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#26-20 and #27-20

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Barney S. Heath
Director

PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: May 1, 2020
MEETING DATE: May 5, 2020
TO: Land Use Committee of the City Council
FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Deputy Director of Planning and Development
Neil Cronin, Chief Planner for Current Planning
CC: Petitioner

In response to questions raised at the City Council public hearing, the Planning Department is providing the following information for the upcoming public hearing/working session. This information is supplemental to staff analysis previously provided at the Land Use Committee public hearing.

PETITIONS #26-20 & #27-20

355 and 399 Grove Street

Petition #26-20 for a change of zone to Mixed Use 3/Transit Oriented District for portions of land located at 355 Grove Street (currently zoned BU-2) and 399 Grove Street (currently zoned BU-5), also identified as Section 42, Block 11, Lots 3 and 4

Petition #27-20 for a SPECIAL PERMIT/SITE PLAN APPROVAL construct a mixed use, transit-oriented development of residential units, office, retail, personal services, restaurant, hotel, and related commercial uses not to exceed 1,025,000 square feet of gross floor area, with residential uses comprising not less than 60% of the total gross floor area with a residential density of not less than 800 square feet per unit with not less than 560 units nor more than 620 units with special permit relief and/or waivers as follows: a development of more than 20,000 square feet of gross floor area, building height of up to 170 feet, buildings up to 11 stories, Floor Area Ratio of up to 2.5, beneficial open space of not less than 15%, increase of height of certain buildings with the Grove Street Area Corridor (to the extent necessary), and reduction in setback from Grove Street for certain buildings within the Grove Street Corridor Area (to the extent necessary); waiver of the sustainable development design standards and placement of a retaining wall greater than 4 feet in height within a setback; for-profit educational use, retail sales of over 5,000 square feet, restaurant with more than 50 seats, personal service use of over 5,000 square feet, place of amusement, health club on ground floor, animal services, hotel, bank up to and over 5,000 square feet, theatre/hall, laboratory/research facility, parking facility, accessory, multi-level, parking facility, non-accessory, single level; reduction of the residential parking

requirement to 1.25 stalls per unit, reduction of the overall parking requirement by 1/3, and waiver of parking stalls not to exceed 685 stall; and waivers to the requirements of parking facilities containing more than five stalls; waiver of the number, size, type, location, and design requirements, all at 355 and 399 GROVE STREET on land known as Section 42, Block 11, Lots 3, 4 and 4A, containing approximately 13.05 acres of land in districts zoned Mixed Use 3 Transit Oriented (MU3), BU2 (a portion to be rezoned to MU3), BU5 (to be rezoned to MU3). Ref: Sec. 4.2.2.B, 4.2.3, 4.2.4, 4.2.4.A.4, 4.2.4.B.3, 4.2.4.G.2, 4.4.1, 5.1.4, 5.1.4.A, 5.1.4.C, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.B.6, 5.1.8.D.1, 5.1.8.D.2, 5.1.9.B, 5.1.10.A.1, 5.1.10.B.3, 5.1.10.B.5, 5.1.12, 5.1.12.B.4, 5.1.13, 5.2, 5.2.13, 5.4.2.B, 5.12, 6.4.29.C.5, 7.3.3, 7.3.5, 7.4 of the City of Newton Revised Zoning Ordinance, 2017. Additionally, as to infiltration and inflow mitigation, an abatement of the infiltration/inflow mitigation fee pursuant to Section 29-170 of the City of Newton Revised Zoning Ordinance, 2017.

The Land Use Committee (the “Committee”) opened the public hearings on these petitions on January 28, 2020 and continued the public hearings on February 11, 2020, February 25, 2020, March 5, 2020, March 24, 2020, April 7, 2020 and April 28, 2020; both public hearings remain open. A tentative schedule for future Committee public hearings is included as an attachment to this report (**Attachment A**). This memorandum is focused on the Grove Street bicycle facilities and the proposed mitigation of the so-called “Riverside Development” proposed for the subject parcels.

Background

The petitioners are requesting a change of zone for a portion of 355 Grove Street, currently the Massachusetts Bay Transportation Authority (the “MBTA”) rail yard, and all of 399 Grove Street, currently the Hotel Indigo, to the Mixed Use 3/Transit Oriented Zone (the “MU-3/TOD zone”). The petitioners are also seeking special permits to allow a ten-building development on site. The petitioners filed revised plans which result in a development of 582 dwelling units, 253,827 square feet of office space, of which 7,500 square feet will be dedicated to the MBTA, 150 hotel rooms, and 38,895 square feet of ground floor commercial space (the “Project”).

