

CITY OF NEWTON
IN BOARD OF ALDERMEN
BOARD ACTIONS

Monday, December 6, 2010

Present: Ald. Albright, Baker, Blazar, Ciccone, Crossley, Danberg, Fischman, Fuller, Gentile, Harney, Hess-Mahan, Johnson, Lappin, Linsky, Merrill, Rice, Schnipper, Shapiro, Swiston, Yates and Lennon

Absent: Ald. Freedman, Salvucci, & Sangiolo

THE BOARD OF ALDERMEN DISCUSSED AND VOTED THE FOLLOWING ITEMS ON SECOND CALL:

#105-09(2) YANPING SUN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for an accessory apartment in an existing single-family dwelling, including the waiver of landscaping requirements for a parking facility, at 87 WOODWARD STREET, Ward 5, Newton Highlands, on land known as Sec 52, Blk 1, Lot 27, containing approx 12,786 sq ft of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-8(d)(2), 30-19(i)(1), and 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

HEARING CLOSED; LAND USE APPROVED 6-0-2 (Merrill and Schnipper abstaining)

A MOTION TO AMEND THE TEXT OF THE SPECIAL PERMIT BOARD ORDER CONDITION 4(B) AND 4(C), AS NOTED BELOW, WAS MADE AND SECONDED.

b. Submitted a final landscape plan that has been approved by the Director of Planning and Development and the Director of Urban Forestry, which includes snow storage area(s), [including maintenance of a boundary fence, and a commitment to provide on behalf of the petitioner or successor in interest, off-site landscaping in accordance with condition 2.](#)

c. Submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in paper and digital format, [including a certification to the Commissioner of Inspectional Services at the time of issuance of certificate of occupancy attesting to the "continued residence of the owner on the subject property" as also annually, or otherwise required, by Section 30-8\(d\).](#)

A MOTION TO POSTPONE THE ITEM TO A DATE CERTAIN OF NOVEMBER 1, 2010 WAS APPROVED BY VOICE VOTE.

A MOTION TO POSTPONE THE ITEM TO A DATE CERTAIN OF NOVEMBER 15, 2010 WAS APPROVED BY VOICE VOTE.

A MOTION TO POSTPONE THE ITEM TO A DATE CERTAIN OF DECEMBER 6, 2010 WAS APPROVED BY VOICE VOTE.

A MOTION TO SUBSTITUTE THE AMENDED LANGUAGE IN THE ATTACHED DRAFT BOARD ORDER FOR THE AMENDMENTS PREVIOUSLY OFFERED WAS APPROVED BY VOICE VOTE

APPROVED 16 YEAS, 4 NAYS (Ald. Danberg, Johnson, Merrill & Schnipper), 4 ABSENT (Ald. Freedman, Gentile, Salvucci & Sangiolo)

Note: The Chair of the Land Use Committee noted that the petitioner had been contacted by the Planning Department and notified of the amendments, and that they were comfortable with the changes. Ald. Danberg, Johnson, Merrill & Schnipper all stated that they would be voting against the special permit, as it is city ordinance that the owner live in the property where an accessory apartment is being created, and that the owner has not lived there and has not indicated where they intend to live. Ald. Hess-Mahan noted that both City Ordinance and language in the special permit requires that the owner live at the property.

#250-10 HISTORIC CHESTNUT STREET, LLC. petition for a special permit/site plan approval and to extend a nonconforming structure to renovate an existing building and construct an addition to create three residential units and to waive one parking space at 1012-1022 CHESTNUT STREET, Ward 5, Newton Upper Falls, on land known as Sec 51, Blk 6, Lots 15 &16, containing ≈11,530 sq. ft. of land in a district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-15 Table 3, 30-21(a)(2)b), 30-21(b), 30-11(d)(8), 30-19(d) and (m) of the City of Newton Rev Zoning Ord, 2007.

LAND USE APPROVED 6-0 (Harney not voting)

A MOTION TO POSTPONE THE ITEM TO A DATE CERTAIN OF DECEMBER 6, 2010 WAS APPROVED BY VOICE VOTE.

APPROVED 20 YEAS, 0 NAYS, 4 ABSENT (Ald. Freedman, Gentile, Salvucci & Sangiolo)

Note: The Chair of the Land Use Committee informed the Board that the petitioner had supplied the revised plans as required and the Special Permit could now be approved.

#214-10 NEW ENGLAND DEVELOPMENT LLC/NED CHESTNUT HILL SQUARE LLC/G&K LLC/KEY CHESTNUT LLC petition for a change of zone to *Business 4* for parcels located at 200-230 Boylston Street also identified as Section 82, Block 2, Lots 10, 14, 15, 15A, 15B, 15C, 29, 30, 8, 9, 18, currently zoned Business 1, Lot 11, currently zoned Limited Manufacturing, and 13 and 32, currently zoned Multi Residence 2.

LAND USE APPROVED 8-0

APPROVED 20 YEAS, 4 ABSENT (Ald. Freedman, Gentile, Salvucci & Sangiolo)

Note: This item was discussed in conjunction with the following item.

#214-10(2) NEW ENGLAND DEVELOPMENT LLC/NED CHESTNUT HILL SQUARE LLC/G&K LLC/KEY CHESTNUT LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed-use retail and residential development, including an 8-story building containing approx. 91 residential units, approximately 102,000 sq ft of retail (with open air businesses) and restaurant space (over 50 seats), a 60,000 sq ft medical office building, 30,000 sq-ft health club and waivers from associated parking requirements, including but not limited to a multi-level parking facility, driveway width in excess of 25', valet parking, dimensions for handicapped parking stalls, retaining walls of greater than 4' in setbacks, and additional freestanding signs; number of signs; and signs exceeding the allowed square footage at 200-230 BOYLSTON STREET, 7 HAMMELL PLACE LLC, and 114 and 146 FLORENCE STREET, Ward 7, Chestnut Hill, on land known as Sec 82, Blk 2, Lots 8, 9, 10, 11, 13, 14, 15, 15A, 15B, 15C, 18, 29, 30, and 32 containing approx 11.32 acres of land in a *proposed* BUSINESS 4 zoned district. Ref: Sec 30-24, 30-23, 30-15 Table 3, 30-11(7), (8), (9), and (10), 30-19(d)(18), 30-19(f), 30-19(h)(2)c), (4),(5)b), 30-19(m), 30-20(c), 30-20(d)(2), 30-20(i)(4), 30-20(f), 30-20(l) of the City of Newton Rev Zoning Ord, 2007.
LAND USE APPROVED 6-0-2 (Albright and Crossley abstaining)

A MOTION WAS MADE AND SECONDED TO AMEND THE SPECIAL PERMIT BY ADDING A NEW CONDITION #38

Proposed Condition #38

At the completion of Phase I, the petitioner will review the as-built condition with the Commissioner of Inspectional Services in consultation with the Director of Planning and Development to determine to what extent, if any, additional pedestrian amenities (i.e. reconfiguration of existing gathering spaces, width of sidewalks, and similar issues) can be reasonably incorporated consistent with the approved site plan. The petitioner shall not be required to seek amended and/or additional special permits, variances or other relief and shall, further, only be obligated to implement such amenities under the consistency review provision of this special permit.

THE AMENDMENT WAS APPROVED BY VOICE VOTE

A MOTION WAS MADE AND SECONDED TO SUBSTITUTE THE FOLLOWING TEXT FOR FINDING #9

9. In addition to those required by current state laws and building code in effect, the project as proposed incorporates a number of sustainable design measures, which would represent a significant contribution toward the efficient use and conservation of natural resources and energy. These include:

redevelopment of an already developed site, open space in excess of that required in the BU-4 District, light-colored reflective roof membranes, solar-ready construction of Building C, construction and operational phase recycling programs, high efficiency exterior lighting systems, a tenant manual requiring tenant water and energy conservation measures and/or participation in Transportation Demand Management measures, tree shaded parking areas,

stormwater management systems (condition #X) and the petitioner's contributions to the FOG program (condition #X).

In addition, as required by the MA EPA and DOER, the petitioner will also implement a comprehensive strategy to reduce mobile greenhouse gas emissions.

THE SUBSTITUTION WAS APPROVED BY VOICE VOTE

A MOTION WAS MADE AND SECONDED TO AMEND CONDITION #11 AND TO ADD A NEW SECOND PARAGRAPH.

Proposed Amendment to Condition #11

Subject to the provisions hereof and receipt of all of the approvals, the petitioner shall construct the Route 9 sidewalk/landscaped areas proposed in the special permit plan set in front of Building C. The petitioner agrees to seek approval for effective 15' sidewalk/landscaped area (whether owned by MassDOT or petitioner) which areas may include a five (5) foot sidewalk along Route 9, a four (4) foot planted buffer area and a six (6) foot internal sidewalk/walkway, all subject to review and approval by MassDOT after consultation with the City Traffic Engineer and Director of Planning and Development, provided, further the petitioner shall not be required to seek amended and/or additional special permits or variances or other relief in connection with the project.

Condition #11 new second paragraph:

The petitioner agrees to contact the owners and tenants of the Capital Grille and David's Buildings, so called, to discuss expanding the sidewalks adjacent to such buildings and to the extent such owners and/or tenants consent, and such expansion does not result in zoning or other violations, to implement improved sidewalk conditions at their frontage.

THE MOTION TO AMEND CONDITION #11 AND TO ADD A SECOND PARAGRAPH WAS APPROVED BY VOICE VOTE

APPROVED AS AMENDED 20 YEAS, 4 ABSENT (Ald. Freedman, Gentile, Salvucci & Sangiolo)

Note: A presentation by the Planning Department (attached) was provided which was well received and a lengthy discussion was undertaken on this item.

It was asked if there was a difference between the meanings of will and shall as used in the Special Permit. The Land Use Committee Chair responded that they have the same meaning and are synonymous.

It was noted that City staff would be required to put a good deal of time into this project in inspections, planning department reviews, etc. and it was suggested that perhaps in the future some of the revenues to the city from this project could be used to hire staff to assist.

A minor change to the Board Order in Exhibit B - Post Development Traffic Monitoring Program was requested and agreed to by the petitioner and the Land Use Chair. The term

“improved intersections” in the last paragraph of Page 1 and Section a. should read “improved and monitored intersections” to be consistent throughout the document.

