

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, AUGUST 12, 2008

Present: Ald. Mansfield (Chairman), Ald. Albright, Brandel, Fischman, Hess-Mahan, Merrill, and Sangiolo; absent: Ald. Vance; also present: Ald. Yates

City staff: Michael Kruse (Director of Planning and Development), Candace Havens (Chief Planner), Ouida Young (Associate City Solicitor)

Request for a Consistency Ruling: Re: Special Permit #54-84 to allow the replacement of a retaining wall that was not on the approved plans to correct drainage and sewer backup problems.

This special permit was for the construction of 28 attached dwelling units at 160 Pine Street across from the Burr School in Auburndale, known as The Gazebo. At the rear of the site a retaining wall appears to have been built without City approvals, and is located within the buffer zone of a bordering vegetated wetland. Fill placed in this area covers a City manhole within a sewer easement. The site is now the subject of an enforcement action by the Conservation Commission. Removing the fill and making the manhole accessible is considered urgent by the DPW, since sewer blockages have been identified. The Condominium Association has proposed rebuilding the wall in the original approved plans, and adding a perpendicular wall to stabilize the end unit. They have submitted engineered drawings of the proposal which the City Engineer is now reviewing.

Ms. Havens showed the committee photographs of the site, and suggested that the proposed wall material should be more natural looking. Ald. Sangiolo noted that there are no official plans to date, and although the current owners have no responsibility for the mistake, they are doing all they can to correct the problem and will bear the costs of reconstruction. She recommended moving forward as described, allowing the Engineering Division and Inspectional Services Dept. to work out the details of the proposal. Committee members agreed that this was a prudent plan and was likely more consistent with the original permit than the current site.

#215-08 MAX MAZAEV/VICTOR A NICOLAZZO JR., TR petition for SPECIAL PERMIT/SITE PLAN APPROVAL to waive the number of parking spaces, including dimensional widths, landscaping, etc. previously approved under administrative site plan approval, for a proposed increase in the number of clients who will be served at an existing non-profit adult daycare at 149A CALIFORNIA STREET, Ward 1, NONANTUM, on land known as Sec 11, Blk 1, Lot 1A, containing approx 71,755 square feet of land in a district zoned Manufacturing. Ref: Sec 30-24, 30-23, 30-19(d), and 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

ACTION: APPROVED 7-0

NOTE: This is a request to waive the required number of parking spaces, dimensions and landscaping for Zdorovie Senior Services, a senior day care, education and cultural center oriented to Russian-speaking clients at 149A California Street that has operated since 2005 under Administrative Site Plan Review. This non-profit educational use is protected under the Dover amendment and is allowed as of right in this location. Under this same process, the petitioner has requested an increase from 42 to 72 daily clients, and an increase in staffing from 8 to 12. This increase cannot be granted, however, without a waiver of 16 parking stalls. No new construction or alteration to the existing parking facility or building is proposed.

The property includes five industrial-style concrete block buildings with surface parking between them and little landscaping. The subject building is a one-story structure of approximately 5,300 sq. ft. with a handicapped ramp leading to the entrance. There are 12 parking stalls along the north and east sides of the building, including one handicapped stall. There is also an informal pathway at the rear of the site that connects to the Charles River Pathway. The petitioner stated that all clients now and will continue to arrive in four small buses, operated by the petitioner, which remain on the site during the day. Some employees arrive by car, but neither clients nor visitors drive to the site.

At the Public Hearing on July 15, 2008, the petitioner's attorney describe the operation as very successful, leading to the expansion of clients, for which authorization has already been granted by the State's Executive Office of Elder Affairs. He described the site as ideal, because it provides the clients who are mainly urban dwellers access to the river and to Forte Park via the Pathway. There was no one testifying for or against this petition, but the committee and the Planning Department raised a few questions and suggestions. They asked for information about current use of the parking spaces, noting that two of the spaces appear to have been temporarily converted to outdoor programs use, with a temporary canopy and seating. The petitioner's attorney explained that they have an "as-needed" agreement with Post 440 to park two of the buses there during the day, but they haven't had to take advantage of this option. Committee members also asked if the petitioner was willing to clear and maintain the pathway connection, and were told he was. Ald. Albright asked if they could improve landscaping by adding planters and perhaps window boxes to soften the industrial character of the site.

