

CITY OF NEWTON
IN BOARD OF ALDERMEN
LAND USE COMMITTEE REPORT
TUESDAY, AUGUST 4, 2015

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

Items Recommended by Board of Aldermen on July 13, 2015:

#124-15 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. *A public hearing was opened and continued on June 16 to June 23.*
(Hearing closed on June 23, 2015; [Approved 7-0-1 Schwartz abstaining])

ACTION: APPROVED 7-0 (Crossley not voting)

NOTE: Items #124-15 and #124-15(2) were recommitted on July 13 because several Board members asked that the committee consider a condition relative to traffic mitigation. The Board also wanted to clarify that the proposed amendments to the deed restriction applied only to the 2 Wells Avenue project. Associate City Solicitor Ouida Young provided drafts of both the special permit and deed restriction board order in the packet of July 31.

The petitioner has volunteered to make a contribution of \$67,500 towards a Traffic Mitigation Fund. The funds would be paid when the building permit is issued and the city would have seven years to appropriate the funds. The methodology to calculate the donation is the "Cost Allocation Procedure" (CAP) which bases a fee on the proportion of an impacted intersection's operating capacity. In this case the petitioner's traffic study showed the proposed expansion using approximately 5% of the Wells Avenue/Nahanton Street intersection capacity and 1 to 2 % of the Winchester Street/Nahanton Street intersection. The cost to improve the Winchester Street/Nahanton Street intersection is funded at \$250,000. Transportation Director Bill Paille provided a very rough cost estimate of \$1,250,000 for the improvements he believes need to be made to the Wells Avenue signal and the configuration of that intersection. The donation is based on the percentage of capacity taken up at each of these intersections by the project times the cost of the improvements. Ms. Young stressed that the calculation and the figure arrived at is soft not scientific. She reminded the committee that impact fees are not generally favored in Massachusetts, but voluntary contributions with a nexus between what is proposed and

mitigation for it are very common. This same approach could be used to calculate voluntary contributions from future Wells Avenue office park projects.

The petitioner has also agreed to keep the portion of its site that might be the location of a second means of vehicular access/egress for the office park open and unobstructed for 15 years which preserves negotiation rights for the city. In addition, the petitioner has also agreed to a Transportation Management Plan (TDM) which includes assistance in the organization as well as participation in a shuttle service for the office park and incorporates amenities such as bike racks and showers.

Alderman Hess-Mahan, who had advocated for re-committal, said that in his opinion it was time to get rid of the 1960's deed restriction. The city should create a master plan for the office park and realistically look at what can be done on each parcel; however, the agreement to a 15-year no-build will keep the area free and everybody will be well served. He and the committee expressed their gratefulness to the petitioner. Alderman Lipof moved approval, which motion carried 7-0, with Alderman Crossley not voting.

#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.

(Approved 4-0-4 [Albright, Crossley, Harney, Schwartz abstaining] on June 23, 2015)

ACTION: APPROVED 7-0 (Crossley not voting)

NOTE: Alderman Lipof moved approval, which carried 7-0, with Alderman Crossley not voting.

NOTE: This evening's discussion will be reported prior to the continuance of the hearings and discussion of the following items:

A Public Hearing was opened and continued on July 14, 2015:

#150-15 ANTHONY DePASQUALE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to change an existing nonconforming use to another nonconforming use in order to convert an existing clubhouse to a multi-family dwelling with five units and to waive one parking stall and to allow parking within the front setback at 15 SOUTH GATE PARK, Ward 3, West Newton, on land known as SBL 33, 31, 9, containing approximately 14,120 square feet of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-21(b), 30-19(d)(2), (g)(1), and (m) and 30-24(f) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CONTINUED TO DATE TO BE DETERMINED

A Public Hearing was opened and continued on July 14, 2015:

#149-15 JOAN DEVINE, TRUSTEE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow an increase in Floor Area Ratio from .45 to .58 for a customized modular home that was permitted at 14 CHARLEMONT STREET, Ward 8, Newton Highlands, on land known as SBL 83, 33, 18, containing approximately 8,251 square feet of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CONTINUED TO DATE TO BE DETERMINED

A Public Hearing was opened and continued on July 14, 2015:

#416-12(4) MAIN GATE REALTY LLC petition to AMEND Special Permit/Site Plan Approval for a Change in Nonconforming Use #416-12(3), granted August 12, 2013, which limited two existing tenant spaces to office, low parking demand/turnover service, or retail uses, in order to allow office and storage space in the basement and to re-stripe an existing parking lot to create five parking stalls, where four currently exist, and to waive the dimensional requirements for the parking stalls at 242-244 COMMONWEALTH AVENUE, Ward 7, Chestnut Hill, on land known as SBL 61, 13, 11, containing approximately 7,452 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-19(h)(2)a) and (m) of the City of Newton Rev Zoning Ord.

ACTION: HEARING CONTINUED TO DATE TO BE DETERMINED

The meeting was adjourned at approximately 9:45 PM.

Respectfully submitted,
Marc C. Laredo, Chairman