



# CITY OF NEWTON, MASSACHUSETTS

City Hall

1000 Commonwealth Avenue, Newton, MA 02459-1449

Telephone: (617) 796-1120 TDD/TTY: (617) 796-1089 Fax: (617) 796-1086

[www.newtonma.gov](http://www.newtonma.gov)

Ruthanne Fuller  
Mayor

## ZONING BOARD OF APPEALS

Heather Zaring, Interim Board Clerk

RECEIVED  
City of Newton  
Zoning Board of Appeals

FEB 02 2022

Board Clerk

February 2, 2022

### By Email Only

Schlesinger and Buchbinder, LLP  
1200 Walnut Street  
Newton, Massachusetts 02461

Re: Comprehensive Permit 01-20; 15 Riverdale Avenue, Newton-Request for Determination of Insubstantial Change

Dear Mr. Buchbinder:

Pursuant to 750 CMR 56.05 (11), this letter serves as written notice with respect to the above-referenced Comprehensive Permit that the Newton Zoning Board of Appeals ("ZBA") has determined, based on the factors set forth in 750 CMR 56.07(4), that the changes to the approved project set forth in the January 14, 2022 letter received by the ZBA from Stephen Buchbinder on behalf of CPC Land Acquisition Company (the "Request Letter") constitute an insubstantial change. As a result, Comprehensive Permit #01-20 shall be deemed modified to incorporate the changes set forth in the Request Letter and the approved project shall be constructed in accordance with changes as set forth in the Request Letter and as shown on the following updated architectural plans: A-200 Overall Elevations, Prepared by ICON Architecture and dated December 6, 2021 (the "Revised Plans"). The Revised Plans shall replace plan sheet A-201 to A-206 listed in Schedule A of the Comprehensive Permit #01-20. The Request Letter is attached hereto as Exhibit A and the Revised Plans is attached hereto as Exhibit B.

Very truly yours,

Brooke K. Lipsitt

Brooke K. Lipsitt, Chair

**SCHLESINGER AND BUCHBINDER, LLP**  
ATTORNEYS AT LAW

STEPHEN J. BUCHBINDER  
ALAN J. SCHLESINGER  
LEONARD M. DAVIDSON  
A MIRIAM JAFFE  
SHERMAN H. STARR, JR.  
JUDITH L. MELIDEO-PREBLE  
BARBARA D. DALLIS  
JULIE B. ROSS  
KATHRYN K. WINTERS  
KATHERINE BRAUCHER ADAMS  
FRANKLIN J. SCHWARZER  
RACHAEL C. CARVER  
ADAM M. SCHECTER

1200 Walnut Street  
Newton, Massachusetts 02461-1267  
Telephone (617) 965-3500

www.sab-law.com  
Email: [sjbuchbinder@sab-law.com](mailto:sjbuchbinder@sab-law.com)

**RECEIVED**

*By Interim ZBA Clerk at 1:28 pm, Jan 13, 2022*

January 13, 2022

**RECEIVED**

*By City Clerk at 2:18 pm, Jan 13, 2022*

**BY FEDEX**

Ms. Brooke K. Lipsitt, Chairman  
Zoning Board of Appeals  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459-1449

Re: The Residences on the Charles

Dear Chairman Lipsitt,

On June 17, 2020 the Zoning Board of Appeals (the “ZBA”) issued a Comprehensive Permit Decision (#01-20) (“the Decision”) to CPC Land Acquisition Company (“the Applicant”) granting approval for the construction of a mixed-use development known as the Residences on the Charles containing three new buildings with 204 residential units and ancillary tenant and community space. On October 6, 2021, the ZBA approved certain Insubstantial Changes to approved architectural plan A-102 resulting in a decrease of two parking stalls and updates to the parking layout and to the tenant and community space.

**Plan Changes**

The Applicant now seeks to make certain additional modifications to the Decision, and for those modifications to be determined to be insubstantial changes to the Decision in accordance with the factors set forth in 760 CMR 56.05(11) and 756.07(4).

