



Land Use Committee Report

City of Newton In City Council

Tuesday, March 26, 2019

Present: Councilors Schwartz (Chair), Lipof, Greenberg, Auchincloss, Kelley, Markiewicz, Laredo

Absent: Councilor Crossley

City Staff Present: Associate City Solicitor Jonah Temple, Senior Planner Neil Cronin, Chief Planner Jennifer Caira

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.

#564-18(2) Petition to allow nine-unit multi-family dwelling at 19-31 and 39 Herrick Road
STUART ROTHMAN/HERRICK ROAD REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 36' three-story nine-unit multi-family dwelling with accessory parking for nine cars, to allow multi-family residential use on the ground level in a BU1 district, to allow a reduction to one parking stall per unit, to waive 18 stalls on the parcel associated with the multi-family dwelling (Lot 7), to allow off-site parking facilities (Lot 6), to allow parking in the side setback, to allow a reduced minimum aisle width, to waive maneuvering space required of restricted stalls, to allow a retaining wall greater than 4' in a setback, to waive perimeter screening requirements and to waive lighting and surfacing requirements at 39 Herrick Road, Ward 6, on land known as Section 61 Block 36 Lots 6 and 7, in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.4.1, 4.1.2.B.3, 5.1.4, 5.1.13, 5.1.6.A, 5.1.6.B, 5.1.8.A, 5.1.8.B.6, 5.1.8.C.2, 5.1.9.A, 5.1.10, 5.4.2, 5.4.2.B of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Held 7-0

Note: Attorney Terry Morris, 57 Elm Road, represented the petitioner, Stuart Rothman/Herrick Road Realty Trust. Atty. Morris, Verdant Landscape Architect Blair Hines and Khalsa Design Architect Jai Singh Khalsa presented an overview and updates of the proposed development on Herrick Road. Atty. Morris noted that the proposed development includes 9 units of housing, designed for residents aged 55 and older. The development includes one two-bedroom with study (1570 sq. ft.), four two-bedroom units (1040-1395 sq. ft.) and four one-bedroom units (620-730 sq. ft.), one unit will be affordable. Atty. Morris stated that all units in the development will be ADA compliant and adaptable for accessibility. One unit will be constructed as accessible. Atty. Morris noted that the petitioner has presented the project to the Fair Housing Committee, who submitted the attached letter. Atty. Morris noted that the Fair Housing Committee found that the proposed development will meet or exceed the City's goals relative to accessibility and will promote "visitability".

Attorney Morris explained that access to the site is gained through the Cypress Street municipal lot. Regarding fire apparatus, Civil Engineer Joe Porter has stated that the only access to the site is through the municipal lot. The petitioner proposes to maintain access through the Cypress Street lot, until a time that the City decides to develop on the lot. At such a time, the petitioner will develop a new roadway with access from Herrick Road. Atty. Morris stated that as part of the development at the site, the petitioner will install a subsurface drainage system and retaining wall intended to support a new curb cut from Herrick Road. It was noted that a future curb cut on Herrick Road to provide access to the development will require the relocation of a utility pole and the elimination of one parking space. Atty. Morris confirmed that the petitioner will bear the cost of the pole relocation. Atty. Morris stated that the Fire Department has not yet approved the two-way access from the Cypress Tree lot but confirmed that the petitioner is working with the Fire Department and Planning. Atty. Morris confirmed that the building will have a sprinkler system.

Mr. Blair Hines presented details of the proposed landscape plan as shown on the attached presentation. Mr. Hines stated that it is the intent to continue public access through the site by maintaining the walkway along the edge of the railroad embankment, maintenance of a second walkway through the parking lot and by creating a third shortcut through the site. Mr. Hines noted that the landscape plan includes the addition of outdoor space with a bench and bicycle parking facilities. The petitioner intends to use green screen to plant vines and flowers on the edge of the parking lot to shield abutting residents. Mr. Hines noted that the petitioner hopes to maintain a portion of the site, with ground level plantings and reinforced soil, so that land can be used for fire access if necessary, in the future. He confirmed that the petitioner has submitted a tree mitigation plan which has been submitted to the Planning Department. Additionally, Mr. Hines confirmed that the petitioner is willing to accept the Planning Department's recommendation to replace some asphalt with stamped concrete. Mr. Jai Singh Khalsa presented details of the plans and elevations as shown on the attached presentation. Mr. Khalsa noted that the entrance adjacent to the parking lot mimics the design of the train station.

Atty. Morris confirmed that the petitioner proposes to provide 9 parking stalls. Given the proximity of the development to the train station, the petitioner is confident that the 9 stalls will be sufficient. The petitioner, Mr. Stuart Rothman stated that the rented parking at 17-31 Herrick Road is revocable with a 30-day notice. He noted that the majority of residents at 17-31 Herrick Road do not have parking. Mr. Rothman confirmed that there is no parking requirement for parking at 17-31 Herrick Road (as it was constructed prior to the implementation of parking regulations) but stated that that he is willing to provide Uber/Lyft and MBTA subsidies for residents at 17-31 Herrick Road to mitigate the impact due to the loss of parking. A Committee member stated that they would not be supportive of including Uber/Lyft subsidies as part of the TDM, noting that these services could multiply the number of trips to the site.

A Committee questioned whether the petitioner might consider an "all age friendly" building rather than designating the building for residents older than 55. Mr. Rothman noted that the 55+ designation was a result of community input and conversations with the Council on Aging. He confirmed that the design of the development is supportive of residents aged 55 and over. Some Committee members expressed support for the 55+ designation.

Committee members noted that there are outstanding items relative to the petition. With that, Councilor Markiewicz motioned to hold the item which carried unanimously.

#87-19 Special Permit Petition to allow increased FAR at 370 Linwood Avenue
MATTHEW HAAG AND LAUREN NICHOLS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an attached two-car garage and second floor master suite, creating an FAR of .63 where .53 is allowed and .43 exists at 370 Linwood Avenue, Ward 2, Newtonville, on land known as Section 21 Block 24 Lot 05, containing approximately 7,219 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref. 7.3.3, 7.4, 3.2.3, 3.2.11 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved Withdrawal without Prejudice 7-0**

Note: Committee members reviewed the request to withdraw the petition without prejudice. Committee members expressed no concerns relative to the request and voted unanimously in favor of approving the withdrawal without prejudice.

