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Barney Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: October 10, 2019
Land Use Action Date: December 10, 2019
City Council Action Date: December 17, 2019
90-Day Expiration Date: January 1, 2020

DATE: October 4, 2019

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Michael Gleba, Senior Planner

SUBJECT: **Petition #318-19**, for a change of zone to Multi-Residence 3 for portions of land located at **15-21 Lexington Street** (currently zoned Single-Residence 3), also identified as Section 41, Block 35, Lots 2, 3, 4 and 5.

Petition #319-19, for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 24-unit multi-family dwelling with a below grade parking garage and surface stalls, to reduce the parking stall depth, to allow restricted end stalls in the garage parking facility, to waive the perimeter screening requirements for the outdoor parking facility, to waive interior landscaping requirements for the outdoor parking facility and to waive the minimum intensity of outdoor lighting of the parking facility on 51,870 sq. ft. of land at **15-21 Lexington Street**, Ward 4, West Newton, on land known as Section 41 Block 35 Lots 2-5 in a district zoned SINGLE RESIDENCE 3 (to be rezoned to MU3). Ref: Sec. 7.3.3, 7.4, 3.4.1, 5.1.8.B.2, 5.1.13, 5.1.8.B.6, 5.1.9.A, 5.1.9.B, 5.1.10.A.1 of the City of Newton Revised Zoning Ord, 2017.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



15-21 Lexington Street

EXECUTIVE SUMMARY

The subject site is comprised of four parcels located along the west side of Lexington Street just south of the Newton-Waltham line. Taken together, the four lots total 51,870 square feet: two vacant parcels with a combined total of approximately 20,000 square feet; a 15,000 square foot parcel improved with a three-unit multi-family dwelling; and an approximately 16,000 square foot lot improved with a single-family dwelling. The parcels are all currently zoned Single Residence 3 (SR3), and this memo assumes that the four separate parcels would be combined into a single lot.

The petitioners propose to raze the existing single-family and three-unit multi-family dwellings and construct a 24-unit multi-family dwelling with 22 below-grade garaged parking stalls and 29 surface parking stalls on the assembled site. To do so, the petitioners are seeking to have the subject parcels rezoned to Multi Residence 3 (MR3) and to be granted a special permit under MR3 zoning to allow for the proposed development.

In order to construct the proposed multi-family dwelling as designed, the petitioner requires a special permit to construct a multi-family dwelling in the Multi-Residence 3 zoning district. §3.4.1. Several aspects of the project related to parking also require a special permit, including the grant of exceptions under §5.1.13 to certain requirements for Parking Facilities Over Five Stalls per §5.1.8 to:

- allow the reduction of the required parking stall depth for the 22 garage parking spaces from the required 19 feet (§5.1.8.B.2) to the proposed 18 feet (all the 29 exterior surface parking meet this requirement), and
- allow two parking stalls at the northern end of the garage that, restricted by the exterior wall of the structure, lack the required maneuvering space at the aisle end of at least five feet in depth and nine feet in width required by §5.1.8.B.6;

and certain requirements pertaining to Parking Facility Landscaping per §5.1.9 to:

- allow the outdoor parking facilities at the rear of the parcel to be constructed without the screening from abutting streets and properties required per §5.1.9.A.,
- allow the outdoor parking facilities at the rear of the parcel to be constructed without landscaping equivalent to at least five percent of its area as required per § 5.1.9;

and waive the requirement pertaining to Lighting, Surfacing, and Maintenance of Parking Facilities per §5.1.10 that requires that outdoor parking used at night maintain a minimum intensity of lighting of one-foot candle on the entire surface (§5.1.10.A.1).

Also, per section 5.11, as a residential development resulting in seven or more units, the petitioner would be required to provide inclusionary zoning units. As the project is slated to be a rental property, the petitioner will be required to provide 15% of the 24 units at 50%-80% AMI (Tier 1) and an additional 2.5% at 110% AMI (Tier 2).

The Planning Department believes the subject property is an appropriate location for a multi-family development given the mixed-use nature of Lexington Street. The petition satisfies several goals found in the Comprehensive Plan of 2007 as well as the Transportation and Housing Strategies such as offering a range of unit types and sizes, providing inclusionary zoning units, and by adhering to Smart Growth principles of locating new development in a mixed use neighborhood and doing so in proximity to transit service.

