



Ruthanne Fuller  
Mayor

Barney Heath  
Director  
Planning & Development

Cat Kemmett, Planning  
Associate

#### Members

Peter Doeringer, Chair  
Kelley Brown, Vice Chair  
Kevin McCormick, Member  
Jennifer Molinsky, Member  
Barney Heath, *ex officio*  
Lee Breckenridge, Alternate  
Laxmi Rao, Alternate

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## PLANNING & DEVELOPMENT BOARD MEETING JOINT WITH LAND USE COMMITTEE MINUTES

July 19, 2022

#### Members present:

Peter Doeringer, Chair  
Kelley Brown, Vice-Chair  
Kevin McCormick, Member  
Jen Molinsky, Member  
Lee Breckenridge, Member  
Barney Heath, *ex officio*

**Land Use Committee members present:** Councilors Lipof (Chair), Kelley, Bowman, Downs and Laredo

**Also Present:** Councilors Albright, Crossley, Malakie, Norton and Wright

**City Staff:** Senior Planner Michael Gleba, Chief Planner Katie Whewell Assistant City Solicitor Jonah Temple, Director of Planning and Development Barney Heath, Planning and Development Board Chair Peter Doeringer, Planning and Development Board Vice-Chair Kelley Brown, Planning Associate Cat Kemmett, Planning and Development Board Member Kevin McCormick, Planning and Development Board Member Jennifer Molinsky, Planning and Development Board Member Lee Breckenridge

Meeting held virtually by Zoom Meeting

#### 1. Open public hearing for #355-22 Request to Rezone 2 Parcels to BU4

The Planning and Development Board joined the City Council Land Use Committee for this item. For detailed notes on the proceedings and discussion at this meeting, please see the attached Land Use Committee Report.

Following a presentation by Attorney Steve Buchbinder, of Schlesinger and Buchbinder, and Chief Planner Katie Whewell, the public hearing was opened. For further detail on the testimony and discussion that followed, see the attached Land Use Committee Report.

Mr. Brown made a motion to hold items #355-22 and #356-22 until the next P & D Board meeting scheduled on August 1, 2022. The motion carried unanimously.

#### 2. Open public hearing for #357-22 Request to Rezone 3 parcels to MU4

The Planning and Development Board joined the City Council Land Use Committee for this item. For detailed notes on the proceedings and discussion at this meeting, please see the attached Land Use Committee Report.

## City of Newton Planning and Development Board

Following a presentation by Attorney Steve Buchbinder, of Schlesinger and Buchbinder, and Senior Planner Michael Gleba, the public hearing was opened. For further detail on the testimony and discussion that followed, see the attached Land Use Committee Report.

Mr. McCormick made a motion to hold items #357-22 and #358-22 until the next P & D Board meeting scheduled on August 1, 2022. The motion carried unanimously.

Mr. Brown motioned to adjourn which carried unanimously.



# Land Use Committee Report

## City of Newton In City Council

**Tuesday, July 19, 2022**

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

**Also Present:** Councilors Albright, Crossley, Malakie, Norton and Wright

**Absent:** Councilors Greenberg, Lucas and Markiewicz

**City Staff Present:** Senior Planner Michael Gleba, Chief Planner Katie Whewell Assistant City Solicitor Jonah Temple, Director of Planning and Development Barney Heath, Planning and Development Board Chair Peter Doeringer, Planning and Development Board Vice-Chair Kelley Brown, Planning Associate Cat Kemmett, Planning and Development Board Member Kevin McCormick, Planning and Development Board Member Jennifer Molinsky, Planning and Development Board Member Lee Breckenridge

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.

**#354-22 Request to allow single-family attached dwellings, reduced lot area and parking waivers at 157 Langley Road**

HG CHESTNUT HILL LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing dwelling and construct three single family attached dwellings, to waive the required minimum lot area, to allow a driveway within 10 feet of a rear lot line; to allow parking within 20 feet of the front and rear lot lines, and to allow parking within front setbacks at 157 Langley Road, Ward 6, Newton on land known as Section 65 Block 20 Lot 01, containing approximately 14,886 sq. ft. of land in a district zoned MULTI RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 5.1.7.A, 5.1.13, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:** Land Use Approved 4-0-1 (Councilor Laredo Abstaining); Public Hearing Closed 7/19/22

**Note:** Attorney Laurance Lee, of Rosenberg, Freedman & Lee, LLC, with offices at 246 Walnut Street, Newton, represented the petitioner. Atty. Lee presented the proposed plans, general site information, landscape plans which can be found at the following link: <https://www.newtonma.gov/home/showpublisheddocument/87424/637939938414400000>.

The petitioner is proposing to replace the existing two-family dwelling with three single-family attached dwellings. Additional details:

- The project will meet the highest (above the standard) sustainability features – HERS Level 1.
- proposed project will also be smaller than a by-right development in terms of setbacks and lot coverage.
- two driveways proposed: on Knowles St and on Langley Rd. Each unit will have a single car garage and one surface parking stall.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown in the attached presentation. Mr. Gleba noted that the Planning Department is recommending reducing the paving in the driveway fronting Knowles St.

The Public Hearing was Opened.

MaryLee Belleville, 136 Warren St, noted appreciation for the design; this is better than a cookie-cutter project. Ms. Belleville noted that it is discouraging to see yet another relatively attainable modest home get demolished and replaced with luxury units.

Diego Puppini, 38 Beecher Place, noted that the multi-family developments going up have an impact on the neighborhood. Is there a plan to give support to the schools and services in the area, which are already crowded? A: The Council is unable to use the potential impact on schools in making special permit recommendations. The school system will adjust to meet the demand as necessary. The Committee takes the impact on services in the community (police/fire/roads) when it makes its decisions.

Aaron Nelson, 18 Knowles Street, expressed support for the project, noting he has lived next to the property for 35 years. The property has been in a chronic state of poor maintenance for years. This is an improvement over what is there and going from two units to three is a marginal increase in occupancy.

Tawny Sidhu, 16 Knowles Street, inquired about changes to the driveway abutting their property, as well as proposed fencing and landscaping. Ms. Sidhu indicated they had not spoken with the petitioner.

Atty. Lee noted the proposed design attempts to leave the location of the driveways largely unchanged. The proposed design is to allow maneuvering ability for cars to avoid having to back out onto Knowles Street.

Atty. Lee indicated the petitioner's willingness to speak to Ms. Sidhu and work out fencing and landscaping issues. A final landscaping plan can be worked out with the Planning department.

Mr. Sean Roche, 42 Daniels Street, expressed appreciation for the petition. Would note that there is too much parking; the City should be supporting development of smaller & more units and encourage residents not to drive, especially when located near public transportation.

Zachary Steinberg, 120 Valentine Street, supports the petition.

#### Councilor Comments and Questions

Committee members expressed support for the petition. The petitioners are asking for one more unit and the same number of parking spaces.

This project will be an improvement over the existing building.

Committee members agreed with the Planning Department's observation that there is too much pavement/parking. The proposed amount of pavement would probably encourage more cars than contemplated or specified in the proposed plans.

Q: Has the petitioner considered enabling Unit #1 with the potential for an elevator? The need for accessibility and ability to age is becoming more important with a big part of the city's population.

A: There is a bedroom on the first floor of that unit.

Q: Is this a commitment to have everything be 100% electric?

A: Yes.

Noting the Committee's concerns regarding parking, Atty Lee indicated the petitioner is amenable to modifying the Knowles St. driveway and reducing the impervious surface.

Committee members expressed appreciation for the petitioner's willingness to try to reduce paving and increase landscaping on the site.

Councilor Bowman motioned to close the public hearing which carried unanimously. Committee members reviewed the draft findings and conditions as shown in the attached presentation. Atty. Lee agreed to work with Planning and Law to update Condition #6 in the draft council order to include language stating impervious driveway surface would be reduced and landscaping would be added to both driveways. The Committee voted 4-0 in favor of approval, with Councilor Laredo abstaining.

**#373-22      Petition to amend Deed Restriction and Order #276-68(3) at 120 Wells Ave**

HARTFORD PROPERTIES, LLC petition to amend the deed restriction adopted by Board Order #276-68(3), dated November 18, 1963, as amended, to allow a day care center at 120 Wells Avenue, Ward 8, Newton, on land known as Section 84 Block 34A Lot 06, containing approximately 50,010 sq. ft. of land in a district zoned LIMITED MANUFACTURING.

**Action:**      **Land Use Approved 5-0**

**Note:**      Attorney Alan Schlesinger, of Schlesinger and Buchbinder, with offices at 1200 Walnut Street, Newton, represented the petitioner. Atty. Schlesinger presented the proposed summary and project plans, which can be found at the following link: <https://www.newtonma.gov/home/showpublisheddocument/87426/637939939326770000>.

Atty. Schlesinger was joined by Attorney Kathy Winters of Schlesinger and Buchbinder.

Atty. Schlesinger noted the purpose of the proposed amendment is to allow a daycare center use at the site.

Atty. Schlesinger noted the Wells Avenue properties are governed by both the City's zoning ordinance and the deed restriction, which limits the uses in all of the properties.

Under zoning ordinance this use is allowed as a matter of right subject to administrative site plan approval.

The petitioner has been through the development review process as outlined in the Council's rules and agrees that they are required and intend to file for administrative site plan review process.

Atty Schlesinger noted that the engineering features, and landscaping will be reviewed during the administrative site plan review. The parking has been established as a reduction in the current nonconformity. Drop off and pick up will be substantially off peak.

Chief Planner Katie Whewell noted Planning has not received a site plan to date.

The petitioner is close to having its administrative so plan review plans ready, and expects to be filing that within the next few weeks and looking forward to the process.

The Chair noted that due to the nature of the petition, no Public Hearing is required.

Atty Temple recommended the Committee focus on the amendment to the deed restriction; the site plan will be reviewed through the Administrative Site Plan approval process.

Committee members were supportive of the petition and appreciative of more daycare/school options in the City.

Councilor Bowman motioned to approve the petition. The Committee voted in favor of approval 5-0.

**#359-22 Request to allow a detached accessory apartment with reduced setbacks, oversized dormers which further exceed the nonconforming FAR at 33 Berkeley Street**

KEVIN AND ELIZABETH BRAMSON BOUDREAU petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow construction of a detached garage with an accessory apartment that does not meet principal setbacks, to allow oversized dormers, and further exceed the nonconforming FAR at 33 Berkeley Street, Newton, Ward 3, on land known as Section 32 Block 31 Lot 04, containing approximately 11,097 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3.3, 7.4, 6.7.1.E.1.a, 6.7.1.E.4, 1.5.4.G.2.b, 3.1.3, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:** Land Use Approved 5-0; Public Hearing Closed 7/19/22

**Note:** Architect Peter Sachs and Ms. Ana Gabby of Peter Sachs Architecture and Design presented the request to replace the existing garage with a detached accessory apartment. Mr. Sachs and Ms. Gabby presented the proposed plans, which can be found at the following link: <https://www.newtonma.gov/home/showpublisheddocument/87422/63793993757360000>.

Mr. Sachs noted that letters of support had been received and submitted from several abutters/neighbors.

Mr. Sachs addressed the Planning Department's concerns in the Planning memo regarding setbacks. Mr. Sachs noted that instead of the initially proposed 5.5' setbacks for the accessory unit, the petitioners would be amenable to rebuild the unit at the currently existing setbacks.

Chief Planner Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown in the attached presentation.

The Public Hearing was opened.

Nancy Morrison, 126 Prince Street, inquired about a proposed tree removal. The petitioner noted that the had been examined; it was determined to be quite old with survival issues, therefore the proposal includes removing it.

Kathleen Manchester, 41 Berkeley Street, noted support for the proposed project. Characteristics and scale are completely in conformity with the neighborhood.

Committee members were supportive and appreciative of the petitioners' agreement to change the proposed setbacks.

Councilor Kelley motioned to close the public hearing which carried unanimously. Councilor Kelley motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation. Committee members noted that based on the petitioners' representation that the setbacks are not changing, Finding #1 can be revised to reflect that. The Committee voted 5-0 in favor of approval.

**#355-22 Request to Rezone 2 parcels to BU4**

SELTZERS GARDEN CITY, INC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL 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.