#86-19 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 2, 2019.

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

Note: Committee members reviewed details of the request for a temporary license to hold Nonantum Village Day on June 2, 2019. Committee members expressed no concerns relative to the request for Nonantum Village Day and voted unanimously in favor of a motion to approve the item from Councilor Greenberg. Councilor Greenberg noted that all members of the Council and public are invited to Village Day.

#497-18 Petition to allow single-family attached dwellings at 10 Pillion Court
MICHAEL MOSKOWITZ/TEN PILLION, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an attached dwelling unit to the existing single-family structure, reduce lot area, frontage and lot coverage requirements, to reduce front and side setback requirements and to allow a driveway along the side lot line, requiring an amendment to Variance #99442 at 10 Pillion Court, Ward 2, on land known as Section 22 Block 7 Lot 46, containing approximately 10,559 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.2, of the City of Newton Rev Zoning Ord, 2017.

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

Note: The petitioner requested a continuance of the public hearing in order to consider additional modifications to the plans. Committee members shared no concerns relative to the request to continue and voted unanimously to hold the item.

#41-19 Petition to amend Council Order #288-18 to allow adult use-sales at 24-26 Elliot St

CYPRESS TREE MANAGEMENT, INC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Order #288-18 to allow retail marijuana sales in conjunction with as the approved RMD (Registered Medical Dispensary), to waive the 25% façade transparency requirement, to waive minimum stall dimensions, to waive minimum aisle width for two-way traffic, to waive perimeter screening requirements, to waive interior landscaping requirements and to waive lighting requirements 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 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Held 7-0


Note: The Chair announced that the petitioner would not be presenting details of the petition. He explained that the Mayor is reviewing details of the host community agreement. The Chair stated that the public hearing would be continued to April 30, 2019. The public hearing was opened. No member of the public wished to speak. Councilor Kelley motioned to hold the item which carried unanimously.

The Committee adjourned at 7:55 pm.

Respectfully Submitted,

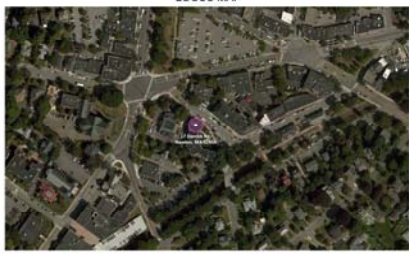
Greg Schwartz, Chair

DRAWING LIST			
SHEET NUMBER	SHEET NAME	SHEET ISSUE DATE	Current Revision/ Issues
A-000	COVER SHEET	08/08/2018	2019.03.19
C-0	EXISTING CIVIL PLAN	08/15/2018	2019.02.20
C-1	CIVIL SITE PLAN	08/15/2018	2019.02.20
C-2	CIVIL SITE PLAN	08/15/2018	2019.02.20
C-3	CIVIL DETAIL-1	08/15/2018	2019.02.20
L-1	LANDSCAPE PLAN	2018.03.14	
L2.1	Planting Plan		2019.03.19
A-020	ARCHITECTURAL SITE PLAN	08/08/2018	2019.03.19
A-021	BUILDING AREAS	08/08/2018	2019.02.01
A-100	BASEMENT FLOOR PLAN	08/08/2018	2019.03.19
A-101	FIRST FLOOR PLAN	08/08/2018	2019.02.03
A-102	2ND FLOOR PLAN	08/08/2018	2019.01.14
A-103	3RD FLOOR PLAN	08/08/2018	
A-300	FRONT & REAR ELEVATIONS	08/08/2018	2019.01.14
A-301	SIDE ELEVATION	08/08/2018	2019.01.14
AV-100	Rendering	08/08/2018	2019.02.01



HERRICK ROAD RESIDENCES
39 HERRICK ROAD
NEWTON, MA 02459

LOCUS MAP



ARCHITECT:
KHALSA DESIGN INC.
17 WALDO STREET, STE 400
SOMERVILLE, MA 02143
T. 617-591-8682

CLIENT:
FIRST CAMBRIDGE REALTY CORP.
907 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02139
T. 617-547-6550
F. 617-868-8109

SPECIAL PERMIT SET: 2018.08.08
REVISED: 2019.03.19


COVER SHEET
A-000
Herrick Road Residences

PROJECT NAME
Herrick Road Residences

PROJECT ADDRESS
39 HERRICK ROAD
NEWTON, MA

CLIENT
HERRICK ROAD REALTY TRUST

ARCHITECT




KHALSA

11 WALDO STREET SUITE 400
SOMERVILLE, MA 02143
617-591-8682

CONSULTANTS:


REGISTERED ARCHITECT




REVISIONS

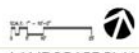
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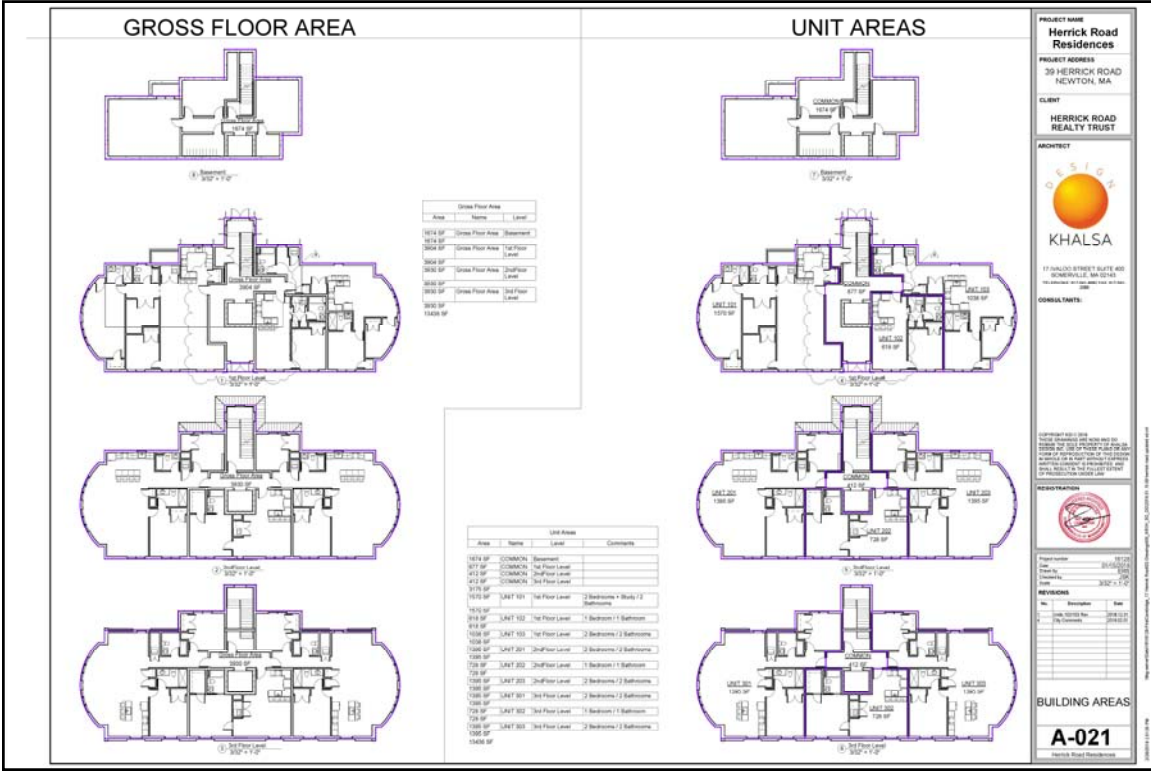
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A-000



