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PUBLIC HEARING MEMORANDUM

DATE: October 12, 2022
MEETING DATES: October 19, 2022
TO: Zoning Board of Appeals
FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Deputy Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning
Cat Kemmett, Senior Planner

COPIED: Mayor Ruthanne Fuller
City Council

SUBJECT: **Application #10-22** Metro West Collaborative Development, Inc., requesting a Comprehensive Permit, pursuant to M.G.L. Chapter 40B, to redevelop the West Newton Armory into a 100% affordable mixed-use development with 43 affordable residential units, community space, office space, and 31 parking stalls. The subject property is located on 33,150 square feet of land at 1135-1137 Washington Street in the Business 2 Zoning District.

The purpose of this memorandum is to provide the Zoning Board of Appeals and the public with technical information and planning analysis which may be useful in the comprehensive permit decision-making process. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Zoning Board of Appeals will want to consider in its discussion at a subsequent Public Hearing/Working Session.



1135-1137 Washington Street

EXECUTIVE SUMMARY

The Applicant, Metro West Collaborative Development, Inc., is seeking a Comprehensive Permit pursuant to Massachusetts General Laws Chapter 40B, Sections 20 through 23, to redevelop the West Newton Armory into affordable housing and office space. The subject property comprises approximately 33,150 square feet on one lot in the Business Use 2 (BU-2) zoning district at 1135-1137 Washington Street in West Newton.

The project plan includes rehabilitating the headhouse of the existing building, which will be converted into office space and common area. The fieldhouse at the rear of the building will be razed and replaced by a four-story addition containing 43 rental units, all of which will be affordable to households at or below 60% of the Area Median Income (AMI) and 15 units reserved for households earning up to 30% AMI. 31 parking stalls will be provided, with 26 parking stalls located below-grade. The proposed building would consist of approximately 71,521 gross square feet.

The Applicant has submitted a list of waivers requested for this project (**Attachment A**). The Chief Zoning Code Official has completed a memorandum which identifies the required relief that the Zoning Board of Appeals (the "ZBA") must grant in order to approve the project as proposed (**Attachment B**).

Planning Staff acknowledge the number of waivers needed to complete the project as proposed. However, the Planning Department believes this is a generational opportunity to provide 43 much-needed, deeply affordable units within the City while retaining the most visible and iconic portion of the historic Armory building, which has had a presence on Washington Street for over a hundred years. Planning Staff recommend the authorization of an on-call consultant for the transportation related aspects of this project including parking, trip generation, maneuverability, and dimensional parking waivers.

I. ZONING BOARD OF APPEALS

The ZBA is required to render a decision, based on a majority vote, within forty (40) days after termination of the public hearing, unless such time period is extended by written agreement of the ZBA and the applicant. The hearing is deemed terminated when all public testimony has been received and all information requested by the ZBA has been submitted.

The ZBA may dispose of the application in one of the following ways:

- approve a comprehensive permit on the terms and conditions set forth in the application;

- deny a comprehensive permit; or
- approve a comprehensive permit with conditions.

II. REVIEW CRITERIA

Pursuant to Massachusetts General Laws, Chapter 40B, Section 20, the comprehensive permit process is designed to increase the supply and improve regional distribution of affordable housing by allowing a limited suspension of existing local regulations and expediting the local approval process for the construction of such housing. The general principle governing consideration of a comprehensive permit application is that the ZBA's decision must be "consistent with local needs."

Statutory Safe Harbors

If the City has created its fair share of affordable housing by meeting one of the statutory safe harbors, the ZBA's decision will be unassailable as a matter of law. As a result, the decision to deny a comprehensive permit or to impose conditions will automatically qualify as "consistent with local needs," and must be upheld on appeal, if the City has achieved one of the following criteria as of the date of the project's application: (1) more than 10% of housing units are utilized for affordable housing; (2) 1.5% or more of the land area zoned for residential, commercial or industrial use contains affordable housing; or (3) the proposed project would lead to construction of affordable housing on sites comprising more than .03% of the total land area zoned for residential, commercial or industrial use or ten acres, whichever is larger, in one calendar year.

At the time of filing of this application the City had not met any of the safe harbor criteria.

Standard of Review

If one of the statutory safe harbors described above has not been met, the ZBA must engage in a balancing test that weighs the regional need for affordable housing against local health, safety, open space, and site and building concerns. The denial of a comprehensive permit will be "consistent with local needs" only when a valid local concern outweighs the regional need for affordable housing. Such local concerns should be verifiable concerns about the health and safety of residents of the proposed housing, surrounding neighborhood or community as a whole, or serious building and site design deficiencies that cannot be rectified with conditions of approval.

In the case of conditional approval of a comprehensive permit, the conditions or requirements imposed should not make the building or operation of the project

uneconomic. However, conditions that do make the project uneconomic may still be imposed if they are reasonable and necessary to protect valid health, safety, design, environmental or open space concerns.

III. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is on Washington Street in West Newton, with additional frontage on Armory Street. The Massachusetts Turnpike is south of (and parallel to) Washington Street. The site abuts the river buffer for Cheesecake Brook on the north side, though there is no public access to the brook at that location. The West Newton MBTA commuter rail station is roughly a half mile from the site. The westbound #553 and #554 buses serving Newton Corner and Waltham have stops in front of the Trader Joes at 1121 Washington Street, which neighbors the Armory directly across Armory Street to the east.

A building housing an assisted living facility with approximately 120 units and West Newton Healthcare abuts the site to the north, and the approved mixed-use Dunstan East development is located to the west. A commercial property abuts the site to the east, which currently has the Trader Joes grocery store. The surrounding neighborhood is a mix of commercial and residential uses, with several shops, restaurants, and other community amenities in close proximity. The residential properties are a mix of single, two-family, and multifamily dwellings.

The site and surrounding area to the north, east, and west are within the Business Use 2 (BU-2) district. The area north is more residential and zoned Multi Residence 1 and Single Residence 3, and most of the proximate area south across the Turnpike is zoned Single Residence 2. **(Attachments C and D).**

B. Site

The property is comprised of 33,150 square feet of land on one parcel. The site is currently improved with a three-story brick building constructed in 1910. Originally built as a training facility for the National Guard, the building has a front headhouse facing Washington Street and a fieldhouse in the back. There is a curb cut and driveway on the west side of the property, accessible from Washington Street and two curb cuts along Armory Street with their own parking areas. There is a small surface parking area on the east side the building accessible from Armory Street; a wider curb cut from Armory

Street providing access to surface parking that is flush with the street; and another parking area along the northwestern side of the building wraps around the building and provides an egress to Armory Street.

The existing building currently conforms with all setback requirements, with a 15-foot setback from the Washington Street frontage and 16 feet from Armory Street frontage. The building has a rear setback of 21 feet, and side setback (opposite Armory Street) of 36.5 feet. The building presents as three stories from the Washington Street elevation. As the building extends further north, towards the rear property line, the building presents as two and a half stories, with a pitched roof to the rear of the head house.

The existing structure was constructed in 1910, which qualifies the property for the City's demolition delay ordinance. The Applicant is seeking a waiver from the Demolition Delay Ordinance under the Comprehensive Permit. However, the applicant has held many sessions with the Newton Historic Commission to be responsive to their recommendations which culminated in a letter of support from the Commission regarding the existing design.

The elevation drops approximately 20-30 feet from Washington Street to the rear of the property. Because the site is approximately 180 feet from Cheesecake Brook, a small portion of the rear property falls within the 200-foot Riverfront Protection Zone, and the project is within the Conservation Commission's jurisdiction under the Rivers Protection Act. The property is not in a wetland protection zone or floodplain district.

IV. ANALYSIS

A. The Health and Safety of the Residents of the Proposed Housing and the Current Residents of the City

1. Structural soundness of the proposed buildings

The Planning Department has no concerns with the structural soundness of the proposed building at this time. Prior to the issuance of any building permits, the applicant will be required to file final construction drawings and details for review and approval by the Inspectional Services Department and the Engineering Division of Public Works.

2. Adequacy of sewage removal

The applicant has submitted a Utility Plan prepared by Nitsch Engineering which will be reviewed by the City's Engineering Division.

