



Land Use Committee Report

City of Newton

In City Council

Tuesday, January 25, 2022

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

Absent: Councilor Markiewicz

Also Present: Councilors Albright, Baker, Crossley and Wright

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

#23-22 Petition to extend nonconformities, to further extend nonconforming FAR and lot coverage at 961 Walnut Street

OSCAR ESCOBAR/PROPERTYVELOMENT, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a garage accommodating more than three vehicles with a ground floor area exceeding 700 sq ft, to raze the existing dwelling and construct a new single-family dwelling on the same foundation and allow an oversized dormer at 961 Walnut, Ward 6, Newton, on land known as Section 52 Block 14 Lot 01, containing approximately 1588 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.3, 7.8.2.C.2, 3.2.11, 1.5.4.G.2.b of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved 7-0 Public Hearing Closed 1/25/22**

Note: The petitioner, Oscar Escobar noted that in response to discussions with an abutter at the previous public hearing, updates to the original site plan were made that propose shortening the length of the driveway and incorporating a barrier green planter space and patio. With that Mr. Escobar turned the presentation over to Senior Planner Michael Gleba.

Mr. Gleba presented the requested relief, criteria for consideration, land use, zoning photos and updates to the plans as shown on the attached presentation.

Mr. Gleba noted two proposed site plans were received on 1/20/22 and 1/25/22. Both proposed site plans were modified to preserve more of the existing retaining wall on the left (south) side of the

property by moving the wall 1 foot off the property line for purposes of preserving the root system of an abutting tree.

A proposal dated 1/20/22 details a conforming parking space with no green space. A proposal dated 1/25/22 details a green planter bed and patio, but as proposed, does not conform. Mr. Gleba indicated that the 1/25/22 proposal could be cured if the green planter bed was repositioned 9 feet from the house.

Mr. Temple confirmed Mr. Gleba's statements, noting that without this modification, the newer 1/25/22 plan would require additional zoning relief.

The Public Hearing was continued from the previous Public Hearing held on January 11, 2022.

Mr. Ken Parker, 965 Walnut Street expressed his appreciation of the petitioner's willingness to compromise and design a new site plan. Mr. Parker indicated his preference for the 1/25/22 plan with the proposed 9 foot pull-back of the planter bed area. Mr. Parker reiterated his request from the previous Public Hearing, asking there be a condition that there not be more than one car parked in the driveway.

The petitioner noted that he was also comfortable with the proposal to pull back the planter bed in the 1/25/22 proposal to make the driveway conform, but preferred that there not be a condition restricting the driveway to one car.

Lisa Monahan, 1105 Walnut Street, expressed appreciation of the project and commended the petitioner for being sensitive to the abutters. Ms. Monahan noted that it seemed overly prescriptive to mandate a maximum of 1 car in the driveway space.

No additional members of the public wished to speak.

Councilor Comments:

Committee members expressed appreciation for the neighbor's interest in and Petitioner's attempt to provide more greenery.

Committee members deliberated on whether to approve the 1/20/22 conforming plan with no planter bed vs. the 1/25/22 plan with a conforming modification to the location of the planter bed.

With regard to the 1/25/22 plan, a question was raised regarding whether there will be enough room for an average vehicle to park with the planter bed pulled back and still provide clearance/access to the front stairs. The petitioner indicated the space may not accommodate a larger vehicle such as a minivan. Mr. Gleba confirmed that using the proposed 1/25/22 plan, the distance between the steps and the planter would be 15-16 feet, a little shorter than what is required for a larger vehicle.

A Committee member noted the priority should be providing room for an average size vehicle to park and still provide clearance/access to the front stairs. The member noted that future owners may also want flexibility to design the area differently and for a different purpose, such as for snow storage.

With regard to the 1/20/22 plan, Committee members discussed patio dimensions in the context of the proposed driveway length. Mr. Huller, architect for the petitioner, confirmed the in the context of this particular plan, the driveway would be 24.6 feet, large enough to accommodate a normal size car.

Committee members expressed concern that it was overly-prescriptive to add a condition prohibiting more than car in the space. The driveway space in question is designed to accommodate one vehicle; there is an additional one-space stall on the north (right) side of the property. This should be sufficient to meet parking needs of this parcel without having to mandate a vehicle limit.

The Chair noted the major concern noted in the previous public hearing was the preservation of the tree, which the 1/20/22 plan accomplishes. If the petitioner wishes to continue a discussion with neighbors about installing a green space or planter bed, it does not have to be under the Committee's purview.

Councilor Bowman motioned to close the Public Hearing which carried 7-0. Councilor Bowman motioned to approve the petition. The Committee briefly discussed patio dimensions and asked the petitioner to reconfirm the measurements of the driveway and ensure they are clearly delineated in the site plan for Inspectional Services to proceed with its approval of a building permit. This does not need to be put on second call as long as Planning & Development receives a clearly marked site plan. Committee members reviewed the draft findings and conditions as shown in the attached presentation. The Committee voted 7-0 in favor of approval.

#27-22 Petition to extend nonconformities and exceed FAR at 100 Bishopsgate Road

ELY AND ELLEN KAPLANSKY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a detached garage with lifts, creating a total of seven stalls, exceeding the maximum FAR, and allowing relief from dormer regulations at 100 Bishopsgate, Ward 7, Newton, on land known as Section 61 Block 21 Lot 02, containing approximately 25,188 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.4.E.1, 1.5.4.G.2.a, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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

Note: Architect Jonathan Kantar of Sage Builders LLC, with offices at 672 Chestnut Street, indicated that the petitioners were in discussions with some of the abutting neighbors regarding this project and requested a postponement of the hearing until the next opportunity.

Councilor Laredo noted his appreciation for the petitioners taking the time to speak with the neighbors about the project. Councilor Laredo motioned to hold and continue the Public Hearing. The motion carried 7-0.

#33-22 Petition to extend nonconforming front and rear setbacks and further increase nonconforming lot coverage at 14 Cummings Road

JOANNE REN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story addition to the existing dwelling, to extend the nonconforming front and rear setbacks, and extend the nonconforming lot coverage at 14 Cummings Road, Ward 2, Newton, on land known as Section 64 Block 03 Lot 53, containing approximately 4008 sq. ft. of land in a district zoned SINGLE RESIDENCE. Ref: Sec. 7.3.3, 7.4, 3.1.3, 7.8.2.C.2, of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0; Public Hearing Closed 1/25/22

Note: The petitioner, Joanne Ren, presented the request to allow construction of a two-story addition to the existing dwelling. The petitioner stated she is a long-time Newton resident and intends to live in Newton for the foreseeable future with the idea of adding room for extended family.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown in the attached presentation. The Planning department did not express any concerns with this project.

The Public Hearing was opened.

David Belcourt, 6 Denny Place, expressed enthusiasm for the project, noting that without this kind of relief for homes of this type, some Newton residents would not be able to continue living in Newton.

No other member of the public wished to speak.

Councilor Questions and Comments:

A councilor expressed support for the project, and noted that this is a street whose homes are often subject to tear downs and rebuilds. The councilor noted that it was nice to see residents like Ms. Ren who want to stay in the house and make modifications vs. razing and replacing with large houses.

Councilor Lucas motioned to close the public hearing which carried 7-0. Councilor Lucas motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation. The Committee voted in favor of approval 7-0.

#82-22 Class 2 Auto Dealers License

SONOMA CLASSICS LLC
1215 Chestnut Street
Newton, MA 02464

Action: Land Use Approved 7-0

Note: The Chair confirmed there are no issues on the items related to taxes or zoning complaints. The Committee voted 7-0 in favor of approval.

#29-22 Petition to allow a drive-in business and associated perimeter parking and lighting waivers at 940 Boylston Street

MILDRED K. MCMULLEN, TRUSTEE OF MIL MAC TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze a portion of the existing building and reconfigure the existing parking to allow for a construction of a drive-in and relief for a free-standing sign at 940 Boylston, Ward 5, Newton, on land known as Section 51 Block 26 Lot 03, containing approximately 12,060 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.4.11, 5.1.9.A, 5.1.13, 5.2.13, 5.10.A of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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

Note: The Chair opened the Public Hearing and noted the Committee was in receipt of a request to continue the Public Hearing.

Councilor Downs motioned to hold and continue the Public Hearing, which carried 7-0.

#28-22 Petition to request a 12-unit multi-family dwelling at 383-387 Boylston Street

BARBARA AND GERALD BARATZ REVOCABLE TRUSTS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a three story, 12-unit multi-family dwelling with an FAR of 1.5 and 36' in height, ground floor residential use, a building with more than 20,000 sq. ft., to alter and extend a nonconforming side setback, to waive six parking stalls, to reduce the width of parking stalls, to reduce the driveway width for two-way traffic, to allow a loading facility which may impede traffic, and to allow a retaining wall greater than four feet in height within the setback at 50 Jackson Street/383-387 Boylston, Ward 6, Newton, on land known as Section 65 Block 11 Lot 04, containing approximately 14,866 sq. ft. of land in a district zoned BUSINESS USE 1. 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, 5.1.8.B.1, 5.1.8.D.1, 5.1.12.D.5, 5.1.13, 5.4.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 6-0 (Councilors Laredo and Lucas Abstaining); Public Hearing Closed 1/25/22

Note: Attorney Laurance Lee, with law offices at 246 Walnut Street, presented the request to allow to allow a three story, 12-unit multi-residential dwelling at 383-387 Boylston Street.

Mr. Lee noted that this petition is being resubmitted with additional updates, some of which were incorporated after working with a neighborhood spokesperson. Mr. Lee noted the following updates:

- The top floor setback from Jackson Street will be increased from 10 to 18 feet;
- An updated shadow study detailed in the attached presentation was submitted;
- A proposed temporary offsite loading space has been added, requiring additional relief
- The number of units has been increased from 9 to 12;
- 2 affordable 3-bedroom units are being proposed.

Mr. Lee noted the basement plan has not changed. There will be 18 parking stalls, a bike storage area for 18 bicycles, a trash storage area, handicap parking stalls and EV charging capabilities. A proposed landscape plan was submitted as shown in the attached presentation. Mr. Lee noted the petitioner is seeking LEED certification.

Senior Planner Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown in the attached presentation. Ms. Whewell noted 3 items remain to be clarified as shown in the attached presentation including whether the eastern side setback and retaining wall can be altered to align with the zoning ordinance more closely, whether EV infrastructure will be installed for the remaining parking spaces, and whether there will be an outdoor bicycle rack.

With respect to the eastern setback, Mr. Lee noted the existing nonconforming setback is being increased from 4 to 8 feet. Mr. Lee indicated the petitioner would provide outdoor bicycle racks. The petitioner is committed to installing outlets that carry enough power for EV charging. Each unit will have a dedicated outlet in the garage and more can be added.

Amy Allen from Green International provided the findings of the transportation peer review as shown in the attached presentation. Ms. Allen noted that the existing curb cut on Jackson Street will be narrowed which will allow for a net increase of up to 2 additional on-street parking spaces. The petitioner has committed to making ADA-compliant pedestrian enhancements at a nearby intersection of Jackson Street and Langley Road.

The Public Hearing was opened.

Sam Krinzy, 62 Jackson Street, expressed his concern about privacy, and inquired whether windows and patios facing his property were being removed per a previous conversation with the developer. The windows are not being removed. There are no patios, there is an outdoor space for the first floor unit. There will be landscape screening.

Sherry Mirafzali, 6 Dudley Road, noted her concern that the project is too big for the neighborhood. Ms. Mirafzali noted there are no other single or multi-family zoning in the neighborhood that allows this level of density.

Lucie Chansky, 259 Jackson Street, expressed concern about parking and traffic on Jackson Street, noting that this is a very busy access point to Route 9 in the neighborhood. Ms. Chansky is also concerned that the traffic study was performed when school was not in session and the results may not accurately reflect the traffic patterns. Ms. Chansky inquired where overflow parking would be located for visitors, since there does not appear to be onsite parking for anyone other than unit owners.

Barry Bergman, 18 Walter Street, expressed concern about project's scope changing from 9 units to 12 with less than 2 parking spaces per unit. The property is not located near the MBTA and it is unrealistic there will be less than 2 cars per unit.

Michael Lee, 101 Jackson Street, echoed previously noted concerns regarding street parking and congestion. Adding the 2 proposed street parking spaces will not alleviate congestion.

Lisa Famiano, 57 Jackson Street, echoed previous concerns regarding the density of the development. Ms. Famiano inquired whether the shadow study had been vetted by the Engineering or Planning Department per Councilor Laredo's instruction in a previous meeting. Ms. Famiano also expressed concern about the height of the retaining wall.

Ms. Whewell indicated that the architect of the development certified the shadow. Ms. Whewell clarified that for the purposes of zoning the height is taken from the at-grade level and acknowledged there may be a grade difference on Jackson Street.

Yee Wan Leung, 89 Jackson Street, inquired whether there was an update on a proposal introduced a previous meeting to make the section of Jackson Street near the property a no-parking zone. Ms. Leung echoed earlier concerns regarding traffic and parking, and noted that the area is not bicycle friendly. Ms. Leung noted Newton schools are overly crowded and asked if the Committee looks at the impact to the school system.

The Chair noted that the Committee does not take new student population into account when evaluating a property; Newton must educate the children that reside here and will rise to meet that demand. The Chair noted that new property owners contribute tax dollars, which help fund the Newton school system.

Lynn Weissberg, 5 Alden Street, expressed her support for the project, noting that she thinks the addition of the 2 affordable units is a huge plus for low-income families.

Tom Gagen, 32 Fern Street, expressed his support for the project. This is the kind of project needed in the city to help relieve the housing shortage. The development is replacing 3 businesses that were not doing very well economically.

Adriana Kopinja, 64 Jackson Street, echoed previous concerns re: parking and traffic. Ms. Kopinja noted that the individuals who have expressed support for the project do not live in the neighborhood. Ms. Kopinja thinks this is too big a project for the neighborhood.

Tony Sit, 95 Jackson Street, expressed concerns about traffic as it relates to snow.

Sean Roche, 42 Daniel Street, expressed his support for the project and his appreciation that the City is prioritizing housing over cars and parking. Mr. Roche noted that while the development is not transit-adjacent, it is within walking distance and is transit accessible.

Brendan Harris, 189 Parmenter Road, expressed his support for the project noting that its sustainably design will help Newton meet its climate goals and will help provide “middle housing”, attainable to people like Mr. Harris who are starting families and looking for ownership opportunities in Newton.

Lisa Monahan, 1105 Walnut Street, expressed support for the project. This is the type of price point that Newton needs.

Nancy Zollers, 154 Oliver Road, expressed support for this project.

Richard Carver, 5 Dudley Road, echoed previous concerns noted regard to the size of the building.

Trevor Key, 374 Boylston Street, expressed his support for the project.

Lawrence Gatei, 16 Dudley Road, echoed previous concerns noted regarding the size and density of project, and urged the Council to consider using the special permitting process sparingly. Mr. Gatei asked if any other by-right alternatives been considered with regard to the project.

No additional members of the public wished to speak.

Councilor Comments and Questions:

Councilors thanked Mr. Lee and the developer for making improvements to this project as it has developed, including addressing neighbors’ concerns around drop-off zones, setbacks, bike storage, and landscaping.

Councilors applauded the relatively modest sizes of the units and noted that this project will provide a greater mix of housing to seniors and young people and will fit in well with the neighborhood.

Some Committee members noted the neighbors have some legitimate concerns regarding parking and traffic. It is not near the MBTA and is not a transit-oriented development.

A Committee member expressed concern regarding the waiver of the east side setback and questioned why this was necessary with this new construction. Mr. Lee indicated the setback was shifted back to 8 feet from 4 feet (where 18 feet is required). A balance needed to be reached in terms of the size of the building and the number of affordable units that were required, and combining that with the further setbacks on the westerly side to accommodate the driveway narrowed the envelope the developer had to work with.

With respect to converting commercial property, a question was raised about whether a fiscal analysis will be submitted. Mr. Lee indicated that it is his understanding this is not a requirement that exists and has not made plans to submit one.

With respect to local preference and affordable units, Mr. Lee confirmed that the affordable units will be at 80 AMI.

A question was raised as to how many parking stalls would need relief due to their width. Eleven of the 18 spaces will require relief.

A Committee member inquired whether T-Pass discounts will be provided to incentivize using public transit? Mr. Lee indicated he would discuss the request with the petitioner.

Trash removal will be provided by a private service. The service includes recycling.

With respect to losing commercial real estate, it was noted that this has not been a thriving business location for many years. This project provides an opportunity to meet some important goals, one of which is providing housing. Although the city may lose restaurant revenue, it will gain residents who shop at and eat in the City's stores and restaurants.

A Committee member noted that from a fiscal point of view, commercial properties are better for the City's finances; Commercial properties bring in a far greater rate of revenue than residential properties, which also consume greater city services than commercial properties. These facts are important when contemplating the City's budget.

A request was made for a finding to provide on-site guest bike parking. Ms. Whewell confirmed that she would work with the petitioner to address this in the draft order.

