



CITY OF NEWTON, MASSACHUSETTS

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Ruthanne Fuller
Mayor

ZONING BOARD OF APPEALS

To: Zoning Board of Appeals Members
From: Adrianna Henriquez, Clerk
Date: March 26, 2020
Subject: Materials for **April 1, 2020** Public Hearing

Hello,

Please see the following supplemental materials for the upcoming hearing on April 1, 2020, Public Hearing. The following board members are scheduled to sit: **Brooke Lipsitt (Chair), William McLaughlin, Barbara Huggins Carboni, Michael Rossi, Stuart Snyder, and Treff LaFleche (Alternate)**

1. Revised April 1, 2020 Agenda – *Please note, I will send the February 5, 2020 meeting minutes electronically to review*
2. Planning Memorandum dated March 26, 2020
3. Letter from the Fair Housing Committee dated February 5, 2020
4. Riverdale Civil Plans received March 13, 2020
5. Revised Riverdale Architectural Plans received March 13, 2020

Thank you,

Adrianna Henriquez

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Ruthanne Fuller
Mayor

ZONING BOARD OF APPEALS

Adrianna Henriquez, Board Clerk

The Zoning Board of Appeals will hold this meeting as a virtual meeting on Wednesday, April 1, 2020 at 7:00 pm. No in-person meeting will take place at City Hall.

To dial into the meeting via telephone, call in by dialing 1-646-558-8656 and use the Meeting ID: 842 942 8454. To view and participate in this virtual meeting on your phone, download the "Zoom Cloud Meetings" app in any app store or at www.zoom.us. At the above date and time, click on "Join a Meeting" and enter the following Meeting ID: 842 942 8454.

To view and participate in this virtual meeting on your computer, at the above date and time, go to www.zoom.us, click "Join a Meeting" and enter the following Meeting ID: 842 942 8454.

AGENDA

REVISED 3/25/2020

A public hearing of the Newton Zoning Board of Appeals will be held on Wednesday, April 1, 2020 at 7:00 p.m. in the City Council Chambers, Room 207, Newton City Hall, 1000 Commonwealth Avenue, Newton Centre, Massachusetts on the following petitions:

- 1. #01-20 CPC Land Acquisition Company, LLC applying to the Zoning Board of Appeals, pursuant to Massachusetts General Laws Chapter 40B, for the issuance of a Comprehensive Permit authorizing the applicant to construct a 204 unit residential development, which will include 51 affordable housing units and approximately 22,382 square feet of commercial, office and retail space, all on approximately 3.4 acres of land located in a Manufacturing Zoning District at 15 Riverdale Avenue in Newton, Massachusetts.**

The comprehensive permit application and associated plans and documents are on file with the Zoning Board of Appeals' office at Newton City Hall, 1000 Commonwealth Avenue, Newton, Massachusetts and are available for review online at www.newtonma.gov/zoningboardofappeals

- 2. Review and approval of minutes for February 5, 2020 meeting**

The location of this meeting is wheelchair accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA/Sec. 504 Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089.

For the Telecommunications Relay Service (TRS), please dial 711.



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: March 26, 2020
MEETING DATE: April 1, 2020
TO: Zoning Board of Appeals
FROM: Barney Heath, Director of Planning and Development
Neil Cronin, Chief Planner for Current Planning
Katie Whewell, Senior Planner
COPIED: Mayor Ruthanne Fuller
City Council

In response to questions raised at the Zoning Board of Appeals public hearing on February 5, 2020, the Planning Department is providing the following information for the upcoming continued public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

PETITION #01-20

15 Riverdale Avenue

CPC Land Acquisition Company, LLC applying to the Zoning Board of Appeals, pursuant to Massachusetts General Laws Chapter 40B, for the issuance of a Comprehensive Permit authorizing the applicant to construct a 204 unit residential development, which will include 51 affordable housing units and approximately 22,382 square feet of, office and retail space, all on approximately 3.4 acres of land located in a Manufacturing Zoning District at 15 Riverdale Avenue in Newton, Massachusetts "Residences on the Charles". 51 of the units (25%) will be deed restricted to remain permanently affordable to households earning up to 80 percent of Area Median Income.

The Zoning Board of Appeals (Board) opened the public hearing on this petition on February 5, 2020, which was held open for the petitioner to respond to questions and concerns raised in the Planning Department's Memorandum and at the public hearing by the Board as well as by members of the public. At that meeting the Board authorized the Planning Department to retain consultants to peer review the transportation, site design, and civil engineering aspects of the project. This memo reflects the changes from the initial filing as well as stormwater management, utilities, and site design comments from The Horsley Witten Group (Horsley Witten), who is one of the consultants retained by the Planning Department. The transportation aspects of the

project including traffic, parking, circulation, loading, bicycling facilities, and transportation demand management will be discussed at a future meeting. The Applicant filed revised plans with the City on March 13, 2020.

EXECUTIVE SUMMARY

The Applicant, CPC Land Acquisition Company, LLC, is seeking a Comprehensive Permit pursuant to Massachusetts General Laws Chapter 40B, Sections 20 through 23, for the construction of a mixed-use project consisting of two buildings of up to five stories, containing 204 dwelling units, and 22, 382 square feet of commercial space on Riverdale Avenue in Nonantum. The subject property comprises approximately 128,887 square feet on one lot in a Manufacturing (MAN) zoning district: 15 Riverdale Avenue in Newton, Massachusetts (“Residences on the Charles”).

Along with the revised plans, along the Applicant submitted a letter outlining the changes to the petition (**Attachment A**). Reflected in this memo are the major changes from the initial to the revised plans and issues raised by the Planning Department. The Planning Department anticipates comments from the Engineering Division under separate cover. The Planning Department received the peer review memorandum (**Attachment B**) from Horsley Witten which reviewed the revised plans as they relate to stormwater management, civil engineering, and open space and building massing.

I. ANALYSIS

A. Site Design

The revised plans include revisions to the building and site design. Overall, the concept remains the same, Building 1 contains five stories with two wings that extend towards the Charles River and is comprised of housing, retail, and amenity space. The courtyard is being widened by five feet and the building wings have been narrowed. The bridge that connects the two wings of Building 1 was enlarged and lit to be visible at night. Ground floor spaces have also been relocated towards Midland Avenue, which activates the street invites the public into the courtyard. Units at the top floor were stepped back from the river. Building 2 remains a four-story structure, however, 16 units have been relocated from Building 1, and the innovation space has been eliminated and community space, a sports court and lobby space have been added.

The footprints of both structures and their heights remain largely unchanged except for minor decreases in certain setbacks, open space, and a minor increase in floor area ratio. The Planning Department is unconcerned with the majority of these changes with the exception of the side setback for Building 2 which is decreasing from five feet to zero feet at the eastern property line. Planning staff has concerns regarding this reduction with

regards to the neighboring property to the east and how construction would impact the property. The rear setbacks are increasing for Building 1, from 14.3 feet to 17.8 feet and decreasing for Building 2, from 12.6 feet to 10 feet. The maximum building height for the site remains the same at 56.2 feet for Building 1. The Planning Department has questions on whether the porous paving on site included in the Open Space calculation. Porous paving does not count as open space per the Newton Zoning Ordinance, and the open space percentage should be recalculated if necessary.

The plans still show emergency access around the east, west, and northern elevations of Building 1 with removable bollards at the driveways prior to the green space adjacent to the Charles River. The Planning Department suggests that the Application consult with the Newton Fire Department to learn whether they approve such access.

B. Building Design

A key focal point and unique design feature of the project is the bridge that connects the two wings of Building 1. The bridge has been revised to be enlarged and lit, however, Planning Staff thinks there is more that could be done to further enhance the bridge as a focal point and visual connection to the Charles River. Planning Staff has concerns regarding the bridge acting as a visual barrier to the courtyard due to the units that are located within the bridge, and that the bridge is four stories in height. Planning suggests the applicant consider removing the residential units located within the bridge, or removing the bridge at lower floors and only connect at a higher floor to achieve visual transparency.

