



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: June 29, 2021
Land Use Action Date: September 14, 2021
City Council Action Date: September 20, 2021
90-Day Expiration Date: September 27, 2021

DATE: June 25, 2021

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Neil Cronin, Chief Planner for Current Planning
Katie Whewell, Senior Planner

SUBJECT: **Petition #71-20**, petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 34-unit, a four-story structure up to 48' in height, multi-family dwelling greater than 20,000 sq. ft., to allow ground floor residential use, to allow an FAR of up to 2.0, a waiver of the minimum stall depth requirements, relief to allow 1.25 parking stalls per unit, and a waiver of the sustainable design standards at 1114 Beacon Street, Ward 6, Newton Highlands, on land known as Section 54 Block 22 Lot 04, containing approximately 51,745 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 7.8.2.C.2, 5.1.4.A, 5.1.13, 5.1.7.A, 5.1.8.B.2, 5.1.8.D.2, 5.4.2.B, 5.12 of the City of Newton Rev Zoning Ord, 2017.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



1114 Beacon Street

EXECUTIVE SUMMARY

The subject property consists of 51,745 square feet of in the Business 2 (BU-2) zone in Newton Highlands. The property is improved with a single-story commercial structure, formerly a restaurant and currently vacant. The petitioner is proposing to raze the structure and construct a 34-unit, multifamily dwelling. To construct the proposed multi-family dwelling, the petitioner requires special permit relief which includes allowing a residential use with ground floor units, to allow development exceeding 20,000 square feet, to allow 1.25 stalls per unit, to allow a floor area ratio ("the FAR") of 1.08 in a four-story structure, and to waive the minimum stall width requirements.

This petition was first before the Land Use Committee in March of 2020. At the public hearing, the Land Use Committee authorized the Planning Department to conduct a design peer review to ensure the final design is appropriate. This petition is a result of the work done between the City, Peer Reviewer, and Petitioner regarding the redesign of the site and building. In addition to the design revisions, the number of units also increased from 27 to 34 units from the prior iteration.

The Planning Department believes the site is an appropriate location for a residential development due to its access and proximity to transit, as well as the mix of uses surrounding the site. The site is close to several neighborhood amenities, including a grocery store, drugstore and pharmacy, restaurants, and a convenience store. The site also consists of a larger lot and the project as proposed exceeds the required lot area per unit. While Planning Staff believes the site is an appropriate location and consistent the goals of the Comprehensive Plan, there are still aspects of the project as proposed that require additional review. The Planning Department is conducting a transportation peer review and will provide an update from this review at a future meeting. The Planning Department will also have City Staff from the sustainability division review the proposed sustainability plan and provide comments.

SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed multi-family dwelling. (§7.3.3.C.1.)
- The proposed multi-family dwelling as developed and operated will adversely affect the neighborhood. (§7.3.3.C.2)
- There will be 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 floor area ratio of 1.08 in a four-story structure is consistent with and not in derogation of the size, scale, and design of other structures in the

- neighborhood. (§4.1.2.B.3, §4.1.3 and §7.3.3)
- The site and buildings as designed, constructed, and operated will contribute significantly to the efficient use and conservation of natural resources and energy, including through some or all of the following: (a) minimizing operating energy; (b) minimizing the use of fossil fuels; (c) implementing a transportation plan that will minimize carbon footprint. (§7.3.3.C.5)
 - Literal compliance with the dimensional parking requirements 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)
 - Literal compliance with the required number of parking stalls 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)

I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Beacon Street near the Four Corners intersection in Newton Highlands. The site is in the BU-2 zoning district, as are most of the properties on the southern side of Beacon Street. Directly to the north across Beacon Street is a Multi-Residence 3 zone, and there are additional multi residence zones directly south of the site (**Attachment A**). The site abuts other commercial uses, and the surrounding area is comprised of a mix of uses including residential, public use, and commercial uses (**Attachment B**). The site is also close to two large public use areas, the Newton Cemetery to the north and Cold Spring Park to the west.

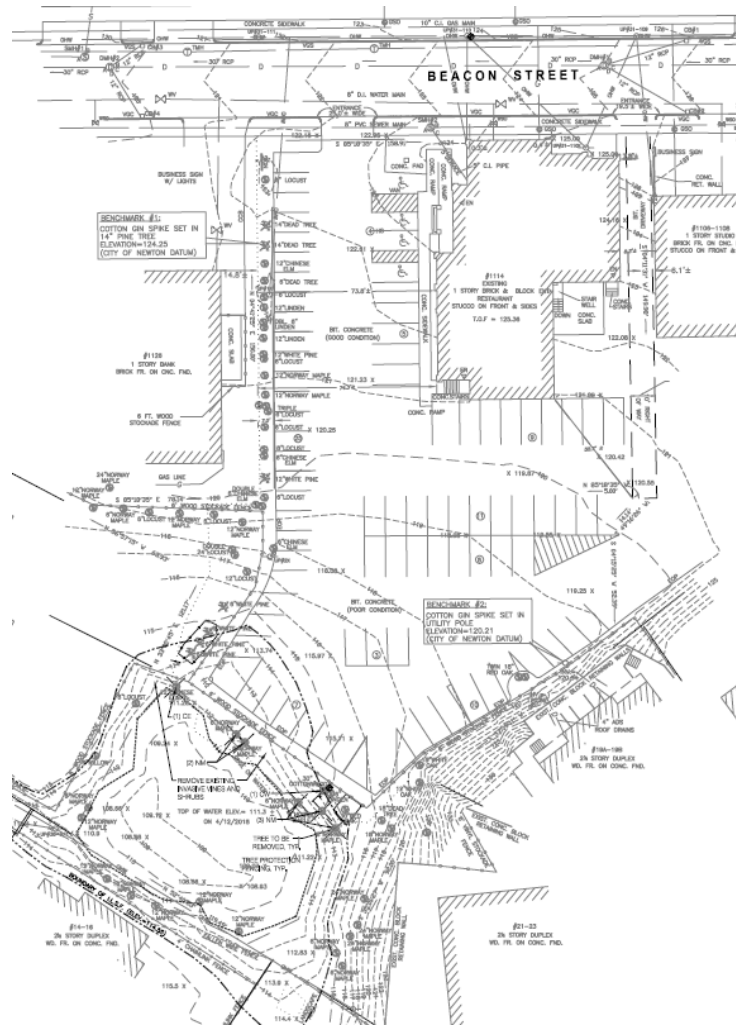
B. Site

The site consists of 51,745 square feet of land and is improved with a one-story commercial building constructed in 1940. The existing structure has a nonconforming front setback of .3 feet, where 10 feet required in the BU-2 zoning district. The site has a slight downward slope and features wetlands at the rear property line.

