



# Land Use Committee Report

## City of Newton

### In City Council

**Tuesday, April 6, 2021**

**Present:** Councilors Lipof (Chair), Kelley, Greenberg, Lucas, Markiewicz, Downs, Bowman and Laredo; also Present: Councilors

**City Staff Present:** Senior Planner Katie Whewell, Senior Planner Michael Gleba, Deputy Director of Planning and Development Jen Caira, Associate City Solicitor Jonah Temple

All Special Permit Plans, Plan Memoranda and Application Materials can be found at the following link <https://www.newtonma.gov/government/city-clerk/city-council/special-permits/-folder-1058>. Presentations for each project can be found at the end of this report.

**#89-21**      **Petition to amend special permit Council Order #566-18 at 432 Cherry Street**  
DENNIS CAMERON/CRM MANAGEMENT, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Order #566-18 to maintain the existing office building, the change in use requires a waiver of four stalls at 424-432 Cherry Street, Section 33 Block 11 Lot 2, containing approximately 14,804 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 5.1.13, 5.1.4 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Held 8-0; Public Hearing Continued**

**Note:**      The Public Hearing was Opened. The Committee expressed no concerns relative to the petitioner's request for a continuance. With that the Committee voted 8-0 in favor of holding the item.

**#88-21**      **Petition to extend nonconforming front setback at 89 Pine Street**  
ABHAY AND ROMA MAYUR petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a front porch, extending the nonconforming front setback condition at 89 Pine Street, Ward 4, Auburndale, on land known as Section 44 Block 35 Lot 87, containing approximately 22,698 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Approved 8-0; Public Hearing Closed 04/06/2021**

**Note:**      Petitioners Abhay and Roma Mayur presented the request for a special permit petition to extend the nonconforming front setback at 89 Pine Street. Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning and photos and proposed plans as shown on the attached presentation. Mr. Gleba noted that the proposed porch is attached to the front of the house and will extend 1.5'-2' further into the setback.

The Public Hearing was Opened. No member of the public wished to speak. In response to questions from the Committee, Mr. Gleba confirmed that the petitioners can construct a new front porch to a 16.5' setback as a matter of right, but noted that the proposed plan is to extend the porch by an additional 2' to go to a 14.0' setback. The current building setback is 26.1'. Committee members expressed no concerns relative to the petition. Councilor Markiewicz motioned to close the public hearing which carried unanimously. Councilor Markiewicz motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation and voted unanimously in favor of approval.

**#90-21      Petition to allow single-family attached dwelling units at 145 Warren Street**

145 WARREN STREET CH, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwellings in two buildings, to allow reduced side setbacks, to increase the allowed lot coverage, to allow a driveway within ten feet of the side lot line and to allow retaining walls greater than 4' within a setback, to waive the requirement for one accessible parking stall and to allow a reduced driveway width at 145 Warren Street, Ward 6, Newton Centre, on land known as Section 61 Block 39 Lot 10, containing approximately 23,399 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.2, 5.4.2.B, 5.1.8.B.3, 5.1.13, 5.1.8.D.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Held 8-0; Public Hearing Continued**

**Note:**      Attorney Michael Rosen represented the petitioner 145 Warren Street CH, LLC/Norton Point, LLC. Atty. Rosen confirmed that the petitioner has joint ownership with 145 Warren Street CH LLC/Norton Point Warren Street LLC and stated that the petitioner has no relationship to the prior property owner who filed for a special permit in 2019. Atty. Rosen presented details and updates to the plans as shown on the attached presentation. The proposed plans maintain the existing house and add three additional units. The design of the structures takes advantage of the slope of the lot and is designed to be lower and wider as is consistent with the existing structure. The petitioners propose to construct a LEED certified project. Atty. Rosen explained that the proposed four-unit design is more appropriate for the 20,000 sq. ft. site than a two-family design. He noted that the average lot area in the neighborhood is 10,000 sq. ft. Atty. Rosen compared average lot sizes in the neighborhood and noted that the site of the proposed development has more lot are per unit than the majority of parcels on the street. As compared with a by-right design, Atty. Rosen noted that the proposed plans allow for a larger side setback, an equal front setback, a lower building height, smaller per unit average living area. He showed renderings depicting how a two-family development could be designed as a matter of right compared with the proposed four-unit development. A copy of these renderings can be shown on the attached presentation. It was noted that the site of the proposed development has a strong walk score and is proximate to the Newton Centre train and Webster Park. Atty. Rosen suggested that the size of the units will create housing opportunities for smaller sized units.

Senior Planner Katie Whewell reviewed the requested relief, criteria for consideration, land use, zoning and proposed plans and elevations as shown on the attached presentation. The subject parcel has a downward slope of 15' from the front to the rear with mature landscaping. The four proposed dwelling units are connected via an underground garage; with a combination of landscaping and patio above. The site has a proposed lot area of 5850 sq. ft. per unit greater than the 4000 required. Ms. Whewell noted

that the lot area in the neighborhood ranges from 2400-13000 sq. ft. The median is 5198 and mean is 6000 sq. ft. Ms. Whewell noted that the project meets the setback requirements at the rear and the front. Along the eastern property line the proposed setback is 19.7' (where 23 exists), the western setback is 14.5' (as exists). She stated that the unit sizes range from 2140-4500 sq. ft. but noted that the garage space adds 2868 sq. ft. which is not included in the units counts. The total square footage equals 14,424 sq. ft. with an FAR of .61.

### **Public Comment**

Simon French, 47 Glen Avenue, noted that the lot area per unit west to the site is 12,000 sq. ft. and to the east it is 8700 sq. ft. Mr. French noted that the by-right FAR is 9400 sq. ft. and stated the developer is asking for an additional 5,000 sq. ft., in addition to 33.6% of lot coverage as opposed to 25% (representing 2000 sq. ft.).

Sean Roche, 42 Daniels Street, expressed support for the proposed development. He noted that this is the type of development that should be built near and in village centers near public transportation. He agreed that the site has more than enough garage space which could probably be reduced.

Clive Martin, 142 Warren Street, noted that four units equals 8 cars which will overwhelm the street. Mr. Martin expressed concern to the number of parking spaces, particularly for a development near the MBTA. He noted that the interior of the house has been gutted and the important architectural acoustical and historical aspect of this building has been removed.

Aedin Culhane, 47 Glen Avenue, noted that the demolition permit was limited and stated that the accessory structure was not demolished. She explained that an agreement was made with the former petitioner to preserve the historic piano room interior in exchange for not landmarking the house. Ms. Culhane noted that Mr. Rosen's depiction of a by-right two-family is unrealistic which should be disregarded. She emphasized her concern relative to the demolition of the interior of the historic house which is on the National Register and stated that there is no interest in preserving the remaining structure.

Kathy Pillsbury, 34 Carver Road, noted there are lots with more massing on less space in the neighborhood. She stated that the proposed project seems to fit with the neighborhood and it is within ¼ mile of the MBTA.

John Sirafos, 133 Warren Street, noted that while he was concerned with the previous plans (roofline, porches, garages), the developer responded to his primary concerns with better laid out landscaping and more open space. Mr. Sirafos was disappointed to learn about the destruction of the piano room. He noted that 145 is one of the beauties of Warren Street and he was very nervous that it would be knocked down. Mr. Sirafos noted that the proposed garage is able to hide 8 cars in underground parking and stated that in general, the proposed development is better than other existing structures in the neighborhood.

Mary Lee Belleville, noted that Mr. Sirafos spoke in favor of the last proposal. Ms. Belleville's letter dated March 31, 2021 is attached to the end of this report. She noted that the by-right project is unrealistic. She

stated that four, smaller units with one car each would be much better and emphasized that the proposed design is too big. She questioned whether the roof will actually be preserved and asked for clarification.

Marilyn and Barry Lipkin, 140 Warren Street, are opposed to the project, which they believe is too large. Ms. Lipkin noted that the renderings shown by the developer are scare tactic and stated that the abutters on the other side of the site are opposed to the project as well.

Jill Ruiz, 136 Warren Street, questioned why would the only option be to build high on the two-unit option when the four-unit option allows you to build low?

Liz Monahan, noted that the project has been tastefully designed and is beautiful and is close to public transportation.

Deputy Director Jen Caira confirmed that the Historic Commission does not have jurisdiction over the interior of the house. The petitioner, Andrew Consigli explained that landmarking of the property would preserve the exterior of the house only. It was noted that the house was purchased in June 2020 and no representations were made with respect to preservation of the structure. Mr. Consigli confirmed that the interior walls were removed to remove seaweed in the ceiling that would used as insulation. He stated that the house must be upgraded to meet LEED certification, energy star ratings and architectural and building code. He stated that he believes the exterior of the house is worth preserving as it is a 1933 bungalow which is different than anything else in the City. Mr. Consigli confirmed that he would not build the project as shown on the renderings, but the images were intended to show what could be constructed as a matter of right. In response to questions from the Committee, Mr. Consigli confirmed that landmarking of the property will not affect the ability to move forward with the proposed design.

Committee members acknowledged the need to upgrade the conditions to achieve modern day safety and comfort. Mr. Consigli confirmed that he will work with the Historic Commission to install windows that are architecturally representative and energy efficient. He noted that triple pane windows will be installed at the rear of unit 4 to help buffer noise from the train. He confirmed that he will be maintaining the red clay tile roof. Committee members expressed support for the preservation of the red clay tile roof and the drainage collection system. Committee members noted that eight cars on site may not be necessary, given the sites proximity to the train and walkability to amenities. Councilors questioned whether the petitioner can consider fewer cars (possibly one per unit), which will also reduce the massing. Additionally the Committee questioned whether the developer consider smaller units to reduce overall bulk.

Atty. Rosen confirmed that one opportunity for improvement might be in the reduction of number of parking spaces. He stated that the petitioner has considered what the project might look like with a reduction from eight to six parking stalls. Atty. Rosen noted that they do not believe the reduction in parking stalls would be impactful to the economic feasibility of the project. He stated that this change would considerably reduce the square footage and might allow the to change the configuration and setbacks.

The Committee noted that new relief would be needed to reduce the parking. The Committee asked the petitioner to consider reduction in parking, size of the units and/or a unit. The Committee noted that

further discussion should be limited to the changes to the project. With that, the Committee voted unanimously in favor of a motion to hold the item from Councilor Bowman.