In response to a question from the Committee, Mr. Cronin confirmed that the I & I fee was split 75%-25% going to design and construct improvements and 25% going to sewer mitigation.

With respect to undergrounding utilities, Mr. Cronin confirmed that standard is to underground utilities from right of way to the site and best efforts to underground along the frontage. Mr. Temple confirmed that all undergrounding conditions will be in the order.

Clarification was sought regarding off-site improvements. The Committee asked that the Planning Department and Law Department to draft a condition indicating off-site improvements will be completed after issuance of the 6th certificate of occupancy.

Councilor Bowman motioned to close the public hearing which carried 7-0. Councilor Bowman motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation. Committee members requested changing site work hours to a 5pm cut-off on Saturdays. The Committee discussed offsite parking for workers during construction. The Planning department in consultation with Ward 6 councilors will draft a clear directive regarding offsite parking to be incorporated as a condition into the council order.

The Committee voted in favor of approval 6-0 (Councilors Laredo and Lucas Abstaining).

The Committee adjourned at 10:06 p.m.

Respectfully Submitted,

Richard Lipof, Chair

Department of Planning and Development



PETITION #23-22

961 WALNUT STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO ~~ALLOW A GARAGE
ACCOMMODATING MORE THAN
THREE VEHICLES WITH A GROUND
FLOOR AREA EXCEEDING 700 SQ
FT,~~ TO RAZE THE EXISTING
DWELLING AND CONSTRUCT A NEW
SINGLE FAMILY DWELLING ON THE
SAME FOUNDATION AND ALLOW AN
OVERSIZED DORMER

JANUARY 25, 2022

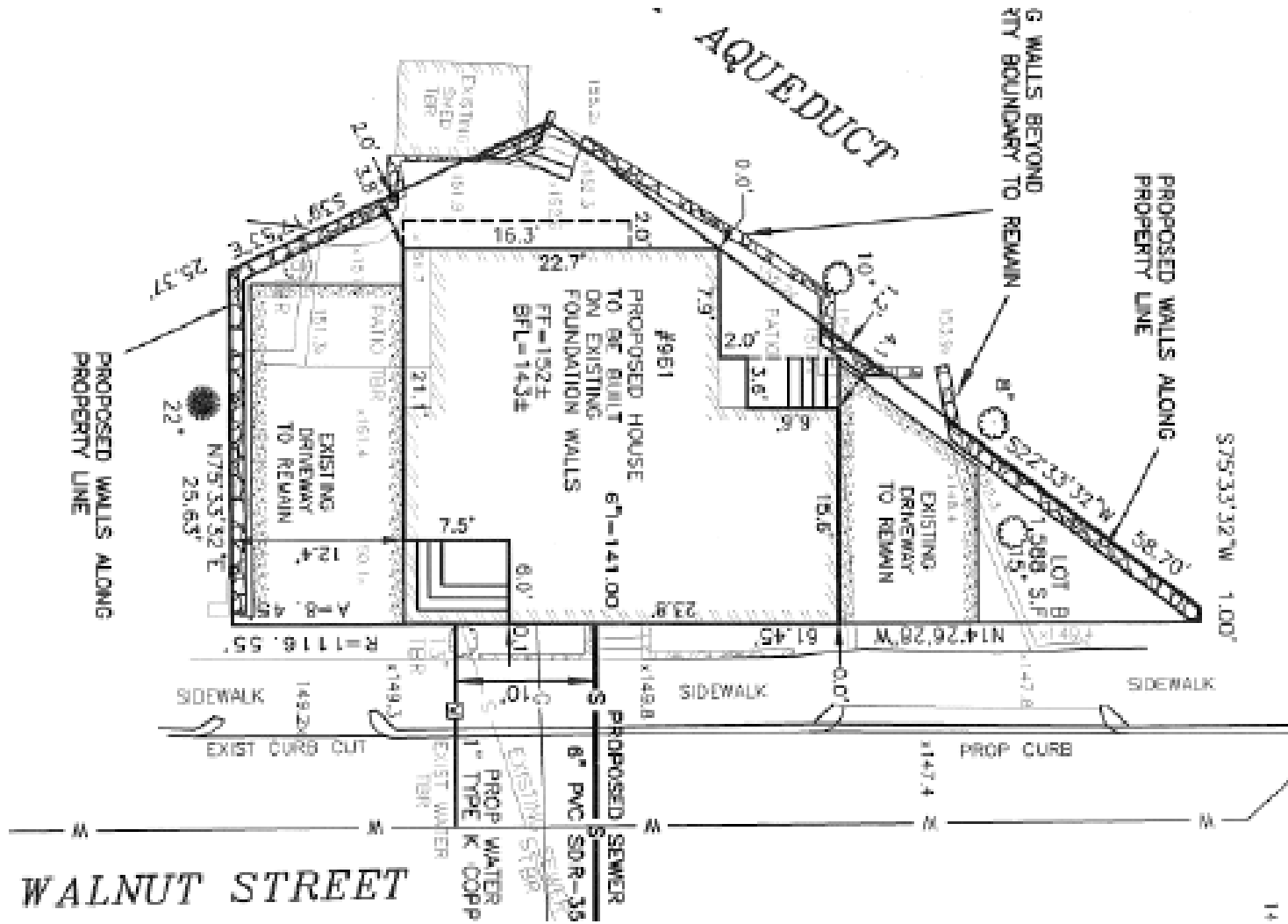


Update- Site Plan



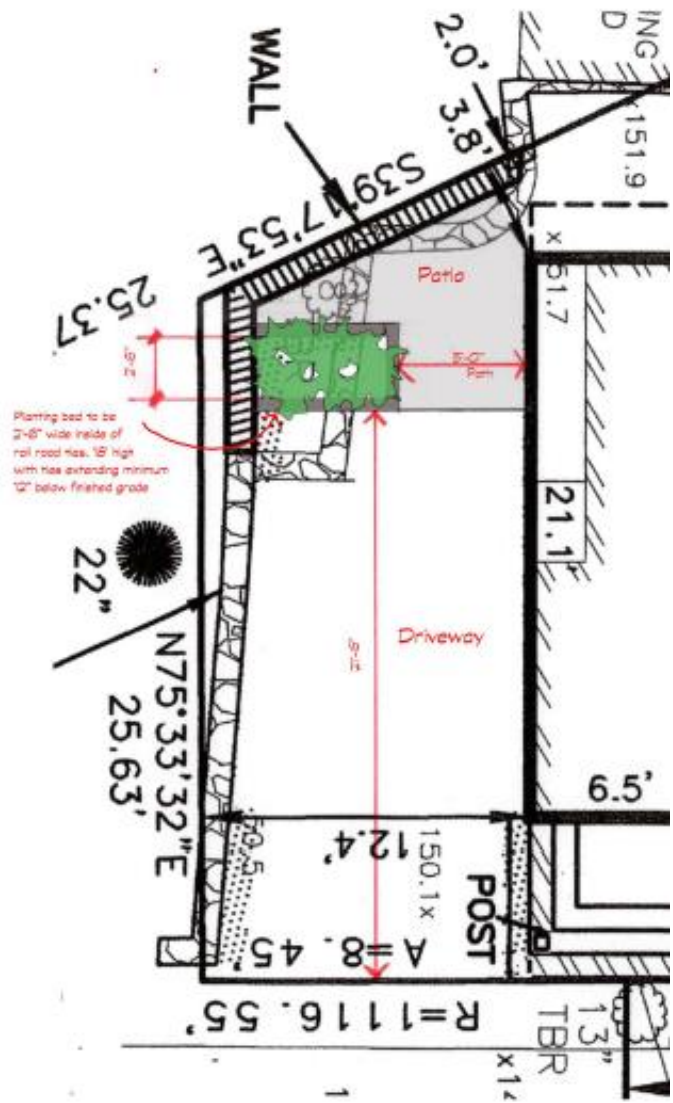
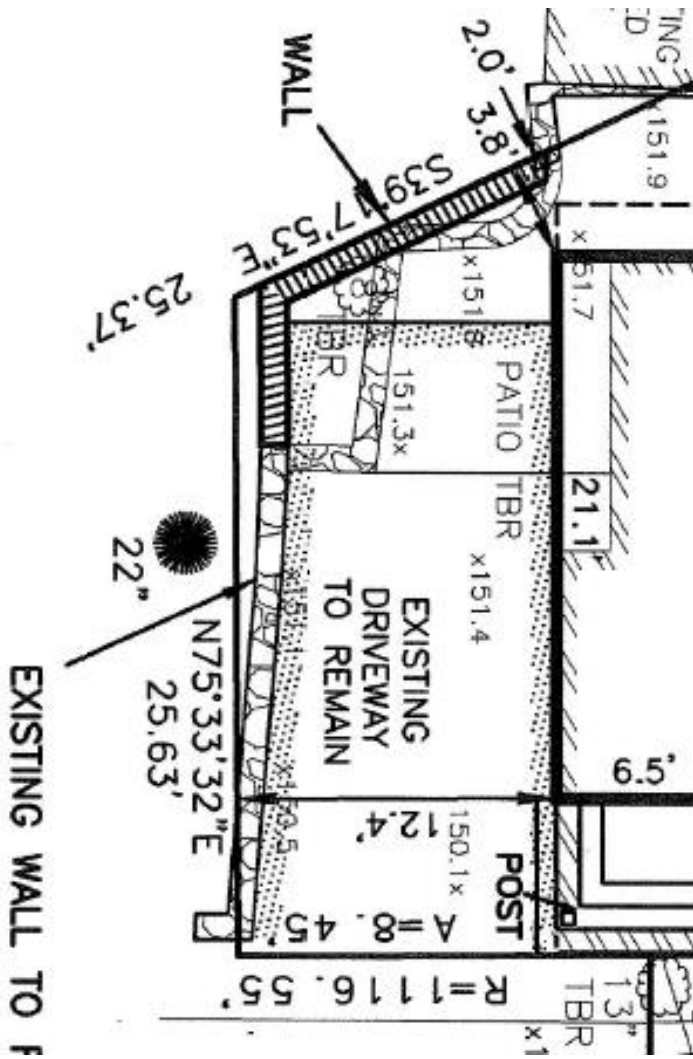
- In response to comments made at the previous public hearing, petitioner modified the site plan to preserve more of the existing retaining wall on the left (south) side of the property in the vicinity of a tree on the abutting property to the south
- 1-foot distance between left property line and preserved and proposed retaining wall sections on that side

Site Plan- original



Site Plan- detail

as modified 1/20/2022; planting area- rec'd 1/25/2022



Proposed Findings



1. the site in a Multi Residence 1 (MR1) zoning district is an appropriate location for the proposed dwelling as designed, including an oversized dormer and increased floor area ratio (FAR), given the property's previous use as a single-family dwelling and the area's predominantly residential use (§7.3.3.C.1)
2. the proposed dwelling as designed, including an oversized dormer and increased floor area ratio (FAR) will not adversely affect the neighborhood given the small increase in the footprint of the dwelling and required setbacks are not being reduced (§7.3.3.C.2)
3. the proposed dwelling as designed, including an oversized dormer and increased floor area ratio (FAR) will not create a nuisance or serious hazard to vehicles or pedestrians as the parcel's two curb cuts are existing (§7.3.3.C.3)
4. access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

Proposed Findings (cont.)



5. the proposed project, as designed with an extended nonconforming front setback; further increased nonconforming lot coverage; further decreased nonconforming open space (§3.2.3, §7.8.2.C.2); and further extended nonconforming floor area ratio (FAR), would not be substantially more detrimental than the existing nonconforming use to the neighborhood, given the reuse of the existing foundation and the parcel is abutted on several sides by aqueduct corridor property (§7.8.2.C.2)

Proposed Conditions



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

Department of Planning and Development



PETITION #33-22

14 CUMMINGS ROAD

SPECIAL PERMIT/SITE PLAN
APPROVAL TO CONSTRUCT A
TWO-STORY ADDITION TO THE
EXISTING DWELLING, TO
EXTEND THE NONCONFORMING
FRONT AND REAR SETBACKS,
AND EXTEND THE
NONCONFORMING LOT
COVERAGE

JANUARY 25, 2022



Requested Relief



Special permit per §7.3.3 to:

- 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)
- extend nonconforming lot coverage (§3.1.3, §7.8.2.C.2)

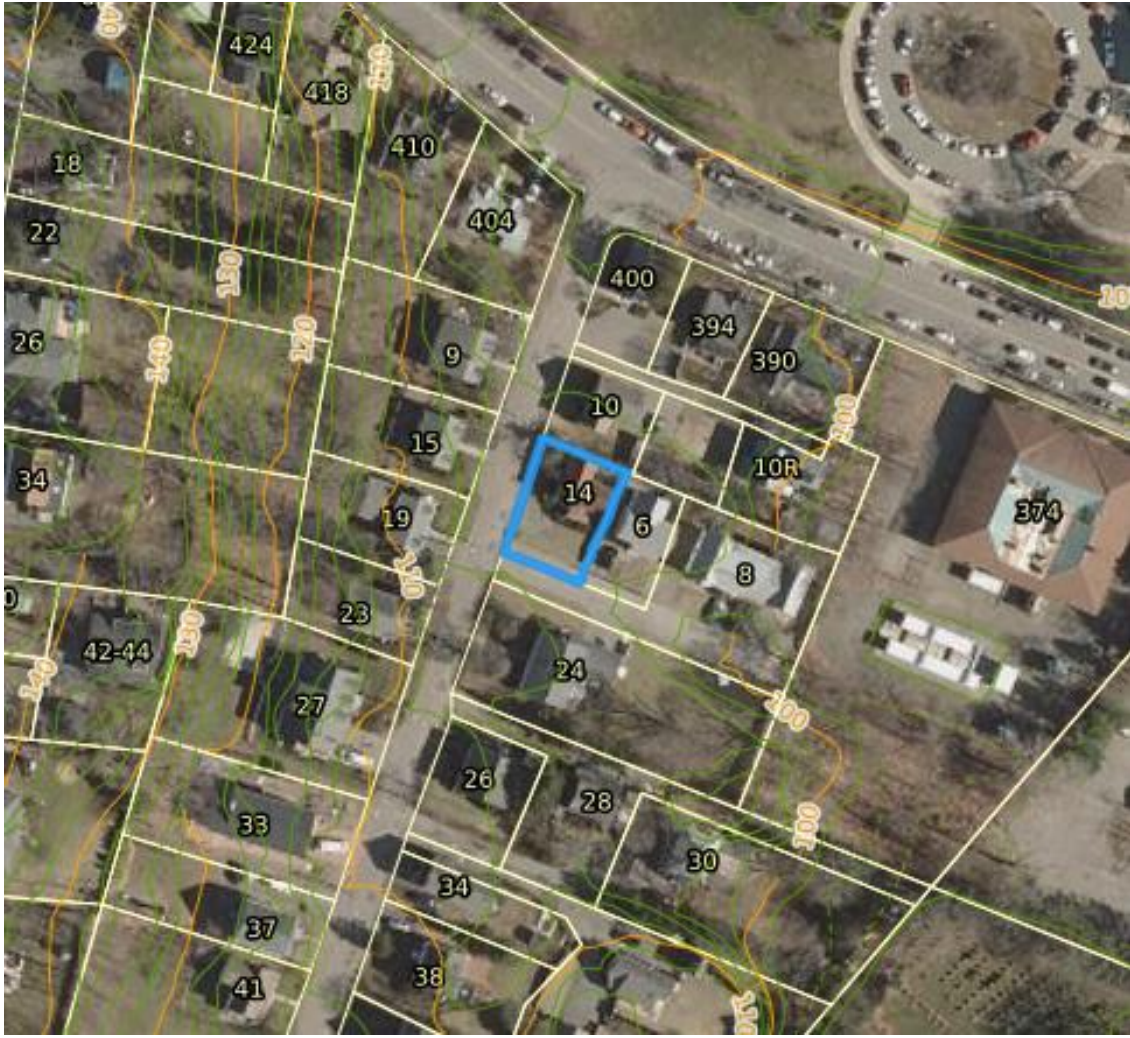
Criteria to Consider



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

- The proposed extensions of the existing front and rear setback nonconformities would be substantially more detrimental than the existing nonconforming use to the neighborhood (§3.1.3, §7.8.2.C.2)
- The proposed extension of the existing lot coverage nonconformity would be substantially more detrimental than the existing nonconforming use to the neighborhood (§3.1.3, §7.8.2.C.2)

