



## Land Use Committee Report

### City of Newton In City Council

**Tuesday, May 3, 2016**

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

Also Present: Councilors Norton, Leary, Albright

City Staff Present: Associate City Solicitor Ouida Young, Chief Planner Alexandra Ananth, Planner Michael Gleba

**#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.

***Public Hearing Opened on April 5, 2016 and Continued to May 24, 2016.***

**ACTION:**      Land Use Committee Held 8-0.

**NOTE:**      Attorney Schlesinger representing the petitioner appeared to review critical elements of the petition and respond to questions from the public hearing hearing and site walk. Attorney Schlesinger also noted the circulation of flyers with misinformation and corrected the information. The Committee also requested that the flyers not be put on public property. Atty. Schlesinger reiterated that the proposal will result in a low intensity, low use facility. The petitioner understands that the land is in an area that quickly transitions to residential and has made an effort to be responsive to community concerns. Attorney Schlesinger also noted that several community meetings were held and plans changed prior to the filing of the special permit application.

Atty. Schlesinger reviewed changes made to the site plan and noted that the petitioner made the decision to move the building west in order to preserve 27 trees. Should the building be moved to the east and the trees removed, the grade plane would go up, the height would go down and the bottom floor would be a basement. Attorney Schlesinger noted that this would result in the height and the FAR would conform. This has been done in an effort to accommodate public interest.

A study completed at the Needham Street facility which is 220,000 sq. ft. on behalf of the storage company showed very low usage on the test weekend of Labor Day.

Attorney Schlesinger presented the plans showing the turning radius of a second truck in the loading dock. The second truck would have to make a three point turn. The roof plan shows a HVAC unit. The Committee has requested a report from sound engineers regarding the noise level. Attorney Schlesinger stated the goal is for the noise to be imperceptible.

The petitioner would agree to the hours of operation from 6:00 am – 9:00 pm for customers and would have someone working in the office from 9:30 am – 6:00 pm (less on weekends). The green planted roof is not favored due to the additional staffing and resources that would be required for installation and maintenance. Attorney Schlesinger also noted that in the winter, the roof would have no plantings.

Attorney Schlesinger provided a video displaying a 3-D model of the proposed facility.

The public hearing continued from April 5, 2016.

Edward Mintz, 7 Munroe St., has concerns about the impact of the storage facility on traffic in a residential neighborhood in relation to pedestrians. He is also concerned that the value of his home will decrease.

Brendan Hollingsworth, 116 Chapel St., is in support of the project. He feels that a lot of thought has gone into the project and that traffic will decrease. He appreciates that the petitioner has reduced the size of the building to correspond with the topography.

Bill Heck, 32 Holden Rd., has concerns about the mass of the building. Mr. Heck also feels that a manufacturing zoned facility should bring manufacturing jobs to the community.

Carl Boloyan 24 Hilltop St., is against the proposed facility because of the impact it will have on traffic in the neighborhood.

Liz Hedstrom 346 Wolcott St., is in support of the facility due to the low use and decreased traffic. She feels that other uses will increase traffic.

Susan Bottino, 67 Lewis St., is concerned that the proposed facility hosts an oversized lot and undersized parking. Ms. Bottino has concerns about the noise of the HVAC unit, traffic for pedestrians.

Karen Price, 1997 Beacon St., is in support of the proposal. Mrs. Price is confident that traffic will be reduced and that higher use will likely be on weekends which will not impact school. She also noted that storage is a rising need for transitioning populations.

Joe Price, 1997 Beacon St., provided resources to the Committee from his experience as a PM reviewing zoning issues on a special committee while in graduate school at Tufts. Mr. Price stated that they were utilized in Somerville and Medford. The first was the Institute of Transportation

Engineers, Trip Generation Handbook 8<sup>th</sup> edition which reviews uses of properties and traffic generation and specifically states that self-storage facilities generate some of the lowest traffic of all uses. The second was a publication entitled Self-storage standards in Modern Communities which also explains that the traffic generated by these types of facilities is very infrequent and reduced. Mr. Price also noted that the storage facility would help reduce the carbon footprint.