It was asked how the height of this development related to other developments in Newton? The Chair of Land Use noted that the residential building will be eight stories high. A Business 4 Zone allows four stories by right, thus the need for the special permit to go up to eight stories. This project will not be as tall as other projects in the area.

Affordable units in this project will be consistent with inclusionary zoning which requires 15% of the units be affordable. The project will have 15 affordable units by the completion of the project.

A question was raised as to why the street was being widened at the entrance. This will allow for two turn lanes into the project to minimize backup and queuing into the travel lanes. An Alderman asked if there were any discussions about traffic problems all along Route 9 from the Wellesley line to Brookline? The Chair of the Land Use Committee noted that the independent Peer Review Traffic Consultant found that this project will have an overall positive impact on Route 9. Some of the Traffic problems east bound on Route 9 during rush hour stem from the on-street parking along Route 9 in Brookline. Newton’s Planning Commissioner has been in contact with Planning Director in Brookline to try and mitigate this problem.

An amendment was offered to add a Condition #38 (text above) which will address concerns regarding open space and pedestrian amenities. Concern was expressed that there is not enough in the current project. The hope is to turn this area into a gathering place. The petitioner agreed to this condition and the text is above. The condition is being offered because although the petitioner had agreed to these things, there was nothing in the Board Order that described it. Concern was expressed that the Commissioner of Inspectional Services should be included in the Review. The Chair of the Land Use Committee agreed and offered an amendment to the motion to add the text in the first line: “*with the Commissioner of Inspectional Services in consultation with the Director of Planning and Development*” which the maker of the motion agreed to. Concern was raised that additional visitor amenities would remove parking spaces. The maker of the motion noted that the actual mix of tenants may lessen the need for the current number of parking spaces. The Land Use Chair noted that if parking spaces were to be removed to accommodate the amenities, the petitioner would have to be back before the Land Use Committee for an amendment to the special permit.

A second amendment was offered to amend Finding #9 in the Board Order (text above). This amendment is to align the text with what was discussed in Committee, and with what the petitioner is required to do by law and what the petitioner is doing in addition to the legal requirements. It was noted that the petitioner is in agreement with this amendment and it had been reviewed by the Law Department.

A third amendment was offered to amend Condition #11 (text above). This amendment has to do with the creation of a sidewalk along Route 9 and pedestrians making their way along Route 9. The amendment will provide 15’ of sidewalk of which the MassDOT will take control of 5’ along Route 9 and the balance will be the responsibility of the petitioner. This additional footage

will provide for sidewalk further away from the traffic which may be separated by a planting strip or other buffer. It will also require the petitioner to ask the owners of the Capital Grille and David's Buildings to do the same thing. Concern was raised as to how the additional 5' of sidewalk space would be accommodated on the site. The maker of the motion stated that this additional footage is coming out of buffered landscaping that was to be put next to the building.

Several Aldermen noted that this had been a long process. There will be major improvements along Route 9, including improvements at the jug handle at Langley, and the Parker Street turns. It is also making significant improvements to the sidewalks in the area. The project will provide a new source of tax revenue for the City, and although it is not ideal, it is a very good project for Newton, and will be an asset for the community.

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEAS, 0 NAYS, 3 ABSENT (Ald. Freedman, Salvucci & Sangiolo) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:

REFERRED TO LAND USE COMMITTEE

Tuesday, November 16, 2010

- #215-10 CLEAR WIRELESS, LLC/CAPASSO ASSOCIATES LIMITED PARTNERSHIP petition to install 3 panel antennas and 2 wireless backhaul dishes within a stealth chimney on the roof of an existing apartment building at 199 LEXINGTON STREET, Ward 4, Auburndale, on land known as SBL 41, 31, 18A, containing ≈40,189 sf of land in a district zoned MULTI RESIDENCE 2. (Ref: Sec 30-24, 30-23, 30-18(A)(f) of the City of Newton Rev Zoning Ord, 2007.
LAND USE APPROVED 6-0

REFERRED TO LAND USE COMMITTEE

Tuesday, November 23, 2010

- #278-10 MARK & JANE CONROY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to alter a NONCONFORMING USE/STRUCTURE from a mixed-use funeral home with 2 residential units to a 3-family residential use at 439 WASHINGTON STREET, Ward 1, Newton Corner, on land known as SBL 12, 6, 7, containing ≈4,516 sq. ft. of land in a district zoned BUSINESS 2. Ref 30-24, 30-23, 30-21(a)(2)b), 30-21(b), 30-11(d), 30-19(m) of the City of Newton Rev Zoning Ord, 2007.
LAND USE APPROVED 8-0

- #266-10 BILL'S HOUSE OF PIZZA/B&E BEACON REALTY, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a restaurant in excess of 50 seats (from 33 to 57 seats) and to waive 9 parking stalls at 751-753 BEACON STREET, Ward 6, Newton Centre, on land known as SBL 61, 27, 20, located in district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-19(c)(3), (d)(9) and (13), 30-19(m) of the City of Newton Rev Zoning Ord, 2007.
LAND USE APPROVED 8-0

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, November 17, 2010

- #262-07 ALD. VANCE AND HESS-MAHAN seeking approval by the Board of Aldermen of a home rule petition to the General Court that would authorize an amendment to the charter of the City of Newton that would change the length of terms of the members of the Board of Aldermen to three years and would provide for electing one-third of the aldermen, one from each ward, every year. [08/22/07 @ 3:53 PM]
PROGRAMS & SERVICES NO ACTION NECESSARY 7-0 (Merrill not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #322-10 HIS HONOR THE MAYOR requesting authorization to transfer the sum of forty thousand dollars (\$40,000) from the FY11 Budget Reserve Account to the Department of Veterans Services for the purpose of supplementing the FY11 budget for veterans' benefits. [11/08/10 @ 6:42 PM]
FINANCE TO MEET
PROGRAMS & SERVICES APPROVED 7-0 (Hess s-Mahan not voting)

REFERRED TO PROG. & SERV. AND FINANCE COMMITTEES

- #262-10 PRESIDENT LENNON AND ALDERMAN FULLER recommending that the 2010 – 2011 Rules and Orders of the Board of Aldermen be amended to establish a FINANCIAL AUDIT ADVISORY COMMITTEE. The advisory committee will report to the Board of Aldermen through the Finance Committee. The focus of the committee's work will be on the annual financial audit of the City and any other fiscal accountability matters, as deemed important by the Finance Committee, needing review. [09-13-10 @ 1:52 PM]
APPROVED BY FINANCE 7-0 on 9-27-10
APPROVED BY RULES SUBCOMMITTEE 4-0 ON 11-10-10
PROGRAMS & SERVICES APPROVED AS AMENDED 5-0 (Hess-Mahan, Merrill, Fischman not voting)

REFERRED TO PROG. & SERV. AND PUBLIC FACILITIES COMMITTEES

- #271-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that he work with the Board of Aldermen, the Parks and Recreation Department, and the Department of Public Works in order to determine the most effective and efficient way to organize the work of managing our public resources.
PUBLIC FACILITIES VOTED NO ACTION NECESSARY ON 3/8/10
PROGRAMS & SERVICES NO ACTION NECESSARY 7-0 (Hess-Mahan not voting)

#301-10 PROGRAMS AND SERVICES COMMITTEE proposing a Resolution to the Commissioner of Health and Human Services for the purpose of increasing the tobacco seller's license fee.
PROGRAMS & SERVICES NO ACTION NECESSARY 7-0 (Hess-Mahan not voting)

#363-09 ALD. SANGIOLO requesting a discussion to increase the tobacco seller license fee.
PROGRAMS & SERVICES NO ACTION NECESSARY 7-0 (Hess-Mahan not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, November 17, 2010

#319-10 ALD. LINSKY, ALBRIGHT, JOHNSON, HARNEY, HESS-MAHAN, SALVUCCI, YATES, SCHNIPPER, SANGIOLO, SWISTON, CICCONE, GENTILE, LENNON DANBERG proposing a resolution in support of passage of state legislation presently before the Massachusetts State legislature that would reduce the default speed limit on local roadways from 30 mph to 25 mph.
PUBLIC SAFETY NO ACTION NECESSARY 5-0 (Freedman not voting)

REFERRED TO PUBLIC FAC. & PUBLIC SAFETY & TRANS. COMMITTEES

#35-04 ALD. SAMUELSON AND DANBERG requesting an ordinance amendment to Section 26-8 of the City of Newton Revised Ordinances, 2001 to require all property owners or residents to remove snow from sidewalks abutting their property.
PUBLIC FACILITIES NO ACTION NECESSARY 8-0 on 12/09/09
PUBLIC SAFETY NO ACTION NECESSARY 5-0 (Freedman not voting)

A MOTION TO SUSPEND THE RULES TO ALLOW THE FINANCE COMMITTEE CHAIR TO REPORT ON THE FOLLOWING ITEMS, TAKEN UP EARLIER IN THE EVENING, WITHOUT A WRITTEN REPORT WAS APPROVED BY VOICE VOTE

REFERRED TO FINANCE COMMITTEE

Monday, December 6, 2010

#320-10 HIS HONOR THE MAYOR requesting authorization to expend eight thousand five hundred eighty-eight dollars and ninety cents (\$8,588.90) from the Law Department's Judgments and Settlements account as full and final settlement of a civil claim filed against the City as a result of a collision between a City backhoe and a private vehicle. [11/08/10 @ 6:46 PM]
FINANCE APPROVED 6-0

- #321-10 HIS HONOR THE MAYOR requesting authorization to expend the sum of forty thousand dollars (\$40,000) from the Workers' Compensation School Lump Sum Account for the purpose of settling a Workers' Compensation claim for an injury sustained by an employee of the Parks and Recreation Department on August 18, 2007. [11/08/10 @ 6:44 PM]
FINANCE APPROVED 6-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #322-10 HIS HONOR THE MAYOR requesting authorization to transfer the sum of forty thousand dollars (\$40,000) from the FY11 Budget Reserve Account to the Department of Veterans Services for the purpose of supplementing the FY11 budget for veterans' benefits. [11/08/10 @ 6:42 PM]
PROGRAMS & SERVICES APPROVED 7-0 (Hess-Mahan not voting)
FINANCE APPROVED 6-0

