



Land Use Committee Report

City of Newton In City Council

Thursday, October 6, 2016

Present: Councilors Laredo, Schwartz, Crossley, Lennon, Cote, Auchincloss; also present; Councilors Albright, Yates, Norton, Baker; absent; Councilors Lipof, Harney.

City Staff: Associate City Solicitor Robert Waddick, Chief Planner Alexandra Ananth

Planning and Development Department Board: Director of Planning and Development Barney Heath, Peter Doeringer.

Request for a Consistency Ruling relative to 360 Ward Street for modifications to the garage

In April 2016 the Land Use Committee approved the nonconforming use with respect to setback for a garage. The petitioner now seeks to revise the plans from constructing a two car garage to a one car garage. They will have one exterior parking stall with the reduction. As they are requesting less relief than initially approved, the Planning Department did not have any concerns. It was confirmed that the additional basement space would not be turned into living space but the petitioner would do less excavation. The Committee felt that the plans were consistent with the original proposal.

#180-16 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 and continued to July 12, September 13 and October 6, 2016.

Action: Land Use Held 7-0.

#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 and continued to July 12, September 13 and October 6, 2016.

Action: **Land Use Held 7-0.**

Note: In April 2016 the Land Use Committee approved the non conforming use with respect to setback for a garage. The petitioner now seeks to revise the plans from constructing a two car garage to a one car garage. They will have one exterior parking stall with the reduction. As they are requesting less relief than initially approved, the Planning Department did not have any concerns. It was confirmed that the additional basement space would not be turned into living space but the petitioner would do less excavation. The Committee felt that the plans were consistent with the original proposal.

Attorney Buchbinder introduced the petition and the intent to focus the evening's presentation on major changes to the development. He noted that the video traffic simulation was being coordinated with the Planning Department. The showings for the traffic simulation have since been scheduled for October 17, 2016 at 7:00 PM and November 1, 2016 at 6:15 PM, at City Hall. Attorney Buchbinder summarized that the design changes would include reduction to the massing of the buildings, increases in sidewalk width, the inclusion of two bike lanes over the bridge, additional landscaping and green space in the parking lot and roof, the formal incorporation of 3-bedroom units.

Landscape Architect for the petitioner, Shawna Gillis Smith reviewed and demonstrated on the presentation changes to the massing of the buildings. The west most building has shifted to the west approximately 6 feet and the east building has been shifted approximately 11-15 feet to the west. These shifts allow for increased sidewalk and bump out widths. Ms. Gillis Smith noted that trees have been added to the parking lot and a "pedestrian connection" has been added to connect the plaza to the sidewalk.

David Solinsky, noted that with the creation of a pedestrian connection the elevator can be relocated to an alternate location with better access to the community space. He explained that in addition to the shifting of the buildings, the buildings have been sculpted to appear further set back on the property. He noted that the petitioner's intent is to incorporate brick masonry and townhouse elements. An added canopy over the larger sidewalk will help to enhance the 22' public sidewalk area and the ability to use the sidewalk for street front cafes and pedestrians. Mr. Solinsky showed proposed changes on photos which are available online.

Traffic Consultant Randy Hart reviewed traffic improvements. One major inclusion is the two additional bike lanes. Also included in the proposal is the addition of a South bound lane on Walnut Street, a left turn pocket to allow vehicles to take a left into the property. The petitioner also has decreased the crosswalk distance by increasing the bump outs and include stamped asphalt to make the intersections more appealing to pedestrians. A "do not block" has been extended from the in front of the driveway to include the neighbor directly to the North.

Damien Chaviano, principal of Mark Newtonville, presented design changes made in an effort to incorporate feedback from Councilors and from the public. The relocation of two units at the backside of the site on the Walnut Street Northeast corner will help in reducing the perceived height on the building. The petitioner has proposed an alternative option to reduce the height from 5 to 4 stories on Washington Terrace, reducing the setback from 90' to 45' and add 4000 sq. ft. on Washington Terrace to further activate the street. By dropping the height to four stories, the new proposal would be 7' higher than what currently exists. The Chair confirmed that the reduction in height would not be everywhere. The petitioner feels that the project offers a number of community benefits including: the increase of affordable housing units to 25% of the development (inclusive of 10% for people at 80%-120% of AMI), 17,000 sq. ft. of additional public space, a net fiscal benefit of \$200,000, a community room connecting Walnut Street to the interior of the development, significant traffic improvements, lead silver certifiable development, T pass subsidies for future tenants, at least 2 zip cars, the decoupling of parking spaces and a bike repair service on site.

In an effort to activate Washington Terrace additionally, the petitioner hopes to turn the corner lot into a "pocket park", offering a test kitchen to host local chefs, table seating and an inviting picnic area for the public.

The petitioner read excerpts of a letter (available online) from Cindy & Joe Carrigan, owners of the Shoe Barn and available online demonstrating that there is community support from small business owners.

The Planning Department did not have commentary for the meeting. In an effort to hear all members of the public wishing to speak earlier in the evening, the Chair invited members of the public to speak and noted that Councilors would have commentary at the close of the evening.

In an effort to allow groups of the public to craft organized statements and presentations about special permit petitions, the Land Use Committee is allowing organized groups to show

presentations for periods of time up to 45 minutes. All audio, presentations and submitted materials can be found on the City's website at the following link:

http://www.newtonma.gov/gov/aldermen/special_permits/special_permits_2016.asp

Sonia Parisca, 185 Franklin Street, is in support of the project. She feels that it is attractive and vibrant with well defined public spaces including hidden parking spaces. She thinks the development will bring positive economic growth and affordable housing options.

