

CITY OF NEWTON
IN BOARD OF ALDERMEN
LAND USE COMMITTEE REPORT FOR

SEPTEMBER 23, OCTOBER 28, AND NOVEMBER 10, 2014

Present on September 23: Ald. Laredo (Chairman), Ald. Cote, Crossley, Lennon, Lipof, and Harney; absent: Ald. Albright and Harney; also present: Ald. Baker, Lappin, Yates, Danberg, Kalis, Blazar, and Fuller; Staff: Alexandra Ananth (Chief Planner for Current Planning), Dennis Murphy (Assistant City Solicitor), Ouida Young (Associate City Solicitor), Daniel Sexton (Senior Planner), Linda Finucane (Assistant Clerk of the Board)

#102-06(11) CHESTNUT HILL REALTY DEVELOPMENT, LLC./KESSELER DEVELOPMENT, LLC. petition to amend Ordinance Z-37, dated November 17, 2008, which adopted a change of zone from SINGLE RESIDENCE 3 to MULTI RESIDENCE 3 conditional upon the exercise of Special Permit #102-06(9), for a parcel of land located on LaGrange Street, Ward 8, identified as Section 82, Block 37, Lot 95, and shown as Lot H-1 on a Subdivision Plan of Land in Newton MA, "Toomey-Munson & Associates, Inc.," dated April 28, 2004, recorded with the Middlesex South County Registry of Deeds in Plan Book 2005, page 102.

ACTION: HEARING CLOSED on NOVEMBER 10, 2014; APPROVED 6-0

NOTE: The Planning and Development had no quorum this evening, but held a separate hearing on November 3, 2014. The Planning and Development Board reported to the committee in a letter dated November 7, 2014 that a motion "to not recommend approval of rezoning the parcel from Single Residence 3 to Multi Residence 3" failed to carry by a vote of 3-3. The Planning Board reportedly discussed it again at a subsequent meeting on November 12 but the committee has not yet received any information relative to that meeting. Alderman Lipof moved approval, which carried unanimously.

#102-06(12) CHESTNUT HILL REALTY DEVELOPMENT, LLC./KESSELER DEVELOPMENT, LLC. petition to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL #102-06(9), granted on November 17, 2008, by constructing a 4-story, 80-unit multi-family building with accessory parking, driveway, and landscaping, including waivers from the maximum height requirement, various parking dimensionals, lighting requirements, and signage on land located on LaGRANGE STREET, Ward 8, known as Sec 82, Blk 37, Lot 95, shown as Lot H-1 on a Subdivision Plan of Land in Newton MA, "Toomey-Munson & Associates, Inc.," dated April 28, 2004, recorded with the Middlesex South County Registry of Deeds in Plan Book 2005, page 102, containing approximately 640,847 sf of land in a proposed Multi Residence 3 district. Ref: §§30-24, 30-23, 30-9(d), 30-15 Table 1 footnote 5, 30-19(h)(2)a, 30-19(h)(5)a, 30-19(j), 30-19(m), 30-20(l), 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED ON NOVEMBER 10, 2014; APPROVED 3-0-3 (Cote, Crossley, and Lennon abstaining)

NOTE: These petitions were discussed over the course of three public hearing sessions held on September 23, October 28, and November 10.

The petitioner was represented by Marc Levin, Director of Development at Chestnut Hill Realty, Attorney Franklin Stearns from K&L Gates, Joseph Geller, Frank Holmes, and Theo Kindermans from Stantec Consulting Services, Michael Liu, The Architectural Team, and Robert Michaud from MDM Transportation Consultants. Please see the *attached* PowerPoint.

