



Land Use Committee Report

City of Newton In City Council

Tuesday, September 29, 2020

Present: Councilors Lipof (Chair), Kelley, Greenberg, Auchincloss, Markiewicz, Downs, Bowman, Laredo, Gentile, Leary, Krintzman, Wright, Ryan and Malakie

City Staff Present: Chief Planner Neil Cronin, Associate City Solicitor Jonah Temple, Senior Planner Michael Gleba, Planning Associate Katie Whewell, Director of Planning and Development Barney Heath

All Special Permit Plans, Plan Memoranda and Application Materials can be found at http://www.newtonma.gov/gov/aldermen/special_permits/current_special_permits.asp. Presentations for each project can be found at the end of this report.

#316-20 Petition to allow rear-lot subdivision at 432 Dedham Street

FREDERICK KAPLAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a rear-lot subdivision to create two lots fronting on Dedham Street at 432 Dedham Street, Ward 8, Newton Centre, on land known as Section 81 Block 11A Lot 47, containing approximately 66,503 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.5, 3.1.10 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Motion to Approved Failed to Carry 3-3-2 (Councilors Kelley, Greenberg and Bowman Opposed, Councilors Auchincloss and Downs abstaining); Public Hearing Closed 09/29/2020**

Note: At the initial public hearing on September 15, 2020, the Committee expressed concerns relative to the amount of paving at the site, flooding in the neighborhood and the preservation of existing mature trees on the property line.

Senior Planner Michael Gleba reviewed updates to the petition and compared the original site plan with the revised site plan as shown on the attached presentation. The revised plans reflect relocation of the proposed retaining wall, altered to preserve the existing mature trees along the property line. Mr. Gleba noted that the garages remain in the same configuration as originally proposed.

The petitioner, Mr. David Geffen noted that he met with the abutting property owner several times to discuss opportunities to protect the trees along the property line. The resulting plan reflects a solution intended to preserve the mature trees. Mr. Geffen noted that opportunities to reorient the garages in order to minimize the amount of paving were investigated. He explained that when evaluating the option to turn the garages toward the shared driveway, the paving was reduced, but accessibility was compromised for the residences. He reiterated that the proposed dwelling units are intended to accommodate residents with increased mobility needs and stated that the driveway-facing garages do

not support the level entryways. Mr. Geffen noted that the curb cut of the shared driveway accessing the three properties was reduced from 24' to 20' at the recommendation of the Planning Department.

To mitigate the impact of the garages facing the street, additional evergreens are proposed to shield the view from Dedham Street. Additional evergreens are proposed on the property line to shield the view from the abutting property owner. It was noted that the on-site parking will prevent residents and visitors from parking on Dedham Street, reducing safety concerns.

Public Comment

Fred Kaplan, 432 Dedham Street, noted that the proposed development is sensitive to the community and fulfills needs for the City. He reiterated that the proposed dwellings are age-friendly and modest sized houses which will fit nicely in the neighborhood. He noted that one giant house would be insensitive to the neighborhood.

Mary Pope, Dedham Street, reiterated concerns relative to the trees and questioned whether there is a way to further protect them. She noted that the fill can be detrimental for trees and asked for some assurance that the retaining wall is a reasonable distance from the mature trees. She suggested that additional space between the trees and the retaining wall might be needed.

Committee Discussion

Committee members were appreciative of the efforts to preserve the existing trees but questioned whether the retaining wall will impact the root structure. Mr. Geffen noted that the retaining wall is not intended to penetrate beyond 12" underground and will be supported by a base of crushed stone and Geotech fabric. He noted that the fill supports the wall and does not require digging of a trench. The retaining wall will be constructed of concrete and is intended to keep water from spilling onto the abutting property. A Councilor provided information relative to tree roots and how far they can extend, which can be found at the following link: https://www.isa-arbor.com/Portals/0/Assets/PDF/research/educ_Portal_RootGrowth_AN.pdf. The Committee asked that the petitioner work with an arborist and the project architect to ensure that the trees will be protected.

The Committee questioned whether the petitioner had an opportunity to analyze the water levels at the site, noting that the proposed houses are located where there is frequent flooding. Mr. Geffen confirmed that they dug 8 10' pits to evaluate the water levels. He noted that one pit contained approximately 1' of water and confirmed that the Engineering Department has expressed no further concerns relative to the petition.

Some Committee members emphasized concern relative to the proposed plan. It was noted that the petitioner did not seem to thoughtfully consider opportunities to reduce the paving by reorienting the garages and there is a significant amount of paving in the front yard. It was noted that the lot is 66,000 sq. ft. (1.5 acres) and that the existing paving at the site is increasing by 1100 sq. ft. per dwelling unit to accommodate two additional dwelling units. Additionally, it was noted that the parking for residents, visitors and caregivers can be accommodated on-site, as opposed to on Dedham Street, which is busy.

Mr. Geffen noted that the by-right alternative to the proposed plan is one large dwelling unit which could be up to 10,000 sq. ft. in addition to a basement up to 5,000 sq. ft. in size.

Noting that where the sidewalk meets the property, there is some sloping, the Committee asked whether the grade on-site can be raised in order to eliminate the slope. It was noted that the proposed driveway remains 20' wide, which will allow cars to enter and exit the site simultaneously on Dedham Street, where there are cyclists frequently. Seeing no other member of the public who wished to speak, Councilor Laredo motioned to close the public hearing which carried unanimously. Councilor Laredo motioned to approve the petition. The motion to approve failed to carry with a vote of three in favor, three opposed (Councilors Kelley, Greenberg and Bowman) and two abstentions (Councilors Downs and Auchincloss).

#252-20 Petition to extend FAR and allow accessory apartment at 30-32 Salisbury Road

SHARONA MIZRAHI AND DAVID NAHOUMI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a first-floor addition to the principal dwelling and to construct dormers to the existing detached garage to allow for an accessory apartment in a detached structure, further increasing the non-conforming FAR to .66 where .64 exists and .48 is allowed and where the structure does not meet principal setback requirements at 30-32 Salisbury Road, Ward 2, Newton, on land known as Section 13 Block 07 Lot 16, containing approximately 9,773 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.3, 3.2.11, 7.8.2.C.2, 6.7.1.E.1, 6.7.1.E.5 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 6-0-2 (Laredo, Kelley abstaining); Public Hearing Closed 09/29/2020

Note: Architect Lee Silverstone represented the petitioners Sharona Mizrahi and David Nahoumi. Ms. Silverstone presented the request to exceed the allowable FAR to allow an accessory apartment at 30-32 Salisbury. At the initial public hearing in May 2020, concerns were raised relative to the project. The petitioners hosted a site visit where they answered questioned for members of the public and ward 2 Councilors. The proposed plans include the renovation of the second floor of an existing four-car garage approximately 1000 sq. ft. in size. After a fire destroyed the house at 30-32 Salisbury, a new house was Constructed. Although the three-car garage was not damaged in the fire, the petitioners replaced the garage with a new four-car garage. Chief Planner Neil Cronin confirmed that the building permit was issued in error for the four-car garage, which should have required a special permit to exceed 700 sq. ft.

To create additional habitable space in the second floor of the garage, the petitioners proposed to construct three dormers on the front roof of the structure, facing the house. Two garage bays will be used for the principal dwelling and two garage bays will be used for the apartment. On the principal structure, the petitioner proposes to replace an existing deck with a powder room addition.

Responding to concerns raised at the initial public hearing, the revised plans show a reduction in the size of the deck from 7'x18' to 4.7' by 13'. Additionally, the petitioner has agreed to install privacy lattice to shield the view from abutters. Ms. Silverstone noted that the HVAC unit will be located under the deck to mitigate the noise.

Planning Associate Katie Whewell reviewed the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation.

Public Comment

Eric Poydar, 26 Salisbury Road, questioned whether the door shown on the plans, adjacent to the garage exists? Ms. Silverstone noted that while the door is proposed, the petitioner is willing to eliminate the proposed garage from the plans, if desired.

John Fitzgerald, 36 Salisbury Road, noted that green space/open space is important. He noted that construction on smaller lots can have a more dramatic effect on a property and a neighborhood. He noted that some permitting was missed for this property and questioned how approval of this petition may impact future projects by other properties in the neighborhood.

Scott Rodman, 28 Salisbury Road, expressed concern that neighbors do not get multiple notices. He noted that the increase in FAR is dramatic. He questioned how the garage space will be used, noting that there will be 5 cars where 3 can be accommodated.

John Chow, 28 Salisbury Road, expressed concern relative to the permitting process. He noted that the further extension of the FAR should be sufficient to deny the petition. Mr. Chow suggested that some people follow the rules and other residents are allowed to break the rules by way of special permits. He questioned whether there are defined metrics or criteria for approval of special permits and expressed concern that special permits are being used to create more housing.

Committee Discussion

In response to questions and concerns from the Committee, Ms. Silverstone explained that the second floor of the garage currently has 492 sq. ft. of 7' space. With the proposed dormers, the total square footage above 5' is 767'. Ms. Silverstone noted that although the garage was permitted in errors, the space above the garage exists and can be made usable with little impact to the neighborhood. She noted that neither the landing nor the deck count towards the total square footage, as they are exterior. Ms. Nahoumi confirmed that two cars currently park in the garage, with the third car in the driveway; not interfering with exiting the garage.

The Committee noted that the occupants of the accessory unit will not have any outdoor space. Ms. Nahoumi stated that she can create some outdoor space for the accessory unit occupants. The Committee expressed support for some landscaping along the lot lines to further shield the abutting property owners. It was noted that approval of this special permit will not set a precedent for the street. It was suggested that the proposed two-bedroom, 767 sq. ft. accessory apartment may be naturally affordable and can support residents without a car, due to its proximity to public transportation.

With that, Councilor Bowman motioned to close the public hearing which carried 8-0. Councilor Bowman motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown on the attached presentation. The Committee asked that the draft order include a condition relative to landscaping along the side lot lines. With that, the Committee voted six in favor, none opposed, two abstaining (Councilors Laredo and Kelley).