Graphic I: Initial Bicycle Facilities from 2019



Grove Street Bike Lanes

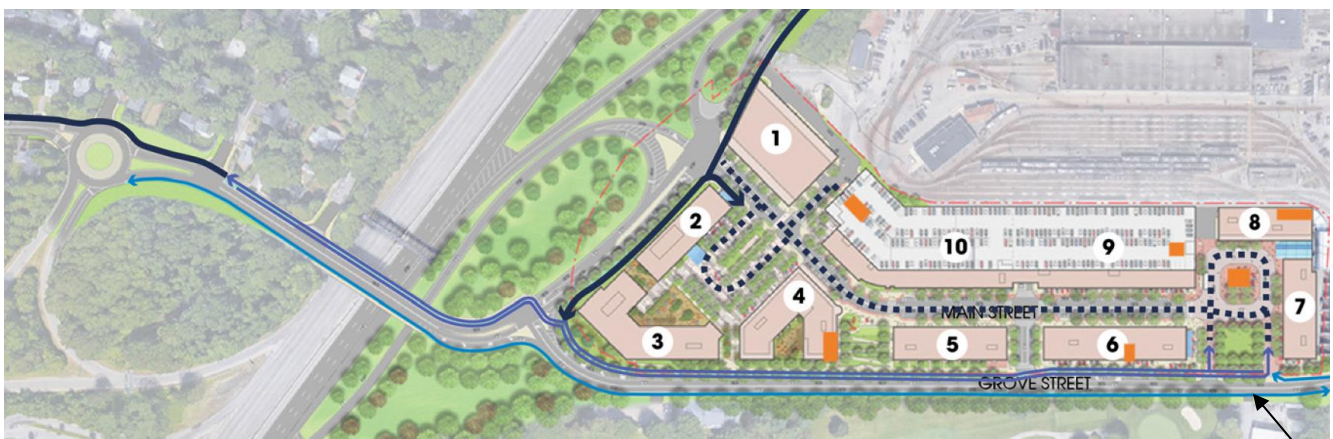
Grove Street today suffers from a poor pedestrian experience and lacks bicycle infrastructure. As such, the Riverside Vision called for improving the neighbor experience and safety along Grove Street to

entice residents of Lower Falls and Auburndale as well as visitors to the site to travel the street without their cars. In the first iteration of the Project, the petitioners proposed a ten-foot wide multi-use path on the west side of Grove Street. For reference in the above graphic and throughout this memorandum, west is to the top of the graphic, east is to the bottom, south (Lower Falls) is to the left and north (Auburndale) is to the right. This path would provide pedestrian and bicycle only travel along the western side of Grove Street. The path would allow for short-distance trips from the Lower Falls neighborhood on the west side of Grove Street to the site without crossing Grove Street.

When reviewing this plan, the Planning Department and the Transportation Division of Public Works noted that while the mixed-use path works well for the specific use case of bicyclists traveling between the Project and the Lower Falls neighborhood on the west side of Grove Street, it does not serve the majority of bicyclists on Grove Street. For the majority of bicyclists, who are biking the extent of Grove Street, they would have three substandard options: (a) continue on the sidewalk, which is not appropriate; (b) continue on the wrong side of Grove Street, which is unsafe and illegal; or (c) cross the street using the proposed Rapid Reflectorized Flashing Beacon (“RRFB”). This third option is unrealistic because a person on a bike travelling the extent of Grove Street northbound would be required to cross the street two times in less than 800 feet to get onto and off the path. The cyclists would cross first at the proposed roundabout at the left of the graphic and the second time at the RRFB.

To solve these three conditions and to properly plan for bicyclists traveling past the site, the Planning Department along with the Transportation Division of Public Works advocated for a northbound, raised bike lane on the eastern side of Grove Street. This raised bike lane would solve for the unrealistic expectation that people on bikes heading northbound will cross Grove Street twice to bicycle 800 feet northbound, by offering a facility that provides maximum safety benefits and positions northbound bicyclists on the correct side of the street at the northern boundary so they can safely continue beyond the Project limits on Grove Street. In the below graphic, the double line along the west side of Grove Street is the two-way bicycle track, while the single line on the eastern side is the one-way raised bicycle lane advocated for by staff.

Graphic II: Current Bicycle Facilities



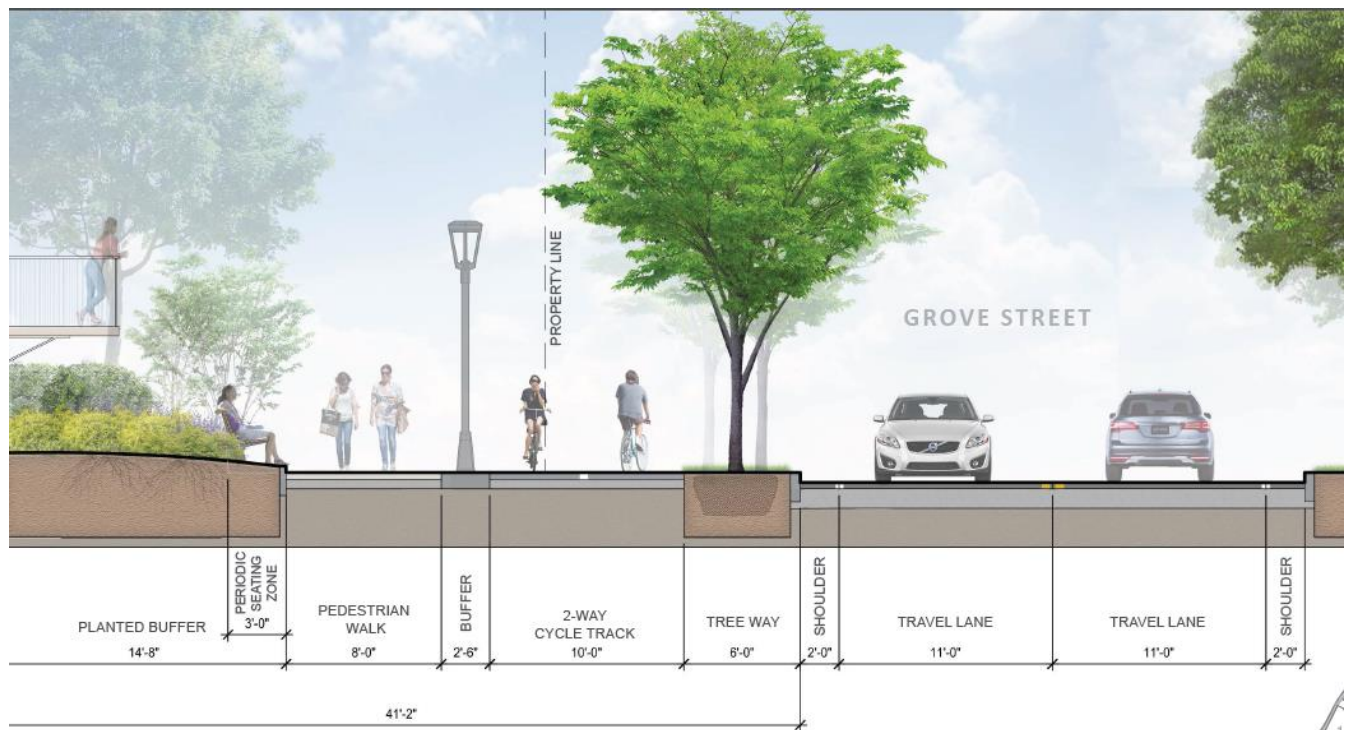
Due to comments regarding the northbound raised bike lane at the February 25th and at the April 7th hearings, the petitioners provided four alternatives for bicycle facilities on Grove Street: Alternative A includes both the two-way cycle track and the northbound bicycle lane; Alternative B includes both the

