

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE

TUESDAY, JUNE 2 and TUESDAY, JUNE 9, 2015

AUSTIN STREET

June 2

Present: Ald. Laredo (Chairman), Ald. Albright, Cote, Crossley, Lennon, Lipof, Schwartz, and Harney; also present: Ald. Fuller, Norton, Johnson, Baker, Leary, Baker, Danberg, Sangiolo, Brousal-Glaser, Blazer, Hess-Mahan, and Yates

Staff: Alexandra Ananth (Chief Planner for Current Planning), James Freas (Interim Director of Planning & Development), Ouida Young (Associate City Solicitor), Robert Waddick (Assistant City Solicitor)

A Public Hearing was opened on the following item:

#119-15 AUSTIN STREET PARTNERS, LLC/CITY OF NEWTON petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to redevelop an existing municipal parking lot, declared surplus by the Board of Aldermen on February 6, 2012, into a mixed use residential building providing 68 units of housing, approximately 5,000 sf of commercial space, approximately 90 underground parking stalls appurtenant to the proposed residences and commercial space and 127 public parking stalls at grade at 28 AUSTIN STREET, Ward 2, Newtonville, on land known as SBL 24, 9, 15, containing approximately 74,480 sf of land in a district zoned MIXED USE 4. Ref: Sec. 30-24, 30-23, 30-21(b), 30-15(w)(2), (w)(4)b), 30-15 Table 3, 30-13(h), (h)(2) Table B, 30-13(j)(1), (2), and (3), 30-19(d)(2), (10), (11), (12), and (13), 30-19(e), 30-19(h)(1), (2)a) and b), 30-19(i)(1) and (2), 30-19 (j)(1), 30-19 (k); 30-19 (l) Table 3, and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.
HEARING CONTINUED TO JUNE 9, 2015

The Austin Street Partners (ASP) team, which includes Attorney Alan Schlesinger, Mark Dufton, Chryse Gibson, Art Klipfel, Gwen Noyes, and Scott Oran, presented a PowerPoint titled *Austin Street Reimagined*.

This proposal dates back to 2005 when the Comprehensive Planning Group identified this parking lot as an underutilized site that could provide additional housing in a village center. The *2007 Newton Comprehensive Plan* adopted by the Board of Aldermen calls for moderate residential growth in larger village centers and encourages a greater mix of uses, particularly where public transportation is available. The Mixed Use 4 zoning district was created by the Board on October 1, 2012, the same date it re-zoned the Austin Street parking lot from public use to a Mixed Use 4 district.

In response for a Request for Proposals by the city in 2013, the City selected Austin Street Partners as the developer to partner with to build a mixed-use development at 28 Austin Street. The result is this proposal to build a four-story mixed-used building with 68 units of housing (17 of which will be affordable) with ground-floor commercial space of approximately 5,000 square feet including 3,500 square feet of retail. The city will retain 127 metered surface parking stalls on the site. A portion of the parking for the building will be provided beneath the building and a below-grade level of parking under the building will contain 90 additional stalls. The developer will enter into a 99-year lease with City, with an option to renew the lease, allowing development of the property, but the City will retain ownership of the parcel.

Included in the plans are a number of public betterments such as 14-foot wide sidewalks, new street trees, a public plaza with outdoor seating and a fountain, pedestrian improvements along Bram Way, and a public pocket park/garden.

Relief is sought for a restaurant with more than 50 seats and for street-level office use, to allow construction of a building in excess of 20,000 square feet, a waiver for the west side setbacks, a waiver of 80 parking stalls as well as associated dimensional and design waivers. In addition, although the Mixed Use 4 district allows for buildings of up to 60 feet in height, buildings greater than 36 feet require a special permit. The building proposed is 48 feet in height. The Planning Department is very supportive of the project

Public Comment:

Larry Koplun, owner of an office building at 46 Austin Street, said there is a major flaw in the sewer line that runs in Austin Street. It often backs up into his building's restrooms. Also, Austin is very narrow and cars cannot park on both sides. The parking lot provided space for snow storage last winter.

A resident of Chestnut Street said there is a lot to like about the proposal: it is near essential services and transportation with access to Zipcar and Hubway and will reduce single-car trips. To encourage tenants without cars, the developer should charge separately for parking.

Marc Kadis, 30 Gray Birch Terrace, said this ruins the idea of villages. It will result in too much congestion and have a negative impact on the schools. It is a horrible decision on the city's part.

Richard Horgan of Horgan & Associates, managing agent for Bramson Associates, said that its tenants are still suffering from the stagnant economy and many are seeking relief. This proposal will have negative impacts on the parking and the new retail will bring competition. The Austin/Walnut intersection needs relief. The parking lot provides room for storing snow. Circulation patterns proposed for pedestrians and proposed traffic calming will add to vehicular congestion and competition for parking. A cursory review of prices for lots that allow only a single-family dwelling show that the developers are receiving the use of the parking lot for an inordinately favorable cost.

A representative of Friends of Austin Street Coalition voiced its support of the petition. It will provide much needed housing for middle income families. The city is part of the greater Boston area and the location makes it very accessible.

Darryl Settles, Hood Street, is a member of the Economic Development Commission. A diverse community is needed to keep a city attractive. Somerville and the South End are examples: 75 new restaurants have opened in Somerville in the past five years. People like action and lights and restaurants and shopping. He encouraged everyone to keep an open mind about development.

Esther Schlorholtz, a member of Citizens for Affordable Housing in Newton (U-CHAN) supports the proposal. The population of the city is 95% white. A number of citizens spent so many years crafting the Comprehensive Plan and the Consolidated Plan. Now let's implement.

Christine Cataldo, owner of Cupcake City at 313 Walnut, is concerned about parking particularly during construction.

Jeff Sacks, a Newton Housing Authority Commissioner, believes this project is critical to the future of the city to provide different types of housing to accommodate a diverse population. The location is near services and transportation.

Another resident said it is a livability issue. Density and urbanization is not for everyone. Studies show that green and open spaces contribute to mental and physical health. New York is vibrant for a weekend, but this is the garden city. Reduce the density and height.

Jim O'Connell, Newtonville, said there is a trend towards multi-family compact housing. The Metropolitan Area Planning Council has projected that the greater Boston area needs 400,000 more units over the next 20 years. Every community is grappling with this. He hopes over time that this type of project can be done in other parts of the city as well.

Jack Porter, 79 Walnut Street, asked what is meant by affordable. Does this project qualify?

Marian Knapp, Hammond Pond Parkway, is Chair of Council on Aging. The Council voted on May 26 to endorse this proposal as did the majority of the Advisory Board. The Council wishes to raise awareness of senior issues. The vast majority of seniors wish to remain in their communities. This type of housing is age-friendly.

Marcia Cooper on behalf of Green Newton (formerly Green Decade) supports transit-oriented LEED certified development, which features include heating, lighting, solar roofs, energy efficient appliances, garden, Zipcars, electric vehicle charging stations, 14-foot sidewalks, and walkability to services.

Peter Bruce, Claflin Place, is concerned about the amount of money it will take to repair the 1877 water/sewer line, which he believes has not been addressed.

Kathleen Kouril-Grieser, Mill Street, said that the majority of residents want the parking lot beautified not privatized. The lot provides parking for commuters and businesses. This proposal is a luxury housing development on stilts, not about affordable housing. The small number of affordable units is not worth it. It is a losing proposal for taxpayers, offering the city far less than another bidder.

Joyce Picard, Halcyon Road, said this is a well-planned development. The city needs apartments for a variety of people. The site is close to the pool at Newton North High School, and the senior center. However, she is concerned that rents for the market-rate units are well beyond reasonable costs. More affordable units would encourage the migration of seniors to age-friendly housing, freeing up housing for young families.

Kevin McCormick, Madison Avenue, supports the project. It will add vitality and provide affordable and reasonable market-rate housing near public transportation.

Jon Koot, Winchester Street, said it is massive, too tall, and too wide, and will be a looming presence over the entire area. It will strain aging water/sewer pipes. Parking will be more difficult. He is concerned about fire safety and the rent prices.

Bob Kavanaugh, Court Street, is opposed to the project. He said everyone should stop pretending that this project is concerned about Newton seniors. It is aimed at a certain select group. Personally, even if he were lucky enough to win the housing lottery, he makes too much to qualify for one of the much-touted affordable units. This project will simply continue the process of gentrifying all of Newtonville. Though, perhaps this is what the pro-development people really want.

Rev. Robert Tafel, Swedenborgian Church of the Open Word, 11 Highland Avenue, was a member of the Joint Advisory Planning Group. He opposes the fourth story and believes this will destroy the character of the village. It is not an age-friendly environment.

Eileen Kurkoski, 108 Derby Street, said it doesn't sound as if it will be affordable.

Ann Duvall, 33 Madison Avenue, asked if a cost benefit analysis has been submitted.

Tamara Bliss, Lewis Street, strongly supports the project. The mixed use development will enhance Newtonville for everyone. There are very few apartments or condos in or near village centers available for seniors, the fastest growing segment of the community, many of whom have given up and moved to other communities. This type of project is an alternative to age-segregated housing.

Bill Dain, Harvard Circle, said there are 1,000 on the waiting list for housing in Newton. It is projected that the greater Boston area requires over 400,000 units by 2040. The proposal will beautify Newtonville Square and provide the same number of parking stalls. A well-organized opposition movement has created an illusion. Newton is a welcoming community.

