



# Land Use Committee Report

## City of Newton In City Council

**Tuesday, January 5, 2021**

**Present:** Councilors Lipof (Chair), Kelley, Greenberg, Markiewicz, Downs, Bowman, Laredo, Wright, Krintzman, Leary and Humphrey

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

Planning and Development Board Members: Peter Doeringer (Chair), Jennifer Molinsky

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.

**#129-14(2) Amended Petition to amend Board Order #129-14 to increase nonconforming FAR at 96 Lenox St**

JEREMY SHINEWALD petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit orders #129-14 to raze an existing detached three-car garage and construct an attached two-car garage and mudroom addition, as well as enclose an existing porch, creating an FAR of .48 where .44 exists and .29 is allowed at 96 Lenox Street, Ward 3, West Newton, on land known as Section 32 Block 49 Lot 07, containing approximately 19,071 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:** Land Use Approved 7-0; Public Hearing Closed 01/05/2021

**Note:** Verne Porter, Civil Engineer, 324 Elliot Street, represented the petitioner, Jeremy Shinewald. Mr. Porter presented the request for an FAR waiver. The petitioner received a special permit in 2014 for construction including a three-car garage. The petitioner proposes to remove the three-car detached garage and construct an attached two-car garage, with mudroom and enclosed porch area. The increase in FAR will change to .47 (from .29) as opposed to .44. Mr. Porter noted that the first floor of the house is 5' above grade due to groundwater. He explained that resulting from this modification, some of the driveway will be removed from the plan and open space will be increased.

Senior Planner Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. Ms. Whewell stated that the prior special permit allowed the construction of the garage and an increase to an FAR but noted that the FAR of was miscalculated at the time the permit was granted. The proposed addition will add approximately 700 net sq. ft. and the footprint will increase approximately 800 sq. ft.

The Public Hearing was Opened. No member of the public wished to speak. It was noted that the second floor of the garage measures approximately 610 sq. ft. and will be used for storage. Mr. Porter explained that the entire basement is counted towards FAR because it is a story. Committee members questioned why changes to the curb cut are necessary? Mr. Porter explained that the relocation of the curb cut is to better align the curb cut with the garage rather than the front of the house. In response to concerns from the Committee, he noted that the curb cut opens to 16' but is 14' for a majority of the length of the driveway.

Councilor Kelley motioned to close the public hearing which carried unanimously. Councilor Kelley motioned to approve the petition. The Committee reviewed the draft findings and conditions as shown on the attached presentation and voted 7-0 in favor of approval. Mr. Temple confirmed that the special permit orders for the property will be consolidated.

**#425-20**      **Petition to allow accessory apartment and extend front setback at 146 Langley Road**  
BOGDAN AND MARIA PILAT petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an addition to accommodate an internal accessory apartment in excess of 1,000 sq. ft., extending the nonconforming front setback and to construct a three-car rear garage at 146 Langley Road, Ward 6, Newton Centre, on land known as Section 61 Block 41 Lot 02, containing approximately 10,312 sq. ft. of space in a district zoned MR1. Ref: Sec. 7.3.3, 7.4, 6.7.1.D.2, 3.2.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Approved 7-0; Public Hearing Closed 01/05/2021**

**Note:** Senior Planner Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. This petition was before the Committee in November 2020 when it was discovered that there was a miscalculation in the size of the accessory apartment. Ms. Whewell noted that the Planning Department worked with the petitioner and has confirmed that the proposed accessory apartment calculations are compliant with the ordinance and provisions for accessory apartments. The proposed accessory apartment measure 945.5' representing 40% of the principal dwelling unit (Unit 1, 2363.76 sq. ft.). As part of the project, the petitioner proposes to construct a three-car 698 sq. ft. garage and the front entry will further reduce the nonconforming front setback.

No member of the public wished to speak. Councilor Bowman motioned to close the public hearing which carried unanimously. Councilor Bowman 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. Mr. Temple confirmed that the principal dwelling unit is #1 and that the Council order will be modified to reflect the appropriate unit.

**#314-20**      **Petition to allow four single-family attached dwelling units at 23 Johnson Place**  
CREATING HOMES LLC/MICHAEL LOHIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow ~~four~~ three single-family attached dwelling units in two structures, to allow a retaining wall in excess of 4' and to allow a driveway within ten feet of the side lot line at 23 Johnson Place, Ward 4, Auburndale, on land known as Section 41 Block 7 Lot 14, containing approximately 16,767 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.4, 5.4.2.B, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action: Land Use Held 7-0; Public Hearing Continued**

**Note:** Mr. Michael Lohin explained that he was notified by the Planning Department that some proposed parking spaces shown on the site plan require additional relief and analysis by Planning. As such, the petition must be readvertised and continued. Councilor Markiewicz motioned to hold the item which carried 7-0. The public hearing will be opened on February 2, 2021.

**319-20 Request to Rezone two parcels from BU-2 to MU-4 at 1149-1151 Walnut Street**

NEWTON WALNUT LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone two parcels; 1149 Walnut Street (Section 52 Block 08 Lot 13) and 1151 Walnut Street (Section 52 Block 08 Lot 14) from BUSINESS USE 2 to MIXED USE 4.

**Action: Land Use Held 7-0; Public Hearing Continued****#320-20 Petition to allow 26-unit mixed use development at 1149-1151 Walnut Street**

NEWTON WALNUT LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing buildings and construct a four-story mixed-use building up to 48' in height, containing 26 units and 23 parking stalls, to waive the minimum lot area per unit, to reduce the side setback requirement, to waive the requirement to use A-B+C formula to determine the parking requirement, to waive 24 parking stalls, to allow 1.25 parking stalls per unit, to allow parking in the side setback, to waive dimensional requirements for parking stalls, to allow restricted end stalls, to allow reduced aisle width , to waive perimeter landscaping requirements, to waive interior landscaping requirements and to waive lighting requirements at 1149-1151 Walnut Street, Ward 6, Newton Highlands, on land known as Section 52 Block 08 Lots 13 and 14, containing 13,200 sq. ft. in a district to be zoned MIXED USE 4 (currently zoned BUSINESS USE 2). Ref: Sec. 7.3.3, 7.4, 4.2.2.B.1, 4.2.2.A.2, 4.2.5.A.3, 4.2.2.B.3, 4.2.5.A.2, 4.2.5.A.4.b, 4.2.5.A.4, 5.1.3.B, 5.1.13, 5.1.4, 5.1.4.A, 5.1.8.A.1, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.C.1, 5.1.9.A, 5.1.9.B, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

**Action: Land Use Held 7-0; Public Hearing Continued**

**Note:** The Committee was joined by members of the Planning and Development Board to discuss #319-20 and #320-20. Atty. Alan Schlesinger, with law offices at 1200 Walnut Street, Newton Highlands, represented the petitioner Newton Walnut LLC. Atty. Schlesinger presented the request to allow a 26-unit mixed-use development at 1149-1151 Walnut Street. A copy of his presentation is attached to the end of this report. Details of the project include first floor retail on a four-story building with parking. Property Manager and Developer for the project Chris Talanian noted that his experience developing has been on Newbury Street primarily with retail and housing developments. Mr. Talanian stated that the existing site is underutilize and unattractive, presenting an opportunity to advance the goals of the Comprehensive Plan as well as Newton Leads 2020.

Atty. Schlesinger noted that the request to rezone is a proactive approach to transition the site, which is located in the BU2 district between the BU1 and MR1 districts. The proposed project is a response intended to aim at preservation of the City's village centers. Atty. Schlesinger noted that the mixed-use nature of the site can help maintain village centers, allow for increased density above retail and utilize public transportation. He stated that the Planning Department believes the rezoning is appropriate, given the mixed-use nature of the surrounding neighborhood.

Architect Anthony Vivirito, The Architectural Team, for the project reviewed the proposed enhancements along the sidewalk, residential and retail entrances. He noted that the building will be moved back along the property line, with privacy fencing along the north and west sides of the property. The petitioner proposes to construct 23 assigned parking spaces and bicycle parking for 24 bikes. They will provide 2 electric vehicle charging stations and spaces. Two on-street parking spaces will be available for short-term parking. Details of the proposed building can be seen on the attached presentation.

The proposed project includes an overall roof elevation of 44' and includes studio, one-bedroom and two-bedroom units with sizes typical for transit-oriented development. The design accounts for sustainability measures. The petitioner has met with Green Newton has a draft sustainability program consistent with the site's proximity to the train and bus station. The petitioner proposes to attain LEED silver certifiability, include electric heating, heat pump hot water systems and natural gas (in the restaurant space). The petitioner is committed to seeking Passive House certification for the residential portion of the building if it is economically feasible.

It was noted that all of the units will be adaptable and one is accessible. Details of the affordability mix can be found on the attached presentation. Atty. Schlesinger confirmed that five units will be designated as affordable (one studio, 3 one-bedrooms, 1 two-bedroom). Committee members emphasized their support for an additional inclusionary unit.

With respect to the Inflow & Infiltration contribution, Atty. Schlesinger suggested that the petitioner would be willing to using some of the mitigation funds for other neighborhood improvements (i.e. undergrounding utilities) at the Committee's discretion. He noted that the Newton Highland's Area Council is supportive of the development.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning, proposed plans and photos as shown on the attached presentation. He noted that the building is 26,000 sq. ft. as otherwise noted in the Planning memo.

The Public Hearing was Opened.

Ned Crecelius, spoke on behalf of the Christian Science Church, 1141 Walnut Street, Mr. Crecelius noted that the developer approached the church seeking an easement to build up to the property line with no consideration of impact on historic church parcel. He stated that the Historic Commission encouraged the parties to resolve their discrepancies but that the church has not discussed any remedies at this time. Mr. Crecelis noted that the project is too large for the site and stated that the church has 6 naturally affordable housing units which rent for less than half of the new proposed units. If the church, or tenants had to relocate, the affordable units could be lost. Mr. Crecelius noted that the church conducted a shadow study which shows that the worship space would be void of sun during all 12 months of the year. He stated that the church is supportive of development at the site, at the right size.

Verne Porter, 324 Elliot Street, expressed support for the development. He noted that the smaller units will allow people to remain in Newton and support local businesses.

Nathaniel Lichtin, 53 Pinecrest Road, noted that the petitioner has worked to address the issues raised. By the Neighborhood Area Council. He urged to the Committee to carefully consider the 5' setback to the church property.

A resident, spoke with the petitioner's attorney about the inclusionary units and questioned whether the Fair Housing Committee has provided a recommendation for the project. She noted that Fair Housing is scheduled to discuss the petition on January 6, 2021.

Walter Einstein, 23-33 Lincoln Street, spoke in favor of the project. He expressed support for the petitioner working with the church to resolve their concerns.

Dan Rubin, 175 Auburn Street, emphasized support for the project. He noted that the site is optimally located and the project includes all electric, energy-efficient features. He expressed support for the petitioner evaluating the feasibility of Passive House design as well as achieve a low embodied carbon study.

Lisa Monahan, 1105 Walnut Street, is an architect and member of the architect and building professional working group, expressed support for the project and noted that member of the professional working group are excited to see this project moved forward. She noted that the project is perfectly sized for the location and will be a model for village center development as well as smart growth.

### **Committee Discussion**

Committee members expressed general support for the project, the sustainability features, the transit-oriented nature of the site, and the affordable units. Committee members reiterated their support for a sixth inclusionary unit and asked the petitioner to ensure that the units are located throughout the development. Atty. Schlesinger confirmed that the location, size and disbursement of the affordable units within the building is regulated by ordinance.

With respect to the sustainability and transit proposal, the Committee asked that the petitioner commit to funding MBTA passes for residents without cars. Committee members were supportive of the limited number of parking spaces given the site's proximity to the MBTA. It was noted that the undergrounding of utilities is an expectation for projects, particularly near village centers.

The Committee noted that the proposed development is designed so that there is very little open space on the lot. Committee members urged the petitioner to consider how to create opportunities for open space and green space and were unsupportive of approving waivers for interior landscaping. Committee members asked for more information relative to the rooftop space, the material of the fencing around the building and the turning radii plan requested by the Engineering Department.

The Committee shared concerns with respect to the amount of building on the site and the impact on the church property as described by Mr. Crecelius. The Committee expressed concerns relative to the shadow study conducted by the church and asked that the petitioner work with the church to remedy the proposed conditions. The Committee observed that the design of the building is less attractive than a prior design presented to the community.

