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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: April 5, 2016
Land Use Action Date: June 14, 2016
Board of Aldermen Action Date: June 20, 2016
90-Day Expiration Date: July 4, 2016

DATE: April 1, 2016

TO: City Council

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Michael Gleba, Senior Planner

SUBJECT: **Petition #48-16** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a three-story, 113,187 square foot self-storage facility with a building height of 36 feet which will increase the Floor Area Ratio to 1.5, where 1.0 is the maximum allowed by right as well as a waiver of 36 parking stalls and waivers of other parking requirements at **255-257 NEWTONVILLE AVENUE**, Ward 2, Newtonville, on land known as SBL 12, 16, 8, containing approximately 75,634 sf of land in a district zoned MANUFACTURING. Ref: 7.3.3, 7.4, 4.3.1.B.1, 4.3.2.B.3, 4.3.3, 5.1.4, 5.1.8.A.1, 5.1.8.B.3, 5.1.9.A.1, 5.1.10.A, 5.1.13, of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision-making process of the City Council. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the City Council will want to consider in its discussion at a subsequent Working Session.



255-257 Newtonville Avenue

EXECUTIVE SUMMARY

The property at 255-257 Newtonville Avenue consists of a 75,634 square foot lot improved with a two-story office building constructed in 1964 and a one-story wood-framed structure used as a landscaping contractor's office. Portions of the site are also used by a dog day care business and a non-profit educational adventure organization that use office space within the commercial building.

The applicant proposes to raze the existing buildings and construct an 113,187 square foot self-storage facility with 1,025 storage units. Per § 4.4.1 of the NZO, storage facilities are allowed by right in the Manufacturing district. However, to construct the facility as proposed the petitioner is seeking a special permit under the NZO to allow a building that is three stories and approximately 36 feet in height with a floor area ratio (FAR) of 1.5 and greater than 20,000 square feet.

The applicant is also seeking waivers to reduce the number of required parking stalls by 36; to reduce the number of handicapped accessible parking stalls by one; to allow parking in the side setback; to waive the landscape screening requirements; and to waive lighting requirements.

Despite the size and scale of the proposed facility, it appears to be designed with sensitivity to adjacent properties and will be a low traffic generator when compared to other uses allowed by right or by special permit in a Manufacturing district. As such the Planning Department is not concerned with the construction of the proposed self-storage facility as it is believed that it will not be in derogation of other uses and structures in the neighborhood and will not be substantially more detrimental to the neighborhood than other uses allowed in a Manufacturing district.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

In reviewing this petition, the City Council should consider whether:

- The site is an appropriate location for a building of three stories and 36 feet in height with a floor area ratio (FAR) of 1.5 (§4.3.3 and §7.3.3.C.1).
- The site is an appropriate location for a building of greater than 20,000 square feet (§4.3.2.B.1 and §7.3.3.C.1).
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).
- The site planning, building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy (§7.3.3.C.5).
- The requested waivers related to the number of parking stalls, the number of handicapped accessible stalls, landscaping and lighting are appropriate because literal compliance is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features. (§5.1.13)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

Several land uses and zoning districts abut the site. Adjoining the site to the west, and also in the site's Manufacturing zoning district, is a power tool retailer. The Massachusetts Turnpike is to the north. Across Lewis Terrace to the east are residential uses in a Multi-Residence 1 zoning district. There are additional residences cater-corner to the southeast of the site in a Single Residence 1 district. To the south across Newtonville Avenue are Cabot Park and the northern terminus of East Side Parkway, as well as some residences in a Multi-Residence 1 zoning district (**Attachments A & B**).

Also, the partially underground Laundry Brook and its floodplain are adjacent to the site, just beyond the property's western property line.

B. Site

The site consists of 75,634 square feet in a Manufacturing zoning district. It is currently occupied by two buildings: a 13,657 square foot brick building constructed in 1964 and a small wood frame structure used as a landscaping contractor's office. There are also three fenced areas on the property used by a dog day care business

The remaining portions of the site contain woodland vegetation, which partially screens the site along Newtonville Avenue and Lewis Terrace. The topography of the site slopes downward from north to south and from east to west (**Attachment F**).

There are several easements on the property: a 25 foot wide sewer easement along the western property line; a 10 foot wide sewer easement that "zig-zags" through the northern section; and a 750 square foot permanent slope easement adjacent to Lewis Terrace. Additionally, portions of the center of the site, where the proposed building is to be constructed, are subject to provisions of the Massachusetts Rivers Protection Act.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The petitioner is proposing to raze the existing buildings and construct a self-storage facility. Per Section 4.4.1 of the NZO, storage facilities are allowed by right in the Manufacturing district subject to the dimensional and parking controls.

B. Building and Site Design

The petitioner is proposing to construct a 113,187 square foot self-storage facility with 1,025 storage units. It requires a special permit under the NZO since it is larger than 20,000 square feet, is three stories and approximately 36 feet in height, and will have

an FAR of 1.5.

The proposed building is approximately 207 feet wide and 227 long. It is windowless, but designed with segments of varying setbacks on all four sides, avoiding flat/bland facades spanning the width and/or length of the building and adding some visual interest. A pergola structure provides additional visual interest to the building's Newtonville Avenue façade. Furthermore, although the building is proposed as three stories, the topography of the site allows for much of the building's Newtonville Avenue and Lewis Terrace facades to appear as only one or two stories.

The building entrance and office and associated parking and loading areas are on the west side of the structure and therefore oriented toward the adjacent Manufacturing zoned property, not residential areas. Access to two of the eleven proposed parking spaces are located at least partially the site's western side setback from the adjacent Manufacturing-zoned property.

The Planning Department notes that the petitioner has not submitted any information regarding how the proposed building will contribute to the efficient use and conservation of natural resources and energy (see §7.3.3.C.5) and should describe in advance of and/or at the public hearing if and how such goals might be realized. The large roof might present an opportunity for solar panels, a "green roof," or some other appropriate installation.

The Planning Department is generally not concerned with the petitioner's proposed building design, parking facilities and site improvements.

C. Parking and Traffic

Parking for the facility would be accessed via an entrance on Newtonville Avenue. Section 5.1.4 of the NZO establishes the parking requirement for a "storage warehouse or business" as one stall per every four employees and one stall per every 2,500 square feet. As the applicant proposes four employees on site at most, the proposed 113,187 square feet building would require 47 parking stalls, including three handicapped stalls.

The applicant is proposing only 11 parking stalls, including two handicapped accessible stalls (as well as a dedicated customer loading area) and therefore requires a waiver of 36 spaces overall and one handicapped stall under Section 5.1.13.

The petitioner provided a parking study, performed by Planning Horizons, of two nearby comparable self-storage facilities: EZ Storage at 300 Needham Street (170,000 square feet, approximately 1,400 storage units) and Public Storage at 945 Moody Street on the Newton/Waltham line (117,500 square feet, 1,015 storage units)(**Attachment D**).

The report found that an average of 8.3 autos entered each of the examined facilities during expected peak times. This comports with the Planning Department's belief

that the proposed use at this location by its nature would not generate significant levels of parking demand.

Regarding the handicapped stalls, NZO §5.1.8.B.3 bases the number of required handicapped accessible parking stalls on the number of stalls necessary to meet the Ordinance, not the number of stalls actually provided. In the alternative, the State code for providing access, 521 CMR 23, requires only two accessible stalls, which seems reasonable given the expected low demand for parking at the site.

Therefore, as access to and parking at the site, including the number of handicapped stalls appear to be appropriately designed for the proposed use, and because the creation of a parking lot with excess capacity would not be beneficial to the neighborhood, the Planning Department does not have any major concerns regarding the site's parking or accessibility as proposed.

D. Lighting

The lighting plan submitted by the petitioner shows two lighting fixtures in the parking and circulation area. No lighting is proposed for other portions of the site, nor is any lighting of the building façade indicated in the submitted plans.