Referred to Land Use and Finance Committees

#364-20 **CPC Recommendation to appropriate \$1,244,857 of CPA funding**
COMMUNITY PRESERVATION COMMITTEE recommending appropriation of one million two hundred forty-four thousand eight hundred fifty-seven dollars (\$1,244,857) in Community Preservation Act (CPA) funding for the creation of affordable housing in the Golda Meir House Expansion Project.

Action: **Land Use Approved 7-0 (Auchincloss not Voting)**

Note: CPC program Manager Lara Kritzer presented details of the request to appropriate \$1,244,857 dollars in CPA funding for the creation of affordable housing at Golda Meir on Stanton Avenue (owned by 2Life Communities). Her presentation can be found at the end of this report. Golda Meir currently has 199 senior housing units. The proposed project includes the creation of an additional 68 units in two addition. The Council previously approved \$3,250,000 dollars for the project. In 2019, 2Life Communities secured a grant from HUD to reduce the level of affordability for the (30) affordable units in the project. The HUD funding allows a reduction in the level of affordability from 60% AMI to 30% and 50% AMI. This reduction in the level of affordability creates a funding gap for the project. Ms. Kritzer noted that with Council approval of the funds, construction is planned to begin in 2021 for completion in 2022 and leasing in Fall 2022.

The Committee expressed support for the project but questioned whether further appropriation of funds is anticipated. It was confirmed that the CPC has approximately \$12 million dollars remaining after this expenditure. Additionally, construction documents are 100% complete and they are negotiating with the contractor. 2Life Director of Real Estate Zoe Weinrobe confirmed that the funding gap has been closed with contributions from HUD, the state and other philanthropy.

Ms. Kritzer confirmed that the project still includes units for the chronically homeless population. Committee members were supportive of approving the funds, noting the CPC's unanimously approval of the additional funding. With that, the Committee voted 7-0 in favor of approval of a motion to approve from Councilor Auchincloss.

#342-20 **Appointments to the Northland Construction Liaison Committee**
PRESIDENT ALBRIGHT appointing the following individuals to the Neighborhood Liaison Committee as established in Condition 40 of Special Permit 426-18 granted on December 2, 2019 to Northland Investment Corporation for an 800-unit mixed use development, with 193,200 sq. ft. office space, 115,114 sq. ft. of retail/commercial/restaurant space, below grade parking for approximately 1,350 spaces and related site amenities.

Ward 5 City Councilor: Councilor Deborah Crossley

Ward 8 City Councilor: Councilor Holly Ryan

Neighborhood representative(s): Gary Miller, 16 Shawmut Park (Ward 5)

Jay Werb, 31 Williams Street (Ward 5)

Tom Friedman, 50 Verndale Road (Ward 8)

Needham Street Commercial Community Representative, *informational only*:
Sarah Gardella (Nothing but the Cakes)

Action: **Land Use Approved 7-0 (Auchincloss not Voting)**

Note: Committee members expressed no concerns relative to the appointments to the Northland Liaison Committee. Councilor Laredo motioned to approve the appointees which carried 7-0.

#341-20 Class 2 Auto Dealers License

KG Motors LLC
1235 Washington Street
West Newton, MA. 02465

Action: **Land Use Held 7-0 (Auchincloss not Voting)**

Note: Associate City Solicitor Jonah Temple explained that there has been a question of whether or not the auto dealer use is permitted at the site. He explained that the Council can consider whether zoning allows the auto dealer use while deliberating the license. The Committee expressed concern that the license could be approved where the zoning is not permitted and asked for clarification with respect to the zoning. With that, Councilor Kelley motioned to hold the item which carried 7-0.

#336-20 Petition to exceed FAR at 29 Hawthorne Avenue

VARUN GOEL AND RIMA PATEL petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story rear addition and enlarge the existing detached garage, creating an FAR of .37 where .23 exists and .34 is allowed at 29 Hawthorne Avenue, Ward 4, Auburndale, on land known as Section 43 Block 34 Lot 11, containing approximately 9,790 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved 7-0 (Auchincloss not Voting); Public Hearing Closed 09/29/2020**

Note: Architect Peter Sachs, represented the petitioners Varun Goel and Rima Patel. Mr. Sachs presented the request to exceed the FAR at 29 Hawthorne Avenue. The petitioners propose to construct a two-story rear addition to the existing structure. The proposed addition will increase the footprint of the existing structure by 664 sq. ft. and decrease the side setback from 28.4' to 22.9'. Mr. Sachs noted that the Auburndale Historic Commission unanimously approved the plans. Regarding the request for FAR relief to create an FAR of .37 where .34 is allowed, Mr. Sachs noted that the proposed FAR is on the lower end of other properties in the neighborhood.

Planning Associate Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation.

The Public Hearing was opened. No member of the public wished to speak.

Committee members expressed support for the project and shared no concerns relative to the petition. Councilor Markiewicz motioned to close the public hearing which carried 7-0. Councilor Markiewicz motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown on the attached presentation and voted 7-0 in favor of approval.

#318-20 Petition to extend nonconforming two-family dwelling at 107-109 Grove Street

JUDY LAI YEE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story rear addition with a basement accessory apartment, extending the nonconforming two-family use in the SR3 zone at 107-109 Grove Street, Ward 4, Auburndale, on land known

as Section 43 Block 31 Lot 14, containing approximately 12,437 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 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 4-0-2 (Auchincloss, Kelley not Voting, Laredo and Markiewicz abstaining); Public Hearing Closed 09/29/2020

Note: Architect Jay Walter, 83 Pembroke Street, represented the petitioner Judy Lai Yee. Mr. Walter presented the request to construct a rear addition, removing an existing second-story porch. Infilling it two levels of the main house and the basement and adding a walkout basement. This work is to accommodate a new, basement level accessory apartment where the petitioner will move after sale of the property to her two sons, who will live in the other two units at the site. Mr. Walter noted that the project was unanimously approved by the Auburndale Historic District Commission.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation.

The Public Hearing was Opened.

Yan Ni, 85 Woodland Road, expressed concerns relative to having three separate units on one property. Ms. Lee questioned how parking will be managed, noting that the garage is not being used.

Mr. Walter stated that the parking use should not be any greater than it is now and that the driveway has good sight lines.

Susan Snyder, 81 Woodland Road, questioned the three-family use will not have a greater impact than the two-family use? Mr. Walter explained that an elderly woman is taking a unit and her two sons will reside in the other two units. It was noted that there will be one additional car at the site where there are currently three. Mr. Yee noted that the proposed improvements will improve the condition of the house and be a benefit to the neighborhood.

Committee Discussion

Noting that the accessory apartment is only made possible by the proposed addition, Committee members expressed concern and questioned whether the Committee is required to grant relief relative to the accessory apartment. Mr. Gleba noted that Inspectional Services did not identify the relief relative to the accessory apartment. The Committee asked the Law Department to provide some analysis of whether relief is required for the accessory use.

It was noted that the proposed plan is for the petitioner's sons to occupy the other two units at the site. If the property is sold, the primary unit will need to remain owner occupied per the accessory apartment ordinance. Some concern was expressed that the third unit, in a single residence zone, may have a negative impact to the neighborhood, particularly given the site's location on Grove Street, on a corner and an incline, with inadequate sight lines.

The Committee noted that the proposal improves the condition of the existing home and creates an opportunity for aging in place as envisioned by the accessory apartment ordinance. It was noted that the driveway can accommodate cars turning around on site.

Seeing no other member of the public who wished to speak, Councilor Bowman motioned to close the public hearing which carried 7-0. Councilor Bowman motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown on the attached presentation and voted 4-0-2 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 7-0 (Auchincloss not Voting); 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 7-0 (Auchincloss not Voting); Public Hearing Continued

Note: Attorney Buchbinder, with law offices of Schlesinger and Buchbinder, 1200 Walnut Street, represented the petitioner. Atty. Buchbinder noted that the petitioner has been working with the Planning Department and members of the community to resolve outstanding issues related to signage and transportation. Atty. Buchbinder noted that the signage on Building 2 (facing the pike) is intended to be dimmed at 11:00 pm. He stated that the LFIA has requested that the light is dimmed at 9:00 pm. He noted that as the building is a hotel, it is hoped that signage can provide guidance to visitors accessing the site from the highway. The Committee took a straw poll which carried four in favor of 9:00 pm (Councilors Laredo, Bowman, Downs and Markiewicz) and two in favor of 11:00 pm (Councilors Kelley and Green), Councilor Lipof abstaining and Councilor Auchincloss not voting).

The last sentence in Condition 69D states that failure to comply with the maximum trip count for two consecutive monitoring periods will constitute a violation of the special permit/site plan approval. Atty. Buchbinder noted that this language could be applied throughout the order but is not. He noted that highlighting this under this condition may be problematic during discussions with prospective lenders. The Committee took a straw poll which carried four in favor of maintaining the language (Councilors Lipof, Laredo, Markiewicz and Greenberg) and two opposed (Councilors Downs and Bowman), Councilors Auchincloss and Kelley abstaining).

Atty. Buchbinder noted that Condition 70 allows the Director of Planning and Development and/or the Commissioner of Public Works to requests additional trip counts if a degradation of service has been identified. As proposed, there is no time limit on when the City may request this information Atty. Buchbinder noted that this condition is unnecessary given the substantial monitoring proposed under other conditions.

It was noted that there is alternate language which mirrors the language in the zoning ordinance. The Committee expressed support for allowing the City to request additional monitoring if there are changes to the regional transit landscape. The Committee noted that any degradation in level of service at the site will result from this project. The Committee took a straw poll on keeping or removing the language. The Committee voted four in favor of keeping it (Councilors Lipof, Laredo, Bowman and Markiewicz) and three in favor of removing it (Councilors Kelley, Greenberg and Downs), Councilor Auchincloss not voting).

The Committee asked that the revised draft show the changes. With that, Councilor Markiewicz motioned to hold items #26-20 and #27-20 which carried unanimously.

The Committee adjourned at 10:15 pm.

