

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, APRIL 7, 2015

Present: Ald. Laredo (Chairman), Ald. Cote, Crossley, Lipof, Schwartz, Harney, and Lennon;
absent: Ald. Albright
Staff: Daniel Sexton (Senior Planner), Ouida Young (Associate City Solicitor), Linda Finucane
(Assistant Clerk of the Board)

A public hearing was opened on the following item

#57-15 BROOKE H. & CONAN LAUGHLIN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to demolish an existing one-story 6'x6' mudroom addition and construct a 8'x10' one-story mudroom adjoining a 10'x12' pantry, for a total floor area of 200 square-feet, onto an existing single-family dwelling at 109 ESSEX ROAD, Ward 7, Chestnut Hill, on land known as SBL 63, 27, 18, containing approximately 43,560 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 7-0

NOTE: Attorney Laurance Lee presented the petition. The subject c. 1920's single-family dwelling is nonconforming as to the front setback on Gate House Road, which is 17 feet, where 25 feet is required. The petitioner is proposing to remove an existing one-story 6' x 10' mudroom on the easterly side of house and replace it with an 8' x 10' one-story mudroom and an adjoining 10' x 12' pantry, totaling 200 square feet. The existing nonconforming setback will be reduced to 15.1 feet. Mr. Lee said that although the property has lush landscaping, the petitioners are proposing to plant additional evergreen and deciduous trees along the frontage to screen the proposed additions from the public way. The Planning Department believes the proposed additions will have minimal impact on the bulk and mass of the existing dwelling. There was no public comment and the public hearing was closed. Alderman Crossley moved approval of the petition finding that the additions located in the front setback will be screened from the public way by existing and proposed landscaping and will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood; the site is an appropriate location for the addition; and the open space percentage will continue to significantly exceed the minimum required. The motion to approve carried unanimously with the findings and conditions in draft special permit #57-15, dated April 21, 2015.

A public hearing was opened on the following item

#102-06(15) CHESTNUT HILL REALTY DEVELOPMENT, LLC./CORNERSTONE CORPORATION petition to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL #102-06(12) granted to Chestnut Hill Realty Development, LLC on November 17, 2014 for a 4-story 80-unit multi-family building with a partially below grade parking garage and related site amenities on land located on LaGRANGE STREET, Ward 8, known as Sec 82, Blk 37, Lot 95, containing approximately 640,847 sf of land in a Multi Residence 3 district; said amendment seeks to modify the special permit from 80 units to 88 units to be located in the same building with no changes to the footprint or site from what was approved in special permit #102-06(12). Ref: §§30-24, 30-23, 30-9(d) of the City of Newton Rev Zoning Ord and special permit board order #102-06(12).

ACTION: HEARING CLOSED; APPROVED 6-0-1 (Harney abstaining)

NOTE: The petition was presented by Mark Levin, Principal and Director of Development at Chestnut Hill Realty and attorney Frank Stearns of K&L Gates. Since obtaining the special permit in November, subsequent marketing research determined that a ratio of 25% one-bedroom units to 75% two-bedroom units is too many large units. Although the petitioner reduced the size of the units from the iteration approved in a previous special permit, in retrospect it probably did not go far enough. The petitioner is seeking economic viability to provide high quality apartments and small units are a major trend. The demographic is young professionals or empty nesters, often only one person.

The petitioner wishes to increase the number of units to 88 within the same building envelope and to make minor modifications to the underground parking garage and surface parking areas in order provide the additional 16 parking stalls required. The proposed additional eight units will reduce the size of all the units within the structure, decreasing the size of market rate units by 21% on average, which reduces the size disparity between the inclusionary and market rate units. The proposed mix will be 34 one-bedroom and 54 two-bedroom units. There will be one additional affordable unit. To accommodate the proposed reconfiguration, the petitioner is proposing minor changes to the building façade, including the elimination of some balconies and the addition of windows.

The additional parking will be provided by reconfiguring the layout of the parking garage, reducing storage area and utility space, to provide five stalls and by adding 11 stalls along the looped driveway. The petitioner provided a supplemental Traffic Impact Assessment (TIA) by MDM Transportation Consultants. The TIA, based on a conservative figure from Institute of Transportation Engineers (ITE) standards, concludes that the unit increase will not have a material impact on the capacity of the area roadways or the Level of Service (LOS). There are no intersection LOS changes due to the increase from 80 to 88 units. In the morning and afternoon peak hours there will be four more vehicles trips, which is one trip every 15 minutes. None of the proposed changes to the façade or parking will affect the abutters on Rangeley Road.

Public comment:

Joe Bresman, 81 Rangeley Road, Brookline, said the original proposal from Cornerstone was 62 units, and then a special permit was granted to the petitioner for 80 units, now the petitioner is seeking 88 units, an increase of 42%. He fears the petitioner is starting down the same path as Cornerstone. This is a bait and switch, which the committee should not approve.

Ann Freedman, 71 Rangeley Road, Brookline, said plans for this site have been on the table for seven years and they keep changing. She still has fears about the blasting. Her house is beautiful and her insurance company will document its condition. However, if the petitioner wants to buy her home, then she is willing to move.

