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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

DATE:	July 5, 2024
MEETING DATE:	July 11, 2024
TO:	Zoning Board of Appeals
FROM:	Barney Heath, Director of Planning and Development Jennifer Caira, Deputy Director of Planning and Development Katie Whewell, Chief Planner for Current Planning
COPIED:	Mayor Ruthanne Fuller City Council

In response to revised plans submitted on June 26, 2024 and in conjunction with public hearings held on September 13, November 29, January 10, April 3, May 15 the Planning Department is providing the following information for the upcoming continued public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

PETITION #08-23 **41 Washington Street**

Application #08-23- 41 TusNua LLC, requesting a Comprehensive Permit, pursuant to M.G.L. Chapter 40B, to construct a 16-unit residential unit development on a 25,902 square foot lot located at **41 Washington Street** within a Single-Residence 3 (SR3) zoning district. The proposal includes four affordable ownership units.

This item was held open for the petitioner to respond to questions and concerns raised by members of the public, the Board, and the Planning Department.

EXECUTIVE SUMMARY

The subject site at 41 Washington Street is a 25,902 square foot parcel on the north side of Washington Street between Grasmere Street and Elmhurst Road in the Hunnewell Hill neighborhood of Newton Corner. Located in a Single Residence 3 (SR3) zoning district, the site is improved with an approximately 6,800 square foot two-family dwelling. Built in 1891 as a single-family home, the dwelling was divided into two units in 1925 and it remains a two-family home today.

The applicant, 41 TusNUA LLC, submitted revised plans on June 26, 2024 that clarifies questions asked from the peer reviewers, Planning staff, and the ZBA. While not a comprehensive redesign, clarifications and alterations include more information on the elevations, materials, site operations, and roof plan. While the Urban Design Commission reviewed the March 8, 2024 plans they have not reviewed the plans with additional details, materials, and color that were submitted June 26, 2024.

This Comprehensive Permit application, submitted August 2023, proposes 16 homeownership units with four units designated as affordable to households earning 80% of the area median income. In 2024, the area median income for a family of four is $148,900 (set by U.S. Department of Housing and Urban Development based on the metropolitan statistical area (MSA)). As the household size increases, so does the maximum income allowed to purchase the unit. Based on the time of filing (2023), the affordable units purchase prices would range from $248,000 to $289,400. However, these numbers are expected to fluctuate due to the area median income and sales prices are adjusted every year.

The project materials submitted for review can be found here.

I. Plan Revisions

Revised plans were uploaded to NewGov on June 26, 2024 and include further clarifications to questions from the peer reviews, Planning staff, and ZBA, mainly around design and how the building will present visually. Accompanied by a conceptual design scheme and revised architectural plans, the design team's architect submitted a design memo dated June 15, 2024 that describes that exterior materials. The base (first floor) of the building will be a thick stone veneer and terminate at bays or balconies. The base will then be painted a color that will blend with the stonework. Floors 2 and 3 will be clad in beige composite clapboard, and floor 4 will be clad in medium gray composite wall shingles. Additional elements are proposed such as cornices and a parapet. These details and materials are all noted or called out on the architectural plans and would be considered a controlling document for the site, should this project be approved.

Proposed Front Elevation

1 PROPOSED FRONT ELEVATION-NORTH

Proposed Rear Elevation

2 PROPOSED REAR ELEVATION-SOUTH
A103 1/8" = 1'-0"

Proposed East Elevation

Washington Street

Proposed West Elevation

Washington Street

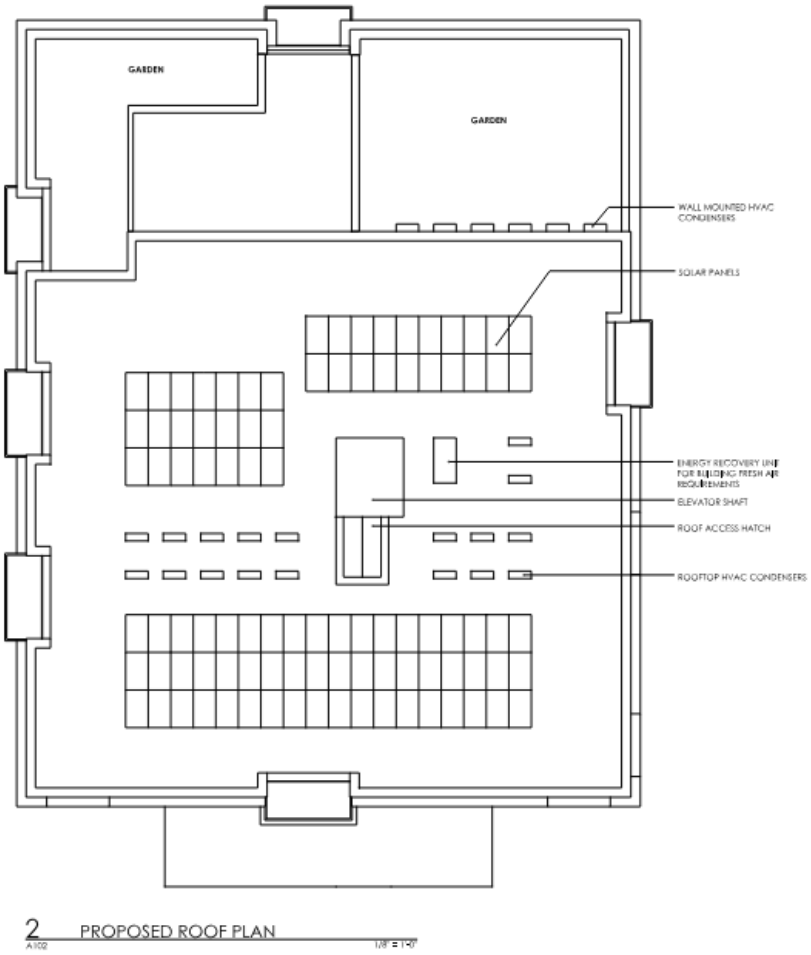
To create a level rear yard, the applicant proposes two terraced retaining walls, six feet apart, that reach a cumulative height (bottom of the lower wall to the top of the higher wall) of approximately nine feet. They are outside of the 15-foot rear setback, thus did not require zoning relief (due to the time of filing). The applicant is proposing screening along all lot lines and is not proposing anything on the portion of the lot that juts out at

the northeast corner, which will provide an additional buffer and distance from the project for the neighbors on Elmhurst Road to the east.