two-way cycle track and the one-way bicycle lane on the eastern side of Grove Street, but this lane is raised six inches; Alternative C mirrors the first iteration of the Project with only the two-way cycle track on the west side of Grove Street; and Alternative D provides for a one-way southbound bicycle track on the west side of Grove Street and a one-way northbound bike lane on the east side of Grove Street. The petitioners are not proposing to widen Grove Street; therefore, these Alternatives exhibit how the space between the buildings and the eastern boundary of Grove Street can be allocated. In order to evaluate these different options, this memo will take them out of order to show how the Project has evolved and to illustrate how the different facilities affect the section of Grove Street, specifically in front of Buildings 5 and 6.

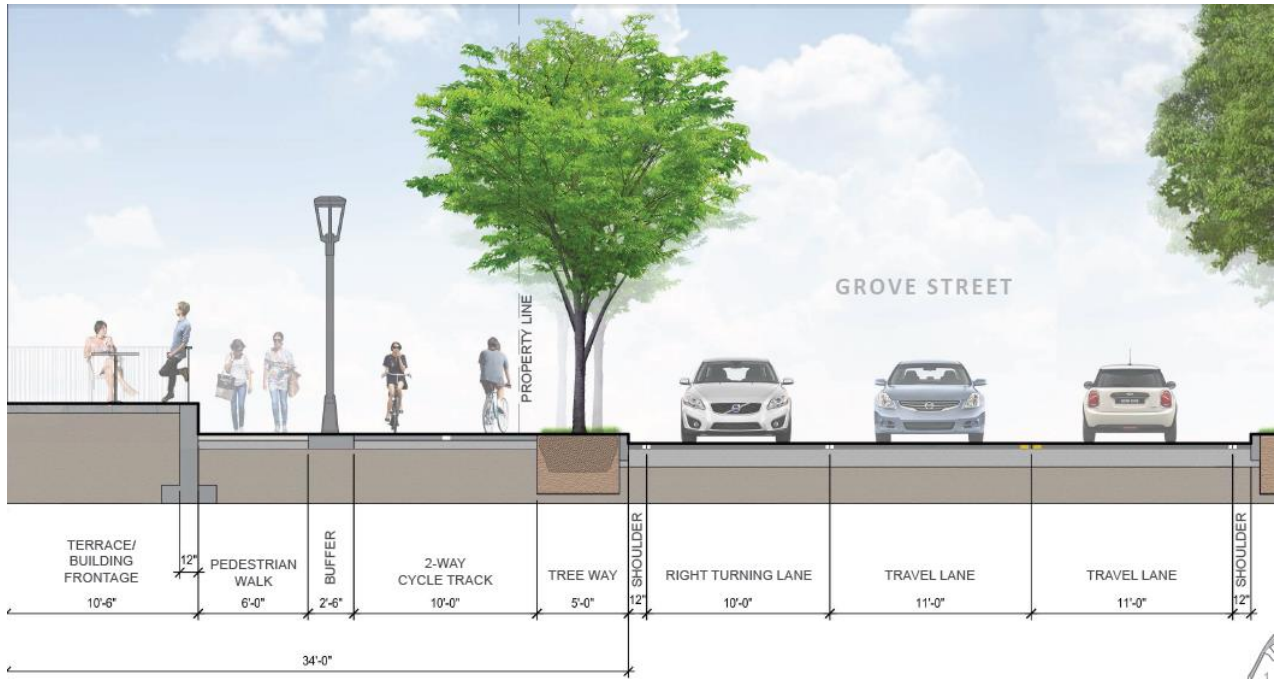
Alternative C: Two-Way Cycle Track

As stated above, Alternative C most closely represents the beginning of the Project and allows for a baseline of how the section is affected by the different facilities.

