



Land Use Committee Report

City of Newton In City Council

Tuesday, April 3, 2018

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

Also Present: Councilors Ciccone, Krintzman, Leary

City Staff Present: Associate City Solicitor Bob Waddick, Chief Planner Jennifer Caira, Senior Planner Neil Cronin, Senior Planner Michael Gleba, Planning Associate Valerie Birmingham

All Special Permit Plans, Memos 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.

#136-18 Petition to exceed FAR at 2 Terrace Avenue

BHARAT BHUSHAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct additional space over a two-car garage, exceeding the maximum allowable FAR of .41 where .43 is proposed and .41 exists at 2 Terrace Avenue, Ward 6, Newton Highlands, on land known as Section 54 Block 29 Lot 03, containing approximately 8,216 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9 of the City of Newton Rev Zoning Ord, 2015.

Action: **Land Use Approved 5-1-2 (Auchincloss Opposed, Laredo, Schwartz abstaining); Public Hearing Closed 04/03/2018**

Note: Petitioner Bharat Bhusan presented the petition for FAR relief to allow additional attic space in the existing two-car garage at 2 Terrace Avenue. The petitioner initially submitted plans that identified a roof pitch requiring a Special Permit for FAR relief. The petitioner modified the plans to reduce the ceiling height in the garage and reduce the FAR. After demolishing the dwelling and constructing the existing dwelling, it was determined that the original plans were used in error, exceeding the allowable FAR and requiring a Special Permit at 2 Terrace Avenue. Mr. Bhusan noted that the additional attic space will not be used as habitable space and it is his intent to use the space as storage. He noted that the pitch of the roof to 6'11" creates the increased floor area, creating the requirement for relief.

Planning Associate Ms. Valerie Birmingham reviewed with requested relief and criteria for consideration as follows:

Special Permit per §7.3 of the NZO to:

- Exceed FAR (§3.1.9).

When reviewing the requested special permits the Council should consider whether:

- The proposed increase in FAR from 0.41 to 0.43, where 0.41 is the maximum allowed by right, in consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. (§3.1.9 and §7.3.3)

Ms. Birmingham demonstrated the zoning, land use, an aerial photo and photos of the site. She demonstrated the elevations as constructed as well as the elevations approved when the building permit was issued.

The public hearing was opened.

Mark Nichols, 115 Manchester Road, renovates properties in the neighborhood. Mr. Nichols noted that constructing and later asking for forgiveness sets a precedent and stated that the rules exist for a reason. He does not believe that the construction belongs in the neighborhood and noted that the petitioner should have been able to build within zoning regulations given that it was new construction. He noted that the petitioner has not communicated plans to the neighborhood.

Priscilla Mario, 55 Duncklee Street, shares Mr. Nichols' concerns. She noted that the garage is not in keeping with the neighborhood character and she has concerns about regulations not being followed.

Katherine Gray, 111 Manchester Road, noted that the neighborhood has been flooded with developments. She noted that when renovating her property, she abided by the setbacks. She believes that the rules should be followed.

With no other member of the public wishing to speak, Councilor Auchincloss motioned to close the public hearing which carried unanimously. The Chair explained that design of a project is not in the purview of the Committee and noted that Special permits are permitted with after review and a hearing, without a hardship. He noted that the standard that the Committee must find is that the proposed change is not substantially more detrimental than the existing condition. Some Committee members noted that because the dwelling at 2 Terrace Avenue was new construction, the petitioner should have been able to build within the allowable FAR. A Committee member noted that the proposed increase in FAR must be consistent and not in derogation of size, scale and character of other houses in the neighborhood.

Ms. Caira confirmed that the increase in roof pitch triggers counting additional floor space, but noted that it may not be habitable. A Committee member noted that an interior modification to the ceiling height would reduce the FAR, while the exterior remains the same. It was noted that the additional space accounts for approximately 120 sq. ft. Councilor Crossley motioned to approve the item. Committee members reviewed the draft findings and conditions as follows:

1. The proposed increase of FAR from .41 to .43, where .41 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 as it will be adding a minimal amount of massing to the structure. (§3.1.9 and §7.3.3)

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

Committee members voted 5-1-2 with Councilor Auchincloss opposed and abstentions from Councilors Laredo and Schwartz.

#133-18 **Petition to allow a restaurant with more than 50 seats at 2095 Commonwealth Ave**
AUBURNDALE REALTY VENTURES NOMINEE TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert the existing structure to allow a restaurant with more than 50 seats, to allow a free standing sign, to allow more than two secondary signs, waivers to the interior landscaping requirements, waivers to lighting requirements, waivers to perimeter screening requirements, and parking waivers for: parking in the front setback and reduced aisle width at 2095 Commonwealth Avenue, Ward 4, Auburndale, on land known as Section 41 Block 17 Lot 18 containing approximately 19,627 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4, 4.4.1, 5.1.8.A.1, 5.1.13, 5.1.8.C.1, 5.1.8.C.2, 5.1.9.A.1, 5.1.9.B, 5.1.10.A, 5.2.3, 5.2.8, 5.2.13.A of the City of Newton Rev Zoning Ord, 2015.

Action: **Land Use Approved 8-0; Public Hearing Closed 04/04/2018**

Note: At the public hearing on March 6, 2018, members of the public and Committee members raised concerns relative to the landscaping, signage and proposed lighting plan for the new Starbucks at 2095 Commonwealth Avenue. Many residents expressed concern regarding the over lit site. Councilor Markiewicz organized a community meeting with representatives from the neighborhood and Starbucks to resolve outstanding issues.

Starbucks Representative, Justin Ferris, thanked the neighborhood and Councilor Markiewicz for feedback and working to resolve the concerns that were raised at the public hearing. Mr. Ferris stated that after the community meeting, Starbucks removed 2/3 lights from the side elevations to be replaced with scone lights that will not spillover. Additionally, the remaining light on the side elevations will be shielded to direct light downwards. In response to concerns raised about the proposed free standing sign, Mr. Ferris noted that Starbucks has agreed to not pursue the freestanding sign and will remove the existing frame.

Mr. Ferris reviewed the revised landscaping proposal. While no perimeter landscaping was proposed as part of the initial petition, the petitioner now proposes some landscaping including the planting of perennials and yews, as well as interior plantings on the patio. Mr. Ferris noted that landscaping of the interior of the lot would require the elimination of five parking spots and could compromise sight lines for drivers.

Chief Planner Jennifer Caira reviewed the changes as shown on the attached presentation, noting that the elimination of the free-standing sign eliminates the relief for additional signage. The requested relief is shown below:

- §4.4.1, to allow a restaurant with more than 50 seats

- §5.1.8.A.1 & §5.1.13, to allow parking in the front setback
- §5.1.8.C.1, §5.1.8.C.2 & §5.1.13, to allow reduced aisle width
- §5.1.9.A.1 & §5.1.13, to waive perimeter screening requirements
- §5.1.9.B & §5.1.13, to waive interior landscaping requirements
- §5.1.10.A & §5.1.13, to waive lighting requirements
- §5.2.3, §5.2.8 & §5.2.13.A, to allow a free-standing sign
- §5.2.3, §5.2.8 & §5.2.13.A, to allow more than two secondary signs

Ms. Caira noted that code enforcement has confirmed that the proposed lighting plan complies with the lighting ordinance.

Lynn Slobodin, 61 Washburn Avenue, requested additional details relative to the landscaping plan.

Ms. Caira stated that the landscaping plan will include 30 mixed perennials at the western edge of the site, 12 Texas Hatfield plants, maintenance of the center aisle and replacement of any damaged yews. The landscaping plan includes 30-40 mixed perennials adjacent to Lexington Street. It was noted that the petitioner has offered to adopt and maintain the City land abutting the property. Councilor Markiewicz noted that adoption of the City land will require input from multiple City Departments, but Starbucks representatives reiterated their interest and commitment to adopting the strip of land. Mr. Ferris confirmed that the petitioner is committed to adopting the land. Councilor Markiewicz expressed satisfaction with the responsiveness to community concerns on behalf of the petitioner. Seeing no other member of the public who wished to speak, Councilor Markiewicz motioned to close the public hearing which carried unanimously. Councilor Markiewicz motioned to approve the item.

Committee members questioned whether additional landscaping might be beneficial at the site. Mr. Ferris noted that the owner of Ken's Flower Shop has expressly requested that there is nothing to block the view of the shop. Committee members raised concerns relative to a parking spot at the rear of the sight and its proximity to the building. Starbucks Project Manager, Kathleen Lisbon suggested that the spot can be designated as an employee parking spot, ensuring that the parking spot will remain occupied for longer periods of time.

Committee members reviewed the draft findings and conditions as follows:

1. The specific site is an appropriate location for a restaurant with more than 50 seats. (§7.3.3.C.1)
2. The proposed project as developed and conditioned will not adversely affect the neighborhood as it is replacing an existing gas station use and improves existing conditions through landscaping, lighting, and striping. (§7.3.3.C.2)
3. There will be no 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. Literal compliance with the parking requirements of the Newton Zoning Ordinance (NZO) is impracticable due to the location of the existing building and the size, width, depth, and shape of the lot and such exceptions are in the public interest. (§5.2.13)

Conditions

1. Plan reference condition
2. Transportation Conditions:
 - a. The Petitioner shall provide and maintain, to the satisfaction of the Director of Transportation Operations, the following at the Lexington Street driveway:
 - i. A white stop bar and R10-6 'Stop Here on Red' sign located behind the back of sidewalk for cars exiting the driveway
 - ii. A double yellow centerline along the driveway
3. Lighting shall be downcast and shielded.
4. Trash receptacles shall be provided on the patio.
5. Standard Building Permit Condition.
6. Standard Certificate of Occupancy Condition.
7. We would need to enter into a license agreement to allow them to maintain it. Parks & Rec maintains, but still under Public works. Multi department approval.

Committee members voted unanimously in favor.

#175-18 Petition to amend Board Order 147-79(2) at 333 Nahanton Street

JEWISH COMMUNITY CENTER OF BOSTON, INC/BETSY JACOBS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend the site plan by constructing a two-story, 4,352 sq. ft. addition at the rear of the existing gymnasium, requiring an amendment to Special Permit Board Order 147-79(2), extension of an existing non-conforming use and extension of a non-conforming structure, at 333 Nahanton Street, Ward 8, Newton Centre, on land known as Section 83 Block 36 Lot 04, containing approximately 1,225,397 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3.3, 7.4, 7.8.2.C.2, 3.4.1, 3.1.7 and 5.1.13 of the City of Newton Rev Zoning Ord, 2015.

Action: Land Use Approved 8-0; Public Hearing Closed 04/04/2018

Note: Attorney Alan Schlesinger presented the attached presentation on behalf of the Jewish Community Center at 333 Nahanton Street. The request to construct a 4,000 sq. ft. community space at the rear of the JCC requires a Special Permit to amend the Site plan. Atty. Schlesinger noted that

Mark Sokoll, representing the JCC reviewed the benefits of the community center. He stated that the proposed 4,000 community space will be an asset to the community, allowing the center to enhance programming. He noted that the existing building is 35 years old and needs to be updated. It is the petitioner's intent to provide separate children's space, consolidate fitness studios and provide adequate changing rooms. He noted that the JCC does not intending to increase membership but hope to better serve existing customers. It was noted that drainage will be incorporated into the existing system and conforms with the standards of the City's Engineering Department.

Chief Planner Jennifer Caira reviewed the requested relief as follows:

Special Permit per §7.3.3 of the NZO to:

- Extend an existing nonconforming use (§3.4.1 and §7.8.2.C.2)
- Extend an existing nonconforming building (§3.1.7 and §7.8.2.C.2)
- Amend Special Permit #147-79(2)
- Amend Special Permit #147-79(3)
- Amend Special Permit #292-93

And the criteria for consideration as follows:

When reviewing the requested special permits the Council should consider whether:

- The specific site is an appropriate location for the proposed amendment to Board Orders #147-79(2), #147-79(3), and #292-93. (§7.3.3.C.1.)
- The proposed amendment to Board Orders #147-79(2), #147-79(3), and #292-93 will not adversely affect the neighborhood. (§7.3.3.C.2.)
- The proposed amendment to Board Orders #147-79(2), #147-79(3), and #292-93 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 addition will be substantially more detrimental than the existing nonconforming multi-purpose community facility to the neighborhood. (§7.8.2.C.2)

Ms. Caira demonstrated use of the site, photos and plans as shown on the attached presentation. The Public Hearing was Opened. With no member of the public, Councilor Lipof motioned to close the public hearing which carried unanimously. The Chair noted that this item initially came to the Committee as a consistency ruling. Based on the size of the addition, Committee members requested a more in-depth review of the proposed plans. After reviewing the proposed plans and hearing the Planning Department's review of the proposal, the Committee expressed no concerns. Councilor Lipof moved approval of the item. After a review of the draft findings and conditions, Committee members voted unanimously in favor.

#138-18 Petition for Comprehensive Sign Package at Piccadilly Square

FIRST GENERAL REALTY GROUP petition for SPECIAL PERMIT/SITE PLAN APPROVAL for a Comprehensive Sign package and waivers for individual signs in Ward 6, Newton Centre, at 93-105 Union Street (containing approximately 31,455 sq. ft. of land) on land known as Section 61 Block 36 Lot 09, 1280 Centre Street (containing approximately 27,560 sq. ft. of land) on land known as Section 61 Block 35 Lot 05, 47-61 Langley Road (containing approximately 10,037 sq. ft. of land) on land known as Section 61 Block 36 Lot 06, 49-63 Union Street (containing approximately 8,735 sq. ft. of land) on land known as Section 61 Block 36 Lot 07, and 790-794 Beacon Street (containing approximately 7,400 sq. ft. of land) on land known as Section 61 Block 36 Lot 03, all zoned BUSINESS USE 1. Ref: 7.3.3, 7.4, 5.2.3, 5.2.8, 5.2.9, 5.2.13 of the City of Newton Rev Zoning Ord, 2015.

Action: **Land Use Approved 7-0 (Laredo recused); Public Hearing Closed 04/04/2018**

Note: Attorney Stephen Buchbinder represented First General Realty Corp. to present the request for a Special Permit Petition for a Comprehensive Sign Package at Piccadilly Square. Atty.

Buchbinder noted that because the 13 signs deviate from the number, type and size of signs allowed by the sign ordinance, a special permit is required. He noted that the petitioner has worked with the Urban Design Commission to develop the proposed sign package. It is the petitioner's intent to develop a sense of place at Piccadilly Square. The sign package includes a free-standing sign, wall mounted signs, painted identity signs, restaurant directory signs and historic interpretive signs. Atty. Buchbinder noted that the Planning Department memo expressed concerns relative to too many proposed identity signs. He stated that the property fronts Centre Street, Union Street, Langley Street and Beacon Street and contains several pedestrian alleyways. It is the petitioner's belief that there is an appropriate number of identity signs. With regard to questions raised relative to the lighting of the signs, it was explained that the signs will not be internally backlit and will be lit by downfacing light. It was noted that the restaurant directory signs will not be lit.

