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#425-18 & #426-18

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date: September 25, 2018  
Land Use Action Date: December 11, 2018  
City Council Action Date: December 17, 2018  
90-Day Expiration Date: December 24, 2018

DATE: September 21, 2018  
TO: City Council  
FROM: Barney Heath, Director of Planning and Development  
Jennifer Caira, Chief Planner  
Michael Gleba, Senior Planner  
SUBJECT: **Petition #425-18** for a change of zone to BUSINESS USE 4 for land located at 156 Oak Street (Section 51 Block 28 Lot 5A), 275-281 Needham Street (Section 51, Block 28, Lot 6) and 55 Tower Road (Section 51 Block 28 Lot 5), currently zoned MU1.

**Petition #426-18** for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a mixed-use development greater than 20,000 sq. ft. with building heights of up to 96' consisting of 822 residential units, with ground floor residential units, with restaurants with more than 50 seats, for-profit schools and educational uses, stand-alone ATMs drive-in businesses, open air businesses, hotels, accessory multi-level parking facilities, non-accessory single-level parking facilities, non-accessory multi-level parking facilities, places of amusement, radio or TV broadcasting studios, and lab and research facilities, to allow a waiver of 1,600 parking stalls, to allow a reduction in the overall parking requirement to not less than 1900 stalls, to waive dimensional requirements for parking stalls, to waive end stall maneuvering requirements, to allow driveway entrances and exits in excess of 25', to waive perimeter landscaping requirements, to waive interior landscaping requirements, to waive lighting requirements for parking lots, to waive general lighting, surfacing and maintenance requirements, to waive off-street loading facilities requirements, to waive sign requirements relative to number, size, location or design, to waive the number of signs allowed at **156 Oak Street** (Section 51 Block 28 Lot 5A), **275-281 Needham Street** (Section 51, Block 28, Lot 6) and **55 Tower Road** (Section 51 Block 28 Lot 5), Newton Upper Falls, Ward 5, on 22.6 acres of land in a proposed BU4 district. Ref: Sec. 7.3.3, 7.4, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 7.8.2.C, 5.4.2, 4.4.1, 5.1.4, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.D.2, 5.1.9.A, 5.1.9.B, 5.1.10.A.1, 5.1.10, 5.1.12, 5.1.13, 5.2, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

CC: Planning Board

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



**156 Oak St., 275-281 Needham St., &  
55 Tower Rd.  
(clockwise from upper left)**

## EXECUTIVE SUMMARY

The subject property, the so-called “Northland Site,” is located at the northwest corner of the intersection of Needham and Oak streets in a Mixed Use 1 (MU1) zoning district. The site consists of three parcels that, taken together, measure approximately 22.6 acres: 156 Oak Street (referred to herein as Parcel 1), 55 Tower Road (Parcel 2), 275-281 Needham Street (Parcel 3).

The property is bounded by Needham Street to the east, Oak Street to the south and the Upper Falls Greenway to the west; the northern tip of the property has frontage on Tower Road. It is currently improved with various commercial and industrial buildings as well as accessory parking. The existing building at 156 Oak Street was constructed circa 1900 and is proposed for preservation and incorporation into the proposed development. The remaining buildings on the project site, including a 1979 strip mall, would be razed.

The Petitioners are proposing to construct a multi-building mixed use development incorporating 822 residential units, 430,297 gross square feet (365,200 useable) of retail, personal service, restaurants and office space, and 4,000 square feet of community space. The proposal includes 1,408 on-site parking stalls within garages and surface parking, as well as accommodations for 1,106 bicycles. In anticipation of the proposed comprehensive mixed use redevelopment project, the petitioner is seeking to rezone all three parcels to Business 4 (BU4).

### I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

#### A. Neighborhood and Zoning

The “Northland Site” consists of three parcels located at the northwest corner of Needham and Oak streets. All three parcels are currently zoned Mixed Use 1 (MU1), as are the other parcels in the immediate area along the Needham Street corridor, with exceptions being a Business 2 (BU2) zoned parcel district at the southwest corner of Needham and Oak streets and a Mixed Use 2 (MU2) district on the east side of Needham Street several hundred feet to the north. The neighborhoods to the east and west of the Needham Street corridor exhibit a diverse mix of zoning designations, including Single Residence 2 and 3 (SR2 and SR3), Multi Residence 1 and 2 (MR1 and MR2), Business 1 and 2 (BU1 and BU2), Manufacturing (MAN) , as well as Public Use (PUB). Specifically, districts immediately adjacent to the Northland Site include the BU2 parcel referenced above, as well as MU1 and BU1 districts, to the south (across Oak Street), MAN, MU1 and MU2 to the west, and a SR3 district to the east (**Attachment A**).

