



# Land Use Committee Report

## City of Newton In City Council

**Tuesday, September 25, 2018**

**Present:** Councilors Schwartz (Chair), Lipof, Greenberg, Auchincloss, Kelley, Markiewicz, Crossley, Laredo

**Also Present:** Councilors Albright, Grossman, Rice, Leary, Downs, Kalis

**City Staff Present:** City Solicitor Ouida Young, Chief Planner Jennifer Caira, Senior Planner Neil Cronin, Senior Planner Michael Gleba, Planning Associate Katie Whewell, Director of Planning and Development Barney Heath, Planning Board Chair Peter Doeringer, Planning Board Member James Robertson Jr., CPC Representative Jennifer Molinsky, Planning Board Member Sudha Maheshwari, Planning Board Member Kelly Brown

All Special Permit Plans, Plan Memoranda and Application Materials can be found at [http://www.newtonma.gov/gov/aldermen/special\\_permits/current\\_special\\_permits.asp](http://www.newtonma.gov/gov/aldermen/special_permits/current_special_permits.asp). Presentations for each project can be found at the end of this report.

**#478-18**      **Request for an Extension of Time to Exercise Special Permit #361-16 at 642 Centre St**  
LISA AND JOSH SCHWARZBERG petition for an EXTENSION OF TIME to EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 1,087 sq. ft. two-story addition to the front of house, resulting in an FAR of .49 where .38 exists and .39 is allowed. Said EXTENSION OF TIME to run from December 19, 2017 to December 19, 2018 at 642 Centre Street, Ward 1, Newton, on land known as SBL 72035 0002, containing approximately 9,600 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**Action:**      **Land Use Approved 8-0**

**Note:**      Committee members reviewed the request for an extension of time and expressed no concerns relative to the request. Councilor Markiewicz motioned to approve the item which carried unanimously.

**#68-18**      **Petition to allow for profit educational use at 227 Washington Street**  
EUI CHOI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit learning center in the existing day care at 227 Washington Street, Ward 1, Newton, on land known as Section 71, Block 07, Lot 01, containing approximately 5,553 sq. ft. of land in a district zoned BUSINESS 2. Ref: 7.3.3, 7.4, 4.4.1 of the City of Newton Rev Zoning Ord, 2015.

**Action:**      **Land Use Approved Withdrawal without Prejudice 8-0**

**Note:** After a review of the request to withdraw the petition, a motion from Councilor Lipof to approve the withdrawal carried unanimously.

**#424-18      Petition to amend Special Permit Council Order #114-17 at 300 Boylston Street**

ATRIUM WELLNESS CENTER II, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Order #114-17 by amending the Comprehensive Sign package to allow waivers to number, size, location and height of signs to the extent required in Ward 7, Chestnut Hill, at 300 Boylston Street, on land known as Section 82 Block 02 Lot 01, containing approximately 125,771 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Approved 7-0 (Auchincloss Recused)**

**Note:** Attorney Franklin Schwarzer, office of Schlesinger and Buchbinder, located at 1200 Walnut Street represented the petitioner, the Atrium Wellness Center II, LLC. Atty. Schwarzer presented an overview of the Special Permit Petition to amend Special Permit Council Order #114-17 to amend the sign package at 300 Boylston Street. His presentation is attached. The building contains three entities; Lifetime Fitness, Dana Farber and CCRM. The City approved three signs as part of the Comprehensive sign package during the Special Permit process during 2017. Subsequent to the approval, the petitioner obtained a consistency ruling to combine two of the three signs, installing two total signs at the site (one larger than approved). Atty. Schwarzer noted that CCRM's clients are finding it difficult to locate the facility. As such, the petitioner now proposes to install a third sign as originally proposed. Atty. Schwarzer confirmed that the Urban Design Commission expressed concerns about the presence and location of the third sign but noted that the concerns did not seem relative to the design of the sign. Atty. Schwarzer confirmed that the petitioner is comfortable with the relocation of the sign closer to the existing signs as suggested by the Planning Department.

Senior Planner Neil Cronin reviewed the requested relief and criteria for consideration as shown on the attached presentation. A Committee member expressed concern regarding the lack of support from the UDC. Mr. Cronin confirmed that the sign package approved during the Special Permit process included one 100 sq. ft. sign and two 50 sq. ft. signs. The revised signage includes the installed 100 sq. ft. and 89 sq. ft. signs, and one new 50 sq. ft sign. He stated that the Planning Department believes the request is minor and has no concerns relative to the proposed signage.

The Public Hearing was Opened. Seeing no member of the public who wished to speak, Councilor Lipof motioned to close the public hearing which carried 7-0 (Auchincloss recused). Committee members reviewed the draft findings and conditions as shown in the attached presentation. Committee members expressed no further concerns relative to the petition. With a motion from Councilor Lipof to approve the petition, Committee members voted 7-0 in support (Auchincloss recused).

**#288-18      Special Permit Petition to allow RMD at 24-26 Elliot Street**

CYPRESS TREE MANAGEMENT, INC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a registered medical marijuana dispensary in a non-conforming structure, to waive minimum stall dimensions, to waive minimum aisle width for two-way traffic, to

waive perimeter screening requirements, to waive interior landscaping requirements, to waive requirements for interior planting, to waive requirement for interior tree planting, to waive requirements for bumper overhang area landscaping, to waive requirements for 1-foot candle lighting and to allow the RMD to be located within 500' of a school at 24-26 Elliot Street, Ward 5, Newton Highlands, on land known as Section 51 Block 25 Lot 01, containing approximately 25,320 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec 7.3.3, 7.4, 6.10.3, 6.10.3.D.1, 6.10.3.F.2, 4.1.3, 6.10.3.D.5, 7.8.1.C.1, 7.8.2.C.2, 5.1.12, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.C.1, 5.1.8.C.2, 5.1.9.A, 5.1.9.B.1, 5.1.9.B.2, 5.1.9.B.3, 5.1.9.B.4, 5.1.10.A.1 of the City of Newton Rev Zoning Ord, 2015.

**Action:** **Land Use Approved; Public Hearing Closed 07/10/2018; Extension of Time to Act Until 10/20/2018.**

**Note:** Attorney for the petitioner Steve Buchbinder, office of Schlesinger and Buchbinder, 1200 Walnut Street confirmed that there is no new information to present. The Planning Department confirmed that they have no additional information relative to the petition. A Committee member questioned whether approval of the permit will affect the Council's review of a future request for an amendment to the Special Permit to allow adult-use at the site. City Solicitor Ouida Young stated that it will depend on the City's Zoning Ordinance but noted that the current draft ordinance does not give preference to medical facilities to convert. Additionally, it was confirmed that approval of the proposed medical facility will in no way impact the Council's ruling on a future application for recreational marijuana, noting that the Garden Remedies facility was granted special status to convert to allow recreational, due to the state statute governing medical facilities in operation prior to July 1, 2017. A Committee member questioned whether there are limits (minimum or maximum) to the number of medical facilities that can be approved and how "need" for another facility is measured. Chief Planner Jennifer Caira confirmed that there is a requirement for reasonable access to an RMD, which is loosely based on the criteria that the state uses to evaluate licenses. She noted that there is no clear direction on how "need" is defined but stated that the petitioner has submitted an analysis of the area and number of patients they expect to serve. The Planning Department has reviewed the analysis of the documentation which shows that there is a population and geographic regional that could be served.

Committee members reviewed draft findings and conditions as shown on the attached draft Council Order. Comments and changes are shown below.

### **Conditions**

2. This condition requires the use of a police detail from 3:45 pm – 7:45 pm for the first 180 days of operation. After the first 180 days, the Police Department and the Planning Department will evaluate the need for continuation of a police presence. A Committee member questioned whether the draft order should include language to have a private security detail if a police detail is unavailable. Mr. Cronin noted that the detail must be a police officer because as a private security professional cannot direct traffic. The petitioner may use a police detail from another community. It was noted that as this condition is subject to availability, if a police detail (Newton or other community) were not available, the petitioner would not be in violation of this condition.

3. This condition requires the petitioner to operate the facility on an appointment-only basis. A Committee member questioned whether any other business is required to operate as appointment-only. It was suggested that the appointment-only structure can be burdensome to the business. Some Committee members agreed with the elimination of the condition to require the appointment-only structure given the lack of need for rigid appointment-only operations at Garden Remedies. Other Committee members felt that the condition is appropriate at this time given the concerns raised by the public relative to flow of operations and overflow into the neighborhood and noted that the petitioner could seek an amendment in the future if the condition is no longer necessary. Committee members took a straw vote which carried 4-3 in favor of eliminating the appointment-only structure. Attorney Buchbinder confirmed that the facility has a waiting area for patients and stated that while the petitioner would prefer not to have the condition for appointment-only operations, they are prepared to accept the restriction. He noted that the proposed use is for a medical facility rather than a recreational facility and suggested that the petitioner could operate appointment-only for the first year with a look back and review by the Planning Department and the Police Department to determine whether the restriction should continue. Committee members agreed to the amended 12 month look back condition, requiring analysis of patient wait time and backup of customers by the Police Department, Planning Department and consultation with the Land Use Committee.

8. This condition requires that the petitioner provide valet parking during all hours of operation for valet parking for the first 60 days of operation followed by a look back by the Planning Department and Police Department. Atty. Buchbinder confirmed that the petitioner is prepared to offer the valet service indefinitely and can adjust according to the look back.

Atty. Buchbinder confirmed that the petitioner will have a complete waste management and recycling operation. With that, Councilor Crossley moved approval which carried seven in favor, none opposed and one recused (Lipof).