Respectfully Submitted,

Richard Lipof, Chair

Department of Planning and Development



PETITION #316-20
432 DEDHAM STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO CREATE TWO
LOTS FRONTING ON DEDHAM
STREET

SEPTEMBER 29, 2020



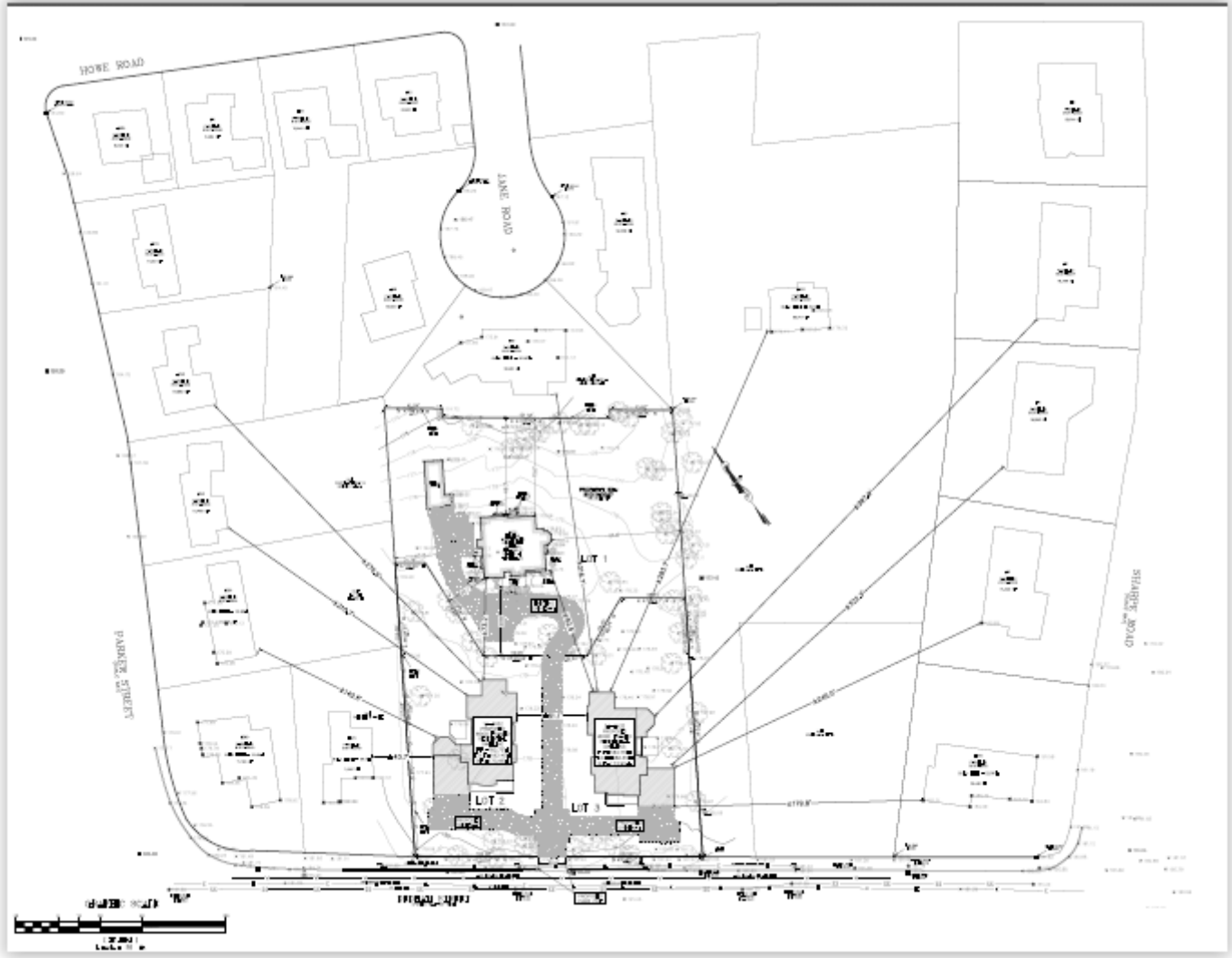
Requested Relief



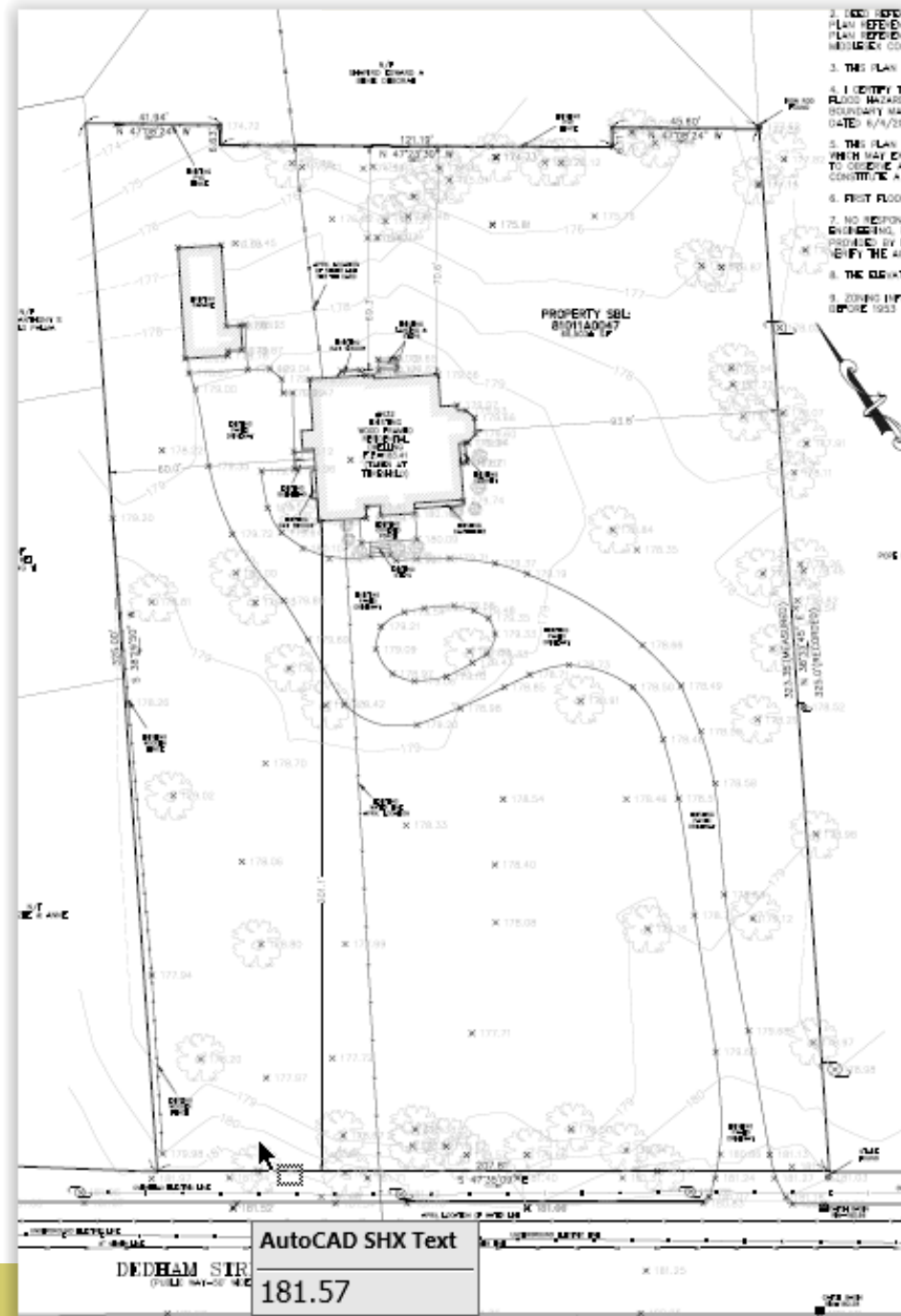
Special permit per §7.3.3 to:

- allow a rear lot subdivision (§3.1.5, §3.2.10)