Phil Herr, 20 Marlboro Street, a member of the Newton Housing Partnership (NHP), whose meeting schedule precluded its review of the petitioner's proposed Inclusionary Housing Plan, said upon a quick personal review he had identified several anomalies in the Plan. Four of the five contained language taken from other documents and scrivener's errors, the fifth was an error in the percentage of the Area Median Income used by the city in establishing rent and income limits. However, based on a phone conversation with the petitioner's representative, he was assured that these would be addressed prior to the NHP's review.

E. Golestani, Bryon Road, said this is a democracy of the people. She takes issue with various city agencies that would probably approve 100 units. Another eight units will add an additional 16 cars.

In working session, the Planning Department confirmed that despite numbers in the Zoning Review Memo dated March 2, 2015, there are *no* changes in the setbacks. The proposed changes to the loop road in front of the building to create an additional 11 parking stalls, which will be blocked by the knoll, will actually move several parking stalls further away from the Brookline abutters. The petitioner confirmed that some of the balconies will be removed from the front façade and a total of 16 windows will be added. Alderman Crossley considers this a very straight forward petition and she is pleased with the proposed changes that will create more small units. Aldermen Schwarz and Lipof agreed fewer bedrooms will reduce the impact on city services and provide housing opportunities for a different population. The TIA indicates there will be no impact from additional vehicle trips. The Chairman also believes that including smaller housing is a positive change because it creates a more diverse housing stock.

Addressing the discrepancies in the draft Inclusionary Housing Plan noted above by Mr. Herr, Ms. Young reminded the committee that §30-24(f) requires that as part of the application for a special permit the applicant must, if applicable, submit an inclusionary housing plan for review by the Newton Housing Authority and the Planning and Development Department, which is the department required to certify the plan's compliance.

Alderman Lipof moved approval with the findings and conditions in draft special permit #102-06(15), dated April 21, 2015, which motion carried 6-0-1, with Alderman Harney abstaining.

A public hearing was opened and continued on March 3, 2015

#19-15 NEWTON TECHNOLOGY PARK, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to partially demolish two buildings and to construct additions to the front of each building, which will bring them closer to the street, to reconfigure the existing parking areas and reduce the parking requirement to 441 parking stalls in order to redevelop the site for a mix of restaurant, retail, and service uses at 131-181 NEEDHAM STREET, Ward 5, on land known as SBLs 51-28-15, 51-28-14, 51-28-13, 51-28-12, 51-28-11, 51-21-10, 51-28-9A, containing approximately 11.06 acres of land in a district zoned MIXED USE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-20(l), 30-19(j)(1), 30-19(i)(l), 30-19(h)(4)b), 30-19(h)(3)a), 30-19(h)(1), 30-19(m), 30-19(d)(18), 30-13(b)(16), 30-13(b)(12), 30-13(b)(5), 30-13(b)(4), 30-13(b)(1) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; HELD 7-0

NOTE: Attorney Frank Stearns of K&L Gates, Kerry McCormack, Director of Development, Crosspoint, Jonathan Hueber, Director of Acquisitions & Leasing, Crosspoint, David Kelly of Kelly Engineering, architect Andrew Javier, landscape architect John Tingley, and Rick Bryant, Stantec, presented the petition on March 3. Present were Aldermen Laredo (Chairman), Cote, Crossley, Albright, Lipof, Schwartz, Lennon, and Harney.

The 11.6 acre site, located between Jaconnet Street and Tower Road, contains three c.1950's industrial buildings and several parking areas with open space along South Meadow Brook. The site is also adjacent to the old rail line, part of the proposed Newton Upper Falls Greenway (NUFG) path, which runs parallel to the rear property line and along the southern property line abutting the Brook. The petitioner is proposing to demolish and enlarge portions of the two buildings located at the front of the site on Needham Street and repurpose them for a mix of retail, service (including a small grocery store), and restaurant uses. There are no changes proposed to the building at the rear of the site. The proposed extension of the buildings closer to Needham Street with the inclusion of multiple storefronts on the street is consistent with the master plan for the Needham Street corridor. New facades include glazed and aluminum storefronts, wall panels, horizontal planking, coping, canopies and awnings. The repurposing of the two buildings will reduce the building area by approximately 22,000 square feet. Four lanes separated by landscaping will provide parking close to the commercial units and allow creation of additional parking, pedestrian walkways, benches, and outdoor seating areas between the buildings, as well as a central courtyard with a small roundabout and raised pedestrian crosswalk. Portions of the site will be reconfigured to create additional parking stalls and expand pedestrian access and activity around the redeveloped buildings. The petitioner is seeking a special permit to allow retail, service, restaurant, bank, and other uses similar or accessory to those authorized, to reduce the number of required parking stalls by one-third, to waive certain design requirements for parking facilities, and to allow exceptions to the signage requirements.

