



Land Use Committee Report

City of Newton In City Council

Tuesday, June 2, 2020

Present: Councilors Lipof (Chair), Kelley, Greenberg, Auchincloss, Markiewicz, Downs, Bowman, Laredo

Also Present: Councilors Krintzman, Gentile, Wright, Malakie, Leary, Albright

City Staff Present: Chief Planner Neil Cronin, Associate City Solicitor Jonah Temple, Senior Planner Michael Gleba

All Special Permit Plans, Plan Memoranda and Application Materials can be found at http://www.newtonma.gov/gov/aldermen/special_permits/current_special_permits.asp. Presentations for each project can be found at the end of this report.

#145-20 **Petition to allow accessory apartment exceeding 1,000 sq. ft. at 169 Hunnewell Avenue**
TIM DOWD petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert space on the third floor of the existing two-family structure to allow an interior accessory apartment exceeding 1,000 sq. ft. at 169 Hunnewell Avenue, Ward 1, Newton, on land known as Section 71 Block 32 Lot 01, containing approximately 9,568 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 6.7.1.D.2 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 5-1-2 on 05/05/2020 (Councilor Kelley opposed, Councilors Laredo, Markiewicz abstaining; Public Hearing Closed 05/05/2020

On 05/11/2020 Land Use Held in Committee 8-0

Action: **Land Use Approved 7-0 (Auchincloss not Voting); Public Hearing Closed 05/05/2020**

Note: After this petition was approved by the Land Use Committee on May 5, 2020, it was determined that the square footage calculations of the size of the accessory apartment had been miscalculated. The Committee amended their vote to hold the item, to get clarification on the calculations in Committee. Senior Planner Michael Gleba presented updates on the petition to the Committee. Mr. Gleba noted that a special permit is required for accessory apartments when the habitable space is either over 1000 sq. ft. or greater than 33% of the principal dwelling unit. The dwelling to which the accessory apartment is associated is the second and attic level (2871 sq. ft.). A by right accessory apartment for this unit would measure 947 sq. ft. (33%). As the petitioner is seeking 1090 sq. ft. (38% of the habitable principal unit space) a special permit is needed. Atty. Temple confirmed that where an LLC or a trust is the property owner of the unit, an accessory unit is permitted as long as the owner occupies either the principal or the accessory unit. ISD and Planning will be responsible for verifying that the connection to the unit is sufficient. It was noted that this property has 50%/50% ownership. If cases occurred where ownership was lower, the Council may consider a revision to the accessory apartment ordinance. With

that, Councilor Bowman motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown on the attached presentation and voted 7-0 in favor of approval.

#564-18(3) Petition to amend Special Permit #564-18(2) at 17-31 and 39 Herrick Road
STUART ROTHMAN/HERRICK ROAD REALTY TRUST petition to AMEND the SPECIAL PERMIT/SITE PLAN APPROVAL approved by Council Order #564-18(2) to allow a change in the floor plans to rearrange the space within the building at 17-31 and 39 Herrick Road, Ward 6, on land known as Section 61 Block 36 Lots 6 and 7, containing approximately 22,980 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0 (Auchincloss not Voting); Public Hearing Closed 06/02/2020

Note: Attorney Terry Morris, offices at 57 Elm Road, represented the petitioner. Atty. Morris presented the request to amend Special Permit Council Order at 17-31, and 39 Herrick Road to allow modification to the floor plans approved during the special permit process. The special permit was approved in 2019 to allow construction of a 9-unit dwelling for residents aged 55+. Atty. Morris and the petitioner, Stuart Rothman explained that after approval of the special permit the petitioner found a desire on behalf of prospective tenants to have a second bedroom space; either for a study or for visiting family members. The petitioner proposes to rearrange the floor plans to change the unit mix from 6 two-bedroom units and 3 one-bedroom units to 8 two-bedroom units and 1 one-bedroom unit. Mr. Roth noted that the changes to the floor plans were easily made without a major impact on square footage in the other units.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning, existing and proposed floor plans as shown on the attached presentation. Mr. Gleba noted that the Housing Division has confirmed that they have no concerns relative to the request.

The Public Hearing was Opened. No member of the public wished to speak. The Committee expressed no concerns relative to the request. Councilor Kelley motioned to approve the petition. Committee members reviewed the draft findings and conditions and voted 7-0 in favor of approval.

#26-20 Request to Rezone Approximately 4.4 acres to MU-3 to Create a Contiguous MU-3 Zone
MD 399 GROVE OWNER, LLC/RAMIREZ CONCORD, LLC/BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY petition for a change of zone to Mixed Use 3/Transit Oriented District for portions of land located at 355 Grove Street (currently zoned BU-2) and 399 Grove Street (currently zoned BU-5), also identified as Section 42, Block 11, Lots 3, 4, and 4A, abutting the existing MU-3 Zone.

Action: Land Use Held 8-0; Public Hearing Continued

#27-20 Petition to allow Mixed Use Transit Oriented Development at Riverside Station
MD 399 GROVE OWNER, LLC/RAMIREZ CONCORD, LLC/BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed use, transit-oriented development of residential units, office, retail, personal services, restaurant, hotel, and related commercial uses not to exceed 1,025,000 square feet of gross floor area, with residential uses

comprising not less than 60% of the total gross floor area with a residential density of not less than 800 square feet per unit with not less than 560 units nor more than 620 units with special permit relief and/or waivers as follows: as to dimensional standards, a development of more than 20,000 square feet of gross floor area, building height of up to 170 feet, buildings up to 11 stories, Floor Area Ratio of up to 2.5, beneficial open space of not less than 15%, increase of height of certain buildings with the Grove Street Area Corridor (to the extent necessary), and reduction in setback from Grove Street for certain buildings within the Grove Street Corridor Area (to the extent necessary); as to design standards, waiver of the sustainable development design standards and placement of a retaining wall greater than 4 feet in height located in a setback; as to uses, for-profit educational use, retail sales of over 5,000 square feet, restaurant with more than 5,000 square feet of gross floor area, personal service use of over 5,000 square feet, place of amusement, health club on ground floor, animal services, hotel, bank up to and over 5,000 square feet, theatre/hall, laboratory/research facility, parking facility, accessory, multi-level, parking facility, non-accessory, single level; as to parking, reduction of the residential parking requirement to 1.25 stalls per unit, reduction of the overall commercial parking requirement by 1/3, and waiver of parking stalls not to exceed 685 stalls, above and beyond the reductions specified above; as to parking facilities, waivers of the parking stall dimension requirements, the end stall maneuvering space requirements, the driveway entrance and exit requirements, the 5% interior landscaping requirements, the interior planting area requirements, the tree requirements, the bumper overhang requirements, the one-foot candle lighting requirement, the parking stall striping requirements (to the extent necessary), the curbing, wheel stop, guard rail, or bollard requirements, and the number of off-street loading facilities requirements; and as to signage, waiver of the number, size, type, location, and design requirements, all at 355 and 399 GROVE STREET on land known as Section 42, Block 11, Lots 3, 4 and 4A, containing approximately 13.05 acres of land in districts zoned Mixed Use 3 Transit Oriented (MU3), BU2 (a portion to be rezoned to MU3), BU5 (to be rezoned to MU3). Ref: Sec. 4.2.2.B.1, 4.2.2.B.3, 4.2.3, 4.2.4, 4.2.4.A.4, 4.2.4.B.3, 4.2.4.G.2, 4.4.1, 5.1.4, 5.1.4.A, 5.1.4.C, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.B.6, 5.1.8.D.1, 5.1.8.D.2, 5.1.9.B.1, 5.1.9.B.2, 5.1.9.B.3, 5.1.9.B.4, 5.1.10.A.1, 5.1.10.B.3, 5.1.10.B.5, 5.1.12, 5.1.12.B.4, 5.1.13, 5.2, 5.2.13, 5.4.2.B, 5.12, 6.4.29.C.5, 7.3.3, 7.3.5, 7.4 of the City of Newton Revised Zoning Ordinance, 2017. Additionally, as to infiltration and inflow mitigation, an abatement of the infiltration/inflow mitigation fee pursuant to Section 29-170 of the City of Newton Revised Zoning Ordinance, 2017.

Action: Land Use Held 8-0; Public Hearing Continued

Note: Attorney Steve Buchbinder, office of Schlesinger and Buchbinder, 1200 Walnut Street, represented the petitioner. Atty. Buchbinder and members of the development team presented responses to outstanding issues as shown below.

Solar

A letter was submitted from Richard Henderson, MBTA Chief Real Estate Officer following the Committee meeting on May 26, 2020. This letter states that the MBTA will work with the petitioner to install solar panels on the roof of the MBTA garage (Buildings 9/10) subject to the required state protocol. It was

noted that the MBTA will also investigate whether solar facilities might work on other buildings at the site.

Signage

Based on concerns raised by the Lower Falls Improvement Association (LFIA), the petitioner has agreed to a cap on signs as follows:

Building 1: two, 200 sq. ft. signs facing I-95 and one logo sign facing lower Falls not to exceed 75 sq. ft. The LFIA has requested a lower cap on the size of the logo sign, and the petitioner is still evaluating this option.

Building 2 (Hotel Building): one, 150 sq. ft. sign on the western façade, facing Lower Falls. This sign was originally proposed as 350 sq. ft. and later reduced to 200 sq. ft. This sign would be illuminated but dimmed at 11:00 pm.

Three 60 sq. ft. identification signs to be located at Buildings 3, 7, at the garage entrance 9/10; these signs will be exterior illuminated/halo lit. The primary signs would be capped at 100 sq. ft., the secondary signs would be capped at 50 sq. ft. These signs could have exterior illumination. All retail signs will comply with the Zoning Ordinance. On residential buildings, there may be 25 sq. ft. lobby address signs with external illumination. Wayfinding, temporary and monument signage would be deferred to the Urban Design Commission. No signs would have blinking, flashing, moving or neon features.

MEPA Process

VHB Director of Land Development, Richard Hollworth provided an update on the status of the MEPA review. Mr. Hollworth explained that the MEPA process is administrative and does not result in issuance of approvals for a project. He noted that the process is intended to provide an opportunity for public review and disclosure of information. A finding of adequacy means that no additional information is required. Mr. Hollworth noted that after submission of the Draft Environmental Impact Report (DEIR) and the onset of COVID-19, the typical 30-day review process was extended three times; finally closing on May 8, 2020. MEPA has requested that a Supplemental DEIR is submitted for an additional review and comment period. Mr. Hollworth noted that it is not uncommon that a final certificate is issued by MEPA after approval by the Council.

Grove Street Bike Lane

Mark Development Principal Damien Chaviano provided clarification on the Mass DOT opinion on the bike lane on the east side of Grove Street. He noted that three options were presented; Option (A) an at-grade 5' bike lane, Option (B) a 5' raised bike lane, resulting in the removal of a portion of the shoulder, and Option (C) the elimination of the bike lane on the eastern side of Grove Street. Mr. Chaviano noted that the petitioner's engineering team is not comfortable with Option B based on safety concerns and the limited access for vehicles around the shoulder. He stated that the petitioner does not have an engineering firm that would stamp the plan for Option B. Mr. Chaviano noted that the development team presented Mass DOT with the three options and were told that the preferred option would be Option A. Mr. Chaviano noted that it was determined that Mass DOT has jurisdiction over a small portion of Grove Street (from the bridge to the condominium unit) and while their preference is Option A, it is not likely that they would prevent Option B from being constructed. Mr. Chaviano noted that if Option B is selected,

the petitioner would be willing to make the funds available but would not design or construct the bike lane.

Transportation

VHB Traffic Engineer Randy Hart presented updates on Transportation as shown on the attached presentation. Mr. Hart noted that after issuance of the Traffic generation memo in April, the program for the site was changed to increase the office space but reduce the retail and residential square footage at the site. Based on these changes, the traffic generation was decreased, and no updated traffic memo was necessary. Mr. Hart noted that the memo dated May 26, 2020 outlines TDM monitoring and metrics for post-construction. The petitioner will be held to ensuring that the traffic counts do not exceed 110% of the projections for peak hours (AM weekday-650, PM weekday-696, Saturday midday-603). Mr. Hart noted that there is the potential for cut-through activity through the site. He stated that the projections do account for some cut-through traffic through the site and noted that monitoring will have to identify cut through traffic.

Mr. Hart noted that the parking program currently includes 2011 parking spaces (reduced from 2030). He stated that parking surplus at peak demand is less than 3%. The petitioner has agreed to unbundle the parking from the residential, office and hotel guests and will have either daily or monthly (24/7 or monthly reverse commuter pricing). Proposed are over 900 bicycle parking stalls (excluding the MBTA's spaces) with bike repair stations and lockers. The Transportation Demand Management Plan includes adaptive signal control, a \$500,000 sustainable transportation subsidy program (reimbursement of 80% of the cost of a link pass, expected to last 3 years), a free commuter rail bus shuttle service (for a 6 month pilot, three AM trips, three PM trips, M-F), joining a Transportation Management Association, and hiring an on-site coordinator. The petitioner also has agreed to increase monitoring from 2 years to 5 years, which will begin once the buildings have been constructed.

Post Construction Mitigation

In the event the total trip counts exceed 110%, the petitioner has increased the cap on mitigation measures from \$750,000 to \$1 million dollars. It was noted that it can be difficult to predict which measures are most appropriate until the driving causes are determined. Two ways to best decrease the trip counts are by a.) increasing the transit reimbursement amount or b.) revisiting the parking rates. Additionally, in the event that there is a demand for the shuttle service, the petitioner will implement ongoing service.

Chief Planner Neil Cronin reviewed details of the TDM as shown on the attached presentation. He expressed support for the subsidy representing 80% of the cost of the link pass and noted that it can be used on other modes of transportation. Mr. Cronin presented details of the projected trips from 2025-2032 as shown on the attached presentation. He noted that 1117 total site trips are anticipated in 2025. If more trips were generated, the additional mitigation measures would be triggered. Mr. Cronin stated that it is intended that the additional mitigation measures will be approved by Commissioner of DPW and Director of Planning & Development so that there is some flexibility with regard to which mitigation measures are used based on real time information.

The City's consultant Green International Associates Project Manager Corinne Tobias reflected on changes to the site and transit details as shown on the attached presentation. Ms. Tobias noted that 110% of the projected traffic is allowed with the intent that it reflects the project trips not the MBTA trips. The projected site traffic – includes reductions for mode split and internal capture (retail to residential) but does not include “pass by” trips. Ms. Tobias noted that VHB conducted MBTA trips as part of existing conditions, using the MBTA growth rate. She noted that if the petitioner wants to move forward with this data, they should have a strategy that is clearly able to differentiate the different types of site visits.

The Committee questioned whether there is a way to tell the direction of the trips, noting that further degradation of nearby intersections could have a significant impact. Mr. Hart confirmed that the data is available and stated that data can be provided for individual intersections.