Building 5

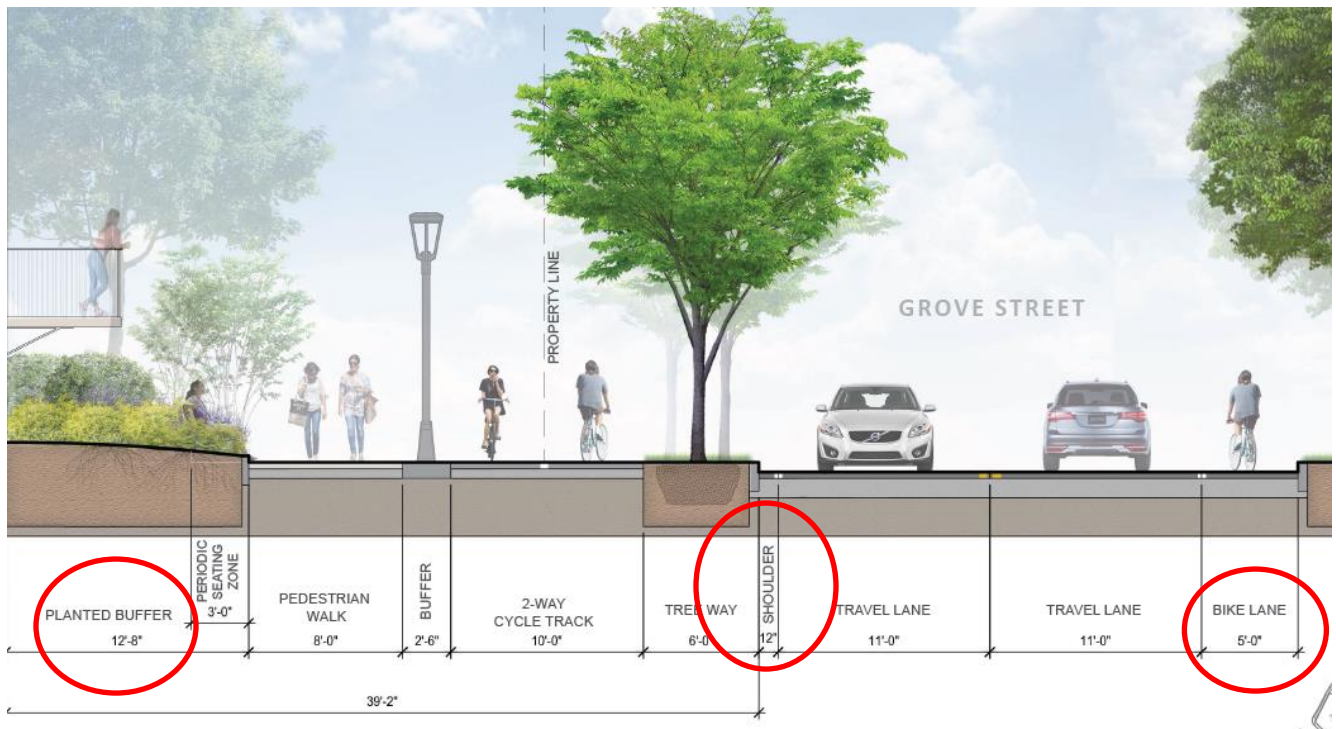


Building 6



Alternative A: Two-Way Cycle Track and Unprotected Bike Lane

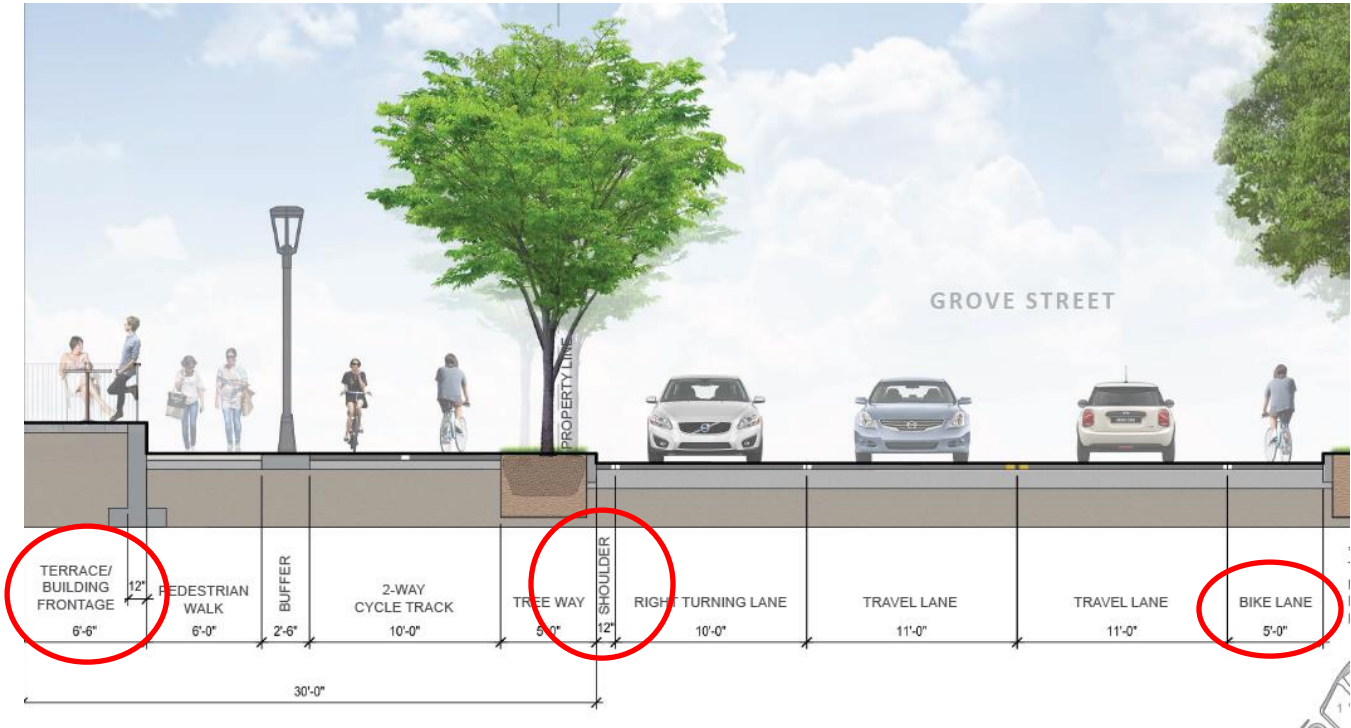
Building 5



To accommodate the northbound bike lane, the *Planted Buffer* is reduced from fourteen feet eight inches to twelve feet eight inches, the two-foot wide *Shoulder* separating the southbound vehicular

travel lane from the *Tree Way* is reduced by one foot, and the two-foot wide *Shoulder* separating the northbound vehicular travel lane from the curb is removed. This additional space is used to create the five-foot wide bike lane.

