



#355-22 and #356-22

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: July 19, 2022
Land Use Action Date: October 11, 2022
City Council Action Date: October 17, 2022
90-Day Expiration Date: October 17, 2022

DATE: July 15, 2022

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Deputy Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning

SUBJECT: **Petition #355-22** Request to Rezone 11 Florence Street SUNRISE DEVELOPMENT, INC petition to rezone 2 parcels as follows: 11 Florence Street (Section 82 Block 04 Lot 49) from MULTI RESIDENCE 1 to BUSINESS USE 4; and 318 Boylston Street (Section 82 Block 04 Lot 47) from BUSINESS USE 2 to BUSINESS USE 4.

Petition #356-22 to allow Elder Housing with services, to allow a development in excess of 20,000 sq. ft., to allow a five-story building, to allow a retaining wall greater than 4' in height within a setback, to allow free-standing signs, to allow parking within the front setback, and to waive lighting requirements at 11 Florence Street and 318 Boylston Street, Ward 8, Newton, on land known as Section 82 Block 04 Lots 47 and 49, containing approximately 82,946 sq. ft. of land in a district zoned BU2 (318 Boylston Street, to be rezoned to BU4) and MR1 (11 Florence Street, to be rezoned to BU4). Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.2.10, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 5.4.2.B, 5.1.8.A.1, 5.1.13, 5.1.10.A, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

CC: Planning Board

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



EXECUTIVE SUMMARY

The subject property consists of two parcels located at 318 Boylston Street and 11 Florence Street. Together, the parcels total approximately 83,000 square feet. 11 Florence Street is improved with a two-story commercial building and three greenhouse tents, while 318 Boylston Street is a gravel parking lot.

318 Boylston Street (Parcel A) is within the Business 2 zone (“BU-2”), and 11 Florence Street (Parcel B) is within the Multi Residence 1 zone (“MR-1”). The petitioner is seeking to rezone both parcels to Business 4 (“BU-4”) to construct an elderly housing with services facility. The facility would contain five-stories and approximately 87,000 square feet of floor area, which excludes the underground garage. The facility will have 120 beds and is subject to the Inclusionary Zoning Ordinance. The petitioner requires special permit relief for the use, a structure with five stories, over 20,000 square feet of area, and a retaining wall greater than 4 feet in height within a setback. The petitioner requires additional relief for locating parking within the front setback, lighting requirements for parking facilities over five stalls and to allow a free-standing sign.

The Planning Department has re-engaged an on-call consultant, contracted under the prior special permit filing (2021), to conduct a review of the petitioner’s revised traffic memorandum. Staff anticipates discussing the transportation aspects of the petition at a future public hearing. The petitioner should be prepared to respond to all comments contained in this memorandum and at the public hearing at a subsequent public hearing.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing these requests, the City Council should consider whether:

- The site is an appropriate location for the proposed elderly housing facility with more than 20,000 square feet in gross floor area and five stories (§7.3.3.1).
- The site is an appropriate location for the proposed retaining wall greater than four feet in height within a setback (§7.3.3.1).
- The site is an appropriate location for the proposed free-standing sign (§7.3.3.1).
- The proposed elderly housing facility with more than 20,000 square feet in gross floor area and five stories as developed will adversely affect the neighborhood (§7.3.3.2).
- There will be a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.3).
- Access to the site is appropriate for the types and numbers of vehicles involved (§7.3.3.4).

- 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 lighting requirements for parking facilities over five 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 free standing sign should be permitted and is appropriate due to the nature of the use of the premises, the architecture of the buildings or their location with reference to the street is such that such exceptions are in the public interest. (§5.2.13)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

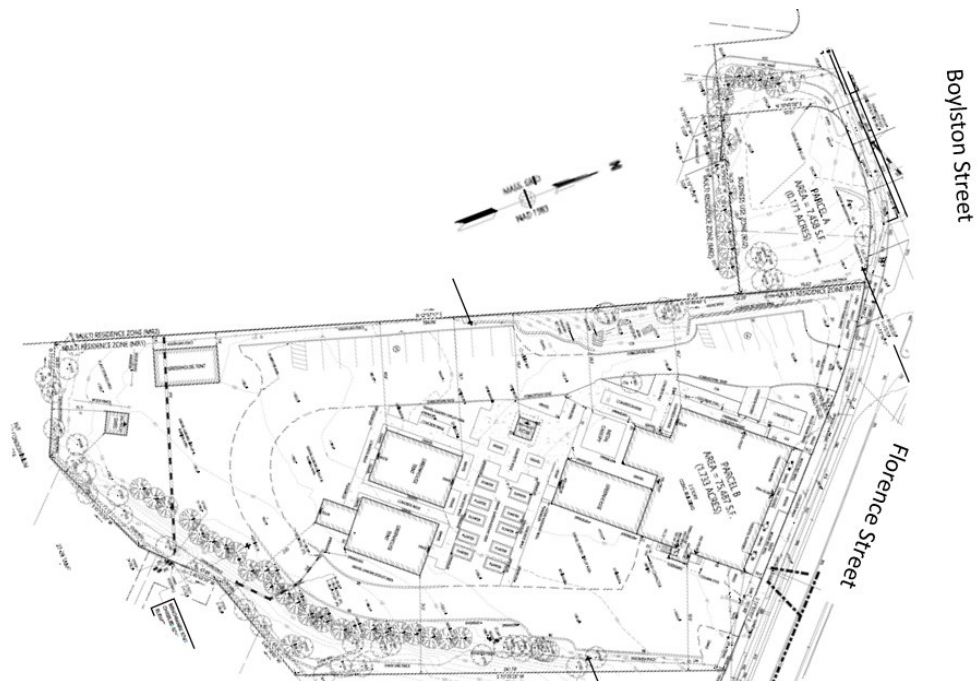
The subject property is located on Florence Street, on the southern side of Boylston Street, in Newton Centre. The area is comprised of a range of zones, including single residence, and multi residence zones in all directions as well as business zones to the east across Florence Street and to the northwest at Langley Road and Jackson Street. **(Attachment A)**. This diversity of zones consists of commercial shopping center at the opposite intersection of Boylston and Florence Street, multifamily residential uses directly abutting the site to the south and west, and a single-family residential use directly to the east. Farther north and to the west are single- and multi-family uses along Langley Road and Jackson Street **(Attachment B)**.

