

**Updated Comments of Abutters on Draft Board Orders (1/12/17 and 1/27/17) –
NW Corner of Washington and Walnut Streets**

As abutters to the proposed development, we previously shared our comments to the “Findings” and “Conditions” in the draft board order dated 1/12/17. We are now responding to the 1/27/17 redraft of the board order that will be considered by the Land Use Committee (LUC) on 1/31/17.

There are two reworded “Findings” in the new draft that we take strong issue with:

1) The “3D massing model” (Finding 1f.) was only recently made available, and we do not know whether LUC members have seen it. Abutters have been able to see only a small portion of the model. However, it clearly shows that the proposed development would be highly visible to abutters, is not consistent with the neighborhood or Newtonville Local Historic District and would overwhelm both.

We attach three photographs that are “screen shots” from the computer simulation that show examples of our concerns. These are somewhat mitigated by including trees with leaves in the simulation, which of course will be bare for half of the year, and these do not show views at night with lighting in the apartments and in the parking area.

2) This draft continues to justify the height and “visual scale” of the proposed development with “existing landmarks in Newtonville, including the Masonic Hall”. There are no buildings more than three and a half feet north of the turnpike, and comparison with the Masonic Hall is not appropriate.

For the “Conditions” section, we are including below our comments made previously that remain as concerns. In ***bold and italics*** below are additional comments that address new points regarding the redraft (as well as the numbering of the revised Conditions).

We also only very recently saw the proposed Schedule B, are continuing to review it and may have additional questions or comments based on that review. Because of the importance of Schedule B in particular, it would be premature for the LUC to vote on the draft board order until we and others have been able to review and comment on it.

Responses to Draft Conditions from Neighborhood Abutters (pages 9-14 of 1/12/17 version and pages 10-20 of 1/27/17 version):

[We realized at the 1.12.17 LUC meeting that there were two versions of the draft board order. The numbers referenced below are from the version that we were able to obtain online prior to the meeting and reflect our most important comments and concerns at this point in time.]

Section – “Approved subject to the following conditions” (“*General Conditions*”)

6. and 8. **(12. and 13.)** After considering the points made during LUC discussion on January 12, looking at the precedent set with Austin Street, and reflecting our own commitment to having affordable housing in Newtonville, we recommend that at least 33% of all units be affordable at the up to 80% of AMI level.

10. **(4., 5. and 7.)** These improvements are particularly important to residents who walk in Newtonville on a frequent basis, including many public middle and high school students. Also, from listening to the discussion on January 12th, it appeared that there was still a lack of clarity about how City staff would be involved in and oversee/approve this work. This issue merits more time and attention by the LUC. ***Based on Schedule G, we and others continue to have questions about the feasibility of some of these changes given the current volume of traffic in this area, the addition of many new cars and overall pedestrian safety.***

9. It was not clear how the priorities for the use of this \$700,000 were determined as included in Schedule D, with the exception of items 3 and 4, which have been discussed previously. Additional resident input would be appropriate.

19. An additional question was raised recently about where the various heating/cooling systems would be located, as these often are fairly large and visible structures on the roofs of buildings, and whether the visual impact can be minimized.

Section - “Conditions related to construction”

14. **(20.)** We request that construction be from 8:00 am – 5 pm on weekdays and 8 am – 1 pm on Saturdays in order to minimize noise and congestion.

15. **(21.)** ***While we appreciate the addition of the wording “all immediate abutters”***, this condition needs to be strengthened considerably, using the liaison committee structure created for Austin Street as a model. The developer should be required to communicate, on a specified regular basis, with a group of residents that includes abutters both during the construction process and on an ongoing basis after it is built.

16. **(22.)** As the “final Construction Management Plan” will have a significant impact on abutters, wording should be added to the introductory paragraph that impact on abutters be taken into consideration when finalizing this plan.

18. **(24.)** The Petitioner should also be accountable for paying for (or indemnifying against) any damage that is caused to nearby private properties/residences due to the construction. There is a particular concern about damage to the foundations of our Victorian homes from extensive digging on the site, dust that could cover our homes/windows, etc. ***This remains a critical***

concern.

Section – “Conditions precedent to the issuance of any building permit”

16f.¹ **(25f.)** Waste management plans also should be included in this section.

16g. **(25h.)** Building façade materials and color are very important and have changed over the course of the project to date. Will they be clearly specified in Schedule B?

17c., f. and g. **(26j. and m.)** Landscaping is very important on the site, and we wanted to be certain that “Condition #1” provided very specific details/requirements. We also did not understand why the Director of Planning and Development should be given this kind of discretion. We also would suggest some time limit (3 months?) on any extension of the completion of the landscaping. ***If we read the final plans correctly, we also have concerns about the types of plantings that are being recommended for areas bordering abutters and request that the developer’s recommendations not be accepted at this time.***

Section – “Ongoing Conditions to be in effect for so long as this Special Permit/Site Plan Approval is exercised”

19. **(31.)** It should be made clearer that the annual replacement of any plant material must be done “in perpetuity”.

20. **(32.)** There are concerns about waste disposal and the placement of waste containers, and we request that all waste containers be in a covered/protected area at least 90 feet away from abutters.

23. **(35.)** This provision grants broad discretion for the Commissioner of Inspectional Services to make changes to the Project, as long as the changes are consistent with the “Special Permit Plan Set”. We are not sure what this is referring to – is this a defined term?

Additional Concerns/Questions to Discuss with the LUC:

1. We did not see any specific requirements for lighting, which would be important for those abutting the Project. What will be the impact of granting Waiver #25 on abutters?
2. Will granting of Waivers #22 and #23 reduce the need for plantings and create an even more unattractive parking lot?

¹ This draft of the board order appears to be mis-numbered, but we are following the version that we have.

3. Questions remain about where the loading areas will be located and whether there are any constraints on when they are used. It is now clearer where any roof decks would be located, and there are questions about what impact their use might have on neighbors.
4. While this would not be a condition in this board order, abutters have raised the possibility of making Foster Street and Page Road “resident only” parking with the exception of Sundays (and possibly other specified times) when it is used extensively by the two nearby churches.

Thank you for your consideration.

Respectfully,

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Mari Wilson, 30 Foster Street
Bette White, 14 Foster Street
Ellen Fitzpatrick, 20 Foster Street
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“Screen Shots” from Computer Simulation – 3D Massing Model



