

Land Use Committee Report

City of Newton

In City Council

Monday, September 13, 2021

Present: Councilors Lipof (Chair), Kelley, Greenberg, Lucas Markiewicz, Downs, Bowman, Laredo

City Staff Present: Senior Planner Katie Whewell, Senior Planner Michael Gleba, Chief Planner Neil Cronin, Assistant 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.

#292-21 Petition to allow free-standing sign at 431 Washington Street

SUNRISE OF NEWTON PROPCO LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to install a 22.5 sq. ft. free-standing sign on the Washington Street frontage and to amend Special Permit Council Order #61-17 on the property located at 431 Washington Street, 29 Hovey Street and an unnumbered lot on Hovey Street in Ward 1, Newton, on land known as Section 12 Block 06 Lots 03, 04 and 05, containing approximately 66,909 sq. ft. in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 5.2.3, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

2011111g OTU, 2017.

Action: Land Use Approved 7-0 (Councilor Bowman not Voting) Public Hearing Closed

09/13/2021

Note: Attorney Steve Buchbinder, with law offices of Schlesinger and Buchbinder, 1200 Walnut Street, represented the petitioner. Atty. Buchbinder presented the request for a 29.62 sq. ft. free-standing sign on the brick wall framing the courtyard entrance to the facility. Although the signage was shown on the special permit plans approved during the special permit process, it was not treated as a free-standing sign and no relief was requested at that time. In March/April 2021, the UDC identified that relief was needed to allow the free-standing sign. Images of the sign can be seen on the attached presentation.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation.

The Public Hearing was Opened. No member of the public wished to speak. Atty. Buchbinder confirmed that the sign will be backlit with LED lighting to show the outline. The letters on the sign will not be lit. Atty. Buchbinder explained that the petitioner has worked with members of the neighborhood and Ward 1 Councilors during and post construction to address concerns raised by members of the neighborhood.

He noted that while a site post construction survey did not link damage to construction at the site, the petitioner has offered to reimburse neighbors for damage on their properties.

Seeing no member of the public who wished to speak, Councilor Greenberg motioned to close the public hearing which carried 7-0. Councilor Greenberg motioned to approve the petition. The Committee reviewed the draft findings and conditions as shown in the attached presentation and voted 7-0 in favor of approval.

#295-21 Petition to waive 2 parking stalls at 405-411 Watertown Street

<u>TIMOTHY DREHER</u> petition for <u>SPECIAL PERMIT/SITE PLAN APPROVAL</u> to waive 2 parking stalls to accommodate a new physical therapy office use in place of the former bank use at 405-411 Watertown Street, Ward 1, Newton, on land known as Section 14 Block 08 Lot 01, containing approximately 3,871 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 5.1.4, 5.1.13 of the City of Newton Rev Zoning Ord, 2017.

Action: <u>Land Use Approved 8-0; Public Hearing Closed 09/13/2021</u>

Note: The petitioner, Tim Dreher presented the request for a waiver of two parking stalls to accommodate a physical therapy use at 405-411 Watertown Street. Mr. Dreher explained that the business operated out of the Scandinavian Living Center for 15 years. Due to Covid-19, the business closed to the public, reduced the staff from 6 to 3 staff members and have been performing home visits. Mr. Dreher noted that the proposed location is accessible, accommodates the business and is the site of a former physical therapy business. He stated that it is anticipated that some of the Village Bank staff members are expected to work from home and will not be using as much of the on-site parking.

Senior Planner Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. Ms. Whewell noted that as the medical office use has a higher parking requirement, a two-stall parking waiver is required.

The Public Hearing was Opened.

A Committee member questioned where the full-time employees will park. Mr. Dreher noted that all of the employees are part time and are typically only working on-site 4-5 hours each day. He explained that staff will park at the municipal lot for 3 hours and then on side streets and/or at meters for the remaining time, as needed. In response to questions from the Committee regarding accessible parking, it was noted that there is an elevator and the petitioner may seek approval from the Commissions on Disability and Traffic Council for an accessible stall if needed.

Councilor Greenberg motioned to close the public hearing which carried 8-0. Councilor Greenberg motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation and voted 8-0 in favor of approval.

