



Land Use Committee Report

City of Newton In City Council

Tuesday, June 30, 2020

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

Also Present: Councilors Malakie, Crossley, Albright, Wright, Krintzman, Norton

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

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.

#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. Vice President of Development David Roache presented an overview of updates to post construction monitoring (his presentation is attached to the end of this report).

Construction Traffic - In response to concerns raised by the LFIA, the petitioner reevaluated the routes to be used by construction vehicles during construction. The LFIA suggested that trucks should be required to use exit 21A across Washington Street rather than exit 22. Mr. Roache noted that this configuration would require a challenging right turn onto Washington Street as well as crossing over multiple lanes of traffic, making it an impractical maneuver. Mr. Roache explained that the LFIA requested that trucks go through the back, onto Commonwealth Ave and connect onto 128. Mr. Roache confirmed that this request has been incorporated into the Construction Management Plan.

Water/Sewer Stormwater - With regard to post construction monitoring of utilities, Mr. Roache stated that DPW has confirmed that excess capacity well beyond the project needs are available for water, sewer and stormwater utilities. He noted that the City's ordinance requires post construction studies for water, sewer and stormwater to ensure that the discharge is consistent with the projections. The Planning Department has made recommendations on how excess discharge can be addressed.

Groundwater Mounding – Mr. Roache explained that groundwater exists at a flat level consistently. A groundwater mound forms when water is concentrated and introduced by a retention or subsurface infiltration galley, causing a mounding effect and a bell curve, which later dissipates. A mounding analysis

assesses how high the mound will be during a stormwater event and is typically conducted when the groundwater is shallow to confirm that the levels would not impact the performance of the drainage system. Mr. Roache noted that the Massachusetts DEEP Stormwater Design Handbook would not require a mounding analysis given the parameters of the stormwater management system as designed. Based on the analysis, there is a low chance of contamination immigrating. Mr. Roache noted that concerns were raised by the LFIA relative to whether the system will reduce runoff as designed. He confirmed that the petitioner is committed to monitoring as previously discussed. Additionally, they will sample the water quality from the pipe to the golf course in support of maintaining compliance with the MS4 permit.

Rooftop solar – Mr. Roach confirmed that the petitioner has committed to offsetting 25% of the common area energy use for the Passive House certified buildings. The MBTA has agreed to solicit interest from solar vendors through an RFP process to install solar on the garage. The petitioner will incorporate electrical, structural, and other design elements that make buildings solar ready for renewable energy systems. As part of the assessment, they will undergo a mapping study to ensure that all areas are available for solar. High reflectance materials will be used to reduce the heat island affect.

VHB Traffic Consultant Randy Hart stated that they have worked to develop infrastructure improvements which include roadway modification, new ramp access to the highway, three traffic signals with adaptive signal technology, a roundabout at the southbound ramp and a pedestrian bicycle facility enhancement. The new highway access will encourage activity into the site and site access will be maintained on Grove Street. The adaptive signal technology can monitor real time traffic conditions and make adjustments as necessary. The ramp will slow traffic, making it safer for cyclists and pedestrians. No left turns into the site will be permitted from Lower Falls. Mr. Hart noted that cut-through and MBTA traffic will be monitored. He stated that there is a multi-use path from the train platform, through the roundabout and to the Hamilton Community Center and noted that the site is connected through an extensive pedestrian network.

Mr. Damien Chaviano presented details of the proposed mitigation as shown on the attached presentation. Mr. Chaviano noted that the building permit fee is based on .02x total cost of construction. He stated that a construction contract agreement and affidavit for final cost of construction will be submitted to the City. Mr. Chaviano noted that the petitioner has submitted methodology regarding post construction monitoring that would capture MTBA trips as well as any cut-through trips that would not be project trips. Mr. Cronin reviewed the updates as presented and noted that the methodology and final design will be determined by the transportation design consultant through a process reviewed by the Planning Department Traffic counts will be paid for by the petitioner. He confirmed that the Planning Department is supportive of the shuttle service from the site to the Auburndale commuter rail 6x/day. A copy of his presentation is shown at the end of this report.

Public Comment

Bob Schreiber, 28 Grayson Lane, presented on behalf of the Lower Falls Improvements Association. Mr. Schreiber noted that he has expertise in civil engineering and hydrology and groundwater studies. He expressed appreciation for the meetings with the development team, Planning and the City's peer reviewer Horsley Witten. Mr. Schreiber noted that the LFIA still maintain concerns relative to the

stormwater infiltration system and the groundwater mounding analysis. He stated that they will submit a letter that outlines their concerns. Mr. Schreiber stated that the system is not in compliance with what has been promised and noted that there is a lack of data on groundwater at the site. He emphasized the importance of incorporating groundwater modeling into the council order. Mr. Schreiber noted that the LFIA feels the analysis is inadequate and the water table is higher than what has been characterized and noted if the water table is higher, the mitigation could change.

