



Land Use Committee Report

City of Newton

In City Council

December 6, 2016

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

Also present: Councilors Baker, Fuller, Brousal-Glaser.

City Staff Present: Associate City Solicitor Robert Waddick, Senior Planner Neil Cronin.

#147-15(2) Request for an Extension of Time to exercise Special Permit #147-15

BSL NEWTON DEVELOPMENT LLC request for an EXTENSION of TIME in which to EXERCISE special permit #147-15, granted on December 8, 2015 to rehabilitate Farwell Hall, construct an addition and grant a parking waiver and associated relief from parking lot requirements at 157 Herrick Road, Ward 6, Newton Centre, said EXTENSION will run from December 8, 2016 to December 8, 2017. Ref: 7.4.5.D, of the City of Newton Rev Zoning Ord, 2015.

Action: **Land Use Approved 4-0. (Lennon, Schwartz, Harney not voting)**

Note: Attorney Alan Schlesinger presented the request for an extension of time for Special Permit #147-15. Atty. Schlesinger stated that due to uncertainties about plans for the rest of the campus, the bidding process took longer than anticipated. As a result, exercising of the special permit was delayed. The petitioner hopes with an extension of time construction can begin in Summer 2017. Councilor Cote motioned to approve the item which carried 4-0.

#261-16(2) Special Permit Petition to allow site and building improvements at "The Street"

CHESTNUT HILL SHOPPING CENTER LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to ALTER A NONCONFORMING STRUCTURE to construct new buildings to allow for existing and new commercial uses including banking, office, medical office, theatre, health club, retail, restaurant and parking, to allow buildings in excess of 20,000 sq. ft., allow a building up to 60' in height, site plan review for buildings within 300' of a great pond, allow parking within a setback, extend Farmers Market special permit 230-14, update signage special permit 417-12, allow some parking stalls on portions of the site to be reduced size and in garage to be reduced stall depth, allow reduced parking facility lighting and grant exceptions for parking stall size and interior landscaping requirements at 1-55 Boylston Street, Ward 7, Chestnut Hill, on land known as SBL 63037 0025, 63037 0026, containing approximately 859,444 sq. ft. in a district zoned BUSINESS USE 4. Ref. 7.3.3, 7.4, 4.1.2.B.1, 4.1.2.B.2, 4.1.2.B.3, 5.6, 5.1.8, 5.1.13, 6.4.22, 5.8.2.C, 5.1.8.B, 5.1.10.A of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

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

Note: The Chair introduced the item and noted that a Site Visit was held on December 2, 2016 to review the proposed location for improvements at The Street. Due to feedback from Council

members, the petitioner has chosen to focus on presenting the plans for 55 Boylston Street where the Showcase Superluxe is located and wait to move forward with plans for 27 Boylston Street where the Container Store is located in addition to the proposed buildings next to Hammond Pond. Associate City Solicitor Robert Waddick noted that it might not be appropriate to separate the item in two pieces without withdrawing and refiling the portions at 27 Boylston Street and the pond buildings.

Attorney Frank Stearns representing the Chestnut Hill Shopping center provided an overview of the petitioner's efforts made since the September 20, 2016 initial public hearing. The petitioner has met several times with representatives from the Chestnut Hill Association, and the Planning Department and have revised plans according to Conservation Commission feedback.

The petitioner hopes to move forward with the infill construction at 55 Boylston Street and separate the improvements related to 27 Boylston Street and the pond buildings. This will allow for the relocation of Legal Seafood and the Container Store expeditiously. The petitioner hopes to incorporate pond building and 27 Boylston Street feedback and return to the Committee in 2017.

Richard Aspen, Director of Planning and Design for WS Development planned and designed the physical aspects of The Street. In response to a question at the site visit about why the buildings are situated in the way that they are, Mr. Aspen noted that the site was inherited from a different generation, when there was less emphasis on driving. Only in the 1950s did the site become more occupied by cars. The petitioner intends to make The Street a walkable, village type setting; encouraging visitors to view it as more than a one stop destination. The plan is to create a seamless and enjoyable pedestrian experience.

