



Land Use Committee Report

City of Newton In City Council

Tuesday, June 18, 2019

Present: Councilors Schwartz (Chair), Lipof, Greenberg, Auchincloss, Kelley, Markiewicz, Crossley, Laredo, Rice, Grossman, Albright, Kalis, Danberg, Noel, Leary

City Staff Present: Associate City Solicitor Jonah Temple, Senior Planner Neil Cronin, Senior Planner Michael Gleba, Planning Associate Katie Whewell

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.

#176-19 **Special Permit Petition to allow parking within the setback at 1188 Chestnut Street**
TARA POTTER AND DOUG ROONEY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an addition to the existing single-car garage, extending the non-conforming front setback, to allow parking within the setback and within five feet of the street at 1188 Chestnut Street, Ward 5, Newton Upper Falls, on land known as Section 51 Block 40 lot 22, containing approximately 5,807 sq. ft. in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.3, 7.8.2.C.2, 5.1.7.A, 5.1.13, 3.2.11 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Held 7-0 (Greenberg not Voting); Public Hearing Continued**

Note: Architect Dave Geffen, 574 Chestnut Street, represented the petitioners; Tara Potter and Doug Rooney. Mr. Geffen presented the request to extend the non-conforming setback of the existing garage at 1188 Chestnut Street. The petitioner proposes to add a second garage bay to an existing one car garage, extending the garage east along the frontage. Because the second parking stall is within 5' of the street, a special permit is required. Mr. Geffen noted that in response to concerns raised by the Planning Department relative to the poor sight lines associate with the proximity of the garage to the street; the surveyor has relocated the building 6' back from the proposed plans reviewed by the Planning Department.

Senior Planner Neil Cronin presented the requested relief, criteria for consideration, zoning, land use and the proposed plans as shown on the attached presentation. Mr. Cronin noted that there is a slope to the site and the rear of the site is 14' above the grade on Chestnut Street. Mr. Cronin noted that Associate City Engineer John Daghljan requested that drainage be added to the roof of the garage and that the proposed retaining walls are moved back from the sidewalk to prevent damage to the sidewalk. Mr. Cronin noted that the two-family dwelling to be constructed does not require relief. In response to a Planning Department suggestion to install a second access from Indiana Court, Mr. Geffen stated that access from Indiana Court is not practical.

The Public Hearing was Opened. No member of the public wished to speak.

It was noted that the property has two front setbacks (Chestnut Street/Indiana Terrace), making it difficult to configure. The petitioner's proposal includes a plan to widen the driveway at the retaining wall to increase visibility. A Committee member asked that Engineering and Planning verify the improvements to safety and existing conditions at the site. A Councilor questioned whether the petitioner might consider moving the building further back into the site. Committee members voted unanimously to hold the item pending additional review from the Planning Department with a motion from Councilor Lipof.

#177-19 **Special Permit Petition to extend the non-conforming side setback at 92 Manet Road**
DAVID MILLER AND RUTH HERTZMAN-MILLER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing detached garage and shed and construct a 698.5 sq. ft. garage, further extending the non-conforming side setback at 92 Manet Road, Ward 7, Chestnut Hill, on land known as Section 61 Block 12 Lot 06, containing approximately 6,825 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.3.A.1, 7.8.2.C.2, 3.2.4.B.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Action: **Land Use Approved 6-0 (Greenberg, Crossley not Voting); Public Hearing Closed 06/18/2019**

Note: Architect Tobin Schulman represented the petitioners David Miller and Ruth presented the request to raze an existing garage and shed and construct a new two-car garage; 22' wide and 31' in length. Mr. Schulman noted that the proposed garage will maintain the same side setback, but will extend further into the rear of the property.

Planning Associate Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. Ms. Whewell noted that there are other properties in the neighborhood with detached two-car garages creating non-conforming side setbacks. The proposed attached garage is 698 sq. ft., containing 215 sq. ft. of storage space. The garage will replace a 413 sq. ft. garage as well as a 96 sq. ft. shed. Ms. Whewell confirmed that the existing non-conforming side setback is 1.3' and the proposed rear setback is 9' (where 5' is required). It was noted that the proposed garage will extend 2.9' further into the yard.

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

#178-19 **Special Permit Petition to increase non-conforming FAR at 61 Forest Street**
YUBO CHEN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an attic level dormer to increase the living space, creating an FAR of .52 where .46 is allowed and .43 exists at 61 Forest Street, Ward 6, Newton Highlands, containing approximately 5,000 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0 (Greenberg not Voting)

Note: Architect Brian Lau, 7 Brendan Street, Lexington, represented the petitioner, Yubo Chen. Mr. Lau presented the request to construct an attic level shed dormer. Mr. Lau noted that the petitioner also hopes to enclose the existing front porch, creating a vestibule.

Planning Associate Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and plans for the petition as shown on the attached presentation. Ms. Whewell stated that the proposed dormer will create approximately 450 sq. ft. of habitable attic space. The proposed FAR .52 where .43 exists and .46 is the maximum allowed. Ms. Whewell noted that there are other homes in the neighborhood with similar dormer additions.

The Public Hearing was Opened. No member of the public wished to speak. Councilor Crossley motioned to close the public hearing which carried unanimously. Councilor Crossley motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation. Committee members expressed no concerns relative to the petition and voted unanimously in favor of approval.

#425-18 Request to Rezone three parcels for Northland Development

NEEDHAM STREET ASSOCIATES, NORTHLAND TOWER ROAD INVESTORS, NORTHLAND OAK STREET, LLC petition for a change of zone to BUSINESS USE 4 for land located at 156 Oak Street (Section 51 Block 28 Lot 5A), 275-281 Needham Street (Section 51, Block 28, Lot 6) and 55 Tower Road (Section 51 Block 28 Lot 5), currently zoned MU1.

Action: Land Use Held 8-0; Public Hearing Continued**#426-18 Special Permit to allow mixed use development**

NEEDHAM STREET ASSOCIATES, NORTHLAND TOWER ROAD INVESTORS, LLC, NORTHLAND OAK STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a mixed-use development greater than 20,000 sq. ft. with building heights of up to 96' consisting of 822 residential units, with ground floor residential units, with restaurants with more than 50 seats, for-profit schools and educational uses, stand-alone ATMs drive-in businesses, open air businesses, hotels, accessory multi-level parking facilities, non-accessory single-level parking facilities, non-accessory multi-level parking facilities, places of amusement, radio or TV broadcasting studios, and lab and research facilities, to allow a waiver of 1,600 parking stalls, to allow a reduction in the overall parking requirement to not less than 1900 stalls, to waive dimensional requirements for parking stalls, to waive end stall maneuvering requirements, to allow driveway entrances and exits in excess of 25', to waive perimeter landscaping requirements, to waive interior landscaping requirements, to waive lighting requirements for parking lots, to waive general lighting, surfacing and maintenance requirements, to waive off-street loading facilities requirements, to waive sign requirements relative to number, size, location or design, to waive the number of signs allowed at 156 Oak Street (Section 51 Block 28 Lot 5A), 275-281 Needham Street (Section 51, Block 28, Lot 6) and 55 Tower Road (Section 51 Block 28 Lot 5), Newton Upper Falls, Ward 5, on 22.6 acres of land in a proposed BU4 district. Ref: Sec. 7.3.3, 7.4, 4.1.2.B.1,

4.1.2.B.3, 4.1.3, 7.8.2.C, 5.4.2, 4.4.1, 5.1.4, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.D.2, 5.1.9.A, 5.1.9.B, 5.1.10.A.1, 5.1.10, 5.1.12, 5.1.13, 5.2, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Held 8-0; Public Hearing Continued**

Note: Attorney Alan Schlesinger, offices of Schlesinger and Buchbinder, 1200 Walnut Street represented to the petitioner. Atty. Schlesinger and members of the Northland Development Team presented updates to the petition as shown on the attached presentation. The changes to the proposed development include a reduction to the total number of square feet from 1.9 million to 1.4 million (representing approximately 27% of floor area). As proposed, the plan creates 9.6 acres of open space. Atty. Schlesinger noted that that petitioner has modified the shuttle strategy, incorporated “Passive House” into the design of some residential units and has committed to dedicating space for a splash park/skating rink. Atty. Schlesinger noted that the petitioner additionally proposed to underground approximately 1.5 miles of utility conduit on Needham Street, Oak Street, Tower Road and Christina Street.

VHB Principal, Rich Hollworth presented a summary of the parking management plan. Mr. Hollworth explained details of the traffic generation, trip reduction measures and traffic mitigation. Mr. Hollworth explained that the proposed development will contain 1450 total parking spaces; 1350 below grade and 100 located at grade throughout the development. Visitors and customers will be able to utilize the time restricted surface parking spaces. The central garage will accommodate 155 valet spaces and building 4 can accommodate an additional 45 valet parking spaces.

128 Business Council Executive Director Monica Tibbets Nutt presented updates to the Northland shuttle system. Ms. Tibbets Nutt noted that the initial proposal included service to and throughout Boston and Cambridge, consistent with a “last mile” style. Ms. Tibbets Nutt explained that in response to concerns raised, Northland now proposes service to the Newton Highlands MBTA station every 10 minutes, 16 hours a day, 7 days a week. She stated that the service will be free for residents, employees, customers, visitors and members of the public. She explained that the system will complement the MBTA Green Line and will not make stops on Needham Street. She noted that Northland has also committed to using an electrical vehicle fleet.

Dylan Martello, Building Systems Consultant, Steven Winter Associates, presented details of Passive House Certification as shown on the attached presentation. Mr. Martello explained that the benefits of Passive House which include; steep energy savings, carbon emissions reductions, building durability, thermal comfort and superior indoor air quality. Mr. Martello noted that designing a large-scale passive house is not much more costly than with traditional construction due to economies of scale. He noted that the construction will consider ways to optimize water heating, glazing and lighting in the corridors and stairwells.

Bill Guarnagia; Principal, ICL Energy and Engineering, presented details of the utility undergrounding proposed as part of the project. Mr. Guarnagia presented images of the existing and proposed conditions as shown on the attached presentation. Mr. Guarnagia noted that Northland has funded the design fees for final design to be prepared and stated that the proposed undergrounding includes the elimination of

77 utility poles. He estimated that the cost of undergrounding will range from \$10 million to \$12 million dollars.

Urban Design Practice Leader, Skidmore Owings and Merrill, Keith O'Connor, presented details of the spray park. Mr. O'Connor noted that the size of the skating rink/spray park may change but confirmed that Northland will dedicate space in the development to license to the City for the spray park/skating rink. Mr. O'Connor noted that the petitioner will design and construct the skate park and the City will provide, fund and dispose of water for the spray feature and operate the ice rink.

Atty. Schlesinger noted that the petitioner agrees with the Planning Department in that the number of parking spaces cannot be reduced from the current proposed number (1450). Additionally, he noted that the Planning Department finds the Oak Street access to be critical to preventing degradation of the traffic conditions on Needham Street.

Public Comment

Julie Irish, 8 Columbia Avenue, presented on behalf of Right Size Newton. The presentation is attached at the end of this report. Ms. Irish emphasized that Right Size Newton supports development at the site at an appropriate scale. She noted that once the development is built, it will be too late to identify and implement solutions to increases in traffic. Regarding traffic, Ms. Irish questioned why the shuttle routes originally proposed, which were based on traffic studies, have changed so drastically. Ms. Irish noted that the Lincoln Street/Walnut Street intersection is not sufficiently safe for the various types of trips that will visit the site. Ms. Irish noted that the MBTA Green line is unreliable and will not incentivize residents and visitors to use the train. She noted that a further reduction in the number of proposed parking spots will not be sustainable for the neighborhood and urged the petitioner to decrease the size of the proposed development.

Marcia Johnson, 39 Bemis Street, spoke on behalf of Livable Newton. Ms. Johnson expressed support for the proposed development, which will transform an underutilized site into a diverse, sustainable neighborhood. Ms. Johnson noted that the proposed development will increase the housing supply and provide 140 additional affordable units. She noted that the petitioner is working with Green Newton to maximize environmental features and has incorporated a passive house design into the development. Ms. Johnson noted that the project will generate increased tax revenue for the City and urged Councilors to support the petition.

Jim Purdy, Vice President of Green Newton, spoke on behalf of Green Newton. His comments are attached.

Karen Jacobson, has concerns relative to overcrowding in the school system. Ms. Jacobson has concerns that the increase in class size will compromise the integrity of the classroom and quality of care. She noted that an increasing number of children are struggling with frustration.

Mike Crane, 31 Oak Street, has concerns relative to the increase in traffic in the neighborhood and how the proposed development will impact the investments of existing residents in the neighborhood.

Bob Burke, expressed concerns relative to the increase in traffic and lack of sufficient parking at the site. Mr. Burk noted that the Green line cannot sustain the added ridership.

Srdjan Nedeljkovic, 5 Bellingham Street, is supportive of enhanced transportation options but noted that the petitioner's solutions should not degrade existing service. He suggested that condition(s) of the Special Permit include; a requirement from Northland to provide an easement for an Upper Falls MBTA station, a requirement to fund the cost of an Upper Falls Station (in lieu of construction of parking garages), a requirement to support the operating expenses of the service and a requirement to fund the planning studies to study the light rail line.

Suzanne Nelsen, 28 Columbia Avenue, noted that the Avalon Development has contributed to crowding at Countryside Elementary School. Ms. Nelsen requested a side view of the project, noting that the renderings submitted have been limited to top views.

Jay Werb, 31 Williams Street, believes the proposal will be good for the City. Mr. Werb has concerns relative to inadequate parking at the site and the dispersing of traffic through the adjacent neighborhoods via the Oak Street access.

Ellen Katz, 31 Williams Street, believes the City's roads should be made safer given the plan to allow added traffic on neighborhood streets. Ms. Katz suggested that Ellis Street safety should be made a priority.

Marianne Knapp, 250 Hammond Pond Parkway, emphasized the fact that the senior population has varied desires for housing types and intergenerational living.

Alison Sharma, 46 Kingswood Road, noted that many seniors opt for apartment style housing and reiterated that not all seniors want the same type of housing.

Paula Kelleher, 17 Eliot Terrace, noted that when canvassing the neighborhood, many residents expressed concerns relative to the eight story buildings in the neighborhood. She urged the Council to maintain the existing zoning.

Adam Buchbinder, noted that Northland has been very receptive to input from the Council and members of the public. Mr. Buchbinder is supportive of the proposed project and believes it will be a benefit to the City.

Emily Williams, 12 Cottage Street, has concerns relative to failure of the innovative transportation solutions. Ms. Williams noted that there are unknowns relative to ride sharing services. Ms. Williams expressed concerns relative to the condition of the City's water infrastructure.

Jay Walter, 83 Pembroke Street, does not believe the number of parking stalls should be further reduced, noting that Newton is not an urban environment.

