



Land Use Committee Report

City of Newton

In City Council

Tuesday, April 27, 2021

Present: Councilors Lipof (Chair), Kelley, Greenberg, Lucas, Markiewicz, Downs, Bowman and Laredo; also Present: Councilors Oliver, Albright, Wright, Malakie, Krintzman, Crossley and Humphrey

City Staff Present: Senior Planner Katie Whewell, Senior Planner Michael Gleba, Director of Planning and Development Barney Heath, 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.

#103-21 **Petition to allow for-profit education use at 1087 Beacon Street (Unit #304)**
GILLI LAVRISHINA/SHARON DRIVING SCHOOL/1087 BEACON REALTY TRUST II petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit school in a 738 sq. ft. space within the existing building at 1087 Beacon Street, Ward 6, Newton Centre, on land known as Section 64 Block 5 Lot 1L, containing approximately 16,925 sq. ft. in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.3.14.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Held 7-0 (Councilor Laredo; Public Hearing Continued)**

Note: As the public hearing signs were not posted two weeks prior to the public hearing, the petitioner requested a continuance of the public hearing. The Public Hearing was Opened. Councilor Bowman motioned to hold the item which carried 7-0. Notices will be mailed to abutters in advance of the next public hearing.

#101-21 **Petition to allow single-family attached dwelling units at 667 Boylston Street**
CZ FLEET, LLC/MINGZONG ZOU petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwellings in two buildings, to allow reduced front and rear setbacks, to allow parking in the side setback and to allow a driveway within ten feet of the side lot line at 667 Boylston Street, Ward 6, Newton Centre, on land known as Section 52 Block 29 Lots 40 and 41 containing approximately 16,959 sq. ft. of land in a district zoned MULTI-RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 5.1.7.A, 5.1.13, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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

Note: In order to allow time to respond to concerns raised in the Planning Department memo, the petitioner requested a continuance of the public hearing. The Public Hearing was Opened. Councilor Markiewicz motioned to hold the item which carried 7-0. Notices will be mailed to abutters in advance of the next public hearing.

#368-20(2) Petition to amend Council Order #368-20 to allow change to FAR calculation at 14 Hollis Street

HOLLIS REALTY LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend special permit Council Order #368-20 to allow FAR relief in excess of what was approved to reflect the atria space shown on the approved plans at 14 Hollis Street, Ward 1, Newton, on land known as Section 72 Block 06 Lot 21, containing approximately 9,811 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0 (Councilor Laredo not Voting); Public Hearing Closed 04/27/2021

Note: Atty. Laurance Lee, with offices at Rosenberg, Freedman and Lee, represented the petitioner Hollis Realty LLC. Atty. Lee presented the request to allow a change in the FAR calculation approved by Council Order #368-20 at 14 Hollis Street. Atty. Lee noted that a special permit was approved for the property at 14 Hollis Street to construct a one-story rear addition and a new detached two-car garage. He stated that the atria space above the first floor was not accounted for in the approved plans and ISD caught the discrepancy prior to issuance of a building permit. The change in FAR is from .55 to .59. The proposed improvements to the house are at the rear of the site and no changes are proposed to the approved project. Atty. Lee reviewed the approved plans as shown on the presentation, attached to the end of this report.

Senior Planner Katie Whewell reviewed the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. Ms. Whewell confirmed that the only change proposed is an update to the FAR calculations to account for the atria space. She noted that the proposed site plan does reflect a new retaining wall and the extension of a deck. No relief is needed for these modifications.

The Public Hearing was Opened. No member of the public wished to speak. Councilor Greenberg motioned to close the public hearing which carried unanimously. Councilor Greenberg motioned to approve the petition. The Committee reviewed the draft findings and conditions as shown on the attached presentation and voted 7-0 in favor of approval (Councilor Laredo not Voting).

#439-20 Amended Petition to exceed FAR and extend nonconforming setbacks at 728 Walnut St
MARK AND KELLY ANSELM petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct first and second floor additions on all sides, extending the nonconforming front and rear setbacks and increasing the habitable space in the half story, creating an FAR of .56 where .27 exists and .42 is allowed at 728 Walnut Street, Ward 2, Newton Centre, on land known as Section 64 Block 08 Lot 01, containing approximately 7,815 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0-1 (Councilor Kelley abstaining); Public Hearing Closed 04/27/2021

Note: Architect Daniel Quaile represented petitioners Mark and Kelly Anselmi. When the petition was filed in 2020, the project was an addition/renovation project. At the time of the first public hearing, the project had changed to a full demolition. The Committee expressed concern relative to the change and asked the petitioner to work with the Planning Department to analyze changes to the proposal. Mr. Quaile presented updates to the petition. The proposed project is the demolition and reconstruction of a 2.5 story home in a similar style of the existing home. The driveway, off of Fenno Road, is proposed in the same location that it is currently. The revised project is pushed farther onto the property and includes the replacement of an existing noncompliant fence on the property line with a shrub. The east portion of the structure encroaches into the setback on the corner, triangle lot.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. Proposed plans, elevations and the proposed landscape plan can be seen on the attached presentation.

The Public Hearing was Opened. No member of the public wished to speak.

In response to questions, Mr. Gleba confirmed that the scale of the proposed structure is in line with other homes in the neighborhood. Mr. Quaile noted that the hedge along the property line is English Laurel. The Committee encouraged the petitioner to consider planting a shrub of a different variety, as English Laurel is not native and does not hardy during harsh winters. It was noted that the proposed landscape plan has two mature trees indicated for removal. The petitioners confirmed that the trees are in poor condition and they will be having the trees evaluated for health and/or removal. The Committee encouraged the petitioners to save the trees, if possible, noting that there are no other mature trees on the property. It was noted that homeowners are not subject to the tree ordinance.

The Committee expressed some concern relative to the short setback proposed at 16.89' on Fenno Road where 21' exists and 25' is allowed. It was noted that the abutting properties include; a vacant lot, City Hall and the commercial property that sells gravestones at the intersection of Fenno Road/Homer Street/Walnut Street. The petitioners noted that letters of support have been submitted from the property owner of the vacant lot and the commercial property owner. It was noted that the site is a corner lot with a limited number of residential abutters.

Councilor Bowman motioned to close the public hearing which carried unanimously. Councilor Bowman motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation and voted 7-0-1 in favor of approval, Councilor Kelley abstaining.

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 Approved 7-0-1 (Councilor Lucas abstaining); Public Hearing Closed 04/27/2021

#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 Approved 7-0-2 (Councilors Lucas and Laredo abstaining); Public Hearing Closed 04/27/2021

Note: The Committee discussed items #319-20 and #320-20 together. Atty. Schlesinger represented the petitioner Newton Walnut LLC on the request to rezone 13,200 sq. ft. of space located at 1149-1151 Walnut Street from BU-2 to MU-4 and construct a development with 25 units and retail. Atty. Schlesinger showed renderings of the proposed project as shown on the attached presentation. At the public hearing on April 6, 2021, the petitioner was asked for additional information relative to sustainability, the proposed TDM, I&I, Fire Dept approval, turning radii, and shadows. Atty. Schlesinger provided updates on the outstanding items as follows: **The Transportation Demand Management Plan** includes a 50% MBTA pass subsidy to residents without cars for a three-year period. Although a suggestion was made that passes are provided to all residents, Atty. Schlesinger noted that it may not be a good use of funds as the passes may not be used by residents with cars. Atty. Schlesinger confirmed that the Engineering Department has recommended an I&I payment of \$116,158 and the Fire Department has approved the proposed plans. He noted that the turning radii plans showed an insufficient turning radius which led to the relocation of the accessible stall and a revised floor plan. Atty. Schlesinger noted that the spaces are not standard sized and maneuverability can be challenging because of the columns in the garage. It is anticipated that some of the spaces will require two turns out. In response to concerns raised relative to the shadows resulting from the proposed project, the petitioner submitted updated analysis relating to the shadow studies.

Senior Planner Michael Gleba presented details of the updates to the petition as shown on the attached presentation.

Public Comment

Peter Barrer, 60 Endicott Street, noted that the petitioner committed to attaining Passive House Certification and/or using Passive House features to the extent feasible. He urged the Committee to include this commitment in the draft Council Order.

Lisa Monahan, 1105 Walnut Street, noted that the proposed development represents the quintessential smart growth program and will help local businesses. Ms. Monahan expressed gratitude for the petitioner's work with the community and responsiveness to concerns.

MaryLee Belleville, expressed support for the project. She noted that the design is not entirely consistent with the style of the neighborhood but stated that the affordable housing near transit is good.

Nathaniel Lichtin, 53 Pine Crest Road, expressed support for the project which he stated has improved over time. He stated that it will be good to have the small sized units in the building. Mr. Lichtin noted that as the building is an apartment building, the turnover will be relatively quick. He questioned whether the petitioner might consider modifications to the MTBA pass subsidy for a longer period of time.

Katherine Clark, member of the Christian Science Church, 1145 Walnut Street, asked for clarification on the shadow study. She noted that the effect of shade on abutters is a requirement that must be considered. Ms. Clark emphasized that the project is four stories with 0 setback and will impact the church's worship space, children's room and Sunday school room over five months of the year. She questioned whether the Committee has considered a 0' setback anywhere else in the City.

Ned Crecelius, member of the Christian Science Church, 1145 Walnut Street, noted that the Steven's building is not casting the shadow on the church property. He reiterated that the shadow cast by this project will put the children's room, Sunday school and affordable housing unit in the shade five months of the year.

Shawn Reeves, noted that shadow study conducted in January was selected to avoid showing the effect on tall buildings.

Leslie Morton, noted that the Steven's building does not currently shadow the children's room, worship space and/or the Sunday school room.

Sean Roche, noted that there are values to the project relating to the environmental features and the vitality of village centers. He expressed support for the project, notwithstanding the shadow impacts.

David Rockwell, 13 Floral Place, expressed support for the modest density development which provides affordable housing in the transit-oriented village center.

The Committee asked for some further clarification from the Planning Department on the shadow study and the discrepancies between the studies submitted by the petitioner and the church. Atty. Schlesinger noted that they submitted analysis of what the church provided. He explained that the majority of the shadow is coming from the Stevens Building and is not accounted for in the church's analysis. Atty. Schlesinger noted that the additional shadow impact is anticipated to extend for a couple of hours in the morning during a couple of months during the year. In response to questions and concerns from the Committee, Mr. Gleba noted that the petitioner's shadow study seem to appropriately show what the shadow impact is on abutting properties. Director of Planning and Development Barney Heath reiterated that the shadow study from the petitioner parallels what the Planning Department believes would be the impacts from the proposed building to different degrees at different times during the year. He confirmed

that the Planning Department's analysis cannot determine which rooms will have additional shadow during the year. A copy of the petitioner's analysis can be found on the City's website at the following link: <https://www.newtonma.gov/home/showpublisheddocument/69113/637553896362425635>

Committee members were generally supportive of the proposed project. The Committee expressed support for the (5) affordable housing units, development near transit and services, the limited number of parking spaces, the unbundling of parking, the commitment to energy efficiency and the TDM measures. The Committee expressed some concern relative to the substandard parking stall width, as lower widths result in more difficult parking conditions. The Committee encouraged the petitioner to construct standard sized stalls if possible. Committee members questioned whether the petitioner might consider reconfiguration of the MBTA passes to residents for the first year only for a period of seven years and asked for some general analysis of the effectiveness of TDM measures by the Planning Department.

Councilor Bowman motioned to close the public hearings for items #319-20 and #320-20. Committee members voted 8-0 in favor of closing the public hearings. Councilor Bowman motioned to approve items #319-20 and #320-20. The Committee reviewed the draft findings and conditions as shown in the attached draft order. The Committee verified the numbers for the waivers to parking stalls and the reduction to 1.25 stalls per unit. It was noted that the zoning analysis is more complex than simply adding the number of units.

The Committee noted that Finding #7. Stated that the proposed building height does not adversely effect its surroundings by creating shadows or blocking views. Associate City Solicitor Jonah Temple noted that while although the building may create shadows, it must be found that the shadows do not have an adverse impact on the surroundings.

The Committee asked that the draft Order include a condition that the residents may not participate in the Neighborhood Parking Plan, noting that limiting on-site parking while allowing on-street parking is counterproductive and does not align with the intended goal. Atty. Temple noted that to prevent the residents from applying, the Council must seek an ordinance amendment to change who may be eligible for parking permits through the program. He noted that the Council Order can include a provision that that the developer includes a condition in the lease that the residents may not apply for a parking permit through the Neighborhood Parking Plan. Councilors were supportive of docketing an item to review the City's parking policy as a whole.

With that, the Committee voted 7-0-1 in favor of the request to rezone the site #319-20 (Councilor Lucas abstaining) The Committee voted 6-0-2 (Councilors Laredo and Lucas abstaining) in favor of approval of the special permit petition #320-20.

#91-21 Zoning amendments for Riverside project

MD 399 GROVE OWNER, LLC/RAMIREZ CONCORD, LLC/BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY requesting amendments to Chapter 30, Newton Zoning Ordinance, in Sections 4.2.4 and 4.4.1 and 6.2.10 relative to the Mixed Use 3 District.

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

#27-20(2) Petition to amend Special Permit #27-20 for Mixed Use Transit Oriented Development at Riverside Station

MD 399 GROVE OWNER, LLC/RAMIREZ CONCORD, LLC/BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend the Special permit site plan as approved by Council Order #27-20 to allow changes to: the square footage of all of the approved buildings, the heights of Buildings 1, 2, 3, 4, 7, 8, 9 and 10, the building footprints shown on the site plan, the open space as shown on the approved site plan, the Comprehensive Sign Package, all at 355 and 399 GROVE STREET on land known as Section 42, Block 11, Lots 3, 4 and 4A, containing approximately 13.05 acres of land in districts zoned Mixed Use 3 Transit Oriented (MU3). Ref: Sec. 4.2.3, 4.2.4, 7.3.3, 7.4, 7.3.5 of the City of Newton Revised Zoning Ordinance, 2017. Proposed Amendments are subject to the proposed text changes to the MU-3 zoning district.

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

Note: Items #91-21 and #27-20(2) were held after a presentation on Fiscal Impact and Housing. Presentations are attached to the end of this report and an amended report reflecting the discussion will be available on Monday, May 3, 2021.

