

## SUMMARY: MAIN ISSUES

### NBN Briefing Book

#### Neighbors for a Better Newtonville (NBN)

NBN came together to create a forum for the many individuals who were unhappy about a proposed project at the Orr Block, a project that we felt would be significantly out of character with our village center.

This briefing book

This is a compilation of articles (presentations, letters, and other writings) from various NBN members and occasionally from non-members. It is a resource to browse through and dip into more deeply as you need to. There's a section summary and contents at the beginning of each tab.

#### THE SITUATION

##### Robert Korff's proposal and petitions

Robert Korff, through his company Mark Newtonville LLC, has purchased 15 properties at the corner of Walnut and Washington Streets, in Newtonville. The total site is 2.85 acres. Mr. Korff has paid 2.3 times more for these properties than their assessed value.

Mr. Korff proposes a development of three buildings, 4 and 5 stories tall. The ground floor would offer about 40,000 square feet of commercial space; on the four upper floors he wants to build 161 rental apartments.

- 15% of these units would be 'affordable' at 50% - 80% AMI.
- 10% would be middle-income affordable at 80% - 120% AMI.
- 75% would be rented at market rates.

The 15 properties on the lot are currently zoned for BU1 and BU2. These zones are primarily targeted at business use, but allow residential use on the top floor(s). However, BU1 and BU2 would not allow Mr. Korff to build the number of stories and apartments he wants. So he has petitioned the city to re-zone the entire lot to the new MU4 designation, which would allow 161 apartments and a height of five stories. He has also petitioned for many waivers, six of them to allow reduced parking regulations.

## NBN's opposition to rezoning

The current city administration, and others, enthusiastically support Mr. Korff's proposal. It fits into their vision of the city as a much more urban place, where dense large apartment buildings would appear in villages with Green Line stations and, most important for Newtonville residents, along a long stretch of Washington Street.

However, there are many who strongly oppose the idea of making Newton a much more urban place. NBN is the only organized group representing those people who are concerned about overdevelopment on the Orr Block specifically. Mr. Korff's vision is too big and too dense for the village. It will cause a variety of problems and set a precedent that we do not want and is not appropriate at this particular time.

We know that the Orr Block is going to be 'developed' but we insist that a perfectly good development could be put there *under the current zoning*. A BU-zone development could be quite big and dense. There is no need for rezoning to accommodate still more.

### MAIN REASONS FOR OUR OPPOSITION

#### 1. It isn't necessary

The current zoning (BU1 and BU2) encourages commercial activity, and secondary residential activity, while retaining a character typical of New England villages. BU1 and 2 serve the village well.

Meanwhile, comprehensive rezoning is underway for the city. Until this comprehensive rezoning is finished, it is not appropriate to change the zoning of one large parcel. A perfectly good development could be created under BU1 and 2. It could have up to 103 units, including affordable ones. It could have commercial and office space. It could have lovely community areas that would enhance the village. MU4 is not necessary.

#### 1. It would compound the impacts of the Austin Street experiment

Another major project — on Austin Street — has provisional approval under MU 4 (provisional because the project is under litigation).<sup>1</sup>

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<sup>1</sup> The proposed building on Austin Street is very large for our village. It represent the first time that MU4 has ever been approved for a site. The Austin street project encountered strong opposition from residents, though the city finally approved it anyway. But Austin Street's rezoning should not be used as an argument in favor of rezoning the Orr Block; two wrongs don't make a right.

At the time it was approved, Austin Street was to be far larger than other residential structures in its vicinity.

Austin Street's construction will overlap with Orr Block construction. The Austin Street construction will certainly be hard on residents and businesses, so the idea of rezoning another nearby spot in absence of a complete zoning plan is even more unreasonable.

Austin Street will create a type of building new to the village and MU4 zoning is a type of district not used before in this city. Austin Street should be treated as an experiment; let's see the results before trying a second MU4 just a few blocks away.

### 3. It would create untimely and dangerous precedents

If the Korff proposal is approved, it will be only the second time MU4 has been used; therefore it would significantly reinforce the Austin Street precedent. Or if Austin Street fails in the courts, the Orr Block would be *the* precedent: a precedent for one-off major rezoning. The Washington Street corridor is one of the areas currently slated for urban-type density, but this is not codified by the city rezoning process. We can wait a little longer.

Mr. Korff is already buying up properties elsewhere on Washington Street. He has a vision that would take the MU4 designation beyond the Orr Block.<sup>2</sup> But many residents are opposed to that vision. The political situation is uncertain. The tide may turn toward more moderate development. We know that there is a lot of public sentiment in that direction. We should not be establishing precedents that preempt a change.

### 4. Newtonville is the wrong place for (further) densification

Newtonville is already one of the city's most diverse villages. Compared to many other villages, our house prices are low; we are richer in rental units and diversity of income levels. We are also denser. In other words, we are already fulfilling — under current zoning — the advantages that MU4 is supposed to confer.

### 5. Much of the community opposes the zone change

As we pointed out above, there are many people in Newtonville and elsewhere in the city who oppose this development as proposed — that is, rezoned. We have collected over 3000 signatures on a petition objecting to the proposal. And a 2014 Survey by a different group showed unequivocally the same sentiment.

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<sup>2</sup> We refer to properties at Kempton Place where The Barn is now located.

The most common complaints are about the size and density of the project. Our signers have not said that they are opposed to development, per se. Many have said explicitly that they favor some development. But they see the massive Korff proposal as inappropriate for this village. A less massive development would be acceptable to them.

#### 6. There will be negative impacts

The proposed project would have negative physical impacts on the character and safety of the surrounding area. Parking is already near capacity in our business districts. The project as planned will bring many new residents and shoppers; it will also have inadequate parking facilities (due to waivers) on-site. So there's no question that parking would become much worse, with distressing consequences to businesses and residents.

Traffic is already a problem, and will likely get worse. Environmental issues exist: The site is contaminated and will have to be carefully monitored. And there will be major problems for abutters due to the construction itself and the much increased evening activity and lighting.

Added schoolchildren are likely to present a fiscal challenge. Mr. Korff assures us that his plan would add only 24 schoolchildren. That's because he would be offering mostly small apartments. But the Orr Block is only 1000 feet from a middle school and an easy half-mile walk from Newton North High School. Our schools are famous for their excellence. Parents will squeeze their families into tight quarters, if they have to, to gain school access.

#### 7. Commercial tax opportunity is being lost

The city needs commercial tax revenue. Yet the Korff development would be mostly residential. The Orr Block could have a greater proportion of stores and offices.

#### 8. The 'affordable housing' benefit is an illusion

Like all Newtonites, we strongly desire 'affordable housing' in Newton. Mr. Korff's complex would include some affordable apartments, but the net effect on affordability in Newtonville would be negative. Consider that 20 existing affordable units will be demolished, so there is very little net gain.

Developers use 'affordable housing' as bait. What we actually would be swallowing would be a building where 75% of the units would be bid up by the many residents of this region who are affluent enough to afford them.

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## Tab 1: The Context of Our Opposition

- *The Demographic Context*  
Fred Arnstein
  - ¾ *Newton's North Side is strikingly different from wealthier sections: denser, less affluent, more renter heavy, more multi-unit buildings. Newtonville already welcomes diverse incomes and housing types. It's not the right place to push for more density.*
  
- *A Resident's View*  
Helen Nayar
  - ¾ *The essence of Newtonville is its village character. Our village and its residents will be hurt and diminished if zoning is substantially changed.*
  
- *Excerpts from Newton's Comprehensive Plan*  
City of Newton
  - ¾ *These excerpts illustrate the clarity and force with which the plan tries to protect the character of Newton's villages.*
  
- *Newton's Uncertain Political Climate*  
Fred Arnstein
  - ¾ *The Korff petition comes at a time of great uncertainty in Newton's political climate. Even for those who love Korff's vision, the right thing is to reject rezoning, given the circumstances.*
  
- *Breathing Room, Elbow Room, Quality of Life*  
Naomi Myrvaagnes
  - ¾ *The project would diminish the quality of life that Newtonville offers. Don't look at one project at a time, grant it waivers, and then be boxed in by precedent.*

## Tab 2: Resident Sentiment — What Newtonites Think

- *A Petition Against Rezoning the Orr Block*  
Peter Bruce, Ph.D.
  - ¾ *To date, 3020 residents have signed our petition asking the City Council to reject rezoning of the Orr Block. Many thought the development was just too large.*

## Tab 2: Resident Sentiment — What Newtonites Think [cont.]

- *Comment from a Newtonville Resident*  
Tom Gorman  
 $\frac{3}{4}$  *This online comment captures many of the themes that residents have expressed to us.*
- *What Newtonville Will Be Like If the Korff Colossus Is Built*  
Fred Goldstein  
 $\frac{3}{4}$  *Another comment from a resident.*
- *What People in Newtonville Want — Results of the Austin Street Community Survey*  
Beautiful Newtonville  
 $\frac{3}{4}$  *The results of Beautiful Newtonville's 2014 survey are relevant to the Orr Block.*

## Tab 3: Affordable Housing — Real Problem / Unreal Solution

- *The Answer*  
Shelterforce magazine  
 $\frac{3}{4}$  *A one-page graphic answer to: "Why doesn't the market produce enough affordable housing where people want it?"*
- *Is the Orr Development Affordable?*  
Pamela Shufro  
 $\frac{3}{4}$  *How affordable would Washington Place be? Who could afford it? Let's look at the data. RKG data shows that we already have enough 'workforce' housing at 80-120% AMI. What we lack is housing under 50% AMI, and Korff is not providing any such. There is no hard data on what Newton workers or seniors prefer for housing.*
- *More Housing Means Lower Prices? — Not in Newton*  
NBN Compilation  
 $\frac{3}{4}$  *A compilation of hard evidence, anecdotal evidence, and plain logic showing that more housing doesn't necessarily lead to lower prices — not in a place like Newton.*

## Tab 4: Transportation

- *My Experience with Our Public Transportation*  
Bob Kavanagh
  - ¾ *Personal accounts: how Newtonville public transit is very difficult and unsatisfactory, and not likely to improve soon.*
- *Transit-Oriented Development*  
NBN Contributors
  - ¾ *Newtonville does not qualify for transit-oriented development status. Some villages do, but not Newtonville.*
- *Dimensional Requirements and Parking Waivers for the Orr Project*  
Naomi Myrvaagnes
  - ¾ *There are specific reasons why granting waivers will seriously impeded adequate on-site and on-street parking.*
- *It Just Doesn't Fit: Washington Place's Impact on Newtonville's Parking and Commerce*  
Peter Bruce, Ph.D.
  - ¾ *Newtonville already is at or near parking capacity; studies show that the new construction is likely to overwhelm that capacity.*
- *Critique of the NBN Traffic Study*  
NBN Contributors
  - ¾ *We can't trust the traffic study's conclusion that traffic won't be increased. Common sense, everyday observation, and statistical criteria say otherwise.*

## Tab 5: Fiscal and Business Impact

- *Fiscal Impact and Business Impact*  
Peter Harrington
  - ¾ *Commercial property yields higher taxes; its development should be encouraged. But Korff proposes mostly residential use. Korff's development would also hurt local business, and thus would further reduce the city's commercial tax base.*

## Tab 6: Legal Issues

- *Density Controls — Letter to Marc Laredo*  
Peter Harrington
  - ¾ *Mr. Harrington discusses density controls under different zoning categories.*
  
- *Who owns Bailey Place and Washington Terrace?*  
Peter Harrington
  - ¾ *The Orr Block parcel includes two small streets: Bailey Place and Washington Terrace. The petitioner claims to have ownership rights over both, but he does not. This must be resolved before he can claim them.*

## Tab 7: Abutters and Historic District

- *Abutters and Historic District*  
Meghan Smith and other material
  - ¾ *Orr Block abutters have strong and legitimate concerns about Washington Place. A letter describes their concerns. The abutters are also part of a Historic District. A development the scale of Washington Place should not be located adjacent to this district.*
  
- *Letter from an Abutter*  
Patrick Slattery
  - ¾ *An abutter who owns a rental property adjacent to the site voices numerous concerns, including about problems arising from the construction process itself.*

## Tab 8: Chemical Contamination

- *Chemical Contamination*  
James Pacheco, Engineering Consultant
  - ¾ *Potentially hazardous chemical contamination exists under the Orr Block parking lot and the Sunoco Gas Station. NBN wants clean-up monitored throughout construction.*



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## Section Overview

### The Context of Our Opposition

The articles in this section look from above, as it were, at the overall situation and context of our position against rezoning. Here are major themes.

- *Washington Place as proposed is wrong for Newtonville.* The project would be too massive and too dense. It would violate the unique village Sense of Place that Newtonville has and that Newton's comprehensive plan promoted so powerfully.<sup>1</sup> While the Village will certainly change over time, there is no need for the kind of development that Mr. Korff is proposing.<sup>2 3 4</sup>
- *The proposal is wrong for Newtonville's demographic and housing context.* This proposal is "bringing coals to Newcastle": Newtonville, more so than much of Newton, already welcomes diverse incomes and housing types. It has more rentals and they have lower rents. A large new development would make Newtonville even more dense and more renter-heavy — too much so. The disparity between Newtonville and other parts of the city would be increased.<sup>5</sup>
- *There's resentment in Newtonville about big developments.* And the resentment is justifiable. First, there is the Austin Street project, which was widely opposed in the village. Nobody knows what its real impact will be. And now we have another MU4 development (Orr Block) right on top of it? Many residents feel that Austin Street was foisted on our village, in part because of people from elsewhere assumed that since Newtonville was already dense and (relatively) poor, the residents there wouldn't fuss.
- *The political context is wrong for a zoning change.* The petition makes no sense given extensive uncertainty in the political climate of Newton. That uncertainty includes (a) no good assessment of city-wide desires about development, (b) a comprehensive rezoning effort now underway with outcome to be determined. (c) a mayor who is leaving, with uncertainty about the priorities of the outlook of our next mayor. (d) a charter

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<sup>1</sup> City of Newton: *Excerpts from Newton's Comprehensive Plan.*

<sup>2</sup> Helen Nayar: *A Resident's View.*

<sup>3</sup> Peter Harrington: *Overview and Plea.*

<sup>4</sup> Naomi Myrvaagnes: *Breathing Room.*

<sup>5</sup> Fred Arnstein: *Demographic Context.*

commission that wants to cut out effective local ward representation; this is yet to be approved or rejected by the citizens.<sup>6</sup>

## Contents of This Section

Pagination starts afresh for each article.

- *The Demographic Context*  
Fred Arnstein  
*¾ Newton's North Side is strikingly different from wealthier sections: denser, less affluent, more renter heavy, more multi-unit buildings. Newtonville already welcomes diverse incomes and housing types. It's not the right place to push for more density.*
  
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<sup>6</sup> Fred Arnstein: *Newton's Political Context — In Flux*.

## Newton and Newtonville As They Are

### Context for The Orr Block Rezoning Decision

#### The Situation

- Mark Newtonville, LLC wants to create a development of massive proportion relative to the population and current built environment of Newtonville.
- As proposed, the development would present significant problems to the Village and the City.
- The developer requests rezoning and special permitting.
- *Is there a net benefit to the residents of our city and our village that would justify granting these changes?*
- We believe the answer is No.

## ***Newton: The Garden City***

*"Newton is renowned as a City of Thirteen Villages.*

*"The villages are home to distinctive shops, independent restaurants, neighborhood services, and professional offices, as well as civic buildings, places of worship, cultural organizations..."*

*"Many residents and businesses have great loyalty to their distinct, local village."*

—City of Newton web site

## **One of The Best Places To Live**

- USA Today, September 2014 — America's 50 best cities to live in:
  1. *Newton, Massachusetts*
  2. Bellevue, Washington
  3. Mountain View, California
  4. Pleasanton, California
  5. Evanston, Illinois
- Do we remain a unique Garden City of Villages?  
Or an extension of Boston's urban landscape?

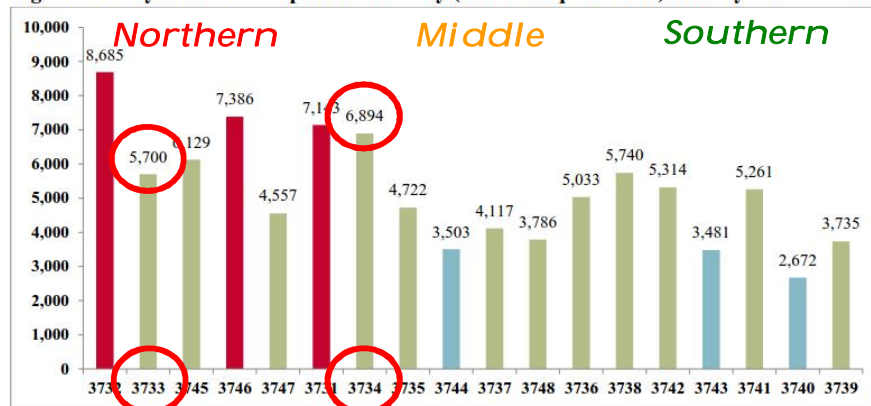


## Density

- Newton’s North side (which includes Newtonville) is overall more dense than the South side.
- The North side includes the 5 densest tracts (out of 18) in all of Newton.
- One of the Newtonville Tracts (3734) is the fourth densest in the city.

## Density — High

Figure 23: City of Newton Population Density (Persons/Square Mile) 2010 by Census Tract



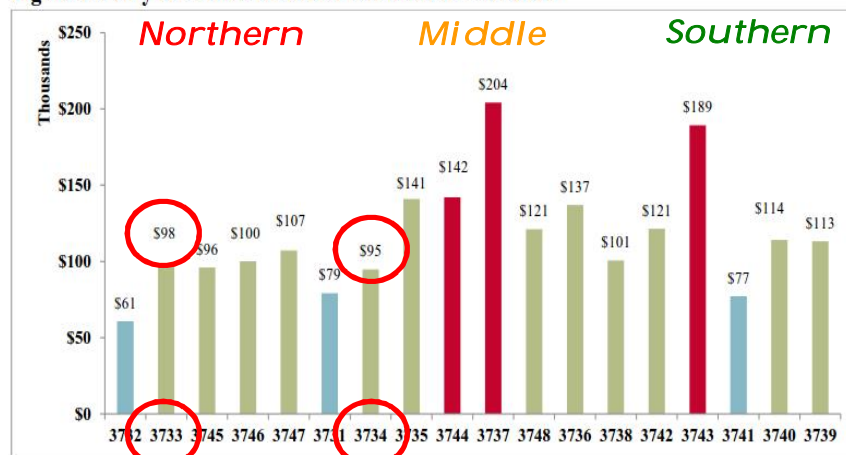
Source: USA.com Census Tract data for the City of Newton

## Income

- Newton’s North side is less affluent than the middle and south.
- Newtonville tract 3734 has fourth lowest median income in the city. Tract 3733 is sixth lowest.
- Newtonville is not overall low-income, but it is clearly more modest than many other parts of the city.

## Income — Relatively Low

Figure 25: City of Newton Median Household Income 2010



Source: USA.com Census Tract data for the City of Newton

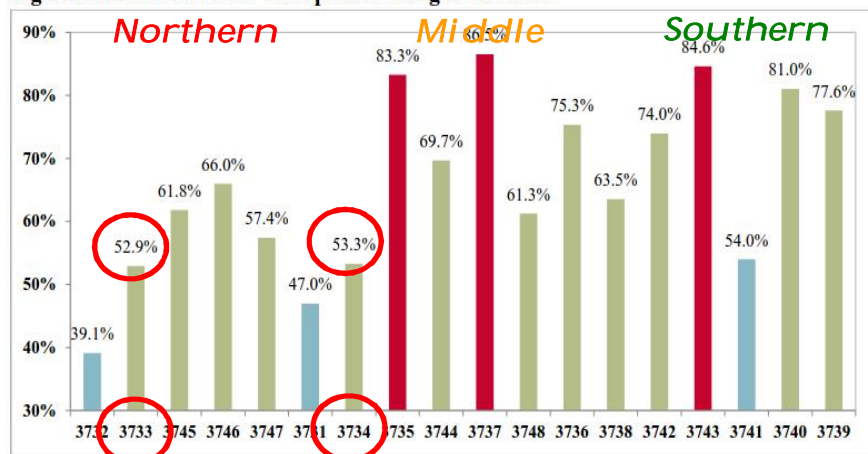


## Renting Versus Owning

- Newton’s North side is much more renter-heavy than the Middle and Southern sides.
- The Newtonville tracts have the third- and fourth-highest portion of rental living — lowest proportion of owner-occupied units — in the city.

## High Proportion of Renters (Low owner-occupied)

Figure 29: Percent Owner-Occupied Housing Units 2010



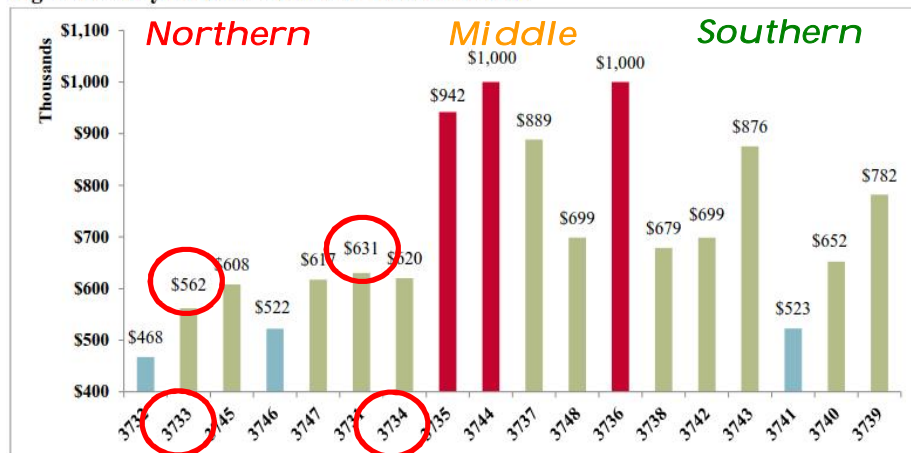
Source: USA.com Census Tract data for the City of Newton

## Home Prices

- The North side as a whole has strikingly lower home prices than the Middle and South.
- The Newtonville tracts are in third and fourth place for percent of living units that are rentals.
- So Newtonville is a tempting target for developers — that’s why we need zoning protection.

## Home Prices: Lower

Figure 32: City of Newton Median Home Price 2010



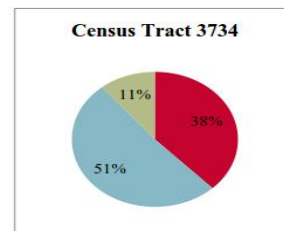
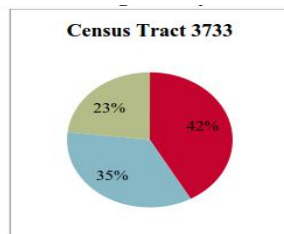
Source: USA.com Census Tract data for the City of Newton

## Prevalence of Multi-Unit Buildings

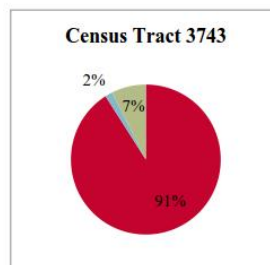
- The two Newtonville tracts have the second- and third-lowest proportion of single-family homes of all the tracts in the city.
- Tract 3734 has 38% single-family homes.
- Tract 3733 has 42% single-family homes.
- Only Newton Corner (3731) has a lower proportion of single-family buildings (36%).

## Newtonville Already Has More Multi-Unit Buildings

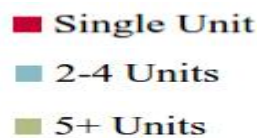
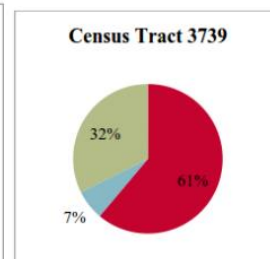
### Newtonville



### Middle (example - Waban)



### Southern (example - Oak Hill)



## Implications 1

- Newtonville (and the whole North Side) already welcomes diverse incomes and housing types.
- Large new developments would make it still more dense and more renter-heavy.
- This is a case of 'No good deed goes unpunished.'

## Implications 2

- Higher land value for the Orr Block will boost rents and property taxes for other homes in the area.
- Moderate- and lower-income people will have a harder time moving to Newtonville, in spite of a few new affordable units.
- We would welcome a plan that better suits the needs of our Village.

## A Resident's View

Helen Nayar

June 7 2016 — Land Use Committee

Good Evening.

Newton has been consistently listed as one of the best places to live in the United States, in large part because of the livable qualities of our villages and neighborhoods. These include walkable, human-scaled village centers, tree-lined residential neighborhoods, good schools, parks and open space, and stability in our built environment.

People have invested their lives and their life savings into homes and small businesses in Newton because Newton has a strong tradition of zoning to protect single and two-family neighborhoods, commercial districts in our village centers, and a mixture of housing choices to accommodate a socio-economically and ethnically diverse community.

That stability, diversity, and quality of life is endangered when one person can buy up much of a village center and unilaterally decide to evict over two dozen local businesses and renting families.

The thousands of people who live in Newtonville and the owners of small businesses in Newtonville, many who have been here for decades — all of us who are the life and breath of Newtonville — we have the most at stake. Some of us will be cast out when our homes and businesses are demolished; the rest of us will be left to endure the very negative impacts of this inappropriate development: a looming structure, traffic and parking messes, the overcrowding of our schools, the costs of providing city services to so many apartments and commercial establishments, plus higher rents and upward pressure on nearby housing and land prices. It will set a precedent that other developers will then repeat.

There is no reason to allow this project to be anything other than what is allowed by right under existing zoning. To grant rezoning and a special permit under these circumstances is to harm those constituents who have put our trust in you to protect our way of life.

Thank you.

# Excerpts from Newton's Comprehensive Plan

*[Emphasis added by NBN]*

Prepared by the Mayor's Comprehensive Plan Advisory Committee  
Recommended by the Planning and Development Board  
Adopted by the Newton Board of Aldermen November 19, 2007

Housing Costs Hardship and community stratification resulting from the loss of housing affordability in Newton is central to the Housing element. The widely publicized “bursting of the housing bubble” has in some locations significantly contributed to mitigating affordability problems, and some have suggested that the same may be true in Newton.

**Placemaking.** ... We need to have a process for connecting our shared vision to the investments that the City makes in the infrastructure which is a key part of all of our places.

