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PUBLIC HEARING MEMORANDUM

Public Hearing Date: September 23, 2014
Land Use Action Date: October 21, 2014
Board of Aldermen Action Date: December 15, 2014
Action Expiration Date: December 15, 2014

DATE: September 19, 2014

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Daniel Sexton, Senior Planner

COPIED: Planning & Development Board

SUBJECT: **Petition #102-06(11)**, CHESTNUT HILL REALTY DEVELOPMENT, LLC./KESSELER DEVELOPMENT, LLC., to amend Ordinance Z-37, dated November 17, 2008, which adopted a change of zone from SINGLE RESIDENCE 3 to MULTI RESIDENCE 3 conditional upon the exercise of Special Permit #102-06(9), for a parcel of land located on LaGrange Street, Ward 8, identified as Section 82, Block 37, Lot 95, and shown as Lot H-1 on a Subdivision Plan of Land in Newton MA, "Toomey-Munson & Associates, Inc.," dated April 28, 2004, recorded with the Middlesex South County Registry of Deeds in Plan Book 2005, page 102.

Petition #102-06(12), CHESTNUT HILL REALTY DEVELOPMENT, LLC./KESSELER DEVELOPMENT, LLC., to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL #102-06(9), granted on November 17, 2008, by constructing a 4-story, 80-unit multi-family building with accessory parking, driveway, and landscaping, including waivers from the maximum height requirement, various parking dimensions, lighting requirements, and signage on land located on LaGrange Street, Ward 8, known as Sec 82, Blk 37, Lot 95, shown as Lot H-1 on a Subdivision Plan of Land in Newton MA, "Toomey-Munson & Associates, Inc.," dated April 28, 2004, recorded with the Middlesex South County Registry of Deeds in Plan Book 2005, page 102, containing approximately 640,847 sf of land in a proposed Multi Residence 3 district. Ref: §§30-24, 30-23, 30-9(d), 30-15 Table 1 footnote 5, 30-19(h)(2)a), 30-19(h)(5)a), 30-19(j), 30-19(m), 30-20(l), 30-5(b)(4) of the City of Newton Rev Zoning Ord., 2012.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Public hearing/Working Session.



View of site from LaGrange Street.

EXECUTIVE SUMMARY

The petitioner, Chestnut Hill Realty, LLC, is looking to develop a multi-family residential building on property located along LaGrange Street. The subject property consists of a vacant wooded lot comprised of approximately 640,847 square feet, or 14.7 acres, of land and is part of the Kessler Woods Subdivision. In order to construct the proposed multi-family residential building, the petitioner is seeking to amend the existing special permit via Board Order #102-06(10) for the Kessler Woods Residential Development project and waivers for deviations from certain design and dimensional controls. As proposed, the amended proposal consists of a four-story (the first floor is a partially below grade parking garage) multi-family building with 80-units of rental housing and 160 on-site parking spaces, most of which would be in an underground parking structure.

The site is currently zoned Single Residence 3, thus the petitioner is also seeking a zoning map amendment to change the zoning to Multi-Residence 3. In 2006, a similar zoning map amendment was granted under Ordinance Z-37, but was contingent on the exercise of the prior special permit. The zoning change is necessary for the proposed multi-family development, since multi-family developments are not allowed in the Single Residence 3 zoning district.

As proposed, the project is noticeably different from the previous proposal approved under Board Order #102-06(10). To minimize the off-site impacts of the development and to preserve nearby conservation lands, the petitioner is proposing a single structure to concentrate the development footprint on the site, integrate the mass of the building into the topography of the site, reduce the development footprint, and lessen off-site impacts through a reduced blasting plan. Although the number of units has increased, the average apartment size is smaller and the number of bedrooms has not increased significantly. Furthermore, the petitioner has committed to provide 12 affordable units consisting of six at 50% of area median income and six at 80% of area median income.

The Planning Department does not have any major concerns with the proposed multi-family development and the requested zoning map amendment. While the proposed structure will

largely be screened from view during much of the year, the Department is concerned about the visibility of the structure by residential neighbors. Thus, the Department encourages the petitioner to consider incorporating further variations of the building's facades and exterior treatments, to lessen the visual mass and impact of the proposed structure. The Department believes the project with a few minor changes can protect the nearby conservation lands and will not adversely impact the proximate residential neighbors.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The proposed amendment of Ordinance Z-37, which authorized a change of zoning from Single Residence 3 to Multi-Residence 3, is appropriate.
- The site is an appropriate location for a multi-family development with 80-units of rental housing within a single multi-family structure. (§30-24(d)(1))
- The location, design, and massing of the proposed structure is compatible with the character of the surrounding neighborhood and will not adversely affect the surrounding neighborhood. (§30-24(d)(2))
- The proposed development will not cause a nuisance or be a serious hazard to vehicles or pedestrians in the surrounding neighborhood. (§30-24(d)(3))
- Access to the site over streets is appropriate for the types and numbers of vehicles that will be accessing the site. (§30-24(d)(4))
- The design, construction, maintenance, or long-term operation of the site and structure, which exceeds 20,000 square feet in gross floor area, will contribute significantly to the efficient use and conservation of natural resources and energy. (§30-24(d)(5))
- The proposed waivers to the dimensional and design controls for outdoor parking facilities are appropriate. (§30-19(h)(2)(a), §30-19(h)(5)(a), §30-19(j)(1)(a), and §30-19(m))
- The proposed sign waiver is reasonable based on the nature of the use of the premises, its location with reference to the street is such that a free-standing sign is necessary, and the exception should be permitted in the public interest. (§30-20(e)(3) and §30-20(l))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Background

In early 2003, Boston Edison announced that it planned to sell its surplus property known as Kessler Woods. For many years, the City had identified Kessler woods as a conservation priority in the City's *Recreation and Open Space Plan*. It was also determined that the acquisition of the property would meet the Community

Preservation Act (CPA) and that CPA funds could be used as a source of financing to acquire the property. Then Mayor David B. Cohen established a working group to respond to Boston Edison's solicitation.