In accordance with said request, the Applicant presents updated architectural elevations prepared by ICON Architecture (sheet A-200P, “Comparison of Overall Elevations” dated December 6, 2021), a copy of which is hereto attached as Exhibit A. We are seeking a determination from the ZBA that these changes are insubstantial.

The minor changes, which are the result of the progression of the schematic design documents into construction documents, are summarized on the attached narrative (Exhibit B) and are the result of changes to materials which were specified on the previously approved plans. Rooftop mechanicals have also been added to the proposed building elevations. Sheet A-200, “Overall Elevations” dated December 6, 2021, a copy of which is attached hereto as Exhibit C, will replace Sheet A-201 (the approved elevation). I note that the approved plan set includes perspectives listed as A-202 to A-206 on Schedule A of the Decision. Replacements for these perspectives are not available because the software used for the construction plans does not offer perspective views. Therefore, the Applicant requests that Sheet A-200 replace Sheets A-201 to A-206.

The Applicant also requests a modification of Condition 56d of the Decision, which mandates that the Applicant shall implement a Transportation Demand Management Plan to include the following:

“Providing funding to the Watertown TMA for the creation or maintenance of a shuttle service along Pleasant Street and/or California Street.”

**SCHLESINGER AND BUCHBINDER, LLP**

Ms. Brooke K. Lipsitt, Chairman  
January 13, 2022

Page 2

The Applicant has been in touch with the Watertown TMA, and has learned that there is presently no funding to extend the Pleasant Street shuttle into Newton via California Street. Accordingly, the Applicant proposes the following language to replace Condition 56d:

“Providing the City with a contribution of \$100,000. The funds are to be used for such transportation purposes as the City deems appropriate, including without limitation, NewMo. These funds shall be paid in three equal installments: the first on February 1, 2022, the second on August 1, 2023, and the third on February 1, 2024.”

The Applicant has discussed this proposed modification with Planning Director Barney Heath and his team, along with Transportation Director Nicole Freedman and her team, and we believe that the proposed transportation provision satisfies the City.

**Insubstantial Change**

The 40B regulations at 760 CMR 56.07(4) (b)-(d) provide commentary and examples to assist a Zoning Board as to what constitutes a substantial or insubstantial change to a comprehensive permit.

As set forth in 56.07(4)(c), the following matters generally constitute a substantial change:

1. An increase of more than 10% in the height of the building(s);
2. An increase of more than 10% in the number of housing units proposed;
3. A reduction in the size of the site of more than 10% in excess of any decrease in the number of housing units proposed;
4. A change in building type (e.g., garden apartments, townhouses, high-rises); or
5. A change from one form of housing tenure to another.

As set forth in 56.07(4)(d), the following matters generally will not constitute substantial changes:

1. A reduction in the number of housing units proposed;
2. A decrease of less than 10% in the floor area of individual units;
3. A change in the number of bedrooms within individual units, if such changes do not alter the overall bedroom count of the proposed housing by more than 10%;
4. A change in the color or style of materials used; or
5. A change in the financing program under which the Applicant plans to receive a Subsidy, if the change affects no other aspect of the proposal.

The Applicant hereby requests that the Board act on this request within twenty (20) days as is required pursuant to 760 CMR 56.05(11)(a). If it is determined that the above-described revisions to the Decision are insubstantial changes, or if notice is not provided to the Applicant to the contrary within twenty (20) days, the Comprehensive Permit shall be deemed modified as requested. The above process does not require a public hearing. A public hearing would only be required if you determine that the requested changes are substantial changes, and if so, and pursuant to the referenced regulations, a public hearing would need to be held within thirty (30) days.

Thank you for your consideration of these requests.