B. Site

The site consists of two parcels: Parcel A is the 7,548 square foot lot at 318 Boylston Street in the BU-2 zone which fronts both Boylston Street and Florence Street, while Parcel B same refers to the 75,487 square foot lot which fronts Florence Street. Parcel A is accessed from Boylston Street and consists of a gravel parking area for approximately 6-8 vehicles and landscaping. Parcel B consists of a two-story commercial

building, which houses a retail use, and associated structures. Parcel B has two separate entrance and exit drives from Florence Street which provide access to an internal driveway that loops around the site and includes three separate parking areas. The site consists of mature landscaping at the south and southeastern property lines, screening the site from adjacent residential uses.

Existing Conditions



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The current use of the site is commercial. If approved, the use would be elderly housing with services residential use.

B. Site Design

The petitioner is proposing to combine Parcels A and B to construct the elderly housing facility and associated parking areas. The site will have three points of access, one driveway from Boylston Street which provides access to the ten-stall surface parking facility and two driveways from Florence Street. Vehicular access to the building will occur from Florence Street. Pick up and drop off would take place in the circular front driveway at the front of the building. This middle driveway along the frontage also connects to the easternmost driveway, which provides access to the site

and garage entrance towards the rear of the building.

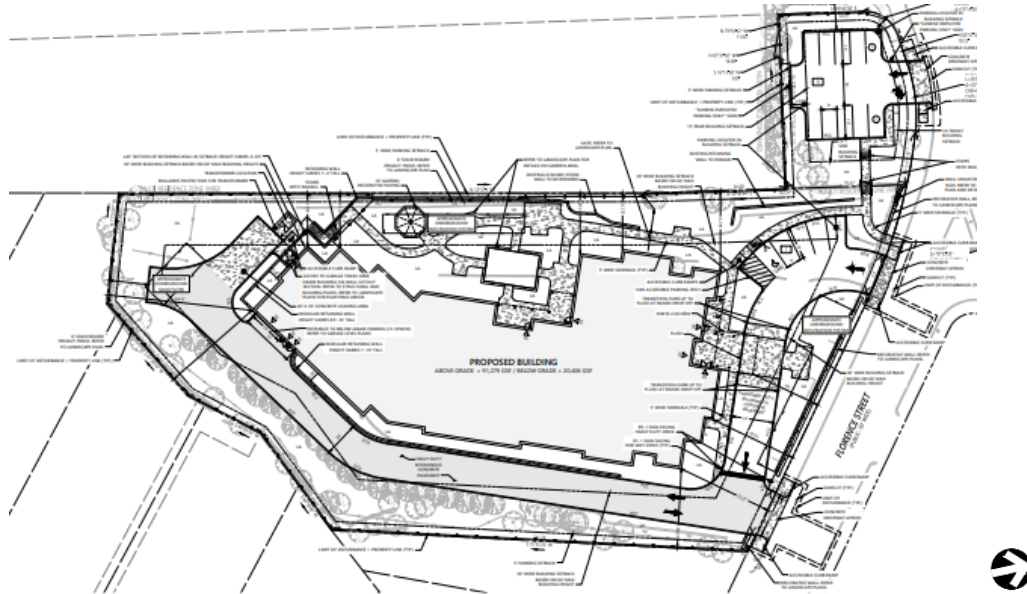
In the business zones, the required setbacks are the equivalent of half of the building height. With a proposed building height of 60 feet, the required front, side, and rear setbacks are 30 feet. As proposed, the front setback will be 40 feet from the front property line to the porte-cochere over the pick-up/drop off driveway. The proposed side setbacks are 30.71 feet from the right side (western) property line and 45.94 feet from the left side (eastern) property line, which abuts residential uses. The proposed rear setback is 84.23 feet, exceeding the 30 feet required

Parcel A will be used as a ten-stall surface parking facility and have an internal non-vehicular connection to the site via an internal path and set of stairs due to the grade change of approximately 10 feet between Parcels A and B.

There is a proposed retaining wall along the right (western) side property line and rear of the building. The plans submitted indicate portions of a retaining wall reach a height of eight feet within the side setback. The wall that reaches a height of eight feet is at the rear of the building with the wall along the property line ranging from less than a foot to four feet. There is a portion of the wall which exceeds eight feet but is outside of the side setback.

At the rear of the proposed building between the building and right property line is a transformer screened by landscaping and protected by bollards.

Proposed Site Plan



C. Building Design

The petitioner is proposing to demolish the structures and construct a five-story elderly housing with services facility consisting of approximately 87,000 square feet of floor area, excluding the basement and 60 feet in height. The façade treatment consists of stone treatment, clapboard siding, and cement panels. The proposed building is modern style of architecture and has a flat roof. The front entrance is oriented towards Florence Street and features a porte cochère.

For the proposed five-story building with 60 feet in height, the maximum allowed floor area ratio “the FAR” is 2.25. The petitioner is proposing an FAR of 1.05, with 86,775 square feet of floor area. This does not include the basement, and each story consists of 12,450 – 20,907 square feet. The fifth story consists of 12,450 square feet, has less area than the other stories, and does not follow the same footprint as the other stories. The fifth story massing tapers down as the building extends towards the rear property line, best displayed in the side elevations.

The petitioner submitted a shadow study that anticipates the largest impact from shadows is both at 8 AM and 4 PM on the Winter Solstice. At 8 AM, shadows would be cast largely to the west, moving in a northerly direction, and at 4 PM the majority of the area is within shadows from the proposed project as well as other structures in the neighborhood. Until 4 PM, much of the building casts upon open space as the shadows move with the sun.

Proposed Front Elevation



Proposed East (Side) Elevation with garage entrance



D. Parking and Circulation

The petitioner is proposing 46 parking stalls for the site, where 40 stalls are required. There are ten surface parking stalls proposed on Parcel A, and five surface parking stalls proposed in front of the proposed building. The garage will consist of parking for 31 parking stalls. All garage and surface parking stalls comply with the parking dimensional requirements of 9 feet x 19 feet, as prescribed in the Ordinance.