The City sought, through an extensive design and selection process, a co-bidder with whom the City could purchase the land. From the nine proposals received and after seeking community input, the working group selected Cornerstone Corporation. Their proposal included the development of individual single-family residences on separate lots on the northernmost portion of the site and multi-family and townhouse style structures that mimicked large single-family homes nestled into the existing topography on the southernmost portion of the site off LaGrange Street.

After a first round of sealed bids, Boston Edison invited the City and Cornerstone Corporation to submit a second and higher bid. The bid of \$15.1 million, with \$10.1 million provided by Cornerstone and \$5 million funded with CPA funds, proved to be the successful bid. Per the terms of the Cooperative Bidding Agreement (Agreement), Lot J and Lot H (now recorded as Lot J, Lot 11, and Lot H-1) of the Kessler Woods site were acquired by Cornerstone from Boston Edison. The development of Lot J, through an Approval Not Required Plan that was approved by the City Engineer in 2004 and a subdivision plan, approved by the Conservation Commission in 2004 and Board of Survey in 2004, is in the final stages of being completed.

In 2006, a special permit via Board Order #102-06 was approved by the Board for the development of 62 condominiums on Lot H-1. This special permit, however, was never exercised even after two subsequent extensions. Per an extension granted in 2009 and the Permit Extension Act, this approval was further extended to November 17, 2014. No additional extensions are possible, so this special permit will expire if not exercised prior to November 17, 2014. Now, the Chestnut Hill Realty is seeking to amend the existing special permit via Board Order #102-06(10) and waivers for deviations from certain design and dimensional controls.

B. Neighborhood and Zoning

The property is located on LaGrange Street, and is bound to the east by the municipal boundary between the City and Town of Brookline. The subject property is currently vacant, but is abutted by single-family and multi-family land uses (**ATTACHMENT A**). To the north and west of the property is an area zoned Single Residence 2 and 3, with pockets of Public Use, which are accessed from Vine Street and Brookline Street. Across LaGrange Street is an area zoned Multi-Residence 1 and is proximate to a number of parcels in the City of Boston containing larger multi-residence zoned Multifamily Residential (MFR). The nearby properties located in the Town of Brookline off of Rangeley Road and Princeton Road include single-

family homes, zoned Single-family Residential (S-15). The site is currently zoned Single Residence 3 (**ATTACHMENT B**).

In accordance with the terms of the Agreement, the City acquired the environmentally sensitive portions of the Kessler Woods site contained within the area known as Lots C, D, and G. The City further holds a conservation restriction and easement over portions of Lots H-1 and 11, and has the option to acquire any land not required to meet the dimensional requirements for zoning and permitting.

C. Site

The site of the proposed development consists of a vacant wooded lot comprised of approximately 640,847 square feet, or 14.7 acres, of land and is part of the Kessler Woods Subdivision. Significant portions of the property contain sensitive environmental features and habitats including wetlands, floodplains, Saw Mill Brook and an intermittent tributary stream. Topographically, the site contains a large rock knoll and significantly steep slopes. From the highest portion of the property the grade drops dramatically towards the rear, down to the lowest elevations that are associated with the streams and wetlands that cross the property (**ATTACHMENT C**). Atop the knoll, which contains dramatic views of the surrounding area, there is an unusual pitch pine and scrub brush habitat, more typical of southeastern Massachusetts. The geologic formations on the site are formed of Roxbury Conglomerate, or Puddingstone. Per the City's current *Open Space and Recreation Plan*, dated 2014-2020, the undeveloped portions of Kessler Woods have been prioritized for protection and as a location for passive recreation.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The project will result in the partial development of the project site, which is currently vacant, with a single multi-family residential structure with 80-units of rental housing.

The petitioner is seeking approval of a zoning map amendment to change the zoning from Single Residence 3 (SR3) to Multi-Residence 3 (MR3). Changing the zoning to MR3 will allow the petitioner to request a special permit for the development of the multi-family residential structure. The proposed mix of units consists of one- and two-bedrooms. The petitioner has indicated that a total of 12 inclusionary (or "affordable") units will be developed in the proposed structure.

