



Land Use Committee Report

City of Newton In City Council

Tuesday, April 2, 2019

Present: Councilors Lipof, Laredo, Auchincloss, Markiewicz, Kelley, Greenberg, Crossley, Leary

Absent: Councilor Schwartz

City Staff Present: Associate City Solicitor Jonah Temple, Planning Associate Katie Whewell, Chief Planner Jennifer Cairra

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.

#105-19 **Petition to grant 11 parking waivers at 2345 Commonwealth Avenue (Marriot Hotel)**
CHSP TRS Newton, LLC d/b/a Marriott Newton petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Order #385-08 to allow restructuring of the parking layout, eliminating 14 parking stalls and requiring a waiver of 11 stalls at 2345 Commonwealth Avenue, Ward 4, Auburndale, on land known as Section 02 Block 30 Lot 18, containing approximately 11.4 acres of land in a district zoned BUSINESS USE 5. Ref. Sec. 7.3.3, 7.4, 5.1.4.A of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved 7-0; Public Hearing Closed April 2, 2019**

Note: Samiotes Consultant Civil Engineer Matt Zirolli represented the petitioner CHSP TRS Newton LLC d/b/a Marriott Newton. Mr. Zirolli presented an overview of the proposed parking lot configuration as shown on the attached presentation. Mr. Zirolli explained that the petitioner is proposing to locate a parking gate and new reception area. In order to allow the proposed modifications, the parking lot must be reconfigured, resulting in the elimination of 14 spaces. The petitioner proposes to eliminate exit rows and extend existing traffic islands within the parking lot, allowing a modified traffic flow which will circulate within the site. Mr. Zirolli noted that one traffic island closest to the primary parking structure will be eliminated. He stated that the amount of impervious area will remain the same and confirmed that a few trees will be removed and replaced in compliance with the Tree Ordinance.

Planning Associate Katie Whewell reviewed the requested relief, criteria for consideration, land use, zoning and details of the proposed parking lot changes as shown on the attached presentation. Ms. Whewell explained that the restructuring of the parking layout requires an amendment to the existing Special Permit. The most recent Special Permit for the site was granted in 2008 for a waiver of 53 parking stalls. In The total number of parking stalls required currently is 679. In 2008 the parking management plan estimated that there were 20-30 unpermitted parkers. Unpermitted parking remains an issue at the site. The proposed parking lot reconfiguration further reduces the number of parking stalls on site to 665

stalls. The petitioner hopes to implement automated ticket booths and gates to minimize unpermitted parking. The proposed gates are set back on site to prevent queuing on Commonwealth Avenue. Ms. Whewell noted that the Planning Department has observed many empty stalls at the rear of the site and few empty stalls at the front of the site.

The Public Hearing was Opened. No member of the public wished to speak. Councilor Markiewicz motioned to close the public hearing which carried unanimously. A Committee member spoke in favor of the proposed modifications, noting that there are often vacant spaces within the parking lot. Committee members expressed support for allowing the petitioner to manage parking at the lot. Committee members reviewed the draft findings and conditions as shown on the attached presentation. Committee members expressed no concerns relative to the petition or draft order and voted unanimously in favor of approval.

#104-19 Special Permit to allow attached dwelling units at 499 Winchester Street

ARTHUR ARBETTER AND GERRY WELCH/MARY AND DUANE HILLIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwellings in two buildings, allowing single-family attached dwellings with three stories and to allow retaining walls greater than 4' within a setback at 499 Winchester Street, Ward 8, Newton Highlands, on land known as Section 83 Block 35 Lot 08, containing approximately 43,567 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.1.4, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Held 6-0 (Lipof Recused); Public Hearing Continued

Note: Attorney Franklin Schwarzer, Schlesinger and Buchbinder, offices at 1200 Walnut Street, represented the petitioners Arthur Arbetter and Gerry Welch. Atty. Schwarzer presented an overview of the proposed development at 499 Winchester Street as shown on the attached presentation. The existing site contains a single-family dwelling constructed in 1860. The petitioner proposes to locate four single-family attached dwelling units in two structures. proposed plans reflect the City's Preservation Planner's recommendation to preserve the existing structure, relocating it closer to the street and adding a unit to the rear. Demolition delay has been waived for the project. Atty. Schwarzer noted that each of the four dwelling units will contain three bedrooms (approximately 3100-3300 sq. ft. each) and a two-car garage. The proposed plans include the consolidation of two curb cuts into one 18' curb cut on Winchester Street. A new driveway will serve as the sole point of access and will extend to the rear structure.

Architect for the project, Donald Lang, office at 1643 Beacon Street, presented details of the proposed dwelling units as shown on the attached presentation. Mr. Lang noted that a collapsing garage will be taken down on site and the existing fieldstone retaining walls will be removed and reconstructed. The new retaining walls will be set back from the driveway to facilitate snow clearing. Mr. Lang stated that the trees on the right side of the site will remain undisturbed, shielding the proposed development from Winchester Street and Wallace Street. The petitioner proposes to construct a small milk house, between the two proposed structures that will contain pumping equipment for the sewer system. Both buildings will be constructed to be fully accessible, each building equipped with accessible entrances as well as principal living on a single level. Both buildings will have a Limited Use Limited Access elevator (LULA), connecting all three levels. Atty. Schwarzer noted that the petitioner met with the Friends of Nahanton

Park and Ward Councilors to present details and solicit feedback for the proposed development. Atty. Schwarzer showed details of the landscape plan as shown attached. He confirmed that the petitioner is willing to replace the proposed driveway with permeable pavers.

Planning Associate Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and photos of the site as shown on the attached presentation. Ms. Whewell noted that the site abutted by The Charles River Country Club, Nahanton Park, and a facility owned by the Department of Public Works. The City's environmental planner is not concerned relative to the proximity to the sensitive areas; Woodcock Meadow and the Nature Center. Ms. Whewell noted that the site has mature landscaping around the perimeter of the property.

The Public Hearing Was Opened.

Chris Hepburn, 132 Stanley Road, President of the Friends of Nahanton Park, noted that the group is strongly opposed to the granting of the Special Permit. The property abuts a quiet woodland in the park. The scale of the proposed development is too great and will generate noise, light pollution and cause harm to the park's wildlife. The Friends of Nahanton Park believe this is not an appropriate site for the proposed development.

Maurice Gilmore, 144 Upland Road, noted that the woodcock birds are in the meadows between the upper and lower gardens, close to the proposed development and will be adversely affected. He stated that the Nature Center uses the park and noted that the park is one of the only buffered parks in the City. He has concerns about the impact on the wildlife.

