



Ruthanne Fuller  
Mayor

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

**#447-22**  
Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

Barney S. Heath  
Director

**PUBLIC HEARING MEMORANDUM**

Public Hearing Date: October 18, 2022  
Land Use Action Date: December 27, 2022  
City Council Action Date: January 2, 2023  
90-Day Expiration Date: January 16, 2023

DATE: October 14, 2022

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development  
Katie Whewell, Chief Planner for Current Planning  
Cat Kemmett, Senior Planner

SUBJECT: **Petition #447-22**, petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze existing building and construct a 9-unit residential dwelling; to allow ground floor residential use with residential above; to allow a three-story structure with 36 feet in height; to allow an FAR of 1.20; to allow assigned parking stalls; to allow outdoor parking within five feet of a residential building; to allow restricted end stalls; to allow a reduced maneuvering aisle width; to reduce the driveway width for two-way traffic; to waive perimeter screening and to waive lighting at 106 River Street, Ward 3, Newton, on land known as Section 33 Block 24 Lot 11A, containing approximately 15,802 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 7.4, 4.4.1, 4.1.2.B.3, 4.1.3, 5.1.3.E, 5.1.13, 5.1.8.A.2, 5.1.8.B.6, 5.1.8.C, 5.1.8.D.1, 5.1.9, 5.1.10 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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 for consideration at a subsequent working session by the Land Use Committee of the City Council.



106 River Street

### **EXECUTIVE SUMMARY**

The subject property consists of 15,802 square feet of in the Business 1 (BU-1) zone in West Newton. The property is improved with a single-story commercial structure currently serving as office space. The petitioner is proposing to raze the existing structure and construct a three-story multifamily residential dwelling consisting of nine units and surface parking. To construct the proposed multi-family dwelling, the petitioner requires special permits, including but not limited to allowing a residential use with ground floor units, allowing a three-story structure with 36 feet in height, allow a floor area ratio of 1.2, and waivers related to parking and drive aisle widths.

The Planning Department believes that 106 River Street is an appropriate location for the proposed nine-unit multifamily dwelling due to its access and proximity to transit and the mix of uses surrounding the site. The project also exceeds the required lot area per unit, which is the standard set forth for density. The site is less than half a mile from the West Newton MBTA station and close to several neighborhood amenities, including a grocery store, drugstore and pharmacy, restaurants, and a convenience store. The proposed design also brings the nonconforming front setbacks into compliance. While the driveway and parking require relief, the parcel is somewhat constrained due to being a corner lot.

#### **SIGNIFICANT ISSUES FOR CONSIDERATION:**

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed multi-family dwelling as designed. (§7.3.3.C.1.)
- The proposed multi-family dwelling as developed and operated will 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)
- The proposed floor area ratio of 1.20 in a three-story structure is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. (§4.1.2.B.3, §4.1.3 and §7.3.3)
- Literal compliance with the parking requirements of the Newton Zoning Ordinance (Ordinance) 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)

#### **I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD**

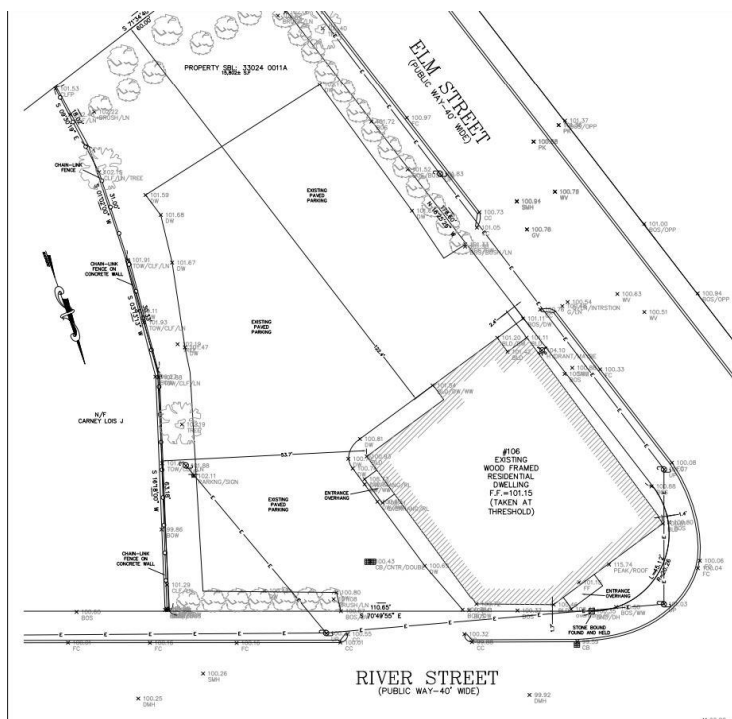
A. Neighborhood and Zoning

The subject property is located at the northwest corner of River and Elm Street in the BU-1 zone in West Newton. The site abuts multi-family dwellings to the east and west, and a single-family home to the south. North of the property across River Street is the West Parish Burying Ground (also known as River Street Cemetery), which is owned by the City. 106 River Street is zoned BU-1 along with several other parcels in the area along with a mix of Public Use (on the grounds of the cemetery), Single Residence 3, Multi-Residence 1, and Multi-Residence 2. The surrounding land use of the area is predominantly single and multi-family residential, with some mixed-use north of the subject parcel and a large amount of open space at cemetery to the north. **(Attachments A and B).**

B. Site

The site consists of 15,802 square feet of land and is improved with a single-story commercial building. The property has frontage on both River Street and Elm Street. Both front setbacks on the lot are nonconforming, with a 1.7-foot setback on River Street and a 1.4-foot setback on Elm Street, where 10 feet is required. The lot is served by two curb cuts, with one on River and the other on Elm Street, leading to a surface parking lot. The site is relatively flat.

*Existing Conditions:*



## II. PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

The principal use of the site will change from a commercial use to a 9-unit residential dwelling, should the petition be approved.