The site is largely impervious with the single-story commercial building and large surface parking facility, consisting of approximately 82 parking stalls. There is a shared easement along the eastern driveway with 1106-1108 Beacon Street that provides access to the rear parking facility. The western driveway provides access to parking at the western side of the structure as well as the rear parking facility. The site features some landscaping between the abutting property to the west at 1126 Beacon

Street.

Existing Conditions



II. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site will change from a restaurant use to a 34-unit multi-family structure, should the petition be approved.

B. Site and Building Design

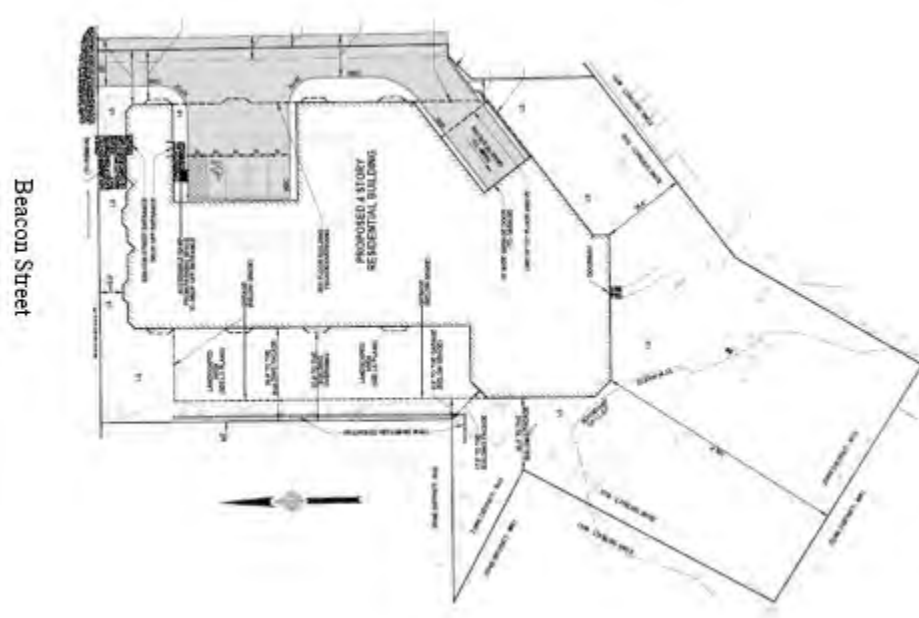
The petitioner is proposing to raze the existing structure to construct a four-story, 34-

unit multi-family dwelling with 55,786 square feet in new gross floor area. The proposed structure will contain four stories and measure 47 feet tall where two stories and 24 feet is allowed as of right in the BU-2 district. The proposed building will increase the nonconforming front setback from .3 feet to 10 feet, eliminating the nonconformity. The site abuts multi-residential zones along the eastern boundary line, western rear boundary line. In business zones, properties that abut residential zones are subject to side setbacks that are either half the building height or equal to the abutting side yard setback. The setbacks as proposed from the portions of the site that abut residential zones are 36.4 feet from the southeastern property line and 30.8 feet from the rear western property line. Rear setbacks are subject to the greater of half the building height or 15 feet. The project meets all required setbacks; however, the most noticeable proposed setback is the rear at 36 feet, where 106.5 feet is existing and 23 feet is required.

The site would be accessed by one curb cut from Beacon Street at the eastern property line, utilizing the existing easement shared with the adjacent property. The entrance to the underground garage is accessed via the drive aisle from Beacon Street and towards the rear of the building. The petitioner proposes to construct an as of right retaining wall along the southeastern and western property line. The retaining wall along the western property line reaches a maximum height of three feet at the midpoint of the site. Planning Staff notes the utility pole in front of the site along Beacon Street. The petitioner should clarify whether the utility pole will remain.

In Business districts, the FAR corresponds to the number of stories. The Ordinance allows an FAR of 1.0 for a two-story structure, and up to 2.0 for a four-story structure. The proposed FAR of 1.08 for a four-story structure requires a special permit. In Business zones, the required density control for lot area per unit is 1,200 square feet. The project as designed proposes 1,522 square feet, meeting the lot area per unit requirement. Of the 34 units, 11 units are located on the ground floor, requiring a special permit.

Proposed Site Plan



C. Urban Design

This petition was before the Land Use Committee (the “Committee”) in March 2020, when the Committee authorized the Planning Department to engage a peer reviewer for design. The Planning Department engaged NBBJ and met several times with the peer reviewer and development team. NBBJ issued the attached memorandum (**Attachment C**). The three recommendations NBBJ made during the design review were: conformance to the 10-foot required setback, consolidate to one curb cut, and removal of two large penthouse units on the fourth floor. The petitioner incorporated those recommendations in the current petition. The Planning Department would like to note that while the petitioner removed the fourth story, the structure is still considered a four-story structure due to the pitched roof and that business zones do not account for half stories. The structure will appear as a four-story structure from Beacon Street; however the side elevations indicate a three-story structure. The petitioner should clarify what is in the area that constitutes the fourth story. In the peer review memo, there are two further recommendations: creating a landscape strip between the curb and the sidewalk and relocating the building entrance to the center of the building facing Beacon Street with units flanked on either side. The Planning Department will follow up with the Engineering Division to assess the feasibility of the landscaping strip.

Additionally, the Urban Design Commission reviewed the project and issued further recommendations in their memorandum (**Attachment D**). These recommendations include scaling down the archway along the eastern elevation, and landscaping measures.

Proposed North Elevation – Beacon Street



Proposed East Elevation



Proposed West Elevation



D. Parking and Circulation

The Petitioner is proposing four surface parking stalls at the ground level and 46 parking stalls in the underground garage, for a total of 50 parking stalls. At the surface level, the Petitioner is proposing four parking stalls, which includes one accessible stall. The underground parking facility includes one accessible stall.

