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Barney Heath  
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**PUBLIC HEARING MEMORANDUM**

Public Hearing Date: February 27, 2018  
Land Use Action Date: May 8, 2018  
City Council Action Date: May 21, 2018  
90-Day Expiration Date: May 28, 2018

DATE: February 23, 2018

TO: City Council

FROM: Barney Heath, Director of Planning and Development  
Jennifer Caira, Chief Planner for Current Planning  
Michael Gleba, Senior Planner

SUBJECT: **Petition #71-18**, SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #515-61 to remove 26,366 sq. ft. of land from the existing lots at 83-127 and 106-128 JFK Circle to develop 55 affordable elderly housing units, requiring a Comprehensive Permit, to extend non-conforming front setbacks and for waivers relative to parking at 83-127 John F Kennedy Circle and 106-128 John F Kennedy Circle, Ward 1, Newton, on land known as Section 12, Block 01, Lot 29 and Section 12, Block 01, Lot 32, containing approximately 124,061 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3.3, 7.4, 7.8.2.C.2, 5.1 of the City of Newton Rev Zoning Ord, 2015.

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The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



**83-127 and 106-128 JFK Circle**



## EXECUTIVE SUMMARY

The subject property, known as Jackson Gardens, is comprised of two lots in a Multi Residence 2 (MR2) district totaling 124,061 square feet- 83-127 John F. Kennedy Circle (approx. 92,300 square feet) and 106-126 John F. Kennedy Circle (31,778 square feet). The petitioner, the Newton Housing Authority (NHA), was granted a special permit in 1961 authorizing the development's construction; the project was also granted a variance from various parking and dimensional requirements at that time. The property is improved with seven garden apartment-style structures containing 64 one-bedroom units for elders and persons with disabilities; a free-standing community center; and 25 accessory parking stalls (more than the 14 required by the 1961 variance).

The petitioner seeks to amend the 1961 special permit and site plan to allow the removal of 26,336 square feet of land along Jackson Road from the existing 83-127 John F. Kennedy Circle property. The removal of that area, which includes the existing community center, would reduce that parcel to 65,996 square feet and the combined Jackson Gardens property to 97,725 square feet. The petitioner also seeks to amend the 1961 special permit and site plan to allow the addition of 22 parking stalls to the reduced Jackson Gardens property within a combination of expanded existing parking areas and several small new parking areas.

While the existing 64 units would remain unchanged, the petitioner has indicated that the purpose of the proposed actions is to facilitate the construction of "Haywood House," a 55 unit mixed-income residential development for elders over the age of 62 on the separated parcel through a Comprehensive Permit from the Zoning Board of Appeals.

The Planning Department has some concerns regarding the requested amendment and relief as discussed below.

### I. ZONING REVIEW

#### A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The attached Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment A**). Based on the completed Zoning Review Memorandum, the petitioner is seeking a Special Permit per §7.3.3 to amend Special Permit #515-61 and:

- allow parking within any required front or side setbacks and within five feet of the street (§5.1.8.A.1, §5.1.13)
- allow parking within five feet of a residential structure (§5.1.8.A.2, §5.1.13)
- allow reduced stall dimensions (§5.1.8.B.1, §5.1.8.B.2, §5.1.13)
- allow an entrance/exit drive exceeding 25 feet in width (§5.1.8.D.2, §5.1.13)
- waive perimeter screening requirements (§5.1.9.A, §5.1.13)

- waive interior landscaping requirements (§5.1.9.B, §5.1.13)
- waive lighting requirements (§5.1.10.A, §5.1.13)
- waive bicycle parking requirements (§5.1.11, §5.1.13)

## II. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

- The site is an appropriate location for the proposed changes pursuant to the requested amendments and modifications to Special Permit #515-61 and the associated site plan. (§7.3.3.C.1)
- The proposed changes pursuant to the requested amendments and modifications to Special Permit #515-61 and the associated site plan will adversely affect the neighborhood (§7.3.3.C.2)
- The proposed changes pursuant to the requested amendments and modifications to Special Permit #515-61 and the associated site plan will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved

## III. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Neighborhood and Zoning

The subject property has frontages on several streets, including John F. Kennedy Circle, Pearl Street and Green Street, as well as Middle Street and Wilshire Court. The site is developed with seven garden apartment dwellings containing a total of 64 affordable elderly housing units and a free-standing community center building. The surrounding neighborhood is predominantly a mix of single- and two- family dwellings with several higher density dwellings interspersed throughout. Directly to the east of the property, along the west side of Jackson Road, is a City-owned corridor containing the Laundry Brook Culvert. The former Aquinas property is to the east across Jackson Road and the Lincoln-Eliot School is located just to the northeast of the site (**Attachment B**).