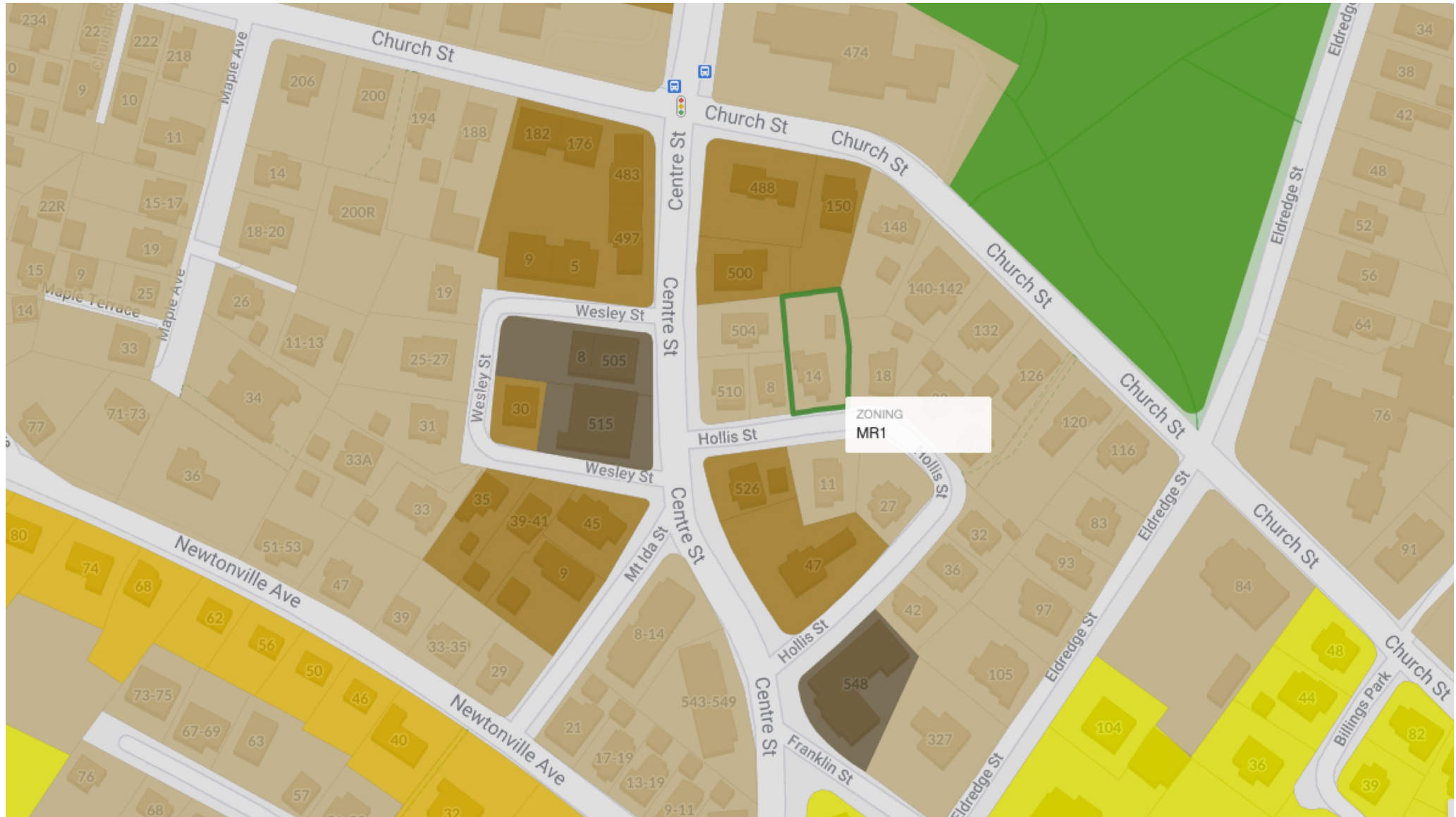
The Committee adjourned at 10:35 pm.

Respectfully Submitted,

Richard Lipof, Chair

**14 HOLLIS STREET
AMENDMENT TO SPECIAL PERMIT NO.
368-20**

City of Newton
Land Use Committee Public hearing
April 27, 2021



ZONING
MR1

GENERAL SITE
INFORMATION AND
DESCRIPTION OF
PROJECT

MRI Zoning District Located in Newton Corner Off Centre Street

Lot Size: 9,811 SF of land; and Current Use as 2-Family and Proposed Use as 2-Family

Newton Historical Commission Approved Demolition of Detached Garage and Partial Demolition for Rear of House

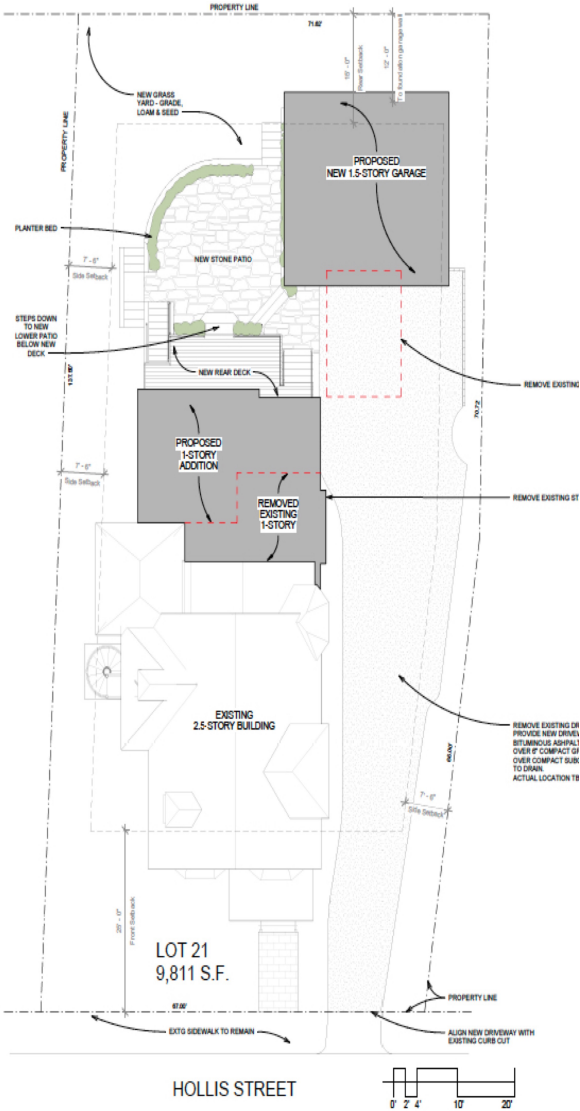
Proposal to Construct One-Story Rear Addition to First Floor Unit and to Construct New Detached 2-car Garage

Requested Zoning Relief for FAR of .55 where .48 is Allowed; and to Continue Existing Non-Conforming Height of 36.98 feet (no change)



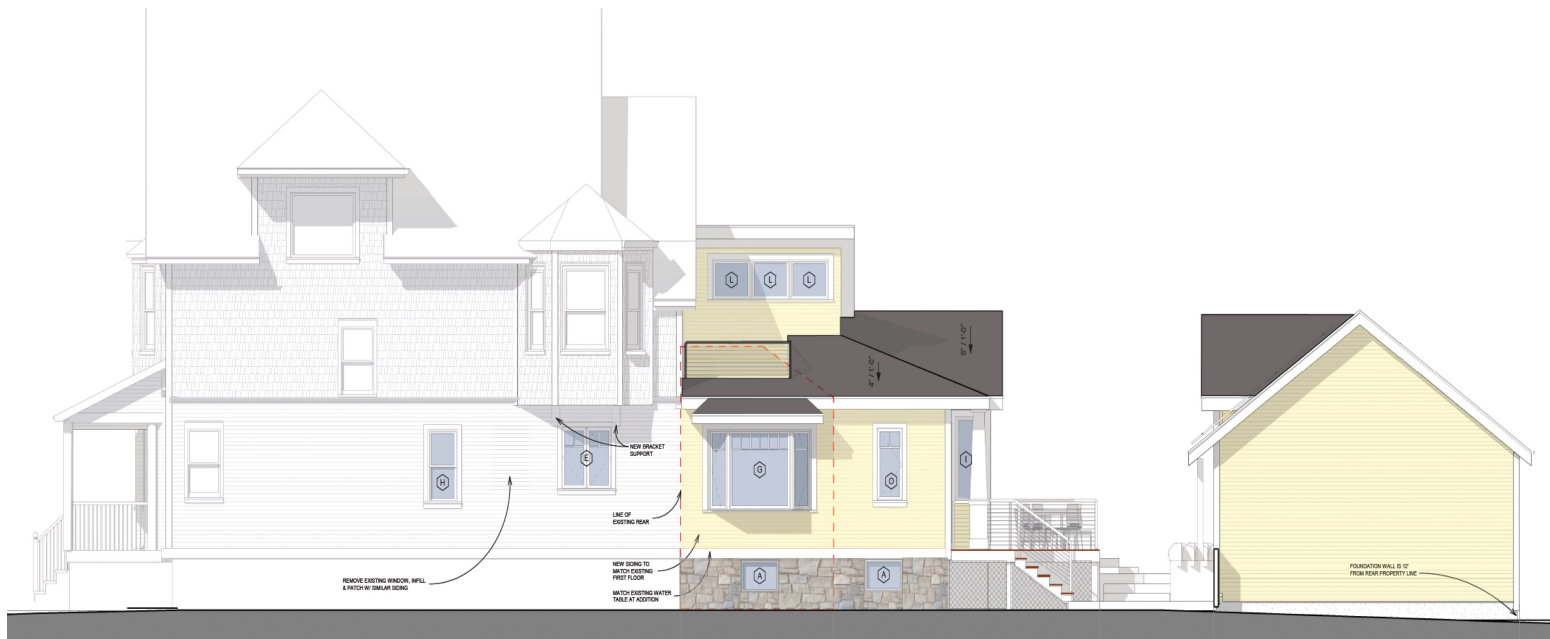
EXISTING HOUSE

PROPOSED CHANGES TO SITE



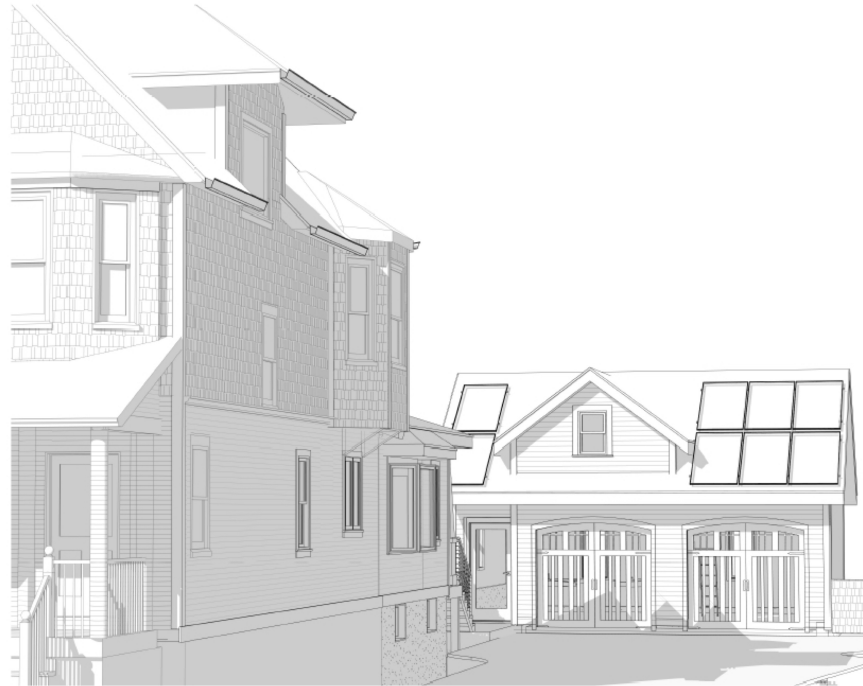


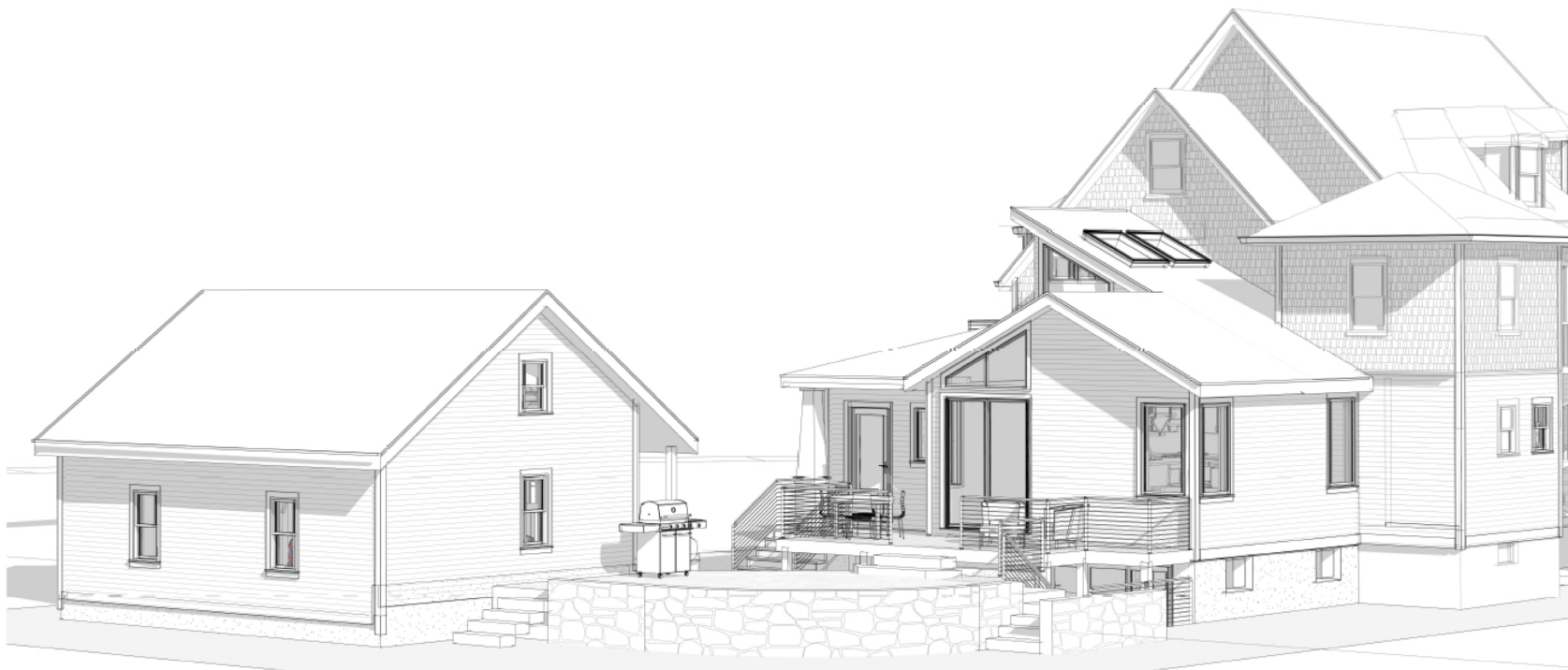
Left Side Elevation
(Westerly)



