



Ruthanne Fuller
Mayor

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

#s 319-20 & 320-20

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

Barney S. Heath
Director

PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: April 2, 2021
MEETING DATE: April 6, 2021
TO: Land Use Committee of the City Council
FROM: Barney S. Heath, Director of Planning and Development
Michael Gleba, Senior Planner
CC: Petitioner

In response to questions raised at the City Council public hearing, the Planning Department is providing the following information for the upcoming public hearing/working session. This information is supplemental to staff analysis previously provided at the Land Use Committee public hearing.

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 25 ~~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.

The Land Use Committee (the "Committee") held a public hearing on January 5, 2021 and February 9, 2021 on this petition. This memo reflects additional information addressed to the Planning Department as of April 2, 2021.

Background

The subject site is comprised of two parcels, 1149 and 1151 Walnut Street, located along the west side of Walnut Street just north of Lincoln Street. The combined two-lot site consists of 13,200 square feet 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 demolish the existing buildings and construct, as now designed, a 25-unit, four-story, 26,300 square foot mixed-use building with 23 at-grade parking stalls on the assembled site. In order to construct the proposed project, the petitioner is seeking to have the subject parcels rezoned from Business 2 (BU2) to Mixed Use 4 (MU4). As designed, several aspects of the project would also require a special permit under MU4 zoning district requirements under the Newton Zoning Ordinance (NZO).

Rezoning Petition

Planning Board Determination and Recommendation

Recent guidance issued by the state Executive Office of Housing and Economic Development concerning the “housing choice” legislation recommends that a municipal Planning Board include in its standard zoning recommendation an additional determination of whether a rezoning request meets the threshold for a simple majority vote. The Planning Board found that this rezoning request would allow for an increase in permissible density in a mixed-use development, in a center of commercial activity and therefore should be subject to a simple majority vote of the City Council.

In a separate but related action, the Planning and Development Board discussed and voted to recommend the rezoning request by a vote of six in favor, none opposed, and Director Heath abstaining (**Attachment A**).

Revised Design

On February 24, 2021 the petitioner submitted revised plans for the project. The changes include:

- As previously designed the development’s 10.7-foot front setback exceeded the MU4 district’s unique maximum front setback of 10 feet for buildings with 4 or more stories. The building has now been brought forward 0.7 feet to meet that maximum setback. (The Planning Department notes that as with the previous design this setback would be nonconforming in the existing BU2 district which has a minimum required setback of the lesser of half the proposed building’s 44 foot height, i.e., 22 feet, or the average of the setbacks of the buildings on the nearest lots on either side, which would appear to be an approximately similar measurement.)
- Reducing the number of residential units by one from 26 to 25 (the five inclusionary units remain unchanged). This was achieved by eliminating a unit previously proposed for the northeast side of the fourth floor. As a result, the height of the building at that location is now 34 feet, while the height of the rest of the structure remains 44 feet.
- The area previously to be occupied by that now-removed fourth floor unit is now slated to be common deck space. There would also be a third-floor roof deck for use by two adjacent units.

- The Walnut Street elevation has been modified to include bay windows and other elements the petitioner has characterized as being in “traditional form similar to buildings on Lincoln Street.”

Some of these changes are responsive to concerns voiced by the Urban Design Commission (UDC) when it reviewed an earlier design for the project. At the time of its November 2, 2020 memorandum (**Attachment B**), the UDC indicated, among other observations, that the initial design had “too much mass and bulk,” was “significantly over-scaled ... (and) ... looks out of place” and it recommended a “3-story building with some variation in the roof line.” It also expressed concerns regarding aspects of the north elevation, many of which have been responded to by the petitioner’s moving of the building off that lot line. The current design also appears to have responded to several of the UDC’s other concerns regarding the various facades’ designs and materials.

Given the concerns expressed by the UDC, as well as members of the community, as reflected in that early memorandum, the Planning Department recommends that the petitioner present its revised design to the UDC for its review and comment.