AERIAL/GIS MAP



Zoning





ATTACHMENT B

Zoning

14 Cummings Rd.

*City of Newton,
Massachusetts*

-  Single Residence 2
-  Open Space/Recreation
-  Public Use



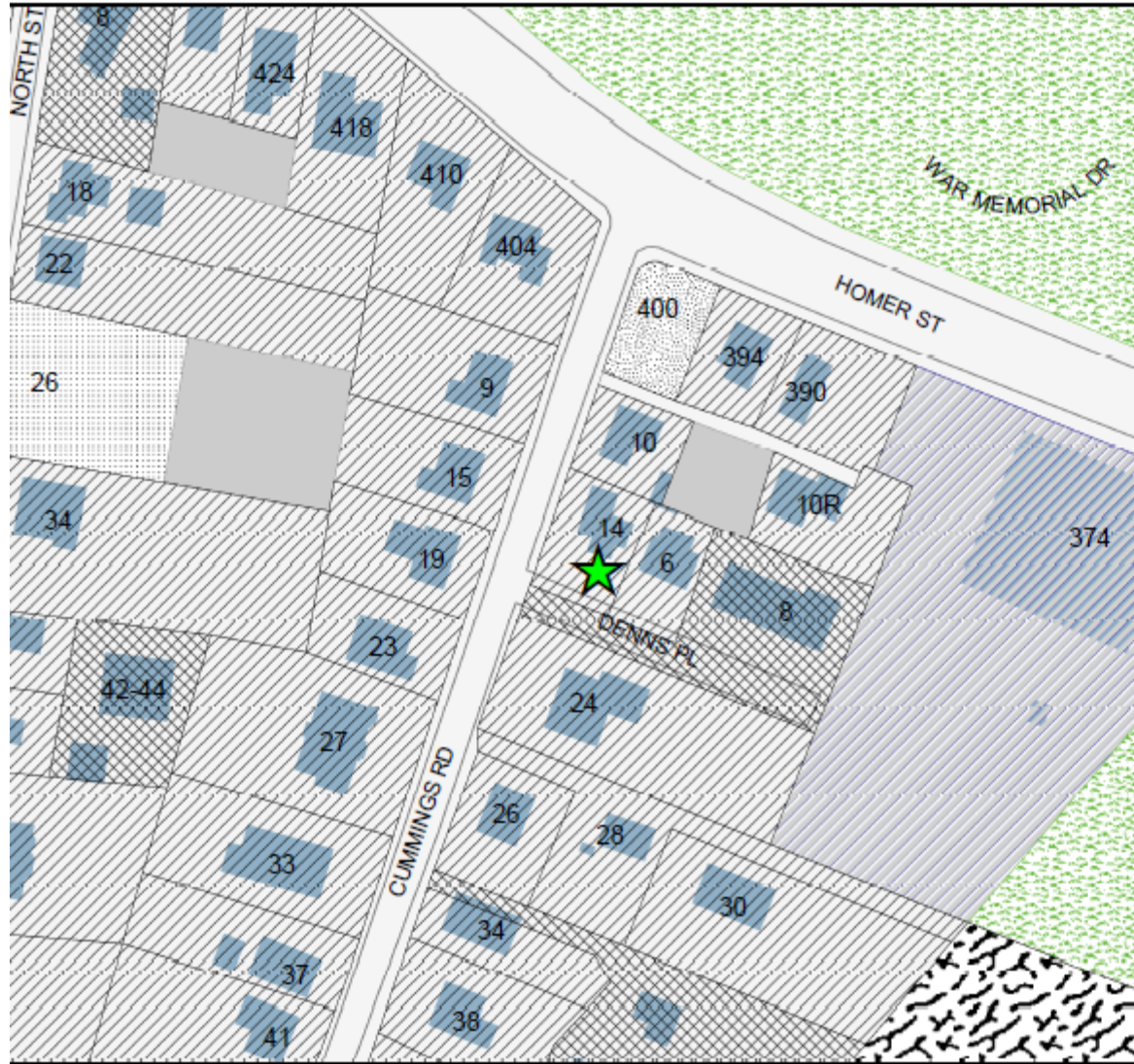
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CITY OF NEWTON, MASSACHUSETTS
Mayor - Barbara Fuller
GIS Administrator - Douglas Greenfield



Map Date: November 24, 2021

Land Use



ATTACHMENT A

Land Use

14 Cummings Rd.

City of Newton,
Massachusetts

Land Use

Land Use

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



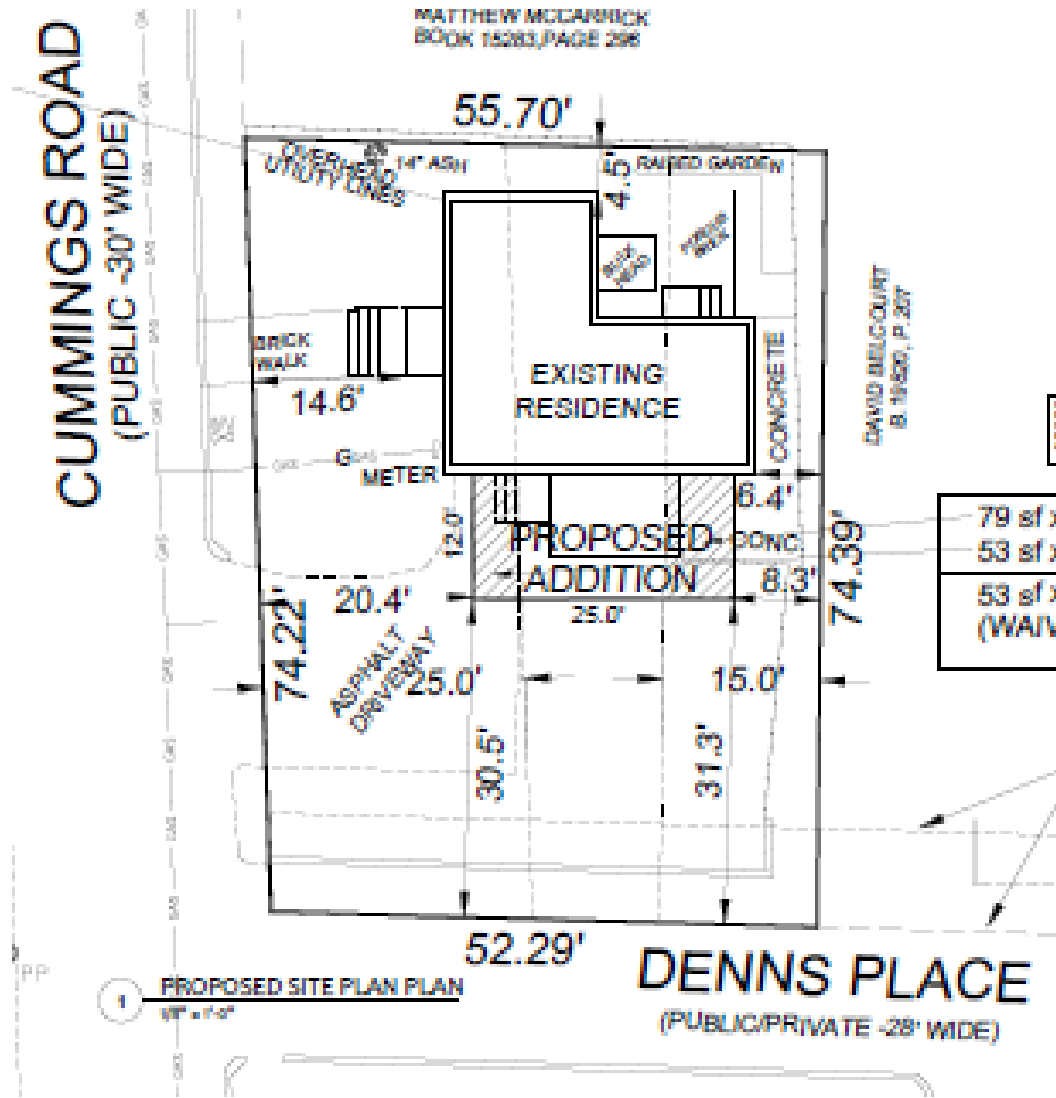
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CITY OF NEWTON, MASSACHUSETTS
Mayor - Barbara Fuller
GIS Administrator - Douglas Gossfield

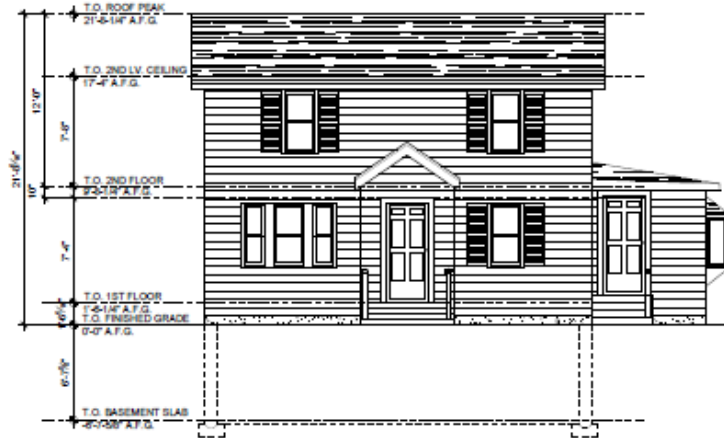


Map Date: November 24, 2021

Site Plan



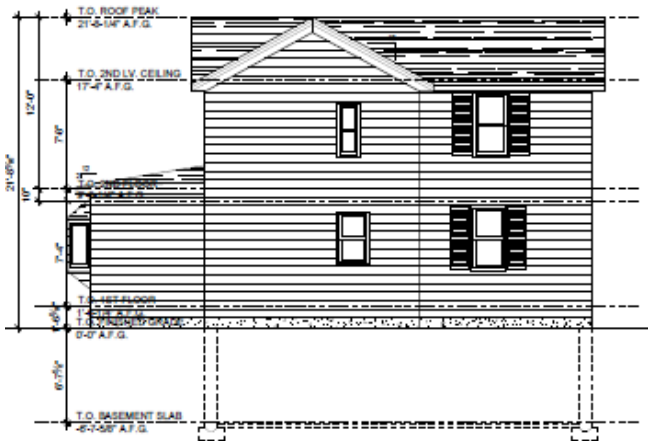
Elevations- existing



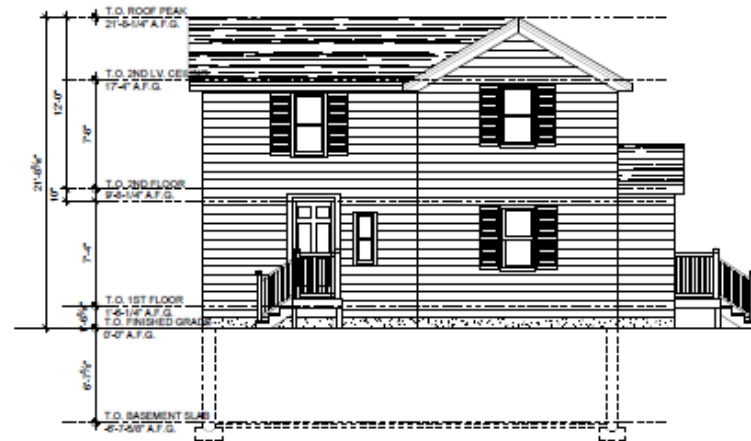
EXISTING FRONT ELEVATION (1)
SCALE: 3/16" = 1'-0"



EXISTING RIGHT ELEVATION (2)
SCALE: 3/16" = 1'-0"



EXISTING REAR ELEVATION (3)
SCALE: 3/16" = 1'-0"

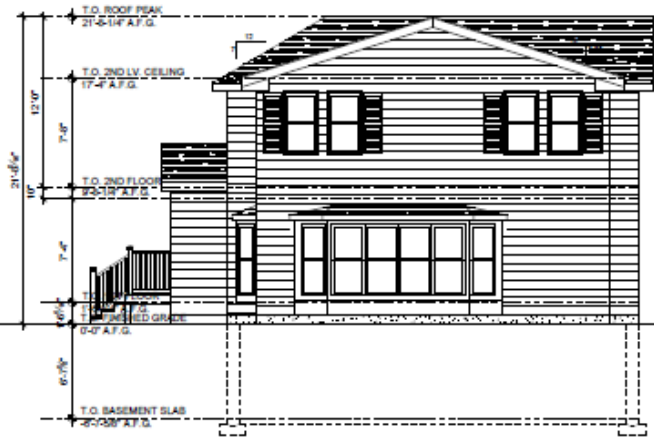


EXISTING LEFT ELEVATION (4)
SCALE: 3/16" = 1'-0"

Elevations- proposed



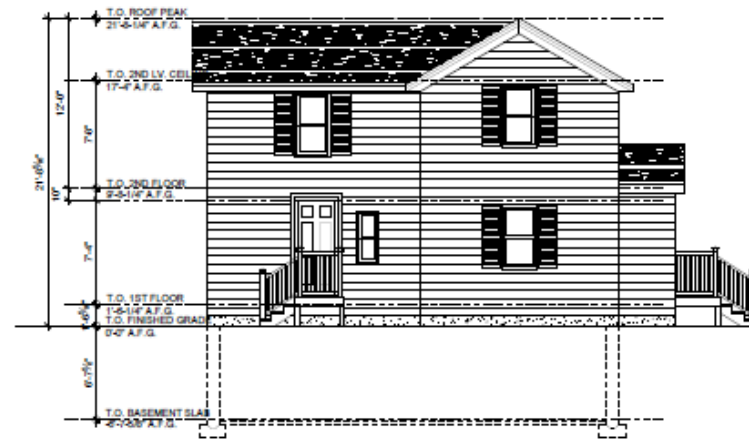
PROPOSED FRONT ELEVATION 1
SCALE: 3/16"=1'-0"



PROPOSED RIGHT ELEVATION 2
SCALE: 3/16"=1'-0"



PROPOSED REAR ELEVATION 3
SCALE: 3/16"=1'-0"



PROPOSED LEFT ELEVATION 4
SCALE: 3/16"=1'-0"

Photos



Photos



Photos



Photos



Proposed Findings

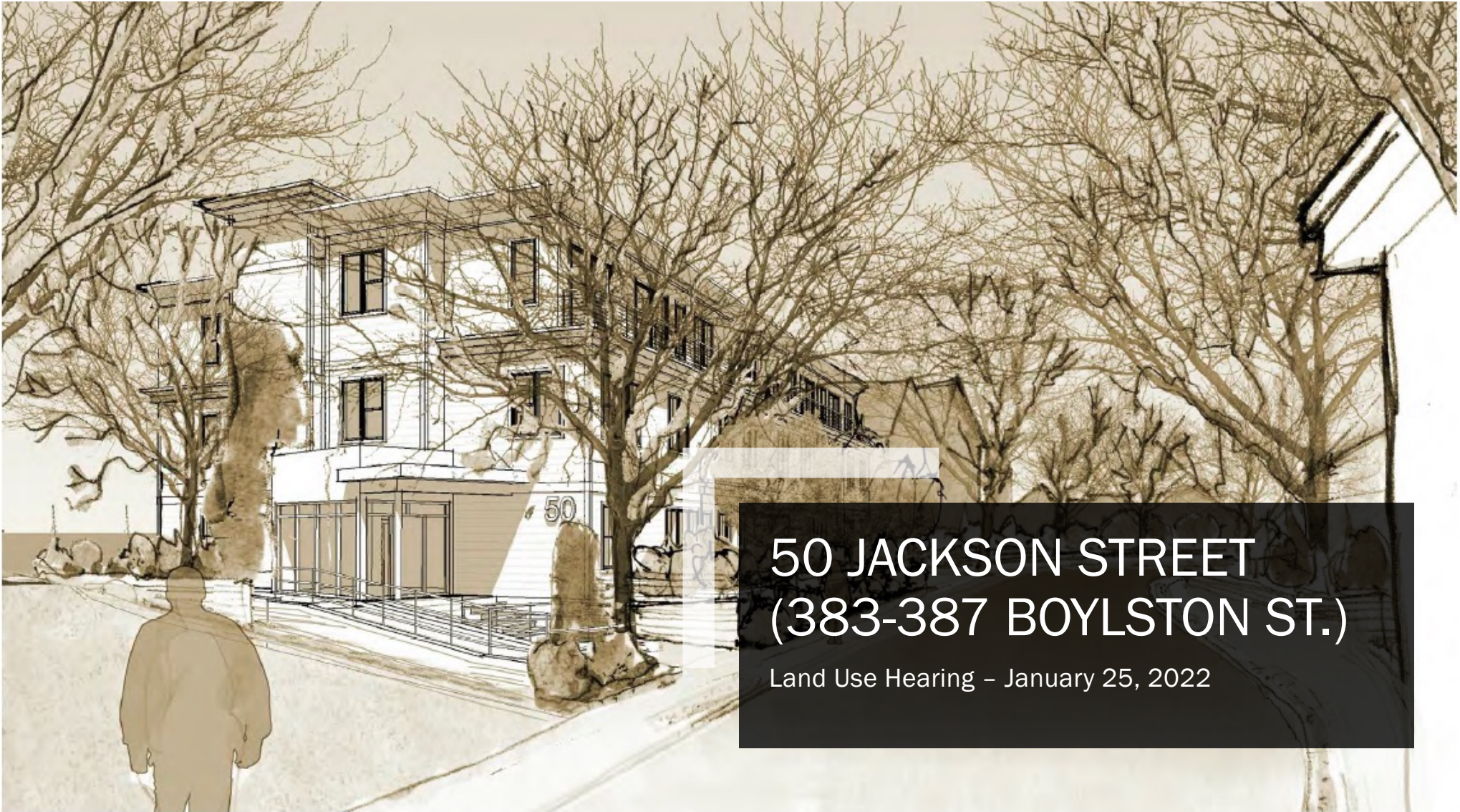


1. The proposed extensions of the existing front and rear setback nonconformities would not be substantially more detrimental than the existing nonconforming use to the neighborhood as the addition's front and rear setbacks would be greater than those of the existing structure (§3.1.3, §7.8.2.C.2)
2. The proposed extension of the existing lot coverage nonconformity would not be substantially more detrimental than the existing nonconforming use to the neighborhood given the small increase of less than 200 square feet and the continued existence of a deep front setback along one of the property's two frontages (§3.1.3, §7.8.2.C.2)

