



# Land Use Committee Agenda

## City of Newton In City Council

**Tuesday, June 13, 2017**

**7:00 PM**  
**Chamber**

**#133-17**      **Request to Rezone five parcels at Northland Site**  
NORTHLAND OAK STREET, LLC/NORTHLAND TOWER ROAD INVESTORS, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone five parcels at: 156 Oak Street (Parcel 1), 55 Tower Road (Parcel 2), 275-281 Needham Street (Parcel 3), 260 Needham Street (Parcel 4), 160 Charlemont Street (Parcel 5) to BU4 from MU1.

**#134-17**      **Special Permit to allow non-accessory parking at Northland Site**  
NORTHLAND OAK STREET, LLC/NORTHLAND TOWER ROAD INVESTORS, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to develop off-site, non-accessory, single-level parking on the parcel at 55 Tower Road (Parcel 2) to serve the existing office building at 156 Oak Street (Parcel 1), requiring a waiver of 84 parking stalls, a waiver to allow non-accessory parking on a lot separate from the principal use, waivers to allow parking within setbacks, waivers to dimensional requirements for parking stalls, waivers to the maximum width for entrance and exit drives, waivers for perimeter screening requirements for parking facilities, a waiver to interior landscaping requirements for parking facilities, waivers to lighting requirements for parking facilities, and waivers to the requirement for curbing, wheel stops, guard rails, and bollards at 156 Oak Street and 55 Tower Road, Ward 5, on land known as Section 5 Block 51 Lot 0005 containing approximately 237,832 sq. ft. and Section 5 Block 28 and Lot 0005A containing approximately 483,583 sq. ft. of land in a district zoned MU1. Ref: 7.3.3, 7.4, 5.1.4, 5.1.13, 5.1.6.A, 5.1.6.B, 4.4.1, 5.1.8.A.1, 5.1.8.B, 5.1.8.D.2, 5.1.9.A, 5.1.9.B, 5.1.10.A.1, 5.1.10.B.5 of the City of Newton Rev Zoning Ord, 2015.

**8:00 PM**  
**Or Later**

**#132-17**      **Special Permit to amend Special Permit for Kessler Woods**

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The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

KESSELER WOODS, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #102-06(15) at Kessler Woods to allow relocation of the inclusionary zoning units by use of the Off-Site Development Option in conjunction with the rehabilitation of the apartment building at 219 Commonwealth Avenue resulting in an increased number of affordable units from the approved site of 179 Kessler Way, Ward 8, on land known as Section 82 Block 037 Lot 0095, containing approximately 640,847 sq. ft. of land in a district zoned MULTI RESIDENCE 3. Ref: 7.3, 7.4, 5.11.4, 5.11.6 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**Respectfully submitted,**

**Marc C. Laredo, Chair**

**Commonwealth House Condominium Trust**  
**209 Commonwealth Avenue Chestnut Hill, MA 02467**

**June 5, 2017**

To the Land Use Committee  
Newton City Council  
Newton City Hall

Councilors:

We are neighbors of the building at 219 Commonwealth Ave. in Chestnut Hill that is the subject of a Special Permit request being presented to the Land Use Committee on June 13, 2017. Chestnut Hill Realty (CHR) is proposing to satisfy its requirement for 13 inclusionary housing units at their Kessler Woods housing development by converting their recently purchased 29-unit building at 219 Commonwealth Ave. entirely to inclusionary housing units.

We the neighbors of 219 strongly oppose that proposal for the following reasons:

1. By separating the affordable housing component from the main Kessler Woods development and dedicating the entire building at 219 to inclusionary housing, CHR reduces any incentive to maintain 219 in good condition as it ages. It will be much less economically viable as a standalone inclusionary housing building, and will have lost its direct physical association with the main development. So maintenance may not be a high priority. At CHR's information meeting about the 219 conversion, they were asked about plans for ongoing maintenance into the future by one of the Councilors attending and had no specific plans. We are concerned that that will result in the 219 building and grounds condition deteriorating over the years, thus negatively impacting the surrounding community. In addition, should CHR choose in the future to sell the building at 219, there will be no incentive for the new owner to maintain the level of maintenance that would be expected had the inclusionary units remained at Kessler Woods, or if 219 were a mixed community building rather than being totally dedicated to inclusionary housing.