**#425-18      Request to Rezone three parcels for Northland Development**  
NEEDHAM STREET ASSOCIATES, NORTHLAND TOWER ROAD INVESTORS, NORTHLAND OAK STREET, LLC petition for a change of zone to BUSINESS USE 4 for land located at 156 Oak Street (Section 51 Block 28 Lot 5A), 275-281 Needham Street (Section 51, Block 28, Lot 6) and 55 Tower Road (Section 51 Block 28 Lot 5), currently zoned MU1.  
**Action:**      **Land Use Held 8-0**

**#426-18      Special Permit to allow mixed use development**  
NEEDHAM STREET ASSOCIATES, NORTHLAND TOWER ROAD INVESTORS, LLC, NORTHLAND OAK STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a mixed-use development greater than 20,000 sq. ft. with building heights of up to 96' consisting of 822 residential units, with ground floor residential units, with restaurants with more than 50 seats, for-profit schools and educational uses, stand-alone ATMs drive-in businesses, open air businesses, hotels, accessory multi-level parking facilities, non-accessory single-level parking facilities, non-accessory multi-level parking facilities, places of amusement, radio or TV broadcasting studios, and lab and research facilities, to allow a waiver of 1,600 parking stalls, to allow a reduction in the overall

parking requirement to not less than 1900 stalls, to waive dimensional requirements for parking stalls, to waive end stall maneuvering requirements, to allow driveway entrances and exits in excess of 25', to waive perimeter landscaping requirements, to waive interior landscaping requirements, to waive lighting requirements for parking lots, to waive general lighting, surfacing and maintenance requirements, to waive off-street loading facilities requirements, to waive sign requirements relative to number, size, location or design, to waive the number of signs allowed at 156 Oak Street (Section 51 Block 28 Lot 5A), 275-281 Needham Street (Section 51, Block 28, Lot 6) and 55 Tower Road (Section 51 Block 28 Lot 5), Newton Upper Falls, Ward 5, on 22.6 acres of land in a proposed BU4 district. Ref: Sec. 7.3.3, 7.4, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 7.8.2.C, 5.4.2, 4.4.1, 5.1.4, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.D.2, 5.1.9.A, 5.1.9.B, 5.1.10.A.1, 5.1.10, 5.1.12, 5.1.13, 5.2, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

**Action:** Land Use Held 8-0

**Note:** Land Use Committee Chairman Councilor Schwartz read items #425-18 (Request to Rezone three parcels for Northland) and #426-18 (Special Permit to allow mixed use development) into the record and spoke to the intent of the Committee to review various topics for the Northland Development (site design, sustainability, traffic, economic impacts, etc.) over a period of time as shown on the attached draft schedule. This schedule will allow the City's consultants, Planning Department and other staff members to review reports submitted and provide timely analysis. Attorney Alan Schlesinger, Partner, offices of Schlesinger and Buchbinder, 1200 Walnut Street represented the petitioner; Needham Street Associates, Northland Tower Road Investors, LLC. and Northland Oak Street LLC. Attorney Schlesinger and the development team presented a high-level overview of the proposed Northland Development as shown on the attached presentation.

Chairman of Northland Investment Corporation Lawrence Gottesdiener noted that Newton based Northland owns and manages commercial properties throughout the United States and emphasized that Northland is committed to long term management of their developments. Mr. Gottesdiener presented background information relative to the site of the proposed development. In 2003 the tower building was purchased followed by purchase of the Saco Pettee Mill in 2005. The petitioner believes that the site acts as a physical and visual barrier between the Upper Falls village and retail space on Needham street. The petitioner hopes to transform the site into a 21<sup>st</sup> century green neighborhood integrating Upper Falls, the Highlands, Oak Hill and the Greenway. The proposed development will dedicate 30% of the development space to green space, plant 750 native trees, create sidewalks, bike paths and outdoor seating as well as a new village green. Mr. Gottesdiener highlighted key community benefits which will include 7 acres of public parks, 123 units of inclusionary housing, a diverse mix of housing, a new community building, a state-of-the-art public playground, millions of dollars of net tax revenue, thousands of new jobs and a discounted rent program for local retailers and restaurants. To plan the development, Northland has assembled a team of architects, engineers, planners and consultants who will review the design focusing on sustainability principles and transportation. Future

hearings will further discuss the emphasis on open space and urban planning principles of permeability and connectivity.

Northland Senior Vice President of Development, Peter Standish, reviewed details of the proposed mixed-use development. The proposed development plan includes a mixed-use development containing 822 apartment units (123 affordable), 180,000 sq. ft. of office space, 185,000 sq. ft. of retail and restaurant space, 1953 total parking spaces (1800 structured or underground/153 surface) and storage space for 1100 bicycles. Mr. Standish provided background on the community outreach undertaken prior to filing the Special Permit Application. He noted that since November 2016 Northland has hosted over 150 community meetings, on site events, open houses and engagements with community members and constituent groups that include; the Upper Falls Area Council, Oak Street neighbors, Newton Highlands Area Council, Village Falls Condominium Association, Bike Newton, the Newton Needham Chamber of Commerce, N2 Innovation District, Livable Newton, League of Women Voters, the Charles River Watershed Association, Newton Innovation Center, New Arts Center, Newton Nomadic Theater, Economic Development Commission, Urban Design Commission, Historic Commission and the Conservation Commission. During his time serving on the Needham Street Community Engagement Committee, Mr. Standish was able to engage with other stakeholders regarding the Vision Plan. The petitioner believes that the proposed development aligns with the 2018 Vision Plan and the Comprehensive Plan. Mr. Standish reviewed changes that reflect concerns raised by the community. In response to concerns relative to density, the proposed development was reduced in size from 950 residential units to 822 residential units and scaled down in height at the edges adjacent to residential neighborhoods. In response to requests for additional community space and green space, the petitioner has committed to reserving 30% of the development site to green space, 4,000 sq. ft. for a community room and building a new playground. Based on the concerns of cut through traffic through the site, the plan reflects more narrow roads and a relocated Oak Street entrance farther from the Upper Falls Center than was previously planned. The petitioner has committed to reserving 10% of retail space for local retailers. Mr. Standish stated that the largest concern expressed was relative to traffic and the petitioner is hopeful that the proposed transportation plan will address traffic concerns.

Brian O'Connor, Partner, Cube3 Studio Architects, O'Connor presented an overview of the design of the proposed development. The Master Plan and Design Guidelines (posted on the City's website at <http://www.newtonma.gov/gov/planning/current/devrev/hip/northland.asp>) demonstrate features of the project. Core elements of the design include renovation of the historic Saco Pettee Mill, an expansive village green and public space connected to the Greenway and daylighting of the South Meadow Brook. Mr. O'Connor noted that the Needham Street Improvement Plan includes installation of a traffic light at Charlemont Street, pedestrian amenities and bike lanes. The petitioner hopes to establish a diverse destination, that is walkable, sustainable and connected to the community. The proposed development features paths and walkways that reinforce pedestrian connections and

integrate the community. Mr. O'Connor demonstrated clips of the 3-D model which can be found at: <https://www.youtube.com/watch?v=RUMI3wTPVHM&feature=youtu.be>

The Saco Pettee Mill will influence the design of some structures. Mr. O'Connor noted that the Design Guidelines address scale as well as appropriate placement of programming features. He emphasized the importance of creating a welcoming community with connectivity to the surrounding neighborhood. Bike and pedestrian oriented streets, raised crosswalks, angled streets and street trees will all help to create a visually interactive environmental. The design of the proposed structures focuses density towards the center of the development near the village green, where varied programming (fitness, concerts, food trucks) can be located.

Executive Director of 128 Business Council (a non-profit transportation management company) Monica Tibbets-Nutt, noted that 128 Business Council is the oldest and largest non-profit transportation management company in the Commonwealth and have operated out of Newton Highlands for 20 years. Ms. Tibbets-Nutt stated that the petitioner is working to evaluate existing conditions not only at the site, but throughout the City and work with the community to implement a full transportation system. In 2017, the petitioner undertook an analysis of the existing transportation options which include the MBTA 59 bus, the Green line, the commuter rail and the existing Needham service. Ms. Tibbets-Nutt noted that the greatest reduction in congestion would result from shifting single occupant commuter vehicle trips. The petitioner has accepted the recommendation of 128 Business Council to create a transportation hub at the center of the development. The proposed transportation hub will be an indoor, centralized transportation hub with waiting and meeting spaces, signage and connections to the MBTA service. From the transportation hub, four shuttle routes will be established (Route 1: Newton Highlands, Newton Centre, Newtonville), Route 2: Needham Heights Commuter Rail, Route 3: Central Square into Cambridge, Route 4 Boston South Station and the Seaport. Ms. Tibbets-Nutt emphasized that the proposed shuttle trips will better connect residents with the community and will significantly reduce the impact of single occupancy vehicles. She noted that the proposed shuttle service must be an enhanced system to ensure that users find the shuttle service preferable to driving their own vehicles. The proposed Transportation Demand Management Plan additionally includes bicycle parking for residents and commercial entities, sitewide and community walkability, negative incentives for vehicle parking, on site EV charging stations, rideshare, carpooling, a carpool billboard, employer-based transportation demand management for employees at the site. Ms. Tibbets-Nutt reiterated that she has worked with many Massachusetts municipalities and the proposed transportation system would be revolutionary.

Lambert Sustainability Founder and President Michelle Lambert, has worked as an Architect and Green Building consultant. Ms. Lambert spoke to the petitioner's intent to integrate sustainability in all aspects of the project and align the sustainability measures with the City's goals to develop the proposed diverse, mixed use, sustainable neighborhood. Ms. Lambert stated that the petitioner plans to protect existing natural resources and maintain the ecological health at the site and intends to achieve LEED

silver for neighborhood development certification. Key measures that will help create a sustainable development include; reduction in single occupancy vehicle trips, creation of open space and storm water management, a stringent waste management and recycling program, planting of street trees, repurposing of the historic Saco Mill building and maximization of energy in the new building by using high performance materials. The petitioner hopes to reduce the heat impact at the site by providing a network of green landscaped spaces, including efficient roof design options, shading of sidewalks and streets with street trees and investing in structured parking to reduce the amount of asphalt at the site. The petitioner hopes to incorporate water saving measures, healthy durable building materials and stringent energy efficiency measures in the envelope and building systems.