Senior Planner Neil Cronin reviewed the requested relief:

Special Permits per §7.3.3 of the NZO to:

- Allow a comprehensive sign package with waivers to the number, type, and size of signs (§5.2.13)

When reviewing the requested special permit the Council should consider whether:

- The proposed exceptions to the sign ordinance should be permitted and are appropriate due to the nature of the use of the premises, the architecture of the buildings or their location with reference to the street is such that exceptions are in the public interest.

Mr. Cronin noted that the Planning Department staff is generally supportive of the request. Mr. Cronin noted that identity signs might be more appropriate in alleys, where they draw pedestrians in, rather than on the outside facades. The public hearing was opened. With no member of the public wishing to speak, Councilor Crossley motioned to close the public hearing which carried 7-0 (Laredo recused). Councilor Crossley motioned to approve the item. A Committee member questioned whether there is a schedule of maintenance for the signs. It was confirmed that the wrought iron fence would undergo maintenance as the other similar fences and noted that the signs are made of durable material. It was confirmed that there is a condition relative to maintenance in the Council Order.

Committee members reviewed the draft findings and conditions as follows:

1. The exceptions to the number, size, and type of signs are in the public interest because:
 - a. The approved signs will enhance pedestrian wayfinding given the subject properties front four different public ways, contain pedestrian passageways, and have multiple access points; and
 - b. The approved signs are consistent with the unique identity of these commercial properties and will help brand and develop a sense of place, key components of the *2007 Comprehensive Plan*.

Conditions

1. Plan References.

2. Prior to the issuance of a building permit for the free standing sign proposed on municipal land along Beacon Street, the petitioner shall obtain a lease from the Commissioner of Public Works in a form approved by the Law Department.
3. All signs shall be designed and installed to comply with applicable building codes.
4. The Petitioner will control the content of all signage. Signs will be approved by the Petitioner for compliance with the Comprehensive Sign Package and the conditions of this Special Permit before presentation to the Commissioner of Inspectional Services and Director of Planning and Development for review and approval. The building permit application shall include a location map.
5. Through this Special Permit, the maximum size, number, type of content and location of the Special Permit signs are regulated and approved and shall be consistent with the plans and materials listed in Condition #1. Individual tenants and tenant signs may change over time. Changes to the size, number, and types of signs shall follow the below procedure:
 1. If the future signs comply with Section 5.2 of the Newton Zoning Ordinance and are deemed consistent with the Comprehensive Sign package by the Commissioner of Inspectional Services and Director of Planning and Development, the changes(s) shall be permitted as of right.
 2. If the future signs comply with Section 5.2 of the Newton Zoning Ordinance and are deemed inconsistent with the Comprehensive Sign package by the Commissioner of Inspectional Services and Director of Planning and Development, the changes(s) shall be submitted to the Urban Design Commission for review and approval.
 3. If the future signs do not comply with Section 5.2 of the Newton Zoning Ordinance, the petitioner shall seek an amendment to this special permit.
6. Signs shall not have cut-outs, projections or extensions beyond the dimensions specified in the approved plans.
7. Signs shall have no moving parts, nor flashing or blinking lights so as to create an animated effect.
8. Petitioner and/or Tenant shall keep all signs reasonably clean and neat and in proper condition, and all necessary and ordinary/customary maintenance shall be performed by Petitioner and/or Tenant (as appropriate).
9. Petitioner and/or Tenant (as appropriate) shall repair or restore to a safe condition any part of a sign when the sign is damaged.
10. Standard Building Permit Condition
11. Standard Certificate of Occupancy Condition

Atty. Buchbinder noted that the petitioner initially proposed a pedestrian way finding sign on public land. Because there are a number of steps to complete prior to installing a sign on public land, the petitioner has withdrawn the request for the way finding sign but has volunteered to sponsor the sign when the City is ready to install it. Committee members expressed support for the petition and noted that the signs will help brand the center. Committee members voted unanimously in favor of Councilor Crossley's motion to approve.

#137-18 **Petition to allow 18-unit multi family dwelling at 189-193 Adams St/19 Quirk Ct**
183-193 ADAMS STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a multi-family development in a business district with greater than 20,000 gross floor area,

with a four-story structure 41' in height, containing an 18-unit dwelling with ground floor units, to allow an FAR of 1.31, to allow a density bonus to reduce the lot area per unit and increase the number of inclusionary units, to allow a reduction of the requirement for parking to 1.25 stalls per unit, to allow parking in the setback, to allow parking within 5' of a building containing dwelling units, to waive minimum stall dimension requirements, to allow a reduction in the minimum width of an entrance/exit drive, to allow a reduction in the minimum width of maneuvering aisles, to waive lighting requirements and to waive perimeter landscape screening requirements in Ward, 1, Newton, at 189-193 Adams Court, Section 14 Block 15 Lot 39, Section 14 Block 15 Lot 38 and 19 Quirk Court Section 14 Block 15 Lot 44, containing a combined lot area of approximately 19,349 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4, 4.4.1, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 5.1.4, 5.1.13, 5.1.8.A.1, 5.1.8.A.1, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.C.1, 5.1.8.C.2, 5.1.8.D.1, 5.1.9.A, 5.1.10.A, 5.11.4, 5.11.15, 4.1.2 of the City of Newton Rev Zoning Ord, 2015.

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

Note: Attorney Terry Morris, 57 Elm Street, represented the petitioner 189-193 Adams Street, LLC. To request a Special Permit for an 18-unit multi-family development at 189-193 Adams Street. Attorney Morris provided an overview of properties near the site that have similar or greater density and stated that the proposed units range from 625 sq. ft. to 1890 sq. ft in size. He noted that the proposed development will contain five 1-bedroom units as well as five 3-bedroom units. He stated that the units will help diversify the housing stock and emphasized the site's walkability to public transportation and other amenities. Atty. Morris confirmed that the petitioner has engaged in community outreach.

Martin Smargiassi, Principal Architect for Innovative Collaborations Inc., presented an overview of design and project goals as shown on the attached presentation. He emphasized the intent to revitalize the site while maintaining the character of the neighborhood. He noted that it is the intent to improve the site's appearance with landscaping and enhanced access and egress to the site for emergency vehicles. He stated that the proposed design has been supported by the Fire Department and the Neighborhood Association. Mr. Smargiassi demonstrated the proposed floor plans (shown attached). Christie Dennis, Innovative Collaborations provided an overview of the sustainability contributions including; rainwater capture from the roof, EV charging station and a high performance thermal envelope. Ms. Dennis emphasized the importance of reducing reliance on vehicles and noted that the proposed development has been designed to encourage residents with 0 or 1 cars. Ms. Dennis noted that the site on Adams Street has a walkability score of 83 and is in close walking distance to grocery stores, coffee shops and public transportation (bus and the commuter rail). It was noted that bicycle storage will also be provided on site. Ms. Dennis noted that the reduction in parking stalls is appropriate given the site's walkability score and the City's target of 1.3 cars per household.

Senior Planner Neil Cronin reviewed the requested relief as follows:

- To allow a multi-family dwelling (§4.4.1).
- To allow a building in excess of 20,000 SF of GFA (§4.1.2.B.1).
- To allow a four-story structure 41 feet in height (§4.1.2.B.3).
- To allow an FAR of 1.31 (§4.1.3)
- To allow a reduction in the residential parking to 1.25 stalls per unit (§5.1.4.A).

- To waive requirements pertaining to parking facilities (§5.1.13)
- The specific site is an appropriate location for the proposed multi-family dwelling. (§7.3.3.C.1)
- The multi-family dwellings 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 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)
- The proposed FAR of 1.31, 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 (§4.1.3).
- Literal compliance with the parking requirements of the Newton Zoning Ordinance is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features (§5.1.13).

Mr. Cronin demonstrated the existing structure and photos of where it is situated in the neighborhood. (presentation attached). He stated that the Planning Department generally supports the proposed development based on its location to public transit and walkability. He noted that a parking analysis has been requested and the Housing Division has not yet commented on the Inclusionary Housing plan (3 proposed units). He noted that the parking facility requires a photometric plan which can be waived and the Planning Department is still reviewing an existing easement with the abutters to the north of the site. The Planning Department is concerned that the massing of the structure is too prominently focused on the Quirk Court side.

The Public hearing was Opened.

Public Comment

Alvaro J Ribeiro, 6 Quirk Court, believes that the parking plan is optimistic. While it may be well intentioned, it won't work out as intended. He noted that the burden of parking will be shifted onto Adams street which cannot support the additional parking. Mr. Ribeiro noted that the number of units is too many.

Linda Huang, 16 Quirk Court, noted that she lives on Quirk Court because she likes the neighborhood. She stated that Quirk Court is so crowded that residents can hear each other talking. The buildings are going to be too noisy and the cars as well. She noted that there will be nowhere to put the snow and parking, trash and safety will be an issue.

Nonantum Neighborhood Association, Terry Sauro, 50 Cook Street, held three community meetings and noted that the petitioner was asked to reduce the size of the building. She noted that the design of the proposed development is beautiful but that 18 units is too large for Adams Street. She reiterated that the neighborhood has significant concerns relative to the parking on Adams Street, which is currently

congested and cannot afford additional parking burdens. Ms. Sauro questioned what will happen with fire trucks/ladders being raised.

Ruggiero Cerqua , abuts the proposed developments and has concerns about the size of the proposed development, impact on his view, sun, privacy and public safety. He noted that 41' is too high and the development cannot accommodate additional people. He submitted the attached letter.

Dick Ping Hei Poon, 14 Quirk Court, has concerns relative to traffic and additional burden on the neighborhood.

Paul Lupo, 188 Adams Street, lives directly across the street, believes that the proposed development is too large. He has concerns about the impact on parking and noise in the neighborhood. He does not want additional cars in the neighborhood, which is already dangerous for pedestrians. He does not believe that the proposed development belongs in Nonantum and believes the building should be downsized.

A resident at 16 Quirk Court, noted that the giant building will be too close to the residents on Quirk Court and will be detrimental to the existing residents.

Sammy O'Riley, 249 Watertown Street, noted that the Planning Department and City Council should encourage developers to reduce cars and increase pedestrian activity. She noted that the physical layout for the street should include; widened sidewalks, bollards to protect pedestrians. She stated that reducing car traffic would be a benefit and noted that multiple trips by residents/visitors will burden the neighborhood, creating dangerous conditions.

Deborah Visco, 153 Adams Street, lives across from the development at 150 Adams Street. She noted that the parking lot is always filled and the residents park on Adams Street. She has concerns about the impact on the neighborhood and believes that the project should be downscaled. She noted that the rules exist for a reason and she has concerns about trash, snow removal and delivery vehicles.

Anthony Pellegrini, 56 Clinton Street, believes that the proposed development is large and could be built smaller. He noted that there is a lot of traffic and stated that the roadway construction did not improve conditions. He stated that the sidewalks are insufficient and emphasized that there is no overflow parking on Adams Street. He noted that the street is being used as a cut-through. He also acknowledged how the project has grown from 8-18 units.

A resident at 494 Watertown street, noted that parking seems like a major issue and noted that the site is close to public transportation. He noted that 2-3 bedrooms in the City are unaffordable and noted that the current structure is an eyesore.

Andrea Cedrone, Chapel street, noted that the 18 units are varied in size. She noted that in the City, 18 1-2 bedroom units that have sold, all within 7 days and stated that there is a need for smaller units. She thinks this is a good project for Nonantum. She noted that the increase in supply will help make housing more affordable.

Caren Seagraves, 13 Murphy Court, make some units for people without cars. She has a hard time imagining that there will not be an influx of cars as a result of the development.

John Angelucci, questioned what the setback is on Quirk Court. It was noted that the BU zones allow you to match your neighbors' properties and because other properties are at 4', the development may be at 4. It was noted that the proposal includes a 5' setback. Mr. Angialuccie questioned how fire trucks get to the back of the site and noted that the lot may be an obstacle for fire trucks.

Maria Leo, 294 Adams Street, read a letter from Jack, 16 Quirk Court, who has concerns about the restaurant/café directly next to his house. He notes that Quirk Court is too congested and there is no space for additional cars. He believes the site is difficult for trash collection and snow removal. He noted that the use of Quirk Court as an exit will be a major issue with long term negative impacts.

Elisa Lucchetti, 221 Adams Street, has concerns about traffic, which is already congested.

With no other member of the public who wished to speak, the Chair announced that the public hearing will be continued on May 8, 2018. Committee members were in agreement that the petitioner should work with the Planning Department and provide responses to the following outstanding items:

- Information regarding the width of Quirk Court
- The proposed development's proximity to existing structures
- A section cut through the site
- Evaluation of whether the top story abutting Quirk Court can be set back to mitigate impact
- Clarity with regard to reporting requirements for satisfying the fifth special permit criteria
- Analysis of parking, congestion and traffic
- Analysis of massing and scale
- Review of Fire Department access
- Review of width of the exit/entry drive
- Review of proposed green space
- Analysis of trash and recycling plan
- Evaluation of proposed mitigations/enhancements to the neighborhood

It was noted that the proposed development is aesthetically pleasing and located in a walkable location. One Councilor noted that decoupling of the parking is a benefit and reducing reliance on cars to encourage walkability is important. The Committee adjourned at 10:30 pm.

Respectfully Submitted,

Greg Schwartz, Chair

Department of Planning and Development



PETITION #136-18

2 TERRACE AVENUE

SPECIAL PERMIT/SITE PLAN
APPROVAL TO CONSTRUCT
ADDITIONAL SPACE OVER A
TWO-CAR GARAGE, EXCEEDING
THE MAXIMUM ALLOWABLE
FLOOR AREA RATIO (FAR)
OF .41 WHERE .43 IS PROPOSED
AND .41 EXISTS



APRIL 3, 2018

Requested Relief



Special Permit per §7.3 of the NZO to:

- Exceed FAR (§3.1.9).