Proposed Conditions



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



**50 JACKSON STREET
(383-387 BOYLSTON ST.)**

Land Use Hearing – January 25, 2022

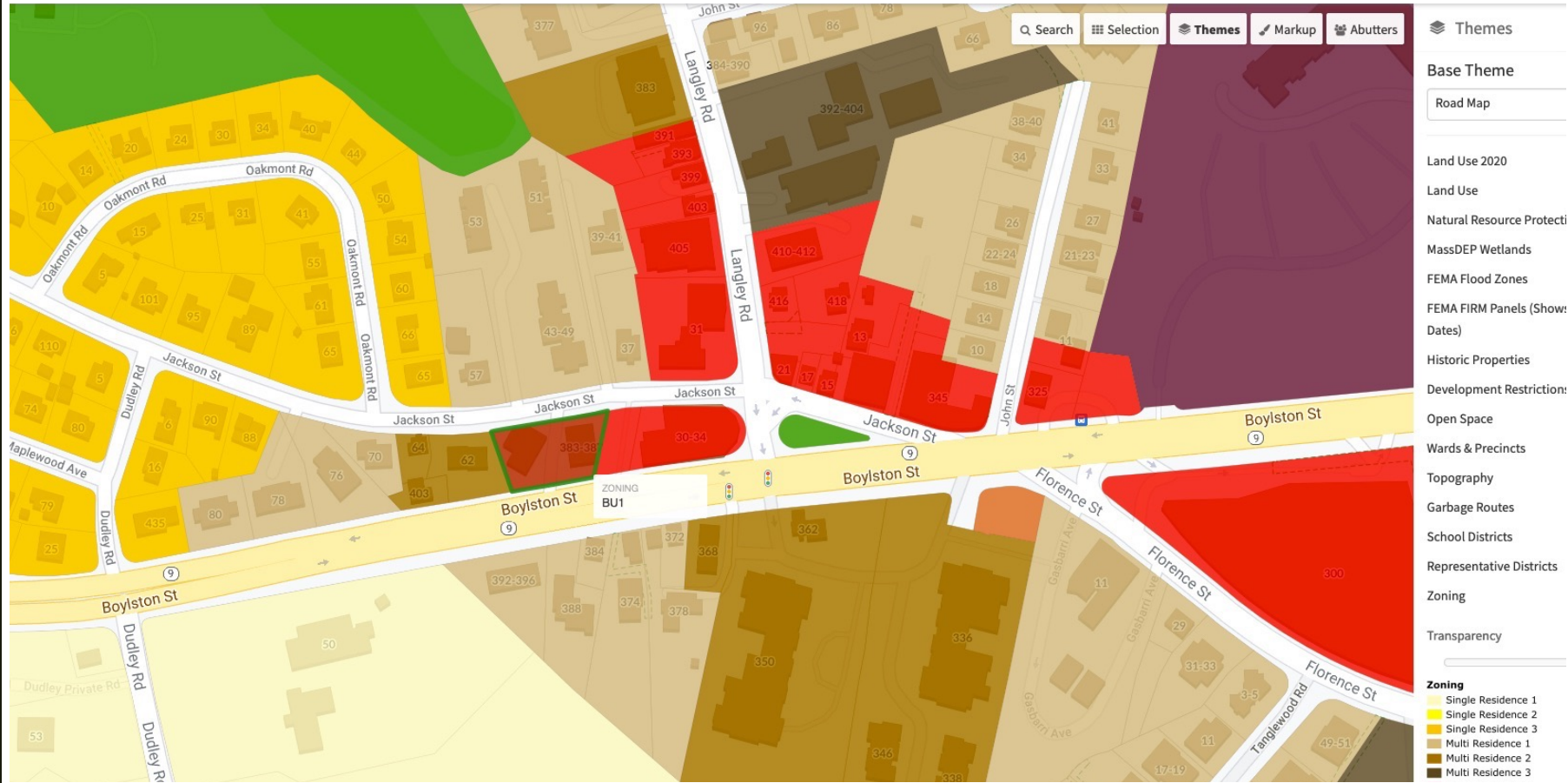
General Site Information

BU-1 Zoning District;
14,866 S.F. of land

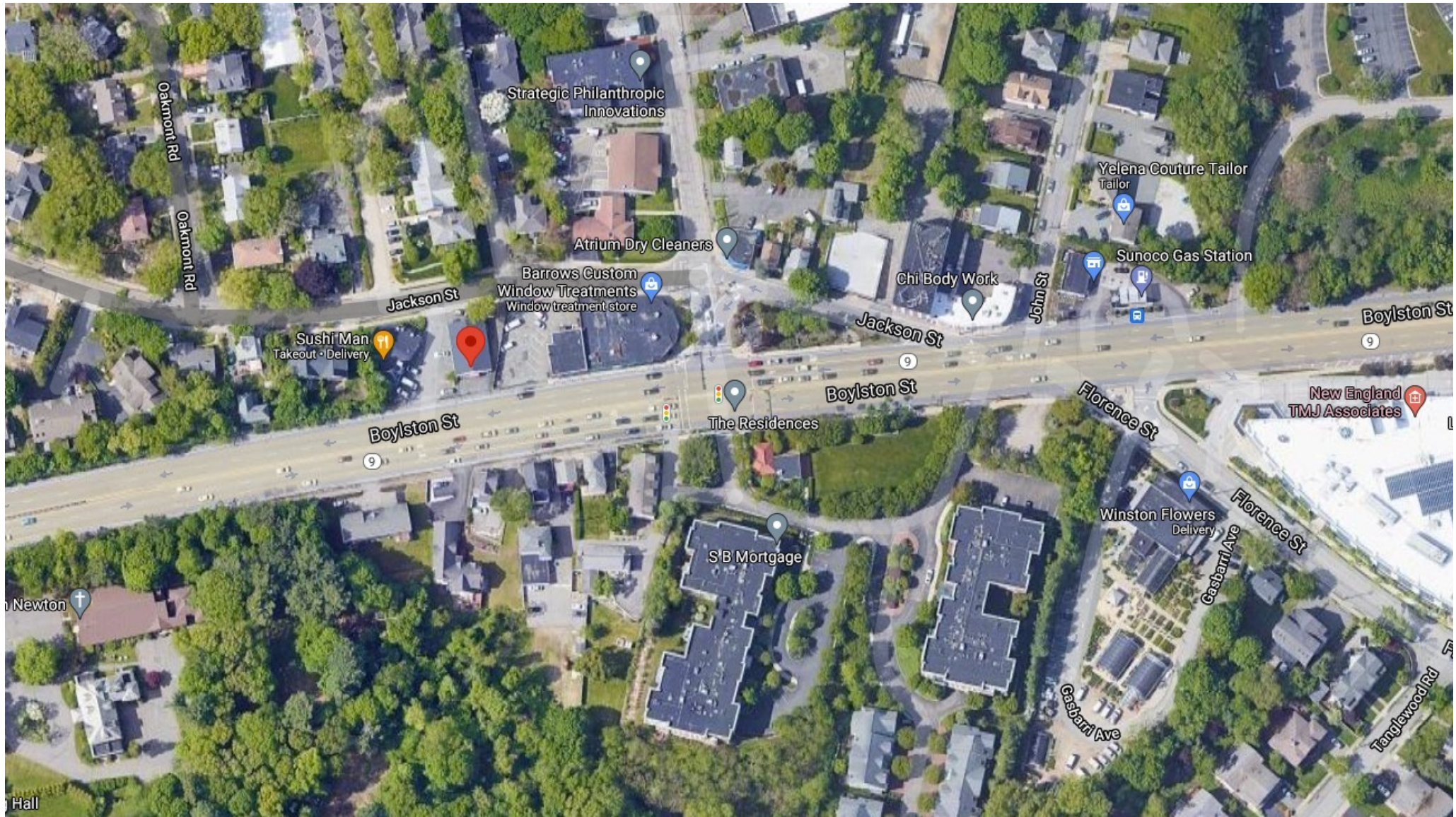
Northerly Side of
Route 9 –
Westbound side &
Jackson Street

Existing Commercial
Uses at Site – Retail
Store and two
Restaurants

Immediate Neighborhood consists of Single-Family; Multi-Family housing; Offices; Parking Lot; Apartment Buildings; Retail Stores; & Medical Office



Zoning Map



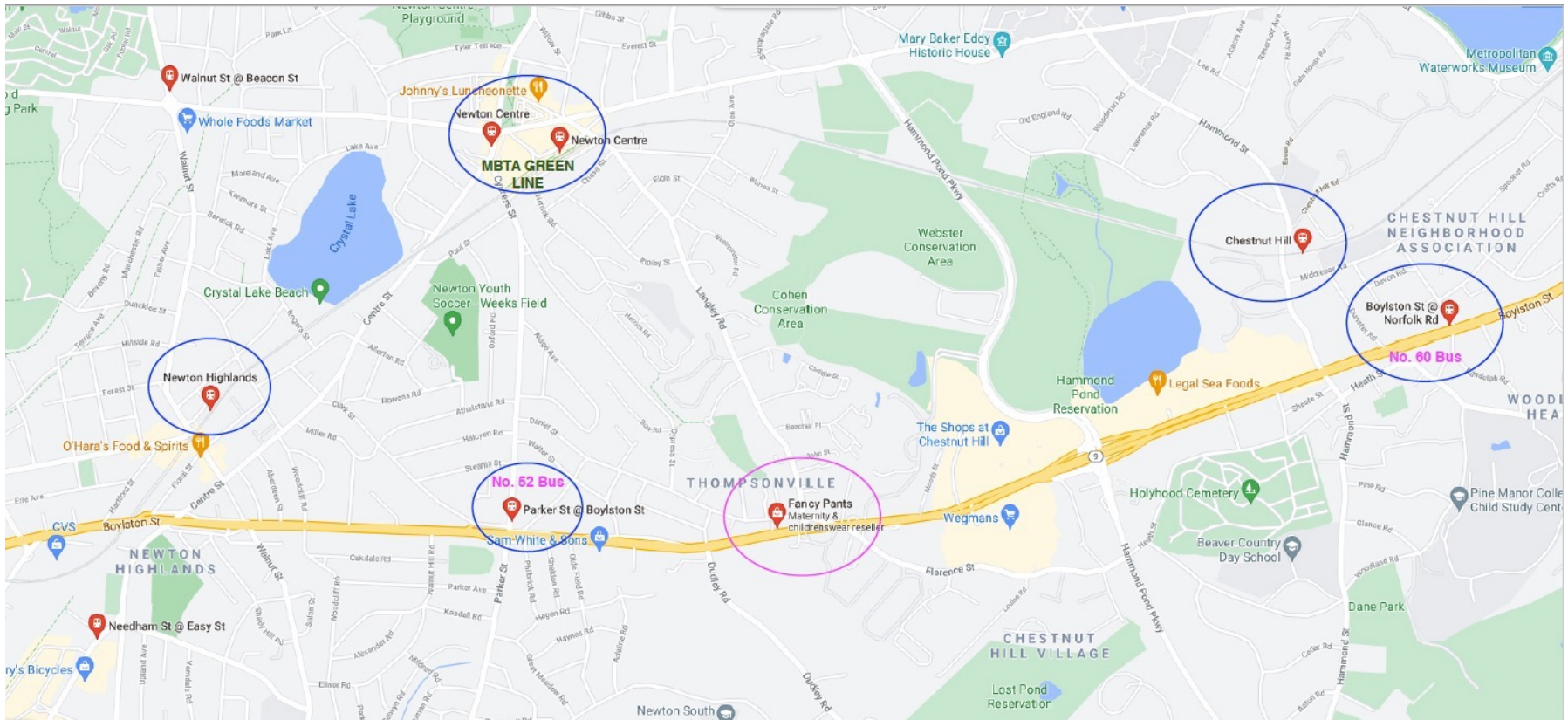


3D IMAGE OF PROPOSED BUILDING IN NEIGHBORHOOD

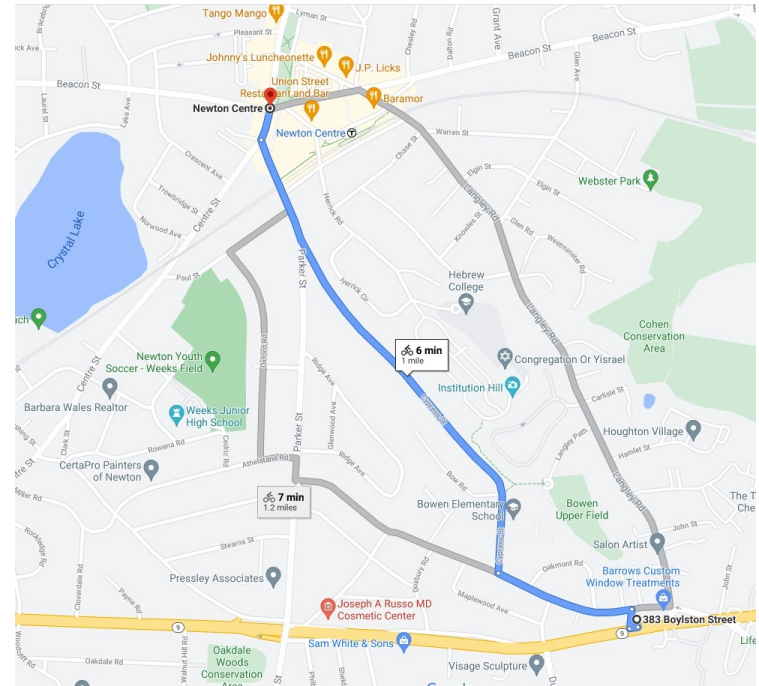
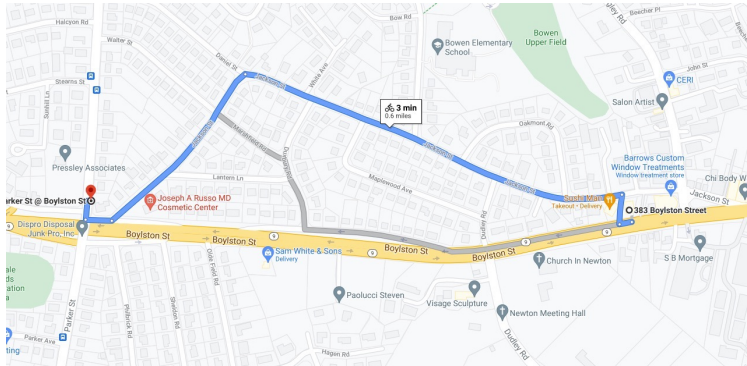


3D IMAGE OF PROPOSED BUILDING IN NEIGHBORHOOD





MBTA Stops/Stations



Few Minutes Bike Ride from
MBTA Stops and Newton Centre
Village

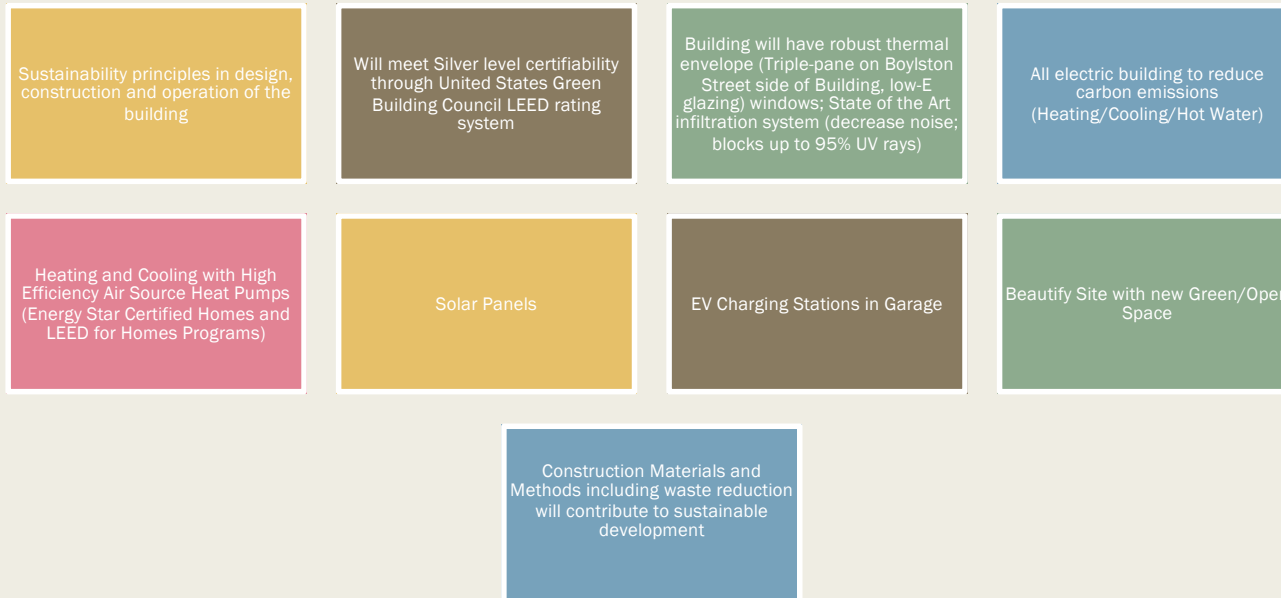


CURRENT VIEW FROM ROUTE 9



CURRENT VIEW FROM JACKSON STREET

Sustainability Features (LEED Silver Certification)





1 Jackson St Elevation
Scale : 1/32" = 1'-0"



2 Boylston St Elevation
Scale : 1/32" = 1'-0"

Street Elevations

PROPOSED STREET ELEVATIONS AND STREETSCAPES



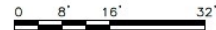
2 West Elevation
Scale : 1/16" = 1'-0"



1 Boylston St Elevation
Scale : 1/16" = 1'-0"

The colors displayed on this plan may be affected by the software or hardware used in its creation. Petitioner may elect to use different colors of materials for construction. Actual colors of materials may vary.

