



Ruthanne Fuller  
Mayor

## City of Newton, Massachusetts

Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

#259-22

#260-22

Telephone  
(617) 796-1120

Telefax  
(617) 796-1142

TDD/TTY  
(617) 796-1089

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

**Barney S. Heath**

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### PUBLIC HEARING/WORKING SESSION MEMORANDUM

**DATE:** September 16, 2022

**MEETING DATE:** September 20, 2022

**TO:** Land Use Committee of the 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

**CC:** Petitioner

In response to issues raised at the City Council public hearing, the Planning Department is providing the following information for the upcoming continued public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

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#### **PETITION #259-22, #260-22**

**34-50 Crafts Street, 19, 21 Court Street**

**Petition #259-22** to rezone 7 parcels as follows: 34 Crafts Street (Section 23 Block 16 Lot 11), 36 Crafts Street (Section 23 Block 16 Lot 10), 38 Crafts Street Section 23 Block 16 Lot 09), 48 Crafts Street (Section 23 Block 16 Lot 08), and 50 Crafts Street (Section 23 Block 16 Lot 07) from MANUFACTURING TO BUSINESS 4; and 19 Court Street (Section 23 Block 16 Lot 12) and 21 Court Street (Section 23 Block 16 Lot 13) from MULTIRESIDENCE 1 TO BUSINESS 4.

**Petition #260-22** to allow an Elder Housing with Services facility, to allow a development in excess of 20,000 sq. ft., to allow a ~~seven~~ six-story building, to allow a building ~~84~~ 72 feet in height, to allow parking within the side setback, to reduce the required parking stall width, to reduce the required parking stall depth, to reduce the required parking stall depth for accessible stalls, to allow a reduced drive aisle width for two-way traffic and to waive the lighting requirements at 34, 36, 38, 48, 50 Crafts Street, 19 Court Street and 21 Court Street, Ward 2, Newton, on land known as Section 23 Block 16 Lots 7, 8, 9, 10, 11, 12 and 13, containing approximately 115,818 sq. ft. of land in districts zoned MAN and MR1 (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, 5.1.8.A.1, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.C, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

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The Land Use Committee (The "Committee") last held public hearings on this petition on Tuesday, May 17, 2022, and Tuesday, June 28, 2022. The Committee held a Working Session on August 9, 2022. The public hearing was held open, for the petitioner to respond to questions and concerns raised as part of the public hearing. This memorandum will focus mostly on Mitigation, and Conditions of a Council Order, should this project be approved and address outstanding questions which were covered in prior sessions.

At the August 9 working session, members of the Committee requested additional information around the employees' schedules, electric vehicle parking stalls, the pedestrian connection to Whole Foods, and the emergency vehicle traffic associated with the use. Subsequently, the Petitioner submitted the attached Response to Comments (**Attachment A**). This memorandum reflects materials submitted by the petitioner as of September 16, 2022.

## **Background**

The subject property consists of seven parcels located along Crafts Street (five parcels) and Court Street (two parcels) between Washington Street and McGuire Court and opposite Lincoln Road. Together, the parcels total approximately 115,818 square feet. The Crafts Street parcels consist of commercial uses each with their own associated parking areas and the Court Street parcels consists of two, two-family residential uses.

The five parcels on Crafts Street are within the Manufacturing zone ("MAN") and the two parcels on Court Street are within the Multi Residence 1 zone ("MR1"). The petitioner is seeking to rezone all the parcels to Business 4 ("BU-4") zone and construct a six-story structure with 72 feet in height for elderly housing and services. The petitioner requires relief for the height, number of stories, and gross square footage of the project, as well as parking dimensional waivers and a waiver of the lighting requirements for parking facilities over five stalls.

## **Transportation**

City staff and the peer reviewer raised concerns around the proposed pickup/drop-off area along the Crafts Street frontage. As proposed, the pickup and drop off area shifts the sidewalk onto the petitioner's property, requiring an easement and that the petitioner maintain that area. Currently, parking is prohibited on the west side of Crafts Street and the petitioner would need to obtain permission to designate the area for parking at Traffic Council. If the special permit is approved, these would be incorporated as conditions of a Council Order.

Since the August 9 working session, the petitioner proposed to treat the loading area as a trial and a condition of approval. The petitioner proposed that after six months after the project is complete, they would review the pickup and drop off with Planning and Development, and Transportation Division of Public Works. If there are no concerns with the area, then it can remain, if City staff present concerns, then there could be a mechanism to revert it back. The petitioner should expand on their proposal and what the mechanism would be should a review find that the area presents concerns. Potential concerns that would serve as a threshold for discussion could be if the area results in a blocked traffic lane on Crafts Street due to queuing, vehicles waiting, or double parking, or if the area is not utilized at all. Planning still maintains that the pickup/drop off area presents issues with allowing parking where it is currently prohibited, and the petitioner should accommodate all pickup and drop off needs on-site to minimize potential conflicts.

