



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

#175-18

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

Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	April 3, 2018
Land Use Action Date:	June 12, 2018
City Council Action Date:	June 18, 2018
90-Day Expiration Date:	July 2, 2018

DATE: March 30, 2018

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Valerie Birmingham, Planning Associate

SUBJECT: **Petition #175-18**, for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order 147-79(2), Board Order 147-79(3), and Board Order 292-93 to construct a two-story addition, and to extend an existing non-conforming use at **333 Nahanton Street**, Ward 8, Oak Hill on land know as Section 83 Block 35 Lot 04, containing approximately 1, 225, 397 sq.ft. of land in a district zoning Single Residence 1. Ref: §3.4.1, §3.1.7, §5.1.13, §7.3.3, §7.4, and §7.8.2.C.2 of Chapter 30 of the Newton Revised Zoning Ordinance, 2015.

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.



333 Nahanton Street

EXECUTIVE SUMMARY

The subject property located at 333 Nahanton Street consists of a 1, 225, 397 square foot lot improved with a multi-purpose community facility known as the Levanthal-Sidman Jewish Community Center (JCC). The property is located in the Single Residence 1 (SR-1) zone in Oak Hill. The property is governed by three special permits: Board Order #147-79(2) allowed the usage of the site and construction, Board Order #147-79(3) amended the site plan by removing a portion of the lot to be used for construction of a 100-unit residential development permitted via a comprehensive permit; and Board Order #292-93 allowed the construction of the outdoor swimming pool and tennis courts. **(Attachments A, B, and C)** The petitioner is seeking to construct a two-story, 4, 352 square foot addition to the existing gymnasium. As such, the petitioner requires special permits to extend the existing nonconforming clubhouse use and nonconforming four-story structure and amend the existing special permits and associated approved site plans. If this petition is granted it will be combined with the existing three special permits and the site will be governed by one special permit.

The Planning Department recommends approval of the petition as the proposed addition is not viewable from a public right of way, is designed to match the existing structure, and is aligned with the goals of the JCC.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed amendments to Board Orders #147-79(2), #147-79(3), and #292-93. (§7.3.3.C.1.)
- The proposed amendment to Board Orders #147-79(2), #147-79(3), and #292-93 will not adversely affect the neighborhood. (§7.3.3.C.2.)
- The proposed amendment to Board Orders #147-79(2), #147-79(3), and #292-93 will create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3.)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4.)
- The proposed addition will be substantially more detrimental than the existing nonconforming multi-purpose community facility to the neighborhood. (§7.8.2.C.2)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is a corner lot with frontages on Nahanton and Winchester Streets in the SR-1 zone in Oak Hill. The immediate area is best described as a convergence area of four zoning districts and four individual land uses. To the northeast the SR-1 zone contains a golf course, to the east is a Multi-Residence 1 zone consisting of a multi-family development, to the south is a Limited Manufacturing zone containing the Wells Avenue Office Park, and to the west is a Public Use district containing Nahanton Park. **(Attachments D & E)**

B. Site

The site consists of 1, 225, 397 square feet of land improved with a group of buildings comprising the JCC campus. The property was originally improved with a four-story orphanage constructed in 1896 by the Xaverian Brothers known as "The Working Boys Home." The historic building was repurposed, and an addition was constructed via a special permit in 1981 to create a multi-purpose community facility which offers cultural, educational, athletic, and recreational activities to its members. An access and utility easement runs behind the building. The land slopes downward from the main parking lot to the rear of the building. The overall site contains the building, tennis courts, an outdoor pool and snack bar 409 parking stalls within four parking areas, and several acres of undisturbed conservation land. Mature vegetation is located along the property frontages, lawn area is located behind the original portion of the building, and the site is accessed from its main entrance on Nahanton Street and corresponding winding, long driveway. Next to the building, situated on its own parcel, is the Coleman House for senior living.



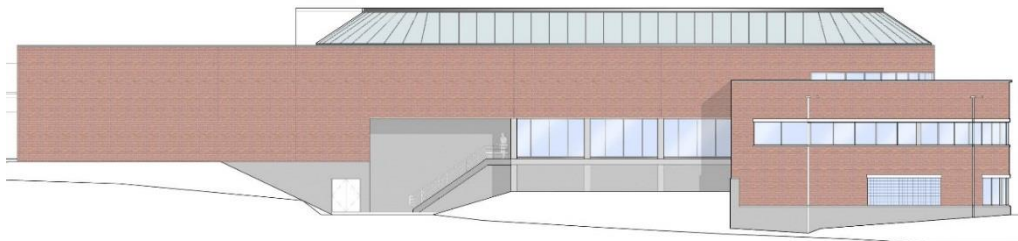
III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site is and will remain a multi-purpose community facility.

B. Building and Site Design

The petitioner is proposing to construct a two-story, 4,352 square foot addition to the rear of the gymnasium at the southeast corner of the site, next to the inground swimming pool and conservation land. The current proposal is the first addition of square footage to the footprint of the JCC since the original 1981 special permit was issued. The proposed addition sits on a vacant strip of land that wraps around the existing gymnasium and locker rooms, and directly abuts an access road but has been designed to not infringe on the road. The two-story addition has been appropriately designed to replicate the existing 1981 addition, using similar brick material and continuous window themes wrapping around the addition. The proposed expansion will be flush with the sloping grade to ensure a smooth transition. Due to the large scale of the parcel, the addition is planned to be 128 feet to the closest property line and will not be visible from any right of way.



Proposed West Elevation



Proposed South Elevation

The proposed addition reflects a shift in the JCC's membership as the uses of the facility have become more oriented to family and children's programming. The proposal intends to accommodate for children and families which includes a relocation of the children's

gym, and general locker room updates including providing locker rooms for children and families. In addition, by rearranging the locker rooms on the lower level, the JCC can provide amenities to its premium members such as a kitchen and lounge space, as well as a whirlpool, steam room, and sauna for all members. Lastly to better reorganize internal space and provide for popular athletic classes and programs, the proposal includes a relocation of several fitness spaces.

The Planning Department is unconcerned with the proposed addition due to its location in the rear of the property, as well as the size of the project relevant the large lot acreage.

C. Parking and Circulation

This proposal does not include any changes to the parking areas. The petitioner has stated that the proposed changes are to accommodate existing membership are not intended to increase membership. The petitioner also provided a parking report completed by Planning Horizons, which stated the proposed expansion would have minimal impact on the parking supply and availability at the JCC. **(Attachment F)**

IV. COMPLIANCE WITH PRIOR APPROVALS

The site is currently governed by three special permits, and their associated conditions. Any proposal to the site must either comply with those conditions or amend the special permit to ensure compliance. In Board Order #147-79(3), Condition #5 states that “coverage for all existing and future buildings, if any, parking lots and paved drives shall not exceed 30% of the site area.” Due to the large parcel size, the addition only just adjusts the property’s open space number, going from 76.6% to 76.5%, above the 70% minimum requirement.

Additional conditions limit uses on the site to only those which are consistent with the established goals for the JCC, require the preservation of the surrounding conservation lands, and a statement that no building be completely visible or within 80 feet of either Winchester Street or Nahanton Street. The proposed expansion does not violate any of these conditions.

V. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning **(Attachment G)**. Based on the Memorandum, the petitioner is seeking the following relief:

- Special permit per §3.4.1, §7.3.3, and §7.8.2.C.2 to further extend the existing

nonconforming building

- Special permit per §3.1.7, §7.3.3, and §7.8.2.C.2 to further extend the existing nonconforming use
- Amend Board Orders #147-79(2), #147-79(3), and #292-93

B. Engineering Review

Associate City Engineer, John Daghlia, reviewed this petition for conformance with the City of Newton Engineering Standards. **(Attachment H)** The petition will be reviewed prior to the issuance of the building permit, should this petition be approved.

VI. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

Attachment A: Special Permit #147-79(2)

Attachment B: Special Permit #147-79(3)

Attachment C: Special Permit #292-93

Attachment D: Zoning Map

Attachment E: Land Use Map

Attachment F: Parking Report

Attachment G: Engineering Department Memorandum

Attachment H: Zoning Review Memorandum

Attachment I: Draft Board Order

1-1-81 PM 2.56 290RE**10.00

BK 14251 PG 474

ATTACHMENT A

#147-79(2)

THE COMMONWEALTH OF MASSACHUSETTS

NEWTON

CITY

BOARD OF ALDERMEN

March 9, 1981

NOTICE OF VARIANCE

Conditional or Limited Variance or Special Permit

(General Laws Chapter 40A, Section 18 as amended)

Notice is hereby given that a Conditional or Limited Variance or Special Permit has been granted

To Combined Jewish Philanthropies of Greater Boston Inc.

Owner or Petitioner

Address 72 Franklin Street

City Boston, Mass. 02110

601-621 Winchester Street, Ward 8, Section 83, Block 25.

Identify Land Affected

part of Lot 4, containing approx. 1,232,462 sq. ft.

by the City of Newton Board of Aldermen affecting the rights of the owner with respect to the use of premises on

601-621 Winchester Street, Newton, Mass.