**Action:** Land Use Held 5-0; Public Hearing Continued

**#356-22 Request to construct elderly housing with services at 11 Florence and 318 Boylston St**

SELTZERS GARDEN CITY, INC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL 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.

**Action:** Land Use Held 5-0; Public Hearing Continued

**Note:** Attorney Steve Buchbinder, of Schlesinger and Buchbinder, with offices at 1200 Walnut Street, Newton, represented the petitioner. Atty. Schlesinger presented the proposed amendment summary, which can be found at the following link: <https://www.newtonma.gov/home/showpublisheddocument/87420/637939937062730000>

Atty. Buchbinder noted a previous petition for this project was before the Committee in 2021. The goal for this evening is to review changes to the project since that time. The petitioner will reserve discussions around sustainability, traffic, transportation and construction management for a subsequent meeting.

The petitioner is proposing to combine two parcels to construct a five-story elderly housing facility with services and associated parking areas. Planning believes the BU4 zone is appropriate due to the site's location within a regional corridor which contains an array of zones and land uses.

The petitioner has continued to meet with neighbors. Neighbors have raised legitimate concerns and Atty. Buchbinder emphasized discussions are ongoing.

Mr. Paul Kroskin, of Sunrise Senior Living, detailed the Sunrise Senior Living model and proposed project, details of which can be found at the following link: <https://www.newtonma.gov/home/showpublisheddocument/87420/637939937062730000>

Mr. John Stabach, of VHB Engineering, provided engineering updates, which can be found at the following link: <https://www.newtonma.gov/home/showpublisheddocument/87420/637939937062730000>.

Chief Planner Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown in the attached presentation.

The Public Hearing was Opened.

Cindy Weiner, The Residences, Chestnut Hill, noted that the cosmetic changes that Sunrise has put forth ignore the biggest abutter complaint, which is that the project is too large. Ms. Weiner noted most abutters don't oppose the elderly housing; it is the size that is objectionable.

Ms. Weiner noted over 140 abutters/neighbors signed a petition over 1 year ago opposing the construction as being too large. Sunrise has not reduced the size by even one unit or one bed. Sunrise has not negotiated in good faith on the Residences Community's most important priority.

Mr. Edmund Allcock, Esq., of MEEB, represents residents of The Residences at Chestnut Hill. Mr. Allcock noted the Residences Community has had meetings with Sunrise and expect to have some additional meetings between now and the next meeting. Mr. Allcock and his clients will reserve comment for the next public hearing.

Other neighbors from the Residences expressed similar concerns. None of these changes are justified by any overriding public interest. This constitutes illegal spot zoning.

Annie Raines, 50 Court Street, observed that there seems to be a trend of developers proposing certain elements of a petition with the intention to use them as "concession swap strategies".

Sean Roche, 42 Daniels Street, expressed support for the petition, noting this is an apartment-rich neighborhood. This is an appropriate site for the project

Ann Duvall, 33 Madison Avenue, expressed support for the project, noting that the City needs this valuable type of housing. Ms. Duvall expressed appreciation for the changes/updates that have been incorporated.



Melissa Flaviano, 29 Tanglewood Road, expressed concern relative to the absence of proposed filtration/floodwater abatement measures. Tanglewood Road has experienced previous flooding incidents and the residences on the street are directly impacted by this.

#### Councilor Comments and Questions

Committee members expressed concern relative to the proposed petition in light of issues with the Newton Corner Sunrise project.

While the Newton Corner Sunrise project cannot be used to determine how the Committee acts on this petition, the Committee should incorporate lessons learned from that project into this project, e.g. blasting measures, employee parking.

Unlike Sunrise Newton Corner, which is accessible by a number of buses, this area is not. It's important to have a very clear transportation management plan. It should also contemplate bike utilization.

Atty. Buchbinder noted that the petitioner would compile data from the Newton Corner facility relevant to this petition and continue to talk to the neighbors.

The Newton Corner project ultimately had some significant stepping down; this design still looks rather bulky. The Newton Corner design stepped back 4 to 3 to 2; this projects steps back 5-4-3.

Committee members urged the petitioner to come to some kind of agreement with The Residences community before coming back before the Committee, or be prepared to stipulate they cannot come to a resolution. If this design is going to change, it's more beneficial if it's been vetted by all stakeholders.

Q: Will this project create more or the same amount of stormwater?

A: There will be a reduction in the rate of runoff leaving the site. A portion will be infiltrated and overflows leaving the site will use the culvert through the easement out to Tanglewood. There will also be reductions to Florence Street.

Q: Are we looking at a waiver of the parking stall sizes?

A: Our requirement is 40 stalls and we have 46. All of the stalls are conforming in length and width.

Concern was expressed relative to whether the right model has been developed for Inclusionary Zoning units. Currently developers are required to subsidize the housing but the cost of the services for care is on residents. How is it going to work in this facility? How has it worked with the Newton Corner facility?

A: Given that the majority of expenses for these resident (rent, transportation, activities) are already paid for, we have not had an issue with financials with them so far.

Councilors urged the petitioner to provide an assessment of how this IZ model is working with the Newton Corner facility. We want to ensure that the model we develop allows residents to be able to afford the care they need.

The Planning & Development Board Chair accepted a motion to hold items #355-22 and #356-22 until the next P & D Board meeting scheduled on August 1, 2022. The motion carried unanimously.

Councilor Laredo motioned to hold and continue the Public Hearing on items #355-22 and #356-22. The motion carried 5-0.

**#357-22 Request to Rezone 3 parcels to MU4**

HQ, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone 3 parcels as follows: 1314 Washington Street (Section 33 Block 10 Lot 01), 31 Davis Street (Section 33 Block 10 Lot 11) and 33 Davis Street (Section 33 Block 10 Lot 12) from BUSINESS 1 TO MIXED USE 4.

**Action:** Land Use Held 5-0; Public Hearing Continued

**#358-22 Special Permit Petition to allow development at 1314 Washington Street and 31, 33 Davis Street**

HQ, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a building in excess of 20,000 sq. ft., to allow a mixed-use residential building with five stories and 60 feet in height, to allow reduced lot area per unit, to exceed the maximum front setback, to allow a FAR of 2.45 in a five-story building, to waive the setback requirement for the portions of the building exceeding 40 ft. in height, to waive entrance and façade transparency requirements, to allow a restaurant with more than 50 seats with extended hours of operation, to allow ground floor residential use, to waive the requirement of using the A+B+C parking formula, to waive 115 parking stalls, to allow assigned parking, to allow reduced parking stall width and depth, to allow reduced accessible stall depth, to waive end stall maneuvering space requirements, to allow reduced aisle width at 1314 Washington Street and 31, 33 Davis Street, Ward 3, Newton, on land known as Section 33 Block 10 Lots 01, 11, 12 containing approximately 30,031 sq. ft. of land in a district zoned BUSINESS USE 1 (rezone to MIXED USE 4 proposed). Ref: Sec. 7.3.3, 7.4, 4.2.2.A.2, 4.2.5.A.3, 4.2.2.B.1, 4.2.3, 4.2.5.A.4, 4.2.2.B.3, 4.2.5.A.2, 4.2.5.A.4.c, 4.2.5.A.6.a, 4.2.5.A.6.b, 4.4.1, 6.4.29.B.1, 6.4.29.C.6, 6.2.4, 5.1.3.B, 5.1.13, 5.1.4, 5.1.3.E, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.B.6, 5.1.8.C.1, 5.1.8.C.2 of the City of Newton Rev Zoning Ord, 2017.

**Action:** Land Use Held 5-0; Public Hearing Continued

**Note:** Attorney Stephen Buchbinder, of Schlesinger and Buchbinder, with offices at 1200 Walnut Street, Newton, represented the petitioner, HQ, LLC, an affiliate of Mark Development. Atty. Schlesinger presented the proposed plans, which can be found at the following link: <https://www.newtonma.gov/home/showpublisheddocument/87428/637939942939200000>.

Atty. Buchbinder was joined by David Roach of Mark Development in the chambers. Other members of the team joining virtually included Robert Korff, principal, Architect Stephanie Moresco, Mark Development, Robert Adams, Halvorson Design Partnership and Randy Miron, Civil Engineer, Bohler Engineering.

Atty. Buchbinder noted that the petitioner has engaged in outreach to neighbors, holding a community meeting on March, 31, 2022, and meeting also with the Urban Design Commission, Newton Housing Partnership, and Green Newton.

Architect Stephanie Moresco reviewed the building design and discussed the inclusionary zoning proposal, which can be found at the following link: <https://www.newtonma.gov/home/showpublisheddocument/87428/637939942939200000>.

Ms. Moresco noted the original bank building would be retained, with a five-story addition in the rear of the site. There will be 50 residential parking stalls and an additional 19 stalls for the retail space.

Rob Adams, of Halverson Design Partnership, discussed proposed landscaping, which can be found at the following link: <https://www.newtonma.gov/home/showpublisheddocument/87428/637939942939200000>.

Randy Miron, Civil Engineer, Bohler Engineering, provided an overview of stormwater and civil engineering issues, which can be found at the following link: <https://www.newtonma.gov/home/showpublisheddocument/87428/637939942939200000>.

Atty. Buchbinder summarized the waivers the petitioner is seeking in connection with the project, including design waivers and a waiver of 115 parking stalls. The petitioner is in discussions with the First Unitarian Universalist Church across Highland Street to potentially use some of their parking on a shared basis.

Atty Buchbinder concluded by stating the petitioner is reserving discussions transportation, sustainability, and construction management for upcoming meetings.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown in the attached presentation. Mr. Gleba noted the Planning Department is awaiting a peer review analysis on transportation. The Planning Department's Housing staff will be reviewing the petitioners Inclusionary Housing Plan.

The Public Hearing was Opened.

Annette Seaward, 17 Davis Street, expressed concern in connection with the proposed plans, including the proposed setbacks, the lack of space for delivery van drop off/pick up, restaurant deliveries. Ms. Seaward urged the Committee to ensure that Davis Street is not used for staging during construction. Ms. Seaward would like to see where dumpster placement will be located.

Amanda Caruso, 6 Tolman Street, expressed concern regarding the entrance/exit placement along Highland Street. Traffic backs up from Washington Street along this part of the site and it is going to be very hard to take a turn from Davis Street onto Highland Street due to increased traffic.

Other neighbors/abutters expressed similar concern, noting that the common use of side streets to avoid West Newton because it is unmanageable. This will make it even worse.

Dr. Neil Epstein, Newton resident, noted he owns an abutting dental practice on Washington Street. Dr. Epstein spoke before the Committee 3 years ago about this proposed project and existing parking concerns in West Newton Square. Mr. Epstein noted that three years later, the petitioner is now asking for a much larger restaurant with fewer parking spots proposed. The existing parking situation in West Newton is terrible. This project will make parking in the square almost non-existent. It will be detrimental

to all the small businesses in the square and will certainly affect all the residential streets abutting the square.

Ned Notis-McConarty, 122 Temple Street, echoed these concerns. The petitioner is proposing 1/3 of the parking spaces that would be required by zoning rules.

This isn't creating affordable housing.

Dr. Matthew Epstein, member of the dental practice on Washington Street, Jean Notis-McConarty, 122 Temple Street, Nancy Mazzapica, 46 Harding Street, and many other neighbors echoed similar concerns. Lack of parking will be detriment to the businesses in the square. Anyone who uses Chestnut Street or Highland Street down to Washington Street knows how much impact this project will have on traffic.

Damien Croteau, 32 Orchard Avenue, lives a 10 minute walk from the proposed development. Mr. Croteau expressed support for the petition. This is an attractive transit-oriented development.

Zachary Steinberg, 120 Valentine Street, echoed similar support. This will also be in walking distance of the redesigned MBTA 61 bus.

Randall Block, 45 Lafayette Street, noted the proposed development raises concerns regarding the capacity of the road system around West Newton square to absorb additional vehicular traffic. Mr. Block noted the VHB traffic study (p. 43) reports that the intersection at Washington and Highland streets currently has an F level of service rating. Mr. Block hopes the peer reviewer report will consider ways of minimizing the impact of this development on traffic flow, including reducing its size.

Sachiko Isihara, 15 Davis Street, is a direct abutter. Mr. Isihara opposes the scale of the development. This is too large and too dense in an already congested and somewhat dangerous intersection.

Eric Thorne, 23 Davis Street, is a direct abutter to the project. Mr. Thorne noted concerns with regard to the lack of screening plantings and the size of the project. Davis Street families will be looking at a wall.

