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May 20, 2016

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

Re: 255 Newtonville Ave. Docket #48-16

Dear Chairman Laredo;

At the continued public hearing on May 3 Councilors asked questions of the petitioner for responses at your meeting of May 24. I hope that we have that information for you.

Traffic Generation

Councilor Schwartz asked about statistics of traffic generation. Attached as **Exhibit A-1** today is the analysis previously provided by Planning Horizons from data in late August and early September last year which we expected to be the busiest week for the existing storage facilities on Lexington Street and Needham Street. Attached as **Exhibit A-2** is a supplemental report of data taken in May, 2016 of a more typical time period. That report also includes data of the existing use of the property. In summary:

- The August/September data was taken at the 2 other facilities on 3 days each. The May data was taken at both facilities and at the current site on 3 days.
- Six hours of May observation at 2 facilities showed a total of 22 vehicles entering the storage sites. Six hours of observation at 255-257 Newtonville Ave. showed a total of 28 vehicles entering the site.
- The August/September data showed a peak hour/peak day of the year traffic generation at 8.3 vehicles per hour entering. In May the vehicles entering in the peak hour were 3.7 per hour, confirming that the rates were highest around the end of August.
- The average for the Moody Street facility which is the same size as proposed for Newtonville Ave was 5.3 one way trips per hour combining the 2015 and

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2016 figures. The current uses of the property as office and landscaping with vacant space is 5.6 one way trips per hour. This supports the petitioner's position that **the proposed traffic from the storage facility over a year will be less than the current traffic from the site.**

Building Height

President Lennon asked about the building height. I noted at the hearing that our prior height calculation had included the tower which is appropriately not counted in height as a "Tower(s) spires, domes and ornamental feature(s)". Attached as **Exhibits B-1 and B-2** are elevations above grade plane showing average grade plane at 111' (+8) and the height to roof at +35' 6" for a building height according to the Zoning Ordinance of 27' 6". The Manufacturing District allows buildings of 24' as of right, so the special permit sought is for 3' 6".

Lighting

Councilors Crossley and Schwartz asked about site lighting along Lewis Terrace. The plans as submitted did not propose site lighting as there are 2 street lights on Lewis Terrace. On further thought the petitioner has submitted a plan attached as **Exhibit C** showing low level lighting attached to the building for security and building enhancement.

Test Fit

At the hearing I suggested that because of the way the Zoning Ordinance works the theoretical zoning height of the building and the number of floors counted for zoning purposes could be reduced if more trees were taken down on Lewis Terrace and the building were slid to the East at its current first floor grade. This was not in the nature of a proposal (the petitioner does not want to do this) but in the nature of observation that the true relief sought is less than what appears by application of the Zoning Ordinance.

Councilor Schwartz asked if the building could be constructed as a matter of right by moving it further into the hill. The answer is that it cannot be built as of right at least because:

- Section 4.3.1 B. 1 provides that a special permit is required for any development in the Manufacturing District of 20,000 square feet or more.
- A parking waiver is likely to be needed unless parking is placed on the roof.

However, the substance of the concept remains. Attached as **Exhibit D** is a "test fit" plan which we emphasize is **not a proposal** but intends to show that the relief sought is greater because of the petitioner's efforts to save the trees along Lewis Terrace. On the "test fit" plan:

- The setback from Lewis Terrace is 18' although it could be 15';

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- The grade plane is increased to elevation 114.5' with a top of roof at 138.5', so the building height is 24' as allowed of right;
- 2/3 of the bottom floor height is below the grade plane, so the bottom floor is considered a "basement", so the building would be a 2 story building allowed by right;
- Zoning Ordinance Section 1.5.5 B 2 a provides that "Gross floor area shall not include any portion of a basement used for storage, parking or building mechanicals". We have not sought an interpretation of that language, but it certainly could be read that "storage" is "storage", so perhaps the first floor would not be F.A.R. and in that case the "test fit" plan shows the F.A.R. as .97 which is allowed by right.

Again, the purpose of this exercise is to show that the saving of 28 trees along Lewis Terrace and the addition of 22 trees in Habitat Area B along Lewis Terrace causes the building to seek more relief than the exact same building placed along the street line.

Acoustic Report

The Chairman asked for acoustical information. Attached as **Exhibit E** is a report of Tech Environmental dated May 17, 2016. The report concludes that based upon the equipment and baffling specified,

"A less than 3 dBA increase in background sound level is readily achievable with those fan panels and will be imperceptible by people at the Lewis Terrace and Newtonville Avenue residences".

In addition to the issues raised at the public hearing other items have been discussed among parties over the past weeks.

Landscaping

The petitioner has been working diligently with the neighbors to propose a screening plan which will further screen the building from Lewis Terrace. As a result of those efforts we have submitted a revised Landscaping Plan sheet LL1 revised May 19, a copy of which is also enclosed as **Exhibit F**. The plan shows additional evergreen trees in lieu of some deciduous trees and some relocation of the plantings towards the higher elevations to assist in blocking the view.

Site Marking

At your request a marker has been placed at the site at a height of 15' 6" off the proposed grade to show the height of the building at that point. A photo of the marker is attached as **Exhibit G**. Members of the Committee and the community may want to visit the site to get the context.

Conditions

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In the course of discussions with various parties the petitioners have offered other conditions to the proposed Board Order including:

- A prohibition against truck rentals or rentals of propane cylinders;
- A contribution of \$10,000 as a condition to a building permit to be used either for (i) a study of the intersection of East Side Parkway, Newtonville Ave, Lewis Street and Lewis Terrace or (ii) park equipment for Cabot Park;
- The petitioner will seek approval to plant one tree in the East Side Parkway "island" and two trees in City land at the intersection of Lewis Terrace and Newtonville Ave, in both cases in locations chosen by the Director of Urban Forestry;
- The petitioner will be required to seek further action of the Council for the proposed relocation of the City sewer line traversing the property;
- The petitioner will not oppose a prohibition against street parking on Newtonville Ave. adjacent to the property

Very truly yours,


Alan J. Schlesinger

AJS:sjk

cc: Land Use Committee
Michael Gleba