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aschlesinger@sab-law.com

August 3, 2020

Ms. Nadia Khan  
Committee Clerk  
Newton City Council  
1000 Commonwealth Avenue  
Newton, MA 02459-1449

Re: Petition of Newton Walnut LLC/1149-1151 Walnut Street

Dear Nadia,

Enclosed please find an original special permit application and an original general permit application relative to the above matter consisting of the following:

1. Special permit application;
2. General permit application;
3. Copy of the July 15, 2020 Zoning Review Memorandum;
4. Inclusionary Zoning Plan;
5. Site Plan entitled "Plan of Land in Newton, MA 1149-1151 Walnut Street Proposed. Conditions" prepared by Everett M. Brooks Co. dated April 9, 2020 and revised May 26, 2020, consisting of one sheet;
6. Sets of plans and renderings prepared by The Architectural Team, Inc. dated July 31, 2020, consisting of eleven sheets as follows:
  - Site Plan
  - Existing Walnut Street Elevation
  - Landscape Plan
  - Parking and Basement Plan
  - Second Floor Plan
  - Third Floor Plan
  - Fourth Floor Plan
  - Building Elevations (2 sheets)
  - Rendered Perspective from Walnut Street (2 sheets)

I have enclosed a large (24 x 36) set of the aforementioned plans, a flash drive containing electronic copies, and a check in the amount of \$750.00 representing the filing fee.

**SCHLESINGER AND BUCHBINDER, LLP**

Ms. Nadia Kahn

August 3, 2020

Page 2

Please feel free to call me if you have any questions.

Very truly yours,



Alan J. Schlesinger

enclosures

cc: Barney Heath  
John Daghlian, Associate City Engineer  
Chris Talanian  
David Coughlan

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**SPECIAL PERMIT APPLICATION**

**TO THE NEWTON CITY COUNCIL**

The undersigned hereby makes application for a permit to erect and use, to alter and use, or to make such uses as may be hereinafter specified of a building or buildings at the location and for the purpose hereinafter specified under the provisions of Chapter 30 of the Revised Ordinances, 2015, as amended, or any other sections..

**PLEASE REFERENCE SECTION(S) OF THE ORDINANCES FROM WHICH RELIEF IS REQUESTED:**

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, 4.2.3, 4.2.5.A.2, 4.2.5.A.4.b, 4.2.5.A.4, 5.1.3.B, 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, 5.1.13, 7.3.3, 7.4

- PETITION FOR:**
- Special Permit/Site Plan Approval
  - Extension of Non-Conforming Use and/or Structure
  - Site Plan Approval

STREET 1149-1151 Walnut Street WARD 6  
 SECTION(S) 52 BLOCK(S) 008 LOT(S) 0013 & 0014  
 APPROXIMATE SQUARE FOOTAGE (of property) 13,200 sf ZONED BU-2  
 TO BE USED FOR: Mixed- Use Residential and Commercial Building  
 CONSTRUCTION: See attached plans

EXPLANATORY REMARKS: The applicant proposes to demolish the buildings currently existing on the property and to construct a four-story mixed-use building with 26 residential units on floors two through four and commercial space on the first floor. Four units will be affordable to households earning up to 50-80% of Area Median Income, and one unit will be affordable to households earning up to 110% of Area Median Income, for a total of 5 inclusionary units. The applicant proposes to change the zoning district of the property from Business 2 to Mixed-Use 4 to allow construction of the project.

The undersigned agree to comply with the requirements of the Zoning Ordinance and rules of the Land Use Committee of the City Council in connection with this application.

**PETITIONER (PRINT)** Newton Walnut LLC  
 SIGNATURE By: [Signature], duly authorized  
 ADDRESS 137 Newbury Street, 9<sup>th</sup> Floor, Boston, MA 02116  
 TELEPHONE N/A E-MAIL N/A

**ATTORNEY** Alan J. Schlesinger, Esquire  
 ADDRESS 1200 Walnut Street, Newton, Massachusetts 02461-1267  
 TELEPHONE 617-965-3500 E-MAIL aschlesinger@sab-law.com

**PROPERTY OWNER** Newton Walnut LLC  
 SIGNATURE By: [Signature], duly authorized  
 ADDRESS 137 Newbury Street, 9<sup>th</sup> Floor, Boston, MA 02116  
 TELEPHONE N/A E-MAIL N/A

Planning & Development  
Department Endorsement



City of Newton, Massachusetts

Department of Planning and Development

1000 Commonwealth Avenue, Newton, Massachusetts 02459

Telephone (617) 796-1120
Telefax (617) 796-1086
www.newtonma.gov

Ruthanne Fuller Mayor

GENERAL PERMIT APPLICATION

Barney Heath Director

PROJECT #: ZONING DISTRICT: BU-2

DATE RECEIVED:

PROJECT DESCRIPTION: Construction of a 26 unit mixed-use building

PROPERTY LOCATION INFORMATION

STREET ADDRESS: 1149-1151 Walnut Street CITY/ZIP: 02461

LEGAL DESCRIPTION (SECTION, BLOCK, LOT): 52 008 0013 and 52 008 0014

PROPERTY OWNER INFORMATION

NAME: Newton Walnut LLC PHONE: N/A ALT. PHONE: N/A

MAILING ADDRESS: 137 Newbury Street, 9th Floor, Boston, MA 02116 E-MAIL ADDRESS: N/A

PROPERTY OWNER CONSENT

- I am (we are) the owner(s) of the property subject to this application and I (we) consent as follows:
1. This application for a land use permit or administrative approval for development on my (our) property is made with my permission
2. I (we) grant permission for officials and employees of the City of Newton to access my property for the purposes of this application.

X By: Newton Walnut LLC [Signature] July 17, 2020
Chris Talanian, duly authorized (Date)
(Property Owner Signature)

NOTICE: The City of Newton staff may need access to the subject property during regular business hours and will attempt to contact the applicant/agent prior to any visit. Further, members of a regulatory authority of the city may visit the property as well.

APPLICANT/AGENT INFORMATION

APPLICANT: Newton Walnut LLC PHONE: N/A ALT. PHONE: N/A

MAILING ADDRESS: 137 Newbury Street, 9th Floor, Boston, MA 02116 E-MAIL ADDRESS: N/A

AGENT: Alan J. Schlesinger, Esquire PHONE: 617-965-3500 ALT. PHONE: N/A

MAILING ADDRESS: Schlesinger and Buchbinder, LLP, 1200 Walnut Street, Newton, MA 02461-1267

E-MAIL ADDRESS: aschlesinger@sab-law.com

X [Signature] July 17, 2020
(Applicant/Agent Signature) (Date)

NOTICE: The applicant/agent is the primary contact and may be any individual representing the establishment or property owner. The applicant/agent must also be legally authorized to make decisions on behalf of the Property Owner(s) in regard to the application.

PERMIT INTAKE INITIALS AND DATE STAMP



Ruthanne Fuller  
Mayor

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

Telephone  
(617) 796-1120  
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(617) 796-1142  
TDD/TTY  
(617) 796-1089  
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Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: July 15, 2020

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Neil Cronin, Chief Planner for Current Planning

Cc: Newton Walnut LLC, Applicant  
Alan Schlesinger, Attorney  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

**RE: Request to rezone to MU4 and to allow a 26-unit mixed use building**

Applicant: Newton Walnut LLC	
Site: 1149-1151 Walnut Street	SBL: 52008 0013 and 52008 0014
Zoning: MU4	Lot Area: 13,200 square feet
Current use: Mixed commercial	Proposed use: Commercial and 26-unit residential

### **BACKGROUND:**

The subject site consists of the properties at 1149 and 1151 Walnut Street. The combined site consists of 13,200 square feet and is improved with two multi-tenanted single-story commercial buildings built in the early 1900s with parking in the front and rear. The petitioner proposes to rezone the site to Mixed Use 4, raze the existing buildings, and to construct a four-story mixed-use building with 23 at-grade parking stalls.

