

CITY OF NEWTON

IN BOARD OF ALDERMEN
LAND USE COMMITTEE REPORT

PART II
TUESDAY, FEBRUARY 13, 2007

Present: Ald. Mansfield (Chairman), Ald. Vance, Merrill, Hess-Mahan, Fischman, Albright Harney, and Samuelson; also present: Ald. Baker
City staff: John Daghlian (Associate City Engineer), Linda Finucane (Chief Committee Clerk), Nancy Radzevich (Chief Planner)

#465-06 CITY OF NEWTON/LONGWOOD COVERED COURTS TRUST/BRIMMER & MAY SCHOOL petition for a change of zone from Public Use to Single Residence 1 for a city-owned surplus parcel of land (known as Section 63, Block 33, Lot 21) located in Chestnut Hill that contains a footpath connecting Middlesex Road with the Chestnut Hill MBTA Green Line Station and for which the Brimmer & May School proposes swapping after acquisition from Longwood Covered Courts an in-kind portion of land (known as Section 99, Block 99, Lot 96) on which a new footpath will be located and for which a change of zone from Single Residence 1 to Public Use is sought. (Sec 30-28 and 30-6 of the City of Newton Rev Zoning Ord, 2001)

ACTION: HELD 7-0 (Samuelson not voting)

#465-06(2) BRIMMER & MAY SCHOOL/LONGWOOD COVERED COURTS TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and an EXTENSION OF NON CONFORMING USE/LOT/STRUCTURE to expand a nonconforming parking facility; increase the lot coverage for an existing tennis building; allow decreased setbacks; and locate a club in a Single Residence Zone 1 and to extend non conforming elements of the parking lot including waivers from setbacks, dimensions and aisle widths, stacked spaces, lighting and landscaping at 28 and 50 MIDDLESEX ROAD, Ward 7, CHESTNUT HILL, on land known as Sec 63, Blk 33, Lots 21 and 22, containing 35,301 and 143,374 sf of land respectively in a district zoned Single Residence 1. (Ref: Sec 30-24, 30-23, 30-21(a)(2), (b), 30-19(h)(1), (2)a, b, c), 30-19(h)(3), (5)a, (c)(4), (i)(1)a(i), and (ii), (i)(2)a)c, (j)(1)a, b), 30-19(m) and 30-15(a), 30-15 Table 2, and 30-8(b)(5) of the City of Newton Rev Zoning Ord, 2001, and special permit #458-86)

ACTION: HELD 7-0 (Samuelson not voting)

NOTE: Public Hearings, with petition #465-06 heard in conjunction with the Planning Board, opened and closed January 9, 2007. Present for the hearings from the committee were Aldermen Mansfield (Chairman), Vance, Merrill, Fischman, Albright, Samuelson, Harney, and Hess-Mahan; also present: Alderman Baker
Planning Board members: Chris Dame (Chairman), David Banash, Lorraine Salvucci, Nancy Radzevich

Public Hearings January 9, 2007

Attorney Frank Stearns of Kirkpatrick Lockhart Nicholson Graham represented the petitioners, Brimmer & May and Longwood Covered Courts. Brimmer & May Headmistress Ann Reenstierna

and Bill O'Brien, an attorney for and member of Longwood Covered Courts; along with representatives from the landscape architect and traffic consultant, joined Mr. Stearns. Mr. Stearns explained that here are three properties involved in these petitions: Longwood Covered Courts, an indoor tennis club built in 1913; Brimmer & May School, a non-profit use on this site since 1954, with five buildings, located partially in Brookline; and the 6-foot wide city-owned footpath to the Chestnut Hill T Station, located between both properties since 1903.

Brimmer & May wishes to alter and expand its existing parking facility to provide additional on-site parking for parents and visitors and to increase traffic management on the site, but there is no-campus property on which to expand. Longwood Covered Courts has offered to sell Brimmer & May a portion of its property that abuts the school. Brimmer & May proposes to swap the land acquired from Longwood Covered Courts with the City for an adjacent City-owned parcel that contains the footpath to the Chestnut Hill T Station. Brimmer & May would then relocate the footpath onto the land acquired from Longwood Covered Courts. Two changes of zone are necessary to effect relocation of the footpath: the City-owned parcel currently zoned Public Use to Single Residence 1 and the parcel acquired from Longwood Courts by Brimmer & May from Single Residence 1 to Public Use. (The swap of the city-owned land, declared surplus by the Commissioner of Public Works, for the land Brimmer & May would acquire from Longwood Covered Courts is pending in the Real Property Reuse Committee [#346-06])

