

VIA HAND DELIVERY

June 11, 2019

Gregory R. Schwartz, Chairman  
Land Use Committee  
City of Newton  
1000 Commonwealth Avenue  
Newton, MA 02459  
Re: Northland Newton Development (“NND”)

RECEIVED  
Newton City Clerk  
2019 JUN 11 PM 1:52  
Donald A. Gerson, Clerk  
Newton, MA 02459

Dear Chairman Schwartz:

As the NND special permit process enters its 11th month, we continue to digest input from the Land Use Committee hearings, public correspondence, the Planning Department, peer reviewers, community groups, and neighbors. On May 31st, we also received a thoughtful letter from Councilors Downs and Auchincloss.

Northland is in this project for the long term. We have been and are receptive to ideas which improve the development. At the same time, when there are things we cannot do, we owe it to you and to the public to say so clearly. We would like to take this opportunity to provide feedback to what we have heard to date.

These are the issues we would like to address:

### **Work Force Housing**

Northland has met with housing advocates, including Engine 6/Livable Newton, on many occasions. We are grateful that they have repeatedly spoken in favor of NND, prior to our addressing their goals for work force housing. We appreciate their patience.

Northland will commit to 20 units (2.5%) of work force housing at a range of 80 to 110% of Area Median Income (“AMI”) and 120 units (15%) of affordable housing at a blended 65% of AMI<sup>1</sup>.

These 140 units of affordable housing represent more than the *total* number of affordable housing units built in Newton since 2003 under the current Inclusionary Zoning Ordinance<sup>2</sup>.

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<sup>1</sup> Rents at 80%-110% AMI range from \$2,147 for a one-bedroom apartment to \$2,398 for a two-bedroom apartment. Rents at 65% AMI range from \$1,366 for a one-bedroom apartment to \$1,520 for a two-bedroom apartment.

<sup>2</sup> Department of Planning and Development memo to the Members of the Zoning and Planning Committee, dated November 9, 2018, Page 8.

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### **Passive House**

The May 14th Land Use Committee hearing focused on sustainability, with a particular emphasis on Passive House design/construction. We have retained Steven Winter Associates, the pre-eminent expert in the Passive House field, and have been quickly getting up to speed. We are excited about what we have learned so far. Passive House mitigates environmental impacts by dramatically lowering energy consumption and, as a bonus, improves air quality and comfort for residents. At the hearing, the community was impassioned in its support for prioritizing this cutting-edge sustainability technique. We have met with representatives of Green Newton and we share many of their goals.

At the May 14th hearing, we also heard about a planning template that identifies definitive versus aspirational goals in the context of the Council Order, with the aspirational goals requiring good faith efforts, while retaining flexibility to address market conditions.

As part of a holistic discussion of a Council Order, Northland is prepared to commit to Passive House certification for the residences in three buildings (representing 35% of the total). We further aspire to achieve Passive House certification for the residences in another five buildings (representing 85% of total). Northland is also willing to commit to achieve the Gold level of LEED for Neighborhood Development.

These commitments truly place NND at the forefront of sustainability, but they are far from our only sustainability initiatives. NND's integrated live/work/play community will get people out of their cars, will increase walking and biking, will reduce heat island effect, will restore the South Meadow Brook, and will provide recreational areas and open space to sustain the environment and wellness.

### **Undergrounding of Utilities**

We would like to communicate a new positive finding that has the ability to enhance the Needham Street corridor for generations.

For more than two years, we have been working to assess the viability of undergrounding the unsightly utility poles and tangle of lines throughout the corridor. We were originally informed that undergrounding was not possible due to, among other reasons, the space constraints under Needham Street.

We resolved that impasse by agreeing to place the utilities under NND and granting easements to the providers. We have reached an agreement in principle with Eversource, Verizon, Comcast, RCN, and the Newton Fire Department to underground 7,944 linear feet (1.5 miles) of utility lines and remove 77 poles along portions of Needham Street, Oak Street, Christina Street, and Tower Road (see Exhibit A).

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We have heard, both from Councilors and from the community, that undergrounding the utilities and improving the streetscape are a necessary part of transforming Needham Street into a true pedestrian and bicycle friendly corridor. We believe that this infrastructure improvement will create significant aesthetic benefits for our neighbors and for this Newton gateway. We hope it will serve as a catalyst for other owners and developers on the street to make similar commitments. This undergrounding process can be timed to integrate with the MASS DOT Needham Street project.

The cost for the undergrounding is estimated at \$10 to \$12 million and will require consents from property owners and permission from the City. Subject to receipt of a mutually acceptable Council Order, Northland is willing to fund the undergrounding as an offset to our sewer inflow and infiltration mitigation (I & I) obligations.