#179-21 Petition to allow 174-unit congregate living facility at 333 Nahanton Street/677 Winchester Street

<u>PERMIT/SITE PLAN APPROVAL</u> to create a 6-acre development using land from 333 Nahanton Street to construct a 174-unit congregate living facility with amenity space, connected to the Coleman House via an enclosed walkway, on a new 218,583 subdivided

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portion of the lot, to determine density and dimensional controls, to allow assigned parking, to allow parking in the side setback, to allow parking within five feet of a building containing dwelling units, to allow reduced parking stall width and depth, to allow reduced accessible stalls, to allow reduced aisle width, to waive perimeter landscaping requirements, to waive lighting requirements for outdoor parking and to allow three years to exercise the special permit at 333 Nahanton Street and 677 Winchester Street, Ward 8, Newton Centre, on land known as Section 83 Block 35 Lots 04 and 04B, containing approximately 1,225,207 sq. ft. of land in a district zoned SINGLE RESIDENCE 1.f Ref: 7.3.3, 7.4, 7.3.2.E, 3.4.1, 3.2.2.A.3, 3.1.2.A.3, 5.1.3.E, 5.1.8.A.1, 5.1.8.A.2, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.C.1, 5.1.9.A.1.i, 5.1.10.A.1 of the City of Newton Rev Zoning Ord, 2017.

Action: <u>Land Use Approved 8-0; Public Hearing Closed 09/13/2021</u>

#201-21 Petition to amend Special Permits at 333 Nahanton Street

<u>PERMIT/SITE PLAN APPROVAL</u> to amend special permit Council Orders #175-18, #147-79, #147-79(2), #292-93 to permit the sale of approximately 218,583 sq. ft. to 2Life Holdings to allow the construction of a congregate living facility, and to allow three years to exercise this amendment at 333 Nahanton Street, Ward 8, Newton Centre, on land known as Section 83 Block 35 Lots 04 and 04B, containing approximately 1,225,207 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3.3, 7.4, 7.3.2.E, 3.4.1, 3.2.2.A.3, 3.1.2.A.3, 5.1.3.E, 5.1.8.A.1, 5.1.8.A.2, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.C.1, 5.1.9.A.1.i, 5.1.10.A.1 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 8-0; Public Hearing Closed 09/13/2021

Note: The Committee discussed items #179-21 and #201-21 together. Attorney Alan Schlesinger, with law offices at Schlesinger and Buchbinder, 1200 Walnut Street, represented the petitioner. Atty. Schlesinger provided an update to the Committee on changes to the project since the first public hearing on June 29, 2021. A copy of his presentation can be found at the end of this report.

2Life Communities Lizbeth Heyer presented an overview of the project. The petitioner proposes to construct a 174-unit congregate living facility with associated amenities, connected to the Coleman House. The housing model is focused on providing affordably priced housing with engagement to middle income seniors. The facility will have amenities that residents can choose from so they can spend their income on what applies to them. The development includes 9 inclusionary units, representing 5% of the total. Ms. Heyer noted that they have continued to perform outreach and have collected 200 signatures of moving the project forward. Since the public hearing on June 29, 2021, the petitioner has responded to concerns raised by the Urban Design Commission, the peer reviewer's questions relative to sustainability, stormwater and I&I. The petitioner submitted cross sections, building materials and a shadow study. The revised design includes a softened entrance at the circle and more interest at the ground level.

With respect to the I&I calculation, Ms. Heyer noted that the calculation results in a payment of \$1.6 million dollars. The Engineering Department has determined that the I&I abatement equals 25% (\$387,500) and the petitioner proposes to allocate the remaining 75% for transit and pedestrian improvements (\$487,500) and the sewer main extension (\$674,912) to connect the development to the sewer line on Winchester Street.

Land Use Committee Report Monday, September 13, 2021

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The City's peer reviewers, BETA Group Jacklyn Centracchio and Horsley Wittens' John Ford and Janet Bernardo provided an overview of their review on traffic, site design, sustainability and stormwater conditions. Ms. Centracchio noted that the traffic review focused on the study area trips generated, traffic, safety and parking. A copy of her presentation can be found at the end of this report. Ms. Centracchio outlined some areas for review but stated that the traffic study met the professional standards and practices and satisfies the peer review.

Ms. Janet Bernardo reviewed the project stormwater management and site grading. She noted that the proposed stormwater management includes the installation of two subsurface retention systems that will reduce the peak flow and catch basins for the treatment of water quality. The stormwater systems will accommodate larger storms than have previously been tracked and will slowly discharge in the municipal systems. The petitioner continues to work with the City Engineer to ensure that the City's systems can accommodate volume from the site.

Mr. John Ford reviewed the development's site design, massing and sustainability. He noted that the petitioner has responded to the peer review and confirmed that the site design is logical. Mr. Ford explained that the entry circle was clarified and the revised design provides more detail along the pedestrian zone. He stated that the changes to siding, variety and the breakup of massing are positive and expressed support for the petitioner's commitment to LEED Gold Certifiable. Mr. Ford recommended maximizing the green stormwater infrastructure to the extent possible.