Committee Discussion

A Committee member noted that the City Council has leverage to make changes during the Special Permit process and not after the Special Permit is approved. It was noted that only certain things can be adjusted after the development is constructed and Councilors were urged to support a reduction in the number of parking stalls at the site. It was noted that a further reduction in parking stalls may be a bold concept but it is an opportunity to limit the traffic impacts and will have a significant impact on behavior. Some Committee members expressed support for the concept of reducing parking and whether it may limit traffic but remained concerned about the potential for overflow parking in adjacent neighborhoods.

Committee

Committee members questioned how the petitioner and Planning Department are reviewing the projected traffic increase. Director of Planning and Development Barney Heath stated that the Planning Department is looking to see 60% or less of the vehicle trips at the development that would be permitted if the petitioner constructed a development without a zone change. Committee members asked the Planning Department to provide an analysis of the existing traffic conditions, the traffic conditions with a “by-right” project (no zone change) and the traffic conditions as projected for the proposed development. Mr. Heath noted that the petitioner is still working with the Planning Department to identify how the added traffic will be measured, monitored and enforced. A Committee member questioned whether the shuttle service will be free in perpetuity. Atty. Schlesinger stated that the petitioner will cover the cost of the shuttle service until a time that the Council determines it is no longer necessary.

Noting that members of the community raised concerns relative to the scale of the proposed development, Committee members questioned whether the size of the development should be reduced. Some Councilors noted that the buildings are varied in height and take advantage of the topography of the lot; allowing the petitioner to maximize the amount of open space at the site. It was noted that the density of the proposed development is comparable or less than some of the Council’s recent Special Permits. A Councilor suggested that a reduction in the number of units may impact the petitioner’s ability to implement some of the proposed transportation strategies. One Councilor noted that the site has been contemplated for development, but at a smaller scale. Some Councilors questioned whether a reduction in number of units may alleviate some of the traffic concerns.

Councilors asked the Planning Department to provide an estimate of maintaining and operating the splash park/skating rink and analysis of the condition of the sewer system in the vicinity of the proposed development. A Councilor questioned whether access can be improved at the Eliot MBTA station. With that a motion to hold the item carried unanimously.

The Committee adjourned at 10:45 pm.

Respectfully Submitted,

Greg Schwartz, Chair

Department of Planning and Development



**PETITION #176-19
1188 CHESTNUT STREET**

SPECIAL PERMIT/SITE PLAN
APPROVAL TO EXTEND A
NONCONFORMING FRONT SETBACK
AND TO ALLOW PARKING WITHIN
THE FRONT SETBACK AND WITHIN
FIVE FEET OF A STREET



JUNE 18, 2019

1

Requested Relief



Special Permits per §7.8.2.C.2 and §5.1.13 of the NZO to:

- Extend a nonconforming front setback from 4.4 feet to 4.1 feet (§3.2.3).
- Allow parking within the front setback and within five feet of a street (§5.1.7.A).

2

Criteria to Consider

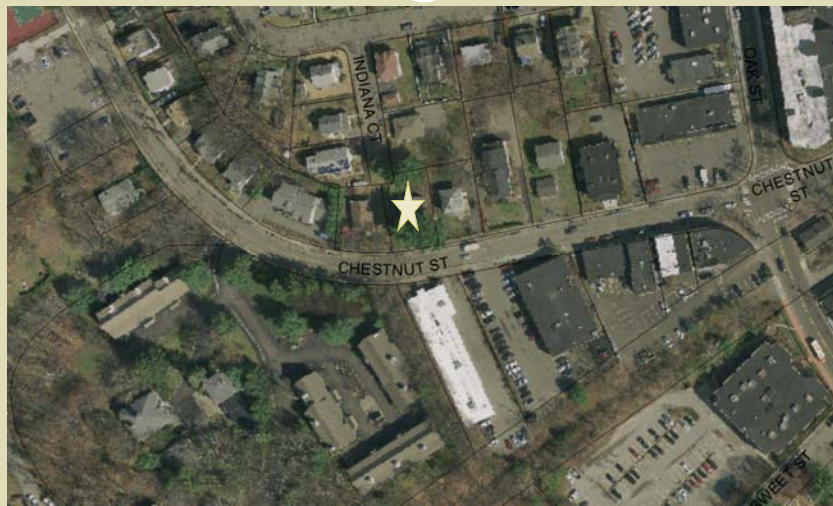


When reviewing this request, the Council should consider whether:

- The proposed extension of the nonconforming front setback will be substantially more detrimental than the existing nonconforming front setback is to the neighborhood (§3.2.3 and §7.8.2.C.2).
- 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 (§5.1.7.A and §5.1.13).

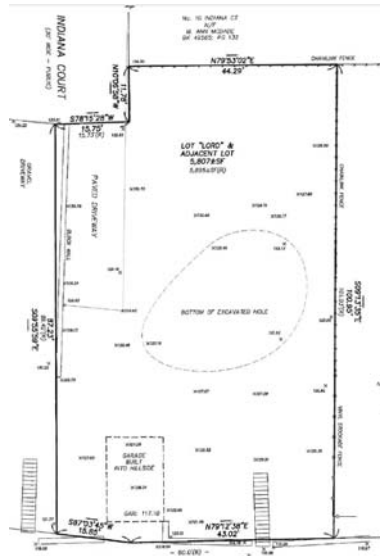
3

Aerial/GIS Map



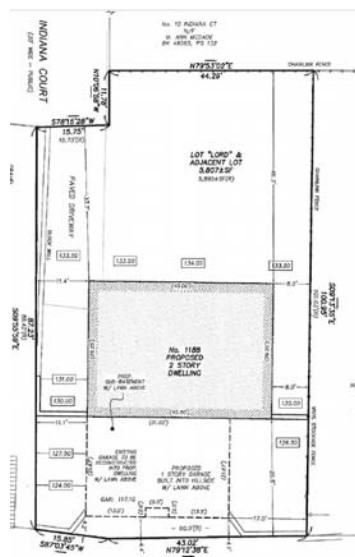
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Existing Site Plan



5

Proposed Site Plan



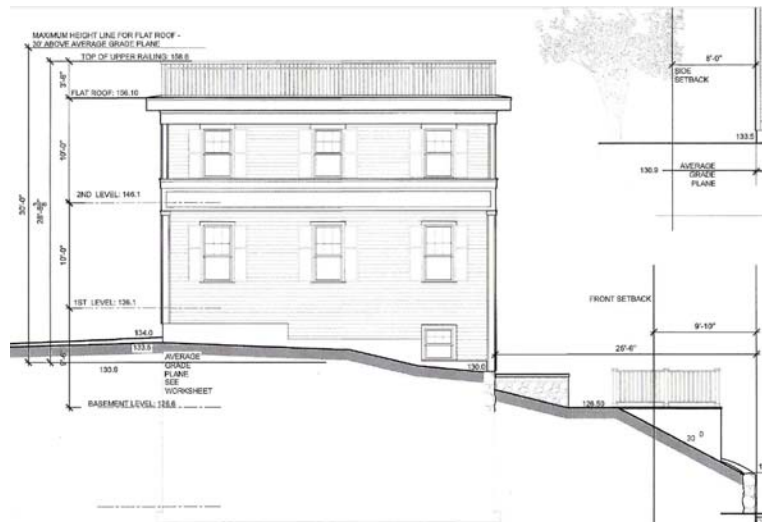
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Proposed Chestnut Street Elevation

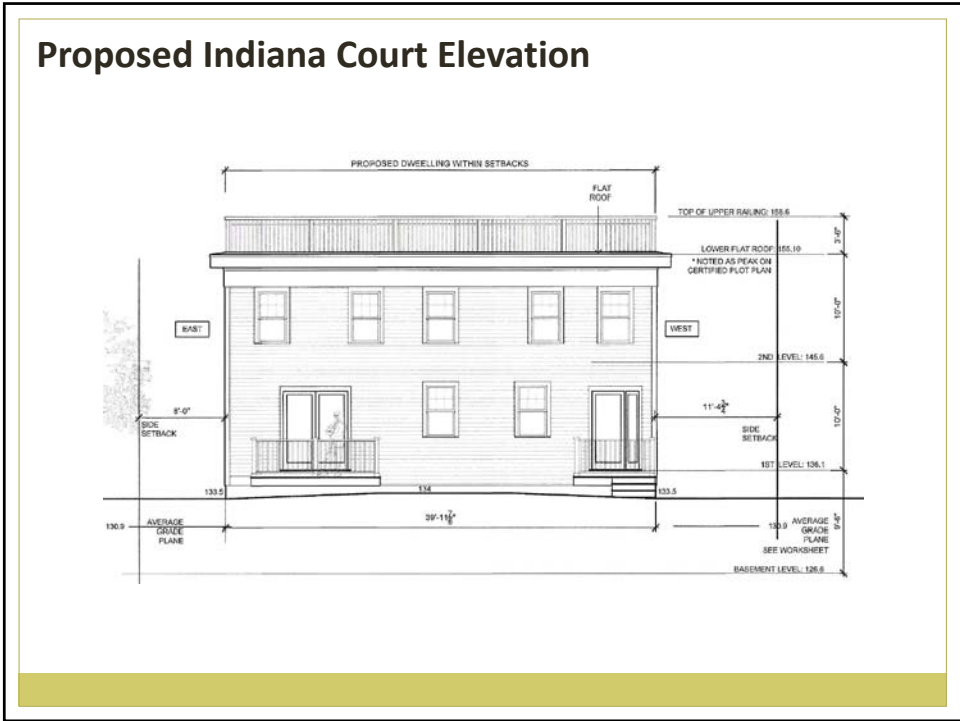


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Proposed West Elevation



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Analysis

- The Planning Department believes that the extended nonconforming front setback will create a safety concern when combined with the small setback from Chestnut Street.
- Staff suggests that the petitioners consider alternatives for creating parking on site, including providing access from Indiana Court.

10

Department of Planning and Development



**PETITION #177-19
92 MANET ROAD**

SPECIAL PERMIT/SITE PLAN
APPROVAL TO EXTEND THE
NONCONFORMING SIDE SETBACK
BY RAZING AN EXISTING GARAGE
AND SHED AND CONSTRUCTING A
698.5 SQUARE FOOT GARAGE



JUNE 18, 2019

1

Requested Relief



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

- Further extend a nonconforming side setback (§3.1.3).

2

Criteria to Consider

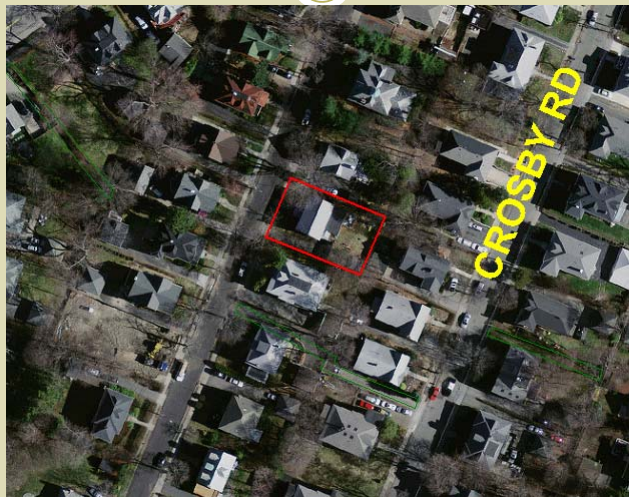


When reviewing this request, the Council should consider whether:

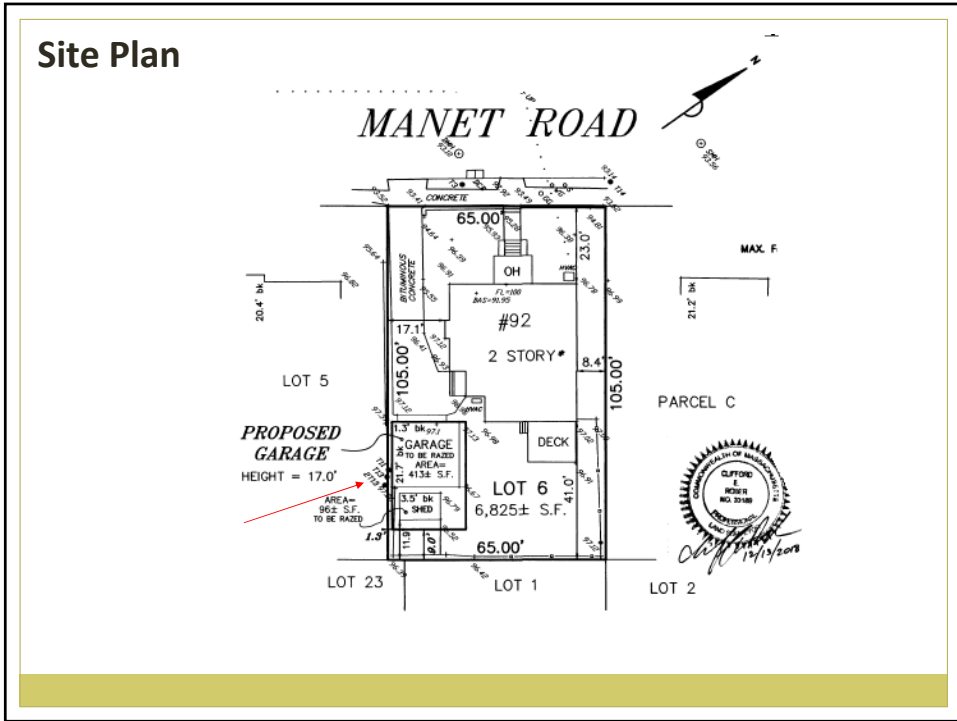
- The proposed garage that would further extend the nonconforming side setback is not substantially more detrimental than the existing nonconforming garage to the neighborhood (§3.1.3 and §7.8.2.C.2).