Another opportunity for an enhanced streetscape are the lobbies that border the courtyard of Building 1. The Planning Department supports the design feature at the corner of Building 2 as a prominent corner to draw the eye and invite the public towards the Courtyard. Staff suggests the petitioner to consider a similar element to Building 1.

Image 1. Corner of Building 2



PERSPECTIVE VIEW '01

Building 2 also shows transparency at the ground level, the Planning Department would like confirmation that Building 2 will be mostly transparent at the ground level as plans indicate some screening. The Planning Department also suggests the Applicant consider different methods of screening the ground floor parking at the north side of the Building 1, as it is visible from a public green space. If the garages need to be vented, Planning suggests a design feature or public art be incorporated to make the garage elevations more visually appealing.

C. Unit Mix

Although the total number of units is staying the same, more units have been added to the second floor of Building 2, formerly innovation space. Based on the information provided, between two and six units from each floor were relocated from Building 1 to comprise the 12 new units on the second floor of Building 2.

Table 1. Revised Unit Number for 15 Riverdale Avenue by Building

	Initial Filing	Revised Submittal
Building 1	182	166
Building 2	22	38
Total	204	204

From the plans provided, it appears that the mix of units have also changed. The Applicant should confirm that the Planning Department has the most up to date breakdown of units.

Table 2. Revised Unit Breakdown by Bedroom for 15 Riverdale Avenue

	Initial Filing	Revised Submittal
Live/Work	2	2
Studio	22	18
One-Bedroom	96	87
Two-Bedroom	62	74
Three Bedroom	22	23

The Applicant should confirm these figures and provide the Planning Department with an updated unit mix. The Planning Department would also like more information regarding the live-work units as they are shown as being two stories and what is intended at each level of those units. At the time of the initial filing the Planning Department has been consistent in encouraging the applicant to consider deeper affordability and suggested making some of the units available to households who may not be able to afford the units at 80% Area Median Income levels. The Applicant should give an update on whether they are considering the Planning Department’s recommendation regarding deeper affordability for the 51 affordable units. The applicant should also confirm whether the affordable unit mix is changing.

In addition to the residential program changing, the project is also seeing changes in nonresidential aspects of the project. The former innovation space in Building 2 of approximately 17,782 square feet that spanned two floors has now been converted into residential units on the second floor. The major aspects of the ground floor are the additions of community space (2,588 square feet), sports court (751 square feet), and lobby (596 square feet). The Planning Department would like more information regarding the community space, what it will consist of, and how the space will be managed.

The nonresidential programming in Building 1 changed in that the live/work units have moved directly across the courtyard to the western wing of Building 1. There is now tenant/neighborhood amenity space and the bike room at the end of the courtyard closest to the Charles River. At the center of the courtyard are the lower floors of the two two-story live/work units and tenant amenity space at the eastern wing of Building 1. At Riverdale Avenue, the western wing has a café space consisting of 678 square feet, and

564 square foot residential lobby. An elevator has been added incorporated to the western wing of Building 1, as a response to Planning concerns. At the ground level of the eastern wing of the building is a 2,810 square foot residential lobby that wraps around the corner of the building. The Planning Department is working with Horsley Witten, staff, and the applicant on how best to attract neighbors to both the northern and southern edges of the building. The self-service bike room provides a great connection to the Charles River Greenway for bicyclists.

Image 2. Revised Courtyard Plan



D. Landscaping

The Project features a robust landscaping plan to the rear of Building 1 that is meant to complement the Department of Conservation and Recreation (DCR) path and be utilized as a public space with a seating area, sculpture, and picnic area as indicated on the revised plans. Trees are also being planted in the courtyard and will further enhance the space.

The southern elevation of Building 1, that invites the public into the courtyard lacks landscaping. Planning Staff recommends that the Applicant incorporate landscaping such as in the form of street trees to enhance the front elevation of Building 1.

The Planning Department also recommends that the Applicant consider increasing the amount of landscaping between the proposed 12 garages that face Forte Park to lessen the visual impact of the 12 garage bays. At the eastern property line of Building 1, the drive aisle is 24 feet wide and has additional parallel parking. The Planning Department

suggest that applicant reduce the drive aisle to incorporate increased landscaping.

The area surrounding Building 2 is largely impervious, however the applicant is proposing street trees along the north, south, and western property line. The Planning Department suggests the applicant consider screening, wherever possible along the eastern property line to screen parking from 8 Midland Avenue.

E. Parking

The proposed parking is reconfigured throughout the site and consists of an increase of 11 parking stalls. The parking for Building 2 remains unchanged at 46 parking stalls. The proposed stalls for Building 2 consist of 39 stalls that measure 18 feet by 8 feet, and seven stalls for compact cars, measuring 16 feet by 8 feet. Building 2 features two curb cuts, one on Los Angeles Street and one on Midland Avenue. The Planning Department questions whether Building 2 needs two curb cuts, one curb cut would decrease potential for pedestrian conflict within the site. The Planning Department would also like information regarding any buffering, in the form of fencing or landscaping, between the parking stalls at the eastern property line of Building 2 and the neighboring property at 8 Midland Avenue. With the sports court being added to Building 2, more information should be provided as to how visitors will access the parking associated with Building 2.

The east wing of Building 1 features 95 parking stalls, a combination of open air and covered parking with four covered accessible stalls. As requested above, the Planning Department requests a more detailed eastern elevation of the eastern wing of Building 1. There are 12 compact parking stalls, five measure 8 feet by 16 feet and seven measure 8.5 feet by 16 feet. Where Riverdale Avenue breaks from Midland Avenue and extends along the eastern elevation of the east wing of Building 1, are an additional 12 stalls, eight of which are covered and four of which are open air, directly across from that are four parallel surface level stalls that measure nine feet by 21 feet. The southern elevation of the eastern wing of Building 1 features five parallel parking stalls that measure 10 feet by 21 feet. The eastern wing of Building 1 also shows an area designated for bicycle parking but does not indicate any other information as to the number of bicycle parking spaces and what the bicycle parking will look like. It is in an uncovered section of the eastern wing of Building 1 at the ground level.

The Planning Department recommends the Applicant consider distributing the bicycle parking throughout the site so there are more points of access to better serve all residential units. As the proposed bicycle parking is open air, Planning requests that the Applicant consider covered bicycle parking.

The western wing of Building 1 features 56 parking stalls. The revised plans show ten tandem parking stalls to the west of the 18-foot garage opening for the western wing of Building 1. The Planning Department has concerns regarding the tandem parking stalls, as to how they will be assigned as well as maneuverability so close to the undersized

entrance/egress of the garage. The tandem parking measurements are not specified, however the remaining 46 stalls in the western wing of Building 1 are 18 feet by 8 feet with two accessible stalls. The revised plans also show 12 garage parking stalls at the western elevation of the western wing of Building 1. Each garage bay measures 12 feet wide and the depth measurement is not given. The garages connect to the western wing via individual doors that connect to the remaining parking. The Planning Department would like information as to how the parking will be allocated amongst the residents. The Planning Department would also like more detailed information about the garages in terms of design as the garages will face the neighboring Forte Park, as they now present as a long continuous wall with 12 separate garage doors. For an elevation that could be a focal point from Forte Park, the 12 garage doors detract from structure's architectural design. The 12 garages feature a series of interruptions along the road that extends around the western wing of Building 1. North of the garages are eight surface parking stalls, which are not reflected on the elevation for that wing of the building. Planning recommends the applicant provide turning templates for the tandem parking stalls to be considered with regards to circulation within the garage. Planning would also like information on the lighting within the ground floor parking areas.

F. Lighting, Shadows, Utilities, and Snow Storage

At the February 5, 2020 public hearing, the lighting levels and height of the light poles were issues raised as potential for glare to become a nuisance for certain residential units. The project still shows light fixtures in the courtyard at 14 feet high and the lighting levels have not changed between the initial filing and revised plans. Additionally, the Applicant should state whether the open-air stalls on the western façade of Building 1 will be illuminated and to what level. The petitioner should also clarify the lighting of the surface parking associated with Building 2 as the photometric plan was not included in the revised plans.