The Historical Commission found the buildings not preferably preserved. The petitioner met with and received comments from the Urban Design Commission relative to the proposed sign package. The petitioner filed a Notice of Intent with the Conservation Commission because the

site is located within several Wetland Resource Areas, including the 200-foot Riverfront Area (South Meadow Brook), 100-foot Buffer Zone, and Flood Zone. The Conservation Commission continued its initial public hearing to March 19 so that the petitioner could provide additional information.

Currently, several parking areas are dispersed throughout the site with a combined total of 488 stalls. Many of the stalls are dimensionally nonconforming, are located within setbacks and/or within five feet of a building, do not meet minimum requirements for aisle width, driveway entrances exceed the maximum allowed, and portions of the parking areas do not meet landscape screening and lighting requirements. The site has 1,000 feet of frontage on Needham Street, with five curb cuts. The proposal eliminates two of the curb cuts. Of the three remaining curb cuts two are designed for drop off and short term parking, with a central drive designed as the primary access to the site and courtyard. There is also vehicle access from the adjacent Avalon Bay property whose access to Needham Street is via a traffic signal. Currently, there is a mix of landscaping along the Needham Street frontage, as well as vegetation along the property lines and adjacent to the Brook and the buildings. There are slight topographical changes on the site and there is city drain towards the rear which releases into the Brook.

The petitioner provided a Traffic Impact Study (TIS) prepared by Stantec Consulting, Inc. The TIS concluded that the proposed project would reduce the number of vehicle trips to the site during the peak morning commute and increase vehicle trips during peak evening hours and Saturday hours. Peak morning trips to the site indicate a reduction from 240 to 218 trips; peak evening trips indicate an increase from 229 to 520, however, projections indicate that most of those vehicles will already be on Needham Street. The TIS found that, with the exception of vehicles leaving the site during peak evening and Saturday hours, the impact of the project will not substantially change the Level of Service (LOS) at the site's access points and surrounding signalized intersections at Oak, Christina, and Columbia. As to parking, the petitioner is proposing 518 parking stalls and the TIS projects a peak demand of 444 stalls. It also projects that many people employed on Needham Street will walk to the shops.

The city's Transportation Division raised several questions about the interface between the site's middle access drive and Jaconnet Street in the existing conditions and with the Massachusetts Department of Transportation 25% design plans for Needham Street, which include a plan for a two-way center lane. The middle access drive and Jaconnet Street are approximately 60 feet apart, vehicles turning left into the site and vehicles turning left onto Jaconnet Street will be in close proximity. Will there be a conflict? Does this necessitate realigning the center access drive? Overall, the Planning Department is supportive of the proposal, but is concerned about the number of proposed parking stalls, which exceeds the maximum peak parking demand by 74 stalls and whether or not they will result in additional impervious surface near South Meadow Brook. The Planning Department suggests the petitioner reduce the number of proposed parking stalls and that the petitioner provide an after-study when the businesses are in operation to substantiate any request for additional stalls. The Planning Department also recommends that the petitioner obtain approval from the Conservation Commission prior to the special permit to ensure there will no subsequent changes to the site plan.

Questions raised by the committee included the following:

- Size of the proposed grocery store
- More detail about crosswalks proposed for Needham Street
- Tenant mix information
- Since the buildings will be reduced by approximately 22,000 square feet, any thought to additional impervious reduction -reduction of hardscape would be big benefit
- Parking appears to incur into greenway – is there any buffer more landscaping detail particularly relative to the greenway.
- Interior crosswalks – pedestrian safety
- Stormwater Management Plan
- Compliance with sustainability criteria in Chapter 30
- Undergrounding utilities
- Are there too many way finding signs
- Vision for center courtyard space
- Work with greenway group

The petitioner believes that a grocery store is a great amenity to market the property, but is flexible and would be comfortable with a size limitation. As a point of reference, Alderman Lipof noted that the market Baza on Tower Road is approximately 14,000 square feet.

Alderman Crossley said, overall, the proposal represents a tremendous improvement to the streetscape. The chairman said it seems like a really well thought out project. Alderman Lipof agreed.

The petitioner explained that shared parking is critical. If each use were calculated separately, the parking demand would probably be over 600 spaces. What may appear to be excess parking makes sense because it avoids people having to circle the site looking for spaces. The city's zoning ordinance establishes a minimum of stalls required, not a maximum number allowed. The courtyard provides a concept of a gathering space, similar to the mews at The Street; a better sense of its use will emerge when the spaces are tenanted. The petitioner is willing to locate a Hubway station on the site and is willing to work with the city to design a project compatible with the city's vision for the NUFG.

Public comment

William Roesner, 72 Fuller Street, urged the undergrounding of utilities.

This evening, the petitioner provided responses (attached *without* the referenced Exhibits) to questions that arose in committee on March 3.

On March 26 the Planning Department, the city's Director of Transportation, and the petitioner had a meeting, which Alderman Crossley also attended, with MassDOT relative to re-aligning the center drive. MassDot was very cooperative. The upshot is if this special permit is granted and Needham Street is reconstructed and there are left turn conflicts that rise to the level of being safety concerns then, after consultation with the petitioner, other mitigations could be

implemented. The two crosswalks proposed for Needham Street are located to the north and south of the center drive. The petitioner will also install a Rectangular Rapid Flash Beacon and a median at the crosswalks. The courtyard will include interior crosswalks which will be delineated by a change in materials as will the other interior pedestrian walkways.