3

Aerial/GIS Map



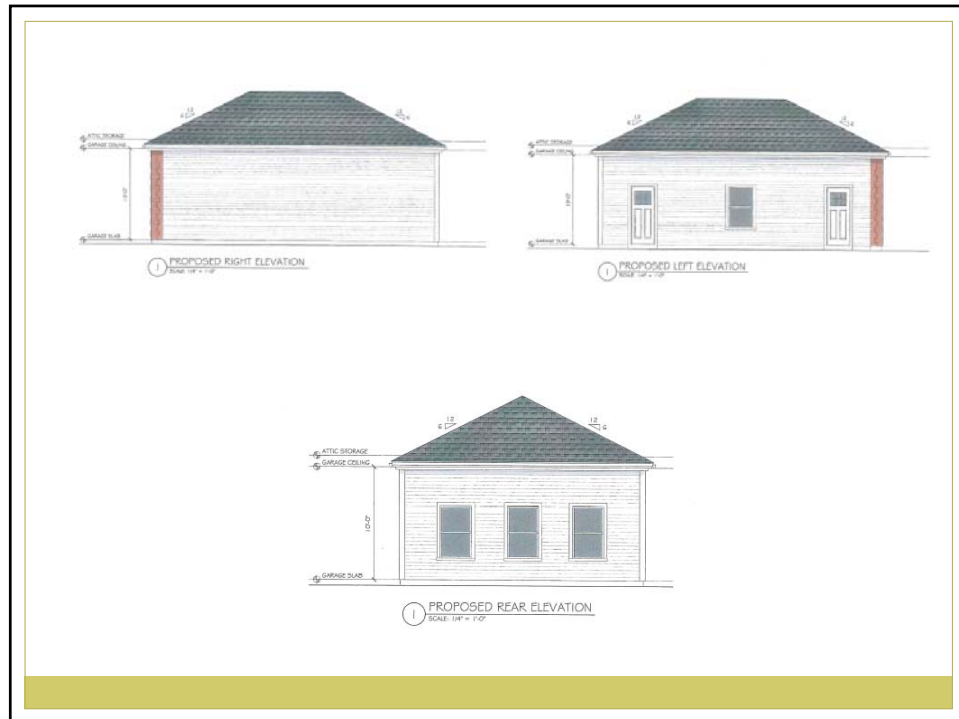
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Proposed Findings

1. The proposed garage that would further extend the nonconforming side setback is not substantially more detrimental than the existing nonconforming garage is to the neighborhood given that the proposed garage meets all other dimensional requirements and there are many other two car detached garages in the neighborhood that appear to have nonconforming side setbacks. (§3.1.3 and §7.8.2.C.2)

8

Proposed Conditions

1. Plan Referencing Condition.
2. Standard Building Permit Condition.

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 further extend the non-conforming side setback as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The proposed garage that would further extend a nonconforming side setback is not substantially more detrimental than the existing nonconforming structure is to the neighborhood given that the proposed garage meets all other dimensional requirements and there are many other two car detached garages in the neighborhood that appear to have nonconforming side setbacks. (§3.1.3 and §7.8.2.C.2)

PETITION NUMBER: #177-19

PETITIONER: Ruth Hertzman Miller and David RH Miller

LOCATION: 92 Manet Road., on land known as Section 61, Block 12, Lot 6, containing approximately 6,825 square feet of land

OWNER: Ruth Hertzman Miller and David RH Miller

ADDRESS OF OWNER: 92 Manet Road
Newton, MA 02467

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3 and §7.8.2.C.2 to further extend the nonconforming side setback by razing an existing garage and shed and constructing a new garage.

ZONING: Multi Residence 1 district

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. Proposed Plot Plan, signed and stamped by Clifford E. Rober, Professional Land Surveyor, dated December 13, 2018.
 - b. A2.1 Miller Residence, Proposed Front Elevation
 - c. A2.2 Miller Residence, Proposed Right Elevation
 - d. A2.3 Miller Residence, Proposed Rear Elevation
 - e. A2.4 Miller Residence, Proposed Rear Elevation
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works, and Fire Department.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - 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.
4. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by an architect certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a licensed architect.

Department of Planning and Development



**PETITION #178-19
61 FOREST STREET**

SPECIAL PERMIT/SITE PLAN
APPROVAL TO EXTEND HABITABLE
SPACE IN THE ATTIC, INCREASING
THE FAR TO .52 WHERE .43
EXISTS AND .46 IS THE MAXIMUM
ALLOWED



JUNE 18, 2019

1

Requested Relief



Special Permit per §7.3.3 of the NZO to:

- Exceed the allowable floor area ratio. (§3.1.3, §3.1.9)

2

Criteria to Consider

When reviewing this request, the Council should consider whether:

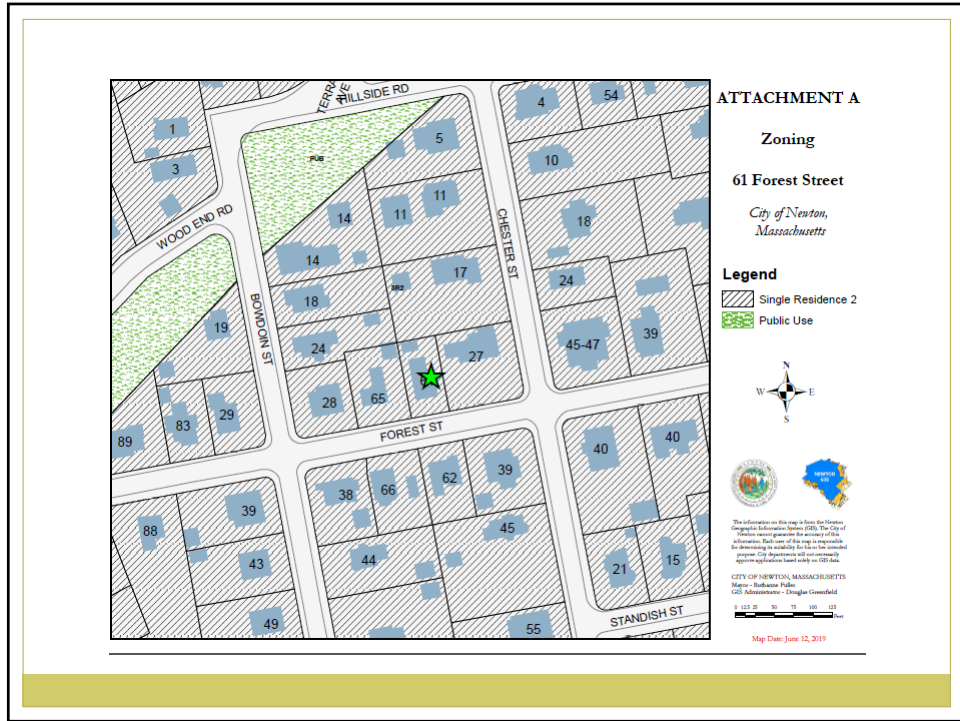
- The specific site is an appropriate location for the proposed dormer addition. (§7.3.3.C.1)
- The proposed dormer addition will adversely affect the neighborhood. (§7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
- The proposed increase in FAR from .43 to .52, where .46 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.1.9)

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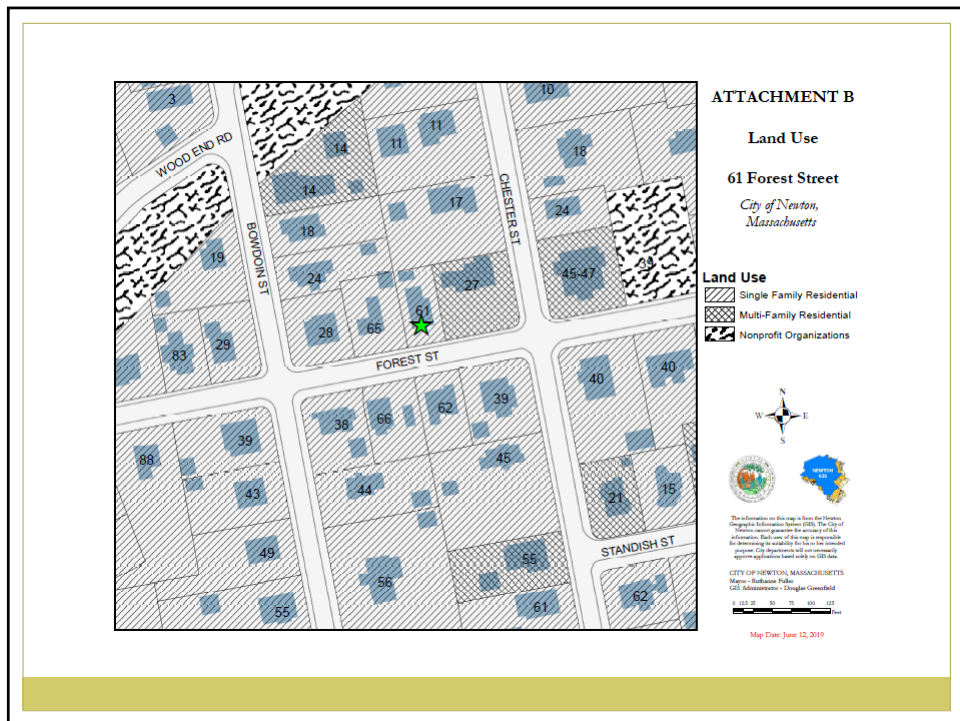
Aerial/GIS Map



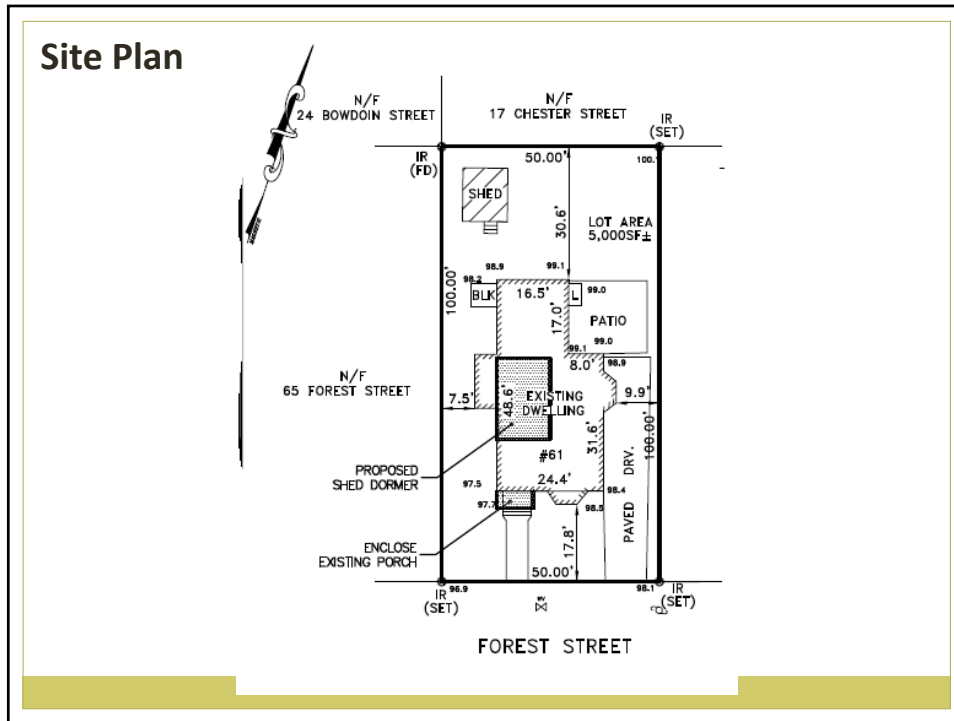
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CITY OF NEWTON
IN CITY COUNCIL

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 increase the floor area ratio (FAR) from .43 to .52, where .46 is the maximum allowed as of right as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The proposed increase in FAR from .43 to .52, where .46 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood because it is consistent in terms of size and scale of several other single family homes in the neighborhood, and the proposed dormer that increases the FAR is similar to other dormers in the neighborhood. (§3.1.9)

PETITION NUMBER:	#178-19
PETITIONER:	Yubo Chen
LOCATION:	61 Forest Street, on land known as Section 52, Block 4, Lot 10, containing approximately 5,000 square feet of land
OWNER:	Yubo Chen
ADDRESS OF OWNER:	61 Forest Street Newton, MA 02461
TO BE USED FOR:	Single-Family Dwelling
CONSTRUCTION:	Wood
EXPLANATORY NOTES:	§3.1.3, §3.1.9 to further increase the FAR

ZONING: Single Residence 2 district

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. "Plot Plan for Yubo Chen at 61 Forest Street, Newton MA" , signed and stamped by Scott M. Cerrato, Professional Land Surveyor, dated April 25, 2019
 - b. Architectural Plans, prepared by LDC, consisting of the following two (2) sheets:
 - i. A- 6 Proposed side elevation, proposed front elevation
 - ii. A-7 Proposed rear elevation, proposed side elevation
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works, and Fire Department.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - 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.
4. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by an architect certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a licensed architect.

Proposed Finding

- The specific site is an appropriate location for the proposed shed dormer that increases floor area ratio because the proposed dormer to the home is similar in style to other homes with dormers in the neighborhood. (§7.3.3.C.1)
- The proposed dormer that increases floor area ratio will not adversely affect the neighborhood because it is consistent in terms of size and scale of several other single-family homes in 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 increase in FAR from .43 to .52, where .46 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood due to other single family homes in the neighborhood having dormers and specifically shed dormers. (§3.1.9)

11

Proposed Conditions

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

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Northland
INVESTMENT CORPORATION