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

- Zoning Review Application, prepared by Alan Schlesinger, attorney, dated 4/14/2020, revised 6/9/2020
- Plan of Land- Proposed Conditions, prepared by Everett M. Brooks, surveyor, dated 4/9/2020, revised 5/26/2020, 6/3/2020
- Floor Plans and Elevations, prepared by The Architectural Team, architects, dated 2/5/2020, revised 6/3/2020

## **ADMINISTRATIVE DETERMINATIONS:**

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1. The current zoning for the parcels included in the project site is Business Use 2. The petitioner proposes a rezoning of the parcels to Mixed Use 4. For the purposes of this memo, the MU4 provisions will be applied.
2. The petitioner is proposing 10,169 square feet of gross floor area within the proposed structure. Section 4.2.2.B.1 requires site plan review for proposed buildings which contain between 10,000 and 19,999 square feet or more of gross floor area in a mixed-use district.
3. The petitioner proposes to construct a 26-unit mixed use building on the 13,200 square foot parcel, resulting in a lot area per unit of 508 square feet. Per section 4.2.2.A.2, a minimum of 1,000 square feet of lot area is required per unit, however per section 4.2.5.A.3 the City Council may waive the lot area per unit requirement if it is found that the proposed density is beneficial with a special permit. The petitioner requests a waiver from the lot area per unit requirements of section 4.2.2.A.2 per section 4.2.5.A.3.
4. Sections 4.2.2.B.3 and 4.2.5.A.2 requires a special permit for four stories in the MU 4 district. The petitioner proposes a four-story structure, requiring a special permit.
5. Sections 4.2.3 and 4.2.5.A.2 allows the City Council to grant a special permit to allow for up to 48 feet of height in an MU4 district by special permit. The petitioner proposes a height of 48 feet, requiring a special permit.
6. Section 4.2.5.A.4.b requires no side or rear setback is required except that no less than a 20-foot setback is required when abutting a residential district, unless waived by special permit per section 4.2.5.A.4. The property to the north is zoned MR1 and is the location of the First Church of Christ, Scientist. The petitioner proposes to construct the proposed dwelling directly on the side lot lines with a 0.2-foot setback, requiring a special permit.
7. Per section 5.1.3.B, whenever there is an extension of gross floor area or change of use which increases the parking requirements, the parking is to be complied with per the formula found in this section of A-B+C to equal the number of stalls required, where "A" is the proposed number of parking stalls required, "B" is the number of stalls currently required and "C" is the number of stalls that physically exist. The petitioner seeks a special permit to waive the requirement to use this calculation.
8. The petitioner proposes to construct 23 parking stalls. There are 26 residential units proposed, as well as either 1,323 square feet of retail space or a 24-seat restaurant. While no commercial tenants have been confirmed, based on the available information included in the application, the following parking calculation is presumed using the most demanding uses per the requirements found in section 5.4.1:

Use	Parking Regulation	Parking Required
26 Residential units	2 stalls per unit required 1.25 stalls per unit by SP	52 stalls by right 33 stalls by SP
Restaurants 24 seats 3 employees	1 stall per 3 seats 1 stall per 3 employees	9 stalls
<b>TOTAL</b>		<b>61 stalls</b>

The residential units require 52 stalls. Applying the larger proposed commercial use of a restaurant requires 9 stalls, for a total requirement of 61 stalls. With a total of 23 stalls proposed, a waiver of 38 stalls is required.

Section 5.1.4.A allows the multi-family residential parking requirement to be reduced, by special permit, from two stalls per unit to 1.25 stalls per unit. Applying this reduction would result in a requirement of 33 stalls, with the overall site requirement reduced to 42. A waiver of 19 stalls would be required.

9. Section 5.1.8.A.1 states that no parking space may locate within any required setback distances from a street or side lot lines and must be a minimum of five feet from the street. The petitioner proposes parking within the 20-foot required setback from the side lot line with 1141-1145 Walnut Street, requiring a special permit per section 5.1.13.
10. Sections 5.1.8.B.1 and 2 require that parking stalls measure 9 feet in width by 19 feet in depth. The petitioner proposes several reduced parking stalls with the smallest measuring 8.5 feet wide by 16 feet deep. To reduce the parking stall dimensions requires a special permit per section 5.1.13.
11. Section 5.1.8.B.6 requires that end stalls restricted on one or both sides by curbs, walls, fences or other obstructions must have maneuvering space at the aisle end of the stall at least 5 feet in depth and 9 feet in width. Several stalls are restricted by walls and are less than 9 feet in width, requiring a special permit per section 5.1.13.
12. Section 5.1.8.C.1 requires 24-foot wide two-way access aisles in parking facilities. The petitioner proposes aisles as narrow as 21.5 feet, requiring a special permit per 5.1.13.
13. The petitioner proposes to have at-grade parking under the building in an open parking facility. As such, the parking is treated as "outdoor parking" and must meet those design standards. Per section 5.1.9.A, outdoor parking facilities must provide perimeter screening. None is proposed, requiring a waiver per section 5.1.13.
14. Section 5.1.9.B requires outdoor parking facilities with more than twenty stalls provide interior landscaping. As the parking is covered by the building, no landscaping is proposed, requiring a waiver per section 5.1.13.
15. Per section 5.1.10, outdoor parking facilities with more than five stalls must provide security lighting with a minimum intensity of one-foot candle on the entire surface. Per section 5.1.13, the petitioner seeks a waiver from this provision.



16. Section 5.11 of the Zoning Ordinance provides requirements for providing inclusionary units for private residential developments. Rental projects with more than 21 units must designate 15% of the units as affordable to 50-80% of the Area Median Income (AMI), and an additional 2.5% at 110% AMI. With 26 residential units proposed, four units must be provided at 50-80% AMI, and one unit must be made available at 110% AMI, for a total of five units.
17. To the extent that the proposed inclusionary units do not meet the minimum square footage and bathroom requirements, as required by the Department of Housing and Community Development's most current Comprehensive Permit guidelines, the petitioner will seek a waiver from DHCD.

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
	Rezone parcels from BU2 to MU4	
§4.2.2.B.1	Site Plan Review	§7.4
§4.2.2.A.2 §4.2.5.A.3	Waive minimum lot area per unit requirement	S.P. per §7.3.3
§4.2.2.B.3 §4.2.5.A.2	To allow four stories	S.P. per §7.3.3
§4.2.3 §4.2.5.A.2	To allow a building height of 48 feet	S.P. per §7.3.3
§4.2.5.A.4.b §4.2.5.A.4	To reduce the side setback requirement	S.P. per §7.3.3
§5.1.3.B §5.1.13	Waive the requirement to use A-B+C formula to determine the parking requirement	S.P. per §7.3.3
§5.1.4 §5.1.4.A	To allow 1.25 parking stalls per residential unit	S.P. per §7.3.3
§5.1.4 §5.1.13	To waive 24 parking stalls	S.P. per §7.3.3
§5.1.8.A.1 §5.1.13	To allow parking in the side setback	S.P. per §7.3.3
§5.1.8.B.1 §5.1.8.B.2 §5.1.13	To waive the minimum dimensions for parking stalls	S.P. per §7.3.3
§5.1.8.B.6 §5.1.13	To allow restricted end stalls	S.P. per §7.3.3
§5.1.8.C.1 §5.1.13	To allow reduced aisle width	S.P. per §7.3.3
§5.1.9.A §5.1.13	To waive perimeter screening requirements	S.P. per §7.3.3
§5.1.9.B §5.1.13	To waive interior landscaping requirements	S.P. per §7.3.3
§5.1.10 §5.1.13	To waive lighting requirements	S.P. per §7.3.3



**Inclusionary Zoning Plan**  
**1149-1151 Walnut Street**

The proponent intends to comply with Section 5.11 of the Newton Zoning Ordinance, Inclusionary Zoning as set forth herein.

The development at 1149 – 1151 Walnut Street consists of twenty-six (26) rental units, five (5) of which will be inclusionary units which will be available as follows:

- 1) Four (4) units will be designated at “Tier 1”, which will be available to households earning up to 50-80% of AMI; and
- 2) One (1) unit will be designated at “Tier 2”, which will be available to households earning up to 110% of AMI.

The inclusionary units will consist of:

- One (1) studio/one-bath apartment, at 471 s.f.
- Three (3) one-bed/one-bath apartments at 623 s.f.
- One (1) two-bed/two-bath apartment at 851 s.f

The chart on the following page includes the breakdown of all 26 units. The highlighted units are inclusionary units.

