

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE AGENDA

7:00 PM  
Chamber/Room 222

***Public Hearings will be continued on #272-12(2) and #258-12:***

#272-12(2) BH NORMANDY OWNER, LLC petition for a change of zone to Mixed Use 3/Transit Oriented District for a portion of land located at 399 GROVE STREET, also identified as Section 42, Block 11, Lot 4, currently zoned Business 5.  
***(Public Hearing opened on 10/09/12, continued to 11/27/12; continued to 12/18/12)***

#258-12 BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY petition for a change of zone to Mixed Use 3/Transit Oriented District for a portion of land located at 327 Grove Street, also identified as Section 42, Block 11, Lot 3A currently zoned Public Use.  
***(Public hearing opened on 10/16/12, continued to 11/27/12; continued to 12/18/12)***

#258-12(2) BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed use, transit oriented development including an office building of approximately 225,000 sq. ft., a residential building containing 290 apartments with 5,000 sq. ft. of retail space, a three story building containing approximately 15,000 sq. ft. of retail space and approximately 8,000 sq. ft. of community space, and related site improvements; to permit office use on the ground floor, medical office use, retail and personal establishments of more than 5,000 sq. ft., eating and drinking establishments of more than 5,000 sq. ft., retail banking and financial services, and health club establishments on the ground floor; and reduced minimum setbacks of side setback of office building, and front setback of retail/community building; parking facility design standards including stall width, stall depth, maneuvering space for end stalls, minimum width for entrance and exit driveways, tandem stalls, number of required off-street loading facilities and design standards of same, landscape screening requirements, surfacing and curbing requirements and one foot candle lighting at 327 GROVE STREET, Ward 4, on land known as SBL 42, 11, 3A containing approx. 9.4 acres of land in a proposed Mixed Use 3 Transit Oriented Zoned district. Ref: Sec 30-13(f), Table A Footnote ; 30-13(g); 30-15(v)(1); 30-15, Table 3; 30-19(d)(22); 30-19(h); 30-19(h)(2)a); 30-19(h)(2)b); 30-19(h)(2)e); 30-19(h)(4)a); 30-19(h)(5)a); 30-19(i); 30-19(i)(1)a); 30-19(j); 30-19(j)(1)a); 30-19(j)(2)d); 30-19(l); 30-19(l)(2); 30-19(l)(3); 30-19(m); 30-23; 30-24; 30-24(i)(7) of the City of Newton Revised Zoning Ord, 2012. ***(Public hearing opened on 10/16/12, continued on 11/27/12, closed on 12/18/12; 90 days 09-24/13)***

#272-12(3) BH NORMANDY OWNER, LLC petition to AMEND Special Permit/Site Plan Approval application #272-12, for which a public hearing was opened on October 9, 2012, with respect to EXTENDING a NONCONFORMING STRUCTURE to allow construction of a ramp on the easterly side of the Hotel Indigo at 399 Grove Street, Newton Lower Falls. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2012. ***(Public hearing opened on 11/27/12, continued on 11/27/12, closed on 12/18/12; 90 days 09-24/13)***

#272-12 BH NORMANDY OWNER, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for several improvements to be completed over two phases. The first phase requires a special permit to (1) amend the current site plan by adding a pool deck awning; reconfiguring the delivery and trash pick-up area at the front of the hotel; reconfiguring the existing parking areas; reflecting existing and proposed signage; and reflecting existing wireless communications equipment; (2) extend a nonconforming structure by adding a pool deck awning; (3) obtain waivers for number of parking stalls and parking facility design standards including stall width, stall depth, handicap stall depth, maneuvering space for end stalls, maneuvering space for aisles, maximum width for entrance and exit driveways, landscape screening, interior landscaping, surfacing and curbing, one foot candle lighting, number of bicycle parking spaces, and design of loading facilities; and (4) authorize existing and proposed signage at 399 GROVE STREET, Ward 4.. The second phase anticipates that a portion of the applicant's lot will be conveyed or taken to provide rear access/egress to the proposed Riverside Development. This taking or conveyance would require special permit relief to (6) authorize an FAR greater than 1.0; (7) extend the existing nonconforming lot coverage; (8) obtain relief for the existing nonconforming building (i.e., height, number of stories and loading facility) as the building may be affected by a reduction in lot area; and (9) obtain a waiver for number of required parking stalls; all on land known as Section 42, Block 11, Lot 4 containing approximately 116,650 square feet of land in a Business 5 Zoned district. Ref: Sections 30-15, Table 3; 30-19(d)(3); 30-19(d)(13); 30-19(h); 30-19(h)(2)a); 30-19(h)(2)b); 30-19(h)(2)c); 30-19(h)(2)e); 30-19(h)(3)b); 30-19(h)(4)b); 30-19(i); 30-19(i)(1); 30-19(i)(2); 30-19(j); 30-19(j)(1)a); 30-19(j)(2)e); 30-19(k)(1); 30-19(l); 30-19(m); 30-20(f)(1); 30-20(f)(2); 30-20(f)(9); 30-20(l); 30-21(b); 30-23; 30-24; and 30-26(a)(1) of the City of Newton Revised Zoning Ordinances, 2012. ***(Public hearing opened on 10/09/12, continued on 11/27/12, closed on 12/18/12; 90 days 09-24/13)***