Barbara Gruenthal, 10 Asheville Road, noted that VHB's memo indicated a significant amount of cut through traffic. She stated that if the petitioner is going to get credit for those trips, the trips should be removed from the baseline data. Ms. Gruenthal questioned how they will detect how many office users are using MBTA parking, etc.

Mr. Hart noted that the cut-through is not accounted for in the baseline. He stated that the MBTA users will be paying a fee while the office users will not be charged, disincentivizing the use of MBTA parking stalls by the office users. Mr. Hart noted that guests to the office building will not pay the MBTA fee when they don't have to.

Bruce Smythe, 105 Hancock Street, stated that the injection system is inadequate. He suggested that the petitioner should measure before and after the treatment system. Mr. Smythe noted that Mass DEP expressed some concern relative to contaminants. He stated that the project is based on water quality improvements.

Horsley Witten Professional Engineer Janet Bernardo conducted the peer review for the stormwater and the groundwater analysis. Ms. Bernardo noted that the stormwater design is in compliance and there is no requirement by EPA or DEP that says that the petitioner is required to test before and after. It was noted that the stormwater structures proposed are successful structures. Ms. Bernardo noted that the current site does not hold back anything and the stormwater system under the garage has been designed to hold back a 1' storm. Ms. Bernardo confirmed that there is ample separation to the groundwater, making a groundwater analysis unnecessary.

Rich Holworth noted that the petitioner's analysis is above and beyond what is required. He noted that DEEP and EPA established standards for the stormwater systems as monitoring can vary based on good practices around the site.

Eric Friedman, 21 Prairie Ave, questioned what provisions for cyclists storage and parking will be available and whether the solar at the site will be owned by the petitioner or owned by a third party by a Power Purchase Agreement.

It was noted that there will be over 900 bicycle parking spaces and a two-way protected bike lane from Hamilton Community Center to the train platform. The solar installations at the site will be owned and operated by the petitioner, excepting the installations on the garage which will be owned by a third party at the discretion of the MBTA.

Charles Stover, 72 St. Mary Street, questioned whether the shuttle is intended to take visitors directly from the site to the commuter rail with no stop in between and then back to the site. Mr. Chaviano confirmed that the shuttle will exclusively serve the Auburndale commuter rail from the site.

Council Questions & Comments

Q: Can you provide a plan/show what that shuttle route would be? There is also a route bicycle connection between the site and the commuter rail, where are those routes?

A: There will be six trips open to the public (3 am trips/3 pm trips) free of charge. We have not yet mapped out the best path. The best bicycle and pedestrian route from the commuter rail to the station is to use the two-way mixed use path from Recreation Road through the existing intersection, under the underpass, to an existing path along the MWRA path, following on Riverside Road, onto Auburn street. Links to the Riverside Greenway with this information can be found here:

[https://riversidegreenwayma.wildapricot.org/resources/Documents/190911%20Riverside%20Greenway%20Network%20Vision\[2\].pdf](https://riversidegreenwayma.wildapricot.org/resources/Documents/190911%20Riverside%20Greenway%20Network%20Vision[2].pdf) and <https://riversidegreenwayma.wildapricot.org/>

Q: Can Planning explain how the methodology for the traffic counts might change and the numbers will remain the same?

A: Mr. Cronin explained that the petitioner will still be held to 110% of the weekday evening peak hour trips. They will use the MBTA data and field observations to determine MBTA and cut through trips but the petitioner will still be held to 696 trips.

Q: Can you eliminate the right turn on Grove Street? It is not used by the MTBA and/or intercity busses so it could minimize the number of cut through trips through the project and additional trips on Grove Street.

A: We don't anticipate a lot of cut-through activity, so we were conservative with redistribution. Staying on Grove Street will be quicker for drivers than trying to get through the site. It would be difficult to produce a plan than does not include this right turn.

Q: Can you provide a sense of how large the queues are now?

A: Today, the driveway is unsignalized and "free flow", so there is no queue. With the signal it is approximately 250'. By eliminating the right turn lane, the queue approximately doubles and would create unsafe conditions from a site distance perspective.

Q: There is testing and monitoring up to two years after construction. Stormwater systems fill up. Is there an O&M plan after the two-year post construction period?

A: Yes, there is an O&M plan for the stormwater system. The conservation commission will probably also require submission and approval of the O&M plan.

Q: As the roads intersect heading from Lower Falls to Auburndale and the new road turning left from I-85 to Auburndale; are there concerns about merging at this maneuver?

A: If this light is green, the left turn has the right of way. The right turn is signal controlled. If it were red, the driver would have to yield.

The Committee questioned how success will be defined for the Auburndale commuter rail shuttle and what will happen if the shuttle is unsuccessful.