As the lighting plan indicates that the parking and circulation area will be lighted at or above the required one foot candle level, the Planning Department has no concerns with the proposed lighting plan as it seems well-targeted and appropriately scaled and will serve to prevent unnecessary light spillage and glare impacts on adjacent residences.

E. Signage

The petitioner submitted elevations that indicate schematic designs for signage at three locations: 1) the facility name at the top of the north façade facing the Massachusetts Turnpike; b) the facility name at the western end of the Newtonville Avenue façade; and c) "Office" on the western façade facing the parking area to indicate the location of the facility's administrative office.

The Planning Department does not have any concerns with the proposed signage as shown in the submitted plans as it appears modest and sensitive to adjacent land uses. However, final plans for all signage will be subject to further review and applicable regulations, including §5.2 (Signs) of the NZO before installation.

F. Landscaping

The submitted plans show different approaches to landscaping in different areas of the site. The southern frontage of the site along Newtonville Avenue would be landscaped with trees, shrubs and lawn. The petitioner has designated the east, north and west peripheries of the site as "Habitat Enhancement Areas" which would be characterized by the installation of native plants, trees (density: 15-20 ft. on center) and shrubs groupings (density: 4-6 ft. on center). The petitioner also

proposes lawn seeding in certain locations, including along the existing sidewalk on the perimeter of the site.

The petitioner is proposing to remove a large number of trees from the site- while approximately 25 existing trees will be retained, over 50 will be removed, largely to accommodate the proposed building. The Planning Department notes that the petitioner will be required to comply with the provisions of the City's Tree Ordinance.

The Planning Department does not have any significant concerns with the proposed landscape plan for the portions of the property's perimeter that face Newtonville Avenue, Lewis Terrace and the Massachusetts Turnpike as it relates to the visual appearance of the site. Nor does it have concerns about screening of the parking area from the adjacent property to the west for which it has requested a waiver for landscape screening requirements.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum (**Attachment E**) provides an analysis of the proposal with regard to zoning. Based on the Zoning Review Memorandum, the petitioner is seeking Special Permits per §7.3.3 of the NZO to:

- allow a building greater than 20,000 square feet (§4.3.2.B.1);
- allow a building with three stories (§4.3.2.B.3, §4.3.3);
- allow a building 36 feet in height (§4.3.3);
- allow an FAR of 1.5 (§4.3.3);

and, per §5.1.13 of the NZO, to further:

- waive 36 parking stalls (§5.1.4);
- allow parking in the side setback (§5.1.8.A.1);
- waive the accessible parking requirement of the NZO (but not the State code) (§5.1.8.B.3; §5.1.8.B.4);
- waive the landscape screening requirements (§5.1.9.A.1);
- waive lighting requirements (§5.1.10.A).

B. Engineering Review

The Associate City Engineer submitted an Engineering Review Memorandum (**Attachment F**) providing an analysis of the project proposal with regard to engineering issues. According to the memorandum, while the project does meet the City's Stormwater Management Standards, there will be a slight increase runoff toward Newtonville Avenue that will need to be captured in additional area drains. The memo also notes that the sewer easement along the northern portion of the

site will need to be relocated outside of the proposed building footprint, subject to City Council approval via a filing with the Public Facilities Committee. Additionally, final project plans will need to be reviewed by the Engineering Division's prior to issuance of any building or utility permits.

C. Conservation Commission Review

The City's Conservation Commission reviewed the project and issued an Order or Conditions with findings and special conditions for the project (**Attachment G**) dated March 18, 2016. The Order approved the proposed construction and relocation of the sewer easement and requires the petitioner to protect degraded wetlands-adjacent land, preserve certain identified matured trees, and implement the planting plan shown in the submitted landscaping plan as mitigation for the loss of other mature trees.

D. Historic Preservation

The building located at 255 Newtonville Avenue was reviewed and determined to not be Preferably Preserved. The building at 257 was determined to be Preferably Preserved with the Demolition Delay expiring in June.

V. PETITIONER'S RESPONSIBILITIES

The petitioner is encouraged to consider the recommendations put forth by City staff prior to the close of the public hearing including a description of how the site planning, building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy.

ATTACHMENTS:

- ATTACHMENT A:** Land Use Map
- ATTACHMENT B:** Zoning Map
- ATTACHMENT C:** Topography Map
- ATTACHMENT D:** Parking Study Report by Planning Horizons, dated September 21, 2015.
- ATTACHMENT E:** Zoning Review Memorandum, dated February 9, 2016
- ATTACHMENT F:** Engineering Review Memorandum, dated February 26, 2016
- ATTACHMENT G:** Conservation Commission Order of Conditions' Findings and Special Conditions dated March 18, 2016
- ATTACHMENT H:** Draft Board Order

ATTACHMENT A

Land Use Map 255-257 Newtonville Avenue

City of Newton,
Massachusetts

Legend

- Property Boundaries
- Building Outlines
- Land Use**
- Single Family Residential
- Multi-Family Residential
- Commercial
- Industrial
- Open Space

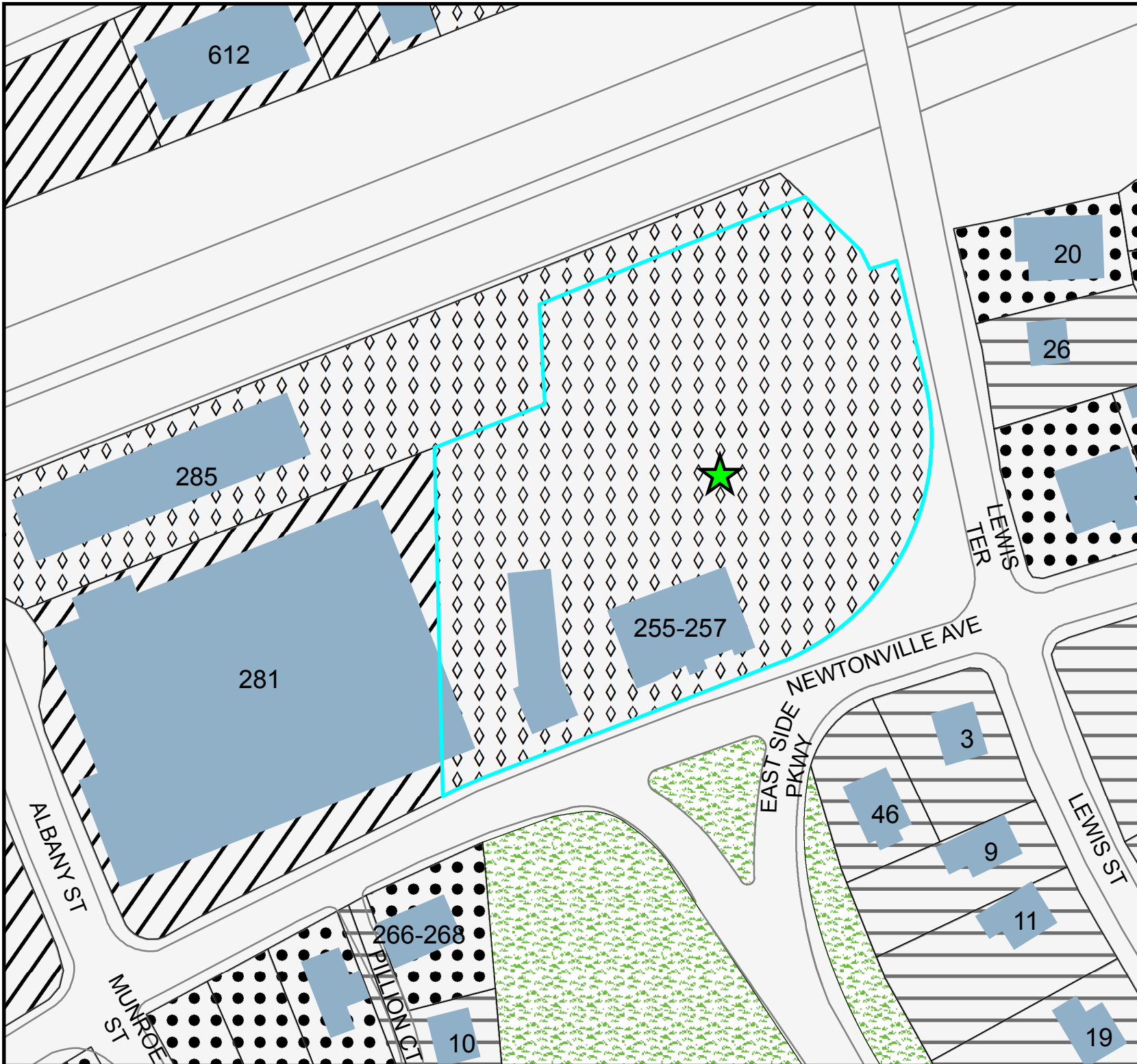


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield

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Map Date: November 03, 2015



ATTACHMENT B

Zoning Map 255-257 Newtonville Avenue

*City of Newton,
Massachusetts*

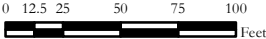
Legend

- Property Boundaries
- Building Outlines
- Multi-Residence 1
- Multi-Residence 3
- Business 2
- Manufacturing
- Public Use

