



Land Use Committee Report

City of Newton In City Council

Tuesday, April 5, 2016

Present: Councilors Laredo, Auchincloss, Cote, Crossley, Schwartz, Lipof.

Absent: Councilors Lennon, Harney. Also Present: Councilor Leary.

City Staff Present: Associate City Solicitor Robert Waddick, Chief Planner Alexandra Ananth, Planner Michael Gleba.

Request for a Consistency Ruling relative to 95 Elm Street (Paddy's). Requesting a change to add an exterior elevator and roof deck seating as they relate to special permit #40-15.

ACTION: APPROVED 6-0 (Lennon, Harney abstaining)

NOTE: Architect Donald Lang presented on behalf of the petitioner, the O'Hara family. After obtaining approval for the special permit on April 6, 2015, the petitioner met with limitations posed by the Architectural Access Board preventing the use of the second floor for parties due to accessibility concerns. The petitioner also faced higher than anticipated construction costs. These factors led to changes in the construction design. Mr. Lang reviewed the proposed changes in a presentation. In order to provide full access to the second floor, the petitioner opted to install a LULA (Limited Use Limited Access) elevator. To offset the cost of the elevator, the petitioner decided not to make certain previously proposed changes, including changing the orientation of the staircase. Instead, the petitioner proposed creating a small office and adding a seasonal roof deck as well as lifting the generator to the roof. There were no changes to the approved seating capacity of the restaurant. The restaurant owners would change the seating accordingly when there would be rooftop seating.

Chief Planner Alexandra Ananth presented on behalf of the Planning Department. The only significant change according to Planning was the addition of the outside roof deck. Ms. Ananth confirmed that the creation of the office was not a concern. There was discussion that the roof deck could be considered outside the scope of the original project. Ms. Ananth confirmed that because no additional seating was being requested, the petitioner did not need to submit amended site plans. A major consideration was whether the noise generated from guests on the roof deck would be substantially detrimental to the neighborhood.

Because the abutter's house has a window facing the roof deck, there were concerns regarding privacy and noise from the HVAC unit. The abutter's house is approximately 2-3 feet from the restaurant. The petitioner is required to have a permanent railing on the roof deck and would have a six foot high barrier. A screen to shield the neighbors from the noise was discussed as an additional option. It was noted that the abutter is an office building, not a residence. Because the HVAC unit is being raised above the windows, it should not cause noise concerns and the Planning

Department routinely allows for roof HVAC units. The petitioner stated that he would ensure the neighbor is comfortable with the changes.

It was confirmed that no additional relief is necessary for the proposed changes. Councilor Cote moved to approve the item and the Committee approved 6-0. The Land Use Committee determined that the changes are not outside the scope of the project and that they are consistent with special permit #40-15.

#2-15(2) Request for an extension of time for Special Permit at 300 Boylston Street

ATRIUM WELLNESS CENTER LLC. Request for an extension of time to EXERCISE SPECIAL PERMIT #2-15 granted on April 6, 2015 to repurpose an existing vacant building into a mixed-use facility including medical office, laboratory, general office, retail, and restaurant uses (to allow restaurants of more than 50 seats) at 300 BOYLSTON STREET, Ward 7, Chestnut Hill, on land known as SBL 82, 2, 1, containing approximately 125,771 sq. ft. of land in a district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-21, 30-11(b)(3), 30-11(d)(9), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

ACTION: APPROVED 6-0 (Lennon, Harney abstaining)

NOTE: Attorney Schlesinger presented on behalf of Atrium Wellness Center, LLC. The petitioner has amended uses for the building and as such they are making progress in procuring tenants. They are delayed however and request an extension of time to continue. Councilor Crossley moved to approve. The extension of time was approved 6-0.