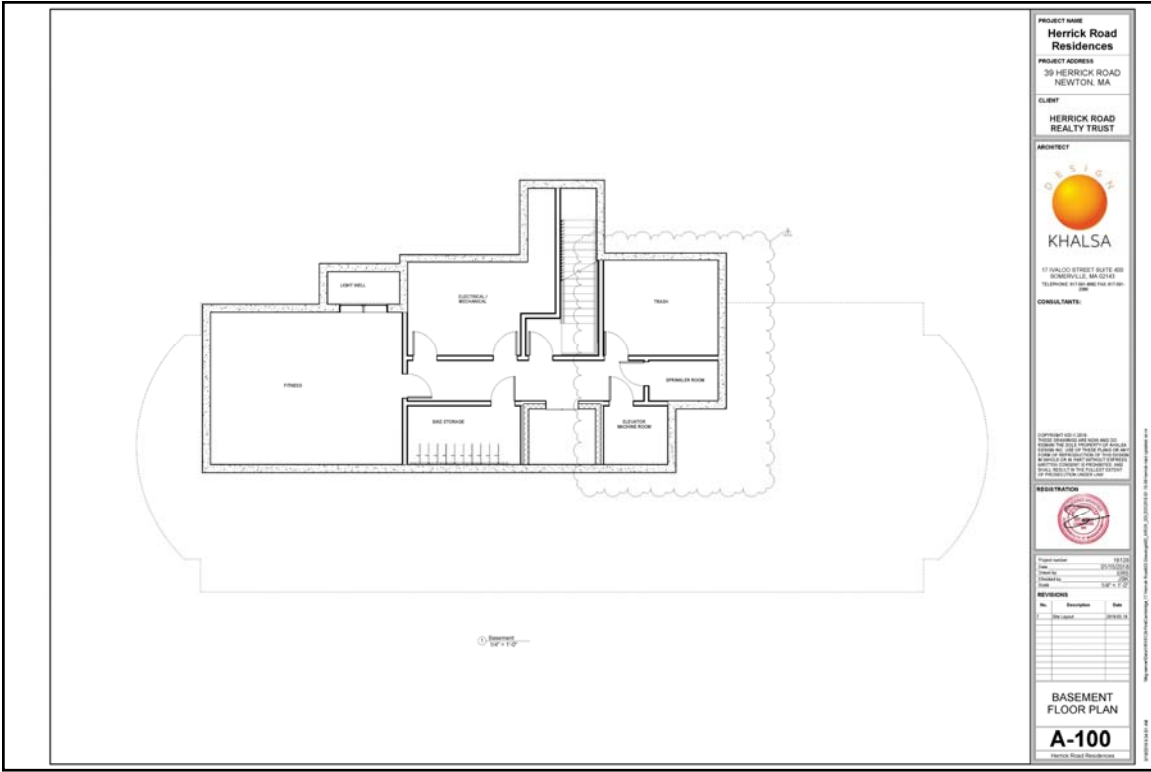


LANDSCAPE PLAN
HERRICK ROAD RESIDENCES
NEWTON, MA
MARCH 14, 2019

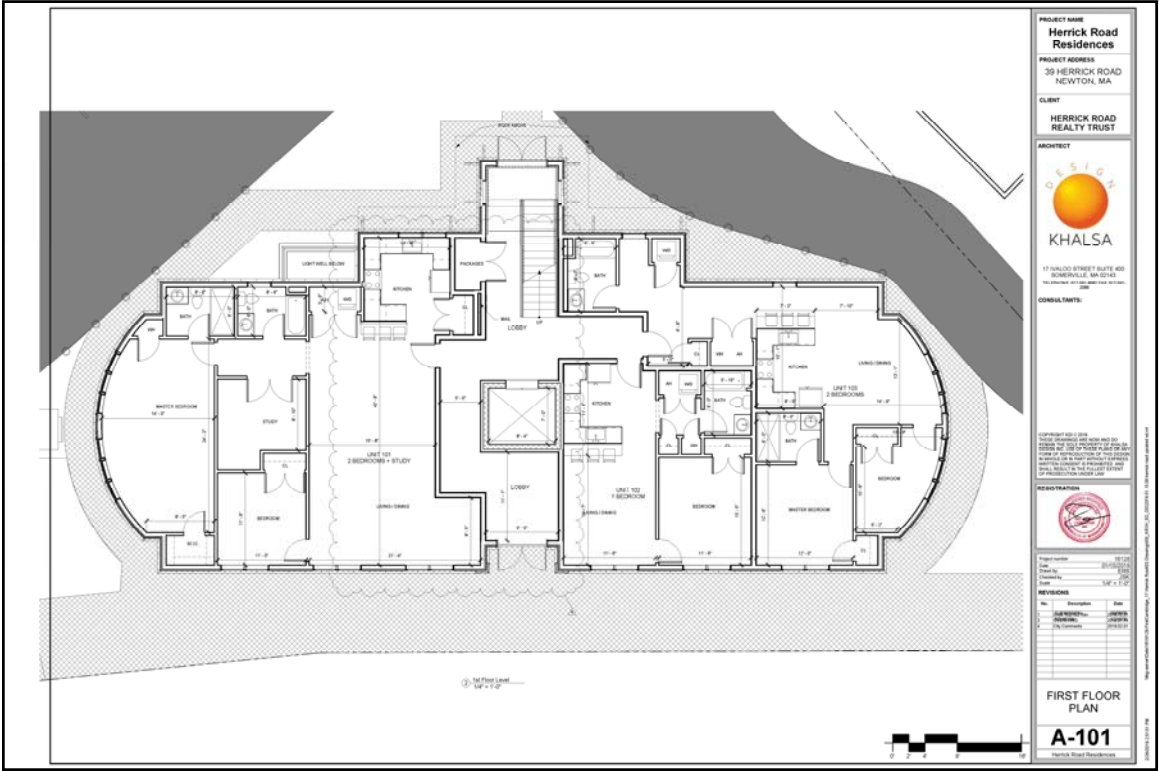




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PROJECT NAME
Herrick Road Residences

PROJECT ADDRESS
39 HERRICK ROAD
NEWTON, MA

CLIENT
HERRICK ROAD REALTY TRUST

ARCHITECT

 KHALSA
 17 WALDO STREET SUITE 400
 BOWENVILLE, MA 02453
 TEL: 617.552.1000
 WWW.KHALSA.COM

CONSULTANTS:

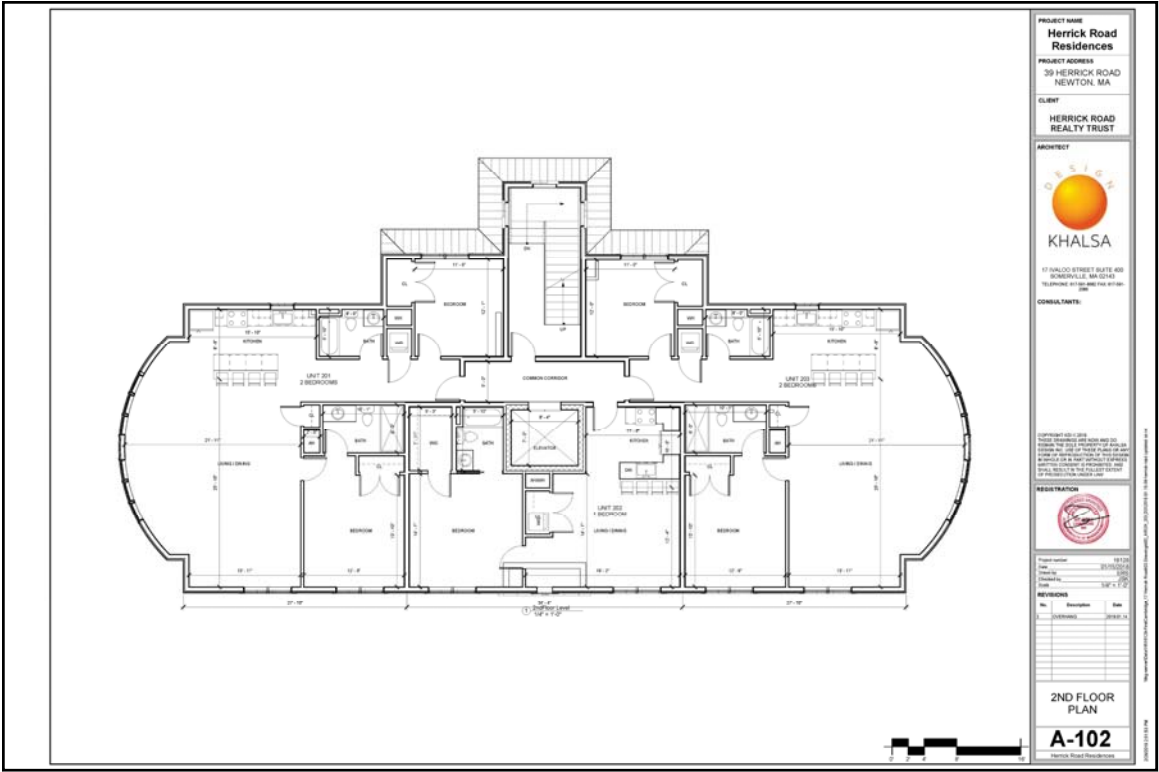
REGISTRATION


REVISIONS

No.	Description	Date
1	ISSUED FOR PERMIT	03/27/19
2	ISSUED FOR CONSTRUCTION	03/27/19

FIRST FLOOR PLAN
A-101
Herrick Road Residences

7



PROJECT NAME
Herrick Road Residences

PROJECT ADDRESS
39 HERRICK ROAD
NEWTON, MA

CLIENT
HERRICK ROAD REALTY TRUST

ARCHITECT

 KHALSA
 17 WALDO STREET SUITE 400
 BOWENVILLE, MA 02453
 TEL: 617.552.1000
 WWW.KHALSA.COM

CONSULTANTS:

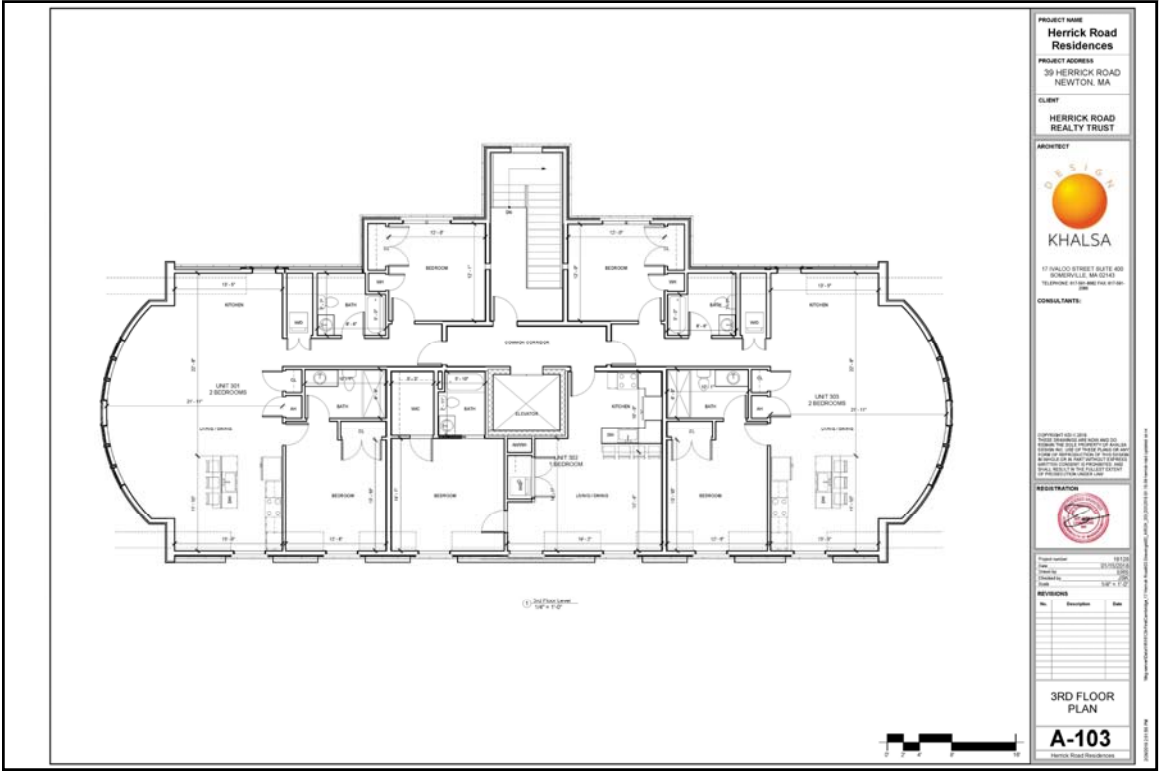
REGISTRATION


REVISIONS

No.	Description	Date
1	ISSUED FOR PERMIT	03/27/19
2	ISSUED FOR CONSTRUCTION	03/27/19

2ND FLOOR PLAN
A-102
Herrick Road Residences

8



PROJECT NAME
Herrick Road Residences

PROJECT ADDRESS
39 HERRICK ROAD
NEWTON, MA

CLIENT
HERRICK ROAD REALTY TRUST

ARCHITECT
DESIGN
KHALSA

17 HALLO STREET SUITE 400
BOSTONVILLE, MA 02453
TEL: 617.552.1100 FAX: 617.552.1101
WWW.KHALSA.COM

CONSULTANTS:

REGISTRATION

REVISIONS

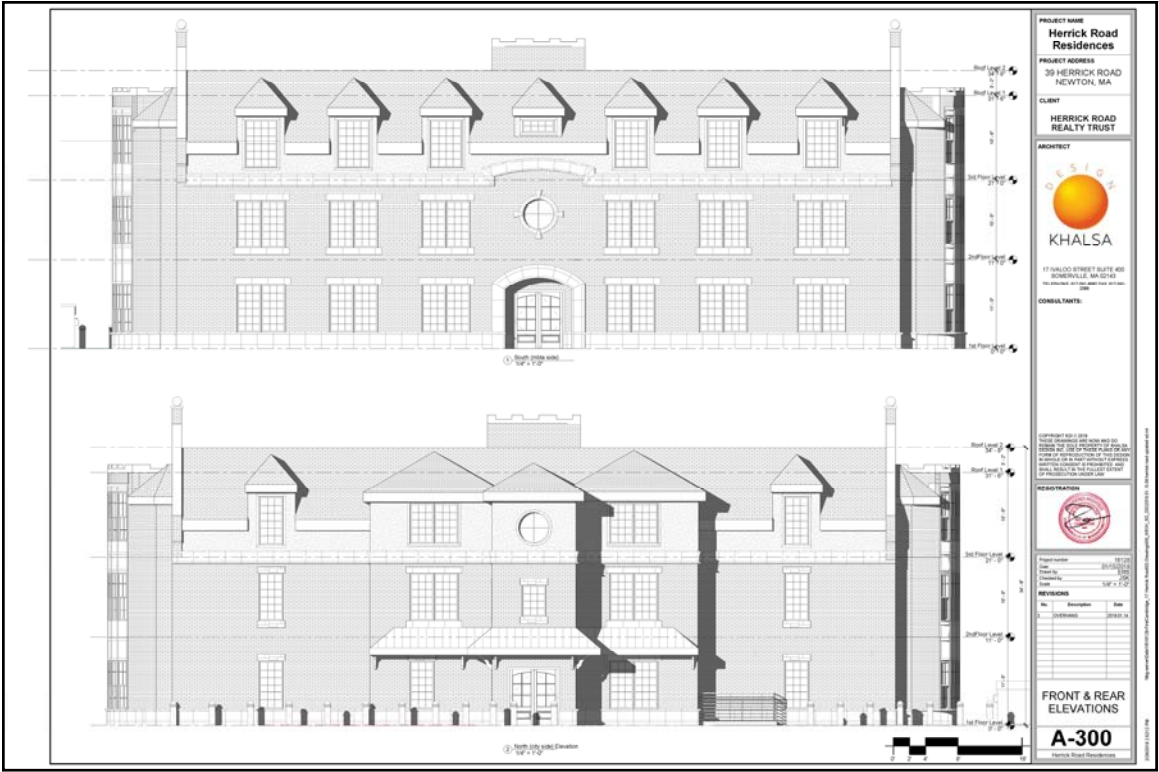
No.	Description	Date

3RD FLOOR PLAN

A-103

Herrick Road Residences

9



PROJECT NAME
Herrick Road Residences

PROJECT ADDRESS
39 HERRICK ROAD
NEWTON, MA

CLIENT
HERRICK ROAD REALTY TRUST

ARCHITECT
DESIGN
KHALSA

17 HALLO STREET SUITE 400
BOSTONVILLE, MA 02453
TEL: 617.552.1100 FAX: 617.552.1101
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CONSULTANTS:

REGISTRATION

REVISIONS

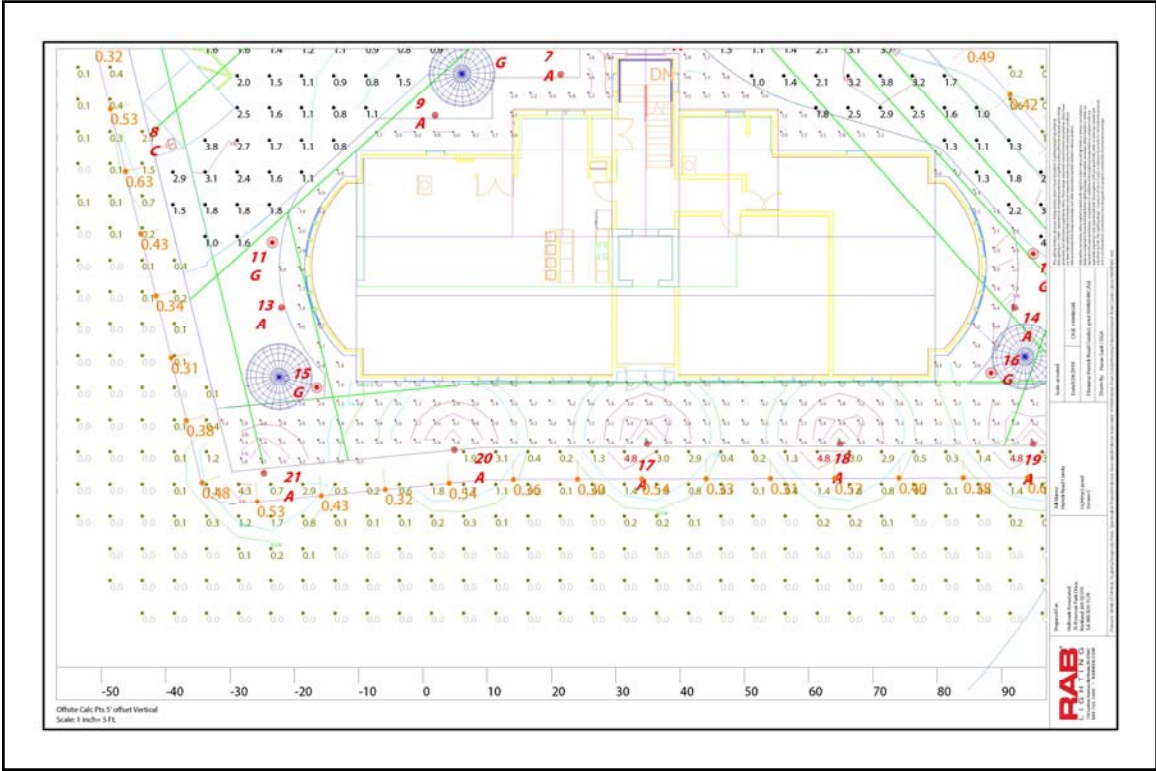
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FRONT & REAR ELEVATIONS

