

Statement to the Land Use Committee – January 12, 2017

Robert H. Smith (40 Foster Street, Newtonville) on behalf of 7 abutters

As abutters to the proposed development at the corner of Washington and Walnut Streets in Newtonville, we once again want to thank the Land Use Committee for an opportunity to comment on it. We also want to be clear that we are doing so not just as abutters but as long-time residents of Newtonville who care deeply about what it will become in the future. We also speak as residents who support mixed use development, affordable housing and diversity within in our community, which are reasons we chose to live in this village in the first place.

We have been able to review, at least preliminarily, the draft Board Order regarding the project. Based on our reading of it and our overall understanding of the current plans for the proposed development, we continue to oppose the rezoning to MU4 and the Special Permit requests. We draw your attention to several aspects of the draft Board Order in which there are statements and conclusions that are incorrect or not justifiable. It is with the understanding that we continue to be very open to the redevelopment of the Orr Block as long as what will be built is smaller in density and height, and impinges less on the adjacent residential neighborhood and Newtonville Historic District.

Here are our comments on specific findings in the draft Board Order:

Finding 1a of the draft Board Order states: “The Project will allow the development of buildings and uses appropriate to the Newtonville village center as described in the (Newton’s) *Comprehensive Plan*”. The *Plan* itself states that: “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.”

The draft Order fails to recognize that one of the “valued qualities” that exists in the vicinity is the Newtonville Historic District and that this 5-story development will dwarf the two and three story homes in the district that directly abut it.

The *Plan* also states: “In all of the places in the City, the well-considered views of that place should be given great respect in land management policies and decisions.” It has become very clear that the vast majority of Newtonville residents who have spoken about the Orr Block development oppose the current plan. A large majority of those who support the project are from other parts of Newton and other towns, or have financial interests affected by the project. It is critical that the Committee and the Council as a whole give primary consideration to the views of Newtonville residents.

Finding 1b states that the project will “better connect” the portions of Newtonville on both sides of the Mass Pike. This is repeated in **Finding 25**. While this may sound nice, there has never been an explanation of what this means or how the project will change the relationship between the two sides of the Mass Pike and the Walnut Street bridge connecting them.

Finding 4 states that “the use as developed and operated will not adversely affect the neighborhood”; similarly, **Finding 11** states that the proposed site plan and buildings “are compatible with the neighborhood context”. **Finding 12** states that the proposed structure “is compatible in visual scale to its surroundings.”

These conclusions are clearly unjustified. The “neighborhood context” and the “surrounding” properties contain no buildings that are 5 stories in height or that have a density anywhere near that of the proposed project. Along the north side of Washington Street are commercial buildings that are largely one and two-story retail businesses, with a rare three-story structure. The residences in the Historic District abutting the property to the north are two and three-story homes. The largest structure in the surrounding area is the Bram building, which is 3 1/2 stories, at the peak of its sloping roof

In **Finding 12** the draft Order refers to the Swedenborgian Church and the Masonic Hall in concluding the proposed structure is “in keeping with existing landmarks in Newtonville.” Neither of these is an appropriate comparison. First, they are not “surrounding” properties or part of the same “neighborhood context” as this project, which is on the north side of Washington Street, separated from them by Washington Street, the train tracks, the Mass Pike and by Newtonville Avenue and Austin Street. Even if they were appropriate comparison properties, a church steeple, or a tower above the roof line of a single building, is in no way comparable to three contiguous buildings all at a full 60 foot height.

One comparison that is directly relevant is to the Austin Street project. This proposal is significantly larger both in height (4/5 stories rather than 3/4 stories) and in density (160 units compared to 68). While this site overall is larger than Austin Street (1.67 times larger - 124,000 sq. ft. compared to 74,000 sq. ft.), it is substantially more dense (2.4 times as many residential units). No compelling reason has been presented for why this project should be taller and denser than the one on Austin Street.

Also in **Finding 12**, there is a conclusion that the project does not create shadows on surrounding properties. In fact, the project will create shadows on the adjacent residences at the northeast end (near Walnut Street). This is because that part of the project is only 45 feet from the neighbors. This is an important discrepancy from statements frequently made at the public hearings that the project has been moved to 90 feet from the neighbors. That is only true at the northwest end (towards Washington Terrace).

This 45 foot setback is not sufficient and should be increased to 90 feet. In effect, there will be a two-way street created in that space, with significant traffic flow in and out, since it is immediately adjacent to the ramp leading to the underground parking.

Finding 6 states that the project will have “minimal impact” on traffic in Newtonville. This conclusion is not plausible in light of the common experience of Newtonville residents about the current traffic problems, and the fact that we have not yet seen the effects of two major projects already approved for Newtonville (Austin Street and Court Street). Those projects contain over 100 residential units, as well as additional commercial space on Austin Street. Combine them with this project’s proposed 160 units and commercial space (designed to attract customers from outside of Newtonville) and it is inevitable that there will be a substantial worsening of traffic congestion.

In **Finding 23** the draft Order concludes that building the foundation and garage “should not negatively impact abutters”. We request documentation for this conclusion and assurances as to how abutters will be protected and, if need be, compensated.

We also want to point out that **Finding 23** contains the only use of the word “abutters” in the whole draft Order. There is a significant imbalance of interests when the abutters are mentioned only once in a draft Order that is recommending approval of 28 different types of “relief” for the developer from existing zoning and other City requirements.

In addition to these specific comments on the draft Board Order, we want to correct the “false choice” that has been presented to the Committee. It has been stated that if this request for rezoning to MU4 is not granted, the developer will build, within existing zoning, a 4-story project far closer to the residential area and with larger, more expensive units. Clearly, that alternative is being presented in order to persuade the Committee and the Council that the MU4 option is preferable. In fact, existing zoning does not allow such a 4-story project as of right; special permits would be required from the City Council, which would therefore retain its control over the size, density and location of the project

Finally, as abutters we have other comments about and specific items to include in the “conditions” section of the Board Order, which we will present in a separate communication.

Thank you again for considering our comments and we look forward to continuing to interact with you on this matter.

Sincerely,

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