Aside from concerns and questions raised associated with the proposed pickup and drop off area

on Crafts Street, the transportation peer reviewer has indicated their review is complete.

**Sustainability**

At the August 9 working session, members of the Committee questioned whether the petitioner had met with the City’s Climate and Sustainability Team. While the Climate and Sustainability Team reviewed this project and a subsequent memorandum was issued, a meeting was held in early September. The Climate and Sustainability team indicated the petitioner was going above and beyond the Zoning Ordinance in sustainability measures.

While the petitioner is required to meet LEED Gold certifiability, the petitioner also indicated that they would be designing and constructing the residential portions of the building to meet Passive House Design metrics. This will also be incorporated into a final Council Order, should the project be approved.

**Mitigation**

The attached memorandum (**Attachment B**) from the Engineering Division of Public Works calculates the I&I (inflow and infiltration) fee based on the use and number of bedrooms. The Engineering Department recommends an abatement of that fee to be put forth towards other mitigation. Planning staff have had ongoing discussions with the Petitioner, Commissioner of Parks, Recreation and Culture, the Director of Urban Forestry, and the Director of Transportation Division of Public Works. Below is a preliminary list the Departments have produced as recommendations for the I&I abatement fee.

Parks Related Improvements	Transportation Related Improvements
<ul style="list-style-type: none"> <li>● Pellegrini Park               <ul style="list-style-type: none"> <li>○ Field Lights</li> <li>○ Fieldhouse improvements</li> <li>○ Tennis court improvements</li> </ul> </li> <li>● Trees in the vicinity of the project area</li> </ul>	<ul style="list-style-type: none"> <li>● Design and construct improvements to Washington and Crafts Street               <ul style="list-style-type: none"> <li>○ Curb bump outs to reduce pedestrian crossing</li> <li>○ Formalize right turn lanes, striping, and improved signage</li> <li>○ Intersection stamping with visually appealing pattern, high visibility crosswalk</li> </ul> </li> <li>● Bicycle wayfinding signs in the area to Charles River bikepath.</li> <li>● Exploring shared path of bicycles and pedestrians which connects Crafts and Court Street.</li> </ul>
Estimated fee - \$900,000	Estimated fee - unknown

The Petitioner voluntarily added \$250,000 to be used similarly to the I&I abatement funds. With the I&I abatement funds, and the money voluntarily put forth by the Petitioner, the total to be allocated is \$1,158,865. City staff recommend the abatement funds totaling \$908,856 be allocated towards Pellegrini Park and fieldhouse improvements. Planning recommends a condition that the petitioner complete the above transportation related improvements in consultation with the Director of Transportation Division of Public Works and Director of Planning and allow the work to be credited to the remaining ~\$250,000.

### **Draft Conditions Unique to this Project**

The City has been working on standardized Transportation Demand Management measures based on the size and number of parking stalls within a project. The City has crafted a draft condition holding the petitioner to previously committed TDM measures.

1. The Petitioner shall implement a Transportation Demand Management Plan to reduce vehicle trips to the site. The Plan shall include, but not be limited to:
  - a. Displaying all transit schedules in a visible location;
  - b. Provide pre-paid CharlieCard and/or Commuter Rail passes to any employee who can utilize the MBTA system, bikeshare, or similar measure intended to discourage vehicle trips to commute to the elderly housing with services facility up to \$50,000. If the \$50,000 in transit subsidies is not dispensed/expended after a period of five years from any Certificate of Occupancy, the remainder shall be paid to the City for transportation related improvements or towards funding the City's shuttle system. The Petitioner/Operator shall provide reports each year of transit passes issued.
  - c. \$60,000 contribution to the City prior to the issuance of a building permit for vertical construction towards City initiated TDM measures such as a bus shelter, transit, infrastructure, biking, or other measures intended to reduce vehicle trips in the area.
  - d. Providing indoor and outdoor secure bicycle storage areas on site consistent with the plans referenced in Condition 1 and equal or greater to 30% required by zoning;
  - e. Providing on site bicycle locker and shower facilities consistent with the plans referenced in Condition 1 intended for but not limited to employees who elect to utilize alternate modes of transportation.
  - f. Providing small-scale shuttle van and sedan to the Project's residents in perpetuity.
  - g. Designating or hiring a TDM coordinator and joining a TDM membership, if a TDM membership is available for the area.
  - h. Utilizing best efforts with ZipCar or similar service to locate a vehicle on site. The petitioner/operator shall provide the City with documentation of best efforts if locating a ZipCar on site is not possible prior to any occupancy certificate.