Sustainability

On March 24, 2021 the petitioner submitted material related to the sustainability requirements established by Sec. 5.13.4 of the NZO. The Planning Department forwarded this information to City sustainability staff who provided comments. It was noted that by committing to achieve at least LEED Silver certification and pursuing the Passive House certification the project would meet the requirements of Sec. 5.13.4.A. Clarification is sought as to the petitioner’s intention is for hot water as in one instance “high-efficiency hot water heating systems” is referenced and, in another, “heat pump hot water for the residential portion of the building and natural gas for retail use.” The petitioner should address this issue at or in advance of the public hearing.

The Planning Department also notes that the petitioner has indicated that roof top solar arrays would be installed and that two electric parking spaces would be installed per Sec. 5.13.4.B.

Transportation

Regarding Transportation Demand Management (TDM) efforts, the petitioner previously indicated that new residents would be given MBTA, rideshare, and other TDM information upon move-in, and that a “ride board” with carpool and MBTA information would be located in the building’s lobby. At the time of the last hearing the petitioner also commented that it was considering subsidizing MBTA passes for renters who “don’t own a car,” presumably meaning those who were not utilizing an on-site parking stall. There is also a benefit to extending this subsidy to residents with on-site parking to further disincentive use of their cars and reduce trips.

The Planning Department encourages the petitioner to more fully develop its TDM plans, and to commit to providing transit passes to residents as well as on-site employees. This is especially of importance given the nature and scope of the parking relief sought by the petitioner and the development’s location near a Green Line station and village center.

Dimensional Standards

As further detailed in the attached revised zoning review memorandum (**Attachment C**), the revised plan alters some dimensional characteristics of the development. The table below compares the dimensional requirements for the site’s existing BU2 zoning with the proposed MU4 zoning. The “Petition” column indicates the relevant dimensions of the revised development plan, with changes in bold.

	<u>Business Use 2</u>	<u>Mixed Use 4</u>	<u>Petition</u>
Lot Size (SF)	10,000	10,000	13,200
Lot Area Per Dwelling Unit (SF)(min)	1,200	1,000, waivable by special permit	528
Front Setback for 4 or more stories	Lesser of ½ bldg ht or Average	≥75% of frontage: 0-10 feet	10 feet
Side Setback abutting BU1 (for 4 or more stories)	½ bldg ht or equal to abutting side yard setback	0 feet	1.7 feet
Side Setback abutting MR1	greater of ½ bldg ht or 15’	20 feet	0.0 feet
Rear Setback not abutting residential or Public Use district	0 feet	0 feet	0.8 feet
Stories	4 (by special permit)	5 (by special permit for mixed use residential)	4 (by special permit)
Building Height	48 feet (by special permit for 4 stories)	60 feet (by special permit for 5 stories mixed use residential)	44 feet (by special permit for 4 stories)
Floor Area Ratio (FAR)		2.50 (by special permit for 5 stories)	2.00

Engineering

The Associate City Engineer has submitted a revised Engineering Review Memorandum reflecting the project revisions (**Attachment D**). The petitioner has responded to certain of the comments included in the memorandum. Those related to the proposed site plan include that the garage's nine foot vertical clearance exceeds that required for HP vans and that turning radii will be provided prior to construction. Regarding the latter, the Planning Department urges the petitioner to provide such radii so as to allow analysis at the earliest possible time. The petitioner should be prepared to address any and all issues raised by Engineering in the memo in advance of the public hearing.

Regarding the Infiltration and Inflow (I&I) fee, per the attached memo from the City Engineer (**Attachment E**) the petitioner's obligation would be \$116,158. The City Engineer does not recommend an abatement of the fee at this time.

Additional Information

Since the street-level pedestrian experience is an important aspect of the proposal, the Department has previously requested that the petitioner provide information about the front setback area. The petitioner has provided some perspectives/graphics portraying the front façade in which the area can be viewed. That said, the Planning Department continues to request that the petitioner provide a sample seating plan for the potential use of the front setback area for a restaurant as well as provide some details as to how that space would be used were a retail use occupy the ground floor.

The Planning Department also notes that a transformer is still proposed for the front setback near the sidewalk and the driveway, contrary to the Planning Department's recommendation that it instead be located in a less visually prominent location to limit its impact on the public realm and abutting properties.

Lastly, the Planning Department also requests that the petitioner provide updated information regarding the shadow impacts of the revised building design as they relate directly to the several of the reliefs sought by the special permit petition.