Suzette Barbier, 124 Winchester Street, noted that the park was nearly designated an important bird area and stated that a conservation restriction is under consideration. Ms. Barbier noted that the proposed development is too large, and she has concerns about the impact of the development on wildlife. Ms. Barbier suggested that the proposed development is about maximizing profits and questioned what kind of future the City wants.

William Hagar, 248 Winchester Street, has concerns about the impact of the proposed development on the neighborhood, wildlife and view in the neighborhood. He noted that the dwelling is located prominently on the site.

Lee Barden, 62 Rachel Road, noted that the park is downwind and downhill of the proposed development. He is supportive of the proposed development and does not believe that it will interfere with the park space. Mr. Barden noted that he is supportive of thoughtful, creative, respectful changes in the City and believes the proposed design is very considerate.

Michael Clarke, 1115 Beacon Street, noted that there is a deep stone foundation. Modifying the house disturbs the property and disregards the extensive history of the site.

Marianne Marks, 47 Carl Street, noted that she visited the woodcock area to bird watch and emphasized the unique experience. Ms. Marks questioned why the petitioner should be granted a Special Permit that interferes with an ecological treasure.

Ruth Marks, noted that she grew up playing in the backyard and loud noises were often made at the site. Ms. Marks expressed support for the proposed development and noted that there is a lot of space between the proposed structures and the park.

Ruth Lederman, 390 Winchester Street, noted that the neighborhood has many older, small homes, but not an area for a four-family

Councilor Auchincloss motioned to close the public hearing which carried 6-0, Lipof recused. Councilors shared concerns relative to the proposed development, its proximity to sensitive park space and its impact on existing wildlife. Councilors noted that the four dwelling units are large, and each unit has a two-car garage. Committee members shared concerns relative to the size of the proposed structures and questioned whether the square foot calculation includes the garage space. Ms. Caira confirmed that basement and attic space are accounted for in accordance with the Zoning Ordinance. A Committee member questioned whether the proposed structures can be reduced in size to minimize their impact.

A Committee member questioned what could be constructed at the site as a matter of right. Chief Planner Jennifer Caira explained that by right, the petitioner could construct one unit with an internal accessory apartment, similar in size to the current proposal. The setbacks could be closer to the property line (7.5' on the sides, 12' on the rear). The proposed development has 25' setbacks and approximately 7% less floor area. Ms. Caira confirmed that open space could be less than proposed and the lot coverage could be more. As a matter of right a new structure could be 36'. Associate City Engineer Jonah Temple confirmed that it is appropriate to consider ecological concerns when deliberating the project as it abuts a park.

Committee members asked the petitioner to consider a reduction in the amount of proposed paved area at the site as well as the inclusion of additional native and edible plantings in the landscape plan. A Committee member questioned whether the proposed number of trees (92) can be sustained on site. Committee members asked for additional information on how the proposed development may impact the adjacent environment. A Committee member asked the petitioner to consider construction standards that reduce the energy demand of the building (systems and building envelope), noting the proximity of the development to sensitive areas. Committee members agreed to hold the item pending additional information. Councilor Auchincloss motioned to reopen the public hearing which carried 6-0. With that, Committee members voted 6-0 to hold the item.

The Committee adjourned at 8:21 pm.

Respectfully Submitted,

Greg Schwartz, Chair

NEWTON MARRIOTT SPECIAL PERMIT HEARING

April 2, 2019

samiotes

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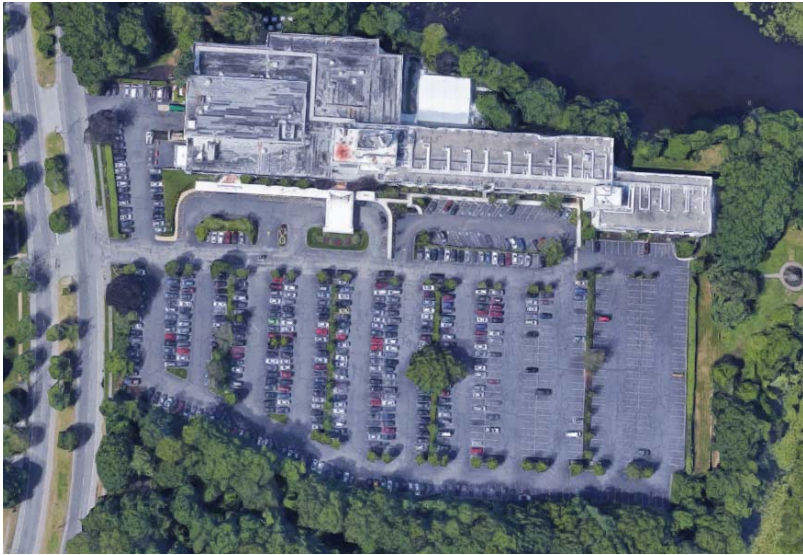
INTRODUCTION

- PROPOSED ADDITION OF A PARKING GATE SYSTEM TO REGULATE PARKING
- IT'S CURRENTLY ESTIMATED THAT UP TO 30 VEHICLES PER DAY PARK ILLICITLY IN THE PARKING LOT
- THE PROPOSED GATE SYSTEM WILL PROVIDE A MORE SECURE ACCESS POINT TO THE PARKING LOT, ALLOWING THE HOTEL TO ACCURATELY REGULATE USE
- THE PROPOSED GATE SYSTEM AND LAYOUT CHANGES REQUIRE THE REMOVAL OF 14 EXISTING PARKING STALLS, FOR A TOTAL OF 665 STALLS POST-CONSTRUCTION
 - CURRENT TOTAL PARKING REQ'D = 676 STALLS
 - PROPOSED TOTAL PARKING = 665 STALLS
 - REQUESTED PARKING WAIVER INCREASE = 11 STALLS

