



Zoning & Planning Committee Report

City of Newton In City Council

Thursday, November 7, 2019

Present: Councilors Albright (Chair), Kalis, Baker, Leary, Danberg, Krintzman, Brousal-Glaser, Downs

Also Present: Councilor Gentile

City Staff: Barney Heath, Director of Planning and Development; James Freas, Associate Director of Planning and Development

Planning Board: Peter Doeringer (Chair), James P. Robertson Jr, Jennifer Molinsky, Kevin McCormick, Sonia Peresca

Nathan Giacalone, Committee Clerk

The Zoning & Planning Committee discussed each of the following two zoning amendment docket items separately and then approved a version of the zoning amendment that incorporates both docket items #140-19(3) and #187-19 into one zone change Council Order. This Council Order was further amended with additional amendments. The Council will be voting one combined docket item number #140-19(3)/#187-19 as amended.

#140-19(3) Zoning amendments for Riverside Station

RIVERSIDE STATION/355 GROVE STREET AND 399 GROVE STREET requesting amendments to Chapter 30, Newton Zoning Ordinance, in Sections 4.2.3 and 4.2.4 relative to the Mixed Use 3 District.

Action: Zoning and Planning Committee Approved as Amended 7-0-1, Councilor Kalis abstaining

Notes: Docket items #140-19(3) and #187-19 were discussed and voted on together.

#187-19 Zoning amendment from Newton LFIA for Riverside Station

LOWER FALLS IMPROVEMENT ASSOCIATION RIVERSIDE COMMITTEE requesting to amend Chapter 30, City of Newton Zoning Ordinance, Sections 4.2 and 7.3.5 pertaining to the Mixed Use3/Transit-Oriented zoning district.

Action: Zoning and Planning Committee Approved as Amended 7-0-1, Councilor Kalis abstaining

Notes: Docket items #140-19(3) and #187-19 were discussed and voted on together.

James Freas, Associate Director of Planning and Development, addressed the City Council on this item.

Mr. Freas began by speaking on the changes and amendments to the materials which the Committee received which were different from the material in their Friday Packet. The changes were not extensive, and Mr. Freas explained that one of the biggest changes was the introduction of a diagram which showed the areas previously referenced in the draft as “zones” on the property referenced. This was the same diagram that was previously introduced by the petitioners and was now included in the ordinance. Other changes were for the purpose of clarity and to make it easier to read. Mr. Freas then allowed for questions from the Committee.

A committee member asked about the possibility of future changes to the site based on possible plans from the MBTA regarding its urban rail designs. Chair Albright and Mr. Freas answered that any discussions with the MBTA over its plans with Riverside as it works toward its Urban Rail initiative would fall under the Land Use Committee, not Zoning. Mr. Freas added that if the MBTA sought to change the site, there would be several other steps it would have to take before even reaching the Land Use Committee. He also said that conversations with the MBTA are already ongoing and that through them the MBTA has expressed confidence to meet its goals with the land currently available.

Barney Heath, Director of Planning and Development also joined the discussion. He added that the project has provided the MBTA with more land to work with. Agreeing with Mr. Freas, Mr. Heath emphasized the cooperation of the MBTA in the project. A committee member responded that he planned on submitting questions to the MBTA for clarity and to ensure that any Urban Rail plans would not disrupt the Riverside project. Chair Albright acknowledged the skepticism but emphasized that it was a question for Land Use.

A committee member asked about the text of the distributed amendment and where transportation impacts are considered in the special permit process. They spoke on concerns of whether the MBTA would be able to absorb the expanded use this project would create. Mr. Freas responded that in the ordinance there was no requirement for submission of transit capacity analysis, but that the City Council is already empowered to ask for whatever study it needs before it takes a vote on anything.

At this point, Chair Albright opened the meeting to continue the public comment.

Public Comment:

Liz Mirabile spoke on behalf of the Lower Falls Improvement Association (LFIA). She said that the LFIA supported the amendments and the compromise reached with Mark Development. While not all sides got all of what they wanted, they were able to come to an agreement and she urged the Committee to approve the compromise between the LFIA and Mark Development. Ms. Mirabile also clarified that proposed amendments on the docket items reflected the compromise

and were intended to work together and do not necessarily reflect the specific wording they would choose. Another issue she wanted to clarify was over the size of the development parcel, listed as 11.5 acres that it includes both the MBTA parcel and the Hotel Indigo site.

Phillip Wallace of 340 Wolcott Street spoke in support of the compromise between the LFIA and Mark Development. Everyone got some of what they wanted and with recent divisions in public discourse, he was happy that such a compromise as the one over the Riverside project was reached. Mr. Wallace said that the compromise was possible because both the community and Mark Development expressed specific concerns and listened to each other about them.

Dan Ruben spoke as the Chair of Green Newton and said that Green Newton supports dense, energy-efficient development situated around mass-transit like at Riverside as the best housing model for the region's growing population. He said that this model results in fewer cars on the road and fewer greenhouse gasses. Restricting dense development like at Riverside, he warned, would contribute to increased urban sprawl, less green space, more cars on the road, and more greenhouse gasses.

Al Calderone of 605 Grove Street said that he appreciated that after months of negotiation Right Size Riverside and Mark Development were able to reach a compromise. Mr. Calderone said that he stood in favor of that agreement specifically. He acknowledged that Mark Development listened to the concerns of the community by reducing the overall size of the project and including a greater residential proportion. He remained concerned about how the development would impact traffic in the neighborhood and he also mentioned that the development's possible effects on the school system have not yet been addressed. Considering the impact that the development is already going to have on the City's infrastructure, Mr. Calderone urged the Committee to stick to the compromise agreement as-is.

Ronald Parkinson of 21 Grayson Lane emphasized that the residents of Lower Falls are not celebrating the agreement, but rather the compromise. He said it represents the hard work of both parties trying to reach an agreement that worked for all sides. Mr. Parkinson emphasized that as the reason for sticking to the compromise agreement as it is the largest that the residents will support.

Drew Smyth of 105 Hancock Street spoke about the environmental impact of the development. He said that it was a contaminated site which through the excavation necessary to install the sub-surface infiltration system could require the removal of up to 6500 cubic yards. An amount, Mr. Smyth stressed, that could require 560 large trucks to remove. He then spoke about how the development would raise the water table and risk increased pollution of the Charles River as well as into the Weston Water Supply Wells. Mr. Smyth then asked about how contaminated dust and ash would be kept out of the neighborhood during construction.

Chair Albright acknowledged that while Mr. Smyth raised good points, his concerns were better addressed by the Land Use Committee and would be put before them. Mr. Smyth left his written comments for the Committee.

Nancy Zoller said that Engine 6 supported the accord between the LFIA and Mark Development despite the trade-offs. She applauded both the efforts of the City Council to reach the agreement and Mark Development for continuing towards the development despite the numerous barriers put up against it. She said that the additional housing, both conventional and affordable would be a benefit to the City.

Doris Anne Sweet of 281 Lexington Street spoke in favor of more affordable housing for Newton. Ms. Sweet expressed her sadness at the downsizing of the development as it would mean less affordable units and her hope that there would be no further reductions. Ms. Sweet spoke of her role in managing a fund to help Auburndale residents in need, often lower income families experiencing financial stress. She spoke of one specific family that was now able to move into one of the new affordable units at Austin Street, allowing them a more stable life. Though this family was able to find new housing, Ms. Sweet said that there were many other families in Newton waiting for affordable housing and she asked to keep them in mind when deciding on the size of new affordable housing development.

Fran Godine, 99 Crofton Road, acknowledged the difficulties faced by those who accepted the compromise and commended that one was able to have been reached. Ms. Godine urged the Committee to support the development as it would lead to families living in homes rather than to continue to have an asphalt parking lot. She offered stories of senior citizens who were able to successfully downsize either into Newton or to continue living in Newton due to developments such as 28 Austin Street.

Claire Sokolove, 41 Oxford Road, acknowledged the compromises reached by both sides in the discussion and urged the Committee to approve the development.

Tom Gagen, 32 Fern Street, said that he thought the compromise project was too small. Mr. Gagen acknowledged that as part of compromise and congratulated the LFIA for reaching a deal as the new plan still provides many units of much needed housing.

Leonore Linsky, 99 Walnut Hill Road, said that she was pleased that a compromise was reached as there is not currently enough affordable housing in Newton thus giving little option to senior citizens who may want to downsize. Ms. Linsky said that this in turn limits the choices of young couple looking to buy a home, and traditionally these were the homes seniors moved out of. Ms. Linsky said that she hoped there would be more developments like Riverside and emphasized the need to think of the whole community, not just a small section of it.

Robert Gifford of 41 Oxford Road expressed his support for the revised development plan and wanted to commend the LFIA and Mark Development for working together to reach a compromise.

Angela Eleazer of 160 Stanton Ave said that she was in support of more housing for vulnerable residents such as the handicapped as those waiting lists are often long. She also wanted more retail in the development as it would provide services to future residents of the development and more tax income for the City. Ms. Eleazer also hoped that it would beautify the site from its current state.

Lois Levin of 497 Chestnut Street said that the compromises were a good thing to hear and that she has been a strong supporter of the Riverside project. She felt that this would be a boon to the City through the new housing it would provide. Ms. Levin hoped that rhetoric against these new developments will also come to an end soon and said that she did not feel Newton's charm would be harmed by these developments.

After no other residents came forward to speak, Councilor Krintzman motioned to close the public hearing, which was approved 6-0. The Planning Board also voted to close the public hearing.

A committee member offered a clarifying amendment that would address analysis of public transportation impact due to the development as well. He introduced another line that would specify analysis for high traffic events such as Red Sox home games. Neither the petitioners nor the LFIA had any objections to the proposed amendment.