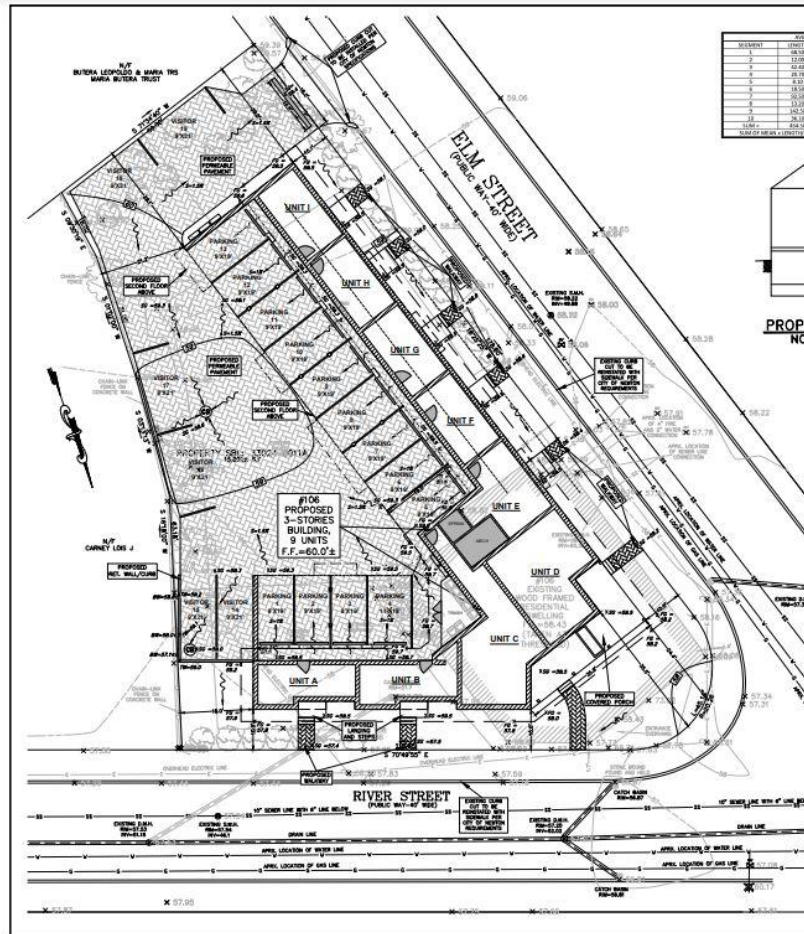
### B. Building and Site Design

The applicant is proposing to raze the existing structure to construct a three-story, 9-unit multi-family dwelling which will total 18,962 square feet of floor area. The proposed structure will contain three stories and measure 36 feet tall where two stories and 24 feet are allowed by right in the BU-1 district. The new building will have an FAR of 1.20, where .33 exists and 1.00 is the maximum allowed by-right in the BU-1 district. The proposed structure will have residential units on all stories. In the BU-1 district, a special permit is required for residential units on the ground floor.

The new structure will have front setbacks of 10 feet on both River Street and Elm Street, eliminating the existing nonconforming front setbacks of less than two feet from both River Street and Elm Street. The existing rear setback at the east of the parcel will be reduced from 53.7 feet to 18 feet, and the rear setback on the west reduced from 122.4 feet to 29 feet, both of which are conforming.

The dwelling units will be located along the frontage of the site on River Street and Elm Street. Three units will have front doors oriented to River Street and six will be oriented to Elm Street. Landscaping will be provided along the frontages on River Street and Elm Street between the residences and the lot line. Six units will have access to private outdoor balconies facing the parking lot. 13 parking stalls for residents will be provided on the first floor and will be covered by the overhang of the upper floors of the building. Visitor parking stalls will be located along the south and east perimeter of the parking lot.

*Proposed Site Plan:*



C. Parking and Circulation

The petitioner proposes to construct 19 surface parking stalls to serve the nine residential units. Six of the stalls are to be reserved for use by visitors, which requires a special permit to assign parking stalls. Several of the visitor parking stalls are parallel parking stalls. The parking stalls for residents will be located along the building, covered by the overhang of the second and third floors of the building. These proposed covered parking stalls are within five feet of the building, requiring a special permit. The plans do not show bicycle parking.

Due to the configuration of the parking lot, several parking stalls are restricted on one or both sides. Because three of these restricted end stalls do not have a maneuvering space of at least five feet in depth and nine feet in width, a special permit is required.

The curb cut on River Street will be removed. The design proposes to move the existing

curb cut on Elm Street further north on the street. This new curb cut at the southwest corner of the parcel leads to an 18-foot-wide driveway, providing access to the parking lot and for two-way traffic. Because the ordinance requires a 20-foot-wide maneuvering aisle for two-way traffic where there is parallel parking, a special permit is required. Entrance and exit drives are required to be a minimum of 20 feet wide for two-way traffic, so the proposed 18-foot-wide drive requires a special permit.

*Elevations:*



ELM STREET ELEVATION



RIVER STREET ELEVATION



D. Landscaping

The applicant is proposing to add landscaping on the site along the frontages on River Street and Elm Street. This includes a mix of deciduous and evergreen shrubs, several trees, and perennial flowers and grass. However, no screening is proposed along the perimeter of the parking areas abutting neighboring properties to the southeast. Because the ordinance requires outdoor parking facilities containing more than five stalls to be screened from abutting streets and properties, a special permit is required.

E. Affordable and Fair Housing Policy

The applicant is proposing nine apartments in a multi-family dwelling. The subject property will include 1 one-bedroom unit, 6 two-bedroom units, and 2 three-bedroom units. The proposed lot area per unit of the 9-unit structure is 1,756 square feet, where 1,200 square feet is required by zoning.

**Table 1. Unit Mix and Average Square Footage**

Unit Type	Number of Units	Deed Restricted Units	Average Square Footage of Unit Type
One-Bedroom	1	0	1,559 sf
Two-Bedroom	6	1	1,553 sf
Three Bedroom	2	0	1,741 sf

**Table 2. Inclusionary Unit Mix and Income Levels**

AMI	Unit	Bedrooms	Size
80%	TBD	2	TBD

Because this project is creating seven or more new dwelling units, the petitioner will be required to comply with the Inclusionary Zoning section of the Ordinance. As such, the petitioner has submitted an Inclusionary Housing Plan (**Attachment C**). The units are designated as condominium/ownership units, so the petitioner is required to provide at least 10% of Tier 1 units at 80% area median income. This comes out to one unit at 80% AMI. The applicant has proposed designating one of the two-bedroom units as the deed-restricted affordable unit.