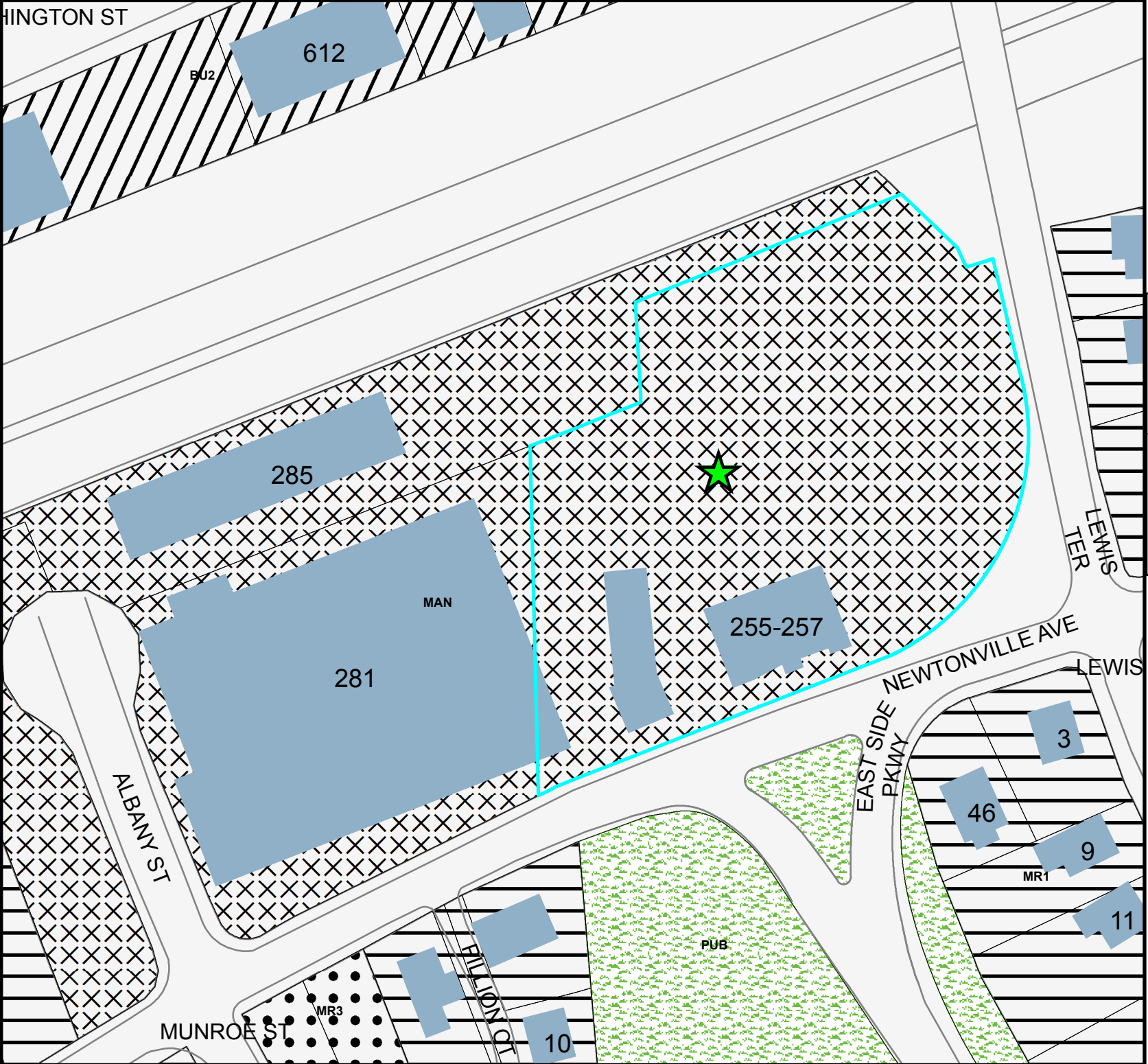


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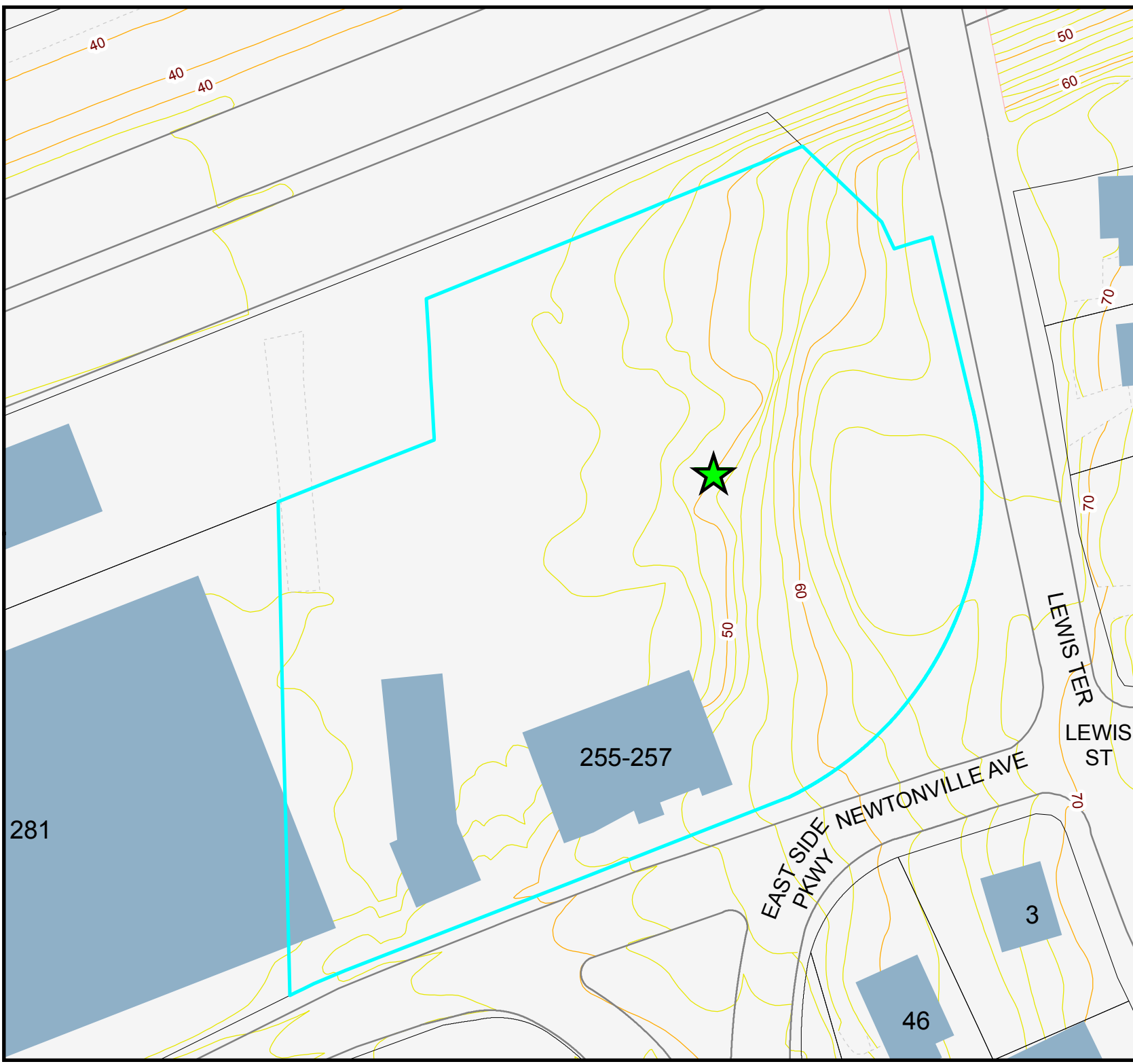
Map Date: November 03, 2015