The current land uses on the Northland Site and other parcels in the area reflect this diverse zoning. Of the three Northland parcels, 55 Tower Road is industrial, while the other two are currently considered commercial properties, a mix that generally characterizes the uses along the Needham Street corridor. The area to the south includes single- and multi-residential uses, as well as some commercial and open spaces. The neighborhood to the west also includes single- and multi- residential and commercial uses, as well as some industrial, and non-profit uses. Across Needham Street are commercial and industrial uses;

further to the east the uses are predominantly single- and multi- residential with some interspersed vacant and open space parcels (**Attachment B**) with Winchester Swamp located to the north of Charlemont Street.

B. Site

Taken together, the total area of the three Northland Site parcels is approximately 22.6 acres. 156 Oak Street (Parcel 1) measures 237,832 square feet and is improved with a 172,000 square foot office building that is currently largely vacant. 55 Tower Road (Parcel 2), measures 483,583 square feet and is the site of a large exposed concrete slab. 275-281 Needham Street (Parcel 3), is a 265,232 square foot lot with an approximately 72,000 square foot one story commercial building built in 1979.

The grade of the property varies by about 20 feet from a low point near the intersection of that street with Oak Street upward toward those properties' boundary with the Upper Falls Greenway. There are also some fairly steep (approximately 18-20 foot) downward grades near the northern boundary of the site at the existing Tower Road cul-de-sac associated with an exposed portion of the South Meadow Brook that is culverted for much of its route southward across the property.

II. REZONING REQUEST (Petition # 425-18)

The petitioner has requested that the site be rezoned from its current MU1 designation to BU4. The Planning Department recognizes that, given its size and location, the site lends itself to redevelopment as a mixed use development and generally agrees that the current MU1 zoning, although it allows for limited residential and commercial uses, might be considered dated and inappropriate for the site.

The Planning Department's review of the proposed rezoning and development along Needham Street is informed by the "Needham Street Vision Plan 2018," the product of an extensive community based planning effort the Department undertook in collaboration with local residents. The principals and priorities identified by that process are discussed in detail in the document which can be found at [www.newtonma.gov/needhamstreet](http://www.newtonma.gov/needhamstreet).

III. SPECIAL PERMIT PETITION (Petition # 426-18)

A. SIGNIFICANT ISSUES FOR CONSIDERATION

As stated above, the administrative determinations and relief requested by this petition assume that the entire site is zoned BU4. As such, pursuant to the BU4 district regulations and requirements, when reviewing the requested special permits the City Council should consider whether:

1. The site is an appropriate location the proposed development as designed with approximately 1,924,273 square feet of gross floor area within 13 structures with building heights of up to 96 feet and eight stories and including ground-floor residential use,

restaurants with more than 50 seats, for-profit schools and educational uses, stand-alone ATMs, drive-in businesses, open air businesses, hotels, accessory multi-level parking facilities, non-accessory single level parking facilities, non-accessory multi-level parking facilities, places of amusement, radio or TV broadcasting studios and lab and research facilities (§7.3.3.C.1);

2. The proposed development as developed and operated will not adversely affect the neighborhood (§7.3.3.C.2);
3. There will be no nuisance or serious hazard to vehicles or pedestrians created by (§7.3.3.C.3);
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4);
5. The site planning, building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy (§7.3.3.C.5);
6. The extension or alteration of a nonconforming front setback shall not be substantially more detrimental than the existing nonconforming use to the neighborhood (§7.8.2.C.2);
7. The proposed alteration of an existing nonconforming retaining wall along Oak Street in excess of 4 feet within the setback is not substantially more detrimental than the existing nonconforming retaining wall is to the neighborhood (§7.8.2.C.2);
5. Granting any or all of the requested exceptions to parking requirements, per §5.1.13, allowing:
  - the reduction of the number of required parking stalls by 1,600 (§5.1.4, §5.1.13), and
  - driveway entrances and exits in excess of 25 feet (§5.1.8.D.2, §5.1.13),

and waiving:

- dimensional requirements for parking stalls (§5.1.8.B.1, §5.1.8.B.2, §5.1.13),
- end stall maneuvering space requirements (§5.1.8.B.6, §5.1.13),
- perimeter landscaping requirements (§5.1.9.A, §5.1.13),
- interior landscaping requirements (§5.1.9.B, §5.1.13),
- lighting requirements for parking lots (§5.1.10.A.1, §5.1.13),
- general lighting, surfacing and maintenance requirements (§5.1.10, §5.1.13), and
- off-street loading facilities requirements (§5.1.12, §5.1.13),

is appropriate because literal compliance with such requirement is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features.

IV. PROJECT DESCRIPTION AND ANALYSIS

As indicated in the attached proposed schedule of public hearings for the review of the proposed development (**Attachment C**), different aspects of the proposal will be reviewed at specific, subsequent meetings of the Land Use Committee. As this schedule might change over time, the Planning Department will post updates at <http://www.newtonma.gov/northland>.