Chestnut Hill Realty is seeking relief to construct a multi-family dwelling in a Multi Residence 3 district on land located along LaGrange Street. The site, formerly owned by Boston Edison, contains approximately 640,847 square feet of land. Part of a large parcel long identified for acquisition by the city in its Open Space and Capital Improvement Plans, Boston Edison put the undeveloped property on the market in 2003 after the deregulation of utilities. The city sought and found a co-bidder, Cornerstone Corporation, to purchase the land. A Cooperative Bid, \$5M in Community Preservation funds from the city and \$10.1M from Cornerstone, was successful and per terms of the agreement Cornerstone acquired Lots J and H (recorded as Lot J, Lot 11, and Lot H-1). Lot J has been developed for single-family homes through an Approval Not Required (ANR) Plan and a Subdivision Plan. The Cooperative Bidding Agreement gave the city 20 acres of open space and a Conservation Restriction and easement over a portion of Lot H-1. The Restriction and easement grant the city the right to recreational access to trails and paths via a footpath over land owned by Cornerstone.

In 2006, the development of Lot H-1 for a 62-unit condominium complex with one 52-unit building and two groups of attached townhouses was approved by the Board of Aldermen. The Board also approved a map change to re-zone the property from Single Residence 3 to Multi Residence 3 conditional upon the exercise of the special permit. A one-year extension to exercise the special permit was granted in 2007. However, Cornerstone after receiving a one-year extension of time did not exercise the permit within the two years given by MGL c. 40A. In 2008, Cornerstone re-submitted the application as approved in 2006 for a new special permit. The application was approved again and was again extended per Chapter 30 of Newton's zoning ordinance for an additional year, but Cornerstone was unable to exercise that special permit; however, the General Court created the Permit Extension Act, Section 173 of Chapter 240 of the Acts of 2012, to promote job growth and long-term economic recovery. The Permit Extension Act granted an automatic four-year extension to certain permits and licenses concerning the use or development of real property for any permit in effect or existence beginning on August 15, 2008 and extending through August 15, 2012. Special permit #102-06(10) was granted on November 17, 2008 and was extended by the Board of Aldermen on December 7, 2009, which permit is in effect until November 17, 2014.

The amended petition consists of a four-story (up to 48 feet), multi-family building with 80 units of rental housing, containing 24 one-bedroom units and 56 two-bedroom units, and 160 on-site parking stalls, with 130 stalls underground and 30 surface stalls. Unlike the original plan, the petitioner is proposing a single structure to minimize on- and off-site impacts and preserve open space. The original petition involved removing the top of the hill; this proposal is a smaller scale and follows the contours of the topography and concentrates the building's footprint by

integrating the mass of the structure into the existing topography, which results in 40% less blasting than what would have occurred in the previously-approved special permit and entails less cutting into the rock. As in the previously approved special permit, the petitioner will engage an independent blasting consultant. As the property is currently undeveloped, the current proposal retains a large portion of the site in a natural state. Although approximately 297 trees will be removed, there is a “robust” planting plan. However, the Planning Department noted that since most trees are deciduous, more evergreens would provide better seasonal screening.

The proposed building is concealed from the south and east; its mass is broken up with architectural elements, window sizes, pitches, and roof lines. Although higher than the Cornerstone proposal of 3.5 stories, 4-stories at the LaGrange Street end and 3-stories at the other end, it is further away from abutters. And, although the number of units has increased, they are smaller, and the number of bedrooms has not increased significantly. The petitioner has committed to provide 12 affordable units, six at 50% of the area median income and six at 80% of the area median income. The petitioner is seeking a waiver from the foot candle lighting requirement for parking facilities containing more than five stalls, which the Planning Department agrees is appropriate for a residential use. A single free-standing sign is proposed at the entrance. Double-sided, it is approximately 62 square feet in size and is designed as a double-faced sign, mounted on a precast concrete wall with stone veneer. Along with the freestanding sign, the petitioner is also seeking relief to exceed the maximum sign area allowed.

Public comment – Unfortunately the sound system, which was dismantled when the Chamber underwent refurbishing in August, was not working well and it was almost impossible to hear and/or understand most of the people who spoke. Out of the 19 people who spoke, 5 were known; however, with apologies, comments by the 13 speakers who were not known are summarized, in no particular order, below:

Peter Davos, 14-16 Broadlawn Park, said it is a burden on LaGrange Street. Taking a left onto Broadlawn is already impossible. There are no sidewalks on the Broadlawn side of LaGrange Street.