The site and surrounding area to the north, west and southwest are within a Multi-Residence 2 (MR2) zoning district. The area immediately to the east is zoned Public Use (PUB) and a Business 2 (BUS2) district is located approximately 500 feet to the southwest. (**Attachment C**).

### B. Site

The subject property is comprised of two lots totaling 124,061 square feet improved

with seven brick garden apartment-style dwellings containing a total of 64 low-income elderly dwelling units and a one-story brick community building, all of which were built ca. 1964. It also features 25 parking stalls, 18 of which are in a paved area near the center of the site on JFK Circle.

The property slopes downward away from Green Street toward Jackson Road, slightly at first in the area occupied by the dwellings, then more acutely with a steeper downgrade generally in the area proposed to be removed from the site. The existing Jackson Gardens has a significant amount of existing mature trees and lawn areas as well as paved walkways. The area proposed for removal also has considerable vegetation, especially mature trees, shrubs, etc. along its property line closest to Jackson Road.

Vehicular access is provided via driveways off John F. Kennedy Circle, a loop road internal to the site that separates the two existing parcels. Laid out by the City as an extension of Cook Street in 1963, it has on-street parking on both sides.

#### IV. PROJECT DESCRIPTION AND ANALYSIS

##### A. Land Use

The principal use of the site will remain a 64-unit low income elderly housing development, but with less open space and 22 additional parking stalls.

##### B. Building and Site Design

The petitioner seeks to amend Jackson Gardens' 1961 special permit and site plan to allow the removal of a 26,336 square foot parcel along Jackson Road from the existing 83-127 John F. Kennedy Circle parcel. The petitioner also seeks to amend the 1961 special permit and site plan to allow the addition of 22 parking stalls to the reduced Jackson Gardens property within a combination of expanded existing parking areas and several small new parking areas

The effect of granting this requested relief would be to reduce the size of the existing Jackson Gardens property by approximately 21%, from 124,061 to 97,725 square feet. Since the number of units at Jackson Gardens would remain at 64, the proposed reduction of the property would reduce the lot area per unit from 1,938 to 1,527 square feet.

The Planning Department notes that the petitioner has indicated that the relief sought pursuant to the present petition is to facilitate the construction of "Haywood House," a 55 unit mixed-income residential development for elders over the age of 62 on the separated parcel through a Comprehensive Permit from the Zoning Board of Appeals. On January 23, 2018 the Community Preservation Committee recommended, by a vote of 7-1, to appropriate, subject to conditions, \$2,500,000 from the Community Preservation Fund for a grant to the NHA for Haywood House.

In addition, on January 2, 2018 the Department of Housing and Community Development approved the application for project eligibility under the Low Income Housing Tax Credit program. The approval was for a 55-unit project with 32 units affordable at no more than 60% of the area median income.

C. Parking and Circulation

Twenty-five parking stalls currently exist on the Jackson Gardens property (more than the 14 required by the 1961 variance). The petitioner proposes to create an additional 22 parking stalls on the reduced Jackson Gardens property. Of these, 8 will be in expanded existing parking areas and 14 will be in three newly created parking areas (two on JFK Circle and one on Green Street). This would result in a total of 47 stalls in five locations.

The petitioner has indicated its intent that a cross-easement agreement will allocate these 22 spaces not for the residents of Jackson Gardens and their visitors but rather for the exclusive use of the proposed Haywood House (the eight parking stalls on the separated parcel would similarly be for exclusive use by Haywood House).

As noted above, the new parking proposed for the reduced Jackson Gardens property requires relief from various requirements. The Planning Department has some concerns regarding the requested waivers and exceptions, including the following:

- Fifteen of the proposed new parking stalls are located within five feet of a street- 10 on JFK Circle and five on Green Street (two such stalls already exist on Green Street) (§5.1.8.A.1). They are located directly at the back of, and perpendicular to, adjacent sidewalks and have no buffer space whatsoever. This is of increased concern as many of them are smaller than the required 9 foot by 19 foot dimensions (some as small as 8 feet by 16 feet) and/or are located on or near corners or bends in the road where vehicular and pedestrian visibility could be an issue, especially as it is likely drivers would be backing up to exit the spaces.

