

Ruthanne Fuller
Mayor

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ZONING BOARD OF APPEALS

Brenda Belsanti, Zoning Board of Appeals Clerk

December 14, 2022

Schlesinger and Buchbinder, LLP
1200 Walnut Street
Newton, Massachusetts 02461

Re: Comprehensive Permit 677 Winchester Street - #03-93 & #17-96

Dear Alan:

Pursuant to 750 CMR 56.07 (4) and 760 CMR 56.05(11), this letter serves as written notice with respect to the above-referenced Comprehensive Permit that the Newton Zoning Board of Appeals (“ZBA”) has determined that the changes to the project set forth in the November 21, 2022 letter received by the ZBA from Alan J. Schlesinger on behalf of 2Life Coleman Limited Partnership f/k/a JCHE Coleman Limited Partnership, 2Life Development Inc. f/k/a Jewish Community Housing for the Elderly, Inc. constitute an insubstantial change.

Very truly yours,

Brenda J. Belsanti

Brenda Belsanti, Zoning Board of Appeals Clerk



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ALAN J. SCHLESINGER
LEONARD M. DAVIDSON
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By Brenda Belsanti, ZBA Clerk at 2:14 pm, Nov 28, 2022

November 21, 2022

Brooke Lipsitt, Chairman
Newton Zoning Board of Appeals
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

RE: 2Life Coleman Limited Partnership
ZBA Cases #3-83(2) and 17-96(2)

**NOTICE OF PROJECT CHANGE:
REQUEST FOR DETERMINATION OF INSUBSTANTIALITY**

Dear Chairman Lipsitt,

On March 8, 1983, the Board of Appeals issued a Comprehensive Permit (#3-83; “the initial Comprehensive Permit”) to Jewish Community Housing for the Elderly V, Inc. allowing for the construction of one hundred (100) low-income elderly housing units (Coleman 1) on land located at 601-621 Winchester Street, Newton, Massachusetts (the “Project Site”). On July 23, 1996, the Board of Appeals issued a second Comprehensive Permit (#17-96; “the second Comprehensive Permit”) to the Jewish Community Housing for the Elderly V, Inc. The second Comprehensive Permit added an eight-story addition containing forty-six (46) units to the existing five-story building (“Coleman II”).

On September 21, 2022, the Board of Appeals permitted an amendment to #3-83 and #17-96 (“the second amendment”) which permitted the applicant (2Life Coleman Limited Partnership, f/k/a JCHE Coleman Limited Partnership, and hereafter “2Life”) to transfer a

Brooke Lipsitt, Chairman
Newton Zoning Board of Appeals
November 21, 2022
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36,955 square feet portion of its site to 2Life Holdings, LLC, (an affiliate of 2Life) to facilitate construction of a new development consisting of 174 units in a congregate living facility (“Opus”) and to relocate 30 of Coleman’s parking spaces to the Opus garage.

Pursuant to 760 CMR 56.05(11)(a) 2Life gives notice that it desires to make two changes to the details of the second amendment and requests a determination that the change is “insubstantial” with reference to the factors set forth in 760 CMR 56.07(4).

First, as the result of ongoing operational discussions amongst the 2Life entities, 30 of Coleman’s parking spaces, which were previously proposed to be shifted into Opus’ garage, will no longer be shifted into Opus’ garage. All 60 of the Coleman surface parking stalls currently available to Coleman House will remain available for the use of Coleman House and remain provided as surface stalls on the Coleman lot.

Second, the property line between Coleman and Opus was mis-plotted in the approved plans. A de minimus deviation of +/-1’ over a span of 72 s.f. has changed the lot area of the remaining Coleman House parcel by 72 s.f. The approved plans showed Coleman’s lot area at 116,647 square feet, and the corrected plans show the Coleman House parcel as 116,719 square feet.

We hope that you will determine that these two changes may be ratified by your determination that they are consistent with the approved building design, and we seek to substitute the plan referenced in #03-83(2) #17-96(2) (LU-L301) with the sheet attached hereto.

