



# PLANNING & DEVELOPMENT BOARD JOINT MEETING WITH LAND USE COMMITTEE MEETING MINUTES

January 5, 2021

## Members Present:

Peter Doeringer, Chair  
Jennifer Molinsky  
Barney Heath  
Kelley Brown  
Kevin McCormick

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

## Staff Present:

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

Meeting held virtually by Zoom Meeting

## 1. Public Hearing on Land Use Committee docket items #319-20 and #320-20, Rezoning Request for 1149-1151 Walnut Street.

The Planning & Development Board joined the Land Use Committee for items #319-20 and #320-20.

**#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.

Ruthanne Fuller  
Mayor

Barney Heath  
Director  
Planning & Development

## Members

Peter Doeringer, Chair  
Kelley Brown, Member  
Sudha Maheshwari, Member  
Jennifer Molinsky, Member  
Sonia Parisca, Vice Chair  
Chris Steele, Member  
Barney Heath, *ex officio*  
Kevin McCormick, Alternate  
James Robertson, Alternate

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

Attorney Alan Schlesinger represented the petitioner Newton Walnut LLC. Mr. Schlesinger presented the request to allow a 26-unit mixed-use development at 1149-1151 Walnut Street. 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. Schlesinger noted that the request to rezone is a proactive approach to transition the site, which is in the BU2 district between the BU1 and MR1 districts. Mr. Schlesinger said 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 reviewed the proposed enhancements along the sidewalk and the 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.

The proposed project includes an overall roof elevation of 44' and includes studio, one-bedroom, and two-bedroom units. 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. 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. Mr. Schlesinger confirmed that five units will be designated as affordable. Committee members emphasized their support for an additional inclusionary unit. With respect to the Inflow & Infiltration contribution, Mr. Schlesinger suggested that the petitioner would be willing to use some of the mitigation funds for other neighborhood improvements 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, and proposed plans. He noted that the building is 26,000 sq. ft. as otherwise noted in the Planning memo.

The Public Hearing was then opened.

Ned Crecelius spoke on behalf of the Christian Science Church. 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 foot setback to the church property.

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 has a good location and the project includes all electric energy-efficient features. He expressed support for the petitioner evaluating the feasibility of Passive House design.

Lisa Monahan, 1105 Walnut Street, an architect and member of the architect and building professional working group, expressed support for the project and noted that members of the professional working group are excited to see this project moved forward. She said 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. Mr. 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 Doeringer said that building heights should be stepped down. He requested an image showing the relationship of the new building to the abutting church.

Mr. Brown asked why the existing zoning would not work for this project and if the proponent had considered seeking a waiver for certain requirements in the current zoning instead of rezoning. Mr. Schlesinger explained that the density requirements and side yard setbacks in this zone were not waivable. Mr. Schlesinger said that the zoning change sought here was a better fit for their project than trying to work with the base zoning in place now. Mr. Brown said that as a matter of course, rezoning parcel by parcel is not desirable, and if the city is seeing a number of projects seeking similar rezonings, those areas may be good candidates for a change of base zoning under Zoning Redesign.

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

Upon a motion by Ms. Molinsky, seconded by Mr. Brown, the Board voted unanimously in favor of a motion to hold items #319-20 and #320-20 at 9:05 pm.

## **2. Adjournment**

The meeting for the Planning & Development Board was adjourned at 9:06 pm.