3. Adequacy of water runoff

The applicant has submitted a preliminary Utility Plan including details about drainage on the site which will be reviewed by the City's Engineering Division. The applicant's project narrative notes that the City's stormwater ordinance requires the basement slab of the building to be one foot above seasonal high groundwater level. The applicant is seeking relief from the Stormwater Ordinance, though an analysis of groundwater levels on the project site has not yet taken place.

4. Adequacy of fire protection

The Project is being reviewed by the City's Fire Department at the time of the writing of this memorandum. Should the Board choose to approve this project, final plans will need to be reviewed and approved by the Fire Department prior to the issuance of any building permits.

5. Adequacy of handling traffic generated by the project on adjacent streets

The applicant has submitted a traffic report consisting of trip generation and parking generation prepared by Nitsch Engineering. Due to the size of the project, the Planning Department believes the report and its information is adequate instead of a more comprehensive traffic study. Based upon its initial review of this document, the Planning Department recommends that a consultant peer reviewer be engaged to fully and appropriately review this aspect, along with the parking, circulation, loading, maneuverability and associated aspects of the proposal so as to assist the ZBA in its review of the proposed project.

6. Proximity of the site to industrial activities which might affect the health of the proposed residents

The site is not proximate to any known industrial activities that may affect the health of future residents to the Planning Department's knowledge at this time.

B. Site and Building Design

1. Height, bulk and placement of the proposed buildings, accessory structures and improvements

As detailed in the attached Zoning Review, the Project would exceed several

applicable zoning controls and regulations in the BU-2 zoning district.

As proposed, the Project would include rehabilitation of the headhouse on Washington Street, which will be used as a first-floor community room, property management office, and second floor office space. The rear fieldhouse will be demolished, and a four-story addition constructed in its place, with 43 units of affordable rental housing within the new construction. Parking will be provided in 26 below grade parking stalls and 5 surface parking stalls reserved for staff accessed from Armory Street, for a total of 31 stalls, where 52 stalls are required. Long- and short-term bicycle parking will also be provided. The residential addition will be all electric and constructed to Passive House standards, including the heating, air conditioning and water heating.

The building will have an at-grade, accessible, main entrance on Armory Street, providing access to an entry lobby. From the lobby, visitors can access an elevator and set of stairs between the entrance and the historic headhouse, which will house community and office space. Once in the building, the residential and public areas will have separate entrances, with a secure entrance for the residential units. The former Washington Street entrance will be removed and converted into a balcony accessible from the community room.

The proposed balcony expands the footprint of the building towards the front property line and reduces the front setback from Washington Street from 15 feet to 9.9 feet, requiring a waiver. A patio accessible to building residents will be located on the west side of the building. The side setback (opposite Armory Street) is also being reduced from 36.5 feet to 13 feet, where 23.7 feet is required. The addition to the headhouse reduces the building's rear setback from 21.1 feet to 13 feet, however, this does not require a waiver. The applicant did not provide the existing building height, however they are seeking a waiver to allow a height of up to 48 feet, with the proposed building measuring 47.9 feet. A waiver is also required for the FAR which is increasing from .56 to 1.44, in addition to a waiver for the proposed four-story structure. Impervious paved area will be reduced from 86% of lot area to 72%.

Based on the Project Eligibility Letter submitted by the Applicant (**Attachment E**), the addition includes 15 one-bedroom, 21 two-bedroom, and 7 three-bedroom apartments. All units will be 100% visitable and five units will be fully accessible. 28 of the units will be for residents with up to 60% of the area median income (AMI), and 15 units will be for residents with up to 30% of AMI.

The applicant appeared before the Urban Design Commission (the “UDC”) at its April 13, 2022 meeting to review the Project. The UDC’s comments can be found in its attached memorandum (**Attachment F**). The Planning Department will note that this memorandum was issued between the applicant’s first meeting with UDC in April, and the second meeting in July. Many of the concerns and comments raised in that letter have since been resolved through changes in the design. One of the challenges raised was the ability to locate an accessible front entrance on Washington Street, and the applicant stated they would explore that possibility. The applicant should provide an update on the feasibility of locating a front entrance on Washington Street. The Planning Department would be interested in who is expected to utilize the balcony area and how often it will be used. If it is anticipated to be used frequently, the Planning Department believes the balcony, which reduces the front setback, will activate the Washington Street streetscape and is not extending the massing of the building towards the Washington Street frontage.

2. Physical characteristics of the surrounding land

The site abuts the river buffer for Cheesecake Brook on the north side. An assisted living facility with approximately 120 units and West Newton Healthcare abuts the site to the north, and the approved mixed-use Dunstan East development to the west. Washington Street and the Massachusetts Turnpike are directly south of the site. Washington Street has two travel lanes in both directions and there is not a crosswalk from the site or immediately adjacent to provide easy pedestrian access to Austin Street on the other side, but nearby overpasses do connect to Newtonville and West Newton. Armory Street does not permit on-street parking and there are no specific parking restrictions on this stretch of Washington Street. There are wide sidewalks in front of the subject property and several street trees.

The surrounding neighborhood is developed with a mix of commercial and residential uses. The residential properties are a mix of single, two-family, and multifamily dwellings. Building heights near the site commonly range from 2 – 3 stories.

3. Adequacy of access to the site and adequacy of parking arrangements

Vehicular access to the site from Washington Street will be reduced with two points of vehicular access from Armory Street proposed. The curb cut and driveway on the west side of the property will be removed, and the two existing curb cuts along Armory Street will be realigned to facilitate access to the new parking. One of those curb cuts will serve the five surface parking stalls on Armory Street and the second

will serve the parking garage access point at the rear of the building. To provide access to the underground garage, the applicant is proposing a set of retaining walls on both sides of the driveway, reaching a height of five feet in the front setback from Armory Street, requiring a waiver. The sidewalk will be repositioned onto private property around the proposed surface parking stalls.

The applicants are seeking a waiver of 18 parking stalls through the Comprehensive Permit in lieu of a special permit. The five stalls on Armory Street are located within the required front setback from Armory Street and within five feet of the street, requiring a waiver. These stalls will also serve as reserved parking for staff using office space in the headhouse. Designating these stalls as reserved parking requires zoning relief. The Planning Department notes that the requested relief from the parking lot screening requirements in Section 5.1.9 are not necessary because fewer than 20 outdoor parking stalls are proposed. The applicant should consider potential opportunities to provide shared parking between the office staff and visitors of the residential units based on when the office use is anticipated to utilize the five surface parking stalls.

The surface parking stalls, and the below grade parking stalls are smaller than the dimensions required, requiring relief. The Ordinance requires 90-degree parking stalls in two-way traffic to have a minimum maneuvering aisle width of 24 feet, and the Project has 20.7-foot and 22.5-foot-wide aisles in the parking garage, requiring a waiver. Additionally, the accessible stalls are proposed with 18-foot depths, requiring a waiver because the Ordinance requires 19 feet. The 18-foot depth does meet the minimum requirement of the Building Code. At least five of the underground parking stalls will be equipped with EV chargers and all other spaces will be EV ready.

Covered bicycle storage for 43 bicycles will be provided, with additional outdoor bicycle parking on the Armory Street and courtyard sides of the building. The amount of bicycle parking provided does meet the amount required by Section 5.1.11 of the zoning ordinance. However, as long as the bicycle parking spaces meet the requirements of Section 5.1.11. D, the Project does not require relief for bicycle parking. The applicant should provide further information around the path bicycle users will take to store their bicycle within the garage and address concerns around safety for bicyclists and pedestrians within the garage.

The Planning Department acknowledges that this project requires significant relief pertaining to parking and will review with the transportation peer reviewer, should the on-call consultant be authorized by the ZBA. However, Planning staff believes

the reduced ratio of parking provided is appropriate considering the access to public transportation options nearby and is in line with the rates of parking utilization the Department has observed in similar developments in recent years.

4. Adequacy of open areas

The applicant has submitted a Landscape Plan prepared by RBLA Design LLC showing the open areas provided on site. The removal of the driveway to the west of the site will create space for a new private courtyard, lawn, and landscaped area for residents. There is also a proposed shared plaza on Armory Street. In all, there will be a net reduction in impervious area from 86% to 72%, amounting to an increase on site of approximately 4,500 square feet of open area.

