



Land Use Committee Report

City of Newton

In City Council

Tuesday, September 26, 2017

Present: Councilors Laredo (Chair), Schwartz, Lennon, Auchincloss, Cote, Harney, Lipof, Crossley

Also Present: Councilors Leary, Sangiolo, Yates, Baker

City Staff: Director of Planning & Development Barney Heath, Deputy City Solicitor Ouida Young, Associate City Solicitor Bob Waddick, Senior Planner Michael Gleba, Senior Planner Neil Cronin, Chief Planner Jennifer Caira

#97-17 **Special Permit to EXTEND nonconforming use at 966 Watertown Street**
BR STONE CORP./STEPHANIE OLIVEIRA DIAS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to use a portion of the legally nonconforming wholesale site to cut and fabricate stone countertops, further extending the nonconforming use to manufacturing at 966 WATERTOWN STREET, Ward 3, West Newton, on land known as SBL 31005 0003, containing approximately 13,408 sq. ft. of land in a district zoned BUSINESS 1. Ref. 7.3.3, 7.4, 4.4.1, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Action: **Land Use Approved Withdrawal Without Prejudice 5-0 (Lipof, Lennon, Crossley, not voting)**

Note: Attorney Buchbinder, office at 1200 Walnut Street, presented the request to withdraw without prejudice the petition to extend the manufacturing use to allow stone cutting at 966 Watertown Street. Atty. Buchbinder expressed gratitude to Councilor Cote who worked as a liaison between the petitioner and neighborhood after the initial public hearing. With a motion from Councilor Cote to approve the withdrawal without prejudice, Committee members voted unanimously in favor.

#229-17 **Special Permit to allow vehicle sales at 454-458 Watertown Street**
TEE GEE, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to expand the existing auto service business to allow the sale and service of up to ten used cars and waivers to requirements for parking facilities at 454-458 WATERTOWN STREET, Ward 1, Newtonville, on land known as Section 14, Block 16, Lot 35, containing approximately 14,277 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3, 7.4, 4.4.1, 5.1.4, 5.1.13 of the City of Newton Rev Zoning Ord, 2015.

Action: **Land Use Held to October 3, 2017 5-0 (Lipof, Lennon, Crossley not Voting); Public Hearing Opened on 09/07/2017**

Note: The Chair stated that there is a request from the petitioner to continue this item until October 3, 2017. With a motion from Councilor Auchincloss, Committee members voted unanimously to hold the item.

#146-17 **Special Permit to amend Board Order #229-14 to allow for a swing set**
MICHAEL AND DENA RASHES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #229-14 to allow a swing set on Lot 40 at 93 Bellevue Street, Ward 1, Newton, on land known as Section 12, Block 021, Lots 0039 and 0040, containing approximately 94,410 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4 of the City of Newton Rev Zoning Ord, 2015.

Action: **Land Use Approved Withdrawal Without Prejudice 5-0 (Lipof, Lennon, Crossley, not voting)**

Note: Attorney Buchbinder presented the request to withdraw without prejudice the petition to amend the Board Order at 93 Bellevue Street to allow for a swing set. After the public hearing and after hearing concerns from an abutter, the petitioner has decided not to pursue the special permit. Councilor Auchincloss motioned to approve the withdrawal of the petition without prejudice, which carried unanimously.

#43-17 **Special Permit to extend non-conforming two-family use at 893 Watertown Street**
JAMES AND CAROL HOOPES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a single-story rear addition extending the existing non-conforming two-family use at 893 Watertown Street, Ward 3, West Newton, on land known as SBL 31014 0005, containing approximately 19,560 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Action: **Land Use approved 6-0-1 (Lennon abstaining, Crossley not voting); Public Hearing Closed 09/26/2017**

Note: Attorney Buchbinder presented the request to construct an 1100 sq. ft. rear addition at 893 Watertown Street a legally non-conforming two family in the single residence district. Because the addition would further extend the non-conforming use, it requires a special permit. Atty. Buchbinder stated that the plans for the rear addition include a bedroom with bathroom and extended family room space. He demonstrated the proposed plans on the attached PowerPoint.

