

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, NOVEMBER 29, 2005

Present: Ald. Mansfield (Chairman), Ald. Salvucci, Merrill, Albright, Samuelson, Harney, Vance, and Fischman
City staff: John Daghlian, Associate City Engineer, Nancy Radzevich, Chief Planner, Ouida Young, Associate City Solicitor, and Linda Finucane, Chief Committee Clerk

Consistency request re: Nahanton Woods Condominiums, special permit #565-78(2)

A recent application for a building permit to construct a guardhouse on an existing landscape island located in the private drive of the complex triggered this request from the Inspectional Services Commissioner for the committee's input as to whether the construction of a proposed not-to-exceed 8' x10' guardhouse is consistent with the approved site plan cited in the special permit. Ms. Radzevich said it is unfortunate that the only site plan found in city files is an as-built plan, not the site plan referenced in the special permit that is more vague than specific in its conditions. The condominium association explained in a letter to Ms. Radzevich that because of reoccurring vandalism it employs an outdoor security person 16 hours, 7 days a week, overnight. Currently that person uses his car for shelter and the condominium association pays for gas. The association thinks it makes more sense to provide a heated/air conditioned shelter. A member of the planning staff visited the site and reported that the proposed guardhouse would have no impact on parking or the trees located on the island.

Initially, several members felt such a small structure unseen from the street and having no impact on any abutters was not a problem and consistent with the site plan, besides being beneficial to the person running his car to stay warm. However, the majority disagreed, believing construction of the guardhouse, which albeit may be considered temporary, is a structure that will require an amendment to the special permit and/or site plan.

The Chairman asked Ms. Radzevich to convey to the Commissioner of Inspectional Services the nature of the committee's discussion, but noted that the ultimate decision is the Commissioner's.

#308-05 DAVID F. MILLER, III, PRESIDENT of CHARLES RIVER COUNTRY CLUB petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to replace an existing swimming pool, replace 6 existing tennis courts with 5, construct support facilities, and replace a 45 space parking facility with a 64 space facility at 483 DEDHAM STREET, Ward 8, on land known as Sec 83, Blk 36, Lot 4, containing approx 6,446,022 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-8(b)(5) and (15), 30-5(b)(4), and 30-19(m) of the City of Newton Zoning Ord, 2001.

ACTION: APPROVED 6-2 (Ald. Albright and Samuelson opposed)

NOTE: This petition is for amendments to the site plan and previously approved special permits to demolish the existing elevated swimming pool and associated locker rooms and to construct a new, larger in-ground pool and pool house on the site of the present tennis courts. The existing 6 tennis courts would be replaced with 4 new courts and a multi-purpose sports court. The pool house would contain locker rooms, lifeguard facilities and a snack bar and grill, which would replace the primary functions of an existing snack bar nearer the clubhouse, although that facility would remain to provide previously prepared foods for golfers. The existing pool parking area would also be relocated and expanded, adding 19 spaces in a linear lot with a one-way traffic pattern.

All these facilities are and would continue to be located on the portion of the Country Club's land that is its main frontage on Dedham Street. However, the pool, parking lot and snack bar would all be closer to the residences on the south side of Dedham St. than are the current facilities. Some of these abutters spoke in opposition to this petition at the public hearing that opened and closed on October 11, 2005. Their complaints focused on noise, odors and aesthetic impacts.

Working Sessions

(See attached report of the working session on this petition held on November 15, 2005)

At the second working session on this petition, the committee reviewed the Country Club's responses to the questions that had been raised by the committee, submitted in a detailed letter dated 11/23/05 (see attached). The first questions were about the utilization of the pool and tennis facilities. The Club documented weekly pool attendance during the summer of 2005, reporting that average daily use was less than 70 adults and children, while on a busy day 100-125 people used the pool. These statistics also showed that about 1/6 of the users were guests, averaging about 12 per day. The Club agreed that more members would be likely to use the larger, improved pool, but since most member families are pool users now, most of the increase should be adult swimmers. The Club management clearly stated that under no circumstances would it seek to expand membership, held constant by a condition of a previous special permit. Ald. Albright observed that it would be difficult to predict increase in pool attendance, and Ald. Mansfield noted that there was clearly some room for growth since only 20% of Club members are currently using the pool.

