



Land Use Committee Report

City of Newton

In City Council

Tuesday, December 3, 2019

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

Absent: Councilor Auchincloss

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

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.

#353-19 Petition to extend nonconforming FAR at 38 Fenno Road

MICHAEL ZALIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing deck and construct an addition on the first floor, creating an FAR of .50 where .42 is allowed and .45 exists at 38 Fenno Road, Ward 2, Newton Centre, on land known as Section 64 Block 12 Lot 05, containing 7,413 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Held 7-0; Public Hearing Continued**

Note: The petitioner requested a continuance of the public hearing. Committee members expressed no concerns relative to the request for a continuance. Councilor Markiewicz motioned to hold the item to December 10, 2019. His motion carried 7-0.

#393-19 Petition to amend Board Order #317-92(5) and change use at 562 Commonwealth Ave
552 COMM AVE, LLC/NIANXIONG GUAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #317-92(5) to convert an existing nonconforming barbershop into a nonconforming retail florist shop at 562 Commonwealth Avenue, Ward 6, Newton Centre, on land known as Section 61 Block 03 Lot 22, containing approximately 13,000 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved 7-0; Public Hearing Closed 12/03/2019**

Note: The petitioner, Mr. Nianxiong Guan presented the request to amend Special Permit Board Order #317-92(5) to allow a change in use at 562 Commonwealth Avenue. Previously, a barber shop was permitted to operate at 562 Commonwealth Avenue. The petitioner proposes to locate a flower shop at the site. Mr. Guan stated that the shop will be used primarily as a studio and customers will place orders

online. Deliveries will be scheduled for Tuesdays and Thursdays. Mr. Guan noted that as the business grows, they may consider one additional employee. He stated that any new employee will be required to take public transportation.

Planning Associate Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and details of the proposal as shown on the attached presentation. Ms. Whewell noted that there are office, retail and personal service uses at the site. There is available parking for three cars and street parking available on Chestnut Terrace and Commonwealth Avenue.

The Public Hearing was Opened.

Gordon Megrian, 563 Commonwealth Avenue, lives across the street from the proposed flower shop. He questioned whether the retail flower shop can be converted into a different type of retail shop without an amendment to the special permit.

Assistant City Solicitor Jonah Temple explained that the change in use from retail-flower shop to another type of retail shop would be at the discretion of the Commissioner of Inspectional Services. Atty. Temple confirmed that the Council could condition the special permit to require an amendment to the special permit to allow a different retail use. It was confirmed that any new signage for the site would need to be reviewed by the Urban Design Commission. Seeing no other 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 expressed support for the petition and voted 7-0 in favor of approval.

#227-17(2) Special Permit to amend Order #227-17 at 2171 Commonwealth Avenue

THEODORE VENTOURIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Council Order #227-17 to allow changes to the approved site plan at 2171 COMMONWEALTH AVENUE, Ward 4, Auburndale, on land known as Section 41 Block 18 Lot 0032A containing approximately 19,682 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4 of the City of Newton Rev Zoning Ord, 2017.

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

Note: The petitioner, Mr. Theodore Ventouris presented updates to the Committee. The petitioner received a Special Permit in 2017 to construct a six-car garage at 2171 Commonwealth Avenue. After approval of the Special Permit, the petitioner constructed a retaining wall and eight stone pillars without seeking an amendment to the Special Permit. The Council approved the amendments to the site and amended the special permit. The petitioner proposes to amend the special permit to allow additional stone pillars and 1000 sq. ft. of additional paved area on site. At the June 11, 2019 public hearing, the Committee raised concern relative to the impact on water runoff at the site due to the additional paved area at the site, which abuts Lyons Field. The Committee requested that the Engineering Department analyze how the additional paving impacts the drainage calculations at the site. Senior Planner Michael Gleba confirmed that the Engineering Department analyzed the site. Their memo is attached to the Planning memo dated November 30, 2019. He stated that the drainage system on site can accommodate water from the additional paving. Any runoff will drain onto the lawn and not onto the abutting property.

Engineering did not find any specific drainage issues. It was noted that the petitioner will need a license agreement for an easement over the City's sewer.

Seeing no member of the public who wished to speak, Councilor Markiewicz motioned to close the public hearing which carried unanimously. The Committee expressed concerns that the proposed modifications to the site require a second amendment to the Special Permit without any preliminary review by Engineering and Inspectional Services. Mr. Ventouris stated that he received a permit from Inspectional Services for the fence. Mr. Gleba confirmed that the permit issued was a fence permit for a 6' vertical fence. Councilors remained concerned about the increase in paving and the construction above a City sewer. The Committee asked for clarification from Inspectional Services that the fence erected is consistent with the fence permit issued. The Committee asked the petitioner to work with Councilors to navigate the Special Permit process. Mr. Ventouris requested a withdrawal without prejudice of the petition. Councilor Markiewicz motioned to approve the withdrawal without prejudice which carried unanimously.

#257-19 Amended Petition to allow attached dwelling units at 956 Walnut Street
956 WALNUT STREET, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing single-family dwelling and construct seven single-family attached dwellings in ~~two~~ three buildings, to reduce the frontage requirement, to reduce the side setback requirement, to allow three-stories, to exceed maximum lot coverage, to allow a retaining wall greater than 4' in the setback and to allow a driveway in the side setback at 956 Walnut Street, Ward 6, Newton Highlands, on land known as Section 62 Block 04 Lot 05, containing approximately 32,274 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 5.4.2.B, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 5-0-2 (Laredo, Lipof abstaining); Public Hearing Closed 12/03/2019

Note: Attorney Laurance Lee, offices of Rosenberg, Freedman and Lee, represented the petitioner, 956 Walnut Street, LLC. Atty. Lee presented updates to the Committee as shown on the attached presentation. He stated that the proposed development has evolved over the course of five years and noted there is a letter in support of the petition from 15 direct abutters. The proposed development includes seven single family attached dwelling units at 956 Walnut Street, located in the Four Corners neighborhood. Atty. Lee presented an overview of the neighborhood density based on data from the assessors' database. He stated that the average density is 4600 sq. ft. per unit. The proposed development contains 4611 sq. ft. per unit. As part of the project, the petitioner has agreed to a deed restriction on the 15,000 sq. ft. abutting parcel at 1058 Beacon Street that will run with the land. One inclusionary unit is included in the project. Atty. Lee presented details of the landscape plan and stated that the setbacks, the lot coverage and the building footprint are more generous than what is permitted as a matter of right. He noted that the proposed basement garage is accessed by underground parking and confirmed there is very limited basement storage space. Additionally, the proposal represents a half story reduction in the third floor. It was noted that the proposed project meets all five housing goals as stated in the Fair Housing Committee's letter dated June 24, 2019 and will incorporate electric vehicle charging stations and solar ready roofs.

Michael Santos Registered Professional Transportation Engineer BSC Group, reviewed details of the traffic memo dated September 24, 2019. He noted that the analysis conservatively assessed the existing and proposed traffic at the site and does not indicate a material impact on traffic.

Senior Planner Michael Gleba presented an overview of the updates to the petition as shown on the attached presentation. Modifications to the proposed development include a change to 2.5 stories from 3, a 2000 sq. ft. reduction, installation of a fence on the aqueduct side and substitution of a seating area near the aqueduct with additional vegetation. Assistant City Solicitor Jonah Temple responded to questions regarding the aqueduct frontage. The Commissioner of Inspectional Services has determined that where an aqueduct exists on a side lot line and meets the front lot line, the frontage is indeterminable because there is no side lot line. Atty. Temple stated that the Committee should grant the relief for frontage, because the petitioner has requested it.

With regard to questions raised relative to what could be built as a matter of right, Mr. Gleba confirmed that a large two-family residence could be built at the site. Atty. Temple confirmed that a 40B project could be built at the site subject to discretion of the Zoning Board of Appeals' conditions.

Public Comment

Ken Parker, 965 Walnut Street, is opposed to the proposed project. Mr. Parker stated that there is 35' of frontage on Walnut Street and the lot is non-conforming. He stated that the frontage along the aqueduct does not count and explained that the only by-right alternative is the grandfathered use. Mr. Parker noted that the 8,300 sq. ft of additional lot coverage triples the existing lot coverage and reduces the open space. He stated that the petition does not meet any of the special permit criteria.

Nathaniel Lichtin, 53 Pine Crest Road, noted that a moving truck will have to back out onto Walnut Street and expressed concerns relative to the number of proposed parking stalls, the scale of the proposed development and stated the project will be detrimental to the neighborhood.

Isabelle Albeck, 240 Windsor Road, noted that traffic on Walnut Street is currently very heavy and stated that it does not make sense to add additional cars. Ms. Albeck is supportive of maintaining as many trees as possible. She questioned why the roofs will be "solar ready" and not constructed with solar panels.

Robert Fizek, 47 Forest Street, noted that the petitioner is trading the City's open space to develop the project and stated that he is opposed to the petition.

Seeing no other member of the public who wished to speak, Councilor Crossley motioned to close the public hearing which carried 6-0 (Lipof not Voting). The Committee expressed support for the affordable unit, the project meeting the fair housing goals, the setbacks, the preservation of open space at 1058 Beacon Street and the development's location to public transportation and amenities. Some Committee members expressed concerns relative to the number of parking spaces given the site's location in a village center, consistency with the surrounding neighborhood and the scale of the proposed development compared to a by-right project. The Committee questioned whether the petitioner would consider

installing permeable pavers as opposed to asphalt and Atty. Lee confirmed that the petitioner could use permeable pavers. Councilor Crossley moved approval of the item. The Committee reviewed the draft findings and conditions as shown in the attached presentation. The Committee requested that conditions be included to read that all exterior lighting shall be residential in scale and be downlit to avoid light pollution and that the petitioner will use predominantly native plantings. The Committee asked that a finding be included relative to the deed restriction for 1058 Beacon Street. With that, the Committee voted 5-0-2 in favor of approval (Councilors Laredo, Lipof abstaining).

#312-19 Petition to allow 24-unit multi-family dwelling at 20 Kinmonth Road

20 KINMONTH ROAD INVESTMENT, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a three-story 24-unit multi family dwelling greater than 20,000 sq. ft. of new gross floor area, to allow ground floor residential units, to reconstruct and further extend nonconforming side setbacks, to allow an FAR of 1.4 in a three-story structure, to waive 24 parking stalls, to waive minimum stall depth requirements, to waive the maximum driveway width requirement and to allow a retaining wall greater than four feet in height within a setback at 20 Kinmonth Road, Ward 5, Waban, on land known as Section 53 Block 29 Lot 2, containing approximately 24,302 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.4.1, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 7.8.2.C.2, 5.1.4.A, 5.1.13, 5.1.8.B.2, 5.1.8.D.2, 5.4.2.B of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved Subject to Second Call 7-0; Public Hearing Closed 12/03/2019**

Note: Attorney Terry Morris, offices at 57 Elm Road, represented the petitioner, 20 Kinmonth Road Investment, LLC. Atty. Morris explained at the public hearing on October 3, 2019 the Committee discussed whether subsidizing MBTA passes for two years, as proposed in the petitioner's draft Transportation Demand Management Plan (TDM) is the best way to utilize funds. The Committee questioned whether there are better ways to address traffic and transportation at the site. Atty. Morris noted that Kinmonth Road was laid out as a 45' right of way but was never accepted by the City as a public way. The abutter at 21 Kinmonth Road suggested providing a sidewalk the length of the road. Because the road is a private way, all property owners must agree to the proposed improvements. Atty. Morris noted that the property owners at the Waban Market have concerns relative to the proposed improvements. Atty. Morris presented alternative upgrades (shown on the attached presentation). The petitioner also has considered upgrading the road to a standard for acceptance of the road by the City. Upgrading the road would include; replacement of the roadway base with suitable standards, provision of suitable stormwater management and provision of a suitable sidewalk.

Planning Associate Katie Whewell presented the requested relief, criteria for consideration, the proposed landscape plan and updates to the petition as shown on the attached presentation. Ms. Whewell stated that the Transportation Division has asked the petitioner to provide details of where the sidewalks will begin and end so they can be reviewed by the Planning Department. Ms. Whewell noted that the proposed development includes 15% inclusionary units as well as an additional three-bedroom to claim a density bonus.

Public Comment

Sachiko Ishihara, 15 Davis Street, Executive Director of the Suzuki School, encouraged keeping the area pedestrian friendly. She stated they like the pedestrian bump outs as shown on “Option 2” of the alternate improvement plan. She stated that this is an opportunity to increase safety for pedestrians and drivers and encourage patronizing local businesses. Ms. Ishihara is supportive of the proposed development and believes the housing will be a benefit.

Shawn Hurley, 21 Kinmonth Road, stated that the proposed use is an improvement and will result in a reduction in traffic. He stated that the City should consider “Option 1” of the alternate improvements carefully.

Isabelle Albeck, 240 Windsor Road, stated that the Waban Area Council was happy with the improvements to the sidewalk, but she has concerns with “Option 2”.

The Committee agreed that the City must study the subject intersection prior to making any roadway modifications. Councilor Crossley motioned to close the public hearing which carried 7-0. Councilor Crossley motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown attached. It was noted that the draft Council Order does not contain conditions relative to sustainability. Ms. Whewell confirmed that the petitioner will be meeting sustainability measures. The Committee asked that the Law Department work with Planning to draft conditions that specify what they have committed to and provide the sustainability narrative. The Committee asked that the draft Council Order require the petitioner to use drought tolerant and indigenous species. The Committee expressed support for the 1:1 ratio of parking stalls given the development’s proximity to public transportation. The Committee expressed support for the project. With that, Councilor Crossley motioned to approve the petition, subject to second call, pending a review of the sustainability measures and draft conditions. Committee members voted 7-0 in favor of the motion.

#175-19 Special Permit to allow attached dwelling units at 145 Warren Street

145 WARREN STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwellings in two buildings, to allow reduced side setbacks, to increase the allowed lot coverage, to allow a driveway within ten feet of the side lot line and to allow retaining walls greater than 4’ within a setback at 145 Warren Street, Ward 6, Newton Centre, on land known as Section 61 Block 39 Lot 10, containing approximately 23,399 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, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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

#175-19(2) Amended Petition to allow attached dwelling units at 145 Warren Street

145 WARREN STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwellings in ~~two~~ one building, to allow reduced side setbacks, to allow three-stories, to increase the allowed lot coverage, to decrease the minimum open space, to allow a driveway within ten feet of the side lot line and to allow retaining walls greater than 4’ within a setback at 145 Warren Street, Ward 6, Newton Centre, on land

known as Section 61 Block 39 Lot 10, containing approximately 23,399 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, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Held 7-0; Public Hearing Closed 12/03/2019**

Note: Attorney Laurance Lee, offices of Rosenberg, Freedman and Lee, Walnut Street, represented the petitioner, 145 Walnut Street, LLC. Atty. Lee and project Architect Mark Sangiolo presented details and updates of the project as shown on the attached presentation. BSC Transportation Mike Santos presented details of the Traffic report dated November 12, 2019.

Mr. Santos stated that the existing single-family home generates approximately 10 trips per day. He estimates 30 trips per day. He noted that the site is proximate to the Newton Centre MBTA station so it is expected that some residents would take public transportation. The Committee expressed concerns relative to the consistency with the neighborhood. Ms. Whewell explained that when Planning analyzes density, their analysis is based on lot area per unit. She noted that the proposed development is consistent with the average lot area per unit on Warren Street.

Public Comment

Simon French, 47 Glen Avenue, stated that the unit sizes are too large and questioned the support from the Historical Commission for the low and wide design. Mr. French questioned what the public benefit is for the proposed development.

Laura Tavares, 148 Warren Street, stated that there is a letter in opposition to the project signed by abutters on the street. Concerns from the 19 neighbors include: the dramatic change to the suburban nature in the neighborhood, the size of the proposed facility and how the change the context of the neighborhood for future proposals?