ATTACHMENTS:

- Attachment A:** Planning and Development Board memorandum (dated March 3, 2021)
- Attachment B:** Urban Design Commission memorandum (dated November 2, 2020)
- Attachment C:** Zoning Review memorandum (revised March 22, 2021)
- Attachment D:** Engineering Division memorandum (revised March 25, 2021)
- Attachment E:** Engineering Division Infiltration and Inflow (I&I) memorandum (dated April 2, 2021)

ATTACHMENT A

CITY OF NEWTON Planning and Development Board



Ruthanne Fuller
Mayor

Barney Heath
Director
Planning & Development

Members

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1000 Commonwealth Ave.
Newton, MA 02459
T 617-796-1120
F 617-796-1142
www.newtonma.gov

3/3/2021

The Honorable City Council President, Susan Albright
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

CC: City Council, Alissa Ocasio Giuliani, Jennifer Caira, Michael Gleba, Neil Cronin

RE: Request to rezone two parcels of land from BU-2 to MU-4 at 1149-1151 Walnut Street (Docket Item #319-20)

Dear Honorable Council President Albright:

The Planning and Development Board reopened its public hearing on Docket Item #319-20 (Request to rezone two parcels of land from BU-2 to MU-4 at 1149-1151 Walnut Street) at its regularly-scheduled meeting on March 1, 2021. Following the closing of the public hearing, the Board discussed this docket item and passed the following motion by a vote of six in favor, none opposed, and Director Heath abstaining:

To recommend to the City Council the approval of Docket Item #319-20 requesting to rezone two parcels of land at 1149-1151 Walnut St. from BU-2 to MU-4.

This recommendation complies with the recent State guidance for applying the provisions of Chapter 40A section 5 (as amended under the economic development legislation of 2020), which allows for a simple majority vote by the City Council when the zoning change meets the condition that it "Permits an increase in the permissible density of population or intensity of a particular use in a proposed multi-family or mixed-use development that requires a special permit."

Sincerely,

Peter B. Doeringer, Chair

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Ruthanne Fuller
Mayor

ATTACHMENT B

City of Newton, Massachusetts
Department of Planning and Development
Urban Design Commission

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

Barney Heath
Director

DATE: November 2, 2020
TO: Neil Cronin, Chief Planner
FROM: Urban Design Commission
RE: 1149-1151 Walnut Street
CC: Land Use Committee of the City Council
Barney Heath, Director of Planning and Community Development
Petitioner

Section 22-80 of the Newton City Ordinances authorizes the Urban Design Commission to act in an advisory capacity on matters of urban design and beautification. At their regular meeting on October 14, 2020, the Newton Urban Design Commission reviewed the revised proposed project at 1149-1151 Walnut Street for design. The Urban Design Commission had the following recommendations:

Building Massing, Height and Architecture

- The UDC commented that there is too much mass and bulk on this proposed building. The scale of this project doesn't seem appropriate. There is no transition from neighboring buildings to this proposed building except towards the back. The bulk of the building is significantly over-scaled. It looks out of place.
- The UDC was very concerned about the zero-lot line idea and discouraged it. The blank wall on the north façade facing Christian Science Church that is caused by the zero-lot line is also a concern. It was stated that the height of the building is 48 feet and the height of the blank wall is 35 feet. One of the members commented that if you need to come up with an architectural device to soften the blank wall, it is an indication that there is too much FAR to this building. It's a device that doesn't work and is inappropriate. Zero lot-line against the property to the right (Christian Science Church) is overwhelming. One Commission member noted that the Newton Highlands Area Council letter also expressed concern over having a zero-lot line.
- There was discussion about north façade, UDC asked why aren't any windows proposed on the north façade facing the Church? The UDC asked if there were no windows on the north façade due to building code. The project's architect commented that according to building code, you can have windows on 15% of the façade between 0 to 5 feet from a lot line. The

architect also commented that because of the floor plans and the size of this building, this building is built right up to the property line and hence there are no windows on north façade.