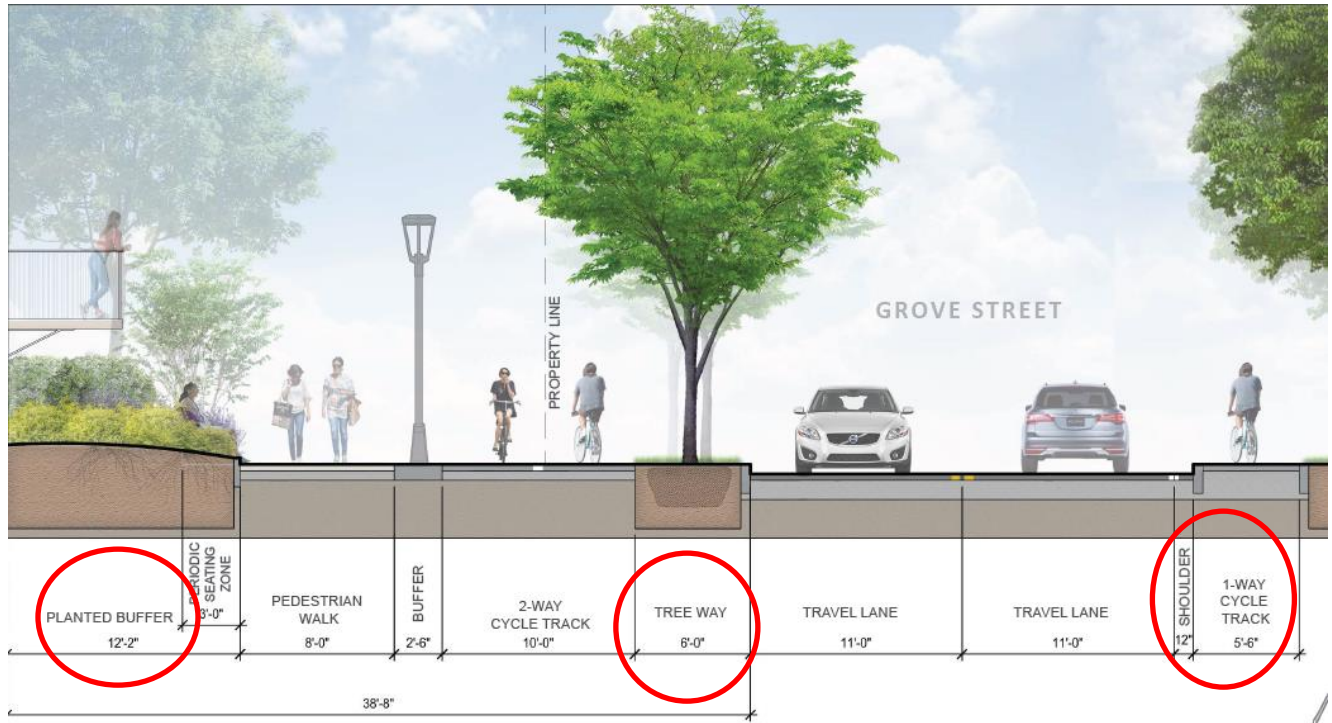
Building 6



To accommodate the northbound bike lane, the *Terrace/Building Frontage* is reduced from ten feet six inches to six feet six inches, the one-foot wide *Shoulder* separating the southbound vehicular travel lane from the *Tree Way* is maintained, and the *Shoulder* separating the northbound vehicular travel lane from the curb is removed. In this scenario the northbound bike lane is provided, which staff supports, but it is not protected from vehicular traffic. As such this alternative is not preferred.

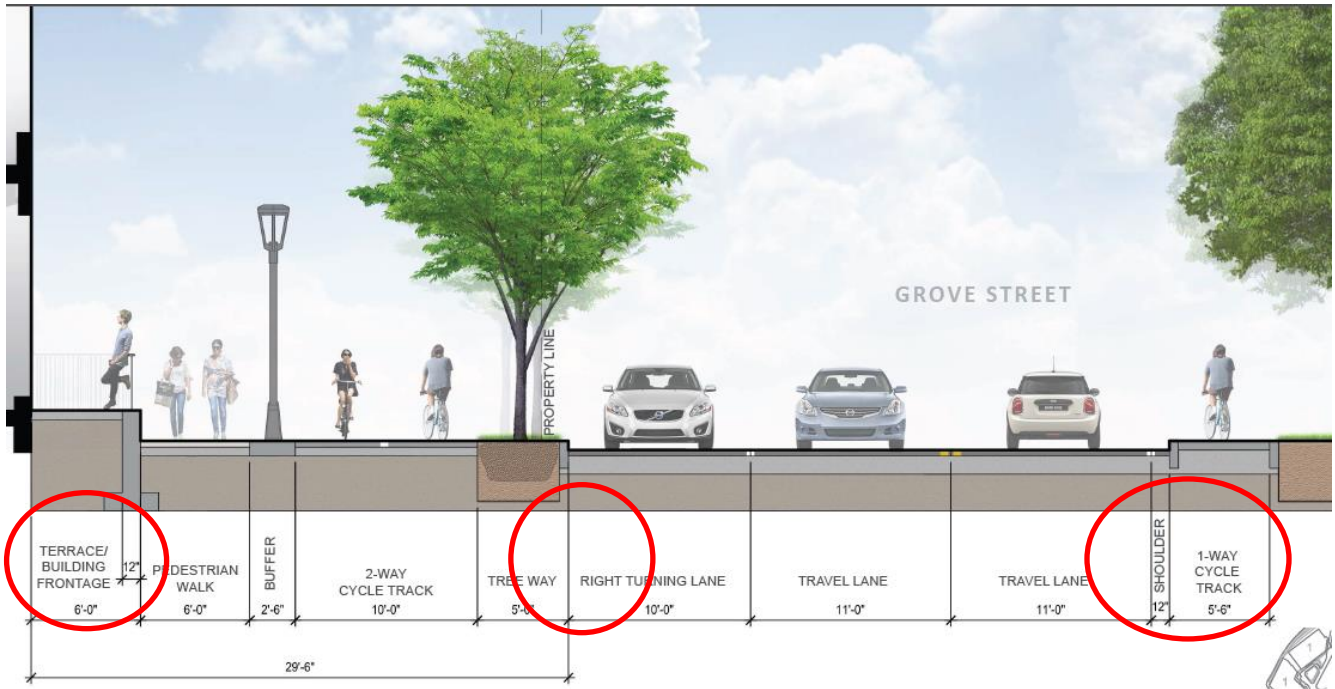
Alternative B: Two -Way Cycle Track and Protected Bike Lane