Mitigation

Mr. Chaviano presented an overview of the total mitigation as shown below. He noted that in response to a request from the Planning Department, the petitioner increase the proposed mitigation from \$5.9 million dollars to \$7.2 million dollars. He noted that the proposed mitigation per square foot is higher for the Riverside Development (\$7.36/sq. ft.) as compared with the mitigation for the Northland Development (\$6.64/sq. ft.).

Mitigation Riverside	
June 30, 2020	
	Riverside
Permitted or Estimated Permitted SF	1,025,000
I&I Payment	\$1,400,000
Charles River Park Improvements	\$3,000,000
School Fund (Williams School)	\$1,500,000
Common/Mitigation Fund Expenditures	\$1,300,000
Bike Lane Extension to driveway at Hamilton Center	\$200,000
PILOT Commuter Rail Shuttle	\$130,000
Subtotal	\$7,530,000 **

The Committee requested that in lieu of allocating \$1.3 million dollars for “common/neighborhood funds” the petitioner include additional workforce housing unit, recognizing that the City’s Inclusionary housing will change in January. The Committee considered the benefits of additional workforce housing units as well as the benefits of mitigation funds for projects not yet identified. Atty. Buchbinder noted that the \$1.3 million dollars were added at the request of the Planning Department, but there was no discussion of how the mitigation funds might be used. He noted that the “common fund” is a concept from Riverside 1. Mr. Chaviano noted that at Washington Place there is a “common fund” of \$700,000. He stated that the petitioner’s involvement was limited to issuing a check but noted that there have been significant issues related to finding consensus on how the mitigation funds should be used. He urged the Committee to explicitly identify how mitigation funds should be used. The Committee noted that “common fund” mitigation money is beneficial when unforeseen issues arise after construction. It was suggested that the Council can establish parameters on use of the funds while leaving approval to the Commissioner of Public Works and the Director of Planning and Development.

In response to the request from the Committee to commit the funds to additional workforce housing units, Mr. Chaviano offered a reduction in three units from 80% AMI to 50% AMI, while maintaining the current mitigation funds. He noted that this reduction represents a \$150,000-\$200,000 expense to the petitioner, per unit.

Liz Mirabile, 19 Hallron Road, noted that the affordable housing is at approximately 14%. They are supportive but not lagging. She noted that the Council should not limit the funds to specific locations. Ms. Mirabile noted that when the Riverside Center was approved, "common fund" mitigation funds were used for various projects that were unanticipated at the time of approval. She stated that the neighborhood will work together to come to a consensus and noted that any improvements in the neighborhood will benefit current and future residents.

Cyrisse Jaffee, 8 Hallron Road, noted that the project will take years to build and the effects won't be immediately apparent. She stated that people are leaving the city and asked the Committee to consider how high density living may be changing.

The Committee expressed support for establishing parameters for the funds while allowing some flexibility. The Committee was appreciative of the additional units at the 50% AMI level. The Committee took a straw vote 8-0 in favor of the proposed mitigation as increased to \$7.98 million. Councilor Markiewicz motioned to hold items #26-20 and #27-20 which carried unanimously. With that, the Committee adjourned at 9:40 pm.