The proposed underground parking facility features 46 parking stalls. Seven stalls are designated for electric vehicle charging stations. The stalls are all 19 feet long, but the

stalls vary from 8 feet in width to 8 feet and 8 inches, requiring a special permit to waive the minimum stall width requirements. With a total of 50 parking stalls on site, the Petitioner is seeking to allow 1.47 stalls per dwelling unit, where two stalls per dwelling unit are required.

The plans show a bicycle maintenance and repair room in the lower-level parking garage, the Petitioner should clarify if the bicycle parking is in that room and how many bicycles can be stored on site.

E. Transportation

The site is located less than a mile from both the Newton Centre and Newton Highlands Green Line MBTA stations. The 59 MBTA bus has four stops along Walnut Street, two in either direction at the Walnut Street at Beacon Street intersection.

The City engaged a Peer Reviewer, BSC, to review the Petitioner's revised Traffic Impact and Access Study, which reflects the redesign from March 2020 and increase in units. The Planning Department recommends that the Petitioner revisit the Parking Demand Management Plan ("Plan") on page 13 of the Traffic Study to clarify and provide more information the proposed measures. The Plan outlines four areas: ridesharing, transit access, unbundling of parking, and bicycle parking but does not outline specific measures to reduce parking demand or encourage residents to utilize public transit. The location of the proposed bicycle parking for the 34 bikes is also unclear. While the Planning Department reviewed the peer review with the Transportation Division of Public Works, it is anticipated that the City will review the TIAS and Peer Review with the development team in July.

F. Affordable and Fair Housing Policy

The Petitioner is proposing 34 condominium units in a multi-family dwelling. As the project is creating new dwelling units, the petitioner will be required to comply with the Inclusionary Zoning section of the Ordinance. Because the units are designated as condominium/ownership unit, the petitioner is required to provide at least 10% of Tier 1 units at 80% area median income, and an additional 7.5% Tier 2 units at 110% area median income.

The building will include 16 one-bedroom units, 17 two-bedroom units, and 1 three-bedroom units. Inclusionary units will have assigned parking stalls, per the Inclusionary Housing Ordinance.

Table 1. Unit Mix

Unit Type	Number of Units	Deed Restricted Units
One-Bedroom	16	3
Two-Bedroom	17	2
Three Bedroom	1	1

Table 2. Inclusionary Unit Mix and Income Levels

AMI	Unit	Bedrooms	Size
80%	303	1	1,069 sf
80%	105	1	1,412 sf
80%	205	2	1,523 sf
110%	202	1	1,106 sf
110%	308	2	1,533 sf
110%	110	3	1,432 sf

Planning Staff have completed an initial review of the Inclusionary Housing Plan and provided comments, which have been sent to the petitioner. Notably, the Ordinance states that when the calculation of inclusionary units results in a fraction of less than .5 (in this case .4), the petitioner is required to provide a fractional cash payment in the amount of \$221,760 or provide an additional Tier 1 unit. The proposed Inclusionary Plan does not comply in that the average square footage of the two-bedroom units is less than 80% of the average of the market rate two-bedroom units. The petitioner will need to reassign a larger two bedroom as an inclusionary unit. The final locations of all the inclusionary units will be approved prior to issuance of the building permit.

Staff also had questions as to the assignment of roof terraces, which parking units will be designated for the inclusionary units, and whether all the units will be visitable as well as accessible. The petitioner should also provide more detailed floorplans so Planning Staff can get a better sense of the layout of the units and type of unit the project will provide.

G. Signage

The petitioner has not requested relief from the Ordinance regarding the number, size

or type of signs. As a result, all signs are expected to be as of right and will be reviewed by the Urban Design Commission, should this petition be approved.

H. Accessibility

The project is required to be compliant with Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (MAAB) regulations. All units are expected to be adaptable to those with disabilities and built to ADA and MAAB requirements. As such, all units should be accessible and visitable to those with disabilities. Regarding parking, the submitted plans show one ADA van stall in the at-grade parking area and one in the underground garage.

I. Lighting

As the outdoor parking is less than five parking stalls, the petition is not subject to the one-foot candle minimum lighting required by the Ordinance.

J. Sustainability and Conservation of Natural Resources

The proposed multi-family structure will exceed 20,000 square feet thereby triggering the fifth special permit criterion which states the site and buildings as designed, constructed, and operated will contribute significantly to the efficient use and conservation of natural resources and energy, including through some or all of the following: (a) minimizing operating energy; (b) minimizing the use of fossil fuels; (c) implementing a transportation plan that will minimize carbon footprint. The Petitioner is subject to the Sustainable Development Design ordinance adopted in December 2019. The ordinance requires the project be either LEED Gold certifiable, Passive House certified, or Enterprise Green Communities certifiable.

The Petitioner provided a sustainability narrative, that is under review. Planning Staff will provide an update at a future hearing regarding the proposed sustainability measures in accordance with the fifth special permit criteria.

III. CONSISTENCY WITH COMPREHENSIVE PLAN, TRANSPORTATION & HOUSING STRATEGIES

Newton's *Comprehensive Plan of 2007* seeks to protect the rich choice among the City's neighborhoods while also relating density to neighborhood character and infrastructure capacity while promoting a range of housing opportunities. The *Housing Needs Analysis and Strategic Recommendations* from June 2016 contains housing strategy principles to provide greater housing diversity to preserve the City's character and quality and the *Newton Leads 2040 Transportation Strategy* contains strategies intended to make it safer and easier for Newtonians to utilize alternative modes of transportation such as walking, biking, and taking transit.

The proposed plans contain relevant goals for residential development, such as smart growth principles to guide growth in the City to where it is "best served by public transport,

where it is closest to businesses which provide services or to the largest employers, and for family housing, where it has safe and close access to public schools”; and providing greater housing diversity. The proposed project is in a well-established, mixed-use neighborhood in Newton Highlands within a mile to light rail transit and alternative transportation options. restaurants, shops, and services along Beacon Street and Walnut Street are a short walk from the site. Additionally, Zervas Elementary School and Cold Spring Park are nearby. The walkability of the neighborhood, access to transit and ridesharing services, support the City’s adopted smart growth policies.

