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James Freas  
Acting Director

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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.

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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.**

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### **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

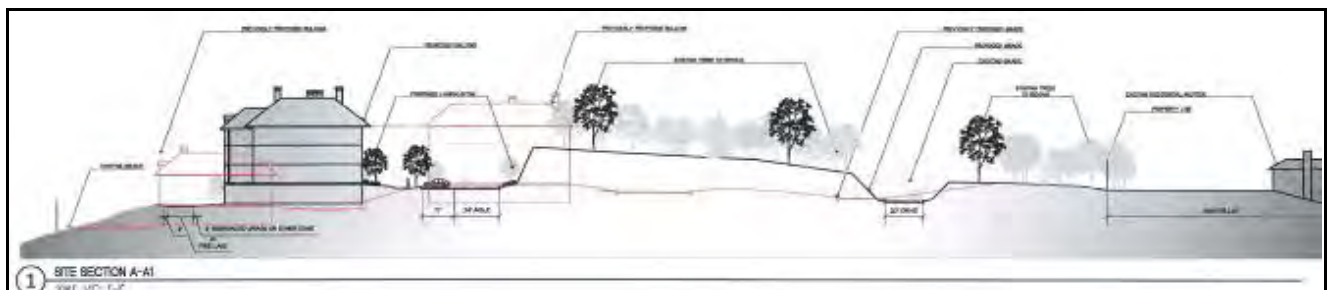
of approximately 51,268 square feet, or 1.18 acres, and maintains approximately 544,720 square feet, or 12.5 acres, of open space. Further, the petitioner has indicated how the development plan allows for a more substantial buffer, consisting of natural vegetation and the preservation of a portion of 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.

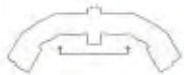
**B. Building and Site Design**

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.”<sup>1</sup> 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”<sup>2</sup> 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.<sup>3</sup>

#### V. TECHNICAL REVIEW

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

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

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<sup>1</sup> *Newton Comprehensive Plan*, 2007, Page 7-2.

<sup>2</sup> *Newton Comprehensive Plan*, 2007, Page 3-18 and 3-19.

<sup>3</sup> *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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|----------------------|---|
| <b>Attachment A:</b> | Land Use Map  |
| <b>Attachment B:</b> | Zoning Map  |
| <b>Attachment C:</b> | Environmental Features and Topography Map                   |
| <b>Attachment D:</b> | Newton Housing Partnership Letter, dated September 19, 2014 |
| <b>Attachment E:</b> | Zoning Review Memorandum, dated September 4, 2014           |
| <b>Attachment F:</b> | Conservation Commission, dated September 16, 2014           |
| <b>Attachment G:</b> | Fire Department Email, dated September 18, 2014             |
| <b>Attachment H:</b> | Engineering Review Memorandum, dated September 19, 2014     |

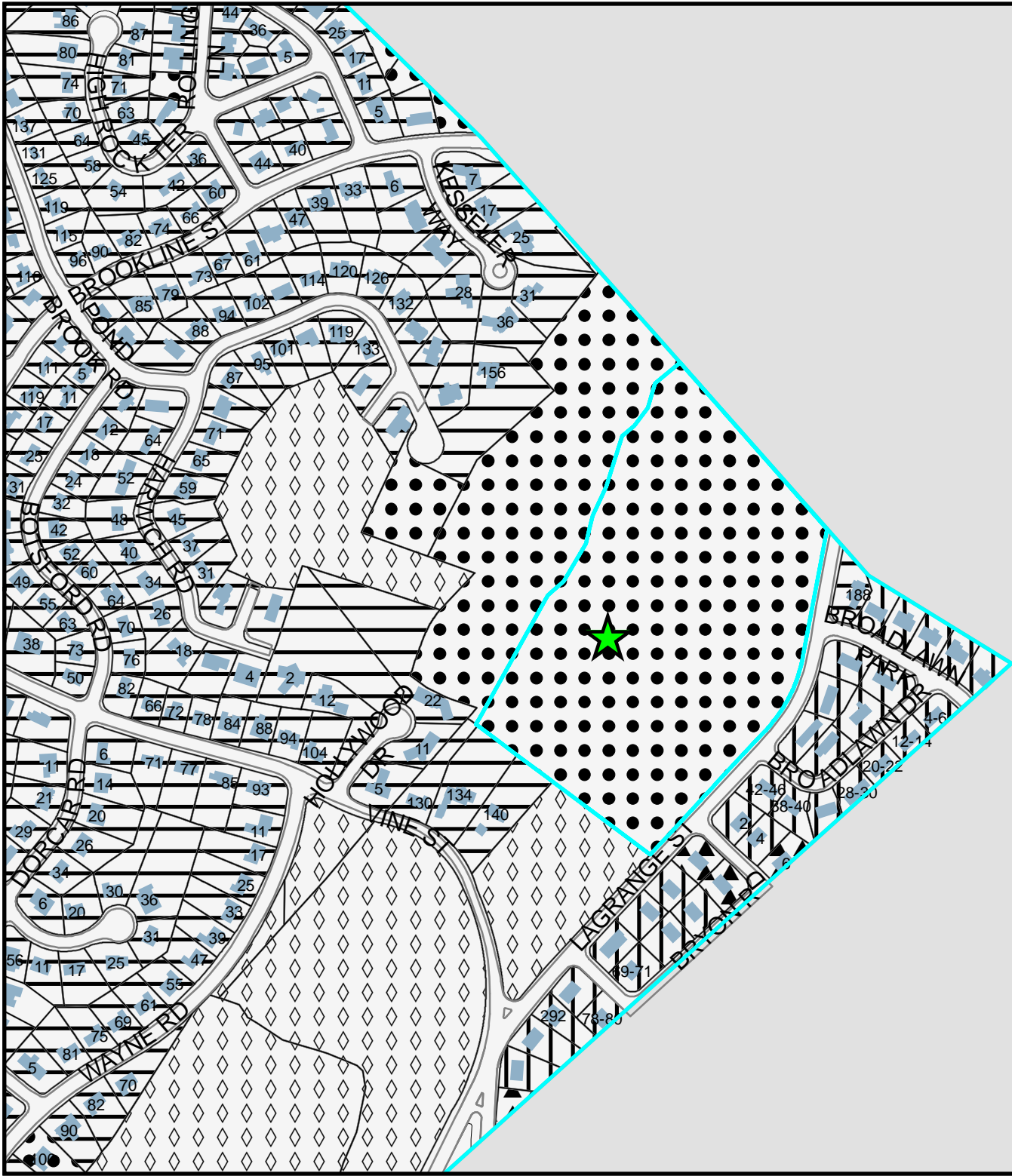
# Land Use Map Kessler Way / Lagrange Street

*City of Newton,  
Massachusetts*

**ATTACHMENT A**

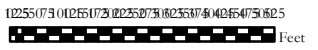
### Legend

- 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.

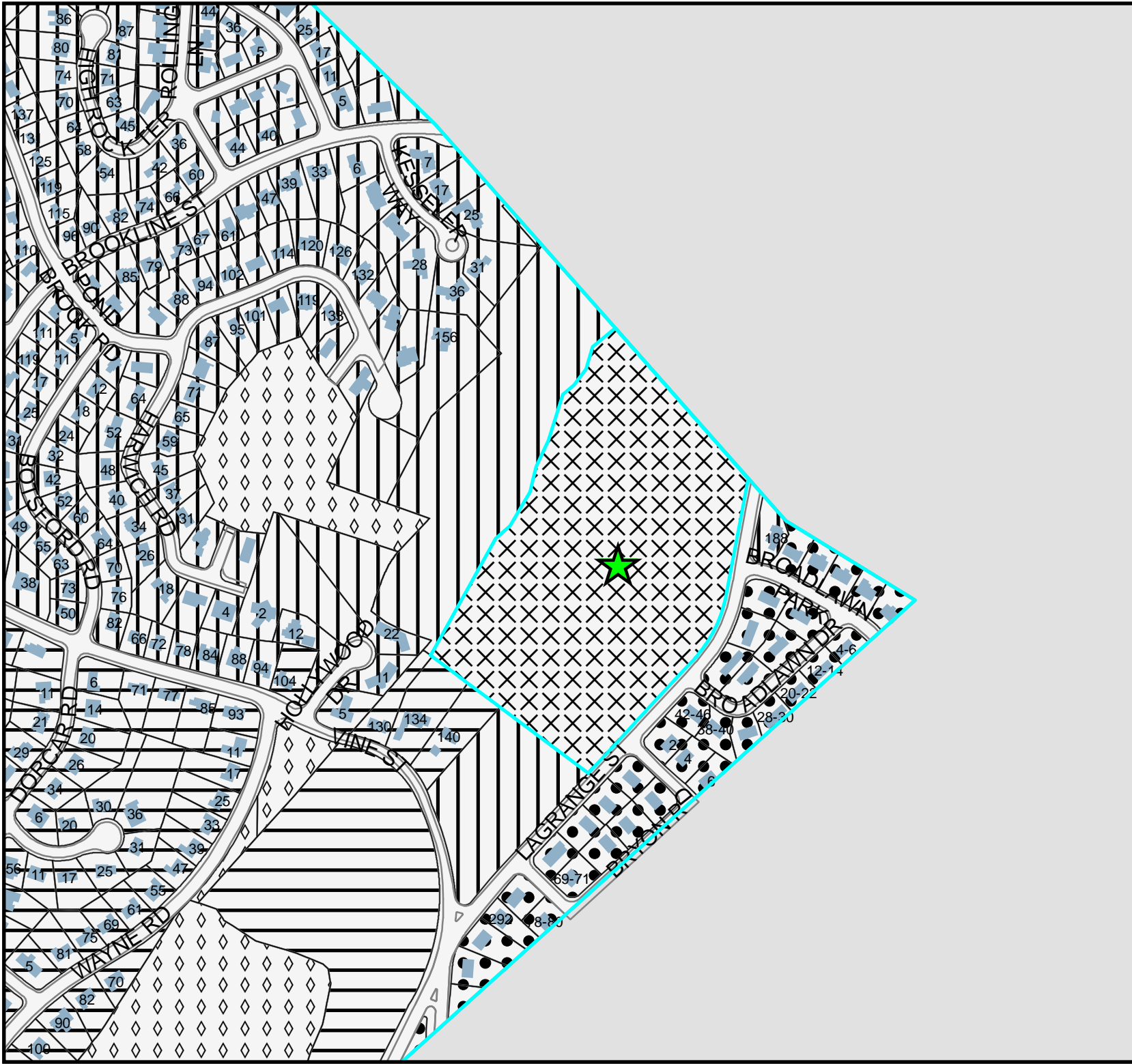
CITY OF NEWTON, MASSACHUSETTS  
Mayor - Setti D. Warren  
GIS Administrator - Douglas Greenfield



# Zoning Map Kessler Way / Lagrange Street

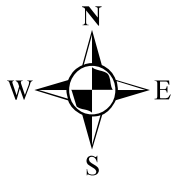
*City of Newton,  
Massachusetts*

**ATTACHMENT B**



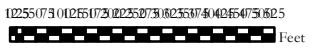
**Legend**

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



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





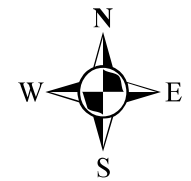
# Environmental Features and Topography Map LaGrange Street

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

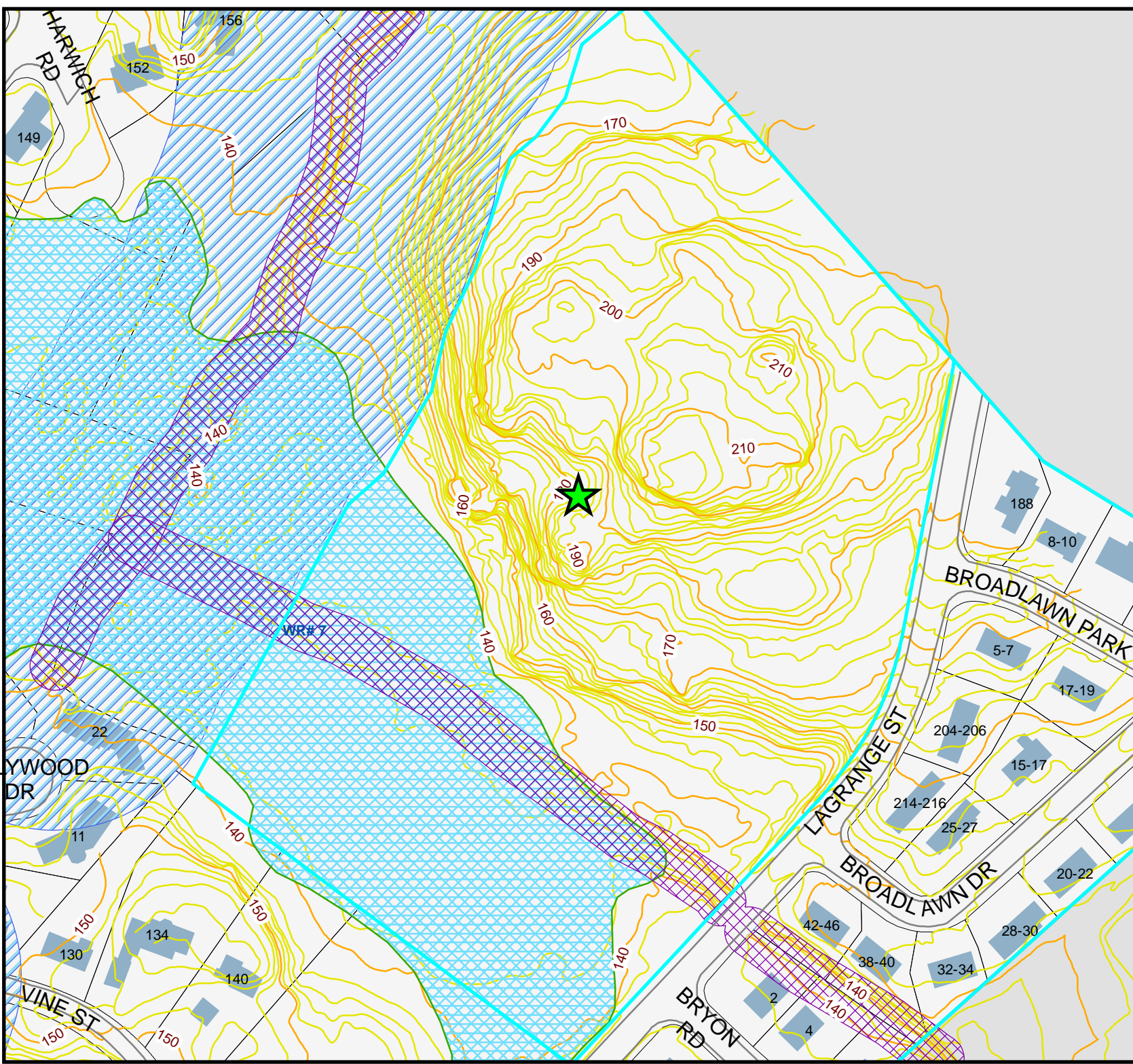


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Setti D. Warren  
GIS Administrator - Douglas Greenfield

0 12.5 50 75 100 125 150 175 200  
Feet

Map Date: September 16, 2014



**CITY OF NEWTON, MASSACHUSETTS**  
**Newton Housing Partnership**

September 19, 2014

Ald. Mark Laredo, Chairman  
 Land Use Committee  
 Newton Board of Aldermen  
 Newton City Hall  
 Newton, MA 02459

Setti D. Warren  
 Mayor

James Freas  
 Acting Director  
 Planning & Development

Robert Muollo, Jr.  
 Interim Housing Programs  
 Manager

Members

Dan Violi, Chair  
 Matthew Yarmolinsky,  
 Vice-Chair  
 Andrew Franklin  
 Judy Jacobson  
 Phil Herr  
 Peter Macero  
 Lynne Sweet

**RE: Kessler Woods Special Permit Application**

Dear Alderman Laredo:

The purpose of this letter is to provide the Land Use Committee with the Newton Housing Partnership's comments on the Kessler Woods Special Permit Application, submitted by Chestnut Hill Realty Development (the Petitioner). The Partnership evaluates development proposals with an affordable housing component for consistency with the criteria for our support, which are *affordability, feasibility, suitability, livability, and sustainability*. We have met with the Petitioner on July 9, 2014 and again on September 10, 2014 and heard public testimony at both meetings. Our comments are as follows:

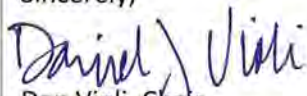
The proposal would prove more equitable for low- and moderate-income households if the size disparities between the market rate and affordable units were lessened or removed completely. Furthermore, we suggest that the affordable unit locations are dispersed more randomly and the inclusion of some units on the 3<sup>rd</sup> floor, where there are none currently.

While the proposal would provide access to walking trails, we encourage the addition of a passive recreational space or amenity that households might also utilize.

The Partnership ultimately decided to withhold its recommendation subject to the submission of additional information. Namely, we suggest that the Petitioner provide studies of and a comparative analysis of the blasting, sewer, traffic, fiscal/schools, and storm water drainage impacts of the existing Special Permit approved for the site and the current proposal.

Thank you for considering our comments and suggestions. If you have further questions for the Partnership please let me know.

Sincerely,

  
 Dan Violi, Chair

cc Linda Finucane, Clerk  
 James Freas, Acting Director  
 Mark Levin, Chestnut Hill Realty Development

1000 Commonwealth Ave.  
 Newton, MA 02459  
 T 617/796-1120  
 F 617/796-1142







Setti D. Warren  
Mayor

# Attachment E

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**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

Candace Havens  
Director

## ZONING REVIEW MEMORANDUM

Date: September 4, 2014

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Alexandra Ananth, Chief Planner for Current Planning

Cc: Frank Stearns, Attorney  
Chestnut Hill Realty, Applicant  
~~Candace Havens, Director of Planning and Development~~  
Ouida Young, Associate City Solicitor

As of the date of this memo, James Freas was serving as Acting Director of Planning & Development.

**RE: Request to amend Board Order 102-06(10) to allow construction of an 80-unit multi-family building**

Applicant: Chestnut Hill Realty	
Site: Lot H-1, LaGrange Street	SBL: 82037 0095
Zoning: SR3 (rezoning to MR3 proposed)	Lot Area: 640,847 square feet
Current use: Undeveloped	Proposed use: 80-unit multi-family dwelling

### BACKGROUND:

The subject property is a large vacant parcel located on LaGrange Street within the Kessler Woods subdivision created in 2004 and recorded in 2005. There were two stages of development proposed for the site, each separately permitted. The first built 11 single-family homes along a new street, Kessler Way. The second, issued a special permit in 2006, proposed a 3½-story 52-unit multi-family dwelling and ten units of attached dwellings, and required the parcel be rezoned to Multi-Residence 3. A number of waivers from the Ordinance were granted via the board order. The special permit was given a one-year extension in 2007, re-issued in 2008 and extended again in 2009. Through the Commonwealth's Permit Extension Act created by Section 173 of Chapter 240 of the Acts of 2010 and extended by Sections 74 and 75 of Chapter 238 of the Acts of 2012, the permit was given an additional four years to be exercised. The permit will expire on December 7, 2014 (four years from the one-year extension expiration date).

The applicant is proposing to amend the special permit for a different site plan allowing instead one 3½-story, 80-unit multi-family dwelling of rental apartments. The apartments will be comprised of 24

one-bedroom and 56 two-bedroom units, of which twelve will be affordable. There are 165 parking stalls proposed for the site between the garage and surface parking. An 11,090 square foot community space is proposed.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Franklin Stearns, K & L Gates, attorney, submitted 6/4/2014
- Board Order #102-06(3), issued 10/16/2006
- Board Order #102-06(7), issued 8/13/2007
- Board Order #102-06(9), issued 11/17/2008
- Board Order #102-06(10), issued 12/7/2009
- Ordinance Z-37, issued 11/17/2008
- Zoning Review Memo, prepared by Eve Tapper, Chief Zoning Code Official, dated 7/28/2008
- Proposed Site Plan, prepared by Stantec, dated 5/6/2014
- Comparison Site Plan, prepared by Stantec, issued 11/26/2013
- Architectural Plans, prepared by The Architectural Team, Inc, architects, dated 5/29/2014, revised 8/29/2014
  - Layout and materials plan
  - Grading plan
  - Grading change plan
  - Planting plan
  - Life safety plan
  - Elevations

#### **ADMINISTRATIVE DETERMINATIONS:**

---

1. While the proposed development is not allowed under the current SR-3 zoning, Ordinance Z-37 was passed in November 2008, rezoning the parcel to Multi-Residence 3 contingent upon exercising special permit BO 102-06(3), (7), (9) and (10). A multi-family dwelling requires a special permit in the MR-3 district pursuant to Section 30-9(d). The existing special permit is still valid due to the Permit Extension Act, but must be acted upon after the proposed amendment to validate the rezoning of the parcel. Ordinance Z-37 must be amended to reflect the amended special permit to which it is attached.
2. The Applicant is proposing 80 rental units within the multi-family structure. Per Section 30-24(f), the Inclusionary Zoning provisions, 15% of the total number of units, or twelve, must be affordable to a household making 80% of the area median income. The Applicant is proposing twelve affordable units and therefore meets the requirements of the Inclusionary Zoning provisions.
3. The proposed total square footage of the building is 190,439 square feet. Sections 30-24(b) and 30-24(d)(5) require a special permit for projects exceeding 20,000 square feet.
4. Section 30-15, Table 1 sets forth the standards for multi-family dwellings in the MR3 district. The proposed dwelling meets all of the dimensional standards set forth in the table. Footnote 6 of Table 1 states that, by special permit, a multi-family dwelling structure in the MR3 district may have a maximum building height of 48 feet and four stories maximum provided the lot has a minimum of ten acres, the distance from the street to the structure is no less than 150 feet, the distance between the structure and abutting properties is no less than 75 feet; and the front, side and rear setbacks for the lot are 50 feet from the lot line. The Applicant proposes a maximum

building height of 48 feet (where 46.75 was previously approved) and four stories (where 3.5 had been previously approved). As the lot area exceeds 10 acres, the Applicant is eligible for a special permit to allow for the maximum 48 foot height and maximum four stories requested.

