



Land Use Committee Report

City of Newton In City Council

Tuesday, July 12, 2016

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

Also Present: Councilors Albright, Norton, Yates.

City Staff Present: Deputy City Solicitor Ouida Young, Senior Planner Neil Cronin, Associate City Solicitor Bob Waddick.

Planning & Development Board: Barney Heath, Peter Doeringer, Jonathan Yeo.

#219-16 Special Permit Petition to increase FAR at 21 Orient Avenue
LOUISA SYLVIA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to further EXTEND NONCONFORMING FAR by removing an existing porch and constructing a 575 sq. ft. single story garage and mudroom and portico over existing front porch at 21 Orient Avenue, Ward 6, Newton Centre, on land known as SBL 64022 0001, containing approximately 10,018 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 3.1.9, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

ACTION: **Public Hearing Closed; Land Use Approved 5-0 (Cote, Harney, Schwartz not voting)**

NOTE: Mr. Ryan Sylvia presented the petition to add a garage where there is currently none at 21 Orient Avenue. The homeowners hope to add the garage and portico in keeping with the home's style. Planner Neil Cronin reviewed the relief necessary to allow an FAR in excess of what is allowable. The Public Hearing was opened with no comment. Councilor Crossley motioned to close the public hearing which carried 5-0. The Chair noted that Councilor Schwartz is in support of the project. After reviewing the draft Council Order referencing standard special permit conditions, Councilor Crossley's motion for approval carried 5-0.

#180-16 Special Permit Petition to rezone the Orr block to Mixed Use 4
MARK NEWTONVILLE, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL for a change of zone to MIXED USE 4 for a portion of land located at Walnut Street, Washington Street, Washington Terrace, also identified as Lots 10, 11, 12, 13, 14, 16, 19, 20, 21, 22, Block 29, Map 201 currently zoned Business 1 and Business 2.
Public Hearing Opened on June 7, 2016

#179-16 Special Permit Petition for Orr Building at Walnut St. and Washington St.
MARK NEWTONVILLE, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed use, transit oriented development in excess of 20,000 sq. ft. consisting of three interconnected buildings with building heights of 60 feet and five stories, total gross floor area of 238,075 sq. ft., incorporating 171 residential units, approximately 39,745 sq. ft. of commercial space to permit office use, medical use, retail and personal establishment of more than 5,000 sq. ft., eating and drinking establishments of more than 5,000 sq. ft. retail banking and financial services and health club establishments, and approximately 2,030 sq. ft., of office/community

space; 346 on-site parking stalls within a below-grade garage and surface parking, and to allow an FAR of 1.92; waive the setback and façade transparency, waiver of 97 parking stalls and dimensional requirements for parking stalls, interior landscaping, lighting, curbing, wheel stops, guard rails and bollards, waive entrance and end stall maneuvering space requirements, waive number of signs and allow for free-standing signs and loading bay at 241-261 Walnut Street, 845-875 Washington Street, 0-22 Bailey Place, 6-22 Washington Terrace, Ward 2, Newtonville, on land known as SBL 21029 0010, 21029 0011, 21029 0012, 21029 0017, 21029 0016, 21029 0018, 21029 0019, 21029 0019A, 21029 0013, 21029 0014, 21029 0015, 21029 0020, 21029 0021, 21029 0022, 21029 0023, containing approximately 123,956 sq. ft. of land in a district zoned BUSINESS USE 1 and BUSINESS USE 2. Ref:7.3.3, 7.4, 4.2.3, 4.2.5.A.2, 4.2.5.A.4.c, 4.2.5.A.4, 4.2.5.A.6.a, 4.2.5.A.6, 4.2.5.A.6.b, 4.2.5.A.6, 4.4.1, 5.1.4.A, 5.1.4.C, 5.1.4, 5.1.13, 5.1.8.A.2, 5.1.8.B.1, 5.1.8.B.2, 5.1.10.B.3, 5.1.8.B.6, 5.1.9.B, 5.1.10.A.1, 5.1.10.B.5, 5.1.12, 5.2.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Opened on June 7, 2016