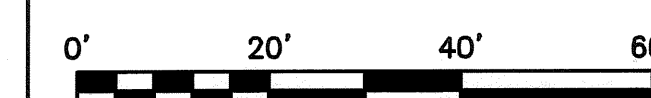
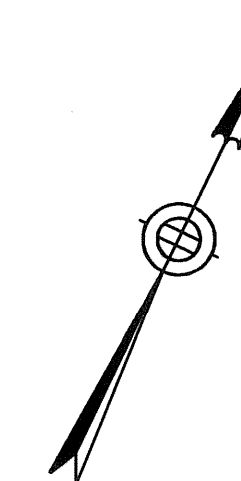
Unit	Floor	Beds/Baths	SF
201	2	2bed 2 bath	992
202	2	Studio	569
203	2	1-bed	668
204	2	1-bed	623
205	2	1-bed	623
206	2	2 bed 2 bath	851
207	2	studio	391
208	2	1bed	688
209	2	studio	471
210	2	studio	610
301	3	2 bedroom	992
302	3	studio	480
303	3	studio	569
304	3	1 bed	667
305	3	1 bed	623
306	3	1 bed	623
307	3	2 bed	891
308	3	2 bed	778
401	4	2 bed	972
402	4	studio	480
403	4	studio	589
404	4	1 bed	667
405	4	1 bed	623
406	4	1 bed	623
407	4	2 bed	891
408	4	2 bed	778



EVERETT M. BROOKS CO.  
SURVEYORS & ENGINEERS

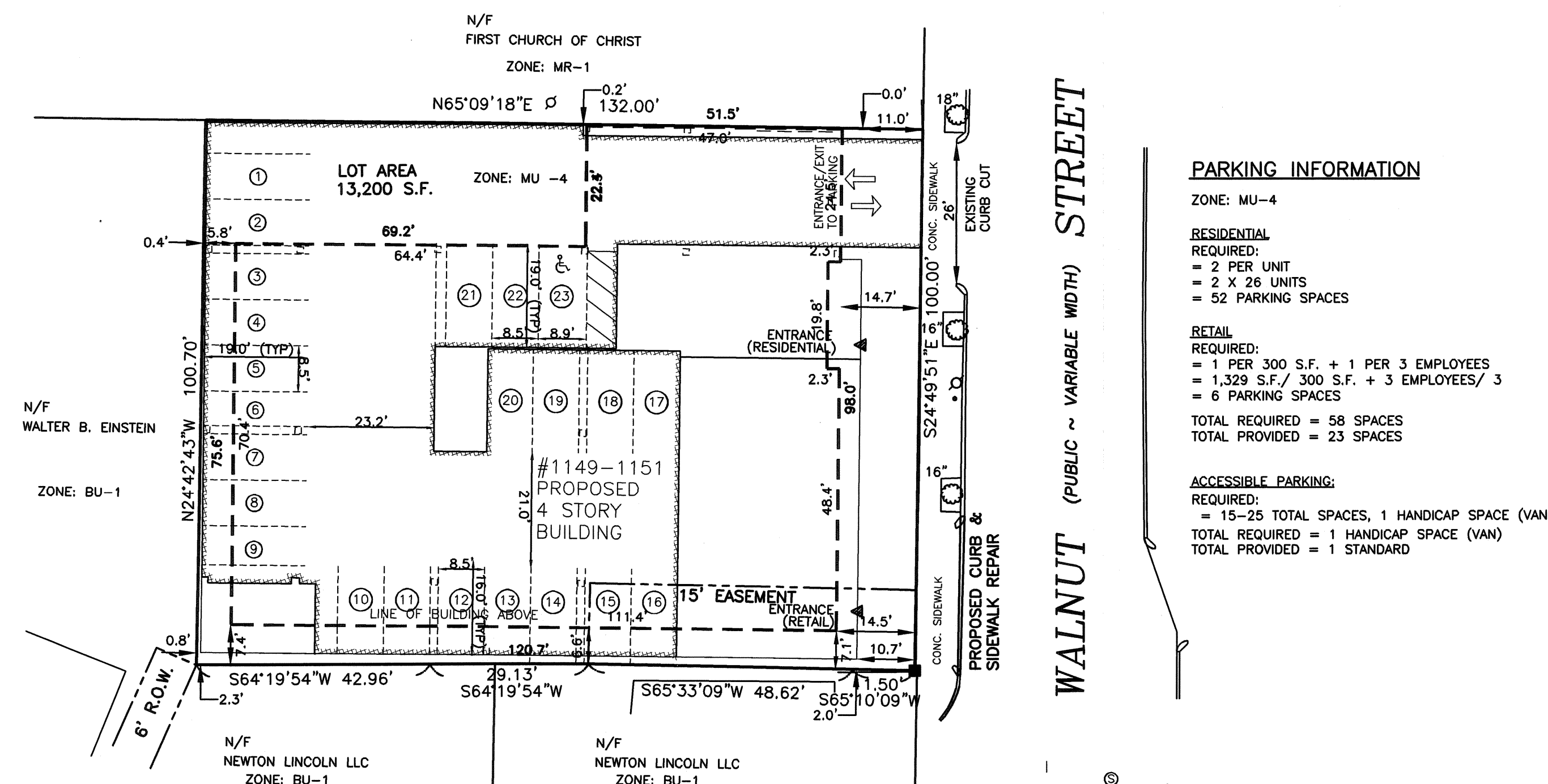
49 LEXINGTON STREET  
WEST NEWTON, MA 02465

(617) 527-8750  
info@everettbrooks.com



**LEGEND**

- UTILITY POLE
- WATER GATE
- ⊕ HYDRANT
- ⊕ GAS GATE
- ⊕ SEWER MANHOLE
- ⊕ DRAIN MANHOLE
- ⊕ CATCH BASIN
- TREE
- ⊕ LIGHT POLE
- ⊕ SIGN
- TBR TO BE REMOVED
- TBA TO BE ABANDONED
- ⊕ DEEP TEST HOLE
- PTM PERCOLATION TEST
- 71.4 X SPOT ELEVATION
- (71)— PROPOSED CONTOUR
- - - - - EXISTING CONTOUR
- D - - - DRAIN LINE
- RD - - - ROOF DRAIN
- FD - - - FOUNDATION DRAIN
- W - - - WATER LINE
- S - - - SEWER LINE
- G - - - GAS LINE
- OHW - - OVERHEAD WIRES
- X - - - FENCE
- ⊕ STONEWALL
- ⊕ HEDGE
- ⊕ TREE LINE