**Guiding intentions and goals.** *We should provide a clear statement of intentions and goals both for the City as a whole* and, with careful relationship to those citywide statements, for each of our neighborhoods, village centers, and other places so that proposals and actions can be measured against them. The process of articulating those statements should critically involve those who live, work, or have other stakes in those places. ...

**Clear Rules.** *Intentions and goals should be reflected in zoning and other development regulations* and in guidance for public investments. That guidance should be clear, readable and unambiguous in both letter and intent. Periodically it should be thoughtfully evaluated and revised as discussed earlier. Development standards should be predictable and understandable.

**Sensitivity to place and openness to creativity.** ... *At the very least, new development should not damage the valued qualities of that which exists in the vicinity.* Guidance materials and practices must protect these special characteristics while also respecting both the rights of property owners and the diversity of the community.

## LAND USE

*“At the heart of the struggle to determine the direction any city will take is the question of how its land is to be used. It can either be treated primarily as a source of profit, to be packaged, bought and sold, or else, as the holistic perspective teaches, as a resource that in an interrelated manner serves the spiritual as well as the material needs of the people who live upon it.” - John Guinther*

“This land is your land and this land is my land, sure, but the world is run by those that never listen to music anyway.” – Bob Dylan

Newton’s land area of almost 18 square miles is all but fully built out

**Protection of Property Rights** - The protection of property rights is an often-expressed and legitimate concern. That includes the rights of home owners to protect the financial investments and quality of life commitments they have made, and also the rights of larger land owners to see the investments they have made treated predictably and fairly. The principle of private property is fundamental in our society and deserves full respect.

As a mature city, Newton provides opportunities for preservation and challenges for new limited in-fill developments and redevelopment of existing properties.

## **TRANSPORTATION AND MOBILITY**

“We are coming to the realization that making the traffic work well is one of the prime contributors to much of what we now see and don’t like in our new suburban growth; namely, loss of community, absence of walking atmosphere, boredom, bleakness...” - Walter Kulash

In the years since the Turnpike extension, however, no comparably major transportation improvements have been made in Newton. ... Relative to many other parts of the region, service for Newton has deteriorated. ... For those and other reasons, travel and transit is becoming more difficult in Newton. On many of Newton’s roads, off-peak traffic volumes of today are the same as “rush-hour” traffic volumes were about 20 years ago. ... Meanwhile, the major north-south routes through Newton, such as Chestnut, **Walnut**, and Centre Streets, have become increasingly clogged with traffic, with backups at many key intersections. *[emphasis provided]*

... the lack of a fine-grained network of public transport, many locations in Newton are not accommodating for persons without automobiles.

Overall, there has been an increased reliance on motorized transportation over walking or using transit.

## **TRANSPORTATION AND MOBILITY VISION AND GOALS**

### **To Enhance and Promote Equity in Mobility**

Our intention is to promote accessibility for all residents of Newton in all parts of the City, including the 30% of the population that does not drive.

**To Maintain City Character and Quality of Life** Our intention is to assure that transportation change promotes rather than degrades the kind of City that is being sought, enhancing Newton’s village centers, neighborhoods, and other areas.

## STRATEGIES AND ACTIONS

Over the past two decades the notions of “neo-traditional design” have attracted growing support, recently including Massachusetts’ policies as articulated by the Governor and the Office of Commonwealth Development. That set of design ideas is hardly radical, in fact they sound a lot like Newton as it has been. Newton Centre has sometimes been cited nationally as an exemplar of a neo-traditional neighborhood

Here is how some of the key principles of neotraditional design have been shaped for this plan from an Institute of Transportation Engineers publication

There is a neighborhood commercial center within [roughly ¼ mile radius] for the majority of residents in the neighborhood;

The streets are laid out in well-connected patterns, at a pedestrian-friendly scale, so that there are alternate automobile and pedestrian routes to every location; wherever possible.

The streets are relatively narrow, and the streetscapes are well-defined by the buildings and trees along them;

Bicycles are considered an integral part of the transportation mode mix, and the design of the streets and sidewalks includes appropriate facilities for them.

Newton is fortunate in that it contains village centers which are nodes of dense mixed-use development, usually oriented around transit. The focal pattern provided by Newton’s village centers provides a prime opportunity for wise and efficient transit and pedestrian improvements that are the key alternatives to drive-alone travel.

- ... possible concepts for improved transit services in Newton including the following:
- An extension of Route 60 bus line
- The extension of trackless trolley services from Watertown into Newton Corner
- The restoration of bus service along Watertown Street and Washington Street
- A new Green Line branch, connecting the Town of Needham with Newton Highlands Station, located near Needham Street, which would provide two new Green Line stations in Newton
- A new Commuter Rail station at Newton Corner, and a new Commuter Rail branch with a new station located at Riverside.

**“Flexible Moderate Growth”** for Newton means a continuing focus on residential and village centers. It means that we seek to enhance the urban amenities that make Newton such a favorable place to live. It means adapting the community to the needs of its changing population.



# Newton's Uncertain Political Climate

Fred Arnstein

To Land Use Committee — December 2016

Hello Mr. Chairman and Councilors,

I last talked to you in June, when we looked Newtonville's demographics and housing statistics. As the months have gone by, I've learned about many things — like toxic spills, the height and appearance of buildings, the impact of parking scarcity on business, the myths and realities of 'affordable housing' — and I keep on learning.

It's become clear to me that, as important as all the specific topics and controversies are (and they are indeed important), there's a bigger picture, which is the uncertainty of Newton's political context, that's really fundamental to your decision.

For many years here, there have been powerful forces pushing for real estate development. Maybe the good news is that many in Newton have tried to resist that push, sometimes successfully, so that the garden city hasn't yet moved farther toward a completely different identity.

Newton's comprehensive plan of 2007 was a balanced document. The amendment of 2011 pointed to more density but was still balanced by care about preserving the character of our Newton villages.

In 2012, the balance shifted with the creation of the MU4 zone, a plan to implement it in targeted village centers, and we've witnessed the rezoning of the Austin St parking lot to an MU4 mixed use development.

Now it's 2016. We've seen a 'vision' from the mayor that pushes further toward urbanization, and for the first time a private developer has petitioned for MU4 zoning for a big and controversial project.

Mr. Korff and his organization are taking advantage of the concept that Washington Street will become a corridor of development. In its own way, similar to Needham Street on the south side.

It may not be news to you, but I was surprised to learn last week that the Korff organization has bought another property along Washington Street, Jack's Auto Service. The Barn is located just steps away, on Kempton Place, which is a rather obscure turn off Washington St. You've

probably used Jack's Auto Service as a landmark to help you find the Barn. Well Jack's Auto Service is now in the hands of "Mark Kempton LLC" — note: "Mark Kempton," the whole street, not "Mark Auto Service."

The lot where the Barn is located, and two other adjacent properties, is owned by estates of the recently deceased owner. The Barn itself has publicly spoken about wanting to move to Mr. Korff's development in Newtonville. So we fully believe that the plan is to assemble a new package something like the Orr Block, but closer to West Newton.

So the dominos are starting to fall, as predicted, and in fact as the forces of development want them to fall, creating a dense MU4-type corridor along Washington Street.

But even as this is happening, the political landscape has shifted, it has become uncertain, and that is what I want to emphasize.

1. The vision of a more urban Newton has not been fully mandated by community support. Hardly mandated at all, in fact.

Community sentiment and input has hardly been assessed at all by the city. For example, the city held a lego block exercise in which 80 citizens gave their stamp of approval to the vision of a built-up Washington Street corridor. That's 80 citizens out of 80,000. In reality, as we know well from our conversations with hundreds of residents, community sentiment is hardly united around the vision of large dense MU4 buildings.

2. The city is in the process of comprehensively reconsidering all our zoning districts. We know that city staff and consultants are promoting urban type development, but rezoning is still unfinished. With community input, maybe a lot of unsolicited input, the outcome is unknown.
3. We have a mayor who is leaving us. He is a powerful advocate for urbanization. In his housing plan the mayor would like to move special-permit granting to the city administration, rather than leaving the council to conduct messy debates where citizens can actually express their views. Who will the new mayor be? What will her or his priorities be? We don't know yet.
4. We have a charter commission that would like to reduce the number of City Councilors to twelve At-Large, which would also reduce citizen participation, eliminating meaningful local ward representation. But the charter commission's recommendations may be rejected by the citizens.

These are huge uncertainties. In the face of them, now is not the time to approve a one-parcel rezoning that will set a precedent for Mark Kempton and untold other properties.

I'm speaking particularly to those of you who love the Washington Place vision, the buildings, the amenities, the community benefits. To those of you who support the vision of a more urban Newton. We disagree, but I know that you have good intentions for the city.

But there's no doubt in my mind that this is not the time to move forward with them. The city and the village will do fine at this point with the Orr Block's current zoning. It is simply the right thing to do to deny the petition until the many political uncertainties are resolved after next November. Every single member of this body, and the whole council, should be voting No. There is really no other appropriate alternative.

Thank you.

## Breathing Room, Elbow Room, Quality of Life

Naomi Myrvaagnes

The City of Newton seems to be focusing on increasing population density at the expense of sustainability and quality of life. It makes sense to me to develop a significant, under-used parcel along Highland Avenue and create a new Newton village there. That would entail adding public transportation as well as somehow planning for an increased school population and other City services.

However, Newtonville and other our other existing village center are a very different story. Keeping to Newtonville at the moment, I believe that the area cannot afford more density. Two developers are going to develop large complexes there, but they should be held to the density and building size currently allowed. Austin Street is already decided (though I dearly hope the specs for the parking spaces can be improved). The Orr block should not be given permission to be higher or denser than current specifications allow.

I care about quality of life. That means enough space to open the door of your car in a parking space. Enough square feet in your apartment to have personal possessions—we are not yet equipped with implanted chips to replace our books, papers, mementos, art works. We need green space and sky, not masses of brick and concrete.

I know that much more thought is being given to the design of the Orr block than to the horrors of apartment buildings lining Pleasant Street in Watertown. Even so, Newton is heading in that direction—more slab boxes to “house” tenants. Most of these tenants will be commuters, using their apartments for little more than sleeping. This is not a people-friendly model. It does not invite residents who are interested in building community and civic life.

I fear that a larger and denser Orr block will accelerate the land grab that developers are sure to engage in along all of Washington Street. Traffic is already brutal. I hope the Land Use and Planning committees will remember that the purpose of building is to serve the public interest, not to reward developers with extra profit. Density can be an environmental plus, but only in locations that are equipped to handle it. Our existing village centers cannot take on much increase without changing their character for the worse. It is not sustainable to look at one project at a time, grant it waivers, and then be boxed in by precedent to increasing expansion.

Please slow the rush to urbanizing our balanced, suburban small city. We already have Route 9. We don't need another one on Washington Street.

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## Section Overview

### Resident Sentiment — What Newtonites Think

A substantial number of Newton residents want to see limited size and density in new developments. Neither the city nor anyone else has conducted a city-wide systematic survey on this issue. But we have compelling evidence that a large portion of Newtonvillians and Newtonites generally oppose large dense developments.

1. Since May 2016 we have circulated a petition asking the City Council not to rezone the Orr Block.<sup>1</sup> We've collected 3020 signatures (no duplicates) to date, the end of 2016. 90% of signatures were on paper; the other 10% came from an on-line site. Besides the signatures, the personal contact we had with residents yielded an intimate knowledge of people's concerns.<sup>2</sup>

Among the wards:

- 30% were from Ward 2 (we petitioned mostly in and around Newtonville).
- 39% were from the other North Side wards (1, 3 and 4).
- The remainder were from other villages.

2. The organization *Beautiful Newtonville* conducted a survey of Newtonville residents in 2014, at the time Austin Street was being debated. The results clearly show preference for less massive and less dense development.<sup>3</sup>

Key findings:

- 82% said a development of three stories or fewer would work best.
- 80% of residents wanted 40 or fewer residential units. That includes 20% who wanted no residential units at all.

These sentiments would be very relevant to other nearby developments, including the Orr Block, which is just .2 miles away from Austin Street.

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<sup>1</sup> In this section: *A Petition against Rezoning the Orr Block*.

<sup>2</sup> In this section: *Typical Comment from a Signer*.

<sup>3</sup> In this section: *What People in Newtonville Want — Results of the Austin Street Community Survey*.

## Contents of This Section

### Resident Sentiment — What Newtonites Think

Page numbers start afresh for each article.

- *A Petition Against Rezoning the Orr Block*  
Peter Bruce, Ph.D.  
*¾ To date, 3020 residents have signed our petition asking the City Council to reject rezoning of the Orr Block. Many thought the development was just too large.*
- *Comment from a Newtonville Resident*  
Tom Gorman  
*¾ This online comment captures many of the themes that residents have expressed to us.*
- *What Newtonville Will Be Like If the Korff Colossus Is Built*  
Fred Goldstein  
*¾ Another comment from a resident.*
- *What People in Newtonville Want — Results of the Austin Street Community Survey*  
Beautiful Newtonville  
*¾ The results of Beautiful Newtonville's 2014 survey are relevant to the Orr Block. In that survey, 82% of people said they preferred a development of three stories or less. And 80% of them wanted it to have 40 residential units or fewer.*

A Petition Against Rezoning the Orr Block  
Conducted by Neighbors for a Better Newtonville (NBN)  
Status Report by Peter Bruce, Ph.D.

Beginning in mid-May 2016, NBN has led a petition drive through which residents of Newtonville and other parts of Newton could express their opposition to rezoning the Orr Block to MU4 status. The essence of the petition was to object to the size and density of the buildings that Mark Newtonville, LLC has petitioned to build there.

This report marks our progress to date. In about five months of active petitioning (we took a break in July and August) we have accumulated 3020 signers Newton-wide. This compares favorably, for instance, to the eight years it took the League of Women Voters and other groups to gather 8000 signatures for the Charter review.

We gathered signatures in front of Star Market, the Main Library, sporting and civic events, and by going door-to-door. Our petitioners were instructed to have people write clearly and confine signers to town residents. In the scanned copies of petitions sent to City Councilors, we have lined-out almost all duplicate signers and non-residents. This includes one person who changed her mind, and now favors rezoning (who does not live in Newton). We have also excluded those who have given incomplete or illegible information which we could not reasonably match in Newton's *Annual Listing of Residents* or voter lists (about 45 signers). By cross-referencing our signers with the *Annual Listing of Residents*, we have learned something about who they are, demographically, and what party they are enrolled in.

We have turned over the names and addresses of our signers to City Clerk David Olson.

In gathering signatures, our small group of petitioners focused mostly on getting paper petition signers rather than online signers. Some City Councilors have voiced (valid) concerns that online petition totals can be padded by people signing more than once. We are happy to report that more than 90% of our signatures came via paper petitions.



## Demographic and Partisan Breakdowns of Supporters

*By Ward:* The largest portion of our signers came from Ward 2 (30%), where the Orr Block is located. The next largest came from adjacent north-side wards, Ward 1 (15%) and Ward 3 (14%). But fairly strong support also came from Waban, Auburndale, and the closer parts of Newton Centre (Wards 4, 5, and 6). No doubt we would have had more signatures from the southern parts of Newton if we had had the manpower to petition there.

Ward	Number	Percent
1	449	15%
2	911	30%
3	436	14%
4	297	10%
5	300	10%
6	310	10%
7	166	6%
8	150	5%
Grand Total	3020	

*By Party:* Signers were most likely to be Democrats, and next most likely to be unenrolled in any party. Only 5% of our signers were Republicans.

Nearly 80% of our signers were listed as registered voters in the *Annual Listing*. The percentage would be higher now because others undoubtedly registered recently in order to vote in the November general election. The table below is based on the 2380 signers whose affiliations were in the *Listing*. It's striking that the Democratic proportion of signers is 9 points higher than the total proportion of registered Democrats in the city. This suggests that the Mayor and other prominent Democratic leaders who support this project may be somewhat out of step with their base.

Party Affiliation	Signers	Total City*
Democrat	53%	44%
Republican	5%	8%
Unenrolled	41%	48%

\*From City Hall's "Voter Total Sheet" of 10/24/16, which is more current and comprehensive than the *Listing of Residents*.

Does the high percentage of Democratic signers reflect the disproportionate weight of Ward 2 signers — and the fact that Ward 2 has the second-highest concentration of Democrats of Newton Wards? The answer is No: Within Ward 2, Democrats were over-represented among our signers by only about 6 percent. But in the rest of Newton, they were overrepresented by about 10 percent.

Of further interest, in Ward 2 nearly half the active members of the Newton Democratic City Committee, including some of the most prominent, have signed our petition or otherwise expressed opposition to rezoning the Orr block. This contrasts sharply with the Austin Street project, for which the Ward 2 Democrats had been active “Friends of Austin Street,” and (to our knowledge) the only Ward Committee that took that position. A number of prominent party leaders have also signed.

*By Occupation:*<sup>1</sup> About a third of our signers (32%) were not listed as having money-making occupations. They include retirees (13%), unknown (12%), and small numbers of students, housewives, unemployed, and other such categories.

The great majority of the employed were in professional occupations. The largest categories listed were:

Occupation	Number	Percent
Teacher	114	5%
Physician/M.D./Doctor	85	4%
Attorney/Lawyer	87	4%
Engineer	57	2%
Consultant	44	2%
Professor	39	2%
Manager	31	1%
Scientist	29	1%

These categories are followed by writer, sales, social worker, lawyer, psychologist, artist, and administrator.

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<sup>1</sup> Technical note: citizens are free to record their occupation any way they like, and apparently the recording personnel are also free to abbreviate as they like. The result is that many listings are unique or nearly so; for example, there are 19 'nurse,' 10 'reg nurse,' 3 'nurse pract', 2 'nurse prac', and so on. So the occupation numbers are only approximate.

There are also many (587) blanks. Our figures are based on the 2438 respondents who did have occupational listings (including 'unknown'). In spite of the uncertainties, the broad outlines of occupation are clear enough.

Over 680 categories are listed, the majority with just one person per category. However, a quick scan confirms what the chart above shows: the large majority of employed signers are in professional roles.

Comment from a Newtonville Resident  
Tom Gorman, an online signer of our Petition

I believe this project is way out-of-scale for this site and that it will create detrimental and long-lasting traffic and parking problems and that it will change the character of Newtonville for the worse.

I am basically pro-development, by the way, but this project is simply too large for this site. ALSO, and this point is key, there is no way this project should proceed until we see the effects of development at the Austin Street site.

I understand that the investment and carrying costs may be burdensome, but the developer made an investment and understood the risks. The City Council exists to protect current residents and business, not to ensure returns on investment for private developers.

I applaud the desire to develop this site, and would like to see it developed, but this project is simply too much, too large, and too soon (after Austin St.).

What Newtonville Will Be Like If the Korff Colossus Is Built  
Public Comment by Fred Goldstein

I am a commercial tenant in the Orr Building.

If the Korff project is built as planned, what will visitors experience when they come to shop?

What will Village residents experience as they go by the building, or live or work near it? What will the complex do to Newtonville's sense of place as a Village?

The project includes 40,000 square feet of high-end retail space on the ground floor. The developer expects shoppers from outside the Village to support the businesses — in fact, the high-end stores he wants could not survive without out-of-Village shoppers. That means more demand on parking.

The project's overall ambiance is supposed to be that of a high-end mall, a mini version of Chestnut Hill Square. Street parking cannot accommodate the customers who would come to its businesses, so the developer proposes a parking lot inside the complex, from which most customers will enter the stores. The parking lot itself is still insufficient, which is why the developer is asking for reduced-size parking spaces and has dispensed with trees in the lot. The high-end ambiance will be compromised by the lack of adequate parking.

The project will not blend into our village neighborhood. It will be more like a black hole. On Washington Street, the buildings will create a noise chamber amplifying the sounds of traffic and the turnpike. Walnut Street, which is already quite loud, will become even worse, not a pleasant place to walk. And the new building will cast a great shadow over Walnut Street's narrow, 50-foot-wide space. What kind of Sense of Place will that create? Welcome to *Walnut Canyon*: Dark and loud.

Our current zoning minimizes these effects. Our current zoning supports pedestrian-friendly neighborhood businesses. It helps create and maintain a real village impression. The low rise buildings create an open, friendly atmosphere that is integral to our village identification. With the rezoning and many waivers that Korff requests, Walnut Street will instead be a dark canyon filled with cars stuck in traffic.

I ask that you vote to deny this project and send the developer back to the drawing board to come up with a plan more compatible with our existing village.

# What People in Newtonville Want

## Results of the Austin Street Community Survey

This survey, done by *Beautiful Newtonville* in 2014, confirms our contention that a large majority of Newtonvillians want limited mass and height in new construction. This survey was focused on the Austin Street project, but the sentiments expressed here clearly would apply to the Orr Block as well.

The following summary is copied from the website, <http://beautifulnewtonville.org/results-of-the-austin-street-community-survey/>.

\*\*\*\*\*

1 March 2014, 1:19 pm

The Newtonville Area Council conducted an online survey to gauge public sentiment about the proposed Austin Street development. The survey polled Newtonville residents age 14 and older, employees of village establishments, and commercial property owners.

10% (738) of Newtonville's 7,370 resident population age fourteen and older completed the survey, reflecting a margin of error of  $\pm 5\%$ . Approximately 65% of local [business] establishments completed the survey.

### Executive Summary

Three quarters of Newtonville residents (75%) would be receptive to an Austin Street development – if it met their criteria.

What are those criteria?

#### Scale

Over three quarters of residents (82%) say a development of three stories or less would work best.

#### Density

The overwhelming majority of residents (80%) want 40 or fewer residential units. That includes 20% of surveyed residents who want no residential units at all.

### Public Parking

The overwhelming majority of residents (79%) want to retain 100 or more public parking spaces. That includes 40% of surveyed residents who want 150 or more spaces.

*[Ed.: This applies to Austin Street only.]*

### [Business] Establishments

[Business] establishments paralleled resident sentiment, except some favored higher residential density and a higher building.

### Pros and Cons

Two thirds of residents (65%) named “sprucing up Newtonville” as a development’s main potential benefit. Over two thirds (69%) named loss of parking as a development’s major potential drawback.

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## Section Overview

### Affordable Housing — Real Problem / Unreal Solution

Affordable housing is a tremendously important issue and a highly desirable goal. And being highly desirable, it provides enticing bait for private developers who are trying to hook municipalities on their proposals to build expensive housing. The system we are talking about is *mandatory inclusionary zoning*, where a small percent of affordable units are provided in return for permission to build a large percent of expensive ones.

In the 1970s, Newton created the first such zoning regulations in the Commonwealth. It began with a 10% affordable requirement, in order to be consistent with the 40B SHI requirement. At this point the requirement is 15%, and there's talk of raising it above that.

We (NBN) strongly endorse affordable housing, and this includes housing for ALL income levels, including 30% - 50% of AMI. We do not consider Mr. Korff's proposal a net gain for affordable housing.

Mr. Korff proposes to build 24 affordable apartments (for 50% - 80% of AMI) and 16% for 80%-120% AMI. These would indeed provide lower cost housing for tenants lucky enough to win lotteries for them. However:

- *The development will destroy existing affordable housing.* At the Orr Block, 20 existing 'naturally affordable' apartments will be destroyed. We are told that these apartments are in bad repair. We know from our own visits to some of these units that they need attention, but the argument is misleading. The question is how much it would cost to refurbish a run-down apartment compared to building a new one. Fixing the old is more cost-effective, allowing for lower rents afterward. In addition, fixing up old structures is, as a rule, more environmentally friendly than building new structures.

One speaker before the LUC asked: Has anyone kept track of the people forced out of their housing by developers in Newton? Where did they go? The fact that we have no answer to this question is a telling indication of how little we take into account the impact of destroying the existing stock of affordable housing.

If a building were created *de novo*, on a piece of vacant land, then no affordable units would be torn down. Any new affordable units would indeed be an addition to the city's affordable stock. The Korff proposal, on the other hand, will remove almost as many affordable units as it creates; the city makes little gain in affordable units.

To be equitable in terms of affordable housing, Washington Place should create 20 units to replace those that would be destroyed, in addition to creating 15% new affordable units.<sup>1</sup>

- *The development will drive up surrounding rents and house prices.* The net effect of creating an MU4 development is going to be negative, not positive, on overall affordability in Newtonville. The denser the development (MU4 allows more density), the more the Orr Block's land will be worth. That will drive up surrounding land values and with it, taxes, rents, and house prices.<sup>2</sup>
- *Seekers of affordable housing will see little benefit.* Mr. Korff has marshaled many speakers to plead that they want to live in Newton but can't afford to. This is a diversionary tactic. It pulls at the heartstrings. But consider. Many of these people earn too much to qualify for the 'affordable housing' that Mr. Korff plans to build. Even those who qualify would be unlikely to live here: they would have to win a lottery, and for those who live outside of Newton, the relevant lottery would be only for 30% of the 24 affordable units. In other words, their chances of living in Mr. Korff's units would be miniscule.

We have a great deal of sympathy with the need for people who work in and for the city to be able to live here. Likewise for those who grew up in Newton or have lived here for a long time but can't afford to stay. But Washington Place will not help people such as these. Just the reverse, by destroying existing low-rent units and driving up land values generally, Washington Place will make it even harder for them to afford to live here.

- *The housing assumptions are not data-based.* The city's own consultants, RKG, have produced data suggesting that the Washington Place proposal is ignoring low income people (30% - 50% AMI) for whom Newton housing is lacking, and is aiming at people (80% to 120% AMI) for whom housing is relatively plentiful. RKG's data needs to be considered in assessing whether the proposal fits Newton's (and Newtonville's) needs. In addition, the housing strategy provides no data on Newton workforce housing preferences.