In the memorandum prepared for the April 3rd hearing, Planning raised concerns with the size of the project in terms of the floor area ratio (FAR) which is proposed at 1.16, over three times the maximum allowed within the single residence 3 zoning district (.36). A revised FAR worksheet for the project was provided to Planning which places the square footage at 30,033 square feet in floor area. All previously proposed dimensional controls remain the same, meaning there have not been any changes to the footprint or the height of the building since March 8, 2024. The FAR remains at 1.16, where .36 is the maximum allowed as of right for the SR-3 zoning district. The Planning Department previously recommended that the Applicant consider other ways to articulate massing such as projections and stepping back the upper stories to mitigate the impact of the large building. The balconies, recessed living rooms, and contrasting colors shown on the architectural plans all help towards achieving this directive.

The applicant also submitted details of the proposed roof plan which shows solar panels, rooftop mechanicals such as HVAC condensers as well as roof top gardens/green roof and a deck area. The rear of the roof will be enclosed by a 3.5-foot-high parapet wall.

Proposed Roof Plan



Planning previously raised concerns with the front entry of the building which is approximately seven feet above the ground elevation. The applicant is providing both stairs and elevator at the front of the dwelling. Planning requested more information on the elevator based on feedback from the City's ADA Coordinator, Jini Fairley. Ms. Fairley noted new construction should have a ramp or walkway for all visitors and this configuration may require a variance from the Architectural Access Board. The location of the bicycle rack near the elevator also may present a conflict if the rack were to become overloaded with bicycles and impede in front of the path to the front porch elevator. The Applicant has not provided any updated information on this topic.

II. Urban Design Commission Review

The Applicant appeared before the UDC on May 8, 2024 to present the initial redesign of the project and a subsequent memorandum was issued (**Attachment A**). The UDC noted the improvement to the site design from the prior iteration of the project that maintained the existing dwelling with an addition, however they noted that it presents as a bulky box. The UDC notes that the parking issue is solved with parking within the first floor of the building, but the overall size of the building remains an issue.

Much of the discussion focused on roof form, with the Applicant stating the flat roof allows them to maintain the 16-unit program, and a pitched roof would not allow for the same number of units on the top floor. The UDC believes that a pitched roof would appear "more residential" and perhaps there is a middle ground. Overall, the UDC expressed a desire for this proposed building to appear more residential and pointed to examples at 77 Court Street, a 36-unit Comprehensive Permit project and new construction on California Street where wood panels were used in contrast with white panels. The UDC has not reviewed the changes submitted on June 26 and Planning believes these changes help the project appear "more residential".

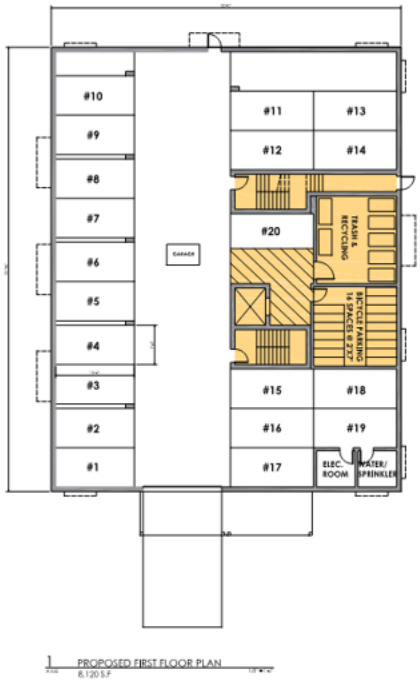
One of the members of the UDC thought the design was more appropriate than the prior iteration, as it is a more efficient design, and the vehicles are no longer visible nor taking up open space.

III. Parking and Circulation

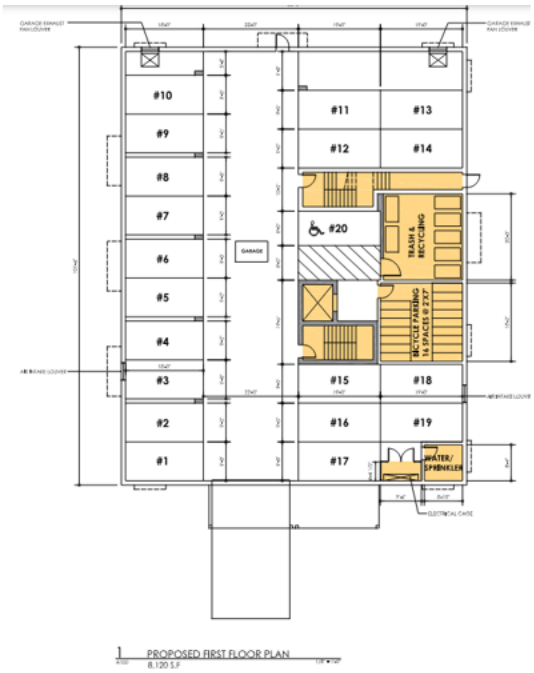
A revised first floor plan for the garage was submitted which shows minor modifications to the floor plan. BSC, the City's peer reviewer for traffic and circulation reviewed the materials submitted June 26 and issued as subsequent response **(Attachment B).** They noted that the requested narrative for how the parking spaces will be assigned and how the parking design meets the requirements of Section 5.1.8.E.1, and confirmation that the electrical room and water/sprinkler meets building code requirements was not provided. The Applicant provided a narrative regarding trash and recycling operations with the trash room being large enough to accommodate seven wheeled 2-yard dumpsters which are each approximately 3 feet wide x 3 feet high x 6 feet long. These dumpsters are designed to be moved by a single person. Residents will bring their trash and recycling down the elevator or stairs and deposit the bags in the appropriately marked dumpsters. A private trash and recycling company will be retained by the condominium association. This company will decide on an appropriate number of times per week (one or more) to service the building based on the volume of trash generated.

Their employees will wheel the dumpsters from the trash and recycling room to a truck parked at the curb. The truck uses lifts to empty the dumpsters into the truck. Employees will wheel the dumpsters back into the trash and recycling room for use by the residents.

Garage Floor Plans



March 2024 First Floor Plan



June 2024 First Floor Plan

IV. Sustainable Development

Per the Ordinance, the Project is required to be designed to LEED Silver standards (certification not required). The Applicant stated that due to the new stretch energy code, they will be required to construct to Passive House standards, if approved. Should this project be approved, Planning and Law can incorporate specific conditions requiring Passive House construction and any additional sustainability commitments.