REFERRED TO PROG. & SERV. AND FINANCE COMMITTEES

- #262-10 PRESIDENT LENNON AND ALDERMAN FULLER recommending that the 2010 – 2011 Rules and Orders of the Board of Aldermen be amended to establish a FINANCIAL AUDIT ADVISORY COMMITTEE. The advisory committee will report to the Board of Aldermen through the Finance Committee. The focus of the committee's work will be on the annual financial audit of the City and any other fiscal accountability matters, as deemed important by the Finance Committee, needing review. [09-13-10 @ 1:52 PM]
APPROVED BY FINANCE 7-0 on 9-27-10
APPROVED BY RULES SUBCOMMITTEE 4-0 ON 11-10-10
PROGRAMS & SERVICES APPROVED AS AMENDED 5-0 (Hess-Mahan, Merrill, Fischman not voting)
MOTION IN FINANCE TO SUBSTITUTE THE PROGRAMS & SERVICES AMENDED TEXT FOR THE FINANCE VOTE WAS APPROVED 6-0

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEAS, 0 NAYS, 3 ABSENT (Ald. Freedman, Salvucci & Sangiolo), 1 EXCUSED (Ald. Fischman) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING TWO ITEMS:

- #248-10 SCONNIX REALTY TRUST/ATS – NEEDHAM, LLC petition to amend and consolidate special permits and site plans approved via prior special permit nos. 105686, April 5, 1954, 781-73(2) and 462-05 and to extend a nonconforming structure/use (tower/transmission station) for existing equipment and the addition of a satellite earth station antenna at 1165 CHESTNUT STREET, Ward 5, Newton Upper Falls, on land known as SBL 51, 45, 5, containing ≈330,000 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-18(c)(2), 30-18(A)(e)(5), 30-18(e)(7)d, 30-18(A)(e)(8), 30-18(A)(f), 30-21(b), 30-8(b)(9), 30-9(b)(1) of the City of Newton Rev Zoning Ord, 2007.
LAND USE APPROVED 5-0 (Fischman recused)

- #8-10 CLEAR WIRELESS, LLC/AMERICAN TOWER petition to add a wireless antenna installation to an existing tower consisting of 3 panel antennae at the height of 115 feet and 9 wireless backhaul dishes at 250 feet in height, plus an ancillary ground-level equipment cabinet at 1165 CHESTNUT STREET, Ward 5, on land known as Sec 51, Blk 45, Lot 5, containing approx 284,000 of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-18(A)(e)(3), (f) of the City of Newton Rev Zoning Ord, 2007 and board order nos. 105686, 781-73(2), 33-99(2), and 462-05.
LAND USE APPROVED 5-0 (Fischman recused)

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:

Public Hearing assigned for January 11, 2011:

- #350-10 PR REALTY TRUST, PEGGI ROBERT, TRUSTEE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NONCONFORMING STRUCTURE to expand an existing two-family dwelling into a three-family dwelling; to waive one parking space; and, to waive the required driveway access of 12 feet at 175 ALLERTON ROAD, Ward 6, on land known as SBL 52, 24, 6, containing ≈8,530 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. REF: Sec 30-24, 30-23, 3021(a)(2)b, 30-21(b), 30-19(d)(2), (g)(3) and (m) of the City of Newton Rev Zoning Ord.

Public Hearing assigned for January 11, 2011:

- #268-02(2) DANIEL HAVERTY/KENMORE REALTY CORPORATION petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a restaurant having over 50 seats (increase from 48 to 76 seats) and to waive the additional number of parking spaces (3) required for a restaurant located at 1349 WASHINGTON STREET, Ward 3, on land known as SBL 33, 12, 1, in a district zoned Business 1. (Ref: Sec 03-24, 30-23, 30-11(d)(9), 30-19(c)(2), (3), and (d), 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

Public Hearing assigned for January 11, 2011:

- #351-10 JON B. HOLLINGSWORTH petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to permit a 2-story detached garage of more than 700 sq. ft (982 sq. ft.) and allow 2 dormers to be located two feet from the vertical plane of the side wall of the garage at 373 LEXINGTON STREET, Ward 4, on land known as SBL 14, 17, 12, containing ≈10,030 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15(m)(5)C) (t)(3), (m)(3) of the City of Newton Rev Zoning Ord, 2007.

Note: The Land Use Committee approved this item on October 5, 2010; on October 18, Alderman Baker offered a motion to amend b. and c., shown underlined in the text below. That motion was on the floor of the Board when the item was postponed on October 18, again on November 1, and yet again on November 15.

DRAFT
#105-09(2)

CITY OF NEWTON
IN BOARD OF ALDERMEN
December 6, November 1~~October 5~~, 2010

ORDERED:

That the Board, 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 to allow an accessory apartment in an existing single-family dwelling ~~including a waiver for landscaping requirements for a parking facility~~, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Ted Hess-Mahan:

1. The proposed accessory apartment is an appropriate use in this location and will not adversely affect the neighborhood for the following reasons:
 - a. The addition of the accessory unit will not require changes to the exterior of the structure.
 - b. Convenience and safety of vehicular and pedestrian movement within the site to adjacent streets will not be adversely impacted as a result of the proposed accessory apartment.
 - c. The addition of an accessory apartment is consistent with the *Newton Comprehensive Plan* and will increase the diversity of housing options in Newton.

PETITION NUMBER: #105-09(2)

PETITIONER: Yanping Sun

LOCATION: 87 Woodward Street, Ward 5, Section 52, Block 1, Lot 37 containing approximately 12,786 sq. ft. of land

OWNER: Yanping Sun

ADDRESS OF OWNER: 87 Woodward Street, Newton, MA 02461

TO BE USED FOR: Addition of an accessory unit within the existing single-

family dwelling.

CONSTRUCTION: Wood-framed

EXPLANATORY NOTES: Section 30-8(d)(2), to allow an accessory apartment in a legal one-family owner-occupied residence.

ZONING: Single Residence 2 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:

- “Site Plan, Sun Residence, 87 Woodward Street, Newton, MA, Accessory Unit”, Sheet SE-1, dated June 22, 2009 and revised March 1, 2010, stamped by Benjamin Abrams, Professional Engineer.
- “First Floor Plan, Sun Residence, 87 Woodward Street, Newton, MA, Accessory Unit”, dated June 22, 2009, Sheet A-2.
- “Second Floor Plan, Sun Residence, 87 Woodward Street, Newton, MA, Accessory Unit”, dated June 22, 2010, Sheet A-3.

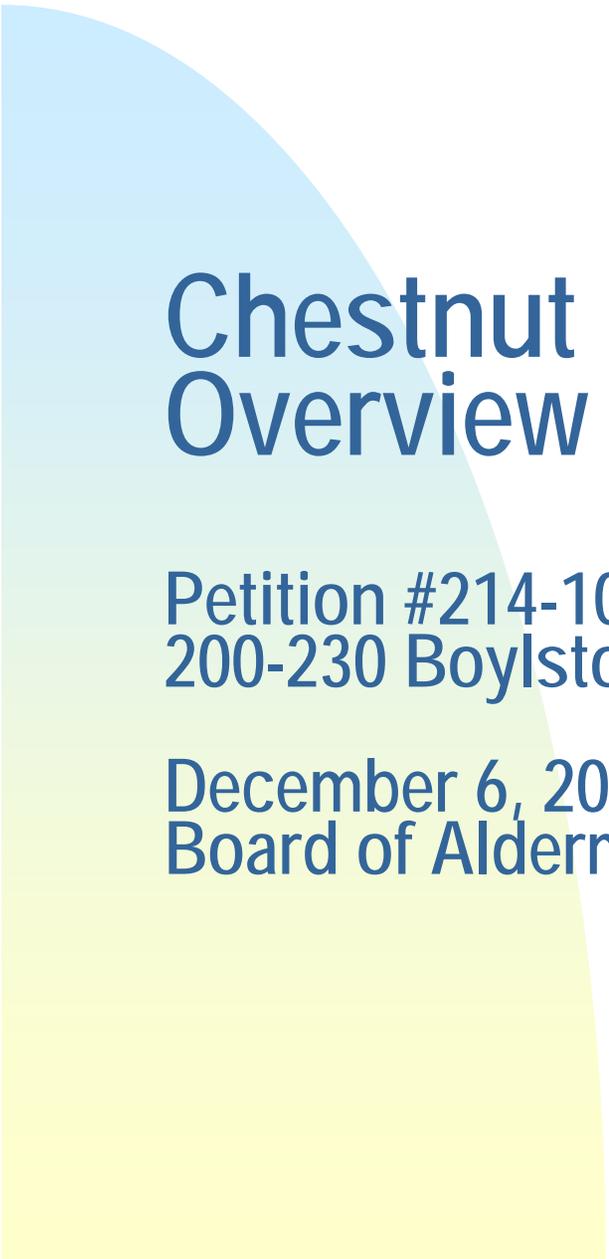
2. The petitioner shall maintain the existing chain link fence along the driveway. The petitioner shall install, at her sole expense, landscape screening on 95 Woodward Street along the chain link fence to provide visual screening as if requested ~~to do~~ by the owner of 95 Woodward Street.

The petitioner shall consult with the owner of 95 Woodward Street regarding the type, size, and location of the landscape screening to be installed. If installation of the visual screening has not been requested prior to the issuance of the certificate of occupancy, the petitioner shall notify the owner of 95 Woodward Street of the date on which the certificate of occupancy is issued under this special permit, and the owner of 95 Woodward Street shall have one (1) year in which to request the installation of such screening following the issuance of a certificate of occupancy, or the petitioner's obligation to install such landscape screening shall terminate. Once installed, the owner of 95 Woodward Street shall assume all responsibility for the maintenance of this landscape screening.