- One of the members commented it will be difficult to grow the proposed ivy on the north facing façade.
- There was discussion about the height of the proposed building and the neighboring existing buildings. One of the members asked about the height of other adjacent buildings. The applicant replied that Stevens building is 49 feet tall but didn't know the height of the buildings across Walnut Street. One of the members commented that they appreciate the initiative around the villages, but this proposed building looks out of scale. Rest of the village doesn't feel like that, it's a wonderful pedestrian-oriented village and this proposed building feels out of place.
- One of the members commented that the east elevation facing Walnut Street looks too bulky. If both corners of the east elevation were clipped at the top floor, it will help to bring the scale down, it will also help to transition better into the neighborhood.
- The UDC recommends a 3-story building, with some variation in the roof line.
- One of the members was concerned that the idea of brick on the front and one side and then everything else transfer to fiber cement feels cheap and unfortunate.
- Another member commented about the front east elevation facing Walnut Street. There are three separate treatments of the front façade, it was probably planned to break the façade a bit more. All three have different brick treatment, different window treatment, and different balcony treatment. They are all sitting on a lintel and the one to the right has one leg supporting it. The right part of the front elevation looks like it is sitting on one little column and although it will be structurally sound, visually it needs to have a something more to hold the stories above it. The UDC recommends adding a visual element to the right side of the building (at the garage entrance).
- The member commented that if the applicant were to lower the density of the project, they can consider to setback the upper floors, may be 2nd floor or 3rd floor. It will help to reduce the scale on the front of the street, so it doesn't look as massive.
- One of the members commented that between both the elevations presented, the first elevation (with vertical siding) was preferable. It had a very traditional form yet was rendered in a modern way. If the applicant decided to go with brick façade, the applicant is encouraged to not make it look like a 19th century building.

Parking

- One of the members commented that green fence is nice and recommends continuing it all the way around the parking on all sides, so all the parking is screened. However, another member commented that the green fence is a device to fix a problem that should not be created.
- There was also decision about electric charging stations for cars and bicycles. The UDC recommended to provide more than 1 electric car charging station.
- One of the members commented that the fact that the applicant is seeking a huge parking waiver (1:1 parking is not available for the units) is an indication that there is too much bulk on this building and too many units proposed.

Retail Space

- There was discussion about the retail space also. The UDC had questions about where the main entrance to the retail space was. The applicant commented that the primary entrance for the retail space will be from the main entry vestibule (shared lobby) and the secondary egress from the retail space is the door facing Walnut Street. The applicant also commented that they are open to different retail options for this space, but restaurant may be a possibility. From an urban design point of view, the UDC recommended to provide the primary entrance to the retail space from the street and not from the shared lobby. One of the members commented that the proposed awning looks too small, this is a great opportunity to have doors/full length windows that can be fully open in the summer, which creates an air flow that is very desirable, especially if the sidewalk will remain as wide as it is today. This is a great way to liven up the sidewalk and this restaurant can be a principal destination. It feels very boxed-in and tight as it is proposed.

There were a few community members also present at the meeting. Mr. Ned Crecelius, representing Christian Science Church at 1141 Walnut Street (north side abutters) had a few comments. He commented that the Commission members had made most of the points that he was going to make. Mr. Crecelius had the following comments:

- Mr. Crecelius commented that the proposal is so dense that you need to drive through it to get to the parking which is an issue.
- He also commented that the 30 feet x 48 feet blank wall on the church property is a major concern. There was a shade study done by a Babson Physics Professor. A huge impact on the church will be that Sunday morning services will not receive direct sunlight anymore. He mentioned that the developer approached the church last spring and asked if the church will give up property line rights then the developer will put windows for them. When the Church didn't sign the appease and Newton Highlands Area Council also raised concerns, the applicant came back with the idea of a "green wall". If the applicant were to grow ivy on the north side facing the church, the only way to access that wall will be through the church site. This blank wall will also decrease the property value for the church substantially.