Jason Comander, 11 Hollywood Drive, said there are too many units. He is concerned about increasing the traffic in an already terrible situation. It is very difficult getting out of his street and he fears for the safety of his family.

Ellie Golestani does not support the proposal. Traffic at peak hours is difficult. The apartments are quite small. The proposal will impact the schools.

Kathleen Kouril Greiser, 258 Mill Street, cautioned the committee about the petitioner, who is in a dispute with the town of Brookline over an expansion to Hancock Village. She does not support this proposal; it will have an impact on the schools. It should be scaled back.

Joe Bresman, 81 Rangeley Road, Brookline, a direct abutter, urged that the existing special permit with the condos be carried over to the new permit. The petitioner modified the proposal because it is a difficult project and not a good site to build on. Although the proposed blasting will be reduced by approximately 40%, there are still 87,000 cubic yards, which is still a lot of

blasting. Fractured ledge provides new paths for water to travel downhill. He asked that the petitioner address water in the basements on Rangeley Road. Alice Bresman also submitted an email.

Anne Freedman, a 10-year resident of 71 Rangeley Road, Brookline, urged the committee to carry over the conditions in the existing special permit. She asked that an independent licensed blasting consultant be engaged. Currently, she has a dry house, with no water in the basement. The foliage screening the project is seasonal. The proposed access is in a dangerous spot. Subsequent to this meeting, Ms. Freedman also submitted several communications via email.

Concerns raised by other speakers:

- Traffic from Chestnut Hill Square has exacerbated the traffic on LaGrange Street
- Sewer capacity and drainage – wetlands – deer eating landscaping
- Climate change
- Height of the building
- Seasonal screening
- No public transportation for proposed residents - will proposed shuttle be open to other residents in the neighborhood
- Traffic on Broadlawn
- Often a solid backup from Hammond Pond Parkway
- Impact on schools – Memorial Spaulding at capacity
- Guest parking
- No sidewalk on LaGrange Street
- Boston abutters not addressed

Letters were received from State Representative Edward Coppinger 10th Suffolk District, State Representative Frank Smizik 15th Norfolk District, and Melvin Kleckner and Alison Steinfeld, Brookline Town Administrator and Planning Director, respectively, all of whom urged the Board of Aldermen to consider the abutters in their communities. Additional emails were received and forwarded to the Board, all of which are on file in the office of the Clerk of the Board of Aldermen.

The petitioner provided a Traffic Impact Assessment (TIA) by MDM Transportation Consultants. MDM examined the surrounding road network and studied traffic capacity at the Vine Street and Corey Street at LaGrange Street, and Rangeley Road at LaGrange Street (in Brookline) intersections under existing, no build, and build scenarios. Commuter trends are east in the morning peak and west in the evening peak. It is estimated that the project will generate approximately 43 vehicles trips during the weekday morning peak hour and 62 vehicle trips during the weekday evening peak hour. MDM states that adequate capacity exists along LaGrange Street and at the studied intersections to accommodate the projected increases in traffic. MDM also does not predict any change in the overall Level of Service (LOS) in the study area. The city has contracted with McMahon Associates to perform a peer review, and expects to receive McMahon's review in a week or so. The petitioner proposes to expand the existing nearby Hancock Village shuttle service, which it provides for its residents, to include Kessler Woods. The petitioner has offered to fund intersection improvements at the

LaGrange/Corey/Vine Streets intersection, as well as install a crosswalk across LaGrange Street and ADA compliant ramps at the site's driveway. An updated Construction Management Plan will be reviewed by the city's Engineering Division and the Inspectional Services Department. The blasting plan will be reviewed by the Fire Department and the petitioner's independent blasting consultant who should be asked to include a review of the impact of the blasting on water runoff. The committee was reminded that the original expenditure of Community Preservation funds that included 20 acres of open space also was always intended to gain low- and moderate- income housing units for the city as well.