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<sup>1</sup> In this section: *Alternatives for Creating Affordable Housing.*

<sup>2</sup> In this section: *The Answer: Why doesn't the market produce enough affordable housing where people want it?* and *Consequences of High-Density Development.*

## Articles in This Section

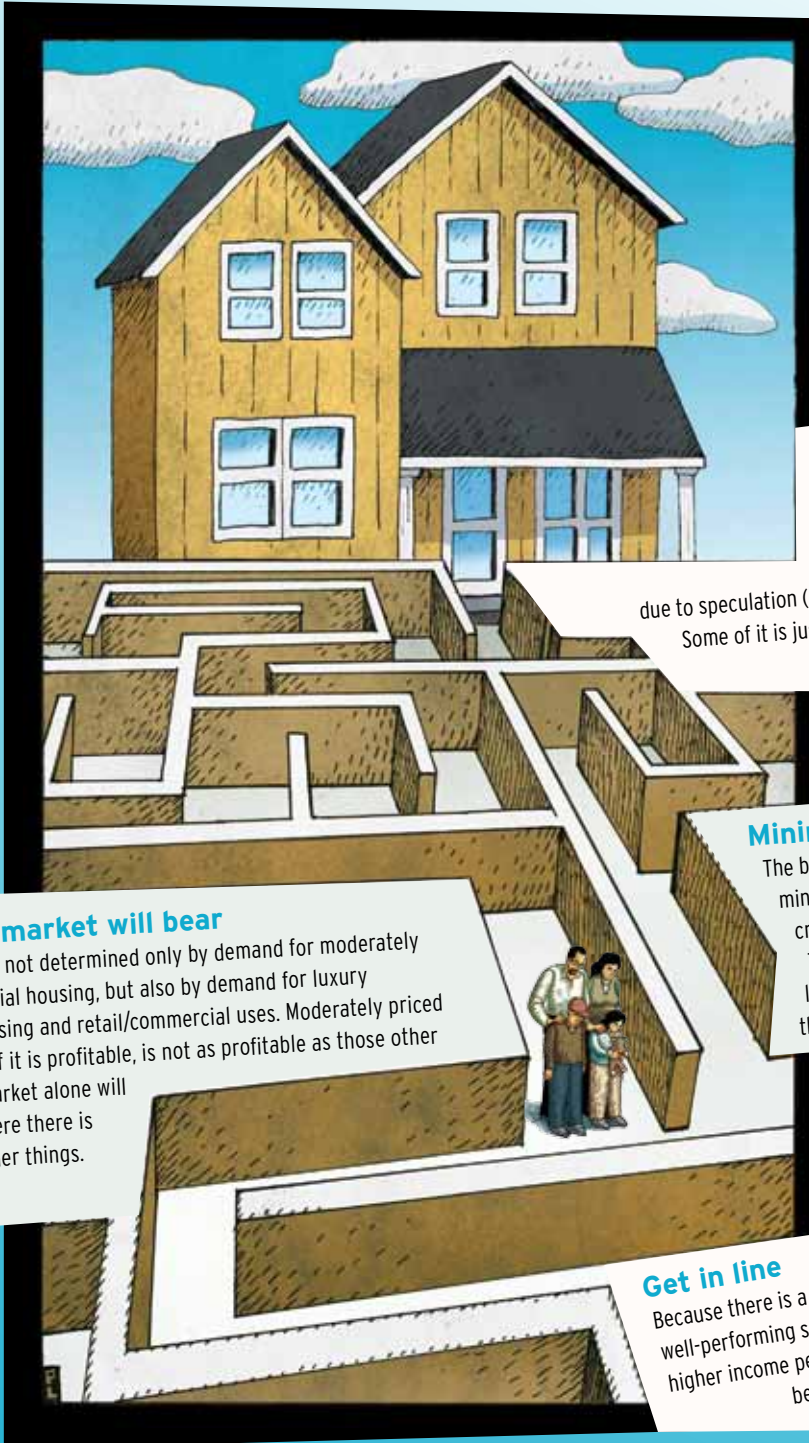
### Affordable Housing — Real Problem / Unreal Solution

Page numbers start afresh for each article.

- *The Answer*  
Shelterforce magazine  
<sup>3</sup>/<sub>4</sub> *A one-page graphic answer to: "Why doesn't the market produce enough affordable housing where people want it?"*
- *Is the Orr Development Affordable?*  
Pamela Shufro  
<sup>3</sup>/<sub>4</sub> *How affordable would Washington Place be? Who could afford it? Let's look at the data. RKG data shows that we already have enough 'workforce' housing at 80-120% AMI. What we lack is housing under 50% AMI, and Korff is not providing any such. There is no hard data on what Newton workers or seniors prefer for housing.*
- *More Housing Means Lower Prices? — Not in Newton*  
NBN Compilation  
<sup>3</sup>/<sub>4</sub> *A compilation of hard evidence, anecdotal evidence, and plain logic showing that more housing doesn't necessarily lead to lower prices — not in a place like Newton.*

# The Answer

SHELTERFORCE



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**Q:** Why doesn't the market produce enough affordable housing where people want it?

### Location, location, location...

The value of housing is tied to location. In desirable locations there is a limit to how much housing can be created. Some of this is due to regulation. Some of it is due to speculation (i.e. people holding units off the market hoping for windfalls). Some of it is just the limits of physical space.

### Minimum costs/Low wages

The basic costs of construction (labor and materials) and the minimum safety and quality standards we have established create a lower limit on how little a housing unit can cost. Thanks to stagnation in the minimum wage, people at the lowest end of the income spectrum cannot afford even these minimum costs.\*

### What the market will bear

Land prices are not determined only by demand for moderately priced residential housing, but also by demand for luxury residential housing and retail/commercial uses. Moderately priced housing, even if it is profitable, is not as profitable as those other uses, so the market alone will not build it where there is demand for other things.

### Get in line

Because there is a limited supply of locations providing access to jobs, well-performing schools, and high quality of life, there are easily enough higher income people and speculators to bid up prices in those areas beyond what the low- and even moderate-income people working there can afford.

Thanks to Eric Belsky, Dean Baker, and Jeff Lubell for helping us craft this Answer. The final result is only Shelterforce's.  
\*For examples of the price/wage mismatch visit this Center for Housing Policy database:  
[www.nhi.org/go/costsvwages](http://www.nhi.org/go/costsvwages).

The Answer is for you to use. Please distribute freely for non-commercial purposes as long as Shelterforce's credit remains on it and you write to us about how you used it at [theanswer@nhi.org](mailto:theanswer@nhi.org). You can also download a PDF to print at [www.nhi.org/go/theanswer](http://www.nhi.org/go/theanswer).  
What do you find yourself explaining over and over? Send suggestions for The Answer to [theanswer@nhi.org](mailto:theanswer@nhi.org).



## Is the Orr Development Affordable?

I applaud the patience of councilors on this issue. It has taken many months for the developer to make very modest concessions on the proposal. What is really shocking to Newtonville residents is that the developer does not budge at all on density. We still have a massive 5-story architecturally poor project, the fifth largest development in Newton and the second new rental complex in Newtonville.

An additional question is the issue of **affordability**. As you know, many speakers who FAVOR THIS PROPOSAL DO SO BECAUSE THEY THINK IT WILL BE AFFORDABLE. The question is: How affordable is it? And exactly who can afford it? The price of the rents: Studio c1800, 1 BR c 2500, 2 BR 3400 to 3700.

The project demolishes 22 existing affordable units. Originally it simply replaced those units with 26 affordables, netting us **only 4 units at much-needed low-income levels**. Later, Mr. Korrf did make what sounded like an important addition. He suggested 17 additional units of workforce housing, netting us 21 affordables. At first, this sounded appealing. Newton workers should be able to live in Newton. But, as it turns out, we already have reasonably priced units affordable for Newton workers. **You know all those 2 and 3-family buildings we have in Newton. In fact, the supply is greater than the demand.** According to RKG Associates (and I am presenting to you their data chart on the next page), we have a surplus of units at 50 to 120 % AMI. People are living in them now, without a lottery ticket! The city paid for RKG to analyze Newton's housing needs. Let's not pretend these units don't exist. It's right there in black and white. **What we need is affordable housing for people below 50% AMI.**

And, by the way, the RKG data DOES show that there is a severe shortage of OWNERSHIP HOUSING FOR NEWTON WORKERS...If this were a condo project for ownership housing...that would be a **positive** for Newton workers. But it's a rental.

**So let's agree right now to NOT vote for this rental proposal as somehow meeting Newton's needs for affordable rental housing.** And there is no hard data on what Newton workers or seniors prefer for housing. Do they prefer to rent or buy? RKG provides no hard data.

If you do care about affordable housing, here is what would work: **Maximum of 103 units, as allowed under BU zoning. 34 units (one-third) affordable housing for low AMI residents. You will still get an elevator building for constituents who can afford it. It will look better, it will feel better, it is less intrusive on the neighborhood, and it will go a long way toward treating all residents fairly.**

**Please vote NO on the current proposal. We can and must do better!**

Sample rents: (per developer estimate)

3.10 per sq ft.	Studio 550 sq ft.	\$1705.	Studio 585 sq ft.	\$1813.50
3.40 per sq ft.	Studio 550	\$1870	Studio 585	\$1989.00
3.10	1 BR 750	\$2325	1 BR 800	\$2480.00
3.40	1 BR 750	\$2550	1 BR 800	\$2720.00
3.40	1 BR 800	\$2720	1 BR 865	\$2941.00
3.10	2 BR 1100	\$3410	2 BR 1175	\$3642.50
3.40	2 BR 1100	\$3740	3 BR 1330	\$4522.00



# Facts from the Newton Housing Study 2016

Source: *Housing Needs Analysis and Strategic Recommendations, City of Newton, June 2016*

## Do we have affordable low-income and workforce rental housing in Newton?

Rental Affordability Thresholds Based on 2-Person HUD Income Limits

Newton, Massachusetts

Threshold	Rental Units - Housing Supply				Housing Demand				Gap Analysis	
	Minimum Rent	Maximum Rent	Units	% of Units	Threshold Minimum	Threshold Maximum	Households Within Threshold	% Households Within Threshold	Surplus/Shortage	Supply as % of Demand
Below 30%	\$0	\$565	994	13.9%	\$0	\$22,600	1,992	21.0%	(998)	49.9%
30% to 50%	\$566	\$941	349	4.9%	\$22,601	\$37,650	1,096	11.5%	(747)	31.8%
50% to 80%	\$942	\$1,355	1,167	16.3%	\$37,651	\$54,200	899	9.5%	268	129.8%
80% to 100%	\$1,356	\$1,883	2,326	32.5%	\$54,201	\$75,300	991	10.4%	1,335	234.7%
100% to 120%	\$1,884	\$2,259	781	10.9%	\$75,301	\$90,360	745	7.8%	36	104.8%
Over 120%	\$2,260		1,535	21.5%	\$90,361		3,784	39.8%	(2,249)	40.6%
<b>Total</b>			7,152	100.0%			9,507	100.0%	(2,355)	75.2%

Source: RKG Associates, Inc., 2015

### Major finding:

p. 33 **“Rental housing provides the greatest range of housing prices in the City, but there are not enough units to meet current demand for households with low, very low, and extremely low incomes. In short, households earning less than \$61,000 have very few choices in Newton.”** Yet there is a surplus of units for the 50% to 120% AMI levels (workforce rental housing).

**“Within Newton, the Submarkets with the largest concentration of renter-occupied units are those north of the Massachusetts Turnpike (Submarkets 2R [Nonantum] and 3R [Newtonville].”** p. 42

## Who Can Afford to Buy a House in Newton?

Table 3.2  
Ownership Housing Supply Thresholds [1]  
Newton, Massachusetts

CONVENTIONAL LENDING	Traditional Unit		Condominium	
	Min Value	Max Value	Min Value	Max Val
Extremely Low Income and Below Extremely Low Income to Very Low Income	\$0	\$132,264	\$0	\$83,658
Very Low Income to Low Income	\$132,265	\$220,522	\$83,659	\$171,916
Low Income to 100% 3-Person AMI	\$220,523	\$312,013	\$171,917	\$263,407
3-Person AMI to 120% of 3-Person AMI	\$312,014	\$441,045	\$263,408	\$392,439
120% of 3-Person AMI and Above	\$441,046	\$529,254	\$392,440	\$480,648
	\$529,255		\$480,649	

Is the Orr Development Affordable

**FHA LENDING**

<b>Extremely Low Income and Below Extremely Low Income to Very Low Income</b>	\$0	\$112,458	\$0	\$72,477
	\$112,459	\$187,501	\$72,478	\$147,520
<b>Very Low Income to Low Income</b>	\$187,502	\$265,291	\$147,521	\$225,310
<b>Low Income to 100% 3-Person AMI</b>	\$265,292	\$375,001	\$225,311	\$335,020
<b>3-Person AMI to 120% of 3-Person AMI</b>	\$375,002	\$450,002	\$335,021	\$410,021
<b>120% of 3-Person AMI and Above</b>	\$450,003		\$410,022	

Source: RKG Associates, Inc., 2015

[1] Based on 3-Person HUD Income Limits

**Can Newton workers afford to buy homes in Newton?**

**Table 3.2 on p. 35 (above) suggests that Newton workers would have to purchase homes or condos at prices below \$529,255 (Conventional) and \$450,000 (FHA) unless they make more than 120% AMI, about \$90,000 per year or \$101,641 for a 3-person household.**

**Do Newton Workers prefer to Rent or Buy?**

**The Housing Strategy provides no data on Newton workforce short- or long-term housing preferences.**

**How many Newton seniors would like to live in a “one-floor” rental?**

**Again, no hard data. See p. 47: “While a growing portion of the senior population in Newton have high incomes, a number of long-term resident seniors are finding it difficult to afford to continue to live in Newton on a fixed income.” There is no chart and no data on senior income and housing preferences or intentions.**

**Please use data to inform your decision on this issue. You may know someone who would not mind paying \$40,000 per year in rent. But Newton residents trust you, our representatives, to make your decision for the Common Good.**

Very truly yours,

Pamela Shufro  
20 Blithedale Street  
Newtonville, MA 02460

## More Housing Means Lower Prices? — Not in Newton

Compiled by Neighbors for a Better Newtonville

This is a compilation of arguments and data provide that provide important context for how affordable housing should be approached in Newton.

We've also included, at the end, a few short statements that aren't specifically connected to the main argument here, but worth noting.

We include a link to the best study we have seen, and this study agrees with general observation that in affluent areas, where there are plenty of well-off people competing to get housing, prices will be high and get higher, forcing out low-income people — until the pool of well-off people runs out.

What could happen to halt or reverse this dynamic? One possibility: the local economy turns so sour that there are no longer enough well-off people to drive up prices, so prices fall and the less affluent can move in. Second, assuming the economy stays good, one can build dedicated affordable housing, for which better-off citizens are not allowed to compete.

There's a strong argument to be made that private-developer mixed use projects do not help. Housing for people at the bottom of the income ladder is best created by non-profit entities.

\*\*\*\*\*

From Newton resident Lynne LeBlanc

Housing cost is a more complicated issue than simply supply and demand. Harvard University's [Joint Center on Housing Studies](#) notes that “Newly constructed units ask higher rents and are found in larger structures.” On the other hand, “Conversions of existing units to the rental stock have boosted supply, especially at moderate ...rent levels.”

The *Wall Street Journal* notes that “New Luxury Rental Projects Add to Rent Squeeze” and acknowledges that new buildings are rarely constructed for middle income buyers or renters.

What others have noticed as well is that naturally affordable housing is less expensive than even the new subsidized housing. Why? Because often existing housing has depreciated and is thus now affordable to a greater diversity of buyers or renters. Newton is depleting its stock of naturally affordable housing in favor of building luxury or market rate housing that depends on subsidies to make housing “affordable” – but even then, only at the new, higher market rates.



\*\*\*\*\*

From Joel Kotkin: *The Human City*, 2016, B2 Books, Agate Publishing

p 14: Suburbanites...often are particularly galled that "smart growth" policies are actually "a stalking horse for developers who want to attract government subsidies" as well as sanctioned seizures of small property owners stuck in the way of a particular definition of "progress."

\*\*\*\*\*

Evidence: Anecdotal and Quantitative

The following comments and reanalysis are in response to "Employment, Construction, and the cost of San Francisco Apartments" by Eric Fischer.

<https://experimental-geography.blogspot.com/2016/05/employment-construction-and-cost-of-san.html>

Mr. Fischer created a magnificent data base of rents in San Francisco going back many decades. His work, and the analysis below by Matt Tyler, are highly relevant to the Boston region because, like San Francisco, we have an explosion of high-paying jobs and so high-income people looking for housing.

While his data base was exceptional, Fisher's use of the data was faulty. Many readers commented on it, including Philip Milenbah, an urban planner, about the San Francisco market and other California markets:

[Expensive rents are due to] high wage earners moving to San Francisco and not due to overall housing demand. The fact that more market rate housing is built is not going to impact the demand at the lower income levels.

All that housing will be taken up by people who can afford it higher (remember too that the high-wage industries are forcing out businesses that pay middle and lower income rates-so these people move and the new high-wage earners move in — and they are able to meet the bid of almost any price. Something a teacher could not do.)

While high construction costs make it more expensive to build, most affordable housing is built by non-profits or government entities that subsidize the price... but if

the market rate developers can't meet our city need in that respect then maybe we should wait for the non-profit affordable housing developers to catch up and build the lower end.

As I mention above, one can look at Housing Elements from almost any city in the state. Each revised element contains data from the preceding 7 years. In every city I have been involved with the market rate segments are being met but the middle-, low-, and very-low income segments are not being met.

Middle and low income housing needs are being met only when non-profits, redevelopment agencies, etc step in and help finance them. That need is never met by market rate overflow.

Instead of the building more market rate housing mantra the city needs to 1) stop evictions, and, 2) build more affordable housing. At least half of all new housing should be affordable. The high wage earner job growth has caused the loss of middle and low income jobs. High wage earners then move into their old units at new and much higher prices. There is nowhere for the former renters to move to because of the lack of affordable housing alternatives. So, the lower income groups are pushed lower.

\*\*\*\*\*

Mr. Fischer's original (flawed) study was reanalyzed by Matt Tyler; Fisher endorsed the reanalysis. (See Tyler's study at <http://moreuseful.blogspot.com/2016/05/another-look-at-factors-driving-rents.html>. The study is impressive and dispassionate. It is well written, though technical. Here is Matt's conclusion, which agrees with Philip Milenbah's comments, just above.

Using a well established methodology, I reach the conclusion that housing inventory is not a significant predictor of median rents in this San Francisco data set.

We reproduced Mr. Fischer's model fitting results using different software, and we have re-analyzed the data using standard procedures published by recognized statisticians.

Using those methods and Mr. Fischer's data, we find that median rents in San Francisco are best predicted by average per capita annual income and total employment. We further find that there is NOT sufficient evidence that total housing unit inventory has a significant effect on the median rent in San Francisco.

...the magnitude of impacts on median rent of rapidly increasing employment and rapidly increasing per capita income are much larger than the impact of building more housing units.

...the lack of a significant impact of housing inventory on median rents suggest that affordable housing advocates should concentrate their efforts on creating dedicated affordable housing rather than trying to build more total housing units.

\*\*\*\*\*

An argument against our position? Not when you look closely!

First, the argument against our position: a Boston Globe Article by Scott Van Voorhis Boston.com Correspondent, October 25, 2016 9:46 am

A surge in new apartment construction appears to be slowing rent growth in a number of key Boston neighborhoods, city stats show. Downtown Boston, Charlestown, the South End, and the Fenway all either saw negligible rent growth or declines in the first six months of the year, the Department of Neighborhood Development finds.

DND reports that Boston as a whole added 10,242 new apartments over the past five years, expanding the city's rental market by 6.6 percent. Downtown Boston saw its rental market expand by 25 percent from 2011 to 2016, adding more than 3,000 new units, most of them luxury. The South End's rental market grew by 9.5 percent, or 875 units. The Fenway added 687 new apartments for 6 percent growth. And Charlestown increased by 327 units, expanding its rental market by 7 percent.

Citywide, rents grew 5.4 percent during the first six months of the year, according to DND.

However, amidst all of the growth, a handful of neighborhoods that saw the lion's share of new apartment construction also saw the biggest benefits in terms of falling or stabilizing rents. Downtown and Fenway saw rent drops of 1.1 percent and 0.4 percent, respectively, during the first six months of 2016 compared to the same period in 2015. Charlestown rents fell by 6 percent, while the South End was flat at 0.3 percent.

"Increased growth is leading to rent stabilization in several areas," wrote Gina Physis, a spokeswoman for the Boston Planning and Development Agency, in an email.

South Boston, though, has proven to be somewhat of an anomaly. The neighborhood added 2,547 new apartments since 2011, expanding its rental base by more than 26 percent. Yet rents still rose 6 percent during the first half of 2016, according to DND.

"There has been so much economic growth in South Boston that housing is still catching up," Lisa Pollack, spokeswoman for the Department of Neighborhood Development, wrote in an email.

South Boston saw 8,193 new jobs take shape from 2011-2015, many in the neighborhood's Seaport waterfront. That's more than double the city's overall growth rate, DND stats show. More than 3.7 million square feet of new office and commercial space has opened for business since 2014 in South Boston, Pollack said.

### The Rebuttal from Peter Bruce

While Van Voorhis argues Boston's rents are stabilizing due to new housing construction, his own numbers actually show that where most new construction has happened (and its almost all luxury apartments - i.e. priced to be affordable to the top 20% of the income distribution, using the *Wall Street Journal's* definition), that rents have gone up a lot, in contrast to the other areas where there has been less development.

First, Van Voorhis sequesters South Boston as if it's almost another country. On the one hand he mentions "Boston" adding more than 3000 new units, most of them luxury, from 2011 to 2016 and with 875 units in the South End, 687 in Fenway, and 327 in Charlestown. But later he mentions that South Boston added 2547 apartments in the same period. So obviously they are not included in the "Boston" total. And while he points out that rents went down or stabilized in the "Boston" neighborhoods (and of course there are ten others he did not mention) he treats South Boston, which added three or four times as large a proportion of new apartments as Fenway, Charlestown, and downtown Boston, as an anomaly, since its rents went up 6 percent in the first half of 2016. Actually, it's not an anomaly, but a critical case, that shows that where luxury apartment building is highly concentrated rents explode. It's a critical case since it expanded its rental base by 26%, again that's three or four times that of the aforementioned areas.

That "Downtown" apartment prices have not gone up faster is quite likely due to the huge Related Beal development in the West End, with its large proportions of workforce and affordable units.

It's also worth noting that for all of Boston, the rental rate has gone up 5.4% in the last 6 mos. or almost 11% annually, according to the article. Some stabilization!

**X**

**NEW TAB**

**X**

## Section Overview

### Transportation — Private and Public

The developer assumes that his renters will own fewer cars than average Newtonians. Therefore, (a) the impact on traffic will be inconsequential, and (b) overflow parking onto surrounding streets will likewise be no problem.

The primary justification for claiming fewer cars is that the development will be located in a "transit-oriented" location, where public transportation is easily available. In addition, bicycles will replace many cars. And a large portion of the development will house elderly or poor people who cannot or do not want to drive.

In response, we say:

- *Car ownership and use.* The area is not sufficiently transit-rich. It does not qualify as a "transit neighborhood" by standards of *Reconnecting America* and the *Center for Transit-Oriented Development*. Newtonville's commuter rail service, the primary means of transport downtown, is patently below reasonable standards, and its bus service is spotty.<sup>1</sup> Newtonville is not in the same transportation league as those village centers that are served by the Green line.<sup>2</sup>

Some people will be satisfied with public transport for getting to and from work, but they will still want cars for other purposes — shopping, going to entertainment, visiting friends, taking longer trips. For people who can afford it, a car is treated pretty much a necessity. And for people who work outside Boston, a car may be an absolute necessity, even if it's difficult to afford.

75% percent of the renters will live in 'market rate' apartments. They will have enough money to own a car. The other 25% are very likely to own, given that the lowest income will be 50% of AMI, which is low but nowhere near poverty.

As for bicycles, we hope people will ride them as often as they can, but we do not see bicycles replacing cars in the New England climate and with very limited bicycle-friendly streets.

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<sup>1</sup> Bob Kavanagh: *My Experience with Our Public Transportation*.

<sup>2</sup> NBN Contributors: *Transit-Oriented Development: It Does Not Apply to the Washington Place Proposal*.

- *Parking:* Our village center's existing reservoir of 56 free parking spaces is nowhere near enough to accommodate the estimated 177 extra vehicles that Washington Place would generate in conjunction with vehicles from Austin Street.<sup>3</sup> The shortage will occur largely because Mr. Korff has asked for numerous waivers of parking regulations.<sup>4</sup> *Parking is likely to be an even bigger problem than traffic congestion.*
- *Traffic.* We have looked carefully at the developer's traffic study (by the firm VHB).<sup>5</sup> We don't find it convincing. VHB has looked at our criticisms and credibly countered many of them, but the most essential fact is that data were collected on just *one day*, and in too restricted a set of places. VHB did follow "standard industry practice," but that practice is not a valid approach.

Newtonville traffic varies a great deal, from day to day (randomly, it seems), from hour to hour, from season to season. VHB says that they have taken all this into account, but besides the fact that their one-day sample is inadequate, we residents (who use the Orr Block or pass by it frequently) know that the existing stores there are nearly unused at present except for a Boston Ballet Studio.

But the rest of the commercial space at Orr has very few customers in the evening. Karoun restaurant should be the main draw, but even Karoun is almost deserted on weeknights except for occasional functions. If Mr. Korff's plans for commercial space succeed, the new businesses will produce at least as many drivers at evening peak as the Ballet Studio does now. And then there are the new inhabitants of his 161 apartments.

So we have no doubt that the new building will increase traffic, though how much is hard to say.

But beyond the Orr Block's impact, the precedent set by the vote will be very important. If rezoning is approved and Washington Street becomes a corridor of MU4 development, as is touted by the city administration, the combined effect on traffic will be substantial, even if any particular development has only a modest impact.

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<sup>3</sup> Based on Peter Bruce's analysis of a consultant's (GPI's) report and his own independent study: *It Just Doesn't Fit: Washington Place's Impact on Newtonville's Parking and Commerce.*

<sup>4</sup> Naomi Myrvaagnes: *Dimensional Requirements and Parking Waivers for the Orr Project.*

<sup>5</sup> NBN contributors: *Critique of the VHB Traffic Study.*

## Contents of This Section

Page numbers start afresh for each article.