In addition to supporting transportation access and choice, housing diversity and choice are critical goals of the City. The *Housing Strategy* contains principles which include pursuing diverse housing choices to meet changing housing needs of a diverse population, locating housing to promote access and choice, seeking high-quality design that is responsive to context, and pursuing green design. The proposed project will provide 34 dwelling units ranging from one-bedroom units to three-bedroom units in a walkable, transit-accessible neighborhood. Of the 34 condominium/homeownership units, six units will be deed-restricted under the City’s Inclusionary Zoning provision that requires 10% of units at 80% area median income and 7.5% at 110% area median income.

Overall, the Planning Department believes the petition satisfies many of the principles of the above referenced plan by providing much needed housing and additional affordable units in a location that meets smart growth principles. Due to the mix of uses nearby, walkability, proximity to transit and other neighborhood amenities the Planning Department is supportive of the 34 units proposed.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance)

The Zoning Review Memorandum, dated March 29, 2021 provides an analysis of the proposal regarding zoning. **(Attachment E)**

B. Newton Historical Commission Review

The petitioner applied for the total demolition of the existing structure. On March 22, 2018, the project was administratively deemed not historically significant, and no further review was required.

C. Engineering Review

Associate City Engineer John Daghlian reviewed the plans and issued a memorandum **(Attachment F)** providing an analysis of the proposal with regard to engineering issues. Mr. Daghlian notes that the development will result in a decrease of 2,000 square feet in impervious surfaces and incorporates water quality improvements for drainage. Mr. Daghlian met with an abutter and the development in June 2021, where the abutter expressed concerns regarding high groundwater in the neighborhood. While not required, Mr. Daghlian suggested the development team explore installing

an overflow connection to the City's drainpipe. Mr. Daghlian recommends as a condition of approval; the engineer of record shall submit capacity calculations for the overflow connection.

The Engineering Division also issued an Infiltration and Inflow (I and I) memorandum **(Attachment G)** that estimates the total mitigation cost for the assumption of low flow fixtures is \$238,022.20.

D. Fire Department Review

The plans will be reviewed prior to the issuance of any building permits, should this project be approved.

E. Conservation Commission Review

There is isolated land subject to flooding, which the applicant has treated as a vernal pool in their proposed plans to the rear of the site. The applicants were issued an Order of Conditions by the Conservation Commission. The Order of Conditions issued by the Conservation Commission was upheld by the Department of Environmental Protection after an abutter appeal. Any changes within the jurisdiction of the Conservation Commission from what was approved, will need to get approval.

V. PETITIONER'S RESPONSIBILITIES

The petitioner should respond to the issues raised in this memorandum and other questions raised at the public hearing as necessary. Written responses to all significant issues should be provided for analysis by the Planning Department prior to being scheduled for additional public hearings. The Planning Department will prepare an updated memo prior to any future public hearings.

ATTACHMENTS:

- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** NBBJ Peer Review Design Memorandum
- Attachment D:** UDC Memorandum
- Attachment E:** Zoning Review Memorandum
- Attachment F:** Engineering Memorandum
- Attachment G:** I and I Memorandum

ATTACHMENT A

Zoning

1114 Beacon Street

City of Newton,
Massachusetts

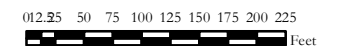
Legend

-  Single Residence 2
-  Multi-Residence 1
-  Multi-Residence 2
-  Multi-Residence 3
-  Business 1
-  Business 2
-  Open Space/Recreation
-  Public Use

