



# Land Use Committee Report

## City of Newton In City Council

**Tuesday, June 9, 2020**

**Present:** Councilors Lipof (Chair), Kelley, Greenberg, Auchincloss, Markiewicz, Downs, Bowman, Laredo

**Also Present:** Councilors Leary, Ciccone, Crossley, Krintzman, Gentile, Albright and Wright

**City Staff Present:** Chief Planner Neil Cronin, Associate City Solicitor Jonah Temple, Senior Planner Michael Gleba

All Special Permit Plans, Plan Memoranda and Application Materials can be found at [http://www.newtonma.gov/gov/aldermen/special\\_permits/current\\_special\\_permits.asp](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.

**#257-20      Petition to allow garage greater than 700 sq. ft. at 449 Commonwealth Avenue**  
RAQUEL OLIVA ALENCAR petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow expansion of a garage to create a two-car detached garage, in excess of 700 sq. ft. and to allow dormers with widths exceeding 50% of the length of the wall plane below at 449 Commonwealth Avenue, Ward 7, Chestnut Hill, on land known as Section 73 Block 41 Lot 01, containing approximately 22,637 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.4.2.B.1, 1.5.4.G.2.b of the City of Newton Rev Zoning Ord, 2017.

**Action:**      Land Use Approved 8-0; Public Hearing Closed 06/09/2020

**Note:**      Attorney Terry Morris, offices at 57 Elm Road represented the petitioner. Atty. Morris and the petitioner Raquel Alencar presented the request to allow a garage greater than 700 sq. ft. at 449 Commonwealth Avenue. Ms. Alencar noted that the proposed plans include the renovation of a garage to accommodate her mother. The project maintains the architecture and design of the existing structure.

Planning Associate Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. The site is accessed by two driveways; one leads to the garage and the other leads to the principle dwelling. The proposed construction includes the expansion of the footprint of the existing garage as well as the construction of dormers on the half story above the garage to create living space. The proposed addition on the first floor of the garage adds 271 sq. ft. to the footprint, creating 900 total sq. ft. of space. This exceeds the 700 sq. ft. garage square footage allowed by right and requires a special permit. Because the proposed accessory apartment is in a detached structure, deemed historically significant, outside of a historic district as well as greater than 15' from an existing residential dwelling on an abutting property; the accessory apartment is allowed by right. The proposed dormers measure 18' wide (the front elevation) and 21.2' wide (the rear elevation). These dormers represent, 64% and 74% respectively of the wall planes below.

The Public Hearing was Opened. No member of the public wished to speak. The Committee questioned how the proximity of cars to the basement might be impacted by carbon monoxide emissions. Project Architect Mariana Dagatti confirmed that prior to issuance of a building permit, the proposed plans will have to be reviewed and approved by the Fire Department. Councilor Laredo motioned to close the public hearing which carried unanimously. Councilor Laredo motioned to approve the petition. Committee members expressed support for the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation and voted unanimously in favor of approval.

**#169-20**      **Special Permit to extend nonconforming use for multi-family dwelling at 148 Pine St**  
PHILIP MASTROIANNI/148 PINE REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to change the existing nonconforming use from the existing two-family use to allow three single-family dwellings on one lot in the SR3 district, and to determine appropriate density and dimensional controls at 148 Pine Street, Ward 4, Auburndale, on land known as Section 44 Block 17 Lot 32, containing approximately 18,235 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 3.1.2.A.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Approved 8-0; Public Hearing Closed 06/09/2020**

**Note:**      Attorney Terry Morris, offices at 57 Elm Road represented the petitioner Philip Mastroianni/148 Pine Realty Trust. Planning Associate Katie Whewell presented the requested relief, criteria for consideration, land use, zoning, proposed plans and elevations as shown on the attached presentation. The petitioner proposes to raze the existing two-family dwelling and detached garage to construct three, single-family dwelling units. The site contains 18,235 sq. ft. and has an existing nonconforming front setback of 1'. Along the western boundary of the property, there is a large wooden retaining wall that runs the boundary line. The property is accessed via a 12' right of way that is shared with the abutter at 146 Pine Street. Ms. Whewell noted that the slope of the lot is steep and the front of the lot is 11' higher than the rear. At the first public hearing in April 2020, the Planning Department, Councilors and members of the public raised concerns relative to the grade of the site, the setback of unit 3 and expressed support for a site visit. The petitioner facilitated a site visit and submitted a revised layout plan (shown in the attached presentation). The proposed site includes maintenance of the existing driveway, decreased lot coverage from 9,000 to 6,000 sq. ft. per unit where 10,000 sq. ft. per unit is required, an FAR of .36 where .38 is allowed and 1 car garages with additional permeable paver surface stalls. Because a portion of the proposed development is located within the 100' buffer of an intermittent stream and a portion is located within 30' of the flood plain, the petition required approval from the Conservation Commission. The Conservation Commission issued an Order of Conditions which has conditions relative to snow storage, planting, the removal of poor quality soil and submission of an Operations & Maintenance (O&M) plan. Any changes to the site plan require additional approval by the Conservation Commission.

Ms. Whewell noted that the Planning Department has made the following recommendations relative to the revised project:

- The petitioner should address whether the patio space shown on the revised plan has been approved by the Conservation Commission.

- Consider either a greater distance between Units 1 & 2 or move Unit 2 so that it is not directly behind Unit 1 (for increased privacy)
- Remove or relocate parking to provide additional screening or demonstrate that privacy will be maintained

Based on comparisons to rear lot subdivisions, Atty. Morris reiterated that the proposed development is not a rear lot subdivision and noted that the criteria for consideration is whether the proposed use is substantially more detrimental than the existing use is to the neighborhood. He suggested that the proposed development is appropriate, noting that the single residence 3 neighborhood consists primarily of old lots where dwellings can be 15' apart and the proposed dwelling units are 28.6' apart. Atty. Morris stated that a privacy buffer is possible between Units 1 & 2 but noted that it would require the removal of a guest parking space and installation of a 10' wide landscape buffer.

The Committee noted that the topography and layout of the site may make development challenging. It was suggested that plantings and enhanced privacy may be better than guest parking spaces. The Committee noted that the site is across from the Burr School, Pine Street is narrow and there is no on-street parking in the immediate area. Councilors expressed support for the number of parking spaces proposed and noted that having parking on the street is not a good idea, particularly for student safety. Chief Planner Neil Cronin confirmed that the Planning Department does not have a preference and the Committee was appreciative of the use of permeable pavers for the surface parking stalls. It was noted that Units 1 and 2 could be shifted slightly to accommodate some landscaping and increase the privacy for the residents.

Associate City Solicitor Jonah Temple confirmed that approval of the petition extends a nonconformity and does not create a rear lot. He noted that approval would not create any dimensional nonconformities for the abutting property owner with respect to future development. Seeing no 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 petition. Committee members reviewed the draft findings and conditions as shown on the attached presentation. Atty. Morris noted that the project is subject to the Conservation Commission Order of Conditions which requires submission, approval and recording of an Operations & Maintenance plan. He suggested that as this condition has already been satisfied, a condition in the Council Order is not necessary. The Committee asked that Atty. Temple work with the petitioner to redraft the Council Order to reference the existing O&M plan, but not require additional approval. With that, Committee members voted 8-0 in favor of approval.

**#26-20**      **Request to Rezone Approximately 4.4 acres to MU-3 to Create a Contiguous MU-3 Zone**  
MD 399 GROVE OWNER, LLC/RAMIREZ CONCORD, LLC/BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY petition for a change of zone to Mixed Use 3/Transit Oriented District for portions of land located at 355 Grove Street (currently zoned BU-2) and 399 Grove Street (currently zoned BU-5), also identified as Section 42, Block 11, Lots 3, 4, and 4A, abutting the existing MU-3 Zone.

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

**#27-20**      **Petition to allow Mixed Use Transit Oriented Development at Riverside Station**

MD 399 GROVE OWNER, LLC/RAMIREZ CONCORD, LLC/BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed use, transit-oriented development of residential units, office, retail, personal services, restaurant, hotel, and related commercial uses not to exceed 1,025,000 square feet of gross floor area, with residential uses comprising not less than 60% of the total gross floor area with a residential density of not less than 800 square feet per unit with not less than 560 units nor more than 620 units with special permit relief and/or waivers as follows: as to dimensional standards, a development of more than 20,000 square feet of gross floor area, building height of up to 170 feet, buildings up to 11 stories, Floor Area Ratio of up to 2.5, beneficial open space of not less than 15%, increase of height of certain buildings with the Grove Street Area Corridor (to the extent necessary), and reduction in setback from Grove Street for certain buildings within the Grove Street Corridor Area (to the extent necessary); as to design standards, waiver of the sustainable development design standards and placement of a retaining wall greater than 4 feet in height located in a setback; as to uses, for-profit educational use, retail sales of over 5,000 square feet, restaurant with more than 5,000 square feet of gross floor area, personal service use of over 5,000 square feet, place of amusement, health club on ground floor, animal services, hotel, bank up to and over 5,000 square feet, theatre/hall, laboratory/research facility, parking facility, accessory, multi-level, parking facility, non-accessory, single level; as to parking, reduction of the residential parking requirement to 1.25 stalls per unit, reduction of the overall commercial parking requirement by 1/3, and waiver of parking stalls not to exceed 685 stalls, above and beyond the reductions specified above; as to parking facilities, waivers of the parking stall dimension requirements, the end stall maneuvering space requirements, the driveway entrance and exit requirements, the 5% interior landscaping requirements, the interior planting area requirements, the tree requirements, the bumper overhang requirements, the one-foot candle lighting requirement, the parking stall striping requirements (to the extent necessary), the curbing, wheel stop, guard rail, or bollard requirements, and the number of off-street loading facilities requirements; and as to signage, waiver of the number, size, type, location, and design requirements, all at 355 and 399 GROVE STREET on land known as Section 42, Block 11, Lots 3, 4 and 4A, containing approximately 13.05 acres of land in districts zoned Mixed Use 3 Transit Oriented (MU3), BU2 (a portion to be rezoned to MU3), BU5 (to be rezoned to MU3). Ref: Sec. 4.2.2.B.1, 4.2.2.B.3, 4.2.3, 4.2.4, 4.2.4.A.4, 4.2.4.B.3, 4.2.4.G.2, 4.4.1, 5.1.4, 5.1.4.A, 5.1.4.C, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.B.6, 5.1.8.D.1, 5.1.8.D.2, 5.1.9.B.1, 5.1.9.B.2, 5.1.9.B.3, 5.1.9.B.4, 5.1.10.A.1, 5.1.10.B.3, 5.1.10.B.5, 5.1.12, 5.1.12.B.4, 5.1.13, 5.2, 5.2.13, 5.4.2.B, 5.12, 6.4.29.C.5, 7.3.3, 7.3.5, 7.4 of the City of Newton Revised Zoning Ordinance, 2017. Additionally, as to infiltration and inflow mitigation, an abatement of the infiltration/inflow mitigation fee pursuant to Section 29-170 of the City of Newton Revised Zoning Ordinance, 2017.