The petitioner has indicated that the change of zoning from SR3 to MR3 will support the preservation of the natural features of the site, while still allowing for the development of an economically viable project. The development plans appears to result in a more compact, less invasive, development plan with a building footprint

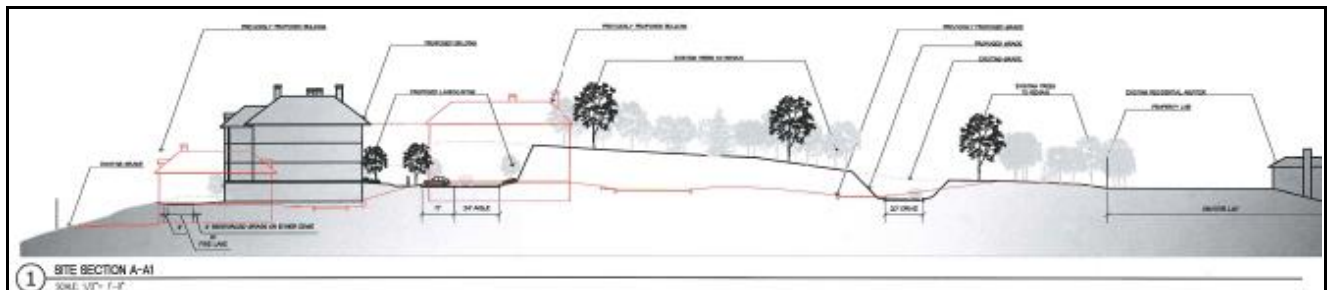
of approximately 51,268 square feet, or 1.18 acres, and maintains approximately 544,720 square feet, or 12.5 acres, of open space. Further, the petitioner has indicated how the development plan allows for a more substantial buffer, consisting of natural vegetation and the preservation of a portion of the rock knoll, for the residential neighborhood to the east in the Town of Brookline. At the public hearing, the petitioner should be prepared to describe the benefits of the natural buffer and how the proposal conserves more undisturbed land than earlier projects.

The Planning Department is generally supportive of the project and the requested change of zoning, because the majority of the distinguishing features and sensitive habitats on the site will be preserved.

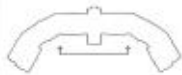
B. Building and Site Design

The proposed development plan concentrates the development footprint in order to preserve the largest amount of land in a natural state, especially those portions containing sensitive environmental features and habitats. The single multi-family structure is setback from all property lines in order to shield adjacent residential neighborhoods from the visual impacts of the development and to ensure a wooded corridor along LaGrange Street. The building is setback 150 feet from LaGrange Street, 182 feet from the east property line (municipal boundary between the City of Newton and Town of Brookline), 64 feet from the rear (northern) lot line, and 516 feet from the southwest lot line. To preserve wetlands located on the southwest side of the site and enable public access, the City has obtained a conservation restriction and easement under the terms of the Agreement. While it does not impact this project directly, the City also holds a conservation restriction and easement over portions of the property to the north.

The multi-family structure is off-set from the center of the development site, flanking the southwest side of the rock knoll and loop driveway. The building is four stories, with the first floor consisting of a partially below grade parking garage, and is 58.83 feet in height. From the nearest residential abutters, located in the Town of Brookline, the structure will appear to be one to three stories with a maximum height of 48.83 feet, and will be partially obscured by existing and proposed vegetation. The high point of the proposed multi-family building is 243 feet, above sea level, with the garage floor at 185 feet.



The development plan includes a looped driveway that links to a proposed fire access road, which wraps around the multi-family building. During certain times of the year, the structure will be visible from LaGrange Street, and to the residents living off of Vine Street, Kessler Way, Harwich Road, and Rangeley Road. However, the siting of the structure, changes in grade, and the proposed plantings appear to provide an adequate buffer between the structure and proximate residential properties. The site cross sections provided by the petitioner show the relationship of the proposed building to surrounding neighborhoods.



Partial Front Elevation

The architecture of the multi-family building is best described as contemporary traditional, and draws design elements and features from the rustic and vernacular styles of architectural. The façade of the structure is treated with a variety of architectural elements such as bay windows, hybrid-eyebrow windows, four-over-one window alignments, and balconies to try to visually disguise the height and mass of the building. While the development plans do not clearly articulate the building materials that will be used to treat the exterior façade, the petitioner appears to have incorporated a variety of materials and colors to add depth, texture, and variation to the building's façade.

The development plan indicates significant topographical changes to much of the development site. The highest point on the property at 218 feet will be reduced, through blasting, to 193 feet in order to accommodate the loop driveway and multi-family structure. In other portions of the development site, the blasting and filling of land will create the building pad. As shown on the "Grading Plan," the entire "Limit of Work" area will have grade changes of three feet or more. Different from the previous approval, the petitioner has chosen a building design that accommodates a site with a significant hill and rocky knoll, as currently exists.

To support the proposed topographical changes, the development plan utilizes a system of rip-rap slopes. In other portions of the site where the development will be depressed below grade, such as the looped driveway, the adjacent earth appears to be composed of rock and will not require the installation of a retention system.

During various meetings with the petitioner, the Planning Department has recommended that the petitioner make use of natural materials on the exterior of the building, and materials that would wear well over many years. While the proposed façade design attempts to use different architectural forms and features to disguise and add texture to the building, the design falls short of previous expectations. The Department encourages the petitioner to consider incorporating further articulation of the building's facades and roofline in order to break-up the mass and scale of the building, and to reduce the visual impacts of the structure on abutting properties. The petitioner should also provide further details on the exterior materials and treatments for the proposed structure. The Department has also encouraged the petitioner to consider the potential for safety hazards on and around the rock walls created through blasting. The petitioner should also provide a draft Construction Management Plan, including blasting details, prior to being scheduled for a working session.

C. Parking and Circulation

The development proposal provides 160 parking stalls, consisting of 30 outdoor and 130 indoor parking stalls, to meet the minimum number of parking stalls required by the Newton Zoning Ordinance. Of the proposed parking stalls, 85 parking stalls are dimensionally noncompliant in terms of width (8.5 feet rather than 9 feet) and 30 parking stalls are in a tandem configuration, and are all located in the partially below grade parking garage. Further, the development plan includes eight bicycle racks to accommodate parking for 16 bicycles. To allow the proposed noncompliant parking facilities, the petitioner is seeking waivers to the dimensional and design controls. The petitioner is also seeking relief from the lighting requirement for outdoor parking facilities.