### **Splash Park/Skating Rink**

We have heard a consistent message from the Commissioner of Parks and Recreation and from City and community representatives. The community and the neighborhood would prefer a splash park and skating rink – year-round family friendly amenities – to the proposed community building.

To accommodate this initiative, we are prepared to license to the City a parcel of our land adjacent to the Depot – free of charge – for the operation of a splash park/skating rink and fund the cost of the improvements up to \$1 million<sup>3</sup>. The community playground will be located adjacent to the splash park/skating rink, on the site of the old community building. This programming change will assure an active Greenway year-round.

### **Shuttle**

The innovative shuttle that we proposed in partnership with the Rt. 128 Business Council is receiving a mixed reaction. Many people are concerned about the lack of precedent comparables to measure the potential success of this initiative. Others have visceral memories of the prior failure of the Nexus Shuttle. More optimistic opponents perceive that the express buses to Boston and Cambridge will cannibalize existing public transportation options or overburden the neighborhood with park and ride commuter parking. The theory of the shuttle was always to focus on “door to door” rather than more traditional “last mile” transit. Based upon this feedback, we have begun to focus on “last mile” coverage to the Newton Highland’s MBTA stop. Historically the “last mile” gap in transportation coverage has been the most difficult to fill.

NND is prepared to simplify its shuttle program and close the “last mile” gap by providing free (to both the public and the residents) round trip service from the Mobility Hub to the Newton Highlands MBTA stop. The electric vehicle (“EV”) T Circulator will provide 10-minute service, 16 hours a day, 7 days a week, which makes NND effectively a transit-oriented development.

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<sup>3</sup> Operating costs to be borne by the City.

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The T Circulator will begin operation upon receipt of a certificate of occupancy for the first building.

At the same time, our aspirational goal is to build a shuttle service network with other partners, including Founders Park and Wells Avenue Office Park, offering additional legs to Boston, Cambridge, the Seaport, Longwood, and the Newtonville Commuter rail. We have been convinced that it is too early to plan and schedule those routes for 2025 in the rapidly changing transportation space, but we will continue to assess the viability of a regional EV shuttle. We would encourage the City Council to advocate for partnership with this potential shuttle system in future special permit review proceedings.

### **Traffic/Parking/Oak Street Access**

NND received a thoughtful letter from Councilors Downs and Auchincloss requesting a further reduction in parking programming, and a limitation on ingress and egress out of the existing Oak Street curb cut.

We honor the sentiments of the letter and we hope that our commitment to develop “away from the car” is evident in our live/work/play master planning, market leading (lowest) suburban parking ratio, and the T Circulator. However, we believe that ITE traffic data does not adequately reflect how NND will, in many ways, mitigate off-site traffic generation. NND offers, for the first time, the neighborhoods of Upper Falls, Newton Highlands, Oak Hill, and Founders Park convenient pedestrian and bicycle access to restaurants, retail services, grocers, jobs, green spaces, dog parks, health facilities, doctors, and community amenities. This is the vision for NND and the newly walkable and bikeable Needham Street corridor.

We are willing to accept the standards of traffic generation enforcement established by precedent of the Council in other projects, such as the recently approved Newton Nexus development up the street. By way of comparison, Newton Nexus generates significantly more evening and Saturday peak hour trip generation per acre than NND, without the open space or amenities of NND.

Northland is sensitive to the concerns of our Upper Falls neighbors. To address those concerns, we moved the existing Oak Street vehicular access 170 feet east to be further away from the village center. We designed a serpentine Pettee Lane with traffic calming measures to ensure that it does not act as a cut-through from Tower Road to Oak Street. We placed our structured parking underground to reduce massing and create greater permeability. We placed our taller buildings in the center of the site to ensure that no shadows would be cast on Upper Falls even on the shortest day of the year. We programmed the Upper Falls Greenway edge with three story buildings to weave into the fabric of the existing neighborhood and will honor our 1,213-foot boundary with the Greenway by restoring the South Meadow Brook and adding a splash park/skating rink, a community playground, and a large and a small dog park. We are proud of this programming, all of which will be designed by one of the nation’s leading architecture firms, SOM.

The rationale for not further reducing parking is based upon professional opinion, financial viability, and industry experience.