Pamela Reed, Blithedale Street, applauds the goal of promoting a diverse housing stock; however, it is primarily a market rate development and it would be cheaper for her to stay in her home. Consider lowering the density and developing 17 units of affordable housing. The Board should reject the current plan.

Catherine Willinger, 125 Westchester Road, supports the development. There are few ranch houses available for seniors. The Newtonville location offers many amenities.

Kathleen Hobson, 128 Dorset Road, is a member of Engine 6 as well as the Friends of Austin Street Coalition. She cited there are numerous groups who support the project, including the Housing Partnership, Newton Fair Housing Committee, Council on Aging, Green Newton, the Fair Housing, High Performance Buildings Coalition, and League of Women Voters.

June 9

Present: Ald. Laredo (Chairman), Ald. Cote, Albright, Schwartz, Crossley, Harney, Lipof, and Lennon: also present: Ald. Blazar, fuller, Yates, Hess-Mahan, Leary, Norton, Baker, Sangiolo, Johnson, and Danberg
Staff:

Marc Kaufman of the Newtonville Area Council with Council members Tim Stone ,Wayne Koch, Tom Kraus, and Helene Stroath presented a PowerPoint.

Betty Falxa, 12 Chesley Avenue, believes that this developer's track record indicates only an interest in protecting his investment and future profits. She asked whether the 99-year lease has been signed. And, if so, what would happen if the Board denies the special permit?

David Wenstrom, Crafts Street, said Newton is the garden city. The city will morph into Somerville. The project is a massive box on stilts. Look what happened to Newton Corner. Pundits say this will solve all problems and fix every woe. This is political expediency of the worse kind.

A resident of Gay Street said she reviews in her profession creation of affordable housing in communities across the state. A number of communities allow over-55 developments but, in reality, most communities have different obstacles to creating multi-family housing, which creates a regional problem. If the state wants economic growth then there is an obligation to develop in places close to transit. This proposal is an opportunity to provide a diverse housing option.

John Pelletier, Central Avenue, supports developing the lot, but not this. Decouple parking from rent. Move people not cars. Car share, bike share, T passes, all reduce the number of cars and improve the environment more than the addition turning lanes and traffic calming.

Candace Havens, Hunnewell Avenue, said this is a unique opportunity to accomplish so many goals of the Comprehensive Plan.

Sue Flicop, representing the League of Women Voters, said the League supports the project. Its decades-long position is to support affordable housing and this mixed-use proposal is a much needed type of development for a visually unappealing piece of land. The developer and the city have responded to the concerns expressed by members of the community and it is time to move forward.

Isabelle Thacker, Salisbury Road, represented Second Step a domestic violence agency which supports the petition, said that the 17 units of affordable housing represent an opportunity for people already living in the city. The benefit of proximity to transit and amenities cannot be overstated.

Rena Goetz, Pine Ridge Road, who is opposed to the project, read a letter from Lisa Thorson, also opposed to the project. Preserving naturally affordable housing as opposed to relegating people to this type of development is a better solution.

Lisa Monahan, an architect with offices on Walnut Street, supports the project. It can be a model for other villages.

Sarah Ecker, Prospect Park, supports the project. People can live and shop in one place. It helps address housing needs and it is an ideal and rare opportunity for the city. The current proposal provides ample parking. After years of thoughtful work, it is time to move forward.

Dennis Dowdle, 1338 Commonwealth Avenue, said the proposal is great for the city and urged rapid approval.

Doris Tennant, 14 Churchill Terrace, is very much in support. She has an office on Walnut Street and is not concerned about the parking. It will make Newtonville more vibrant and more attractive. There have been three teardowns on her street and all three have been replaced with two-unit townhouses. The city needs more diverse housing.

Edith Geringer, Westchester Road, would like to see a completely affordable project. The proposed parking is not adequate. Eighty spaces is a lot to waive.

Jay Walter, Pembroke Street, an architect and active member of the preservation community, said that when the northern villages were developed with the extension of the railroad in the 1800's all had multi-story buildings with apartments and offices above. The demise of those multi-story buildings marked the decline of most of the city's squares. The density sustained the commercial vitality. This proposal provides the density and scale the northern villages once had.

John and Frances Godine, 19 Crofton Road, support the petition; this is not just a decision for Newtonville but for the entire city. A successful compromise is that not all leave happy.

Chris Pitts, Beacon Street, a member of the Waban Area Council, said the fiscal impact analysis due this summer will help determine if this is good for the city. He is concerned about the number of students that 68 units could bring to the schools as well as the unfunded pension benefits, etc. that the city is grappling with.

Chris Steele, Chestnut Street, supports the project. Often the vision exceeds what can be achieved. He reminded everyone that the city was proactive and chose a public/private partnership to accomplish what neither could do alone. Preserving parking was always important. This proposal is a direct result of what the city wants. It is time to move forward.

John Sisson, Greenlawn Avenue, pointed out that one building does not make it Manhattan. The parking lot is not a garden. This is about the future.

Alicia Bowman, Chestnut Terrace, said it is crucial the city move forward. She echoed that the greater Boston area has a housing shortage. It is critical to provide multi-family housing. No plan is perfect. This will put a small dent in the need.

Amy Tai, a Nonantum resident, whose mother lives at 34 Highland Avenue, said there is a need for affordable housing, so why not make the project completely affordable.

Tarik Lucas, 36 Central Avenue, is opposed. The impact study does not identify Walnut/Washington as a major intersection, but there is gridlock. What is the Level of Service? What are the dimensions of the proposal parking stalls in comparison to the existing stalls?

Andrea Hauser, 16 Converse Avenue, is opposed because of the increased traffic and limited parking. What about snow? What about the non-binding ballot question re surplusing city-owned property?

Another resident said the city gave its schools away. This lot is the hub of Newtonville. She strongly opposes this development; it is shortsighted. A Soviet-style building will not benefit the tax-paying citizens of Newtonville.

Lynn Slobokin, 61 Washburn Avenue, believes it is too dense. She is strongly opposed to the development in its current form.

Ken Wang, 25 Highland Avenue, is an immediate abutter and a member of the Joint Advisory Planning Group has concerns about the size and scale and the south side design as well as the parking. He fears the "stilt" design will result in an accumulation of trash. He also has concerns about noise from deliveries, trash, and roof compressors.

Rosemarie Yevich, 53 Walden Street, is concerned about population density and traffic problems. People will have to live with months of demolition and construction.

Jacob Grossman, Trustee of Austin Street Realty, supports the project. Austin Street Realty has owned 12 Austin Street, where Starbucks is located, since 1982. It is in a unique position to support the project and looks forward to welcoming it and the new residents and businesses. The addition of 68 units and commercial space will ensure vitality for years to come. The proposed plaza is a valuable amenity. This is far superior to the parking lot.

Jonathan Kantar, Chestnut Street, said it is a terrific project and deserves the Board's support. It can be a model for other areas in the city. The construction period will last 6-7 months. The project demonstrates sustainability resulting in an energy efficient product. It will bring a host of new neighbors and customers to Newtonville.

Jack Leader, 613 California Street, is a member of the Economic Development Commission and served on the Joint Advisory Planning Group. This is a case of the city being proactive. It sought ideas from thoughtful, committed citizens, which resulted in this proposal. This is a type of housing that has not been built for a very long time. It is fitting that housing should replace the housing taken by the city in 1947 for a parking lot.

Sheila Decter, 13 Ransom Road, a 48-year resident, said the scale, design, and walkability are great. There is an absolute need for more housing. Newton is no longer an economically diverse city. An aging population needs places to move to.

Elaine Rush-Arruda, a 25-year resident is strongly opposed. Most infuriatingly as a tax payer is the 99-year lease. Who is protecting tax payers? How much will tax payers continue to lose? What if there are 34 additional children in the schools? This is fiscally irresponsible.

Linda Wolk, 345 Newtonville Avenue, is a 40-year resident, who urged denial. The Board should focus on open space.

Susan Reisler, Claflin Place, noted that a petition signed by over 500 people opposed to the petition had been submitted to the Board. The most common concern is parking.

Christine Hurley, Auburn Street, said this is a step in the right direction particularly in terms of the sustainable design.

Marianne Louderback, 137 Elgin Street, is opposed because of the impact, particularly the parking, on local businesses. Her son owns Rox Diner, which is a destination for local families and she fears the impact on business during construction.

Jennifer Huntington, Berkshire Road, Newtonville, supports the project. It will provide affordable housing for young teachers and downsizing seniors who walk to local destinations.

Ernest Lowenstein, 57 Hyde Street, is opposed. He has safety concerns both traffic wise and personal.

Jill Geiger, 72 Madison Avenue, said this is not really a transit-oriented development. Residents will need at least one car. It is too large and dense for the scale. The area is congested already.

Lynne LeBlanc, Brookdale Road, is opposed. The rallying cry seems to be affordable housing, but most cannot qualify. The affordable units will be awarded via a lottery.

Doris Sweet, 281 Lexington Street, supports the need for more rental units.

Sarah Quigley, Atwood Avenue, said it does not meet the criteria; it is too large in scale in relation to the village. There are currently 159 parking stalls, only 127 parking stalls are proposed.