Also, three of the stalls in the expanded large parking area, including an accessible stall, are shown as similarly being at the back of the sidewalk on JFK Circle, albeit parallel not perpendicular to the public right of way. As such, it would appear that vehicles' doors would likely swing open onto the sidewalk or perhaps be constrained by a fence (none is shown on the plan).

- At least five of the proposed parking stalls are located within five feet of existing dwellings (§5.1.8.A.2). While the Planning Department's concerns about this condition are ameliorated somewhat by the fact that these spaces are adjacent to blank brick walls (rather than windows or doors), it nevertheless notes that no landscaping buffers the spaces and, more importantly, no fencing or railing that could protect the structures are shown on the plans.

- Several of the existing and proposed spaces denoted as “compact” on the submitted plans are undersized, with some spaces measuring as little as 8 feet by 16 feet (§§5.1.8.B.1, 5.1.8.B.2). It would be helpful to know how, and by whom, these would be managed and used to assess if the smaller, nonstandard sizes would be appropriate.
- The enlarged parking area on JFK Circle has two driveways with widths in excess of the 25-foot maximum (§5.1.8.D.2). The Planning Department notes that this appears to be a function of the width of the driveway needing to have the same dimension as the lot’s maneuverability aisles which, because there are stalls directly adjacent to the sidewalk, must extend to the sidewalk.
- The proposed plans do not indicate the location of bicycle parking that would satisfy the requirement that parking facilities containing more than 20 parking stalls provide one bike space per 10 vehicle stalls (§5.1.11). It is unclear, given the extent of open space, on the site why bicycle parking could not be accommodated on the property.

The Planning Department also recommends that the petitioner work with the City’s ADA coordinator to review the proposed parking facilities’ compliance with applicable accessibility requirements.

The Planning Department recommends the petitioner address these issues at the public hearing and/or a subsequent working session.

D. Landscaping and Lighting

The Planning Department has some concerns regarding the requested exceptions to requirements related to landscaping and screening. These include the following:

- The plans do not indicate landscaping or fencing would satisfy the requirement that outdoor parking facilities with more than five stalls to be screened from abutting streets and properties with a strip at least five feet in width and 3.5 feet in height of densely planted shrubs or trees and fencing (§5.1.9.A.1).

This requirement is relevant to the large parking area on JFK Circle that would be expanded from 18 to 25 stalls and the new six stall parking area proposed for a curve on that same street. The Planning Department recommends that the petitioner include such screening, consistent with safety and security practices, especially where parking stalls are in close proximity to an abutting Green Street property.

- The proposed plans do not indicate interior landscaping that would satisfy the requirements for outdoor parking facilities with more than 20 stalls, including that an area equivalent to at least five percent of the area of the parking facility be landscaped, an interior planting area must consist of at least 25 square feet

with no dimension less than five feet, and one three-inch caliper tree be provided for every ten parking stalls (§5.1.9.B)

This would apply to the large parking area on JFK Circle discussed above and which lacks interior landscaping. The Planning Department recommends that the petitioner explore opportunities to provide such landscaping, perhaps near where 4 stalls (including an accessible stall) are shown on the site plan.

- The Planning Department also notes a concern with the proposed relocation of a shed and associated dumpster to a location directly adjacent to the sidewalk near a curve on JFK Circle. It appears the proposed location may impact sightlines for vehicles and pedestrians and the Department recommends the petitioner consider alternative location for the shed and dumpster.

The Planning Department therefore recommends that the petitioner submit a landscaping plan that addresses these issues for review by appropriate City offices.

- No lighting is shown on the proposed plans that would satisfy the requirement that parking facilities that are used at night have security lighting with a minimum intensity of one-foot candle on the entire surface of the parking facility (§5.1.10.A)

While recognizing that lighting levels should reflect the residential use of the property, the Planning Department also notes both the need for a secure environment on the property and that several of the parking area are located close to corners on and/or curves in adjacent roadways, raising vehicular and pedestrian safety concerns. As such, the Department recommends that the petitioner provide a lighting plan indicating the provision of appropriate lighting for review.

The Planning Department recommends the petitioner address these issues at the public hearing and/or a subsequent working session.

## V. TECHNICAL REVIEW

### A. Engineering Review

It is anticipated that the petitioner will submit stormwater drainage information for review by the Engineering Division.