Respectfully submitted,

Ted Hess-Mahan, Chairman



Setti D. Warren  
Mayor


**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

**Candace Havens**  
Director

## MEMORANDUM

To: Land Use Committee of the Board of Aldermen

From: Candace Havens, Director of Planning and Development  
Alexandra Ananth, Chief Planner for Current Planning 

RE: Information for July 16, 2013 Working Session – Hotel Indigo

DATE: July 12, 2013

CC: Petitioners  
John Lojek, Commissioner of Inspectional Services

In response to questions raised at the Land Use Committee public hearings, previous working session meetings and/or staff technical reviews, the Planning Department is providing the following information for the upcoming working session. This information is supplemental to staff analysis previously provided at the public hearing.

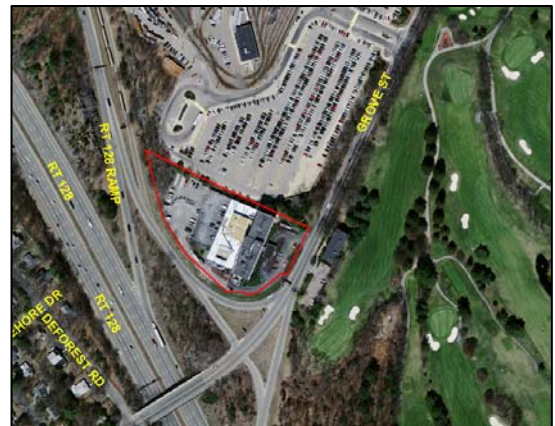
### **PETITION #272-12 and #272-12(3)**

### **399 Grove Street, Hotel Indigo**

Request to amend the site plan, extend a nonconforming structure, reconfigure the delivery and trash pickup at the front of the hotel, reconfigure existing parking areas, legalize signs and wireless equipment, and obtain waivers from parking requirements. Additionally, the petitioner seeks special permits and approval for a second site plan upon exercise of the Station at Riverside special permit to provide access to that site, and to rezone that rear portion of the parcel Mixed Use 3.

This project had public hearings on October 9, 2012, November 27, 2012, and December 18, 2012. A working session was held on June 18, 2013. Since then the petitioner has submitted the following updates.

**Parking Management Plan.** The petitioner had a chance to test out its proposed Parking Management Plan on Tuesday evening June 25, 2013, and submitted a summary of the evening (**ATTACHMENT A**). The hotel was



at maximum capacity with all rooms filled, there were approximately 80 dinner reservations in advance, and three private parties with a total of approximately 120 guests. A police officer directed cars onto and off the site, and as cars entered they were directed to a check point where hotel staff could further direct them. The petitioner notes that because the check point was several hundred feet away from the hotel entrance this eliminated any queuing of cars on Grove Street.

The above appears to indicate that the proposed parking management plan can work effectively to manage traffic and parking issues at the hotel, if implemented correctly by hotel management.

**Extension of Time.** The petitioner has agreed to a further extension of time within which the Board may act on this matter, until September 24, 2013 (**ATTACHMENT B**).

**ATTACHMENT A: LETTER FROM PETITIONER'S COUNCEL REGARDING TEST OF PARKING MANAGEMENT PLAN**

**ATTACHMENT B: EXTENSION OF TIME LETTER**



1200 WALNUT STREET  
NEWTON, MASSACHUSETTS 02461-1267

STEPHEN J. BUCHBINDER  
ALAN J. SCHLESINGER  
LEONARD M. DAVIDSON  
HEATHER G. MERRILL  
PAUL N. BELL  
KRISTINE H.P. HUNG  
KATHERINE BRAUCHER ADAMS  
FRANKLIN J. SCHWARZER  
JONATHAN A. GOLDMAN

TELEPHONE (617) 965-3500  
FACSIMILE (617) 965-6824

OF COUNSEL  
ROBIN GORENBERG

E-Mail: [sjbuchbinder@sab-law.com](mailto:sjbuchbinder@sab-law.com)

July 1, 2013

**BY EMAIL and BY HAND**

Alderman Ted Hess-Mahan  
Chairman  
Land Use Committee  
Newton Board of Aldermen  
1000 Commonwealth Avenue  
Newton, MA 02459-1449

Re: Hotel Indigo/399 Grove Street

Dear Chairman Hess-Mahan,

Last Tuesday evening, June 25, 2013, Randy Hart of VHB and I were at the Hotel Indigo in order to monitor the parking and on-site traffic circulation on what we had been advised was to be a busy evening. The hotel was at maximum capacity with all rooms filled; there were approximately eighty dinner reservations in advance; and three parties, with a total of approximately one hundred twenty guests, had been scheduled.