5. Per Section 30-19(d)(2), two parking stalls must be provided for each dwelling unit in a multi-family dwelling, totaling 160 required stalls for the 80 proposed units. Plans indicate 138 parking stalls in the proposed garage, and 27 surface stalls, including two handicapped stalls totaling 165 spaces, exceeding the requirement of 160 stalls.
6. Section 30-19(e) requires that any parking facility containing more than five stalls and any loading facility be reviewed by the Commissioner of Inspectional Services.
7. The Applicant proposes 85 parking stalls measuring 8.5 feet wide in locations where columns are proposed, where Section 30-19(h)(2)(a) requires 9 feet. A special permit per Section 30-19(m) is required to waive the parking stall width requirement.
8. Section 30-19(h)(2)(d) states that where stalls head into a curb which bumpers can overhang, the length of the stalls may be reduced by two feet from the required stall depth dimensions. Section 30-19(h)(3) requires maneuvering aisles to be 24 feet wide where there is perpendicular parking. Fourteen standard parking stalls, plus two van-accessible stalls are proposed at the front of the building. These stalls are proposed at 17 feet deep, utilizing the two foot overhang, along a 24 foot wide maneuvering aisle. As proposed, no relief is required for this layout.
9. There are 30 tandem parking stalls proposed in the parking garage. Section 30-19(h)(5)(a) requires a special permit for parking requiring moving of cars.
10. Section 30-19(i) sets out the requirements for landscape screening and interior landscaping. While submitted plans appear to meet the landscaping requirements, numerous trees will be removed and the applicant must ensure that all applicable requirements of the Tree Ordinance are met.
11. No lighting plan was submitted as part of the application. The applicant should ensure that a photometric plan is submitted as part of the special permit application indicating the location of lighting and any light spillover. Should the applicant not be able to meet the requirements of section 30-19(j), a waiver is required.
12. A free-standing sign is proposed at the entrance to the development. Section 30-20(l) requires a special permit for a free-standing sign.
13. Section 30-5(b)(4) requires a special permit for a retaining wall exceeding four feet located within a setback. Several retaining walls are proposed on site, however it is unclear from the submitted plans whether any require a special permit due to height and location. Should any proposed retaining walls located within a setback exceed four feet, a special permit is required.
14. To accommodate the erection of the proposed structure, significant blasting and grading is required. Section 30-5(c)(1) requires any project with significant grading and landscape alteration be reviewed by the Commissioner of Inspectional Services.

15.

MR3 Zone	Required	Current Special Permit	Proposed
Lot Size	10,000 square feet	640,847 square feet	640,847 square feet
Frontage	80 feet	625 feet	625 feet
Setbacks for existing structure*			
• Front	150 feet	203 feet	152 feet
• Side	50 feet	110 feet	185 feet
• Rear	50 feet	77 feet	60 feet
Max Stories*	4	3.5	4
Max Building Height*	48 feet	46.75 feet	48 feet
Max Lot Coverage	45%	8%	8%
Min Open Space	30%	80%	85%
Parking	2 stalls/dwelling unit	146 stalls for 62 units	165 stalls for 80 units

\* Table 1, footnote 5 states “Allow by special permit in a Multi-Residence 3 district a multi-family dwelling structure to have a maximum building height of 48 feet and a maximum number of stories of 4, provided that there is a minimum lot size of ten acres; the distance from any street(s) abutting the lot to such multi-family dwelling structure is no less than 150 feet and the distance between such structure and abutting properties is no less than 75 feet; and front, side and rear setbacks for the lot are 50 feet from the lot line.

Zoning Relief Required		
Ordinance		Action Required
§30-9(d)	To allow a multi-family dwelling in an MR3 zoning district	S.P. per §30-24
Z-37	Amend Ordinance Z-37 to reflect new Board Order	
§30-24(b), §30-24(d)(5)	To allow construction of structures in excess of 20,000 square feet	S.P. per §30-24
§30-15, Table 1, footnote 5	To allow increased maximum height of 48 feet	S.P. per §30-24
§30-19(h)(2)(a), §30-19(m)	To reduce the parking stall width requirement	S.P. per §30-24
§30-19(h)(5)(a)	To allow tandem parking	S.P. per §30-24
§30-19(j) §30-19(m)	Waive lighting requirements as necessary	S.P. per §30-24
§30-20(l)	To allow a free-standing sign	S.P. per §30-24
§30-5(b)(4)	To allow a retaining wall exceeding 4 feet within a setback	S.P. per §30-24
§30-23	Site Plan Review	
§30-24(f)	Compliance with the Inclusionary Housing provisions	



Setti D. Warren  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
Conservation Commission  
1000 Commonwealth Avenue, Newton, MA 02459

Jennifer Steel, Senior Environmental Planner  
(617) 796-1134 JSteel@NewtonMA.gov

## Attachment F

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James Freas  
Acting Director

To: Dan Sexton  
From: Jennifer Steel, Senior Environmental Planner  
Date: September 16, 2014  
Re: Preliminary Review of Kessler Woods Residential Development (off LaGrange St.)

In response to your inquiry about the plans supplied for the Kessler Woods Residential Development, I submit the following comments based on my personal, preliminary review. Please note that the Conservation Commission has not received or reviewed any plans.

1. The Newton Conservation Commission implements the State Wetlands Protection Act and Regulations; there is no local wetland ordinance.
  - a. The Kessler Woods project boundaries, as shown on the plans, are outside all jurisdictional wetland resource areas (Riverfront area, Bordering Vegetated Wetlands, City flood zones, and buffer zones).
  - b. There is a possibility that some sewer connection work will need to take place within Conservation Commission jurisdiction, but no plans have been submitted to date for that work.
  - c. Conservation Commission jurisdiction would be asserted over the project only if the project resulted in impacts to wetland resource areas. Stormwater runoff is the most likely source of off-site impacts, so drainage was given a review.
    - i. The City should ensure that all runoff from the site is accommodated and infiltrated within the bounds of the approved limit of work.
    - ii. Careful consideration should be given to the structural integrity and hydrologic function of the site near the subsurface infiltration chambers to ensure that stormwater storage, infiltration, stability, and vegetation are maximized. Because of the biofiltration afforded by vegetation, components such as gabions and geogrid that allow for steep-slope vegetation should be considered.
  - d. The Conservation Commission would ask that the City advocate for the landscaping plan to incorporate as many native species as possible to help sustain native wildlife that has traditionally relied on this area for breeding, nesting, and feeding.
  - e. The Conservation Commission would ask that the City advocate for limited exterior lighting to maintain the interests of the Conservation Restriction and protect native wildlife.
2. Several other conservation-related issues are associated with this project and area parcels, and should be conclusively resolved.

- a. There is a Conservation Restriction over much of the development parcel.
  - i. The Conservation Commission “holds” the Conservation Restriction. The Kessler Woods project boundaries (on Lot H-1), as shown on the plans, are outside the Conservation Restriction, so no alterations should occur within the Conservation Restriction as a direct result of the development.
  - ii. The Restriction has been approved and recorded at the Registry of Deeds, but the boundary line(s) still need to be marked in the field with permanent markers.
- b. There is an Easement over much of the development parcel.
  - i. The Kessler Woods project boundaries (on Lot H-1), as shown on the plans, are outside the Easement areas, so no alterations should occur within the Easement as a direct result of the development.
  - ii. The Easement has been approved and recorded at the Registry of Deeds, but the boundary lines of the residential lot and the residual area still need to be marked in the field with permanent markers.
  - iii. The Easement refers to the transfer of \$75,000 to the City for the development of trails in the Easement area. I believe that transfer has yet to occur.

I hope these comments help. Feel free to contact me with further questions or request to be placed on the Commission’s agenda for more in-depth discussion with the whole Commission.



## **Daniel Sexton**

---

**From:** Paul Chagnon  
**Sent:** Thursday, September 18, 2014 7:26 AM  
**To:** Daniel Sexton  
**Subject:** Re: Kessler Woods - Fire Department Review

Hi Daniel

I was under the impression that the driveway was 14' wide with an additional 2' of pavers on the side. although not ideal it is adequate for fire department access. However I did not discuss parking along this drive through. Cars along the path would certainly have an impact on emergency vehicle access. I don't think that parking restrictions are unreasonable. I think that it is also wise to have them commit to snow removal insuring that the entire 16' is accessible for traffic flow and emergency access.

If you would like me to talk with them about this I would be more than happy to do that.

Thanks  
Paul Chagnon  
A/C NFD

---

**From:** Daniel Sexton  
**Sent:** Wednesday, September 17, 2014 6:05 PM  
**To:** Paul Chagnon  
**Subject:** Kessler Woods - Fire Department Review

Evening Assistant Chief Chagnon,

I've received a copy of the site plan stamped by the Fire Department. Were there any comments or concerns raised during conversations with the petitioner and their design team? Specifically, I was wondering if you had any issues with the width of the looped driveway and the potential for parked vehicles along its edge. I've raised the issue in my draft email and suggested that the petitioner install signage along this corridor prohibiting parking.

Let me know your thoughts.

Thanks,  
Dan

### ***Daniel Sexton***

Senior Planner  
City of Newton  
1000 Commonwealth Ave.  
Newton, MA 02459  
Phone: (617) 796-1123  
Email: [dsexton@newtonma.gov](mailto:dsexton@newtonma.gov)

**CITY OF NEWTON  
DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION**

MEMORANDUM

To: Alderman Mark Laredo, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – The Residences at Kessler Woods

Date: September 19, 2014

CC: Lou Taverna, PE City Engineer  
Linda Finucane, Associate City Clerk  
Alexandria Ananth, Chief Planner  
Dan Sexton, Sr. Planner

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In reference to the above site, I have the following comments for a plan entitled:

*The Residences at Kessler Woods  
Newton, MA  
Prepared by: Stantec  
Dated: August 4, 2014  
Revised: August 29, 2014*

*Executive Summary:*

An 80 unit condominium is planned on a 14.7 acre site that is currently undeveloped; the site is heavily wooded, and has substantial ledge and rock outcrop. The developer proposes to extend municipal water, sewer and gas to provide service for the multilevel building. Taking advantage of the topography the building will have a drive under parking underneath the footprint of the building, and some on grade parking areas.

The major issue for this development is that the project site is within Area A of the City's Sewer Capital Improvement Program. As you are aware this sewer basin has infiltration

& inflow (I & I) issues; as such based on the DPW policy for multi-unit facilities the Department is requiring a removal rate of 8:1 meaning a removal of 8 gallons of I &I for every gallon of sewage generated from the development.

The financial contribution would be based on the treatment & transportation cost to the City which is \$8.40/gallon x 110 gal/bedroom x 136 bedrooms x 8 (reduction ratio) = \$1,005,312. While this issue was discussed with the developer's engineers, attorneys and the Engineering and Utilities Divisions of the DPW, no resolution has been achieved.

The proposed water main extension alignment is unacceptable for the Utilities Division. They are requiring the water main to be installed within Lagrange Street in lieu of a cross country easement.

Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction equipment, construction materials, parking of construction worker's vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of contractor. It shall also address any anticipated dewatering during construction, site safety & stability, and impact to abutting properties.

Drainage:

The proposed development project appears to be in compliance with evaluation criteria, including Massachusetts Stormwater Standards, and the City of Newton Stormwater Standards. In general, the project provides water quality infrastructure and reduced peak runoff rates and volume with the implementation of BMPs. However the pre & post water shed maps need to be re-submitted since the topography cannot be read for verification.

1. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities must be adopted by applicant and/or the Condominium Association that needs to be formulated, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
2. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the

infiltration system, catch basins, and pipes are the sole responsibility of the property owner(s).

3. The proposed water quality infiltration trench for the pond 2 system should be reconfigured to be in a more natural form to comply with the topography.
4. The subsurface stormwater detention systems 1 & 2 need to be rated H-20 loading since Fire trucks will drive over these units which are partially with the "fire access" road.

Sewer:

1. The proposed sanitary sewer connection needs to be revised, the actual point of connection should be at the existing sewer manhole, the proposed connection was to an 8" clay pipe that does not meet current DPW standards.
2. A revised detailed profile is needed which shows the existing water main, proposed water service(s), sewer main and proposed sewer service(s) with the slopes and inverts labeled to ensure that there are no conflicts between the sewer services and the water service. The minimum slope for a service is 2.0%, with a maximum of 10%. Pipe material shall be 6" diameter SDR 35 PVC pipe within 10' of the dwelling then 4" pipe per Massachusetts State Plumbing Code. In order to verify the slopes and inverts of the proposed service connection, two manholes of the existing sanitary sewer system need to be identified on the plan with rim & invert elevations. The crown of the service connection & the sewer man need to match.
3. With the exception of natural gas service(s), all utility trenches with the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E, detail is available in the City of Newton Construction Standards Detail Book.
4. All new sewer service and/or structures shall be pressure tested or video taped after final installation is complete. Method of final inspection shall be determined solely by the construction inspector from the City Engineering Division. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer. ***This note must be added to the final approved plans.***
5. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be

accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer.

Water:

1. Once the water main is extended to the property, separate domestic & fire suppression service connection is required.
2. All water connections shall be chlorinated & pressure tested in accordance to AWWA and the City of Newton Construction Standards and Specifications prior to opening the connection to existing pipes.
3. Approval of the final configuration of the water service(s) shall be determined by the Utilities Division, the engineer of record should submit a plan to the Director of Utilities for approval

Site Access:

- Based on the grading sheet some areas of the “*Fire Access*” road have steep embankments and guard rails maybe required. Further clarification of the grade change in these areas need to be investigated.

Environmental:

1. Snow storage was described in the stormwater management report, however a plan should be generated so that exact locations can be clearly identified and ultimately proper signage would be required when the development is built.
2. All trash collection and recycling shall be responsibility of the property owner.

General:

1. If the project is approved the applicants will need to apply for Grants of Location and permission to extend municipal & private utilities within Lagrange Street.
2. All trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
3. All tree removal shall comply with the City's Tree Ordinance.
4. Due to the total square footage of the building, a scale massing model will be needed.
5. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
6. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
7. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
8. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
9. If a Certificate of Occupancy is requested prior to all site work being completed. *This note must be incorporated onto the site plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.



Setti D. Warren  
Mayor

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Department of Planning and Development  
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James Freas  
Acting Director

---

## PUBLIC HEARING/WORKING SESSION MEMORANDUM

**DATE:** October 24, 2014  
**TO:** Land Use Committee of the Board of Aldermen  
**FROM:** James Freas, Acting Director of Planning and Development  
Alexandra Ananth, Chief Planner for Current Planning  
Stephen Pantalone, Senior Planner  
**CC:** Petitioner

In response to questions raised at the Land Use Committee public hearing, and/or staff technical reviews, the Planning Department is providing the following information for the upcoming public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

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### PETITION #102-06 (11) and #102-06 (12)

### Kessler Woods

Request to amend the existing special permit via Board Order #102-06(9) for the Kessler Woods Residential Development project and waivers for deviations from certain design and dimensional controls. Request to amend Ordinance Z-37, which adopted a change of zoning from Single Residence 3 to Multi Residence 3, to account for the modified Kessler Woods project proposal.

The Land Use Committee (the "Committee") held a public hearing on September 23, 2014, which was held open so that the petitioner could respond to questions/concerns that were raised in the Planning Department Memorandum and at the public hearing. The petitioner's responses were summarized in a memorandum dated October 16, 2014 (**ATTACHMENT A**). Overall, the Planning Department finds the petitioner's responses are complete, and provides the following comments.

#### Revised Site Plan

The petitioner will submit a revised site plan and revised architectural drawings prior to the next working session. The petitioner submitted a letter on October 23, 2014 to the Planning Department noting the changes to the site plan (**ATTACHMENT B**), as listed below. The Planning Department believes that the petitioner has adequately addressed the issues of massing and design.

- Elevators and stair towers relocated to the North side of the building, which allows the exits at grade to be on the rear of the building
- Changes to some of the unit sizes, though no change to the unit mix (24 1BR and 56 2BR)

- Changes to the roof lines by varying the eave and ridge elevations, and using different pitches on different parts of the building
- Eyebrow dormers eliminated to allow the bay windows to carry through the eave line and serve as a dormer to further break up the roof line
- Greater articulation of the façade with colors and trim bands
- The windows at the cultured stone base have been detailed differently than those in the stucco finished cement fiber siding
- The rhythm and grouping of windows has been refined to establish a hierarchy and to relate to the interior functions
- A majority of the balconies were eliminated
- Vehicle entrance to the garage was relocated at the same wall
- Relocated the sewer line
- Added putting green and play structure to the rear of the building, re-graded the area and added some tree wells to save existing trees
- Addressed comments of the traffic peer reviewer regarding sight lines at the entrance
- Added stone walls at the entrance and incorporated the site identification signs

### **Peer Review of Transportation Study**

The City engaged McMahon Associates to conduct a peer review of the Traffic Impact Assessment Study (“TIAS”) prepared by MDM Transportation Associates (“MDM”) for the petitioner in July of 2014. The peer review did not raise any concerns with the TIAS that would materially impact the project (**ATTACHMENT C**). The petitioner provided responses to each of the comments in the peer review (**ATTACHMENT D**). The Planning Department is generally satisfied with the TIAS and believes that it has been sufficiently reviewed. As indicated in the TIAS, this project will not significantly impact existing traffic in the area. The Planning Department understands the traffic issues that affect this neighborhood and recognize the need for long term planning throughout the City and neighboring cities to improve the existing conditions. Both MDM and McMahon Associates will be available at next Tuesday’s public hearing to answer any questions.

### **Inflow and Infiltration**

The City’s policy is to require a mitigation payment for inflow and infiltration (“I&I”) on development projects with greater than 100 bedrooms. Based on the standard calculation used by the City, which assumes a price of \$8.40/gallon and 110 gallons per bedroom with an I&I ratio of 8:1, the mitigation payment would be approximately \$1,005,000 dollars. However, the Department of Public Works is comfortable reducing the gallons per bedroom to 60.9 gallons due to the use of low flow fixtures, which is consistent with recently approved projects. The reduction in gallons per bedroom would decrease the payment to \$556,577 at the 8:1 ratio.

The petitioner believes that a mitigation payment of this amount is infeasible, and has suggested an alternate calculation using 46 gallons per bedroom with a ratio of 2:1 that results in a substantially lower payment of \$105,000. The petitioner’s calculation of gallons per bedroom per day is based on data from its existing residential projects, and the 2:1 ratio is based on the I&I payment from another recent project in Newton.



The Planning Department and the Department of Public Works believe that I&I is a significant issue for the City and the State, and that requesting sufficient mitigation is important regardless of what has been approved in the past, particularly in the subject area which has known sewer constraints and capacity issues. In terms of the figure used for gallons per bedroom, the Department of Public Works believes the petitioner's proposed rate is very aggressive, and the petitioner has not provided data (as of the date of this memo) to justify such a reduced rate. Therefore, the Planning Department and Department of Public Works continue to recommend a mitigation payment based on 60.9 gallons per bedroom with a ratio of 8:1.

### **Engineering Memorandum**

Except for the issue of I&I, the comments and concerns in Engineering Memorandum can be addressed through the standard building permit process.

### **Draft Construction Management Plan, including Blasting Plan**

The petitioner made minor revisions to the construction management plan that was reviewed during the 2006 special permit (**ATTACHMENT E**). The Planning Department does not have any particular concerns with the revisions, as the original plan provided sufficient safe guards for the City and abutting properties. The draft construction management plan will be reviewed by the Department of Inspectional Services prior to issuance of a building permit.

The petitioner also submitted a blasting plan prepared by their engineering firm Stantec Consulting (**ATTACHMENT F**), which was taken from the blasting section of the construction management plan from the 2006 special permit, with minor revisions. The blasting plan is comprehensive and meets all applicable standards. The petitioner has installed ground water monitoring wells on the site and determined that the ground water elevation is approximately six feet below the lowest level of rock excavation required by the project. Considering the safeguards in the construction and blasting plans, the reviews of the blasting plan completed in 2006 by Haley and Aldrich and Woodard and Curran, and the more recent monitoring wells, it does not appear that this project will impact the groundwater flow on the site or abutting properties.

### **Road Improvements at Lagrange/Corey/Vine**

The petitioner has proposed road design improvements at the intersection of LaGrange Street, Corey Street and Vine Street (**ATTACHMENT G**), which experiences significant traffic volumes during peak times. The petitioner views the proposed improvements as a public benefit, but not as mitigation, as the TIAS indicates that this project will not materially impact the existing conditions of the intersection. The Transportation Division reviewed the initial design and believes that the design will create a safer intersection for vehicles (**ATTACHMENT H**). The petitioner has indicated that they are willing to pay for the road improvement within the scope of work that they've proposed.

### **Public Foot Path**

The petitioner has agreed to contribute \$75,000 toward the planning, design, and maintenance of a public foot path, as agreed upon in the 2006 special permit.