Shadow studies were submitted with the revised plans, indicating nearby buildings will not be affected except during the spring, and fall equinoxes as well as the winter solstice. Given the intended design, the Courtyard will experience significant periods of shade during the spring, autumn and winter months.

The Applicant also indicates undergrounding utilities. The Planning Department would like more information regarding the utilities to be underground. Building 2 shows a transformer at the southeastern property line, Planning Staff would like more information on the transformer and potential impact on abutting properties.

The revised snow storage plan submitted indicates the snow storage at the rear of the site and western property line. When snow storage exceeds capacity, it will be removed from the site. The Applicant has not yet appeared before the Conservation Commission,

however the City's Chief Environmental Planner raised concerns with the snow storage and whether it is practical. Planning Staff would like more information on the expected capacity of the proposed snow storage. The Planning Department is concerned with construction management within the floodplain, and environmental staff are looking for a detailed construction sequence plan showing laydown, sediment controls, access, etc. throughout the construction process.

G. Sustainability

In the March 13, 2020 revised filing, the Applicant outlines several sustainability measures. Two of the residential floors are to be constructed to incorporate Passive House design principles. The Planning Department would like specific details as to which floors and which building these will be in. The outline also stated that all of the residential units will be LEED Silver, and have electric HVAC. Electric vehicle charging is indicated; however, the applicant should provide information as to the number of electric vehicle parking stalls and the location of those stalls. The applicant will also incorporate energy efficient building systems including: water saving domestic plumbing features LED light fixtures, programmable thermostats, electrical metering, and building systems commissioning as well as a high-performance building envelope. The Planning Department asks the petitioner confirm whether the residential units will have electric hot water, and requests more specificity regarding the passive house design principles.

The project is subject to the Sustainable Development Design ordinance, adopted in December 2019, which requires projects of this size to be designed in accordance with a green rating system. The project would be required to meet any one of the following sustainability rating systems: LEED Gold certifiable, Passive House certified, or Enterprise Green Communities certifiable. The applicant has requested a waiver from this provision; however, the Planning Department recommends that Applicant consider enhancing the sustainability plan and provide an energy narrative describing how the project will further the City's goals from the Climate Action Plan of carbon neutrality. The ordinance also requires 10% of parking stalls include electric vehicle (EV) charging stations and an additional 10% of stalls be EV ready. The applicant should also meet this requirement and indicate on the plans. Given the proximity of the site to transit, the applicant should also provide a more detailed transportation demand management plan, including how they plan to provide incentives for transit.

II. ADDITIONAL INFORMATION AND MATERIALS

The Applicant should respond to all questions and requests for more information raised in this memo and the peer review by Horsley Witten in advance of future meetings. The Applicant should provide the Planning Department with information requested including

an updated unit mix with affordable unit breakdown, as well as the elevations.

III. CONCLUSION AND NEXT STEPS

The Planning Department will continue to review the proposal and as, where appropriate and authorized, coordinate reviews of the project by City agencies and consultant peer reviewers and provide updated and expanded memoranda in advance of future ZBA hearings. It is anticipated that the next ZBA meeting will focus on the transportation aspects of the project.

ATTACHMENTS

- Attachment A:** Attorney Correspondence, dated, March 13, 2020
Attachment B: Horsley Witten Peer Review, dated March 25, 2020



STEPHEN J. BUCHBINDER
ALAN J. SCHLESINGER
LEONARD M. DAVIDSON
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March 13, 2020

BY HAND

Ms. Adrianna Henriquez Olmsted, Clerk
Zoning Board of Appeals
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459-1449

Re: Comprehensive Permit Application Under M.G.L. Chapter 40B, Sections 20-23
15 Riverdale Avenue/CPC Land Acquisition Company, LLC

Dear Ms. Olmsted,

Thank you for the opportunity to submit this letter summarizing the most recent modifications to the above-entitled project, as well as revised plans.

Subsequent to the initial filing with the City of Newton, several significant programmatic and design changes were made to address comments from the community and various local Boards and Committees. These changes were included in our presentation before the Zoning Board of Appeals on February 5, 2020. We have continued to modify the Project in response to input received at that hearing. A summary of changes to the Project relative to the initial filing follows.

1. Programmatic Changes:

In our initial filing the Project included 204 residential units, 17,782 square feet ("sf") of Innovation Space and 4,600 sf of retail space. While the number of residential units remains unchanged, the Innovation Space has been eliminated from the Project. The proposed retail space has been downsized to 700 sf and consists of a proposed café. We have more appropriately characterized approximately 2,800 sf of former retail space as tenant/neighborhood amenity space. These spaces are open to the public and are anticipated to serve tenants of the apartments, residents in the neighborhood, and users of both the Charles River bike path and Forte Park. The proposed use of this space includes a sports court, a self-service bicycle repair room, and bike or kayak rental. Lastly, we added approximately 2,600 sf of community space to the Project. Possible uses for this space include a meeting room and exhibit space for local artists or educational displays. Parking for the Project has increased from 227 to 238 parking spaces.

2. Design Changes:

a. Expanded Courtyard and Enhanced Sky Bridge:

The courtyard was widened by 5' and better aligned with the center of Los Angeles Street to allow for a more significant visual and physical connection through the development to the Charles River, while providing more active areas in the courtyard. The skybridge was enlarged and lighted creating a much more generous framing element into the site and strengthening the focal point for the view down Los Angeles Street.

b. Reorganized Ground Floor Program:

In Building 1, active ground floor spaces such as the residential lobby and tenant/neighborhood amenity spaces, including the proposed café, now wrap the corners of Building 1. By placing these active uses at the perimeter of the building and extending them towards both Los Angeles Street and the Charles River bike path, we are inviting the public into the Project to enjoy the courtyard amenities and passive recreational space.

c. Façade and Massing Updates:

Both wings of Building 1, which face the Charles River have been narrowed to reduce massing. Additionally, north-facing units on the top floor of Building 1 have been stepped back from the river. The southerly façade of the larger, easterly wing of Building 1, has been refined to create a more defined and engaging ground floor design. The fenestration of both buildings has been refined with the addition of cornices, bays and balconies.

Plans:

In accordance with the above referenced changes, I am enclosing herewith fifteen copies of a plan set entitled "Site Development Plans for Residences on the Charles 15 Riverdale Avenue Newton MA" dated March 13, 2020 consisting of twenty-one (21) sheets. Also enclosed are fifteen copies of a plan set entitled "15 Riverdale Avenue Newton, MA CPC Land Acquisition Company, LLC" dated March 13, 2020 consisting of thirty (30) sheets.

Sustainability Measures:

The project will incorporate the following sustainability measures:

1. Two residential floors will be compartmentalized to encompass Passive House design principles.
2. The residential units will be Silver LEED Certifiable, with fresh air allocated to each apartment.
3. All residential units will have electric HVAC.
4. Electric vehicle charging.
5. Energy efficient building systems to include: water saving domestic plumbing fixtures; LED light fixtures; programmable thermostats; building and unit water and electrical metering; and building systems commissioning.

SCHLESINGER AND BUCHBINDER, LLP

Ms. Adrianna Henriquez Olmsted


March 13, 2020

Page 3

6. High performance building envelope to include: increased exterior wall insulation; high performance windows; low VOC building materials and finishes; highly reflective roof surfaces; green roof areas.
7. High indoor air quality to include: no CFC refrigerants; fresh air and kitchen exhaust for improved interior air; MERV-rated air filters; and recycled construction and demolition waste.
8. Expanded infiltration.
9. Native plantings.
10. Encouragement of alternative transportation methods.

Please note that we intend to submit a parking plan and parking plan summary next week. I have also enclosed a CD with electronic copies of the foregoing plans. Please feel free to contact me if you have any questions with respect to the foregoing.