The development plan indicates a looped driveway with segments of one-way and two-way travel, which provides access to the building's main entrance and encircles the rock knoll. The looped driveway also provides access to a fire access road that partially encircles the multi-family building. The petitioner is also proposing a sidewalk along the southeast edge of the driveway, allowing residents to safely walk to LaGrange Street and nearby transit stops. The petitioner is committed to fulfilling the obligations of various legal documents encumbering the site. In accordance with these documents, the petitioner will contribute funding and allow the City to plan, construct, and maintain footpaths and trails within designated conservation lands on the site.

The Planning Department is concerned about the potential for parked vehicles on the driveway with its width of 16 feet at the narrowest point, because it would limit emergency vehicle access to all sides of the structure during an emergency. The petitioner has indicated that the driveway and fire access road layouts have been designed to accommodate the turning radius of the City's emergency vehicles. The

Department encourages the petitioner to install signage prohibiting parking along the looped driveway, and that vehicles are parked in designated areas only.

The proposed entrance to the development is located at the crest of a hill on LaGrange Street. While the petitioner's traffic consultant, MDM Transportation Consultants, Inc., has indicated that the entrance location and visibility for vehicles entering and exiting the site is adequate, the Planning Department and Transportation Division are concerned about the placement of the proposed entrance and free-standing sign, and the impacts of existing and proposed vegetation. The Transportation Division further noted that the proposed landscaping and adjacent vegetation may need to be periodically trimmed along the right-of-way in order to maintain adequate sight distance.

The Planning Department is generally supportive of the proposed parking configuration and requested waivers. The Department believes the requested relief will help minimize the development footprint, preserve nearby conservation lands, and minimize off-site impacts. The petitioner should, however, consider relocating the four bike racks adjacent to the parking garage entrance inside the garage or covering them in their current location. In light of staff's concerns regarding the placement and visibility at the entrance, the petitioner should be prepared to speak to the adequacy of visibility. Further, the petitioner should be prepared to discuss the placement of the proposed pedestrian crosswalk on LaGrange Street.

D. Traffic

The petitioner has provided a detailed Traffic Impact Assessment (TIA), developed by MDM Transportation Consultants, Inc. (MDM), evaluating the existing and operational safety-related characteristics of the roadways servicing the site and the potential impacts associated with traffic generated from the site. To determine the project's potential traffic impacts, MDM examined the trip generation and traffic volumes (or level of service (LOS)) for the surrounding road network (study area). To determine the LOS within the study area, MDM studied traffic capacity of four intersections under existing, no build, and build scenarios. The specific intersections analyzed included: Vine Street and Corey Street at LaGrange Street, Broadlawn Park at LaGrange Street, Project Entrance at LaGrange Street, and Rangeley Road at LaGrange Street (in Brookline).

Based on the analysis, it appears that the existing traffic in the study area exhibits commuter trends (east-bound in the morning peak hour and west-bound in the evening peak hour). Presently, LaGrange Street appears to carry approximately 13,000 vehicles per day (VPD) with peak hour volumes ranging from approximately 955 vehicles per hour (VPH) in the morning and 1,140 VPH in the evening, respectfully. Per the proposal, it is estimated that the project will generate approximately 43 vehicle trips during the weekday morning peak hour and 62 vehicle trips during the weekday evening peak hour. As a result, MDM asserts that

adequate capacity exists along LaGrange Street and at the studied intersections to accommodate the projected traffic increases. Further, no change in the overall LOS in the study area is expected as a result of the project.

The City has contracted with McMahon Associates to perform a peer review of the petitioner's TIA. The results of this study are pending and will be presented at a subsequent meeting.

E. Inclusionary Housing

The proposal includes the development of 80-units of rental housing within a single multi-family structure. Of the total units being proposed, the petitioner has designated 12 units, or 15%, of the total units as inclusionary units, per the Newton Zoning Ordinance. These units will vary in size (913 square feet to 1,097 square feet) and are located in clusters on the first and second floors of the multi-family structure. The petitioner is proposing that half (six units) of the inclusionary units be available to households earning up to 50% of the area median income and the remaining half (six units) be available to households earning up to 80% of the area median income, which conforms to the Newton Zoning Ordinance. ***While the terms of the Cooperative Bidding Agreement stipulated that 20% of the housing units be designated as inclusionary units, previous proposals determined that such a level of inclusionary units was not financially feasible due to the site constraints.***

The Planning Department and the Newton Housing Partnership have encouraged the petitioner to remove or lessen the disparity of the unit square footages between the inclusionary and market rate units (**ATTACHMENT D**). The locations of the inclusionary units should be randomly dispersed throughout the building and provide for inclusionary units on the third floor of the multi-family structure. The petitioner should also identify the locations for the accessible units, at least 15% of which should be inclusionary units. Since the project proposal is being submitted by a different petitioner, the Department requests that a new Inclusionary Housing Plan be submitted for review.

