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PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: April 29, 2016
MEETING DATE: May 3, 2016
TO: Land Use Committee of the City Council
FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Michael Gleba, Senior Planner
CC: Petitioner

In response to questions raised at the Land Use Committee public hearing, and/or staff technical reviews, the Planning Department is providing the following information for the upcoming public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

PETITION #48-16

255-257 Newtonville Avenue

Request for 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.

The Land Use Committee (the "Committee") held a public hearing on April 5, 2016 that was held open so that the petitioner could respond to questions/concerns that were raised in the Planning Department's memorandum and at the public hearing by the Committee and the public. A site visit was held by the Land Use Committee on April 28, 2016 to further explore the issues raised at the public hearing. This memo reflects those issues and concerns, as well as revised plans and additional information submitted by the petitioner on April 27, 2016, as addressed to the Planning Department.

Zoning Relief

The petitioner has proposed 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 petitioner 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.

Plan Modifications

The petitioner submitted revised plans on April 27, 2016 that include the reduction of the height of the so-called “notch” at the southeast corner of the building to only two floors, further limiting the height and bulk of the building as perceived from Newtonville Avenue and Lewis Terrace. Additional square footage is added to the building on the second and third stories cantilevered over the loading area on the west side of the building, slightly increasing the proposed building’s total square footage from 113,517 to 113,541 square feet.

Concerns Raised at Public Hearing and Site Visit

The following is a compilation of several issues addressed to the Planning Department at the April 5, 2016 public hearing and the April 28, 2016 site visit:

1. Maintenance of landscaping/removal of invasive species in perpetuity:
 - a. The attached draft Board Order (**Attachment A**) includes a condition (#11) that would seek to address this issue
2. Plantings offsite/on city-owned property
 - a. The petitioner has proposed to plant several trees on nearby City-owned property as partial mitigation for the loss of trees on the site. An obligation to do so on the part of the petitioner can be secured with the inclusion of an appropriate Condition such as the one (#11) included in the attached draft Board Order.
3. Hours of operation:
 - a. This issue was addressed in Petitioner’s April 27, 2016 letter to the Committee, indicating that access to storage units would be available to customers 6:00a – 10:00p daily, with the management office staffed from 9:30a – 6:00p daily. This appears consistent with common practices of similar facilities and could be made a condition such as the one (#7.b) included in the draft Board Order.
4. Regulation of construction vehicles:
 - a. The proposed Construction Management Plan (CMP) attached to the petitioner’s April 27, 2016 letter to the Committee indicates that construction workers will be required to park on-site and that trucks delivering construction materials to the site will not be allowed to stand on Newtonville Avenue while awaiting access to the site. The Planning Department recommends that a similar exclusion be in effect for Lewis Terrace and that the petitioner identify more specifically where trucks awaiting access to the site would be located.
Compliance with any approved final CMP is included as a condition (#7) of the draft Board Order.

5. Roof issues:

- a. Concerns have been voiced about the appearance of the proposed facility's large, flat roof to nearby residences. The petitioner has stated that proposed alternatives such as the installation of solar panels or a so-called "green roof" have been rejected because of opposition by neighbors and structural/maintenance concerns, respectively. In the alternative, the Petitioner has offered to install a colored roof and has suggested gray or tan to reduce the brightness/glare/reflectiveness that a white roof while retaining some of the energy conservation benefits that a white roof could provide.
- b. Relatedly, some concern has been raised regarding the location of HVAC units on the roof and any possible sound impacts. The units are projected to be approximately seven feet in height and located near the Massachusetts Turnpike and away from residences adjacent to the site. The Planning Department recommends that the petitioner provide more specific information about the units' location and expected sound levels and identify potential screening and baffling that could be installed to provide a more visually acceptable condition and limit any possible sound impacts for neighbors.

6. Vehicles & Traffic Impacts:

- a. In response to concerns about the ability of more than one truck to access the site simultaneously, the Petition provided a plan (Attachment E to the petitioner's April 27, 2016 letter) showing the turning movements required for one box truck to access a loading area position when the other one is occupied. The Assistant City Engineer's initial review indicated that while tight, the shown movement was acceptable; he also recommended that a similar drawing be provided showing a box truck in the "other" stall, and that the drawing(s) be stamped by an appropriate engineer.
- b. Concerns have also been voiced about existing general traffic conditions in the area, especially along Newtonville Avenue; however the low expected traffic volumes would not appear to significantly contribute to existing conditions.

7. Building Height:

- a. Some comments have been made regarding the possibility of reducing the building footprint by building higher on a portion of the site near the Turnpike. As proposed, the building will have three stories and a height of 36 feet (which includes approximately seven feet to accommodate rooftop mechanical equipment, e.g., HVAC units), above the grade plane average, the maximums allowed by special permit under § 4.4.3 of the NZO. As such, the "shifting" of square footage closer to the Turnpike would likely require the construction of a fourth floor, which is not allowed either by right or by special permit, and the placement of mechanical equipment at some location other than the roof to keep the height of building at or under the maximum 36 feet allowed.

Land Use Alternatives

The site is zoned Manufacturing which allows for various uses by-right such as fabrication of materials, bottling, contractor's yards, laboratory and research facilities and printing. Uses allowed by special permit include other types of manufacturing not specifically allowed by right, educational facilities, auto repair and sales, and offices. It is also conceivable that a change in zone could be requested (which would require approval by a 2/3 vote of the City Council) or that a developer might seek a comprehensive permit for multi-family housing dwelling.