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

**Note:** Attorney Steve Buchbinder, office of Schlesinger and Buchbinder, 1200 Walnut Street, represented the petitioner. Atty. Buchbinder and members of the development team presented details

and updates relative to Construction Management, Sustainability and Civil Engineering. Details of each topic can be found on the attached presentation.

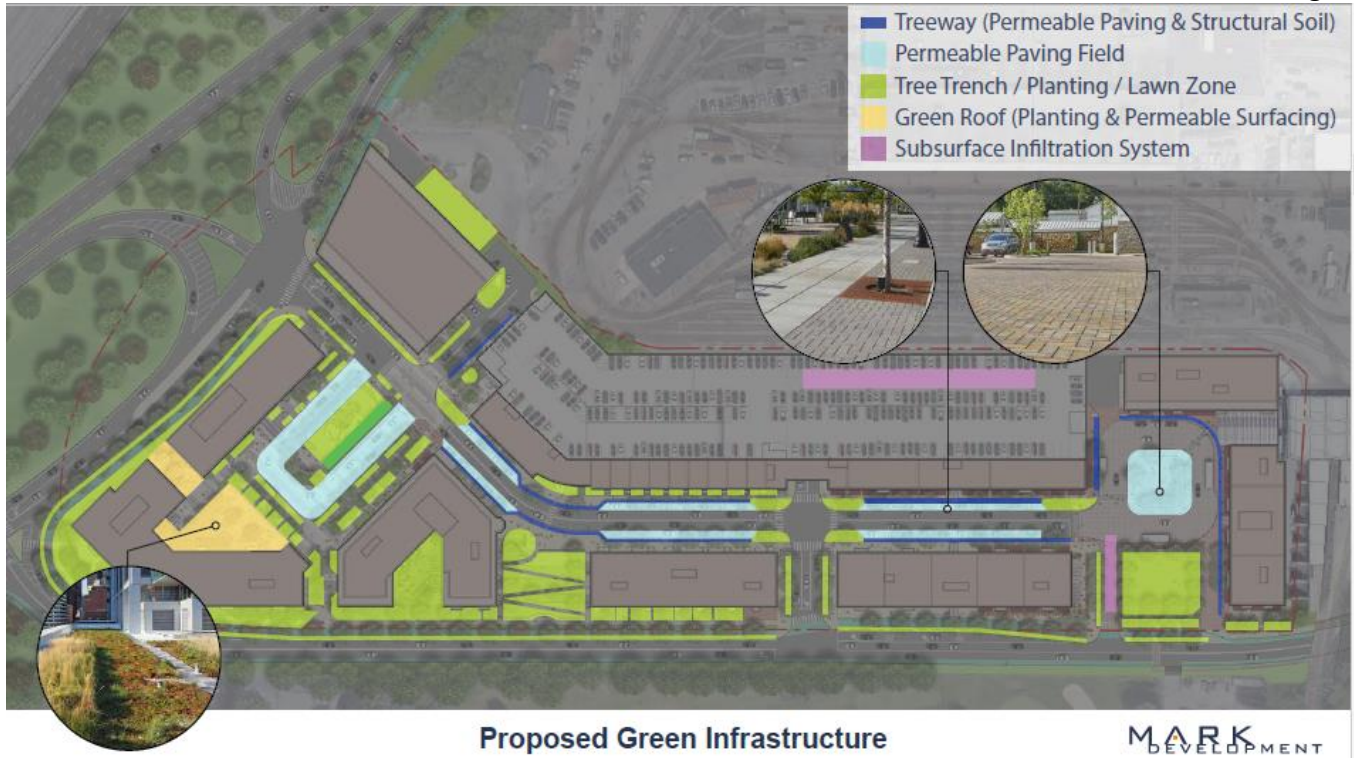
Mark Development Vice President of Development David Roache provided clarifications on Construction Management, Utilities and Stormwater infrastructure. He noted that additions will be added relative to the stormwater management plan which will include submission of a final Stormwater Pollution Prevention Plan (SWPPP) which will be filed with the EPA and will include the maintenance of on-site monitoring logs. He stated that the petitioner will be responsible for ensuring that the erosion controls are properly maintained. The SWPPP will also include a final phase erosion control, sedimentation control plans and a control and countermeasure plan. Mr. Roache noted that there is a provision for the monitoring of flow and water quality from the existing 16" stormwater culvert to meter flow to provide information to the City which will help Municipal Separate Storm Sewer Systems (MS4) permit requirements. The drain has been TV inspected and is in good condition. With regard to environmental monitoring the petitioner has committed to monitoring of vibration, dust and noise during demolition, blasting and earthwork. They will monitor vibration and dust in all 4 directions and noise at the edge of the project.

Mr. Roache confirmed that they have verified the capacity of utilities to serve the project. The City's sewer main will connect to a 36" pipe. Public works has confirmed that the interceptor has capacity for 3 million gallons each day (the projected estimated flow is 75,000 gallons per day). This flow will also be offset by the project's Infiltration and Inflow (I&I) contribution. Concerns were raised relative to the water availability in Lower Falls. A test was conducted which indicated that there is substantial water pressure. The Public Works Department has also verified the capacity.

Some concern was raised relative to the impact on the existing drain culvert that runs through the Woodland golf course through the site. Mr. Roache noted that there are no issues related to the capacity of this pipe. It is expected that the project will significantly reduce the flow of the pipe through a reduction of impervious area and implementation of green stormwater measures. He stated that there should be no capacity concerns related to stormwater.

Mr. Roache explained that Eversource has confirmed that the existing electrical network does not have the capacity to serve the demand of the proposed development. The petitioner has been working with Eversource to develop a plan to ensure that there will be sufficient power to the site. This will require a significant investment on the behalf of the petitioner, but Eversource has assured that service in the neighborhood will not be negatively impacted. It was noted that the service upgrades could result in improvements in other areas of the City.

Various green stormwater improvements are proposed to reduce the impacts of the project on the Charles River. The goals of the stormwater management system are to protect natural resources, attenuate peak runoff rates and enhance water quality by encouraging more natural stormwater cycles through infiltration through the ground. Development and maintenance of a comprehensive soil erosion and sediment control plan is essential and will be developed in the liaison committee. The plan showed below shows the locations and types of planned green infrastructure improvements.



### **Sustainability**

NewEcology Senior Project Manager Tom Chase reviewed the Sustainability Commitments as shown below.

1. Buildings 1 and 2 will be LEED Silver v4 Certifiable.
2. Buildings 3-10 will be LEED Gold v4 Certifiable.
3. Passive House Certification for three of the eight residential buildings.  
(Passive House design principles for all residential portions of the project.)
4. All residential buildings will undergo a Passive House Feasibility Study and energy modeling.
5. Electric Vehicle Charging stations (10%) and EV Ready (10%) of the project's non-MBTA parking.
6. Electrification for the residential portions of the project.
7. Embodied Carbon analysis guiding material selection.
8. Solar PV installation for 25% of common area load for Passive House Buildings.
9. Green Infrastructure inclusive of Rainwater Reuse for Irrigation.
10. Installation of conduits for future electric MBTA bus charging stations.

Mr. Chase noted that Passive House design is an integrated approach to envelope and systems design used to attain a quantifiable and rigorous level of energy efficiency within a specific quantifiable comfort level. Passive house design uses continuous insulation, air/wind-tightness moisture performance, optimization of solar gains, indoor air quality-heat/moisture recovery ventilation and minimized mechanicals to achieve energy efficiency, reduced carbon emissions, superinsulation and airtight construction, superb indoor air quality, resilient buildings and an opportunity to offset a larger portion of on-site energy demand with renewable energy. The passive house buildings will follow a certification process as detailed in the attached presentation. Mr. Chase compared buildings designed to be code

compliant, according to Passive House principles and certified as passive house. This comparison is shown below.

## Comparison

		Code Compliant	Passive House Principles	Passive House Certified
Site Energy Use Intensity	[kBtu/sf/yr]	46.9*	22.6	18.1
Source Energy Use Intensity	[kWh/person/yr]	13,323*	6,420	5,150

\*From PNNL Estimated Energy Use Intensity by Building Type – Standard ASHRAE 90.1-2013 table.

All on-site residential buildings will use electricity and will operate without fossil fuels to allow cleaner operations. Embodied carbon refers to the emissions associated with building construction which includes extracting, transporting, and manufacturing materials. The petitioner proposes to study embodied carbon during design to make lower embodied materials selections.

### Solar

In response to the request to include solar panels on more buildings, Mr. Chase explained that the petitioner will commit to covering 25% of the common area load, for the passive house buildings, with solar photo voltaics. All roofs with meaningful area will be designed and constructed as solar ready. Mr. Chase noted that in order to achieve the 25%, it is likely that approximately 3/8 residential building roofs will need to have solar panels. He noted that Building 9/10 (the garage building) will be designed to accommodate solar and the petitioner will use best efforts to work with the MBTA to ensure that solar is installed.

Chief Planner Neil Cronin provided updates to the Committee. He noted that the change in LEED certification is due to the higher standards for the life science building and the hotel building. He noted that the petitioner will explore LEED gold v4 at the building permit stage. He noted that the petitioner should submit a final traffic management plan for off-site improvements after approval by Mass DOT as well as the SWPPP and baseline noise levels. Mr. Cronin noted that the MU3/TOD zone requires a report on sewer/stormwater and stated that the petitioner shall submit an evaluation of the hydraulics.