Street

City

the record title standing in the name of

Combined Jewish Philanthropies of Greater Boston, Inc.

whose address is 73 Franklin Street, Boston, Massachusetts 02110

Street

City

State

by a deed duly recorded in the Middlesex County Registry of Deeds in Book 13765 Page 544

Registry District of the Land Court

Certificate No. Book Page

The decision of said Board is on file with the papers in Decision or Case No. 147-79(2)

in the office of the City Clerk of Newton

Signed this 9th day of March, 1981

Board of Aldermen

Matthew Jefferson President
Edward G. English City Clerk

19 at o'clock and minutes M.

Received and entered with the Register of Deeds in the County of

Book Page

ATTEST

CITY OF NEWTONIN BOARD OF ALDERMEN

February 17, 1981

ORDERED:

That the Board finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, the following SPECIAL PERMIT, SITE PLAN APPROVAL, and EXTENSION OF NON-CONFORMING USE is hereby granted, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor through its Chairman, Alderman Terry Morris.

Petition number: #147-79(2)

Petitioner: Combined Jewish Philanthropies of Greater Boston, Inc.

Location: 601-621 Winchester Street, Ward 8, Section 83, Block 25, part of Lot 4 containing approx. 1,232,462 sq. ft.

Owner: Working Boys Home, c/o Xaverian Brothers

Address of owner: 704 Brush Hill Road, Milton, MA 02186

To be used for: Multi-purpose community facility, including cultural, education, athletic and recreational activities (club-house).

Construction: Masonry, steel, glass.

Explanatory note: This Board Order supersedes Board Order #147-79, dated May 7, 1979. The petitioner has requested revisions to conditions #1 and #2 of Board Order #147-79 to extend Permit for one year beyond May 7, 1981 and to substitute site plan to permit modifications to proposed building. Section 30-5(b)(4) and 30-5(b)(11) of the Zoning Ordinance provides that the petitioner obtain SPECIAL PERMIT from the Board of Aldermen for a club (multi-purpose community facility). Petitioner also seeks permission under Section 30-26(b), Extension of Non-Conforming Use to renovate and expand existing gymnasium, pool and office facilities; under Section 30-3(c) and 30-24 SITE PLAN APPROVAL to use portions of the buildings for educational purposes; under Section 30-15 to construct a non-residential building in excess of 40 feet in height and under Section 30-21(c)(3) and 30-21(m) to reduce the parking requirements for the multi-purpose community facility to 340 parking space

Land referred to is in Single Residence A District.

Petition # 147-79(2)

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Approved, subject to the following conditions:

1. That this Permit shall be exercised no later than May 7, 1982. Within this Board Order, the term "exercised" shall mean commencement of substantial construction which necessitates the issuance of a building permit.
2. That, except as modified in (a) and (b), the proposed buildings, parking stalls, maneuvering aisles, driveways, walkways, swimming pool, tennis courts, landscaped areas, grading, drainage, utilities including sewer, water and electrical connections and other site features shall be located and constructed consistent with a plan entitled "Revised Site Plan and Proposed Property Line Adjustment, Affiliated Jewish Community Facility, Newton, Mass. dated March 15, 1979, revised April 19, 1979, and revised to February 9, 1981 by Wallace, Floyd, Ellensweig, Moore, Inc., Architects/Planners, Robert A. Corleo, P.E. submitted by the petitioner and filed herewith. Provided (a) that no tennis courts shall be located within twenty five feet (25') of the boundary line of land owned by the petitioner and (b) that the petitioner may, upon the written approval of the Director of Planning and Development and the recommendation of the Land Use Committee, but without a further permit, approval or extension from this Board, modify the perimeter outline of the new construction portion of the building plans submitted with this Petition provided, however, that no such modification shall exceed 15' in any direction and the total floor area shall not be increased by any such modification. With the exception of the modification of the building shown on the February 9, 1981 revised Site Plan further changes to the perimeter of the building may not exceed the 15 foot limitation delineated on the April 19, 1979 Site Plan.
3. That the number, species, and size of proposed landscaping and other site features including existing vegetation not be disturbed by new construction shall be located consistent with a plan entitled "Planting and Materials, Affiliated Jewish Community Facility, Newton MA" dated 15 March 1979 by Wallace, Floyd et al, Architects/Planners, Robert A. Corleo, P.E., submitted by the petitioner and filed herewith. Said plan shall be modified to exclude the installation of the 27 parking stall lot located nearest the entrance drive from Nahanton Street and the 29 stall lot near Winchester Street, for which is to be substituted by 16 parking stalls to be located on the existing driveway, and to permit the installation of the 14 parking stall lot near the tennis court off the entrance drive, and to conform to Condition 2 above. (147-79)
4. That the floor plans shall be constructed consistent with the plans entitled "Affiliated Jewish Community Center, Lower Level, Sheet No. 11; Ground Floor Plan, Sheet 12; Second Floor Plan, Sheet 13; Third Floor, Fourth Floor, Fifth Floor Plans, Sheet No. 14; all dated 15 March 1979 and revised February 9, 1981 by Wallace Floyd et al, Architects/Planners, submitted by the petitioner and filed herewith. (147-79)
5. That, except as modified in accordance with Condition 2.b. above, the proposed building sections, elevations and facade treatment shall be consistent with plans entitled, "Section, Sheet No. 15; Elevations, Sheets No 16 & 17", all dated 15 March 1979 and revised February 9, 1981 by Wallace, Floyd et al, Architects/Planners, submitted by the petitioner and filed

Petition #147-79(2)

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6. That, except for emergency vehicular access, there shall be no general vehicular access to or from the site onto Winchester Street. The existing driveways onto Winchester Street shall be closed by chains of a tensile strength to be approved by the Newton Fire Chief and attached to bollards, (147-79)
7. That all utilities, including telephone and electrical service, shall be installed underground from the street line and any transformer locations shall be approved by the Department of Planning and Development. (147-79)
8. That all construction vehicles shall enter and leave the site via Nahanton Street west to the Newton-Needham municipal boundary. No such vehicle shall utilize Winchester Street. (147-79)
9. That, except for ordinary care and maintenance, including removal of dead vegetation and trees, and subsequent to the installation of drainage systems, underground utilities, driveways and parking areas, the petitioner shall preserve the existing topography and natural vegetation for the entire length of Winchester Street to a depth of 80 feet from the westerly side of Winchester Street and in the area bounded by the two existing driveways to Winchester Street. (147-79)
10. That the petitioner shall not erect a perimeter fence or barrier of any kind around the so-called ball field west of Parcel A or along any easements which connect the petitioner's site with the Charles River as shown on the plan cited in Condition 2 herein. (147-79)
11. That no building permit shall be issued in pursuance of the PERMIT until: (147-79)
 - a. The petitioner shall have filed with the Building Commissioner, City Clerk, Director of Planning and Development, and Recreation Commissioner, copies of an instrument recorded in the Registry of Deeds for the Southern District of Middlesex County which provides for City use of the ball field, as shown on the plan cited in Condition 2 herein, on such conditions as may be agreed upon between the petitioner and the City of Newton acting through the Newton Recreation Commissioner.
 - b. The petitioner shall have filed with the Building Commissioner, City Clerk, and Director of Planning and Development copies of a certification by the petitioner that any easements held by petitioner over a parcel of land located west of the petitioned parcel and east of the Charles River, except for (1) any easement over the so called "ball field area" (2) any easement for the main driveway from Nahanton Street to petitioners facility shall either (a) be non-exclusive to petitioner or (b) provide for access to the public over such easements.

- c. The petitioner shall have filed with the Building Commissioner, City Clerk, and Director of Planning and Development, copies of a conservation restriction established under Chapter 184, Sections 30-33, Mass. General Laws as specifically depicted as "Conservation Easement" (kettle area) on the plan cited in Condition 2 herein which form has been reviewed and approved by the City Solicitor and has been recorded in the Registry of Deeds for the Southern District of Middlesex County.
 - d. The City Engineer shall have reviewed and approved of site grading, drainage and utility plans and a statement certifying such approval shall have been filed with the Building Commissioner, City Clerk, and Director of Planning and Development.
 - e. The Fire Chief shall have reviewed and approved the site plan as to adequacy of emergency access, and a statement certifying such approval shall have been filed with the Building Commissioner, City Clerk, and Director of Planning and Development.
 - f. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a certified copy of this Board Order granting this PERMIT with appropriate reference to the book and page of the recording of the petitioner's title deed or notice of lease endorsed thereon.
 - g. A certified copy of such recorded notice shall have been filed with the City Clerk, the Building Department and the Department of Planning and Development.
13. That no building or structure, or portions thereof, subject to this PERMIT shall be occupied until: (147-79)
- a. The petitioner shall have filed with the City Clerk, the Building Department, and the Department of Planning and Development a statement by a registered architect or registered engineer certifying that Conditions 2. thru 7. have been complied with.
 - b. There shall have been filed with the City Clerk, the Building Department and the Director of Planning and Development a statement by the City Engineer certifying that the finished grade and final construction details of the driveways, parking areas, drainage systems and utility installations have been constructed to the standards of the City of Newton Engineer Department.
 - c. There shall have been filed with the City Clerk and the Building Department a statement by the Director of Planning and Development approving the final location, number and type of plant materials, final landscape features, and lighting installation. provided that, in the event that all other conditions of this SPECIAL PERMIT have

Petition #147-79(2)
Page 5

been met including, but not limited to, completion of the buildings, walks, drives, parking areas, utilities and lighting, the posting of a bond to the City of Newton by the petitioner in an amount to be determined by the Director of Planning and Development to secure the installation of landscape features and plant material within six months from the date of the bond shall be deemed sufficient performance of petitioner's obligations to permit occupancy for a period of six months from the date of the bond.

