

To: Newton Land Use Committee and others  
From: Fred Arnstein, Neighbors for a Better Newtonville  
Date: February 27, 2017  
Subject: The future of the Orr Block — Request for innovative action from the City Council

After months of LUC meetings, Robert Korff says he wants to withdraw his petition and take the 40B route instead. Does he really mean it? As I write, with an LUC meeting tonight, this drama is almost as exciting as the Oscars. The following is my view, and the view of many in my group, Neighbors for a Better Newtonville.

What he really wants — MU4. We've known all along that Mr. Korff has wanted MU4 rezoning for the Orr Block. But there's also a bigger prize at stake. We see him actively buying and investigating other properties along Washington Street and elsewhere. If he wins rezoning for the Orr Block, he will have a much easier time doing the same elsewhere. So will other developers.

He has shown himself willing to compromise. He started out wanting 171 apartment units. After months of saying that he couldn't possibly go lower, he came down to 161, his new absolute limit. But then, as he foresaw he might lose the council vote, he came down to 141 — his new absolutely final position. So there's every reason to believe that he could compromise further.

40B will be a problem for him. We think that 40B would be a difficult option for Mr. Korff. As we understand the process, he would be subject to conditions imposed by the ZBA, where new hearings, maybe lengthy ones, would have to be held. If he didn't like those conditions, there would be a long appeals process. It would likely be several years before he could build, and what he could build might be much less than he wants.

Our proposal. I'm told that the committee has almost never rejected a request to withdraw a petition like Mr. Korff's. But what if you did? He would still have the option to go ahead with his 40B plan, but this might in reality be an unsavory prospect for him — as it is for all of us.

So let's think innovatively. Suppose you encourage Mr. Korff to return immediately and file a revised petition. It couldn't be for MU4, because he would have to wait two years after you reject his request to withdraw. But our understanding is that he could re-apply immediately within the current BU1/BU2 framework.

This route would allow for creative approaches that might benefit everybody. For example:

(a) The current zoning lines could be redrawn. The BU1 zone (up to three stories) would be closer to the abutters, while the BU2 zone (up to four stories) would be switched to the Washington Street side. Appropriate setbacks from the abutters could be included.

(b) A variance could be requested for more density than the BU zones allow; this would give Mr. Korff more revenue, which is what he says he needs. We believe this variance could be achieved, given that both the gas station and the parking lots contain sufficient contamination to qualify for a variance. This practice has been used by the Board of Aldermen in the past.

(c) Some of the space above the first floor could be devoted to offices. Mr. Korff has claimed that there's little demand for office space at the Orr Block. But consider that Newton is trying to encourage 'innovative' businesses to locate near Route 128. Why not in the heart of Newtonville? The spot would be great for innovative enterprises and we believe it would suit the abutters because the area would be less active during the evening hours.

As I said, these are examples. No doubt other creative directions could be taken. The resulting project would be smaller than Mr. Korff has wanted, and he would lose his precedent. On the other hand, he could start construction much sooner, please the residents, and create a true enhancement for Newtonville. And he could fight for MU4 another day, maybe very soon, as he starts working on his other purchases.

Orr Block — Current Zoning — BU2 parts are shaded darker