#48-16 Special permit petition for 255-257 Newtonville Avenue

STORAGE DEVELOPMENT PARTNERS, LLC/NORCROSS TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a three-story, 113,187 square foot self-storage facility with a building height of 36 feet which will increase the Floor Area Ratio to 1.5, where 1.0 is the maximum allowed by right as well as a waiver of 36 parking stalls and waivers of other parking requirements at 255-257 NEWTONVILLE AVENUE, Ward 2, Newtonville, on land known as SBL 12, 16, 8, containing approximately 75,634 sf of land in a district zoned MANUFACTURING. Ref: 7.3.3, 7.4, 4.3.1.B.1, 4.3.2.B.3, 4.3.3, 5.1.4, 5.1.8.A.1, 5.1.8.B.3, 5.1.9.A.1, 5.1.10.A, 5.1.13, of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

ACTION: HELD 6-0

NOTE: The special permit petition for 255-257 Newtonville Avenue is to: exceed the maximum allowable FAR of 1.0 at 1.5; exceed allowable square footage of 20,000 sq. ft. at 113, 187; and obtain waivers for 36 parking stalls and other parking requirements.

Attorney Alan Schlesinger presented on behalf of Storage Development Partners, LLC/NORCROSS TRUST. Atty. Schlesinger's presentation included a review of the plans. He demonstrated how the building was designed in line with the topography of the site. The building increases in size as the corresponding property declines. The building has been designed to appear as one story from Lewis Street, two stories from Newtonville Ave. and three stories facing the Mass Pike.

The petitioner has held multiple meetings with the Newtonville Neighborhood Area Council, abutters and residents to hear and incorporate feedback in the plans. The petitioner has also sought feedback and approval from the Conservation Commission in regard to riverfront regulations. To save trees on Lewis Terrace, the location of the proposed building would be within a riverfront impact area.

Architect Andrew Graves from Beal Companies spoke to the importance of respecting the surrounding area and the consideration of the Conservation Commission in respect to minimizing impact while designing the facility. He stated that from Lewis Terrace the building should appear as 16 feet Tall and further away from the neighborhood it will be 34 feet tall. The loading area for storage will be covered in the back of the facility. While there will not be lighting around the facility, there will be lighting at the loading area. The lighting inside the building is motion sensed and energy efficient and will turn on and off accordingly. HVAC units on the roof will be screened.

Because storage facilities are low intensity use, traffic is anticipated to be minimally impacted. Storage facilities generally generate one third of the traffic typically expected from an office building. Mr. Graves stated that the roof would be tan because white was less appealing to the neighborhood as heard in the neighborhood meetings.

Mr. Graves made note that the plans included the planting of native trees and plants to reflect the wishes of the Conservation Commission. The petitioner is committed to removing invasive species for a five-year period. While there is currently no storm water management system, they plan to make improvements. They will provide water treatment and provide a yard drain designed to meet a one-hundred-year storm. Moving the building will also require them to replace a sewer main.

Chief Planner Alexandra Ananth presented on behalf of the Planning Department. With the relief requested, the building will be compliant with state code. She presented the planning memo depicting the feedback to the proposal. The setback of the site plan is about 18 feet. The landscape plan has been approved by the Conservation Commission. The Planning Department did not have concerns about the mass of the building due to its careful design. After surveying neighboring communities, Planning determined that the request in regards to parking waivers and the number of stalls being requested is consistent.

The public hearing was opened.

Jeffrey Kane, 157 Newtonville Ave has concerns about the appropriateness of having the facility on Newtonville Avenue due to the impact on traffic.

Richard Grantham, 46 East Side Parkway is in support of the facility. He feels that having activity and/or parking on the street may help to reduce the speed of drivers on Newtonville Avenue and the overall traffic should decrease.

John Bliss, 9 Lewis Street directly views the property. He is in support of the facility. The proposed use seems less detrimental than other potential uses. Mr. Bliss noted that while he has concern about the long term visual components of the building, the builder has been receptive to feedback regarding landscape. Mr. Bliss has concerns about the impact of temporary construction. He would like consideration to limitations to construction vehicles and timeliness of the construction.