Randy and I arrived at the site at 4:00 p.m. and held a conference with senior hotel management and an official from the valet company. We ran through the parking protocol which Randy had prepared and actually walked the site to identify the locations where the valets, hotel staff and the police officer should be stationed.

For the evening, there were three valets; a hotel security guard; three hotel staff and a police officer involved with the parking and site circulation. All went extremely well. From approximately 5:00 p.m. to 6:15 p.m., there were not a great number of cars entering the hotel. The crunch came between 6:15 p.m. and 7:00 p.m., as the three parties were all scheduled for 6:30 p.m. The team did a terrific job of directing cars to the appropriate locations for hotel guests and other visitors. The latter were directed to the lower lot where the valet team had some drivers self-park and where the valets stack-parked other vehicles. Hotel guests were directed to the upper lot, which was monitored to be sure that there were sufficient spaces at all times. The police officer directed the cars onto and off of the site. As cars entered the site they were directed to a "check point" several hundred feet away where a hotel staff member ascertained whether the driver was a

SCHLESINGER AND BUCHBINDER, LLP

Alderman Ted Hess-Mahan  
July 1, 2013

Page 2

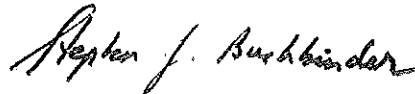
hotel guest (and if so whether the guest needed to check in) or a guest for the restaurant or one of the parties. Because the check point was several hundred feet away from the hotel entrance, this eliminated any stacking of cars on Grove Street.

There was significant traffic between approximately 5:00 p.m. and 6:00 p.m. which was normal rush hour traffic exacerbated by Red Sox game day traffic. Again, as relatively few cars were entering the hotel during that period of time, the hotel's operations had little effect on that traffic.

Officer Steve Cottens was on duty that evening and has indicated that he would be happy to verify the foregoing. He can be reached at 781-603-9638. Justin Krebs was also present for much of the time between 5:00 p.m. and 7:00 p.m. Randy and I remained at the premises and did periodic checks until about 8:30 p.m., and again no problems were observed.

I wanted to communicate this information to you as an indication that the parking management plan, if implemented correctly by management, can work effectively. Either Randy or I would happy to answer any questions which you might have.


Sincerely,



Stephen J. Buchbinder

SJB/mer

cc: (By Email and By Hand)  
Alderman Mitchell L. Fischman, Vice-Chairman  
Alderman Susan S. Albright  
Alderman John W. Harney  
Alderman Deborah Crossley  
Alderman Gregory R. Schwartz  
Alderman Marc C. Laredo  
Alderman Leonard J. Gentile  
Ms. Candace Havens  
Ms. Alexandra Ananth

 **SCHLESINGER AND  
BUCHBINDER, LLP**  
ATTORNEYS AT LAW  
1200 WALNUT STREET  
NEWTON, MASSACHUSETTS 02461-1267

STEPHEN J. BUCHBINDER  
ALAN J. SCHLESINGER  
LEONARD M. DAVIDSON  
HEATHER G. MERRILL  
PAUL N. BELL  
KRISTINE H.R. HUNG  
KATHERINE BRAUCHER ADAMS  
FRANKLIN J. SCHWARZER  
JONATHAN A. GOLDMAN

TELEPHONE (617) 965-3500  
FACSIMILE (617) 965-6824  
OF COUNSEL  
ROBIN GORENBERG

E-Mail: [sjbuchbinder@sab-law.com](mailto:sjbuchbinder@sab-law.com)

July 8, 2013

BY EMAIL and FIRST CLASS MAIL

Ms. Linda Finucane  
Chief Committee Clerk, Newton Board of Aldermen  
1000 Commonwealth Avenue  
Newton, MA 02459-1449

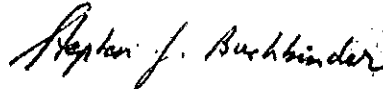
Re: Petition of BH Normandy Owner, LLC/399 Grove Street (Hotel Indigo)  
#272-12 and #272-12(3)

Dear Ms. Finucane,

This letter will serve as my client's assent to a further extension of time within which the Board of Aldermen may act relative to the above-entitled matters from August 14, 2013 until September 24, 2013.

If you require any further information, please let me know.

Very truly yours,



Stephen J. Buchbinder

SJB/mer

cc: (By Email)  
Alderman Ted Hess-Mahan  
Ms. Candace Havens  
Mr. Justin Krebs  
Mr. Kevin Daly



Setti D. Warren  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

258-12 and (2)

Telephone  
(617) 796-1120

Telefax

(617) 796-1142


TDD/TTY

(617) 796-1089

www.newtonma.gov

**Candace Havens**  
Director

MEMORANDUM

**DATE:** July 12, 2013  
**TO:** Land Use Committee of the Board of Aldermen  
**FROM:** Candace Havens, Director of Planning and Development   
**MEETING DATE:** July 16, 2013  
**CC:** Board of Aldermen  
Bill Paille, Director of Transportation  
Fred Russell, Director of Utilities  
Planning and Development Board

In response to questions raised at the Land Use Committee at Public Hearings on October 12<sup>th</sup>, November 27<sup>th</sup> and December 18<sup>th</sup>, 2012, and at working sessions on March 3<sup>rd</sup>, April 2<sup>nd</sup>, May 7<sup>th</sup>, May 21<sup>st</sup>, June 4<sup>th</sup>, and June 18<sup>th</sup>, 2013 the Planning Department is providing the following information for the upcoming working session to supplement previous staff analysis.