At the working session, the petitioner presented a log of parking stall occupancy over a 9-day period in early August. It showed that only about 1/2 of the 12 spaces were typically occupied, with never more than 9 occupied. It also appeared that 2 of the petitioner's buses were always on site, whether or not the program was operating. Although the Engineering Division did not provide a report on this site, Ms. Havens reported that the Associate City Engineer recommended that an oil trap be installed in the storm drain in the parking lot, which drains to the river. However, Ms. Young cautioned that since this would be the owner's responsibility, it would be difficult to include as a condition, and recommended that this was more properly a DEP enforcement issue. Ms. Havens noted that window boxes and a planter had already been installed.

Ald. Merrill moved approval of the petition, finding that the proposed expanded use is appropriate for the site, will result in no adverse impacts on abutters, that the petitioner had agreed to clear and maintain the pathway connection to the river, and that the waiver

of 16 parking stalls is appropriate due to the nature of the use and the petitioner's provision of client transportation. He also proposed conditions that the site be limited to the proposed 72 clients and 12 staff, that the petitioner maintain the enhanced landscaping, the signage and directional markings in the parking area. The motion was approved by a vote of 7-0.

#202-07(2) EDEN SIFF & LAUREN ZUKER SIFF petition to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL, granted on September 4, 2007 for a change of grade in excess of 3 feet to construct a single-family house, by replacing a dual wall design with a single wall at Lot #4, KESSELER WAY, Ward 8, on land known as Sec 82, Blk 37, Lot 82, containing approximately 21,038 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2001.

ACTION: APPROVED 6-0-1 (Ald. Brandel abstaining)

NOTE: This is a petition to amend a grading plan to develop a single family home at 36 Kessler Way, for which a special permit was granted in September, 2007. Since that time, construction of a 2 ½ story dwelling has moved forward and is nearing completion. The petitioners have re-evaluated the original landscaping plan, which proposed a terraced back yard with two retaining walls, and are now proposing combining the upper and lower yard (for more utility and reduced cost) into one larger upper yard. This will employ a single 13-foot retaining wall rather than two lower retaining walls spaced 20 feet apart. The proposed wall will not be perpendicular with a sheer face, but will be a rubble wall with a slight slope of its own, blending more with the natural environment. This lot is located at the end of the cul-de-sac of Kessler Way created as part of a subdivision plan to develop the former NStar land acquired jointly by the City and Cornerstone Corp. Drainage for the entire subdivision is under an Order of Conditions issued by the Conservation Commission. Below the proposed wall on Lot 4 are protected wetlands, so that the area of the grade change is in the buffer zone and is also subject to previous ConCom conditions. The new plan does not change the limit of work set in this Order, and so no amendment of that Order is required.

The public hearing for this petition was held on July 15, 2008. It was one of three petitions for grade changes on separate lots in separate ownership on Kessler Way heard that night. The petitioner's attorney and engineer explained that there are no changes proposed to the house itself, to the amount of impervious surfaces, to the landscaping or to the drainage design. Residents of 144 and 149 Harwich Road testified that as a result of the construction on Kessler Way, there is water in their back yards and basements. However, at the working session, Ms. Havens explained that these residents were not referencing this lot specifically, which is graded in the opposite direction from Harwich Road. In addition, the area of the proposed amended retaining wall cannot be seen from the Harwich Road properties, but only from the City-owned conservation land, which is predominantly inaccessible wetlands. Ald. Fischman added that he believed that the development of this property has not and will not have any effect on the wet basements on Harwich Road. He then moved approval of the petition, finding that the revised alteration of grade will not have an adverse effects on abutters or the character of the site in the context of the surrounding neighborhood, will continue to prevent activity on the site from intruding into bordering vegetated wetlands consistent with the ConCom's

Order of Conditions, and allows for more usable outdoor space on the subject lot. The motion was approved by a vote of 6-0-1, Ald. Brandel abstaining.

#302-07(2) 62 CARLETON, LLC./LEWIS J. MILER & ANNETTE FURST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a change of grade in excess of 3 feet in order to construct a single-family dwelling at 62 CARLTON ROAD, Ward 5, WABAN, on land known as Sec 55, Blk 14, Lot 6, containing approx 28,077 square feet of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 30-24, 30-23, 30-5(b)(4), 30-8(b)(7) of the City of Newton Rev Zoning Ord, 2007.

