

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, JUNE 23, 2015

Present: Ald. Laredo (Chairman), Ald. Crossley, Albright, Cote, Lipof, Lennon, Harney, and Schwartz; also present; Ald. Sangiolo, Gentile, and Sangiolo  
Staff: Stephan Pantalone (Senior Planner), Ouida Young (Associate City Solicitor), Linda Finucane (Assistant Clerk of the Board)

*A public hearing was held on the following item:*

#61-15(2) DIOMID BASHKINOV petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a one-car attached garage on to an existing attached garage, which will increase the Floor Area Ratio from .37 to .38, where .35 is the maximum allowed by right at 228 WISWALL ROAD, Ward 8, on land known as SBL 84, 20, 12, containing approximately 12,556 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15 Table A, 30-15(u)(2), of the City of Newton Rev Zoning Ord, 2012.

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

**NOTE:** The existing 2 ½-story single family dwelling is considered noncompliant because it was constructed in 2005 with a building permit that was issued in error. The building permit allowed construction of a dwelling with a Floor Area Ratio (FAR) of .40 where the maximum allowed at the time by right was .30. Under the current FAR controls, the dwelling has a FAR of .37 and the maximum allowed is .35. The petitioner is seeking to legalize the existing nonconformity and to expand the existing attached garage by adding an additional garage bay for one car, which will further increase the FAR of the structure from a FAR of .37 to .38. The petitioner recently purchased a portion of land to the east of the property. The proposed garage addition is set back from the front façade of the dwelling and will only be visible from L Roadway. The addition will be clad to match the materials and design of the existing dwelling. The building lot coverage will still be below the maximum 30% allowed and the proposed open space of 68.5% will exceed the minimum required of 50%. A number of houses in the neighborhood have recently or are currently being redeveloped and are maximizing out the FAR allowed by right and the Planning Department has no concerns relative to the expansion as long as the garage is not rented or used for commercial purposes.

When asked why a garage and not a shed, the petitioner said that currently the garage is used to store children's sports equipment, a lawn mower, and tools, etc. He has a 13-year old son who likes to tinker with cars. There is no intention of renting the space or using it for commercial purposes. Alderman Lipof moved approval finding that the increase in FAR is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood; the existing structure is a noncompliant 1½-story single-family dwelling; the attached garage will increase the gross floor area by approximately 252 square feet, exceeding the allowable FAR by approximately 401 square feet; the site is an appropriate location for the attached garage as it is

set back from the front façade of the dwelling; and the proposed addition will not adversely affect the neighborhood. The motion to approve carried unanimously with the findings and conditions in draft special permit #61-15(2) dated July 13, 2015.

*The following item was recommitted on June 15:*

#366-14 ARMAN CHITCHIAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct an addition and reconfigure an existing two-family dwelling to two side-by-side attached dwellings, which will increase the Floor Area Ratio from .24 to .42, where .36 .38 (with the 2% bonus) is allowed, at 143 LINCOLN STREET, Ward 5, NEWTON HIGHLANDS, on land known as SBL 52, 1, 18, containing approximately 11,775 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2012. *A public hearing was opened and continued on 12/9/2014, continued to February 10, 2015; continued on March 17 and hearing closed; Land Use approved as amended 6-0-1 on March 31, 2015; recommitted by Board of Aldermen on April 6, 2015; Land Use approved 7-0-1 (Harney) on May 5; postponed on May 18 to Date Certain of June 1; postponed on June 1 to date certain of June 15.*

**ACTION:** APPROVED 8-0

**NOTE:** Since the committee's last recommendation of approval on May 5, the petitioner has worked with the Aldermen from the Ward and the surrounding neighborhood to address their continuing concerns with the project. Dan Kernan of 136 Lincoln Street represented the neighborhood in the negotiations. As a result of these negotiations, the petitioner moved the north wall three feet towards the garage and all of the dormers, which had had various treatments, are now uniform. The eave lines project a uniform 13" around the building. These changes unlike previous changes proposed by the neighborhood do not impact the height of the living space. However, the modifications do add 128 square feet to the structure, which bumps the Floor Area Ratio back to .42, which was the original request, from the .41 previously approved.

