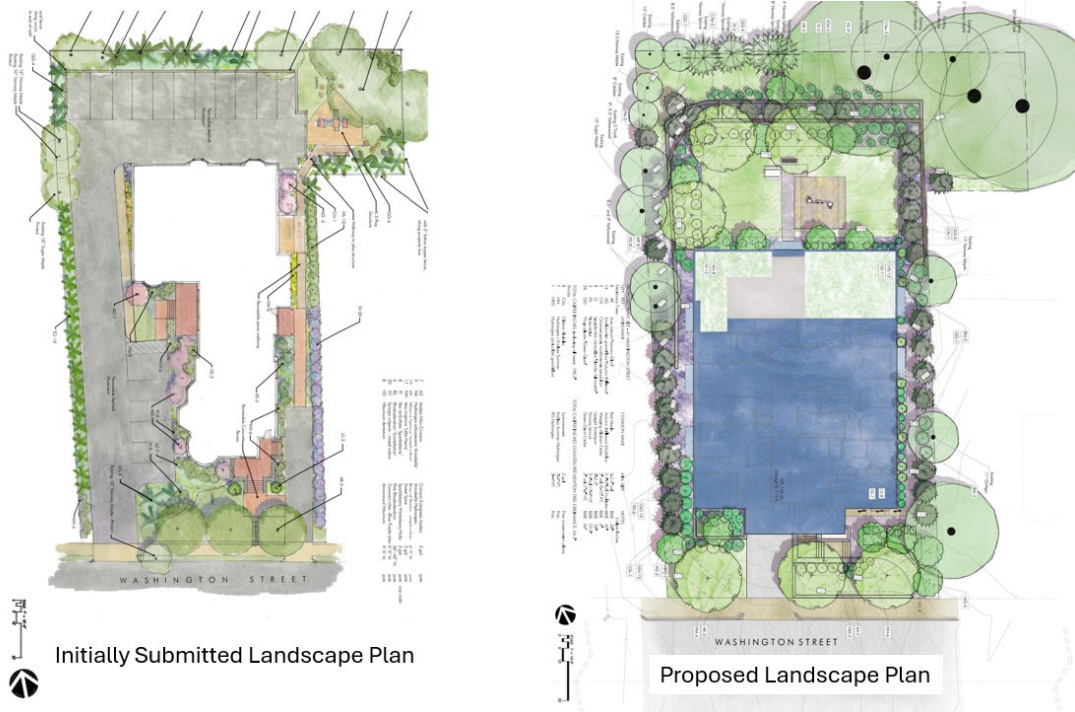
Planning and its consultants anticipate reviewing new materials prior to a future public hearing. The project materials submitted for review can be found [here](#).

I. Plan Revisions

Site Design and Open Space

Revised plans were uploaded to NewGov on March 8, 2024. The plans present a notable change from the previously submitted project. The petitioner proposes to demolish the existing two-family dwelling and construct a new multifamily dwelling with 16 units and 20 parking stalls, all within the footprint of the building, eliminating the need for surface parking. The proposed building is located two feet closer to the front property line, resulting in a change from a 27-foot to a 25-foot front setback. Existing nonconformities are eliminated with the existing 4.8-foot right side setback with the proposed side setbacks now at 12.3 feet (left and right), where 7.5 feet is required for the SR-3 zoning district. The height decreases from 47.87 feet to 43.57 feet, largely due to moving the building towards the front lot line and eliminating the addition that extended to the rear. This change makes the project more compact, thus removing the need to work with the grade of the site for the previously proposed addition, however, the number of stories remains at four stories. The rear setback increases from 49.3 feet to 77.7 feet. The most significant change to the overall project is the open space. Due to the large amount of surface parking and substantial addition to the existing dwelling, the previous design resulted in open space of 31%, far below the 50% minimum required per the zoning. The new proposed design allows for open space of 67%, which will preserve the

pervious area and vegetation on the site, while allowing more screening along the property lines. These changes are most legible via a landscape plan, shown below.



The rear yard is proposed to be left as open space, which is a significant improvement over the previously proposed parking and hardscape, which only maintained an 8–10-foot setback from the rear lot line. To create a level rear yard, the applicant proposes two terraced retaining walls, six feet apart, that reach a cumulative height of approximately 7.8 feet. They are outside of the 15-foot rear setback, thus do not require zoning relief. The applicant is proposing screening along all lot lines and is not proposing anything on the portion of the lot that juts out at the northeast corner, which will provide an additional buffer and distance from the project for the neighbors on Elmhurst Road to the east.

