

**Presentation to
City of Newton Board of Alderman
and the
Planning and Development Board
27-12 & (2)**

October 9, 2012

**Residences at Woodland Grove Condominium
416 Grove Street, Newton, MA**

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My name is Tom Rezendes, I live at 416 Grove Street in the Woodland Grove Condominium. Lynne Sweet and I will be speaking on behalf of the nine residences located across the street from the Hotel Indigo. I am joined by other unit owners: Helen Adelman, Lois Crandall, Apo Torosyan, Randy Messer, Liquin Yu and Duncan Po.

Rather than have 10 people speak for a half hour, Lynne and I will try to cover our comments in 15 minutes as approved by Chair Ted Hess Mahan. While there are a lot of slides, we intend to only focus on a few facts and concerns of our residents and leave the rest for you to read in detail at a later date.

This presentation is based on the documents submitted with the Sept. 11 2012 special permit application. I will be covering the main issues and service delivery and then turn it over to Lynne to

tackle the other special permit requests.

Introduction and Issues

- 9 Residences have stood opposite the hotel for 29 years
- Current issues with Hotel and Restaurant/Bar:
 - Vehicular and Pedestrian conflict at hotel entryway
 - Insufficient parking
 - Loading/deliveries
 - Trash disposal and pick up
 - Cooking odors
 - Signs and antennae
 - Busses idling and vibrating
 - Cars peeling out, loud music

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Since Hotel Indigo took over operations in 2007, there has been a substantial increase in the intensity in use of the hotel property – particularly related to the restaurant, bar and function uses. The petitioner has only applied for a few items to be remedied in their special permit request but we believe there are more issues that need to be addressed.

These issues with the hotel are on-going and started on the day of their grand opening, long before a proposed development at the MBTA station. They are too numerous to go over tonight. They have impacted the quality of the lives of residents, our ability to come and go safely to our residences and sense of safety and well being.

The proposed Riverside development at the neighboring site, which is also the subject of this permit request, will intensify these problems and therefore, we hope that with your help, we can get things straightened about before such a development occurs.



Visual of current conditions, hotel entrance on left side of Grove and residences on right side of Grove

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Our main issues center around an area of conflict at the hotel entryway due to cars, trucks, busses and pedestrians.

It is a bigger issue in the summer months at evening rush hour because of red sox traffic and the increase in capacity at hotel Indigo due to the use of the outdoor pool deck. Essentially you have cars exiting the T going up Grove to Route 128, and cars coming from Route 128 trying to turn across traffic into the Indigo.

We would like this intersection to be studied by the traffic engineers as part of the neighboring development. The main concern is that if a new development does not have two way access on the proposed new C/D access road, the MBTA parking garage and proposed office building would be putting more cars on Grove Street, further blocking the Indigo access and our ability to come and go from our residences.

Licensing History

- Substantial increase in intensity of use since 2007 re-opening, largely related to bar and restaurant uses
 - From pre-Indigo, a **250%** increase in seating at the Hotel (i.e., it has gone from **180 seats** to a license for **448 seats**).
 - Resulting in a significant increase in **loading/deliveries/trash collection** to service the food and alcoholic beverage consumption
 - **Increased patrons and cars** - it appears that the vast majority of vehicles belong to patrons who are not staying at the Hotel.
 - The Petitioner is now asking for an additional 10 seats for a **458** seat restaurant use.

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The numbers are pretty clear, the hotel has increased its capacity by 250% but there has been no provision for how the real estate and operations can handle this increased capacity.

We are not anti-business; Lynne has her own business located on Needham Street in Newton and I sit on the chamber economic development committee. While the increase in business is positive for the hotel and city, the impacts of this growth have negatively affected the quality of life for condo owners and the surrounding neighborhood. We need to find a way to mitigate the impacts.

Service History

Loading/Delivery & trash pick-up area at front of hotel

- The loading area facing Grove Street was not approved by the Aldermen as part of either the 1963 or 1964 plan.
- We have provided a zoomed in version of the 1963/1964 plan with arrow pointing to the word “service”.
- What is being referred to as “the 1964 plan” is date-stamped as received at the Building Department on November 18, 1985 – it shows the same “service” area facing route the 128 on/off ramp as the 1963 plan.
- The only approved service area is on the south-facing side of the Hotel adjacent to the on/off ramp to Route 128.

