



City of Newton, Massachusetts
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Setti D. Warren
Mayor

Barney Heath
Director

**ZONING BOARD OF APPEALS COMPREHENSIVE PERMIT PUBLIC HEARING
MEMORANDUM**

DATE: July 8, 2016

MEETING DATE: July 14, 2016

TO: Zoning Board of Appeals

FROM: Barney Heath, Director of Planning and Development
Michael Gleba, Sr. Planner

COPIED: Mayor Setti D. Warren
Dan Violi, Chair, Newton Housing Partnership
Councilors from Ward 5

SUBJECT: **Application #1-16, Waban AMA Realty Ventures LLC, applying to the Zoning Board of Appeals** for a comprehensive permit pursuant to G.L. c. 40B, §20-23, as amended, to construct 48 rental units including 38 market rate units and 10 affordable units to be called "1521 Beacon Street" on land located at 1521 Beacon Street in Newton, MA, Ward 5, Section 53, Block 34, Lot 04, containing approximately 70,335 square feet of land area in a Single Residence 2 (SR2), Zoning District.

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



**1521 Beacon Street (view
from Short Street)**

EXECUTIVE SUMMARY

In January 2016 the Applicant, Waban AMA Realty Ventures LLC, submitted a request for a comprehensive permit pursuant to Massachusetts General Laws Chapter 40B, Sections 20 through 23, to create 48 rental units on an approximately 70,335 square foot parcel currently improved with a former church. The site, a through lot with frontage on both Short Street and Karen Road in Waban, is located in a Single Residence 2 (SR2) zoning district and is surrounded by single-family residences.

On January 26, 2016 the Zoning Board of Appeals opened and continued the public hearing on this application. A second hearing held on February 28, 2016 was also held open. On June 28, 2016 the Applicant submitted a revised conceptual site plan layout with a number of significant changes to the proposed project and site plan. Notably, two single-family lots with frontage on Karen Road have been carved out of the parcel, reducing the size of the project site. It is assumed that these single-family lots will be developed consistent with the City of Newton Revised Zoning Ordinances and will therefore not be subject to the purview of the Zoning Board of Appeals. The submitted conceptual site plan indicates that the remaining portion of the site would be developed with a total of eight townhouse units, located in three separate 2.5 story buildings that would be accessed from Short Street via five separate curb cuts. It is not clear how large the remaining parcel is, how large the proposed units are, and what the proposed lot area per unit would be.

Overall, Newton supports increasing the diversity and supply of housing, especially affordable housing, and through the *Newton Comprehensive Plan*, adopted in 2007, has a goal of encouraging “Residential development that is well located in relationship to transportation, schools, commercial services, large employers, and existing patterns of residential type and character.”¹ Additionally, the objectives of the City’s *Consolidated Plan*, including fair housing, have been considered in this review. As noted in our memorandum on the original concept for the project dated January 22, 2016, which proposed 48 units for this site, the Planning Department is supportive of the concept of multi-family housing on this site, especially considering its proximity to transportation, schools and commercial services.

The Planning Department’s main concern with the proposed site plan at this time is that the project appears to be very “garage-centric” and includes five curb cuts on Short Street. We encourage the Applicant to look at ways to make the front doors of the units more prominent by bringing them forward of the garages (and/or recessing the garages behind the front doors) and adding front porches. We also recommend the Applicant examine turning the buildings so that garage doors face each other, rather than the street; this would also help reduce the number of curb cuts required on Short Street. Additional, more detailed recommendations and suggested alternative design proposals can be found in the attached urban design review memorandum (**Attachment A**).

¹ *Newton Comprehensive Plan*, 2007. Page 5-14

Prior to being scheduled for further meetings the Applicant should consider these recommendations of the Planning Department and revise the submittal material to include information on the parcel and unit sizes and the proposed building materials as well as provide an engineered site plan with a zoning table and a landscape plan. The Applicant should also clarify if the project is currently proposed as being comprised of rental units and provide information on the deed restricted units, including and their target income levels.

I. Zoning Board of Appeals

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

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

- approve a comprehensive permit on the terms and conditions set forth in the application; or
- deny a comprehensive permit as not consistent with local needs; or
- approve a comprehensive permit with conditions with respect to height, site plan, size, shape or building materials that address matters of local concern, and:
 - a. in the aggregate do not make the building or operation of such project uneconomic; and
 - b. are consistent with local needs.

ATTACHMENTS

Attachment A: Planning Department urban design review memorandum (July 8, 2016)

DEPARTMENT OF PLANNING AND DEVELOPMENT

CITY OF NEWTON

Massachusetts

INTER-OFFICE CORRESPONDENCE

DATE: July 8, 2016
TO: Alexandra Ananth, Chief Planner
Michael Gleba, Senior Planner
FROM: Rachel Blatt, Urban Designer
RE: 1521 Beacon Street

This memo provides the requested urban design review of the Comprehensive Permit application for 1521 Beacon Street.