Given the project's location and the neighborhood's mixed-use and "transitional" nature with residential and commercial, as well as proximity to transit, the Planning Department is generally supportive of the proposed project and associated rezoning, subject to certain issues discussed below.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed twenty-four-unit dwelling (§7.3.3.C.1)
- The proposed twenty-four unit dwelling as developed and operated will not adversely affect the neighborhood (§7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)
- The site planning building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy (§7.3.3.C.5)
- Literal compliance with the parking requirements of the Newton Zoning Ordinance (NZO) is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features (§5.1.13)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on the west side of Lexington Street just south of the Newton-Waltham line. The immediate area features a wide mix of land uses. A self-storage facility that straddles the municipal boundary abuts to the north and the

Packard Cove Office Park does so to the west. The properties to the east across Lexington Street are predominantly residential, both single- and two- family, and the intersection of Lexington Street with River Street and Rumford Avenue to the south has several commercial properties (**Attachment A**).

This mix of uses is generally similar to the neighborhood's zoning. The lot is currently zoned Single Residence 3 and is surrounded on three sides by Business 2 (BU2) zoned parcels. As noted above, the petitioners propose rezoning the subject parcels to Multi-Residence 3 (MR3). The properties to the east across Lexington Street are also zoned (SR3) with the exceptions of several BU2 zoned properties at the intersection with River Street. Three SR3-zoned parcels similarly surrounded on three sides by BU2 parcels are located about 50 feet to the south. The closest Multi-Residence zoned properties are several MR2 properties approximately 450 feet to the south on Lexington Street (**Attachment B**).

B. Site

The subject site is comprised of four lots on the west side of Lexington Street (just south of the Waltham line) which total 51,870 square feet in the aggregate:

1. 15 Lexington Street, a 15,000 square foot lot currently improved with a three-unit dwelling constructed circa 1910 and a detached structure;
2. 17 Lexington Street, a currently vacant 15,471 square foot lot;
3. 21 Lexington Street, a 15,956 square feet lot with a single-family dwelling built ca. 1876 and a detached garage;
4. An undeveloped, "landlocked" 4,946 square foot lot located at the rear left side of 21 Lexington Street.

If the petitioner has not done so already, an "Approval Not Required" (ANR) plan would need to be filed to combine the lots into a single parcel.

The parcels at 15 and 21 Lexington Street are each served by curb cuts and driveways off that street, and a sidewalk serves the entire frontage of the site. While the site slopes downward rather gently from north to south and east to west for most of its expanse, it descends considerably, approx. 24 feet, at the rear (west) boundary line it shares with the adjacent commercial property. The property features considerable attractive landscaping, including lawn areas and many mature trees in the vicinity of the existing dwellings along Lexington Street as well as along the property's southern boundary adjacent to the pathway that provides pedestrian access from Lexington Street to the office park to the rear of the site.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site would be a 24-unit multi-family dwelling with 51 parking stalls.

B. Building and Site Design

The petitioners are proposing, contingent on the requested rezoning of the site to MR3, to raze the existing structures on the site and construct on the combined parcel a flat-roofed, three-story, 24-unit multi-family dwelling of contemporary design with 51 parking stalls, 22 of which would be located in a below-grade garage and 29 surface parking stalls located in the rear of the site.

As for the unit mix, the dwelling's 24 units would include four studios, 13 one-bedroom, and seven two-bedroom units. The project's lot area per unit would be 2,161 square feet, considerably more the 1,200 square feet required in an MR3 district. The Planning Department notes that some of the submitted architectural plans, especially elevations, indicate some areas as "storefronts." As related areas are shown on the floor plans as "common space" (presumably for shared use by tenants), the Department requests that the plans be revised to delete the apparently spurious "storefront" references.

The proposed structure is 35 feet in height, below the 42 feet that would be allowed by right. The front setback along Lexington Street would be 30.6 feet, more than twice the required 15 feet. The smaller side setback, that along the property's left (south) property line, would be 15 feet; the other side setback on the right (north) side, would be 58.4 feet.

The building and site design provide for a rather low lot coverage of 19.4%, considerably lower than the 45% minimum required. The design also provides for 50.5% of the site to be open space, some of which is the steeply graded portion at the parcels rear.

C. Circulation and Parking

The project's design calls for the two existing curb cuts on Lexington Street to be eliminated and for all of the parking stalls to be accessed from a new curb cut and apron in the general area of the existing dwelling at 15 Lexington Avenue and a new 22 ft. wide two-way driveway parallel to the northern property line. The parking garage would be reached by traversing the surface parking area and accessing the west-facing garage portal located at the south west corner of the building.