Mr. Cronin noted that Engineering has conducted a study on the water supply and believe there is sufficient supply and the demand will not overburden the City's infrastructure. Planning suggests that the stormwater plan for the project is outlined for review by the City's engineering division and peer reviewer for consistency at the building permit stage. It was noted that the proposed raingarden at the transit green is located within the City's drain easement – this should be removed to avoid conflict with the City's drain easement. With regard to stormwater, the largest infiltration chamber is underneath Building 9/10. The petitioner has conducted a mounding analysis in response to concerns raised relative to the amount of water being directed to this infiltration chamber. The Engineering Department is conducting a review of this analysis. Post construction monitoring reports will be conducted for sewer, water and stormwater. Planning will coordinate with the petitioner and Horsley Witten and the Engineering Department to

structure lookback provisions for the utilities and there will be a device measuring flow to ensure the amount of water through the City's pipe to the Charles will be reduced by the proposed stormwater improvements.

### **Public Comment**

Dan Ruben, Chair of the Green Newton and Green Newton's Building Standards Committee. Spoke in support of the draft order with conditions as presented. Mr. Ruben stated that the Riverside development will be a striking and visible green development advancing the green movement in Newton and eastern Massachusetts. He noted that if the development were constructed today, it would be the second largest passive house development built in the state. He stated that the development will set a high bar for energy efficiency, fossil fuel reduction, indoor air quality, resilience and noted that it is noteworthy that several of the buildings will be all electric and will run on renewable energy. He expressed support for the possibility of solar installations on the parking garage and commended the petitioner for their community mindedness. He noted that Green Newton has had productive conversations with the petitioner for a year and a half.

Jonathan Kantar, Chestnut Street, emphasized how the petitioner is leading by example, working hard to become an expert in Passive House design and construction.

Liz Mirabile, spoke on behalf of the Lower Falls Improvement Association (LFIA). Ms. Mirabile referenced a letter from the LFIA dated June 9, 2020 outlining some issues that they wanted to address (this letter is attached to the end of this report). She asked the Committee to consider

- Prohibition of truck traffic on Grove Street during construction
- Preservation of two-way traffic for cars preserved during construction, if this is not possible, what detours might be possible
- Implementation of a resident parking plan prior to construction as well as once the development is in place. She noted that when there isn't enough parking, the neighborhood is inundated.
- Construction hours limited on Saturday from 8:00 am – 5:00 pm, Blasting hours should be 10:00 am – 3:00 pm.
- More involvement from the liaison committee and for a longer period than two months prior to the start of construction.
- More detailed drawings on the off-site roadway improvements (Ramp and roundabout)
- No issuance of building permits beyond the garage until the petitioner has final state and federal approvals for the ramp and the roundabout.

Principal Damien Chaviano noted that the petitioner is willing to try to limit trucks on grove street but noted that until the highway access is complete, they need Grove Street access (until completion of Buildings 7/8). He confirmed that they are willing to collaborate with Planning and the LFIA on a resident parking plan. Mr. Chaviano noted that they have agreed to a condition that no certificates of occupancy are issued until after the ramp design is approved by the state and federal highway but do not believe an additional condition is necessary. It was confirmed that they can provide scaled plans of the ramp and roundabout and that blasting hours from 10:00 am – 3:00 pm can be accommodated.



Bob Schreiber, Grayson Lane, spoke on behalf of the LFIA, He noted that they are pleased to hear that Horsley Witten will be reviewing the Groundwater Mounding analysis and noted that the LFIA submitted a letter commenting on the Groundwater Mounding.

Betsy Harper, Fairmont Avenue, member of the Green Newton Building Standard Committee and the Passive House Board, noted that they are reviewing the sustainability aspects of the project and have had detailed conversations. She noted that she doesn't often give 100% unqualified support for anything but stated that the developer has done anything they would want a developer to do. Ms. Harper commended the petitioner for leadership in Newton, leadership in reducing carbon emission, electric induction cooking, understanding Passive House Certification. She noted that other developers often commit to passive house without having researched or developed the expertise to do so. She stated that the development will be a fabulous example for the City and for meeting the Climate Action goals.

Randy Block, Lafayette Street, noted that Riverside is used at a rate of 650 parking spaces for daily commuters and only 450 will be available. He stated that this will create a lot of difficulties, only some of which can be solved with a parking plan. Mr. Block noted that this will create congestion on City streets particularly during Red Sox game days. He suggested that the traffic management plan should account for daily overflow, but also game days.

### **Council Questions & Comments**

Q: On the stormwater contributions, there was some concern you wouldn't know the total suspended solids or other pollutants coming from the golf course or through the site. Could you measure this before and after to show the increase?

A: The existing drainage system isn't a single connection, that is exclusive to just the parking lot. Its several systems intermingled with the MTBA and connected in many places. We cannot take a single sample and understand the flow or water quality coming from the development parcel, we can only sample the end of the pipe. The most important thing to monitor is upflow of the pipe to signal if there are any issues with erosion control, etc. Upstream of the pipe is the Quinobequin pump station. It is important to know the capacity so flow can be diverted if necessary.

Q: With regard to the LFIA's letter, can we see preliminary designs for the roundabout?

A: We can submit preliminary plans, possibly by the beginning of next week.

Q: The letter from the MBTA regarding solar is critically important. Solar-readiness is good but why don't you feel comfortable committing to more solar on the roofs, understanding that there may be constraints from Passive House design/competing principles? What do our peer reviewers think of the 25%?

A: We're not necessarily restricting this to the passive house rooftops. We don't know how many rooftops it will require to satisfy the 25% metric. It could be all the buildings. We tried to create a meaningful benchmark and we will install solar on however many buildings are required to meet the 25%

\*The 25% metric has not yet been reviewed by Planning. That is a commitment that was made within the last week, that information can be provided in writing.

Q: What are the challenges that a Life Sciences building presents that makes it impossible to achieve LEED Gold v4?

A: (Tom Chase) LEED is a points-based system. Different building types are graded under different systems. The points awarded to the same strategies under the different systems are different. The change is that certification doesn't have a meaningful impact on the characteristics of the building, but it changes the number of points awarded. Under LEED v4, the buildings will not receive the same credits for the transit related strategies (2-point impact for residential buildings, 6 point impact for the life sciences/hotel buildings). This puts more pressure on the materials credits, which are much more difficult to achieve.

Q: Have you done conceptual mapping to ensure that it is possible for you to meet the 25% metric?

A: We did a sample on Building 8 to make sure we attain the metric. The rooftop space is tight but we have spent a significant amount of time getting comfortable with this.

Q: Can you explain the analysis for Groundwater Mounding?

A: (Rich Hollworth) Groundwater Mounding is when a concentrated area of a new source of groundwater is introduced (recharge systems). When the rainwater runoff is being concentrated with the intent to recharge it into the underlying aquifer, there is a mound that occurs because the groundwater is seeking equilibrium, but it takes time. The mounding analysis is a 3-d analysis that considers a broader duration for the influence of the groundwater over so it can focus. We have a significant separation from groundwater, so we don't anticipate any impacts. This is an unusual analysis to do given the separation from the groundwater, it is more typically done on sites closer to the groundwater.

Bob Schreiber, noted that the LFIA has some concerns relative to the Groundwater Mounding analysis and noted that the petitioner should work with Horsley Witten. He emphasized that the LFIA wants to make sure that the system will work as intended.

Q: Engineering's memo talks about 22 acres being owned by the MBTA. Is that a mistake? Will this site need an ANR plan?

A: (Atty. Temple) There will not be an ANR plan or subdivision. The MU3/TOD zone specifically allows lots to be held in separate ownership. We will have a corrected memo from the Engineering Department clearly stating who owns what and what steps must occur.

Q: On hours of operation, Riverside 1 had Monday – Friday 8:00 am – 4:00 pm with no construction on Saturday. The MBTA weighed in and influenced those hours because they didn't want construction during AM/PM peak hours. Have there been discussions between the developer and the MBTA regarding whether they will require restrictions on construction hours?

A: We have had discussions with the MBTA on this issue. They are looking to get the construction done as soon as possible. They are aware of the proposed hours and have not raised concerns.

Q: Can Planning verify whether a police officer detail may be needed to ensure the safety of students walking to the Williams School?

A: Yes. The Newton Public Schools doesn't believe that condition is necessary, but they will verify.

Q: There are a lot of power failures in the area due to the way Eversource is migrating and managing their network. Power supply is a big concern. We will need a condition that requires sufficient power infrastructure so that power is not drawn from the neighborhood.

A: Eversource has unequivocally stated that they would be able to bring power through dedicated circuits. There would be no negative impact elsewhere.

Q: The Washington Place Liaison Committee (WPLC) has been dealing with vibrations a lot. In Newton there are no standards for vibrations. The WPLC has gathered a series of vibration standards from other communities but will need time to put the ordinance together. Having monitors along the edge of the project is useful.

A: We can work with the Planning Department and the peer review team to establish a standard for the vibrations.

The Committee expressed appreciation for the involvement and input from the Green Newton Building Standards Committee and the LFIA. It was noted that the Sunrise Liaison Committee has had some lessons learned during construction. It was noted that the CMP should include

- A primary communicator between the development team and the liaison committee (notifying interested parties, arranging meetings, contact for neighbors)
- CMP should state that there is no construction during state and local holidays
- No construction vehicles travelling or parking on residential streets
- No construction employee parking on residential streets
- Only lighting the first floor of the building once the frame is up
- Permission from ISD and notification to neighborhood for after-hours work
- Installation of vibration monitors on Grove Street residences

The Chair noted that the discussion relative to items #26-20 and #27-20 will continue on June 30, 2020. It was noted that the discussion will focus on mitigation, other unfinished items and review of the draft Council Order. With that, the Committee voted unanimously in favor of holding the items with a motion from Councilor Markiewicz.

The Committee adjourned at 9:40 pm.