Planning Staff have completed an initial review of the Inclusionary Housing Plan proposed. The Department agrees with the proposal to designate a two-bedroom unit as the affordable unit and suggests not designating which specific two-bedroom unit to make affordable at this stage. The Housing Division will work with the applicant prior to issuance of a building permit to make this designation.

Accessibility

The project is required to be compliant with ADA and Massachusetts Architectural Access Board (MAAB) regulations.

Based on the plans provided, the project will have one accessible parking stall, which is one of the six that will be reserved for visitors. The townhomes do not appear to be accessible nor serviced by an elevator. The applicant should provide information on access to the townhome units and whether they are accessible and/or visitable.

F. Lighting

Outdoor parking facilities containing more than five stalls that will be used at night are required to provide security lighting designed to maintain a minimum intensity of 1-foot candle on the entire surface of the facility. The applicant has requested a waiver from these lighting requirements.

G. Sustainability and Conservation of Natural Resources

The proposed multi-family structure will not exceed the 20,000 square foot threshold that would trigger the fifth special permit criterion to ensure the site planning, building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy.



The applicant has provided an energy narrative and statement from Sustainable Comfort, Inc. who will be overseeing the LEED and energy certifications for the project (**Attachment D**). According to that letter, the proposed project is on track to meet LEED Gold Certification.

H. Mitigation

The City Engineer has submitted a letter, dated October 5, 2022, regarding infiltration and inflow on the site (**Attachment E**). According to the City Engineer, this project will add an average of 760 gallons per day to the existing city sewer system. This corresponds to a total mitigation cost of \$44,561. The Engineering and Planning Department recommends 25% of this fee, or \$11,140, be used toward the design and construction of sewer improvements, and the remaining 75%, or \$33,421, be dedicated to other mitigation purposes. Planning Staff will provide an update at a future hearing after conferring with other City Departments to make a recommendation for these funds.

III. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal regarding zoning (**Attachment F**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§4.4.1	Request to allow ground floor residential use with residential above	S.P. per §7.3.3
§4.1.2.B.3 §4.1.3	Request to allow a three-story structure with 36 feet in height	S.P. per §7.3.3
§4.1.3	Request to allow an FAR of 1.20	S.P. per §7.3.3
§5.1.3.E §5.1.13	Request to allow assigned parking stalls	S.P. per §7.3.3
§5.1.8.A.2 §5.1.13	Request to allow outdoor parking within five feet of a residential building	S.P. per §7.3.3
§5.1.8.B.6 §5.1.13	Request to allow restricted end stalls	S.P. per §7.3.3
§5.1.8.C §5.1.13	Request to allow a reduce maneuvering aisle width	S.P. per §7.3.3
§5.1.8.D.1 §5.1.13	Request to reduce the driveway width for two-way traffic	S.P. per §7.3.3
§5.1.9 §5.1.13	Request to waive perimeter screening	S.P. per §7.3.3
§5.1.10 §5.1.13	Request to waive lighting	S.P. per §7.3.3

B. Historic Preservation Review

The petitioner applied for the total demolition of the existing structure. On June 4, 2021, the project was administratively deemed historically significant, and was subsequently reviewed by the Newton Historical Commission. Following a public hearing on May 27, 2021, the commission voted on a motion to preferably preserve the property at 106 River Street. The motion did not pass, and demolition is not delayed for this project.

C. Engineering Review

This project is currently under review by the Engineering Department.

D. Fire Department Review

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

IV. PETITIONER'S RESPONSIBILITIES

The petitioner should respond to the issues raised in this memorandum and other questions raised at the public hearing as necessary. Written responses to all significant issues should be provided for analysis by the Planning Department prior to being scheduled for additional public hearings. The Planning Department will prepare an updated memo prior to any future public hearings.

**ATTACHMENTS:**

- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Inclusionary Housing Plan
- Attachment D:** LEED Narrative
- Attachment E:** Engineering Memorandum
- Attachment F:** Zoning Review Memorandum