In 2008 the petitioner made renovations to 1 Boylston Street (Star Market). The petitioner hopes to use the pond as an amenity for pedestrians and visitors at the site. Mr. Aspen demonstrated proposed changes on the site on the site plan. Legal Seafood will be relocated to the second floor at 55 Boylston Street. Over the past several years, the petitioner has been working to enhance walkability by improving building facades, creating a passageway linking 55 Boylston to 49 & 33 Boylston (the Mews). Although there is space between 33 and 27 Boylston Street, it is parking/driving space and not walkable or safe. The petitioner has observed unsafe car circulation and speeding. The building Commissioner has also encouraged rectifying these unsafe conditions. The changes at 27 Boylston Street include redistribution of the square footage to a rear structure and two new buildings adjacent to the pond.

The petitioner proposes to change the space between 33 Boylston Street and 27 Boylston to a passageway similar to the Mews. The Southwest Corner of 55 Boylston Street will be improved with additional glazed storefront where currently there is a driveway. This infill will help with continuity and will allow for additional retail space. The Northeast corner of 55 Boylston Street will be infilled and will have a two-story bump out. Legal Seafood will relocate to the second floor where they hope to locate an outdoor patio. Legal Seafood still intends to have the market included at the site. The addition will be composed of primarily glass and the second floor patio will have a trellis covering. The second floor patio also has an egress staircase on the north edge of the addition. Mr. Aspen noted that with the exception of the second floor egress staircase, the addition does not extend further north

than the existing structure, but will extend further east. Mr. Aspen estimated that the seating area on the patio would be approximately 12'x12'. Councilors requested that the petitioner and Planning Department provide information relating to potential light and noise impacts on abutters from the second floor restaurant patio.

Councilors acknowledged that while the additional FAR is de minimus, the site and increased use will generate additional activity. In combination with the reductions in driving space, Councilors requested that the petitioner and Planning Department evaluate traffic impacts. Councilors noted concerns about the existing and proposed reorientation of the driving spaces at the site. The petitioner noted that the space would be more defined and clearer and that they have been experimenting with speed bumps. A Councilor suggested that the reduction in driving space could further impact traffic constraints at the site. Councilors additionally requested that the designated employee parking lot be reevaluated and that the petitioner provide information on how delivery vehicles might impact traffic circulation at the site.

Because there is significant concern regarding the pond buildings, Councilors asked why the petitioner chose to redistribute the massing across the site as opposed to adding to the height of the existing structure at 27 Boylston Street. The petitioner noted that first floor retail is challenging to maintain and can be unsuccessful. Additionally, the petitioner does not intend to locate office space at the site. A Committee member noted that the addition at 55 Boylston may impact the view of the pond for pedestrians from the Mews. Mr. Aspen noted that the view would be minimally blocked. Councilors requested that the petitioner provide information on the current and future impacts on the pond with the proposed structures. The petitioner confirmed that the Conservation Commission has created a chart that demonstrates the impacts. A Councilor noted that the Conservation Commission is still reviewing impacts of the project on the pond.

Committee members requested additional information about the proactive measures that the petitioner intends to take regarding the wetlands and pond edge. Ms. Katie Weatherbee representing the petitioner stated that the Conservation Commission has been providing ongoing feedback related to the wetlands and pond edge. Ms. Weatherbee noted that they have proposed to reconstruct three rain gardens to help naturally infiltrate, north of 55 Boylston Street. The reduction in stall depth is due to locating several parking stalls as far south as possible. Ms. Weatherbee noted that while some trees will be planted, primarily shrubs and bushes will be added.

Councilors were generally supportive of the plans and agreed that the project was well designed and high quality. Committee members were pleased that the plans would increase the commercial tax base. A Committee member noted that while the pond is an amenity, currently it is adjacent to a parking lot at the site.

The Public Hearing was opened.