samiotes

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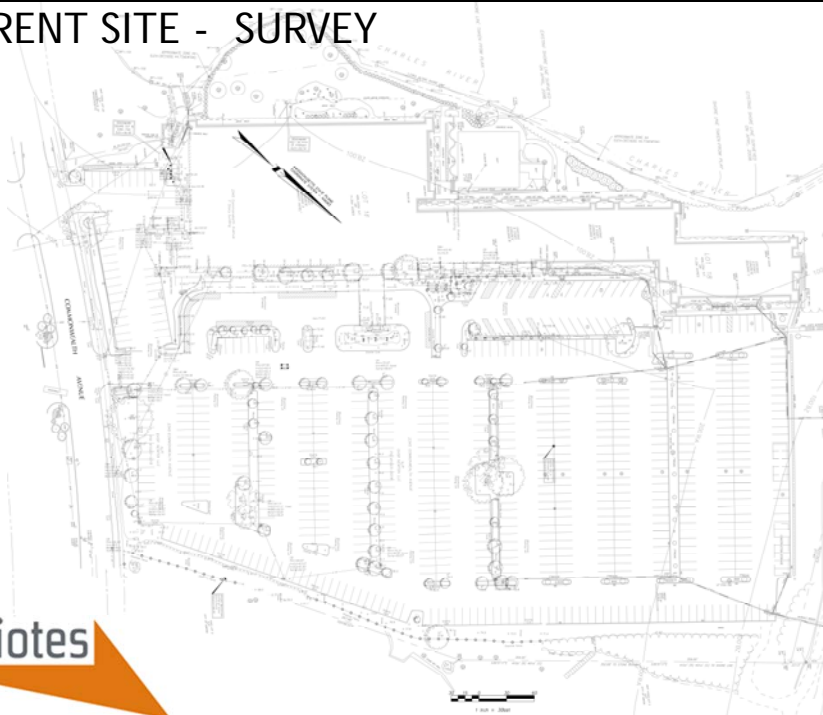
CURRENT SITE - SATELLITE VIEW



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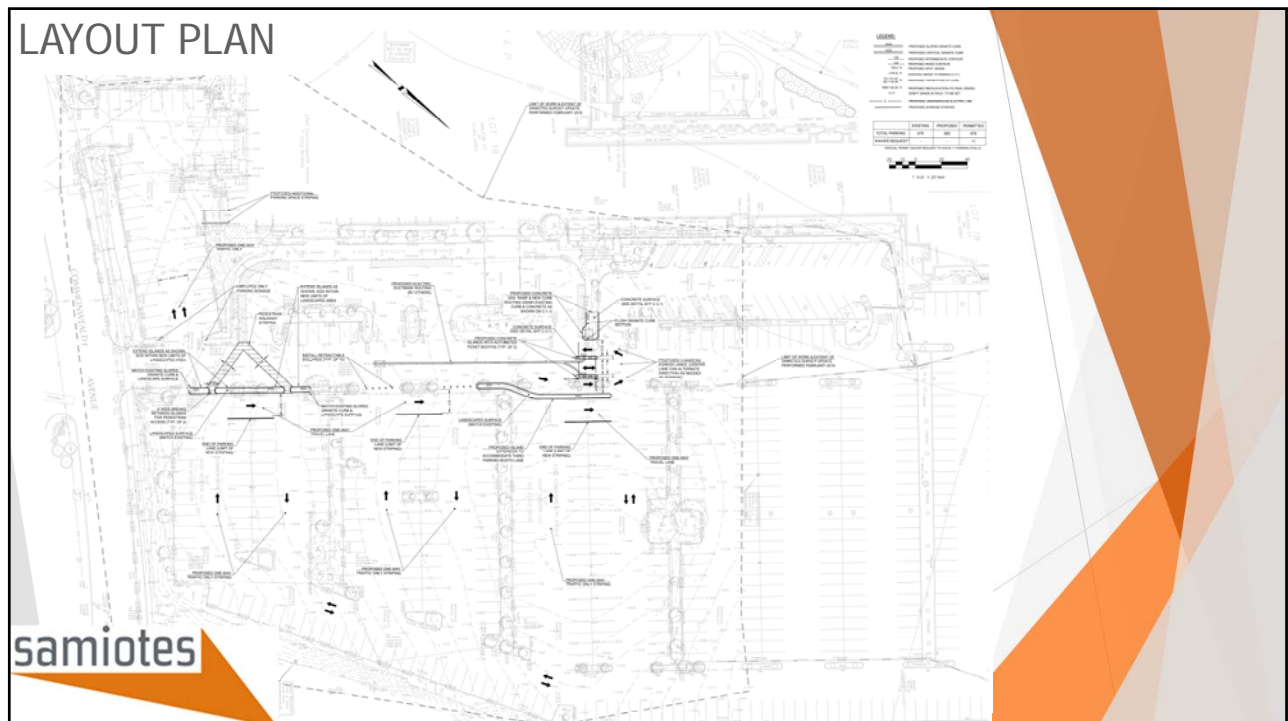
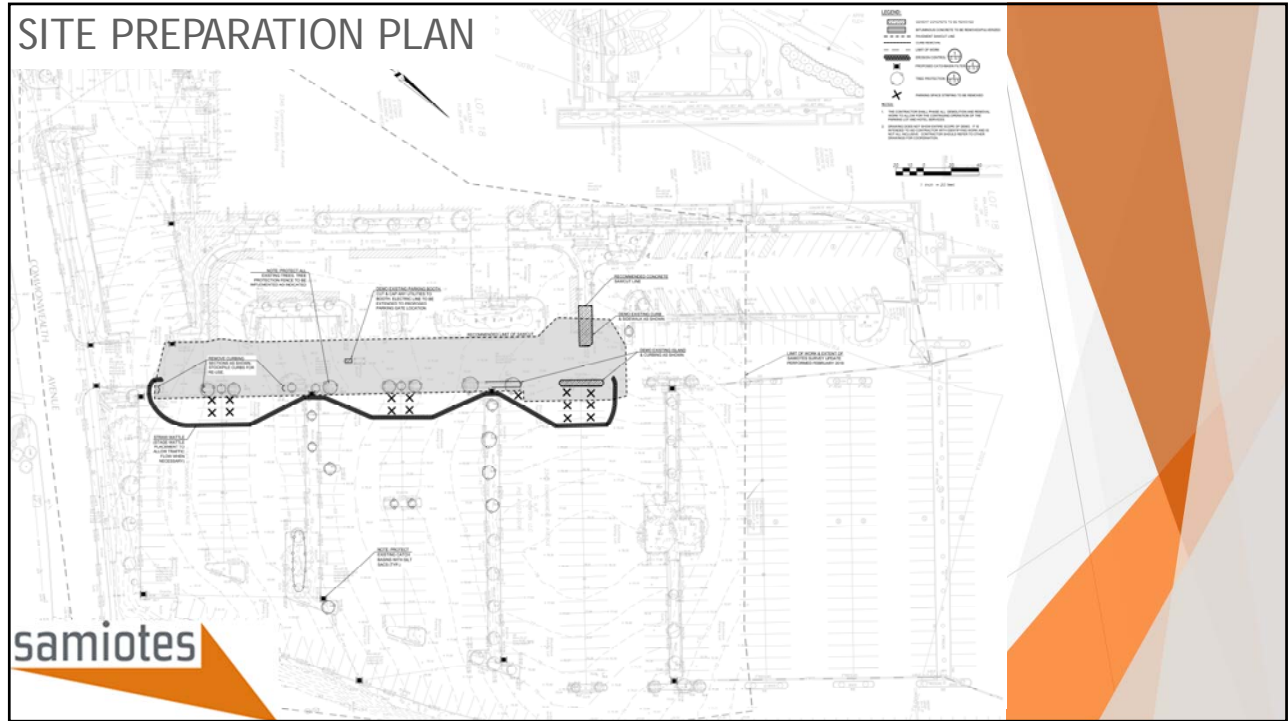
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CURRENT SITE - SURVEY



samiotes

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Department of Planning and Development



PETITION #105-19
2345 COMMONWEALTH AVE.