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

NOTE: The Chair stated the intention to focus the discussion on the Traffic Impacts and Traffic study analysis by the City's peer reviewer. Peer reviewers are hired by the City at the petitioner's expense. Michael Santos, Transportation Consultant from Howard Stein Hudson presented their findings on the petitioner's plans relating to traffic. Mr. Santos' peer review consisted of site plan review, a review of the traffic study (by VHD traffic consultant), a review of traffic operations at the site and a review of the proposed mitigation. A review of the methodology used by VHD to ensure consistency with state and City requirements confirmed that the work was completed up to the standards that professional traffic engineers use with standard trip generation data.

When reviewing the site, Mr. Santos determined that the proposal for 110 surface spaces and 236 spaces in the subsurface garage in addition to 180 bicycle spaces was adequate based on other developments. The petitioner proposes to have space on site to accommodate deliveries. The consolidation of curb cuts creates space for additional parking where the petitioner proposes to locate two short term spaces for short term deliveries by box trucks. Access to the site will include a driveway on Walnut Street and a shared driveway with the post office on Washington Street. One suggestion by Mr. Santos was that a "Don't Block the Box" sign be painted on the road.

The traffic study and analysis reviewed two intersections located at the site. The intersection of Washington St./Walnut St., and the intersection of Washington St./Lowell St. Mr. Santos noted that appropriate peak hours and seasonal adjustments were made and he did not have safety concerns at either intersection. The analysis included review of the traffic under "no build" and "build" conditions while including the volume of traffic of planned nearby development. When looking at the signalizations at the two intersections, Synchro (traffic simulation software)

incorporates future growth, traffic, capacity and background. Mr. Santos noted that both intersections are currently experiencing congestion.

It was suggested that the proximity to the commuter rail and the express bus lines in the area would be beneficial in transporting commuters into Boston.

Mr. Santos stated that there were questions for the petitioner relating to the accounting for existing trips to the site and their usage of transit share. After updating the figures used, the estimates did not change significantly from the initial study.

The proposed mitigation for the project includes the redesign of the intersection of Washington St./Walnut St., including curb extensions and reducing the pedestrian crossing length. The upgrade also includes new, more efficient, ADA compliant traffic signals and pavement markings. While he felt that this was beneficial, Mr. Santos did recommend that the petitioner and Council consider a more robust Transportation Demand Management Program, an additional south bound lane on Walnut St., on site Zipcar spaces, electric charging stations for cars and transit subsidies for the residents. Another suggestion was the installation of a bike lane on Walnut Street. Mr. Santos also noted that they are still refining the proposed mitigation with the petitioner.

VHD's Transportation consultant for the petitioner, Randy Hart, reviewed traffic highlights of the project. They feel that the consolidation of the curb cuts will provide safety and operational benefits. He stated that the site is walkable, offering residents access to local services and restaurants in addition to accessible transportation.

In response to the peer review, Mr. Hart stated that while they have reached out to Zipcar, the company does not commit until the site is ready. They are still in the process of looking into the option of having Hubway and transit subsidies for residents. Mr. Hart did note that the petitioner has planned include two electric charging stations with the capacity for additional ones as the demand increases. Additionally, the parking spaces will be decoupled from the units. The paint markings on the road as suggested by the peer reviewer have been incorporated and the petitioner is open to a discussion regarding the installation of a bike lane or additional car lane.

After exploring options to fix the commuter rail station in Newtonville, the petitioner determined that the project was cost prohibitive and have redirected their efforts. They understand a need to better integrate the North and South side of the City via the Walnut Street bridge. As the bridge is owned by the Massachusetts Department of Transportation, the petitioner has begun conversations with them to make improvements. A structural evaluation of the bridge revealed heavy, dense sidewalks. Mark Chaviano (Mark Newtonville, LLC partner) provided an overview of changes they are proposing. Because the current bridge is near capacity, they hope to remove the sidewalks and replace them with shallower, lightweight concrete. While being considerate of the capacity, they hope to add artistic details including artwork, landscaping and lighting to make the bridge more inviting and walkable.