Vivian Bram, Trustee of Bram Realty, 309-321 Walnut Street, 30-year owner of retail property abutting the parking lot said the loss of parking stalls compounded by new retail will result in competition for the same parking stalls. The noise, dust, and construction vehicles will be disruptive to the existing businesses. One million dollars for a 99 year lease is not in the city's best interest.

Barbara Fabricant, Washington Park, is very opposed. It is out of scale and will bring more spillover noise into the neighborhood.

Diane Tillotson, Cornell Street, is a land use attorney. She said that with 30 years of experience in one half of the 351 municipalities in the state, Newton has the most open process. The Planning staff is excellent and she wishes to assure fellow citizens that the public interest is protected. She noted that the Planning Department's memorandum notes that this proposal incorporates the best of sustainable development principles; there is relatively little developable land in the city and the proposal is compact and an example of smart growth.

Howard Haywood, Walker Street, fully supports the project. This is not just about Austin Street and Newtonville. If not here, then where? He cannot think of a better site.

Daniel Violi, 44 Harrison Street, is Chair of the Housing Partnership, members of whom are appointed by the Mayor to act in advisory capacity re housing, which includes review of proposed housing projects in the city. Seventeen units of new affordable housing will project housing for an overlooked segment of the population never addressed. The Partnership endorses the project and hopes it include preference for Newton residents. Personally, he believes it is a compelling and interesting model of how the city should think about other centers and underutilized properties.

Mark Dooling is an architect with offices at 84 Bower Street. A longtime Newton residence, he has downsized to Waltham where he has a number of transportation options. He supports this project. Although the project is too small to address everyone's demands, it will provide HP accessibility and affordability.

Neil Hodes, 47 Fellsmere Road, a 28-year resident, never understood the parking lot, it is an eyesore. This proposed is not only for Newtonville, but the entire city. The architecture will enhance Newtonville and benefit the whole city. The city should encourage families with children, for that is the future of the city.

Judy Jacobson, Cypress Street, works in affordable housing. Many families have challenges. The proposed plaza will be like an outside community living room. Housing production in the state is well below the level it should be. There is lots of single-family housing, but there are needs for other types of housing. The 99-year deed restriction is a tremendous benefit.

Margaret Howard, 24 Madison Avenue, questioned the decision of surplusing the parking lot to begin with. The proposal is an oversize apartment building and demonstrates a total lack of respect for the village. It looms over Newtonville. She believes there is a conflict of interest with the public/private partnership and the Planning Department's advocacy of the project.

Lynne Weissberg, Alden Street, a 23-year resident, is strongly in favor. She suggested everyone put aside emotion. The decision should be based on facts and what is best for the city.

Nancy Zollers, Oliver Road, a teacher, believes that is beneficial for an educator to live in a city where she/he teaches. She is appalled at the anti-children message sent by some opponents.

Andrea Kelly, Putnam Street, supports the project. It will provide choices and diversity, which are reasons she moved to the city.

Phil Herr, Marlboro Street, noted that this concept, begun in 2005, had steadily moved forward and improved. Concerns expressed can be addressed and refined to keep it moving. The whole proposal came from trying to make Newton a better place.

Rena Getz, Pine Ridge Road, said the lot belongs to the community at large. Is there a master plan for Newtonville? Whatever is done needs to benefit all. She urged this be denied.

A resident of Newton Corner spoke in favor of the petition because it is mixed use and the addition of new businesses will be a benefit to the city.

A 39-year resident of the city is in favor of the idea behind the project, but the units themselves and the projected market rate rents are high. Perhaps more compact units would be more affordable.

A number of speakers questioned whether the Planning Department is capable of a unbiased review of the project as the City is a co-petitioner and whether the Law Department can represent the interests of both the Mayor and the Board of Aldermen, or whether outside counsel should be engaged.

The Committee asked that the following questions be addressed for the next meeting:

- What is the relationship between the City and the developer? Extension of the lease?
- What are the special permit criteria this project needs to meet?
- Are there any conflicts of interest the City should have special council for?
- Compare this project to 40B.

Design

- What is the front setback and the width of the public sidewalks in front of the site?
- What is the purpose of the garden area and can this space be more effectively used?
- Can the applicant make the façade less “institutional?”
- What improvements to Bram Way are associated with this project? More detailing of the public plaza.
- How will mechanicals be screened; can the 4th floor be pulled back along Austin Street?
- Is there storage for the units?

Financial

- Economic/fiscal analysis.
- Do the pro forma allow room for additional affordable units?
- What are the proposed rents?
- What will the real estate taxes be and how will they be split between the commercial portion of the site and the residential portion?

Retail

- Retail Analysis.
- What do no initial leases re competitive businesses mean?
- What are the economic benefits to the village?

Traffic and Parking

- Are 127 parking stalls sufficient for existing and new uses?
- Clarify any mitigation needed at Walnut and Austin Street.
- Where will student parking (Tiger Permits) go?
- Why was no traffic growth assumed?
- How long is construction projected to be and what is the interim parking plan?
- Will traffic mitigation at Austin Street and Lowell Avenue be needed?
- Where is loading and garbage pickup? Describe truck access.
- Can the City make improvements to Walnut Street now and not wait for this project?
- Can traffic be eliminated from the northern portion of Bram Way?
- Can the parking be separated from the rent?
- What parking meters will the applicant or City install?

Infrastructure

- Will utilities be placed underground?
- How will snow get plowed and is there sufficient room for snow storage?
- Is the City aware of any plans for Shaw’s?
- Why is the I/I rate recommended at 4:1 when other project have been required to pay 8:1.
- Do the water/sewer lines on Austin Street need to be upgraded to accommodate this project?

Housing

- Will there be a local tenant preference?
- Are affordable units accessible or adaptable? If adaptable who pays for this?
- Can the affordable units be an average of 65% of AMI for a more diverse mix of affordability?
- What are the vacancy rates in Newton for large 40B's?
- Will the development team go back to the Newton Housing Partnership?

The public hearing was continued to July 21, 2015. Please note that the PowerPoint presentations referenced in this report as well as the May 19, 2015 Planning Department Memorandum are available on the City's website by accessing Special Permits/Austin Street. Also, many emails were received and distributed to the Board from both the speakers and other individuals, all of which are on file in the Clerk of the Board's office as they are too numerous to be included as attachments and/or be posted online.

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, JULY 21, 2015

AUSTIN STREET

Present: Ald. Laredo (Chairman), Ald. Cote, Albright, Crossley, Lipof, Schwartz, Lennon, and Harney; also present: Ald. Fuller, Hess-Mahan, Leary, Norton, Johnson, Baker, and Yates
Staff: Alexandra Ananth (Chief Planner for Current Planning), Ouida Young (Associate City Solicitor), John Daghlian (Associate City Engineer) Shane Mark (DPW Director of Operations), Linda Finucane (Assistant Clerk of the Board)

A Public Hearing was opened and continued on June 2, 2015, on June 9, and July 21:

#119-15 AUSTIN STREET PARTNERS, LLC/CITY OF NEWTON petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to redevelop an existing municipal parking lot, declared surplus by the Board of Aldermen on February 6, 2012, into a mixed use residential building providing 68 units of housing, approximately 5,000 sf of commercial space, approximately 90 underground parking stalls appurtenant to the proposed residences and commercial space and 127 public parking stalls at grade at 28 AUSTIN STREET, Ward 2, Newtonville, on land known as SBL 24, 9, 15, containing approximately 74,480 sf of land in a district zoned MIXED USE 4. Ref: Sec. 30-24, 30-23, 30-21(b), 30-15(w)(2), (w)(4)b), 30-15 Table 3, 30-13(h), (h)(2) Table B, 30-13(j)(1), (2), and (3), 30-19(d)(2), (10), (11), (12), and (13), 30-19(e), 30-19(h)(1), (2)a) and b), 30-19(i)(1) and (2), 30-19 (j)(1), 30-19 (k); 30-19 (l) Table 3, and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

HEARING CONTINUED TO SEPTEMBER 24, 2015

NOTE: Please note that two memos dated July 17, 2015 from the Planning and Law Departments were prepared and distributed that date for this meeting and are available on the City's website by accessing Special Permits/Austin Street. These memos provide answers to questions raised on June 2 and June 9. Also available online is this evening's PowerPoint prepared by the Planning Department, dated July 21, 2015. Although answers to a number of questions raised at the June meetings were provided in the aforementioned memos, the Committee focused on the layout and framework for how it will approach this project.

Public Comment:

Tom Wolfe, owner of the UPS Store on Walnut Street, opposes the project. He fears his customers will be prevented from easily accessing his store.

Alan Dechter, 327 Cabot Street, said the parking lot is a vital resource to Newtonville and its businesses. The Senior Center has limited parking.

Gayle Gordon, 32 Walnut Place, is opposed. Newtonville is vibrant already. This will bring more traffic and congestion, reduce parking, stress the water and sewer infrastructure, and bring more children to the schools. There are plenty of affordable units in Newton. Most proponents do not live in Newtonville.

Paul Zarchan, Frederick Street, believes there are no businesses that support this proposal.

Jess Barton, people have raised valid concerns. What does the developer stand to make?

Mark Alpert, 27 Victoria Circle, said this is shame. The proposed building is nondescript. The opportunity to do something appropriate is gone forever.

Kathleen Lowney, a 40-year resident, supports the project. If this is not done, it will be giving away an opportunity. The parking will meet the community's needs. The city needs rental properties.