**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 8-0; 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 8-0; Public Hearing Continued**

**Note:**      Attorney Alan Schlesinger, with law offices at Schlesinger and Buchbinder, 1200 Walnut Street, represented the petitioner Newton Walnut LLC. He expressed disappointment that Planning has asked for additional documents and review and emphasized the petitioner's concern that the Committee is not ready to vote on the project. He noted the proposed development has significant community support, support from the neighborhood area council, is consistent with the City's plans and goals. He provided a summary of the project and updates as shown on the attached presentation.

Deputy Director of Planning Jen Caira explained that there were some outstanding issues that had not been addressed or were missing. Planning received documents related to sustainability very recently. Ms. Caira stated that she is hopeful a Council Order can be prepared for the next public hearing. Senior Planner Michael Gleba presented updates to the petition as well as outstanding information as detailed on the attached presentation.

Atty. Schlesinger stated that the petitioner does not have plans to address the outstanding items as detailed by the Planning Department, which he believes have already been addressed. Committee members were supportive of ongoing communication between the Planning Department and the petitioner in support of moving the project forward.

Shawn Reeves, member of the church next to 1149 Walnut Street. They received a model from Atty. Schlesinger. Mr. Reeves showed the massing model and shadow studies.

Councilor Bowman motioned to hold the item which carried 8-0. With that, the Committee adjourned at 10:45 pm.

**Respectfully Submitted,**

**Richard Lipof, Chair**

# Department of Planning and Development



**PETITION #88-21**

**89 PINE STREET**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO CONSTRUCT A  
FRONT PORCH, EXTENDING  
THE NONCONFORMING FRONT  
SETBACK CONDITION

*APRIL 6, 2021*



# Requested Relief



Special permit per §7.3.3 to:

- further extend a nonconforming front setback (§3.1.3, §7.8.2.C.2)



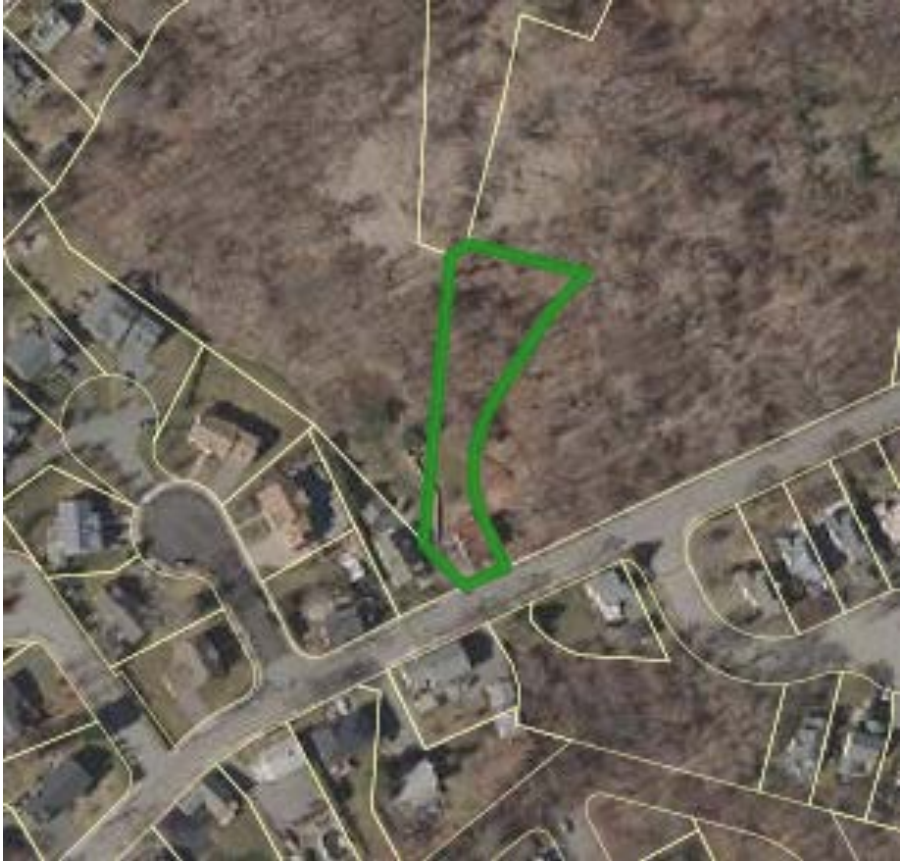
# Criteria to Consider



When reviewing the requested special permits the Council should consider whether:

- The site in a Single Residence 3 (SR3) district is an appropriate location for the proposed front porch that would reduce the front setback to 14.9 feet (§7.3.3.C.1)
- The proposed front porch that would reduce the front setback to 14.9 feet will adversely affect the neighborhood (§7.3.3.C.2)
- The proposed front porch that would reduce the front setback to 14.9 feet 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)

# AERIAL/GIS MAP



# Zoning



## ATTACHMENT B

Zoning

89 Pine St.

*City of Newton,  
Massachusetts*

### Legend

-  Single Residence 3
-  Public Use



The information on this map is from the OpenStreetMap (OSM) 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 use in any intended purpose. City Departments will not necessarily approve applications based solely on GIS data.

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

0 10 20 30 40 50 Feet

Map Date: March 26, 2021



# Land Use



## ATTACHMENT A

### Land Use

89 Pine St.

*City of Newton,  
Massachusetts*

### Land Use

#### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Open Space
-  Nonprofit Organizations
-  Vacant Land



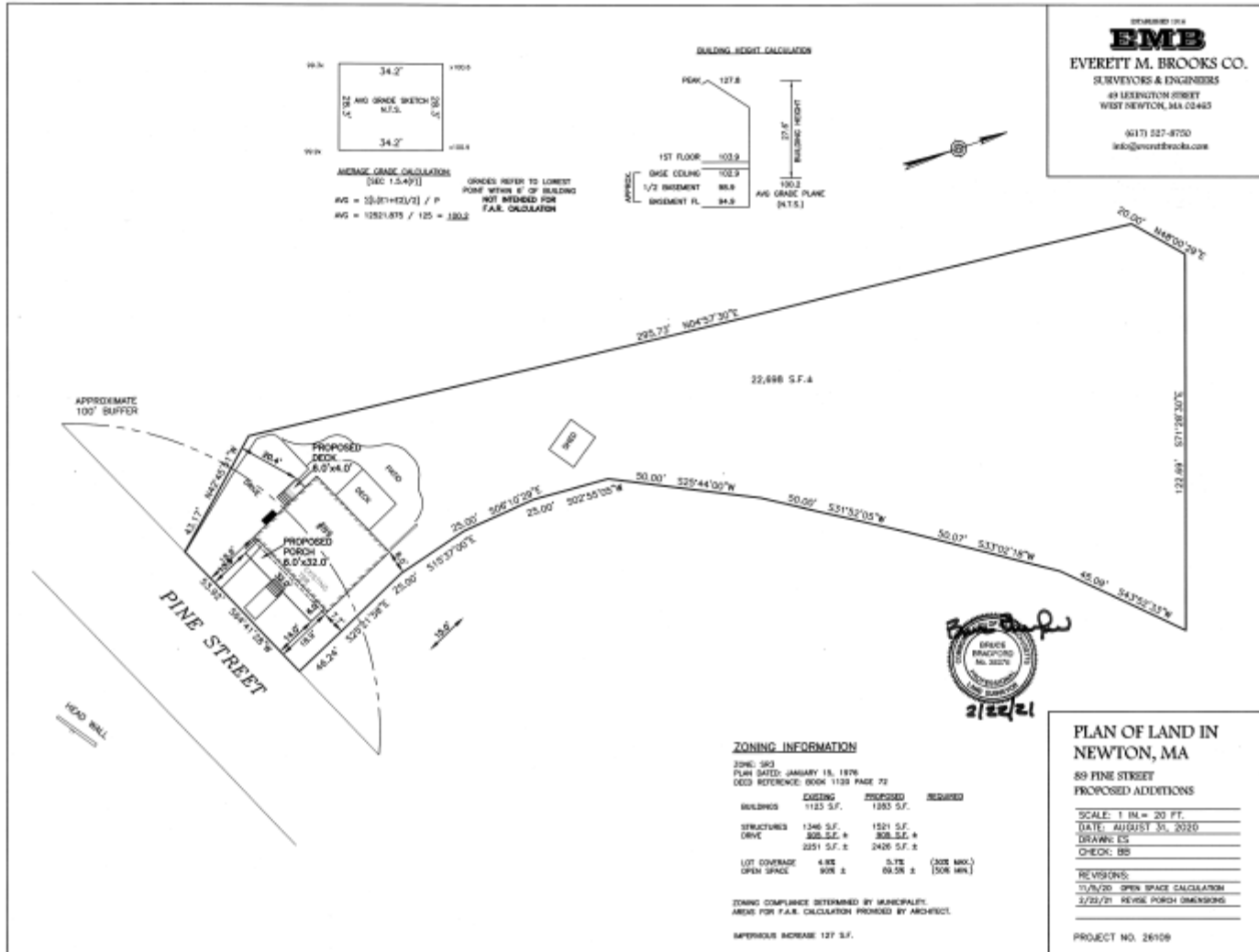
The information on this map is from the Newton Geographic Information System (GIS). The City of Newton reserves the right to amend or update this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City Departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Rollande Pilon  
GIS Administrator - Douglas Greenfield