Sincerely,



Katherine Braucher Adams

KBA/mer
Enclosures

cc: (By Hand, w/enclosures)
Ms. Jennifer Caira
Ms. Katie Whewell
(By Email, w/out enclosures)
Mr. Jack Englert



MEMORANDUM

To: Katie Whewell, Neil Cronin – City of Newton
From: Janet Carter Bernardo, PE, Hannah Carlson, RLA, Jonathan Ford, PE, and Gemma Kite, PE – Horsley Witten Group, Inc.
Date: March 25, 2020
Re: 15 Riverdale Avenue Peer Review

The intent of this memorandum is to provide the City of Newton with a peer review of the Residences on the Charles proposed redevelopment located at 15 Riverdale Avenue, Newton, MA. The Applicant is proposing to develop two separate buildings located to the north and south of Midland Avenue. HW reviewed the open space and building massing, and drainage report. A Sustainability Report has not been provided for review at this time.

The existing 3.41-acre parcel is mostly impervious, occupied by two buildings and a large parking area. Approximately 0.5 acres of the parcel is currently lawn or vegetated. The larger building is approximately 52,033 square feet (sf) and the smaller building is approximately 1,136 sf. The Project Site is within the 200-foot Riverfront Area of the Charles River and a portion of the site is considered Bordering Land Subject to Flooding (BLSF). Presently, stormwater is collected by catch basins within the parking lot, Midland Avenue, and Riverdale Avenue and is discharged into the Charles River via an 18-inch clay pipe.

The Applicant proposes to demolish both existing buildings and the parking lot. The proposed project includes the development of two separate buildings, one five-story 57,819 sf building with 166 apartment units and a second four-story 13,403 sf building with 38 apartment units. Parking will be located on the first-floor level of both buildings. The proposed development as designed will result in a decrease of approximately 10,218 sf of impervious cover, and therefore qualifies as a redevelopment under the Massachusetts Stormwater Management Standards (MASWMS) as detailed in the Massachusetts Stormwater Handbook (MSH). The Applicant proposes to install a new drainage network of catch basins and manholes, Hydro-dynamic Separators, a Contech Jellyfish Stormwater Filter, an underground detention basin, and porous pavement.

HW has received the following documents:

- Application for Site Eligibility, Residences on the Charles, Newton, MA, submitted to MassHousing in August 2019.

- Letter to Honorable Ruthanne Fuller, referencing Proposed 40B – The Residences on the Charles, prepared by MassHousing, dated August 29, 2019.
- Memorandum regarding proposed Mixed-Use Development at 15 Riverdale Avenue, prepared by MDM Transportation Consultants, Inc. dated December 17, 2019.
- Presentation to Newton Zoning Board of Appeals, Residences on the Charles, presented on February 5, 2020.
- Application to Newton Zoning Board of Appeals for Comprehensive Permit, 15 Riverdale Avenue, Newton, MA, dated December 19, 2019.
- Public Hearing Memorandum to the Zoning Board of Appeals, prepared by the Department of Planning and Development, dated January 31, 2020.
- Notice of Intent narrative, proposed Residences on the Charles, prepared by Allen & Major Associates, Inc., dated March 13, 2020.
- Drainage Report, Proposed Residences on the Charles, Newton, MA, prepared by Allen & Major Associates, Inc., dated December 11, 2019, revised thru March 13, 2020.
- Letter to Assistant Environmental Planner, regarding 15 Riverdale Avenue, prepared by Allen & Major Associates, Inc., dated March 13, 2020.
- Letter to Zoning Board of Appeals, regarding 15 Riverdale Avenue, prepared by Schlesinger and Buchbinder, LLP, dated March 13, 2020.
- Architectural Plans, 15 Riverdale Avenue, Newton, MA, prepared by ICON Architecture, Issued on March 13, 2020, which includes:
 - Cover
 - Shadow Study – Spring Sheet G-003
 - Shadow Study – Summer Sheet G-004
 - Shadow Study – Fall Sheet G-005
 - Shadow Study – Winter Sheet G-006
 - Tree Protection/Removal Plan Sheet L-000
 - Tree Mitigation Plan Sheet L-001
 - Landscape Plan Sheet L-100
 - Locus Map Sheet A-100
 - Site Plan Sheet A-100a
 - Ground Level Floor and Parking Plan Sheet A-101
 - 2nd Floor Plan Sheet A-102
 - 3rd Floor Plan Sheet A-103
 - 4th Floor Plan Sheet A-104
 - 5th Floor Plan Sheet A-105
 - Roof Plan Sheet A-106
 - Building Elevations Sheet A-201
 - Perspectives Sheet A-202
 - Perspectives Sheet A-203
 - Perspectives Sheet A-204
 - Perspectives Sheet A-205
 - Perspectives Sheet A-206
 - Context Sheet A-207
 - Context Manufacturing Sheet A-208
 - Context – Mill Buildings Sheet A-209
 - Materials – Street Side Sheet A-210
 - Materials – Courtyard Sheet A-211

- Building Sections Sheet A-301
- Enlarged Unit Plans Sheet A-501
- Enlarged Unit Plans Sheet A-502
- Site Development Plans for Residences on the Charles, 15 Riverdale Avenue, Newton, MA, prepared by Allen and Major Associates, Inc., Issued for Review on March 13, 2020, which includes:
 - Cover
 - Existing Conditions Plan Sheet V-101
 - Abbreviations & Notes Sheet C-001
 - Site Preparation Plan Sheet C-101
 - Layout Plan Building 1 Sheet C-102A
 - Layout Plan Building 2 Sheet C-102B
 - Materials Plan Building 1 Sheet C-103A
 - Materials Plan Building 2 Sheet C-103B
 - Grading & Drainage Plan Sheet C-104
 - Spot Grade Plan – Building 1 Sheet C-105A
 - Spot Grade Plan – Building 2 Sheet C-105B
 - Utilities Plan Sheet C-106
 - Site Electrical Plan Sheet C-107
 - Erosion Control Plan Sheet C-108
 - Snow Storage Plan Sheet C-109
 - Details Sheet C-501 – C-505
 - Lighting Plan Sheet E-101

HW has the following comments and recommendations:

General

1. The proposed project appears to be consistent with the City's Comprehensive Plan goals for excellence in place-making and Smart Growth. The project adds residential density within proximity of transportation options, revitalizes a highly impervious and underutilized site, and increases public access to the adjacent Department of Conservation and Recreation (DCR) path and the Charles River.
2. The site is one block removed from California Street. Creation of a welcoming pedestrian-friendly Los Angeles Street streetscape and view corridor to and through Building 1 is critical to full activation of the site and to success of pedestrian/bicycle connections to Bridge Street, Watertown Street/Nonantum, and Watertown Square via California Street or the DCR Path. HW concurs with the general proposed site strategy to meet this goal by opening a view corridor and creating smaller blocks by adding the proposed pedestrian courtyard connection from the terminus of Los Angeles Street to the riverfront active space and DCR Path.
3. One-half mile is typically an upper limit for walking as a frequent transportation choice. Given the site's location approximately one-half mile from Bridge Street, Watertown Street, and Watertown Square, design details that maximize the convenience and comfort of these pedestrian and bicycle connections will help to reduce single-occupancy vehicle trips and parking demand. See additional comments regarding path connectivity, sidewalk design, and street design.

Stormwater Management

This review of the submitted materials is based on the Massachusetts Stormwater Management Standards (MASWMS), as well as standard engineering practices. As noted previously the proposed development is considered a redevelopment with the reduction of impervious area. As noted by the Applicant, a redevelopment project is required to meet the following MASWMS only to the maximum extent practicable: Standard 2, Standard 3, and the pretreatment and structural best management practice requirements of Standards 4, 5, and 6. Existing stormwater discharges shall comply with Standard 1 only to the maximum extent practicable. A redevelopment project shall also comply with all other requirements of the Stormwater Management Standards and improve existing conditions.

Based on the materials submitted to date, HW offers the following comments related to Stormwater Management:

4. MASWMS Standard #1: *Standard 1 states that no new untreated stormwater conveyances may cause erosion in wetlands of the Commonwealth.*
 - a. The proposed development will utilize an existing 18-inch clay pipe to discharge stormwater to the Charles River. The existing site manages stormwater with a closed drainage system consisting of catch basins and manholes. It does not appear that the existing site provides any treatment prior to discharging into the River. The Applicant has proposed to manage the runoff from the roof and parking lot of Building 2 as well as the parking area of Building 1, a portion of Midland Avenue and a portion of Riverdale Avenue through a closed drainage system that flows into a subsurface detention basin. The detention basin discharges the stormwater through proprietary separators which provide water quality treatment prior to flowing into the Charles River via the 18-inch clay pipe.