The Planning Department will submit detailed memoranda on specific topics in advance of those. In recognition of the upcoming extensive public review process, an initial, introductory description of the project follows:

A. Land Use

The principal use of the site would be, pursuant to a zoning change to BU4, a multi-building mixed use development including 822 dwelling units and 430,297 gross square feet of retail, personal service, restaurants and office space, and 4,000 square feet of community space. Proposed commercial tenants and the space each tenant would occupy has not been established yet.

Per § 5.11.4, the project is subject to the Newton Zoning Ordinance's inclusionary housing provisions that requires no fewer than 15% of the proposed dwelling units be affordable. Toward that end the petitioners are proposing to provide 123 on-site affordable units.

B. Building and Site Design

The site is designed as an urban center with active streetscapes, street level retail, public spaces and "on-street" parking. The petitioners are proposing 1,924,273 square feet of gross floor area within 13 proposed structures ranging from three to eight stories in height, with the tallest measuring 95.6 feet high. Proposed buildings include large mixed use structures with commercial, residential and parking uses as well as townhouse type units, and a community center. An existing historic building along Oak Street would be occupied by commercial uses, especially office space.

C. Parking and Circulation

The proposal includes 1,408 on-site parking stalls within garages and surface parking, as well as accommodations for 1,106 bicycles. The project site is proposed as one locus accessed by four driveways located off Tower Road (25 feet wide), Needham Street to the proposed "Main Street" (25 feet), Needham Street to a proposed "Charlemont Street" extension on the property (65 feet) and Oak Street to the proposed "Pettee Lane" (45 feet). All internal roadways, including the proposed "Main Street," "Charlemont Street" extension and "Pettee Lane" reference above are considered internal driveways (i.e., not as accepted public or private ways).

D. Landscape, Lighting and Signage

As designed, the proposal includes extensive landscaping, especially the provisions of street trees densely lining the proposed sidewalk system. Public spaces are also proposed in the

form of a “village green” along “Main Street” at its intersection with the extension of Tower Road. An existing underground portion of South Meadow Brook would be “daylighted,” i.e., uncovered, near the waterfall at the historic mill building at the south end of the site in an area identified as “Mill Park.” Additional green recreational area would be created at the north end of the site near its Tower Road entrance, close to the proposed community building and an enhanced section of South Meadow Creek.

Consistent with the urban street environment proposed for the site, streetlights would be placed along the sidewalks lining the project’s interior driveways. Regarding signage, the petitioners intend to submit a comprehensive sign package for the entire site.

## V. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment D**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- Rezone parcels to Business 4 (BUS4)
- Special permit per §7.3.3:
  - To allow a building in excess of 20,000 square feet of gross floor area (§4.1.2.B.1)
  - To allow building height of 96 feet and eight stories (§4.1.3, §4.1.2.B.3)
  - To extend or alter a nonconforming front setback (§4.1.3, §7.8.2.C.2)
  - Request to alter an existing nonconforming retaining wall in excess of 4 feet within the setback (§5.4.2, §7.8.2.C.2)
  - To allow ground-floor residential use, restaurants with more than 50 seats, for-profit schools and educational uses, stand-alone ATMs, drive-in businesses, open air businesses, hotels, accessory multi-level parking facilities, non-accessory single level parking facilities, non-accessory multi-level parking facilities, places of amusement, radio or TV broadcasting studios and lab and research facilities (§4.4.1)
  - To allow a waiver of 1,600 parking stalls (§5.1.4, §5.1.13)
  - To waive the dimensional requirements for parking stalls (§5.1.8.B.1, §5.1.8.B.2, §5.1.13)
  - To waive end stall maneuvering space requirements (§5.1.8.B.6, §5.1.13)
  - To allow driveway entrances and exits in excess of 25 feet (§5.1.8.D.2, §5.1.13)
  - To waive the perimeter landscaping requirements (§5.1.9.A, §5.1.13)
  - To waive the interior landscaping requirements (§5.1.9.B, §5.1.13)
  - To waive the lighting requirements for parking lots (§5.1.10.A.1, §5.1.13)

- Waive the general lighting, surfacing and maintenance requirements (§5.1.10, §5.1.13)
- To waive the off-street loading facilities requirements (§5.1.12, §5.1.13)
- To waive sign requirements relative to number, size, location or design (§5.2, §5.2.13)
- Waive the number of signs allowed (§5.2.13)

B. Other Reviews

As discussed above and indicated in Attachment C, more specific reviews of various aspects of the project, including peer reviews of the petitioner's technical studies, will be developed in advance of subsequent, topic-focused meetings.

VI. PETITIONER'S RESPONSIBILITIES

The petitioner is expected to cooperate with the Planning Department to provide all requested materials and information in advance of all subsequent meetings and hearings to assist it in its review of the project.

**ATTACHMENTS:**

- Attachment A:** Land Use Map  
**Attachment B:** Zoning Map  
**Attachment C:** Proposed hearing topic schedule  
**Attachment D:** Zoning Review Memorandum