*This was part of the original bidding agreement, not just the special permit.*

### **Conservation Commission Jurisdiction**

The City's Conservation Agent conducted a site visit with the petitioner and agreed that the scope of work is outside the jurisdiction of the Conservation Commission, with the exception of a potential new sewer connection. The Conservation Agent did not raise any particular concerns about the potential sewer connection, as any impacts can be easily addressed through the standard building permit process.

### **Tree Preservation Ordinance**

The petitioner has counted the number trees to be removed and they are certain that the total caliper inches to be removed by the project will significantly exceed the caliper inches to be planted. The process for tree removal is guided by the Tree Preservation Ordinance, which requires a payment to the City when there is a net loss in caliper inches, though that payment may be reduced upon appeal to the Mayor. Under the Tree Preservation Ordinance, the petitioner would seek such a waiver to reduce the payment to the amount agreed upon in the 2006 special permit (\$261,000). The Planning Department agrees with this approach considering the amount of existing and proposed landscaping and the topographical challenges of the site.

### **Square Footage of Affordable Units in Comparison to Market Rate Units**

The petitioner indicated that the size of the affordable units are well above the Massachusetts Department of Housing and Community Development requirements and are only modestly smaller than the other market rate units on the same floors. The Planning Department continues to believe that the affordable units should be of equal size to the market rate units and distributed equally within each floor of the development. However, considering the modest difference in the square footage on a floor by floor basis, the Planning Department does not believe that this issue materially changes the project, as the affordable unit sizes are generous in comparison to state standards.

### **Inclusionary Housing Plan**

The petitioner submitted an Inclusionary Housing Plan as required by the Newton Zoning Ordinance. The plan, which was reviewed by the Interim Housing Programs Manager, contains standard language and does not raise any particular concerns. The Inclusionary Housing Plan including an Affirmative Fair Housing Marketing Plan and other details on the affordable units in the project will be reviewed further and a full application submitted to the state prior to the issuance of a building permit, in order to register the affordable units on the Subsidized Housing Inventory.

### **Contribution to the City's Subsidized Housing Inventory**

The affordable units in the project will count towards the City's subsidized housing inventory. However, the market rate units will not count, as the project does not meet the affordability requirements for a Chapter 40B rental project, which requires 25% of the total units to be affordable to households earning up to 80% of Area Median Income, or conversely, 20% of the total units affordable to households earning up to 50% of Area Median Income).

### **Freestanding Sign**

The petitioner will provide additional details on the proposed freestanding sign prior to applying for a building permit. The petitioner has confirmed that the area of the freestanding sign will not exceed the maximum 35 square feet. The Planning Department has no particular concerns with this approach as the sign is a minor piece of this project.

### **Light Trespass on Lagrange Street**

The photometric plan indicates minor light trespass (0.1) into the roadway on Lagrange Street. The petitioner believes that it is important to have sufficient lighting at the entrance and that the amount of trespass is minimal. The Planning Department agrees with the petitioner.

### **Recommendation**

The petitioner has responded to each of the questions raised at the public hearing, in the Planning Department Memorandum, and in reports from other departments. The remaining issues of greatest concern relate to mitigation payments/public improvements relative to four separate issues: calculation of I/I, the payment to the Tree Replacement Fund, roadway improvements at Lagrange, Corey and Vine Streets, and the public pathway on the site. The Planning Department recommends the following, in order of priority:

- 1) I&I payment that is consistent with the Department of Public Works policy (approximately \$556,577);
- 2) Tree replacement payment equal to the 2006 agreed upon amount (\$261,928);
- 3) Contribution for the public foot path equal to the amount agreed upon in the 2006 special permit (\$75,000);
- 4) Contribution for roadway improvements at Lagrange/Corey/Vine for the scope of work suggested by the petitioner (up to \$225,000).

The Planning Department considers the payment for I&I a top priority for the city, and if necessary, other contributions should be reduced/eliminated before a significant reduction in I&I.

The Planning Department believes that the petitioner has addressed all outstanding issues, and therefore recommends approval, with conditions that address the various mitigation payments/public improvement contributions.

**Attachment A** – Petitioner Response

**Attachment B** – Narrative of Changes to the Site Plan and Architectural Drawings

**Attachment C** – Peer Review of Traffic Study

**Attachment D** – Response to Peer Review of Traffic Study

**Attachment E** – Draft Construction Management Plan

**Attachment F** – Draft Blasting Plan

**Attachment G** – Road Improvements at Lagrange/Corey/Vine

**Attachment H** – Letter from Transportation Director on Design of Road Improvements

**Attachment I** – Sustainability Features of the Project

## Petitioner's Response dated October 16, 2014

DATE: September 26, 2014

TO: Chestnut Hill Realty Development LLC/ Kessler Development, LLC

FROM: Dan Sexton, Senior Planner

MEETING DATE: September 23, 2014

RE: Kessler Woods - Land Use Committee Public Hearing Notes

CC: Ouida Young, Law Department  
 Alexandra Ananth, Chief Planner for Current Planning  
 John Daghlian, Engineering Division  
 Bill Paille, Director of Transportation  
 Linda Finucane, Clerk of Land Use Committee

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**Petitions: #102-06(11) and #102-06(12)**

**LaGrange Street**

A petition requesting to amend the existing special permit via Board Order #102-06(9) for the Kessler Woods Residential Development project and waivers for deviations from certain design and dimensional controls. This petition is also seeking to amend Ordinance Z-37, which adopted a change of zoning from Single Residence 3 to Multi-Residence 3, to account for the modified Kessler Woods project proposal.

- 
- The **City's Law Department** should prepare a brief history of the acquisition, legal agreements and documents (i.e. Cooperative Bidding Agreement (and subsequent amendments), Conservation Restrictions, Easement Agreements, and etc.), and development of Kessler Woods by Cornerstone Corporation. The **Law Department** should clarify what impact, if any, the petitioner's amended special permit petition has on the previous legal agreements and documents.

***Petitioner's Response:** The Law Department will provide the response to this note. The petitioner is working with Cornerstone and the Law and Planning Department to assure that if the zoning relief is timely granted to the satisfaction of Chestnut Hill Realty and it proceeds to purchase the property, that the city's legal rights are addressed. It is the Petitioner's intention that before any such closing when Chestnut Hill Realty buys the property from Cornerstone, the city will have extinguished its legal rights related to purchasing the property in the Cooperative Bidding Agreement (the right to purchase the land for Cornerstone's costs); (ii) the Development Covenants Agreement (the right of First Refusal), and (iii) the Easement*

*Agreement (the Residual Area Conveyance). The city will maintain all of its existing property interests in the Conservation Restriction and the Easement Agreement and will, of course, have all its rights under the Special Permit.*

- The **petitioner** should respond to the concerns raised by the City's Engineering Division of Public Works, Land Use Committee and members of the public regarding on-site drainage infiltration, especially after blasting, and the placement and impact of utility services.

***Petitioner's Response:** The Petitioner has with this Memo provided to the Planning Department a mark-up of the Construction Management Plan (CMP). Such CMP maintains all the applicable commitments made by Cornerstone except where indicated on the redline of the CMP. The Petitioner expects that at the continued public hearing of the Land Use Committee there will be substantive presentation and discussion regarding the blasting protocols.*

*The Petitioner intends to carry forward the same level of controls over its blasting applicable to its project as is reflected in the Cornerstone special permit and Construction Management Plan.*

*Because of the specific questions posed regarding the effects of blasting, CHR has prepared the detailed response contained in the Blasting Response document attached.*

*Regarding drainage infiltration, the complete storm water report has been provided to the city and the Petitioner is able to respond to the comments of the Engineering Department in its Memorandum dated September 19, 2014.*

*Regarding the impact of utility services, the Petitioner contests the imposition of an 8:1 sewer "I/I" mitigation payment. The Cornerstone special permit did not impose any such "I/I" requirement and that project had a substantially equivalent number of proposed bedrooms. The Petitioner intends to have further discussion about the "I/I" payment request with the Planning Department and the Aldermen, in conjunction with other project related mitigation including traffic improvements in LaGrange Street and, consistent with the city's treatment of Cornerstone, a waiver of full payment of the tree replacement deficit for the project.*

- The **petitioner** should provide a draft construction management plan, which includes, but is not limited to, information regarding blasting (pre and post blasting surveys), tree protection, erosion controls, traffic management, air quality, noise, contractor parking and staging, and hours of operation.

***Petitioner's Response:** See mark up of Construction Management Plan attached.*

- Once received, the **petitioner** should respond to the comments and concerns raised, if any, by the City's consultant peer reviewing the project's Traffic Impact Assessment.

***Petitioner's Response:** The Peer Review report was received on October 8, 2004. The report will be discussed at a planned meeting on October 16, 2014.*

- The **petitioner** should respond to the concerns raised by the Land Use Committee and members of the public regarding traffic along LaGrange Street, specifically the speed of traffic, sight distances, and capacity. In this response, the **petitioner** should clarify how the development will impact the movement of pedestrians and vehicles entering and exiting the site and in the surrounding area.

***Petitioner's Response:** This will be discussed at a meeting with Bill Paille, MDM Transportation, the Planning Department, the Peer Reviewer and Chestnut Hill Realty on October 16, 2014.*

- The City's **Planning Department** should clarify what percentage of inclusionary units are necessary to count all the rental units toward the City's 10% affordable unit threshold.

***Petitioner's Response:** The Planning Department will respond. The Petitioner notes that the Development Covenants Agreement and the Cooperative Bidding Agreement contemplated that the development be permitted through a special permit as opposed to some other form of development permitting vehicle.*

- The **petitioner** should clarify the potential impacts of the proposed development on the Newton School District.

***Petitioner's Response:** The Petitioner has commissioned a Fiscal Impact study which projects that the school enrollment student estimate from the project is 8 students, much lower than the 20 students projected from the Cornerstone 62-unit condominium project. The biggest reason for this estimated decrease is that the project is now exclusively one and two bedroom units with no lofts or other architectural features which would allow for the creation of "extra bedrooms."*

- The **petitioner** should respond to the Land Use Committee's concerns of the building's mass, exterior design, and form, and its visibility during the winter. The **petitioner** should also clarify how the project will be made sustainable, and whether a certain level of certification is being sought.

***Petitioner's Response:** The Petitioner believes strongly that the building layout, configuration, height and massing, in conjunction with the existing land and vegetation to remain, as supplemented by significant new plantings, will provide an effective shield of the building from the residential neighbors. Having said that, the Petitioner will continue to work with the Planning Department on selection of materials and façade elements to respond to this comment. The Petitioner has done photo simulations of views from 4 of the closest Rangeley Road abutters.*

*The Petitioner has prepared the Sustainable Project Features Memorandum attached.*

- The **petitioner** should respond to concerns raised by the Land Use Committee regarding the disparity of inclusionary unit sizes and the configuration of these units within the building. The **petitioner** should also identify the locations for the accessible units, at least 15% of which

should be inclusionary units. The **petitioner** should also provide an updated Inclusionary Housing Plan.

***Petitioner's Response:** All of the apartments at The Residences at Kessler Woods will have the same quality finishes and appliances. All of the apartment homes will have granite countertops, Energy Star appliances and in-unit washers and dryers All of the residents at The Residences at Kessler Woods will be able to use the many amenities such as a Wi-Fi café, business center, exercise facility, theatre and community room. All residents will be able to use the shuttle service and will have at least one covered parking space.*

*The 12 affordable units are all larger than required by the City of Newton ordinance.*

*The four (4) one-bedroom affordable units are split between the first and second floors. They are 913 square feet, which is 30% larger than the required 700 square feet. They are only 56 square feet smaller than the market rate one-bedroom unit on the same floor.*

*They are bigger than all of the affordable one-bedroom units approved at Riverside.*

*The eight (8) two bedroom units are good sized units at 1007 and 1097 square feet and are also spread evenly between the first and second floors. Once again they are larger than the required 900 square feet. The larger two bedroom affordable unit is only 168 feet smaller than a two-bedroom market rate apartment on the same floor.*

*Four of the two-bedroom units are also located on the desirable back of the building so they will have a beautiful woodland view.*

*The floor plans will show the accessible units and the updated Inclusionary Housing Plan is attached.*

- The **petitioner** should provide programming information for the proposed shuttle service, linking this site to the Hancock Village project in the Town of Brookline. The **petitioner** should also respond to the question raised by members of the public as to whether residents in the surrounding neighborhood will be able to use this service.

***Petitioner's Response:** The current Hancock Village shuttle program provides a 13 passenger shuttle bus on a continuous loop between Hancock Village and the Reservoir Station T-Stop near the junction of Chestnut Hill Ave and Beacon St in Brookline. The shuttle runs weekdays between 6:15 a.m.-10:15 a.m. and again 4p.m.-8p.m. This services is currently being used daily by approximately 50-60 Hancock Village units. The best route will be determined to incorporate the Residences at Kessler Woods into the current shuttle services. This will be a services available to residents only and not to the general public.*

- The **petitioner** should respond to the concerns raised by the Land Use Committee regarding the configuration and functionality of the proposed indoor parking facilities.

**Petitioner's Response:** *The layout of the covered parking as efficient as possible so that as many as possible parking spaces can be accommodated. This reduces the amount of spaces that are needed to be accommodated outside and thus reduces pavement. Further the design consciously adds angles to the building so that the building is not one long mass. This adds structural columns in specific locations. Working with these design parameters, some of the covered parking stalls are 1/2 foot smaller than conforming spaces at the location of these columns. Further some of the 2 bedroom units will have tandem parking spaces for efficient space usage. No active or centralized parking management will be needed to support this limited number of units to be served by tandem parking spaces, if such unit has 2 vehicles.*

- The **petitioner** should clarify how the project design will facilitate the public's future access to foot paths throughout the conservation and undeveloped portions of the site. The **petitioner** should also clarify whether they or Cornerstone will be providing the \$75,000 contribution to the City for the planning, design, development, and maintenance of foot paths.

**Petitioner's Response:** *Chestnut Hill Realty will accept the condition to pay \$75,000 to the city toward planning, design, development and maintenance of publicly accessible foot paths on the Easement land. The city is responsible to determine how it can provide public access to the easement from the land already subject to the easement. The multi family housing building will not be the location of public access.*

- The **petitioner** expressed a willingness to install certain traffic improvements at the intersection of LaGrange/Corey/Vine Streets. The details and timing of these improvements should be provided to the City for review.

**Petitioner's Response:** *We expect this to be discussed with the city's traffic peer reviewer and with staff when the meeting occurs following issuance of the peer review report.*

- The **petitioner** needs to provide a breakdown of the building's proposed exterior materials and treatments. The **petitioner** should consider making use of natural materials on the exterior of the building, and materials that would wear well over many years.

**Petitioner's Response:** *The Petitioner will consult with the Planning Department regarding selection of final materials and treatments, including the use of natural materials at the October 16 meeting with the architect present. We note that the original Cornerstone project underwent formal design review only for the Kessler Way subdivision homes, not for the condominium building.*

- The petitioner should provide a plan, with details, for all exterior signage to be installed on the site.

**Petitioner's Response:** *A detailed Sign Plan will be included in the revised plan set prior to the continuation of the public hearing..*

- The **petitioner** should evaluate the placement of exterior lighting fixtures to eliminate off-site light



spillage. This should be presented on a revised photometric plan.

**Petitioner's Response:** *The Lighting design is intended to project less than 1 foot candle on the outdoor parking areas, for which a waiver is being requested. Further, the lighting design is intended to cast no light spillover on any abutting properties. A small amount of light spillover is designed onto LaGrange Street at the site entrance as a safety enhancement for vehicular and pedestrian cross and entering/exiting traffic.*

- The **petitioner** should submit a revised "Tree Removal Plan" and "Planting Plan," which clearly lists the total caliper inches of trees to be removed and planted. The **petitioner** must file a tree removal application with the City's Tree Warden in order to confirm compliance with the City's Tree Preservation Ordinance.

**Petitioner's Response:** *The tree removal application is complete and ready to be filed with the Tree Warden. The Petitioner may not file the Tree Removal Application with the Tree Warden until further discussions take place regarding the intended request for a waiver of some component of the payment for the tree replacement deficit, to be discussed further in conjunction with the "I/I and the traffic mitigation.*

- The **petitioner** should respond to the concerns raised by the City's Conservation Agent, on behalf of the Conservation Commission, regarding the project's potential impacts on the jurisdictional wetland resource areas as it relates to the proposed sewer connection.

**Petitioner's Response:** *We note that the location of the connection point of the sewer extension to the city's existing sewer line in LaGrange Street may involve work in the wetlands Buffer Zone. All city requirements will be followed regarding this utility connection. We note that at the time of the Cornerstone permitting, the Conservation Commission agent wrote a memo dated March 28, 2006 that: "as long as all proper erosion and sedimentation control procedures are followed for the installation of the new sewer line in LaGrange Street, the developer will not have to file a Notice of Intent with the Conservation Commission."*

Attachments:

1. Preliminary Construction Management Plan mark up (October 16, 2014)
2. Blasting Response (October 16, 2014)
3. Inclusionary Housing Plan updated October 1, 2014.
4. Sustainable Project Features Memo dated October 16, 2014.

## Narrative of Changes to Site Plan and Building Design

### Kessler Woods

The changes from the previous design are as follows.

#### Building

- The significant interior change was the moving of the elevators and stair towers to the North side of the building which allows the exits at grade to be on the rear of the building.
- The unit sizes are being adjusted to conform to this revision to the core shell. (There is no change to the unit mix of 24/BRs and 56 2 BRs)
- The roof lines were broken up by varying the eave and ridge elevations as well as using different pitches on different parts of the building. The eyebrow dormers were eliminated to allow the bay windows to carry through the eave line and serve as a dormer to break up the roof line.
- The façade has been articulated further with colors and trim bands. The windows at the cultured stone base have been detailed differently than those in the stucco finished cement fiber siding.
- The rhythm and grouping of windows has been refined to establish a hierarchy and to relate to the interior functions.
- A majority of the balconies were eliminated.

#### Site

- Vehicle entrance to the garage was relocated at same wall
- Relocated sewer line (over the culvert is where we show it; we can't connect before the culvert and utilize the existing pipe going through it).
- Added putting green and play structure to the rear of the building, re-graded the area and added some tree wells to save existing trees.
- Addressed comments of the traffic peer reviewer regarding sight lines at the entrance.
- Added stone walls at the entrance; incorporated the site identification signs in these.

October 8, 2014

Daniel Sexton  
Senior Planner  
City of Newton  
1000 Commonwealth Ave.  
Newton, MA 02459

RE: Kessler Woods Peer Review  
Newton, Massachusetts

Dear Mr. Sexton:

McMahon has completed a peer review of the Kessler Woods Residential Development in Newton, MA. The Kessler Woods Residential Development calls for the construction of an 80 unit residential building to be accessed via one new site driveway on Lagrange Street. McMahon has reviewed the following documents prepared by MDM Transportation Consultants, Inc. and Stantec for the proposed Kessler Woods Residential Development:

- Traffic Impact Assessment Study (TIAS) and attachments, dated July 23, 2014 (MDM)
- Conceptual Intersection Improvements Plan for Lagrange Street/Vine Street, dated August 2014 (MDM)
- Sheets L-001 and L-702 from the Special Permit Drawing Set, revised August 29, 2014 (Stantec)

The TIAS prepared by MDM presented a review of the proposed project and its impacts on traffic operations within the study area. A site visit was conducted by McMahon on Thursday, September 25, 2014 to review the proposed site access and to verify existing conditions reported within the TIAS. McMahon offers the following comments and suggestions (numbered in each segment below) regarding the reviewed documents prepared as part of the Kessler Woods Residential Development.

### **Study Area**

The TIAS included a study area of the major roadways and intersections in the vicinity of the project site including the following intersections: Lagrange at Vine Street/Corey Street, Lagrange Street at Rangeley Road, Lagrange Street at Broadlawn Park and Lagrange Street at the proposed site drive. McMahon generally finds this study area to be acceptable and appropriate for a project of this size and nature but offers the following comment:

### **PRINCIPALS**

Joseph W. McMahon, P.E.  
Joseph J. DeSantis, P.E., PTOE  
John S. DePalma  
William T. Steffens  
Casey A. Moore, P.E.  
Gary R. McNaughton, P.E., PTOE

### **ASSOCIATES**

John J. Mitchell, P.E.  
Christopher J. Williams, P.E.  
R. Trent Ebersole, P.E.  
Matthew M. Kozsuch, P.E.

1. The rotary at the intersection of Hammond Pond Parkway, West Roxbury Parkway, Newton Street, Hammond Street and Lagrange Street is located in close proximity to the proposed project. Although the Kessler Woods Residential Development alone may not significantly impact the traffic operations at the rotary, it may have an effect on rotary operations in combination with other proposed projects in the area. Further consideration should be given to the potential impacts of the rotary operations in the future.

## **Existing Traffic & Safety Characteristics**

### Roadways & Intersections

Descriptions of existing study area roadways and intersections were provided in the TIAS prepared by MDM. Based on a review of the TIAS and site visit, McMahon finds the description of the existing roadways and intersections to be accurate.