#### Councilor Questions and Comments

Committee members expressed concern regarding the proposed parking waivers. The petitioner is proposing a very small amount of parking for a relatively large restaurant. 19 parking spaces for a restaurant with 225 seats is not sufficient, especially factoring in employee parking needs.

This site currently consists of a large parking lot that until recently has served the businesses in the area, movie theater, restaurants, medical practices. Although the parking has not necessarily been provided by the city or legally, we can't ignore the fact that we are going to be losing parking spaces.

Committee members noted the recent announcement of the West Newton Cinema sale to the petitioner. The petitioner will be controlling over 1000 rental units in the City when all is said and done.

Concern was noted relative to the deviation from the standards of an MU4 district, in terms of the setbacks and what is required on the first floor of an MU4 development. All of this is significant deviation

from what the City puts in its zoning ordinance. Inquiry was also made about the lack of open space. The Committee would like to understand these deviations better.

Committee members agreed that additional information was needed on the traffic movements on the ramp entrances and exist on both Highland and Davis streets.

Could the petitioner provide some views of the project as it would be seen from the Davis Street homes?

Interest was expressed in discussing village center parking with Planning. What role does the City have in providing parking for folks using the village centers. This is an important discussion.

The new 61 bus will run more frequently than service today, and will be seven days a week, so public transportation could improve over the longer term.

Councilors discussed the skepticism of parking and noted it would be worth a discussion to look to improve public parking.

The petitioner noted that the proposed plans include historic preservation of the bank, which meant compromising on other things that could have been done in terms of green space. The alternative is to remove the bank from the residential program and have no restaurant.

The petitioner reiterated their efforts to work on a shared parking arrangement with the church across the street.

The Planning & Development Board Chair accepted a motion to hold items #357-22 and #358-22 until the next P & D Board meeting scheduled on August 1, 2022. The motion carried unanimously.

Councilor Laredo motioned to hold and continue the Public Hearing on items #357-22 and #358-22. The motion carried 5-0.

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The Committee adjourned at 10:42 p.m.

**Respectfully Submitted,**

**Richard Lipof, Chair**

# City of Newton Planning and Development

## **Petition #354-22**

SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing dwelling and construct three single family attached dwellings, to waive the required minimum lot area, to allow a driveway within 10 feet of a rear lot line; to allow parking within 20 feet of the front and rear lot lines, and to allow parking within front setbacks

***July 19, 2022***



**157 Langley Road**

# Zoning Relief

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Requested Relief</i>	<i>Action Required</i>
§3.4.1	To allow attached single-family dwellings	S.P. per §7.3.3
§3.2.4	To allow reduced lot area	S.P. per §7.3.3
§5.1.7.A §5.1.13	To allow parking in the front setback	S.P. per §7.3.3
§6.2.3.B.2	To allow a driveway within 10 feet of the rear lot line and parking within 20 feet of the front and rear lot lines	S.P. per §7.3.3

# Criteria to Consider

## When reviewing this request, the Council should consider:

- The site in a Multi-Residence 1 (MR1) district with 14,886 square feet (114 square feet less than the required 15,000 square feet minimum for an attached single-family dwelling use) is an appropriate location for the proposed three single-family attached dwellings as designed (§7.3.3.C.1)
- The proposed three single-family attached dwellings on a 14,886 square foot lot (114 square feet less than the required 15,000 square feet minimum for an attached single-family dwelling use) as designed will adversely affect the neighborhood (§7.3.3.C.2)
- The proposed three single-family attached dwellings on a 14,886 square foot lot (114 square feet less than the required 15,000 square feet minimum for an attached single-family dwelling use) as designed will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)



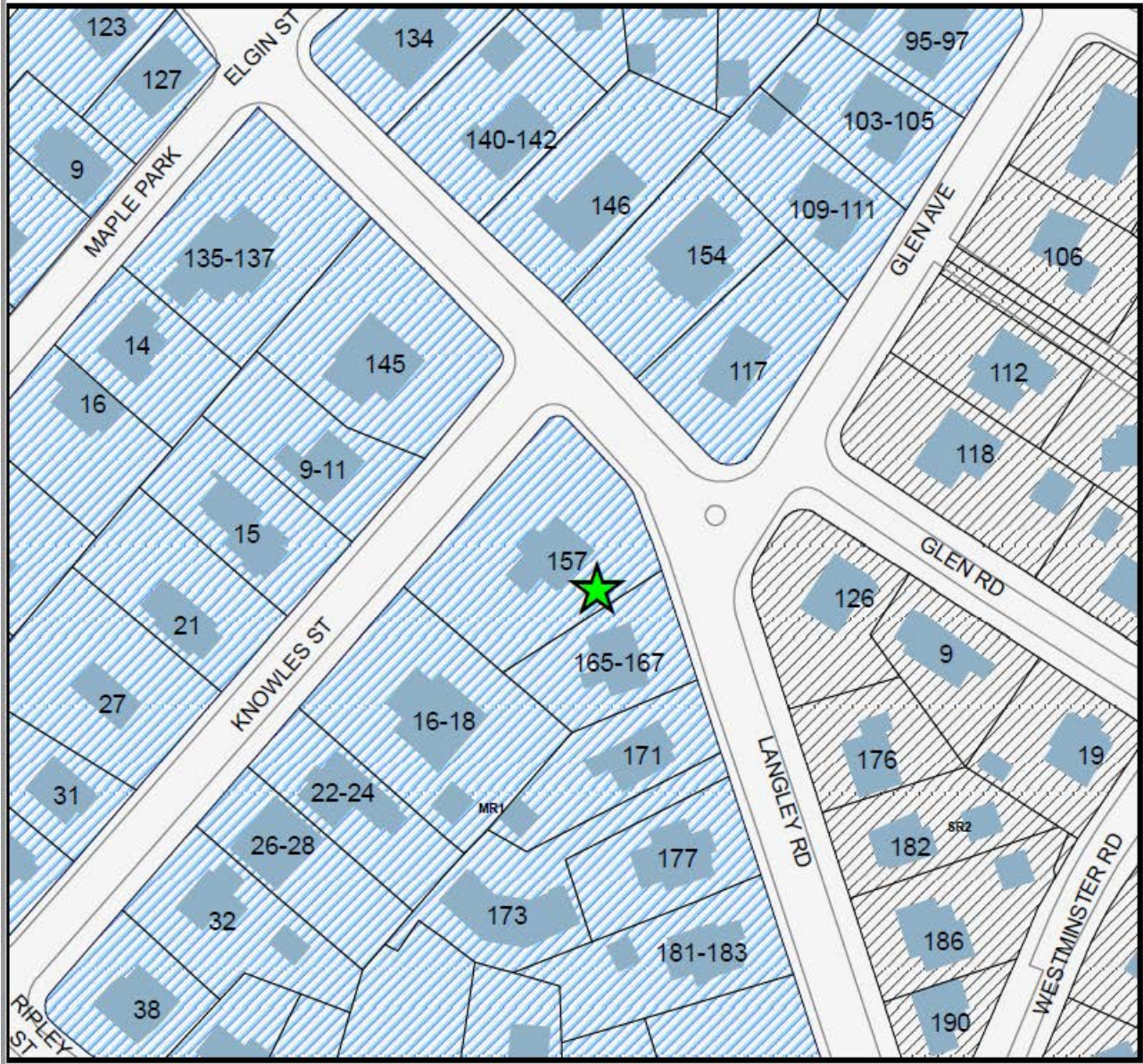
# Criteria to Consider (cont.)

- Granting an exception to the provisions of Sec 5.1.7.A requiring that no parking stall within a front setback appropriate as literal compliance is impractical due to the nature of the use, or the location, size, frontage, 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)
- Granting an exception to the provisions of Sec 6.2.3.B.2 requiring that no parking space be located within 20 feet of a boundary line side or rear lot line is appropriate as literal compliance is impractical due to the nature of the use, or the location, size, frontage, 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 (§ 6.2.3.B.2)
- Granting an exception to the provisions of Sec 6.2.3.B.2 requiring that no driveway be located within 10 feet of a side or rear lot line is appropriate as literal compliance is impractical due to the nature of the use, or the location, size, frontage, 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 (§ 6.2.3.B.2)





# Zoning



## ATTACHMENT B

### Zoning

157 Langley Rd.

*City of Newton,  
Massachusetts*

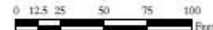
### Legend

- Single Residence 2
- Multi-Residence 1



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

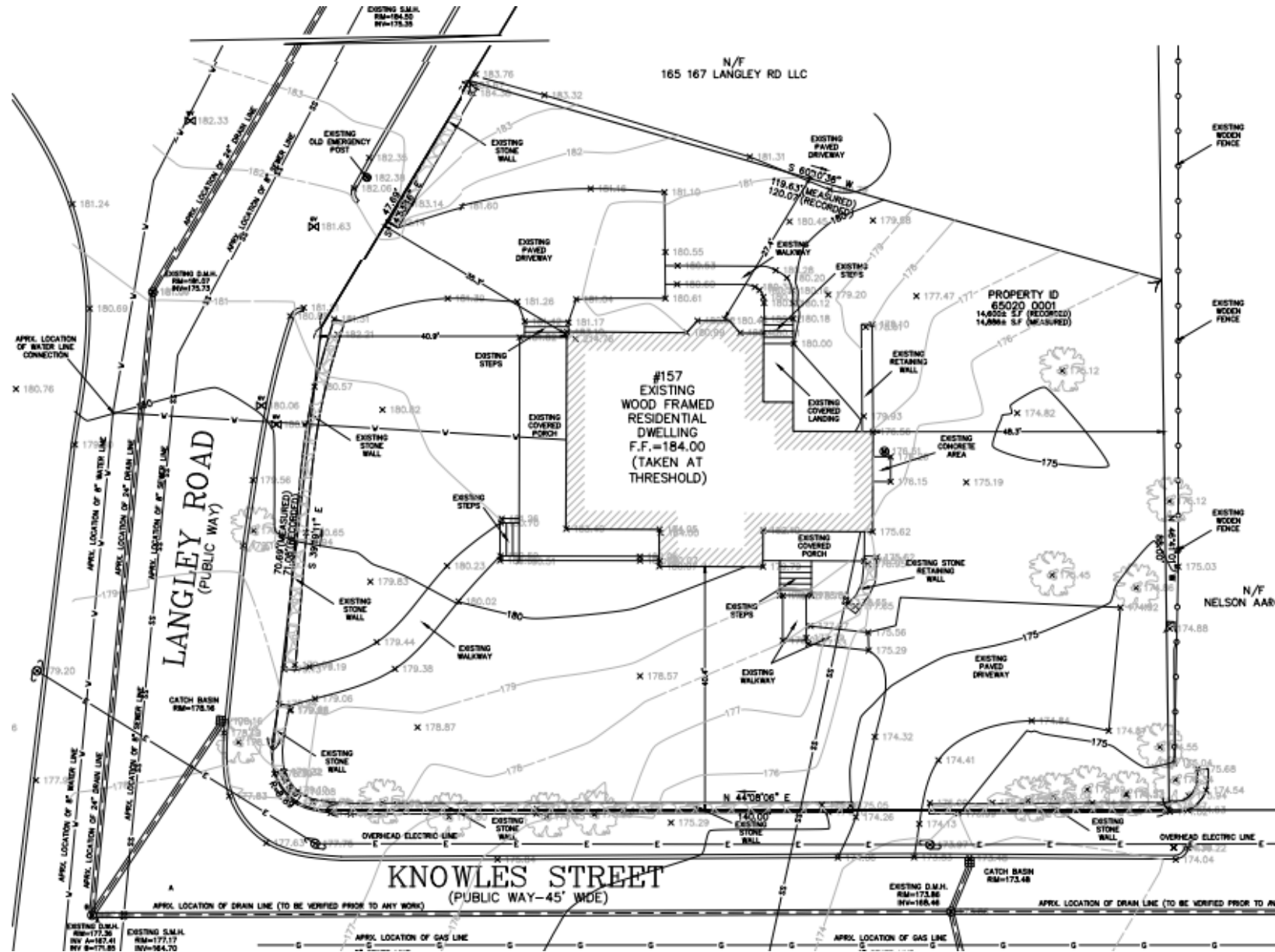


Map Date: July 11, 2022





# Site Plan- existing











# Elevations



Knowles Street Elevation



Rear Elevation



Langley Road Elevation



# Rendering





# Photos





# Photos





# Photos



# Findings

1. The site in a Multi-Residence 1 (MR1) district with 14,886 square feet (114 square feet less than the required 15,000 square feet minimum for an attached single-family dwelling use) is an appropriate location for the proposed three single-family attached dwellings as designed as it is located in a neighborhood with a mix of single-, two- and multi- family dwellings (§7.3.3.C.1)
2. The proposed three single-family attached dwellings on a 14,886 square foot lot (114 square feet less than the required 15,000 square feet minimum for an attached single-family dwelling use) as designed will adversely not affect the neighborhood as the lot is amongst the largest in the area (§7.3.3.C.2)
3. The proposed three single-family attached dwellings on a 14,886 square foot lot (114 square feet less than the required 15,000 square feet minimum for an attached single-family dwelling use) as designed will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