The petitioner is proposing to locate a new utility pole at the southern corner of the site to connect with overhead wires to an existing pole located on the eastern side of Needham Street – where the poles that provide electricity to both sides of the street are located. The petitioner is committed to undergrounding the utilities on site to the extent possible and agreed to return to Eversource to explore the possibility of moving/removing additional poles on the site.

The tenant mixes desired include an approximately 25,000 square-foot grocery store, 2-3 restaurants/cafes, dry goods, possibly a bank or ATM.

Parking is not proposed any closer to South Meadow Brook or the NUFG than the existing parking. However, if the Conservation Commission allows, the petitioner will install porous pavement in the row of stalls that abut the Brook. The petitioner will undertake removal of invasive species in this area, replacing them with appropriate native wetland plantings. The petitioner has discussed with the Conservation Commission the installation of a 12” wide stone dust pathway along the Brook to connect Needham Street with the NUFG. The petitioner will construct an eight foot wide pathway along the South Meadow Brook over the former railroad bed. Final review from the Conservation Commission is expected on April 9. The petitioner is committed to working with stakeholders to realize the NUFG is actively developed and used, and will enter into a license agreement with the city to allow public access, as well as provide a voluntary contribution of funding to the City to be used for the development of the NUFG.

Stormwater management is addressed in a memo from Kelly Engineering Group dated March 13, 2015 and in an addendum dated March 30.

The sustainability criteria will be met by energy efficient windows/building envelope, high efficiency HVAC systems, energy efficient interior and exterior lighting, etc.

The petitioner is willing to contribute towards undergrounding utilities along Needham Street and agrees to a condition similar to the one included in other special permits granted on Needham Street, applicable to the two new buildings.

The sign package has been balanced, similar to the one approved for The Street, to reflect way finding with tenant identification signs.

The petitioner will comply with the Tree Preservation Ordinance, which based on the current landscape plan indicates a deficit of approximately seven trees. The petitioner submitted a snow storage plan showing storage towards the rear of the site, which the Planning Department expects will be approved by the Conservation Commission.

The Planning Department recommends that if the special permit is approved a condition should be included in the special permit for the petitioner to prepare a follow up parking study and if necessary a post occupancy traffic study, as well as a parking utilization "After Study" during the first fall/winter peak shopping season after the site has reached full occupancy.

The committee reviewed the conditions in a draft board order prepared by the Planning and Law Departments, but the proposed conditions were numerous and needed reworking, so the committee closed the public hearing, but continued the discussion to April 14.

Item Recommended by the Board of Aldermen on March 16:

#18-15 LAURA KAY HUGHES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a NONCONFORMING STRUCTURE to construct a two-story addition to the rear of an existing 2½-story single-family dwelling, to demolish an existing detached garage and build a new two-stall detached garage with storage above, which will increase the Floor Area Ratio from .31 to .57 .50, where .40 is the maximum allowed by right, and for a front porch addition, which will encroach into the existing nonconforming setback, at 17 CUSHING STREET, Ward 6, Newton Highlands, on land known as SBL 52, 27, 10, containing approximately 8,640 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table A, 30-15(u)(2), 30-15 Table 1 of the City of Newton Rev Zoning Ord, 2012.

A public hearing was opened and continued on February 10, 2015:

Hearing Closed; Land Use Approved 6-1 (Lipof opposed) on March 3 (90 days: June 1, 2015)

ACTION: APPROVED AS AMENDED 6-0-1 (Lipof abstaining)

NOTE: Please see the attached excerpt from the March 3 Land Use Committee report. This item was recommitted in order to give Board members an opportunity to look more closely at the plans as well as to visit the site. This evening, the petitioners were represented by attorney Stephen Buchbinder. Revised plans were submitted on April 1 and architect Chris Chu provided a sheet (attached) detailing the revisions. The reductions total 580 square feet, from 4,899 square feet to 4,319 square feet, where 3,456 square feet is allowed by right, which represents a reduction in FAR from .57 to .50, where .40 is the maximum allowed by right.

The committee noted that the most of the reduction is attained by eliminating 400 square feet from the garage, mainly through the elimination of the half-story, and by reducing the depth of the garage by three feet, - from 26 feet to 23 feet - and the main house by 180 square feet.

Alderman Lipof said that although the visual mass does not present from the street, it is still a big ask in terms of FAR, approximately 1,000 square feet more than other houses in the neighborhood. FAR is the ratio of building to lot size: this is the smallest lot on the street.

Alderman Crossley said this begs the whole issue of FAR and what it is meant to achieve. It is one tool intended to manage the size of home. This is a beautiful design. Alderman Harney said he is torn as to whether he can support the petition. He noted that FAR can be deceptive; projects that one is initially hesitant about often turn out well and fit in with the neighborhood.