V. Stormwater

Horsley Witten reviewed the revised plans submitted June 26, 2024 and issued a subsequent response **(Attachment C)**. While most comments have been satisfied, Horsley Witten has additional recommendations around standard two, four, and eight. The recommendations have been updated below per the 10 Massachusetts Stormwater Handbook (MSH) standards.

Standard 1 No new stormwater conveyances (e.g., outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth	• The proposed design does not appear to discharge into a wetland and erosion is not a concern.
Standard 2 Stormwater management systems shall be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates	• Elevations were revisited, the Applicant should raise the top of the wall and adjacent surface grade surfaces to elevation 118.67. This is due to potential for stormwater to back up during large storm events.
Standard 3 The annual recharge from post-development shall approximate annual recharge from pre-development conditions	• Applicant adjusted shape of infiltration chamber, no further comment.
Standard 4 The stormwater system shall be designed to remove 80% Total Suspended Solids (TSS), to remove 50% of Total Phosphorus (TP), and to treat 2.0-inch of volume from the impervious area for water quality	• Applicant may consider separating the roof drain from the trench drain and if feasible, raise the elevation of the roof drain in the chamber system. • The civil engineer should confirm the size of the drainpipes and provide applicable calculations. Drainpipes should be sized to avoid clogging and have the capacity to manage the runoff from the lawn area. • The civil engineer should confirm the size of the drainpipe as drawn has a bend without a structure.

	• Provide a TSS worksheet for each treatment train proposed.
Standards 5, 6, 7	Not applicable
Standard 8 requires a plan to control construction related impacts including erosion, sedimentation, or other pollutant sources.	• Clarify stormwater infiltration system will be installed in its entirety during weeks 9-15, after the retaining walls and foundation. • Clarify temporary drainage toward Washington Street. • Recommends that the Applicant include a clear limit of work on the plan set that can be staked in the field.
Standard 9 requires a Long-Term Operation and Maintenance (O&M) Plan to be provided	• O&M plan has been signed and estimated budget has been provided to acknowledge long term maintenance costs associated.
Standard 10 requires an Illicit Discharge Compliance Statement be provided	• Provided by Applicant, no further comment.

VI. Mitigation

The City Engineer issued a memorandum for the Inflow and Infiltration (I&I) fee. If approved, the project will be required to pay $239,962 based off the number of bedrooms. 25% ($59,991) would be allocated to the design and construction of upcoming sewer project areas. The remaining 75% ($179,971) would be allocated towards a general project area mitigation fund.

VII. Analysis and Next Steps

The Applicant should respond to the issues raised in the memorandum in writing and at the hearing.

Attachments

Attachment A UDC Memorandum, issued May 10, 2024

Attachment B BSC memo, issued July 2, 2024
Attachment C Horsley Witten Memo, issued July 2, 2024

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Barney Heath
Director

DATE: May 10, 2024

TO: Zoning Board of Appeals

FROM: Urban Design Commission

RE: 41 Washington Street Design Review

CC: Barney Heath, Director of Planning and Community Development
Jennifer Caira, Deputy Director
Katie Whewell, Chief Planner
Petitioner

Section 22-80 of the Newton City Ordinances authorizes the Urban Design Commission to act in an advisory capacity on matters of urban design and beautification. At their regular meeting on May 8, 2024, the Newton Urban Design Commission (UDC) reviewed the proposed project at 41 Washington Street for design. Those present were Michael Kaufman (Chair), Jim Doolin, John Downie, Visda Saeyan, and Bill Winkler. The Urban Design Commission had the following comments and recommendations at the meeting:

Commission's overall view is that the building is too big and bulky for this site on a SR3 zoned lot. Four members of the Commission had the following comments and recommendations:

Site Plan, Circulation and Connectivity

UDC appreciates the improvement to the overall site with the current design. It is a big improvement. There's some very creative thinking going on but it's creative thinking for problem solving. The program introduces several problems that challenge this site in terms of its capacity to have a building of this size. While creative techniques can be used to try to ameliorate that, this is a very big, bulky box on a SR3 site, the context rendering shows that.

Appreciate that the parking is tucked away, there is more open and green space and more existing trees are retained. Parking issue is sufficiently solved but it drives the form of the building, which is an apartment building. There are a lot of creative things going on here, but the building is too big and supports too many units that then drives other issues that need to be solved. Applicant is able to solve some of the issues in the previous design by moving the building forward and having a smaller front yard than was there before.

UDC inquired regarding neighborhood context whether the project (including demolition) had been reviewed by the Historical Commission. Mr. Schwarzer indicated that they had a meeting coming up.

Building Massing, Height, and Architecture

UDC commented that the pitched roof in the previous proposal related more to the surrounding buildings and made the building look more residential than a flat roof. The applicant responded that the reason why they don't have a pitched roof is simple. If they have a pitched roof, they'll get only half the number of units. So, they'd have to then do another story to get back the number of units. They are not reducing the number of units in the building. It's been 16 units since the beginning, and it's been through three major redesigns and it's still 16 units and that is the way it must be because they've done exercises that have proven financially it doesn't work at less than 16 units. So, they cannot do a pitched roof and get the same number of units in a building. They'll lose essentially half the units up there. They would need to add one more story if they were to make a pitched roof, which would be a much taller project.

UDC asked the applicant why they can't put the top floor in some kind of attic configuration so that maybe those have sloped ceiling at certain places. The applicant responded that they will lose building area if they start sloping back. The UDC commented that there must be something in between a total true pitched roof and a flat roof that will help to have some residential look to it. The applicant responded that the rooms are already small, so with any projection, rooms in the units will become even smaller and not be usable. It matters because there are bathrooms that are certain sizes and because they are meeting handicap requirements for every unit, so they must have three-foot doors and there's just a lot of height issues that they must deal with. If they sloped the walls back, for example - sloped them back by three or four feet, area will be lost within the unit when it comes to the sizes of the critical spaces (kitchens, bathrooms, cabinetry, and closets). So, it will change the plan sufficiently that the units don't work. So, the number of units will need to be reduced and have a different configuration on the top floor. Ultimately, sloped roof will reduce the number of units.

UDC commented Washington Street is a particularly special street and if you drive down, you will notice that most of the homes were built around the same time. There's a very strong sense of Victorian houses and this one is sort of a slap in the face of all this. This looks like an apartment building, and it seems totally out of context.

