



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: April 5, 2018

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Stephen J. Buchbinder, Attorney
Mark Lolich, LLC and Mark Newtonville, LLC
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

RE: Request to amend Special Permit #96-17

Applicant: Mark Lolich, LLC and Mark Newtonville, LLC	
Site: 241-261 Walnut Street, 845-875 Washington Street, 0-22 Bailey Place, 6-22 Washington Terrace	SBL: 21029 0010, 21029 0011, 21029 0012, 21029 0013, 21029 0014, 21029 0015, 21029 0016, 21029 0017, 21029 0018, 21029 0019, 21029 0019A, 21029 0020, 21029 0021, 21029 0022, 21029 0023
Zoning: MU4	Lot Area: 123,956 square feet
Current use: Vacant	Proposed use: Mixed use with commercial, residential and parking

BACKGROUND:

The project site known as the "Orr Block" is comprised of fifteen separate lots and a private way known as "Bailey Place" totaling 123,956 square feet and was recently approved to be rezoned to Mixed Use 4, contingent upon the exercising of the approved special permit. The project site is bound by Walnut Street to the east, Washington Street to the south and Washington Terrace to the west. The former uses on the site include restaurant, commercial, surface parking and four two-family dwellings. The bulk of the buildings on the project site were built circa 1900, with two built after 1950. The buildings still exist on the site but are currently vacant and awaiting demolition.

The City Council approved Special Permit #96-17 in June 2017 authorizing two development schemes for the project site, one for a 140-unit development and the other for 160 units. The special permit

was appealed, but a settlement has recently been reached between the petitioner and the neighbors. As part of the settlement, the petitioner is seeking an amendment to the approved special permit to revise the plans for the 140-unit development option. The proposed changes are a hybrid between the originally approved 140-unit option and the 160-unit option. The petitioner intends to add a fifth floor to the middle building fronting on Washington Street, and to reduce a commensurate amount of massing at the rear of the east building along Walnut Street. The additional massing along Washington Street reflects what was already approved for the 160-unit scheme. While there is an increase of 1,970 square feet in the revised 140-unit plan to accommodate the new layout, the overall proposed square footage is 14,575 square feet less than the approved 160-unit option (216,900 square feet vs. 231,475 square feet). The commercial square footage increases by 170 square feet in the proposed amendment. The at-grade parking facility is reduced by two stalls, which will be replaced in the underground garage. The trash pick-up location now reflects that which was approved for the 160-unit option.

Although the proposed changes were deemed consistent with the special permit by the Commissioner of Inspectional Services, the petitioner is seeking an amendment to the special permit to formalize the changes. The petitioner is seeking only to revise the approved 140-unit option, and will not replace the 160-unit option, which will remain in full force and effect.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Stephen J. Buchbinder, attorney, dated 3/12/2018
- 140-Unit Plan Revised, prepared by Prellwitz Chilinski Associates, Architect, dated 3/8/2018
- 140-Unit Plan, prepared by Prellwitz Chilinski Associates, Architect, dated 6/14/2017
- 160-Unit Plan, prepared by Prellwitz Chilinski Associates, Architect, dated 4/4/2017

ADMINISTRATIVE DETERMINATIONS:

1. Special Permit #96-17 was granted in June 2017, authorizing a five-story mixed use residential development with surface and below-grade garage parking. Two development schemes were approved, one with 140 units and the other with 160. The petitioner seeks an amendment to the special permit to alter the 140-unit plan, which incorporates elements of both the original 140-unit plan and the existing 160-unit plan.

MU4 Zone	Approved 160 Units	Approved 140 Units	Revised 140 Units
Total Gross Floor Area	231,475 square feet	214,930 square feet	216,900 square feet
At Grade Parking*	108 stalls	101 stalls	99 stalls
Max Number of Stories	5	5	5
Commercial Square Footage	43,860 square feet	47,165 square feet	47,335 square feet

*The special permit requirement for a minimum of 309 parking stalls is maintained by providing additional garage parking

Zoning Relief Required		
Ordinance	Required Relief	Action Required
	Amend Special Permit #96-17	