**Respectfully Submitted,**

**Richard Lipof, Chair**

# Department of Planning and Development



**PETITION #257-20**  
**449 COMMONWEALTH AVENUE**

TO ALLOW MODIFICATIONS THAT  
RESULT IN A GARAGE WITH A  
FOOTPRINT IN EXCESS OF 700  
SQUARE FEET AND TO CONSTRUCT  
OVERSIZED DORMERS TO THE  
GARAGE TO BE USED FOR AN  
ACCESSORY APARTMENT IN A  
HISTORIC STRUCTURE

JUNE 9, 2020



# Requested Relief



Special Permits per §7.3.3, 7.8.2.C.2 of the Newton Zoning Ordinance to:

- Allow a detached garage with a footprint of over 700 square feet (§3.4.2.B.1 ).
- Allow dormers with widths exceeding 50% of the length of the wall plane below (§1.5.4.G.2.b)

# Criteria to Consider



When reviewing this request, the Council should consider whether:

- The site is an appropriate location for the proposed garage with a footprint of more than 700 square feet and oversized dormers. (§3.4.2.B.1, 1.5.4.G.2.b, §7.3.3.C.1)
- The proposed garage with a footprint in excess of 700 square feet and oversized dormers will not adversely affect the neighborhood. (§3.4.2.B.1, 1.5.4.G.2.b, §7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§3.4.2.B.1, 1.5.4.G.2.b, §7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§3.4.2.B.1, 1.5.4.G.2.b, §7.3.3.C.4)

# Aerial/GIS Map






# ATTACHMENT A

## Zoning

449 Commonwealth Ave.

*City of Newton,  
Massachusetts*

## Zoning

-  Single Residence 1
-  Single Residence 2
-  Public Use

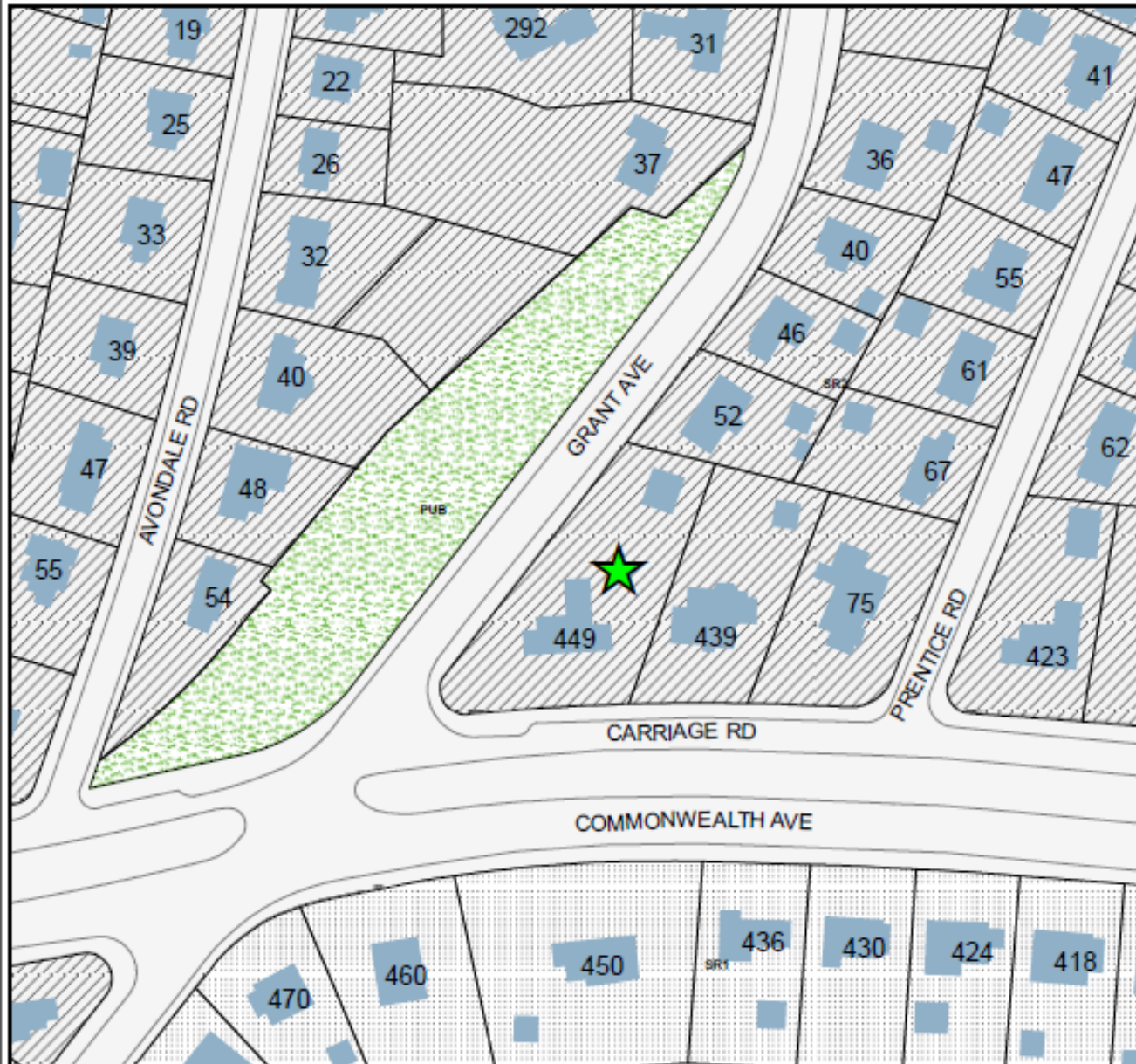


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Barbara Fuller  
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125 Feet

Map Date: June 04, 2020





# ATTACHMENT B

## Land Use

449 Commonwealth Ave.

*City of Newton,  
Massachusetts*

## Land Use

### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Mixed Use
-  Open Space
-  Vacant Land

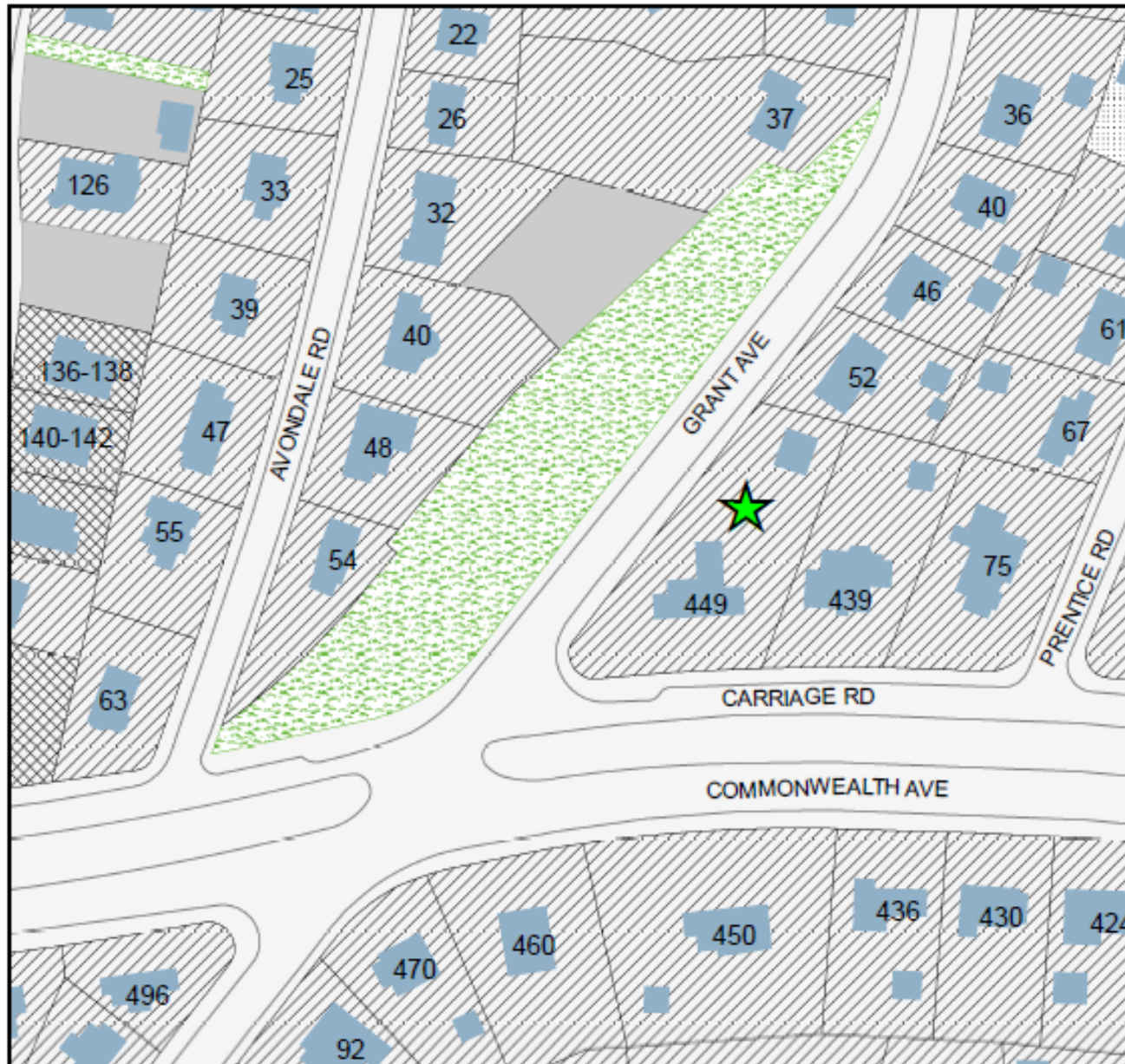


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Barbara Piller  
GIS Administrator - Douglas Greenfield