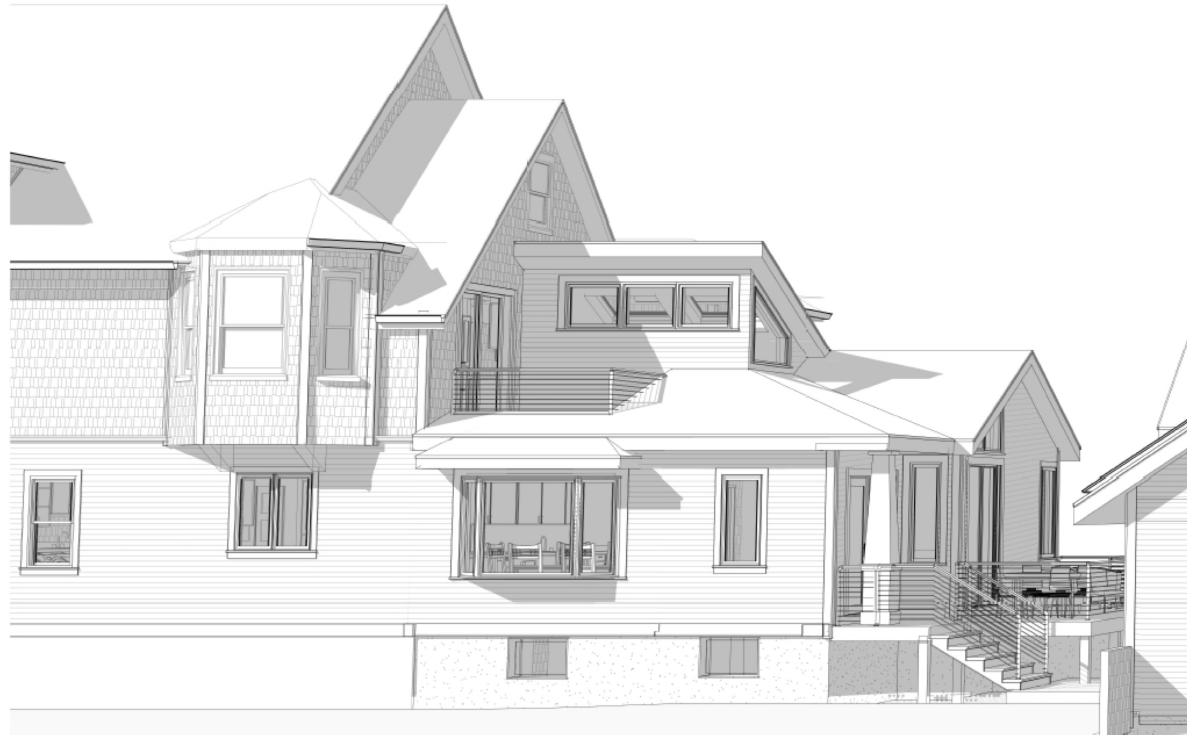
Right Side Elevation
(Easterly)

RENDERING
OF GARAGE





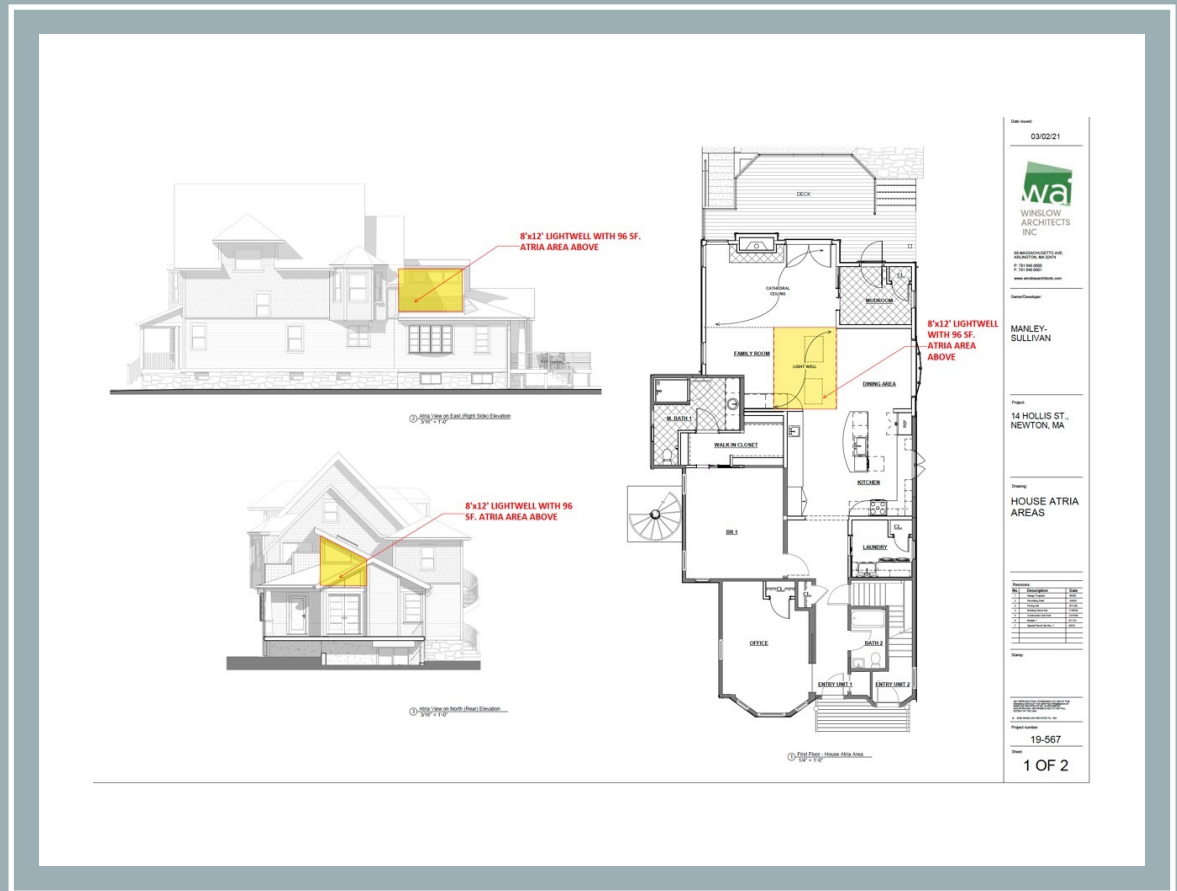
Rendering of Rear of House



Rendering of Rear of House

ATRIA AREAS

Highlighted Areas added
to FAR calculations



GARAGE ATRIA AREAS/FAR CALCULATION

5'x6' ATRIA AREA ABOVE

9'x25' ATRIA AREA ABOVE

5'x25' ATRIA AREA ABOVE

2 CAR GARAGE

4.23.21

wa
WINLOW ARCHITECTS INC.

MANLEY-SULLIVAN

14 HOLLIS ST.
NEWTON, MA

GARAGE ATRIA AREA

19-567

2 OF 2

Department of Planning and Development



PETITION #368-20 (2)

14 HOLLIS STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO AMEND SPECIAL
PERMIT 368-20 TO ALLOW FOR
INCREASED FLOOR AREA RATIO
REFLECTING ATRIA SPACE



APRIL 27, 2021

Requested Relief



Special Permits per §7.3.3, 7.8.2.C.2 of the Newton Zoning Ordinance to:

- Amend Special Permit 368-20
 - Allowed an FAR of .55
- Exceed the Floor Area Ratio (§3.1.3, §3.1.9)
 - Recalculated FAR of .59 due to atria space

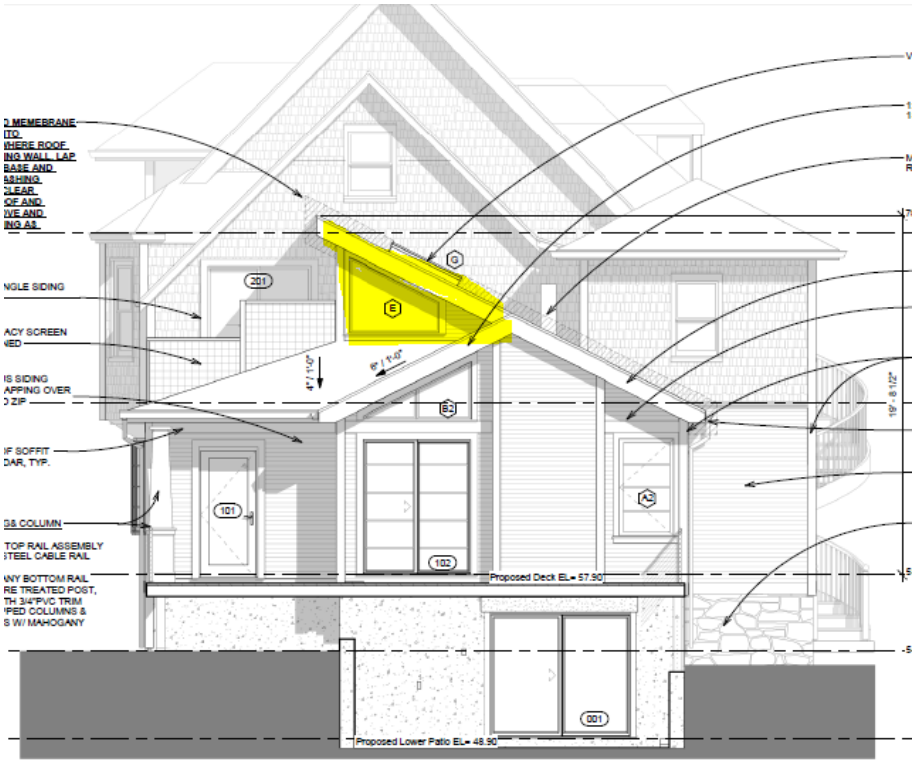
Criteria to Consider



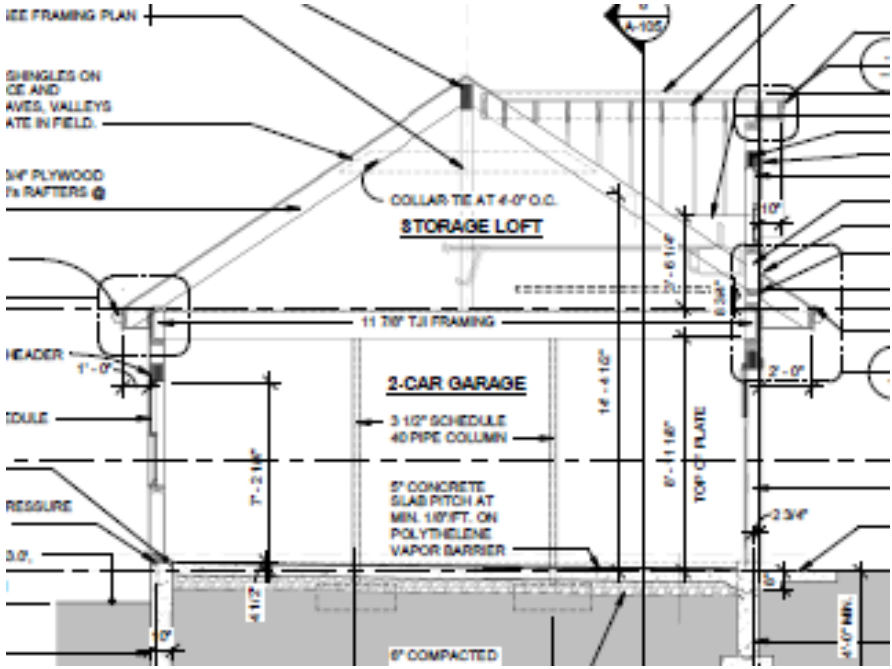
When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed increase in FAR. (§7.3.3.C.1)
- The proposed increase in FAR will adversely affect the neighborhood. (§7.3.3.C.2)
- The proposed increase in FAR will create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
- The proposed increase in FAR from .45 to .59, where .48 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.1.3, and §7.8.2.C.2)