Since the modifications resulted in a set of plans that neither the committee nor the Board had seen prior to the June 15 Board meeting, the petitioner requested that the Board refer the petition back to committee. Based on the revised plans, the Planning Department continues to support the project and believes the proposed structure with its resulting unit sizes of 2,352 square feet and 2,633 square feet, units A and B respectively, is generally consistent with and not in derogation of the size, scale and design of other structures in the surrounding neighborhood.

Alderman Rice had provided a list of suggested edited findings and conditions for the committee to consider. The committee had not seen this document, which according to Alderman Rice was prepared by former Alderman George Mansfield, before this evening but after reviewing the suggestions declined to incorporate them. For example, the committee agreed there is no nexus between repairing and/or replacing the sidewalks(s) and the handicapped ramps on the Lincoln Street and Mountfort Road frontages of the property and the reconfiguration of an existing two-family dwelling. The irony that to achieve this result the footprint of the building had to be expanded was not lost on the committee and as was the fact that the public hearing which was opened on December 9, 2014 took five meetings for a two-family house, when the end result

could have been achieved much earlier with the same increase in FAR. The chairman said that the committee appreciated any and every comment and had done its best to respond to the concerns expressed by all parties.

Alderman Crossley moved approval of the petition with the findings and conditions contained in the previously-approved draft special permit, with the exception of the FAR of .42, the modifications to the sizes of the units, and the revised plan references. The motion to approve carried 8-0.

*A public hearing was opened and continued on May 12:*

#92-15      ANDREW CONSIGLI, 131 CHARLESBANK ROAD LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 2-unit addition to an existing ~~two~~ one-family dwelling at 131 CHARLESBANK ROAD, Ward 1, Newton Corner, on land known as SBL 71, 7, 25, containing approximately 14,080 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec. 30-24, 30-23, 30-9(d)(1), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

NOTE:      HEARING CLOSED; APPROVED 8-0

NOTE: Attorney G. Michael Peirce and Mr. Consigli, who is the owner and architect and experienced with historic renovations, presented the petition. The petitioner is proposing to convert the c. 1870 Queen Anne dwelling to two units and to add an additional two units in the rear for a total of four units. There is a significant downward slope at the rear of the property where the petitioner is proposing to construct a garage for parking. The petitioner received a waiver of the demolition delay from the Historical Commission based on the proposed plans. The property is located in a dense neighborhood with an eclectic mix of single-family, two-family, and multi-family dwellings, all of which vary in terms of bulk, mass, and style mostly on small lots. The addition has been designed to mimic the existing house.

The Planning Department believes the proposed design of the addition is respectful of the existing structure and successfully integrates its architectural features. The Planning Department recommends that the petition replace the existing fence along the southern property line and provide vegetation along the southern façade of the addition where the foundation is visible. (The petitioner noted that the fence on the southern side of the property belongs to the abutter.) There are three mature trees at the rear that are in decline; if they need to be removed Planning suggests the petitioner consider planting additional vegetation along the side property lines towards the rear of the site. The existing driveway will be extended and expanded with five feet of grass pavers on either side of the nine-foot drive for Fire Department access. Mr. Peirce noted that the Fire Department is moving towards national design standards. There is a city-sewer/drain easement on the rear of the site, over which there will be parking but no building.

Alderman Crossley said the design is beautifully done. Although Floor Area Ratio is not applicable to multi-family dwellings, she asked for an estimate. Based on data from the Assessors' database, which is not precise, the FAR is approximately .64. Seven properties in the neighborhood are higher, with the average of approximately .55. Also, although not applicable, the proposed open space is 75%, where 50% is the minimum required and lot coverage is 28%, where the maximum required is 30%.

*Public comment:*

Daniel Paglia, 138 Charlesbank Road, is not opposed to the project but has concerns about additional cars parking on the street.

Mary Anne Muriello, 123 Charlesbank Road, abuts the property on the north side. Orchard Street is currently two ways, but should probably be made one if the density is increased. She is concerned about the parking at the rear of the property and any impact on drainage.