Atty. Schlesinger reviewed the three lots proposed for rezoning from Mixed Use to Business Use 4. He emphasized the lack of consistency on Needham Street with the mixed-use zone and stated that a majority of the existing uses on Needham Street are subject to Special Permits or non-conforming. He stated that the petitioner has identified a future for additional office space in the context of a mixed use development and reiterated that the Comprehensive Plan and Vision Plan support mixed use at the proposed site. Atty. Schlesinger stated that the proposed development has been sensitively designed but noted that one issue raised in the community has been the location of an entry/exit on Oak Street. He emphasized the importance of maintaining this access point for permeability of the site and access to Upper Falls. There are traffic measures that have been taken (speed tables, incorporating a turn) that will discourage cut through traffic at from this access point.

Senior Planner Michael Gleba reviewed the requested relief, criteria for consideration, zoning and land use at the site as shown on the attached presentation. Planning Board Chair Peter Doeringer requested a review of the various heights of the proposed buildings at the site and questioned whether any of the buildings will not be stepped down. Atty. Schlesinger noted that the buildings range in height from three stories to eight stories. He confirmed that the edges range from 3-4 stories and the centers, near the village green are eight stories (seven floors). He confirmed that every building is highest at the center of the development and step down at the edges. Atty. Schlesinger confirmed that the BU4 district permits all of the proposed uses without any text amendments to the Ordinance and noted that the most significant relief is relative to parking, landscaping and lighting.

Below are questions and responses asked by Planning Board members and Land Use Committee members:

Q: What is the ballpark investment of the project, and what are the LEED levels for sustainability?

A: Ms. Lambert confirmed that they will use the LEED silver level for the Saco Mill building, neighborhood development as a design standard for the remaining construction. They did not provide an estimate of the cost of development.

Q: The highest roof is 95'. Are there roof uses such as decks and/or special planted roofs or white roofs?

A: It was confirmed that they are exploring white roofs and reflective roofs as well as roof decks. There will be significant mechanical equipment towards the centers, but the roof strategies will be incorporated with the LEED strategies.

Q: Could you describe impacts to abutters, particularly with regard to noise and lighting?

A: Atty. Schlesinger noted that the lighting impacts will be minimal due to the waiver for lighting requirements (particularly for Building 4). Whether the Greenway should or should not be lit can be topic of discussion.

Q: In the comparison of MU1 and BU4, Northland believes that this parcel is the single parcel where this development could be placed. Has there been a study to evaluate this claim?

A: Atty. Schlesinger stated that there is no comparable 22-acre parcel in the City on which to locate this type of development.

Q: Part of the Needham Street Visioning plan was about this parcel and heights. In ZAP, they discussed the nuances relative to heights and their relation to space and pedestrians. Have you had these conversations with the Planning Department and are they incorporated in these plans??

A: The Planning Department is working on a program that will relate the proposed height to the streets. The proposed zoning map has greater heights in centers and farther from the street.

Q: Will the "public spaces" be owned by Northland? Are any conservation restrictions proposed?

A: The streets will be privately maintained, private snow and trash removable but the site must be permeable to the neighborhood in every direction. They will be public access. The site plan approval is in effect a conservation order. Additionally, the petitioner will have to go to the Conservation

Commission for the space within 200' of the South Meadow Brook. There may be an additional requirement for a conservation restriction.

It was noted that the Council Order language should be carefully drafted to reflect the public access.

Q: Will the roads, trash and snow management will be handled by the property owner?

A: Yes.

Q: Will there be a grocery store for residents?

A: They have had a wonderful experience at the MERC in Waltham. They were fortunate to get Brothers in there and they would love to have a similar amenity.

Q: How does the proposed parking plan compare to Boston and other developments? How aggressive can we be about reducing the parking minimums given that the more parking available, the more traffic there will be.

A: The policy is the current Zoning Ordinance. We are seeking a waiver of 1600 parking spaces. We feel that going to 1.0 cars per household is bold based on past practice and the standard in the Zoning Ordinance.

Q: Are the fiscal numbers conservative for revenue?

A: The numbers are fair. They are estimating approximately \$2 million net dollars (\$4 million less \$2 million for impact on school system).

Q: How will eight stories feel? Have you done shadow analysis?

A: We can do shadow studies.

Q: Will the transportation measures (shuttles, etc.) be available for members of the general public?

A: Yes, it is intended to be used by the public. The proposed development isn't conceivable with the existing traffic conditions on Needham Street. The direction to Ms. Tibbets-Nutt is to be bold and find a

way to improve conditions. There will need to be better options than driving in order for the plan to be successful.

Q: Interested in learning about the methodology for the breakdown in the residential units.

Q: Will the open space be in perpetuity? How will the site be connected to the surrounding community? Will there be opportunities to work with MBTA regarding enhanced bus service and improved Green Line service.

Q: More details of the shuttle system are important. Who will manage this long term and what if it fails? This is not a transit-oriented development, which is inconsistent with what the City has been encouraging. Neighboring communities have been using 128 to build commercial space. Why aren't we doing that? What is the economic impact of primarily residential vs. incorporating a larger (50-60%) commercial base?

Q: Understanding the height in relation to the street is very important. It would be helpful to have cross sections through the entire site to get a sense of how the buildings are built into the site which slopes towards Needham Street.

Q: There is limited opportunity for renewable energy at the site. Is there an opportunity to build to a net zero standard?

Q: How much confidence do you have in the transportation data and what happens if the proposed plan doesn't work?

Q: Are you committed to keeping the roads public access in perpetuity?

Committee members complimented the detailed overview, thoughtful and high quality presentation, development team and visual aids. It was noted that the community has appreciated the lengthy community outreach and discussion between the petitioner and the community.

The Public Hearing was Opened.

Leon Schwartz, 39 Carl Street, agrees that something must happen at the site and many people are happy to see development. The proposed development is too big and too tall. Mr. Schwartz noted that he supports the transportation plan and the proposed programming but emphasize that this is not the right scale for this development.

Brad Michel, 56 Rockland Place, urged Councilors to look at the number of units proposed. He has concerns about the impact on the school system and City's services. Mr. Michael believes that half of these units would still be too large. He noted that the proposed development should fit in with the existing village.

Jack Neville, Newton Upper Falls, stated that he is not against the development, but has some concerns about the proposed development. Mr. Neville has concerns about the impact on the Upper Falls neighborhood and the entrance to the development on Oak Street and the traffic impacts. He questioned whether the buildings can be reduced in height.

Diane Prunte, 305 Winchester Street, is concerned about the size and density of the proposed development and how the City services will accommodate the additional population. She expressed concerns about the impact on schools, traffic and noise.

Matt, Anita Terrace, questioned whether the Council analyzes projects 5-10 years after construction. He noted that the proposed development may be a significant stressor on the school system and encouraged Councilors to consider that.

Oskar Batuner, 99 Saco Street, has concerns about traffic and transportation on Needham Street. He does not believe that the shuttle system will work and he does not believe vehicle users will use alternate modes of transportation.

The Chair noted that the Council is not able to consider how many school aged children might be impacting the school system. It is not unreasonable to consider school costs as part of the net fiscal impact. With that, the Committee held discussion of the petition and the public hearing. The petitioner is scheduled for a presentation and discussion for Site Design and Open space on Tuesday, November 13, 2018.

The Committee adjourned at 10:15 pm.

**Respectfully Submitted,**

**Greg Schwartz, Chair**



Schlesinger and Buchbinder, LLP  
Attorneys at Law

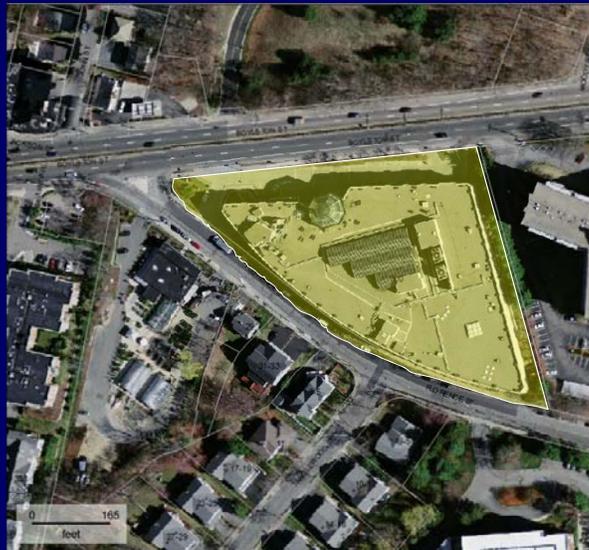
# 300 Boylston Street

*Presentation to Land Use Committee of the City Council*

*September 25, 2018*



## Aerial View



# Approved 2017 Signage



SIGNAGE SITE PLAN KEY PLAN

## Lifetime Center at 300 Boylston Street Proposed Signage

Signs in Commercial Districts	Sign Area SF	
2 Principal signs @ 100 SF each	200	(Business on a corner lot)
2 Secondary signs @ 50 SF each	100	
Total sign area allowed	300	

Proposed Signage	Quantity	Sign Area	Sign Message
A 1st Principal Sign	1	100	Lifetime Athletic
B 2nd Principal Sign	1	50	TENANT SIGN B *note 2
C 2nd Principal Sign	1	50	TENANT SIGN C *note 2
D Secondary Sign - Building Identity	1	63	Lifetime Center *note 1
E Secondary Sign	1	25	Tenant Retail TBD
F Secondary Sign	1	25	Tenant Retail TBD
G Secondary Sign	1	37.5	LT Medical
H Secondary Sign	1	37.5	LifeSPA
I Secondary Sign	1	40	LifeCafe
J Exterior Pylon Sign	1	23	Lifetime Center (Illuminated)
		451	