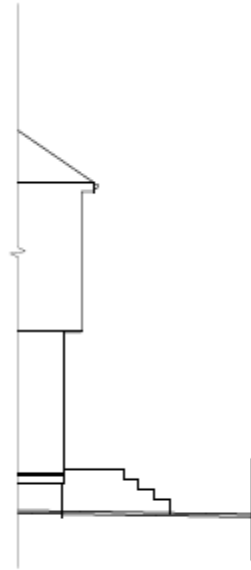
0 50 100 150 200 Feet

Map Date: March 26, 2021

# Site Plan



# Elevations- existing

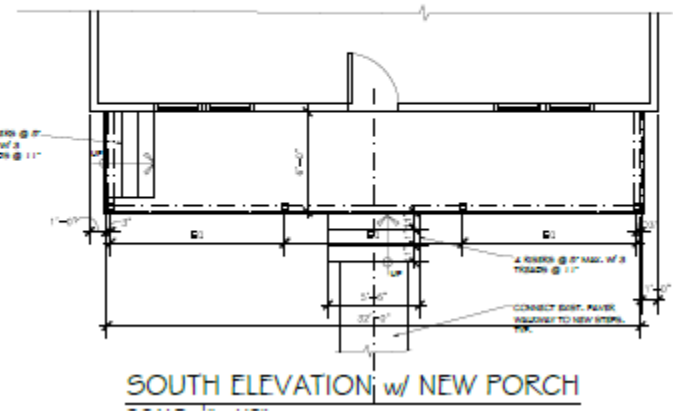
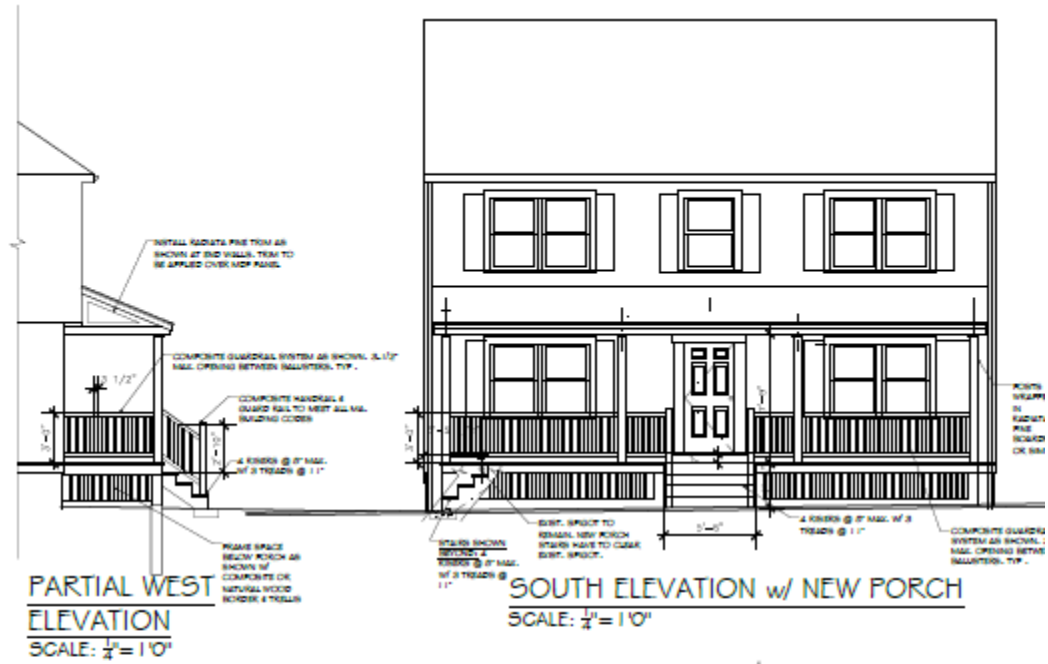


PARTIAL WEST  
ELEVATION  
SCALE:  $\frac{1}{4}'' = 1'0''$



EXISTING SOUTH ELEVATION  
SCALE:  $\frac{1}{2}'' = 1'0''$

# Elevations- proposed



# Photos





# Photos



# Proposed Findings



1. The site in a Single Residence 3 (SR3) district is an appropriate location for the proposed front porch that would reduce the front setback to 14.9 feet *as similar front setbacks exist in the surrounding area* (§7.3.3.C.1)
2. The proposed front porch that would reduce the front setback to 14.9 feet will not adversely affect the neighborhood *as similar front setbacks exist in the surrounding area* (§7.3.3.C.2)
3. The proposed front porch that would reduce the front setback to 14.9 feet will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

# Proposed Conditions



1. *Plan Referencing Condition*
2. *Standard Building Permit Condition.*
3. *Standard Final Inspection/Certificate of Occupancy Condition.*

# 145 WARREN STREET

April 6, 2021

A Four-Unit Single Family Attached Housing Development and  
Exterior Preservation of the Historic “Aloha” House

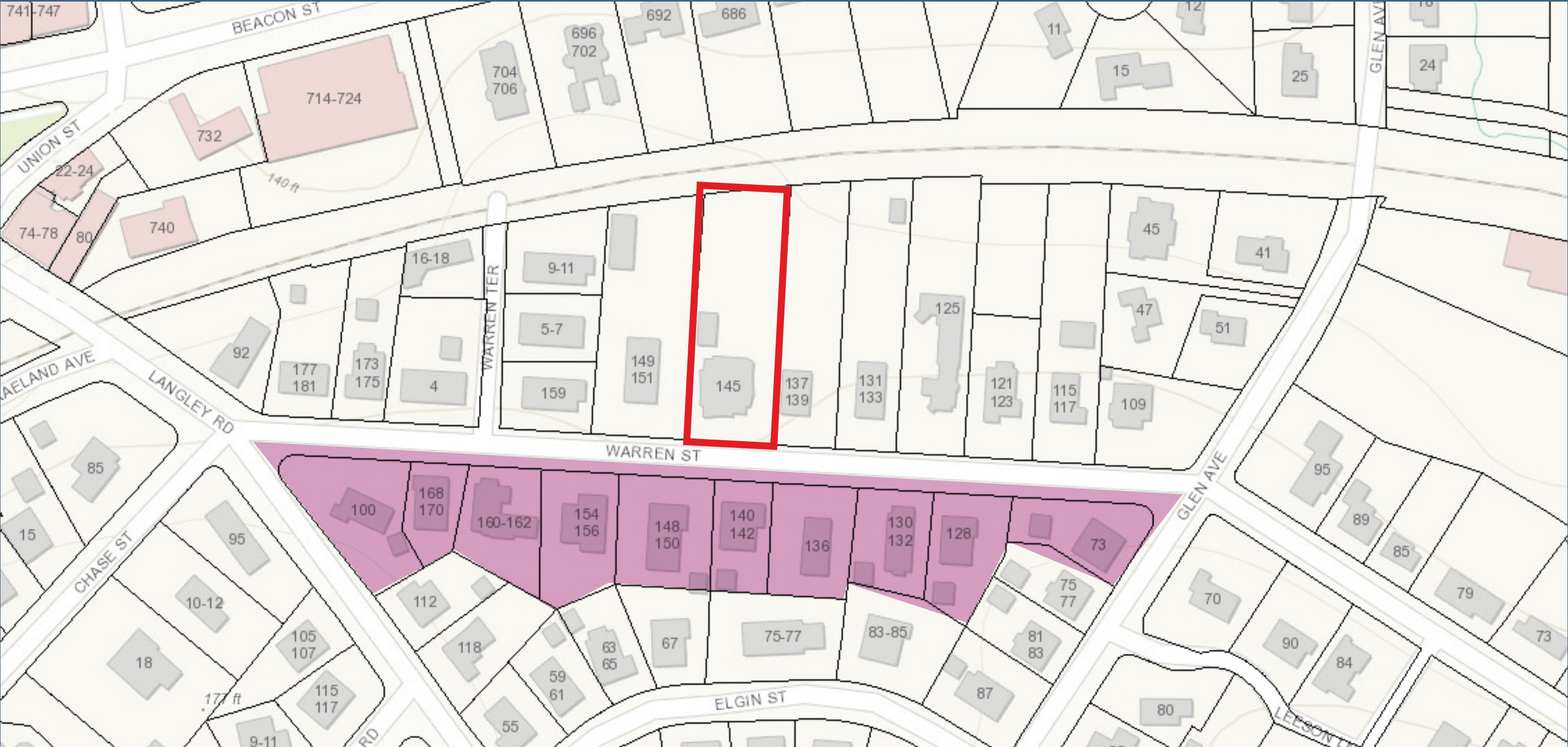
The following presentation outlines why a 4-unit design is more appropriate at 145 Warren Street  
than a 2-unit “by right” development

# 145 WARREN STREET HAS SIGNIFICANTLY MORE LAND AREA THAN ALL BUT ONE OTHER PARCEL IN THE NEIGHBORHOOD

- 145 Warren Street has almost **DOUBLE** the land area of the average neighborhood lot.
- 4 units at 145 Warren Street would have more open space than the neighborhood average per unit.
- 20 out of 34 parcels on Warren Street have less land area per unit than a 4-unit design at 145 Warren Street

	Neighborhood Average	4 Unit
Lot Area	10,000 sf	23,000 sf
Open Space	8,409 sf	15,778 sf
Land Area Per Unit	6,154 sf	5,850 sf

# 145 WARREN STREET IS 2.5X THE SIZE OF EVERY PARCEL ON THE NORTH SIDE OF WARREN STREET



4 units on 23,399 sf (145 Warren) = 5,849 sf land area per unit vs. 2 units on 9,500 sf avg. (North Side avg.) = 5,253 sf land area per unit



4 units at 145 Warren Street have MORE land area per unit than every parcel on the north side of Warren Street

# WHY 4 UNITS SHOULD BE ALLOWED AT 145 WARREN STREET

In comparison to what can be built “BY RIGHT”