760 CMR 56.07(4)(b) provides guidance to a Zoning Board of Appeals as to what constitutes a substantial or insubstantial change to a comprehensive permit. The following are examples of the circumstances which ordinarily will and will not constitute a substantial change, as described in 760 CMR 56.07(4)(a):

“(c) The following matters generally will be substantial changes:

1. An increase of more than 10% in the height of the building(s);
2. An increase of more than 10% in the number of housing units proposed;
3. A reduction in the size of the site of more than 10% in excess of any decrease in the number of housing units proposed;
4. A change in the building type (e.g., garden apartments, townhouses, high rises); or
5. A change from one form of housing to another.

(d) The following matters generally will not be substantial changes:

1. A reduction in the number of housing units proposed;

Brooke Lipsitt, Chairman
Newton Zoning Board of Appeals
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2. A decrease of less than 10% in the floor area of individual units;
3. A change in the number of bedrooms within individual units, if such changes do not alter the overall bedroom count of the proposed housing by more than 10%;
4. A change in the color or style of materials used; or
5. A change in the financing program under which the Applicant plans to receive a Subsidy, if the change affects no other aspects of the proposal.”

The matters that are generally considered substantial are changes that would typically require more relief than was originally granted by a comprehensive permit, whereas the matters generally considered as insubstantial typically require less relief than was granted or have no effect on the relief. As the change to the Project has either no effect on the relief or would result in less relief being required than was granted, the change to the Project is similar to those matters generally considered not to be substantial.

2Life respectfully submits that the changes are insubstantial under the applicable regulations. This notice is being provided under 760 CMR 56.05(11)(a). Pursuant to these regulations, the Board shall determine within twenty (20) days whether this request is a substantial or insubstantial change in accordance with 760 CMR 56.05(11)(c) and (d). If it is determined that the changes are insubstantial, or if notice is not provided to the applicant to the contrary within such twenty (20) day period, the Comprehensive Permit shall be deemed changed, as requested. The above process does not require a public hearing. A public hearing would be required if you determine that the requested changes are substantial changes, and if so, and pursuant to the aforesaid regulations, a public hearing is to be held with thirty (30) days.

Pursuant to our dialogue with the Board’s Clerk, we understand that this matter will be scheduled for discussion on December 7, 2022. Please feel free to contact me if you have any questions regarding the foregoing.

Very truly yours,


Alan J. Schlesinger

cc: Lizbeth Heyer, 2Life Communities



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Ruthanne Fuller
Mayor

ZONING BOARD OF APPEALS

Adrianna Henriquez, Board Clerk

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CITY CLERK

NEWTON, MA. 02459

DECISION

**677 Winchester Street, Newton, Massachusetts
Second Amended Comprehensive Permit**

Decision Number:	#03-83(2) and 17-96(2)
Applicant:	2Life Coleman Limited Partnership (f/k/a JCHE Coleman Limited Partnership)
Premises Affected:	677 Winchester Street Street in Newton, Massachusetts, Assessor's Map Section 83, Block 35, Lot 4B
Relief Requested:	Amendment to site plan and resulting amendments of waivers granted
Date of Decision of First Comprehensive Permit:	March 8, 1983
Date of Decision of Second Comprehensive Permit:	August 14, 1996
Date Application for Amendment to First and Second Permit Filed:	September 1, 2021
Public Notice for Amendment to First and Second Permits Application:	September 9, 2021 and September 16, 2021
Public Hearing Date on Amendment to First and Second Comprehensive Permit Application:	September 22, 2021
Decision of the Board on Amendment to First and Second Comprehensive Permits:	Approved with Conditions

Members Voting on Amendment to First and Second Comprehensive Permits:

Brooke K. Lipsitt, (Chair), William McLaughlin (Vice Chair), Michael Rossi, Stuart Snyder, Treff LaFleche

Date of Decision of Amendment to First and Second Comprehensive Permits:

September 21, 2021

PROCEDURAL HISTORY

1. In 1983, Jewish Community Housing for the Elderly V, Inc. now known as 2Life Development, Inc., an affiliate of 2Life Communities, Inc., was granted a Comprehensive Permit (ZBA Decision #3-83, “the First Permit”) to construct 100 units of elderly housing (now known as “Coleman House”) in a five-story building at 677 Winchester Street (the “Site”). The Site had a lot area of 153,629 square feet and 336 feet of frontage on Winchester Street.
2. In 1996, the same applicant received permission (ZBA Decision #17-96, “the Second Permit”) to construct an eight-story, 46-unit addition to the existing 100-unit brick apartment building. A circular drive was added along with parking for 37 additional vehicles. The square footage of the development parcel remained the same (153,629 square feet), although the site plan was altered due to an approved land swap with the abutting property of the Combined Jewish Philanthropies. Lot area per unit was reduced to 1,053 per dwelling unit and side and rear setbacks were reduced to zero.
3. On September 1, 2021, pursuant to G.L. c. 40B, §§ 20-23 (the “Act”), 2Life Coleman Limited Partnership, formerly known as JCHE Coleman Limited Partnership, an affiliate of 2Life Communities, Inc. as successor in interest to 2Life Development, Inc. (the “Applicant”) filed an application to amend the First Comprehensive Permit and the Second Comprehensive Permit (the “Amendment Application”). The Amendment Application sought permission to transfer a 36,955 square foot portion of the Site to 2Life Holdings, LLC, an affiliate of 2Life Communities, Inc., to facilitate construction of a new development to comprise 174 units in a congregate living facility (“Opus”) and to relocate 30 of Coleman House’s parking spaces to the Opus garage.
4. The Amendment Application requested relief from the dimensional requirements of the Zoning Ordinance in order to permit the following changes to the Site due to the proposed land transfer: the side setback adjacent to the Opus’ connector building will be reduced from 16 feet to 0 feet; the lot area will be reduced from 153,629 square feet to 116,674 square feet; the FAR will increase from 0.81 to 1.07; the lot area per unit will decrease from 1,053 square feet to 799 square feet; and open space will decrease from 64.1% to 59%.
5. The materials submitted by the Applicant on the Amendment Application include:
 - a. Correspondence dated September 1, 2021;
 - b. Revised Site Plan – Coleman House dated September 1, 2021;

- c. Site Plans – Opus dated September 1, 2021 (5 sheets) including existing and proposed conditions site plans, planting plan, drainage plan, and utility plan);
 - d. Aerial model of Opus (8 sheets);
 - e. Elevations and Floor Plans prepared by Stantec and Perkins Eastman dated September 1, 2021, consisting of 4 sheets;
 - f. Stantec Parking Study with exhibits dated December 5, 2019;
 - g. List of amendments to relief;
 - h. List of Opus-Newton Outreach Efforts;
 - i. Opus Project Description;
 - j. Copies of Comprehensive Permits #3-83 and #17-96; and
 - k. May 5, 2021 Zoning Review Memorandum.
6. On September 13, 2021, the Newton City Council granted special permit #179-19, which enables 2Life Holdings, LLC to develop Opus, which includes a 230 stall garage that will be constructed with the following zoning relief pursuant to Section 5 of the Zoning Ordinance:
- a. allow assigned parking (§5.1.3.E);
 - b. allow parking within the side setback (§5.1.8.A.1);
 - c. allow parking within five feet of a building containing dwelling units (5.1.8.A.2);
 - d. modify the minimum dimensions for parking stalls (§5.1.8.B.1, §5.1.8.B.2, §5.1.13);
 - e. allow a reduced aisle width (§5.1.8.C.1);
 - f. waive perimeter landscaping requirements (§5.1.9.A.1.i); and
 - g. waive lighting requirements for outdoor parking (§5.1.10.A.1).
7. The Board opened a duly noticed public hearing on the Amendment Application via Internet video conferencing on September 22, 2021. The public hearing was held via Internet video conferencing, pursuant to Massachusetts executive order, *Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, Section 20* (March 10, 2020), Chapter 53 of the Acts of 2020, an *Act To Address Challenges Faced by Municipalities and State Authorities Resulting from COVID-19* (April 3, 2020), and Chapter 20 of the Acts of 2021, an *Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency (June 16, 2021)*.
8. On September 22, 2021, the Board closed the public hearing on the Amendment Application.
9. The Board deliberated on the Amendment Application at a public hearing held on September 22, 2021 and voted to grant the requested changes subject to the Conditions listed below in the form of an amendment to the First and Second Comprehensive Permits.