# ATTACHMENT A

## Zoning

106 River Street

City of Newton,  
Massachusetts

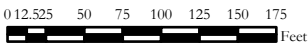
### Zoning

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

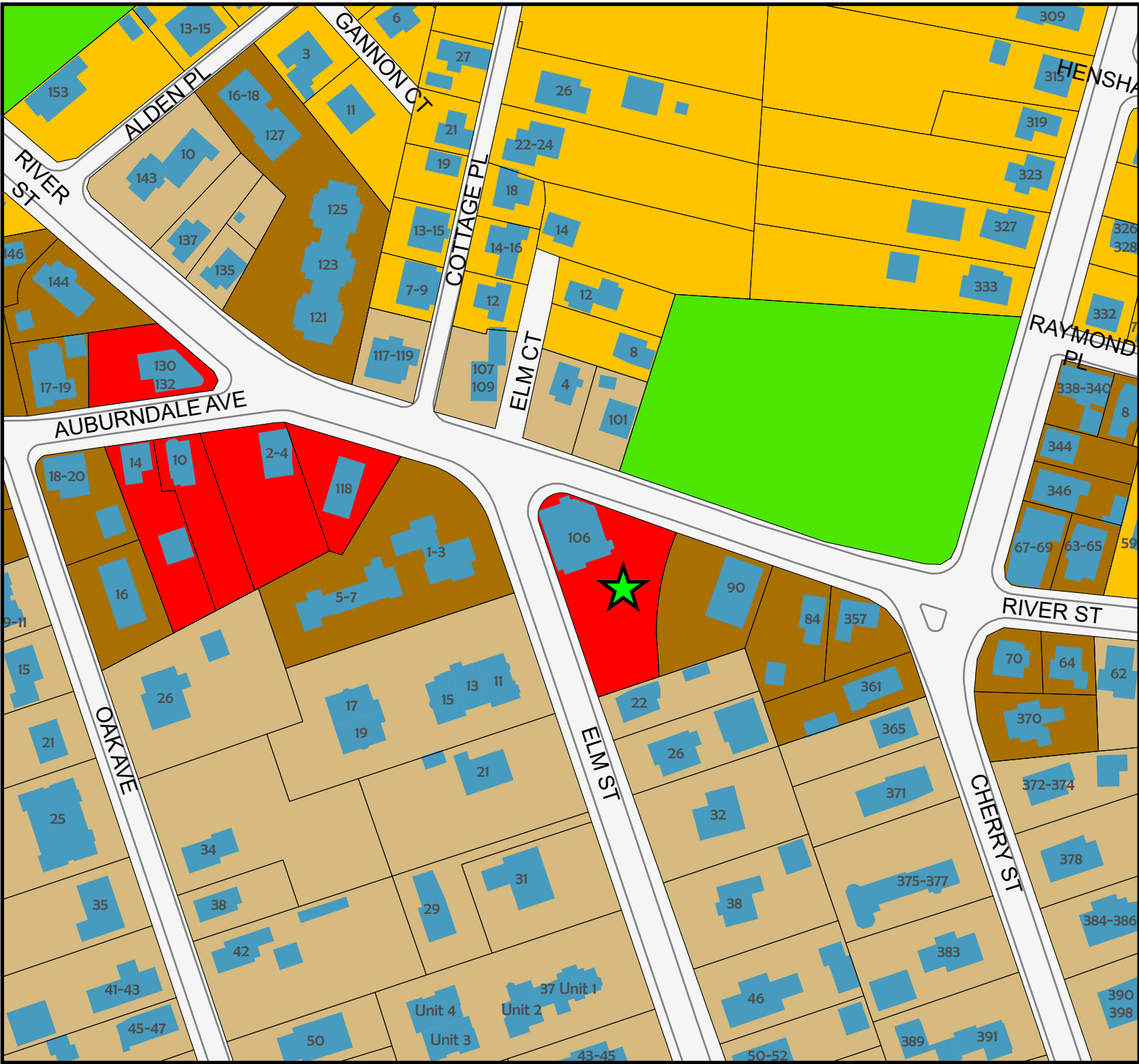


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: October 03, 2022



# ATTACHMENT B

## Land Use

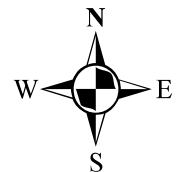
### 106 River Street

*City of Newton,  
Massachusetts*

#### Land Use

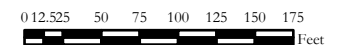
#### Land Use

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

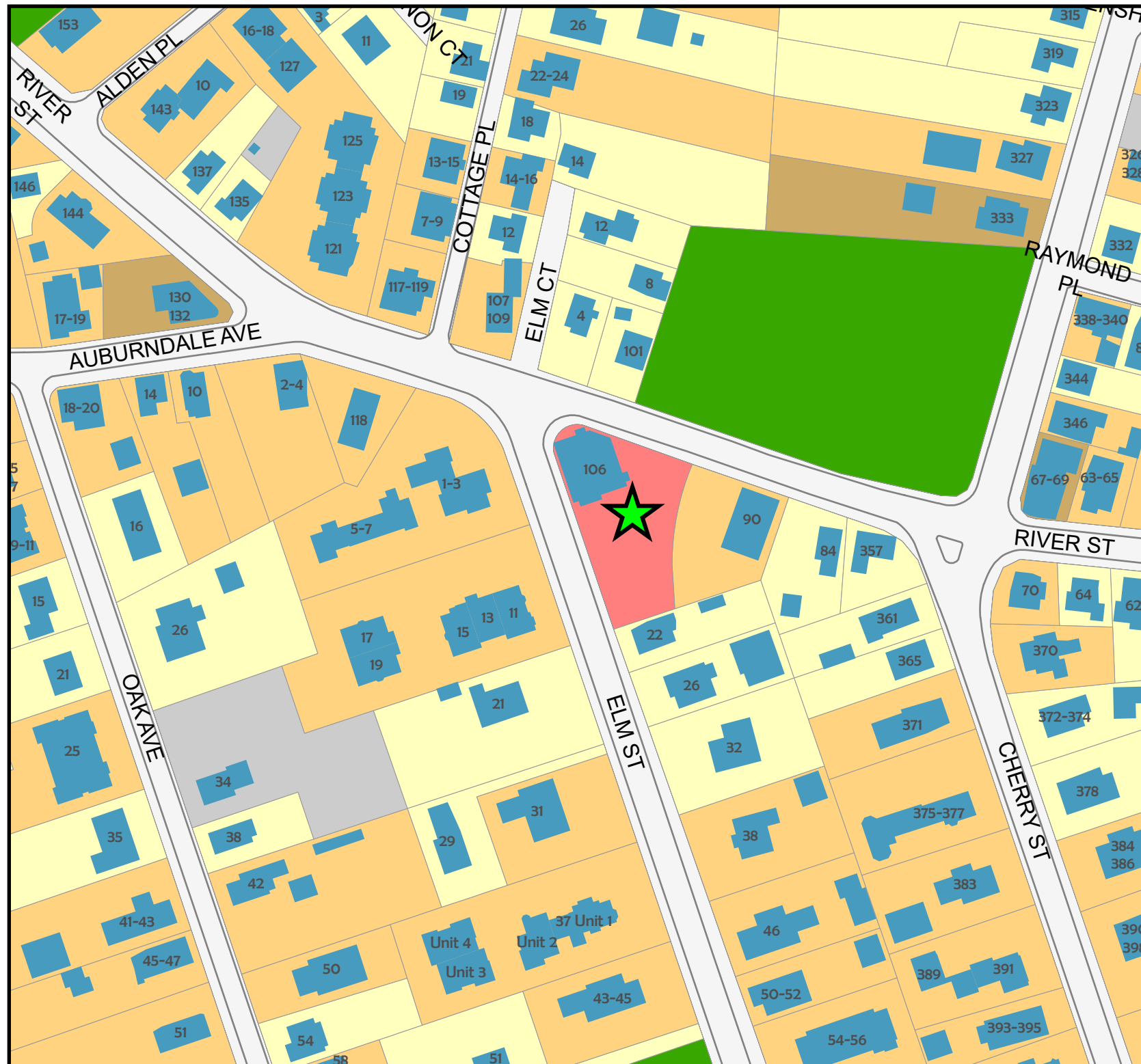


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: October 03, 2022



INCLUSIONARY HOUSING PLAN  
106 RIVER STREET  
By CIVICO DEVELOPMENT  
July 1, 2022

**PROJECT OVERVIEW**

The 106 River Street project is located on a 15,804 square foot lot in West Newton , containing a one-story, commercial office building, which is to be demolished. The proposed project is to be composed of a series of nine townhomes adjacent to one another with frontage on both River and Elm streets. The dwellings will be duplexed with live/work home office space on the 1<sup>st</sup> floor (ground) level and conventional living space on levels 2 and 3 above. The apartments will consist of a mix of unit sizes ranging from 1,535 to 1,766 square feet with an average size of 1,622 square feet. The unit mix will consist of one one-bedroom unit, six two-bedroom units and two three-bedroom units. There will be parking for 13 garage spaces in carports beneath the building as well as 6 additional open-air parking spaces for visitors. The parking will be assigned, with each unit offered one space with the remainder available on an as needed basis to service visitors to the building. The parking space for the inclusionary unit will be included in the sale.