The landscaping features as shown on the building elevations and sections depict the mature sizes of species shown on the Landscape Plan (illustrative purpose only)





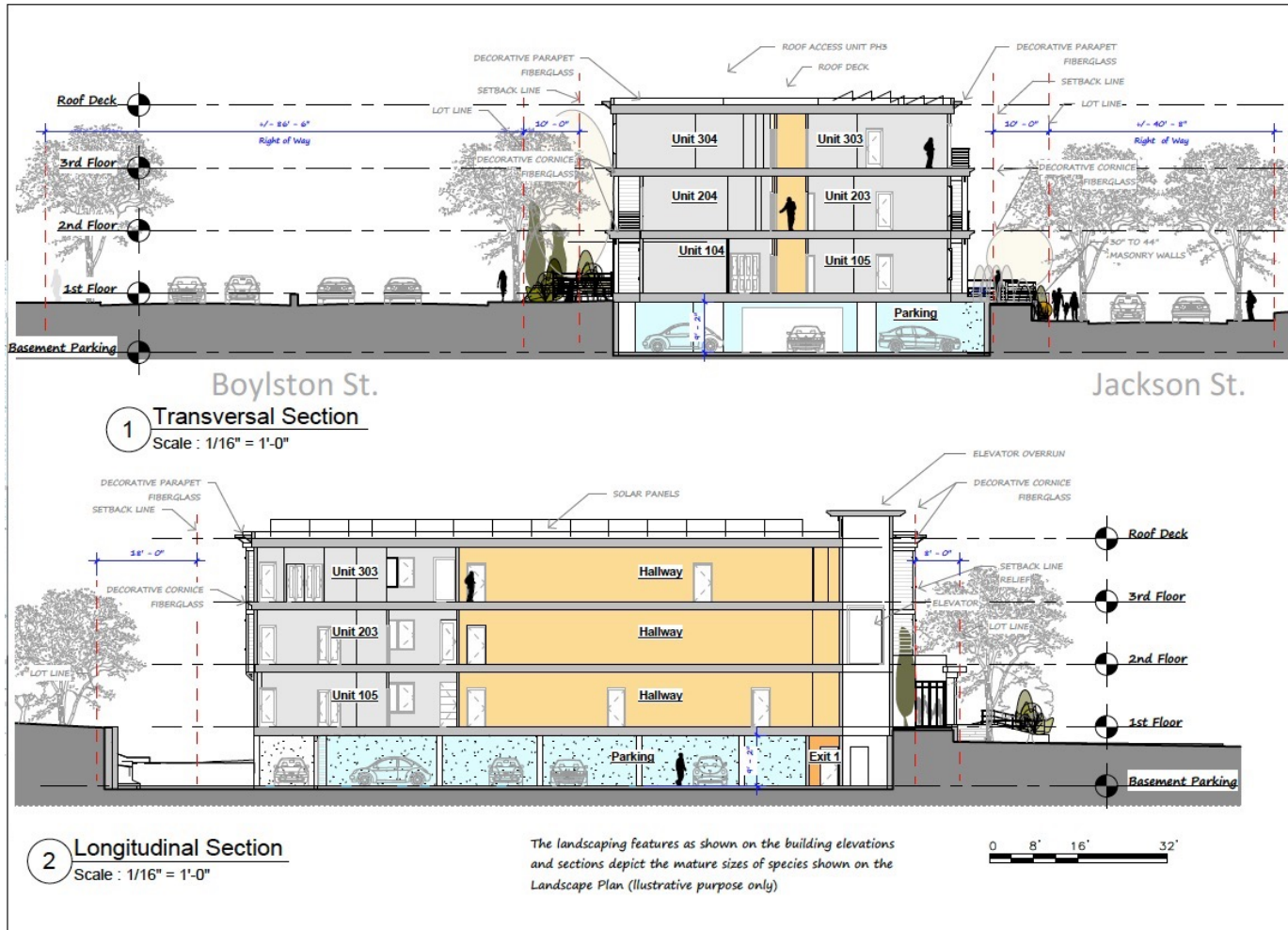
1 East Elevation
Scale : 1/16" = 1'-0"

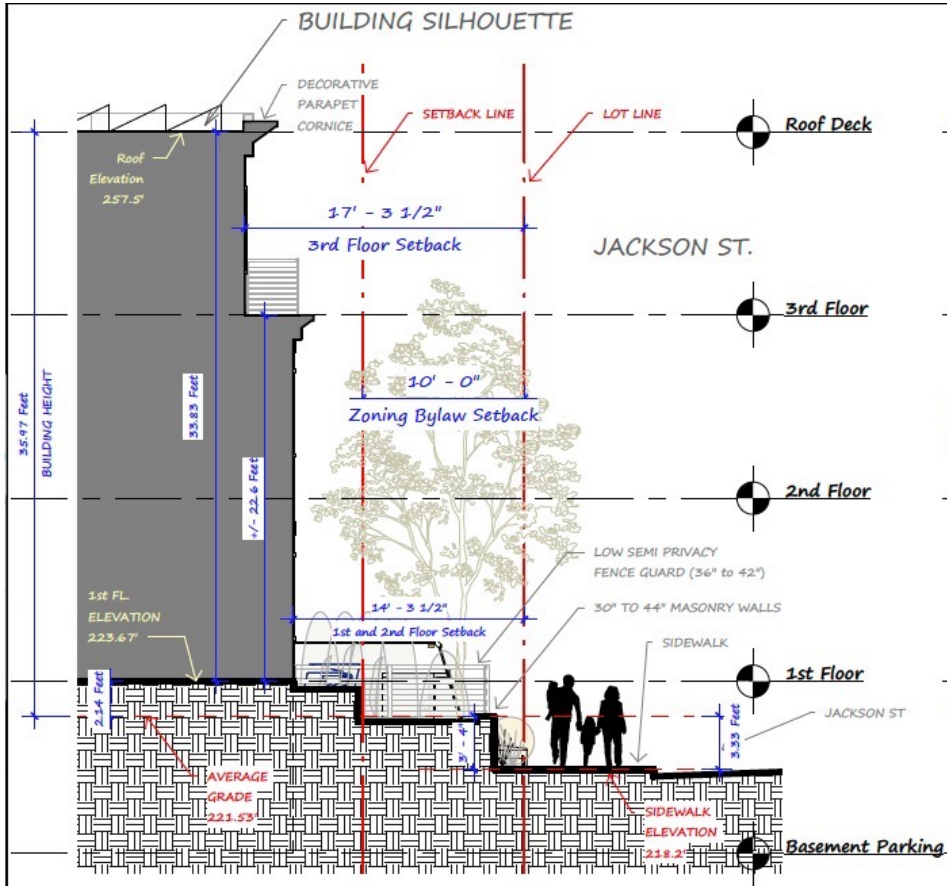


2 Jackson St Elevation
Scale : 1/16" = 1'-0"

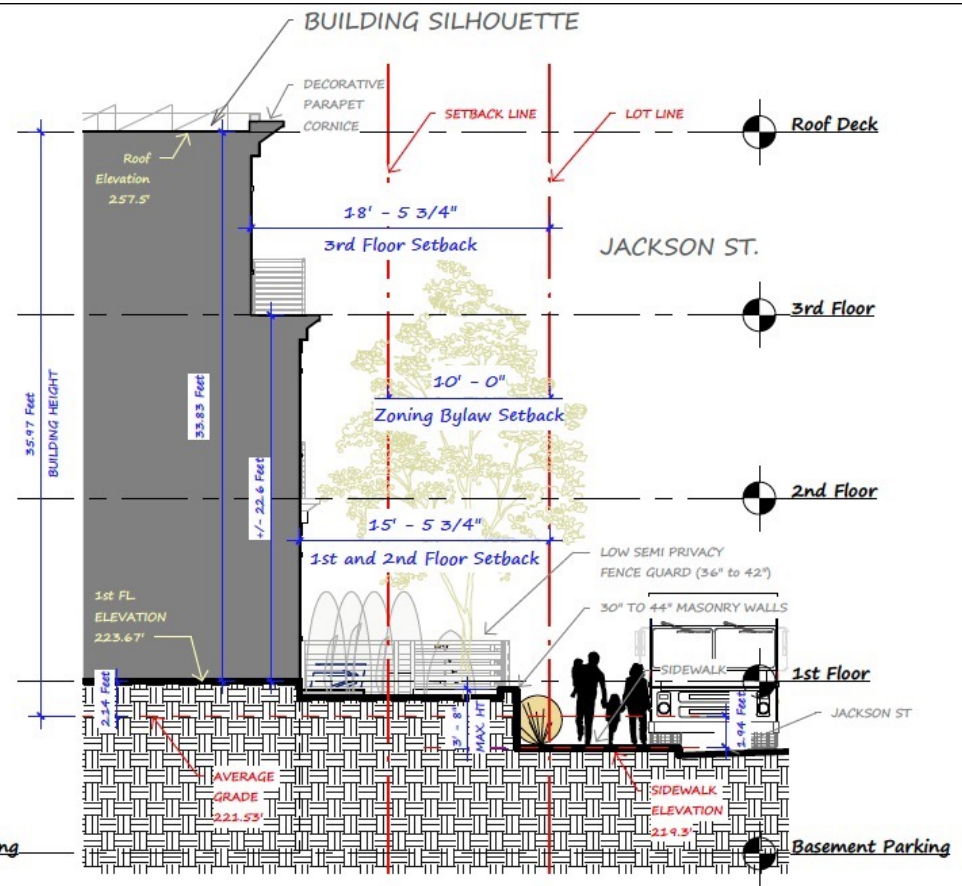
The colors displayed on this plan may be affected by the software or hardware used in its creation. Petitioner may elect to use different colors of materials for construction. Actual colors of materials may vary.

The landscaping features as shown on the building elevations and sections depict the mature sizes of species shown on the Landscape Plan (illustrative purpose only)





2 Jackson St Massing Section West
Scale : 1/8" = 1'-0"

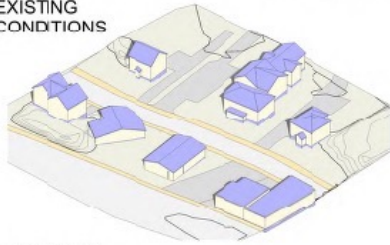


1 Jackson St Massing Section East
Scale : 1/8" = 1'-0"

21 SEPTEMBER

21 DECEMBER

EXISTING
CONDITIONS



4 21 September-9:00AM

PROPOSED
CONDITIONS



4 21 September-10:00AM

EXISTING
CONDITIONS

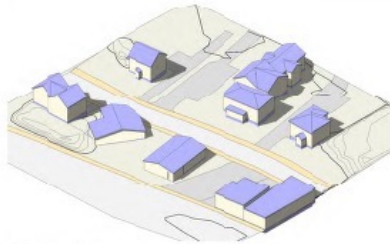


3 21 December-9:00AM

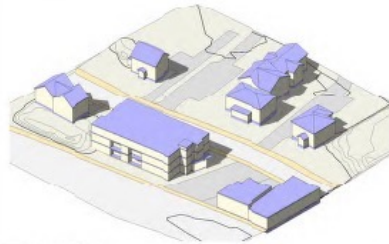
PROPOSED
CONDITIONS



3 21 December-9:00AM



5 21 September-12:00PM



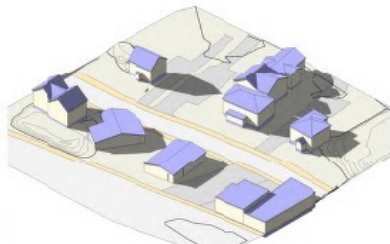
5 21 September-2:00PM



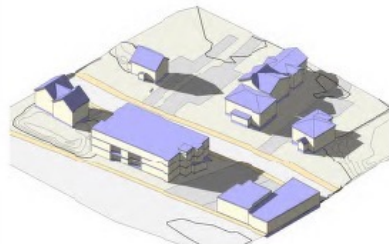
14 21 December-12:00PM



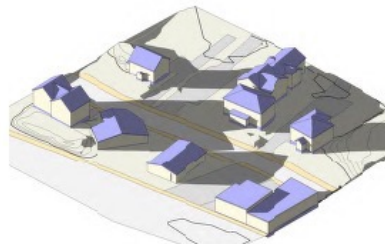
14 21 December-12:00PM



6 21 September-3:00PM



6 21 September-3:00PM



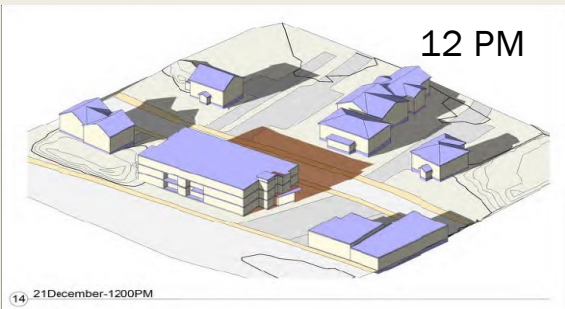
2 21 December-3:00PM



2 21 December-3:00PM

Sunrise	Sunset	Time	Altitud	Azimu	Shadow (1m)
6:31am	6:43pm	9:00 am	25.87°	115.3°	2.06 m
		12:00 pm	47.29°	166.0°	0.92 m
		3:00 pm	31.07°	447.08°	1.31 m

Sunrise	Sunset	Time	Altitud	Azimu	Shadow (1m)
7:10am	4:15pm	9:00 am	14.31°	141.84°	3.92 m
		12:00 pm	24.16°	184.27°	2.23 m
		3:00 pm	10.18°	444.04°	5.21 m



PROJECTED DECEMBER 21 SHADOWS



8:22 AM



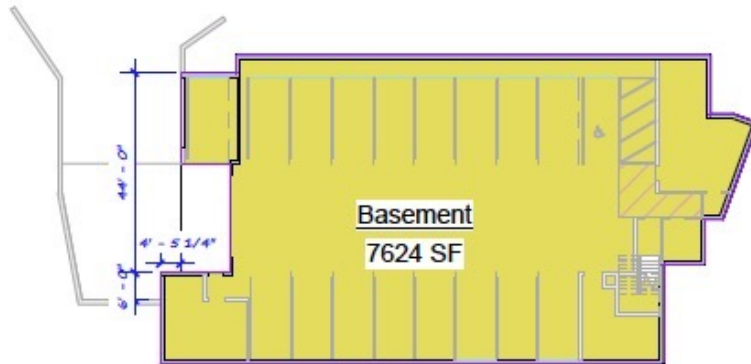
9:31 AM

PHOTOS OF SITE ON DECEMBER 21, 2021

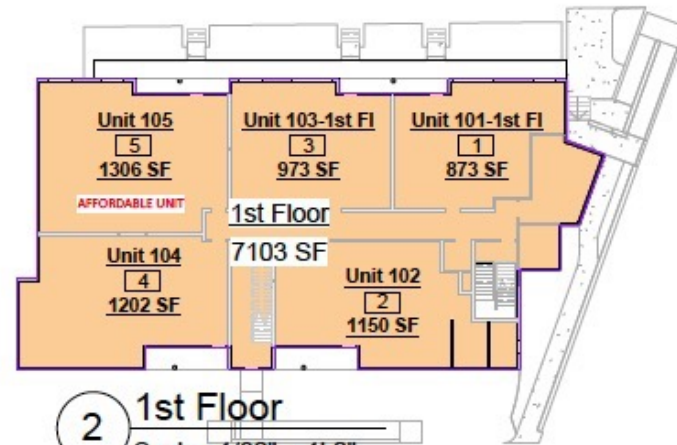
Location #1 Driveway
Delivery Truck



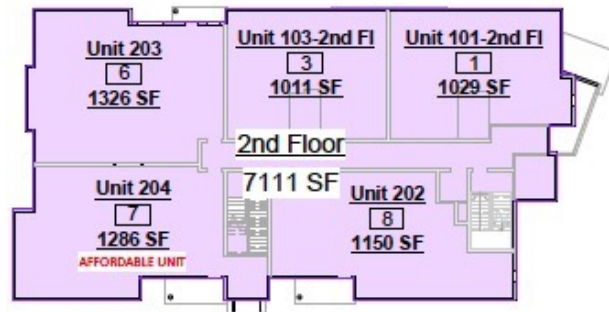
Delivery truck option location



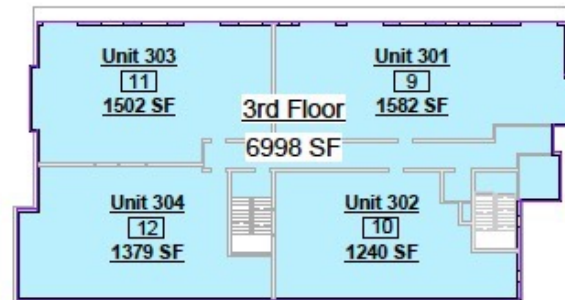
1 **Basement Parking**
Scale : 1/32" = 1'-0"