1. Peer Review. BETA, the City's peer reviewer, concluded that 1,550 spaces were necessary to satisfy demand during a typical week and 1,596 spaces were required to satisfy demand during the peak December shopping season. Based upon that report and Councilor input, we reduced parking from 1,953 to 1,450, and created a valet program of 200 spaces (total of 1,650 spaces) in order to satisfy holiday peak demand.
2. Construction Lenders. Commercial banks are conservative. While we have successfully made the case to our lenders that this, "lowest in the suburbs" parking ratio IS viable, they will not finance urban parking ratios (0.5 per dwelling unit) in a suburban community.
3. Experience. Northland's 49 years of experience, including that of our most recent mixed-use development in Waltham (The Merc), leads us to conclude that we have pushed the parking ratio to the lowest level that will support effective operations. Moreover, we are sensitive to the possibility that, if we do not provide sufficient parking, the overflow will be into the neighborhood, which is unacceptable to us and to the neighborhood.

The rationale for not restricting ingress and egress out of Oak Street is based upon professional opinion and industry experience.

1. BETA. In response to this specific question, BETA, the City's peer reviewer, concluded that "eliminating or restricting the project access at Oak Street (i) would not change the traffic volumes on Oak Street" (ii) would significantly degrade the level of service at the Oak/Needham/Christina Street intersection and (iii) would place additional burden on Needham Street.
2. Experience. BETA and our traffic consultant, VHB, both concluded that four means of ingress and egress (south, north, and two east) are critical to successful traffic management of this 22.65-acre site. By way of example, The Merc, at one quarter the size of NND, has four means of ingress and egress.

I do want to emphasize that our first inclination is to be accommodating to neighborhood requests and to the requests of Councilors Downs and Auchincloss. However, in the face of the data and the two professional reports, it is not possible in this circumstance.

Finally, we do not agree with one premise in the letter, that our incentive "is to internalize the benefits of more parking." Northland's decision to underground the parking – based on the thoughtful feedback of the LUC, Planning, and the City's peer reviewer, Horsley Witten, – added \$50 million to the NND budget. Since the cost of each underground parking space is approximately \$100,000, we are financially motivated to have the least amount of parking required to operate successfully.

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Very truly yours,

A handwritten signature in black ink, appearing to be 'L. Gottesdiener', written in a cursive style.

Lawrence Gottesdiener  
Chairman & CEO

cc: City Council  
City Clerk  
Director of Planning & Development

**Exhibit A**

## Executive Summary

ICO Energy and Engineering, Inc. (ICO) was engaged by Northland Investment Corporation (Northland) to coordinate the development of a plan to relocate overhead utility infrastructure to the underground. The area of work is in proximity to the Northland Newton Development. The limits of the plan affect the existing overhead utility service infrastructure located along the following public thoroughfares: Needham Street, Oak Street, Christina Street, Tower Road and Charlemont Street.

The process assumes that all infrastructure in proximity to the future development may be considered for undergrounding in an effort to improve the aesthetics and enhance the surrounding area. The total distance between all existing utility poles for the entire infrastructure examined is seven thousand nine hundred and forty-four (7,944) feet. A total of seventy-seven (77) utility poles will be removed under this plan.

The relocation effort is significant and will not utilize the Needham Street roadway, being reconstructed by Mass DOT, as there is insufficient space due to congestion by existing underground facilities. The key to the viability of the plan is to route a major portion the utility infrastructure through Northland's private property. The infrastructure on private property will connect at several points with facilities located within the public roadways.

The Needham Street section is exceptionally challenging as there exists overhead infrastructure along both sides of the roadway; whereas Oak Street, Christina Street, Tower Road and Charlemont Street have infrastructure that primarily aligns with one side of the roadway with crossings and taps present. The infrastructure footages of the included sections are as follows:


- Needham Street – 3,095 feet from Oak Street to Tower Road, accounts for both sides
- Oak Street – 1,801 feet from Greenway to Needham Street
- Christina Street – 1,065 feet from Needham Street to just beyond 56 Christina Street.
- Tower Road – 1,277 feet from dead end to Needham Street
- Charlemont Street – 706 feet Needham Street to dead end

Northland engaged ICO in October 2017 and the initial study and conceptual plan was completed in March 2018. ICO performed a thorough equipment inventory to identify and document the affected infrastructure, determine ownership and to capture all pertinent details for incorporation into the conceptual relocation plan. Documentation gathered from MassDOT was utilized to confirm the lack of space availability within Needham Street and the existing underground facilities.

Under the direction and authorization of Northland, ICO engaged all of the affected utility service providers. Work orders have commenced with the utility service providers and numerous meetings/work-sessions have been conducted. Each utility service provider is now focused on developing final designs and budgets to relocate its respective equipment, with contemplation for future growth requirements. Northland has funded all the costs required by the various utilities to analyze their systems, coordinate with one another, prepare engineering designs and to finalize budgets and logistics.



**Utility Infrastructure Key**

 Existing overhead lines  
to be relocated underground