ACTION: HELD 6-0-1 (Ald. Brandel abstaining)

NOTE: The petitioners are seeking a special permit for a change in grade in excess of three feet to construct a 5,981 sq. ft. single family dwelling on a vacant lot at 62 Carleton Road in Waban, adjacent to Kettle Pond. The property drops off sharply from the street, and is currently developed with a tennis court about 10-12 feet below the sidewalk grade. The petitioners own the adjacent lot at 60 Carleton Road which is developed as a single family house, as are all of the lots in the immediate neighborhood. A portion of the lot is within a wetland buffer zone, and the Conservation Commission has restricted all work beyond a one-foot high retaining wall located between the proposed dwelling and the wetland. A similar petition was submitted last fall, but was withdrawn after the public hearing when it was determined that the submitted ANR subdivision plan, dividing this lot from 60 Carleton Road, did not provide adequate frontage for both lots according to zoning requirements. At that time it was also clear that there was substantial neighborhood opposition to this plan.

The public hearing on this petition was held on May 13, 2008. The petitioners' attorney explained that the ANR plan was now compliant with zoning, and the subject lot has 107 ft. of frontage. In addition, he said, his clients had dropped their request for a garage in excess of 700 s.f., having reduced it to 699 s.f. They also tried to respond to neighbors concerns by decreasing the width of the house from 86 to 80 ft., the depth from 42 to 40 ft., and reorienting one of the three garage stalls from the front to the side of the house. This increased to side yard for the abutter to the right from 17 to 24 feet. The project architect pointed out that from the front, the house will be 1 ½ stories and have the appearance of a large Cape Cod-style structure, while from the rear it will be 2 ½ stories high because of the grade change. As such, the Planning Department report noted, the structure does not appear to be overwhelmingly large and fits in with the streetscape of varying size homes, mostly built in the 1930's. However, they also noted that the driveway width, 17 ½ feet, should be reduced to reduce the amount of impervious cover on the site. The change of grade in excess of 3 ft. covers an area of 4,290 s.f., with a maximum fill of 13 ft., requiring 1,400 cu. yds. of fill brought to the site.

The petitioners' attorney also explained that the plans have been approved by both the Director of Urban Forestry and the Associate City Engineer. He said that a home could be built at the lower existing grade by right, and would be less visible from the street, but access and parking would be problematic. The Planning Department noted that access to the proposed third garage bay on the side could also be difficult in the proposed plan.

Ald. Coletti asked how the site would be accessed during construction and where materials and a dumpster would be stored. The petitioners' representative replied that the owner would grant a construction easement across #60. Attorney Mark White, representing several neighbors of the site, said that the developer and his attorney have been very cooperative in adjusting the plans, but the neighbors are all opposed to developing this site. He stated that the petition serves the interests of the owner, but does not promote the public convenience and welfare. The only portion of the lot that is buildable because of wetland restrictions, he said, requires a 12 ft. grade change. He described the proposal as a "monster house," because of its width and its height in the rear, and one of the few the Board could prevent. He claimed that it would not be feasible to build on this portion as a matter of right.

Several neighbors then testified. Charlie Clee of 5 Kelveden Rd., across from the site, said that the applicants are not hearing the neighborhood even though they are talking with them. It appears, he said, that the house is not decreasing in size with redesign, and they are still trying to build the biggest house possible on this constrained site, while the 3-foot grade change allows them to primarily raise the grade around the house and call the bottom story a basement, excluding it from the floor area calculation and from the number of stories. He pointed out that the first floor, one story above the basement, was actually 3 feet below the street level. Ald. Hess-Mahan asked what size house would be acceptable, and Mr. Clee replied that 6,000 s.f. would be okay if that included the basement. Joe Doucey of 59 Carleton Rd. said that the house design was not in keeping with the character of the neighborhood, not only in its size, but also because of its reduced setback from the street. Ellen Seigel of 122 Nehoiden Rd. also found the house too big for the developable land, and submitted a petition with 78 neighborhood signatures opposing the petition. She proposed as an alternative not only a 6,000 s.f. house including the basement, but a house whose width was similar to most others in the neighborhood.

Errol Yudelman, of 70 Carleton Rd.—the abutter on the right, among others, spoke of his concern about an 8 foot retaining wall in the side setback and the impact this would have on the natural surface drainage and an existing tree on his property. Tom Ebling of 144 Nehoiden Rd. noted the width of the proposed house is two times most others in the neighborhood, and expressed his preference for a by-right alternative. Jack Fabiano of 31 Homewood Rd. urged the committee to protect the Kettle Pond in its natural state. He said that three neighbors had spent \$100,000 to restore the pond, which has its only access from his dead-end street. He urged members to visit Homewood Rd. to see the perspective of the site from there. Amy Wolf of 133 Waban Ave. also spoke of the value of the view of the property from the pond.