UDC recommends using methods that would make this feel more residential and the applicant should try harder to do that. There are some good examples shown by the applicant in the presentation. It will be helpful to start breaking the façade. A good example is 77 Court Street, which was another 40B where they had 36 units, and they originally came in with a design that was closer to what the applicant is proposing now, and the neighbor's kind of sent them away and they came back with something that fits in a lot better with the neighborhood`. They basically took the facade and broke it into three smaller pieces with sloped roofs. It can be dealt with dormers, right behind the gable and things like that. So, recommend that the applicant should try harder to do something in terms of the front elevation to really make it feel like you at least acknowledge that you're on the same street with these other Victorian houses. This facade is out of context, and it would really be helpful to do something about that. This is a 40B and the applicant is exceeding all sorts of things so why the applicant couldn't go a little bit higher in the height to get to get to fit in better with the residential.

UDC also recommended to look at the building on California Street, it's a new apartment building where they introduced wood looking panels to the white panels. There are also some examples of that in Cambridge to where they introduced different cladding material to flat white panels. And on the roof, if the applicant were to use a Mansard or a Hip roof, with a lower pitch. or flat in the middle (so not a full-height ceiling on top. In the front, UDC recommends breaking it vertically horizontally by bands or roofing at different levels to reduce the front facade scale. The roof lines don't all have to be continuous. Sometimes, it can be different roofing. So, the first level may have a different kind of roofing that projects out and as you go to the upper levels, it's a different level just to give it a bit more scale, especially in front facing Washington Street, to break it horizontally and vertically to get out of the boxy look.

As per the executive summary, it seems there were perhaps 26 items where the proponent is asking for a waiver, including FAR, and building height. It is a single-family zone neighborhood. And it seemed like there were so many things here that are disturbing and bothersome and it's quite a lot. This maybe a new trend to pop these things into neighborhoods, but it seemed like with so many exceptions, that it was going a little bit too far in that direction. For this site and neighborhood, it seems like there certainly were a lot of exceptions and UDC understands that the applicant is not subject to existing zoning but it's a question of maybe the correct thing to do is the appropriate thing to do. Mr. Schwarzer clarified that this is not special permit, it's a comprehensive permit under 40 B. So, it's a different regime. So just to clarify that if this were a special permit, he further commented that this would be a very different project indeed.

UDC commented that maybe the applicant could consider to not express everything, spandrels to make things read etc. And maybe just using the one-color stucco, not white. If you are going to really have a disruptive mass, then calm it down, it's not necessary to express everything. It's a lot of bulk on this site in this neighborhood. It appears applicant is now stretching the building out to within probably 12-15 feet from each of the property lines. It's a little bit of concern for the neighbors around it as well.

UDC commented that it will be helpful for the applicant to look at some of the examples mentioned, on Court Street, California Street, and Watertown Street. Make this feel more residential. The streets like Watertown street have different things going on and, so one could justify doing something like this on a street like that. But this area of Washington Street is unique in terms of the fact that it looks like almost all the houses were built around the same time. And it would really be nice to at least acknowledge that in this design that this is a Victorian street built in that era. UDC is most concerned about the front façade, so, the rest of the building with suggested changes could work very well.

Landscape, Streetscape and Public Open Space

Recommend having a railing all the way around on top of the 4-foot retaining wall. Applicant responded that they recognize the safety issue and will provide it.

UDC commented that when there are roof terraces with planting on them, the loads created by the Earth are quite heavy and the drainage going down through the building is kind of tricky. Not sure how much Earth can be put up there. It may be better to think of plants in big pots up there rather than a real roof or a green roof. Applicant responded that they are thinking exactly in the way. They will have a system of roof that has various dry tolerant perennials and populate it with some parts that will be over the rising walls. So again, the weight issue is then transferred directly to a vertical structure. And

they would certainly do that once they moved into the construction drawings but point well taken and are in full agreement with the comment.

Sustainability

UDC asked if the applicant is proposing electrical chargers in the parking spaces? The applicant confirmed that they will be providing electrical chargers.

One of the members of UDC, Mr. Downie had different comments than rest of the Commission. Below are Mr. Downie's comments:

Mr. Downie commented the building has gone into a boxy shape, which looks like an apartment building. Comparing the old and new configuration, the advantage with the new one is that the site is much better off with this new configuration. Comparing the old and new roof, the roof on the old one didn't work which was discussed at the last design review meeting. The other part of this is the new building design is sort of routed to its site. It sits on a site like a building should sit on a site. The previous design was a house on stilts, essentially with a parking lot taking up most of the backyard. So, if we start with the implication or the starting point that this developer has come to, which is that 16 units is what they need to be able to make it work financially. The reality is that the new design, is the more appropriate design. Because of it the apartments can be efficient. The site is vastly improved and usable. And the cars are not visible. So, in that way, this project is much better now than it was. The only part that is even slightly disturbing is the fact that it looks like an apartment building in a single-family residential area. But those sorts of things have happened all over Newton, and they will continue to happen all over Newton. And so, it's something we're going to have to get used to. Being an architect that's worked on senior housing in the past, he knows about trying to fit units into those sloped roofs. It's often a disaster and it's incredibly difficult. The new building design is much more realistic. But disagree with the architect about the white building with the black trimmed windows. There was some discussion of this in a previous design review, they have become far too trendy. Mr. Downie commented that he doesn't disagree with white stucco, that will look beautiful but disagree with black window frame.

Mr. Downie commented that Mr. Kaufman talked about the basic feeling of Washington Street in this area, and he agrees that it's very much a Victorian residential area. Portions of Watertown street have a lot of that same feeling as well. And there's one or two decent sized apartment buildings along there, one of which is a flat roofed one, which has turrets at the corners, it's a shingle building, and it fits in well. He thinks it's probably not nearly as bulky as what we're looking at here. But it has the same sort of break in the context if you want to put it that way. And so, it's a handsome building from this basically the same era maybe a little bit later. But it's on Watertown Street, probably near Crafts Street, built in probably 20s or 30s.

UDC appreciates the applicant coming and presenting to UDC. The new site plan is much better than the previous site plan.

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JULY 2, 2024

Katie Whewell
Chief Planner
City of Newton
Planning and Development Department
1000 Commonwealth Avenue
Newton, MA 02459

RE: Transportation Peer Review –41 Washington Street

Dear Ms. Whewell,

As requested, BSC Group, Inc. (BSC) conducted a peer review of the revised building plans prepared by Guzman Architects, Inc. dated June 10, 2024, the site plans prepared by Spruhan Engineering, P.C. dated June 24, 2024 and a memo from Pears Design Resource LLC dated June 15, 2024.