Section 5.1.4.A of the NZO requires the provision of two stalls per each of the 24 proposed dwelling units for a total of 48 stalls. The petitioner proposes to construct

2.125 stalls per unit for a total of 51 parking stalls (including two electric vehicle (EV) charging stations), three more than required. The Planning Department recommends that the petitioner reconsider this excess parking given the site's location and nearby transit services (which, as noted on page 10 of the petitioner's submitted traffic study, include four MBTA bus routes- 170, 505, 553 and 554 with service to Waltham and Boston). This is especially relevant as the proposed parking facilities require several exceptions to applicable parking facility design requirements, including some related to space and maneuverability. This is especially true of the requests to not provide interior landscaping equivalent to at least five percent of the rear outdoor parking area (per § 5.1.9.B and 5.1.13) and to allow two parking stalls at the northern end of the garage that are restricted by the exterior wall of the structure and lack the maneuvering space at the aisle end of at least five feet in depth and nine feet in width (per §5.1.8.B.6). Regarding the latter, in the event the petitioner intends to continue to request that relief, the Planning Department recommends that a "turning template" showing possible movements for vehicles exiting the end spaces be provided for review by the Planning Department in consultation with the Engineering Division.

The other requested exceptions to parking requirements also include reducing the required parking stall depth for the 22 garage parking spaces from the required 19 feet (per §5.1.8.B.2) to the proposed 18 feet (all the 29 exterior surface parking meet this requirement). The Planning Department is generally unconcerned with this request.

D. Traffic

The petitioner has submitted a "transportation analysis" dated September 5, 2019 which was forwarded to the Transportation Division for its review. At the time of the writing of this memorandum the Planning Department is awaiting its response and will be prepared to discuss any comments received from the Transportation Division in advance of the public hearing.

E. Landscaping, Screening and Lighting

The petitioner submitted a multi-sheet landscape plan for the subject parcel for review. The Planning Department notes that the petitioner has indicated that it intends to submit a single, unified landscape plan for the entire parcel project and staff expects to receive it in advance of the public hearing.

As submitted landscape plan indicates that in addition to extensive shrubbery and other vegetation, approximately 29 new trees would be installed. These would include pear (9), red maple (5), spruce (3) and arborvitae (12).

Per section 5.1.9.A, the petitioner is required to screen the outdoor parking area from abutting streets and properties. While the final plans might employ the required

screening, the petitioner is nevertheless seeking a waiver from this requirement in the event that the screening proves inadequate or impracticable. Given the parking's location in the rear of the structure and the area's topography, the Planning Department is generally not concerned regarding any lack of screening from Lexington Street. That said, the Planning Department requests that the petitioner clarify whether any fencing or other screening is envisioned along the parcel's southern boundary, especially in the vicinity of the rear parking area.

Relatedly, the submitted landscape plan also includes a sheet (P7) depicting existing trees located within an easement on the commercial property immediately abutting to the west. This would apparently be associated with the petitioner's stated intent to maintain all of the mature growth of the wooded buffer to the rear of the property as an outdoor public space for the residents. The Planning Department notes that these trees (along with the grade change) would provide considerable screening for the rear parking area. However, many if not all of those trees appear to be located within an easement on an abutting property, not on the subject property itself. As such, the Planning Department requests that the petitioner identify by what legal mechanism those trees would be preserved and recommends that the enforcement of such mechanism be made a condition of any order granting the requested special permit.

Lastly, the petitioner seeks a waiver from §5.1.10.A.1's requirement that outdoor parking used at night maintain a minimum intensity of lighting of one-foot candle on the entire surface. The petitioner has submitted a photometric study showing that the lighting proposed for the rear parking area would provide a range of light levels across its expanse that seem appropriate for the residential nature of the parking, limit light impacts on adjacent properties, especially the residential property to the south.

F. Inclusionary Zoning

As the project is creating new dwelling units, the petitioner will be required to comply with the Inclusionary Zoning provisions of the NZO. Per section 5.11, any residential development resulting in seven or more units is required to provide inclusionary units.

As a rental property, the petitioner will be required to provide 15% of the 24 units at 50%-80% AMI (Tier 1) and an additional 2.5% at 110% AMI (Tier 2). The petitioner is proposing that the project provide five inclusionary units: four at Tier 1 and one at Tier 2.

The petitioner has submitted an "Inclusionary Housing Plan" that is currently being reviewed by the Planning Department's Housing staff. At the time of the writing of this memorandum the Planning Department is awaiting its response and will be prepared to discuss any comments received at the Public Hearing on this petition.

G. Accessibility

The project is required to be compliant with ADA and Massachusetts Architectural Access Board (MAAB) regulations. All units are expected to be adaptable to those with disabilities and built to ADA and MAAB requirements. As such, all units will be accessible and visitable to those with disabilities. Regarding parking, the submitted plans show three ADA stalls in the outside parking area but does not indicate how many would be located in the garage. The Planning Department requests that the petitioner provide additional information regarding this issue.