TO AMEND SPECIAL PERMIT
ORDER #385-08 TO ALLOW
RESTRUCTURING OF THE PARKING
LAYOUT, ELIMINATING 14
PARKING STALLS AND REQUIRING
A WAIVER OF 11 STALLS



APRIL 2, 2019

1

Requested Relief



Special Permit per §5.1.4.A and §7.3.3 of the NZO to:

- Amend Special Permit #385-08
- Request to waive 11 parking stalls

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Criteria to Consider

When reviewing this request, the Council should consider whether:

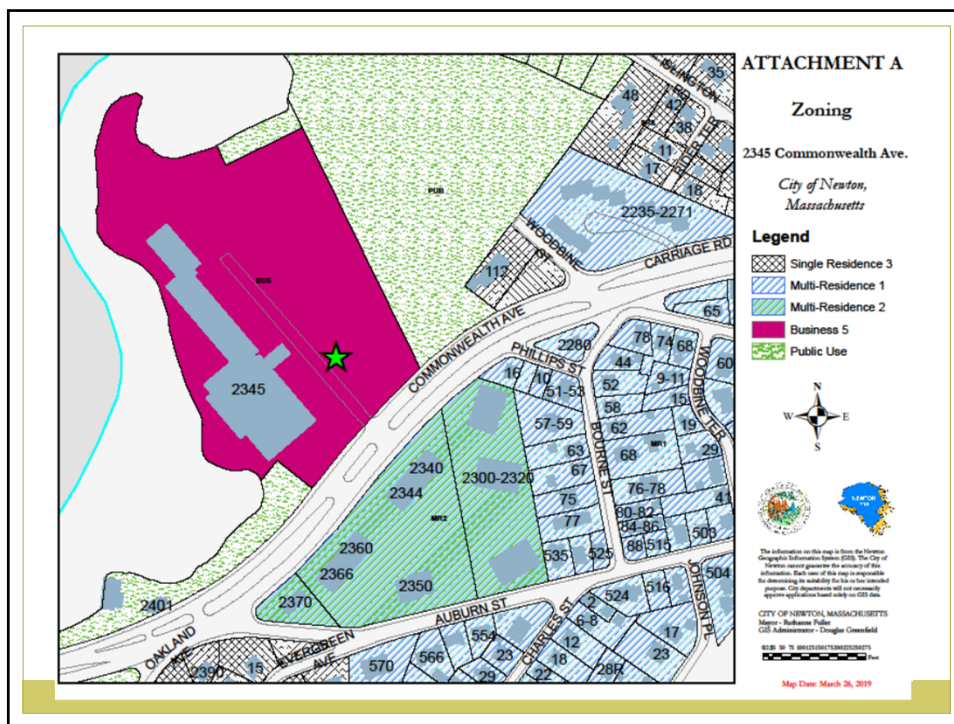
- Literal compliance with the parking requirements of the Newton Zoning Ordinance is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features (§5.1.4 and §5.1.13).
- The specific site is an appropriate location for the amendment to Special Permit #385-08 that reconfigures the parking lot. (§7.3.3.C.1)
- The proposed amendment to Special Permit #385-08 that reconfigures the parking lot will not adversely affect the neighborhood. (§7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians by the proposed amendment to Special Permit #385-08. (§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)

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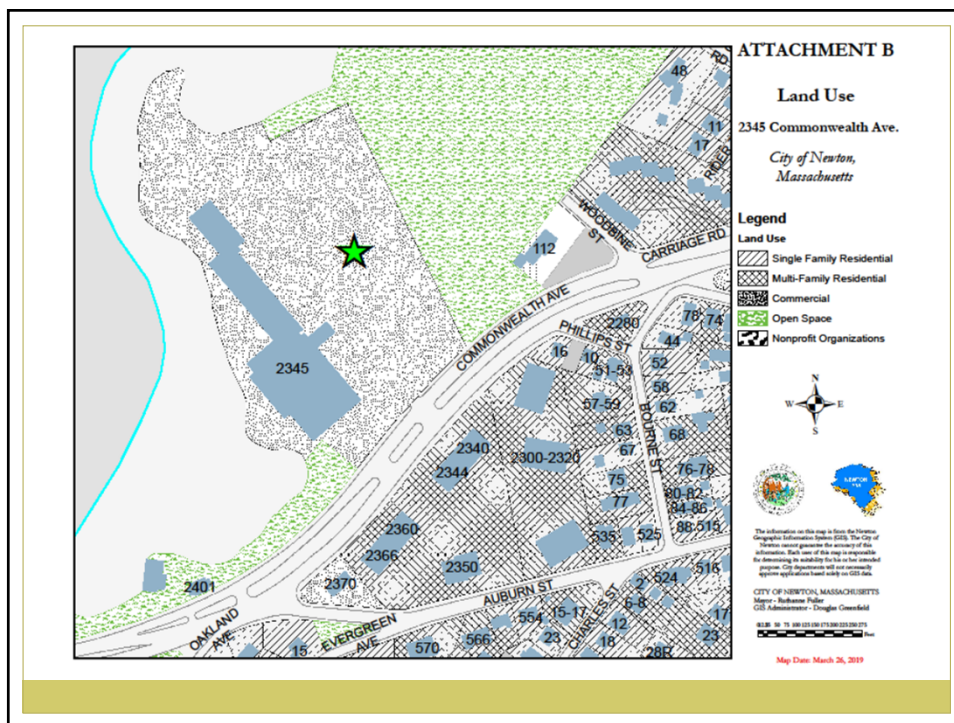
Aerial/GIS Map



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Special Permit #385-08

Special Permit #385-08 granted:

- Additional function space
- Associated grade changes
- Lighting waivers
- Parking waiver of 53 spaces with a proposed parking management plan and on the basis that it prevents the need to construct more paved parking surfaces.

