



## Land Use Committee Report

### City of Newton

### In City Council

**Thursday, December 15, 2016**

Present: Councilors Laredo (Chair), Schwartz, Harney, Cote; absent: Councilors: Crossley, Lennon, Lipof, Auchincloss; also present: Councilors Fuller, Albright, Norton.

City Staff Present: Chief Planner Alexandra Ananth, Deputy City Solicitor Ouida Young, Associate City Solicitor Bob Waddick

**#180-16 (2)** MARK NEWTONVILLE, LLC petition for a change of zone to Mixed Use 4 for land located at 22 Washington Terrace, 16-18 Washington Terrace, 10-12 Washington Terrace, 6-8 Washington Terrace, 875 Washington Street, 869 Washington Street, 867 Washington Street, 861-865 Washington Street, 857-859 Washington Street, 845-855 Washington Street, 245-261 Walnut Street (a/k/a 835-843 Washington Street), 241 Walnut Street, 22 Bailey Place, 14-18 Bailey Place, and an unnumbered lot on Bailey Place, also identified as Section 21, Block 29, Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 19A, 20, 21, 22, and 23, Ward 2, currently zoned Business 1, Business 2, and Public Use, further described as follows:

Beginning at a point on the northerly line of Washington Street, running thence;

Along the northerly line of Washington Street, south 89 degrees - 04 minutes - 40 seconds west, a distance of 433.14 feet to a point; thence

Along the easterly line of Washington Terrace north 02 degrees - 03 minutes - 34 seconds west, a distance of 278.34 feet to a point, thence, the following four (4) courses along the existing zone lines of MR-1 and MR-3:

North 86 degrees - 11 minutes - 41 seconds west, a distance of 15.07 feet to a point; thence

North 01 degrees - 52 minutes - 35 seconds west, a distance of 3.01 feet to a point; thence

South 86 degrees - 11 minutes - 41 seconds east, a distance of 85.43 feet to a point; thence

North 88 degrees - 31 minutes - 34 seconds east, a distance of 370.56 feet to a point on the westerly line of Walnut Street; thence

Along the westerly line of Walnut Street, south 04 degrees - 12 minutes - 48 seconds east, a distance of 261.82 feet to a point of curvature; thence

Along a curve to the right having a radius of 17.00 feet, a central angle of 93 degrees - 17 minutes - 28 seconds, an arc length of 27.68 feet, a chord bearing of south 42 degrees - 25 minutes - 56 seconds west, a chord length of 24.72 feet to the point and place of beginning.

Containing 123,765 square feet, or 2.84 acres, more or less.

**#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, October 6, 2016, November 1, 2016, November 29, 2016 and December 15, 2016.**

**Land Use Held 4-0.**

**Note:** The Chair read the item into the record and began the meeting with public comment from those who were unable to speak on November 29, 2016. All audio, presentations and submitted materials from the petitioner and public can be found on the City's website at the following link: [http://www.newtonma.gov/gov/aldermen/special\\_permits/special\\_permits\\_2016.asp](http://www.newtonma.gov/gov/aldermen/special_permits/special_permits_2016.asp)

### **Public Comment**

Fred Arnstein, 7 Briar Lane, President of Neighbors for a Better Newtonville, noted that the City's political climate is changing and suggested that considerations to rezone land should wait. Mr. Arnstein noted that the petitioner has purchased additional property and he believes that the development will continue to extend towards West Newton. He stated that the City is promoting development but that now is not the time to move forward with it.

Jackie O'Toole, 14 Turner Terrace, stated that she has seen and is thankful for the hard work and effort and consideration on behalf of Councilors. Ms. O'Toole noted that when her family purchased their house, they bought it within the current zoning. She added that most people are reliant on their cars for transportation. She also hopes that careful consideration is given to the business/residential ratio at the site. Ms. O'Toole is in the New Arts Center and the community benefits, but believes that consideration should be given to the varying uses and their proximity to the high school. She added that people are being forced out of the City because there are inadequate amounts of affordable housing.