3. No building permit shall be issued pursuant to this special permit/site plan approval until the petitioner has:

- a. Recorded a certified copy of this board order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County.
- b. Filed a copy of such recorded Board Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
- c. Provided proof that the property is owner occupied as well as an affidavit attesting to the owner's residency at the property. -

- d. Obtained a written statement from the Director of Planning and Department Development that confirms the building permit plans are consistent with plans approved in Condition #1.
 - e. Submitted a final landscape plan for review and approval by the Director of Planning and Development and by the Newton Director of Urban Forestry showing the addition of landscape screening on 95 Woodward Street along the chain link fence. Such plan shall also indicate where snow storage areas will be located on the subject property.
4. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. ~~Submitted a final landscape plan that has been approved by the Director of Planning and Development and the Director of Urban Forestry, which includes snow storage area(s), maintenance of a boundary fence, and a commitment on behalf of the petitioner or successor in interest to provide off site landscaping in accordance with condition 2.~~Installed landscape screening in accordance with Condition 2 or complied with Condition 4(e).
 - c. Submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in paper and digital format, including a certification to the Commissioner of Inspectional Services.~~a~~
 - d. Submitted an affidavit attesting to the continued residence of the owner on the subject property. In accordance with the requirements of sec. 30-8(d) of the Zoning Ordinance, such affidavit shall be filed annually on the anniversary of the issuance of the Certificate of Occupancy.
 - e. The Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building prior to the installation of landscaping as required in Condition 2 provided that the petitioner shall first have filed with the Director of Planning and Development 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 work to secure installation of such landscaping.



Chestnut Hill Square: Project Overview

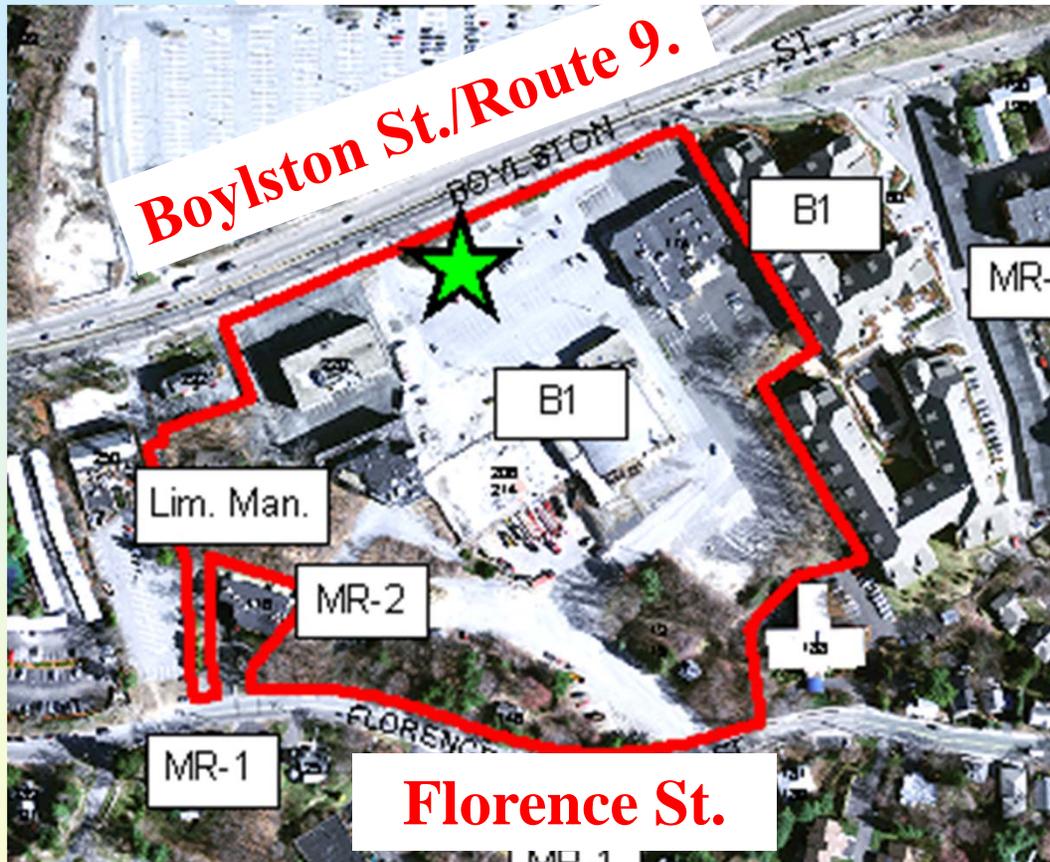
Petition #214-10 & #214-10(2)
200-230 Boylston Street

December 6, 2010
Board of Aldermen

Agenda

- ◆ Existing Conditions
- ◆ Review Process
- ◆ Proposed Rezoning
- ◆ Proposed Project and Site Plan
- ◆ Access and Traffic Improvements
- ◆ Open Space
- ◆ Accessibility
- ◆ Signage
- ◆ Sustainability

Existing Conditions



- ◆ 11.32-acre site
- ◆ 11 parcels (13 proposed to be rezoned)
- ◆ Zoned Business 1, Limited Manufacturing, Multi-Residence 2
- ◆ Improved w/ 5 commercial buildings
- ◆ Surface parking
- ◆ Vehicular access from both Boylston St (Route 9) and Florence St

Proposed Project

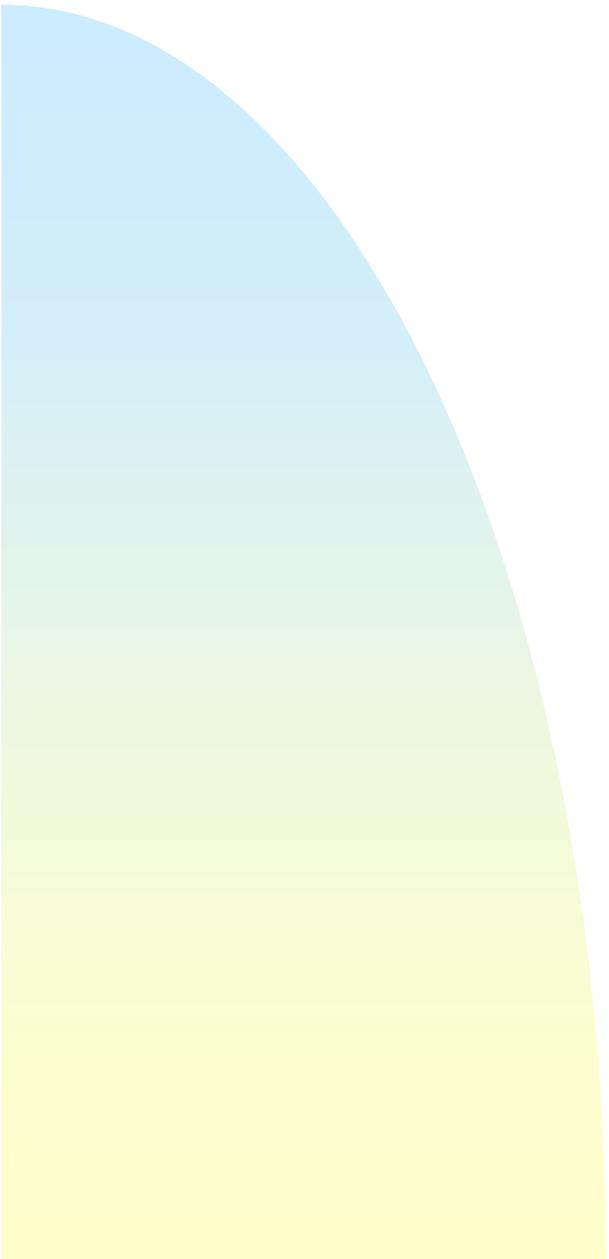
Boylston St./Route 9.



Florence St.

- ◆ Request rezoning to Business 4
- ◆ Special permit for mixed- use development

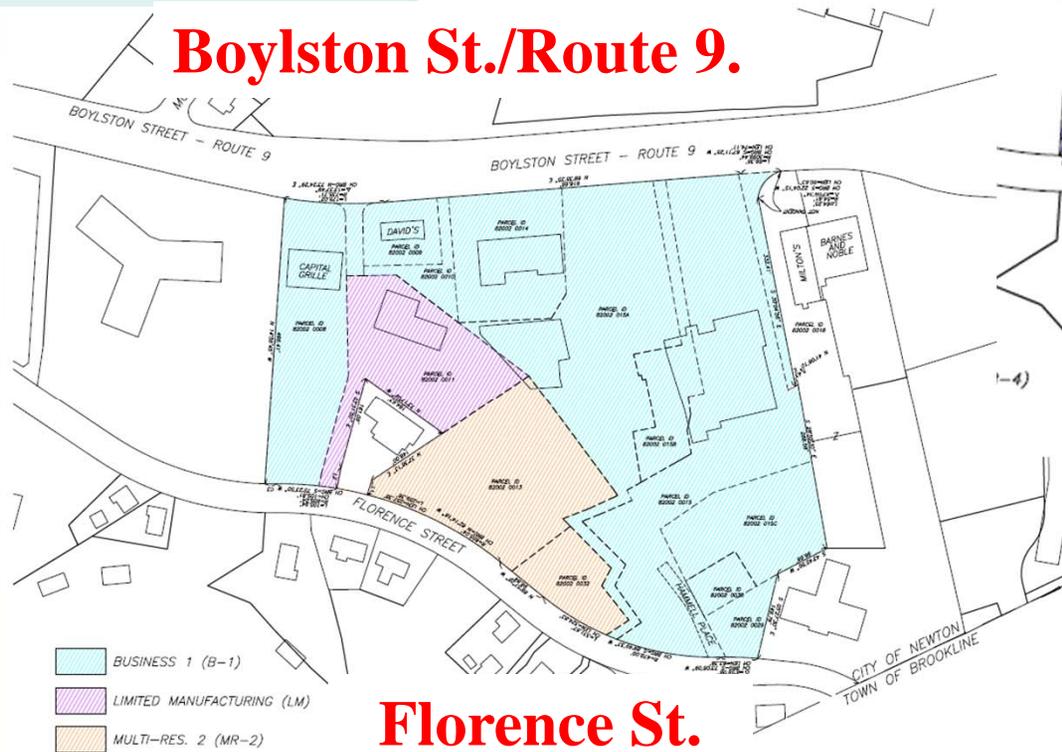
Review Process

- 
- ◆ Neighborhood meetings
 - ◆ State MEPA review process
 - ◆ Coordination with MassDOT, DCR and DEP
 - ◆ Local Special Permit Review Process