A committee member asked about whether or not proposed zoning took into account the proposed environmental zoning initiatives currently under Committee consideration. This question related to solar panels and solar canopies potentially exceeding height limits on the buildings. Mr. Freas clarified that the language referred to language in the ordinance subject to the amendment which did allow solar panels to exceed the height limit by a set amount. Mr. Freas answered that if the new guidelines are approved, they would apply to Riverside. However, the proposed district has an absolute height limit which may not be exceeded in any circumstances. This would be unaffected by any of the amendments under consideration. Damien Chaviano, principal of Mark Development, said that they had submitted a sustainability plan in accordance with the Climate Action Plan being developed in Newton, however he was unaware of proposed environmental zoning changes. Mr. Chaviano was confident that the project would meet and exceed the thresholds laid out in the Climate Action Plan.

A council member asked if there would be one document in front of the whole City Council when the docket item is voted out of committee. Mr. Freas answered because the amendments included were advertised as two different docket items, that after consultation with the law department, the Council will have to vote on docket items #140-19 and #187-19 since both must

be adopted as amended. He also provided one document which included both docket items for Council review to make it clear how all amendments fit together.

A committee member then expressed their satisfaction in seeing the neighborhood group work in collaboration with Mark Development to reach a compromise acceptable to both. They offered their support behind the proposed amendments.

A council member then asked about language that exempted certain square footage from being counted toward the project cap, such as office space for the MBTA. Mr. Freas answered by pointing out that this exemption was already included in the original zoning ordinance which allowed up to 10,000 square feet to be used by the MBTA. The council member then asked about an issue pertaining to square footage requirements applied to loading docks. Mr. Freas answered that the ordinance excludes loading docks, mechanical rooms, and certain parking types from counting towards the square footage cap.

Councilor Krinztman moved to approve docket items #140-19 and #187-19 with the amendments proposed by Councilor Baker regarding traffic and transportation. The committee voted 7-0 to approve both items with Councilor Kalis abstaining. The Planning Board voted on a parallel set of resolutions to that of the City Council and voted 5-0 in favor of them. The Committee Chair thanked both sets of petitioners for working to bring this to a successful conclusion.

**#165-19 Adoption of Washington Street Vision Plan as part of the Comprehensive Plan
DIRECTOR OF PLANNING requesting approval and adoption of the Washington Street Vision Plan as an amendment to the 2007 Newton Comprehensive Plan.**

Action: Zoning and Planning Approved 6-0-1, Councilor Kalis abstaining, Councilor Downs not voting

Notes: Mr. Freas addressed the committee on this item.

Mr. Freas spoke about proposed changes new to the committee reflected in prior conversations with the Planning Board and offered to answer any questions the committee may have had.

A committee member asked if there was meant to be any immediate action on the proposed plan. They also asked whether four stories seemed appropriate to start setbacks at instead of three and if a lower number was desired. Mr. Freas answered that the setback height could be adjusted with more versatile language in the document. The committee member clarified that they wanted more language that would allow for lower setbacks to minimize the effect of taller buildings on the community. His concern was that this would set a precedent applicable to the whole city. Another committee member agreed that it was better not to reference a specific number of stories in some cases as it would allow more flexibility. Mr. Freas agreed to create more flexible language for the setback.

Mr. Doeringer offered an amendment to add environmental data and environmental impact. A committee member asked to include an amendment to specify data collection on public and private transit and not just “transit.” Mr. Freas answered that he wrote the line intentionally broad to cover both areas.

Councilor Leary moved to approve docket item #165-19 as amended. The Committee voted with 6-0 in favor with Councilor Kalis abstaining and Councilor Downs not voting. The Planning Board unanimously voted 5-0 in favor of the item with 1 abstention.

#360-19 Reappointment of Phillip Plottel to the Economic Development Commission
HER HONOR THE MAYOR reappointing Phillip Plottel, 50 Roslyn Road, Waban, as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire October 30, 2022. (60 Days: 12/14/19)

Action: **Zoning and Planning Approved 6-0, Councilors Kalis and Downs not voting**

Notes: Councilor Danberg spoke in favor of the reappointment of Mr. Plottel and moved to approve. The Committee voted 6-0 in favor of the motion.

#359-19 Reappointment of Jean Wood to the Economic Development Commission
HER HONOR THE MAYOR reappointing Jean Wood, 90 Forest Avenue, West Newton as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire October 30, 2022. (60 Days: 12/14/19)

Action: **Zoning and Planning Approve 6-0, Councilors Kalis and Downs not voting**

Notes: Councilor Brousal-Glaser spoke in favor of the reappointment of Ms. Wood and moved to approve. The Committee voted 6-0 in favor of the motion.

#357-19 Reappointment of Peter Sargent to the Community Preservation Committee
HER HONOR THE MAYOR reappointing Peter Sargent, 33 Avondale Road, Newton Centre, as a member of the COMMUNITY PRESERVATION COMMITTEE for a term to expire July 31, 2022. (60 days: 12/14/19)

Action: **Zoning and Planning Approve 6-0, Councilors Kalis and Downs not voting**

Notes: Councilor Danberg moved approval of the reappointment of Mr. Sargent and the Committee voted 6-0 in favor of the motion.

The meeting adjourned at 8:38 PM.

Respectfully Submitted,

Susan S. Albright, Chair

Sec. 4.2. Mixed Use Districts

4.2.1. District Intent

- A. **Mixed Use 1 and 2 District.** [Reserved]
- B. **Mixed Use 3/Transit-Oriented Development.** The purpose of the Mixed-Use 3/Transit-Oriented district is to allow the development of a mixed-use center on a parcel of no less than **911** acres near the terminus of a mass transit rail line, an interstate highway, a scenic road, and the Charles River, commonly referred to as the Riverside MBTA station, pursuant to the City's Comprehensive Plan, particularly the mixed-use centers and economic development elements. This district shall encourage comprehensive design within the site and with its surroundings, integrate complementary uses, provide enhancements to public infrastructure, provide beneficial open spaces, protect [the Newton Lower Falls and Auburndale](#) neighborhoods from impacts of development, allow sufficient density to make development economically feasible [while ensuring that the district is appropriately designed and scaled](#), foster use of alternative modes of transportation, and create a vibrant destination where people can live, work and play.
- C. **Mixed Use 4 District.** The purposes of the Mixed Use 4 district are to:
 - 1. Allow the development of buildings and uses appropriate to Newton's village commercial centers and aligned with the vision of the City's Comprehensive Plan.
 - 2. Encourage development that fosters compact, pedestrian-oriented villages with a diverse mix of residences, shops, offices, institutions, and opportunities for entertainment.
 - 3. Allow sufficient density and intensity of uses to promote a lively pedestrian environment, public transit, and variety of businesses that serve the needs of the community.
 - 4. Expand the diversity of housing options available in the City.
 - 5. Promote the health and well-being of residents by encouraging physical activity, use of alternative modes of transportation, and creating a sense of place and community.

(Ord. No. Z-108, 04/17/12; Ord. No. A-4, 10/01/12; Ord. No. A-6, 10/01/12)

4.2.2. Dimensional Standards

A. Applicability.

1. The density and dimensional controls in [Sec. 4.2.2](#) and [Sec. 4.2.3](#), apply to all buildings, structures and uses in each of the listed districts.
2. Where more than one dwelling unit is provided on a lot in certain Mixed Use districts, the following residential density control shall apply:

Mixed Use District	MU1	MU2	MU3/TOD	MU4
Lot Area Per Unit	10,000 sf	10,000 sf	1,200 800 sf	1,000 sf

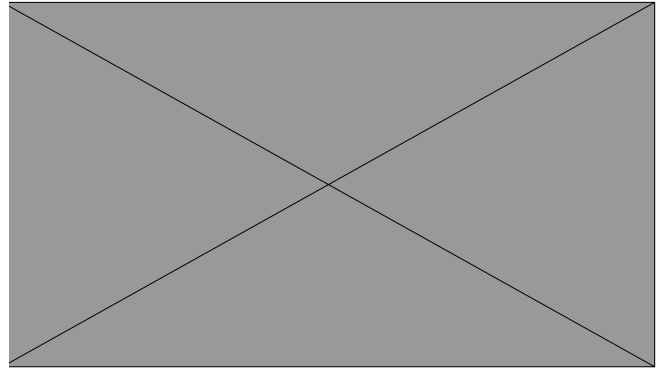
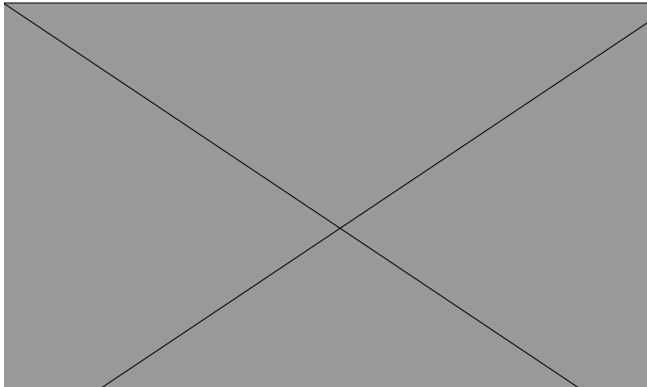
3. Where a density or dimensional control is not set forth in the following tables for a use granted by special permit, the most restrictive density or dimensional control applicable to such use in any district where the use is allowed as of right shall be applicable, unless otherwise required in the special permit by the City Council.