Chair of the Planning and Development Board Peter Doeringer noted that building heights should be stepped down. He requested an image showing the relationship of the new building to the abutting church.

The Committee voted unanimously in favor of a motion to hold items #319-20 and #320-20 from Councilor Bowman.

**#4-21**            **Class 1 Auto Dealer License**  
VILLAGE MOTORS GROUP, INC. D/B/A HONDA VILLAGE  
371 Washington Street  
Newton, MA. 02458

**Action:**        **Land Use Approved 7-0**

**#5-21**            **Class 2 Auto Dealer License**  
JACOB & ASSOCIATES  
1232 Washington Street  
Newton, MA. 02465

**Action:**        **Land Use Approved 7-0**

**#6-21**            **Class 2 Auto Dealer License**  
MOTORCARS OF BOSTON, INC.  
1191 Washington Street  
Newton, MA. 02465

**Action:**        **Land Use Approved 7-0**

**#7-21**            **Class 2 Auto Dealers License**  
SONOMA CLASSICS LLC.  
1215 Chestnut Street/145 Wells Avenue  
Newton, MA. 02464

**Action:**        **Land Use Approved 7-0**

**Note:**            The Committee discussed items #4-21, #5-21, #6-21 and #7-21 together. It was noted that there are no concerns relative to the requests for auto dealer licenses. The Committee voted 6-0 in favor of approval.

With that, the Committee adjourned at 9:15 pm.

**Respectfully Submitted,**

**Richard Lipof, Chair**

# Department of Planning and Development



**PETITION #129-14 (2)  
96 LENOX STREET**

**SPECIAL PERMIT/SITE PLAN  
APPROVAL TO AMEND SPECIAL  
PERMIT #129-14 BY  
CONSTRUCTING AN ATTACHED  
GARAGE THAT INCREASES THE  
NONCONFORMING FLOOR AREA  
RATIO**

**JANUARY 5, 2021**



# Requested Relief



Special Permit per §7.8.2.C.2 and §7.3.3 of the NZO to:

- Amend Special Permit #129-14
- Further increase the nonconforming floor area ratio (§3.1.9)



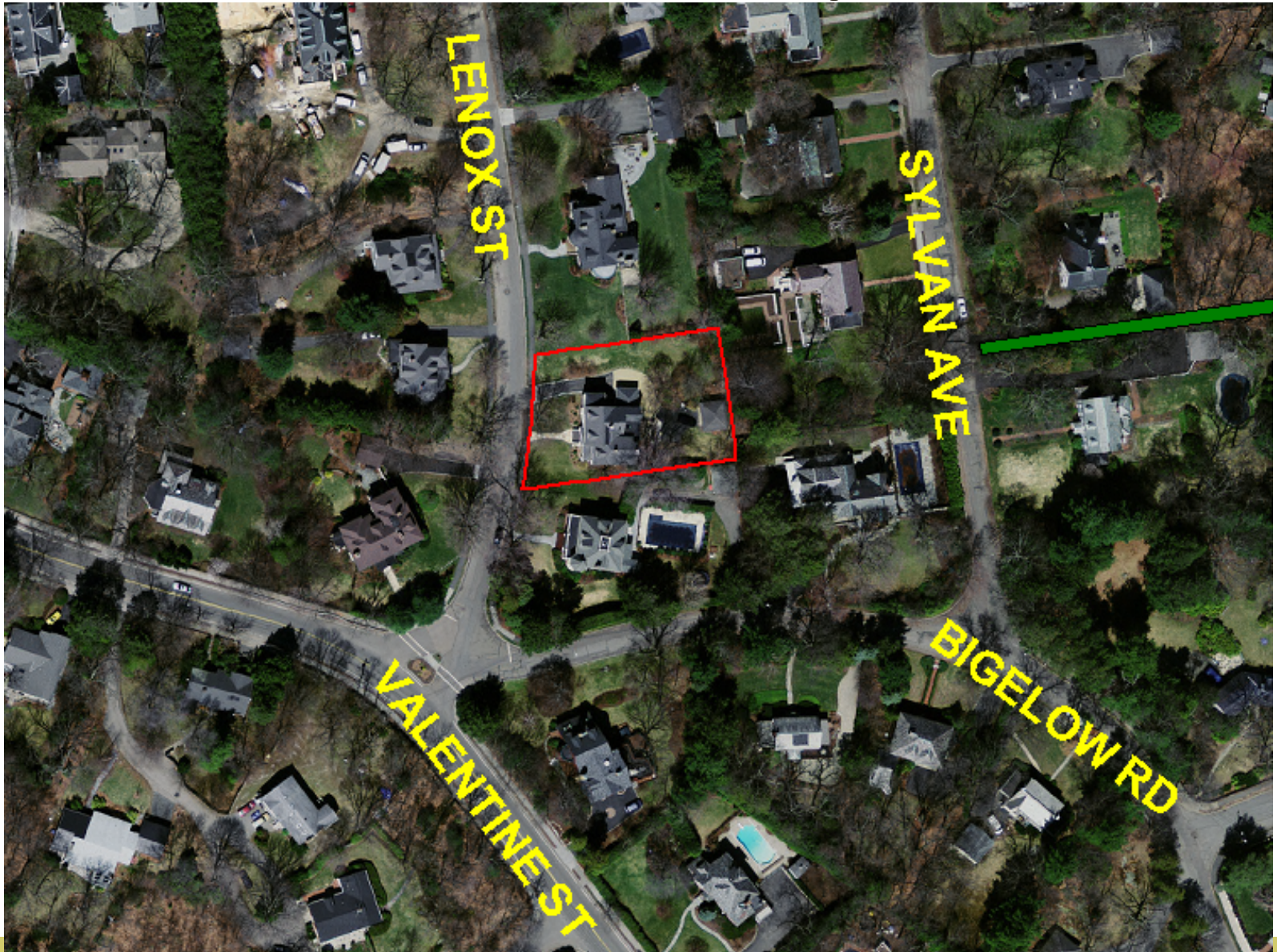
# Criteria to Consider



When reviewing this request, the Council should consider whether:

- The site is an appropriate location for proposed attached garage addition (§7.3.3.C.1);
- The proposed attached garage addition will adversely affect the neighborhood (§7.3.3.C.2);
- The proposed attached garage addition 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 (§7.3.3.C.4);
- The proposed increases in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.1.9 and §7.8.2.C.2)
- The proposed increase in the nonconforming FAR from .44 to .48, where .29 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 (§3.1.9, and §7.8.2.C.2);

# Aerial/GIS Map





# ATTACHMENT A

## Zoning

96 Lenox Street

*City of Newton,  
Massachusetts*

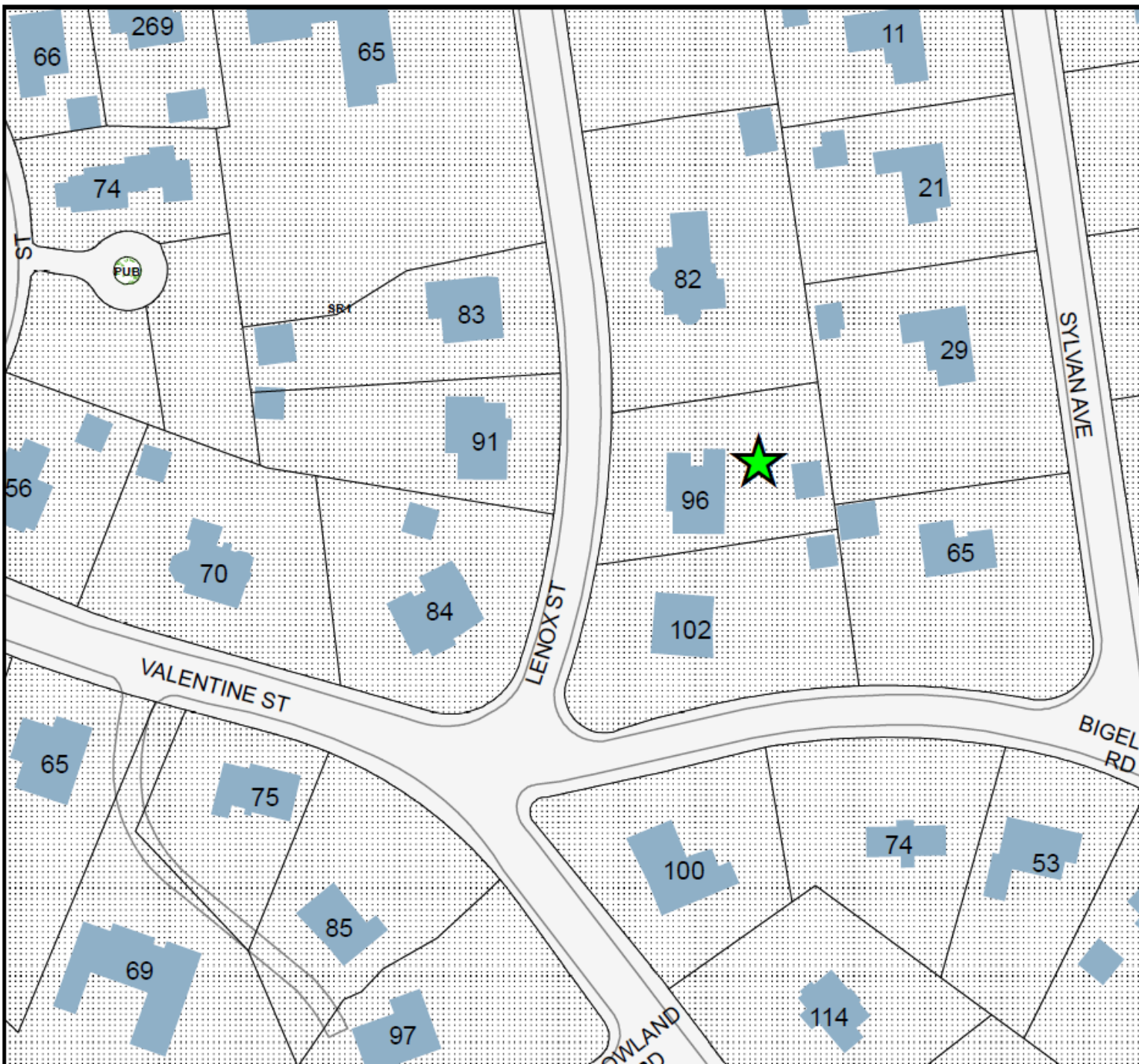
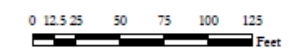
## Zoning

-  Single Residence 1
-  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 Greenfield