Ald. Yates asked for clarification from the ConCom whether all drainage will be retained on site and, if so, what is the effect upon the pond. The committee requested a site visit, and Ald. Brandel asked the City Engineer to attend. It was not possible to schedule a single site visit that all members could attend in June, so there were two times set aside for members to choose from. This meant, however, that neither the all the petitioners' representatives nor City staff could be present at these times to answer questions from the members. On June 5 & 6, those who could attend did see the layout of the house with a smaller footprint.

Because the petitioners recognized that additional revisions to the plans might help both the neighbors and the committee to accept the proposal, on June 24 they requested and were granted an extension of time to act through September 17, 2008. At the first working session on this petition, held on August 12, the petitioners presented a third revision that reduced the floor area of the house (not counting the basement) to 5,205 sq. ft., the width from 81 ft. to 64 ft., and increased the setback from the neighbor's property at 70 Carleton Rd. from 24 ft. to 40.5 ft. In addition, this plan reorients all three garage stalls to the right side of the building. Although reducing the size of the dwelling increases the amount of fill necessary for the project, the new plans reduced the area of the 3-foot grade change, the lot coverage, and increased the percentage of open space. These changes did not require any further action from ConCom, and the Associate City Engineer approved the revised drainage plan and found it had no impact on abutters or on Kettle Pond. However, he asked for an operation and maintenance plan for the drainage system that the owner had not submitted. They did submit the framework of a construction management plan, with several details to be completed.

Ald. Brandel reported that the neighborhood was still strongly opposed to this proposal based on its impact on their homes and on the pond. Attorney White reported that the neighborhood had met and discussed the revised plan, with the goal of reaching a compromise. A draft agreement was proposed to support the special permit, but it is still not unanimous. The main concerns are that the 3-foot grade change provision requiring a special permit might be amended or eliminated by the Board in the future, and then the permit for this site and its conditions would be null and void. Ms Young stated that it was her opinion that this is legally correct. In such a case, the petitioners' have only agreed to honor the permit as a 3-year contract, prohibiting any external changes during that time. Nonetheless, Mr. White stated, the developer has acted in good faith.

Ald. Sangiolo asked how such a contract would be enforced. The petitioners' attorney said that it would be enforced by the neighbors, and it was his belief that the contract is ready for signature and needs only a few details worked out. Ald. Fischman asked that this contract be executed before a full Board vote is taken. Ald. Albright asked what the standard finding should be for a 3-foot grade change permit. Ms. Havens replied that the Board should find that there is no adverse impact on abutters and on the neighborhood. Ald Yates added that since drainage is a primary concern in such a permit, he didn't see how the committee could go forward without an approved operation & maintenance plan. Ald. Hess-Mahan said that he expects the questions about amendments to the 3-foot grade change ordinance to be resolved without affecting this petition. He added he was pleased with the change to the retaining wall and the reduction in the front façade.

Ald. Brandel then moved to deny the petition, finding that the proposed plan does not benefit the City, the neighborhood, or the pond, and the house is out of scale with its surroundings. The project architect then noted that he had a plan for a much larger house, approximately 8,000 sq. ft., with a driveway engineered without the necessity of a 3-foot grade change. Ald. Yates observed, in his opinion, there would need to be perfect compliance with the drainage plan or the pond and the abutters would suffer negative impacts, yet neither the committee nor the City Engineer has the benefit of an operation & maintenance plan to evaluate. Ms. Young commented that there is no evidence of how

perfect compliance must be, and so this would not be a valid reason to support the denial motion. The Chair called for a vote on the motion, and it failed by a tie vote of 3-3-1, with Brandel, Merrill, and Sangiolo voting in favor, Fischman, Albright and Hess-Mahan voting against, and Mansfield abstaining. Ald. Albright said she was concerned that a denial by the Board would not hold up on appeal. Ald. Brandel stated that his objective was to convince the petitioners to withdraw the application, revise the plans again with real input from the neighborhood, and refile for a new public hearing. The Chair said he would like to give the petitioners another chance to reach an agreement with the affected neighbors, submit the missing material, and come back to a working session in September for the committee to make a recommendation to the Board. He explained that, because of September holiday schedules, this would require an additional extension agreement from the petitioners. The petitioners' attorney reluctantly agreed to a minimal extension through the first October Board meeting, and will discuss specific dates with Ms Young. Ald. Hess-Mahan moved to hold the item, and this was approved by a 6-0-1 vote, Ald. Brandel abstaining.