B. Approval Process.

1. **Special Permit Required.** A special permit is required for any development in a mixed use district of 20,000 square feet or more.
2. **Site Plan Review Required.** A site plan is required for any development in a mixed use district that ranges from 10,000 to 19,999 square feet of new gross floor area. After August 3, 1987, the first addition of less than 2,000 square feet to an existing building or structure is not subject to site plan approval. All buildings, structures and additions shall be located on a lot in single and separate ownership, which lot shall not be available for use in common or in connection with a contiguous or adjacent lot.
3. **Stories.** A special permit is required based on stories according to the following table:

Stories	MU1	MU2	MU3/TOD	MU4
2 stories	P	P	NA	P
3 stories	P	SP	NA	--
3 stories, mixed use residential	NA	NA	NA	P
4 stories	SP	SP	NA	SP
5 stories, mixed use residential	NA	NA	NA	SP

P = Allowed by Right
 SP = Special Permit by City Council Required
 NA = Not Applicable, -- Not Allowed



4.2.3. All Building Types in Mixed Use Districts

Mixed Use Districts	MU1	MU2	MU3	MU4
Lot Dimensions				
(A) Lot Area (min)				
2 stories	40,000 sf	10,000 sf	911 ac	10,000 sf
3 stories	40,000 sf	10,000 sf	911 ac	10,000 sf
4 stories	40,000 sf	10,000 sf	911 ac	10,000 sf
5 stories	--	--	911 ac	10,000 sf
(B) Lot Coverage (max)	--	--	--	--
(C) Beneficial Open Space	--	--	n/a by right; 15% by special permit	See Sec. 4.2.5
Building Setbacks				
(D) Front (min)				
1 story	15'	15'	See Sec. 4.2.4	See Sec. 4.2.5
2 or more stories	total ht of bldg	total ht of bldg		
Parking Setback	20'	15'		
(E) Side (min)				
Abutting residential or Public Use district	Greater of 1/2 bldg ht or 20'	Greater of 1/2 bldg ht or 20'	See Sec. 4.2.4	See Sec. 4.2.5
Not abutting residential or Public Use district	7.5'	7.5'		
Parking setback	5'	5'		
(F) Rear (min)				
Abutting residential or Public Use district	Greater of 1/2 bldg ht or 20'	Greater of 1/2 bldg ht or 20'	See Sec. 4.2.4	See Sec. 4.2.5
Not abutting residential or Public Use district	7.5'	0'		
Parking setback	5'	5'		
Building and Structure Height				
(G) Height (max)				
2 stories	36'	24'	36' by right;	24'
3 stories	36'	36'	36' 170' by	36'
4 stories	48'	48'	special permit,	48'
5 stories	--	--	see Sec. 4.2.4	60'
(H) Stories (max) see also Sec. 4.2.2	3	4	411	8
Floor Area Ratio				
Floor Area Ratio (max)				
2 stories	1.50	1.00	up to 36' = 1.0	1.00
3 stories	1.50	1.50	up to 36' 170'	1.50
4 stories	2.00	2.00	= 2.425	2.00
5 stories	--	--		2.50

* Average setback is described in [Sec. 1.5.3](#)

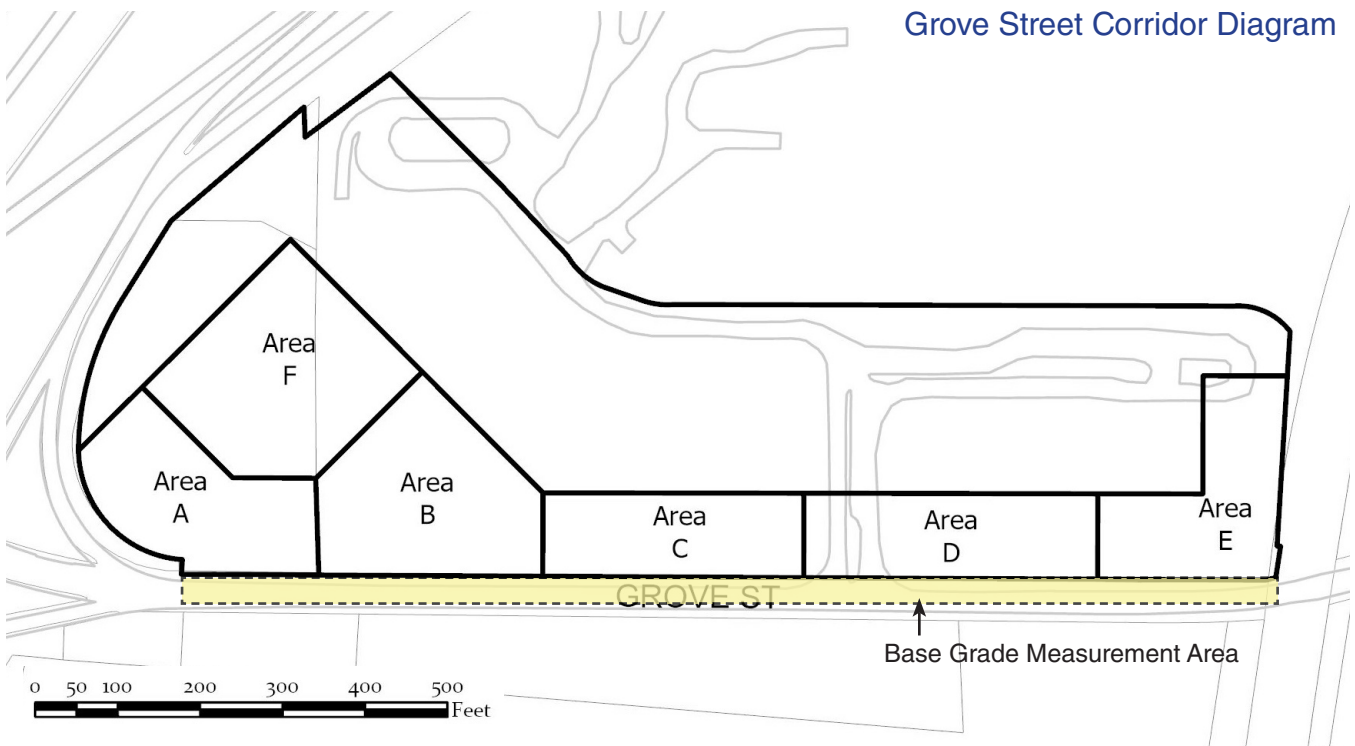
-- Not Allowed

4.2.4. Additional Standards in MU 3/TOD

Any development permitted by special permit must meet the following requirements and the requirements of Sec. 4.2.3. The City Council may grant a special permit to allow exceptions to the by-right dimensional standards of the MU 3/TOD, provided that the requirements of this Sec. 4.2.4. are met and no dimension exceeds those allowed in Sec. 4.2.3 for the mixed-use development special permit.

A. Building Height Setbacks. Buildings in the MU3/TOD district must conform to the following: Any structure or building must be set back a distance equal to at least half the height of that structure or building from any lot line, except that for perimeter lot lines adjoining a state highway right-of-way or land owned by a Commonwealth of Massachusetts instrumentality, the setback may be 0 feet for nonresidential uses. To encourage stepped setbacks for taller structures, each portion of a building shall be treated as if it is a separate building for purposes of calculating required building heights and setbacks. In accordance with the procedures provided in Sec. 7.3, the City Council may grant a special permit to allow a reduction in the minimum setback if it determines that the proposed setback is adequate to protect abutting uses.

1. Grove Street Corridor Building Height. The following rules apply to buildings along the Grove Street Corridor according to the area in which they are located as shown in the Grove Street Corridor Diagram.
 - a. For the purposes of this section 4.2.4.A.1 building height for those buildings in Areas A through E is measured as the vertical distance between the lowest grade of the Grove Street right of way within the Base Grade Measurement Area, as shown in the Grove Street Corridor Diagram, closest to the subject building at a point perpendicular to the subject building to the highest point of the roof. For all other areas in the MU3/TOD district, height is measured as described in Section 1.5.4.
 - b. The following maximum building heights apply within the different areas as shown in Grove Street Corridor Diagram:
 - i. Area A. 74 feet, provided that the top story is set back a minimum of 10 feet from the building facade along Grove Street.



- ii. Area B. 64 feet, provided that the top story is set back a minimum of 10 feet from the building facade along Grove Street.
 - iii. Area C. 50 feet.
 - iv. Area D. 55 feet.
 - v. Area E. 76 feet, provided that the top story is set back a minimum of 10 feet from the building facade along Grove Street.
2. Area F Height. The maximum building height in Grove Street Corridor Area F is 70 feet.
3. For the purposes of sections 4.2.4.A.1, and 4.2.4.A.2 height excludes parapets, HVAC equipment, elevator overrides and elements, stair towers, and the exclusions from height set forth in Section 1.5.4.A.1.a through d.
4. Height Modifications. A special permit may be granted to allow for increases in building height in the Grove Street Corridor Areas A through F of no more than 4 feet if the City Council finds that the proposed buildings are consistent with, and not in derogation of, the size, scale, and design of other structures.
5. Height Generally. Buildings in the MU3/TOD district must not exceed the 170 foot height limit, including all rooftop mechanical equipment, whether or not enclosed.
- B. Grove Street Setback.**
- 1. The setback along Grove Street is 25 feet excluding those portions of Grove Street that are part of a state highway right-of-way or land owned by a Commonwealth of Massachusetts instrumentality.
 - 2. Balconies and canopies may project into the setback.
 - 3. By special permit, the setback in Areas C, D, and E, as shown in the Grove Street Corridor Diagram, may be reduced to 20 feet if it is determined that the proposed setback is adequate to protect abutting uses.
4. There are no other required setbacks in the MU3/TOD district.
5. Building Spacing. A principal building that fronts on Grove Street must be a minimum of 15 feet from any other principal building in the district that also fronts on Grove Street.
- C. Beneficial Open Space.** At least ~~50 percent~~ 42,450 square feet of the beneficial open space required by Sec. 4.2.3 for a mixed-use development must be freely open to the public. Any portion of the beneficial open space designated as open to the public must be:
- 1. At least 400 square feet and at least 20 feet in width and 20 feet in length;
 - 2. Not on rooftops or other elevated portions of buildings; and
 - 3. Designed to accommodate public congregation and use, including any necessary amenities or infrastructure. Examples of such spaces include plazas, parks, playgrounds, playing fields, and community gardens.
- D. Exclusion of Public Structures from Zoning Requirements.** Any portion of a development parcel for the proposed development owned by a Commonwealth of Massachusetts instrumentality and devoted to a governmental function from which the general public is excluded (including, but not limited to, a rail yard, maintenance facility, or railroad right-of-way) and any portion of a building or structure ~~dedicated for public use~~ used or leased by a State instrumentality (such as a passenger station or associated facilities for use by customers of the Massachusetts Bay Transportation Authority, or office space up to 10,000 square feet) shall not be included in the calculation of:
- 1. The quantity of beneficial open space required;
 - 2. Minimum lot area; or
 - 3. Gross Floor area ratio-Area.
- E. Impacts of Takings by or Conveyances to a Public Entity.** The provisions of Sec. 7.8.4 shall apply to any taking by or conveyance of land within the development parcel to a public entity or to any land otherwise dedicated and accepted as a public way.
- F. Establishment of a Development Parcel.** The area developed under a special permit must be