Senior Planner Michael Gleba reviewed the requested relief to extend the existing two-family use and criteria for consideration. Mr. Gleba demonstrated the proposed location of the addition, site plan and proposed elevations.

The Public Hearing was opened. Seeing no member of the public wishing to speak, Councilor Cote motioned to close the public hearing which carried unanimously.

Councilor Cote motioned to approve the petition. Committee members reviewed the draft Board Order. Mr. Gleba noted that because the proposed addition is on a two-family condominium, there is a condition in the Board Order that requires the petitioner to modify the condo documents and submit them to the Law Department and Planning Department prior to the issuance of a building permit. Atty. Buchbinder confirmed that the petitioner is aware of this condition and ready to execute upon issuance of the Special Permit.

It was noted that the petitioner submitted a revised site plan with a reduced setback. While the reduction in the setback does require additional relief, it does change the table in the zoning memo. Committee members noted that the zoning memo is a tool utilized to get a sense of the project and asked that in the event plans are changed prior to the public hearing, the zoning memo is updated. Committee members voted 6-0-1 in support of Councilor Cote's motion to approve the petition. Councilor Lennon abstained because he was not present for the presentation.

#226-17 Special Permit to allow oversized dormers and exceed FAR at 18 Meredith Avenue

JAMES YOUNGBLOOD petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct three new dormers and increase the size of one existing dormer, exceeding the allowable size of dormers and increasing the FAR to .48 where .46 is required and .42 exists at 18 MEREDITH AVENUE, Ward 5, Newton Highlands, on land known as Section 54, block 45, Lot 15, containing approximately 4,443 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4, 1.5.4.G.2.b, 3.1.3, 3.1.9, 3.1.9.A.2 of the City of Newton Rev Zoning Ord, 2015.

Action: Land Use Approved 6-0 (Crossley, Harney not Voting); Public Hearing Closed 09/26/2017

Note: Petitioner James Youngblood presented the request to locate three new dormers and extend one existing dormer on the steeply pitched roof at 18 Meredith Avenue. It is the petitioner's intent to add headspace in the attic. The proposed dormers equal more than 50% of the wall beneath, triggering the requirement for a special permit. The additional floor area as a result of the increased space in the attic also requires FAR relief.

Mr. Gleba reviewed the proposed plans, criteria for consideration and photos of the site. He noted that two dormers will be on either side of the roof and visible from the public way as the house is on a corner lot. Mr. Gleba confirmed that the added square footage in the attic will be approximately 250 sq. ft.

The Public Hearing was opened and closed with no member of the public wishing to speak. Councilor Cote motioned to approve the petition. After a review of the draft findings and conditions, Committee members voted unanimously in favor of the petition.

#231-17 Special Permit to amend Board Order #437-03 at 60 Needham Street

CHRISTINE D'AMICO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #437-03 to create a third commercial space for ground level health club use and to allow a waivers for 15 parking stalls or to allow required stalls off site at 60 NEEDHAM STREET, Ward 8, Newton Highlands, on land known as Section 83, Block 28, Lot 02, containing approximately 25,753 sq. ft. of land in a district zoned MIXED USE 2. Ref: Sec. 7.3, 7.4, 4.4.1, 5.1.4, 5.1.13, 5.1.6.A, 5.1.6.B, of the City of Newton Rev Zoning Ord, 2015.

Action: Land Use Approved 6-0 (Crossley, Harney not Voting); Public Hearing Closed 09/26/2017

Note: At the initial public hearing on September 7, 2017, allegations were made by an abutter that there are encroachments in a commonly owned area of the parking lot between 60 and 66 Needham Street. The Committee held the item and asked that the Law Department investigate the conditions. Associate City Solicitor Bob Waddick noted that he worked with the Planning Department and found that there is a recorded agreement between the owners of 60 and 66 Needham Street. The owners have mutual rights to the common area. Atty. Waddick stated that while there may be slight encroachments in a number of parking spaces at the site, the same site plan (with existing encroachments) was used in the previous Special Permit petitions from 2003 and 2005. It was noted that if there are encroachments, it is a matter between the private parties. Atty. Waddick confirmed that even without the spaces that have encroachments, the site has adequate parking to accommodate the number of stalls required for the fitness use. The spaces at the site are not assigned.