**PARKING INFORMATION**

ZONE: MU-4

**RESIDENTIAL REQUIRED:**

- = 2 PER UNIT
- = 2 X 26 UNITS
- = 52 PARKING SPACES

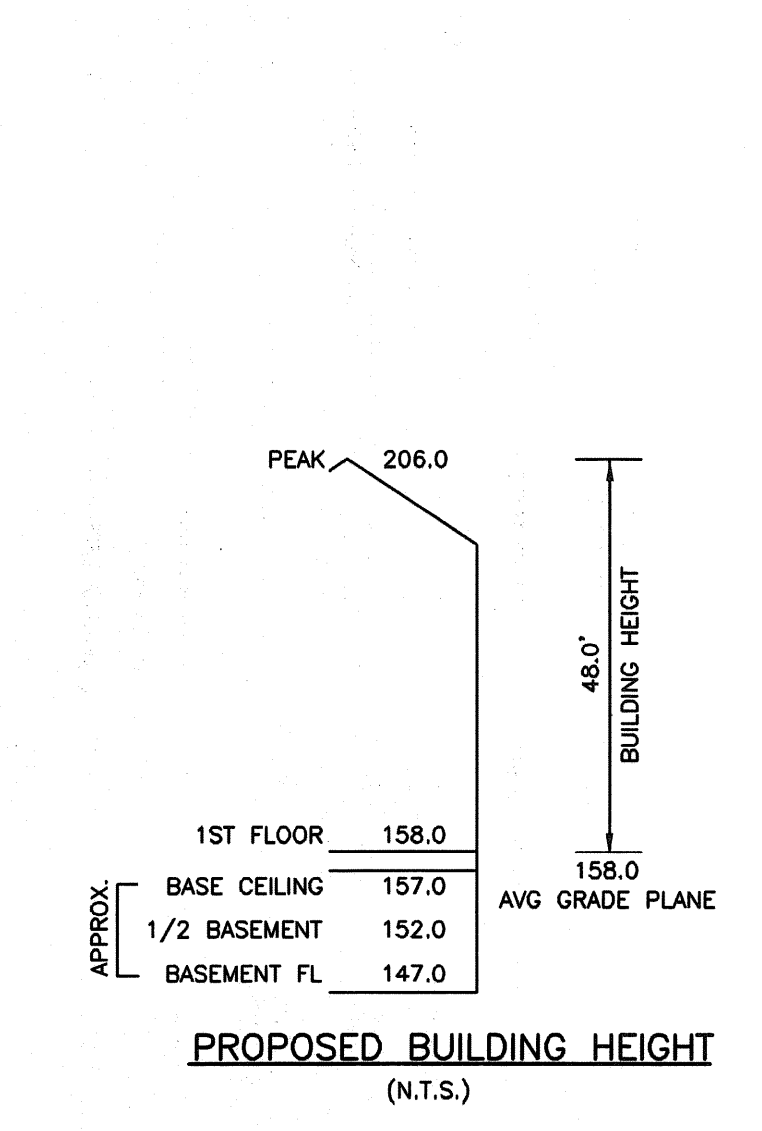
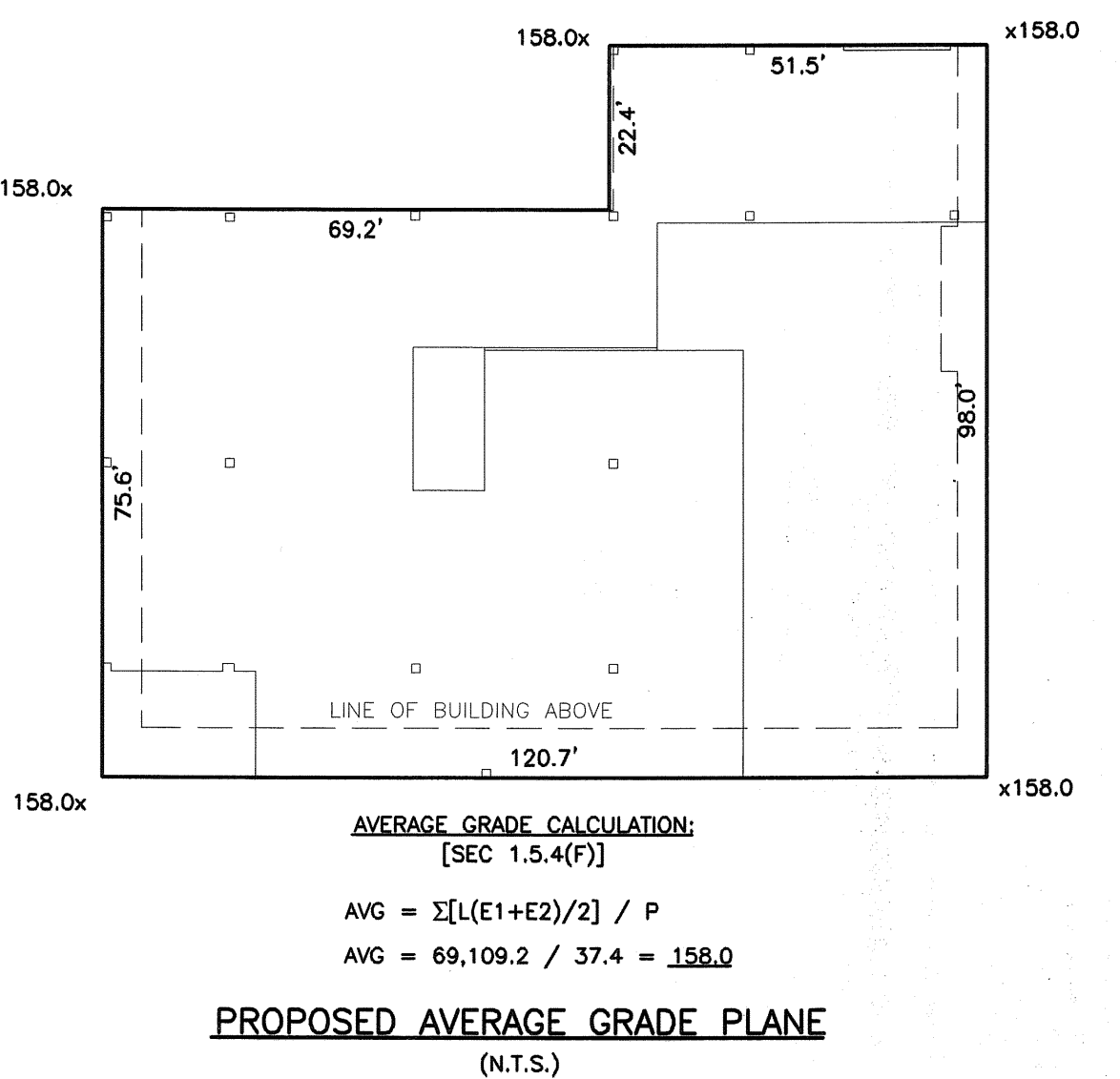