Atria Space

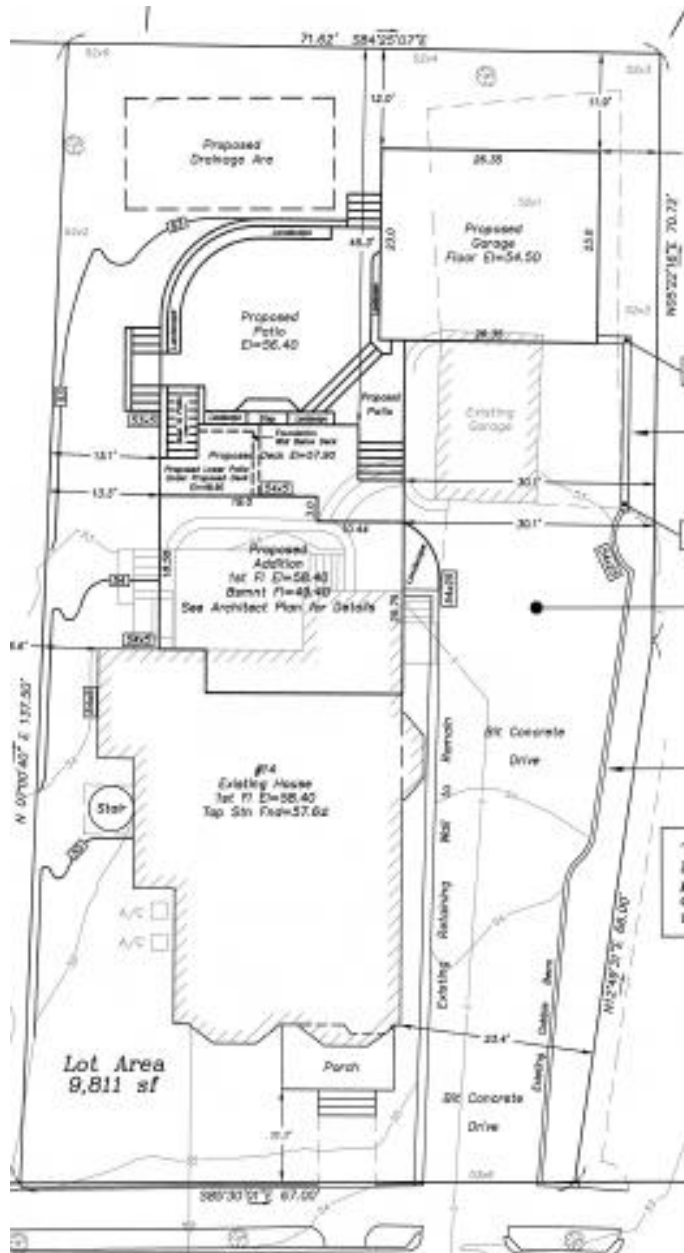


Rear Elevation

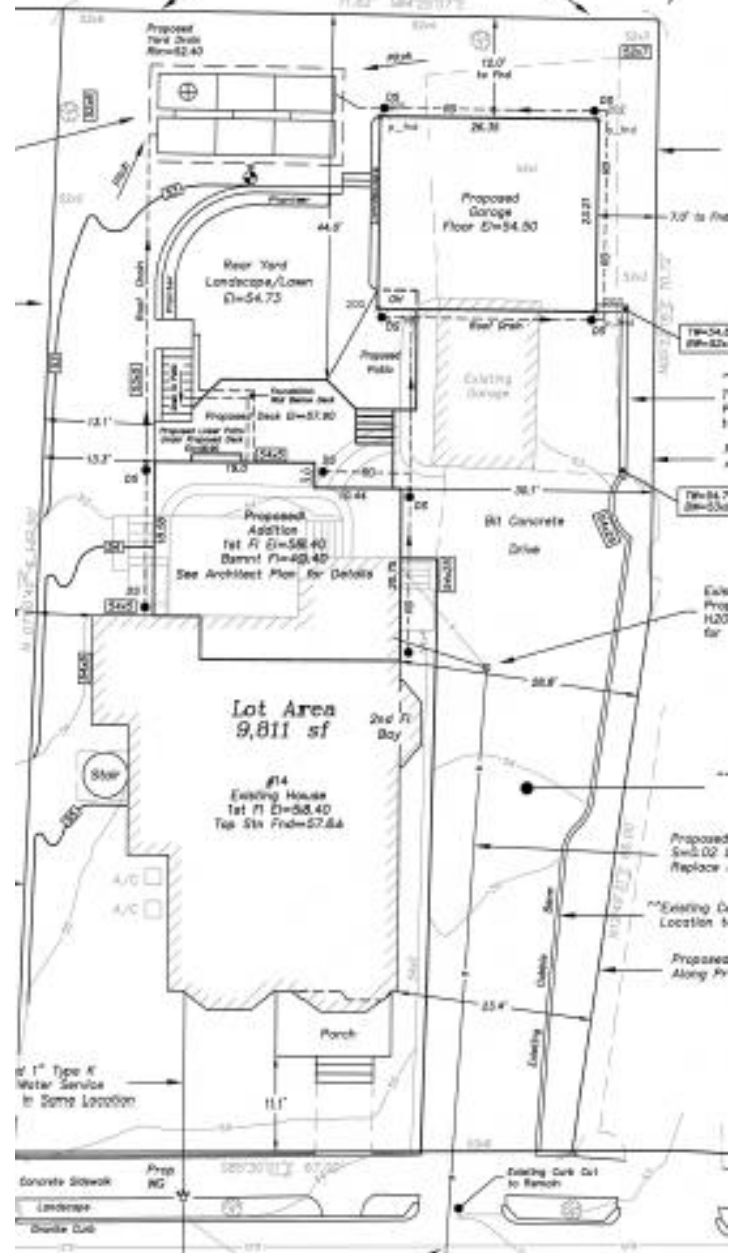


Garage Section

2020 Site Plan



2021 Site Plan



Proposed Findings



1. The proposed increase in FAR from .45 to .59, where .48 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood because the increase in FAR is due to atria space and the previously approved addition and garage are not being altered. (§3.1.3, and §7.8.2.C.2)
2. The specific site is an appropriate location for the proposed increase in FAR because the previously approved addition and detached garage are not being altered. (§7.3.3.C.1)
3. The proposed increase in FAR will not adversely affect the neighborhood because the addition is subordinate to the existing structure and is similar in scale with structures on similarly sized and smaller lots in the neighborhood. (§7.3.3.C.2)
4. The proposed addition and detached garage which exceed the FAR will not create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
5. 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. O&M Condition.
4. Standard Final Inspection/Certificate of Occupancy Condition.

Department of Planning and Development



**PETITION #439-20
728 WALNUT STREET**

SPECIAL PERMIT/SITE PLAN
APPROVAL TO CONSTRUCT FIRST
AND SECOND FLOOR ADDITIONS
ON ALL SIDES, EXTENDING THE
NONCONFORMING FRONT AND
REAR SETBACKS AND INCREASING
THE HABITABLE SPACE IN THE HALF
STORY, CREATING AN FAR OF .56
WHERE .27 EXISTS AND .42 IS
ALLOWED

APRIL 27, 2021



Requested Relief



Special permit per §7.3.3 to:

- exceed floor area ratio (FAR) (§3.1.3, §3.1.9)
- further extend a nonconforming front setback (§3.1.3, §7.8.2.C.2)
- extend a nonconforming rear setback (§3.1.3; §7.8.2.C.2)

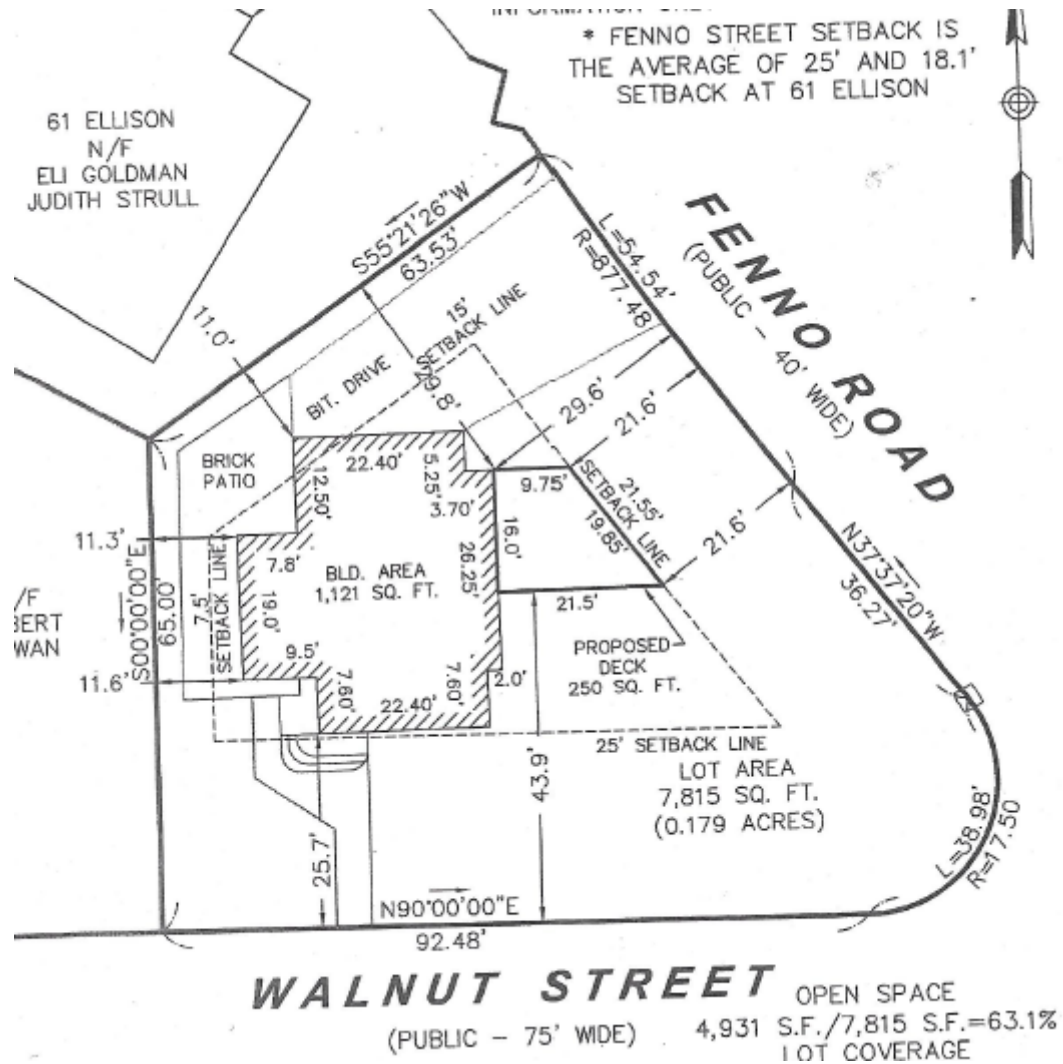
Criteria to Consider



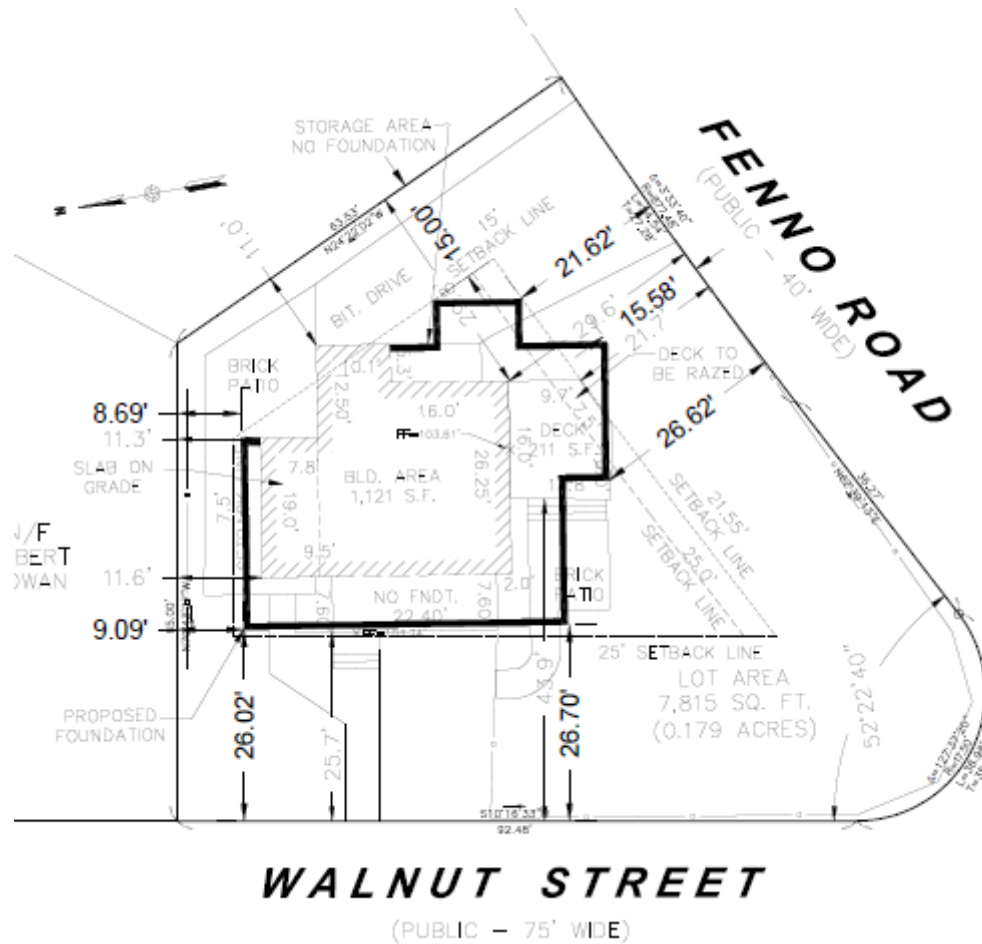
When reviewing the requested special permits the Council should consider whether:

1. The increase in FAR from 0.27 to 0.56 where 0.42 is the maximum allowed by right is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.3, §3.1.9)
2. The proposed further reduction of the existing nonconforming front setback, from 21.7 feet to 15.58 where 25 feet is required, is substantially more detrimental than the existing nonconforming use to the neighborhood (§7.8.2.C.2)
3. The proposed modification of the dwelling's existing nonconforming rear setback, increasing it from 11 feet to 11.73 feet where 15 feet is required, and extending it vertically, will not be substantially more detrimental than the existing nonconforming structure to the neighborhood (§7.8.2.C.2)