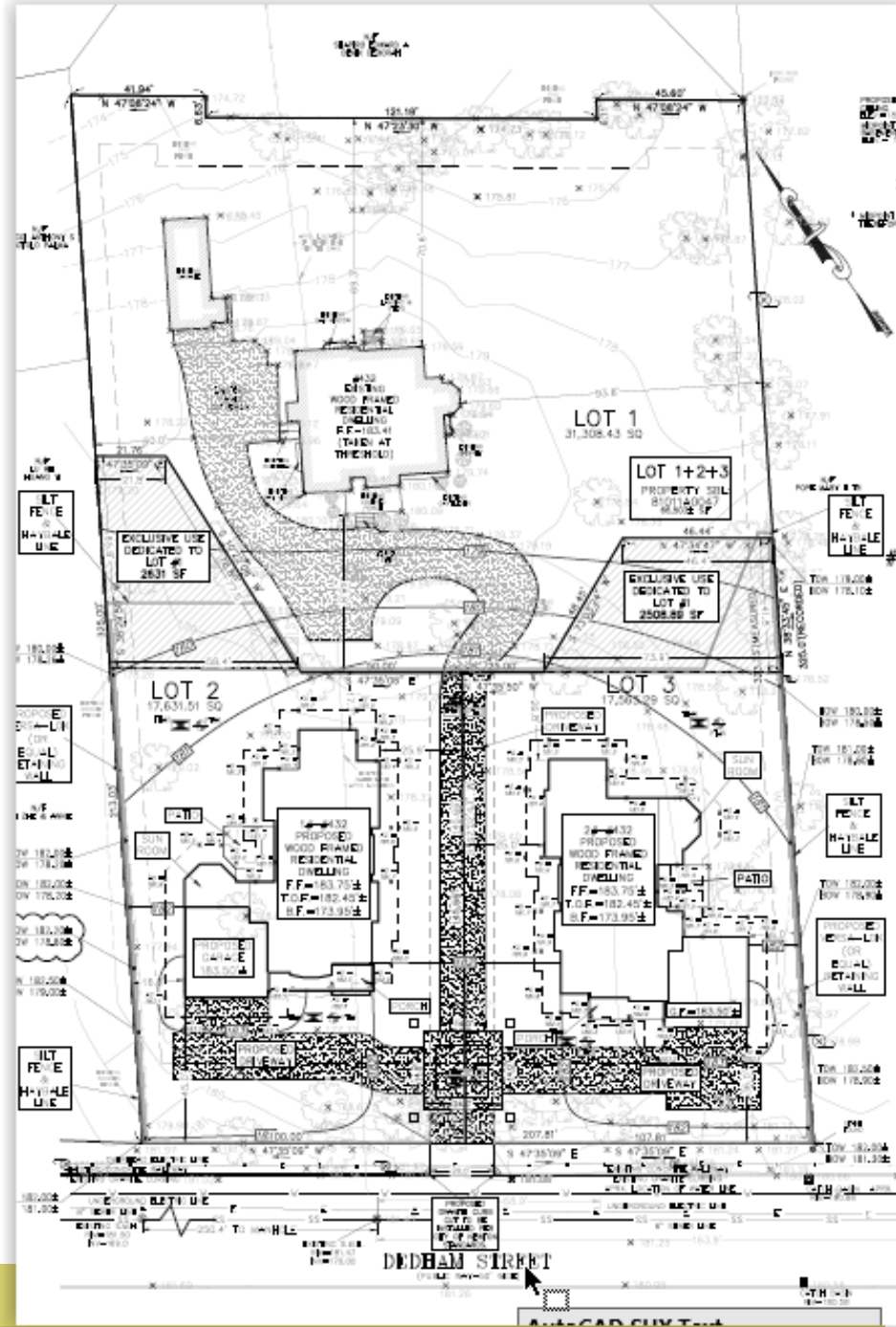
Area Plan



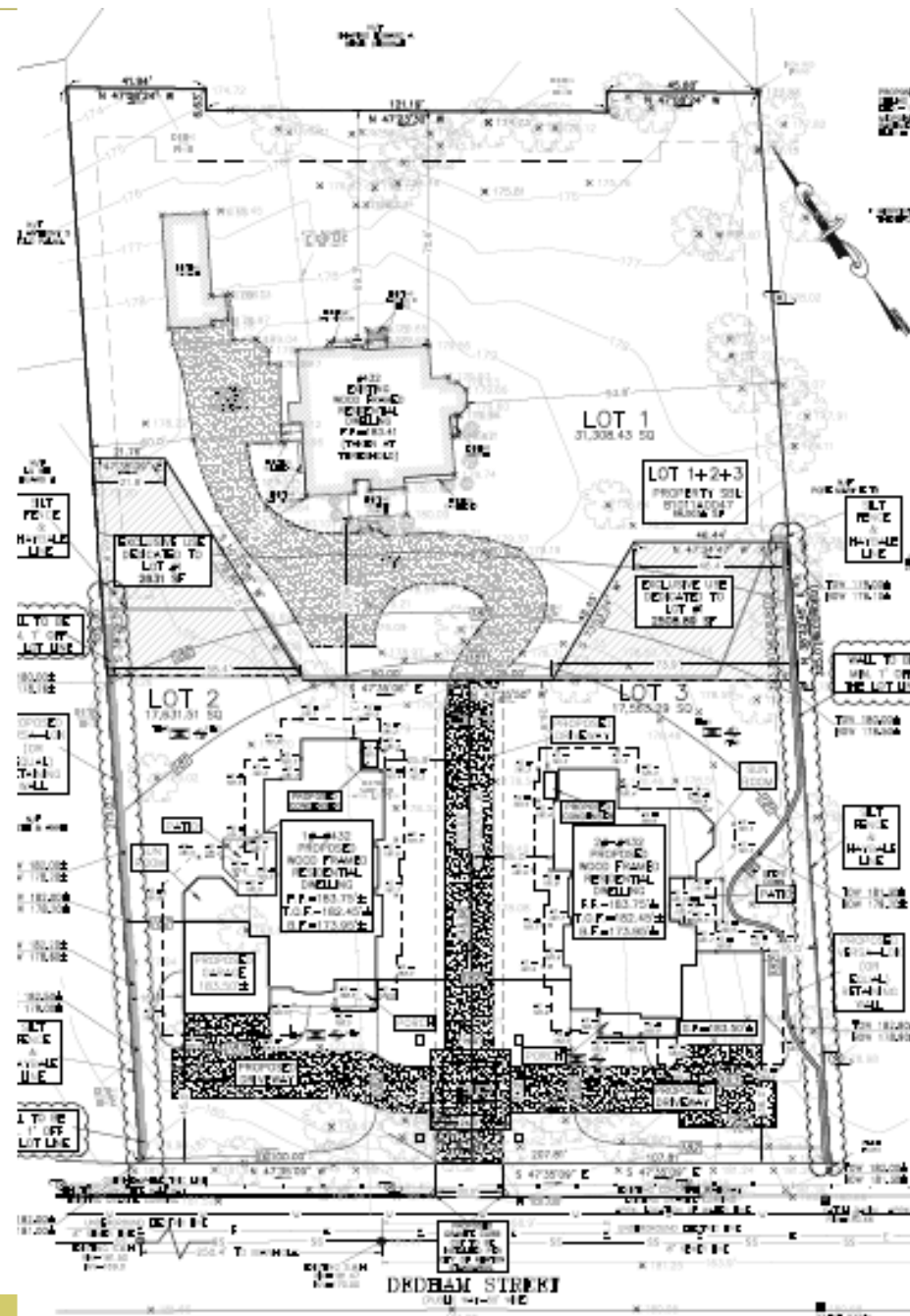
Site Plan- existing



Site Plan- proposed



Site Plan- proposed Updated



Update- proposed lighting

Special Permit Application

432 Dedham Street

Newton Center, MA 02459

Proposed Landscape and Exterior Lighting for Lots 2 and 3

The proposed structures on these sites are intended to follow “Universal Design” principles which focus on accessibility for all ages.

It will be important to light entries, paths, and site orientation features so that the buildings may be accessed safely.

Lighting selected will be from “Night Sky” products. These shield the light source and direct the illumination onto surfaces.

Code required lighting at entrances will be located within porch ceilings or, if wall mounted, will be a Night Sky fixture.

Path lighting as required for safety will be low voltage landscape lighting with shielded light source directed onto the path surface.

Orientation lighting will be low voltage landscape lighting directed to upright such things as granite posts and house numbering near the drive entry.

Proposed Findings



1. The site in a Single Residence 2 (SR2) district is an appropriate location for the two single family dwellings proposed for the new front lots, and the reduced lot size for the existing single-family dwelling, as the proposed new front and rear lots will be used as single family dwellings in a Single Residence 2 (SR2) district. (§7.3.3.C.1)
2. As single-family dwellings in a Single Residence 2 (SR2) district that conform to relevant dimensional requirements, the proposed residential uses as will not adversely affect the neighborhood. (§7.3.3.C.2)
3. The proposed shared 14 foot wide driveway located within a 20 foot wide easement will provide adequate sight lines and there will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

Proposed Findings (cont.)



5. Any impact of the two proposed dwellings' heights that exceed the respective average height of abutting residential buildings and any structures used for accessory purposes would be mitigated by the distances between the proposed and existing structures (§7.3.4.B.1)
6. The two proposed single-family dwellings are designed in such a manner that their massing and scale will be in character and consistent with adjacent existing and allowed residential structures in the surrounding Single Residence 2 (SR2) zoning district (§7.3.4.B.2)
7. Topographical differences between the two proposed front dwellings and structures on abutting properties are minimal. (§7.3.4.B.3)
8. The proposed landscape plan includes the installation of trees and other vegetation which will largely screen the new dwellings from abutting properties and adjacent public ways (§7.3.4.B.4)

Proposed Findings (cont.)



9. The common driveway is adequate for vehicular access. (§7.3.4.B.5)
10. The siting of the proposed front dwellings is appropriate given the scales and locations of abutting residential structures. (§7.3.4.B.8)
11. *The proposed lighting will be residential in character and will not impact abutting properties. (§7.3.4.B.9)*

Proposed Conditions



1. Plan Referencing Condition
2. All utilities shall be located underground from the property line
3. All lighting fixtures shall be residential in scale
4. Standard Building Permit Condition, plus
 - Approval Not Required (ANR) plan
 - Operations & Maintenance (O&M) plan
 - Construction Management Plan (CMP)
 - Final Site Plan approval
 - Final Landscape Plan approval
5. Standard Final Inspection/Certificate of Occupancy Condition.

Department of Planning and Development



**PETITION #252-20
30-32 SALISBURY ROAD**

SPECIAL PERMIT/SITE PLAN
APPROVAL TO ALLOW AN
ACCESSORY APARTMENT IN A
DETACHED STRUCTURE THAT DOES
NOT MEET PRINCIPAL BUILDING
SETBACKS AND TO INCREASE THE
NONCONFORMING FLOOR AREA
RATIO

SEPTEMBER 29, 2020



Requested Relief



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

- Allow an accessory apartment in a detached structure (§6.7.1.E.1);
- Allow an accessory apartment in a detached structure that does not meet the principal dwelling setback requirements (§6.7.1.E.5); and
- To increase the nonconforming FAR from .62 to .64, where .48 is the maximum allowed by-right. (§3.2.3, §3.2.11)

