

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, MAY 6, 2008

Members present: Ald. Mansfield (Chairman), Ald. Merrill, Albright, Hess-Mahan, Sangiolo, and Brandel

Absent: Ald. Fischman and Vance

Also present: Ald. Gentile

Staff present: Candace Havens and Ouida Young.

#63-08 2101 WASHINGTON STREET LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NON-CONFORMING STRUCTURE to redesign exterior parking and maneuvering areas, including a new perimeter driveway; increase to 105 the number of on-site parking spaces; waive various dimensional requirements relative to parking stalls; increase the number of identification signs; modify on-site lighting and landscaping; install an acoustical fence along the westerly boundary; reduce the maximum number of beds from 190 to 180; and, add a porte-cochere to the front of an existing nursing home facility at 2101 WASHINGTON STREET, Ward 4, NEWTON LOWER FALLS, on land known as Sec 42, Blk 9, Lot 17 containing approx 126,432 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: 30-24, 30-23, 30-21(b), 30-20(e), and (l), 30-19(h)(l), (2)a), b), 30-19(i), (j), (l), and 30-19(m), 30-15 Table 1, 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2007, and special permit nos. 185-69, 53-76, 53-76(2), and 378-80.

ACTION: HELD 6-0

#63-08(2) AGREEMENT TO AN EXTENSION OF TIME IN WHICH TO ACT
APPROVED 6-0

NOTE: This is a request to make numerous site plan changes to an existing nursing care and rehabilitation facility, now know as the Newton Health Care Center, located at the intersection of Washington and Beacon Streets in Newton Lower Falls, including increasing parking from 66 to 103 spaces, reconfiguring the current entrance on Washington Street and adding a new entrance on Beacon Street Extension, improving circulation for emergency access and traffic safety, and adding landscaping and signage. Grade changes in excess of 3 feet are also proposed. Simultaneously, the present owner is renovating the interior of the building to meet current industry needs and codes, and reducing the bed capacity from 202 to 180. The site is under a series of special permits granted in 1969, 1976, and 1980, and a parking variance granted by the ZBA in 1976. The site is abutted by single-family residences on both the east and west sides, and by Woodland Golf Club to the rear.

A public hearing was held on March 11, 2008. Several residents of Belmore Park (to the west) expressed concerns both with the current operation of the facility and with the proposed plans, particularly the new circulation driveway proposed behind their homes and the additional parking at the rear of the building. Prior to the working session, the petitioner provided three alternative layouts for the Committee's consideration, while maintaining the increased parking. Two of these alternatives (Plans A & B) included no parking to the rear and B also eliminated the proposed access road to the west of the building. The Fire Department rejected Plan B, and the petitioner subsequently stated that he would not build either of these plans. The third plan, Plan C, restored the proposed parking for 38 vehicles at the rear of the site, but eliminated the access road. The Fire Department accepted this plan, and this was the only plan considered by the Committee at the working session.

Much of the committee's discussion was focused on the rear lot. Ald. Gentile and the Chair each asked whether the layout of this lot could be modified to preserve the existing vegetation that helps screen the area from the Belmore park residents. They suggested that the small parking area (8 stalls) proposed for the east side of the building might be increased to balance the reduction of spaces in the rear. The residents of Beacon St. Extension, in general, had supported the plans, but some feared they would not support any increase in the parking in that area. The Planning Department recommended controlling the access to the rear lot after 8:00 PM with a gate and pass card, since residents had complained about nighttime usage of this area. While the petitioner agreed that parking in this area would not be needed at night, he would not agree to a gate. Committee members suggested reconfiguring the proposed parking of Beacon St. Extension as perpendicular head-in stalls, thus increasing capacity while reducing the area of the grade change in excess of 3 feet. The petitioner said this was part of his original proposal, but neither the Planning nor Fire Departments liked this plan.