In response to questions from the Committee, it was confirmed that the parking design throughout the site includes 9'x19' parking stalls with 24' drive aisles. A Councilor noted that the parking estimates are conservative and questioned whether the petitioner plans to use shuttles to support the development. Atty. Schlesinger and Ms. Heyer noted that the shuttle system is suspended while operations are evaluated. Although the petitioner is committed to creative rideshare opportunities, the shuttle program was being used by a small group in the development. The petitioner hopes to pilot new transportation programs and currently subsidize lyft, uber and go go grandparent. Councilors questioned how the petitioner will address snow and ice in the winter months. It was noted that pavers will be used in the entry circle and will be salted to mitigate ice and snow.

Councilors emphasized their support for the project and noted that it meets a lot of the City's goals. The Committee commended the petitioner for the housing model. Seeing no member of the public who wished to speak, Councilor Downs motioned to close the public hearing for item #179-21 which carried unanimously. Councilor Downs moved approval of the item.

The Committee reviewed the draft findings and conditions. Committee members questioned whether using I&I funds for connection to the sewer is typical. Atty. Schlesinger explained that although the City's Ordinances allow the I&I fee to be abated, the petitioner is willing to pay the full amount. After the 25% is used for the I&I fee, the petitioner hopes to use a portion of the funds to extend a public sewer main and the remaining portion for improvements to accessibility, connectivity, trail construction, sidewalk, bike lane constructions, bike and pedestrian signal improvements, bike share and/or NewMo shuttle contributions. The Committee expressed some concern relative to not knowing how the funds will be used by the City. It was noted that the Council will have an opportunity to review the plans as any requests to appropriate the funds would be subject to the Council's approval. Councilors remained concerned about the ambiguous use of funds and asked that the condition be drafted to require consultation with the Planning Department and the Ward 8 Councilors. The Committee was supportive of allowing a

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portion of the funds to be used for the extension of the sewer main, noting that the developer is a non-profit and the project meets many of the City's goals.

The Committee revised Condition 22. so that it requires the petitioner to *use* rather than *review* high efficiency heating and cooling methods and solar facilities throughout the development.

Councilor Laredo motioned to close the public hearing for item #201-21. The motion carried unanimously. Councilor Laredo moved approval of the petition. The Committee reviewed the draft findings and conditions. Committee membeers expressed no further concerns and voted 8-0 in favor of approval of item #179-21 and #201-21.

The Committee adjourned at 9:30 pm.

Respectfully Submitted, Richard Lipof, Chair

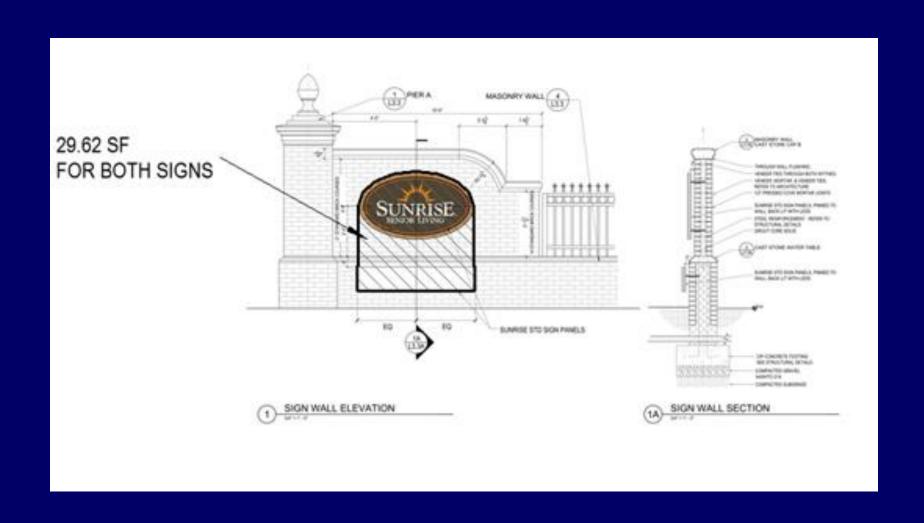


431 Washington Street

Presentation to Land Use Committee of the City Council September 13, 2021



Proposed Sign Location



Proposed Signage

art · for · approval

Customer: Sunrise Date: 3/9/21

Artwork: Per Previous Job# 150313 Size Tolerance +/- .032" Reference Job: 160162

Material Specifications

Face: 3" HDU (High Density Urethane)



A. Product: Fabricated HDU - Halolit

Item: V-Groove Routed Thick/Depth: 3" Material: HDU

Face Etch & Infill: Paint PMS 6 Colors (SEE COLOR DETAIL BELOW)

Sides: Paint PMS Cool Grey 1c

Back: .015 Clear Lexan

LED: WHITE Mounting: 2" Spacers, Studs & Tough Template™

Quantity: 1 SET

NOTE: This is a drawing for approval only.