MaryLee Belleville, 136 Warren Street, presented the attached presentation.

Aedin Culhane, 47 Glen Avenue, is supportive of the pro-climate stance that the Council has taken. She suggested that the heat island impact is a massive concern. The high ratios of hardscape to green space is contributing to the increase in the earth's temperature. To mitigate, we must build dense but maintain green space. She noted that the loss of green space increases pollution.

No other member of the public wished to speak. Councilor Crossley motioned to close the public hearing which carried 6-0 (Lipof not Voting). The Committee expressed support for smaller units that are consistent with the surrounding neighborhood. With that, Committee members voted 6-0 to hold the item.

The Committee adjourned at 11:42 pm.

Respectfully Submitted,

Greg Schwartz, Chair

Department of Planning and Development



PETITION #393-19
562 COMMONWEALTH AVE

TO AMEND SPECIAL PERMIT
BOARD ORDER #317-92(5)
TO CONVERT AN EXISTING
NONCONFORMING
BARBERSHOP INTO A
NONCONFORMING RETAIL
FLORIST SHOP



DECEMBER 3, 2019

1

Requested Relief



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

- Amend Special Permit 317-92 (5) (§7.3.3.C.1)
- Request to allow the conversion from one nonconforming use to another (§3.4.1, §7.8.2.C.2)

2

Criteria to Consider

When reviewing this request, the Council should consider whether:

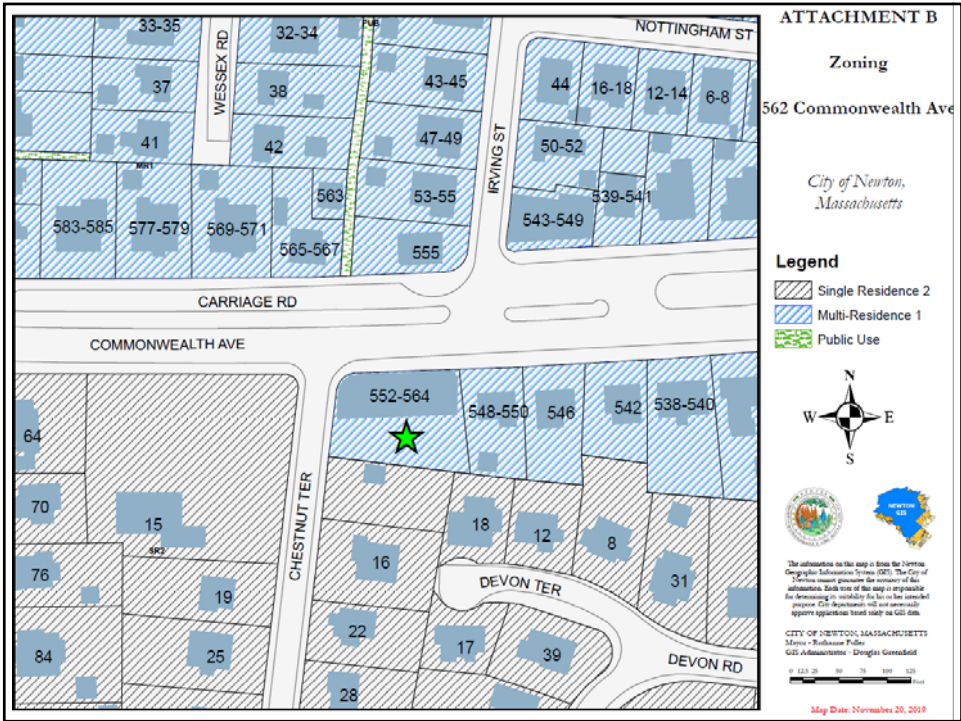
- The specific site is an appropriate location for the proposed nonconforming flower shop. (§7.3.3.C.1)
- The proposed nonconforming flower shop will adversely affect the neighborhood. (§7.3.3.C.2)
- The proposed nonconforming flower shop will create a nuisance or serious hazard to vehicles or pedestrians. (§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)
- The proposed nonconforming retail florist is not substantially more detrimental than the existing nonconforming barber shop (§3.4.1, §7.8.2.C.2)

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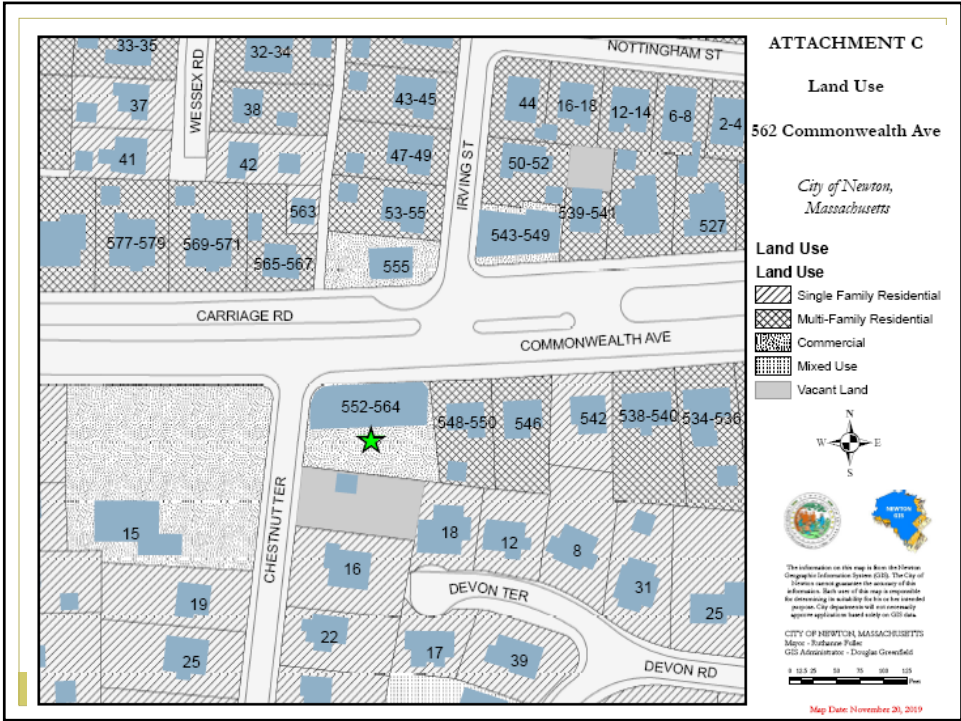
AERIAL/GIS MAP



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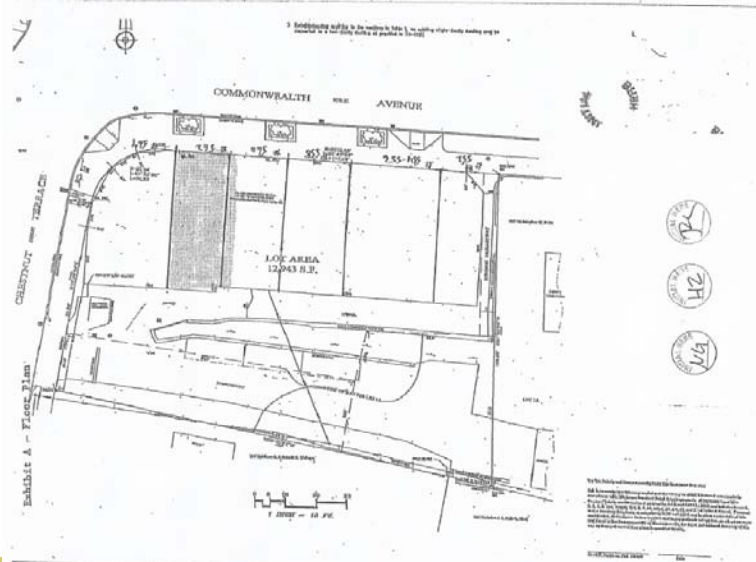


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6

Site Plan



7

Proposed Findings

1. The specific site is an appropriate location for the proposed nonconforming flower shop because the site has a mix of uses and the nonconforming flower shop fits with the mix of uses. (§7.3.3.C.1)
2. The proposed nonconforming flower shop will not adversely affect the neighborhood as the previous use was nonconforming. (§7.3.3.C.2)
3. The proposed nonconforming flower shop will not create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. The proposed nonconforming retail florist is not substantially more detrimental than the existing nonconforming barber shop. (§3.4.1, §7.8.2.C.2)

8

Proposed Conditions

- Standard plan referencing condition
- Standard building permit condition
- Standard Certificate of Occupancy condition
- All signage shall be reviewed and approved by the Urban Design Commission.

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 317-92(5) to allow the conversion from one nonconforming use (barbershop) to another nonconforming use (retail florist shop) at 55-71 Needham Street as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

- The specific site is an appropriate location for the proposed nonconforming flower shop because the site has a mix of uses and the nonconforming flower shop fits with the mix of uses. (§7.3.3.C.1)
- The proposed nonconforming flower shop will not adversely affect the neighborhood as the previous use was similarly nonconforming. (§7.3.3.C.2)
- The proposed nonconforming flower shop will not 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)
- The proposed nonconforming retail florist is not substantially more detrimental than the existing nonconforming barber shop. (§3.4.1, §7.8.2.C.2)

PETITION NUMBER:	#393-19
PETITIONER:	Needham Street Village Shops
LOCATION:	562 Commonwealth Avenue
OWNERS:	552 Comm Ave LLC
ADDRESS OF OWNERS:	112 Needham Street Newton, MA 02464

TO BE USED FOR:	Retail florist shop
CONSTRUCTION:	One Story, multi-tenant, commercial building
EXPLANATORY NOTES:	To amend Council Orders 317-92(5) to allow the conversion of one nonconforming use to another nonconforming use. §7.3.3, §7.8.2.C.2, §3.4.1
ZONING:	Multi Residence 1 district

The prior special permits for this property are as follows: Council Order #317-92(5), #317-92(2 & 3), for special permit/site plan approval and extension of a nonconforming use and structure by allowing a barber shop use and expansion of a frame shop. The conditions set forth in those prior special permits remain in full force and effect except as modified herein.

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. Alta/ACSM Land Title Survey, 552-564 Commonwealth Avenue prepared by R.E. Cameron and Associates, Inc. dated September 2010, unsigned and unstamped.
2. All signage shall be reviewed and approved by the Urban Design Commission.
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 Approval 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 Department of Planning and Development that confirms plans submitted with any building permit are consistent with plans approved in Condition #1.
4. No Certificate of Occupancy/Final Inspection for the buildings and uses covered by this Special Permit/Site Plan Approval shall be issued until the petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or surveyor certifying substantial compliance with Condition #1.

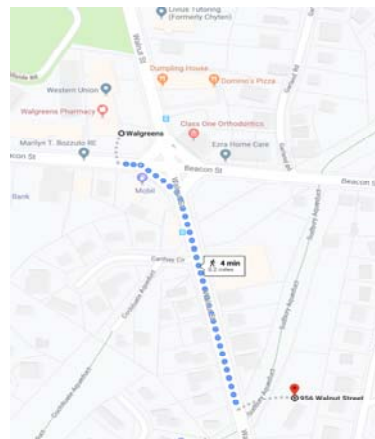
5. Any future proposed change in use at this address from the retail florist shop being approved by this Special Permit/Site Plan Approval, including a change to a different retail use, must go before the Land Use Committee as an amendment to the approved special permit.

956 WALNUT STREET

Land Use Committee
Public Hearing
December 3 , 2019

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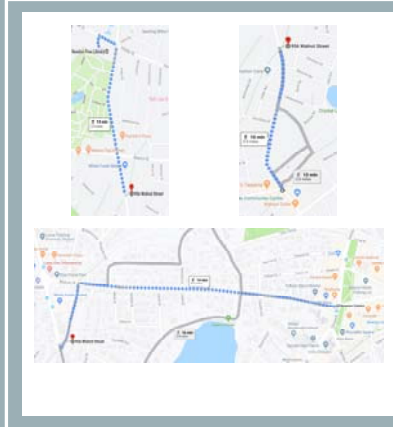
FOUR CORNERS



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PROXIMITY AND PUBLIC TRANSPORTATION

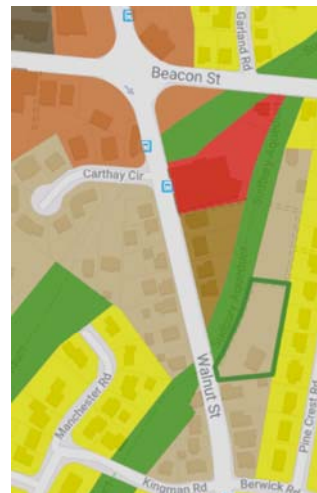
- Short walk to Newton Highlands, City Hall, Newton Free Library, Newton Center, Cold Springs Park.
- MBTA No. 59 Bus
- Newton Highlands Green Line Station



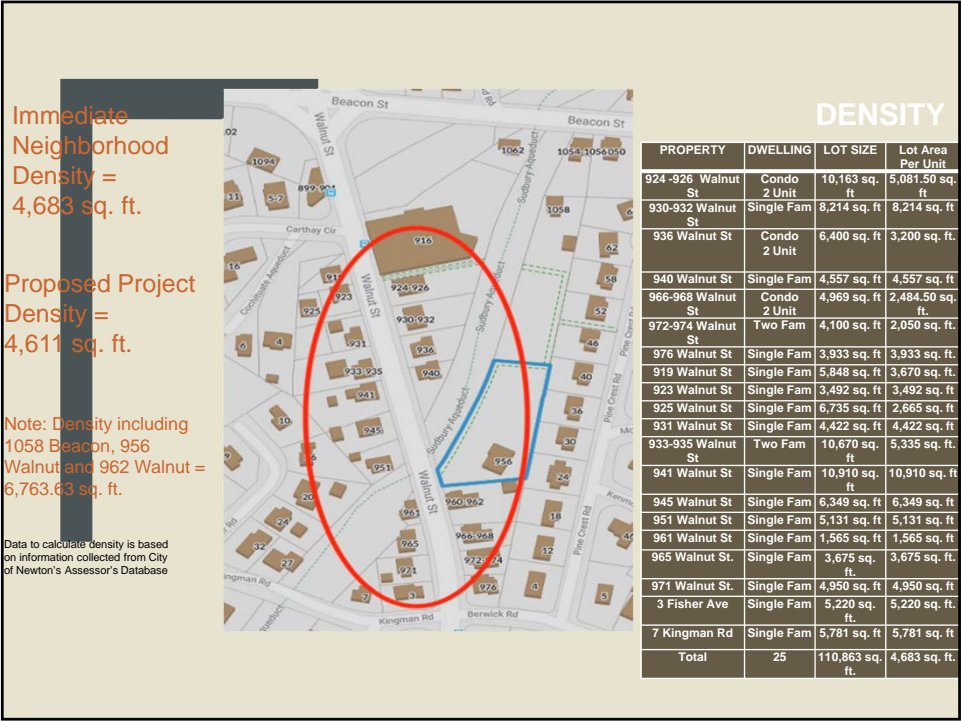
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Zone Map