Criteria to Consider

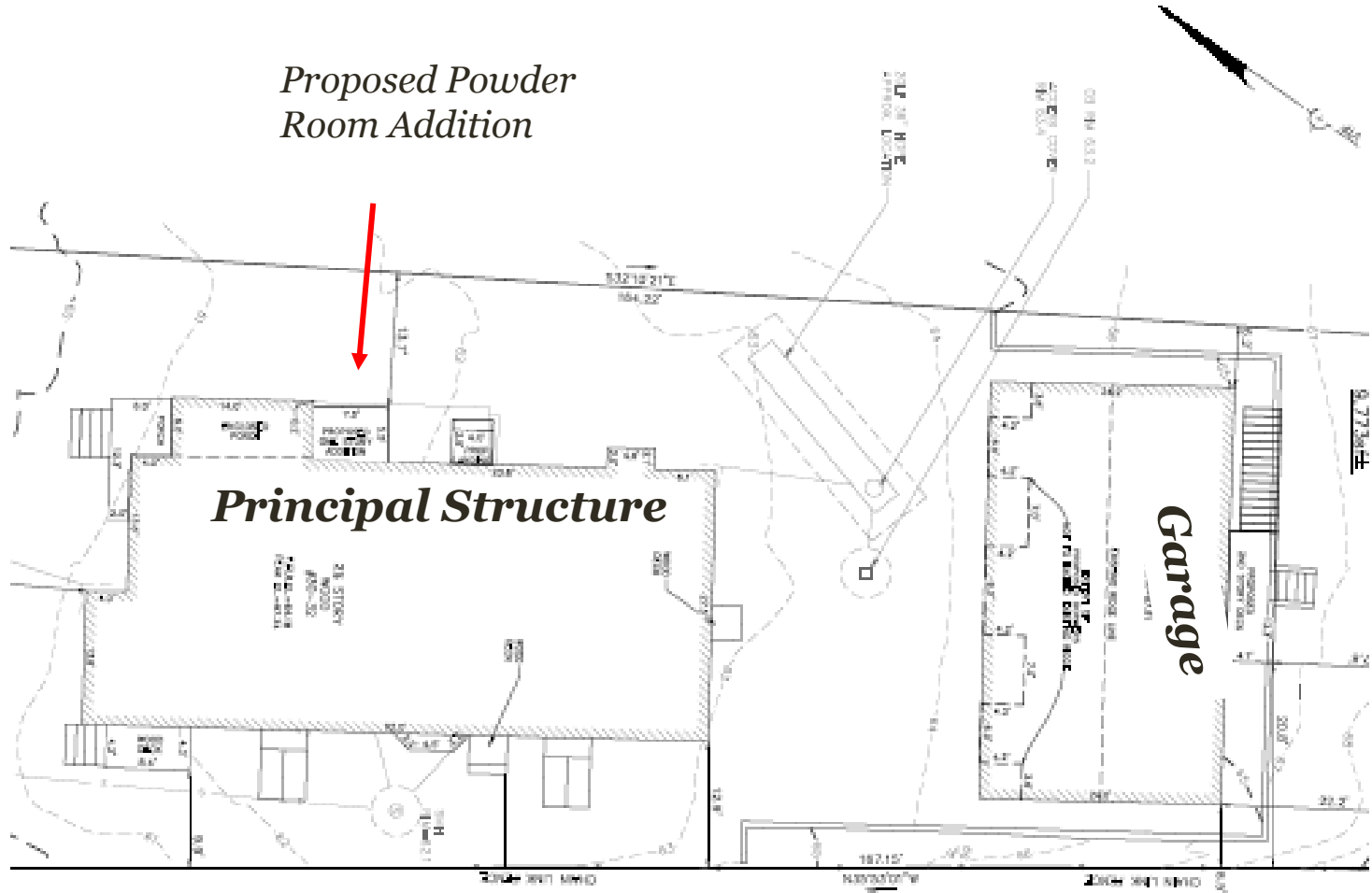


When reviewing this request, the Council should consider whether:

- The site is an appropriate location for the proposed detached accessory apartment in a structure that does not meet principal setbacks. (§6.7.1.E.1, §6.7.1.E.5, §7.3.3.C.1)
- The proposed accessory apartment will not adversely affect the neighborhood. (§6.7.1.E.1, §6.7.1.E.5, §7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§6.7.1.E.1, §6.7.1.E.5, §7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§6.7.1.E.1, §6.7.1.E.5, §7.3.3.C.4)
- The proposed increase in the nonconforming FAR from .62 to .64, where .48 is the maximum allowed by-right, is not substantially more detrimental to the neighborhood than the existing nonconforming structure. (§3.2.3, §3.2.11, and §7.8.2.C.2)