- d. A statement by the Building Department that there has been full compliance with the Mass. State Building Code, including any permits issued by said Department, and that the premises are suitable for occupancy shall have been filed with the City Clerk and the Department of Planning and Development.

Under Suspension of Rules
Readings Waived & Adopted
18 Yeas 6 Absent (Ald.
Barker, Daley, Dietz,
Richmond, Schur, Taglienti)

EXECUTIVE DEPARTMENT

Approved February 19, 1981

Theresa A. Fickett

(Sgd) THERESA A. FICKETT Acting City Clerk (Sgd) THEODORE D. MANN Mayor

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT, SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE is a true, accurate and complete copy of said decision; that all statutory requirements for the issuance of such SPECIAL PERMIT, SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE have been complied with; and that copies of the foregoing decision and all plans referred to in the decision have been filed with the Planning & Development Board and the City Clerk.

Twenty days have elapsed since the date of filing of the Board Order with the City Clerk and no appeal thereto has been filed.

Edward G. English
City Clerk Edward G. English
March 9, 1981

A True Copy
Teste C.

BK 14965 PG 435

#147-79(3)

CITY OF NEWTONIN BOARD OF ALDERMEN

February 22, 1983

ORDERED:

That the Board finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, the following SPECIAL PERMIT, SITE PLAN APPROVAL, and EXTENSION OF NON-CONFORMING USE is hereby granted, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor through its Chairman, Alderman Terry Morris.

Petition number: 147-79(3)

Petitioner: Combined Jewish Philanthropies of Greater Boston, Inc.

Location: 601-621 Winchester Street, Ward 8, Section 83, Block 35, part of Lot 4 containing approximately 1,085,462 sq. ft.

Owner: Combined Jewish Philanthropies of Greater Boston, Inc.

Address of Owner: 601 Winchester Street, Newton, MA 02161

To be used for: Multi-purpose community facility, including cultural, education, athletic and recreational activities (clubhouse).

Construction: Masonry, steel, glass

Explanatory Note: This Board Order amends Board Order #147-79(2) dated February 17, 1981 appended hereto as previously amended by Board Order #147-79. This petition is to remove from the site plan a certain portion of the site containing approximately 147,000 square feet more or less for the purpose of constructing 100 dwelling units for the elderly and handicapped approved by the Newton Zoning Board of Appeals #3-83 under a comprehensive permit authorized by Chapter 774 of the Acts of 1969, G.L. Chapter 40B, Section 20-23.

Also, the petitioner requests permission to occupy all or portions of the buildings on the premises on a partial temporary basis pending completion of other portions of the project and pending completion of landscaping required in Board Order #147-79(2).

Land referenced to is in Single Residence A district.

Approved subject to the following conditions:

1. That except as amended herein, all conditions of Board Order #147-79(2) appended hereto shall remain in full force and effect.
2. That the site plan referenced in Condition 2. of Board Order #147-79(2) is hereby substituted by a plan entitled "JEWISH COMMUNITY CAMPUS, Newton, Massachusetts, revised Site Plan and Proposed Property Line Adjustment, Affiliated Jewish Community Facility" dated March 15, 1979 and Revised to January 25, 1983, by Wallace, Floyd, Ellensweig, Moore, Inc., Architecture/Planners, Robert E. Carleo, P.E. submitted by the petitioner to the Land Use Committee of the Board of Aldermen and the Newton Zoning Board of Appeals meetings of January 25, 1983 and filed herewith. The revised property line shown on said plan shall be line "C" containing approximately 147,000 square feet more or less with 310 feet more or less frontage on Winchester Street.
3. That the landscaping plan referenced in Condition 3. of Board Order #147-79(2) shall be amended to permit the plantings of at least eighty (80) white pine trees along and near the Winchester Street and Nahanton Street corner of the site. Said location and size of trees shall be subject to the approval of the Director of Planning and Development.
4. That Condition 9. of Board Order #147-79(2) shall be amended to include the area of the site known as the "Oak Grove" between the area designated as Parcel A, City of Newton, as shown on the plan cited in Condition 2. above easterly to the row of Hemlock hedges west of the overflow grass parking area and northerly along the hedgerow and along the Parcel A boundary to the northerly boundary line of the site. The topography and vegetation of said area shall, except for ordinary care and maintenance, including removal of dead vegetation and trees, be preserved by the petitioner.
5. That, subject to all other applicable restrictions, coverage for all existing and future buildings, if any, parking lots and paved drives shall not exceed 30 percent of the site area.
6. That none of the following facilities shall be permitted nor shall permission be requested to be built by the petitioner for:
 - (a) Private, for-profit housing of any type.
 - (b) A nursing home.
 - (c) Dormitories of any kind, including without limitation, dormitories to house students or teachers.
 - (d) A hospital, in-patient medical facility or primary health care center.
 - (e) Removal of gravel for commercial purposes.
 - (f) Any structure to be located on the gravel area of the site near Winchester Street and Nahanton Street to exceed 3 stories or 40 feet whichever is greater.
7. That, except for emergency vehicle access, all uses shall be accessible from internal roadways reached only from the single access point at Nahanton Street across from Wells Avenue. (#147-79(2)).

8. No structures shall be entirely visible from Nahanton Street and Winchester Street and no structure shall be located closer than 80 feet from either street.
9. None of the "gravel pit" area shall be sold for development except to a constituent or affiliated agency of the Combined Jewish Philanthropies and then only for the use and purposes consistent with this order or by the Newton Zoning Board of Appeals.
10. That the entire area of the adjacent City park land identified as Parcel B as shown on the plan cited in Condition 2. above shall be maintained by the petitioner at its own expense. Said maintenance shall include the periodic removal and cleaning of any rubbish and debris in parcel B and any work required for its use and maintenance in its natural state.
11. That this amendment shall not obtain until:
 - a. The petitioner shall have filed with the Building Commissioner, City Clerk, and Director of Planning and Development, copies of conservation restriction established under Chapter 184, Sections 30-33, Mass. General Laws as specifically identified as "Oak Grove" as described in Condition 4 herein which form has been reviewed and approved by the City Solicitor and has been recorded in the Registry of Deeds for the Southern District of Middlesex County.
 - b. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County both a certified copy of this Board Order granting this PERMIT with appropriate reference to the book and page of the recording of the petitioner's title deed or notice of lease endorsed thereon and a certified copy of correspondence to Terry P. Morris, Chairman, Land Use Committee, Board of Aldermen from Combined Jewish Philanthropies of Greater Boston, 72 Franklin Street, Boston, MA 02110 by Ruth B. Fein, President, dated January 24, 1983.
 - c. A certified copy of such recorded notice shall have been filed with the City Clerk, the Building Department and the Department of Planning and Development.
12. That no building or portion thereof shall be temporarily occupied pursuant to this order until:
 - a. The petitioner shall have filed with the City Solicitor a letter of credit or other form of security approved by the City Solicitor in the amount of 135% of the cost of the remaining exterior work to be done including landscaping and lighting, site grading, drainage, utility connections and other site features and the City Solicitor shall have filed a statement with the City Clerk, Building Commissioner, City Engineer and Director of Planning and Development certifying thereto.

- b. A statement by the Building Commissioner that the premises or portions thereof are suitable for occupancy shall have been filed with the City Clerk, City Engineer and Director of Planning & Development.
13. That the petitioner shall provide traffic studies and/or assist and cooperate with the City in its traffic studies of the Nahanton-Winchester-Dedham Streets Corridor as necessary and/or in any event, prior to petitioning the Board of Aldermen for any subsequent amendments to this existing site plan.
14. That all occupancy permits shall be issued providing: that the petitioner (CJP) shall, as a party to a separate agreement entered into with the City of Newton, as signed by His Honor the Mayor, dated November 2, 1982, use their best efforts to the satisfaction of the Building Commissioner, to insure that the terms of said contract to build a public parking lot on the adjacent Novitiate Park land are met on or before June 1, 1983, or whatever date is deemed reasonable between the contracting parties.

Under Suspension of Rules
Readings Waived & Adopted
22 Yeas 2 Absent (Ald.
Levinsky & Jefferson)

February 8, 1983
Motion to reconsider by Ald.
Daley.