Public Comment

Liz Mirabile, 19 Hallron Road, spoke on behalf of the LFIA. She noted that the LFIA submitted a letter dated June 2, 2020 (attached to the end of this report). She stated that there are a few unresolved issues relative to signage. The LFIA would like the signs dimmed at 9:00 pm and the one on the office tower off at 11:00 pm. She estimated the closest residence is approximately 400'. Ms. Mirabile expressed concern about whether the buildings would be lit and suggested that the logo sign should be: capped at 50 sq. ft., and only permitted if the UDC believes it is necessary. The UDC should review all the signs for the project. Ms. Mirabile noted that individual tenant illuminated signs inside of windows should not be permitted.

John McElduff, 46 Lafayette Road, spoke on behalf of the LFIA, he noted that they have raised issues relative to the MBTA's stewardship of the Riverside facility and stated that it was surprising to see in the May MEPA letter that many issues have not been addressed. Some issues include:

- The MBTA believes that the busses need a segregated driveway, this could require a zone change
- 8-10 additional bus locations during maintenance and construction shutdowns on the Green Line
- Show that the busses that utilize the station have sufficient berths
- Who will be responsible for building the MBTA buildings?
- The need for more specific design in the parking garage layout
- Assurances that yard track 0 will not be taken out of service or a mitigation plan
- Mass DOT has recommended implementation of safety enhancements related to the Road Safety Audit

It was noted that the MBTA was reviewing a plan set from February, but there have been significant changes to all components of this project. Mr. Henderson noted that the MBTA has had extensive discussions on how diversions (during emergency or scheduled work) are handled, entry/exit and circulation within the garage and berthing in the transit plaza. He noted that with regard to the MBTA buildings, it is anticipated that office space will be in Buildings 1 and 8 but may use space within the MBTA yard if needed. He stated that some catenary needs to be relocated from yard track 0 and confirmed that this work is being coordinated.

Catherine Stover, 72 St. Marys Street, questioned whether people are going to opt to drive rather than use public transportation because of social distancing. She noted that all the assumptions have been based based on current way of living.

Committee Questions & Comments

Q: You have a tight program for parking. If in the future, there are changing configurations of units and there is insufficient parking, do you have the ability to add parking if needed, and where would it be?

A: We have pushed ourselves to be aggressive with the shared parking program. If we needed additional parking, we would have to come back. We would also have to go to the MBTA for the land behind Building. It would have to be a tri-party discussion. It is something we have spent a lot of time trying to make sure it is right.

Q: Once the three-year transit subsidy is over, where is the incentive for residents?

A: We don't believe the turnover will be as high, but our feeling is that decoupling the cost of parking will factor into the equation, particularly if we are exceeding the projections. Decoupling the parking is having a big effect in other projects.

Q: What is the breakdown for the parking stalls throughout the site?

A: The number of parking stalls in the garage is 1971, there are 40 parallel spots on Main Street. There will be parking for MBTA employees on their portion of the site.

Q: In the most recent memo, it says that the consultant is in agreement that this number of parking spaces will sufficiently handle the demand. The memo also notes that the new program would require 2520 parking stalls. With an additional 1000 parking stalls for commuters, there is a demand of 3500 spaces. The proposed number of stalls represents 60% of that. There is a concern that parking could spill over into the Lower Falls neighborhood. Can the peer reviewer comment on this?

A: The 1000 spaces for the MBTA will still be there and will still be separate from the parking from the project site. It is lower than what the ordinance requires to, accounting for the shared uses at the site. You don't have to account for every individual use at the same rate because the parking can be shared between different users at different times. We are comfortable with the number of parking spaces for the activity at the site.

Q: I understand how the transit subsidy was arrived at \$72/month. What is the \$72 dollars going to do? Reduce trips or help with parking demand?

A: The idea is that residents who may have a car on-site, may be encouraged to use public transit as well as reduce the number of trips if they have subsidies to do so. The intent is to incentivize people to be car free or car light. We wanted to spread this out to as many people as possible.

Q: Will there be a max number of cars per unit?

A: Every unit that needs a car will have to pay for a parking space (with the exception of the affordable units). We envision a limit on the number of cars but we haven't finalized it yet.

Q: Will the TDM be finalized prior to the special permit vote?

A: Yes, the intent is to finalize the TDM plan prior to the Council vote.

Q: There seem to be a lot of moving parts about how the trips are being counted and who's trips they are. Who is going to be responsible for making sure the counts are being taken and the appropriate mitigation being applied?

A: An engineering firm (BSC, Beta, Green International) will be retained by the City and paid for by the petitioner. They will be responsible for taking counts.

Q: Can we exclude ride share from the TDM subsidy list?

A: We will exclude ride share from the list.

Q: Is there space for bike share and preferred parking for high occupancy vehicles?

A: Yes. We think there is an opportunity for it.

Q: The MBTA highlights ADA access for the station. There should be an alternative for those with mobility needs.

A: We have added an ADA ramp in addition to the elevators.

Q: Can you eliminate the cap on mitigation? The traffic situation would be caused by the new project and we would be looking for a solution. It would provide some assurances if the vehicle trips could be addressed by whatever funds necessary?

A: We have heard and responded to the requests according to a market standard. We will not commit to an uncapped amount. We have put in place a number that covers the City, but we cannot move forward with an uncapped exposure. We don't think it's financeable or fits within the business model.

Q: Can we look at the number of vehicles avoiding 128, post COVID, using the intersection of Washington Street/Quinobequin Road? If we were going to restrict Grove Street access during construction, what will that do to this intersection where we currently have a long queue on I-95 northbound?

Q: Can we ask for changes to the fares as has been done on other lines?

Q: Can you provide some analysis of the Northland project's impact on the green line?

Q: Do we have any way to ask the MBTA for plans on the interchange plan?

Q: Can we make sure that we have accounted for the Metrowest busses coming in and out of Riverside?

C: Completion of the Greenway is an important element of this project. You have committed \$3 million dollars to it, but that's will not be enough. It is critical to the success of the project. We will need to find a way to bridge this gap in funds.

C: The railroad bridge over route 95 should be included as part of the project mitigation.

C: Zipcar is very different than Uber or Lyft. Knowing that there is a car available might make people more comfortable with having no or less cars.

C: Any increase in service to Newton on the D line would align with the City's goals.

C: The MAPC had some good suggestions – the annual update be publicly shared. The vehicle mode in and out of the project.

The Committee expressed support for an increase in the transit subsidy, questioning if there is a way to extend the duration of the program. The Committee expressed appreciation for the commuter rail shuttle bus pilot and the increase in monitoring to five years. The Committee requested an estimate of the construction costs and what should be expected on the building permit fee from Planning and Inspectional Services. It was suggested that no portion of the development should be exempt from building permit fees. The Chair requested a updated list of Questions and Answer, sorted by category. It was noted that the Council Order will be in the Friday packet on June 5, 2020. With that, Councilor Markiewicz motioned to hold items #26-20 and #27-20 which carried unanimously.

The Committee adjourned at 9:30 pm.

Respectfully Submitted,

Richard Lipof, Chair

Department of Planning and Development



PETITION # 145-20
169 HUNNEWELL AVENUE

SPECIAL PERMIT/SITE PLAN
APPROVAL TO CONVERT SPACE
ON THE THIRD FLOOR OF THE
EXISTING TWO-FAMILY
STRUCTURE TO ALLOW AN
INTERIOR ACCESSORY
APARTMENT EXCEEDING 1,000
SQ. FT.

JUNE 2, 2020



Accessory Apartment



- Petitioner proposes to convert existing attic level finished space into an accessory apartment.
 - *By-right*: Accessory apartment must be a minimum of 250 SF and a maximum of 1,000 square feet or 33% of the “total habitable space” in the “principal dwelling,” whichever is less.
 - *Special permit*: Accessory apartment up to 1,200 square feet or 40% of the total habitable space, whichever is less (§6.7.1.D.2)
- “Habitable space”: defined as the gross floor area used for living, sleeping, eating or cooking purposes, including closets and hallways
- “Principal dwelling”: in two-family dwelling, determined by ISD Commissioner to be dwelling to which the apartment is associated

Present Petition



- Principal dwelling –
 - Second and attic levels: 2,871 square feet of habitable space
 - (By right: 947 SF accessory apartment (33%))
 - As proposed –
 - Principal unit: 1,779 SF (62% of the habitable space of principal dwelling)
 - Accessory apartment: 1,092 SF (38% of the habitable space of unit)

Accessory Apartments- *example*



If principal dwelling is 2,000 SF –

- principal unit: 1,340 SF (67%)
- accessory apartment: 660 SF (33%)

Criteria to Consider



When reviewing the requested special permits the Council should consider whether:

1. The specific site is an appropriate location for a internal accessory apartment (§7.3.3.C.1)
2. The proposed 1,092 square foot internal accessory apartment will adversely affect the neighborhood (§7.3.3.C.2)
3. The 1,092 square foot internal accessory apartment as proposed will be a nuisance or create a serious hazard to vehicles or pedestrian (§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).

AERIAL/GIS MAP



Zoning



ATTACHMENT A

Zoning

169 Hunnewell Ave.

City of Newton,
Massachusetts

Legend

- Single Residence 3
- Multi-Residence 1
- Multi-Residence 2
- Public Use



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 - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: April 03, 2020

Land Use



ATTACHMENT I




Land Use

169 Hunnewell Ave

*City of Newton,
Massachusetts*

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Open Space



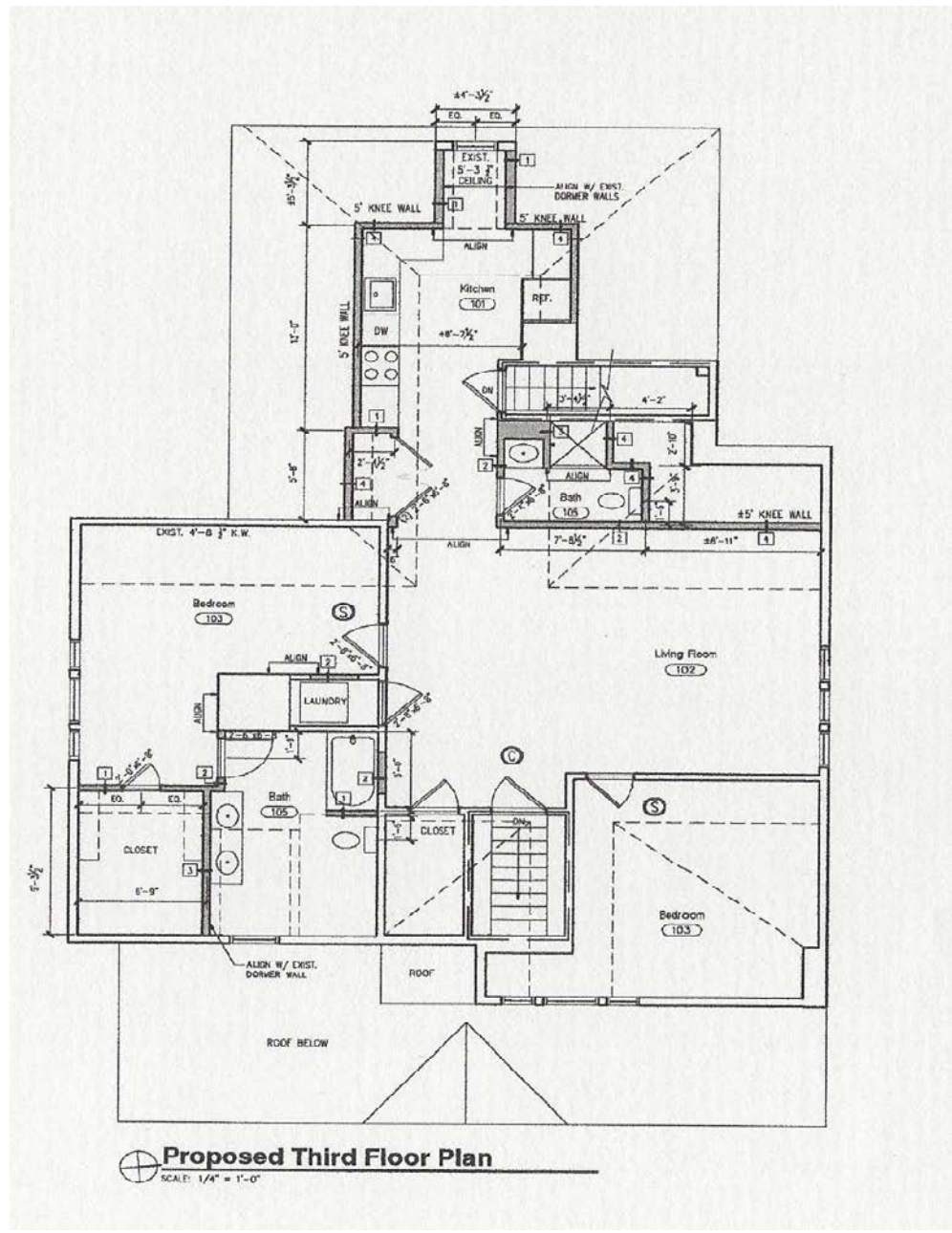
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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: April 03, 2020

Floor Plans



Photos



Photos



Proposed Findings



1. The specific site is an appropriate location for the proposed 1,092 square foot internal accessory apartment within a two-family dwelling in a Multi-Residence 1 (MR1) district because the neighborhood is comprised of a mix of single-, two-, and multi- family dwellings and will contribute to a diversity of housing options (§7.3.3.C.1)
2. The accessory apartment will not adversely affect the neighborhood as it will be located in existing space within a two-family dwelling (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians, as the property's paved parking area is able to accommodate the parking demand of the two principal dwellings and the proposed accessory apartment (§7.3.3.C.3)
4. Access to the site is appropriate for the number of vehicles related to the residential use of the site (§7.3.3.C.4)

Proposed Conditions



- Plan Referencing Condition
- The accessory apartment must be held in common ownership with at least one of the two principal dwelling units.
- The owner of the principal dwelling unit to which the accessory apartment is accessory to shall occupy either the principal unit or the accessory apartment and shall file an annual affidavit with the Commissioner of Inspectional Services attesting to this fact prior to July 1 of every year.
- In the event ownership of the subject property changes, the new owner(s) shall notify the Commissioner of the Inspectional Services Department at which time the Commissioner shall conduct a determination of compliance with this decision and all applicable codes.

Proposed Conditions (cont.)



- Standard Building Permit Condition
- **Prior to the issuance of any building permit, the Petitioner is required to request a license with the City to permit the subject property's existing encroachment onto the abutting City-owned parcel and agrees to accept all reasonable terms and conditions of such license. In the event that the license is not granted or is later revoked, the Petitioner shall remove the encroachments.**
- No Certificate of Occupancy for the buildings and uses covered by this Special Permit/Site Plan Approval shall be issued until the petitioner has:
 - Filed a statement by a professional engineer or surveyor certifying substantial compliance with Condition #1
 - Submitted final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.

Department of Planning and Development



**PETITION #564-18(3)
17-31 AND 39 HERRICK ROAD**

AMEND THE SPECIAL
PERMIT/SITE PLAN APPROVAL
APPROVED BY COUNCIL ORDER
#564-18(2) TO ALLOW A
CHANGE IN THE FLOOR PLANS
TO REARRANGE THE SPACE
WITHIN THE BUILDING



JUNE 1, 2020

Requested Relief



AMEND the SPECIAL PERMIT/SITE PLAN APPROVAL approved by Council Order #564-18(2) to allow a change in the floor plans to rearrange the space within the building

- Modify the mix of units from:
 - 6 two bedroom and 3 one- bedroom units, to
 - 8 two-bedroom and 1 one-bedroom unit
- Required two-bedroom affordable unit (Unit 203) reduced from 1,394 to 1,248 square feet.