organized into a development parcel as defined in [Article 8](#). The development parcel may contain more than 1 lot or a portion of a lot, together with any easement areas located on adjacent parcels of land. The provisions of this Chapter shall apply to the development parcel as it exists on the date that the special permit is granted as if the development parcel were a single lot for zoning purposes, without reference to interior lot lines dividing separate ownerships. After the grant of a special permit, the ownership may be further divided (subject to the establishment of an organization of owners defined below) and any interior lot lines shall be disregarded for zoning purposes. The development parcel may be modified from time to time to accommodate land swaps or the purchase of adjacent land, provided that the resulting development parcel is not less than [9 11](#) acres in size and does not create or expand any nonconformities.

G. Intensity of development.

1. The development must have at least one use from each of the three categories (A, B, and C) ~~plus a community use space.~~
 - a. Category A: Office (including research and development, business incubator, medical office, and other similar uses ~~but excluding office incidental to residential, retail, or community uses~~);
 - b. Category B: Retail sales, personal services, restaurants, banking, health club, ~~place of entertainment and assembly~~ ~~place of amusement, indoor or outdoor~~, theater, lodging, hotel, motel, ~~animal services~~; and
 - c. Category C: Multi-family, live/work space, single room occupancy, single person occupancy, assisted living, nursing home.
2. Notwithstanding paragraph G. below, any development that proposes an aggregate gross floor area of 20,000 or more square feet among all buildings within the development parcel shall require a special permit for a mixed-use development.
3. ~~For the purpose of calculating gross floor area in the MU3/TOD district, in addition to the exclusions set forth in Section 1.5.5.B.2 and 4.2.4.C, the calculation of gross floor area excludes accessory and non-accessory enclosed parking, loading areas, and enclosed~~

~~areas devoted to housing mechanical equipment on the roof of a building or structure.~~

- H. ~~Maximum Gross Floor Area. The total gross floor area of all uses in the MU3/TOD district must not exceed 1,025,000 square feet. The total gross floor area of Category C uses must comprise no less than 60 percent of the total gross floor area of Categories A, B, and C uses. Category A uses must not exceed 300,000 square feet of gross floor area. The square-footage in each category shall not exceed the maximums listed below, except, where approved by special permit, the maximums may be adjusted by up to 10 percent in each category, so long as the total gross floor area of all uses, excluding accessory parking, does not exceed 580,000 square feet.~~
 1. ~~Category A shall not exceed 225,000 square feet (excluding offices incidental to residential, retail or community uses) the majority of which must be contained within one structure;~~
 2. ~~Category B shall not exceed 20,000 square feet, excluding those uses that are accessory to a use listed in Category A or C as determined by the Commissioner of Inspectional Services;~~
 3. ~~Category C shall not exceed 335,000 square feet not to exceed 290 dwelling units.~~

I. Organization of Owners. Prior to exercise of a special permit, an organization of all owners of land within the development parcel, except for owners of land subject to easements benefiting the mixed-use development, shall be formed. The organization of owners will be governed by special permit with the authority and obligation to act on behalf of all such owners in contact with the City or its representatives regarding compliance with this Chapter. The organization shall serve as the liaison between the City and any owner, lessee, or licensee within the development parcel governed by a special permit. Such organization shall be the primary contact for the City in connection with any dispute regarding violations of this Chapter and, in addition to any liability of individual owners, shall have legal responsibility for compliance of the development parcel with the terms of the special permit for a mixed-use development, site plan approval, and other applicable provisions of this Chapter. In addition, any special permit shall provide for the establishment of an advisory council consisting of representatives of the adjacent neighborhoods and the organization of owners to assure continued

compatibility of the uses and activities within the development parcel and its neighbors during and after construction. Membership of this advisory council shall be provided for in the special permit and shall be structured to ensure all neighborhood interests are represented.

J. Vehicular Access. Any development in the MU3/TOD district must provide for vehicular access with the following requirements and limitations:

1. Must provide a minimum of 2 primary means of vehicular non-emergency access.
2. No means of vehicular non-emergency access shall be located within 450 linear feet along Grove Street from the northeast corner of the development parcel.
3. 1 of the primary means of vehicular non-emergency access must provide access to and from Route 128/I-95 northbound without utilizing Grove Street. The timing of when this access must be provided will be determined during the special permit process.

(Ord. No. Z-108, 04/17/12)

4.2.5. Additional Standards in MU4

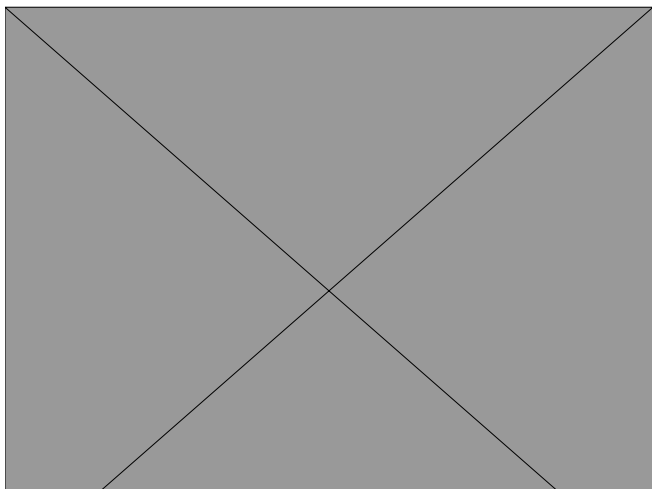
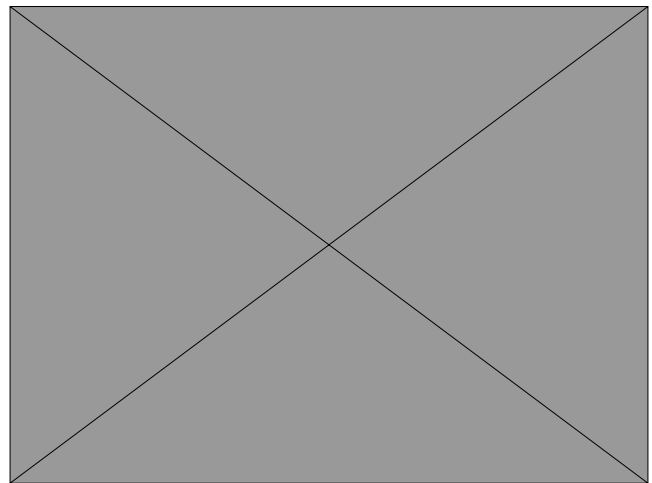
A. Design Standards for the Mixed Use 4 District.

Notwithstanding any provisions of this Article to the contrary, buildings and structures in the Mixed Use 4 district shall conform to the following standards:

1. **Height.** Buildings in the Mixed Use 4 district shall be a minimum of 2 stories and shall conform to the limits for building height and stories established in Sec. 4.2.3. The City Council may grant a special permit to allow up to 4 stories and 48 feet of building height by finding that the proposed structure is compatible in visual scale to its surroundings, does not adversely affect its surroundings by creating shadows or blocking views, and advances the purposes of this district.
2. **Mixed-Use Residential Incentive.** Buildings that meet the definition of mixed-use residential buildings shall conform to the specific limits for building height and stories established in Sec. 4.2.3. The City Council may grant a special permit to allow up to 5 stories and 60 feet of building height by finding that the proposed structure is compatible in visual scale to its

surroundings, does not adversely affect its surroundings by creating shadows or blocking views, and advances the purposes of this district.

3. **Residential Density.** The City Council may grant a special permit to waive the lot area per dwelling unit requirement of Sec. 4.2.3. by finding that the proposed density creates a beneficial living environment for the residents, does not adversely affect the traffic on roads in the vicinity, and better achieves the purposes of this district than strict compliance with these standards.
4. **Setbacks.** The City Council may grant a special permit to waive the following setback requirements by finding the proposed plan can better protect the surrounding community from shadows and blocked views, support pedestrian vitality, and encourage the purposes of this district than strict compliance with the following standards:
 - a. A minimum of 75 percent of the frontage of the lot facing a public way shall contain a building or buildings, the first floor facade of which is setback between 0 and 10 feet from lot line.