NOTE

Attached LED mounting detail is part of the approval sign-off process. Please examine carefully and return approval. Paint Color chip will be sent to customer for approval: No Paint Per Previous Job: 150313









Grey 10c





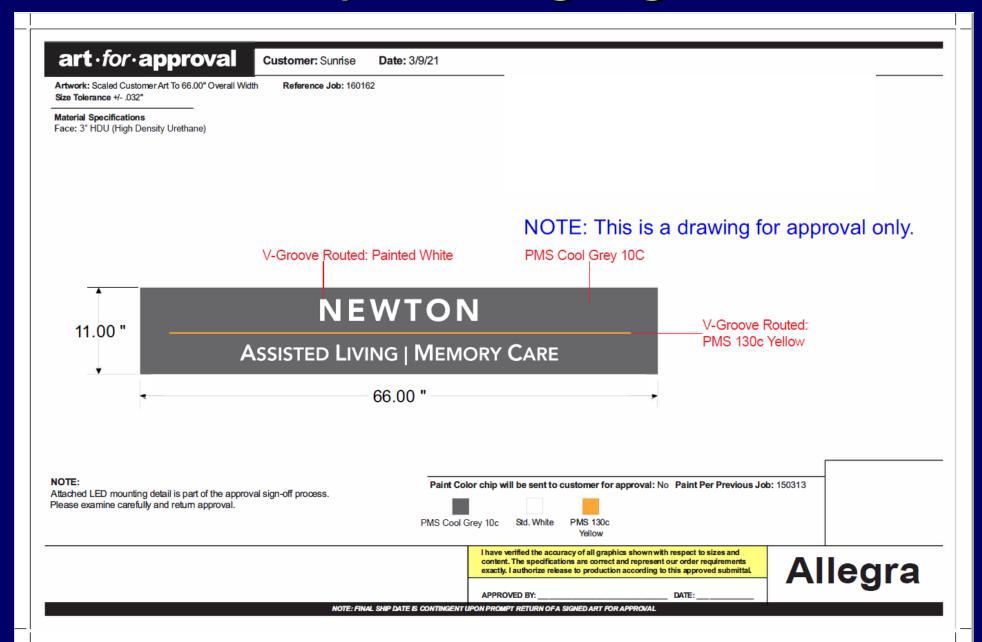
I have verified the accuracy of all graphics shown with respect to sizes and content. The specifications are correct and represent our order requirements exactly. I authorize release to production according to this approved submittal.

PROVED BY: _____ DATE:

Allegra

NOTE: FINAL SHIP DATE IS CONTINGENT UPON PROMPT RETURN OF A SIGNED ART FOR APPROVAL

Proposed Signage





Department of Planning and Development



PETITION #292-21
431 WASHINGTON STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO INSTALL A 22.5
SQ. FT. FREE-STANDING SIGN
ON THE WASHINGTON STREET
FRONTAGE AND TO AMEND
SPECIAL PERMIT COUNCIL
ORDER #61-17



SEPTEMBER 13, 2021

Requested Relief

Special permit per §7.3.3 to:

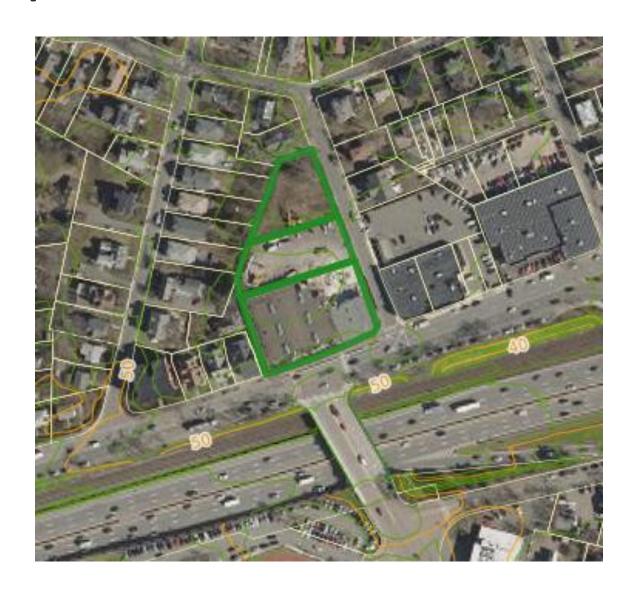
- amend Council Order #61-17
- allow a free-standing sign (§5.2.3, §5.2.13)