- \*Note 1 perpendicular wall sign, 2 sided
- \*Note 2 Sign back panel = 100 SF



BOYLSTON STREET ELEVATION - SIGNAGE EXHIBIT OPTION 1

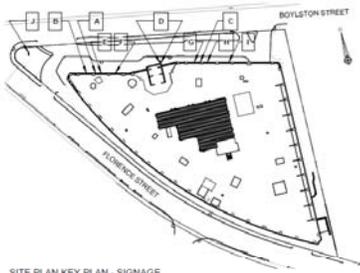
## BUILDING SIGNAGE - BOYLSTON STREET

LIFETIME CENTER 300 Boylston Street, Chestnut Hill MA

05/23/17



# Proposed Signage



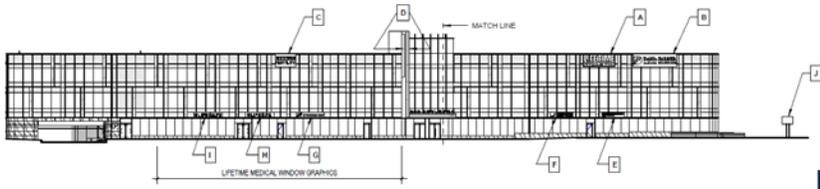
SITE PLAN KEY PLAN - SIGNAGE

## Lifetime Center at 300 Boylston Street Proposed Signage

Signs in Commercial Districts	Sign Area SF	
2 Principal signs @ 100 SF each	200	(Business on a corner lot)
2 Secondary signs @ 50 SF each	100	
Total sign area allowed	300	

Proposed Signage	Quantity	Sign Area SF	Sign Message
A 1st Principal Sign	1	100	Lifetime Athletic
B 2nd Principal Sign	1	89	Dana-Farber *note 2
C 2nd Principal Sign	1	50	CCRM *note 2
D Secondary Sign - Building Identity	1	63	Lifetime Center *note 1
E Secondary Sign	1	20	Newton-Wellesley *note 2
F Secondary Sign	1	30	Boylston Street Dental
G Secondary Sign	1	37.5	LT Medical
H Secondary Sign	1	37.5	LifeSPA
I Secondary Sign	1	37.5	LifeCafe
J Exterior Pylon Sign (Existing Non-Conforming)	1	23	Lifetime Center (Illuminated)
		487.5	

- Note 1 Perpendicular wall sign, 2 sided
- Note 2 Sign backer excluded from the square footage



BOYLSTON STREET ELEVATION - SIGNAGE EXHIBIT C

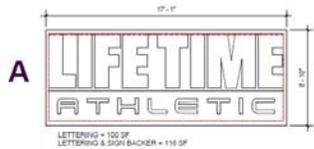
## BUILDING SIGNAGE - BOYLSTON STREET

LIFETIME CENTER 300 Boylston Street, Chestnut Hill MA

05/16/18



# Proposed Signage



NOTE: SEE GOVER DESIGN DRAWINGS FOR FINAL SIGNAGE LAYOUT



LIFETIME CENTER 300 Boylston Street, Chestnut Hill MA

BUILDING SIGNAGE - BOYLSTON STREET

05/16/18

# Proposed Rendering



S-3.18 / Client: The Bullfinch Companies, Inc. / Project: Exterior Building Signage

Designed By: Lisa Gover / P: 601.887.1403

This proposal is the sole property of Gover Design Group; any use without consent is prohibited. Drawings are for concept only and not intended to fill engineering, code or fabrication requirements.

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_



## Relief Requested



- waiver of regulations relating to the size, number and dimensions of signs pursuant to Section 5.2.13





CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the Council, 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 a registered medical marijuana dispensary (RMD) within 500 feet of a school, and to allow waivers to the requirements of parking facilities containing more than five stalls, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The specific site is an appropriate location for the RMD due to its location in the Business 2 zone along the Boylston Street/Route 9 corridor. (§7.3.3.1)
2. The proposed RMD as developed and operated will not adversely affect the neighborhood because the intensity of the RMD will not be greater than other uses allowed as of right. (§7.3.3.2)
3. Access to the site over streets is appropriate for the types and numbers of vehicles involved given the site's location along the Boylston Street/Route 9 corridor and proximity to regional roadways. (§7.3.3.3)
4. There will be no nuisance or serious hazard to vehicles or pedestrians due to the petitioner's upgrades to the site, including new sidewalks along the site's frontage and in the interior of the site. (§7.3.3.4)

With regard to special permits concerning the RMD on site, pursuant to §6.10.F:

5. The RMD is located to serve an area that currently does not have reasonable access to medical marijuana. (§6.10.3.F.1)
6. The site is located within five hundred (500) feet of a school, but the site is adequately buffered from the school by Boylston Street/Route 9. The school's population is also of an age which will not be adversely impacted by the RMD. (§6.10.3.F.2)
7. The site is designed such that it provides convenient, safe, and secure access and egress for clients and employees arriving to and leaving from the site, whether driving, bicycling, walking or using public transportation. (§6.10.3.F.3)

- 8. Traffic generated by client trips, employee trips, and deliveries to and from the RMD will not create a significant adverse impact on nearby uses. (§6.10.3.F4)
- 9. Loading, refuse and service areas are designed to be secure and shielded from abutting uses. (§6.10.3.F5)
- 10. The building and site have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior. (§6.10.3.F6)
- 11. The building and site are accessible to persons with disabilities. (§6.10.3.F 7)
- 12. The site is accessible to regional roadways and public transportation. (§6.10.3.F 8)
- 13. The site is located where it may be readily monitored by law enforcement and other code enforcement personnel. (§6.10.3.F 9)
- 14. The RMD's hours of operation will have no significant adverse impact on nearby uses given the mixed use nature of the Boylston Street/Route 9 corridor. (§6.10.3.F 10)

With regard to special permits for the number of parking stalls and various requirements for the design of parking facilities, pursuant to §5.1.8.B, §5.1.8.C, §5.1.9, §5.1.10, and §5.1.13:

- a. The Council finds that exceptions to the parking requirements, including waiving the minimum stall dimensions, waiving the minimum aisle width for two-way traffic, waiving the perimeter screening requirements, waiving the interior landscaping requirement, and waiving the lighting requirements are in the public interest because the rear parking facility was developed before current standards and reserving this area for valet parking offers convenience for patients and increases site security;
- b. Reducing the required landscaping allows for the most efficient parking layout; and
- c. The security lighting will comply with the standards imposed by the Department of Public Health.

PETITION NUMBER: #288-18

PETITIONER: Cypress Tree Management, Inc.

LOCATION: 24-26 Elliot Street, on land known as SBL 51, 25, 01, containing approximately 25, 320 square feet of land

OWNER: 24-26 Elliot Street Realty Trust, Alan Chow, Trustee

ADDRESS OF OWNER: P.O. Box 265  
Brookline, MA 02446

TO BE USED FOR: Registered Medical Marijuana Dispensary

CONSTRUCTION: Brick

EXPLANATORY NOTES: §6.10.3 and §7.3.3 to locate a RMD within five hundred feet of a school; §5.1.8.B and §5.1.13 to waive the minimum stall dimensions; §5.1.8.C and §5.1.13 to waive the minimum aisle width for two-way traffic; §5.1.9.A and §5.1.13 to waive the perimeter screening requirements; §5.1.9.B and §5.1.13 to waive the interior landscaping requirements; §5.1.10 and §5.1.13 to waive the lighting requirements

ZONING: Business 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:
  - a. Existing Conditions Site Plan signed and stamped by Verne T. Porter, Professional Land Surveyor, dated February 14, 2018, and revised May 1, 2018.
  - b. Proposed Site Plan signed and stamped by Verne T. Porter, Professional Land Surveyor, dated February 14, 2018, and revised June 19, 2018.
  - c. Area Plan signed and stamped by Verne T. Porter, Professional Land Surveyor, dated February 14, 2018.
  - d. Architectural Plans, signed and stamped by Jana Gooden Silsby, Registered Architect, dated May 3, 2018.
  - e. Proposed Landscape Plan, signed and stamped by Elizabeth Giersbach, Registered Landscape Architect, dated June 27, 2018.
  - f. Proposed Lighting Plan, prepared by Elizabeth Giersbach, Registered Landscape Architect.
2. The petitioner shall employ a police detail, subject to availability of such police details, on site from 3:45 p.m. to 7:45 p.m. Monday through Friday for 180 days from the issuance of a temporary certificate of occupancy. At the end of such term, the Director of Planning and Development, in concert with the Transportation Division of Public Works and Newton Police Department, shall determine whether the term for the detail shall be extended or whether other changes shall be made to address queuing along Elliot Street.
3. The petitioner shall see patients of the RMD on an appointment only basis. Given that the petitioner requires each patient/customer to be served individually by a customer service representative, the “appointment only” requirement is intended to ensure a smooth flow of patients arriving to and leaving from the site, to avoid patients waiting outside the building for a customer service representative to be available, and to allow the petitioner to anticipate patient volume.

The petitioner may use reasonable flexibility to accommodate patients where events such as, but not limited to, traffic delays, public transportation scheduling, or changes in patients' and patients' schedules affect the appointment schedule. The petitioner shall also accommodate those patients who need to wait inside the building either before or after their scheduled appointments. This "appointment only" condition will permit "first available" (i.e., no waiting period) appointments only when a customer service representative is immediately available to serve that patient.

4. The RMD may only operate between the hours of 9:00 a.m. and 9:00 p.m., Monday through Saturday, and from 12:00 p.m. to 6:00 p.m. on Sunday.
5. There shall not be more than fourteen (14) staff members, including valet attendants, on site at any one time.
6. The petitioner shall update the sidewalks along the Elliot Street frontage and install a trench drain at the entrance to the site to the satisfaction of the City Engineer. Such improvements shall be completed prior to the issuance of a temporary occupancy certificate.
7. The petitioner shall implement a Transportation Demand Management Plan to mitigate employees from parking on site. The Plan shall include, but not be limited to:
  - a. Displaying all transit schedules in the immediate area, including a pedestrian wayfinding map, in a central location within the facility;
  - b. Participating in the City of Newton Bikeshare program. If the program is unsuccessful, the petitioner shall purchase no less than three bikes for employees to commute to and from work;
  - c. Providing a secure bicycle storage area on site;
  - d. Establishing an on-site car-pool, rideshare program with guaranteed ride home; and
  - e. Subsidizing the cost of parking at satellite parking facilities and the cost of travel to and from such facilities.