The Applicant has proposed to discharge a portion of the roof runoff from the western portion of building 1 to a bioretention system located along the northern property boundary. Two 4-inch pipes will discharge roof runoff into the bioretention area, while allowing the overflow to discharge to the 18-inch clay pipe. The roof runoff from the eastern portion of building 1 also discharges to the existing 18-inch clay pipe.

The Applicant has not noted if the existing discharge pipe is currently causing erosion at the discharge point. HW recommends that the Applicant confirm that the existing discharge pipe is not causing erosion and that the proposed velocity will in turn not cause erosion in wetlands of the Commonwealth.

It appears that the Applicant complies with Standard 1 if no erosion is occurring at the outlet of the 18-inch clay pipe.

5. MASWMS Standard #2: *Standard 2 requires that post-development runoff does not exceed pre-development runoff off-site.*

The Applicant has described the existing (pre-development) and the proposed (post-development) watershed areas, drainage conditions, and discharge values in the Drainage Report. HydroCAD calculations were included in Sections 3 and 4. HW has the following comments to verify compliance with Standard 2.

- a. It appears that drainage from subcatchments P7 and P8 drain to DMH7 and/or CB1. The HydroCAD model indicates that CB1 discharges to the bioretention system, however the plans do not illustrate this. HW recommends that the Applicant review the drainage network in this area and revise the plans and/or calculations accordingly.
6. MASWMS Standard #3: *Standard 3 requires that the annual recharge from post-development shall approximate annual recharge from pre-development conditions.*
 - a. The Applicant has reduced impervious surface with the proposed redevelopment project and has noted that no infiltration practices are being proposed due to the site limitations of high groundwater and the 100-foot wetland buffer. To provide recharge to the maximum extent practical the Applicant has utilized the proposed permeable pavement surfaces located to the west and north of Building 1.

The Applicant complies with Standard 3.

7. MASWMS Standard #4: *Standard 4 requires that the stormwater system be designed to remove 80% Total Suspended Solids and to treat 1.0-inches of volume from the impervious area for water quality.*
 - a. The Applicant has proposed deep sump catch basins, proprietary separators and a Contech Jellyfish filter system to treat a portion of the proposed stormwater runoff prior to discharging to the 18-inch clay pipe. HW was not able to confirm the proposed impervious area listed by the Applicant as 52,357 sf. HW recommends that the Applicant clarify how the 52,357 sf value was determined and if necessary adjust the size of the proposed water quality device.
 - b. The Applicant has indicated that the proposed proprietary device will provide 4,368 cf of treatment below the weir. HW was not able to confirm this value with the documentation provided. HW recommends that the Applicant provide the HydroCAD stage storage summary sheet to verify the value provided.
 - c. The Applicant has provided Treatment Train #2 for the stormwater flowing through CB1 and the permeable pavement. It is unclear how CB1 connects to the permeable pavement to provide the treatment train as outlined. HW recommends that the Applicant clarify proposed Treatment Train #2.
 - d. The Applicant has provided a Water Quality Flow Rate spreadsheet prepared by Contech solutions. The spreadsheet includes WQUs 1-5. The Plan set appears to include WQU1 - CDS2015-4 Grated Inlet, WQ2 - STC 450i grated inlet, and WQU3 - Jellyfish JF4-2-1. HW recommends that the Applicant clarify the numbering system on the spreadsheet to correspond with the Grading and Drainage Plan (Sheet C-104).
8. MASWMS Standard #5: *Standard 5 is related to projects with a Land Use of Higher Potential Pollutant Loads (LUHPPL).*
 - a. The Applicant has stated that the proposed project is considered a LUHPPL because it anticipates over 1,000 vehicle trips per day. In accordance with Standard 4 the Applicant intends to treat 1 inch of precipitation over the

impervious area, which is a requirement under Standard 5. Once the Applicant adequately responds to HW's comments under Standard 4, Standard 5 should also be complied with.

9. MASWMS Standard #6: *Standard 6 is related to projects with stormwater discharging into a critical area, a Zone II or an Interim Wellhead Protection Area of a public water supply.*
 - a. The proposed redevelopment project is not located within a critical area therefore Standard 6 is not applicable to this site.
10. MASWMS Standard #7: *Standard 7 is related to projects considered Redevelopment.*
 - a. As noted previously the proposed site is considered a redevelopment. The Applicant is reducing impervious area, placing the majority of parking spaces beneath the buildings and providing water quality for the stormwater runoff which can be considered an improvement over existing conditions. Once the Applicant has adequately responded to HW's comments under Standards 1-10, Standard 7 should be complied with.
 - b. In accordance with Section 2.3.6.a.ii.4 of the MS4 Permit held by the City of Newton, redevelopment sites will also improve existing conditions by retaining the volume of runoff equivalent to, or greater than, 0.80 inch multiplied by the total post-construction impervious surface area on the site AND/OR removing 80% of the average annual post-construction load of TSS and 50% of the average annual total phosphorus (TP) generated from the impervious surface. HW recommends that the Applicant confirm it is meeting the MS4 TSS and TP reduction requirements for this development.
11. MASWMS Standard #8: *Standard 8 requires a plan to control construction related impacts including erosion, sedimentation or other pollutant sources.*
 - a. The Applicant has stated that it will provide a Stormwater Pollution Prevention Plan (SWPPP) prior to construction. HW reminds the Applicant that the 2018 MS4 Permit requires specific erosion control measures be implemented as part of the SWPPP.
12. MASWMS Standard #9: *Standard 9 requires a Long-Term Operation and Maintenance Plan to be provided.*
 - a. The Applicant has provided an Operation and Maintenance Plan (O&M) in Section 2 of the Drainage Report. HW recommends that the Conservation Commission reference the O&M Plan for any condition as necessary during its review process.
 - b. It appears that the Snow Storage Plan (Sheet C-109) indicates snow storage areas near the porous pavement areas. Snow melt that is packed full of sediment can eventually lead to clogging of the porous pavement. HW recommends that the Applicant consider adjusting the snow storage plans in light of the maintenance considerations for porous pavement areas.

- c. The O&M Plan does not appear to include training for staff or personnel or documentation that stormwater BMPs are designed to provide for shutdown and containment in the event of a spill or discharge to or near critical areas. HW recommends that the applicant include these provisions.
 - d. The Applicant states that deep sump catch basins shall be inspected and cleaned two times per year. Per the Massachusetts Stormwater Handbook (MSH) Volume 2, Chapter 2, deep sump catch basins shall be inspected and cleaned four times every year.
 - e. The Applicant does not include maintenance procedures for the oil/water separator. Per MSH Volume 2, Chapter 2. HW recommends that the Applicant revise the O&M Plan to call for proprietary separators to be inspected after every major storm but at least monthly and cleaned twice a year.
 - f. The Applicant describes maintenance operations for the underground detention chamber. Per MSH Volume 2, Chapter 2, HW recommends that the Applicant revise the O&M Plan to call for the underground detention chamber to be inspected at least twice per year.
 - g. The Stormwater O&M Plan does not include a Log Form, except for the CDS unit and Jellyfish filter. HW recommends that the Applicant include a Log Form for all operation and maintenance related activities for all stormwater management system components, including the underground detention chamber, bioretention area, and porous pavement.
 - h. The Applicant has not provided product information for the proposed proprietary Contech Stormceptor within the Stormwater O&M Plan. HW recommends that the Applicant include information on how to maintain this proprietary device.
 - i. The Stormwater O&M Plan has not been signed by property owner. HW recommends that the plan is signed prior to any commencement of work.
13. MASWMS Standard #10: *Standard 10 requires an Illicit Discharge Compliance Statement be provided.*
- a. Due to this project site being within Wetlands jurisdiction, the Applicant must demonstrate compliance with Standard 10 by submitting to the City an Illicit Discharge Compliance Statement verifying that no illicit discharges exist on the site and by including in the SWPPP measures to prevent illicit discharges to the stormwater management system. It appears that the Applicant is aware of this requirement. The Conservation Commission may choose to make receipt of the illicit discharge statement a Special Condition.
14. The Checklist for Stormwater Report indicates that the project does not disturb a Wetland Resource Area, however part of the project site is within bordering land subject to flooding and Riverfront Area. HW recommends that the Applicant review the Checklist and adjust accordingly.