Committee issues and questions:

- Members like the redesign, it is a better concept with many features improved over the prior plan, the siting of the building is "more gentle on the site." However, the building appears bulky in ways. Are what appear to be glass windows on the roof usable space?
- Disparity in the size of affordable units and their locations; i.e., they appear to not be dispersed throughout the building.
- How is the stormwater system designed? Are there traditional infiltration units on the site? Will there be a tie-in for overflow into the city stormwater system, if so where? Impact of blasting on drainage and infiltration
- Sight distances on LaGrange for site access/egress
- Indoor parking: tandem parking, stall dimensions?
- Massing/winter views/additional coniferous trees?
- Number of children projected?
- Public access to footpaths, will petitioner pay the \$75,000 for planning, design, etc.?
- Tree removal plan?
- Lighting plan?
- The issue raised by the city's Conservation Agent re the project's sewer connection's potential impacts on the wetland resource areas
- Brief history from the Law Department of the acquisition, agreements, Cooperative Bidding Agreement and amendments, etc. to clarify what impact, if any, this petition has on those previous agreements.

October 28

Present: Ald. Laredo (Chairman), Ald. Albright, Lipof, Lennon, Cote, Crossley, Schwartz, and Harney; also present: Ald. Fuller and Lappin; Staff: Alexandra Ananth (Chief Planner for Current Planning), Daniel Sexton (Senior Planner), Robert Waddick (Assistant City Solicitor), Ouida Young (Associate City Solicitor), Linda Finucane (Assistant Clerk of the Board)

NOTE: A site visit was held on Tuesday, September 30 at morning peak hour, which provided an opportunity for Board members and staff to observe the traffic, which that morning appeared to flow without any problems. Subsequent to the September 23 meeting the petitioner met twice more with the neighbors. The proposed siting of the building will preserve the knoll in the center of the site, which will actually shield the building from abutters. The interior roadway has been reduced slightly to preserve more open space. The Planning Department believes the petitioner has addressed the issues of massing and design by moving the elevators and stair towers to the

north side of the building which allows the exit on the rear to the building to be on grade. Bays extending to the roof break up the façade and most of the balconies have been removed. Please refer to the Narrative of Changes attached to the Planning Department memo dated October 24, 2014 for particulars. The petitioner will submit a revised site plan and architectural drawings prior to the next meeting. A putting green and play area are proposed on the western side of the site.

In response to a question from the committee, Robert Michaud of MDM Associates noted that the location of the driveway is identical to that approved by the city in 2008. The driveway provides sight lines that exceed the minimum recommended for the recorded 85th percentile travel speeds on LaGrange Street. Mr. Michaud said that while some vehicles may travel at speeds greater than 40 mph, the sight line analysis was properly evaluated using the posted speed limit and 85th percentile travel speeds. The sight lines are more than 400 feet to the west and 380 feet to the east. Mr. Michaud agreed with McMahon that the sight triangles at the drive should be at grade and clear of any vegetation or other obstructions greater than 3.5 feet above the road grade. However, McMahon Associates, the city's peer reviewer, did not raise any real concerns with the TIA prepared by MDM Transportation Associates. Several committee members suggested installation of a pedestrian crossing with a flashing light on LaGrange Street. The petitioner has met with the city's Transportation Division which has reviewed the initial design proposed by the petitioner for the intersection of LaGrange/Corey/Vine Streets. The Transportation Division believes the design will create a safer intersection for vehicles.

The committee asked when the footpath will be created. The original special permit tied the \$75,000 contribution to 90% occupancy rate of the condos, but this is a rental project. The petitioner is committed to the \$75,000 payment. However, the footpath cannot be installed until the city determines its location.

Shuttle service to Hancock Village is currently provided between 6:00 AM and 9:00 AM and 4:30PM and 7:30PM, approximately every 20 minutes on weekdays. If expanded to Kessler Woods, the shuttle service might be modified; however, a need for modification would be evaluated after building occupancy and resident demand.