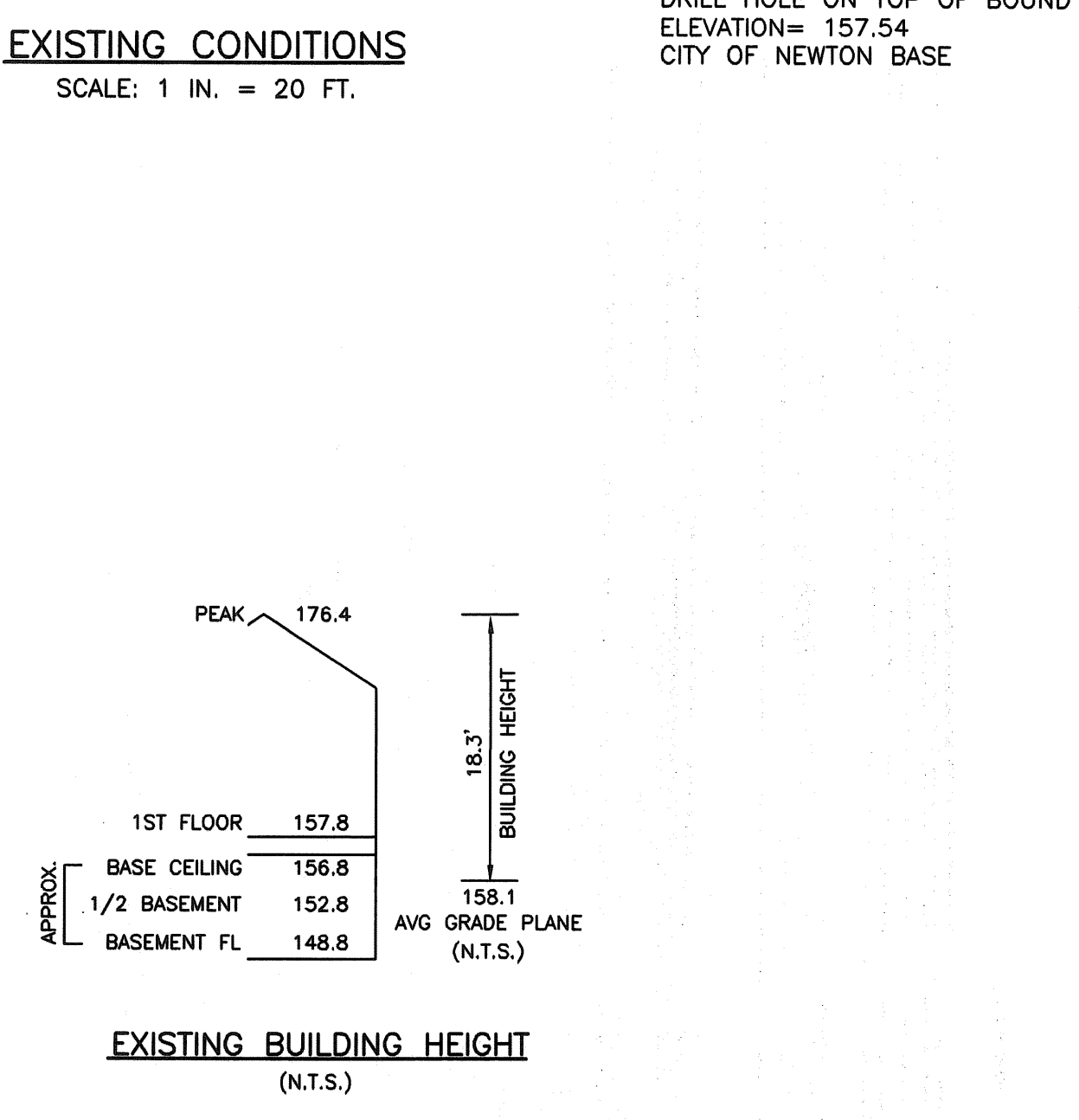
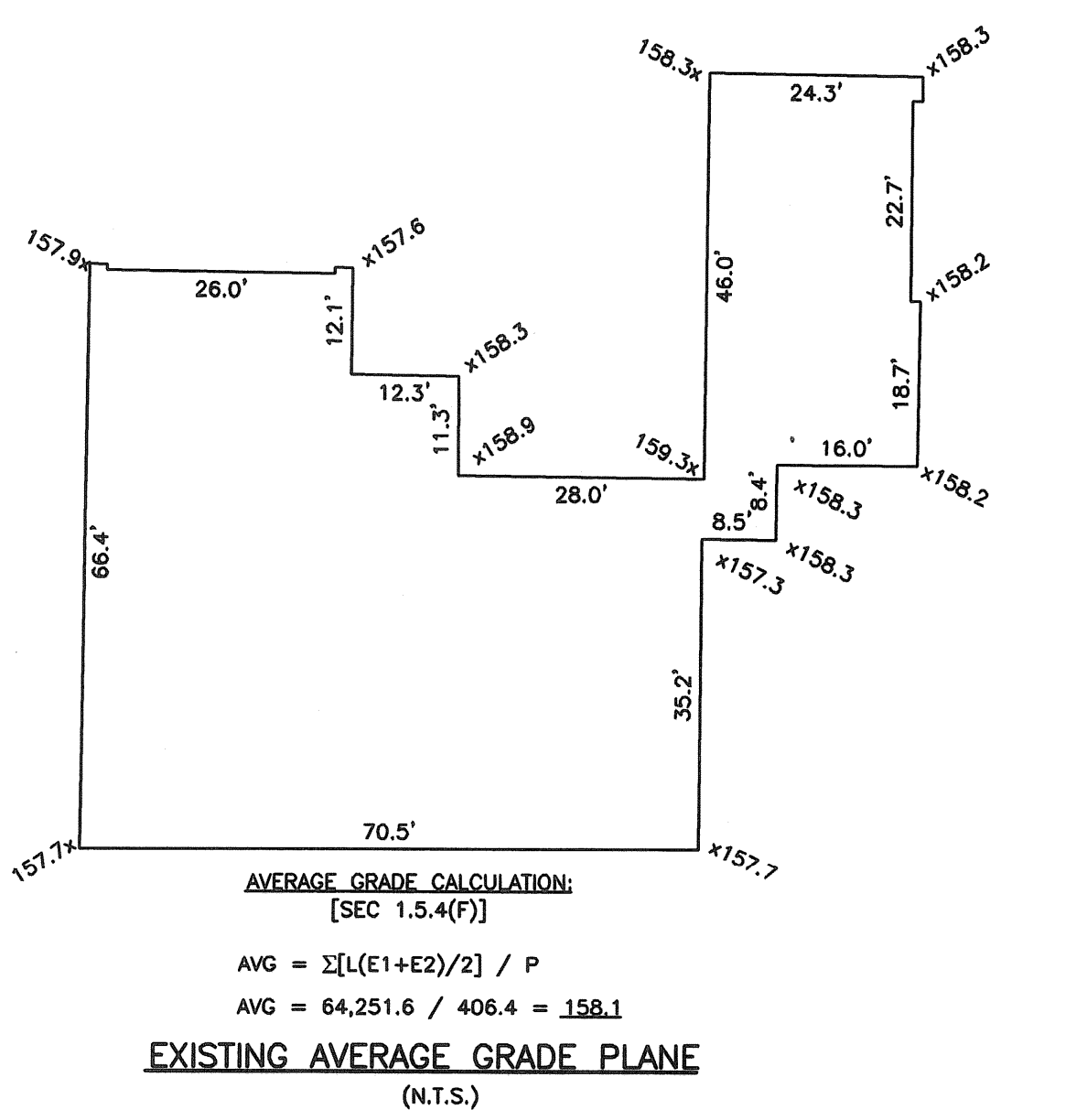
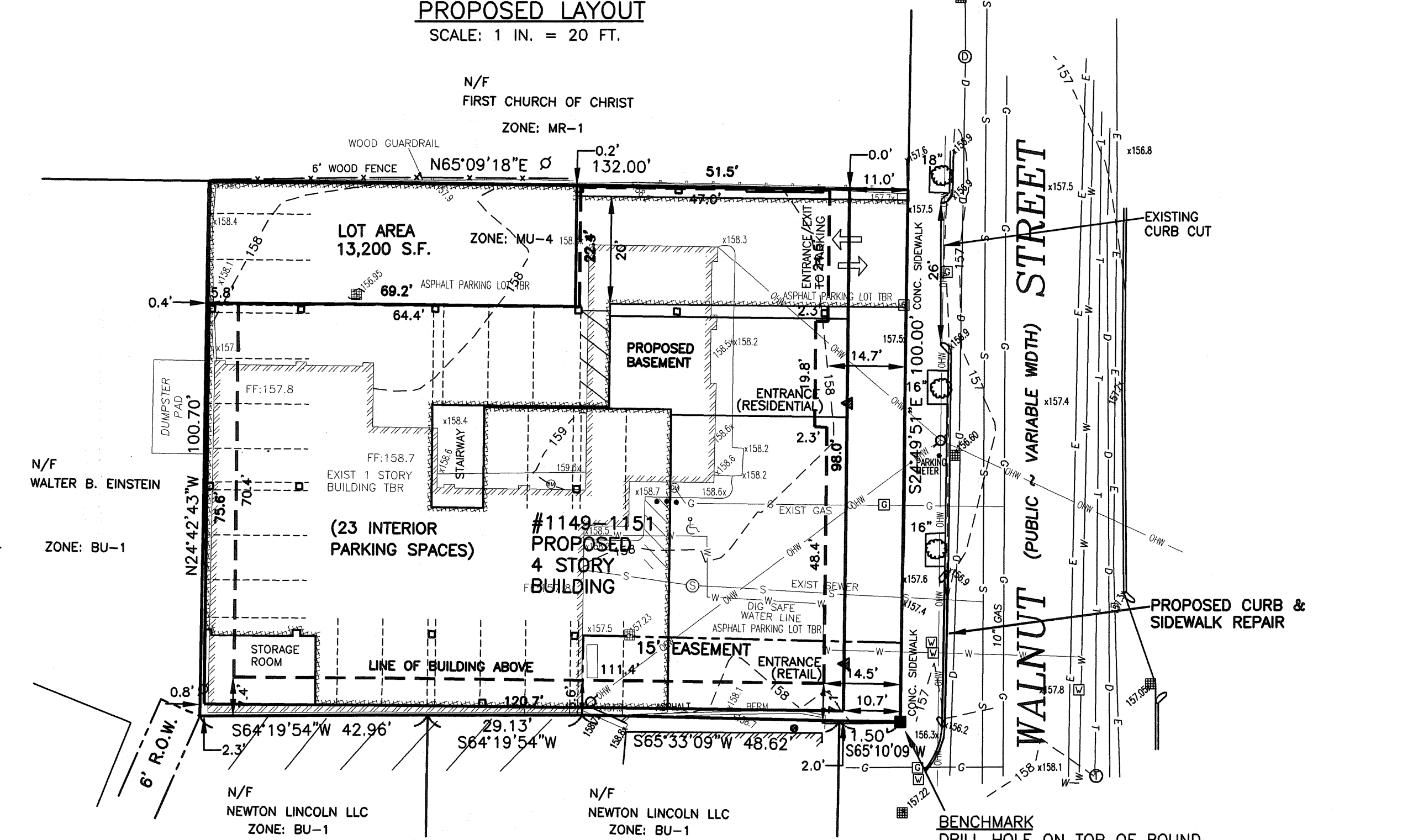
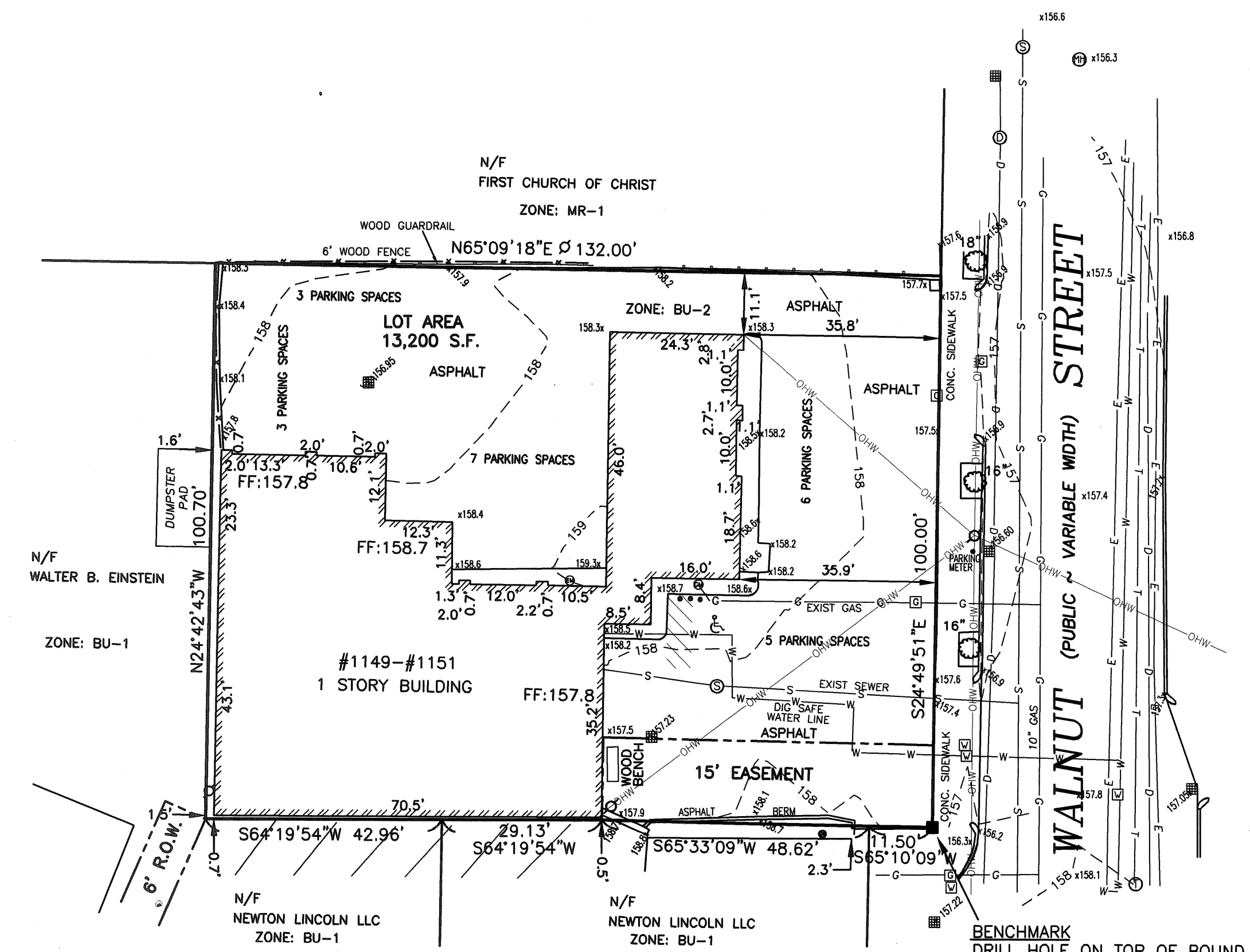
**RETAIL REQUIRED:**