Public Comment

Paul Sullivan, 66 Needham Street, asked if there is a pending legal battle between the two parties, would the Special Permit still go forward.

Seeing no other member of the public wishing to speak, Councilor Lipof motioned to close the public hearing which carried 6-0. Councilor Lipof motioned to approve the petition.

Committee members reviewed the draft findings and conditions. Councilors were in agreement that the Special Permit should allow for the business to grow without returning for an amendment to the Special Permit. Committee members asked that hours of operation and number of students be finalized for the Board Order in the Friday packet. Because the lease for the parking lot expires in 2024, Committee members asked that the Board Order note that should the parking spaces not be available; the operator will not be in compliance with the Board Order. It was also noted that the Order should include a condition that requires the petitioner to communicate to customers which parking stalls are appropriate for use. With a pending motion to approve from Councilor Lipof, Committee members voted unanimously in favor of the petition.

#224-17 Special Permit to increase non-conforming FAR and setbacks at 168 Allerton Road

ALAN LOBOVITS AND LISA ROSENFELD petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing detached garage and construct an attached garage, mudroom and kitchen, extending the existing non-conforming front setback, requiring a variance to allow a rear setback of 7.6' and increasing the FAR to .55 where .40 is allowed and .50 exists at 168 ALLERTON ROAD, Ward 6, Newton Highlands, on land known as Section 52, Block 27, Lot 08, containing approximately 9,000 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

Action: Land Use Held to October 10, 2017 6-0; (Crossley, Harney not Voting) Public Hearing Opened on 09/26/2017

Note: Architect Michael Huller, 1831 Washington Street, presented the request to construct a two car garage where one exists and expanded kitchen connected by a mudroom. The homeowners are hoping to stay in their home for as long as possible and wanted to create safer conditions at the site, particularly during winter. Mr. Huller noted that the further back on the site that the garage is placed, the more it impacts the natural light for the kitchen. He stated that he reduced the size of the garage to 22*22 in order to allow for as much natural light in the kitchen as possible. Petitioner, Alan Lobovits reiterated the desire to stay in the neighborhood for as long as possible. He confirmed that he communicated the proposed plans to neighbors and heard no concerns.

Senior Planner Neil Cronin reviewed the relief to further extend the non-conforming front setback and extend the non-conforming FAR. He reviewed criteria for consideration, demonstrated the proposed site plan and showed an aerial photo. He noted that from Cushing Street at the rear of the site, the kitchen addition will not be visible.

Committee members expressed concern about the distance from the edge of the driveway to the garage door. Mr. Cronin confirmed that there is not adequate space in the proposed driveway for a standard parking stall. He noted that while that reduction in driveway length will be from 24' to 16', there will be a second garage bay. Councilors were supportive of the proposal and the plans, but shared concerns that the driveway will create a condition where cars are partially parked in the sidewalk. Committee members were in agreement that the petitioner should work with the Planning Department to ensure that there are no other options.

The Public Hearing was opened. No member of the public wished to speak. Councilor Schwartz motioned to hold the item until October 10, 2017 which carried unanimously.

#132-17 Special Permit to amend Special Permit for Kessler Woods

KESSELER WOODS, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #102-06(15) at Kessler Woods to allow relocation of the inclusionary zoning units by use of the Off-Site Development Option in

conjunction with the rehabilitation of the apartment building at 219 Commonwealth Avenue resulting in an increased number of affordable units from the approved site of 179 Kessler Way, Ward 8, on land known as Section 82 Block 037 Lot 0095, containing approximately 640,847 sq. ft. of land in a district zoned MULTI RESIDENCE 3. Ref: 7.3, 7.4, 5.11.4, 5.11.6 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Action: **Land Use Held 7-0 (Harney not Voting) Public Hearing opened on 06/13/17 and continued to 07/11/17 and 08/08/17**