Senior Planner Neil Cronin reviewed the proposed changes and noted that the integration of multi modal transit is consistent with the City's Complete Streets policy and helps in encouraging active lifestyles and resident wellbeing. He stated that the curb extensions, added pavement markings, traffic signal upgrades and bridge bicycle line would be benefits. The Planning Department is looking forward to working with the petitioner for a more enhanced TDM program.

After these reviews, Councilors posed questions to the petitioner, peer reviewer, Planning and Law Department for additional consideration and comment.

In response to a question about queuing on Walnut Street, the peer reviewer noted that the proposed second lane should significantly reduce the queues. The change of this lane to a bike lane, would impact that, however. It was requested that the peer reviewer and Planning Department provide data and consider the two proposals and also evaluate the possibility of a true dedicated bike lane. The Committee requested a video simulation of the traffic with the different proposals. Attorney Buchbinder stated that he would investigate this option. Councilors asked that the traffic consultants provide estimates on the traffic if the ratio of residential to medical/office were to change.

It was requested that the traffic consultant provide a review of how they determined the various figures at the site (i.e. Number of Zipcar spaces, number of electric charging station, dimensions for the sidewalks). Councilors also requested more information and specific numbers about the transit subsidies, decoupled parking spaces and the option to have bikes for residents at the site.

Councilors had concerns about left turns onto the site and the backup and delays that could result. There were safety and traffic concerns about the crosswalk at the post office. The peer reviewer recommended that no crosswalk be installed until after other long term improvements are in place. The Planning and Development Board asked how traffic would be impacted by the Austin Street development. Mr. Hart noted that the impact would be minimal. Councilors questioned how the additional stress on traffic during peak times would impact other hours. Mr. Hart stated that they could provide estimates. It was also requested that the traffic consultant and peer reviewer focus on the north bound traffic on Walnut Street as well.

Relating to the bridge, Councilors had concerns about the line of sight and asked that the petitioner and Planning Department review the safety on the bridge. It was requested that visuals of similarly designed bridges be provided. The option of having space for kiosks on the bridge was also discussed. Because the bridge would be narrower, there was a question on how this would impact traffic. The petitioner is confident that the signalization would help in the mitigation of queues resulting in a reduction of bridge traffic.

In the garage on site, the spaces will be 9' x 18' which is slightly shorter than standard. Councilors requested that Planning provide an analysis on the turning radius and maneuverability

in the garage. Councilors felt that all loading and unloading should be done on site. There was a question regarding the availability of the “unloading parking spaces” for visitors to the site.

Because the commuter rail station is in bad condition, Councilors requested that a collaboration begin to take steps towards funding the repair and better access to the train.

The grant for the Washington corridor was given based on the lack of safety and accident rate in the area. It was requested that the peer reviewer look at the site to reevaluate this issue.

Councilors complimented the petitioner’s willingness and effort in collaborating with the City and the Planning Department. They were happy to see the petitioner’s genuine interest and vision for the future.

The Public Hearing was opened.

After a motion from Peter Doeringer, the Planning and Development Board voted to continue their Public hearing until the following hearing.

The owner of Karoun’s Restaurant, 839 Washington Street, noted that the buildings are tired. He supports the new development because of the coherence it will bring to the neighborhood.

Robert Smith, 40 Foster Street, has concerns about the size of the building and the traffic impacts. Would like to know what the traffic impacts would be if built as right.

Joy Huber, 27 Whitney Street, noted that traffic is already bad in the area. She added that the train service and accessibility is very limited.

Tom Kraus, 480 Walnut Street, noted that the divide of the City was due to the pike coming through. He is happy to see that the petitioner is willing to collaborate to meet community needs. He is supportive of a bicycle lane in lieu of a third traffic lane over the bridge. He does feel that the new developments in the area should collaborate to create a common theme and coordinate their efforts.