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Based on our own research, the loading area currently facing Grove Street was not considered during the required special permit process and was not approved by the Aldermen as part of either the 1963 or 1964 plan.

Moreover, what is being referred to as “the 1964 plan” is date-stamped as received at the Building Department on November 18, 1985. The only approved service area is on the south-facing side of the Hotel adjacent to the on/off ramp to Route 128.

All of the special permit issued subsequent to the original special permit were for signs, antennas, a heliport. None of them were to request a new loading and service area.

While we may not be able to agree on the facts, hopefully we can agree that there is a problem.

Service Delivery Issues

- **Use of the Grove Street loading area (directly across from our residences) has created a continuing concern – both from a public safety perspective and for our quality of life**
- The following slides are just a few examples of on ongoing problem.
- They occur at all hours, including the morning and evening rush hours.
- The pictures were taken over the past 4 years, up to as recently as last week.
- We have police and fire records showing on a per room basis, Indigo has had more motor vehicle accidents and calls than the Newton Marriott.

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Use of the Grove Street loading area (directly across from our residences) has created a continuing concern – both from a public safety perspective and for our quality of life. The issues are trucks backing onto Grove, causing a dangerous traffic situation, and the ensuing noise with back up beeps, idling, and clanging of beer kegs.

The police and fire records showing on a per room basis, Indigo has more motor vehicle accidents and calls than the Newton Marriott.

We have photos showing separate vehicles on numerous occasions making deliveries to the Hotel by either (i) parking on Grove Street and blocking the south-westbound lane of traffic or (ii) pulling into the Hotel entrance, over-standing the available space, extending into Grove Street, and blocking the south-

westbound lane of traffic.



Beer truck facing wrong way, parked on Grove, blocking entrance and sidewalk

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Truck facing eastbound on grove in the westbound lane unloading into the street.



Beer truck blocking Grove Street, Hotel Entrance, Sidewalk, Pedestrian



8.12.2012 8AM Beer truck on Grove at rush hour with truck trying to pass by going into opposite lane.

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An accident waiting to happen



Busses blocking entrance on Sat. 9/29/2-12 6:00 pm

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Hear you can see buses blocking the entryway



6/4/2011 2:00am, Carbon monoxide evacuation

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We were awakened at 2am one night to the sound of vibrating vehicles and looked out our window and saw over 20 emergency vehicles parked all over the hotel property, the street and our property. We called the hotel to ask what the issue was and they refused to tell us anything. We then called the police station and they informed us that there was a carbon monoxide leak at the hotel and they were evacuating the hotel.

Service Issue Summary

- We have had lengthy discussions with the petitioner, their attorney and hotel management that safer and more appropriate delivery procedures had been put in place but they are not working.
- **The September 10, 2012 VHB Loading Area Plan, depicting delivery truck parking in the valet parking area in front of the Hotel, is just unacceptable. It does not remedy any of the on-going problems.**

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The photos were taken after lengthy discussions with the Petitioner and repeated assurances from Hotel management that safer and more appropriate delivery procedures had been put in place.

Hotel management does not appear to know what is going on in the front of the hotel.

A few weeks ago an owner was awoken by a crash, the sound of emergency vehicles as a late night patron got into an accident at 12:30 am. No sooner had our neighbor nodded off at 1:30 am when she heard the beep beep beep of a bus in the parking lot, apparently dropping off a Bat Mitzvah party to the front of the hotel.

The September 10, 2012 VHB Loading Area Plan, depicting delivery truck parking in the valet parking area in front of the Hotel, is just unacceptable. It does not remedy any of the on-going problems.

10.5.2012 New Service Plan

- We are pleased to learn of the new plan.
 - We need to understand in more detail the proposal.
 - What will happen with garbage disposal and removal?
 - If a new delivery ramp on the north side of the hotel it must be fitted with effective sound baffles to deflect sound.
 - How will they enforce compliance?

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We are pleased to learn of the new plan and look forward to hearing more details about it.

If this new option appears to be a viable one, the proposed new Ramp on the north side of the hotel must be fitted with effective sound baffles to deflect the sound of clinking bottles, beer kegs, and other disturbances from the delivery of supplies.



Last Thursday morning when a truck encountered a chain was across the driveway 15

We are extremely concerned about how management and the City will enforce a new solution.