ATTACHMENT C

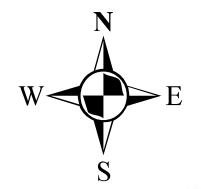
Topography 255-257 Newtonville Map Avenue

*City of Newton,
Massachusetts*



Legend

- Property Boundaries
- Building Outlines
- Contour Lines**
 - Two Foot Contour
 - Index (10 Foot) Contour
 - Bridge Abutment
 - Wall



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
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To: Land Use Committee of the City of Newton Board of Aldermen

From: Lou Mercuri, Planning Horizons

Re: 255-257 Newtonville Avenue Storage Facility

Date: September 21, 2015

On behalf of the petitioner for this land use petition, Planning Horizons is submitting this report regarding the supporting customer count surveys for the proposed self storage facility location at 255-257 Newtonville Avenue in Newtonville.

Project Overview

Storage Development Partners LLC is proposing to locate a 113,187 square foot self storage facility with 1025 storage units at 255-257 Newtonville Avenue in Newtonville. This location on 75,634 square feet of land is currently occupied by an office building that would be razed to allow the storage facility to be constructed. The facility would be available to its clients 24 hours a day and it is expected that no more than four employees would be employed on the largest shift. Situated in a manufacturing district, storage facilities are allowed by right in this district. However, per Section 30-19 (1)(15) of the zoning ordinance permission is being sought to grant a 36-stall parking waiver for the facility . One stall for each of the four employees and one stall for every 2500 square feet of proposed floor area are required under the ordinance. Therefore, 47 stalls are required for the project. However, 11 stalls are being provided on the site which reduces the parking requirement to a total of 36 stalls (47-11) for this development. Other forms of zoning relief are being sought under this petition; however this report focuses on the likely customer usage of the site based on the activity of similar nearby facilities.

Planning Horizons was asked to establish the likely customer/client demand for this storage facility based on peak usage at other similar storage facilities. Two nearby storage facilities were identified for this purpose. Public Storage at 945 Moody Street in Waltham and EZ Storage at 300 Needham Street in Newton were surveyed at different times and the results of these customer surveys are the main topic of this report.

Existing Conditions

The entire 75,634 square foot parcel with the existing office building will be razed and replaced with the 113,187 square foot, 3-story storage facility. The area is along the westbound side of Newtonville Avenue just west of Lewis Terrace. The Massachusetts Turnpike to the north borders the property. There is a mix of residential, industrial, and office uses in the area and the site is bordered by primarily residential properties along Newtonville Avenue. Vehicular access to the site is entirely from Newtonville Avenue.

Public Storage and EZ Storage Customer Counts Methodology and Results Methodology

Since a storage facility of this size would be entirely new to the area, the best way to assess and evaluate the potential impact of the number of customers and clients using the site is to carefully review the activity at comparable storage facilities. For this purpose, two storage facilities in the Newton area were identified and extensive usage surveys were conducted at the end of August and the beginning of September 2015. The two surveyed facilities are:

1. Public Storage, 945 Moody Street in Waltham (just past Rumford Avenue – half the site is in Newton and the other half is in Waltham), a 117,500 square foot building with 1015 storage units that was permitted in 2010.
2. EZ Storage, 300 Needham Street in Newton, a 170,000 square foot building with approximately 1400 storage units that was constructed in 2006.

Planning Horizons surveyed each of these facilities on three different occasions for a total of six one-hour constant observations for customer traffic. The goal was to identify the days and times of the week that would most closely represent the peak usage at these facilities which would closely translate to possible peak usage at the Newtonville Avenue facility.

Three surveys were conducted at each location and the overall mix was two morning weekday counts, two late afternoon weekday counts, and two counts on a Saturday, one in the morning and one at midday. The Public Storage counts on Moody Street were conducted on Friday August 29, Tuesday September 1 and Saturday September 5. The EZ Storage counts on Needham Street were conducted on Tuesday September 1, Friday September 4, and Saturday September 5. Observations were conducted from nearby parking areas so as not to conflict with the operation of the facilities. Customers were counted individually upon entering the location by vehicle and the data was recorded in 15-minute intervals.

It is important to note that storage facilities have peak periods during certain times for the year as well. These peak periods typically correspond with when college students begin or end classes and when people change residences and need to accommodate their moves. Therefore, the most widely used periods are either in May-June or between mid-August and mid-September. Our surveys captured this late summer peak period on peak “moving” days so the customer counts described below likely represent potential peak traffic at the proposed Newtonville Avenue facility at any time of the year.

Results of Customer Counts

The following charts provide the specific detail of the customer counts at both locations between August 28 and September 5:

1. Public Storage, 945 Moody Street, Waltham

Date: Friday, August 28, 2015 Time: 9:00 AM – 10:00 AM 70° , Sunny	
	# Customers entering site
9:00-9:15	2
9:15-9:30	0
9:30-9:45	2
9:45-10:00	3
TOTAL	7

Date: Tuesday, September 1, 2015 Time: 4:00 PM – 5:00 PM 85° , Sunny	
	# Customers entering site
4:00-4:15	4
4:15-4:30	3
4:30-4:45	3
4:45-5:00	1
TOTAL	11

Date: Saturday, September 5, 2015 Time: 9:00 AM – 10:00 AM 65° , Sunny	
	# Customers entering site
9:00-9:15	1
9:15-9:30	2
9:30-9:45	2
9:45-10:00	2
TOTAL	7

3-hour site average: 8.3 trips per hour

2. EZ Storage, 300 Needham Street, Newton

Date: Tuesday, September 1, 2015 Time: 9:00 AM – 10:00 AM 75° , Sunny	
	# Customers entering site
9:00-9:15	2
9:15-9:30	3
9:30-9:45	0
9:45-10:00	2
TOTAL	7

Date: Friday, September 4, 2015 Time: 4:15 PM – 5:15 PM 75° , Sunny	
	# Customers entering site
4:15-4:30	3
4:30-4:45	4
4:45-5:00	1
5:00-5:15	2
TOTAL	10

Date: Saturday, September 5, 2015 Time: 11:45 AM – 12:45 AM 75° , Sunny	
	# Customers entering site
11:45-12:00	0
12:00-12:15	2
12:15-12:30	3
12:30-12:45	3
TOTAL	8

3-hour site average: 8.3 trips per hour

The actual customer data reveals several points. First, the total number of customer trips to both sites during the six hours of observations was 50. This equates to 8.3 trips per hour or roughly one vehicle entering the site every seven minutes. If both entering and exiting trips are factored in, the projected number of two trips is 16.6 per hour or one trip every 3.6 minutes. Second, the 15-minute intervals reveal a range of between 0 and 4 entering trips during the 24 surveyed intervals. This reveals that

traffic to the storage facilities (even at peak times) is relatively small and steady regardless of the day and time.