Transition Zoning



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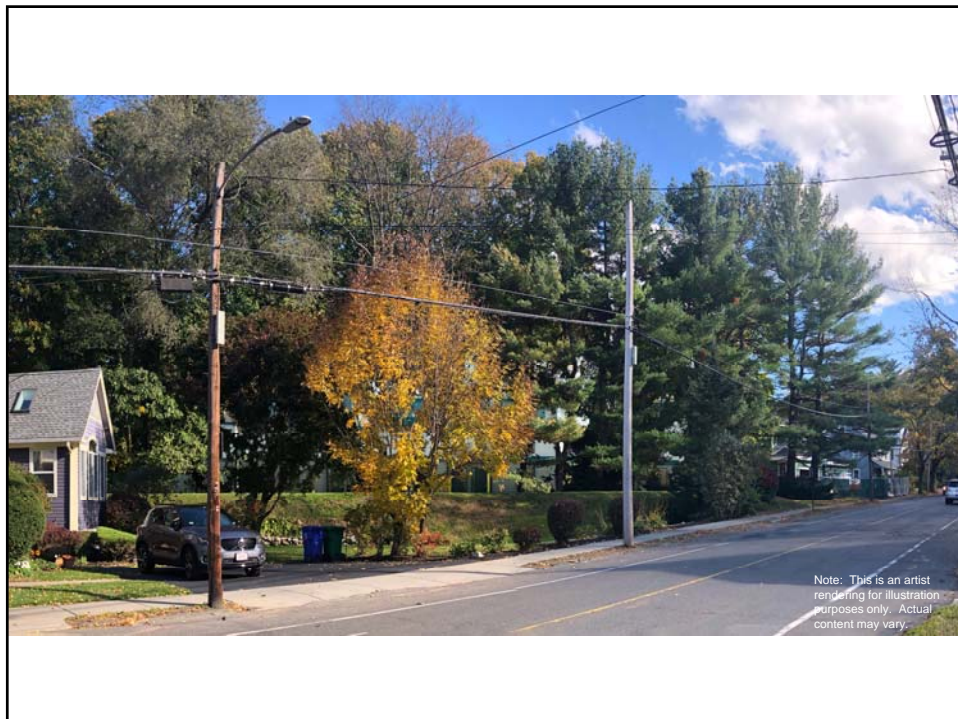
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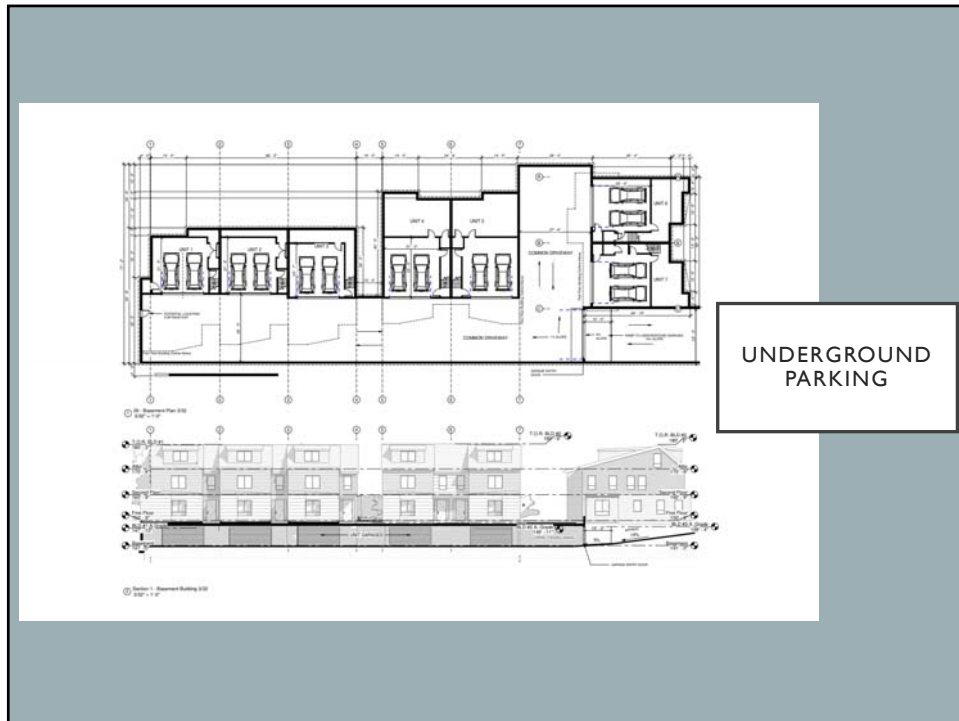
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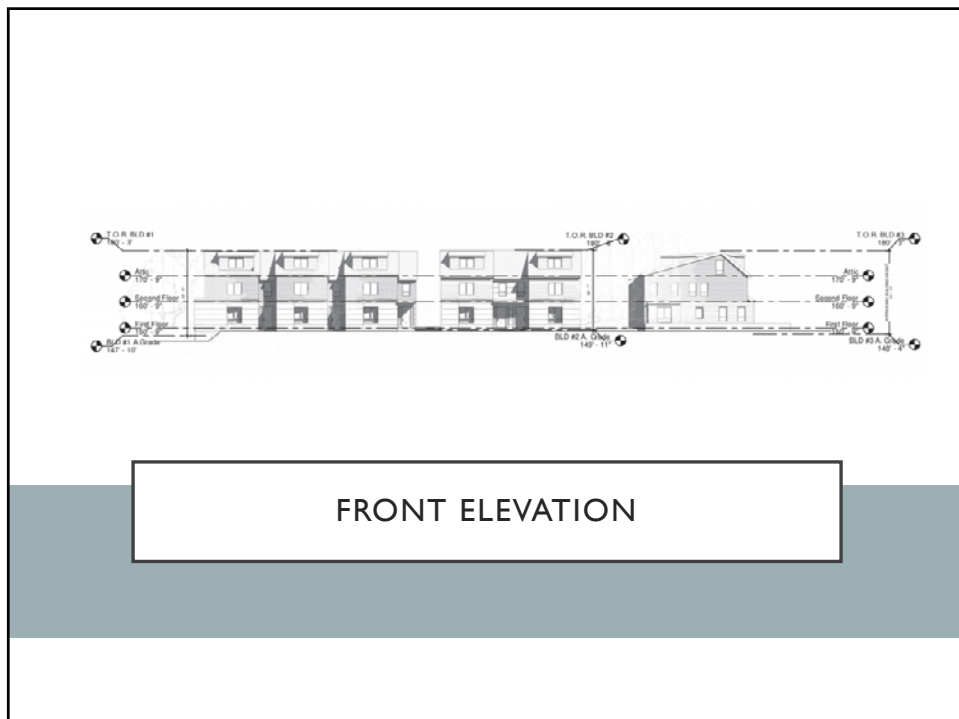
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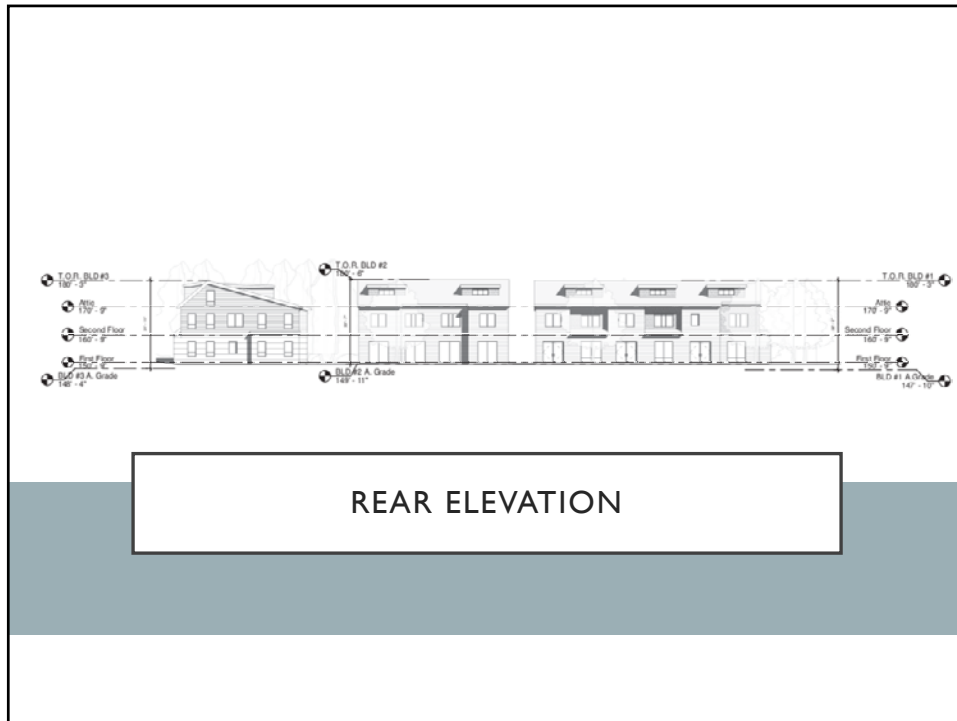
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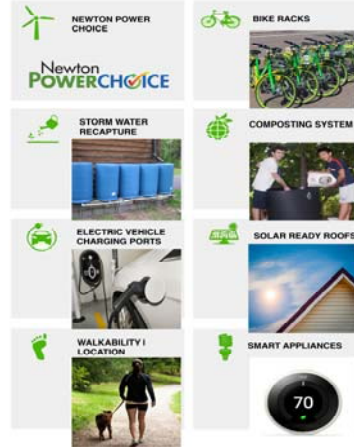


14

RESIDENCES @ 4 CORNERS

GREEN STRATEGIES

We are dedicated to creating a **sustainable development** that fosters a clean and healthy environment for its residents at the heart of Four Corners, Newton. The intent of this presentation board is to provide a brief narrative of the project's **green strategies** that we are committed to doing.



15

PROJECT HIGHLIGHTS



LOCATED IN
HEART OF
FOUR
CORNERS



CLOSE
PROXIMITY
TO OTHER
VILLAGE
CENTERS
AND CITY
HALL



HOUSING
UNITS WITH
FIRST FLOOR
BEDROOM
OPTION



MEETING ALL
FIVE FAIR
HOUSING
GOALS



ONE
AFFORDABLE
SINGLE-
FAMILY
HOUSING
UNIT



ENERGY
EFFICIENCIES



UNDERGROUND
PARKING

16

Department of Planning and Development



PETITION #257-19

956 WALNUT STREET

SPECIAL PERMIT/SITE PLAN APPROVAL TO RAZE THE EXISTING SINGLE-FAMILY DWELLING AND CONSTRUCT SEVEN SINGLE-FAMILY ATTACHED DWELLINGS IN THREE BUILDINGS, TO REDUCE THE FRONTAGE REQUIREMENT, TO REDUCE THE SIDE SETBACK REQUIREMENT, TO ALLOW THREE-STORIES, TO EXCEED MAXIMUM LOT COVERAGE, TO ALLOW A RETAINING WALL GREATER THAN 4' IN THE SETBACK AND TO ALLOW A DRIVEWAY IN THE SIDE SETBACK



DECEMBER 3, 2019

1

Requested Relief



Special Permit per §7.3.3 of the NZO to:

- allow attached single-family dwellings in an MR1 zoning district (§3.4.1)
- *reduce the frontage requirement (§3.2.4)*
- reduce the side setback requirement (§3.2.4)
- allow three stories (§3.2.4)
- exceed maximum lot coverage (§3.2.4)
- allow a driveway in the side setback (§3.2.4, §6.2.3.B.2)
- allow a retaining wall higher than four feet within a setback (§5.4.2.B)

2

Criteria to Consider

When reviewing this request, the Council should consider whether:

- The site in a Multi-Residence 1 (MR1) district with 35.5 of frontage is an appropriate location for the proposed seven attached single-family dwellings as designed in three, three-story structures with a retaining wall higher than four feet in a setback (§7.3.3.C.1)
- The proposed seven attached single-family dwellings as designed in three, three-story structures with a retaining wall higher than four feet in a setback will adversely affect the neighborhood (§7.3.3.C.2);
- The proposed seven attached single-family dwellings as designed in three, three-story structures with a retaining wall higher than four feet in 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)
- Literal compliance with the provisions of §6.2.3.B.2 of the NZO that do not allow the location of a driveway within 10 feet of a side lot line setback is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot, or that an exception to said provisions would be in the public interest, or in the interest of safety or protection of environmental features)

3

Update- Modifications

Structures

- The attic levels of the three structures have been modified so they only constitute half (rather than full) stories. As such, all three are now proposed as having only two and a half, rather than three, stories.
 - Change eliminates the need for originally-sought zoning relief to allow third stories.
- Heights of the three structures would range from 30.6 feet to 32.4 feet, below the 36 feet maximum allowed.
- Reduction of the interior habitable square footage of all seven units (Range of 2,300-2,990 SF reduced to 2,260-2,650 SF)
 - Reduction of floor area by 2,030 square feet in turn reduces its FAR to 0.49 (note: NZO does not establish floor area ratio (FAR) requirements for single family attached dwellings)

Site Plan

- The petitioner proposing to install a “decorative fence” along the on top of the retaining wall on the aqueduct facing side of the property to screen the project.
- Proposed seating area near aqueduct and Walnut Street replaced with additional vegetation.

4

AERIAL/GIS MAP



5

Zoning



ATTACHMENT B

Zoning

956 Walnut Street
City of Newton,
Massachusetts

Legend

- Single Residence 2
- Multi-Residence 1
- Multi-Residence 2
- Business 1
- Public Use

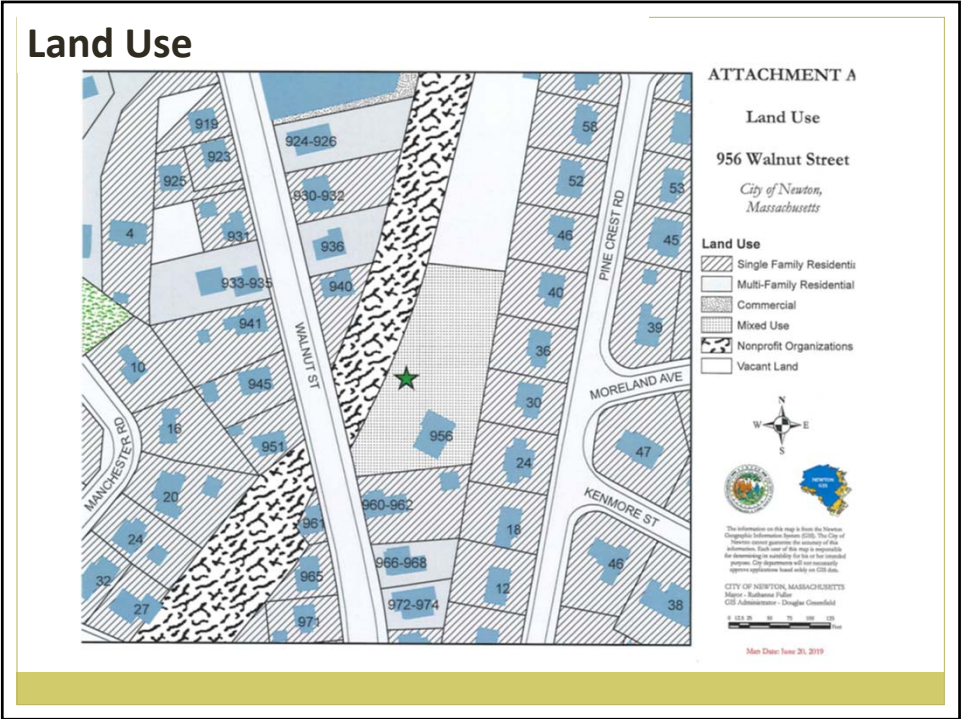
Map of Newton, Massachusetts

The information on this map is from the Newton Geographic Information System (GIS). The City of Newton is not responsible for the accuracy of this information. For more information, please contact the City of Newton GIS Department. GIS Department will not be responsible for any errors or omissions in this map.