H. Signage

The petitioner has not requested waivers from the Ordinance as to the number, size, location, and height of signs. As a result, any signs are expected to be by-right and subject to review and approval by the Urban Design Commission.

I. Sustainability and Conservation of Natural Resources

The proposed multi-family structure will exceed 20,000 square feet thereby triggering the fifth special permit criteria to ensure the site planning, building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy.

The petitioner submitted a “Sustainable Design Strategies” statement from its architects, Reisen Design Associates, dated September 6, 2019 (**Attachment C**), detailing related aspects of the project. This document was forwarded to the Director of Sustainability who we appreciated the petitioner’s commitment to outdoor public space and drought tolerant plants, and suggested that the petitioner consider including the following design aspects in the project and/or explain why they might be infeasible:

- all-electric mechanical systems, including heating, cooling, hot water
- examination of roof options, e.g., low albedo, green, solar
- pervious paving
- continuous exterior insulation of the building envelope
- energy modeling during the design phase and commissioning at the completion of construction
- separate mechanical systems/controls for each unit
- recycled building materials and materials with low embodied carbon
- EV-ready parking spaces in addition to EV chargers

IV. REQUEST FOR A CHANGE OF ZONE

The subject site is located on a block with a mix of commercial, single-family and two-family buildings, including the abutting self-storage and office buildings.

The current SR3 zoning does not allow multifamily dwellings and requires a lot area of 10,000 square feet. The proposed MR2 zone does allow such use and requires a minimum lot area per unit of only 1,200 square feet (the proposed project would have at 2,161 square a higher lot area per unit ratio) . Another notable difference is that the MR3 zone allows for a height of 36 feet by special permit for a flat roof (as is proposed here) where in an SR3 district that height would only be allowed for a sloped roof.

It is important to note that the subject parcel is surrounded on three sides by a Business 2 district and that existing conditions on Lexington Street reflect a mix of uses and building types.

V. CONSISTENCY WITH COMPREHENSIVE PLAN, TRANSPORTATION & HOUSING STRATEGIES

A. Comprehensive Plan

Newton's *Comprehensive Plan of 2007* seeks to protect the rich choice among the City's neighborhoods while also relating density to neighborhood character and infrastructure capacity while promoting a range of housing opportunities. The *Plan* contains relevant goals for residential development, development along nodes and corridors, and smart growth.

The Residential Vision and Goals of the *Comprehensive Plan* include maintaining a diversity of housing types and maintaining economic diversity of housing. The proposed multi-family building would contribute to the diversity of housing in the area. The project proposes replacing a three-family dwelling and a single -family dwelling with a 24-units multi-family dwelling building with consisting of a mix of studios, one- and two-bedroom units. Of the proposed units, the Inclusionary Zoning Ordinance requires at least five be deed restricted affordable units. The provision of these units within the proposed development would contribute to the diversity of housing and need for affordable housing, without dramatically changing the character of the neighborhood.

The *Comprehensive Plan* also contains recommendations for nodes and corridors. The subject site is well-suited to act as a transition between and among the mix of uses along Lexington Street (including small commercial buildings and dwellings), the office park to the rear and self-storage facility (as well as commercial area of Waltham) to the north.

The *Comprehensive Plan* places an emphasis on using the principles of "smart

growth” to guide growth in the City to where it is “best served by public transport, where it is closest to businesses which provide services or to the largest employers, and for family housing, where it has safe and close access to public schools.” The Planning Department notes that the project site is served by four MBTA bus routes- 170, 505, 553 and 554 (with service to Waltham and Boston) at the stop at Whitlow Road. There is commuter rail service from West Newton Station which is approximately 1.2 miles south of the project site, and Green Line service at Riverside Station approximately 1.8 miles to the south.

B. Housing Strategy

The *Housing Needs Analysis and Strategic Recommendations* from June 2016 contains housing strategy principles which include pursuing diverse housing choices to meet changing housing needs of a diverse population, locating housing to promote access and choice, seeking high-quality design that is responsive to context, and pursuing green design.

The proposed project meets several of these principles. The project would contribute to a diverse housing stock by offering additional studio, one- and two-bedroom units (the Planning Department notes the absence of three-bedroom options) as well as affordable units in an area with a mix of single-family homes, two-family homes, and commercial uses.

The proposed project’s design is respectful of the local context and well-oriented to the site and the street. Regarding alternative transportation, it would be served by several MBTA bus lines and provide two electric vehicle (EV) charging stations as well as bicycle parking.