Sincerely,

*Stephen J. Buchbinder*

Stephen J. Buchbinder

**SCHLESINGER AND BUCHBINDER, LLP**

Ms. Brooke K. Lipsitt, Chairman  
January 13, 2022

Page 3

Enclosures

cc: (By FedEx, w/enclosures)  
Mr. Treff LaFleche  
Mr. Michael J. Quinn  
Mr. Michael Rossi  
Mr. Stuart Snyder  
Ms. Elizabeth Sweet

(By Email, w/enclosures)  
Mr. Jack Englert

(By Hand and By Email, w/enclosures)  
Ms. Heather Zaring  
Jonah Temple, Esquire, Assistant City Solicitor  
Ms. Jennifer Caira, Deputy Director of Planning and Development  
Mr. Neil Cronin, Chief Planner, Planning and Development Department

1 BLDG 1 - NORTH ELEVATION (RIVERFRONT)  
1" = 20'-0"



ZBA APPROVED



PROPOSED CHANGES

2 BLDG 1 - SOUTH ELEVATION (MIDLAND AVE.)  
1" = 20'-0"



ZBA APPROVED



PROPOSED CHANGES

3 BLDG 1 - EAST ELEVATION (RIVERDALE AVE.)  
1" = 20'-0"



ZBA APPROVED



PROPOSED CHANGES

4 BLDG 1 - WEST ELEVATION  
1" = 20'-0"



ZBA APPROVED



PROPOSED CHANGES

5 BUILDING 2 - WEST ELEVATION (LOS ANGELES STREET)  
1" = 20'-0"



ZBA APPROVED



PROPOSED CHANGES

6 BUILDING 2 - NORTH ELEVATION (MIDLAND AVENUE)  
1" = 20'-0"



ZBA APPROVED



PROPOSED CHANGES

**EXTERIOR MATERIAL LEGEND**

1 CONCRETE	5 FIBER CEMENT - 7" LAP SIDING	9 CORRUGATED METAL PANEL
2 BRICK	6 METAL SHINGLES STAGGERED	10 SQUARE CHANNEL SIDING
3 STONE VENEER	7 FIBER CEMENT - 5" LAP SIDING	11 COMPOSITE METAL PANEL
4 CAST STONE HEADSILL	8 FIBER CEMENT - 5" LAP SIDING	

THE RESIDENCES ON THE CHARLES

BUILDING 1: 2 LOS ANGELES ST.  
BUILDING 2: 4 LOS ANGELES ST.

CREATED BY: ARCHITECT  
COMPANY, LLC

ARCHITECT  
**E-ICON**  
ARCHITECTURE  
101 SUMMER ST. BOSTON MA 02110

CONSULTANT

STAMP

KEY PLAN

6	12/06/2021	BULLETIN #6
3	08/03/2021	BULLETIN #3
NO.	DATE	DESCRIPTION
PROJECT NUMBER: 218007		
DRAWN BY: Author		
CHECKED BY: Checker		

SHEET TITLE  
COMPARISON OF OVERALL ELEVATIONS

A-200P

WINDOW & STOREFRONT REVISIONS

# The Residences on the Charles - Building Elevations & Materials

## INTRODUCTION

---

As described and approved in prior submittals, the footprints of Building 1 & 2 have undergone minor changes as the building elements and systems have been fully engineered. These changes as well as minor changes to the residential unit layouts required modifications to the building elevations that are described herein.

We have also had to make changes to some materials to address the unprecedented impacts of Covid on the supply-chain and on material prices. As an example, our window manufacturer stopped taking orders for large-scale residential projects. While we have identified a new manufacturer, we have had to modify all window selections to reflect this manufacturer's offerings and to address Covid-related price escalations for the window units. Additionally, the approved palette of building materials including brick, fieldstone, metal, and lap siding has remained the same, although quantities have been adjusted to address Covid-related price escalations and material availability.

Rooftop mechanicals have been added to the proposed building elevations. The height of the mechanical units vary but are well below 15 feet in height above the roof line and conform to Section 1.5.4 of the City of Newton Zoning Ordinance.