Just last week there was a chain across the entrance to the driveway to prevent deliveries, so the beer truck pulled up along side it, the driver unloaded his kegs, took the clasp off the chain link fence and rolled the kegs down the ramp to the chef who was holding the door open for him.

That same day numerous delivery trucks such as fed ex did the same thing.

All causing noise and vibrations

Parking

- **Reconfiguring existing parking areas – Number of parking stalls**
 - Special permit #392-63 in 1963 required parking for 300 cars
 - Currently 216 stalls - Not nearly enough
 - Petitioner’s proposed plans refer to a 458 seat restaurant .
 - Petitioner wants to decrease the number of available spaces by 55 (Phase 1) and still further by 75 (Phase 2)?
 - Already patrons are parking in our lot and on neighborhood streets.
 - Awning = more events, more patrons, more cars
 - Change of Zone/Map Change = less parking spaces

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For the Record I am Lynne Sweet, 416 Grove Street Unit A-3. Tom Rezendes told you who we are, described issues we face and our opinion on the special permit request for changes to the service area. I’ll comment briefly on the changes requested to parking, landscaping and wireless and will make a request for conditions to be included in any approved changes to the special permit. **We were not provided with the parking study referred to in the proponents presentation.**

- 1) **The special permit required 300 spaces, there are not 300 spaces.**
- 2) **They hotel has 191 room plus 458 seat restaurant license.**
- 3) **There are only 216 stalls.**
- 4) **The outdoor awning = more events = more patrons = more cars**
- 5) **The change of zone = less parking spaces**

On parking, the request is to add more seats to the restaurant and decrease the number of parking spaces. There are not enough spaces today as evidenced by cars parking on nearby streets, in our parking lot and in areas of the hotel not designated for parking. The numbers they are suggesting just do not add up.

The parking issues are not all caused by hotel guests, they are caused primarily by restaurant, bar and event guests, an issue that is increased in June, July and August with the extra space added by the pool deck.

The following pictures were taken in one night in June and illustrate that the current

number of spaces is not sufficient, never mind a reduction as requested.



The next three pictures were all taken on the same evening in June.

This is just an example of many from this past summer.

This picture shows cars parking in the roadway ramp and blocking the fire lane to the back of the hotel.



6/20/2012 Cars parked on ramp, in fire lane and in loading areas

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This pictures shows cars are having difficulty getting from the parking area to the street because there are cars illegally parked in the fire lane.



Truck could not get into the driveway and blocked the street

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This picture shows that because cars were parked in the fire lane and entry ways, this delivery truck could not pull fully onto the property. Therefore, the rear area of the truck is jutting out onto Grove Street and forcing cars into the center of Grove Street to drive around the truck. In addition, the truck is blocking the pedestrian sidewalk forcing pedestrians to walk in street.

Another example of what we experience as being a neighbor to the hotel occurred just last week I came home at 8:30 pm to a man wondering around our parking lot. When I questioned if he had business at the condo, he said he had attended an event at the Indigo and waiting for his ride?

Parking

Width, stall depth, maneuvering space for end stalls, maneuvering space for aisles

- Per Newton Ordinance, parking stalls are required to be 9 ft. x 19 ft.
- If you don't have sufficient space to maneuver, patrons will take up more than one spot etc.
- The hotel is already challenged with large columns in parking areas.
- There is currently insufficient parking at the site for all of the uses.

We urge you not to provide a waiver for anything to do with the number and size of required parking areas.

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The next request is for an accommodation from parking dimensional requirements. The City of Newton ordinance requires 9X19 parking spaces which is need to park today's *larger SUV-type vehicles*.

In addition, the hotel is challenged by its configuration with columns in each parking deck.

How are they going to create parking spaces by "more efficiently marking the parking deck". What exactly does that mean? Even smaller parking spaces so that cars will be unable to easily maneuver into them? If spaces are too small, cars will take up multiple spaces, its just human nature.

We urge you not to provide a waiver for anything to do with the number and size of required parking areas.

Landscaping

Landscape Screening & Interior Landscaping

- Unclear if this is still occurring per 10.5.2012 loading plan.
- Unclear how this area will be affected by road widening due to potential development at the neighboring property

Provide assurances that there will be a sufficient buffer to screen entrance way and lower floors of hotel from Grove Street (especially screen unsightly trash handling and delivery areas); and that there is sufficient landscaping to break up the mass of the building when viewed from off-site, while preserving site lines.