The plan also features built areas that are proposed as usable open space for building residents. This includes a balcony on Washington Street, which will be replacing the existing front entrance, and a raised patio off the west side of the existing building, both of which can be accessed through the community space in the historic headhouse. There will also be a rooftop deck accessible to residents occupying a portion of the existing headhouse roof.

The Planning Department believes that this is an appropriate amount of open space for the site, and the use and programming for the open areas is sufficient to meet the needs of a variety of residents and visitors to the site. The applicant should describe the types of screening that will be utilized around the patio visible from Washington Street on the west side of the building.

C. Economic Need for Housing Units

1. General feasibility of the project

The Department of Housing & Community Development (DHCD) provided a preliminary determination of project eligibility, dated June 22, 2022 that qualifies this proposal for comprehensive permit consideration (**Attachment E**). The preliminary determination is based, in part, on DHCD's analysis that the project is eligible under the Low-Income Housing Tax Credit program (LIHTC), and on their assessment that the proposed site is an appropriate location for the project, it is financially feasible, and the housing design is appropriate for the site.

2. Limitations imposed by the financing agency with respect to size or character of the development, amount or nature of the subsidy, and permissible rentals and tenant limits

DHCD's preliminary determination of Project Eligibility does not appear to impose any such limits on the proposed Project.

3. Changes in rents and units' sizes of the development which would be necessary to accommodate the requirements and regulations sought to be imposed

DHCD's preliminary determination of Project Eligibility does not appear to impose any such requirement(s) regarding rents and unit sizes limits on the project. Their determination did note that DHCD will review the total cost per unit as part of its analysis to determine that it is reasonable.

The Planning Department notes that this project is unique in that 100% of the units are income restricted, and that it provides deeper levels of affordability than is possible for most projects, with several units restricted to households earning up to 30% AMI and the rest affordable for those up to 60% AMI.

D. Landscaping, Lighting, and Fencing

The applicant has submitted a Landscape Plan prepared by RBLA Design LLC. The design features new trees and plantings and benches on the site. This includes an evergreen screen at the northwest corner of the site, flowering and shade and ornamental trees towards the southeast, and a community garden on the west.

The applicant has requested relief from the Tree Ordinance. If any trees are slated to be removed the applicant should share the amount of caliper inches to be removed and provide a caliper inch analysis. The Ordinance requires surface parking facilities containing more than five stalls to be lit at the 1-foot candle level throughout the facility, but because only five surface parking stalls are proposed, this requirement does not apply.

V. **CONSISTENCY WITH ADOPTED CITY PLANS**

Newton has a longstanding commitment to increasing the diversity and supply of housing citywide. There is an especially acute need to increase access to affordable and equitable housing opportunities. The Newton Comprehensive Plan, adopted in 2007, encourages "the preservation and expansion of the city's stock of affordable housing

units and its management through “friendly” Chapter 40B projects.” The Comprehensive Plan also affirms the importance of historic building preservation and development, and the Newton Historic Commission voiced their support for the Project in a memorandum to the Massachusetts Historical Commission from August 9, 2022 (**Attachment G**).

The City’s FY21-25 Consolidated Plan and the FY23 Annual Action Plan include the production of new affordable housing units as a goal and note the importance of providing deeper levels of subsidy when possible. The Washington Street Vision Plan places value on making diverse housing options available, ensuring lively and active village centers, and fostering safe communities that value quality and sustainability in design.

The proposed project meets many of the City’s stated goals by providing 100% affordable housing accessible at lower income levels, including the 30% AMI level. The petitioner seeks to increase the number of deed-restricted units in the city with services provided on-site, and to preserve the historic headhouse of the Armory building. The Planning Department looks forward to providing a more in-depth analysis of how this project meets the objectives of the Washington Street Vision Plan at a subsequent hearing.

VI. CONCLUSION AND NEXT STEPS

The Planning Department will continue to review the proposal and, where appropriate and authorized, coordinate reviews of the project by City agencies and consultant peer reviewers and provide updated and expanded memoranda in advance of future ZBA hearings.

ATTACHMENTS

- Attachment A:** List of Exceptions/Waiver Requests
- Attachment B:** Zoning Review Memorandum
- Attachment C:** Land Use Map
- Attachment D:** Zoning Map
- Attachment E:** Department of Housing and Community Development Project Eligibility Letter
- Attachment F:** Urban Design Commission Memorandum
- Attachment G:** Newton Historic Commission Memorandum

**REQUESTED COMPEHENSIVE PERMIT RELIEF
IN LIEU OF PERMITS REQUIRED UNDER CITY ORDINANCES
1135-1137 WASHINGTON STREET, NEWTON**

The Applicant will request that the Zoning Board of Appeals grant a comprehensive permit in lieu of the following permits, licenses, and approvals, without which the Project could not be constructed as proposed, in the denial of which in many instances would render the Project uneconomic within the meaning of M.G.L. c. 40B, §20 et seq. References herein are to the Revised Ordinances of Newton 2001, as amended, of which Chapter 30 is the Zoning Ordinance.

ZONING ORDINANCE –Newton City Ordinances Volume II, Chapter 30

1. Use

The applicant seeks a comprehensive permit in lieu of variances, special permits, waivers, and/or approval to allow the property to be used for the project including without limitation:

- (a) Special Permit under Section 4.1.2 to permit the Property to be developed with 43 rental units with accessory parking and associated amenities in a Business 2 District. (Development over 20,000 square feet).
- (b) Special permit under Section 4.4.1 to allow for ground floor residential use with residential above.
- (c) Variance to waive requirements of Section 5.11 to conform to the provisions for affordable housing to the terms of the application, if and to the extent necessary.
- (d) Waiver of the procedure or requirement of a model as provided in Section 7.3.1 and for the obligation to provide plans prepared as provided in Section 7.4.3. In connection with the application for special permit under Section 7.3.1.

2. Affordable Housing

Section 5.11.3 of the Zoning Ordinance provides requirements for participation in affordable housing programs for private developments granted by special permits involving increases in density. The Applicant's program of affordability will provide the 100% of the dwelling units and project will be available for rent to persons or families of low income as defined by the regulations of DHCD from time to time. Although the applicant believes that the project does not fall within the requirements of Section 5.11.3, nonetheless, to the extent that Section 5.11.3 might be applicable to the project, a comprehensive permit is requested in lieu of a special permit under Section 5.11.3 to conform the affordability elements of the Applicant's program to the requirements of the Zoning Ordinance.

3. Density and Dimensional Controls

The Applicant seeks a comprehensive permit in lieu of such variances, special permit, waivers, and approvals as may be required from or under Section 4.1 for construction of the project in a Business 2 District, including, without limitation, the following waivers from the dimensional requirements Of Section 4.1.2 and Section 4.1.3 as follows:

Zoning Category	Required/Allowed	Existing	Proposed	Waiver (Y/N)
Minimum Lot Area	10,000 sq. ft.	33,150 sq. ft.	33,150 sq. ft.	N
Lot Frontage (Washington St)	N/A	~160'	No Change	N
Lot Frontage (Armory St)	N/A	~225'	No Change	N
Lot Coverage	N/A	--	--	N
Front setback	Lesser of ½ Bldg. Ht. or Average (5')	14.98'	10'	N
Side Yard Building Setback	Lesser of ½ Bldg. Ht. or Average (23.7')	36.48'	13'	Y
Street/Side Yard Parking Setback	5.0'	N/A	--	Y
Rear Yard Building Setback	None	21.10'	13'	N
Building Height	24' (48' by SP)	N/A	47.9'	Y
Maximum Number of Stories	2 (4 by SP)	2	4	Y
Floor Area Ratio	2.0	0.56	1.76	Y
Minimum Open Space	N/A	--	--	N
Lot Area per Unit (Square Feet)	1,200 sf	--	771 sf	Y

4. Parking Requirements

The Applicant seeks a comprehensive permit in lieu of a special permit pursuant to Section 5.1.13 to permit a parking facility in accordance with the submitted plans and to deviate from, *inter alia*, the following requirements:

- (a) To the extent Section 5.1.3.E prevents assignment of parking spaces to specific persons nor tenants a waiver is sought from that provision.
- (b) Requirement that two parking stalls be provided for each dwelling unit in a multi-family dwelling under section 5.1.4.A., and the requirement to obtain a special permit for a reduction in parking ratio as low as 1 stall for every 2 low-income units.
- (c) Requirement that one parking stall be provided for every 250 square feet for office use under Section 5.1.4.A.
- (d) Application for parking and loading facility permit under Section 5.1.5.
- (e) Requirement that parking stalls may not be located within the rear setback from any building containing dwelling units under Section 5.1.8.A.1.
- (f) Per section 5.1.7.A no parking stall in a facility containing five stalls or less may be located within a front setback or within five feet of a street.
- (g) Requirement that parking stall width shall be at least 9 feet and that the length shall be at least 19 feet under section 5.1.7.B and 5.1.8.B.
- (h) Requirement that end stalls restricted on one side by curbs, walls, fences, or other obstructions shall have the maneuvering space at the aisle and of at least five (5) feet in depth and nine (9) feet in width under Section 5.1.8.B.6.
- (i) Requirement under Section 5.1.8.C.1, that 90-degree parking stalls in a two-way traffic aisle shall have minimum maneuvering width of 24 feet.
- (j) Requirement under Section 5.1.9 as to parking lot screening and interior landscaping requirements for outdoor parking facilities of 20 or more stalls if necessary.
- (k) Lighting requirements under Section 5.1.10, as appropriate.
- (l) To the extent necessary, a waiver from the off-street loading requirements contained in Section 5.1.12.C.
- (m) Under Section 5.1.12.D.3, a waiver is sought in lieu of any consent of the city engineer as to drainage of the parking facility.

- (n) Any other relief which may be necessary or appropriate and may be granted by the City Council Under Section 5.1.13 to conform the waiver sought to the plan submitted.
- (o) To the extent applicable, a waiver from the requirements of Bicycle Parking Facilities under Section 5.1.11.

5. Site Plan Approval

The Applicant requests a comprehensive permit in lieu of site plan approval required under Section 7.4 . In connection with special permit granted under Section 7.3.

6. Fences and Retaining Walls

Section 5.4.2 requires a special permit for a retaining wall in excess of 4 feet in height within a setback. Retaining walls are proposed up to 5 feet in height within the front setback from Armory Street on each side of the garage entrance driveway. To the extent necessary, a waiver is requested from provisions of section 5-30, Article III pertaining to fences.

7. Signage

The Applicant seeks a waiver of the requirements for the number, size and types of signs allowed pursuant to Section 5.2, the sign permit procedures under Section 5.2.4, and, insofar as applicable, any hearing or procedure before the Urban Design Commission.

8. Green Building Standards

Section 5.13 requires that any development in excess of 20,000 square feet must meet green building standards.

NON-ZONING ORDINANCES

1. Tree Ordinance – Revised Ordinances §21-80 et seq.

§21-72, §§21-80 through 21-90 and G.L. c. 87 require a permit payment of fees for the removal of certain trees, and in some instances, a contribution to the tree replacement fund. To the extent that any permit, any payment or contribution would otherwise be required under §21-72, §§21-80 through 21-90 or G.L. c. 87, the Applicant request a comprehensive permit in lieu of such permit, fee payment or contribution.

2. Demolition Delay – Revised Ordinances §22-50

Revised Ordinances §22-50 provide for a review by the Newton Historical Commission and the possible imposition of a demolition delay of historically significant buildings. To the extent the existing building may be deemed to fall within the jurisdiction of the Newton Historical Commission under Revised Ordinance §22-50, a comprehensive permit is sought in low of a determination by said commission that such structures or features are not preferably preserved.

3. Light Ordinance

Revised Ordinances §20-23 through 20-28 provide limitations on installation of light sources, which do not conform to the criteria stated. Revised Ordinances §22-26 provides for waivers to be granted by the Planning and Development Board. To the extent that any light source may not conform to the requirements of Revised Ordinances §22-24 or that the requirements of that section may be inconsistent with §30-19, the Applicant seeks a comprehensive permit in lieu of any waiver requested under §20-26.

4. Consent of the Planning Board

To the extent any consent or review of the Planning Board is required under Planning Board rules, a comprehensive permit in lieu of such approval is sought.

5. Curb Cut Permit

The Applicant requests a comprehensive permit in lieu of any sidewalk crossing permits or consent of the Commissioner of Public Works to the extent necessary to comply with the requirements of Revised Ordinances §26-65.

6. Utility Connection Permits and Fees

The Applicant requests a comprehensive permit in lieu of such local approvals and a waiver of fees as are required under Revised Ordinances §§23,26 and 29 or otherwise to (i) open streets, (ii) make utility connections for water, sewer, storm water, gas, electric, cable or other utilities or (iii) cross sidewalk from time to time.

7. Stormwater Regulations

The City's Stormwater Management and Erosion Control Rules & Regulations, adopted 4/15/22, Section 4, requires a Major Stormwater Management Permit for projects involving more than 4 residential units and more than one-half acre of land. To the extent the project does not comply with the requirements for a Stormwater Management Permit, including but not limited to Section 5. Design Requirements and Section 6. Application Requirements and Procedures, a Comprehensive Permit is requested.

8. Amended Relief

The Applicant seeks a comprehensive permit for such amendments to the relief sought herein as may be required to conform the relief sought to the plans as filed, or to any amendments thereof filed in connection with the actions of the Zoning Board of appeals, or the Housing Appeals Committee.

9. Additional Relief

The Applicant requests a comprehensive permit in lieu of all other permits, licenses and approvals as may be issued by the City of Newton. As necessary to conform the relief sought to the plans filed with this Application, as the same may be amended from time to time. Included within the relief sought are all ancillary, subsidiary, usual, customary, or necessary local permits, approvals or licenses in lieu of which the Board may grant a comprehensive permit to the extent necessary to conform the relief granted to the plans submitted herewith as amended from time to time.



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: September 1, 2022

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Sam Scoppettone, Civico Development
MetroWest Collaborative Development
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: **Request for a Comprehensive Permit to construct a mixed-use development with 43 residential units, 6,116 square feet of office space and 33 on-site parking stalls**

Petitioner: Sam Scoppettone	
Site: 1135-1137 Washington Street	SBL: 31007 0027
Zoning: BU2	Lot Area: 33,150 square feet
Current use: Armory	Proposed use: Residential and office

BACKGROUND:

A Comprehensive Permit under MGL Chapter 40B is requested to repurpose the existing Armory building to house 43 residential units, 33 parking stalls and 6,116 square feet of office space dedicated to the MetroWest CD. The petitioner intends to maintain the front portion of the existing structure but raze the rear portion and construct a four-story addition to house the residential units and parking.

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

- Zoning Review Application, prepared by Sam Scoppettone, Civico Development, dated 8/9/2022
- Existing Conditions Survey, prepared by Joyce Consulting Group, civil engineer, dated 7/13/2022
- Site Layout Plan, prepared by Nitsch Engineering, dated 8/9/2022
- Floor plans and elevations, prepared by Davis Square Architects, dated 8/2/2022, revised 8/3/2022
- Exterior Elevation, prepared by Davis Square Architects, dated 8/3/2022
- Gross Square Footage, prepared by Davis Square Architects, dated 8/3/2022