February 22, 1983
Motion to reconsider Fails to Carry; Original Vote Stands,
18 Nays 1 Yea (Daley) 5 Absent (Ald.
Malec, E. Richmond, Taglienti,
Tennant, Vance)

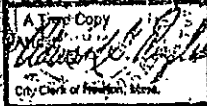
EXECUTIVE DEPARTMENT
Approved Feb. 24, 1983

Edward G. English
(Sgd) EDWARD G. ENGLISH City Clerk

Theodore D. Mann
(Sgd) THEODORE D. MANN Mayor

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT, SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE is a true, accurate and complete copy of said decision; that all statutory requirements for the issuance of such SPECIAL PERMIT, SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE have been complied with; and that copies of the foregoing decision and all plans referred to in the decision have been filed with the Planning & Development Board and the City Clerk.

Twenty days have elapsed since the date of filing of the Board Order with the City Clerk and no appeal thereto has been filed.



Edward G. English
City Clerk Edward G. English March 14, 1983

DK 24199 PG 281

#292-93

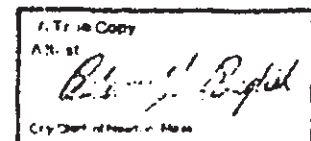
CITY OF NEWTON
IN BOARD OF ALDERMEN

December 6, 1993

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, the following SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NONCONFORMING USE and STRUCTURE and amendment to Board Orders #149-79 and #149-79(2) is hereby granted, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefore, through its Chairman, Alderman Susan M. Basham:

1. The Board of Aldermen finds that the proposed outdoor recreation facility and enclosed tennis courts do not create any traffic concerns and are not substantially more detrimental to the neighborhood than the existing uses and structure of the Leventhal-Sidman Jewish Community Center.
2. The Board finds that the petitioner has taken care to protect passersby along Nahanton Street and the nearby elderly housing development and the adjacent park land from noise, lighting and visual intrusion.
3. The Board finds that the proposed use will serve the public welfare and convenience by providing a service to its 15,000 members, more than half of whom are Newton residents.
4. The Board finds that the imposition of these conditions protects the neighborhood from injury and that the service will promote health.

PETITION NUMBER: 292-93**PETITIONER:** Combined Jewish Philanthropies
of Greater Boston, Inc.**LOCATION:** 333 Nahanton Street, Ward 8, Section 83,
Block 35, Lot 4, containing approximately
1,085,462 square feet of land.**OWNER:** Combined Jewish Philanthropies
of Greater Boston, Inc.**ADDRESS OF OWNER:** One Lincoln Plaza
Boston, MA 02111

TO BE USED FOR: Outdoor swimming pool and cabana/snack bar building and tennis courts to be enclosed seasonally.

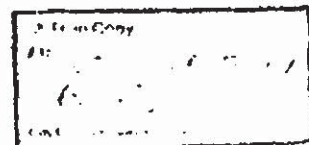
CONSTRUCTION: Steel frame recreational facility, air supported tennis facility

EXPLANATORY NOTE: Section 30-21 allows the Board of Aldermen to grant a special permit for an extension of a non-conforming use and structure.

Land referred to is in a Single Residence 1 District.

Approved, subject to the following conditions:

1. That all buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with plans dated September 1, 1993 by Bruner/Cott Architects and Geller Associates, Inc. - Landscape Architects for the Outdoor Family recreation Center entitled "LR-01 Existing Conditions"; "LR-02 Overall Site Plan"; "LR-03 Layout & Materials" revised date September 21, 1993; "LR-04 Grading & Utilities" revised date September 21, 1993; "LR-05 Planting Plan"; "LR-06 Site Details"; "LR-07 Sections"; "A-1 Basement Floor Plan"; "A-2 First and Second Floor Plans"; and "A-3 Front & Rear Elevations"; and Addendum to Planting Plan" dated November 24, 1993, submitted by the petitioner and filed herewith.
2. That the normal hours of operation of the outdoor pool will be 9:00 am. (6:00 am for lap swimmers only) to 10:00 pm., Sunday through Thursday and 9:00 am. to dusk on Fridays with earlier opening hours for lap swimmers only, noon to 10:00 pm. on Saturdays. Occasional events on Saturday and holiday evenings may run to midnight upon prior notice to the management staff of Campus House. The snack bar shall be open only when the pool is open.
3. That the Petitioner will identify a staff person by title to handle any issues with regard to special events, noise or other issues.
4. That noise levels and times for any outdoor public address system shall comply with the provisions of the City of Newton Noise Control Ordinance, Section 20-13.
5. That the facilities shall be used by members and their guests and shall not be rented to non-members.



6. That a charcoal ventilation/filtration system be used to eliminate cooking exhaust odors and smoke emanating from the snack bar grill.

7. That lighting for the site shall be downlit and that portion of lighting fixtures which emits light shall not be visible off-site.

8. That the Petitioner shall use best efforts to recycle materials used in the operation of the facility.

9. That the Petitioner shall use best efforts to preserve healthy trees near the construction site and protect them from construction damage.

10. That, except as amended by this board order, all conditions of previous board orders shall remain in effect.

11. That no building permit shall be issued in pursuance of the SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE and STRUCTURE until:

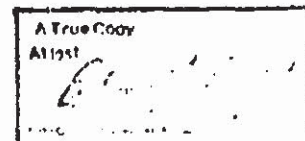
a. Lighting and fixture design and modifications to the landscape plan indicating the location, number, size and type of landscaping and landscape materials to be installed shall have been submitted to and approved by the Director of Planning and Development, and a statement of such certifying such approval shall have been filed with the City Clerk and the Department of Inspectional Services.

b. The Director of Planning and Development has reviewed and approved facade, roof and color of materials for the snack bar and heater/inflator building.

c. The City Engineer has reviewed and approved site grading and drainage and a statement by the City Engineer certifying such approval shall have been filed with the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development.

d. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a Certified copy of this Board Order granting this SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE and STRUCTURE with appropriate reference to the book and page of the recording of the Petitioner's title deed endorsed thereon.

e. A certified copy of such recorded notice shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.



12. That no building or structure, or portion thereof subject to this SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE and STRUCTURE shall be occupied until:

a. The Petitioner shall have filed with the City Clerk, the Department of Inspectional Services and the Department of Planning and Development a statement by a registered architect or registered engineer certifying that Condition 1 has been complied with.

b. There shall have been filed with the City Clerk, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that the finished grades and final construction details of the drainage systems and utility installations have been constructed to standards of the City of Newton Engineering Department.

c. There shall have been filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, final landscape features, and lighting installation.

d. Notwithstanding the provisions of Section 12c, hereof, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy of all or portions of the buildings prior to installation of final landscaping provided that the Petitioner shall first have filed with the Director of Planning and Development a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.

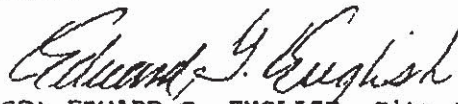
e. The Health Commissioner has reviewed and approved the swimming pool facility under Chapter V of the State Sanitary Code (105 CMR435.000).

Under Suspension of Rules
Readings Waived and Approved
24 yeas 0 nays 0 absent

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT and SITE PLAN APPROVAL, is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on December 6, 1993. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT and SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the Planning and Development Board and the City Clerk.

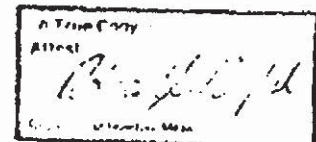
[Signature]
City Clerk

ATTEST:


(SGD) EDWARD G. ENGLISH, City Clerk
Clerk of the Board of Aldermen

I, Edward G. English, as the Clerk of the Board of Aldermen and
keeper of its records and as the City Clerk and official keeper of
the records of the CITY OF NEWTON, hereby certify that Twenty days
have elapsed since the filing of the foregoing decision of the
Board of Aldermen in the Office of the City Clerk on December 6,
1992 and that NO APPEAL to said decision pursuant to M.G.Laws
Chapter 40, Section 17 has been filed thereto.