# BUILDING 1

---

## NORTH ELEVATION (RIVERFRONT)



ZBA APPROVED



PROPOSED CHANGES

### Elevation Changes

- Revised all windows in residential units to simplify window profiles and reflect new manufacturer's product line. Replaced several storefronts to reflect options available from new manufacturer.
- Realigned windows to accommodate final design of unit layouts.
- Eliminated storefront windows at garage to eliminate view into parking garage.
- Aligned wall graphics on Building 1B façade (left side of elevation) to align with window bays above and to accommodate mechanical louver and pedestrian door to garage.
- Relocated Building 1B corner balconies to better align with structural elements.
- Glazing at bridge reduced (added benefit of reducing bird strike potential).
- Metal panel changed to square channel fiber cement siding at top floor.
- Sections of glazing along 5th floor walkway above bridge element replaced with siding.
- Eliminated one kayak storage recess at first floor of Building 1A (right side of elevation) due to conflicts with steel structure.
- Changed from storefront window to roll-up door at Kayak Room in Building 1A to accommodate movement of kayaks in and out of building.
- Corner decks turned 90 degrees.

### Material Changes

- Replaced metal shingles at upper floors.
- Concentrated the fieldstone treatment along the ground floor of Building 1 to the central area of the building and applied square channel and lap siding at either end of building where facades step and/or angle back to meet east and west facades.

## SOUTH ELEVATION (MIDLAND AVE.)



ZBA APPROVED



PROPOSED CHANGES

### Elevation Changes

- Revised window styles and profiles and realigned window locations as described previously.
- Shifted exterior wall of first row of units at westerly (left) end of elevation to the west to increase size of corner units and changed balconies to French balconies.
- Added a vertical bay to center of Building 1A façade (left side of elevation) to increase the unit size in this stack and to add visual interest to the elevation.
- Added two columns to support the 2<sup>nd</sup> story bridge element as required by structural calculations.
- Reduced window areas along ground floor of Building 1B (right side of elevation) to coordinate with the addition of trash, maintenance, and main electrical rooms.
- Eliminated street-facing balconies at easterly end of Building 1B (plan right) to increase the size of corner units.

### Material Changes

- Replaced linear window on 5<sup>th</sup> level of bridge with individual windows and lap siding to reflect available options from manufacturer and minimize bird strikes.
- Replaced composite metal panels proposed for floors 2 through 5 of bridge element with corrugated metal panels on floors 2 through 4. Maintained composite metal panels as vertical accents at window bays.
- Replaced horizontal band of metal shingles along 5<sup>th</sup> floor of Building 1A and 1B façade with lap siding.
- Adjusted areas of brick and metal shingles on floors 2 through 4 to offset Covid-related price escalations and added square channel siding.
- Full-height, storefront windows changed to new manufacturer's full light window.



## EAST ELEVATION (RIVERDALE AVE.)



ZBA APPROVED



PROPOSED CHANGES

### Elevation Changes

- Revised window styles for reasons previously discussed and aligned windows to coordinate with final design of unit layouts.
- Eliminated storefront windows to the south (plan left) of the garage door and along the northerly (plan right) section of the façade to screen the parking garage.
- Garage door shifted to coordinate with approved parking layout revisions.
- Added decks to units facing 2<sup>nd</sup> floor courtyards.

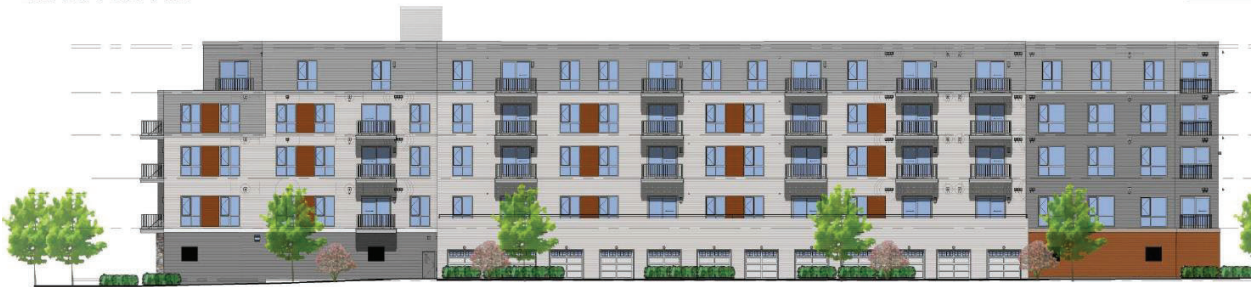
### Material Changes

- Replaced areas of brick towards Midland Ave. (left end of elevation) with square channel siding.
- Replaced metal shingles along top floor with lap siding.
- Modified fieldstone section along first floor at northerly end of elevation to incorporate lap siding.