The committee asked the petitioner to address concerns about the parking, density, and the amount of usable open space other than porches and patios.

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Subsequent to May 12, the petitioner submitted revised plans modifying the parking layout in the garage and showing additional vegetation around the property lines. There are now four garages, not three, with four spaces and a single 15' double door. The number of parking stalls has been reduced from nine to eight, two per unit, with five outside. The outdoor tandem parking has been eliminated. The plan with an aisle width of almost 28' indicates ample space for vehicles to maneuver. The length of the stalls has been reduced from 19' to 18'. The reconfiguration reduces the amount of storage space in the basement. Although it isn't technically reflected in the increased open space calculation, the modifications increase the amount of useable open space on the site because the grass pavers do not count towards open space; there is actually additional grassed area to the left of the relocated driveway curve.

*Public Comment:*

Dan and Kathleen Paglia, 138 Charlesbank Road, are not concerned with the project, but with the potential for the additional parking permits it might require. Alderman Lennon said he understands their concern and is certainly willing to work with the neighborhood to work towards a resolution of the parking issue if it becomes a problem.

Alderman Lennon moved approval finding that the site is an appropriate location for a multi-family dwelling as it is located in a neighborhood with other multi-family dwellings and it will not adversely affect the neighborhood as the existing structure will be preserved; the design of the proposed addition will complement the existing structure; there will be no nuisance or serious hazard to vehicles or pedestrians as the number of stalls meet the requirements of the ordinance and are located on the site; access to the site over streets is appropriate for the types and number of vehicles involved; an exception to the dimensional requirement for parking stall length is in the public interest as it allows for additional open space on the site while providing sufficient maneuverability within the garage. The motion to approve carried 8-0 with the findings and conditions in draft special permit #92-15 dated July 13, 2015.

*A public hearing was opened and continued on June 16:*

#121-15     THE NEIGHBORHOOD HARDWARE GROUP, INC./DTS TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive five parking stalls and for associated waivers of various requirements for an existing parking facility, including parking in the front and side setbacks, and screening, interior landscaping, and lighting requirements for an existing hardware store at 2-12 WINDSOR ROAD (1641 BEACON STREET) Ward 5, Waban, on land known as SBL 53, 29, 2A, containing approx..54,198 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-19(c)(2)a), 30-19(h)(1), 30-19(d)(10), 30-19(i)(1) and (2), 30-19(j), and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

ACTION:     HEARING CLOSED: APPROVED 8-0

NOTE: Waban Hardware part of the community for decades closed recently. The Neighborhood Hardware Group owned by Tricia Marshall and her husband have acquired its assets and entered into a lease with the property owner. Ms. Marshall, attorney Stephen Buchbinder, and architect Donald Lang presented the petition. This commercial property is located in Waban Square with frontage on Windsor Road and Beacon Street. The building contains several other commercial tenants who all share a 56-stall parking lot at the rear of the property. The property has been the subject of two prior special permits for parking waivers for restaurants. The petitioner wishes to use the basement, which has direct access to the rear parking lot and was formerly used for storage, as retail space. The retail space will increase from approximately 1,261 square feet to 2,968 square feet. There is no change proposed to the footprint of the building but in order to expand the retail into the basement the petitioner requires a special permit to waive five parking stalls. The petitioner expects to have four employees on the largest shift. The petition also seeks to address the design and dimensional nonconformities of the parking lot, which include no screening along the perimeter, no interior landscaping, and no lighting over the parking lot.

The petitioner is a member of the unbranded TruValue Co-op, which is owned by thousands of store owners who band together to purchase merchandise, which allows them to get the best prices to pass on in turn to their customers. The petitioner has purchased four other hardware stores: Pill Hardware in Cambridge, Cleveland Circle Hardware in Brighton, Warren Electric and Hardware in Boston, and Eastman's Hardware in Falmouth. Plans include replacing the existing front step with a ramp to make the entire first floor fully accessible. Although the basement will not be accessible, customers will be able to shop via iPads and the merchandise will be brought upstairs. A component of TruValue's marketing strategy is to make viable use of every nook and cranny of the space. Essentially, the first floor will be devoted to merchandise for homeowners and the basement for contractors.