Note: Attorney Frank Stearns, from Holland and Knight, 10 Saint James Avenue, Boston, presented updates to the proposal to amend Board Order #102-06(15) to allow off-site affordable units for the Kessler Woods Development. Atty. Stearns stated that a public hearing was held in June, July and August. The petitioner has submitted a proposal to hire an independent consultant to evaluate the proposal's benefits to the city, comparability to the Kessler Woods units and the financial impacts of the proposal. Atty. Stearns noted that after the August public hearing, the petitioner was encouraged to meet with the Planning Department to discuss the proposal to hire an independent consultant. It was stated that the Planning Department has not been willing to meet, because they have determined that there is little benefit to hiring an independent consultant.

Director of Planning and Development Barney Heath noted that after a number of public hearings, the Planning staff has reviewed the proposal, involving Housing and Planning staff. They have reviewed the proposal in collaboration with the Fair Housing Committee and the City's ADA Coordinator. Collectively, they have come to the conclusion that the proposed units at the Commonwealth Avenue site are not comparable in terms of accessibility and do not feel that an independent consultant will reveal any information that is not already apparent.

A Committee member expressed gratitude for the petitioner for working to revise the proposal and the offer to pay for a consultant. Atty. Stearns confirmed that without the hiring of a consultant, the petitioner is likely to seek a withdrawal of the petition.

No member of the public wished to speak.

The Committee took a straw vote to get a sense of which Committee members would be supportive of hiring a consultant. Seven Committee members were not supportive of hiring a consultant and one Committee member was. Councilor Lipof motioned to hold the item which carried unanimously.

#60-17 Request to Rezone Hovey Street parcels

SUNRISE DEVELOPMENT, INC./431 WASHINGTON STREET, LLC petition for a change of zone to Business Use 2 for land located at 29 Hovey Street, also identified as Section 12, Block 006, Lot 004, and an unnumbered lot on Hovey Street, also identified as Section 12, Block 006, Lot 003, containing approximately

34,361 sq. ft. of land in a district zoned MULTI RESIDENCE 2, further described as follows:

Beginning at a point on the Westerly side of Hovey Street, said point being N 21°00'54" W and a distance of one hundred twenty-six and no hundredths (126.00) feet from a bound at the Northwesterly intersection of Hovey and Washington Streets being the Southeast corner of the parcel herein described; thence

- S 69°15'05" W A distance of seventy-three and forty hundredths (73.40) feet to a point; thence
- S 69°07'43" W A distance of one hundred forty-five and no hundredths (145.00) feet to a point; thence
- N 20°20'22" W A distance of forty-five and fifty hundredths (45.50) feet to a point; thence
- N 18°34' 11" E A distance of sixty-one and forty-seven hundredths (61.47) feet to a point; thence
- N 21°09'23" E A distance of two and forty-one hundredths (2.41) feet and on the same bearing a distance of thirty-six and eight hundredths (36.08) feet to a point; thence
- N 21°31'11" E A distance of one hundred sixteen and eighty-eight hundredths (116.88) feet to a point; thence
- N 28°57'55" E A distance of twelve and seventy hundredths (12.70) feet to a point; thence
- N 71°07'46" E A distance of sixty-four and fifteen hundredths (64.15) feet to a point; thence
- S 21°00'54" E A distance of one hundred thirty-one and no hundredths (131.00) feet and on the same bearing a distance of eighty-three and no hundredths (83.00) feet by the Westerly sideline of Hovey Street to the point of beginning.

Said parcel containing 34,361 square feet or 0.789 acres, more or less.