# ATTACHMENT B

## Land Use

### 96 Lenox Street

*City of Newton,  
Massachusetts*

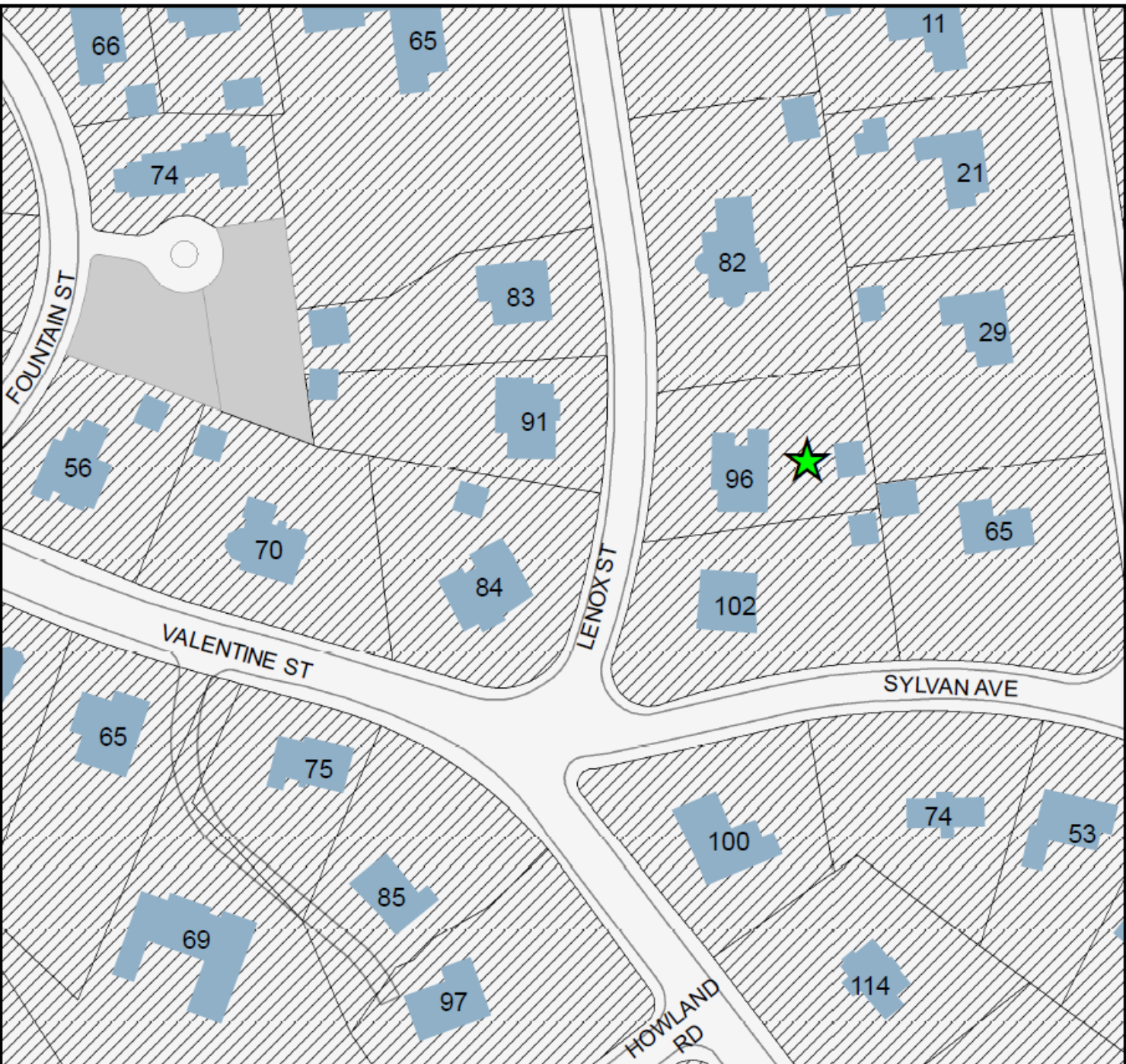
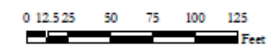
## Land Use

-  Single Family Residential
-  Vacant Land

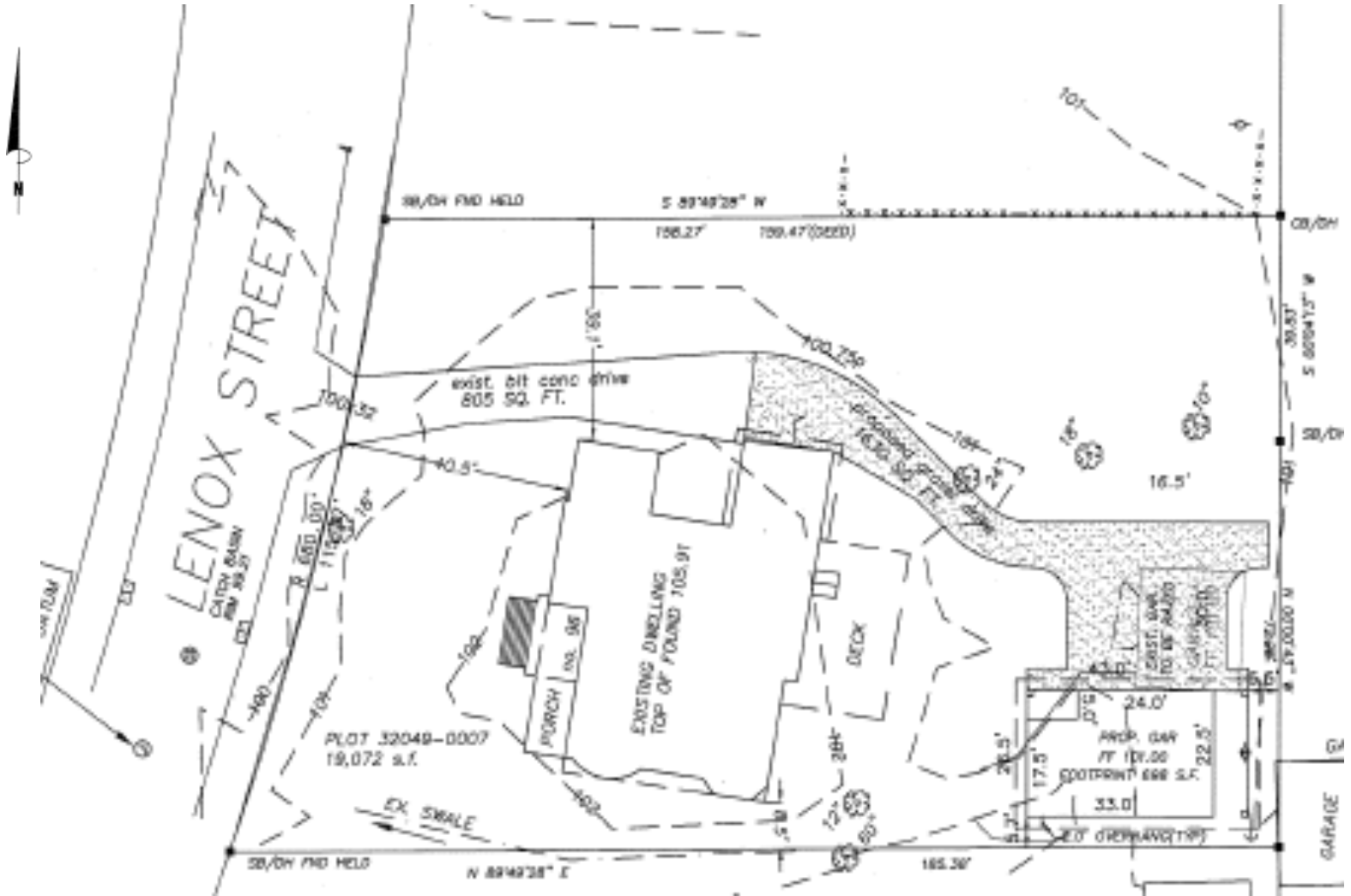


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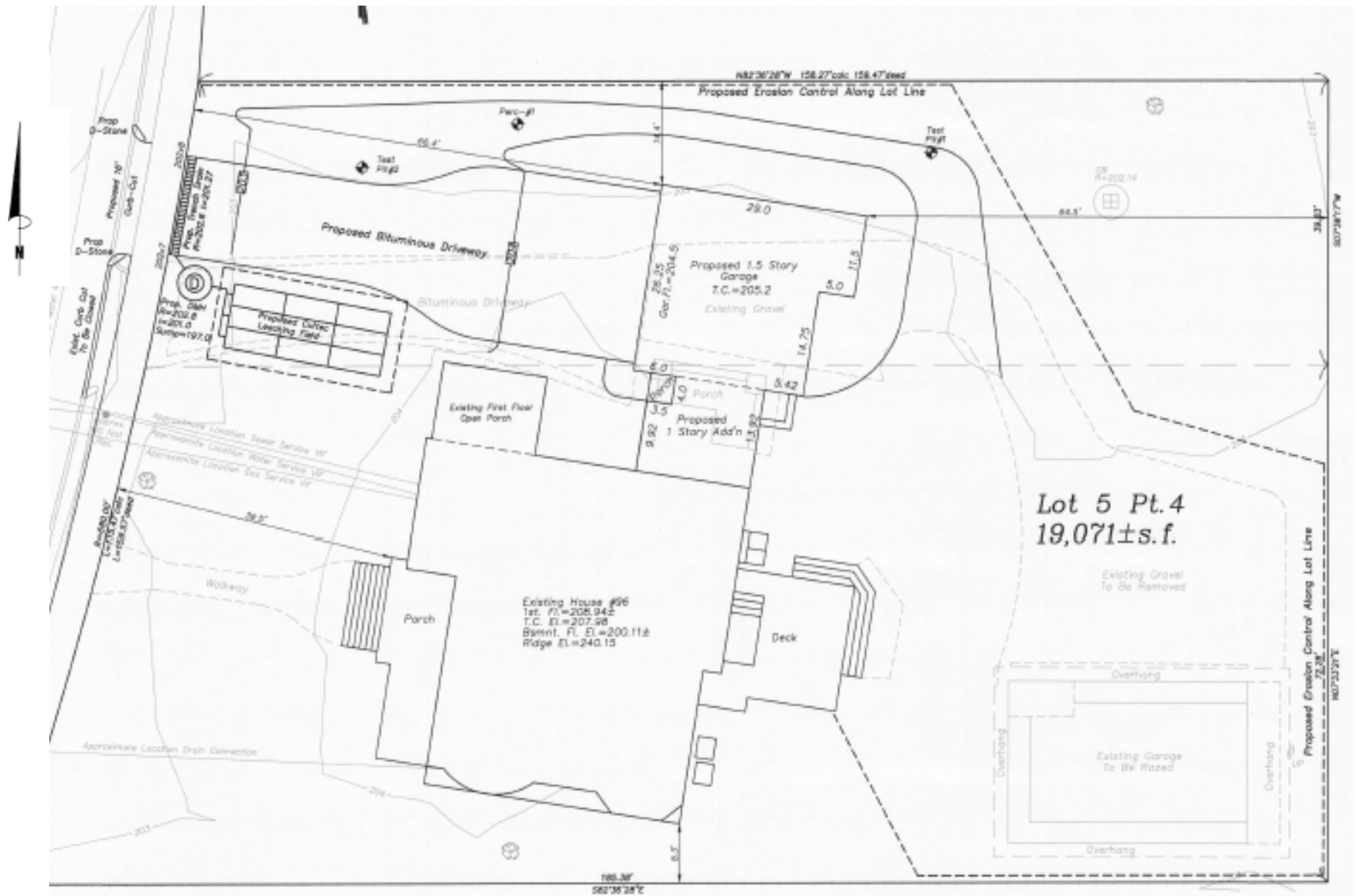
CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield



# Existing Conditions



# Proposed Site Plan



# Proposed Garage Elevations



FRONT ELEVATION



REAR ELEVATION  
SCALE  $\frac{1}{2}'' = 1' - 0''$

# Proposed Finding



1. The site is an appropriate location for proposed attached garage addition that increases the nonconforming FAR because the proposed addition meets all other dimensional standards for the SR-1 zoning district (§7.3.3.C.1).
2. The proposed attached garage addition that increases the nonconforming FAR will not adversely affect the neighborhood because the proposed addition meets all other dimensional standards for the SR-1 zoning district (§7.3.3.C.2).
3. The proposed attached garage addition will not create a nuisance or serious hazard to vehicles or pedestrians because all parking is contained on site and project results in a shorter driveway (§7.3.3.C.3).
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because the site complies with the zoning ordinance regarding driveway width and the number of parking stalls (§7.3.3.C.4).
5. The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the proposed addition meets all setback requirements and is consistent with the size and scale of the homes in this neighborhood (§3.1.9 and §7.8.2.C.2).
6. The proposed increase in the nonconforming FAR from .44 to .48, where .29 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 proposed addition meets all setback requirements and is consistent with the size and scale of the homes in this neighborhood (§3.1.9, 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.

