

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, MARCH 4, 2008

Present: Ald. Mansfield (Chairman), Ald. Hess-Mahan, Albright, Fischman, Merrill, Brandel, Vance, and Sangiolo

Also present: Ald. Salvucci

City staff: Candace Havens (Chief Planner), Ouida Young (Associate City Solicitor), Linda Finucane (Chief Committee Clerk)

Request for a Consistency determination from Newton Wellesley Hospital to reconfigure the existing 6000 square-foot “old” emergency room, as shown in plans approved in special permit #470-04, April 19, 2005, to a design that will still contain 6000 square feet for use as an oncology center, including the relocation of several handicapped parking spaces.

NOTE: In 2005, Newton Wellesley received a special permit to expand and relocate the Emergency Department. Initially, the Hospital planned to use the old single-story emergency room, containing 6,000 square feet, as an oncology treatment center. Now, instead of retrofitting the old emergency room, the Hospital wants to demolish it and replace it with a new single-story structure. The proposed structure will still contain 6,000 square feet with a reconfigured footprint to accommodate a plaza garden. Several handicapped parking spaces would be relocated nearer to the main entrance and directly proximate to the proposed garden. No additional parking is required. Materials proposed are brick, glass, and metal to blend in with the existing main building. Attorney Franklin Stearns, representing Newton Wellesley Hospital, noted that the plans relative to the reuse of the old emergency room reviewed and approved in the special permit were schematic, but several members of the Committee expressed concern that elevation plans were not available. Ms. Young pointed out that the oncology treatment center is the same use contemplated by the then Land Use Committee in its review of the new emergency department addition, which was the essence of the petition. The Chairman expressed some concern about setting a precedent relative to consistency requests. After a brief discussion, the Committee asked Ms. Havens to convey to the Commissioner of Inspectional Services its sentiment that the proposed new structure is not inconsistent with the special permit with the caveat that elevation plans be submitted and reviewed by the Planning Department and Commissioner of Inspectional Services.

Request for a Consistency determination from the YMCA, 276 Church Street, to install a rock-climbing wall on a portion of the east façade of the new addition approved in special permit #121-00, granted July 10, 2000.

A comprehensive package of material with photographs of the proposed location of the climbing wall and a technical guide relative to materials and colors was submitted to the Committee prior to this evening's meeting. The proposed climbing wall, a 10x32 foot vertical wall and a 16x8 foot horizontal wall would be installed on the east façade of the building looking west. Devon Jones, the adventure coordinator for the YMCA, explained that climbing walls are very popular and that the YMCA has indoor and outdoor walls at other facilities. The wall will be used only when it is staffed by trained staff. It is composed of marine grade ¾" plywood sprayed with acrylic with holes to affix the climbing holds. There are different security options to disable the wall when it is not in use, e.g., removing the bottom holds or partially covering the wall with purpose built mats or board. Ropes will always be removed when the wall is not supervised. The YMCA has not yet decided which security measure it will use. The proposed location abuts the track, which is fenced and has a partial retaining wall both ranging from 10 to 4 feet. The Committee felt the use was consistent with the special permit and programs offered by the YMCA, but asked that colors be more subdued than not and that the YMCA determine and confirm which security option it will use prior to the issuance of a building permit. Ms. Havens agreed to communicate the Committee's comments to the Commissioner of Inspectional Services. .

#390-07 DINO ROSSI, MANAGER, DS PREFERRED PROPERTIES, LLC
petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to convert an existing single-family home to two units and to construct four new wood frame attached dwelling units for a total of 6 units, with associated waivers from building setbacks and various parking requirements including setbacks, location of parking, separation of parking from dwelling(s), and tandem spaces at 1235 BOYLSTON STREET, Ward 5, on land known as Sec 54, Blk 49, Lot 2, containing approximately 33,130 feet of land in a district zoned MULTI RESIDENCE 1. Reference: Sec 30-24, 30-23, 30-19(h)(1), (2)c), (3)b), (4)b), (f)(1) & (2), (h)(4)b), (h)(5)a), (j)(2)f), and (m), 30-15 Table 1, 30-9(b)(5) of the City of Newton Rev Zoning Ord 2007.