Ald Sangiolo moved to hold the item while these further alternatives were designed and evaluated. Ald Gentile asked to have the proposed parking areas in the rear and to the east, and the alternatives suggested, staked out so one could see the impact on the existing site. It was noted that Board action on this petition would be required by 5/19/08, since the 90-day expiration date is 6/9/08, and the Chair asked for an extension. However, the petitioner was initially not willing to grant this extension, citing many meetings with the City on this application over 2 ½ years and his expenses in excess of \$400,000 to date. The Chair reminded him that this was the first opportunity of the Committee to review the plan, and that the requests were reasonable. There was some discussion of recommending a conceptual change in the layout, with specific plans developed in advance of the full Board meeting, but the Committee did not favor this option. The petitioner's attorney eventually agreed to offer an extension to mid-July, the date to be determined after conferring with his client (who had left the meeting).

Ald. Sangiolo then moved to accept this extension, and it was approved 6-0. The item was held by a 6-0 vote.

#108-08 SSG DEVELOPMENT, LLC/ADELE M. BEGGS, TRUSTEE OF BILL MITCHELL FAMILY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 4-story self-storage facility containing more than 20,000 square feet with an FAR greater than 1.0 including a change of grade in excess of three feet on a lot located at 0 LEXINGTON STREET, Ward 4, on land known as Sec 41, Blk 35, Lot 1, containing approx 14,242 sf of land in a district zoned BUSINESS 2. NOTE: the remaining 49,242 square feet is located in the City of Waltham, which will hold a public hearing Tuesday, April 29, 2008. Ref: Sec 30-24, 30-23, 30-15 Table 3, 30-11(k), 30-5(b)(4) of the City of Newton Rev Zoning Ords, 2007.

ACTION: APPROVED 6-0

NOTE: The petitioner seeks to construct a 4-story self-storage facility with 945 storage units at a site located on the Newton/Waltham border. Approximately 24% of the parcel is in Newton. It is currently under a 1979 special permit and used for auto repair and used car sales. The petitioner proposes to raze the existing 10,500 s.f. building, which is entirely in Waltham, and replace it with a new facility of 115,775 s.f., 24,401 s.f. of which will be in Newton. According to an environmental report commissioned by the petitioner, the site contains petroleum-affected soils from previous underground storage tanks and the auto-oriented businesses, and potentially other contaminants from the former Woerd Avenue (Waltham) and Rumford Avenue (Newton) landfills, which may have extended onto the site. The petitioner is seeking relief from Newton for building size, height, number of stories, FAR, and a grade change in excess of 3 feet. He will also need a variance from the Waltham ZBA to reduce the required parking (all of which is in Waltham), as well as a special permit from that City.

The site is across from 1 and 2-family homes on Lexington St. in Newton, as well as an abutting 2-family residence to the south. To the north, there is a Waltham City skate park. Behind the site is the Packard Cove office building complex. At the public hearing on 4/15/08, the petitioner's architect described the proposed structure as a masonry and glass structure that, while significantly higher than other buildings in the area, is designed to have the scale of a 3-story building. The height at the Lexington St. frontage is 35 feet, and the 4th story is stepped back 10 feet. There is a tower at the northeast corner that will house the office on the first floor, with other architectural features to break up the mass of the building. There will be no lighting on the south side of the building, and low-level lighting on the parking area to the north.

The petitioner's representative, George Bachrach of SSG (Self Storage Group) Development in Brookline, described the business model of the national firm. Electronic access and high security is a feature of their developments, as is energy-efficiency, with all lighting motion activated, and generation of less sewage than a 1-family house. Residential-sized HVAC units will be on the roof, set back from sight. Trip generation is very low, and the use is a quiet one. Large trucks will be prohibited from the site, and 2-3 small rental vans will be available for customers to lease. Mr. Bachrach also explained why the building could not be limited to 3 stories as an economic factor, particularly in light of the required environmental remediation. He said that to build the same size

building on a larger footprint would not meet open space requirements, and that this is one of the smaller faculties of this type that his company has built.

The petitioner's attorney added that there had been numerous contacts with the neighbors, and that 30-35 people had attended each of two meetings. In general, he said, their response has been favorable to the plans, which support a much less intensive use than by-right alternatives, although there are concerns about the height.