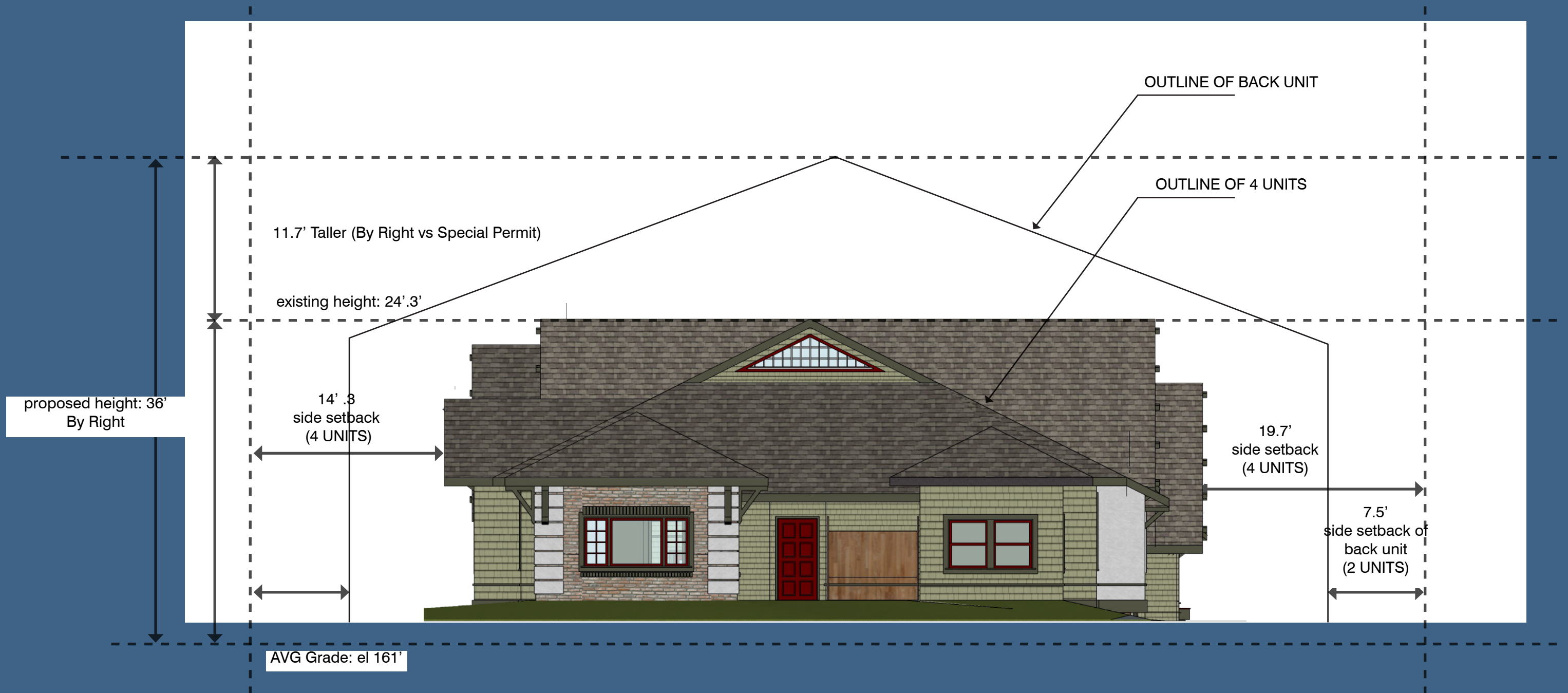
## Project Benefits:

- Larger side and rear setbacks
- Lower building height
- 4 smaller units vs. 2 large units
- Units size is similar to neighbors
- Lower sale prices
- Preservation of a historic house
- Creation of a Universally Accessible Unit

	2 Unit	4 Unit
Side Setback	7.5' / 7.5'	14' / 20'
Front Setback	25'	25'
Building Height	36'	24'
Per Unit Average Living Area	5,000 sf	2,437 sf
Estimated Sales Price per Unit	\$2M	\$1.2M
Preservation of Historic House	Yes	Yes

\*The average unit size in the neighborhood excludes 145 Warren Street

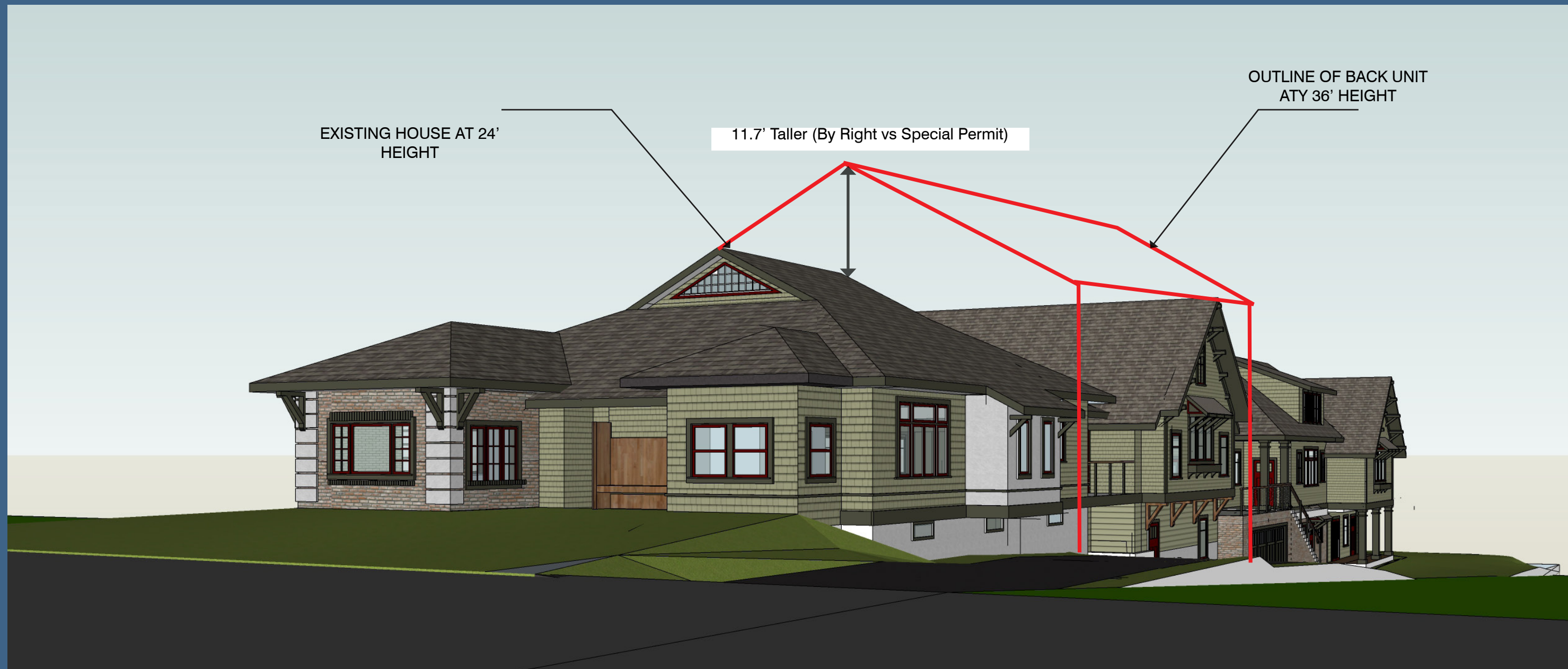
# WHAT ARE THE SETBACK DIFFERENCES BETWEEN BY RIGHT AND 4 UNITS?