There was less data on tennis court utilization, since there is no fee. There is practically no adult use of the courts because of their current poor condition, but a children's tennis program involves 30 to 75 daily participants in season. Although the better-oriented, improved clay courts are expected to attract more adult users, this appeared not to be a concern of the committee since the new courts would be further from abutting homes than the current courts, and no one anticipated them to generate significant noise. The Club also could not produce exact figures on snack bar patronage, noting only that food sales totaled \$78,000 from Memorial Day to Labor Day. They did say they expected reduced patronage, since 30% of current patrons are golfers, who will continue to use the present

facility near the clubhouse. Snack bar hours will remain the same, 11:00 AM to 6:00 PM. Ald Vance asked if the pool and snack bar would be lighted, and the petitioner's architect responded that there would be motion-activated security lighting only, since the facilities would close at dusk.

The discussion then turned to parking requirements, screening and the landscape plans, which had been revised. Ms. Radzevich reviewed the history of past special permits in this regard. The 1974 permit required hemlock screening between the tennis courts and Dedham St. These hemlocks are the ones that have grown very tall and are now judged to be diseased by the City's arborist due to pest infestation. The 1987 permit approved the main clubhouse parking facility at the top of the hill, but also required white pines to screen the pool parking lot. No plans are available, and only 3 trees remain today, but the Club has installed a white vinyl fence to screen this parking. This fence was never approved on a site plan or in a Board Order. In 1996, a third permit granted a parking waiver for the expansion of the clubhouse. As a result of these actions, there should be a total of 117 parking spaces on the site today, but only 113 can be documented and the petitioner had no explanation for this discrepancy.

Ms. Radzevich explained that the zoning requires 50 spaces for the proposed recreational uses. There are 45 spaces in the current pool lot. The petitioner originally proposed 80 spaces to service these facilities, all located between Dedham St. and the facilities. The Planning Dept. negotiated a reduction to 64 spaces, but Ald. Samuelson asked why the required 50 was not enough. Ms. Radzevich replied that the petitioner has reported that the present 45 is insufficient for the current uses. Ald. Fischman agreed, speculating from the usage statistics that 60-70 cars might visit the site. Ald. Samuelson reminded him that they did not all come at the same time, and some parents simply drop off children. She added that she was only recently convinced (by the petitioner's written alternate siting analysis) that the pool should be located where it is proposed, but she would oppose excess parking in the "front yard" of the Country Club, would oppose the requested waiver for parking in the setback, and concluded that such a scheme would be substantially more detrimental to abutters than the current use configuration. Ald. Salvucci questioned the committee's wisdom in proposing to reduce parking, noting that it is the Board's usual role to seek more parking to support uses. Ald. Albright replied that increased parking is detrimental to the goal of preserving open space for the public good, and is likely to be aesthetically detrimental. But Aids. Harney, Vance and Merrill agreed that the proposed number of spaces was reasonable, as long as they are properly screened.

At the Chair's request, Ms. Radzevich reviewed alternative parking schemes that had been previously proposed by the petitioner (and included with their 11/23 letter). One or more of those layouts proposed a curvilinear plan where the spaces were more interspersed with landscaping, which Ald. Mansfield said appeared to be less suggestive of a commercial strip parking area when viewed from Dedham St. But Ms. Radzevich explained that this had been an 80-space plan; when the number was reduced the spaces were better accommodated in the strip layout. In addition, the Fire Dept. wanted the circulation to be without curves. They did, however, approve the reduction of the travel

lane to 16.5 ft. Ald. Samuelson again advocated retaining the current, rectangular 45-space lot.

There was considerable discussion about the proposed revised landscape plan and its adequacy to screen the new parking. The petitioner's landscape architect described the additions, including 14 evergreen shrubs at the parking lot entrance and 21 Austrian pines (in addition to 12 white pines in the original plan) interspersed among existing trees between the parking lot site and the road. He pointed out that the Austrian pines, planted at 5-ft. height, retain their lower branches as they mature, and so are a more effective screen than hemlocks or white pines. The Club offered this plan as one alternative to achieve the desired screening of the parking area. The other would be a solid fence along the stone wall at the street, which would not only block the view but could also create a second sound barrier to the pool area noise. Although Ald. Fischman recognized some benefit in such a fence blocking the view of not only parked cars, but also of the pool and tennis courts from Dedham St. drivers, thus not distracting them, the committee generally agreed that the landscaping was preferable to the fence.