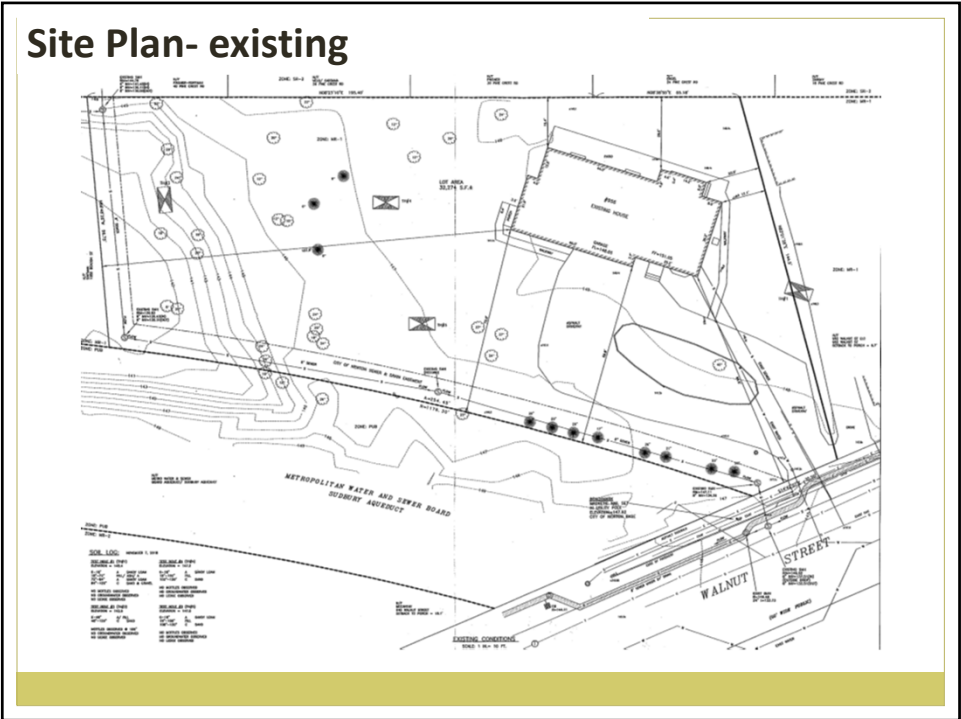
CITY OF NEWTON, MASSACHUSETTS
Mayor - Kathleen Fuller
GIS Administrator - Douglas Greenfield

Map Date: August 29, 2019

6

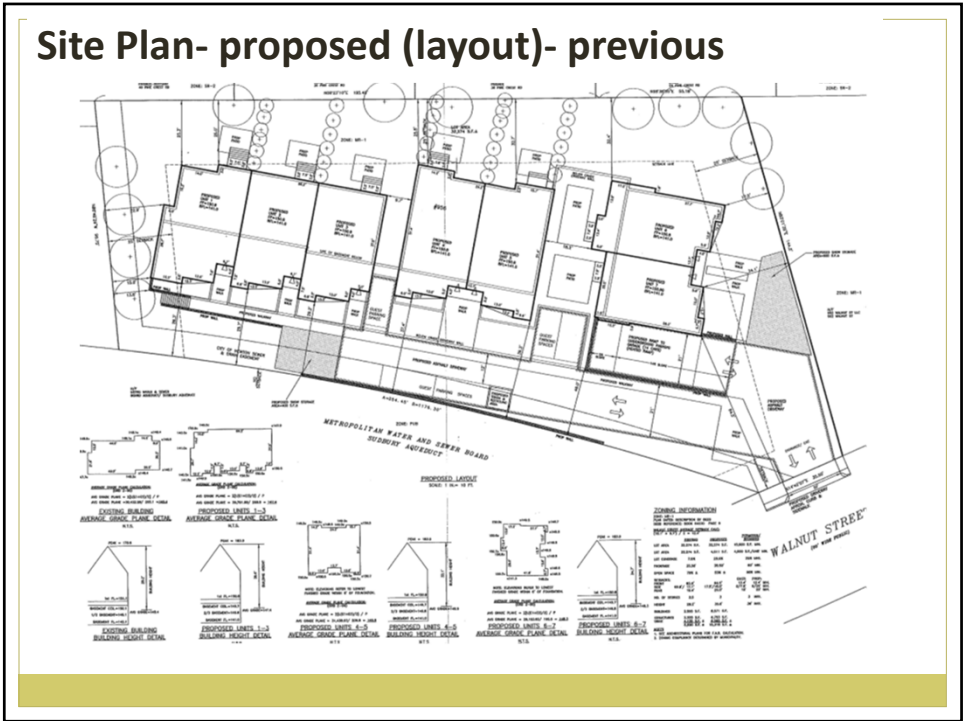


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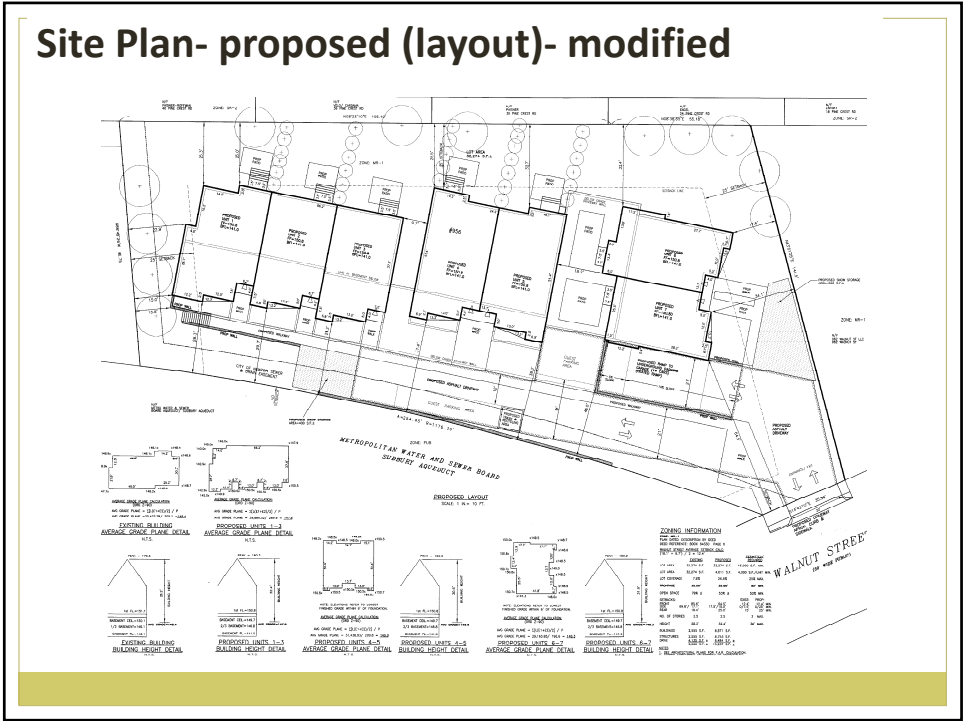
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Site Plan- proposed (layout)- previous



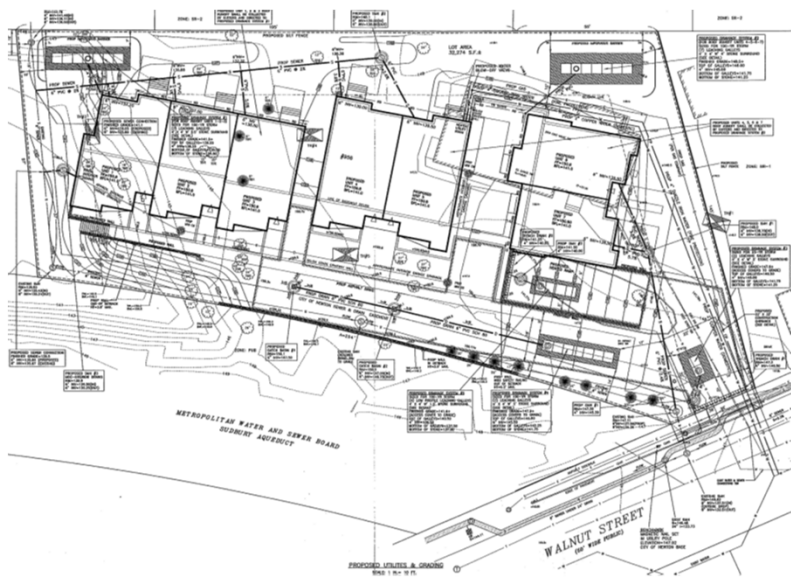
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Site Plan- proposed (layout)- modified



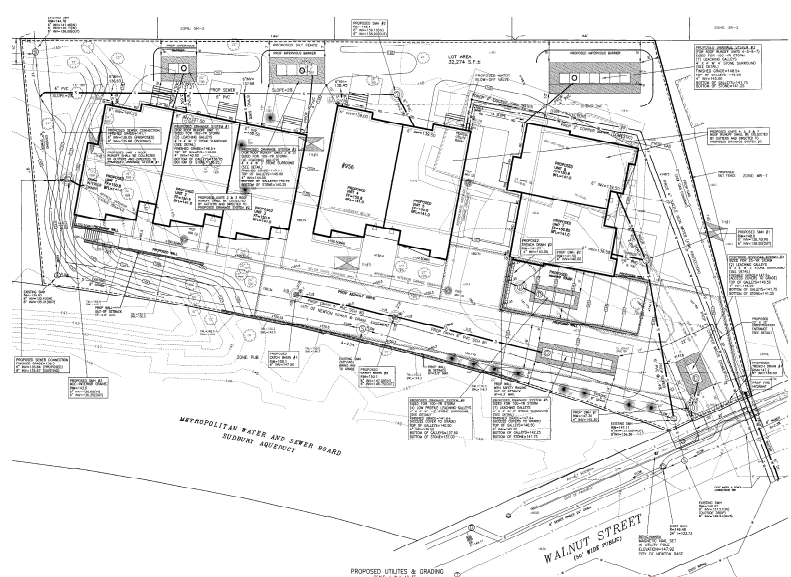
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Site Plan- proposed (grading, etc.)- previous



11

Site Plan- proposed (grading, etc.)- modified



12

Elevations- Front (previous & modified)



13

Elevations- Rear (previous & modified)



14



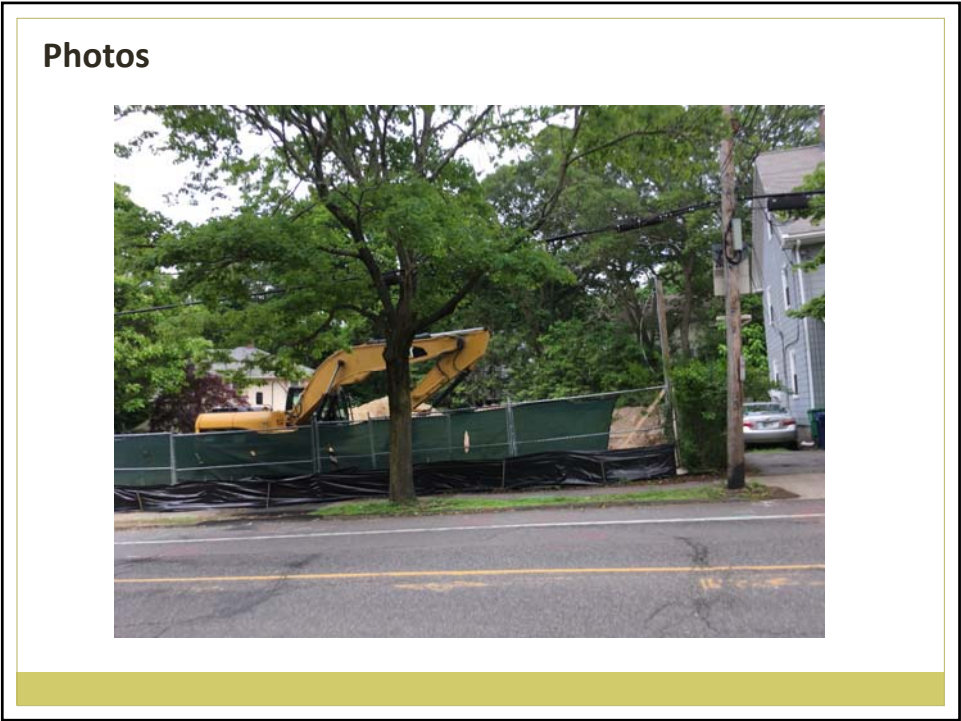
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CITY OF NEWTON

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 Newton 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 Newton Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow seven attached single-family dwellings in three buildings in an MR1 zoning district (§3.4.1), reduce the side setback requirement (§3.2.4), reduce the frontage requirement (§3.2.4), exceed maximum lot coverage (§3.2.4), allow a driveway in the side setback (§3.2.4, §6.2.3.B.2), and allow a retaining wall higher than four feet within a setback (§5.4.2.B), as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

- The site in a Multi-Residence 1 (MR1) district with 35.5 of frontage is an appropriate location for the proposed seven attached single-family dwellings as designed in three, two and one-half-story structures with a retaining wall higher than four feet in a setback as it is located in a walkable area with a mix of uses near a village center with a variety of residential and commercial building types and uses and the petitioner has agreed to subject an adjoining property known as 1058 Beacon Street to a restrictive covenant that shall preserve healthy mature trees on a portion of that property. (§7.3.3.C.1)
- The proposed seven attached single-family dwellings as designed in three-structures with a retaining wall higher than four feet in a setback will not adversely affect the neighborhood as the development would be located in a walkable area with a mix of uses near a village center with a variety of residential and commercial building types and uses and the attached dwellings are well screened from abutting residences. (§7.3.3.C.2)
- The proposed seven attached single-family dwellings as designed in three structures with a retaining wall higher than four feet in a setback will not 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 as indicated by a traffic study submitted by the petitioner. (§7.3.3.C.4)
- Literal compliance with the provisions of §6.2.3.B.2 of the Newton Zoning Ordinance that do not allow the location of a driveway within 10 feet of a side lot line setback is

impractical due to the frontage and shape of the lot or that such exceptions would be in the public interest, or in the interest of safety or protection of environmental features.

- Literal compliance with the provisions of §3.2.4 of the Newton Zoning Ordinance that require a minimum of 80 feet of frontage and 25 feet of side setbacks is impractical due to the unique location, frontage, and shape of the lot as affected by the direct abutting Sudbury Aqueduct.

PETITION NUMBER: #257-19 and 257-19(2)

PETITIONER: 956 Walnut Street LLC

LOCATION: 956 Walnut Street, Newton, Massachusetts, Ward 6, on land known as Section 62, Block 4, Lot 5, containing approximately 32,274 sq. ft. of land

OWNER: 956 Walnut Street LLC

ADDRESS OF OWNER: c/o Laurance Lee, Esq.
Rosenberg, Freedman & Lee LLP
246 Walnut Street
Newton, MA 02460

TO BE USED FOR: Seven single-family attached dwellings in three structures

EXPLANATORY NOTES: Special permit as per Newton Zoning Ordinances Chapter 30, §7.3.3 to :

- allow attached single-family dwellings in an MR1 zoning district (§3.4.1)
- reduce the side setbacks requirement (§3.2.4)
- reduce the frontage requirement (§3.2.4)
- exceed maximum lot coverage (§3.2.4)
- allow a driveway in the side setback (§3.2.4, §6.2.3.B.2)
- allow a retaining wall higher than four feet within a setback (§5.4.2.B)

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. Site plans, prepared by Everett M. Brooks Co., signed and stamped by Michael S. Kosmo, Registered Professional Engineer and Bruce Bradford, Professional Land Surveyor, consisting of the following sheets:
 - i. "Site Plan of Land in Newton, MA, 956 Walnut Street, Residences at Four Corners"- Existing Conditions (Sheet 1 of 5), dated June 27, 2019 revised through November 19, 2019;
 - ii. "Site Plan of Land in Newton, MA, 956 Walnut Street, Residences at Four Corners"- Proposed Layout (Sheet 2 of 5), dated June 27, 2019, revised through November 19, 2019;
 - iii. "Site Plan of Land in Newton, MA, 956 Walnut Street, Residences at Four Corners"- Proposed Utilities and Grading (Sheet 3 of 5), dated June 27, 2019 revised through November 19, 2019;
 - iv. "Site Plan of Land in Newton, MA, 956 Walnut Street, Residences at Four Corners"- Proposed Construction Plan (Sheet 4 of 5), dated June 27, 2019, revised through November 19, 2019;
 - v. "Site Plan of Land in Newton, MA, 956 Walnut Street, Residences at Four Corners" (details) (Sheet 5 of 5), dated June 27, 2019, revised through November 19, 2019.
 - b. Architectural plans entitled "Residences at Four Corners, 956 Walnut St, Newton- MA 02459," prepared MGD+LLC Design and Consultants, signed and stamped by Derek E. Rubinoff, Registered Architect, consisting of the following sheets:
 - i. Cover Page (SP-A0.0), dated June 18, 2019, revised through November 18, 2019;
 - ii. Zoning Analysis & Unit Types (SP-A0.2), dated June 18, 2019, revised through November 18, 2019;
 - iii. Site Plan (SP-A1.01), dated June 18, 2019, revised through November 18, 2019;
 - iv. Basement FI Plan and Section (SP-A1.2), dated June 18, 2019, revised through November 18, 2019;
 - v. Elevations Plan (SP-A1.3), dated June 18, 2019, revised through November 18, 2019;
 - vi. Landscape Plan (SP-A1.4), dated June 18, 2019, revised through November 18, 2019;
 - vii. Interior Habitable Area Comparison (SP-A3.0) dated October 22, 2019.
2. The petitioner shall comply with the Tree Preservation Ordinance.