In general, these plans show a single four-story building with a garage on the first floor and residential units on the second, third and fourth floors. Access to the garage is provided via a single 18' wide driveway off Washington Street. Within the garage, a single dead-end aisle provides access to 20 parking spaces, trash and recycling, bicycle parking, the electrical room and the water/sprinkler room. The aisle width is dimensioned as 22'-0". Standard parking stalls are dimensioned with a depth of 18'-0" (spaces 1 through 10) and a depth of 19'-0" (spaces 11 through 19) with widths of 9'-0". Eight of the parking stalls are configured as tandem pairs.

This review focuses on the on-site circulation, which for this development is contained within the building footprint as well as access to the various services of trash and recycling, electrical room and water/sprinkler room. The sections cited in this letter refer to those sections in the Newton City Ordinances, Volume II, updated 2/27/24. BSC's initial comments (from April 9, 2024 letter) are presented in **bold** and BSC's third comments are presented in *italics*. Only those comments from our review letter of 5/9/24 that require further actions are included in this letter.

<u>On-site Circulation</u>

Section 5.1.8.C.1 lists the minimum width of the maneuvering aisle as 24' for 90-degree parking. No waiver has been requested for aisle width. The aisle width is not dimensioned on the Proposed First Floor Plan, A100. **BSC recommends the aisle width be dimensioned on the Proposed First Floor Plan, A100 to confirm the requirements listed in Section 5.1.8.C.1 are met.**

Third BSC Comment: The aisle width has been dimensioned on the Proposed First Floor Plan, A100. The dimension shows the aisle width to be 22'. This is less than required for 90-degree parking as listed in Section 5.1.8.C.1. An updated list of waivers was not provided in the June 26, 2024 supplemental information. If the aisle width does not meet the requirements of Section 5.1.8.C.1, an updated waiver list should be submitted.

A waiver has been requested to allow tandem parking spaces. Parking spaces #13, #14, #18 and #19 are part of tandem paired parking spaces. Section 5.1.8.E.1 requires that parking facilities be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle. The Building Dwelling Unit Matrix on the Cover Sheet, A000 lists nine (9) 2-bedroom units and seven (7) 3-bedroom units for a total unit count of 16 and a total parking space count of 20. This means four (4) units could have two parking spaces assigned to them. A waiver has been requested to allow assignment

of parking stalls to individual tenants. Since there are nine (9) 2-bedroom and seven (7) 3-bedroom units proposed, not all 2-bedroom or 3-bedroom units will be assigned 2 parking spaces. **BSC recommends the Applicant provide a narrative of how the parking spaces will be assigned and how the parking design meets the requirements of Section 5.1.8.E.1.**

Third BSC Comment: The requested narrative was not provided in the June 26, 2024 supplemental information. BSC recommends the Applicant provide a narrative of how the parking spaces will be assigned and how the parking design meets the requirements of Section 5.1.8.E.1.

It appears that parking space #20 is the accessible parking space. A waiver has been requested to reduce the depth of the accessible parking stall. The parking space and accompanying access aisle are not dimensioned on the Proposed First Floor Plan, A100. It appears the accessible route to the elevator, Trash & Recycling and Bicycle Parking is adjacent to the accessible parking space access aisle. **BSC recommends the accessible parking stall, access aisle and access route to the elevator, Trash & Recycling and Bicycle Parking be dimensioned on the Proposed First Floor Plan, A100 to confirm the width requirement listed in Section 5.1.8.B.4 is met as well as the requirements contained within 521 CMR for accessible route, parking and passenger loading zones and signage.**

Third BSC Comment: The parking stall and access aisle has been dimensioned on the Proposed First Floor Plan, A100, and no further action is required.

Access to Services

It appears that access to the Electrical room and Water/Sprinkler is between spaces #16 and #17 and between space #19 and a wall. **BSC recommends that the Applicant confirm this access meets building code requirements as well as life safety requirements.**

Third BSC Comment: The requested narrative was not provided in the June 26, 2024 supplemental information. BSC recommends that the Applicant confirm this access meets building code requirements as well as life safety requirements.

A trash and recycling room is located within the garage. It is assumed that residents will bring their trash and recycling to this room using the elevator and that on trash pick-up days, these will be rolled to the curb for pickup. **BSC recommends the Applicant provide a narrative describing the trash and recycling operations.**

Third BSC Comment: The Pears Design Resources LLC memo dated June 15, 2024 includes a narrative of the trash and recycling operations, and no further action is required.

Sincerely,

BSC Group, Inc.

Wayne Keefner, PE. PTOE, LEED AP
Senior Project Engineer, Senior Associate

Horsley Witten Group
Sustainable Environmental Solutions
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July 2, 2024

Katie Whewell
Chief Planner for Current Planning
City of Newton
Planning and Development Department
1000 Commonwealth Avenue
Newton, MA 02459-1449

Re: Second Stormwater Peer Review – Revised Design
Comprehensive Permit
41 Washington Street, Newton, MA

Dear Ms. Whewell:

The Horsley Witten Group, Inc. (HW) is pleased to submit this follow-up peer review regarding the stormwater management and utility design for the proposed residential development at 41 Washington Street, in Newton, MA. We understand that 41 Tus Nua LLC (Applicant) has submitted the Comprehensive Permit Application, pursuant to M.G.L. Chapter 40B. The original 2023 application included the restoration and expansion of the existing dwelling into a 16-unit, 6,807 square foot (sf) multi-family building, with a driveway, parking lot, landscaped areas, and utilities.

The revised 2024 submission includes the removal of the existing dwelling, and the construction of a new 8,120 sf multi-family building with 16-units. The current submission includes a 456-sf driveway and 881 sf of walkways/steps. The current submission also includes 15,080 sf of landscaping/open space. The Applicant is raising the rear of the site approximately 10 feet to provide a subsurface infiltration system to manage stormwater. The proposed stormwater system also includes two lawn drains at the rear of the property, a trench drain at the front property line, and an overflow to the municipal system in Washington Street.