- = 1 PER 300 S.F. + 1 PER 3 EMPLOYEES
- = 1,329 S.F. / 300 S.F. + 3 EMPLOYEES / 3
- = 6 PARKING SPACES

**TOTAL REQUIRED = 58 SPACES**  
**TOTAL PROVIDED = 23 SPACES**

**ACCESSIBLE PARKING:**

- REQUIRED:
- = 15-25 TOTAL SPACES, 1 HANDICAP SPACE (VAN)
- TOTAL REQUIRED = 1 HANDICAP SPACE (VAN)
- TOTAL PROVIDED = 1 STANDARD

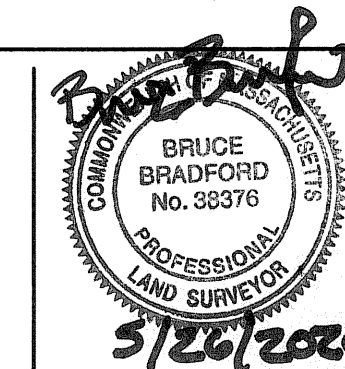


**ZONING INFORMATION**

ZONE: MU-4  
DEED REFERENCE: BOOK 73412 PAGE 421  
AVERAGE FRONT SETBACK = (10.0' + 3.2') / 2 = 6.6'

	EXISTING	PROPOSED	REQUIRED
LOT AREA	13,200 S.F.	13,200 S.F.	10,000 S.F. MIN.
LOT AREA/ UNIT	N/A	507 S.F.	1,000 S.F./ UNIT MIN.
LOT COVERAGE	37.5%	77.9%	N/A
OPEN SPACE	4.3%	8.7%	N/A
SETBACKS			
FRONT	35.9'	10.7'	SEE SEC. 4.2.5
SIDE	0.5'	0.0' / 2.0'	20' / 8'
REAR	1.5'	0.4'	0' MIN.
HEIGHT	18.3'	48.0'	
NO. OF STORIES	1	4	2 STORES MAX.-PERMITTED 4 STORES MAX.-SOCIAL PERMIT
BUILDINGS	4,947 S.F.	10,169 S.F.	
STRUCTURES	4,947 S.F.	10,169 S.F.	
DRIVE	7,678 S.F. ±	1,770 S.F. ±	
	12,635 S.F. ±	±	

ZONING COMPLIANCE DETERMINED BY MUNICIPALITY.  
AREAS FOR F.A.R. CALCULATION PROVIDED BY ARCHITECT.



**PLAN OF LAND IN  
NEWTON, MA  
1149-1151 WALNUT STREET  
PROPOSED CONDITIONS**

SCALE: 1 IN. = 20 FT.  
DATE: APRIL 16, 2020  
DRAWN: GAR/ ES  
CHECK: MSK & BB

**REVISIONS:**

5/13/20 BUILDING AREA	
5/26/20 BUILDING REVISION	

PROJECT NO. 26018





1149-1151 Walnut Street

Newton, MA | July 31, 2020 | 19100 | © The Architectural Team, Inc.

Site Plan





**1149-1151 Walnut Street**

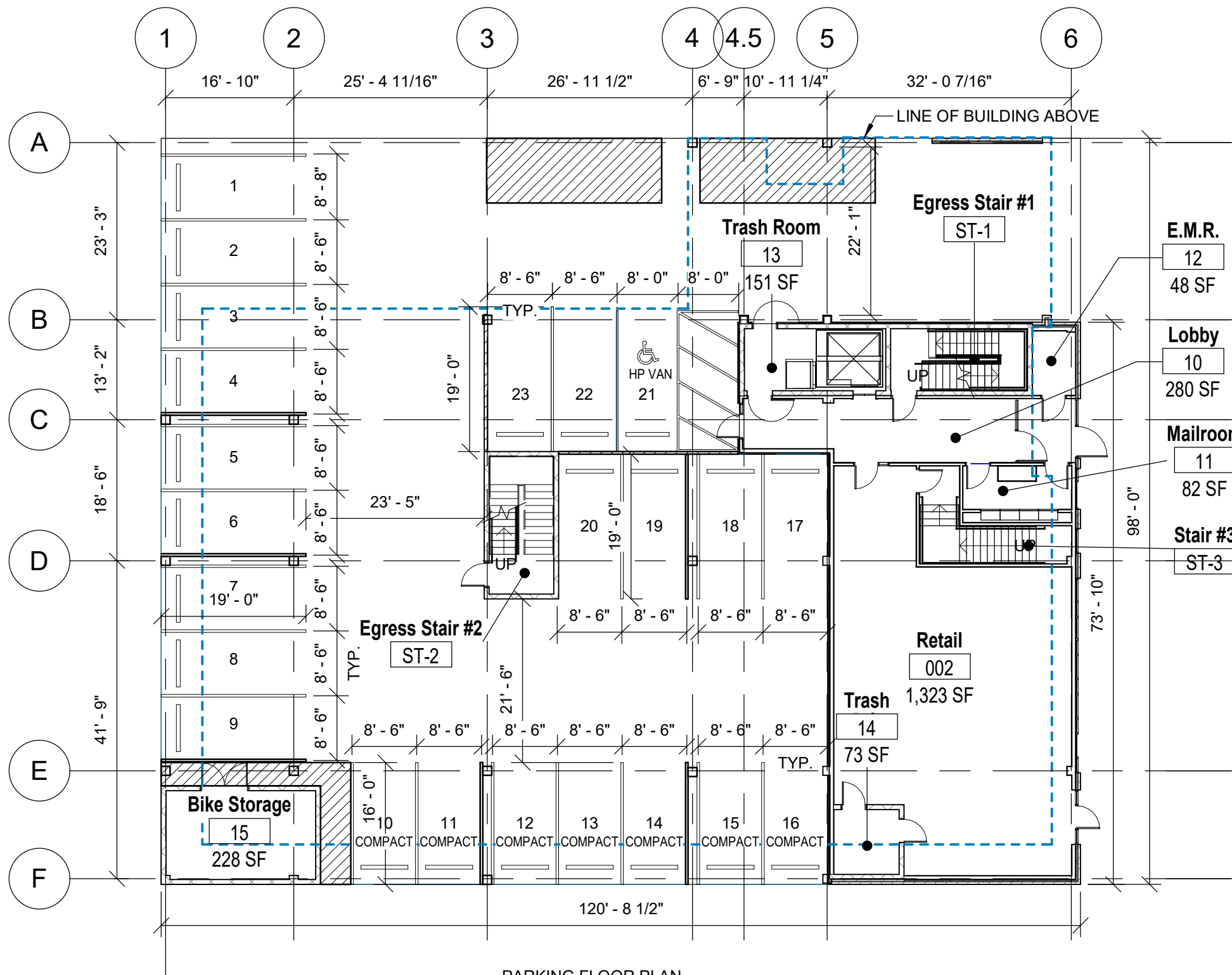
Newton, MA | July 31, 2020 | 19100 | © The Architectural Team, Inc.