**PETITIONS #258-12 and 258-12(2)**

**327 Grove Street**





**Infiltration and Inflow**

On July 3, 2013 bids were opened for the Area 1 Infiltration/Inflow for “Project Area 1” where Riverside is located. Based on the low bidder’s price of \$8.44 per gallon for removal from the sanitary sewer system and an 8:1 removal rate, the price for removal is roughly \$4.8 million (Attachment A). The current figure of \$8.44 per gallon is more accurate and specific to this area than previous estimates, which was estimated to total \$6.8.

**Building design details**

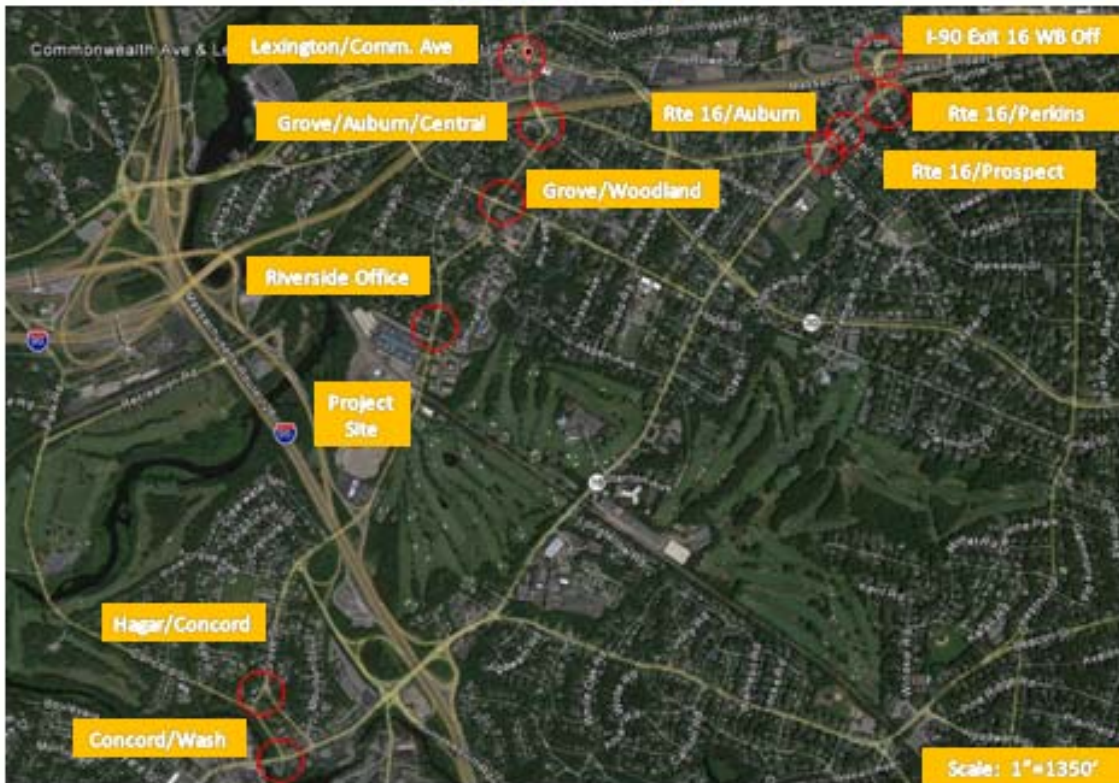
Changes to the residential facades facing Grove Street include variations in building colors with both vertical and horizontal elements to add interest, awnings over the doorways, residential lighting, and balconies in various locations. Brick has been added at the corner of Grove Street at the site entrance and much of the building will be clad in hardiplank, which is a colored cementitious material that is long lasting, eco-friendly, and is low maintenance. Staff feels that these changes are positive additions and recommends that the final selection of colors and materials be approved by the Planning Department.

**Transportation mitigations and other improvements**

As discussed in previous meetings, the developer is required to mitigate traffic impacts directly related to the project. Transportation Director, Bill Paille and City Traffic Engineer, Patrick Baxter concur with the mitigations recommended in the Traffic Impact Access Study prepared by the engineering firm of Vanasse Hangen Brustlin (Attachment B), noting that most of the work at these intersections can be done by the City in the normal course of work, though some must also be coordinated with the State:

- Washington Street/Concord Avenue
- Washington Street/Quinobequin Road @ I95 southbound onramp
- Washington Street at Commonwealth Avenue
- Washington Street at Perkins Street/I90 eastbound onramp
- Commonwealth Avenue/Auburn Street intersection

