



Land Use Committee Report

City of Newton

In City Council

Tuesday, April 4, 2017

Present: Councilors Laredo (Chair), Schwartz, Crossley, Auchincloss, Cote, Lennon, Lipof, Harney

Also Present: Councilors Leary, Sangiolo,

City Staff: Deputy City Solicitor Ouida Young, Senior Planner Michael Gleba

Planning & Development Board: Peter Doeringer, Megan Meirav, Jonathan Yeo, Sonia Parisca

Consistency Ruling: *The Committee heard a request relative to Special Permit #424-13 at 33 Needham Street to allow parking reconfiguration and site plan changes to meet building code regulations and allow an accessible ramp.*

Note: Architect for the project Stephen Reilly, presented the request for a consistency ruling. He noted that the rear building at 33 Needham Street was sold and the petitioner is in the process of building. In order to provide handicap parking and a ramp, two parking stalls need relocating. He demonstrated the relocation of the parking stalls and an emergency generator on the site plan and confirmed that there will be no net loss of parking spaces at the site.

It was noted that the petition has been in violation of the special permit approved in 2014 and some Committee members questioned whether it is appropriate to grant a consistency ruling under those circumstances. Most Committee members felt that the changes to the site were consistent but agreed that noncompliance at the site should be addressed and requested that the Clerk's Office convey to Commissioner of Inspectional Services John Lojek the need for an update on ongoing violations.

#60-17 Request to Rezone Hovey Street parcels

SUNRISE DEVELOPMENT, INC./431 WASHINGTON STREET, LLC petition for a change of zone to Business Use 2 for land located at 29 Hovey Street, also identified as Section 12, Block 006, Lot 004, and an unnumbered lot on Hovey Street, also identified as Section 12, Block 006, Lot 003, containing approximately 34,361 sq. ft. of land in a district zoned MULTI RESIDENCE 2, further described as follows:

Beginning at a point on the Westerly side of Hovey Street, said point being N 21°00'54" W and a distance of one hundred twenty-six and no hundredths (126.00) feet from a bound at the Northwesterly intersection of Hovey and Washington Streets being the Southeast corner of the parcel herein described; thence

S 69°15'05" W

A distance of seventy-three and forty hundredths (73.40) feet to a point; thence

S 69°07'43" W A distance of one hundred forty-five and no hundredths (145.00) feet to a point; thence

N 20°20'22" W A distance of forty-five and fifty hundredths (45.50) feet to a point; thence

N 18°34' 11" E A distance of sixty-one and forty-seven hundredths (61.47) feet to a point; thence

N 21°09'23" E A distance of two and forty-one hundredths (2.41) feet and on the same bearing a distance of thirty-six and eight hundredths (36.08) feet to a point; thence

N 21°31'11" E A distance of one hundred sixteen and eighty-eight hundredths (116.88) feet to a point; thence

N 28°57'55" E A distance of twelve and seventy hundredths (12.70) feet to a point; thence

N 71°07'46" E A distance of sixty-four and fifteen hundredths (64.15) feet to a point; thence

S 21°00'54" E A distance of one hundred thirty-one and no hundredths (131.00) feet and on the same bearing a distance of eighty-three and no hundredths (83.00) feet by the Westerly sideline of Hovey Street to the point of beginning.

Said parcel containing 34,361 square feet or 0.789 acres, more or less.

The request for a change of zone and associated plans and documents are on file with the City Clerk's office at Newton City Hall.

Action: Land Use Held 8-0 to May 23, 2017

#61-17 Special Permit Petition to construct elderly housing on Washington Street
SUNRISE DEVELOPMENT, INC./431 WASHINGTON STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct elderly housing with services in excess of 20,000 sq. ft. of gross floor area, consisting of 85 living units in a four-story structure not to exceed 48' in height and Floor Area Ratio not to exceed 2.0, extending the existing nonconforming front setback and constructing a retaining wall greater than 4' in a setback at 431 Washington Street, 29 Hovey Street, and the adjacent unnumbered lot to the north on Hovey Street, on land known as Section 12 Block 006 Lots 003, 004, and 005, containing approximately 66,909 sq. ft. of land in districts zoned BUSINESS 2 AND MULTI-RESIDENCE 2. Ref.: 7.3, 7.4, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 4.4.1, 5.1.13, 5.4.2.B, 5.11.11, 6.2.10, 6.2.10.B, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Action: Land Use Held 8-0 to May 23, 2017

Note: Attorney Stephen Buchbinder, with offices at 1200 Walnut Street, presented on behalf of Sunrise Development Inc., the proposal to develop elderly housing with services on the corner of Washington Street and Hovey Street. The proposal requires the change of zone for a portion of the site from MR2 to BU2.

