

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, APRIL 4, 2006

Present: Ald. Mansfield (Chairman), Ald. Albright, Fischman, Hess-Mahan, Harney, Merrill, and Samuelson; absent: Ald. Vance

City staff: Ouida Young (Associate City Solicitor) and Nancy Radzevich (Chief Planner)

#19-06 PAUL CAPASSO, MANAGER, PACKARD COVE ASSOCIATES, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct an office building containing approximately 32,000sf, with ground floor parking and two floors of office space, at the rear of existing office building site, including parking and site landscaping and with parking and site landscaping at 130 RUMFORD AVENUE, Ward 4, on land known as Sec 41, Blk 35, Lot 14 and a portion of lot 5, containing approximately 248,811 sf of land in a district zoned BUSINESS 2 and SINGLE RESIDENCE 3. Ref: Special Permit #194-99(2), Sec 30-24, 30-23, 30-19(f)(2), (g)1, (h)(2), (j)(1a) and b), (k)(2), and (m), 30-15 Tables, 30-11(k), and 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2001.

ACTION: APPROVED 7-0

NOTE: This is a petition for a special permit and site plan approval to construct an office building adjacent to and behind an existing office building that was constructed under a 1999 special permit on the site of the former City incinerator, across the street from the Rumford Ave, Recycling Depot, in what is now known as Packard Cove Office Park. The special permit is required for the size and height of the building and the number of stories. The proposed building is 32,533 sf., 36 ft. in height and 3 stories. It includes parking open at grade and in one level under the proposed building. The special permit is also required for grade changes on the site in excess of 3 feet, and several waivers from the parking requirements, including waivers from some dimensional controls and setback requirements, permission to locate some of the non-residential parking in an adjacent SR-3 District, waiver to the interior landscaping requirements, and to the parking lot lighting requirement. Finally, the petitioner is also seeking an amendment to conditions of the existing special permit and approved site plans to allow the surface parking to encroach into a previously-approved 50-foot buffer zone along the eastern property line and to allow the maximum height of the top of the proposed building to extend above the maximum height above Rumford Avenue (46 feet) established in that permit.

A public hearing was held on February 14, 2006, at which residents of the area, including abutters and members of the Joint Advisory Planning Group that had originally recommended reuse of this City site for office use, spoke in favor of this petition. They subsequently submitted a letter of support, as co-chairs of the Nightcap Corner Neighborhood Association, noting that since the petitioner had subsequently acquired all but one of the residential properties abutting the buffer zone that its function was no longer necessary, and that the closest owner occupant abutting the

property believes that the new office building will screen his view of Waltham's former Woerd Avenue landfill, whose future use is uncertain. The subject property directly abuts the Waltham city line and the former landfill.

A site visit was scheduled on March 9, 2006, and provided committee members and at least one abutter who attended the opportunity to observe the present use of the site and its environs. One of the greatest concerns expressed was the adequate provision of pedestrian circulation on site, including separation of vehicles and pedestrians and the provision of a walkway (proposed by the petitioner) from a bus stop on Lexington Street directly into the parking area between the two buildings. Members also asked that dumpsters be relocated and screened, landscape screening be improved, and that the architectural façade of the new building be designed to better reflect the existing one.

As a result, at the working session, plans were presented that altered the articulation of the building to evoke the lines of the building in front, added a decorative roof gable, and relocated the dumpsters to the northwest corner of the property, adjacent to an industrial use and the former Waltham landfill. The handicapped parking stall size was also increased, eliminating the need for an additional waiver. Landscape screening was enhanced, and a crosshatched pedestrian walkway was designated within the parking area. This latter proposal was further refined in the working session, to separate the pedestrians on sidewalks as much as possible, and maintain the most direct route from the entrance from the bus stop to the two buildings. Committee members did ask that the City's Traffic Engineer review these revised plans for safety considerations prior to the final vote of the Board. The Fire Department also requested a new hydrant on the site, an upgrade to a separate 8-inch water main, and that there be no parking in front of the new building.

The Committee reviewed the requirements of the buffer, established by a deed restriction, with the Associate City Solicitor. It was determined that, as a policy decision, that restriction could be amended by a 2/3 vote of the Board of Aldermen, which would be accomplished if the special permit were approved. It was also demonstrated that, with the approval of this petition, about 2/3 of the original buffer would remain and the 20-foot wide landscaped screen would provide more of an actual buffer than the open, partially landscaped area now provides. As a condition of approval, the petitioner also offered to create and maintain landscaping in front of the City recycling depot across the street from his property. This would provide a general public amenity as well as a benefit for the tenants of the Packard Cove office properties. The petitioner also agreed to remove the portable current storage units that are in the parking lot,

Ald Harney moved approval of the petition, finding that the construction of the building and parking facilities is consistent with the DEP-approved plan for the site by capping additional land, that it will continue to upgrade the drainage of the site, that it improves pedestrian access from public transit on Lexington St., that it provides additional new landscaping on Rumford Ave., within the buffer zone and elsewhere, that the new building will screen residential abutters from the potential development of the Waltham landfill, that providing parking below the building will require less impervious surface, and that passive recreation areas will be added on site. With regard

to the requested waivers in the width of the parking lot islands, the sizes of the parking stalls, the reduction in parking lot lighting, and parking in the adjacent residential district, Ald. Harney also found that these reductions will nevertheless allow adequate circulation, the size of the spaces is appropriate for an office use, as is the lighting, which will have less intrusion on the abutting residential area.

The motion was approved by a vote of 6-0.

Application for a Class 2 Auto Dealer License
#148-06 AUTO KLASSICS INC.
 24 Border Street,
 West Newton

ACTION: APPROVED 6-0 (Merrill not voting)

NOTE: The owner of this business passed away last year. The family wishes to renew the license, but was late in filing the application. Located at this same location and licensed since the late 1980's, the business consists of only an office with no on-site storage or sales of vehicles, inside or out. Vehicles are bought at auctions and shipped directly to the purchasers. All licensing criteria are met i.e., there are no outstanding zoning complaints, taxes are current, and a surety bond is posted with the City.

The meeting was adjourned at 9:55 PM.

Respectfully submitted,

George E. Mansfield, Chairman