ATTEST 
EDWARD G. ENGLISH, City Clerk



Attachment D **Zoning Map** **Nahanton St., 333**

*City of Newton,
 Massachusetts*

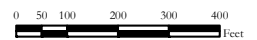
Legend

-  Single Residence 1
-  Multi-Residence 1
-  Multi-Residence 3
-  Limited Manufacturing
-  Public Use
-  Building Outlines
-  Surface Water
-  Property Boundaries

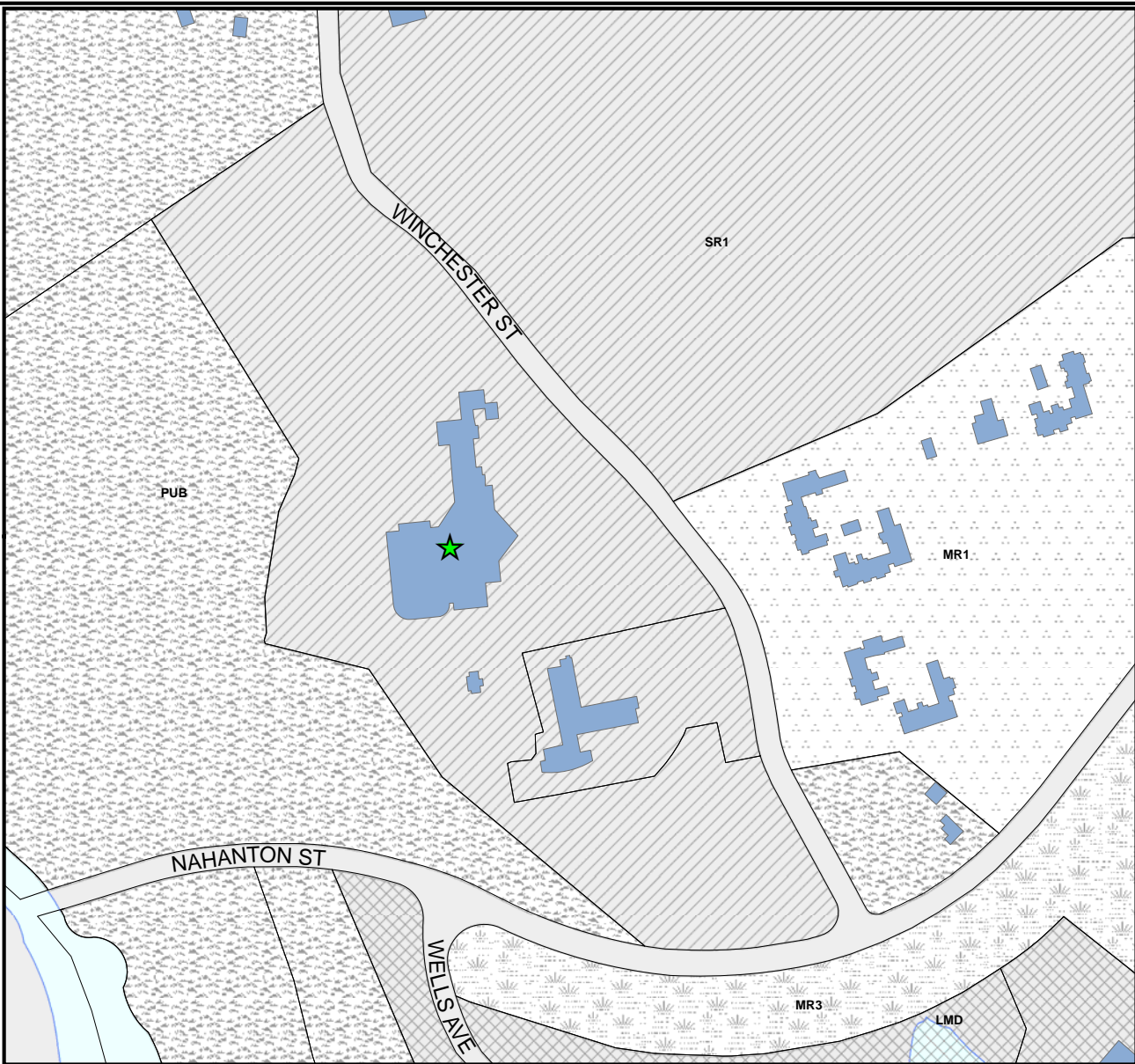


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS
 Mayor - Ruthanne Fuller



Map Date: March 30, 2018



Attachment E Land Use Map Nahanton St., 333

*City of Newton,
Massachusetts*

Legend

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Golf Course
-  Open Space
-  Private Educational
-  Nonprofit Organizations
-  Vacant Land
-  Building Outlines
-  Surface Water
-  Property Boundaries

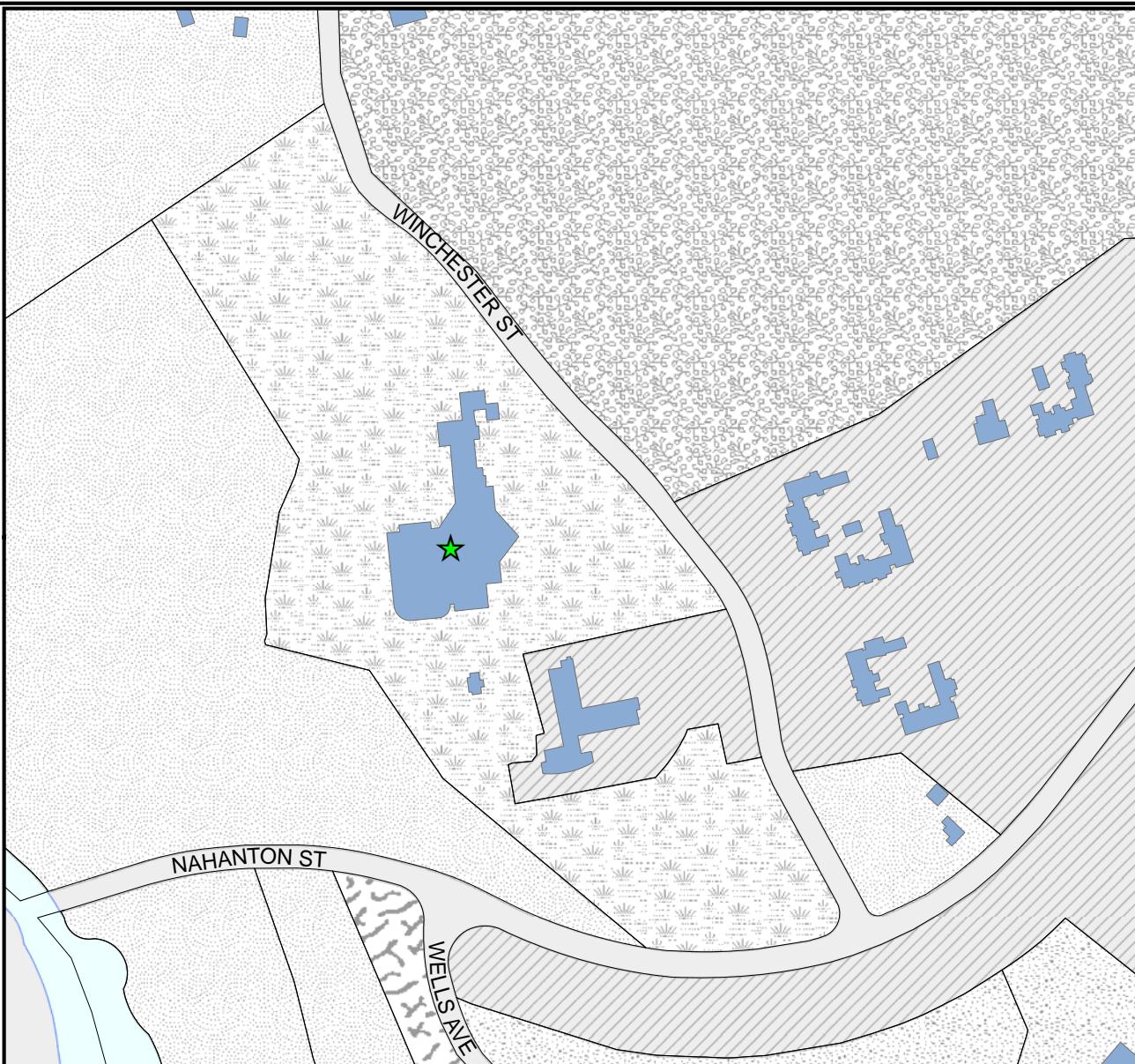


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller

0 50 100 200 300 400
Feet

Map Date: March 30, 2018



Planning Horizons

781-373-1375

502 South Avenue, Weston, MA 02493

To: Land Use Committee of the City of Newton City Council

From: Lou Mercuri, Planning Horizons

Re: 333 Nahanton Street, Jewish Community Center Expansion

Date: February 28, 2018

On behalf of the petitioner for this land use petition, Planning Horizons is submitting this report regarding the availability of parking for the proposed expansion of the Jewish Community Center at 333 Nahanton Street in Newton.

Summary of Proposal

The site at 333 Nahanton is home to the Jewish Community Center (JCC) of Greater Boston and its approximately 150,000 square foot facility and its numerous activities and programs. An expansion of approximately 4,000 square feet of building space for exercise rooms and changing rooms is envisioned through this special permit application. Planning Horizons was contacted regarding the current onsite parking supply and availability to help determine whether the supply of parking at peak times would accommodate the new addition and expanded use.