Criteria to Consider

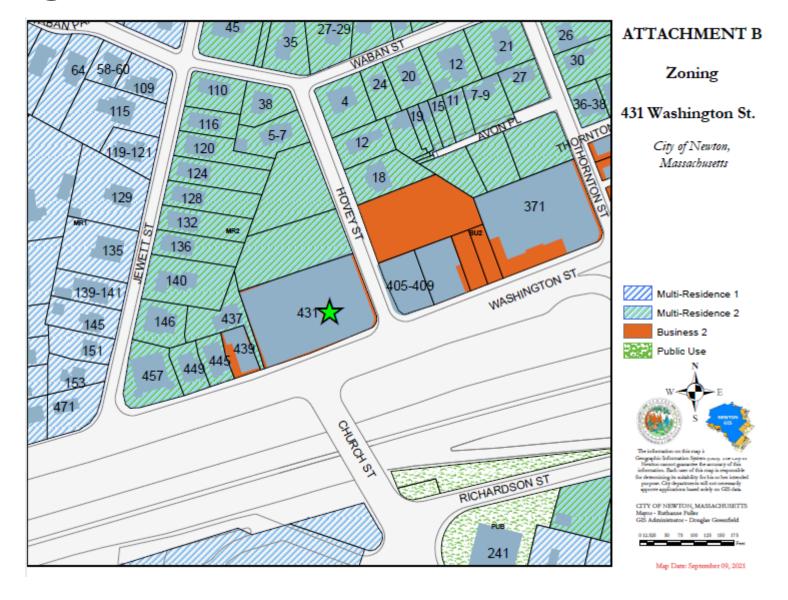
When reviewing the requested special permits the Council should consider whether:

- The site in a Business 1 (BU1) district is an appropriate location for the proposed freestanding sign (§7.3.3.C.1)
- The proposed free-standing sign will adversely affect the neighborhood (§7.3.3.C.2)
- The proposed free-standing sign 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);
- Permitting the proposed freestanding sign would be in the public interest given the nature of the use of the premises, the architecture of the building or its location with reference to the street (§5.2.13)