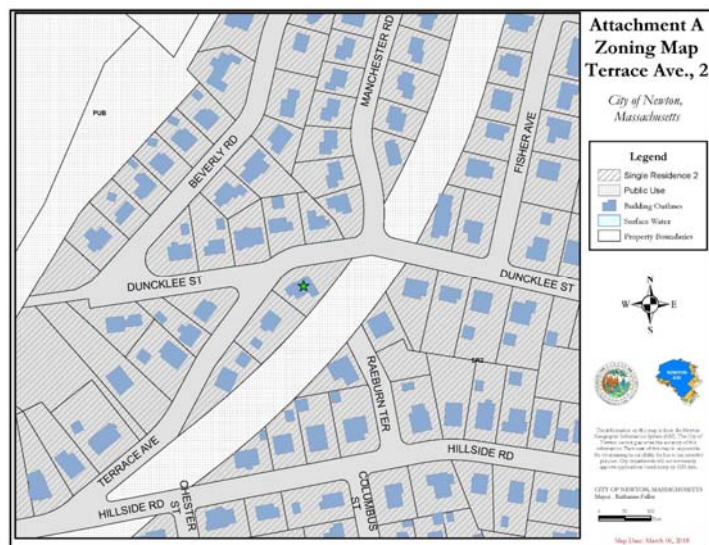
Criteria to Consider



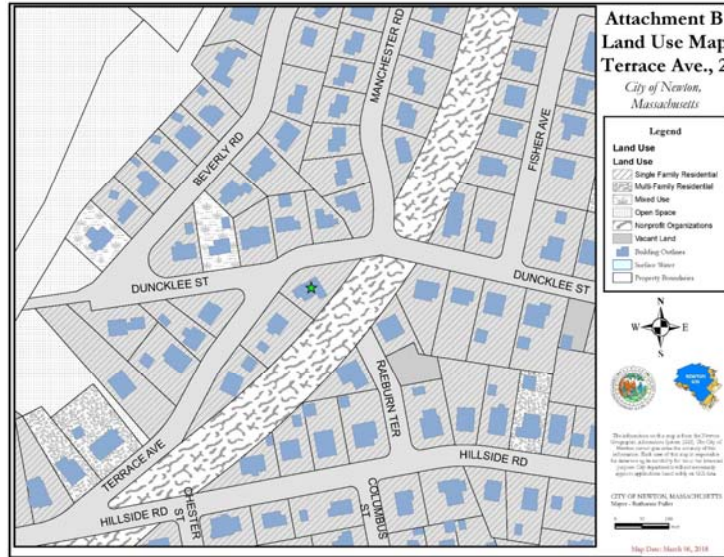
When reviewing the requested special permits the Council should consider whether:

- The proposed increase in FAR from 0.41 to 0.43, where 0.41 is the maximum allowed by right, in consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. (§3.1.9 and §7.3.3)

Zoning



Land Use



AERIAL/GIS MAP



Photos



Photos



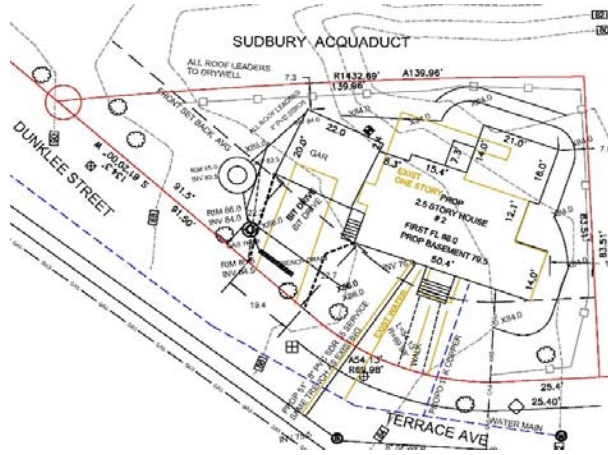
Photos



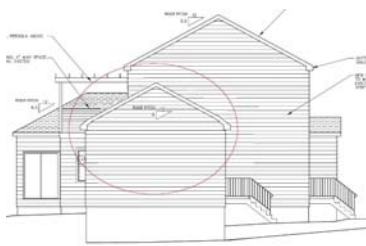
Photos



Site Plan



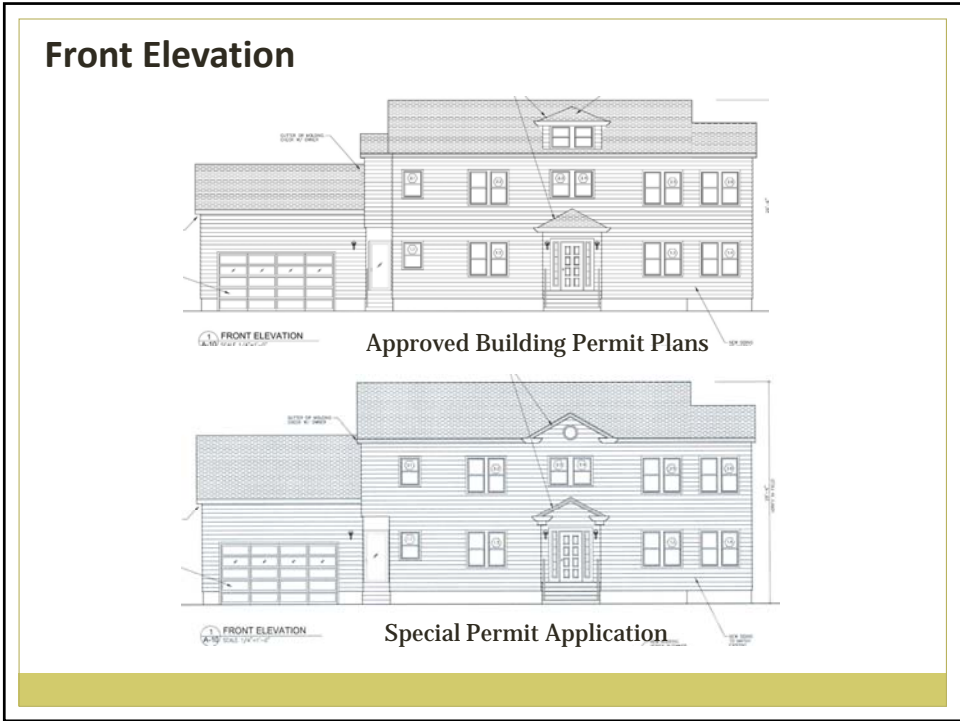
Left Elevation



Approved Building Permit Plans



Special Permit Application



Proposed Findings

1. The proposed increase of FAR from .41 to .43, where .41 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 as it will be adding a minimal amount of massing to the structure. (§3.1.9 and §7.3.3)

Proposed Conditions

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

Department of Planning and Development



PETITION #133-18 2095 COMMONWEALTH AVE

SPECIAL PERMIT TO ALLOW A RESTAURANT WITH MORE THAN 50 SEATS, A FREE STANDING SIGN, MORE THAN TWO SECONDARY SIGNS, AND TO WAIVE LIGHTING, SCREENING, AND PARKING DIMENSIONAL REQUIREMENTS.



APRIL 3, 2018

Requested Relief



2095 Commonwealth Avenue

- §4.4.1, to allow a restaurant with more than 50 seats
- §5.1.8.A.1 & §5.1.13, to allow parking in the front setback
- §5.1.8.C.1, §5.1.8.C.2 & §5.1.13, to allow reduced aisle width
- §5.1.9.A.1 & §5.1.13, to waive perimeter screening requirements
- §5.1.9.B & §5.1.13, to waive interior landscaping requirements
- §5.1.10.A & §5.1.13, to waive lighting requirements
- ~~§5.2.3, §5.2.8 & §5.2.13.A, to allow a free-standing sign~~
- ~~§5.2.3, §5.2.8 & §5.2.13.A, to allow more than two secondary signs~~

Criteria to Consider

- The specific site is an appropriate location for restaurant use with more than 50 seats, (§7.3.3.C.1)
- The proposed project 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 number of vehicles involved. (§7.3.3.C.4)
- Literal compliance with the parking requirements of the Newton Zoning Ordinance (NZO) 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)

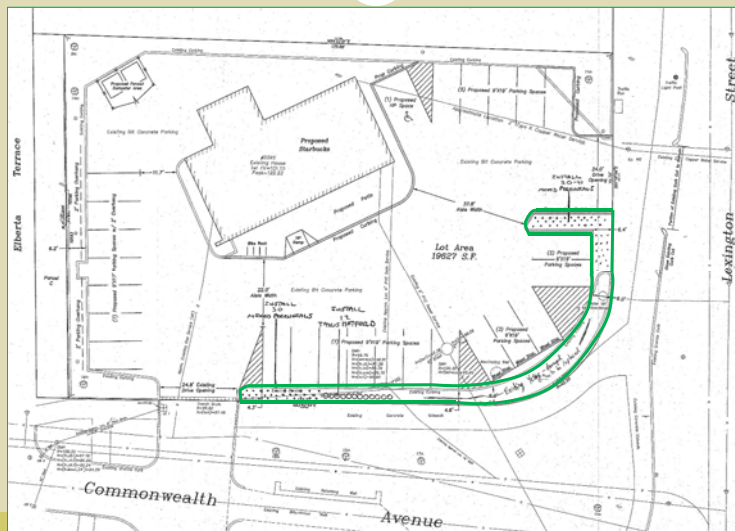
Revisions to Application

- Signage – Petitioner withdrew request for 16-foot tall free-standing sign. Remaining signs become by-right.
- Lighting – Overall intensity of lighting has been reduced.
- Landscaping – Updated landscape plan.

Lighting



Landscaping



Proposed Findings

1. The specific site is an appropriate location for a restaurant with more than 50 seats. (§7.3.3.C.1)
2. The proposed project as developed and conditioned will not adversely affect the neighborhood as it is replacing an existing gas station use and improves existing conditions through landscaping, lighting, and striping. (§7.3.3.C.2)
3. There will be no 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. Literal compliance with the parking requirements of the Newton Zoning Ordinance (NZO) is impracticable due to the location of the existing building and the size, width, depth, and shape of the lot and such exceptions are in the public interest. (§5.2.13)

Proposed Conditions

1. Plan reference condition
2. Transportation Conditions:
 - a. The Petitioner shall provide and maintain, to the satisfaction of the Director of Transportation Operations, the following at the Lexington Street driveway:
 - i. A white stop bar and R10-6 'Stop Here on Red' sign located behind the back of sidewalk for cars exiting the driveway
 - ii. A double yellow centerline along the driveway
3. Lighting shall be downcast and shielded.
4. Trash receptacles shall be provided on the patio.
5. Standard Building Permit Condition.
6. Standard Certificate of Occupancy Condition.

Department of Planning and Development



PETITION #138-18

**49-63 UNION STREET, 93-105
UNION STREET, 1280 CENTRE
STREET, 47-61 LANGLEY ROAD,
790-794 BEACON STREET**



**SPECIAL PERMIT TO ALLOW A
COMPREHENSIVE SIGN PACKAGE**

APRIL 3, 2018

Requested Relief



Special Permits per §7.3.3 of the NZO to:

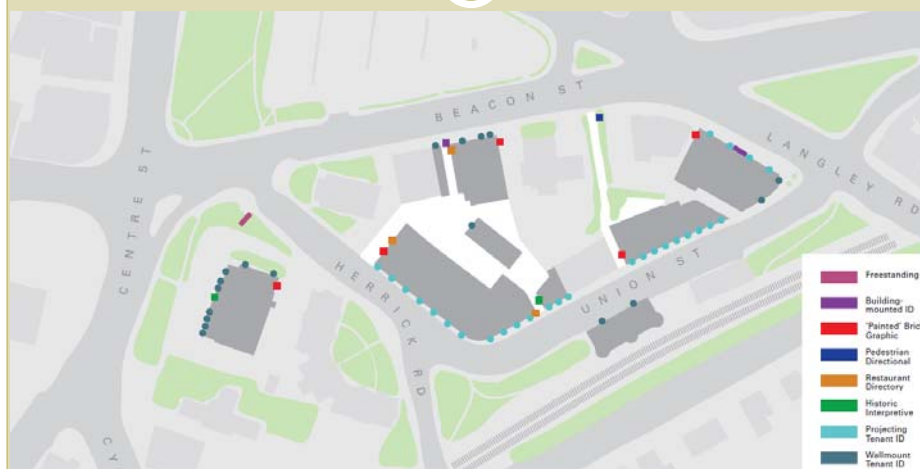
- Allow a comprehensive sign package with waivers to the number, type, and size of signs (§5.2.13)

Criteria to Consider

When reviewing the requested special permit the Council should consider whether:

- The proposed exceptions to the sign ordinance should be permitted and are appropriate due to the nature of the use of the premises, the architecture of the buildings or their location with reference to the street is such that exceptions are in the public interest.

AERIAL/GIS MAP



Planning Department Analysis

Overall, staff is supportive of the sign package due to its orientation towards pedestrians. However:

- Staff is concerned with the freestanding sign on municipally owned land. If approved, the petitioner will require a license from the Commissioner of Public Works.
- Staff suggests reducing the number of painted “Identity” signs which may increase their effect.

Freestanding Sign



Identity Signs



Proposed Findings

1. The exceptions to the number, size, and type of signs are in the public interest because:
 - a. The approved signs will enhance pedestrian wayfinding given the subject properties front four different public ways, contain pedestrian passageways, and have multiple access points; and
 - b. The approved signs are consistent with the unique identity of these commercial properties and will help brand and develop a sense of place, key components of the *2007 Comprehensive Plan*.

Proposed Conditions

1. Plan References.
2. Prior to the issuance of a building permit for the free standing sign proposed on municipal land along Beacon Street, the petitioner shall obtain a lease from the Commissioner of Public Works in a form approved by the Law Department.
3. All signs shall be designed and installed to comply with applicable building codes.
4. The Petitioner will control the content of all signage. Signs will be approved by the Petitioner for compliance with the Comprehensive Sign Package and the conditions of this Special Permit before presentation to the Commissioner of Inspectional Services and Director of Planning and Development for review and approval. The building permit application shall include a location map.

Proposed Conditions

5. Through this Special Permit, the maximum size, number, type of content and location of the Special Permit signs are regulated and approved and shall be consistent with the plans and materials listed in Condition #1. Individual tenants and tenant signs may change over time. Changes to the size, number, and types of signs shall follow the below procedure:
 - a. If the future signs comply with Section 5.2 of the Newton Zoning Ordinance and are deemed consistent with the Comprehensive Sign package by the Commissioner of Inspectional Services and Director of Planning and Development, the changes(s) shall be permitted as of right.
 - b. If the future signs comply with Section 5.2 of the Newton Zoning Ordinance and are deemed inconsistent with the Comprehensive Sign package by the Commissioner of Inspectional Services and Director of Planning and Development, the changes(s) shall submitted to the Urban Design Commission for review and approval.
 - c. If the future signs do not comply with Section 5.2 of the Newton Zoning Ordinance, the petitioner shall seek an amendment to this special permit.