Criteria to Consider



When reviewing the requested special permits the Council should consider whether:

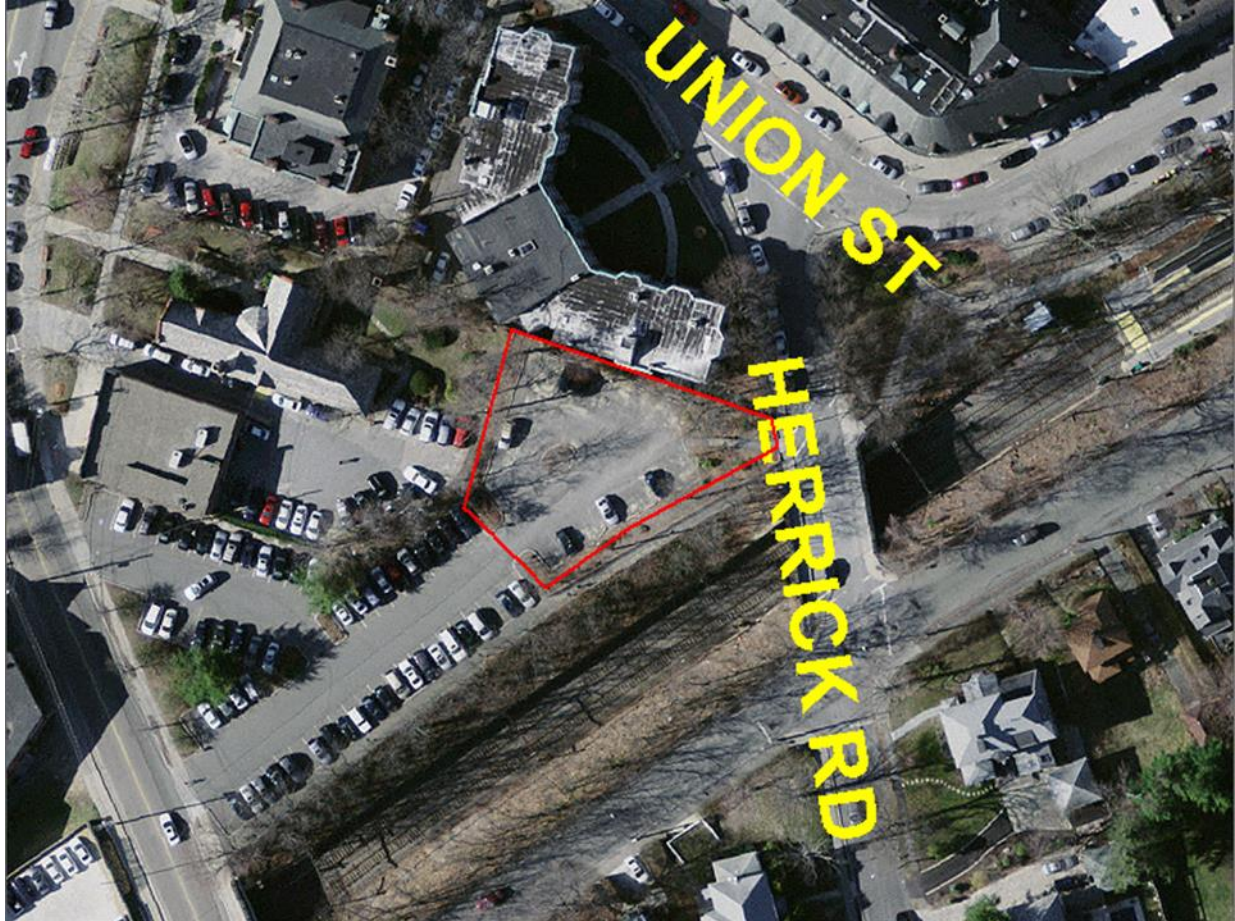
- The specific site is an appropriate location for the proposed multi-family structure as modified by the proposed floor plans (§7.3.3.C.1)
- The proposed multi-family structure as modified by the proposed floor plans as developed and operated will not adversely affect the neighborhood (§7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

Special Permit Criteria



- The specific site is an appropriate location for the proposed multi-family dwelling. (§7.3.3.C.1)
- The multi-family dwelling as developed and operated will not adversely affect the neighborhood. (§7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
- Literal compliance with the parking requirements of the Newton Zoning Ordinance 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 (§5.1.13).

AERIAL/GIS MAP



Zoning



ATTACHMENT B

Zoning

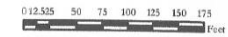
39 Herrick Road

*City of Newton,
Massachusetts*



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 - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: May 28, 2020

Land Use



ATTACHMENT C

Land Use

39 Herrick Road

*City of Newton,
Massachusetts*

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Mixed Use
-  Open Space
-  Nonprofit Organizations
-  Vacant Land



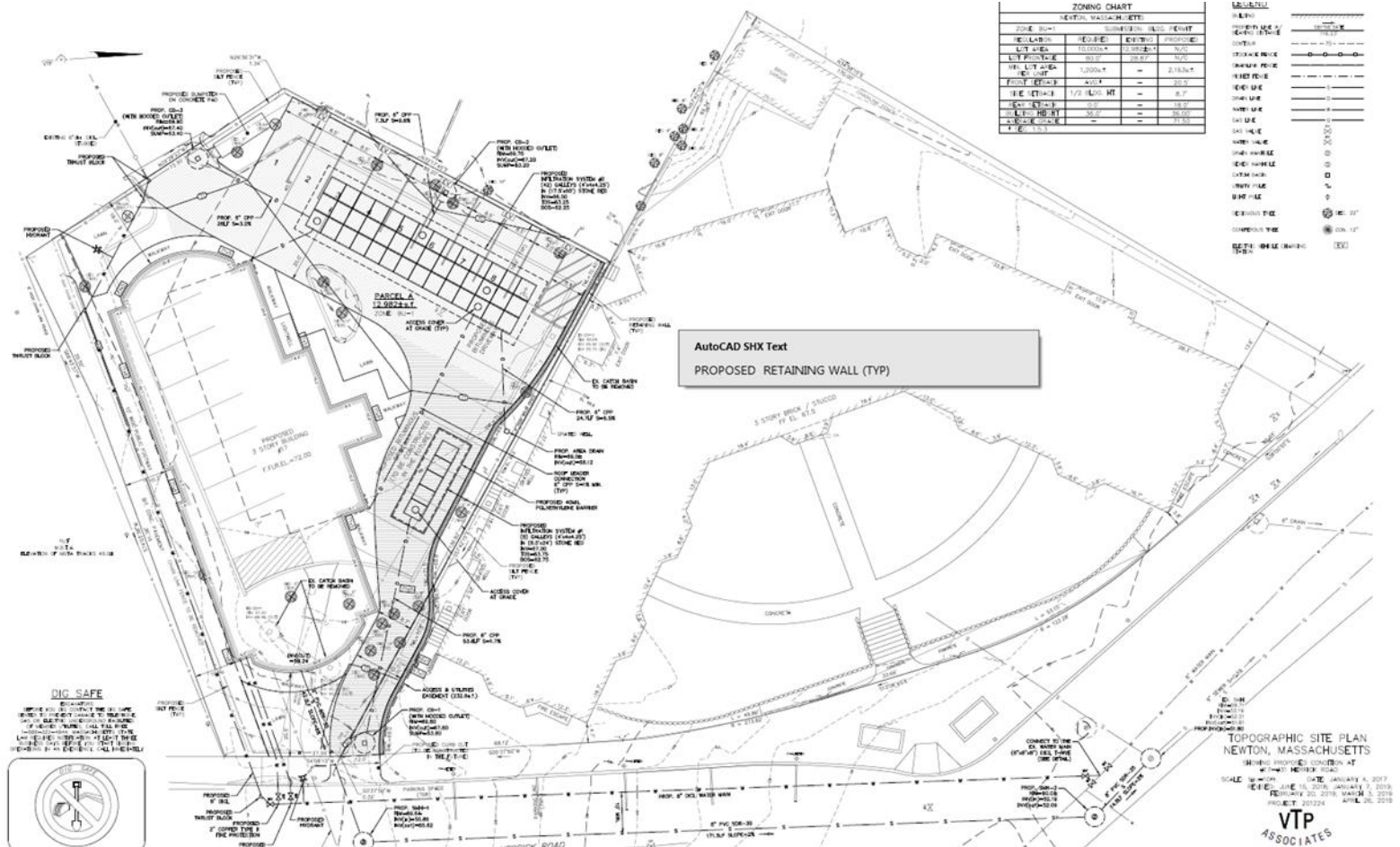
The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125 150 175 Feet

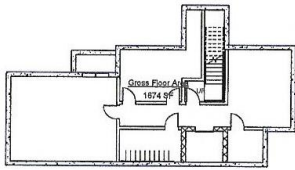
Map Date: May 28, 2020

Site Plan- SP approved

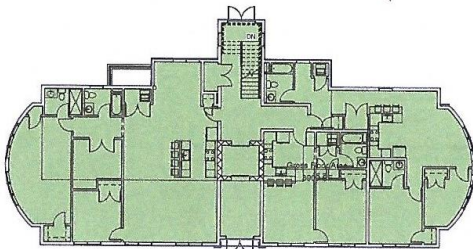


Floor plans- SP approved

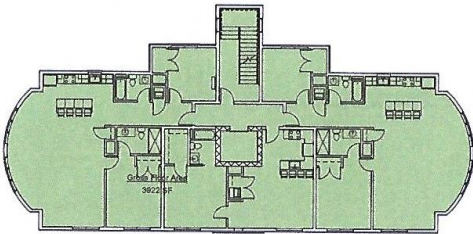
GROSS FLOOR AREA



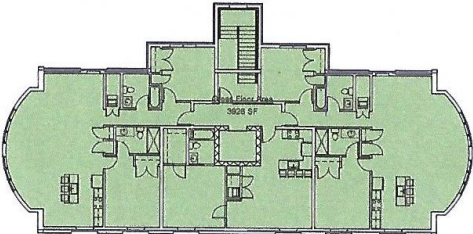
① Basement
3'32" = 1'-0"



① 1st Floor Level
3'32" = 1'-0"



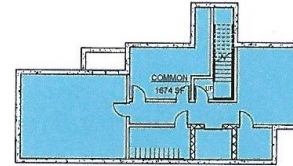
② 2nd Floor Level
3'32" = 1'-0"



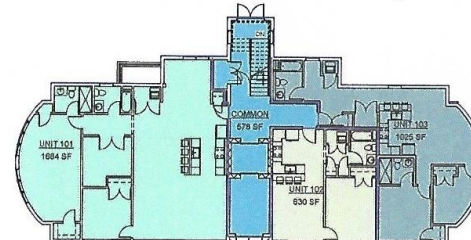
③ 3rd Floor Level
3'32" = 1'-0"

Gross Floor Area		
Area	Name	Level
1674 SF	Gross Floor Area	Basement
1674 SF	Gross Floor Area	Basement
3009 SF	Gross Floor Area	1st Floor Level
3009 SF	Gross Floor Area	1st Floor Level
3022 SF	Gross Floor Area	2nd Floor Level
3022 SF	Gross Floor Area	2nd Floor Level
3028 SF	Gross Floor Area	3rd Floor Level
3028 SF	Gross Floor Area	3rd Floor Level
13403 SF		

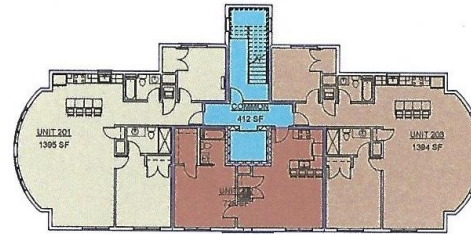
UNIT AREAS



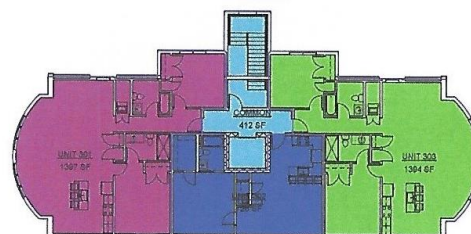
② Basement
3'32" = 1'-0"



① 1st Floor Level
3'32" = 1'-0"



② 2nd Floor Level
3'32" = 1'-0"



③ 3rd Floor Level
3'32" = 1'-0"

Unit Areas				
Area	Name	Level	Comments	
1674 SF	COMMON	Basement		
578 SF	COMMON	1st Floor Level		
412 SF	COMMON	2nd Floor Level		
412 SF	COMMON	3rd Floor Level		
3076 SF				
1684 SF	UNIT 101	1st Floor Level	2 Bedrooms + Study / 2 Bathrooms	
1684 SF				
630 SF	UNIT 102	1st Floor Level	1 Bedroom / 1 Bathroom	
630 SF				
1025 SF	UNIT 103	1st Floor Level	2 Bedrooms / 2 Bathrooms	
1025 SF				
1395 SF	UNIT 201	2nd Floor Level	2 Bedrooms / 2 Bathrooms	
1395 SF				
728 SF	UNIT 202	2nd Floor Level	1 Bedroom / 1 Bathroom	
728 SF				
1394 SF	UNIT 203	2nd Floor Level	2 Bedrooms / 2 Bathrooms	
1394 SF				
1397 SF	UNIT 301	3rd Floor Level	2 Bedrooms / 2 Bathrooms	
1397 SF				
728 SF	UNIT 302	3rd Floor Level	1 Bedroom / 1 Bathroom	
728 SF				
1394 SF	UNIT 303	3rd Floor Level	2 Bedrooms / 2 Bathrooms	
1394 SF				
13450 SF				

PROJECT NAME
Herrick Road Residences

PROJECT ADDRESS
39 HERRICK ROAD
NEWTON, MA

CLIENT
HERRICK ROAD REALTY TRUST

ARCHITECT
DESIGN KHALSA

17 WALDO STREET SUITE 400
SOMERVILLE, MA 02143
TELEPHONE: 617-691-8882 FAX: 617-691-5288

CONSULTANTS:

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PROSECUTION UNDER LAW.