Ald. Fischman noted that the landscaping near the entrance seemed sparse, and proposed a condition that would allow/require additional plantings and/or a partial interior fence, if the Planning Director deemed that those plantings proposed were insufficient to screen the parking once they were in place. After considerable debate, the committee accepted this condition.

The discussion next turned to concerns of increased noise to abutters generated by pool users due to the relocation and expansion of that facility. The petitioner's sound consultant submitted a second report, dated 11/23/05, further explaining his methodology and suggesting an increase in the height of the proposed sound-absorbing wall to 7 or 8 feet to further reduce increased noise levels. This report also clarified speculation by the committee at the first working session; the consultant acknowledged that he based his estimates of increased decibel levels solely on the architect's plans. No field measurements were taken, since the consultant was not hired until after the pool had been closed for the season. Ald. Vance confirmed that therefore the Board would have no baseline against which to adopt a "performance standard" condition for the facility, but could only accept the calculations presented on professional integrity and/or faith. He said he continued to have a problem with this approach.

The consultant's report estimated that if the wall were built at an 8-ft. height, the number of people using the pool could be doubled in the new location without any increase in noise levels to abutting properties. The petitioner's attorney agreed that their plan would now propose an 8-ft. high wall. Ald. Fischman observed that the noise impact is likely to be less than at present since the petitioner assumes there will only be a 15-20% increase in usage. He also noted that, based on their lack of complaints, most abutters find the noise from the present pool is acceptable. He suggested, however, that there be some noise monitoring in the future. Both Ald. Vance and Mansfield replied, however, that future monitoring would be useless without baseline data, since there would be no way to determine whether the new pool was creating a higher or lower decibel level. Ald.

Mansfield suggested that the only way that baseline could be established would be to require the petitioner to measure sound levels next summer with the present pool in operation before they began their new construction. But Club representatives stated that it would be their intention to complete construction before next season.

The committee also reconsidered whether the pool and tennis courts could be rebuilt in their current locations. But the petitioner's engineer again stated that existing ledge in the present pool area makes this infeasible, and the Associate City Engineer confirmed this. In addition, the petitioner stated that the tennis courts could not be reoriented to the desired north-south axis in their current location without encountering ledge.

Ald. Fischman then moved approval of the special permit petition, including the amendments to the site plan, the grade changes in excess of three feet, the parking waivers—encroachment of 6 spaces into the front setback and reduction in driveway/lane width from 19 to 16.5 feet, and the waiver of the requirement to light the parking area (except for low bollards containing safety lighting, similar to elsewhere on the property). He found that the site plan amendments provide a safer pool facility by allowing more room to separate water activities, provide greater accessibility to updated services, and that the one-way traffic pattern and reduced curb cut to Dedham St. increases vehicular and pedestrian safety. He also found that the substantial enhancements to landscaping will screen the new parking and that the pool will be acoustically screened and will not increase noise levels off-site. Ald. Fischman and other committee members found further that the plan improved the orientation of the tennis courts while reducing their number, and that any off-site cooking odors generated by the snack bar would be captured by an air filtering system. Also, the plan improves site drainage, reduces runoff and eliminates standing water, reduces discharge into the City's storm drainage system, and meets 100-year storm requirements. Finally they found that the reduction in driveway width would allow the parking spaces to be located further from Dedham St., and that the setback waiver is for an area currently paved for parking that is adequately screened by the vinyl fence. Further, the petitioner agreed to replace this 4-foot fence with one that was more appropriate for the semi-rural character of the area, and complies with the City's fence ordinance. The lighting waiver was also found to be consistent with the residential character of the neighborhood.

Ald. Fischman then explored a condition that would be predicated on creating a noise baseline next July, and then allowing the petitioner to further increase the height of the sound barrier if subsequent noise measurements determined that the proposed configuration did not sufficiently dampen the noise. But the committee did not support this condition, and he finally agreed only to include a condition that would allow the petitioner to reduce the size of the pool if they so desired. He also included the condition discussed earlier that would allow the Director of Planning and Development to require additional plantings and/or fencing if the proposed plan does not adequately screen the parking lot.