## WEST ELEVATION (FORTE PARK)



ZBA APPROVED



PROPOSED CHANGES

### Elevation Changes

- Revised window styles and alignment as described previously.
- French balconies added to stack of corner units of at southerly end of building (right side of elevation).

### Material Changes

- Replaced fieldstone section at ground level of northerly end of building (left side of elevation) with square channel siding.
- Replaced metal shingles primarily proposed along 5<sup>th</sup> floor with lap siding.
- Replaced multi-story application of brick at southerly end of building with square channel siding.
- Extended brick along ground floor at southerly section of building.

# BUILDING 2

## WEST ELEVATION (LOS ANGELES ST.)



ZBA APPROVED



PROPOSED CHANGES

## NORTH ELEVATION (MIDLAND AVE.)



ZBA APPROVED



PROPOSED CHANGES

### Elevation Changes

- Revised window styles as described previously and aligned windows with final unit layouts and structural columns.
- Enlarged garage opening to accommodate two-way traffic.
- Replaced storefront windows adjacent to garage entrance with decorative wood screen walls to screen views into parking garage.

### Material Changes

- Eliminated metal shingles and changed brick to lap siding to present a more residential look at this smaller-scale building.
- Added vertical fieldstone bays to highlight entries and recesses in façade, and to carry materiality of Building 1 onto Building 2.
- Added contrasting lap siding accents between vertical windows to add warmth and interest to façade.



1 BLDG 1 - NORTH ELEVATION (RIVERFRONT)  
1" = 20'-0"



2 BLDG 1 - SOUTH ELEVATION (MIDLAND AVE.)  
1" = 20'-0"



3 BLDG 1 - EAST ELEVATION (RIVERDALE AVE)  
1" = 20'-0"



4 BLDG 1 - WEST ELEVATION  
1" = 20'-0"

**EXTERIOR MATERIAL LEGEND**

1 CONCRETE	5 FIBER CEMENT - 7" LAP SIDING	9 CORRUGATED METAL PANEL
2 BRICK	6 METAL SHINGLES STAGGERED	10 SQUARE CHANNEL SIDING
3 STONE VENEER	7 FIBER CEMENT - 5" LAP SIDING	11 COMPOSITE METAL PANEL
4 CAST STONE HEADSILL	8 FIBER CEMENT - 5" LAP SIDING	



5 BUILDING 2 - WEST ELEVATION (LOS ANGELES STREET)  
1" = 20'-0"



6 BUILDING 2 - NORTH ELEVATION (MIDLAND AVENUE)  
1" = 20'-0"

THE RESIDENCES ON THE CHARLES

BUILDING 1: 2 LOS ANGELES ST.  
BUILDING 2: 4 LOS ANGELES ST.

CREATED BY: ARCHITECTURE COMPANY, LLC

ARCHITECT

**E-ICON** ARCHITECTURE  
101 SUMMER ST. BOSTON MA 02110

CONSULTANT

STAMP

KEY PLAN

6	12/06/2021	BULLETIN #6
3	08/03/2021	BULLETIN #3
NO.	DATE	DESCRIPTION
PROJECT NUMBER: 218007		
DRAWN BY: Author		
CHECKED BY: Checker		

SHEET TITLE

OVERALL ELEVATIONS

A-200

WINDOW & STOREFRONT REVISIONS

# THE RESIDENCES ON THE CHARLES

BUILDING 1: 2 LOS ANGELES ST.  
 BUILDING 2: 4 LOS ANGELES ST.