Mary McElroy, 10 Hammond Pond Parkway, has concerns about the traffic impacts by expanding the retail in 27 Boylston Street.

John Wyman, 47 Old Orchard Road, noted that the pond buildings are on the edge of the Historic District. Mr. Wyman believes that the creation of the pond building will have immediate impacts on the openness of the site and pond.

Jane Fulkerson, 51 Middlesex Road, has concerns that the locating of retail at the pond will make the pond essentially a privatized amenity.

David Frieze, 25 North Hill Road, has concerns about the pond buildings. He noted that the petitioner has been responsive to his concerns.

Councilor Cote motioned to hold the item which carried 7-0 with the item to be taken up on January 10, 2017.

#342-16 Special Permit Petition to allow self-storage and retail space at 143 Rumford Avenue
SSG DEVELOPMENT, LLC. petition to construct a three-story, 79,746 square foot self-storage facility with a height of 36 feet, increasing the FAR to 1.35 where 1.5 is the maximum allowed by right as well as a waiver of 32 parking stalls and waivers of other parking requirements at 143 Rumford Avenue (211R Lexington Street), Ward 4, Auburndale, on land known as SBL 41031 0006, containing approximately 100,186 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4, 4.1.2.B.3, 4.1.3, 5.1.4, 5.1.13, 5.1.9.A.1, 5.1.10.A, 4.3.1.B.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.
Public Hearing Closed; Land Use Approved 7-0 Subject to Second Call.

Note: Attorney Terrence Morris presented the request on behalf of SSG Development to locate a self-storage facility at 143 Rumford Avenue. Attorney Morris noted that the site is currently underutilized and the petitioner only seeks to cover 45% of the lot. He stated that because the storage facility would be located in a bowl, the perceived height would be lessened.

Mr. Cronin reviewed the requested relief to allow a building with 3 stories, 36' in height, with an FAR of 1.35, a building greater than 20,000 sq. ft., relief to waive landscaping screening, lighting requirements and 36 parking stalls. Mr. Cronin noted the petitioner has also proposed a one story office or retail use structure on the site. The petitioner has provided 18 parking spaces so the office/retail would be by right.

The Public Hearing was opened.

Sam Picariello, believes that the proposed storage facility will be beneficial for taxes. Mr. Picariello noted that there will be no traffic impacts and that the City currently has tremendous demand for storage. He also believes that the storage facility will be an improvement to the site.

Ginny Gardener, Williams Street, noted that the petitioner has agreed to work with her to tweak landscaping plans. They hope to restore some plantings at the site.

It was confirmed that the proposed landscaping should offset the parking stall visibility. Councilors felt that more details were required for the landscaping, particularly as that was the only neighborhood concern. Mr. Cronin noted that Planning would collaborate with the petitioner to work on the landscaping. Committee members noted that there may be some encroachment of City property on the site and Mr. Cronin confirmed that he would clarify with Department of Public Works.

Dave Williams, SSG Development, stated that he believes the second proposed structure will be used for medical office space. As Extra Space Storage will be managing the facility, Mr. Williams confirmed that he would relay a Committee member's request to consider solar panels on the facility's rooftop. Mr. Williams confirmed that there is adequate space for multiple trucks to load at the site simultaneously and that the 12 parking stalls should be adequate for their traffic. He noted that there is space to the rear of the lot to allow for additional parking if necessary.

With no additional Comment Councilor Harney motioned to close the public hearing which closed 7-0. Committee members reviewed the Council Order and requested that changes be made to include; a note that the abutting property is the City owned recycling center, that the parking stalls are adequate for the intensity of use of a storage facility, the increased open space due to reduced parking, the hours of operation for office and gates, a final site plan for Planning review and a provision for landscape maintenance. Generally, Committee members requested that Council Orders reflect how the fifth criteria for special permits are being met.

With Councilor Harney's motion to approve the item subject to second call to allow for a review of the Council Order, the Committee voted 7-0 in favor of the item. The Committee adjourned at 9:45 pm.

Respectfully submitted,

Marc C. Laredo, Chair