Project Overview

Attorney Buchbinder presented the proposed project on and noted that the three combined parcels are approximately 67,000 sq. ft. The petitioner proposes to demolish the existing building and create an assisted living facility. Atty. Buchbinder noted that the site has been used for car dealerships. The proposed facility proposal includes 85 units and 122 beds. The site will have 43 below grade parking spaces and 3 parking spaces at grade. The proposal includes front and rear pocket parks.

Phillip Krosky, Senior Vice President of Real Estate for Sunrise emphasized the importance of providing individualized senior care in a safe and nurturing environment. Sunrise Development has facilities in the UK, Canada and the US and services over 30,000 residents. Mr. Krosky noted that statistics show that 70% of residents come from 3-5 miles away from the facility. He noted that the demand for senior care is rising and the population is underserved. He believes that the Washington and Hovey Street intersection is ideal for the transitional use of commercial to residential.

After two community meetings in addition to meetings with individual homeowners, the petitioner has made significant reductions to the building, including reductions to the height, side encroachments and reductions to the number of units from 100 to 85. Mr. Krosky noted that on Hovey Street, the building will reduce from four stories to one to mitigate the impact on the neighborhood. The proposed pocket parks will be for community and resident use and Sunrise Development will maintain the parks. He stated that the company is committed to creating programs within the community and indicated that the facility will employ between 60 and 70 full time employees. It was stated that over a ten year period the tax revenue will be approximately \$2.5 million dollars.

Mark Mohler, Design Principal. J & A Architects, Portsmouth, NH., reviewed details of the proposed facility. He stated that the 85 units will have common amenities including; a dining room, living room, lounge, fitness room, bistro and entertainment room. As there are no kitchens in the units, all meals will be prepared in a common, commercial 1st floor kitchen and delivered to the residents.

He noted that floors one and two would be assisted living (50 units), with memory care units (35 units) on floors three and four. Both areas would have access to secured terraces. Mr. Mohler noted that a variety of heights has been incorporated in the structure and the architecture has been modeled after architectural elements found in the surrounding neighborhood. He confirmed that all access to the underground garage will be through the Washington Street entrance. While there will be a second curb cut on Hovey Street, it will be for commercial deliveries to the first floor rear kitchen.

Mr. Mohler noted that the buildings will be fully sprinkled and built out of non-combustible material and will be Energy Star Certified. He stated that Energy Star Certified buildings perform in the top 25% of similar buildings nationwide with regard to energy efficiency.

Landscape Design

Connie Phan, Design Principal LSG Landscape Architecture, Certified Healthcare Landscape Designer, reviewed the proposed landscape design. She indicated the intent to transform the formerly commercial site to an oasis so residents can interact with community members and relax. Of the 1.5 acre site, 16,000 sq. ft. is proposed green space and would result in a 14% reduction of impervious surfaces. Ms. Phan noted that preservation of the wooded edge on the Northern and Eastern sides of the property is critical to the success of the landscape design. The proposal includes the undergrounding of overhead utilities and new sidewalks.

There are two proposed pocket parks; Washington Street (420 sq. ft.) and at the rear of the property (670 sq. ft.) in addition to 10,000 sq. ft. of gated outdoor space for residents. The outdoor area will include a patio, kitchen and wandering path. The rear pocket park will have feature a labyrinth which are frequently used for meditation in hospitals or senior care facilities. Both parks will be open to the public during daytime hours, but gated in the evening. Ms. Phan confirmed that the retaining wall will be below grade.

Traffic

Randy Hart, Principal VHD Traffic Engineer, developed traffic impact and access study based on the traffic points identified by City staff and included Church Street. Manual traffic counts were conducted during morning and evening traffic times. The data collected was compared with accident records. It was confirmed that the traffic study factors include square footage and usage of the existing and proposed conditions. Mr. Hart noted that standard industry practices and procedures were used to analyze the data which revealed a reduction of approximately 930 vehicle trips per day. He noted that during morning rush hour there is a projected reduction of approximately 53 trips and during evening rush hour there is a projected reduction of approximately 64 trips. Mr. Hart noted that the four existing curb cuts will be consolidated into two and the petitioner has proposed to include new signal heads, censor heads, countdown timers and audio/visual timers at the intersection. They have also proposed a "Do Not Block" at the intersection of Washington Street and Hovey Street to limit traffic impacts on the Hovey Street abutters. The petitioner is willing to restrict deliveries to weekdays 9:00 am to 5:00 pm.