Ruthanne Fuller
Mayor

ATTACHMENT C

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

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

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: March 22, 2021

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 25-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, 2/24/2021
- Plan of Land- Proposed Conditions, prepared by Everett M. Brooks, surveyor, dated 4/9/2020, revised 5/26/2020, 6/3/2020, revised 12/7/2020, 2/23/2021
- Floor Plans and Elevations, prepared by The Architectural Team, architects, dated 2/5/2020, revised 6/3/2020, revised 12/7/2020, 2/23/2021

ADMINISTRATIVE DETERMINATIONS:

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 26,300 square feet of gross floor area within the proposed structure. Section 4.2.2.B.1 requires a special permit for proposed buildings of 20,000 square feet or more of gross floor area in a mixed-use district.
3. The petitioner proposes to construct a 25-unit mixed use building on the 13,200 square foot parcel, resulting in a lot area per unit of 528 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. 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 with an FAR of 2.00, 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 44 feet, requiring a special permit.
6. Section 4.2.5.A.4.b requires no side or rear setback 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. The petitioner proposes to construct the proposed dwelling directly on the side lot lines with a 0.0-foot setback, requiring a special permit.
7. The petitioner proposes to construct 23 parking stalls. There are 25 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 applying the requirements for a restaurant use, which has the greater parking demand per the requirements found in section 5.4.1 for anticipated uses:

Use	Parking Regulation	Parking Required
25 Residential units	2 stalls per unit required	50 stalls
Restaurants 24 seats 3 employees	1 stall per 3 seats 1 stall per 3 employees	9 stalls
TOTAL		59 stalls

The residential units require 50 stalls. Applying the larger proposed commercial use of a restaurant requires 9 stalls, for a total requirement of 59 stalls. With a total of 23 stalls proposed, a waiver of 36 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 32 stalls, with the overall site requirement reduced to 41. A waiver of 18 stalls would be required.

8. Section 5.1.8.A.1 states that no parking space may be located 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.
9. 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.
10. 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 the resulting maneuvering space is less than 9 feet in width, requiring a special permit per section 5.1.13.
11. Section 5.1.8.C.1 requires 24-foot wide two-way access aisles in parking facilities. The petitioner proposes aisles as narrow as 19 feet, requiring a special permit per 5.1.13.
12. 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.
13. 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.
14. 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.
15. 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 available 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.
16. 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.

MU4 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	13,200 square feet	No change
Setbacks			
• Front	0-10 feet	35.9 feet	10 feet
• Side abutting BU1	0 feet	0.5 feet	1.7 feet
• Side abutting MR1	20 feet	11.1 feet	0 feet
• Rear abutting BU1	0 feet	1.5 feet	0.8 feet
Building Height	48 feet (special permit)	18.3 feet	44 feet
Stories	up to 4 (special permit)	1	4
Lot Area Per Unit	1,200 square feet	N/A	528 square feet
FAR	1.00 (by right) 2.00 (special permit)	0.37	2.00

Zoning Relief Required		
Ordinance	Required Relief	Action Required
	Rezone parcels from BU2 to MU4	
§4.2.2.B.1	Special permit to allow a building with more than 20,000 square feet	§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 44 feet and an FAR of 2.00	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
§5.1.4 §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 18 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
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ATTACHMENT D

CITY OF NEWTON Department of Public Works ENGINEERING DIVISION

MEMORANDUM

To: Council Rick Lipof, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 1149-1151 Walnut Street

Date: March 25, 2021

CC: Barney Heath, Director of Planning
Jennifer Caira, Deputy Director
Lou Taverna, PE City Engineer
Nadia Khan, Committee Clerk
Neil Cronin, Chief Planner
Michael Gleba, Sr. Planner

In reference to the above site, I have the following comments for a plan entitled:

Permit Site Plan
For
1149 – 1151 Walnut Street
Residential Redevelopment
Prepared by: H.W. Moore Associates
Dated: 10/12/2020
Revised: 2/23/2021

Executive Summary:

This permit entails the demolition of an existing garage and spa, and construction of a four-story mixed-use development with retail & parking on the ground floor and apartments on the 2nd to 4th floors. The site is relative flat with a high point at elevation 159' near the center of the site and a low elevation of 157' at a catch basin in the northwest corner. The site contains two lots having a total area of 13,214 square feet [0.30 acres].

If the special permit is approved an Approval Not Required [ANR] plan will be required in accordance with Massachusetts General Laws Chapter 41 Section 81P requiring the two separate lots to be combined into one lot.