Pamela Geib, Briar Lane, is horrified that she will not be able to drive to Newtonville. This proposal serves neither seniors nor the neighborhood. Newtonville is not the high end of the city. The height of the building will loom over the other buildings.

Jack Prior, Grove Hill Avenue, asked about the Board's proposed timeline for dealing with this petition, as this is a lame duck Board.

Robert Burke, Wyoming Road, is opposed. The size of the parking stalls is a concern. Most businesses will close. This will destroy the city. Why not 8-10 affordable units instead? There is conflict with the Planning and Law Departments advising the Board.

Peter Harrington, Lowell Avenue, believes this is not about housing or saving Newtonville. There is a new course of changes to the villages reminiscent of 1960's urban renewal.

A resident of 21 Claflin Place said this will exacerbate traffic congestion.

The following individuals who spoke previously *remain supportive of* the project:

Jay Walter, Pembroke Street

Howard Haywood, 69 Walker Street.

Kathleen Hobson, Dorset Road

Lynn Weissberg, Alden Street

The following individuals who spoke previously *remain opposed* to the project:

Larry Koplan, owner 46 Walnut Street

Kathleen Kouril-Greiser, Mill Street

Peter Bruce, Claflin Place

Lynn LeBlanc, Brookdale Road

Ann Duvall, Madison Avenue

Questions:

- How did the project evolve from the Reuse RFI to the Mayor's RFP, to what it is today?
- What drives the number of units and amount of commercial space? Does the economic and fiscal analysis answer what the direct benefits and costs of this project are to the City as well as the terms of the ground lease? What is economic impact on Newtonville (businesses, jobs, etc.)?
- Can additional payment be negotiated if the initial 99 year lease is extended.
- What was the rationale for 5,000 SF of commercial?
- Time-line for this project including utilities work?
- Explain inclusionary zoning.
- Look further into the undergrounding of utilities (electric wires) on Austin Street.
- Where will snow be plowed/stored?
- More information on the proposed garden competition. What is the developer's \$\$ cap?
- Planning Department, City's Transportation Engineer and City's Peer Transportation thoughts re Bram Way. Pros and cons re keeping it open or closed to vehicular traffic?
- Why is this not an all affordable project?
- Can DPW work overlap with construction of lot?
- More information on what the intended plans are for Star Market. Can temporary parking be negotiated with Star?
- Revised landscape plan with species and size at installation.
- Comprehensive sign package for this meeting showing proposed sign bands at a minimum?

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEED REPORT

THURSDAY, SEPTEMBER 24, 2015

AUSTIN STREET

Present: Ald. Laredo (Chairman), Ald. Cote, Albright, Crossley, Lipof, Schwartz, Lennon, and Harney; also present: Ald. Fuller, Hess-Mahan, Leary, Norton, Johnson, Baker, and Yates
Staff: Alexandra Ananth (Chief Planner for Current Planning), James Freas (Interim Director of Planning & Development), Ouida Young (Associate City Solicitor), Linda Finucane (Assistant Clerk of the Board)

A Public Hearing was opened and continued on June 2, 2015, on June 9, July 21, and September 24:

#119-15 AUSTIN STREET PARTNERS, LLC/CITY OF NEWTON petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to redevelop an existing municipal parking lot, declared surplus by the Board of Aldermen on February 6, 2012, into a mixed use residential building providing 68 units of housing, approximately 5,000 sf of commercial space, approximately 90 underground parking stalls appurtenant to the proposed residences and commercial space and 127 public parking stalls at grade at 28 AUSTIN STREET, Ward 2, Newtonville, on land known as SBL 24, 9, 15, containing approximately 74,480 sf of land in a district zoned MIXED USE 4. Ref: Sec. 30-24, 30-23, 30-21(b), 30-15(w)(2), (w)(4)b), 30-15 Table 3, 30-13(h), (h)(2) Table B, 30-13(j)(1), (2), and (3), 30-19(d)(2), (10), (11), (12), and (13), 30-19(e), 30-19(h)(1), (2)a) and b), 30-19(i)(1) and (2), 30-19 (j)(1), 30-19 (k); 30-19 (l) Table 3, and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

HEARING CONTINUED TO OCTOBER 6

NOTE: NOTE: Chief Administrative Officer Dori Zaleznik jointed the Committee. Ms. Zaleznik said the administration is excited about redeveloping the parking lot. It will meet short- and long-term needs for the city and will result in an increase in diverse housing, retain public parking and associated revenue, revitalize the village center, and increase economic viability with new businesses.

The discussion this evening focused on the Planning Department's vision for Newtonville and how this project fits within that vision and design of the building, the plaza, Bram Way and the new municipal parking lot.

In response to a number of suggestions, ASP submitted to the Urban Design Commission (UDC) updated plans reflecting comments from previous meetings with the UDC and the Newtonville Area Council as well as the Board. Façade materials include brick and clapboard. As to the pocket park/garden, ASP has agreed to spend \$15 per square foot and engage the community in a

public competition to create a garden of containing approximately 2600 square feet. Several Committee members were concerned that the plaza, particularly under the overhang, is smaller and has become less important. The plaza is significant because it connects the rest of the square. There was a suggestion that the UDC continue to be engaged in continuing the dialogue. Whether Bram Way should remain open or be closed is still unresolved. Several people had asked about the apparent discrepancy in the number of parking stalls. 127 stalls was the accurate number as of June as the 32 stalls reserved for Tiger Permit Parking were not counted as actual utilization. Currently, there are 32 more stalls; however, the RFP required 85 stalls. ASP has included 127 surface stalls.

To help members visualize how big a 5,000 square-foot commercial space is, Ms. Ananth said that Starbucks is approximately 1700 square feet. Mr. Schlesinger suggested and the Committee agreed that a site visit might be helpful.

There was a request from Alderman Fuller that RKG Associates analyze the pro forma provided by ASP. Several members suggested that if any money was left over from the I&I fund, that it be set aside for infrastructure, such as undergrounding utilities.

The Planning Department's memorandum dated September 18, 2015, which has attached to it an Economic And Fiscal Impact Analysis prepared by RKG Associates, addresses questions raised at the July 21 meeting. Also, as requested, Mr. Freas prepared a document, dated September 18, 2015, outlining a vision for Newtonville and presented a PowerPoint outlining that vision this evening. Austin Street Partners submitted a pro forma dated September 24, 2015 and a sheet listing Financial Benefits to City – True Cost to Developer. Also available are the PowerPoints presented this evening by ASP and the Planning Department. All documents are available on the City's website by accessing Special Permits/Austin Street.

Public Comment:

The following individuals who spoke previously *remain opposed* to the project:

Linda Wolk, Newtonville Avenue,
Richard Horgan, Managing Agent for Bram Realty
Sarah Quigley, Atwood Avenue
Marianne Louderback, Elgin Street
Lynne LeBlanc, Brookdale Road
Kathleen Kouril-Greiser, Mill Street
Peter Bruce, Claflin Place

The following individuals who spoke previously *remain supportive* of the project:

Jonathan Kantar, Chestnut Street Marian Knapp, Hammond Pond Parkway
David Koven, Harrison Street
Board member of CAN-DO
Marcia Cooper of Green Newton
Philip Herr, Marboro Street

John Morganti, Lewis Street, said the proposal building is disappointing. It is not really mixed use. The combination of street and plaza is a disaster. However, he is in favor of the concept in general.

Helen Nayar, Grove Hill Avenue, said this is not a positive change that benefits the public. It is incredulous that the city has partnered with a developer. There are 12 multi-unit complexes within 7 minutes walking distance to Newtonville Square.

Tom Kraus, 480 Walnut Street, vice president of the Newtonville Area Council believes the building should be stepped back along Bram Way. What about rear access to the stores? Trash area? The parking entrance is across from Star Market, what about pedestrian safety? How does the Planning Department serve two masters? The city is a co-petitioner.

Reenie Murphy, a 24 year resident of Newtonville said this is an exciting and inviting project. Parking during construction of Newton North High School was found and it can be found in this case. She pointed out that the Tiger permit spots in the parking lot were rarely used to capacity. Move forward.

Sarah Laski, Oliver Road, said this is a step forward towards affordability for young adults as well. With a median salary of \$46,000, two adults could afford an apartment. It is near transportation and will not require a car.

Ellen LaBelle, has business at 288 Walnut Street. Every weekday the parking lot is half empty. This will enhance the village and make it more cohesive. It will retain the parking but emphasize foot traffic.

Rob Gifford, Oxford Road, has 30-years of development experience, believes this is a great financial deal for the city. This is one of the better if not best public/private partnerships. The city retains ownership of the land and 127 refurbished parking stalls and their revenue, 17 units of affordable housing, and general revenue from all the residents who will live in the 68 units of housing.

Joyce Moss, Franklin Street, a former member of the Planning & Development Board and a city planner said construction projects often generate business anxiety because businesses believe they are bad for business. It is incumbent on the city to meet the challenge and demonstrate its support of local businesses.

Barbara Bix, Eastside Parkway, said her main concern is transparency. She pointed out that the bus is infrequent and the train only operates during rush hours.

Jonathan Yeo, Lowell Avenue, a former member of the School Committee and current member of the Planning & Development Board, lives around the corner from the site and believes it is a fantastic project for the neighborhood. The parking lot is giant eyesore and wasteland. This will

be a great improvement for the neighborhood. The amount spent on affordable housing is currently approximately \$500,000 per unit. The City will get 17 units, which are worth a lot.