Information about green technologies to be used on the site is rather limited, so the Planning Department recommends that the petitioner review the suggestions provided by the Director of Sustainability discussed above and perhaps expand on the efforts cited in its statement on the project’s Sustainable Design Strategies.

C. Transportation Strategy

The *Newton Leads 2040 Transportation Strategy* contains strategies intended to make it safer and easier for Newtonians to utilize alternative modes of transportation such as walking, biking, and taking transit. These include goals of congestion reduction, which contains strategies to reduce vehicle trips and to create smart developments that do not lead to new congestion. The strategy also seeks to incentivize development near jobs, housing and public transit as people living or working near mixed-use developments with excellent transit, walking and bicycling amenities regularly choose not to drive.

The proposed project offers some proximity to nearby services and commercial uses

and, as indicated in the submitted Traffic Study the project would generate limited new traffic. Also, as discussed above, as the site is served directly by several MBTA bus routes and is less than 2 miles from MBTA commuter rail and Green Line services and would provide bicycle parking on-site.

Lastly, the Planning Department recommends the petitioner reduce parking to the lowest amount practicable together with developing additional approaches to r incentivize the use of alternative transportation modes.

VI. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment D**). As detailed in that memorandum, as proposed the project requires:

- the subject parcels to be rezoned from SR3 to MR3
- a Special Permit per §7.3.3:
 - to allow a multi-family dwelling (§3.4.1)
 - to reduce parking stall depth (§5.1.8.B.2, §5.1.13)
 - to allow restricted end stalls in the garage parking facility (§5.1.8.B., §5.1.13)
 - to waive the perimeter screening requirements for the outdoor parking facility (§5.1.9., §5.1.13)
 - to waive the interior landscaping requirements for the outdoor parking facility (§5.1.9.B, §5.1.13)
 - to waive the minimum intensity of outdoor lighting of the parking facility (§5.1.10.A.1, §5.1.13)

E. Newton Historical Commission Review

On May 14, 2016, the Newton Historical Commission (NHC) found the existing dwellings 15 Lexington Street and 21 Lexington Street as “Not Preferably Preserved” and required no further review.

F. Engineering Review

The Associate City Engineer submitted an Engineering Review Memorandum (**Attachment E**), providing an analysis of the proposal with regard to engineering issues. The petitioner should be prepared to any and all issues raised in the memo in advance of the public hearing and/or any subsequent working session(s).

VII. PETITIONER'S RESPONSIBILITIES

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

ATTACHMENTS:

- Attachment A:** Land Use Map
- Attachment B:** Zoning Map
- Attachment C:** Petitioner's statement re "Sustainable Design Strategies" dated September 6, 2019
- Attachment D:** Zoning Review Memorandum
- Attachment E:** Engineering Division Review Memorandum

ATTACHMENT B

Zoning

15-21 Lexington St.