1

Alan J. Schlesinger
Partner
Schlesinger and Buchbinder, LLP

2



3



4



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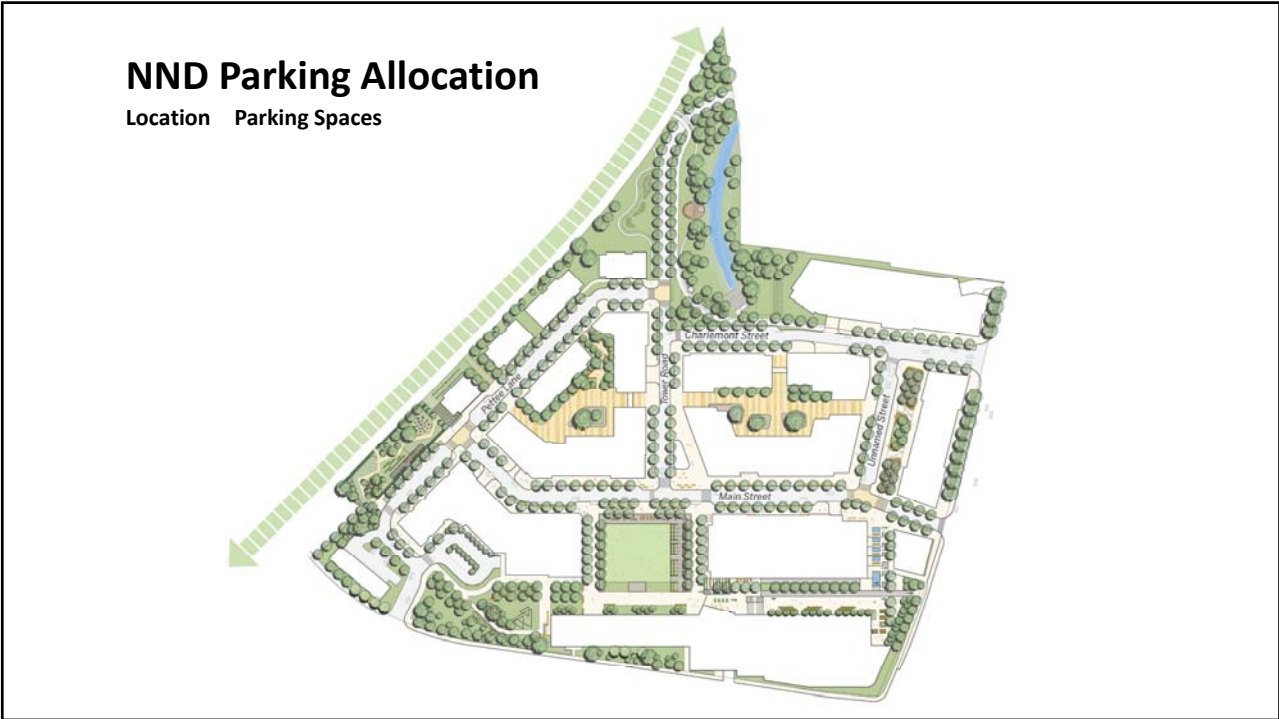
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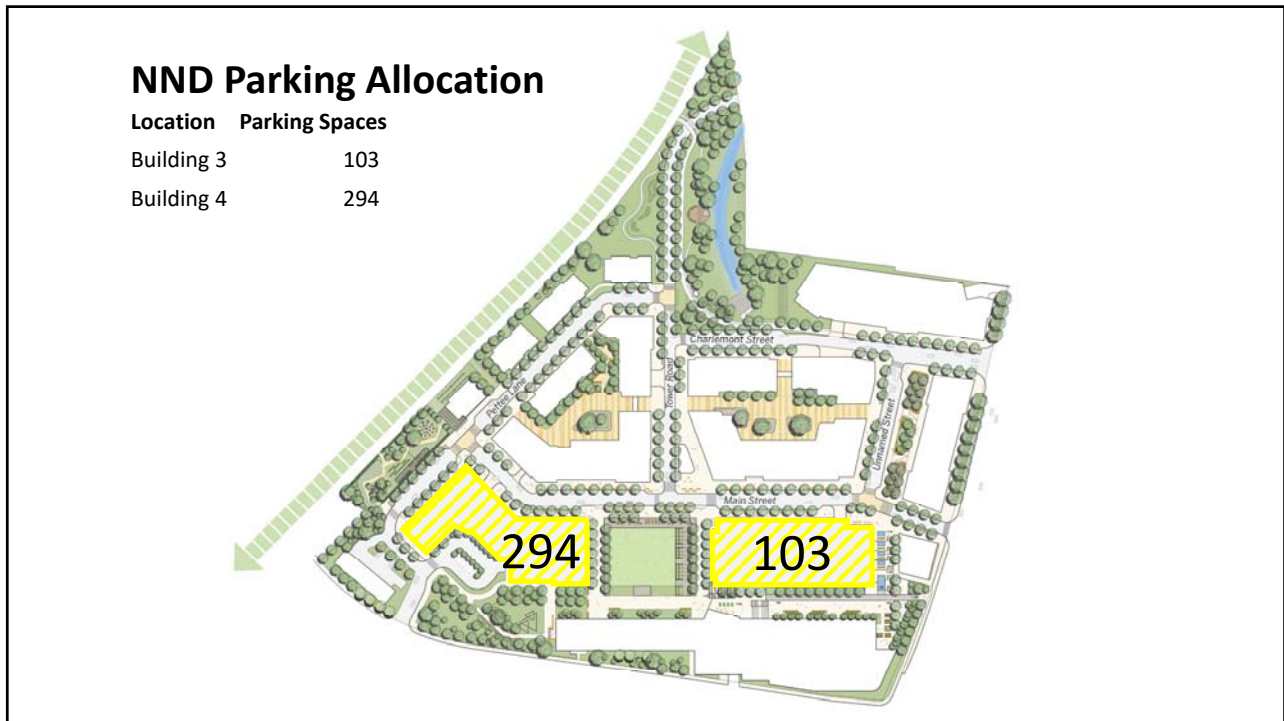
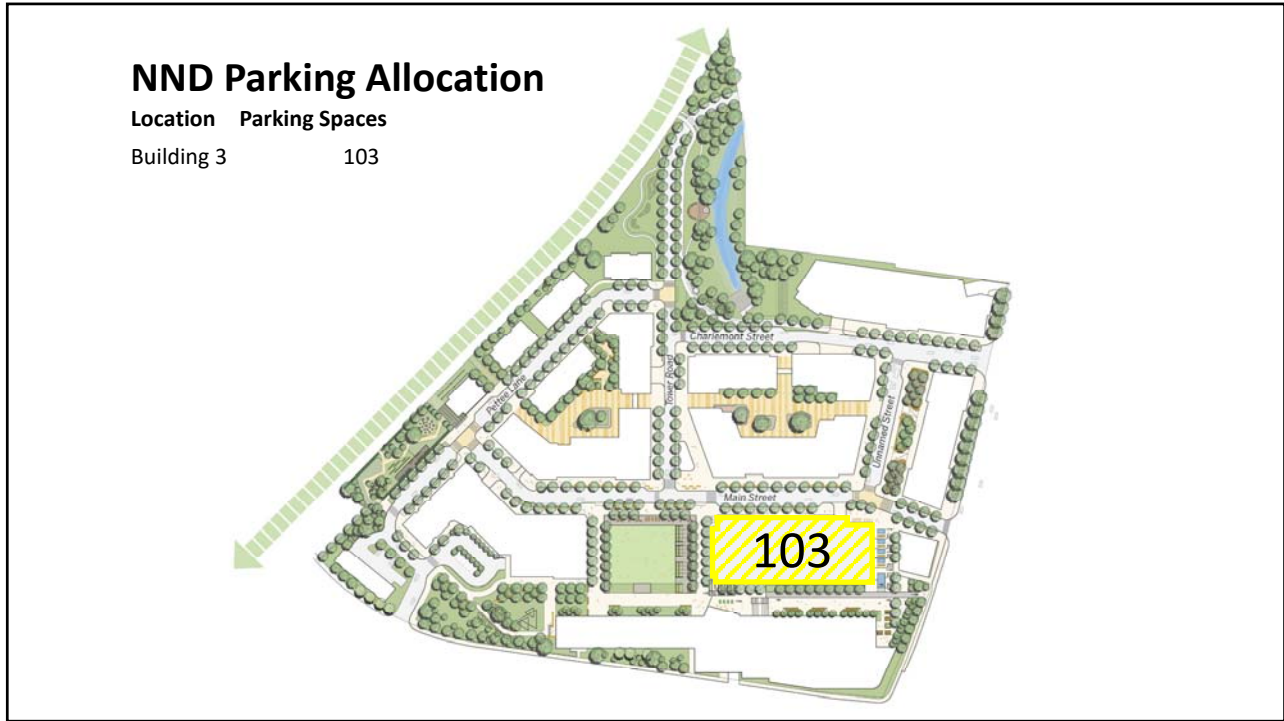
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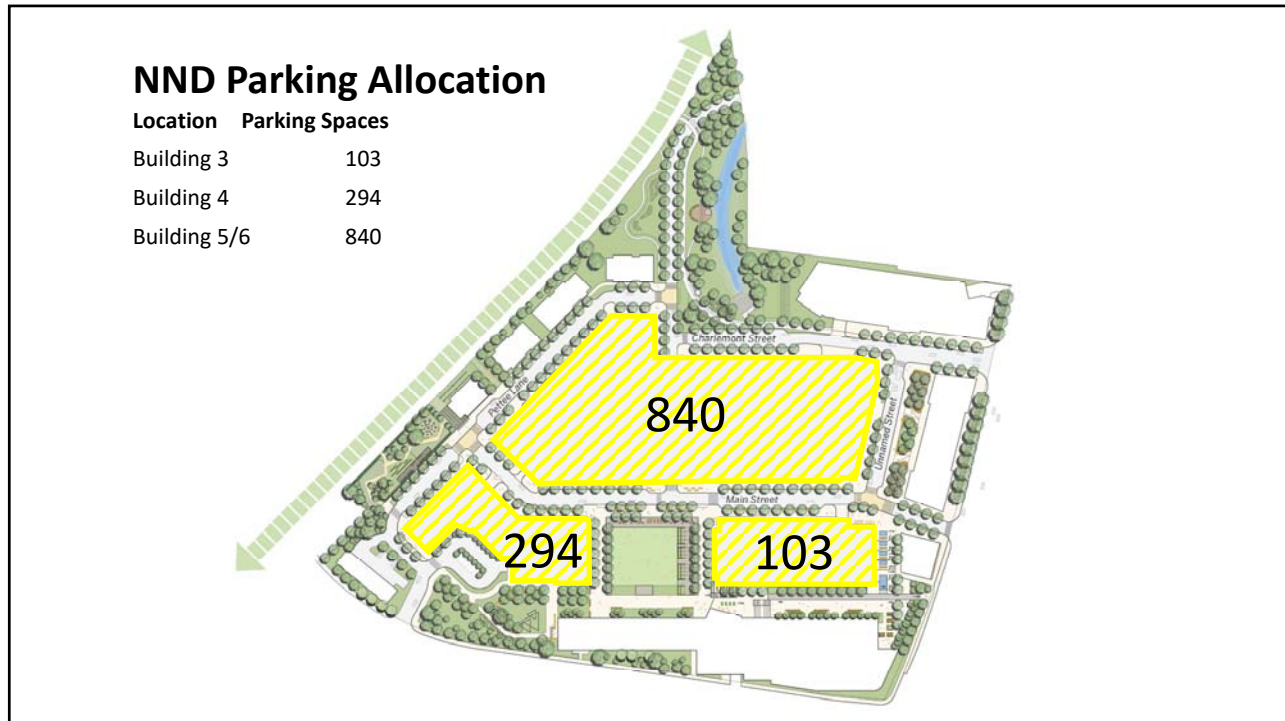
Richard S. Hollworth, PE
Principal, Managing Director of Land Development
VHB

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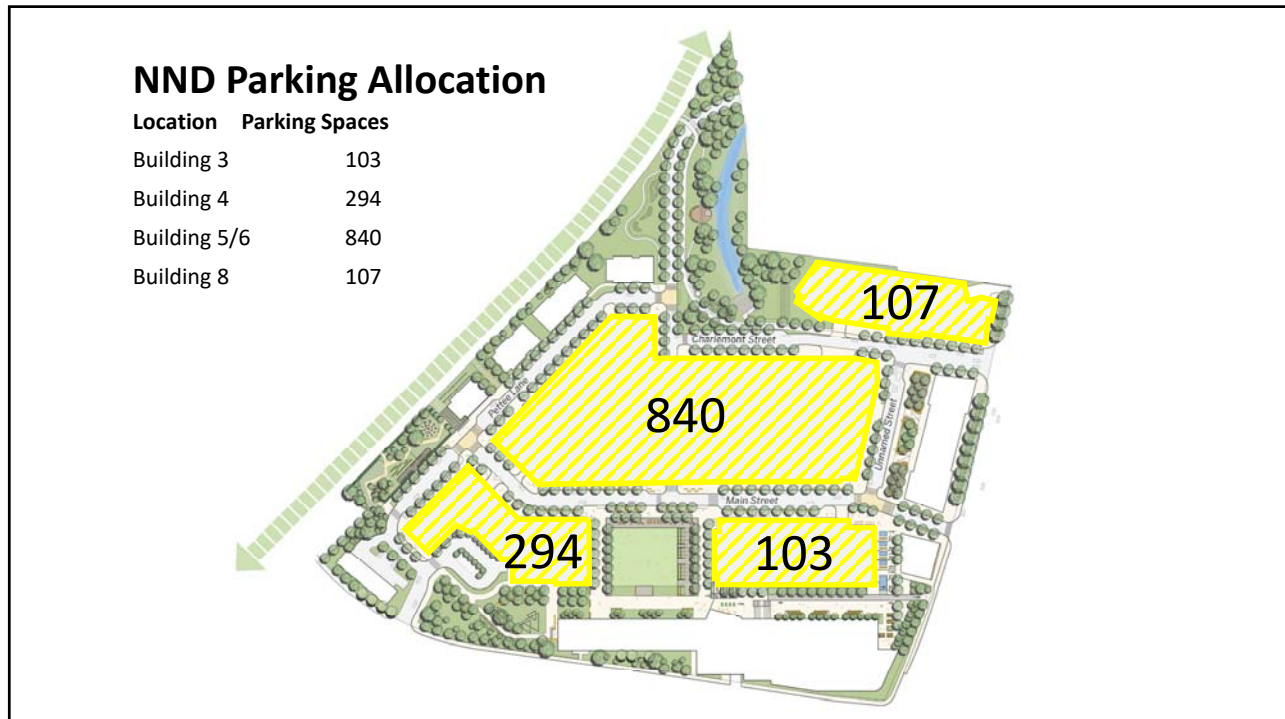


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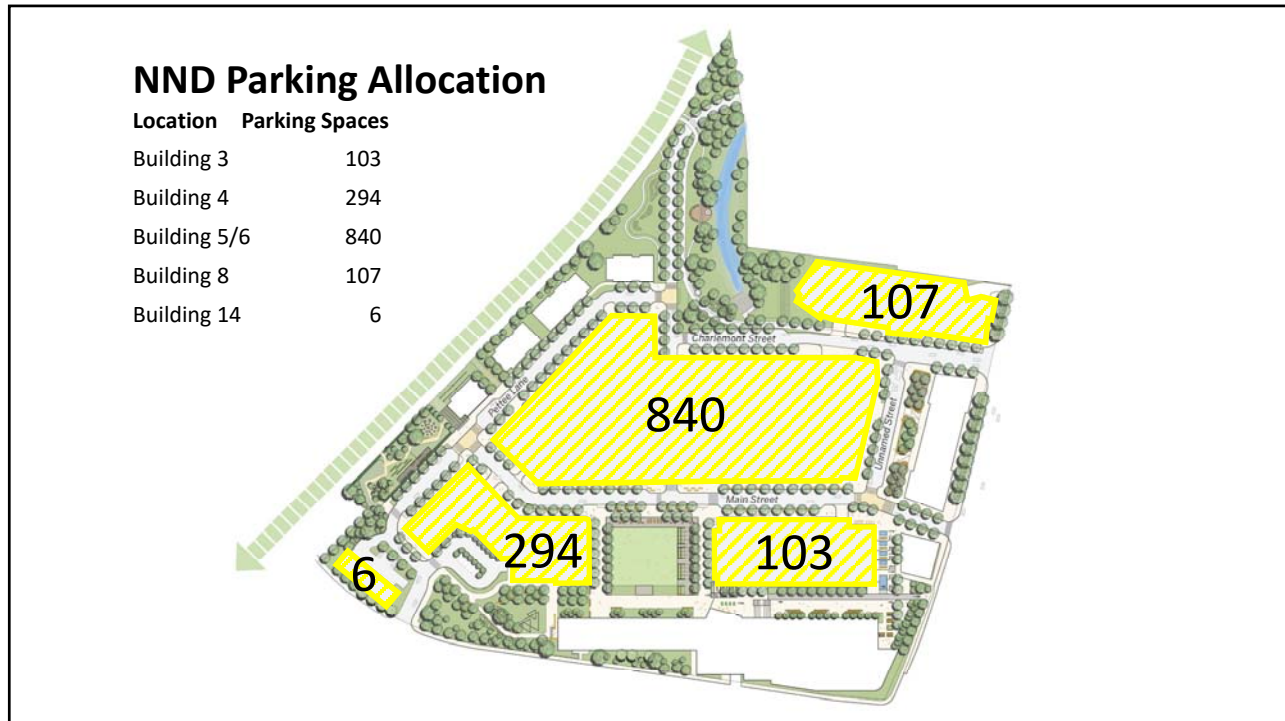