Several neighbors spoke at the hearing. Sam Picarello of 21 Lexington St., the owner of the abutting property to the south, said that at first he was opposed to the plan, but on further consideration, thinks it is a good use for the site. It will be an improvement over the body shop with paint fumes, auto carriers, and a 24-hour towing faculty that now occupies the site. In addition, the rear of the site is a dumping facility, he said. He said he might prefer an office use, but this does not work with Waltham's zoning of its portion of the site. This is much preferable to a fast food use, which is allowed, and is essentially an office use without the traffic.

Barbara Fritz of 2 Lexington St. reported that the developers have been very open and responsive. Anita Mahaney of 6 Lexington St., noting that the only lighting would be in the parking lot, asked if additional lighting could be used to light the public sidewalk in front of the site that is very dark. Russell Robinson of 68 Adams Ave. expressed concern with southbound traffic backing up on Moody St. and being diverted onto his street. He also asked if there had been a shadow study, and was told shadows would fall primarily on Lexington/Moody Sts. and on the site parking lot. He said the neighborhood deserves a good quality building. Brenda McGovern of 11 James St. expressed support for the proposal but was concerned with the signage and asked that the lighting be turned off at night when the business closed.

The Chair noted that City ordinances require signs to be shut off ½ hours after closing, and suggested that the type of window signage used by the storage facility at 300 Needham St. be prohibited at this site because of the residential nature of the neighborhood. The petitioner agreed, noting that the hours would be 7-7 Monday-Friday, 8-6 Saturday, and 9-5 Sunday. All lighting would be off no later than 9:00 PM. All windows are "faux," except in the tower, and will have no signage. A "faux" corridor of storage units will be visible through the tower windows. There will be a 48-ft high freestanding sign in Waltham, and one wall sign in Newton.

Anatol Zukerman of 17 Noble St. spoke in opposition to the petition, saying that it is the wrong use for a transition site, preferring a mixed residential/commercial use that could promote social interaction. He said that an out-of-scale, security -controlled concrete box, such as SSG builds nationally, may be supported by the abutters for its low intensity of use, but is not good for the larger community. He said he had submitted an alternative, greener design, but it was rejected.

At the working session, the Committee learned that the Waltham ZBA had expressed concerns about insufficient parking and the mass and height of the building, and had

continued their hearing to 5/15/08. Ald. Gentile asked how the landscaping screened the building. Ms. Havens noted that evergreens to be planted especially on the south side are 8-12 feet high. Ald. Albright felt the south wall of split-face block and metal paneling was quite ugly, and the petitioner agreed to apply a stucco-like veneer to give it texture. Mr. Bachrach added that 124 trees will be planted, even though there are none being removed. Ald. Gentile suggested a landscape peer review, or asked if the City Tree Warden could make further recommendations. The petitioner's attorney offered a condition to install additional landscaping as recommended by the Planning Dept. and the Tree Warden.

Questions were also raised about the schedule of the project. The attorney replied that the site remediation was not under the control of the developer, and they could only offer to have the building completed 11-12 months after the clean up was finished. Ald. Sangiolo then moved approval of the petition, finding that self-storage is appropriate in a Business 2 District and will be a low-impact transitional use to the surrounding residential neighborhood, the overall site plan and architecture would be a significant improvement to the neighborhood and will improve this "gateway" entrance, that lighting and signage will not adversely affect the neighborhood, the grade changes will not have an adverse impact on abutting properties, the building's design, construction, maintenance and long-term operation will contribute to the efficient use and conservation of natural resources and energy, that redevelopment of site will allow for environmental cleanup in accordance with MassDEP, and that the petitioner will make every effort to conclude construction within one year from the completion of environmental cleanup of the site.

In addition to the conditions agreed to above, the Committee asked that the City obtain a report on the outcome of the environmental clean-up action. The motion was approved 6-0.

The meeting was adjourned at 11:10 PM

Respectfully submitted,

George E. Mansfield, Chair