The under-building parking entrance is located on the north side of the site off Walnut Street and provides 23 on grade parking stalls. The current site is entirely all impervious cover with roofs and asphalt with no stormwater control or treatment. The engineer of record has designed a storm water collection system to collect and infiltrate stormwater to the maximum practical extent which will improve water quality and will have an overflow connection to the City's drain system. Since the entire site is impervious it would be a nice feature to introduce a "green roof" with some vegetation as an amenity for the residents.

A turning template plan is needed to demonstrate the accessibility of various types of vehicles into and out of the parking stalls. What is the clearance beneath the building for emergency vehicle access? Will the parking area have a fire suppression system? Finally, how will trash and recycling be addressed for this development, and mail distribution for the units?

Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction materials and equipment, parking for construction workers vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of the general contractor. It shall also address anticipated dewatering during construction, site safety & stability, siltation & dust control and noise impact to abutters. As the site is very tight delivery and stockpiling of materials will be a challenge.

Drainage:

1. On sheet C-4 there is a notation where the garage floor has a highpoint and the slope for the majority of the floor is towards the interior of the garage; the utility plan does not show interior floor drains that are needed and must be connected to the sanitary sewer connection, this needs clarification.
2. The proposed Operations and Maintenance (O&M) plan for the long-term maintenance of the stormwater management facilities needs to include sweeping of the driveway & parking stalls and the frequency of this event. Once updated & approved the O&M must be adopted by the applicant/property owner, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.

3. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, trench drains, and pipe(s) are the sole responsibility of the property owner(s).
4. It appears that the proposed trench drain along the rear portion of the building is partially under the building envelope and partially to open air, giving the majority of the parking stalls are under the plain of the building the trench drain should be considered a “floor drain” which should be connected to the sanitary sewer; prior to applying for a Building Permit the applicant should get clarification from the ISD Plumbing Inspector. Additionally, long-term maintenance of this unit may be difficult given the height restriction & ceiling clearance requirement for a vactor vacuum truck.
5. Prior to final approval of the overflow connection, the engineer of record needs to submit hydraulic calculation to ensure that there is adequate capacity in the City’s drainpipe in Walnut Street from the point of connection to the next downstream manhole. Additionally, a Closed-Circuit Television (CCTV) inspection will be required for Pre & Post Construction and must be witnessed by the Engineering Division, video copies shall be provided for review.

Environmental:

1. Has a 21E Investigation and report been performed on the site, if so, copies of the report should be submitted to the Newton Board of Health and Engineering Division.
2. Are there any existing underground oil or fuel tanks? Have they been removed, if they have been, evidence of the proper removal should be submitted to the Newton Fire Department and the Board of Health.

Sanitary Sewer & Domestic Water Service(s):

1. Fire Flow testing is required for the proposed fire suppression system. The applicant must coordinate the fire flow test with both the Newton Fire Department and the Utilities Division, representative of each department shall witness the testing. Test results shall be submitted in a written report along with hydraulic calculations that demonstrate the required size of the fire suppression system, these calculations shall be submitted to the Newton Fire Department for approval, and copies give to the Engineering Division.

2. All water services shall be chlorinated, and pressure tested in accordance to the AWWA and the City Construction Standards & Specifications prior to coming online. These tests MUST be witnessed by a representative of the Engineering Division.
3. Approval of the final configurations of the water service(s) shall be determined by the Utilities Division, the engineer of record shall submit a plan to the Director of Utilities for approval.
4. 5 Year Moratorium – if at time of construction the roadway is under a 5-year moratorium, the roadway must be milled and paved gutter-to-gutter for a distance of 25 feet in each direction from the outermost trenches.

Infiltration & Inflow:

- Will be addressed in a separate memo.

Power Distribution:

- Utility Pole #119-1X appears to provide power & telecommunications to a few buildings, this will have to be relocated based on the footprint of the building.