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Regarding landscaping

There is currently a substantial landscape buffer in the front of the hotel. We don't fully understand what will happen to this area under the Sept. 11 proposal. We are also concerned about what will happen to this buffer area in the event there is a road widening due to development on the neighboring land.

We want assurances that there will be a sufficient buffer to our building as well as safe site lines coming and going from the hotel.

Wireless Communications

- A new device appeared on the front corner of the Hotel roof at the Grove Street/Riverside Station property line last month.
 - We are unaware of a permit and it should be removed.
- Petitioner must provide plans and a written description of all devices on the hotel today to get to a baseline of what is actually on the roof today and allow us to assess risk.
- Very concerned about any new antennae's being placed on the Grove Street side of the hotel due to multiple arrays at one location that could increase the intensity of frequencies and create health hazards.

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Regarding wireless communication devices.

There are numerous apparatus' on the roof of the hotel. We need detailed plans and descriptions of just what is up there so we can establish a base line and assess risk. Not just passing reference that they should all be included in permit.

In fact, a new device recently appeared on the roof facing our property and it should be removed. We are familiar with that portion of the roof due a request made by the owners this past summer.

We have neighbors concerned by the intensity of having so many devices in one area close to our building.

Requested Conditions

- **Short time frame for rectifying the operational deficiencies and structural inadequacies at this site.**
- **Submit detailed written procedures as noted on the following slide.**
- **Enforceable conditions and assurances that the City will enforce them.**

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We can't wait for these matters to be fixed. During deliberations we request the board consider adding the conditions noted herein.

The hotel has been veering from its special permit for years, to the detriment of our residents. As a result, there are many changes requested to the special permit. Their modus operandi is to act first and then ask for forgiveness.

We have had numerous discussions over years with hotel management and their attorney. We have had promises that they hear us and promises of solutions. Then they come back and say the owner won't agree or the solution can't work, or it costs too much money.

In fact, this application is a prime example, they applied for one thing and apparently are applying for something else. Another example is the promise for a back road entrance to the hotel that has never materialized and would solve many of these issues.

Requested Conditions

1. Required Written Procedures Plan

- Management and control of on-site parking in only approved spaces;
- Delivery and removal of supplies, including restricted hours and no vehicle idling;
- Trash disposal and removal, including restricted hours and no vehicle idling;
- Scheduling of events and private parties to assure that vehicles and attendees can be accommodated in compliance with the Special Permit and relevant occupancy limits;
- Busses stopping at the Hotel, including no vehicle idling;
- Preventing backups on Grove Street during the a.m. and p.m. rush hours caused by vehicles turning left into the Hotel driveway (during these times we are unable to enter or exit from our own driveway).

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We don't know what is being applied for from the Sept. 11th application, what has been applied for since, what will happen now, what will happen if there is a zone change.

Let's start the process right with one special permit application that has all the documents and detailed plans included along with a list of all the relief being sought.

Let's fix what is broken, the service delivery and parking and if those matters are resolved, move on to signs, awnings and the change of zone.

It is time to solve these issues once and for all with a written document that has teeth, solutions that are well thought out and viable, and consequences if they do not follow through. We don't want to be the party monitoring them and seeking remedies.

Requested Conditions (cont'd)

2. Their cooking operations call for, and we request that the Special Permit require, an air cleaning and venting system to control the odor.
 - **Pungent and unpleasant cooking odors continue to emanate from the hotel especially during the evening hours.**
3. We request that the seating capacity/occupancy of the restaurant, bar, function rooms, patio areas and any other areas available for congregant eating, drinking, gathering be able to be accommodated by on site parking.
 - **Experience has proven there is insufficient parking available to accommodate the current on-site uses.**
4. The Special Permit should prohibit playing of music and sound equipment other than in the closed interior of the building.

Conclusion

As immediate neighbors, we need to know that there is an enforceable plan and procedures to assure compliance with the Special Permit so that operations at the Hotel we will not continue to adversely affect our daily living.

Thank you for taking our concerns into consideration.

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Thank you Franklin for the use of the computer.
Thank you to our ward 4 alderman for their efforts, advice and support, the chair of land use Ted-Hess Mahan for allowing us this time and the members of the Board of Alderman for your attention and consideration.