ATTACHMENTS:

Attachment A: Draft Board Order

ATTACHMENT A

DRAFT - #48-16
255-257 Newtonville Ave.

CITY OF NEWTON

IN CITY COUNCIL

May 16, 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 as its sloping topography allow for a significant portion of the structure's mass and height to be concealed from neighboring properties and streets. (§4.3.3 and §7.3.3.C.1)
2. The site is an appropriate location for a building of greater than 20,000 square feet as the site is zoned Manufacturing and consists of approximately 76,000 square feet of land. Furthermore, its sloping topography allow for much of the structure's mass to be concealed from neighboring properties and streets. (§4.3.2.B.1 and §7.3.3.C.1)
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. The proposed site plan has been reviewed and approved by the Newton Conservation Commission and the petitioners will be enhancing natural habitat areas with native plantings. (§7.3.3.C.5)
5. The requested exceptions related to the number of parking stalls, the number of handicapped accessible stalls, landscaping and lighting of parking facilities are appropriate because such exceptions would be in the public interest and provide for the protection of environmental features 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. (§5.1.13)

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: §4.3.2.B.1 to allow a building greater than 20,000 square feet; §4.3.2.B.3 and §4.3.3 to allow a building with three stories, 36 feet in height, and an FAR of 1.5; §5.1.4 and §5.1.13 to waive 36 parking stalls; §5.1.8.A.1 and §5.1.13 to allow parking in the side setback; §5.1.8.B.3, §5.1.8.B.4 and §5.1.13 to waive one accessible parking stall; §5.1.9.A.1 and §5.1.13 to waive landscape screening requirements; §5.1.10.A and §5.1.13 to waive lighting requirements.

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, stamped and signed by Timothy B. Bennett, consisting of twenty-five (25) sheets, as follows:
 - i. Title Sheet; dated February 5, 2016, as revised through April 20, 2016;
 - ii. "Existing Conditions Survey," dated May 15, 2015;

- iii. "General Notes," dated February 5, 2016, as revised through April 20, 2016 (GN-1);
 - iv. "Demolition Plan," dated February 5, 2016, as revised through April 20, 2016 (DM-1);
 - v. "Site Plan," dated February 5, 2016, as revised through April 20, 2016 (SP-1);
 - vi. "Grading and Drainage," Plan dated February 5, 2016, as revised through April 20, 2016 (GD-1);
 - vii. "Utility Plan," dated February 5, 2016, as revised through April 20, 2016 (SU-1);
 - viii. "Sedimentation and Erosion Control Plan- Phase 1," dated February 5, 2016, as revised through April 20, 2016 (EC-1A);
 - ix. "Sedimentation and Erosion Control Plan- Phase 2," dated February 5, 2016, as revised through April 20, 2016 (EC-1B);
 - x. "Sedimentation and Erosion Control Notes," dated February 5, 2016, as revised through April 20, 2016 (EC-2);
 - xi. "Landscape Plan," dated February 5, 2016, as revised through April 20, 2016 (LL-1);
 - xii. "Landscape Details," dated February 5, 2016, as revised through April 20, 2016 (LL-2);
 - xiii. "Site Lighting Plan," dated February 5, 2016, as revised through April 20, 2016 (LP-1);
 - xiv. "Details," dated February 5, 2016, as revised through April 20, 2016 (DN-1);
 - xv. "Details," dated February 5, 2016, as revised through April 20, 2016 (DN-2);
 - xvi. "Details," dated February 5, 2016, as revised through April 20, 2016 (DN-3);
 - xvii. "Details," dated February 5, 2016, as revised through April 20, 2016 (DN-4);
 - xviii. "Details," dated February 5, 2016, as revised through April 20, 2016 (DN-5);
 - xix. "Details," dated February 5, 2016, as revised through April 20, 2016 (DN-6);
 - xx. "Details," dated February 5, 2016, as revised through April 20, 2016 (DN-7);
 - xxi. "Massing Model Plan," dated February 5, 2016, as revised through April 20, 2016 (MA-1);
 - xxii. "Main Level Floor Plan," dated April 20, 2016 (A1.01);
 - xxiii. "Second Level Floor Plan," dated April 20, 2016 (A1.02);
 - xxiv. "Third Level Floor Plan," dated April 20, 2016 (A1.03);
 - xxv. "Exterior Elevations," (South and East) dated April 20, 2016 (A5.01);
 - xxvi. "Exterior Elevations," (North and West) dated April 20, 2016 (A5.02).
2. The petitioner shall comply with the Tree Preservation Ordinance and all landscaping that becomes diseased or dies shall be replaced on an annual basis.
 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 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 3:00 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 site access and traffic control.
 - f. A plan regulating the delivery of material to the site, including the staging and storage of construction vehicles.
 - g. A plan for rodent control during construction.
 - h. If blasting of on-site ledge is required, the petitioner shall obtain a Blasting Permit from the Newton Fire Department.
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.
11. The landscaping shown on the approved Landscaping Plan, as well as any and all trees and/or other plantings to be located on City-owned property at the intersection of Newtonville Avenue and Lewis Terrace and the Newtonville Avenue / East Side Parkway traffic island, shall be maintained in good condition by the petitioner. The plantings shall be inspected annually and any plant material that becomes diseased or dies shall be replaced in a timely manner with similar material.