F. Signage

The proposal includes a single free-standing sign at the entrance. The proposed free-standing sign is approximately 62 square feet in size, and is designed as a double-faced sign mounted on a pre-cast concrete wall with a stone veneer and piers at each end. Under the Newton Zoning Ordinance, specifically §30-20(e)(2), a single free-standing sign is allowed by right for a residential building containing more than two families. As proposed, the free-standing sign exceeds the maximum sign area allowed by ordinance, which is limited to 10 square feet. To allow the proposed free-standing sign, the petitioner is seeking an exception via a waiver under §30-20(l). The development plan does not include details or plans for directional signage within the site.

The proposed sign has not been reviewed by the City's Urban Design Commission. While a free-standing sign limited to 10 square feet would not provide adequate way-finding for the development from LaGrange Street, the Planning Department believes that a free-standing sign exceeding the maximum size of 35 square feet is unnecessary. Further, the Department and Transportation Division are concerned that a free-standing sign as proposed may reduce the visibility of vehicles leaving the site. The petitioner's traffic consultant should confirm that the design and placement of the proposed free-standing sign will not impact turning movements from the entrance drive.

G. Lighting

The petitioner's "Photometric Plan" shows a slight amount of light spillover at the intersection of the entrance drive and LaGrange Street. The source of this light trespass appears to be emitting from the externally lighting fixture for the sign and the overhead light fixture along the looped driveway. Per the City's Light Trespass Ordinance, specifically §20-25(a), no light source is allowed to emit light across a property boundary exceeding .35 foot candles. Further, the outdoor parking facilities do not meet the 1.0 foot candle standard as required by §30-19(j)(1)(a). The petitioner is seeking a waiver to allow below standard light levels over the outdoor parking facilities.

The project is residential in nature and adjacent to existing residential properties, thus the Planning Department believes that the requested waiver to the foot candle lighting requirement over the outdoor parking facilities is appropriate for the site. The Department encourages the petitioner to eliminate the light spillover near the entrance drive by changing the externally lighting fixture for the sign and moving the overhead light along the looped driveway.

H. Landscape Screening

The ability to maintain and provide adequate screening of the project site from abutting properties is a major issue associated with this proposal. The development plan represents a change for this area, as the property is currently undeveloped. Although the current proposal retains a large portion of the site in a natural state, the development site is located atop the most topographically prominent point on the property. Further, the multi-family structure will be constructed adjacent to the new highpoint of the property, at approximately 214 feet above sea level, and will project approximately 26.6 feet above this point. To ensure adequate screening of the project site from abutting properties in the neighborhood, the petitioner is proposing to employ a significantly reduced "Limit of Work," as compared to previous proposals, and a robust planting plan.

The petitioner is proposing to remove approximately 297 trees from the site. The total number of replacement trees is 464, or approximately 1,502 caliper inches. Of the proposed trees to be planted, the petitioner is proposing a mix of deciduous (72

trees), conifer (264 trees), and ornamental (128 trees) trees. The “Tree Removal Plan” is, however, unclear on the total caliper inches of the trees to be removed. City staff, therefore, cannot determine whether this project will be consistent with the City’s Tree Preservation Ordinance.

The Planning Department encourages the petitioner to submit a revised “Tree Removal Plan” and “Planting Plan,” which clearly lists the total caliper inches of trees to be removed and planted. Furthermore, the Department recommends that the petitioner file a tree removal application with the City’s Tree Warden in order to confirm compliance with the City’s Tree Preservation Ordinance. The petitioner should also be prepared to explain how trees not anticipated to be removed will be protected during construction.

IV. PLAN CONSISTENCY

A. Comprehensive Plan

Based on the *Newton Comprehensive Plan*, adopted in 2007, the proposed project appears to align with a number of the vision and goals for various sections of the plan. Under the Open Space and Recreation chapter, the plan indicates how residents of Newton desire “to maintain and preserve its natural assets and resources and able to meet both the passive and active recreational needs of its citizens.”¹ The Kessler Woods property has long been identified by the City as a target for acquisition and protection due to its natural habitat and sensitive wetlands. The sale of the property by Boston Edison enabled the City to acquire significant portions of the property and to establish a conservation restriction and easement on other areas acquired by Cornerstone Corporation. The development plan, with its compact development footprint, further preserves a significant amount of open space on the site and is considerate of the location.

The *Newton Comprehensive Plan* also prioritizes the development and strengthening of the City’s diversity of housing types. This project, as a multi-family development, “provides an important means through which [the] creation of housing choice and affordability”² can be served. By providing 12 inclusionary units, this project contributes to the City’s housing goals of maintaining economic diversity of housing and helps to ensure all citizens have access to housing.³

V. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance)

The Zoning Review Memorandum (**ATTACHMENT E**) provides an analysis of the

¹ *Newton Comprehensive Plan*, 2007, Page 7-2.

² *Newton Comprehensive Plan*, 2007, Page 3-18 and 3-19.

³ *Newton Comprehensive Plan*, 2007, Page 3-17.

proposal with regard to zoning. Based on this review, the petitioner is seeking a Special Permit/Site Plan Approval for the following reliefs:

- Amend Ordinance Z-37 to reflect new Board Order.
- §30-5(b)(4) to allow a retaining wall exceeding four feet in height within a setback.
- §30-9(b) to allow a multi-family dwelling in an MR3 zoning district.
- §30-15, Table 1, Footnote 5, to allow increased maximum height of 48 feet.
- §30-19(h)(2)(a) and §30-19(m) to reduce the parking stall width requirement from 9 feet to 8.5 feet.
- §30-19(h)(5)(a) to allow tandem parking configuration.
- §30-19(j)(1)(a) to waive the minimum one foot candle lighting requirement for outdoor parking facilities.
- §30-20(i) to allow a free-standing sign.
- §30-23 Site Plan review.
- §30-24(b) and §30-24(d)(5) to allow construction of a structure in excess of 20,000 square feet.
- §30-24(f) compliance with the Inclusionary Housing provisions.