The Chairman agreed that FAR is one tool used to promote design that limits the appearance of mass and bulk. The Board is allowed discretion to grant a special permit. The support and lack of opposition from neighbors indicate a comfort level. Alderman Schwartz agreed that the Board's quasi-judicial rule requires it to look at facts and draw conclusions to reach a decision. Alderman Cote believes the proposed additions fit the environment and will accommodate a large family that want to remain in their neighborhood.

Alderman Lennon said he is not torn: he voted for it before and will support it again.

Alderman Schwartz suggested that any additional change may not be palatable to the petitioners; besides, a different iteration still may not fly.

Mr. Buchbinder noted that a big chunk has been taken out of the garage. The proposal is a rather large, but wonderful design. The Historical Commission is enthusiastic because this proposal involves restoration of the entire house. The petitioners have six children and although they wish to remain in the neighborhood they need to accommodate their family. They cannot shrink the house anymore. Ultimately, if the property is sold, it could be a case of FAR v. a potentially smaller but not as nice house.

Alderman Schwartz moved approval of the petition with the amended FAR of .50 and with the findings and conditions in draft special permit board order #18-15, dated April 21, 2015. The motion carried 6-0-1, with Alderman Lipof abstaining.

Application for 2015 Class 2 Auto License Renewal

#416-14 CICCONI MOTORS

75 Adams Street

Newtonville 02458

ACTION: APPROVED 6-0 (Schwartz not voting)

The meeting was adjourned at approximately 10:00 PM.

Respectfully submitted,

Marc C. Laredo, Chairman

Attachments:

- K&L Gates Response to Land Use Committee Public Hearing Comments, dated April 1, 2015 (Please note that the response with all of the referenced Exhibits is available attached to the Planning Department Working Session Memorandum dated April 4, 2015)
- Excerpt re 17 Cushing Street from March 3, 2015 Land Use report
- 17 Cushing Street Revisions 3/31/15

102.06(15)

K&L GATES

K&L GATES LLP
STATE STREET FINANCIAL CENTER
ONE LINCOLN STREET
BOSTON, MA 02111

MEMORANDUM

TO: Steve Pantalone, Planning Department
FROM: Frank Stearns
DATE: April 1, 2015
RE: Petitioner's Response to Land Use Committee Public Hearing Comments

PETITIONER'S RESPONSE TO LAND USE COMMITTEE PUBLIC HEARING COMMENTS

Public Hearing Date: March 3, 2015
Working Session Date: April 7, 2015
Address: 131-181 Needham Street, Newton Nexus
Petition # 19-15

This Memorandum summarizes the comments of Land Use Committee members and offers the Petitioner's response to such comment[s].

COMMENT 1: Provide more information regarding the proposed Needham Street Crosswalks.

RESPONSE 1: The proposed Needham Street crosswalks are shown in the attached Stantec plans which were filed with MassDOT and the city as part of Stantec's Supplemental Traffic Report dated March 11, 2015. See Exhibit A. The supplemental report contains a more detailed description of the design intent of these crosswalks with accessory traffic calming features designed to make these crossings convenient and safe for pedestrians. These locations and designs were arrived at following consultation with both the City Transportation and Planning Departments and the MassDOT in regards to the 25% design plans for Needham Street. Final design, including determination of whether to include a rapid flashing beacon, is subject to MassDOT approval.

COMMENT 2: Address the status of discussions with the city and the MassDOT regarding the alignment of the central site entrance curb cut in relation to Jaconnet Street.

RESPONSE 2: On March 26, 2015 the City of Newton and representatives from Crosspoint had a meeting with MassDOT to discuss the proposed project and access at 141-165 Needham Street.

The meeting was arranged to discuss the City Transportation Department's concern that a new development project at 170 Needham Street combined with the State's 25% plans which

include at this location a restriping of Needham Street with a center two-way, left turn lane may introduce some vehicular conflicts for vehicles that are traveling in opposite directions on Needham Street and making left turns into the project's center site driveway and Jaconnet Street under the 25% plans.

MassDOT stated that re-aligning the center site driveway directly opposite Jaconnet Street may be the safest option in terms of eliminating vehicular conflicts. However, Crosspoint noted its traffic study of this location revealed that existing and future PM Peak Hour left turns into Jaconnet Street and into the existing middle/center driveway, and existing and future conflicts are and will remain low and that delay and queues will also remain very low. There was consensus that moving the center site driveway would disrupt the central courtyard pedestrian friendly design that is an important and central feature of the project's site plan, which was created through collaboration with the Planning Department and which is consistent with the City's design goals for the Needham Street Corridor. Crosspoint also explained its marketing concerns that moving the center driveway and its resultant changes to the site plan would greatly inhibit their ability to lease.

After thoroughly vetting numerous alternatives, those present at the meeting agreed that the number of conflicts noted in the traffic study were minimal, and that concerns should not stop this project from moving forward as designed. MassDOT noted that if there are future left-turn conflicts that rise to the level of being safety concerns once Needham Street is reconstructed MassDOT has other mitigation measures it could implement, after consultation with Crosspoint. These would be included in the Mass DOT access permit as future options: the possibility of restriping Needham Street between the site center driveway and Jaconnet Street to eliminate the two-way left turn lane and replace it with a painted median. If that proved to be inadequate, Mass DOT could consider, after consultation with Crosspoint, restricting left-turns into this center driveway recognizing that left-turns are permitted directly into the site at two other locations of the site.