The existing 25,902 sf (0.59± acre) site is occupied by a two-family home with a paved driveway, gravel parking area, concrete walkway, and landscaped areas. The site is bounded by Washington Street in the front and by residential dwellings on the rear and sides. The property slopes gradually from the southwest corner to the northeast corner of the lot. The site currently does not include a stormwater management system. Site runoff flows over the ground surface to the surrounding residential sites and Washington Street. The site is not located within 100 feet of a resource area.

As part of the design review process, HW reviewed the following additional documents and plans provided in response to our letter dated April 11, 2024:

- Letter to Katie Whewell, regarding 41 Washington Street, prepared by Spruhan Engineering, dated June 24, 2024 (6 pages);
- Stormwater Management Report, 41 Washington Street, Newton MA, prepared by Spruhan Engineering, dated June 24, 2024 (132 pages);

- Main Drain Pipe Capacity Analysis, 41 Washington Street, Newton, MA, prepared by Spruhan Engineering, dated June 24, 2024 (23 pages);
- Operations & Maintenance Plan, 41 Washington Street, Newton, MA, prepared by Spruhan Engineering, PC, dated June 4, 2024 (9 pages); and
- Civil Plan, 41 Washington Street, Newton, MA, prepared by Spruhan Engineering, P.C., dated March 1, 2024, revised through June 24, 2024, which includes:
    - Proposed Conditions Site Plan — Sheet 1 of 7
    - Layout and Topography — Sheet 2 of 7
    - Drainage and Utilities — Sheet 3 of 7
    - Detail Sheet 1 — Sheet 4 of 7
    - Detail Sheet 2 — Sheet 5 of 7
    - Watershed Maps — Sheet 6 of 7
    - Erosion Control & Site Preparation Plan — Sheet 7 of 7

Review of Stormwater Management

This review of the submitted materials is based on the Massachusetts Stormwater Management Standards (MASWMS), and the City of Newton Stormwater Management and Erosion Control Rules & Regulations (Stormwater Regulations), dated April 15, 2022, as well as standard engineering practices.

In accordance with Section 5.C.2 of the Stormwater Regulations, this project is required to comply at a minimum with the performance standards of the MSH. Therefore, we have used the MSH as the basis for organizing our comments as they pertain to stormwater. However, in instances where the additional criteria established in the Stormwater Regulations require further recommendations, we have referenced these as well. HW offers the following comments:

The following comments correlate to our review letter dated April 11, 2024, follow up comments are provided in **bold font**.

1. *Standard 1: No new stormwater conveyances (e.g., outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.*

    a. The Applicant has evaluated three Discharge Points (DP) under existing and proposed conditions from the project site.

        - DP#1 is the closed drainage system within Washington Street. Washington Street appears to be sloped towards the west and a municipal catch basin is located just prior to the intersection with Grasmere Street.
        - DP#2 is located along the northwestern property boundary adjacent to the property at 47 Washington Street.
        - DP#3 is the rear northwest corner of the project site, at the site low point, elevation 105. This low point is adjacent to the properties at 128 Grasmere Street and 20 Merton Street.

        July 2, 2024: HW has no further comment.

b. The Applicant proposes to manage the stormwater on the site using one subsurface infiltration system that overflows into the municipal drainage system on Washington Street. The proposed design does not appear to discharge into a wetland and erosion is not a concern.

July 2, 2024: HW has no further comment.

2. *Standard 2: Stormwater management systems shall be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.*

a. The Applicant is reducing the peak flows and volumes to the three discharge points for all storm events evaluated. HW has reviewed the times of concentration, the curve numbers, the precipitation depths, and the subcatchment areas input by the Applicant and we have no further requests.

July 2, 2024: HW has no further comment.

b. HW notes that the two lawn drains have rims set at 117.50, and the outlet from the subsurface infiltration system is also set at elevation 117.50 with a peak elevation within the system of 118.14. It appears that stormwater will be ponding over the rims of the lawn drains before it can flow out of the infiltration system. HW further notes that the top of the adjacent retaining wall is set at 118.0. HW recommends that the Applicant revisit the elevations. Ponding in the lawn is not an issue during the largest storm event. However, the runoff should not be allowed to flow over the retaining wall.

July 2, 2024: The Applicant has adjusted the design slightly. The table below illustrates several elevations that have been set as part of the stormwater design. During a large storm event there is the potential for stormwater to back up via the lawn drains. A typical freeboard design would maintain one foot between the peak elevation and the top of the retaining wall. HW recommends that the Applicant raise the top of the wall and adjacent surface grades to elevation 118.67.

Proposed Feature	Proposed Elevation
Top of Wall	118.33
Lawn Drains (2) - Rims	117.50
Peak during 100-year Storm Event	117.67
Top of Stone above Chamber	118.17
Top of Chamber	117.67
Bottom of Chamber	115.67
Bottom of Stone below Chamber	113.67
Est. Seasonal High Groundwater	109.10
Invert into Chamber System	115.17
6” Invert out of Chamber System	116.70
Trench Drain @ Sidewalk	118.50

HW further notes that the exfiltration modeled in HydroCAD for the subsurface infiltration system is 1.02 inches per hour (iph). The fill brought onto the site to raise the rear of the property should be specified to have an exfiltration rate of 1.02 iph. HW recommends that the Applicant add a note to the Drainage System detail.

c. The Applicant has provided a Natural Resources Conservation Service (NRCS) map in the Stormwater Management Report. The soils have been identified as Hydrologic Soil Group (HSG) D. The Applicant has used HSG B under existing conditions and proposed conditions. HW has no objection to the use of HSG B.

July 2, 2024: HW has no further comment.

d. The Applicant has noted that the Estimated Seasonal High-Water Table (ESHWT) is at elevation 109.10. It appears that using the depth to groundwater at test pit 8 (TP-8) which is 3.8 feet and the existing high point at the location of the proposed infiltration system, at approximately elevation 114.7, the groundwater at the infiltration system is 110.90. HW recommends that the Applicant adjust the groundwater elevation to 110.90.

July 2, 2024: The Applicant has adjusted the shape of the infiltration chamber system and has provided greater than 4 feet of separation between the bottom of the system and the ESHWT. HW has no further comment.

e. The Applicant is proposing to recharge the proposed stormwater from the 2-,10-, and 25-year storm events. The overflow pipe to the municipal storm drain will be utilized for the larger 100-year storm events. The Applicant has provided calculations indicating the peak flow to the municipal system and the anticipated capacity of the municipal drainpipe. HW recommends that the Applicant coordinate with the City Department of Public Works to confirm the connection is acceptable.