Building 5



The *Planted Buffer* is reduced from fourteen feet eight inches to twelve feet two inches, the two-foot wide *Shoulder* separating the southbound vehicular travel lane from the *Tree Way* is removed, and the two-foot wide *Shoulder* separating the northbound vehicular travel lane from the curb is reduced to one foot.

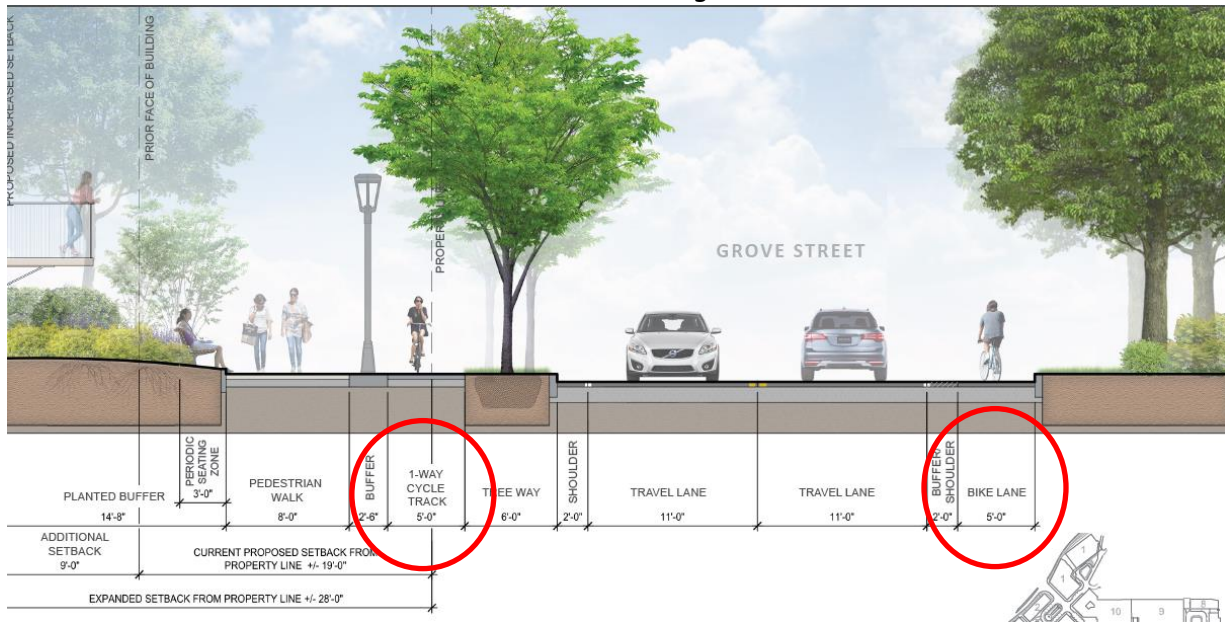
Building 6



The *Terrace/Building Frontage* is reduced from ten feet six inches to six feet, and the one-foot wide *Shoulder* separating the southbound vehicular traffic from the *Tree Way* is removed. In this scenario the northbound bike lane is provided and is raised which is the condition City Staff prefers. The bike lane is also buffered from the northbound vehicular travel lane by a one-foot wide *Shoulder*, increasing safety for the bicyclist.