Attorney Buchbinder reviewed the requested relief for elderly housing with services, for the development of a building greater than 20,000 sq. ft., for a four story building and a retaining wall greater than 4' in a setback (driveway wall). He noted that the 46 proposed

parking stalls are in excess of what is required. He stated that there has been generally supportive feedback on the petitioner's thoughtful design and noted that the structure will be an improvement to the existing conditions. He stated that the petitioner is working with the Planning Department to determine additional mitigation. He noted that a shadow study would be prepared for the next Public Hearing.

Senior Planner Michael Gleba reiterated the requested relief and criteria for consideration by the Council. He presented an aerial map and photos. He stated that the petitioner will be going before the Urban Design Commission later this month.

Public Comment

Will, 110 Jewett Street, lives across the block from the site of the proposed development. He is Opposed to the current proposal but has enjoyed working with the developer. His concerns are primarily with the massing along Washington Street. He noted that the neighborhood is much smaller than it appears and requested that renderings from the backyards be provided for review.

Daniel Lawry, 33 Waban, is opposed to the rezoning and special permit. He noted that there are over 100 signees opposed to the petition. He has concerns about the creep of commercial property along Washington Street and questioned whether the development will help the community. He does not believe the creation of the jobs is beneficial because they will be low income positions and noted that many employees will come from other communities. He doesn't see how the development will be beneficial and does not think the rezoning is the best for this site. He does not think that it will be affordable for most residents.

Wendy, 5 Hovey Street, part of Jackson Homestead Historic Neighborhood Association, urged the Committee to read the attached petition and objections. She has concerns about losing the residential nature of the neighborhood and the demolition, heavy construction and traffic. She believes that parking on the street will be impacted as well as how the neighborhood is used. She noted that the development may harm the property values of the residents in the neighborhood. Would love to see the neighborhood revitalized, but want it to support family housing in the neighborhood.

Denise Flanagan, 5 Hovey Street, noted that the lot was initially residential and the Clay dealership demolished historic homes. She thinks that the existing neighborhood is nice and she would prefer to live next to a two-family. She thinks that other renters/buyers will feel similarly. Her realtor informed her that her property value could go down and she has concerns that the development will impact her ability to rent the property.

Julie Goulding, 116 Jewett Street, read excerpts from the Transportation Strategy and emphasized the importance of maintaining the village character. She has concerns that the redevelopment will further constrain traffic and create precedent for the rezoning of

Washington Street. She noted that there are vehicular safety issues and parking is already congested at the site.

Joe Cocozzella, 18 Hovey Street, does not think that the building will foster character. He doesn't see the lot as an open lot. While he appreciates the mission statement, he thinks it is misguided. He noted that the neighborhood is healthy and has community supportive. He believes that the development it is a threat to the existing community.

Ali Pappu, 38 Waban Street, is opposed to the project as proposed. He owns a business and is supportive of economic development. He believes that rezoning should be allowed for very important purposes. He noted that his company employs 70 people in approximately 5,000 sq. ft. He does not think the surrounding residences or businesses will benefit from the development and noted that many students leave after graduation and believes the City is obligated to do more to keep them in the City.

Lilliana Rufo/Donatella Cedrone, 437 Washington Street, is appreciative of the development and landscaping. She noted that everyone gets older and she thinks Sunrise development would be a good way to integrate the community.

Michelle, grew up on Hovey Street, she noted that the property used to be residential and slowly more commercial space has been allowed. She has concerns about her sister's property depreciation at 5 Hovey Street and noted that the view and quality of life will be negatively impacted.

Peter Kronberg, 86 Jewett Street, thinks that the car dealerships abused the neighborhood. He urged the Committee to keep development at the site small.

Scott Clay, family members at the property, grandfather bought the property in the 50s. They had a number of proposals but wanted something that would benefit them, the neighborhood and the tenant. He noted that Sunrise is the best in the industry and believes that it would be a good fit for the community.