# Findings (cont.)

5. *Granting an exception to the provisions of Sec 5.1.7.A requiring that no parking stall within a front setback appropriate as literal compliance is impractical due to the nature of the use, or the location, size, frontage, 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)*
6. *Granting an exception to the provisions of Sec 6.2.3.B.2 requiring that no parking space be located within 20 feet of a boundary line side or rear lot line is appropriate as literal compliance is impractical due to the nature of the use, or the location, size, frontage, 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 (§ 6.2.3.B.2)*
7. *Granting an exception to the provisions of Sec 6.2.3.B.2 requiring that no driveway be located within 10 feet of a side or rear lot line is appropriate as literal compliance is impractical due to the nature of the use, or the location, size, frontage, 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 (§ 6.2.3.B.2)*

# Conditions

- Standard Building Permit Condition.
- Pest Control Plan
- O&M Plan
- Construction Management Plan
- Standard Final Inspection/Certificate of Occupancy Condition.
- All landscaping shall be maintained in good condition and shall be replaced with similar material as necessary.

# City of Newton Planning and Development

Petition: #359-22

**Special Permit/Site Plan Approval** to allow construction of a detached garage with an accessory apartment that does not meet principal setbacks, to allow oversized dormers, and further exceed the nonconforming FAR

*July 19, 2022*



**33 Berkeley Street**



# Zoning Relief

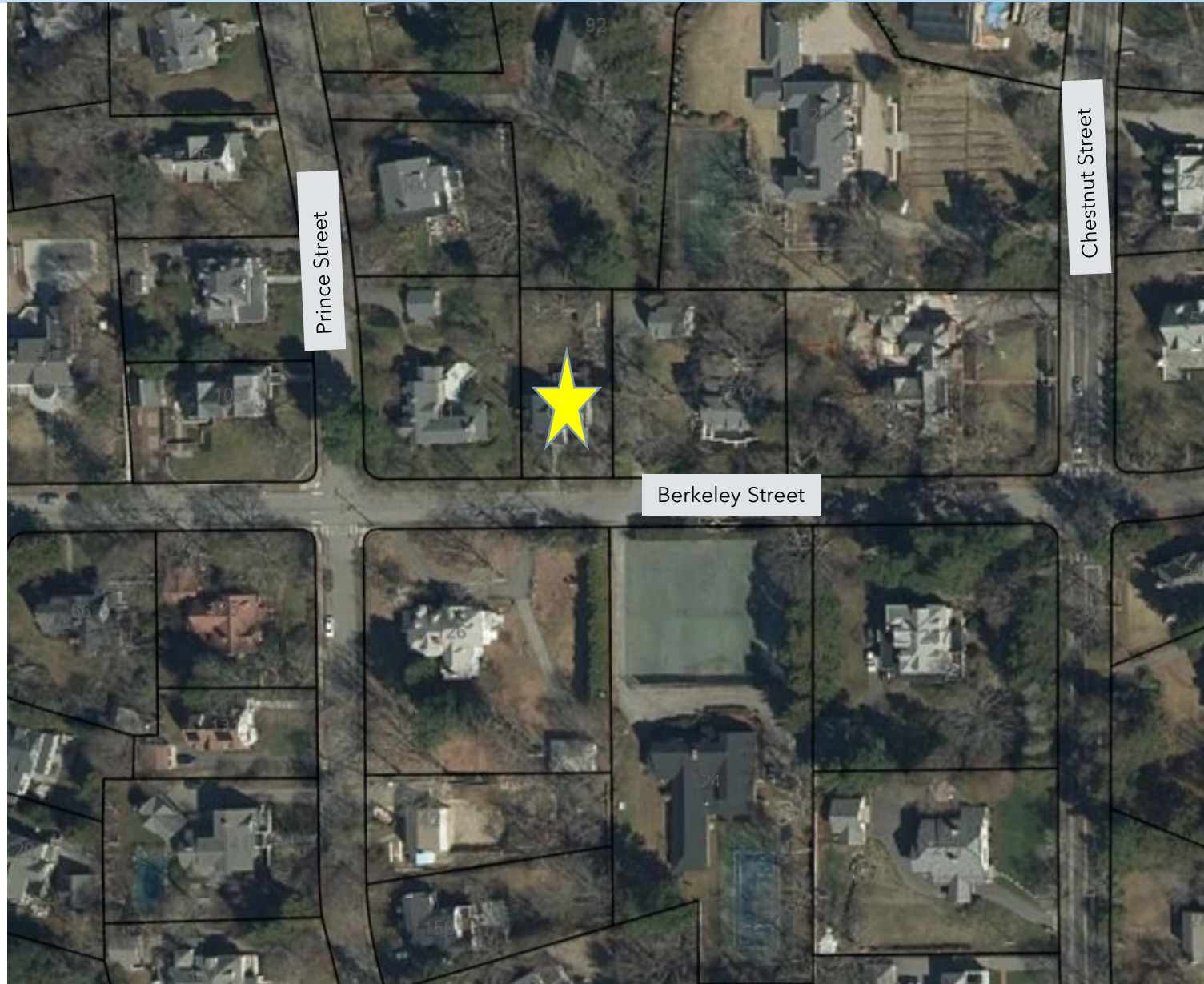
Zoning Relief Required		
Ordinance		Action Required
§6.7.1.E.1.a	To allow a detached accessory apartment	S.P. per §7.3.3
§6.7.1.E.4	To allow a detached accessory apartment that does not meet principal setbacks	S.P. per §7.3.3
§1.5.4.G.2.b	To allow oversized dormers	S.P. per §7.3.3
§3.1.3 §3.1.9 §7.8.2.C.2	To further exceed nonconforming FAR	S.P. per §7.3.3

# Criteria to Consider

When reviewing this request, the Council should consider whether:

- The site is an appropriate location for the proposed detached accessory apartment with oversized dormers in a structure that does not meet principal setbacks. (§6.7.1.E.1.a, §6.7.1.E.4, §1.5.4.G.2.b, §7.3.3.C.1)
- The proposed detached accessory apartment with oversized dormers in a structure that does not meet principal setbacks will adversely affect the neighborhood. (§6.7.1.E.1, §6.7.1.E.5, §7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§6.7.1.E.1, §6.7.1.E.5, §7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§6.7.1.E.1, §6.7.1.E.5, §7.3.3.C.4)
- The proposed increase in the nonconforming FAR from .37 to .45, where .33 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.1.3 §3.1.9 §7.8.2.C.2)

# Aerial Map

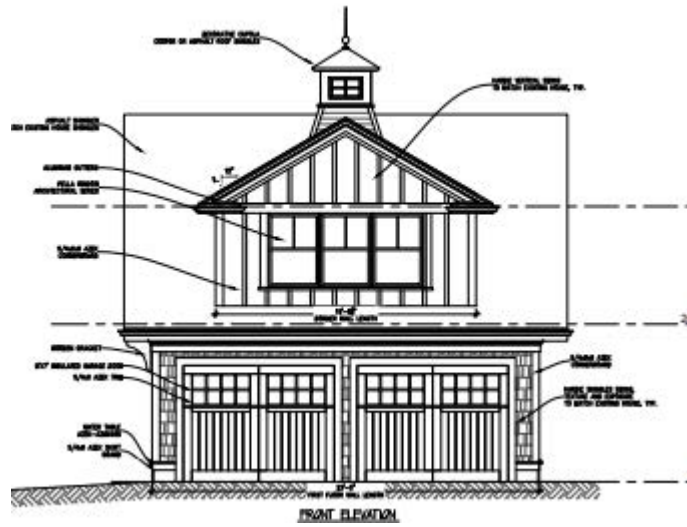




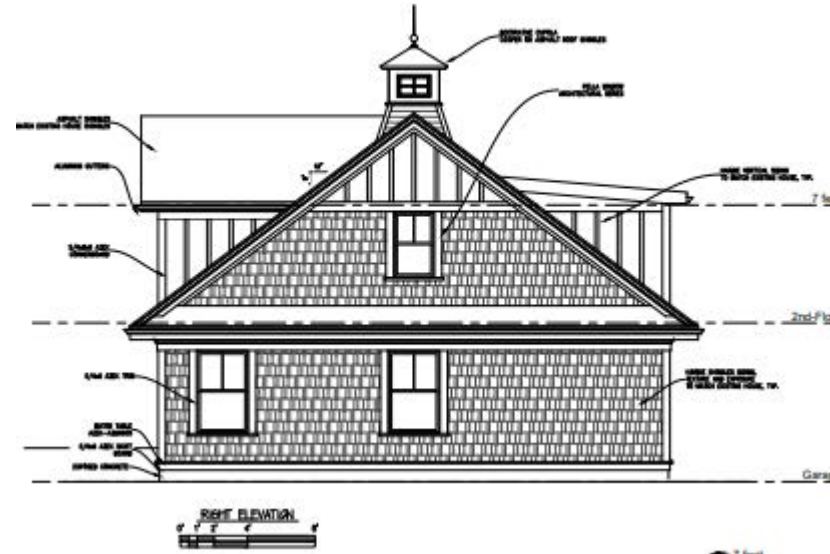


# Elevations

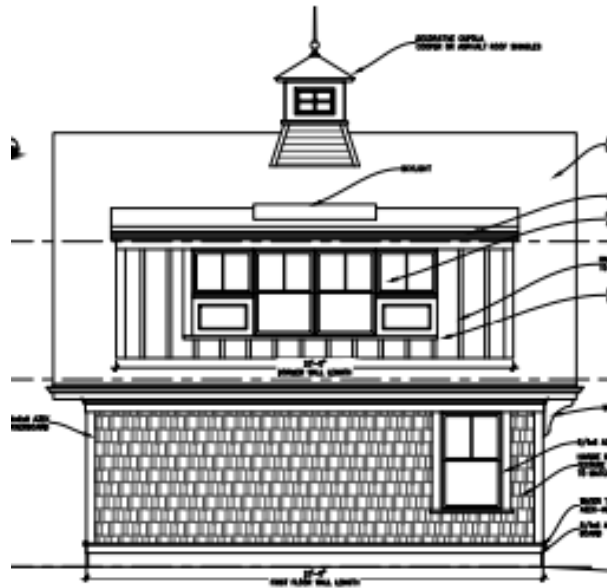
Front



Right



Rear



Left



# Findings

1. The site is an appropriate location for the proposed detached accessory apartment with oversized dormers in a structure that does not meet principal setbacks because the setbacks for accessory structures is being maintained at five feet. (§6.7.1.E.1.a, §6.7.1.E.4, §1.5.4.G.2.b, §7.3.3.C.1)
2. The proposed detached accessory apartment with oversized dormers in a structure that does not meet principal setbacks will not adversely affect the neighborhood because the structure is set back further into the site and will be minimally visible from the street. (§6.7.1.E.1, §6.7.1.E.5, §7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians because the driveway location is being maintained. (§6.7.1.E.1, §6.7.1.E.5, §7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§6.7.1.E.1, §6.7.1.E.5, §7.3.3.C.4)
5. The proposed increase in the nonconforming FAR from .37 to .45, where .33 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood because the FAR is broken up between two structures. (§3.1.3 §3.1.9 §7.8.2.C.2)

# Conditions

1. Plan Referencing
2. Standard Building Permit Condition
3. Standard Occupancy Condition

# City of Newton Planning and Development

**Petition 355-22:** to rezone 11 Florence Street from MR1 to BU4 and to rezone 318 Boylston Street from BU2 to BU4

**Petition 356-22:** to allow elder housing with services in a structure with more than 20,000 square feet, five stories, and associated relief.