#179-08(2) AGREEMENT TO AN EXTENSION OF TIME in which to ACT on petition #179-08, FB NEWTON PROPERTIES, LLC/FB NEWTON PROPERTIES c/o PARAGON PROPERTIES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing retail/restaurant building and to construct a new building for retail/restaurant building with a basement and rooftop parking at 215-277 NEEDHAM STREET, Ward 5; said Extension will run from September 8 to October 23, 2008.

ACTION: APPROVED 7-0

#179-08 FB NEWTON PROPERTIES, LLC/FB NEWTON PROPERTIES c/o PARAGON PROPERTIES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing retail/restaurant building and to construct a new building for retail/restaurant building with a basement and rooftop parking at 215-227 NEEDHAM STREET, Ward 5, on land known as Sec 51, Blk 28, Lot 8G, containing approx 70,837 sf of land in a district zoned MIXED USE 1. Ref: Special Permit #610-89, 30-24, 30-24(d)(5), 30-23, 30-21(b), 30-20(f) and (l), 30-19(h)(2) and (3), (j)b) and 30-19(m) of the City of Newton.

ACTION: HELD 7-0

NOTE: This is a petition for the approval of a special permit and site plan to demolish a one-story retail building at the corner of Needham Street and Tower Road, currently occupied by Filene's Basement Women's Store and Papa Gino's restaurant, retaining the existing 3-level parking deck, and replacing it with a larger 2-story retail building anchored by a new Filene's Basement, a second retail store, and a restaurant. The proposal would also add parking on the roof and in the basement of the new building, with elevator access to all levels (which does not currently exist). Relief for signage, lighting and a minor parking waiver is also sought in this application.

At the public hearing held on June 10, 2008, the petitioner's attorney and the Vice President of Filene's basement presented the proposal. They explained that the developers are the Glick family, who have owned the site for 20 years, and received a

special permit in 1990 authorizing the current retail uses and structured parking. However, this property and the adjacent Paragon Tower retail and office building, built under another special permit, are now in separate ownership. They also stated that the proposed building complies with all dimensional requirements as of right, and the plan will eliminate the current building's intrusion into the front setback. The expectation is that the restaurant will have outdoor seating on Tower Rd., which will require a waiver of 2 spaces to meet parking requirements. However, if this were a retail use, no waiver would be required. Plans for the reconstruction of Needham St. call for the widening of the Tower Rd./Needham St. intersection, to align it with Industrial Place. The proposed setback of the building respects this plan, and plaza designs have been filed to accommodate either the present or proposed rights-of-way. Mark Luther, Filene's VP, explained that Filene's is rebuilding in downtown Boston and also wants to strengthen its presence in Newton. He described the current building as inefficient, turning its back on Needham St., and too small for the company's retail needs. The project architect pointed out that unlike the current design, all parking will be within the building with very few spaces at ground level, and 3 curb cuts on Tower Rd. will be reduced to one. This, he said, supports Needham St. as pedestrian space, and is not a "closed-box" retail design. Trash storage and delivery space will also be within the garage, and a 5-ft. parapet will conceal the roof parking. He described a glass tower entrance at the corner of Needham St. and Tower Rd. which will be an architectural feature, and encourage pedestrians to enter from Needham St. A free-standing sign at this location will also be a dominant feature seen both from the street and from inside the building. The landscape architect described the proposed pedestrian plazas on both streets, but primarily on Tower Rd. He said the Needham St. setback would have a 5-ft. wide sidewalk and grass lawn in front of the building. Shrubs will be planted around the parking structure, and a tree replacement calculation has been presented. The project engineer reported that the impervious area had been reduced on the site.

The applicant's traffic consultant described the traffic and parking effects of the project. He said that safety will improve with the plan, that the number of parking spaces will be increased by 116, from 138 to 254. He also estimated that traffic will increase by 50-75 trips in the peak hour as a result of this project, and reported that although the level of service of the Tower Rd. intersection is F, there have been no recent accidents. He said that the LOS would increase to B or C with a traffic light, even with the added trips, and that the petitioner will contribute to the cost of that light, which has been partially funded for several years by other Needham St. projects. The traffic study was submitted to the City Traffic Engineer for review.