**I. DESCRIPTION OF INCLUSIONARY UNITS**

Section 5.11.4 of the zoning ordinance requires that this special permit development must provide 15% of the proposed units as Inclusionary Units. Since 15% of 9 units results in a fraction less than .5 ( $9 \times .15\% = 1.35$ ), there will be one (1) Inclusionary Unit and a cash payment in accordance with the inclusionary zoning cash payment calculation set forth in section 5.11.4.2.B, which provides that where the inclusionary zoning requirement results in a fraction of the unit less than .5, the development may contribute a fractional cash payment to the city to cover the fraction rounded to the nearest tenth (in this case .4), based on a formula that utilizes the average total development costs (TDC) per unit in Newton. The current TDC is \$578,239.20.

**Location & Size of Units**

The Inclusionary Unit location is shown on the Floor Plans submitted herewith as Unit D. Unit D is a 2BR with 2 ½ Baths and contains 1,559 square feet. The unit includes a Living-Dining Area, Kitchen, and laundry closet with a washer/dryer hook-up. In addition, Unit #3 is an accessible market unit and all other 2-BR, market units are adaptable for accessibility.

The square footage of the 2BR Inclusionary Unit (1,559 sf) is 97.4% of the average square footage of the other five market rate units with the same number of bedrooms (1,601). Thus the inclusionary unit far exceeds the 80% minimum square footage requirement in Section 5.11.7.C.2.b of the Ordinance. The square footage of the Inclusionary Unit (1,559 sf) is 11.9% of

the total for all units (1,559/14594 sf), which exceeds the 10% minimum in the Habitable Space requirement of Section 5.11.7.C.3.

The units are to be individually metered for consumption of water, electric and gas, which are the responsibility of each owner. Accordingly, there are no other monthly fees assessed to any unit.

### **Sales Prices**

Since the inclusionary unit is required at Tier 1 level of affordability, the AMI used to establish income limits for these units will average no more than 80% of AMI, according to HUD Income Limits, as most recently updated. The sales price levels for the market rate units are to be established at the time the units are ready for marketing sometime in 2023.

## **II. CONSTRUCTION STANDARDS AND SPECIFICATIONS**

All product and material designations are intended to establish uniform design and quality standards for construction of all the units. Accordingly, all units shall conform to the specifications and standards set forth in **Appendix A** attached hereto. All inclusionary units in development shall be fully built-out and finished dwelling units, containing complete living facilities including a stove, kitchen cabinets, plumbing features, a refrigerator, microwaves, and access to laundry facilities. All inclusionary units shall have exteriors and interiors that are indistinguishable in design and of equivalent materials to the exteriors and interiors of market rate units in the development.

## **III. AFFIRMATIVE FAIR HOUSING MARKETING & RESIDENTIAL SELECTION PLAN (AFHMP)**

The Applicant, CIVICO Development, has contracted with Metro West Collaborative Development Inc. to develop the West Newton Armory project and will similarly engage them to administer the Affirmative Fair Housing Marketing Plan, Lottery and Buyer Selection process on this project.

## **IV. COMPLIANCE WITH AFHMP**

Pursuant to section 5.11.8, the applicant will submit an Affirmative Fair Housing Marketing and Resident Selection Plan to the Director of Planning and Development for review prior to marketing the units for sale. Resident selection shall be conducted and implemented in accordance with the approved Affirmative Fair Housing Marketing and Resident Selection Plan and DHCD guidelines. The inclusionary unit shall be subject to an affordable housing covenant approved in accordance with section 5.11.8.F.2.

## **V. RESTRICTIVE COVENANT**

All inclusionary units shall comply with the Use Restrictions requirements set out in in the Comprehensive Permit Guidelines of the DHCD, Sec. II.A.1.e. “Use Restriction,” and Sec. VI.B.9. “Regulatory Agreement and Use Restrictions” and shall be subject to a Regulatory Agreement and Declaration of Restrictive Covenants executed by and between the Applicant, the City of Newton and DHCD, which the Applicant shall record with the Middlesex South Registry of Deeds as the senior interest in title for each Inclusionary Unit and enduring for the life of the residential development. The Regulatory Agreement and Declaration of Restrictive Covenants shall be filed prior to grant of an occupancy permit and running in favor of the City of Newton, in a form approved by the City Solicitor, which shall limit sale of inclusionary units to eligible households in accordance with provisions reviewed and approved by the Director of the Planning and Development Department which incorporate the provisions of Newton’s Inclusionary Zoning Ordinance, Sec. 5.11.

Signed this        day of July 2022.

CIVICO DEVELOPMENT

By: \_\_\_\_\_  
David Oliveri, Partner

## Appendix A

### CONSTRUCTION STANDARDS AND SPECIFICATIONS

All product and material designations below are intended to establish minimum design and quality standards for construction of all units. All units, both market rate and inclusionary, shall conform to the following standards:

#### I. BUILDING

1. Exterior facade shall be EFIS or stucco with precast concrete trim.
2. All units will be offered one parking space in the common car park beneath the building's 2 upper levels.

#### II. FOUNDATIONS

1. All foundation/slab walls shall be cast-in-place concrete.

#### III. WATERPROOFING

1. Project shall have catch basin drains for run-off from hard surface areas and car park.

#### IV. FIRE SEPARATION

1. Fire separation to meet or exceed state building code.
- 2.

#### V. INSULATION

1. Insulation to meet or exceed state building code.

#### VI. ROOFING

1. EPDM rubber roofs.

#### VII. WINDOWS

1. double-hung insulating glass with screens plus curtain wall.