7.3.5. Special Requirements in MU3/TOD

A. **Additional Filing Requirements.** In addition to the provisions of Sec. 7.3 and Sec. 7.4, applicants for a special permit under Sec. 4.2.4 shall submit:

1. ~~Conceptual Plans. Prior to submittal of an application for a special permit in the Mixed-Use 3/Transit-Oriented Development (MU3/TOD), which will include subsection 2. to 12. below, applicants shall present conceptual plans for review by the Land Use Committee of the City Council at a public meeting. The Land Use Committee shall provide a forum for a public presentation whereby the Land Use Committee and public may ask questions, gain an understanding of the project proposal, and provide feedback that can inform further development of the project. Submittal for conceptual review shall not require engineered plans, but shall include the following:~~
 - a. ~~Project description, including project purpose or design rationale;~~
 - b. ~~Project statistics, including zoning, current and proposed uses on site, total square footage for each use proposed, area to be covered by structures, FAR, number of bedrooms in all dwelling units, percentage of affordable units, percentages of open space with breakdown of beneficial and publicly-accessible open spaces;~~
 - c. ~~Preliminary site plan, including dimensioned property lines and all building setbacks and building footprints, impervious surfaces, location of waterways, top of bank and distance from waterways, proposed demolitions, location and number of parking spaces, landscaping and open spaces, trees to be removed, any access proposed to adjacent public property, whether or not it is currently available for public use, north arrow and scale; and~~
 - d. ~~Other information as may be requested by City staff to perform a zoning review and preliminary impact analyses.~~
2. A 3D computer-generated model that shows the relationship of the project to its surroundings consistent with Sec. 7.3.1.B.;
3. Narrative analysis describing design features intended to integrate the proposed mixed-

use development into the surrounding neighborhood, including the existing landscape, abutting commercial and residential character and other site-specific considerations, as well as an explanation of how the proposed mixed-use development satisfies each criterion in Sec. 7.3.6.B.;

4. Statement describing how the beneficial open space areas, to the extent open to the public, are intended to be used by the public;
5. Site plans showing any by right or zoning-exempt alternatives;
6. A roadway and transportation plan reflecting the “EOEEA Guidelines for EIR/EIS Traffic Impact Assessment” with further attention to public transportation and exceptions, subject to review by the Commissioner of Public Works, Director of Planning and Development, and peer review consultants. The plan should include the following:
 - a. Graphic and narrative description of existing and proposed means of access to and within the site, including motor vehicular, pedestrian, bicycle, and public or private transportation alternatives to single-occupant vehicles.
 - b. Description of a proposed transportation demand management (TDM) program identifying commitments, if any, to a designated TDM manager, employer contributions to employee public transportation passes, shuttle bus capital contribution, car pool, van pool, guaranteed ride home, flex hours, promotional programs, support for off-site pedestrian and bicycle accommodations, and similar efforts.
 - c. Detailed analysis and explanation for the maximum peak hour and daily motor vehicle trips projected to be generated by the mixed-use development, documenting:
 - i. The projected base volume of trips to and from the mixed-use development based upon the latest edition of the Trip Generation Manual published by the Institute of Transportation Engineers or other sources, such as comparable projects in Newton or nearby communities, acceptable to

- the Commissioner of Public Works and Director of Planning and Development;
- ii. The projected adjusted volume of trips net of reductions resulting from internally captured trips; access by public transport, ridesharing, walking or biking; and through the TDM program cited above; but without adjustment for “pass-by” trips, and noting how those reductions compare with the mixed-use development guideline of adjusted volume being at least 10 percent below the base volume on weekday evening peak hours;
 - iii. The means of making mitigations if it is found pursuant to the monitoring under Sec. 7.3.6.D.5.E. and Sec. 7.3.6.E. that the trips counted exceed the projected adjusted volume by 10 percent or more; and
 - iv. The projected trip reduction adjustment based on “pass-by” trips for use in projecting impacts on street traffic volumes.
- d. Analysis of public transportation impacts and traffic impacts on surrounding roadways, including secondary roads on which traffic to the mixed-use development may have a negative impact, analysis of peak traffic flow and circulation within a proposed development project, and analysis of public transportation and traffic impacts during site-specific high-traffic events, such as Red Sox home games. Results are to be summarized in tabular form to facilitate understanding of change from pre-development no-build conditions to the build-out conditions in trip volumes, volume/capacity ratios, level of service, delays, and queues. Analysis shall include:
- i. The assumptions used with regard to the proportion of automobile use for travel related to the site, the scale of development and the proposed mix of uses, and the amount of parking provided; and
 - ii. Analysis of projected transit use to and from the uses on the site and description of proposed improvements
- in transit access, frequency and quality of service.
- e. All transportation-related studies, reports, submissions, or filings required to be submitted to any state or federal agency in connection with a proposed mixed-use development, including those required as a result of any required or proposed roadway changes or traffic mitigation measures.
7. A shared-parking analysis that demonstrates that the number of parking spaces to be provided is appropriate to the context, taking into consideration the mix of uses; the demand for parking spaces at different times of day, week, and year; availability of alternative modes of transportation; and other site-specific influences on parking supply and demand, such as, but not limited to, Red Sox home games.
8. Water, sewer, and storm water impact analysis. The analysis shall be subject to review by the Commissioner of Public Works, Director of Planning and Development, and peer review consultants and shall include the following:
- a. A study of the proposed project’s surface water runoff relating to the Charles River and associated deep marsh system that shows how all storm water will be infiltrated on site, and which explores all feasible methods of reducing impervious surfaces, including underground parking and/or more compact site layouts, as well as the possibility of roof water harvesting for irrigation reuse, including:
 - i. A conceptual drainage plan demonstrating the consistency of the drainage infrastructure plan with the Massachusetts Department of Environmental Protection’s “Stormwater Management Handbook” and the City’s “Requirements for On-Site Drainage (Stormwater Management)”;
 - ii. A drainage analysis based on the City’s 100-year storm event of seven inches over a 24 hour period, showing how runoff from impervious surfaces will be infiltrated on-site;
 - iii. An on-site soil evaluation identifying seasonal high groundwater elevation

- and percolation rate and locations of these tests shown on the site plan;
- iv. If a connection to the City's drainage system is proposed, a closed-circuit television (CCTV) inspection, prior to approval of this permit, which shall be witnessed by the Engineering Division of Public Works; the applicant shall provide the City inspector with a video or CD prepared by a CCTV specialist hired by the applicant. A post-construction video inspection shall also take place and be witnessed as described above; and
 - v. An evaluation of hydraulic capacity of the downstream drainage system submitted to the Engineering Division of Public Works to determine any impact to the municipal drainage system.
- b. A master plan and schedule of the sanitary sewer system improvements, including:
 - i. A plan showing a reduction in infiltration and inflow into the sanitary sewer system to the satisfaction of the Commissioner of Public Works;
 - ii. A calculation of the life cycle cost of the proposed sanitary system;
 - iii. A quantitative analysis of the capacity to dispose, verified by the Massachusetts Water Resource Authority (MWRA); and
 - iv. A study showing how the developer will comply with the City's cross connection control program relating to sewer and drain pipes.
 - c. A 21E Environmental Site Investigation Report that evaluates the site for any contaminants related to underground fuel or oil tanks, creosote, leachate from existing trolley tracks, cleaning and/or washing facilities, or local dry wells.
 - d. A solid waste master plan, including a detailed explanation of how the uses will control solid waste through reduction, reuse, recycling, compaction and removal that demonstrates compliance with Revised Ordinances Chapter 11, Recycling and Trash, and the Massachusetts Department of Environmental Protection Waste Ban. The plan shall provide estimates of the expected solid waste generation by weight and volume for each of the uses proposed for the site with consideration to peak volumes.
 - e. A quantitative analysis that demonstrates that the water demands of the proposed development will not overburden the water supply of existing infrastructure provided by the City, including fire flow testing for the proposed fire suppression system, as well as domestic demands from the entire development. The applicant must coordinate this test with both the Fire Department and Utilities Division of Public Works; representatives of each department shall witness the testing and test results shall be submitted in a written report. Hydraulic calculations shall be submitted to the Fire Department for approval. Hydraulic analysis for both domestic and fire suppression will be required via hydraulic modeling in a format acceptable to the Director of Utilities.
9. Fiscal impact analysis that includes new tax revenue and expenses related to, but not limited to, school capacity, public safety services, and public infrastructure maintenance.
 10. Preliminary construction management plan including: Proposed phasing schedule, including infrastructure improvements.
 - a. Proposed phasing schedule, including that for infrastructure improvements;
 - b. Mitigation of construction impacts from any development and associated roadway improvements on Newton Lower Falls and Auburndale; and
 - c. Accommodation of parking and other needs of commuters using the MBTA station during construction.
 11. Shadow study showing shadow impacts on the surrounding properties for four seasons at early morning, noon, and late afternoon.
 12. Submittal in electronic form of all documents required by Sec. 7.3 and Sec. 7.4 and any supplemental reports, memoranda, presentations, or other communications

submitted by the applicant to the City Council and pertaining to the special permit application, unless the applicant demonstrates to the satisfaction of the Director of Planning and Development that electronic submission or compliance with that standard is not feasible. Documents created using Computer Aided Design and Drafting software shall comply with the Mass GIS “Standard for Digital Plan Submittal to Municipalities,” or successor standard. Electronic submission must be contemporaneous with submission by any other means. The Director of Planning and Development will arrange to have electronically submitted documents posted on the City website within a reasonable time after receipt.

- B. Review Criteria.** The provisions of Section 7.3.3 apply to all special permit applications in the MU3/TOD district. No special permit may be granted unless all of the criteria set forth in Section 7.3.3.C are met, including but not limited to Section 7.3.3.C.2, which states that, “The use as developed and operated will not adversely affect the neighborhood.” As applied in the MU3/TOD district, the neighborhood to be considered includes Newton Lower Falls and Auburndale.

Additional special permit criteria for a mixed-use development in the MU3/TOD district. In granting a special permit for a mixed-use development under Sec. 4.2.4, the City Council shall not approve the special permit unless it also finds, in its judgment, that the proposal meets all of the following criteria in addition to those listed in Sec. 7.3.3:

1. **Not inconsistent with the City’s Comprehensive Plan.** The proposed mixed-use development is not inconsistent with the City’s Comprehensive Plan in effect at the time of filing an application for a mixed-use development and applicable general laws relating to zoning and land use.
2. **Housing, Public Transportation, Parking, and Utility Infrastructure Improvements.** The proposed mixed-use development offers long-term public benefits to the City and nearby areas including:
 - a. Improved access and enhancements to public transportation;
 - b. Improvements to parking, traffic, and roadways;

- c. On- and off-site improvements to pedestrian and bicycle facilities, particularly as they facilitate access to the site by foot or bicycle;
- d. Public safety improvements;
- e. On-site affordable housing opportunities, except where otherwise allowed in Sec. 5.11; and
- f. Water, sewer, and storm water infrastructure improvements which increase capacity and lower impacts on the surroundings.