*July 19, 2022*



**11 Florence St**  
*proposed*



# Zoning Relief

<b>Zoning Relief Required</b>		
<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

# Criteria to Consider

## Standard Special Permit

When reviewing this request, the 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)

# Criteria to Consider

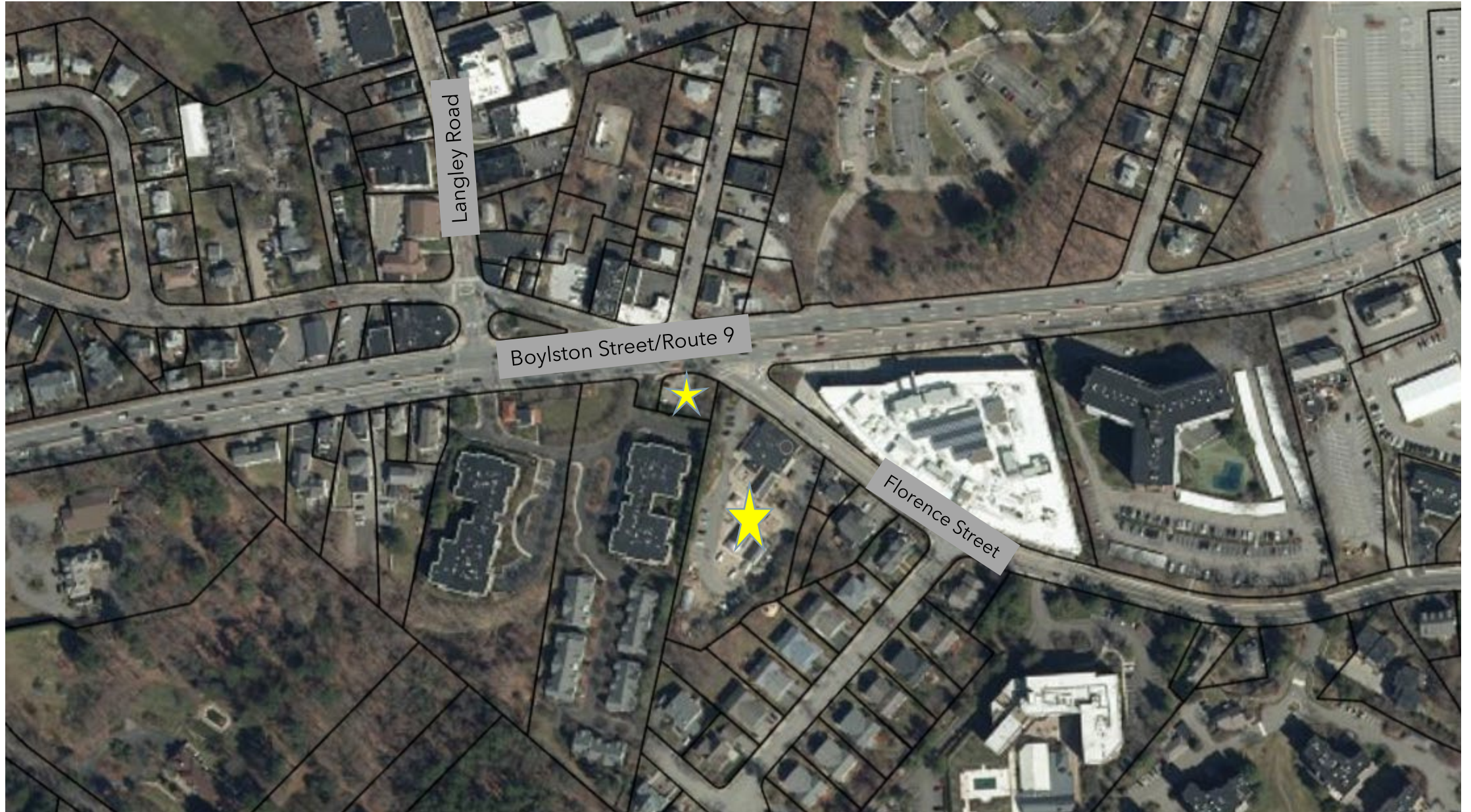
## Section 5 Relief (Parking, Lighting, Signs)

When reviewing this request, the Council should consider whether:

- 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)