The petitioner's attorney stated that the project has been well received in the community, and cited letters of support from the Newton Upper Falls CDC and the Russian grocery store (Baza) which recently opened next to the site. He added that there was still some work to do to prior to the committee's working session, and that he planned to meet with the undergrounding task force and provide a photometric plan. In answer to a question posed by a committee member, the petitioner's attorney said that underground utilities were not presently part of the plan.

Ald. Brandel determined from the petitioner's representatives that they expected most customers would arrive at the site by car, but noted that the plan seems to face the

building to Tower Rd., not Needham St. He suggested that the store entrances be reoriented. He also asked whether there was a schedule for the installation of the traffic signal, and asked that it be part of this plan. Ald. Hess-Mahan agreed with this, and also that undergrounding should be employed in this plan. He also expressed dismay that the traffic analysis and plan for this development was not coordinated with that of the nearby Northland (Marshalls Plaza) site. Ald. Vance asked for inclusion of some sculptural design element(s) in this plan. Ald. Albright agreed with the importance of public art. Ald. Sangiolo asked that crosswalks be included at this intersection.

Ald. Fischman suggested that the City's Needham St. design consultant, McMahon Associates, investigate the feasibility of widening this intersection now, concurrent with this development. He also asked that another look be taken at whether the proposed realignment of this intersection as shown in the 25% plans is really the best solution. He also suggested that street trees be incorporated in the plan along Needham St., and that sitting areas be added to the lawn proposed for the Needham St. frontage of the building.

Lois Beiner, Chair of the City's Undergrounding Task Force told the committee that Needham St. is a priority for this initiative, that this effort is not unique to Newton, and that other nearby cities require utilities be placed underground in the frontage of new development. Sean Roche, Chair of the Bowen-Thompsonville Neighborhood Association, spoke for himself and not for the organization, and underscored some similar points made in a letter to the committee from Srdjan Nedeljkovic, Vice President of the Newton Highlands Neighborhood Area Council. Mr. Roche praised the petitioner for a "beautiful" building and a responsible new commercial development. He cited the continuous streetscape shown in the plan, achieved by removing parking from the setback, as well as the flexible parking plan. He asked that 4 vehicle stalls be eliminated in favor of inside bicycle parking. He agreed that exchanging the Needham St. and Tower Rd. facades would improve the project, since development should not be encouraged on side streets. He asked that connections be established between this project and surrounding buildings, especially Paragon Towers and the Baza market. He said the Board should consider parking maximums, and that the roof deck could be built to support parking, but initially developed as a green space, only converting it to parking if and when necessary. With these changes, he suggested, this building could serve as a model for new commercial development in Newton.

At the August 12 working session, the committee first considered the request for an **extension of time to act until October 23, 2008**, submitted by the petitioner on August 7. Ald. Merrill moved approval of this extension, and **the motion passed 7-0**.

The committee had previously approved a peer review of the petitioner's traffic plans and analysis by McMahon Associates, the City's Needham St. consultant, and at this working session reviewed McMahon's draft report and the amended plans submitted by the petitioner. The McMahon report noted that, in general, the assumptions of the petitioner's traffic report were sound, but it disagreed with the method used to calculate trip generation. The difference is significant, since the petitioner had predicted an additional 66 trips per peak hour, while the peer reviewer estimates 141-258 trips per hour. The report recommended that the petitioner demonstrate how the project would handle the additional volume. The petitioner has offered \$50,000 for public improvements to

mitigate effects of this project, including a new traffic signal at the Needham/Tower intersection. However, McMahan also recommended that if the signal is needed to address traffic changes before Needham St. reconstruction is complete, the petitioner should provide full funding for the signal. In addition, he has pointed out that the traffic study does not factor in potential increases related to the prospective Northland re-development which may use both Needham St. and Tower Rd. for access.

Both the City Engineer and members of the committee have asked that this baseline information be included.