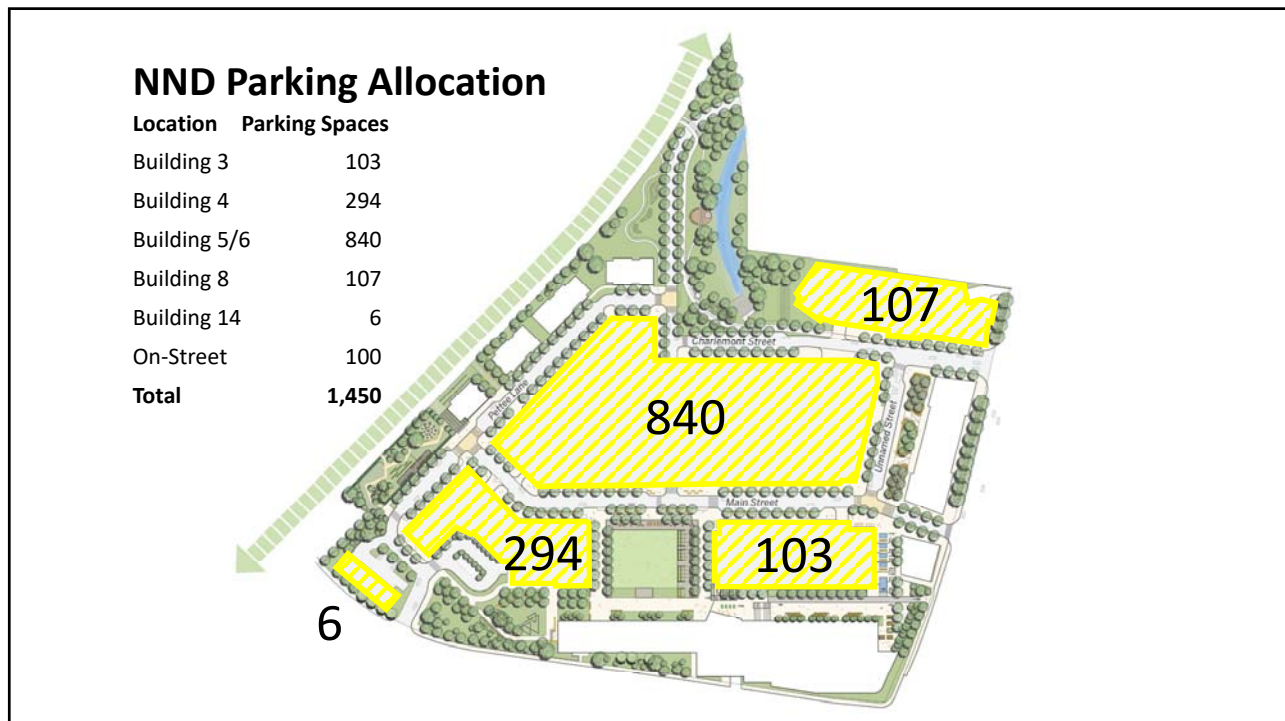
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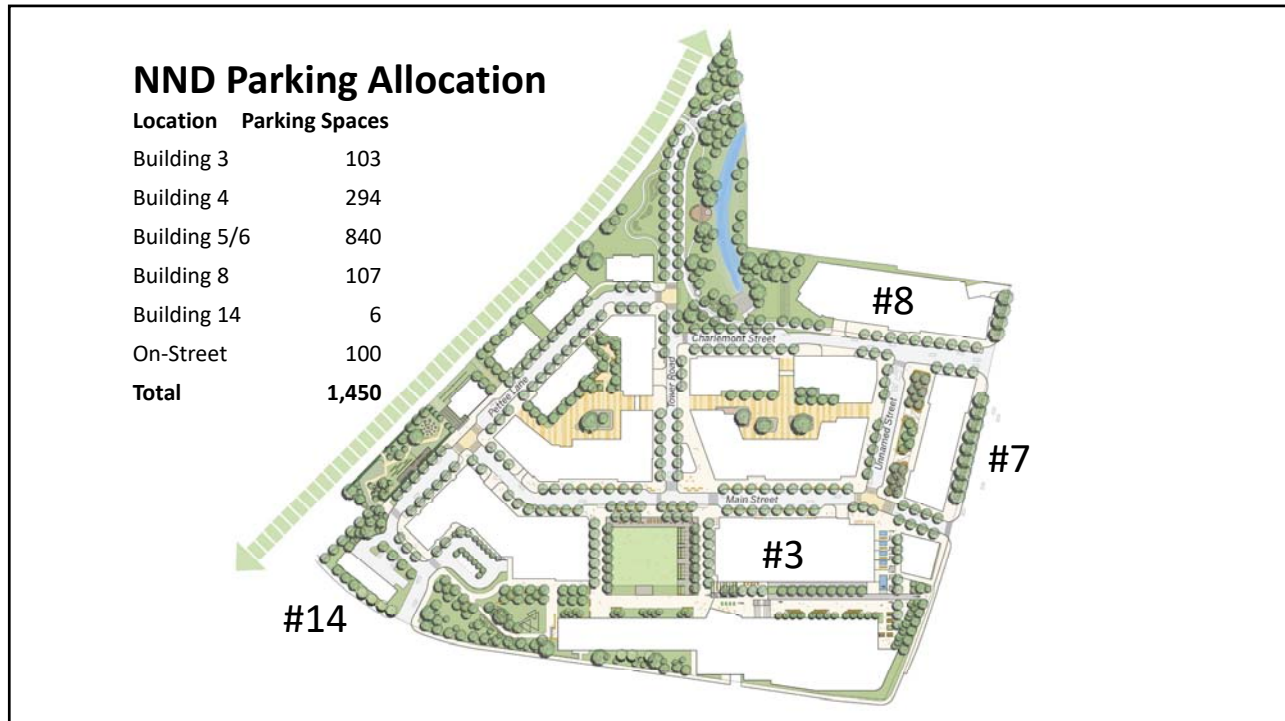
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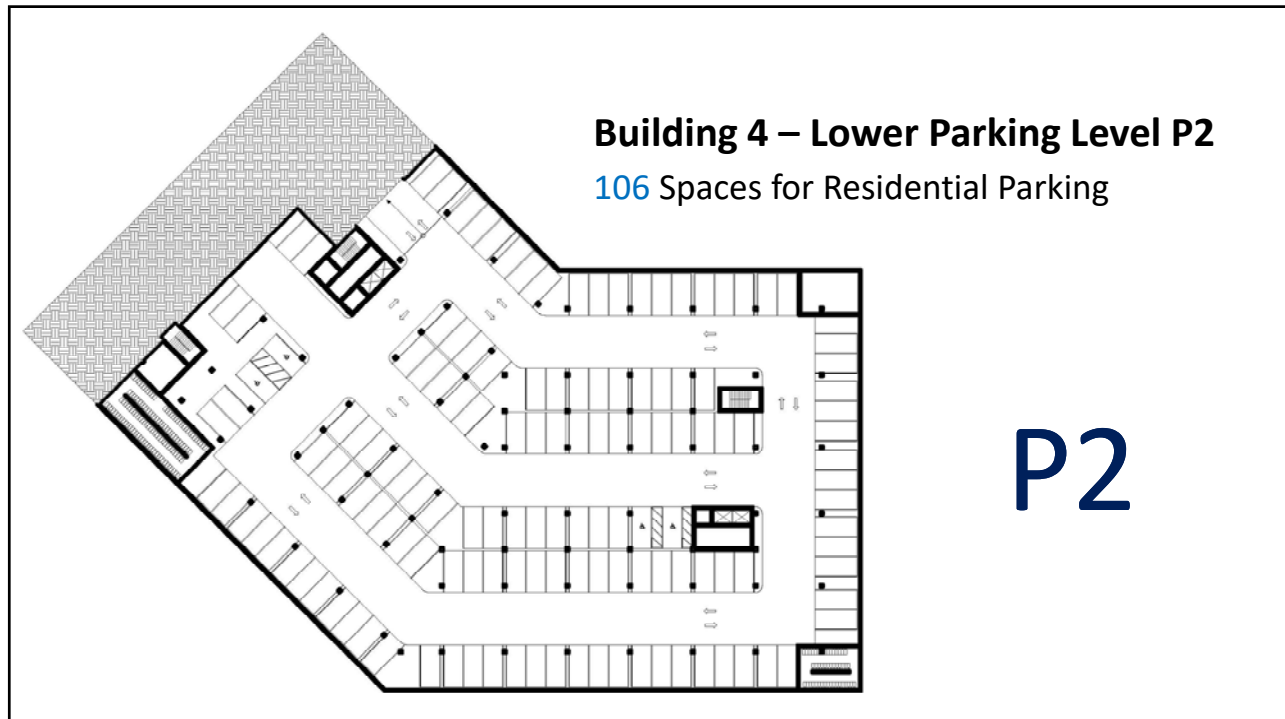
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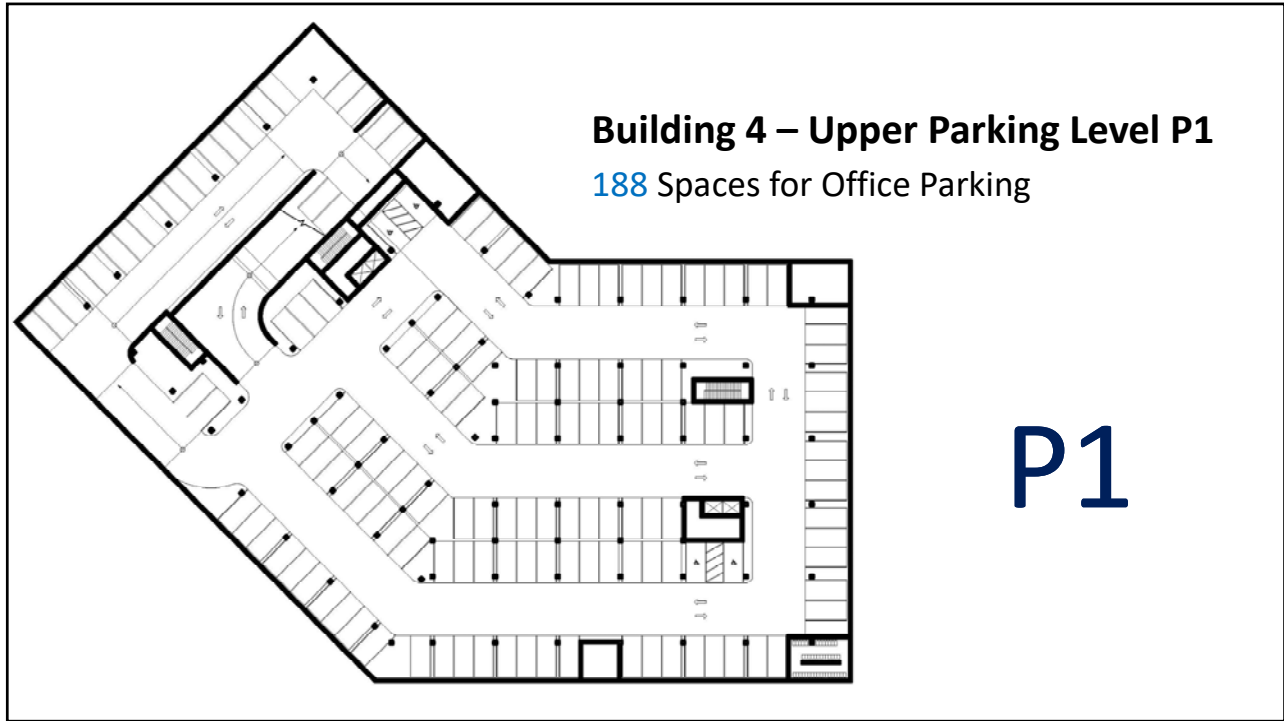
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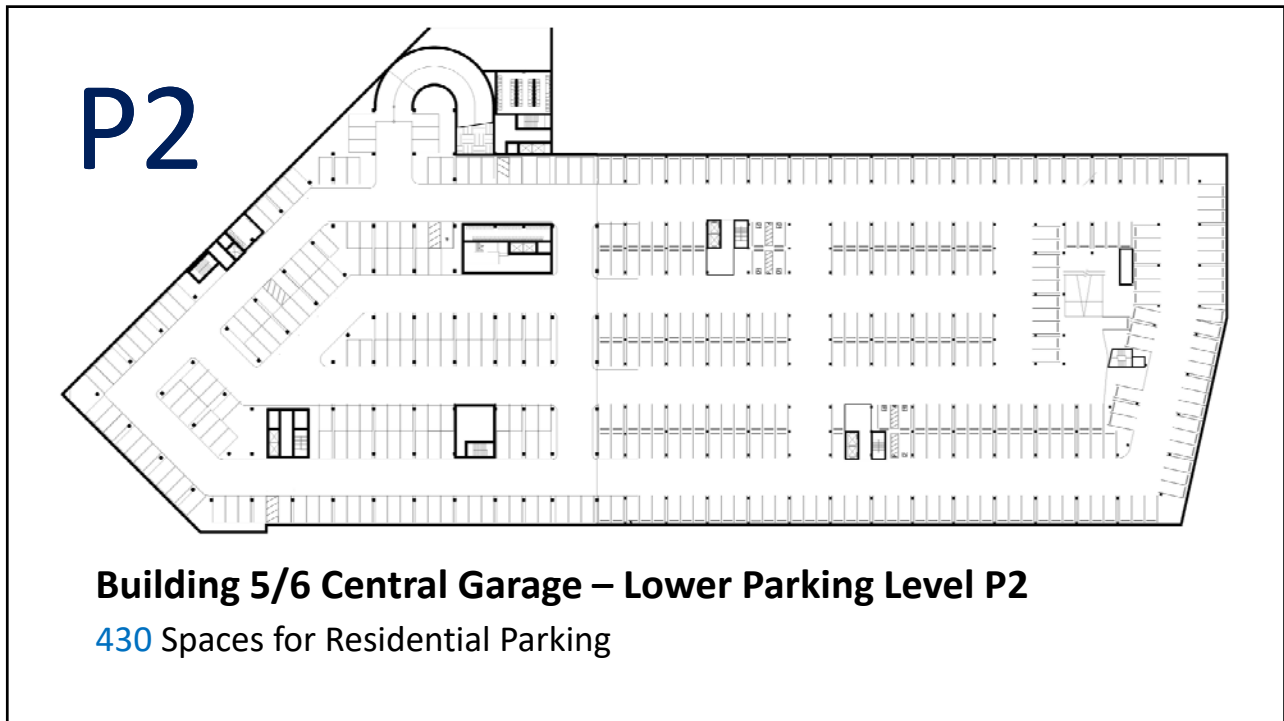
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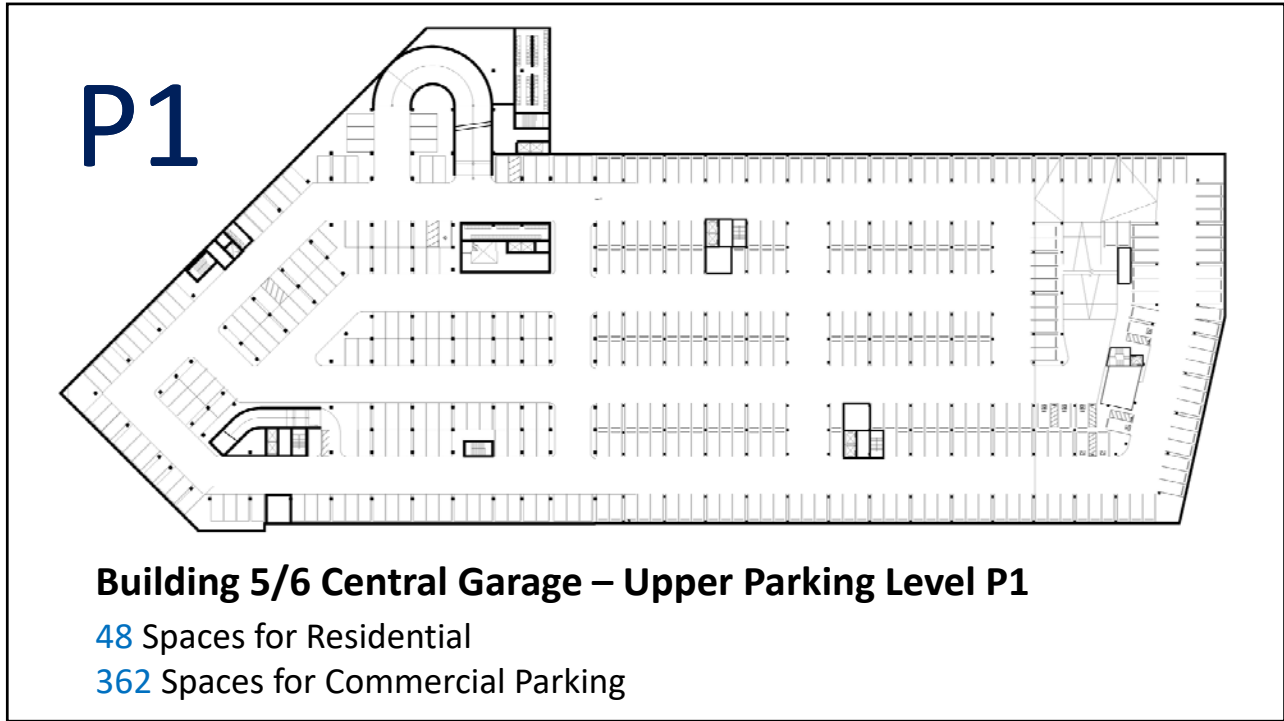
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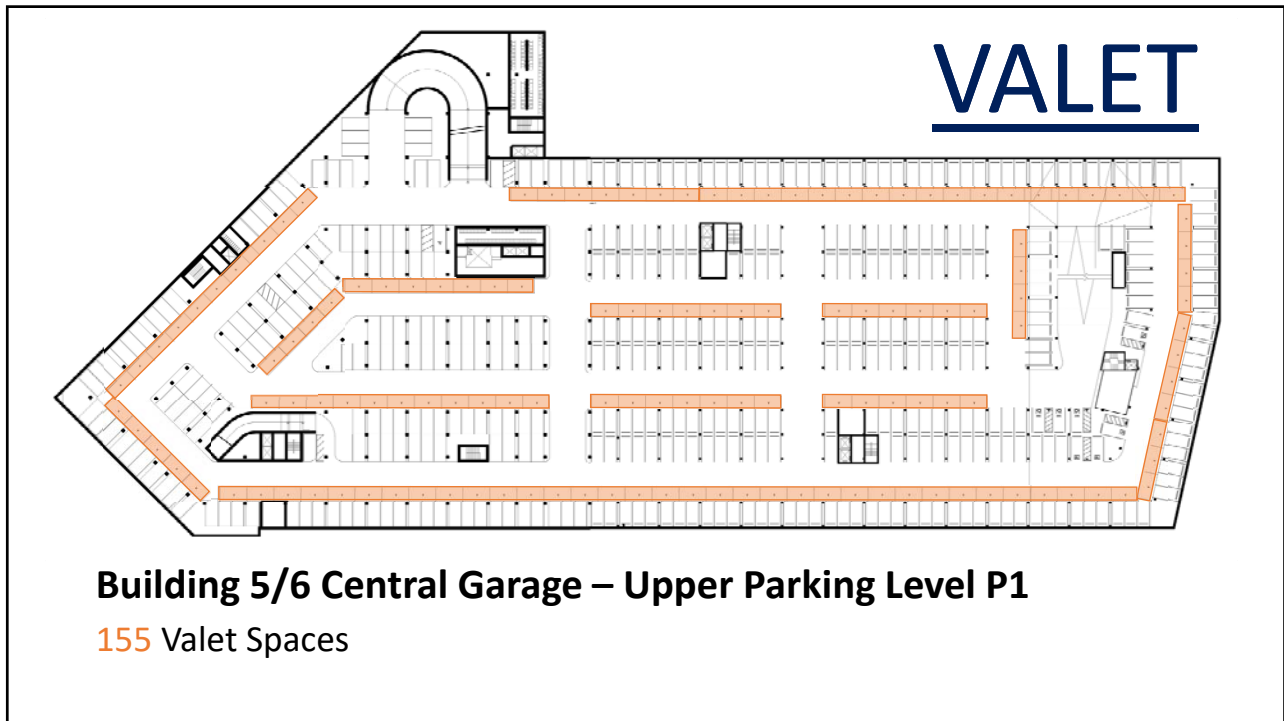
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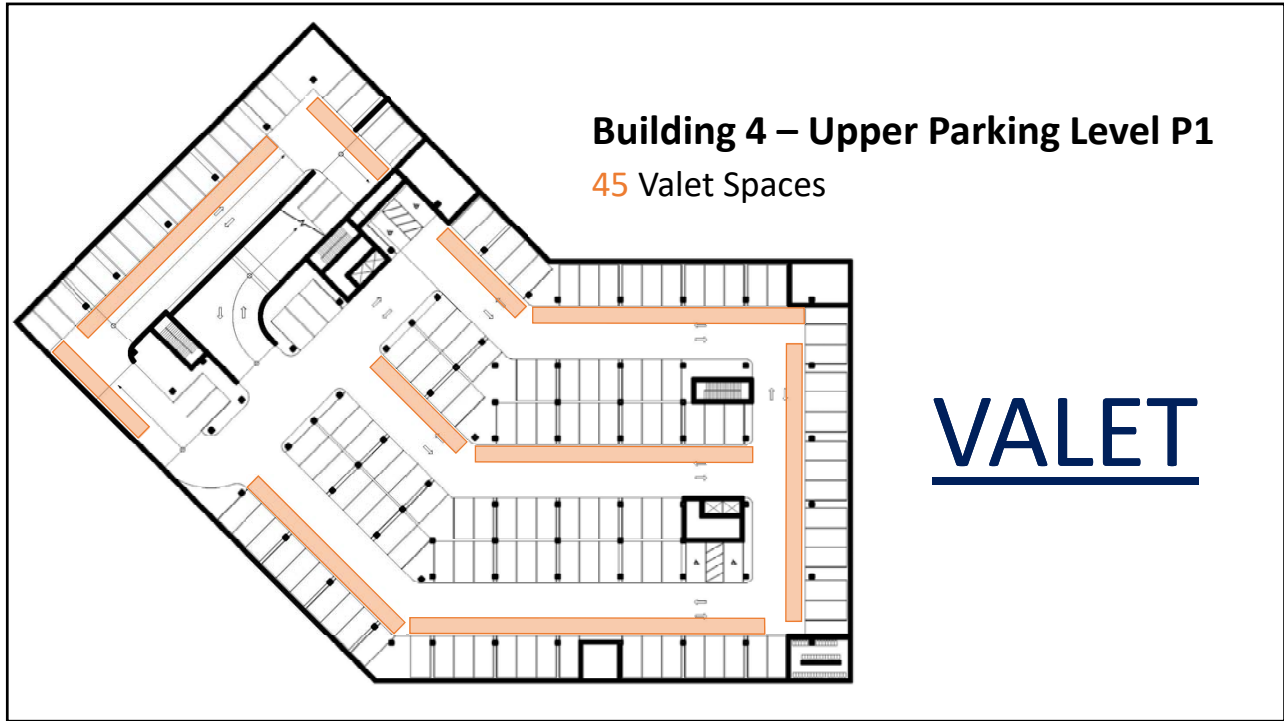
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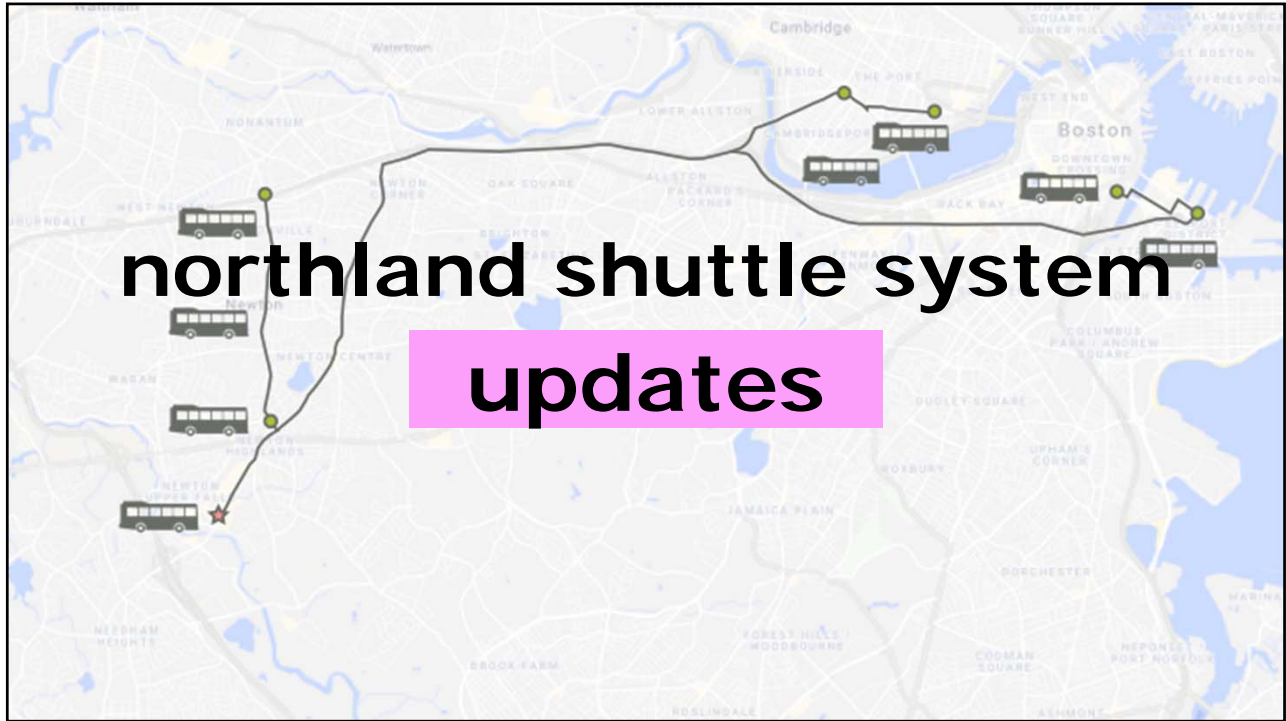
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Monica G. Tibbits-Nutt
Executive Director
128 Business Council