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Site Plan



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Proposed Finding

- Literal compliance with the parking requirements is not in the interest of safety due to the installation of the ticket booths that will prevent unpermitted and unauthorized parkers. The proposed changes also allow for greater control of access to the site (§5.1.4.A, §5.1.13)
- The specific site is an appropriate location for the amendment to Special Permit #385-08 because the proposed changes result in a more efficient parking facility. (§7.3.3.C.1)
- The proposed amendment to Special Permit #385-08 will not adversely affect the neighborhood due to the surrounding mix of uses in the neighborhood and the site is surrounded largely by public use zones on either side. (§7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians by amending Special Permit #385-08 to reconfigure the parking lot because the reconfiguration consists of pedestrian improvements and improved traffic flow through the site and ensures all parking spaces are available for authorized guests. (§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)

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Proposed Conditions

1. Plan Referencing Condition.
2. Standard Building Permit Condition.
3. Standard Final Inspection/Certificate of Occupancy Condition.

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CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City 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 Special Permit 358-08 and to waive 11 parking stalls, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. Literal compliance with the parking requirements is in the interest of safety due to the installation of the ticket booths that will prevent unpermitted and unauthorized parkers. The proposed changes also allow for greater control of access to the site (§5.1.4.A, §5.1.13)
2. The specific site is an appropriate location for the amendment to Special Permit #385-08 because the proposed changes result in a more efficient parking facility.
3. The proposed amendment to Special Permit #385-08 will not adversely affect the neighborhood due to the surrounding mix of uses in the neighborhood and the site is surrounded largely by public use zones on either side.
4. There will be no nuisance or serious hazard to vehicles or pedestrians by amending Special Permit #385-08 to reconfigure the parking lot because the reconfiguration consists of pedestrian improvements and improved traffic flow through the site and ensures all parking spaces are available for authorized guests.
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved.

PETITION NUMBER: #105-19

PETITIONER: CHSP TRS Newton LLC dba Marriott Newton

LOCATION: 2345 Commonwealth Ave, on land known as Section 02 Block 30 Lot 18, containing approximately 11.4 acres of land

OWNER: CHSP Newton LLC

ADDRESS OF OWNER: 4300 Wilson Blvd. Ste 625
Arlington, VA 22207

TO BE USED FOR: Parking Waiver of 11 stalls and amendment to Special Permit 358-08

CONSTRUCTION: Site Work Only

EXPLANATORY NOTE: §5.1.13 and §5.1.4.A to waive 11 required parking stalls, §7.3.3 to amend special permit #385-08.

ZONING: Business Use 5

All prior Special Permits for this site remain in full force and effect, including the conditions set forth in Council Order #385-08, except as modified below.

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with:
 - a. Demolition and Site Preparation Plan C-1.1, signed and stamped by Stephen Garmin, Registered Professional Engineer, dated March 11, 2019
 - b. Layout Plan C-2.1, signed and stamped by Stephen Garmin, Registered Professional Engineer, dated March 11, 2019
 - c. Grading Plan C-2.2, signed and stamped by Stephen Garmin, Registered Professional Engineer, dated March 11, 2019
 - d. Civil Details C-3.1, signed and stamped by Stephen Garmin, Registered Professional Engineer, dated March 11, 2019
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Director of Planning and Development, City of Newton Fire Department, Department of Planning and Development, Department of Engineering, and Department of Inspectional Services.
3. 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 with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
 - d. Received approval from the applicable Departments in accordance with Condition #2 above.

4. The petitioner shall comply with the City of Newton's Tree Preservation Ordinance.



499 Winchester Street

Presentation to the Land Use Committee of the City Council – April 2, 2019



1

Aerial View



2

Existing House



3

Original Proposed Conditions Site Plan



4

Landscaping (Tree Cover)



7

Existing Site from Wallace Street



8



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Proposed Farmhouse East /South Elevations

PROPOSED EAST ELEVATION (WINGHEATER STREET)

PROPOSED SOUTH ELEVATION (REVIEWED)

PROPOSED FARMHOUSE MATERIALS & DETAIL

DLA ARCHITECTURE
 1000 W. 10th Street, Suite 100
 Lincoln, NE 68502
 Phone: 402.441.1111
 Fax: 402.441.1112
 www.dla-arch.com

DATE: 01/14/14
 DRAWN BY: J. J. JENSEN
 CHECKED BY: J. J. JENSEN
 PROJECT NO.: 14-001

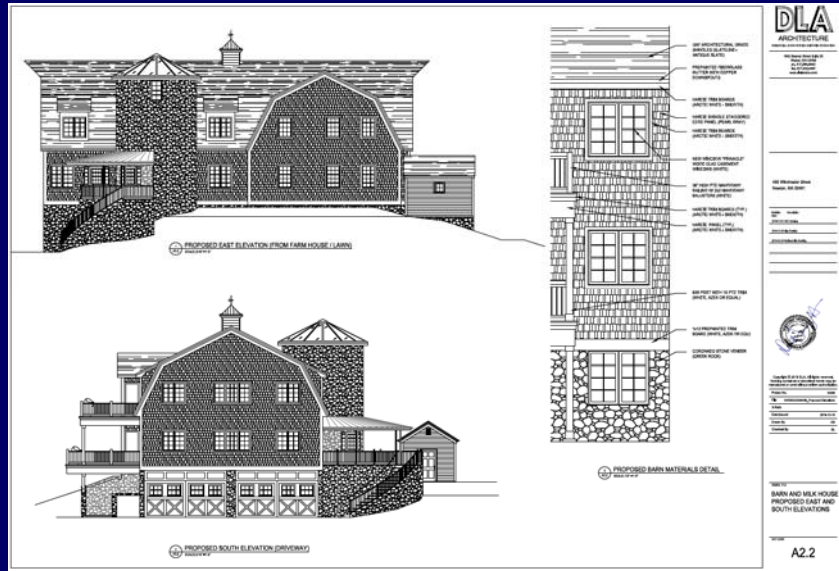
SCALE: 1/8" = 1'-0"

10/10/14

A2.0

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Proposed "Barn and Milkhouse" (East and South Elevations)