Proposed Conditions



6. Signs shall not have cut-outs, projections or extensions beyond the dimensions specified in the approved plans.
7. Signs shall have no moving parts, nor flashing or blinking lights so as to create an animated effect.
8. Petitioner and/or Tenant shall keep all signs reasonably clean and neat and in proper condition, and all necessary and ordinary/customary maintenance shall be performed by Petitioner and/or Tenant (as appropriate).
9. Petitioner and/or Tenant (as appropriate) shall repair or restore to a safe condition any part of a sign when the sign is damaged.
10. Standard Building Permit Condition
11. Standard Certificate of Occupancy Condition

Department of Planning and Development



PETITION #175-18

333 NAHANTON STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO AMEND BOARD
ORDER 147-79(2), BOARD
ORDER 147-79(3), BOARD
ORDER 292-93 TO CONSTRUCT A
TWO STORY ADDITION AND TO
EXTEND AN EXISTING NON-
CONFORMING STRUCTURE AND
USE



APRIL 3, 2018

Requested Relief



Special Permit per §7.3.3 of the NZO to:

- Extend an existing nonconforming use (§3.4.1 and §7.8.2.C.2)
- Extend an existing nonconforming building (§3.1.7 and §7.8.2.C.2)
- Amend Special Permit #147-79(2)
- Amend Special Permit #147-79(3)
- Amend Special Permit #292-93

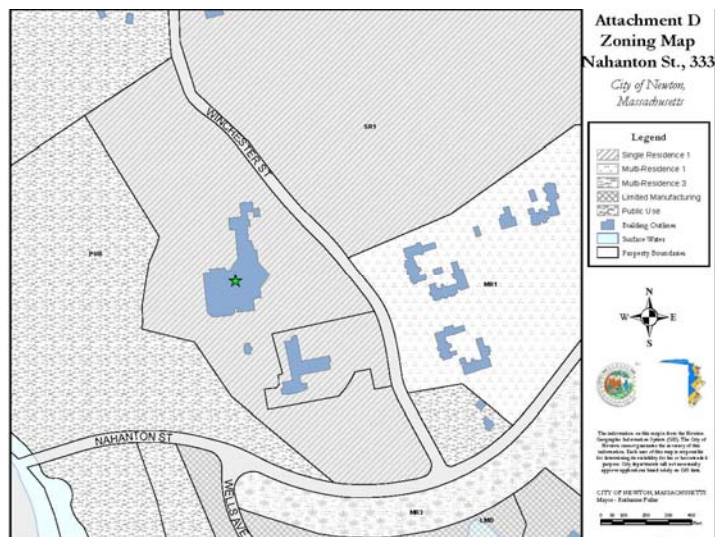
Criteria to Consider



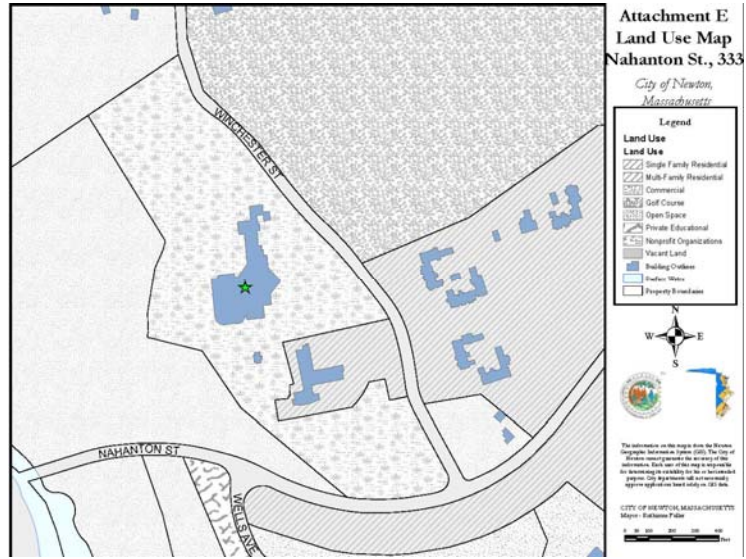
When reviewing the requested special permits the Council should consider whether:

- The specific site is an appropriate location for the proposed amendment to Board Orders #147-79(2), #147-79(3), and #292-93. (§7.3.3.C.1.)
- The proposed amendment to Board Orders #147-79(2), #147-79(3), and #292-93 will not adversely affect the neighborhood. (§7.3.3.C.2.)
- The proposed amendment to Board Orders #147-79(2), #147-79(3), and #292-93 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 addition will be substantially more detrimental than the existing nonconforming multi-purpose community facility to the neighborhood. (§7.8.2.C.2)

Zoning



Land Use



AERIAL/GIS MAP



Photos



Photos



Photos



Photos

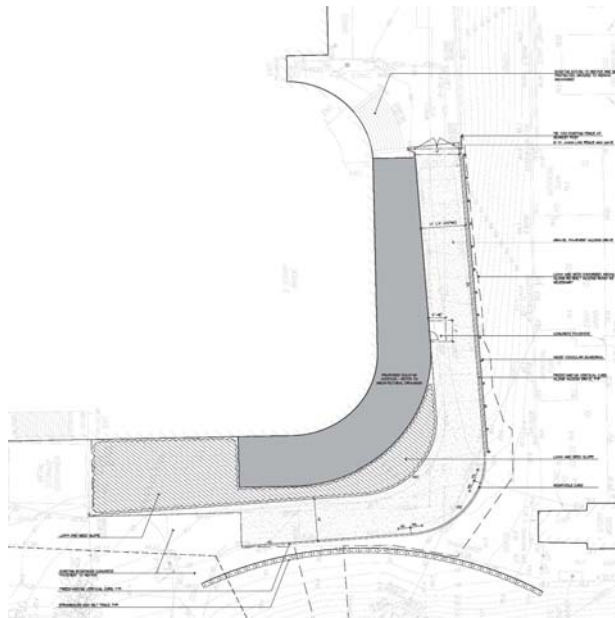


Site Plan

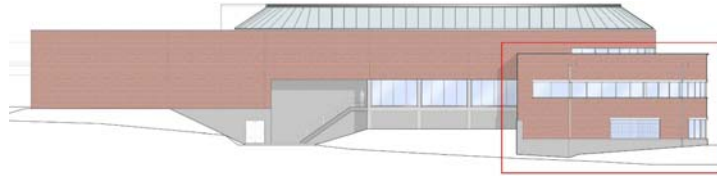


SITE PLAN
DATE: 4/12/2018

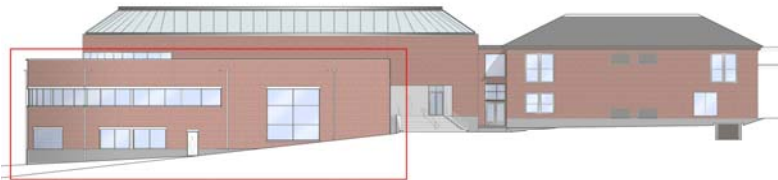
TOTAL FITNESS & LOCKER ROOM
ADDITION FOOTPRINT: 2,400 SF



Proposed Elevations



West Elevation



South Elevation

Proposed Findings

1. The site is an appropriate location for the proposed amendments to Board Orders #147-79(2), #147-79(3), and #292-93 as the proposed addition complements the existing building and complies with the conditions of all prior board orders. (§7.3.3.C.1)
2. The proposed amendments to Board Orders #147-79(2), #147-79(3), and #292-93 will not adversely affect the neighborhood as the project is not visible from a public right of way and located in the rear of the building. (§7.3.3.C.2)

Proposed Findings

3. The proposed amendments to Board Orders #147-79(2), #147-79(3), and #292-93 will not create a nuisance or serious hazard to vehicles or pedestrians as the proposed expansion is not impacting existing parking or traffic conditions. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles as the site will continue to have adequate access. (§7.3.3.C.4)
5. The proposed addition will not be substantially more detrimental than the existing nonconforming multi-purpose community facility to the neighborhood as there will be no change in the intensity of the use of the site. (§7.8.2.C.2)

Proposed Conditions

1. Plan Referencing Condition
2. Standard Building Permit Condition
3. Operation and Maintenance Plan
4. Standard Final Inspection/Certificate of Occupancy Condition
5. Conditions incorporated from Board Orders #147-79(2), #147-79(3), and #292-93

Department of Planning and Development



PETITION #138-18

**49-63 UNION STREET, 93-105
UNION STREET, 1280 CENTRE
STREET, 47-61 LANGLEY ROAD,
790-794 BEACON STREET**



**SPECIAL PERMIT TO ALLOW A
COMPREHENSIVE SIGN PACKAGE**

APRIL 3, 2018

Requested Relief



Special Permits per §7.3.3 of the NZO to:

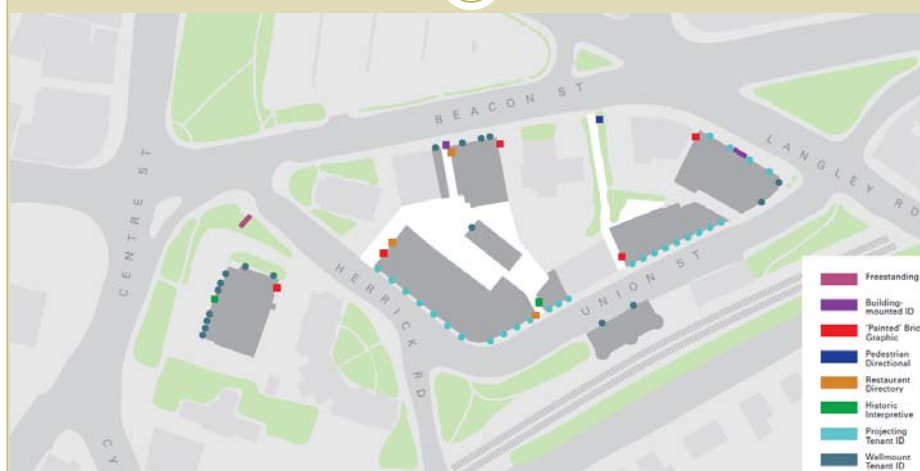
- Allow a comprehensive sign package with waivers to the number, type, and size of signs (§5.2.13)

Criteria to Consider

When reviewing the requested special permit the Council should consider whether:

- The proposed exceptions to the sign ordinance should be permitted and are appropriate due to the nature of the use of the premises, the architecture of the buildings or their location with reference to the street is such that exceptions are in the public interest.

AERIAL/GIS MAP



Planning Department Analysis

Overall, staff is supportive of the sign package due to its orientation towards pedestrians. However:

- Staff is concerned with the freestanding sign on municipally owned land. If approved, the petitioner will require a license from the Commissioner of Public Works.
- Staff suggests reducing the number of painted “Identity” signs which may increase their effect.

Freestanding Sign



Identity Signs



Proposed Findings

1. The exceptions to the number, size, and type of signs are in the public interest because:
 - a. The approved signs will enhance pedestrian wayfinding given the subject properties front four different public ways, contain pedestrian passageways, and have multiple access points; and
 - b. The approved signs are consistent with the unique identity of these commercial properties and will help brand and develop a sense of place, key components of the *2007 Comprehensive Plan*.

Proposed Conditions

1. Plan References.
2. Prior to the issuance of a building permit for the free standing sign proposed on municipal land along Beacon Street, the petitioner shall obtain a lease from the Commissioner of Public Works in a form approved by the Law Department.
3. All signs shall be designed and installed to comply with applicable building codes.
4. The Petitioner will control the content of all signage. Signs will be approved by the Petitioner for compliance with the Comprehensive Sign Package and the conditions of this Special Permit before presentation to the Commissioner of Inspectional Services and Director of Planning and Development for review and approval. The building permit application shall include a location map.

Proposed Conditions

5. Through this Special Permit, the maximum size, number, type of content and location of the Special Permit signs are regulated and approved and shall be consistent with the plans and materials listed in Condition #1. Individual tenants and tenant signs may change over time. Changes to the size, number, and types of signs shall follow the below procedure:
 - a. If the future signs comply with Section 5.2 of the Newton Zoning Ordinance and are deemed consistent with the Comprehensive Sign package by the Commissioner of Inspectional Services and Director of Planning and Development, the changes(s) shall be permitted as of right.
 - b. If the future signs comply with Section 5.2 of the Newton Zoning Ordinance and are deemed inconsistent with the Comprehensive Sign package by the Commissioner of Inspectional Services and Director of Planning and Development, the changes(s) shall submitted to the Urban Design Commission for review and approval.
 - c. If the future signs do not comply with Section 5.2 of the Newton Zoning Ordinance, the petitioner shall seek an amendment to this special permit.

Proposed Conditions



6. Signs shall not have cut-outs, projections or extensions beyond the dimensions specified in the approved plans.
7. Signs shall have no moving parts, nor flashing or blinking lights so as to create an animated effect.
8. Petitioner and/or Tenant shall keep all signs reasonably clean and neat and in proper condition, and all necessary and ordinary/customary maintenance shall be performed by Petitioner and/or Tenant (as appropriate).
9. Petitioner and/or Tenant (as appropriate) shall repair or restore to a safe condition any part of a sign when the sign is damaged.
10. Standard Building Permit Condition
11. Standard Certificate of Occupancy Condition



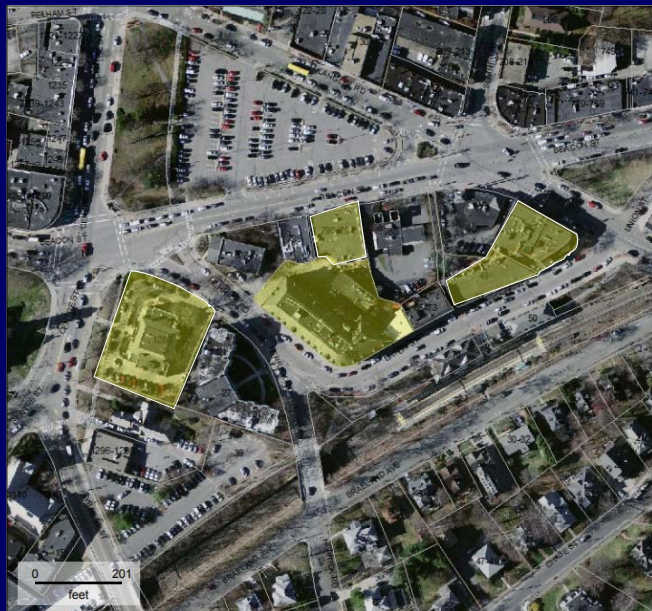
Schlesinger and Buchbinder, LLP
Attorneys at Law

Piccadilly Square

*Special Permit Application to the Newton City Council
April 3, 2018*

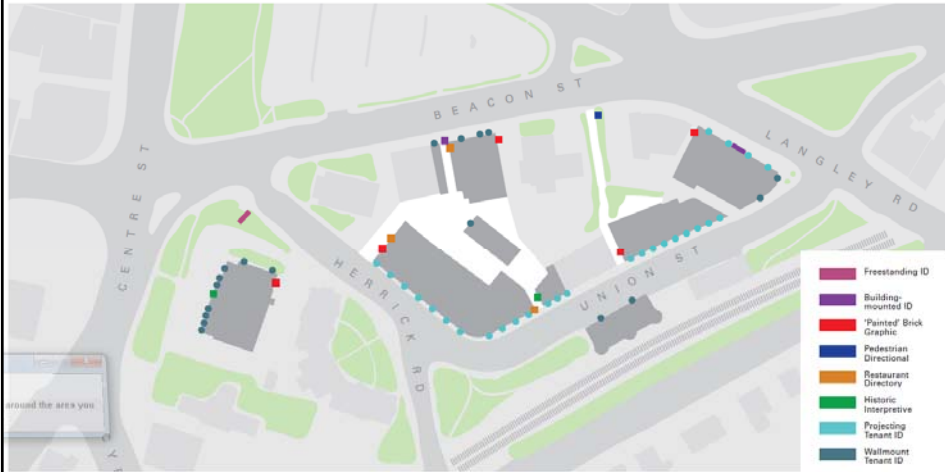
P I C C A D I L L Y
S Q U A R E

Aerial View



Signage Overview

Project Signage Overview



Whitney Veigas
26 Coulton Park, Needham MA 02462
781-442-1251
www.whitneyveigas.com