Parking Availability and Supply

The JCC primarily relies on four onsite parking areas to accommodate its patrons. A second building, the Coleman House for senior living, is located on the site but the Coleman House has its own self-contained parking area and therefore is not considered as part of this study and report. The four parking areas can accommodate a total of 409 available spaces as follows:

1. The Main Parking Lot, known as parking lot "A", holds a capacity of 215 spaces in 5 rows of parking closest to the main JCC building. These spaces are used by both staff and patrons and include 14 handicap stalls closest to the entrance to the building.
2. The Service Road parking area, which is made up of a total of 40 parking spaces. A total of 27 spaces are aligned in tandem on the easterly side of the site driveway with an additional 13 spaces in a row closest to the building on the opposite side of the driveway. All these spaces are open to both employees, staff, and residents.
3. The Auxiliary Parking Lot, known as parking lot "B", is situated to the rear of the site past the main building. This lot can accommodate up to 84 vehicles on lined paved spaces. Lot B is often used by staff and therefore turnover in this lot is infrequent.
4. An unpaved gravel lot is located on the right side of the service road and driveway. Since the lot is not paved or lined, it is estimated that at least 70 parking spaces are available in this lot. These spaces are furthest from the community building and therefore are usually lightly used, however they are more widely used at times of large events.

The first three parking areas (Lot A, Service Road, Lot B) total an inventory of 339 spaces, which is the total number of spaces approved when the site was developed in 1980. The appendices at the end of this report depict in both map and photographic form all the parking areas.

Parking Methodology and Results

Based on current site usage, typical peak activity occurs in the morning hours, in the late afternoon, and on weekend mornings. Therefore, it was decided that Planning Horizons would conduct a complete survey of all four parking areas during the peak periods of activity.

Altogether, Planning Horizons surveyed the parking occupancy of the four locations on three separate occasions between February 1 and February 6, 2018. It was also decided to conduct four surveys at 15-minute consecutive intervals to observe trends over time.

The dates chosen to conduct the surveys were a late Thursday afternoon, a mid-morning Sunday, and an early Tuesday morning. These days and times were considered representative of typical weekly peak conditions at the facility.

During the year, special events are held that create additional parking demand, however there were no special events during the period of the survey. The results of the three parking counts for all four parking areas are summarized below. More detailed parking counts used to create the summary are included in Appendix A of this report.

Combined Parking Occupancy Survey, All Locations, All Counts by Date Total 409 Available Parking Spaces

Thursday, February 1

4:45 PM - 5:30 PM	35° Cloudy	Capacity	# Parked	# Vacant
Main Lot A		215	112	103
Service Road		40	25	15
Auxiliary Lot B		84	28	56
Overflow Lot		70	3	67
AVERAGE			168	241

Sunday, February 4

10:00 AM - 10:45 AM	35° Cloudy	Capacity	# Parked	# Vacant
Main Lot A		215	200	15
Service Road		40	39	1
Auxiliary Lot B		84	64	20
Overflow Lot		70	4	66
AVERAGE			307	102

Tuesday, February 6

8:00 AM - 8:45 AM	25° Cloudy	Capacity	# Parked	# Vacant
Main Lot A		215	116	99
Service Road		40	27	13
Auxiliary Lot B		84	20	64
Overflow Lot		70	4	66
AVERAGE			167	242

Average parking availability for all three days at all locations: 214 parked, 195 vacant spaces

Both the weekday late afternoon count and the early morning count reveal nearly identical parking capacities. Approximately 240 parking spaces are available to staff and patrons during those time periods. The mid-morning Sunday February 4 count demonstrated a far greater occupancy rate with an average of 102 spaces being available during the surveyed period. Even if the overflow lot were not available, the survey shows 174 spaces available in the late afternoon, 176 spaces available in the early morning, and 36 spaces available at mid-morning on Sunday.

The proposed 4,000 square foot expansion would have minimal impact on the parking supply and availability at the JCC. There is adequate parking available during peak periods even without use of the overflow lot, based on the recent surveys.

Appendix A outlines the detail for each of the parking surveys by location and specific time interval. The further appendices depict the location of the parking areas in map and photographic form.

Appendix A

Breakdown of Parking Occupancy Rates by Individual Parking Areas

A. Main Parking Lot Closest to JCC Buildings, Lot "A"

Date	Weather	Time	Capacity	# Parked	# Vacant
Thursday, February 1	35° cloudy	4:45PM	215	117	98
		5:00 PM	215	119	96
		5:15 PM	215	111	104
		5:30 PM	215	103	112
		AVERAGE		112	103
Sunday, February 4	35° cloudy	10:00 AM	215	203	12
		10:15 AM	215	201	14
		10:30 AM	215	197	18
		10:45 AM	215	197	18
		AVERAGE		200	15
Tuesday, February 6	25° cloudy	8:00 AM	215	100	115
		8:15 AM	215	108	107
		8:30 AM	215	124	91
		8:45 AM	215	131	94
		AVERAGE		116	99
Average all three counts				143	72

B. Service Road Tandem Parking and Row Parking Lot

Date	Weather	Time	Capacity	# Parked	# Vacant
Thursday, February 1	35° cloudy	4:45PM	40	25	15
		5:00 PM	40	27	13
		5:15 PM	40	25	15
		5:30 PM	40	22	18
		AVERAGE		25	15
Sunday, February 4	35° cloudy	10:00 AM	40	40	0
		10:15 AM	40	39	1
		10:30 AM	40	39	1
		10:45 AM	40	38	2
		AVERAGE		39	1
Tuesday, February 6	25° cloudy	8:00 AM	40	26	14
		8:15 AM	40	27	13
		8:30 AM	40	27	13
		8:45 AM	40	28	12
		AVERAGE		27	13
Average all three counts				30	10

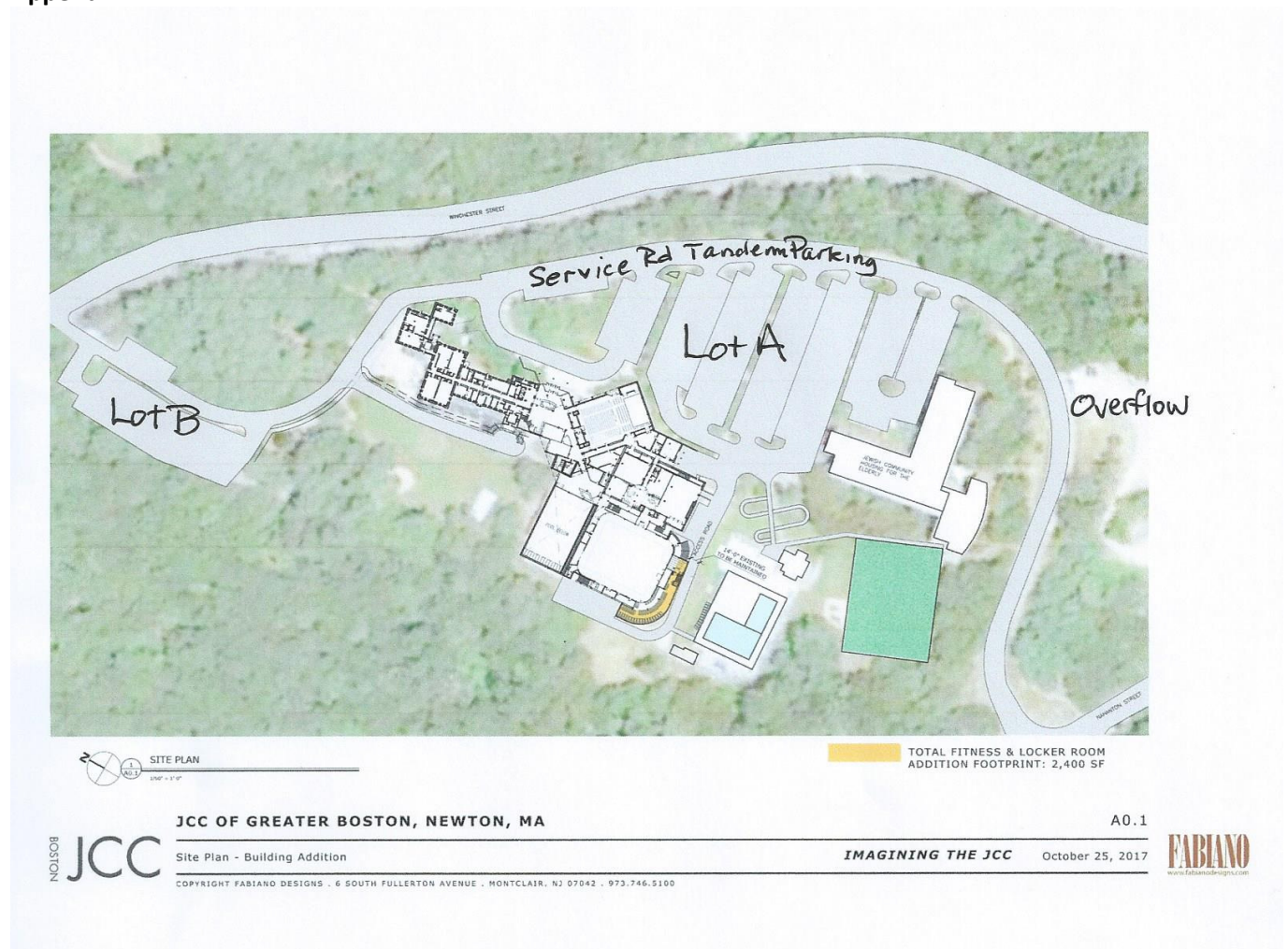
C. Auxiliary Parking Lot at Rear of Site, Lot "B"