2 **1st Floor**
Scale : 1/32" = 1'-0"



3 **2nd Floor**
Scale : 1/32" = 1'-0"



4 **3rd Floor**
Scale : 1/32" = 1'-0"

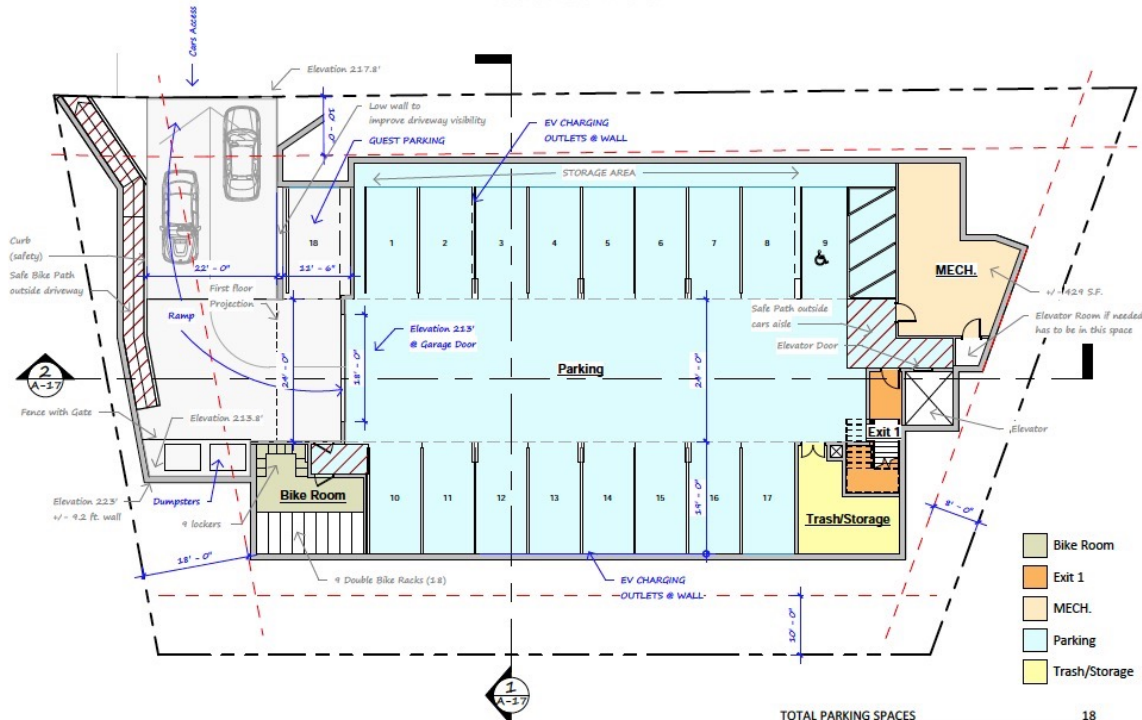


Unit Sizes

Units

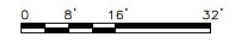
Unit	Bedrooms	Stories	Area S.F.
101	3 + office	2	1,902 S.F.
102	2	1	1,150 S.F.
103	3 + office	2	1,984 S.F.
104	3	1	1,202 S.F.
105 affordable	3	1	1,306 S.F.
202	2	1	1,150 S.F.
203	3	1	1,326 S.F.
204 affordable	3 + office/den	1	1,286 S.F.
301	3	1	1,582 S.F.
302	2 + office/den	1	1,240 S.F.
303	3	1	1,502 S.F.
304	3 + office/den	1	1,379 S.F.

Jackson St.

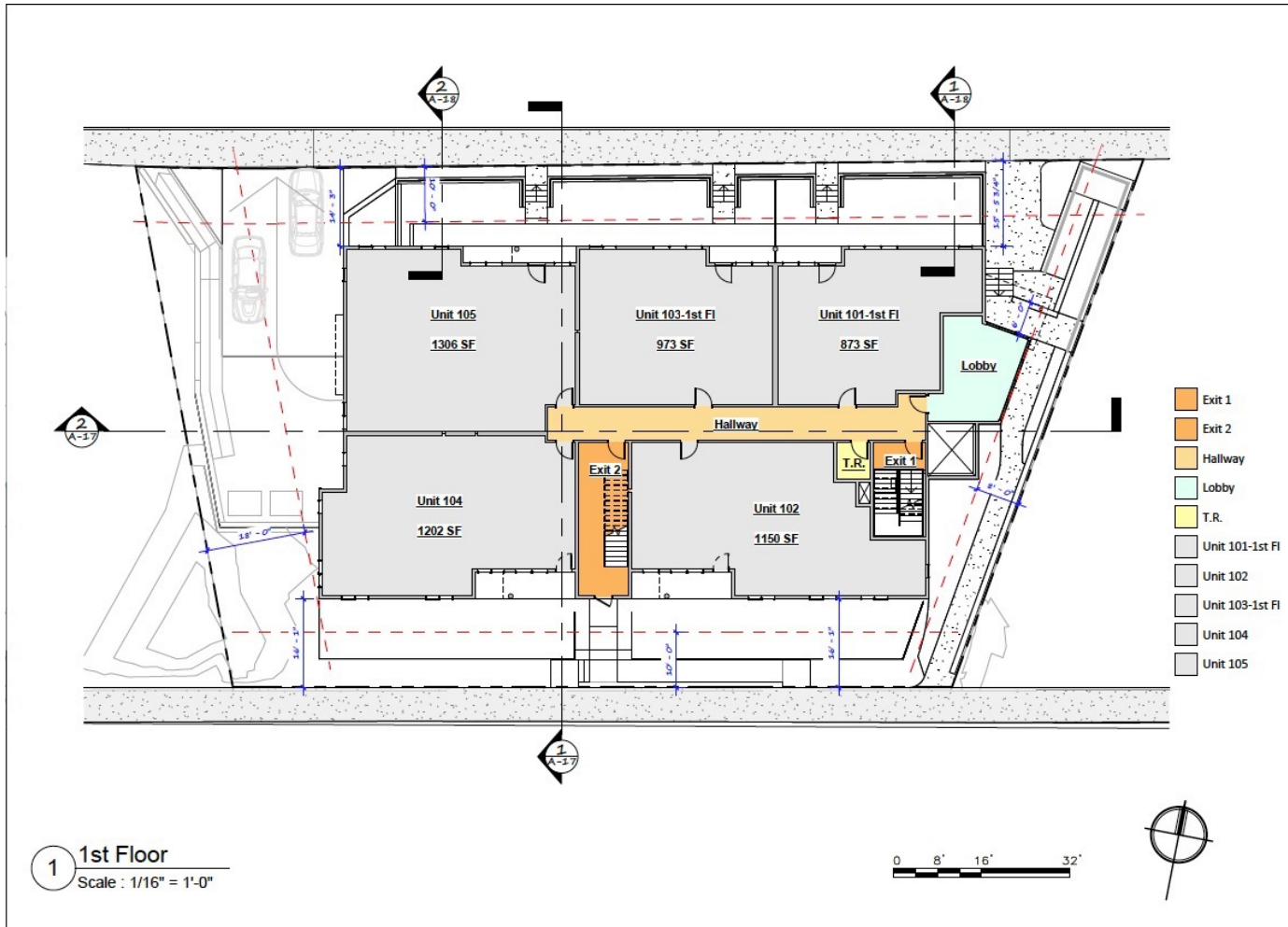


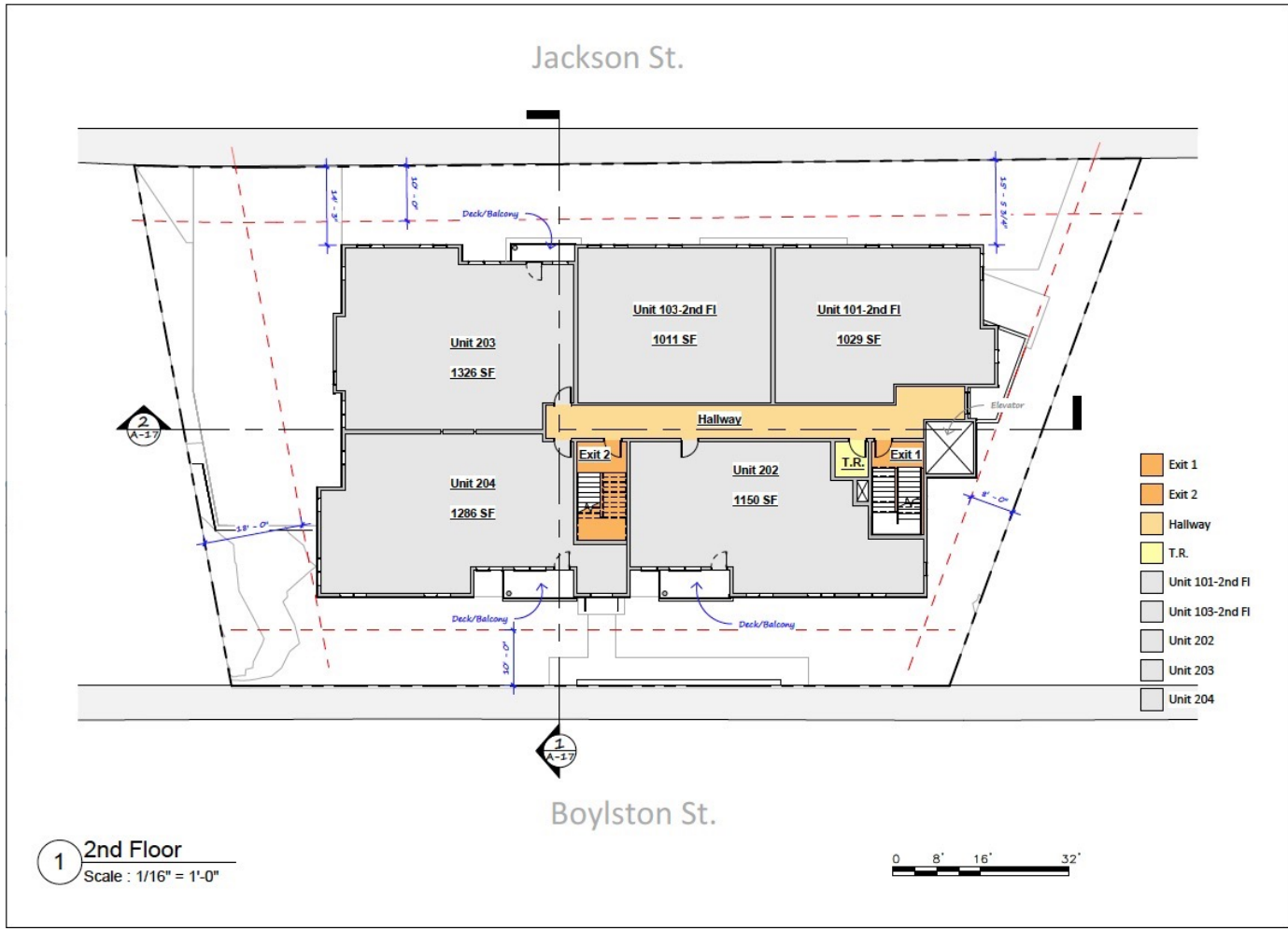
Boylston St.

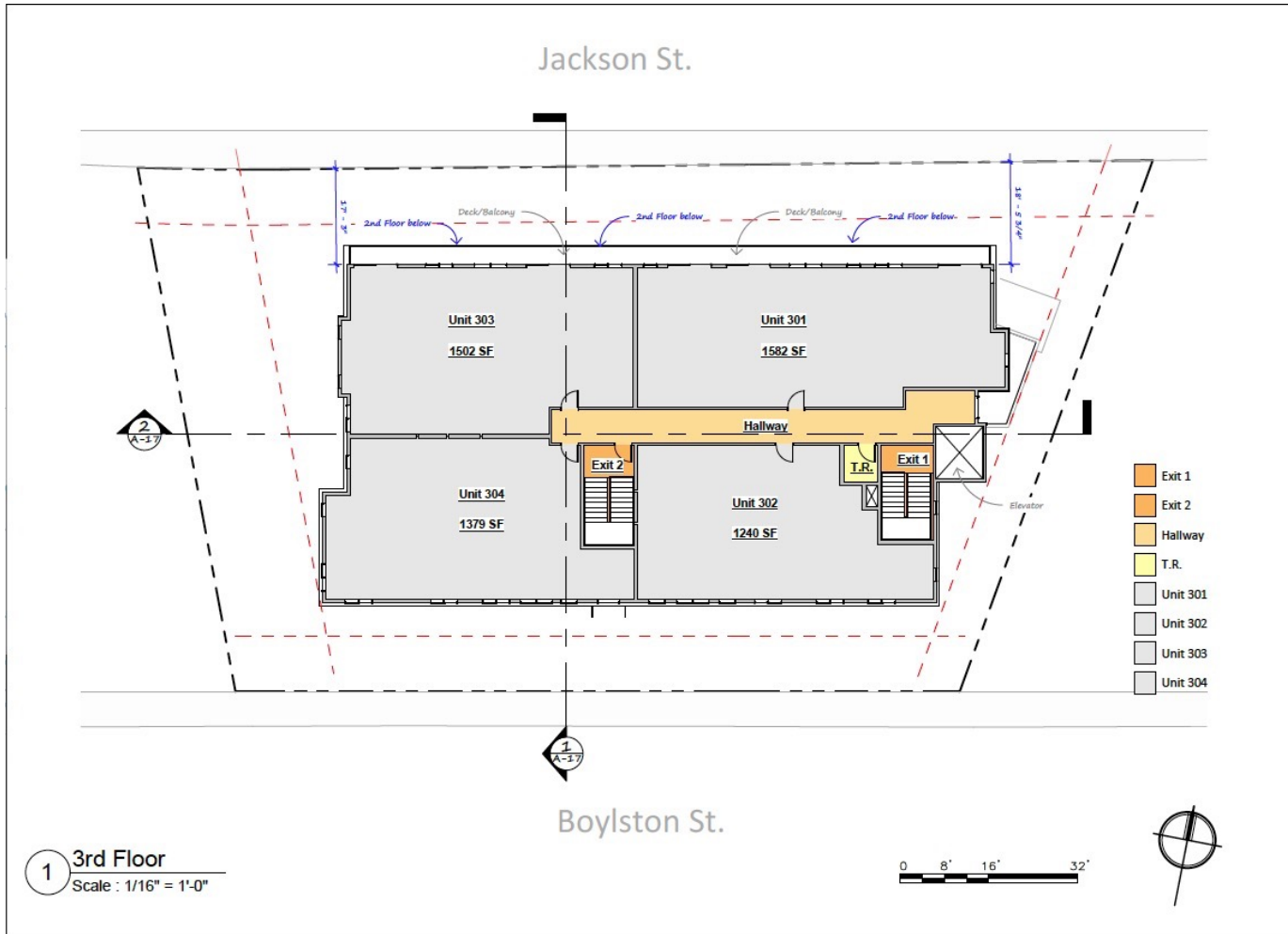
TOTAL PARKING SPACES	18
PARKING (1, 2, 8, 10, 17)	5 spaces (9'x19')
PARKING (3 to 7 & 11 to 16)	11 spaces (8.5'x19')
Guest PARKING (18)	1 spaces (9'x19')
Accessible car/van + aisle (9)	1 space (16'x19')
Car/Van parking space and aisle 16'x19' (521 CMR & ADA)	