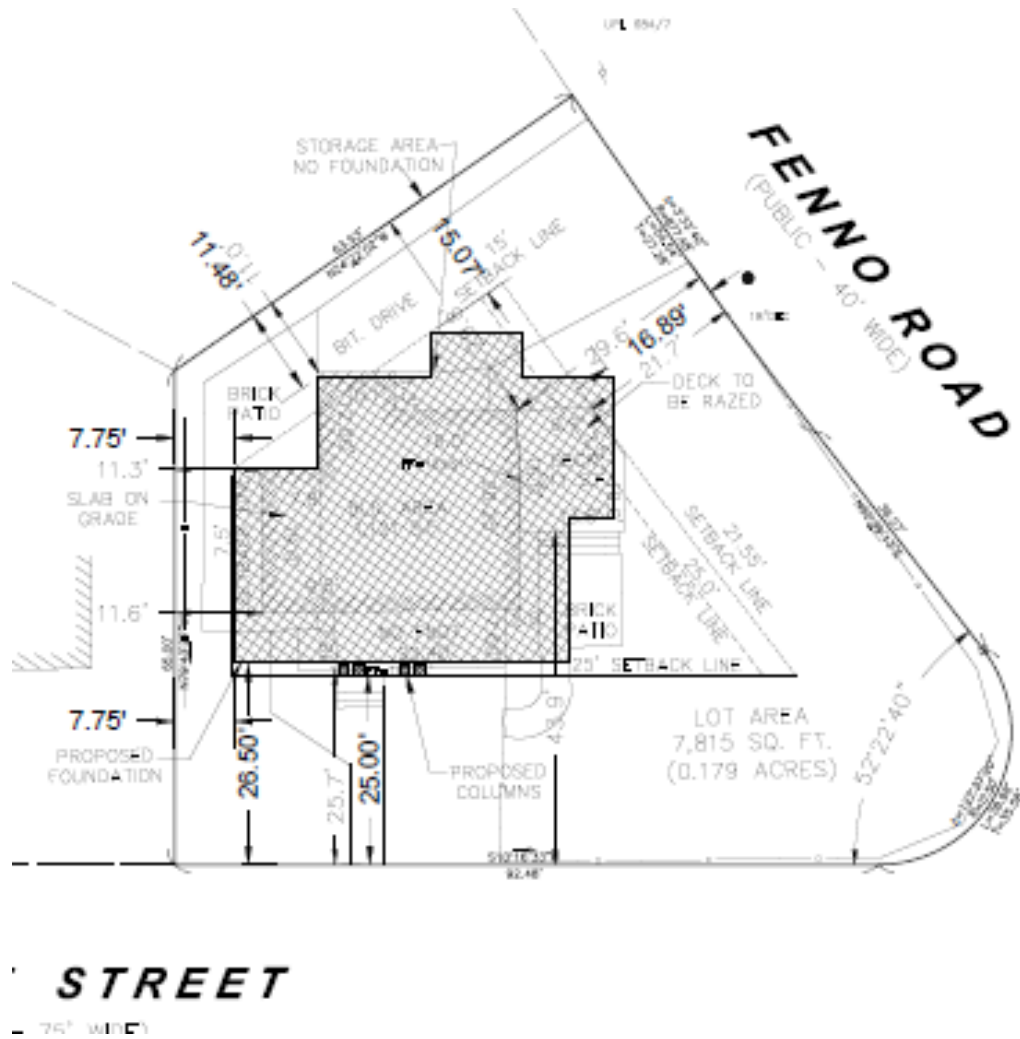
Site Plan- existing



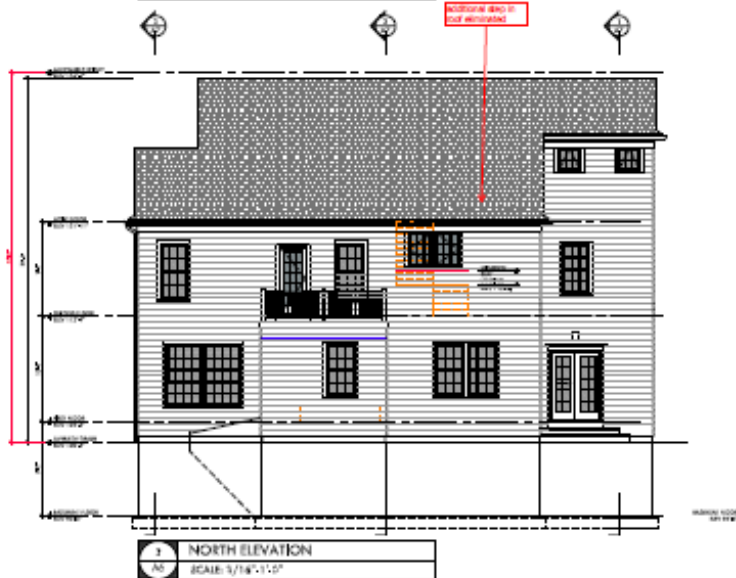
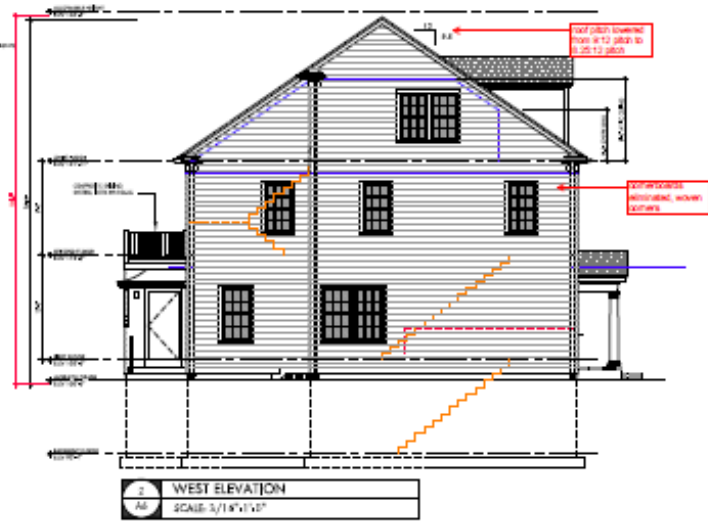
Site Plan- proposed (rec'd 11/30/2020)



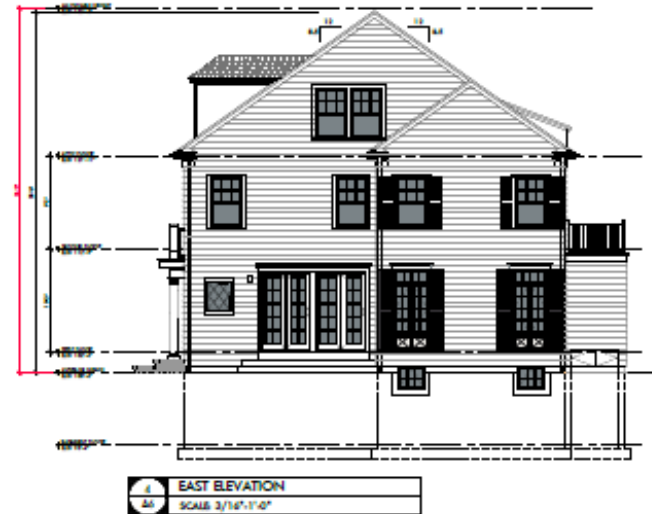
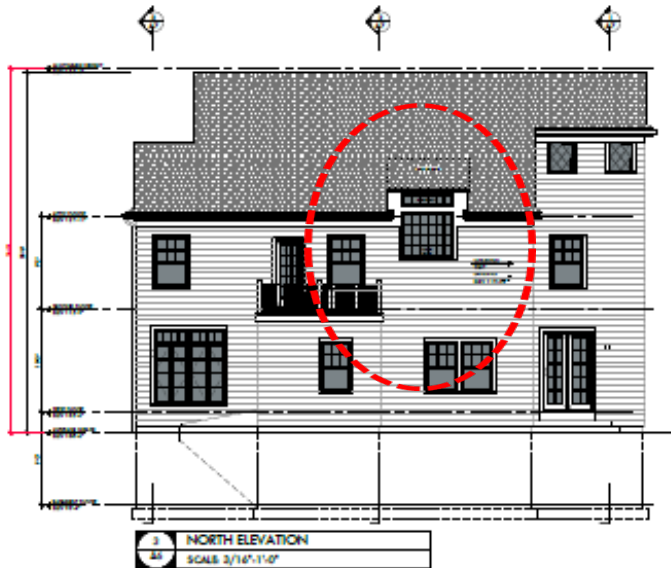
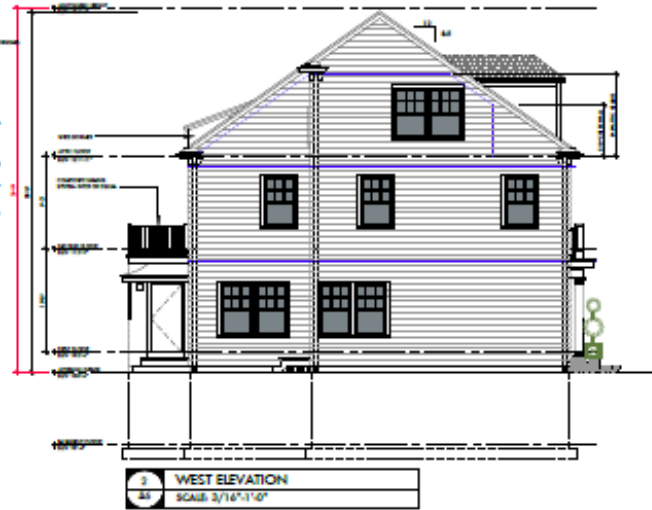
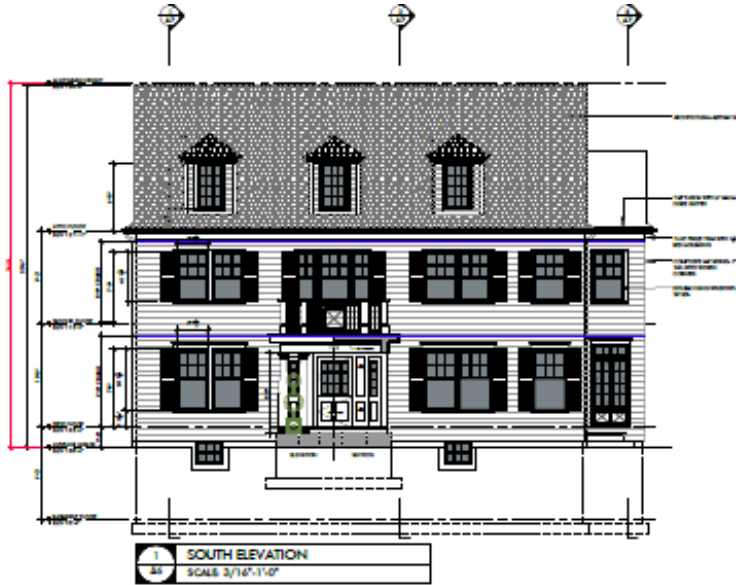
Site Plan- proposed (dated 2/4/2021)



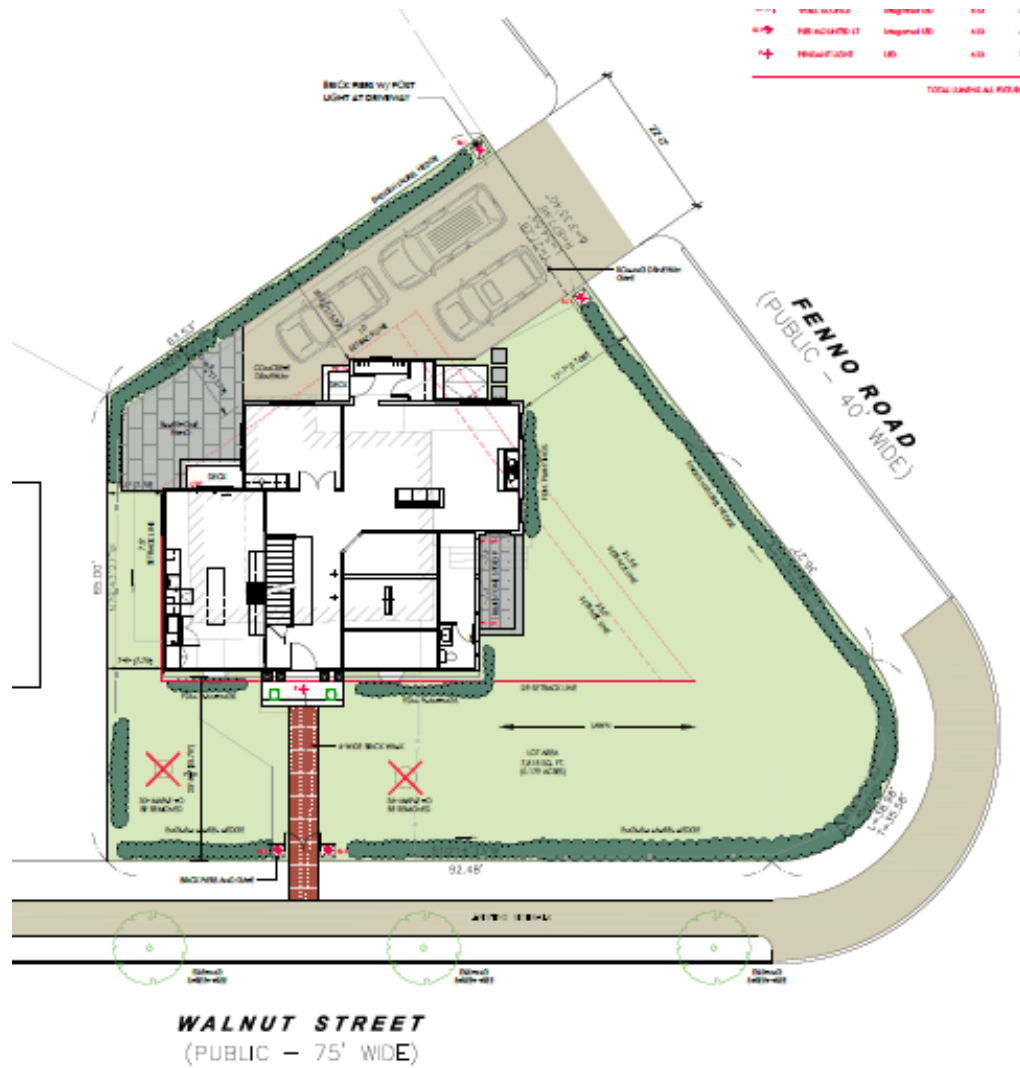
Elevations- proposed (rec'd 11/30/2020)



Elevations- proposed (dated rec'd 3/11/2021)



Elevations- proposed (dated rec'd 3/11/2021)



WALNUT STREET
(PUBLIC - 75' WIDE)

Proposed Findings



1. The proposed increase of the dwelling's nonconforming FAR from 0.27 to 0.56 where 0.42 is the maximum allowed by right, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood, especially given its location proximate to large civic buildings and similarly scaled dwellings (§3.1.9.A.2);
2. The proposed further reduction of the dwelling's existing nonconforming front setback along Fenno Road, from 21.7 feet to 15.58 feet where 25 feet is required, will not be substantially more detrimental than the existing nonconforming structure to the neighborhood as only 25 square feet of the structure's footprint would be located within the affected front setback (§7.8.2.C.2)
3. The proposed modification of the dwelling's existing nonconforming rear setback, increasing it from 11 feet to 11.73 feet where 15 feet is required, and extending it vertically, will not be substantially more detrimental than the existing nonconforming structure to the neighborhood (§7.8.2.C.2)

Proposed Conditions



1. *Plan Referencing Condition*
 - *Modified drawings and plan*
2. *Standard Building Permit Condition*
3. *Standard Final Inspection/Certificate of Occupancy Condition*