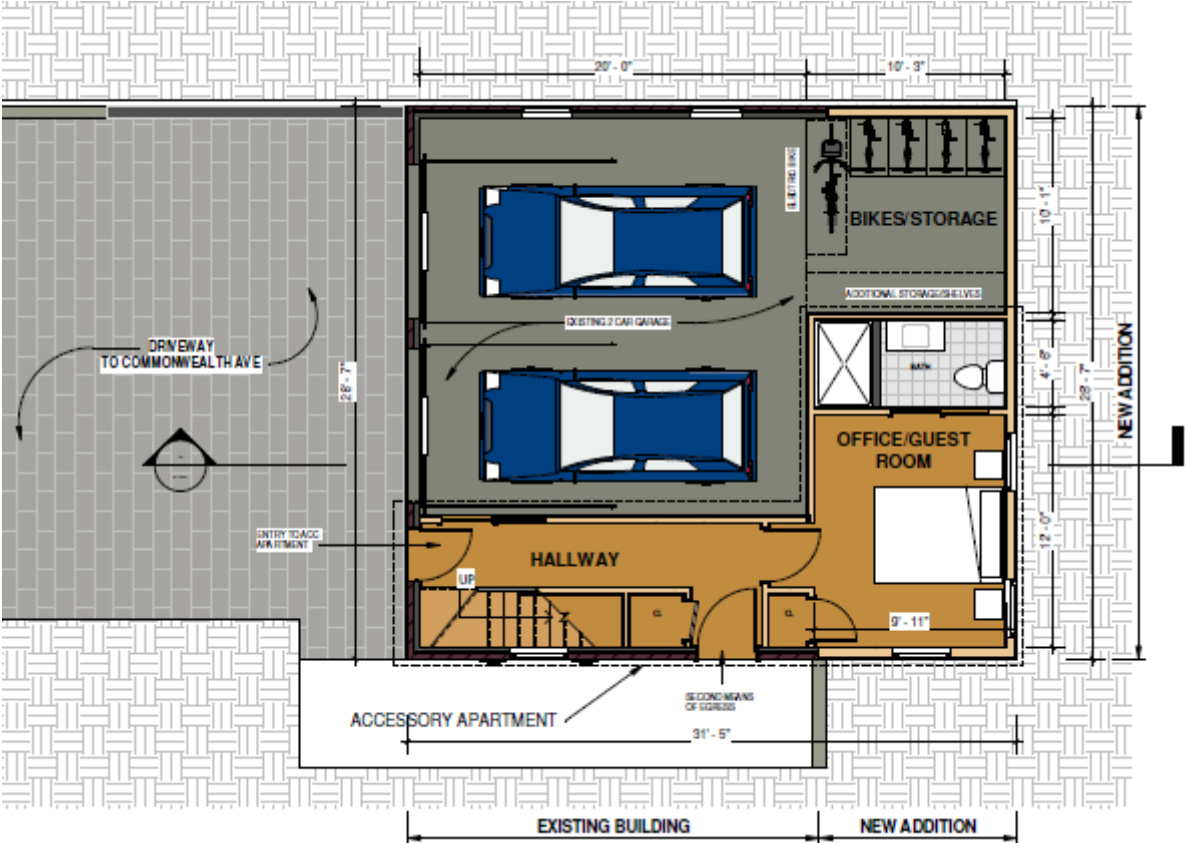
0 12.5 25 50 75 100 125 Feet

Map Date: June 04, 2020





# Garage Footprint



# Garage Elevations - Front



Existing



Proposed

# Proposed Rear Elevation

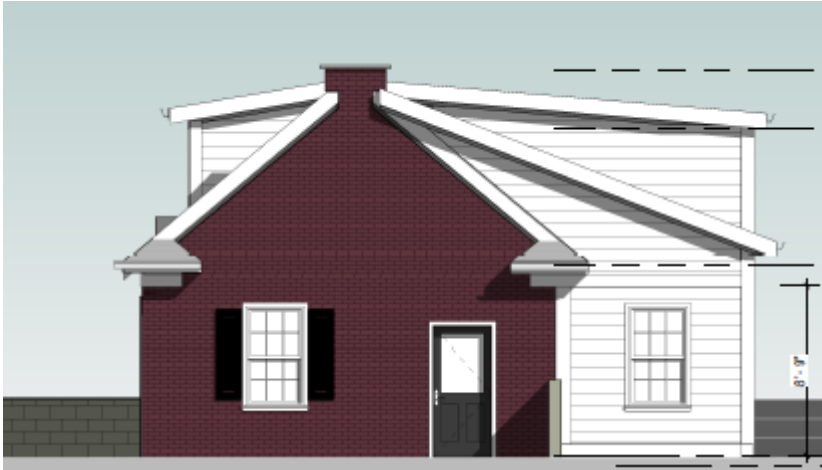


Existing



Proposed

# Rendering and Side Elevation



Proposed

# Proposed Findings



1. The site is an appropriate location for the proposed garage with a footprint of more than 700 square feet and oversized dormers because the structure is to be used for an accessory apartment and maintains a historically significant structure. (§3.4.2.B.1, 1.5.4.G.2.b, §7.3.3.C.1)
2. The proposed garage with a footprint in excess of 700 square feet and oversized dormers will not adversely affect the neighborhood because the bulk of the additions are to the rear of the structure and the project is meeting all other dimensional standards. (§3.4.2.B.1, 1.5.4.G.2.b, §7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians. (§3.4.2.B.1, 1.5.4.G.2.b, §7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (3.4.2.B.1, 1.5.4.G.2.b, §7.3.3.C.4)

# 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 #169-20**  
**148 PINE STREET**

TO CHANGE THE EXISTING  
NONCONFORMING USE FROM THE  
EXISTING TWO-FAMILY USE TO THREE  
SINGLE-FAMILY DWELLINGS ON ONE  
LOT, AND TO DETERMINE  
APPROPRIATE DENSITY AND  
DIMENSIONAL CONTROLS



JUNE 9, 2020

# Requested Relief



Special Permits per §7.3.3, 7.8.2.C.2 of the Newton Zoning Ordinance to:

- Change a nonconforming two-family residential use to three single-family dwellings (§ 3.4.1)
- Determine density and dimensional controls for the proposed use. (§ 3.1.2.A.3)

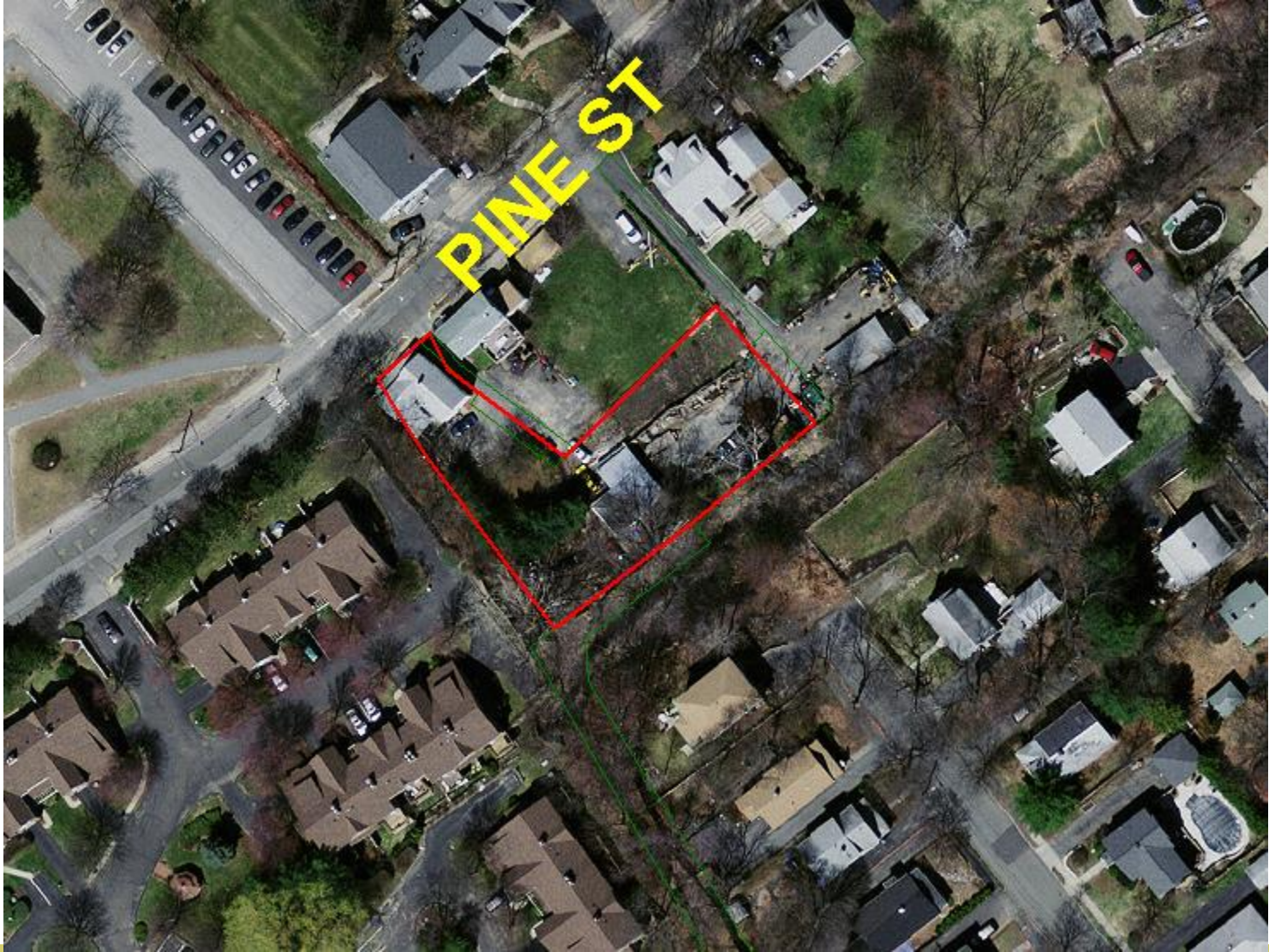
# Criteria to Consider



When reviewing the request, the Council should consider whether:

- The proposed nonconforming residential use will be substantially more detrimental than the existing nonconforming use is to the neighborhood (§7.8.2.C.2).
- The site and structures as proposed are an appropriate location for the density and dimensional controls for the proposed three single-family dwellings (§7.3.3.C.1, §3.1.2.A.3).
- The proposed three single-family dwellings will adversely affect the neighborhood (§7.3.3.C.2, §3.1.2.A.3).
- There will be a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3, §3.1.2.A.3).
- Access to the sites over streets is appropriate for the types and number of vehicles involved (§7.3.3.C.4, §3.1.2.A.3).