The Petitioner shall keep records detailing how employees are commuting to and from the site, including the number of employees utilizing transit, parking at satellite lots, and using alternative methods of transportation such as the bikeshare. Two months after the petitioner receives a temporary certificate of occupancy, the petitioner shall provide an update to the Director of Planning and Development and the Director of Transportation regarding the results of the petitioner's TDM Plan for employees. Should the TDM plan be deemed insufficient, the petitioner shall be required to revise the TDM plan to the satisfaction of the Director of Planning and Development and the Director of Transportation. The petitioner shall be required to meet again with the officials above at six months and at 12 months after the receipt of a temporary certificate of occupancy.

8. The petitioner shall offer valet parking during all operating hours for the first 60 days of operations. At the end of such term, the Director of Planning and Development, in consultation with the Director of Transportation and City of Newton Police Department, shall determine whether valet parking shall be continued during all operating hours or reduced to specific periods.

9. The petitioner shall limit on-site transactions to one ounce of medical marijuana, or its equivalent in whatever form the medical marijuana is dispensed, per customer per site visit, with the balance of the order, if any, delivered to customers' homes.
10. Security lighting shall be in accordance with the standards imposed by the Department of Public Health. Additionally, security lighting shall be directed downward, shall not shed light on abutters' properties, and shall comply with the Lighting Plan identified in Condition 1 above.
11. The petitioner shall locate, secure, and screen the dumpster to minimize its visibility from the public way. The dumpster shall be kept closed and secured and the area surrounding the dumpster shall be kept free of debris.
12. The granting of a special permit to allow an RMD to operate at this site applies only to the petitioner and does not run with the land. When the petitioner has permanently stopped operations at the site, for whatever reason including but not limited to the loss of its registration with the Massachusetts Department of Public Health and/or Cannabis Control Commission, the RMD use as well as the additional relief granted by this Order shall expire.
13. Snow shall not be stored on site.
14. Should the petitioner seek to extend the RMD authorized by this Order, including but not limited to incorporating adult use sale of recreational marijuana, increasing the number of employees, or extending the hours of operation, it shall seek an amendment to this Order.
15. The petitioner shall maintain its registration with the Massachusetts Department of Public Health and/or Cannabis Control Commission. Within one (1) week from the date of the initial and annual renewal of its registration, the petitioner shall file a copy of the same with the Clerk of the City Council, the Commissioner of Inspectional Services and the Planning Department. The petitioner shall immediately notify the Clerk of the City Council, the Commissioner of Inspectional Services and the Planning Department if its registration is not renewed or is revoked.
16. In order to provide information to the City regarding the operation of the RMD and the effectiveness of the mitigations and conditions imposed through this Council Order, the petitioner shall monitor the RMD's operation in the following areas and at the following intervals, and shall provide reports summarizing such monitoring to the Commissioner of Inspectional Services and the Director of Planning and Development, and such reports shall also be filed with the Land Use Committee of the City Council:
  - a. Within six (6) months and again at twelve (12) months of commencing operations of the RMD, a report on pedestrian and traffic safety concerns, if any, that may have arisen from the operation of the RMD and on the issue of the security of the facility itself, as well as a report on the number of customers coming to the site and the peak times when customers are at the site.

If the Commissioner of Inspectional Services and Director of Planning and Development find that the reports raise concerns regarding the security of the facility or regarding public safety, including pedestrian or traffic safety, created by the operation of the RMD at this site, or if at the time the reports are filed, but independent of the information contained in the reports, the Commissioner of Inspectional Services and Director of Planning and Development have concerns regarding public safety or the security of the facility, the petitioner shall return to the Land Use

Committee to see if further mitigations on the operation of the RMD are warranted to address such public safety or security of the facility concerns.

17. 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 Council 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 Council order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
  
18. No Final Inspection and/or Occupancy Permit for the portion of the building covered by this Special Permit/Site Plan approval shall be issued until the petitioner has:
  - 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 to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
  - c. Filed with the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that all engineering details for the project site have been constructed to standards of the City of Newton Public Works.
  - d. Filed with the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number, and type of plant materials, final landscape features, fencing, and parking areas.
  
19. Notwithstanding the provisions of Condition #17 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building prior to installation of final landscaping provided that the petitioner shall first have filed 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 landscaping to secure installation of such landscaping.

**TENTATIVE LAND USE COMMITTEE SCHEDULE**

**NORTHLAND NEEDHAM STREET/OAK STREET**

**Special Permit # 426-18 and Request to Rezone #425-18**

<b>Land Use Committee Date</b>	<b>Topic</b>	<b>Description</b>
<b>9/25/2018</b>	Project Overview	Applicant to introduce project and committee to discuss schedule.
<b>11/13/2018</b>	Site Design and Open Space	Review of site plan, including placement of buildings, roads and open space as well as sight lines and shadows.
<b>12/11/2018</b>	Housing and Economic Impacts	Review of proposed residential and commercial program, including: analysis of the number of housing units, including affordability levels; the commercial mix; and the overall fiscal and economic impacts of the proposed project.
<b>1/15/2019</b>	Transportation	Review of the proposed internal street network and circulation including bicycle and pedestrian facilities, and analysis of the traffic impacts, shared parking proposal, and transportation demand management strategy.
<b>1/29/2019</b>	Sustainability and Stormwater	Review of the sustainability report and efforts to reduce impacts to natural resources as well as sustainability and conservation proposals.
<b>2/12/2019</b>	Architecture and Design Guidelines	Review of design guidelines that will regulate future detailed architectural design of the proposed buildings.
<b>3/12/2019</b>	Project Revisions/ Mitigation	Review of any revisions made to the project as well as updated analysis of those revisions and discussion of necessary mitigation measures.

**Plans, Presentations, Planning Department Memorandum and Updates to this Schedule can be found at the following web address:**

[http://www.newtonma.gov/gov/planning/current/devrev/hip/needham\\_st\\_permits.asp](http://www.newtonma.gov/gov/planning/current/devrev/hip/needham_st_permits.asp)

**Questions, Comments, Concerns? You can email the City Council at:**

[citycouncil@newtonma.gov](mailto:citycouncil@newtonma.gov)