### Location Map



The developer also has offered to perform additional work to improve traffic flow, safety, and circulation in the vicinity. After reviewing the Traffic Impact Analysis Study (TIAS), City Traffic Signal Retiming Study, and performing site visits to the numerous intersections cited in the studies, the City's Traffic Engineers have identified several intersections where potential improvements could be made, which are described in further detail in Attachment B. Engineering staff will be available to present and discuss their findings and recommendations at these intersections:

- Riverside Office
- Hagar Street at Concord Street
- Woodland Street at Grove Street
- Washington Street at I90 Exit 16 westbound off ramp
- Washington Street at Perkins Street @I90 existing westbound off ramp
- Washington Street at Prospect Street
- Washington Street at Auburn Street
- Grove Street at Auburn Street/Central Street
- Lexington Street at Commonwealth Avenue

**Planning and Development Board reviews.** The Planning and Development Board (P&D) met on July 9<sup>th</sup> to conclude three public hearings, including a request to remove three trees on this scenic road, as well as requests to rezone the Riverside site and a portion of the Hotel Indigo property. In addition to recommending removal of the trees, the Board recommended that the Land Use Committee take action to ensure that tree removals take place not sooner than when widening of the roadway begins to ensure a landscape buffer remains for the benefit of neighbors for as long as possible. They also wanted to make sure that any other features of the scenic road not be damaged during construction, such as the mature trees on the east side of Grove Street opposite The Riverside Station and the stone wall at 416 Grove Street. Finally, they suggested that the petitioner consider replanting rather than replacing the trees that abut the right-of-way where feasible (Attachment C). The attached letter from the Chair of the Planning and Development Board further describes the consideration given to other features of the site for the Committee's reference, many of which parallel items discussed by the Committee.

#### ATTACHMENTS

Attachment A: Memo from Fred Russell, dated July 9, 2013

Attachment B: Memo from Bill Paille, dated July 11, 2013

Attachment C: Letter from the Planning and Development Board, dated July 12, 2013


Attachment D: Time extension request from Steve Buchbinder, dated July 8, 2013

City of Newton



Setti D. Warren  
Mayor

**Department of Public Works**  
**Utilities Division**  
Frederick W. Russell, PE, Director of Utilities  
60 Elliot Street  
Newton, Ma. 02461  
Telephone (617) 796-1640 Fax (617) 796-1653

**TO:** Candace Havens, AICP, MPA, Director of Planning and Development  
**FROM:** Frederick W. Russell, PE, Director of Utilities   
**DATE:** July 9, 2013  
**SUBJECT:** Riverside Development – I/I mitigation fee

On July 3, 2013, bids were obtained by the City of Newton DPW for Inflow/Infiltration (I/I) removal in "Project Area 1" of a strategic 11 year plan developed in FY12. The bids were to be used to generate a unit price per gallon of I/I removal in order to calculate a fee for the Riverside Development, based on their impact to the City's sanitary sewer system.

The low bidder's total cost is \$3,481,848.30, which is estimated to remove 414,326 gallons of I/I. Further calculation determines a unit cost of \$8.44/gal. of I/I removal. Based on information provided by VHB, engineer for Riverside, the proposed development will generate an additional 71,315 gallons of sewage. Using an 8:1 removal rate (previously agreed to by the proponent), results in 570,520 gallons of I/I required to be removed. Projecting the unit price of \$8.44/gal. of I/I removal results in a fee of \$4,815,188.80.

If you have any questions or need additional information, please feel free to contact me or Lou Taverna, City Engineer.

## ATTACHMENT B

City of Newton



DEPARTMENT OF PUBLIC WORKS

**TRANSPORTATION DIVISION***110 Crafts Street*Setti D. Warren  
Mayor

**DATE:** July 11, 2013  
**TO:** Candace Havens, Director of Planning  
**FROM:** William G. Paille, P.E., Director of Transportation  
**RE:** Riverside MBTA Station Redevelopment Project – Intersection Improvements

The 2012 Traffic Impact and Access Study (TIAS) prepared by Vanasse Hangen Brustlin (VHB) identified five (5) locations that are projected to experience a “measureable impact (i.e. drop in Level of Service)”, as a result of the project:

- Washington Street (Route 16) at Concord Street  
 This intersection was upgraded in 2012 as part of a City-funded project which included installation of new traffic signals, curb/sidewalk upgrades and new pavement markings scheduled this year. The TIAS identifies a LOS D (AM)/D (PM) with mitigation and recommends signal timing modifications as part of the mitigation.  
**The City concurs with the recommended mitigation and can be accomplished by the City.**
- Route 16 at Quinobequin Road/I-95 Southbound On-Ramp  
 This intersection was upgraded in 2011/2012 by the Massachusetts Department of Transportation (MassDOT) which included traffic signal improvements, lane configurations, new paving and markings. The TIAS identifies a LOS E/F with mitigation and recommends signal timing modifications as part of the mitigation.  
**The City concurs with the recommended mitigation although any improvements to this intersection will be subject to the approval of MassDOT and implemented by the State.**
- Route 16 at Commonwealth Avenue (Route 30)  
 This intersection was upgraded within the last five years as part of a city-funded project which included traffic signals, and curb/sidewalk/ADA compliance improvements in 2012 which are expected to be completed this year. The TIAS identifies a LOS D/E with mitigation and recommends signal timing modifications as part of the mitigation.  
**The City concurs with the recommended mitigation and can be accomplished by the City.**
- Route 16 at Perkins Street/I-90 Eastbound On-Ramp  
 The TIAS identifies a LOS B/D with mitigation and recommends signal timing modifications as part of the mitigation.