REGISTRATION

Project Number: 16128
Date: 08/08/2018
Drawn by: EJC
Checked by: JMC
Scale: 3/32" = 1'-0"

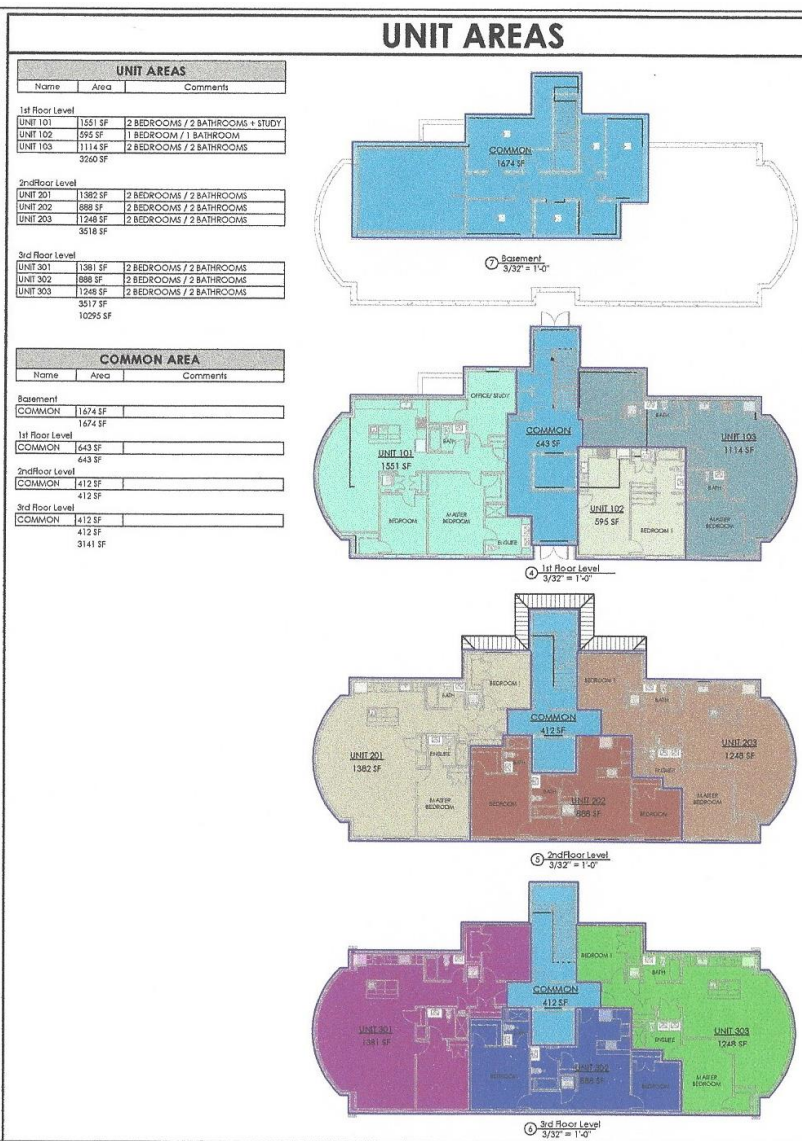
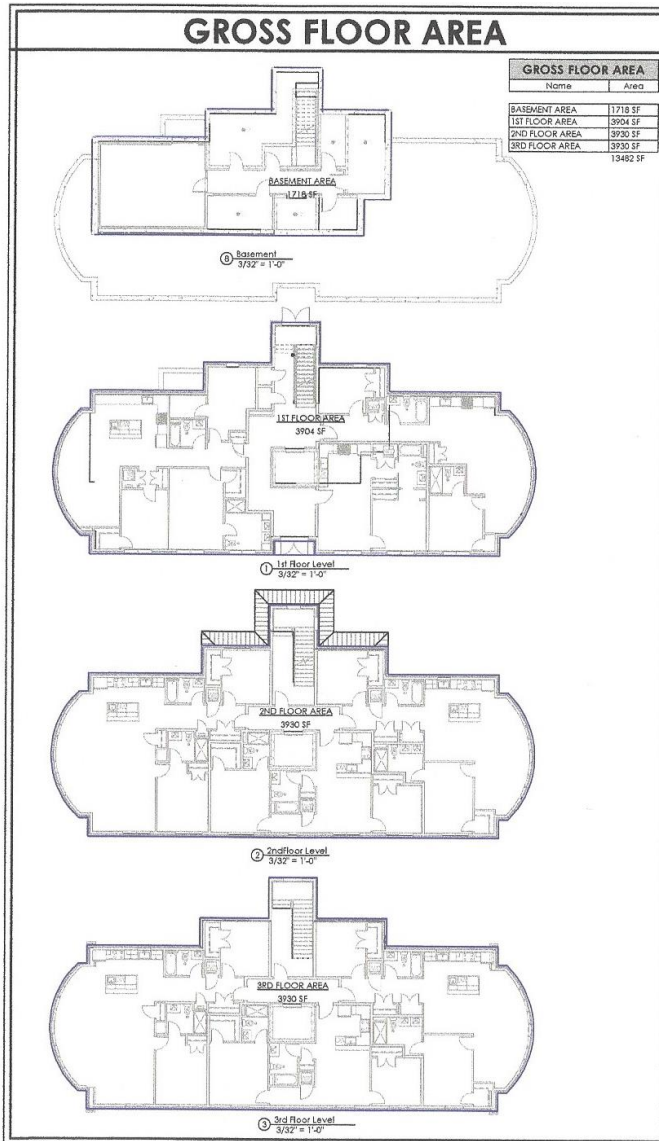
REVISIONS

No.	Description	Date

BUILDING AREAS
A-021
Herrick Road Residences

Map: spb\clients\16128\16128\16128.dwg, 17 Herrick Road for Herrick Road Residences, 17 Herrick Road for Herrick Road Residences, 17 Herrick Road for Herrick Road Residences

Floor plans- proposed



PROJECT NAME
Herrick Road Residences

PROJECT ADDRESS
17-39 HERRICK ROAD
NEWTON, MA

CLIENT
HERRICK ROAD REALTY TRUST

ARCHITECT
DESIGN
KHALSA

17 WALDO STREET SUITE 400
SOMERVILLE, MA 02143
TELEPHONE: 617-681-8862

CONSULTANTS:

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REGISTRATION

Project number: 16128
Date: 02/22/2020
Drawn by: ERS
Checked by: JSL
Scale: 3/32" = 1'-0"

REVISIONS

No.	Description	Date
1	Units 102/103 Rev	2018.12.31
2	City Comments	2019.02.01

BUILDING AREAS

A-021
Herrick Road Residences

Proposed Findings



1. The specific site is an appropriate location for the proposed multi-family dwelling because the site is located within a village center and is proximate to transit. (§7.3.3.1)
2. The multi-family dwelling as developed and operated will not adversely affect the neighborhood given the presence of a multi-family dwelling on the adjacent parcel. (§7.3.3.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians because access will be provided over the Cypress Street Municipal Lot. (§7.3.3.3)
4. Access to the site is appropriate for the types and numbers of vehicles involved. (§7.3.3.4)

Proposed Findings (cont.)



5. Exceptions to the parking requirements, including, waive nine parking stalls, allowing parking stalls within the side setback, waiving the drive aisle width, allowing off-site parking facilities, and waiving the dimensional and design controls for parking facilities containing more than five stalls are in the public interest for the following reasons:
 - a. Waiving nine parking stalls increases the amount of open space on site.
 - b. The Petitioner will implement a Transportation Demand management plan that will partially reimburse residents for the cost of a transit pass and will provide residents with secure, weatherproof bicycle parking.
 - c. Allowing parking with the side setback, reducing the minimum width of maneuvering aisles, while locating parking stalls off site makes for the most efficient layout of the parking lot and helps to maximize the number of stalls that will be available.
 - d. Fencing and landscaping will be installed to screen the facility. Additionally, lighting will be minimized to mitigate trespass onto neighboring properties while still lighting the facility to ensure safety.
6. The construction of retaining walls within the side setback of 17-31 Herrick Road will not adversely affect the immediate abutters. (§5.4.2)

Proposed Conditions



Amend Condition #1.b in Council Order #564-18(2):

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with ...
 - b. Set of plans for 39 Herrick Road, prepared by Khalsa Design, Inc., 17 Ivaloo Street, Suite 400, Somerville, MA 02143, stamped and signed by Jai Singh Khalsa, Registered Architect, dated August 8, 2018, revised through March 19, 2019, consisting of twelve (12) sheets, as amended by Revised Floor Plans, consisting of 5 sheets dated February 25, 2020:
 - i. Building Areas (A-021);
 - ii. Basement Floor Plan (A-100);
 - iii. First Floor Plan (A-101);
 - iv. 2nd Floor (A-102);
 - v. 3 rd Floor Plan (A-103).

Proposed Conditions



1. *Plan Referencing Condition*
2. *Standard Building Permit Condition.*
3. *Standard Final Inspection/Certificate of Occupancy Condition.*

Department of Planning and Development



PETITIONS #26-20 AND #27-20

**REQUEST TO REZONE AND SPECIAL
PERMITS TO ALLOW A TEN-
BUILDING, MIXED USED
DEVELOPMENT "RIVERSIDE"**

JUNE 2, 2020

Transportation Demand Management (TDM)



- The petitioners have put forth a TDM Plan to reduce vehicle trips to and from the Site:
 - Sharing parking amongst uses;
 - Separating the cost of parking from the cost of rent;
 - Joining a Transportation Management Association and designating an on-site Transportation Coordinator; and
 - Creating a wayfinding plan to direct vehicles to regional rather than to local roadways.

Transit Reimbursement



- Petitioners' Plan of \$500,000:
 - Up to \$200 per dwelling unit for dwelling units that park zero cars on site
 - \$75 per month for dwelling units that park one car on site
 - Reimbursement could be used towards MBTA bus, subway, commuter rail, rideshare, bikeshare, or other alternative modes of transportation.
- Staff suggests the reimbursement be restructured to:
 - 80% of the cost of a Monthly Link Pass (\$72) for all dwelling units that park zero or one car on site
 - Reimbursement could be used for the same transportation modes.

Post-Construction Monitoring



- The Ordinance requires post-construction monitoring to ensure the actual trips do not exceed 110% of the projected trips. The Ordinance requires the weekday evening peak hour to determine whether additional mitigation is necessary.

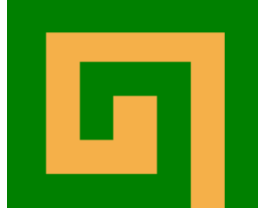
Table I: Weekday Evening Peak Trips

Trip Type	2025	2026	2027	2028	2029	2030	2031	2032
Project	696	696	696	696	696	696	696	696
Transit	421	427	432	438	443	449	455	461
Total	1117	1123	1128	1134	1149	1145	1151	1157

Post-Construction Mitigation



- The Petitioners have committed \$750,000 to post-construction mitigation, such measures may include:
 - Increase the transit subsidy and/or extending it beyond the dwelling units;
 - Increase the cost of parking; or
 - Establish a shuttle to other transit hubs or points of interest.
- Staff suggests that the commitment be increased to \$1,000,000 and that any mitigation measures be approved by the Commissioner of Public Works and the Director of Planning and Development.



Transportation Peer Review
Riverside Station, Grove Street, Newton, MA



June 2, 2020



REVISED PROGRAM

- Increase in office space of approximately 2,940 SF
- Decrease of 35 residential units and 4,346 SF of retail/restaurant space
- Slight decrease in the number of net new trips during the weekday AM, PM and Saturday Midday peak hours
 - As a result, revised analysis not necessary.



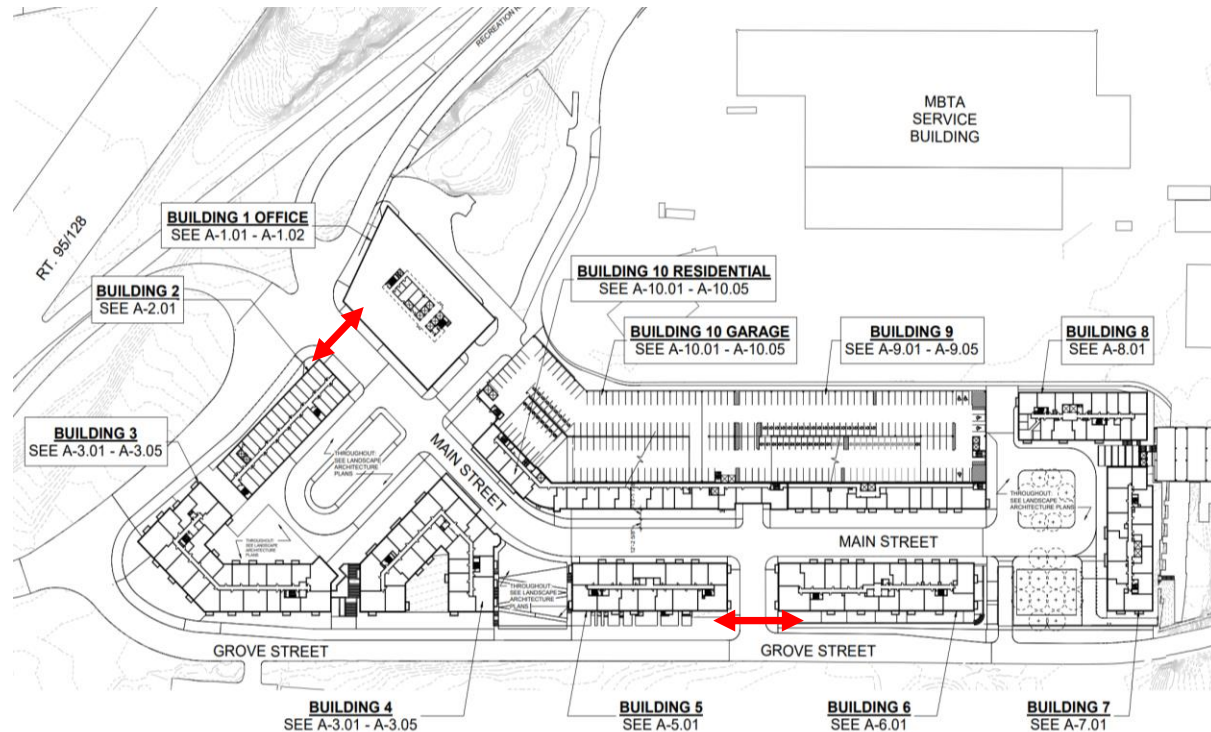
REVISED PARKING

- Peak parking demand decreased by 1 parking space.
- New parking layout contains 17 fewer parking spaces.
- Previous surplus was 67 spaces, current surplus 51 spaces.
- Peak parking demand (non-MBTA parking) would be 95% full, previous was 93%.
- Still sufficient spaces for turnover.
- MBTA parking surplus remains.



TDM MONITORING - CRITERIA

- 110% of projected traffic allowed under ordinance.
- Should only reflect project trips, not MBTA.
- Counts will be conducted at the site entrances on Main Street and Road B.





TDM MONITORING - CRITERIA

- Projected site traffic includes reductions for mode split and internal capture.
- Does not include reductions for pass-by or existing hotel trips.
- MBTA trips calculated utilizing existing volumes & estimated growth rate provided by the MBTA.
 - Counts conducted by VHB at Riverside Entrance.