The petitioner requires relief for parking within the front setback for the surface parking stalls. Parking in the front setback relief is required for both the ten-stall surface parking facility and the five surface stalls at the front of the building within the 30-foot setback.

The petitioner included bike racks within the garage but should provide more

information as to the number of bikes that can be accommodated and type of bike rack. The petitioner should also consider providing secure, sheltered bicycle parking elsewhere on site.

E. Landscaping and Lighting

The surface parking stalls on Parcel A are subject to provisions for parking facilities over five stalls, which requires these parking facilities be screened with at least five feet of landscaping and/or fencing. The petitioner is providing landscaping and fencing around this parking area that complies with the Ordinance's requirements.

The landscape plan shows generous screening around the perimeter of the site, as well as privacy fencing. In the prior (2021) filing, the petitioner stated the caliper inches removed will be 46 caliper inches and replacement will be approximately 170 caliper inches. The petitioner should confirm the caliper inch analysis is unchanged. There is a six-foot-high vinyl privacy fence proposed along the property lines where the site abuts residential uses, except for the front property line. At the front of the site, the petitioner proposes an ornamental stone wall.

The petitioner submitted a lighting plan which shows lighting levels less than the one foot-candle minimum required by the Ordinance.

F. Housing

The Housing Division reviewed the petitioner's proposal and stated that the project correctly calculated the number of inclusionary beds to be provided, which is determined to be six beds. Housing recommended removing references to the plans that indicate the location of inclusionary beds as that will be determined at the building permit stage, should the project be approved.

G. Sustainability

The petitioner submitted a sustainability plan indicating a commitment to making the building achieve the Enterprise Green Communities Green Building Rating System. The Sustainability Team reviewed the petitioner's sustainability submittal and issued the attached memorandum (**Attachment D**).

H. Signage

Sign plans were not submitted with the special permit application; however, relief was identified for a free-standing sign. The petitioner should update their application with proposed signage.

IV. ZONING REQUEST

The MR-1 zone allows single- and two-family structures as of right. Other allowed residential uses include, but are not limited to, single-family attached dwellings,

associations of persons and congregate living facilities; all requiring a special permit. Dimensional standards, e.g., building height, number of stories, and lot area per unit vary based on the use.

The proposed use is not allowed within the MR-1 zone, but it is a residential use allowed by special permit in the BU-4 zone. Uses allowed as of right in the BU-4 zone range from personal service, to retail, to office, while special permit uses range from multi-family, to hotel, and to laboratory and research. Unlike the MR-1 zone, the dimensional standards are based on the size of the structure, e.g., setbacks are determined from the building height and the proposed use complies with the prescribed dimensional standards.

V. CONSISTENCY WITH COMPREHENSIVE PLAN

The Planning Department consulted the Comprehensive Plan (the “Plan”) to review the request to rezone Parcel B. Per the Plan, this portion of Route 9 is classified as a regional corridor due to the amount of local and through traffic as well as the nearby land uses. Although the Plan states a “no growth policy is neither realistic nor desirable”, the Plan calls for “moderate, controlled, and responsible growth” in these corridors. A strategy for such growth includes “Review [sic] zoning regulations to encourage mixed, residential and commercial uses in the commercial corridors. Mid-density residential construction-including for seniors or assisted-living facilities-may offer economic and social advantages so long as its siting can effectively integrate commercial and residential uses.”

The Plan places an emphasis on using the principles of “smart growth” to guide growth to where it is “best served by public transport, where it is closest to businesses which provide services or to the largest employers, and for multi-family housing, where it has safe and close access to public schools”. To illustrate sites satisfying these criteria, The Plan includes maps reflecting residential land use characteristics, transit proximity, commercial and employer proximity, and school proximity. The site is shown to have residential land use characteristics that lean towards the predominantly multi-family end of the spectrum and is within a quarter mile of a commercial or major employment area, while the site is neither served by transit nor is proximate to a school. However, these latter criteria are not a concern given the Proposed Use, understanding, transit access might be addressed as part of the transportation peer-review.

The Route 9 spine is described as inconsistent in the quality of development and while the Plan is not clear whether the corridor should be significantly denser than it is, the Plan recommends it be lined by residential and commercial developments of a higher quality. Quality of development also relates to other goals of the Plan including determining the appropriate scale and massing of structures, being sensitive and

responsive to the perception of the character of the neighborhood and sense of place and encouraging design excellence. The Planning Department expects to discuss design at a future public hearing.

Staff believes the BU-4 zone is appropriate due to the site's location within a regional corridor which contains an array of zones and land uses. Additionally, the Proposed Use aligns with certain goals for regional corridors stated in the Plan, including the use itself. The Proposed Use also aligns with "smart growth" by locating development in an area that leans to predominantly multi-family and is within a quarter of a mile of a commercial or major employment area.

VI. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**Attachment E**) provides an analysis of the proposal regarding zoning.

B. Newton Historical Commission Review

On April 15, 2021, the project was administratively deemed not historically significant by the Chief Preservation Planner, and no further review is required.

C. Engineering Review

Associate City Engineer John Daghlian reviewed the plans and issued a memorandum (**Attachment F**) providing an analysis of the proposal with regard to engineering issues. Mr. Daghlian notes that an O&M plan will be required, as well as pre and post construction drainage analysis. Mr. Daghlian also recommends as a condition of approval; the engineer of record shall submit capacity calculations for the overflow connection. Additionally, a closed-circuit television inspection will be required for Pre and Post Construction per Mr. Daghlian's memorandum.

The Engineering Division requested the number of bedrooms, cafeteria seats, and square footages to calculate the I&I costs.

D. Historic

The existing structure was found to be not historically significant in April 2021, as such, the existing commercial structure can be demolished.

E. Fire Department Review

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

VII. NEXT STEPS

The Planning Department will coordinate the various reviews required with City staff and City peer reviewers to be provided at upcoming meetings. The petitioner should respond to the issues raised in this memo and provide the requested information.