**The City concurs with the recommended mitigation and can be accomplished by the City.**

- Route 30 at Auburn Street

This intersection is currently listed on the MassDOT website as part of a project to reconstruct Commonwealth Avenue from the Weston Town Line to Auburn Street which is currently in the preliminary design stage with an expected construction start year of 2017/2018. The TIAS identifies a LOS C/D with mitigation and recommends signal timing modifications as part of the mitigation.

**The City concurs with the recommended mitigation. However, it is also recommended the project proponent coordinate with MassDOT regarding the true status of the design schedule.**

In addition, it is our understanding that BH Normandy Riverside LLC has offered to provide traffic engineering and improvement recommendations for approximately six (6) intersections. In addition to the TIAS, the City also utilized the City-Wide Traffic Signal Re-Timing Study, prepared by VHB in 2012 that made specific short/long-term recommendations. In addition to proximity of a particular roadway/intersection to the Riverside site, the City based its selection primarily on the trip distribution (i.e. percentage of office, retail and residential trips) traffic entering/exiting a specific intersection from the TIAS. As a result, the following intersections are recommended for traffic improvements resulting from the project:

- Riverside Office (South, Center - signalized, North) drive at Grove Street (Int. # 4, 5, 6 of TIAS)

Due to the proximity of the Riverside Office Park to the Riverside development, there is concern that exiting vehicles from the site may have difficulty turning onto Grove Street NB from the north drive as a result of the project.

**Recommended mitigation includes installation of “do not block intersection” pavement markings and associated signs in order to discourage drivers from blocking the north driveway. Although there is an associated cost to this work, it is considered minor and would likely be accomplished by the City using its painting contractor and workforce.**

- Hagar Street at Concord Street – currently non-signalized (Int. #9 of TIAS)

The TIAS indicates approximately twelve percent of the new trips will utilize Concord Street which may result in delay and queuing of vehicles exiting Hagar Street onto Concord southbound. This intersection is not expected to meet warrants for a traffic signal. A petition for a three way stop petition was recently heard by Traffic Council, however was denied based on insufficient volume to meet the warrants. This may be revisited as conditions change.

**Recommended mitigation may include installation of a three-way stop condition utilizing stop signs and painted stop bars. Although there is an associated cost to this work, it is considered minor and would likely be accomplished by the City using their painting contractor and own workforce.**

- Washington Street at I-90 Exit 16 WB off-ramp – currently signalized (Int. #28 of TIAS).

The TIAS indicates six percent of the new trips will travel through this intersection.

**Improvements include new mast arms, replacing 8” signal heads with 12” heads, updated signal timing and coordination, new controller with LPI’s & Dynamic Max functions, new pedestrian countdown signal heads and pushbuttons, and updated ADA compliant wheelchair ramps. The estimated cost is \$90,000.**

- Washington Street at Perkins St./I-90 Exit 16 WB off-ramp – currently signalized (Int. #27 of TIAS). The TIAS indicates eight percent of the new trips will travel through this intersection. **Improvements include new mast arms, replacing 8” signal heads with 12” heads, updated signal timing and coordination, new controller with LPI’s & Dynamic Max functions, replace pedestrian signal heads and pushbuttons, updated ADA compliant wheelchair ramps, repave intersection, and install new markings. The estimated cost is \$90,000.**
- Washington Street at Prospect Street – currently signalized  
The TIAS indicates eight percent of the new trips will travel through this intersection. **Improvements include new mast arms, replacing 8” signal heads with 12” heads, updated signal timing and coordination, new signal cabinet, new controller with LPI’s & Dynamic Max functions, replace pedestrian signal heads and pushbuttons, updated ADA compliant wheelchair ramps, repave intersection, and install new markings. The estimated cost is \$95,000.**
- Washington Street at Auburn Street – currently signalized (Int. #26 of TIAS)  
The TIAS indicates six percent of the new trips will travel through this intersection. **Improvements include new mast arms, replacing 8” signal heads with 12” heads, updated signal timing and coordination, new controller with LPI’s & Dynamic Max functions, replace pedestrian signal heads and pushbuttons, updated ADA compliant wheelchair ramps, closing the unused curb cut in the intersection, repave the intersection, and install new markings. The estimated cost is \$70,000.**
- Grove at Auburn/Central – currently signalized (Int. #19 of TIAS)  
The TIAS indicates eleven percent of the new trips will travel through this intersection. **Improvements include new mast arms, replacing 8” signal heads with 12” heads, updated signal timing, new controller with LPI’s & Dynamic Max functions, replace pedestrian signal heads and pushbuttons, updated ADA compliant wheelchair ramps, closing the unused curb cut in the intersection, repave the intersection, and install new markings. The estimated cost is \$110,000.**
- Lexington at Commonwealth Avenue – currently signalized (Int. #19 of TIAS)  
The TIAS indicates three percent of the new trips will travel through this intersection. **Improvements include new mast arms, replacing 8” signal heads with 12” heads, updated signal timing and coordination, new controller with LPI’s & Dynamic Max functions, replace pedestrian signal heads and pushbuttons, updated ADA compliant wheelchair ramps, closing the unused curb cut in the intersection, repave the intersection, and install new markings. The estimated cost is \$85,000.**