# Northland

INVESTMENT CORPORATION





Lawrence Gottesdiener  
*Chairman & CEO*  
*Northland Investment Corporation*







**Peter Standish**

*Senior VP – Development & Commercial  
Northland Investment Corporation*





**Brian P. O'Connor**

*Partner*

*Cube3 Studio*





















# Connections + Public Realm Extension



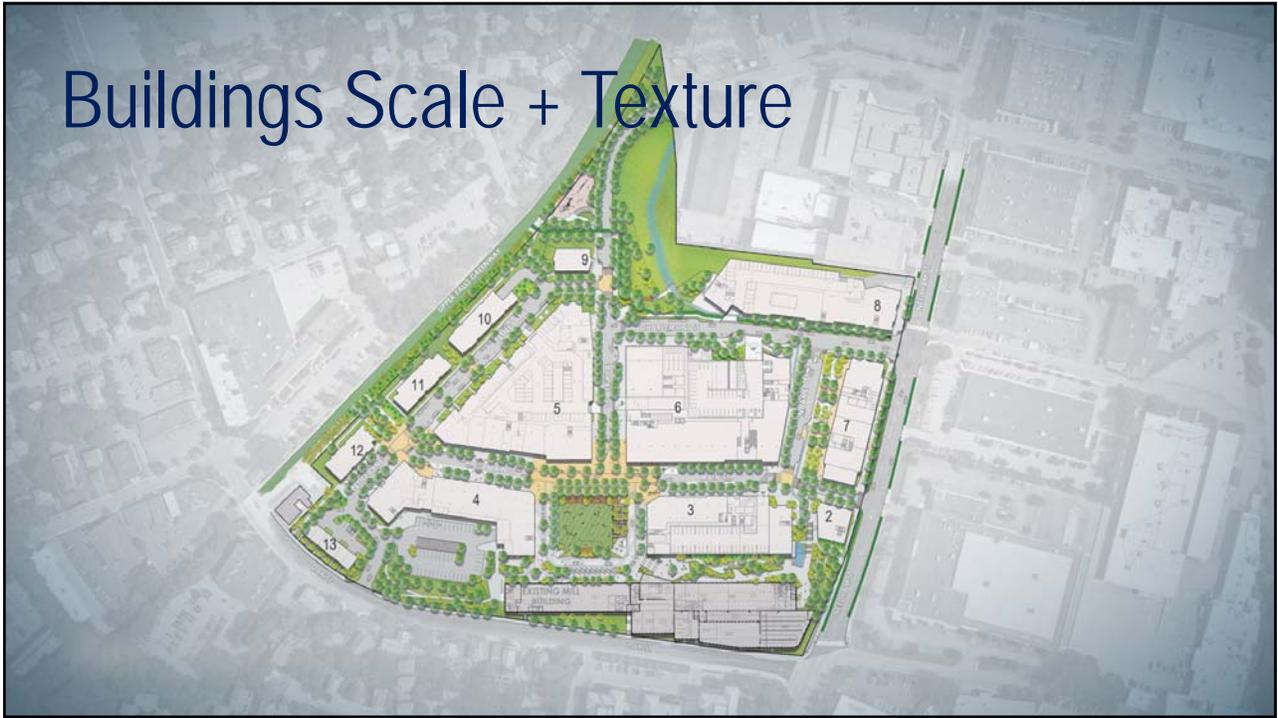
# Neighborhood Friendly Streets



# Massing Approach + Centralized Density



# Buildings Scale + Texture





**Monica G. Tibbits-Nutt**

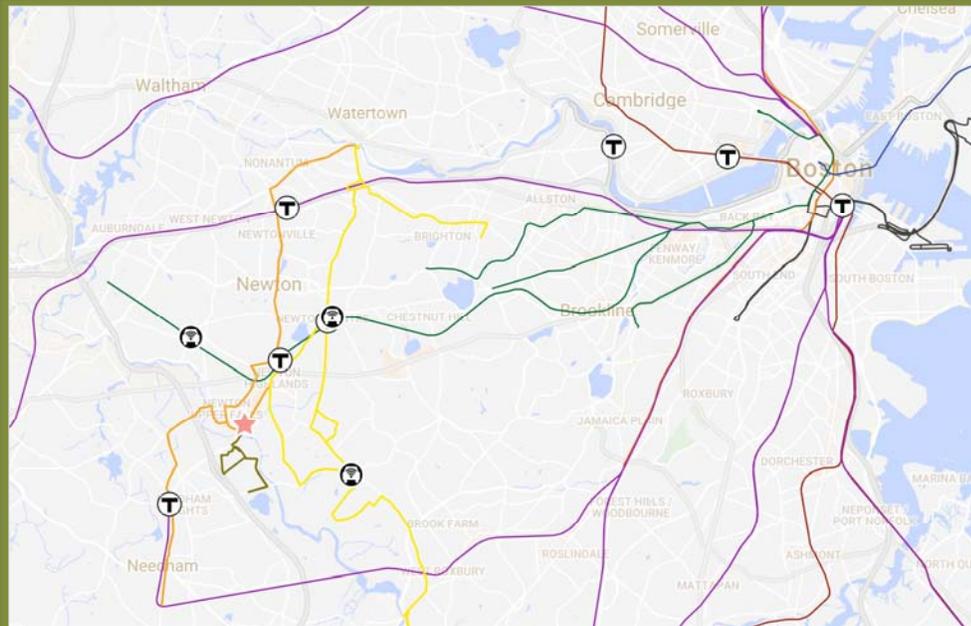
*Executive Director*

*128 Business Council*

# Transportation Implementation Plan

128

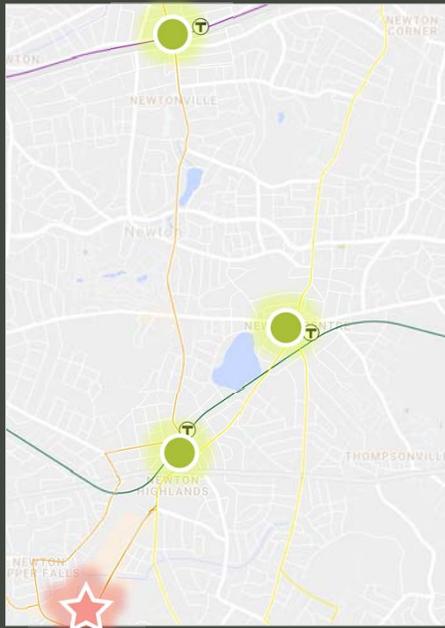
pre-existing conditions  
current services



## the transportation hub

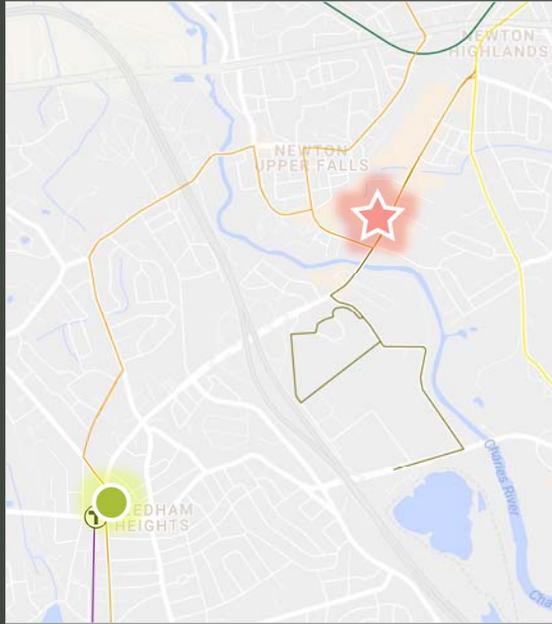
- interior waiting area, open to the public and for all modes
- interior & exterior real-time signage
- static weatherproof exterior maps
- curb cutouts for staging multiple shuttles

## proposed route 1 newton circulator



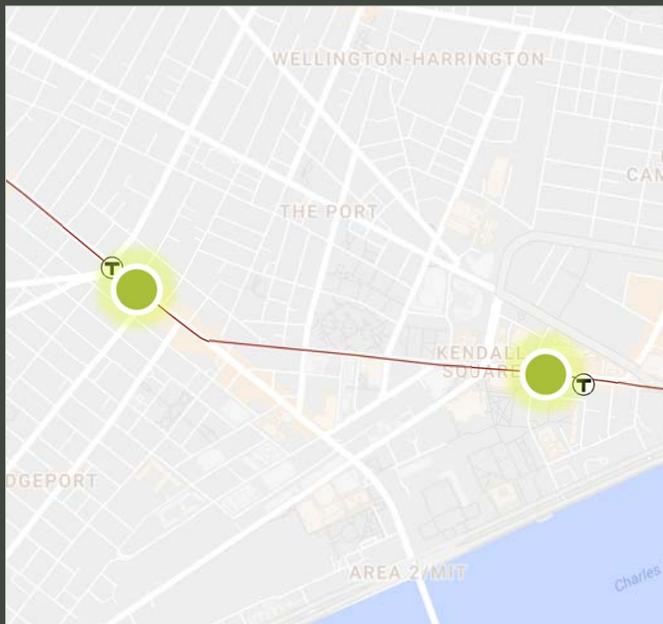
- Newton Highlands
- Newton Centre
- Newtonville
- **19,082** potential weekly rides
- Potential for alternative off-peak routing

proposed route 2  
needham commuter



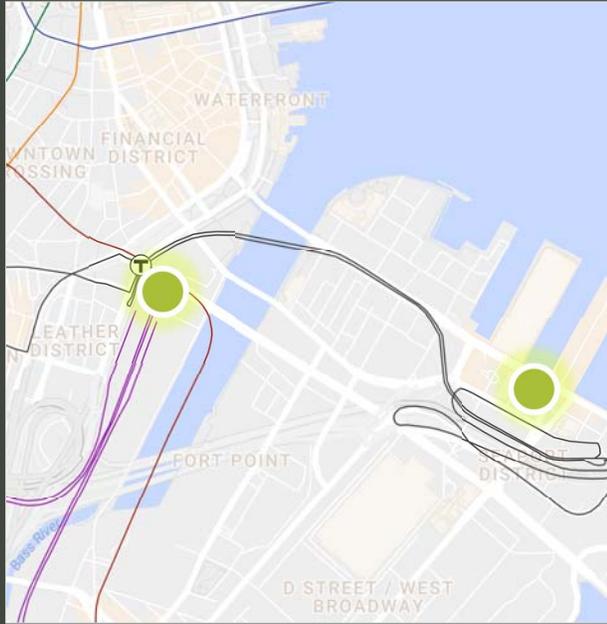
- Needham Heights
- **3,680** potential weekly rides
- Potential for expansion into southbound circulator

proposed route 3  
cambridge express



- Central Square
- Kendall Square
- **8,736** potential weekly rides

proposed route 4  
boston express



- ▶ Seaport/World Trade Center
- ▶ South Station
- ▶ **8,736** potential weekly rides