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEED REPORT

Tuesday, October 6 and Tuesday, October 29, 2015

AUSTIN STREET

October 6

Present: Ald. Laredo (Chairman), Ald. Cote, Lipof, Crossley, Albright, Lennon, Schwartz, and Harney; also present: Ald. Fuller, Johnson, Leary, Norton, Baker, Gentile, Kalis, and Yates

Staff: Alexandra Ananth (Chief Planner for Current Planning), Ouida Young (Associate City Solicitor), Nancy Hyde (Director of Economic Development), William Paille (the City's Director of Transportation), Linda Finucane (Assistant Clerk of the Board)

This evening the Committee discussed the design for Walnut Street and how this project fits into that design as well as parking, traffic and infrastructure. The Committee reviewed the Planning Department's memorandum dated October 2, 2015. PowerPoints were presented by Economic Development Director Nancy Hyde and ASP (a recap of the project from June 2) both of which are available on the City's website under Special Permits/Austin Street. Also, many emails were received and distributed to the Board from both the speakers and other individuals, all of which are on file in the Clerk of the Board's office as they are too numerous to be included as attachments and/or be posted online.

Joining the ASP team this evening were Jason Schreiber of Nelson/Nygaard, ASP's Traffic consultant, and Jeffrey Dirk from Vanasse & Associates, the City's traffic peer reviewer. Attached to the Planning Department's October 2 memorandum were Nelson/Nygaard's Transportation Impact Study (TIS), Vanasse & Associates' peer review, and ASP's response to the same. Mr. Dirk also presented a PowerPoint (also available online). He confirmed that the TIS study complies with all appropriate standards and presents a valuable baseline. Future conditions, levels of service at intersections where no significant delays are predicted and a typical wait time is 60-90 seconds, sight line analyses, ratio of 1.25 parking stalls per unit, and the Transportation Demand Management Plan (TDM) are included. Vehicle traffic is well dispersed; the project should result in approximately 50 additional trips in the peak hour. ASP is uncoupling the parking from the market unit rents. Electric charging stations and Hubway will be located on the site. The parking study shows there are approximately 448 parking stalls in the area. Although 90 stalls are included in the building for residential use, it is a conservative estimate; more likely 70 stalls will be used by residents. ASP is exploring the possibility of shared parking.

Transportation Director William Paille explained that Walnut Street was re-milled and paved in 2012. Plans to redesign Newtonville Square and the Walnut/Austin Streets intersection include bump outs, curb extensions to create shorter pedestrian crossings, wider sidewalks, and new

lighting, are on hold in part pending this project, but also because the city has scheduled other projects in Auburndale and West Newton. There is no cost estimate or timeline for Newtonville; however, the City is committed to these improvements. The Committee wanted to know what is involved for the redesign/upgrades to Walnut Street: what, when, and who is paying.

Economic Director Nancy Hyde gave assurances that the City is listening to the businesses. A working group has been meeting since March. Along with the proposal to use Aquinas for satellite parking, discussions have included the possibilities of making Bram Way one way, making Austin Street one way during construction, which would provide 13 additional parking stalls, leasing stalls from Star Market, with whom ASP has been in discussions, and perhaps hiring a parking manager. The Planning Department has suggested that Bram Way remain two-ways. Another suggestion is to remove two or three parking stalls from the north side of Austin at Walnut Streets to create two turning lanes. Newton North High School parking lots can also provide parking when school is not in session. The Aldermen from Ward 1 were not pleased to have not been included in the discussion about using the Aquinas lot. Several Aldermen expressed misgivings about the practicality of shared parking, noting that 34 businesses had signed a petition against the project. Ms. Hyde said the City will be reaching out to the businesses in the next two weeks.

Several members asked if there were plans to remedy the intersections where the levels of service (LOS) are D and F at peak hours. If so, who is responsible? The City is the co-petitioner. Crash data for the area show approximately 25 crashes in the past four to five years. The chairman asked that up-to-date plans showing the plaza and garage interior be submitted for the October 20 meeting.

Public Comment

Justine Cohen, Down Under Yoga, did not sign the petition signed by 34 other business owners opposed to the project. She is neutral. She believes the modular construction will take a year and a half. She is part of the working group to find alternative parking during construction. It is important to have a time frame for construction and perhaps penalties if the construction goes over it.

Nadine Cohen, Fisher Avenue, an attorney who specializes in fair housing and civil rights, finds it troubling that people are upset over 68 units of diverse housing.

Samel Kadish, Blake Street, suggested the Board look at the numbers. It is important to maximize the profit for the city.

Patrick Dober, Oxford Road, Director of the Brookline Housing Authority, has been involved in dozens of projects like this that have been successful and accepted. The members of the development team are well qualified and have built many award-winning projects. This will fit in and complement the surrounding area and after a time opposition will turn into quiet approval.

An unidentified resident of Newtonville said the proposed rents are not affordable and the project will change the demographics of Newtonville. It is primarily a high-end rental development and does not meet the city's goals.

David Reid, Fuller Terrace, a 25-year Newtonville resident, likes the convenient parking. Three businesses have indicated they will move if this goes forward. The proposed shuttle is as impractical as the earlier car elevator.

Donna Soodalter-Toman, who owns DIVA in Newtonville, said the businesses have no full sense of what is going on. A shuttle bus is not going to help the laundromat. The whole process needs to be clarified.

Hattie Gawande, Dorset Road, Friends of Austin Street, doesn't understand the irrational hostility to developing multi-family housing which can provide housing for young adults and seniors.

Diane Prunte, 305 Winchester Street, said public land should remain in the hands of the public. The Board should hire outside legal counsel.

Amy Wayne, Centre Street, is opposed. The parking is not sufficient. The proposed building is an eyesore and out of scale with its surroundings.

Maxine Zarchan, Frederick Street, a 40-year resident chose Newtonville for its diversity. She is skeptical of shared parking and has questions about the \$100,000 fund to compensate businesses for lost custom.

The following individuals who spoke previously *remain opposed* to the project:

Peter Bruce, Claflin Place
Marianne Louderback, Elgin Street
Kathleen Kouril-Greiser, Mill Street
Edith Geringer, Westchester Road
Robert Kavanaugh, Court Street
Tarik Lucas, Central Avenue
Elaine Rush-Arruda, Commonwealth Avenue
Jill Geiger, 72 Madison Avenue
Paul Zarchan, Frederick Street
Sarah Quigley, Atwood Avenue
Susan Reisler, Claflin Place

The following individuals who spoke previously *remain supportive* of the project:

Sue Flicop, League of Women Voters
Kathleen Lowney, Newtonville Avenue
Howard Haywood, Walker Street
Chris Steele, Chestnut Street

Candace Havens, Hunnewell Avenue
Jay Walter, Pembroke Street

October 29:

Present: Ald. Laredo (Chairman), Ald. Albright, Cote, Crossley, Harney, Lennon, Lipof, and Schwartz; also present: Ald. Johnson, Norton, Leary, Kalis, Danberg, Brousal-Glaser, and Sangiolo

Staff: Alexandra Ananth (Chief Planner for Current Planning), James Freas (Interim Director of Planning & Development) James McGonagle (Commissioner of Public Works), William Paille (Director of Transportation), Ouida Young (Associate City Solicitor), Linda Finucane (Assistant Clerk of the Board)

A number of Board members attended a site visit on October 7. On October 23 ASP submitted a “White Book” (available online under Special Permits/Austin Street/10-23-15 Petitioner Submittal) which addressed many of the questions raised over the course of the last five meetings:

- A revised set of plans and cut sheets
- Photos of neighboring buildings with their respective heights
- Plans for the conjectural subdivision of the retail space
- Photos of Oaktrees’s mixed-use development in Reading, Mass.
- Additional parking counts for the Austin Street lot
- Clarification of how shared parking would work in the underground garage
- A summary of the dimensions of the proposed parking stalls and a comparison to other parking facilities
- A draft Transportation Demand Management Plan
- A Business Engagement Plan
- An outline Construction Management Plan
- The project’s pro-forma and ASP’s summary of financial benefits to the City
- Clarification of what utility lines ASP is proposing to underground
- A list of new apartment buildings currently under construction in Waltham and Watertown
- A summary of the affordability component of the project.

There is no public access to the commercial stalls from the rear of the building; however, ASP has added a rear service corridor as well as a trash and loading area. ASP pointed out that Citywide, there were 11 affordable homes built between 2011 and 2014. From 2006-2012 there were no multi-family homes constructed in Newton. Data indicate approximately 4700 households in the City pay more than 30% of their income for housing.

Public Comment:

Lois Levin, Chestnut Street, supports the project. She would consider living there. The apartments are well-designed, light and airy, near amenities within walking distance. Critics have irrational fears.

John Vasiolotas, Grove Hill Avenue, is opposed. The City will lose 32 stalls and have shorter, narrower stalls. No decision should be made until the “ten-taxpayer” lawsuit is resolved.

A Newtonville resident questioned the efficacy of the shuttle. For example, Starbucks employees get there at 5:00 AM and they will just park anywhere.

Norah Wylie, Cross Street, a 37-year resident is concerned that young people cannot move to the city. This will give people an opportunity to remain in the City as well as welcome new people to Newton. It is a transportation friendly development and the developer has done exemplary work with the City. When Trader Joe’s and Beacon Hill Athletic Club opened in her neighborhood many people were opposed, but they have turned out to be great neighbors. It is not always easy to embrace change.