A Parking Utilization Study by Planning Horizons indicates there are 93 parking stalls in the area open to the public with an average of 40 parking stalls available throughout the day, which drops slightly to 37 stalls during the peak lunch period. The results of the study suggest there is ample parking on and off site.

The site is mostly impervious surface. The parking lot slopes down significantly from Beacon Street and from the side towards Windsor Road. An existing fence that belongs to an adjacent

commercial property to the northwest partially screens the site from this direction. If snow is to be stored on site the co-petitioner will have to submit a snow storage plan to the Director of Planning & Development. The Planning Department has no significant concerns with the petition. It believes the expanded establishment will improve the economic vitality of the business and Waban Square. In visits to the site Planning noted that the rear of the site has a significant amount of debris. Planning recommends creating a designated screened area for trash. Planning also noted that the parking lot has not been striped and it lacks signage to direct vehicles as required in the prior special permits

The petitioner agreed to make voluntary contribution of \$2,500 to towards the installation of curbing, sidewalks, and driveway aprons where currently none exist, to separate the border of the parking lot from the street off of Windsor Road. The petitioner will submit a parking management plan for review and approval by the Planning Department.

*Public Comment:*

Kathy Winters, a member of the Waban Area Neighborhood Council, said the Council discussed this petition at its last meeting and supported it unanimously. This business has been an important part of Waban for many years and everyone is excited that it will continue. There is always plenty of parking in the lot.

Alice Jacobs, a member of the Waban Improvement Society, applauded the renewal of the center. She also noted that there is always plenty of parking in the lot and that she has never had to use it to park.

Sallee Lipshutz, President of the Waban Area Neighborhood Council, speaking personally, reiterated the previous speakers' comments. She is delighted and looks forward to speaking with the new owners to encourage their involvement in the community.

Janice & Howard Fineman of 42 January Road sent an email in support of the petition.

The committee continued the hearing because of questions about compliance of conditions in prior special permits.

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This evening the committee was joined by attorney Rick Mann representing the property owner DTS Trust and by its property manager Tim Fahey. Mr. Mann explained that the parking lot had pavement markings that had worn off and it has not been restriped because the owner received a notice from the city that there may be a cross control connection contamination problem. VTP Associates, the owner's engineer, is working with the city. The property owner is aware that there is an ongoing obligation to maintain the lot in accordance with the conditions of previous special permits. The owner believes there may be 64 stalls in the parking lot and will submit a revised parking layout plan to the Planning Department. The committee discussed whose responsibility it is to comply with the conditions of a special permit when a tenant is the petitioner and the owner is the co-petitioner. What about when, as in this case, there are other businesses in the same building? What about different types of businesses? For example, trash from a hardware store is very different than trash from a restaurant. Mr. Pantalone agreed and he

and the Law Department will work on re-drafting several conditions in the proposed draft board order reviewed by the committee this evening.

Alderman Crossley moved approval finding that the waiver of five parking stalls is appropriate because literal compliance with the required number for the expanded retail use and mix of other uses on the site, many of which have different peak parking demand times, is impracticable due to the current parking configuration and development patterns ; the waivers from design and dimensional controls for the legally nonconforming parking facility are appropriate because literal compliance with the controls is impracticable due to the size and shape of the existing parking lot; the site is an appropriate location for the expanded retail use because it is located within a mixed use area and village center; the use as developed and operated will not adversely affect the neighborhood; the waivers will not result in the creation of a nuisance or hazard to vehicles or pedestrians on to the site or in the surrounding neighborhood; the petitioner's voluntary contribution for construction of a sidewalk, curbing, and two driveway aprons along the frontage of the property bordering the parking lot off Windsor Road is a public benefit to the city that will enhance pedestrian safety and improve vehicular movement. The motion to approve carried unanimously with the findings and condition in draft special permit #121-15 dated July 13, 2015.