ATTACHMENTS:

- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Request to Rezone Map
- Attachment D:** Sustainability Review Memorandum
- Attachment E:** Zoning Review Memorandum
- Attachment F:** Engineering Memorandum










ATTACHMENT A

Zoning

11 Florence Street

*City of Newton,
Massachusetts*


Zoning

-  Single Residence 1
-  Single Residence 3
-  Multi-Residence 1
-  Multi-Residence 2
-  Multi-Residence 3
-  Multi-Residence 4
-  Business 1
-  Business 2
-  Public Use

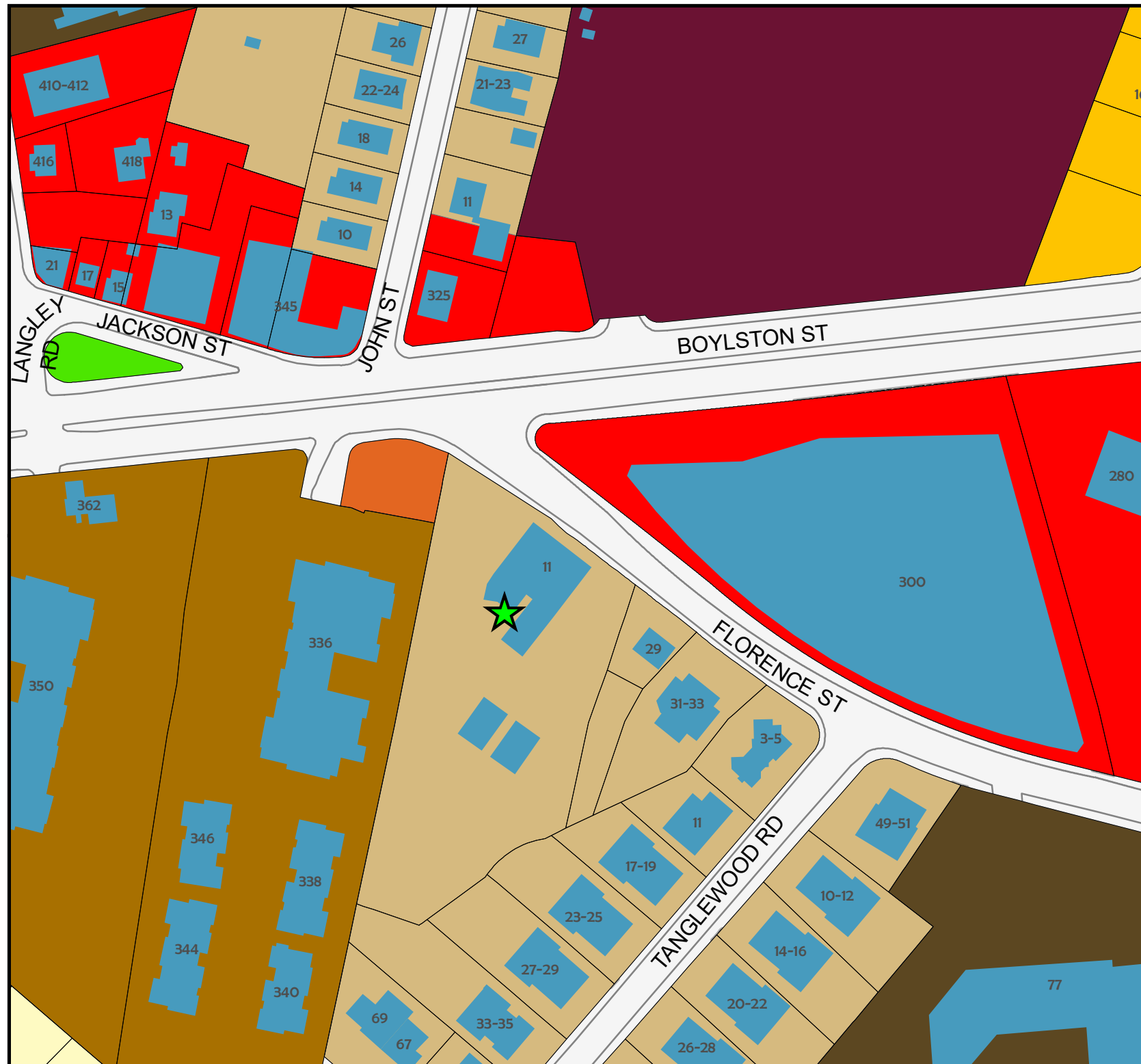


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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