# Aerial Map














# ATTACHMENT A

## Zoning

### 11 Florence Street

*City of Newton,  
Massachusetts*

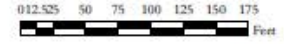
## Zoning

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

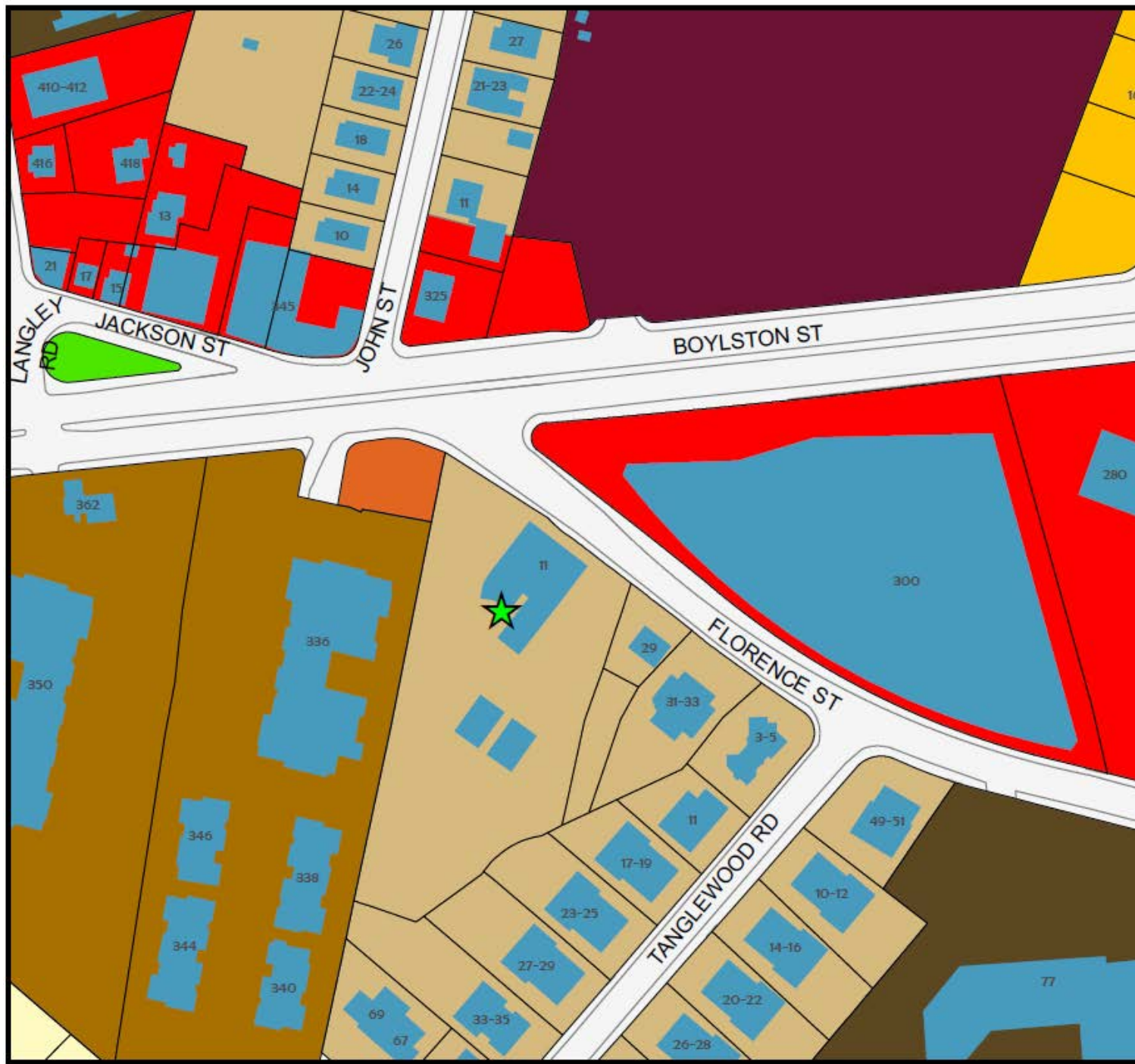


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield



Map Date: July 14, 2022





# ATTACHMENT B

## Land Use

### 11 Florence Street

*City of Newton,  
Massachusetts*

#### Land Use

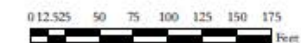
#### Land Use

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

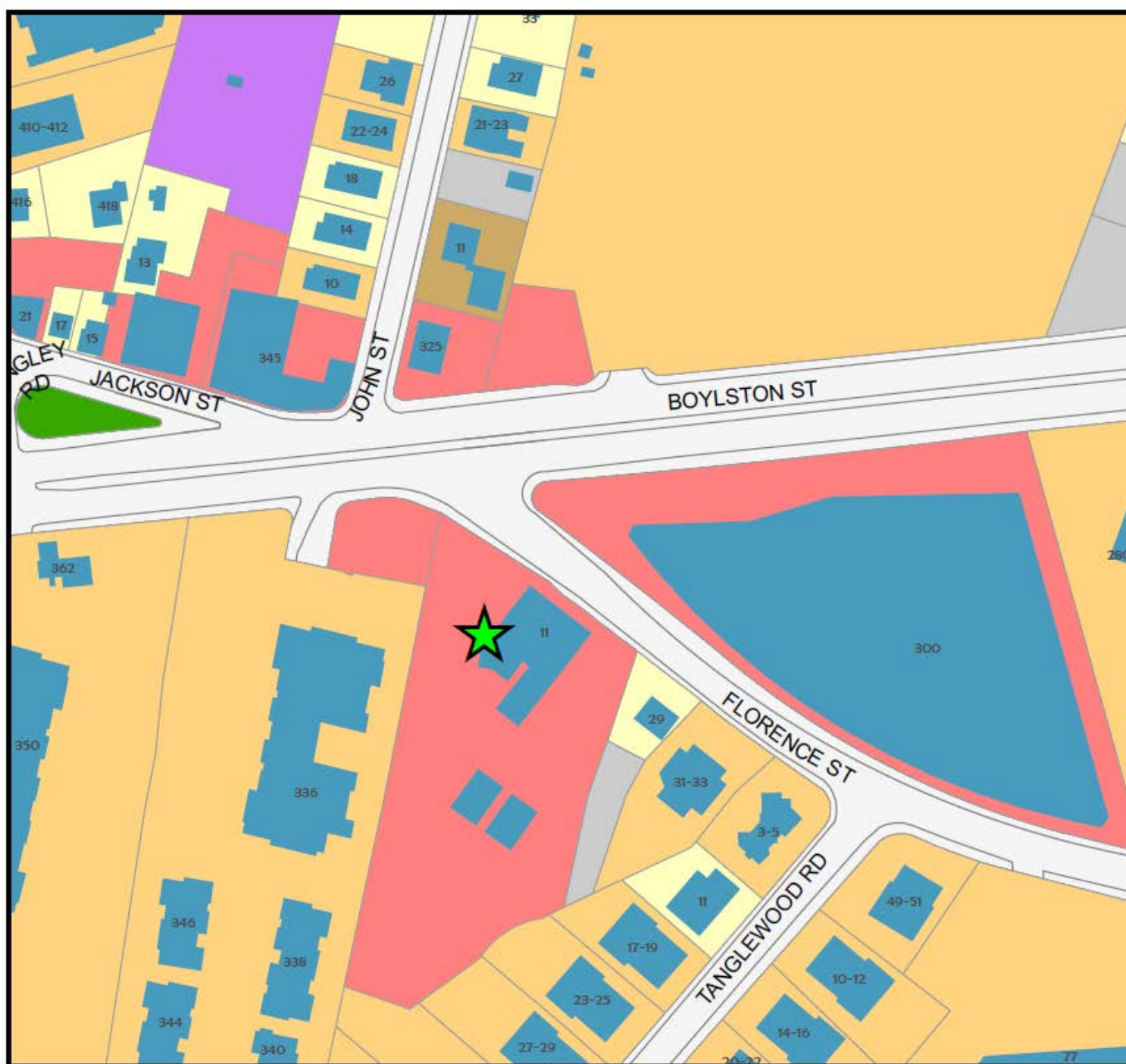


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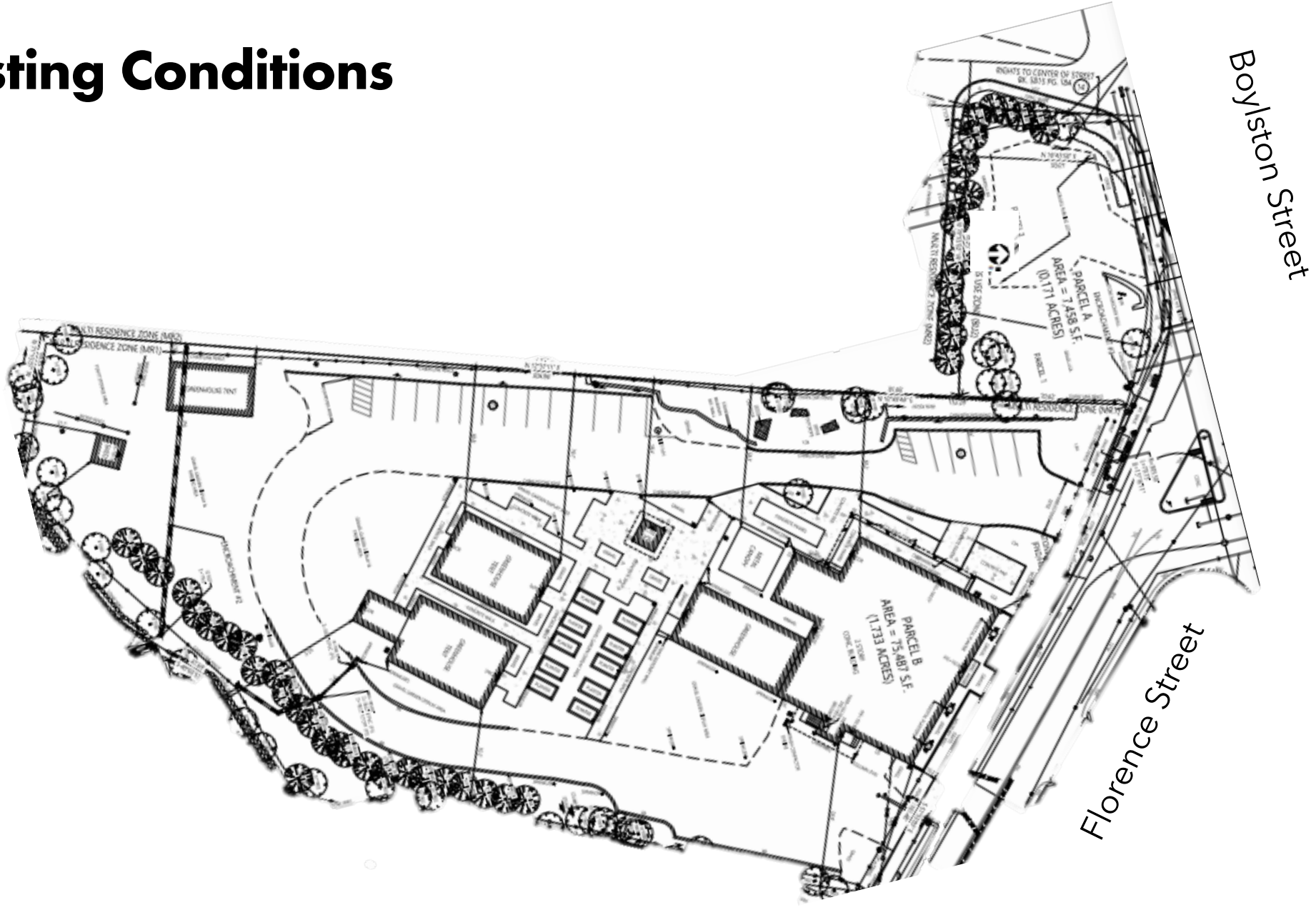
CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield



Map Date: July 14, 2022



# Existing Conditions





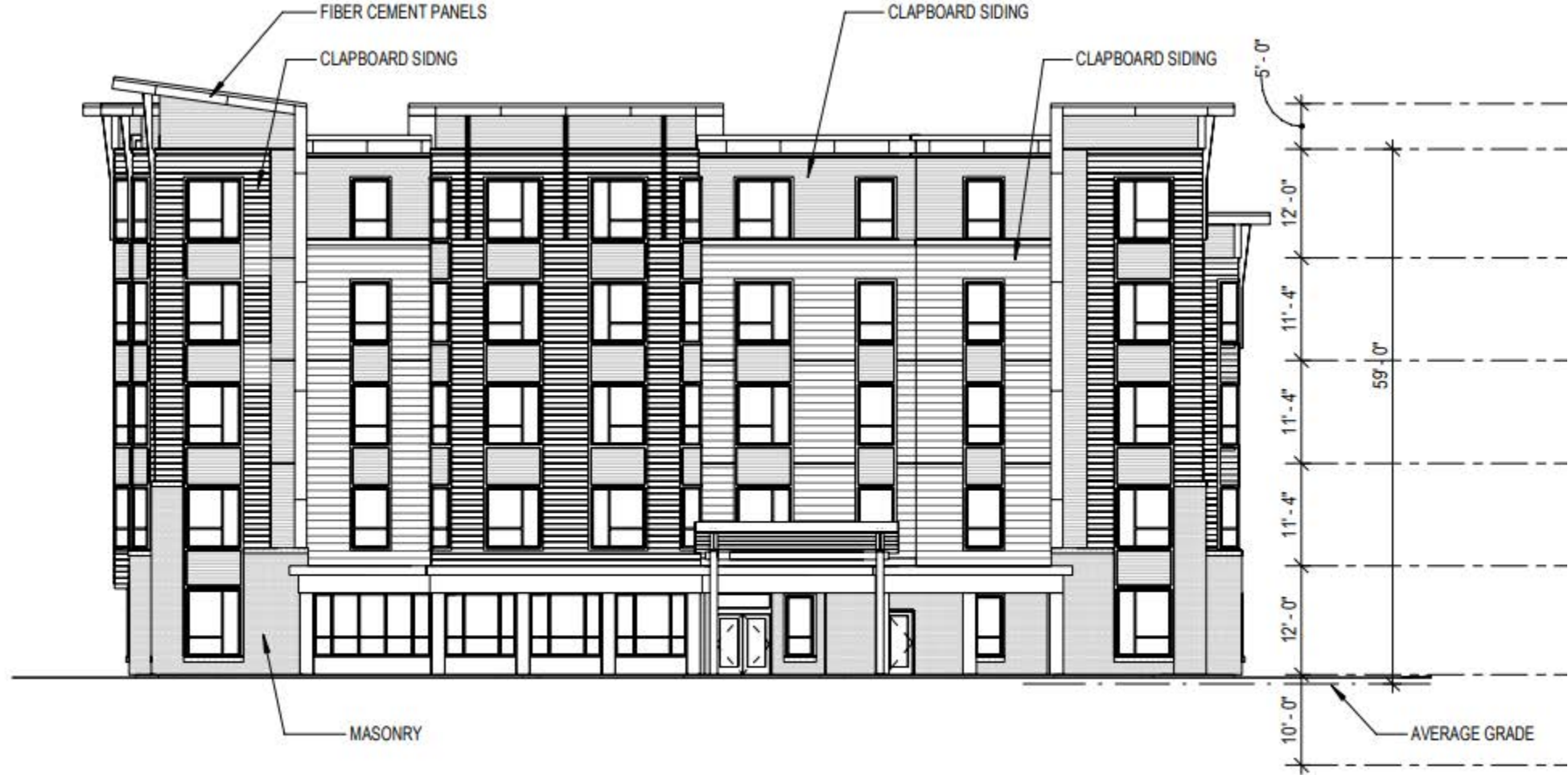








# Front Elevation, Florence Street



1 NORTH ELEVATION  
1/16" = 1'-0"

# Side Elevation

East



↑  
Garage entrance

Building  
entrance  
Florence St.

# Side Elevation

West



Building  
entrance  
Florence St.

Rear of the  
building



# Rear Elevation



# Shadow Study



① WINTER SOLSTICE - 8am



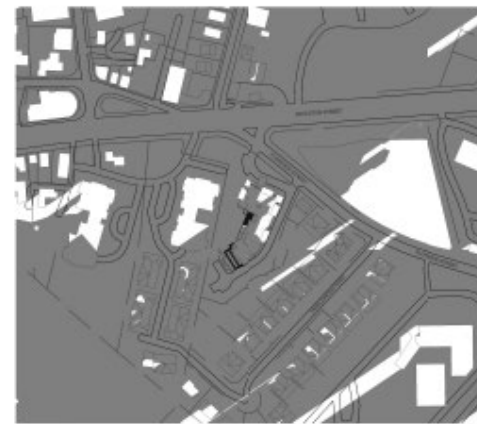
② WINTER SOLSTICE - 10am



③ WINTER SOLSTICE - 12pm



④ WINTER SOLSTICE - 2pm



⑤ WINTER SOLSTICE - 4pm

# Analysis

Proposed Rezoning to BU-4	As of Right	Special Permit	Proposed
Use	<ul style="list-style-type: none"> <li>• Retail</li> <li>• Personal services</li> <li>• Office</li> <li>• Bank</li> <li>• Health club</li> </ul>	<ul style="list-style-type: none"> <li>• Elder Housing with Services</li> <li>• Multifamily</li> </ul>	120 beds, 95 units - Elder Housing with Services
Height	36 feet 3 stories	96 feet 8 stories	60 feet 5 stories
<b>Comprehensive Plan Highlights</b>			
<ul style="list-style-type: none"> <li>• <b>Route 9</b> - regional corridor: moderate, controlled, and responsible growth</li> <li>• Review 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</li> <li>• Smart Growth principles</li> </ul>			

# Pending

- Transportation Review - future hearing
- Signage plans
- Confirm caliper inch analysis
- Engineering Request for I&I calculation
- Housing: remove references to IZ units from plans
- Subsequent Hearings (incl. but not limited to)
  - Transportation
  - Sustainability
  - Items identified tonight which require follow up.



# City of Newton Planning and Development

**Petition #357-22** for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone 3 parcels BUSINESS 1 TO MIXED USE 4.

**Petition #358-22** for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a building in excess of 20,000 sq. ft., to allow a mixed-use residential building with five stories and 60 feet in height, to allow reduced lot area per unit, to exceed the maximum front setback, to allow a FAR of 2.45 in a five-story building, to waive the setback requirement for the portions of the building exceeding 40 ft. in height, to waive entrance and façade transparency requirements, to allow a restaurant with more than 50 seats with extended hours of operation, to allow ground floor residential use, to waive the requirement of using the A+B+C parking formula, to waive 115 parking stalls, to allow assigned parking, to allow reduced parking stall width and depth, to allow reduced accessible stall depth, to waive end stall maneuvering space requirements, to allow reduced aisle width

**July 19, 2022**



**1314 Washington Street  
and 31, 33 Davis Street**

# Zoning Relief

Zoning Relief Required		
Ordinance		Action Required
	Request to rezone to MU4	
§4.2.2.A.2 §4.2.5.A.3	Request to allow reduced lot area per unit	S.P. per §7.3.3
§4.2.2.B.1	Request to allow a building in excess of 20,000 square feet	S.P. per §7.3.3
§4.2.3 §4.2.5.A.4	Request to exceed the maximum front setback	S.P. per §7.3.3
§4.2.3 §4.2.2.B.3 §4.2.5.A.2	Request to allow a mixed-use residential building with five stories and 60 feet in height	S.P. per §7.3.3
§4.2.2.B.3 §4.2.3	Request to allow an FAR of 2.44 in a five-story building	S.P. per §7.3.3
§4.2.5.A.4.c	Request to waive the setback requirement for the portions of the building exceeding 40 feet in height	S.P. per §7.3.3