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to renovate the Armory building for re-use with 43 residential units, community and office space, 28 below grade parking stalls and five surface parking stalls. Per section 4.4.1, a special permit is required to allow for ground floor residential uses with residential units above. The petitioner seeks relief from the special permit requirement through a Comprehensive Permit.
2. The petitioner proposes to renovate the front of the Armory and raze and reconstruct a rear addition, resulting in a 58,312 square foot development. Per section 4.1.2.B.1, a special permit is required for any development in the business district of 20,000 square feet or more of new gross floor area. The petitioner seeks relief from the special permit requirement through a Comprehensive Permit.
3. Section 4.1.2.A.2 requires 1,200 square feet of lot area per each dwelling unit in the Business 2 zoning district. The petitioner proposes to construct 43 dwelling units, producing a lot area per unit of 771 square feet. The petitioner requires a Comprehensive Permit in lieu of a variance for relief from the lot area per unit requirements of section 4.1.2.A.2.
4. The petitioner proposes to raze the existing rear section of the building and construct a four-story addition. Per sections 4.1.2.B.3 and 4.1.3, the maximum number of stories allowed in the Business 2 district is two by right, and four by special permit. The petitioner seeks relief from the special permit requirement through a Comprehensive Permit.
5. The required front setback is 10 feet per section 4.1.3. The petitioner proposes to construct a raised brick terrace at the former front entrance, resulting in a front setback of 9.9 feet, requiring a Comprehensive Permit in lieu of a variance.
6. Per section 4.1.3, the side setback requirement is one-half the building height or equal to the abutting side yard setback. The proposed rear addition increases the building height to 47.4 feet, resulting in a required side setback of 23.7 feet. The building is proposed with a side setback of 13 feet, requiring a Comprehensive Permit in lieu of a variance.
7. The maximum height allowed in the Business 2 district is 24 feet by right and 48 feet by special permit per section 4.1.3. The proposed height of the building after construction of the addition is 47.4 feet. To exceed the by right height of 24 feet (up to 48 feet) requires a Comprehensive Permit in lieu of a special permit.
8. The maximum FAR allowed per section 4.1.3 is 2.00 for a building with four stories in the Business 2 district. The petitioner proposes an FAR of 1.76 with the proposed four-story rear addition. To the extent that a four-story building requires a special permit, a Comprehensive Permit in lieu of a special permit is required.
9. Per section 5.1.3.B, whenever there is an extension of gross floor area or change of use which increases the parking requirements, the parking is to be complied with per the formula found in this section of A-B+C to equal the number of stalls required, where "A" is the proposed number of parking stalls required,

“B” is the number of stalls currently required and “C” is the number of stalls that physically exist. The petitioner seeks a Comprehensive Permit in lieu of a special permit to waive this requirement.

10. Section 5.1.3.E requires a special permit to allow for assigned parking stalls. To the extent that parking stalls will be assigned to individual unit owners, a waiver through the Comprehensive Permit is required in lieu of a special permit.
11. The petitioner proposes to construct 28 parking stalls in a basement level garage and five surface stalls accessed from Armory Street for a total of 33 available stalls. The following parking calculation is presumed per the requirements found in section 5.4.1:

Use	Parking Regulation	Parking Required
43 Residential units	0.5 stall per unit	22 stalls
Property Management Office 961 square feet	1 stall per 250 square feet	4 stalls
MetroWest CD Office 6,116 square feet	1 stall per 250 square feet	25 stalls
TOTAL		51 stalls

With a proposed parking requirement of 51 stalls, a waiver of 18 parking stalls is required through the Comprehensive Permit in lieu of a special permit.

12. Per section 5.1.7.A no parking stall in a facility containing five stalls or less may be located within a front setback or within five feet of a street. The petitioner proposes to construct five stalls along the Armory Street frontage, all located within the required front setback and within five feet of the street, requiring a waiver through the Comprehensive Permit in lieu of a special permit per section 5.1.13.
13. The minimum stall dimensions for parking facilities containing five stalls or less is 9 feet in width per section 5.1.7.B.1 and 19 feet in depth per section 5.1.7.B.2. The surface stalls accessed from Armory Street are proposed with 7.5 feet in width and 18 feet of depth, requiring a Comprehensive Permit in lieu of a special permit per section 5.1.13.
14. Per section 5.1.8.B.1, parking stalls must be at least 9 feet wide in facilities containing more than five stalls. The below grade facility contains 28 parking stalls with widths ranging from 7.5 to 9 feet, requiring a waiver through the Comprehensive Permit in lieu of a special permit per section 5.1.13.
15. Per section 5.1.8.B.2, parking stalls must have a depth of at least 19 feet in facilities containing more than five stalls. The below grade facility's stalls are all 18 feet deep, requiring a waiver through the Comprehensive Permit in lieu of a special permit per section 5.1.13.
16. Section 5.1.8.B.4 requires that accessible stalls have a minimum depth of 19 feet. The accessible stalls are proposed with 18-foot depths, requiring a waiver through the Comprehensive Permit in lieu of a special permit per section 5.1.13. The 18-foot depth meets the minimum requirement of the Building Code.

17. Sections 5.1.8.C.1 and 2 require that 90-degree parking stalls in two-way traffic have a minimum maneuvering aisle width of 24 feet. The petitioner proposes 20.7-foot and 22.5-foot-wide aisles in the parking garage, requiring a waiver through the Comprehensive Permit in lieu of a special permit per section 5.1.13.
18. Section 5.1.11 requires parking facilities containing more than 20 parking stalls to provide a minimum of one bicycle space per every ten stalls. With 28 stalls required, three bicycle spaces are required. No bicycle parking is proposed, requiring a waiver through the Comprehensive Permit in lieu of a special permit per section 5.1.13.
19. The petitioner seeks a waiver of sign permit procedures and dimensional requirements under section 5.2 through the exceptions provided in special permit provisions of section 5.2.13 through the Comprehensive Permit.
20. Section 5.4.2 requires a special permit for a retaining wall in excess of 4 feet in height within a setback. The petitioner requests a Comprehensive Permit in lieu of the special permit for walls up to 5 feet in height within the front setback from Armory Street for retaining walls on each side of the garage entrance driveway.
21. Section 5.11 of the Zoning Ordinance provides requirements for providing affordable units for private residential developments. To the extent that Section 5.11 of the Zoning Ordinance is applicable to the project, a comprehensive permit is requested in lieu of a variance or cash payment under Section 5.11 to conform to the affordability elements of the proposed development to the requirements of the Zoning Ordinance.
22. Section 5.13 requires that any development in excess of 20,000 square feet must meet green building standards. To the extent necessary, the petitioner seeks a Comprehensive Permit in lieu of a special permit waiving this requirement per section 5.13.7.
23. The Petitioner seeks a waiver from the site plan approval requirements of section 7.4 in connection with special permits granted under Section 7.3.
24. Section 7.3.1.B requires that a petitioner submit a 3D computer-generated model of a proposed multi-family project with more than 20,000 square feet. The petitioner requests a waiver from this provision through the Comprehensive Permit.
25. Revised Ordinances Sections 20-23 to 20-28 provide limitations on installation of light sources which do not conform to the criteria of the Ordinances. Section 20-26 provides for waivers to be granted by the Planning Board to the extent that any light source does not conform to the requirements of Section 20-24. To the extent that any light source may not conform to these requirements, or that these requirements may be inconsistent with Section 5.1.10.A, the Petitioner seeks a waiver.
26. To the extent necessary, the petitioner seeks a Comprehensive Permit in lieu of meeting the provisions of section 5-30, Article III pertaining to fences.

27. The Petitioner seeks a permit to cross the sidewalk under the provisions of Section 26-65 Construction of Sidewalks, Driveways and Driveway Entrances.
28. The petitioner seeks a Comprehensive Permit in lieu of such local approvals as are required under Chapters 23, 26 and 29 or otherwise to open streets, make utility connections for water, sewer, stormwater, gas, electric, cable, or other utilities or to cross sidewalks from time to time.
29. The rear portion of the property is located within the City of Newton Floodplain/Watershed Protection District governed by section 22-22 in its entirety. To the extent that any relief is necessary for the project from the Conservation Commission under the Floodplain/Watershed Protection Ordinance, the petitioner seeks a Comprehensive Permit in lieu of such approvals.
30. The Applicant seeks a waiver from the provisions of the Tree Preservation Ordinance, sections 21-81 through -89, as amended by Ordinance No. A-38 (#397-13), to allow removal of protected trees from the property without relocation or replacement, or payment to the tree replacement fund. To the extent that any permit or fee payment would otherwise be required under the Revised Ordinances section 21-80, the Applicant seeks a waiver.
31. Revised Ordinances Section 22-50 requires review by the Newton Historic Commission and the possible imposition of a demolition delay for the demolition of historically significant buildings. To the extent that the existing dwellings or other elements of the property are deemed historically significant and fall under the jurisdiction of the Newton Historic Commission under Section 22-50, the Applicant seeks a waiver under the Comprehensive Permit.
32. The petitioner seeks a Comprehensive Permit for such amendments to the relief sought herein as may be required to conform to the relief sought to the plans as filed or to any amendments filed in connection with the actions of the Zoning Board of Appeals or the Housing Appeals Committee.
33. The Petitioner seeks any relief from local rules and regulations, and any additional required local approvals as may be necessary for approval for the Comprehensive Permit plans as may be amended prior to the termination of the public hearing.