The size of both storage facilities can be factored in to the proposed Newtonville Avenue site. Public Storage on Moody Street in Waltham is very comparable in both the total building square footage and in terms of the number of units. Public Storage is 117,500 gross square feet with 1015 storage units. The proposed facility on Newtonville Avenue would have 113,187 gross square feet with approximately 1025 storage units. Public Storage generated an average of 8.3 one-way trips to the site per hour and considering its overall size, is nearly identical to the current proposal. An upper limit estimate of 8.3 trips per hour is therefore valid.

The EZ Storage site on Needham Street in Newton is considerably larger with 170,000 gross square feet of space (vs. 113,187 square feet for the proposed site) and 1400 storage units (vs. 1025 for the proposed site). In spite of this differential, the EZ Storage site generated the same number of vehicle trips (8.3 trips per hour) as its smaller competitor on Moody Street in Waltham. This data suggests that larger storage facilities generate approximately the same levels of traffic and further studies would be needed to determine if there are reasons for this expected outcome.

Finally, the timing of the late August to Early September customer counts coincides with the perceived peak times of year for storage facilities. Therefore, the observed data points in this study likely truly reflect what might be expected at peak times at the Newtonville Avenue site.

Summary and Conclusion

The proposed storage facility at 255-257 Newtonville Avenue is a relatively low traffic generator when compared with office or residential uses of a similar scale. Our study of two comparably sized storage facilities reveals an average trip rate of 8.3 trips per hour to each site. This figure works out to one trip to the site approximately every seven minutes, even during peak periods. During off-peak hours, the number of trips to the site will be far less, or almost non-existent. By providing 11 onsite parking spaces, the needs of customers/clients can be easily met. Therefore, the parking waiver request of 36 spaces relates to a theoretical number assigned to storage facilities rather than a number related to actual need for this specific use.



Setti D. Warren
Mayor

ATTACHMENT E

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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: February 9, 2016

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Alan Schlesinger, Attorney
Norcross Trust, Applicant
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to waive 36 parking stalls, to allow a building exceeding 20,000 square feet, to allow a building height of 36 feet, three stories and an FAR of 1.5, and to waive certain requirements of the parking ordinance

Applicant: Norcross Trust	
Site: 255-257 Newtonville Ave	SBL: 12016 0008
Zoning: MAN	Lot Area: 75,634 square feet
Current use: Office and landscape contractor yard	Proposed use: Self storage facility

BACKGROUND:

The property at 255-257 Newtonville Avenue is comprised of 75,634 square feet in the Manufacturing district. It is improved with an office building constructed in 1964, and a small wood frame structure used as a landscaper's and contractor's office. There are three fenced areas on the property used by a dog day care. The site is bordered to the north by the Mass Pike, to the west by a power tool retailer and to the east by Lewis Terrace, which crosses over the Pike. Residential uses are located on the other side of Lewis Terrace in the MR1 zoning district. The lot is largely wooded, with a drainage easement zig-zagging through the northern section.

The applicant proposes to raze the existing buildings and construct a 113,187 square foot self storage facility with 11 parking stalls.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Alan Schlesinger, attorney, dated 7/23/2015
- Existing Conditions, prepared by BL Companies, dated 5/15/2015
- Concept Plan, signed and stamped by Raymond Gradwell, civil engineer, dated 7/17/2015
- Elevations, signed and stamped by Rainer A. Muhlbauer, architect, dated 7/17/2015
- Conceptual Landscape Plan, prepared by BL Companies, dated 7/17/2015
- FAR Worksheet
- Average Grade Plane Worksheet

ADMINISTRATIVE DETERMINATIONS:

1. The applicant proposes to raze the existing buildings and construct a self-storage facility. Per Section 4.4.1 storage facilities are allowed by right in the Manufacturing district.
2. The proposed building is three stories and 36 feet high. Per Sections 4.3.2.B.3 and 4.3.3, a special permit is required.
3. The applicant proposes an FAR of 1.5. Section 4.3.3 allows an FAR of 1.0 by right, and requires a special permit for anything greater. An FAR of 1.5 requires a special permit.
4. Section 5.1.4 addresses the parking requirement for a storage facility. The provision requires one stall per every four employees and one stall per every 2,500 square feet. The applicant proposes four employees at the highest shift, and a building with 113,187 square feet, which requires 47 parking stalls per the Ordinance. The applicant is proposing 11 parking stalls on the site, and therefore requires a waiver of 36 spaces under Section 5.1.13.
5. Section 5.1.8.A.1 requires that no parking stalls be located within a setback. Two parking stalls are located within the side setback. A special permit per Section 5.1.13 is required.
6. The requirements for providing accessible parking within Section 5.1.8.B.3 are in conflict with 521 CMR 23, the State code for providing access. To determine the number of required accessible stalls for a property, the requirement is based on the number of stalls necessary to meet the Ordinance, not the number of stalls that actually exist. The applicant requires 47 stalls for the proposed self-storage facility. Per the State code, two accessible stalls are required, which they provide. However, Section 5.1.8.B.3 of the Newton Ordinance requires three accessible stalls. The applicant seeks a waiver from the local regulations via Section 5.1.13, however is compliant with the State code.
7. Section 5.1.9.A.1 requires parking lots be screened from abutting properties and streets with landscaping and/or fencing. The section requires five feet of densely planted shrubs and fencing. To the extent that the proposed parking lot does not meet the screening requirements of Section 5.1.9.A.1, the applicant seeks a waiver through Section 5.1.13.
8. No lighting plan was submitted with the application for zoning review. Section 5.1.10.A requires that all facilities provide security lighting of at least one foot candle, and be arranged so as to

prevent glare on neighboring properties. To the extent that the proposed plan doesn't comply with this section, a special permit is required.

9. The applicant proposes to raze the existing buildings and construct a new building with 113,187 square feet. Section 4.3.1.B.1 requires a special permit for a building greater than 20,000 square feet.

Zone MAN	Required/Allowed	Existing	Proposed
Lot Size	10,000 square feet	75,634 square feet	No change
Setbacks <ul style="list-style-type: none"> • Front (half building height)* • Side (half building height) • Rear (half building height) 	18 feet 18 feet 18 feet	15 feet >20 feet >35 feet	19.6 feet 18.1 feet 20.6 feet
Building Height	24 feet (36 ft by SP)	24 feet	35.33 feet
Max number of stories	2 (3 by SP)	1	3
FAR	1 (1.5 by SP)	<1.0	1.5
Parking	47	NA	11

*The existing buildings are one story, therefore the existing front setback is conforming

10. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§4.3.2.B.3 §4.3.3	To allow a building with three stories	S.P. per §7.3.3
§4.3.3	To allow a building 36 feet in height	S.P. per §7.3.3
§4.3.3	To allow an FAR of 1.5	S.P. per §7.3.3
§5.1.4 §5.1.13	To waive 36 parking stalls	S.P. per §7.3.3
§5.1.8.A.1 §5.1.13	To allow parking in the side setback	S.P. per §7.3.3
§5.1.8.B.3 §5.1.13	To waive the accessible parking requirement of the Newton Zoning Ordinance (but not the State code)	S.P. per §7.3.3
§5.1.9.A.1 §5.1.13	To waive the landscape screening requirements	S.P. per §7.3.3
§5.1.10.A §5.1.13	To waive lighting requirements	S.P. per §7.3.3
§4.3.1.B.1	To allow a building greater than 20,000 square feet	S.P. per §7.3.3

CITY OF NEWTON
ENGINEERING DIVISION

MEMORANDUM

To: Alderman Mark Laredo, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit: *255-257 Newtonville Avenue*

Date: February 26, 2016

CC: James McGonagall, Commissioner DPW
Lou Taverna, PE, City Engineer
Ted Jerdee, Director of Utilities
Alexandria Ananth, Chief Planner
David Olson, City Clerk

In reference to the above site, I have the following comments for a Special Permit entitled:

*Land Use Development Plan
Issued for Special Permit
Proposed Self-Storage Facility Plans
255 -257 Newtonville Avenue
Prepared by: BL Companies
Dated: 2/5/16*

Executive Summary:

This project entails the redevelopment of a 1.7 acre parcel that currently has a couple of one story buildings which will be razed to make way for a 3-story self-storage facility of 113,517 square feet. The site is bound on the south by Newtonville Avenue, on the east by Lewis Terrace, on the north by the Masspike, and on the west by commercial property and Laundry Brook. The site is relatively hilly having a high point at 122-feet near the Newtonville Avenue & Lewis Terrace intersection and slopes downward towards the northwest towards Laundry Brook at elevation 100-feet.