### Existing Traffic Data

As documented in the TIAS, traffic volume data was collected at the study area intersections during the weekday morning and weekday afternoon peak periods. Turning movement counts were conducted on Tuesday, May 6, 2014 (7:00 AM - 9:00 AM and 4:00 PM - 6:00 PM), Friday, May 9, 2014 (7:00 AM - 9:00 AM), Thursday, June 5, 2014 (4:45 PM - 5:45 PM) and Friday June 6, 2014 (7:00 AM - 8:00 AM). Typically, the combination of traffic volumes on the roadways and trips generated by the proposed project would be expected to be the highest during the weekday morning and weekday afternoon time periods. Therefore, McMahon finds the analysis of the weekday morning and weekday afternoon peak periods to be satisfactory to measure the impacts of the proposed project, but offers the following comments:

2. Collection of traffic volume data on a Friday for this type of development is atypical and may not capture a representative traffic volume set. It would be preferred to have all traffic volume data collected on a typical Tuesday, Wednesday or Thursday.
3. A significant traffic volume imbalance is noted between the intersection of Lagrange Street and Vine Street/Corey Street and the intersection of Lagrange Street and Broadlawn Park in the westbound direction during the weekday morning peak hour. This discrepancy should be clarified.

Traffic volume and speed data were also collected along Lagrange Street for a 48-hour period from Tuesday May 6, 2014 to Wednesday, May 7, 2014. McMahon finds the collection of daily volume and speed data through the use of an automatic traffic recorder (ATR) to be appropriate.

The TIAS notes that traffic volumes collected during the month of May and June are typically higher than those collected during the average month. The existing traffic volumes were not seasonally adjusted downward, presenting a conservative analysis which McMahon finds acceptable. The TIAS referenced MassDOT permanent count station data located in Quincy,

Abington and Weymouth. This data was used to identify seasonal adjustment factors for collected traffic volumes.

4. The proponent should review permanent count station data in closer proximity to the proposed project site to obtain a more locally representative data set.
5. The volumes summarized in the historical traffic comparison in Table 2 have been seasonally adjusted based on the traffic volume data at the permanent count stations in Quincy, Abington and Weymouth. The traffic volume comparison should be seasonally adjusted to reflect more local data.

#### Intersection Crash History

Crash history included in the TIAS reviewed and summarized motor vehicle crash data for MassDOT data from 2009 to 2011 and Newton police data from 2011 to 2013. The calculated crash rates at each of the study area intersections are below the statewide and District 6 average crash rates, indicating that no significant safety deficiencies appear to be present, as presented in the TIAS. McMahon finds this safety analysis to be acceptable.

#### Measured Travel Speeds

Travel speeds along Lagrange Street were measured using an automatic traffic recorder. The data presented in the TIAS appears to be representative of conditions observed in the field.

#### Sight Line Evaluation

An evaluation of sight lines at the proposed project site driveway was conducted. Both stopping sight distance (SSD) and intersection sight distance (ISD) were evaluated in the TIAS. Available SSD was measured and was noted in Table 5 of the TIAS. McMahon's field visit verified the available sight distance measurements reported in Table 5.

Calculations for the required SSD for the posted speed limit, average travel speed and 85<sup>th</sup> percentile speeds along Lagrange Street were provided in the attachments of the TIAS. The calculations utilized approach grades of 5% and 4% for the eastbound and westbound approaches, respectively. McMahon verified these calculations and confirmed the grade measurements in the field.

Based on the ATR data, more than 250 vehicles are shown to travel over 40 miles per hour over the course of a day. The required SSD for vehicle speeds of 40 mph to 45 mph is approximately 285 feet to 340 feet, utilizing the calculation methodology noted in the attachments of the TIAS.

6. The available sight distance measurements noted in the TIAS are approximately 290 feet and 300 feet, which does not meet the minimum required sight distance for the vehicles traveling faster than 40 miles per hour. Where possible, the modifications to the site should be further evaluated to provide maximum sight distance possible.

The TIAS also included an evaluation of the available ISD, summarized in Table 6.

7. The values summarized in Table 6 only note SSD (not ISD), despite the title of the table. The measurements taken appear to reflect the geometry of an ISD measurement but the reported values do not. The statement noting that the available ISD exceeds the recommended minimum sight line requirements is inaccurate. Table 6 should be updated to reflect minimum ISD values for left-turning and right-turning vehicles for the proposed site driveway as determined by AASHTO.
8. Values for the available ISD from the proposed site driveway, “assumes clearing of on-site vegetation and re-grading.” Due to the existing site conditions, this value is difficult to determine accurately. Sight distance triangles should be depicted on the proposed site plan in order to accurately identify the appropriate grading and landscaping required to achieve the minimum ISD recommended by AASHTO.
9. McMahan agrees that the landscaping proposed as part of the project should be maintained at a height of 2 feet or less within the driveway sight lines. Additionally, existing and proposed signage and utility poles should be placed to maximize available sight distance. Under the current site plan, the proposed Kessler Woods entry sign may limit available visibility to the west. The entry sign, as depicted in the site details plan, should be placed outside of the sight lines or reconfigured to provide clear sight lines through/underneath the sign.

#### Alternative Modes of Transportation

The TIAS included a description of alternative modes of transportation near the proposed project site including MBTA Bus Route 37, MBTA Bus Route 51 and Chestnut Hill Realty (CHR) Shuttle Service. The report notes that 25% of residents in the immediate study area (U.S. Census Tract 3739) use modes of transportation other than single occupancy vehicles. No reduction in site trips was taken for trips via public transportation. McMahan finds this acceptable, considering the lack of available pedestrian connections to the two bus routes noted in the study and offers the following comments:

10. The proposed project site is located at the intersection of three separate U.S. Census Tracts. The majority of the Census Tract identified for comparison in the TIAS included in the study is located much more conveniently to public transportation than the project site. In order to obtain a more accurate representation of alternative mode use, adjacent tracts would need to be investigated. However, since no credit was taken for the number of trips taken by public transit, this is not necessary.
11. The proponent should provide additional information regarding the specific programming of the CHR Shuttle Service at Kessler Woods.
12. McMahan has noted that the project proposes a new crosswalk across Lagrange Street just east of the project site driveway. The location of the crosswalk should be considered

carefully due to the limited visibility created by the horizontal and vertical curves within the study area. Additional information should be provided including pedestrian visibility and required modifications to existing infrastructure necessary to ensure the safe and efficient pedestrian access.

13. In order to promote pedestrian access to the project site, the construction of sidewalks should be reviewed and implemented along Lagrange Street connecting to the existing Town of Brookline sidewalks in the east and to the intersection of Vine Street/Corey Street in the west. All sidewalks and ramps should be ADA compliant.
14. The proponent should coordinate with the appropriate City of Newton entities to verify how school buses will service the proposed residential development. The proponent should identify measures to ensure safe access for children between the proposed residences and schools/school buses.

### **Projected Future Traffic Conditions**

#### Background Growth

Traffic volumes were projected to the future year of 2019 to reflect a five-year planning horizon. McMahan finds this acceptable.

Included in the future year project is an overall background growth rate of one percent per year and traffic to be generated by other specific developments identified by the City Planning Staff. Five specific projects were identified by the proponent as having potential impact on the study area intersections including the Center 128 Office Park, 135 Wells Avenue 40B Residential Development, Chestnut Hill Shopping Center, Chestnut Hill Square Residential Development and Residences of South Brookline. The Center 128 Office Park and 135 Wells Avenue 40B Residential Development were noted to have negligible impact on Lagrange Street. Due to the location of these projects, McMahan agrees with this assumption, but offers the following comments concerning the remaining background growth assumptions:

15. The TIAS refers to the MassDOT permanent count stations to verify background growth. As noted previously, there are a number of permanent count stations located in closer proximity to the proposed project site reflecting local conditions that should be reviewed. Use of local data is important due to the recent growth and development experienced within the City of Newton.
16. Due to their close proximity to the Kessler Woods Residential Development, specific trip generation/distribution information from the original traffic impact studies for the Chestnut Hill Shopping Center, Chestnut Hill Square Residential Development and Residences of South Brookline projects should be provided to verify the potential impacts on Lagrange Street.

17. The Chestnut Hill Shopping Center was said to be included in the one percent background growth rate due to its partial occupancy during the time of the counts. The proponent should identify the amount of unoccupied space at the time of the counts and quantify the remaining number of trips expected to travel along Lagrange Street. If this value exceeds the one percent background growth in either direction of travel on Lagrange Street, the generated traffic should be added in addition to the one percent background growth rate.

### Trip Generation

Trip generation estimates for the proposed Kessler Woods Residential Development were calculated for the weekday morning and weekday afternoon peak hours utilizing ITE's *Trip Generation Manual, 9<sup>th</sup> Edition*. Land Use Code 220 (Apartments) was utilized for the trip generation calculations based on the peak hour of adjacent street traffic. This methodology is considered to be acceptable by industry standards.

### Trip Distribution

The site-generated traffic was distributed to study area intersections and roadways based on U.S. Census Journey to Work data. This methodology is considered to be acceptable, however McMahon offers the following comments:

18. The Journey to Work data utilized in the TIAS is from the 2000 U.S. Census. The U.S. Census Bureau provides more recent journey to work data, collected through the American Community Survey that should be utilized for the trip distribution calculations.
19. Trip distribution calculations provided in the attachments note the "Residence Town Name" as Middleton, MA. This table should be updated to reflect Newton as the town of residence. Additionally, the adjacent Town of Brookline should be included in the calculation for a better representation of potential trip distribution. All traffic volume networks and capacity analysis should be updated to account for the updated Journey to Work data.

### **Operations Analysis**

Capacity analysis was completed at the study area intersections under the Existing, No-Build and Build traffic volume conditions utilizing methodology found in the 2010 Highway Capacity Manual. Overall, McMahon finds that the analysis was conducted appropriately using the correct peak hour factors and heavy vehicle percentages. The capacity analysis at the intersection of Lagrange Street and Vine Street/Corey Street was noted to be very conservative. A delay study was conducted to observe delay and compare to the capacity analysis results. Conflicting pedestrian volumes and roadway grade percentages were not included in the Synchro capacity analysis. However, due to the limited pedestrian activity, the results of the capacity analysis are not expected to change significantly. The following comments are offered regarding the capacity analysis:



20. It is important to be able to quantify the project impacts at the study area intersections. Due to the conservative nature of the capacity analysis conducted at the intersection of Lagrange Street and Vine Street/Corey Street, it is difficult to quantify the impacts associated with the proposed development at this location in the future. Therefore, the capacity analysis model should be calibrated to match traffic operations observed as part of the delay study and carried through the future conditions. Additional information including a gap study and additional field observations may be required to achieve this.
21. The level-of-service summary for the proposed site driveway indicates that the exiting movement from the site driveway is expected to operate at LOS C with 25 seconds of delay during the weekday afternoon peak hour. The capacity analysis worksheets show a LOS D for this movement. The results of the capacity analysis should be clarified so that the worksheets match the summary.
22. Capacity analysis should be conducted and summarized for the proposed improvements at the intersection of Lagrange Street and Vine Street/Corey Street under the future year conditions.

#### Site Access and Circulation

On-site circulation of a ladder truck was provided in the attachments of the TIAS. McMahon offers the following comments.

23. The design vehicle is shown to extend beyond the edge of the circulatory road around the rear of the building. The materials used for the roadway and edging should be mountable or the roadway should be reconfigured in order to ensure full access to the rear of the building.
24. The Autoturn exhibits should be shared with the Newton Fire Department to ensure that an appropriate design vehicle was used in the analysis and that they approve of the proposed circulation. The design vehicle used in the Autoturn analysis is shown to cross over into the opposite direction of travel upon entrance to and egress from the proposed project site. The Newton Fire Department should be comfortable with this access. The corner radii of the proposed driveway may need to be altered to accommodate turning movements within the lane of travel.
25. If school buses are to circulate within the project site, a detailed description of the proposed access as well as on-site Autoturn analysis should be provided.

#### Intersection of Lagrange Street and Vine Street/Corey Street

The proposed conceptual improvements at the intersection of Lagrange Street and Vine Street/Corey Street include the reconfiguration of the Vine Street and Corey Street approaches. Upon preliminary review, the improvements should provide more organized traffic control at this location.

26. Additional information regarding traffic operations and capacity analysis should be provided for the identified improvements.

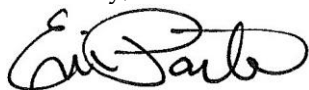
### **Conclusions and Recommendations**

The TIAS summarized recommendations for access related improvements including driveway design to accommodate passenger cars, delivery traffic and emergency vehicles, pedestrian connectivity and proposed landscaping and structures to maximize sight distance for the proposed site driveway. The TIAS also notes that CHR plans to consider the inclusion of Kessler Woods in their existing shuttle service. McMahon agrees with these recommendations and suggests the following additional recommendations.

27. A Transportation Demand Management (TDM) plan should be implemented as part of the development to encourage carpooling, bicycle use and pedestrian activity. Specific information regarding the TDM, including the proposed CHR shuttle program, should be provided for review.
28. The City of Newton should require that all plantings, grading and structures be constructed to maximize the available sight distance at the proposed site driveway and not just to meet the stopping sight distance minimums.
29. The proponent should review and implement the construction of sidewalks along Lagrange Street from the proposed project driveway to the existing Town of Brookline sidewalks in the east and to the intersection of Lagrange Street and Corey Street /Vine Street to the west. All sidewalks and ramps should be ADA compliant.
30. The improvements at the intersection of Lagrange Street and Vine Street/Corey Street should be included in the Kessler Woods Residential Development as proposed by the proponent. Additional information including capacity analysis, preliminary design plans, and proposed pedestrian access should be provided for review.

If you have any questions about any of the material presented in this letter, please do not hesitate to contact me.

Sincerely,




Erin Pacileo, P.E.  
Project Manager

## MEMORANDUM

**DATE:** October 17, 2014

**TO:** Mr. Marc Levin  
Chestnut Hill Realty  
300 Independence Drive  
Chestnut Hill, MA 02467

**FROM:** Robert J. Michaud, P.E. – Managing Principal  
Courtney E. Jones, P.E. – Senior Transportation Engineer 

**RE:** **Response to Peer Review Comments**  
Kessler Woods Residential Development  
Newton, Massachusetts

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MDM Transportation Consultants, Inc. (MDM) has prepared the following response to transportation-related peer review comments for the above-referenced project, as issued in a letter by the City's peer review consultant, McMahon Associates, dated October 8, 2014. To facilitate review, specific comments are paraphrased with corresponding responses.

**Study Area**

*Comment 1: "Although the Kessler Woods Residential Development alone may not significantly impact the traffic operations at the [Horace James Circle] rotary, it may have an effect on rotary operations in combination with other proposed projects in the area. Further consideration should be given to potential impacts of the rotary operations in the future."*

**Response:** As documented in the July 2014 TIA, the proposed residential development is not expected to have any material impact on rotary operations, with one (1) additional vehicle trip or less generated every 2 minutes along the Lagrange Street approach to the rotary – a level of traffic increase that falls well within daily fluctuation in traffic at that location. Accordingly, there is no useful purpose to evaluating project impacts at this location, which MDM also notes is located within the Town of Brookline.

**Roadways & Intersections**

*Comment 2: "Based on a review of the TIAS and site visit, McMahon finds the description of the existing roadways and intersections to be accurate."*

**Response:** No response required.

### **Existing Traffic Data**

Comment 3: *"...McMahon finds the analysis of the weekday morning and weekday afternoon peak periods to be satisfactory to measure the impacts of the proposed project..."*

**Response:** The July 2014 TIA quantifies project impacts which do not result in any notable change to traffic flow on Lagrange Street or study intersections relative to No Build conditions; ample capacity is available at study intersections to accommodate modest traffic increases. No further response required.

Comment 4: *"It would be preferred to have all traffic volume data collected on a typical Tuesday, Wednesday or Thursday."*

**Response:** Automatic traffic recorder (ATR) data were collected on a Wednesday and Thursday in May 2014 and provide the basis for ensuring that traffic volumes used for analysis on Lagrange Street represent typical weekday traffic flow conditions. Likewise, intersection count data were conducted on either a Tuesday or a Thursday, with limited exception. The only Friday data collected included weekday morning data for Rangeley Road and Broadlawn Park, which represent low volume residential side-streets which were confirmed to have volume data that is consistent with the prior (2004) Kessler Woods traffic study. Manually collected data (TMCs), including the limited data collected a Friday AM period, present volumes on Lagrange Street that are highly consistent with Wednesday/Thursday ATR data and accordingly are appropriate for analysis. These data are also representative to above-average traffic conditions and were not adjusted (reduced) to average season conditions as a conservative measure.

Applicant will provide a supplemental weekday AM period count at Lagrange Street/Broadlawn Park in October 2014 to further support the above finding. The supplemental count data will be collected and summarized via separate correspondence prior to the scheduled October 28 hearing.

Comment 5: *"A significant traffic volume imbalance is noted between the intersection of Lagrange Street and Vine Street/Corey Street and the intersection of Lagrange Street and Broadlawn Park in the westbound direction during the weekday morning peak hour."*

**Response:** The segment of Lagrange Street between the subject locations is intersected by the access to Chestnut Hill Village – a 323-unit residential condominium community which explains the imbalance in volumes during the weekday AM period.

Comment 6: “McMahon finds the collection of daily volume and speed data through the use of automatic traffic recorder (ATR) to be appropriate.”

**Response:** ATR data are highly consistent with manual TMCs conducted at study intersections in May and June 2014 and appropriately reflect typical weekday travel conditions along Lagrange Street. No further response required.

Comment 7: “The Proponent should review permanent count station data in closer proximity to the proposed project site to obtain a more locally representative data set.”

**Response:** MDM has identified two (2) permanent count stations located along I-95/Route 128 in Newton and Weston that have complete monthly data for 2012 and/or 2013. These count station data confirm that May and June are above-average travel months, consistent with the seasonal analysis presented in the TIA. The supplemental seasonal adjustment calculations are provided in the **Attachments**.

MDM has revised TIA **Table 2** to reflect seasonal adjustment factors from the more local permanent count stations. As shown in **Revised Table 2**, application of the revised seasonal adjustment factors results in no material change to the finding originally presented in the TIA that average daily and peak hour traffic volumes along Lagrange Street in the study area observed in 2014 are consistent with the average traffic volumes observed in 2004 resulting in a less than 1 percent per year growth rate over the last 10 years. A decrease in daily and peak hour traffic in the study area occurred during the 2006 and 2008 count years, but returned back to 2004 traffic levels by 2014.

**TIA TABLE 2 (Revised)  
HISTORICAL TRAFFIC VOLUME COMPARISON<sup>1</sup>**

Time Period	Traffic Volume			
	2004 <sup>2</sup>	2006 <sup>3</sup>	2008 <sup>4</sup>	2014
<b>Lagrange Street (near Brookline Town Line)</b>				
Daily (24-Hour)	12,721	11,713	n/a <sup>5</sup>	12,379
<b>Lagrange Street at Corey Street/Vine Street</b>				
Weekday Morning Peak Hour	1,253	n/a	872	1,286
Weekday Evening Peak Hour	1,273	n/a	1,173	1,372

<sup>1</sup>Seasonal corrections applied to observed (raw) data to represent average monthly conditions. See **Attachments** for calculations.

<sup>2</sup>Source: *Kessler Woods-Phase II, Proposed 62-Unit Condominium Development, Newton, Massachusetts*, prepared by Conley Associates, dated November 30, 2004.

<sup>3</sup>Source: *Kessler Woods Outstanding Issues*, prepared by Conley Associates, dated June 2, 2006.

<sup>4</sup>Source: *Kessler Woods Condominium Updated*, prepared by Conley Associates, dated June 23, 2008.

<sup>5</sup>n/a = not available

### **Intersection Crash History**

Comment 8: *"The calculated crash rates at each of the study area intersections are below the statewide and District 6 average crash rates, indicating that no significant safety deficiencies appear to be presented...McMahon finds this safety analysis to be acceptable."*

**Response:** No response required.

### **Measured Travel Speeds**

Comment 9: *"Travel speeds along Lagrange Street were measured using an automatic traffic recorder. The data presented in the TIAS appears to be representative of conditions observed in the field."*

**Response:** No response required.

### **Sight Line Evaluation**

Comment: *"McMahon's field visit verified the available sight distance measurements reported in Table 5."*

**Response:** No response required.

Comment 10: *"The available sight distance measurements noted in the TIAS are approximately 290 feet and 300 feet, which does not meet the minimum required sight distance for the vehicles traveling faster than 40 miles per hour."*

**Response:** The location of the proposed driveway is identical to that approved by the City for Kessler Woods in 2008 and in accordance with industry practice provides sight lines that exceed minimum recommended SSD and ISD criteria for the recorded 85<sup>th</sup> percentile travel speeds on Lagrange Street. In fact, the available SSD and ISD satisfy minimum AASHTO criteria for the recorded 95<sup>th</sup> percentile travel speeds along Lagrange Street. This issue was discussed during a site visit with the City's Director of Transportation and City planning staff on October 16, 2014. While some vehicles may travel at speeds greater than 40 mph, the sight line analysis was properly evaluated using the posted speed limit and 85<sup>th</sup> percentile travel speeds.

Comment 11: *"Table 6 should be updated to reflect minimum ISD values for left-turning and right-turning vehicles for the proposed site driveway as determined by AASHTO."*

**Response:** Table 6 of the July 2014 TIA correctly presents the minimum ISD values which are defined by AASHTO as "at least equal to the appropriate stopping sight distance (SSD) for the major road". Accordingly, the minimum ISD criteria are met for the driveway. As a point of reference, ideal ISD for an 85<sup>th</sup> percentile travel is 410 feet.