TDM MONITORING - CRITERIA

Trips Allowed Under Ordinance	Weekday AM Peak Hour - Count Year							
	2025	2026	2027	2028	2029	2030	2031	2032
Project Trips	650	650	650	650	650	650	650	650
Transit Credit	410	415	421	426	432	437	443	449
Total Trips	1060	1066	1071	1076	1082	1087	1093	1099

Trips Allowed Under Ordinance	Weekday PM Peak Hour - Count Year							
	2025	2026	2027	2028	2029	2030	2031	2032
Project Trips	696	696	696	696	696	696	696	696
Transit Credit	421	427	432	438	443	449	455	461
Total Trips	1117	1123	1128	1134	1140	1145	1151	1157

Trips Allowed Under Ordinance	Saturday Peak Hour - Count Year							
	2025	2026	2027	2028	2029	2030	2031	2032
Project Trips	603	603	603	603	603	603	603	603
Transit Credit	346	350	355	359	364	368	373	378
Total Trips	948	953	957	962	967	971	976	981

GREEN INTERNATIONAL AFFILIATES, INC.
CIVIL AND STRUCTURAL ENGINEERS





Transportation Response to Questions

Presented by
Randy Hart

June 2, 2020

Update to Peer Review Process

- VHB provided Memo (April 9th) outlining changes to trip generation as a result of programmatic change (2,940 sf increase in office/35 unit decrease residential/4,364 sf decrease residential)
 - Modifications were minor but resulted in slight reduction in peak hour traffic
- Green agrees in there May 26, 2020 memo to the city that the changes are minor and don't warrant update to full report

Update to Peer Review Process TDM Monitoring

- Green outlined project traffic generation, based on April memo update that would reflect 110% of the traffic projections in the May 26th memo:
- These numbers represent the metric that will be assessed post construction
- Peak Hour limits are:
 - 650 trips AM/696 trips PM/603 trips Sat Midday
- VHB agrees with these calculations

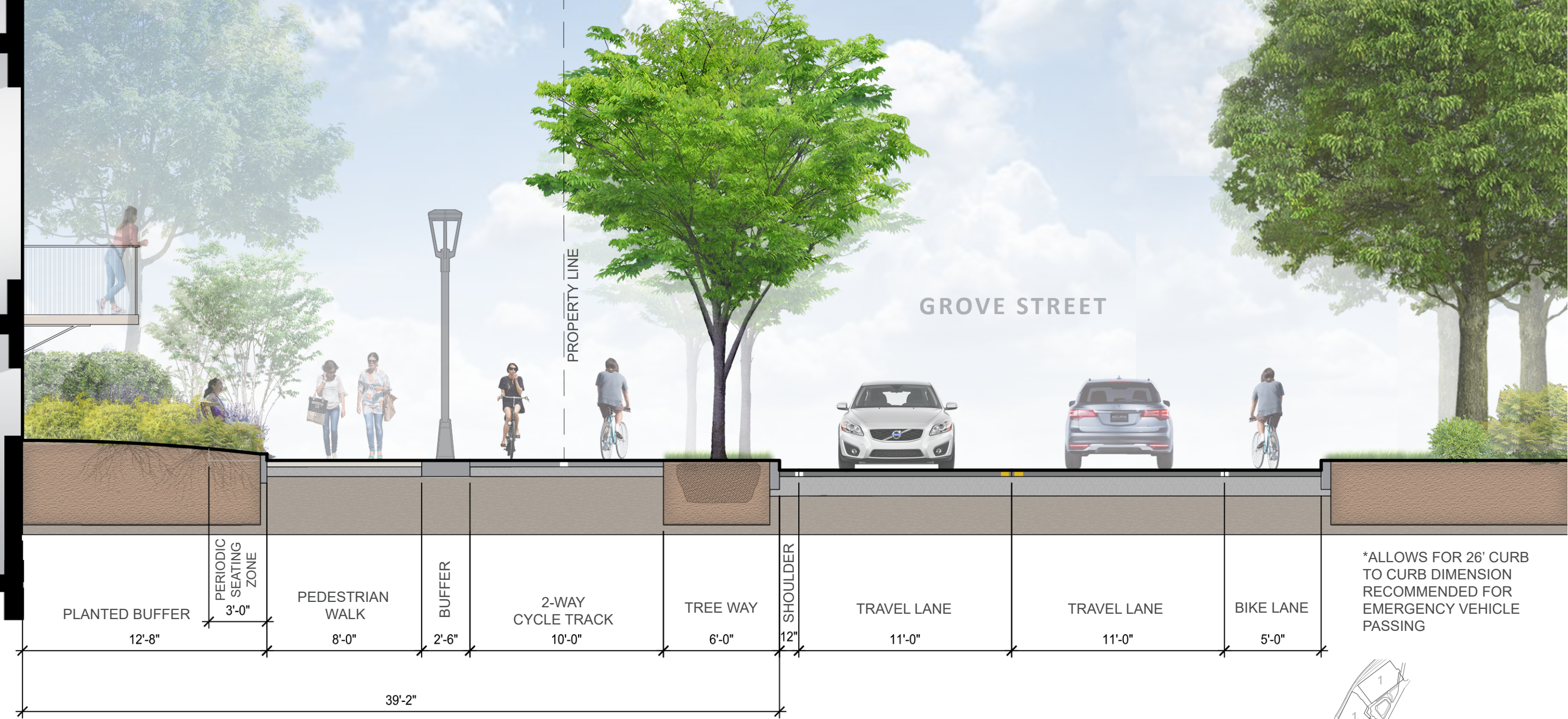
Update to Peer Review Process TDM Monitoring/MBTA Traffic Credit

- MBTA traffic will not be part of the post construction metric as it is traffic that is unrelated to project
- Green has suggested that projections based on MBTA and CTPS information can be considered for credit estimation
- Similar to project traffic, post development MBTA traffic needs to be measured in the field, not rely on planning projections for credit
- Because of the potential for some cut-through activity, counts of that activity will be necessary as well for traffic credit

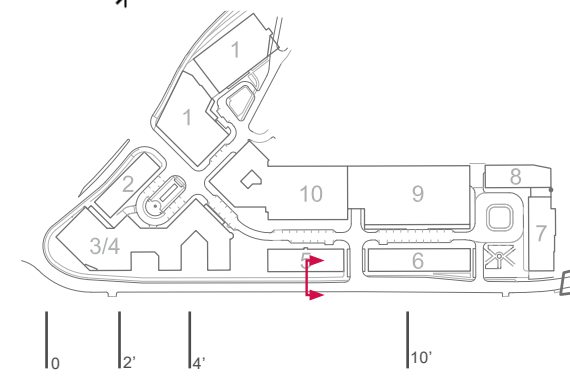
Riverside Station

Land Use Presentation

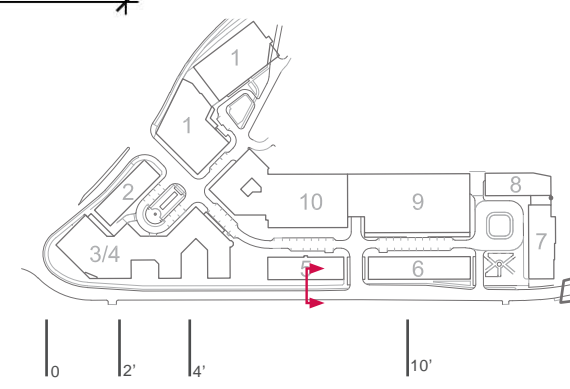
June 2, 2020



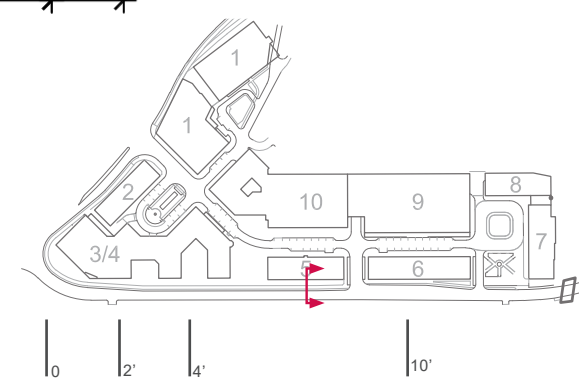
*ALLOWS FOR 26' CURB TO CURB DIMENSION RECOMMENDED FOR EMERGENCY VEHICLE PASSING



Grove Street Section - Building 5 Alternative 'A'



Grove Street Section - Building 5 Alternative 'B'



Grove Street Section - Building 5 Alternative 'C'

Baseline TDM

1. Shared Parking

- Less than 3% parking surplus

2. Unbundled Parking

- Residential, Office, and Hotel guests will be charged for parking in addition to rent/daily rate

3. Parking Pricing (variable)

- Monthly (24/7)
- Reverse Commuter
- Daily

Baseline TDM

4. Bicycle Parking

- Over 900 bicycle parking spaces (not including MBTA bicycle parking spaces)
- Bicycle repair station and lockers

5. Adaptive Signal Control

6. \$500,000 incentive Program for Sustainable Transportation

- Reimbursement equal to 80% of the cost of a monthly LinkPass (\$72)
(LinkPass allows for unlimited travel on the subway, local bus lines,
and the silver line.)

7. 6-month PILOT Commuter Rail Bus Shuttle Service

- \$130K for daily service 6x per day.

TDM Monitoring

1. Hire an onsite coordinator and TMA
2. Increase ongoing monitoring from 2 years to **5 years**
 - Will require 3 consecutive years of confirmation
3. Monitoring will start once all buildings have been constructed

Post Construction Mitigation (If Required)

If traffic specific to the development project is 110% or more of adjusted projections made in the TIA:

- Provide up to **\$1,000,000 for post construction mitigation.**

Examples of potential measures include:

- Increasing the transit reimbursement by improved marketing and/or increasing the level of subsidy.
- Expanding transit subsidy participation beyond the dwelling units.
- Continuing shuttle service to connect to other transportation hubs or other points of interest, to be determined through the site-specific surveying practices.
- Increasing the cost of daily parking for non-MBTA daily or weekly users.



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, MassDOT Secretary & CEO
Steve Poftak, General Manager



May 27, 2020

BY FIRST CLASS MAIL AND BY EMAIL (rlipof@newtonma.gov)

Councilor Richard Lipof
Chairman, Land Use Committee
Newton City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Re: Proposed Riverside Mixed-Use Development

Dear Chairman Lipof,

At a meeting of the Land Use Committee earlier this year, representatives of the MBTA were asked if the MBTA would be willing to install solar panels on the roof of the MBTA garage at the site (the "ICF"). At that time, representatives of the MBTA responded that it would consider doing so, recognizing that the inclusion of solar panels on the roof of the ICF would be required to go through a state mandated procurement process.

In exploring this matter further with representatives of Mark Development ("MD"), we are pleased to report that the MBTA and MD have arrived at the following understanding with respect to this matter:

1. MD will design and construct the ICF to accommodate maximum solar panel coverage on the roof of the ICF.
2. The design standards to accommodate solar panels will be reviewed and approved by the MBTA when reviewing the overall design of the ICF.
3. When the ICF has been constructed, MD will furnish any required conduits and related infrastructure to support solar panels on the roof of the ICF.
4. During the course of design of the ICF, the MBTA and MD will determine jointly the preferred utility connection for the solar panels (i.e., connection to utilities on Grove Street or on the remaining MBTA property).
5. Within six months of the delivery of the ICF by MD to the MBTA, the latter will undertake the necessary procurement effort to implement solar on the roof of the ICF.

Riverside Mixed-Use Development
May 27, 2020

6. To the extent that the procurement effort results in the selection of a third party vendor, the MBTA will coordinate efforts with MD and the third party vendor to make the implementation of solar on the roof of the ICF a reality.

I hope that the foregoing will convey the MBTA's intention to achieve solar on the roof of the ICF subject to the conditions noted above. Please feel free to contact the undersigned with any questions.

Very truly yours,

DocuSigned by:

28A29526E1394A0...
Richard Henderson
Chief Real Estate Officer, MBTA

cc: (By Email)
Ms. Nadia Khan, Committee Clerk (nkhan@newtonma.gov)
Mr. Barney Heath, Director of Planning and Development (bheath@newtonma.gov)
Mr. Robert Korff (rkorff@markdevllc.com)
Mr. Damien Chaviano (dchaviano@markdevllc.com)



By Email (nkahn@newtonma.gov)
Land Use Committee
Newton City Council
1000 Commonwealth Ave.
Newton, MA 02459

June 2, 2020

Re: Transportation

Dear Members of the Land Use Committee:

We offer the following comments on transportation issues as a supplement to and reminder about comments we have made previously.

TDM and Post-Construction Traffic Mitigation

We would like to reiterate our concern that the proposed TDM plan and proposed post-construction mitigation measures remain vague and that no information has been presented to demonstrate that any of the proposed measures will be effective. The lack of specificity and commitment to particular proposed measures, particularly with respect to post-construction traffic mitigation, is a concern that was raised by the Secretary of Energy and Environmental Affairs (the "Secretary") in the recently issued Certificate on Mark Development's Draft Environmental Impact Report (the "DEIR Certificate"), a copy of which is Attachment A hereto. Please see the Secretary's Comments at page 13 of the DEIR Certificate. These are also concerns raised by the Metropolitan Area Planning Council in its comments on the DEIR. See discussion at page 2 of the MAPC comment letter, a copy of which is Attachment B hereto.

With respect to the proposed transit reimbursement, both Mark Development's and the Planning Department's proposals would allow these funds to be used for ride-share services (e.g., Uber and Lyft.) As we have noted previously, we have significant concerns about the contribution ride-share services will have on traffic. These impacts have not been addressed in the traffic study and may be significant. Every trip by a car owner becomes two trips if the same travel is by ride share because the ride share vehicle will travel to Riverside to pick up the passenger and then leave Riverside after dropping off the passenger.

Even without the subsidy, a significant amount of ride-share use is affordable for people who forgo car ownership and thus save the cost of car purchase, insurance, maintenance, registration, inspections, fuel, excise tax, and (at Riverside) parking. Because lack of car ownership does not mean lack of car use, the benefit of discouraging car ownership is diminished. It certainly makes no sense to encourage car use by subsidizing ride-share use.

Thus, we urge the inclusion of a prohibition on the use transit reimbursement funds for ride-share (or for Zip Car or similar programs).

Please also note that neither the \$72/month level reimbursement proposed by the Planning Department or the \$75/month for units that park one car at Riverside will go very far. The Planning Department points out that these amounts will cover 80% of the current cost of an MBTA LinkPass. Please note that a LinkPass cannot be used on the Commuter Rail, the 505 bus (the express bus to Boston's financial district that stops in Auburndale Square) or the 558 bus that stops at Riverside. Presumably, it also will not cover the 500 express bus (the former express bus to the financial district that ran to/from Riverside) if that is brought back. Right now, a Commuter Rail pass is \$232/month. The Outer Express bus pass which covers the 505 bus and presumably would cover a revived 500 bus is \$168/month. By the time the Riverside project is built, these fares will undoubtedly be higher (and please note that Mark Development has proposed to cap total amount of the transit subsidy in its post-construction traffic mitigation measures).

Green Line Capacity

Concerns about Green Line Capacity, based on Mark Development's analysis, were raised by the Secretary in her DEIR Certificate (see Attachment A hereto at page 12) and also by the MBTA in its comments on the DEIR. (See the MBTA comment letter, which is Attachment C hereto, at page 3.) Please note in particular the MBTA comment that some or all of the Riverside project will be built before the Green Line Transformation improvements, seen as the solution to the capacity problem, are completed. Given the devastating impact the coronavirus has had on the MBTA's finances, it is reasonable to assume that these GLT improvements will take even longer than previously anticipated.