3. All exterior lighting fixtures shall be residential in scale and not cause light pollution, and shall be subject to review and approval by the Director of Planning and Development before any Building Permit may be issued pursuant to this Special Permit/Site Plan Approval.
4. One (1) of the residential units shall be an ownership unit made available to households earning at or below 70% of Area Median Income (AMI), as designated by the U.S. Department of Housing and Urban Development, adjusted for household size for the Boston-Cambridge-Quincy, MA-NH HMFA ("Inclusionary Unit"). As proposed in the preliminary Inclusionary Housing Plan, last revised 3/12/19, the unit shall be made available to households earning at or below 80% AMI and shall be priced to be affordable to a household having an income of not more than 70% of AMI. Monthly housing costs (inclusive of real estate taxes, mortgage principal and interest, unit property insurance, monthly condominium home owner association fee, private mortgage insurance, and one parking space) shall not exceed 30% of the applicable monthly income limit for that unit. For the initial lottery the Inclusionary Units shall be designated as a Local Preference Units, as permitted and defined by the Massachusetts Department of Housing and Community Development (DHCD).

The Inclusionary Unit shall comply with the provisions of the City's Inclusionary Zoning Ordinance (§5.11).

5. The type of Inclusionary Unit shall be a four bedroom, three-and-a-half-bathroom unit.
6. To the extent permitted by applicable regulations of DHCD, the Inclusionary Unit shall be eligible for inclusion on the State's Subsidized Housing Inventory (SHI) as Local Action Units through DHCD's Local Initiative Program.
7. Prior to the issuance of any building permits for the construction of the Project, the Petitioner shall provide a final Inclusionary Housing Plan and Affirmative Fair Marketing and Resident Selection Plan for review and approval by the Director of Planning and Development. The Inclusionary Housing Plan and Affirmative Fair Marketing and Resident Selection Plan must meet the requirements of DHCD's guidelines for Affirmative Fair Housing Marketing and Resident Selection and be consistent with §5.11.9. of the Newton Zoning Ordinance. In accordance with DHCD's current guidelines, the unit will be affirmatively marketed and sold through a lottery.

No dwelling unit shall be constructed to contain, and/or marketed and/or sold as containing, more bedrooms than the number of bedrooms indicated for said unit in the plans referenced in Condition #1(b).

8. 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 Order for the approved Special Permit/Site Plan Approval with the Middlesex South Registry of Deeds.
 - b. Filed a copy of such recorded Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.

- c. Provided a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
 - d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - e. Provided a 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. Drought tolerant and indigenous plants shall be the predominant species installed in the landscape.
 - f. Provided a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex South Registry of Deeds . A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
 - g. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
 - h. Submitted a final Inclusionary Housing Plan for review and approval by the Director of Planning and Development that is certified as compliant by the Director of Planning and Development with the information required to be included in such Plan pursuant to §5.11 of the Zoning Ordinance.
 - i. Submitted for review and approval as to form to the City's Law Department, the Restrictive Covenant, as agreed to between petitioner and direct abutters, which provides for and requires the protection and preservation of the healthy mature trees located within a portion of the adjacent property at 1058 Beacon Street, Newton, Massachusetts.
9. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall submit a Construction Management Plan for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer. The Construction Management Plan shall be consistent and not in conflict with relevant conditions of this Order and shall include, but not be limited to, the following provisions:
- a. staging site for construction equipment,
 - b. construction materials,
 - c. parking of construction workers' vehicles,
 - d. phasing of the project with anticipated completion dates and milestones,
 - e. safety precautions,
 - f. emergency contact personnel of contractor
 - g. anticipated dewatering during construction,
 - h. site safety & stability,

- i. impacts to abutting properties, and
 - j. a construction noise plan.
 - k. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 5:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Commissioner of Inspectional Services.
10. No Final Inspection/Occupancy Permit for the use covered by this Special Permit/Site Plan Approval shall be issued until the petitioner has:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services and the Department of Planning and Development a final as-built survey plan in paper and digital format.
 - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.
 - d. Filed with the City Clerk and the Commissioner of Inspectional Services, a statement from the Planning Department approving final location, number and type of plant materials and final landscape features.
 - e. Provided evidence confirming the marketing, lottery, and resident selection for the Inclusionary Unit has been completed to the Director of Planning and Development for review and approval.
 - f. Entered into, and recorded at the Middlesex South Registry of Deeds, a Regulatory Agreement and Declaration of Restrictive Covenants for the Inclusionary Unit with the City of Newton and the Department of Housing and Community Development, in a form approved by the Law Department, which will establish the affordability restriction for the Inclusionary Unit in perpetuity.
 - g. The Inclusionary Unit shall be constructed and available for occupancy coincident with market rate units such that no more than three (3) market rate units may receive occupancy permits until the Inclusionary Unit has received its occupancy permit.
 - h. Submitted to the Department of Inspectional Services and the Department of Planning and Development a copy of the Restrictive Covenant described in Condition 8(i) above, as recorded with the Middlesex South Registry of Deeds, protecting healthy mature trees located within a portion of the adjacent property located at 1058 Beacon Street, Newton, Massachusetts.
11. Notwithstanding the provisions of Condition #10 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the

buildings prior to installation of final landscaping provided that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.

12. All landscaping shall be maintained in good condition and shall be replaced with similar material as necessary.
13. To the greatest extent possible, Petitioner shall install pervious pavers in the portion of the proposed surface driveway intended for Fire Truck temporary parking provided that such pavers are reviewed and approved by the Planning and Development Department and the Fire Department. If, however, the Fire Department does not approve of the use of pervious pavers then Petitioner may use asphalt or such other material(s) acceptable to the Fire Department.

Department of Planning and Development



PETITION #312-19 20 KINMONTH ROAD

TO ALLOW A THREE-STORY 24-UNIT MULTI FAMILY DWELLING GREATER THAN 20,000 SQ. FT. OF NEW GROSS FLOOR AREA, TO ALLOW GROUND FLOOR RESIDENTIAL UNITS, TO RECONSTRUCT AND FURTHER EXTEND NONCONFORMING SIDE SETBACKS, TO ALLOW AN FAR OF 1.4 IN A THREE-STORY STRUCTURE, TO WAIVE 24 PARKING STALLS, TO WAIVE MINIMUM STALL DEPTH REQUIREMENTS, TO WAIVE THE MAXIMUM DRIVEWAY WIDTH REQUIREMENT AND TO ALLOW A RETAINING WALL GREATER THAN FOUR FEET IN HEIGHT WITHIN A SETBACK

DECEMBER 3, 2019



1

Requested Relief



Special Permit per §7.3.3 of the NZO to:

- Request to allow a residential use with ground floor units (§4.4.1)
- A development of 20,000 square feet or more of new gross floor area (§4.1.2.B.1)
- To allow a three-story structure at 34.5 feet in height, and FAR of 1.4 (§4.1.2.B.3, §4.1.3)
- To reconstruct and further extend nonconforming side setbacks (§4.1.3)
- To waive 24 required parking stalls (§5.1.4.A, §5.1.13)
- To waive the minimum stall depth requirements (§5.1.8.B.2, §5.1.13)
- To waive the maximum driveway width requirement (§5.1.8.D.2, §5.1.13)
- To allow a retaining wall greater than four feet in height (§5.4.2.B)

2

Special Permit Criteria

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed multi-family structure. (§7.3.3.C.1.)
- The proposed multi-family structure as developed and operated will not adversely affect the neighborhood. (§7.3.3.C.2.)
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3.)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4.)
- The proposed floor area ratio of 1.4 in a three story structure, where 1.0 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 (§4.1.2.B.3, §4.1.3 and §7.3.3).

Continued on next slide

3

Special Permit Criteria (cont'd)

When reviewing this request, the Council should consider whether:

- The reconstruction and further extending the nonconforming side setbacks is more substantially detrimental to the neighborhood than the existing nonconforming structure (§7.8.2.C.2).
- The site planning building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy. (§7.3.3.C.5.)
- Literal compliance with the parking requirements of the Newton Zoning Ordinance (Ordinance) is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features. (§5.1.13.)

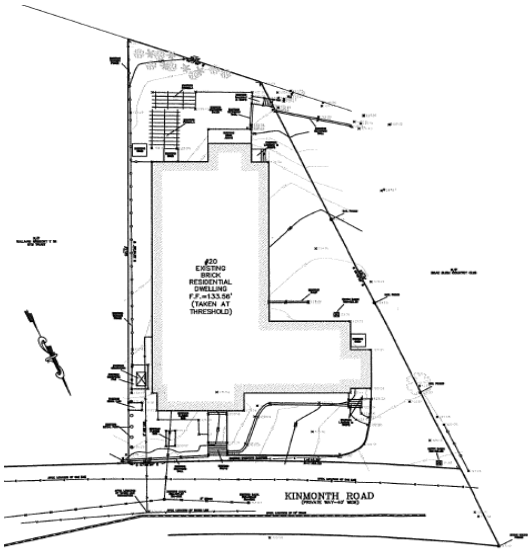
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AERIAL



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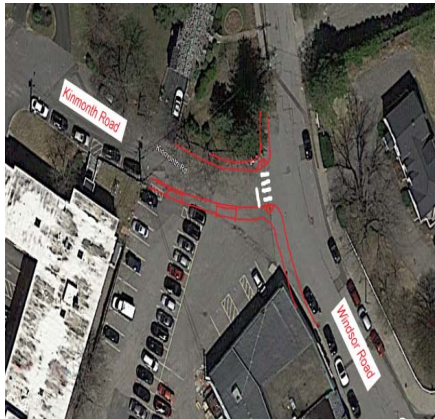
Existing Site Plan



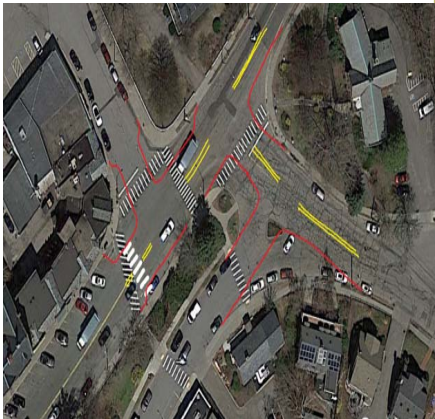
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Alternative Transportation put forth by Planning and Transportation

Preferred Option

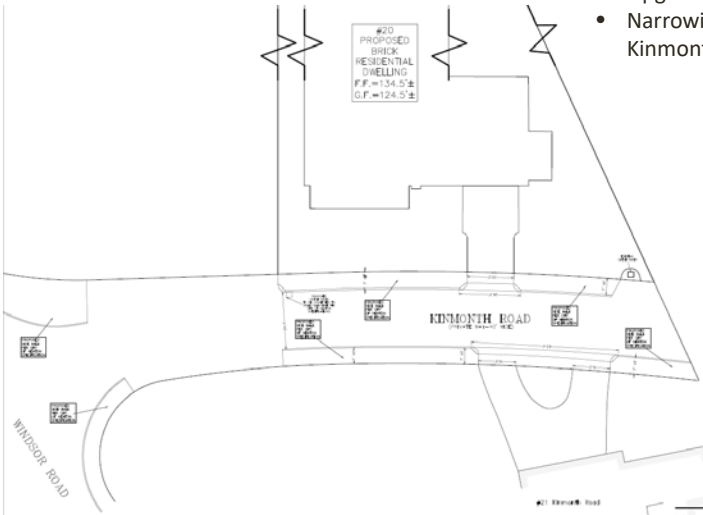


Option 2 – one bump out nearby on Beacon St.



9

Alternative Transportation



- Petitioner is proposing:
- Upgrading the road
 - Narrowing the entrance of Kinmonth Road

10

Front Elevation



11

Side Elevation



12

Elevation from Brae Burn



13

Unit Mix

Unit Type	Number of Units	Number of Deed Restricted Units	Average Square Footage (Of Unit Type)
One-Bedroom	13	2	832 S.F.
Two-Bedroom	9	1	1,316 S.F.
Three-Bedroom	2	1	1,575 S.F.
Total	24	4	N/A

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Consistency with *Comprehensive Plan* and Other Studies

Project aligns with the *Comprehensive Plan*, Housing and Transportation Strategies by:

- Locating additional housing units (24) in the dense, mixed use area of Waban Village Center
- Locating development near transit, and in a walkable setting
- Range of unit sizes and types
- Providing inclusionary units
- Encouraging alternative methods of transportation providing reimbursement for transit passes, and offering less parking

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Proposed Findings

1. The site is an appropriate location for the building as designed, as the structure is similar in size and scale to the existing structure and due to the site's proximity to amenities on Beacon Street and to transit. (§4.4.1, §4.1.2.B.1, §4.1.2.B.3, §4.1.3, §5.4.2.B, and §7.3.3.C.1)
2. The proposed project as designed, developed, and operated will not adversely affect the neighborhood because the petitioner is improving upon the existing structure in locating parking underground, providing landscaping and utilizing transportation demand management measures. (§4.4.1, §4.1.2.B.1, §4.1.2.B.3, §4.1.3, §5.4.2.B, and §7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians as the site is located on a dead-end street. (§4.4.1, §4.1.2.B.1, §4.1.2.B.3, §4.1.3, §5.4.2.B, and §7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved due to the site's location in a transit served environment, and its proximity to Waban Village Center. (§4.4.1, §4.1.2.B.1, §4.1.2.B.3, §4.1.3, §5.4.2.B, and §7.3.3.C.4)

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Proposed Findings (cont'd)

5. The proposed floor area ratio of 1.4 in a three-story structure, where 1.0 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 (§4.1.2.B.3, §4.1.3 and §7.3.3)
6. The reconstruction and further extending the nonconforming side setbacks is not more substantially detrimental to the neighborhood than the existing nonconforming structure as the nonconforming setback is decreasing by 2.4 inches on the eastern property line and six inches at the western property line (§4.1.3, and §7.8.2.C.2)
7. The site planning, building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy. (§7.3.3.C.5)
8. Exceptions to the parking requirements, including waving the dimensional standards of parking stalls, waiving 24 parking stalls are in the public interest for the following reasons:
 1. Reducing the minimum parking stall dimensions makes for the most efficient layout of the parking garage and helps to maximize the number of stalls that will be available
 2. Waiving 24 parking stalls is appropriate for this location given site's location in a walkable, transit accessible neighborhood. (§5.1.4.A.1, §5.1.8.B.2, §5.1.8.D.2, and §5.1.13)

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Proposed Conditions

1. Plan Referencing Condition
2. Standard Building Permit Conditions.
3. 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.
4. All lighting fixtures shall be residential in scale.
5. Submit Final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval.
6. Construction Management Plan (CMP) for review and approval.
7. Standard Final Inspection/Certificate of Occupancy Condition
8. Standard Inclusionary Condition
9. Bicycle storage in accordance with Condition

18

Proposed Conditions (cont'd)



11. The trash and recycling disposal shall be handled by a private entity and collection shall be scheduled at such times to minimize any disruption of the on-site parking and shall comply with the City's Noise Control Ordinance.