Respectfully Submitted,

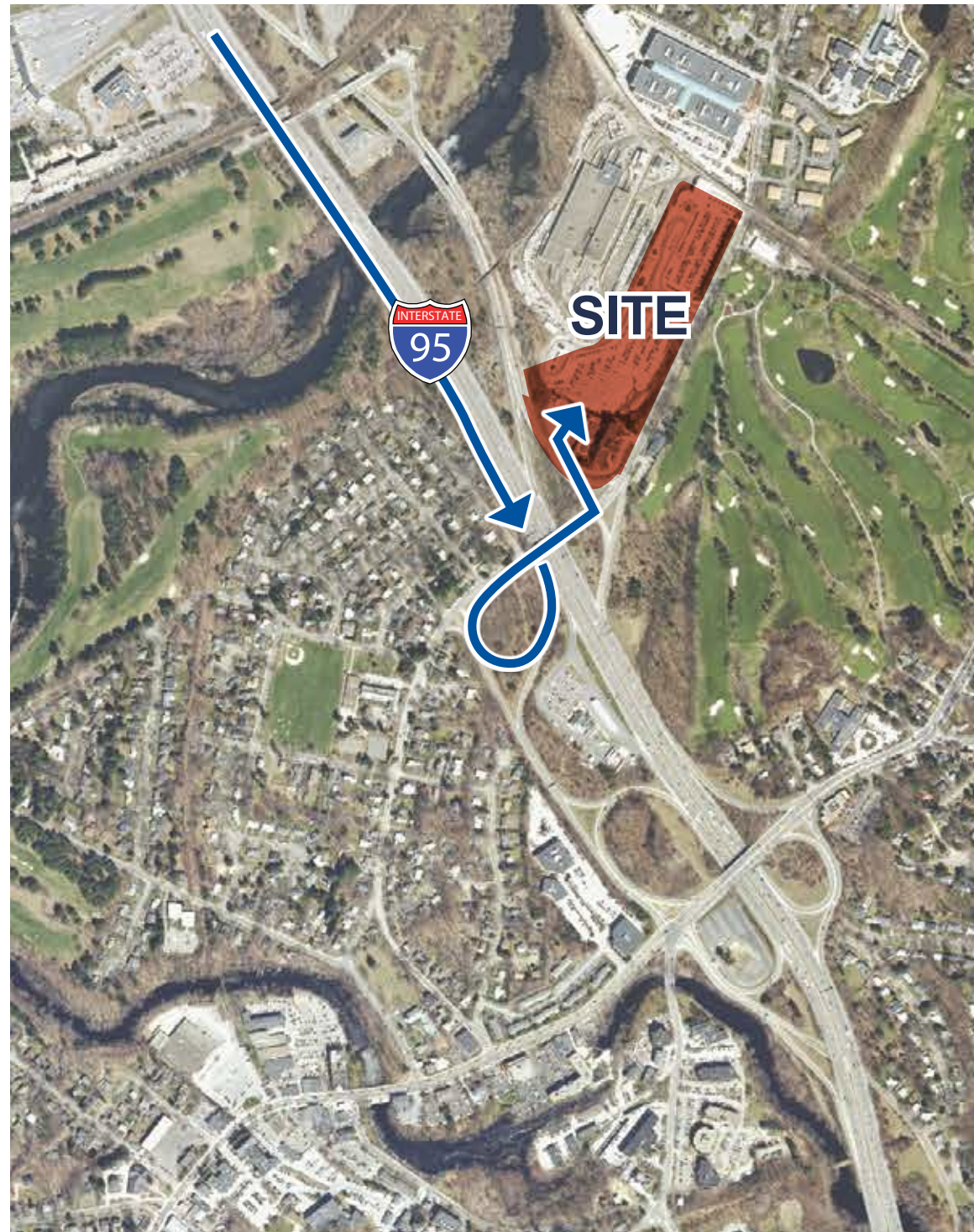
Richard Lipof, Chair

Riverside Station

Land Use Presentation

June 30, 2020

Arrivals



Mark Development Proposal



LFIA Proposal

Departures



Mark Development Proposal

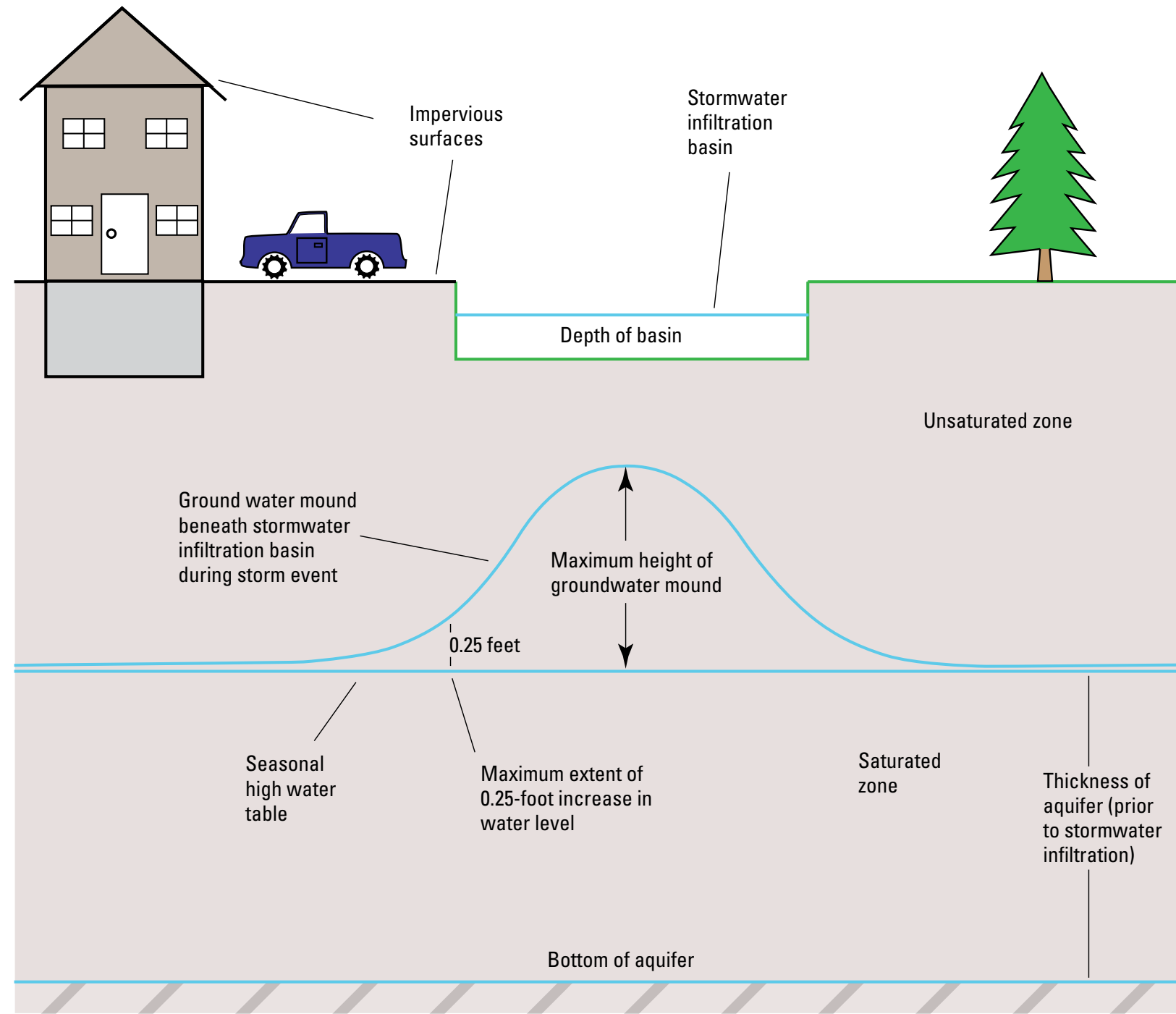


LFIA Proposal

Public Facilities

- Per 7.3.5.D.1 of the Zoning Ordinance, the City Planning and DPW have determined that excess capacity beyond the projected needs for the development exist for water, sewer and storm drainage service
- Per 7.3.5.D.2 post-construction studies of water, sewer and storm drainage are required to verify projections
- We will conduct water, sewer and storm drainage studies as identified in the planning memo
 - » Water and sewer use are generally directly related, and usage will be verified through meter readings
 - » Stormwater discharge will be verified through a flow-metering device

Groundwater Mounding



Stormwater Management

- Mounding Analysis
 - Not required per DEP design handbook
 - Performed to answer question regarding contamination spread
 - Concern raised by LFIA regarding the system performance due to mounding
 - Peer reviewer confirmed that an analysis is not required
- Consistent with peer reviewer's suggestions we will monitor system performance with flow meter
- To assist City in MS4 compliance we will take water quality samples as requested

Solar PV

- Install rooftop solar PV panels on portions of the residential building roofs to **offset 25% of the common area energy use for the Passive House certified buildings.**
- The MBTA has agreed to solicit interest from solar PV vendors (RFP process).
- Incorporate electrical, structural, and other design elements that make all buildings “solar ready” for renewable energy systems.