# Department of Planning and Development



**PETITION #425-20  
146 LANGLEY ROAD**

***WORKING SESSION***

**SPECIAL PERMIT/SITE PLAN APPROVAL  
TO EXTEND THE NONCONFORMING  
FRONT SETBACK AND TO ALLOW AN  
ACCESSORY APARTMENT OVER 1,000  
SQUARE FEET**

**JANUARY 5, 2021**



# Requested Relief



Special Permit per §7.8.2.C.2 and §7.3.3 of the NZO to:

- Extend the nonconforming front setback (§3.2.3)
- Allow an oversized internal accessory apartment (§6.7.1.D.2)

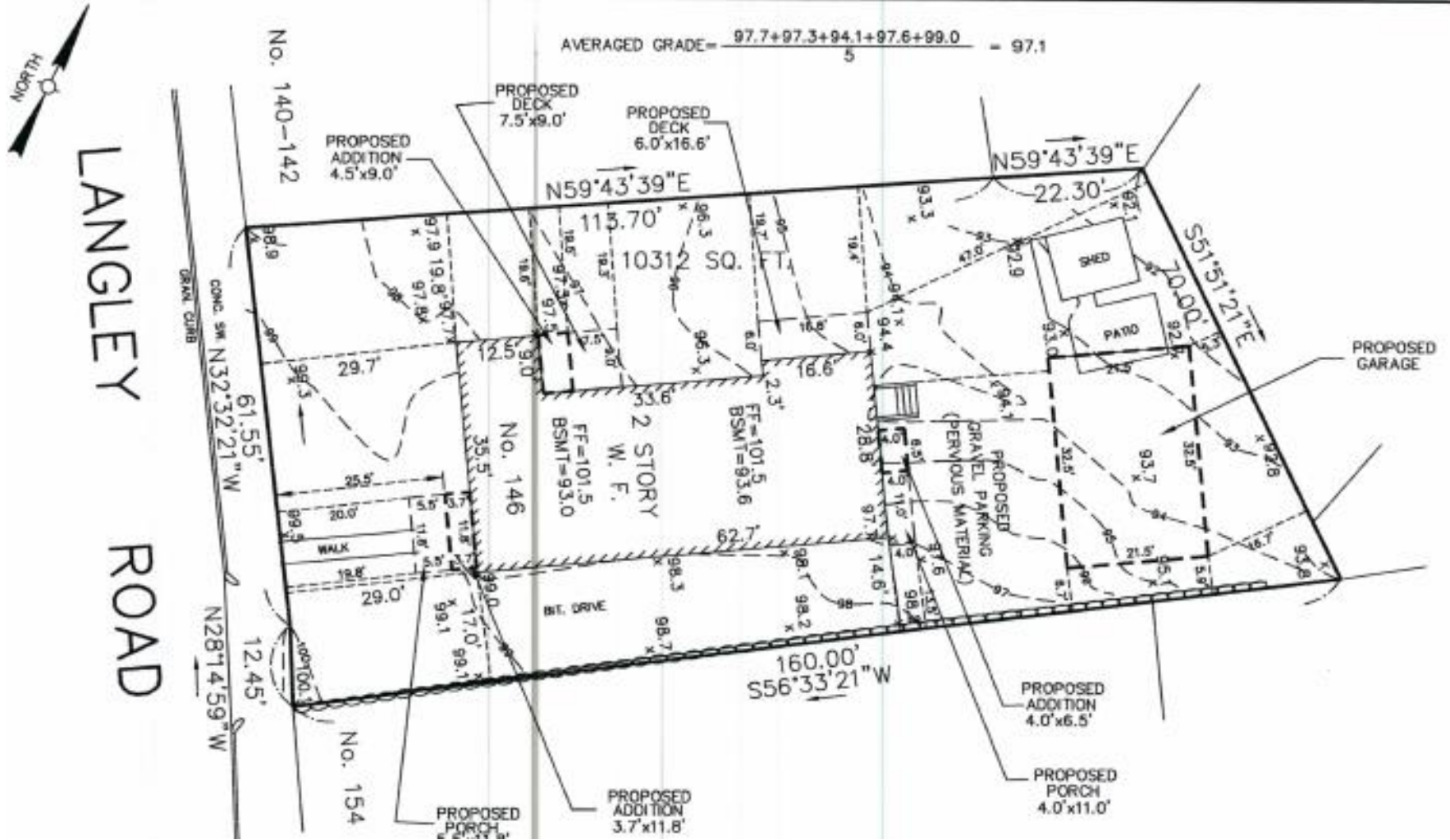
# Criteria to Consider



When reviewing this request, the Council should consider whether:

- The site is an appropriate location for the proposed oversized accessory apartment. (§6.7.1.D.1, §7.3.3.C.1)
- The proposed oversized accessory apartment will adversely affect the neighborhood. (§6.7.1.D.1, §7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§6.7.1.D.1, §7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§6.7.1.D.1, §7.3.3.C.4)
- The proposed extension of the nonconforming front setback is not substantially more detrimental than the existing nonconforming setback is to the neighborhood. (§3.2.3, §7.8.2.C.2)

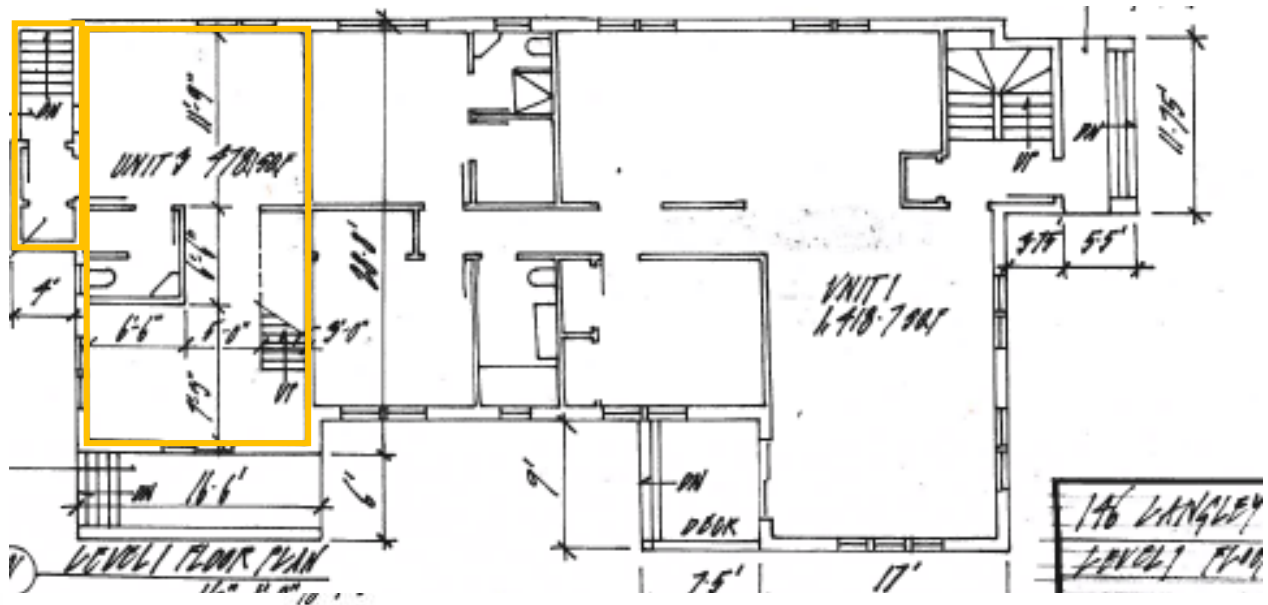
# Proposed Site Plan



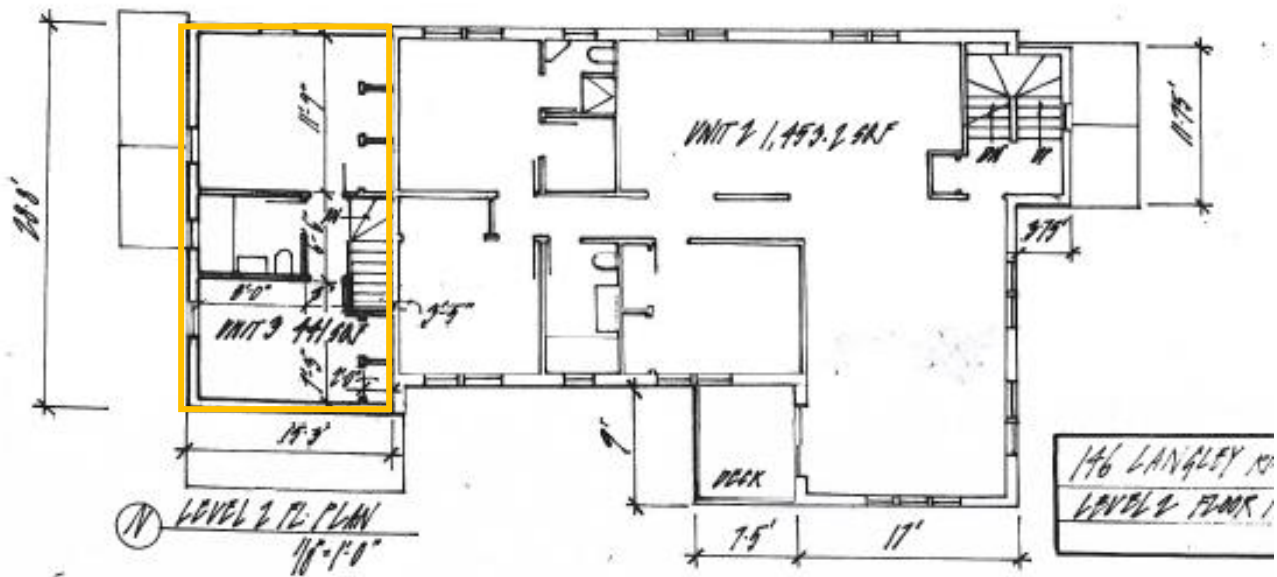
	Principal Dwelling Unit	Accessory Apartment
Unit 1 – Existing	1,812.2 square feet	478 square feet
Additions – Unit 1 <ul style="list-style-type: none"> <li>• South stairwell 44.06 sf</li> <li>• Western elevation 40.5 sf</li> </ul>	84.56 square feet	
Space created – Accessory Apartment <ul style="list-style-type: none"> <li>• <b>Rear entry to apt., 1<sup>st</sup> fl 26 sf</b></li> <li>• <b>Bulk of addition, 2<sup>nd</sup> fl 441</b></li> </ul>	467 square feet	467 square feet
Totals	2,363.76 square feet <b>40% 945.5 square feet</b>	<b>945 square feet</b>

# Accessory Apartment

Level 1



Level 2



# Left Elevation

Existing Left Elevation



Proposed Left Elevation





# Front Elevation

Existing Front Elevation



Proposed Front Elevation



# Proposed Findings



1. The site is an appropriate location for the proposed oversized accessory apartment due to its location in the Multi Residence 1 zone with nearby multifamily residential uses. (§6.7.1.D.1, §7.3.3.C.1)
2. The proposed accessory apartment will not adversely affect the neighborhood because the bulk of the addition to accommodate the accessory apartment is within the footprint of the existing structure and will not be visible from the street. (§6.7.1.D.1, §7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians because parking for the existing two units and accessory apartment is contained on site. (§6.7.1.D.1, §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.D.1,, §7.3.3.C.4)
5. The proposed extension of the nonconforming front setback is not substantially more detrimental than the existing nonconforming setback is to the neighborhood because it is contextual with other setbacks in the neighborhood (§3.2.3, §7.8.2.C.2)

# Proposed Conditions

1 of 2



1. Plan Referencing Condition
2. Standard Building Permit Condition.
3. The Petitioner and the accessory apartment must at all times comply with all applicable rules for accessory apartments set forth in Section 6.7 of the Newton Zoning Ordinance. The accessory apartment cannot constitute its own unit within a condominium.
4. The accessory apartment must be held in common ownership with at least one of the two principal dwelling units.
5. The owner of the principal dwelling unit (Unit 1) to which the accessory apartment is accessory to shall occupy either the principal unit (Unit 1) or the accessory apartment and shall file an annual affidavit with the Commissioner of Inspectional Services attesting to this fact prior to July 1 of every year. these requirements shall be included in the master deed if the two-family dwelling is converted into a condominium.

# Proposed Conditions

2 of 2



6. In the event the two-family dwelling is converted into a condominium, a copy of the Master Deed shall be submitted to the Department of Planning and Development and the Law Department for review to determine consistency with this Special Permit prior to recording.
7. In the event ownership of the principal dwelling unit (Unit 1) being held in common ownership with the accessory apartment changes, the new owner(s) shall notify the Commissioner of the Inspectional Services Department at which time the Commissioner shall conduct a determination of compliance with this decision and all applicable codes.
8. O&M Plan condition
9. Standard Final Inspection/Certificate of Occupancy Condition.