0 12.525 50 75 100 125 150 175
 Feet

Map Date: July 14, 2022



ATTACHMENT B

Land Use

11 Florence Street

*City of Newton,
Massachusetts*

Land Use

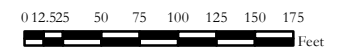
Land Use

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

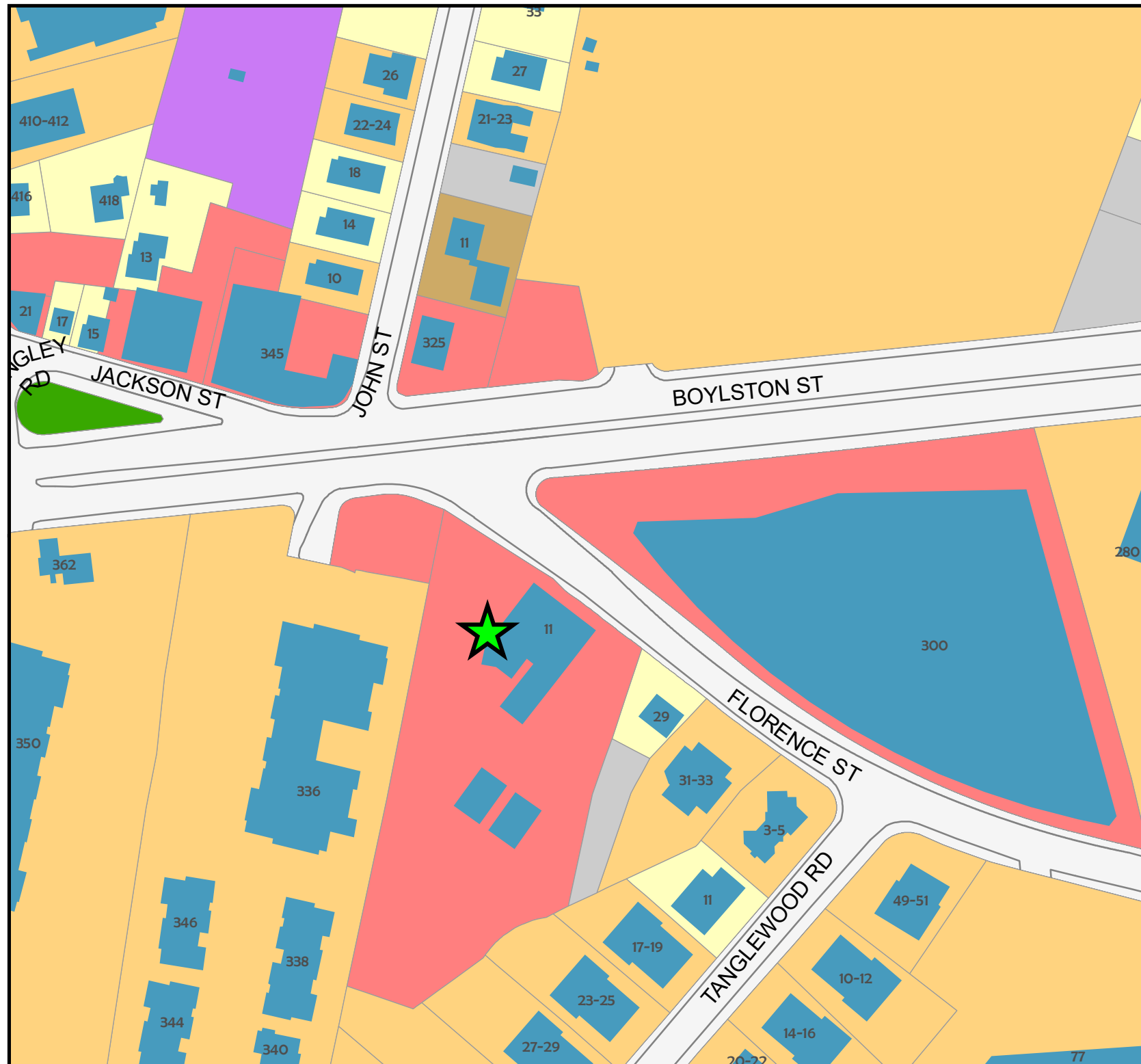


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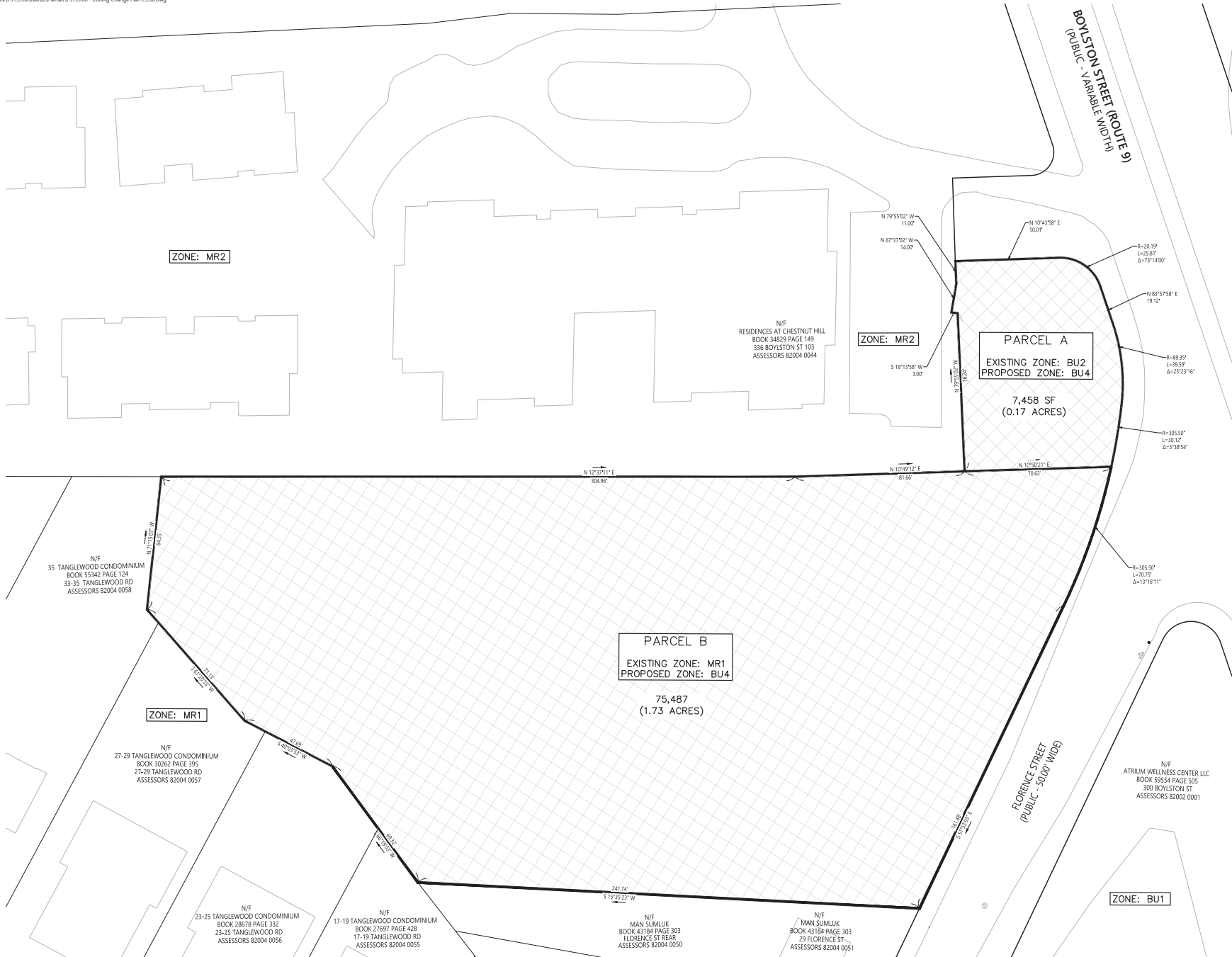
CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
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Map Date: July 14, 2022