Cc: Dave Turocy, DPW Commissioner, File

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**CITY OF NEWTON, MASSACHUSETTS**  
**Planning and Development Board**

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July 12, 2013

The Honorable Ted Hess-Mahan Chair, Land Use Committee  
Members of the Land Use Committee and Board of Aldermen  
1000 Commonwealth Avenue  
Newton, MA 02459

Setti D. Warren  
Mayor

Candace Havens  
Director  
Planning & Development

Anne Marie Belrose  
Community Development  
Manager

Members

Joyce Moss, Chair  
Scott Wolf, Vice Chair  
Leslie Burg, CPC Liaison  
Candace Havens, *ex officio*  
Tabetha McCartney  
Doug Sweet  
Roger Wyner, Alternate  
Peter Doeringer, Alternate

Dear Chairman Hess-Mahan, Members of the Land Use Committee, and Board of Aldermen:

This letter documents the voting actions taken and advisory opinions developed by the Planning and Development Board (P & D Board) on July 9, 2013, following the close of its public hearings on: (1) docketed item #258-12, BH Normandy Riverside, LLC/Massachusetts Bay Transportation Authority petition for a change of zone to Mixed Use 3/Transit Oriented District for a portion of land located at 327 Grove Street, also identified as Section 42, Block 11, Lot 3A, currently zoned Public Use; and (2) docketed item #272-12(2), BH NORMANDY OWNER, LLC petition for a change of zone to Mixed Use 3/Transit Oriented District for a portion of land located at 399 GROVE STREET, also identified as Section 42, Block 11, Lot 4, currently zoned Business 5.

In order to fulfill its advisory responsibilities, the P & D Board opened the hearing for #258-12 on December 3, 2012 and opened the hearing for #272-12(2) on October 9, 2012, with an additional presentation on November 27, 2012. The P & D Board voted to continue the hearings on February 4, April 1, May 6, and June 24, 2013. The P & D Board heard an updated presentation by the petitioner's representatives and discussed the item on June 3, 2013, in addition to the July 9 date indicated above.

Our votes and opinions are intended to inform the Board of Aldermen in their deliberations on the acceptability of formal changes to the zoning map of the City of Newton. The P & D Board's standard for approving map changes is whether the zoning under consideration for these parcels has proved to be "*not inconsistent with the City's Comprehensive Plan*". In the case of both docketed items, #258-12 and #272-12(2), the P & D Board unanimously (4-0-0) voted to support the requested map changes.

Since the zoning district to be established at the Riverside Station site was developed with the Mixed-Use Centers element in mind, it incorporates more than a few of the element's guiding principles into its stated purposes:

- to encourage comprehensive design within the site and with its surroundings;

1000 Commonwealth Ave.  
Newton, MA 02459  
T 617/796-1120  
F 617/796-1142

[www.newtonma.gov](http://www.newtonma.gov)



- to integrate complementary uses;
- to provide enhancements to public infrastructure;
- to provide beneficial open spaces;
- to protect neighborhoods from impacts of development;
- to provide sufficient density to make development economically feasible;
- to foster use of alternative modes of transportation;
- to create a vibrant destination where people can live, work, and play

The petitioner's team has spent many months working with the City and the neighborhood representatives trying to ensure that the above purposes are realized. The comments below reflect several lingering concerns.

**Residences:** The P & D Board was pleased to see that the previous barracks-like design for residential development along Grove Street has been replaced by one where building mass has been broken up. We are pleased, also, to see that a number of entrances open directly onto the street while still being screened by trees for privacy. The public, however, will not be able to access the residences through these doors, but rather, will have to use the entrance at one end nearest the small visitor parking lot. This seems to defeat the purpose of permeability of the site within its neighborhood context. The Petitioner's team cited security concerns that had to be balanced with direct access.

While we noticed courtyards, and even a swimming pool for residents (although dismay was expressed that the pool was at the street side of its courtyard), the petitioner was asked about play areas for children, especially since 44 of the units are to be affordable, and one presumes that children will probably be present in many of these units. We have been assured that although they are not yet designed, they will be incorporated into the project.

We were pleased to see residential structure taper down into adjacent retail space, so that some retail use is now located on both sides of the entry to the site.