Overview Sign Location Plan
Piccadilly Square
Boston Development Group
Newton Centre, MA

Proj. No.:
Scale: NTS
Drawn: JAG

Date: 8 Jan 18
Rev.:
Dwg:

4

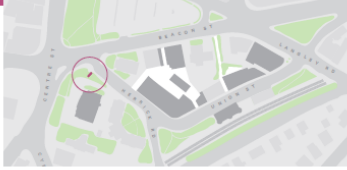
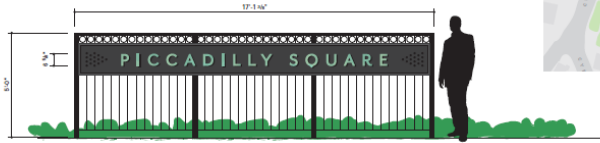
Sign Table

Address	Sign Type and Size
1280 Centre Street	(1) Freestanding Sign: 5 feet tall, 17 feet long constructed out of wrought iron (1) Historic Interpretive Sign: 3 square feet
93-107 Union Street	(1) Identity Sign: 65 square feet (2) Restaurant-Directory Signs: 16 square feet and 7 square feet; (1) Historic-Interpretive Sign: 3 square feet
47-61 Langley Road	(1) Identity Sign: 34 square feet (1) Identity Sign: 80 square feet
49-63 Union Street	(1) Identity Sign: 65 square feet
790-794 Beacon Street	(1) Identity Sign: 80 square feet (1) Identity Sign: 30 square feet (1) Restaurant-Directory Sign: 17 square feet
Pedestrian Passageway	(1) Freestanding Pedestrian Directory Sign: 9 feet tall totaling 3 square feet

Freestanding Sign

Freestanding ID (1280 Centre Street)

Preliminary Design
Sign Area: ~70 sf



WhitneyVeigas
55 Coulton Park, Needham MA 02462
781-448-1351
www.whitneyveigas.com

Proposed Common Signage
Piccadilly Square
Boston Development Group
Newton Centre, MA

Proj. No.: Date: 5 Jan 18
Scale: NTS Rev:
Drawn: JAB Desg:

Wall-mounted Identity Sign

Building-mounted ID (47-61 Langley Road)

Preliminary Design
Sign Area: ~100 sf



WhitneyVeigas
55 Coulton Park, Needham MA 02462
781-448-1351
www.whitneyveigas.com

Proposed Common Signage
Piccadilly Square
Boston Development Group
Newton Centre, MA

Proj. No.: Date: 5 Jan 18
Scale: NTS Rev:
Drawn: JAB Desg:

Wall-mounted Identity Sign

Building-mounted ID (792 Beacon Street)

Preliminary Design
Sign Area: ~30 sf



Whitney Veigas
56 Coulton Park, Needham MA 02482
781-448-1351
www.whitneyveigas.com

Proposed Common Signage
Piccadilly Square
Boston Development Group
Newton Centre, MA

Proj. No.: Date: 5 Jan 18
Scale: NTS Rev:
Drawn: JAB Dwg:

33

Brick Graphic Identity Signs

'Painted' Brick Graphics

Sign Area: As noted, varies by location



1200 Centre Street: 90 sf

93 Union Street: 65 sf

68-63 Union Street: 85 sf

47-61 Langley Road: 80 sf

790-794 Beacon Street: 80 sf



Whitney Veigas
56 Coulton Park, Needham MA 02482
781-448-1351
www.whitneyveigas.com

Proposed Common Signage
Piccadilly Square
Boston Development Group
Newton Centre, MA

Proj. No.: Date: 5 Jan 18
Scale: NTS Rev:
Drawn: JAB Dwg:

35

Department of Planning and Development



PETITION #137-18 189-193 ADAMS STREET

SPECIAL PERMIT/SITE PLAN APPROVAL
TO CONSTRUCT A MULTI-FAMILY
DWELLING IN EXCESS OF 20,000
SQUARE FEET AND VARIOUS WAIVERS
TO THE ZONING ORDINANCE



APRIL 3, 2018

Requested Relief

- To allow a multi-family dwelling (§4.4.1).
- To allow a building in excess of 20,000 SF of GFA (§4.1.2.B.1).
- To allow a four-story structure 41 feet in height (§4.1.2.B.3).
- To allow an FAR of 1.31 (§4.1.3)
- To allow a reduction in the residential parking to 1.25 stalls per unit (§5.1.4.A).
- To waive requirements pertaining to parking facilities (§5.1.13)

Special Permit Criteria

- The specific site is an appropriate location for the proposed multi-family dwelling. (§7.3.3.C.1)
- The multi-family dwellings 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 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)

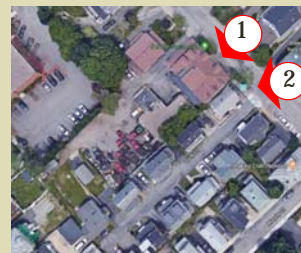
Additional Criteria

- The proposed FAR of 1.31, 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 (§4.1.3).
- Literal compliance with the parking requirements of the Newton Zoning Ordinance is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features (§5.1.13).

AERIAL



Site Photos

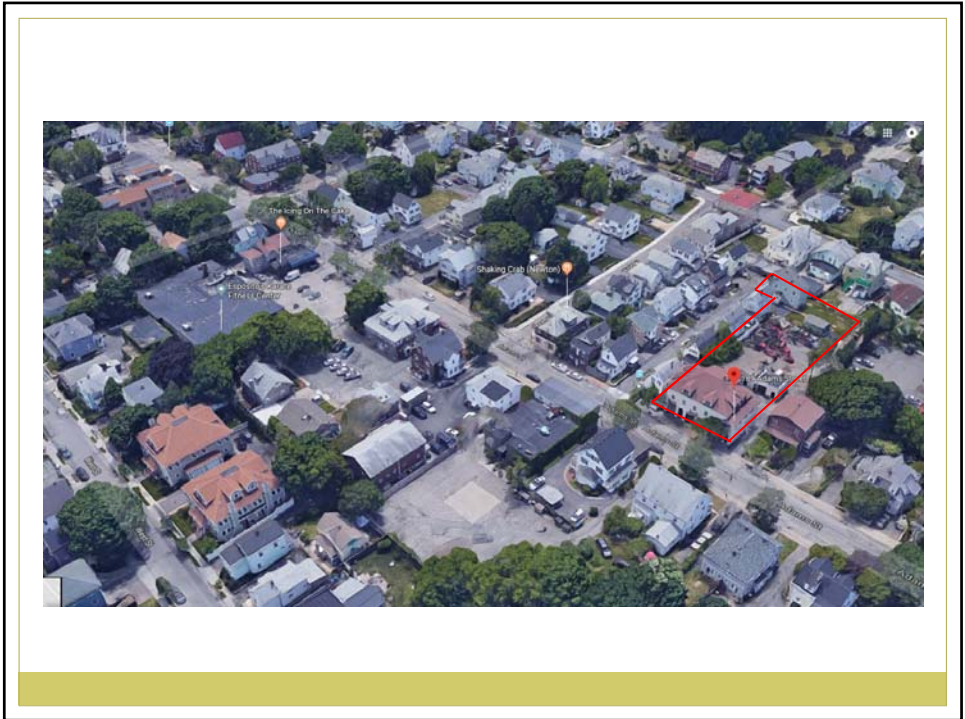
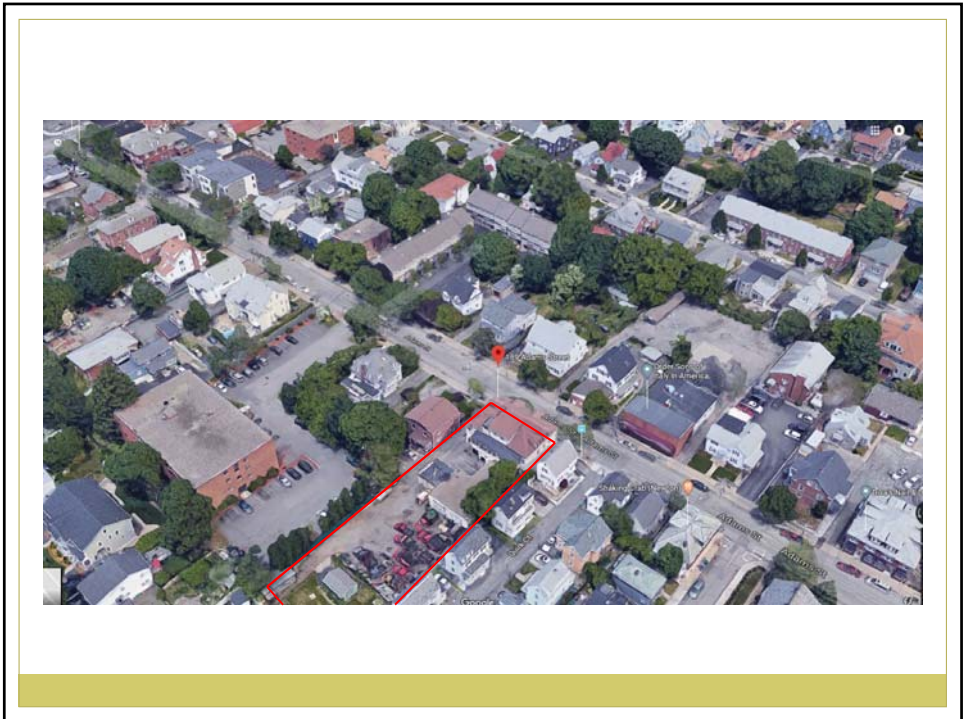




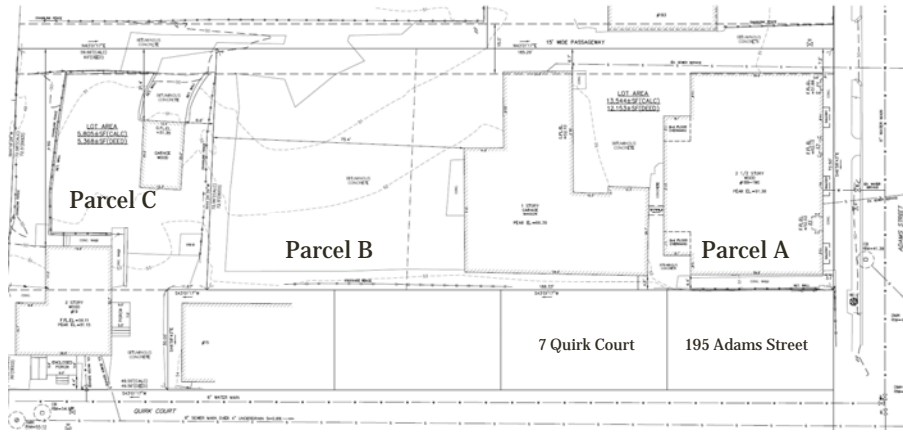
Neighborhood Context



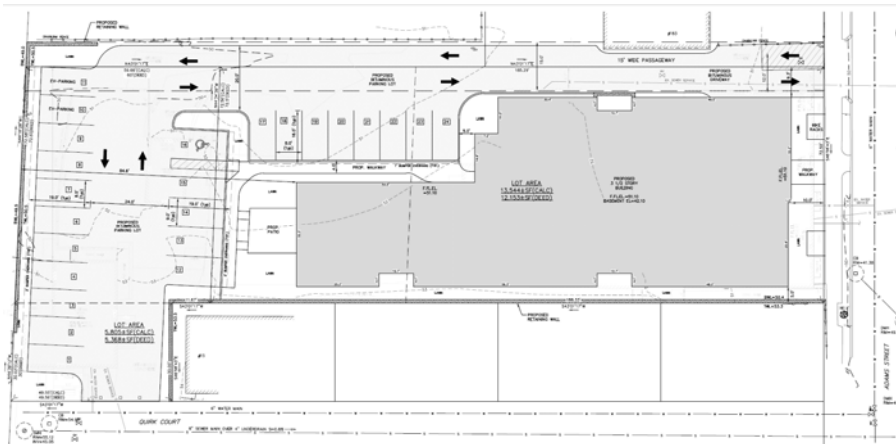




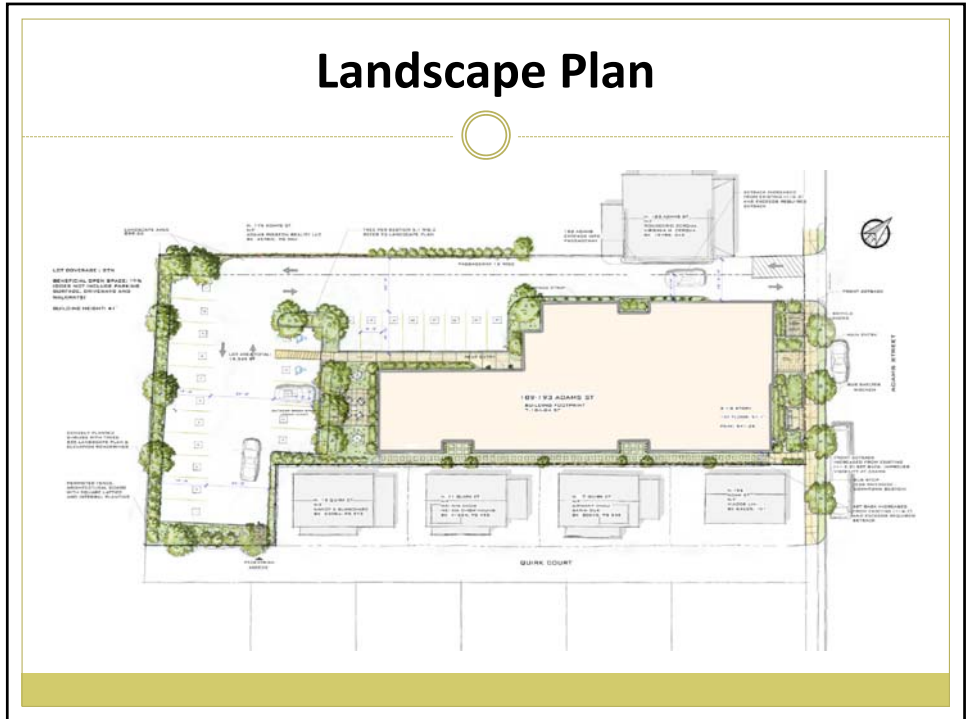
Existing Site Plan



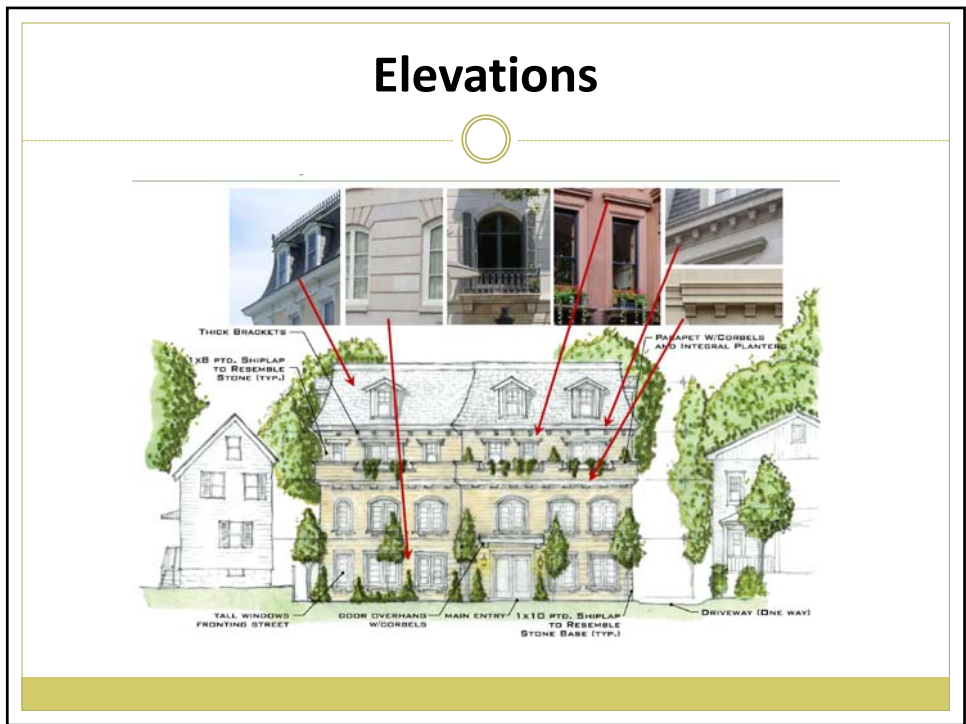
Proposed Site Plan



Landscape Plan



Elevations



Elevations



Consistency with *Comprehensive Plan* and Other Studies

- Project aligns with the *Comprehensive Plan*, Housing and Transportation Strategies by
 - Locating development in the dense, mixed use nature of Adams Street and proximity to Watertown Street
 - Locating development near transit and in a walkable environment
 - Offering a range of unit types and sizes
 - Providing inclusionary units
 - Encouraging alternative methods of transportation