\\vhb\gh\prj\providence\73153.00\cad\id\plans\73153.00 - Zoning Change Plan C3.00.dwg



Sunrise of Chestnut Hill
11 Florence Street
Newton, MA

No.	Revisions	Date	Appr'd
1	Fire Department Comments	10/18/2021	JS
2	Revised Site Plan	03/15/2022	JS

Prepared By: DDH/WAS
Checked By: GB
Date: 7/30/2021

Special Permit Application
Not Approved for Construction
Zone Change Plan



C3.00

Sheet 3 of 15
Project Number: 73153.00

Save: Tuesday, April 26, 2022 2:26:18 PM (DWG) Save: Monday, May 2, 2022 11:40:21 AM David Nelson



City of Newton, Massachusetts Climate and Sustainability Team



Date: July 12, 2022

To: Councilor Richard Lipof, Land Use Committee Chair

CC: Stephen J. Buchbinder, Attorney; Sunrise Senior Living, Design Team; Property Owner; Katy Sheesley, GHP, Green Building Professional; Katie Whewhell, Chief Planner

From: Ann Berwick, Co-Director of Climate and Sustainability; Bill Ferguson, Co-Director of Climate and Sustainability; Liora Silkes, Energy Coach

RE: 11 Florence Special Permit Sustainability Review

The Climate and Sustainability Team has reviewed the materials submitted by the project team and found the plans for 11 Florence Street to be in compliance with the Sustainability Requirements as set forth by Zoning Ordinance Chapter 5 Section 13.

By planning to build 11 Florence St to the requirements of the Enterprise Green Community Building Rating System, this project is on track to meet the requirements of Section 5.13.4.A of the Newton Zoning Ordinance. By planning to install EV charging stations for 10% of parking spaces and making another 10% EV charger ready, the project is on track to meet the requirements of Section 5.13.4.B of the Newton Zoning Ordinance. We are seeing substantial growth in EV adoption and would encourage the project team to install even more chargers than required.

The City Climate and Sustainability Team is happy to see the commitment to the EGC rating system, therefore touching on a broad range of sustainability topics. That said, we encourage the project team to give more attention to making 11 Florence St as energy efficient as possible and to using electricity for as much of the project's energy needs as possible.

The City of Newton is considering adopting a BERDO (Building Emissions Reporting and Disclosure Ordinance) in 2023, which would require large buildings such as this one to decrease their emissions to established standards at certain intervals between the passage of the ordinance and reaching net-zero at 2050. We urge the project team to consider the financial benefits of creating a building closer to net-zero from initial construction as opposed to needing to retrofit at a later date. With that in mind, the City Climate and Sustainability Team suggests the project team conduct a Passive House feasibility study and consider following the recommendations of the study. Additionally, if the project were to achieve Passive House certification, that would add more points to the EGC rating.

We are glad to see that the project team is exploring potential solar strategies and suggest the project become at least solar-ready, with careful consideration given to the location of mechanicals on the roof to leave room for a future solar installation if not installing solar during construction. We suggest doing a solar analysis to evaluate potential costs and benefits of installing solar during construction, especially since the project will be on a single electric meter which makes reaping the financial benefits of solar much easier.

Finally, we encourage the project team to explore ways to analyze and reduce the embodied carbon associated with constructing a new project, such as procuring low-carbon concrete.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Attachment E
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: April 28, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Stephen J. Buchbinder, attorney
Katherine Braucher Adams, Attorney
Seltzers Realty LLC
Barney S. Heath, Director of Planning and Development
Jonah Temple, Associate City Solicitor

RE: Request for a zone change to BU4, and a special permit to construct elderly housing with services and for associated dimensional waivers

Applicant: Seltzers Realty LLC	
Site: 11 Florence Street and 318 Boylston Street	SBL: 82004 0049, 82004 0047
Zoning: BU2 and MR1 (to be rezoned to BU4)	Lot Area: 82,945 square feet
Current use: Greenhouse/nursery and parking	Proposed use: Elderly housing with services facility

BACKGROUND:

The subject site is comprised of two lots with a total area of 82,945 square feet: 11 Florence Street is zoned Multi Residence 1, contains 75,487 square feet; and is improved with a greenhouse and garden nursery; 318 Boylston Street is zoned Business Use 2, contains 7,458 square feet, and is used for parking for the greenhouse.

The applicant proposes combine and to rezone the parcels to BU4, raze the structure, and construct an elderly housing with services facility containing 95 living units with 120 beds in a five-story building of approximately 92,791 square feet with underground garage and surface parking. The proposed project will provide a total of 46 parking stalls on site.

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

- Zoning Review Application, prepared by Stephen J. Buchbinder, attorney, dated 3/18/2022
- Project Information, submitted 3/18/2022
- Existing Conditions Plan of Land, prepared by VHB, dated October 5, 2021
- Site Layout and Materials Plan, prepared by VHB, dated 7/30/2021, revised 3/15/2022

- Landscape Plan, signed and stamped by Andrew D. Leonard, landscape architect, dated 7/19/2021, revised 3/15/2022
- Floor Plans, signed and stamped by Mark K. Moeller, architect, dated 3/28/2022

ADMINISTRATIVE DETERMINATIONS:

1. The site is comprised of two properties. The property along Florence Street is zoned MR1, while the lot on Boylston Street is zoned BU2. The applicant requests to combine the parcels and rezone the site to BU4.

The administrative determinations and relief requested by this application assume that the entire site is zoned BU4.