# Aerial/GIS Map

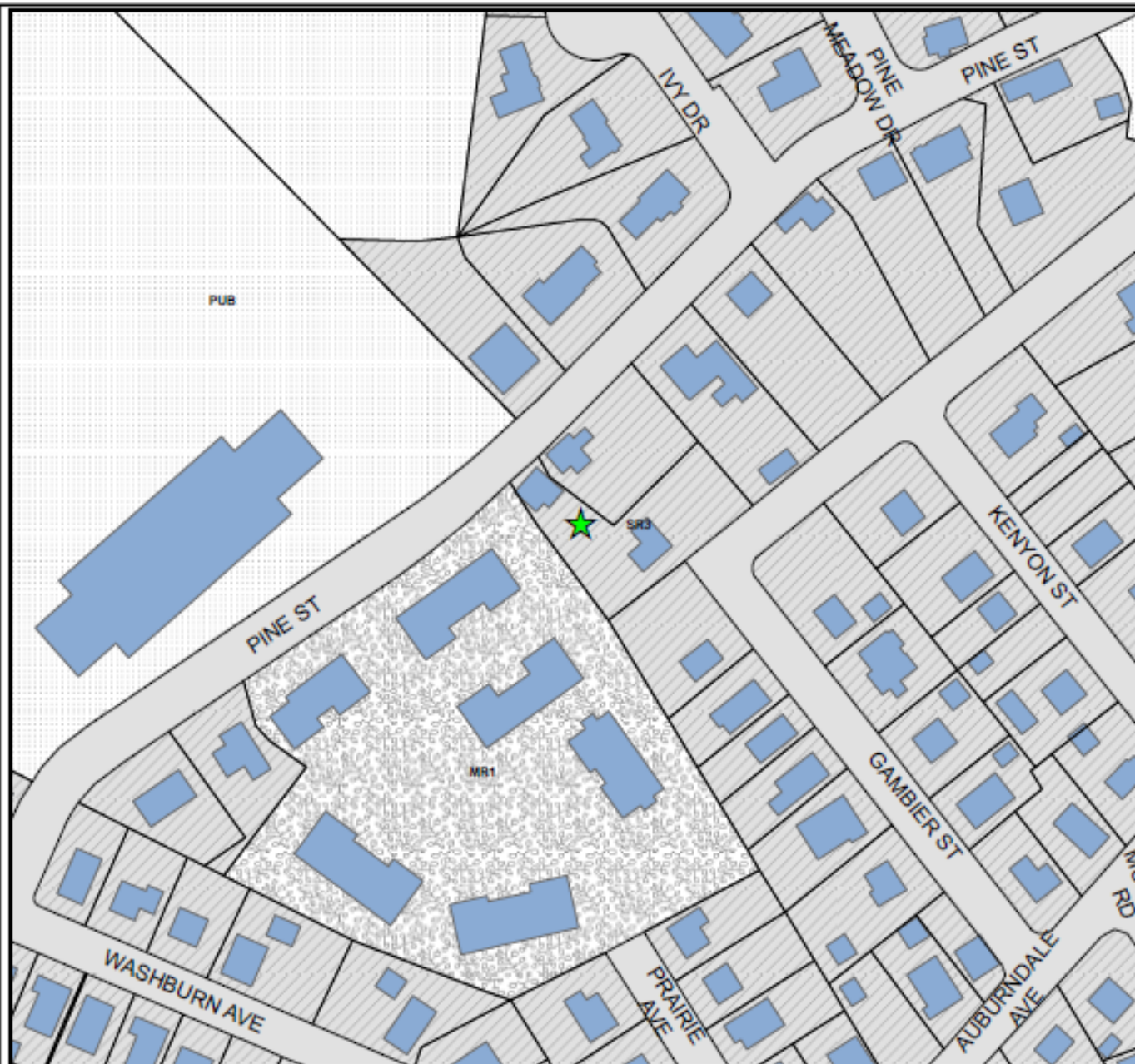


# Attachment A Zoning Map 148 Pine St.

*City of Newton,  
Massachusetts*

## Legend

-  Single Residence 3
-  Multi-Residence 1
-  Public Use
-  Building Outlines
-  Surface Water
-  Property Boundaries



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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Rathazee Fuller



Map Date: April 21, 2020

# Attachment B Land Use Map 148 Pine St.

*City of Newton,  
Massachusetts*

## Legend

### Land Use

### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Open Space
-  Vacant Land
-  Building Outlines
-  Surface Water
-  Property Boundaries



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Barbara Fuller



Map Date: April 21, 2020

# Prior Hearing



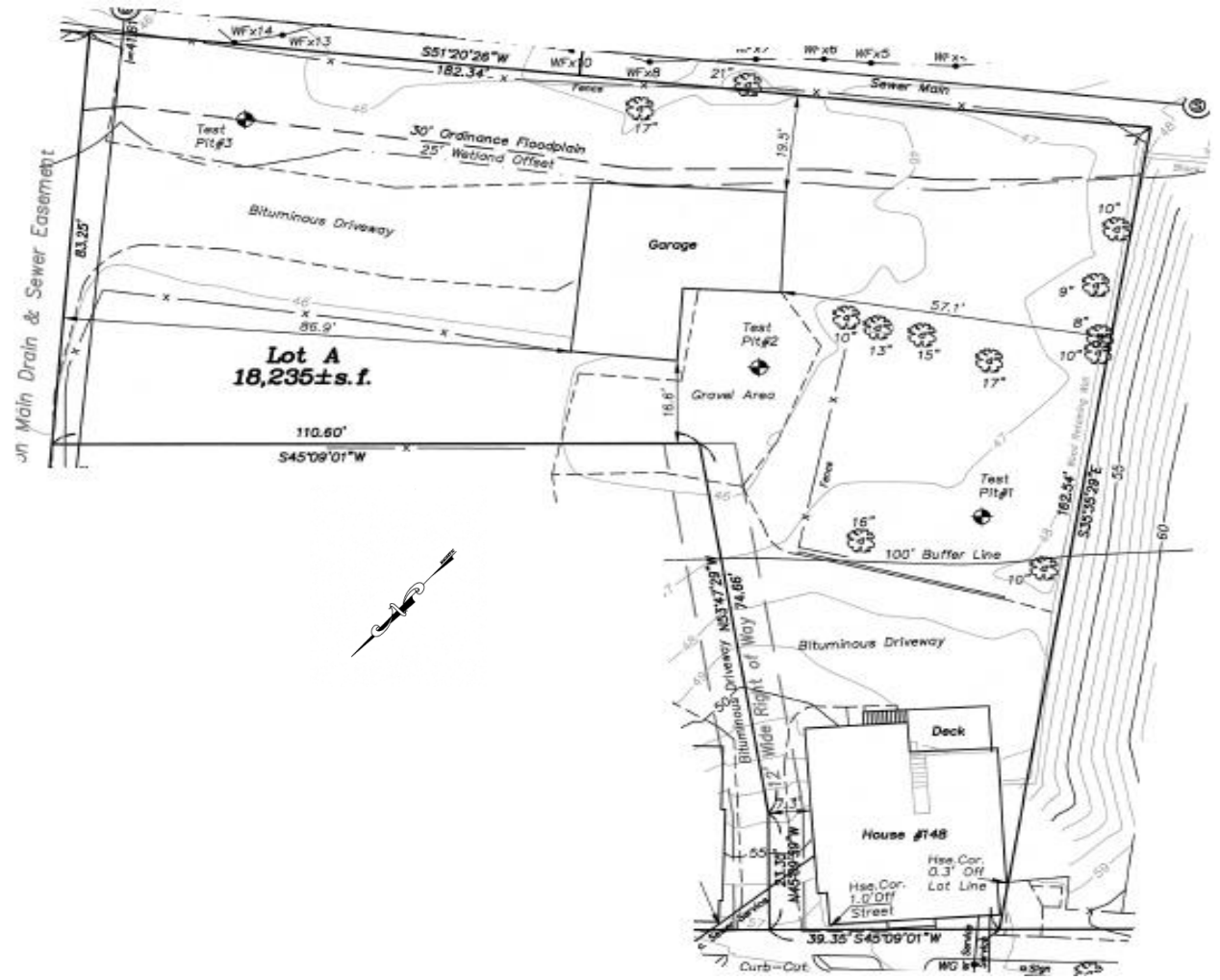
## **Planning Analysis:**

- Steep grade of the site presents challenges
- Front setbacks of Units 1 and 3
  - Unit 1 does not align with the rest of Pine Street and exposes grade change.
  - Unit 3's front setback of 11 feet is concerning due to the shape of the site and proximity to abutting property. In a similar configuration 25, or 30 feet would be required.
- The Planning Department would like more information from the petitioner that shows sections of the proposed three single-family dwellings from all elevations.

## **Committee:**

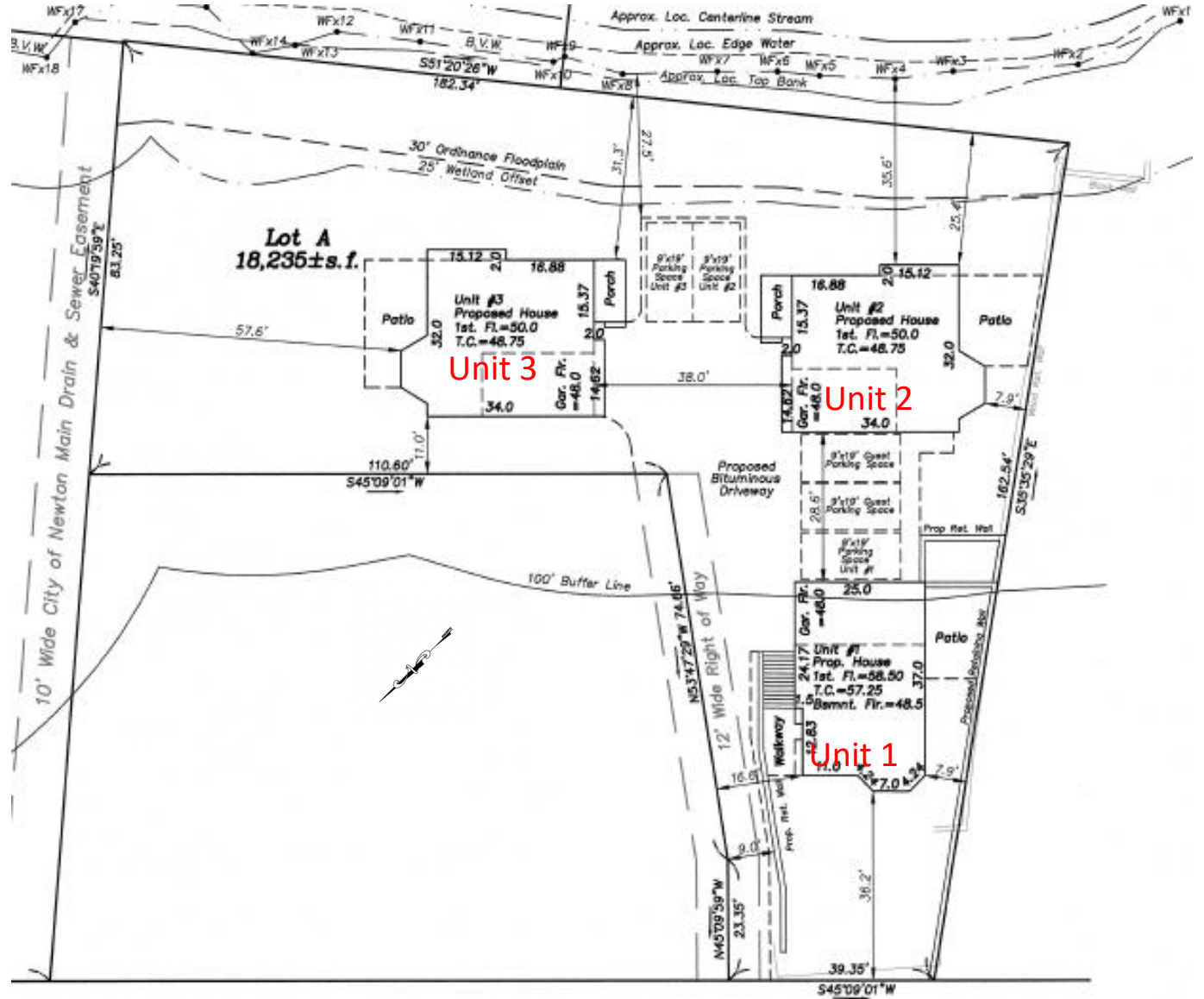
- Committee requested a site visit which was facilitated by the petitioner
- Conservation Commission Order of Conditions