Outstanding Items

- Parking Study
- Inclusionary Housing Plan Review
- Conservation of Energy and Natural Resources
- Photometric Plan of Parking Facility
- Shared easement with the abutter(s) to the north of the site

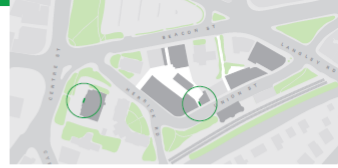
Planning Department Analysis

- Petition is well developed, but at four stories and 41 feet, the project does not fit the existing scale of the neighborhood.
- Massing of the dwelling is too focused on the Quirk Court abutters, without an adequate setback.
- Staff is awaiting the parking study to help inform the analysis regarding the density.

Historical Interpretive Signs

Historic Interpretive

Preliminary Design
Sign Area: -2.67 sf



Bray's Block
1893

Bray's Block or Bray's Hall is part of the Union Street National Historic District. An L-plan commercial block, the building is 2 1/2 stories in height and constructed of buff-colored brick with a supported log roof and heavy masonry cornice. The main window openings of the entire story are also articulated in copper. The building, designed in the Classical Revival style, originally contained a large assembly hall, a banking office, offices and storehouses.

Newton Centre Womens Club
1930

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PICCADILLY SQUARE

93 UNION STREET

PICCADILLY SQUARE

1206 CENTRE STREET

Whitney Veigas
50 Coolidge Park, Needham MA 02462
781-449-1351
www.whitneyveigas.com

Proposed Common Signage
Piccadilly Square
Boston Development Group
Newton Centre, MA

Proj. No.: Date: 5 Jan 18
Scale: NTS Rev.:
Drawn: JAB Dwg:

11

Restaurant Directory Signs

Restaurant Directory (93 Union Street)

Preliminary Design
Sign Area: -15.5 sf
Tenant Sign Area: 3 sf each



CURRENT CONDITION

PROPOSED

3' 0"

1' 0"

Whitney Veigas
50 Coolidge Park, Needham MA 02462
781-449-1351
www.whitneyveigas.com

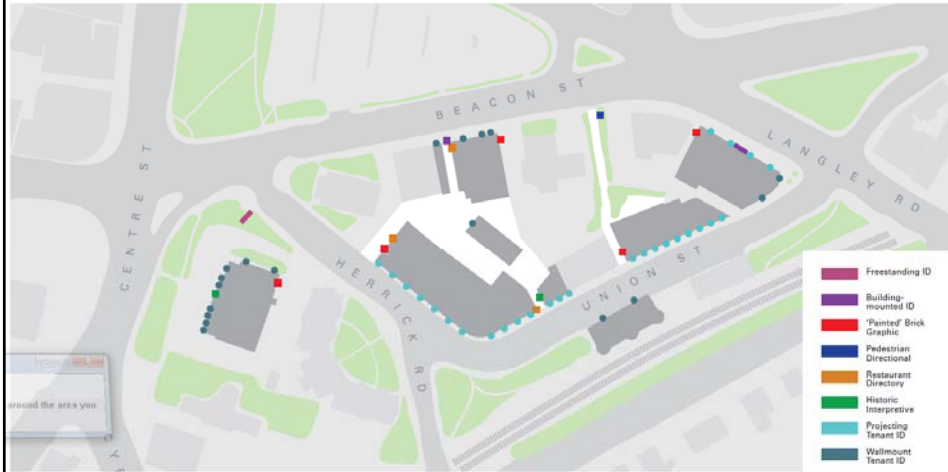
Proposed Common Signage
Piccadilly Square
Boston Development Group
Newton Centre, MA

Proj. No.: Date: 5 Jan 18
Scale: NTS Rev.:
Drawn: JAB Dwg:

14

Signage Overview

Project Signage Overview

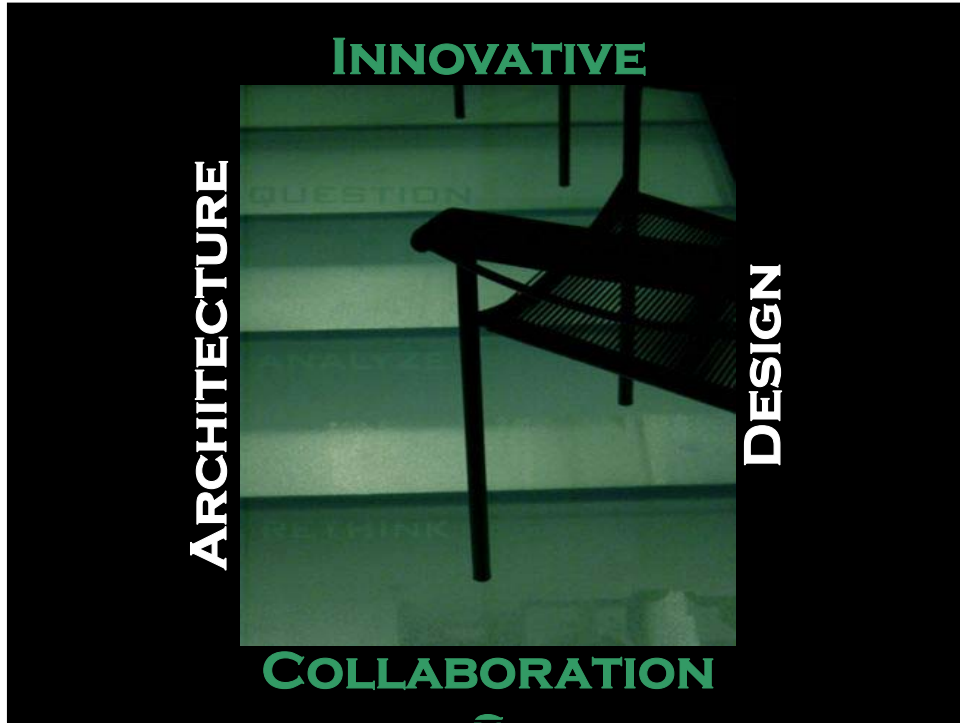


Whitney Veigas
25 Coulton Park, Needham MA 02492
781-442-1251
www.whitneyveigas.com

Overview Sign Location Plan
Piccadilly Square
Boston Development Group
Newton Centre, MA

Proj. No.: Date: 8 Jan 18
Scale: NTS Rev.:
Drawn: JAG Dwg:

4



189-193 Adams Street, 19 Quirk Court
Existing Site & Context

The Residences at 189 Adams Street

AERIAL VIEWS

Existing 3.5-story 12-units
Existing 4-story 31-units
Project Site
ADAMS STREET

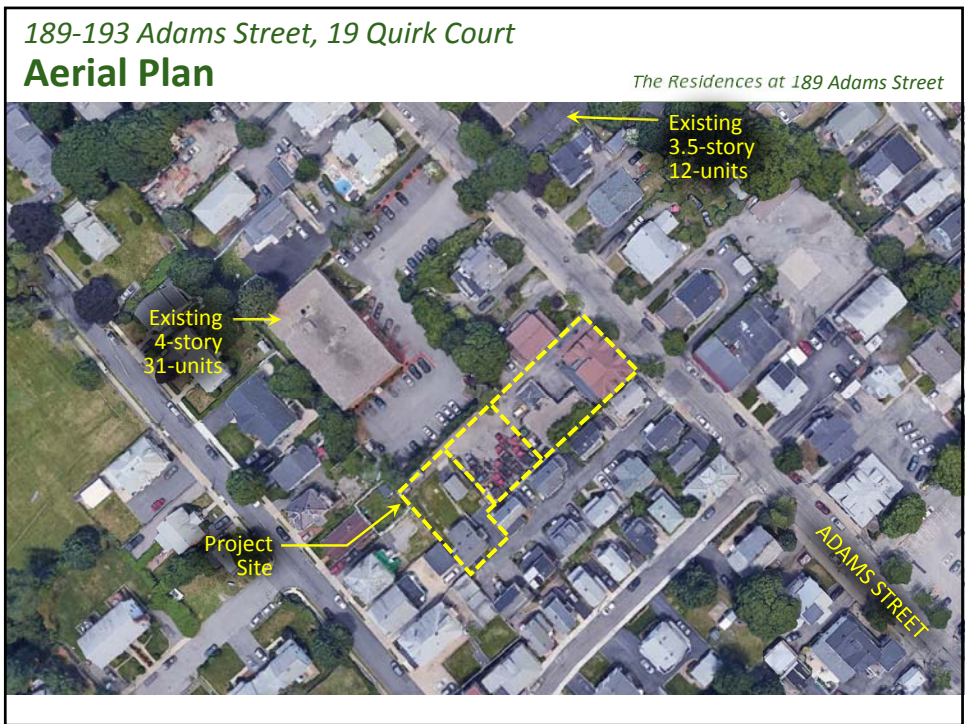
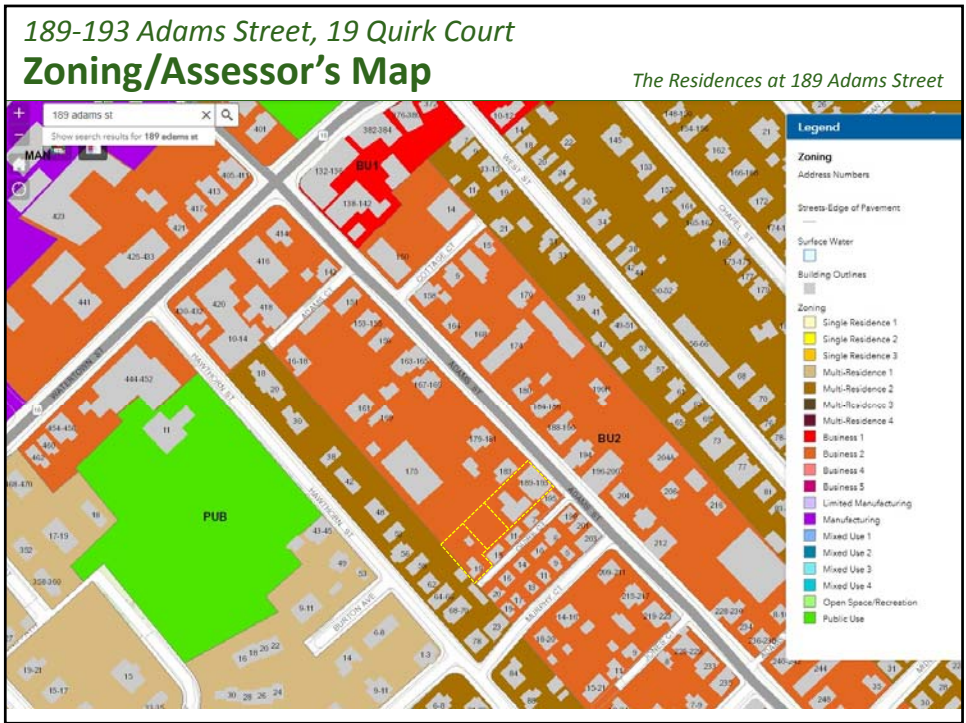
ZONING/ASSESSOR'S MAP

ADAMS STREET VIEWS, EAST SIDE

174 ADAMS ST. 12 UNIT, 2 STORY EAST
184-188 ADAMS ST. 2 FAMILY, 2 STORY
189-193 ADAMS ST. 2 FAMILY, 2 STORY
194 ADAMS ST. 3 FAMILY, 2.5 STORY
198-202 ADAMS ST. 2 STORY
204 ADAMS ST. 2 FAMILY, 2 STORY
210 ADAMS ST. 2.5 STORY

ADAMS STREET VIEWS, WEST SIDE

203 ADAMS ST. 2.5 STORY
231 ADAMS ST. 2 FAMILY, 2 STORY
199 ADAMS ST. 2.5 STORY
195 ADAMS ST. 2.5 STORY
189-193 ADAMS ST. 2.5 STORY
182 ADAMS ST. 2 FAMILY, 2 STORY
174-181 ADAMS ST. 3 FAMILY, 2-7.5 STORY
175 ADAMS ST. 31 UNIT, 4 STORY



189-193 Adams Street, 19 Quirk Court Existing Site Conditions

The Residences at 189 Adams Street



189-193 Adams Street, 19 Quirk Court Existing Site Conditions

The Residences at 189 Adams Street



189-193 Adams Street, 19 Quirk Court
Existing Site Conditions

The Residences at 189 Adams Street



189-193 Adams Street
Existing Building Assessment

The Residences at 189 Adams Street

- » Life Safety Hazards
 - Egress Issues
 - Inadequate Fire & Emergency Access
 - No Sprinkler System

- » Dilapidated Conditions
 - Structural Fractures
 - Vacant Commercial Units in Disrepair
 - Dilapidated Residential Units