At the August 9 working session, members of the committee questioned whether in the future if the petitioner could remove parking stalls within the garage to accommodate additional bicycles. Should

the Committee wish to incorporate that as a condition City staff have crafted the following draft language:

2. The petitioner may reduce the number of parking stalls within the garage to provide additional bicycle parking, if needed or desired. This can be done provided the total number of stalls complies with the required number of parking stalls by zoning and is subject to review by the Director of Planning and Development and Inspectional Services.

At a prior session, members of the committee questioned the construction routes to the site, should this project be approved. If the Committee wishes, City staff suggest incorporating the construction route in the Construction Management Plan condition but would be looking for direction from the Committee and Petitioner on finalizing a route for construction vehicles.

**ATTACHMENTS:**

- Attachment A:** Petitioner's response to comments, dated September 1, 2022  
**Attachment B:** I&I Memorandum



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

1200 WALNUT STREET  
NEWTON, MASSACHUSETTS 02461-1267  
TELEPHONE (617) 965-3500  
FAX (617) 965-6824  
www.sab-law.com

September 1, 2022

**BY ELECTRONIC MAIL**

Richard A. Lipof, Chair  
Land Use Committee  
Newton City Council  
1000 Commonwealth Avenue  
Newton, MA 02459-1449

Re: Petition #260-22/Crafts Development, LLC and SRG HoldCo Investments, LLC  
34, 36, 38, 48, and 50 Crafts Street/19 and 21 Court Street

Dear Chairman Lipof,

Enclosed please find a revised architectural plan sheet A07 prepared by Elkus Manfredi Architects dated August 29, 2022 which incorporates the changes to the proposed garage parking layout as shown in a rendering which was submitted on July 15, 2022. The changes include parking stalls which are 9 feet wide (as opposed to 8.5 feet wide) as suggested by Councilor Laredo and supported by others, as well as the new location of bike racks. No further changes have been made to the plan, but we wanted to ensure that the plan set of record reflected the design commitments made to date.

Additionally, the petitioners seek to clarify several issues which were raised at the August 9, 2022 public hearing.

**Employee Schedule**

The petitioners were asked to consider staggering the employee shift schedule to avoid congestion in the garage at 4:00 p.m.. The petitioner will do so as necessary to avoid congestion.

**EV Parking Stalls**

The garage has 137 parking stalls which will serve the IL residents, staff, and visitors. SRG has allocated 55 of those stalls for use by the IL residents. 50% of those stalls, namely 28 stalls, will be equipped with EV chargers.

Richard A. Lipof, Chair  
September 1, 2022

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### **Pedestrian Connection to Whole Foods**

The petitioners reached out to Whole Foods to explore the feasibility of adding a pedestrian connection from the site to the Whole Foods parking lot. Unfortunately, due to the loading operations at the rear of the Whole Foods site, this connection will not be feasible.

### **Emergency Vehicle Traffic**

Enclosed please find a memorandum which outlines mitigation protocols relative to emergency vehicle traffic to the site.

Please feel free to contact me if you have further questions.

Sincerely,



Stephen J. Buchbinder

SJB/mer

Enclosures

cc: (By Electronic Mail, w/enclosures)

Councilor Maria Scibelli Greenberg

Councilor Tarik J. Lucas

Councilor Andrea W. Kelley

Councilor Christopher J. Markiewicz

Councilor Andreae Downs

Councilor Alicia G. Bowman

Councilor Marc C. Laredo

Dominic Warren, Land Use Committee Clerk

Jennifer Caira, Deputy Director, Planning and Development Department

Katie Whewell, Chief Planner

Mr. Robert Korff

Mr. Damien Chaviano

Mr. David Roache

Ms. Stephanie Moresco

City of Newton

Ruthanne Fuller  
Mayor

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

**DATE:** August 9, 2022**TO:** Land Use Committee**FROM:** Louis M. Taverna, P.E., City Engineer


**RE:**               **Crafts Street Elder Housing (34-50 Crafts St)**  
**Sewer Infiltration/Inflow Mitigation (REVISED)**  
**Ordinance No. B-45**

The City Engineer has calculated the sewer infiltration/inflow mitigation fee for this project. See calculations attached. The total mitigation fee, based on the proposed usage of low flow fixtures throughout the project, is \$1,211,820. This calculation includes the reduction of the proposed total sewer flow of the proposed development by the estimated existing sewer flow. Refer to memo by VHB attached.