Ald. Hess-Mahan stated he didn't see how the street reconstruction, the Northland project, and this petition fit together, and asked the Planning Director to comment. Mr. Kruse replied that Northland is still a "hypothetical" project, and doesn't see how the petitioner can consider data that is not yet publicly available. Ald. Mansfield asked if McMahan's Needham St. design factors in projected Northland traffic. Mr. Kruse replied that these plans are based on 1999 projections, so they didn't include this possibility. The plans have been updated to account for real traffic generation as it occurs, but not before. He stated that a problem with the Northland proposal is that there is no agreement between McMahan and Northland's traffic planners. He acknowledged, however, that we are now closer than we have ever been to reconstructing Needham St. Ald. Brandel asked if it would not be prudent to reconstruct the street before installing the traffic signal. He also asked the Planning Dept. to tell the committee what they know about Northland's plans. Ms. Havens said that the Dept. has asked Northland to show the committee a concept plan, but they replied they wanted to wait for a public hearing (i.e., after filing for a special permit).

Ald. Fischman summarized that our peer reviewer says that trip generation estimates should be redone, and that the timing, design and fiscal responsibility for the signal is an issue with this petition. He added several questions: Should we approve a plan served by a Level of Service (LOS) F intersection? Where will the funds (est. \$175,000) come from to pay for a signal? Can the signal be installed without intersection realignment? Mr. Kruse reported that McMahan doesn't believe the signal can go in without a taking on the opposite side of Needham Street. Ms. Havens said that the City Traffic Engineer recommended that field observations be done by the petitioner to confirm the LOS F rating. Ald., Albright asked what 1999 assumptions were employed regarding full buildout in this area.

Ald., Albright also referred to the questions raised at the public hearing re: undergrounding. The petitioner has agreed to underground utility wires from the street to the Filene's property, but has no control over their relocation in the right of way. Although he has offered mitigation funds to bury wires in the ROW when and if it becomes possible, this is part of the same \$50,000 contribution that would support the signal.

A second entry to the Filene's space has been added to the Needham St. façade; and the second retail tenant's entrance on Tower Rd. has been reoriented slightly so that it is more visible from Needham St. An art object or fountain has been proposed in the center of the plaza. More pedestrian pathways are proposed on the Needham St. frontage, and a new canopy adds visual interest. Street trees matching others along Needham St. have

been proposed. 17 additional benches have been added to the plaza. Bike racks are now shown near the entrances and in the basement-level garage. The freestanding sign has been lowered to 12 feet, and the Urban Design and Beautification Commission has approved the sign package.

Representatives of the petitioner and of the Northland project met and agreed on many issues of traffic and circulation, including the concept of promoting “one-stop” shopping. However, they could not agree on any particular pedestrian pathway connecting the sites (other than the Needham St. sidewalk) because that would require the cooperation of two other property owners, those of Paragon Tower and the Baza site, who were not present. The Chair encouraged the petitioner to reach out to these owners. He said that he had recently visited the site and through observation reached many of the same conclusions as those presented by Mr. Roche at the public hearing. He thinks the area as a whole, including the subject site, has at least three challenges to pedestrian “friendliness.” There is too much parking; there are too few and/or poorly designed and maintained pedestrian pathways; and there is too much hardscape and not enough natural light reaching the ground. This project could begin to correct these deficiencies, he suggested, by taking the following steps:

- 1) Reduce the planned parking on the roof (with a waiver) and replace it with a roof garden/greenspace that would attract employees and customers to use it. The current top two levels had only 4 vehicles parked on the day Ald. Mansfield visited, while all the surface parking was full. The deplorable condition of the stair towers and debris on the top level—including brush that must have been dumped there and many beer cans—showed that this area was not being used as intended.
- 2) Create pedestrian passageways from the first level of the garage to the grocery parking lot and to the Paragon Tower property. In fact, the Paragon garage does have good, separated pedestrian ways that could be used to connect to the Northland property.
- 3) Pull back the south wall so as not to close in the space between the subject property and that of Paragon Tower, where there are retail and office uses, and create a sidewalk along the building that would lead to both garages. Also provide another entrance to the retail space on this façade that would facilitate shoppers using all the retail sites on foot.

He also asked the Planning Department to encourage Northland in their site development plans to open up a pedestrian passage to the Paragon garage, where an exit stairway now meets the blank back wall of Marshalls.

The Chair then asked the petitioner and the Planning Dept. to consider all the questions and requests posed by the committee, and suggested that another working session could be scheduled for September 16. A motion was made to hold the item, which was approved 6-0 (Merrill not voting).

The meeting was adjourned at 12:30 AM.

Respectfully submitted,
George E. Mansfield, Chairman