Rezoning

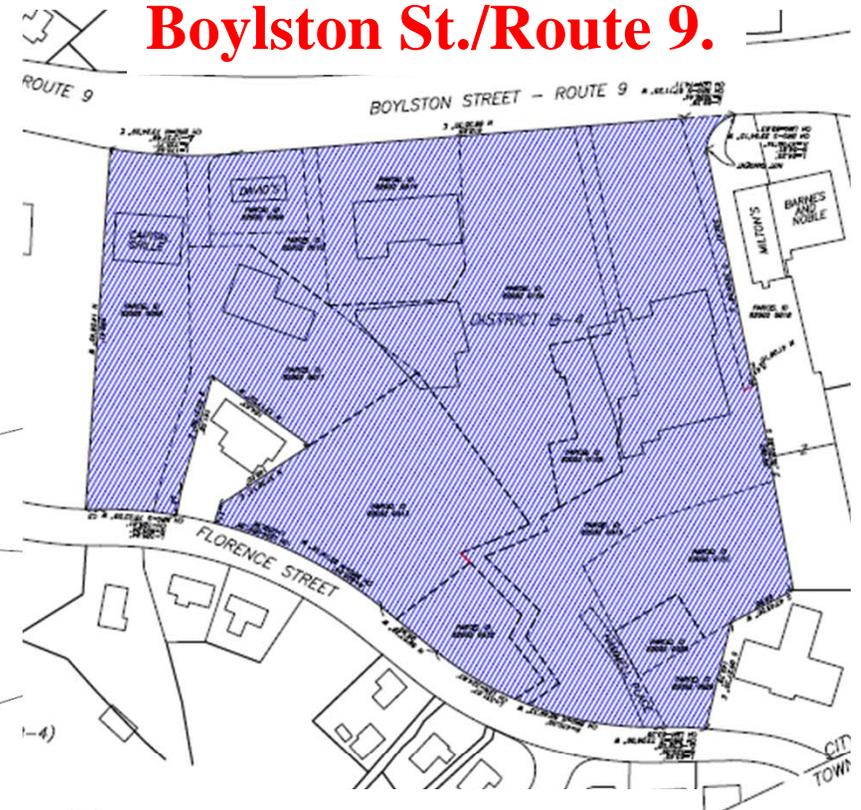
- ◆ Rezoning 13 Parcels
- ◆ Project consists 11 parcels to be merged

Boylston St./Route 9.



Florence St.

Boylston St./Route 9.



Florence St.

Proposed Site Plan

Boylston St./Route 9.



Florence St.

◆ 4 Buildings + Garage

- ◆ **Building A** - 5-story
MU 176,749 sf
- ◆ **Building B** - 1-story
retail 11,844 sf w/
garage behind
- ◆ **Building C** - 1-story
retail 42,995 sf
- ◆ **Building D** - 8-story
res. & retail 120,902

◆ 908 Total parking spaces

Phased Construction



Boylston St./Route 9.

Florence St.

◆ Phase I: Buildings A, B & C

- ◆ 103,000 sf retail & restaurant
- ◆ 51,000 sf grocery
- ◆ 30,000 sf health club
- ◆ 61,000 sf medical office building

◆ 245,000 Total sf

- ◆ 691 at-grade parking stalls

◆ Phase II: Building D & Garage

- ◆ Up to 100 residential units
- ◆ 392 structured parking spaces

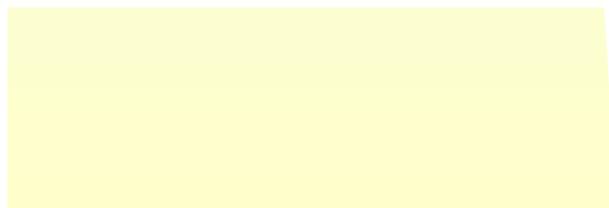
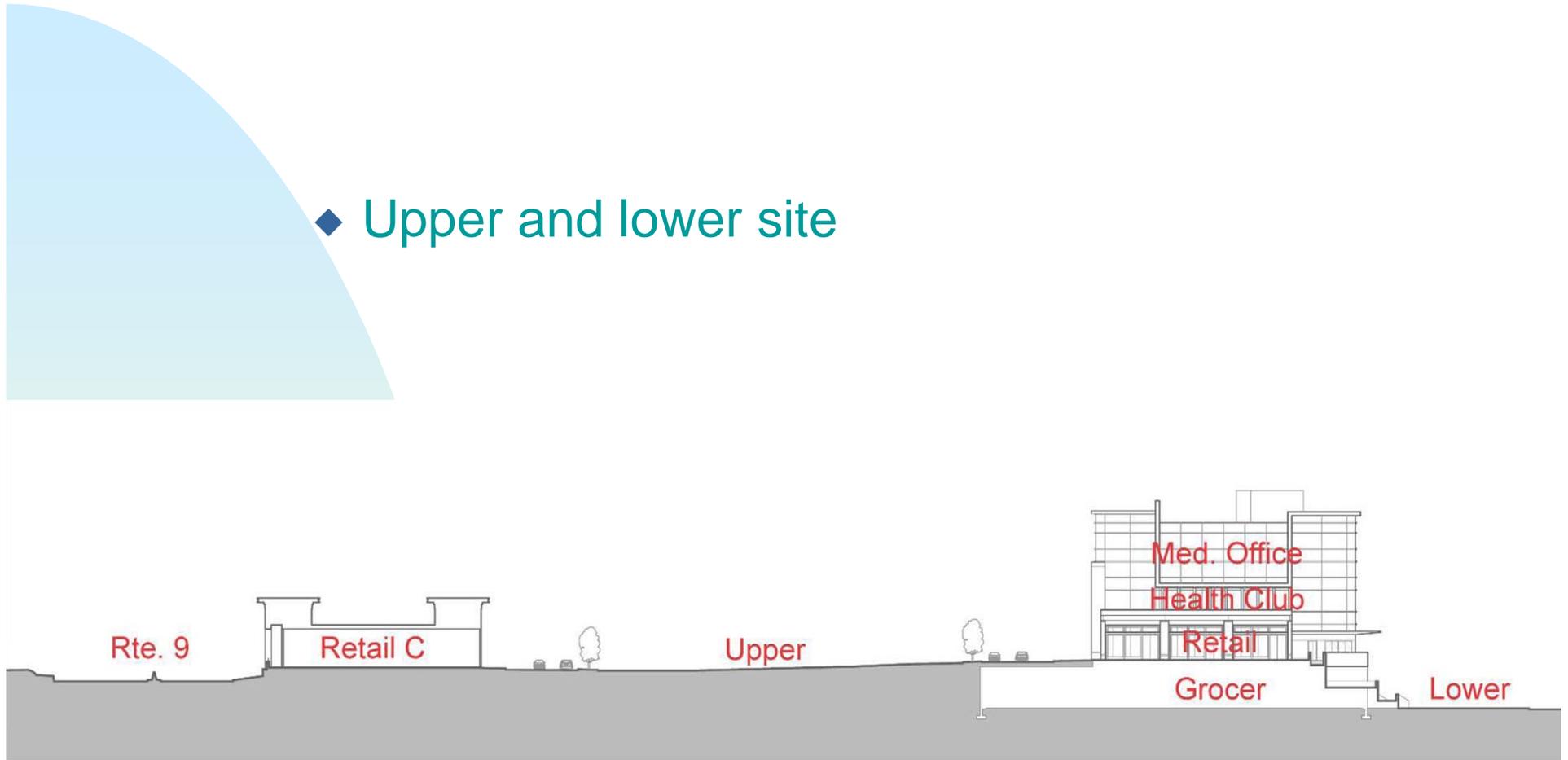
Peak Site Usage by Land Use

**5-7 PM
Peak**

- ◆ General retail: Noon and 5-7 PM weekdays; 1-3 PM Saturdays
- ◆ Restaurants: Noon and 6-8 PM weekdays; 1-3 PM Saturdays
- ◆ Grocery Store: Noon and 5-7 PM weekdays; 9-11 AM Saturdays
- ◆ Health Club: 8-9 AM weekdays and Saturdays
- ◆ Medical Office: 9-11 AM and 1-3 PM weekdays; closed weekends
- ◆ Residential: 7-9 AM and 4-6 PM weekdays; 10-noon Saturdays