COMMENT 3: Address the types and sizes of tenants which you intend to have; including any parameters regarding the size of any market tenant.

RESPONSE 3: The redevelopment is planning for an approximately 21,000 SF Market, 2-3 restaurants/cafes, dry goods retailers and possibly a bank branch or ATM. The intention of the project is to be able to promote a destination environment for local and national retailers in a mix that creates a vibrant, pedestrian-friendly, shopping, dining and entertainment location with retailers that provide goods and services to Newton residents.

COMMENT 4: Address the balance being drawn between having sufficient parking to meet the needs of all the project tenants and users and trying to limit the overall area of the Site devoted to surface parking.

RESPONSE 4: The redevelopment reduces the building area by approximately 22,000 SF to allow for the addition of 30 parking spaces. This increases the current parking total from 488 spaces to 518 spaces. The current parking ratio is less than 3.0 parking spaces per 1000 SF of building area (< 3.0/1000) and the redevelopment proposes a ratio of 3.6/1000, which is still below the baseline standard (4.0/1000) of most national brand retailers and well below the standard of restaurant and market operators.

In addition, Nexus will create a connection point on Needham Street that will encourage customers to park and walk to other properties in the area utilizing the proposed new sidewalks and crosswalks. This will add additional burden to its parking supply, but will have the positive effect of taking cars off of Needham Street and will help the City toward its goals of shared parking on Needham Street.

Parking is not proposed any closer to South Meadow Brook or the future Greenway/Rail Trail than is presently existing on the Site. The revised Plan includes the use of Porous Pavement in the row of parking that abuts the Brook and Crosspoint will be treating this area for invasive plant in order to supplement with additional wetland plantings. The addition of parking is primarily within the Courtyard and will support the new storefronts that front Needham Street and add the energy and activity the City desires.

Finally, Crosspoint intends to initially offer four (4) spaces dedicated to Electric Vehicle (EV) charging stations. Although the adoption rate is fairly slow in Massachusetts at this time, Crosspoint desires to prepare for future demand now. This could be a significant amenity to the area.

COMMENT 5: Comment on whether additional landscaping can be added to the Site Plan relative to the riverfront of the brook; the area along the possible access pathway to the rail trail; and along the boundary of the site with the rail trail.

RESPONSE 5: Working in concert with the Conservation Commission and as noted above, the invasive plant species will be treated and supplemental wetland plantings appropriate for the area will be added. Please see proposed program by EcoTech which supplements this area with the appropriate plant material. See Exhibit B.

In addition, Crosspoint has discussed the installation a 12 inch stone dust pathway along the brook that can connect Needham Street with the future Greenway/Rail Trail as part of this project. This is pending the Conservation Commissions final review on April 9, 2015, but the feedback has been extremely positive. This allows for the complete restoration of the railroad bed and surrounding area without having to come back at a later date to install the pathway and disturb a stabilized area. Also Crosspoint will review the property edge along the rear boundary to the possible future Greenway/Rail Trail to determine if supplemental plantings are feasible associated with that project.

COMMENT 6: Describe in more detail the working of the site in relation to pedestrians and vehicles. How will the crosswalks be distinguished? Has adequate consideration been given to how pedestrian safety will be addressed? Describe the synergies between vehicle use and other multi modal uses of the interior of the site.

RESPONSE 6: See COURTYARD PLAN, See Exhibit C for details of various material treatments, raised crosswalks and traffic calming "circle" as well as dimensions.

The change in materials will alert drivers that they have entered a courtyard area and will need to slow their speed as they start to navigate for parking. The sidewalk areas in front of the stores are expansive to allow for congregating and safe circulation around the perimeter of the courtyard. Areas have been established along Needham Street on both sides of the main drive for public gathering

COMMENT 7: Provide a narrative describing best practices being employed for stormwater management.

RESPONSE 7: A memo from Kelly Engineering dated 3/13/15 is attached. See Exhibit D.

COMMENT 8: Demonstrate compliance with the sustainability criteria for a special permit.

RESPONSE 8:

In addition to the stormwater improvements noted in Kelly Engineering's memo, the following Energy Conservation Methods are part of the plans:

- *Energy Efficient Windows and Building Envelope* – The building envelope insulation will meet or exceed Code and window glass will be better than Code for all buildings.
- *Install High-Efficiency HVAC Systems* – Energy-STAR rated HVAC units will be used and Energy Efficiency Ratios (EER) will be up to 10% above Code.
- *Energy Efficient Interior Lighting* – Interior Light Power Density (LPD) will be at least 10% below Code for the retail spaces.
- *Energy Efficient Exterior Lighting* – Energy efficient Metal Halide fixtures will be used to light the parking lots.
- *Occupancy Controls for Lighting* – The Developer will suggest occupancy controls to tenants for restrooms and offices.
- *Recycle Materials* – The Project will encourage tenants to collect and recycle materials.
- *Use Building Materials with Recycled Content, Building Materials that are Manufactured Within the Region, Use Rapidly Renewable Building Materials, and Use Low-VOC Building Materials* – Whenever practical, the Project will use environmentally friendly building materials, including materials with recycled content, rapidly renewable building materials, and low-VOC materials. Also when practical, the Project will purchase building materials that are manufactured within the region.
- *Encourage Tenants to demonstrate Energy Conservation.*

COMMENT 9: Address the overhead utility lines in front of the site.