1149-1151 Walnut Street

April 27, 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

Aerial Perspective Looking West



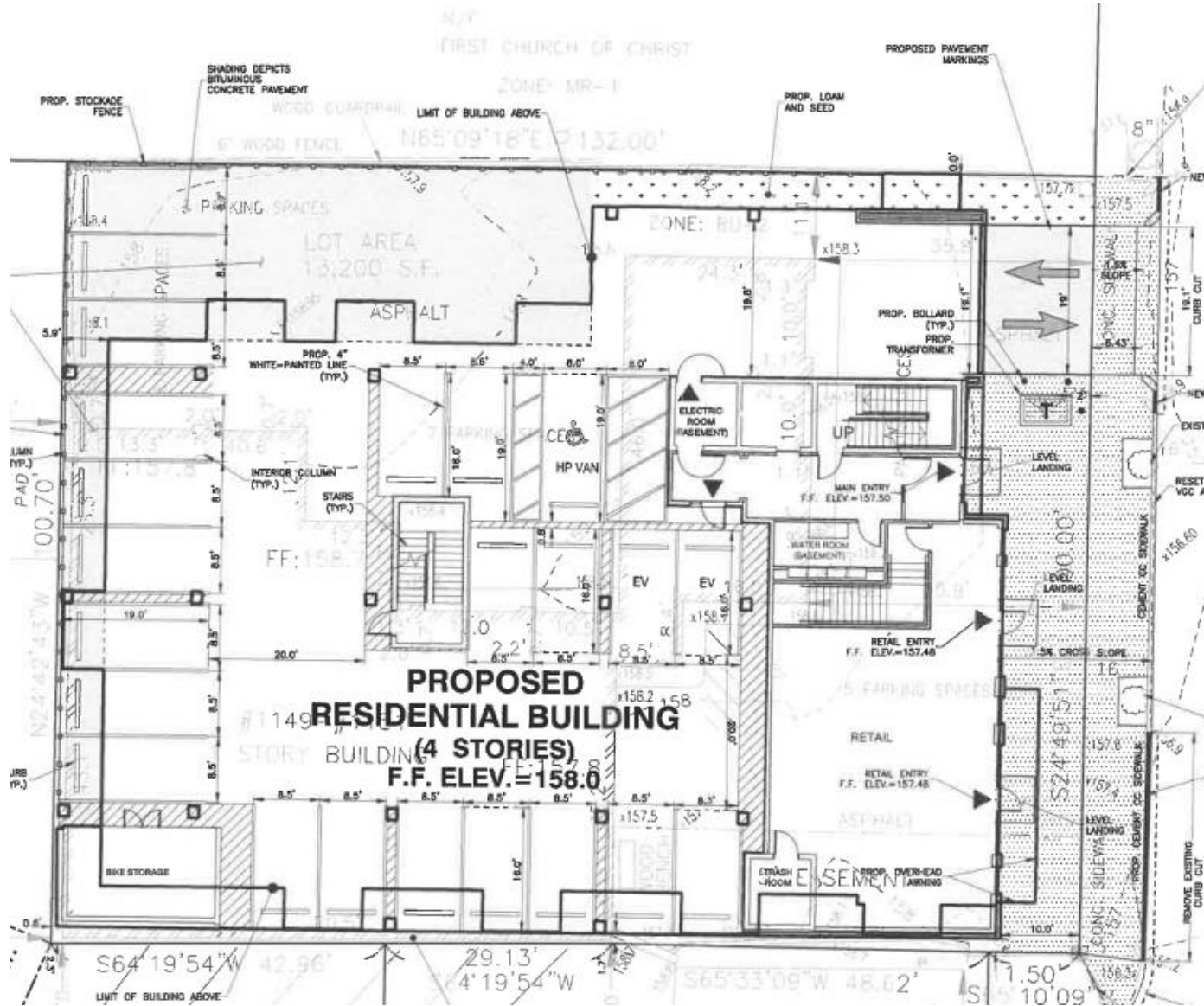
Aerial Perspective Looking South



Materials Submitted Post 4/6/2021 Land Use Committee Meeting

- Sustainability: Clarified hot water and heating systems to be all electric – gas only in retail area;
- TDM: Petitioner committed to providing 50% subsidy for MBTA passes to residents without cars for 3 years;
- I&I: Petitioner agreed to Engineering Department's calculation of \$116,158;
- Fire Department: Approved the site plan;
- Turning Radii: Petitioner submitted revised Sheet C-3 moving HP spaces to the entry and supplementary radii plans;
- Shadows: Petitioner submitted supplemental shadow study.

Revised Parking Plan



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

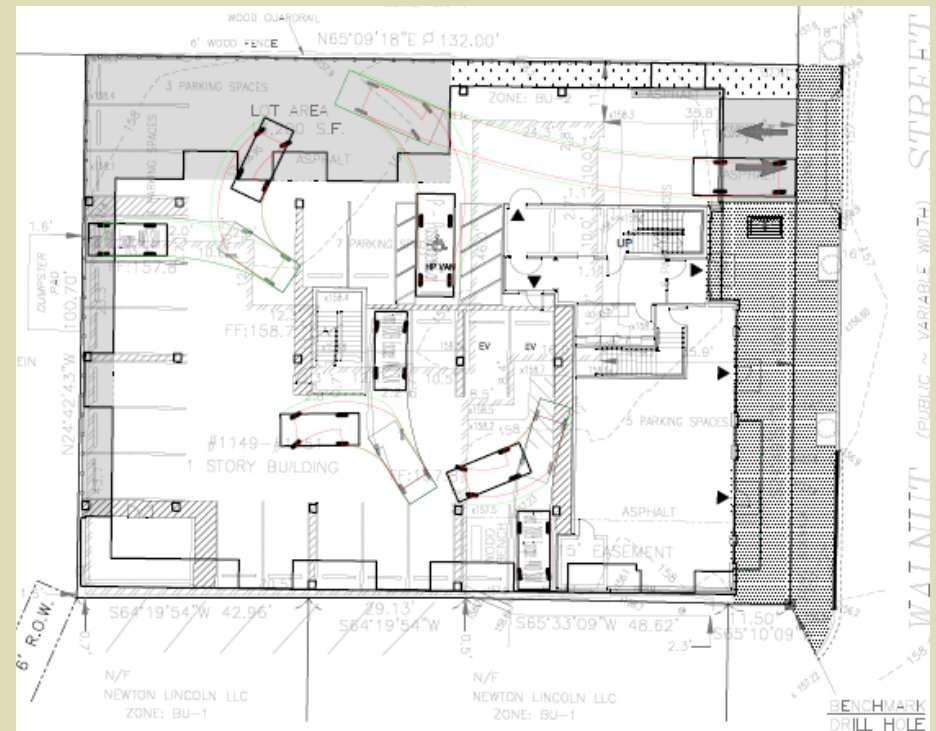
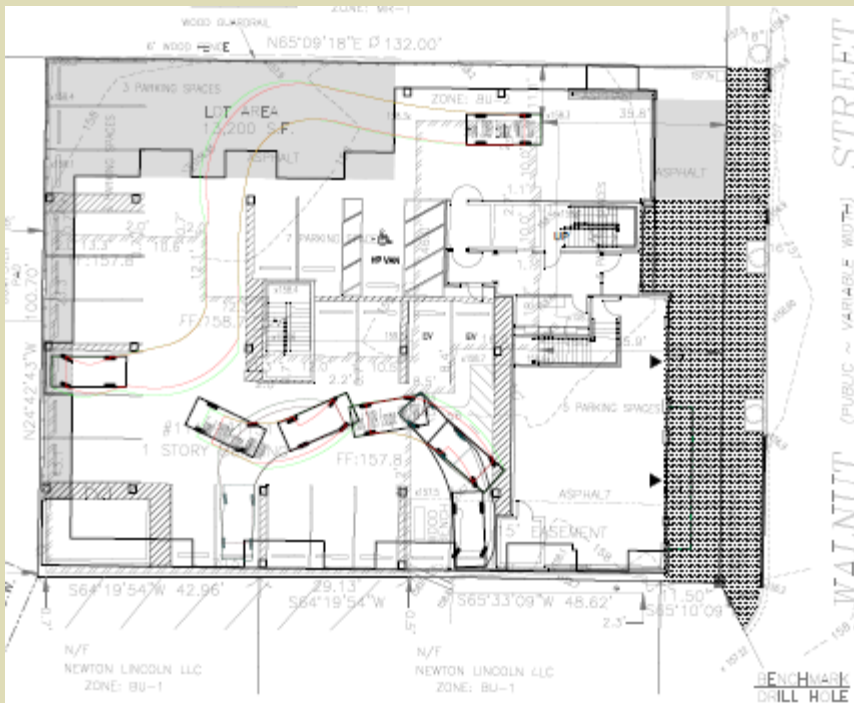
APRIL 27, 2021



Update



Requested turning radii- entering and exiting:



Updates



Sustainability:

the adjacent building by mid-morning.

Sustainability: For clarification, the hot water and heating systems of the residential portions of the building will be all electric. The only natural gas is expected to serve the retail space on the first floor.

Transportation Demand Management:

TDM: The petitioner is committed to providing 50% subsidy for MBTA passes to residents who do not have garage spaces for a period of 3 years.

Update



Shadow studies:

- Petitioner submitted additional shadow studies (dated 1/14/2021)

Fire Department review:

- Layout Plan

Plans have been reviewed and accepted

For Building Permit Only
 For Demolition Only
 For Fire Alarm Approval Only
 For Site Review: Only
 For Sprinkler Approval Only
 Fire Protection To be Designed & Submitted by Installer
 No Fire Protection Required-Based on Plans Submitted
 Other Hydrants within required distance spacing

NEWTON FIRE DEPARTMENT
FIRE PREVENTION

Dic. J. J. J.
SIGNATURE

01/26/2021
DATE

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of a SPECIAL PERMIT/SITE PLAN APPROVAL to:

- allow a building with more than 20,000 square feet
- modify minimum lot area per unit requirement (§4.2.2.A.2, §4.2.5.A.3)
- allow four stories (§4.2.2.B.3 §4.2.5.A.2)
- allow a building height of 44 feet and a FAR of 2.00 (§4.2.3, §4.2.5.A.2)
- reduce the side setback requirement §4.2.5.A.4.b, §4.2.5.A.4)
- allow 1.25 parking stalls per residential unit (§5.1.4, §5.1.4.A)
- waive 18 parking stalls (§5.1.4, §5.1.13)
- allow parking in the side setback (§5.1.8.A.1, §5.1.13)
- modify the minimum dimensions for parking stalls (§5.1.8.B.1, §5.1.8.B.2, §5.1.13)
- allow restricted end stalls (§5.1.8.B.6, §5.1.13, §5.1.8.C.1)
- allow reduced aisle width (§5.1.13, §5.1.9.A)
- waive perimeter screening requirements (§5.1.13, §5.1.9.B)
- waive interior landscaping requirements (§5.1.13, §5.1.10)
- waive lighting requirements (§5.1.10, §5.1.13)

as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the proposed twenty-five unit mixed use building as designed as it is located in a village center with a mix of uses (§7.3.3.C.1)
2. The proposed twenty-five-unit mixed use building as developed and operated will not adversely affect the neighborhood as it is located in a village center with a mix of uses (§7.3.3.C.2)

3. There will not be 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)
5. The site planning building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy as it will have features including high efficiency electric heat pumps to handle the heating and cooling of the building, and two electric vehicle (EV) charging stations; (§7.3.3.C.5)
6. Literal compliance with the parking requirements of the Newton Zoning Ordinance (NZO) is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features (§5.1.13)

In reference to the requested Mixed Use 4 (MU4) special permit:

7. The proposed structure with 4 stories and 44 feet of building height is compatible in visual scale to its surroundings, does not adversely affect its surroundings by creating shadows or blocking views, and advances the purposes of this district (§4.2.5.1)
8. to waive the lot area per dwelling unit requirement of Sec. 4.2.3, the proposed density creates a beneficial living environment for the residents, does not adversely affect the traffic on roads in the vicinity, and better achieves the purposes of this district than strict compliance with these standards (§4.2.5.3)
9. waiving certain of the applicable setback requirements for the proposed plan can better protect the surrounding community from shadows and blocked views, support pedestrian vitality, and encourage the purposes of this district than strict compliance with such standards:

PETITION NUMBER: #320-20

PETITIONER: Newton Walnut LLC

ADDRESS OF PETITIONER: 137 Newbury Street
Boston, MA 02116

LOCATION: 1149-1151-Walnut Street, on land known as Section 52 Block 08
Lots 13 and 14, containing 13,200 sq. ft.

OWNER: Newton Walnut LLC

ADDRESS OF OWNER: 137 Newbury Street
Boston, MA 02116

TO BE USED FOR: A 25-unit mixed use development with associated parking.

EXPLANATORY NOTES: Special permits per §7.3.3:

- allow a building with more than 20,000 square feet
- modify minimum lot area per unit requirement (§4.2.2.A.2, §4.2.5.A.3)
- allow four stories (§4.2.2.B.3 §4.2.5.A.2)
- allow a building height of 44 feet and a FAR of 2.00 (§4.2.3, §4.2.5.A.2)
- reduce the side setback requirement §4.2.5.A.4.b, §4.2.5.A.4)
- allow 1.25 parking stalls per residential unit (§5.1.4, §5.1.4.A)
- waive 18 parking stalls (§5.1.4, §5.1.13)
- allow parking in the side setback (§5.1.8.A.1, §5.1.13)
- modify the minimum dimensions for parking stalls (§5.1.8.B.1, §5.1.8.B.2, §5.1.13)
- allow restricted end stalls (§5.1.8.B.6, §5.1.13, §5.1.8.C.1)
- allow reduced aisle width (§5.1.13, §5.1.9.A)
- waive perimeter screening requirements (§5.1.13, §5.1.9.B)
- waive interior landscaping requirements (§5.1.13, §5.1.10)
- waive lighting requirements (§5.1.10, §5.1.13)

ZONING: Mixed Use 4 (MU3)

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with
 - a. A set of engineering plans entitled “Permit Site Plan for 1149-1151 Walnut Street Residential Development,” prepared by H.W. Moore Associates, signed and stamped by Anthony Donato, Registered Professional Engineer, dated October 12, 2021, as revised through February 23, 2021, consisting of the following sheets:
 - i. Sheet C-1- Cover Sheet
 - ii. Sheet C-2- Site Preparation & Demolition Plan
 - iii. Sheet C-3-Layout Plan
 - iv. Sheet C-4-Grading and Utility Plan (as revised through April 12, 2021)
 - v. Sheet C-5- Details
 - vi. Sheet C-6- Details

- b. A set of architectural plans entitled “1149-1151 Walnut Street, Newton, MA,” prepared by The Architectural Team, Inc. dated February 22, 2021, consisting of the following sheets:
- i. Site Plan
 - ii. Landscape Plan
 - iii. Parking and Basement Plan
 - iv. Second Floor Plan
 - v. Third Floor Plan
 - vi. Fourth Floor Plan
 - vii. Building Elevations (East, South, North and West Elevations)
 - viii. Building Elevations (Walnut Street and East)
 - ix. Aerial Perspective Looking West- Proposed Conditions
2. In accordance with the City’s Inclusionary Zoning Ordinance, §5.11.4, the Project shall include five (5) affordable housing units (the “Inclusionary Units”), as follows:
- a. Four (4) of the residential units in the Project shall be made available to households earning 50%-80% of Area Median Income (AMI), as designated by the U.S. Department of Housing and Urban Development, adjusted for household size for the Boston-Cambridge-Quincy, MA-NH HMFA (“Tier 1 Units”). The AMI used for establishing rent and income limits for the Tier 1 Units must average no more than 65% AMI. Alternatively, at least 50% of the Tier 1 Units may be priced for households having incomes at 50% of AMI and the remaining Tier 1 Units priced for households at 80% of AMI.
 - b. One (1) of the residential units in the Project shall be affordable to households earning up to 110% of AMI, as designated by the U.S. Department of Housing and Urban Development, adjusted for household size for the Boston-Cambridge-Quincy, MA-NH HMFA (“Tier 2 Unit”).
3. The Petitioner, the Project, and the Inclusionary Units shall comply with all applicable provisions of the City’s Inclusionary Zoning Ordinance, §5.11, in effect as of the date of this Special Permit/Site Plan Approval, regardless of whether such requirements are set forth herein.
4. The bedroom mix of the Inclusionary Units shall be equal to the bedroom mix of the market-rate units in the Project. The proposed mix of the Inclusionary Units is:

	Studio	1BR	2BR
Tier 1 Units Inclusionary Units	1	2	1
Tier 2 Inclusionary Units	0	1	0

The final bedroom mix shall be reviewed and approved by the Director of Planning and

Development prior to the issuance of a building permit for the Project.