Date	Weather	Time	Capacity	# Parked	# Vacant
Thursday, February 1	35° cloudy	4:45PM	84	34	50
		5:00 PM	84	28	56
		5:15 PM	84	26	58
		5:30 PM	84	22	62
		AVERAGE		28	56
Sunday, February 4	35° cloudy	10:00 AM	84	59	25
		10:15 AM	84	68	16
		10:30 AM	84	64	20
		10:45 AM	84	64	20
		AVERAGE		64	20
Tuesday, February 6	25° cloudy	8:00 AM	84	17	67
		8:15 AM	84	17	67
		8:30 AM	84	22	62
		8:45 AM	84	25	59
		AVERAGE		20	64
Average all three counts				37	47

D. Overflow Gravel Lot off Main Driveway

Date	Weather	Time	Capacity	# Parked	# Vacant
Thursday, February 1	35° cloudy	4:45PM	70	3	67
		5:00 PM	70	3	67
		5:15 PM	70	4	66
		5:30 PM	70	1	69
		AVERAGE		3	67
Sunday, February 4	35° cloudy	10:00 AM	70	3	67
		10:15 AM	70	4	66
		10:30 AM	70	4	66
		10:45 AM	70	4	66
		AVERAGE		4	66
Tuesday, February 6	25° cloudy	8:00 AM	70	4	66
		8:15 AM	70	4	66
		8:30 AM	70	4	66
		8:45 AM	70	4	66
		AVERAGE		4	66
Average all three counts				3	67

Appendix B



A. Main Parking Lot Closest to JCC Buildings, Lot "A"



B. Service Road Tandem Parking and Row Parking Lot



B. Service Road Tandem Parking and Row Parking Lot (alternate view)



C. Auxiliary Parking Lot at Rear of Site, Lot "B"



D. Overflow Gravel Lot off Main Driveway



CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Council Gregory Schwartz, Land Use Committee Chairman

From: John Daghljan, Associate City Engineer

Re: Special Permit – JCC Greater Boston Facility Renovation

Date: March 23, 2018

CC: Barney Heath, Director of Planning
Jennifer Caira, Chief Planner
Lou Taverna, PE City Engineer
Nadia Khan, Committee Clerk
Neil Cronin, Sr. Planner
Natasha Bhan, Permits Engineer

In reference to the above site, I have the following comments for a plan entitled:

*JCC Greater Boston
Facility Renovation
Phase 1
Prepared By: Stantec
Dated: 2-21-'18*

Executive Summary:

The JCC is proposing to construct a 2,200 square foot addition to the existing building on their campus. The location of the proposed addition is on the rear of the building, this area has a gravel driveway and grassy slope. The engineer has designed a storm water collection system that will capture and infiltrate the runoff from *new* impervious surfaces. The system is design in accordance to the Department of Environmental Protection Regulations & DPW Stormwater Policy for the 100-years storm event.

The proposed Operation and Maintenance plan is acceptable for the design intent; it will be the obligation of the JCC to ensure that the proposed maintenance program is adhered to ensure proper long-term performance.

In regards to the proposed infiltration pipe system, the entire surface is covered with filter fabric, in addition it should have a 3" thick layer of Peastone, and then covered again with filter fabric; this will ensure proper protection of the infiltration system from fines and silts from entering the system. Additionally the proposed catch basin is very close to three existing drain pipes that traverse the proposed location, the pipes should be inspected via a close circuit television (CCTV) so ensure pre & post construction functionality. The catch basin location should be adjusted to avoid conflicts between the three pipes.

Finally the applicant will have to coordinate with the Newton Fire Department & ISD for fire suppression system for the new addition.

Water:

1. Fire flow testing is required for the proposed fire suppression system. The applicant must coordinate this test with both the Newton Fire Department and the Utilities Division; representatives of each department shall witness the testing, test results shall be submitted in a write report. Hydraulic calculation shall be submitted to the Newton Fire Department & ISD for approval.

General:

1. All trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. Any tree removal shall comply with the City's Tree Ordinance.
3. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
4. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.

5. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading, improvements and limits of restoration work. The plan shall also include profiles of the various new utilities, indicating rim & invert elevations, slopes of pipes, pipe material, and swing ties from permanent building corners. ***This note must be incorporated onto the final contract plans.***
6. All site work including trench restoration must be completed before a Certificate of Occupancy is issued. *This note must be incorporated onto the site plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.



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: March 12, 2018

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Betsy Jacobs, Jewish Community Center of Greater Boston,
Alan Schlesinger, Attorney
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

RE: **Request to amend Special permit 147-79(3) and to extend a nonconforming structure and use**

Site: 333 Nahanton Street	SBL: 83035 0004
Zoning: SR1	Lot Area: 1,225,397 square feet (±28 acres)
Current use: Jewish Community Center	Proposed use: No change

BACKGROUND:

The property at 333 Nahanton Street consists of a 1,225,397 square foot lot in the Single Residence 1 zoning district. The property was originally improved with a four-story orphanage constructed in 1896 by the Xaverian Brothers known as "The Working Boys Home." The site received a special permit in 1981 to repurpose the existing building and construct an addition to create a multi-purpose community facility, the Leventhal-Sidman Jewish Community Center (JCC), which included cultural, educational, athletic and recreational activities. The special permit was amended in 1983 to allow approximately 147,000 square feet of land area to be removed from the JCC parcel for the construction of 100 dwelling units of affordable elderly housing under a Comprehensive Permit for the Jewish Community Housing for the Elderly. The overall site is known as the Jewish Community Campus, and includes the two buildings, approximately 409 parking stalls within four parking areas, outdoor pools and tennis courts, and several acres of conservation land.

The petitioner now seeks to amend the existing special permit to construct a 4,352 square foot two-story addition at the rear of the gymnasium at the JCC. The current proposal is the first addition of

square footage to the footprint of the JCC since the special permit was issued. This proposal does not include any changes to the parking areas or parking requirements for the facility, as membership has declined and the uses of the facility have become more oriented to family and children's programming. The proposed addition intends to provide for locker rooms for children and families, a relocation of the children's gym and general locker room updates. The proposal also includes a relocation of several current fitness spaces, but is generally intended to reorganize spaces to better serve the current JCC membership and accommodate programs for the public.

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

- Zoning Review Application, prepared by Alan Schlesinger, attorney, dated 1/25/2018
- Special Permit #147-79(2), dated 2/17/1981
- Special Permit #147-79(3), dated 2/22/1983
- Letter of Ruth Fein, President of Combined Jewish Philanthropies, dated 1/24/1983
- Architectural Plans, prepared by Fabiano Designs, dated 10/25/2017
- Zoning Plan, signed and stamped by Dylan Stevens, landscape architect, 2/12/2018
- Partial Topographic Plan of Land, prepared by Feldman Land Surveyors, dated 12/16/2017

ADMINISTRATIVE DETERMINATIONS:

1. Special Permit #147-79(3) authorized the use of the property for a community center and 100 units of affordable elderly housing on a 147,000 square foot parcel carved out of the original larger parcel, with an associated parking waiver reducing the required number of parking stalls to 340 to service the property (where 409 exist). The petitioner proposes a 4,352 square foot two-story addition to the southerly and rear portions of the gymnasium building to reorganize existing fitness and recreation areas and add locker rooms. To construct the additions as proposed requires an amendment to the existing special permit and associated approved site plans.
2. Special Permit #147-79(3) granted permission for the extension of a nonconforming use to allow for the use of the site for a "multi-purpose community facility, including educational, athletic and recreational activities (clubhouse)." The then sections 30-5(b)(4) and 30-5(b)(11), now section 3.4.1, requires a special permit for a clubhouse use in a Single Residence 1 zoning district. The proposed addition further extends the nonconforming clubhouse use of the site, requiring a special permit per sections 3.4.1 and 7.8.2.C.2.
3. The original orphanage building known as "The Working Boys Home" was four stories and over 40 feet in height. Special Permit #147-79(3) allowed the petitioner to construct additions to the existing nonconforming four-story building to convert to the clubhouse use per the dimensional requirements found in former section 30-15, now section 3.1.7 for multi-use institutions. To the extent that the proposed construction of the two-story addition further extends the nonconforming structure, a special permit per sections 3.1.7 and 7.8.2.C.2 is required.
4. Condition #5 of the special permit states that "coverage for all existing and future buildings, if any, parking lots and paved drives shall not exceed 30% of the site area." Section 1.5.2 defines "Lot Coverage" as the percentage of the lot area which is covered by buildings, including accessory buildings. Section 8.3 defines "Usable Open Space" as all the lot area not covered by

buildings and/or structures, roadways, drives, surface parking area or paved surfaces other than walks. As the condition addresses both lot coverage and open space requirements, it is determined that the lot coverage maximum is 30% and the open space minimum is 70%. The minimum open space requirement per section 3.1.7 is 30%, thus the special permit supersedes the requirement found in the ordinance.