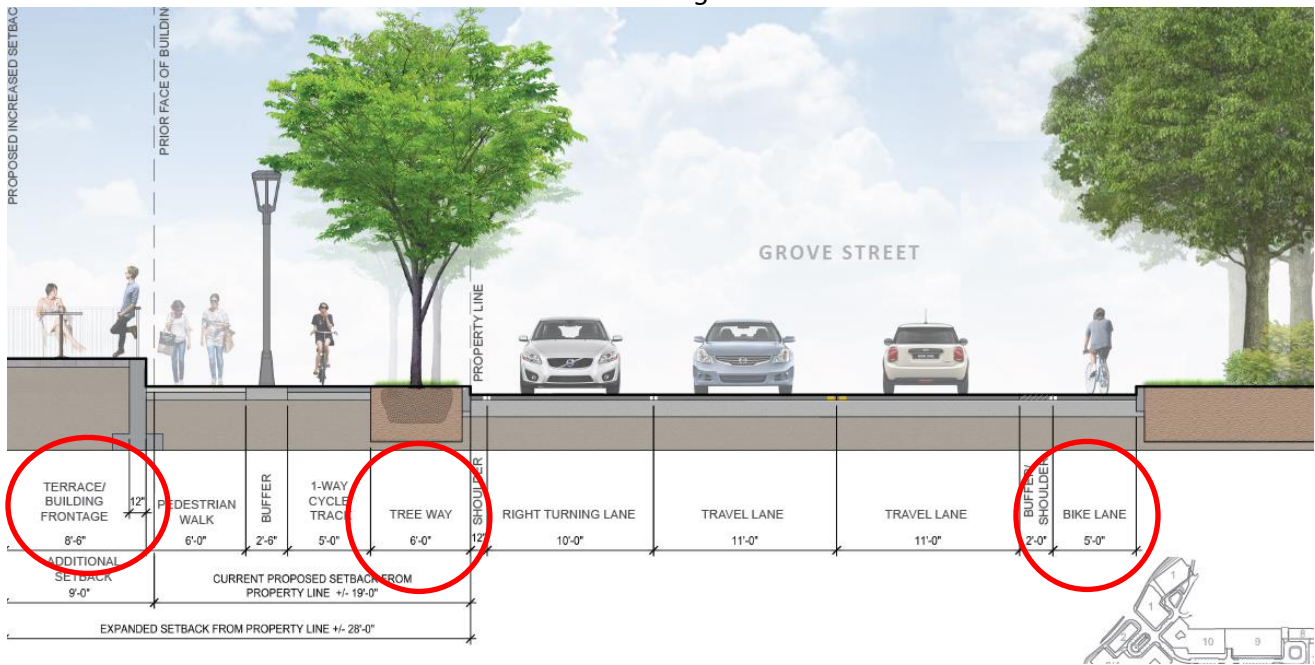
Alternative D: One-Way Bike Lanes

Building 5



In this alternative, the two-way cycle track on the west side of Grove Street is reduced to a one-way southbound bike lane. This allows for all the dimensions to be maintained and allows for the bike lane on the eastern side of Grove Street to be buffered by two feet.

Building 6



The *Terrace/Building Frontage* is reduced by two feet to eight feet, six inches, the *Tree Way* is increased by one foot, from five feet to six feet; and the bike lane on the eastern side of Grove Street is buffered by two feet.

This Alternative solves for the three conditions that were identified in the petitioners’ first plan and still allows for a protected southbound bicycle lane on the eastern side of Grove Street. However, this Alternative removes the opportunity for residents from the western side of Lower Falls to access the site without crossing Grove Street. While staff’s concerns with the first design focused on trips traveling past the site, this Alternative does not account for the expected increase in short-distance trips from Lower Falls to the site. Staff believes that this Alternative does not realize the opportunity this Project presents to create a unique amenity such as the two-way cycle track while accounting for future trips from Lower Falls into Auburndale.

Connections

There have been concerns as to what form the northbound bike lane would take through the roundabout and how the bike lane would be treated at the new signalized intersection in front of Building 3. Staff recognizes that the design of these two intersections has not been finalized, but the City is confident the petitioners can apply the Massachusetts Department of Transportation’s (“MassDOT”) best practices to design a safe facility through the roundabout and the intersection. MassDOT’s Separated Bike Lane Planning and Design Guide supports bike facilities through roundabouts noting that exposure for cyclists is medium to low in such situations. “Separated bike lanes can be continued through roundabouts, with crossings that are like, and typically adjacent to, pedestrian crosswalks. Motorists approach the bicycle crossings at a perpendicular angle, maximizing visibility of approaching bicyclists.”

Conclusion

The petitioners provided the below four alternatives for bicycle facilities along Grove Street; City Staff prefers Alternative B because it plans for the majority movement, which is bicyclists traveling north of the Project, while allowing for safe and convenient short-distance trips from Lower Falls to the Project. City Staff believes that the differences in the street sections between Alternative B and the remaining Alternatives are de minimis.

Table I: Bicycle Facility Summary

Option	Infrastructure on West Side	Infrastructure on East Side	Preferred by Staff
A	Two-way bike lane	Unprotected bike lane	No
B	Two-way bike lane	Protected bike Lane	Yes
C	Two-way bike lane	None	No
D	Protected bike lane	Buffered bike lane	No

Mitigation

The City Council passed Ordinance B-45 in November of 2019 to codify the City’s policy regarding infiltration and inflow as it relates to State requirements and the City’s permit with the Massachusetts Water Resource Authority. Such permit requires the City to improve its sewer infrastructure to remove extraneous infiltration and inflow at a 4-gallons to one-gallon ratio using a rate of \$19.52 per gallon. According to the City Engineer, the Project will add an average of 79,961 gallons per day resulting in a

fee of \$5,721,765 (**Attachment B**). The City Engineer suggests that 25 percent (\$1,430,441) of the fee be applied to sewer work in the area of the Project, while the Planning Department suggests that the remaining 75 percent (\$4,291,324) of the fee be allocated to other mitigation.

The petitioners have proposed improvements to nearby trails that would total \$3,000,000. Should the City Council choose to require these mitigation payments that would leave \$1,291,324 for other improvements. The petitioners have also proposed to donate \$1,500,000 for improvements to the Williams School in Auburndale which would satisfy the mitigation under Ordinance B-45 (by \$208,676). The Planning Department believes that the payment for the Williams School should be above and beyond the mitigation required under the Ordinance, which results in \$1,291,324 outstanding. The Planning Department has provided the attached spreadsheet identifying several potential City mitigation needs that could be addressed with this funding (**Attachment C**).