the rider experience



the most comfortable and connected shuttles on the road

# Alternative Transportation



Bike Connections

Pedestrian Connections

Multimodal Connections



# Michelle Lambert

*Founder & President  
Lambert Sustainability*



## ➤ Environmental Health

- Climate Resiliency
- Low Impact Development
- Open Space
- Access

## ➤ Transportation Alternatives

## ➤ Land Use

- Mixed use
- Diverse housing
- Local business
- Community spaces

## ➤ Design

- Active life
- Contextual and human-scale
- High performance buildings

# LEED® FOR NEIGHBORHOOD DEVELOPMENT



**SMART LOCATION & LINKAGE**



**NEIGHBORHOOD PATTERN & DESIGN**



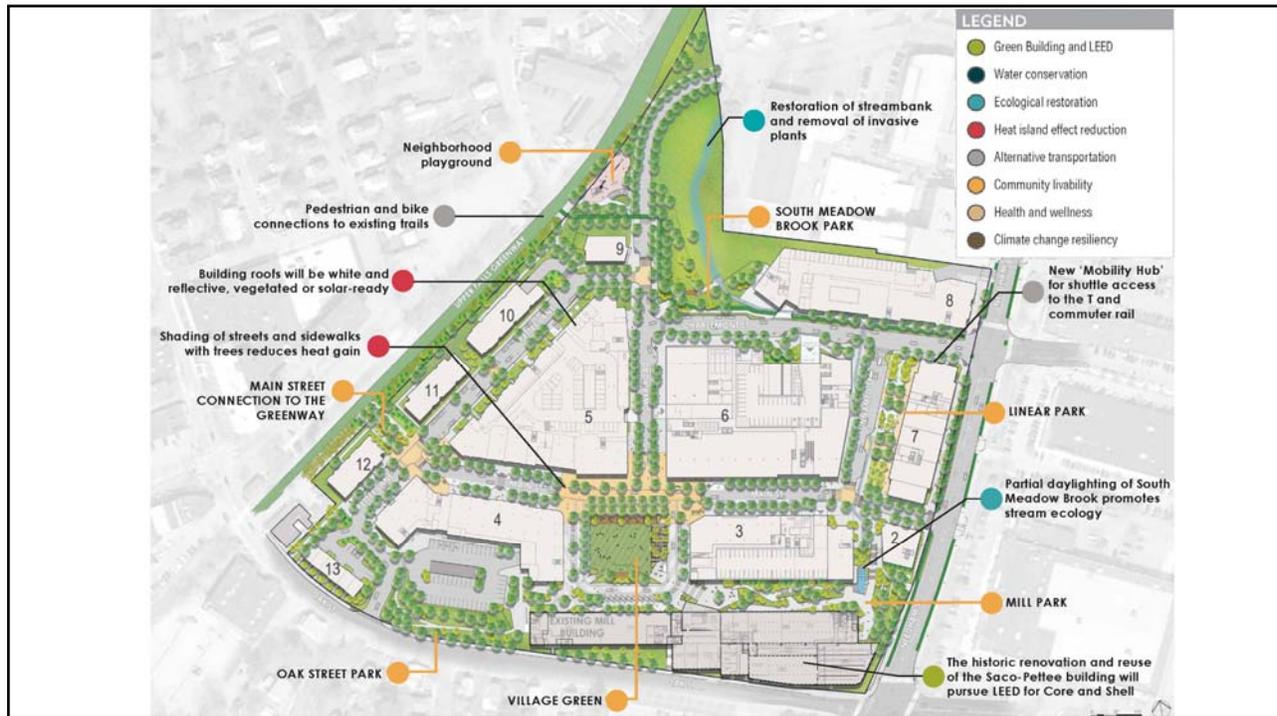
**GREEN INFRASTRUCTURE & BUILDINGS**



**INNOVATION & DESIGN PROCESS**



**REGIONAL PRIORITY CREDIT**



# Landscaping and Site



BIORETENTION BUMP-OUT



BIORETENTION PLANTERS



PERMEABLE PAVERS



SUBSURFACE INFILTRATION



BIORETENTION BASIN



POROUS ASPHALT PARKING

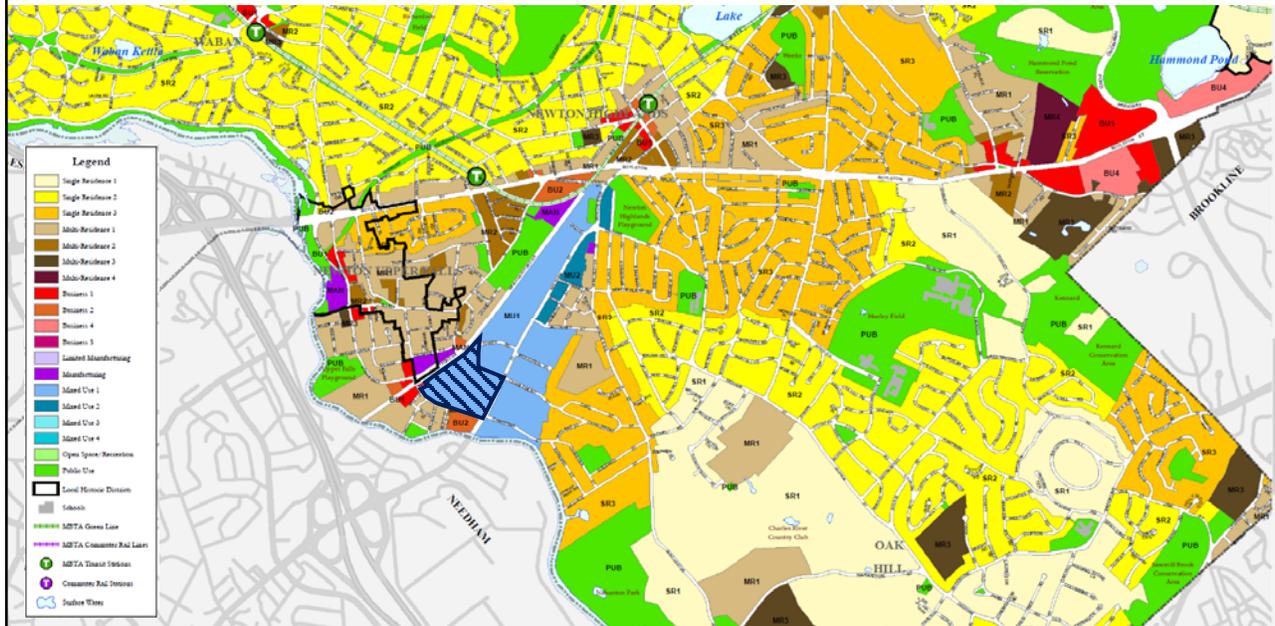




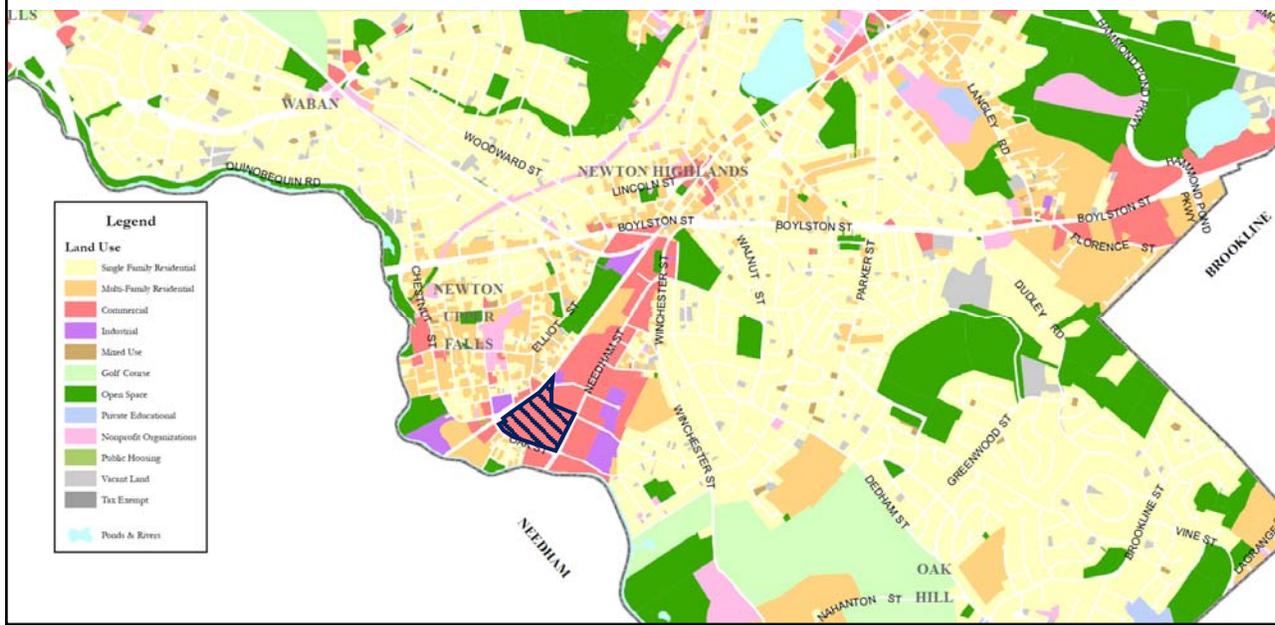
Alan J. Schlesinger  
*Partner*  
*Schlesinger & Buchbinder, LLP*



### Zoning Map



### Land Use Map





# Department of Planning and Development



## 156 OAK STREET, 275-281 NEEDHAM STREET AND 55 TOWER ROAD

**PETITION #425-18**  
FOR A CHANGE OF ZONE TO BUSINESS USE 4 FOR LAND LOCATED AT  
156 OAK STREET (SECTION 51 BLOCK 28 LOT 5A), 275-281 NEEDHAM  
STREET (SECTION 51, BLOCK 28, LOT 6) AND 55 TOWER ROAD  
(SECTION 51 BLOCK 28 LOT 5), CURRENTLY ZONED MU1.

**PETITION #426-18**  
FOR SPECIAL PERMIT/SITE PLAN APPROVAL TO ALLOW A MIXED-USE  
DEVELOPMENT GREATER THAN 20,000 SQ. FT. WITH BUILDING  
HEIGHTS OF UP TO 96' CONSISTING OF 822 RESIDENTIAL UNITS,  
WITH GROUND FLOOR RESIDENTIAL UNITS, WITH RESTAURANTS WITH  
MORE THAN 50 SEATS, FOR-PROFIT SCHOOLS AND EDUCATIONAL  
USES, STAND-ALONE ATMS DRIVE-IN BUSINESSES, OPEN AIR  
BUSINESSES, HOTELS, ACCESSORY MULTI-LEVEL PARKING FACILITIES,  
NONACCESSORY SINGLE-LEVEL PARKING FACILITIES, NON-ACCESSORY  
MULTI-LEVEL PARKING FACILITIES, PLACES OF AMUSEMENT, RADIO  
OR TV BROADCASTING STUDIOS, AND LAB AND RESEARCH FACILITIES,  
TO ALLOW A WAIVER OF 1,600 PARKING STALLS, TO ALLOW A  
REDUCTION IN THE OVERALL PARKING REQUIREMENT TO NOT LESS  
THAN 1900 STALLS, TO WAIVE DIMENSIONAL REQUIREMENTS FOR  
PARKING STALLS, TO WAIVE END STALL MANEUVERING  
REQUIREMENTS, TO ALLOW DRIVEWAY ENTRANCES AND EXITS IN  
EXCESS OF 25', TO WAIVE PERIMETER LANDSCAPING REQUIREMENTS,  
TO WAIVE INTERIOR LANDSCAPING REQUIREMENTS, TO WAIVE  
LIGHTING REQUIREMENTS FOR PARKING LOTS, TO WAIVE GENERAL  
LIGHTING, SURFACING AND MAINTENANCE REQUIREMENTS, TO WAIVE  
OFF-STREET LOADING FACILITIES REQUIREMENTS, TO WAIVE SIGN  
REQUIREMENTS RELATIVE TO NUMBER, SIZE, LOCATION OR DESIGN,  
TO WAIVE THE NUMBER OF SIGNS ALLOWED