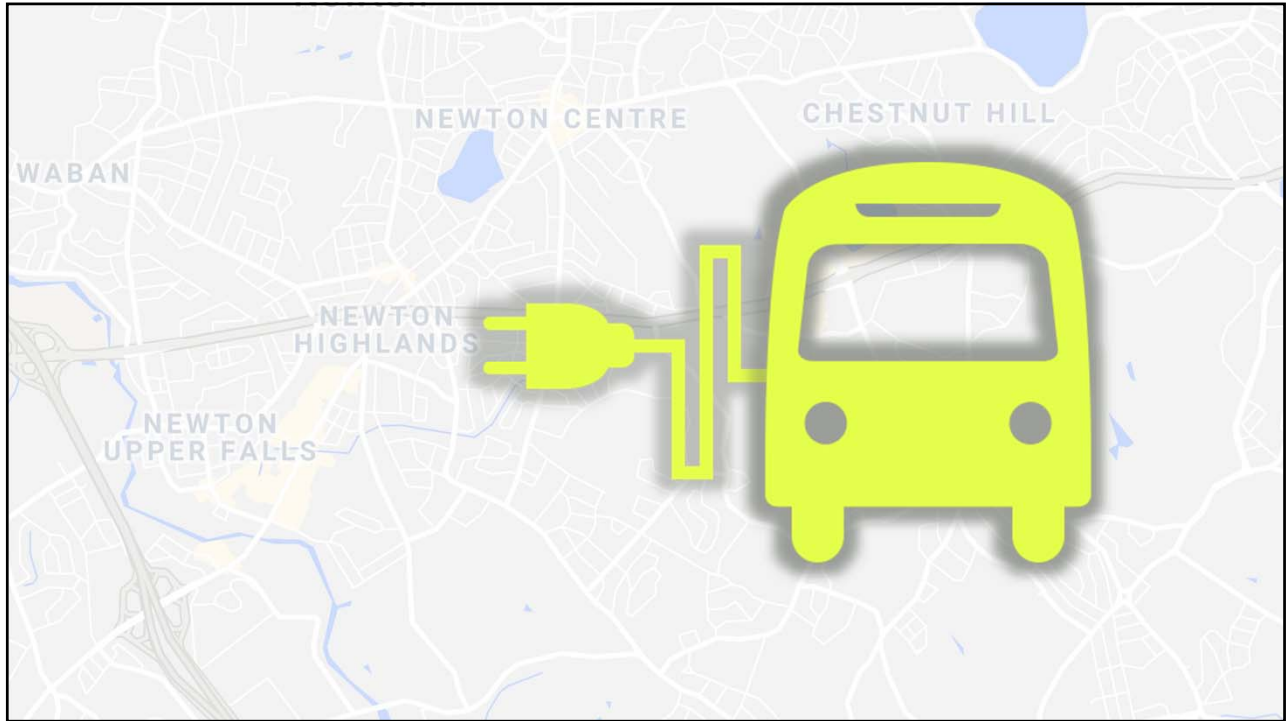
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29

Dylan Martello
Senior Building Systems Consultant
Steven Winter Associates

30

What is **Passive House (PH)**?