 - Engage in a roof mapping exercise during individual building design to identify roof areas suited to renewable energy system integration.
- Roofs will use high solar reflectance index materials.

Calculation of Building Permit Fees

The fees for all permits shall be computed at a rate of \$20.00 per one thousand (\$1,000.00) of construction cost including any fraction thereof, rounded up to the nearest thousand.

$$\text{Total Cost of the Job} \times \$0.02 = \text{Fee}$$

- 1) CONSTRUCTION CONTRACT AGREEMENT**
- 2) AFFIDAVIT FOR FINAL COST OF CONSTRUCTION**

**Mitigation
Riverside**

June 30, 2020

	Riverside
Permitted or Estimated Permitted SF	1,025,000
I&I Payment	\$1,400,000
Charles River Park Improvements	\$3,000,000
School Fund (Williams School)	\$1,500,000
Common/Mitigation Fund Expenditures	\$1,300,000
Bike Lane Extension to driveway at Hamilton Center	\$200,000
PILOT Commuter Rail Shuttle	\$130,000
Subtotal	\$7,530,000 **
<i>3 Affordable Units capped at 50% AMI (from 80%)</i>	<i><u>\$450,000</u></i>
<i>Total</i>	<i>\$7,980,000</i>

Mitigation Project Comparison Riverside vs. Northland

June 30, 2020

	Northland	Riverside
Permitted or Estimated Permitted SF	1,400,000	1,025,000
I&I Payment	\$1,800,000	\$1,400,000
Charles River Park Improvements	-	\$3,000,000
Splash Park	\$1,000,000	-
School Fund	\$1,500,000	\$1,500,000
Traffic and Neighborhood Improvement Allowance	\$5,000,000	-
General Fund Expenditures	-	\$1,300,000
Bike Lane Extension to driveway at Hamilton Center	-	\$200,000
PILOT Commuter Rail Shuttle	-	\$130,000
Subtotal	\$9,300,000	\$7,530,000 **
<i>Mitigation \$ / Permitted SF</i>	<i>\$6.64</i>	<i>\$7.35</i>