*Public hearing was opened and continued on June 16:*

#124-15 and (2)WELLS AVENUE LLC. petition for a SPECIAL PERMIT to demolish a portion of an existing one-story building and construct a 3-story addition adjacent to the remaining portion of the building, which will increase the gross floor area in the aggregate to 20,000 or more from the existing 68,740 gross square feet to 132,598 gross square feet; to construct one or more retaining walls which may be greater than 4 feet within the setbacks; to allow parking in the rear setback; and to waive the required driveway width at 2 WELLS AVENUE, Ward 8, on land known as SBL 84, 34, 2K, containing approx. 436,175 square feet of land in a district zoned LIMITED MANUFACTURING. Ref: 30-24, 30-23, 30-12(g)(2), 30-5(b)(4), 30-19(h) and (m) of the City of Newton Rev Zoning Ord, 2012.

**ACTION:** HEARING CLOSED: APPROVED 7-0-1 (Schwartz abstaining\_

**NOTE:** The petition was presented by attorney Jason Rosenberg, architect John Sullivan, a representative from Nitsch Engineering, and Dan Dumas from MDM Traffic Consultants. The petitioner wishes to demolish a portion of the current one-story building and construct a three-story 36 foot high addition attached to the remaining portion of the building and to expand the existing at-grade parking lot. The expanded building will have approximately 132,598 square feet of total gross floor area, for a net increase of approximately 63,858 square feet of gross floor area from the existing building. The floor area ratio for the property and the Park is .25. The proposed building maintains a 25-foot setback from wells Avenue, 137-foot setback from the northern property line, and a 298-foot setback from the rear property line (Nahanton Street Swamp.). The building will be constructed with steel, concrete, and structural glass. The parking lot expansion will be accomplished by creating additional parking in a portion of the site occupied by the existing building and on an undeveloped portion of the site. The proposed expansion of the parking will increase the parking capacity on the site from 282 to 477 parking stalls. Various other site improvements are included in the project. The petitioner is seeking a

special permit to allow construction of an addition greater than 20,000 square feet and to construct retaining walls in excess of four feet in height within the setbacks. The petitioner is also seeking to amend the Deed Restriction for the office park adopted by Board Order #276-68(3), dated November 18, 1968, and any subsequent amendments.

The petitioner wishes to modernize the functionality as well as the visual appearance of the building while improving the aesthetic of this gateway to the Office Park. The proposed building will be energy efficient, a sustainable design/construction material, comply with the stretch Energy Code, and be LEED certifiable. A portion of the site contains a wetland resources area and buffer zone, but the petitioner is not proposing to do any work within these areas.

The petitioner provided a traffic assessment that indicates a nominal increase of approximately one new vehicle trip per minute on average during peak commute hours, with no material changes to the operating conditions for studied intersections, as well as a project surplus of parking stalls.

Alderman Crossley commented that:

- It appears there is hardly any pervious surface on the site; it appears there is much more parking than needed; trade off parking for better stormwater management?
- Although pleased with the native species proposed for landscaping; 115 trees will be removed and replaced with 75 trees. Mr. Rosenberg said that the replacement will include caliper inches and a donation to the tree replacement fund.
- The light poles appear high, will there be shields?
- After this winter, there is concern about the capacity of roadways given the current configuration of the intersection
- What is the city's vision for Wells Avenue Office Park

Mr. Rosenberg said that the Nahanton Bridge repairs coupled with the loss of lanes due to the snow created an extraordinary situation this past winter. Alderman Lipof reported that he had never received any complaints until the incident last winter which was an extreme circumstance, not the baseline. There may be too many parking stalls, but that is a question the committee can decide. Alderman Schwartz agreed that the incident last winter was a perfect storm; however, what does one more car per minute at each intersection mean? Is it necessary to have extra parking stalls at the expense of open space and trees? Is a 36-foot retaining wall necessary?

Public comment:

Ted Korelitz, 210 Nahanton Street, a trustee of Nahanton Woods, has deep concern about traffic on Nahanton Street as well as drainage concerns. There is a culvert that runs under Wells Avenue to the Charles River and there have been problems with beavers building dams.