The dominant feature of this site design is the wall of garage bays that face Short Street and the driveways leading up to them. The bulk and mass of the project seems typical for a townhouse development, but the placement on the site is reverse of the usual, with the garages at the front instead of the back. The garage layout appears to be the starting point for both the site plan and the interior configuration of the units. The resulting effect is that the townhouses have a poor relationship with the street, creating an undesirable frontage that is harmful to the streetscape and quality of place in Waban.

Garage Dominance and Ordinance #222-13

The City Council has recently passed Ordinance #222-13 to improve the relationship between 1-2 family homes and townhouses with the street by limiting the prominence of garages.

Fundamentally, Newton's public realm – its streets and public spaces, represent Newton's character and sense of place. The dominance of garages is not in keeping with the traditional neighborhood design for which Newton's residential neighborhoods are known. As was stated in the Planning Department memo to the Zoning and Planning Committee regarding Ordinance #222-13:

“Where residents have a clear connection to the street in front of their home, there is an increased sense of ownership of that space and belongingness to that neighborhood, which in turn translates into surveillance and maintenance of the public and semi-private spaces in front of the house. That connection is stronger and more natural where there is a clear pedestrian connection between a home and the street and a visible inter-relationship between the private space of the home and the public space of the street. To express this idea more clearly, one should be able to easily find and get to the front door and the predominant frontage of the home should have windows that allow residents to see out onto their street.

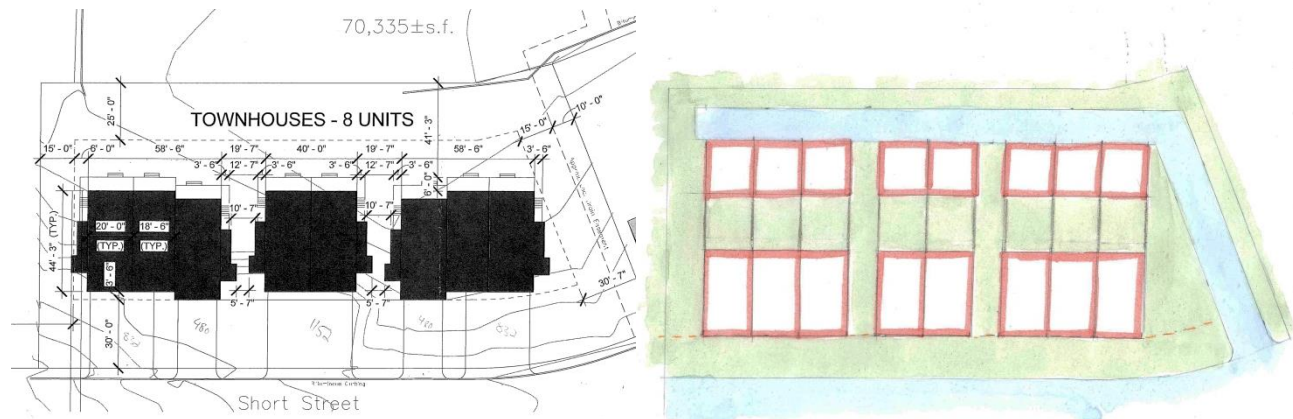
Where garages are set in front of the home and dominate the façade, they interfere with this relationship and diminish sense of community and safety. A prominent garage promotes a drive-in relationship with the neighborhood, rather than a personal connection.”

With the passing of Ordinance #222-13, effective July 11th, 2016 all newly constructed residences with attached garages must meet the requirements of the new Section 3.4.4 (attached). The proposed site plan would be in violation of the new ordinance with respect to the following points:

- Where more than one garage is provided as part of a building and they are placed side-by-side, there shall be living area connected by a shared wall above both garages. (3.4.4.C)
- The length of a garage wall facing a street may be up to 40 percent of the total length of the building parallel to the street, inclusive of the garage wall, or 12 feet, whichever is greater. This requirement does not apply to detached garages. (3.4.4.E.1)

Alternatives

Looking at this lot, there may be alternative layouts that would provide the applicant with the number and size of units desired, while meeting the City’s goals for reducing the prominence of garages on Newton’s streets. Below is a comparison between the applicant’s proposal and a sketch showing an alternative layout showing how the site could be laid out with detached garages and the resulting impacts of such a change on the street and the units.



Setbacks compared

The applicant is proposing a front yard setback of 30 ft. The adjacent residence to the west (left) of the property has a 12’ front yard setback and the adjacent residence to the east (right) of the property has a 23’ front yard setback. The 30 ft. seems more than necessary in context of the neighboring properties. The sketch shows a series of townhouses set back at 18’ – slightly more than the average between the two adjacent residences. This provides additional 12’ of depth to split between residence, garage, and yard space.

Curb cuts compared

The applicant’s proposal includes five curb cuts for a combined 150 linear feet of breaks in the frontage for driveways. This is created by the need to provide head-in access to fourteen garage bays. In the alternative sketch, vehicular access is through a shared drive and alley, such that one curb cut of approximately 24’ including turning radii would be sufficient to serve all units.