#### VIII. INTERIOR WALLS AND CEILINGS

1. Wall and ceiling material shall be gypsum wall board.
2. Paint - One primer coat, two coats color latex finish on walls.
3. Moisture resistant, fiber reinforced 1/2 "cement board at all tubs and showers.

#### IX. FINISH CARPENTRY- (Paint Grade - 1 coat primer, 2 coats semi-gloss)

1. All window & doors shall have a minimum of 3 1/2" casings.
2. Wood base shall be a minimum of 3 1/2" one piece.

#### X. BUILDING AMENITY PACKAGE

1. Washer/Dryer connection in laundry closet.

#### XI. FLOORS

1. Floors in kitchen shall have Ceramic tile.
2. Floors in LR, BRs, dining area and foyer shall be carpet.
3. Floors in all baths shall be Ceramic Tile.

#### XII. KITCHENS



1. Cabinets - factory painted or wood finish.
2. Counters - Granite.
3. Sink - with integral spray nozzle.

### XIII. BATHROOMS

Units will have 1 or 2 bathrooms:

1. Toilet – two-piece white, American Standard or equal.
2. Faucets - American Standard or equal.
3. Lavatory - American Standard or equal.
4. Tub /Shower - single piece fiberglass unit or similar.

### XIV. DOORS

1. Stained, fiberglass entry doors.
2. Solid core, raised panel, Masonite interior door.

### XV. HARDWARE

1. Unit entry doors shall have a mortised interlock.
2. All interior doors shall have passage, privacy set.

### XVI. PLUMBING, HEATING AND COOLING

1. Ventilation or vents for bathrooms.
2. Complete plumbing system exceeding all state and local codes.
3. Heating & cooling by forced hot-air system w/ thermostatic control in unit.

### XVII. ELECTRICAL

1. One telephone jack in LR or kitchen; one cable jack in each room.
2. Individual electric meters for each unit.
3. Lighting - Typical lighting package for each unit.
4. Kitchen - Surface mounted or recessed on separate switch.
5. A minimum of 100-amp service to unit.
6. Wi-Fi ready access for each unit.

### XVIII. SECURITY & SAFETY

1. Hard-wired smoke and carbon monoxide detector system.

### XIX. APPLIANCES

1. Gas cook top and oven, 30” minimum.
2. Frost-free Refrigerator/freezer.
3. Microwave/exhaust combo over cook top.
4. All appliances shall be Energy Star certified.

### XX. SPRINKLER SYSTEM

1. Sprinklers to meet or exceed state building code.



From: Sustainable Comfort, Inc. / June 30, 2022/

## 106 River Street, Newton, MA

### Sustainability Goals

The 106 River Street project is a sustainably focused infill development that will provide nine new townhomes. Thirteen owner and six visitor parking spaces will be provided. The proposed three-story building contains approximately 18,873 SF. To support Newton and State of Massachusetts green goals and climate commitments, the project is committing to a low carbon footprint, and to eliminate fossil fuels using all electric heat pump technologies and targeting smaller size units to reduce emissions per person and increase density. The project will be LEED certified and is targeting the following green and high-efficient features to support its sustainability goals:

#### Guiding Sustainability Goals:

- Energy Efficient Mechanical Systems: High-efficiency equipment will be utilized. New townhomes will be heated and cooled by electric split heat pumps to reduce energy use and fossil fuel dependence. The project will also be renewable energy ready.
- Low Global Warming Potential Materials: The project team intends to utilize insulation products that include low global warming potential blowing agents to reduce emissions.
- Healthy Indoor Air Quality: To promote healthy indoor environment for residents and increase efficiency, the project will utilize healthy indoor air quality materials and ventilation systems.
- Walkability: Close proximity to the public transit and neighborhood amenities will reduce potential emissions associated with transportation.

#### Energy Narrative

The project will target Energy Star Homes V3.1 program with a HERS 55 or less utilizing all electric heat pump systems. The insulation is targeting R-5 minimum exterior rigid insulation outside 2x6 wood framing with R-21 cavity insulation, plus fully insulated roof cavity in a vaulted roof assembly, and R-10 insulated slab edge. The windows will be high performing double pane low-e insulated glass with U-0.30 or less with air-tight detailing and air sealing. The project will be blower door tested to ensure air-tight construction and will be heated and cooled using electric heat pump systems. In combination with a heat pump water heating system, the project will be all-electric and fossil fuel free to eliminate carbon emissions on site. The project will be fitted to be solar PV ready with the ability to add solar PV at a later date if the owners choose to offset the electric load of the building to achieve net-zero energy in the future. The owners could also choose to purchase off site renewables or community solar to achieve net zero energy.

#### LEED Certification

LEED [Leadership in Energy and Environmental Design] is a building rating program which provides a framework for healthy, efficient and cost-saving green buildings. LEED certification is a globally recognized symbol of sustainability achievement and leadership. Civico has extensive experience in the development of LEED certified housing in Newton. Features of the LEED for Homes Certification includes:



- Increased unit density with >16 units per acre
- Insulated envelope and high efficiency systems to reduce energy use
- Reduce drafts through air-tight construction
- Healthy indoor air quality through ventilation systems and low emitting materials choices such as low VOC paints and sealants and flooring.
- Noise reduction through efficient windows and insulation throughout
- Water savings by using low flow fixtures and efficient distribution systems to minimize wasted water
- Will meet EPA's solar photovoltaic specifications for a renewable energy-ready building
- Parking spaces to be designed as electric vehicle ready
- Specification of native plants and permeable asphalt pavement
- Project to be constructed on a previously developed site
- Compliance with all applicable requirements of the Massachusetts Stretch Energy Code
- Very walkable community: Walk Score of 72/100 with ample biking opportunities
- The building will meet requirements of Energy Star Homes. Features include:
  - Energy Star appliances including refrigerators, dishwashers, laundry and LED Lighting
  - High-performance insulation and windows
  - Energy efficient heat pump systems for heating, cooling, and hot water systems
  - Verified performance through third party testing


Provided on the following pages is the target LEED for Homes Checklist showing >60 points to achieve LEED Gold Certification, along with the qualifications of Sustainable Comfort, Inc. who will serve as the project HERS Rater, LEED for Homes Green Rater.