## VI. PETITIONER'S RESPONSIBILITIES

The petitioner should provide the additional information discussed above in advance of any scheduled working session to provide staff sufficient time to review and comment.

**ATTACHMENTS:**

- Attachment A:** Zoning Review Memorandum
- Attachment B:** Land Use Map
- Attachment C:** Zoning Map





Ruthanne Fuller  
Mayor

# ATTACHMENT A

City of Newton, Massachusetts  
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Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: February 6, 2018

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Newton Housing Authority  
Alan Schlesinger, Attorney  
Barney S. Heath, Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: Request to amend Special Permit #515-61 and for certain waivers relative to parking

Applicant: Newton Housing Authority	
Site: 83-127 and 106-128 John F Kennedy Circle	SBL: 12001 0029 and 12001 0032
Zoning: MR2	Lot Area: 124,061 square feet
Current use: Multi-family housing	Proposed use: No change

### BACKGROUND:

The Newton Housing Authority (NHA) property on John F Kennedy Circle is comprised of two lots totaling 124,061 square feet in the Multi Residence 2. A special permit was granted in 1961 authorizing the Newton Housing Authority to construct 64 units of housing for low income elderly citizens in five garden apartment style buildings, plus a community building. The project was also granted a variance from various parking and dimensional requirements at that same time. In 1963, the City laid out and took Cook Street (Extension), now known as John F. Kennedy Circle which runs through the NHA site and created the two separate lots (lots 29 and 32) on which the housing development now exists.

The NHA now proposes to carve off a 26,336 square foot lot from the easterly portion of the existing lot along Jackson Road to construct an additional 55 units of housing for elderly persons in a multi-family dwelling. The NHA will leave the existing 64 units in place, and construct the proposed housing through a Comprehensive Permit from the Zoning Board of Appeals. The petitioner also intends to reconfigure some existing parking, and also add several new parking stalls. To accommodate the Comprehensive Permit project and the additional on-site parking, the NHA proposes to amend the existing approved site plan, special permit and variance.

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

- Zoning Review Application, prepared by Alan Schlesinger, dated 12/7/2017
- Site Survey, signed and stamped by Allen & Major Associates, surveyor, dated 7/25/2017
- Special Permit #515-61, dated 10/2/1961
- Variance #27-61, dated 9/28/1961
- Civil Layout Plan, prepared by Baker/Wohl, architects, submitted 12/7/2017

#### **ADMINISTRATIVE DETERMINATIONS:**

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1. The entire NHA property received Special Permit #515-61 in 1961 for the construction of 64 low-income elderly housing units on an area of 124,061 square feet of land. The NHA proposes to carve 26,336 square feet of land off of the larger parcel on the easterly portion of the property along Jackson Road to construct 55 additional housing units in a single multi-family dwelling with an ANR plan. While the 64 units of existing housing will remain unchanged, the change to the parcel requires an amendment to the approved site plan and special permit.
2. The original 64-unit project received variances from required setbacks for several buildings, as well as a variance to allow a reduction in the required number of parking stalls. The NHA intends to address the required amendments to the variances when before the Zoning Board of Appeals for the Comprehensive Permit.
3. To the extent that any setback from the existing buildings on the original project site are made non-compliant by the removal of the proposed project site, the NHA will seek relief from the Zoning Board of Appeals either through the Comprehensive Permit process, or an amendment to the existing variances granted by Variance #27-61.
4. The NHA intends to reconfigure and enlarge some existing parking areas, as well as add additional parking in other portions of the property. There are an existing 25 parking stalls on the property, where only 14 are required by the 1961 variance. The petitioner proposes to add an additional 22 parking stalls spread throughout the property for a total of 47 (an additional eight stalls are anticipated on the proposed Haywood House property). Several of these stalls require additional special permit relief.
5. Section 5.1.8.A.1 requires that no parking locate within any required front or side setbacks, and to be a minimum of five feet from the street. Several of the proposed parking stalls are located directly off JFK Circle, with a zero foot setback from the street. A waiver from section 5.1.8.A.1 is required.
6. The plans indicate that at least five of the proposed parking stalls are located within five feet of a residential building. Per section 5.1.8.A.2, no outdoor parking may locate within five feet of a building or structure containing dwelling units. A waiver from section 5.1.8.A.2 is required.
7. Section 5.1.8.B.1 and 5.1.8.B.2 requires that parking stalls measure 9 feet wide by 19 feet deep. Several of the existing and proposed spaces are underized, with some "compact" spaces measuring 8 feet by 16 feet.