- *My Experience with Our Public Transportation*  
Bob Kavanagh  
 $\frac{3}{4}$  *Personal accounts: how Newtonville public transit is very difficult and unsatisfactory, and not likely to improve soon.*
- *Transit-Oriented Development*  
NBN Contributors  
 $\frac{3}{4}$  *Newtonville does not qualify for transit-oriented development status. Some villages do, but not Newtonville.*
- *Dimensional Requirements and Parking Waivers for the Orr project*  
Naomi Myrvaagnes  
 $\frac{3}{4}$  *There are specific reasons why granting waivers will seriously impede adequate on-site parking and on-street parking.*
- *It Just Doesn't Fit: Washington Place's Impact on Newtonville's Parking and Commerce*  
Peter Bruce, Ph.D.  
 $\frac{3}{4}$  *Newtonville already is at or near parking capacity; studies show that the new construction is likely to overwhelm that capacity.*
- *Critique of the NBN Traffic Study*  
NBN Contributors  
 $\frac{3}{4}$  *We can't trust the traffic study's conclusion that traffic won't be increased. Common sense, everyday observation, and statistical criteria say otherwise.*



My Experience with Our Public  
Transportation  
Bob Kavanagh  
At the Land Use Committee, June 7, 2016

My name is Bob Kavanagh and I live at 69 Court Street in Newtonville. My main focus tonight is the state of public transportation in Newtonville and the recurring theme that Newtonville is a great location for TODs. This mantra has been invoked for Court Street (36 units), Austin Street (68 units) and now for the Orr Building (170 units).

Since my wife Carole and I have lived on Court Street for almost 36 years, I have some experience with using the public transportation available in Newtonville. Our home is a mere 2 minute walk from the Newtonville train stop. It is my experience that under certain very restricted conditions, public transit in Newtonville is useful. For example, when my wife and I took Amtrak out to SF in 2005 and to Seattle in 2010, we took trains the entire way. We walked up to the Newtonville station and proceeded to South Station to catch the Lake Shore Limited to Chicago and then on to the California Zephyr to SF and the Empire Builder to Seattle. The same is true for a trip I made to Atlanta in 2012.

However, when I went to Fenway Park this past Saturday for a 4:05 game against the Blue Jays, not so good. Look at the train schedules supplied by Vanasse Hangen Brustlin Inc (VHB) and notice the lack of off-hour trains. You can't get there from here with any convenience.

How accessible is the Newtonville station? I so remember when my wife was pregnant with our second child and commuted to BU Medical School in the South End. I would take our two-and-a-half year old to the station, walk down the stairs with her (what fun) and wait for my wife's train to arrive. I would then help Carole up the very steep stairs along with our first daughter. Nothing has changed in the 34 years since this was our routine. And please, let's not pretend that this situation is going to change anytime soon.

There is not one current accessible station on the commuter rail between W. Natick and Yawkey. Since Auburndale is now budgeted for accessibility, it is difficult to believe that any other Newton stop will be remodeled before a Wellesley station is properly configured. If one is commuting to South Station, the commuter rail works. Otherwise, it is really not an attractive means of transportation.

By the way, I have a Senior Citizen Charlie Card but can't use it on the commuter rail.

One anecdote if I may:

An acquaintance told me that her niece will be staying with her here in Newtonville. The niece works near Wellesley Square. The aunt said, great, we are on commuter rail, so you can take it there, since you don't have a car. Guess what--even though both locations are on the commuter rail, it doesn't work, as there are no outbound trains until 10:35. Not really true, there is a 5:19 AM train for early risers. There are no inbound trains that stop in Newtonville when the niece gets off work. The answer to this problem apparently is to not work to the west of Newtonville.

Finally, between 1:18PM and 7:37PM, there are no inbound trains at all available at the Newtonville stop. You can't even flag one down.

Now, you hear some people argue the point that with a massive increased population in Newtonville, the MBTA will have to improve the service at Newtonville. Well, we can always play Peter Pan and wish for miracles. MBTA has scheduling logistics and they need to prioritize service to the outer zones of commuter services. These people pay three times the fare that commuters do in Newtonville (zone 1). Also they know that people in Auburndale, West Newton, and Newtonville have the option to take the Express Bus into Boston via Mass Pike on weekdays. So Newton locations are not high priority.

As for the bus, VHB included schedules for the two express buses that run near Newtonville. The most disheartening thing about the bus schedules is the lack of weekend service. The 554/556/558 has none at all, while the 553 doesn't run on Sundays. Don't plan your schedule around this mode of travel.

You, the Newton City Council, need to take into consideration the excessive development already happening in Newtonville (Court Street and Austin Street). The next time you drive or take public transit to the Arsenal Mall, look at the construction on that street. According to another acquaintance who takes the bus, it takes 15 minutes for the bus to get around Newton Corner rotary. She is seriously dreading what her commute will look like in 2 years.

I simply ask that if you are going to vote in favor of Mr. Korff's project, please don't claim that one reason you are in favor of it is because it is a vaunted transit-oriented Development. I would simply remind you of what Mr. Robert Engler, a well-known Newton developer said about his own development on Court Street which was touted as a TOD. On September 3, 2014 at the ZBA hearing on Court Street, Mr. Engler said: "We are all hung up on TOD. It's close to transportation, that doesn't mean everyone going to Boston is on that train".

Please ask Mr. Korff how many residents of his project will be using public transportation. Will he be forced to agree with Mr. Engler, who wrote to me on July 1, 2013 when I asked

who his studies showed would be buying condos in a TOD. He responded that "we do not have any formal studies, and cannot make any guarantees." By the way, the city has never done a formal study about who is desirous of moving into Court Street and Austin Street and the Orr Building. The widely claimed migration of downsizing seniors and millennials is simply hearsay.

Transit-oriented Development:  
It Does Not Apply to the Washington Place Proposal  
By: Members of Neighbors for a Better Newtonville

The Issue: Would the Korff Development Be a Transit-oriented Development?

The introduction to *Request for a Zone Change at Washington Place*, submitted by the developer Mark Newtonville LLC, states that the Washington Place development on the Orr Block site is a transit-oriented development:

MI, through its affiliate Mark Newtonville, LLC ... proposes to redevelop the block situated between Walnut Street and Washington Terrace into a vibrant, innovative, *transit-oriented mixed-use development*. [emphasis added by us]

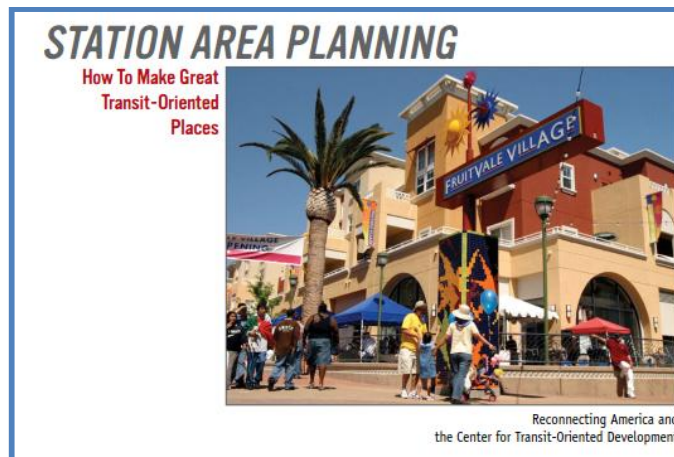
This claim is not true. Newtonville Village Center does not qualify to be designated as a transit-oriented development (TOD) site, because transit-oriented development is based first and foremost on the existence of adequate public transport — which Newtonville definitely lacks.

#### Authority for Our Position

Our position is based primarily on the work of an organization called *Reconnecting America* and its affiliate, the *Center for Transit-Oriented Development*:

Reconnecting America is the only national nonprofit organization devoted to promoting best practices in transit-oriented development (TOD) and development-oriented transit. Our *Center for Transit-Oriented Development*, a collaboration with the Center for Neighborhood Technology and Strategic Economics, has been funded by the federal government [Federal Transit Administration] to serve as a national TOD best practices clearinghouse.  
[www.reconnectingamerica.org](http://www.reconnectingamerica.org)

In particular, we reference their "TOD202" Manual for Station Area Planning: How to Make Great Transit-Oriented Places."<sup>1</sup>



We will also reference the *Transit Oriented Development Institute* (tod.org), which is a project of the US High Speed Rail Association. This organization has a certification process for TOD areas. We used their eight certification criteria to form a judgment on the potential contribution of the Washington Place proposal to a TOD neighborhood.

#### TOD's First Principle: Good Transportation

TOD requires first of all good transit. Where adequate transit is lacking, all the other elements can be in place, but they are an empty shell. The Transit Oriented Development Institute explains that "getting the layout of the station right is one of the most important early moves that will lock in desirable or undesirable patterns, and dictate many factors including pedestrian and bicycle use, level of traffic all around the station, quality of station area development, location of cafes and retail, and overall success of the rail system."

A transit station should be a "safe, pleasant, lively environment ... [with] easy access, [and] plenty of bike parking in multiple locations" and that "provides safety of the young, the elderly, and the mobility impaired."

The Washington Place proposal suggests the opposite: that if we build the housing and other amenities, the transportation will follow. That might be true for some communities, but

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1

[http://media.metro.net/projects\\_studies/tod/images/Reconnecting%20America%20%E2%80%93%20Station%20Area%20Planning.pdf](http://media.metro.net/projects_studies/tod/images/Reconnecting%20America%20%E2%80%93%20Station%20Area%20Planning.pdf)

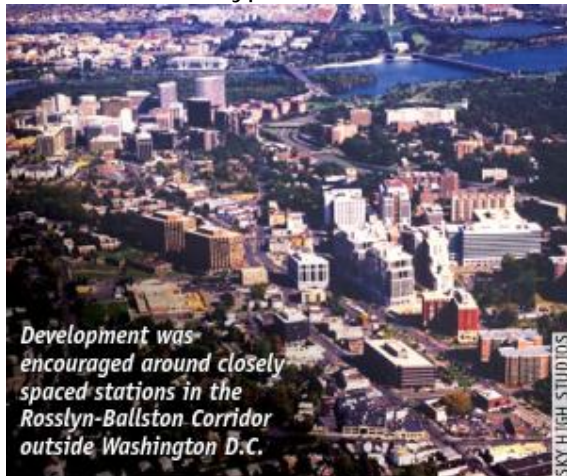
certainly not for Newton. The MBTA is struggling to achieve its highest priority goals and will be for the foreseeable future. And adding to this situation, the voters of Massachusetts regard Newton as an elite, wealthy enclave, not a prime candidate for scarce public dollars.

Newtonville Village Center: Are We a "Transit Neighborhood"?

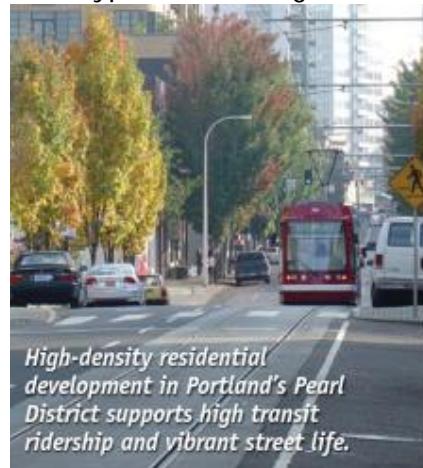
According to *Reconnecting America*, a transit-oriented development requires that stores and buildings in a given location be appropriate for the transit capacities of that location.

The TOD202 Manual provides a classification of eight *Place Types*. For example: an Urban Center place type is very different from an Urban Neighborhood place type. These place types differ completely in the scale and type of transit, buildings, and businesses that they need.

Place Type: Urban Center



Place Type: Urban Neighborhood



The most modest place type is called a Transit Neighborhood. Newtonville Village Center (NVC) would be a Transit Neighborhood if it qualified as a TOD place.

Here are key characteristics of a Transit Neighborhood.

### Characteristics of a "Transit Neighborhood"

<b><i>Transit modes</i></b>	LRT/Streetcar, BRT, commuter rail, local bus
<b><i>Peak frequency of transit</i></b>	15-30 minutes
<b><i>Characteristics of the station area</i></b>	Predominantly residential district organized around transit station
<b><i>Land use mix and density</i></b>	Low- to moderate- residential uses with supporting commercial and employment uses
<b><i>Retail characteristics</i></b>	Primarily local-serving retail opportunity
<b><i>Major planning and development challenges</i></b>	Integrating moderate-density housing and supporting local-serving retail

*Source: TOD202 Station Area Planning manual*

On the plus side, it's true that NVC is served by two of the transit modes: commuter rail and local bus. And the surrounding area is predominantly residential, with "supporting commercial and employment uses."

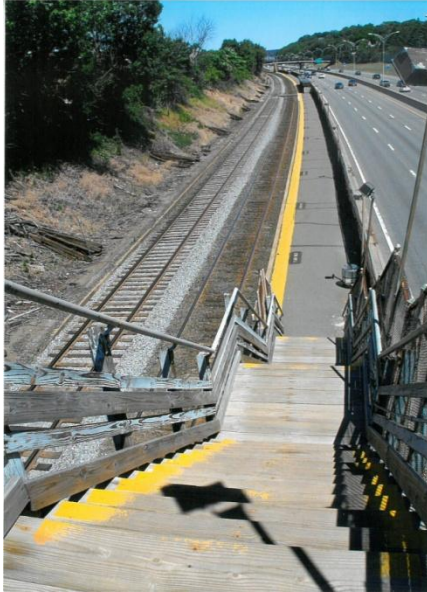
#### The Commuter Rail — Not Adequate

But having two transit modes is hardly enough to qualify. The primary requirement is adequate transit. At NVC, the prominent mode of public transit is the commuter rail service. It must be said that the commuter train ride itself is comfortable (when you get a seat) and quick. In about 20 minutes after stepping onto the train at NVC, you will be stepping off downtown. So it's particularly galling that our commuter rail service doesn't measure up in crucial ways.

First, the station is notoriously difficult to access. It is depressed from street level; the only way to get to it is by a steep 36-step staircase from the Walnut Street Bridge or a similar staircase from Harvard Street. Even able-bodied people can have trouble negotiating these stairs, especially in bad weather. There is no canopy. There is no handicapped access. Beyond the stairs is a very long platform: the distance from Walnut Street to the shelter where the train stops is 400 feet. It is 700 feet from Harvard Street.



Stairs Down To The Platform



Standing Beside The Train



One doesn't have to be officially disabled to have trouble with this station. Even able-bodied people may experience some vertigo going down and breathlessness climbing up. The station about as far as it could be from providing for the "safety of the young, the elderly, and the mobility impaired."

For those who can manage the 36 steps, there is an additional problem. Will there be a train to take? TOD202 tells us that peak frequency should be 15-30 minutes between trains. Like safety, the frequency standard is very far from our station's reality. Here are the number of minutes between trains for the morning (inbound) rush hour.

Train arrival times	Minutes wait before next train	Meets standard?
6:38 - 7:19	41 minutes	No
7:19 - 7:46	27 minutes	Barely
7:46 - 8:23	37 minutes	No
8:23 - 9:13	50 minutes	No



Non-peak periods of the day are far worse. Here is the complete weekday schedule. Going inbound, *you will wait six hours* if you miss the 1:26 pm train. Coming outbound, there is a *five-hour gap* in the morning. In both directions there are big gaps elsewhere.

Inbound	Outbound
<ul style="list-style-type: none"> <li>• 5:59 – 6:19 am</li> <li>• 6:38 – 6:59 am</li> <li>• 7:19 – 7:38 am</li> <li>• 7:46 – 8:07 am</li> <li>• 8:23 – 8:44 am</li> <li>• 9:13 – 9:34 am</li> <li>• 9:54 – 10:12 am <i>[Flag]</i></li> <li>• 11:53 – 12:11 pm <i>[Flag]</i></li> <li>• 1:26 – 1:36 pm <i>[Flag]</i></li> <li>• 7:37 – 7:55 pm <i>[Flag]</i></li> <li>• 9:13 – 9:31 pm <i>[Flag]</i></li> <li>• 12:33 – 12:51 am <i>[Flag]</i></li> <li>• 1:33 - 1:51 am <i>[Flag]</i></li> </ul>	<ul style="list-style-type: none"> <li>• 5:00 – 5:19 am <i>[Find conductor]</i></li> <li>• 10:15 – 10:35 am <i>[Find conductor]</i></li> <li>• 11:55 – 12:15 am <i>[Find conductor]</i></li> <li>• 2:00 – 2:20 pm <i>[Find conductor]</i></li> <li>• 3:40 – 4:00 pm</li> <li>• 4:35 – 4:55 pm</li> <li>• 5:15 – 5:35 pm</li> <li>• 5:50 – 6:11 pm</li> <li>• 6:45 – 7:05 pm</li> <li>• 7:45 – 8:05 pm <i>[Find conductor]</i></li> <li>• 8:30 – 8:50 pm <i>[Find conductor]</i></li> <li>• 9:35 – 9:55 pm <i>[Find conductor]</i></li> <li>• 10:30 – 10:50 pm <i>[Find conductor]</i></li> <li>• 11:30 – 11:50 pm <i>[Find conductor]</i></li> </ul>

And making the situation even less customer-friendly, over half the trains (colored red) don't even stop at NVC unless you flag them down (inbound) or find a conductor to stop at the station (outbound). Flagging can be difficult and unpleasant. One of the pictures above shows how it feels to stand beside one of these trains. And coming outbound, it's not always easy to find a conductor to stop the train. These trains are long and conductors are few. They can be many cars away. On the outbound trip, people do sometimes miss the station because they couldn't find a conductor in time.

### T and Bus Service

Newtonville has no T subway stop. The nearest T Stations are in Newton Centre and Newton Highlands, both some two miles away.

However, we are served by four bus lines. (Information below is for inbound buses. Outbound times are similar.)

- The 59 bus goes north and south, between Watertown Square (north) and Newton Highlands (south). This bus is handy because it cuts across the transportation spokes that go into downtown Boston. However, one has to wait at least 34 minutes between busses. The #59 schedule does not meet the TOD criterion of 30-minute interval or better at peak periods.
- The 556 bus begins in Waltham near Rt. 128, comes to Newton via Moody Street and High Street, continues through Newtonville and Newton Corner, then takes the Mass Pike downtown. It squeaks in to the TOD criterion, having 30-minute intervals during the earlier part of the morning rush hour. But for the rest of the day, the intervals are 60 minutes or more. And most runs do not include all the stops.
- The 554 bus begins in Belmont, curls around through Waltham, then through Newtonville and Newton Corner, and like the 556 takes the Mass Pike downtown. Only one run meets the 30-minute interval criterion.
- The 553 bus starts near Brandeis University in Waltham, curves through Waltham and goes through Newtonville and Newton Corner, then takes the Mass Pike downtown. This line has the most frequent runs of the four bus lines, with times of 25 minutes and 30 minutes in the morning rush hour. However, the rest of the day, the intervals are generally 60 minutes.

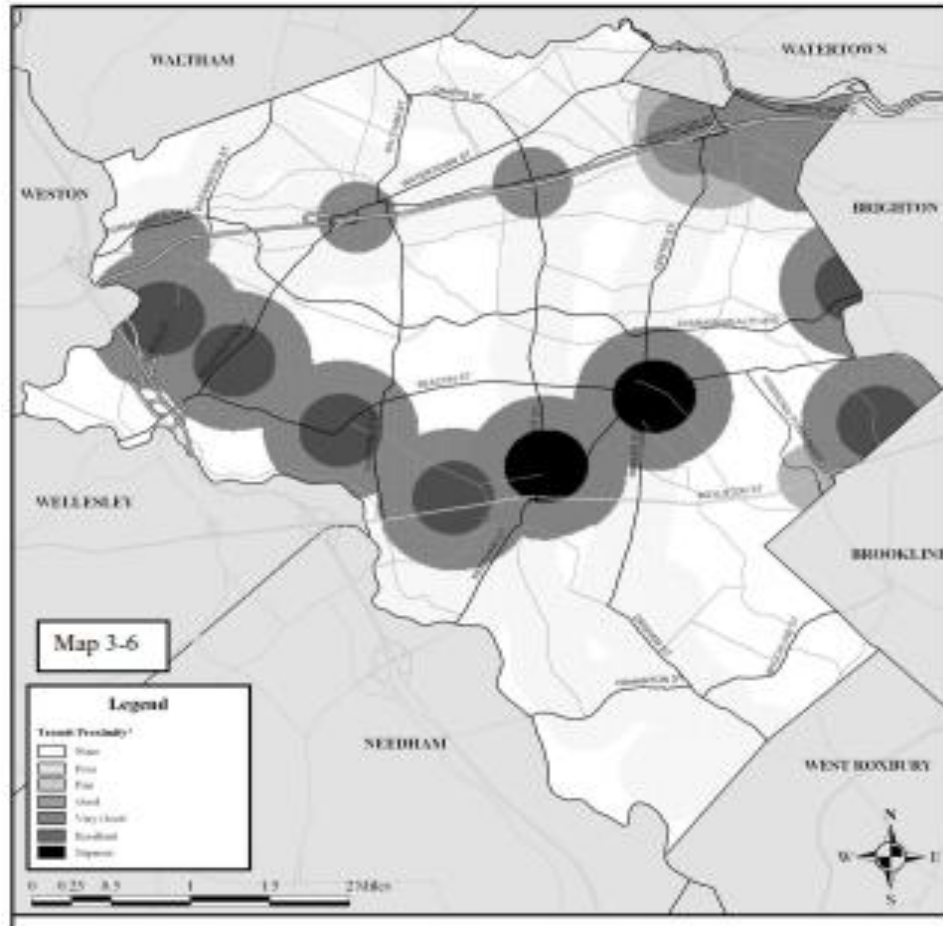
### Summarizing the Situation

Service on each of the bus lines is not very frequent, even in rush hours. If we consider all the buses together, plus the commuter rail, a Newtonville resident can get downtown and back in rush hour periods. However, the commuter rail is useless for handicapped or mobility impaired residents, as pointed out earlier. And trips to locations in Waltham, Watertown, and Belmont are not easy to make because the buses run infrequently and the routes do not overlap much. Trips to other towns require transfers.

Newtonville Center is not devoid of public transportation, but it does not meet the requirements of a Transit Neighborhood TOD.

## Transit Oriented Development Could Be Better Pursued in Other Villages

Although Newtonville is not suitable for transit-oriented development, there are other villages where true TOD is currently possible. The following figure in Newton's Comprehensive Plan of 2007 (p. 63) shows where in the city concentrations of public transit are located.



The most transit-rich locations are those where the Green Line stops. Newton Centre and Newton Highlands take first honors, but all the other stops are suitable as well. This is because the Riverside Line frequency is well within the 15-30 minute TOD202's guideline.

## Weekdays

	First Trip	Rush Hr	Midday	Evening	Late Nite	Last trip
<b>Riverside</b>	4:56am	6 min	8 min	8 min	9 min	12:05am
<b>Govt. Ctr.</b>	5:40am	6 min	8 min	8 min	9 min	12:49am

## Weekends

	First Trip	AM Peak	PM Peak	Evening	Late Nite	Last trip
<b>Riverside</b>	4:55am	12 min	8 min	10 min	10 min	12:05am
<b>Govt. Ctr.</b>	5:34am	12 min	8 min	10 min	10 min	12:49am

If you live in walking distance from any of the Riverside Line stations, you will get a train quickly, at any time of the day until closing. And these trains provide many more connections than the Newtonville commuter rail. The Riverside Line stops at 14 locations between Newton and its final destination of Government Center. By contrast, the NVC commuter rail stops at just one station (Back Bay) on the way to its South Station.

### A Faulty Assumption: People Won't Need Cars

The developers would have us believe that people who reside in Washington Place will need fewer cars: 1.25 cars per unit versus the zoning ordinance standard of 2 cars per unit. That claim is consistent with TOD's aim of making public transit, walking, and bicycling into attractive alternatives to driving. But is it true that residents of Washington Place would own fewer cars?

People in very transportation-rich places like Manhattan sometimes do dispense with car ownership. In Manhattan, public transportation is cheaper and often more convenient than a car. Many people, even those with plenty of money, may decide that owning a car is just not necessary. When they occasionally need a car, they can rent one.

But Newtonville is no such place. It's true that we have residents who get to work and back during rush hours using the existing rail and bus service. But what happens when these same people want to go to the theatre in the evening? They take a car because public transportation isn't adequate in the evening. What happens when they need to go shopping after work? What do they do when they want to take their kids to school in the morning?

We don't know of any study that has asked Newtonville residents specifically how many cars they own and how they use them. Our experience is that most adults who live in Newtonville own a car unless they just don't have enough money.

We have many examples. Here is one from a post by Karla Heiler on September 8, 2016:

"Currently the T has failed to keep its promise of adding additional 59 bus runs later into the evening. My daughter in law is starting her commute into Simmons for grad school tonight and will also have to drive into school because of lack of T service to Newtonville after 7 pm. Now picture the Court Street development, Austin Street development and the proposed Washington Street development adding to that driving necessity.

"I would like to see the City Council put a moratorium on large scale development of Newtonville until the T and MassDot make Newton a priority for public transportation instead of saying they meet the current guidelines and we're not a priority. (And as far as the Newtonville commuter rail station goes - I'd like to see someone from MassDot get to that platform when they're on crutches."

Most of the residents in the Washington Place development will be paying 'market-rate' rents, meaning they would have the money to own a car and they would in fact do so.

#### TOD Designation Is Not an Allowed Use in the MU4 Zoning District

In addition to the common-sense observations and the guidelines from *Reconnecting America* and the *Center for Transit-Oriented Development* (presented above), there are statutory reasons why the Orr Block cannot be classified as a transit-oriented development.

Newton Ordinance, Chapter 30, Section 4.2 regulates the Mixed Use Zone Districts. Section 4.2.1 B, provides that *transit-oriented developments are allowed in a Mixed Use 3 Zone District*. But the next section, 4.2.1 C, describes the uses allowed in a Mixed Use 4 District: *A transit-oriented development is not an allowed use in an MU4 Zone*.

It is also interesting to note that Section 4.2. 3 of the Newton Zoning Ordinance requires that a transit-oriented development site must contain *at least nine acres of land*. The Washington Place project contains less than three acres.

While the use of the term *transit-oriented development* may be appealing, it is clearly an error in the developer's petition.

If the Transit Were Adequate, Would Washington Place Contribute Positively as a TOD?

The *TOD Institute* has a certification process for TOD. Although the NBN is not in a position to submit the Washington Place project to them (the price would be \$6500), we can use their eight criteria as a rough guide to evaluating the TOD-worthiness of the project. Keep in mind that this is a “what if” exercise. As things stand now, Washington Place cannot be part of a TOD neighborhood because the transportation isn’t adequate — but suppose it were.