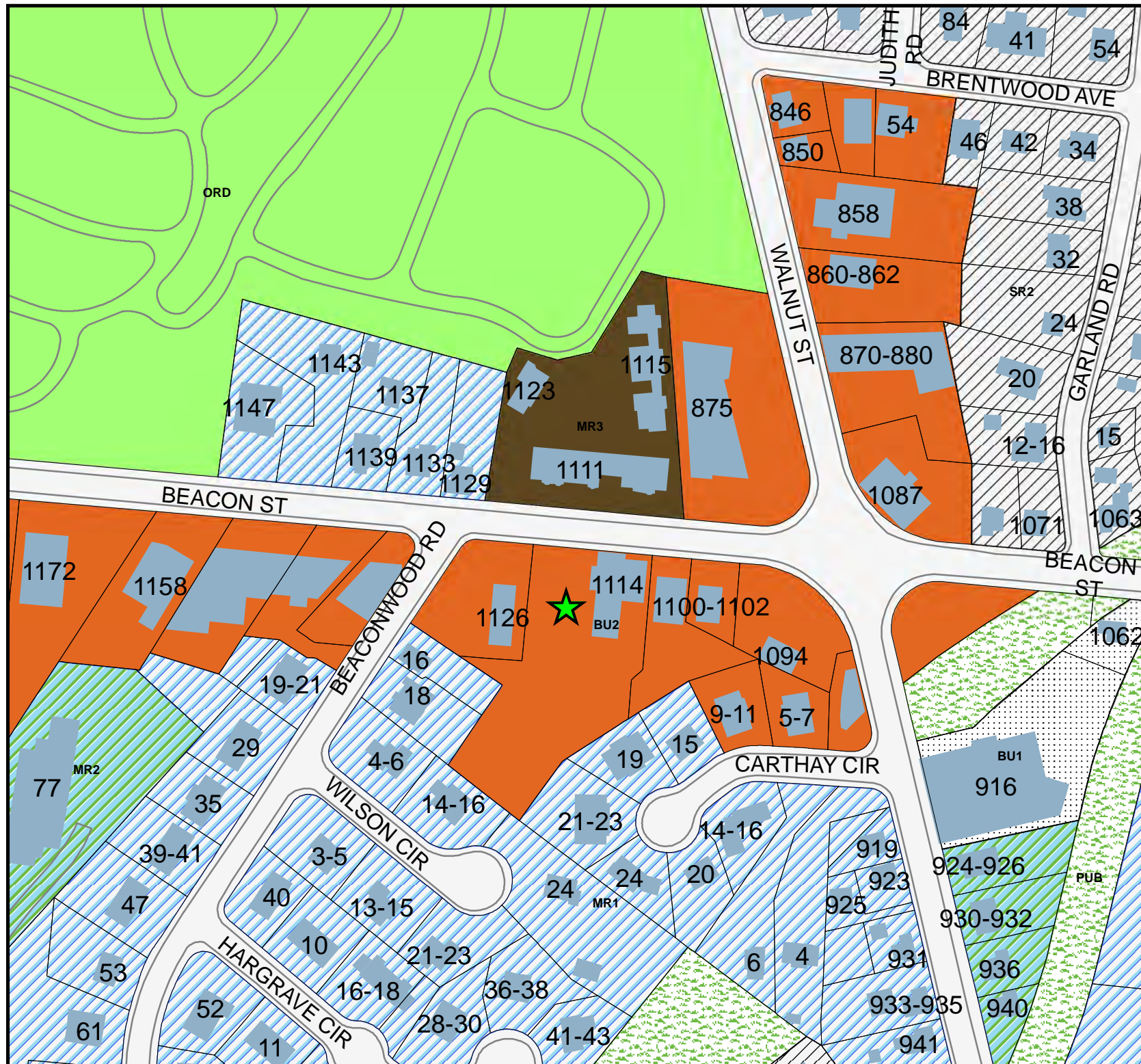


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

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



Map Date: June 24, 2021



ATTACHMENT B








Land Use

1114 Beacon Street

*City of Newton,
Massachusetts*

Land Use

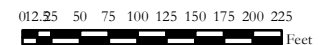
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Mixed Use
-  Open Space
-  Nonprofit Organizations
-  Vacant Land

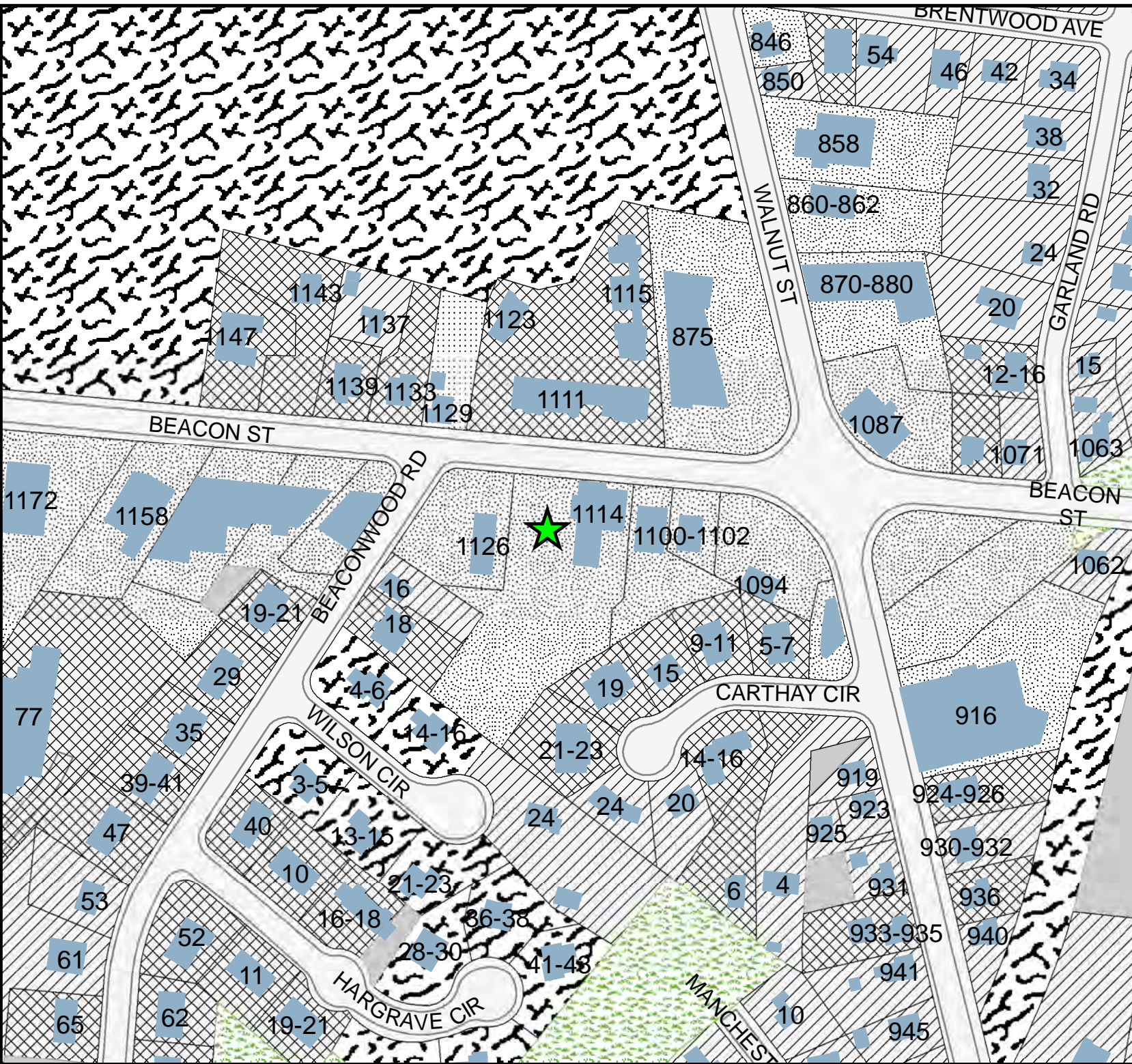


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: June 24, 2021





May 3, 2021

Ms. Jenn Caira
Director of Planning
1000 Commonwealth Ave.
Newton, MA 02459

Subject: 1114 Beacon Street, Newton

Dear Ms. Caira,

NBBJ is pleased to submit the following memo on the design review “The Beacon” at 1114 Beacon Street in Newton, MA. NBBJ was engaged to provide peer design review in June of 2019.

Review timeline and recommendations

July, 2020

The project proponent made plans available for NBBJ in July of 2020 dated 10/28/19. The proposed site layout plan included a 3 story residential town house building on Beacon Street connected to a 4 story residential building behind. The project proposed two curb cuts on Beacon Street to provide an east-west connection through the site under the four story portion of the building. The below grade garage ramp and required spaces for universal access were located on the east-west covered driveway. The project requested relief from front setbacks from 10 feet to 8 feet at the ground level and 6 feet above the ground floor. NBBJ made initial recommendations on July 21, 2020.

NBBJ made three recommendations:

- Conform to required 10 foot front setback to provide more front yard and sidewalk width on Beacon Street
- Consolidate to one curb cut and driveway on the east side with shared easement rights with the adjacent parcel.
- Reduce the height of the building by removing the fourth floor penthouse apartments.