# 1149-1151 Walnut Street

January 5, 2021



#319-20 Petition to rezone 13,200 square feet from BU-2 to MU-4

#320-20 Special Permit to construct 26 units, 5 of which are inclusionary, and 1,323 square feet of retail with 23 parking spaces

# Existing Conditions





# Zoning Map





# Comprehensive Plan 2007

- “Development of housing in mixed use areas can lead to maintaining strong, vibrant village centers and mixed use corridors that further the goals in this Plan.” (Page 3-19)
- “We need to encourage retention of existing housing and development of new housing that supports village centers, that is focused on public transportation, that increases the City’s affordable housing stock, or that further enhances the existing character and diversity of housing types.” (Page 3-22)
- “Encourage mixed use in the village centers by promoting housing above retail. Increasing density allowing mixed-use development in the village centers would increase the population within walking distance and as a result would likely expand the available range of goods and services offered there. It would also increase the stock of affordable housing located close to employment centers and public transportation.” (Page 6-7)

# Mixed Use - 4 District Adoption

## Purpose

- “Encourage development that fosters compact, pedestrian-oriented villages with a diverse mix of residences, shops, offices, institutions, and opportunities for entertainment.” (Page 4-10)
- “Allow sufficient density and intensity of uses to promote a lively pedestrian environment, public transit, and variety of businesses that serve the needs of the community.” (Page 4-10)
- This is the first proposal for development in a Mixed Use-4 district outside of Newtonville

# Newton Leads 2040

- “Newton’s distinct village centers are a product of more than 100 years of transit success in our region and allow Newtonians to connect directly from their villages and neighborhoods to jobs and activities in Boston and other communities throughout the region.” (Page 1-7)
- “Smart developments that increase the use of public transit, walking, and bicycling over driving provide myriad benefits, including: reduced congestion, air pollution, and greenhouse gas emissions; improved access to jobs; enabling seniors to age in place; providing options for people that are too young, too old, too poor, have a disability, or otherwise cannot drive; and encouraging healthier, active lifestyles.” (Page 2-46)

# Dimensional Comparison

	BU-2	MU-4
Height	By Right: 2 stories	By Right: Minimum 2 stories
	Special Permit: Up to 4 stories	Special Permit: Up to 5 stories
Minimum Lot Area Per Unit	1,200 Square Feet	1,000 Square Feet, waivable by special permit
Setbacks		
Front	6 Feet (average)	First floor façade must be set back between 0 and 10 feet from lot line, waivable by special permit
Side	South 4 Feet, North 22 Feet	Special Permit
Rear	None	Special Permit
Maximum Floor Area Ratio For 4 Stories	2.00	2.00
Allowed Uses	Residential use above ground floor is allowed by right	Residential use above ground floor is allowed by right

# Existing Conditions



1149-1151 Walnut Street

Newton, MA | December 24, 2020 | 19100 | © The Architectural Team, Inc.

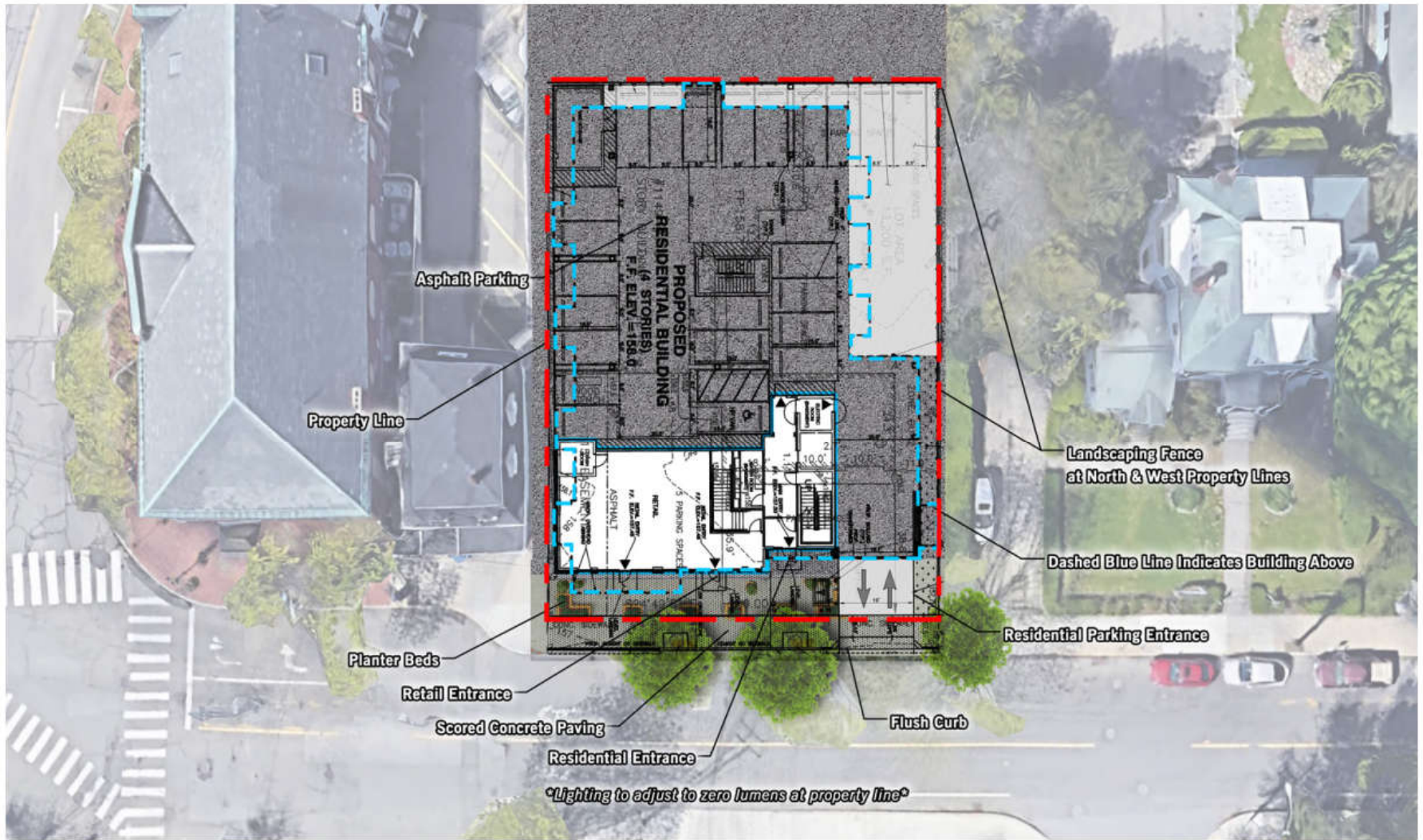
Aerial Perspective Looking West | Existing Conditions

C. ALANIAN REALTY CO. INC. **tat**

# Site Plan

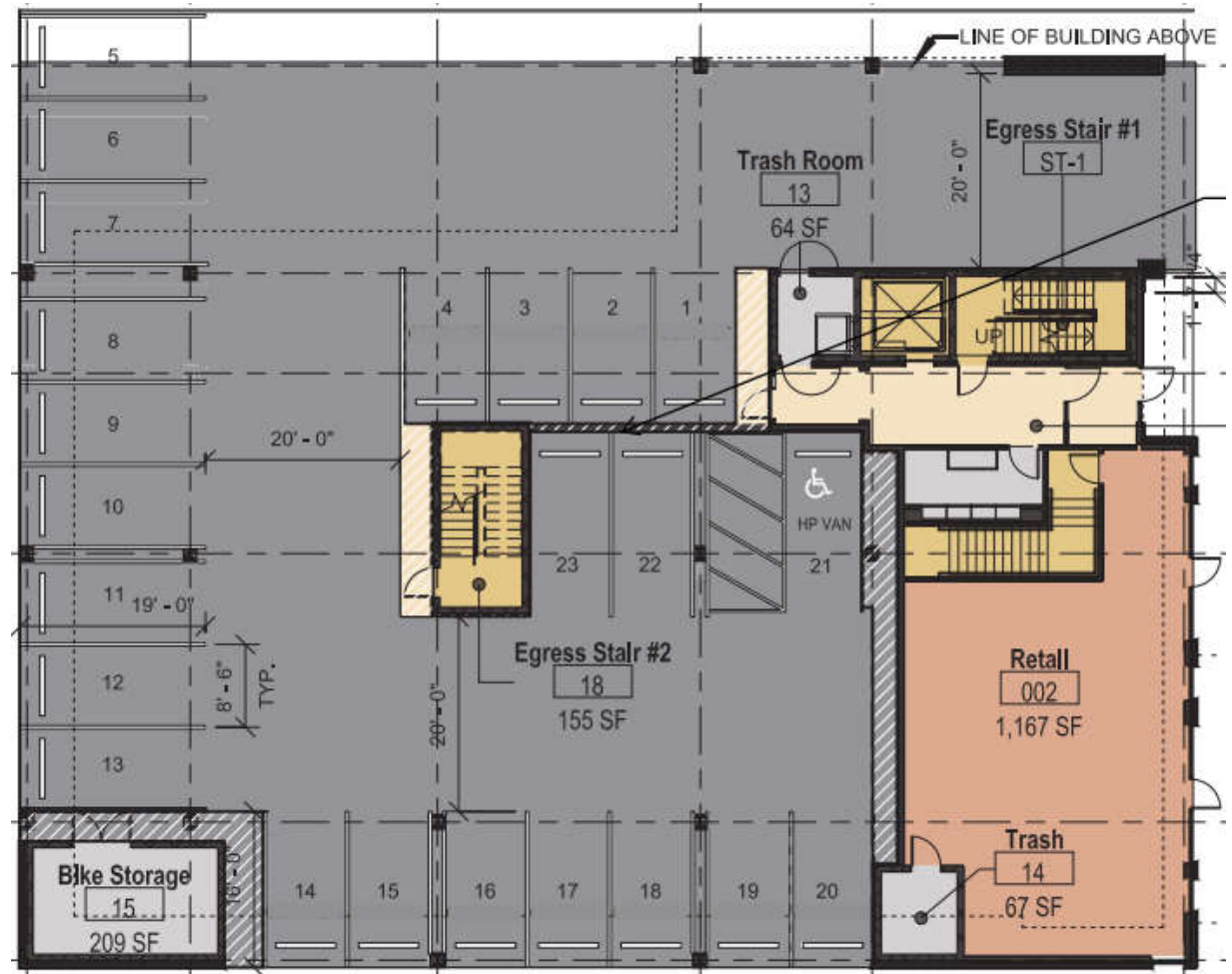


# Landscape Plan



# Parking Plan

- The Project will feature 23 assigned parking spaces
- All spaces will be charged separately from the apartments and retail rents
- All parking to be covered, surface-level parking accessible via existing curb cut from Walnut Street
- 1 of the spaces will be handicapped accessible and at least 1 will be electric car charge ready
- The infill of one of the existing curb cuts on Walnut Street will create two additional street parking spaces
- The Project will feature a 209 square foot bicycle storage room adjacent to the covered parking level