Susan Heyman, Varick Road, supports the project, which has been 10 years in the making. She has deep roots in the City and would like to remain here. There is a shortage of apartments. There are no perfect projects.

Matt Cuddy supports the project. As someone whose profession involves transportation policy, excess parking is not the best way to serve Newtonville. This project has been a long time coming and it is time to move ahead.

Lizbeth Heyer, Freeman Street, supports the project. The location is great and will help create a modern village. The units will be accessible, which is a great benefit. The building will be LEED certified and there will be secure bicycle storage and car charging stations.

Patrick Maher, Winslow Road, opposes the project as presented because of the scale. The building that houses Starbucks is half the height of the proposed building, which will change the whole visual character of Newtonville. How many of these units will count towards the Mayor’s goal of 800? This is manipulation, reminiscent of Zervas.

Louise Kittredge, Harrington Street, said this is evolutionary development. People forget how close Newton is to Boston. Green Newton supports the petition because it is an example of the right kind of development in terms of global warming.

Greg Reibman, President of the Newton-Needham Chamber of Commerce, submitted a letter from the Chamber in support of the petition. The Chamber was not ready to formally support the project until an interim parking plan was created. The Chamber pledges to support the Newtonville businesses during and after construction.

Repeat speakers included:

Tamara Bliss, Lewis Street, who supports the project and
Amy Wayne, Centre Street, who opposes the project

How and who will manage parking at the Aquinas satellite lot, which contains 100 parking stalls? How will people be incentivized to use the lot? How will the free shuttle be coordinated with the Senior Center schedule so seniors will not have to wait out in the cold or heat? Can residents from the Aquinas area also ride this shuttle? Will construction workers be required to take the shuttle? Who will enforce? Thirteen additional stalls are available on weekends at the Senior Center. Can the Newton North High School lots be utilized more?

Mr. Schlesinger said that 50 stalls will be provided on site during construction. The parking deck and garage will be constructed first during phase one, which is expected to last approximately seven months. During phase two the parking stalls will be moved to the other side of the site to maintain the 50 on-site stalls. There are five HP stalls shown on the site. HP stalls are required to be closest to the door of a building. Several HP stalls are deliberately located close to the Senior Center. The proposed width of the new stalls ranges from 8'x6' to 8' for compact cars. Although the City requires parking stalls to be 9'x19', a number of communities use 8' as the standard. The aisles (20') and depth (19') comply with the City's requirements. Will the City charge for parking during construction or just set time limits? What is the plan for times when there will be interruptions to these stalls (paving, etc.)?

Visibility and safety of the garden area: Should it be open to public or only for residents and employees? What about the Newtonville Area Council suggestion that Bram Way be closed to traffic at certain times? Several Committee members see the plaza as a major benefit of the project. Is closing Bram Way doable or realistic? What about removing the three parking stalls closest to the plaza?

Mr. Freas reported that the Construction Management Plan has been reviewed by Public Buildings Commissioner Josh Morse. Ms. Hyde will make the businesses aware of the mitigation available to them. DPW Commissioner James McGonagle echoed Mr. Paille's previous comments about the "Complete Streets" approach the City is developing for village centers, which includes 8-foot wide sidewalks, curb extensions, improved decorative lighting, and way finding signage. Mr. McGonagle reiterated that the projected timeframe for these improvements is 2017, after West Newton and Auburndale Squares.

Kyle Talente from RKG Associates, the City's consultant, presented a PowerPoint. Please see 10-29-15 Financial and Economic Impact Analysis Presentation available online under Special Permits/Austin Street/).

For November 10 and 12:

- Provide a plan that expands the plaza, eliminating the three stalls adjacent to it, which would reduce the number of stalls from 127 to 124. Is replicating the same number of parking stalls creating more issues.

- The Reuse Board Order states that funds at least equal to the monetary bid be used to enhance the redevelopment of the site and improve Newtonville center more generally. Is the Mayor committed to spending the \$1,050,000 in Newtonville? Any sense of how the lease payment might be spent? Types of projects being considered?
- Although the proposed water and sewer work is in the CIP, can Walnut Street improvements be completed prior to the utilities and project or concurrent with construction?
- Update on discussions with Star Market re leasing parking stalls, which would make mitigation during construction much easier
- Should the parking stall dimensions be uniform? Show what the lot would look like with fewer or no compact stalls. Meters or time limits during construction?
- Interruptions during construction: utility work, deliveries, approximate length of time?
- More information/details from the City on the Walnut Street improvements, the proposal for the intersection, a recommendation for Bram Way to be one-way two-way or closed, and a recommendation for making Austin Street one-way or keeping two-way and what are the implications of these decisions/recommendations?
- Concerns about the west side entrance to parking beneath the building and two-way traffic over sidewalk: are there points of conflict with stalls right near entrance/exit? Sight lines? ASP shows a 14-foot sidewalk, 10 feet with a 4-foot planting strip, which places pedestrians 4 feet away from building. There are see-through panes to provide visibility and a stop sign. If Bram Way is closed, then the primary entrance is from Austin Street, with another at Highland. It is more convenient with three, but probably okay with two; however, if the only access is from Austin Street, then cars will be coming through the public parking to enter the garage. Comments from City's Transportation Division re the safety of the western exit from the lot at Austin Street to address concerns with visibility and vehicular and pedestrian conflicts.
- Community garden concern: isolated small space, not in public view: what do other members think? ASP has agreed that if problems arise, it will address them.
- What are the key milestones for construction and how do they impact the lot and available parking? Penalty if key milestones are missed/
- How will the construction mitigation fund help merchants during construction?

The Public Hearing was continued to November 10 and 12. This evening the Committee reviewed the Planning Department's memorandum and attachments dated October 2, 2015. PowerPoints were presented by ASP, DPW/Planning and RKG Associates, which are available on the City's website under Special Permits/Austin Street. Also, many emails were received and distributed to the Board from both the speakers and other individuals, all of which are on file in the Clerk of the Board's office as they are too numerous to be included as attachments and/or be posted online.

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

Tuesday, November 10 and Thursday, November 12, 2015

AUSTIN STREET

November 10

Present: Ald. Laredo (Chairman), Ald. Albright, Harney, Lennon, Crossley, Lipof, Cote, and Schwartz; also present: Ald. Johnson, Danberg, Baker, Norton, Brousal-Glaser, Sangiolo, Leary, and Lappin

Staff: Alexandra Ananth (Chief Planner for Current Planning), James Freas (Interim Director of Planning & Development), Ouida Young (Associate City Solicitor), William Paille (the City's Director of Transportation), James McGonagle (Commissioner of Public Works), Linda Finucane (Assistant Clerk of the Board)

This evening the Committee reviewed a preliminary draft of a special permit board order and addressed the following issues:

- Is replicating the same number of parking stalls creating more issues. Should the three stalls adjacent to the plaza be eliminated, reducing the number of stalls from 127 to 124, to enlarge the plaza? Should a look back be included in the board order if it is later determined they are needed?
- The Reuse Board Order states that funds at least equal to the monetary bid be used to enhance the redevelopment of the site and improve Newtonville center more generally. Is the Mayor committed to spending the \$1,050,000 in Newtonville? What types of projects are being considered?
- Although the proposed water and sewer work is in the CIP, can Walnut Street improvements be completed prior to the utilities and project or concurrent with construction?
- Update on discussions with Star Market re leasing parking stalls to mitigate parking during construction. Commitment to 50 short-term parking stall on the site throughout construction?
- Should the parking stall dimensions be uniform? Show what the lot would look like with fewer or no compact stalls. Meters or time limits during construction?
- Interruptions during construction: utility work, deliveries, approximate length of time?
- Satellite parking at Aquinas, although priority will be given to construction workers, will they be required to use shuttle?
- More information/details from the City on the Walnut Street improvements, the proposal for the intersection, a recommendation for Bram Way to be one-way two-way or closed, and a recommendation for making Austin Street one-way or keeping two-way, and what are the implications of these decisions/recommendations?
- Role of Liaison Committee?

- Concerns about west side entrance to parking beneath the building and two-way traffic over sidewalk. Are there points of conflict with stalls right near entrance/exit? Sight lines? Comments from City's Transportation Division re the safety of the western exit from the lot at Austin Street to address concerns with visibility and vehicular and pedestrian conflicts.
- Community garden concern: isolated small space, not in public view what do others think? ASP has agreed that if problems arise, it will address them.
- What are the key milestones for construction and how do they impact the lot and available parking? Penalty if key milestones are missed/
- How will the construction mitigation fund help merchants during construction?
- Will all the units count on the state Subsidized Housing Index (SHI)?

Public Comment:

Beverly Cummings Goldstein, owner of Natural Sense is opposed to the project. Her lease is up in June and she is concerned that the parking situation and possible competition will result in a loss of revenue.

The owner of Newtonville Pizza also spoke in opposition. He has been in business for 41 years. His business is hurting; there are too many places to eat.

Bill Humphrey, Chestnut Street, said this represents the next phase of the City's future. He urged that actively embracing it shows vision.

Paul Roberts, President of Newtonville Camera for 41 years, believes this will be an asset to the City.

Matt Yospin, Kirkstall Road, asked how this could still be a work in progress after 7-8 years. It is an economic loser. He urged the Board to vote no.