Phosphorus Removal

15. The Applicant has noted on page 1-3 of the Drainage Report narrative that Phosphorus Removal is required and that the calculations were provided in the appendices. However, HW was not able to find the Phosphorus Removal Calculations. In accordance with the MS4 permit, the City of Newton is required to reduce its phosphorus load to the Charles River by 50%. Furthermore, the CRWA prepared a technical report (CN 272.0) for MassDEP, "Total Maximum Daily Load for Nutrients in the Upper/Middle Charles River, Massachusetts", dated May 2011. The document established targeted percent annual phosphorus load reductions for High Density Residential land uses to be 65%. It appears that the Applicant has provided the mass loading calculations for the Contech Jellyfish, but it is not clear how the Contech Jellyfish obtains the required 65% phosphorus removal. HW recommends that the Applicant provide additional information to clarify how this requirement is being met.

Grading and Utilities

16. The Applicant has indicated proposed grading for Buildings 1 and 2, and surrounding areas including Midland Avenue, Riverdale Avenue, and the open space area along the Charles River. The Grading and Drainage Plan (Sheet C-104) appears to generally follow the existing topography. Proposed grading does not extend into the proposed parking lots below Buildings 1 and 2. It is unclear if drainage for the Buildings 1 and 2 garages all drain to the oil/water separators and not towards the exterior stormwater management system. Specifically, it appears that Area Drain #3 may collect stormwater that falls on the exposed part of the garage under Building 1. In addition, subcatchment P1B shows exposed parking. HW recommends that the Applicant review the proposed grading for the building garages and clarify that all drainage within the garage flows to the oil/water separator. Finally, the Site Plan (Sheet A-100a) shows this area in Building 1 as a courtyard instead of exposed parking, HW recommends that the Applicant clarify if this area is open or covered.
17. In accordance with Section 10.09 of 248 CMR 10.00, the Uniform Plumbing Code, separation systems are required in all commercial motor vehicle facilities which house more than 6 vehicles. The separation system, such as floor drains discharging into a gas, sand and oil separator shall be connected to a municipal sewer system. HW recommends that the Applicant confirm that the stormwater design in the parking garage complies with the Massachusetts Uniform Plumbing Code
18. The Applicant has proposed three fire hydrants closest to Building 1 and proposes to maintain an existing fire hydrant on Riverdale Avenue. HW recommends that the Applicant confirm that the Fire Department has reviewed the plans and is satisfied with the proposed locations.
19. The Site Electrical Plan (Sheet C-107) does not appear to show the lighting conduit or light fixtures as is indicated in the legend. HW recommends the Applicant update Sheet C-107 with this information as needed. Also, it does not appear to show the connection to the existing electrical lines. HW recommends that the Applicant note these connections.

20. The Utilities Plan (Sheet C-106) does not appear to include the tie-in to the existing gas line. HW recommends that the Applicant note these connections.

Compensatory Flood Storage

21. The Project Site appears to be within the 100-year flood plain in accordance with the FEMA flood map. HW recommends that the Applicant document how it complies with the Wetlands Protection Act, 310 CMR 10.57. Furthermore, HW recommends that the Applicant provide the conversion for the topography listed as City of Newton base datum on the existing conditions plan to be consistent with the NAVD 1988 Datum listed on the FEMA flood map and profile.
22. In accordance with 310 CMR 10.57(4)(a)1. "Compensatory storage shall mean a volume not previously used for flood storage and shall be incrementally equal to the theoretical volume of flood water at each elevation up to and including the 100-year flood elevation, which would be displaced by the proposed project." HW recommends that the Applicant clearly demonstrate the volume of storage provided under existing conditions and proposed conditions per foot up to the 100-year flood plain elevation of approximately 13 to 14 feet as noted on the FEMA Flood Profile. HW is aware that the Newton Conservation Commission has stated that the compensatory flood storage has been provided and is satisfactory. HW has not received these calculations to verify.
23. The Applicant has located the soil stockpile and the snow storage within the BLSF. HW recommends that these practices, which will reduce available flood storage within the BLSF, are relocated.
24. The proposed bioretention area has a 12" grate overflow structure, however the height of this structure is not provided. Furthermore, no emergency spillways are proposed for the bioretention area. HW recommends that the Applicant show how the proposed bioretention area was sized for flood mitigation, so it does not overflow and cause damage to the adjacent pedestrian path and seating area.

Open Space and Site Framework

25. "Engaging uses" are envisioned for the courtyard, and activation of the rear open space including a food truck pad and active lawn is proposed. Additional information is needed to verify public access to the courtyard and open space will be accepted and encouraged. Will any limits to public access be proposed, either certain areas of the project or certain times of day? How will this access be managed?
26. Additional information is needed to evaluate visitor arrival experience by vehicle, pedestrian, and bicycle for various uses (i.e. residential visitors, café visitors, visitors to the open space, etc.). Additional on-street parallel parking as well as strategically located bicycle parking, and clear wayfinding will improve this experience.
27. HW recommends that the Applicant work with the City and abutters as possible to create sidewalk extensions and clarify bicycle access on Los Angeles Street and Riverdale Avenue to California Street to increase safe pedestrian and bicycle circulation throughout the neighborhood.

28. The “main” path connection to the DCR trail northwest of Building 1 should be confirmed to provide public access at all times, and additional information should be provided regarding detailed design and signage/wayfinding intent, especially given the possibility for pedestrian and bicycle travel both through the courtyard and also east or west of Building 1 through the parking lane and fire access path. The parking lanes do not include a separate dedicated sidewalk. HW concurs with this approach to design the lanes, as long as pedestrian and bicycle circulation through the site courtyard is clear.
29. What is the intent for the proposed path connection to the DCR path northeast of Building 1? If it will be open and accessible to the public, it should be of adequate width to comfortably accommodate two-way pedestrian and bicycle traffic and conformance with ADA access requirements should be confirmed.
30. Street cross sections should be provided to evaluate street design for Los Angeles Street and Midland Avenue.
31. It appears that the width of Los Angeles Street may accommodate on-street parallel parking in front of Building 2. Has this been considered?
32. HW recommends that the entries/aprons at garage and parking access entries from Los Angeles Street and Midland Avenue be detailed as concrete aprons with 6-inch reveal near the curb, carrying the concrete sidewalk flush across the garage access rather than the proposed painted crosswalks dropped to street pavement level. This approach would prioritize pedestrian safety and comfort at these locations and ensure contiguous public sidewalk. Traffic/transportation peer reviewers should review and comment as necessary.
33. Raising the pedestrian crosswalk from Los Angeles Street across Midland Avenue flush with the sidewalk elevation as a speed table, or potentially raising the entire intersection as an extension of the courtyard, would increase pedestrian safety and improve placemaking value.
34. There are no plantings shown along Midland Avenue in front of the residential development. There is currently a concrete sidewalk, parallel parking, and stamped concrete. The Applicant should investigate addition of trees and other plantings to the streetscape to create a more welcoming curb-side experience. Trees on the street would also be on the south side of the building which would also help to create shade in the summer that could offset energy costs.
35. There is a curb along Midland Avenue in front of the building and opening into the pedestrian concourse. The Applicant should consider also placing bollards along the curb edge to ensure no vehicles can drive into the concourse, especially if a “shared street” intersection condition is proposed.
36. Based upon review of the surrounding context, the proposed building massing appears to be generally appropriate.
 - a. The proposed buildings properly face Los Angeles Street and Midland Avenue to define the streetscape. The ratio of building height to street width (building face

to building face) is approximately 1.1, which will define a comfortable and enclosed public realm.