Alison Conant, 68 Brookside Avenue, noted that the walk over the bridge is not a pleasant one and cannot be made to be walkable.

Neighbors for a Better Newtonville is a group that has formed to try to influence the Council to have the petitioner build the project by right. The group speaks on behalf of a number of abutters in order to have an organized presentation. Their comments follow.

Fred Arnstein, 7 Briar Lane, has concerns about gentrification and urbanization in the neighborhood.

Ron Mauri, 35 Bradford Road, feels that the improvements that are proposed can be done independent of the project. He also suggested that the traffic studies do not accurately reflect the traffic impact and level of service.

Peter Bruce, 11 Claflin Place, feels that parking waivers do not seem appropriate where there is already near capacity. He thinks that the combination of the coming developments will be a major detriment in the neighborhood.

Kathleen Kouril Grieser, 258 Mill Street, noted that as residential density increases, there is a greater fiscal loss. She suggested that additional housing is not what Newton needs and that it needs more affordable housing. She has concerns about the stress on the City's resources including first responders and schools and corresponding tax impacts.

Gerald Slattery, 227 Walnut Street, requested that a do not block in front of his driveway. Mr. Slattery has concerns about the size of the development. He also has concerns that the construction could have real damage to the historic homes in the area. He does not feel that the neighborhood can accommodate the additional people.

Pamela Geib, 7 Briar Lane, noted that with true Transit Orient developments, the focus is on transportation and not on development. She stated that a fully functional train station is essential for a transit oriented development. She noted that there are major service gaps for the Newtonville station.

Peter Harrington, 157 Lowell Avenue, stated that when purchasing a home, the neighborhood is an important part of the decision making process. He feels that homeowners' quality of life and investments should have protection. Mr. Harrington feels that the commercial impact will be very detrimental for existing local businesses.

With no additional public comment, the Chair announced that the public hearing would be continued to September 13, 2016.

Respectfully submitted,

Marc C. Laredo, Chair



Washington Place
Washington Street @ Walnut Street, Newton, MA
05/05/2016

PCA
PRELWITZ CHILINSKI ASSOCIATES
Architecture Planning Interiors



A VILLAGE FRIENDLY PROJECT

Washington Place
Washington Street @ Walnut Street, Newton, MA
RENDERING

Revised and modified from a rendering of Washington Place by Prelwitz Chilinski Associates, dated 05-05-2016

Docket # 179-16 & #180-16 ~ PROJECT STUDY

Land comprising the project	Zone	land area Business Use 1	land area Business Use 2
241 Walnut St	BU 2		7,794 sq. ft.
245-261 Walnut St	BU 1	12,788 sq. ft.	
14-18 Bailey Place	BU 2		9,457 sq. ft.
22 Bailey Place	BU 2		6,914 sq. ft.
861-865 Washington St	BU 2		17,072 sq. ft.
869 Washington St	BU 1	<u>19,971 sq. ft.</u>	
Total Project Land Area		32,759 sq. ft.	<u>41,237 sq. ft.</u>

Total building square footage allowed by right [FAR =1] 73,996 sq. ft.

Business 1 Zone Special Permit 36 foot height limit, 3 stories FAR 1.5
 Business 2 Zone Special Permit 48 foot height limit, 4 stories FAR 2.0

BU 1 Square Footage (est.) 16,380 sq. ft. Commercial, 32,750 sq. ft. Residential
BU 2 Square Footage (est.) 20,365 sq. ft. Commercial, 61,100 sq. ft. Residential
 36,745 sq. ft. Commercial, 93,850 sq. ft. Residential

Building square footage allowed in Business Use 1 under a Special Permit 49,139 sq. ft.
 Building square footage allowed in Business Use 2 under a Special Permit 81,474 sq. ft.
 130,613 sq ft.