All construction and site work will be outside the 100' buffer zone and wetland areas. The petitioner has met with the city's Conservation Agent and filed a Request for Determination of Applicability and an Abbreviated Notice of Resource Area Delineation with the Conservation Commission, but it is unlikely that review will be completed before the Board acts on the petition. The Planning Department believes the Commission's review will not materially impact the proposed site plan.

The proposed freestanding sign has been reduced to 35 square feet. The photometric plan shows minor light trespass onto LaGrange Street; however, the petitioner and the Planning Department agree that it is important to have sufficient lighting at the property's entrance.

Regarding inflow & infiltration (I&I), it is the city's policy to require a mitigation payment for a development project having more than 100 bedrooms. Based on the standard calculation used by the city, which assumes a price of \$8.40/gallon and 110 gallons per bedroom with an I&I ratio of 8:1, the mitigation payment in this case would be approximately \$1,005,000 (a ratio of 2:1 assumes \$2.40/gallon, 4:1 assumes \$4.40/gallon). However, the Department of Public Works (DPW) would accept a reduction of gallons per bedroom to 60.9 gallons due to the use of low-flow fixtures, which is consistent with recently approved projects. The reduction in the number of gallons per bedroom would decrease the payment to \$556,577 at the 8:1 ratio. The petitioner considers this amount infeasible, and suggested an alternate calculation using 46 gallons per bedroom with a ratio of 2:1, resulting in a much lower payment of \$105,000. The petitioner's calculation is based on data from its existing residential projects, and the 2:1 ratio is based on the I&I payment for another recent project in Newton. Both Planning and DPW believe I&I is a significant issue and that requesting sufficient mitigation is important irrespective of what has been approved in the past, particularly in areas such as this where there are known sewer constraints and capacity issues. This was serious issue during the committee's deliberations of the Riverside special permit, which is 8:1. The committee did acknowledge that if most mitigation is for I&I, then other mitigation may be reduced.

The Planning Department noted that the petitioner has responded to most of the questions raised on September 23. However, the issues of greatest concern relate to mitigation payments/public improvements, listed in order of the Planning Department's priority.

1. Inflow & Infiltration (I&I) payment consistent with the Department of Public Works policy, a ratio of 8:1
2. Tree replacement payment equal to the 2006 agreed-upon-amount of \$261,928
3. \$75,000 contribution toward the public footpath
4. Contribution for roadway improvements at LaGrange/Corey/Vine

The Planning Department continues to look at what it believes is the disparity in the sizes of the affordable units, although they meet the letter of the law. Also, Planning prefers they not be clustered in one area. A one-bedroom unit is 203 square feet smaller than a one-bedroom market rate unit; a two-bedroom unit is 538 square feet smaller than a two-bedroom market rate unit. Mr. Sexton did point out that even though the proposed building contains 80 units, 18 more than in the original special permit, the units are much smaller, which is a type of housing the city needs and wants.

In the memo (*attached*) entitled **Petitioner's Response Dated October 16, 2014**, which memo is dated September 26 from Dan Sexton, are the petitioner's responses to questions raised in committee on September 23. Also, on October 24, 2014 Ms. Young provided a summary of the Cooperative Purchasing Agreement.

Public Comment

Anne Freedman, 71 Rangeley Road, Brookline, is concerned about blasting and the potential of water damage to her home. She would like the petitioner to set up an escrow account of \$3M for emergencies in case the homes on Rangeley Road are damaged. She suggested that perhaps the petitioner or city could buy their homes.

Joe Bresman, 81 Rangeley Road, Brookline, believes the site should never be built on. If it is, he asks for the same protections that were in the previous special permit.

Alice Bresman, 81 Rangeley Road, Brookline, said a previous Land Use committee reported that this parcel was the least buildable out of the entire property. It is all rock. Blasting will cause fissures for the water to run downhill.