It should be also noted that the concerns raised by the Secretary and the MBTA are based on Mark Development's capacity analysis. That analysis utilizes a projected rate of Green Line ridership growth based on a 2016 model developed by the Boston Region Metropolitan Planning Organization. Neither that model nor the growth rate derived from it take the Northland project into consideration. Northland was approved based on the notion that large numbers of its residents will use the Green Line, assisted by the planned shuttle system. Thus, the capacity analysis underestimates future non-Riverside use of the Green Line D Branch.

We ask that the Land Use Committee request a written plan from the MBTA addressing the increased Green Line capacity issues that could result from a delay in the Green Line Transformation Project and from the projected additional ridership from the Northland Project. Planning for capacity isn't hypothetical, as anyone who has used the D branch in the past knows, through the entire rush period (not just the peak hour), people are crushed into the inbound train by the time it gets to Reservoir and that the outbound train is full even at Park Street, and mobbed at Kenmore. This reality is at odds with the analysis showing that the D branch now operates below full capacity.

Please also note the concern reflected in the DEIR certificate that there is no plan in place for the increased public transit demand that will result from the Allston Interchange Project, likely to overlap with the construction at Riverside. We ask that the Land Use Committee seek a written plan from the MBTA and MassDOT specifying how they expect to manage the increased demand for parking as well as Green Line capacity at Riverside resulting from the Allston project.

Other Transportation-Related Issues Raised in the DEIR Certificate and the MBTA Comment Letter

The DEIR and the MBTA Comment letter (Attachments A and C) raise a variety of issues and concerns about the Riverside project, and we urge you to read them in their entirety. With respect to the subject of this week's hearing, we note that a number of issues raised are transit related. We will not recite them all here, but please note, for example, the concerns raised by the MBTA about interference with its operations during construction of the Riverside project, whether the site design will interfere with its ability to have the new larger Green Line trains delivered to the site, its desire for a dedicated bus lane (which is not part of the current site plan), and its concern about inadequate bus capacity on site.

Plans for Off-Site Roadway Changes

We have seen only renderings of the proposed ramp to and from Rt. 128/I-95 northbound and the proposed roundabout on Grove Street at Asheville Road. These are critical to the success of the project. Understanding that MassDOT may have its own requirements for the design of these elements, we cannot see how a special permit can be granted based on renderings. Thus, at least preliminary drawings should be submitted and any changes made later should be subject to a consistency review. Mark Development has, purportedly, been working with MassDOT on the design of these roadway changes for a long time. It should be able to supply preliminary drawings based on its discussions to date with MassDOT.

Potential Uses of the Liberty Mutual Site

The partially unoccupied Liberty Mutual site in Weston could be utilized in a number of ways that would relieve some of the pressure on Riverside and potentially some of the impact on Lower Falls and Auburndale. We urge you to work with MassDOT (and other state agencies who may be stakeholders) so that this site can be used for:

- Parking for construction workers during construction, to free up parking at Riverside for commuters, with a shuttle to/from Riverside.
- Overflow parking for Riverside after construction, including for Red Sox games and other high traffic events, and for the duration of the Allston Interchange construction , with a shuttle to/from Riverside.
- As the site for a new stop for an express bus to Boston, in the shorter term, and for urban rail in the longer term.

Other Issues

We would also like to remind you of the following issues we have raised before:

- Neighborhood Parking Plan: It is critically important to the neighborhood that a resident-only parking plan be in place for the areas of Lower Falls closest to the project site, before construction is allowed to begin.
- Extra Grove Street Bike Lane: We urge you to eliminate any bike lane from the east (Golf Course) side of Grove Street. It would reduce the setback of buildings on Grove Street, and is unnecessary, unsafe, and may adversely affect the functioning and design of the roundabout.
- Truck traffic: We urge you to prohibit Riverside truck traffic on Grove Street from Asheville Road to the north side of the bridge as soon as construction begins. Trucks arriving from I-95 southbound can reverse direction at the Washington Street interchange located 1800 feet to the south and arrive at Riverside via I-95 northbound. Existing dedicated lanes on the Washington Street overpass could accommodate this movement. Trucks leaving Riverside to head southbound can go north and reverse direction at Rt. 30.
- Grove Street entrance left turn prohibition: A slender granite curb should be built on Grove Street to prevent vehicles from making the prohibited left turn into the site from Grove Street.
- Ramp Construction: We urge you to work with MassDOT to allow Mark Development to support and reinforce the existing north bridge abutment on Grove Street instead of removing it. This reinforcement can be done with soil mix improvements and a retaining wall. This approach could reduce construction time on the bridge from 3 years down to 6 months.
- Pedestrian Crossing at Building 6: We continue to have concerns about the safety of a pedestrian crossing at this location given the poor sightlines. We urge that it be removed and that pedestrians access the east side of Grove Street by crossing at the existing Riverside Office complex pedestrian crossing.

Thank you for your consideration of the above.

Sincerely,



Liz Mirabile, Chair

On behalf of the Lower Falls Improvement Association Riverside Committee

cc: Newton City Council
Mr. Neil Cronin
Mr. Robert Korff
Stephen J. Buchbinder, Esq.

ATTACHMENT A



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Charles D. Baker
GOVERNOR

Karyn E. Polito
LIEUTENANT GOVERNOR

Kathleen A. Theoharides
SECRETARY

Tel: (617) 626-1000
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<http://www.mass.gov/eea>

May 15, 2020

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Riverside Station Redevelopment
PROJECT MUNICIPALITY : Newton
PROJECT WATERSHED : Charles River
EEA NUMBER : 16024
PROJECT PROPONENT : Mark Development, LLC
DATE NOTICED IN MONITOR : March 11, 2020

Pursuant to Section 11.08(8)(b) of the MEPA regulations, I hereby determine that the Draft Environmental Impact Report (DEIR) submitted on this project **does not adequately and properly comply** with the Massachusetts Environmental Policy Act (MEPA; M.G.L. c. 30, ss. 61-62I) and with its implementing regulations (301 CMR 11.00), and therefore require the filing of a Supplemental DEIR (SDEIR). Specifically, I find that the DEIR has not provided a comprehensive description of project components and analyses as required in the Scope for the DEIR. As such, I cannot find that the project has satisfied the regulatory requirements to ensure that the project's environmental impacts have been clearly described and fully analyzed or that it has incorporated all feasible means to avoid Damage to the Environment.

Project Description

As described in the DEIR, the project includes the redevelopment of the surface parking lot at the Massachusetts Bay Transportation Authority (MBTA) Riverside Station and an adjacent site occupied by a hotel. The project includes the demolition of the hotel building and construction of an

Comments received:

04/15/2020 Newton Lower Falls Improvements Association
04/17/2020 Metropolitan Area Planning Commission (MAPC)
04/20/2020 Charles River Watershed Association (CRWA)
04/20/2020 Frederick P. Salvucci
04/24/2020 Lisa L. Mead on behalf of Woodland Golf Club
04/24/2020 Massachusetts Water Resources Authority (MWRA)
04/28/2020 Department of Energy Resources (DOER)
05/01/2020 City of Newton
05/01/2020 John H. McElduff
05/01/2020 Department of Conservation and Recreation (DCR)
05/01/2020 Massachusetts Department of Environmental Protection (MassDEP)/Northeast Regional Office (NERO)
05/01/2020 Massachusetts Department of Transportation (MassDOT)
05/01/2020 Amy Mah Sangiolo
05/01/2020 Frederick P. Salvucci
05/08/2020 Massachusetts Bay Transportation Authority (MBTA)

KAT/AJS/ajs

ATTACHMENT B



April 17, 2020

Kathleen Theoharides, Secretary
Executive Office of Energy & Environmental Affairs
Attention: MEPA Office – Alex Strysky, MEPA #16024
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: Riverside Station Redevelopment, MEPA #16024

Dear Secretary Theoharides:

The Metropolitan Area Planning Council (MAPC) regularly reviews proposals deemed to have regional impacts. The Council reviews proposed projects for consistency with *MetroFuture*, the regional policy plan for the Boston metropolitan area, the Commonwealth's Sustainable Development Principles, consistency with Complete Streets policies and design approaches, as well as impacts on the environment.

MAPC has a long-term interest in alleviating regional traffic and environmental impacts, consistent with the goals of *MetroFuture*. Furthermore, the Commonwealth encourages an increased role for bicycling, transit and walking to meet our transportation needs while reducing traffic congestion and vehicle emissions. Additionally, the Commonwealth has a statutory obligation to reduce greenhouse gas emissions (GHG) by 25% from 1990 levels by 2020 and by 80% from 1990 levels by 2050.

A Draft Environmental Impact Report (DEIR) has been filed with the EOEEA by MD 399 Grove Owner LLC, Ramirez Concord LLC, BH Normandy Riverside LLC, c/o Mark Development LLC (together, the Proponent) propose to redevelop land comprising the surface parking lot associated with the MBTA's Riverside Green Line Station and the site of the existing Hotel Indigo in Newton. Since the filing of the Environmental Notification Form (ENF), the overall project size has decreased by approximately 30 percent from approximately 1.5 million square feet (sf) to 1.03 million sf. The amount of parking has also been reduced by approximately 30 percent from 2,922 to 2,041 spaces.

The Proponent proposes to redevelop the 13.5 acre Project site with a mixed-use, transit-oriented development (TOD) comprising approximately:

- 653,571 sf of residential space (579 units);
- 250,887 sf of office space;
- 77,300 sf of hotel space (150 rooms);
- 43,242 sf of retail space; and
- Open space comprising over 4 acres.

The Project will generally be built in two phases and will include ten buildings. The proposed buildings can be developed together, independently of each other, and in differing sequences. The mix of uses constructed will be in response to evolving market conditions, which is probable particularly appropriate given current market uncertainties.

The Riverside Station Redevelopment (the Project) is at the end of the MBTA Green Line Riverside Branch (D), Newton's busiest transit stop. The Project site is expected to generate an estimated 11,368 new weekday daily vehicle trips¹ and 2,041 parking spaces are proposed.

Adjacent to Riverside Station, the Project site is bordered by the MBTA maintenance facility and Charles River Greenway to the northwest; the existing Riverside Office Park to the northeast; Grove Street, a golf course, and a small condominium complex to the southeast; and the I-95 Exit 23 interchange to the west. The Project site includes a portion of the existing MBTA facility at 355 Grove Street and the Hotel Indigo site (399 Grove Street).

MAPC has reviewed the Draft Environmental Impact Report (DEIR) and has concerns that address advancing a robust Transportation Demand Management (TDM) program, developing mode share goals, project monitoring and reporting, mitigation, parking, and bicycle/pedestrian connections. Proposed recommendations and questions regarding these topic areas are detailed as an attachment to this letter.

In order to minimize adverse impacts and to keep the Commonwealth on track in meeting its regulatory and statutory goals, MAPC respectfully requests that the Secretary incorporate our comments as part of the Certificate issuance.

Thank you for the opportunity to comment on this project.

Sincerely,

Marc D. Draisen
Executive Director

cc: Jenifer Caira, City of Newton
David Mohler, MassDOT

¹ New Unadjusted Vehicle Trips (Note: This number does not include the current 4,700 vehicle trips per day generated at the site by the MBTA Station. Table 4-5 – Project Trip Generation).

**Metropolitan Area Planning Council (MAPC) comments on
The Riverside Station Redevelopment, DEIR, MEPA # 16024**

MAPC is pleased the Proponent has advanced a mixed-used transit-oriented development (TOD) at a major MBTA transit station. Below are our comments and questions that, if implemented and addressed, will ensure the Project reaches its maximum potential as a successful TOD site.

Transportation Demand Management (TDM) Program

Clearly Identify TDM Program Commitments

The Transportation Appendix² contains two documents, both of which identify components to consider for implementing a Transportation Demand Management (TDM) program: *Draft 128 Business Council TDM Plan* (dated December 9, 2019) and *VHB Traffic and TDM Monitoring Summary* (dated January 14, 2020). While both documents identify considerations to implement a TDM program, the language is unclear as to whether these TDM components are clear commitments or are simply mentioned for consideration. Additionally, the TDM commitments need to be clearly identified in the draft Section 61 Findings for the MassDOT Access Permit, not as an Appendix. We respectfully request that the TDM program commitments be consolidated and included in the draft Section 61 Findings for the MassDOT Access Permit. Doing so will ensure future monitoring of the Proponent's TDM program.

Proposed Reimbursements for Use of Sustainable Modes of Transportation

Both the *Draft 128 Business Council TDM Plan* and the *VHB Traffic and TDM Monitoring Summary* contain sections on Incentives for Sustainable Transportation, which propose reimbursements for reliance upon sustainable modes of transportation. While we applaud the proposal that residents who entirely forgo the use of a residential parking space would be eligible for reimbursement of up to \$200/month, we strongly disagree with the proposal to reimburse residents who lease a single parking space to be eligible for reimbursements of up to \$75/month. To ensure the Project is a successful TOD and has a strong TDM program, residents should not receive a monetary reimbursement if they lease a single parking space. We also note that both documents mention a similar program will be instituted for office users, the specific details of which will be determined by ongoing traffic monitoring. MAPC respectfully requests that a similar program be instituted for office users as soon as the Project is ready for occupancy, and not after the fact when it likely would be more difficult to implement.

Importantly, the TDM program also needs to specify the proposed reimbursements for resident and employee MBTA passes and/or bikeshare memberships.

Specific TDM Strategies

MAPC recommends the TDM Program include:

- A commitment to join and participate in the 128 Business Council Transportation Management Association (TMA) in addition to hiring an on-site Transportation Coordinator, and:
- A discussion of how tenancy lease agreements or a tenant manual will be used as a mechanism to ensure implementation, maintenance, and success of TDM measures.

Mode Share Goals, Monitoring and Reporting

One of the primary goals of the Project is to create a TOD at Riverside Station that will encourage residents, employees, and visitors to access the Project site via public transportation and other modes of transportation and not place pressure on the existing roadways by creating significantly more vehicle trips. To ensure this is accomplished, it is essential that the Project identify mode share goals and have a monitoring and reporting program in place.

² Appendix C

**Metropolitan Area Planning Council (MAPC) comments on
The Riverside Station Redevelopment, DEIR, MEPA # 16024**

Mode Share Goals

The DEIR contains no mention of mode share goals and this is even acknowledged by the Proponent. It is important to underscore that the ENF Certificate³ required the Proponent to develop a traffic monitoring program that includes mode share goals. The Proponent needs to delineate a program that ensures clearly defined mode share goals are accomplished over a specified time frame related to the two phases of the Project's development. Along with specific steps to achieve these goals, the Proponent should provide annual updates, and publicly share the results.

Developing and monitoring mode share goals is a central component as outlined in the EOEEA/MassDOT Guidelines for Traffic Impact Assessments (TIAs). Specifically, the TIA Guidelines state: *"The TIA should include an assessment of the mode split assumptions, as well as the Proponent's plan to maximize travel choice, promote non-SOV modes, and achieve the assumed mode shares."* (p. 17) The Proponent needs to define mode share goals specifically, with numerical targets for automobiles (SOV and shared), bicycle, pedestrian, Green Line, and bus, as part of their commitment to conduct monitoring and reporting, and to adjust the project's TDM program as necessary. An essential component of a successful TOD project is the identification and monitoring of mode share goals.