**Vertical integration of land uses:** There has been an ongoing concern that the zoning did not allow for sufficient vertical integration of land uses. Although ancillary complementary uses are contemplated, we continue to feel that the lack means missed opportunity at the site. For example, a restaurant at the top of the office building, overlooking the river, which is otherwise difficult to access, would make Riverside Station a destination during evenings and weekends, when at least office traffic likely would be nonexistent.

**Circulation within the site:** There was concern about the seeming distance from both the office building and the far end of the residential buildings to the T station. Planning rules of thumb suggest that people tend not to walk more than about a quarter of a mile. But according to both the petitioner and the director of planning, the distances are no more than a 5-8 minute walk. We also expressed our desire that these walks be pleasurable. The petitioner pointed out pathways, crossing points and demonstrated the effort that has been made to incorporate green spaces and other natural features along the paths and particularly, near the T station itself.

Concern was also expressed about the potential of valet parking from the Hotel Indigo to interfere with non-vehicular movement on the site. The petitioner's lawyer demonstrated that such interference was unlikely.

**Access to the site from across Grove Street:** There seems to be some ability to cross Grove Street in the vicinity of the trestle, but it is not clear if it will be easy for residents from that part of Grove Street to access the site on foot. An important principle of the Comprehensive Plan was that the site be integrated into and serve well the surrounding neighborhood.

**Parking management:** There was concern for whether there would be adequate parking provided after taking into account the set-asides for various parking users. The director of planning stated that the petitioner and the City have looked at this issue. There is a proposal to "unbundle" the parking available for residences, which in theory should increase the overall amount available to the site. They are also examining the potential for shared parking for uses that have peak demands at different times of the day. There are plans to have a transportation demand manager on the site. Although the petitioner claimed that the potential for "surges" in the parking demand were already known and could be accurately accounted and provided for, several people expressed concern about the adequacy of the management process for shared parking. What is Plan B? Have we built into the management program the capability to respond immediately to any unanticipated increases in demand?

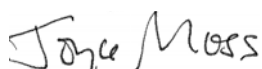
**Amenities:** We applaud, and the petitioner is quite proud of the spray fountains, similar to those on the Rose Kennedy Greenway in Boston, that will be incorporated into the plaza area. Some of us continue to press for developing this public open space in a way that would allow it to be used as an open air ice skating rink in the winter.

**Conclusion to Hearing under the Scenic Road Ordinance:**

In response to the application from Attorney Stephen J. Buchbinder, representing BH Normandy Riverside, LLC, for the removal and replacement of several trees in accordance with M.G.L Chapter 40, Section 15C and the City of Newton's Regulations for the Designation of Scenic Roads and Alterations of Trees and Stone Walls, for the purpose of widening Grove Street as part of the mixed-use development at Riverside Station, the P & D Board closed its hearing and unanimously voted to support the requested removal of three trees along Grove Street in the right-of-way and their replacement with tree caliper at least equivalent to the amount removed. In addition, the P & Board members unanimously urge the Land Use Committee to consider the following recommendations regarding this action:

- Require that the three trees slated for removal remain in place until the special permit is approved and roadway widening begins.
- Ensure that no other features of the scenic road are damaged during construction, including the stone wall at 416 Grove Street and the mature trees on the east side of Grove Street opposite the Riverside Station.
- Encourage the applicant to consider, where feasible, replanting rather than replacing any substantial trees that abut the right-of-way on the Riverside property.

Respectfully submitted on behalf of the Planning & Development Board,



Joyce Moss, AICP  
Chair



STEPHEN J. BUCHBINDER  
ALAN J. SCHLESINGER  
LEONARD M. DAVIDSON  
HEATHER G. MERRILL  
PAUL N. BELL  
KRISTINE H.P. HUNG  
KATHERINE BRAUCHER ADAMS  
FRANKLIN J. SCHWARZER  
JONATHAN A. GOLDMAN

TELEPHONE (617) 965-3500  
FACSIMILE (617) 965-6824  
OF COUNSEL  
ROBIN GORENBERG

E-Mail: [sjbuchbinder@sab-law.com](mailto:sjbuchbinder@sab-law.com)

July 8, 2013

**BY EMAIL and FIRST CLASS MAIL**

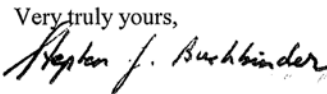
Ms. Linda Finucane  
Chief Committee Clerk, Newton Board of Aldermen  
1000 Commonwealth Avenue  
Newton, MA 02459-1449

Re: Petition of BH Normandy Riverside, LLC/327 Grove Street/ #258-12(2)

Dear Ms. Finucane,

This letter will serve as my client's assent to a further extension of time within which the Board of Aldermen may act relative to the above-entitled matter from August 14, 2013 until September 24, 2013.

If you require any further information, please let me know.

Very truly yours,  


Stephen J. Buchbinder

SJB/mer

cc: (By Email)  
Alderman Ted Hess-Mahan  
Ms. Candace Havens  
Mr. Justin Krebs  
Mr. Kevin Daly