B. Conservation Commission

According to a preliminary review of the proposal by the City's Environmental Planner, the Conservation Commission does not have jurisdiction with regard to this proposal (**ATTACHMENT F**). While the project parcel is impacted by a number of jurisdictional wetland resource areas, the footprint of the "Limit of Work" appears to be outside of these areas, with the exception of the sewer connection work. The Planning Department recommends that the petitioner submit revised plans taking into consideration the Conservation Commission's comments prior to scheduling another public hearing or working session.

C. Fire Department Review

The Assistant Fire Chief reviewed and stamped the proposed site plan. The Fire Department concurred with the Planning Department's suggestion that signage prohibiting parking along the looped driveway be installed, and that vehicles are parked in designated areas only (**ATTACHMENT G**).

D. Engineering Review

The Associate City Engineer, submitted an Engineering Review Memorandum (**ATTACHMENT H**), providing an analysis of the proposal with regard to engineering issues. According to the memorandum, the Engineering Division has some concerns regarding the Inflow & Infiltration (I&I) mitigation, the routing and connections of

the proposed sewer line and water lines, and a number of other issues.

Based on these concerns, the Planning Department recommends that the petitioner submit revised plans taking into consideration the Engineering Division's comments prior to scheduling another public hearing or working session. The petitioner should also work with the Engineering Division to determine the appropriate level of mitigation for I&I.

VI. PETITIONERS' RESPONSIBILITIES

The petitioner should consider the recommendations and suggestions raised by different City departments. Prior to the close of the public hearing or scheduling of a working session, the petitioner should address and/or provide information regarding the following:

- A revised site plan depicting the location of the conservation restriction and easement on the subject parcel.
- An updated Tree Removal Plan and Planning Plan, clearly listing the caliper inches and locations of trees to be removed and planted.
- An updated Construction Management Plan, including how existing trees will be protected during construction and blasting plans.
- An updated Inclusionary Housing Plan.
- A comprehensive Sign Plan for all exterior signage on the site.
- Revised plans accordingly to address the recommendations raised by various City departments.

ATTACHMENTS:








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| Attachment A: | Land Use Map |
| Attachment B: | Zoning Map |
| Attachment C: | Environmental Features and Topography Map |
| Attachment D: | Newton Housing Partnership Letter, dated September 19, 2014 |
| Attachment E: | Zoning Review Memorandum, dated September 4, 2014 |
| Attachment F: | Conservation Commission, dated September 16, 2014 |
| Attachment G: | Fire Department Email, dated September 18, 2014 |
| Attachment H: | Engineering Review Memorandum, dated September 19, 2014 |

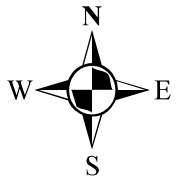
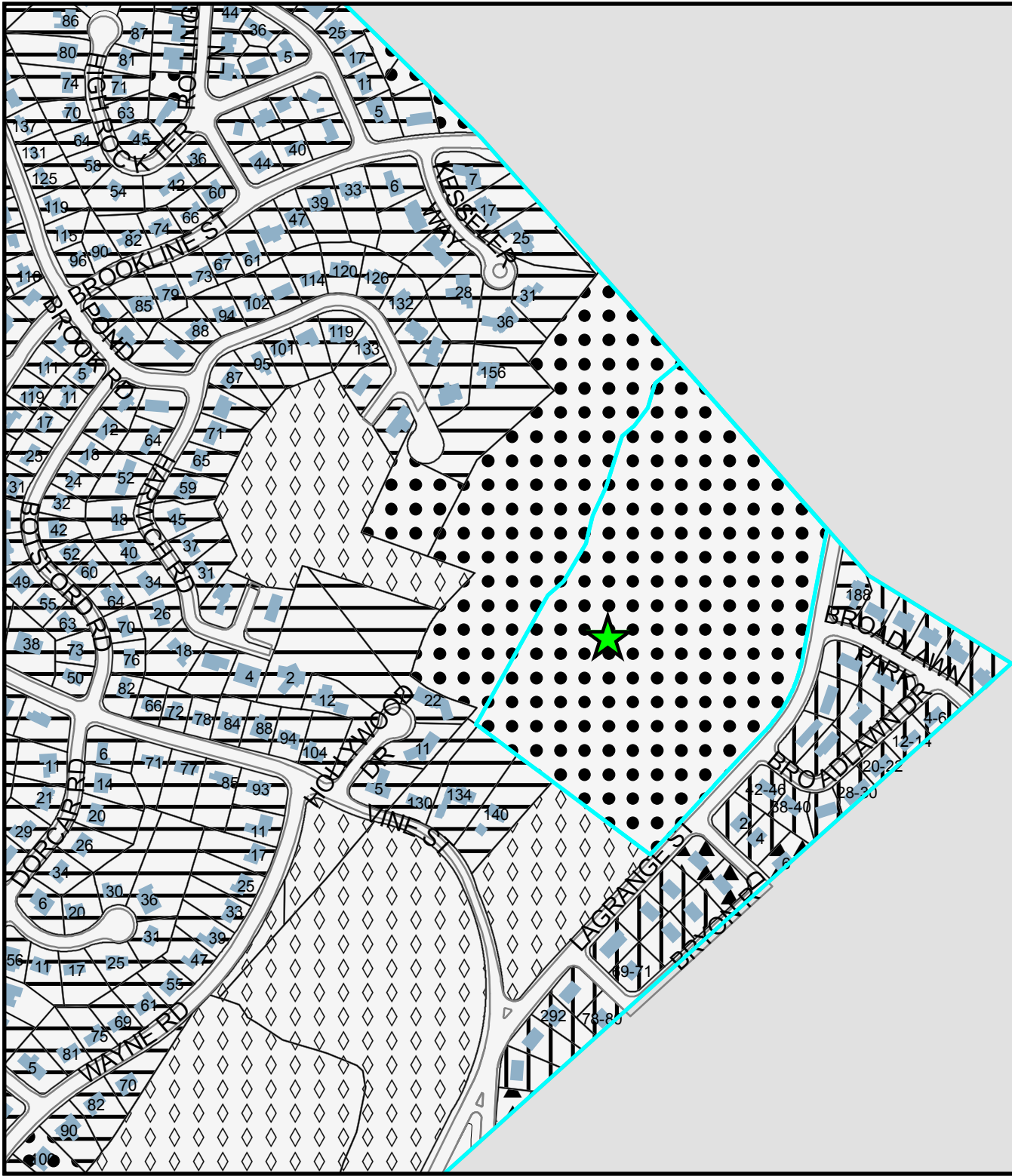
Land Use Map Kessler Way / Lagrange Street

