

Comments of Abutters on Draft Board Order (1/12/17) – NW Corner of Washington and Walnut Streets

As abutters to the proposed development, we want to share our comments to the “Conditions” in the draft board order. We submitted objections previously about the “Findings” section of that draft board order, and we continue to oppose the rezoning to MU4 and special permits requested by the developer because of the height, density and location of the proposed development.

Our ability to comment on several of the Conditions is limited by the fact that Schedule B and Schedule E have not been made public. Because of the importance of Schedule B in particular, we strongly believe that it would be premature for the Land Use Committee (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):

[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”

1. Reviewing proposed Schedule B as soon as possible is critical – when will it be available to the public for review prior to the January 31 LUC meeting?

6. and 8. 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. 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. When will Schedule E be available for public review prior to January 31?

Section - “Conditions related to construction”

14. 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. 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. 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. 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.

19. It was our understanding that all utility service lines would be located underground, so this needs to be clarified.

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

16f.¹ Waste management plans also should be included in this section.

16g. 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. 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.

17e. We agree with comments made at the LUC meeting that “sufficiently clean” is vague and that dealing with any contamination on the site is critical.

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

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

20. 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.

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

22. We agree with LUC members' comments that this condition is very general and not meaningful as worded. These types of "after studies" are especially important for residents. We would request more specificity as to the nature and timing of these studies, some role for residents in their review, and requirements that the Petitioner work with the City to address problems or concerns that may arise (or wording to that effect).

23. 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. There are serious concerns about the safety of the two entrances/exits given the number of cars that will use them as well as pedestrians. The conditions should address these concerns further. Would granting Waiver #19 decrease safety?
2. 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?
3. Will granting of Waivers #22 and #23 reduce the need for plantings and create an even more unattractive parking lot?
4. Questions remain about where the loading areas will be located and whether there are any constraints on when they are used. It also was not clear where any roof decks would be located and what impact their use might have on neighbors.
5. 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.

Respectfully,

Robert H. and Elizabeth Smith, 40 Foster Street
Mari Wilson, 30 Foster Street
Bette White, 14 Foster Street
Ellen Fitzpatrick, 20 Foster Street
Meghan Smith, 34 Foster Street
Gerard Slattery, 227 Walnut Street
Francesca Koss, 142 Lowell Avenue