Laura Woodward, 26 Lewis Terrace is a direct abutter to the proposed facility. She is concerned about the mass of the building and its impact in a residential neighborhood. She mentioned that due to the topography of the street, some abutters will have to look directly at the roof of the facility as opposed to from street level.

Mary Haney, 214 Bellevue Street has concerns about the loss of trees. Ms. Haney attended the meetings and mentioned the major significance of going from 100 to 10-15 trees. She had concerns about the impact of the neighborhood based on the reduction of trees and noted the option of a green (planted) roof.

Cheryl Turner, 20 Harvard Street is in favor of proposed facility. She thinks that facility will be attractive & the efforts made will improve wildlife and landscape.

Bernhard Hinteregger, 20 Lewis Terrace is opposed to the proposed facility. His major concern is the mass and height of the building. Mr. Hinteregger made mention to the grade of the road and how looking down you will be able to see the entire roof. Mr. Hinteregger also had concerns about truck drivers driving and parking down Newtonville and safety for people walking in the neighborhood.

John Koot, 43 Winchester Street lives near another storage facility. He has concerns about the security to and around the facility because of the limited lighting on site. Mr. Koot is also concerned about the loss of trees. While he is happy that the mass is diminished by the slope of the lot, he still feels that the building is very large.

Robin Lapidus, 12 Princeton Street regularly commutes on Newtonville Avenue and is opposed to the proposed facility. She has concerns about how the traffic will compound and how this will affect people who live in the neighborhood.

Heather Mehra, 217 Bellevue is an abutter to the proposed facility. Her major concern is the size and footprint of the proposed facility. Ms. Mehra also is concerned about the loss of large trees.

Charles Katsenes, 174 Newtonville Avenue is opposed to the proposed facility. He has concerns about how the proposed facility is going to impact the traffic and safety of pedestrians.

The Public Hearing was continued to April 26, 2016.

Councilors had a number of questions and concerns. One concern about the proposed facility is the mass of the building and its footprint. Because of the topography of the area, some abutters would see the building from an angle, and as a result would be looking directly at the roof. One question was whether the building could be set back further in order to reduce the visual effects to Newtonville Avenue and Lewis Terrace. If this is not an option, an explanation was requested. Attorney Schlesinger indicated that the building cannot be redesigned to add height and reduce the footprint without changing the grade plan. Confirmation from Planning was requested. There was a question regarding whether the site has adequate amounts of space to accommodate multiple vehicles visiting, turning and parking at once.

There were some concerns about traffic in the area and questions about whether the Planning Department could help integrate a traffic calming solution into the project. It was suggested that during construction the Council order should address the location of construction vehicles. The hours of operation were requested and Atty. Schlesinger indicated they would be from 6:00 am – 10:00 pm for self-storage.

There was an inquiry about the plans for a piece of city property next to the site and how it will be integrated into this project. There was a question about whether sidewalks could be built at the property.

Another concern was the loss of trees in the neighborhood. There are greater than 50 trees being removed and while more trees will be planted, there will be loss of many mature trees. More information about the green roof and why it was not already included in the plan was requested. It could be a way to make the roof more visually appealing to the neighbors while minimizing the loss of greenery in the neighborhood. There was a question about why the removal of invasive species maintenance was limited to five years and if it should be a permanent condition.

The effort and thoughtfulness made on behalf of the petitioner in terms of designing the proposed facility, saving trees and accommodating neighborhood feedback was noted. There has been a great deal of landscaping incorporated into the plans which also have Conservation Commission approval.

Questions raised were in regard to the culvert at the site, its condition and why it cannot be enclosed. A plan for successfully appeasing the storm water management was also requested. Clarification was also requested regarding the relining of the sewer pipe and why it would not be replaced entirely.

Councilor Lipof noted that he will docket the issue of traffic on Newtonville to discuss options to make improvements. The Committee voted to hold the item until April 26, 2016.

Respectfully submitted,

Marc C. Laredo, Chair