To build undersized parking stalls requires a special permit waiving the requirements of section 5.1.8.B.1 and 5.1.8.B.2.

8. Per section 5.1.8.D.2 requires that entrance and exit driveway widths not exceed 25 feet. The enlarged parking area on JFK Circle has two entrances measuring approximately 27 feet. To allow the proposed width requires a special permit.
9. Section 5.1.9.A requires outdoor parking facilities with more than five stalls to be screened from abutting streets and properties with a strip at least five feet in width and 3.5 feet in height of densely planted shrubs or trees and fencing. The plans do not indicate any landscaping or fencing. To the extent that the proposed parking does not meet the perimeter screening requirements of section 5.1.9.A.1, a special permit is required.
10. Section 5.1.9.B requires interior landscaping for outdoor parking facilities with more than 20 stalls. This section requires an area equivalent to at least five percent of the area of the parking facility be landscaped. An interior planting area must consist of at least 25 square feet with no dimension less than five feet. One three-inch caliper tree is required for every ten parking stalls. The proposed plans do not indicate any interior landscaping. To the extent that the proposed parking does not meet the interior landscaping requirements of section 5.1.9.B, a special permit is required.
11. Section 5.1.10.A requires that parking facilities which are used at night have security lighting with a minimum intensity of one foot candle on the entire surface of the parking facility. No lighting is shown on the proposed plans. To the extent that any proposed lighting in the parking facility does not meet the requirements of section 5.1.10.A, a special permit is required.
12. Parking facilities containing more than 20 parking stalls are required to provide one bike space per 10 vehicle stalls per section 5.1.11. To the extent that the proposed alterations and additions to the existing parking require bicycle parking, a special permit is necessary to waive the provisions of section 5.1.11.

<b>Zone MR2</b>	<b>Required/Allowed</b>	<b>Compliance</b>
Lot Area	10,000 square feet	No change
Lot Area Per Unit	3,000 sf/unit	To be amended
Max Lot Coverage	30%	Yes
Min Open Space	50%	Yes
Frontage	80 feet	Yes
Front Setback	25 Feet	Nonconforming by taking of JFK Cr; to be extended by City Council
Side Setback	7.5 feet	Variance amendment required by ZBA
Rear Setback	15 feet	Yes
Height	36 feet	Yes
Stories	3	Yes

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
	Request to amend Special Permit #515-61	
§5.1.8.A.1 §5.1.13	Request to allow parking within any required front or side setbacks and within five feet of the street	S.P. per §7.3.3
§5.1.8.A.2 §5.1.13	Request to allow parking within five feet of a residential structure	S.P. per §7.3.3
§5.1.8.B.1 §5.1.8.B.2 §5.1.13	Request to allow reduced stall dimensions	S.P. per §7.3.3
§5.1.8.D.2 §5.1.13	Request to allow an entrance/exit drive exceeding 25 feet in width	S.P. per §7.3.3
§5.1.9.A §5.1.13	Request to waive perimeter screening requirements	S.P. per §7.3.3
§5.1.9.B §5.1.13	Request to waive interior landscaping requirements	S.P. per §7.3.3
§5.1.10.A §5.1.13	Request to waive lighting requirements	S.P. per §7.3.3
§5.1.11 §5.1.13	Request to waive bicycle parking requirements	S.P. per §7.3.3



# ATTACHMENT B








## Land Use

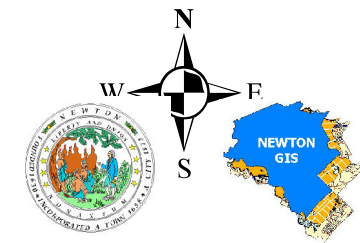
### 83-127 & 106-128 JFK Circle

*City of Newton,  
Massachusetts*

#### Land Use

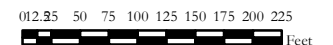
#### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Mixed Use
-  Open Space
-  Private Educational
-  Nonprofit Organizations
-  Vacant Land