MU 4 Zone building square footage allowed by right [FAR =1.5] 109,494 sq. ft.,

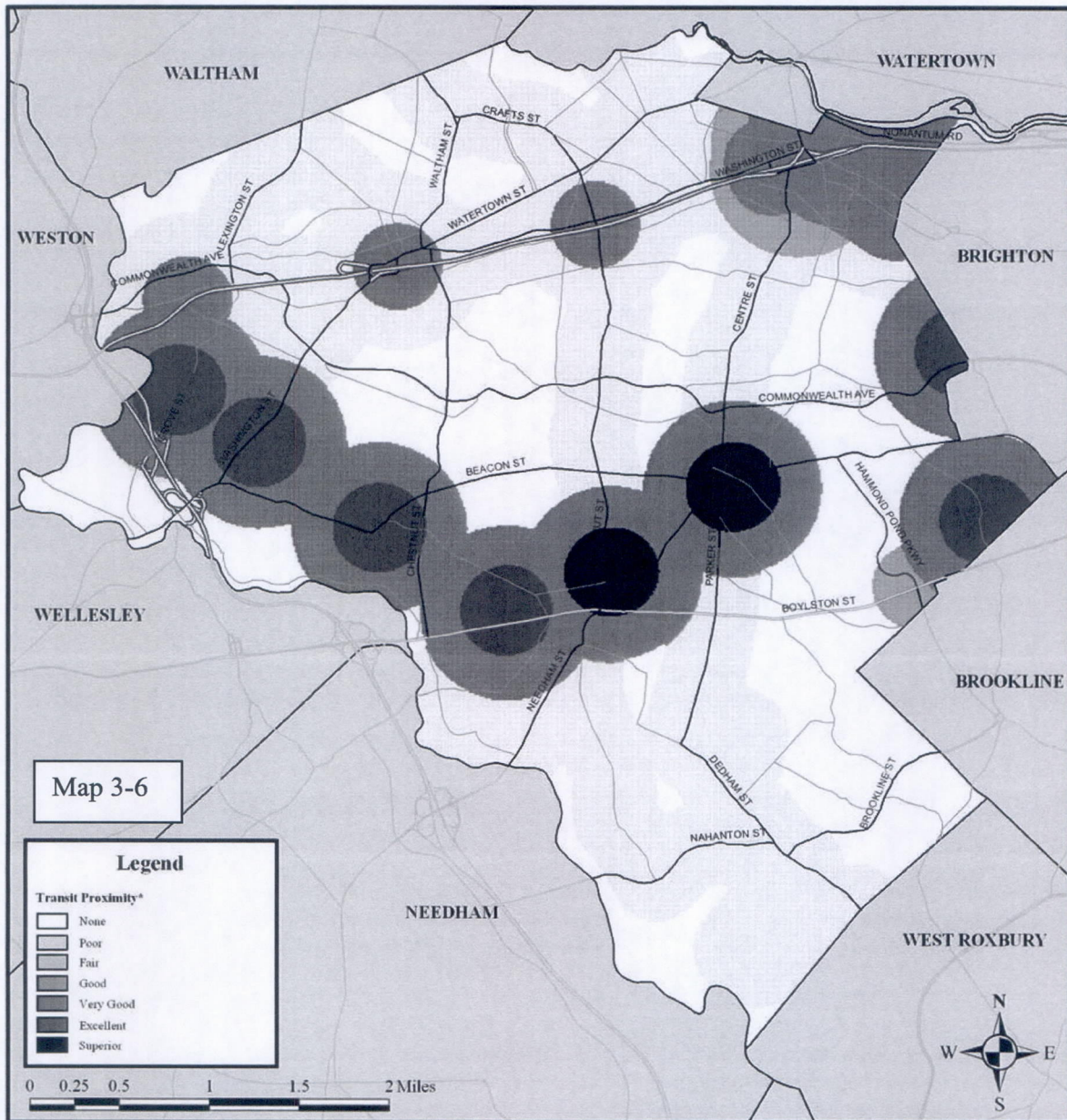
Project Proposed Building sq. ft. under a MU 4 Special Permit is 5 stories 238,075 sq. ft.
 39,745 sq. ft. Commercial, 196,300 sq. ft. Residential

The as of right difference in the proposed MU 4 District vs the Business Use Districts is approximately 35,498 sq. ft. [109,494 sq. ft. minus 73,996 sq. ft.] of building space or 35 apartments or 5 affordable units, 1 of which will be applied to our 800 unit shortfall. The dispute is how many more units should be allowed under a special permit? Do we need a zone change? After all the PR hype, what will be the impact on the village and on the abutting neighborhood?