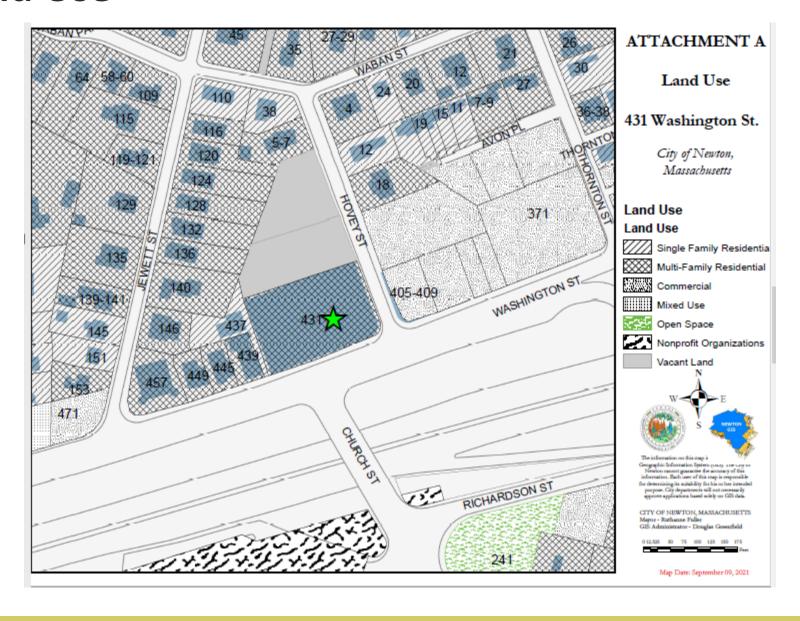
AERIAL/GIS MAP



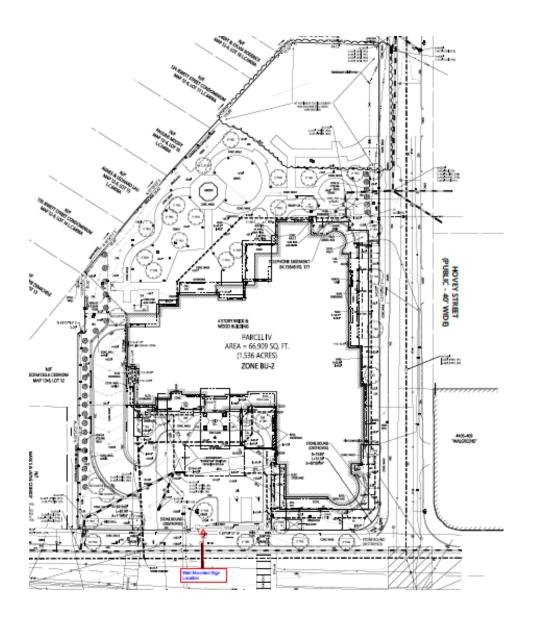
Zoning



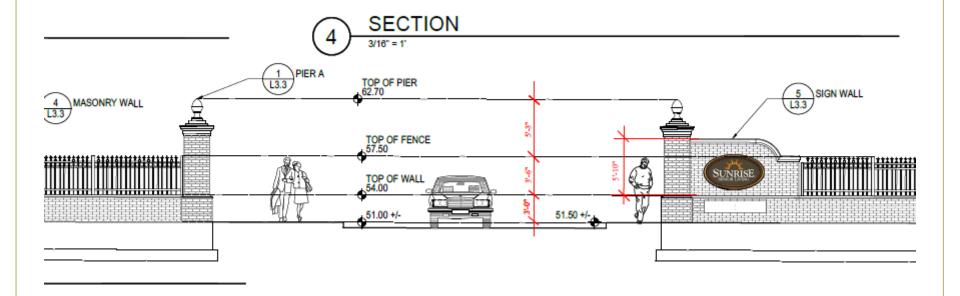
Land Use



Site Plan



Elevations



Sign detail



Photos



Proposed Findings

- 1. The site in a Business 1 (BU1) district is an appropriate location for the proposed freestanding sign as the surrounding mixed-use neighborhood features signage on other area businesses and establishments the location of businesses and other (§7.3.3.C.1)
- 2. The proposed free-standing sign will not adversely affect the neighborhood (§7.3.3.C.2)
- The proposed free-standing sign will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- 4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)
- 5. Permitting the proposed freestanding sign would be in the public interest as it would provide entrance wayfinding information on Washington Street for visitors to the site (§5.2.13)

Proposed Conditions

Amend S.P. #61-17

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

Department of Planning and Development



PETITION #295-21

405-411 WATERTOWN STREET

SPECIAL PERMIT/SITE PLAN APPROVAL TO WAIVE TWO PARKING STALLS

SEPTEMBER 13, 2021



Requested Relief

Special Permits per §7.3.3 of the Newton Zoning Ordinance to:

➤ Waive two parking stalls (§5.1.13)

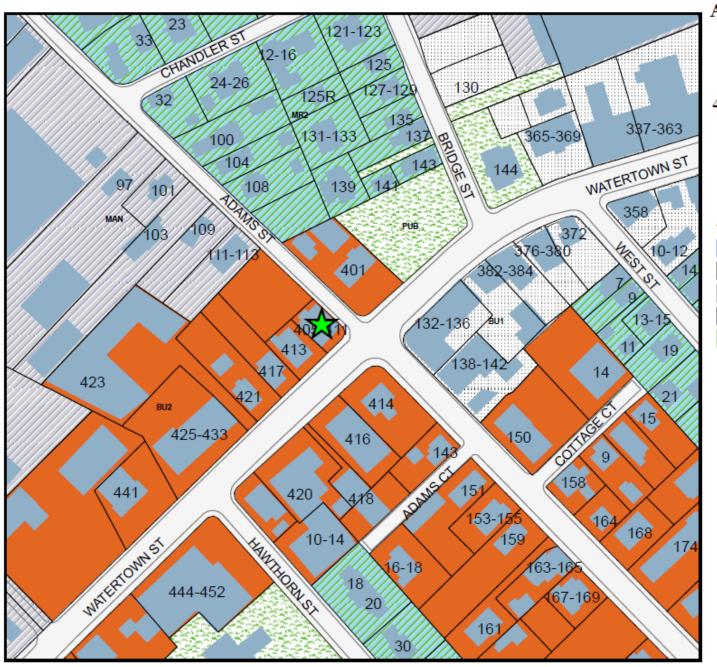
Criteria to Consider

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed waiver of two parking stalls. (§7.3.3.C.1.)
- The proposed waiver of two parking stalls will adversely affect the neighborhood. (§7.3.3.C.2.)
- There will be a nuisance or serious hazard to vehicles or pedestrians due to the proposed waiver of two parking stalls. (§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)
- 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. (§5.1.3.E, §5.1.4 and §5.1.13)

Aerial/GIS Map





ATTACHMENT A

Zoning

405-411 Watertown Street

City of Newton, Massachusetts

Zoning





The information on this map is from the Newton Geographic Information Speece (GIS). The City of Newton connot guarantee the accuracy of this few ton connot guarantee the accuracy of this fee 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





ATTACHMENT B

Land Use

405-411 Watertown Street

City of Newton, Massachusetts

Land Use

Single Family Residential

Multi-Family Residential

Commercial

Mixed Use

Open Space

Vacant Land



The information on this map is from the Newton Geographic Information System (GIS). The Gity 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. Gity departments will not necessarily approve applications based solely on GIS data.