5. The conditions of the special permit impose development limitations that limit the uses on the site to only those which are consistent with the established goals for the Campus. Further, these conditions limit the lot coverage to a maximum of 30 percent, the open space to a minimum of 70 percent, require the preservation of the surrounding conservation lands, and that no building be completely visible or within 80 feet of either Winchester Street or Nahanton Street. The proposed addition does not violate any of these conditions, and is located 128 feet from the front lot line abutting City of Newton land buffering the property from Nahanton Street and is several hundred feet from Winchester Street.

SR1 Zone - Multi-Use Institution	Required	Existing	Proposed
Lot Size	50,000 square feet	1,225,397 square feet	No change
Lot Coverage (max)	30%	6.6%	6.8%
Open Space (min)*	70%	76.6%	76.5%
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	60 feet 40 feet 40 feet	± 144 feet ± 91 feet ± 700 feet	± 128 feet No change No change
Building Height	36	44 feet	No change
Max Number of Stories	3	4	No change

*per Special Permit 147-79(3)

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
	Request to amend Special Permit #147-79(3)	
§3.4.1 §7.8.2.C.2	Request to extend an existing nonconforming use	S.P. per §7.3.3
§3.1.7 §7.8.2.C.2	Request to extend an existing nonconforming building	S.P. per §7.3.3

DRAFT #175-18
333 Nahanton Street

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of a SPECIAL PERMIT/SITE PLAN APPROVAL to further extend the non-conforming four story structure, further extend the non-conforming use, and amend the previously approved site plan, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The site is an appropriate location for the proposed amendments to Board Orders #147-79(2), #147-79(3), and #292-93. (§7.3.3.C.1)
2. The proposed amendments to Board Orders #147-79(2), #147-79(3), and #292-93 will not adversely affect the neighborhood. (§7.3.3.C.2)
3. The proposed amendments to Board Orders #147-79(2), #147-79(3), and #292-93 will not create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. The proposed addition will not be substantially more detrimental than the existing nonconforming multi-purpose community facility to the neighborhood. (§7.8.2.C.2)

PETITION NUMBER: #175-18

PETITIONER: Jewish Community Center of Boston, Inc.

LOCATION: 333 Nahanton Street, on land known as Section 83, Block 35, Lot 04, containing approximately 1,225,397 square feet of land

OWNERS: Jewish Community Center of Boston, Inc.

ADDRESS OF OWNER: 333 Nahanton Street
Newton, MA 02459

TO BE USED FOR: Multi-purpose community facility, including cultural, education, athletic and recreational activities (clubhouse).

CONSTRUCTION: Masonry, steel, glass.

EXPLANATORY NOTES: Extend the nonconforming use and four story structure to renovate and expand existing gymnasium (§3.1.3 and §7.8.2.C.2); and amend Board Orders #147-79(2), #147-79(3), and #292-93.

ZONING: Single Residence 1 (SR-1) district

This special permit supersedes, consolidates, and restates provisions of prior special permits to the extent that those provisions are still in full force and effect. Any conditions in prior special permits not set forth in this special permit #175-18 are null and void.

Approved subject to the following conditions:

Conditions associated with this Special Permit/Site Plan Approval, Order #175-18:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with:
 - a. A set of plans, entitled “JCC Greater Boston Facility Renovation” prepared by Fabiano Designs, stamped and signed by Dylan Stevens, registered landscape architect, dated February 12, 2018:
 - i. Zoning Plan (L.0.1)
 - ii. Site Plan (L.1.1)
 - iii. Grading Plan (L.2.1)
 - iv. Utility Plan (L.3.1)
 - v. Utility Details (L.4.1)
 - b. A set of plans, entitled “JCC of Greater Boston, Newton, MA” prepared by Fabiano Designs International, unsigned and unstamped, dated October 25, 2017:
 - i. Site Plan
 - ii. Floor Plan Lower Level
 - iii. Floor Plan First Floor
 - iv. Floor Plan Second Floor
 - v. Exterior Elevation South
 - vi. Exterior Elevation West
2. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Recorded a certified copy of this Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.

- b. Filed a copy of such recorded Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No Final Inspection and/or Occupancy Permit for the buildings covered by this Special Permit/Site Plan approval shall be issued until the petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered land surveyor or engineer certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
 - c. Filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving the final site plan.

Conditions incorporated from Board Order #147-79(2):

4. That, except for emergency vehicular access, there shall be no general vehicular access to or from the site onto Winchester Street. The existing driveways onto Winchester Street shall be closed by chains of a tensile strength to be approved by the Newton Fire Chief and attached to bollards. (147-79)
5. That all utilities, including telephone and electrical service, shall be installed underground from the street line and any transformer locations shall be approved by the Department of Planning and Development. (147-79)
6. That all construction vehicles shall enter and leave the site via Nahanton Street west to the Newton-Needham municipal boundary. No such vehicle shall utilize Winchester Street. (147-79)
7. That, except for ordinary care and maintenance, including removal of dead vegetation and trees, and subsequent to the installation of drainage systems, underground utilities, driveways and parking areas, the petitioner shall preserve the existing topography and natural vegetation for the entire length of Winchester Street to a depth of 80 feet from the westerly side of Winchester Street and in the area bounded by the two existing driveways to Winchester Street. (147-79)
8. That the petitioner shall not erect a perimeter fence or barrier of any kind around the so-called ball field west of Parcel A or along any easements which connect the petitioner's site which the Charles River as shown on the plan cited in Condition 2. (147-79)

Conditions incorporated from Board Order #147-79(3):

9. That the landscaping plan referenced in Condition 3, of Board Order #147-79(2) shall be amended to permit the plantings of at least eighty (80) white pine trees along and near the Winchester Street and Nahanton Street corner of the site. Said location and size of trees shall be subject to the approval of the Director of Planning and Development.

10. That Condition 9 of Board Order #147-79(2) shall be amended to include the area of the site known as the "Oak Grove" between the area designated as Parcel A, City of Newton, as shown on the plan cited in Condition 2 above easterly to the row of Hemlock hedges west of the overflow grass parking area and northerly along the hedgerow and along the Parcel A boundary to the northerly boundary line of the site. The topography and vegetation of said area shall, except for ordinary care and maintenance, including removal of dead vegetation and trees, be preserved by the petitioner.
11. That, subject to all other applicable restrictions, coverage for all existing and future buildings, if any, parking lots, and paved drives shall not exceed 30 percent of the site area.
12. That none of the following facilities shall be permitted nor shall permission be requested to be built by the petitioner for:
 - (a) Private, for-profit housing of any type.
 - (b) A nursing home.
 - (c) Dormitories of any kind, including without limitation, dormitories to house students or teachers.
 - (d) A hospital, in-patient medical facility or primary health care center.
 - (e) Removal of gravel for commercial purposes.
 - (f) Any structure to be located on the gravel area of the site near Winchester Street and Nahanton Street to exceed 3 stories or 40 feet whichever is greater.
13. That, except for emergency vehicle access, all uses shall be accessible from internal roadways reached only from the single access point at Nahanton Street across from Wells Avenue. (147-79(2))
14. No structures shall be entirely visible from Nahanton Street and Winchester Street and no structure shall be located closer than 80 feet from either street.
15. None of the "gravel pit" area shall be sold for development except to a constituent or affiliated agency of the Combined Jewish Philanthropies and then only for the use and purposed consistent with this order by the Newton Zoning Board of Appeals.
16. That the entire area of the adjacent City park land identified as Parcel B as shown on the plan cited in Condition 2 above shall be maintained by the petitioner at its own expense. Said maintenance shall include the periodic removal and cleaning of any rubbish and debris in parcel B and any work required for its use and maintenance in its natural state.

Conditions incorporated from Board Order #292-93:

17. That the normal hours of operation of the outdoor pool will be 9:00 am. (6:00 am for lap swimmers only) to 10:00 pm., Sunday through Thursday and 9:00 am. To dusk on Fridays with earlier opening hours for lap swimmers only, noon to 10:00 pm. on Saturdays. Occassional events on Saturday and holiday evenings may run to midnight upon prior notice to the management staff of Campus House. The snack bar shall be open only when the pool is open.
18. That the Petitioner will identify a staff person by title to handle any issues with regard to special events, noise or other issues.
19. That noise levels and times for any outdoor public address system shall comply with the provisions of the City of Newton Noise Ordinance.

20. That the facilities shall be used by members and their guests and shall not be rented to non-members.
21. That a charcoal ventilation/filtration system be used to eliminate cooking exhaust ordors and smoke emanating from the snack bar grill.
22. That lighting for the site shall be downlit and that portion of lighting fixtures which emits light shall not be visible off-site.
23. That the Petitioner shall use best efforts to recycle materials used in the operation of the facility.