*City of Newton,
Massachusetts*

ATTACHMENT A

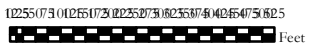
Legend

- Land Use**
-  Single Family Residential
 -  Multi-Family Residential
 -  Open Space
 -  Nonprofit Organizations
 -  Vacant Land
 -  Property Boundaries
 -  Building Outlines



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

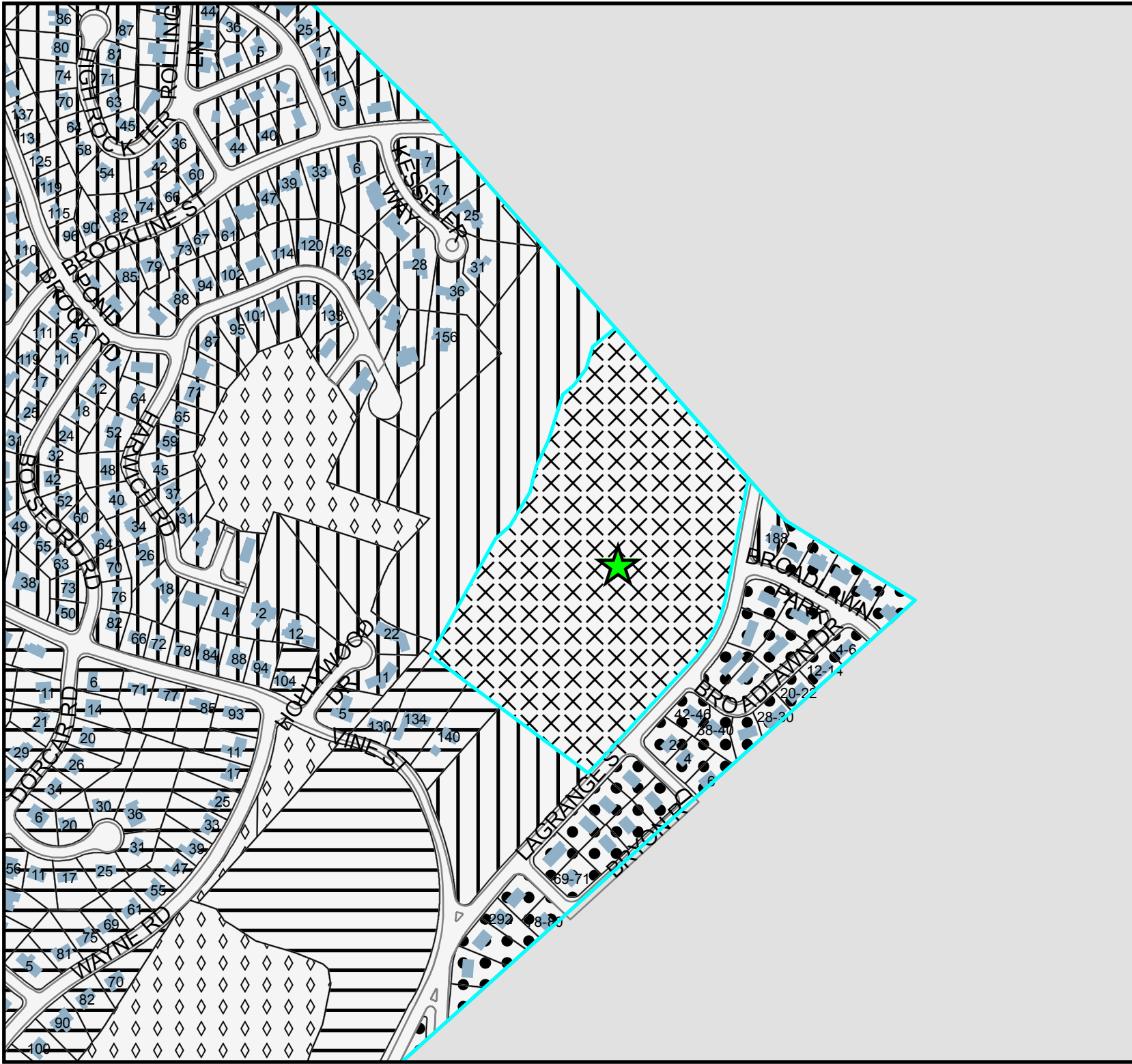
CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Zoning Map Kessler Way / Lagrange Street