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

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Parking Waiver

	Parking Requirement	Required Stalls
General Office Previous Use 2,170 square feet	1 stall per 250 sq. ft.	9 stalls
Medical Office Proposed Use 2,170 square feet	1 stall per 200 sq. ft. plus 1 per 3 employees in any lab or pharmacy (NA)	11 stalls

Due to the change in use, higher parking requirement, and parking credit of 9 stalls from the prior use, a 2-stall parking waiver is required.

Proposed Operations

Employees	1 full time employee3 part time employees
Patients	10 per day (approx.) 1 hour/patient
Parking	Adams St. Municipal Parking Lot Petitioner currently exploring parking options for employees with bank.

Findings

- 1. The specific site is an appropriate location for the proposed waiver of two parking stalls due to its location in the Nonantum Village Center. (§7.3.3.C.1.)
- 2. The proposed waiver of two parking stalls will not adversely affect the neighborhood due to the short-term parking needs of the use and flexible operations. (§7.3.3.C.2.)
- 3. There will be no nuisance or serious hazard to vehicles or pedestrians because the site is located in a walkable, village center. (§7.3.3.C.3.)
- 4. Access to the site over streets is appropriate for the types and numbers of vehicles involved due to its location in a Village Center. (§7.3.3.C.4)
- 5. Literal compliance with the required number of stalls is impracticable due to the size of the site. (§5.1.3.E, §5.1.4 and §5.1.13)

Conditions

- 1. Standard Building Permit Condition
 - Bring back recorded Order
- 2. The parking waiver of two parking stalls shall only apply to the medical office use, any change in use which requires the two stalls waived by this Order shall require an amendment to this Council Order.



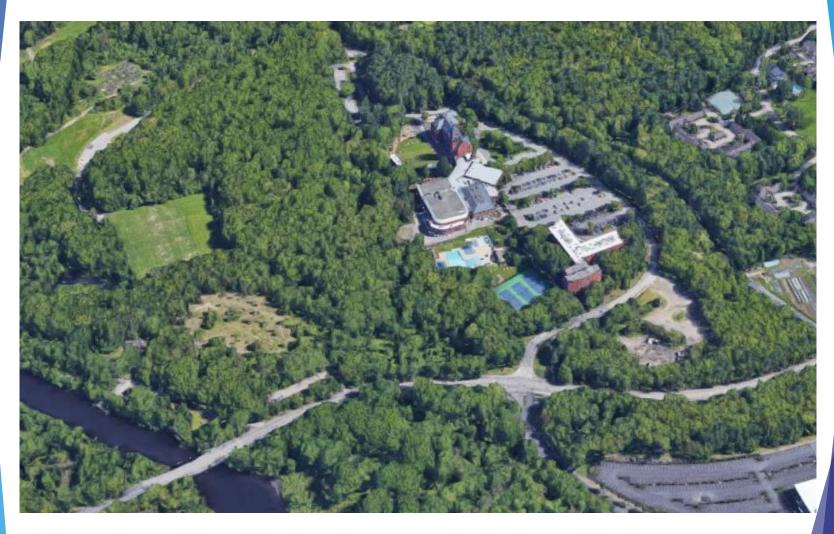
Opus

Presentation to the Land Use Committee of the Newton City Council September 13, 2021





JCC AND NAHANTON PARK





June 29 Hearing

- Petitions of 2Life for a Congregate Living Facility of 174 units and associated amenities and of Jewish Community Centers for amendment of their prior Council Orders
- ► The Opus model of core and a la carte services
- Inclusionary housing 9 units as Elderly Housing with Services
- Broad community support 200 signers to our petition



Pending after June 29

Issues addressed

- UDC Comments
- ► Horsley Witten Site Design/Sustainability Review
- Horsley Witten Civil and Stormwater Review
- ▶ BETA Group Transportation Review
- ► I&I Calculation/proposal



UDC Comments - Summary

- Building base siding provided
- Soften appearance of entry circle provided
- Cross Section to Winchester St. provided
- Building material call-outs provided
- Shadow study provided