July 2, 2024: The Applicant will coordinate the drain capacity review with the City Engineer. The ZBA may choose to make acceptance of the stormwater connection to the municipal system a condition of approval.

3. *Standard 3: The annual recharge from post-development shall approximate annual recharge from pre-development conditions.*

a. The Applicant is proposing to retain and recharge the proposed stormwater from 2-inches of precipitation over the total impervious area as well as the required recharge per the MSH. No further action requested.

July 2, 2024: HW has no further comment.

b. HW recommends that the Applicant adjust the ESHGW elevation as noted above and provide a mounding analysis if applicable per MSH Volume 3, Chapter 1, page 28.

July 2, 2024: The Applicant has adjusted the shape of the infiltration chamber system has provided greater than 4 feet of separation between the bottom of the system and the ESHWT. HW has no further comment.

4. *Standard 4: The stormwater system shall be designed to remove 80% Total Suspended Solids (TSS), to remove 50% of Total Phosphorus (TP), and to treat 2.0-inch of volume from the impervious area for water quality.*

    a. The Applicant has stated that it is providing deep sump catch basins. However, the proposed structures are lawn drains that do not have deep sumps. The Applicant has provided TSS removal calculations that indicate an 85% TSS removal rate. HW recommends that the Applicant revisit the TSS worksheet provided.

    July 2, 2024: HW notes that roof runoff is considered clean, and pretreatment is not required as reflected on the revised TSS worksheet. HW notes that the type, invert, and size of the roof drain should be confirmed by the MEP. The Applicant may consider separating the roof drain from the trench drain and if feasible raise the elevation of the roof drain in the chamber system.

    HW also notes that the runoff over the lawn area does not require pretreatment, however the 4-inch drainpipes may clog and regular maintenance will be necessary. The Applicant has noted that the size of the lawn drain is to be verified by the MEP. It is HW's understanding that the lawn drains are not part of the building and therefore are not under the MEP's scope. The civil engineer should confirm the size of the drainpipes and provide the applicable calculations. The drainpipes should be sized to avoid clogging and have the capacity to manage the runoff from the lawn area during a 25-year storm event.

    Furthermore, the trench drain collects the driveway runoff which does require pretreatment. The trench is piped to a drain manhole with a 4-foot-deep sump which will provide pretreatment. The outlet pipe is 4-inches. HW recommends that the civil engineer confirm the size of the drainpipe between the trench drain and the infiltration system. HW also notes that the drainpipe as drawn has a bend without a structure. It is standard engineering practice to provide a drainage structure at every bend in a drainpipe.

    HW recommends that the Applicant provide a TSS work sheet for each treatment train proposed.

    b. HW concurs that the Applicant is treating 2-inches of runoff over the entire impervious surface. No further action requested.

    July 2, 2024: HW has no further comment.

    c. The Applicant has provided the total phosphorus removal calculations and as proposed the stormwater design removes greater than 60% total phosphorus by infiltrating the stormwater. No further action requested.

    July 2, 2024: HW has no further comment.

5. *Standard 5 is related to projects with a Land Use of Higher Potential Pollutant Loads (LUHPPL).*

    a. Residential land use is not considered a LUHPPL, therefore Standard 5 is not applicable.

    July 2, 2024: HW has no further comment.

6. *Standard 6 is related to projects with stormwater discharging into a critical area, a Zone II or an Interim Wellhead Protection Area of a public water supply.*

    a. The Project does not appear to be located within and will not discharge to a critical area, Zone II, or Interim Wellhead Protection Area. Therefore, Standard 6 is not applicable.

    July 2, 2024: HW has no further comment.

7. *Standard 7 is related to projects considered Redevelopment.*

    a. The Applicant is proposing to increase the impervious area by roughly 7,300 sf. Therefore, the project is considered a mix of new and redevelopment and the criteria under Standard 7 is not applicable.

    July 2, 2024: HW has no further comment.

8. *Standard 8 requires a plan to control construction related impacts including erosion, sedimentation, or other pollutant sources.*

    a. The Applicant has provided an Erosion Control and Site Preparation Plan. HW recommends that the Applicant add a construction sequence to the plan.

    July 2, 2024: The Applicant has provided a Construction Sequence on Sheet 7 of 7. HW requests that the Applicant clarify that the stormwater infiltration system will be installed in its entirety during weeks 9-15, after the retaining walls and building foundation are completed. The roof runoff should be directed into the infiltration system as soon as the roof is in place. If there will be temporary drainage directed towards Washington Street the Applicant should include this in the Construction Sequence.

    b. The landscape plan shows which trees are to be protected. HW recommends that the Applicant reference the landscape plan on the Erosion Control and Site Preparation Plan.

    July 2, 2024: The Applicant has added the trees that are to be protected on the Erosion Control Plan. HW has no further comment.

    c. HW recommends that the Applicant include a note on the plan set stating that “the Engineering Division Inspector shall be notified 48 hours prior to any site work in accordance with project permits,” per Stormwater Regulations § 6.C.2.c.13.

    July 2, 2024: The Applicant has added the requested note to Sheet 2 of 7. HW has no further comment

d. HW recommends that the Applicant provide locations of stockpiles with appropriate erosion and sediment controls (e.g. surrounding silt soxx) on the Erosion and Sediment Control Plan.

July 2, 2024: The Applicant has added stockpile locations to Sheet 7 of 7.

e. HW recommends that the Applicant include on the Erosion and Sediment Control Plan a callout to install and maintain silt sacks in the catch basins on Washington Street downgradient of the project site.

July 2, 2024: The Applicant has added the inlet protection as requested. HW has no further comment

f. Section 6.C.4.a. of the local stormwater regulations requires "Estimates of the total area expected to be disturbed by excavation, grading, or other construction activities, including dedicated off-site borrow and fill areas." HW recommends providing this information on the Erosion and Sediment Control Plan.

July 2, 2024: The Applicant has noted that 18,000 sf of the 25,902-sf lot will be disturbed. HW roughly calculated the limit of work to be approximately 22,000 sf. HW recommends that the Applicant include a clear limit of work on the plan set that can be staked in the field.

g. Section 6.C.4.g. requires the following note on the Erosion and Sediment Control Plan:

"The contractor shall sequence construction activities to minimize the potential for soil, stone or sediment to migrate off-site; divert flows around bare soils, to the maximum extent practicable; stabilize unvegetated areas as soon as practical and prevent pollutants from entering the City's storm drainage system." HW recommends adding this note to the Erosion and Sediment Control Plan.