The Planning Department believes the proposal is consistent with the *2007 Newton Comprehensive Plan* and the goals of the N2 Innovation Corridor. The petitioner is willing to implement a Transportation Demand Management Plan which includes the contribution of funds to support the creation of a shuttle service to the Office Park. Planning believes development of



a 'Class A' commercial building and on-site improvements will contribute to the long-term viability of the Park as well as improve its fiscal value to the city.

Planning recommended that prior to the working session the petitioner consider the following:

- reducing the size of the parking lot if a surplus of parking exists;
- explain how snow storage areas will function as most of the areas shown contain significant amounts of landscape plantings;
- ways to mitigate the requested amendments of the Deed Restriction through pedestrian or vehicular upgrades in the portion of the Park near the site as public benefit.

The committee asked the Planning Department if it could provide the total square footage of floor space in the Park which has a maximum cap.

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Subsequent to June 16, the petitioner conducted a comparative analysis of similarly designed and sized office buildings in the area. Based on this analysis, the petitioner believes that the 58 surplus parking stalls are needed to market a suburban Class A office building: this is on average a parking ratio of 3.5 stalls per 1,000 square feet of office space. Moreover, the petitioner believes the parking requirements of the ordinance are outdated and do not reflect current use demands or building designs. Although the Planning Department understands the petitioner's needs to market the building, it believes that the petitioner's implementation of a robust transportation demand management plan will result in a reduced parking demand. Planning had suggested the petitioner consider the construction of a one-story parking deck at the rear of the site to meet the market's parking demand while still preserving open space and decreasing the number of mature trees that will be removed. The petitioner has agreed to plan 30-40 additional trees along the perimeter of the property and will make a payment to the city's tree preservation fund to offset the remaining caliper inches that will not be replaced in-kind on the site. Planning has suggested that the petitioner consider installing additional street trees throughout the Office Park as mitigation. As to the retaining walls, the petitioner said that existing rock cropping and wetlands are a factor in the height of the proposed retaining walls.

The on-site stormwater management system is designed to meet and exceed MassDEP and city standards. There will be no increase in stormwater volumes discharged from the site and there will be a reduction in the peak flow rates and volume of stormwater runoff from the site to abutting properties and the city's drainage system during storm events. The Engineering Division of the Department of Public Works has no issues with the proposed underground stormwater management system. The Conservation Commission is pleased with the proposed management plan.

As to traffic and traffic improvements, the city's Transportation Division anticipates undertaking the following projects:

- Wells Avenue/Nahanton Street – signal/geometry upgrades including coordination of signal timing with a new signal at Winchester/Nahanton Streets.
- Winchester/Nahanton Streets – signalize and coordinate signal timing with Wells Avenue/Nahanton Street intersection

- Nahanton/Dedham Streets - signal upgrades and coordinate signal time with Dedham Street/Carlson Avenue/Brookline Street intersection
- DedhamStreet/Carlson Avenue/Brookline Street – signal upgrades and coordination of signal timing with Nahanton/Dedham Streets intersection.

These improvements combined with MassDOT's I-95/Kendrick Street project should improve the flow of traffic to and from the Office Park and the immediate area. The Planning Department noted that given the events of the past winter, the Department of Public Works is evaluating its prioritization of snow removal routes. As to roadway capacity, if a peer review consultant is not engaged, the Planning Department relies on the petitioner's traffic consultant to study existing conditions and future roadway conditions, which in turn is evaluated by the city's Transportation Division, which was what was done in this case.

As to the deed restriction, in 1972 the Board of Aldermen authorized an increase of the total square footage cap for buildings in the Office Park from 800,000 square feet to 1.2 million gross square feet. The total square footage of office/bank space, which was based on 50% of the total square footage cap, increased from a maximum of 400,000 gross square feet to 600,000 gross square feet. However, the city has not tracked this information. Since the recent Metropolitan Area Planning Council (MAPC) *Wells Avenue Market Study* indicated approximately 950,000 gross square feet of office space currently in the Park, the Planning Department recommended the petitioner seek an amendment/waiver of the deed restriction.

Although the Planning Department believes the Office Park to be one of the city's most critical commercial areas there is no one plan or guiding document that envisions its future direction. The MAPC study did offer some suggestions for incremental redevelopment of the Park to update the office space, bringing the Park up to modern commercial design and layout standards for its buildings and to incorporate a limited mixture of other uses.