Monitoring and Reporting

The Proponent should specifically outline their monitoring and reporting program and commit to it in the Section 61 findings. The ENF Certificate required the Proponent to include in the DEIR *"a draft traffic monitoring program to evaluate the assumptions made in the traffic study, including mode share goals, and the adequacy of the transportation mitigation measures, including the TDM and shared parking programs. The program should include annual traffic monitoring for a period of five years. The monitoring program should include:*

- *Automatic traffic recorder (ATR) counts at each site driveway for a continuous 24-hour period on a typical weekday and Saturday;*
- *Travel survey of employees and patrons of the site;*
- *Weekday AM and PM and Saturday peak hour turning movement counts (TMC) and operations analysis at mitigated intersections; and,*
- *Vehicular and bicycle parking counts."* (p. 10)

The Proponent must also commit to conducting regular monitoring and reporting of transportation mode shares and adjust the Project's alternative transportation services and TDM programs as necessary. MAPC recognizes that the Proponent has committed to requiring additional mitigation action and adjustments to the TDM plan should the Project traffic exceed ten percent of the projection for new traffic. However, the monitoring program needs to include details of how mode share goals will be attained, as well as steps that will be taken if goals are not met.

MAPC also recognizes that the Proponent has committed to monitor vehicle trips within 12 months of full occupancy of each phase and will continue to do so annually for two years following final build-out. However, as required by ENF Certificate, monitoring needs to take place on an annual basis for at least five years after full occupancy.

In order to ensure the success of this Project as a TOD, it is imperative that the Proponent commit to an extensive and thorough transportation monitoring and reporting program with mode share goals that includes annual data collection of traffic counts, parking usage, public transportation (rail and bus), bicycling, and walking, as well as specific steps to be taken if mode share goals are not attained.

³ Dated June 7, 2019.

Mitigation

In order to fully realize this site as a successful TOD, it is critical that the Proponent commit to a strong TDM program. An aggressive TDM program is necessary to optimize the advantages of a development in close proximity to transit as well as minimize vehicular usage and project-related traffic impacts.

Summary of Mitigation Measures

Table 11-1 *Summary of Mitigation Measures*, needs to be included as part of the draft Section 61 Findings for the MassDOT Access Permit. Table 11-1 should be expanded to include estimates of the costs for each proposed mitigation measure, identify the parties responsible for implementation, and a schedule for implementation.

Public Transportation Mitigation

The Proponent recognizes that the Green Line may be overcapacity during the “shoulder peak” just after and before the weekday morning and weekday evening peak periods, respectively. Accordingly, the Proponent has indicated that they will work with the MBTA to mitigate the effects of the Project on the MBTA system. What the Proponent has identified to mitigate the effects needs to be included in the mitigation section of the draft Section 61 Findings for the MassDOT Access Permit.

Shuttle to Commuter Rail

MAPC is pleased the Proponent mentioned that providing a shuttle service to offer access between Auburndale Station (Worcester commuter rail line) and Riverside Station is being considered and will be part of the future plan if there is demand. In addition to including a commitment to consider a shuttle in the *Summary of Mitigation Measures*, we respectfully ask that the Proponent evaluate a demand for this shuttle service as part of annual project monitoring.

MAPC considers that providing this service is paramount and has the potential to significantly reduce SOV trips to and from the Project site. Given the mixed-use nature of the Project site, the shuttle should be functional in both directions. During the morning peak hours, residents of the site would be dropped off at Auburndale Station and office employees would be picked up, and vice-versa during the evening peak hours. This shuttle would provide direct transit access between Riverside and destinations to the west (Worcester, Framingham, Natick, Wellesley) and to the east (downtown Boston, including the Longwood Medical Area, the Back Bay, and South Station).

Parking

The Proponent proposes 2,041 parking spaces for this Project. Specifically, 990 spaces will be allocated between the proposed residential, office, retail, and hotel uses. One thousand spaces will be dedicated for MBTA commuter parking. The remaining 51 spaces will be surface/on-street spaces located throughout the Project site. Riverside Station is a premiere TOD site located in close proximity to public transportation (bus and rail), enabling people to live and work car-free, or with limited auto ownership and use. The biggest determinant of whether people will use an automobile is the amount of parking provided at both the origin and destination at the site. Therefore, continuing to explore ways to further reduce the amount of parking is the most effective strategy to reduce auto trips.

Allocation of Parking Spaces

The Proponent should disclose the allocation of proposed parking spaces for each land use type (residential, office, retail, and hotel).

Shared Parking

As required in the ENF Certificate, the Proponent needs to identify clearly the opportunities for shared parking. Shared parking strategies should be used to decrease the number of parking spaces on-site. We respectfully ask the Secretary to require the Proponent to quantify how shared parking will be developed for this Project. For example, designating parking for residents in the evening while using the same parking spaces for office use during the day could be an effective shared parking strategy.

**Metropolitan Area Planning Council (MAPC) comments on
The Riverside Station Redevelopment, DEIR, MEPA # 16024**

We also note that while the current observed peak demand of MBTA parking is 636 spaces, there will be dedicated MBTA parking for 1,000 spaces. The Proponent should explore ways to utilize the MBTA parking spaces should they not be fully utilized by commuters. We urge the Proponent to take full advantage of the benefits of this mixed-use development, including the fact that the various users at the site will have different parking needs throughout the day, thus enabling the Proponent to reduce the number of spaces on site.

MBTA Parking

MAPC notes the Proponent stated in the DEIR that “How the 1,000 dedicated MBTA spaces are designated and used is entirely at the discretion of the MBTA and not the Proponent.” (p. 12-57) MAPC requests that the Proponent work with the MBTA to ensure that spaces are made available for carsharing (e.g., ZipCar), carpooling and/or vanpooling, as well as bicycle parking and bicycle sharing programs. The MBTA should also commit to the provision that 10 percent of the parking spaces have electric vehicle charging, the same percentage to which the Proponent has committed.

Unbundled Parking

MAPC urges the Proponent to “unbundle” parking and housing costs at the site by uncoupling the parking from the housing unit lease or sale and charging the tenant a monthly or annual fee to park a vehicle at the site. Unbundling parking is an effective strategy that encourages households to own fewer cars and to rely more on walking, bicycling, and transit. In addition, unbundling parking allows allocation of space for other components of a building’s design which would have otherwise been allocated for parking.

Structured Parking

Plans for future adaptability of structured parking should be explored for potential productive reuse of the space, should parking demand decrease in the future due to changes in automotive technology or other causes. Additionally, construction of phased construction of the parking facility should be explored with additional parking added depending on demand.

Bicycle and Pedestrian Connections

MAPC is pleased to see the paths, trails, and other bicycle and pedestrian infrastructure as proposed in the DEIR. They clearly line up with what the community has requested in terms of connections. However, the proponent falls short in what we believe should be constructed as part of this project to provide the vital connections. The below comments can be referenced on Fig 4.28.

Railroad Bridge over 95

The abandoned railroad bridge over I-95 is part of a planned rail trail between Route 16 in Wellesley and Riverside Station, passing through the edge of Leo Martin Park. Completion of this trail is critical to providing seamless access for cyclists and pedestrians coming from points west in Wellesley and beyond. We request that the proponent construct this trail from Riverside Station across I-95 to DeForest Street (as well as the path the Proponent proposed along Recreation Road). Currently, we see only the funding of design.

Path under Recreation Road

We are pleased that the Proponent proposed this connection between the existing MWRA Trail and across the Charles River to Pigeon Hill. We request that the Proponent complete this connection by building the entire trail along Recreation Road and under it to meet the MWRA trail. One additional comment is that the trail along Recreation Road should be separated from the road by an ample tree planted landscaped buffer. Recreation Road should be moved westward as needed to accomplish this separation between the highway uses and the trail.

Grove Street Bike Lane

The proposed bike lane on Grove Street should be extended all the way to the proposed roundabout at Quinobequin Road.

ATTACHMENT C



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, MassDOT Secretary & CEO
Steve Poftak, General Manager



May 8, 2020

Kathleen A. Theoharides, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Attention: Alex Strysky

**RE: Riverside Station Redevelopment Draft Environmental Impact Report
EEA #16024**

Dear Mr. Strysky:

The MBTA appreciates the opportunity to comment on the above-referenced project. The MBTA has been working with the Developer of the site since the took over the project from the previous proponent. The Riverside Station Redevelopment represents a significant opportunity for the MBTA. Transit Oriented Development (TOD) projects are highly sought after by the MBTA because they provide better access for our customers by creating a land use that is far more environmentally sustainable than typical suburban areas. At the commencement of the lease, the Proponent will give the MBTA a significant payment in exchange for the use of the site. Non-fare revenues such as this allow the MBTA to fund the operations of the transit system and to do so without seeking fare increases or increased taxpayer funds.

The Station at Riverside Project proposes in total approximately 617 residential units, over 250,000 square feet of office/lab space, nearly 43,000 square feet of retail space, and a 150 room hotel as well as a new garage of over 2,000 parking spaces, inclusive of the spaces which will be reserved for MBTA customers. These spaces will replace the MBTA commuter spaces currently on site. As part of the project, the Proponent will build the MBTA anew parking garage for the MBTA's customers to replace the spaces otherwise lost by the development. The MBTA and the Proponent have been coordinating on this project for a long period of time. We have established a strong and cooperative relationship and appreciate the developer's willingness to work with the MBTA and its ability to respond to our needs and concerns. We anticipate that this relationship will continue as the project develops. We believe that it is important for us to highlight these project development issues in the MEPA process by laying them out in this comment letter so as to codify these issues to keep the public informed as we advance this project. We are providing these comments on the DEIR so that the MEPA filings can provide a consistent and transparent overview of the steps that the Proponent is taking to avoid, minimize or mitigate impacts to the MBTA and its operations.

On May 28, 2019, the MBTA submitted comments on the ENF. The DEIR and its Response to Comments addresses many of these comments, but we believe that the Final EIR should provide a more specific and detailed response to these issues. Specifically, the FEIR should provide graphics and illustrations to show how these issues will be resolved. The Response to Comments section provides answers to these questions, but the answers lack specificity or transparent information. We realize that the work may be contained within the transportation Appendix (Appendix C) but this Appendix is a dense document of over 2700 pages and this document is attached to a very large DEIR. This format makes it very difficult to determine what questions are answered and what are not. The information presented in the FEIR should be provided in a manner that makes the information as accessible as possible, utilizing good graphics (with dimensions) and information summarized in tabular formats. Without a

reader friendly presentation, it is difficult for the MBTA (and the public) to see how these important issues are answered.

The Proponent has advanced many of these issues in its further discussions and coordination with the MBTA. The MBTA appreciates the work the Proponent has done and understands that due to the timing of the DEIR, this information was not available to be presented in the document. Therefore, the public is not able to fully understand these developments. We believe it is important to not only advance these concepts with the MBTA, but to do so in a way that allows the public to review and comment on these developments. Because of this, the MBTA is basing its comments on the DEIR itself, and not the additional information. We assume that this information, and any additional advances in the design that occur going forward, will be made available in the upcoming FEIR.

In light of that, the MBTA makes the following comments as to how we believe the scope of the Final EIR should be developed.

MBTA Agency Actions:

In the ENF Comment Letter, the MBTA requested that the EIR include a detailed explanation of any interests in real property that it would need to acquire from the MBTA. The MBTA requested that the DEIR provide this information in the form of a narrative as well as graphics and presented in an appropriate scale. The DEIR provides a summary broad summary of MBTA properties in the project area, but does not have a detailed discussion of the parcels and easements (either permanent or temporary) that this project required. The DEIR should provide a table that articulates these real estate needs as well as a graphic that lays them out. The graphics and the narrative in the FEIR should provide specificity, including dimensions of these easements and the timing of the acquisition. This information is critical for the MBTA since the interest in real estate is the State Action pursuant to MEPA and forms the basis for the MBTA's MEPA responsibilities. This State Action will trigger the need for the MBTA to issue its Section 61 Findings that will be required.

Transportation Impacts:

As described above, the MBTA currently operates extensive rapid transit near the site and bus service directly to the site. In its ENF Comment Letter, the MBTA requested that the EIR should contain an analysis of what additional Green Line demand will result from the project. In the Transportation Impact Access (TIA), the MBTA asked that the EIR indicate what the anticipated mode share will be and specifically what the transit mode share for the full build of this project. The MBTA requested that the TIA include impacts to the existing transit service in the form of an assessment of how riders, particularly in the MBTA peak period, will access the facility via transit. It is important for the MBTA to understand how the additional new ridership on the Green Line and what time of day those impacts will occur.

Overall, the DEIR does a good job of responding to the MBTA's request for the analysis. The Proponent worked extensively to utilize best available information from the MBTA and apply the results to the MBTA's Service Standards and Service Delivery Policy. The MBTA appreciates the extent to which the Proponent responded to the MBTA's needs.

The result of the analysis is that there will be some impacts on the Green Line in the "shoulder" of the peak period: that is, as morning peak service begins to ramp down to the off peak period. (typically 8:30 AM to 9:30 AM). This is partly the result of the MBTA running fewer trains as it transitions from rush hour to non-rush hour service. The MBTA is undergoing a long term program to significantly enhance the Green Line capacity through the implementation of larger vehicles and increasing the frequency of trains. This requires a series of major capital investments to the signal systems, power systems, track alignments, bridge ratings and other upgrades. This

program (referred to as “Green Line Transformation”) is one of the MBTA’s most important priorities. This is a multi-decade program where the improvements come on line over time, with each improvement making incremental capacity improvements.

The Riverside Station Project will also be developed over a period of time, some or most of it occurring before many of the GLT improvements are completed. The result of this will be that there will be some level of overcrowding on the Green Line as a direct result of riders who come from the Riverside Station Development and board the Green Line. That overcrowding level is defined by existing MBTA service standards assuming current levels of service.

To resolve this, the MBTA would need to look to adding some level of additional Green Line service, most likely one or two trains in this one-hour period. The MBTA has been discussing the best way to mitigate this impact on service and has held on-going conversations with the Proponent on this and other service related issues. The MBTA’s goal is to develop appropriate service levels to support this project. We request that the Proponent continue to work with the MBTA on this and that the results of this coordination be presented in the FEIR.

Along with that, the ridership analysis should be updated to demonstrate any ridership or service level changes implemented by the MBTA before the FEIR is issued. The FEIR must demonstrate what the impacts to service level would be with this additional service in place. Additionally, given that the MBTA service levels and ridership are in a state of flux due to COVID-19 and that recovery service levels have not yet been established, it is important that the Proponent work with the MBTA so that ridership and service levels presented in the FEIR represent the MBTA’s current thinking on Green Line operations.

Bus Access, Circulation, and Traffic Improvements:

In its ENF Comment Letter, the MBTA requested an assessment of the impacts to MBTA bus service due to traffic generated by the project. The DEIR seems to indicate that all of the intersections will operate (with mitigation) at a Level of Service of C or better. The FEIR should confirm that the intersections utilized by MBTA vehicles will be able to meet this LOS.

The Response to Comments section of the EIR should provide a Turning Movement analysis and a Level of Service analysis for all affected intersections. The MBTA requests that the FEIR present, in a tabular format, an assessment of which of these intersections MBTA buses utilize and how their timing or turning movements will be affected by the increased traffic and/or proposed roadway changes that result from the project.