Besides the changes of zone, Special Permit/Site Plan Approval/Extension of Non-Conforming Use/Structure relief is sought for improvements to the proposed new city-owned footpath; the expansion of an existing parking facility and the alteration and expansion of a non-conforming use; waivers from dimensions of various elements in the undersized parking facility such as non-assigned parking stalls, the setback requirement from a footpath, parking stall width and length requirements; minimum aisle width; parking stall length requirement for HP stalls; 3 stacked parking stalls; landscape screening of parking stalls, interior landscaping of parking facilities; lighting; amendment to Board Order #458-86; retention of an indoor tennis facility (club) in a Single Residence district; increased lot coverage, and reduction of a side yard setback.

For financial reasons the school plans to complete the footpath and parking facility expansion in two phases. The first phase involves the acquisition of land from Longwood Covered Courts, the land swap, and relocation of the footpath. The proposed new footpath would be concrete with new lighting, signage, and landscaping. It would align with a clearly defined pedestrian crossing. Unlike the existing footpath, it would be ADA compliant, re-graded, with no stairs or ramps. New area drains are designed to city standards. The Mayor's Committee on Disabilities reviewed and favors the proposed footpath. Safety lighting includes five new 12' light poles to light the footpath, with no spillover. Landscaping on the school side of the footpath would screen the proposed parking. As to the Planning Department recommendation for additional landscaping along the other side of the footpath, Mr. Stearns said the preference is to not over plant with large bushes to allow plantings a period to mature. Security is another issue. Recent by-right renovations of the Chase Building included significant streetscape and landscape improvements. Additional landscaping, including

trees (some up to 14') and shrubs in phases to further screen the parking is proposed in the second phase.

The second phase involves the parking facility. Existing on-campus parking accommodates 59 cars; the expanded parking facility would accommodate 70 cars, with two HP spaces. There are two curb cuts proposed: both on Middlesex Road, cars will enter one, circulate on campus, and exit the other. Brimmer & May over the years has worked with the city to manage parking/access including staggered drop off/pick up, a parking sticker program, and student driver program. The proposed expanded parking facility will allow re-designed circulation on campus and more effective off street drop up/pickup operation, 15 minutes in the morning and afternoon. Brimmer & May leases 30 parking spaces from Longwood Covered Courts for faculty parking. The Associate City Engineer concluded in reviewing the plans that drainage in the parking facility designed to city standards for a 100-year storm is a significant benefit. There is a utility pole on the existing parking lot that will be relocated in the second phase.

In response to the reference in the Planning Department memorandum to the 1986 Board Order capping enrollment and staff, Mr. Stearns explained that there has never been such a cap. Renovations, such as the recent ones to the Chase Building, are to receive accreditation for new space, not expand programs. Mr. Stearns said that in 1986, prior to the Administrative Site Plan Review process and Dover Amendment protection, the Board of Aldermen approved a site plan to allow the school to construct the Chase Building, but that the 1986 Board Order contains no condition capping the student/faculty number. Today there are 15 fewer students from 2005; current enrollment is 369; there is no projected increase in students or staff. The 1986 Board Order will be provided for the working session.

Questions/Issues for Working Session:

- Relative to the location of the proposed crosswalk, the City Traffic Engineer recommended moving it closer to Dunster Road; the Associate City Engineer thought the mid-block location was fine. Brimmer & May indicated they were amenable to whatever the City wants. Ald. Baker is concerned that the fence at Longwood Cover Courts could create a blind corner for drivers to see pedestrians in crosswalk mid-block.
- Is there sufficient parking for Longwood Covered Courts? Mr. O'Brien said yes; after leasing 30 parking spaces to Brimmer & May, 18 spaces remain; out of which 8 at most are used, since there are only two tennis courts.
- Maintenance of footpath? Existing maintenance is non-existent; snow not cleared from city-owned footpath. Brimmer & May will install new footpath, but is reluctant as private entity to take responsibility to clear snow from public property. Brimmer & May expects city or MBTA to take responsibility. Does city have adequate equipment to clear path?
- Landscaping along footpath, who will maintain? City vs. private maintenance? Nature of plantings? Important to choose species that will survive some neglect.
- Entrance and dual curb cuts. City Traffic Engineer initially preferred single curb cut. Mr. Stearns said that one curb cut would negate any benefits by the loss of four parking spaces in the proposed new parking lot and increase on-street parking and on-street queuing. Will

amount of on-street parking that serves post office be more limited than existing situation? What about flipping the ‘in’ “out” curb cuts? Clarification for working session as to loss of four spaces if only one curb cut.