The by right option has significantly less side setback than the 4-unit design

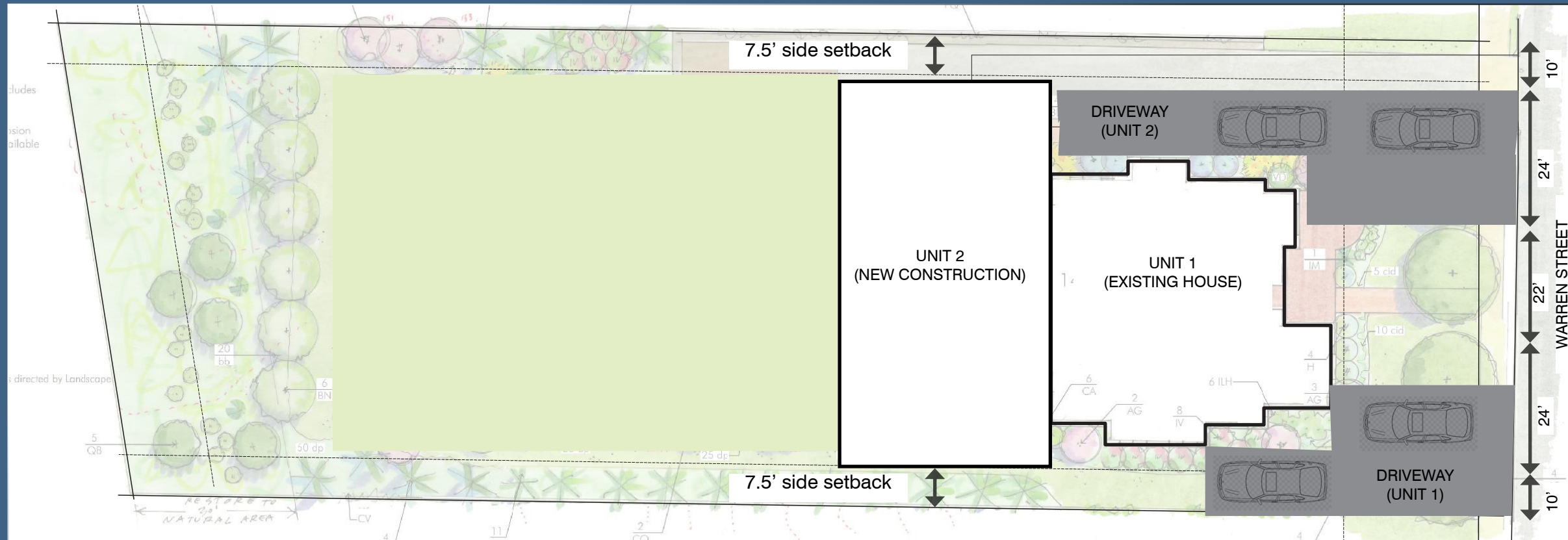


# WHAT DOES A 36' BUILDING HEIGHT LOOK LIKE IF A 2-UNIT PROJECT IS BUILT COMPARED TO 4 UNITS?

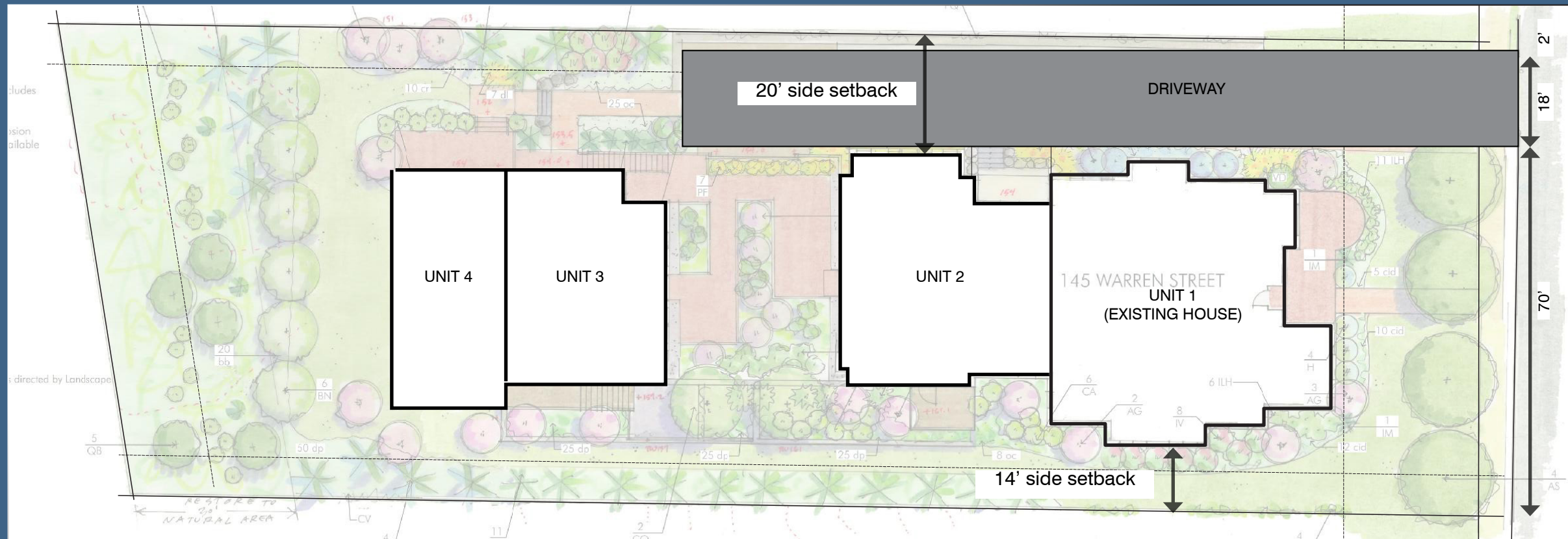


The 2-unit by right option is **MORE** imposing than the 4-unit option

# WHAT ARE THE SITE PLAN DIFFERENCES BETWEEN 2 UNITS AND 4 UNITS?



Frontage Length is 90', of which 42' will be Landscape, and the remaining 48' will be asphalt for the 2 Unit By Right Design.



Frontage Length is 90', of which 72' will be Landscape, and the remaining 18' will be asphalt for the 4 Unit Design. That is 30' MORE landscape along Warren Street than the 2 Unit By Right Design.

**The 2-unit by right option has MORE asphalt at Warren Street than the 4-unit option**  
**The 2 unit by right option has LESS of a side setback than the 4-unit option**



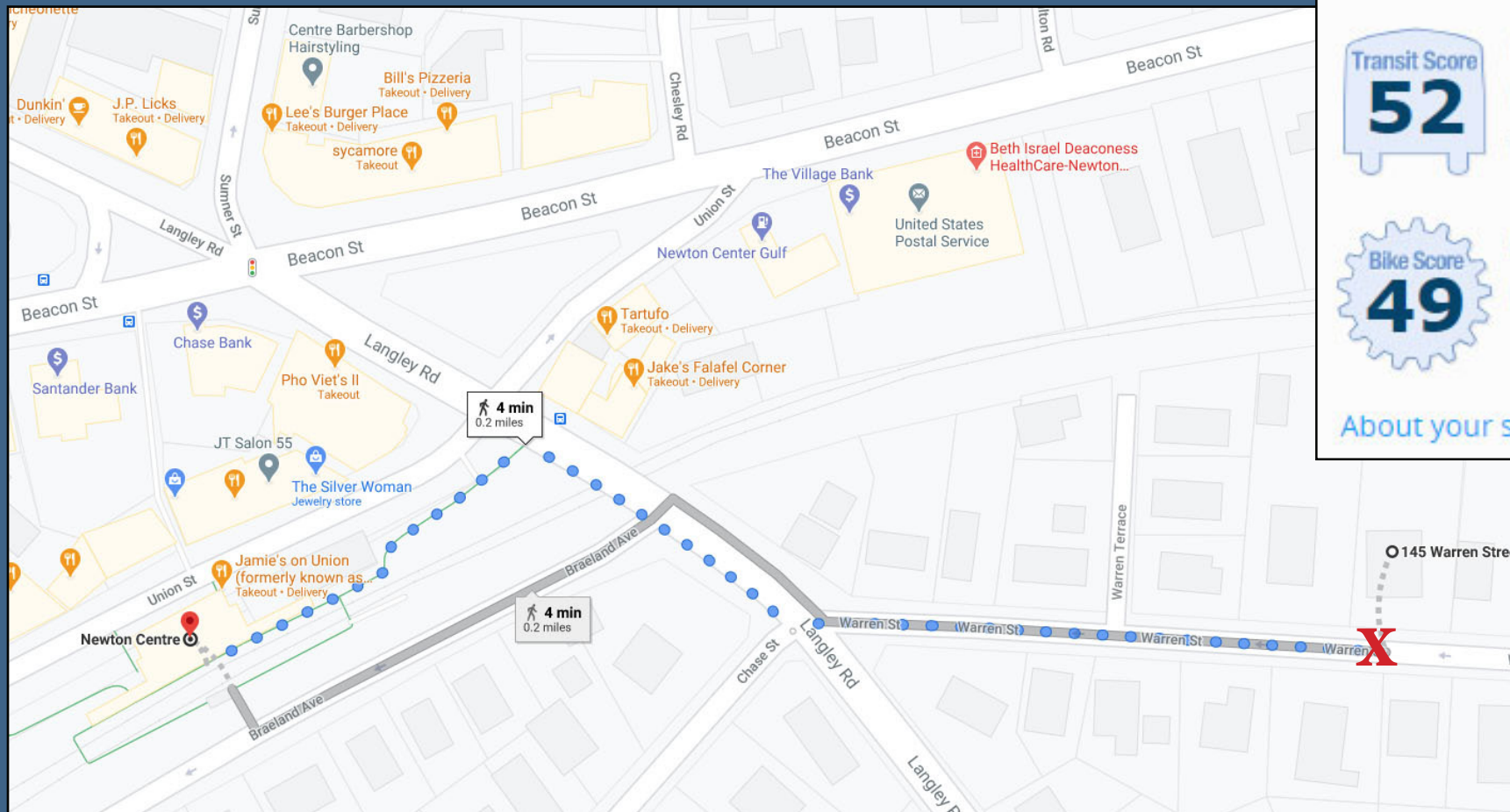
Example of parking spaces in driveway directly off of Warren Street. This would be similar to the 2 Unit condition at 145 Warren Street and would have 4 visible cars in front.



Current Condition of 145 Warren Street. A 4 Unit project would maintain the same curbcut and direct cars around back into a enclosed garage for 8 cars. More landcape would be along the street than with the 4 Unit design.

# HOW WALKABLE IS 145 WARREN TO THE NEWTON CENTRE?

- 4-Minute Walk to MBTA
- 7-Minute Walk to Centre Green
- 5-Minute Walk to Webster Park



## 145 Warren Street

Newton Center, Newton, 02459

Commute to **Downtown Newton**

🚗 5 min 🚌 20 min 🚲 8 min 🚶 28 min [View Routes](#)

[Favorite](#) [Map](#) [Nearby Apartments](#)

[More about 145 Warren Street](#)

**Walk Score 77** **Very Walkable**  
Most errands can be accomplished on foot.

**Transit Score 52** **Good Transit**  
Many nearby public transportation options.

**Bike Score 49** **Somewhat Bikeable**  
Minimal bike infrastructure.

[About your score](#)

# HOW 4 UNITS AT 145 WARREN STREET COMPARES TO OTHER 4-UNIT PERMITTED PROJECTS IN MR1 ZONES IN NEWTON

	37 Elm Street	1100 Chestnut Street	9 Ripley Street	83 Waban Street	70 Walker Street	103 Court Street	Average	145 Warren Street
Lot Size	25,000	22,800	20,846	19,340	21,962	22,783	22,122	23,399
Walk Score	77	74	63	74	72	74	72	77
Transit Score	29	45	78	53	38	33	46	52

**145 Warren Street is a superior location for Smart Growth and in better locations than previously approved 4-unit projects in Newton**

**All the aforementioned locations are generally similar in density to the Warren Street Neighborhood**

## HOW DOES THE SIZE AND PRICE OF 4 UNITS COMPARE TO WHAT IS BEING BUILT IN NEWTON?

- The average unit size of a **new construction townhome** in Newton in the last 12-months is **3,229 sf**
- The proposed average unit size at 145 Warren Street is **2,437 sf**.
- The neighborhood average unit size is 2,474 sf, in line with 145 Warren's Unit Size
- The average sale price for a **5,000 sf townhouse** in Newton in the last 12 months is **\$1,900,000**
- The Average sale price for a 2,400 sf unit at 145 Warren Street is expected to be **\$1,200,000**

**4 units at 145 Warren Street are MORE attainable for young families and empty nesters than a 2 unit By Right Design**

## **CIVICO HAS ENGAGED THE NEIGHBORHOOD**

- Organized three neighborhood meetings
- Decreased the overall project by 20% from previous proposal
- Increased the rear setback from 20' to 45' from previous proposal
- Removed all high roof decks from previous proposal

## **CIVICO HAS COOPERATED WITH THE CITY**

- Agreed to halt any further demolition and continue to work with the NHC to Landmark the historic structure
- Newton Historic Commission previously supported project with similar design
- Agreed to certify project as LEED for Homes Certified
- Agreed to create a Universally Accessible Unit in the historic home
- Received approval from the Conservation Committee
- Received approval from Newton Engineering Department
- Civico plans on working with Newton engineering to resolve a faulty drain line that runs along the boundary line of 145 Warren Street and 149 Warren Street

# WHAT WAIVERS DOES A 4-UNIT DESIGN NEED?

And reasons **WHY** relief should be granted, including direct benefits to the neighborhood

## 1. Zoning Relief Requested

To reduce the allowable side setback of 25' for Single Family Attached Dwellings

### Reason for Relief

Side setback relief is required by necessity as the existing home protrudes into the required 25' setback for a Single Family Attached Design.