Ald. Samuelson then stated that she could not support this motion because of the location of the new parking, and Ald. Albright agreed with her arguments. Ald. Fischman

acknowledged the problem, but pointed to the conflict that neighbors at The Gables would have if the Club expanded its main parking area, the only other reasonable site. Ald. Vance and Mansfield both stated their concerns over the lack of baseline noise data, but concluded that obtaining it at this point in the process was unreasonable. Ald. Mansfield added that the replacement of the vinyl fence was an important consideration in the site plan to maintain an attractive streetscape. Ald. Merrill stated that he found no negative impacts from the petition.

The motion was then approved by a vote of 6-2, Ald. Samuelson and Albright voting no.

#306-05 BRAE BURN COUNTRY CLUB petitioning for a SPECIAL PERMIT/SITE PLAN APPROVAL and to extend a NON-CONFORMING USE to make improvements to existing facilities i.e., cart storage barn, maintenance building, pool house, snack bar, paddle tennis courts, and a new maintenance yard, at 326 FULLER STREET and land off Washington Street behind Woodland MBTA station in Wards 3, 4, and 5 on land known as Sec 53, Blk 40, Lot 13, Sec 43, Blk 45, Lot 27 and Sec 32, Blk 27, Lot 1 containing approx 8,282,392 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: 30-24, 30-23, 30-15 Table 3, 30-8(b)(5), 30-5(b)(4),30-19(d)(13), (17) and 30-19(m) of the City of Newton Rev Zoning Ord, 2001.

ACTION: APPROVED 8-0

NOTE: This is a request to amend previous special permits and to extend a non-conforming structure at Brae Burn Country Club. The petitioner wishes to relocate the maintenance operation from the main campus to a new building in a remote location; convert the old maintenance facility into an indoor golf facility, demolish a small shed, and renovate the cart barn, pool, paddle tennis courts, and parking facilities.

Brae Burn Country Club contains approximately 193 acres with a 27-hole golf course, a clubhouse and recreational facilities, including six tennis courts, three paddle tennis courts, and a swimming pool located in a Single Residence 1 district. The main entrance to the clubhouse is on Fuller Street. A parking lot across the street, accessed from Fuller and Commonwealth Avenue, accommodates 179 vehicles. Additional parking is located on the main campus, and an internal access driveway, west of the clubhouse, leads to parking areas for employees and users of the swimming pool and tennis courts.

The petitioner has divided the petition into two areas. The “parcel lot” includes the areas in the vicinity of the main clubhouse, where the proposal is to renovate and expand the cart barn, convert the existing maintenance building to an indoor golf facility and storage space, renovate and expand the pool house/snack bar, renovate and upgrade existing paddle tennis courts, and make improvements to the parking facilities.

The other area involves the “maintenance yard,” located to the southwest of the main campus, and currently accessed internally by golf cart or maintenance vehicle. The petitioner proposes to construct two buildings to house grounds-keeping equipment, maintenance vehicles, offices, and dorm rooms. (Interns, agronomy majors learning turf

maintenance, live there in summer.) External access from a new drive connecting to the Woodland MBTA station, off Washington Street, is proposed.

The public hearing, at which there was no public comment, opened and closed on October 11, 2005. Residents at 1670 Commonwealth Avenue submitted via mail a letter in favor of the petition. The club arranged two visits to accommodate committee members who wished to tour the site.

Working Session

At the public hearing, there was a question of whether or not the city engineer had had the opportunity to review the most recent plans and drainage reports prior to the hearing. Subsequently, Associate City Engineer John Daghlian completed his review, which resulted in the submittal of revised plans. Mr. Daghlian, who was present this evening is satisfied. Initial concerns re the hydrology analysis methodology have been addressed in the modified drainage calculations, which are calculated for the 100-year storm event. Because the soil is not conducive to infiltration, runoff will be retained on site with the overflow draining into the two ponds on site. All the other items noted in his revised memo of October 27, 2005 are building-permit-stage items.

Brae Burn Country Club is located within a Wetland Resource Area as well as the city's Floodplain/Watershed Protection District. All construction within the wetland, floodplain, and the 100' buffer require review by the Conservation Commission. The commission held two meetings, one prior to the public hearing and one after. Further review was required in part because parking approved in a prior special permit was never constructed. It was determined the parking as previously designed was located too close to wetlands, and would have had to be pulled back. The commission has issued an affirmative order of conditions.