# Building Elevations



Walnut Street Elevation

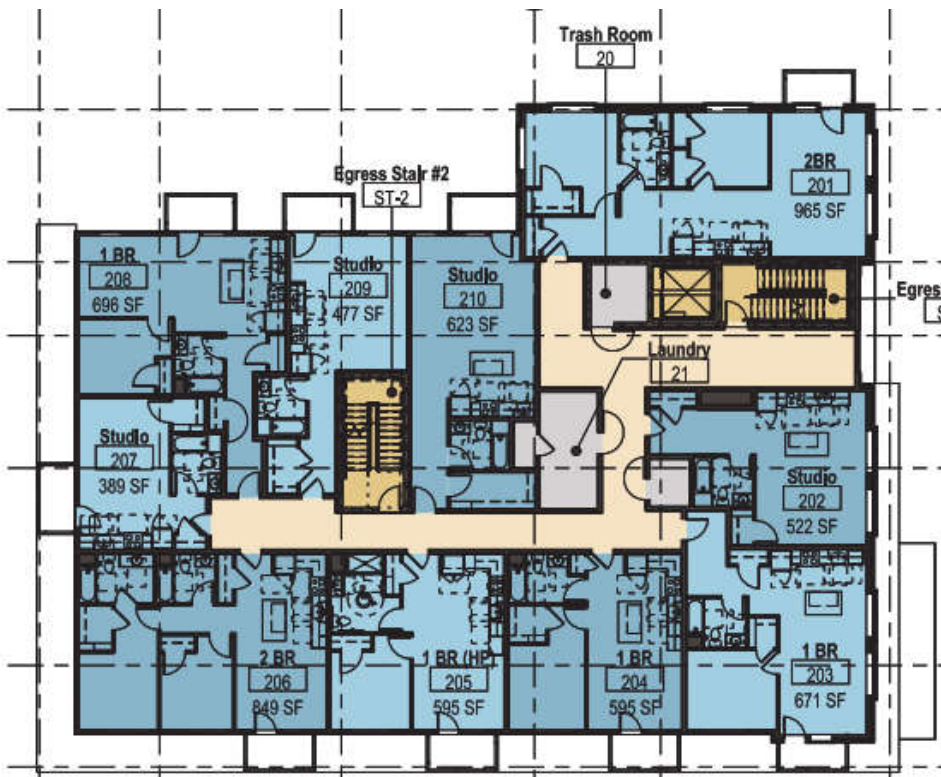


East Elevation

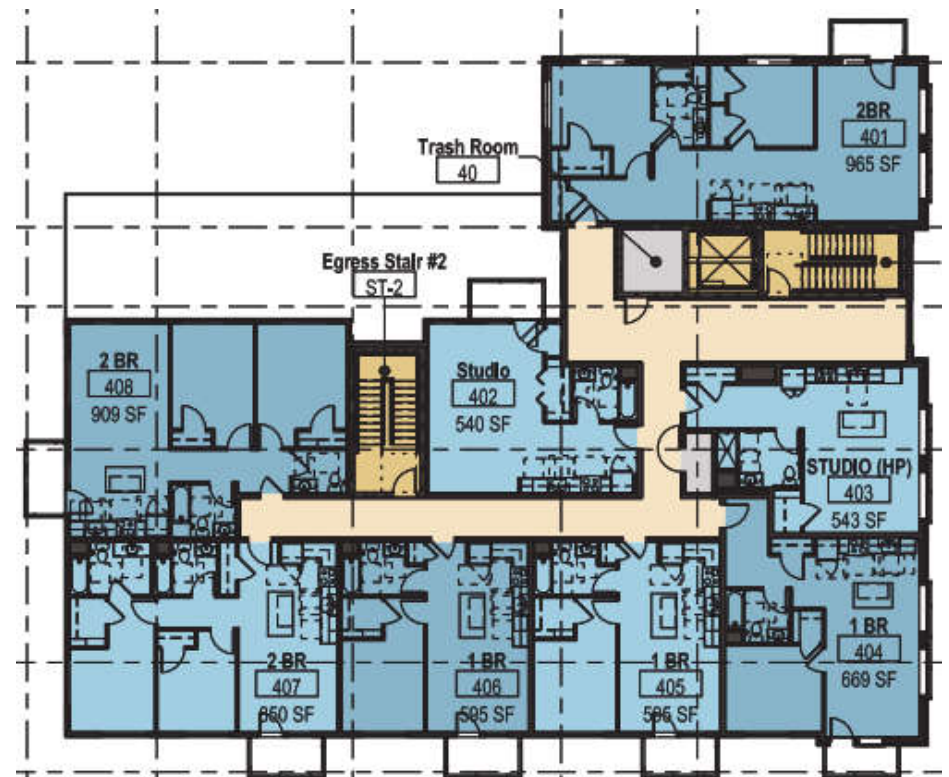


# Floor Plans

Floor 2



Floors 3 & 4



# Sustainability

- The building is designed to be transit oriented, resulting in reduced vehicular use on the property.
- The parking ratio of less than 1:1 will discourage vehicle use.
- Bicycle parking/storage will be provided for 24 bicycles.
- Two central Energy Recovery Ventilation Units (ERVs) with AHSP heating/cooling will be located on the roof.
- The building will achieve at least LEED Silver certifiability.
- The petitioner will utilize electric “Energy Star” appliances.
- The building will use electric heat and electric heat-pump hot water for the residential portion of the building and natural gas for retail use.

# Existing Conditions





1149-1151 Walnut Street  
Newton, MA | January 5, 2021 | 10:00 | © The Architectural Team, Inc.

Aerial Perspective Looking West | Proposed Conditions

C. ALANIAN **tat**  
REALTY CO. INC.



1149-1151 Walnut Street

Newton, MA | January 3, 2021 | 18100 | © The Architectural Team, Inc.

Aerial Perspective Looking East | Existing Conditions

C. ALANIAN **tat**  
REALTY CO. INC.



1149-1151 Walnut Street

Newton, MA | January 3, 2023 | 10:00 | © The Architectural Team, Inc.

Aerial Perspective Looking East | Proposed Conditions



1149-1151 Walnut Street  
Newton, MA | January 21, 2022 | 18100 | © The Architectural Team, Inc.

Aerial Perspective Looking South | Existing Conditions





1149-1151 Walnut Street

Newton, MA | January 21, 2022 | 18100 | © The Architectural Team, Inc.

Aerial Perspective Looking South | Proposed Conditions

# Access to MBTA Green Line

- The entrance to the Newton Highlands stop of the Green Line D Train is approximately 190 feet from the Project's residential entrance on Walnut Street.
- The D Train runs eastbound to Downtown Boston and westbound to Riverside
- Weekdays during peak service, trains arrive every 6 minutes, and off-peak or weekend service, every 8-13 minutes.
- It is anticipated that many of the residents will utilize the Green Line as their primary means of commuting



# Access to MBTA Bus Route 59

- The MBTA 59 bus runs from Needham Junction to Watertown Square.
- The 59 bus stop is located at the corner of Lincoln Street and Walnut Street, approximately 193 feet from the Project's residential entrance on Walnut Street.



# Transportation Management

- Upon project completion, the Property Management Company's (C. Talanian Realty) Property Manager will serve as Transportation Coordinator
- A TDM disclosure, MBTA and rideshare information will be featured in a resident welcome packet to new residents
- A management operated “ride board” featuring carpool and MBTA information will be presented in the residential lobby
- Subsidizing MBTA passes for renters who don't own a car is an option currently under review

# Inclusionary Housing

- 5 of 26 units will be inclusionary
  - 1 studio unit, 3 1-bedroom units, 2 2-bedroom units
  - 539-849 square feet
  - 4 units available to households at 50-80% AMI
  - 1 unit available to households at 80-110% AMI
  - 1 of the one-bedroom units will be handicapped accessible, and all of the units are adaptable. An additional market-rate unit will be handicapped accessible.
- Affordability will be insured by a deed covenant running in favor of the City of Newton.
- Tenants will be selected and qualified by an approved monitoring agent.
- The project is adjacent to a commercial employment center and is located near public transportation.

Unit	Floor	Beds/Baths	SF
Retail	1	n/a	1167
201	2	2bed 2 bath	965
202	2	Studio	522
203	2	1-bed	671
204	2	1-bed	595
205	2	1-bed	595
206	2	2 bed 2 bath	849
207	2	studio	389
208	2	1bed	696
209	2	studio	477
210	2	studio	623
301	3	2 bedroom	965
302	3	studio	539
303	3	studio	523
304	3	1 bed	669
305	3	1 bed	595
306	3	1 bed	595
307	3	2 bed	850
308	3	2 bed	909
401	4	2 bed	965
402	4	studio	540
403	4	studio	543
404	4	1 bed	669
405	4	1 bed	595
406	4	1 bed	595
407	4	2 bed	850
408	4	2 bed	909

# Public Review

- Newton Highlands Neighborhood Area Council
- Urban Design Commission
- Fair Housing Committee
- Green Newton

# Relief Requested

Ordinance	Relief Requested
4.2.2.B.1	Building Over 20,000 square feet
4.2.2.A.2, 4.2.5.A.3	Waive minimum lot area per unit requirement
4.2.2.B.3, 4.2.5.A.2	Allow four stories
4.2.3, 4.2.5.A.2	Allow building height of 44 feet and FAR of 2.00
4.2.5.A.4 4.2.5.A.4.b	Allow front setback of greater than 10 feet and side setback of less than 20 feet
5.1.3.B	Waive requirement of A-B+C formula to calculate parking requirement
5.1.4, 5.1.4.A	Allow 1.25 parking stalls per residential unit
5.1.8.A.1	Allow parking in side setback
5.1.8.B.1, 5.1.8.B.2	Waive minimum parking stall dimensions
5.1.8.B.6	Allow restricted end stalls
5.1.8.C.1	Waive minimum aisle width requirements
5.1.9.A, 5.1.9.B	Waive perimeter screening requirements and interior landscaping requirements
5.1.10, 5.1.13	Waive lighting requirements
7.3.3, 7.4	Special Permit and Site Plan Approval

# Rendering From Walnut Street



1149-1151 Walnut Street

Newton, MA | November 13, 2020 | 19100 | © The Architectural Team, Inc.

Rendered Perspective from Walnut Street



# Rendering From Walnut Street



1149-1151 Walnut Street

Newton, MA | November 13, 2020 | 15100 | © The Architectural Team, Inc.

Rendered Perspective from Walnut Street

# Department of Planning and Development



## PETITIONS #319-20 & 320-20 1149-1151 WALNUT STREET

**PETITION #319-20**, TO REZONE TWO PARCELS; 1149 WALNUT STREET (SECTION 52 BLOCK 08 LOT 13) AND 1151 WALNUT STREET (SECTION 52 BLOCK 08 LOT 14) FROM BUSINESS USE 2 TO MIXED USE 4.

**PETITION #320-20**, FOR SPECIAL PERMIT/SITE PLAN APPROVAL TO RAZE THE EXISTING BUILDINGS AND CONSTRUCT A FOUR-STORY MIXED-USE BUILDING UP TO 48' IN HEIGHT, CONTAINING 26 UNITS AND 23 PARKING STALLS, TO WAIVE THE MINIMUM LOT AREA PER UNIT, TO REDUCE THE SIDE SETBACK REQUIREMENT, TO WAIVE THE REQUIREMENT TO USE A-B+C FORMULA TO DETERMINE THE PARKING REQUIREMENT, TO WAIVE 24 PARKING STALLS, TO ALLOW 1.25 PARKING STALLS PER UNIT, TO ALLOW PARKING IN THE SIDE SETBACK, TO WAIVE DIMENSIONAL REQUIREMENTS FOR PARKING STALLS, TO ALLOW RESTRICTED END STALLS, TO ALLOW REDUCED AISLE WIDTH, TO WAIVE PERIMETER LANDSCAPING REQUIREMENTS, TO WAIVE INTERIOR LANDSCAPING REQUIREMENTS AND TO WAIVE LIGHTING REQUIREMENTS

*JANUARY 5, 2020*



# Requested Relief



To construct a four-story, **26,300** square feet mixed-use building with 26 units, 1,323 square feet of commercial space, 23 at-grade parking stalls and 25-30 bicycle parking spaces

- Rezone subject parcels from BU2 to MU4
- Site Plan Review (§4.2.2.B.1)
- Special Permit per §7.3.3:
  - To waive minimum lot area per unit requirement (§4.2.2.A.2, §4.2.5.A.3)
  - To allow four stories (§4.2.2.B.3 §4.2.5.A.2)
  - To allow a building height of 48 feet and a FAR of 2.00 (§4.2.3, §4.2.5.A.2)
  - To allow a front setback greater than 10 feet (§4.2.5.A.4.a, 4.2.5.A.4)
  - To reduce the side setback requirement §4.2.5.A.4.b, §4.2.5.A.4)
  - To waive additional setback requirement for portions of the building greater than 40 feet in height (§4.2.5.A.4.c, 4.2.5.A.4)

# Requested Relief (cont.)



- Waive the requirement to use A-B+C formula to determine the parking requirement (§5.1.3.B, §5.1.13)
- To allow 1.25 parking stalls per residential unit (§5.1.4, §5.1.4.A)
- To waive 19 parking stalls (§5.1.4, §5.1.13)
- To allow parking in the side setback (§5.1.8.A.1, §5.1.13)
- To waive the minimum dimensions for parking stalls (§5.1.8.B.1, §5.1.8.B.2, §5.1.13)
- To allow restricted end stalls (§5.1.8.B.6, §5.1.13, §5.1.8.C.1)
- To allow reduced aisle width (§5.1.13, §5.1.9.A)
- To waive perimeter screening requirements (§5.1.13, §5.1.9.B)
- To waive interior landscaping requirements (§5.1.13, §5.1.10)

# Criteria to Consider



When reviewing the requested **special permit** the Council should consider whether:

- The specific site is an appropriate location for the proposed twenty-six-unit mixed use building as designed (§7.3.3.C.1)
- The proposed twenty-six-unit mixed use building as developed and operated will adversely affect the neighborhood (§7.3.3.C.2)
- There will be 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 (§7.3.3.C.4)
- The proposed building ('s ... contain individually or in the aggregate **20,000 or more square feet** in gross floor area) ... site planning, building design, construction, maintenance or long term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy (§7.3.3.C.5, see also §5.12- Sustainable Design)

# Criteria to Consider (cont.)



- Literal compliance with the parking requirements of the Newton Zoning Ordinance (NZO) is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features (§5.1.13)

# Criteria to Consider (cont.)



When reviewing the requested **MU4 special permit**, the Council should consider whether:

- The proposed structure with 4 stories and 48 feet of building height is compatible in visual scale to its surroundings, does not adversely affect its surroundings by creating shadows or blocking views, and advances the purposes of this district (§4.2.5.1)
- to waive the lot area per dwelling unit requirement of Sec. 4.2.3, the proposed density creates a beneficial living environment for the residents, does not adversely affect the traffic on roads in the vicinity, and better achieves the purposes of this district than strict compliance with these standards (§4.2.5.3)

# Criteria to Consider (cont.)



- to waive the applicable setback requirements, the proposed plan can better protect the surrounding community from shadows and blocked views, support pedestrian vitality, and encourage the purposes of this district than strict compliance with the following standards:
  - a minimum of 75 percent of the frontage of the lot facing a public way shall contain a building or buildings, the first floor façade of which is setback between 0 and 10 feet from lot line.
  - where abutting a residential district, the required side and rear setbacks shall be no less than 20 feet
  - any portion of a building greater than 40 feet in height must be setback 1 foot from the adjacent lot line for each additional foot of height.