Jane Macguire 18 Fisher Rd., is in support of the project. Ms. Macguire feels that the facility will reduce traffic and that the landscaping plan was well thought out.

Kate Mackey, 26 Parsons St., is in support of the proposed facility. Ms. Mackey explained the importance of a suitable site to her family (Norcross).

Jim Pacheco, 48 Circuit Ave., has concerns about traffic and safety concerning what is stored in the storage units.

Dan Mackey, 26 Parsons, is in support of the facility and appreciative of the effort that the petitioner has taken to incorporate community feedback into the plans. Mr. Mackey also noted that the company is a known entity.

Steven Cronis, 24 Lewis St., is opposed to the project. He has security concerns about an increase of crime in the area. He noted that the area is vastly residential.

Don Donato, 165 Newtonville Ave., is concerned about the additional traffic that the facility will generate.

Patricia Abbott, 314 Newtonville Ave., is concerned about the compromised security and public safety due to increased vehicular and foot traffic. She also has concerns about the size of the building.

John Wakefield, 217 Bellevue St., is concerned about how the combination of a number of upcoming projects will impact the neighborhood. He also has concerns about parking.

Heather Mehra, 217 Bellevue St., is concerned about the size of the facility. She did note that the developer has made concessions in response to public feedback. She requested additional restrictions and enforcements imposed on the facility.

Kenneth Roberts 252 Cabot St., suggested that people who are using the facility will be neighbors. Mr. Roberts mentioned that without the presence of commercial entities, there will be a negative impact on taxes.

Andrea Katsenes 175 Newtonville Ave., provided a presentation of concerns (attached). Ms. Katsenes also mentioned that the traffic study might be limited and requested a traffic study by the City.

Paul Roberts, 59 Withington Rd., is in support of the project noting the effort taken in designing the facility.

Anne Hackney, 322 Waverley Ave., is in support of the proposal.

Bernie Hinteregger, 20 Lewis Terr., has concerns about value of his property suffering due to the view of the roof. There has been some movement towards the installation of mature trees to shield the roof from view

Dorothy Norcross 25 Fisher Ave., owner of the property, visited other storage facilities in order to gauge their suitability in the neighborhood. Ms. Norcross feels that Storage Pros is the best option.

Cheryl Turner 20 Harvard St., Feels that the proposed storage facility will be an improvement to what is currently there and that the petitioner has made a significant effort to incorporate community feedback.

Laura Frye, formerly of 252 Cabot St., is in support of the proposal. She believes that other uses would generate more traffic. She is in support of the proposal.

Leslie Williams 132 Bellevue St., is against the proposal. She has concerns about security and safety relating to the people who want to use the storage facility.

Jim Robertson 158 Newtonville Ave., is opposed to the proposal. He feels that the structure is too large and the storage facility should comply with zoning regulations.

Mary Heney 214 Bellevue St., is thankful to the Land Use Committee for keeping the Public Hearing open.

Bill Corsetti, 61 Halcyon, has not noticed increased traffic at other storage facilities. He has no concerns about traffic.

Robin Lapidus, 12 Princeton St., Has concerns about traffic and noise generated from the proposal. She noted that the neighborhood makeup includes many pedestrians, children and dogs. She is also concerned that planting trees in the traffic island can prevent driver visibility.

Tim Harold, 21 Oak Terr., feels that the proposal is very low impact.

Rebecca Katsenes, 174 Newtonville Ave., feels that the proposal is out of proportion amongst the residences. She remains concerned about the traffic and lack of sidewalks. Ms. Katsenes also noted concerns about the customers and security issues.

Tamara Bliss, 9 Lewis St., is strongly in favor of the proposal because she feels it has been the most suitable option. Ms. Bliss feels that the storage facility will be a responsible use for this piece of land. She noted that there are traffic issues which have been ongoing.

Dennis Turner, 20 Harvard St., feels that the facility will be lower impact than what currently exists. Mr. Turner mentioned that modern storage is much more secure and well managed and he is not concerned about vandalism.