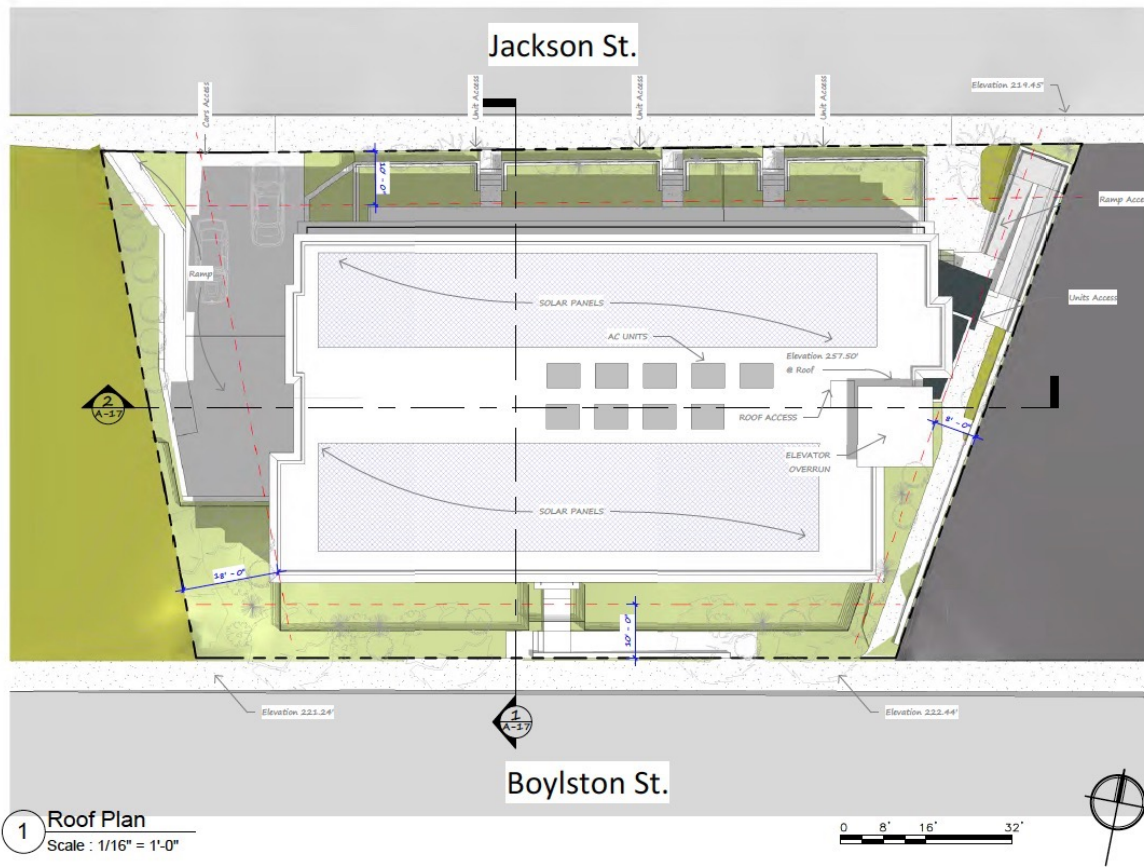


1 Basement Floor
Scale: 1/16" = 1'-0"









Project Highlights

ADD HOUSING
CHOICES FOR THE
CITY

ADD 2 AFFORDABLE
HOUSING UNITS

LEED SILVER
CERTIFIED BUILDING

VAST IMPROVEMENT
FROM EXISTING USE
AND CONDITIONS

MASSACHUSETTS
HOUSING CHOICE
INITIATIVE FOR MULTI-
FAMILY HOUSING

HANDICAP
ACCESSIBLE
BUILDING



Q&A

Department of Planning and Development



PETITION #28-22
383-387 BOYLSTON STREET
50 JACKSON STREET

PETITION FOR SPECIAL PERMIT/SITE PLAN
APPROVAL TO ALLOW A 12 UNIT, THREE STORY
MULTI FAMILY DWELLING WITH MORE THAN
20,000 SQ. FT., WITH PARKING AND
DIMENSIONAL WAIVERS

JANUARY 25, 2022



Requested Relief



Ordinance	Relief
§4.4.1	Request to allow ground floor residential use
§4.1.2.B.1	Request to allow a building with more than 20,000 square feet
§4.1.2.B.3 §4.1.3	Request to allow a three-story structure with 36 feet in height
§4.1.3	Request to allow an FAR of 1.50 1.43
§4.1.3 §7.8.2.C.2	Request to alter and extend a nonconforming side setback
§5.1.4	Request to waive <u>six</u> parking stalls
§5.1.8.B.1	Request to reduce the width of parking stalls
§5.1.8.D.1 §5.1.12.D.5	Request to reduce the driveway width for two-way traffic
§5.1.12.D.5	Request to allow a loading facility which may impede traffic
§5.4.2	Request to allow a retaining wall greater than four feet in height within the setback

Special Permit Criteria

(1 of 2)



When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed multi-family dwelling as designed. (§7.3.3.C.1.)
- The specific site is an appropriate location for the proposed retaining wall greater than four feet in height within the setback. (§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 ~~1.5~~ 1.43 in a three-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)

Special Permit Criteria

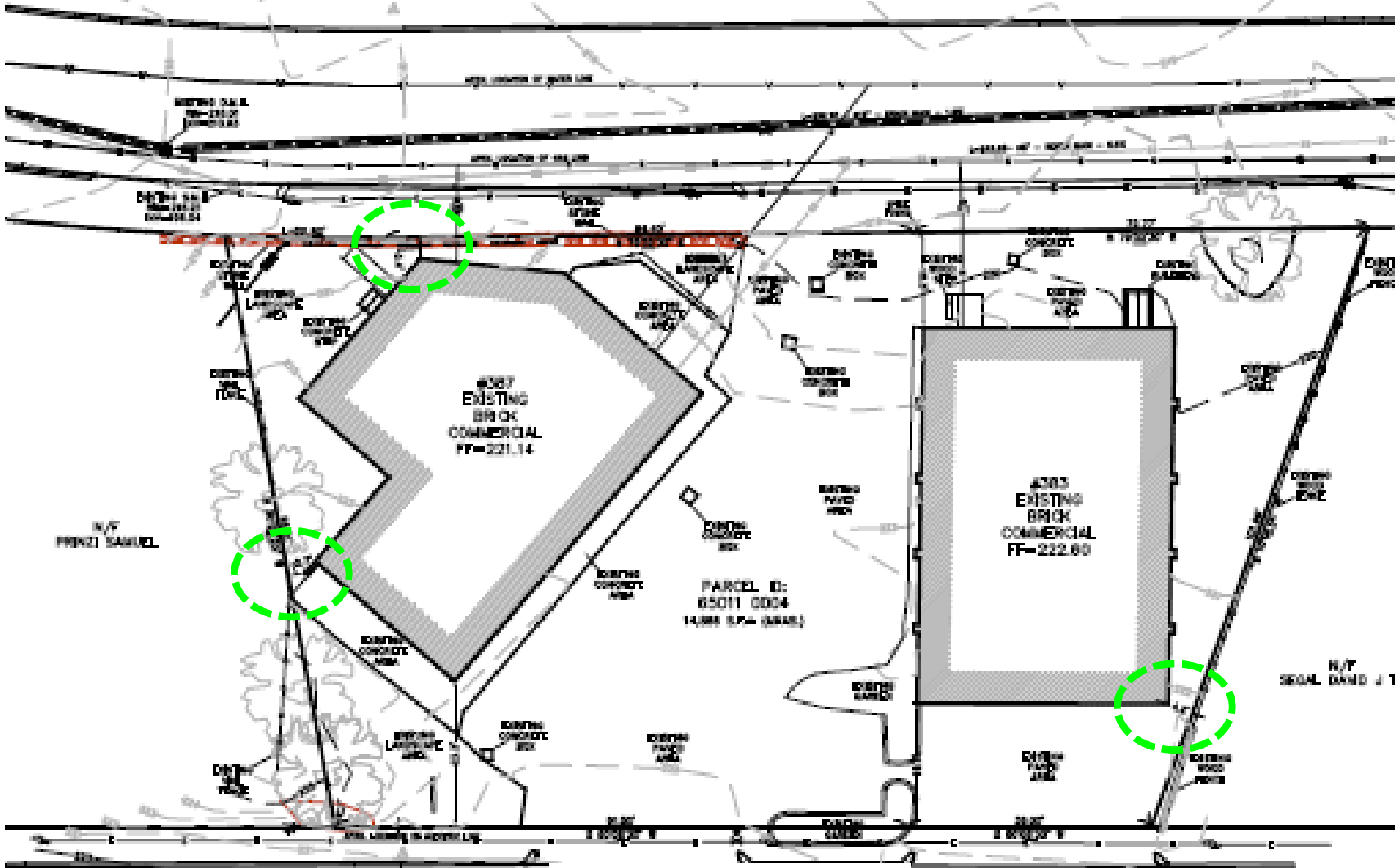
(2 of 2)



- 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)
- The proposed extension of a nonconforming side setback is substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§7.8.2.C.2)