The TOD Institute awards three stars (the highest rating) to entrants who fulfill seven of the eight criteria, two stars for meeting six criteria, one star for meeting five criteria, and no stars for meeting less than five criteria. Here are NBN ratings and rationales:

Criterion	Contribution of Washington Place
<p>1) CLOSE PROXIMITY TO RAIL STATION</p> <p>Ideally, the walk needs to be a <u>high quality, pedestrian-friendly</u> experience. Walking across large parking lots or along a busy 6-lane road with little or no protection from traffic is not an acceptable walking experience, and will discourage walking, even if it’s within the 1/4 to 1/2 mile distance. The walking route needs to be safe, comfortable, and pleasant to encourage widespread walking and bicycling to and from the station.</p>	<p>Can't tell yet</p> <p>People have to cross major streets, but this might be mitigated by good signaling</p>
<p>2) WELL-DEFINED PUBLIC SPACES - OUTDOOR ROOMS</p> <p>Successful public spaces have a sense of enclosure by attractive, human-scaled buildings that wrap a space like walls wrap a room. Active uses line the perimeter activating the space. Together these work as gathering spaces that bring people together. The combination of beautiful architecture with great public space creates exceptional places to live — places that express a life of richness and tradition.</p>	<p>Marginal</p> <p>The space would be wrapped. However, the design allows for little if any uses on the perimeters (very small setbacks) and the architecture is not inspiring.</p>
<p>3) MIX OF USES - LIVELY, VIBRANT PLACES</p> <p>Appropriate mix of uses includes commercial, retail, offices, shops, hotels, residential, institutional, and civic. Ideally, the uses are mixed within each neighborhood, block, and building, and are physically and functionally integrated with direct pedestrian connections.</p>	<p>Can't tell yet</p> <p>What sorts of businesses will go there? Local stores won't be able to afford the rent. Developer needs expensive stores, but would such stores get enough business? There are already empty storefronts in N'ville. The space will be primarily accessible from an internal lot, so it may not connect well with the neighborhood. And parking will be severely limited.</p>

<p>4) PEDESTRIAN SCALE - COMFORTABLE, SAFE, ENJOYABLE</p> <p>Buildings and spaces sized to make humans feel comfortable and safe. A variety of uses in close proximity provides a comfortable balance for people to meet daily needs within a short walk. Uses include grocery stores, cafes, delis, bakeries, newsstands, coffeehouses, personal services, vegetable stands, open-air markets, and public parks and plazas. Project should have a minimum Walk Score of 70.</p>	<p>Can't tell yet</p> <p>N'ville Village Center (NVC) as a whole has a walkability score of 80, according to walkscore.com. However, the specific corner of Washington and Walnut is not highly walkable. The developer promises to change this. We will see.</p>
<p>5) ACTIVE GROUND-FLOOR RETAIL</p> <p>The most successful places have a variety of store sizes with many small shops and narrow store fronts in each block. Larger stores are incorporated by tucking partly behind a line of smaller storefronts, and/or by going up to the second floor. Smaller spaces add more variety to each block and attract the unique, mom &amp; pop type businesses — so important to giving places a unique character.</p>	<p>Probably No</p> <p>Stores will be relatively large, definitely not 'mom and pop.' And as noted elsewhere, the developer has not identified specific tenants.</p>
<p>6) SIDEWALK CAFES</p> <p>Cafe districts create a special ambiance. Outdoor cafes offer front-row seats to some of the best people watching in a city, and encourage people to spend more time socializing and enjoying, and return more often.</p> <p>The more cafes and the larger the total outdoor seating area, the more people the district attracts. Some of the most successful cafe districts have more than 8 blocks of continuous sidewalk cafes totaling hundreds of seats!</p>	<p>Yes, but weakly</p> <p>Cafés will not be on the sidewalk, though that is permissible. But they will not integrate with other cafes to form a continuous line.</p>
<p>7) TREE-LINED STREETS</p> <p>Trees add beauty, grandeur, and a humanizing feeling to streets, spaces and places. The power of trees to add life to a place by providing pedestrian comfort and urban livability is beyond measure. Trees add a unique living, moving element of beauty that complements the architecture while lifting people's spirits.</p> <p>The beneficial psychological healing effects of trees have been well documented. Trees increase property values and retail sales, and slow cars and improve the sense of enclosure of street space with their canopies.</p>	<p>No</p> <p>The project does propose some trees along the street, but not enough to create the kind of pleasant tree-lined street that is meant here. There are too few trees and little setback and the roar of traffic on two busy streets.</p>

<p>8) REDUCED AND HIDDEN PARKING</p> <p>Clustering parking in strategic locations can encourage walking and focus pedestrian activity along important commercial streets.</p> <p>Successful TODs utilize reduced total parking numbers, and incorporate central shared parking between different uses, thereby reducing overall parking numbers further compared to conventional development.</p> <p>Hiding the parking behind buildings, or wrapping parking structures with active uses helps create safe, appealing, walkable places.</p>	<p>No</p> <p>Although the project would have hidden parking, that parking would be insufficient. The net effect would be more traffic congestion and more parking demands on the surrounding streets, making for a negative impact on the TOD goal.</p>
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The final scores: We score one category as Yes and three as No. The remaining three categories don't appear definitively on either side. At this point, we don't believe that the project would earn even one star.

### Conclusion

Transit-oriented development is a wonderful concept. Where it is well implemented, TOD is a boon to the community and to the environment.

Can TOD happen in Newton? Yes, in the villages that have Riverside Line stops — though we must never forget that it would have to be executed in a way that preserved and enhanced the unique qualities of each of those village centers. TOD is not a cookie-cutter approach.

For Newtonville, the concept of TOD does not apply. The requisite transit simply isn't there.



## Appendix

Shortly before completing this paper, we received the following post from Councilor Jim Cote. It speaks to directly to the difficulty of getting help from the Mass Department of Transportation and the need for the city of Newton to be more demanding when developers talk about "Transit Oriented Development."

Date: Thursday, September 8, 2016 at 11:23 AM

Subject: [WNewton] Public Safety Meeting with Secretary and CEO Stephanie Pollack-One more item

Hi all,

One other item that was addressed last evening with Stephanie Pollack, the Secretary and CEO of Mass DOT was the pedestrian access points to the West Newton and Newtonville Commuter rail stops. Some of the comments made by Stephanie, and the councilors in attendance:

1. Access: The state has met all of the Federal and state guidelines for system access and is not obligated to do more.
2. Newton Access: Having said 1 above, Stephanie understands that we have poor access and limited train service which will have to be addressed through the budget process. None of our stops make the priority list for "must do" next status.
3. Train cost: As they have a commuter rail services contract, Mass DOT knows exactly what it will cost to add trains, but there is no established need for more paying customers at this point.
4. Transit oriented development: Mass DOT is aware that the current service is not suitable for this type of development, but see above.
5. Partnerships: This is an area in which the Secretary seemed to throw the ball in our court. She noted cases (New Casino), wherein Mass DOT and either of a municipality, or a developer assists in financing new commuter projects. In our case, in Newton, as Councilors we have to be vigilant in projects such as Austin St, the Orr Building, Court St, etc in seeing that the Developers financially assist in this area that so greatly benefits their projects. We can talk Transit Oriented Development, and the developer can talk it, but unless we pursue ways to finance the trains this concept cannot work. As a City Councilor I can assure you that we can do better here.

# Dimensional Requirements and Parking Waivers for the Orr Project

Letter to the Land Use Committee

Naomi Myrvaagnes

November 28, 2016

Dear Mr. Laredo,

I am writing to comment on, and oppose strongly, the developer's requested parking stall design waivers for the Orr project listed in the Land Use Committee report of November 1, 2016. Please forward this to the other members of the Land Use Committee.

The developer requests waiving dimensional requirements for the stalls and also for end-stall maneuvering space in the parking facility. As I read the document, both resident parking and hourly parking would be affected.

Such requests are common, of course, for any development seeking to maximize profit and squeeze the most out of available "floor area" in cramped land situations.

In a development such as this (and Austin Street, too), there will be a lot of in-and-out, "hourly" traffic during the day, as well as commuters trying to enter or exit their resident spaces during two narrow time periods daily.

What this means in practice is that granting the waivers to shrink the usable space for each car and each maneuver will be very counter-productive to the goal of accommodating the needs of the maximum number of people. Why? Because when the spaces are too small, the following negative consequences occur, and the effective number of usable spaces is actually REDUCED:

1. Many drivers park carelessly, over the line, and thus occupy two spaces. There are never negative consequences to them for this behavior. But drivers circling to find a vacant space are wasting time and get, justifiably, angry. Erratic driving and accidents can ensue. If they are trying to park in order to shop, they'll be forced out of the garage and will shop elsewhere. They will learn quickly to avoid the problem garage.

The net effect of shrinking the spaces is to DECREASE the number of actual spaces available. The spaces now deemed adequately wide by planners is unrealistically narrow for the SUVs and other large vehicles in common use.

2. Drivers can't get themselves out of their cars because the spaces are too narrow. They certainly can't get their small children out of their car seats or elderly passengers out of the car. They will shop elsewhere.

3. The care required to maneuver in undersized tenant garage areas wastes everyone's time and leads to accidents. Elderly people especially, a target tenancy for the Orr project, have trouble with cramped parking situations. And the millennials, the other target population, are not known for patience.

Points 1 and 2 apply mostly to hourly parkers. Point 3 applies mostly to residents using the garage.

If the goal of design is to serve the needs of users, then fewer but adequate spaces are the way to go, in my opinion. If this limits the size of the development, so be it.

The result of not considering the actual effects of the numbers is long-lasting inadequacy.

I hope that you will instruct the planning people to consider this reality in their recommendations.

Sincerely,

Naomi Myrvaagnes  
Newton 02459

# IT JUST DOESN'T FIT: WASHINGTON PLACE'S IMPACT ON NEWTONVILLE'S PARKING AND COMMERCE

Peter G. Bruce, Ph.D. September 2016

## Preface

Much of the research cited in this article was done in 2014 and 2015, at the time when the Austin Street Project (*28 Austin Street*) was being planned for development. Three different parking consultants were hired by the city during that time, and I conducted my own independent study to find out what parking conditions prevailed in Newtonville, and what the effect of development was likely to be.

My focus in this paper is the Orr Block development. But my earlier research is, with a few exceptions, equally as applicable to the Orr Block Project (*Washington Place*) as it was to the Austin Street Project. That is because the existing capacity of Newtonville's metered parking system remains the same, no matter what development is contemplated. The findings of my study and parts of the others provide recent and reliable understanding of our parking system usage. [Note: I will sometimes refer to the Austin Street Project as ASP and the Austin Street Lot as ASL.]

If we are going to adopt a policy to attract more shoppers and visitors into Newton, we need a plan to manage their coming and going. A developer's statement that they will mostly come and go by bus, commuter rail, or bicycle is not realistic. A major part of a better plan needs normative criteria by which to judge the efficiency of parking systems and their ability to facilitate commerce and handle extra stress. Other communities use such criteria, even though the practice was, to a large extent, dropped by the City's second and third parking consultants on the Austin Street Project. These criteria need to be re-established.

Let's turn now to Newtonville and the Orr Block Project.

## Parking is essential for local business



As Councilor Danberg has asserted, “Parking is the lifeblood of our businesses.” In Newtonville, this idea was endorsed by the owners of 34 local businesses who signed a **petition** against the Austin Street Project, due largely to its anticipated bad parking impacts.<sup>1</sup>

It was also confirmed by a 2014 Newtonville Area Council survey of 777 residents. These residents' primary concerns (top two out of seven) regarding the Austin Street Project were the loss of parking (69%) and additional vehicular traffic from new residential units and retailers (55%). (see Figure 1 on p. 7.)<sup>2</sup>

The Orr project does not stand alone. Newtonville has now been targeted by three major developments (Court Street, Austin Street, and Orr Block) which, if

built to their proposed size, will add about 275 new units and 700 residents within a half-mile of each other, assuming Newton’s average of 2.5 persons per household. How will that affect our parking and commerce?

Newtonville’s **metered** public parking system is **especially important to commerce**. GPI, Newton’s first parking consultant noted this.<sup>3</sup> Metered spaces are closest to businesses and key to customer convenience, and thus keeping the blood of commerce flowing. For this analysis, we’ll **use the same 6 zones** as GPI, and focus especially on Newtonville’s approximately **300 metered spaces** as the heart of our public parking system. Data are drawn from GPI’s study in 2014, and from my replication study a year later. (For a map of metered parking, see Figure 2 on page 8).<sup>4</sup>

### How to measure if the parking system is adequate

To test a parking system’s health, and whether it is can serve the drivers who want to park there, we use the 85% rule. **85% of capacity is the level beyond which a parking system becomes overcapacity** according to top academics and the Institute of Traffic Engineers.<sup>5</sup> **This is the industry standard**, and GPI’s.<sup>6</sup> It’s the point at which people have to start circling for parking. Up to 85%, more parking is good for business. Beyond that, people become dis-incentivized to come to the area — they start to avoid it. Some may resolve to never come back.

## **What we've been told by Newton's first parking consultant**

In its Executive Summary and on the first page of its report, GPI had headlined its finding that Newtonville's parking system was generally functional, according to the 85% rule.<sup>7</sup> After residents experienced great difficulty parking in Newtonville's metered parking in winter 2014-2015, the *Tab* published my article, "Parking Jams in Newton's Austin Street Lot," which showed, contrary to GPI, parking often exceeded 85% during the colder months.<sup>8</sup> Following that article, the Administration switched to Nelson/Nygaard as its traffic and parking consultant.

Nelson/Nygaard's brief study, submitted to the Planning Department in May 2015, was largely derivative of GPI's, whose data it cherry-picked.<sup>9</sup> It totally ignored the 85% rule and issues of how functional Newtonville's metered parking system was. So, too, did Planning Horizons, when that firm, the City's third parking consultant for the ASP, reported parking counts for two weekdays and a Saturday in mid-October 2015. It failed to note that of the days they observed, one of them had an overcapacity reading (112), another day was right on the 85% cusp (107), and the third was just a little below it (102).<sup>10</sup> They also failed to note, in the context of the Planning Department data I drew on, that these mostly weekday peak readings were all higher than the average peak Saturday readings for fall in previous years.<sup>11</sup> This suggests that parking demand was increasing and becoming less functional from year to year. (Their October data were almost identical to what I found for the ASL seven months earlier, suggesting that these findings can be generalized to fall and spring, i.e., seasons which are not unusually congested, like mid-winter, or lightly used, like summer.)<sup>12</sup>

Likewise, reviewing that latest planning study, Alan Schlesinger, ASP's attorney, asserted that no more than 112 of the 127 future spaces, or 88%, had been filled, and that this was only 70% of the existing total of 159.<sup>13</sup> He failed to note that his figures broke the 85% rule. He also, importantly, failed to point out that the total of 159 existing spaces was temporary, since 32 or more of them would be eliminated by the project. Instead, he asserted "the current parking lot is frankly dreadful," and suggested plenty of parking would be available if the project were built.<sup>14</sup>

## **Our analysis**

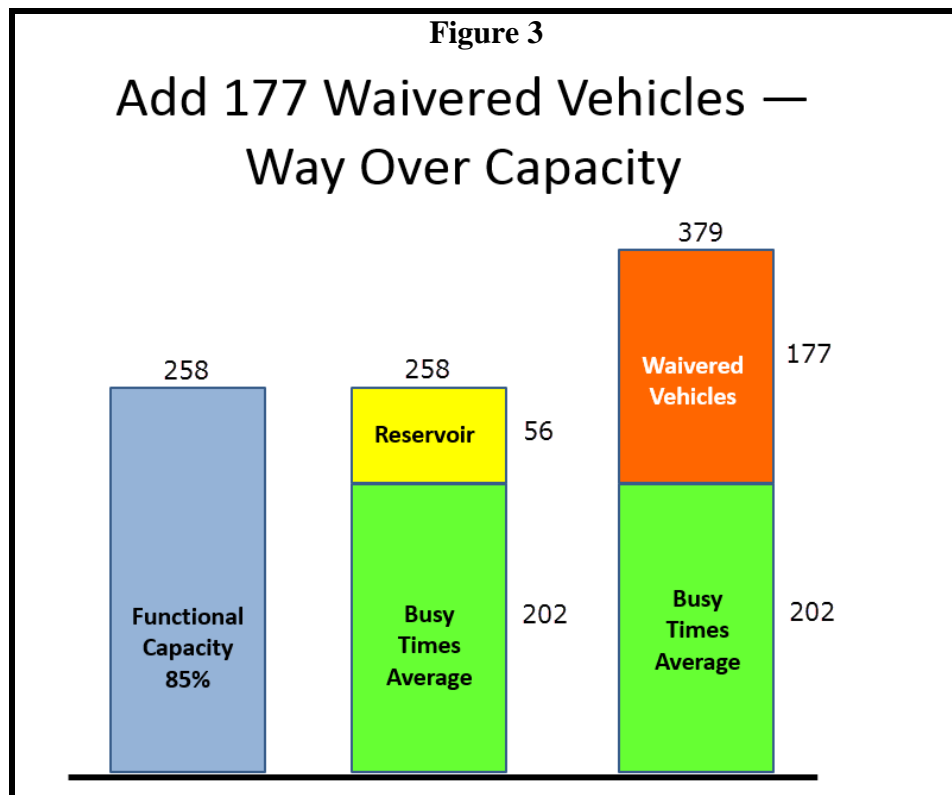
Descending into this sort of normless analysis and losing the practical wisdom of the 85% rule only makes it more likely that the blood flow of our businesses will be choked off if we don't think anew about what's best for our parking systems.

Keeping the 85% rule in mind, along with other standards embodied in the Zoning Ordinance, it seems as if Washington Place, as well as the other big new developments in Newtonville, could undermine local commerce if it is allowed to go to maximum size and avoid the requirements of the law. Here's why.

As noted, several studies have shown that during the busiest hours on Saturdays the system is usually overcapacity, especially in the coldest half of the year.<sup>15</sup> Some people, mainly proponents

of large-scale development, argue that these are rare times of inconvenience that people should simply put up with. Even granting that point for the sake of argument, if we look at the five hours of highest usage every weekday and Saturday, the prognosis is still bleak.

So to assess the health of our parking system and how much added stress it can absorb, let’s look at more typical “busy times,” in our village, that is, the 30 busiest hours during weekdays and Saturdays. Based on GPI’s research and my own, Newtonville’s metered parking system has a functional capacity of 258 spaces, which is 85% of its full capacity of 303 total spaces<sup>16</sup> (see Figure 3, left bar). The system can withstand 56 more vehicles during “busy times” before becoming overcapacity (Figure 3 again: the reservoir is the top of the middle bar).<sup>17</sup>



But the developers of Austin St. and Washington Place have requested waivers (80 for Austin Street and 97 for Washington Place) giving them permission to ***not*** create 177 spaces.<sup>18</sup> That means **177 more vehicles looking for parking – 3.2 times** what our reservoir could functionally accommodate. (“Waivered Vehicles” at top of right bar is 3.2 times the reservoir.)

Newton Centre, with its waiving of requirements for numerous parking stalls, already appears to have such a dysfunctional system that frustrates many potential customers.<sup>19</sup> **Constraining the size of Washington Place within current zoning would mitigate this problem in Newtonville.**

As for Washington Place’s new parking demand, some experts have claimed that Washington Street’s metered parking zone will handle it. Indeed, GPI noted that apart from the ASL, which has since had its excess capacity largely filled by Star Market’s closing its lot to “public

parkers,” Washington Street has the largest reservoir of surplus capacity in Newtonville’s public parking system. But that area is already almost two-thirds full in “busy times,”<sup>20</sup> and can only handle another 20 or so additional vehicles before becoming overcapacity. Parkers exiting and entering in rush hours will further congest traffic around the Washington/Walnut Street intersection, recently graded “D” by an impartial agency.<sup>21</sup> That’s little better than a “rolling parking lot.”<sup>22</sup>

### **Dubious assumptions**

As noted, by requesting waivers for 177 parking stalls for these projects, developers are asking permission to avoid providing spaces they would otherwise have to provide. They argue these parking waivers will not create serious problems; however their argument is based on the following **dubious assumptions**:

- 1) That residents at Washington Place (like Austin Street) will need only 1.25 vehicles.<sup>23</sup> Usually Newton households need two or more.<sup>24</sup> And with renters, especially Millennial roommates, often doubling, tripling, or quadrupling up to save money, this is not likely to change, given the inadequacy of transit in Newtonville. Furthermore, if Washington Place’s residents are only allowed one space, and can’t park another vehicle on the street in cold weather months when overnight parking is banned, they will likely park their second vehicle elsewhere in cold season, and then bring them back to park on Newtonville streets or in the ASL in months when the ban is lifted.
- 2) That flooding Newtonville with more vehicles for which there is inadequate metered or developer-provided parking will not intensify and worsen parking congestion on side streets.
- 3) That Newtonville has great mass transit. Walkscore.com gives it a 36, the third worst score in Newton.<sup>25</sup> The MBTA provides very little service inbound after 1:26 pm — including one stretch of six hours without a single train.<sup>26</sup> Newton emphatically does not have great public transit, and we cannot expect help from the MBTA or the Commonwealth in the foreseeable future. For details, see the presentation on Transit Oriented Development.
- 4) That resident and customer vehicles will gladly park in smaller spaces, sometimes a foot shorter than the parking section in our Zoning Ordinance requires.<sup>27</sup>
- 5) That people won’t mind parking in lots with less room for maneuver than required by our Zoning Ordinances.<sup>28</sup>
- 6) That they also won’t mind not having the interior landscaping, lighting, setbacks, bollards, wheel stops, guard rails, and curbing that are normally required by our ordinances to enhance our parking lots’ aesthetic appeal and safety.



- 7) That the new businesses accompanying new developments won't generate many more customers than anticipated. They could. And this, along with other parking problems, could squeeze out customers for existing businesses.
- 8) And that their new employees won't park in public metered parking. When people are likely to be late or have things to carry, they often cut corners and park in whatever space is most convenient, even if they're not supposed to. That includes employees.

Since these assumptions are largely false, Newtonville's parking system will frequently be overcapacity, and scare away business and customers.

### **Conclusion**

It could be self-defeating for a developer to make outsized buildings that could choke off parking and access to his own commercial space. But developer-owners may want to build large to sell a property soon after it has been built, or even before it is finished, for a higher profit. In that case, the social costs of a dysfunctional parking system would be shifted onto the community.

If we brush aside the practical wisdom in our Zoning Ordinance and the 85% rule, we'll choke our local commerce's "blood flow," and sentence many local businesses to death. These losses will be added to the suffering of those residents and businesses already displaced by the original purchase. Likewise, the many local businesses displaced by the original purchase will likely be replaced by bland, undistinguished national and regional chain stores – the only stores that can afford the much higher rents. Is that good for Newtonville's remaining businesses? For Newtonville's distinctive atmosphere?

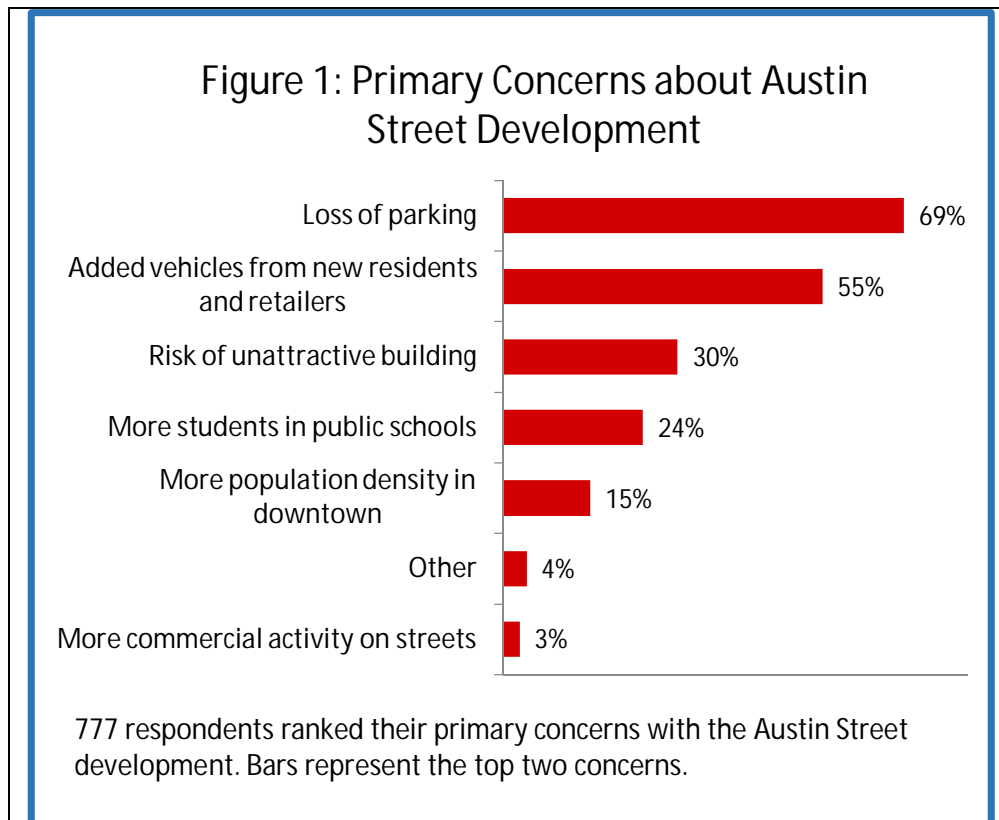
To reduce the risk of a commercial heart attack, we request that the City Council refuse to re-zone the Orr Block properties.

## Chart and Notes

Further details about how the study was conducted are available upon request. Contact me at

Peter G. Bruce  
[pgbrb@rcn.com](mailto:pgbrb@rcn.com)

This figure referenced on page 2 of this report



**Figure 2: Newtonville's Metered Public Parking System — from GPI study**



<sup>1</sup> “Businesses sign petition against Austin Street Project,” Jonathan Dame, *Newton Tab*, 10/16/2015.

<sup>2</sup> “Austin Street Development Public Survey,” Newtonville Area Council, March 4, 2014, p.4.

<sup>3</sup> Greenman, Pedersen, Inc. *Parking and Traffic Engineering Study: Village of Newtonville*. July 2014. Submitted to the Planning Department, Newton City Hall. See pp. 2, 29.

<sup>4</sup> *Ibid.* Map on unnumbered introductory page.

<sup>5</sup> *Ibid.* See Executive Summary and p. 8. For an academic perspective, see See Donald Shoup, *The High Cost of Free Parking*. Chicago: Planners Press, 2005, Chapters 11-13.