*City of Newton,
Massachusetts*

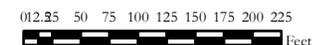
Legend

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

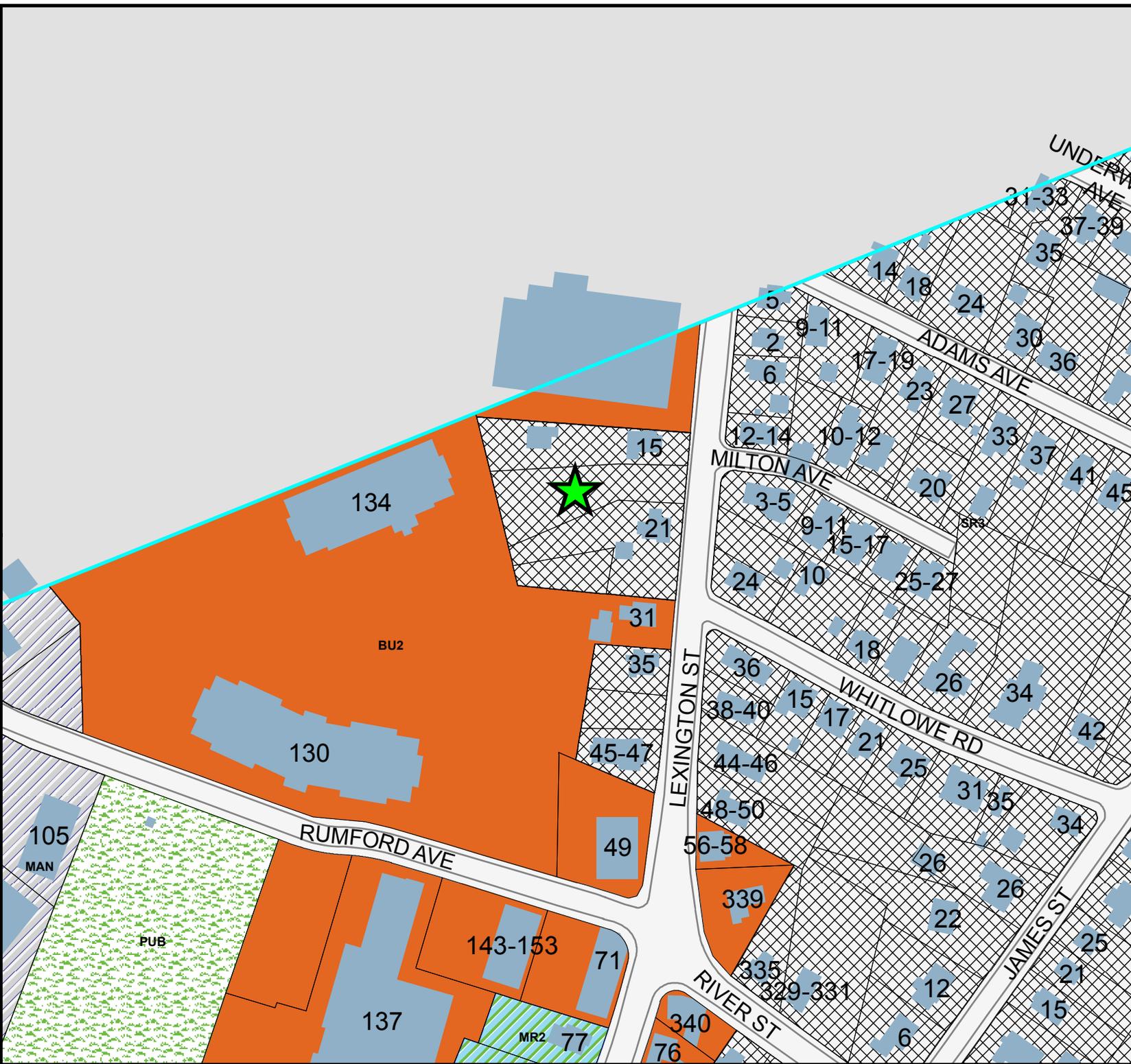


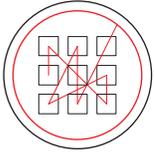
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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: October 01, 2019





Architecture
Landscape Design
Site Planning

ATTACHMENT C

Reisen Design Associates

Property location

15-21 Lexington Street Newton, MA

Proposed Building

Three story, 24 unit, residential building with underground and surface parking.

Date: 09.06.2019

Sustainable Design Strategies

The proposed residential building located at 15&21 Lexington Street has a team of professionals working collaboratively to provide for a building of limited impact on the site and the environment. The civil engineer, landscape architect and architect worked together to properly site the building in a manner that works with the topography and minimizes any unnecessary site disruptions. We took advantage of the drastic elevation change and maintained a compact building footprint and surface parking in order to maintain all of the mature growth of the wooded buffer to the rear of the property as an outdoor public space for the residents. Any new landscaping will be done out of durable drought tolerant plants as specified in our landscape plan.

Majority of the exterior façade will be clad in low maintenance materials (brick and metal cladding) that will increase the longevity and minimize material consumption in the future. Windows will be double pane, Low E, Energy Star windows with a clad exterior. LED lighting will be used throughout the project and the team will explore the feasibility of solar panels to offset some of the energy consumption. The underground parking garage will be outfitted with two (2) electric vehicle charging stations. All residential units will be thermally and acoustically separated from each.

The development team is made stronger by having a LEED Green Associate managing this project and considering all alternatives for us to go above and beyond what the building code required.



Ruthanne Fuller
Mayor

ATTACHMENT D

City of Newton, Massachusetts
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: August 29, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: G. Michael Peirce, Attorney
Picariello Realty Trust/DSP R.T., Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request to rezone from SR3 to MR3; to allow a 24-unit multi-family dwelling and associated parking waivers**

Applicant: Picariello	
Site: 15-21 Lexington Street	SBL: 41035 0002; 41035 0003; 41035 0004; 41035 0005
Zoning: SR3	Lot Area: 51,870 square feet (combined)
Current use: Single and multi-family dwellings	Proposed use: Multi-family dwelling with 24 units

BACKGROUND:

The subject site is comprised of four lots totaling 51,870 square feet combined: two vacant parcels with a combined total of approximately 20,000 square feet; a 15,000 square foot parcel improved with a three-unit multi-family dwelling; and an approximately 16,000 square foot lot improved with a single-family dwelling. The site is currently zoned Single Residence 3. The petitioners propose a rezoning of the combined parcel to Multi Residence 3 to allow for construction of a 24-unit multi-family dwelling with 22 below-grade garaged parking stalls and 29 surface parking stalls.