Action: Land Use Held 8-0; Public Hearing Opened on 04/04/17 and Continued to 05/23/17, 06/22/17, 08/08/17 and 09/26/17; Public Hearing Closed on 09/26/2017

#61-17 **Special Permit Petition to construct elderly housing on Washington Street**
SUNRISE DEVELOPMENT, INC./431 WASHINGTON STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct elderly housing with services in excess of 20,000 sq. ft. of gross floor area, consisting of 85 living units in a four-story structure not to exceed 48' in height and Floor Area Ratio not to exceed 2.0, extending the existing nonconforming front setback and constructing a retaining wall greater than 4' in a setback at 431 Washington Street, 29 Hovey Street, and the adjacent unnumbered lot to the north on Hovey Street, on land known as Section 12 Block 006 Lots 003, 004, and 005, containing approximately

66,909 sq. ft. of land in districts zoned BUSINESS 2 AND MULTI-RESIDENCE 2. Ref.: 7.3, 7.4, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 4.4.1, 5.1.13, 5.4.2.B, 5.11.11, 6.2.10, 6.2.10.B, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Action: Land Use Held 8-0; Public Hearing Opened on 04/04/17 and Continued to 05/23/17, 06/22/17, 08/08/17 and 09/26/17; Public Hearing Closed on 09/26/2017

Note: Attorney Buchbinder presented updates to the Special Permit proposal for an assisted living facility with services at Washington and Hovey Street. The development team has met with members of the neighborhood and has submitted revised plans to the Planning Department based on comments at the public hearing on August 8, 2017. Atty. Buchbinder noted that the major change is the relocation of the loading area from Hovey Street to Washington Street as requested by the neighborhood. Deliveries and trash pickup will be made at the front of the site. The curb cut and driveway on Hovey Street has been eliminated and it is the petitioner's intent to locate a designated loading zone on Washington Street. These changes have resulted in the loss of the front pocket park on Washington Street.

Atty. Buchbinder presented views from Washington, Hovey and Jewett Street. He noted that during the process, the building has been setback further from Hovey Street and stepped back at varying points to break up the massing. The public park, open from dawn to dusk now contains approximately 7,150 sq. ft. of open space including a labyrinth, landscaping, walking paths and green space. The petitioner has agreed to a deed restriction on the third, unnumbered lot on Hovey Street to ensure that nothing is built there. Atty. Buchbinder provided an overview of how the proposed development has been modified throughout the process based on neighborhood and Council input. The revisions to the design of the project have included reductions to the number of units to 85, reductions in the bed count from 122 to 112, the footprint has been relocated closer to Washington Street, the massing has been broken up along Hovey Street and the roofline has been modified to have it present more as a three story and a more residential building. It was noted that the parking garage will be located below ground and the trash pickup and delivery drop off has moved to the front of the site on Washington Street. Atty. Buchbinder confirmed that the only change that has not been made to meet neighborhood demands is the total elimination of the fourth floor.

Atty. Buchbinder reviewed the benefits to the community, including the deed restricted open space on Hovey Street (7,150 sq. ft.) and intersection improvements including a covered bus structure at Washington Street. It is estimated that the project will generate 100-150 short term construction jobs and 60-70 FTE positions to operate the facility. There will be no impact on the school system or traffic and the facility will generate tax revenue. The project will provide three affordable beds with services at no cost to eligible residents.

Atty. Buchbinder noted that the process began in March with well attended community meetings. Public hearings have been held on April 4, May 23, June 23 and August 8. It is the petitioner's belief that all parties have been heard and there are no other modifications that can be made.

Senior Vice President of Sunrise, Philip Kroskin noted that substantial changes have been made to the project, but the resulting project is better than the initial project. He is pleased that the facility includes input from the neighborhood. Mr. Kroskin reiterated the demand for assisted living and memory care facilities in the City. He believes that the development will be of great benefit to the City and will be better than what exists at the site currently. He urged Committee members to vote in favor of the petition.

Senior Planner Michael Gleba noted that the relocation of the loading dock from Hovey Street to Washington Street will replace a pocket park and will face Washington Street. He noted that this will increase activity at the front of the site, but will draw activity away from Hovey Street.

Committee members asked that the petitioner address recent questions from members of the public regarding Sunrise's fee structure and the criteria used for the traffic study.