Zone BU2	Required	Existing	Proposed
Lot Size	10,000 square feet	33,150 square feet	No change
Lot area per unit	1,200 square feet	NA	771 square feet
Frontage			110 feet
Setbacks			
• Front (Washington St)	10 feet	15 feet	9.9 feet
• Front (Armory St)	10 feet	16 feet	22 feet
• Side	23.7 feet (½ building height)	36.5 feet	13 feet
• Rear	0 feet	21.1 feet	13 feet
Building Height	24 feet/48 feet by SP	NA	47.9 feet
Max number of stories	2/4 by SP	2	4

34. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§4.4.1 §7.3	To allow ground floor residential use with residential use above	C.P. per MGL c 40B
§4.1.2.B §7.3	To allow for a development with more than 20,000 square feet	C.P. per MGL c 40B
§4.1.2.A.2 §7.6	Waive required minimum lot area per unit	C.P. per MGL c 40B
§4.1.2.B.3 §4.1.3 §7.3	Waive maximum stories to allow 4 stories	C.P. per MGL c 40B
§4.1.3 §7.6	Waive minimum front setback	C.P. per MGL c 40B
§4.1.3 §7.6	Waive minimum side setback	C.P. per MGL c 40B
§4.1.3 §7.3	To allow up to 48 feet in height	C.P. per MGL c 40B
§4.1.3 §7.3	Allow maximum FAR	C.P. per MGL c 40B
§5.4.2.B §7.3	To allow a retaining wall in excess of 4 feet in a setback	C.P. per MGL c 40B
§5.1.3.B §5.1.13 §7.3	Waive requirement to apply the A-B+C parking formula	C.P. per MGL c 40B
§5.1.3.E §5.1.13 §7.3	To allow assigned parking	C.P. per MGL c 40B
§5.1.4.A §5.1.13 §7.3	To allow a waiver of 18 parking stalls	C.P. per MGL c 40B
§5.1.7.A.1 §5.1.13 §7.3	To allow parking in the front setback and within five feet of a street	C.P. per MGL c 40B
§5.1.7.B.1 and 2 §5.1.13 §7.3	To waive minimum parking stall dimensions for a parking facility with five stalls or less	C.P. per MGL c 40B
§5.1.8.B.1 and 2 §5.1.13 §7.3	Waive minimum parking stall dimensions for a parking facility with more than five stalls	C.P. per MGL c 40B

§5.1.8.B.4 §5.1.13 §7.3	To waive stall depth for accessible stalls	C.P. per MGL c 40B
§5.1.8.C.1 and 2 §5.1.13 §7.3	To waive minimum maneuvering aisle dimensions	C.P. per MGL c 40B
§5.1.11 §5.1.13 §7.3	To waive bicycle parking	C.P. per MGL c 40B
§5.2 §5.2.13 §7.3	Waive all sign regulations and procedures	C.P. per MGL c 40B
§5.11 §7.6	Waive the Inclusionary Zoning requirements	C.P. per MGL c 40B
§5.13 §7.3	Waive the sustainable development design standards	C.P. per MGL c 40B
§7.4 §7.3	Waive site plan approval procedures	C.P. per MGL c 40B
§7.3.1.B §7.6	Waive the requirement for submission of a 3-D computer generated model	C.P. per MGL c 40B
§20-23 §20-28	Waive Light Trespass provisions	C.P. per MGL c 40B
§5-30, Article III	Waive Fence Ordinance provisions	C.P. per MGL c 40B
§26-65	Permit to cross the sidewalk and connect to the street	C.P. per MGL c 40B
§29, Article II	Permit to connect to public water supply	C.P. per MGL c 40B
§29, Article III	Sewer connection permit	C.P. per MGL c 40B
§29, Article IV	Storm drain connection permit	C.P. per MGL c 40B
§22-22	Waive relief from Conservation Commission under the Floodplain/Watershed Protection Ordinance	C.P. per MGL c 40B
§21-81 through 89 §21-80	Waive Tree Preservation Ordinance	C.P. per MGL c 40B
§22-50	Waive review and demolition delay by Newton Historical Commission	C.P. per MGL c 40B

Land Use

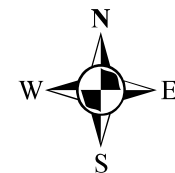
1135 Washington Street

*City of Newton,
Massachusetts*

Land Use

Land Use

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

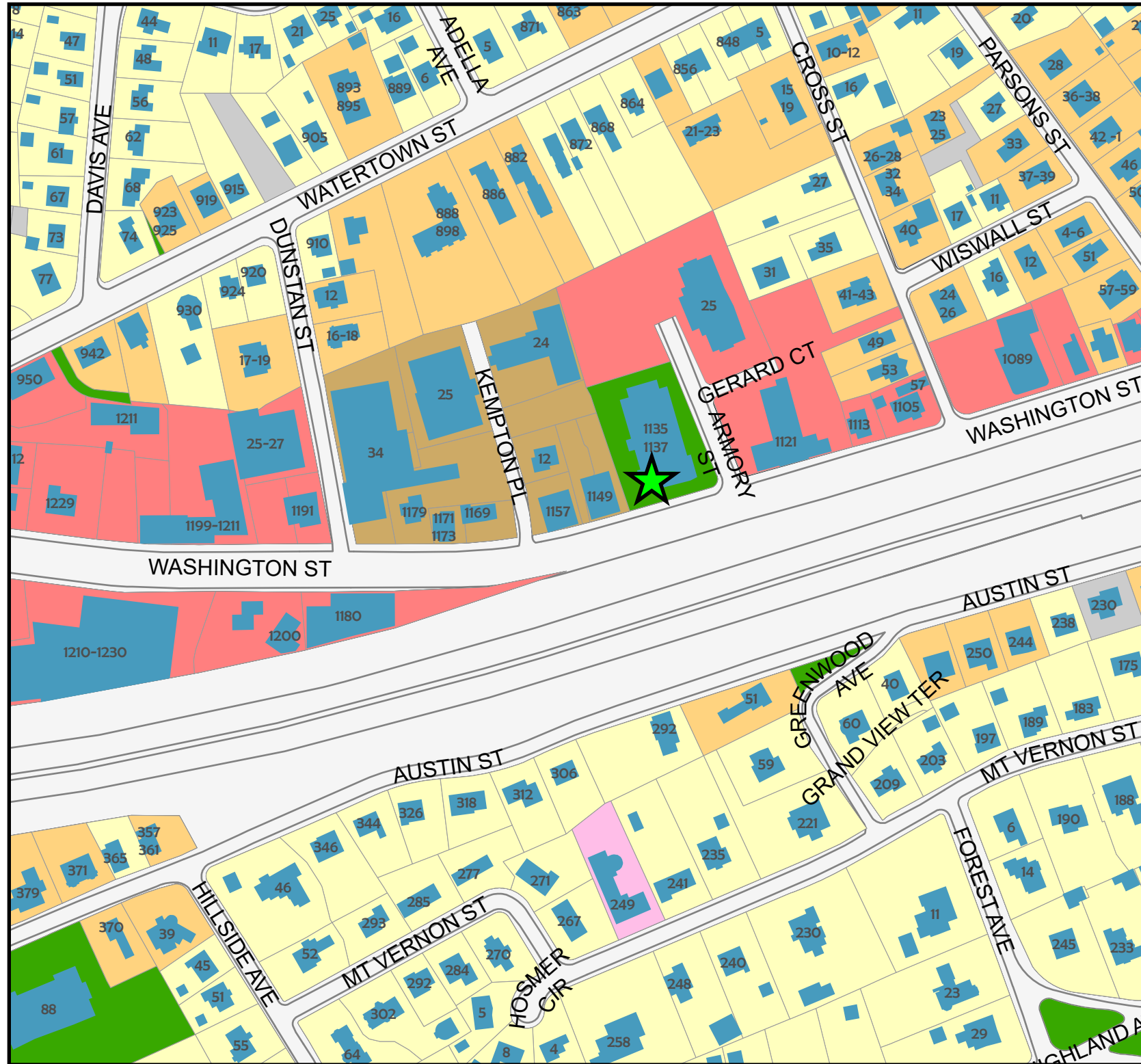


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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