Proposed Site Plan

Salisbury Road

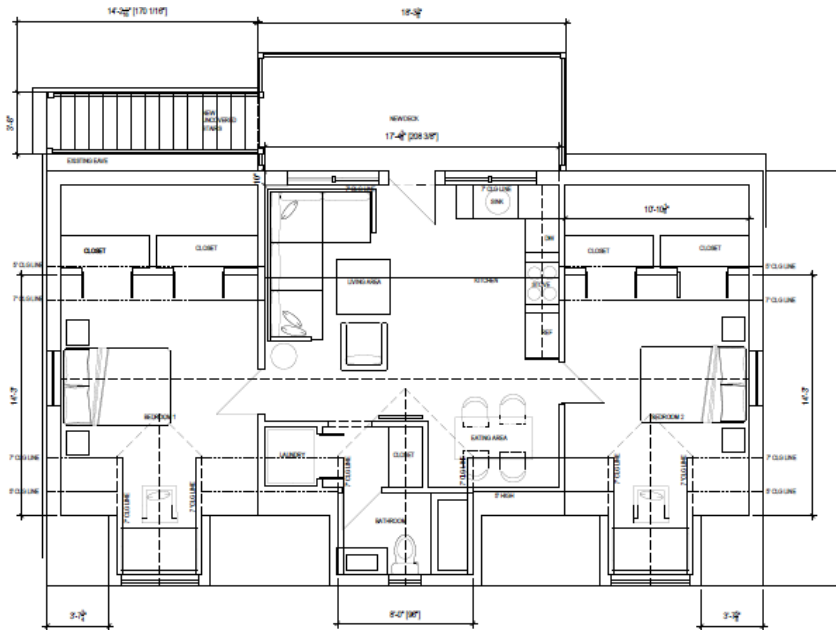


Proposed Powder Room Addition

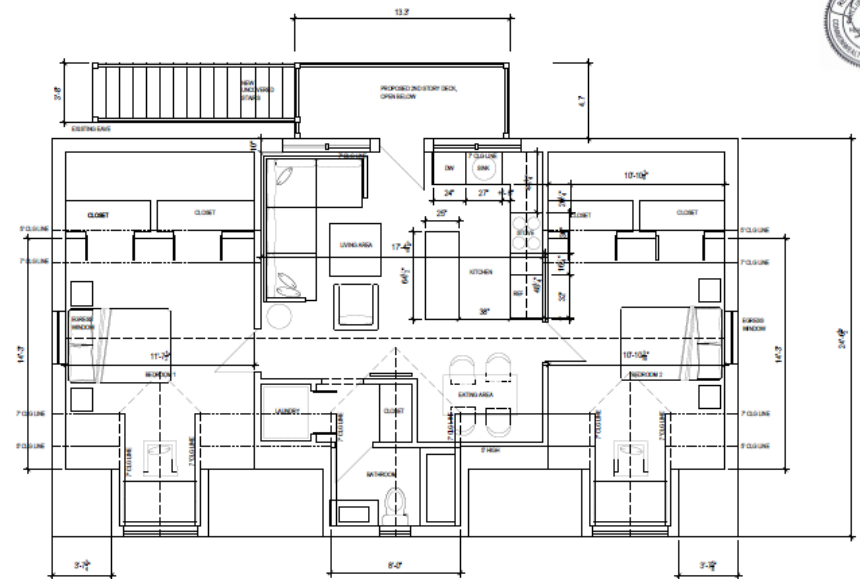
Principal Structure

Garage

Accessory Apartment Floor Plan



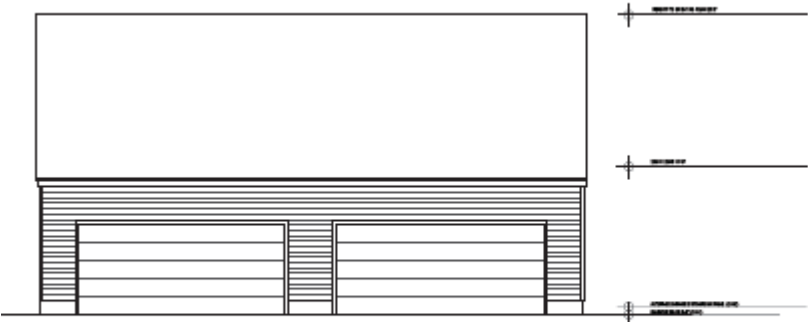
May 26, 2020



September 29, 2020



Garage Elevations - Front



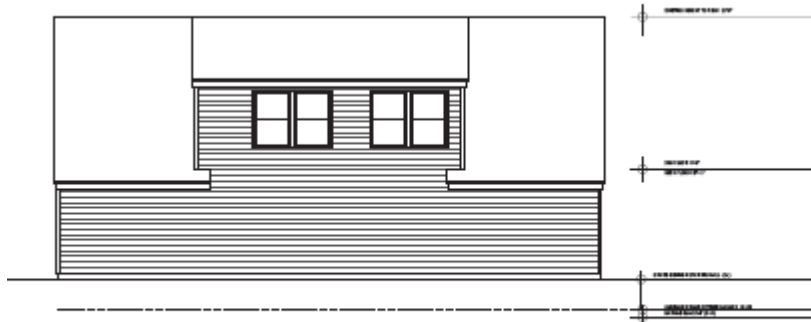
1 FRONT

Existing



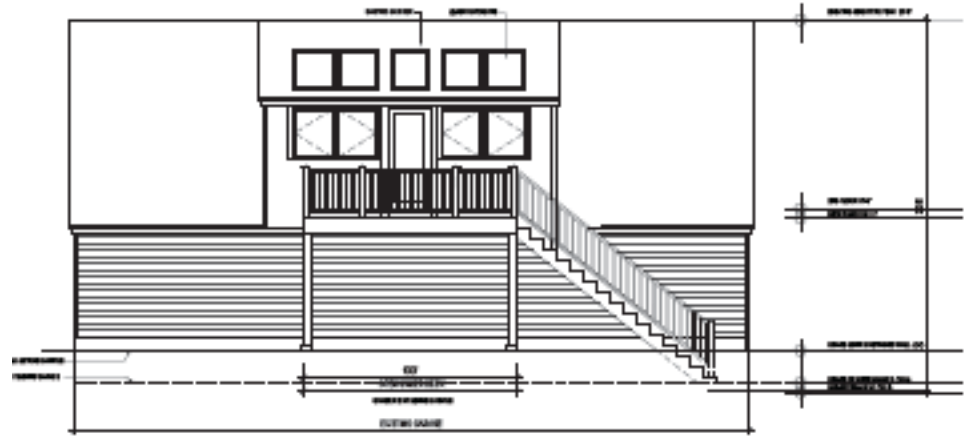
Proposed

Proposed Rear Elevation



3 REAR

Existing



3 REAR

Proposed

Side Elevations



2 RIGHT

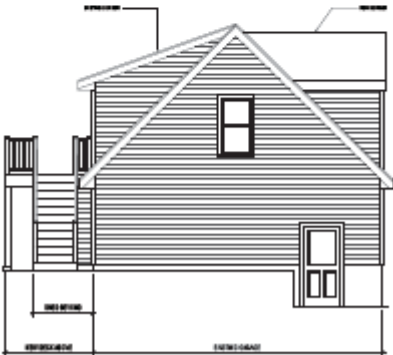


4 LEFT

Existing



2 RIGHT

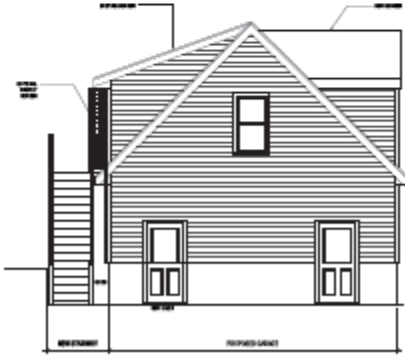


4 LEFT

May 26, 2020



2 RIGHT



4 LEFT

Revised

Proposed Findings



1. The specific site is an appropriate location for the proposed detached accessory apartment in a detached structure that does not meet principal setbacks because the proposed apartment is within the footprint of the existing garage and does not alter the existing setback. (§6.7.1.E.1, §6.7.1.E.5, §7.3.3.C.1)
2. The proposed accessory apartment will not adversely affect the neighborhood because the site and surrounding neighborhood are within a Multi Residence 1 zoning district and many properties in the neighborhood are multi-family residential uses. (§6.7.1.E.1, §6.7.1.E.5, §7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians because the petitioner is not proposing any changes to the site and parking will be contained within the site. (§6.7.1.E.1, §6.7.1.E.5, §7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§6.7.1.E.1, §6.7.1.E.5, §7.3.3.C.4)
5. The proposed increase in the nonconforming FAR from .62 to .64, where .48 is the maximum allowed by-right is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the additions are within the footprints of the existing structures. (§3.2.3, §3.2.11, and §7.8.2.C.2)

Proposed Conditions



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

Golda Meir House Expansion Additional Funding Recommendation

Community Preservation Committee
Presentation to Land Use Committee
September 29, 2020

Project Overview

- ▶ Golda Meir House currently has 199 senior housing units, 174 of which have low-income, project-based subsidies
- ▶ Project will add 68 new apartments in 2 additions to existing building
- ▶ Allocated \$3,250,000 in CPA funding in FY2019



Current Funding Request

- ▶ In August 2019, 2Life Communities secured HUD 202 funding award providing for deeper affordability in new units:
 - 50% increase in the amount of housing for extremely low- and very low-income seniors
 - Provides operating subsidy for 45 households to pay 30% of their income in rent, instead of 30 in original proposal
- ▶ Requirements of 202 program created a financing gap in project
- ▶ Request for \$1,244,857 in additional CPA funding to address funding gap
- ▶ Current request 3% of total project cost of \$40,436,000

Golda Meir House Expansion New Units

Housing Unit Mix				
Income Level	Original Proposal		Current Proposal	
	1 Bedroom	2 Bedroom	1 Bedroom	2 Bedroom
Up to 30% AMI	7	1	18	2
Up to 50% AMI	20	0	25	0
Up to 60% AMI	18	2	2	3
Under 100% AMI	8	2	8 (no change)	2 (no change)
No Income Restrictions**	4	4	4 (no change)	4 (no change)
Total New Units	57	11	57	11

** The rents for all units without formal income restrictions are proposed to be offered at below the true "market rate." One the two-bedroom units without formal income restrictions will be a reduced-rent unit for the New England Conservatory graduate students participating in the planned resident enrichment services program.

Development Budget - Uses

Uses	2020 Proposal	2018 Proposal	Difference
Acquisition	\$100	\$100	No change
Construction (Includes 5% contingency)	\$31,115,000	\$24,366,192	\$6,748,876
Soft Costs (includes Water Tower Decommissioning)	\$6,129,000	\$4,892,419	\$1,236,456
Developer Fee & Overhead	\$2,600,000	\$2,500,000	\$100,000
Capitalized Reserves	\$591,900	\$556,133	\$35,803
Total Uses	\$40,436,000	\$32,314,745	\$8,121,135

Development Funding Sources

Source	2020 Proposal	2018 Proposal	Difference
Permanent Loan	7,972,000	7,770,000	202,000
Fed Tax Credit Equity*	10,162,081	10,298,970	(136,889)
State Tax Credit Equity*	3,999,600	3,999,600	No Change
Newton CPA*	3,250,000	3,250,000	No Change
Newton HOME Funding*	255,143	0	255,143
Newton Additional CPA Funding Request	1,244,857	0	1,244,857
DHCD Sub Debt*	5,000,000	3,750,000	1,250,000
Utility Rebates	74,800	74,800	No Change
Golda Rehab Savings*	835,400	0	835,400
Farnsworth + Weinberg Foundations*	1,730,000	0	1,730,000
2Life Philanthropy*	1,512,098	2,546,475	(1,034,377)
HUD 202 Capital Advance*	4,000,000	0	4,000,000
Deferred Dev Fee*	400,000	625,000	(225,000)
TOTAL SOURCES	\$40,435,979	\$32,314,845	\$8,121,134

*Awarded/Committed Funds

Timeline

- ▶ **September - October 2020: City Council Review and Vote**
- ▶ **Fall 2020: Closing process with City, DCHD, and HUD**
- ▶ **Winter 2021 - Summer 2022: Construction**
- ▶ **Fall 2022: Lease-Up**

Questions & Discussion

▶ Thank you!

CPA Available Funds

Total Unrestricted Funding	\$12,807,289
Current Housing Reserve Fund	\$911,042
<hr/>	
Total Funding Available for Housing Projects	\$13,718,331
Additional Golda Meir Project Funding	- \$1,244,857
<hr/>	
Total Remaining Funding Available	\$12,437,474

Department of Planning and Development



PETITION #336-20
29 HAWTHORNE AVE

SPECIAL PERMIT/SITE PLAN
APPROVAL TO EXCEED THE FLOOR
AREA RATIO

SEPTEMBER 29, 2020



Requested Relief



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

- Exceed the Floor Area Ratio (§3.1.3 and §3.1.9).

Criteria to Consider



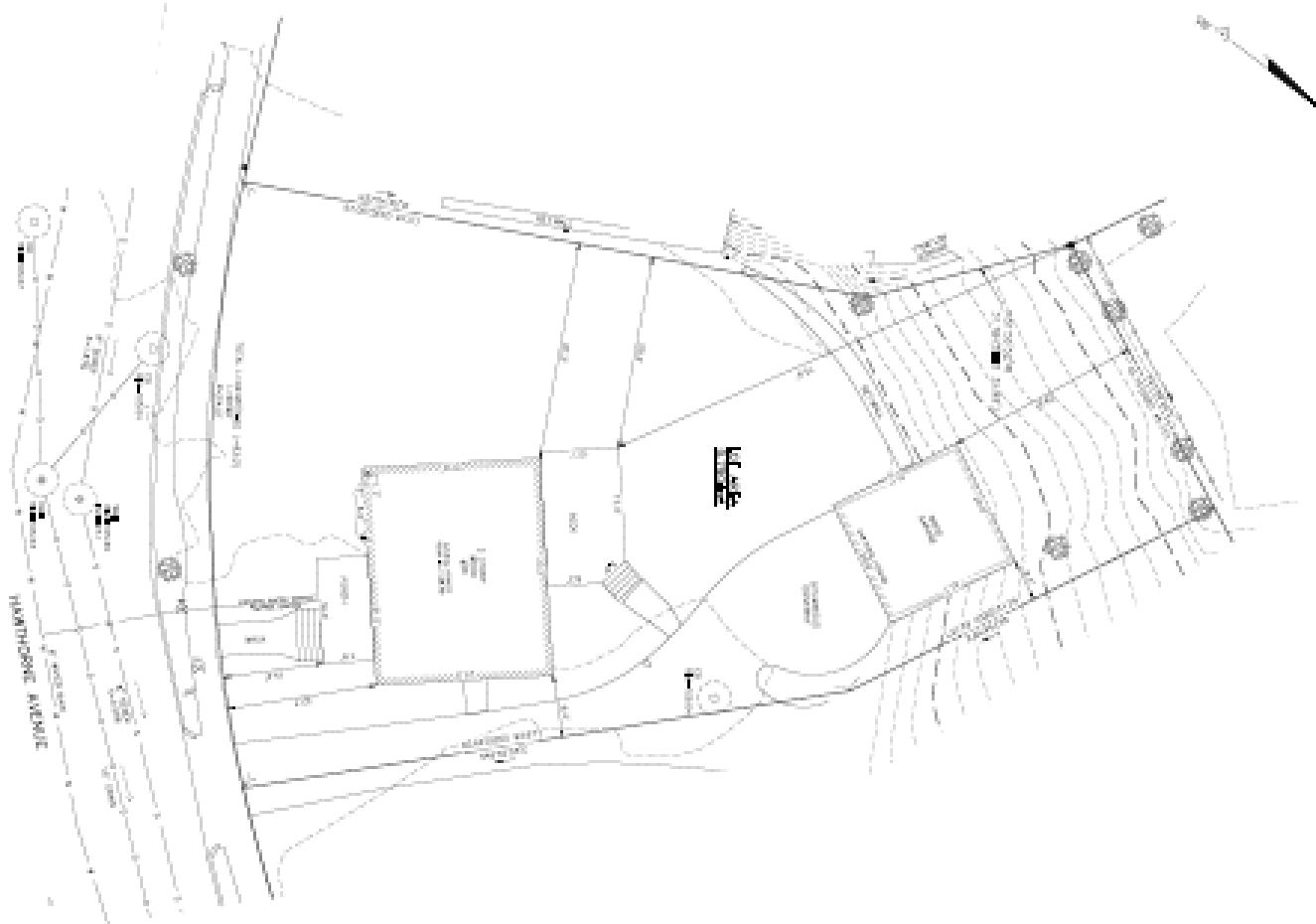
When reviewing this request, the Council should consider whether:

- The proposed increase in FAR from .23 to .37, where .34 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.1.3, and §7.8.2.C.2)

