



Land Use Committee Report

City of Newton

In City Council

Tuesday, May 23, 2017

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

Also Present: Councilor Baker

City Staff: Deputy City Solicitor Ouida Young, Chief Planner for Current Planning Alexandra Ananth, Senior Planner Michael Gleba

Planning & Development Board Members: Scott Wolf (Chair), Sonia Parisca, Jonathan Yeo, Peter Doeringer, Megan Meirav, Director of Planning & Development Barney Heath

Consistency Ruling Relative to Board Order 214-10 to allow modifications to the approved site plan for Chestnut Hill Square.

Note: Mr. John Twohig, representing New England development presented the request to locate an additional level of parking within the footprint of the garage approved with the special permit granted in 2010. The increase in height on the garage would be 9'. Councilors questioned whether there is a demand for an additional level of garage parking. Mr. Twohig confirmed that the garage has been heavily utilized, particularly on weekends. He stated that the developer has a sense of the demand for parking and traffic circulation and believes that while the previously approved garage would be adequate without the additional level; future demand could be better served with the additional floor of parking.

Mr. Twohig noted that the 100 unit development proposed as part of Phase II will have minor changes, including the reduction in height from 96' to 91'. It was stated that the project square footage and footprint will remain the same and no additional relief is required. Mr. Twohig confirmed that while the changes will cost the developer approximately \$3 million dollars more, they are confident that the additional parking will be beneficial.

Committee members were generally supportive of the plans for the development and parking, but requested that the Committee have additional opportunities to look at the changes to the residential building. Mr. Twohig stated that the external components of the building are not yet complete, but that they will return for additional comment when they have final design.

One Committee member questioned whether adding a floor to the garage is the most effective way to address increased parking demand or if the developer should be required to provide alternative solutions. It was suggested that the petitioner could charge for parking or provide a shuttle service to reduce the dependency on driving to the site. Chief Planner for

Current Planning Alexandra Ananth noted that the petitioner was required to submit a TDM with annual monitoring and reporting requirements. She suggested that this could be an opportunity to focus on an enhanced Transportation Demand Management Plan. Ms. Ananth confirmed that Inspectional Services stated that this modification can be done by consistency ruling, as no additional relief is required. Committee members were in agreement that the addition of one level of garage space was consistent with the previously approved special permit, with the exception of one Councilor who believes the petitioner should enhance alternative transportation options to the center.

#63-17 **Special Permit to allow six-unit multi-family at 16-26 Dalby Street**
DALBY DEVELOPMENT, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct six dwelling units with shared underground parking by combining three lots at 16-26 Dalby Street, Ward 1, Newton, on land known as SBL 11007 0046, 11007 0045, 11007 0044, containing approximately 23,400 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3.3, 7.4, 3.4.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Action: **Land Use Approved Subject to Second Call 7-0-1 (Laredo abstaining)**

Note: Attorney Terry Morris representing the petitioner, presented changes to the petition based on concerns raised at the public hearing. Revisions to the proposal include the relocation of two pedestrian walkways on either side of the driveway. The two walkways have been located further from the driveway to allow the planting of a landscaping strip that gradually slopes up towards the front lawn. As the garage is below grade, concern was expressed related to the amount of above grade stonework adjacent to the driveway. The petitioner proposes to replace the above grade stonework with a landscaped strip. Additionally, a fence will be located about the garage, between the two structures to allow for visibility to the courtyard. Attorney Morris reiterated that the by right option, would allow for two, two unit structures larger than the proposed development.

PUBLIC COMMENT

Steve Weiner 44 Dalby Street, reiterated that there are flooding issues on Dalby Street.

Councilor Lennon motioned to close the public hearing which carried unanimously.

Mr. Verne Porter, 354 Eliot Street, noted that drainage is being installed on the site. The new system will contain and infiltrate all water on site. There will be an overflow system to capture water from the garage as requested by Associate City Engineer John Daghlian. Mr. Porter noted that there is currently no storm water management on site and confirmed that the proposed conditions are a vast improvement over existing conditions. Mr. Porter confirmed that he has no concerns that the regrading of the site will impede water flow in the neighborhood.