0225 50 75 100125150175200225250275300
 Feet

Map Date: October 05, 2022












ATTACHMENT B

Zoning

1135 Washington Street

City of Newton,
Massachusetts

Zoning

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

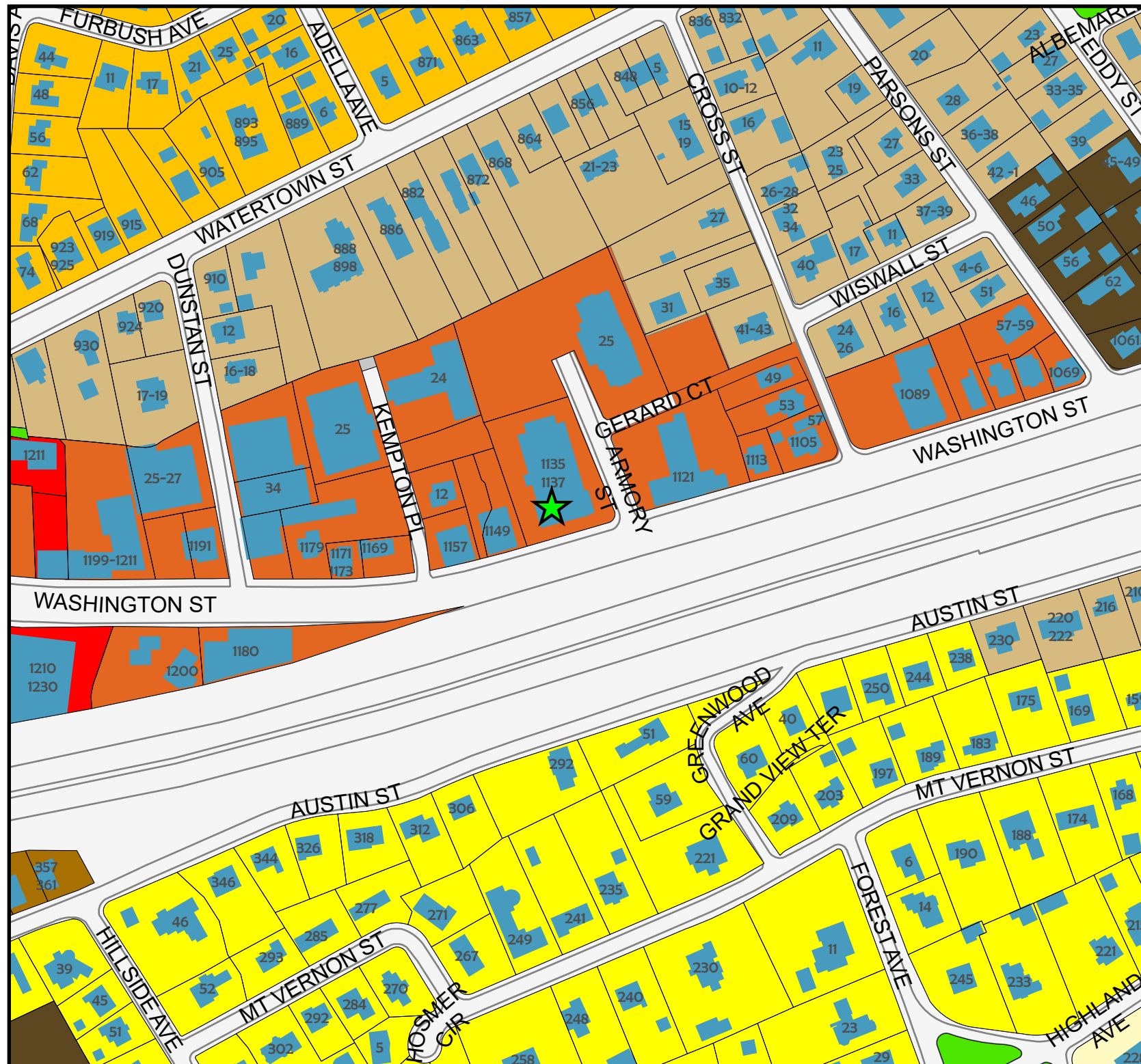


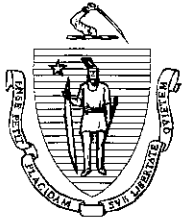
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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

02.25 50 75 100|125|150|175|200|225|250|275|300 Feet

Map Date: October 05, 2022





Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Jennifer D. Maddox, Undersecretary

June 22, 2022

Ms. Caitlin Madden
Metro West Collaborative Development
79 Chapel Street
Newton, MA 02458

Re: West Newton Armory, Newton, MA – Project Eligibility Letter

Dear Ms. Madden:

We are pleased to inform you that your application for project eligibility determination for the proposed West Newton Armory project located in Newton, Massachusetts, has been approved under the Low Income Housing Tax Credit (LIHTC) program. The property is located at 1135-1137 Washington Street, Newton, Massachusetts. This approval indicates that the proposed plan is for 43 units of rental housing for families, all of which will be affordable at no more than 60% of area median income. The proposed development will consist of 15 one-bedroom units, 21 two-bedroom units, and 7 three-bedroom units. The rental structure as described in the application is generally consistent with the standards for affordable housing to be included in the community's Chapter 40B affordable housing stock. This approval does not constitute a guarantee that LIHTC funds will be allocated to the West Newton Armory project. It does create a presumption of fundability under 760 CMR 56.04 and allows Metro West Collaborative Development, Inc. to apply to the Newton Zoning Board of Appeals for a comprehensive permit. As sponsor, please note that a One Stop submission for funding for this project must conform to all Department of Housing and Community Development (DHCD) program limits and requirements in effect at the time of submission. As sponsor, please note that DHCD will review the total cost per unit as part of its analysis, to determine that it is reasonable.

As part of the review process, DHCD has made the following findings:

1. The proposed project appears generally eligible under the requirements of the Low Income Housing Tax Credit program.
2. DHCD has performed an on-site inspection of the proposed West Newton Armory project and has determined that the proposed site is an appropriate location for the project. The project consists of the development of housing in the former Massachusetts State National Guard armory. It is located on a main street across from a supermarket. It also is within walking distance of a bus stop and the West Newton commuter rail stop.
3. The proposed housing design is appropriate for the site. The 43 units will be built in the historic headhouse with a new addition. The project will include a community room, a public gallery, and

office space. As sponsor, you have indicated that you intend to incorporate elements of green and sustainable design as part of the project.

4. The proposed project appears financially feasible in the context of the Newton housing market. The proposal includes 43 units for households earning up to 60% AMI, with 15 of those units to be reserved for households earning less than 30% of AMI.
5. The initial proforma for the project appears financially feasible and consistent with the requirements for cost examination and limitations on profits on the basis of estimated development and operating costs. Please note again that a One Stop+ submission for funding for this project must conform to all DHCD program limits and requirements in effect at the time of submission.
6. No appraisal has been commissioned. No acquisition costs were carried. The Low-Income Housing Tax Credit Program Guidelines state that the allowable acquisition value of a site with a comprehensive permit must be equal to or less than the value under pre-existing zoning, plus reasonable carrying costs. If this project applies for funding under the Low-Income Housing Tax Credit Program, the acquisition price in the proposed budget should reflect these program guidelines. At this time, as indicated, there is no acquisition price proposed.
7. The ownership entity will be a single-purpose entity controlled by the applicant subject to limited dividend requirements and meets the general eligibility standards of the Low Income Housing Tax Credit program. The applicant will need to demonstrate sufficient capacity to successfully develop the project under the Low-Income Housing Tax Credit program.
8. The applicant is the designated developer of the site.
9. The City of Newton has submitted a letter of support for the project.