Existing Conditions

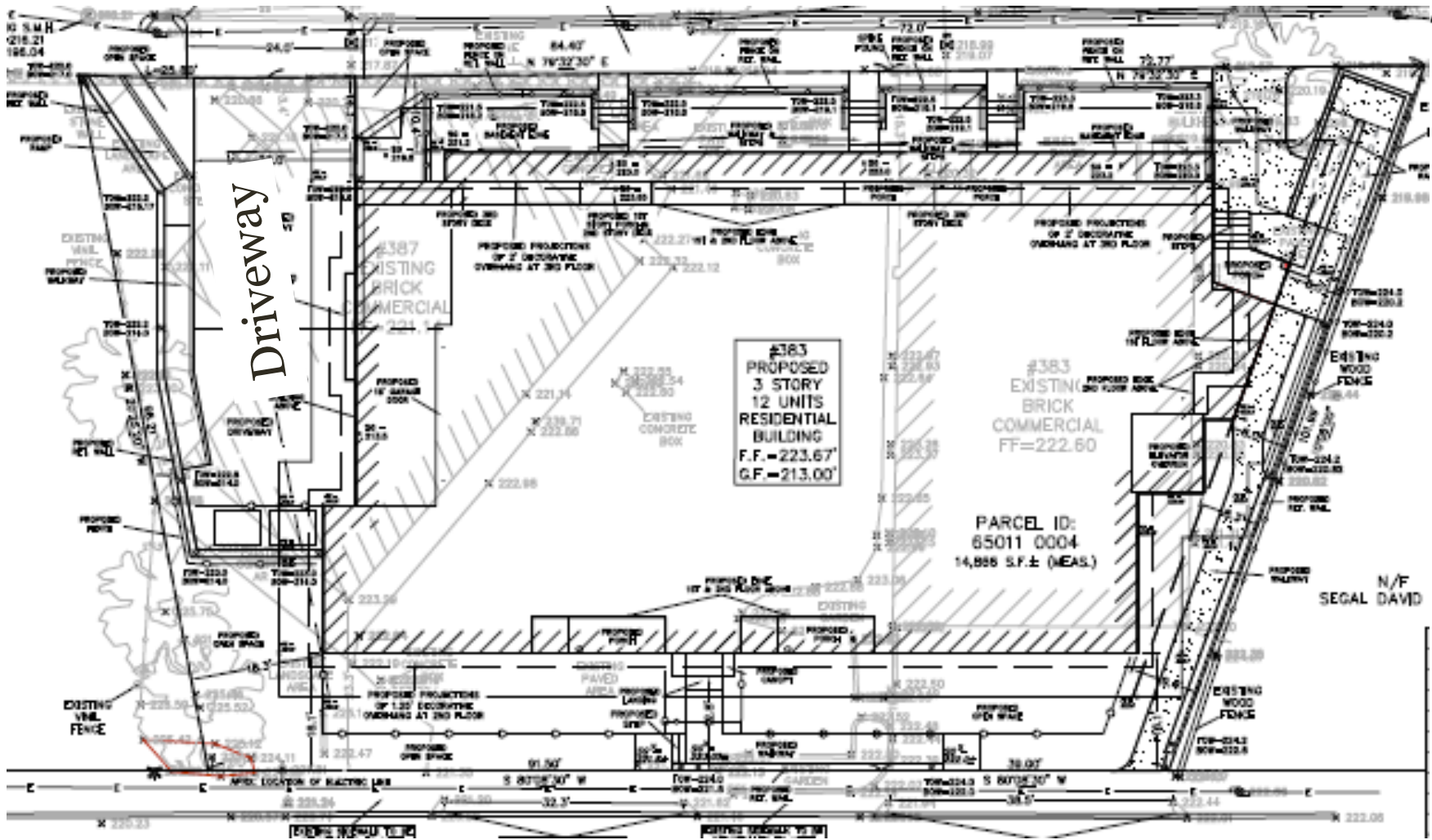
Jackson Street



Boylston Street

Proposed Site Plan

Jackson Street



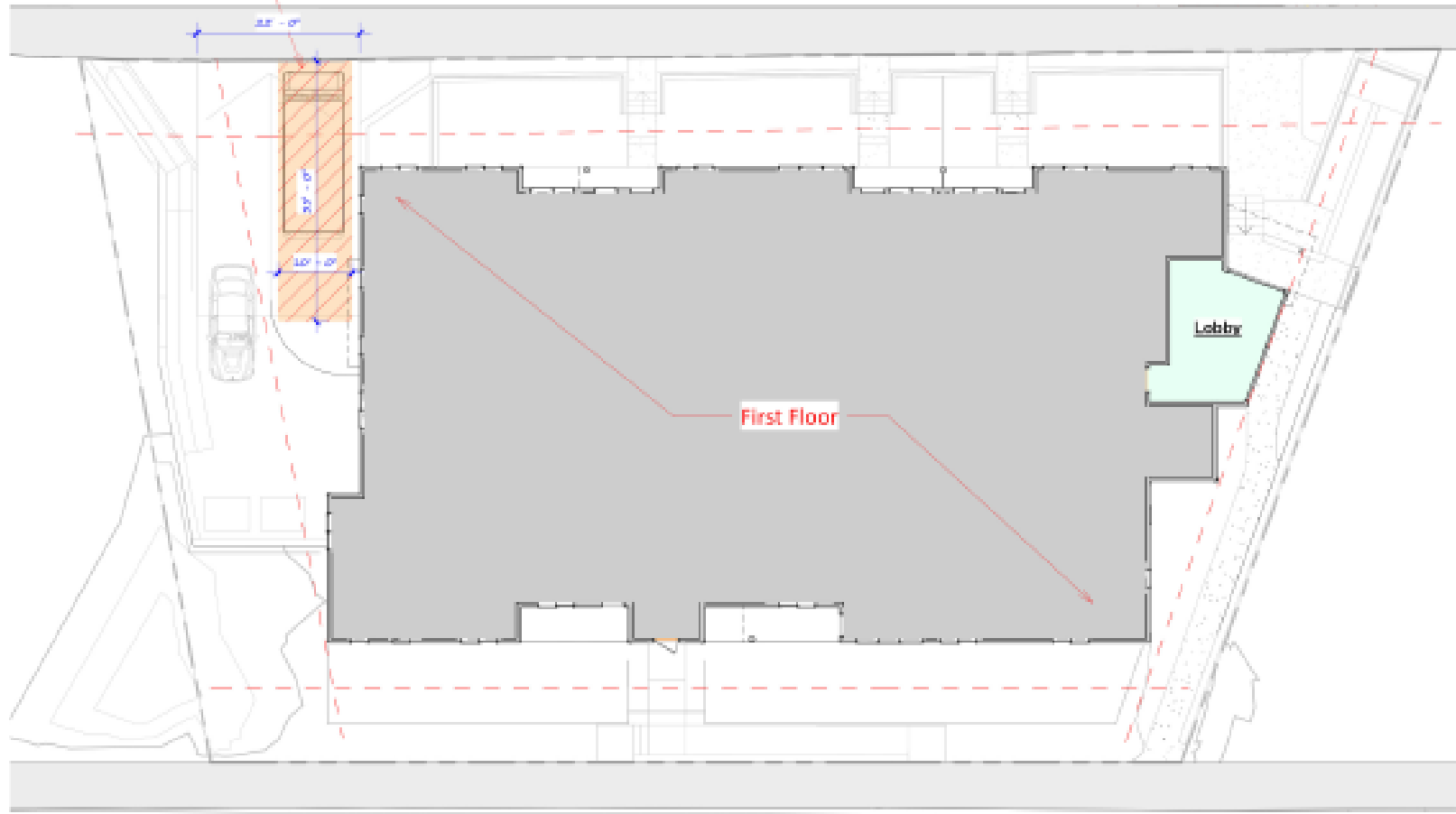
Boylston Street

Driveway Plan

Jackson Street



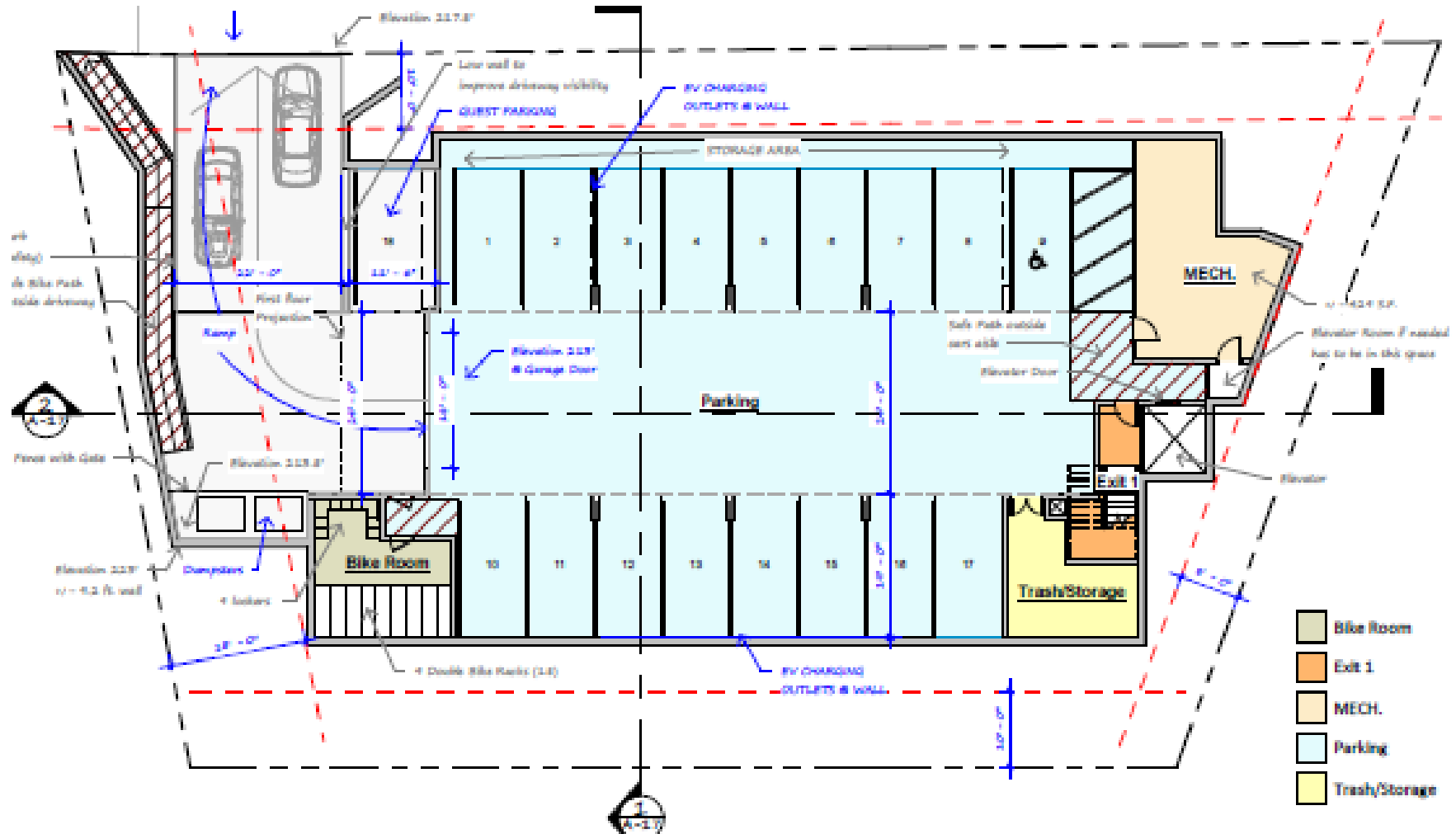
Location #1 Driveway
Delivery Truck



Boylston Street

Garage Floor Plan

Jackson Street



Boylston Street

Elevations



Boylston Street Elevation

Elevations



Jackson Street Elevation

Elevations



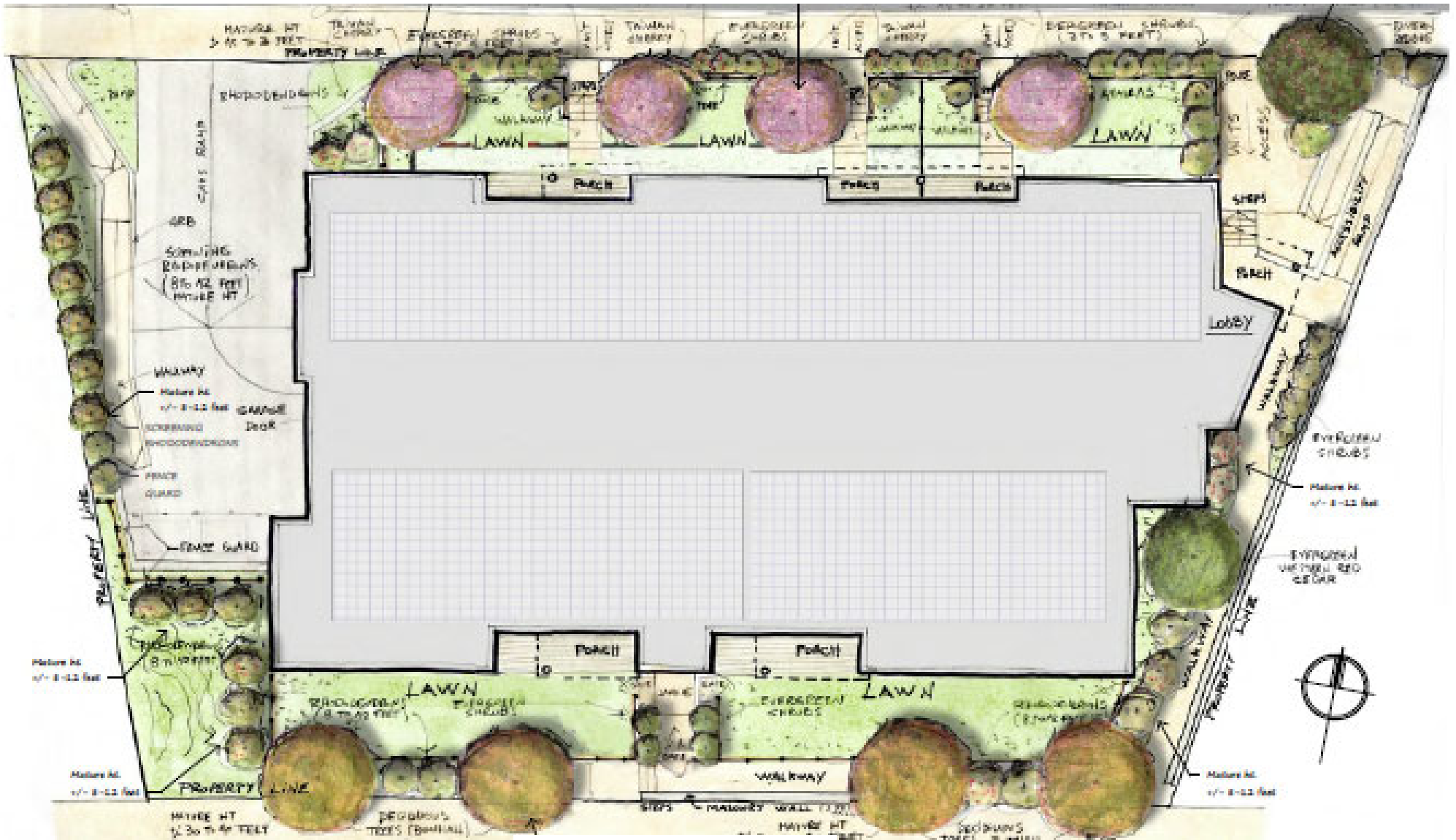
East Elevation
Lobby Entrance



West Elevation
Garage

Proposed Landscape Plan

Jackson Street



Boylston Street

Unit Mix

Units

Unit	Bedrooms	Stories	Area S.F.
101	3 + office	2	1,902 S.F.
102	2	1	1,150 S.F.
103	3 + office	2	1,984 S.F.
104	3	1	1,202 S.F.
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302	2 + office/den	1	1,240 S.F.
303	3	1	1,502 S.F.
304	3 + office/den	1	1,379 S.F.
TOTAL			17,009 S.F.

Sustainability



Gross Floor Area of the project exceeds 20,000 square feet, thus subjecting it to the Sustainability Ordinance (§5.13). Measures include, but not limited to:

- Petitioner designing the project to LEED Silver certifiable
- 50% EV charging (1 per every two stalls)
- All-electric mechanical systems and appliances
- High performance building envelope with measures to minimize thermal bridging, resulting in reduced heating and cooling loads and thus energy consumption and cost.
- Air barrier, insulation, and air sealing inspections & testing of exterior enclosure assemblies to identify leaks

Sustainability Team:

- Encourages installing Level II EV chargers.
- Questions whether petitioner has explored Passive House/Passive House feasibility study.

Transportation Peer Review

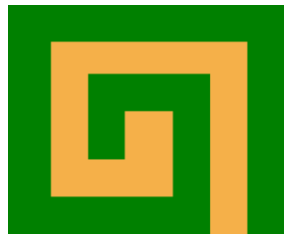


Green International conducted Peer Review of Petitioner's Traffic Study and TDM measures.

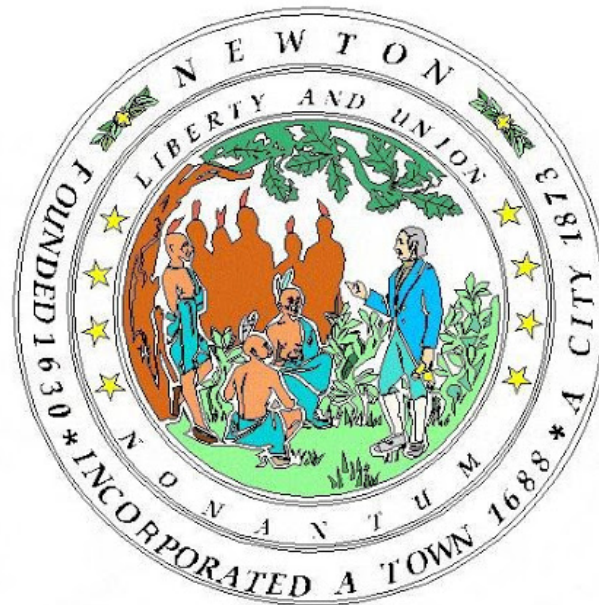
To Clarify



- Whether the eastern side setback (8 feet, where 18 is required) and the retaining wall (9 feet tall within the setback) along the western boundary could be altered to align with the zoning ordinance more closely.
- Will there be EV infrastructure installed for remaining 50% garage stalls?
- Will there be an outdoor bicycle rack?



Transportation Peer Review
Proposed Residential Development,
383-387 Boylston Street (50 Jackson Street), Newton, MA
Special Permit Application



January 25, 2022



Proposed Residential Development

Submission Status

- Traffic analysis has been updated per initial comments
- Site Plan has been updated per recommendations and discussions with City
- Proponent commits to funding off-site pedestrian and safety improvements and providing secure, weather-proof bicycle parking





Trip Generation

Site-Generated Trips – 12 residential units

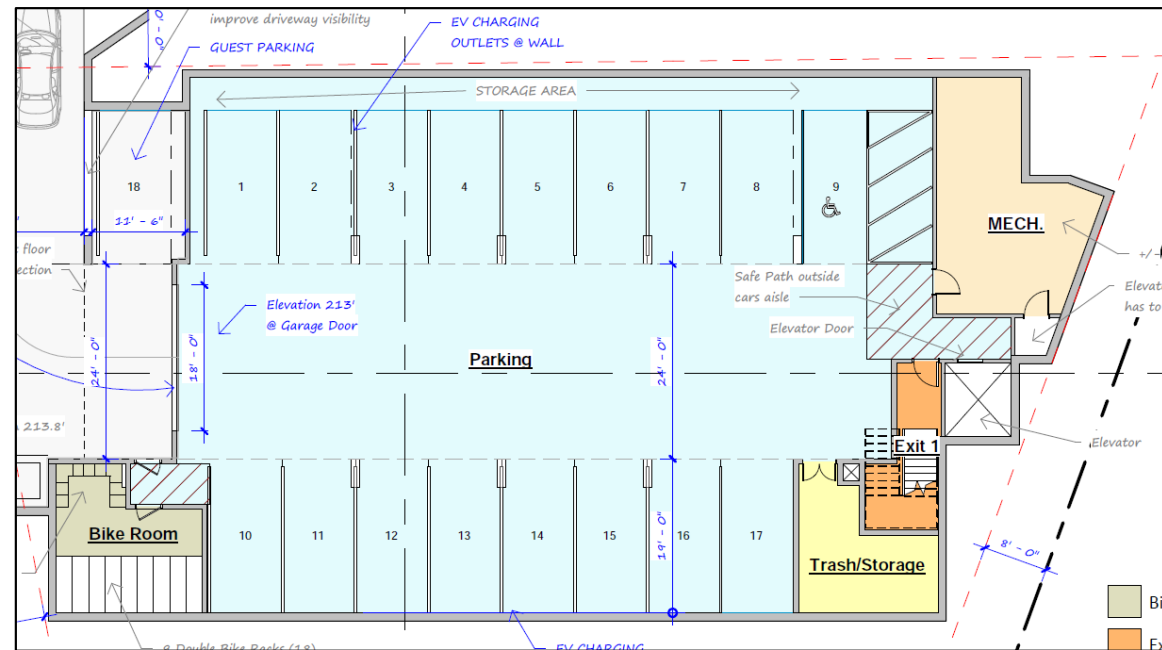
	Average Weekday	Morning Peak Hour	Evening Peak Hour
Enter	32	1	4
Exit	32	3	2
Total	64	4	6
Existing	358	2	32
Net Trips	-294	+2	-26

- ITE LUC 221: Multifamily Housing (Mid-Rise)



Parking

- 18 parking spaces (1 accessible)
 - 1.5 spaces per unit
- City of Newton regulations
 - 2 spaces per unit
 - 24 spaces required
 - 6 space waiver requested
- Charging for 9 electric vehicles will be provided initially
 - Can be increased to 18 as demand warrants
- Weather-protected bicycle room can accommodate 18 bicycles



Proposed Parking Garage



On-Street Parking

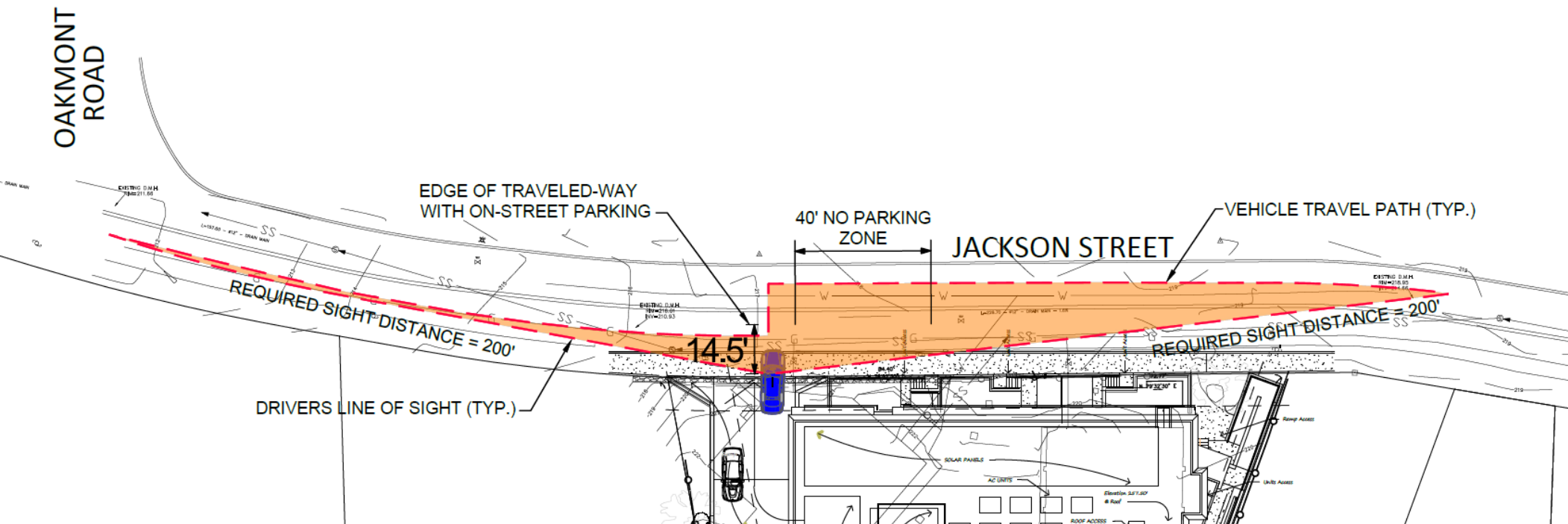
- Existing wide curb cut will be closed, resulting in additional on-street parking spaces





On-Street Parking (continued)

- Proponent will apply for parking restriction adjacent to driveway for sight distance
- Closure of existing curb cut and parking restriction will result in up to 2 net additional parking spaces





Jackson Street at Langley Road



Pedestrian Enhancements:

- Replace all existing curb ramps with ADA-compliant curb ramps and detectable warning panels
- Construct curb extensions on northwest and northeast corners



Conclusion

- Proposed development is expected to result in a net decrease in vehicle-trips
- Emergency vehicles and garbage trucks can access the site
- Net increase of up to 2 on-street parking spaces
- Proponent will commit to funding off-site pedestrian and safety improvements



GREEN INTERNATIONAL AFFILIATES, INC.
CIVIL AND STRUCTURAL ENGINEERS