ACTION: APPROVED 8-0

NOTE: This is a petition for the conversion of an historic single-family residence into two dwelling units, and to construct on the property four attached dwelling units in two new structures. Various parking dimensional waivers and approval of a grade change in excess of 3 feet on a small portion of the site are also sought. The irregularly shaped, 33,367 s.f. site (Lot 2) is at the corner of Boylston St. (Route 9 westbound) and Cragmore Road, with the parcel's frontage on the exit ramp to Chestnut Street and Quinobequin Road. The parcel is bounded at the rear by the Sudbury Aqueduct. Access to the parcel is proposed to be a shared 16 ft. wide driveway over an easement on an adjoining lot (Lot 3), also owned by the petitioner (but under a different corporation), which has its frontage on Cragmore Road. The petitioner has received a building permit to construct by right a duplex (attached dwellings) on Lot 3, and that construction is well underway. These units are designed to have their own driveways off Cragmore Road, and will not share the common driveway with the proposed 6-unit development on Lot 2. The site is relatively

level along the Cragmore Road frontage, but then slopes steeply towards the aqueduct in the rear. It is heavily treed, but much of the landscaping is overgrown or dying.

The public hearing for this petition was held on January 15, 2008. The petitioner's attorney described the project as designed around a Greek Revival-style house in the Newton Upper Falls Historic District, the Ellis House, the original portions of which were built circa 1790. The Historic District Commission has given its preliminary approval of the plans, including the demolition of a 20th century one-story addition and a detached shed, but reserved its right to review and approve elements such as fencing, light fixtures, color, doors and windows, and other design details of the new structures. One new duplex building will be built between the historic house and Cragmore Road, parallel to Rt. 9 and across the access driveway from the duplex on Lot 3. The other 2-unit townhouse structure will be at the rear of the site. The project will provide 12 parking spaces, 6 in garages and 6 in tandem spaces in front of the garages. (The garages for the two units in the restored house will be attached to units 1 & 2.) The Planning Department encouraged this layout to reduce impervious surfaces.

The resulting design, and because the driveway crosses both lots on an easement, requires several parking and setback waivers. However, the petitioner expressed his intention to merge Lots 2 & 3 if the special permit is granted, resulting in a single 8-unit development but eliminating the need for many of the waivers. The Fire Department approved the plans with the condition that units 5 & 6 in the rear building be sprinklered. The City Engineer reviewed and approved the plans, but asked that a storm water management operations and maintenance plan be prepared and adopted by the homeowners' association, that both water and sewer connections be updated, that the retaining wall along the Rt. 9 ramp be evaluated by a structural engineer, and that a hearing before the City Tree Warden is needed to remove a street tree for the driveway entrance.

The applicant's attorney reported that the units would range from 1472 s.f. to 1868 s.f. in living area. The smallest of these units, within the historic house, will be provided to the City as affordable housing with the same finishes as the market rate units; and at a subsequent meeting of the Newton Housing Partnership, this proposal, which meets the requirements for 8 units, was unanimously endorsed. In addition, the applicant proposes to follow "green" design and construction principles, which the NHP found should lower costs for low-income residents.

The applicant's landscape architect described the landscape plan as protecting as many existing trees on the site as possible. She reported that over 50% of the existing trees to be removed are dead or dying (14 of 26), and that the plan will add 50 new trees to the site. Ald. Fischman asked if there had been trees removed for the construction on Lot 3, and was told that of the 11 taken down, only one was judged to be alive. The Historic District Commission has asked that the vegetation currently screening the view of the Ellis House from Rt. 9 be removed, which the petitioner will comply with. He will also add a fence along the top of the retaining wall to screen the new units from Rt. 9, but reduce it to a low picket fence in front of the historic house.

The petitioner noted that there was only one direct abutter on Cragmore Road impacted by this construction, and the distance between this home and the new structures would be a minimum of 49 ft.

Only one member of the public spoke on the petition. Larry Wittenberg of 40 Arlo Rd., an abutter across the aqueduct in the rear, voiced his opposition to the proposal, which he said was out of character and scale with the neighborhood, which is predominantly single-family homes with a few 2-families, and no other multi-unit developments. He said that it would drastically impact abutters, especially those viewing it from the rear where the new units 5 & 6 would tower over the neighborhood as they are set on the hillside. He also stated that it would create a traffic hazard at the intersection of Cragmore Road and the ramp, since traffic turning into Cragmore and then immediately slowing to turn into the development, could be hit by someone else exiting the ramp. Finally, he noted that there was no vegetation on the aqueduct to help screen the view.

Following the public hearing, the committee scheduled a site visit that was well attended, including several neighbors. Members observed that the lot had access through its frontage from the ramp between the retaining wall and the aqueduct for a by-right subdivision of the property, but this would be a dangerous entrance and require substantial re-grading. They also saw that the aqueduct also had a number of trees along the portion adjacent to the subject property, which would not be removed for construction and will aid in the screening of the new units. They toured the historic house and saw how the units would be laid out.