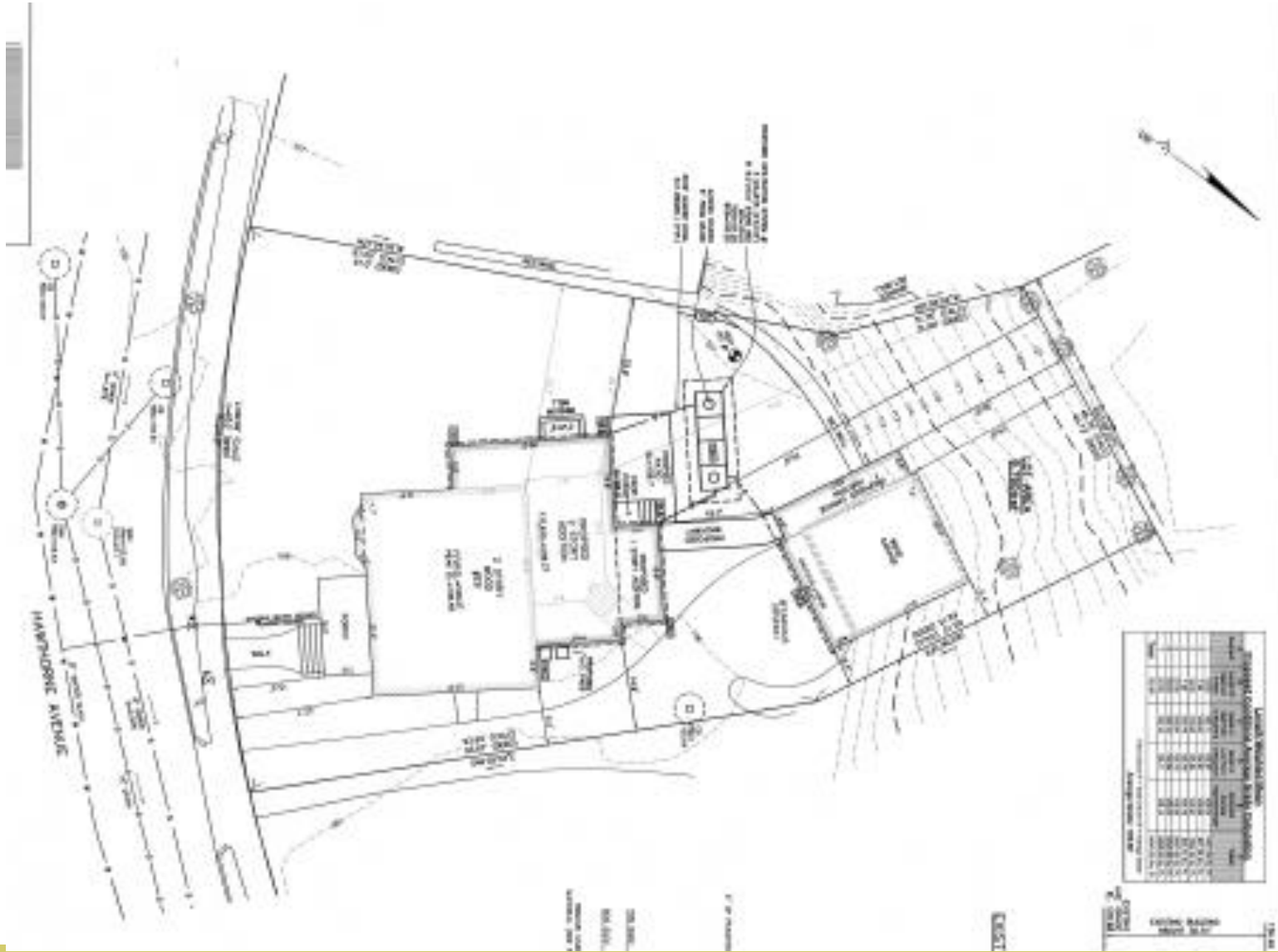
Aerial/GIS Map



Existing Conditions



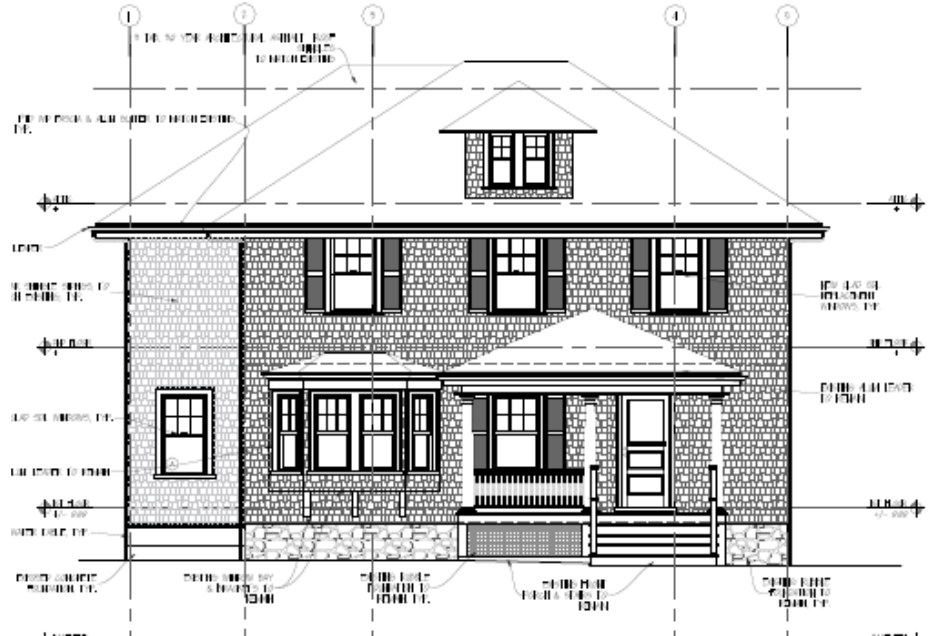
Proposed Site Plan



Front Elevations



Existing



Proposed

Right Elevations



Existing



Proposed

Proposed Findings



1. The proposed increase in the FAR from .23 to .37, where .34 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood because the addition will match the materials of the existing structure and meets all other dimensional standards for the SR-1 zoning district. (§3.1.3, §3.1.9, and §7.3.3)

Proposed Conditions



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

Department of Planning and Development



PETITION #318-20
107-109 GROVE STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO CONSTRUCT A
TWO-STORY REAR ADDITION
WITH A BASEMENT
ACCESSORY APARTMENT,
EXTENDING THE
NONCONFORMING TWO-
FAMILY USE IN THE SR3 ZONE

SEPTEMBER 29, 2020



Requested Relief



Special Permit per §7.3.3 of the NZO to:

- further alter and extend a nonconforming two-family dwelling in a SR3 district (§3.4.1; §7.8.2.C.2)

Criteria to Consider



When reviewing this request, the Council should consider whether:

- the proposed extension an existing nonconforming two-family use in and Single Residence 3 (SR3) zoning district would not be substantially more detrimental than the existing nonconforming use to the neighborhood. (§7.8.2.C.2)

Aerial/GIS Map



ATTACHMENT B

Zoning

107-109 Grove St.

*City of Newton,
Massachusetts*



- Single Residence 1
- Single Residence 2
- Single Residence 3
- Public Use

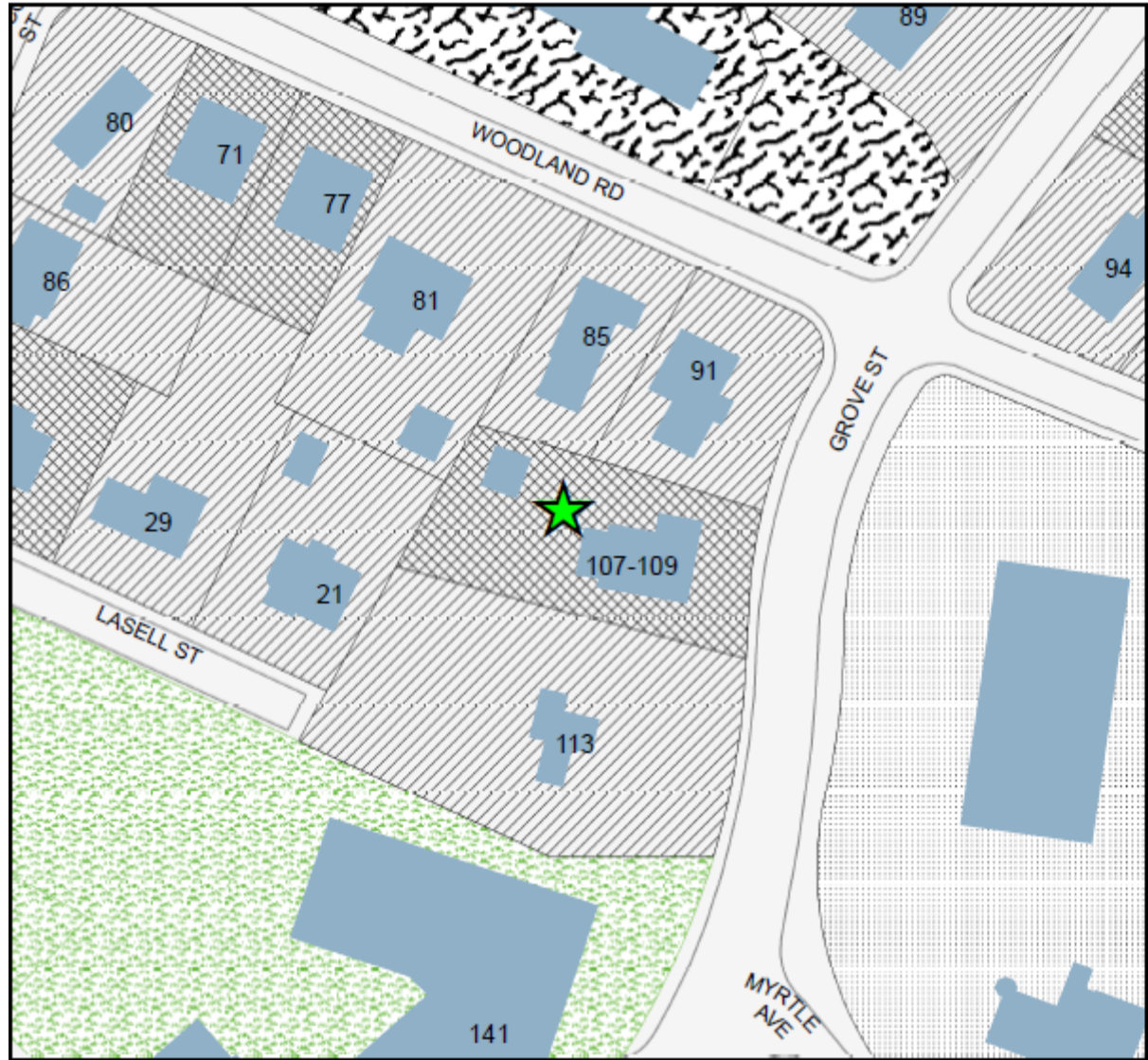


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Gossfeld



Map Date: September 22, 2020



ATTACHMENT A





Land Use

107-109 Grove St.