12. At the Petitioner's sole expense, the petitioner shall construct a sidewalk at the front of the site. This work shall be completed to the satisfaction of the Engineering Division of Public Works prior to the issuance of a temporary Certificate of Occupancy for the Project.

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 25,818 square foot, 24-unit multi-family structure with residential units on the ground floor, of three stories and 34.5 feet in height, with a floor area ratio (FAR) of 1.4, to reduce the minimum stall dimensions, to waive 24 required parking stalls, to allow a retaining wall over four feet in the front setback, to reconstruct and further extend nonconforming side setbacks, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

- 1) The site is an appropriate location for the building as designed, as the structure is similar in size and scale to the existing structure and due to the site's proximity to amenities on Beacon Street and to transit. (§4.4.1, §4.1.2.B.1, §4.1.2.B.3, §4.1.3, §5.4.2.B, and §7.3.3.C.1)
- 2) The proposed project as designed, developed, and operated will not adversely affect the neighborhood because the petitioner is improving upon the existing structure in locating parking underground, providing landscaping and utilizing transportation demand management measures. (§4.4.1, §4.1.2.B.1, §4.1.2.B.3, §4.1.3, §5.4.2.B, and §7.3.3.C.2)
- 3) There will be no nuisance or serious hazard to vehicles or pedestrians as the site is located on a dead end street. (§4.4.1, §4.1.2.B.1, §4.1.2.B.3, §4.1.3, §5.4.2.B, and §7.3.3.C.3)
- 4) Access to the site over streets is appropriate for the types and numbers of vehicles involved due to the site's location in a transit served environment, and its proximity to Waban Village Center. (§4.4.1, §4.1.2.B.1, §4.1.2.B.3, §4.1.3, §5.4.2.B, and §7.3.3.C.4)
- 5) The proposed floor area ratio of 1.4 in a three story structure, where 1.0 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. (§4.1.2.B.3, §4.1.3 and §7.3.3)
- 6) The reconstruction and further extending the nonconforming side setbacks is not more substantially detrimental to the neighborhood than the existing nonconforming structure as the nonconforming setback is decreasing by 2.4 inches on the eastern property line and six inches at the western property line. (§4.1.3, and §7.8.2.C.2)

- 7) The site planning, building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy. (§7.3.3.C.5)
- 8) Exceptions to the parking requirements, including waiving the dimensional standards of parking stalls, waiving 24 parking stalls are in the public interest for the following reasons:
 - a. Reducing the minimum parking stall dimensions makes for the most efficient layout of the parking garage and helps to maximize the number of stalls that will be available.
 - b. Waiving 24 parking stalls is appropriate for this location given site's location in a walkable, transit accessible neighborhood.
(§5.1.4.A.1, §5.1.8.B.2, §5.1.8.D.2, and §5.1.13)

PETITION NUMBER:	#312-19
PETITIONER:	20 Kinmonth Road Investment LLC
ADDRESS OF PETITIONER:	555 High Street Westwood, MA 02090
LOCATION:	20 Kinmonth Road
OWNER:	20 Kinmonth Road Investment LLC
ADDRESS OF OWNER:	555 High Street Westwood, MA 02090
TO BE USED FOR:	A multi-family development consisting of 24 units, including ground-floor units, and a below grade garage hereinafter the "Project."
EXPLANATORY NOTES:	Special permit per §7.3.3: To allow a 24-unit multi-family structure with 20,000 square feet or more of new gross floor area with three-stories and 34.5 feet in height, and ground-floor units (§4.4.1, §4.1.2.B.3, §4.1.3); to allow an FAR of 1.4 in a three story structure (4.1.2.B.3, §4.1.3); To reconstruct and further extend nonconforming side setbacks (§4.1.3 and §7.8.2.C.2); To waive the parking stall dimensional requirements (§5.1.8.B.2, and §5.1.13); To waive 24 parking stalls (§5.1.4.A, and §5.1.13); To allow a retaining wall greater than four feet in height within the front setback (§5.4.2.B);

ZONING: Business Use 1

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. Site/Civil plans, prepared by Spruhan Engineering, signed and stamped by Edmond T. Spruhan, Professional Land Surveyor, and Marc Besio, Professional Engineer, consisting of the following three (3) sheets:
 - Proposed Civil Plan, dated August 16, 2019, revised September 26, 2019, Sheet 1
 - Detail Sheet, dated August 16, 2019, revised September 26, 2019, Sheet 2
 - Detail Sheet, dated August 16, 2019, revised September 26, 2019, Sheet 3
 - b. Architectural Plans entitled, "Proposed Development at 20 Kinmonth Road Waban, Mass." prepared by McKay Architects., consisting of eight (8) sheets:
 - Illustrative Landscape Plan, dated October 1, 2019, L1
 - Garage Plan, dated September 26, 2019, A-1.1
 - First Floor Plan, dated September 26, 2019, A-1.2
 - Second Floor Plan, September 26, 2019, A-1.3
 - Third Floor Plan, September 26, 2019, A-1.4
 - Roof Plan, dated September 26, 2019, A-1.4
 - Front and Right Elevations, dated September 26, 2019, A-2.1
 - Rear and Left Elevation, dated September 26, 2019, A-2.2
2. In accordance with the City's Inclusionary Zoning Ordinance (§5.11.4), the Project shall include four (4) affordable ownership housing units (the "Inclusionary Units"), as follows:
 - a. 3 of the residential units in the Project shall be made available to households earning at or below 80% of Area Median Income (AMI), as designated by the U.S. Department of Housing and Urban Development, adjusted for household size for the Boston-Cambridge-Quincy, MA-NH HMFA. These units must be priced for affordability to households having annual gross incomes of not more than 70% of the area median income at the time of marketing ("Tier 1 Units").
 - b. 1 of the residential units in the Project shall be affordable to households earning greater than 80%, but at or below 110% of AMI, as designated by the U.S. Department of Housing and Urban Development, adjusted for household size for the Boston-Cambridge-Quincy, MA-NH HMFA. These units must be priced for affordability to households having annual gross incomes of not more than 100% of the area median income at the time of marketing ("Tier 2 Units").

3. The Inclusionary Units shall comply with all applicable provisions of the City's Inclusionary Zoning Ordinance (§5.11).
4. Monthly housing costs (inclusive of mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, hazard insurance, and 1 parking space) must not exceed 30% of the applicable household income limit for that Inclusionary Unit and shall be consistent with Zoning Ordinance § 5.11.4.D.2.
5. For the initial lottery, 70% of the Inclusionary Units shall be designated as Local Preference units, as permitted and defined by the Massachusetts Department of Housing and Community Development (DHCD).
6. The bedroom mix of the Inclusionary Units shall be equal to the bedroom mix of the market-rate units in the Project and shall be reviewed and approved by the Director of Planning and Development prior to the issuance of a building permit for the Project.
7. The proposed bedroom mix of the Project includes 13 one-bedroom units, 9 two-bedroom units, and 2 three-bedroom units. Being that the Project is utilizing the "Incentives for Additional Inclusionary Units" provision of the Zoning Ordinance § 5.11.4.C., providing an additional 3-bedroom Inclusionary Unit in exchange for 3 additional market-rate units, the bedroom mix of the 4 Inclusionary Units shall be two 1-bedroom units, one 2-bedroom units, and one 3-bedroom unit.
8. One of four Inclusionary Units shall be made fully accessible in accordance with the Massachusetts Architectural Access Board regulations.
9. Prior to the issuance of any building permits for the vertical construction of the Project, the Petitioner shall provide an updated Inclusionary Housing Plan and Affirmative Fair Housing Marketing and Resident Selection Plan (AFHMP) for review and approval by the Director of Planning and Development, per §5.11.8. of the Newton Zoning Ordinance. The Inclusionary Housing Plan and Affirmative Fair Housing Marketing and Resident Selection Plan must meet the requirements of DHCD's guidelines for Affirmative Fair Housing Marketing and Resident Selection and be consistent with §5.11.8. of the Newton Zoning Ordinance. In accordance with DHCD's current guidelines, the units will be affirmatively marketed and sold through a lottery.
10. Prior to the issuance of any temporary occupancy certificates for the Project, the Petitioner, City, and DHCD will enter into, and record at the Middlesex South Registry of Deeds, a Regulatory Agreement and Declaration of Restrictive Covenants, in a form approved by the City of Newton Law Department, which will establish the affordability restriction for the Tier 1 Inclusionary Units in perpetuity.
11. Prior to the issuance of any temporary occupancy certificates for the Project, the Petitioner and City will enter into, and record at the Middlesex South Registry of Deeds, a Declaration of Restrictive Covenants, in a form approved by the City of Newton Law Department, which will establish the affordability restriction for the Tier 2 Inclusionary Units in perpetuity.

12. No residential unit shall be constructed to contain or be marketed and/or sold as containing more bedrooms than the number of bedrooms indicated for said unit in the plans referenced in Condition #1.
13. Inclusionary Units, and their associated parking spaces, shall be proportionally distributed throughout the Project and be sited in no less desirable locations than the market-rate units. Floor plans indicating the location of the Inclusionary Units and the fully accessible units shall be reviewed and approved by the Director of Planning and Development prior to the issuance of a building permit for the Project.
14. The Inclusionary Units shall be designed and constructed subject to the provisions of Zoning Ordinance § 5.11.7.
15. To the extent permitted by applicable regulations of DHCD, the Tier 1 Inclusionary Units shall be eligible for inclusion on the State's Subsidized Housing Inventory (SHI) as Local Action Units through DHCD's Local Initiative Program.
16. All exterior lighting fixtures shall be residential in scale and not cause light pollution, and shall be subject to review and approval by the Director of Planning and Development before any Building Permit may be issued pursuant to this Special Permit/Site Plan Approval.
17. The cost of parking stall(s) shall be sold separately from the cost of a unit, provided, however, that the cost of one parking stall shall be included in the price for each Inclusionary Unit. Prior to the issuance of any certificate of occupancy for a market rate unit (temporary or final), the Petitioner shall provide evidence of such separation to the Director of Planning and Development.
18. Prior to the issuance of any building permits for the vertical construction of the Project, the Petitioner shall submit final plans for review and approval by the Director of Planning and Development and the Commissioner of Public Works in consultation with the Director of Transportation, and the City Engineer, consistent with the plan "Proposed Street Plan, 20 Kinmonth Road" prepared by Spruhan Engineering, P.C., dated September 26, 2019 showing upgrades to a standard of acceptance of a public way by the City. These improvements include but are not limited to:
 - a. the removal and replacement of the existing roadway base with suitable material consistent with City of Newton standards for a public way;
 - b. suitable stormwater management;
 - c. vertical granite curb on both sides of a traveled way paved to at least 22 feet wide.

Upon approval, the petitioner shall complete the work prior to the Certificate of Occupancy at its sole cost and expense. After completion, the petitioner shall maintain Kinmonth Road to the City of Newton standards. If the aforementioned work and upgrading of Kinmonth Road to City of Newton standards is not possible due to the inability to obtain Kinmonth Road property owners' permissions, the Petitioner shall work with the City to identify other local improvements or other measures that the Petitioner shall fulfill at a similar cost. The Petitioner shall use best efforts and shall have

documentation of those efforts to obtain Kinmonth Road property owners' permissions for completion of upgrades and sidewalks on Kinmonth Road.

19. The Petitioner shall reconstruct sidewalks on Windsor Road for the purpose of narrowing the entry to Kinmonth Road consistent with the plan "Proposed Street Plan, 20 Kinmonth Road" prepared by Spruhan Engineering, P.C., dated September 26, 2019 and constructed to the City of Newton's specifications. Prior to the issuance of any building permits for the vertical construction of the Project, the Petitioner shall submit final plans for review and approval by the Director of Planning and Development and the Commissioner of Public Works in consultation with the Director of Transportation, and the City Engineer. These improvements will be completed by the Petitioner at its sole cost and expense. Prior to the issuance of any final certificates of occupancy, and at the Petitioner's sole cost and expense, the Petitioner shall complete the reconstruction of the sidewalks in accordance with the approved plans. The City Engineer shall also inspect and approve the improvements upon completion.
20. Secure on-site bicycle storage shall be provided in accordance with the plans in Condition #1.
21. All new residential units will conform to the Massachusetts Architectural Access Board (MAAB) requirements for "Group 1" units. In addition, per MAAB guidelines, 5% of the new units shall be designed as "Group 2A" units, which are designed spatially for immediate wheelchair use. The design and construction of the site and proposed structure shall comply with Massachusetts Architectural Access Board regulations and the Fair Housing Act.
22. The trash and recycling disposal shall be handled by a private entity and collection shall be scheduled at such times to minimize any disruption of the on-site parking and shall comply with the City's Noise Control Ordinance.
23. All on-site landscaping associated with this Special Permit/Site Plan Approval shall be installed and maintained in good condition. Any plant material that becomes diseased or dies shall be replaced on an annual basis with similar material.
24. At the Petitioner's sole expense, the petitioner shall construct a sidewalk at the front of the site. This work shall be completed to the satisfaction of the Engineering Division of Public Works prior to the issuance of a temporary Certificate of Occupancy for the Project.
25. Prior to the issuance of a temporary certificate of occupancy for the Project, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be recorded by the petitioners at the Middlesex South District Registry of Deeds and implemented. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
26. Prior to the issuance of any building permit for the Project, 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.

27. Prior to the issuance of any building permit for the Project, the petitioner shall provide a Final Site Plan (which shall indicate the location of adequate snow storage area(s) or identify a suitable alternative for snow removal) for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
28. The petitioner shall be responsible for securing and paying for any and all police details that may be necessary for traffic control throughout the construction process as required by the Police Chief.
29. Prior to the issuance of any building permit for the Project the petitioner shall submit a Construction Management Plan (CMP) for review and approval by the Commissioner of
30. The Petitioner shall be responsible for repairing any and all damage to public ways and property caused by any construction vehicles. All repair work shall be done prior to the issuance of a final Certificate of Occupancy, unless the Commissioner of Public Works determines that the damage to the public way is so extensive that it limits the use of the public way. In such case the repair work must be initiated within one month of the Commissioner making such determination and shall be conducted consistent with City Construction Standards, and shall be completed within an appropriate time frame, as determined by the Commissioner.
31. Inspectional Services, the Director of Planning and Development, and the City Engineer. The Construction Management Plan shall be consistent and not in conflict with relevant conditions of this Order and shall include, but not be limited to, the following provisions:
 - a. 24-hour contact information for the general contractor of the project.
 - b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Commissioner of Inspectional Services. The petitioner shall consider local traffic and pedestrian activity in determining hours and routes for construction vehicles.
 - c. The petitioner shall consider local traffic and pedestrian activity relating to the nearby public school in determining hours and routes for construction vehicles.
 - d. The proposed schedule of the project, including the general phasing of the construction activities and anticipated completion dates and milestones.
 - e. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for construction and delivery vehicles, and location of any security fencing.
 - f. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.