- » Non-Compliant Siting
 - Structure Extends into Required Front Setback



The Residences at 189 Adams Street
Project Goals & Community Feedback



- » Clean up site with a new, well-crafted building & green space
Design widely supported by neighborhood association & Design direction unanimously approved by Historic Commission
- » Improve Fire & Emergency Access
 - Increase clearance at 183 Adams
 - Increase turning radius (building setback)*Supported by DRT & Fire Department*
- » Increase front setback at Adams Street
 - Relate better to neighboring buildings
 - Opportunities for landscaping, benches, bike racks*Supported by neighborhood, DRT & Fire Department*
Bus shelter added at DRT request
- » Increase side setback (adjacent to Quirk Court abutters)
Supported by neighborhood association & abutters
- » Improve access for all income & ability levels
 - Elevator allows common areas in building to be accessible
 - 3 affordable units
 - Variety of Unit types & smaller unit sizes improves affordability*Supported by neighborhood association & DRT*

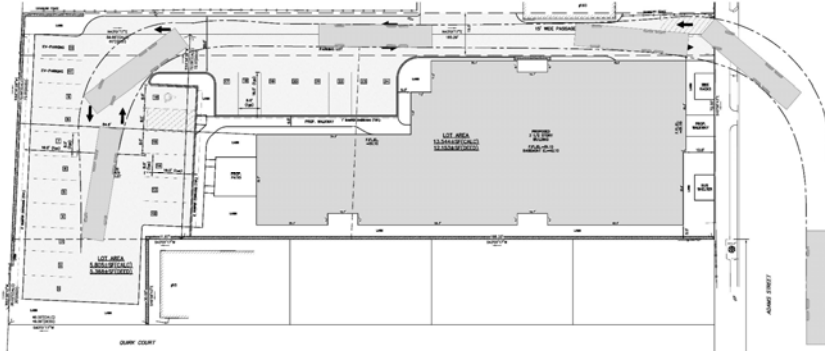
Project Highlights
Site Plan



- » Zoning District: BU2
- » Lot Area: 19,349 SF
- » Building Area: 25,375 (FAR 1.3)
- » Lot Coverage: 7,180 SF (37%)
- » # Units: 18 (3 affordable)
- » Parking Spaces: 24 (2 accessible)

Fire Department Feedback

The Residences at 189 Adams Street



- » Current Conditions Unsafe Due to Existing Clearances
 - Small Front Setback (~3')
 - Tight Alleyway
 - Restricted Access to Rear Properties, Including Adacent Quirk Court
- » Proposed Project Increases Clearances
 - Front Setback Increased to ~10'
 - Side Setback Widened to 15' +
 - Better Visibility at Adams Street
 - Improved Emergency Access
Pierce Arrow XT Fire Truck with 105' Aerial Ladder
Other Life Safety Vehicles
- » Parking Layout Improves Access
 - 8 Compact Parking Spaces Allow for Wider Driveway
 - Trucks Can Turn to Access Entire Property
 - Provides Secondary Access to Adjacent Quirk Court Properties
- » Addition of Sprinkler System Further Improvement to Life Safety

Landscape Design Planting Plan

The Residences at 189 Adams Street



Landscape Design

Architectural Elements

The Residences at 189 Adams Street



Design Intent

Massing

The Residences at 189 Adams Street

- » Breaks up building mass to thoughtfully relate to scale & proportion of neighborhood
- » Establishes a more residential & human scale respectful of the neighborhood



Design Intent
Massing

The Residences at 189 Adams Street

Front (East) Elevation



Rear (West) Elevation



Design Intent
Massing

The Residences at 189 Adams Street

North Side Elevation

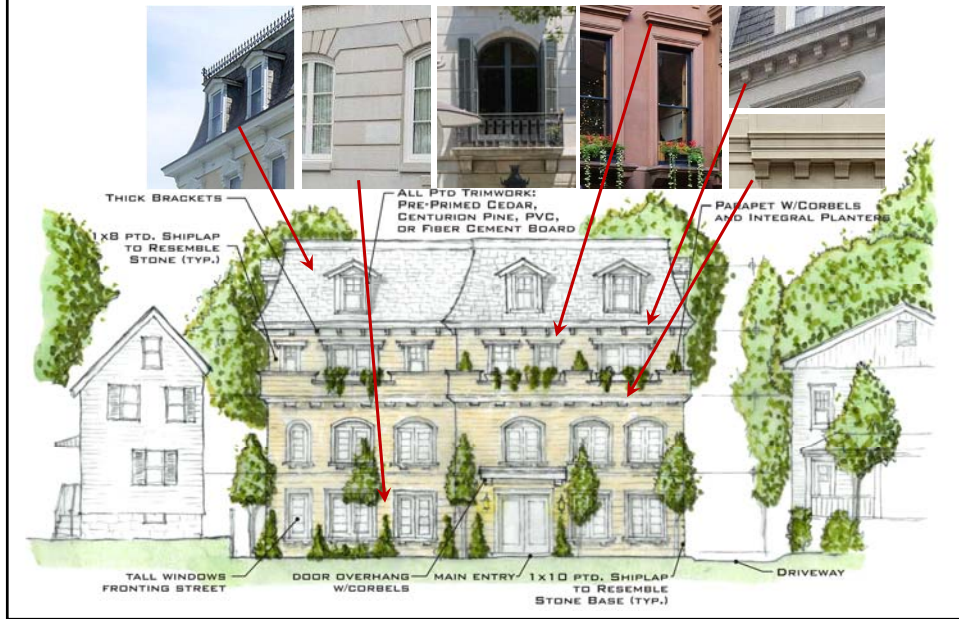


South Side Elevation



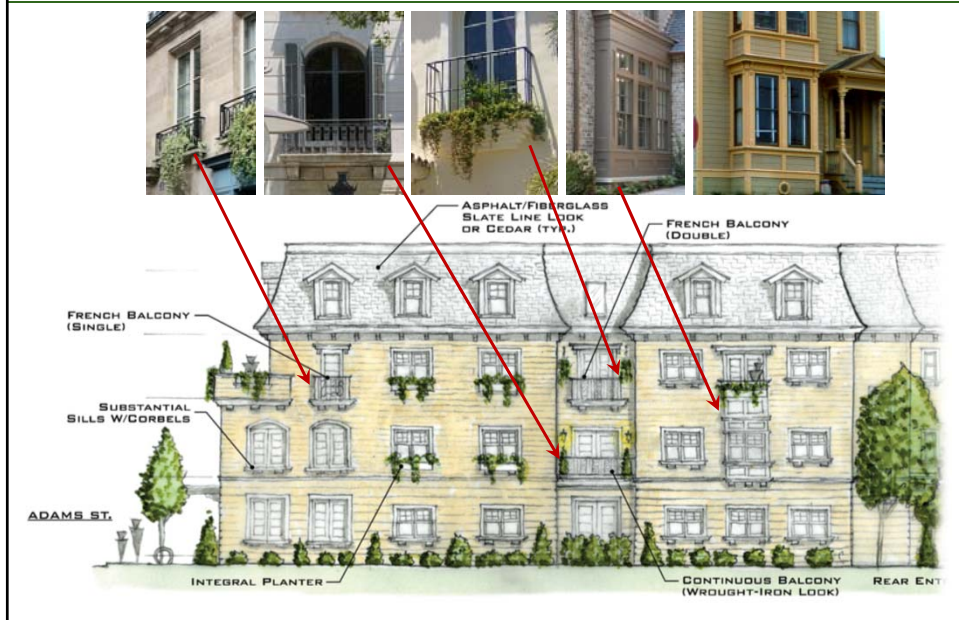
Architectural Details Articulation

The Residences at 189 Adams Street



Architectural Details Articulation

The Residences at 189 Adams Street



Floor Plans

The Residences at 189 Adams Street

First Floor Plan



Second Floor Plan



Third Floor Plan



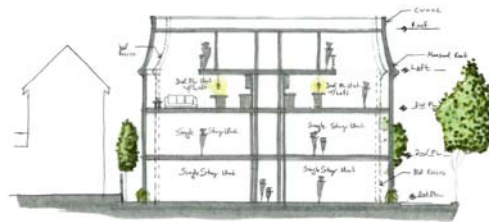
Third Floor Loft



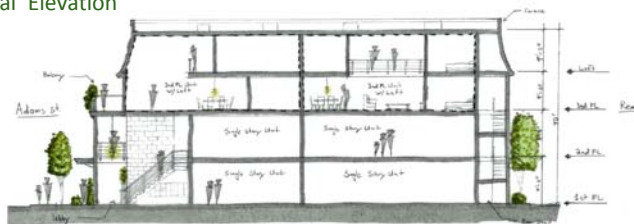
Building Sections

The Residences at 189 Adams Street

Transverse Section



Longitudinal Elevation



Sustainable & Green Strategies Active & Passive Systems

The Residences at 189 Adams Street

- » High Performance Thermal Envelope
 - » Build to Energy Star Standards (at min.)
 - » Maximize Energy Efficiency
 - » Reduce Solar Heat Gain
 - » Energy Efficient Mechanicals & Appliances
 - » Rainwater Harvesting
 - Landscape Irrigation
 - » Photovoltaic Panels*
 - Common Areas
 - Reverse Metering
 - » Solar Domestic Hot Water*
 - Common Areas
 - Infrastructure for Residential Units
- *under consideration*



Sustainable & Green Strategies Promoting Alternative Transit

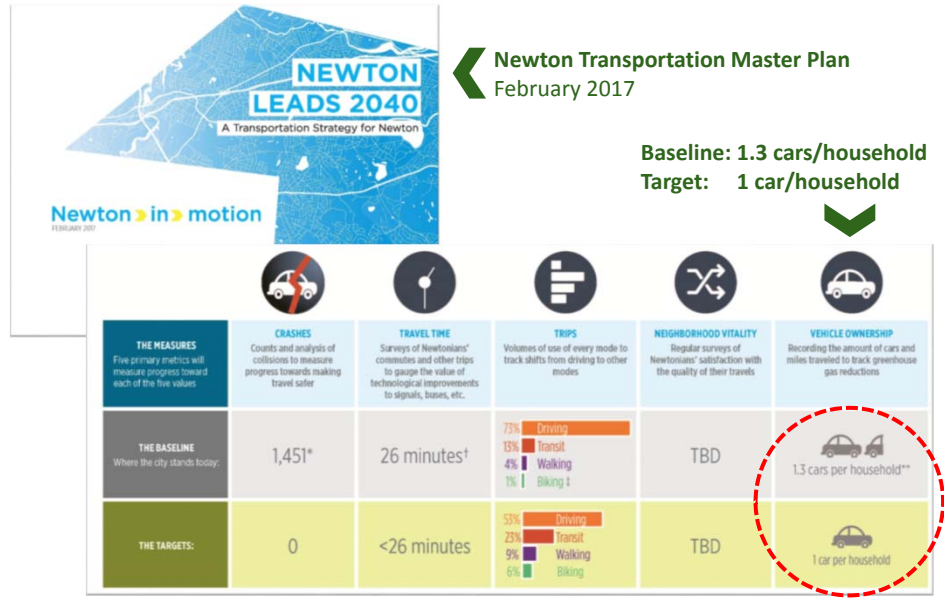
The Residences at 189 Adams Street

- » Unbundled Parking
- » Bike Racks & Storage
- » Promote Walkable Neighborhood
 - Enhanced Streetscape
 - Commercial Street Frontage
 - 3-minute Walk to Watertown Street
- » Electric Car Charging
- » New Bus Shelter
 - 558 Bus Direct to Downtown Boston
- » Enhance Pedestrian Safety
 - Better Visibility at Driveway



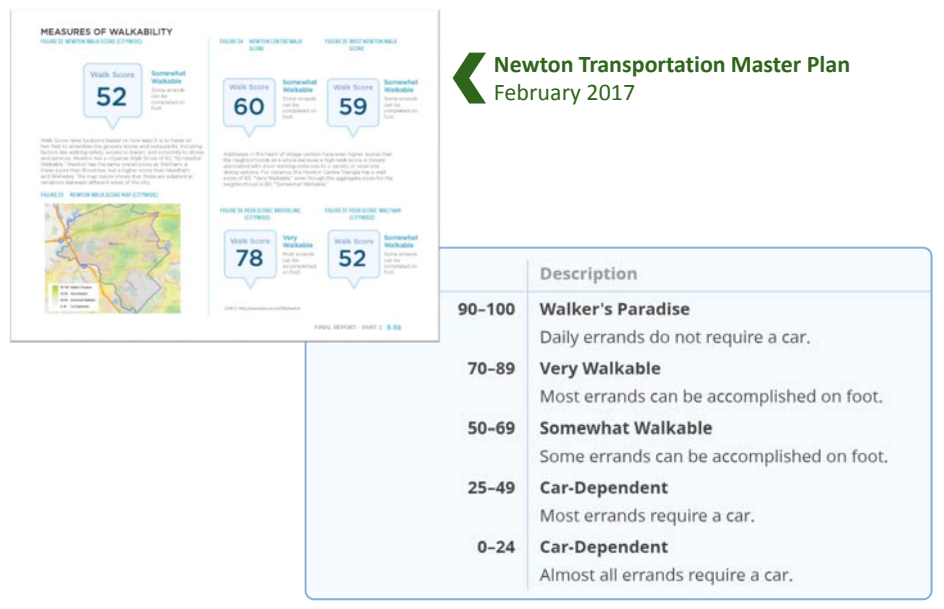
Alternative Transit Cars per Household

The Residences at 189 Adams Street



Alternative Transit Walk Score

The Residences at 189 Adams Street



Alternative Transit Walk Score

The Residences at 189 Adams Street

MEASURES OF WALKABILITY

FIGURE 1: NEWTON WALK SCORE (CENTRAL)
Walk Score: 52
Somewhat Walkable

FIGURE 2: NEWTON WALK SCORE (MAP CENTRAL)

FIGURE 3: NEWTON CENTER WALK SCORE
Walk Score: 60
Somewhat Walkable

FIGURE 4: WEST NEWTON WALK SCORE
Walk Score: 59
Somewhat Walkable

FIGURE 5: NEWTON WALK SCORE (MAP CENTRAL)

FIGURE 6: NEWTON WALK SCORE (MAP CENTRAL)

"Nonantum is the most walkable neighborhood in Newton..."
walkscore.com

Walk Score

73

Transit Score

41

Nonantum is the most walkable neighborhood in Newton with 7,464 residents.

Nonantum has some public transportation.

Nearby neighborhoods: Newtonville, Newton Corner, West Newton, Newton Center, Newton Highlands, Thompsonville and Waban.

Nearby Apartments

Alternative Transit Walk Score

The Residences at 189 Adams Street

Walk Score

83

Very Walkable

Most errands can be accomplished on foot.

