

Linda M. Finucane

From: Ann Freedman <anntfreedman@gmail.com>
Sent: Wednesday, October 01, 2014 6:58 AM
To: Linda M. Finucane; Alexandra Ananth; James Freas
Cc: asteinfeld@brooklinema.gov
Subject: Follow-Up of 9/23 Testimony City of Newton Public Hearing

Dear James, Alexandra and Linda,

This email is a follow-up to the Freedman Family abutter testimony at the 9/23 7 PM board of Alderman public hearing regarding proposed amendments to the original special permit issued for the Kessler Woods residential development. Proposed amendments #102-06 (11+12) by Chestnut Hill Realty Development, LLC to the previous special permit for Kessler Woods residential development project #102-06(10). At this public hearing we were given 3 minutes to present our testimony over a broken sound system. Therefore, we are writing this email to document some of our more important concerns given we were time restricted during the recent public hearing.

My testimony began by thanking the Honorable Chairman and Committee Members as well as our Neighborhoods. My name is Ann T. Freedman representing Steven and Ann T. Freedman first time home owners at 71 Rangeley Road, Chestnut Hill 02467. We are abutters to the Kessler Wood development residing in Brookline, Massachusetts. We have resided at this address for approximately 14 years. We attended the 9/23 public hearing to help the City of Newton representatives make an informed decision on Kessler Woods development proposed amendments by Chestnut Hill Realty Development, LLC. We have many years of experience with the Kessler Woods development and Cornerstone developers as abutters attending many meetings over the years. We have significant issues with the proposed Chestnut Hill Realty Development, LLC plans and amendments.

We have reviewed and have been asked to comment. We are formally requesting your help in several areas: special permit issued for Kessler Woods and Chestnut Hill Realty Development, LLC proposed amendments to the Kessler Woods plans and petition to change the special permit.

Special Permit Issued for Kessler Woods

- **Retain abutter rights outlined in original/existing Kessler Woods Special Multi-House Permit If this permit is extended and or amended** - keep all of the terms and conditions set up by the City of Newton Alderman to protect the Brookline abutters in the original Kessler Woods agreement (carryover and apply in full force to any new or amended permit should this permit be extended). Additional consideration should be given to the escrow account to protect abutters from damage and inconvenience. We would also like to explore additional considerations given the potential for disruption and damages to our residence. We bought into a residential community that is being turned into something else. The original plan was a condo development of a lower height and fewer units with less impact/stress to the community (schools, services, safety, traffic etc.), and non-conformity and visibility from our home.
- **Add additional blast plan conditions to the special permit** - among the most significant request that we are making to the City of Newton and all appropriate land use and planning committees when considering extending/issuing the permit, requires a Blast Plan, prepared by a licensed blaster, be submitted for approval by an independent entity that is qualified to review such plans. This will insure that all of the issues noted on Table 1 summary are addressed and that the blast

plan fully reflects actual rock conditions on site. Those existing conditions must be determined in advance via a boring program that will establish depth to rock and depth of rock. Also, mandatory is the performance of a survey of the area to accurately characterize the distance to property lines and structures on adjacent properties. An inventory and condition inspection of all foundations within blast wave proximity should also be performed. Excessive blasting required to this site could disrupt the ground water due to the presence of wetlands near the site.

- **Have an independent geologic engineer review the Kessler Wood site and make recommendations on potential best use and impact on surrounding communities before extending the existing Kessler Wood permit to Chestnut Reality** - we would like an independent geologic engineer to be hired by adjacent communities and/or the City of Newton to represent the abutters and two other communities (Brookline, City of Boston, etc.) in the upcoming hearings to ensure everyone knows what the potential impact is before an extension is granted on this special permit. Our insurance agency leadership/representative made this suggestion given their understanding of potential damages caused by this type of blasting. There are other building projects in the area that have caused issues in foundations etc.. Unfortunately given the privacy rules this information is not available to us in the decision making. While we do not have access to confidential records about foundation issues caused by other projects is there a way for the City of Newton to review the relevant records and factor information into the plans? We also ask that an expert geologic engineer be hired to make an assessment before issuing any changes to the original permit. What if the adjacent towns hire such a person which is a practice in other New England states like Connecticut where we used to live.
- **The height of the proposed building is a major issue given the non-conformity and visibility from their homes at different times of the year due to differences in foliage - we would like to ask the question how should this parcel of land should be used in the future.** We ask the granting authority to consider/ask the question should this permit be granted or is it time to reconsider other options for the land - extend the property as conservancy or park, keep as residential non-multi family housing etc.. Who else might be interested in this land? Does Newton want the town overdeveloped with huge rental and condo units with no real plan disrupting existing residential neighborhoods? What is reasonable for an existing residentially zoned community? Should units not exceed two stories to be respectful of adjacent residential communities?
- **Take a closer look at the adjacent communities traffic issue before issuing a special permit and access for this or any future development being proposed - minimally the City of Newton, City of Brookline, West Roxbury and Jamaica Plain, state of Massachusetts, neighbors.**
- **All independent studies should be completed of our homes before a special permit is granted**

Chestnut Hill Reality (CHR)

- **Proposal** - "the project petitioner, Chestnut Hill Realty Development, LLC, is seeking to amend the existing special permit #102-06(10) for the Kessler Woods Residential Development project and waivers for other design and dimensional controls. The amended proposal is for a four-story, 80-unit, multi-family building. The petitioner is proposing to change the location of the multi-family building, parking areas, driveway, and landscaping. The site is currently zoned Single Residence 2, but will change to Multi-Residence 3 under this proposal. A total of 157 on-site parking spaces are proposed, most of which would be in an underground parking structure." Look more closely at CHR's plans and reputation and impact on Newton and the adjacent communities (Brookline, West

Roxbury).