Councilor Lennon motioned to approve the petition, but requested that the Planning Department confirm with the Engineering Department that there are no flooding issues in the neighborhood. Committee members reviewed the Draft Board Order & Conditions. Senior Planner Michael Gleba asked that a final set of updated architectural and engineering plans be available to incorporate into the order before the Council meeting on June 5, 2017. Councilor Lennon amended his motion to approve to a motion to approve, subject to second call, pending receipt of the revised documents. The Committee voted 7-0-1 in favor of the petition with an abstention from Councilor Laredo who does not see the benefit of the project to the City.

#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.

Action: Land Use Held 8-0

#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

Note: Attorney Buchbinder, offices at 1200 Walnut Street, represented the petitioner. It was noted that the petitioner provided supplemental materials based on questions raised at the initial public hearing. The new materials include details to cross sections, elevations, open space calculations, information of the impact of the proposal on property values, a photometric plan, information on Sunrise's services, information regarding energy efficiency, a summary of traffics issues and a shadow study. Attorney Buchbinder noted that while community outreach has occurred, the petitioner was previously unaware of opposition to the project.

Based on the City's Inclusionary Zoning requirements, the petitioner is required to provide a certain number of affordable beds or make a cash payment to the City (equaling 2.5% annual gross revenue). As three affordable beds will equal the cost of a 2.5% cash payment, the petitioner proposes to provide the three affordable beds in perpetuity. In order to make this change, four two-bedroom units must be switched to one bedroom units in the same footprint. Committee members were in agreement that having the benefit of the three affordable beds in perpetuity more a greater benefit than a cash payment to the City.

PUBLIC COMMENT

Jay Walter, 80 Pembroke Street, is in support of the project. He believes the use is appropriate at the site given its minimal impact and the minimized design by the developer.

Marge Montgomery, 12 Waban Street, supports the project and believes it will be a vast improvement over the car dealership. She noted that people need to speak for those who need assisted living and believes it is unlikely that people will be moving into the City from far away.

Fran Godine, 19 Crofton Road, believes the proposed development is a great opportunity for the site. She is happy that residents can use public transport, if they choose to. She noted that

in 2014, 33% of Newton survey respondents preferred assisted living. She noted that there is a tremendous need to assisted living in the City.

Rob Caruso, speaking on behalf of the Commission on Disability, is in support of the project and thinks that the three affordable beds and public parks will be beneficial to the community. He expressed gratitude to Committee members and the petitioner.

Will Truslow, 110 Jewett Street, noted that the size of the proposed development is immense and is on the second lot away from Washington Street, closer to abutters. He questioned the extent of the community outreach and questioned was included.

Wendy Plesniak, 38 Waban Street, questioned the quality of the project impact analysis and noted that the study has flaws.

Vinny Coppola, 50 Chaplin Street, believes the proposed development is appropriate for the site and is supportive of the plans.

Ravi Pappu, 38 Waban Street, remains opposed to the project and does not believe there are reasons to rezone the site. He noted that there are inconsistencies in the methodology and data in the traffic study.

Bryan Flanagan, 507 Hovey Street, believes that the proposed development is too large for the site. He has concerns about traffic and construction impacts.

Cynthia Orrell, Hovey Street, is concerned that allowing rezoning will slowly change the neighborhood. She likes the concept but believes the proposed development is too massive.

Cindy Orrell, 79 Waban Park, noted that zoning laws were created to protect abutters and has concerns about the shadow impacts on the neighborhood.

Peter Kronenberg, 86 Jewett Street, questioned why the site would be rezoned where two family homes could be located at the site.

Crysta Kori, 52 Gardner Street, has concerns about the shadow impacts on the neighborhood and the development encroaching into the neighborhood due to how far back it is on the site.

Mark Roach, 21 Elm Street, noted that assisted living is a benign, low impact use and generally very quiet. He noted that the public transportation options in the neighborhood are beneficial.

Tamara Bliss, 9 Lewis Terrace, noted that the cost of real estate is so high that seniors can sell their homes and move to Sunrise because they won't be spending money on typical homeowner expenses. She noted that the Council on Aging has identified the need for this type of housing.