- Circulation? Backup on Middlesex? Ms. Reenstierna explained that one drop off/pick up loops around Dedham Road for lower-school students because their buildings are on the other side of street. The proposed circulation is for middle- and upper-level students. These are the cars causing problems on Middlesex Road. Currently, these parents drive up and down Middlesex Road and turn around in driveways. There are two separate sets of students/campuses.
- The existing pathway has a fence. Is there an opening? Mr. Stearns said the fencing is intended to be contiguous to prevent people from wandering through the school campus. . Students will have to enter school from Middlesex Road.
- How can the footpath be redesigned without ramps? Landscape architect Catherine Martin from Geller DeVellis referred to the plans, explaining that Massachusetts allows re-grading to meet handicapped accessibility as long as grade is below 5% or ramps as long as grade is below 8%.
- The Associate City Engineer’s memo refers to a stockade fence with a large tree in line with the Dunster Street curb cut. Engineer was concerned about roots extending under sidewalk. Ms. Martin said that the tree already has grown under the sidewalk and is on private property.
- The committee agreed that Officer Dawn Hough and Traffic Council Chairman Candace Havens should review the location of the proposed crosswalk prior to the working session.

Public Comment:

Ruthann Fuller, 32 Suffolk Rd

Appreciates and supports Brimmer & May reaching out to community and neighborhood associations. Parking and drop of/pick up cause serious problem on Middlesex. Road. The current landscaping along the footpath is ragged and the lighting terrible and it is not handicapped accessible. She agrees that there should be additional landscaping along the footpath, not just on one side; why not between the footpath and Covered Courts property. Why are utility poles being moved in the second phase, not first phase? A second curb cut is understandable, but parking for post office is a concern. Why is the location of the crosswalk in the middle, not at Dunster Road?. If handicapped accessibility is increased, the corner of Hammond Street and Middlesex Road should be handicapped accessible as well Recent change is that Brimmer & May now has high school with more student drivers.

NB. Ms. Reenstierna clarified that Brimmer & May began as a high school in 1954. Juniors and seniors who live far from the school through an application process may obtain permission to drive to school.

Re the utility pole, lighting improvements are part of both phases, but the utility pole referred to in Phase 2 is a utility pole, not lighting for the footpath.

Theo Melas-Kyriaz, 15 Norfolk Road, Brookline, President of Chestnut Hill Neighborhood Association in Brookline that consists of 110 homeowners, said that there is much more of an impact on Brookline neighbors by activities of the school than Newton. Their association worked three years with Brimmer & May re the addition to Chase Building. They support Brimmer & May. The school spent thousands of dollars on landscaping along Middlesex Road. The existing footpath is barren. The two-phase project is good. Traffic is major issue. Middlesex Road is congested. Brimmer & May and the neighbors have looked at the parking and both agree it is a benefit to have more on site. This proposal will relieve congestion.

There were no other speakers and upon a motion by Ald. Merrill, the hearing was closed.

February 13, 2007 Working Session

The Committee reviewed the Planning Department's working session memorandum containing responses to questions raised at the public hearing.

Ms. Radzevich recapped the public hearing. She explained that because of the constraints on the site most of the waivers requested in the petition are on the east side of the parking lot. Nineteen of the parking stalls out of the seventy proposed are nonconforming, which is an improvement over the existing facility. Brimmer & May intends to complete the two phases over the course of three years. The first phase includes the acquisition of properties from Longwood Covered Courts and the City, relocation of the footpath and installation of the crosswalk, which if not completed will be in the design phase prior to commencing the second phase, the parking facility, for which Brimmer & May plans to hold a fundraising campaign. Phase I includes lighting along the footpath. Brimmer & May has submitted a separate Phase I landscape plan that includes street trees. Phase II will expand the site improvements. The 1986 Board Order contains no condition capping enrollment or faculty.