<sup>6</sup> *Op. Cit.* pp 8 and 33. See also *Parking Generation Handbook, 4<sup>th</sup> Edition*; Institute of Transportation Engineers (ITE); 2010. And *Trip Generation Handbook, 2<sup>nd</sup> Edition*; Institute of Transportation Engineers (ITE); June 2004.

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<sup>7</sup> *Op. Cit.* GPI “Executive Summary,” and p. 1.

<sup>8</sup> “*Commentary: Parking jams in Newton’s Austin Street lot;*” Peter Bruce, *Newton Tab*; posted online 2/27/15. It was also published in the paper.

<sup>9</sup> “*Memorandum: 28 Austin Street – Transportation Impact Study;*” Nelson/Nygaard Consulting Associates, Inc. Submitted to Austin Street Partners and the City of Newton. This memo was “Attachment A” of a document submitted to the Land Use Committee dated May 12, 2015. See especially p. 22. “Existing Parking Supply and Utilization.”

<sup>10</sup> Memo to the Land Use Committee, “28 Austin Street, Newtonville Square, Mixed Use Development,” addressing parking in the Austin Street Lot. Lou Mercuri, Planning Horizons, Weston, Ma. 10/19/2015. Submitted as Attachment H with Austin Street Partners submission to the Land Use Committee “Austin Street is a great project,” 10/23/2015.

<sup>11</sup> Peter Bruce, “Newtonville’s Parking Needs and the Austin Street Project.” Report submitted to Newton’s Board of Aldermen, May 2015. See Charts 1 and 2, p. 2.

<sup>12</sup> *Ibid.* *Op. Cit.* Mercuri, Planning Horizons, pp. 3-4.

<sup>13</sup> Alan Schlesinger, testimony before Land Use Committee, 10/29/15. On audiotape available on LUC website, minutes 9-12.

<sup>14</sup> *Ibid.*

<sup>15</sup> *Op. Cit.* GPI, p. 12. Even GPI’s data show this, especially if its parking counts for 3/22/14, a day representing half of GPI’s peak-hour Saturday data for that month, which it rejected as an outlier, are retained. As I argued in “Newtonville’s Parking Needs...,”(pp. 1-2) that data should be retained as valid, since it is consistent with other cold weather counts available in Newton’s Planning Department that GPI neglected.

<sup>16</sup> 295 metered spaces, plus 8 handicapped stalls located amidst them. *Ibid.* GPI, pp. 9 and 29.

<sup>17</sup> 205 is an average of GPI’s 2015 hourly average (203 vehicles) and my own (207 vehicles) for 2015, for “busy times.” These times are 10 am to 2 pm, and 5 pm to 7 pm every weekday. See Bruce, “Newtonville’s Parking Needs...” Appendix, and its Tables.

<sup>18</sup> See Austin Street Board Order, and Washington Place Special Permit Application.

<sup>19</sup> Nelson/Nygaard, “Newton Centre Parking Strategy Draft 2.”  
<https://www.hightail.com/download/ZWJXWmdwTIE0b0JMWE5Vag>

<sup>20</sup> *Op. Cit.* GPI, p. 29.

<sup>21</sup> “Technical Memorandum: Washington Street Sub-regional Priority Roadway Study in Newton.” Chen-Yuan Wang. Boston Region Metropolitan Planning Organization. 1/22/15.

<sup>22</sup> Discussion with former Department of Transportation traffic expert Ron Mauri. 7/12/16.

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<sup>23</sup> “Zoning Review Memorandum.” City of Newton, Department of Planning and Development. 5/12/16. P. 4.

<sup>24</sup> See, for instance, <http://datausa.io/profile/geo/newton-ma/> and <http://www.clrsearch.com/Newton-Demographics/MA/Number-of-Vehicles-per-Household>.

<sup>25</sup> See: <https://www.walkscore.com/MA/Newton>

<sup>26</sup> See: [http://www.mbta.com/schedules\\_and\\_maps/rail/lines/?route=WORCSTER](http://www.mbta.com/schedules_and_maps/rail/lines/?route=WORCSTER)

<sup>27</sup> *Op. Cit.* City of Newton, “Zoning Review Memorandum,” p.5.

<sup>28</sup> *Ibid.*

# Critique of the VHB Traffic Study

## Prepared by *Neighbors for a Better Newtonville*

### Contributors

Ron Mauri, Transportation Economist ABD, Volpe National Transportation Systems Center  
Adel Foz, MCP/M.Arch MIT  
Peter F. Harrington  
Fred Arnstein, Ph.D., Principal: Survey Action Associates

### Background

The developer has provided you with a traffic study from the project team prepared by Vanasse Hangan Brustlin (VHB).

The VHB study would have you believe that the Washington Place (Orr Block) project will have minimal impact on nearby traffic and that proposed improvements will mitigate such any such impacts. It also claims that safety will be improved.

Our original response to the VHB report has been critiqued by VHB and we have accepted some of their feedback. So this report is shorter than a previous version. But some of our criticisms remain and we still contend that the study is flawed and the conclusions cannot be trusted.

Below, we will point out several of the failings of the report. But to be clear on the main point: If the developer's petitions are contingent on the idea that the project does not make traffic worse, then this project is not convincing.

We hope the Land Use Committee and the full City Council will acknowledge that the VHB report is inadequate, and that the impact of Washington Place as proposed is likely to be negative. We hope it will consider this in deciding to reject the Washington Street petitions.

The overall picture is that large developments, both commercial and residential, do increase traffic, and this is a current and future problem for Newton. Newton's streets are for the most part already built out. Their capacity cannot be increased and in some places is already being reduced by bike lanes & pedestrian bump outs.

Witness the regular Rt. 9 traffic jam every afternoon at 3 PM from Parker St. to Elliott St. (0.9 miles) or Needham St. every afternoon. A single project may have modest negative impact, but the cumulative result of multiple projects — in terms of wasted energy and air pollution, not to mention daily aggravation — is very substantial. We fear that this could be the fate of the whole Washington Street corridor.

## VHB'S ASSUMPTIONS AND PROCEDURES

### Statistically invalid foundation: VHB's one-day data collection

The measurement of traffic volumes is the foundation of the analysis. Here, VHB has failed to generate convincing data. Both common sense and statistical theory conclude that their method can be taken seriously. Quoting their report, they collected data "based on automatic traffic recorder counts conducted on November 19, 2015." In other words, they collected data for one single day.

It does not require statistical expertise to grasp the essence of statistical sampling. Most every type of phenomenon involves variability from one instance to the next. For any process that exhibits variability, a sample of one makes no sense. Hitting a baseball is a process with variability: some days you hit, other days you don't.

What is David Ortiz' batting average? — observe a single game?!

Traffic flow is variable. It differs from day to day in a seemingly random fashion, and it varies more predictably depending on seasons, holidays, weather conditions, and special events. Furthermore, as we learned from the Austin St. case, the Newtonville village center commercial area is often clogged during non-rush hours and on weekends. So those periods should have been emphasized as well.

The VHB report abandons site-specific data when it comes to seasonal variations (bottom of p.8 of VHB report).<sup>1</sup> The report thus makes an unsubstantiated assumption that Newton patterns are identical to the average of other communities in the state. Do we believe that winter and summer traffic patterns around Fenway Park are the same as those in Newton? Or similar to those in the Berkshires during leaf-peeping season?

For those who say that VHB conducted the study according to industry standards — that one day's observation is enough — we say that such a standard is not credible. It flies in the face of statistical theory and common sense.

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<sup>1</sup> References to tables, etc. refer to the VHB report. In some cases, we have reproduced those tables in this presentation, keeping the original table numbers. We do also have several tables that we created, derived from tables in the VHB report. We have made it clear that these are derivative.



## Critical street segments were not included

VHB chose to study only two street segments (see Table 1, p. 8 VHB). These are the segments on the Orr Block's exterior faces: (a) Washington west of Walnut and (b) Walnut north of Washington. While these segments are relevant to traffic entering and exiting the project, they are less relevant to overall traffic volume impacts. This is because they have lower volumes than the alternatives indicated by the turning data in the Appendix.

Specifically, (a) Washington St. EAST of Walnut gets the cumulative effects of funneling three flows (from Washington St. west of Walnut, plus the north-bound and south-bound Walnut St. flows) heading to and from Boston via the Mass Pike entrance at Newton Corner. (b) NNHS is located south of Washington St. and is a major traffic generator twice a day, including the morning peak rush hour. (c) The Walnut St./Watertown St. intersection can become very clogged and so influence congestion on Walnut Street heading toward Washington Street. Thus areas with high impacts are not included in the analysis, e.g., the estimated LOS ["Level of Service," explained below] and delay measures.

## Impact of Austin Street simultaneous construction not considered

A 68-unit building has been approved by the city for 28 Austin Street. This location is a mere 0.2 mile from the Washington Place site, a 3-minute walk using Walnut Street (we have timed it). The VHB report mentions the possibility that Austin Street, and several other projects, might adversely affect traffic. But VHB concludes (p. 15) that the impact will be negligible: "their site-related trips are not expected to affect our study area."

There are two problems here. First, given the problems we see in the Washington Place traffic study, one has to wonder whether the Austin Street study was similarly unconvincing. Independent research by Peter Bruce contends that that Austin Street, when completed, will have more impact on parking than the official study shows. It's reasonable to suspect that traffic congestion will also be worse.

Second, and not at all speculative, is the problem of overlapping construction periods. These two projects, so near each other, are very likely going to be built at the same time, or partially so. There is no doubt that traffic will be adversely affected during each of the construction periods. When the construction periods overlap, traffic disruptions are likely to be quite severe. Leaving out this issue we consider a serious flaw in the VHB report.



Some of the existing trips will remain post-construction

A primary factor in assessing the project's traffic impacts are the estimated changes in the number of vehicle trips. (See Table 3 for the peak A.M. and P.M hours).

The methodology offsets new trips by assuming that all existing trips disappear. While this may be true for the Washington Place site itself, it is wrong to assume that the trips will simply disappear from Newtonville or the rest of Newton. Existing trips to and from the site are made for specific purposes. These purposes do not end when the existing buildings are demolished and their users relocate. Rather, they simply shift to other locations. Simply stated, a meal at Karoun's, or the need for camera repair at NV camera, or studio dance lessons are not obliterated by a wrecking ball. So those trips still exist, and some will probably be on the same Newton streets as before.

So while the study method might be valid in its estimate of vehicles entering and exiting the specific site, it is not valid to subtract all the existing trips from the number of vehicles passing by the site and contributing to congestion on Washington, Walnut and other area streets. Thus the project traffic impacts are understated.

"Transit-oriented Development" concept is irrelevant

The VHB report says (p. 9) that "It should be understood that the proposed redevelopment is a Transit-Oriented Development (TOD)." Similarly the report says (p. 1), "VHB, Inc. has completed a detailed traffic assessment to evaluate the potential impacts associated with the mixed use transit oriented redevelopment know as Washington Place... "

We have explained rather extensively in other presentations (e.g., *Transit-Oriented Development: Why It Does Not Apply to the Washington Place Proposal*) why Washington Place does not qualify as a transit-oriented development. The most fundamental reason is that public transit capabilities in the Newtonville Village Center do not meet the minimum requirements for a 'Transit Neighborhood' which is the most modest type of transit-oriented place.

## VHB'S CONCLUSIONS

Traffic is already congested

Here's how the professional transportation community evaluates and characterizes traffic flow. Highways and signalized intersections are rated for traffic congestion using Level of Service (LOS) grades from "A" to "F." The computations are complex, taking account of a variety of factors, but the general idea of the ratings is easy to understand.

- "A" indicates free traffic flow at the speed limit
- "F" is the worst rating, characterized by a breakdown in traffic flow, more demand than capacity, and a constant traffic jam.

Here are descriptions of the three lowest grades, as they apply to signalized intersections.

Level of Service	Description
D	Significant congestion on critical approaches, but intersection functional. Cars required to wait through more than one cycle during short peaks. No long-standing queues formed. This is a reasonable goal for urban streets during peak hours.
E	Sluggish and frustrating. Severe congestion with some long-standing queues on critical approaches. Intersection can be blocked if traffic signal does not provide for protected turning movements. Any disruption may create shockwaves in upstream traffic.
F	Total breakdown in flow, jammed-up stop-and-go traffic. The wait at the intersection is at least 80 seconds; it's more likely to be two minutes or more.

With these Level Of Service (LOS) definitions in mind let's focus on the main intersection – Washington @ Walnut. Table 9 in VHB's report tells us the overall condition is "E" in the morning and "F" in the afternoon. When you look at the various flows – east, west, north, south, and thru, right and left — you find almost half (21 of 48) are already at a grade of LOS "F." One-third of the specific flows are considerably worse than the 80-second "F" minimum delay time.

So, according to VHB's own data, this area is not appropriate for further development and added vehicle traffic.

The project would increase traffic, make Level of Service worse

How will the added trips affect LOS? Again looking at Table 9, you will find that the morning peak changes from LOS "E" to "F" (the worst). The afternoon peak, already at "F," is likely to become even worse. (VHB points out that there is currently a well-attended Ballet School on the Orr Block. It will move away. So added traffic in the evening will be offset by lack of traffic at the Ballet School. Their point is well taken as a possibility, but given their inadequate data collect — see the beginning of this paper — we are not convinced.)

Bump outs disrupt traffic flow

VHB proposes curb extensions ("bump outs") to make the intersection safer. What the reports fail to mention is that bump outs can also slow traffic, so the LOS estimates will be worse, not better. VHB has pointed out that bump outs can be at the ends of parking lanes which in theory would not allow for a turning lane anyway. But that depends on where the parking ends. If parking end before the intersection, then the end of the parking lane becomes a turning lane. But with a bump out at the corner, that opportunity is not longer available.

We are not saying that bump outs are a bad idea. But if bump outs and other such changes are good ideas, they should be built into the base case (no build). Newton should consider doing them regardless of whether and when a project is built. And if they are done, then the downside (impeding traffic flow) has to be taken into consideration.

New signals and signal timing won't help at congested times

New signals and timing will probably help in off-peak non-congested periods, but not at peak periods when most trips and traffic congestion occurs. A minute will always be 60 seconds and the typical flow rate is about 30 vehicles per lane. When demand exceeds capacity, the queues just get longer until demand drops.

We would also bring to your attention two other very relevant considerations. First, the Metropolitan Planning Organization (MPO) study of the corridor actually recommends that the exclusive pedestrian signal phases at both intersections be increased – again making the already congested intersections worse.

Second, the MPO study also notes that the introduction of new turnpike tolling in Newton will considerably increase the baseline traffic flows on Washington Street from those assumed by the consultants. This happened on October 28. It could have a significant impact on traffic and needs to be taken into account.

## A dense project will jeopardize the City's Comprehensive Plan for the Washington Street Corridor

The roadway between Walnut and Lowell Streets is the shortest signalized stretch of Washington Street between Newton Corner and West Newton. On a daily basis, it already shows limited capacity to store vehicles waiting for signals and often operates at Level of Service E/F. Causing these two intersections and their approaches to operate longer at these Levels of Service and worse will discourage investment in the future development of the corridor, as proposed by the City.

In addition, Walnut Street is the only major North-South roadway between Newton Corner and West Newton. Significant delays to traffic between Walnut and Lowell on Washington will cause diversions onto other City streets which are not designed to provide relief capacity or to provide comparable East-West and North-South connections.

### In conclusion

We are skeptical of the rosy picture portrayed by the VHB consultants. The Washington Place petition for rezoning and waivers is likely to create traffic problems that will affect the immediate area and may add to congestion in other parts of the city. The VHB report, in its current state, does not prove the contrary. A smaller development (within current zoning) may add to traffic, but less so than the large MU4 complex that is proposed.

**X**

**NEW TAB**

**X**

## Overview: Fiscal Impact and Other Issues

The current section/tab and the following tabs are all very short, but they cover distinct topics.

This section ("Fiscal" tab) is about the sizeable fiscal impact of developing residential space versus commercial space.

- *Fiscal Impact and Business Impact*

Peter Harrington

*¾ Commercial property yields higher taxes; its development should be encouraged. But Mr. Korff proposes mostly residential use. The city should be encouraging more commercial development.*

The next section ("Legal" tab) covers two legal issues that need to be resolved. First, whether commercial space can be double-counted, which in turn affects the density of apartments. Second, whether Mr. Korff owns two small streets that he claims within the Orr Block.

- *Density Controls — Letter to Marc Laredo*

Peter Harrington

*¾ Mr. Harrington explains how density controls work under different zoning categories. Emphasis is on double counting of commercial land, an issue that must be resolved.*

- *Who owns Bailey Place and Washington Terrace?*

Peter Harrington

*¾ The Orr Block parcel includes two small streets: Bailey Place and Washington Terrace. The petitioner claims to have ownership rights over both, but he does not. This must be resolved before he can claim them.*

A third section ("Historic" tab) deals with the fact that the Orr Block directly abuts the Newtonville Historic District. This district is important architecturally and has its own particular character; it also houses people who are direct abutters to the Orr block and are highly concerned about how the project would affect them.

- *Abutters and Historic District*

Meghan Smith and other material

*¾ Orr Block abutters have strong and legitimate concerns about Washington Place. A letter describes their concerns. The abutters are also part of a Historic District. A development the scale of Washington Place should not be located adjacent to this district.*

- *Letter from An Abutter*

Patrick Slattery

*¾ An abutter who owns a rental property adjacent to the site voices numerous concerns, including about problems arising from the construction process itself.*

The last section ("Toxic" tab) is an article about chemical contamination, which is known to be present both under the Sunoco Gas Station and under the parking lot within the Orr block.

- *Chemical Contamination*

James Pacheco, Engineering Consultant

*¾ There is documented chemical contamination under the Orr Block parking lot and also under the Sunoco Gas Station. The chemicals are extremely toxic. They should be monitored throughout any construction. This article describes the nature of the chemicals under the parking lot.*

## Fiscal Impact and Business Impact Peter Harrington

Re: Docket Item #179-16 & #180-16

No one has taken a serious look at the financial impact of this precedent setting project.

The Petitioner has presented a rose-colored view of extra tax revenue for the City, a pedestrian friendly community of seniors, low and moderate income tenants and a new retail environment that will compliment the existing Village businesses.

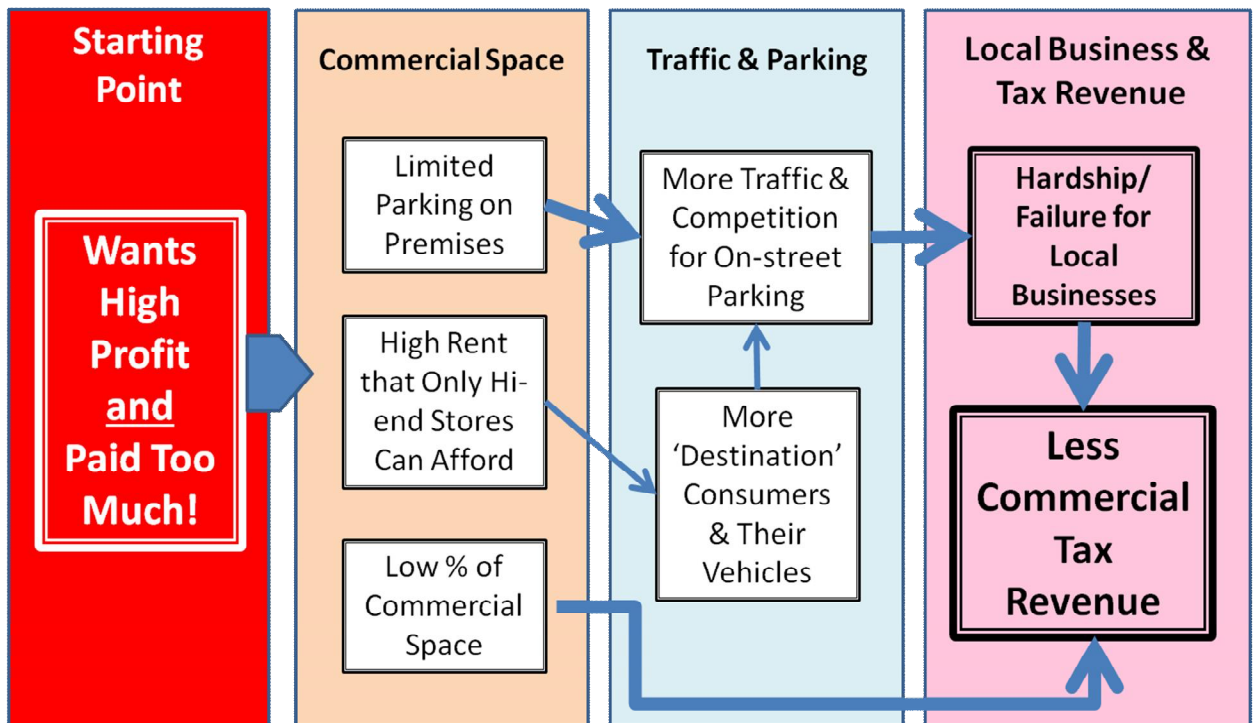
The Petitioner has skipped over the ripple effect of the projects costs to the taxpayer.

Our argument in summary

1. The Orr Block as currently zoned could have predominantly commercial use, which would produce a positive tax flow. The petitioner wants mainly residential use, which would create a tax burden.
2. The project will require high-end retail stores that cannot be supported by village residents alone. So the stores will require customers from elsewhere. These 'outside' customers will arrive by motor vehicle, not public transit. And that will mean more traffic.
3. The reduced number and size of parking spaces will create more demand for on-street parking.
4. Parking in Newtonville is already very tight. The new vehicles looking for parking will make the situation worse, driving away business from our local merchants. Some of these local businesses will close. And in turn we will lose even more commercial tax base.



Here is a visual depiction of these points.



Specifics: Impact on Newton's fiscal situation

For over 50 years, Newton government officials have bemoaned, complained and decried the fact that we do not have a large enough commercial tax base to offset the growing costs of our residential community. At the same time they run for election and re-election citing their participation in helping Newton win award after award for being a most livable city, with an excellent infrastructure and quaint business centers that cater to the village residents.

To meet the fiscal shortfall the City has adopted a number of strategies:

- i) Newton decided to charge the owners of business property nearly twice the tax on residential property, based on the theory that the Landlord can pass the cost on to the Tenant who can pass it on to the Customer.
- ii) It sold schools in the face of declining enrollment, expecting responsible Newtonites to limit their offspring to one or two.
- iii) The Board of Aldermen rezoned manufacturing and commercial land to residential use zones, then granted special permits to allow the building of more residential homes.

- iv) The City has discharged hundreds of low wage municipal employees with the claim that privatizing municipal services will reduce cost. The results seem to say that sometimes this works and sometimes it does not work. The flaw is that the money saved was spent on new programs and higher wages.

Recently, the City Council created a mixed use zone to encourage the construction of projects containing residential and commercial uses. The actual emphasis in this zone, whether explicit or implicit, has been on the residential side. It appears that little consideration was given to our municipal concerns about the lack of a sufficient commercial tax base.

#### Fiscal implications for the Orr Block decision

We now have a proposal to use one of the new Mixed Use Zones in Newtonville. The developer proposes to take needed potential commercial space and use it for a small mall and large residential complex.

The developers have estimated a projected net increase in tax revenues of \$200,000.

However, that is assuming that traffic and safety issues plus costs to the school system do not increase net municipal costs. Based upon past experience of the inability of developers to accurately project municipal net revenues from a project or the influence of a project on municipal services, roads and schools, it is very likely that the proposed project will result in a net revenue loss to the City of Newton.

Even if the developer turned out to be right about the \$200,000 benefit, that is .0006 of our current municipal budget. At that rate, developers would have to build 17 "Washington Places" — with 2700 living units — to give the city a mere 1% boost in revenue.

#### Specifics: Impact on local business

50 years ago the typical Newton village had one or two hardware stores, two or three pharmacies, restaurants, a bakery, a candy shop, a grocery store or market, commercial offices, a barber shop, a hair saloon, a jewelry store, a gift shop, a book store and other local service businesses.

With the introduction of Big Box businesses, plus regional and national chains, many small local merchants were unable to survive as their businesses were incorporated into the regional and national chains.

A review of the proposed floor plans, submitted with the developer's petition, shows 8 commercial locations ranging in size from 1,250 sq ft to 13,075 sq ft.

If rents for new commercial construction average \$35.00 to \$40.00 per square foot and CAM (Common Area Maintenance) charges average \$5.00 to \$10.00 per square foot, the monthly operating expenses for a tenant will be \$40.00 to \$50.00 per square foot. The Developer's marketing consultants said they estimate \$40.00/sq ft.

So we can anticipate minimum monthly rents for the new retail units identified on the plans, when construction is completed, without including CAM charges, as follows:

Unit	Size	Monthly charge at \$40.00 per sq ft	Monthly charge at \$45.00 per sq ft
8.	7,835 sq. ft.	\$26,117.00	\$29,381.00
7.	2,415 sq. ft.	\$ 8,050.00	\$ 9,056.00
6.	1,280 sq. ft.	\$ 4,267.00	\$ 4,800.00
5.	5,095 sq. ft.	\$16,983.00	\$19,106.00
4.	3,890 sq. ft.	\$12,967.00	\$14,588.00
3.	4,905 sq. ft.	\$16,350.00	\$18,394.00
2.	1,250 sq. ft.	\$ 4,167.00	\$ 4,688.00
1.	13,075 sq. ft.	\$43,583.00	\$49,031.00

These are high rents. To support these rents the tenants will have to attract a steady flow of business throughout the day and evening. Newtonville customers will not be sufficient.

The tenants will have to draw customers from Brighton, Watertown, Waltham, Wellesley and other surrounding communities. They will need to create a destination shopping experience that will compete with nearby village centers, including, Newton Corner, Newtonville, West Newton and Newton Center.

To provide for the customers and employees the developer has 107 parking spaces or one parking space for each 371.5 square feet of rental space. This does not compare favorably with the Newton Ordinance Requirement of 1 space per each 300 square feet for a retail store plus 1 space for each 3 employees on the largest shift.

#### What happens on the streets

The result will be traffic and parking congestion. If the new upscale commercial establishments flourish, it will mean that there is heavier vehicle volume on the streets and much more competition for on-street parking.

But local businesses already suffer because their customers have a hard time finding on-street parking. This new development would make the situation far worse. The more successful the

Washington Place commercial tenants are, the more local businesses will have trouble; it's quite likely that we will see many of our local businesses fail as a result. If the proposed 'Washington Place' is supposed to make Newtonville more vibrant, as many have said, this dynamic would have the opposite effect. There is an impact on village character aside from the financial aspects.