Alderman Albright said that although the city is undertaking signal improvements, at what point is a second exit from the Park required? Alderman Lipof said a second exit is not a real possibility. The only way to create a second exit would involve crossing wetland or Mt. Ida's property. He reiterated that this past winter is not a baseline. He suggests taking the tack of adding new office space and watching it carefully to see how the Park functions. Alderman Crossley likes the project, but is concerned that the city does not know the distribution of the square footage in the Park. If there are different uses, then there are different peaks that could result in better traffic flow. Alderman Schwarz said it is encouraging that the Park is attracting this type of development, but this is a large ask: the building is tall, with a height at the entrance of the Park that is not exactly the model envisioned, and there is more parking that required. There was some concern about the height of the numerous retaining walls proposed. Alderman Harney noted that the proposed 128 Business Council shuttle is an important factor in mitigating additional traffic. In addition, the petitioner has offered to contribute to the construction of concrete sidewalks and pedestrian aprons along the frontage of the property bordering Wells Avenue between the two driveways of the site. The Chairman said this is a great project to grow a commercial base.

Alderman Lipof moved approval finding that the specific site is an appropriate location for the expanded office building because it is located within the Wells Avenue Office Park; construction of retaining walls greater than four feet in height within the setbacks is appropriate in this location because rock outcroppings limit the full use of the site; the use as developed and operated will not adversely affect the neighborhood as it is a use allowed by right in the Limited Manufacturing district and is consistent with the uses permitted by the Deed Restriction; the project will not result in the creation of a nuisance or hazard to vehicles or pedestrians on the site or in the surrounding neighborhood; access to the site is appropriate for the types and number of vehicles involved; the Traffic Impact Assessment report indicates that Wells Avenue has adequate capacity to accommodate the additional vehicle trips generated by the proposed expansion of the office use, and the petitioner has agreed to implement a Transportation Demand Management Plan, which includes participation in the 128 Business Council shuttle bus and in addition, city planned improvements to the signalization at the entrance/exit to the Office Park are intended to mitigate additional traffic generated by potential future development within the office park; the project will contribute significantly to the efficient use and conservation of natural resources and energy; the petitioner has incorporated numerous environmentally responsible and sustainable features into the building design, site design and facility programming; the petitioner will implement an advanced stormwater management system designed to capture and infiltrate runoff generated in a 1% (" 100 year") storm for both the new and existing building as well as for new parking and nearly all of the existing parking areas, substantially relieving the city stormwater system and improving water quality; the petitioner's voluntary contribution to construct concrete sidewalks and pedestrian aprons along the frontage of the property bordering Wells Avenue between the two driveways of the site is a public benefit to the City that will enhance the safety of pedestrians and improve pedestrian movements in the Wells Avenue Office Park. The motion to approve the special permit carried 7-0-1, with Alderman Schwarz abstaining.

- #124-15(2) Accompanying petition #124-15 is a request that the restriction adopted by Board Order #276-68(3), dated November 18, 1968, and subsequent amendments be further amended to allow the following: .
- a greater percentage of office space in the entire office park to exceed 800,000 square feet in floor area;
  - less open space as to the subject parcel and all other parcels constituting Parcel 1 than the maximum 40% requirement;
  - the property and proposed building thereon to exceed the maximum Floor Area Ratio of 0.25, and to allow the maximum Floor Area Ratio for the entire Wells Office Park to exceed 0.25;
  - a portion of the existing parking spaces and maneuvering area to be within 40 feet of the northeasterly boundary line of Parcel 1 on the plan #1183 of 1960 of which the land of 2 Wells Avenue is a part, and which boundary line is designated on said plan as "950" feet;
  - retaining walls of 4 feet or greater as may be necessary within 80 feet of the northerly boundary line of said lot;

- the proposed building addition to be 36 feet in height although the specified minimum setback for the proposed building from the southerly street line of Nahanton Street is 321 feet.