At the working session, Ms. Havens described what the petitioner had proposed to reduce the apparent massing and height of the rear structures. He provided a profile showing the proposed structure in relation to the houses on Arlo Road. He proposed adding a small retaining wall and pad for a deck behind units 5 & 6, screening the foundation and minimizing the apparent height from the neighbors' perspective. He also proposed additional landscape screening materials to supplement the existing forested buffer along the aqueduct. He submitted an updated tree removal plan that conforms to the Tree Preservation Ordinance, and will implement a one-for-one replacement of 218 caliper inches of trees on site. Planting will also be added to buffer ground-mounted HVAC units.

ITE trip generation models would predict an increase of 47 trips per day from this development, or 4 vehicles per hour at peak hours, not a significant increase. Police records show no reported accidents at the Cragmore/Boylston intersection since 1/1/03, and staff reported that because parking in front of the site would be limited by the 20 ft. from corner restriction, the driveways, and a fire hydrant, there should be plenty of visibility and turning room to minimize potential accidents. It was noted that there is a 4 ft. sidewalk beside the driveway, with a 2 in. high curb to satisfy the Fire Dept's access requirements. The Chair noted that this may encourage parking on this sidewalk, and it was agreed that a condition should prohibit parking there. Some members questioned

why utility service was being fed to the site above ground, rather than buried as the Engineering Department requires in most new developments. The petitioner explained that overhead utilities bounded the site on both street frontages, making direct connections more suitable, and that the space under the driveway—the only feasible underground entrance—was constrained by the other utilities (water, sewer, gas, storm drains) that had to be installed there. The petitioner submitted a construction management plan for staff review. It was also noted that trash and recycling would be stored in the individual garages and put out on the street on collection day, as in any one and two family area. Snow will be stored at the rear of the site, not impeding any parking.

Ald. Brandel moved approval of the petition, finding that the development of the lot with three 2-family units was appropriate to the site and will not adversely affect the neighborhood; that the preservation and restoration of the historic home was a benefit to the community and the Upper Falls District; that the site is in walking distance to public transportation (Eliot St MBTA) and to several village centers (Highlands, Upper Falls and Waban); that the driveway access and parking proposed will pose no nuisance or hazard to vehicles or pedestrians, and will minimize impervious surfaces; that one affordable unit will be provided of comparable size to the market-rate units; that Energy Star-rated appliances and other sustainable design and construction methods will be used; that major topographical changes will be avoided and blasting is not anticipated; and that landscape buffers will be provided to screen the development from neighboring properties, while enhancing the view of the historic home.

In addition to standard conditions of approval, the committee added that the inclusionary unit must be issued a certificate of occupancy before the last market unit may be occupied, that there be no parking on the sidewalk, and that all conditions of approval only relate to the 6 units on Lot 2, and not to the units on Lot 3.

The motion was approved by a unanimous 8-0 vote.

#13-08 TENNANT VENTURES LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct (after demolishing two existing buildings) a new 2-story commercial building (approx 24.61-feet high) with first-floor retail and/or office and second-floor office and to waive the number of required parking spaces from 34 to 19, with associated waivers from dimensional/lighting/landscaping requirements for parking, with signage at 1149-1151 WASHINGTON STREET, Ward 3, WEST NEWTON on land known as Sec 11, Blk 7, Lots 28 and 28A, containing a total of approximately 13,611 sf of land in a district zoned BUSINESS 2. Ref: Sec 30-24, 30-23, 30-19(d)(10)(11)&(15), (h)(2)e), (i)(1)(a)i, ii), l), (j)(1)a, b) and 30-19(m), 30-20(c)(2)b), (f)(1), (l), 30-15 Table 3, of the City of Newton Rev Zoning Ord, 2007.

ACTION: APPROVED 8-0

NOTE: The petitioner was represented by Attorney Jason Rosenberg at a public hearing that was opened and closed February 12, 2008. The petitioner is seeking a special permit

to construct a two-story office building. He plans to relocate his existing insurance business on the second floor and lease the first floor for either retail or office. The former single-family frame building which currently houses the petitioner's business and an existing one-story garage facility will be demolished to allow construction of the proposed new building. To the east is a National Guard Armory and to the west is a one-story commercial building. A residential multi-family house is adjacent to the site at Kempton Place. To the rear is a retail shoe store.

Architecturally the proposed building is red brick designed to reflect and complement the Armory and the old Mayflower Furniture building with a sign band in contrasting stone to decorate the façade between the first and second floors with a similar smaller identification band above the second-story windows. A high-profile cornice will anchor the roofline. Additional detailing is provided in the brick and window headers.