The DEIR states that they will include Adaptive Traffic Signal Technology which should assist in MBTA buses accessing the site without delay. The DEIR, however, does not explain what type of signalization is being proposed or how it will work. The FEIR should contain a more detailed description of what type of signal prioritization is being proposed. We realize that these signals are subject to approval by the City of Newton and MassDOT, but the FEIR should describe what is being proposed.

The MBTA continues to believe that a design for the driveway should segregate MBTA buses from automobiles and that this intersection utilizes signal systems that prioritize MBTA buses entering and exiting the site. The DEIR indicates the entrance has the capacity to accommodate emergency vehicles and additional MBTA buses when there is a service interruption via a gated driveway. It is unclear how this entrance would operate given that there is no graphic demonstrating its operations. The MBTA feels that a segregated bus entrance for diversions and emergencies is not only needed but is also possible. The FEIR should contain a further assessment of this entrance and graphics to demonstrate it. If it is determined that this type of bus segregation is not warranted or not feasible, that assessment should be presented in the FEIR.

The FEIR should also present a design that considers segregating automobiles from the MBTA buses rather than both utilizing the same curb areas for dropoff and pickup. The FEIR should present the efficacy of transit

priority such as the use of exclusive bus facilities on and off station property, as well as channelization and signal design at the intersection to minimize the conflict between buses and automobiles.

The DEIR presents a layout of the bus layover area at the station for existing bus service that provide direct station access. The MBTA's comment letter on the ENF also requested that the graphics identify additional bus layover to accommodate up to eight to ten buses. This additional layover area would not be used for long-term storage, but instead would be used when the MBTA plans a Green Line shut down for maintenance and/or construction and shuttle bus service must be provided. In those occasions, the MBTA needs to have additional bus area to accommodate the shuttle buses. The DEIR does not appear to include any such bus layover area. The MBTA requests that the FEIR demonstrate how this service, which is provided regularly at the existing Green Line station, is accommodated in this design.

The MBTA requested that the EIR identify the paths of travel that customers will take from the garage to the station. The DEIR states that customers can access via Main Street and Road C. The MBTA requests that the FEIR contain a graphic showing all of the major pedestrian paths of travel and explicit statements and graphics showing how the pedestrian path and accessible paths are aligned. The MBTA needs to make sure that the accessible paths need to be the same path of travel that all pedestrians utilize.

The MBTA needs to see a design that shows that all buses that utilize the station can be accommodated with sufficient berths and appropriate paths of travel for passengers to transfer from one mode to another. The Proponents graphics do not show specific information to determine whether there is capacity. The FEIR must demonstrate what the impacts to service level would be with this additional service in place. There are a large number of transportation modes that utilize this station such as MBTA express bus routes from Newton to downtown Boston. These modes originate at Riverside Station given that many of our bus customers arrive at Riverside by car and board the express buses. The MetroWest Regional Transit Authority (MWRTA) provides bus access to Riverside Station. Additionally, intercity buses (Academy Bus) provide service from this station. A simple graphic that merely indicated bus berthing does not provide the MBTA with sufficient information to conclude that all of these services will be accommodated and that our customers can safely access these service. Graphics, with meaningful and specific information, are critical. Additionally, turning movements and radii for these buses are different from MBTA buses, so the design presented in the FEIR should be sure to accommodate all types of vehicles.

The DEIR contains a detailed description of a TDM program that should ensure that employees and residents use transit to the greatest degree possible. The TDM program is detailed and covers a number of matters that are not usually proposed in a typical DEIR. The Proponent should be acknowledged for proposing such an extensive TDM. The Draft Section 61 Agreement should specifically incorporate this TDM Plan (or any updated plan made as part of the FEIR).

Coordination with Other MBTA Projects and Facilities:

The MBTA is focused on making major changes to the Green Line with a program objective of doubling the capacity of the Green Line through a series of projects that will be rolled out in four phases over the course of the next 15 years. The Green Line Transformation (GLT) Office directs a range of projects that will modernize stations, update tracks, signals, and power systems, and adopt new state-of-the-art technology to meet the demands of a modern city. Overall, GLT will ensure that twice as many passengers have access to a safer, more comfortable, more reliable Green Line.

The MBTA's Riverside Maintenance Facility plays a key role in this program and as such, the Riverside Station Redevelopment project must be designed, built and operated in such a way as to not impede the MBTA's ability to do this critical work at its maintenance facility.

The MBTA's ENF Comment Letter identified a number of projects that it is pursuing with questions as to how the Riverside Station Development will be constructed and operated in a way that does not interfere with these projects. The DEIR simply stated that the facility has been designed to accommodate and that the Developer will work with the MBTA on these. While we appreciate this cooperation, we feel that these issues need to be described, in both the narrative and graphically, so that all of the MBTA Departments can be assured that these projects are not impacted. Additionally, these projects are of great interest to the community at large and so the public should be informed as to how these projects are working together so as to be confident that the Riverside Station Development does not adversely impact these important MBTA projects.

Given that specific information and graphics are not provided in the DEIR, the MBTA wants to reiterate these questions so that they can be properly presented in the FEIR.

- a. **MBTA Buildings:** The MBTA is working with the Proponent on how best to house some of the MBTA buildings that will be displaced by the project, specifically the the Trackmen's Lobby at the station and as well as administrative/ management building. These buildings would replace the buildings currently on site and used by the MBTA. The MBTA and the Proponent are currently working to determine if these buildings will be built by the Proponent or by the MBTA. Regardless of who builds these buildings, the impacts need to be assessed in the environmental documents so as to not segment the review.

In the event that the MBTA and the Proponent agree that the Proponent will build these spaces as part of the project, the Proponent must develop these buildings to the MBTA's standards associated with functionality, maintenance and building control systems, energy and water efficiency, accessibility and circulation, full access for all employees, and a host of other requirements. These buildings must be built in full conformance with all state and local codes, including the requirements of the Office of Public Safety and Inspection and other state building codes. There are codes and requirements that are unique to public entities like the MBTA and the Proponent must be sure that all of those requirements are met. The Proponent must work with MBTA Capital Delivery, Green Line operations and other departments to ensure full compliance. These design and operation issues will be a significant component of the MBTA/Proponent design review coordination discussed below.

The Proponent should identify not only the design of these MBTA buildings, but also the sequencing of them to ensure that the MBTA maintains the ability to support these functions with minimal impact to operations and employee activities.

The Response to Comments indicates that "*proposed garage will be designed according to MBTA standards.*" While we appreciate this statement, we believe that specific information, both in the narrative and in the graphics, is needed in the FEIR.

- b. **Green Line Vehicle Delivery:** The MBTA is procuring new Green Line vehicles (so called "Number 9 Cars") and they are beginning to arrive now. When vehicles arrive, they are delivered on large trucks to the Riverside Maintenance Facility. This is a major undertaking given the size and complexity of the trucking and off-loading of the new cars. The path that is currently used to deliver vehicles is in the area that will be taken over by the Proponent for the Project. The MBTA is also developing a design and standard for its next generation of Green Line cars (the so called "Number 10 Car"). To address capacity constraints, this car is likely to be significantly larger and more complex than the existing cars; delivery of these cars is likely to be more complex as well. These cars may arrive during the five-year construction window for the project and continue after the project is in operation.

The Response to Comments indicates that temporary curb cut during construction will be provided and that a dedicated curb cut will be built for the permanent condition. The FEIR should show with specificity how these access points, and how access for these large deliveries, will work. Graphics and turning information is critical and must be shown in the FEIR. The MBTA requests that the FEIR show graphics demonstrating how the deliveries will take place. Tables or figures identifying how turning radii were assumed and calculated.

Customer Access:

As stated in our comment letter on the FEIR, that while Riverside Station is nominally accessible to persons with disabilities, 20 years of deterioration as well as changes to federal and state codes means that the station itself will require updates, most notably for a second accessible means of egress. The developer will be required to ensure that all new components associated with and connected to the station, the parking structure, the bus stations, the paths of travel to the station and any other element associated with MBTA service, must meet the MBTA's standards for accessibility, in terms of access, materials, signage, *etc.* The MBTA has developed progressive accessibility standards that were developed in conjunction with the Boston Center for Independent Living (BCIL) and are referred to as the BCIL standards. The comment letter on the ENF requested architectural plans in the DEIR to show how the developer will ensure that all of the plans are in compliance not only with the ADA and with the Massachusetts Architectural Access Board, as well as the BCIL Settlement Agreement and the MBTA's Design Guide for Access. The DEIR states in the Response to Comments that the project has been designed to meet these requirements, but provides no specific information or graphics or plans demonstrating such compliance. The work the developer has been doing with the MBTA since the preparation of the DEIR does include more information, but due to the timing of the DEIR, they were unable to provide the information in the document. The Proponent should show all of this information in the FEIR in both the narrative of the documents and in graphics.

These standards for access for all of our customers and employees are critical not only in the design of the facilities, but also in the temporary/construction phases. These standards should be clearly met and identified in the Construction Management Plan discussed below.

An important component of the MBTA's ENF Comment Letter was asking how MBTA customers who utilize the paratransit system ("The Ride") would access and depart from the station. The MetroWest paratransit vehicles also utilize this station. The Proponent states in the Response to Comments that there will be a designated drop off spot at the Green Line Station and at the ground level of the garage. The graphics or the document itself does not show dimensions or paths of travel. This specific information is critical for the MBTA to see to determine that the access points provided are sufficient. This information should be provided in the FEIR.

Parking Supply and Management:

The developer will be building a new parking garage for the MBTA. The developer must ensure that the garage meets the MBTA Design Standards for parking garages. These design standards cover a host of issues including accessibility requirements, safety and security requirements, fare collection, lighting, and many other issues. Some of these design standards may change the size of certain elements or the layout or customer access points, so it is important that the design in the EIR comport with the standards. The Developer has been working with the MBTA on these issues but that information is not fully described in the DEIR.

As the MEPA review advances, however, the MBTA asks that more specific information on the design and layout of the garage be provided to ensure that customers exiting the garage, are planning the garage in such a way as to minimize queuing times. The DEIR Response to Comments does indicate that it is considering using LPR and

two separate ramping regimes to address queuing. These mitigation proposals (and potentially others) should be explored further for the FEIR and if feasible, should be articulated in the Section 61 Agreement.

The DEIR does describe how the garage will be designed and operated in ways that encourage non-single automobile access through the implementation of innovative methods. Much of this information is presented in the TDM in the Appendix. The MBTA requests that this information be summarized in the Response to Comments and in the narrative of the FEIR (as opposed to being part of a large Appendix), so that the MBTA and the public can clearly see what type of plans are being proposed. Additionally, within the graphics and figures, the Proponent should identify bicycle storage areas, providing space for bike and car share systems, electric vehicle charging stations, implementing technology to allow for preferred parking for high occupant vehicles, implementation of TDM methods, or any other type of improvement that reduces the need for traditional single occupant vehicles utilizing the garage.

The use of customer electric vehicle charging spots is an important issue for the MBTA. The MBTA is currently developing standards for the types of charging technology that is appropriate for these types of customers. The Proponent should work with MBTA to implement the preferred technology. At this point, the MBTA feels that a minimum of ten (10) EV parking spots, at least two of which are ADA compliant, are necessary at the facility, with the garage being constructed to facilitate easy ability to expand this size to as many as 20% of total spaces as the demand for EV charging increases. The FEIR should indicate where those spaces will be and make an explicit commitment to implement the charging technology that the MBTA concludes is the appropriate one.

The FEIR needs to describe in more detailed how the garage will be designed in order to address the stormwater management and snow removal requirements, which will ultimately be the responsibility of the MBTA or its parking management contractor to carry out. The DEIR simply states that storm water will be managed by "traditional means." The FEIR should detail what type of stormwater management would be required to maintain the proposed design.

The DEIR does indicate that the structured garage will be designed to accommodate a photovoltaic (PV) array to power the garage or other MBTA elements. We believe the PV on the roof of the garage could be an excellent opportunity for mitigation to meet MEPA's GHG requirements. As it has at other parking facilities (such as the Woodland Garage in Newton), the MBTA will engage a third party solar contractor to design, build, operate and maintain the solar system since this is the approach that is most financially successful for the MBTA. Given that the roof needs to be substantially complete before a 3rd party developer could come in and build the solar, the MBTA will put an RFP for solar on this roof during the construction period so that the solar can come on line as early as possible.

Construction Period Impacts:

The project will require significant new construction and construction equipment, as well as utility work adjacent to the MBTA Riverside Station, the MBTA's Maintenance Facility and other associated facilities on the Riverside Campus as well as to the Green Line itself. To do this work, safe operations of the transit lines as well as a safe environment for patrons and workers must be maintained at all times.

The MBT requested a Construction Management Plan (CMP) designed to minimize impacts to MBTA service and its passengers. The CMP appears to cover the MBTA's major issues at a level that is appropriate for a DEIR. The MBTA will be working with the Developer as the project advances to better flesh out these issues. The MBTA recognizes that the developer is at an early stage of planning and design and as such, a CMP at this phase will be less detailed than it would be at a later stage. The MBTA requests that this CMP be updated for the FEIR and at all other stages as the project develops.

As described in its ENF letter, the MBTA is particularly concerned with how the project may potentially affect existing Green Line operations in the Riverside Carhouse campus. The project line directly abuts the MBTA's storage tracks. These tracks are critical to MBTA operations. It is on these tracks that vehicles are stored and platooned prior to going into service each morning and throughout the day. Initial plans from the developer indicated that it might be necessary to take the track closest to the northern edge of the development site out of service for some extended period. (This track is referred to as "Track Zero" by the MBTA.) This storage track is one of 13 tracks used by the MBTA, and helps facilitate yard operations in the most efficient manner. The Riverside Maintenance Facility is at capacity for storage and maintenance of Green Line trains. Additionally, the MBTA is looking to increase Green Line service to address demand via the use of existing and new Green Line cars currently in production. Due to this scenario, all available track space and storage area is critical. The CMP in Chapter 10 does not address this issue. We believe that the CMP must describe how, to the greatest extent feasible, it will avoid utilizing any of this storage area. If that is not possible, the CMP should provide mitigation so the MBTA can continue to manage existing and proposed service levels during construction. This issue needs to be explicitly discussed in the FEIR.

Proposed Section 61 Finding:

The MBTA requests that the Secretary require that the FEIR contain a Proposed Section 61 Agreement for the MBTA. The DEIR has a Section 61 for MassDOT, but that document does not adequately cover the array of MBTA issues. The need for an MBTA specific Section 61 Agreement is triggered by the land agreement between the MBTA and the developer. The proposed Section 61 Finding should identify all proposed mitigation and improvements to the MBTA system to address impacts. The Section 61 Finding should also include specific dates and/or triggers as to when the mitigation will be in place.

Again, we appreciate the opportunity to comment and are available to answer any questions or provide any follow up information that you or the Proponent may require. If you have any questions regarding these issues, please feel free to contact me at 617-222-3126 or by email at abrennan@mbta.com.

Sincerely,

DocuSigned by:



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Andrew D. Brennan

Sr. Director of Energy & Environment