Comment 12: *"Sight triangles should be depicted on the proposed site plan in order to accurately identify the appropriate grading and landscaping required to achieve the minimum ISD recommended by AASHTO."*

**Response:** The Applicant will revise the site plan as necessary to achieve ISD sight triangles that are clear of any grading, vegetation or on-site obstructions (i.e., signage) that exists at an elevation greater than 3.5 feet above roadway grade.

Comment 13: *"...existing and proposed signage and utility poles should be placed to maximize available sight distance. Under the current site plan, the proposed Kessler Woods entry sign may limit available visibility to the west."*

**Response:** The Applicant will revise the site plan to achieve ISD sight triangles that are clear of any grading, vegetation or on-site obstructions (i.e., signage) that exists at an elevation greater than 3.5 feet above roadway grade.

### **Alternative Modes of Transportation**

Comment 14: *"The majority of the Census Tract identified for comparison in the TIAS included in the study is located much more conveniently to public transportation than the project site. In order to obtain a more accurate representation of alternative mode use, adjacent tracts would need to be investigated. However, since no credit was taken for the number of trips taken by public transit, this is not necessary."*

**Response:** No credit for use of public and/or Applicant-sponsored transit modes is taken in the analysis, which presents a conservative analysis scenario. No further response required.

Comment 15: *"The proponent should provide additional information regarding the specific programming of the CHR Shuttle Service at Kessler Woods."*

**Response:** Shuttle service to Hancock Village is currently provided between 6AM and 9AM and 4:30PM to 7:30PM approximately every 20 minutes on weekdays. The Proponent is willing to expand this service to Kessler Woods residents, which may modify the headways to 30 minutes for existing service or an additional shuttle which will be evaluated based on actual demands for the service. The determination of need for an additional shuttle or modification of the headways for existing service will be evaluated following building occupancy and actual resident demand.

Comment 16: *“The location of the crosswalk [just east of the project site driveway] should be considered carefully due to the limited visibility created by the horizontal and vertical curves within the study area. Additional information should be provided including pedestrian visibility and required modifications to existing infrastructure necessary to ensure the safe and efficient pedestrian access.”*

**Response:** The proposed crosswalk design will be designed to comply with applicable ADA standards and in accordance with industry standards for sight lines to ensure sufficient sight lines for oncoming vehicles. The proposed crosswalk design includes MUTCD-compliant signage at the crosswalk (W11-2, W16-7P) and advanced warning signs (W11-2, W16-9P) to enhance driver awareness of potential pedestrian activity.

### **Background Growth**

Comment 17: *“Traffic volumes were projected to the future year of 2019 to reflect a five-year planning horizon. McMahon finds this acceptable. As noted previously, there are a number of permanent count stations located in closer proximity to the proposed project site reflecting local conditions that should be reviewed [to validate growth rates].”*

**Response:** The July 2014 TIA uses a 1 percent per year growth rate which exceeds localized growth trends along Lagrange Street (as per available data from 2004 to 2014 for study intersections) and rates used in other area studies which reflect a 0.5 percent per year growth. Available MassDOT permanent count stations with at least 5 years of data (the appropriate basis for determining regional growth trends) are also considered in the July 2014 TIA which also confirm that the 1 percent annualized growth trend is appropriate and conservative.

Comment 18: *“Due to their close proximity to the Kessler Woods Residential Development, specific trip generation/distribution information from the original traffic impact studies for the Chestnut Hill Shopping Center, Chestnut Hill Square Residential Development and Residences of South Brookline projects should be provided to verify the potential impacts on Lagrange Street.”*

**Response:** As requested, additional supporting materials from their respective traffic studies that were used as the basis for the trip tracings through the Kessler Woods study area roadway networks are included in the **Attachments**.

Traffic associated with the remaining build-out of Chestnut Hill Shopping Center (“The Street”) was assumed to be reasonably accounted for in the conservative 1 percent per year background growth rate used in the July 2014 TIA as described in more detail in the following response.

Comment 19: *“The proponent should identify the amount of unoccupied space [at the Chestnut Hill Shopping Center] at the time of the counts and quantify the remaining number of trips expected to travel along Lagrange Street.”*



**Response:** Based on prior discussions with the City around the time the counts were conducted, the remaining approved build-out of Chestnut Hill Shopping Center included a 64,000± sf commercial building with first floor retail, second floor restaurant/office space and third floor offices. Based on discussion with City planning staff, an unknown amount of the commercial space was occupied at the time the counts were conducted. It was assumed in the July 2014 TIA that any infill of vacant space in the commercial building would be reasonably accounted for in the conservative background growth rate of 1 percent per year.

At the request of McMahon, MDM has since received response from the Chestnut Hill Shopping Center Proponent indicating that the majority of the building was occupied at the time the counts were conducted. Based on industry-standard trip rates published by ITE and the trip distribution patterns for Chestnut Hill Square (a similar, adjacent approved use), the infill of vacant space in the 64,000 sf Chestnut Hill Shopping Center commercial building is estimated to generate less than 5 vehicle trips during the weekday morning and weekday evening peak hours through the study area – an amount that is imperceptible to the average motorist and falls well within the 1 percent per year background growth rate. Therefore, the background growth assumptions and analysis results as presented in the July 2014 TIA remain valid.

### **Trip Generation**

*Comment 20: "Trip generation estimates for the proposed Kessler Woods Residential Development were calculated for the weekday morning and weekday afternoon peak hours utilizing ITE's Trip Generation Manual, 9<sup>th</sup> Edition. Land Use Code 220 (Apartments) was utilized for the trip generation calculations based on the peak hour of adjacent street traffic. This methodology is considered to be acceptable by industry standards."*

**Response:** No response required.

### **Trip Distribution**

*Comment 21: "The US Census Bureau provides more recent journey to work data, collected through the American Community Survey that should be utilized for the trip distribution calculations."*

**Response:** MDM has reviewed the journey to work data provided in the TIA and notes that the analysis was in fact based on the more recent 2006-2013 American Community Survey (ACS) data and that the note indicating use of 2000 US Census data was a typographical error. Therefore, the trip distribution patterns presented in the TIA and based on US Census journey to work data for Newton remain valid.

Comment 22: *“Trip distribution calculations provided in the attachments note the “Residence Town Name” as Middleton, MA. This table should be updated to reflect Newton as the town of residence. Additionally, the Town of Brookline should be included in the calculation for a better representation of potential trip distribution.”*

**Response:** MDM has reviewed the journey to work data provided in the TIA and notes that the analysis was in fact conducted for a residence city of Newton and that the “Middleton, MA” residence name was a typographical error. Therefore, the trip distribution patterns presented in the TIA and based on US Census journey to work data for Newton remain valid.

As requested, MDM has also estimated trip distribution patterns based on journey to work data for Brookline residents since the site borders the Town of Brookline. The resulting trip distribution patterns indicate a slight shift (10%) in traffic volumes from the west to the east of the site which results in a potential shift of up to 4 entering trips and 3 exiting trips – an amount that will not have any material impact on intersection operations all of which have been demonstrated to operate below capacity at LOS D or better operations.

### Operations Analysis

Comment 23: *“...the capacity analysis model [for the Lagrange Street and Vine Street/Corey Street intersection] should be calibrated to match traffic operations observed as part of the delay study and carried through the future conditions.”*

**Response:** The Proponent’s traffic impact at this intersection is less than 1 percent of intersection volume and as such falls well within daily traffic fluctuations that occur. Despite this modest traffic volume which will not materially change operations relative to No-Build conditions, the Proponent has discussed potential operational and safety improvements with the City and has prepared a conceptual improvement plans as documented in a technical memorandum dated September 2014. Accordingly, there is no useful purpose served by calibrating the model in this instance as the Proponent is proposing improvements at this location that shows enhanced (LOS D or better) operations once improved. For reference, a copy of MDM’s conceptual intersection improvements memorandum and a preliminary review letter issued by the City of Newton’s Director of Transportation supporting the proposed improvements are provided in the **Attachments**.

Comment 24: *“The level-of-service summary for the proposed site driveway indicates that the exiting movement from the site driveway is expected to operate at LOS C with 25 seconds of delay during the weekday afternoon peak hour. The capacity analysis worksheets show a LOS D for this movement. The results of the capacity analysis should be clarified so that the worksheets match the summary.”*

**Response:** The capacity analysis software (Synchro®) calculates intersection delay to the nearest tenth of a second and assigns the Highway Capacity Manual (HCM) level of service designation (LOS) for that specific delay (25.1 seconds) which is technically reported as a LOS D. When summarizing the capacity analysis results reported in the July 2014, MDM rounded the Synchro-calculated delay to the nearest whole second (25.0 seconds) and reported the HCM level of service designation for the rounded delay which is LOS C. Regardless of this minor discrepancy, the site driveway is expected to have ample capacity to support the proposed project.

Comment 25: *“Capacity analysis should be conducted and summarized for the proposed improvements at the intersection of Lagrange Street and Vine Street/Corey Street under the future year conditions.”*

**Response:** The Proponent has opted to advance safety and operational improvements at Corey Street/Vine Street despite the finding that its modest traffic volumes do not independently warranted action. The Proponent submitted a technical memorandum documenting the proposed conceptual intersection improvements to the City in September 2014 which has been preliminarily reviewed by the City’s Director of Transportation. The technical memorandum includes a discussion of intersection capacity under improved conditions which indicates ample capacity to support project-related traffic increases at this location. For reference, a copy of MDM’s conceptual intersection improvements memorandum and a preliminary review letter issued by the City of Newton’s Director of Transportation supporting the proposed improvements are provided in the **Attachments**.

### **Site Access and Circulation**

Comment 26: *“The design vehicle is shown to extend beyond the edge of the circulatory road around the rear of the building. The materials used for the roadway and edging should be mountable or the roadway should be reconfigured in order to ensure full access to the rear of the building.”*

**Response:** The Proponent’s site civil engineer, Stantec, has met with Newton Fire Department to discuss emergency access at the site including a detailed AutoTurn® analysis. The Newton Fire Department has approved of the AutoTurn® analysis. The Fire Department-approved plan is provided in the **Attachment** for reference.

Comment 27: *“The AutoTurn exhibit should be shared with the Newton Fire Department to ensure that an appropriate design vehicle was used in the analysis and that they approve of the proposed circulation. The design vehicle used in the AutoTurn analysis is shown to cross over into the opposite direction of travel upon entrance to and egress from the proposed project site.”*

**Response:** The Proponent's site civil engineer, Stantec, has met with Newton Fire Department to discuss emergency access at the site including a detailed AutoTurn® analysis. The Newton Fire Department has approved of the AutoTurn® analysis. The Fire Department-approved plan is provided in the **Attachment** for reference.

Comment 28: *"If school buses are to circulate within the project site, a detailed description of the proposed access as well as on-site AutoTurn analysis should be provided."*

**Response:** As shown in the AutoTurn® analysis approved by the Newton Fire Department included in the **Attachments**, a school bus will be able to adequately maneuver in and around the site should the City decide to provide a school bus stop on-site.

### **Intersection of Lagrange Street and Vine Street/Corey Street**

Comment 29: *"Upon preliminary review, the improvements should provide more organized traffic control at this location."*

**Response:** No response required.

Comment 30: *"Additional information regarding traffic operations and capacity analysis should be provided for the identified improvements."*

**Response:** Refer to response to Comment No. 25.

### **Conclusions and Recommendations**

Comment 31: *"A Transportation Demand Management (TDM) plan should be implemented as part of the development to encourage carpooling, bicycle use and pedestrian activity."*

**Response:** As discussed in the July 2014 TIA, the Proponent plans to implement multiple TDM elements at the site including the following:

- Implement pedestrian and crosswalk connections to the on-site building and existing sidewalk along Lagrange Street.
- Implement intersection improvements at the Lagrange Street/Corey Street/Vine Street intersection including completion of the pedestrian connection between the site and the existing Massachusetts Bay Transportation Authority (MBTA) bus stop along Corey Street at the Boston City line.

- The Proponent plans to include, based on demand, the proposed Kessler Woods residential development in their existing shuttle service that transports Hancock Village residents between Independence Drive and Reservoir Station (Cleveland Circle) during the weekday morning and weekday evening commuter periods. The inclusion of Kessler Woods in this shuttle service would provide the added benefit of Kessler Woods resident access to two Zipcar vehicles provided at Hancock Village.

Comment 32: *"The City of Newton should require that all plantings, grading and structures be constructed to maximize the available sight distance at the proposed site driveway and not just to meet the stopping sight distance minimums."*

**Response:** The Applicant will revise the site plan to achieve ISD sight triangles that are clear of any grading, vegetation or on-site obstructions (i.e., signage) that exists at an elevation greater than 3.5 feet above roadway grade to maximize sight lines to the extent feasible to ensure minimum criteria are met or exceeded.

Comment 33: *"The proponent should review and implement the construction of sidewalks along Lagrange Street from the proposed project driveway to the existing Town of Brookline sidewalks in the east and to the intersection of Lagrange Street and Corey Street/Vine Street to the west. All sidewalks and ramps should be ADA compliant."*

**Response:** The Proponent will extend the sidewalk on the north side of Lagrange Street that currently terminates near the Brookline municipal boundary to the Site and will provide an ADA compliant pedestrian crossing from the site driveway to the existing sidewalk on the south side of Lagrange Street. No further sidewalk improvements are proposed or warranted.

Comment 34: *"The improvements at the intersection of Lagrange Street and Vine Street/Corey Street should be included in the Kessler Woods Residential Development as proposed by the proponent. Additional information including capacity analysis, preliminary design plans, and proposed pedestrian access should be provided for review."*

**Response:** Refer to response to Comment No. 25; requested information is provided in the **Attachments**.

**PRELIMINARY**  
**KESSELER WOODS CONDOMINIUMS**  
**CONSTRUCTION MANAGEMENT PLAN**

~~Cornerstone Corporation~~Chestnut Hill Realty  
~~September 11~~October 16, 2006~~2014~~

During construction, the following provisions will apply. As currently envisioned the proposed project may require a timeline of up to 20 months from project start up to completion. *Prior* to the commencement of any site work, as defined in the Special Permit, a Final Construction Management Plan (“FCMP”) will be filed for review and approval by the Director of Planning and Development, City Engineer, City Traffic Engineer, Health and Human Services Department, Fire Department, and Commissioner of Inspectional Services. The Commissioner of Inspectional Services shall be authorized to approve the FCMP, after consultation with these other departments.

**CONSTRUCTION ADMINISTRATION**

Contact Person: The Petitioner will designate a contact person to serve as liaison during the construction process. The name and telephone number of the contact person will be provided to the Commissioner of Inspectional Services, Ward 8 Aldermen, and City Engineer prior to the commencement of any construction activity. ~~The contact person will be the same as the contact person for the Neighborhood Liaison Committees established in the Special Permit.~~

Communications: The Applicant with the assistance of the Neighborhood Liaison Committee will establish a system of periodic updates on construction progress for distribution to the neighborhood and other interested parties. The purpose of those communications is to advise of the schedule and progress of construction, any construction activities that may impact the neighborhood, any changes in plans, or any other construction-related matter that may be of interest. All *neighbors* and other parties who request being added to that designated distribution group will receive all Neighborhood Liaison Committee letters and emails from the Neighborhood Liaison representative.

Hours of Construction: The hours of construction will be 7:00 a.m. until 6:00 p.m. Monday through Friday. When work is performed on Saturdays, it will be between 8:00 a.m. and 5:00 p.m. Any on site *drilling*, rock crushing, and/or blasting will not begin before 8:00 a.m. on weekdays and 9:00 a.m. on Saturdays. There will be no exterior construction on Sunday. Interior work may occur at other times when at the building is fully enclosed. Exterior construction work may be permitted at other times, due to exigent circumstances, with the advance approval of the Commissioner of Inspectional Services, and the Neighborhood Liaison Committee will be notified by the Petitioner no less than 48 hours in advance of any such change in construction hours. There will be no construction during legal holidays ~~or on~~ Rosh Hashanah (First Day) and Yom Kippur.

Hours of Construction Delivery: Deliveries to the property will be limited to the hours between 7:00 a.m. — 6:00 pm. Monday through Friday and 8:00 a.m. - 5:00 p.m. on Saturdays, unless specifically authorized by the Commissioner of Inspectional Services due to exigent circumstances. The Petitioner will advise the contractors and subcontractors to minimize the number of deliveries during peak access / egress hours, in order to reduce the

congestion on site and the adjacent streets and to minimize conflicts between the delivery trucks. ~~The contractors will~~contractors will also minimize truck deliveries at times when school-aged children may be walking to or from school or school bus stops.

Truck Route: Truck traffic associated with the construction will travel to and from the site using LaGrange Street via the VFW Parkway and Hammond Pond Parkway as the primary ~~route~~routes. No trucks will travel on Newton or Brookline Street, Rangeley Road, Vine Street and Broadlawn Park.

Trash and debris removal: All trash and debris removal, including emptying, removal or installation of dumpsters or other trash containers, which relates to the construction of the project, will occur within the hours prescribed for external construction. Details on proposed debris removal will be included in the FCMP.

Security: It is recognized the site is generally surrounded by wooded areas with limited access from adjacent roadways and neighborhood areas to the north. Security requirements will be determined by the owner-controlled contractor ~~in consultation with the owner~~ and will include the use of some or all of the following including; access gates, perimeter fencing in locations as necessary at the contractor's discretion, the use of manned patrols and night watchman as may be periodically required by construction. Details on proposed security measures will be included in the FCMP

### **EXTERMINATOR**

A professional exterminator with experience on construction projects will be engaged to inspect and take any necessary measures prior to and during ~~each phase of~~ construction to ensure that the excavation of the site does not result in pest problems to the neighborhood. The exterminator's work may include a baiting /trapping program prior to the start of a phase of construction. The exterminator will consult with and notify the Newton Health Department on its plans. Details on proposed extermination methods will be reviewed with the Health Department prior to implementation.

### **NOISE AND DUST CONTROL**

Tree Removal: Details on proposed methods of tree removal will be provided in the FCMP. The Petitioner will either remove all wood material for off-site disposal, or ensure that on-site chipping complies with the City's Noise Control Ordinance.

Street Cleaning and Repair: During construction, the Contractor will provide a stabilized construction entrance and truck washing station on-site, in accordance with City requirements, to minimize the spread of mud on local streets and roads. During construction, the Contractor will provide street cleaning of LaGrange Street, as necessary and as directed by the Commissioner of Public Works, to remove mud or construction debris from the street segment of LaGrange Street which may need cleaning due to Project's construction vehicles. In addition, prior to the issuance of any Final Certificates of Occupancy, if deemed necessary by the Commissioner of Public Works due to significant amount of construction traffic entering and exiting the site, the Petitioner shall be required to resurface LaGrange Street, which shall include milling the roadway surface and installing 1 1/2 Type I-I bituminous concrete, curbline to curbline, from the existing sewer manhole near Byron Road to the Brookline town line. Such work shall be completed prior to the issuance of any Final

Certificates of Occupancy. Catch Basins in Lagrange Street in the vicinity of the work will be cleaned as necessary and filter fabric/silt sacs will be installed as directed by the City Engineer.

Dust: The Contractor will take appropriate steps to minimize dust generation during grading of the site, excavation and construction (including, but not limited to, wetting down materials when appropriate), stone mats as appropriate, and will require covers to be placed over any open trucks transporting debris or fill and from the property. Dust levels at the property limits will be set to a maximum level of 150 micrograms per cubic meter of air (PM10, breathable particulate matter), based on National Ambient Air Quality Standards set by the Environmental Protection Agency (EPA). Levels will be measured and recorded continuously during earthwork construction at three locations at the property line near the closest residences to construction activities, and dust producing construction activities will be stopped and then modified if any exceedances are recorded. The City Health Department will be notified in the event of any exceedances, and told of steps to be taken to reduce dust levels to below the safe levels. A detailed Dust Control Plan that includes the applicable provisions of the Special Permit will be submitted as part of or in conjunction with the FCMP.

Noise: The contractor will comply with the requirements of the Noise Control Ordinance for the City of Newton and the Noise Control Plan to be submitted by the Petitioner pursuant to the requirements of the Special Permit.

In addition, project specifications will require maintaining maximum noise levels not to exceed 86dB(A) at the nearest site property lines to the residential abutters. The contractor will install noise level measurement meters to monitor noise levels in compliance with the Noise Control Ordinance. The contractor will also install appropriate signage to prevent construction vehicles from running for a period longer than five minutes when not being operated, per the Noise Control Ordinance.

Records of readings, if they exceed any noise specification, will be reported to appropriate Newton departments, along with steps being taken to reduce the noise levels. A detailed Noise Control Plan will be submitted as part of or in conjunction with the FCMP.

Rock Crushing: Crushed rock from on-site rock crushing may be used by Petitioner for any purpose on or off-site in Petitioner's reasonable discretion and provided that such rock-crushing is otherwise in compliance with applicable laws and the Special Permit. Details as to the extent of rock crushing anticipated on-site will be provided in the FCMP. The Liaison Committee will be kept informed as to the extent of anticipated and completed on-site rock crushing.