5. Monthly housing costs (inclusive of rent, utility costs for heat, water, hot water and electricity, 1 parking space and access to all amenities offered to tenants in the building), must not exceed 30% of the applicable household income limit for that Inclusionary Unit and shall be consistent with Inclusionary Zoning Ordinance, § 5.11.4.D.1.
6. For the initial lottery, 70% of the Inclusionary Units shall be designated as Local Preference units, as permitted and defined by the Massachusetts Department of Housing and Community Development (DHCD).
7. Prior to the issuance of any building permits for the vertical construction of the Project, the Petitioner shall provide an updated Inclusionary Housing Plan and Affirmative Fair Marketing and Resident Selection Plan (AFHMP) for review and approval by the Director of Planning and Development in accordance with §5.11.8 of the Inclusionary Zoning Ordinance. The Inclusionary Housing Plan and Affirmative Fair Housing Marketing and Resident Selection Plan must meet the requirements of DHCD's guidelines for Affirmative Fair Housing Marketing and Resident Selection and be consistent with §5.11.8. of the Inclusionary Zoning Ordinance. In accordance with DHCD's current guidelines, the units will be affirmatively marketed and leased through a lottery.
8. Prior to the issuance of any temporary or final occupancy certificates for the Project, the Petitioner, the City, and DHCD will enter into a Regulatory Agreement and Declaration of Restrictive Covenants, in a form approved by the City of Newton Law Department, which will establish the affordability restriction for the Tier 1 Inclusionary Units in perpetuity.
9. Prior to the issuance of any temporary or final occupancy certificates for the Project, the Petitioner and the City will enter into a Regulatory Agreement and Declaration of Restrictive Covenants, in a form approved by the City of Newton Law Department, which will establish the affordability restriction for the Tier 2 Inclusionary Unit in perpetuity.
10. To the extent permitted by applicable regulations of DHCD, the Tier 1 Inclusionary Units shall be eligible for inclusion on the State's Subsidized Housing Inventory (SHI) as Local Action Units through DHCD's Local Initiative Program.
11. The Inclusionary Units shall be designed and constructed subject to the provisions of the Inclusionary Zoning Ordinance, §5.11.7.
12. Inclusionary Units, and their associated parking spaces, shall be proportionally distributed throughout the Project and be sited in no less desirable locations than the market-rate units, and the locations of such units and parking spaces shall be reviewed and approved by the Director of Planning and Development prior to the issuance of a building permit for the Project.
13. No residential unit or building shall be constructed to contain or be marketed and/or sold as containing more bedrooms than the number of bedrooms indicated for said unit in the Project Master Plans referenced in Condition #1.
14. Any room that meets the minimum dimensional and egress requirements to be considered a

bedroom under the state building code and Title 5 regulations shall be counted as a bedroom for purposes of determining the required bedroom mix of the Inclusionary Units in accordance with the Inclusionary Zoning Ordinance.

15. The petitioner shall comply with the City's Tree Preservation Ordinance.
16. Prior to the issuance of any building permit for the Project, the petitioner shall provide an Approval Not Required ("ANR") or "81X" plan combining the two lots into one lot to the City Engineer for review and approval. Once approved, the plan must be recorded at the Middlesex South Registry of Deeds. A certified copy of the plan shall be submitted to the Engineering Division of Public Works and the Commissioner of Inspectional Services.
17. With the exception of those spaces associated with the Inclusionary Units, charges for parking stalls shall be separate and in addition to ("unbundled") from rent and other charges for residential tenants.
18. All exterior lighting fixtures shall be residential in scale and not cause light pollution, and shall be subject to review and approval by the Director of Planning and Development before any Building Permit may be issued pursuant to this Special Permit/Site Plan Approval.
19. The Petitioner shall contribute **\$116,158** towards the City's Inflow and Infiltration Reduction Program to cover improvements to the sanitary sewer system. The payments shall be made as follows:
 - a. Prior to the issuance of any building permit, the first payment shall be submitted. The payment shall be of $\frac{1}{2}$ of the total payment indicated above.
 - b. The second payment of $\frac{1}{2}$ of the total payment indicated above shall be submitted prior to the issuance of the Project's final Certificate of Occupancy.
20. All residential units will conform to the Massachusetts Architectural Access Board (MAAB) requirements for "Group 1" units. In addition, per MAAB guidelines, 5% of the new units shall be designed as "Group 2A" units, which are designed spatially for immediate wheelchair use. The design and construction of the site and proposed structure shall comply with Massachusetts Architectural Access Board regulations and the Fair Housing Act.
21. The trash and recycling disposal shall be handled by a private entity and collection shall be scheduled at such times to minimize any disruption of the on-site parking and shall comply with the City's Noise Control Ordinance
21. The Petitioner shall achieve and/or implement all **sustainability strategies** as indicated in a document entitled "Sustainability / Energy Narrative, 1148 (sic)-1151 Walnut Street, Newton, Massachusetts," prepared by Linnean Solutions, dated March 22, 2021, which shall be incorporated into the Project:
22. Prior to the issuance of any building permit for the Project The Petitioner shall consult with an independent sustainability building professional/LEED Associate on the design and

construction of the building, and achieve and/or implement the following measures which shall be incorporated into the Project:

- a. the majority of the exterior façade will be composed of durable low maintenance materials (such as brick and cementitious panels) that will increase the longevity and minimize maintenance in the future;
- b. only LED lighting will be used throughout the project;
- c. high efficiency electric air source heat pumps shall be used to handle the heating and cooling of the building in order to reduce fossil fuel use;
- d. all HVAC and appliances shall be electric, and appliances shall be “Energy Star”-rated (or functional equivalent), (except that domestic hot water equipment may utilize natural gas as an energy source);
- e. all residential units will be thermally and acoustically separated with individual thermostats and have separate utility meters for electric lighting and outlets;
- f. exterior building insulation and air barriers shall be continuous;
- g. the parking area will be outfitted with two (2) electric vehicle (EV) charging stations. In addition, conduit will be installed to facilitate future installation of EV charging stations for all garage parking stalls;
- h. drought tolerant and indigenous plants will be the predominant species installed in the landscape;
- i. roof areas shall be mapped so as to consolidate rooftop HVAC equipment and penetrations to the greatest degree possible to maximize potential for the solar PV installation;
- j. a rooftop solar energy system shall be installed that, as a minimum, satisfies the building’s common areas’ electric demand;
- k. fundamental commissioning tests shall be performed to assure continuous air, vapor and water barriers.

23. The Petitioner has committed to monitor relevant new technologies and analyze, review and discuss with the Director of Planning and Development the following sustainability strategies, prior to the issuance of any building permit for the Project, in order to determine their feasibility and the possible return on investment if they were to be implemented:

- a. installing rooftop solar photovoltaic panels to offset building electrical usage;
- b. installing additional exterior insulation beyond Stretch Code requirements;
- b. maximizing the use where appropriate for low embodied carbon materials and rapidly renewable materials;
- c. commissioning HVAC systems at substantial building completion.

24. The Petitioner shall implement the following Transportation Demand Management (TDM) strategies:

- The Project shall have 23 assigned parking stalls

- Any and all fees and/or rent for the use of on-site parking stalls shall be charged for separately from residential and/or retail rents
- One parking stall shall be accessible
- Two parking stalls will be outfitted with two (2) electric vehicle (EV) charging stations. In addition, conduit will be installed to facilitate future installation of EV charging stations for all garage parking stalls
- The Project will feature a 228 square foot bicycle storage room adjacent to the covered parking level that shall store approximately 25-30 bicycles.
- So-called “welcome packets” provided to new residents shall include a “TDM disclosure” document that identifies all aspects of this TDM program, including MBTA and rideshare information
- A management operated “ride board” featuring carpool and MBTA information will be presented in the residential lobby
- Until the third anniversary of full residential occupancy, the petitioner shall provide renters who do not utilize the on-site parking facilities with MBTA passes, 50% of the cost of which shall be subsidized by the petitioner

Prior to the issuance of any certificate of occupancy for the project, the petitioner shall appoint a Transportation Coordinator to ensure compliance with the above requirements and provisions.

25. NEIGHBORHOOD PARKING PROGRAM provision
26. Prior to the issuance of any Building Permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Said stormwater management system shall be designed to capture 100% of runoff generated in 1% storm condition for all impervious areas of the project. Once approved, the O&M must be adopted by the petitioner and recorded at the Middlesex South District Registry of Deeds. A copy of the recorded O&M shall be filed with the Engineering Division of Public Works, the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development.
27. Prior to the issuance of any building permit for the Project, the petitioner shall provide a Final Site Plan (which shall indicate the location of adequate snow storage area(s) or identify a suitable alternative for snow removal) for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
28. Prior to the issuance of any building permit for the Project the petitioner shall submit a Construction Management Plan (CMP) for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer. The Construction Management Plan shall be consistent and not in conflict with relevant conditions of this Order and shall include, but not be limited to, the following provisions:

- a. 24-hour contact information for the general contractor of the project.
 - b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Commissioner of Inspectional Services. The petitioner shall consider local traffic and pedestrian activity in determining hours and routes for construction vehicles.
 - c. The proposed schedule of the project, including the general phasing of the construction activities and anticipated completion dates and milestones.
 - d. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for construction materials and construction and delivery vehicles and equipment, and location of any security fencing.
 - e. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
 - f. Proposed methods of noise control, in accordance with the City of Newton's Ordinances. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.
 - g. Tree preservation plan to define the proposed method for protection of any existing trees to remain on the site.
 - h. A plan for rodent control during construction.
 - i. The CMP shall also address the following:
 - safety precautions;
 - construction materials,
 - parking of construction workers' vehicles,
 - anticipated dewatering during construction;
 - site safety and stability;
 - impacts on abutting properties;
 - proposed method of noise and vibration control.
29. The petitioner shall be responsible for securing and paying for any and all police details that may be necessary for traffic control throughout the construction process as required by the Police Chief.
30. No building permit shall be issued pursuant to this Special Permit/Site Plan approval until the Petitioner has:

- a. Recorded a certified copy of this Council order with the Middlesex South Registry of Deeds.
 - b. Filed a copy of such recorded Council order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Department of Planning and Development that confirms the final building permit plans and façade elevations are consistent with plans approved in Condition #1.
 - d. Submitted a final Inclusionary Housing Plan for review and approval by the Director of Planning and Development that is certified as compliant by the Director of Planning and Development with the information required to be included in such Plan pursuant to §5.11.8. of the Zoning Ordinance.
 - e. Submitted final engineering, utility, and drainage plans, and an Operations and Maintenance plan for Stormwater Management, for review and approval by the City Engineer. A statement certifying such approvals shall have been filed with the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development.
 - f. Submitted a final plan of land, to the Engineering Division of Public Works in accordance with Condition #25.
 - g. Submitted a final Construction Management Plan (CMP) for review and approval by the Commissioner of Inspectional Services in consultation with the Director of Planning and Development, the Fire Department, the Commissioner of Public Works, the City Engineer, and the Director of Transportation.
31. The Petitioner shall be responsible for repairing any and all damage to public ways and property caused by any construction vehicles. All repair work shall be done prior to the issuance of a final Certificate of Occupancy, unless the Commissioner of Public Works determines that the damage to the public way is so extensive that it limits the use of the public way. In such case the repair work must be initiated within one month of the Commissioner making such determination and shall be conducted consistent with City Construction Standards, and shall be completed within an appropriate time frame, as determined by the Commissioner.
32. Prior to the issuance of any Certificate of Occupancy pursuant to this Special Permit/Site Plan Approval, the Petitioner, City, and DHCD will enter into, and record at the Middlesex South Registry of Deeds, a Regulatory Agreement and Declaration of Restrictive Covenants, in a form approved by the City of Newton Law Department and DHCD, which will establish the affordability restriction for the Inclusionary Units in perpetuity.
33. No occupancy permit for the use covered by this Special Permit/Site Plan Approval shall be issued until the Petitioner has:

- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect and civil engineer certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services, the Department of Planning and Development, and the Engineering Division final as-built survey plans in paper and digital format.
 - c. Filed with the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that all engineering details for the project site have been constructed to standards of the City of Newton Public Works Department.
 - d. Filed with the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number, and type of plant materials, final landscape features and fencing consistent with the plans referenced in Condition 1.
 - e. Submitted to the Law Department copies of fully executed Regulatory Agreements and Affordable Housing Restriction for all Inclusionary Units, in accordance with **Conditions #8 and #9**.
 - f. Provided evidence satisfactory to the Law Department that the Regulatory Agreements for all Inclusionary Units have been recorded at the Southern Middlesex District Registry of Deeds, as appropriate.
 - g. Inclusionary Units shall be completed and occupied no later than the completion and occupancy of the Project's market-rate units. If the Inclusionary Units are not completed as required within that time, temporary and final occupancy permits may not be granted for the number of market-rate units equal to the number of Inclusionary Units that have not been completed. The petitioner shall complete and occupy at least one Inclusionary Unit for every five market rate units completed and occupied.
34. Notwithstanding the provisions of Condition **#31d** above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building prior to installation of required on-site landscaping/exterior hardscape improvements required per the approved plans. Prior, however, to issuance of any temporary certificate of occupancy pursuant to this condition, the Commissioner of Inspectional Services shall require that the Petitioner first file a bond, letter of credit, cash or other security in the form satisfactory to the Law Department in an amount not less than 135% of the value of the aforementioned remaining improvements.
35. All on-site landscaping associated with this Special Permit/Site Plan Approval shall be installed and maintained in good condition. Any plant material that becomes diseased and/or dies shall be replaced on an annual basis with similar material.