Arlene Herstenblatt, 233 Needham Street, feels that more commercial space will benefit the City and Washington Place will be more aesthetically pleasing.

Stephanie DeSantis, 68 Carrigan Road, Watertown, grew up in the City and can no longer afford to live in the City. She feels that the project will allow additional affordable housing options.

Steven Silverman, 393 Fuller Street, noted that there is currently limited visual appeal on Washington Street and the development would be a major improvement.

Helen Rittenberg, 497 Chestnut Street, is the owner of bike Newton. She is in support of the project and feels that it will allow for more function and safer non car connections.

Alice Denn, 16 Chesley Avenue, feels that the block needs refreshing but does not agree with rezoning of the property. She thinks that the mass of the building is too much and has concerns about the capacity limits of the bridge. She thinks approval of the project will set a bad precedent.

David Brezniak, 43 Drumlin Road feels that Newton is a forward thinking City and he thinks that the project is beautifully designed.

Margaret Ward, 957 Washington Street, feels that zoning provides assurances to prospective property owners. She feels that the space should be reserved for projects that fully benefit the community and not the petitioner. She urged the Committee to protect the investments of the homeowners.

John Cote, 438 Winchester Street, noted that Newton is not a high rise City. He stated that a three-story building is standard and urged Councilors to keep current zoning.

Anna Annis, 401 Albermarle Road, thinks that the project is too massive and that a 3-story building would fit better in the neighborhood.

Paul, 825 Washington Street, is the owner of Cook. He feels that the project will generate activity and be good for business. He is in support of the project.

Lois Levin, 497 Chesnut Street, speaking on behalf of Green Newton; in support of smart growth and energy. Wonders if the development can incorporate solar panels.

Bob Jampol, 17 Upland Avenue, feels that people need cars in the neighborhood and the City should be cautious about limiting the options for car owners.

David Lank, 95 Countryside Road, supports the project and thinks that the neighborhood is underutilized. He thinks that the developers experience is noteworthy and that traffic will get worse without a solution.

Kathleen Kouril Grieser, 258 Mill Street, thinks that the development is too massive and that the benefits do not justify a zoning change. She is opposed to the development and does not think that the number of net affordable housing units is enough.

Robert Smith, 40 Foster Street, is an abutter to the property. He feels that the development is out of character and an inappropriate location next to the Historic District.

Anusha, 1197 Boylston Street, Boston, has been priced out of Newton. She would like to be able to move back to the City and utilize the public space proposed.

Roy Olesky, 124 Dickerman Road, thinks that 5 stories will be too high and 3 stories are more appropriate for Newton. He thinks that the projection for students is low.

Gerard Slattery, 221-227 Walnut Street, remains opposed to the project and thinks that the petitioner could profit within current zoning limitations. He has concerns about the parking limitations and the statements that have implied that the MBTA service is adequate.

Former Alderman Marcia Johnson and Former Planning and Development Director Candace Havens, gave a presentation reviewing the appropriateness of the proposal in relation to the definition of a mixed use development in addition to reviewing the assets of the project as they relate to the City's Comprehensive Plan. This presentation is available online. Background information was reviewed and demonstrated that the building landscape has changed over time.

Susan Riser, 11 Claflin Place, noted that there are 2600 signatures on the petition opposed to the development organized by Neighbors for a Better Newtonville at this time. She noted that the signees are compiled of people from diverse backgrounds.

Adel Foz, 16 Page Road, noted that the data relating to the traffic study has been misrepresented and that the public transit options in the area are inadequate. Mr. Foz suggested that an additional traffic study is necessary to get an accurate picture of the projected traffic.

Peter Harrington, 157 Lowell Street, resubmitted information that suggests that there are discrepancies in filing and there may be existing legal issues with the petition. He does not feel that the development is truly transit oriented and is not in support of the project.

Elizabeth Falxa, 12 Chesley Avenue, feels that the Council should deny rezoning of the property and is opposed to the development. She is disappointed to see a limited reduction in height of the building and limited commercial space.

Pam Shufro, 20 Blithedale Street, requested information about the rates of the proposed housing units.

Seeing no additional comment, the Chair announced that there would be additional time for public comment at the continued public hearing scheduled for November 1, 2016 and also encouraged the submission of written materials.

Councilors were appreciative of the format and the thoughtful presentations and noted that the Committee members carefully consider public commentary. Councilors requested that the City's Law Department investigate the claims relating to the discrepancies in the filing and noticing of the special permit application.

Councilors were pleased with the concept of the pocket park and the petitioner's response to feedback but placed emphasis on the need for more defined plans. The petitioner confirmed that the pocket park would be owned by the developer but open to the public. Councilors feel that the petitioner still needs to identify how they are meeting the fifth criteria for special permits (the significant contributions to efficient use and conservation of natural resources and energy).

Councilors requested that the Planning Department review the implications that the traffic study is inadequate and compare an analysis of MU3 and MU4 districts. Councilors requested that the option of a dedicated bike lane be reviewed as the current proposal includes marked lanes.

In response to a question about market rates of the proposed units, the petitioner stated that the studio units will be \$1800/month and 2-bedroom units will cost around \$3300/month. The petitioner was not willing to reduce the amount of space in the units in order to reduce the cost of rent.

Director of Planning and Development Peter Doeringer, requested that the petitioner supply information to the Planning and Development Board as it can be helpful information to have in advance of the meeting. Additionally, the Chair of the Land Use Committee requested that new plans be delivered at least ten days in advance of the meeting so that the Committee and City staff are given adequate time to review them.

Respectfully submitted,

Marc C. Laredo, Chair