Units compared

The alternative sketch provides comparable and potentially more functional units than the applicant's proposal, because the units are not driven in design by the garage.

	Applicant's proposal	Alternative Sketch
# of Units	8 units	8 units
Sq. ft. per unit	2200 per unit	2150 per unit
# of garage bays per unit	6 units w/ 2 car garage 2 units w/ 1 car garage	8 units w/ 2 car garage
# of visitable units	0	Up to 8 units
Approx. dimensions of each unit	20' wide x 44' deep	20' wide x 36' deep
Private outdoor space	Decks w/ dividers	Enclosed yard space

What the applicant's proposal has over the alternative sketch is that the garages are attached; however, that comes at the expense of a functional first floor living space. The submitted floor plans indicate that entry to the proposed units is through a hallway at the side of the house and up a staircase to the 2nd floor. The ground floor bedroom can only be accessed from the 2nd floor or the deck at the back of the house. While the plan includes a ground floor bedroom, it does not have any ground floor living space, and as such can neither be fully utilized by an individual who cannot use the stairs nor is it visitable by a person who is bound to the ground level.

If the garage space is separated from the unit, the ground floor space is now flexible enough to include either all principal living spaces or a bedroom and some of the living spaces, making the townhouses at minimum visitable by those requiring accommodations.

The layout shown in the alternative sketch also provides for private enclosed yard space. This is a rarity in most new construction townhomes, but is a desirable feature for many homebuyers. By detaching the garage you can create private enclosures between the garages and the residences. The walls of the garages can anchor the spaces provide space for artwork, trellis gardens, basketball hoops, etc.

Effect on the Street compared

The distinction between the applicant's proposal and the alternative sketch is the effect on the street. The applicant's proposal includes a wall of garages at the street level, whereas in the alternative sketch, each house is front and center. In the applicant's proposal there is a visible dominance of the car. Waban is a walkable village and the design of new homes can honor the fact that these residences will be just a 4 minute walk to the Waban village center, by making the front door at least as prominent as the garage if not more so.

In the applicant's proposal there really is no front door to the units, whereas the alternative sketch has space for entries directly from the street. The impact on the neighborhood is such that neighbors would also have trouble finding the front door and connecting. One can think about Halloween, and the trick-or-treat tradition – do kids know how to approach to these homes? The clarity is uncertain in the applicant's proposal, and in the event that they received trick-or-treaters, residents would need to run up and down the stairs or sit in their garage in order to participate in the tradition. In the alternative sketch the front of the house is very clear and the connection between life inside the house and life on the street is not impeded.

Conclusions

The dominance of the garage is not productive to the streetscape of Beacon Street and is not necessary to make this site work. The alternative sketch shows the site with the same number of units, of approximately equal size, and with a number of more valuable features that would at least compensate for the fact that the garage is not attached to the units. In short, the benefits of the alternative sketch relative to the applicant's proposal are as follows:

- Stronger streetscape in keeping with the qualities and character of Newton and Waban
- Fewer curb cuts
- Private back yard spaces
- All units with 2 car garages
- Better internal configuration of the units w/ potential to make them visitable
- Improved curb appeal for buyers and neighbors alike
- Greater long term value

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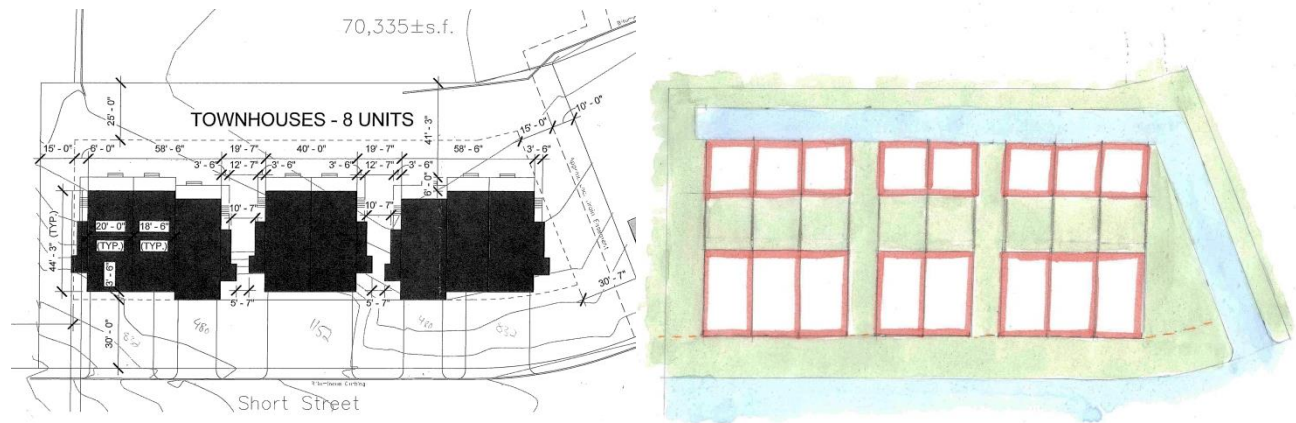
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