Mr. Kroskin stated that Sunrise charges by the person, not the unit or the bed. The individual chooses their room and bed and are separately assessed for their care needs. The combination of these expenses equals the total monthly fee. As one member of the public expressed concern over an "entry fee", Committee members asked for clarification. Mr. Kroskin noted that some assisted living facilities charge costly entry fees; Sunrise is not that type of facility. The "entry fee" for Sunrise would be equivalent to one half a month's rent.

VHB Traffic Engineer Randy Hart noted that members of the public claimed that the traffic study took credit based on the numbers of the car dealership that was closed. Mr. Hart confirmed that this is not the case and noted that no credit was taken for the traffic analysis. He stated that the parking calculation required 37 parking stalls and the proposal has 43.

Atty. Buchbinder stated that from the back of the building to the first house on Hovey Street, there is 132' of open space. It was noted that while the number of units has decreased, the size of the building has increased. Atty. Buchbinder stated that the most recent increase in square footage is due to a 200 sq. ft. sunroom added on the back of the site. The addition 800 sq. ft. increase is due to reconfiguring of the back of house operations to relocate the loading zone and trash area on Washington Street. Mr. Kroskin noted that the perceived elevation of the building is 11' lower than the initial proposal and presents as a three story building.

Mr. Kroskin stated that the reduction of beds from 122 to 112 was made because of concern from the public about the number of people in the building. He noted that while he can reduce the number of units slightly, a reduction of the fourth floor of the building would result in a facility that is not profitable. He stated that other assisted living facilities are likely to be over fifteen years old. Due to the increased cost of living, a more regulatory environment for assisted living facilities, the cost of constructing the building and the cost of staffing the building, facilities with less than 85 units are no longer feasible to build.

Public Comment

Bee Goldsmith, 3 Waverly Avenue, read Marian Knapp's statement (attached).

Doris Ann Sweet, 281 Lexington Street, spoke in favor of the proposal. She noted that there is a need for assisted living facilities with memory care services and expressed gratitude for the flexibility on behalf of the petitioner.

Lynn Weisberg, 5 Alden Street, is supportive of the proposed facility. She noted that there is a demand for elderly care facilities in the City and believes that the location is appropriate.

Judy Norsigian, 43 Waban Hill Road North, spoke in favor of the proposed facility. She reiterated that the City is in need of assisted living and believes it will be beneficial to the City and residents.

Sue Parsons, 172 Washington Street, spoke in favor of the proposal. She has personal experience with searching for the right facility for her mother and feels that she would have appreciated having Sunrise available as an option. She believes that the proposal will be an improvement to the site.

Tamara Bliss, 9 Lewis Street, urged Committee members to vote in favor of the proposed development. She noted that it is important for the City to provide adequate housing options for aging seniors and particularly, memory care services. She believes that the presence of senior living facilities will allow residents to remain in Newton.

Debra Canney, 124 Vernon Street, noted that there is an increasing demand for assisted living facilities. She noted that she has been impressed by the quality of care at other Sunrise facilities.

Peter Harrington, 157 Lowell Avenue, noted that the neighborhood has been opposed to rezoning for 50 years. He asked why a buffer strip can't be created to protect the abutters. He is not supportive of the relocation of the loading zone to the Washington Street location. Mr. Harrington noted that assisted living facilities can be expensive.

Julie Goulding, 116 Jewett Street, noted that the funeral home closed in 2008 and the block was less commercial. Multiple efforts to rezone have been denied. Ms. Goulding noted that although they bought a property in a mixed use district, they assumed the integrity of the neighborhood would be protected.

Elaine Monico, 61 Waban Park, spoke on behalf of Wendy Plesniak, 38 Waban Street, who urged Committee members to deny the proposal as they do not wish to see rezoning. She noted that the proposal will degrade the abutting property values and reduce sunlight in the neighborhood.

Jane Hanser, 40 Cedar Street, noted that the monthly services itemization does not list medication management, weekly laundry service or housekeeping. She stated that there is a substantial entry fee. Ms. Hanser has concerns about traffic impacts on Church Street.

Ravi Pappu, 38 Waban Street, presented a PowerPoint (attached). Mr. Pappu noted that the neighborhood is not against assisted living, but they are against unsustainable development.