The site also has two sanitary sewer easements, the first is an 8" diameter clay pipe along the northern portion of the lot, which must be relocated in order to construct the new

building, in concert with this relocation (that needs City Council approval via a filing with the Public Facilities Committee); a 20' wide easement must be granted to the City. The second sewer main a (12" diameter) clay pipe is located along the westerly property line and runs parallel to the Laundry Brook; the applicant is proposing to reline this main with an epoxy coated fiberglass sleeve thus forming a new pipe. Details of this work including by-pass pumping must be coordinated with the Utilities Division, a preconstruction conference with representative of the Utilities & Engineering Divisions and the Conservation agent shall be coordinated by the contractor of record.

The project does meet the Stormwater Management Standards; however, under post construction conditions there is a slight increase of runoff toward Newtonville Avenue, although slight; it will cause problems in the roadway during *freeze-thaw* cycles as the excess water travels across the sidewalk, driveway apron and down Newtonville Avenue. It will be required that the engineer of record design and install area drains and capture and direct the excess runoff from the front portion of the lot to the on-site "detention" system, to avoid any increase.

The drainage report indicates that the existing soil on site is a glacial till and not conducive to infiltration, the system has been designed to store the 100 years storm then allowed to drain within the required 72 hours mandated by the DEP. Clarification is needed on the Cultec system; that shows a 6" underdrain to where it discharges and a control outlet structure. Detailed elevations and profiles are needed.

Ash fill encountered on site when removed shall comply with the State & Federal DEP dust control and disposal laws. As the total site disturbance is over an acre, a Phase II General Construction (NPDES) Permit will need to be filed with DEP & EPA. A Stormwater Pollution Prevention Plan (SWPPP) will need to be developed.

An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be drafted and submitted for review. Once approved the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.

Has a 21E investigation & report been performed on the site? If so, copies of the report should be submitted to the Newton Board of Health and the Engineering Division. Are there any existing underground oil or fuel tanks that are to be removed, or if they have been removed evidence should be submitted to the Newton Fire Department, and Newton Board of Health.

This concludes my review, when plans are updated it is the responsibility of the applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process complete and consistent plans.

Recommendations:

1. Prior to and demolition & construction the applicant shall have the culvert inspected via a Closed Circuit Television Inspection (CCTV). The Engineering & Utilities Division shall be given 48 hours prior notice to the date of the CCTV inspection to arrange an Inspector to witness the inspection.
2. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the property owner(s).
3. Snow storage areas need to be identified on the site plan.
4. The existing driveway apron shall be remodeled as a compliant City sidewalk; the new driveway apron shall conform to the City's Construction standards.
5. The applicant will have to apply for a Building Permit with the Inspectional Services Department.
6. The applicant's contractor shall apply with the DPW for Utilities Connection permits. Note that the winter moratorium will be in effect on December 15th no excavations will be allowed with public right of ways until April 15th.
7. All siltation control systems shall be installed and inspected by the Conservation Commission Agent(s) prior to any construction. ***This note must be incorporated onto the final contract plans.***

Sewer:

1. A detailed profile is needed which shows the existing water main, proposed water service(s), sewer main and proposed sewer service(s) with the slopes and inverts labeled to ensure that there are no conflicts between the sewer services and the water service. The minimum slope for a service is 2.0%, with a maximum of 10%. Pipe material shall be 6" diameter SDR 35 PVC pipe within 10' of the dwelling then 4" pipe per Massachusetts State Plumbing Code. In order to verify the slopes and inverts of the proposed service connection, two manholes of the existing sanitary sewer system need to be identified on the plan with rim & invert elevations. The crown of the service connection & the sewer man need to match.

2. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the main and the site then properly back filled. The Engineering Division must inspect this work; failure to having this work inspected may result in the delay of issuance of the Utility Connection Permit.
3. With the exception of natural gas service(s), all utility trenches with the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E, detail is available in the city of Newton Construction Standards Detail Book.
4. All new sewer service and/or structures shall be pressure tested or videotaped after final installation is complete. Method of final inspection shall be determined solely by the construction inspector from the City Engineering Division. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer. ***This note must be added to the final approved plans.***
5. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer.

Water:

1. Fire flow testing is required for the proposed fire suppression system. The applicant must coordinate this test with both the Newton Fire Department and the Utilities Division; representatives of each department shall witness the testing, test results shall be submitted in a write report. Hydraulic calculation shall be submitted to the Newton Fire Department for approval.
2. For water quality issues a fire hydrant will be required at the end of the proposed water main. This hydrant will be utilized for flushing out the main as required.
3. All water connections shall be chlorinated & pressure tested in accordance to AWWA and the City of Newton Construction Standards and Specifications prior to opening the connection to existing pipes.

4. Approval of the final configuration of the water service(s) shall be determined by the Utilities Division, the engineer of record should submit a plan to the Director of Utilities for approval

General:

1. All trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility in question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
4. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
5. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
6. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
7. All site work including trench restoration must be completed before a Certificate of Occupancy is issued. *This note must be incorporated onto the site plan.*

If you have any questions or concerns please feel free to contact me @ 617-796-1023.

Findings and Special Conditions of the Newton Conservation Commission
DEP #239-753, 255-257 Newtonville Ave., Self-Storage Facility

ATTACHMENT G

Findings (considered as and given equal status as special conditions)

- Owner: Storage Development Partners, LLC
- Applicant: Geoff Fitzgerald
- Representative: BL Companies c/o Geoff Fitzgerald
- In case of emergencies, problems, or questions, contact: Jennifer Steel: 617-796-1134.
- Existing Conditions: Woods; parking lot; and small office building and storage facility, dog daycare, kayak storage
- Jurisdiction and Performance Standards
 - Riverfront Area – RFA redevelopment standards
 - The current proposal will have some new development closer to the stream than existing conditions, but restoration of a 65' (on average) buffer strip close to the stream and mitigation around the rest of the parcel are provided.
 - More than 10% of the RFA will be developed, but the applicant rebutted the portions of the presumptions of significance (see Ecological Issues, below), so this performance standard was relaxed.
 - The understory and canopy plantings close to the stream, stormwater improvements, and invasive control will result in an overall improvement to the site.
 - City Floodplain
- Ecological Issues
 - This piece of RFA is a small, isolated rectangle associated with a 116-foot long day-lighted segment of a perennial stream. The stream is culverted for half a mile upstream of the site and over a mile downstream of the site. This RFA is surrounded by mostly densely developed, non-RFA land. There is a broad expanse of pavement right up to the edge of the channelized stream. Stormwater flows untreated to the stream. Storage of fuel and vehicles has been common. Invasive species dominate close to the stream. Therefore, not all the interests of the Act are being provided by this small and partially developed, significantly degraded RFA.
 - The proposal tried to balance abutter interests (shielding the street, preserving mature trees, limiting traffic, and providing a new sewer easement) with Wetland Protection interests, so the building was not sited as far from the stream as possible, rather, it was sited so as to optimize overall site preservation and enhancements.
- Approved Project:
 - Project Purpose: Remove existing buildings and parking lot to construct a self-storage facility (with a larger footprint of impervious area than existing impervious area, but restoration of land close to the stream proposed as mitigation and extensive invasive control and plantings outside the RFA will result in an overall improvement to the RFA.
 - Permitted Activities:
 - The removal of mature trees and grading within RFA.
 - Construction of the building, parking, stormwater management system, new sewer alignment
 - Mandatory planting plan to mitigate for loss of mature trees (as per the plans).
 - Protective measures include:
 - The Protection of many mature trees outside the RFA.
 - Restoration of degraded land adjacent to the stream.
- Final Approved Plans:
 - Proposed Self-Storage Facility Plans ... 255-257 Newtonville Ave. ... (19 sheets). Plan set dated and signed by Raymond Gradwell (BL Companies) February 29, 2016.
 - O&M Plan (revised Feb 29, 2016)
- The Newton Conservation Commission shall retain the right to require the submittal of additional information or additional construction measures deemed necessary to ensure the protection of wetland resource areas
- Any required or desired deviations from this plan shall be requested in writing of the Commission Office, who shall determine if said changes require filing a new Notice of Intent.
- When plans are updated it is the responsibility of the applicant to provide all City Departments involved in the permitting and approval process complete and consistent plans.