- b. The east wing of Building 1 is proposed to step back at the second level facing the courtyard, which should help the courtyard feel more open from ground level.
 - c. Building 1 as proposed is a very large footprint. Breaking the building into two elements with the courtyard and skybridge will provide great benefit in breaking up the overall building massing. Façade articulation, variation in materials, and step-back of higher levels as proposed will provide visual interest and mitigate feeling of a long monotonous façade from ground level.
 - d. The Building 1 façade on Midland Avenue measures approximately 300 feet, including the courtyard. Even with regular variation of materials and articulation of the façade as noted above, the building still presents as a single aesthetic style along its length. HW recommends the City consider further discussion of whether provision of some variation in style and/or addition of special visual elements may help the building feel more like multiple buildings from Midland Avenue and Los Angeles Street.
37. HW recommends that the Applicant clarify who will be responsible for maintenance of the open spaces, including the bioretention system, permeable pavement, and landscaping. HW recommends that the Applicant communicate with the future maintenance entity to ensure that the materials, furnishings, and landscaping choices fall under the umbrella of their capabilities and potential scope of work.
38. There are discrepancies in the plans between where the café is shown on the Ground Floor and Parking Plan and the Landscape Plan. The Applicant should confirm the location and clarify the reasoning. A café looking out on the open space with view of natural vegetation and potentially the Charles River, would likely bring DCR path users as well as people from the adjacent neighborhood.
39. To create an open space where the public feels welcomed into the outdoor area as well as through the pedestrian concourse, public amenities as well as wayfinding are critical. The various materials show a café but other amenities are not clear. The Applicant should clarify the intended users and programs for the pedestrian concourse and lawn area (i.e. will there be bike and kayak rentals, play spaces and public bathrooms for use). The Applicant should also clarify if there will be wayfinding, such as signage, directing people to the amenities, either on the DCR path or on California Street.
40. The Applicant should clarify why the vista clearings are shown to be at the two corners of the site where the path connections are and if there are particular viewsheds they are trying to open up. Vista clearings in these two locations appear to only open up views from the pathways and not from the area where people would generally be expected to congregate. Coordination with DCR on vegetation management for the development construction and for future viewshed management is critical for creating a maintenance plan.

41. If there are kayaks available, as shown in the material reviewed, the Applicant should clarify where the closest kayak launch(es) is(are) and how far one can navigate along the river before hitting a dam.
42. There is limited information on landscape materials on the plans. Site furnishings and surface materials will make a big impact on the vehicular, pedestrian and bicyclist safety, circulation and wayfinding and aesthetics of the development. HW recommends that the Applicant submit data sheets for the various site amenities to demonstrate design intent.
43. There are planting beds proposed on the north side of the building and within the pedestrian concourse that would typically use mulch as a groundcover. Massachusetts Comprehensive Fire Safety Code (527 CMR 1.00) requires that mulch not be newly applied within 18 inches of any combustible portion of any building. The Applicant should confirm whether this regulation applies to these planting beds. If it does, HW recommends that the Applicant look at redesigning the areas to increase the size of the planting beds or relocate them as needed.
44. HW recommends clarification be provided regarding fire/emergency access and truck turning movements for the rear fire access path. HW recommends that the Applicant confirm that the Fire Department has reviewed the plans and is satisfied with the layout.
45. Proposed seating is called out for the areas between the pedestrian concourse and lawn area. This creates a barrier that appears to force pedestrians to turn right or left to access the lawn. To create a more welcoming sightline through the concourse and invite users to move through the spaces more freely, HW recommends opening up that area for pedestrian passage. The Applicant should clarify the intention of the seating and update as needed.
46. There are currently no bicycle racks shown on the landscape plans. To welcome users of the DCR path and bicyclists in the neighborhood, HW recommends that the Applicant specify areas for public bicycle racks.

Planting and Improvements along the Charles River

47. The trees listed in the replacement plan range in tolerance of conditions. The Applicant should confirm that the soil and moisture conditions are suitable for the specific plants, especially in the bioretention area (sandy soils) that has a high seasonal water table.
48. The Applicant should ensure adequate soil volumes for the trees to grow to maturity, in particular in the pedestrian concourse and along the streets. HW recommends at least 1 cubic foot of soil for every square foot of crown projection of the mature tree. The Applicant should submit details of the various conditions that explain how this volume will be accommodated.
49. Will the proposed trees shown in the center of the courtyard impede views and/or circulation through the space?
50. To ensure adequate soil volume for the pedestrian concourse and street trees, the Applicant should consider using structural soil and permeable pavers and/or other methods of maximizing and connecting the soil underneath the surface to meet the volume required for the particular tree species. See comment above about soil volume.

51. To better connect with and enhance the ecology along the Charles River, the use of plants native to the river's edge should be incorporated into the design. The Applicant should confirm the intention of the chosen plantings and any applicable sources used in plant selection.
52. The plant list on the landscape plan is relatively general and does not specify where the species will be planted around the site. HW recommends that the Applicant group the plants into categories (e.g. stormwater practice, pedestrian concourse, street trees, open lawn area) to help convey the intention and aesthetics of the plant choices.
53. Placement of evergreen trees compared to deciduous ones is not indicated on the landscape plan. HW recommends that the Applicant show the trees as deciduous or evergreen to help clarify where screening is intended.
54. There are no species listed for the seed mix for the stormwater/flood management area. Applicant should specify the stormwater/flood management planting seeding species for review.
55. It is not clear if the lawn area will be seeded or sodded, or what the species will be. The landscape notes state that the tree and shrub planting areas will be irrigated. HW recommends that the Applicant confirm the lawn species and specify areas that will be irrigated versus not. This information will help convey the aesthetic intention for the lawn and will be relevant to the lawn details to ensure drainage and to establish clear expectations.
56. There is a large stand of invasive Japanese Knotweed on the development side of the DCR path. The Applicant should include an invasives management plan as part of the plan set and should coordinate with DCR and contractors on long-term management plans to ensure existing or new invasive species are controlled.
57. The landscape plant schedule includes trees that can form thickets and that could require regular maintenance depending on where they are sited. The plan for landscape maintenance should be coordinated prior to design completion to ensure ongoing maintenance capabilities will be suited to the intention of the landscape design.
58. Sweet autumn clematis and catmint are not native and the clematis can spread and be weedy. HW recommends that the Applicant consider alternative plants that are native to the area.
59. HW recommends that the Applicant consider geese management while the plants establish.
60. The Applicant has provided improvements along the Charles River, including use of permeable pavement, landscaping, and a stormwater flood/management area. HW recommends that the Applicant review whether these site improvements need to be compliant with the American's with Disabilities Act (ADA) requirements for pathway surface and sizing specifically for the proposed stabilized soil path.

Lighting, Photometrics and Shadows

61. It appears that based on the shadow study the pedestrian concourse space will be relatively dark throughout the year. HW recommends that the Applicant clarify how they are addressing this and potentially investigate ways to introduce more light or adapt to the limited light besides adding lighting such as: further stepping the buildings to allow more sunlight into the concourse, using moveable site furnishings so that users can adjust where they sit within the space.
62. The photometrics plan shows no light on the exterior parking spaces to the northwest of the building.
63. The photometrics plan shows light straying into the front of the adjacent property on Los Angeles Street. The Applicant should ensure the street lighting does not stray into the adjacent residential property.
64. The Applicant should clarify how any lights on the building or in the windows of the Innovation Building will affect the adjacent neighbor on Los Angeles Street and Riverdale Avenue.
65. The Applicant should specify any light fixtures on the building that would uplight the building and potentially impact the surrounding area. The pole fixtures are dark sky compliant and the cable lighting is within the concourse. Ideally there would be very limited or no light pollution that would adversely affect the wildlife in this area.

Connections and Improvements to Nearby Open Space Resources.