** No Offsite Allocation



Transportation Mitigation and Monitoring

Presented by
Randy Hart

June 30, 2020



Project Mitigation

- Worked with the City and MassDOT for long time in development of infrastructure improvements
- We greatly appreciate all the valuable input that has helped shape this project



Figure 4.27
Vehicular Site Access and Circulation Plan

Project Mitigation Components

- **Infrastructure improvements including:**
 - Roadway modifications
 - Traffic Signals
 - Roundabout
- **Pedestrian and Bicycle Facilities**



Figure 4.27
Vehicular Site Access and Circulation Plan

Proposed Improvement Plan

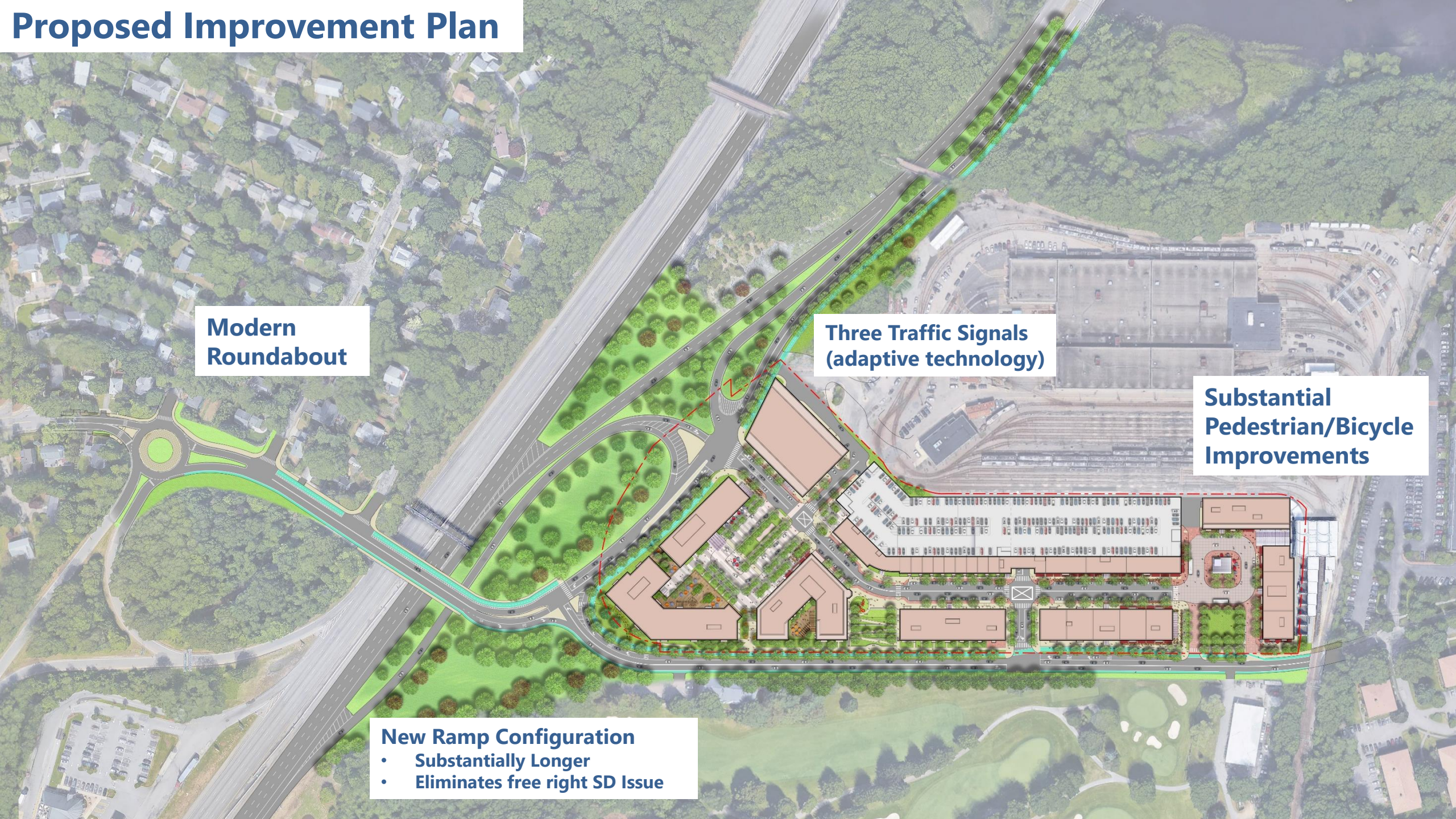
Modern Roundabout

Three Traffic Signals (adaptive technology)