Newton's Conditions (Note: Violation of any condition stated herein may result in Enforcement Action.)

Findings and Special Conditions of the Newton Conservation Commission
DEP #239-753, 255-257 Newtonville Ave., Self-Storage Facility

Specific to this Project

20. Special required activities include:

- a. Prior to and demolition & construction
 - The applicant shall have the culvert inspected via a Closed Circuit Television Inspection (CCTV). The Engineering & Utilities Division shall be given 48 hours prior notice to the date of the CCTV inspection to arrange an Inspector to witness the inspection.
 - The applicant shall mark the limits of clearing in the field and they shall be inspected by the Con Com agent.
 - The applicant shall provide to the Con Com a final SWPPP for review and approval.
 - The Operations and Maintenance plan shall include a provision which describes the proper placement of snow and requires communication with the contractor on an annual basis.
 - Once approved by Newton Engineering Department, the Operations and Maintenance Plan must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division and Conservation Commission.
 - The applicant shall submit to the Con Com the status of all 21E compliance requirements.
 - The applicant shall submit calculations showing compliance with the state TMDL requirements.
- b. The contractor must notify the Engineering Division 48-hours in advance and schedule an appointment to have the drainage system & all utilities inspected. The system & utility must be fully exposed for the inspector.
- c. The applicant shall scarify the soil in the restoration planting areas prior to laying loam or installing trees or shrubs.
- d. The applicant shall install the mandatory mitigation plantings, as per the approved plans, to compensate for removal of trees in RFA.
- e. Plantings must be installed before or concurrent with the completion of construction of the building and paving, must comport with the approved plans, and must survive (75%) two growing seasons for a Certificate of Compliance to be issued.
- f. Trees that don't survive the sheeting and shoring along Lewis Terrace, Newtonville Ave., and the Mass. Pike will need to be replaced.
- g. As stated on sheet LL-2, the applicant shall maintain the site free of invasive plants for three years, and shall submit annual reports on efforts and efficacy to the Conservation Commission office.
- h. See on-going conditions.

21. Prohibited activities include:

- a. Removal of or damage to any trees designated as "to remain" on the approved plans.
- b. Snow storage in any of the restoration or mitigation planting areas. (Snow storage on the grassy sewer easement is allowed.)
- c. Alteration of the approved plans without prior approval of the Conservation Office.

Before Work Begins

22. Before any land disturbing activities may begin, the applicant must schedule a pre-construction site visit with:

- a. Applicant or Applicant's Representative(s)
- b. Applicant's Construction Supervisor (person responsible for compliance with this Order and who may be held jointly responsible for any violations and the penalties under the law for said violations)
- c. Applicant's Contractor(s)
- d. Agent(s) of the Commission
- e. Agent(s) of the Utilities Division

At the pre-construction site visit the following will be checked by an agent of the Conservation Commission:

- f. Sedimentation/erosion controls are properly installed in the correct locations
- g. DEP File number sign of minimum size 2'x2' shall be displayed clearly visible from the street
- h. Proof of Recording the Order has been supplied to the Conservation office
- i. Contact information for those responsible for construction, sediment controls, and landscaping has been supplied to the Conservation office
- j. Anticipated timeline has been supplied to the Conservation office

Findings and Special Conditions of the Newton Conservation Commission
DEP #239-753, 255-257 Newtonville Ave., Self-Storage Facility

23. Before any work on-site begins, all other applicable federal, state &/or local permits and/or approvals must be obtained.
24. Notice shall be given to the Newton Conservation Commission no less than two (2) business days prior to the commencement of construction activities.
25. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. The Applicant shall assure that all contractors, subcontractor and other personnel performing the permitted work are fully aware of the permit's terms and conditions. Thereafter, the contractor will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions. Nothing in this paragraph shall limit or restrict the liability of the Applicant for violations of this Order.

During Construction

26. Appropriate erosion control measures must be installed, inspected, and maintained during the construction period until the site is stable. Erosion control measures shall be installed as shown on the approved Plan and shall indicate the limit of work. Earth shall not be backfilled against or allowed to overtop erosion control barriers. Silt and sand accumulating behind said barriers shall be removed regularly. If a breach of the erosion control barriers occurs, the Newton Conservation Commission shall be notified, and measures shall be taken to remediate said breach under the guidance of the Commission. All soils must be contained on the site. City streets shall be kept clean and catch basins in the immediate area shall be protected from eroding soils. Hay bales, for any purpose without explicit permission from the Commission, are prohibited by this Order. An adequate supply of extra erosion control materials shall be stored on-site at all times for repair or replacement. Erosion control barriers shall remain in place until a Certificate of Compliance is issued for said work or upon written authorization from the Newton Conservation Commission.
27. The applicant shall ensure that throughout the construction period, all measures necessary to prevent any damage to the wetland resource area are taken. Should any damage occur during the course of the project, the applicant, any successor in interest, or successor in control shall be responsible for and bear the full cost of restoration of the wetland to the satisfaction of the Conservation Commission.
28. A copy of the approved plans and Order of Conditions shall be kept on-site and available for review at all times. All contractors are expected to adhere to the approved plan and these Conditions.
29. "Good housekeeping practices" shall be implemented at all times, including:
 - a. appropriate limits to discharges within a Resource Area, Buffer Zone, or an area leading to a stormwater conveyance system
 - b. appropriate stockpile area management
 - c. appropriate limits to vehicle refueling, washing, etc.
 - d. appropriate litter management
 - e. appropriate controls for tire tracking
30. During the construction period and prior to issuance of a Certificate of Compliance, members and agents of the Conservation Commission shall have the right to inspect the applicant's project to evaluate compliance with the approved plans and these conditions.
31. Work shall be immediately halted on the site if an Agent of the Commission or DEP determines that any of the work is not in compliance with this Order of Conditions or Special Conditions.

Big Projects

32. Construction materials, vehicles, and earth shall be stored outside of the 100-foot buffer zone of wetland resource areas or 200-foot Riverfront Areas, unless otherwise demarcated and authorized on the approved plans. The storage of dumpsters, construction materials, and stockpiles in the floodplain is prohibited. All stockpiles shall have appropriate erosion controls.
33. Refueling of vehicles shall not take place within wetland resource areas, the 100-foot buffer zone of wetland resource areas &/or 200-foot Riverfront Areas.

Findings and Special Conditions of the Newton Conservation Commission
DEP #239-753, 255-257 Newtonville Ave., Self-Storage Facility

Upon Completion of the Project

34. Upon completion of the project, all exposed soil areas shall be stabilized and re-vegetated. Any excess spoil material which is to remain on Applicant's premises and all areas of disturbed soil shall be left stabilized with mulch, grass or other plantings and protected against erosion and sedimentation. All materials not to remain on Applicant's premises shall be removed from said premises and disposed of in a legal manner.
35. Upon completion of the project, the Conservation Office shall be notified, and permission to remove sediment barriers and the DEP file number sign shall be sought.
36. No Certificate of Occupancy shall be approved by Conservation unless a Certificate of Compliance has been issued or the request receives the written approval of the Sr. Environmental Planner.
37. Upon completion of the project, the applicant must apply for a Certificate of Compliance in accordance with DEP Condition #12, by submitting:
 - a. A completed "Request for Certificate of Compliance (WPA Form 8A)."
 - b. A written statement from a Professional Engineer registered in Massachusetts certifying that the work has been completed in substantial compliance with this Order of Conditions and the approved plans referenced herein (or approved revisions). If the completed work differs from that in the approved plans and conditions, the report must specify how the project differs.
 - c. An as-built plan signed and stamped by a professional land surveyor registered in Massachusetts. This plan will include all structures, grading (topography), drainage, and landscape features and plantings.