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

Waiver request:

- a) *The expected impact of the development on sewer infiltration/inflow.* The development will propose to add an average of 15,550 gallons per day to the existing city sewer system. The existing sewer flow from the site is estimated to be 1,300 gallons per day. The city's sewer system in this area flows downstream to the sewer interceptor system along Cheesecake Brook to the north toward Charles River, where it discharges into the MWRA's interceptor sewer.
- b) *Whether infiltration/inflow mitigation has previously been conducted in the general area and to what extent.* This project lies in sewer area 5. Sewer area 5 and the surrounding sewer areas have undergone substantial work related to sewer infiltration/inflow removal, as part of the city's sewer capital improvement program.
- c) *Whether the abatement will benefit the health and well-being of the public and is reasonably in the best interest of the city.* At the request of the Planning Department, an abatement of 75% of the infiltration/inflow mitigation fee, based on low flow fixtures, is recommended by the City Engineer. This would allow the remaining 25% of the fee, or \$302,955 to be used toward the design and construction of sewer improvements in upcoming sewer project areas. The developer should consider dedicating the abated amount of the fee, or \$908,856, towards other mitigation purposes, as recommended by the Planning Department.



Calculation of sewer infiltration/inflow mitigation:

Proposed Sewer Flow:

Assisted Living, 85 beds x 90 gal/bed = 7650 gpd

Elderly Housing, 43 2-bed units x 90 gal/2 bed = 3870 gpd

Elderly Housing, 62 1-bed units x 65 gal/1 bed = 4030 gpd

Total = 15,550 GPD

Existing Sewer Flow:

36 Crafts St Office, 5134 sf x 0.05 gpd/sf = 257 gpd

38 Crafts St Office, 13,074 sf x 0.05 gpd/sf = 654 gpd

19 Court St Residence, 4 bedrooms x 65 gpd/bedroom = 260 gpd

21 Court St Residence, 2 bedrooms x 65 gpd/bedroom = 130 gpd

Total existing flow = 1,300 gpd

Net flow = (15,550 – 1,300) gal/day x 4 x \$21.26 (updated 1/1/22) = \$1,211,820

cc: Barney Heath  
Jen Caira  
Katie Whewell  
Jonah Temple  
John Daghlian

# Estimated Sewer Generation



Project:	Proposed Elder Housing with Services	Project #	15548.00
Location:	Crafts St & Court St, Newton MA	Sheet	1 of 1
Calculated by:	SRD	Date:	6/14/2022
Checked by:	JWK	Date:	6/14/2022
Title	NET ESTIMATED DAILY SEWER GENERATION		

## EXISTING ESTIMATED SEWER GENERATION

USE	GENERATION UNIT	UNIT FLOW	ESTIMATED FLOW
#36 Crafts Street - Office	5,134 SF	0.050 GPD/SF	257 GPD
#38 Crafts Street - Office	13,074 SF	0.050 GPD/SF	654 GPD
#19 Court Street - Residence	4 BEDROOM	65 GPD/BEDROOM	260 GPD
#21 Court Street - Residence	2 BEDROOM	65 GPD/BEDROOM	130 GPD
<b>TOTAL EXISTING</b>			<b>1,300 GPD</b>

## PROPOSED ESTIMATED SEWER GENERATION

USE	GENERATION UNIT	UNIT FLOW	ESTIMATED FLOW
Assisted Living Facility	85 BED	90 GPD/BED	7,650 GPD
Elderly Housing - 2 Bed Units	43 2-BED UNIT	90 GPD/2-BED UNIT	3,870 GPD
Elderly Housing - 1 Bed Units	62 1-BED UNIT	65 GPD/1-BED UNIT	4,030 GPD
<b>TOTAL PROPOSED</b>			<b>15,550 GPD</b>

## NET ESTIMATED SEWER GENERATION

<b>NET NEW</b>	<b>14,250 GPD</b>
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Sewer generation rates shown reflective of City of Newton waiver request to Ordinance No. B-45, Sewer Inflow and Infiltration (I&I) Mitigation

#36 Crafts Street to be demolished, gross square footage for a 1-story building per existing conditions plan = 5,134 SF.  
Prepared by Control Point Associates, Inc.

#38 Crafts Street to be demolished, gross square footage for a 2-story building per existing conditions plan = 13,074 SF.  
Prepared by Control Point Associates, Inc.

#19 Court Street to be demolished, 4-bedroom residential

#21 Court Street to be demolished, 2-bedroom residential

Assisted Living Facility Beds, includes AL Alcove (24), AL 1 Bedroom (23), AL 2 Bedroom (5 units x 2 = 10), and MC Alcove (28)

Elderly Housing - 1 Bed Units, includes IL Alcove (3) and 1 Bedroom (59) units

Elderly Housing - 2 Bed Units, includes IL 2 Bedroom (43) units