FINDINGS

1. The Board finds that the Applicant has complied with all of the rules and regulations of the City of Newton as they pertain to the Amendment Application.
2. The Site is located at 677 Winchester Street, in the Single Residence 1 Zoning District.
3. Existing conditions at the Site consist of approximately 153,629 square feet of land improved with a 146 unit apartment building and parking for 60 vehicles.
4. The removal of 36,955 square feet of land from the Site in order to facilitate the development of a one hundred seventy-four-unit congregate living facility, along with the connector building, is consistent with the existing mix of uses, programs and functions at the Jewish Community Campus, including the uses of the Jewish Community Center and the Coleman House independent living facility. The proposed congregate living facility will complement and enhance the other uses at the Campus. The Site will continue to comply with the conditions of the First and Second Comprehensive Permits, as modified by this Amendment.
5. The relocation of 30 of Coleman House's parking spaces to the Opus' garage is appropriate as Coleman House and Opus will share a two-story connector building, and have substantial overlap in terms of staff and services provided.

DECISION

Pursuant to the Act, after convening a public hearing and making findings of fact, the Board granted this Amended Comprehensive Permit, encompassing the enumerated waivers set forth herein and subject to the conditions of approval set forth below. This Amended Comprehensive Permit serves to amend the First Comprehensive Permit granted by the Board on March 8, 1983 (ZBA Decision #3-83) and the Second Comprehensive Permit granted by the Board on August 14, 1996 (ZBA Decision #17-96) only as set forth herein; all other provisions and conditions of the First Comprehensive Permit and the Second Comprehensive Permit remain in full force and effect.

CONDITIONS

GENERAL CONDITIONS

1. That all buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Amended Comprehensive Permit shall be located and constructed consistent with the plan entitled "Sheet LU-L301 Coleman House Site Plan, prepared by Stantec, signed and stamped by Dyland Stevens, Registered Landscape Architect, dated March 3, 2021 Revised through September 1, 2021 (the "Approved Plan").
2. No occupancy permit shall be issued pursuant to this Amended Comprehensive Permit until the Applicant has:

- a. Recorded a certified copy of this Decision at the Middlesex County (South) Registry of Deeds and filed proof of such recording with the City Clerk, the Clerk of the Zoning Board of Appeals, and the Department of Planning and Development.
- b. Recorded an Approval Not Required (“ANR”) or “81X” plan creating the Opus lot through removal of 36,955 square feet of land from the Site and submitted such plan to the Engineering Division of Public Works, the Director of Planning and Development, and the Commissioner of Public Works.

WAIVERS GRANTED

1. The Board grants waivers from the dimensional requirements of the Zoning Ordinance for the purpose of permitting the following changes to the Site, as approved by this Amended Comprehensive Permit and as shown on the Approved Plan:

Dimensional Standard	Existing	Proposed/Approved	Change
Lot Area	153,629 sf	116,674 sf	-36,955 sf
Lot Area per unit	1,053 (146 units)	799 (146 units)	-254
Usable Open Space	64.1%	59.00%	-5.1%
Side Setback	16'	0'	-16'
FAR	0.81	1.07	+0.26

2. The Board grants a waiver from Section 5.1.6.A of the Zoning Ordinance to permit the relocation of 30 parking stalls from the Site to the adjacent Opus parcel.

RECORD OF VOTE

AYES: Brooke K. Lipsitt, (Chair)
William McLaughlin (Vice Chair)
Michael Rossi
Stuart Snyder
Treff LaFleche

NAYS:

Brooke K Lipsitt
Brooke K. Lipsitt, Chairman

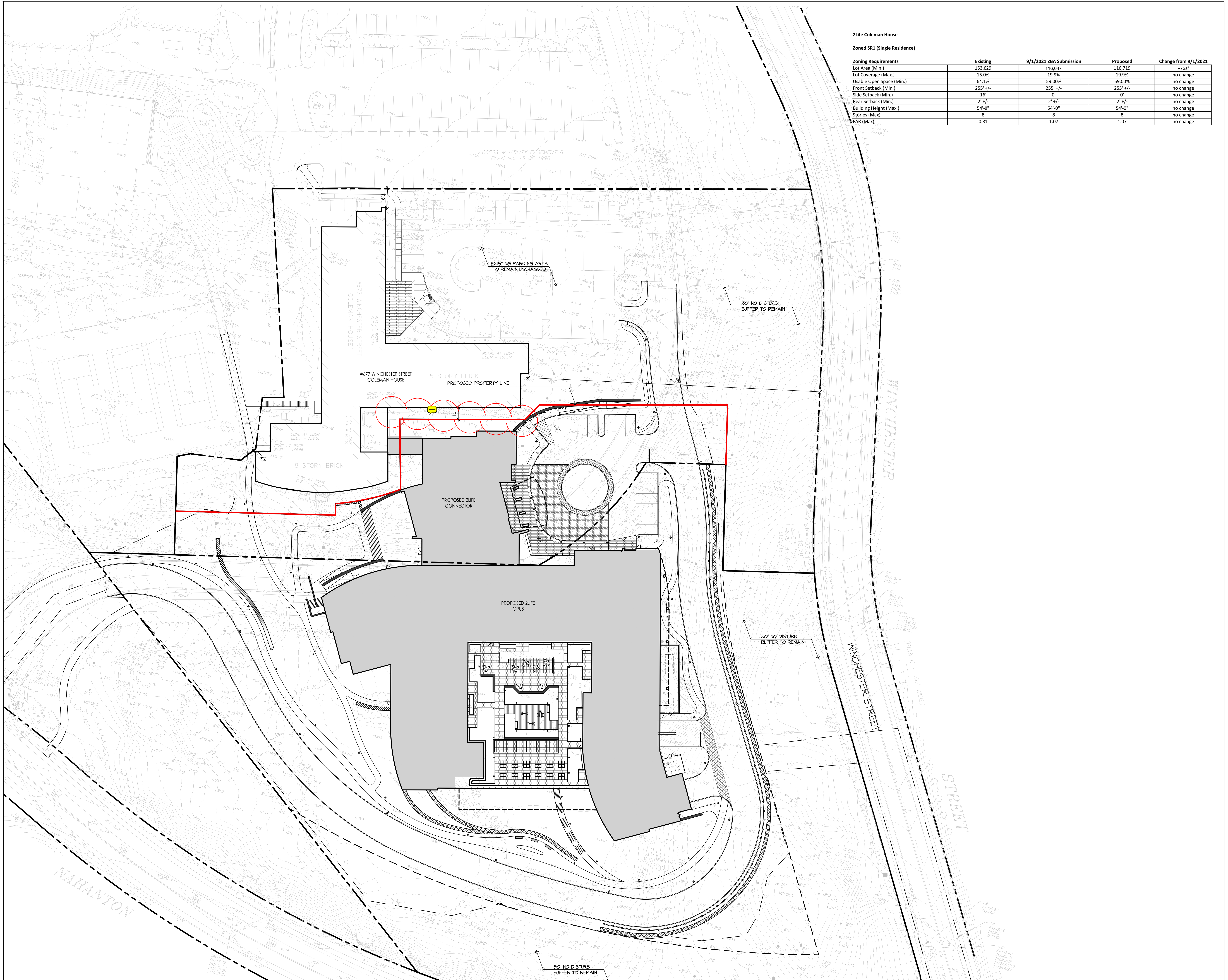
Wherefore, Amendments to the First and Second Comprehensive Permits, consistent with the conditions of this Decision, are granted to the Applicant.

Filed with the City Clerk on _____, 2021

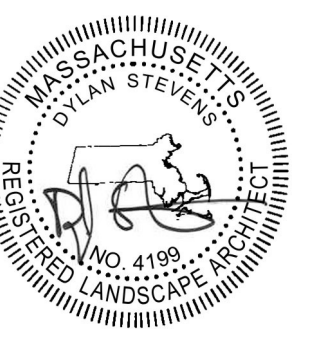
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CITY CLERK
NEWTON, MA. 02459

The City Clerk certifies that all statutory requirements have been complied with and that 20 days have lapsed since the date of filing of this decision and no appeal, pursuant to G.L. c. 40B, § 22 has been filed.

Nadia Khan, Acting City Clerk



NO.	DATE	REVISION
01	05/05/2021	SPECIAL PERMIT
02	09/01/2021	ZBA SUBMISSION
03	09/30/2022	SPECIAL PERMIT REVISION



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 Boston, MA 02109

Structural:
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 639 Granite Street
 Braintree, MA 02184
 MEP consultant:
PETERSEN ENGINEERING, INC
 127 Parrott Avenue
 Portsmouth, NH 03801

PROJECT TITLE:
2LIFE - OPUS

677 WINCHESTER STREET
 NEWTON, MA 02459

PROJECT No: 66571
 DRAWING TITLE:
**COLEMAN HOUSE
 SITE PLAN**

SCALE:
LU-L301
 ZONING REVIEW

3/03/2021

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