Site Section

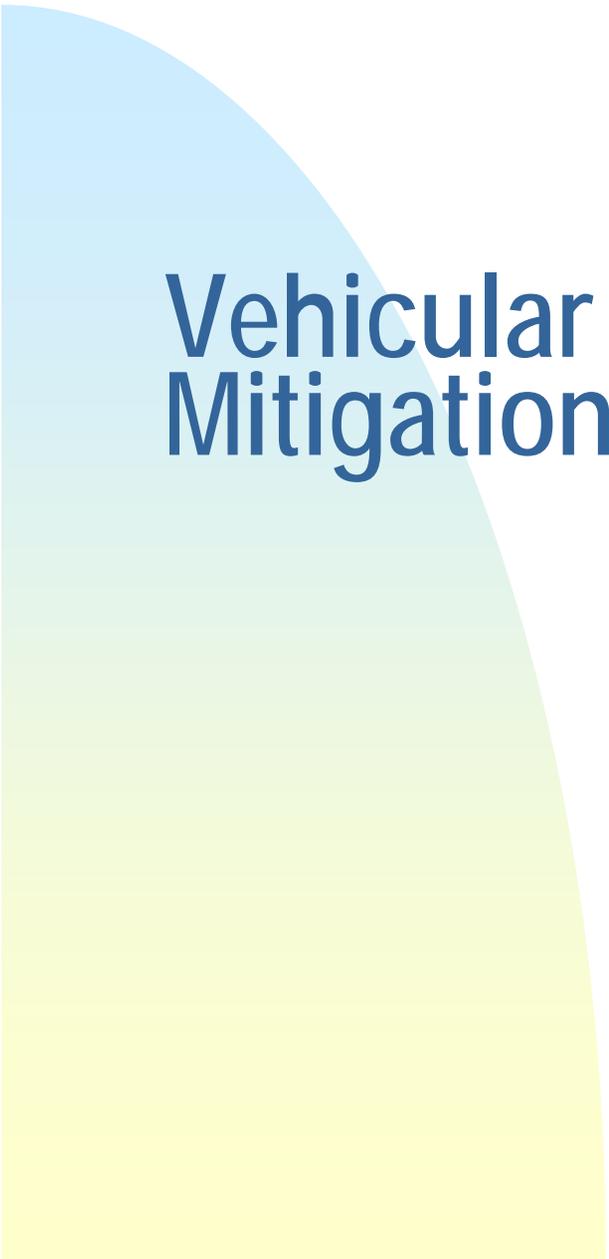
◆ Upper and lower site



Aerial View

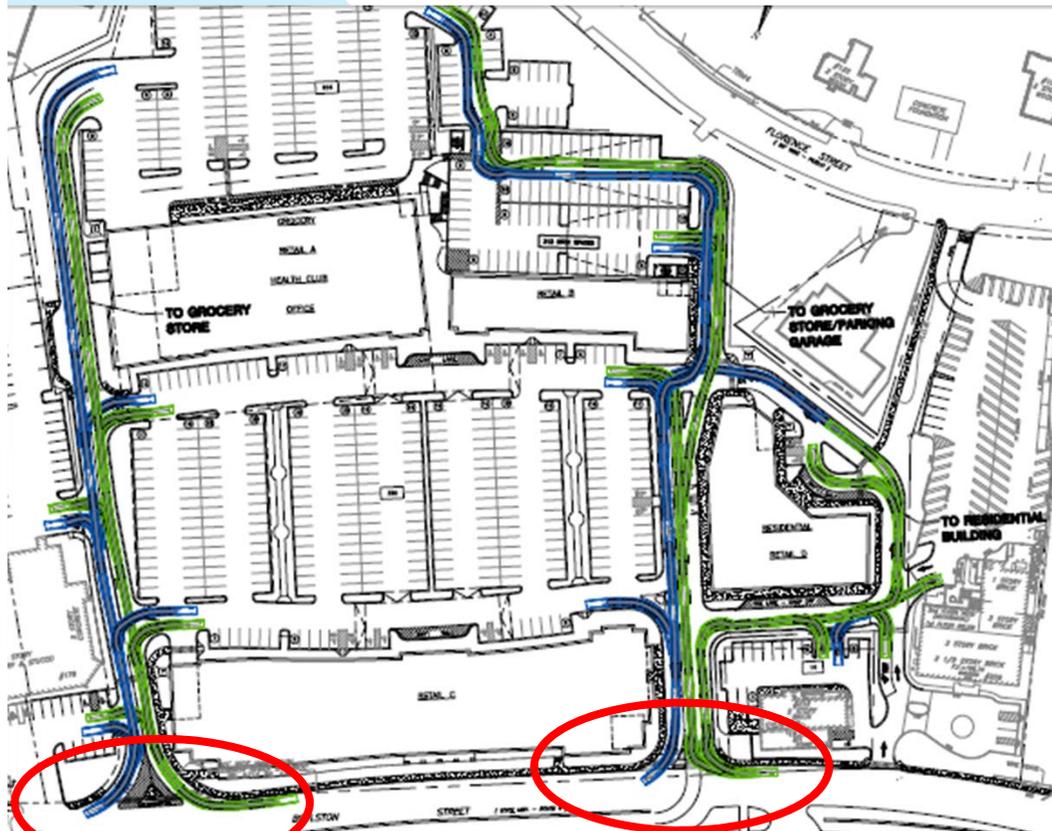


Boylston St./Route 9.



Vehicular Access and Project Mitigation

Proposed Access



Boylston St./Route 9.

- ◆ All vehicular access from Route 9 by way of 2 driveways including:
 - ◆ Primary signalized access just east of driveway serving Chestnut Hill Mall (two lanes in ~ one out)
 - ◆ Easternmost exit near ramp and Milton's & Barnes & Noble access (one lane in ~ one out)

Traffic Studies

Petitioners submitted:

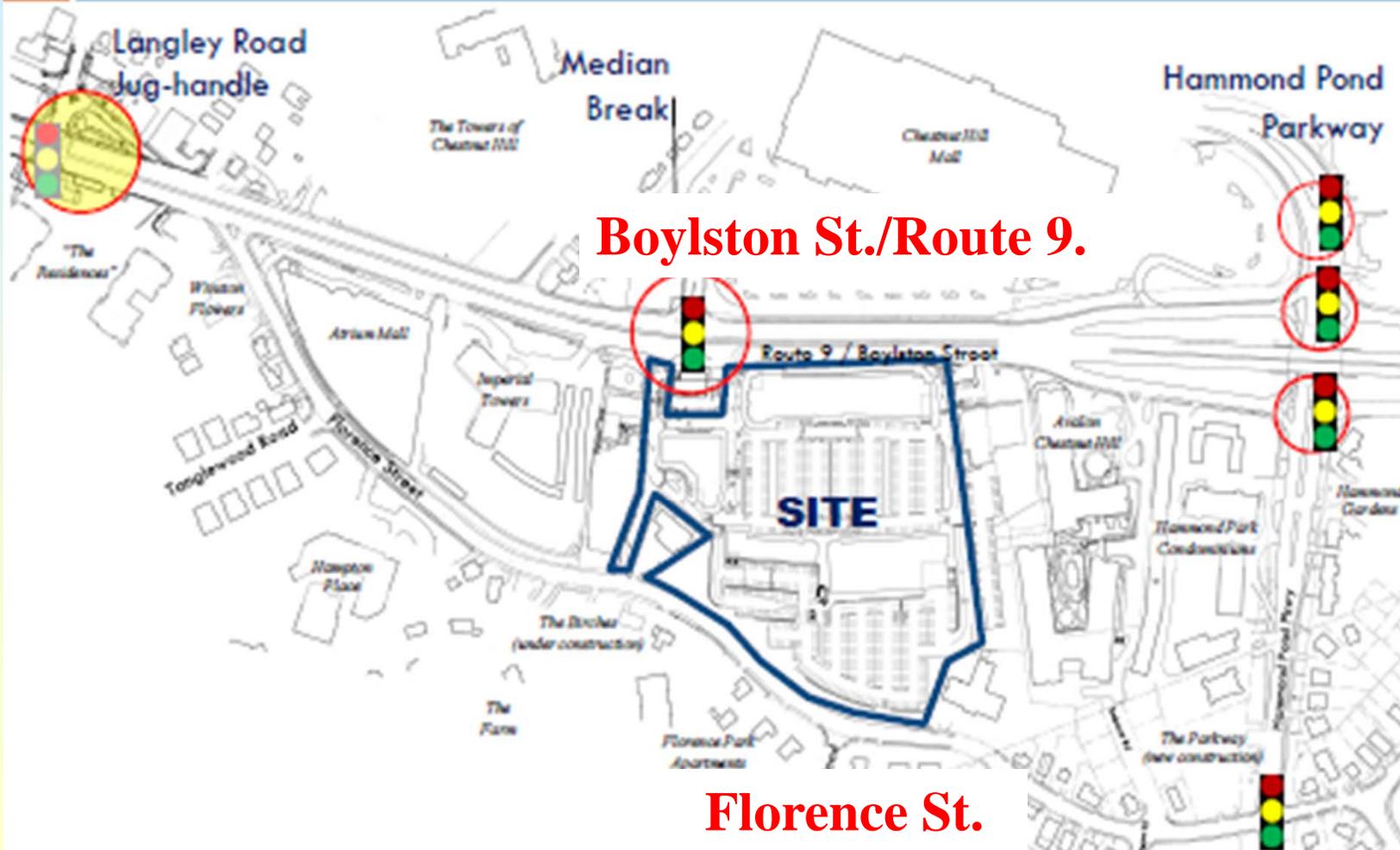
- ◆ Traffic Impact and Access Study
- ◆ Supplemental Traffic Impact Assessment
- ◆ Shared Parking Analysis
- ◆ Transportation Demand Management Plan (TDM)
- ◆ Post Development Traffic Monitoring Program

Peer Review Conclusions

- ◆ Traffic studies reviewed by City Staff and peer traffic consultant
- ◆ Concluded that widening of Route 9 should serve to generally improve operations and reduce vehicle travel time along Route 9 in vicinity of the project site
- ◆ Proposed mitigation at intersections in study area should be a positive for the City as well as serve to improve vehicle safety