### **BLASTING**

All blasting and drilling for the driveway, utility trenches, service trenches and / or structures, whenever they are built, will be carried out in accordance with federal, state and local blasting permit law and regulations, including the Board of Aldermen's Standard Blasting Conditions. Further, Chestnut Hill Realty and its geotechnical blasting consultant, Stantec Consulting Services, Inc. has reviewed as well as the more stringent controls set forth in the memo from Haley & Aldrich to Cornerstone Corporation (the previous Developer) dated May 8, 2006;



(copy attached). As noted in the Blasting Plan Addendum dated October 14, 2014 to this CMP prepared by Stantec, the Petitioner agrees that the blasting and drilling will be carried out in accordance with the Haley & Aldrich standards and in accordance with the conditions contained therein as well as the following conditions:

1. *Petitioner's Blasting Consultant* - The Petitioner's geotechnical blasting consultant—Haley & Aldrich, Stantec Consulting Services, Inc. will oversee blasting for the Petitioner ("Consultant"). The Consultant will review the qualifications of the blasting contractor, and review the blasting plan prepared by the blasting contractor, check the calibration of the seismograph monitors provided by the Blasting contractor, approve the location and installation of the seismograph monitors, and, if required by the Newton Fire Department, will determine the blasts limits throughout the blast period and will consult with the Newton Fire Department on an as-needed basis throughout the blasting period.
2. *Independent Blasting Consultant* — The Petitioner will pay for a qualified independent geotechnical blasting consultant ("Newton Blasting Consultant") to provide technical support to the Fire Department; this Independent Blasting Consultant will be selected by the Petitioner in consultation with the Fire Department and will check the calibration of the seismograph, monitors, and, if required by the Newton Fire Department, will determine the blast limits throughout the blast period and will consult with the Newton Fire Department on an as needed basis throughout the blasting period.
3. *Selection of the Blasting Contractor* - A blasting contractor, acceptable to both the Petitioner and the Newton Fire Department, will be selected after review of the qualifications of such contractor by the Petitioner's Consultant and the Newton Blasting Consultant.
4. *Blasting Plan* - The Blasting Contractor will submit a blasting plan for review and approval by the City's Health and Human Services Department and Fire Department, and by with input from the Newton Blasting Consultant. The Blasting plan must include the recommendations provided by Haley & Aldrich, in its memo to Cornerstone Corporation of May 2, 2006 revised May 8, 2006; a list of proposed blasting agents; and Material Safety Data Sheets for those agents. The Blasting Contractor will not use Ammonium Nitrate Fuel Oil as an explosive blasting agent, or any explosive or detonators containing Perchlorate. In addition, the Blasting Contractor will make every effort to select materials that will minimize any adverse environmental impacts. The contractor will identify in the blasting plan the measure that will be taken in order to minimize groundwater disruption.
5. *Pre-Blast Survey* A pre-blast survey will be done in accordance with State law for the interior and exterior of all structures for properties ~~or~~ that abut the site or are within 400300 feet of the blasting area.
6. *Insurance Coverage* - The blasting contractor will carry \$3,000,000 in comprehensive liability insurance for damage to structures caused by underground explosion and collapse hazard [Cf \$2m required in City's Standard Blasting Conditions]. A

certificate will be submitted to the Newton Fire Department by the contractor documenting that the required coverage will be in force for the duration of the blasting at the site. If there is a general contractor or developer associated with the blasting, each will carry a minimum of \$1,000,000 in comprehensive liability insurance.

7. *Permit and Blasting Limits* The blasting limits identified by Haley & Aldrich in their memo of May 2, 2006 as revised May 8, 2006 and confirmed in the Stantec Blasting Plan attached will be observed. However, if based upon the recommendations of the Newton Blasting Consultant, the Newton Fire Department concludes that a lower limit is necessary to protect the site and the abutting residential neighbors, that lower limit will be in effect.
8. *Notification* - Not less than 72 hours prior to the commencement of any blasting, the Petitioner will deliver by hand written notification to all properties that were entitled to a pre-blast survey under subparagraph 5. Such notification will state when the blasting period will begin, will include an explanation of the warning procedures for blasting including soundings. A system of audible warning signals must also be established in the blasting plan. The Petitioner will send another letter notifying the same parties that the blasting has been completed.
9. *Road Closures*- Any necessary closures of Lagrange Street or adjacent streets will be kept to a minimum and will be coordinated with the Police Department, Fire Department, Department of Public Works, and Inspectional Services Department. Blasting that may result in road closures will be done at off-peak hours only after 9:00 a.m. and before 3:00 p.m. To the extent that any road closures will occur in Brookline, such closures will also be coordinated with the Brookline Police Department and Department of Public Works.
10. The Petitioner's contractor will coordinate hours of blasting to prevent conflicts with school-aged pedestrians walking to and from Newton, Brookline, and Boston schools and designated school bus stops, particularly during the hours of 7:00-9:00 a.m., 2:00-3:00 p.m. and 4:00-6:00 p.m. on days when school is in session.

### **EROSION CONTROL**

Measures: All catch basins should have geotextile bags or silt sacks installed for the duration of construction. Prior to the start of excavation or earth removal, other necessary erosion control measures will be in place. These will consist of silt fences, hay bales or whatever other means may be needed to properly control erosion. Erosion control measures to deal with surface water runoff from the construction site will be strategically located as required by the construction work and may change from time to time. Temporary erosion control measures will be removed only after permanent measures are fully established. Details of

temporary and final erosion control measures will be included in the FCMP.

Tree Protection Plan: A Tree Protection Plan detailing the methodology to be used for the protection of all mature trees to be preserved, within the areas of construction, will be submitted for review and approval by the Tree Warden ~~with the Tree Removal Application~~ and in conjunction with the FCMP. The proposed Tree Protection Plan will include the

following:

1. Install an appropriate fence of 12-inches for every inch of trunk diameter (DBH). The DBH divided by 2 out from the tree trunk.
2. If working inside the drip line of the tree, cut the roots prior to digging with a sharp hand saw 12-24 inches from the edge of excavation.
3. Clean wood chips can be installed to help improve growing conditions for the remaining root system at a rate of 4-8 inches deep.
4. Subsurface fertilize all trees to be impacted by the construction to improve and promote plant vigor.

Drainage Infrastructure: All drainage infrastructures will be installed and functioning with the catch basins set at binder grade prior to the installation of the binder course of asphalt. The catch basins will not be raised to finish grade any sooner than one week prior to the installation of the finish course of asphalt.

Inspection of Existing Pipes: Prior to the commencement of any site work the contractor will retain a qualified contractor that specializes in Closed Circuit Television (CCTV) inspections of the underground pipes within LaGrange Street and any City of Newton easements that abut this project. The CCTV inspection will be performed on the utility pipes determined by the City Engineer. Pre & Post construction inspections will be witnessed by a representative of the Department of Public Works. The video tapes will be given to the City Engineer at the end of each inspection.

### **CONSTRUCTION STAGING AREAS**

Staging Areas: Staging areas will be designated prior to the start of work including the location of the material staging areas, the location of on-site temporary construction trailers, the locations of on-site truck delivery holding areas, the location of on-site truck washing stations, and the general location of temporary construction dumpsters, and the location of hay bales and other methods of erosion control during construction. As construction continues in different phases, these locations will shift as necessary.

Site Office Trailers: It is anticipated that several office trailers will be required for construction management. These will be located on the property and will be clearly marked with the name of the contractor.

Storage Trailers /Containers: During the course of construction there will be a need to maintain storage trailers / containers on-site for storage of materials, tools and /or equipment. These will also be located within the perimeter, will be kept secured, and will be removed from the property as soon as they are no longer needed.

Open Storage Areas: Materials will be stored on the property ~~construction~~ during the course of construction. In order to avoid cluttering the site, due to limited available space, materials will be delivered to the property on an as-needed basis. Material storage area(s) will be clearly defined and will be secured. The contractor will make every effort to locate the material storage area(s) as far away from the abutting residential properties as possible.

A detailed site plan, showing the location of all the above staging areas and on-site contractor and subcontractor parking areas, for each phase of construction, will be included within the FCMP.

**Delivery Truck Holding .Areas:**

On-site: On days when the construction activities require multiple truck deliveries, such as for the removal of excess material, the placement of large quantities of concrete, structural steel deliveries, asphalt paving etc., these deliveries will be carefully scheduled so that there is always adequate onsite area for the holding of the trucks until they can be unloaded. No trucks will be permitted to stand on LaGrange Street (unless actively managed by a police detail at the Petitioner's expense) or on the neighborhood streets.

Off site: In the event that adequate on *site* area for the holding of trucks is not available, an off site holding area will be arranged for, in advance, from which the trucks can be directed to the site by radio as onsite space allows. Any such offsite truck hold areas will be coordinated with and subject to the approval of the Commissioner of Inspectional Services and the Planning Director. The locations of the approved off-site truck holding areas will be included in the FCMP.

**TRAFFIC AND PARKING**

The contractor will coordinate hours of construction and truck deliveries to minimize conflicts with school age children walking to and from school or school bus stops, especially between 7:00-9:00 am and 2:00 — 4:00 pm.

1. To the extent adequate parking is not available on the property, the Contractor will make arrangements for offsite parking. Any off site parking areas will be coordinated with and subject to the approval of the Commissioner of Inspectional Services and the Planning Director. The locations of the approved off-site parking areas will be included in the FCMP.
2. At no time will parking for those working on this project be permitted on neighborhood streets. Provisions to this effect will be included in all contracts and subcontracts on this project.
3. The Contractor/Petitioner will remove snow from the site driveway, loop road, hammerheads, and surface parking areas at its sole expense. Such snow removal will be done in a timely manner to the reasonable satisfaction of the Fire Department in order to ensure passable access for emergency vehicles throughout the construction period,
4. Police details will be employed as necessary in consultation with the Newton and, as needed, Brookline, Police Departments, the Newton and, as needed, Brookline, DPW, and the Inspectional Services Department. A Traffic Management Plan will be prepared by the selected contractor and submitted with the FCMP for review and approval by the Director of Planning and Development and the City Traffic Engineer. This plan will include adequate warning and construction signs that will be in place prior to construction activity. The type of signage will be MUTCD (Manual on

Uniform Traffic Control Devices) approved and conform to the City's Construction Standards. The location of such signage will be approved by the City Traffic Engineer prior to any construction activity. Details on traffic mitigation for the installation of utilities within LaGrange Street will be provided in the Traffic Management Plan.

5. Adequate warning and construction signs will be put in place prior to any construction activity. The type of signage will conform to the City's Construction Standards and location of such signage will need the approval of the City Traffic Engineer.

### **FIRE AND EMERGENCY**

Installation of Fire Hydrants: The Contractor will install at least one (1) hydrant and will conduct all necessary flow tests to assure that the ~~hydrant~~hydrants are fully operational prior to commencing any construction involving wood framing of structures and/or the installation of exterior wood cladding at or above the ground level on site. The contractor ~~to~~shall coordinate the flow tests so that a representative from either the Fire Department or the Utilities Division of the Department of Public Works is available to witness such tests. The contractor will file a report with the results of said test to both departments.

Emergency Access Driveway: Prior to commencing any construction involving wood framing of structures and/or the installation of exterior wood cladding at or above the ground level on site, or construction of any non-wood structural system above the ground floor, the contractor will construct an internal road system to provide a means of access for Fire Department equipment and other emergency vehicles. This roadway will be finished with a hard, all weather surface that is designed to adequately support the heaviest piece of Fire Department equipment. The Contractor will assure that this access way is kept clear of obstructions to allow access by emergency vehicles throughout the construction process.

[Insert]

Stantec Addendum to Haley & Aldrich

Standards (May 8, 2006)

<b>Summary Report:</b>	
<b>Litéra® Change-Pro TDC 7.0.0.365 Document Comparison done on 10/15/2014 7:24:15 PM</b>	
<b>Style Name:</b> KL Standard	
<b>Original DMS:</b> dm://BOS/3413736/1	
<b>Modified DMS:</b> dm://BOS/3413736/3	
<b>Changes:</b>	
Add	34
Delete	28
Move From	0
Move To	0
Table Insert	0
Table Delete	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format Changes	0
<b>Total Changes:</b>	<b>62</b>



## Memo

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To: Mr. Chris Rodgers  
Chestnut Hill Realty  
PO Box 396  
300 Independence Drive  
Chestnut Hill, MA 02467

From: Trey Dykstra, PE  
Stantec Consulting  
5 Dartmouth Drive  
Suite 101  
Auburn, NH 03032

File: 21081167

Date: October 14, 2014

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**Reference: Residences at Kessler Woods, Blasting Plan**

Dear Mr. Rodgers

This memo presents the Blasting Plan for the proposed Residences at Kessler Woods located in Newton, Massachusetts. The attached Blasting Plan was developed from the following two documents prepared by Haley & Aldrich (H&A):

- Letter to Cornerstone Corporation, dated May 2, 2006 and revised May 8, 2006.
- Preliminary Kessler Woods Condominiums Construction Management Plan, dated September 11, 2006.

The construction management plan prepared by H&A contained recommendations for blasting at the site including such items as pre-blast surveys, insurance coverage, notifications, hours of operations, etc. The construction management plan also references the letter dated May 8, 2006 which included recommendations for vibration limits, overpressure limits, warning signals, controls for flyrock, etc. Some items were contained in both documents. Stantec reviewed both documents and agreed with the recommendations made. The recommendations from the H&A documents were then combined into the attached blasting plan. No substantive changes were made to the recommendations. Stantec added an introduction to the blasting plan and a table that summarized information about the bedrock depth, quality, and excavation depth into the bedrock based on the test boring program that was conducted in August and September of 2014.

Please contact us at the numbers below if you have questions.

**STANTEC CONSULTING SERVICES, INC.**

Nicholas C. D'Agostino, P.E.  
Senior Associate, Geotechnical Engineer  
Phone: (978) 577-1440  
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Project Manager/Geotechnical Engineer  
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Phone: (603) 669-8672  
Trey.Dykstra@stantec.com

Attachment: Blasting Plan

c. Theo Kindermans, Stantec

**Design with community in mind**

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**THE RESIDENCES AT KESSELER WOODS**  
**NEWTON, MASSACHUSETTS**

**BLASTING PLAN**  
**OCTOBER 7, 2014**

The Site for the proposed Residences at Kessler Woods contains numerous bedrock outcrops consisting of the Roxbury Conglomerate or "Puddingstone." These deposits consisted of gravel, sands, and muds which were bonded together under pressure to form the Roxbury Conglomerate.

A total of 26 borings were drilled at the Site in August/September 2014 (11 within the proposed building footprint, six along the proposed access road, and nine groundwater observation wells around the perimeter of the Site). Rock coring was performed in borings to confirm depth and quality of bedrock and the cores were measured for percent recovery and rock quality designation (RQD). For all building and roadway borings, rock recovery ranged between 42 and 100 percent. The RQDs ranged from 0 percent to 95 percent indicating very poor to excellent rock mass quality. The rock becomes more competent with depth and is location dependent. At the center of the site where the highest site elevations are present, rock mass is of better quality. Moving east towards the residences on Rangeley Road, bedrock is increasingly weathered and competent bedrock is encountered at greater depths. Table 1 presents the bedrock information obtained from the roadway and building borings where rock excavation will occur.

All blasting and drilling for the driveway, utility trenches, service trenches and/or structures, whenever they are built, will be carried out in accordance with applicable federal, state and local blasting permit laws and regulations, including the Board of Aldermen's Standard Blasting Conditions as well as the more stringent controls set forth in this document and the following conditions:

1. *Petitioner's Blasting Consultant* - The Petitioner's geotechnical blasting consultant, Stantec Consulting Services, Inc. ("Consultant") will oversee blasting for the Petitioner. The Consultant will review the qualifications of the blasting contractor, and review the blasting plan prepared by the Blasting Contractor, check the calibration of the seismograph monitors (provided by the Blasting Contractor), and approve the location and installation of the seismograph monitors. If required by the Newton Fire Department, the Consultant will determine the blasts limits throughout the blast period. The Consultant will coordinate with the Newton Fire Department on an as-needed basis throughout the blasting period.
2. *Independent Blasting Consultant* - The Petitioner will pay for a qualified independent geotechnical blasting consultant ("Newton Blasting Consultant") to provide technical support to the Fire Department. This Independent Blasting Consultant will be selected by the Fire Department to check the calibration of the seismograph, monitors, and, if required by the Newton Fire Department will determine the blast limits throughout the blast period. The Newton Blasting Consultant will consult with the Newton Fire Department on an as needed basis throughout the blasting period.
3. *Selection of the Blasting Contractor* - A Blasting Contractor, acceptable to both the Petitioner and the Newton Fire Department, will be selected after review of the qualifications of such contractor by the Petitioner's Consultant and the Newton Blasting Consultant.
4. *Blasting Plan* - The Blasting Contractor will submit a Blasting Plan for review and approval by the City's Health and Human Services Department and Fire Department, and by the Newton Blasting Consultant. The Blasting Plan must include a list of proposed blasting agents; and Material Safety Data Sheets (MSDS) for those agents. The Blasting Contractor will not use Ammonium Nitrate Fuel Oil as an explosive blasting agent, or any explosive or detonators containing Perchlorate. In addition, the Blasting Contractor will make every effort to select

materials that will minimize any adverse environmental impacts. The contractor will identify in the blasting plan the measures that will be taken in order to minimize groundwater disruption.

The Blasting Plan shall be provided by the Blasting Contractor a minimum of 30 days prior to blasting at the site, detailing the planned procedures to be used at the site limits closest to the nearest residences, and also detailing procedures to be used at the deepest rock cut areas in the central portion of the site. The Blasting Plan should also contain a Blast Site Security Plan showing the locations of sentries to be provided prior to each blast round to keep unauthorized personnel from entering the blast area, and the means of communication from the blaster to the sentry to ensure the area is clear prior to detonation.

The Blasting Plan shall include the details of the test blast program consisting of at least three blasts detonated at least 300 feet from the closest residence. The Blasting Plan will be used to assess the planned procedures and to adjust the scaled distance relationships at the site.

5. *Pre-Blast Survey* - A pre-blast survey will be done in accordance with State law for the interior and exterior of all structures for properties that abut the site or are within 400 feet of the blasting area. It should be noted that 400 feet is a significantly greater distance than the 250 feet required by Massachusetts regulations (527 CMR 13.00).
6. *Initial Blasting* - Initial blasting at the site shall be conducted at a location at least 300 ft from the nearest residence, using a scaled distance no less than 75 ft/lbs so that site-specific scaled distance relationships can be determined and charge weights per delay can be adjusted as blasting approaches closer to residences.
7. *Fly Rock Control* - The following controls should be in place to reduce the potential for fly rock:
  - a. Blasting mats should be used to fully cover the blast area for every blast;
  - b. Drillers logs should be kept for all blast holes drilled, documenting open joints, seams, and other anomalies; and the logs should be reviewed by the blaster prior to each blast;
  - c. Ammonium Nitrate Fuel Oil (ANFO) should not be used on the project; and
  - d. A videotape should be taken of each blast round detonated to identify issues so they can be corrected prior to the next round of blasting.
8. *Insurance Coverage* - The Blasting Contractor shall carry \$3,000,000 in comprehensive liability insurance for damage to structures caused by underground explosion and collapse hazard. A certificate will be submitted to the Newton Fire Department by the Blasting Contractor documenting that the required coverage will be in force for the duration of the blasting at the site. If there is a General Contractor or Developer associated with the blasting, each will carry a minimum of \$1,000,000 in comprehensive liability insurance.
9. *Permit and Blasting Limits* – The blasting limits identified below must be observed. However, if based upon the recommendations of the Newton Blasting Consultant, the Newton Fire Department concludes that a lower limit is necessary to protect the site and the abutting residential neighbors, that lower limit will be in effect.
  - a. Maximum blast induced ground vibrations at the nearest adjacent above ground structure to blasting should be kept below the U.S. Bureau of Mines recommended Safe Limits, as indicated on Figure 1. These limits are based on the frequency and peak particle velocity of the blast vibrations and are safe limits for preventing cosmetic damage to residential structures;
  - b. Maximum air blast overpressures should be kept below 0.013 psi at above-ground

structures in the area. This will minimize the possibility of window damage and also minimize annoyance due to rattling of windows and walls; and

- c. At roadway and parking areas, permanent rock cuts slopes over 10 feet high should be blasted utilizing perimeter control procedures such as presplitting, cushion blasting (or trim blasting) or line drilling.
10. *Vibration Monitoring* - Blast vibration monitoring should be performed and reported for each round by the Newton Blasting Consultant as follows:
    - a. At the two closest residences on Rangeley Road;
    - b. At the two closest residences along Lagrange Street (including Broadlawn Park and Broadlawn Drive); and
    - c. At one other agreed upon location.

Monitoring reports should be kept on file at the site for review by the Fire Department and blasting contractor. The Fire Department and blasting contractor should be notified immediately if any vibrations exceed the regulatory limits.

11. *Noise and Dust Control* – Noise and dust from the drilling operations should be minimized through the use of appropriate mufflers and the use of water or other fluid to control dust at its source.
12. *Notification and Warning Systems* - Not less than 72 hours prior to the commencement of any blasting, the Petitioner will deliver by hand written notification to all properties that were entitled to a pre-blast survey under subparagraph 5. Such notification will state when the blasting period will begin and will include an explanation of the warning procedures for blasting including blast alarms. The Petitioner will send another letter notifying the same parties when the blasting has been completed. A system of audible warning signals/alarms must also be established in the Blasting Plan that will be used by the Blasting Contractor to warn personnel at the site and nearby residents prior to each blast. The warning signals should be audible at least 600 feet from the blast area and be used prior to each blast.
13. *Hours of Operation for Blasting* - Blasting should be limited to between the hours of 9:00 am to 4:00 pm, Monday through Friday, to minimize disturbance to the residents near the site.
14. *Road Closures* - Any necessary closures of Lagrange Street or adjacent streets will be kept to a minimum and will be coordinated with the Newton Police Department, Newton Fire Department, Newton Department of Public Works, and Newton Inspectional Services Department. Blasting that may result in road closures will be done at off-peak hours only (e.g. after 9:00 a.m. and before 3:00 p.m.). To the extent that any road closures will occur in Brookline, such closures will also be coordinated with the Brookline Police Department and Brookline Department of Public Works.
15. The Petitioner's General Contractor will coordinate hours of blasting to prevent conflicts with school-aged pedestrians walking to and from Newton, Brookline, and Boston schools and designated school bus stops, particularly during the hours of 7:00 am to 9:00 a.m.; 2:00 pm to 3:00 p.m. and from 4:00 p.m. to 6:00 p.m. on days when school is in session.