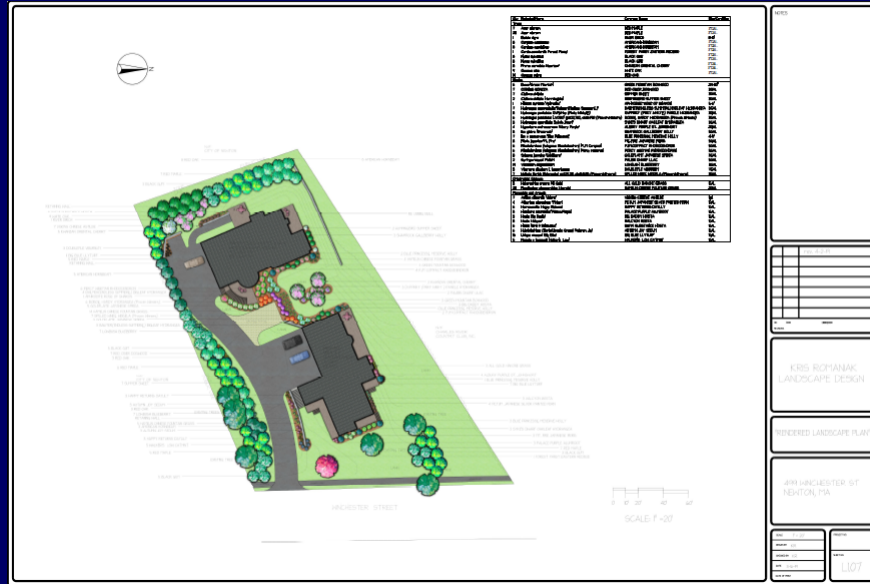


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Landscape Plan



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Zoning Relief



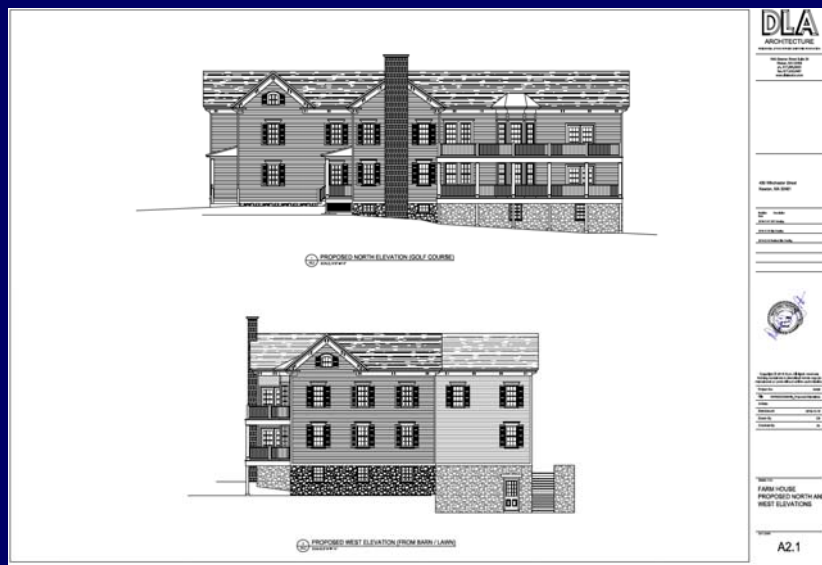
- single family attached dwellings (Sections 3.2.4 and 3.4.1)
- number of stories (Section 3.2.4)

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Proposed Farmhouse North / West Elevations



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Proposed "Barn and Milkhouse" (North and West Elevations)



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Department of Planning and Development



**PETITION #104-19
499 WINCHESTER STREET**

SPECIAL PERMIT/SITE PLAN APPROVAL
TO ALLOW FOUR SINGLE FAMILY
ATTACHED DWELLINGS IN TWO
BUILDINGS, ALLOWING SINGLE FAMILY
ATTACHED DWELLINGS WITH THREE
STORIES, AND TO ALLOW RETAINING
WALLS GREATER THAN 4' WITHIN A
SETBACK



APRIL 2, 2019

1

Requested Relief



Special Permit per §7.8.2.C.2 and §7.3.3 of the NZO to:

- To allow single family attached dwellings (§3.4.1).
- To allow attached single family dwellings with three stories (§3.1.4).
- To allow retaining walls of four feet or more in height within a setback (§5.4.2.B).

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Special Permit Criteria

When reviewing this request, the Council should consider whether:

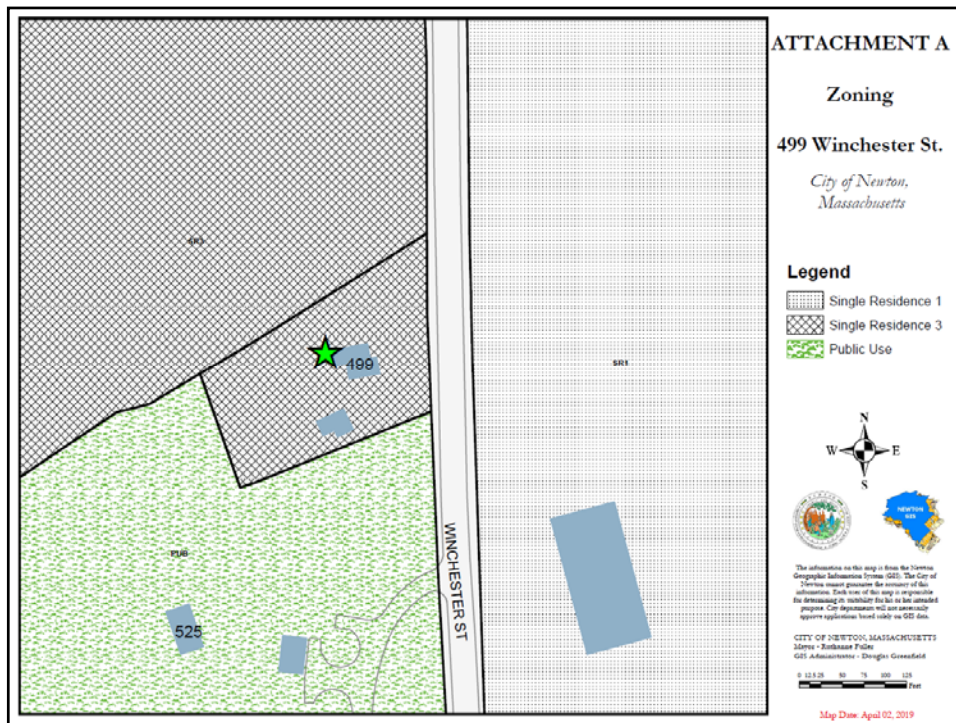
- The specific site is an appropriate location for the proposed four single family attached dwellings, two with three stories, and retaining walls over four feet within a setback . (§7.3.3.C.1)
- The four single family attached dwellings, two with three stories, and retaining walls over four feet within a setback, will adversely affect the neighborhood. (§7.3.3.C.2)
- The single family attached dwellings, two with three stories, and retaining walls over four feet within a setback will create a 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)