Riverside

Housing and Fiscal Impact

Public Hearing – Land Use Committee

April 27, 2021

Department of Planning & Development

Tentative Schedule

Topic based schedule

- April 27, 2021 – Housing and Economic Impacts
- May 11, 2021 – Transportation
- June 2021 - Site Design, Building Design, and Design Guidelines

*Schedule subject to change, check agenda for specific placement on agenda

Housing Updates

- Residential units still located in Buildings 3-10
- Overall Reduction from 582 to 550 dwelling units
 - 32 less units overall
 - 8 more affordable units
- April 2021 Revised inclusionary unit mix to incorporate more units at deeper affordability

Approved and Proposed Units - Total

Unit Type	Approved	Proposed	Change
Studio	51	27	-24
One-Bedroom	279	291	+12
Two-Bedroom	231	208	-23
Three-Bedroom	21	24	+3
Total	582	550	-32

Inclusionary Zoning

Revised-April 2021

	Approved July 2020	Application March 2021	Revised April 2021
Tier 1: 50-80% AMI	88 units	83 units	88 units
Tier 2: 110% AMI	15 units	28 units	23 units
Total	103 units	111 units	111 units

Inclusionary Zoning

Unit Mix

Tier 1
Average of 65% AMI

Tier 2

Unit Type	Proposed Units at 50% AMI	Proposed Units at 80% AMI	Proposed Units at 110% AMI
Studio	2	2	1
One-Bedroom	23	23	12
Two-Bedroom	17	17	9
Three-Bedroom	2	2	1
Total	44	44	23

Economic Impacts

- Eliminates the previously approved 254,120 square feet of office space except for the 7,500 square feet to be used by the MBTA.
- Eliminates 77,300 square feet of hotel space.
- 362,235 square feet proposed laboratory and research space – Buildings 1 and 2.
- Reduced the retail and commercial space from 39,014 square feet to 21,981 square feet.
- Reduced the number of residential units from 582 to 550.
- Net Positive Fiscal Impact of \$662,721 from previously approved project.

Economic Development Strategy

- Identifies laboratory uses as a market opportunity for Newton due to the soaring rents and growth in Cambridge and Boston. Research companies are showing greater interest in suburbs.
- Riverside is one of two areas in Newton identified with high potential for laboratory and research uses.
- Objective is to increase lab space in Newton to capitalize on highly skilled workforce with science background and regional economic trends.

Retail and Commercial Space

- 21,981 square feet located in Buildings 6,7,8,9
 - reduced from 39,014 square feet
 - previously included Building 4
- Recommendations:
 - Petitioners should consider identifying ground floor spaces that will be retail and spaces that may be flexible depending upon market conditions
 - Provide additional detail regarding the ground floor uses in the former retail spaces



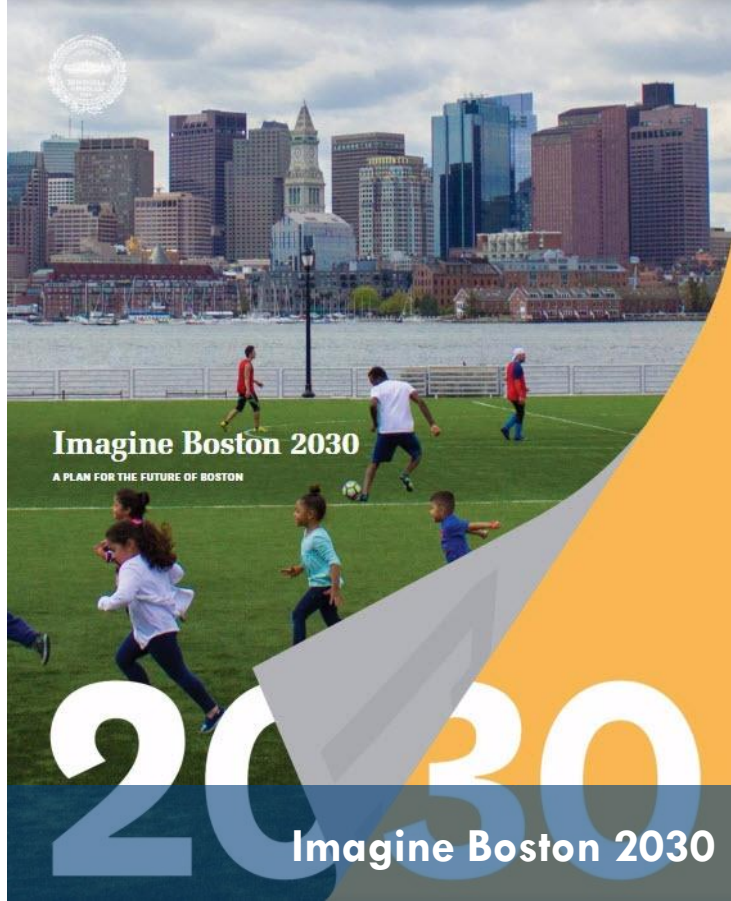


RIVERSIDE DEVELOPMENT PEER REVIEW

PUBLIC MEETING
APRIL 27, 2021

HR&A
Analyze. Advise. Act.





HR&A is a real estate and economic development consulting firm working at the intersection of the public and private sector. Our work transforms communities and revitalizes urban environments in the United States and abroad.

HR&A's Role

Consider the methods, approach, data sources and conclusions reached by MuniCap in their April 13, 2021 Economic and Net Fiscal Impact Study and compare the impact of this proposed program to that of the February 5, 2020 program we reviewed previously

Development Program Changes

	February 2020 Report	April 2021 Report	Difference (2021 vs 2020)
Residential			
For Rent			
Market rate apartments	539,169	505,326	(33,843)
Inclusionary income apartments			
50% AMI	48,726	47,087	(1,639)
80% AMI	48,726	47,087	(1,639)
100% AMI	16,948		(16,948)
110% AMI		32,157	32,157
<i>Sub-total residential</i>	653,569	631,657	(21,912)
Commercial			
Retail	43,241	22,442	(20,799)
Office	243,388		(243,388)
Lab/research		363,401	363,401
Hotel	77,300		(77,300)
<i>Sub-total commercial</i>	363,929	385,843	21,914
Total	1,017,498	1,017,500	2

Notes: Table in Gross/Total SF

Source: MuniCap

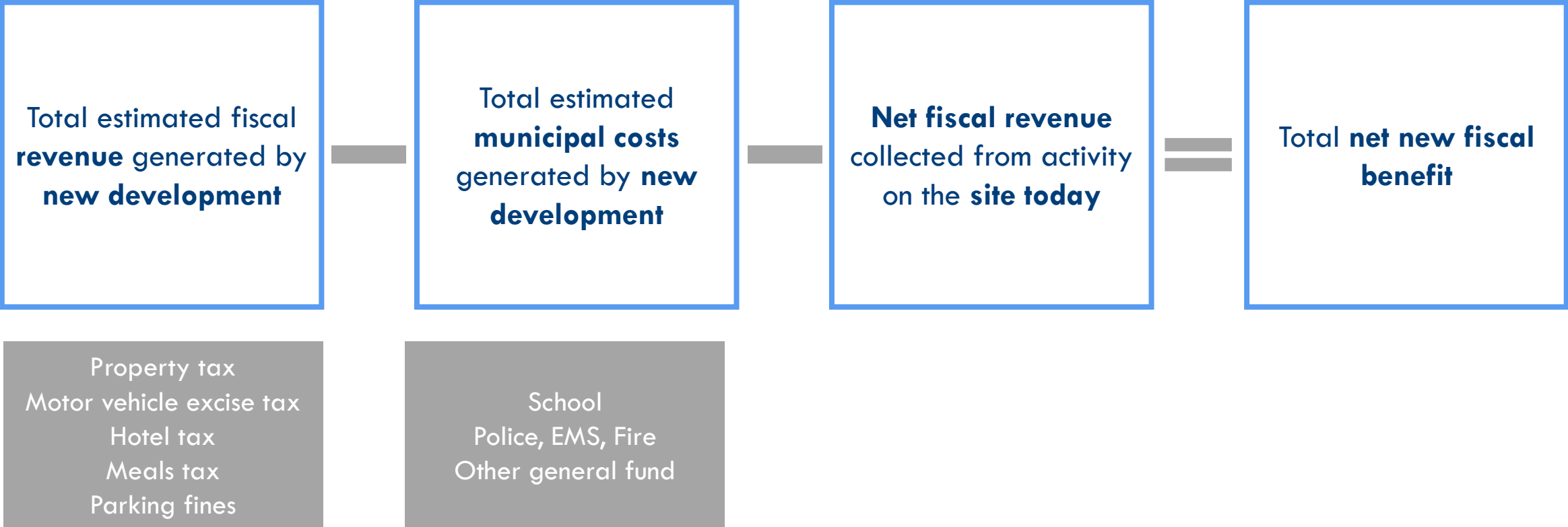
Economic Impacts

February 2020 Report				April 2021 Report			
	Permanent Jobs (FTE)	Annual Compensation	Income per Employee		Permanent Jobs (FTE)	Annual Compensation	Income per Employee
Retail:				Retail:			
Direct impacts	95	\$3,398,458	\$32,743	Direct impacts	51	\$1,670,908	\$32,969
Indirect impacts	26	\$1,786,765	\$62,914	Indirect impacts	14	\$878,557	\$63,206
<i>Subtotal</i>	121	\$5,185,223		<i>Subtotal</i>	65	\$2,549,465	
Office:				Lab/Research:			
Direct impacts	649	\$50,254,265	\$77,429	Direct impacts	969	\$172,782,044	\$178,297
Indirect impacts	407	\$22,044,436	\$54,168	Indirect impacts	1,544	\$101,882,878	\$65,999
<i>Subtotal</i>	1,056	\$72,298,701		<i>Subtotal</i>	2,513	\$274,664,922	
Hotel:							
Direct impacts	60	\$3,799,735	\$63,078				
Indirect impacts	32	\$1,996,057	\$62,572				
<i>Subtotal</i>	92	\$5,795,792					
Apartment Management:				Apartment Management:			
Direct impacts	49	\$1,353,144	\$27,665	Direct impacts	56	\$1,570,103	\$27,804
Indirect impacts	28	\$1,654,200	\$58,868	Indirect impacts	32	\$1,919,430	\$59,425
<i>Subtotal</i>	77	\$3,007,344		<i>Subtotal</i>	88	\$3,489,533	
Total New Development				Total New Development			
Direct impacts	862	\$58,805,602		Direct impacts	1,076	\$176,023,055	
Indirect impacts	495	\$27,481,458		Indirect impacts	1,590	\$104,680,865	
Total Economic Impacts from New Development	1,357	\$86,287,060		Total Economic Impacts from New Development	2,666	\$280,703,920	

Source: MuniCap

HR&A Advisors, Inc.

Fiscal Impacts



Fiscal Impacts | New Development

	February 2020 (Scenario B)	April 2021	Difference (2021 vs 2020)
<u>New Development</u>			
Revenue			
Real property tax	\$4,148,231	\$5,357,012	\$1,208,781
Motor vehicle tax	\$32,138	\$28,648	(\$3,490)
Hotel room tax	\$569,875	\$0	(\$569,875)
Hotel meals tax	\$118,043	\$0	(\$118,043)
Additional revenues	\$107,545	\$89,598	(\$17,947)
Total Revenue	\$4,975,831	\$5,475,258	\$499,427
Costs			
Police, EMS, and, Fire	(\$461,343)	(\$402,161)	\$59,182
Students	(\$1,670,045)	(\$1,594,013)	\$76,032
Other general fund	\$0	\$0	\$0
Total Costs	(\$2,131,388)	(\$2,875,387)	(\$743,999)
Net Fiscal Impact of New Development	\$2,844,443	\$2,599,871	(\$244,572)

Source: MuniCap

HR&A Advisors, Inc.

Fiscal Impacts | Existing Development

	February 2020 (Scenario B)	April 2021	Difference (2021 vs 2020)
<u>Existing Development</u>			
Revenue			
Real property tax	\$595,608	\$601,588	\$5,980
Hotel room tax	\$525,742	\$553,413	\$27,671
Hotel meals tax	\$118,043	\$14,165	(\$103,878)
Personal property tax		\$42,149	\$42,149
Additional revenues	\$204	\$202	(\$2)
Total Revenue	\$1,239,597	\$1,211,517	(\$28,080)
Costs			
Police, EMS, and Fire	(\$36,622)	(\$36,622)	(\$36,622)
Students	\$0	\$0	\$0
Other general fund	\$0	\$0	\$0
Total Costs	(\$36,622)	(\$36,622)	(\$36,622)
Tax Benefit Lost from Existing Development	(\$1,202,975)	\$1,174,895	(\$28,080)

Fiscal Impacts | Existing Development – Additional Costs

General Fund Category	Factor Used	Additional Cost
Assessing	Per Capita	(\$16,272)
Treasury and Collection	Per Capita	(\$17,228)
Public Works	Per Service Population	(\$402,728)
Health and Human Services	Per Capita	(\$58,319)
Senior Services	Per Capita	(\$10,284)
Newton Public Library	Per Capita	(\$77,813)
Parks and Recreation	Per Capita	(\$91,178)
Total Additional Costs		(\$673,822)

Fiscal Impacts | Net Impact

	February 2020 (Scenario B)	April 2021	Difference (2021 vs 2020)
<u>Total</u>			
New development	\$2,844,442	\$3,479,084	\$634,642
Less existing revenue	(\$1,202,975)	(\$1,174,895)	\$28,080
Net Fiscal Impact Before Additional Costs	\$1,641,468	\$2,304,189	\$662,721
Total Additional Costs	(\$743,999)	(\$673,822)	\$70,177
Net Fiscal Impact with Additional Costs	\$897,469	\$1,630,367	\$732,898