John Pelletier, 92 Central Avenue, supports the development and believes that it is appropriate in Newton Corner and believes it will be good for Newton residents.

Bruce, 361 Albemarle Road, supports the development and noted that assisted living facilities have minimal impact on trash, roads and schools. He noted that residents in the community will spend money in the community which can also be beneficial.

Joanne Pellegrini, 281 Nevada Street, noted that the existing site has a car dealership and believes that the proposed development will provide opportunities to help keep family members local.

Committee members asked if the proposed structure can be moved closed to Washington Street. Atty. Buchbinder stated that when locating the massing on Washington Street, access to the site becomes more limited. He noted that based on input from the community, the petitioner will look at the design and neighborhood impact. Atty. Buchbinder confirmed that the petitioner has no objection to including the open space as part of the Board Order and would be open to a deed restriction on the third lot. Committee members asked that a roof plan be provided to detail where the one-story and three-story portions of the building are located. It was noted that four stories is the maximum height they could build to within the requested zoning.

A Committee member asked that the petitioner provide information regarding how the petitioner will take action to meet the fifth special permit criteria and which measures are being taken to make a substantial contribution to the conservation of natural resources and energy. Committee members asked that the petitioner provide information on the types of jobs that will be created with the creation of the facility and what the rent will be for market rate and affordable units. Committee members asked that the Planning Department provide information on the alternate options at the site and fiscal impact information.

The Planning and Development Board closed their public hearing with a motion from Jonathan Yeo. It was announced that the P&D Board will discuss the request for the zone change at their meeting on June 5, 2017. Councilor Lennon motioned to hold the request for the zone change and the special permit petition. Both motions carried unanimously.

#114-17 Request to amend Special Permit for the Atrium Wellness Center
ATRIUM WELLNESS CENTER, LLC, petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #2-15 to allow a 1/3 reduction in the number of required parking stalls or a waiver for 386 stalls, dimensional relief to allow conformance with the existing parking facility and waivers with regard to the number, size, location and/or height of signs at 300 Boylston Street, Ward 7, Chestnut Hill, on land known as Section 82, Block 002, Lot 0001, containing approximately 125,771 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: 7.3,

7.4, 5.1.4.A, 5.1.13, 5.1.4.C, 5.1.13, 5.2.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Action: **Land Use Approved 8-0**

Note: Attorney Schlesinger, representing Atrium Wellness Center, LLC., presented requests for reduced parking and changes to signage. His presentation is attached. Atty. Schlesinger noted that the development at 300 Boylston Street was approved by special permit for restaurant and lab use in 2015. In order to accommodate the future uses at Lifetime Fitness, the petitioner seeks to obtain a waiver for either 386 stalls or 1/3 of the required stalls. It was noted that there are currently 1,045 spaces, the ordinance requires 1,431 and the parking analysis demonstrates a maximum need of 835 spaces. Attorney Schlesinger noted that the Framingham facility of the same size has a peak, Saturday use of 429 parking stalls. The petitioner additionally intends to offer valet services, a possible car share program and hope to implement a shuttle service.

Additional relief required includes the relocation of a sign as requested by the Urban Design Commission. Committee members expressed no concerns.

PUBLIC COMMENT

David Rushka, 250 Hammond Pond Parkway, is supportive of the plans. He noted that the proposed signage seems appropriate based on the location of the site and he does not have concerns about overflow parking.

Councilor Auchincloss motioned to close the public hearing which carried unanimously.

Committee members were in agreement that lack of adequate parking at the site would be detrimental to the petitioner. Because there are few locations for overflow parking to impact the neighborhood, Committee members expressed no concern with the waiver of parking stalls. Committee members discussed how there are some substandard stalls at the site and noted that it might be appropriate to approve the waiver of 1/3 of the required parking with a condition on the Board Order to restripe the lot to create more functional parking stalls. Deputy City Solicitor Ouida Young confirmed that she would discuss a condition in the Board Order with the petitioner. With a motion from Councilor Lipof to approve, the Committee voted unanimously in favor.

The Committee adjourned at 7:15 pm

Respectfully submitted,

Marc C. Laredo, Chair