ACTION: APPROVED 4-0-4 (Albright, Crossley, Harney, Schwartz abstaining)

*Public Hearing was opened and continued on February 10, 2015:*

#480-14 STEPHEN VONA petition to rezone 283 MELROSE STREET, also known as Section 41, Block 14, Lot 10, from MULTI RESIDENCE 1 to a MIXED USE 4 DISTRICT.

*Public Hearing was opened and continued on May 19:*

#480-14(3) STEPHEN VONA petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to restore and expand an existing structure known as the Turtle Lane Playhouse with office space above, to provide a mixed use building with an addition containing 6 dwelling units at street level and above and a second building containing a 23-unit multi-family dwelling with a below grade parking garage for 30 cars at 283 MELROSE STREET, Ward 4, Auburndale, on land known as SBL 41, 14, 10 containing approximately 43,783 sf of land [currently zoned MULTI RESIDENCE 1] in a proposed MIXED USE 4 DISTRICT. Ref: Sec 30-24, 30-23, 30-13(h)(2) Table B, 30-13(j)(1),(2),(3), 30-15 Table 3, 30-15(w)(1) and (4) and (w)(6), 30-5(b)(4), 30-19(d)(2), and (d)(18), and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARINGS CONTINUED

*Public Hearing was opened and continued on May 12*

#91-15 CP NEEDHAM STREET LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to convert existing retail space to a restaurant use, to allow parking requirements to be met off-site (at 188-210 Needham Street), to allow parking within a setback in a parking facility with 5 or less parking stalls, to waive off-street loading requirements, and to waive lighting and screening requirements in a parking facility at 180 NEEDHAM STREET and to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL #182-09, dated 11/07/09, which allowed up to 6,000 sf of retail space to be converted to restaurant use, in order to expand parking within a setback in a facility with more than 5 parking stalls, to increase the number of parking stalls accessed by a nonconforming aisle width, to waive requirements for vegetative screening and lighting for a parking facility with 5 or more parking stalls at 188-210 NEEDHAM STREET to accommodate the parking proposed for 180 Needham Street, Ward 8, Newton Upper Falls, both of which properties are located in a district zoned MIXED USE 1. Ref: 180 Needham Street: 30-24, 30-23, 30-13(b)(5), 30-19(f)(2), 30-19(g)(1), 30-19(i), 30-19(j), 30-19(l), 30-19(m) and 188-210 Needham Street: 30-24, 30-23, 30-21(b), 30-19(h)(1), and (h)(3), 30-19(i), 30-19(j), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CONTINUED

Request for Consistency Determination – re Special Permit #179-13 granted on October 21, 2013 to Beecher Terrace Homes, LLC, to construct single-family attached dwelling(s) containing 4 units and to waive the 10-foot driveway setback requirements and for a retaining wall greater than 4 feet located within a setback at 22 and 26 Beecher Terrace, Ward 6, Beecher Terrace’

NOTE: The petitioner made two modifications to the approved site plan. The front entrance, shown on the site plan as stamped asphalt is granite instead and a fence shown on the approved plan has been replaced with vegetation. The committee had no issue with these changes. However, an area at the rear of the site has been paved with a fence on the property line. This area was shown as landscaped on the approved plan. The petitioner explained that the area has a significant slope toward the adjacent property and after this past winter there was concern about plowing snow off the site onto the abutter’s property. Although the committee was sympathetic it was troubled by the lack of vegetation as well as the potential for cars parking in this area. Alderman Schwartz agreed to meet with the petitioner to see if an amicable solution might be reached.

Request for Consistency Determination - Chestnut Hill Mall Special Permit #474-14, granted on January 20, 2015, for façade renovations/ vestibule expansions and new signage throughout the mall.

NOTE: The Mall at Chestnut Hill is being re-branded to The Shops at Chestnut Hill, resulting in slight changes to the signs approved in the special permit. The petitioner believes the proposed signage will be impactful to drivers entering and passing the property and the proposed site wayfinding signs will aid in on-site traffic circulation. The committee agreed, and asked Mr. Sexton to convey its consensus to the Commissioner of Inspectional Services.

Respectfully submitted,

Marc C. Laredo, Chairman