The setbacks allowed by right for a two-family home are MUCH less at 7.5' each side.

We are proposing a 14' side setback and a 20' side setback for the 4 Unit Design.

### Direct Benefit of Granting Relief

- More Buffer and setback distance than a 2 Unit Design
- Side setbacks of 14' and 23' versus a 7.5' and 7.5' setback

## 2. Zoning Relief Requested

To exceed Lot Coverage

### Reason for Relief

The existing home is 23' high. The design sympathetically takes this **LOW** height into consideration and maintains this elevation across the whole project. This is 13' lower than what is allowed **BY RIGHT**, but increases the lot coverage from the allowable 25% to 33%. By comparison a 2 Unit Design has a Lot Coverage Maximum of 30%-only 3% less than the 4 unit design.

### Direct Benefit of Granting Relief

- A MUCH lower building height at 23' high than 36' high
- A creative, thoughtful and historically sensitive design that is not imposing to the neighborhood



# WHAT WAIVERS DOES A 4-UNIT DESIGN NEED?

Continued.

## 3. Zoning Relief Requested

To allow a driveway within 10' of the side lot line

### Reason for Relief

To direct a single driveway to the rear of the property where automobiles will be covered and out of sight at the same location where the driveway already exists.

### Direct Benefit of Granting Relief

- Eliminating the need for multiple curb cuts on Warren Street
- 4-unit design has **MORE** green space on Warren Street than a 2-unit by right project.
- Significantly reduces the amount of asphalt for multiple driveways off Warren Street
- Parking is out of view from the public way

## 4. Zoning Relief Requested

To allow a retaining wall over 4' in height

### Reason for Relief

Due to the significant slope of the site, and the desire to cover all of the required parking, a retaining wall is needed. This also allows a single driveway to access the rear of the property, whereas a by right development would require multiple curb cuts and significantly more asphalt at the street front.

### Benefit of Granting Relief

- Eliminating the need for multiple curb cuts on Warren Street
- 4-unit design has **MORE** green space on Warren Street than a 2-unit by right project.
- Significantly reduces the amount of asphalt for multiple driveways off Warren Street
- Parking is out of view from the public way

## FACTS

- Civico has tirelessly engaged, and has been responsive to, the City and neighborhood.
- 4 units at 145 Warren Street **IS** an appropriate density for a 23,399 sf parcel in an MR1 Zone within a 4-minute walk of shops, services, and transit.
- Civico is proposing smaller and significantly lower priced units than what is currently being built in Newton and **what can be built by right.**
- There have been multiple 4-unit projects approved with less land area and more waivers in less walkable locations than 145 Warren Street.
- The by right scenario is **MORE** out of character with the neighborhood than a 4-unit project based on **unit size, height, setbacks,** and the **character of the streetscape.**
- The by right design has an average unit size of 5,000 sf. The 4 unit design has an average unit size of 2,437 sf. The same as the neighborhood average. Its CLEAR 2 Units is out of character.

## WHY IS IT IMPORTANT THAT 145 WARREN STREET BE LEED CERTIFIED?

LEED-certified homes are designed to save costly resources—energy and water — and using fewer resources means lower utility bills each month. Based on the average HERS ratings for each level of LEED certification, these homes could potentially see energy reductions of: Up to 30% (for LEED Certified homes)

## HOW IS THE CITY OF NEWTON SUPPORTING SUSTAINABLE BUILDING?

### 1. The Five Year Climate Action Plan

- “Work with City Council to adopt Zoning Ordinance amendments that require and/or incentivize high-efficiency performance, such as Passive House and/or net-zero new construction — within the next 12 months-Climate Action Plan Strategies” (Appendix D)

### 2. New Zoning Redesign

- “The new zoning proposal recommends that when a project requires a special permit, the permit be conditioned with a requirement to improve the building to higher energy performance standards.” -NewtonMA.gov

### 3. GreenNewton.org

- With recognition of the climate crisis, and the progress made in green building practices and policy, Green Newton calls for the City of Newton, and all governments, to use the following principles to evaluate and guide building projects.-GreenNewton.org

## HOW HAS CIVICO DONE THEIR PART?

- Out of 14 LEED Certified Market Rate homes in Newton, 11 of them have been completed by Civico.
- LEED for Homes typically increases the construction costs by as much as 10%. Civico is committing to certifying BOTH the New Construction and Existing Historic Home.
- LEED for Homes is a **VOLUNTARY** rating system that promotes the design and construction of high-performance green homes.

# WHY IS IT EITHER 2 UNIT BY RIGHT DESIGN OR A 4 UNIT DESIGN? WHY NOT 3 UNITS?

- A 2 Unit By Right project does not need a Special Permit. A 3 Unit project does not justify the added permitting complexity.
- Both the 3 Unit and 4 Unit designs require substantially similar site work. The 4th Unit is necessary to justify the added site costs resulting from topography and below grade parking for a project other than the 2 Unit by right design.
- A 3 Unit design has a maximum lot coverage of 25% whereas a 2 Unit design has a lot coverage of 30% based upon zoning distinctions for two and three family properties. As a result, a 2 Unit project by right affords a developer an additional 1,200 buildable square feet.



**Existing Property  
(23,399 sf Parcel)**



**Historic "Aloha" House**



Google

## Existing Height



**Property Line**





**Frontage and Streetscape**



**By Right Two Family AND accessory apartment**



**By Right Building Height**



## **By Right Building Setbacks**



## By Right Driveways



**Surface Parking for each Unit  
(By Right)**



**Proposed 4 Units**  
(2,437 sf avg)



**24' roof height vs 36'**

.....  
161' avg grade

## **Proposed Building Height**





**14'**

**21'**

**LARGER Side Setbacks  
14' and 21' vs 7.5' and 7.5'**

**Proposed Setbacks**



**No Visible Parking-ALL Covered**

**Proposed Parking**

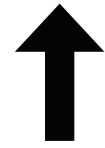


**70'**

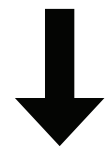
**More Green Space at Warren Street  
70' vs 22'**

**Proposed Front Yard**

**TWO 5,000 sf units  
AND a 1,000 sf  
Accessory Unit**



**Which is MORE  
detrimental to the  
character of the  
neighborhood?**



**FOUR 2,473 sf  
avg units**



**A 4 unit project is LESS detrimental to the character of the neighborhood than a BY RIGHT 2 Unit and Accessory Apartment**



# 1149-1151 Walnut Street

April 6, 2021



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

#320-20 Special Permit to construct 25 units, 5 of which are inclusionary, and 1,167 square feet of retail with 23 parking spaces

# Zoning Map



# Site Plan





# Revised Design Proposed to Land Use Committee November 2020



# Changes to Project

- Building moved 5 feet from North property line
- Reduction of building height from 48 to 44 feet
- Reduction from 25 to 24 units
- Portion of the 4<sup>th</sup> floor removed from North side of building
- Added private terrace to 3<sup>rd</sup> floor and roof deck to 4<sup>th</sup> floor
- Solar panels added on roof

# Rendering From Walnut Street



# Aerial Perspective Looking South



# Aerial Perspective Looking South



# Aerial Perspective Looking West



# Aerial Perspective Looking West



# Aerial Perspective Looking East





# Aerial Perspective Looking East



# Documents

- Inclusionary Housing Plan
- Sustainability Plan
- Transportation Demand Management Plan
- I&I Calculation
- Historic Commission Findings of Not Preferentially Preserved

# Inclusionary Housing

Unit	Prior Square Footage	Revised Square Footage
205	622 s.f.	595 s.f.
206	851 s.f.	849 s.f.
302	480 s.f.	686 s.f.
305	623 s.f.	595 s.f.
405	623 s.f.	595 s.f.
<b>Total</b>	3199 s.f.	3320 s.f.

5 of 25 units will be inclusionary

- 1 studio unit, 3 1-bedroom units, 1 2-bedroom units
- 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.

# 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.b	Allow 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 less than 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

# 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

*APRIL 6, 2021*



# Rezoning petition



- On March 3, 2021, the Planning and Development Board voted to recommend the rezoning request by a vote of six in favor, none opposed

# Project revisions (2/24/2021)



- As previously designed the development's 10.7-foot front setback exceeded the Building brought forward 0.7 feet to meet MU4 district's maximum front setback of 10 feet for buildings with 4 or more stories.
- Residential units reduced from 26 to 25 (the five inclusionary units remain unchanged)
  - achieved by replacing unit slated for northeast side of the fourth floor with common deck space (height at that location now 34 feet, rest of structure remains 44 feet)
- Third-floor roof deck added for use by two adjacent units.
- Elevations modified to include bay windows and other elements

# Sustainability (3/24/2021)



- Petitioner committing to achieve at least LEED Silver certification and pursuing the Passive House certification to meet requirements of Sec. 5.13.4.A.
- Roof top solar arrays would be installed and that two electric parking spaces would be installed per Sec. 5.13.4.B.
- Clarification sought *re* petitioner's intent for hot water, etc.
  - Both "high-efficiency hot water heating systems" and "heat pump hot water for the residential portion of the building and natural gas for retail use" are referenced



# 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
  - a “ride board” with carpool and MBTA information would be located in the building’s lobby
  - it was considering subsidizing MBTA passes for renters who do not use a parking stall
- 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, the Petitioner is encouraged to:
  - more fully develop its TDM plans
  - commit to providing subsidy for transit passes for on-site employees and residents, including those with on-site parking, to further reduce trip generation
- Transportation Division suggests possible special permit condition “that would not allow access to on-street resident and visitor parking permits to residents of 1149-1151 Walnut Street residents, if on-street parking permits were to be made available to buildings abutting this section of Walnut Street” to “‘right size’ parking at the outset, and to ease the concerns of residents living on nearby residential streets in terms of future overflow parking.”