The project proponents revised their plan and resubmitted a re-design on August 13, 2020 that responded to all the changes requested by peer review.

NBBJ made two further recommendations:

- Create a landscape/tree and signage strip between the curb and the sidewalk to provide more areas for off roadway snow storage and thus to reduce snow removal costs to the owner and safer cycling conditions on the street and pedestrian conditions on the sidewalk.
- Relocate the building entrance and mail room to the center of the building facing Beacon Street flanked by units on either side.

October 2020

Subsequently to this review the project proponents revised their plans further and submitted revisions on October 23, 2020 that relocated the garage ramp to the rear side of the building while all other features remained the same with explanations for why the recommendations were not made.

NBBJ had no comment on the most recent submission

April 2021

The project proponents resubmitted their site and architectural plans dated February 12, 2021 which modified unit sizes but made no changes to site configuration or access.

NBBJ had no comment on the most recent submission

We truly appreciate the opportunity to offer design review service to the City of Newton.

Sincerely

A handwritten signature in black ink, appearing to read "Alan Mountjoy". The signature is fluid and cursive, with a large initial "A" and "M".

Alan Mountjoy, Principal, NBBJ

Sincerely

A handwritten signature in black ink, appearing to read "Alan Mountjoy". The signature is fluid and cursive, with the first name "Alan" being more prominent than the last name "Mountjoy".

Alan Mountjoy, Principal, NBBJ



Ruthanne Fuller
Mayor

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Urban Design Commission

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Barney Heath
Director

DATE: June 23, 2021

TO: Neil Cronin, Chief Planner

FROM: Urban Design Commission

RE: 1114 Beacon Street

CC: Land Use Committee of the City Council
Barney Heath, Director of Planning and Community Development
Jennifer Caira, Deputy Director
Petitioner

Section 22-80 of the Newton City Ordinances authorizes the Urban Design Commission to act in an advisory capacity on matters of urban design and beautification. At their regular meeting on June 9, 2021, the Newton Urban Design Commission reviewed the proposed project at 1114 Beacon Street for design. The Urban Design Commission had the following comments and recommendations:

The UDC commented this is a big improvement since last time UDC reviewed this project. The UDC also commented that the design has come a long way. It has advanced very nicely on many fronts.

Building Massing, Height and Architecture

- The large archway is only to access 5 parking spaces, it seems a little grand for what it is serving. It seems to be announcing something bigger than parking. The UDC recommended to tone it down, make it less grand.

Landscape, Streetscape and Public Open Space

- The UDC recommended to provide landscaping in front of the building. One of the members commented to make it look like the dentist office down the street. The UDC asked if there will be enough space to make it look somewhat like the dentist office down the street? The applicant responded that they have a landscape architect and plan to make this a beautiful building. The UDC asked about a site plan showing landscape area. The applicant commented that there are a few trees in the front. The UDC commented it's important to know if there is enough space to have trees in the front. The two buildings down the street are very different in character with landscaped green spaces in front of the buildings, sidewalks, and tree lawns.

This building should be in keeping with those two buildings which are pedestrian-oriented and not the adjacent single-story commercial buildings with parking instead of green space in front.

- The applicant commented that there is a 10 feet setback from the back of the sidewalk to the edge of the projecting bay windows which project about 3-4 feet. The remainder of the building is setback another 3-4 feet so there is some substantial green space between the edge of the sidewalk and the building. The applicant commented that there will be a lawn and landscaped area, it will be a rich, soft landscaped area.
- The UDC recommended to make the landscaping for the main pedestrian entrance different than the residential units on the right. It will be helpful to provide more trees and may be no fence in that area, so the entrance is distinctive from the units to the right of it.
- The UDC commented that the front entrance and the community room in that location is a very good solution, it presents itself well to the street. The large arch shouldn't compete with the main entrance. Grand arch for visitor parking spaces is very confusing.



Ruthanne Fuller
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Department of Planning and Development
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: March 29, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: 1114 Beacon Street, LLC, Applicant
Stephen J. Buchbinder, Attorney
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to allow a 27-unit multi-family dwelling

Applicant: 1114 Beacon Street LLC	
Site: 1114 Beacon Street	SBL: 54022 0004
Zoning: BU2	Lot Area: 51,745 square feet
Current use: Restaurant and surface parking	Proposed use: 34-unit multi-family dwelling

BACKGROUND:

The property located at 1114 Beacon Street consists of a 51,745 square foot lot improved with a one-story commercial building constructed in 1940 most recently used as a restaurant. The parcel is located in the BU2 zoning district near Four Corners. The petitioner proposes to raze the existing structure and construct a four-story 34-unit multi-family dwelling with 46 below-grade parking stalls and four surface stalls. The property will be accessed by a driveway with a shared easement with 1106-1108 Beacon Street to the east. To construct the project as proposed, the petitioner requires a special permit for ground level residential units, as well as relief from various dimensional and parking requirements.

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

- Zoning Review Application, prepared by Stephen J. Buchbinder, attorney, submitted 2/20/2021
- Existing Conditions Site Plan, signed and stamped by Glenn Opcarcik, surveyor, dated 6/12/2015

- Proposed Site and Layout Plan, signed and stamped by Frederic W. King, engineer, dated 10/30/2019
- Proposed Site Grading Plan, signed and stamped by Frederic W. King, engineer, dated 2/11/2021
- Architectural Plans and Elevations, prepared by EFNA Architects, dated 2/12/2021