2. The applicant proposes to construct an elderly housing with services facility. Per section 6.2.10, an elderly housing with services facility is defined as “elderly housing with services, including residential care facilities, assisted living facilities and congregate care facilities.” Section 4.4.1 requires a special permit for elderly housing with services in the BU4 zoning district.
3. The applicant proposes to raze the building and construct a five-story building of approximately 92,791 square feet, excluding the underground parking facility. Section 4.1.2.B.1 requires a special permit for any development in a Business district of 20,000 square feet or more of new gross floor area.
4. The applicant proposes to construct a five-story structure at 60 feet in height. Section 4.1.2.B.3 requires a special permit for four stories or more in the Business 4 zoning district with a maximum FAR of 2.25. A special permit allowing five stories legitimizes the proposed height and FAR allowed per section 4.1.3.
5. A retaining wall varying in heights up to approximately 6 feet is proposed within the western side setback. Per section 5.4.2.B, a special permit is required for a retaining wall in excess of 4 feet in a setback.
6. The facility will contain 95 living units with 120 beds. Each living unit will contain sleeping and sanitary facilities, but no separate individual cooking facilities. Per Section 1.5.1.E, a dwelling unit is defined as “one or more rooms forming a habitable unit for one family, with facilities used or intended to be used, in whole or in part, for living, sleeping, cooking, eating and sanitation.” As the units will lack cooking facilities, they do not meet the definition of a dwelling unit.
7. The applicant proposes to construct 46 parking stalls on site, with 31 stalls located in the proposed underground garage and 15 surface stalls. Per Section 5.1.4.A, an elderly housing with services facility requires one parking stall per every two dwelling units, one per every four nursing beds, plus one stall per three employees. As stated, the proposed facility will not have “dwelling units” as defined by the Ordinance, as each unit will not provide independent cooking facilities. Nor will the units provide nursing beds, as the facility will not provide skilled nursing care. However, for the purposes of determining the parking requirement, the number of beds and employees will be used, as there are no dwelling units. The parking requirement for 120 beds and 30 employees at the busiest shift is 40 stalls. As 46 stalls are provided, no waiver from the number of parking stalls is required.

8. The applicant proposes to construct 10 surface parking stalls with an entrance off of Boylston Street and five along the front entrance drive off of Florence Street. Section 5.1.8.A.1 requires that no parking be located within a front or side setback. Several parking stalls within the two lots are located within the required 24-foot front setback from Florence Street requiring a special permit per section 5.1.13.
9. Section 5.1.10.A requires outdoor parking facilities used at night to provide security lighting with a minimum intensity of 1-foot candle. The applicant did not indicate lighting on the proposed plans for the two surface parking facilities, requiring a special permit per section 5.1.13.
10. A free-standing sign is proposed in a landscape wall along where Florence Street frontage meets with Boylston Street. The proposed signs are both approximately 28 square feet. Per section 5.2.13, free-standing signs require a special permit.
11. Section 5.11.11 requires that Elder Housing with Services meet certain requirements of the Inclusionary Housing provisions. This contribution may be residential units, beds, or a cash payment.

BU4 Zone	Required	Existing	Proposed
Lot Size	25,000 square feet	82,945 square feet	No change
Setbacks			
• Front (½ Building Height)	30 feet	10.3 feet	40 feet
• Side (East)	30 feet	55.5 feet	45.9 feet
• Side (West)	30 feet	58.5 feet	30.7 feet
• Rear	30 feet	63.5 feet	84.2 feet
Building Height	36 feet (96 ft by SP)		60 feet*
Max Number of Stories	3 (8 by SP)	2	5*
FAR	2.25	±.15	1.12

Zoning Relief Required

<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
	Request to rezone parcel to BU4	
§4.4.1 §6.2.10	To allow an Elder Housing with Services facility	S.P. per §7.3.3
§4.1.2.B.1	Development of 20,000+ square feet of gross floor area	S.P. per §7.3.3
§4.1.2.B.3 §4.1.3	To allow a building with five stories	S.P. per §7.3.3
§5.4.2.B	To allow a retaining wall in excess of 4 feet in a setback	S.P. per §7.3.3
§5.1.8.A.1 §5.1.13	To allow parking within the front setback	S.P. per §7.3.3
§5.1.10.A §5.1.13	To waive lighting requirements	S.P. per §7.3.3
§5.2.13	To allow a free-standing sign	S.P. per §7.3.3

CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Council Rick Lipof, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 11 Florence Street Sunrise of Chestnut Hill

Date: June 29, 2022

CC: Barney Heath, Director of Planning
Jennifer Caira, Deputy Director
Lou Taverna, PE City Engineer
Jennifer Breslough, Committee Clerk
Katie Whewell, Chief Planner

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

Sunrise of Chestnut Hill
11 Florence Street
Prepared by: VHB
Dated: July 30, 2021
Revised: 3/15/2022

Executive Summary:

This application entails the demolition of a garden center having a nursery & greenhouses and the construction of 5-story building [92,791 square feet] for an Assisted Living Facility on two lots comprising of 82,945 square feet (1.9 acres) with surface & underground parking. If the special permit is approved an Approval Not Required [ANR] plan will be required in accordance with Massachusetts General Laws Chapter 41 Section 81P requiring the two separate lots to be combined into one lot.

To the north the site has frontage along Florence Street (a City Public Way) & Boylston Street (MassDOT road), the abutting property has a multistory apartment building along the west, and residential homes to the south and east. The topography varies on the site from a high point at

approximately 200-feet along the western property line and slopes towards the east to approximately 180-feet.

The engineer of record has provided a drainage report and design to collect the stormwater and to infiltrate it on site in accordance with the DEP & DPW Stormwater requirements & design standards; however, on sheet C-5.00 an Outlet Control Structure & infiltration system SC740 is shown having with an exit pipe connecting to catch basin #4 but no inlet pipe, this needs clarification. The proposed drainage system will have an overflow to the City's drain easement, the engineer of record will have to demonstrate that the overflow connection will not negatively impact downstream abutters and the discharge location along with the pipe network capacity, additionally; Pre & Post Construction Closed Circuit Television (CCTV) inspection must be performed, these inspections must be witnessed by a representative of the DPW.

The proposed Operations and Maintenance (O&M) plan is acceptable for the design intent, if this permit is approved the O&M plan will have to be recorded at the Middlesex Registry of Deeds, a copy of the recording instrument will have to be provided to DPW.

Retaining walls varying in heights up to 4 feet is proposed along the western setback and the building. Various lower landscape walls are also proposed along the Florence Street frontage. A modular retaining wall have heights from 1-10 feet will be constructed just south of the proposed building's footprint.