- Rigorous building certification program
- Performance based thresholds
 - Heating Demand
 - Cooling Demand
 - Source Primary Energy
- Stringent air tightness requirement
- Design strategy = whole building approach

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Basic PH Criteria



Heating Demand	Cooling Demand	Source Energy Demand ("Primary Energy")	Whole Building Air Tightness
≤ 4.75 kBtu/sf.yr	≤ 4.75 kBtu/sf.yr (sensible) + additional latent allowance	≤ 38.04 kBtu/sf.yr	≤ 0.60 ACH @ 50 Pascals

*Before heating and cooling efficiencies factored in

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Benefits of PH



- Building durability
- Energy \$ reduction
- Optimal thermal comfort
- Superior indoor air quality
- Carbon emissions reductions



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ELEMENTS OF A LARGE MULTIFAMILY PASSIVE HOUSE BUILDING



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Envelope Efficiency Requirements



Criteria for Certification	PH Design
Roof (hr-ft ² ·°F/Btu)	R-40
Above Grade Walls (hr-ft ² ·°F/Btu)	R-25
Floor Above Garage (hr-ft ² ·°F/Btu)	R-40
Maximum Window U-Value (Btu/hr.ft ² ·°F)	0.133
Window SHGC	0.37

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R-25 Above Grade Wall



- Brick / masonry exterior façade
 - Galvanized steel brick ties
 - Thermally broken shelf angles OR stand-off shelf angles
- Continuous 2" exterior XPS insulation
- Continuous air barrier on exterior sheathing layer
- 2x4" wood frame construction
 - 3.5" high density fiberglass batt in frame cavity

= effective R-25

***includes effect of thermal bridging**


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Brick Ties **move?**

Galvanized Steel Brick Ties



Description
Typical brick ties are galvanized steel. Most brick veneer projects use this type of product.


Thermal efficiency per SWA: 75-84%



75% for Steel backup
84% for CMU backup


Standard Product

Stainless Steel Brick Ties



Description
Stainless steel ties are less conductive than galvanized steel ties.


Thermal efficiency per SWA: 87-93%



87% for Steel backup
93% for CMU backup


Example Products:
2 Seal Tie Thermal, Original Pos-I-Tie

Thermal Break Brick Ties



Description
This stainless steel brick tie has a plastic coating, which reduces thermal bridging.

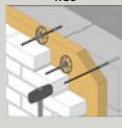
Thermal efficiency per SWA: 88-94%



88% for Steel backup
94% for CMU backup

Example Products:
2 Seal Tie Thermal, Wing Nut Anchor


Basalt Fiber Wall Ties



Description
Basalt fiber is a material made from fine fibers of basalt. They tend to be stronger and lighter than stainless steel wall ties and much less thermally conductive.

Example Products:
Teplo Ties, Galen Wall Ties

Connectors



Description
These are used in place of brick ties. The combination of horizontal and vertical elements increases strength despite its small size.

These can be applied prior to liquid applied air barrier installation, so air tightness is improved.

Example Products:
Block Shear Connector

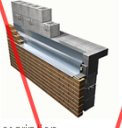
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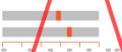
Shelf Angles **move?**

Typical Shelf Angle



Description
Typically, shelf-angles are made of galvanized steel.


Thermal efficiency per SWA: 58-69%



58% for Steel backup
69% for CMU backup


Standard Product

Stand-off Shelf Angle



Description
This stand off shelf angle allows insulation to be installed behind it. The bracket can be used with readily available shelf angles.

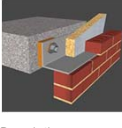
Thermal efficiency per SWA: 73-81%



73% for Steel backup
81% for CMU backup


Example Products:
FAST (Fero Angle Support Technology).

Shelf Angle with Thermal Break



Description
The thermal break plate is installed between the shelf angle and bracket to reduce the thermal bridge at those points.

Thermal efficiency per SWA: 63-74%



63% for Steel backup
74% for CMU backup

Example Products:
Armatherm Shelf Angle

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Windows Thermal Performance



- Maximum window U-value = 0.133 Btu/hr.ft².°F
**required to meet PHI thermal comfort requirement*
- Assumes thermal bridge mitigated installation details

Window Component Assumptions

- Frame U-value = 0.160 Btu/hr.ft².°F
- Glazing U-value = 0.088 Btu/hr.ft².°F
- Glazing edge spacer = 0.15 Btu/hr.ft.°F



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Windows Thermal Performance (maybe remove)



Potential Window Frame Options

- uPVC
 - Alpen - Tyrol
 - Rehau – GENE0
- Aluminum clad uPVC
 - Klearwall – Eco THERM 90+
- Fiberglass
 - Cascadia – Universal series

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Common Area Lighting



Maximum lighting power densities

Room Type	W/ft ²	Hours/Day
Corridor	0.4	24
Lobby	1.1	24
Common Stair	0.4	24
Electrical/Mechanical	0.4	4

Lighting controls

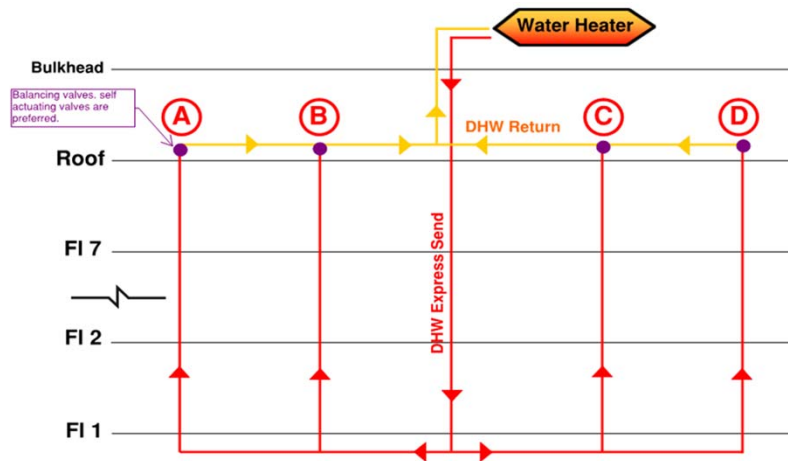
Room Type	Control Strategies
Corridor	bi-level
Lobby	bi-level
Vestibule(s)	bi-level
Stairs	bi-level
Central Restroom	occupancy/vacancy sensor
Building Storage	occupancy/vacancy sensor
Laundry Room	occupancy/vacancy sensor
Janitor Room	occupancy/vacancy sensor
Electrical Room	occupancy/vacancy sensor
Mechanical Room(s)	occupancy/vacancy sensor

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Hot Water Recirculation



Building Section - "Box" Design

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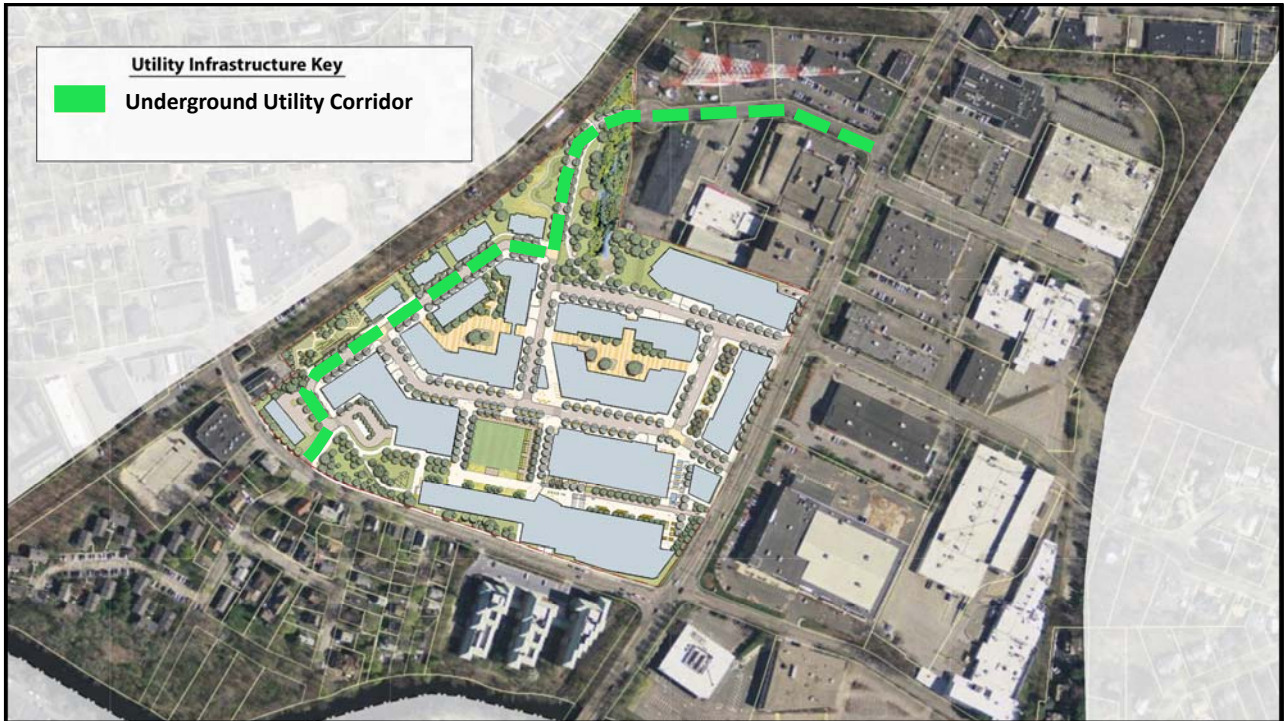
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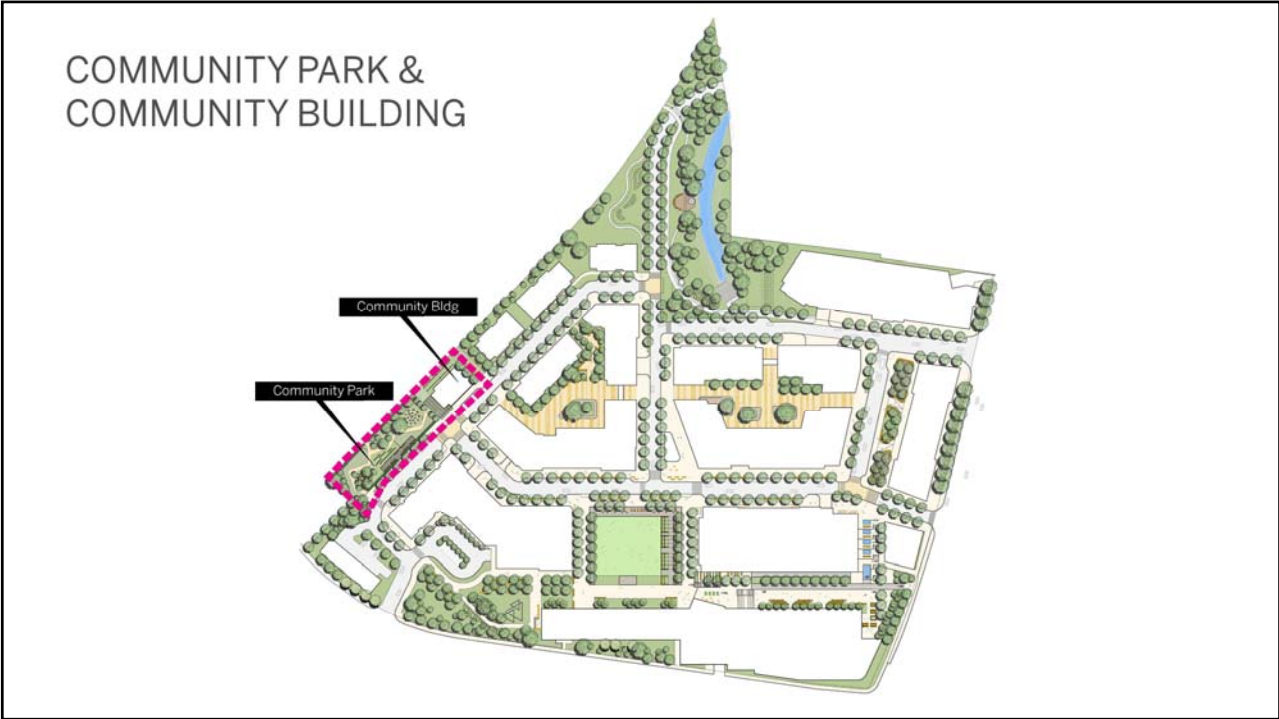
Keith P. O'Connor, ASLA, APA

Urban Design Practice Leader
Skidmore, Owings & Merrill LLP

53



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SPRAY / SPLASH PARK PRECEDENTS



Tanner Fountain, Cambridge MA



Brooklyn Bridge Park "Water Lab", New York



Domino Park, New York



Fitch Water Spray Park, Waltham MA

SOM

THE NORTHLAND NEWTON DEVELOPMENT MASTER PLAN 3

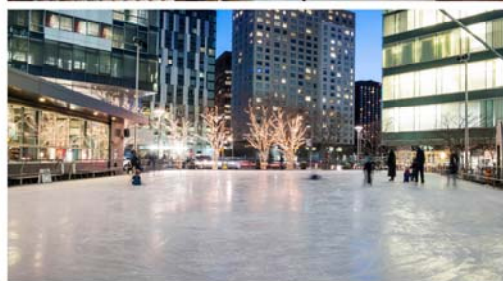
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SKATE RINK PRECEDENT

Community Ice Skating at Kendall Square, Cambridge MA



SOM

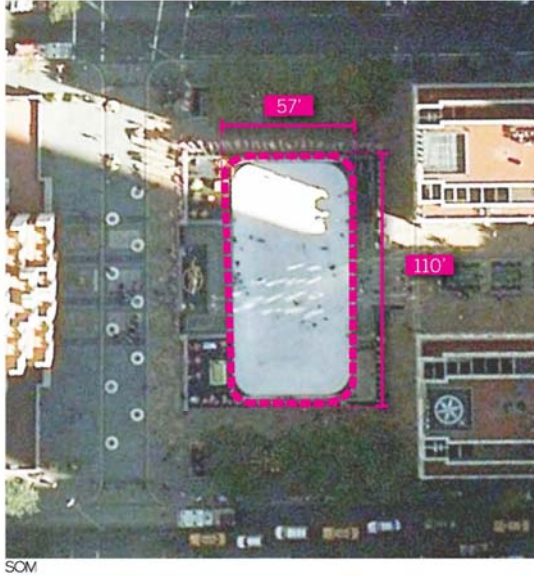


THE NORTHLAND NEWTON DEVELOPMENT MASTER PLAN 4

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SKATE RINK PRECEDENT

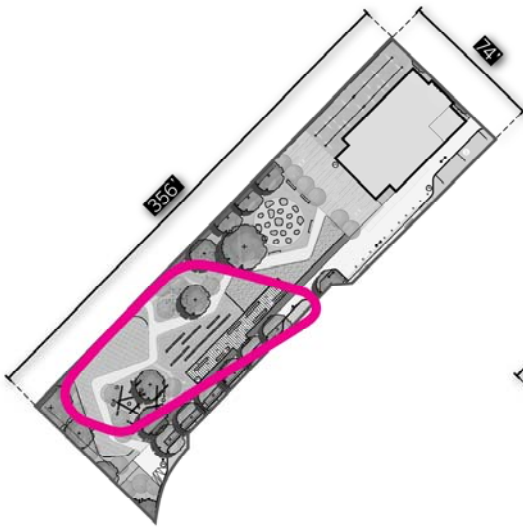
The Rink at Rockefeller Center, NY



THE NORTHLAND NEWTON DEVELOPMENT MASTER PLAN 5

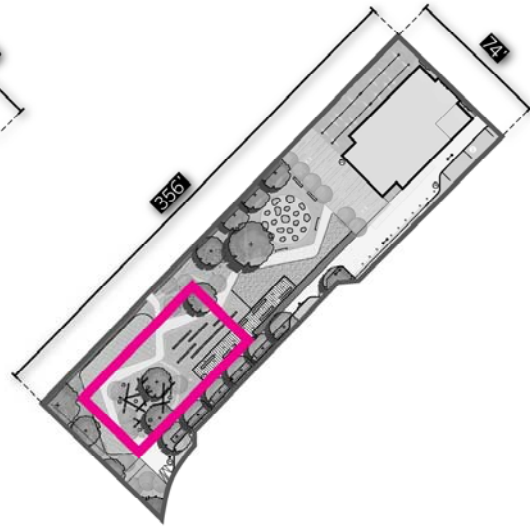
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SCALE COMPARISONS