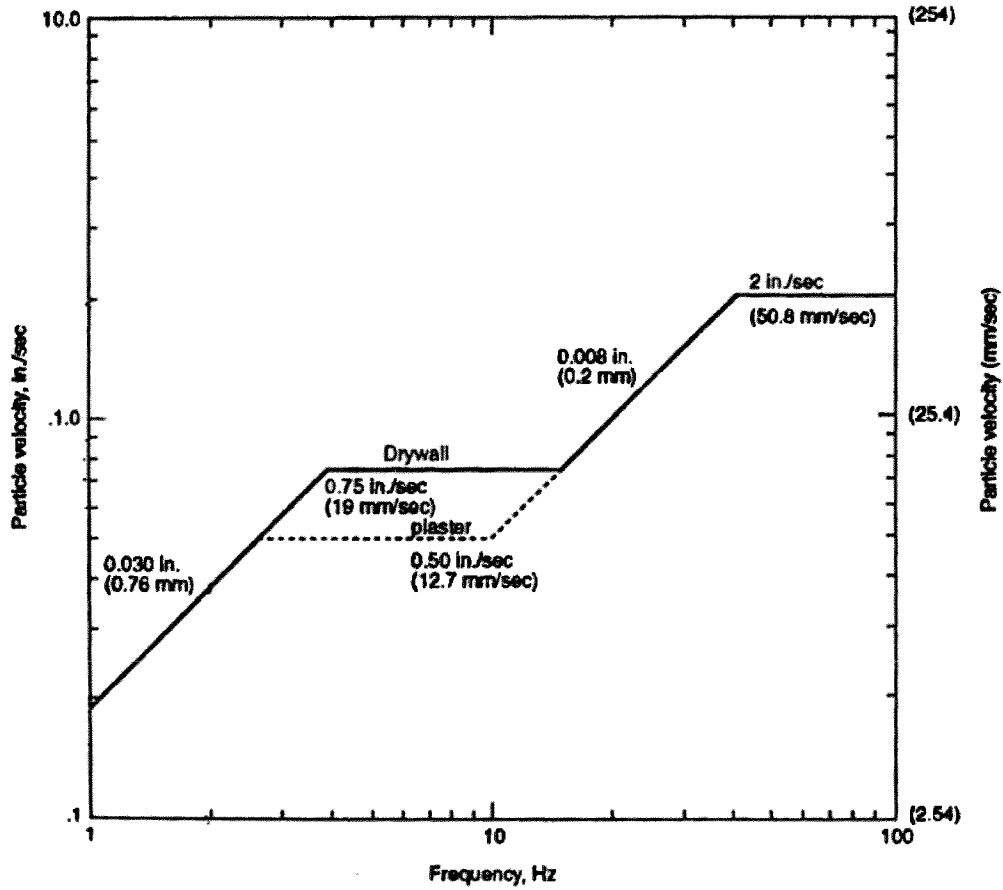


Figure 1 - Particle Velocity Vs Frequency  
 United States Bureau of Mines (1980)

**THE RESIDENCES AT KESSELER WOODS**  
**NEWTON, MASSACHUSETTS**

**BLASTING PLAN**  
**OCTOBER 3, 2014**

The Site for the proposed Residences at Kessler Woods contains numerous bedrock outcrops consisting of the Roxbury Conglomerate or "Puddingstone." These deposits consisted of gravel, sands, and muds which were bonded together under pressure to form the Roxbury Conglomerate.

A total of 26 borings were drilled at the Site in August/September 2014 (11 within the proposed building footprint, six along the proposed access road, and nine groundwater observation wells around the perimeter of the Site). Rock coring was performed in borings to confirm depth and quality of bedrock and the cores were measured for percent recovery and rock quality designation (RQD). For all building and roadway borings, rock recovery ranged between 42 and 100 percent. The RQDs ranged from 0 percent to 95 percent indicating very poor to excellent rock mass quality. The rock becomes more competent with depth and is location dependent. At the center of the site where the highest site elevations are present, rock mass is of better quality. Moving east towards the residences on Rangeley Road, bedrock is increasingly weathered and competent bedrock is encountered at greater depths. Table 1 presents the bedrock information obtained from the roadway and building borings where rock excavation will occur.

All blasting and drilling for the driveway, utility trenches, service trenches and/or structures, whenever they are built, will be carried out in accordance with applicable federal, state and local blasting permit laws and regulations, including the Board of Aldermen's Standard Blasting Conditions as well as the more stringent controls set forth in this document and the following conditions:

1. *Petitioner's Blasting Consultant* - The Petitioner's geotechnical blasting consultant, Stantec Consulting Services, Inc. ("Consultant") will oversee blasting for the Petitioner. The Consultant will review the qualifications of the blasting contractor, and review the blasting plan prepared by the Blasting Contractor, check the calibration of the seismograph monitors (provided by the Blasting Contractor), and approve the location and installation of the seismograph monitors. If required by the Newton Fire Department, the Consultant will determine the blasts limits throughout the blast period. The Consultant will coordinate with the Newton Fire Department on an as-needed basis throughout the blasting period.
2. *Independent Blasting Consultant* - The Petitioner will pay for a qualified independent geotechnical blasting consultant ("Newton Blasting Consultant") to provide technical support to the Fire Department. This Independent Blasting Consultant will be selected by the Fire Department to check the calibration of the seismograph, monitors, and, if required by the Newton Fire Department will determine the blast limits throughout the blast period. The Newton Blasting Consultant will consult with the Newton Fire Department on an as needed basis throughout the blasting period.
3. *Selection of the Blasting Contractor* - A Blasting Contractor, acceptable to both the Petitioner and the Newton Fire Department, will be selected after review of the qualifications of such contractor by the Petitioner's Consultant and the Newton Blasting Consultant.
4. *Blasting Plan* - The Blasting Contractor will submit a Blasting Plan for review and approval by the City's Health and Human Services Department and Fire Department, and by the Newton Blasting Consultant. The Blasting Plan must include a list of proposed blasting agents; and Material Safety Data Sheets (MSDS) for those agents. The Blasting Contractor will not use Ammonium Nitrate Fuel Oil as an explosive blasting agent, or any explosive or detonators containing Perchlorate. In addition, the Blasting Contractor will make every effort to select

materials that will minimize any adverse environmental impacts. The contractor will identify in the blasting plan the measures that will be taken in order to minimize groundwater disruption.

The Blasting Plan shall be provided by the Blasting Contractor a minimum of 30 days prior to blasting at the site, detailing the planned procedures to be used at the site limits closest to the nearest residences, and also detailing procedures to be used at the deepest rock cut areas in the central portion of the site. The Blasting Plan should also contain a Blast Site Security Plan showing the locations of sentries to be provided prior to each blast round to keep unauthorized personnel from entering the blast area, and the means of communication from the blaster to the sentry to ensure the area is clear prior to detonation.

The Blasting Plan shall include the details of the test blast program consisting of at least three blasts detonated at least 300 feet from the closest residence. The Blasting Plan will be used to assess the planned procedures and to adjust the scaled distance relationships at the site.

5. *Pre-Blast Survey* - A pre-blast survey will be done in accordance with State law for the interior and exterior of all structures for properties that abut the site or are within 400 feet of the blasting area. It should be noted that 400 feet is a significantly greater distance than the 250 feet required by Massachusetts regulations (527 CMR 13.00).
6. *Initial Blasting* - Initial blasting at the site shall be conducted at a location at least 300 ft from the nearest residence, using a scaled distance no less than 75 ft/lbs, so that site-specific scaled distance relationships can be determined and charge weights per delay can be adjusted as blasting approaches closer to residences.
7. *Fly Rock Control* - The following controls should be in place to reduce the potential for fly rock:
  - a. Blasting mats should be used to fully cover the blast area for every blast;
  - b. Drillers logs should be kept for all blast holes drilled, documenting open joints, seams, and other anomalies; and the logs should be reviewed by the blaster prior to each blast;
  - c. Ammonium Nitrate Fuel Oil (ANFO) should not be used on the project; and
  - d. A videotape should be taken of each blast round detonated to identify issues so they can be corrected prior to the next round of blasting.
8. *Insurance Coverage* - The Blasting Contractor shall carry \$3,000,000 in comprehensive liability insurance for damage to structures caused by underground explosion and collapse hazard. A certificate will be submitted to the Newton Fire Department by the Blasting Contractor documenting that the required coverage will be in force for the duration of the blasting at the site. If there is a General Contractor or Developer associated with the blasting, each will carry a minimum of \$1,000,000 in comprehensive liability insurance.
9. *Permit and Blasting Limits* – The blasting limits identified below must be observed. However, if based upon the recommendations of the Newton Blasting Consultant, the Newton Fire Department concludes that a lower limit is necessary to protect the site and the abutting residential neighbors, that lower limit will be in effect.
  - a. Maximum blast induced ground vibrations at the nearest adjacent above ground structure to blasting should be kept below the U.S. Bureau of Mines recommended Safe Limits, as indicated on Figure 1. These limits are based on the frequency and peak particle velocity of the blast vibrations and are safe limits for preventing cosmetic damage to residential structures;

- b. Maximum air blast overpressures should be kept below 0.013 psi at above-ground structures in the area. This will minimize the possibility of window damage and also minimize annoyance due to rattling of windows and walls;
  - c. At roadway and parking areas, permanent rock cuts slopes over 10 feet high should be blasted utilizing perimeter control procedures such as presplitting, cushion blasting (or trim blasting) or line drilling.
10. *Vibration Monitoring* - Blast vibration monitoring should be performed and reported for each round by the Newton Blasting Consultant as follows:
- a. At the two closest residences on Rangeley Road;
  - b. At the two closest residences along Lagrange Street (including Broadlawn Park and Broadlawn Drive); and
  - c. At one other agreed upon location.
- Monitoring reports should be kept on file at the site for review by the Fire Department and blasting contractor. The Fire Department and blasting contractor should be notified immediately if any vibrations exceed the regulatory limits.
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13. *Hours of Operation for Blasting* - Blasting should be limited to between the hours of 9:00 am to 4:00 pm, Monday through Friday, to minimize disturbance to the residents near the site.
14. *Road Closures* - Any necessary closures of Lagrange Street or adjacent streets will be kept to a minimum and will be coordinated with the Newton Police Department, Newton Fire Department, Newton Department of Public Works, and Newton Inspectional Services Department. Blasting that may result in road closures will be done at off-peak hours only (e.g. after 9:00 a.m. and before 3:00 p.m.). To the extent that any road closures will occur in Brookline, such closures will also be coordinated with the Brookline Police Department and Brookline Department of Public Works.
15. The Petitioner's General Contractor will coordinate hours of blasting to prevent conflicts with school-aged pedestrians walking to and from Newton, Brookline, and Boston schools and designated school bus stops, particularly during the hours of 7:00 am to 9:00 a.m.; 2:00 pm to 3:00 p.m. and from 4:00 p.m. to 6:00 p.m. on days when school is in session.

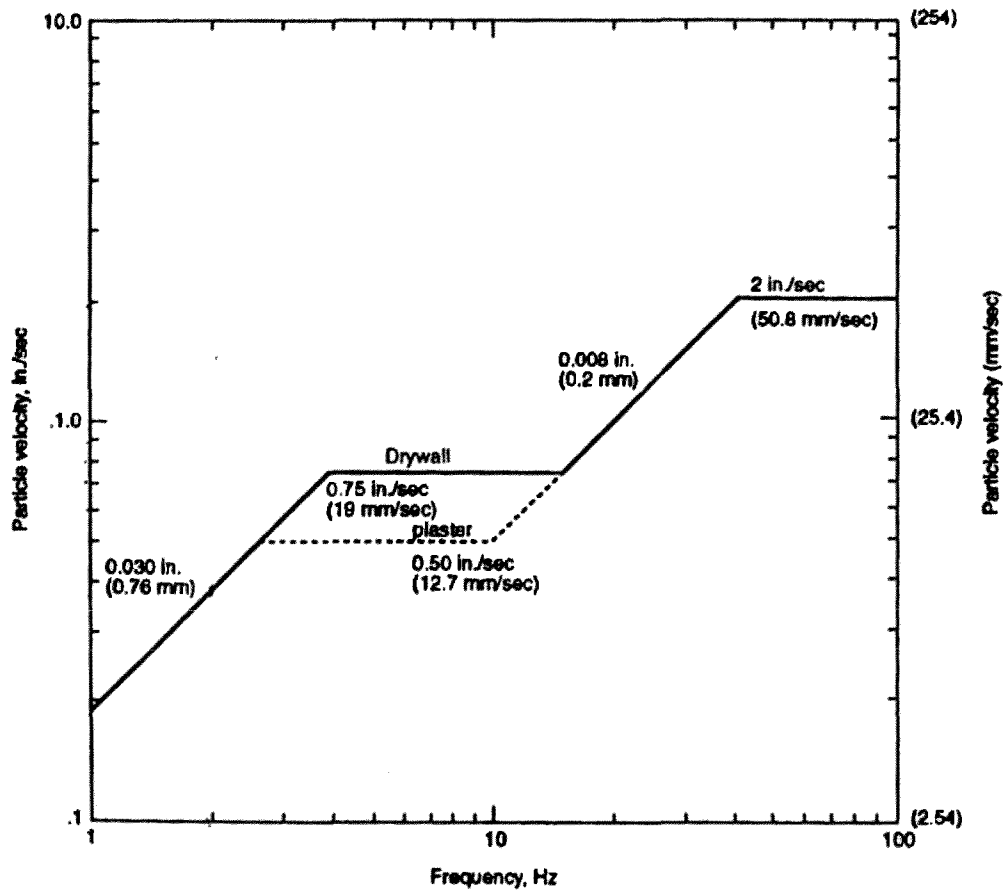


Figure 1 - Particle Velocity Vs Frequency  
United States Bureau of Mines (1980)



TABLE 1 - BEDROCK RESULTS

Boring	Ground Surface Elevation (feet)	Proposed Excavation Elevation (feet)	Refusal Conditions / Top of Bedrock		Bedrock Excavation Depth (feet)	Rock Core Results				
			Depth (feet)	Elevation		Core Run	Depth (feet)	Recovery (%)	RQD (%)	
<b>Roadway Borings</b>										
R-1	194	184	4.5	189.5	5.5	C-1	4.5' to 6.5'	98	21	
						C-2	6.5'-11.5'	100	53	
						C-3	11.5'-15.5'	88	41	
R-2	192	186	1	191	5	C-1	1'-6'	100	36	
						C-2	6'-10'	100	88	
R-3	196	186	4	192	6	C-1	4'-9'	100	68	
						C-2	9'-14'	98	87	
R-4	199	189	1	198	9	C-1	1'-6'	100	38	
						C-2	6'-11'	100	57	
						C-3	11'-16'	100	83	
R-5	178	184 (fill)	2.8	175.2	None	C-1	3' to 8'	75	15	
R-6	185	184 (till)	4.8	180.2	None	No Core				
<b>Building Borings</b>										
B-1	186	183	1	185	2	C-1	1'-6'	83	0	
						C-2	6.5'-10'	87	13	
B-2	185	183 (till)	3.7	181.3	None	C-1	4'-9'	95	18	
B-3	180	183 (fill)	3.8	176.2	None	C-1	3.8'-8.8'	100	90	
B-4	202	183	0	202	19	C-1	0'-5'	88	65	
						C-2	5'-10'	100	92	
						C-3	10'-13'	100	83	
						C-4	13'-18'	98	82	
						C-5	18'-23'	97	95	
B-5	192	183	2	190	7	C-1	2.5'-7.5'	100	50	
						C-2	7.5'-12.5'	90	47	
B-6	198	183	0	198	15	C-1	0'-5'	90	30	
						C-2	5'-10'	92	48	
						C-3	10'-15'	100	76	
						C-4	15'-20'	98	60	
B-7	214	183	0	214	21	C-1	0'-5'	100	70	
						C-2	5'-10'	98	63	
						C-3	10'-15'	98	75	
						C-4	15'-20'	98	75	
						C-5	20'-25'	98	60	
						C-6	25'-30'	97	72	
B-8	190	183 (till)	10	180	None	C-1	10'-15'	98	87	
B-9	206	183	1.8	204.2	21.2	C-1	2.5'-7.5'	83	18	
						C-2	7.5'-12.5'	60	6	
						C-3	12.5'-17.5'	100	50	
						C-4	17.5'-22.5'	100	52	
						C-5	22.5'-25'	100	33	
B-10	195	183	4	191	8	C-1	4'-9'	42	0	
B-11	194	183 (till)	10	184	None	C-1	11'-16'	100	87	

## **BLASTING RESPONSE**

**October 16, 2014**

CHR conducted a detailed review of (i) the Cornerstone Blasting Plans; (ii) the Haley & Aldrich special blasting standards prepared for Cornerstone; and (iii) the Peer Review of the Cornerstone/Haley & Aldrich plans done for the City by Woodard & Curran during the earlier permitting of this project in 2006. As noted in the CHR mark up of the Construction Management Plan, CHR intends to follow the standards and protocols spelled out in these plans with only the modifications noted in the Stantec Addendum to the CMP.

### **I. General Blasting Standards**

It is noteworthy that Woodard & Curran's peer review of these plans, which CHR is following except as noted, approves of the blasting methodologies. Their Peer Review memo provides as follows:

We have received and reviewed the above referenced document and offer the following:

The approach proposed by Haley & Aldrich intends to meet or in most cases exceed the governing standards for permits and approvals by the blasting control agencies. It also intends to closely monitor and observe the results of production blasting done in accordance with these standards. If there are problems detected by and of the observation methods, or by home owners, then the procedure is to halt production, convene the experts redesign blasting methods to prevent further unacceptable impacts from the blasting.

It appears to us at this point that the approach described coupled with a performance based blasting requirements in the order of approval is the most realistic and prudent means to mitigate potentially unforeseen outcomes. It would be in the best interest of the City to incorporate a degree of flexibility in how the City implements the performance standards in order to minimize the rock removal period.

### **II. Groundwater Impacts**

The second area addressed is the blasting impacts on groundwater flow. A peer review was also done on this by Woodard & Curran dated May 11, 2006 and a subsequent memo dated May 24, 2006 from Haley & Aldrich was written and incorporates the peer review comments. Of note, Woodard & Curran concurs with Haley and Aldrich that the blasting will not have an effect on the groundwater. From the Woodard & Curran memo:

Based on our review of the blasting assessment report, the local topography and our experience in the area, it does not seem likely that there will be a significant impact on groundwater movement as a result of this work. The greatest potential impact would occur if a large fracture existed in the rock that provided a substantial conduit for groundwater to recharge the wetlands. Blasting could cause this fracture to close and therefore block the natural flow of groundwater to the wetland. However, this is not very likely due to the blast monitoring controls described in the report by Haley & Aldrich. Furthermore, there does not appear to be any surficial expression of such a mega-fracture extending from the hill into the wetlands that could be the prime (ground) water feeder to sustain the wetlands. Instead, the topography suggests that these wetlands are in a bowl surrounded by highlands, so it would be reasonable to think that surface water drainage is a prime contributor to sustaining the wetness of these wetlands.

One of the recommendations was to install groundwater monitoring wells when the work begins. CHR has gone ahead and installed these wells and took a reading of the elevation of the groundwater. Here are the readings for the three wells that are along the property line of the closest neighbors::

Well Location	GS Elevation (feet)	Water Elevation (feet)	Comments
OW-1	195	178.2	proposed roadway grade is 186 to 187
OW-2	184	169.8	proposed roadway grade is 189
OW-3	176	154.7	

The lowest elevation of rock excavation is the garage of the building and that is at elevation 185. Using this number the groundwater is over 6.5' below the lowest elevation of disturbance. Because of the fact that the limits of blasting will be above the groundwater table, CHR's geotechnical consultants have concluded that Woodard & Curran's peer review conclusion is accurate. The experts would only expect to see the possibility of changes in groundwater flow direction and velocity when there is blasting directly in or beneath the water table. Here, with the benefit of the groundwater wells having been installed by CHR, there is further information to support the conclusion that groundwater impacts from blasting are not expected. Notwithstanding all of this, the Construction Management Plan still contains safeguards and monitoring.

**III. Wetlands and Surface Water Impacts**

The recharging of the wetlands was brought up as a potential issue since it was indentified that the existing surface flow is the way the wetlands are recharged. This is addressed by a storm

water collection and cleaning system for the disturbed areas which then discharges clean water back into the wetlands. CHR is keeping this same design.