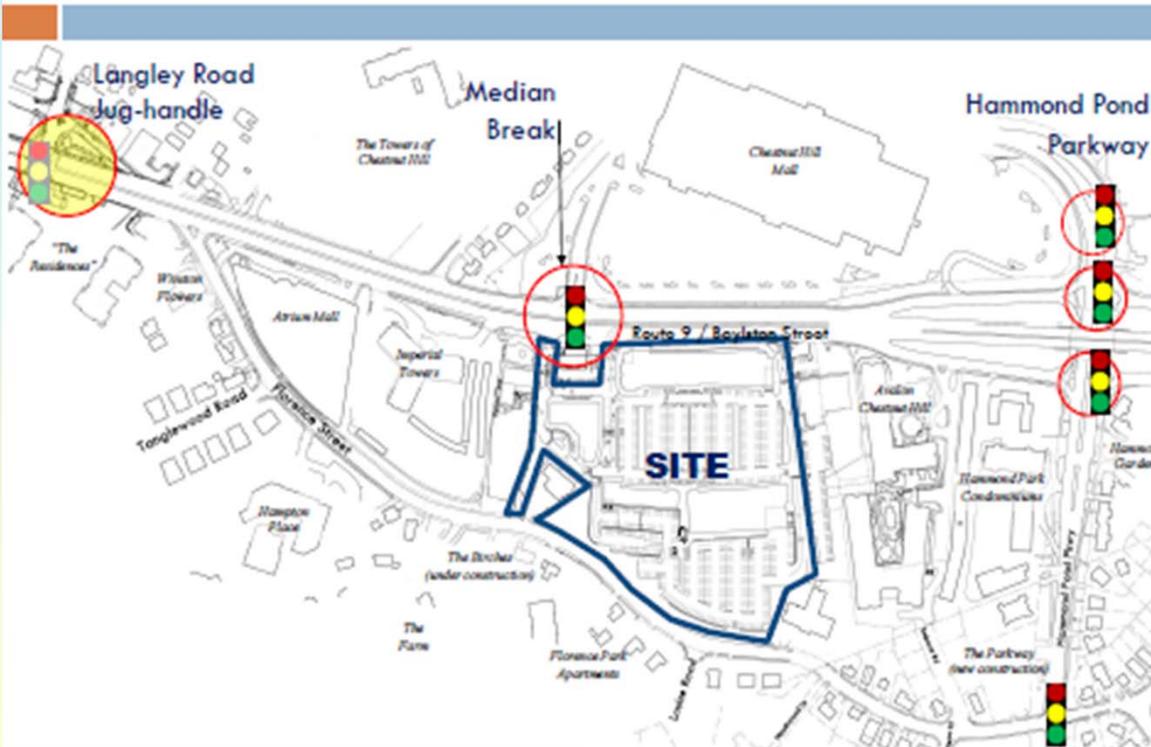
Proposed Traffic Mitigation

Primary Traffic Improvements



Proposed Traffic Mitigation

Primary Traffic Improvements



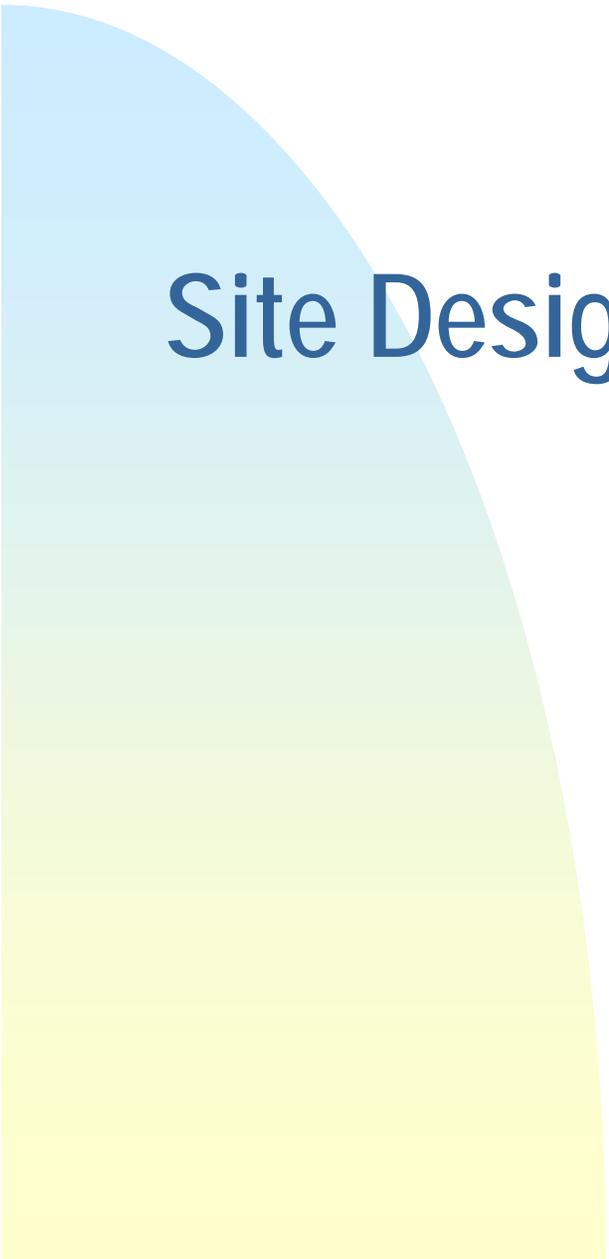
- ◆ Many of proposed changes originate from Route 9 Corridor in Brookline and Newton Report produced by CTPS for Mass Highway Dept 2002
- ◆ Study confirms demand at many intersections exceeds capacity causing delays, backups, and traffic signal cycle failures

Engineering Review

- ◆ Latest Engineering Div. Memo dated November 19, 2010
 - ◆ Water mains sufficient
 - ◆ Drainage mitigated
 - ◆ Developer will install permanent sewer flow meter in Heath/Florence Street sewer at Newton/Brookline line
 - ◆ Agreed to design and construct sidewalks north side of Florence Street in City's right-of-way
 - ◆ Contribute to excessive fats, oils, and grease (FOG) mitigation

Off-Site Mitigation

- ◆ Encouraged by size & number of proposed infrastructure improvements
- ◆ Improvements required to be completed as part of State (MEPA) approval process
- ◆ All mitigation designed and constructed by petitioners with proper approvals *prior to occupancy of Phase I*



Site Design

Open Space and Views along Florence Street



Florence St.

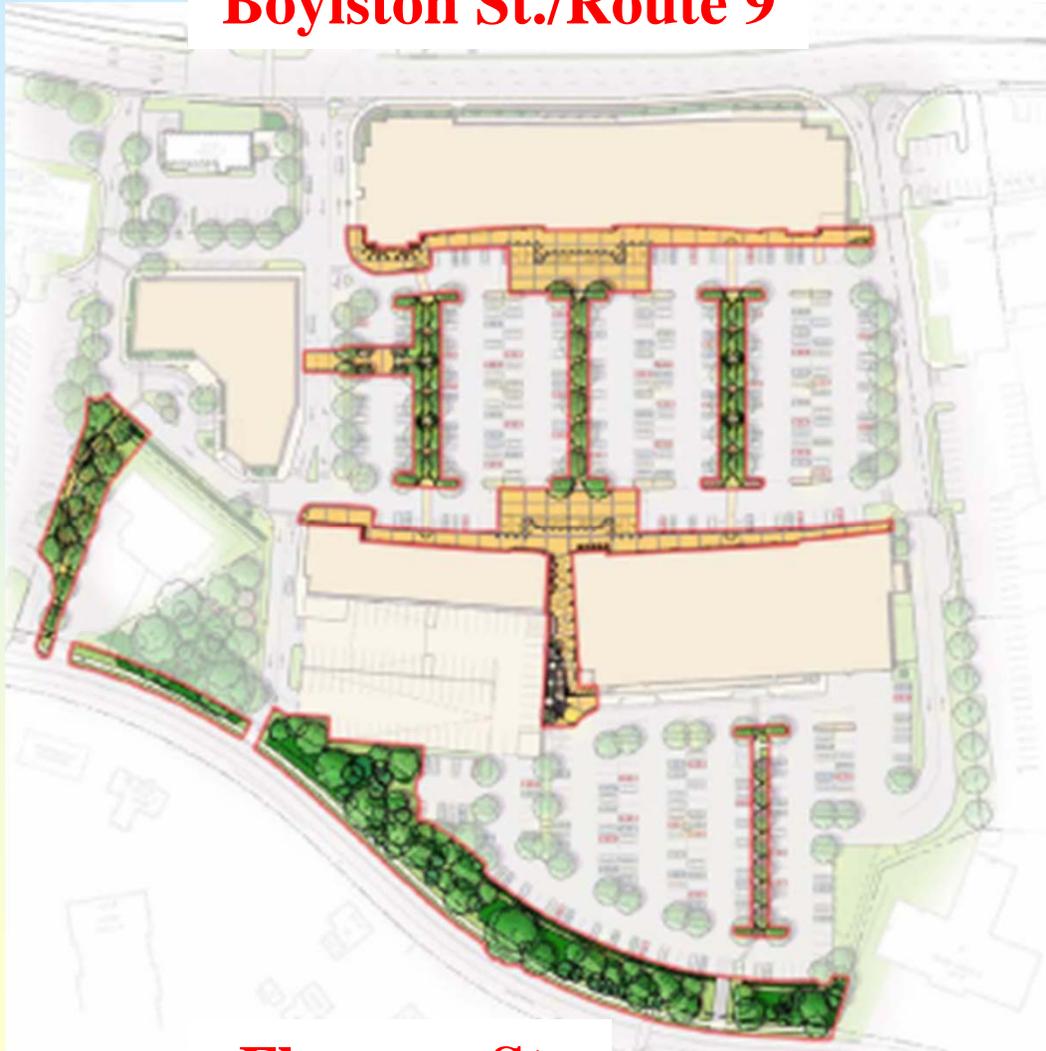
- ◆ Residents want existing vegetation maintained
- ◆ City supportive of petitioners' constructing sidewalk within City's right-of-way



Florence St.

On-Site Open Space

Boylston St./Route 9



Florence St.

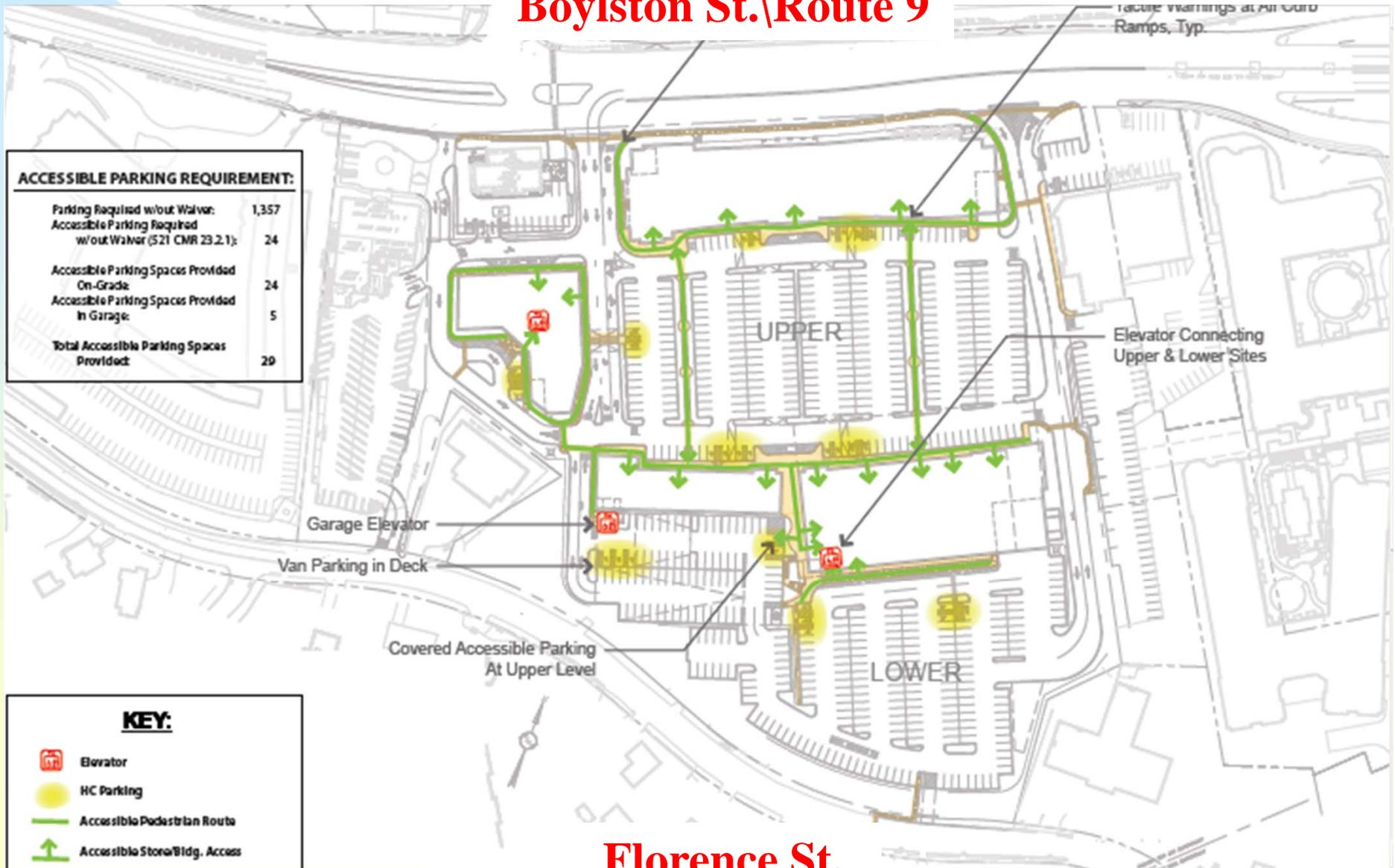
- ◆ 5 landscape/gathering areas including:
 - ◆ Tree-lined walkways through upper and lower parking area
 - ◆ Interior courtyard and raised plaza areas
 - ◆ Residential garden with connection to Florence Street