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

- Zoning Review Application, prepared by G. Michael Peirce, Attorney, dated 7/17/2019
- Existing Conditions Plan, signed and stamped by Michael Kosmo, engineer, and Bruce Bradford, surveyor, dated 7/16/2019
- Proposed Layout Plan, signed and stamped by Michael Kosmo, engineer, and Bruce Bradford, surveyor, dated 7/16/2019
- Architectural Plans and Elevations, signed and stamped by Erik P. Miller, Reisen Design Associates, architect, dated 7/8/2019

ADMINISTRATIVE DETERMINATIONS:

1. The subject site is comprised of four separate parcels. This memo assumes that the lots have been combined into one 51,870 square foot lot.
2. The lot is currently zoned Single Residence 3. It abuts a storage facility straddling the municipal boundary with Waltham to the north, Packard Cove Office Park to the west and is immediately surrounded by BU2-zoned parcels. The properties across the street are all residential. The petitioners propose rezoning the parcel to Multi-Residence 3.
3. The petitioners propose to raze the existing single-family and three-unit multi-family dwellings and construct a 24-unit multi-family dwelling. Per section 3.4.1, a special permit is required to construct a multi-family dwelling in the Multi-Residence 3 zoning district.
4. Section 5.1.8.B.2 requires parking stalls to be 19 feet deep for angled parking. While all the exterior surface parking meets the depth requirement, the garage stalls are 18 feet deep. Per section 5.1.8.B.2, a special permit is required to reduce the required parking stall depth for the 22 interior spaces from the required 19 feet to the proposed 18 feet.
5. Section 5.1.8.B.6 requires that end stalls restricted on one or both sides by curbs, walls, fences or other obstructions must have maneuvering space of at least five feet in depth and nine feet in width. Two parking stalls at the northern end of the garage are restricted by the exterior wall of the structure. A special permit per sections 5.1.8.B.6 and 5.1.13 is required.
6. Outdoor parking facilities containing more than five stalls are required to be screened from abutting streets and properties per section 5.1.9.A. The petitioners propose plantings along Lexington Street between the building and the street. The petitioners state that while the final plans may employ the required screening, they are seeking the waiver from this requirement in the event that the screening proves inadequate or impracticable. A special permit per sections 5.1.9.A and 5.1.13 is required.
7. Outdoor parking facilities containing more than 20 stalls are required to provide interior landscaping equivalent to at least five percent of the area of the parking facility. The petitioner does not intend to provide interior landscaping, requiring a waiver per sections 5.1.9.B and 5.1.13.
8. Section 5.1.10.A.1 requires that outdoor parking used at night maintain a minimum intensity of lighting of one-foot candle on the entire surface. The petitioner seeks a waiver from this section per section 5.1.13.
9. Per section 5.11, any residential development resulting in seven or more units is required to provide inclusionary units. If the project is to be rental, the petitioner will be required to provide 15% of the 24 units at 50%-80% AMI (Tier 1) and an additional 2.5% at 110% AMI (Tier 2). If the project is to be ownership, the petitioner will be required to provide 10% at Tier 1 and 7.5% at Tier 2.

MR3 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	51,870 square feet	No change
Frontage	80 feet	219.81 feet	No change
Setbacks			
• Front	15 feet	NA	30.6 feet
• Side	11.6 feet	NA	15 feet
• Rear	17.5 feet	NA	94.6 feet
Building Height	42 feet	NA	35 feet
Max Number of Stories	3	NA	3
Lot Area Per Unit	1,200 square feet	NA	2,161 square feet
Maximum Lot Coverage	45%	NA	19.4%
Minimum Open Space	30%	NA	50.5%

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
	To rezone from SR3 to MR3	
§3.4.1	To allow a multi-family dwelling	S.P. per §7.3.3
§5.1.8.B.2 §5.1.13	To reduce parking stall depth	S.P. per §7.3.3
§5.1.8.B.6 §5.1.13	To allow restricted end stalls in the garage parking facility	S. P. per §7.3.3
§5.1.9.A §5.1.13	To waive the perimeter screening requirements for the outdoor parking facility	S. P. per §7.3.3
§5.1.9.B §5.1.13	To waive the interior landscaping requirements for the outdoor parking facility	S. P. per §7.3.3
§5.1.10.A.1 §5.1.13	To waive the minimum intensity of outdoor lighting of the parking facility	S. P. per §7.3.3