# Engineering



- Associate City Engineer submitted revised Engineering Review Memorandum reflecting project revisions
  - The petitioner has responded to certain of the comments related to proposed site plan included in the memorandum, including:
    - garage's nine foot vertical clearance exceeds that required HP vans
    - turning radii will be provided prior to construction.
      - the Planning Department urges the petitioner to provide such radii so as to allow analysis at the earliest possible time.
- Inflow and Infiltration (I&I) fee per City Engineer's memo
  - petitioner's obligation= \$116, 158
  - City Engineer does not recommend an abatement of the fee at this time

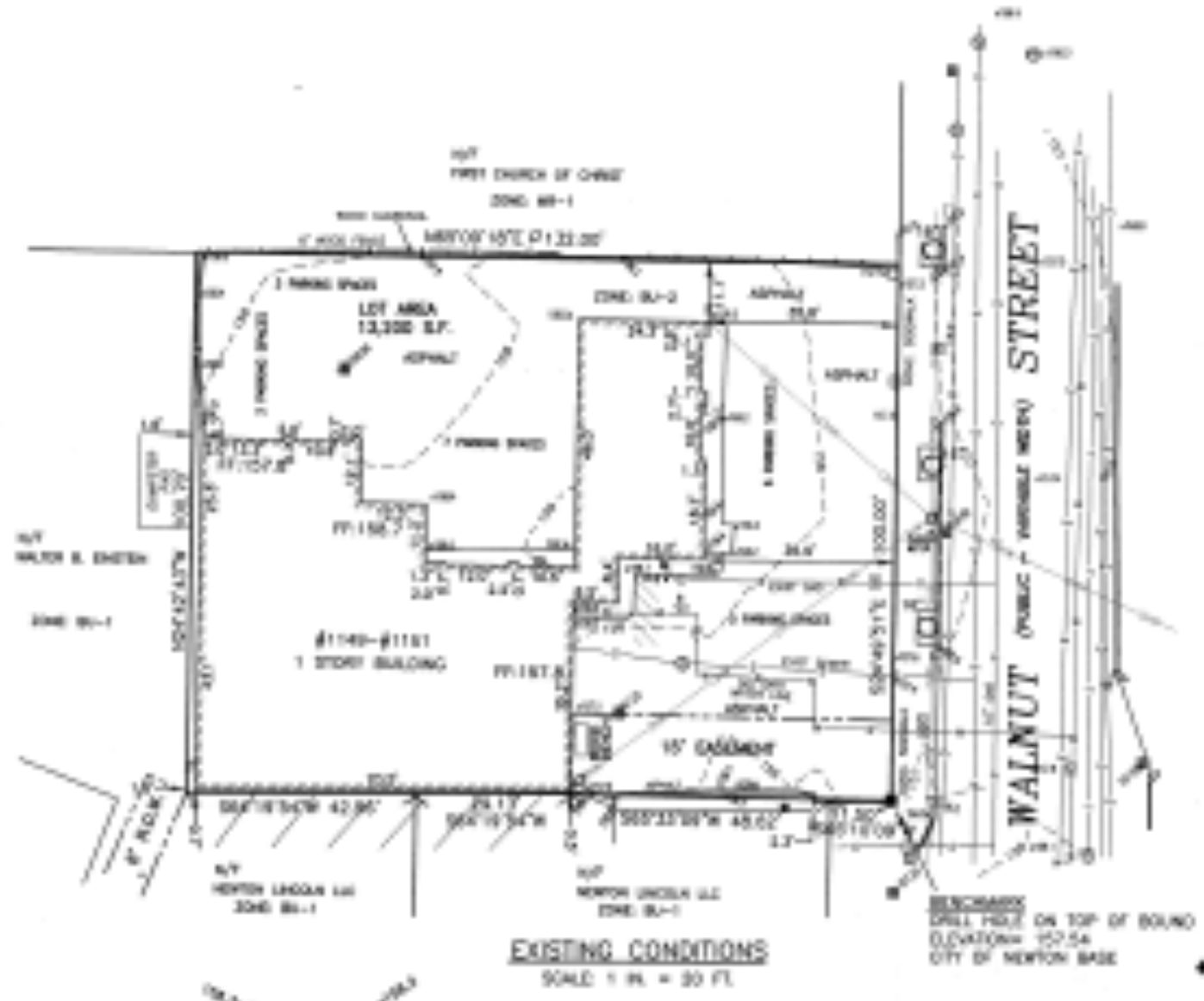
# Additional Information



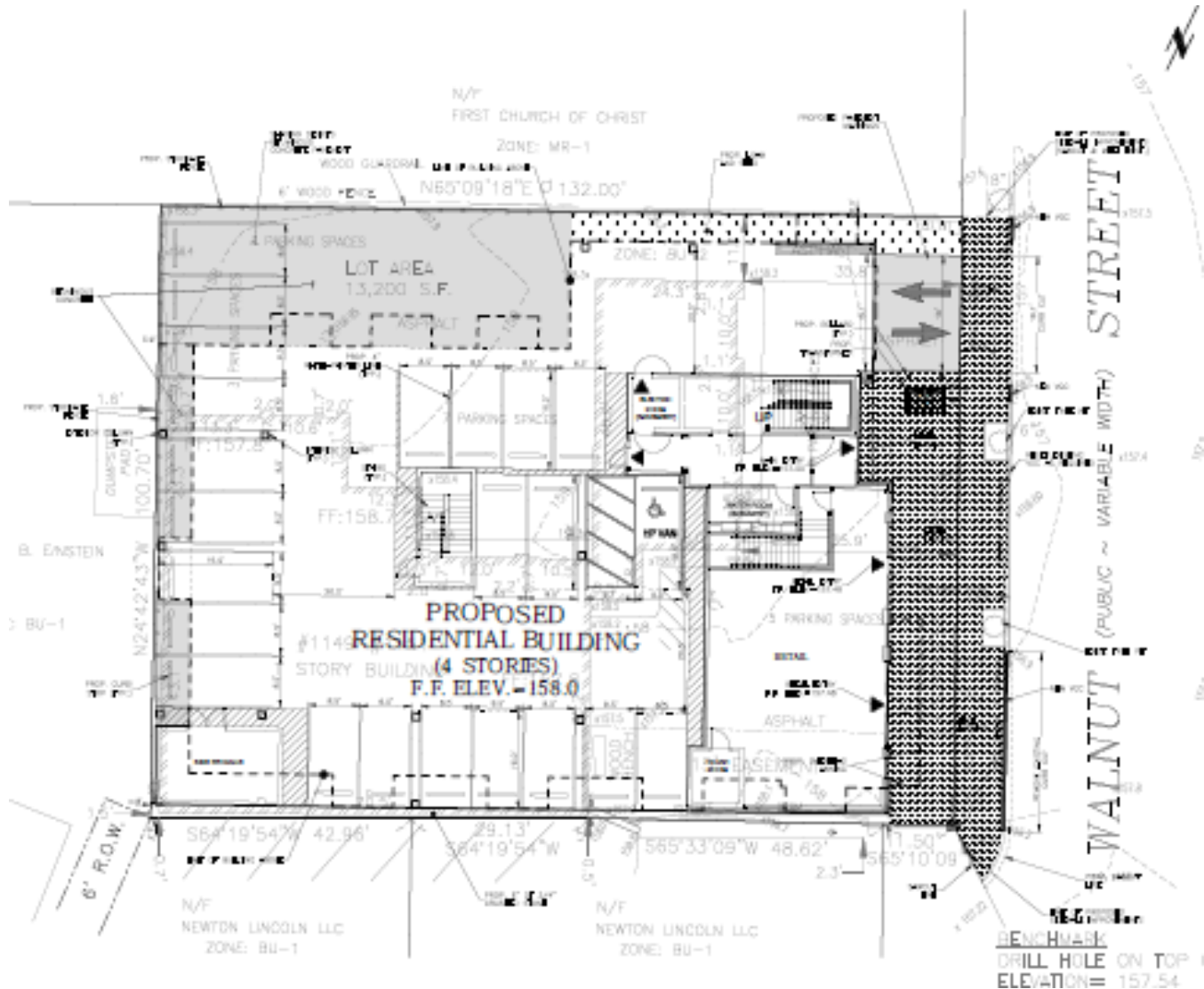
The Planning Department recognizes the need for additional information about the project:

- Second UDC design review
- Updated shadow study reflecting latest/current design
- More detail re use of front setback area (i.e., space between front façade and the back of the sidewalk; location of transformer)
- More comprehensive TDM plan
- Turning radii, etc. in parking area
- Clarification of heating/hot water electrification & natural gas for retail/restaurant space