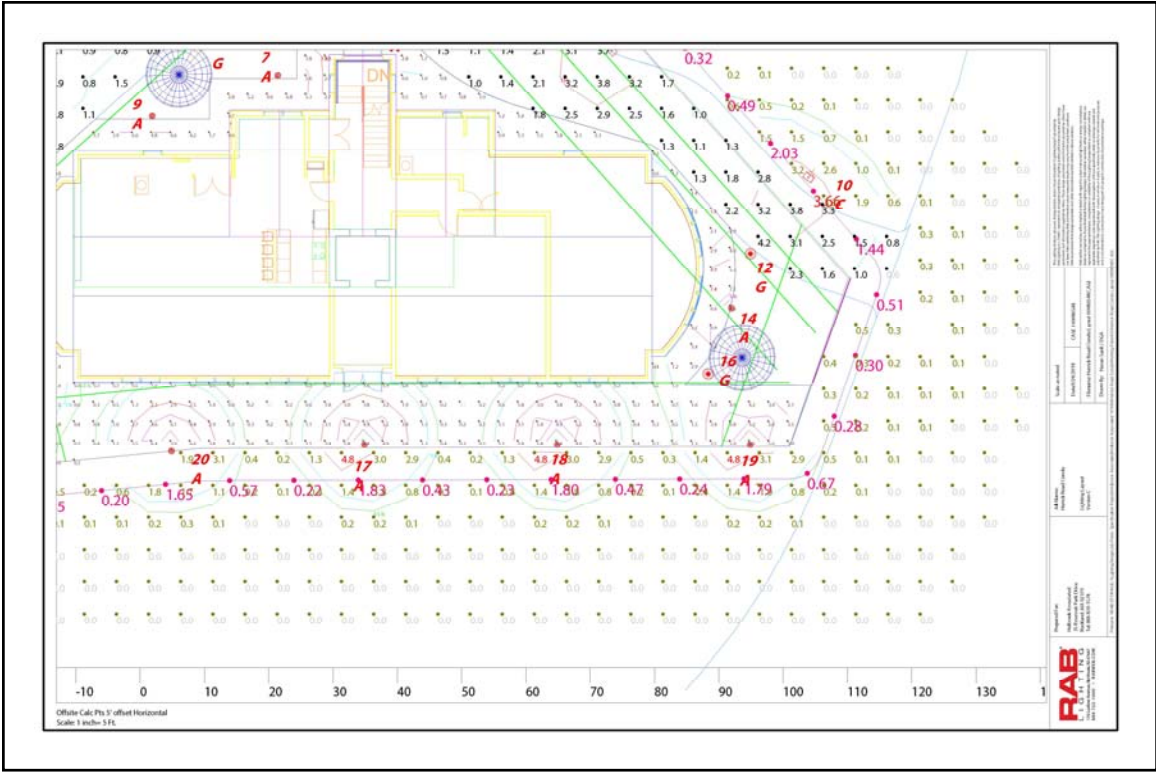
A-300

Herrick Road Residences

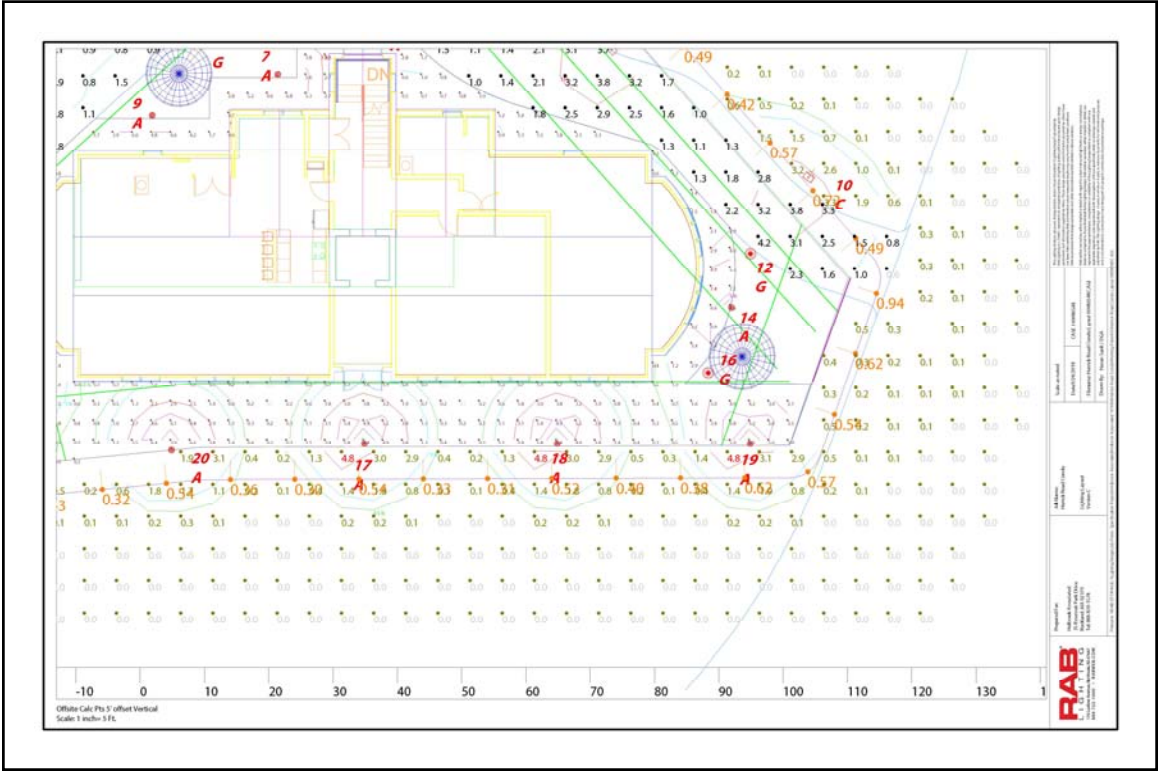
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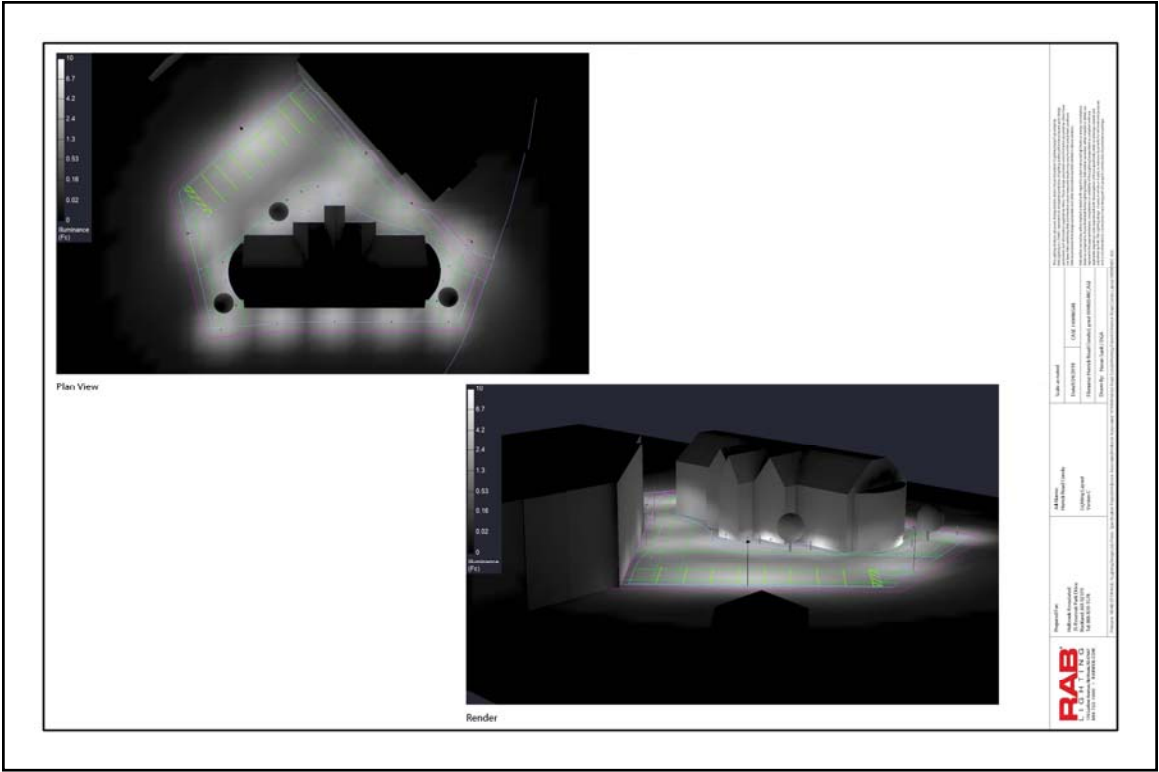
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24



25



26

Calculation Summary

Label	Calc Type	Units	Avg	Max	Min	Avg/Min	Max/Min	Description	PtSpckr	PtSpCh	Meter Type
Clearance	Illuminance	Fc	1.97	6.5	0.8	3.28	10.83	Readings are taken at 0'-0" AFG	5	5	Horizontal
OffAxis_30 H offset	Illuminance	Fc	0.33	4.8	0.0	N/A	N/A	Readings are taken at 0'-0" AFG	5	5	Horizontal
OffAxis_30 V offset	Illuminance	Fc	0.70	3.66	0.05	14.00	73.20	Horizontal Readings taken @ 0'-0" AFG	10	N/A	Horizontal
OffAxis_30 V offset	Illuminance	Fc	0.51	1.34	0.07	7.29	16.29	Vertical Readings taken @ 3'-0" AFG Facing Subject Property	10	N/A	Vert ProjCCW
Walkway	Illuminance	Fc	2.38	7.4	0.1	23.80	74.00	Readings are taken at 0'-0" AFG	3	3	Horizontal