66. The Applicant should confirm whether a vehicular and/or pedestrian and bicycle connection at the end of Midland Avenue to Gates Street and Forte Park on the other side of the fence has been discussed with the City. If there will not be a vehicular connection between Midland Avenue and Gates Street, the Applicant should consider pedestrian/bicycle path(s) to increase connectivity throughout the neighborhood.
67. The existing fence west/Forte Park side of the property is an actual and aesthetic barrier between the development and the park. It also restricts the space for planting between the road and the fence. The Applicant should coordinate with the City to discuss the removal of the fence paired with tree removal and plantings. If fence removal is not desired than the Applicant should consider discussing replacing it with a more aesthetically pleasing and welcoming fence. This would allow unhealthy or unwanted trees growing into the existing fence to be removed as needed.
68. Two Norway Maple trees are called out to be protected (trees labeled S and T). The plans state that these trees are partially growing into the existing fence. These are invasive species and, unless they greatly enhance the aesthetics of the area, could be removed and replaced with native species that add diversity to the surrounding plantings. See comment above regarding fence removal.
69. The section view of the tree protection detail calls out for fencing to be at the drip line of the tree but shows the fencing to be within the dripline. The Applicant should update the detail to clarify where the dripline is.

70. There are no trees shown between the development and the parcel to the east. Invasive and damaged trees will be removed there. A visual screen between the properties would be environmentally and aesthetically beneficial. The Applicant should consider how to fit tree plantings along that edge and potentially a new fence, depending on the adjacent use.

Sustainability

71. Proposed development in this location is consistent with the City's objectives to encourage walkable redevelopment in proximity to transit and reduce single occupancy vehicle trips. HW assumes the transportation peer reviewer will provide comment regarding parking requirements and trip reduction in this regard.
72. The project appears to propose a reduction in impervious area, addition of trees and landscaped areas, and an improvement in water quality treatment on the currently highly impervious site. The site has limited existing tree cover and is currently within a "hot spot" with extreme temperatures as defined by the City Climate Action Plan. Significant opportunity exists to utilize green infrastructure and resilient building design to reduce heat island effect and extreme heat risks. More detailed drainage and landscape design information will be required as design development continues.
73. Design to meet the standards of an authorized green building rating system is required per Zoning Section 5.12. Additional information is required for review. A Sustainability Report has not been provided.
74. EV stations are required for 10% of the project parking spaces and provision of an additional 10% of parking spaces to be EV ready. Additional information is required for review.
75. Will buildings have green roofs and/or be solar or solar-ready? Additional information is required for review.
76. Investigation of other opportunities to provide green infrastructure practices within streets consistent with the City's Complete Streets Policy is encouraged.
77. The Hazard Mitigation Plan recommends incorporating more stringent stormwater standards and future precipitation projections. The rainfall depths used in the drainage analysis should be based on NOAA Atlas 14 precipitation depths. HW has no objection to depths utilized in the provided drainage report.
78. We encourage a commitment to conducting embodied carbon analyses as part of the design process, and encourage the selection of materials, products, and wall assemblies that minimize the overall embodied carbon and maximize high thermal performance throughout the project.



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Mayor

Barney Heath
Director of
Planning & Development

Malcolm Lucas
Housing Planner

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CITY OF NEWTON, MASSACHUSETTS

Fair Housing Committee

February 5, 2020

Ms. Brooke Lipsitt,
Chair, Zoning Board of Appeal
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02458

RE: RIVERDALE

Dear Ms. Lipsitt and Fellow Members:

Newton's Fair Housing Committee's (FHC) mission is to promote and support the City of Newton's efforts to be a diverse and welcoming community with housing choices and opportunities free from housing discrimination. Acting in an advisory capacity to the Mayor, the City Council, and all applicable City departments, boards and committees, the FHC aims to assure that policies and practices relating to fair housing are interwoven into the operations and activities of the City as well as the fabric of the community. As part of its mission, the FHC assists the city in meeting its duties to affirmatively to further fair housing within Newton.

I am submitting this letter of support to the Zoning Board of Appeals for the above referenced project. The FHC met with representatives from CDP Land Acquisition Company, LLC. (Criterion) on January 8, 2020 at its regularly scheduled monthly meeting. As shown above the FHC is charged with reviewing development projects which include housing to ensure that they comply with the fair housing goals of the City of Newton.

Criterion presented its proposal to build a mixed-use development on a site encompassing 15 Riverdale Avenue. The development would consist of two separate buildings with a total of 204 units of rental housing, 4,600 square feet of retail, and 17,782 square feet of office / innovation space. Fifty-one (51) units will be made affordable to households earning 80% of the area median income (AMI), and 153 units will not have any income restrictions.

Prior to the meeting the FHC had sent the developer its guidelines and criteria (attached hereto) for reviewing development projects which include housing. The FHC identified 6 ways it could assess whether developers were meeting the City of Newton's Fair Housing Goals as set forth in their proposal.

The committee very much appreciated the manner in which Criterion presented its analysis using the criteria. At its meeting, the committee congratulated the developer

and some members felt that the developer had graded itself more harshly than some of them might have. Even though the document did not include or suggest a grading system for each of the criteria as set forth below. Criterion presented to the FHC its analysis and grading of each of the 6 criteria:

1. Affordability - Going beyond the required minimum share of project housing units that are committed to being affordable.

Assigned Grading:

No, the number of below-market will equal that required;

Yes, but fewer than twice the required number of units will be below market;

Yes, at least twice the required percentage number of units will be below market;

Yes, all of the units will be below market.

Criterion response: More affordable units than required but less than double
25 % of the units vs. 17.5 % required (51 vs. 36)

Criterion score: 0

2. Accessibility - Going beyond the regulated minimum share of project housing units that meet housing accessibility standards.

Assigned Grading:

No, the number will that which is required, if any;

Yes, but fewer than twice the required percentage will be accessible;

Yes, and at the least twice the required percentage will be accessible'

Yes, 100% of the units will be accessible.

Criterion response:

Meet but don't exceed the MAAB requirements 5% of units will meet Group 2 MAAB standards; all other units will meet Group 1 MAAB standards for adaptability.

Criterion score: 1

3. Visitability - Providing visitability for housing units not required to be fully accessible.

Assigned grading:

No dwelling units meet all three criteria;

A few housing units meet all three criteria, or all meet most of them;

Most housing units meet all three criteria, or all meet most of them;

All housing units meet all three criteria.

Criterion response:

All units meet all 3 criteria for "visibility" (entrances without steps, minimum door width is 34" with 32" of clear passage; at least 1 half-bath is on main floor).

Criterion Score: 3

4. Employment Proximity – Developing at a site that is well located in relation to commercial services and job accessibility.

Assigned grading:

0. More than ½ mile from such a site

1. within ½ mile of such a site

2. within ¼ mile of such a site

3. Within or adjacent to a commercial or major employment site

Criterion response: Proximate to commercial/major employment location.

Criterion Score:1

5. Public – Developing a location close to good public transportation

Assigned grading:

None Poor; Fair Good, Very good Excellent, Superior

Criterion grading: Limited proximity to public transportation relative to other areas of the City, Local & regional transportation available within 1/2 –mile, potential direct shuttle access.

Criterion Score: 1

6. Discriminatory Impact –

(A) Would the proposed development be free of disparate negative impacts for “protected classes” based on race, national origin, color, religion, sex, familial status, or disability , even though no regulation might be violated?

(B) Might the City’s approval of the development be seen as creating, increasing, reinforcing, or perpetuating segregating housing patterns based on protected class status?

(C) In either such case, what is the justification provided for that proposal? Is the justification supported by the facts? Is the proposal necessary to achieve a “substantial, legitimate, nondiscriminatory interest”? If so, can that interest be served by modification of or an alternative for the proposal which has less discriminatory effect?

There is no assigned grading.

Criterion grading:

The Project has no disparate impact on any protected class nor does it perpetuate segregated housing patterns.

Criterion score: 3

Several members, while acknowledging that the developer was not required to do so, expressed concern that the project would not provide housing opportunities for Very and Extremely low-income individuals and families. One member made the point that the lack of units for this population automatically reduced the likelihood that persons with disabilities would be able to afford rents at the 80% level. Criterion responded that they would make every effort to include at least two units for those whose incomes were below 50%.

In conclusion, the FHC determined that given the information received from the developer on January 8th, it recommends that the ZBA approve the Riverdale development proposed by Criterion.

Sincerely,



Kathy Laufer

Chair

Fair Housing Committee