Finally, as if all this weren't bad enough, note that when a business fails, we lose the fiscal benefit of its commercial taxes.

## Conclusion

The Korff proposal creates a one-two punch to the city's revenues. First, it misses the opportunity to generate more commercial tax from the Orr Block property itself, due to limited commercial space. At the same time, it would destroy some of our existing commercial tax revenue.

All of this is undesirable and it is unnecessary.

Are Office Rental Properties in Newton Profitable?  
Helen Nayar

Mr. Korff's organization, Mark Newtonville LLC, tells us that it would be unprofitable to develop office space at the Orr Block. They claim that a major reason for this is that there is little demand for such space.

That claim may not be true. We call your attention to the web page, *Taurus Investment Holdings Sells 313 Washington St. for \$15 million*.

<https://cre.nerej.com/taurus-investment-holdings-sells-313-washington-st-15-million/>.

The text may be difficult to read on the site. Here is a transcription.

Newton MA. NGKF Capital Markets has completed the sale of 313 Washington St. to Grander Capital Partners, LLC for \$15 million. The NGKF Capital Markets Boston team, led by U.S. Head of Capital Markets Robert Griffen, vice chairman Edward Maher and executive managing director Matthew Pullen, in conjunction with Newmark Grubb Knight Frank senior managing director Dan Krysiak, leasing agent for the property, oversaw the transaction of the office and retail asset with a below-grade parking garage on behalf of Taurus Investment Holdings, LLC.

Totaling 81,052 s/f, 313 Washington St. is presently 90% leased to 24 tenants and anchored by a diverse mix of analytics, technology, law and software firms. It's street-level retail component is highlighted by a popular sports bar (Buff's Pub), an ATM (Bank of America), a dentist's office (Newton Corner Dental), and a custom embroiderer (EmbroidMe).

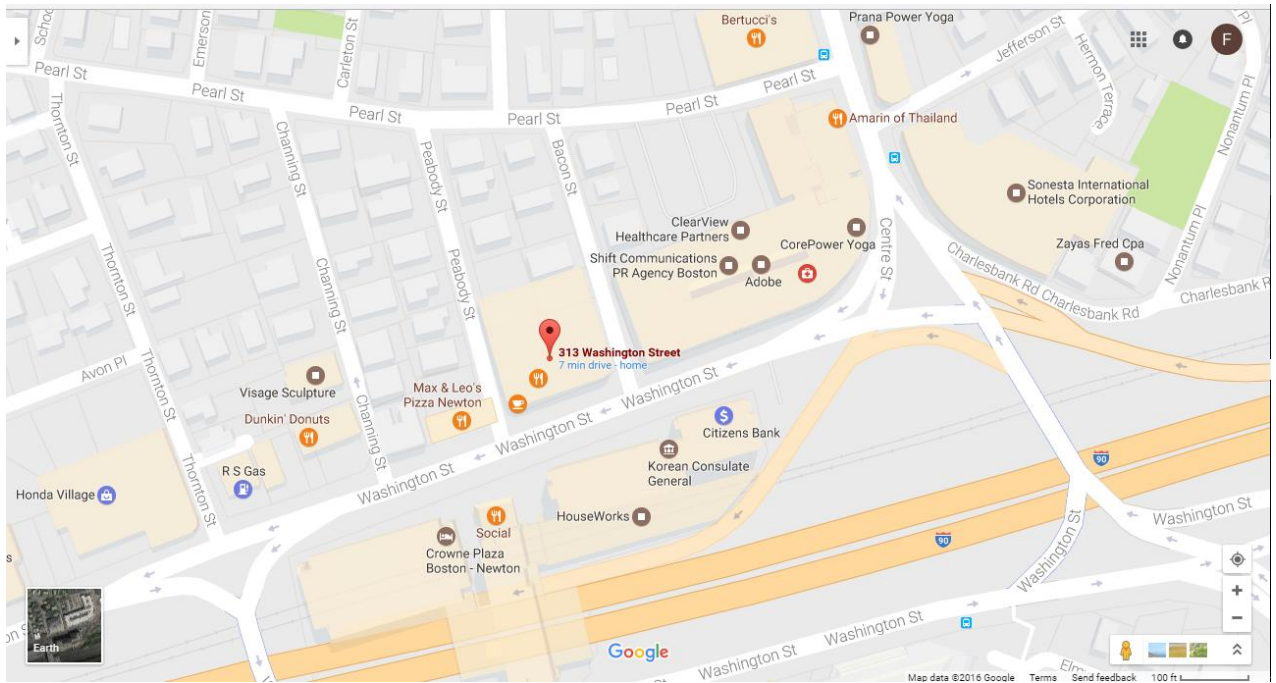
313 Washington Street features a highly desirable location in the heart of Newton Corner, a premier price alternative to downtown Boston's soaring rental rates," said Pullen. Consequently, the property boasts exceptional historic occupancy, consistently more than 90% leased."

Located adjacent to an MBTA Bus Stop and off I-90 (Mass. Turnpike), 313 Washington St. is situated 10 miles from downtown Boston.

The building has 2 stories in the front facing Washington Street and 3 stories on the back end. It is approximately one mile East of the Orr block.

The Orr Block, a little farther down Washington Street, would very likely be equally successful as office space despite the developer's contention otherwise. This approach would allow the city to maintain some more appropriate level of commercial revenue.

Location: 313 Washington Street is located at the Newton Corner 'circle of death' interchange. It is across the street from the Crowne Plaza Hotel.



**X**

**NEW TAB**

**X**

## Overview: Legal Issues

This section covers two legal issues that need to be resolved. First, whether commercial space can be double-counted, which in turn affects the density of apartments. Second, whether Mr. Korff owns two small streets that he claims within the Orr Block.

- *Density Controls — Letter to Marc Laredo*  
Peter Harrington
  - ¾ *Mr. Harrington explains how density controls work under different zoning categories. Emphasis is on double counting of commercial land, an issue that must be resolved.*
  
- *Who owns Bailey Place and Washington Terrace?*  
Peter Harrington
  - ¾ *The Orr Block parcel includes two small streets: Bailey Place and Washington Terrace. The petitioner claims to have ownership rights over both, but he does not. This must be resolved before he can claim them.*



# Summary

## Of letter from Peter Harrington to Hon. Marc C. Laredo

### Subject: Density Controls

November 15, 2016

In answer to your request for clarification of a portion of the Newton Zoning Ordinance that deals with density controls.

- **Density control determines how many people can live on the same lot of land** at the same time. In a Single Residence 1 zone, only one family is allowed to live on a lot containing 25,000 square feet of land.
- If that same lot was in a Business Use zone, the formula would be one unit for each 1,200 square feet of land, allowing 21 families to live on the same size lot.
- Under Korff's proposed density of one family for each 725 square feet of land, 34 families would be allowed on a 25,000 square foot lot.

**The issue of "density control" is complicated when applied to zoning districts that allow more than one use**, such as a Mixed Use zoning district. The complication has to do with **double counting**.

- Double counting allows the developer to use some of the land for commercial purposes and then count that same land again when applying a density formula to determine the number of residential units that may be built on the site.
- Korff's density proposal of 1 family for each 725 square feet of land is achieved by use of a double count.
- If the 40,000 square feet of land set aside for retail and commercial use were deducted from the total land area of 115,000 square feet of land, Korff would need a density formula of 466 square feet per unit to build his proposed 161 units. That formula would allow 54 families to live on that same 25,000 square foot lot.

**The issue of double counting has yet to be addressed, and should be addressed prior to a determination about the Korff petitions.**

– Full text follows

# HARRINGTON & HARRINGTON

## ATTORNEYS AT LAW

505 WALTHAM STREET  
WEST NEWTON, MASSACHUSETTS 02465

TELEPHONE 617-558-7722  
FACSIMILE 617-527-4763

James P. Harrington  
1964 - 2015

Peter F. Harrington  
Adrian P. Martins

November 15, 2016

Hon. Marc C. Laredo, Chairman  
Land Use Committee  
Newton City Council  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

RE: Docket Items #179-16 & 180-16 Density Controls

Dear Marc,

At the November 1, 2016 Public Hearing on the Korff project in Newtonville you asked for a clarification of a portion of the Newton Zoning Ordinance that deals with density controls. The following are my thoughts on your question.

Most agree that the earth is 4.5 billion years old. Paleontologists agree that dinosaurs were the dominate vertebrate on earth 200 million years ago. The recorded history of civilized society extends back over five thousand years.

The history of zoning in Massachusetts extends back to November 5, 1918 when Article XL of the Amendments to the Constitution was adopted by the voters. From this we might conclude that zoning is in its infancy.

***Article XL - The general court shall have power to limit buildings according to their use or construction to specified districts of cities and towns.***

From that simple sentence our City Council has developed an 8 section, 176 page ordinance regulating uses of land in Newton dividing the city into 24 different types of zoning districts. Newton has 3 single family and 4 multifamily zoning districts; 9 mixed use business and residential districts; 2 manufacturing districts; an open space district, a public use/recreation district and 4 overlay districts.

A fair amount of time and space in the Ordinance is devoted to “density and dimensional controls”. For example, Section 3.1.2 describes the density and dimensional standards for single family lots created after December 7, 1953. One of the key elements of this section is the required Lot Area per unit. That is, the amount of land required to be owned in order to build a single family home on a particular lot. There are other elements of the Section that address other restrictions or requirements such as the size of the house (floor area ratio), open space, frontage on a street, building height and setbacks, etc.

In the three zoning districts for single family homes the Lot Area in each zone varies from 10,000 square feet (SR 3) to 15,000 square feet (SR2) to 25,000 square feet (SR 1).

The issue of “density control” appears to become more complicated when applied to zoning districts that allow more than one use, such as Business Use and Mixed Use zoning districts. The intent of density control is to regulate the number of people that can live on one lot (site) at the same time.

Each zoning district has an underlying requirement that a lot in that particular zone be a minimum lot size. It is the basic density control regulation that is used in zoning laws to regulate the intensity of residential use of property. It is a determining factor in the projection of municipal population, school budgets, fire department costs and tax income to the city.

Density control helps determine how many people can live on the same lot of land at the same time. The difference is that in a Single Residence 1 zone, only one residential unit would be allowed on a lot containing 25, 000 square feet of land. But, if that same lot was in a Business Use zone, residential units above the first floor could be constructed based upon the formula of one unit for each 1,200 square feet of land allowing 21 families to live on the same size lot.

In a Multi Family zone, such as Foster Street, that abuts the Korff project for the Orr Block, one family is allowed per 5,000 square feet of land

At the proposed 30 acre Northland project on Needham Street one family will be permitted for each 1,375 square feet of project land.

Under the current zoning laws one family is permitted for each 1,200 square feet of land on Korff’s site at Washington & Walnut Streets in Newtonville.

Mr. Korff is proposing a density of one family for each 715 square feet of land on the project site.

If we used Mr. Korff’s density formula in our Single Residence 1 zone, that would allow 35 families in a 25,000 square foot lot.

Another complication when applying a residential density formula in a Business Use or Mixed Use zone is the question of a double count. That is, allowing the developer to use some of the land for commercial purposes and then count that same land again when applying a density formula to determine the number of residential units that may be built on the site.

Using the City Assessor’s information concerning the area of the lots contained in the Korff petition, the Korff’s site has 115,000 square feet of land (this does not include Bailey Place). See **Exhibit 1**. Using this information we can calculate how many residential units are permitted on the site, under the zoning Ordinance.

Under the BU 2 density formula of one unit per 1,200 sq. ft. (BU1 & BU2), 96 units are allowed (rounding up) on Korff's 115,000 sq. ft. site;

Under the MU 4 density formula of one unit per 1,000 sq. ft., 115 units are allowed;

Under the Korff density formula of one unit per 715 sq. ft., 161 units are allowed (rounding up).

The Korff proposal is requesting 65 additional units or 68% more than what's allowed in a Business Use zone.

If we correct the formula and subtract the building space used for commercial purposes from the total land area of 115,000 sq. ft., (49,325 sq. ft. ground floor area is set aside for retail use. [PCA PROJECT #: 15063 Cover sheet] (including corridors and common space), but not including the space taken up for commercial parking), we are left with 66,000 sq. ft. to be used for residential purposes, we can calculate as follows:

- 1) On 66,000 sq. ft. of land, under the BU 2 density formula of one unit per 1,200 sq. ft. (BU1 & BU2), 55 units are allowed;
2. Under the MU 4 density formula of one unit per 1,000 sq. ft., 66 units are allowed;
3. Under the Korff density formula of one unit per 715 sq. ft., 92 units are allowed.

To qualify for 161 units Korff is asking for a waiver to reduce the density ratio to one family per 410 sq. ft. That same formula would allow 61 families on a 25,000 square foot SR1 lot, 37 families on an SR2 lot and 24 families on SR3 and MR1 lots. MR1 is the zoning district adjacent to the project site. Under this formula the Korff proposal is requesting 106 additional units. Nearly 2 times than what's allowed in a Business Use zone.

It is my best memory that in years past the Building Inspector used the latter formula, deducting the amount of land used for other (commercial) purposes from the total land area before applying the residential density formula, as the proper application of the ordinance.

Mr. Korff's claim that he can not afford to build less is not based upon municipal regulation but is based upon his overpayment for the land. He is looking to the City Council to provide relief for his investment mistake. The issue of overpayment is presented in the attached **Exhibit 2**.

Under existing zoning, with a Special Permit, Mr. Korff can build 56, 345 sq. ft. in the BU 1 zone and 154,700 sq. ft. in the Business 2 zone, for a total of 211,053 sq. ft. of new building space. That should calculate to about \$200.00 per foot. Consider that Developers are spending \$550,000.00 to \$600,000.00 per lot to tear down an existing home to build a new 3,300 sq. ft house you will see that Korff paid high end prices on a the gamble that he would get a Special Permit.

If you would like further explanation I would be happy to provide it but I may need more than 3 minutes.

Sincerely,

# FACT CHECK REPORT # 2 Lot Size

**To: Newton City Council & Newton Special Permit Granting Authority**

**Docket Item #179-16, Special Permit Petition for Orr Building at Walnut St. and Washington St.**

**Docket Item #180-16, Special Permit Petition to rezone the Orr block to Mixed Use 4**

ITEM	CLAIMED	ACTUAL
Lot Size	123,965 sq. ft.	114,915 sq. ft.

Address	Sec 21, Bk 29 Lot #	Value	Zoning District	Area
241 Walnut Street	10	\$ 950,000.00	BU 2	7,794 sq. ft.
245-261 Walnut Street	11	\$ 2,818,100.00	BU 1	12,788 sq. ft.
848-855 Washington Street	12	\$ 2,052,400.00	BU 1	7,478 sq. ft.
14-18 Bailey Place	13	\$ 234,600.00	BU 2	9,457 sq. ft.
22 Bailey Place	14	\$ 281,600.00	BU 2	6,914 sq. ft.
Bailey Place (Lot 15)	15	\$ 112,700.00	BU 2	3,364 sq. ft.
861-865 Washington Street	16	\$ 1,860,500.00	BU 2	17,072 sq. ft.
857-859 Washington Street	17	\$ 1,163,200.00	BU 1	3,235 sq. ft.
867 Washington Street	18	\$ 722,200.00	BU 1	3,300 sq. ft.
869 Washington Street	19	\$ 391,700.00	BU 2	19,971 sq. ft.
875 Washington Street	19A	\$ 696,200.00	BU 1	10,760 sq. ft.
6-8 Washington Terrace	20	\$ 544,300.00	BU 2	2,345 sq. ft.
10-12 Washington Terrace	21	\$ 588,000.00	BU 2	1,855 sq. ft.
16-18 Washington Terrace	22	\$ 439,800.00	BU 2	4,200 sq. ft.
22 Washington Terrace	23	\$ 474,500.00	BU 2	4,382 sq. ft.
<b>TOTAL</b>		<b>\$13,329,800.00</b>		<b>114,915 sq. ft.</b>

<b>Business Use 1 area</b>	37,561 sq. ft.
<b>Business Use 2 area</b>	77,354 sq. ft.
<b>Total</b>	<b>114,915 sq. ft.</b>

# Inquiring minds ask WHY ?

Is there a need to change the zoning district in Newtonville?

The City of Newton has agreed to lease 28 Austin Street, containing 74,536 sq. ft. of land for ninety-nine years for a one-time payment of \$1,050,000.00 (One Million Fifty Thousand) Dollars. That is a price of \$14.09 per sq. ft. Included in the lease terms is a requirement that the Lessee provide municipal parking. The cost of the municipal parking (124 surface parking spaces) would have to be added to the price for the purposes of comparison to recent sales. Considering the Lessee will have to put its own parking underground and using a generous adjustment factor of \$30,000.00 per parking space that would add \$3,700,000.00 to the lease cost and increase the **price to \$64.00 per square foot.**

It is reported that 773 Washington Street (BU2 zone) & 90 Court Street (MR1 zone), containing 74,518 sq. ft., are to be sold for \$12,000,000.00 (Twelve Million) Dollars. That is a sale **price of \$161.03 per square foot.**

Robert Korff has purchased six of the seven parcels identified in his Petition for a Special Permit. The six parcels contain 97,437 sq. ft. of land located on Washington and Walnut Streets (the Orr Block) (zoned BU1 & BU2) for a \$28,920,000.00 (Twenty-Eight Million Nine Hundred Twenty Thousand) Dollars. That is an **average purchase price of \$296.81 per square foot.**

1. \$20,000,000.00 (Twenty Million) Dollars for 83,579 sq. ft. on Washington, Walnut & Bailey Place (\$239.29 per square foot) See Attachment A;
  2. \$2,300,000.00 (Two Million Three Hundred Thousand) Dollars for 7,794 Sq. Ft. on Walnut Street (\$295.10 per square foot) See Attachment B;
  3. \$2,000,000.00 (Two Million) Dollars for 2,345 sq. ft. at 6-8 Washington Terrace (\$852.88 per square foot) See Attachment C;
  4. \$1,200,000.00 (One Million Two Hundred Thousand) Dollars for 1,855 sq. ft. at 10-12 Washington Terrace (\$646.90 per square foot) See Attachment D;
  5. \$1,420,000.00 (One Million Four Hundred Twenty Thousand) Dollars for 4,200sq. ft. at 16-18 Washington Terrace (\$338.10 per square foot) See Attachment E;
  6. \$2,000,000.00 (Two Million) Dollars for 4,382 sq. ft. at 22 Washington Terrace (\$456.41 per square foot) See Attachment F;
- R Korff has not yet purchased 875 Washington Street (Sunoco Gas Station) containing 10,760.00 sq. ft. of land.
  - R Korff did not apply employ the standard safeguards used by prudent developers, such as: “the sale is pending receipt of permits”.

**Does Korff expect the Newton City Council help him make recoup his overinvestment?**

**The following attachments can be obtained from Peter Harrington**

**Attachment A**

**Washington, Walnut & Bailey Place**

**Attachment B**

**Walnut Street**

**Attachment C**

**6-8 Washington Terrace**

**Attachment D**

**10-12 Washington Terrace**

**Attachment E**

**16-18 Washington Terrace**

**Attachment F**

**22 Washington Terrace**

## Who Owns Bailey Place and Washington Terrace?

Peter Harrington

### **FACT CHECK REPORT — BAILEY PLACE**

1. **Bailey Place is a street shown on municipal records since the 1895 City Atlas. Its status as a public or private way is uncertain. There are indications it could be either.**
2. **The deed to Bailey Place is not included in the Petitioner's site purchase. Bailey Place is not owned or under the control of the Petitioner.**
3. **The Petitioner does not own Bailey Place.**

### **FACT CHECK REPORT — WASHINGTON TERR.**

1. **Washington Terrace is a street shown on municipal records since the 1886 City Atlas as a private way. The first gasoline powered automobile was invented by Karl Benz in 1886.**
2. **Washington Terrace was created to provide access to the nine lots abutting the private way.**



3. **The proposed plans for Washington Terrace do not meet Newton requirements concerning sidewalks, lighting, handicapped access and pedestrian safety.**
4. **There is no proposed covenant for maintenance of Washington Terrace.**
5. **There is no evidence that the developer's rights to use the way included the right to turn it into an access point for 346 parking spaces for gasoline powered automobiles.**
6. **There is no evidence that the developer's rights to use the way included the right to turn it into an access point for land abutting Walnut Street, 450 feet distant.**
7. **The Petitioner does not own Washington Terrace.**

**X**

**NEW TAB**

**X**

## Overview: Historic District and Abutters

This section deals with the fact that the Orr Block directly abuts the Newtonville Historic District. This district is important architecturally and has its own particular character; it also houses people who are direct abutters to the Orr block and are highly concerned about how the project would affect them.

- *Abutters and Historic District*

Meghan Smith and other material

*¾ Orr Block abutters have strong and legitimate concerns about Washington Place. A letter describes their concerns. The abutters are also part of a Historic District. A development the scale of Washington Place should not be located adjacent to this district.*

- *Letter from An Abutter*

Patrick Slattery

*¾ An abutter who owns a rental property adjacent to the site voices numerous concerns, including about problems arising from the construction process itself.*

## The Newtonville Historic District And Abutters' Comments

The Orr Block directly abuts the Newtonville Historic District. It should go without saying that a project the scale of Washington Place would be a poor fit with this particular Historic District, which "consists almost entirely of residential structures, most dating from the late-19th and early-20th centuries..on moderate-sized lots. But we have not seen serious attention paid by the city to the unfortunate juxtaposition of the Orr parcel and the District.

Here is a full description taken from the city website:

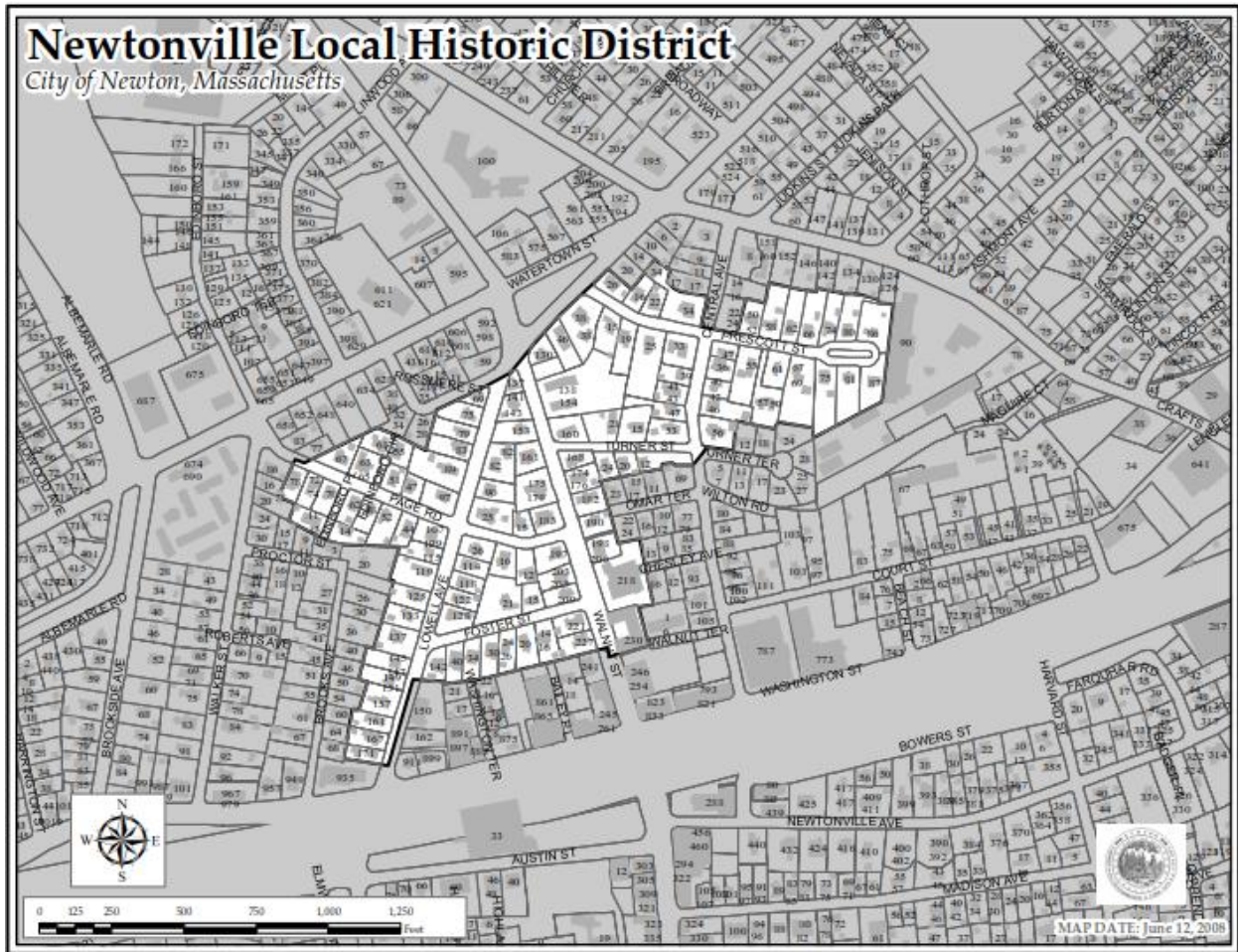
<http://www.newtonma.gov/gov/planning/histpres/districts/newtonville.asp>

*"Newtonville has been recognized as an architecturally important and intact historic neighborhood displaying examples of many late 19th and early-20th century residential architectural styles. In 2002 the Newton Board of Aldermen approved the formation of the Newtonville Local Historic District in accordance with the General Laws of Massachusetts and Newton City Ordinances. By formally recognizing the area, the City clearly acknowledged the historical significance and architectural integrity of the area contained within the boundaries of the district. The Newtonville Local Historic District has an intact historic fabric with a variety of styles representative of its primary period of growth and development as a streetcar suburb of Boston. The study which formed the basis of the historic designation describes the cohesive nature of the neighborhood that results from the overall massing, scale, lot size, setbacks and craftsmanship of its structures.*

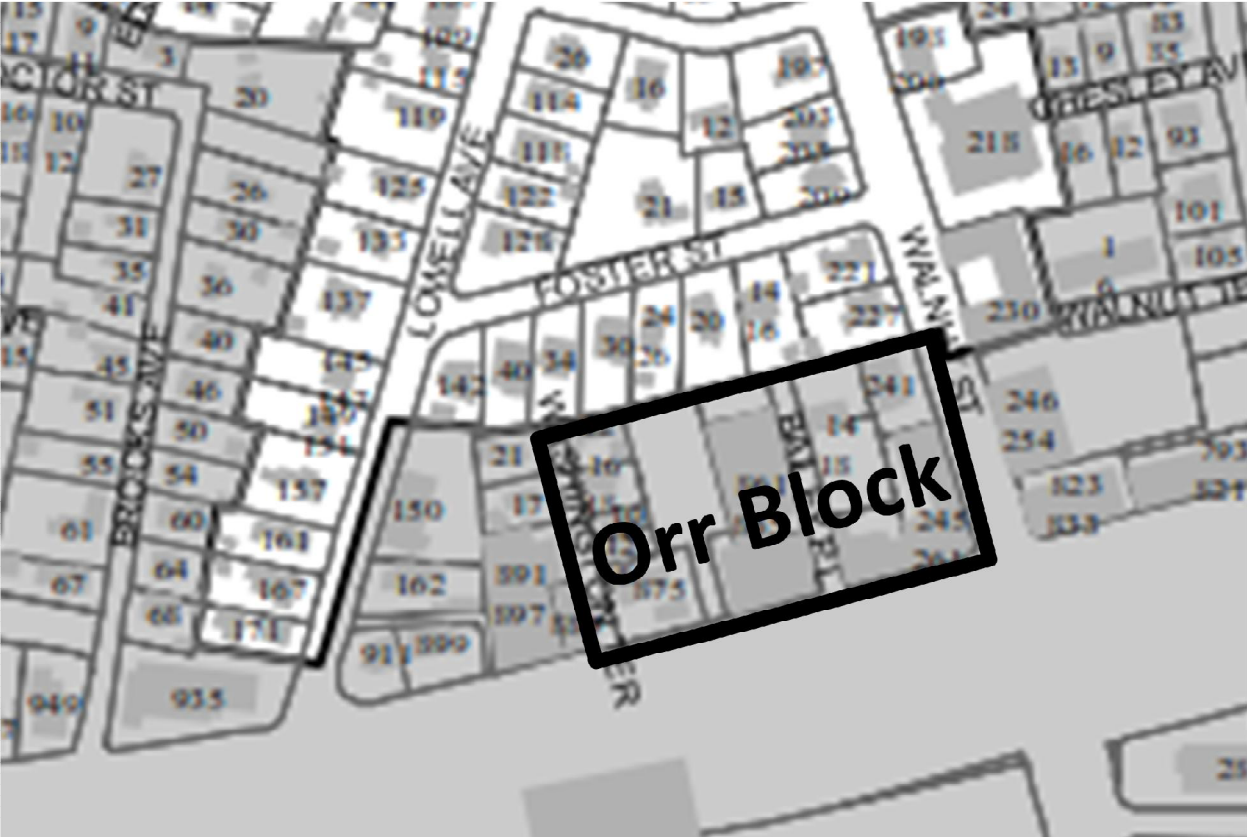
*"The Newtonville Local Historic District consists almost entirely of residential structures, most dating from the late-19th and early-20th centuries. The dwellings are characteristically large detached houses, which were originally built as single-family homes on moderate-sized lots. Queen Anne, Colonial Revival, and other revival styles from the late 19th and early 20th centuries are predominant in this historic neighborhood."*

On the following pages are maps of the Historic District and a statement by a group of abutters. The abutters reside in the Historic District.