Kelly Wallask, Parmenter Road, is a Sunrise employee. She has three sons who attend the Newton Public Schools. She noted that the people moving into the development have lived through WWII, the Great Depression and she believes it would be beneficial to integrate younger generations with the seniors at the facility. She does not think the senior population should be segregated.

Ann Staulo, Woodward Street, has lived in Newton her entire life and has been a Sunrise employee for two years. She sees it as an opportunity for all residents. She thinks the development is in the City's best interest and will bring good quality life to seniors in the City.

Tamara Bliss, 9 Lewis Street, noted that there is a shortage of memory care facilities in the community. She noted that there are former City Councilors living outside of the City. By 2030 40% of households will have a head of household over 65. She encouraged approval of the rezoning and special permit petition.

Committee members requested that in addition to the shadow study, the petitioner provide renderings from the backyard of the abutters, approximations of distance from each building, and site sections for the garage. Based on concerns from the public, Mr. Krosky noted that he can submit a report that demonstrates property value changes near senior care facilities. Councilors asked that Mr. Krosky provide more information related to the energy efficiencies, affordability of services and range of services. The Committee agreed that more information regarding community involvement would be beneficial. Committee members asked that the Planning Department analyze the sidewalk/pedestrian condition and compare the ratio of parking to staff with comparable facilities.

With a motion to hold the item to May 23, 2017, the Committee adjourned at 9:30 pm.

Respectfully submitted,

Marc C. Laredo, Chair

4/4/2017

Request for Newton City Council to Deny the Sunrise Development Inc. Proposal

To: Newton City Council, Land Use Committee, Mayor, and City Staff

We, the undersigned, request the City of Newton to deny Sunrise Senior Living's request to rezone two residential lots on Hovey Street and their proposal to build a four-story elder care facility at the site of the former Clay Nissan car dealership in Newton Corner. We urge you to consider our case. The proposed zoning and development would result in:

1. **More Commercial Encroachment:** We strongly oppose the encroachment of commercial property into the residential neighborhood. The proposal includes zoning two residential lots on Hovey Street in Newton Corner as commercial. The Hovey Street facade would span more than 60% of the block, which is 50% more than the Walgreens on the facing corner. Granting this rezoning would set precedent for prospective developers, and escalate concern for Newton Corner residents.
2. **Fewer affordable lots & diminished property values:** Zoning rules were put in place to preserve property values and the availability of affordable lots. We are a diverse, family-oriented neighborhood. Rezoning the two residential lots to accommodate Sunrise would eliminate these two lots permanently. Value of homes in Newton is rising; the proposed development would have an adverse affect on this trend for our abutting homes.
3. **2 years of Disruptive Construction:** Heavy construction beginning early in the mornings for 12-18 months, 6 days/week will have a negative, destabilizing impact on our collective daily lives. We are: multi-generational families, families with infants, pre-school, elementary, middle and high school aged children, married couples, singles, visually impaired and elderly residents, some with health and cognitive issues.
4. **Structural risk for existing properties:** We find the proposed construction of a 4-story building and underground parking to be aggressive and potentially geologically disruptive enough to pose a structural threat to the abutting older homes or disrupt the water table.
5. **Failure to Serve Community:** The proposed enterprise would neither be a significant source of jobs for local residents, nor could most of us afford to take advantage of their elder-care services. We are a working middle-class neighborhood. Sunrise is a for profit, private pay facility that does not accept Medicare or Medicaid funding. While we welcome commercial enterprise on Washington Street, such enterprise should serve needs and promote vitality in our community.
6. **Increased Traffic & Parking Load:** The 24/7 operation of this facility will increase traffic and parking burden. New traffic will include service, delivery, and emergency vehicles, residents, visitors and 3 shifts of employees. The proposed development's service entrance is on Hovey St. facing a family home. Underground access for staff and visitor parking will abut family homes on Washington and Jewett Streets. Planned onsite parking for the facility is not adequate for visitors, residents and all staff; those who cannot rely on bus service will drive and seek off-site parking.
7. **Static Future Use:** Should the enterprise fail, this specialized high-density 85-unit site would likely be repurposed by a similar enterprise, or demolished to construct something new. This locks residents into the status-quo -- or implies we endure a major demolition and construction for a revitalizing change.