RESPONSE 9: Crosspoint will contribute \$1/SF of Retail Use being added to the site following language used in other recent Needham Street Special Permits.

COMMENT 10: Justify that the proposed signage program is the right amount of wayfinding and tenant identification signage.

RESPONSE 10: The updated Comprehensive Sign Program has benefited from feedback from UDC. See Exhibit E. The UDC recommendations are designed to have the appropriate

balance of way finding signage and tenant identification signage. Also, the sign sizes, types and locations are designed to serve both vehicles and pedestrians.

FGS/kpb

18.15

CITY OF NEWTON
IN BOARD OF ALDERMEN
LAND USE COMMITTEE REPORT
TUESDAY, MARCH 3, 2015

Present: Ald. Laredo (Chairman), Ald. Cote, Crossley, Albright, Lipof, Schwartz, Lennon, and Harney

Staff: Stephen Pantalone (Senior Planner), Ouida Young (Associate City Solicitor), Linda Finucane (Assistant Clerk of the Board)

Hearing opened and continued on February 10, 2015:

#18-15 LAURA KAY HUGHES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a NONCONFORMING STRUCTURE to construct a two-story addition to the rear of an existing 2½-story single-family dwelling, to demolish an existing detached garage and build a new two-stall detached garage with storage above, which will increase the Floor Area Ratio from .31 to .57, where .40 is the maximum allowed by right, and for a front porch addition, which will encroach into the existing nonconforming setback, at 17 CUSHING STREET, Ward 6, Newton Highlands, on land known as SBL 52, 27, 10, containing approximately 8,640 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table A, 30-15(u)(2), 30-15 Table 1 of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 6-1 (Lipof opposed)

NOTE: The petition was presented by the petitioners' architect Chris Chu. The existing single-family home was constructed in 1893 and the detached garage was constructed in 1917. The petitioners have six children between the ages of 2 and 9 and wish to remain in their house and neighborhood; however, they need more living space and would like to create a safe play area for their children. The petitioners are proposing to construct a two-story addition to the rear of the house, where there is an existing screen porch built in the 1970's, and to demolish and rebuild the detached garage. They are seeking relief for a special permit to increase the Floor Area Ratio from .31 to .57, where .40 is the maximum allowed by right and to extend the existing front porch by approximately 2.8 feet, which will increase the nonconforming front setback of 16.2 feet, where 25 feet is required. The Historical Commission found the house preferably preserved, but waived the demolition delay based on the petitioner's proposed plans for the addition and restoration of the house.

The proposed addition will extend 14 feet towards the rear of the site and extend approximately eight feet to the northwest side property line and approximately ten feet towards the southeast side property line, expanding the footprint of the existing house by approximately 600 square feet. The proposed garage will add an additional 400 square feet and include space for a practice area for Ms. Hughes who is a pianist. The addition appears to extend above the existing peak by approximately one foot, and new railings on top of the existing house will extend approximately 3½ feet. The addition will consist of an additional dining room, a new mud room, a full and half

bathroom and stairs on the first floor, a new master bedroom and bath, play space/office space, a second bathroom, and new stairs on the second floor. The proposed addition will increase the gross floor area of the house by 2,260 square feet, or from 2,742 square feet to 5,002 square feet, where 3,456 is allowed by right.

The Planning Department in its memo dated February 6, 2015 expressed concern about the impact of the bulk and mass of the proposed addition and in particular the expansion of the width, which protrudes on both sides of the existing house. The Planning Department was also concerned about the size of the proposed garage and the overall lot coverage percentage of the structures on the site. If the detached garage were counted towards lot coverage, the percentage would be 32%, where 30% is maximum allowed. The Planning Department recommends eliminating the portion of the addition that extends out from the northwest side of the house, narrowing the addition in the rear, reducing the ridge line of the addition so it does not extend above the existing structure, and reducing the size and height of the proposed garage. It believes these reductions will allow the proposed addition to complement the existing house without overwhelming it, while still providing the space the petitioners are seeking. The Planning Department did note that there are number of large houses in the neighborhood, but the subject site is one of the smaller lots. There are existing trees and fencing along portions of the property line. The petitioners submitted a landscaping plan showing additional plantings.