City of Newton

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

Ruthanne Fuller  
Mayor

**DATE:** October 5, 2022  
**TO:** Land Use Committee  
**FROM:** Louis M. Taverna, P.E., City Engineer   
**RE:** Sewer Inflow and Infiltration Mitigation Fee  
106 River Street  
Ordinance No. B-45

The City Engineer has calculated the sewer infiltration/inflow mitigation cost for this project. See calculations below. The total mitigation cost for the assumption of low flow fixtures throughout the project is \$44,561. This calculation includes the reduction of the proposed total sewer flow of the proposed development by the estimated existing sewer flow. This calculation of proposed sewer flow (in gallons per bedroom per day) is consistent with recent previous sewer flow calculations for other assisted living developments in Newton.

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 760 gallons per day to the existing city sewer system. The existing sewer flow from the site is estimated to be 236 gallons per day (from 1/21/11 to 5/6/21). The city's sewer system in this area flows downstream to the sewer interceptor system along Albemarle Brook to the 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 2. Sewer area 2 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 \$11,140 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 \$33,421, towards other mitigation purposes, as recommended by the Planning Department.

Calculation of sewer infiltration/inflow mitigation:

Proposed Sewer Flow:

1-bedroom units, 2 units x 65 gal/1 bed = 130 gpd

2-bedroom units, 5 units x 90 gal/2 bed = 450 gpd

3-bedroom units, 2 units x 90 gal/2 bed = 180 gpd

Total = 760 gpd

Existing Sewer Flow:

Existing property flow = 236 gpd based on water meter data averaged 1/21/11 to 5/6/21

Net flow = (760 gpd – 236 gpd) x 4:1 x \$21.26 (as of 1/1/2022) = \$44,561

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

City of Newton  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

10/03/2022 13:51  
mlaforce

CITY OF NEWTON LIVE ver 11.3  
UB Consumption History Report

1  
P  
ubcnsing

Account Number	Customer # Name	Parcel	Bill #	Curr Read	Location Usage	Repl Usage	Charge Amt	Billed Amt	Status
0302571600001	50008979 106 RIVER ST TRUST	3302400011A0			106 RIVER ST				Active
1WATR - 1 MET.	WATER AMCO20829101		73099338		14		104.12	417.13	
1WATR - 1 MET.	WATER AMCO20829101		73069538		4		28.48	224.21	
1WATR - 1 MET.	WATER AMCO20829101		73039595		3		21.36	206.11	
1WATR - 1 MET.	WATER AMCO20829101		73010369		5		34.35	240.19	
1WATR - 1 MET.	WATER AMCO20829101		72097420		43		343.65	1,032.36	
1WATR - 1 MET.	WATER AMCO20829101		72068378		4		26.88	221.51	
1WATR - 1 MET.	WATER AMCO20829101		72039173		4		26.88	221.51	
1WATR - 1 MET.	WATER AMCO20829101		72010080		5		33.23	238.10	
1WATR - 1 MET.	WATER AMCO20829101		71096449		4		26.40	318.60	
1WATR - 1 MET.	WATER AMCO20829101		71067869		4		33.00	335.75	
1WATR - 1 MET.	WATER AMCO20829101		71039015		4		26.40	318.60	
1WATR - 1 MET.	WATER AMCO20829101		70088470		4		26.40	318.60	
1WATR - 1 MET.	WATER AMCO20829101		70060492		5		26.40	318.60	
1WATR - 1 MET.	WATER AMCO20829101		70031753		4		33.00	332.25	
1WATR - 1 MET.	WATER AMCO20829101		70003189		5		26.40	315.80	
1WATR - 1 MET.	WATER AMCO20829101		67094064		4		19.80	299.35	
1WATR - 1 MET.	WATER AMCO20829101		67066002		4		32.52	330.49	
1WATR - 1 MET.	WATER AMCO20829101		67037839		2		25.80	313.60	
1WATR - 1 MET.	WATER AMCO20829101		67009872		2		25.80	313.60	
1WATR - 1 MET.	WATER AMCO20829101		66090693		6		12.90	281.80	
1WATR - 1 MET.	WATER AMCO20829101		66063944		157		37.34	343.26	
1WATR - 1 MET.	WATER AMCO20829101		66036764		4		1,416.00	3,352.50	
1WATR - 1 MET.	WATER AMCO20829101		66009763		7		24.40	111.40	
1WATR - 1 MET.	WATER AMCO20829101		65085488		10		42.70	157.45	
1WATR - 1 MET.	WATER AMCO20829101		65060083		5		60.81	201.35	
1WATR - 1 MET.	WATER AMCO20829101		65034622		5		30.35	112.55	
1WATR - 1 MET.	WATER AMCO20829101		65009126		5		30.35	112.55	
1WATR - 1 MET.	WATER AMCO20829101		64085239		4		18.21	82.53	
1WATR - 1 MET.	WATER AMCO20829101		64059896		3		23.70	96.09	
1WATR - 1 MET.	WATER AMCO20829101		64034521		14		17.52	80.82	
1WATR - 1 MET.	WATER AMCO20829101		64009094		7		23.36	95.26	
1WATR - 1 MET.	WATER AMCO20829101		63079140		2		81.76	239.66	
1WATR - 1 MET.	WATER AMCO20829101		63053812		3		39.92	136.23	
1WATR - 1 MET.	WATER AMCO20829101		63028490		2		11.24	65.30	
1WATR - 1 MET.	WATER AMCO20829101		63002943		3		16.86	79.20	
1WATR - 1 MET.	WATER AMCO20829101		62091142		4		22.48	93.10	
1WATR - 1 MET.	WATER AMCO20829101		62065682		4		16.37	77.94	
1WATR - 1 MET.	WATER AMCO20829101		62040484		4		21.68	91.02	
1WATR - 1 MET.	WATER AMCO20829101		62014786		4		21.68	91.02	
1WATR - 1 MET.	WATER AMCO20829101		61086817		5		27.10	104.40	
1WATR - 1 MET.	WATER AMCO20829101		61061771		4		20.91	88.39	
1WATR - 1 MET.	WATER AMCO20829101		61036325		5		25.70	99.60	
1WATR - 1 MET.	WATER AMCO20829101		61010810		0		30.84	112.02	
1WATR - 1 MET.	WATER AMCO20829101		60085100		6		.00	.00	
1WATR - 1 MET.	WATER AMCO20829101		60059876		10		51.40	285.90	
1WATR - 1 MET.	WATER AMCO20829101		60034625		0		.00	.00	
1WATR - 1 MET.	WATER AMCO20829101		60009107		0		.00	.00	
1WATR - 1 MET.	WATER AMCO20829101		69034682		0		.00	.00	
1WATR - 1 MET.	WATER AMCO20829101		690009455		0		.00	.00	