At the hearing, the committee requested a revised comprehensive site plan. The petitioner submitted a revised plan that Ms. Radzevich reviewed with the committee. There are few changes proposed. The actual area affected in the proposal is approximately 2 acres. A small addition to the old maintenance building will allow access to the proposed indoor golf facility located there. A proposed addition to the pool house/snack bar will expand the locker and rest rooms. The revised site plan also indicates the unpaved area where the previously approved parking was never constructed. To reduce pavement, portions of the internal drive are decreased in width from 20' to 18'. A hut adjacent to the heated paddle courts will be relocated and expanded with a deck for paddle court users. The aboveground propane tank will be removed and underground gas line running from Fuller Street will be installed to provide heat. (An underground oil tank near the cart barn will be removed as well.) Twenty parking spaces in the parking lot adjacent to the paddle tennis courts will be striped.

The proposed relocated maintenance operations will centralize those operations and move them away from abutters and members. Deliveries, trash removal, etc., will be via a new driveway that will connect to the MBTA controlled access drive for the Woodland T station garage currently under construction. The petitioner has an easement agreement.

Locked, swinging gates will control access. The proposal moves the herbicides and pesticides, currently stored in the “parcel lot” area near a pond, to this more remote area adjacent to the Woodland MBTA station and into a dedicated secure storage unit. Some discussion ensued about the visibility of the operations from Arborpoint and Golda Meir House, but the topography of this area is a natural bowl surrounded by dense trees, shrubs and bushes that provide natural screening. There is a string of evergreens between the area and the MBTA garage to screen Arborpoint. A small amount of re-grading will occur here and on the parcel site. There is ample landscaping both existing and proposed, e.g., more shrubs and ornamental trees are proposed, and four trees will replace two trees slated for removal. A review of the elevations indicated the cart barn now shows a second louvered dormer to match the existing one; small cupolas are another architectural feature on several of the buildings.

At the hearing, there was suggestion that the petitioner comply with the city’s Integrated Pest Management Plan (IMP). Although Brae Burn has participated for seven-years in the IPM Task Force, the petitioner explained that the needs of a golf course differ from those of the city’s parks. While aeration and vertical cutting help reduce the use of pesticides, fungus is the major problem. The pesticides used by the club bear the label “caution” not “hazardous.” It appears that for the same reasons, city-owned Commonwealth Golf Course does not comply with the city’s IMP.

Ald. Samuelson moved approval, finding the relocation of the maintenance facility and pesticides storage and removal of the underground tank away from the pond protects the wetlands area; relocation of the maintenance facility to the more remote area near the Woodland MBTA station property will benefit the residences along Fuller Street and improve internal pedestrian and vehicular circulation; increased landscaping at the main entrance will improve the view of the site from Fuller Street; the four dormitory rooms at the maintenance facility are an appropriate accessory use to a golf course to allow summer interns to live on-site while learning hand-on methods for grounds-keeping; and improvements to parking areas improve internal vehicular circulation;

Changes in grade will allow for improvements to the parking facilities; drainage systems at both site locations have been designed to accommodate the 100-year storm event; reduction in the driveway width, from 20 to 18 ft., will allow for a reduction in pavement while still providing for safe vehicular access; and the waiver to the number of stalls required for the use will actually be reduced from 24 to 21 stalls as a result of the proposed improvements to the parking facilities; the expansion of the cart barn building within the front setback will not be substantially more detrimental than the existing cart barn building because the addition has been designed to be consistent with the existing structure; the structure will be screened from the public way due to the natural topography of the site, which is lower than the level of Fuller Street; and the expanded structure will be replacing an old metal shed, which is being demolished. Amendments to the site plans are appropriate because there will be improved site circulation and safety associated with the relocation of the maintenance facilities, away from the swimming pool, paddle courts, and new indoor golf facility by separating the maintenance vehicle

traffic from the general pedestrian and vehicular traffic; and the parking facilities and new structures will be sufficiently screened from the public way and abutting residents.

The motion was approved 8-0

The meeting was adjourned at 12:05 AM

Respectfully submitted,
George E. Mansfield, Chairman