Relief is sought from the 24-foot as-of-right building height to allow a 24.61-foot high building; additional waivers are sought from the side setback requirements; to waive the parking space requirement from 34 spaces to 19 spaces; and to waive parking stall interior landscaping/buffer requirements; dimensional waivers for light poles dumpster locations; parking setbacks; loading bay; lighting (spillover onto the sidewalk); change of grade in excess of 3 feet; and, signage (directional signs for parking).

To meet the dimensional controls and parking requirements, a by-right development would place the building at the rear of the site with parking in the front. The proposed site plan allows a larger building at the front of the lot, reflecting adjacent setbacks and, although it reduces the number of parking spaces, it places all the 19 conforming parking spaces in the rear of the building. Portions of the relief sought, e.g., the elimination of the loading bay and location of the dumpster, is to provide as many parking spaces as possible. (Currently, there are 9 nonconforming parking spaces on the site.) Mr. Rosenberg indicated that waiving 15 of the 34 required parking spaces is appropriate given the nature of the insurance business and the available free street parking on Washington Street. A small grade change to fill and level the rear lot is proposed to provide the parking. One of the two existing curb cuts will be closed.

Several Committee members expressed concern about the potential intensity of use on first floor and suggested that provisions be made to not allow a use that would create a high parking demand. The petitioner and Planning Department were asked to look at low-traffic type of uses and do parking evaluations based on potential future uses. The petitioner was asked to provide historic information about the number of people that arrive by public transportation that would justify the waiver would be valuable.

Other members asked for assurance that run-off from the parking lot would be properly handled so as not to pollute adjacent properties. The petitioner indicated these issue have been addressed with the Associate City Engineer. This will be confirmed for the working session. Another issue was potential noise from the HVAC equipment. The petitioner noted there is a parapet around the building that screens the units, but because the equipment has not yet been designed, the decibels are not known. The petitioner

must comply with the proposed noise ordinance and in the meantime offer assurances that there will be no negative noise impacts.

There was no public comment at the public hearing, although two letters in favor of the petitioner were submitted: one from the Colonel Mark Murray, State Quartermaster from the abutting Armory and the other from Norman Rosenfield, the owner of abutting J.N. Phillips Glass.

At this evening's working session, the Committee reviewed the Planning Department working session memorandum with Ms. Havens. Relative to the parking waiver and the availability of public transportation to access the site, she reported that the site could be reached by MBTA commuter rail and bus service. She cited 2000 census statistics figures from Middlesex County re different methods of commuting to work, which when applied to this petition give a reasonable expectation of a parking demand of 25 spaces. The petitioner is seeking to waive 15 of the 34 spaces required by ordinance. She noted the on-street non-metered parking on both sides of Washington Street, where staff has observed few vehicles parked. The Associate Engineer confirmed his review and approval of the petitioner's drainage plans. In response to concerns about noise from the roof top HVAC equipment, the petitioner has agreed to comply with the proposed amended noise ordinance.

Some members of the Committee felt it would be easier to be clear about what the first-floor space can be used for. After some back and forth discussion, the Committee and the petitioner agreed to a condition that the space will not be rented to a use demanding more than the 34 required parking spaces. The petitioner agreed to work with the Planning Department to enumerate uses prohibited. Landscaping with shrubs and grass is proposed for the front of the building. The petitioner would prefer to not plant street trees directly in front of the building obscuring the façade and signage, but is willing to plant them on another section of Washington Street. The Fire Department has reviewed and approved the turnaround for fire trucks.

Alderman Hess-Mahan moved approval of the petition with the conditions in the draft board order as amended finding that the proposed development with a waiver from the height maximum is appropriate to the site with no adverse impact on the neighborhood or abutting properties; the street orientation of the building with parking in the rear is consistent with the Comprehensive Plan; the waiver of 15 parking spaces is appropriate given the location of the building; parking/site circulation is safe to vehicles and pedestrians; the drainage is designed to a 100-year storm; soil removal and grading are minimal; lighting is appropriate on- and off-site; various waivers from landscaping interior landscaping requirements elimination of the loading bay will have no adverse impact on the neighborhood or abutters; the signage is appropriate to the building.

Alderman Hess-Mahan's motion carried unanimously, 8-0

At the conclusion of its business, the Committee welcomed City Traffic Engineer Clint Schuckel and the Town of Wellesley's consultant engineer for a brief briefing re

New England Development's proposal for the old Grossman's site in Wellesley,
bordering Newton Lower Falls.

The meeting was adjourned at approximately 11:00 PM.

Respectfully submitted,

Alderman George E. Mansfield, Chairman
Alderman Mitchell L. Fischman, Vice Chairman