With some innovative design or waiver of the requirement of all first floor commercial, the number of apartments could be increased to acceptable levels and the commercial space cut back to reduce the risk to the Developer.

The argument that old photographs show 4 & 5 story buildings leaves out the information that they were not flat roofed, there was significantly less traffic and there was a large, wide swath of street and railroad line instead of the existing traffic heavy Washington Street corridor and its intersection with the Walnut Street north-south artery.

Peter F. Harrington



Transit Proximity Newton, MA

SOURCE: City of Newton GIS

***Legend Description**

Note = Minimal proximity to transit
 Poor = "Other" bus route (1/4 mi), Bus routes 57, 60, 501, 502 or 504 (1/2 mi), Commuter Rail stop (1/2 mi)
 Fair = Bus route 60 (1/4 mi), Express bus stop with connections (1/2 mi)
 Good = Bus routes 57, 501, 502 or 504 (1/4 mi), Commuter Rail stop (1/4 mi), Green Line stop (1/2 mi)
 Very Good = Express bus stop with connections (1/4 mi), Green Line stop with bus connections (1/2 mi)
 Excellent = Green Line stop (1/4 mi)
 Superior = Green Line stop with bus connections (1/4 mi)



MAP DATE: November 18, 2005
 COMPREHENSIVE PLANNING ADVISORY COMMITTEE
 City of Newton, Massachusetts, Mayor - David B. Cohen

EXCERPTS FROM NEWTON ORDINANCE CHAPTER 30 – ZONING CODE

30-4.2.1.C. One of the purposes of a Mixed Use 4 District is to allow the development of buildings and uses appropriate to Newton's village commercial centers and aligned with the vision of the City's Comprehensive Plan.

30-4.2.2.A.2. MU4 residential density 1,000 sq ft per dwelling unit. As I understand the math, the site is approximately 74,000 sq. ft. If we subtract 39,500 sq ft for the commercial use, we are left with 34,500 sq. ft. to be applied to residential use. This would allow 34 or 35 units. The developer has asked for 171 units. That is 136 extra units.

30-4.2.5.A.4. The Board of Aldermen may grant a special permit to waive the following setback requirements by finding the proposed plan can better protect the surrounding community from shadows and blocked views, support pedestrian vitality, and encourage the purposes of this district than strict compliance with the following standards:

30-4.2.5.A.4.c. Any portion of a building greater than 40 feet in height must be setback 1 foot from the adjacent lot line for each additional foot of height.

30-4.2.3 FAR

2 stories	= 1.0
3 stories	= 1.5
4 stories	= 2.0 (not allowed)
5 stories	= 2.5

Special Permit Requirements:

30-7.3.1.B. The applicant shall also submit a 3D computer generated model, including such details as necessary to show the relationship of the project to its surroundings.

30-7.3.1.B.1.b. For a proposed development containing a gross floor area in excess of 100,000 square feet, the model shall show the proposed development and all properties within 1,000 feet of the lot line of the proposed development or all abutting properties and abutters to such abutting properties, whichever is greater.

30-7.3.3.B. The Board of Aldermen may grant a special permit when, in its judgment, the public convenience and welfare will be served, and subject to such conditions, safeguards and limitations as it may impose.

30-7.3.3.C. The Board of Aldermen shall not approve any application for a special permit unless it finds, in its judgment, that the use of the site will be in harmony with the conditions, safeguards and limitations of this Sec. 7.3, and that the application meets all the following criteria:

1. The specific site is an appropriate location for such use, structure;
2. The use as developed and operated will not adversely affect the neighborhood;
3. There will be no nuisance or serious hazard to vehicles or pedestrians;
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved; and

...