3. **Fiscal Impacts.** The proposed mixed-use development has a positive fiscal impact on the City after accounting for all new tax revenue and expenses related to, but not limited to, school capacity, public safety services, and public infrastructure maintenance.
4. **Improved Access Nearby.** Pedestrian and vehicular access routes and driveway widths are appropriately designed between the proposed mixed-use development and abutting parcels and streets, with consideration given to streetscape continuity and an intent to avoid adverse impacts on nearby neighborhoods from such traffic and other activities generated by the mixed-use development as well as to improve traffic and access in nearby neighborhoods.
5. **Enhanced Open Space.** Appropriate setbacks, buffering, and screening are provided from nearby residential properties; the quality and access of beneficial open space and on-site recreation opportunities is appropriate for the number of residents, employees and customers of the proposed mixed-use development; and meaningful bicycle and pedestrian connections to open spaces, recreational areas, trails, and natural resources, including the banks of the Charles River and adjacent public property, whether or not they are currently available for public use, are provided and take full advantage of the unique opportunities of the site and its nearby natural features for use and enjoyment by the community at large.
6. **Excellence in Place-Making.** The proposed mixed-use development provides high quality architectural design and site planning so as to enhance the visual and civic quality of the site and the overall experience for residents of and

visitors to both the mixed-use development and its surroundings.

7. **Comprehensive Signage Program.** Notwithstanding the requirements of [Sec. 5.2](#), all signage for the proposed mixed-use development shall be in accordance with a comprehensive signage program developed by the applicant and approved by the City Council, which shall control for all purposes, shall supersede any other sign requirements, and shall be complementary to the architectural quality of the mixed-use development and character of the streetscape.
8. **Pedestrian Scale.** The proposed mixed-use development provides building footprints and articulations appropriately scaled to encourage outdoor pedestrian circulation; features buildings with appropriately spaced street-level windows and entrances; includes appropriate provisions for crossing all driveway entrances and internal roadways; and allows pedestrian access appropriately placed to encourage walking to and through the development parcel.
9. **Public Space.** The proposed mixed-use development creates public spaces as pedestrian-oriented destinations that accommodate a variety of uses, promote a vibrant street life, make connections to the surrounding neighborhood, as well as to the commercial and residential components of the mixed-use development, to other commercial activity, and to each other.
10. **Sustainable Design.** The proposed mixed-use development at least meets the energy and sustainability provisions of [Sec. 7.3.3.C.5.](#) and [Sec. 7.4.5.B.8.](#)
11. **Adequacy of Parking.** Parking for the site is appropriate to the intensity of development, types of uses, hours of operation, availability of alternative modes of travel and encourages the use of alternatives without over-supplying parking.
12. **Pedestrian and Neighborhood Considerations.** If the proposed mixed-use development project proposes any of the measures listed below, and if such measures, singly or in combination, create a negative impact on pedestrians or surrounding neighborhoods, the applicant

has proposed feasible mitigation measures to eliminate such negative impact:

- a. Widening or addition of roadway travel or turning lanes or conversion of on-street parking to travel lanes;
 - b. Removal of pedestrian crossing, bicycle lanes, or roadway shoulder;
 - c. Traffic signal additions, alterations, or roundabouts; and
 - d. Relocation or alterations to public transport access points.
13. **Accessible Design.** Consideration is given to issues of accessibility, adaptability, visitability, and universal design in development of the site plan.
 14. **Post Construction Traffic Mitigation Measures.** [The traffic mitigation measures set forth in the special permit application pursuant to Section 7.3.5.A.6.c.iii, if required to be implemented, are expected to allow a development project in the MU3/TOD district to meet the trip generation standards set forth in Section 7.3.5.E.1.c.](#)
 15. **Construction Impacts.** [The preliminary construction management plan includes appropriate mitigation of construction impacts of development, including any roadway changes, to the neighborhoods of Newton Lower Falls and Auburndale, and accomodates the parking and other needs of commuters using the MBTA station during construction.](#)
- C. **Project Phasing.** Any development subject to a special permit under [Sec. 4.2.4](#) may be built in multiple phases over a period of time, in accordance with the terms of the special permit granted, provided that all off-site improvements and enhancements to public roadways are completed prior to issuance of any occupancy permits.
 - D. **Adequacy of Public Facilities.**
 1. Transportation, utilities, water, sewer and storm water infrastructure, public safety, schools including capacity, and other public facilities and infrastructure shall serve the mixed use development appropriately and safely and without deterioration in service to other locations. To determine the adequacy of public facilities, impact studies of the following must

Riverside Development Project Environmental Concerns #2

11/7/19

Dear Mark Development /Newton Officials;

I as a nearby resident and Licensed Site Professional (LSP) in Massachusetts have reviewed the available online data for the Riverside Station and surrounding area. I have reviewed the collection of site civil engineering drawings, the 21E report and help discussions and had private discussions with David Roche, Vice-President of Development for Mark Development LLC. There are numerous MassDEP contamination release reports associated with the site including release tracking numbers (RTN) 3-0018969, 3-0018501 and 3-0010565 prepared by ATC, Weston and Sampson and Rizzo Associates engineering companies. I have identified the following potential additional issues (already submitted a prior listing of other issues) with the proposed site development based on a review of these documents:

- 1) The proposed new subsurface infiltration systems include units P101, P102 and P103 and together these excavations include about 8,500 cubic yards of excavated soil as detailed on Figure 1 attached. The excavations are in areas where ash was discovered during subsurface investigation studies. If this soil had to be disposed offsite it would take roughly 564 large trucks to transport it. What is the plan for managing this or for even storing it onsite to keep it from being washed away in stormwater into the river or blowing around or interfering with the other project work? Why hasn't the city required the developer to create a cut and fill map and explain how soils will be managed? All similar large projects prepare these types of plans. Additionally, borings should be placed in each of these infiltration areas prior to excavation and should be contaminant characterized in advance of excavation. The depth to groundwater and infiltration rates of the soil should also be determined as they should be site specific. If the numbers are wrong insufficient infiltration will occur. It is also important to determine whether excavation dewatering will be required to install these units and to prepare in advance if needed.
- 2) The project has planned buried utilities throughout the site that go down several feet into the subsurface and will involve massive excavations and a need to maintain clean corridors for utility workers at a former industrial site. How will this be accomplished and similar to above how will all this additional soil be managed?
- 3) The site contains large bedrock outcrops (see figure 2 attached) that are 18 feet high where buildings are planned (Building 1). To remove the bedrock and install the building will require a large amount of blasting. How will the public be protected from the blasting and neighbors not be discomforted by the noise. Additionally, the blasting is likely to mobilize contamination in the subsurface in the downgradient direction towards the Charles River and Weston water supply wells. Explosives themselves also contain groundwater contaminants. The city should have a plan to monitor groundwater at various locations on the site and periodically check for changes in contaminant loading so that the project can progress without endangering the environment or public water supply.

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PLANNING DIVISION

- 4) The project is proposing to make a big change in the natural groundwater flow system. The project is proposing to infiltrate almost all the site precipitation into 3 subsurface injection systems. As the project proponent notes this will cause the groundwater level to mound several feet under the infiltration gallery. This will in turn cause the groundwater to have a steeper gradient and have faster flow and to mobilize contaminants that were previously stranded in the unsaturated zone. At the very least the developer should be required to model the infiltration impact on groundwater flow directions and velocities and should prior to and periodically throughout the project period monitor groundwater elevation and contaminant concentrations in the vicinity of the infiltration systems and at the existing monitoring wells along the Charles River downgradient of the MBTA Carhouse and maintenance facility which is contaminated. Although I appreciate that the developer is trying to improve the water quality by basically sand filtering it before it gets to the river that is being traded with the risk of picking up soil and groundwater contaminants that previously would not have discharged to the river or as quickly. What is happening to Runaway Brook that currently crosses the proposed development site and discharges to the Charles River.
- 5) The project will involve blasting and a large amount of soil removal and stockpiling and as such the developer should be required to install dust monitoring equipment that real time monitors dust and fine particulates and has thresholds for stopping the project temporarily if dust/particulate levels are above thresholds. The soil removal projects will occur in former disposal areas and areas with known contamination.
- 6) We should be provided with an estimated timetable of activities and quantitative information about the project. How long will blasting occur, how long will soil be excavated and stockpiled and how high will the piles be. Will pilings be installed, will groundwater dewatering occur, who will conduct environmental inspections and how often, who can neighbors complain to? what is the grievance process. What if the project assumptions don't come true and more people use the residential roads and other assumptions become false? what is the redress? How will the neighbors be informed of issues and any violations in permits or conditions imposed by the city or other regulators?