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to raze the existing one-story commercial building and construct a 34-unit multi-family dwelling with ground floor residential units. Per section 4.4.1, a special permit is required to allow a multi-family dwelling with ground floor residential units in the BU2 zoning district.
2. Per section 4.1.2.B.1, a special permit is required for any development in the business districts of 20,000 square feet or more of new gross floor area. The petitioner proposes to raze the existing ±10,000 square foot structure and construct a new 55,786 square foot multi-family dwelling. Per section 4.1.2.B.1 a special permit is required for the development of more than 20,000 square feet of new gross floor area.
3. The petitioner intends to raze the existing one-story building and construct a four-story multi-family dwelling with below-grade parking. Per sections 4.1.2.B.3 and 4.1.3, a four-story building requires a special permit. Per that same section 4.1.3, the maximum height allowed at four stories is 48 feet. The petitioners propose a height of 47.17 feet.
4. Section 4.1.3 allows for a by-right FAR of 1.00 for two stories and by special permit up to 2.00 with four stories. The petitioner proposes a four-story structure with an FAR of 1.08. As a four-story structure requires a special permit, and the increased FAR is allowed only in a four-story structure, a special permit is required per section 4.1.3 to allow an FAR of 1.08 in a four-story structure.
5. Per section 5.1.4, a petitioner may request a special permit to reduce the required parking from two stalls per unit to 1.25 stalls per unit. The petitioner proposes to construct 34 dwelling units requiring 68 stalls by right. A special permit is requested to reduce the parking to 1.25 per unit, for a total of 43 parking stalls. With 50 stalls proposed on site, no additional relief or waivers are required.
6. Section 5.1.8.B provides the dimensional requirements for parking stalls. Per section 5.1.8.B.1, the minimum width for a stall is 9 feet wide, and per section 5.1.8.B.2, the minimum depth is 19 feet. There are several parking stalls proposed with widths ranging from 8 to 8.7 feet. A special permit is required per sections 5.1.8.B.2 and 5.1.13 to reduce the width requirement for parking stalls.

BU2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	51,745 square feet	No change
Setbacks			
• Front	10 feet	0.3 feet	10 feet
• West Side			
BU2	14.8 feet	73.8 feet	17 feet
MR1	23.1 feet		30.8 feet
• East Side (BU2)	6.1 feet	7.5 feet	9.3 feet
• Rear (MR1)	23.1 feet	106.5 feet	36.4 feet
Building Height	24 feet (by right) 48 feet (special permit)		47.17 feet
Stories	2 (by right) up to 4 (special permit)	1	4 stories
Lot Area Per Unit	1,200 square feet	N/A	1,522 square feet
FAR	1.00 (by right) 2.00 (special permit)	0.12	1.08

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§4.4.1	Request to allow a residential use with ground floor units	S.P. per §7.3.3
§4.1.2.B.1	A development of 20,000 square feet or more of new gross floor area	S.P. per §7.3.3
§4.1.2.B.3 §4.1.3	To allow a four-story structure at 47.17 feet in height	S.P. per §7.3.3
§4.1.2.B.3 §4.1.3	To allow an FAR of 1.08 in a four-story structure	S.P. per §7.3.3
§5.1.4.A	To allow 1.25 parking stalls per dwelling unit	S.P. per §7.3.3
§5.1.8.B.1 §5.1.13	To waive the minimum stall width requirements	S.P. per §7.3.3

CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Council Rick Lipof, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 1114 Beacon Street ~ THE BEACON

Date: June 23, 2021

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

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

Pemit Site Plan
The Beacon
1114 Beacon Street
Prepared by: DGT Associates Surveying & Engineering
Dated: June 4, 2021

Executive Summary:

This application entails the complete demolition of a commercial building and the construction of a *three-story* 34-unit residential building on a 51,745 square foot [1.18 acre] lot. The site has 158-feet of frontage on Beacon Street, bound on the east by a commercial building, residential homes on the south and a commercial building to the west. Currently two curb cuts provide access to the lot, the easterly curb cut is a “*common drive*” between #1114 & #1106 Beacon Street, and the western driveway provides access to the rear parking lot, this curb cut is to be eliminated. The site has a high point near Beacon Street of elevation of 125-ft and slope downward towards the southwest at approximately 109-ft. to a natural depressed area that looks like a “*swamp*” technically qualifies as an (ILSF) Isolated Land Subjected to Flooding at

elevation 114.55 feet in accordance Wetland Protect Act Regulations. The “swamp” is unkept with trash, debris, and tires laden waste area. The applicant intends to remove all the trash & debris, trees that are in poor condition and some of the asphalt surrounding it that has the approval of the Conservation Commission which has issued an Order of Conditions for plan.



*Isolated Land Subject to Flooding (ILSF) Photo taken by: J. Daghlian 6/17/2021.
aka the “Swamp”*

Currently the *swamp* is the low point for the neighborhood watershed that is approximately 3.1 acres, the site has limited essentially no formal stormwater collection system, stormwater simply sheet flows to the swamp (stormwater basin). The stormwater basin always has 2-3 feet of standing water, however; it does provide infiltration into the surrounding sand and gravel deposits, there is no piped outlet that the City is aware.

The project site is essentially all impervious (roof and paved parking lot); the southwestern corner of the property is within an area that is Isolated Land Subjected to Flooding (ILSF) other than this small area there is no open space.



Looking North ~Existing parking lot & roof that sheet flows to the ILSF photo taken by J. Daghlian 6/17/21

The development has a proposed reduction of impervious surfaces of 2,000 square feet by the removal of existing asphalt and has incorporated water quality improvements for the overall site drainage. The design complies with the DEP's Stormwater Requirements and the City's Stormwater Design Standards by reducing both flowrate and volumes to the two control points associated with the site: being Beacon Street and the ILSF. The design incorporates improvements for water quality and quantity by introducing proprietary stormwater treatment unit, a 63-foot long infiltration trench, and reinforced grassy turf swales prior to the ILSF. The proposed Operations and Maintenance (O&M) plan for the long-term maintenance of the proposed stormwater management facilities is acceptable. The O&M must be adopted by the

applicant/property owner, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.

The engineer of record has provided a dewatering plan that is appropriate for the site conditions, if changes are encountered during construction the plan and process will be modified as needed.

The City Ordinances regulate surface stormwater runoff that require on site controls, so no abutter is impacted, which this plan takes into account. On June 26th, Mr. Gary Lesanto [property owner at #1126 Beacon Street] and his consultant; the applicant and his design team, and I met regarding the concern for high groundwater in the neighborhood. The concern was in relation to the proposed foundation drain that would discharge at an elevation near the elevation of elevator pit at #1126 Beacon Street. Based on the soils borings groundwater flow is from east to west, in the direction of #1126 Beacon Street. Although the City Ordinance does not regulate groundwater, we are mindful of potential negative impact that, if possible, can be avoided or mitigated with design modification. I suggested that the developer investigate the possibility of installing an overflow connection to the City's existing drainpipe, a 30-inch reinforced concrete pipe that would receive high groundwater flow. The engineer of record has submitted an engineered sketch plan dated June 21, 2021, that shows a foundation drain being connected to the City's pipe. The amount of flow that will be allowed to this pipe still needs to be determined and can be accomplished if this Special Permit is approved and moves towards a Building Permit phase. As a condition of approval, the engineer of record shall submit capacity calculations for the 30-inch pipe for the anticipated high groundwater flow in gallons per day (gpd) and downstream capacity of the City's drainage system based on the amount of groundwater collected from the site and upstream flows currently directed to the City drainpipe. As with all overflow connections, pre & post construction Closed Circuit Television (CCTV) inspections are required and to be witnessed by the DPW, copies of the inspection shall be submitted to the City Engineer.