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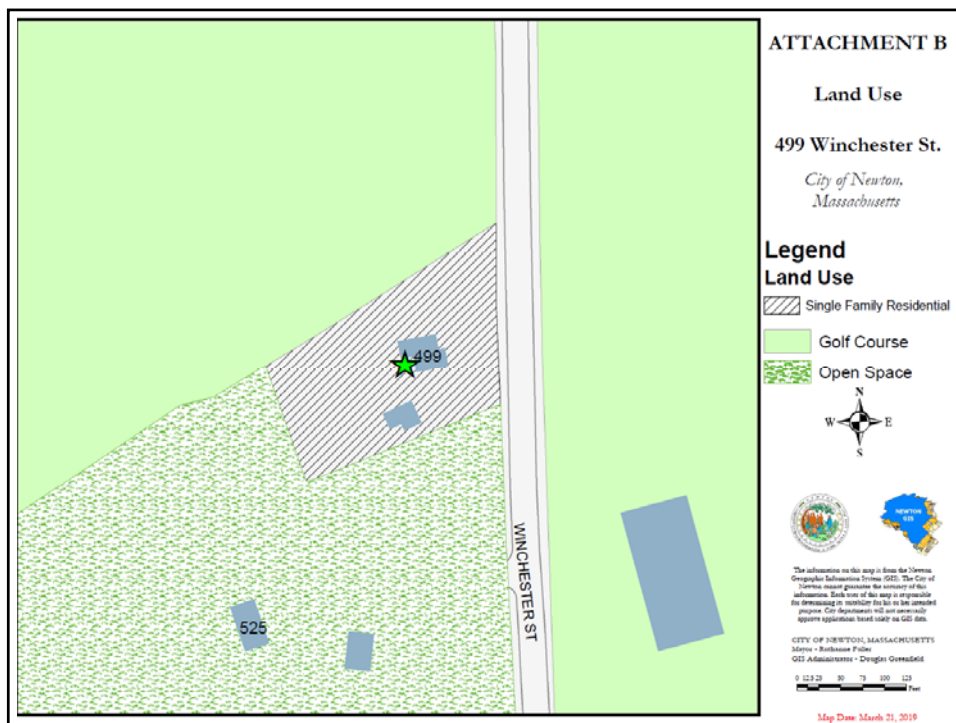
AERIAL



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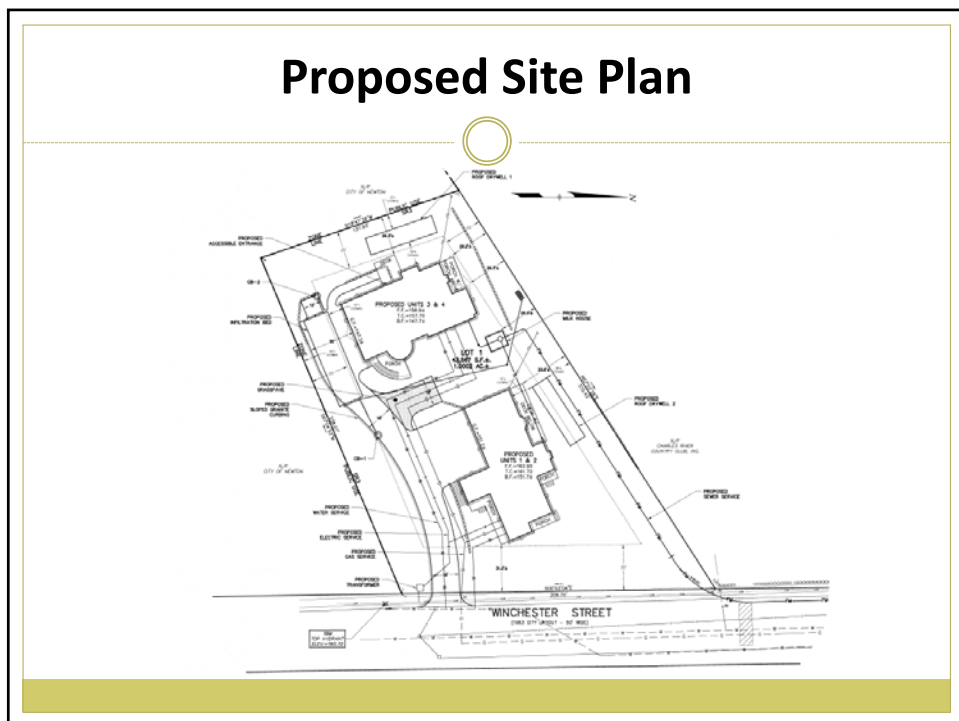
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Elevations – Front Building incorporating Historic Structure



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Elevations – Rear Building



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Proposed Findings

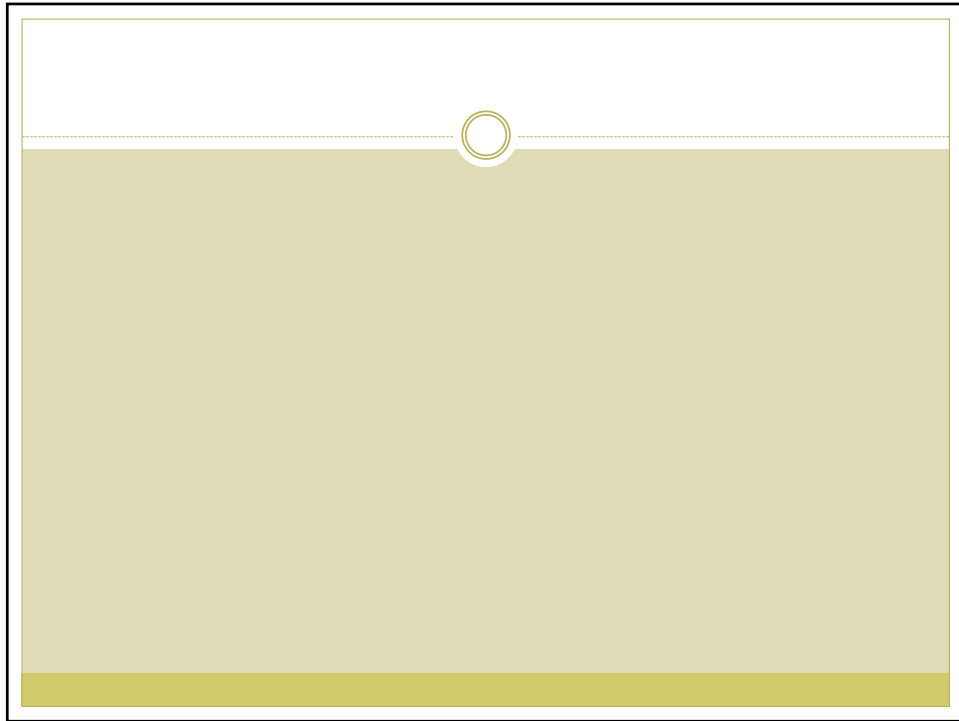
- The specific site is an appropriate location for the proposed four Single-Family Attached Dwellings, two with three stories, and retaining walls over four feet within a setback as it preserves a historic house, and provides additional housing units on a large site while maintaining appropriate distances from sensitive habitats located in the adjacent Nahanton Park. (§7.3.3.C.1)
- The four Single-Family Attached Dwellings, two with three stories, and retaining walls over four feet within a setback will not adversely affect the neighborhood as the project will add three additional housing units where one already exists at a site that is surrounded by open space and therefore will not impact nearby neighborhoods. Additionally, the project will preserve a historic building and incorporate it into the project. (§7.3.3.C.2)
- The Single-Family Attached Dwellings, two with three stories and retaining walls over four feet within a setback will not create a nuisance or serious hazard to vehicles or pedestrians as two existing driveways will be closed and limited to one access point and sufficient parking is provided on site. (§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)