Provided to Planning and UDC



OPUS | WEST ELEVATION







BEFORE

AFTER



OPUS | SOUTH ELEVATION







BEFORE

AFTER



OPUS | EAST ELEVATION







BEFORE

AFTER



OPUS | NORTH ELEVATION





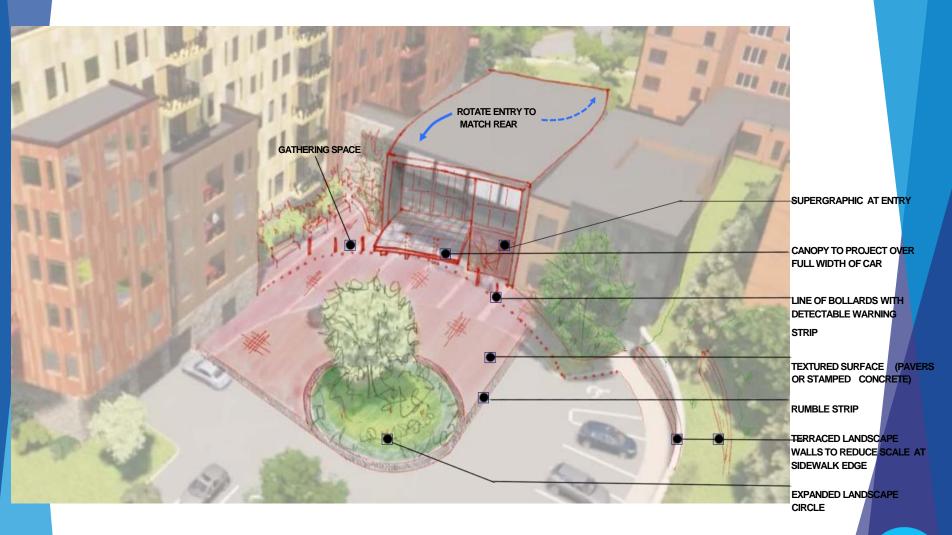


BEFORE

AFTER



OVERVIEW OF THE ENTRY COURT



Site Design/Stormwater

- Horsley Witten Report Site Design/Sustainability -Planning Memo Attachment A
 - 2Life response submitted with requested plan revisions
 - Shadow Studies
 - Summary of pedestrian circulation
- Horsley Witten Report Stormwater
 Planning Attachment B
 - 2Life response submitted included updated modeling – Attachment C
 - Confirmation of driveway retaining wall structure



Traffic and Transportation

- Beta Group Peer ReviewPlanning Attachment D
- Stantec ResponsePlanning Attachment E
 - Parking allocation for the Campus
 - Replacement of JCC spillover parking



Inflow and Infiltration

- City Engineer Calculation \$1,549,912.
- Recommended abatement of 75%
- ▶ 2Life September 10 proposal for allocation of 75%
 - ► I&I abatement \$387,500 (25%)
 - Pedestrian/transit \$487,500 (31%)
 - Sewer main extension \$674,912 (44%)



Thank you



2Life Communities

Transportation
Peer Review

City of Newton

September 13, 2021





Peer Review Presenter

Jaklyn Centracchio, PE, PTOE, LEED Green Associate,
 Peer Reviewer, BETA Group, Inc.



Peer Review Process

- Reviewed:
 - Transportation Impact Study April 2021, Stantec.
 - Site Plans May 7, 2021, Stantec.
 - Parking Study: Coleman House and Proposed New Senior
 Community dated November 7, 2019.
- Submitted review comments August 23, 2021
- Received responses September 2, 2021
- Reviewed responses.



Peer Review

- Review focused on:
 - Study area
 - Trip generation
 - Traffic data/analysis
 - Safety
 - Parking



Key Traffic Comments

- Clarify why seasonal adjustments weren't applied to the traffic volumes.
- Verify that the transportation options historically provided by the JCC Campus will resume if it has been suspended, adjusted, or cancelled due to the pandemic.
- Have any short-term safety improvements been considered for the intersection of Winchester St and Nahanton St?
- Consider providing pedestrian accommodations at the intersection of Wells Ave/Winchester St & Nahanton St.
- Were signal timing adjustments considered at the study area intersections to improve traffic operations?



Key Parking Comments

- Clarify the following:
 - The additional 10% adjustment to average parking ratio.
 - The number of compact vehicle parking spaces.
- Provide an estimated number of employees to determine spaces required.
- Will the parking spaces for 2Life facility and Coleman House be signed and/or marked for the different facilities as well as for visitor, resident, and staff parking?
- Will charging stations be provided at the "EV" marked spaces?



Conclusion

- Overall, the traffic study met state and industry professional practice standards
- The responses to comments were satisfactory and there are no outstanding comments.