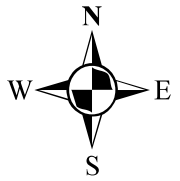
*City of Newton,
Massachusetts*

ATTACHMENT B



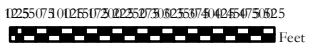
Legend

- Single Residence 2
- Single Residence 3
- Multi-Residence 1
- Multi-Residence 3
- Public Use
- Property Boundaries
- Building Outlines



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





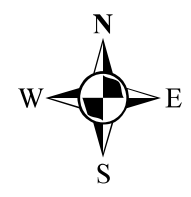
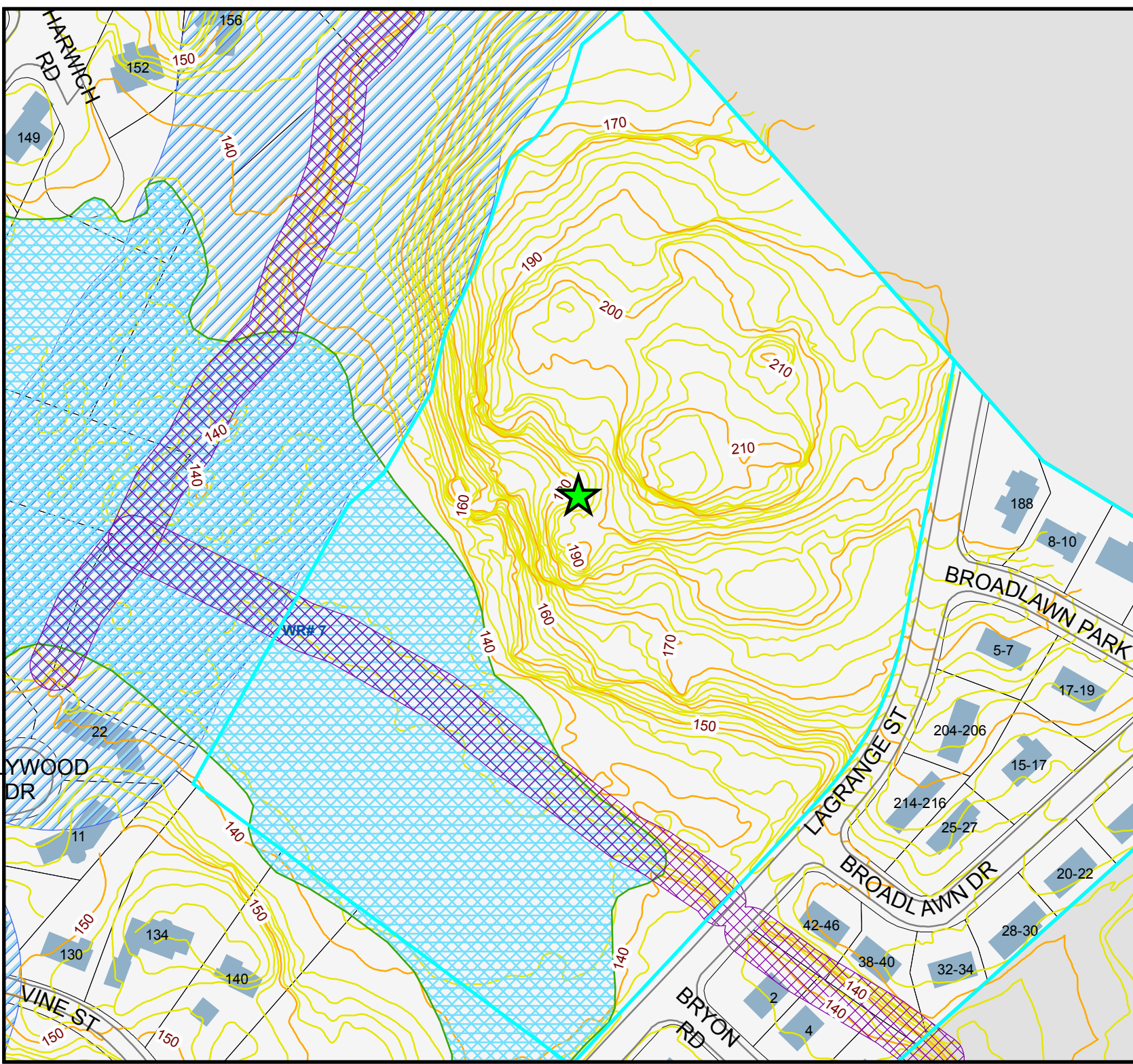
Environmental Features and Topography Map LaGrange Street

City of Newton,
Massachusetts

ATTACHMENT C

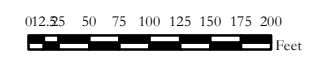
Legend

-  City of Newton Flood Plain
-  Wetland Restrictions
-  Rivers Protection Act Areas
-  Property Boundaries
-  Building Outlines
-  Surface Water
- Contour Lines**
-  Two Foot Contour
-  Index (10 Foot) Contour
-  Culvert



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Map Date: September 16, 2014