November 10

Present: Ald. Laredo (Chairman), Ald. Cote, Crossley, Lennon, Lipof, and Harney; absent: Ald. Albright and Harney; also present: Ald. Baker, Lappin, Yates, Danberg, Kalis, Blazar, and Fuller; Staff: Alexandra Ananth (Chief Planner for Current Planning), Dennis Murphy (Assistant City Solicitor), Ouida Young (Associate City Solicitor), Daniel Sexton (Senior Planner), Linda Finucane (Assistant Clerk of the Board)

Public Comment

Kathleen Kouril Greiser, 258 Mill Street, urged reducing the number of units and blasting. Make 20% of the units affordable to those at 50% of the area median income so they can be included on the Subsidized Housing Inventory reducing the city's exposure to 40B projects. Ms. Kouril Greiser also sent an email to the Board.

Jonathan Greer, Brookline, whose backyard backs up to the site, said it is a better project than Cornerstone, but is there a possibility to compromise on the size? He fears the impact on his yard. Mr. Sexton noted that the proposed building has a separation distance greater than 150 feet from all abutting streets and more than 75 feet to the property line of any abutting properties that have structures on them, which distances are greater than those in the Cornerstone project.

Joe Bresman, 81 Rangeley Road, Brookline, citing the Cooperative Bidding Agreement, said this proposal was a violation of that agreement, which stated that any housing should be integrated with the character of the neighborhood.

Attorney Joshua Degen, Chairman of the Groton Board of Selectman and a former Groton Planning Board Member, representing the Freedman's at 71 Rangeley Road, said this was not just a Newton project, but one that impacted Brookline and Boston as well. 80 units are excessive and way out of character of the neighborhood. However, should it be approved, he suggested the petitioner substitute Norway spruce for the proposed white pines. He also recommended that the petitioner should go to the Conservation Commission before obtaining the special permit, not after.

Ann Freedman asked that careful consideration be given the abutters. This has been going on for years. The Board of Aldermen should take a conservancy point of view. If the project does go through, there should be strict provisions. She wants a fair price for her house. This is not just about Newton; the proposed building will be seen from her study. Do not allow it to go forward. There is another person from her street who was unavailable this evening, she asked if the committee planned to take a vote because she wants that person to hear the entire conversation. This is an opportunity to do the right thing for multiple communities.

Alice Bresman, 81 Rangeley Road, reminded the committee of communications from the Rangeley Road abutters that had been sent to the Board of Aldermen in September and October.

If the Board goes forward the blasting, which is equivalent to a football field two-stories high, and the grinding of rock on-site that will be used both on and off site will be intolerable. Saw Mill Brook which is part of the Charles River Watershed runs through the property. The reason Cornerstone has not built is because it cannot afford to build, and it is now trying to get rid of the land. Leave the land zoned Single Residence.

Karen Sherman, Pine Crest Road, cited the noise and disruption to the neighborhood.

A resident of 39 Pine Crest Road moved here four years ago and thought this would be her family's forever home, but with more and more developments the city is turning into BROOKLINE. The schools are overcrowded. Traffic is a problem. If approved, consider increasing the number of affordable units to get to 10% so the city won't be subject to 40B projects.

A gentleman, who is a 30-year resident, asked that the number of units not be increased to 80.

Ellie Golstani, owner of property abutting Kessler Woods, spoke of traffic, schools, and rentals that only bring profit to the investor, not the city.

Upon a motion by Alderman Lipof, the public hearing was closed. For clarification, it was pointed out that, with the exception of 20 acres of conservation land, this property is not owned by the city. Certain parts of the site have been developed already. Consistent with the last amendment to the Cooperative Bidding Agreement, this parcel was always designated as multi-residence development. The city's goal was and is to achieve multi-residence and inclusionary housing on this site.