*City of Newton,
Massachusetts*

Land Use

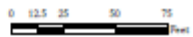
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Open Space
-  Private Educational
-  Nonprofit Organizations



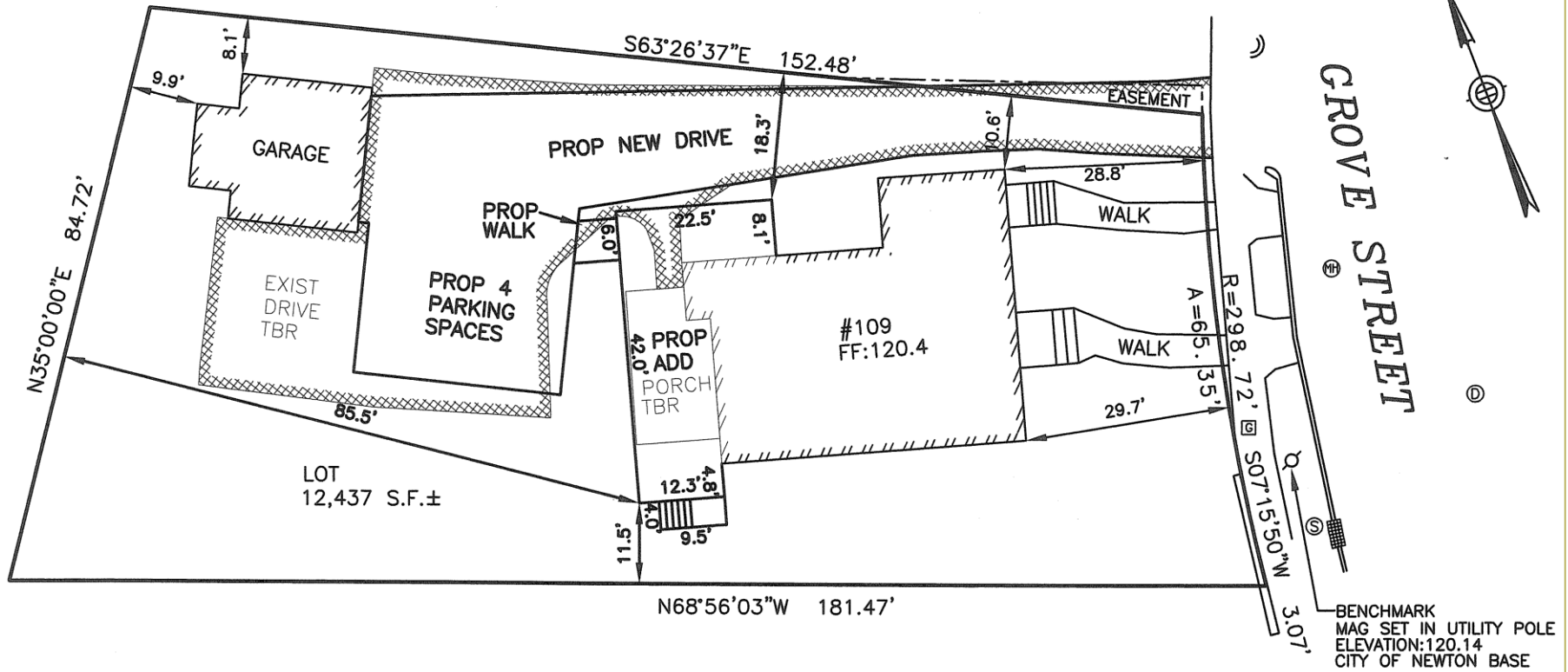
The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Goodfield

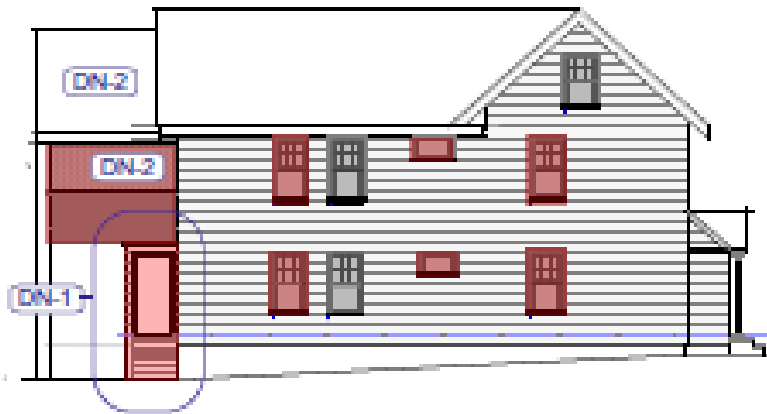


Map Date: September 22, 2020

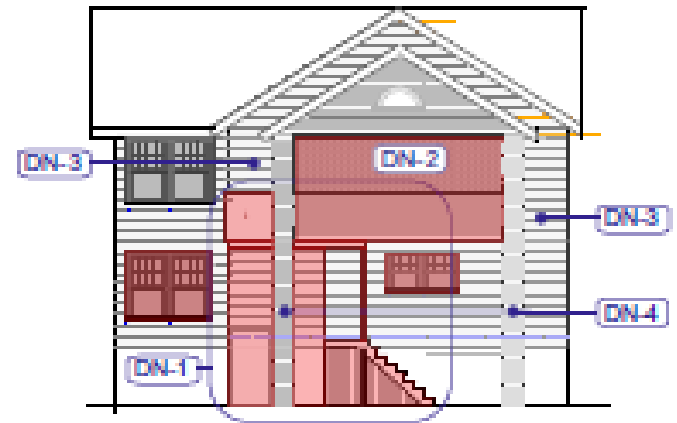
Site Plan



Elevations- Existing



Side Lotline Elevation



Rear Elevation



Driveway Side Elevation

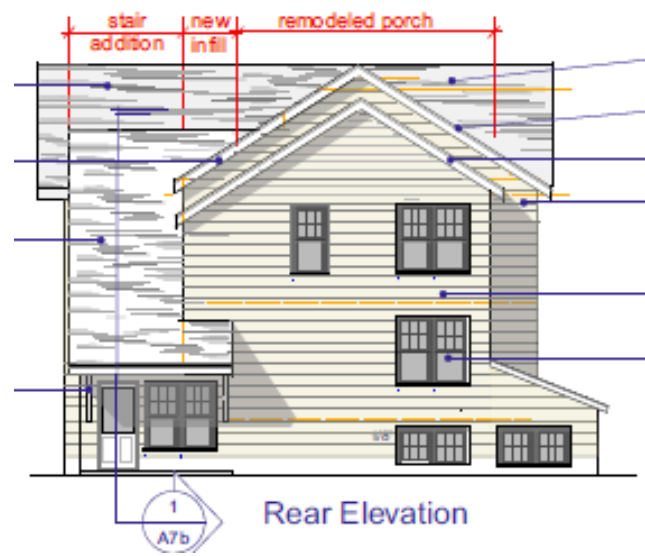


Street Elevation

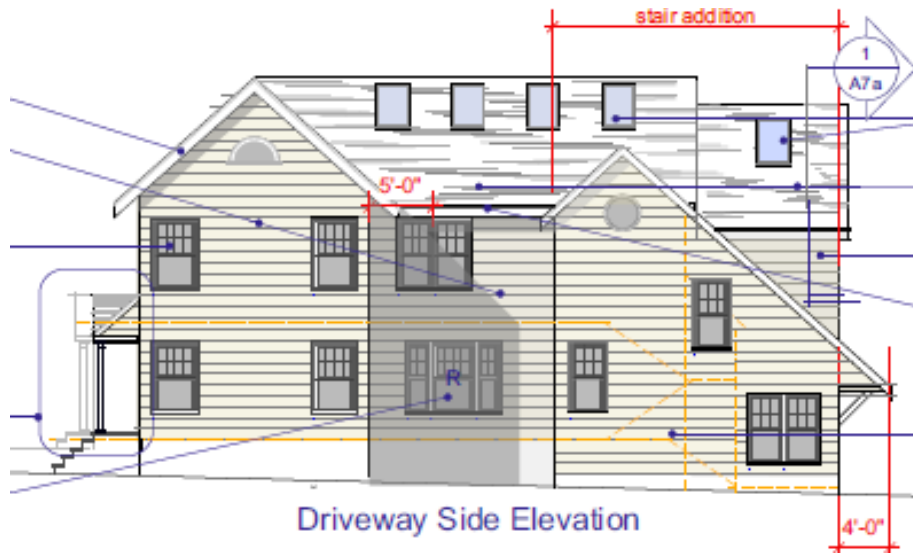
Elevations- Proposed



South Side Elevation



Rear Elevation



Driveway Side Elevation



East-Street Elevation

Photos



Photos



Photos



Photos



Photos



Photos



Proposed Findings



1. The proposed extension of the existing nonconforming two-family dwelling will not be substantially more detrimental than the existing nonconforming two-family dwelling is to the neighborhood as the expanded structure will be in conformance with relevant dimensional requirements, including floor area ratio (FAR), height, setbacks, open space and lot coverage regulations; further, the proposed addition will have limited visibility from adjoining public ways (§3.4.1 and 7.8.2.C.2).

Proposed Conditions



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