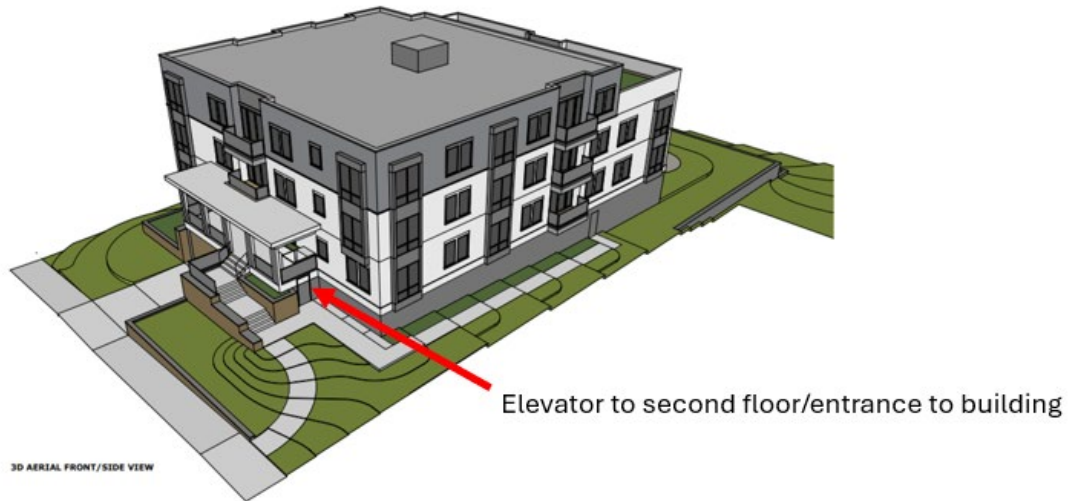
Building Design

The program remains the same at 16 units, with four (4) affordable units. In prior memos, Planning previously noted the historic significance and features of the 1891 dwelling that were outlined by the Massachusetts Historical Commission including the shingle style architecture with a fieldstone first story, corner tower, and porte cochère.

Other details such as cropped shingle raking eaves, jambs in the gable window, and shingled parapet in the side bay are Shingle style in origin. Planning is disheartened that the applicant could not find a way to make adaptive reuse possible with the George H. Hastings House, which is reminiscent of Queen Anne style architecture due to the pavilions, gables, bay windows and corner tower.

The applicant states that the floor area ratio (FAR) for the revised project is 1.16, where 1.05 was previously proposed. While the project now incorporates parking on the first story, which may fully count towards FAR and three floors of living space above, the FAR is over three times the allowed FAR of .36 in the SR-3 zoning district. The applicant should submit a revised FAR worksheet for the project. The applicant may want to consider measures to articulate the massing differently such as projections and stepping back the upper stories to mitigate the impact of the large building at approximately 30,000 square feet of floor area (as indicated on the floor plans, to be verified upon receipt of an FAR worksheet). Planning recommends the applicant apply to the Urban Design Commission for feedback on the revised project.

The front door is within a covered porch and is set at a higher elevation that requires stairs or an elevator to access. The applicant is providing both stairs and elevator at the front of the dwelling. Based on submitted sections, there appears to be a seven-foot difference from the bottom of the stairs to the covered porch/second floor. Planning has concerns about this access and would implore the applicant to consider the impact this front entrance has on those with mobility issues accessing the site from the front and creating a separate entrance for those with disabilities. With the garage on the first floor, visitors and residents would enter the second floor of the building from the front entrance at Washington Street. Retaining walls are shown around the driveway and front of the project, the applicant should clarify the heights of all the walls with top and bottom of wall measurements.



There are 20 parking stalls on the first floor as well as space for trash and recycling, a room for bicycle parking for 16 bikes, an electrical room and sprinkler room. The second, third, and fourth floors consist of the 16 residential units (six units on both the second floor and third floor and four on the fourth floor). The fourth-floor steps back at the rear of the building and units have access to an outdoor roof deck consisting of gardens and pavers. The applicant should provide additional details on this area such as railings and whether all units will have access to this area.

Parking

The proposed project is more compact and allows for more surface area dedicated to open space and recreational uses rather than parking. The previously proposed curb cuts, and driveways are consolidated and relocated to the middle of the frontage, as opposed to two driveways along the side property lines. Vehicular access to the building is provided via an 18-foot-wide curb cut and driveway that leads to the ground level/first floor of the building. The garage, which is largely above grade, will consist of parking for 20 vehicles and eight of the stalls will be tandem. This change in parking represents a loss of four stalls. The parking ratio is now 1.25 stalls per unit, where 1.5 was previously proposed. There are no measurements for the parking stalls, the applicant should provide those to determine whether they comply with the zoning.

II. Historic Review

A significant change to the project is the proposed demolition of the George H. Hastings House (c. 1891). Regarding the historic status of the property, a Local Landmark application for 41 Washington Street was received February 2023, and heard at the March 23, 2023 Newton Historical Commission meeting. At that meeting, the commissioners voted not to accept the nomination, so no further study was conducted, and no vote was held to designate the property as a landmark.

The property has not yet undergone Demolition Review, so if a total demolition is proposed, a Historical Review Application would need to be submitted, unless waived under this Comprehensive Permit application, which the applicant has applied for. If this were subject to Demolition Review, the application would then be considered by the NHC and could be subject to a demolition delay of up to 12 months.

III. Analysis and Next Steps

While the Planning Department would have preferred to have seen a plan that still incorporated adaptive reuse of the George H. Hastings House, the applicant's desire to retain 16 units and the amount of surface parking previously proposed presented challenges with the overall site design and multifamily dwelling as originally proposed. The proposed multifamily dwelling greatly improves upon previously identified concerns with the site such as the open space, lot coverage, the excessive amount of surface parking, lack of recreational areas, and the height of the retaining wall around a proposed recreational area that did not seem suitable due to the height of the wall and location adjacent to the parking area.

Planning recommends the applicant go to the Urban Design Commission (UDC) for review and feedback on the revised plans. Planning would also like to see further details of the plans to better understand the project, such as details around the rear yard, fourth floor outdoor space, parking stalls, and the front elevation.

The Planning Department will continue to review the proposal and provide updated and expanded analysis in advance of future ZBA hearings. Due to the plan revisions, the traffic review peer reviewer is reviewing the plans again due to changes to the site circulation. Planning also anticipates a revised review for the stormwater, landscape, and site design reviews from Horsley Witten based on the revised plans and drainage report submitted March 8, 2024.