ATTACHMENTS

- Attachment A:** Tentative Land Use Committee Schedule, dated May 1, 2020
- Attachment B:** Engineering Memorandum, dated April 15, 2020
- Attachment C:** Planning Department Spreadsheet, dated May 1, 2020

TENTATIVE LAND USE COMMITTEE SCHEDULE

May 1, 2020

355 AND 399 GROVE STREET "RIVERSIDE"

*This schedule is tentative. The Land Use Committee is scheduled to meet on the below dates; however, the topics are subject to change.

Meeting Date	Topic	Description
5.5.20	Grove Street Bike Lane; Mitigation	Discussion of the Options for Bicycle Facilities on Grove Street; Project Mitigation
5.12.20	Revised Project	Review of the revised Site Plans, Program, and Fiscal Impact
5.26.20	Design Guidelines & Signage	Guidelines that will regulate architecture of individual buildings as well as signage
6.2.20	Transportation	Review of Traffic Impacts, Shared Parking Analysis, and Transportation Demand Management Plan

DEPARTMENT OF PUBLIC WORKS

ENGINEERING DIVISION

OFFICE OF THE CITY ENGINEER

1000 Commonwealth Avenue
Newton Centre, MA 02459-1449

Attachment B

City of Newton

Ruthanne Fuller
Mayor

DATE: April 15, 2020
TO: Land Use Committee
FROM: Louis M. Taverna, P.E., City Engineer

**RE: Riverside Development, Sewer Infiltration/Inflow Mitigation,
Waiver Request – REVISED MEMO
Ordinance No. B-45, Sewer Inflow and Infiltration (I/I) Mitigation**

The City Engineer has calculated the sewer infiltration/inflow mitigation fee for this project. See calculations below. The total mitigation fee, based on the proposed usage of low flow fixtures throughout the project, is \$5,721,765. This calculation reduces the proposed total flow of the completed development by the estimated existing flow from the Indigo Hotel.

Sewer Ordinance No. B-45 states the following: For projects subject to a special permit, the City Council, for good cause shown, may abate in whole or in part the infiltration/inflow mitigation fee for a particular dwelling, building, or project.

Waiver request:

- a) *The expected impact of the development on sewer infiltration/inflow.* The development will propose to add an average of 79,961 gallons per day to the existing city sewer system. The existing sewer flow from the site is estimated to be 15,000 gallons per day. The city's sewer system in this area flows downstream to the interceptor system along the Charles River to the east. The city's sewer system upstream of the project flows northwest to the Quinobequin Road sewer pump station, where it is pumped into the Cochituate Aqueduct. A substantial portion of this sewer flow is bypassed to the interceptor sewer along the Charles River, through the project area, during storm events.
- b) *Whether infiltration/inflow mitigation has previously been conducted in the general area and to what extent.* This project lies in sewer area 3. Sewer area 3 has undergone substantial work related to sewer infiltration/inflow removal, as part of the city's sewer capital improvement program. However, upstream of the project is sewer area 9, which is still under investigation, and has not yet undergone sewer system improvements. As mentioned above, sewer flows upstream of the project area in sewer area 9 have a direct effect on the sewer flows from the project area. The estimated cost of design and construction of improvements in sewer area 9 approaches \$8,000,000 to \$10,000,000.
- c) *Whether the abatement will benefit the health and well-being of the public and is reasonably in the best interest of the city.* An abatement of 75% of the infiltration/inflow mitigation fee, based on low flow fixtures, is recommended by the City Engineer. This would allow the remaining 25% of the fee, or \$1,430,441 to be used toward the design and construction of

sewer improvements in sewer project area 9. The developer should consider dedicating the abated amount of the fee towards other mitigation purposes, as recommended by the Planning Department.

Calculation of sewer infiltration/inflow mitigation:

Low flow fixtures:

855 bedrooms x 65 gal/bedroom/day = 55,575 gal/day

Hotel = 150 rooms x 65 gal/room/ day = 9,750 gal/day

Retail = 38,895 sf x 50 gal/1000 sf = 1,945 gal/day

Office = 253,828 sf x 50 gal/1000 sf = 12,691 gal/day

Existing Hotel = 15,000 gal/day

Net flow = 64,961 gal/day x 4 x \$22.02 = \$5,721,765

Riverside Mitigation

I&I Amount	\$5,721,765
I&I Payment	\$1,430,441
Subtotal	\$4,291,324
Trail Improvements	\$3,000,000
Subtotal	\$1,291,324

Possible Transportation Mitigation

Purchase and pay for the ongoing operations (for five years) of three bikeshare systems: one on site; one in Lower Falls; and one in Auburndale. Locations to be determined by the Director of Planning and Development and the Commissioner of Public Works. Estimated price of \$60,000 per station and ongoing operation of \$15,000 per station annually.

\$405,000

Design and construct a cross walk with accessible curb cuts and ramps to the north of the Williams School Bus Loop, proximate to Myrtle Street.

Design and reconstruct curb cuts with accessible ramps to meet modern standards just south of the Williams School Bus Loop.

Purchase and install a RRFPP at either location, to be decided by the City of Newton

Provide funds for the purchase of a piece of equipment to plow the two way cycle track along the west side of Grove Street; equipment can also be used on the cycle tracks on Needham Street and in West Newton Square

Design and construct improvements to the intersection of Grove and Washington Streets (pedestrian bump out on eastern side of Washington Street, tighten south west radius of intersection, accessible curb cuts and ramps)

Possible Park & Playground Mitigation

Williams School - General Field improvements (*Deep tine aeration, turf and other field repairs*)

\$30,000

Lower Falls Community Center Field Improvements

\$100,000

Lower Falls Community Center Improvements

60,000