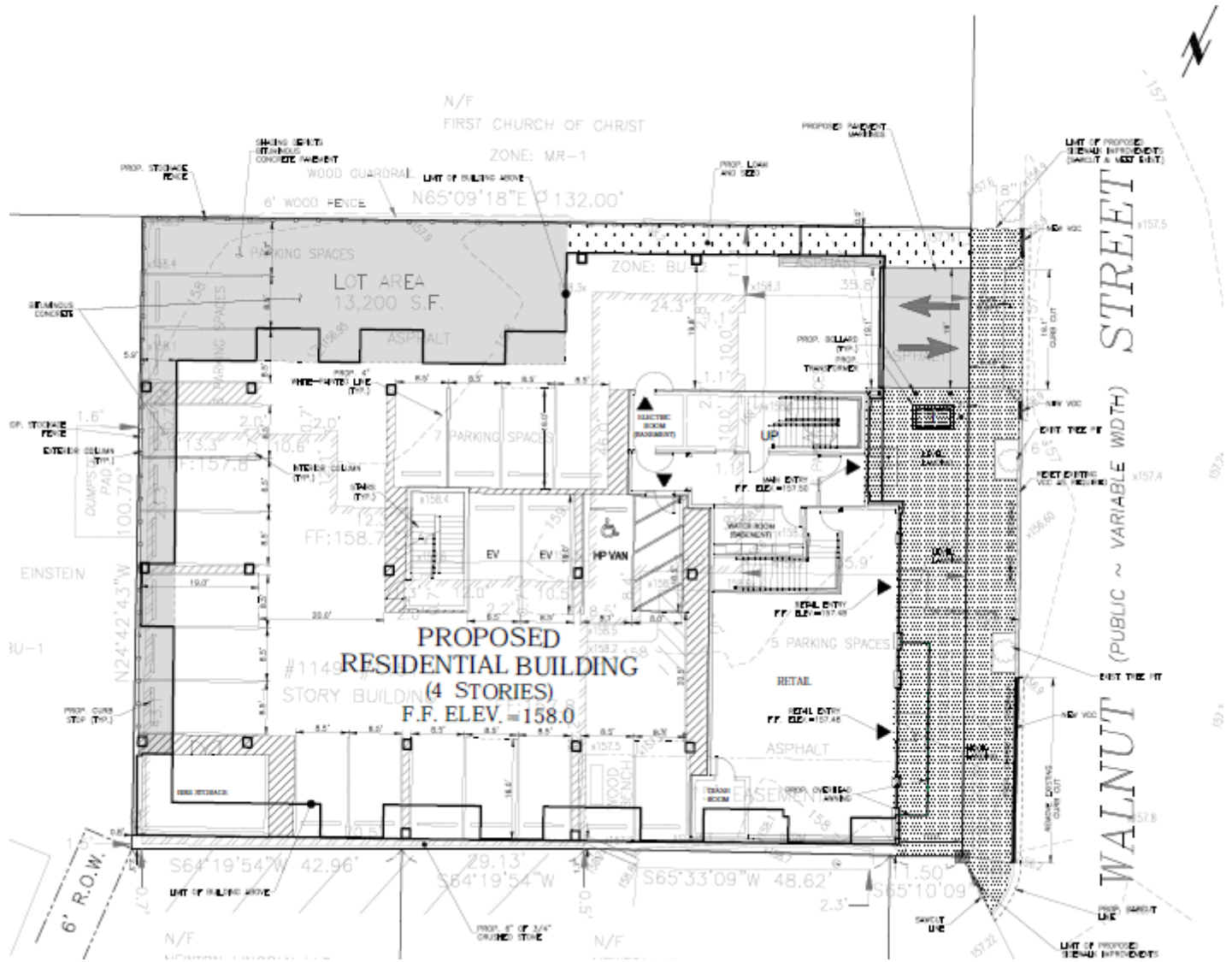
# Site Plan- existing



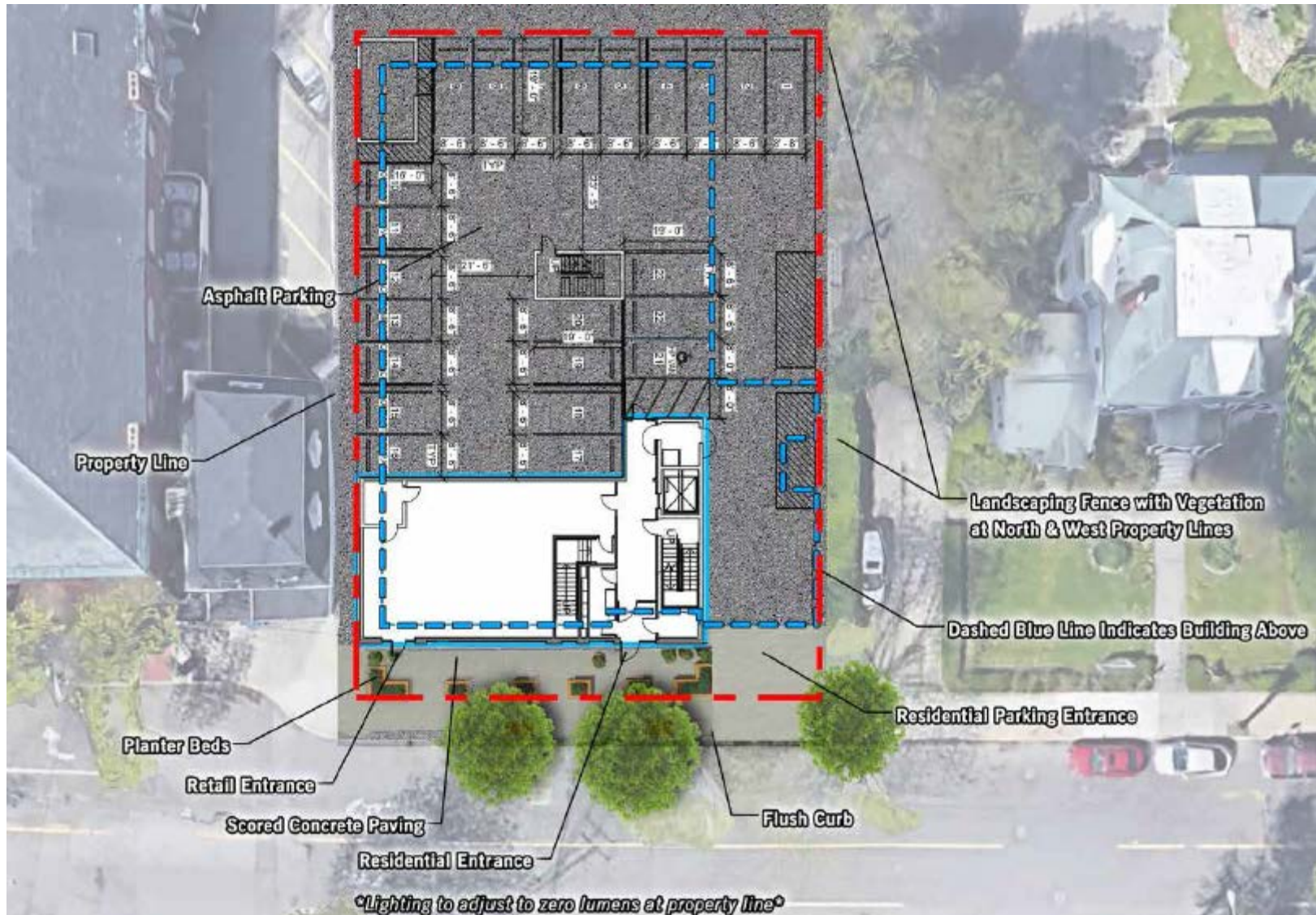
# Site Plan- proposed (previous)



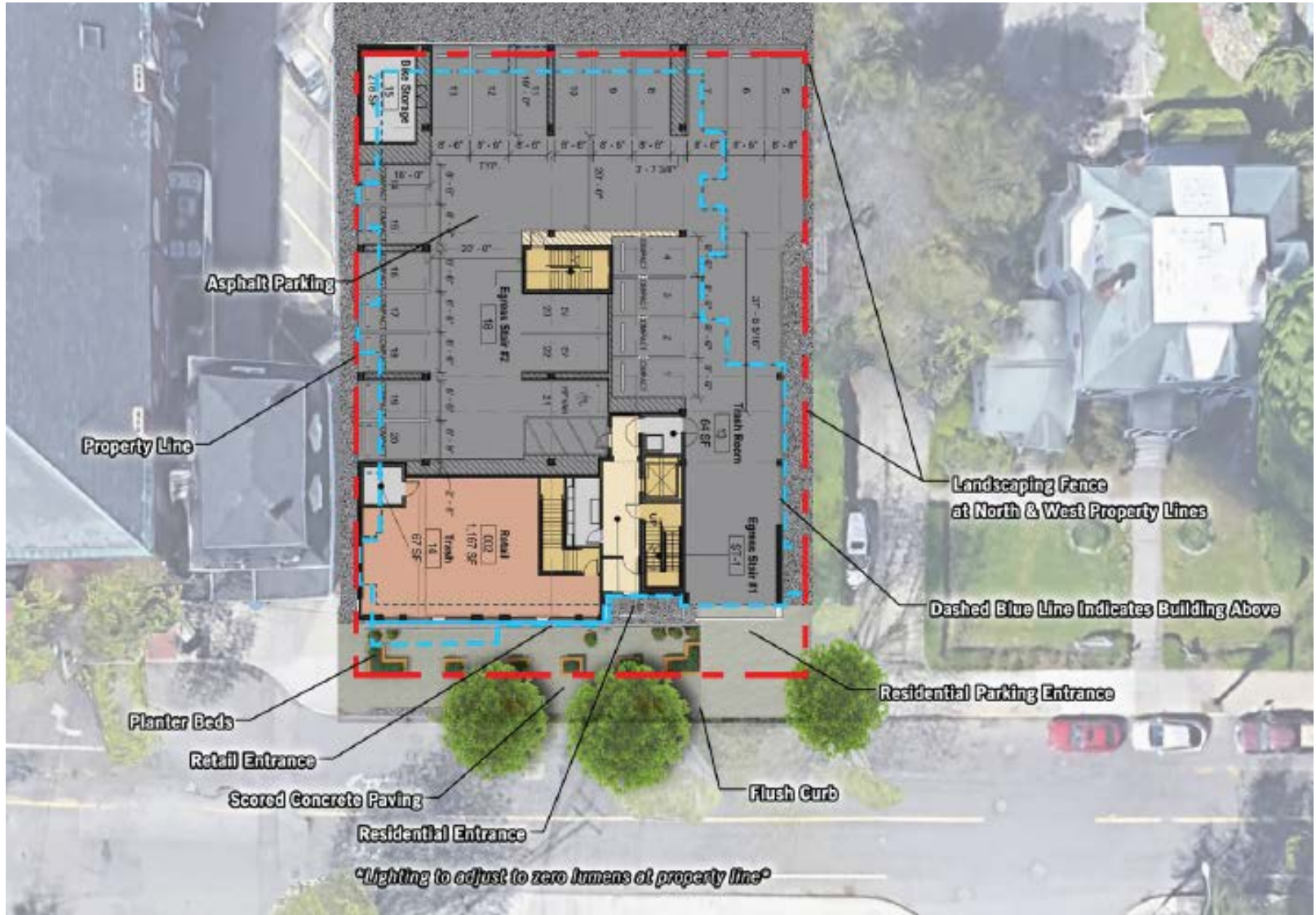
# Site Plan- revised proposal



# Landscape plan (dated 7/31/2020)



# Landscape plan (dated 2/22/2021)





# Elevations



East Elevation



South Elevation



North Elevation



West Elevation

# Elevations- dated 2/22/2021



East Elevation



South Elevation



North Elevation



West Elevation

# Perspectives



# Perspectives- dated 2/22/2021



# Model- existing



# Model- proposed (previous)



Model- proposed- dated 2/22/2021



# Model- existing





# Model- proposed



# Model- proposed- dated 2/22/2021



# Model- existing



# Model- proposed



Model- proposed dated **2/22/2021**