Rita Cronis, 24 Lewis St., feels that residences or offices would be a better use of the land. She stated that she has traffic concerns and concerns about winter weather conditions and trucks creating dangerous situations.

Richard Grantham, 46 East Side Pkwy., Mr. Grantham noted that Mrs. Norcross is going to sell property and that another use could require taking out the trees and leveling the land. He also noted the absence of a very large parking lot.

Jeffrey Kane 157 Newtonville Ave., is opposed to the proposal. He is concerned about the size of the facility and the traffic worsening.

The Public Hearing was continued to May 24, 2016.

The Committee requested that the Planning Department confirm what aspects of the project would be by right if the building were relocated. The petitioner has stated that while they do not have a lighting plan, they would be willing to design one if there were safety concerns. The Committee requested that the Planning Department provide feedback for this option. It was suggested that Planning coordinate with Director of Operations, Shane Mark to discuss the perimeter lighting. A review of potential alternate uses for the site was requested from the Planning Department. The Committee questioned whether the limited sample taken from Labor Day provided enough traffic data.

The Committee emphasized their role in comparing what is sought by special permit versus by right. Committee members noted that it is important to consider the project on its merits and consider what can be done on the property alternatively. The distinction between a variance and special permit project was explained and the Committee also noted that denial of the project does not require a proven hardship.

Councilor Lennon motioned to hold the item which carried 8-0.

**#351-15      Petition for 4 attached dwelling units in an existing 2-family dwelling at 1110 Chestnut Street**

CHARLES ZAMMUTTO/DOUGLAS & MAGDALENA TURCOTTE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to create four attached dwelling units in an existing two-family dwelling including

waivers from the height and number of stories, the side setback, and to locate parking and a driveway within a setback at 1110 CHESTNUT STREET, Ward 5, Newton Upper Falls, on land known as SBL 51, 41, 2, containing approximately 22,800 sf of land in a district zoned MULTI-RESIDENCE 1. Ref: Sec 7.3, 7.4, 2.4.1, 3.2.4, 5.4.2, 6.2.3B.2, 5.1.7.A, 5.1.13, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

***Public Hearing Opened on January 12 and continued to March 8, 2016***

**ACTION:** **Land Use Committee Approved 7-0. (Lennon abstaining)**

**NOTE:** Attorney Terry Morris representing the petitioner reviewed the request to create four attached dwelling units at 1110 Chestnut Street. Attorney Morris stated that the plans have been approved by the Historic District Commission. The property, zoned as a two family has been used contrary to zoning and currently has three apartments and eight single room occupancies. The residents are not currently in compliance with zoning regulations and have been cited by Inspectional Services. Some occupants have received notices to vacate. The occupants would be asked to vacate regardless of how the Committee votes in order to bring the occupancy of the residence into compliance.

Attorney Morris reviewed changes to the existing lot including the elimination of the front parking lot where grass will be planted. The petitioner proposes to increase the retaining wall and relocate parking spaces behind the garage and building. The Planning Department confirmed that no screening is necessary behind the property. The four dwellings in the residence would range from 1100-2600 sq. ft. in an effort to meet the need for diverse unit sizes. Attorney Morris noted that inclusive of the changes, the building and garage will be below allowable FAR.

Chief Planner Alexandra Ananth reviewed the Planning Department memo. Ms. Ananth reiterated the elimination of the parking in front, while the driveway would remain. This reduction would result in the loss of two spaces from 10 to 8. Ms. Ananth confirmed that the driveway is currently at the lot line. This is allowable when the structure is a two family use. The petitioner will also add a walkway. Ms. Ananth also noted that there would be an increase of open and lawn space in front of the structure. The restoration and renovation of the house would be visually improved.

There was support for the restoration in keeping with the current architectural style. Attorney Morris stated that while the petitioner would need to return to the HDC to determine what materials would be used, they would be historically accurate. There is a retaining wall on the south facing side of the building that is part of the abutting property.