Regards

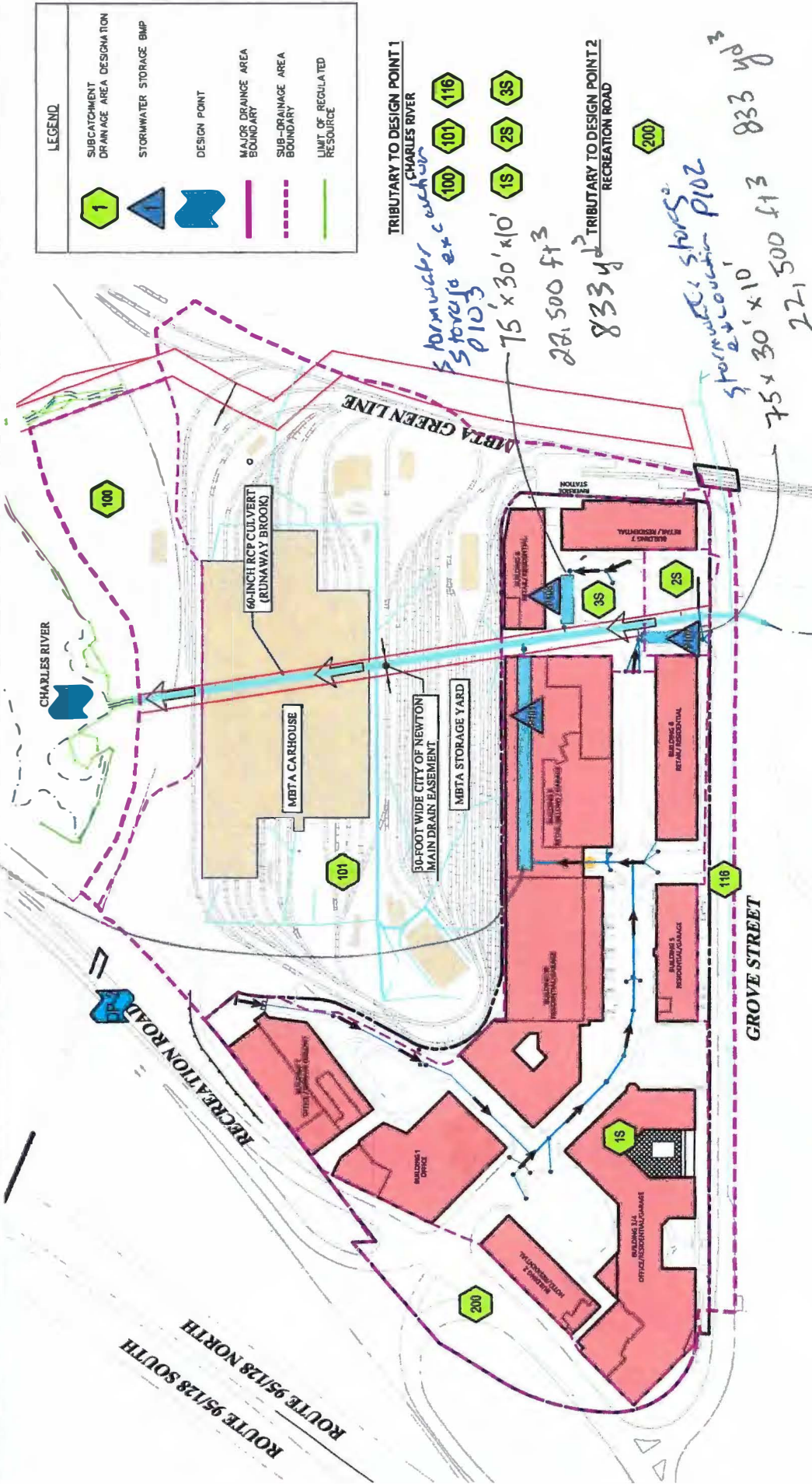
Andrew Smyth

Neighbor

Figure 1 Stormwater Excavation Volumes of Soil

Stormwater storage excavation P101
 $30' \times 340' \times 18' = 183,600 \text{ ft}^3 = 6800 \text{ yd}^3$

\\vhb\gbl\proj\Wet-7510865.03 Mark Inv Riverside Newton\cad\1d\Exp\Stormwater\10865_Proposed Drainage - 11x17.dwg



9/2/15



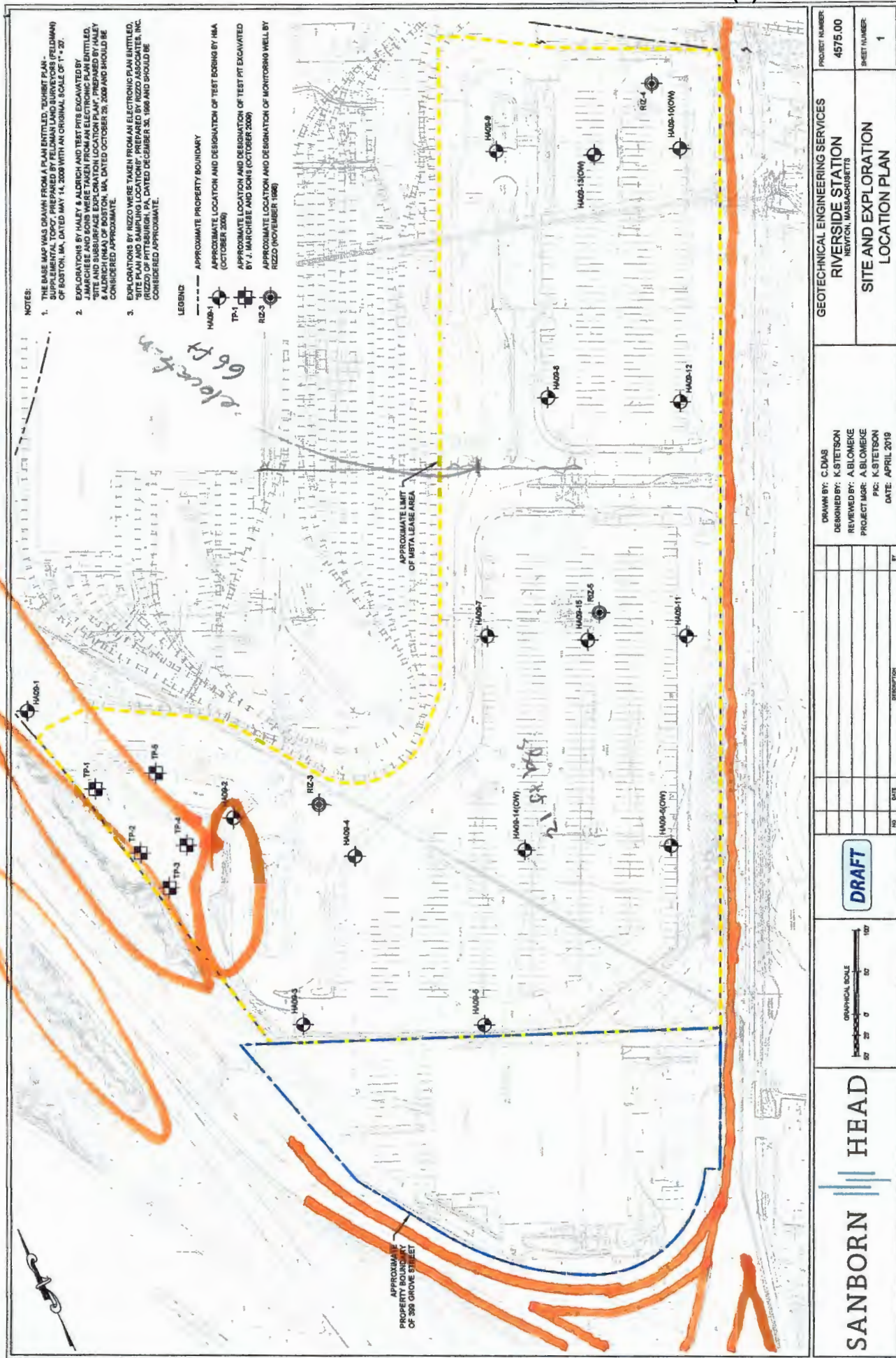
Proposed Drainage Conditions
 Riverside Station
 Grove Street
 Newton, Massachusetts

Figure 3
 4/24/19

$\approx 8500 \text{ yd}^3$ for storm water infiltration system @ 15 yd³ about 564 truck trips

#140-19(3) and #187-19

Figure 2. Bedrock Outcrops
Bedrock Outcrops
Bedrock Outcrops





Ruthanne Fuller
Mayor

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Barney S. Heath
Director

MEMORANDUM

DATE: October 25, 2019

TO: Councilor Susan Albright, Chair
Members of the Zoning and Planning Committee

FROM: Barney Heath, Director of Planning & Development
James Freas, Deputy Director of Planning & Development

MEETING DATE: November 7, 2019

SUBJECT: **#165-19 Washington Street Comprehensive Plan Amendment**

CC: Planning & Development Board
City Council

Please find attached a “change log” showing changes to the October 2, 2019 Washington Street Vision Comprehensive Plan Amendment draft as well as a new height diagram and new page discussing how height and related issues can be managed through the future Washington Street zoning. These amendments are based on the comments received at the October 16th Zoning and Planning committee meeting and individually from members of the City Council.

Next Steps

The Washington Street Vision Comprehensive Plan Amendment is next scheduled to be taken up by the Committee on November 7.

Washington Street Vision: Comprehensive Plan Amendment October 28th Draft

Change Log

P. 17 - ...over and over again ~~the planning team heard~~ community members have expressed that walking along most of Washington Street could be so much better.

P. 30 – Header: Reconfigure Washington Street ~~as a boulevard~~ for safety of all users

P. 46 - Given the high costs, the City should maximize strategies to make best use of existing parking supplies first, then use parking utilization data and an assessment of any other public benefits to determine the need for a parking garage.

P. 65 - ...on-site energy production should be ~~considered~~ encouraged.

P. 67 – ~~The vision plan calls for~~ The City should working with adjacent property owners to ...

P. 83 - Building height is an important component of creating this sense of shelter or enclosure ~~with a 1:1 ratio of building height to street width generally being considered the ideal.~~

- Caption - The diagram demonstrates that the height of the buildings at the street edge are similar to the width of the open space. ~~This ratio has~~ Building to street width ratios with a similar relationship have generally been found to make for a comfortable sense of enclosure ~~for humans~~.

P. 84-85 – Height Diagram – Removed ‘Taller Heights’ category from map and key (4 to 10 stories).

- Adjusted the boundary of the middle heights area to end at Crafts Street.