# Existing Conditions

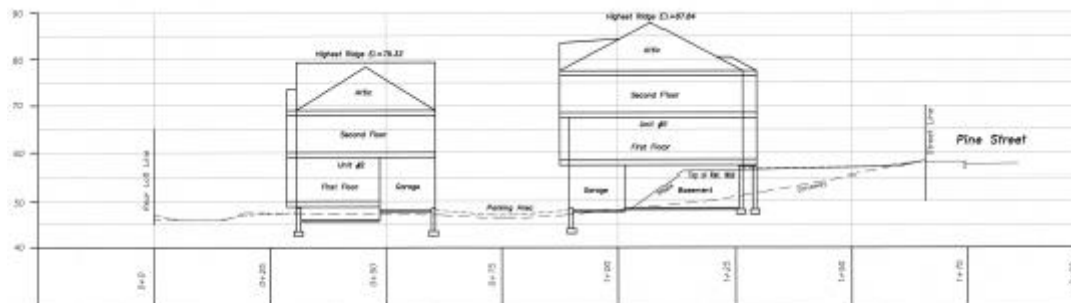




# Proposed Site Plan



# View from Pine Street

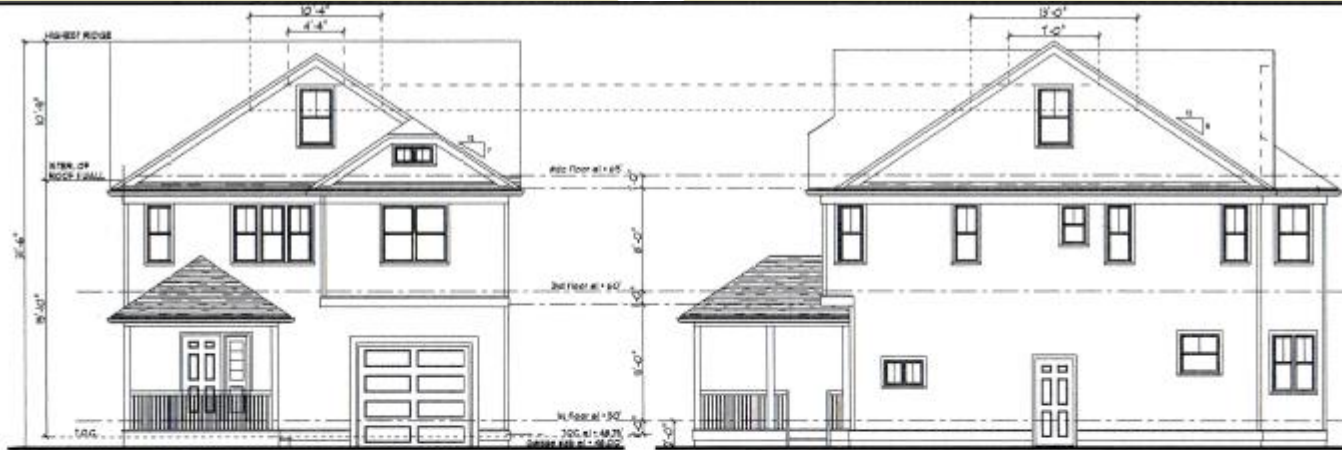


--- Profile Line Through Driveway  
- - - - - Profile Line Through House

# Unit 1 Elevations



# Unit 2 Elevations



UNIT #2 FRONT ELEVATION

UNIT #2 RIGHT ELEVATION



UNIT #2 REAR EL

UNIT #2 LEFT ELEVATION

SCALE: 1/8" = 1'-0"  
 DATE: 1/16  
 DRAWN BY: [blank]  
 CHECKED BY: [blank]  
 UNIT #

# Unit 3 Elevations



# Proposed Findings



1. The proposed nonconforming residential use with three single family dwellings will not be substantially more detrimental than the existing nonconforming two-family use is to the neighborhood because the neighborhood has other multifamily uses and is adding one additional unit than the existing two family. (§7.8.2.C.2).
2. The site and structures as proposed are an appropriate location for the density and dimensional controls for the proposed three single-family dwellings due to the multi-family uses in the neighborhood and complies with most dimensional standards of a single family structure in the Single Residence 3 zone (§7.3.3.C.1, §3.1.2.A.3).
3. The proposed three single-family dwellings will not adversely affect the neighborhood as the density is reflective of the existing neighborhood and there is considerable mitigation proposed in the Order of Conditions issues by the Conservation Commission (§7.3.3.C.2, §3.1.2.A.3).
4. There will be a nuisance or serious hazard to vehicles or pedestrians because all parking will be contained on site (§7.3.3.C.3, §3.1.2.A.3).
5. Access to the sites over streets is appropriate for the types and number of vehicles involved (§7.3.3.C.4, §3.1.2.A.3).

# Proposed Conditions



1. Plan Referencing Condition.
2. Final Site Plan for Review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
3. Prior to the issuance of any building permit for the Project, the petitioner shall provide a Final Site Plan (which shall indicate the location of adequate snow storage area(s) or identify a suitable alternative for snow removal) for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
4. Standard Building Permit Condition.
5. Standard Final Inspection/Certificate of Occupancy Condition.
6. Landscaping Condition
7. O&M Plan
8. The project shall be constructed in accordance with the Order of Conditions issued by the Conservation Commission and must seek approval from the Conservation Commission for any changes to the approved work

# Riverside Station

Land Use Presentation

June 9, 2020

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# Construction Management Plan

# Stormwater Management

The final CMP will include:

- Stormwater Pollution Prevention Plan (SWPPP) with monitoring logs and responsible party contact information, as filed with the EPA.
- Erosion and Sedimentation Control Plans with final phasing.
- Spill Prevention, Control, and Countermeasure Plan.
- Monitoring of Stormwater.
  - Flow measurement and Water Quality Monitoring.
  - TSS and TP sampling before, during, and after construction.
    - » For informational purposes and City's MS4 Compliance.
    - » Flows combine with Woodland Golf Course and MBTA yard, so determining source is difficult.

# Environmental Monitoring

- **Vibration** – Monitored at site perimeter in 4 directions during heavy site activities (demolition, blasting, earthwork).
- **Dust** – Monitored at site perimeter in 4 directions during heavy site activities (demolition, blasting, earthwork).
- **Noise** – Monitored at nearest sensitive receptor (Woodland Condominiums) for increases in excess of 10 dbA over established baseline.
- All data will be shared with City departments and the Liaison Committee.
- The SWPPP logs will be reviewed with the Liaison Committee.

# Public Utilities

# Public Utilities

- Sewer Capacity

- City has identified receiving system capacity of 3,000,000 GPD
- Project anticipated to generate up to 75,000 GPD net of existing flow
- Net new generation offset by I/I contribution

- Water Capacity

- Flow test determined no impact to neighborhood
- Study by City determined adequate capacity

- Drainage Capacity

- Reducing impervious area
- Infiltrating stormwater
- Both measures will result in increased capacity

# Public Utilities

- Electrical Capacity

- Eversource has confirmed that existing system does not have capacity
- They have confirmed that they will be able to bring sufficient power to the site
- Developer's responsibility to pay for necessary improvements at significant cost, may result in improvements for neighborhood.