Kenneth Roberts, 252 Cabot Street, VP & General Manager at Newtonville Camera, is in favor of the development. Mr. Roberts' family believes that Washington Place will be a benefit to the City. He noted that the building is stylish and that the petitioner has been receptive to feedback from the public and Council. He believes that it will be a good addition in the community.

Ellen Fitzpatrick, 20 Foster Street, speaking on behalf of Foster Street abutters; Ms. Fitzpatrick noted that the abutters would welcome improvements and are supportive of affordable housing but noted that it currently exists. She noted that it is the site of a densely residential neighborhood and abuts a historic district. The Foster Street abutters do not object to new neighbors or commercial developments, but are opposed to the density, height, scale and massing as it is currently presented. They request that it be kept within existing zoning.

Helen Nayar, 75 Grove Hill Avenue, noted that the Orr Block is zoned as it should be and generates revenue currently. She suggested that Newton is in the process of being rezoned by developers and members of the public have limited input. She does not believe that spot rezoning is wise and noted that 313 Washington Street was recently purchased and is currently 90% leased for office space. She suggested that the Orr Block has similar commercial opportunities.

Faith Justice, 44 Churchill Street, stated that Newtonville has already lost parking due to the Austin Street development and this development will further constrain the site. She also noted that the net increase of affordable housing will be 4 units. Ms. Justice noted that public transportation at the site is inadequate.

Dianne Sanborn, 48 Circuit Avenue, noted that the units will not be truly affordable and that the cost of housing is ridiculous. Ms. Sanborn does not believe that this encourages diverse housing. Ms. Sanborn is against rezoning at the site.

Bonnie Foz, 16 Page Road, believes that the massing and height is too great and noted that the renderings do not accurately reflect the massing. Ms. Foz believes that the development encourages more of a separation than the Mass Pike and will appear "wall like".

A speaker who lives at 309 Langley Road, works as an advocate for residents affected by development with a focus on preservation; historical preservation, health and wellness, economically tasteful and benefits for residents and taxpayers. She noted that the Council should consider every aspect of the development.

Devon Woods, 93 Bowdoin Street, works as a Vet Tech and is reliant on public transportation to get to work. She noted that without additional affordable housing options, she will not be able to remain in Newton. She stated that friends and family have come to similar conclusions and are beginning to leave the City.

Mark Nichols, 37 Manchester Road, renovates homes in Newton and noted it is nearly impossible to fix homes for middle income residents. Mr. Nichols is supportive of affordable housing. He believes that the integration of the North and South side of Newtonville would be a beneficial part of the development.

Howard Haywood, 69 Walker Street, believes that the development will maintain the current character, but renew and revitalize the site. Mr. Haywood believes that Washington Place will be an asset to Newtonville and is in support of the project.

Kathleen Hobson, 128 Dorset Road, is in support of the rezoning and the special permit for Washington Place. Ms. Hobson believes that the project is as optimal as it can be for the site. Ms. Hobson noted the receptiveness on behalf of the petitioner to current residents and members of the public. She believes that the project will be transit oriented, provide additional housing options and be bicycle and pedestrian friendly. She suggested that by not building housing, residents are suffering.

Lorraine Sanick, 411 Newtonville Avenue, is opposed to the rezoning at the Orr Block. She believes that the additional traffic will further constrain the site.

Ann Barker, 191 Allerton Road, is opposed to rezoning and the proposed development. Ms. Barker believes that the traffic impacts will be negative to neighboring streets.

Rick Heym, 29 Marlboro Street, believes that the proposed use is appropriate for the site due to its proximity to public transit. Mr. Hynes believes that the development will serve public interest and create a solid commercial core.

Megan Rzezutko, 26 Greylock Road, believes that the suburban and urban mix in Newtonville is a positive benefit to the City and noted that her family walks to Newtonville regularly. She believes that the community that Washington Place could bring would be beneficial for their young family.