SEPTEMBER 25, 2018

## 156 Oak St., 275-281 Needham St., 55 Tower Rd.



## Requested Relief



- Request to rezone parcels Mixed Use 1 (MU1) to Business 4 (BU4)
- Special Permits per §7.3.3 of the NZO (BU4) to allow proposed mixed use development

## AERIAL/GIS MAP



# Zoning



**ATTACHMENT I**  
**Zoning**  
156 Oak St.,  
275-281 Needham S  
55 Tower Rd.

*City of Newton,  
Massachusetts*

**Legend**

- Single Residence 3
- Multi-Residence 1
- Multi-Residence 2
- Business 1
- Business 2
- Manufacturing
- Mixed Use 1
- Mixed Use 2
- Public Use



The information on this map is from the latest Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of the map is responsible for determining its suitability for or its intended purpose. City departments will not accept any liability based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Kathleen F. O'Connell  
City Administrator - Douglas Greenfield

Map Date: September 21, 2018

# Land Use



**ATTACHMENT #**  
**Land Use**  
156 Oak St.,  
275-281 Needham St  
55 Tower Rd.

*City of Newton,  
Massachusetts*

**Land Use**

- Single Family Residential
- Multi-Family Residential
- Commercial
- Industrial
- Mixed Use
- Open Space
- Nonprofit Organizations
- Vacant Land

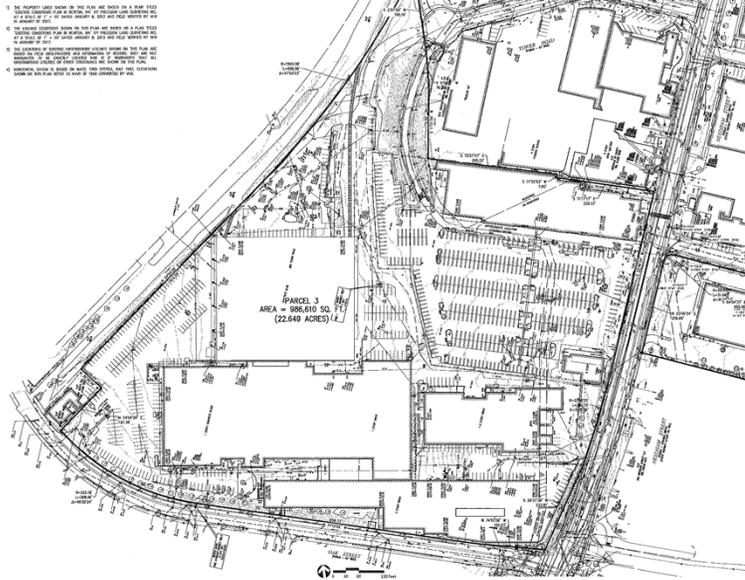


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Kathleen F. O'Connell  
City Administrator - Douglas Greenfield

Map Date: September 21, 2018

## Site Plan- existing



## REZONING REQUEST Petition #245-18

## Rezoning Petition

➤ To rezone three parcels (approx. 22.6 acres) from Mixed Use 1 (MU1) to Business 4 (BU4):

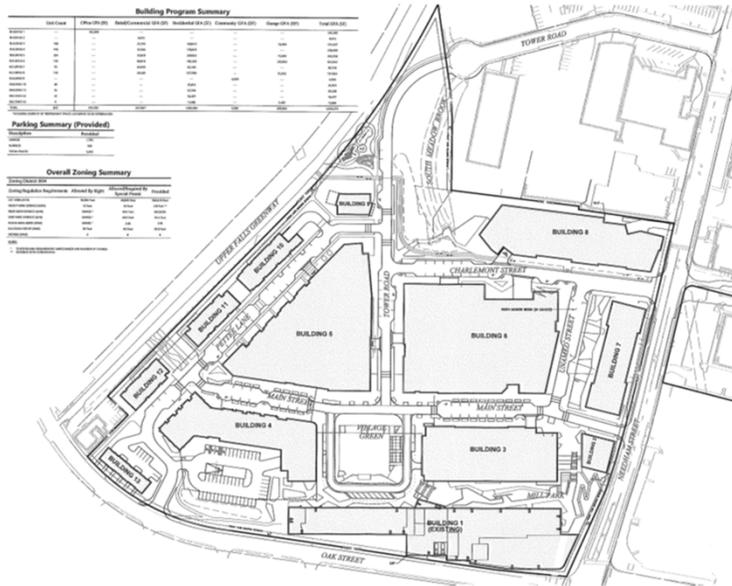
- 156 Oak Street
- 55 Tower Road
- 275-281 Needham Street

## Zoning Change Plan- proposed



  
**SPECIAL PERMIT/SITE PLAN APPROVAL**  
**Petition #246-18**

**Site Plan- proposed**



## Requested Relief



- Special Permits per §7.3.3 of the NZO permits under the requested BU4 zoning designation:
  - To allow a building in excess of 20,000 square feet of gross floor area (§4.1.2.B.1)
  - To allow building height of 96 feet and eight stories (§4.1.3, §4.1.2.B.3)
  - To extend or alter a nonconforming front setback (§4.1.3, §7.8.2.C.2)
  - Request to alter an existing nonconforming retaining wall in excess of 4 feet within the setback (§5.4.2, §7.8.2.C.2)
  - To allow ground-floor residential use, restaurants with more than 50 seats, for-profit schools and educational uses, stand-alone ATMs, drive-in businesses, open air businesses, hotels, accessory multi-level parking facilities, non-accessory single level parking facilities, non-accessory multi-level parking facilities, places of amusement, radio or TV broadcasting studios and lab and research facilities (§4.4.1)

(continued)

## Requested Relief (cont.)



- To allow a waiver of 1,600 parking stalls (§5.1.4, §5.1.13) **(1,900; 1,953 proposed)**
- To waive the dimensional requirements for parking stalls (§5.1.8.B.1, §5.1.8.B.2, §5.1.13)
- To waive end stall maneuvering space requirements (§5.1.8.B.6, §5.1.13)
- To allow driveway entrances and exits in excess of 25 feet (§5.1.8.D.2, §5.1.13)
- To waive the perimeter landscaping requirements (§5.1.9.A, §5.1.13)
- To waive the interior landscaping requirements (§5.1.9.B, §5.1.13)
- To waive the lighting requirements for parking lots (§5.1.10.A.1, §5.1.13)
- Waive the general lighting, surfacing and maintenance requirements (§5.1.10, §5.1.13)
- To waive the off-street loading facilities requirements (§5.1.12, §5.1.13)
- To waive sign requirements relative to number, size, location or design (§5.2, §5.2.13)
- Waive the number of signs allowed (§5.2.13)

## Special Permit Criteria to Consider



When reviewing the requested special permits under the requested BU4 zoning designation, the Council would consider whether:

- The site is an appropriate location the proposed development as designed with approximately 1,924,273 square feet of gross floor area within 13 structures with building heights of up to 96 feet and eight stories and including ground-floor residential use, restaurants with more than 50 seats, for-profit schools and educational uses, stand-alone ATMs, drive-in businesses, open air businesses, hotels, accessory multi-level parking facilities, non-accessory single level parking facilities, non-accessory multi-level parking facilities, places of amusement, radio or TV broadcasting studios and lab and research facilities (§7.3.3.C.1);
- The proposed development as developed and operated will not adversely affect the neighborhood (§7.3.3.C.2);
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);

*(continued)*

## Special Permit Criteria to Consider (cont.)



- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4);
- The site planning, building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy (§7.3.3.C.5);
- The extension or alteration of a nonconforming front setback shall not be substantially more detrimental than the existing nonconforming use to the neighborhood (§7.8.2.C.2);
- The proposed alteration of an existing nonconforming retaining wall along Oak Street in excess of 4 feet within the setback is not substantially more detrimental than the existing nonconforming retaining wall is to the neighborhood (§7.8.2.C.2);

*(continued)*

## Special Permit Criteria to Consider (cont.)



➤ Granting any or all of the requested exceptions to parking requirements, per §5.1.13, allowing:

- the reduction of the number of required parking stalls by 1,600 (§5.1.4, §5.1.13),
- driveway entrances and exits in excess of 25 feet (§5.1.8.D.2, §5.1.13),

and waiving:

- dimensional requirements for parking stalls (§5.1.8.B.1, §5.1.8.B.2, §5.1.13),
- end stall maneuvering space requirements (§5.1.8.B.6, §5.1.13),
- perimeter landscaping requirements (§5.1.9.A, §5.1.13),
- interior landscaping requirements (§5.1.9.B, §5.1.13),
- lighting requirements for parking lots (§5.1.10.A.1, §5.1.13),
- general lighting, surfacing and maintenance requirements (§5.1.10, §5.1.13), and
- off-street loading facilities requirements (§5.1.12, §5.1.13),

is appropriate because literal compliance with such requirement is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features.

## Proposed Land Use Committee Schedule

Land Use Committee Date	Topic	Description
9/25/2018	Project Overview	Applicant to introduce project and committee to discuss schedule.
11/13/2018	Site Design and Open Space	Review of site plan, including placement of buildings, roads and open space as well as sight lines and shadows.
12/11/2018	Housing and Economic Impacts	Review of proposed residential and commercial program, including: analysis of the number of housing units, including affordability levels; the commercial mix; and the overall fiscal and economic impacts of the proposed project.
1/15/2018	Transportation	Review of the proposed internal street network and circulation including bicycle and pedestrian facilities, and analysis of the traffic impacts, shared parking proposal, and transportation demand management strategy.
1/29/2018	Sustainability and Stormwater	Review of the sustainability report and efforts to reduce impacts to natural resources as well as sustainability and conservation proposals.
2/12/2018	Architecture and Design Guidelines	Review of design guidelines that will regulate future detailed architectural design of the proposed buildings.
3/12/2018	Project Revisions/ Mitigation	Review of any revisions made to the project as well as updated analysis of those revisions and discussion of necessary mitigation measures.