Ms. Ananth stated that she did not have a landscape plan from the petitioner. Attorney Morris confirmed that it would be produced in advance for the full Council meeting. The Committee also requested that the front stone retaining wall be repaired rather than reconstructed.

Councilor Crossley moved to close the Public Hearing which carried 8-0. Councilor Crossley also moved for approval which carried 7-0-1 with one abstention.

**#97-16 Special Permit Petition for 27 Waverley Avenue**

ALICE SCHAEFER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow an association of persons in a common dwelling where inhabitants will share common living spaces at 27 Waverley Avenue, Ward 1, Newton Corner on land known as SBL 71 36 09 containing approximately 10,480 sq. ft. of land in a district zoned MULTI-RESIDENCE 1. Ref: Sec. 3.4.1, 5.1.4, 5.1.13, 5.1.7.A, 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord., 2015.

***Public Hearing Opened April 12, 2016 and Continued to May 24, 2016.***

**ACTION:** Land Use Committee Held 7-0 (Auchincloss not voting).

**NOTE:** Attorney Mary Elise Connolly appeared on behalf of the petitioner. She confirmed to the Committee the intent of the proposal in creating a new concept of ownership by establishing a co-op living environment at 27 Waverley Avenue. The petitioner is considering a change to the site plan in regard to the driveway. They are considering leaving 3 spots in front where they already exist and 2 additional spots at the end of the driveway. The prior plan proposed making an additional curb cut.

In response to questions from the Committee, Ms. Ananth discussed the requirements for inspections in relation to unconventional housing. The Fire Department would not require inspections in what would be considered single family use. The petitioner stated however that they would be willing to submit to a condition of annual inspection. The Committee has safety concerns and wants to ensure in the event of an emergency; public safety officials would have easy entry into different rooms in the house. The petitioner confirmed that while the front door is locked, no individual doors in the home are.

Some Committee members are in support for the ingenuity of the petitioner in addressing housing concerns in the community. The lifestyle choice has benefits for the residents, community and is environmentally friendly. The Committee does have concerns about how to maintain the nature of the current petitioner's intent.

The Committee remains concerned about the number and makeup of the people living in the household. The petitioner has confirmed that in order to be sustainable as a co-op, they require a minimum of 14 people in the residence. They would prefer to be able to accommodate 16. The petitioner is currently looking for families and people who can grow together as opposed to people who are likely to transition out of the co-op. Ms. Connolly feels that because there is an ownership aspect and a "buy in" associated with the co-op, students will be detracted. She also noted that owner occupancy is an important distinction of an association of persons as opposed to a lodging house where one would typically rent from one owner.

**Tamara Bliss**, 9 Lewis Street, is an advocate for increasing housing options and in support of this petition. Mrs. Bliss noted that medical literature suggests that there are social benefits for the elderly and youth populations when cohabitating.

The Committee considered whether the co-op as a non-profit entity would still pay taxes. Attorney Ouida Young from the Law Department stated that it would be complicated to condition the Special Permit to prohibit the co-op from being tax exempt because although this petitioner is not seeking to be taken off the tax rolls; a future non-profit organization in the residence could qualify and want tax exemption. Attorney Young noted that even if there were no precautions taken from a tax standpoint, the Assessors could still potentially deny or reduce tax exemption if the non-profit is not acting in furthering of the non-profit entity.

After review of the documents of governance submitted by the petitioner, the Committee inquired whether the documents that the co-op uses could be included in the conditions. Attorney Young stated that while concepts can be referenced in the Council order, specific documents should not be because they are drafts. There was some support from the Committee that the Council order reference aspects of the governing documents. Specific concepts the Committee wants to retain include car sharing, intergenerational housing, and ownership components. Attorney Young did note that the special permit could run solely with these inhabitants and revert back to two dwelling units after the legal entity as defined in the special permit no longer inhabit the home.

The Committee felt that the legal aspects of the co-op should be resolved prior to going before the full Council. With that, Councilor Lipof moved to hold the item until May 24, 2016, which carried 7-0.

\*\*\*

**Respectfully submitted,**

**Marc C. Laredo, Chair**