July 2, 2024: The Applicant has added the requested note. HW has no further comment.

9. Standard 9 requires a Long-Term Operation and Maintenance (O&M) Plan to be provided.

a. The Applicant has provided a standalone O&M Plan in the Stormwater Management Report. HW recommends that the Applicant include the following items:

i. An estimated operations and maintenance budget.

ii. Signature of the property owner.

July 2, 2024: The Applicant has signed the O&M Plan as requested. The estimated budget is noted to be $2,000 in the engineer's response narrative. The purpose of including the budget in the O&M Plan is to confirm that the owner of the site understands that there is a cost associated with the long-term maintenance of the stormwater for the property.

10. Standard 10 requires an Illicit Discharge Compliance Statement be provided.

a. The Applicant has provided an illicit discharge compliance statement signed by the property owner. No further action required.

July 2, 2024: HW has no further comment.

Review of Local Regulations

1. Local stormwater regulations require a locus map on the plans. HW recommends that the Applicant provide a locus map on the plan set.

   July 2, 2024: The Applicant has added the locus to the plans as required. HW has no further comment.

2. It appears that the north arrow provided on the Existing Conditions Plan is not accurately depicted. HW recommends that the Applicant provide a signed and stamped Existing Conditions Plan with the correct north arrow orientation. HW notes that the north arrow is also incorrect on the Tree Mitigation Plan (Sheet L1).

   July 2, 2024: The Applicant has noted that a revised plan was issued on December 12, 2022. HW has not seen this plan.

Review of Flood Storage

3. Flood Storage Analyses: HW notes that the project site is not located within a 100-year flood plain. Compensatory storage volumes are not required for this site.

   July 2, 2024: HW has no further comment.

Review of Sanitary Sewer Flow

4. Sewer Flow:

   - The existing house is a 6 bedroom 2-family home.
   - The existing sewer flow: 6 bedrooms * 110 GPD/bedroom = 660 GPD
   - The proposed multi-family dwelling will include 16 units. Nine units will have 2 bedrooms and seven units will have 3 bedrooms for a total of 39 bedrooms within the project site.
   - The City of Newton has used a sewer flow rate of 65 GPD/bedroom for other residential developments in the City.
   - The proposed sewer flow: 39 bedrooms * 65 GPD/bedroom = 2,535 GPD

5. HW recommends that the Applicant coordinate with the City Engineer to determine the Sewer Inflow and Infiltration Mitigation Fee for this project in accordance with Sewer Ordinance No. B-45.

   July 2, 2024: HW defers confirmation on the sewerage flow to the City Engineer.

Review of Grading and Utilities

6. The existing site is sloped from elevation 120 at Washington Street to elevation 105 at the rear of the site. The first floor of the building is a covered parking area with 19 spaces. Four

of the 19 spaces are blocked by the “in-tandem” nature of part of the parking layout. HW recommends that the Applicant confirm where the floor drains within the garage discharge.

July 2, 2024: The Applicant has confirmed that the floor drains will discharge to an oil/water separator and connect into the proposed sewer line. HW has no further comment.

7. The existing contours on the Proposed Conditions Site Plan are not consistent with the Plan of Land Existing Conditions survey prepared by Everett M. Brooks, Co. Specifically along the northern property boundary. HW recommends that the Applicant clarify the discrepancy.

   July 2, 2024: The Applicant has noted that a revised plan was issued on December 12, 2022. HW has not seen this plan.

8. The Applicant has included a proposed 123 contour on the southeast corner of the building. HW recommends that the Applicant revisit this proposed grade as it doesn’t seem to tie back correctly. Furthermore, the Applicant is proposing a 118 contour on the southwest corner of the lot. HW recommends that the Applicant include the entire proposed contour 118 back to the building as it is slightly confusing as shown.

   July 2, 2024: The Applicant has adjusted the proposed grading. HW has no further comment.

9. The Applicant has included a proposed elevation of 105 in the northwest corner of the site creating a slight depression. HW recommends that the Applicant revisit the grading in this corner as the existing 105 contour does not appear to have been connected correctly.

   July 2, 2024: The Applicant has adjusted the proposed grading. HW has no further comment.

10. The Applicant is proposing two retaining walls in the rear of the property. HW notes that any walls greater than 4 feet require a structural engineers stamp. HW further notes that the Applicant has proposed a 4-foot wall along the property line with 80 Elmhurst. HW recommends that the Applicant confirm it can construct the wall without impacting any trees proposed to be retained along the property line.

    July 2, 2024: The Applicant has shortened the wall. HW recommends that the landscape architect be onsite when the wall is being constructed.

11. It does not appear that the Applicant has addressed how solid waste will be managed.

    July 2, 2024: The Applicant will address solid waste on the Construction Management Plan. HW has no further comment.

12. The existing water service will be cut and capped at the main in Washington Street. The proposed water includes a 2-inch Type K domestic line and a 6-inch fire protection line for sprinklers.

    July 2, 2024: HW has no further comment.

13. The existing sanitary sewer line will be cut and capped and a new 8-inch PVC sewer service will be installed in the same area, connecting into Washington Street.

    July 2, 2024: HW has no further comment.

14. The existing gas line will be cut and capped at the main. It does not appear that the Applicant will reconnect to the gas main in Washington Street.

    July 2, 2024: HW has no further comment.

15. The electrical and telecom services are assumed to be overhead wires. HW recommends the Applicant provide this information on the plans.

    July 2, 2024: No response provided. HW's comment stands.

Review of Lighting and Photometric

16. The Applicant has not provided a lighting, a photometric plan, or shadow studies in the package reviewed by HW.

    July 2, 2024: No response provided. HW's comment stands.

Review of Open Space Connections

17. HW did not locate any information discussing connections to nearby open space resources in the package reviewed.

    July 2, 2024: No response provided. HW's comment stands.

HW recommends that the Zoning Board of Appeals require the Applicant to provide a written response to address the remaining comments as part of the permitting review process. The Applicant is advised that provision of these comments does not relieve him/her of the responsibility to comply with all Commonwealth of Massachusetts laws and federal regulations as applicable to this project. Please contact Janet Bernardo at 857-263-8193 or at jbernardo@horsleywitten.com if you have any questions regarding these comments.

Sincerely,

Horsley Witten Group, Inc.

Janet Carter Bernardo, P.E.
Principal