John Koot, 430 Winchester Street, believes that the proposed building is too large and too dense. He questioned how the City will guarantee that the residents of Sunrise will be Newton residents.

Daniel Lawry, 33 Waban Street, is not supportive of the proposal. He noted that the proposed facility is nearly four times as dense as average facilities. He noted that the amount of open space will not be adequate based on the density of the proposal.

Laura Cocozzella, 18 Hovey Street, does not feel that it is appropriate to rezone the site. She believes that the proposal is too big and dense for the site. She has concerns about the construction for two years. She questioned whether there is an alternate site for the Sunrise development.

John Flanagan, 5 Hovey Street, believes that the proposal is too dense for the site and believes the lots should remain residential. He feels that the proposal can be scaled back and believes that Sunrise should meet the neighborhood demands or find an alternate site.

Brian Flanagan, 5 Hovey Street, noted that the neighborhood is opposed to the commercial use and density at the site. He expressed appreciation for the Councilors' efforts.

Agi Sardi, 21 Thornton Road, noted that there are houses much closer than 132' to the development. She does not believe with the rezoning at the site and urged Sunrise to find larger space that will better serve the population.

Peter Kronberg, 86 Jewett Street, believes that the proposed development is too large for the neighborhood.

Tim Boone, works in Hospice care at 90 Wells Avenue and spoke in support of assisted living facilities and believes that more are necessary.

Jim Pacheco, 48 Circuit Avenue, used to live at 116 Jewett Street, is opposed to the design of the building. He has concerns about safety at the building and questioned whether the design has been reviewed for safety.

Denise Flanagan, 5 Hovey Street, is opposed to the proposed development.

With no other member of the public wishing to speak, Councilor Lennon motioned to close the public hearing which carried unanimously. As the Committee wanted additional time to review the Council Order, the Chair asked that the petitioner answer pending questions from Committee members.

Committee members asked that the petitioner consider expanding the number of affordable units by using Medicaid programs, to create a liaison Committee for construction including members of the public from Washington Street, Hovey Street and Jewett Street. Deputy City Solicitor noted that the deed restriction on the Hovey Street unnumbered lot would cease to exist if the project ceased to exist. At that point, a new proposal would be subject to amending the Special Permit. The City cannot require a permanent deed restriction. Atty. Young asked that Committee members review the delivery schedule for trucks and consider whether the new delivery zone should allow more flexibility as it is on Washington Street. Atty. Young also asked that Committee members review the Board Order condition to allow the petitioner to bond for intersection improvements to allow them to obtain their final Certificate of Occupancy prior to completing the intersection improvements.

Councilor Auchincloss motioned to hold the item until October 10, 2017 which carried unanimously.

Respectfully submitted,

Marc C. Laredo, Chair

To: Newton City Council and Land Use Committee

From: Marian Leah Knapp, 250 Hammond Pond Pkwy, Chestnut Hill, MA

Re: Support of proposed Sunrise Senior Living Facility, 431 Washington St, Newton Corner, MA

Date: September 26, 2017

Statement:

I am Marian Knapp and live at 250 Hammond Pond Pkwy, Chestnut Hill.

First, I address you in my role as Chair of the Newton Council on Aging. In this capacity I bring your attention to the statement sent to the City Council from the Council on Aging, dated May 16, 2017. It states and I reiterate that -

The Newton Council on Aging (COA) supports the proposed Sunrise Senior Living Assisted Living & Memory Care Facility at 431 Washington Street.

The full statement is available through David Olsen, Clerk of the Council.

Second, I address you personally, as a 47-year resident of Newton. I strongly support the Sunrise Senior Living Proposal for an Assisted Living-Memory Care Facility in Newton. I do this from three perspectives: community need; individual experience as a caregiver; and, simply, that it is the right thing to do.

The community of Newton needs this facility. Data show that there is a significant lack of beds for people who are at the point in their lives where they require more help. I certainly understand the concern of some of the neighbors of this site and the impact that it could have on their lives.