Community Ice Skating at Kendall Square, Cambridge MA

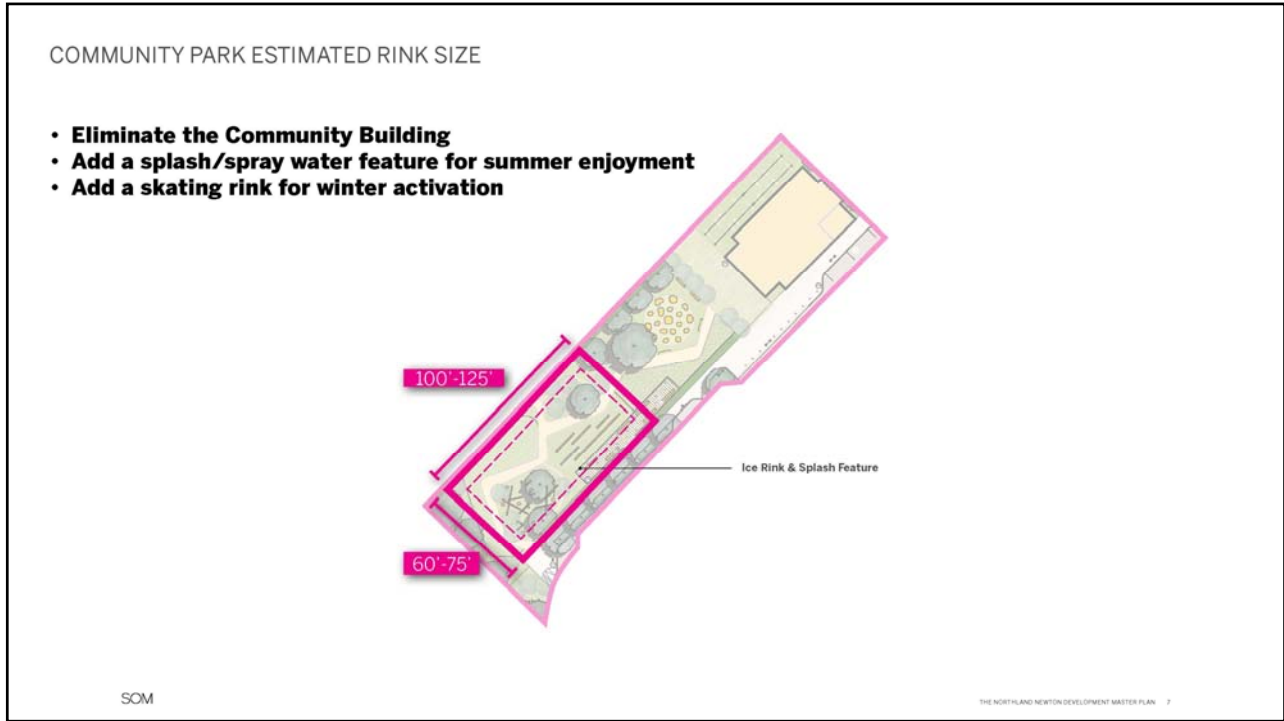
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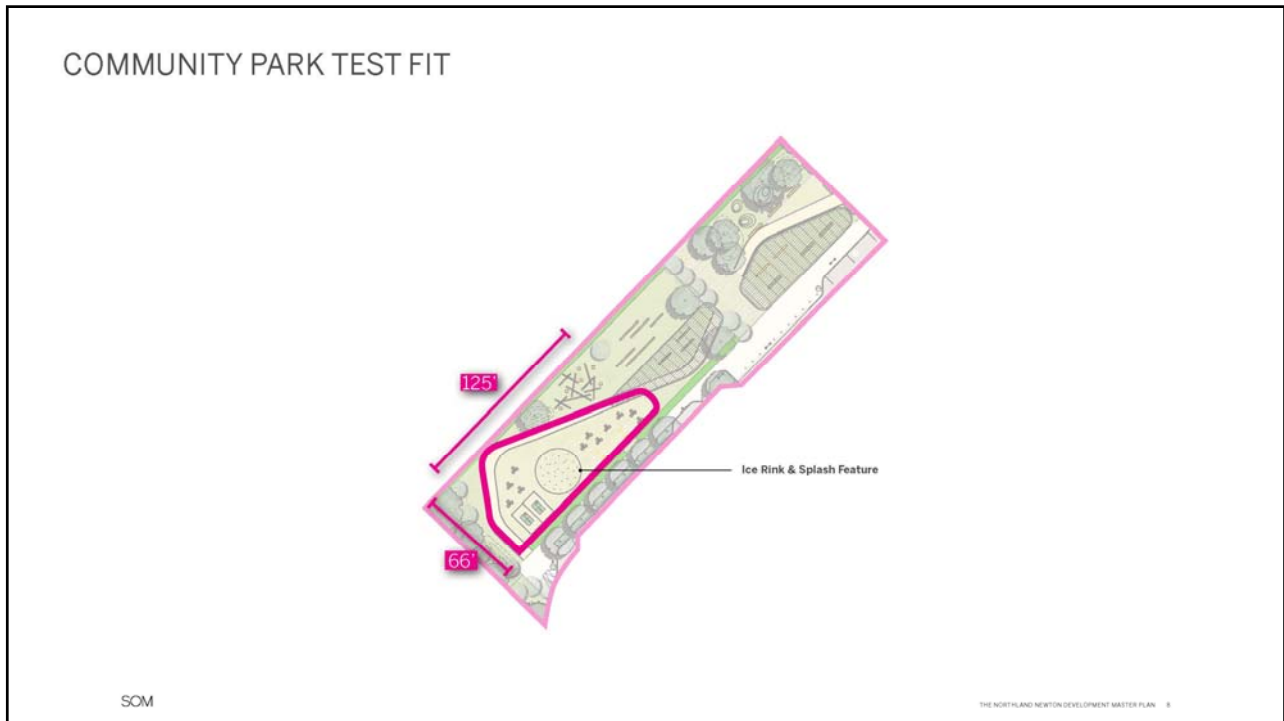
The Rink at Rockefeller Center, New York City

THE NORTHLAND NEWTON DEVELOPMENT MASTER PLAN 6

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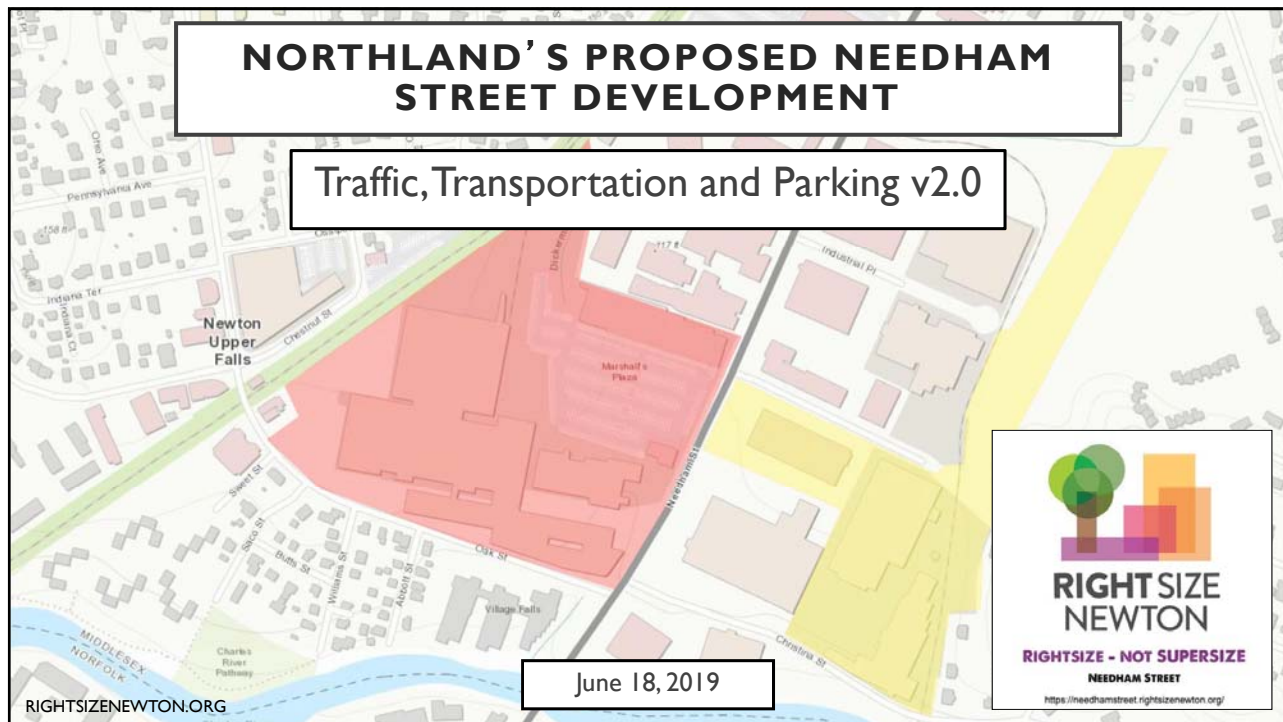
ILLUSTRATIVE PLAN



63

Alan J. Schlesinger
Partner
Schlesinger and Buchbinder, LLP


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1

TRAFFIC

- Last time we asked...
- Why SimTraffic or a similar tool was not used
- Why key “traffic avoidance” intersections were not modeled
- We have received no response



Isn't an **accurate representation of actual traffic delays CRUCIAL to understanding** the impact of this proposal on **traffic**?

RIGHTSIZENEWTON.ORG

2

SHUTTLE BUS PLAN IN NORTHLAND'S OWN WORDS

- “First of its kind” and “unique and innovative system”
- “Unprecedented scope and scale”
- “[I]ntegral part of [Northland's] marketing program ... many tenants will move to the development because of the shuttle options”
- “reclaim the time [riders] would have spent driving”
- Unlike other developments that may rely on a single mode of public transit, NND will offer both door-to-workplace transit service and 20-minute frequency service to both both commuter rail and T service”
- “more dependable and more direct service as compared to other public transportation options”

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3

THE SHUTTLE BUS PLANS

Original Proposal

- 4 routes, including to Seaport and Cambridge
- Aim of reducing vehicle usage to 60%
- No data to show this is achievable
- “Unique” and “innovative”
- “Unprecedented”

Current Proposal

- One route, to Newton Highlands MBTA
- Aim of reducing vehicle usage to that of the Newton Nexus

Is this really an improvement?

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4

MONITORING AND ENFORCEMENT

The Planning Department has proposed monitoring and enforcing trip generations from the site

- Every 6 months after first Certificate of Occupancy
- Every year after 90% occupied and has demonstrated compliance for 2 years
- Monitoring ends after 5 years of compliance

Enforcement:

- Limits certificates of occupancy to no more than 400 if found to be out of compliance prior to 90% occupancy
- \$55/car above maximum, \$2 million annual cap, \$10 million total cap

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5

PARKING

- We all want less reliance on cars
- Artificially lowering parking does not work
- Life always “finds a way”
 - Park on neighborhood streets
 - Park at Northland’s other properties along Needham street
 - Rent parking from nearby homeowners
 - Park across the border in Needham
- If this fails, then what?

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63 Cottage St Unit Units A&B
Newton, MA 02464

\$230,000

Price	—	—	—
Beds	Baths	Sq. Ft.	
Built: 1983	Lot Size: 0.93 Acres	On Redfin: 127 days	Status: Active



Rarely available, well located, two (2) residential carport parking spaces in convenient Newton Upper Falls. Walk to Elliot Green line T station. One half (1/2) mile walk to Elliot Station. One of the best commuter locations anywhere.

6

CONCLUSION



RIGHTSIZENEWTON.ORG

Green Newton Testimony on the Northland Needham Street Project

City Council Land Use Committee Hearing

June 18, 2019

Hello. I'm Jim Purdy, Vice President of Green Newton. As you know we established a Green Building Standards Committee to develop principles for the kind of sustainable construction needed to respond to climate change.

The four principles are

- Very high energy efficiency, with Passive House as the desirable standard.
- Elimination of natural gas as an energy source
- Minimizing the embodied carbon in building materials and the construction process, and
- High transportation efficiency to minimize automobile trips.

Green Newton worked with the City's Energy Commission on the 30-year Climate Action Plan, which incorporates those principles.

We have met with Northland several times and are very happy with the progress we have made. Northland has added the leading expert on Passive House to its design team, and it has committed to us to use Passive House in the residential portions of three of its major buildings, is still working on five others, and in the portions where Passive House is not feasible - for example ground floor commercial space - it will use the highest efficiency envelopes possible.

Heating and cooling will be all electric, and natural gas will be used only for water heating (because the evolving technology for electric hot water is not feasible yet) and for restaurant kitchens.

Northland has also stated that their design team is working to identify ways to reduce the amount of carbon embodied in building materials. We encourage the City Council and the Planning department to engage in a process with Northland to make these buildings as low in Embodied Energy as can cost effectively be accomplished.

And they are going to provide traffic demand management by providing free, frequent, electric powered shuttle service to and from the MBTA Green Line, open to all for 16 hours a day, in perpetuity. This goes far beyond what most developments provide. This, and limiting the number of parking spaces, will reduce traffic generation. Northland is also committed to providing sufficient charging facilities for the electric vehicles of their residents.

These commitments need to be formalized into the special permit conditions, which are legally enforceable. Some of the commitments are at this moment open ended, for example, which buildings are Passive House and what the energy efficiency of the other portions of the development will be.

Those are more than details, so our endorsement of Northland's proposal is conditional, but we believe that they are acting in good faith and that a set of detailed special permit conditions developed with City Council will result.

If that is done, as we anticipate, the result will be the most sustainable major development in Newton, and maybe in Massachusetts. It will make real progress toward the critical goal of

reducing Newton's greenhouse gas footprint and per-capita energy consumption. Green Newton hopes that you and the developer will together come to an enforceable plan that achieves those goals.

We urge the Council to make the most of one of the few major sites that can advance these critical goals and not dilute its potential by reducing density or adding unnecessary parking spaces.

Thank you.