- g. Proposed methods of noise and vibration control, in accordance with the City of Newton's Ordinances. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.
 - h. A plan for rodent control prior to demolition, during demolition, and during construction.
 - i. The CMP shall also address the following:
 - safety precautions;
 - anticipated dewatering during construction;
 - site safety and stability;
 - impacts on abutting properties.
32. The Petitioner shall comply with the City's Tree Preservation Ordinance.
33. The Petitioner shall consult with an independent sustainability building professional/LEED Associate on the design and construction of the building, and achieve and/or implement the following measures which shall be incorporated into the Project:
- a. One third (1/3) of the roof will incorporate blue roof technology to maximize rainwater capture.
 - b. A drought tolerant landscape that will utilize native plantings.
 - c. Utilization of pervious pavers for the walkway, patio, and access driveway.
 - d. Two shaded outdoor spaces, one located in the front of the building, and in the rear yard.
 - e. Two electric vehicle charging stations, and interior and exterior bike racks.
 - f. Engagement with a MEP engineer with prior experience in sustainable projects.
 - g. High performance building envelope with one inch insulated sheathing at all perimeter walls with R21 blown in insulation which will combine for an R27 value, and double wall type with acoustical insulation.
 - h. HVAC systems will be in each unit and will be all electric.
 - i. Low albedo roof to reduce heat-island effect in the environment and heat gain in the building.
 - j. LED lighting will be provided.
34. The Petitioner has committed to analyze, review and discuss with the Director of Planning and Development the following sustainability strategies, prior to the issuance of any building permit for the Project, in order to determine their feasibility and the possible return on investment if they were to be implemented:
- a. Recycled and recyclable materials to reduce impact of raw materials and reduce waste to landfills.

- b. Paint, carpet adhesives, engineered wood products, and solid surfacing will be specified in accordance with low volatile organic compounds with no added urea formaldehyde.
 - c. Low maintenance materials to increase longevity which results in less material consumption and maintenance.
35. The petitioner shall be responsible for securing and paying for any and all police details that may be necessary for traffic control throughout the construction process as required by the Police Chief.
36. No building permit for the construction of the Project shall be issued pursuant to this Special Permit/Site Plan approval until the Petitioner has:
- a. Recorded a certified copy of this Council order with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Council order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Department of Planning and Development that confirms the final building permit plans and façade elevations are consistent with plans approved in Condition #1.
 - d. Submitted a final Inclusionary Housing Plan for review and approval by the Director of Planning and Development that is certified as compliant by the Director of Planning and Development with the information required to be included in such Plan pursuant to §5.11.8. of the Zoning Ordinance.
 - e. Submitted final engineering, utility, and drainage plans for review and approval by the City Engineer. A statement certifying such approval shall have been filed with the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development.
 - f. Submitted a final plan of land, recorded at the Middlesex Registry of Deeds, to the Engineering Division of Public Works.
 - g. Provided a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex South Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
 - h. Submitted a final Construction Management Plan (CMP) for review and approval by the Commissioner of Inspectional Services in consultation with the Director of Planning and Development, the Fire Department, the Commissioner of Public Works, the City Engineer, and the Director of Transportation.

- i. Provided a 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.
37. No temporary or final occupancy permit for the use covered by this Special Permit/Site Plan approval shall be issued until the Petitioner has:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect and civil engineer certifying compliance with Condition 1.
 - b. Submitted to the Department of Inspectional Services, the Department of Planning and Development, and the Engineering Division final as-built survey plans in paper and digital format.
 - c. Received approval from the City Engineer for the Operation and Maintenance (O & M) plan for Stormwater Management from the City Engineer. Such plan shall be recorded by the petitioners at the Middlesex South District Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works and the Director of Planning and Development in accordance with Condition #25.
 - d. Filed with the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that all engineering details for the project site have been constructed to standards of the City of Newton Public Works Department.
 - e. Filed with the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number, and type of plant materials, final landscape features, fencing, and parking areas.
 - f. Submitted to the Planning and Law Departments copies of fully executed and recorded Regulatory Agreement and Affordable Housing Deed Restrictions for all Inclusionary Units, in accordance with Conditions #10-11
 - g. Provided evidence confirming the marketing, lottery, and resident selection for the Inclusionary Units has been completed to the Director of Planning and Development for review and approval.
 - h. Inclusionary Units shall be completed and occupied no later than the completion and occupancy of the Project's market-rate units, such that no more than five market rate units may receive occupancy permits until the corresponding Inclusionary Unit has received its occupancy permit.
 - i. The Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for portions of the buildings, prior to installation of required on-site landscaping/ exterior hardscape improvements required per the approved plans. Prior, however, to issuance of any temporary certificate of occupancy

pursuant to this condition, the Commissioner of Inspectional Services shall require that the Petitioner first file a bond, letter of credit, cash or other security in the form satisfactory to the Law Department in an amount not less than 135% of the value of the aforementioned remaining improvements.

145 WARREN STREET NEWTON, MASSACHUSETTS

Land Use Public Hearing
December 3, 2019

1

NEIGHBORHOOD D

- Located in Heart of Newton Centre
- Short Walk to Newton Centre Green Line Station;
- Immediate Area Restaurants and Shops
- Mixed Businesses and Multi-Family zoned properties



2

SITE INFORMATION

- 23,399 SF of land, which is one of the larger parcels of land within the immediate area.
- MRI Zoning District
- Historically Significant Home to be Preserved – NHC Approved Design
- Proposed Four Residential Units
- MBTA Green Line at Rear of Property
- Wetlands at Rear of Property – Order of Conditions Issued by City of Newton Conservation Commission

3

DENSITY



Immediate Neighborhood Density = 5,670 SF Per Unit
Proposed Project Density = 5,850 SF Per Unit

Address	Lot Size	Number of Units	Lot Area Per Unit
101 Warren Terr.	7760	2	3880
115 Warren Terr.	6615	2	3307.5
119 Warren St.	6615	2	3307.5
118 Warren Terr.	5300	2	2600
2 Warren Terr.	10623	2	5311.5
110-111 Warren St.	24135	2	12067.5
117-119 Warren St.	17455	2	8727.5
111-111 Warren St.	18020	2	9010
112 Warren St.	20846	2	10423
118 Warren St.	9284	2	4643
114-111 Warren St.	8760	2	4380
112 Warren St.	10291	2	5145.5
142-141 Warren St.	7200	2	3600
142-150 Warren St.	11998	2	5999
114-116 Warren St.	10902	2	5451
142-142 Warren St.	10134	2	5067
112-110 Warren St.	4808	2	2404
Total	192790	34	5670.29

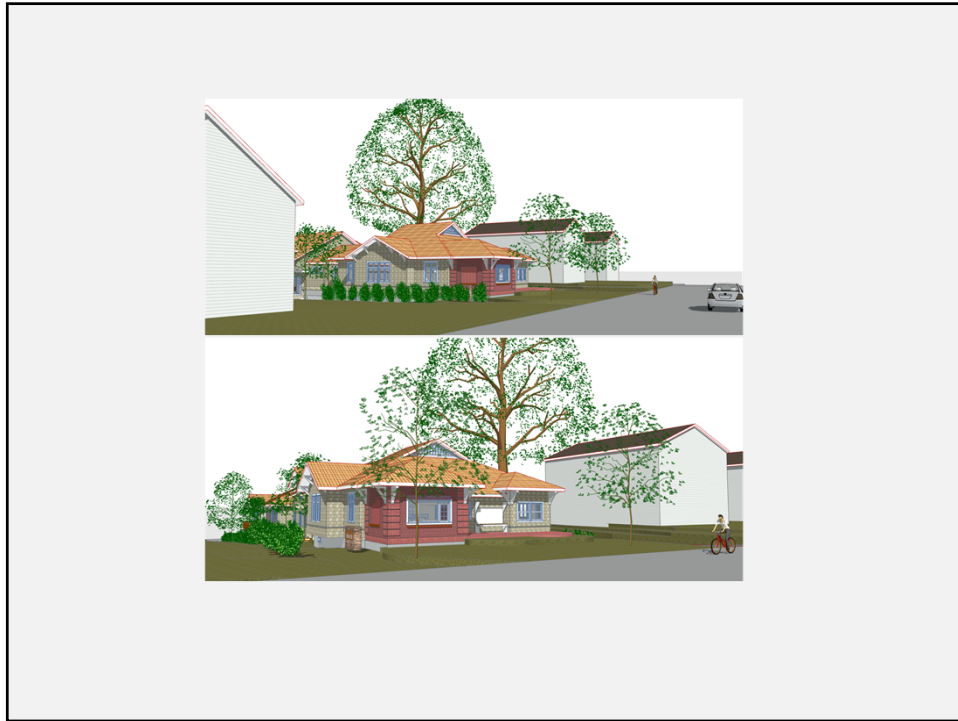
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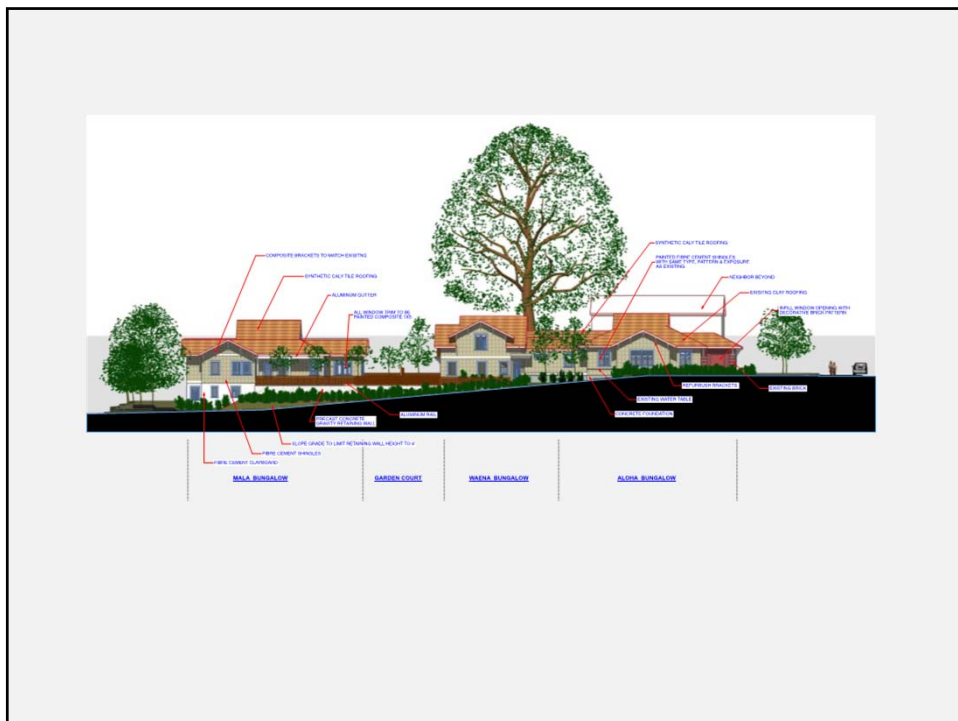
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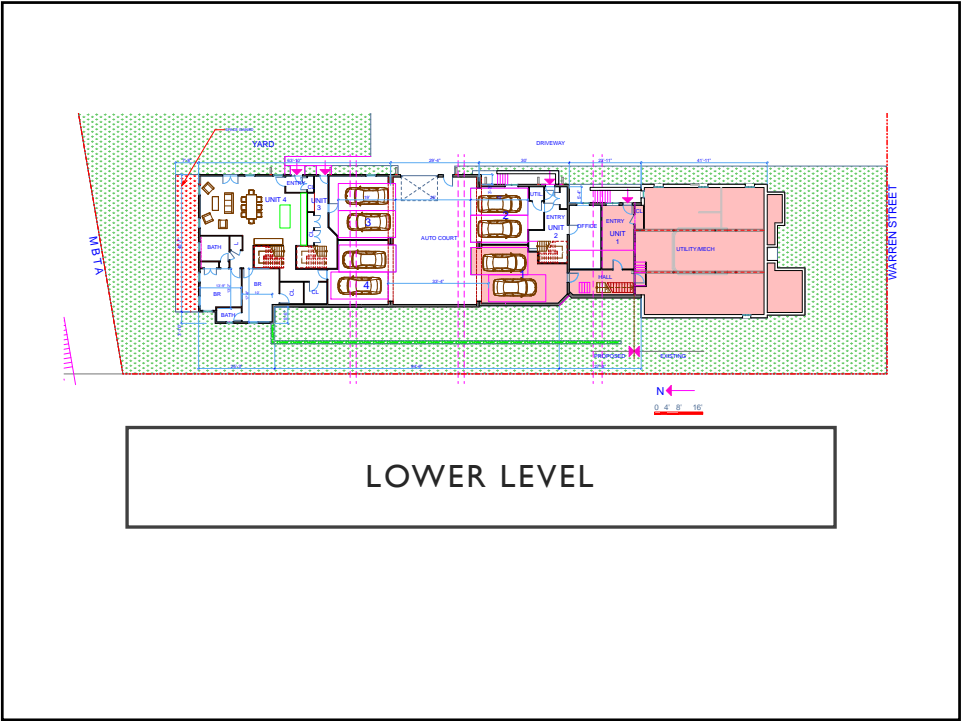
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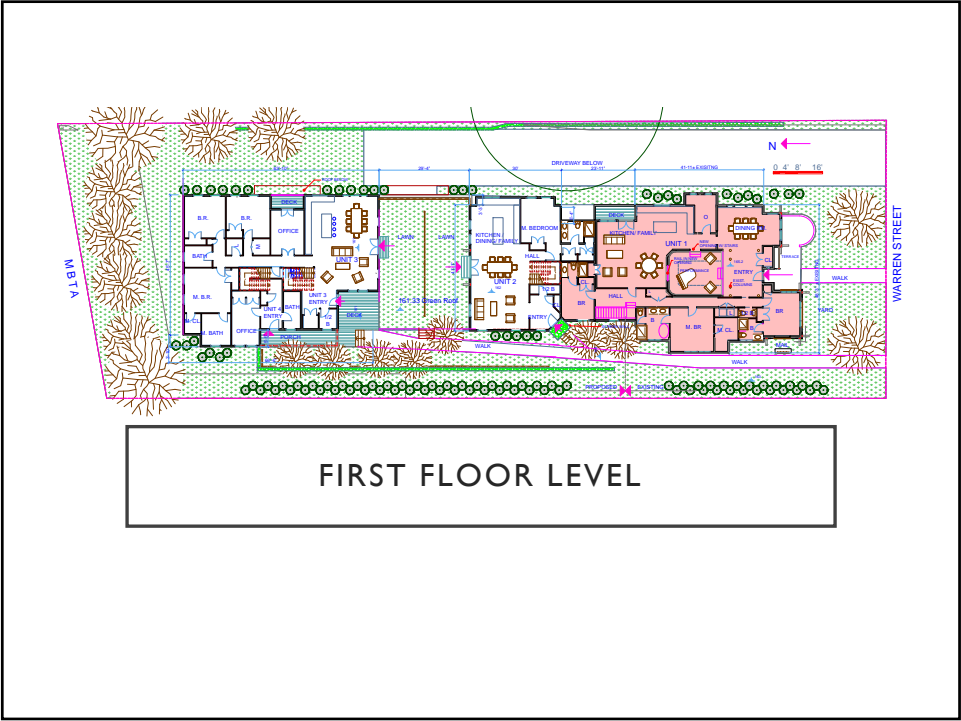
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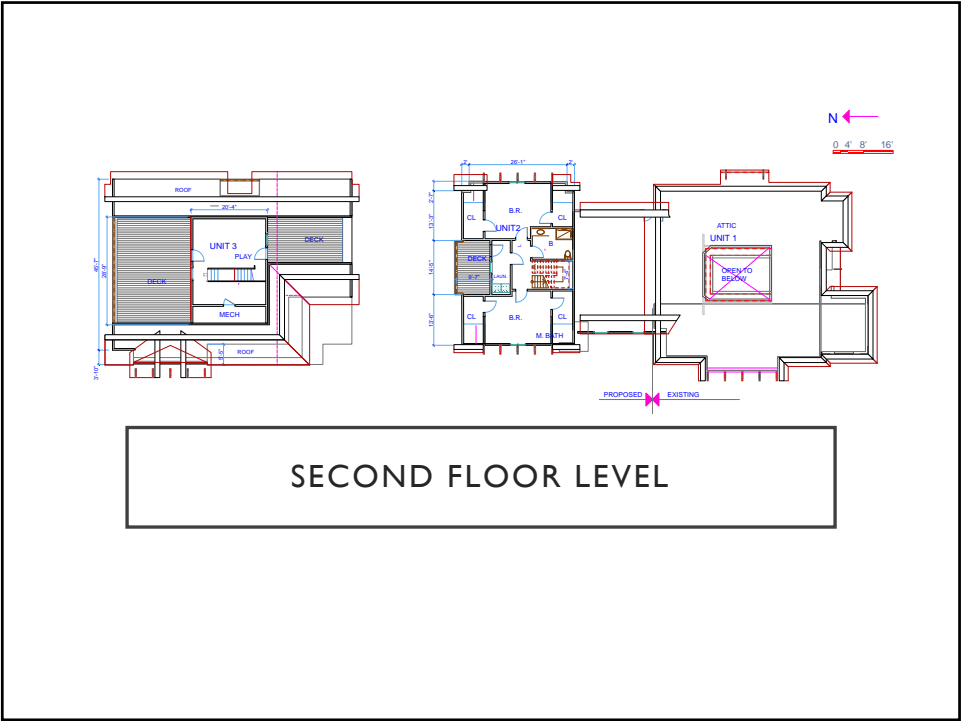
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Department of Planning and Development