Judy Tischler, 50 Lakewood Avenue, believes that the development will promote community and interactions with other people. Ms. Tischler believes that people have to begin to think about not building to cover so much space and should build developments like Washington Place that accommodate more people.

Anicia Joaquinmamba, 23 Murphy Court, is excited about the proposed development and feels that it will provide beneficial affordable housing options.

Martha Weiss, 85 Hyde Avenue, would like to know how much each unit is going to cost. Ms. Weiss believes that the benefits can be attained without changing the zoning at the site. She hopes that a precedent is not being set for Washington corridor.

Marcia Johnson, 39 Bemis Street, Former Alderman, commended the Land Use Committee for their thoughtfulness in reviewing the petition. She noted that she has been pleased by developer's responsiveness to community concerns while maintaining the integrity of their vision. Ms. Johnson noted that change is viewed differently by everyone and urged Councilors to make a bold decision with a long term view for the City and approve the rezoning the MU4. She believes that Washington Place will help in promoting a lively experience in the village center and noted the proximity to public transit.

Margaret Howard, 24 Madison Avenue, opposed to the size of the development and the rezoning at the site. Ms. Howard does not believe that the benefits are worth the negative impacts of the project.

Ann Duvall, 33 Madison Avenue, opposed to the development as currently proposed. She does not believe 4-5 stories are appropriate for the location. Ms. Duvall hopes that the City Council will ask the developer to provide additional commercial space. She believes that with other nearby developments, the City should review the petition in a comprehensive way.

Bob Kavanaugh, 69 Court Street, noted that 275 additional apartments will be added to Newtonville. He has concerns that this is a burden that Newtonville cannot accommodate.

Peter Bruce, 11 Claflin Place, reiterated Mr. Arnstein's comments about the procedure in including citizen input. He noted that requests had been made to see how Washington Corridor would be developed long term and he has not seen any results. He believes that the area needs to be looked at holistically. Mr. Bruce noted that not as many surveys as were done to gauge citizen feedback as were done for Austin Street.

Kathleen Kouril Grieser, 258 Mill Street, requests that the Council denies the zoning change and the requested special permit. Ms. Grieser noted that the developer may have overpaid for the property and the City is not obligated to grant a special permit. She added that most public speakers at the public hearings do not live in the area and noted that the development will be a tax burden to residents and hopes that Councilors will protect the citizens. Ms. Greiser stated that the increased density will harm surrounding property owners' investments and that naturally affordable housing will be lost and the land value driven up.

Thomas Kraus, 480 Walnut Street, Speaking as President of the Newtonville Area Council, submitted a request that the Planning Department create a pattern for Newtonville developments in a cohesive manner. Mr. Kraus requested that the Council Order require the petitioner to collaborate with the Planning Department in coordinating the design in Newtonville.

Wayne Koch, 64 Greylock Road, noted that the National Building Code states that for business and office use there must be one employee per 100 sq. ft. With 200,000 sq. ft. of office space equating to 200 employees traveling to and from the site, he does not believe additional commercial space will have any value over residential space.

The following individuals submitted their comments at the public hearing. Their comments are attached here.

James Pacheco, 48 Circuit Avenue, Gerard Slattery on behalf of his father, Patrick Slattery, 221 & 227 Walnut Street, Meghan Smith, 34 Foster Street and Andreae Downs, 854 Chestnut Street.

#### **Petitioner's Presentation**

Attorney Buchbinder representing the petitioner stated that an agreement has been reached with the owner of the Washington Street USPS in principal. The petitioner has agreed to Washington Terrace improvements including the installation of sidewalks, lighting, landscaping and an additional

right turn to accommodate post office traffic. The petitioner has received positive feedback from community members relative to the updated color patterns facing Washington Terrace and will continue to meet with community members; including the Foster Street abutters. Attorney Buchbinder noted that the petitioner is involved in ongoing negotiations to locate The Barn at Washington Place and will allow for basement and ground floor space.