NEWTON MASS 02459  
 CREATION CONSULTING COMPANY, LLC

ARCHITECT

**E-ICON**  
 ARCHITECTURE

101 SUMMER ST BOSTON MA 02110

CONSULTANT

STAMP

KEY PLAN

6	12/06/2021	BULLETIN #6
3	09/03/2021	BULLETIN #3
NO.	DATE	DESCRIPTION

PROJECT NUMBER: 218007  
 DRAWN BY: Author  
 CHECKED BY: Checker

SHEET TITLE

OVERALL ELEVATIONS

A-200



1 BLDG 1 - NORTH ELEVATION (RIVERFRONT)  
 1" = 20'-0"



2 BLDG 1 - SOUTH ELEVATION (MIDLAND AVE.)  
 1" = 20'-0"



3 BLDG 1 - EAST ELEVATION (RIVERDALE AVE)  
 1" = 20'-0"



4 BLDG 1 - WEST ELEVATION  
 1" = 20'-0"

**EXTERIOR MATERIAL LEGEND**

1 CONCRETE	5 FIBER CEMENT - 7" LAP SIDING	9 CORRUGATED METAL PANEL
2 BRICK	6 METAL SHINGLES STAGGERED	10 SQUARE CHANNEL SIDING
3 STONE VENEER	7 FIBER CEMENT - 5" LAP SIDING	11 COMPOSITE METAL PANEL
4 CAST STONE HEAD/SILL	8 FIBER CEMENT - 5" LAP SIDING	



5 BUILDING 2 - WEST ELEVATION (LOS ANGELES STREET)  
 1" = 20'-0"



6 BUILDING 2 - NORTH ELEVATION (MIDLAND AVENUE)  
 1" = 20'-0"

WINDOW & STOREFRONT REVISIONS

1 BLDG 1 - NORTH ELEVATION (RIVERFRONT)  
1" = 20'-0"



ZBA APPROVED



PROPOSED CHANGES

2 BLDG 1 - SOUTH ELEVATION (MIDLAND AVE.)  
1" = 20'-0"



ZBA APPROVED



PROPOSED CHANGES

3 BLDG 1 - EAST ELEVATION (RIVERDALE AVE.)  
1" = 20'-0"



ZBA APPROVED



PROPOSED CHANGES

4 BLDG 1 - WEST ELEVATION  
1" = 20'-0"



ZBA APPROVED



PROPOSED CHANGES

5 BUILDING 2 - WEST ELEVATION (LOS ANGELES STREET)  
1" = 20'-0"



ZBA APPROVED



PROPOSED CHANGES

6 BUILDING 2 - NORTH ELEVATION (MIDLAND AVENUE)  
1" = 20'-0"



ZBA APPROVED



PROPOSED CHANGES

EXTERIOR MATERIAL LEGEND

- |                        |                                |                          |
|------------------------|--------------------------------|--------------------------|
| 1 CONCRETE             | 5 FIBER CEMENT - 7" LAP SIDING | 9 CORRUGATED METAL PANEL |
| 2 BRICK                | 6 METAL SHINGLES STAGGERED     | 10 SQUARE CHANNEL SIDING |
| 3 STONE VENEER         | 7 FIBER CEMENT - 5" LAP SIDING | 11 COMPOSITE METAL PANEL |
| 4 CAST STONE HEAD/SILL | 8 FIBER CEMENT - 5" LAP SIDING |                          |

THE RESIDENCES ON THE CHARLES

BUILDING 1: 2 LOS ANGELES ST.  
BUILDING 2: 4 LOS ANGELES ST.

NEWTON MASS 02459  
CREATION ACQUISITION COMPANY, LLC

ARCHITECT

**E-ICON** ARCHITECTURE  
101 SUMMER ST BOSTON MA 02110

CONSULTANT

STAMP

KEY PLAN

NO.	DATE	DESCRIPTION
6	12/06/2021	BULLETIN #6
3	09/03/2021	BULLETIN #3

PROJECT NUMBER: 218007  
DRAWN BY: Author  
CHECKED BY: Checker

SHEET TITLE

COMPARISON OF OVERALL ELEVATIONS

A-200P

WINDOW & STOREFRONT REVISIONS