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ZONING REVIEW MEMORANDUM

Date: May 12, 2015

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Alan Schlesinger, attorney
BSL Newton Development LLC
Andover Newton Theological School
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request for a special permit to rehabilitate Farwell Hall and construct an addition to provide congregate housing, a parking waiver and associated relief from parking lot requirements

Applicant: Andover Newton Theological School	
Site: 157 Herrick Road	SBL: 65019 0045
Zoning: SR3	Lot Area: 871,960 square feet
Current use: Education	Proposed use: Education and assisted living

BACKGROUND:

The property at 157 Herrick Road is the location of Andover Newton Theological School, which was originally founded in 1807 as the country's first inter-denominational seminary. The property consists of approximately 20 acres square feet in the Single Residence 3 zoning district. The school's first building, Farwell Hall, was built in 1828, and subsequent buildings were built throughout the 19th and early 20th centuries.

BSL Newton Development LLC, an affiliate of Benchmark Senior Living, intends to rehabilitate Farwell Hall and construct a new attached building. The renovation of the top two floors of Farwell Hall will include 12 reconfigured dormitory rooms for Andover Newton Theological School. The bottom floors of Farwell Hall and the new attached building will house Benchmark's 51-unit memory care assisted living facility.

The applicant intends to enter into a 99-year ground lease of a parcel containing approximately 64,596 square feet. Within the ground lease parcel, a condominium will be established so that the petitioner

will own the bottom three floors of Farwell Hall and the attached building, and Andover Newton will retain ownership of the top two floors of dormitory space.

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

- Zoning Review Application, prepared by Alan Schlesinger, attorney, dated 3/31/2015
- Letter from Alan Schlesinger to Commissioner Lojek, dated 2/25/2013
- Letter from Commissioner Lojek to Alan Schlesinger, dated 4/17/2015
- Zoning Review Plan Set, prepared by Stantec, issued 3/24/2015
 - Existing Conditions Plan, signed and stamped by Sean Ewald, surveyor, BSC Group, dated 7/12/2014
 - Schematic Layout and Materials Plan
 - Schematic Grading Plan
 - Height Calculation Plan
 - Ground Floor Plan
 - First Floor Plan
 - Second Floor Plan
 - Third Floor Plan
 - Fourth Floor Plan
 - North and East Elevations
 - South and West Elevations
 - Cross Section

ADMINISTRATIVE DETERMINATIONS:

1. The assisted living facility is classified as a “congregate living facility” per Section 30-1 of the Newton Zoning Ordinance. Section 30-8(b)(2) allows congregate living facilities in the SR-3 District by special permit.

The use of the building for a dormitory serving Andover Newton is an allowed use under MGL Chapter 40A, Section 3.

2. The height requirement in the district is 36 feet and 2.5 stories. Farwell Hall is legally nonconforming at 49 feet. The applicant proposes to attach a new building housing the assisted living facility to Farwell Hall with a connector between the two. The new building is proposed at 34.9 feet and two stories, and meets the height and story requirements.
3. An 8 foot tall retaining wall is proposed at the southern boundary line of the property. Per section 30-5(b)(2), a special permit is required for a retaining wall in excess of 4 feet in a setback.
4. There are 39 surface parking stalls associated with Farwell Hall. Per Section 30-19(d)(5), one parking stall per each five occupants is required for the dormitory use of Farwell Hall. There are 22 beds proposed for the upper floors of Farwell Hall, requiring five parking stalls for the dormitory use.

Pursuant to Section 30-19(d)(4), congregate living facilities require one stall for each sleeping room, and one stall per each three employees at the busiest shift. There are 51 beds and 33 employees proposed for the memory care facility, requiring 62 stalls.

A total of 67 parking stalls are required for the use of the parcel for a dormitory and assisted living facility. A waiver of 28 stalls is required.

It should be noted that as a practical matter, no residents of the memory care facility will drive, and parking will be for staff and visitors.