Alderman Harney said he has a problem with the number of affordable units. This proposal is increasing the total number of units from 62 to 80, but the city is still only getting 12 affordable units. Other members pointed out the tradeoffs:

- Although the number of units has increased, the units themselves are smaller, which is the type of housing the city is looking for.
- The original special permit had three buildings, one with 52 units and 10 attached townhouses in 2 buildings. This is one building
- Disturbance to the site is reduced by half and there is 40% less blasting
- The 12 units comply with the 15% required in the ordinance.

Also, the petitioner has provided revised floor plans that redistribute the affordable units throughout the building.

The committee was comfortable with the reduced width of some of the tandem parking stalls from 9' to 8'6" since the parking garage will be used by residents only. In a discussion about the hours during which blasting and drilling will be allowed, the petitioner agreed to a condition that

on-site drilling will not begin before 8:00AM. The petitioner agreed that rock crushing, and/or blasting will not begin before 9:00AM and will end by 4:00PM. Monday through Saturday, but blasting will end by 2:00PM on Saturdays.

The petitioner is offering I&I at a ratio of 4:1, with a two tiered approach: An initial payment up front and a second upon 95% occupancy. The petitioner has agreed to contribute \$75,000 to the footpath and is willing to contribute up to \$340,000 to fund and/or construct roadway/safety improvements in the area of the project.

Concerning I&I, both Aldermen Crossley and Fuller are committed to an 8:1 ratio. The city does have a policy that allows a petitioner to undertake a project versus a payment; however, it appears there is no project currently, so the city is looking for a payment. There was a meeting with the petitioner and city engineer at which a 4:1 ratio was discussed. In ongoing negotiations, the petitioner came from 2:1 to 4:1. However, if a developer has a fixed amount of money to allocate for mitigation, then there may have to be tradeoffs. Alderman Lennon believes it is a matter of fairness and consistency: Riverside is 8:1. Alderman Cote agreed. Alderman Fuller said creating two payments, one up front that will be credited to the actual payment and be paid when the project obtains its local utility permit and the second payment at 95% occupancy, determined by the actual water and wastewater flow into the city's system, makes sense. The technology is evolving and will probably be much better at the end of the project. A Sustainable Project Features memorandum was submitted by the petitioner with the special permit application. Alderman Crossley stressed the importance of the 8:1. She believes the petitioner is overplanting the site. She is concerned about planting on bedrock and whether the extensive landscaping proposed can survive. Traffic improvements and safety are more beneficial than the enormous amount of landscaping proposed.

The petitioner explained that he is trying to balance competing interests. The Brookline abutters are concerned about landscaping and Newton is concerned about the roadway/intersection improvements and crosswalk. Today, an email was received from the Director of Transportation suggesting the petitioner install sidewalks along LaGrange Street. There is no question that a component of requiring 8:1 is to raise revenue needed to fix existing sewer pipes; however, 4:1 is the DEP benchmark. The petitioner pointed out that another significant cost is the \$261,928 payment to the tree replacement fund, which was required from Cornerstone when it received a waiver from the tree ordinance from the Mayor. In addition, even after planting the proposed number of additional trees on the site there will still be a deficit that will require a tree fund payment. The tree replacement fund payment is the monetary equivalent of a 4:1 ratio, which will require a payment of approximately \$286,500.

The petitioner has put together a mitigation and public benefits package. Please refer to the *attached* document dated November 6, 2014, which is a 3-page excerpt from the Petitioner's Response to Land Use Committee Questions from October 28, 2014 Public Hearing Continuation, which is attached in its entirety to the November 7 Planning Department memorandum.

Alderman Lipof moved approval of the petition. Alderman Crossley said she would not oppose the petition this evening, but wished to go on record that she believes the proposed landscaping

is excessive. The motion to approve, with the findings and conditions enumerated in the draft special permit dated November 17, 2014, carried 3-0-3, with Aldermen Crossley, Cote, and Lennon abstaining.

The meeting was adjourned at approximately 11:00 PM.

Respectfully submitted,

Marc C. Laredo, Chairman

Note: All the documents referred to in this report are available online on the Board of Aldermen page under Current Special Permits.