# Green Stormwater Infrastructure

# Stormwater Management System Goals



Protect Natural  
Resources



Comprehensive  
Soil Erosion  
and Sediment  
Control



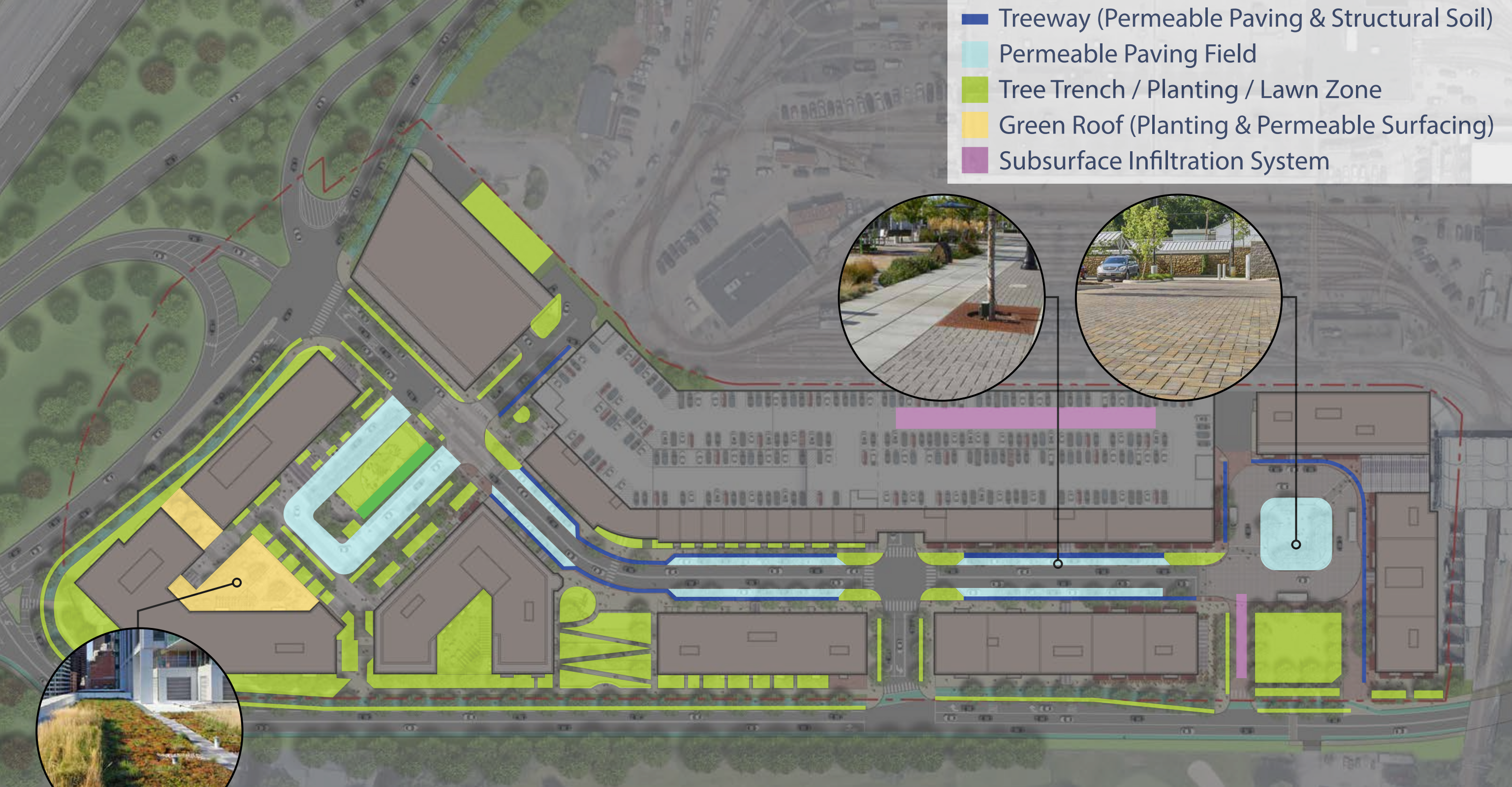
Attenuate Peak  
Rates of Runoff



Enhance Water  
Quality



- Treeway (Permeable Paving & Structural Soil)
- Permeable Paving Field
- Tree Trench / Planting / Lawn Zone
- Green Roof (Planting & Permeable Surfacing)
- Subsurface Infiltration System



# Proposed Green Infrastructure

# Sustainability

# Commitments for the Riverside Development:

1. Buildings 1 and 2 will be LEED Silver v4 Certifiable.
2. Buildings 3-10 will be LEED Gold v4 Certifiable.
3. Passive House Certification for three of the eight residential buildings.  
(Passive House design principles for all residential portions of the project.)
4. All residential buildings will undergo a Passive House Feasibility Study and energy modeling.
5. Electric Vehicle Charging stations (10%) and EV Ready (10%) of the project's non-MBTA parking.
6. Electrification for the residential portions of the project.
7. Embodied Carbon analysis guiding material selection.
8. Solar PV installation for 25% of common area load for Passive House Buildings.
9. Green Infrastructure inclusive of Rainwater Reuse for Irrigation.
10. Installation of conduits for future electric MBTA bus charging stations.

# LEED Certifiable

# LEED v4 Certifiable

Projects pursuing LEED certification earn points for various green building strategies.

Based on the number of points achieved, a project earns one of four LEED rating levels:



## Certified

40-49 points earned



## Silver

50-59 points earned



## Gold

60-79 points earned



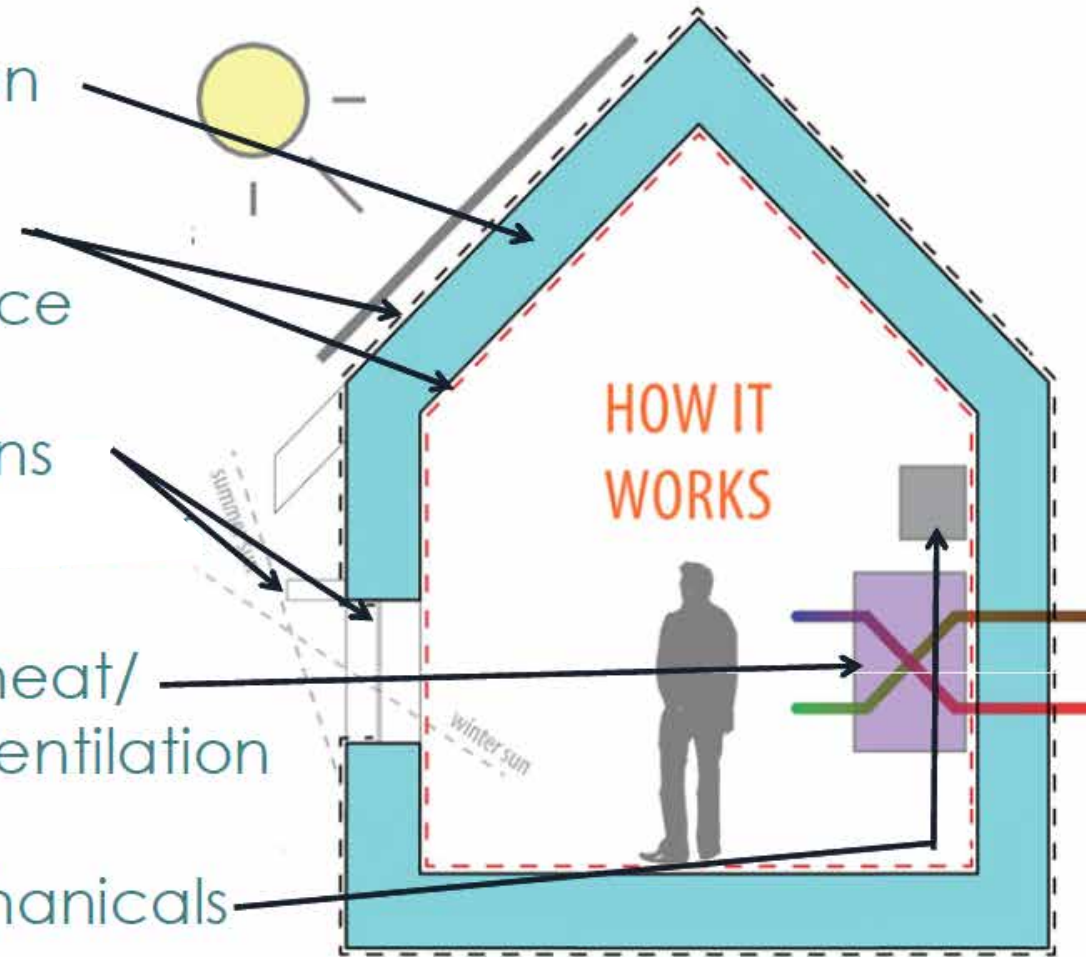
## Platinum

80+ points earned

# Passive House

# What is Passive House?

1. Continuous insulation
2. Air/wind-tightness - moisture performance
3. Optimizing solar gains
4. Indoor air quality – heat/moisture recovery ventilation
5. Minimized mechanicals



## INTEGRATED ENVELOPE AND SYSTEMS DESIGN

# Why do Passive House?

A set of design principles used to attain a quantifiable and rigorous level of energy efficiency within a specific quantifiable comfort level.

Long-term benefits include:

- Energy efficiency and reduced carbon emissions
- Superinsulation and airtight construction provide unmatched comfort
- Superb indoor air quality
- Resilient buildings
- Opportunity to offset a larger portion of on-site energy demand with renewable energy



# Passive House Certification (Building Occupancy Permit Process)

Passive House certified buildings will follow the following process for certification and building and occupancy permit application documentation in line with the requirements of Zoning Article 5.12 as reflected in the board order:

- 1. Design** - Project submitted to PHIUS for pre-certification
- 2. Building Permit** - Permit application to include affidavit signed by the Certified Passive House Consultant stating building has been designed to meet PHIUS requirements, CPHC credentials, and certified Passive House Verifier credentials
- 3. Construction** - Passive House Verifier performs testing and verification of PHIUS requirements, PHIUS approves project for pre-certification
- 4. Occupancy Permit** - Permit application to include affidavit signed by the Certified Passive House Consultant stating building has been met PHIUS requirements and the final Passive House Verifier testing and verification report. At this stage, project submits final certification application to PHIUS

# Passive House at Riverside

1. Three of the eight buildings, for the residential portions, will be Passive House certified.
2. The remaining five residential buildings, for the residential portions, will be designed with Passive House principles.

# Comparison

		Code Compliant	Passive House Principles	Passive House Certified
Site Energy Use Intensity	[kBtu/sf/yr]	<b>46.9*</b>	<b>22.6</b>	<b>18.1</b>
Source Energy Use Intensity	[kWh/person/yr]	<b>13,323*</b>	<b>6,420</b>	<b>5,150</b>

\*From PNNL *Estimated Energy Use Intensity by Building Type – Standard ASHRAE 90.1-2013* table.

# Electrification

for the residential portions of the project (excluding commercial buildings)

# What is Electrification? (excluding commercial buildings)

Replacing combustion-fuels with electric technologies, primarily for space and water heating.

- Reduces dependence on fossil fuels.
- As the grid becomes cleaner, the building becomes cleaner.

Zoning	Open for future determination
Proposed	All Residential buildings will use electrification exclusively

# Embodied Carbon

# What is Embodied Carbon?

The emissions associated with building construction, including extracting, transporting, and manufacturing materials.

Zoning	No requirement
Proposed	Embodied Carbon analysis guiding material selection

# Solar PV



# Solar PV

- Commit 25% House Load for Passive House Buildings.
- All roofs with meaningful area will be solar ready.

Zoning	Does not require at this time
Proposed	25% House Load for Passive House Buildings.

# Green Transportation Initiatives

# Green Transportation Initiatives

Multi-modal transportation to reduce single-occupancy vehicular travel.

- Over 900 bicycle parking spaces (not including MBTA bicycle parking spaces)
- Bicycle repair station and lockers
- Program for Sustainable Transportation
  - » Reimbursement equal to 80% of the cost of a monthly LinkPass (\$72)  
(LinkPass allows for unlimited travel on the subway, local bus lines, and the silver line.)
  - » Contribution to facilitate bike-share station installation
- 6-month PILOT Commuter Rail Bus Shuttle Service
  - » \$130K for daily service 6x per day.
- Development adjacent to T-station
- Provisions for car-share/ZipCar