- **Developer Reputation** - during the 9/23 meeting there was another hearing before the Kessler Woods hearing earlier in the evening there was a mention of concerns about CHR. During the CHR's presentation the comparison to Kessler Woods did not totally add up. It was said during this meeting this proposal is "less invasive" by a Committee Member. A comparison made to previous Kessler Woods Development. We ask does the proposed building program make sense for both the City of Newton and adjacent towns Brookline and West Roxbury? There has been significant development in the Chestnut Hill and Newton areas that have not been factored into CHR plans and petition for change. We ask that attention be placed on what is best for the adjacent communities and the abutters as well as other Newton residents. There are many of these high rise development efforts (apartments and condos) stressing city services including schools and changing our residential neighborhoods that have historic significance.
- **Some very immediate concerns by the Freedman abutter residence:**
 - **What is considered reasonable blasting residential neighborhoods and the potential blasting impacts** - potential for blasting damages (broken foundations and water damage; dirty yards (debris on plants, grass and trees), houses (dust and other damage to the inside and outside of our house). Table 1 is a summary of rock blasting issues that should be addressed on any project where rock will be blasted (e.g., flyrock, shock waves, "trial and error blasting", pre-splitting of rock, blast plans, and specific blasting techniques). We would also like you to ask the question what if this was your living situation with constant blasting and necessary clean-up for an extended period of time when you bought into a residential neighborhood that is being changed even more that what was agreed too in an earlier development plan? Potential damage to your home? Our basement is dry and foundation good. Our insurance agency has taken pictures. We need accountability built into the permit for potential impact of problems caused by a development of this type. We do want water issues in our basement/house. This land has been untouched for years and the potential for damage is likely. Abutter protection is needed in the permit.
 - **What about the access to the , building height, recreation, parking plans and landscaping** - consideration should be given to restricting the number of units and height (not to exceed two stories). The actual height and distance of these buildings from the adjacent communities is still too close and too high. This is like "Godzilla in our back yard". Access to the proposed apartment complex at the crest of the hill poses potential danger to the community, safety and consideration should be given by all three communities this development impacts. Noise associated with a new community (cars, cafe and theater, pools etc.). Consideration should also be given to the age of the plantings and the seasonality. Revisit the limited traffic study to take into account the adjacent communities and City of Newton as well as the state. It is our understanding that the State controls the traffic circle in the neighborhood.
 - **Proof of insurance/certificate before issuing a permit**

Thanks for your help and understanding.

Regards,

Annie T. Freedman, 71 Rangeley Road, Chestnut Hill, Massachusetts 02467, 617 759 3093

Table 1 Rock Blasting Issues

1. **Flyrock** – this is rock that is projected from the blast area if not contained by blast mats. Mitigation includes insuring that the blast area is fully covered with mats, blast design is consistent with targeted rock breakage volume and that protection of adjacent areas is addressed in the Blast Plan
2. **Shock waves** – this is the force sent thru adjacent rock from each blast. These must be quantified and monitored at appropriate distances from the blast areas to insure that no damage to adjacent structures (foundations) is experienced
3. **“Trial and error” blasting** – this is when Contractors approach rock removal without a Blast Plan that details every shot. The approach is that whatever didn’t work on the last blast will be addressed in the next blast. This is very dangerous and cannot be the way blasting in a developed area is performed. Every shot needs to be addressed in a Blast Plan that reflects the type of rock being broken in each specific blast, the volume and face area of each such blast, the anticipated shock wave level and the appropriately design charges for the respective blasts.
4. **Pre-splitting of rock** – should be used to contain the movement of shock waves beyond the volume of rock being broken in specific blasts. Pre-splitting creates a separation of the overall rock mass to isolate the mass being broken from remaining rock and establishes a boundary where shock waves are stopped or significantly reduced
5. **Blast Plans** – need to be prepared by a licensed blaster. These plans will describe each distinct type of blast and will address:

- a. Optimizing the balance between rock properties, explosive energy distribution, and explosive energy confinement for the volume and location of the rock to be broken, the designed charge size, the number of detonations, the direction of blast waves and maximum shock wave, the use of shock wave monitoring.
- b. Consideration for adjusting energy distribution and confinement suitable for the previously established rock properties, including geological abnormality. Such optimization would improve fragmentation and minimization of flyrock, ground vibration, and air blast.
- c. Consideration of potential for flyrock that can originate from the highwall face, bench top, and toe of the blast
- d. Inclusion of computer analysis to set burden, spacing, hole diameter, stemming, subdrilling, initiation system, and type of explosive that used be used to match the characteristics of the rock formation.

6. Research on blasting techniques pretty uniformly indicate that the following items are musts for rock blasting operations:

- a. Proper blast design, documented in Blast Plans
- b. Rock blast shock wave monitoring during all blasts to record shock waves and confirm that they are at or below designed levels
- c. Complete driller-blaster communication
- d. Inspection prior to loading and firing the blast
- e. Removing employees from the blast area
- f. Controlling access to the blast area, and using a blasting sheltie

An experienced driller should detect potential problem areas such as voids, mud seams, incompetent rocks, and other irregularities by observing the progress of drilling. The drill log should include the details of any unusual or exceptional circumstances noticed during drilling. A blaster may need to alter the loading configuration to alleviate potential problems. All of these logs should be checked regularly by an independent inspector.