- Groceries .1 mi
- Restaurant .04 mi
- Coffee Shop .09 mi
- School .3 mi
- Shopping .1 mi
- Park .1 mi



Alternative Transit MBTA Access

The Residences at 189 Adams Street

- » 4 local bus routes
 - Express to Downtown Boston
 - 0 to 6-minute walk
 - multiple routes allow greater flexibility
- » Commuter Rail Framingham/Worcester (12-minute walk) Fitchburg Line access
- » Subway Access to Green Line, D Branch

The map illustrates the location of The Residences at 189 Adams Street (marked with a red pin) and its proximity to various transit options. Key features include:

- Commuter Rail:** Access to the Fitchburg Line (12-minute walk) and the Framingham/Worcester Line (12-minute walk).
- Subway:** Access to the Green Line, D Branch (10-minute walk) and the Green Line, B Branch (10-minute walk).
- Express Buses:** Routes 558 to Riverside via Waltham, 59 to Watertown Square, 59 to Needham Junction via Newton Highlands, 558 to Downtown Boston Express, 556 to Downtown Boston Express, 554 to Downtown Boston Express, and 553 to Downtown Boston Express.
- Local Buses:** Waltham Highlands, Waverly Square, and Roberts.

Alternative Transit Biking

The Residences at 189 Adams Street

Project Improvements

- » Bicycle Parking
 - 6 on-site stalls
- » Bicycle Storage
 - 45 stalls in basement

In the Community

- » Bike Share
 - MAPC bringing bike share to Newton
- » Bike Lanes
 - Lane markings coming to Watertown Street







MAPC Announces 16-Community Effort to Bring Bike Share System to Boston's inner suburbs in 2018

Posted on October 11, 2017 at 4:00 pm. Written by Amanda Linhan

Amanda Linhan
Communications Manager, MAPC
817.863.4705



Street Design Manual

Parking Dimensions
Standard Parking Spaces *The Residences at 189 Adams Street*

STANDARD SPACES			
	width	length	aisle
The Residences at 189 Adams Street	8.5'	19'	24'
Newton	9'	19'	24'
Wellesley	8.5'	18'	24'
Waltham	9'	18'	20'
Watertown	8.5'	18'	20'
Needham	9'	18.5'	24'
Brookline	8.5'	18'	23'
Cambridge	8.5'	18'	22'
Boston	8.5'	20'	--

14 proposed spaces @ 8.5'x19'

Parking Dimensions
Compact Parking Spaces *The Residences at 189 Adams Street*

COMPACT SPACES			
	width	length	aisle
The Residences at 189 Adams Street	8'	16'	20'
Newton	--	--	--
Wellesley	7.5'	15'	24'
Waltham	8'	16'	20'
Watertown	8'	18'	20'
Needham	8'	16'	24'
Brookline	7.5'	16'	20'
Cambridge	7.5'	16'	20'
Boston	--	--	--

8 proposed spaces @ 8'x16'

Parking Dimensions Compact Parking Spaces

The Residences at 189 Adams Street



8.8'

Smart Car (2-person)



14.9'

Toyota Prius (5-person)



15.6'

Kia Sorento (8-person)

Questions & Comments



189-193 Adams Street LLC

INNOVATIVE COLLABORATIONS,

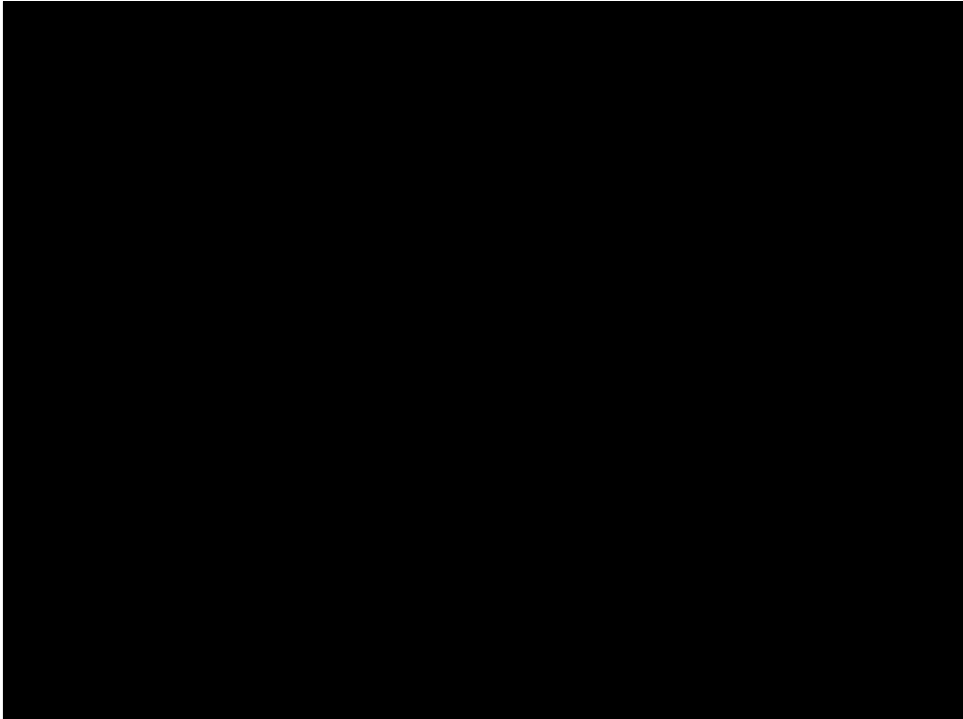
INNOVATIVE **COLLABORATION**
AWARD WINNING ARCHITECTURE & DESIGN

ARCHITECTURE & INTERIORS
PREMIERE RESIDENCES & LOFTS • ESTATES • PENTHOUSES • CONDOMINIUMS

ADDITIONAL DISCIPLINES:

- ENTERTAINMENT & HOSPITALITY
- OCEANFRONT VILLAS
- EXOTIC TROPICAL RESORTS
- MUSEUMS, AQUARIUMS & COMMERCIAL

BOSTON OFFICE:
369 CONGRESS STREET
BOSTON MA 02210
617 695 3777
WWW.INNOVATIVE-C.COM



Option if Pedestrian Access is Preferred

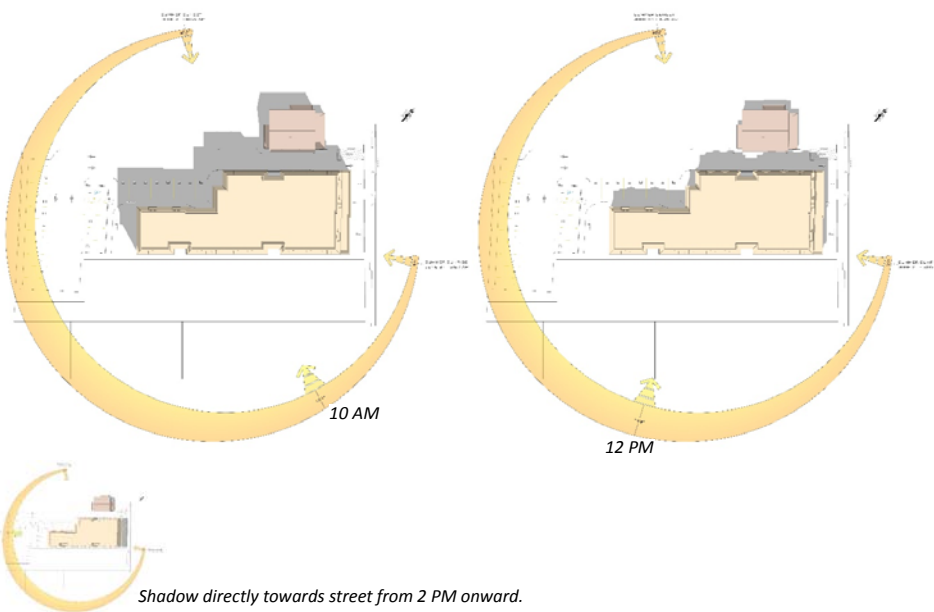
The Residences at 189 Adams Street

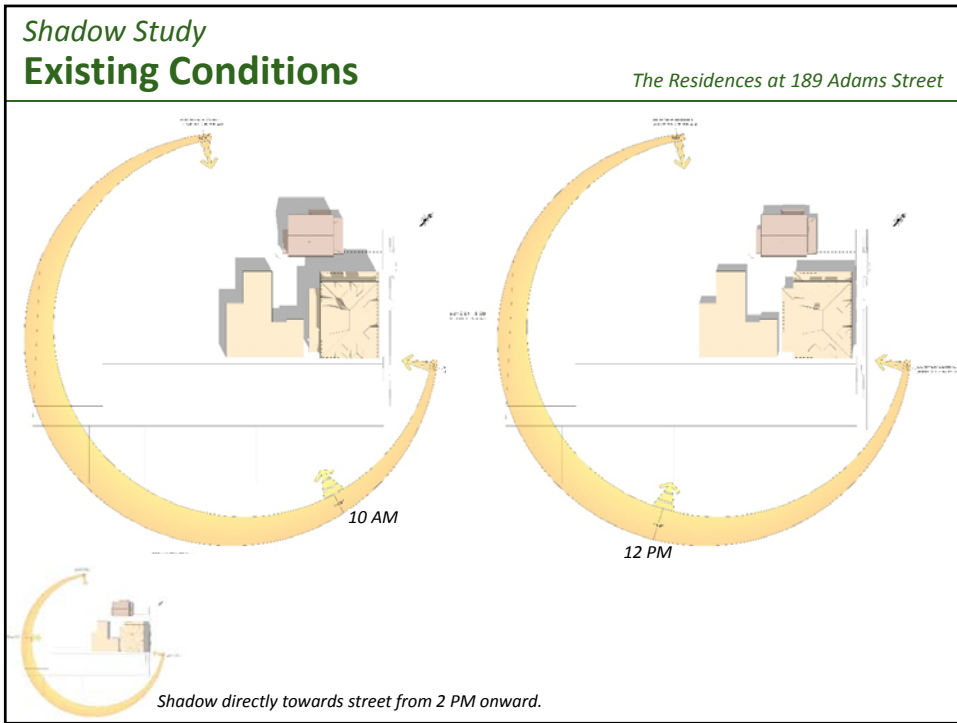


Shadow Study

Proposed Building

The Residences at 189 Adams Street





#137-18

**OBJECTION LETTER REGARDING PETITION TO ALLOW 18-UNIT
MULTI FAMILY DWELLING AT 189-193 ADAMS ST/ 19 QUIRK CT
FOR A SPECIAL PERMIT/SITE PLAN APPROVAL**

4/3/2018

City Council
The City of Newton
1000 Commonwealth Avenue
Newton, Massachusetts 02459

RECEIVED
Newton City Clerk
2018 APR -2 AM 11:14
David A. Olson, CAO
Newton, MA 02459

We, the residents of 183 Adams St (Ruggiero & Maria Cerqua), object to the granting of a petition TO ALLOW 18-UNIT MULTI FAMILY DWELLING AT 189-193 ADAMS ST/ 19 QUIRK CT FOR A SPECIAL PERMIT/SITE PLAN APPROVAL.

The purpose of this objection letter is to espouse the numerous concerns and potential hardships shared by myself, my family and fellow neighbors, regarding the proposed dwelling at 189-193 Adams St. / 19 Quirk Court. As long-time residents, voters and tax payers of Newton, we believe it is our right to REJECT any proposal to build a new dwelling that abuts our properties, particularly where the density of the neighbourhood is relatively high, and land is very limited. As a result, we STRONGLY believe the following issues must be considered:

- 1) Height/area/style restrictions of dwellings: Nonantum "The Lake" historically has been a section of Newton constructed of mainly small to medium sized homes, with a mix of single and 2 family dwellings, with an average height of two stories. The very essence of the dwellings on Adams Street, and surrounding streets, comprise of homes that were built in the style of turn of the century immigrant building techniques, that give Adams Street and Quirk Court its unique identity. The houses, particularly on Adams Street and Quirk Court, are small, with very limited lot sizes, and rather "blue collar" appeal. The proposed dwelling to be constructed does not seem to adhere to the local building homogeny, thus threatening the character and value of surrounding properties. A building of 4 stories or 41 feet, poses issues of privacy (tenants looking in to lower lying dwellings), restriction of sun light, and restriction of views. The most alarming concern is the limited land per unit.
- 2) Specifically are the following concerns:
 - Density bonus to allow parking 5' feet within an abutting dwelling- The driveway shared by 183 and 189 Adams Street, is just wide enough to allow one car to pass in either direction. To grant a density bonus of parking within 5' of any abutting property, would pose tremendous issues in entering and exiting the driveway, as well as vehicles idling too close to 183 rear, and 183 front Adams Street. We, as property owners, have to protect the rights and health of our tenants and family.

- Density bonus to reduce the lot area per unit and increase inclusionary units –As revealed in the construction proposal, the owners/builders of "189 Adams Street/19 Quirk Court" are requesting the approval for 18 units to be constructed. We believe the number of units to be built is excessive for the amount of land purchased, and further reduction in lot size per unit will pose many issues regarding privacy, sanitation, and congestion from multiple vehicles per dwelling unit.
- Density bonus to allow a reduction in the minimum width of maneuvering ailes –As mentioned above, the lot area per unit is grossly insufficient, thus, units with multiple vehicles, particularly larger vehicles (SUV's) will pose a multitude of problems among other parked and entering vehicles, specifically the risk of striking and damaging the vehicles and property of abutting property owners.
- Density bonus to reduce parking stalls to 1.25 spaces per unit – Any unit with tenants owning multiple vehicles (two or three), will have a challenge in finding resources for additional parking. Street parking is already limited on Adams Street, especially where "No Parking", or short term parking sings already exist. The potential for tenants to encroach, or even block access points to abutting driveways, can pose potential risks, especially if a medical emergency is required and public safety officials are unable to access the individual(s) in need of help
- Density bonus to reduce the minimum width of an exit/entrance drive – As mentioned above, the shared driveway of 183 and 189 Adams Street, is just wide enough to allow one vehicle to enter and exit in either direction. Furthermore, it is known that pumping trucks (Fire Trucks) that serve the Newton Fire Department, are just barely able drive in the entrance shared by 183 and 189 Adams Street. ANY REDUCTION to the width of the driveway shared by 183 and 189 Adams Street, will certainly prevent fire trucks from entering the dwelling in the event of a fire or medical emergency.
- Density bonus to waive perimeter lighting- Safety is of the outmost concern, especially where many individuals take advantage of walking during the evening hours. Elimination and waiving of necessary lighting within an area of high density vehicles entering and exiting adjoining properties, would pose the potential threat of people being struck by vehicles, especially where many children live in the area.
- Density bonus to waive perimeter screening- Perimeter screening "fencing" is crucial in preventing the entrance of vermin (raccoons, skunks) that pose potential health risks associated with rabies, as well as first-line protection of would be intruders. The elimination of perimeter screening greatly increases the possibility the invasion of unwanted pests and perpetrators to 183 Adams Street and residents of Quirk Court.

To summarize, the proposed petition to allow a special permit/ site plan approval to the proposed dwelling of 189 Adams Street/ and 19 Quirk Court, poses numerous concerns that could very easily affect and place a strain on the safety, livelihood and overall wellbeing of the many surrounding residents and neighbors of Adams Street and Quirk Court. We as residents are very confident that the City Council will make a judgement that will benefit the wellbeing of the many long-time residents of this very unique and tight-knit community known as "The Lake".

Respectfully,

Ruggiero & Maria Cerqua