# Map of Newtonville's Historic District



Zoom in: the Historic District abuts the Orr Block / Washington Place



## Comments from Orr Block Neighbors at 12/15/16 Land Use Committee Hearing:

Thank you for this opportunity to speak this evening. As abutters and close neighbors to the Orr Block, we support mixed use development on this site, including the creation of new housing, especially units that are affordable to individuals and families. However, we continue to oppose each of the proposed plans for the site to date as the developer continues to be unwilling to reduce the density, scale and height of the project in any meaningful way.

- We also oppose the developer's requests for rezoning and special permits that would allow for such a tall and dense project – 5 stories and 171 (or 164) units – and believe that it is out of proportion to Newtonville as a village. The developer could create a thoughtful and much more fully embraced project within existing zoning that could still include a significant percentage of affordable units. We are especially proud of the fact that Newtonville has provided affordable housing over the years and want to see it continue to do so.
- As we have looked at the criteria for Mixed Use Districts and development under City ordinances, we continue to believe that neither the developer nor the Planning Department has given enough consideration to the purpose of mixed use development, which includes encouraging “comprehensive design within the site and with its surroundings” and which “protects neighborhoods from impacts of development”.
- We have heard justification for the proposed height of the development being based on the width of Washington Street, and we have seen numerous depictions of the development plans from Washington and Walnut Streets, both during the day and at night. Frankly, until more recently, more attention has been given to what the development would “look like from the south, east and west”, and whether is “fits with” Washington as a street, than to its impact on those of us who live in what is a City Council-designated Historic District neighborhood who will have to live with, day in and day out, what is built here.
- More specifically, as abutters and other close neighbors, we have respectfully asked that the developer prepare renderings that look at the proposed project from the northern/Foster Street perspective and not just from our back yards with proposed plantings that might or might not survive. How will it look at night when five and four stories and parking lots are lit behind our homes? How will it look from our second and third floors? We have yet to see this but have serious concerns given the massiveness and height of the proposed project. While we appreciate the new rendering for what the back of the development would look like from the parking lot, we believe that the project is still too close to our homes, being only 45 feet away on the Walnut Street side.



- We also have heard how the proposed development will “knit Newtonville together”. While this may sound good, we wonder what this really means. Many of us who have lived in Newtonville for years walk around the village and cross the Walnut Street or Lowell Avenue bridges all the time. Building an oversized project will not change the division of Newtonville by the Mass Pike. In fact, there is an unfair irony that the presence of the highway, something we have had to live with over the years, is now being used as a justification for this site being “especially appropriate” for a 5-story development, something we do not support.
- In terms of Newtonville as a whole, we know that the village already has one MU4 development on Austin Street that has yet to even break ground. As we said above, there will be more development in Newton, but especially in village centers and bordering residential neighborhoods. It needs to be compatible with the surrounding community, appropriate in size and spread throughout the City. Just because a particular developer has chosen a particular site does not mean that what the developer wants should rule the day, with the City in a continual reactive mode.
- There also are serious concerns about traffic. The traffic studies are not plausible for anyone who lives in or drives through the area on a regular basis. This is particularly questionable since the impact of the Austin Street and Court Street projects are still unknown. It is premature to approve this development (which is more than twice the size of the Austin Street project) prior to assessing the effect on traffic and other impacts on Newtonville.
- Finally, many Newtonville residents also remain concerned that a development of this scale will set a precedent, not only for the Washington St. corridor but also other parts of Newton. At the most recent Planning and Development Board meeting, the City planner present was asked if any impact study had included the possibility of other MU4 developments in Newtonville – the answer was “no”. This is an important question to consider.

In conclusion, we do not see any compelling reasons to grant a change in zoning for the Orr Block site and urge you to keep the development within the current zoning. We also want to thank our own City Councilors for the time they have taken to hear and discuss our perspectives and concerns.

Sincerely,

*Meghan Smith*, 34 Foster Street, on behalf of herself and:

Ellen Fitzpatrick	20 Foster Street	Mari and John Wilson	30 Foster Street
Francesca Koss	137 Lowell Avenue	Robert and Elizabeth Smith	40 Foster Street
Bette White	14 Foster Street	Patrick and Gerald Slaterly	221 and 227 Walnut Street
Adel and Bonnie Foz	16 Page Road		



Letter from An Abutter  
Patrick Slattery

June 7, 2016

From:  
Patrick J. Slattery Trustee  
P&K Realty Trust  
143 Bridge Street  
Newton MA 02458

Patrick J. Slattery Owner  
221 Walnut Street  
Newtonville MA 02460

To:  
The Honorable Marc C. Laredo  
And All Honorable Members of The Land Use Committee  
The Land Use Committee  
1000 Commonwealth Ave  
Newton Center MA 02459

RE: The Proposed Project at Orr Place on Washington and Walnut Street in  
Newtonville MA 02460

I would like to begin by stating that I support the right of any landowner in Newton to improve and develop their land according to the current zoning laws of The City of Newton. I further add that any reasonable development that fits the size and character of the village, one that is of clear benefit to the community, is one that I would support.

Sadly the proposed development on Washington and Walnut Street, commonly referred to as The Orr Block does not meet these criteria. So, with regret, I urge this Honorable body to not grant any Special Permit or any Waiver of the current zoning laws of The City of Newton.

I object to the proposed development on Washington and Walnut Street, commonly referred to as The Orr Block for the following reasons.

1. The size of this development is greatly beyond what the village of Newtonville can accommodate. This fact is self evident by the nature of the requests made in this proposal. It is clear that this development will place huge demands on the village in terms of city services, traffic, and the daily life of the community.

- 1A. I specifically object to the size of the project proposed next to my property at 227 Walnut Street. The proposed development would cast a shadow over my house and my carriage house. It would transform the current historic village atmosphere to an oppressive overly-urban character. It further will endanger the health, welfare and safety of my tenants at 227 Walnut Street and the carriage house at 227 Walnut Street by causing ice to build up on my driveway; and preventing the sun from melting such ice.
2. The current site has 5 access roads, providing 5 means of entrance and egress to the site. The current site also mitigates traffic impact by focusing traffic to specific areas on the site, as well as being much smaller in size, the homes on Washington Terrace for example. The proposed development will create a new two lane street that will take the traffic load of the entire development and concentrate it onto two points, one on Washington and one on Walnut Street. This will create traffic bottlenecks on both streets. It is also clear that traffic bottlenecks will occur on the site itself, take the garage for example. The need for the garage will be greatest during rush hours, when general traffic access to the site is needed. The proposal also does not provide a Fire Lane or Emergency Service Access to the site. This endangers the public at large.
- 2A. I specifically object to the traffic caused by creating a new and very busy 2-lane street behind my house at 227 Walnut Street and all the homes on Foster Street. All of our backyards will now face this busy street. The noise will be a great problem. The new traffic congestion will also limit access to my property at 221 and 227 Walnut Street as well as my tenants and all homeowners in the surrounding area. This problem will be greatest during morning and evening rush hour.
3. The proposed garage will face my carriage house (used as a residential dwelling) at 227 Walnut Street. It is clear that this is another traffic bottleneck within the site itself. Will this garage operate with flashing lights and alarm bells? This would be a frequent annoyance to my tenants at 227 Walnut Street and the carriage house at 227 Walnut Street. Also will the constant heavy traffic undermine the foundation of my carriage house at 227 Walnut Street?
4. Where exactly are the loading zones for this proposal? How will loading and unloading be carried out and at what times? Will my tenants at 221 and 227 Walnut Street and all the homeowners of Foster Street be subjected to excessive noise at very early hours of the morning? This would not be just.

5. The current proposal states that the existing trees on the site are to remain. The tree in front of the carriage house at 227 Walnut Street is a danger to the power line to the carriage house at 227 Walnut Street. In the past the branches nearly brought down that power line. This could cause grave bodily injury or even death to my tenants or to the public at large. This tree must be removed. If the power is run underground to my carriage house as part of the proposal; I have no objection to this tree remaining.
6. The parking lots of the current site are in great disrepair. This means that large sections of the parking lots are permeable to water. So a great deal of rain and snow on the site now are absorbed as groundwater. The proposed site will make the entire site impermeable to water. All water runoff will have to go into catch basins. This will have negative impact on the environment. We propose that trees be planted in the parking lot to absorb this water.
7. What is the nature and composition of the border on the north side of the proposed site? What fencing is proposed? What sort of greenery is proposed? How will it be maintained? We object to any planting that will trap animal waste and insects, such as ivy. Will anything be stored in this area? We object to anything hazardous or flammable being stored in this area?

7A. We insist that access must remain unimpeded to the intake and exhaust vents as well as the electric meter to the carriage house at 227 Walnut Street.
8. The entirety of this project is overly car centric with all of the traffic concentrated against the abutters. It is an island unto itself only accessible by car and shut off from the rest of the village.
9. The methods that will be used to build this project may cause severe and perhaps permanent damage to my property at 221 and 227 Walnut Street as well as to surrounding homes. These homes are built on fieldstone foundations. They could be severely damaged by pile driving in the construction of the proposed site. The cost to repair the damage will be higher because the homes are historic Victorian homes. In some cases repair may be impossible. The loss of stained glass for example. This is not a risk or cost that I should have to assume. Nor should other homeowners in the area.
10. Where is the environmental impact study? How will Lead, a neurotoxin and asbestos, a carcinogen be removed? How much needs to be removed? Is the ground around the gas station contaminated? [you could say instead that the gas station ground IS contaminated, as is the soil under the parking lot, and possibly under the buildings.] Will any wildlife be displaced, especially vermin? Is there an underground ledge that will have to be dynamited?

11. Will the excavation of this site undermine any yards or property foundations? I ask this with special regard to 227 Walnut Street and the carriage house at 227 Walnut Street.
12. There should be a buffer zone between the proposed site and my property at 221 and 227 Walnut Street as well as for the surrounding homes.

Once again, I urge this honorable Board to reject this application for the reasons above.

I request written answers to these questions from the Law Firm representing the Party making this request.

I look forward to a new proposal that will be to our mutual satisfaction.

Thank you for your attention to this matter.

Sincerely,

Patrick J. Slattery.

**X**

**NEW TAB**

**X**

## Overview: Chemical Contamination

This section is an article about chemical contamination, which is known to be present both under the Sunoco Gas Station and under the parking lot within the Orr block.

- *Chemical Contamination*

James Pacheco, Engineering Consultant

*¾ There is documented chemical contamination under the Orr Block parking lot and also under the Sunoco Gas Station. The chemicals are extremely toxic. They should be monitored throughout any construction. This article describes the nature of the chemicals under the parking lot.*

This is my response and review of the issues discovered in a recent Local Tab article, 29 July 2016, by Jonathan Dame: "Developer to address low-level contamination at Newtonville's Orr block"

<http://newton.wickedlocal.com/news/20160729/developer-to-address-low-level-contamination-at-newtonvilles-orr-block>

The article says "...Reportable levels of oil, lead and other hazardous compounds were discovered in soil at Newtonville's Orr block, the proposed site of a 171-unit mixed-use housing development, according to records filed with the state..."

A recent report from Planning and Development Department, dated 9 September 2016, to LUC, regarding PETITION #179-16 & #180-16 NW corner of Washington and Walnut Streets, see pages 17 & 18, which is a memorandum from Mark Investment, LLC (Client), Sanborn, Head & Associates, Inc. (Sanborn Head) outlines Korff's opinion of the current environmental conditions for the proposed re-development at Washington Place in Newtonville. I find this memorandum lacking clarity and accuracy for to be considered reliable. As I hope to show in the information that I have provided in the following.

<http://www.newtonma.gov/civicax/filebank/documents/77617>

The following table references **MassDEP-Site 3-0033577\_10May2016:**

[http://public.dep.state.ma.us/SearchableSites2/Site\\_Info.aspx?textfield\\_RTN=3-0033577&searchType=ALL&CurrentPage=1](http://public.dep.state.ma.us/SearchableSites2/Site_Info.aspx?textfield_RTN=3-0033577&searchType=ALL&CurrentPage=1)

**Table 1:**

Chemicals				
Chemical	Amount Present accd. to MassDEP Report	Units	RCS-1 Reportable Level [mg/kg]	SOIL relative to RCS-1 Limit [%]
BENZO[A]PYRENE	12	MG/KG	2	600 %
BENZO[B]FLUORANTHENE	19	MG/KG	7	271 %
BENZ[A]ANTHRACENE	16	MG/KG	7	229 %
DIBENZ[A,H]ANTHRACENE	2	MG/KG	0.7	286 %
INDENO(1,2,3-CD)PYRENE	8.6	MG/KG	7	123 %
LEAD	220	MG/KG	200	110 %
PHENANTHRENE	26	MG/KG	10	260 %
TPH	1020	MG/KG	1000	102 %

From the Mass DEP site for reportable contaminate concentration levels (see the following link), I have added these reportable RCS-1 levels and percentiles over the allowable level to the two columns on the right.

<http://www.mass.gov/eea/agencies/massdep/cleanup/regulations/reportable-concentrations-in-groundwater-and-soil.html>

Please note in the memorandum by Sanborn, Head & Associates, Inc. (Sanborn Head) are issues identified with contamination levels, and this needs to be reviewed with Table 1, Lead and TPH are claimed to be note worthy – These two are not excessively over the maximum limit. But there is no mention of how excessively high the other contaminants and carcinogens are over the maximum. Also, I find it hard to believe that no MassDEP reporting was given for 875 Washington Streets [Sunoco Service Station], since it is also known that this lot is contaminated, as referenced to in the same memorandum. I believe we need more openness with the reporting and data. The reporting needs to include where all the test points are for every lot in the Orr Block Development, and what each set of readings were. Other supporting documentation needs to be provided to verify the veracity of the data: method of testing, certification of instrumentation, etc.

The MassDEP report identifies only two lots in the project. But these lots require truck loads to be removed or remediated, classified as RCS-1. Since these lots are the more accessible lots for testing. I suspect the other lots may have similar readings once the land becomes exposed and could be MassDEP classified as down gradient properties. The Orr Block Property abutters may also be classified as down gradient properties.

From the **Agency for Toxic Substances and Disease Registry (ATSDR) website:**

<http://www.atsdr.cdc.gov/substances/toxsubstance.asp?toxid=25>

...following amounts (in air) of individual PAHs is not likely to cause any harmful health effects

**Table 2:**

<b>Airborne exposure concentration (mg/m<sup>3</sup>) relative to human body weight (per kilogram) over long term exposure</b>	<b>Airborne Exposure - Safe Limit * (based on 110 lbs human)</b>	
0.03 mg of pyrene	0.24	mg
0.04 mg of fluoranthene	0.38	mg
0.3 mg of anthracene	0.32	mg
0.06 mg of acenaphthene	TBD	mg
0.04 mg of fluorene	TBD	mg

The EPA data is usually mg/kg of contaminant. Where safe exposure levels tend to be a very small amount [thousands of a mg] over a some period of time. Also to be considered is the variable method of human contact - skin contact, oral/ingestion contact, air/lung contact. The human exposure numbers are probability calculations based on controlled tests. Not an exact scientific method. So later in this report I have identified some Hazardous Substance Fact Sheet Classification summary of these contaminants. I have also referenced many web links to resources regarding these contaminants and the end of this paper.

These land concentrations of contaminants in the MassDEP Report appear to be far in excess of any safe limits, as identified in ATSDR website. (The concentration percentages in the soil are in some cases are more than an order of magnitude greater than designated safe levels). Note that the ATSDR did not clearly state that the ATSDR low mg/kg listed in the excerpt table are truly known safe levels.



Here in the Table 3 below are the same contaminants listed at the Orr Block Project site with a tabulation of hazard classifications [ As referenced from the Hazardous Substance Fact Sheets published by NJ Department of Health, see the referenced web-sites for each chemical attached].

**Table 3:** PAH, Polycyclic Aromatic Hydrocarbons, exposure hazards to humans

Chemical	Human Carcinogen	Air Exposure	Skin Exposure	Ingestion Exposure	General Notes
BENZO[A]PYRENE	Yes	EA-1,EA-2	ES-1	ES-1	EG-1
BENZO[B]FLUORANTHENE	Yes	EA-1,EA-2	ES-1	ES-1	EG-1
BENZ[A]ANTHRACENE	Yes	EA-1	ES-1	ES-1	EG-1
DIBENZ[A,H]ANTHRACENE	Yes	EA-1	ES-1	ES-1	EG-1
INDENO(1,2,3-CD)PYRENE	Yes		ES-1	ES-1	EG-1
LEAD	Yes	EA-3		EI-1	EG-1
PHENANTHRENE	uncertain	EA-1	ES-1	ES-1	EG-1
TPH	Yes	EA-1,EA-2	ES-1	ES-1	EG-1

**Table 3N - Notes:** PAH, Polycyclic Aromatic Hydrocarbons, hazardous to humans

Note	Description
EG-1	There may be no safe level of exposure to a carcinogen.
EA-1	OSHA limit is 0.2 mg/m <sup>3</sup> average over 8 hours / NIOSH limit is 0.1 mg/m <sup>3</sup> average over 10 hours
EA-2	Exposure to 80 mg/m <sup>3</sup> is immediately dangerous to life and health.
EA-3	OSHA limit is 0.05 mg/m <sup>3</sup> average over 8 hours / NIOSH limit is 0.05 mg/m <sup>3</sup> average over 10 hours
ES-1	When skin contact occurs, most likely over-exposed.
EI-1	Consider to be Teratogen in humans.

These Orr Block site levels are so high that I believe that we need to proceed with extreme caution and need to use correct excavation and removal procedures so as not to expose the entire neighborhood and city to these hazardous substances. The concentrations could pose significant risks to all the neighbors, abutters, local businesses, Newton North High School, churches and the general populations that frequent this village area. Once these contaminants are exposed they can easily become airborne and also can be carried into local establishments and our homes from clothing and shoes.



**Other related sites:****Reportable Concentrations in Groundwater and Soil**

<http://www.mass.gov/eea/agencies/massdep/cleanup/regulations/reportable-concentrations-in-groundwater-and-soil.html>

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**MassDEP Background Levels of Polycyclic Aromatic Hydrocarbons and Metals in Soil**

<http://www.mass.gov/eea/docs/dep/cleanup/laws/backtu.pdf>

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**Benzo(a) pyrene**

<http://apps.sepa.org.uk/spria/Pages/SubstanceInformation.aspx?pid=22>

<http://nj.gov/health/eoh/rtkweb/documents/fs/0207.pdf>

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**BENZO[B]FLUORANTHENE**

<http://nj.gov/health/eoh/rtkweb/documents/fs/0208.pdf>

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**BENZ[A]ANTHRACENE**

<http://nj.gov/health/eoh/rtkweb/documents/fs/0193.pdf>

<http://www.cdc.gov/niosh/ipcsneng/neng0385.html>

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**DIBENZ[A,H]ANTHRACENE**

[https://pubchem.ncbi.nlm.nih.gov/compound/Dibenz\\_a\\_h\\_anthracene#section=Top](https://pubchem.ncbi.nlm.nih.gov/compound/Dibenz_a_h_anthracene#section=Top)

<https://www.atsdr.cdc.gov/csem/csem.asp?csem=13&po=8>

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**INDENO(1,2,3-CD)PYRENE**

<http://nj.gov/health/eoh/rtkweb/documents/fs/3052.pdf>

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**LEAD**

No amount of lead is safe. Eliminating all lead exposure in our environment is our best course of action.

<https://www.niehs.nih.gov/health/topics/agents/lead/>

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**PHENANTHRENE**

<http://nj.gov/health/eoh/rtkweb/documents/fs/3004.pdf>

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**THP**

<https://www.epa.gov/risk/regional-screening-levels-frequent-questions-may-2016>

Soil lead levels less than 400 mg/kg are generally **safe** for residential use

<https://www.epa.gov/risk/regional-screening-levels-frequent-questions-may-2016#FQ1>

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**Toxic Substances Portal - Polycyclic Aromatic Hydrocarbons (PAHs)**

<http://www.atsdr.cdc.gov/toxfaqs/tf.asp?id=121&tid=25>

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**Toxicological Profile for Polycyclic Aromatic Hydrocarbons (PAHs)**

<http://www.atsdr.cdc.gov/toxprofiles/TP.asp?id=122&tid=25>

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**HEALTH EFFECTS - Overall Perspective of the Toxicology of Polycyclic Aromatic Hydrocarbons (PAHs)**

<http://www.atsdr.cdc.gov/toxprofiles/tp69-c2.pdf>

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**POTENTIAL FOR HUMAN EXPOSURE - Discussion of the Environmental Fate and Potential for Human Exposure to 17 PAHs**

<http://www.atsdr.cdc.gov/toxprofiles/tp69-c5.pdf>

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**Polycyclic Aromatic Hydrocarbons in the Soil Sources, Health Effects, Clean-Up Techniques and PAHs at Alameda Point**

<http://www.stmarys-ca.edu/sites/default/files/attachments/files/PAHgroupproject.doc>

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[https://www.change.org/suggested?alert\\_id=tevfEETbIf\\_Kkh%2BiV9NWWPIjM2qEkNBs24bzdLZDpls%2F7fu3Z94Z4%3D&petition\\_id=8184860](https://www.change.org/suggested?alert_id=tevfEETbIf_Kkh%2BiV9NWWPIjM2qEkNBs24bzdLZDpls%2F7fu3Z94Z4%3D&petition_id=8184860)

Half a million kids in the U.S. have elevated levels of lead in their blood – impairing brain development, contributing to learning and behavioral problems and lowering their IQ's. This is a problem that needs to be solved.

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**Summary of the Clean Air Act**

- [PDF of CAA, from U.S. Senate](#) (465 pp, 1.1MB, [About PDF](#))
- The official text of the CAA is available in [the United States Code on FDSys](#), from the US Government Printing Office 42 U.S.C. §7401 et seq. (1970)

<https://www.epa.gov/laws-regulations/summary-clean-air-act>

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**Summary of the Clean Water Act**

[PDF of CWA, from U.S. Senate](#) (234 pp, 571K, [About PDF](#))

- The official text of the CWA is available in [the United States Code on FDSys](#), from the US Government Printing Office 33 U.S.C. §1251 et seq. (1972)
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**EXPERTS CITE TAINTED SOIL, CALL FOR LEGAL PROTECTIONS**

<http://www.nytimes.com/1986/12/28/weekinreview/experts-cite-tainted-soil-call-for-legal-protections.html>

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**Mass DEP Site Cleanup Policies & Guidance**

<http://www.mass.gov/eea/agencies/massdep/cleanup/regulations/site-cleanup-policies-guidance.html>

**MCP Numerical Standards – MassDEP**

<http://www.mass.gov/eea/agencies/massdep/cleanup/regulations/mcp-numerical-standards.html>

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**Sunoco Service Station - Contamination**

**Sunoco-**

**Aug1995\_MassDEP\_BWSC104\_BWSC113\_BWSC\_114\_GESreport\_180pages.aspx**

<http://public.dep.state.ma.us/fileviewer/DefaultScanned.aspx?documentid=84970>

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