Substantial Pedestrian/Bicycle Improvements

New Ramp Configuration

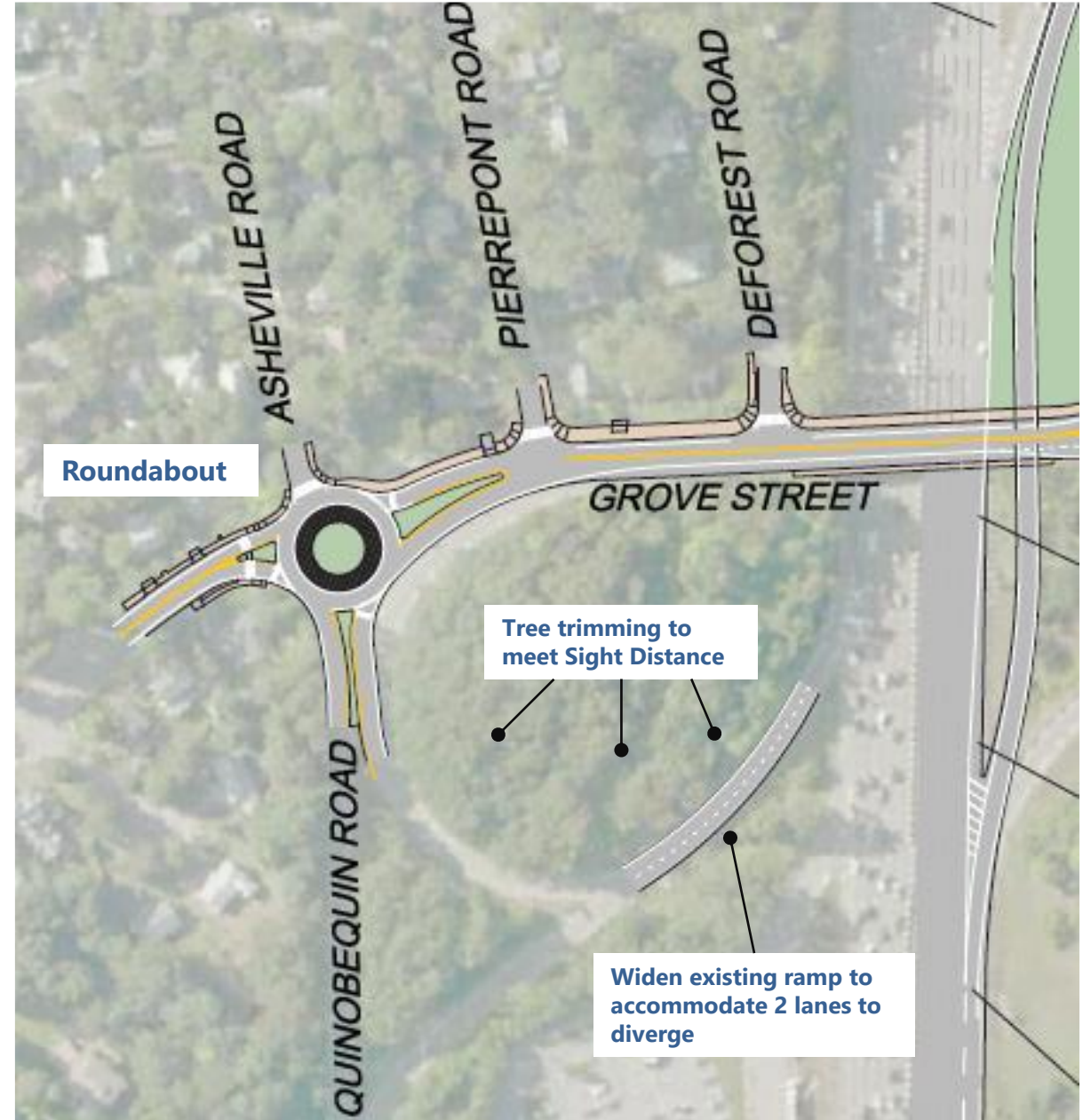
- Substantially Longer
- Eliminates free right SD Issue