ATTACHMENT E

CITY OF NEWTON Department of Public Works ENGINEERING DIVISION

MEMORANDUM

To: Council Gregory Schwartz, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 15-21 Lexington Street

Date: September 25, 2019

CC: Barney Heath, Director of Planning
Jennifer Caira, Chief Planner
Lou Taverna, PE City Engineer
Nadia Khan, Committee Clerk
Katie Whewell, Sr. Planner

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

*Site Plan of Land in Newton, MA
15-21 Lexington Street
Prepared by: Everett M. Brooks Company
Dated: September 3, 2019*

Executive Summary:

This application entails the demolition of two dwellings and combining the two lots to erect a 24-unit residential apartment with a parking garage in the basement and surface parking lot on a 51,870 square foot [1.2 acre] site. A new driveway apron is proposed opposite Milton Avenue, the proposed location is near an existing city tree which may have a root system that may extends near this curb cut; if approved the applicant shall consult with the City Tree Warden prior to any construction.

The site has approximately 219-feet of frontage along Lexington Street to the east, bound by a commercial building to the north and the City corporate limit, to the west by a 50-foot easement and commercial property, and along the south by commercial buildings.

The site has a high point at elevation 86-feet near the northeast corner and slopes towards the south-west to a low point of 66-feet near the easement.

The design has incorporated a stormwater collection and infiltration system, however; portions of the design only conform to the City 100-year storm event. The runoff from the roof is collected and infiltrated to properly sized system, however; the runoff from the parking lot and driveway is not designed to the same standard, this needs to be corrected.

An Operations and Maintenance (O&M) plan for Stormwater Management Facilities is needed for review. Once approved the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.

In accordance to the DPW's POLICY FOR SEWER INFILTRATION/INFLOW (I/I) MITIGATION FOR NEW CONNECTIONS AND MODIFICATIONS TO EXISTING CONNECTIONS TO THE MUNICIPAL SEWER SYSTEM an assessment is proposed for this project as follows:

31 bedrooms x 110 gal/day/bedroom x 4:1 x \$19.77 = \$269,662.80 should be contributed toward the mitigation fund.

If the special permit is approved an Approval Not Required (ANR) plan will be needed in accordance to Massachusetts General Laws Chapter 41 Section 81P requiring the two separate lots be combined into one lot.

Since the total area of disturbance is over one-acre, a NPDES & Storm Water Pollution Prevention Plan will be required.

Upon completion & installation of all municipal utilities, the applicant should replace the sidewalk and reset the curbing as the entire frontage to current standards as they will be altered do to construction.

Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction equipment, construction materials, parking of construction worker's vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of contractor. It shall also address any anticipated dewatering during construction, site safety & stability, and impact to abutting properties.
2. Stabilized driveway entrances are needed during construction which will provide a tire wash and mud removal to ensure City streets are kept clean.

Drainage:

- It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the property owner(s).

Environmental:

1. Has a 21E investigation & report been performed on the site, if so copies of the report should be submitted the Newton Board of Health and the Engineering Division.
2. Are there any existing underground oil or fuel tanks, are they to be removed, if they have been evidence should be submitted to the Newton Fire Department, and Newton Board of Health.

Sewer:

1. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the main and the site then properly back filled. The Engineering Division must inspect this work; failure to having this work inspected may result in the delay of issuance of the Utility Connection Permit.
2. With the exception of natural gas service(s), all utility trenches with the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E, detail is available in the City of Newton Construction Standards Detail Book.
3. All new sewer service and/or structures shall be pressure tested or videotaped after final installation is complete. Method of final inspection shall be determined solely by the construction inspector from the City Engineering Division. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer. ***This note must be added to the final approved plans.***

4. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer.

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 for approval.
2. All water connections shall be chlorinated & pressure tested in accordance to AWWA and the City of Newton Construction Standards and Specifications prior to opening the connection to existing pipes.
3. Approval of the final configuration of the water service(s) shall be determined by the Utilities Division, the engineer of record should submit a plan to the Director of Utilities for approval

General:

1. Will the building have a generator to provide back-up power?
2. 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*
3. All tree removal shall comply with the City's Tree Ordinance.
4. 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*

5. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
6. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
7. 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.***
8. 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.*
9. The contractor of record shall contact the Newton Police Department 48 hours in advanced and arrange for Police detail to help residents & commuters navigate around the construction activity.
10. If any changes from the original approved design plan that are required due to unforeseen site conditions, the engineer of record shall submit a revised design & stamped and submitted for review and approval prior to continuing construction.

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.