**Existing Walnut Street Elevation**

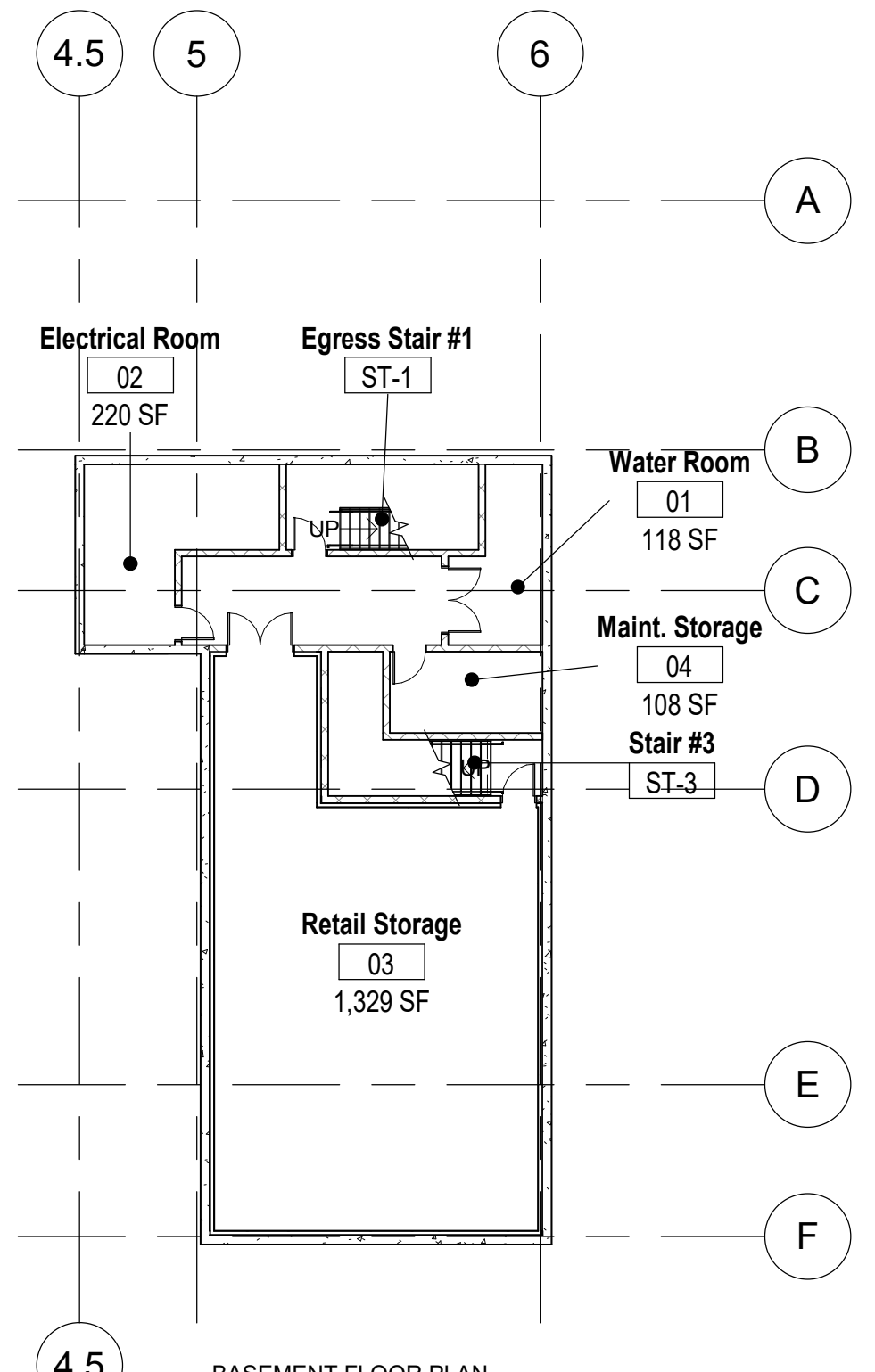








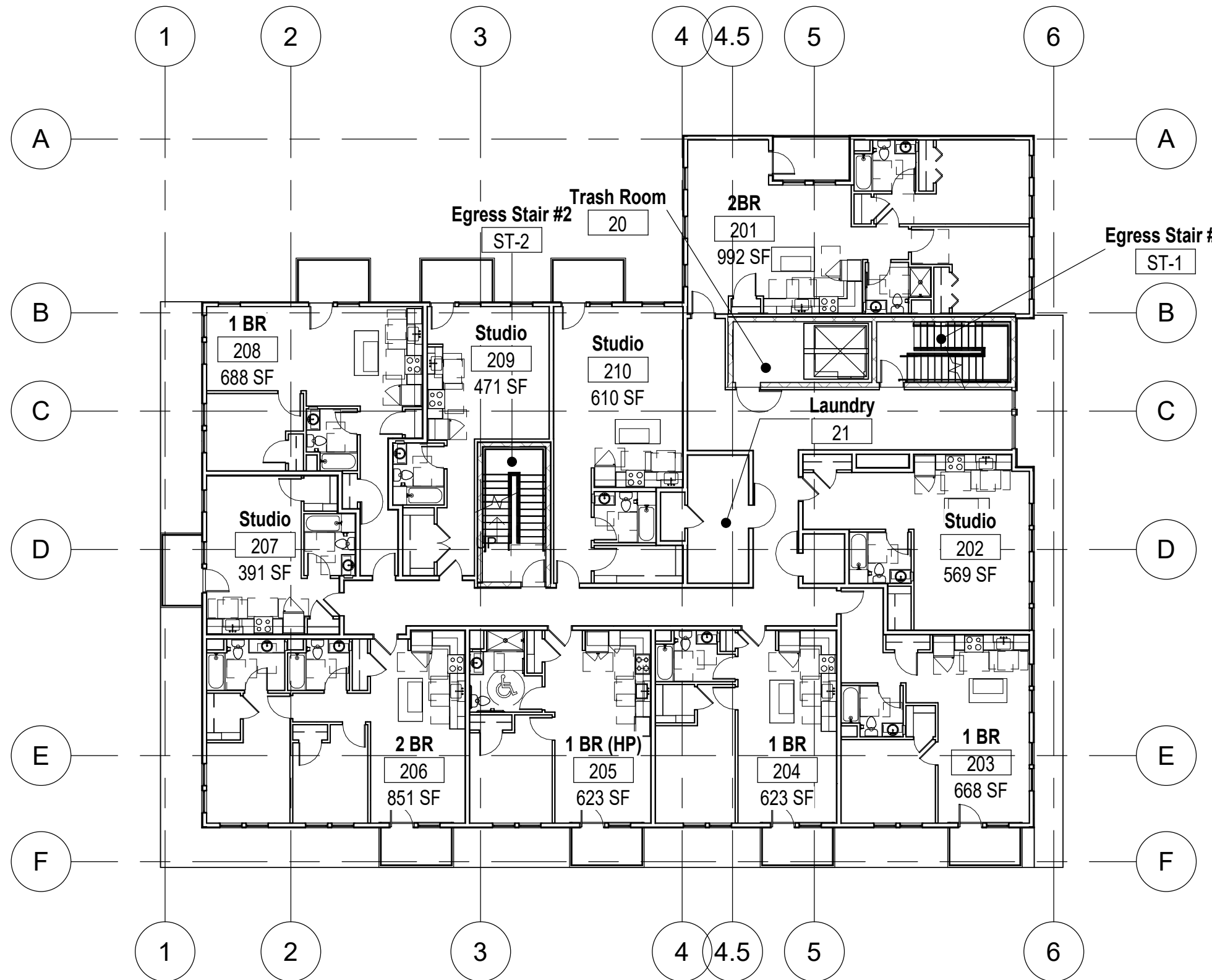
PARKING FLOOR PLAN



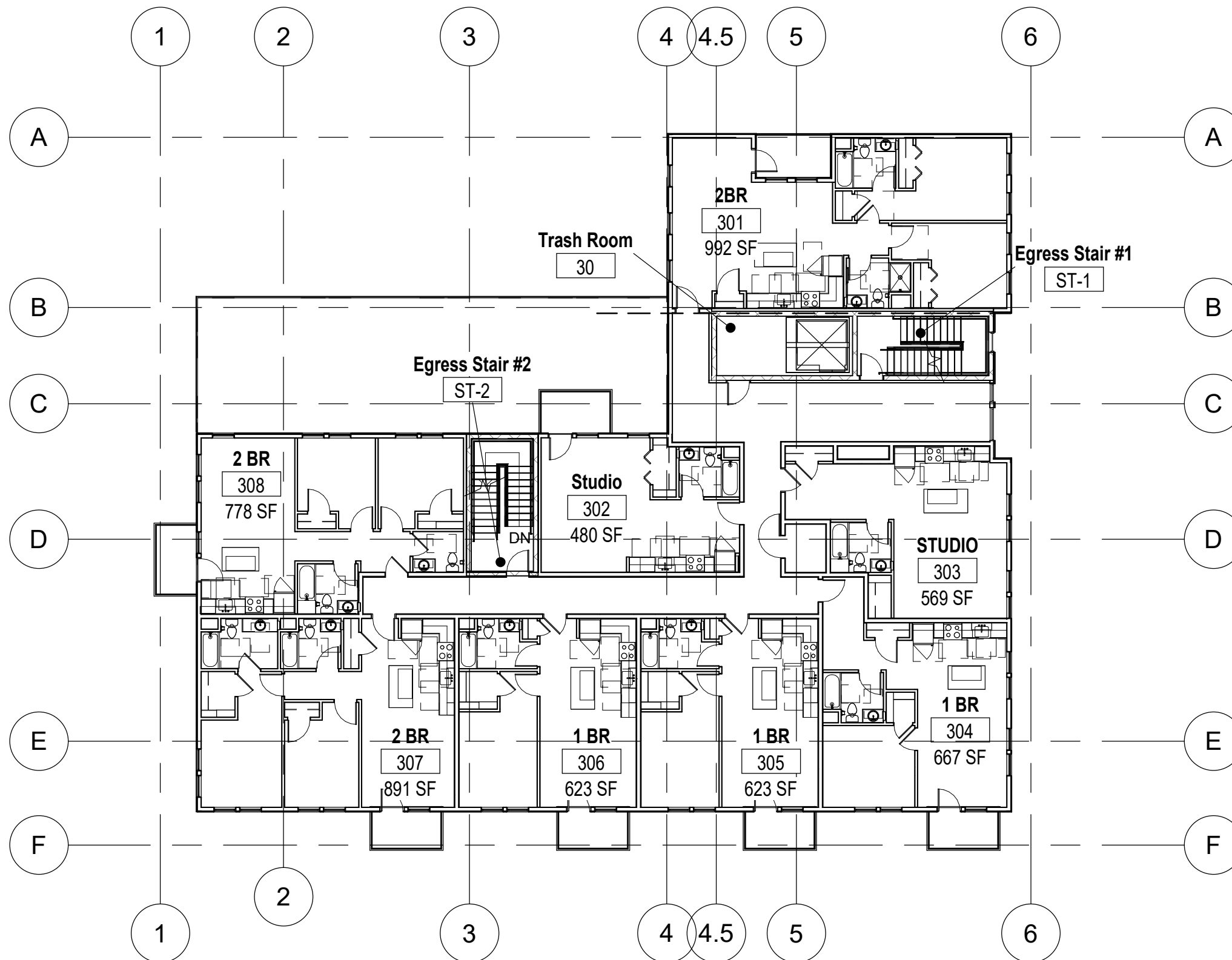
BASEMENT FLOOR PLAN

First Floor:	2,629 GSF
Second Floor:	8,716 GSF
Third Floor:	7,517 GSF
Fourth Floor:	7,517 GSF
<b>Total:</b>	<b>26,379 GSF</b>

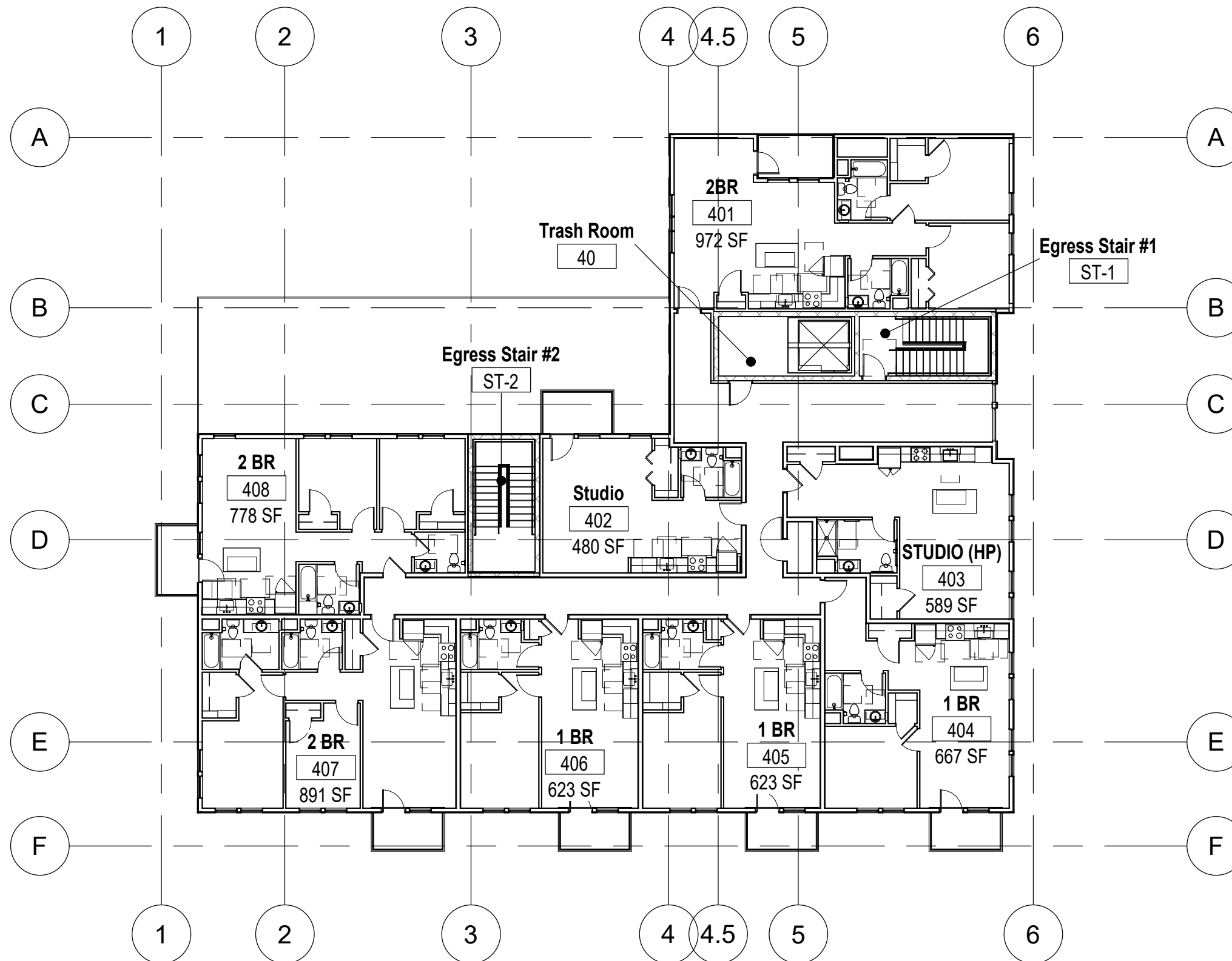




Second Floor: 8,716 GSF



Third Floor: 7,517 GSF





East Elevation



North Elevation



West Elevation



South Elevation





Walnut Street Elevation



East Elevation



South Elevation



North Elevation



West Elevation





1149-1151 Walnut Street

Newton, MA | July 31, 2020 | 19100 | © The Architectural Team, Inc.

Rendered Perspective from Walnut Street





1149-1151 Walnut Street

Newton, MA | July 31, 2020 | 19100 | © The Architectural Team, Inc.

Rendered Perspective from Walnut Street