Newton

389 HCF x 748 GAL = 236 GAL/day AVG.  
1230 DAYS x 100 C.F.



Ruthanne Fuller  
Mayor

**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

**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: July 7, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Katie Whewell, Chief Planner for Current Planning

Cc: Norton Point Street LLC, Applicant  
106 River Street LLC T/C David Oliveri, Applicant  
Terrence P Morris, Attorney  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

**RE: Request to allow a 9-unit residential dwelling**

### Applicant: Norton Point Street LLC & 106 River Street LLC

<b>Site:</b> 106 River Street	<b>SBL:</b> 33024 0011A
<b>Zoning:</b> BU1	<b>Lot Area:</b> 15,802 square feet
<b>Current use:</b> Office	<b>Proposed use:</b> 9-unit residential dwelling

### BACKGROUND:

The subject site consists of a 15,802 square foot lot improved with a single-story office building built in 1930 with surface parking located at the corner of River Street and Elm Street. The petitioner proposes to raze the building and construct a nine-unit, three-story residential dwelling with surface parking portions of which are covered by the upper stories of the proposed dwelling.

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

- Zoning Review Application, prepared by Terrence P. Morris, attorney, dated 6/2/2022
- Plot Plan of Land, prepared by Peter Nolan, surveyor, dated 12/4/2020
- Proposed Plan, prepared by Peter Nolan, surveyor, dated 5/3/2022
- Floor Plans and Elevations, prepared by Sustainable Comfort, architect, dated 5/4/2022

**ADMINISTRATIVE DETERMINATIONS:**

---

1. The petitioner intends to raze the single-story office building and construct a three-story, nine-unit residential dwelling with covered parking. Per section 4.4.1, a special permit is required to allow residential uses on the ground floor with residential uses above in a Business 1 zoning district.
2. The petitioner intends to construct a three-story structure. Per section 4.1.2.B.3 and 4.1.3, a special permit is required to allow for a three-story structure with 36 feet in height.
3. Per section 4.1.3, the maximum by-right FAR for a three-story building is 1.00, and up to 1.50 by special permit. The building is proposed with a total of 18,962 square feet resulting in an FAR of 1.20, requiring a special permit.
4. section 5.1.4, two parking stalls are required per unit, resulting in a requirement of 18 stalls. The petitioner proposes to construct 19 parking stalls to serve the nine residential units. Six of the stalls are reserved for visitor use. Per section 5.1.3.E required parking stalls shall not be assigned to specific persons or tenants so as to render them unavailable to the persons they are intended to serve. To the extent that "visitor" stalls are assigned, a special permit is required per section 5.1.13.
5. Per section 5.1.8.A.2, no outdoor parking may be located within five feet of a building containing residential units. The proposed covered parking is within five feet of the building, requiring a special permit per section 5.1.13.
6. Section 5.1.8.B.6 requires that end stalls restricted on one or both sides have a maneuvering space of at least five feet in depth and nine feet in width. Three end parking stalls are restricted, requiring a special permit per section 5.1.13.
7. Section 5.1.8.C requires a 20-foot wide maneuvering aisle for two-way traffic where there is parallel parking. The proposed aisle is 18 feet wide, requiring a special permit per section 5.1.13.
8. An entrance and exit drive is required to be a minimum of 20 feet wide for two-way traffic per section 5.1.8.D.1. The proposed drive is 18 feet wide, requiring a special permit per section 5.1.13.
9. Section 5.1.9 requires outdoor parking facilities containing more than five stalls to be screened from abutting streets and properties. No screening is proposed along the perimeter of the parking areas abutting neighboring properties, requiring a special permit per section 5.1.13.
10. Outdoor parking facilities containing more than five stalls used at night are required to provide security lighting designed to maintain a minimum intensity of 1-foot candle on the entire surface of the facility. The petitioner seeks a waiver from the lighting requirements per section 5.1.13.



## Attachment F

<b>BU1 Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	10,000 square feet	15,802 square feet	No change
Setbacks			
• Front (River St)	10 feet	<b>1.7 feet</b>	10 feet
• Front (Elm St)	10 feet	<b>1.4 feet</b>	10 feet
• Rear (east)	18 feet	53.7 feet	18 feet
• Rear (south)	18 feet	122.4 feet	29 feet
Building Height	24 feet (36 feet by SP)	14.9 feet	<b>36 feet*</b>
Max Number of Stories	2 (3 by SP)	1	<b>3*</b>
Lot Area Per Unit	1,200 square feet	NA	1,756 square feet
FAR	1.00 (1.50 by SP)	.33	<b>1.20*</b>

\*Requires relief

See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§4.4.1	Request to allow ground floor residential use with residential above	S.P. per §7.3.3
§4.1.2.B.3 §4.1.3	Request to allow a three-story structure with 36 feet in height	S.P. per §7.3.3
§4.1.3	Request to allow an FAR of 1.20	S.P. per §7.3.3
§5.1.3.E §5.1.13	Request to allow assigned parking stalls	S.P. per §7.3.3
§5.1.8.A.2 §5.1.13	Request to allow outdoor parking within five feet of a residential building	S.P. per §7.3.3
§5.1.8.B.6 §5.1.13	Request to allow restricted end stalls	S.P. per §7.3.3
§5.1.8.C §5.1.13	Request to allow a reduce maneuvering aisle width	S.P. per §7.3.3
§5.1.8.D.1 §5.1.13	Request to reduce the driveway width for two-way traffic	S.P. per §7.3.3
§5.1.9 §5.1.13	Request to waive perimeter screening	S.P. per §7.3.3
§5.1.10 §5.1.13	Request to waive lighting	S.P. per §7.3.3