On-going Conditions

38. Certain conditions shall remain in effect in perpetuity and shall not expire upon completion of the project or the issuance of a Certificate of Compliance.
 - a. To improve water quality in the adjacent wetlands and waterways, the use of herbicides and other pesticides is prohibited and fertilizers shall be limited to slow-release organic fertilizers.
 - b. The approved Operations and Maintenance Plan is appended hereto and must be adhered to.
 - c. To protect wildlife and/or vernal pool species, artificial lighting shall be designed to prevent lighting of the wetlands. Any outdoor lights within 200 feet of the wetland shall be directed so as not to radiate light towards those areas. Any such lights shall be limited to no more than 1,800 lumens per fixture and the fixture shall not illuminate any part of the wetland more than 0.2 footcandles. Exterior lights shall not be mounted higher than 25 feet above the ground.
 - d. Required mitigation planting areas (woody vegetated buffer strips) shall be maintained in perpetuity in their predominantly natural condition as per 10.58(5)(h).

ATTACHMENT H

DRAFT- #48-16

CITY OF NEWTON

IN CITY COUNCIL

April __, 2016

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL for a three-story, 113,187 square foot self-storage facility, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Marc Laredo:

1. The site is an appropriate location for a building of three stories and 36 ft. in height with a floor area ratio (FAR) of 1.5 (§4.3.3 and §7.3.3.C.1) as its sloping topography allow for a significant portion of the structure's height to be concealed from neighboring properties and streets.
2. The site is an appropriate location for a building of greater than 20,000 square feet (§4.3.2.B.1 and §7.3.3.C.1) as it consists of approximately 76,000 square feet of land and its sloping topography allow for much of the structure's bulk to be concealed from neighboring properties and streets.
3. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).
4. The site planning, building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy (§7.3.3.C.5).
5. The requested exceptions related to the number of stalls, the number of handicapped accessible stalls, landscaping and lighting are appropriate because such exceptions would be in the public interest and provide for the protection of environmental features (§5.1.13) by reducing the amount of unnecessary paving on the site. The petitioner submitted a parking study indicating that the number of stalls proposed will be sufficient to meet expected demand without spillover onto neighborhood streets.

PETITION NUMBER: #48-16

PETITIONER: Storage Development Partners, LLC/Norcross Trust

LOCATION: 255-257 Newtonville Avenue, Ward 2, Newtonville, on land known as Section 12 Block 16 Lot 8, containing approximately 75,634 square feet of land

OWNER: Norcross Trust

ADDRESS OF OWNER: 25 Fisher Avenue, Newton, MA 02461

TO BE USED FOR: Three-story, 113,187 square foot self-storage facility

CONSTRUCTION: Masonry

EXPLANATORY NOTES: Special Permit per §7.3.3 to:

- allow a building greater than 20,000 square feet (§4.3.2.B.1);
- allow a building with three stories (§4.3.2.B.3, §4.3.3);
- allow a building 36 feet in height (§4.3.3);
- allow an FAR of 1.5 (§4.3.3);

and, per §5.1.13, to further:

- waive 36 parking stalls (§5.1.4);
- allow parking in the side setback (§5.1.8.A.1);
- waive one accessible parking stall) (§5.1.8.B.3; §5.1.8.B.4);
- waive landscape screening requirements (§5.1.9.A.1);
- waive lighting requirements (§5.1.10.A).

ZONING: Manufacturing District

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - a. Land Development Plans prepared by BL Companies issued on February 5, 2016 consisting of twenty-five (25) sheets, as follows:
 - i. Cover Sheet
 - ii. Existing Conditions Survey dated May 15, 2015
 - iii. General Notes dated February 5, 2016 (GN-1)
 - iv. Demolition Plan dated February 5, 2016 (DM-1)

- v. Site Plan dated February 5, 2016 (SP-1)
 - vi. Grading and Drainage Plan dated February 5, 2016 (GD-1)
 - vii. Utility Plan dated February 5, 2016 (SU-I)
 - viii. Sedimentation and Erosion Control Plan dated February 5, 2016 (EC-1)
 - ix. Sedimentation and Erosion Control Notes dated February 5, 2016 (EC-2)
 - x. Conceptual Landscape Plan dated February 5, 2016 (LL-1)
 - xi. Landscape Details dated February 5, 2016 (LL-2)
 - xii. Site Lighting Plan dated February 5, 2016 (LP-1)
 - xiii. Details dated February 5, 2016 (DN-1)
 - xiv. Details dated February 5, 2016 (DN-2)
 - xv. Details dated February 5, 2016 (DN-3)
 - xvi. Details dated February 5, 2016 (DN-4)
 - xvii. Details dated February 5, 2016 (DN-5)
 - xviii. Details dated February 5, 2016 (DN-6)
 - xix. Details dated February 5, 2016 (DN-7)
 - xx. Massing Model Plan dated February 5, 2016 (MA-1)
 - xxi. Floor Plans - Main Level dated February 5, 2016
 - xxii. Floor Plans - Second Level dated February 5, 2016
 - xxiii. Floor Plans - Third Level dated February 5, 2016
 - xxiv. Exterior Elevations (North and West) dated February 5, 2016
 - xxv. Exterior Elevations (South and East) dated February 5, 2016
2. The petitioner shall comply with the Tree Preservation Ordinance.
 3. All utilities shall be located underground from the property line.
 4. Prior to the issuance of any Building Permit, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant, incorporated into the deeds, and recorded at the Middlesex Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
 5. Prior to the issuance of any Building Permit, the petitioner shall provide a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
 6. Prior to the issuance of any Building Permits, the petitioner shall provide a final Landscape Plan showing compliance with the Tree Preservation Ordinance and all new plantings, for review and approval by the Director of Planning and Development.
 7. Prior to the issuance of any Building Permit, the petitioner shall submit a final Construction Management Plan (CMP) to the Commissioner of Inspectional Services, the Director of Urban Forestry, the Engineering Division of Public Works, the Director of the

Department of Planning and Development, the Newton Fire Department and Newton Police Department, which plan should shall include at a minimum:

- a. 24-hour contact information for the general contractor of the project.
 - b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 5:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Commissioner of Inspectional Services.
 - c. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
 - d. A tree preservation plan to define the proposed method for protection of existing trees to remain on the site and on abutting properties during construction.
 - e. A plan for rodent control during construction.
 - f. If blasting of on-site ledge is required, the petitioner shall obtain a Blasting Permit from the Newton Fire Department.
 - g. To ensure emergency vehicle access there shall be no parking in the common driveway.
8. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
- a. Received final approval from the Director of Planning and Development for the Construction Management Plan.
 - b. Recorded a certified copy of this Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - c. Filed a copy of such recorded Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - d. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
 - e. Obtained a written statement from the Engineering Division of Public Works that confirms the receipt of a certified copy of the recorded O&M in accordance with Condition #4.
 - f. Filed a final Landscape Plan to the Director of Planning and Development for review and approval.
9. No occupancy permit for the building constructed pursuant to this Special Permit/Site Plan Approval shall be issued until the petitioner has:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1.

- b. Submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in digital format.
 - c. Filed with the Conservation Commission, Department of Inspectional Services, and the Department of Planning and Development a statement by the City Engineer certifying that finished grades and final construction details of driveways, parking areas and drainage systems have been constructed to the standards of the City Engineering Department.
 - d. Filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, final landscape features and fencing.
10. Notwithstanding the provisions of Condition #9d above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provide that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.

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