On-Site Open Space



Accessibility

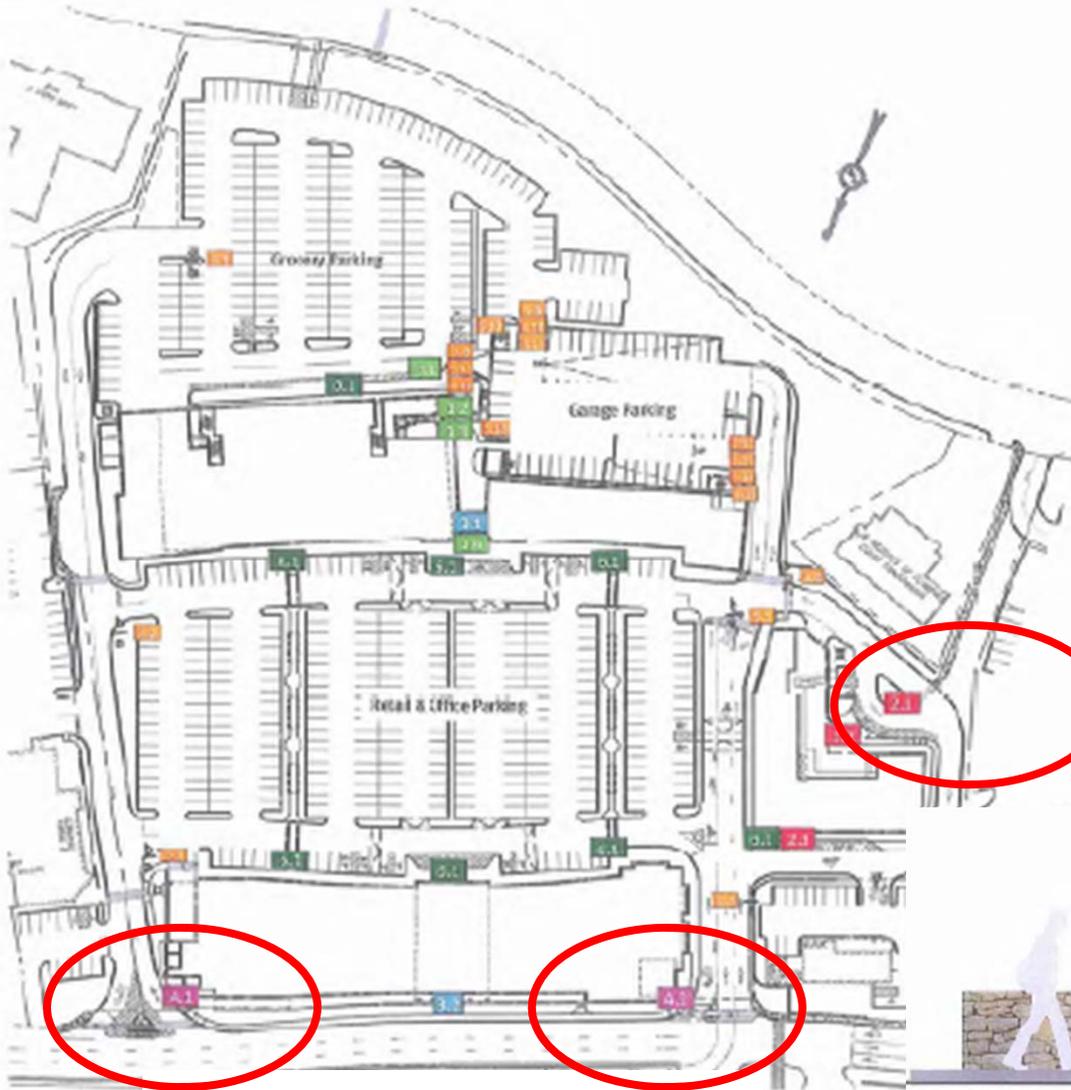
Boylston St./Route 9



Florence St.

Signage

- ◆ Submitted comprehensive sign package
- ◆ Seeking waivers for
 - ◆ Two freestanding signs @ Boylston Street entrances
 - ◆ Plus one principal sign at residential building
 - ◆ Low, 30-35 sf



Signage

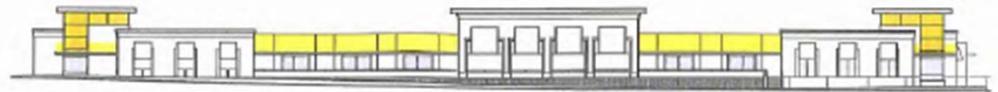


**North Elev.
5-story MU Build. A**



**South Elev.
5-story MU Build. A**

- ◆ Recommend Board approve sign package with review and approval of individual signs by Urban Design Commission and Director of Planning & Development



**North Elev.
1-story Retail Build. C**



South Elev. Build C

Sustainability

- ◆ **Stretch code compliance** including energy modeling, efficient lighting, HVAC and refrigeration systems, envelopes including glazing, and building commissioning prior to CO
- ◆ **Greenhouse Gas emissions analysis** part of MEPA filing process

Sustainability Con't.

◆ **Additional sustainable design measures include:**

- ◆ Redevelopment of a previously developed site
- ◆ Located Near Transit (bus stop on site), shuttle
- ◆ Comprehensive Stormwater Management Plan (quantity and quality)
- ◆ Open space, connections to adjoining lots, tree preservation additional plantings
- ◆ Parking capacity sized to meet demand, shared parking
- ◆ Roadway improvements with pedestrian and bicycle signal timing
- ◆ Bike racks

Construction Phasing

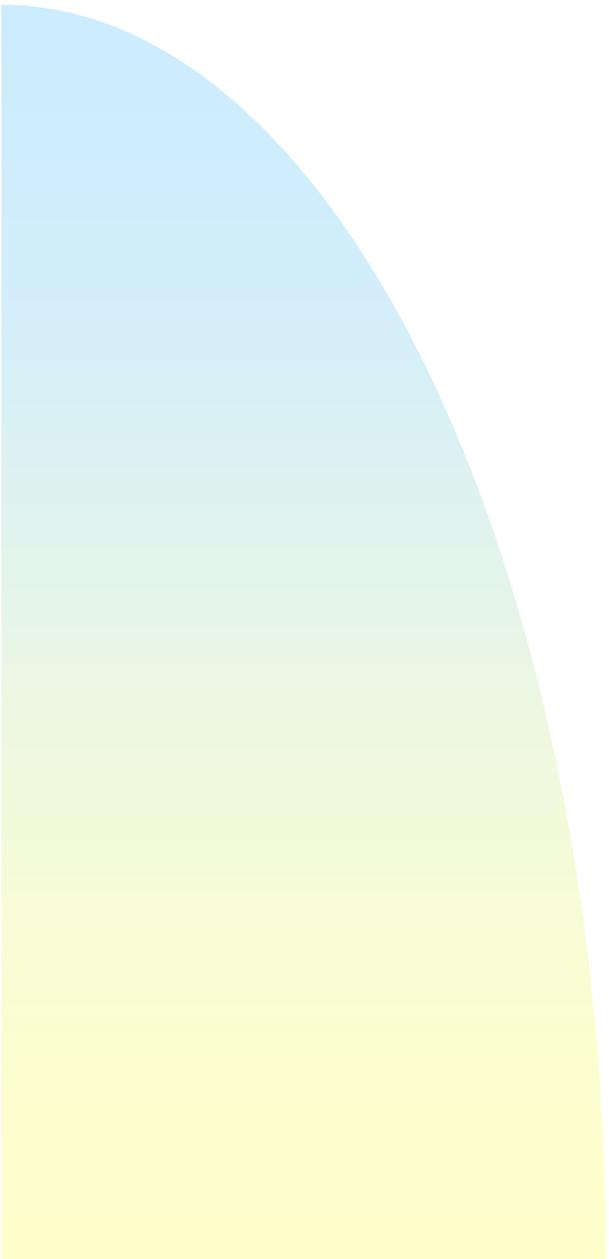
- ◆ Petitioners submitted detailed construction phasing plan
- ◆ CMP prior to issuance of building permit
- ◆ Temporary cellular antennas

Summary

- ◆ Consistent with *Newton Comprehensive Plan*
- ◆ Encouraged by size and number of infrastructure enhancements including travel times along Boylston Street/Route 9

Summary

- ◆ Improvements to site plan as result of review process:
 - ✦ Increased sidewalk widths along Route 9 and within project
 - ✦ Sidewalk along north side of Florence Street, traffic calming for neighborhood, ped crosswalk @Louise Rd.
 - ✦ Increased open space on-site, enhanced vegetative buffer along Florence St.
 - ✦ Improvements to easternmost driveway exit along Route 9
 - ✦ Landscaping hardscape, open space complete or bonded prior to substantial occupancy of Phase I
 - ✦ Bike racks
- ◆ Other improvements
 - ✦ Shuttle service and on-site (Rt. 60) MBTA bus stop
 - ✦ OPTICOM installation in emergency vehicles



The End

Phase I Site Plan

Boylston St./Route 9