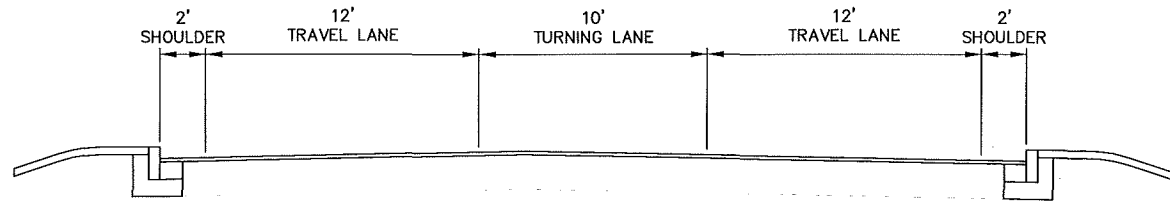
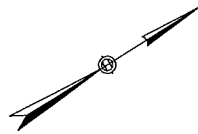
There was also a concern of increased surface water flow towards the Brookline neighbors. From the Haley & Aldrich memo:

As noted above, the major contributor to any water flow towards abutters residences from this site would be overland surface flow. We also note that the existing topography does not direct surface water to the abutting residential properties on Rangely Road, but instead generally flows parallel to the property line, the Brookline Town line, and no surface changes are

proposed anywhere along that line.

CHR is also not disturbing the existing grade along the property line and has taken the additional step of dropping the proposed roadway grades lower than the embankments so that the road is depressed and all water is contained in the onsite storm water collection system and cannot flow towards the Brookline abutters.





SECTION A-A  
NOT TO SCALE



Figure 1

Conceptual Intersection Improvements Plan

LAGRANGE STREET/VINE STREET  
 NEWTON, MASSACHUSETTS  
 PREPARED FOR:  
 CHESTNUT HILL REALTY  
 300 INDEPENDENCE DRIVE  
 CHESTNUT HILL, MASSACHUSETTS 01803

**MDM** TRANSPORTATION CONSULTANTS, INC.  
 PLANNERS & ENGINEERS

28 Lord Road, Suite 280  
 Marlborough, MA 01762  
 Tel: (508) 303-0370  
 Fax: (508) 303-0371

DATE: August 2014

SCALE: As Noted

PROJECT No. 765

File: 765 Conceptual Plan with Crosswalks (Color).dwg

Sheet 1 of 1

NOTES

1. THIS PLAN INTENDED FOR DISCUSSION PURPOSES ONLY; IT IS NOT FOR CONSTRUCTION.
2. FINAL DESIGN IS SUBJECT TO FIELD SURVEY BY OTHERS.
3. PROPERTY LINES AND ACCESS LINE LOCATIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO DEED AND TITLE RECORDS.
4. BASE PLAN SOURCE: STANTEC & DIGITIZED MASSGIS PLAN.

LEGEND



MBTA BUS 37

PROPOSED SIGNS



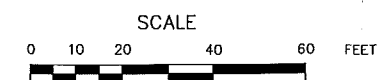
R1-1



R3-7L



R4-7



City of Newton



**DEPARTMENT OF PUBLIC WORKS**  
TRANSPORTATION DIVISION  
110 Crafts Street  
Newton, MA 02460

Setti D. Warren  
Mayor

**DATE:** September 23, 2014  
**TO:** James Frease, Interim Director of Planning  
**FROM:** William G. Paille, P.E., Director of Transportation  
**RE:** **Kessler Woods Development – Lagrange & Vine Improvements**

---

I have performed a preliminary review of the Traffic Impact Assessment prepared by MDM, dated July 23, 2014 and concur with their conclusions that in general, the impact of this development (i.e. projected traffic volumes) to traffic flow along Lagrange Street is negligible and as a result, no changes to traffic operations are required. However, traffic flow remains unimpeded at the intersection with Vine/Corey and thus difficult for drivers to enter/exit this intersection, including Kessler Woods residents.

I was contacted by Mr. Robert Michaud, P.E., Managing Principal for MDM Transportation Consultants, Inc. in August and we met at the site on September 5, 2014 to review a conceptual design for specific geometric and traffic management improvements at the intersection of Lagrange and Vine Streets in the City of Newton. After a review of the conceptual plan, I believe these improvements will facilitate traffic and create a safer and more efficient environment for all approaches including residents of Kessler Woods. Refer to attached plan titled "Conceptual Intersection Improvements Plan – Lagrange Street/Vine Street" by MDM Transportation Consultants, Inc., dated August 2014. It is my understanding that MDM presented this conceptual plan at a neighborhood meeting held on September 10, 2014.

The City supports the conceptual improvements at the referenced intersection, and recommends this project be advanced to the preliminary design phase as soon as possible. The City is prepared to coordinate with the design consultant with regard to sharing this design with the appropriate committees and review bodies in order to seek the necessary approvals to implement this project.

Cc: Dave Turocy, DPW Commissioner

Telephone: (617) 796-1491 • Fax: (617) 552-7983 • [wpaille@newtonma.gov](mailto:wpaille@newtonma.gov)



TO: Newton Planning Department

FROM: Chestnut Hill Realty

DATE: October 16, 2014

RE: **Kessler Woods Sustainable Project Features and LEED-related criteria**

We cannot determine finally at this juncture whether the project will be LEED Certifiable. We are working through the criteria and process now. We intend to meet or exceed the Stretch Code. The following are some of the sustainability items that CHR intends to incorporate into this building as a matter of practice.

- Energy Conservation:
  - Individual on demand gas fired hot water boilers in each unit or a high efficiency central boiler that provide domestic hot water and heating hot water to the individual unit. These boilers are sub-metered for individual use.
  - Each unit is individually metered for electricity use
  - Energy Star appliances that include refrigerator, dishwasher, washing machine
  - LED light fixtures in common areas with motion sensors.
  - LED exterior lighting
  - Closed cell spray foam insulation
  - Weather stripping all exterior doors and unit entry doors
  - Enhanced compartmentalization between units
  - HVAC Startup balancing
- Water Efficiency:
  - Low flow toilets that use .8/gallon per flush
  - Low flow faucets and shower heads
  - Irrigation abatement sub meter
- Misc
  - IAQ- corridor ventilation system
  - Low VOC paint and materials
  - Recycling program building wide
  - Shuttle van from Hancock Village property.



Setti D. Warren  
Mayor

City of Newton, Massachusetts  
Department of Planning and Development  
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James Freas  
Acting Director

## CONTINUED PUBLIC HEARING MEMORANDUM

**DATE:** November 7, 2014  
**MEETING DATE:** November 10, 2014  
**TO:** Land Use Committee of the Board of Aldermen  
**FROM:** James Freas, Acting Director of Planning and Development  
Alexandra Ananth, Chief Planner for Current Planning  
Daniel Sexton, Senior Planner  
**CC:** Petitioner

In response to questions raised at the Land Use Committee public hearings, and/or staff technical reviews, the Planning Department is providing the following information for the upcoming public hearing/working session. This information is supplemental to staff analysis previously provided.

### **PETITION #102-06 (11) and #102-06 (12)**

**Kessler Woods**

Request to amend the existing special permit via Board Order #102-06(9) for the Kessler Woods Residential Development project and waivers for deviations from certain design and dimensional controls. Request to amend Ordinance Z-37, which adopted a change of zoning from Single Residence 3 to Multi-Residence 3, to account for the modified Kessler Woods project proposal.

The Land Use Committee (Committee) held public hearings on September 23, 2014 and October 28, 2014, which were held open so that the petitioner could respond to questions/concerns that were raised in the Planning Department Memorandum and at the public hearing by the Committee and members of the public. The petitioner submitted a packet of information on November 6, 2014 in response to questions/concerns that were raised. Overall, the Planning Department finds the petitioner's responses are complete, and provides the following comments.

### **Conservation Concerns**

The petitioner has indicated that the filing of a Request for Determination of Applicability and an Abbreviated Notice of Resource Area Delineation with the Conservation Commission will not be completed prior to the continued public hearing. The petitioner is confident that the Conservation Commission's review and, if necessary, their approval of this project can be accomplished prior to the issuance of any building or utility connection permits. The Conservation Commission's review is not expected to materially impact the proposed site plan. The Planning Department encourages the



petitioner to briefly explain what steps are being taken to prevent adverse impacts within the site's sensitive habitats, especially the wetlands and wetland buffer zone.

Should the Committee chose to approve this project, the Department recommends a condition that prior to the issuance of any building or utility connection permits, the petitioner must file applications and information necessary for the Conservation Commission to review and, if necessary, approve the aforementioned applications.

### **Water Main and Sanitary Sewer Connections**

The petitioner has submitted revised plans and details for the water main extension and sanitary sewer connection, which addresses previous concerns raised by the Engineering and Utility Divisions. While these departments have not had an opportunity to fully vet these revised plans and details, they are supportive of the revised layouts. As such, the Planning Department recommends two conditions requiring that prior to issuance of any utility connection permit, the petitioner shall submit plans and details with the final locations of the proposed water main extension and sanitary sewer connections, consistent with the City's Construction Standards and Specifications, to the City Engineer and the Director of Utilities for review and approval.

### **Diversity of Units**

The petitioner has provided revised floor plans that redistribute affordable units throughout the building. As proposed, the petitioner will provide two affordable units (one one-bedroom and one two-bedroom) on the third floor, four affordable units (four two-bedrooms) on the second floor, and six affordable units (two one-bedroom and four two-bedrooms) on the first floor. Based on the reconfiguration of the affordable units the petitioner is still providing 12 affordable units; however, the affordable unit composition now consists of three one-bedroom and nine two-bedroom units. While the petitioner was not able to significantly diminish the unit size disparity due to the structural design of the building and the unit types; the petitioner has dispersed the affordable units on all three floors, within both wings of the building, and providing both front and rear facing. The petitioner is also committed to providing the same level of finishes in both the affordable and market rate units, so one will not be distinguishable from the other.

The Planning Department is supportive of the petitioner's efforts to redistribute the affordable units and reduce the disparities between affordable and market rate units. The Planning Department recommends a condition stipulating that the petitioner shall maintain the size and location of the affordable units as shown on the revised floor plans.

### **Peer Review of Entrance Drive and Crosswalk Location and Sight Distance**

At the request of the Committee, the City engaged McMahan Associates to conduct a peer review of the stopping sight distance for the proposed entrance drive and the sight lines for the proposed pedestrian crosswalk to the east of the entrance driveway on LaGrange Street. The petitioner's transportation consultant, MDM Transportation Associates (MDM), described and laid out the latest stopping sight distance and sight lines on the revised Layout and Materials Plan, dated October 24, 2014, and Supplemental Sight Line Assessment, dated November 3, 2014. The peer review did not raise any concerns with the proposed location or design of the entrance drive or crosswalk (**ATTACHMENT A**). The peer review did, however, recommend that the petitioner maintain any landscaping within the sight triangles at a maximum height of two feet to ensure safe access and to

install, at a minimum, the appropriate signage and pavement markings to ensure the safety of pedestrians.

The Planning Department and Transportation Division recommend a condition that the petitioner shall maintain and periodically trim the landscaping and adjacent vegetation along the southeast property line in order to maintain adequate stopping sight distance and sight lines for pedestrian and vehicular movements.

### **Mitigation and Public Benefits Package**

The petitioner, in coordination with various City Departments, has assembled a mitigation and public benefits package that includes funds or payments for the following four aspects of the project:

➤ Inflow and Infiltration

The Planning Department and the Department of Public Works believe that inflow and infiltration (“I&I”) is a significant issue for the City and the State, and that requesting sufficient mitigation is important regardless of what has been approved in the past, particularly in the subject area which has known sewer constraints and capacity issues. After reviewing supplemental documentation provided by the petitioner, consisting of the sewerage flow of another development in the petitioner’s portfolio, the City and petitioner have arrived at an equitable approach for handling I&I mitigation. The proposed mitigation approach is as follows and will be solidified in a contractual agreement between the petitioner and the City:

- **First Payment.** The petitioner shall make an initial I&I mitigation payment prior to the issuance of any utility connection permit for the sanitary sewer that is 50% (or approximately \$143,236.5) of the total I&I mitigation payment of \$286,473, which was calculated by taking 60.9 gallons per bedroom per day x 140 bedrooms x \$8.40/gallon x a ratio of 4:1.
- **Second Payment.** Once 95% occupancy of the multi-family residential structure is achieved, which shall be confirmed by the necessary documentation submitted to the City’s Law Department for review, or two (2) years following the issuance of the final Certificate of Occupancy, whichever comes first, the petitioner shall make a second “True-Up” payment for I&I mitigation. This True-Up payment shall be calculated by calculating the actual flow from the structure for one month and be applied to 140 bedrooms x \$8.40/gallon x a ratio of 4:1. If the petitioner is unable to attain 95% occupancy of the structure before two (2) years, the second payment shall be prorated to reflect 95% occupancy.

The City’s Law Department, Planning Department, and Department of Public Works supports this approach to handling the I&I mitigation payment for this project.

➤ Public Foot Path

The petitioner has agreed to contribute \$75,000 toward the planning, design, and maintenance of a public foot path, as agreed upon in the Easement Agreement.

➤ Tree Preservation Ordinance

The petitioner has proposed to seek a waiver under the City’s Tree Preservation Ordinance to reduce the payment in-lieu fee to the Tree Replacement Fund for the 2006 amount agreed upon

of \$261,928. The Planning Department agrees with this approach considering the amount of existing and proposed landscaping and the topographical challenges of the site.

➤ Roadway and Safety Improvements

The petitioner is willing to contribute up to \$340,000 to fund and/or construct the roadway and safety improvements in the area of the project. These improvements will consist of roadway and safety upgrades at the intersection of Corey/LaGrange/Vine Streets, accessibility improvements at the intersection of LaGrange Street and Broadlawn Park, and the creation of a pedestrian crosswalk with pedestrian signalization and sidewalk connection on LaGrange Street. While the Transportation Division has not had an opportunity to fully vet these improvements, they are supportive of the improvements. The Planning Department believes these improvements are a public benefit to the City that will enhance the safety of pedestrian and vehicular movements for residents of the project and the surrounding neighborhood.

**Blasting Conditions/Blasting Plan**

At the request of the Town of Brookline abutters, the petitioner is committed to the language from Condition #12 of the previously authorized special permit via Board Order #102-06(9), issued to Cornerstone Corp., as it relates to the remediation of groundwater flow alterations that may arise due to blasting. To reflect this commitment, the petitioner has supplemented the scope of the pre-blast survey criteria contained in the draft Blasting Plan to include testing for whether the Rangeley Road abutter's basements have pre-existing conditions of groundwater infiltration.

**Planning and Development Board**

On November 3, 2014, the City's Planning and Development Board (Planning Board) reviewed the petitioner's request for an amendment to the zone change previously approved under Board Order #102-06(9), which authorized a zone change from Single Residence 3 to Multi-Residence 3. After hearing the petitioner's presentation and much discussion, the Planning Board took one vote to maintain the zoning of the parcel in the existing Single Residence 3 zoning district. The motion failed to carry with a vote of 3-3 (**ATTACHMENT B**). The Planning Board then agreed to discuss the project further at a meeting scheduled for November 12, 2014. If the Planning Board does not meet again or send a subsequent vote, the failed vote will constitute a recommendation to the Board.

**Recommendation**

The Planning Department believes that the petitioner has addressed all outstanding issues and, therefore, **recommends approval with conditions**. A copy of the draft board order for this special permit amendment request will be provided by the Law Department in your Friday packet, and is not attached to this memorandum. As reference, a copy of the previously approved Board Order #102-06(9) has been provided with this memorandum (**ATTACHMENT C**).

**ATTACHMENTS**

**ATTACHMENT A** – Peer Review Supplemental Review, dated November 5, 2014

**ATTACHMENT B** – Planning and Development Board Decision, dated November 7, 2014

~~**ATTACHMENT C** – Board Order #102-06(9), dated November 17, 2008~~

Posted separately on the Newton CPC website.

November 5, 2014

Daniel Sexton  
Senior Planner  
City of Newton  
1000 Commonwealth Ave.  
Newton, MA 02459

RE: Kessler Woods Supplemental Review  
Newton, Massachusetts

Dear Mr. Sexton:

McMahon has completed a review of the Supplemental Sight Line Assessment dated November 3, 2014 which was prepared by MDM Transportation Consultants, Inc. as part of the Kessler Woods Residential Development in Newton, MA. The Supplemental Sight Line Assessment evaluated the available sight lines for the proposed site driveway and the proposed crosswalk to be constructed as part of the Kessler Woods Residential Development. McMahon offers the following comments and suggestions after reviewing this document and its attachments.

### **Driveway Sight Line Evaluation**

Available sight lines for the proposed site driveway were evaluated as part of the supplemental review. The memorandum provided a description and a profile depiction of the available sight lines with respect to the proposed site driveway. Both stopping sight distance (SSD) and intersection sight distance (ISD) were evaluated. Calculations of the SSD (minimum) and ISD (recommended) were reviewed and were completed utilizing industry standards.

Based on a review of the SSD analysis, the location of the proposed site driveway is expected to meet the minimum required stopping sight distance for the 85<sup>th</sup> percentile speeds as defined by AASHTO. Therefore, vehicles traveling along Lagrange Street in both directions are expected to be able to anticipate and avoid collisions with vehicles entering and exiting the proposed project site driveway.

The intersection sight distance analysis provided as part of the supplemental review included ISD calculations, depiction of the ISD triangles, and a profile depicting the existing and proposed grade along the sight lines. Based on this analysis, the available sight distance looking to the northeast (left) on Lagrange Street exceeds the recommended ISD for the recorded 85<sup>th</sup> percentile speed. The available sight distance looking to the southwest (right) on Lagrange Street is currently limited by the existing grade of the project property. However, if the property is re-graded as shown in Figure 3 of the memorandum, the available sight distance for

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Matthew M. Kozsuch, P.E.

the proposed site driveway should meet the recommended ISD for the 85<sup>th</sup> percentile vehicle speed traveling in the eastbound direction.

All measurements and calculations shown within the analysis assumed the clearing of on-site vegetation and proper re-grading along Lagrange Street. In order to maintain these proposed sight lines, it is recommended that all new landscaping be maintained to a maximum height of 2 feet within the documented sight triangles. McMahon would suggest the inclusion of a condition reflecting the maintenance of the landscaping within sight lines to ensure safe access in the future.

### **Crosswalk Sight Line Evaluation**

The project proposes to construct a new crosswalk across Lagrange Street just east of the proposed site driveway. Available sight lines for this proposed crosswalk were also evaluated as part of the supplemental analysis completed by MDM. Based on a review of the MDM analysis, the available sightlines are shown to exceed the minimum SSD for vehicles traveling at the calculated 85<sup>th</sup> percentile speeds in both the eastbound and westbound directions. Therefore, it is expected that the vehicles traveling along Lagrange Street will be able to see pedestrians crossing at this location and be able to stop safely.

In order to ensure the safety of pedestrians at the proposed crosswalk, appropriate signage and pavement markings should be implemented. The signage depicted in Figure 2 of the Supplemental Sight Distance Assessment should be implemented as the minimum recommended for the proposed crosswalk.

If you have any questions about any of the material presented in this letter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Erin Pacileo". The signature is fluid and cursive, with a large initial "E" and "P".

Erin Pacileo, P.E.  
Project Manager



## CITY OF NEWTON

### Planning and Development Board

November 7, 2014

The Honorable Marc Laredo  
Chair, Land Use Committee  
Members, Land Use Committee  
City of Newton  
1000 Commonwealth Avenue  
Newton, MA 02459

Setti D. Warren  
Mayor

James Freas  
Acting Director  
Planning & Development

Members

Scott Wolf, Chair  
Roger Wyner, Vice Chair  
James Freas, *ex officio*  
Tabetha McCartney  
Peter Doeringer  
Jonathan Yeo  
John Gelcich, Alternate  
Vacant, CPC Liaison

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Dear Alderman Laredo and Members of the Land Use Committee:

On November 3, 2014, the Planning and Development Board held a public hearing relative the following item pertaining to the rezoning of the Kessler Woods project:

**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.

The Board had seven voting members during the hearing, though one member left before the Board entertained any motions. The Petitioner presented its case; the Board asked multiple questions and several members of the public offered input.

As a preliminary matter, the Board raised a question, unanswered to its satisfaction, over whether any additional input from the Board or the City for that matter, was required since the request before the Board was technically an amendment of special permit. Since the Board had already recommended approval of the zoning change in connection with the original special permit application, there was some question whether additional Board input was required.

The Board further raised a technical question about whether the public hearing notice, namely to recommend the Ordinance Z-37 amendment conditional upon the exercise of Special Permit #102-06(9) was proper, since the exercise of the special permit, if approved by the Board of Aldermen, would be Special Permit #102-06(12).

One slice of debate among the Board centered on the *2007 Newton Comprehensive Plan* and its thrust towards locating multi-unit development near village centers combined with the desire to maintain neighborhood character by keeping zoning consistent therein. Other members expressed the opinion that the City negotiated multi-family housing for this parcel and this is likely the best, least intrusive use of the land. Still others suggested that the existence of any special permit is now an accident of history that survives only because of the state permit extension act.

Some members of the Board were inclined to recommend adoption of the permit only upon conditions contained in the original 2006 recommendation, plus, to the extent not made expressly clear, the following: 1. equality of affordable units in size, location, and finish; 2. a strong preference for the affordable housing to be relocated to a more suitable site with better transportation options; 3. more comprehensive traffic planning; 4. mitigation of drainage and structural effects on abutters, even though they are Brookline residents. There was also a strong feeling that if the City did not, through zoning and the special permit process, approve this project, then the likely result would be a development that would be more detrimental to the City than the one currently before it.

The Chair brought a motion to the Board to recommend that the zoning amendment NOT be approved. The motion failed on a tie vote, with 3 in favor of and 3 opposing the motion, and due to the late hour, the Board agreed to hold the item until another hearing could be scheduled.

Respectfully submitted on behalf of the Planning and Development Board,

A handwritten signature in cursive script that reads "Scott Wolf".

Scott Wolf  
Chair