Catherine Willinger, Westchester Road, previously spoke in support of the project, but read a letter from Larry Mintzer of 377 Walnut Street who could not be present this evening in support of the project. The current parking lot is a scar in need of attention. The traffic has been overhyped by the opponents. This project will enhance the village atmosphere,

Jane Frantz, Glasonbury Circle, urged support of the project. She was disappointed in the initial design, but the changes are outstanding. There is a serious housing shortage.

Rhanna Kidwell, Kenwood Avenue, supports the project, the market is whittling away at affordability. This is a moderate increase in density and the City will retain 127 parking stalls and gain a public plaza.

Martina Jackson, Lowell Avenue, said that less and less people are able to afford to live in Newton. The north side, which was more affordable, has seen a dramatic change. This modest

project will attract a diverse group of residents and increase the consumer base. It may also attract other interesting businesses to the empty storefronts.

Meg Ward, 957 Washington Street, experienced shared parking when she lived at a previous address in Newtonville. It did not work and parking was a factor in her decision to buy a condo.

Gail Davis is the owner of the Shoe Horn on Walnut Street, which has been located in the same location on Walnut Street for 23 years. Her business is a very large draw in the square. Bram Way cannot be closed. The privately-owned parking area at the rear of the block provides stalls for 12 employees of five stores.

Susan Reisler, Claflin Place, spoke previously, but this evening spoke on behalf of the Celluci's who own Great Harvest Bread and who were unable to be present this evening. The Celluci's are afraid the additional traffic and competition for parking will harm their business.

Jeff Pontiff, Waban Hill Road, questioned the impact on the City's finances, particularly the schools, and the assumptions used by RKG Associates to arrive at the cost per student. The project is close to Newton North High School and may attract residents for that reason.

William Rosener, Fuller Street, who opposes the petition, said the garden behind the building will be hard to find. The 50 on-site stalls promised during construction may not be feasible if the contractor cannot get a bond.

Lawrence Licklider, Wilde Road, is concerned about global warming and the carbon footprint. The parking lot should be retained and used as a locus for public transportation to eliminate cars.

A former member of the Human Rights Commission said the site is ideally suited to the objectives of the Comprehensive Plan. It is a real opportunity for diverse, car-free housing that has been eight years in the making.

A five-year resident of 14 Delmore Road suggested that the bike racks be covered, with a ramp to get up the slope, and moved closer to the green area. The plaza hours should be predictable, with clear signage. He walks and shops in Newton Highlands and would like the City to create more mixed use centers encouraging small local business to make them attractive destinations.

Sue Parsons, Washington Street supports the project and urged everyone to continue the same level of engagement and involvement. She believes a very small segment will have children.

Grace Offen, Mill Street, opposes the project. The parking is needed, especially the 12-hour meters. She uses the lot several times a week and it is a pleasure to find a spot.

Bryan Barash, Gardner Street, supports the project. There is a housing shortage and this can be part of the solution.

Elena Wright, Ridge Avenue, said the building is too big for the site. \$3,200 per month for rent is not affordable. Many people move to Newton for the special education services.

Claire Sokoloff, Oxford Road, supports the project. It will bring tremendous value to the Newtonville and the city as a whole.

Previous speakers who remain in *support* of the project:

Sheila Decter, Ransom Road
Sarah Ecker, Prospect Park
Candace Havens, Hunnewell Avenue
Jonathan Kantar, Chestnut Street
Judy Jacobson, Cypress Street

Previous speakers who remain *opposed* to the project

David Wenstrom, Crafts Street
Marianne Louderback, Elgin Street
Peter Bruce, Claflin Place
Andrea Hauser, Converse Avenue
Helen Nayar, Grove Hill Avenue
John Vasa Iotas, Grove Hill Avenue
Kathleen Kouril-Greiser, Mill Street
Ernest Lowenstein, Hyde Street
Diane Prunte, Winchester Street
Amy Wayne, Centre Street
Pam Shufro, Blithedale Street

John Pelletier, Central Avenue, was opposed to the project, but believes the shuttle is a good plan, and as a bicyclist, he appreciates the TDM.

November 12:

Present: Ald. Laredo (Chairman), Ald. Crossley, Lipof, Harney, Lennon, Cote, Schwartz, and Albright; also present: Ald. Leary, Norton, Baker, Johnson, Hess-Mahan, and Kalis
Staff: Alexandra Ananth (Chief Planner for Current Planning), James Freas (Interim Director of Planning & Development) James McGonagle (Commissioner of Public Works), William Paille (Director of Transportation), Ouida Young (Associate City Solicitor), Linda Finucane (Assistant Clerk of the Board)

Public Comment:

Barbara Allaire is opposed.

Sarah Perry, Executive Director of Second Step, said the City is in desperate need of more rental housing, particularly in village centers, that can serve an underserved population.

Alan Blumner, 101 Central Avenue, is hesitant to support this petition as he believes that acquiring air rights over the Turnpike is a better solution.

Eunice Feller, 104 Harvard Street, owner of Bread & Chocolate Bakery, said that Newtonville is in flux. It appears the site of the Orr building across the Turnpike may be redeveloped as well. The interim shuttle will not serve all businesses equally. The sale of the parking lot for one million dollars when it was appraised at two million is irresponsible.

Jenny Bell, 11 Rossmere Street, is opposed.

Josephine McNeil, CAN-DO, said that ASP has been responsive to concerns raised by the community and the City. She asked the members to consider all of the organizations in the community that support the project. The six section 8 units will provide opportunity for six families. There are approximately 300 homeless children within five miles of Newton's boundaries. Obviously, this won't solve the housing shortage but it is a step, and Newton can be a leader.

Andrea Segal, a former Newton resident, said she is currently homeless and living in a women's shelter. It is difficult. There are not enough apartments; she urged approval of the project.

Diane Sanborn, Circuit Avenue, is opposed. The design is not attractive. It is too large and dense for the site and will add over 100 people. It is a hostile takeover by a developer with no local ties.

Nick Carter, Fisher Avenue, said it is one small step towards solving a problem. He urged people to be open, tolerant, and progressive.

Previous speakers who remain in *support* of the project:

Kathleen Hobson, Dorsett Road
Nancy Zollers, Oliver Road
John Sisson, Greenlawn Avenue
Frances Godine, Crofton Road
Lynn Weissberg, Sumner Street

Previous speakers who remain *opposed* to the project:

Christopher Pitts, Beacon Street
Betty Falxa, Chesley Avenue
Amy Tai, Allison Street
Jill Geiger, Madison Avenue
Maxine Zarchan, Frederick Street
Lynne LeBlanc, Brookdale Road
Kathleen Kouril-Greiser, Mill Street
Marianne Louderback, Elgin Street
Lawrence Licklider, Wilde Road

Gayle Gordon, Walnut Place

The Committee closed the public hearing and reviewed a draft special permit board order and discussed the following:

- The garden should remain open to the public.
- The three stalls adjacent to the plaza should be eliminated to increase the size of the plaza. Removal of the stalls should allay concerns about managing some of the potential conflict of vehicles and pedestrians. A post construction look back provision can be included to help determine if the stalls are necessary. The Liaison Committee proposed in the board order can have input as to specific times of closure, signage, bollards (permanent or removable), accent pavers, decorative lighting, etc., many of which have been proposed by ASP in its “White Book.” Mr. Paille suggested retaining the width of Bram Way from Highland to Austin and keeping the plaza section one way from entrance of the lot to Austin Street, which is 22 feet wide. Emergency and delivery vehicles will be exempt. Mr. Paille stressed that flexibility is key and reminded the Committee that the City retains ownership of Bram Way and the parking lot. A look back provision for the three parking stalls and how Bram Way is being used is particularly beneficial, since the businesses must have access and parking from Bram Way. If the 20 parking stalls at Star Market are not available, then Austin Street should become one-way for the duration of construction and if Bram Way is made one-way during the same period, then the three parking stalls can be added. If Bram Way is closed, then the primary entrance is from Austin Street, with another at Highland? It is more convenient with three, but probably okay with two. If the only access is from Austin Street, then cars will be coming through the public parking to enter the garage.
- Agreed that all the parking stalls at grade and interior should be standard 8’4” width as much as possible instead of varying widths. (This will create 25’ between the columns in the garage.) The City’s requirement of 9’-wide stalls is generous and the Board grants many waivers from the dimensional requirements, e.g., the Kessler Woods project has 8’6” stalls.
- Alderman Baker was concerned that it will not be obvious if the parking lot is full. He asked if the City could explore the cost of installing something similar to what is used in parking garages at the airport to alert drivers of the availability of parking.
- Relative to concerns about west side entrance to parking beneath the building and two-way traffic over the sidewalk onto Austin Street: ASP shows a 14-foot sidewalk, 10 feet with a 4-foot planting strip, which places pedestrians 4 feet away from building. There are see-through panes and a stop sign.
- The City’s policy is that a project with over 100 bedrooms must contribute to Inflow and Infiltration (I&I) at an 8:1 ratio. ASP projects that water saving devices will result in a lot less flow and \$750,000 should be more than sufficient for I&I, which will leave money for other infrastructure including undergrounding. Regardless of whether the 68 units are approved or not, the City is planning to improve the water/sewer system.
- There was a question about the restaurant. A restaurant of more than 50 seats requires a special permit; however, the number of seats and employees determine the parking requirement. Several members were concerned about the possibility of a 200-seat

restaurant on the site. Mr. Freas explained that the combined restaurant, commercial, and office uses and their employees will determine the required number of parking stalls. ASP envisions a small restaurant use with outdoor seating. If a larger restaurant is proposed, an amendment to the special permit will have to be sought. ASP has offered to cap the number of seats at 75.