Existing I-95 SB Off-Ramp at Grove Street



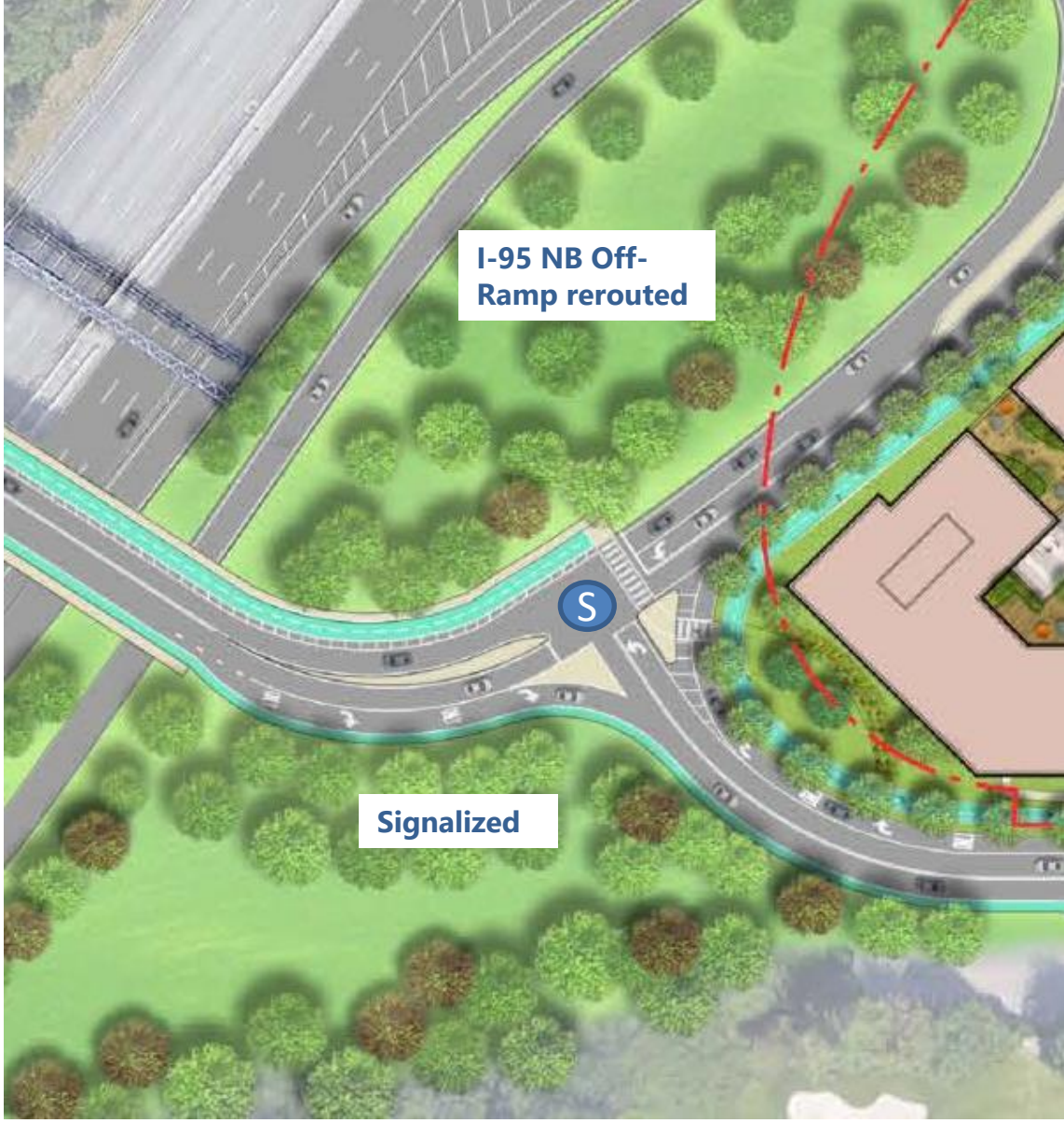
Proposed Modern Roundabout I-95 SB Off-Ramp at Grove Street



Existing I-95 NB Ramps at Grove Street



Proposed Grove Street at Grove Street Extension



Existing Site & I-95 On-Ramp



Proposed Grove Street at Grove Street Extension



Existing Grove Street at MBTA Driveway



Proposed MBTA Site Access & Main Street



Pedestrian & Bicycle Amenities



Figure 4.28
Proposed Pedestrian and Bicycle Amenities

Project Mitigation Components

- **The infrastructure^S mitigation components represent a substantial investment in the 20-25 million dollar range**
- **We appreciate all the input that has been provided and believe this plan will transform this area and offer enhanced multi-modal access to the MBTA station**



Figure 4.27
Vehicular Site Access and Circulation Plan

Project Traffic Monitoring

- Traffic will be monitored at this site to ensure that project traffic levels are met
- Traffic for MBTA and Cut-Through will be assessed so that true project traffic can be identified



Figure 4.27
Vehicular Site Access and Circulation Plan

Project Traffic Monitoring

- Upper floors of garage will be for MBTA commuters with distinct rate structure for parking
- Garage will use fee collection based on license plate recognition (LPR) so tracking of use will be available
- In field surveys are also anticipated at the transit loop and in areas of kiss n ride to capture those activities
- Counters will be located at the two site driveways



Figure 4.27
Vehicular Site Access and Circulation Plan

TDM Changes

- **Planning Department suggests that monitoring provisions be submitted annually rather than every 18 months (we will agree to this request)**
- **Will conduct surveys to assess the various aspects of the TDM plan**
- **6 Month shuttle trial to Auburndale Station to increase transit choices**



Figure 4.27
Vehicular Site Access and Circulation Plan