Luminaire Schedule

Symbol	Qty	Tag	Label	Arrangement	Lum. Lumens	Arr. Lum. Lumens	LLF	Description	Lum. Watts	Arr. Watts	Total Watts	Firmware	BUG Rating
1	1	A	BLED18Y	SINGLE	910	910	1.000	BLED18Y (4x4 ROUND BOLLARD)	21.9	21.9	21.9	BLED18Y - Warm - FL7002IES	B1-G1-G1
4	4	C	ALED26Y	SINGLE	1994	1994	1.000	ALED26Y (AREA LIGHTER)	29	29	116	ALED26Y - Warm - FL8024IES	B1-U0-G0
7	7	G	LLFLED6VYYA	SINGLE	252	252	1.000	LLFLED6VYYA	5.8	5.8	40.6	LLFLED6VYY - Red/Warm - FL8807JIES	B0-U0-G0
1	1	J	ALED3T50V-SS-B	SINGLE	4134	4134	1.000	ALED3T50V - ALED1405S (BACK SIDE SQUARE)	54.5	54.5	54.5	ALED3T50V-SS-B - Warm - 840244IES	B1-U0-G0

Expanded Luminaire Location Summary

Lum. No.	Tag	X	Y	MTG HT	Outlet	FIR
1	C	50.824	91.863	1.5	244.07	0
2	G	26.229	73.637	3.5	0	0
3	G	17.661	73.013	3.5	0	0
4	A	37.757	71.398	3.5	180	0
5	G	10.051	68.70	3.5	0	0
6	C	73.952	68.75	1.5	234.679	0
7	A	21.424	62.365	3.5	270	0
8	C	39.63	51.33	1.5	184.83	0
9	A	1.671	55.940	3.5	270	0
10	C	104.463	47.02	1.5	234.298	0
11	G	23.438	38.216	3.5	0	0
12	G	94.937	34.48	3.5	0	0
13	A	-22	26	3.5	0	0
14	A	92	26	3.5	180	0
15	G	16.42	13.493	3.5	0	0
16	G	88.367	13.596	3.5	0	0
17	A	34.891	4.755	3.5	90	0
18	A	64.891	4.755	3.5	90	0
19	A	94.891	4.755	3.5	90	0
20	A	4.891	3.755	3.5	90	0
21	A	-24.718	61.168	1.5	0	0
22	J	-12.504	104.886	1.5	311.951	0

Total Quantity: 22

NOTES:

- The light fixture has LED in compliance with energy standards, with lumens depreciation 0.80 for use applied to the calculated lumens value shown on this plan.
- Readings taken above the fixture are reported in the plan of calculation either horizontal or vertical as designated in the calculation summary. Other orientation is noted in the calculation summary.
- The calculation notes in this lighting calculation report are an important part of the project. A full report of the calculation is available upon request.
- Readings taken above the fixture are reported in the plan of calculation either horizontal or vertical as designated in the calculation summary. Other orientation is noted in the calculation summary.
- The lighting fixture has LED in compliance with energy standards, with lumens depreciation 0.80 for use applied to the calculated lumens value shown on this plan.
- Readings taken above the fixture are reported in the plan of calculation either horizontal or vertical as designated in the calculation summary. Other orientation is noted in the calculation summary.
- The lighting fixture has LED in compliance with energy standards, with lumens depreciation 0.80 for use applied to the calculated lumens value shown on this plan.
- Readings taken above the fixture are reported in the plan of calculation either horizontal or vertical as designated in the calculation summary. Other orientation is noted in the calculation summary.

PHOTOGRAPHS:

PHOTOGRAPH:

27

VERDANT
LANDSCAPE ARCHITECTURE

March 19, 2019

233 Newbury Street
Boston, MA 02116
617.778.1100
www.verdantma.com

TREE MITIGATION PLAN - Harrick Road Residence

Existing Trees on the Project Site subject to Challenge:
As shown on the attached plan, there are the following trees on site that are proposed to be removed:

- Red Maple, Acer rubrum 18" DBH
- Norway Maple, Acer platanoides 16" DBH
- Norway Maple, Acer platanoides 8" DBH
- Norway Maple, Acer platanoides 8" DBH
- Norway Maple, Acer platanoides 8" DBH
- Norway Maple, Acer platanoides 8" DBH
- Norway Maple, Acer platanoides 18" DBH (Height needs to be removed see photo 1)
- Norway Maple, Acer platanoides 24" DBH (Floor condition top removed see photo 2)
- Norway Maple, Acer platanoides 20" DBH (Height on survey, already removed)
- Black Locust, Robinia pseudoacacia 20" DBH
- Black Locust, Robinia pseudoacacia 18" DBH
- Black Locust, Robinia pseudoacacia 18" DBH
- Black Locust, Robinia pseudoacacia 18" DBH
- Sweet Gum, Liquidambar styraciflua 8" DBH (survey incorrectly states 18" DBH)
- Sweet Gum, Liquidambar styraciflua 8" DBH (survey incorrectly states 18" DBH)
- Pink Oak, Quercus palustris 8" DBH
- Sourwood, Ostrya virginiana 8" DBH
- Sourwood Oak, Quercus sylvatica 8" DBH
- Total 183 caliper inches (Does not include trees noted with *)

Proposed Replacement Trees:
The Planting Plan shows the following trees planted on site in compensation for the 173" DBH trees removed:

- 4 Japanese Maple, 3' cal = 13 cal. inches
- 1 American Bald Maple, 3.5" cal = 4 cal. inches
- 3 Shadbolt, 3" cal = 12 cal. inches
- 1 Purple-Flowered Dogwood, 3.5" cal = 13 cal. inches
- 1 Sweet Gum, 3.5" cal = 13 cal. inches
- Total 48 cal. inches

Tree Protection:
There is a 18" Sugar Maple, Acer saccharum located just beyond the property line. We recommend fencing off this area near the tree as shown on the plan and remove with the top 4' of cal to avoid the proposed right-of-way.

Very Truly Yours,
Verdant Landscape Architects, Inc.
Bonthe
Blair Hines, Principal, Registered Landscape Architect

28