By signing this petition titled "Request for Newton City Council to Deny the Sunrise Corporate Proposal", I represent that I have read, understand and agree with all of its included statements.

| Name (print) | Address | Signature | Email or phone |
|-------------------|------------------------------------|-----------|--|
| ELISE | 25 BEMIS ⁰²⁴⁶⁶ Newt. | | 6173199170 |
| LINDE | 25 BEMIS -11- | | 6178003192 |
| JULIA Goulding | 116 JEWETT | | 6176305772 |
| Nathan Kimball | 53 Waban Park | | 6179280303 |
| Christina Moores | 60 Waban Park #2 | | 860.391.3718 |
| Geoff Moores | 60 Waban Park #2 | | 860.304.2253 |
| Mary Sawler | 124 Jewett St #1 | | 3154081889 |
| Todd Sawler | 124 Jewett St. #1 | | 385 615 3150 |
| SHAH | 115 JEWETT ST, #2 | | 781 366 0001 |
| Keshi deKruve | 120 Jewett #2 | | 617-453-4338 <small>ldurorea@gmail.com</small> |
| Ryan Conroy | 120 Jewett | | 619-990-2862 |
| Rachael Moody | 128 Jewett St | | 617-969-2434 |
| Lisa Manugian | 128 Jewett St. | | 857-278-9398 |
| Chris Olex | 121 Jewett St. | | 734-516-3477 |
| Jayne Richardson | 145 Jewett St | | jayner86@gmail.com |
| Neil R. Horton | 145 Jewett St | | |
| William Trudow | 110 Jewett St | | wtrudow@gmail.com |
| Philip Tasset | 151 Jewett St | | 617-527-8337 |
| Aisha | 445 Washington ^{APT #2} | | 617-aishasaeedi@yahoo.com |
| Brenda Goulding | 116 Jewett St | | bg@novainv.com |
| Amiee Parco | 437 Washington St. | | amieeneller22@gmail.com |
| Alex Abou | 141 Jewett St | | alexab@yahoo.com |

By signing this petition titled "Request for Newton City Council to Deny the Sunrise Corporate Proposal", I represent that I have read, understand and agree with all of its included statements.

| Name (print) | Address | Signature | Email or phone |
|-------------------|------------------|-------------------|----------------|
| Nancy Hair | 53 Waban PK | Nancy Hair | 617-947-1106 |
| Francine Marrello | 75 Waban PK | Francine Marrello | 617-817-2729 |
| Kathy Hadlock | 77 Waban PK | Kathy Hadlock | 857 204-9648 |
| Carol Walker | 79 Waban PK | Carol Walker | 617-419-8894 |
| Cindy Orrell | " " | Cynthia Orrell | 617 901 6848 |
| MICHAEL FAGAN | 81 Waban Park | Michael Fagan | 617 641 9032 |
| Linenna Zayas | 89 Waban Park | Linenna Zayas | 646-228-2038 |
| Nicole Francis | 87 Waban Park | Nicole Francis | 617-459-5294 |
| EDWARD CHAN | 68-70 Waban Park | Edward Chan | 617-610-3057 |
| Selina Lee | 68-70 Waban PK | Selina Lee | 617-833-3298 |
| CAROL POTTS | 88 Waban PK | Carol Potts | 617 964 4753 |
| Inna Zaretsky | 96 Waban PK | Inna Zaretsky | 617-964-0455 |
| John Mulligan | 115 WABAN ST | John Mulligan | (617) 467-4409 |
| Yoko Mizumoto | 99 Waban Park | Yoko Mizumoto | (203) 895-5949 |
| Sue Dickinson | 93 WABAN PK | Sue Dickinson | 617-916-5299 |
| Bill Dickinson | 93 WABAN PK | Bill Dickinson | 617-916-5999 |
| MIKE ATTWELL | 105 Waban St. | Michael Attwell | 617-965-1283 |
| Judy Adams | 105 Waban St | Judy M. Adams | 617 965 1283 |
| Cecilia O'Brien | 97 Jewett St | Cecilia O'Brien | 781-599-8783 |
| PAT O'BRIEN | 97 JEWETT ST | Pat O'Brien | 978-394-3218 |
| Suzanne Sung | 83 Park Waban | Suzanne Sung | 917 581 1435 |
| Michael Sung | 83 Waban Park | Michael Sung | 616 867 8976 |

By signing this petition titled "Request for Newton City Council to Deny the Sunrise Corporate Proposal", I represent that I have read, understand and agree with all of its included statements.

| Name (print) | Address | Signature | Email or phone |
|---------------------|--------------------------|-----------|-------------------------|
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