# Criteria to Consider (cont.)



When conducting a **site plan approval**, the City Council shall consider the application in light of the following criteria (§7.4.5.B 1-8):

1. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, properties or improvements, including regulation of the number, design and location of access driveways and the location and design of handicapped parking. The sharing of access driveways by adjoining sites is to be encouraged wherever feasible;
2. Adequacy of the methods for disposal of sewage, refuse and other wastes and of the methods of regulating surface water drainage;
3. Provision for off-street loading and unloading of vehicles incidental to the servicing of the buildings and related uses on the site;
4. Screening of parking areas and structures on the site from adjoining premises or from the street by walls, fences, plantings or other means. Location of parking between the street and existing or proposed structures shall be discouraged;

5.

# Criteria to Consider (cont.)



5. Avoidance of major topographical changes; tree and soil removal shall be minimized and any topographic changes shall be in keeping with the appearance of neighboring developed areas;
6. Location of utility service lines underground wherever possible. Consideration of site design, including the location and configuration of structures and the relationship of the site's structures to nearby structures in terms of major design elements including scale, materials, color, roof and cornice lines;
7. Avoidance of the removal or disruption of historic resources on or off-site. Historical resources include designated historical structures or sites, historical architectural elements or archaeological sites; and
8. Significant contribution to the efficient use and conservation of natural resources and energy for projects proposing buildings, structures, or additions to existing buildings or structures, if those proposed buildings, structures, or additions contain individually or in the aggregate 20,000 or more square feet in gross floor area.

# AERIAL/GIS MAP



# Zoning

## ATTACHMENT B

### Zoning

#### 1149-1151 Walnut St

*City of Newton,  
Massachusetts*

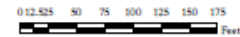
#### Legend

-  Single Residence 2
-  Multi-Residence 1
-  Multi-Residence 2
-  Multi-Residence 3
-  Business 1
-  Business 2
-  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 Greenfield



Map Date: December 23, 2020



# Land Use

## ATTACHMENT A

### Land Use

1149-1151 Walnut St.

*City of Newton,  
Massachusetts*

### Land Use

#### Land Use

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

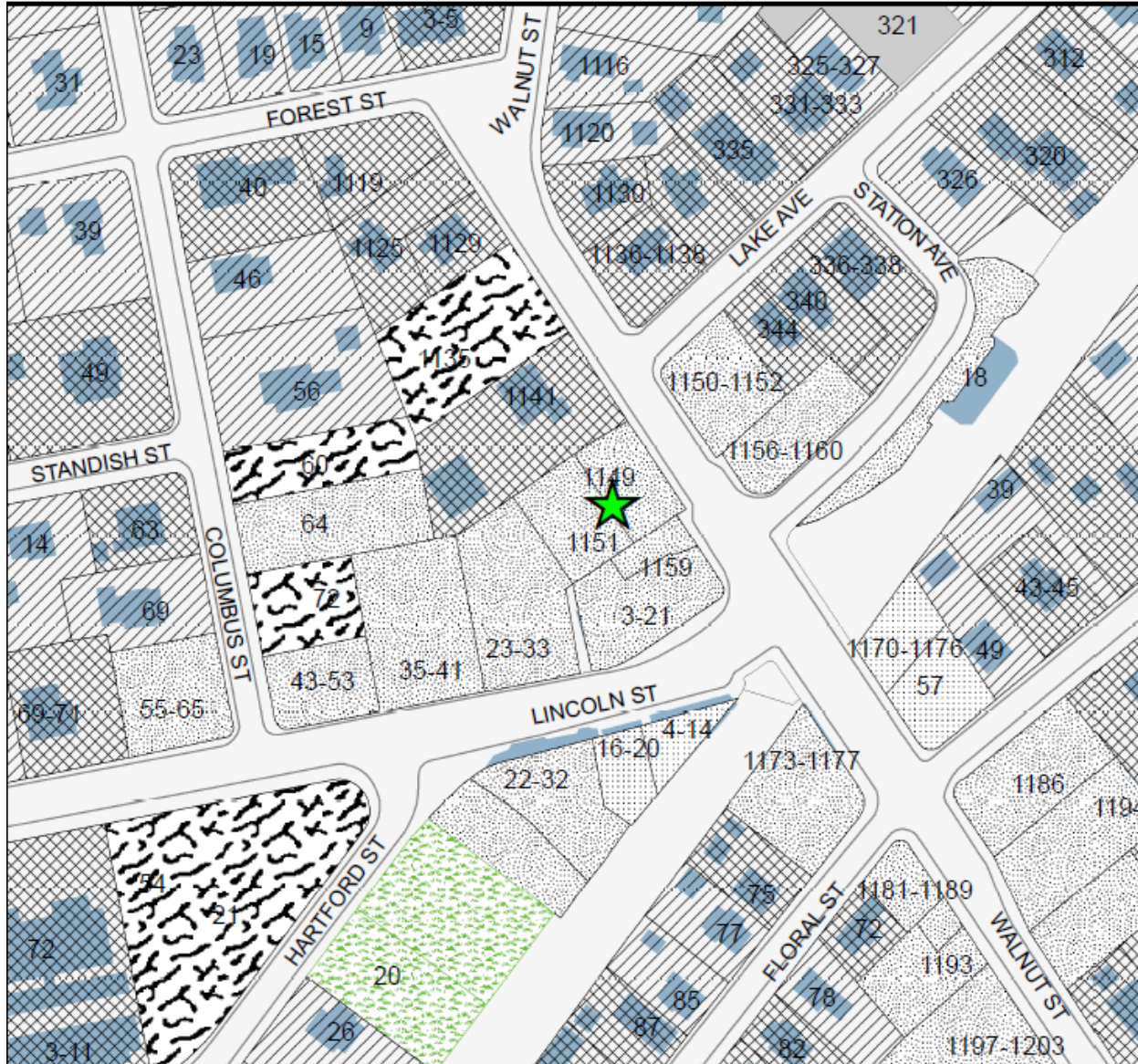


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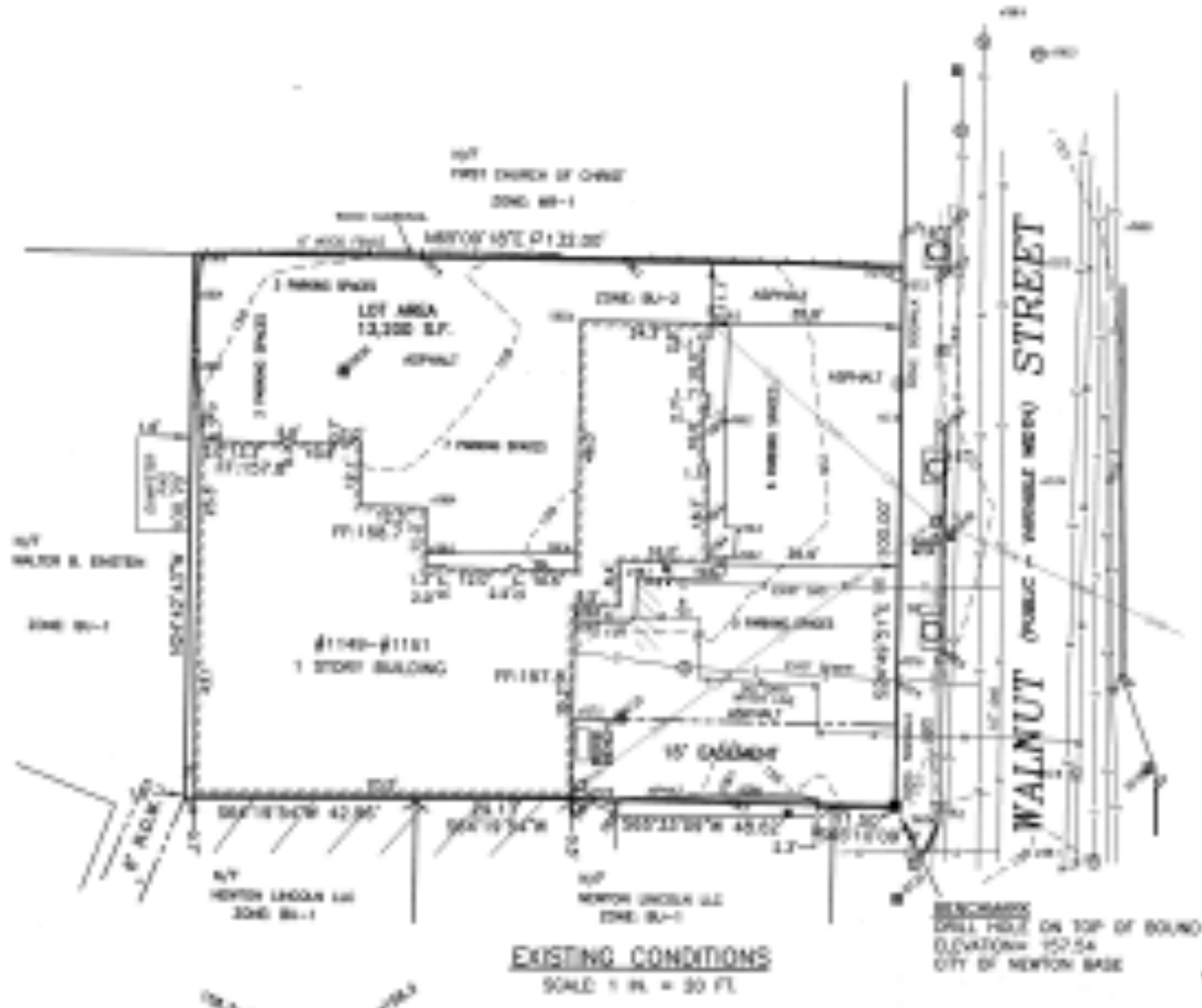
CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125 150 175  
Feet

