

To: The Land Use Committee, Newton Board of Alderman
From: Barbara Brousal-Glaser
Date: September 22, 2014
RE: Petitions #273-14 and #273-14(2)

Dear Future Colleagues,

Petitions #273-14 and #273-14(2) are coming before Land Use on Tuesday, September 23rd. As I reside within 300 feet of the site I will not be able to vote on this should it come before the entire board, but I feel strongly that it is a good example of the kind of development that the residents of my ward have been concerned with for some time now.

This area of West Newton is zoned MR1. The city block bordered by Elm Street and Oak Avenue, River and Webster Streets has some long rectangular lots. This area is very close to the Dolan Pond reserve and has tall trees and a wide assortment of birds. Historically, this neighborhood has had small one family homes or traditional two family homes (one building with two units). Recently, developers have begun building large masses of attached dwellings in these lots. To name just two examples of the many recent neighborhood changing developments, two units at #37 Elm Street became four units at 7x the square footage. One unit at 50 Oak Ave became two lot covering units; the attached photo shows you what my neighbor at 54 Oak Avenue looks out on now. The walls are literally closing in on him.

Attachments A, B, and C of The Public Hearing Memorandum show quite clearly the size of the current structure at 5-7 Elm Street, and how much vegetation and open space is behind it. Nicore Construction Corp. is hoping to include 114 River Street in its plan and to change that zoning from Business to Residential, and then to build four attached dwellings that share the driveway with Nicore's previous development at 11-19 Elm; thereby making one huge, nine unit development.

In the Public Hearing Memorandum dated September 19, 2014 for 5-7 Elm St. the planning department writes,

"The Planning Department believes that the four units are appropriate for this site considering the combined size and frontage of the two lots and the density of the surrounding neighborhood."

Consider, however, what the Planning Department wrote for Nicore's special permit application for 11-19 Elm Street in 2007:

*"...the Planning Department remains concerned about the project scale (bulk), which should show careful respect for neighborhood context. The Planning Department notes that there are a number of large lots in the immediate neighborhood (>15,000 sq. ft.) that could potentially accommodate attached dwelling developments in the future by special permit. Additionally, many of the structures in the immediate neighborhood were built before 1900 making this a largely intact historic streetscape (though many of the structures have been vinyl sided) with significantly smaller units than those proposed. **If the Board of Aldermen is concerned about the***

preservation of neighborhood character [my bold] in relation to the project scale (bulk), the Board may want to ask the petitioner to bring the overall square footage down to 0.4 FAR.

The developer and Board did not take the Planning Department's suggestions at that time. And if the density of the neighborhood has shifted in that time, it is due solely to special permits granted to developers for multi unit developments on Elm Street.

Nicore Construction Corp. also chose to pay a cash settlement in lieu of providing an affordable unit in the development, something it could do by law only because they were building fewer than six units. It is clear, however, (and most obviously from www.hammondre.com's listing for "Elm Gardens-Phase I") that the ultimate objective was nine luxury units (#15 is listed at 1.398 million dollars), and their actions have further hindered Newton's ability to achieve 10% affordable housing stock. Special Permit (#40-07) for 11 Elm states:

8. Section 30-24(0(3), Inclusionary Units, requires 15% of total units, in this case one (1) unit, be designated for affordable housing where a special permit is required for development. However, Section 30-24(0(4), Cash Payment, allows an applicant to make cash payment in lieu of providing an affordable unit when the total number of dwelling units proposed in the development will not exceed six units. The petitioner's attorney has stated that the applicant intends to make a cash payment to pursuant to Section 30-24(0(4).

These sorts of developments cannot go forward "by right." The Land Use Committee *may* give approval, but they do not have to. They do not have to give setback relief, or let five units go where two may be built "by right."

Every time Land Use relieves a setback or FAR requirement at a developer's request, the developer profits, and Newton loses. We lose our residential open space with its mature tree canopy, we lose our historic streetscapes, and we lose the economically diverse housing stock of our neighborhoods.

There are still communities in Newton with affordable housing woven into their fabric, and neighborhoods with distinct and wonderful architectural features. I hope the Land Use Committee, the full Board, and the Zoning and Planning Committee will think carefully about what is being lost when we approve these developments one by one. I urge you to respect the wishes of the majority of people in West Newton and reject this petition for a special permit.

Yours respectfully,

Barbara Brousal-Glaser
Ward 3 Alderman-Elect