PETITION #175-19 (2) 145 WARREN STREET

TO ALLOW FOUR SINGLE-FAMILY ATTACHED DWELLINGS IN ~~TWO BUILDINGS~~, ONE BUILDING, TO ALLOW REDUCED SIDE AND REAR SETBACKS, TO INCREASE THE ALLOWED LOT COVERAGE, TO ALLOW A DRIVEWAY WITHIN TEN FEET OF THE SIDE LOT LINE, TO ALLOW A THREE-STORY STRUCTURE AND TO ALLOW RETAINING WALLS GREATER THAN 4' WITHIN A SETBACK



DECEMBER 3, 2019

1

Requested Relief



Special Permit per §7.3.3 of the NZO to:

- Allow attached single-family dwellings. (§3.4.1)
- Reduce required side and rear setbacks. (§3.2.4)
- Increase allowed lot coverage (§3.2.4)
- Allow a driveway within 10 feet of the side lot line. (§6.2.3.B.2)
- Allow retaining walls of four feet or more in height within a setback (§5.4.2.B)
- Allow a three story structure (§3.2.4)

2

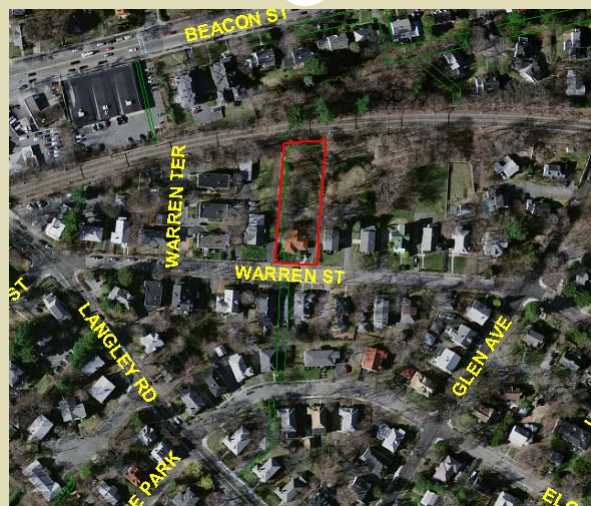
Special Permit Criteria

When reviewing this request, the Council should consider whether:

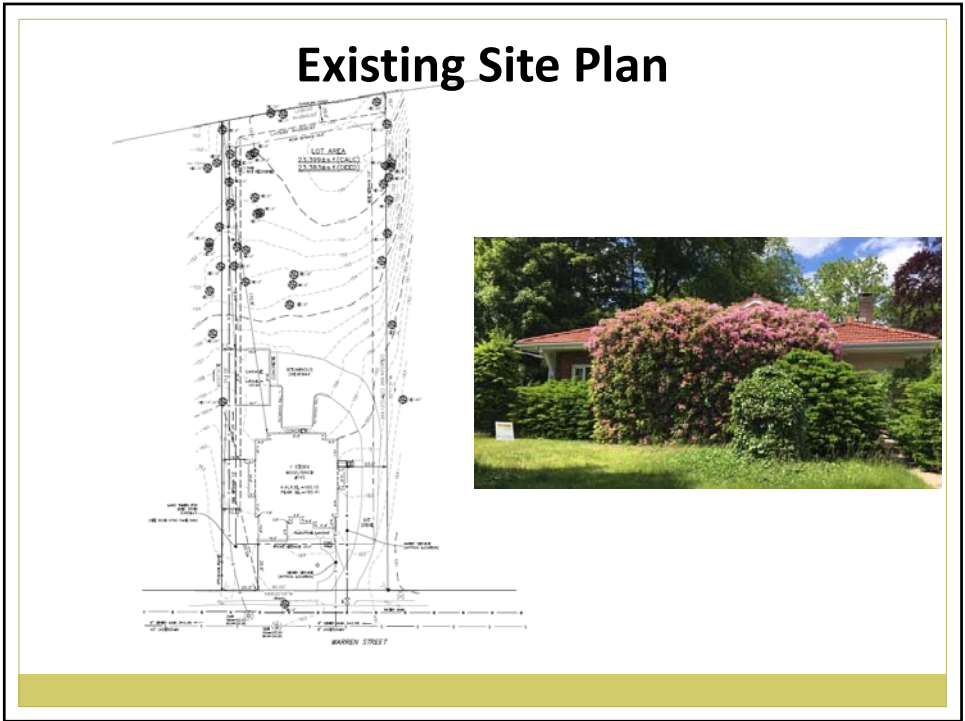
- The specific site is an appropriate location for the proposed four single-family attached dwellings. (§7.3.3.C.1)
- The proposed four single-family attached dwellings will adversely affect the neighborhood. (§7.3.3.C.2)
- The proposed single-family attached dwelling will create a nuisance or serious 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)
- Literal compliance with the dimensional standards for the side and rear setbacks, lot coverage and a driveway located within ten feet of the side lot line, is impractical due to the nature of the use, or the location, size, frontage, 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 (§3.2.4, §6.2.3.B.2)

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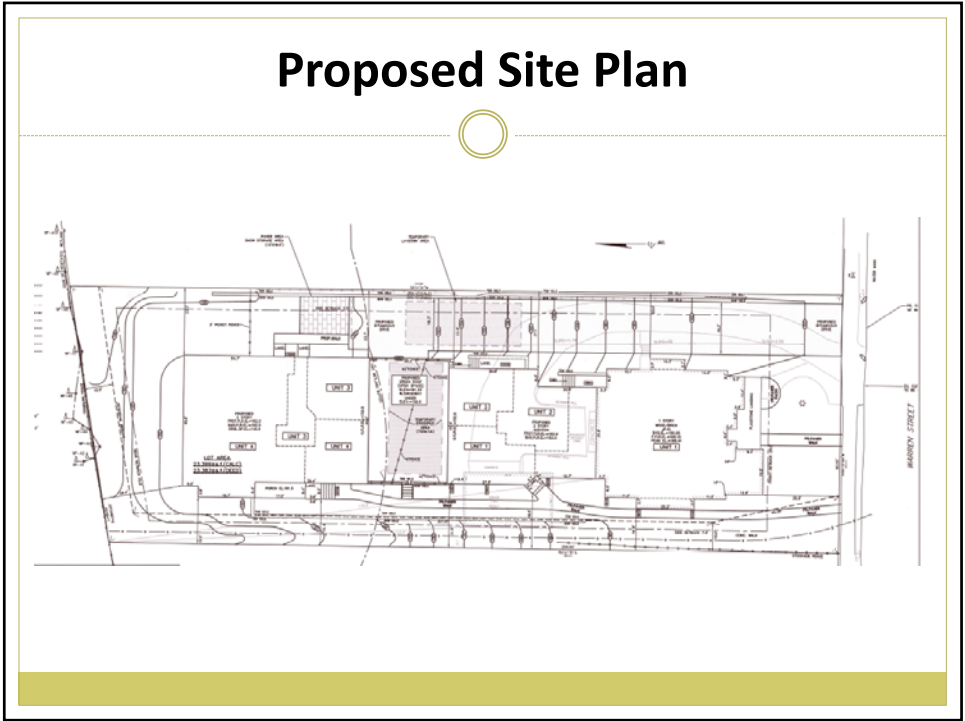
AERIAL



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Unit Sizes

	Unit 1	Unit 2	Unit 3	Unit 4
Living Space				
Lower Level	430	481	271	1696
Street Level	2775	1376	2152	427
Second Floor		1013	539	
Total Living Space	3205	2870	2868	2123
Garage	514	441	455	422
Total with Garage Space	3719	3311	3323	2545

7

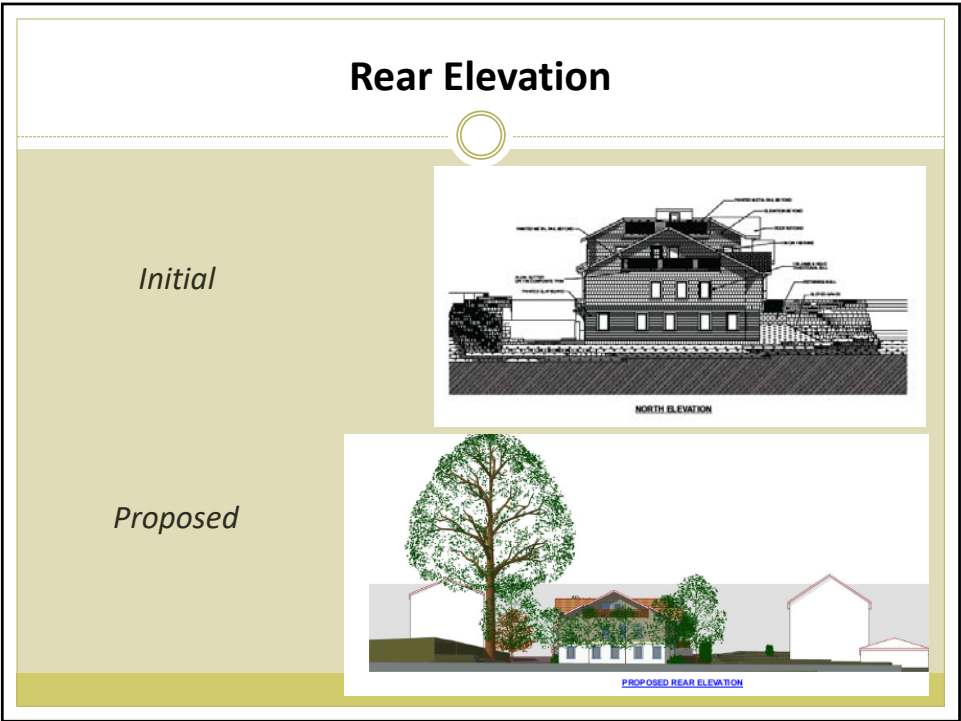
Front Elevation



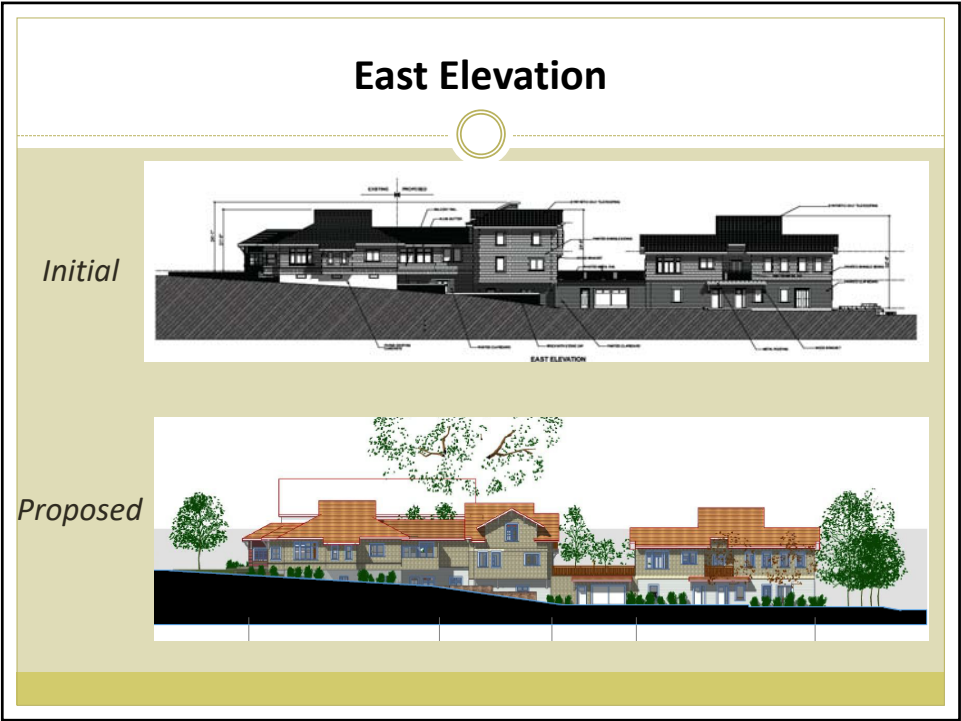
Proposed



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West Elevation

Initial

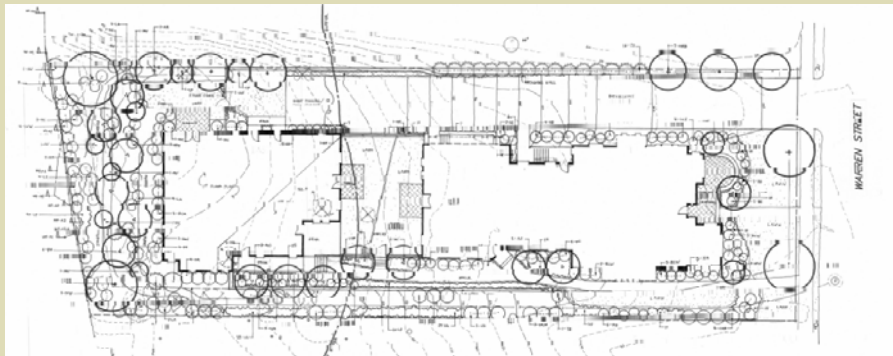


Proposed



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Landscape Plan



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Proposed Findings

- The specific site is an appropriate location for the proposed four single-family attached dwellings due to the surrounding and largely multifamily residential uses on Warren Street in the multi-residence 1 zone. (§7.3.3.C.1)
- The proposed four single-family attached dwellings will not adversely affect the neighborhood as there are only three additional units being proposed in a largely multi-family residential neighborhood. (§7.3.3.C.2)
- The proposed single-family attached dwelling will not 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)
- Literal compliance with the dimensional standards for the side and rear setbacks, lot coverage and a driveway located within ten feet of the side lot line, is impractical due to the nature of the use, or the location, size, frontage, 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 due to the proposed project incorporating and existing historically significant structure. (§3.2.4, §6.2.3.B.2)

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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.
 - Obtain a license from DPW to construct the retaining walls prior to building permit
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.
9. Standard Final Inspection/Certificate of Occupancy Condition
10. Pre/post construction inspection of drainpipe
11. Approval from the Conservation Commission for any work done within 100 foot buffer zone.

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