Alderman Baker expressed disappointment about the landscaping along the footpath, particularly given the waivers sought in this petition from the interior landscaping requirements for parking lots. (There is one island proposed for the new parking facility.) The petitioners' landscape architect explained that there is "robust" landscaping and a fence proposed on the side of the footpath abutting the parking facility. The 6' footpath abuts on the other side approximately 20' of wide-open green space of the Longwood Covered Courts side yard. There is nothing to buffer. Why create "tunnel effect."

The revised landscape plan shows a steel fence that imitates cast iron with a privet hedge and several bollards, as well as the location of the light poles on the east side of the footpath, on the west side of the fence. The committee suggested and the petitioners agreed to flip the fence and hedge for easier maintenance. The petitioner also agreed to work with the City Arborist

NOTE: There was confusion about the landscaping proposed because the landscape plan submitted with the petition was revised between the close of the public hearings and tonight (Feb. 13th) but not submitted to the Planning Department for review. Ms. Radzevich this evening for the first time

reviewed with the Committee the revised plan, but discrepancies remained, e.g., the footpath as shown on the plan is offset, when in reality it is not.

The City Traffic Engineer, Associate City Engineer, and members of the Planning Department staff met on site to review the location of the crosswalk and to revisit the City Traffic Engineer's initial recommendation for one curb cut. The City Traffic Engineer understood the desire for two curb cuts, but asked the petitioners to provide additional information about how the proposed parking facility will function. After reviewing that information, the City Traffic Engineer is satisfied that two curb cuts are justified. The two drives will allow the school to better manage drop off and pick up and reduce the queuing on Middlesex Road.

Staff reviewed the location of the crosswalk and agreed, as did Officer Dawn Hough and Traffic Council Chairman Candace Havens, that given the proposed curb cuts and the existence of street drains and the desire to have the crosswalk perpendicular to the street, the mid-block location, opposed to the Dunster/Middlesex Road intersection, appears to be the best location. The Associate City Engineer suggested the installation of a raised crosswalk. The Planning Department reviewed with the Fire Department the concept of a raised crosswalk and, after conferring with both the Fire Department, which observed a field test in Belmont, and the City Traffic Engineer, as well as Ms. Hough and Ms. Havens, recommends a raised crosswalk of 3-4'. Brimmer & May has agreed to design and fund the installation. The committee discussed this issue at some length. Again, several Committee members still questioned the mid-block location.

Brimmer & May's Traffic Consultant Rich Bryant presented to the committee verbal results of a survey conducted on January 8, 2004 between the hours of 2:00 and 4:00PM. There were large gaps in the number of cars parked on the street in front of the post office and school. Parking spaces near the gym do not appear to be used for the post office. There is a fire hydrant close to the proposed crosswalk location. A survey of people leaving the MBTA station indicates that: 45% crossed in the middle of the road; 4% crossed at Dunster; 36% crossed Middlesex; 24% crossed to the right side of Dunster, where there is no sidewalk, and 26% stayed on Middlesex. School dismissal for grades 6-12 is at 3:10PM. Most students stay for sports, with few leaving at once. Approximately 15 minutes later the other grades have staggered dismissal. Many students take the T. In response to the Chairman, Mr. Bryant said the survey was submitted to the City Traffic Engineer February 19, 2004.

This would be the first raised crosswalk in the City and members reached consensus that this location may be a good place to test their efficacy in slowing traffic or at the least grabbing drivers' attention to reduce the number of pedestrian/driver conflicts.

Snow removal was not resolved. The City does not clear the existing footpath or public sidewalk. The sidewalk is not a public school route. Brimmer & May does its own snow removal.

Associate City Engineer John Daghlian confirmed the drainage is designed for a 100-year storm event. The existing utility pole in the parking slated to be relocated (probably underground) in the

second phase is not shown on the grading utilities plan. A new grading utilities plan will be submitted prior to the next working session. Mr. Daghlian said the only remaining issues are housekeeping one to be address at the building permit state.

The Chairman wondered if Brimmer & May were to do the actual construction of the footpath whether it would trigger the public bidding process. Ms. Radzevich will speak with the Law Department, but suggested Brimmer & May could pay and the City or a private contractor could perform the work.

Alderman Vance moved to hold on both petitions. He and the other Committee members wished to see the revised landscape, grading utilities plan, and pedestrian survey performed in January 2004 before voting on the petition. If the Chairman of Real Property Reuse is agreeable, both committees will meet jointly on March 6.

Respectfully submitted,

Mitchell L. Fischman, Vice Chairman