The proposed West Newton Armory project will have to comply with all state and local codes not specifically exempted by a comprehensive permit. In applying for a comprehensive permit, the project sponsor should identify all aspects of the proposal that will not comply with local requirements.

If a comprehensive permit is granted, construction on this project may not commence without DHCD's issuance of final approval pursuant to 760 CMR 56.04 (7) and an award of LIHTC funds. This project eligibility determination letter is not transferable to any other project sponsor or housing program without the express written consent of DHCD. When construction is complete, a Chapter 40B cost certification and an executed and recorded 40B regulatory agreement in compliance with DHCD's requirements pertaining to Chapter 40B must be submitted and approved by DHCD prior to the release of a Low-Income Housing Tax Credit form 8609.

This letter shall expire two years from this date, or on June 22, 2024, unless a comprehensive permit has been issued.

We congratulate you on your efforts to work with the city of Newton to increase its supply of affordable housing. If you have any questions as you proceed with the project, please feel free to call or email Rebecca Frawley Wachtel at (617) 573-1318 or at Rebecca.Frawley@mass.gov.

Sincerely,

A handwritten signature in black ink, appearing to be 'C. Racer', followed by a long horizontal line extending to the right.

Catherine Racer
Director

cc: Mayor Ruthanne Fuller, City of Newton, MA



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
Urban Design Commission

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Barney Heath
Director

DATE: June 15, 2022
TO: Zoning Board of Appeals
FROM: Urban Design Commission
RE: 1135 Washington Street, Newton
CC: Barney Heath, Director of Planning and Community Development
Jennifer Caira, Deputy Director
Amanda Berman, Director of Housing and Community Development
Katie Whewell, Chief Planner
Eamon Bencivengo, Housing Development Planner
Department of Housing & Community Development
Petitioner

Section 22-80 of the Newton City Ordinances authorizes the Urban Design Commission to act in an advisory capacity on matters of urban design and beautification. At their regular meeting on April 13, 2022, the Newton Urban Design Commission (UDC) reviewed the proposed project at 1135-1137 Washington Street for design. The Urban Design Commission reviewed the Plan sets submitted on March 30, 2022: 2022.03.30_Armory_UDC_SubmissionPackage

The Urban Design Commission had the following comments and recommendations:

The UDC commented this is a tremendous project and the scale of the project is appropriate. The project looks very well organized, wouldn't try to compete with Dunstan East in anyway and try to keep it clean, efficient, and handsome. The depth of affordability is wonderful and UDC supports this project.

Site Plan, Circulation and Connectivity

- There is concern about not having a public entrance on Washington Street. If the front of the current Armory is not an accessible entrance, then people are going to enter the historic exhibit from the residential lobby, how will they get there since they are not on the same level? The applicant responded that the lobby space will be shared by residents and members of the public who may want to come to the historic exhibition space in the community room. This will be the main entrance and it is down at the level of the sidewalk so its fully accessible and once you are

in, after you enter the lobby, you either take the stair or elevator half a flight up to reach the first floor of the Armory and this lobby has a secure separation from the residential zone and the common areas. UDC recommended if this is going to be a public entrance for the Armory then there will have to be a difference in security for the elevator and stairs, so members of the public are not going to residential floors above.

- The UDC also understands that it will be tricky to provide an accessible entrance and preserve historic character. Has the applicant talked to Historic Commission about any of this? The applicant responded that they would talk to them about this at the next meeting. The UDC understands that if you are looking to keep the headhouse historic looking and provide accessibility, it's going to be a bit of challenge.
- The UDC recommends a public entrance from Washington Street. If there is a community meeting and public will be invited, it will be very important that people are able to walk in through the front door and into the big lobby and into that community room. The entry from Armory Street for the residents still is a bit circuitous about what you must do to get in there, it's one small door that leads to the corridor for all the units, it seems that it needs to be played up a little more than shown. The applicant responded that they are exploring this.
- Stair from the lower lobby to the upper lobby could be larger so it's more inviting for that half level and then it can connect to the fire stairway above that.

Building Massing, Height and Architecture

- Dunstan East is too big; the scale of this project is appropriate.
- The elevation of this building looks simple, maybe somethings could be added to the elevation, for example add balconies, etc.
- Soften the façade of the headhouse, rather than having headhouse as the figure and the new building as the ground. Maybe the color of the new building could be darker and closer to the color value of the headhouse, it may help to soften the headhouse without taking away from the quality of either one of them.
- Marked difference between the elevations of this building and Dunstan East is the amount of glass, and the amount and types of windows. Compared to Dunstan East, this building appears to be lacking in windows. There are just not nearly enough windows which may be a conflict with passive house goals but probably can be done. There is a lot of blank wall. The applicant responded that they are working to increase the visual appeal of the elevation.

Landscape, Streetscape and Open Space

- The plan with the courtyard right adjacent to the courtyard of Dunstan East is great. The two courtyards will probably not be allowed to connect but it will be interesting to see if the landscaping between the two courtyards could be coordinated.
- The only access from the building to the courtyard is through the end door on the far-right side of the plan. The UDC asked if the applicant has looked at an option to look at the area between the first unit and the community room to provide an access to the courtyard? The applicant responded that they are studying that connection.

- Dunstan East is making a lot of improvements to Cheesecake Brook and the open space that will be for public use. It will be good to connect to Cheesecake Brook and the open space, provide a good path to Cheesecake Brook, Davis Field and Davis Playground.
- As this project moves forward, encourage better connections. The applicant responded that they are meeting with Mark Development and Dunstan East team with their landscape architect with the intent of hoping to start having meaningful conversations about it.
- The UDC asked about what is happening on the headhouse roof? There seems to be an opportunity to do stuff there. The applicant responded that there is opportunity to have walkout access on to the headhouse roof from the third floor of the addition. They are exploring ways with how the addition meets the headhouse, maybe there is some overlap of the addition on to the headhouse roof and some program spills out on to the roof, it could be with more glazing, with lighting, with exhibit or activity. Also thinking that roof deck and roof garden is probably better located on the headhouse roof and studying access and thinking about it as a way to activate or revitalize the headhouse. The UDC commented it is a wonderful opportunity, take advantage of it.

Parking Garage

- The UDC asked if bike storage can only be accessed through the garage? The applicant responded that the residents would have to go through the garage door to access bike storage room. There is some visitor or short-term bike parking (outdoor bike parking). The UDC recommended to make bike storage more accessible from street.
- EV ready spaces are great and just thinking ahead, it will probably be good to have chargers for all spaces.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts

Newton Historical Commission
1000 Commonwealth Avenue Newton, Massachusetts 02459
Doug Cornelius, Chairman

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www.newtonma.gov

Barney Heath
Director

August 9, 2022

Brona Simon
Executive Director
Massachusetts Historical Commission
220 Morrissey Blvd
Boston MA 02125

Re: West Newton Armory Letter of Support

Dear Ms. Simon,

In accordance with the Memorandum of Agreement (MOA) among the Division of Capital Asset Management and Maintenance (DCAMM), the City of Newton, MA and Massachusetts Historical Commission (MHC) concerning the redevelopment of the West Newton Armory located at 1135 Washington Street, and as chair of the Newton Historical Commission (NHC), I hereby wish to transmit this letter of support for the design presented by Civico Development and Metro West Collaborative Development at the NHC meeting held on July 29, 2022. At that meeting, the NHC voted to authorize the chair to submit a support letter by a vote of 4 in favor and 1 opposed. The Development Team confirmed it will provide the NHC with photographic documentation and recordation in accordance with the MOA.

Please feel free to contact Mollie Hutchings, the City's Chief Preservation Planner, should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "DC", written over a light blue horizontal line.

Doug Cornelius
Chairman
Newton Historical Commission

CC: Barney Heath, Director of Planning & Development

Amanda Berman, Director of Community Development and Housing
Eamon Bencivengo, Housing Development Planner
Mollie Hutchings, Chief Preservation Planner
Taylor Bearden, Civico Development
Caitlin Madden, Metro West Collaborative Development

Attachment G