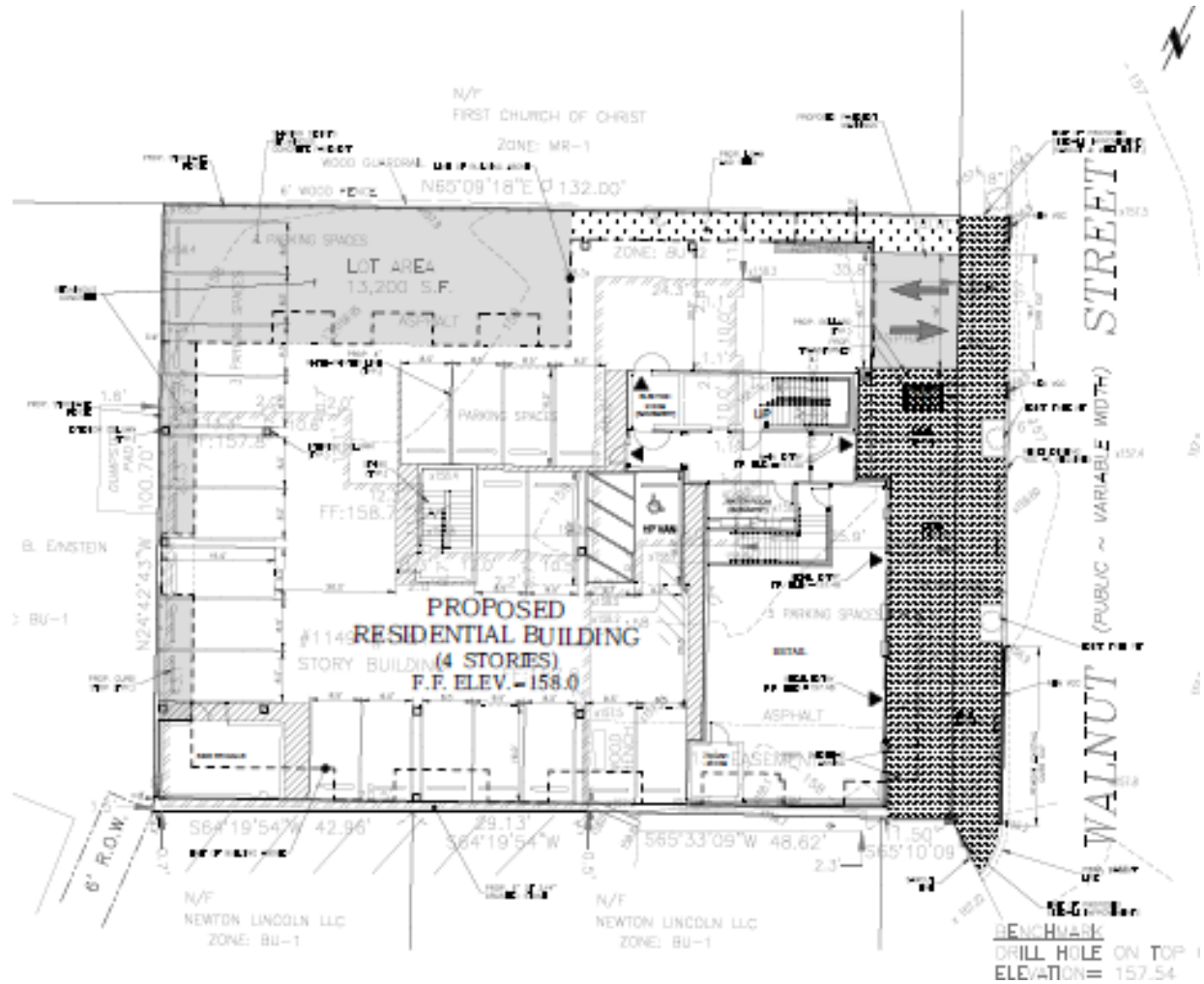
Map Date December 23, 2020



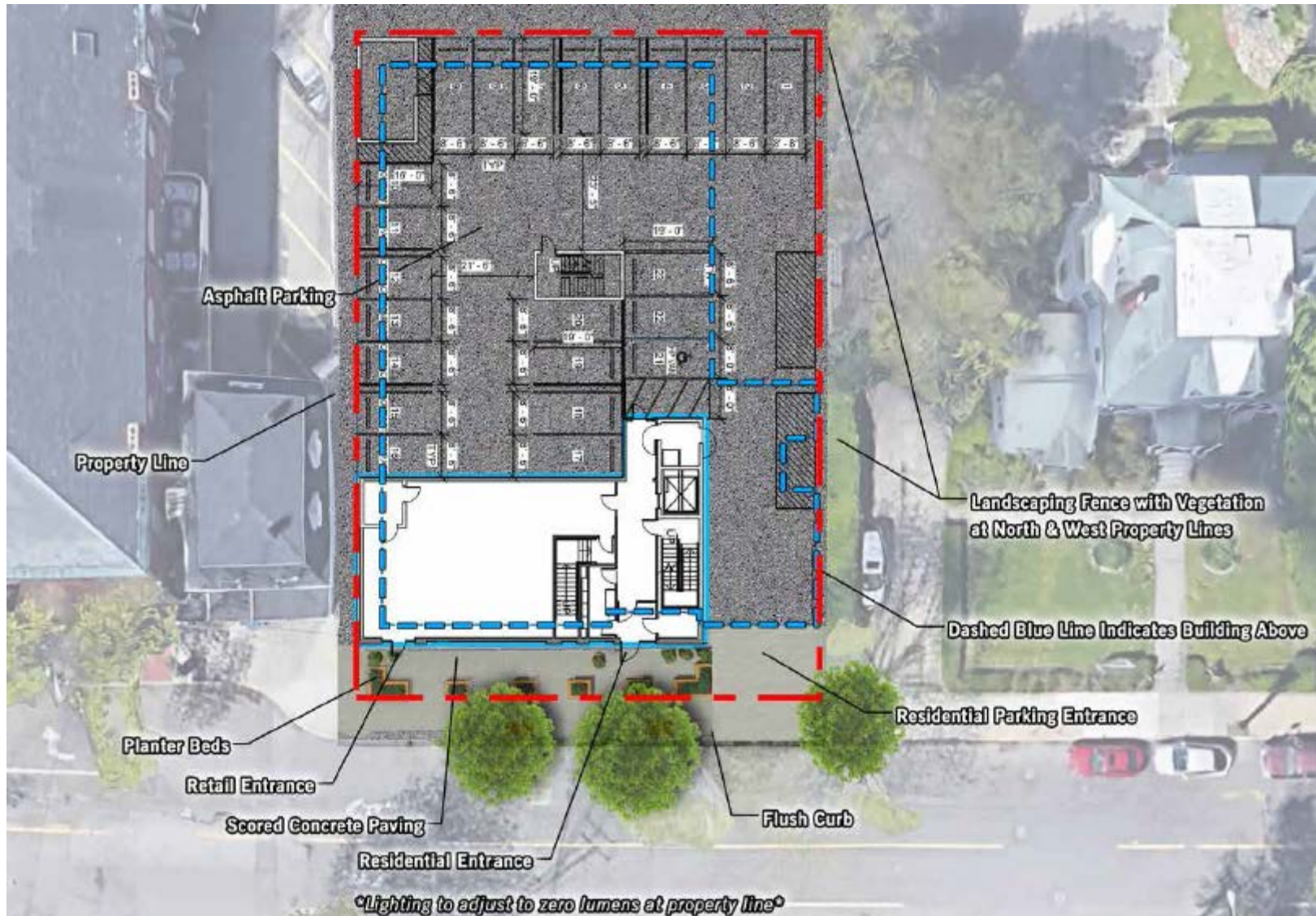
# Site Plan- existing



# Site Plan- proposed

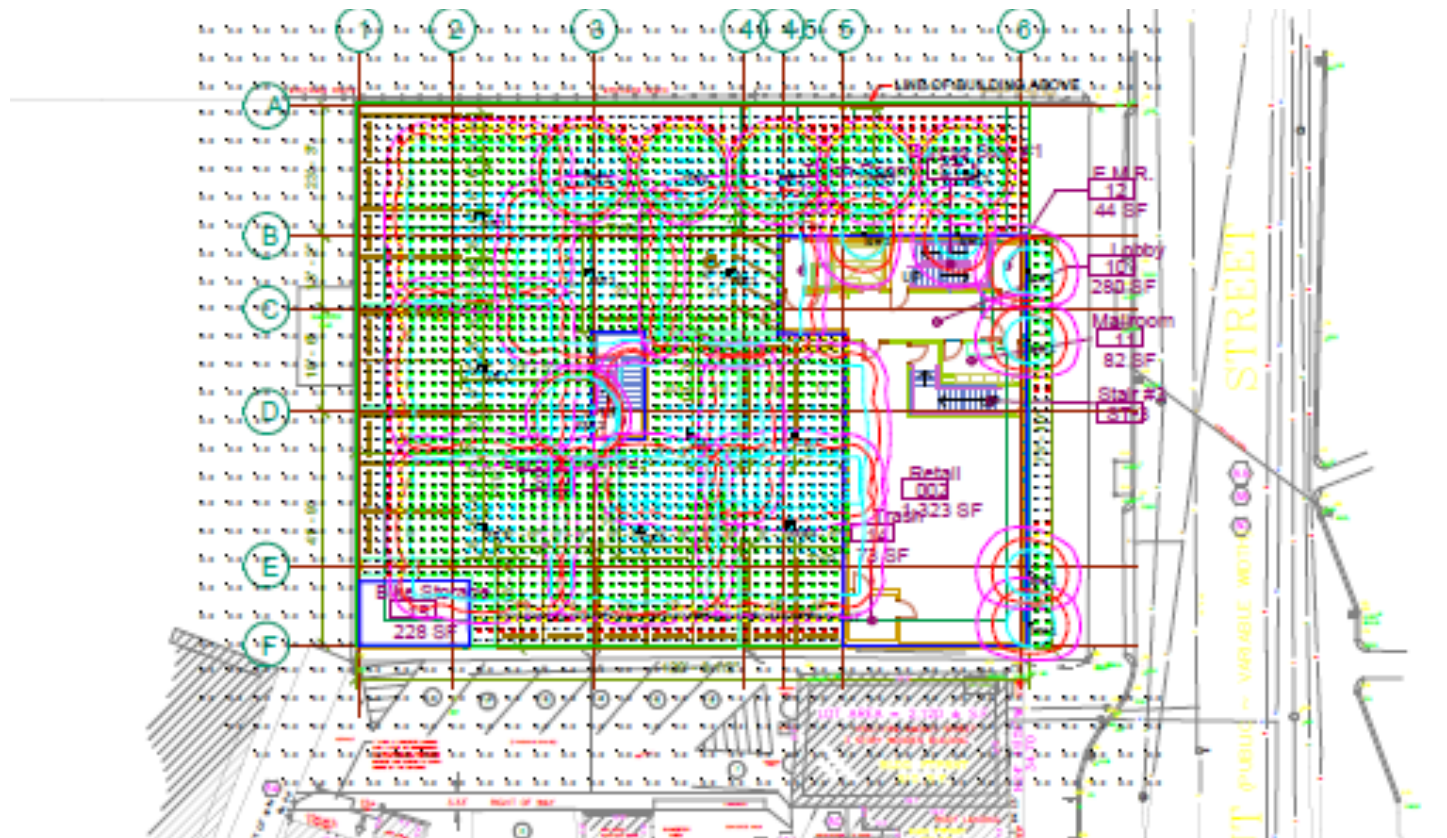


# Landscape plan (dated 7/31/2020)





# Photometric plan



## Luminaire Schedule

Symbol	Qty	Label	Arrangement	Total Lamp Lumens	LLF	Description
⊙	3	DF1	LINOLE	N.A.	0.650	SECTION RMR-24L-27-JK7-05M
⊙	4	DF2	LINOLE	N.A.	0.450	PROSCOTT LUC-3020-P-18L30K8 MR-DM1-L-AL
⊙	4	DF1	LINOLE	N.A.	0.950	KINCO COMPANY RM2401-2K

## Calculation Summary

Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
DRIVEWAY AND PARKING	Illuminance	Fc	2.53	12.2	0.0	N.A.	N.A.
Front Sidewalk	Illuminance	Fc	0.87	2.3	0.0	N.A.	N.A.
SPILL	Illuminance	Fc	0.00	0.0	0.0	N.A.	N.A.

# Elevations



East Elevation



South Elevation



North Elevation



West Elevation

# Perspectives



# Perspectives



—

# Model- existing



# Model- proposed



# Model- existing



# Model- proposed





# Model- existing



# Model- proposed



# Photos



# Photos



# Photos





PLEASE KEEP LIDS CLOSED

NO HAZARDOUS WASTES ACCEPTED  
CAUTION CAUTION

RECYCLING ONLY

- |     |  |  |  |  |
|-----|--|--|--|--|
| YES |  |  |  |  |
| NO  |  |  |  |  |

2yd

CAUTION

# Photos