5. Section 30-19(h)(1) requires that no parking stall shall be located in a required setback. There is parking proposed within the side setback on the southern property line, and a special permit per Section 30-19(m) is required.
6. The minimum dimensional requirements for parking stalls is 9 feet wide by 19 feet deep per Sections 30-19(h)(2)a) and b). The applicant proposes 11 stalls measuring 17 feet in length, which require a waiver per Section 30-19(m).
7. Section 30-19(h)(3) requires that maneuvering aisles for two-way traffic shall be 24 feet for 90 degree parking. The measurement for aisle width is not shown on the submitted plans for the parking lot located at the southern border. To the extent that the aisle is less than 24 feet wide, a waiver per Section 30-19(m) is required.
8. Section 30-19(h)(4) requires that entrance drives for two-way traffic be at least 20 feet wide, and entrances for one-way traffic be 12 feet wide. The submitted plans do not specify the widths of the two-way entrance to the parking lot at the southern portion of the property, or the width of the one-way parking area connecting Herrick Road and Herrick Circle at the northern portion of the property. To the extent that the entrances do not meet the minimum requirements, a waiver is necessary per Section 30-19(m).
9. Section 30-19(i)(1) requires that parking facilities be screened from abutting streets and properties with dense plantings and/or fencing. To the extent that the proposed parking plan does not meet these requirements, a waiver is necessary per Section 30-19(m).
10. The submitted plans do not show proposed interior landscaping. To the extent that the proposed parking lot does not meet the interior landscaping requirements of Section 30-19(i)(2), a waiver is required per Section 30-19(m).
11. No lighting is shown on the submitted plans. Section 30-19(j)(1) addresses the requirements for lighting of parking facilities. The applicant shall either comply with the provisions of the Ordinance, or should seek a for a waiver from the requirements of 30-19(j)(1) per Section 30-19(m).
12. Section 30-19(k) requires bicycle parking facilities in parking lots with more than 20 stalls. To the extent that the proposed project does not meet the requirements of this section, a waiver from is required per Section 30-19(m).
13. Section 30-19, Table of Off-Street Loading Requirements lays out the number of loading bays required for new uses by gross floor area of a structure. To the extent that the proposal does not meet the off-street loading requirements, a waiver is requested per Section 30-19(m).
14. To the extent that any of the proposed alterations and additions extend the nonconforming nature of Farwell Hall, a special permit pursuant to Section 30-21(b) is required.

15. Section 30-24(f)(10) requires that assisted living facilities meet certain requirements of the Inclusionary Housing provisions. Per Section 30-24(f)(10)a), the applicant must contribute 2.5% of the annual gross revenue from fees or charges for housing and all services for a rental development. This contribution may be residential units or beds, or a cash payment.

16. Section 3

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§30-8(b)(2)	To allow a congregate living facility	Site Plan Approval §30-23 S.P. per §30-24
§30-5(b)(2)	To allow a retaining wall in excess of 4 feet in the setback	S.P. per §30-24
§30-19(d)(5), §30-19(d)(4) §30-19(m)	Waive 28 parking stalls	S.P. per §30-24
§30-19(h)(1), §30-19(m)	To locate parking within a setback	S.P. per §30-24
§30-19(h)(2)b) §30-19(m)	To waive the dimensional requirements for parking stalls	S.P. per §30-24
§30-19(h)(3) §30-19(m)	To waive the aisle width requirements	S.P. per §30-24
§30-19(h)(4) 30-19(m)	To waive the minimum width requirement for entrance drives	S.P. per §30-24
§30-19(i)(1), §30-19(m)	To waive the screening requirements for parking lots	S.P. per §30-24
§30-19(i)(2), §30-19(m)	To waive the interior landscaping requirements	S.P. per §30-24
§30-19(j)(1), §30-19(m)	To waive the lighting requirements for parking lots	S.P. per §30-24
§30-19(k) §30-19(m)	Waive the requirement for bicycle parking facilities	S.P. per §30-24
§30-19, Table of Off-Street Loading, §30-19(m)	To waive the off-street loading requirements	S.P. per §30-24
§30-21(b)	To extend a nonconforming structure	S.P. per §30-24
§30-24(f)(10)	Inclusionary housing provisions	S.P. per §30-24