Ms. Chu said that the roof of the proposed addition had been lowered by two feet to align with the lower ridge line of the house. The 3½ -foot railings are on a proposed widow's walk. Currently, there is no real backyard for the children to play and the existing driveway cuts through the side yard which makes it unsafe for the children to play there and the configuration does not provide easy access from the driveway and garage into the house. The current dining room serves as a family room; the front foyer is large, but not useful for living space, children are currently doubled and tripled up in bedrooms, there is only one full bath on the second floor for four bedrooms. This proposal is the result of two years' work.

Committee members are sympathetic to personal needs, but it needs to weigh the balance for posterity. Members agreed with Alderman Crossley that the proposal is a sensitive addition to the existing house, which has great bones, and it is a good design, with the addition mostly to rear abutting a garage on the adjacent property at the rear. But, is there a more efficient way of balancing the space? Is there any way to move a portion of the 'T' extending from the sides? Mitigate the mass?

Public Comment:

Lester Gore, the abutter directly across the street, has no objection to the scale, mass, or design of the proposed addition or garage. He said he probably speaks for the neighborhood, all of whom were all informed from the beginning of the process. He also wrote a letter in support, noting that the proposed adjustment to the petitioners' driveway would be greatly beneficial to his driveway and street access.

A letter in support from the Cohen's, 1547 Centre Street, noted that the addition to the front porch and adjustment to the driveway would not impose on their current street perspective and would help prevent cars from blocking their driveway access.

The Wang's at 20 Cushing Street also support the petition. The proposed rear addition will offer additional privacy to both their home and the petitioners' and elimination of the existing dilapidated garage and new garage will be a great improvement.

The committee continued the hearing to allow the petitioners to respond to the concerns of the Planning Department and the committee.

Subsequent to the February 10th meeting, the petitioners submitted revised plans which reduce the proposed addition by a total of 103 square feet and the proposed FAR from .57 to .56. The addition has been pulled back on the northwest side of the property by approximately two feet and the height has been reduced so that it is lower than the peak height of the existing house. The petitioners are also proposing additional landscaping along the northwest property line. Although the Planning Department believes there is still a significant increase in the floor area, the reductions sufficiently mitigate its mass and bulk. The proposed addition is now subordinate to the existing house.

Alderman Lipof was troubled. This is the biggest house in the neighborhood on the smallest lot. It is a big ask he cannot support.

Alderman Schwartz moved approval of the petition with the findings and conditions contained in draft special permit board order #18-15, dated March 16, 2015. The motion to approve carried 6-1, with Alderman Lipof voting in opposition.

Hearing opened on December 9, 2014, continued on February 3, 2015:

~~#360-14 112 NEEDHAM STREET, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION of a NONCOMFORMING STRUCTURE to demolish an existing single-story commercial building and construct a new two and one-half story commercial building approximately 29' in height with a parking facility including waivers from front and side setbacks and lot area requirements; the number of parking stalls; end stall maneuvering space; width requirement of exit and entrance driveways; and off-street loading requirement and Floor Area Ratio up to 1.5 at 112 NEEDHAM STREET, Ward 8, NEWTON UPPER FALLS, on land known as SBL 83, 12, 7, containing approximately 7,500 sf of land in a district zoned MIXED USE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 3, 30-19(d)(11), (15), and (m), 30-19(h)(2)e, 30-19(l), and Table of off-street loading requirements of the City of Newton Rev Zoning Ord, 2012. *Hearing opened and continued on December 9; additional relief requested.*~~

~~ACTION: HEARING CLOSED; APPROVED 8-0~~

~~NOTE: Although the public hearing was opened on December 9, the petitioner asked that it be postponed. The hearing was continued on February 3, when the petition was presented by attorney Stephen Brubinder. The property contains a two-story commercial building which is~~

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17 Cushing Street Revisions 3/31/15

Garage - Reduction of 400 Square Feet

The garage footprint has been reduced by 78 square feet as a result of decreasing the depth of the garage by 3 feet. Additionally, the habitable space over the garage has been eliminated, with a new ceiling height of less than 7 feet, resulting in a reduction 322 square feet.

First Floor - Reduction of 132 Square Feet

The bathroom/mudroom located at the new side entry on the rear east side of the house has been reconfigured into a more compact shape. At the same time, the exterior wall has been moved in towards the body of the house by 2 feet, resulting in a reduction of 122 square feet.

The stair enclosure on the rear west side of the house has been reduced to a bump out of 6 feet 6 inches instead of 7 feet, and the offset from the rear corner has been increased to 1 foot (instead of 6 inches), resulting in a reduction of 10 square feet.

Second Floor - Reduction of 48 Square Feet

The exterior wall on the rear east side of the master bedroom has been brought in towards the body of the house by 2 feet, resulting in a reduction of 38 square feet.

The stair enclosure on the rear west side has been reduced in a similar fashion as the first floor. The bump out is now 6 feet 6 inches instead of 7 feet, and the offset from the rear corner has been increased to 1 foot (instead of 6 inches), resulting in a reduction of 10 square feet.

The total reduction is 580 square feet (from 4,899 square feet to 4,319 square feet.)

The FAR has been reduced from .567 to .499 (4,319 ÷ 8,640.)

The reduction of 580 square feet represents a reduction of 12%.