- Added to bulleted notes- Ensure heights vary along any given block so as to maintain the sense of buildings having developed incrementally over time.

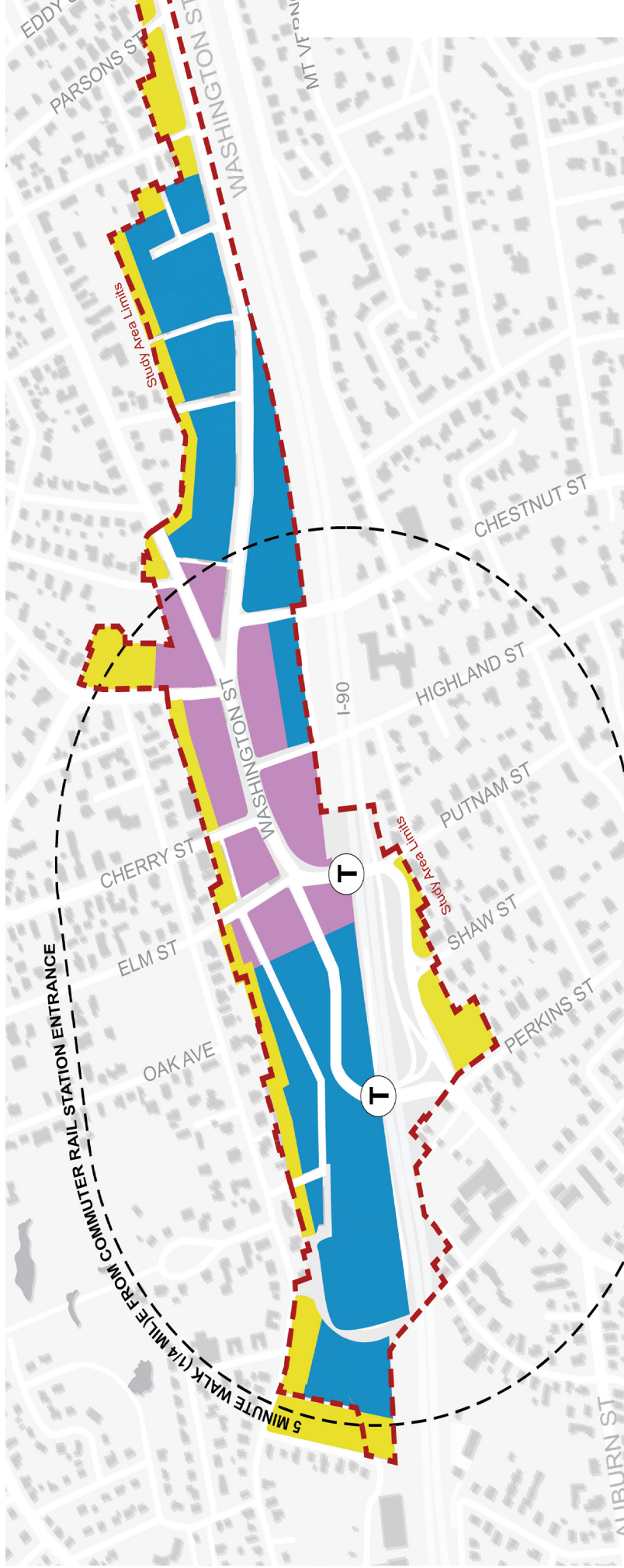
P. 87 – New page added on zoning

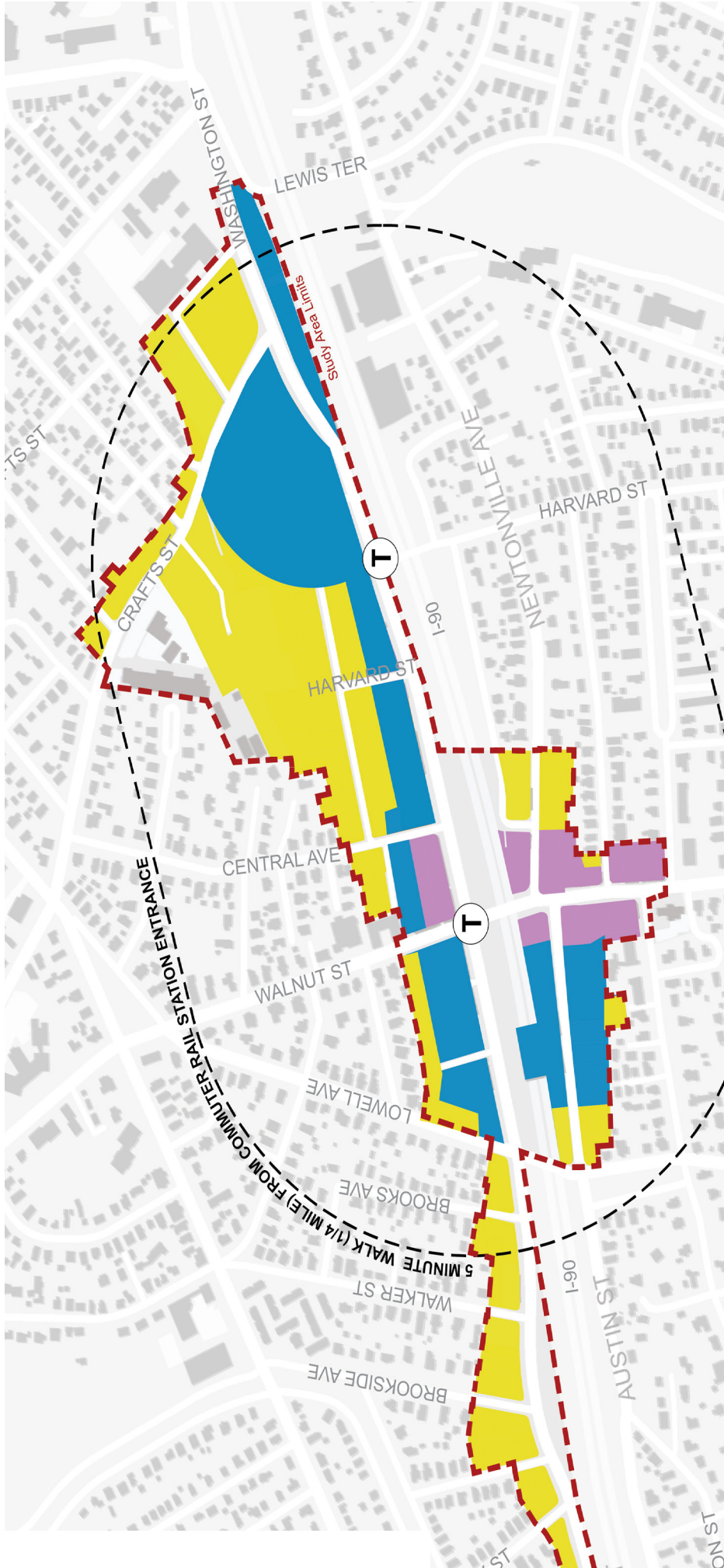
Area-wide Planning Principles

Height Principles Diagram

This diagram illustrates the height principles along Washington Street. The height ranges shown correspond to the area-wide planning principles:

- Maintaining the lower height neighborhood between West Newton and Newtonville.
- Ensuring heights vary along any given block so as to maintain the sense of buildings having developed incrementally over time.
- Maintaining the prominence of historic iconic buildings in the village cores.
- Creating moments of arrival and transition at the edges of the villages.
- Ensuring buildings respond to human-scale throughout the area including upper story setbacks on taller buildings.





- Low Heights - Neighborhood Character (1 to 3 stories)
- Low Heights - Village Character (1 to 4 stories)
- Medium Heights - Village Character (3 to 6 stories)

Footnotes:

- This is an illustration of principles only; this is not a regulatory or zoning map.
- Further nuance must be developed in Washington Street Zoning including specifying the limits of each zoning district and the rules for each district and building type.
- The scale of some buildings, including taller height buildings, will require additional review and community input as can be achieved through the Special Permit Process.

Implement planning principles through project review

The planning principles identified in this vision plan are essential to how Washington Street can accommodate residential and commercial growth while respecting the architectural character and built heritage of the community. This vision plan is setting a pathway to incremental change over time, not abrupt and immediate change to remake the corridor as a new place. Zoning, and the development project review process that accompanies it, is essential to realizing this intent.

Achieving the outcomes described in this plan will require new zoning with stronger requirements for controls on building height, size, and placement than is currently found in Newton's zoning ordinance. These requirements will need to clearly require that building heights reduce as they get closer to adjacent neighborhoods, that building widths be controlled, that taller buildings step-back in height above 4 stories, and that there be clear diversity in building heights within a project. At the same time, the maximum allowable height of 6 stories in some areas, as shown on the height diagram on pages 84-85, will be an important component of achieving the many public objectives of this plan, from plazas and open spaces to underground parking. Therefore, the development project review process provided by the requirement of a special permit for any building that exceeds 3 stories in height is also important for realizing these same planning principles on individual sites.

The special permit process formally brings the City into the design process through its role in reviewing and approving a project. This role should be used to further ensure that the planning principles enumerated in this vision plan are incorporated into each proposed development. To that end, the criteria in the Washington Street zoning used to shape the decision-making of the City Council on a special permit must clearly identify consistency with this vision plan and its planning principles. Among these should be the idea that the tallest buildings should be used sparingly along the corridor, marking significant locations and otherwise used to advance public purposes.

Setting the special permit criteria and development standards of the Washington Street zoning so that the public, property-owners and potential developers can have clear expectations of what can happen along this corridor will be one of the most important implementation steps of this plan. The vision presented here offers an opportunity to improve the quality of life for the neighborhoods and villages in the area. New zoning and thoughtful review of development proposals will be necessary to realizing that opportunity.