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PUBLIC HEARING MEMORANDUM

DATE: August 28, 2024
MEETING DATE: September 9, 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 six public hearings held between September 2023 and July 2024, 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.

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.

At the July 11, 2024 hearing, the applicant reviewed the design details that were incorporated to the redesigned project such as materials, color, and other components that add to the visual interest to the project such as articulation, cornices and balconies. Remaining concerns expressed by the Board include the massing of the building within the SR-3 zoning district, density of 16 units, stormwater, and the request for further auto turn analysis as well as a mounding analysis.

The project materials submitted for review can be found [here](#).

I. Revised Materials and Submissions

The applicant submitted additional and revised materials on August 22, 2024. They reiterated the information provided at the July 11 hearing regarding the green roof stating that they proposed to use a lightweight soil and sedum system with irrigation with the maintenance being part of the condominium documents. In a response letter submitted August 22, they also stated that access to the roof would be provided via a head house (as opposed to a roof hatch), stating that “the front stairway will be extended to the roof level to provide roof access to the upper unoccupied flat roof via stairway headhouse; not to exceed 9 feet in height from the roof top level.” Planning requests additional visuals and elevations showing the proposed headhouse.

II. Traffic and Auto Turn Analysis

Members of the Board questioned whether further auto turn analysis should be done for larger vehicles. After conferring with the City's on call consultant, BSC, further analysis for larger vehicles is unnecessary due to the analysis provided for the wheelchair lift van. The wheelchair lift van, comparable to a Chevy Tahoe, can maneuver within the garage. BSC also stated that auto turn analysis can be conservative so the software might show a movement that looks very tight, but in reality, is manageable. The development team confirmed that no trash or moving trucks will enter the garage. If a resident has a pick-up truck or larger SUV, the resident will need to secure off-site parking. As stated in previously submitted materials, trash bins will be rolled out to the curb and moving trucks will need to utilize the street in front of the building for move-in/move-out operations. As previously requested, BSC reiterated the applicant answer how they plan to assign parking spaces, especially considering the tandem configuration and addressing which units will be assigned two spaces and which units will be assigned one space.

Regarding the garage floor plan, the applicant clarified access to the sprinkler and electrical rooms. In the response letter submitted August 22, they stated that this configuration meets building code and life safety. The applicant should also confirm that utilizing the accessible stall's access aisle for trash and recycling doesn't conflict with the Architectural Access Board rules and regulations.

III. Stormwater Management and Mounding Analysis

The applicant submitted responses on August 22, 2024 to Horsley Witten, the City's on call consultant for stormwater and site design. The applicant agreed to set the top of the rear retaining wall and adjacent surface grades to elevation 118.67 which would provide mitigation during a large storm event of potential back up via the lawn drains.

At the July 11 hearing, Ms. Bernardo of Horsley Witten explained that due to the amount of fill material being brought in at the rear yard (location of the infiltration chambers), the flow of water into the ground will take longer to go down into the new fill material and then the existing material. The chambers will hold a significant amount of water that will infiltrate slowly through the ground. Under existing conditions, the grade is much lower and slopes downwards approximately 13 feet from the rear of the existing two-family dwelling to the the northwest corner of the lot. Under existing conditions, the slope of the lot results in runoff being directed towards the abutters at the lowest portions of the

site. As proposed, the fill and soil being brought in will allow for roof runoff to go immediately into the ground, as opposed to being directed outwards due to the hardscape surface under existing conditions.

Mounding Analysis

As noted in the Engineering Memorandum, dated May 13, 2024, the Associate City Engineer, John Daghlian requested that a mounding analysis be done and was further endorsed by the ZBA and recommended by Ms. Bernardo of Horsley Witten. Mr. Daghlian's memo notes, "The DEP requires mounding analysis for systems that have less than four feet of vertical separation from the ESHGW (Estimate Seasonal High Ground Water) elevation, the proposed system has just over this threshold at 4.07 feet. DPW will require a mounding analysis for the proposed system. The calculus for this will determine if there is any breakout out above the land and must demonstrate that the system is dewatered within 72 hours (so the next storm can be stored for exfiltration)." While the Applicant is meeting the four-foot requirement by the DEP, there is not much wiggle room in the additional .07', which is the equivalent to $\frac{3}{4}$ of an inch, and the mounding analysis will provide further certainty of any groundwater impacts.

In a letter dated August 23, 2024, the applicant relayed that they are not planning to conduct nor submit a mounding analysis, stating that the analysis is "prohibitively expensive" and ultimately not required at this time under City or State standards under the Comprehensive Permit Process.

IV. 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.

V. Draft Conditions

As directed by the Chair, City staff will provide the Board with a list of draft sample conditions for this project. Staff anticipates providing this to the Board by September 6, 2024.

VI. Analysis and Next Steps

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