2. There are parking spaces for no more than 10 vehicles in the building's parking area, totally inadequate for the 29 units in the building. That will lead to a very large increase in the number of cars vying for spaces on the streets surrounding 219. For many years the building has been occupied mostly by college students who do not all have cars to park. It can be assumed that many of the inclusionary housing occupants will have cars and that will adversely affect safety on the streets in the area, particularly in winter when

no overnight parking is permitted on Newton Streets from November through April. Some Boston College students were allowed to park on campus during the winter.

3. The inclusionary housing requirement at Kessler Woods is 13 units. Why is the developer planning to convert all 29 units at 219 to inclusionary housing? On its own that building would require no more than 5 inclusionary units. Having the entire 29 units be inclusionary is contrary to the intent of inclusionary housing regulations to provide for diversity in the community. Rather it sets up an enclave of such units. In addition, the size of the units at 219 will be significantly less than those at Kessler Woods.

4. Notably, CHR has failed to adequately engage the surrounding community in their plan for 219. In the adjacent condominium at 209 Commonwealth Ave., only about one third of the owners were informed of a meeting held on May 22 by CHR to discuss their plans. Many people on the adjacent Manet Rd. and along Commonwealth Ave. were not informed of the meeting. Only three residents from our condominium attended the meeting, and none from the rest of the neighborhood. Three City Council members were invited and attended.

5. The current trash management in the building is totally inadequate. There is one dumpster at the end of the driveway that regularly overflows with trash and garbage, attracting unwanted animals. The trash needs to be removed more than once a week. CHR has owned this building since November 2016 and since then the level of maintenance has worsened. We've attached photos of the parking area and the side driveway. Clearly tenants are moving out, but that material has been there for at several weeks. We hope this is not an indication of CHR's maintenance practices.

6. The CHR snow removal crew has caused damage to the adjacent property at 209 Commonwealth Ave. A fence belonging to 209 that faces the parking area of 219 has been damaged and the fencing along the driveway that separates the two buildings has been damaged by plows that are too wide for the driveway. This does not promise a carefully maintained building in the future.

7. CHR's plan for the main Kessler Woods facility includes a set of amenities including an exercise room, community center, business center and theater, none of which will be available to the tenants at 219 Commonwealth Ave. This is a direct result of physically separating the inclusionary units from the main complex, and contrary to the Commonwealth of Massachusetts guideline for providing affordable units offsite (see paragraph 0.60 of the Inclusionary Zoning Bt-Law). The size of the inclusionary units at 219 will be significantly smaller than those in the original plan for Kessler Woods. For example the one bedroom Inclusionary unit at Kessler Woods is 893 sq. ft. and a two bedroom is 1000 sq. ft. The average size for the 29 units at 219 is 500 sq. ft. Also unlike Kessler Woods, there are no in-unit laundries at 219. This essentially

establishes a two tier living situation with the 219 residents having a much lower quality living situation than they would if located at Kessler Woods.

8. It is unclear why CHR is proposing to separate the required inclusionary units from the main facility at Kessler Woods. It certainly gives the impression that they prefer to have the much higher rental rates at Kessler Woods and not to have to forgo those high rents if the inclusionary units are there.

For all of the above reasons, the neighbors of 219 Commonwealth Ave. request that that the Land Use Committee deny the special permit petition from Chestnut Hill Realty to make that building entirely inclusionary housing units. We suggest that a more equitable outcome is that both locations be subject to the 15% inclusionary requirement that CHR **agreed to in their original, approved permit** and that 219 Commonwealth Ave. have 5 units set aside for inclusionary housing. Also, some sensible plan for parking should be required by the City.

Respectfully submitted,

Eugene Ferrari  
Trustee Chair  
The Commonwealth House Condominium Trust  
209 Commonwealth Ave.  
Chestnut Hill, MA