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Proposed Conditions

1. Plan Referencing Condition
2. Newton Historical Commission approval requirement for changes to existing historic dwelling.
3. The petitioner shall comply with the Tree Preservation Ordinance.
4. All lighting fixtures shall be residential in scale.
5. Standard Building Permit Conditions.
6. Submit Final Landscape Plan showing compliance with the Tree Preservation Ordinance and all new plantings, for review and approval by the Director of Planning and Development.
7. Submit Final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval.
8. Construction Management Plan (CMP) for review and approval.

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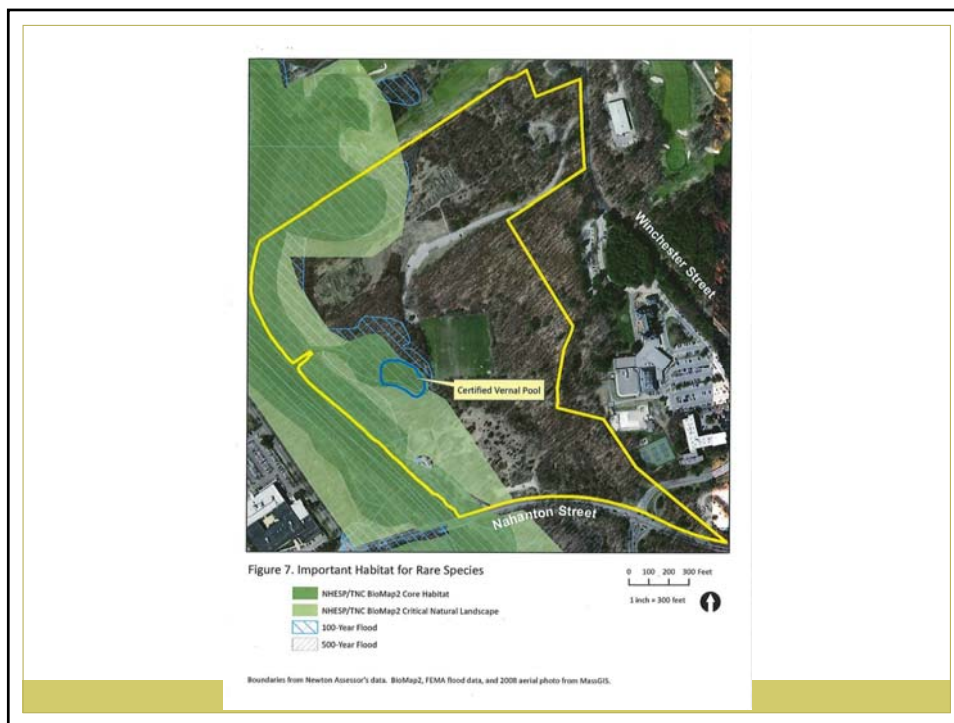


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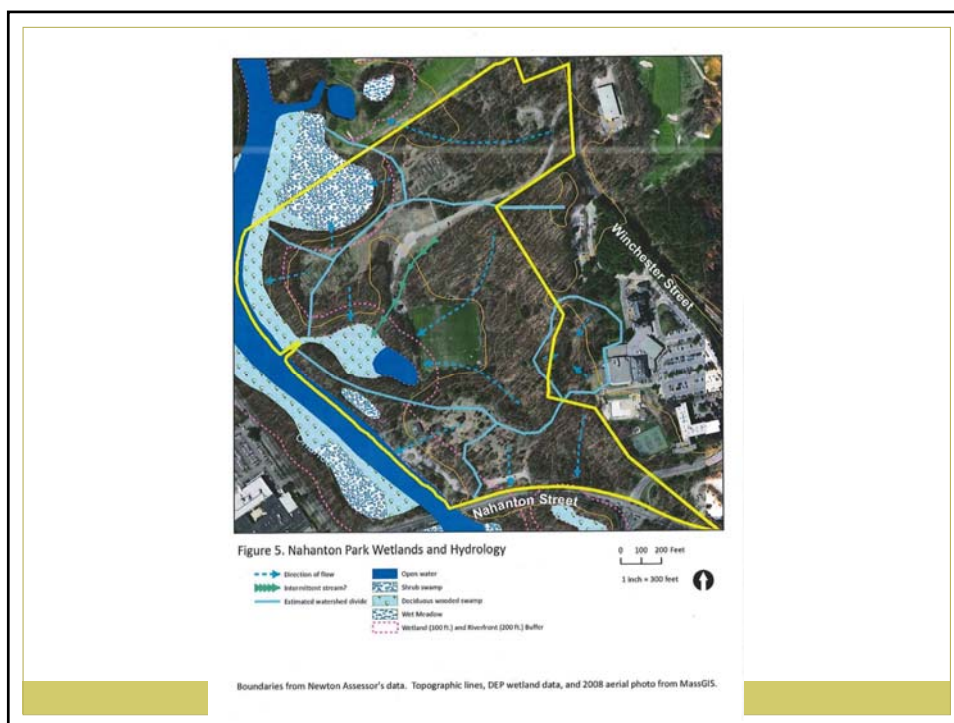
By-right – SR3

*before 12/7/1953	Single Family Detached	Proposed
Lot Coverage	30%	18.3%
Lot Area per unit (min)	10,000 sf	10,892 sq. ft.
Usable Open Space	50%	66.7%
Frontage	70 ft.	207 ft. (existing)
Front setback	25 ft.	25'
Side	7.5 ft.	25'
Rear	15 ft.	25'
Height	36 ft.	Front: 35.56 Rear: 35.74
Stories	2.5	3 (rear building)
Floor Area	15,684 sq. ft	16,544 sq. ft.
Internal Accessory Apt.	Min: 250 sq. ft Max: 1,000 sq. ft or 33% total habitable space	

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