# Zoning Relief (cont.)

§4.2.5.A.6.a	Request to waive entrance requirements	S.P. per §7.3.3
§4.2.5.A.6.b	Request to waive façade transparency requirements	S.P. per §7.3.3
§4.4.1 §6.4.29.B.1 §6.4.29.C.6	Request to allow a restaurant with more than 50 seats with extended hours of operation	S.P. per §7.3.3
§4.4.1 §6.2.4	Request to allow ground floor residential use	S.P. per §7.3.3
§5.1.3.B §5.1.13	Request to waive the requirement of using the A-B+C parking formula	S.P. per §7.3.3
§5.1.4 §5.1.13	Request to waive 115 required parking stalls	S.P. per §7.3.3
§5.1.3.E §5.1.13	Request to allow assigned parking	S.P. per §7.3.3
§5.1.8.B.1 §5.1.13	Request to allow reduced parking stall width	S.P. per §7.3.3
§5.1.8.B.2 §5.1.13	Request to allow reduced parking stall depth	S.P. per §7.3.3
§5.1.8.B.4 §5.1.13	Request to allow reduced accessible stall depth	S.P. per §7.3.3
§5.1.8.B.6 §5.1.13	Request to waive end stall maneuvering space requirements	S.P. per §7.3.3
§5.1.8.C.1 §5.1.8.C.2 §5.1.13	Request to allow reduced aisle width	S.P. per §7.3.3



# Criteria to Consider

**When reviewing this request, the Council should consider whether:**

## ***Special Permit criteria***

- a FAR of 2.44 in a five-story building (§4.2.2.B.3, §4.2.3)
- a restaurant with more than 50 seats with extended hours of operation (§4.4.1, §6.4.29.B.1, §6.4.29.C.6), and
- ground floor residential use (§4.4.1, §6.2.4),

are/is appropriate as:

- The specific site is an appropriate location for such use, structure (§7.3.3.C.1)
- The use as developed and operated will not adversely affect the neighborhood (§7.3.3.C.2)
- There will be no 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),

and, as the proposed building is in excess of 20,000 square feet (§4.2.2.B.1), whether

- 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 (§7.3.3.5)

# Criteria to Consider

## ***Regarding additional standards in an MU4 zoning district, whether:***

- by allowing reduced lot area per unit, the proposed density creates a beneficial living environment for the residents, does not adversely affect the traffic on roads in the vicinity, and better achieves the purposes of this district than strict compliance with these standards (§4.2.2.A.2, §4.2.5.A.3).
- by allowing the development to exceed the maximum front setback, the proposed plan does not create shadows or blocked views that have material and adverse effects on its surroundings, supports pedestrian vitality, and advances the purposes of the MU4 district (§4.2.3, §4.2.5.A.4)
- the proposed building with five stories and 60 feet in height is compatible in visual scale to its surroundings, does not create shadows or blocked views that have material and adverse effects on its surroundings, and advances the purposes of the MU4 district (§4.2.3, §4.2.2.B.3, §4.2.5.A.2)
- with the requested waiver of the setback requirement for the portions of the building exceeding 40 feet in height, the proposed plan does not create shadows or blocked views that have material and adverse effects on its surroundings, supports pedestrian vitality, and advances the purposes of the MU4s district (§4.2.5.A.4.c)

# Criteria to Consider

- with the requested waiver of entrance requirements, the proposed design better enables appropriate use of the site, supports pedestrian vitality, and achieves the purposes of this district than strict compliance with that standard (§4.2.5.A.6.a)
- with the requested waiver of façade transparency requirements, the proposed design better enables appropriate use of the site, supports pedestrian vitality, and achieves the purposes of this district than strict compliance with that standard (§4.2.5.A.6.b)

## ***Regarding exceptions to parking requirements:***

and, whether granting exceptions to certain parking facility requirements to:

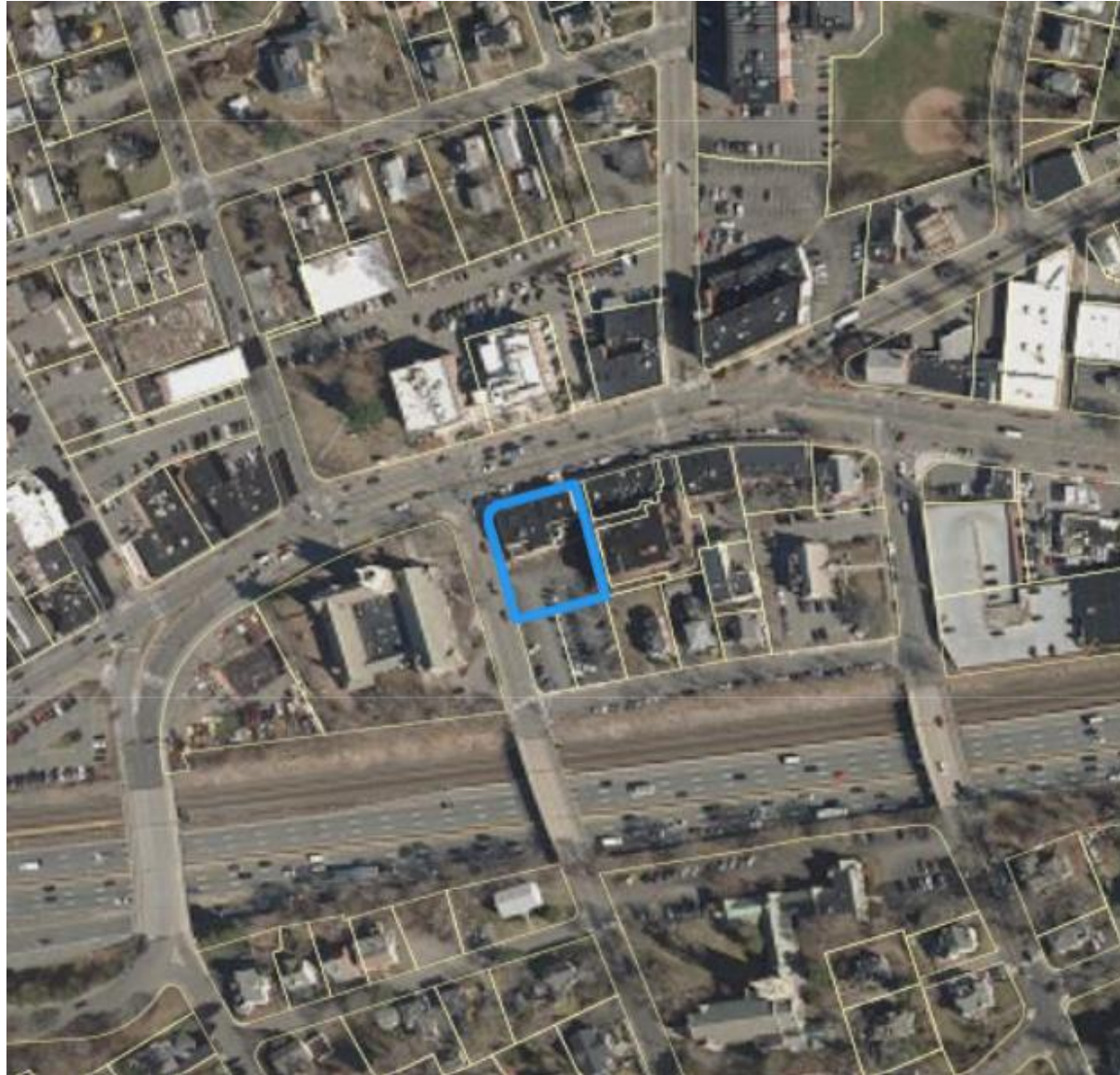
- use the A-B+C parking formula (§5.1.3.B, §5.1.13), and
- provide 115 required parking stalls (§5.1.4, §5.1.13)

and, further, to allow:

- assigned parking (§5.1.3.E, §5.1.13)
- reduced parking stall width (§5.1.8.B.1, §5.1.13)
- reduced parking stall depth (§5.1.8.B.2, §5.1.13)
- allow reduced accessible stall depth (§5.1.8.B.4, §5.1.13)

is appropriate as literal compliance with said 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.

# Aerial Map





# Zoning



## ATTACHMENT B

### Zoning

1314 Washington St.

*City of Newton,  
Massachusetts*

#### Legend

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



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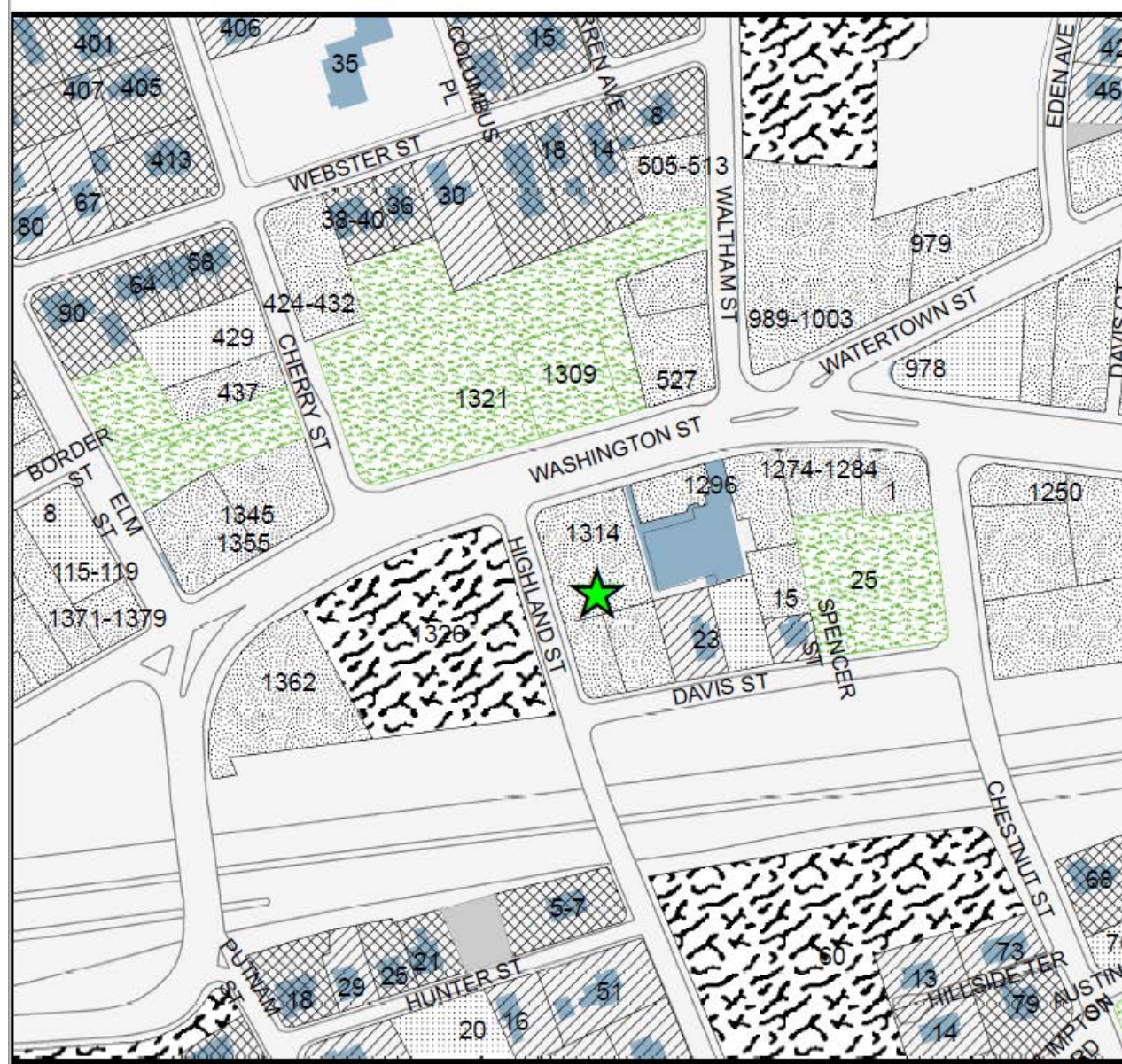
CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

0 25 50 75 100 125 150 175 200 225 Feet

Map Date: July 11, 2022



# Land Use



## ATTACHMENT A

### Land Use

1314 Washington St.

*City of Newton,  
Massachusetts*

### Land Use

#### Land Use

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



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.