In accordance with the City Ordinance the sidewalks along the entire frontage must be upgraded to current standards, prior to any construction the applicants shall submit a construction plan to NGrid due to the proximity of the underground gas regulating pit within the limits of construction in Florence Street.

Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction materials and equipment, parking for construction workers vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of the general contractor. It shall also address anticipated dewatering during construction, site safety & stability, siltation & dust control and noise impact to abutters.
2. Stabilized driveway construction entrance(s) will be required for the duration of the construction which will provide a truck wash to prevent tracking of mud and silt onto City streets.
3. Catch basins within and downstream of the construction zone will be required to have siltation control installed for the duration of the project and must be identified on the site plan.

4. As the site disturbance will be greater than 1 -acre a Stormwater Pollution Prevention Plan (SWPPP) will be required prior to any construction, in addition to a NPDES Construction General Permit.

Infiltration & Inflow:

- This will be addressed via a separate memo.

Drainage:

1. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, trench drains, and pipe(s) are the sole responsibility of the property owner(s).
2. Prior to final approval of the overflow connection, the engineer of record needs to submit hydraulic calculation to ensure that there is adequate capacity in the City's drainpipe in Florence Street from the point of connection to the next downstream manhole. Additionally, a Closed-Circuit Television (CCTV) inspection will be required for Pre & Post Construction and must be witnessed by the Engineering Division, video copies shall be provided for review.

Environmental:

1. Has a 21E Investigation and report been performed on the site, if so, copies of the report should be submitted to the Newton Board of Health and Engineering Division.
2. Are there any existing underground oil or fuel tanks? Have they been removed, if they have been, evidence of the proper removal should be submitted to the Newton Fire Department and the Board of Health.

Sanitary Sewer & Domestic Water Service(s):

1. Existing water and sewer services to building(s) shall cut and capped at the respective mains and completely removed from the main(s) and its entire length and properly backfilled. The Engineering Division must inspect and approve this work, failure to

having this work inspected will result in delay of issuance of the new Utility Connection or issuance of a Certificate of Occupancy.

2. All new sewer service(s) shall be pressure tested in accordance with the City Construction Specifications & Standards and inspected via Closed Circuit Television CCTV inspection after installation is completed. A copy of the video inspection and written report shall be submitted to the City Engineer or his representative. The sewer service will NOT be accepted until the two methods of inspection are completed AND witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until these tests are completed to the satisfaction of the City Engineer.
3. All sanitary sewer manhole(s) shall be vacuum tested in accordance with the City's Construction Standards & Specifications, the sewer service and manhole will NOT be accepted until the manhole(s) pass the testing requirements. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed to the satisfaction of the City Engineer and a written report of the test results is submitted to the City Engineer.
4. With the exception of natural gas service(s), all utility trenches within the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E up to within 18-inches of the asphalt binder level, after which Dense Grade Gravel compacted to 95 % Proctor Testing shall be placed over the CDF. Details of this requirement is the Engineering Division website "Standard Construction Details".
5. Fire Flow testing is required for the proposed fire suppression system. The applicant must coordinate the fire flow test with both the Newton Fire Department and the Utilities Division, representative of each department shall witness the testing. Test results shall be submitted in a written report along with hydraulic calculations that demonstrate the required size of the fire suppression system, these calculations shall be submitted to the Newton Fire Department for approval, and copies give to the Engineering Division.
6. All water services shall be chlorinated, and pressure tested in accordance with the AWWA and the City Construction Standards & Specifications prior to coming online. These tests MUST be witnessed by a representative of the Engineering Division.
7. Approval of the final configurations of the water service(s) shall be determined by the Utilities Division, the engineer of record shall submit a plan to the Director of Utilities for approval.

General:

1. 5 Year Moratorium – if at time of construction the roadway is under a 5-year moratorium, the roadway must be milled and paved gutter-to-gutter for a distance of 25 feet in each direction from the outermost trenches.
2. All trench excavation shall comply with Massachusetts General Law Chapter 82A, Trench Excavation Safety Requirements, and OSHA Standards to protect the general public from unauthorized access to unattended trenches or excavations. Trench Excavation Permit is required prior to any construction. This applies to all trenches on public and private property. *This note shall be incorporated onto the final plans.*
3. All tree removal shall comply with the City’s Tree Ordinance.
4. The contractor of record is responsible for contacting the Engineering Division and scheduling an appointment 48-hours prior to the date when the utilities will be made available for an inspection of water services, sewer services and drainage system installation. The utility in question shall be fully exposed for the Inspector to view, backfilling shall only take place when the City Engineer’s Inspector has given their approval. *This note shall be incorporated onto the final plans.*
5. The applicant shall apply for a Building Permit with the Inspectional Services Department prior to ANY construction.
6. Before requesting a Certificate of Occupancy, an As Built plan shall be submitted to the Engineering Division in both digital and paper format. The plan shall show all utilities and final grades, any easements and improvements and limits of restoration. The plan shall include profiles of the various new utilities including but not limited to rim & invert elevations (City of Newton Datum), slopes of pipes, pipe materials, and swing ties from permanent building corners. The as built shall be stamped by both a Massachusetts Registered Professional Engineer and Registered Professional Land Surveyor. Once the as built plan is received the Engineering Division shall perform a final site inspection and then make a determination to issue a Certificate of Occupancy. *This note shall be incorporated onto the final plans.*

7. All site work including trench restoration, sidewalk, curb, apron and loam border (where applicable) shall be completed before a Certificate of Occupancy is issued. *This note shall be incorporated onto the final plans.*
8. The contractor of record shall contact the Newton Police Department 48-hours in advanced and arrange for Police Detail to help residents and commuters navigate around the construction zone.
9. If any changes from the final approved design plan that are required due to unforeseen site conditions, the contractor of record shall contact the design engineer of record and submit revised design and stamped full scale plans for review and approval prior to continuing with construction.
10. *The engineer of record shall add the following attestation to the plans when applying for a building permit:*

I certify that the construction so shown was inspected prior to backfill and that all work conforms with the Approved Plan and meets or exceeds the City of Newton Construction Standards.

Signature

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

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