- There was a question of whether all 68 units will be included on the state's Subsidized Housing Inventory (SHI). It appears that the Massachusetts Department of Housing and Community Development will accept that all 68 permanently deed restricted units count on the SHI because 17 units (25%) are at 80% of the AMI, six of which will be made available for section 8 vouchers. The Committee agreed that the low ground lease is a tradeoff to achieve 25% affordable units.
- The Committee wished to clarify that construction workers must use the satellite parking. Also, it suggested that Uber be replaced with a generic term.
- It was suggested that the Liaison Committee also include a representative from the School Department, since NNHS parking lots will be used during construction, and that the President of the Board appoint the Chair.
- The Committee also wished to make clear that any consistency determination be brought to the Land Use Committee.
- 24-hour contact information for the general contractor should be provided to the Police Department.
- As to undergrounding the utilities, ASP has agreed to underground on the site. The City would like the utilities along the Austin Street frontage of the site undergrounded as well. ASP has not agreed to do so. There is a question of cost as well as a concern that the project could be held hostage by the utilities in terms of timing if the undergrounding is tied to a Certificate of Occupancy. When asked if a portion of the \$1,050,000 of the lease payment be used for undergrounding and it be included as condition in the special permit, Ms. Young said no. She explained that a reuse board order is a legislative function of the Board whereas a special permit is the Board acting as the Special Permit Granting Authority (SPGA), i.e., zoning. The SPGA cannot include it as a condition in the special permit; however, the Board in its legislative role will have to approve the request(s) from the Mayor to expend the money. The Mayor today sent a letter reiterating his intention to commit the \$1,050,000 lease payment for the benefit of Newtonville in accordance with the Board's 2012 Reuse Board Order.
- ASP has offered to:
 - a. establish the shuttle bus service referred at an estimated cost of \$250,000;
 - b. establish a \$100,000 Construction Mitigation Fund to be administered in conjunction with a responsible third party approved by the Director of the Planning and Development Director and City Solicitor;
 - c. during the course of construction establish a \$50,000 "Shop Newtonville" fund for the promotion of businesses in Newtonville during the construction period;
 - d. engage a business liaison facilitator to coordinate Petitioner's efforts for the shuttle service, and
 - e. agreed that to the extent that the period in which the shuttle bus is required to operate for more than 15 months from its start until it ceases it will contribute an

additional \$5,000 per week to the Construction Mitigation Fund established in furtherance of the Business Engagement Plan.

Alderman Lennon asked that ASP allocate \$65,000 to a contingency fund for a., b, and c. However, Mr. Schlesinger was not inclined to do so. He pointed out that the ASP is also prepared to pay Star Market \$35,000 for the lease of 20 parking stalls. It was suggested that if \$200,000 is allocated for the shuttle, then \$50,000 could be allocated for contingencies. Alderman Norton asked if the Construction Mitigation Fund would extend to landlords unable to rent their stalls.

- Each residential unit will be provided with 1.2 parking stalls. Parking for the rent restricted units will be provided without charge; however, if a tenant does not own a car, then a parking space will not be provided.
- The Committee discussed whether the special permit should include a peer review of post occupancy traffic study and a return to the Land Use Committee. Mr. Schlesinger noted that the several entities including the City's Traffic Division have determined that the traffic impact from this proposed project is minimal. Any mitigation would have to be related to project related traffic. ASP cannot agree to an obligation unlimited in duration and expense. Ms. Young pointed out that there is case law that there needs to be finality in a permit.
- The Committee asked about the shared office facility/innovation center. Mr. Schlesinger explained this type of space is popular with independent vendors who are seeking work space outside their homes. It is very common in Cambridge and Somerville, and there is a space on Chapel Street. This space will not contain more than 1500 square feet. ASP has agreed that when not in use in the evening, the space may be used for public meetings.

All documents referred to are available on the City's website under Special Permits/Austin Street. Also, many emails were received and distributed to the Board from both the speakers and other individuals, all of which are on file in the Clerk of the Board's office as they are too numerous to be included as attachments and/or be posted online.

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, NOVEMBER 24, 2015

AUSTIN STREET

Present: Ald. Laredo (Chairman), Ald. Albright, Crossley, Schwartz, Lipof, Lennon, Harney, and Cote; also present Ald. Fuller, Norton, and Baker

Staff: Alexandra Ananth (Chief Planner for Current Planning), James Freas (Interim Director of Planning & Development), Ouida Young (Associate City Solicitor), Linda Finucane (Assistant Clerk of the Board)

Recommitted by full Board of Aldermen on November 16, 2015:

#119-15 AUSTIN STREET PARTNERS, LLC/CITY OF NEWTON petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to redevelop an existing municipal parking lot, declared surplus by the Board of Aldermen on February 6, 2012, into a mixed use residential building providing 68 units of housing, approximately 5,000 sf of commercial space, approximately 90 underground parking spaces appurtenant to the proposed residences and commercial space and 127 public parking spaces at grade at 28 AUSTIN STREET, Ward 2, Newtonville, on land known as SBL 24, 9, 15, containing \pm 74,480 sf of land in a district zoned MIXED USE 4. Ref: Sec. 30-24, 30-23, 30-21(b), 30-15(w)(2), (w)(4)b), 30-15 Table 3, 30-13(h), (h)(2) Table B, 30-13(j)(1), (2), and (3), 30-19(d)(2), (10), (11), (12), and (13), 30-19(e), 30-19(h)(1), (2)a) and b), 30-19(i)(1) and (2), 30-19 (j)(1), 30-19 (k); 30-19 (l) Table 3, 30-19(m) of the City of Newton Rev Zoning Ord, 2012. *The public hearing was opened and continued June 2, June 9, July 21, September 24, October 20, November 10, and November 12, 2015, when the public hearing was closed and the item was approved 6-1-1 (Cote opposed, Harney abstaining).*

ACTION: APPROVED 6-2 (Cote and Harney)

NOTE: The Committee this evening reviewed a draft special permit board order prepared by the Planning and Law Departments incorporating revisions that resulted from the Committee's discussions on November 10 and 12.

In a memo dated November 20, 2015, Alderman Baker suggested that since ASP and the City are co-petitioners the board order clarify the responsibilities of each. Ms. Young agreed. He also raised the following issues:

- Who has the authority to authorize construction on Sundays and holidays? It is the Mayor.
- Will construction workers be required to use the shuttle? Does the timing of the shuttle coincide with hours of construction? ASP has agreed to be responsible for transporting all construction personnel between Aquinas and the site. ASP will begin the shuttle at

6:30 AM, Monday through Friday and 9:00 AM to 3:00 PM on Saturdays, as well as offer a ride share service.

- He is still awaiting information from the Transportation Division re parking management systems that advise drivers of the availability of parking.
- Alderman Baker suggested including in the conditions a provision that an after study of the parking management systems, signage, and lighting and operations of the public parking under the building and in the open area may be appropriate to help motorists find and safely use available stalls.

The Committee also reviewed the Newtonville Area Council memorandum dated November 11, 2015.

By and large, the changes the Committee made to the draft board order were inconsequential. If in the future the first-floor innovation space is converted to another use not allowed by right in the MU4 district the special permit will need to be amended. As to the restaurant and its parking requirements, peak time is usually in the evening when most of the other businesses in Newtonville Square are closed. This frees up parking for patrons of all the restaurants. Restaurant patrons will not be allowed to park in the underground garage.

Undergrounding utilities Although ASP will underground utilities on the site, the Committee wants ASP to underground utilities along the Austin Street frontage as well. ASP has offered \$81,163 towards undergrounding utilities along the Austin Street frontage. ASP believes there will be money left over from its \$750,000 contribution to the City for I&I, which can be used for other infrastructure projects including undergrounding of utilities along the Austin Street frontage; however, there is the problem with timing. Construction of the project will begin in the spring of 2017 and will take approximately 15 months, but the City will not have received this payment before the street is torn up for the water and sewer work. The City will have to pay for the undergrounding then be reimbursed. Ms. Young will refine the conditions pertaining to the undergrounding.

Garden

The garden, which consists of approximately 2600 square feet, will be constructed by ASP after a design competition and will remain open to the public; however, the City will have the right to close it at certain days or hours should it become advisable. The garden will come under the purview of the Department of Public Works

Contingency Fund

ASP has agreed to a \$100,000 Construction Mitigation Fund and \$25,000 contingency fund to fund shortfalls in addition to other monetary mitigations.

Bram Way

The Committee prefers to close off Bram Way except for emergency vehicles and deliveries starting with a trial. There was discussion as to what constitutes a delivery vehicle, and the challenges involved in enforcing such a prohibition since a station wagon or minivan as well as a truck may be used for deliveries. The Committee agreed that maintaining flexibility to alter whatever is implemented is important. The Chairman noted that if the trial does not work, it can

be corrected, just as the three parking spaces removed adjacent to the plaza can be put back if necessary.

Alderman Albright moved approval with the findings and conditions in the draft special permit board order dated December 8, 2015. The motion to approve carried 6-2, Alderman Cote and Harney opposed.

Respectfully submitted,

Marc C. Laredo, Chairman