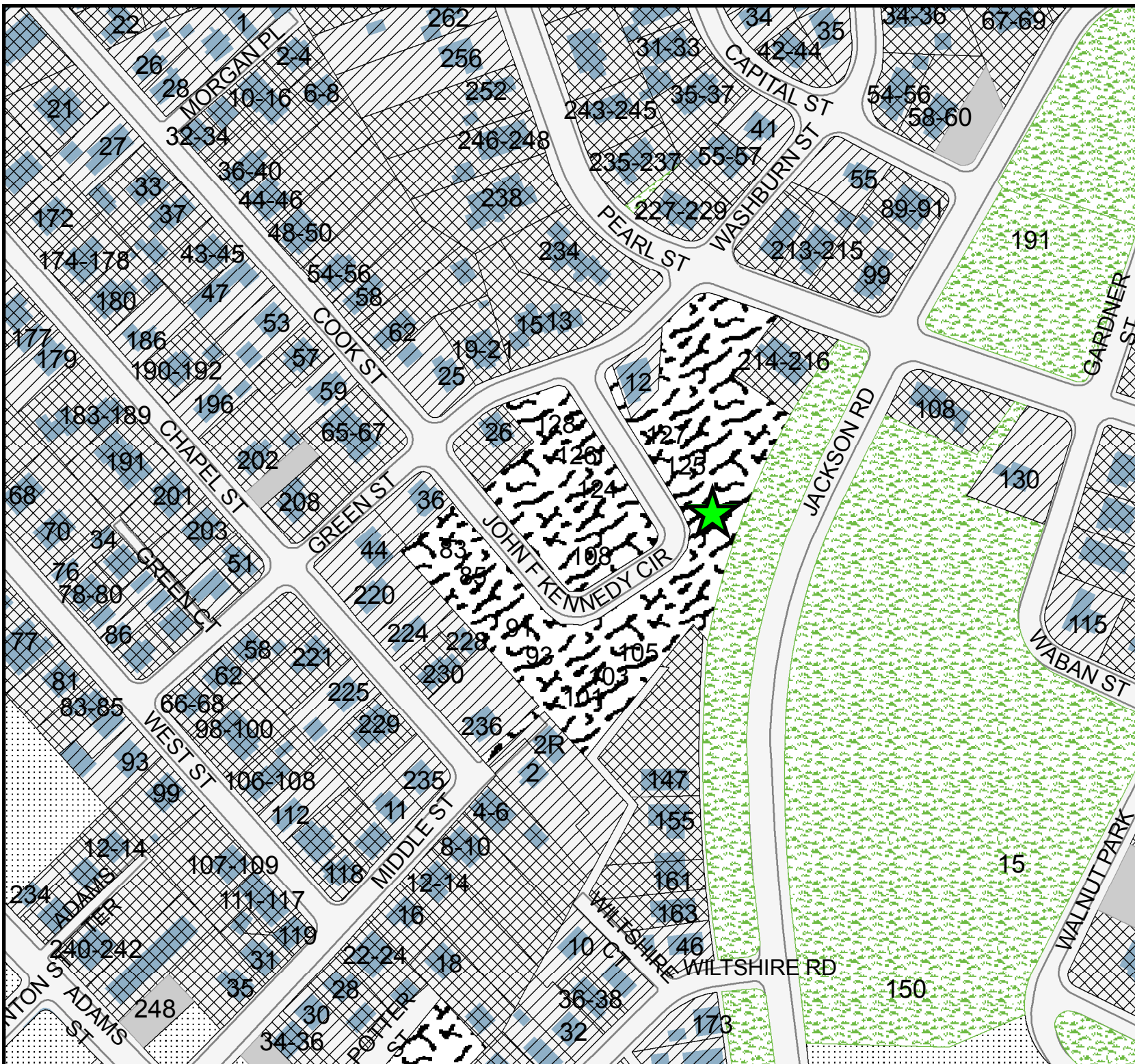


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield



Map Date: February 07, 2018





# ATTACHMENT C

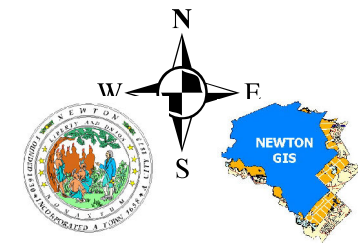
## Zoning

### 83-127 & 106-128 JFK Circle

*City of Newton,  
Massachusetts*

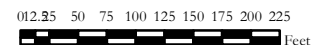
#### Legend

-  Multi-Residence 1
-  Multi-Residence 2
-  Business 1
-  Business 2
-  Public Use



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