The lighting consultant for the petitioner, Karen Holly, has reviewed the project and stated that the petitioner has designed to best practices and has been considerate of using appropriate colors and lighting levels in order to eliminate light trespassing and overlighting. She stated that the lighting plan and report will be available for review. Councilors requested that the back of the site be reviewed by the lighting consultant to see what the impact will be on the Foster Street properties.

Damian Chaviano, partner with the petitioner provided updates for the Committee and addressed previous questions and concerns from the public and Councilors.

#### **Transit Subsidy Pilot Program**

The petitioner has agreed to review options to extend the transit subsidy pilot program benefits to staff at the site of the proposed development.

In response to a Planning Department request that the funds allocated for the transit subsidy pilot program be increased to \$500,000; the petitioner believes, based on similar transit subsidy programs, that \$300,000 is adequate.

The petitioner is not prepared to meet the request of the Planning Department to extend the transit subsidies to units with two car owners. They believe that car use should be discouraged at the site and alternate transit options should be encouraged.

#### **Affordable Housing**

Mr. Chaviano presented a comparison of the affordable housing options currently available at the site and the proposed units. He stated that when reviewing affordable housing; affordable rents, deed restricted, verified renter income and quality of housing should be considered. Mr. Chaviano noted that displaced renters of the current affordable units would be offered the opportunity to rent the affordable units in Washington Place prior to entering the units into a lottery system.

While the petitioner is in the process of revising the cost of the units to account for the change in number of units, current prices start at: \$775 for studios, \$814 for 1 bedrooms and \$950 for 2 bedrooms.

#### **Department of Public Works**

At the request of Councilors, the Commissioner of Public Works Jim McGonagle and Director of Transportation Nicole Freedman presented information and feedback on some of the proposed mitigation for the development. Commissioner McGonagle stated the Department of Public Works is ensuring that any updates are consistent with the Walnut Street Project.

Director of Transportation Nicole Freedman presented plans for the Walnut Streetscape project intended to beautify the neighborhood and amplify the village center. The plans will include the widening of sidewalks for pedestrian safety, additional lighting and landscaping. The project will cover from the southern part of the Walnut Street bridge to Elm Street. Councilors shared concerns that the scope of the project is too small and should encompass the Walnut and Washington Street intersection and north across Washington Street. It was explained that the parameters for the Walnut Street project were determined prior to the Austin Street project and noted that it is expected that the developer for Washington Place will pick up where the Walnut Street project ends, at the bridge.

Committee members questioned whether the City should be completing the work in totality and allow the developer to contribute mitigation funds for the work. There were concerns from Councilors that the designs for the streetscape upgrades would be completed by the developer as opposed to City Staff. Commissioner McGonagle confirmed that the DPW will be the lead for design but noted that it would be beneficial to have the developer complete the work. He stated that DPW, Planning and the developer have met and will work to ensure that the redesign is cohesive. If Washington Place is not approved, the City still intends to move forward with the redesign.

Councilors requested that the Department of Public Works review the Lowell and Washington Street signal and further north on Lowell. Ms. Freedman confirmed that the Lowell and Washington Street signal would be reviewed and updated to ensure ADA compliance and coordinated signals. Committee members also requested that DPW evaluate if it is appropriate and safe to widen Walnut Street, as proposed.

Ms. Freedman provided feedback on questions posed by Councilors at previous meetings. DPW believes that the 5' bike lane along Walnut Street north of Washington is appropriate. They are in favor of bike lanes as opposed to shared bike marking along Washington Street. Ms. Freedman noted that while protected bike lanes are ideal and preferable, they would require an additional 6' from an unprotected bike lane. She also confirmed that there is strong desire to connect a bike lane farther north on Walnut where it could connect to the Charles River bike path.

Ms. Freedman stated that a hawk signal would be an example of an option that could be used to stop cars on Washington Street, given the appropriate pedestrian demand. Another successful option could be to install kiosks for meter payment that encourage pedestrians towards crosswalks.

The Committee held the item to January 12, 2017 and adjourned at 10:00 pm.

**Respectfully submitted,**

**Marc C. Laredo, Chair**