As required per City Ordinance upon completion of all utility installation the sidewalk and driveway apron along the entire frontage shall be updated to current standards and Beacon Street shall be paved curb line to curb line for the entire frontage.

Construction Management:

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

2. Catch basins within the Beacon Street work zone and downstream of the construction zone will be required to have siltation control installed for the duration of the project and must be identified on the site plan.
3. Safe pedestrian access along Beacon Street shall be accommodated per the DPW requirements, any sidewalk closures will require a mitigation plan with detoured paths of travel approved by DPW.

Infiltration & Inflow:

- Will be addressed via a separate memo.

Drainage:

- It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, trench drains, and pipe(s) are the sole responsibility of the property owner(s).

Sanitary Sewer & Domestic Water Service(s):

1. Existing water and sewer services to building(s) shall cut and capped at the respective mains and completely removed from the main(s) and its entire length and properly backfilled. The Engineering Division must inspect and approve this work, failure to having this work inspected will result in delay of issuance of the new Utility Connection or issuance of a Certificate of Occupancy.
2. All new sewer service(s) shall be pressure tested in accordance to the City Construction Specifications & Standards and inspected via Closed Circuit Television CCTV inspection after installation is completed. A copy of the video inspection and written report shall be submitted to the City Engineer or his representative. The sewer service will NOT be accepted until the two methods of inspection are completed AND witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until these tests are completed to the satisfaction of the City Engineer.
3. All sanitary sewer manhole(s) shall be vacuum tested in accordance to the City's Construction Standards & Specifications, the sewer service and manhole will NOT be accepted until the manhole(s) pass the testing requirements. All testing MUST be

witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed to the satisfaction of the City Engineer and a written report of the test results is submitted to the City Engineer.

4. With the exception of natural gas service(s), all utility trenches within the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E up to within 18-inches of the asphalt binder level, after which Dense Grade Gravel compacted to 95 % Proctor Testing shall be placed over the CDF. Details of this requirement is the Engineering Division website "Standard Construction Details".
5. To verify the proposed fire suppression service connection, a fire flow test by a qualified consultant of the closest hydrant must be schedule with and witnessed by the Newton Fire Department and the Utilities Division *48-hours* prior notice shall be given to each Department. Results of the fire test shall be submitted to both Departments along with hydraulic calculations that will properly determine the required size for each service connection.
6. Detailed plan and profile of the sanitary sewer connection is required [typically at a horizontal scale of 1" =20' and vertical scale of 1" = 2'] for reviewed and approval.
7. The underground parking garage floor drains must be connected to the sanitary sewer connection which is not this is not indicated on the plan, and to be connected via MDC gas traps and the State Plumbing Codes.
8. For water quality issues a fire hydrant will be required at the end of the proposed water main/service. This hydrant will be utilized for flushing out the main as required.
9. All water services shall be chlorinated, and pressure tested in accordance to the AWWA and the City Construction Standards & Specifications prior to coming online. These tests MUST be witnessed by a representative of the Engineering Division.
10. Approval of the final configurations of the water service(s) shall be determined by the Utilities Division, the engineer of record shall submit a plan to the Director of Utilities for approval.

General:

1. All trench excavation shall comply with Massachusetts General Law Chapter 82A, Trench Excavation Safety Requirements, and OSHA Standards to protect the general public from unauthorized access to unattended trenches or excavations. Trench Excavation Permit is

required prior to any construction. This applies to all trenches on public and private property. *This note shall be incorporated onto the final plans.*

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

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

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

City of Newton

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

Ruthanne Fuller
Mayor

MEMORANDUM

DATE: June 23, 2021
TO: Land Use Committee
FROM: Louis M. Taverna, P.E., City Engineer
RE: **1114 Beacon Street Special Permit, Sewer Infiltration/Inflow Mitigation, Waiver Request**
Ordinance No. B-45, Sewer Inflow and Infiltration (I/I) Mitigation

The City Engineer has calculated the sewer infiltration/inflow mitigation cost for this project. See calculations below. The total mitigation cost for the assumption of low flow fixtures throughout the project is \$238,022.20.

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

Waiver request:

- a) *The expected impact of the development on sewer infiltration/inflow.* The development will propose to add an average of 3,445 gallons per day to the existing city sewer system (assuming low flow fixtures). The existing sewer flow from the site is negligible, as the restaurant has been closed since January 2015. Estimated sewer flows prior to closing is estimated to be 650 gallons per day, and this amount was subtracted from the proposed sewer flow. The city's sewer system in this area flows westerly to the interceptor system along Charles River, where it meets the Quinobequin Road sewer pump station, and it is pumped into the Cochituate Aqueduct. A substantial portion of this sewer flow is bypassed to the interceptor sewer along the Charles River during storm events. High groundwater exists within the project area, which affects the existing sewer service, and a new sewer service will be required.
- b) *Whether infiltration/inflow mitigation has previously been conducted in the general area and to what extent.* This project lies in sewer area 7. The design of sewer improvements in this area is completed, and Sewer area 7 is currently being bid for work related to sewer infiltration/inflow removal, as part of the city's sewer capital improvement program. Downstream of the project is sewer area 9, which is still under investigation, and has not yet undergone sewer system improvements.

- c) *Whether the abatement will benefit the health and well-being of the public and is reasonably in the best interest of the city.* The entire amount of sewer mitigation funds is recommended by the City Engineer to be used toward the construction of sewer improvements in sewer project area 7. The estimated cost of construction of improvements in sewer area 7 approaches \$7,200,000.

Calculation of sewer infiltration/inflow mitigation.

Low flow fixtures:

53 bedrooms x 65 gal/bedroom/day = 3,445 gals/day

Restaurant avg daily flow = 650 gal/day (based on previous water meter usage)

Net flow = 2,795 gal/day x 4 x \$21.29 (as of 1/1/21) = \$238,022.20