General:

1. All trench excavation shall comply with Massachusetts General Law Chapter 82A, Trench Excavation Safety Requirements, and OSHA Standards to protect the general public from unauthorized access to unattended trenches or excavations. Trench Excavation Permit is required prior to any construction. This applies to all trenches on public and private property. *This note shall be incorporated onto the final plans.*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor of record is responsible for contacting the Engineering Division and scheduling an appointment 48-hours prior to the date when the utilities will be made available for an inspection of water services, sewer services and drainage system installation. The utility in question shall be fully exposed for the Inspector to view, backfilling shall only take place when the City Engineer's Inspector has given their approval. *This note shall be incorporated onto the final plans.*
4. The applicant shall apply for a Building Permit with the Inspectional Services Department prior to ANY construction.
5. Before requesting a Certificate of Occupancy, an As Built plan shall be submitted to the Engineering Division in both digital and paper format. The plan shall show all utilities and final grades, any easements and improvements and limits of restoration. The plan shall include profiles of the various new utilities including but not limited to rim & invert elevations (City of Newton Datum), slopes of pipes, pipe materials, and swing ties from permanent building corners. The as built shall be stamped by both a Massachusetts Registered Professional Engineer and Registered Professional Land Surveyor. Once the As-built plan is received the Engineering Division shall perform a final site inspection and then make a determination to issue a Certificate of Occupancy. *This note shall be incorporated onto the final plans.*
6. All site work including trench restoration, sidewalk, curb, apron and loam border (where applicable) shall be completed before a Certificate of Occupancy is issued. *This note shall be incorporated onto the final plans.*
7. The contractor of record shall contact the Newton Police Department 48-hours in advanced and arrange for Police Detail to help residents and commuters navigate around the construction zone.
8. If any changes from the final approved design plan that are required due to unforeseen site conditions, the contractor of record shall contact the design engineer of record and

submit revised design and stamped full scale plans for review and approval prior to continuing with construction.

Note: If the plans are updated it is the responsibility of the applicant to provide all City Departments [ISD, Conservation Commission, Planning and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns, please feel free to contact me at 617-796-1023.

ATTACHMENT E

City of Newton
Ruthanne Fuller
Mayor

DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
OFFICE OF THE CITY ENGINEER
1000 Commonwealth Avenue
Newton Centre, MA 02459-1449

DATE: April 2, 2021
TO: Land Use Committee
FROM: Louis M. Taverna, P.E., City Engineer
**RE: 1149 - 1151 Walnut Street Development, Sewer Infiltration/Inflow Mitigation, REVISED Waiver Request
Ordinance No. B-45, Sewer Inflow and Infiltration (I/I) Mitigation**

The City Engineer has calculated the sewer infiltration/inflow mitigation fee for this project. See calculations below. The total mitigation fee, based on the proposed usage of low flow fixtures throughout the project, is \$120,493. This calculation reduces the proposed total flow of the completed development by the estimated existing flow from the existing property.

Sewer Ordinance No. B-45 states the following: For projects subject to a special permit, the City Council, for good cause shown, may abate in whole or in part the infiltration/inflow mitigation fee for a particular dwelling, building, or project.

Waiver request:

- a) *The expected impact of the development on sewer infiltration/inflow.* The development will propose to add an average of 1450 gallons per day to the existing city sewer system. The existing sewer flow from the site is estimated to be 86 gallons per day. The city's sewer system in this area flows downstream toward the west, to the interceptor system along the Charles River in Quinobequin Road, and flows northwest to the Quinobequin Road sewer pump station, where it is pumped into the Cochituate Aqueduct. A substantial portion of this sewer flow is bypassed to the interceptor sewer along the Charles River, toward Lyons Field and Albemarle Road, during storm events.
- b) *Whether infiltration/inflow mitigation has previously been conducted in the general area and to what extent.* This project lies in sewer area 7. Sewer area 7 has undergone substantial work related to sewer infiltration/inflow removal, as part of the city's sewer capital improvement program. However, immediately downstream of the project is sewer area 9, which is still under investigation, and has not yet undergone sewer system improvements. The estimated cost of design and construction of improvements in sewer area 9 approaches \$8,000,000 to \$10,000,000.
- c) *Whether the abatement will benefit the health and well-being of the public and is reasonably in the best interest of the city.* The City Engineer does not recommend an abatement of the sewer mitigation fee at this time.

Calculation of sewer infiltration/inflow mitigation:

Low flow fixtures:

Proposed daily flow = 1450 gal/day, per developer's memo dated February 8, 2021

Existing Property flow = 86 gal/day, per water meter data, averages

Net flow = 1364 gal/day x 4 x \$21.29 (as of 1/1/2021) = \$116,158