However, I know that the developer has listened to those concerns and made significant alterations to create a building that would be acceptable to the local community including decreasing the size and height, building below-ground parking, and reconfiguring the shape and appearance. In addition they have incorporated special benefits to the public such as affordable housing and a public park.

For over 25 years I cared for numerous aging family members; sometimes caring for 3 or more people at the same time. I know first-hand the stresses, dilemmas and difficult challenges that caregivers face. I am sure that many of you have had or are experiencing this life-stage of caregiving and know what that entails. It is complex, fraught, and exhausting. For those of us who

live in the community, having a near-by facility diminishes the huge burden of having to travel distances just to provide even the most basic care and attention that our loved-ones deserve.

Perhaps most importantly, I feel there is an ethical imperative to create this facility. An open and accepting community such as Newton cannot deny or ignore the need. It would be basically wrong to turn our back on our aging population and the people who care about and for us. Newton has committed to and is striving to become more age-friendly. This facility would add sorely-needed housing options for aging people. Not to pass this proposal would seriously contradict this commitment and ultimately impact negatively those of us who are caregivers and the ones we care so much about. This is a concrete, tangible, and unmistakable contribution to our commitment to the city, to us as residents, and to the rapidly growing numbers of our aging family members, friends and neighbors.

This proposal must pass. It will dramatically increase resources within the community and help both caregivers and elders in their journey through this often difficult passage through life.

TOO BIG, TOO DENSE

Vote NO on Sunrise

Ravi Pappu / 26 September 2017
38 Waban Street, Newton, MA 02458.

Claims / Rebuttal

- Reduced bed count from 100 to 85 units
 - *No plans were ever published for the 100 unit facility.*
- Reduce proposed bed count from 122 to 112 beds
 - *It's the unit count that matters.*
- Relocate surface parking lot to be underground.
 - *Open space is a critical component of care for residents. They need the space for the "public" park.*
- Revise the roof-line to make it present as a 3.5 story structure.
 - *By Sunrise's own admission, this is a better aesthetic for the building.*

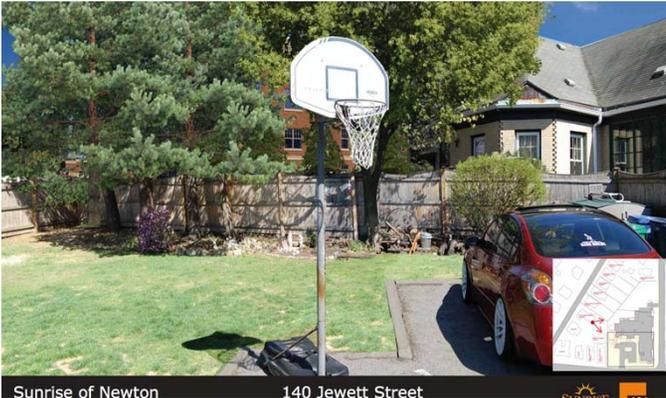
Claims / Rebuttal - 2

- Moved some mass and trash pickup/delivery towards Washington Street and trash
 - *This is a welcome improvement*

What has not changed

	03 March	13 June	19 July	29 August	12 Sept.
Units	85	85	85	85	85
Stories	4	4	4	3 or 4	4
SFT	71,383	76,805	75,752	Not provided	76,843
Height (ft)	47.4	51.8	51.8	51.8	51.8
Lots occupied	3 and 4	3 and 4	4	Both or 4	4

Tricks - Spot the facility



Other tricks

- Manufacturing consent
 - With 61 form letters showing “grassroots” support. People who signed the letter later publicly rescinded their support when they saw that they had been misled!
- Real estate impact analysis
 - Not a single Sunrise property was included in the analysis.
- Negotiations with Councillors Lennon and Ciccone for 3 hours on resulted in plans which *pre-dated* the meeting.
- Provided two options on 09 September to Councillor Leary with no further follow-up, causing her and all of us to waste time discussing them.

Please don't mistake motion for action.

The BIG issue remains unaddressed.

The project is too big and too dense for the lot.

We urge you to hear us and vote NO.