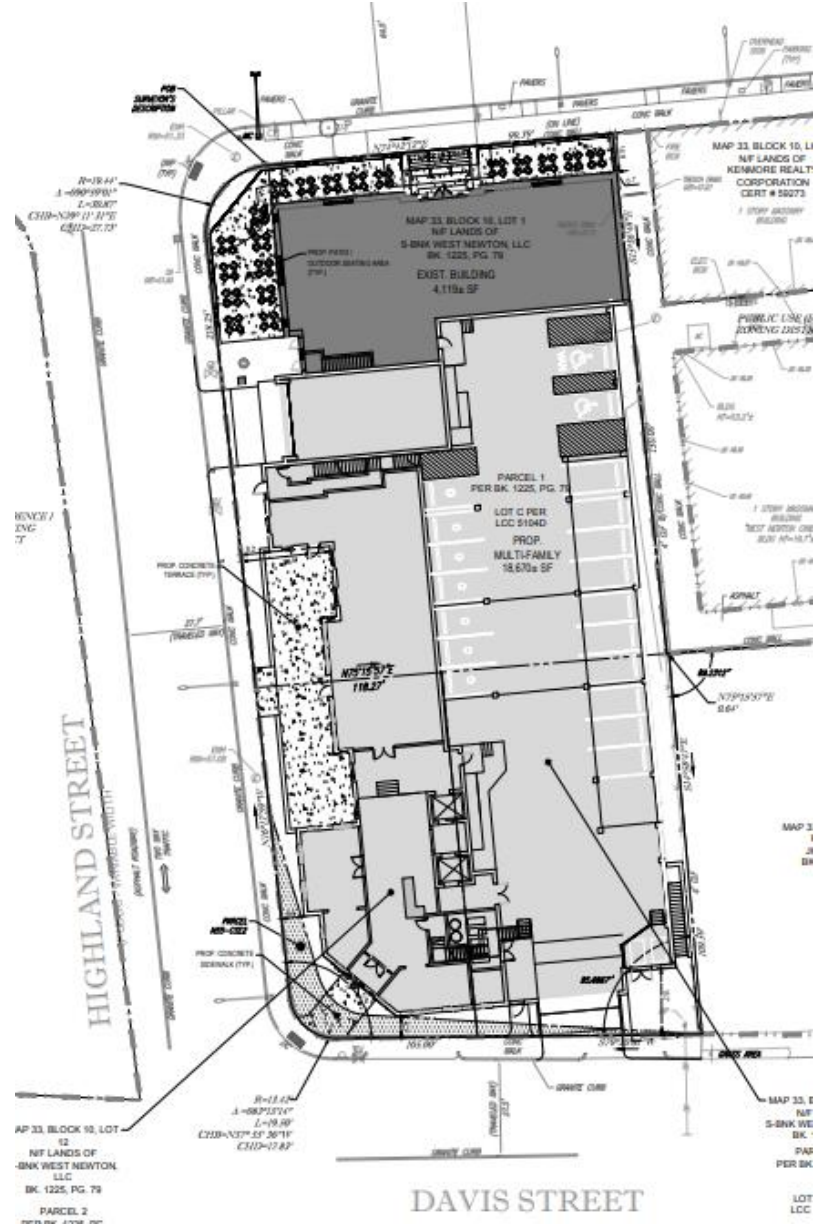
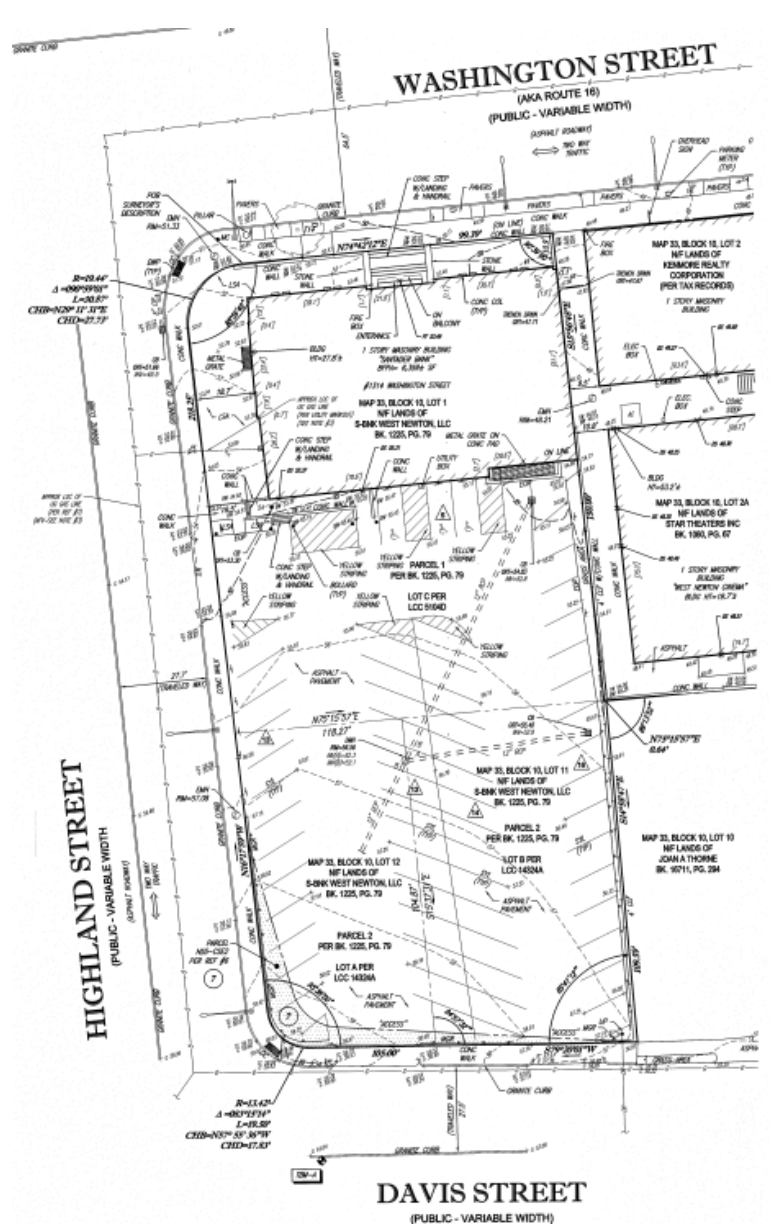
CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

0 25 50 75 100 125 150 175 200 225 Feet

Map Date: July 11, 2022



# Site plans- existing & proposed



# Elevations- north (Washington St.) & south (Davis St.)



**SOUTH ELEVATION - SIGNAGE** (3)  
SCALE: 1/16" = 1'-0"  
AD



**NORTH ELEVATION - SIGNAGE** (2)  
SCALE: 1/16" = 1'-0"  
AD



# Elevations- west (Highland St.) & east

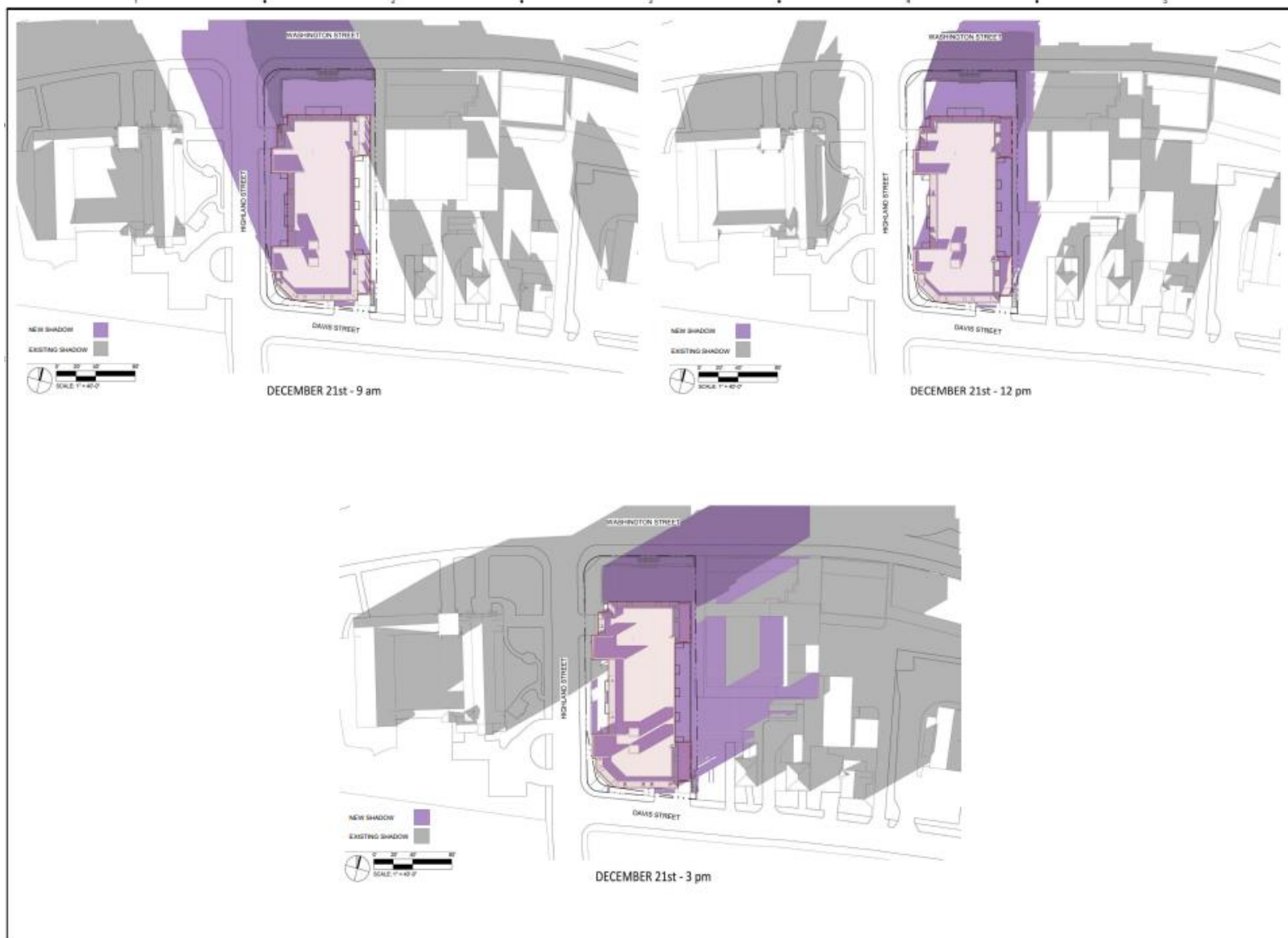


WEST ELEVATION - SIGNAGE 1



EAST ELEVATION 1  
SCALE: 1/16" = 1'-0"

# Shadow study- Dec. 21 (Winter solstice)



# Transportation Peer Review

- Currently underway

# Photos





# Photos



# Photos





# Photos



# UDC memo (7/15/2022)

- The UDC comments include:
  - “the project looks great”
  - “strongly support the concept for the approach to the site and the preservation of the bank building”
  - Noted need for some focus/attention on certain issues, incl.:
    - retail parking, service, etc.
    - restaurant rooftop equipment and venting
    - front façade and how balcony relates to roof
    - “softening along Highland and Davis?”



# Comparison to Washington Street Vision Plan

- Building heights aligns with Vision Plan's "Height Principles Diagram" incorporating lower village character heights (1-4 stories) along Washington Street frontage and for medium village character heights (3-6 stories) closer to Davis Street (Vision Plan pg. #84)
- Preserves and protects bank building's iconic historic façade (Vision Plan pg. #80)
- Provides housing near transportation - steps away from Express Bus and West Newton Commuter Rail Station (Vision Plan pg. #59)
- Places parking underground and behind building consistent with site planning principles (Vision Plan pg. #89)
- Promotes low-carbon living by stipulating project will meet LEED Gold Certification and include all-electric HVAC (Vision Plan pg. #64)
- Will incorporate opportunities for outdoor dining (Vision Plan pg. #21)

# Comparison to Proposed Village Center Zoning Framework

- Proposed project as designed, under proposed Village Center Zoning framework, still require a Special Permit for height (over 4.5 stories) and building footprint (over 15,000 sq. ft.)
- Would align with proposed By-Right Village Center zoning framework in the following respects:
  - Lot size (under  $\frac{3}{4}$  acre)
  - Floor Area Ratio (under 2.5)
  - Residential Parking (1 to 1)
  - Ground floor commercial parking (19 provided where none would be mandated)