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CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, APRIL 5, 2005

Present: Ald. Mansfield (Chairman), Ald. Salvucci, Albright, Fischman, Samuelson, Merrill, and Harney
Absent: Ald. Vance
Also present: Ald. Yates and Sangiolo
City staff: Ouida Young (Associate City Solicitor), Nancy Radzevich (Chief Planner), Gerald Brown (Acting Commissioner of Inspectional Services)

Consistency Determination:

RE: #64-02 Special Permit for an accessory apartment in a detached structure at 1080 WALNUT STREET, granted April 1, 2002

NOTE: Acting Commissioner Brown explained the request for a consistency ruling was to allow a modification of the approved site plan so that the owner could acquire a 3.172 s.f. addition to his lot, which he will acquire from the lot to the rear at 51 Hyde Street. The subject lot, although it has a Walnut Street address, is actually located on Allen Terrace, a private way off Walnut Street. Comm. Brown said that the permit had been fully exercised, and that the land in question did not affect any aspect of the approved site plan, including landscaping, circulation or parking. No committee members expressed any concern with this proposal and agreed it was consistent with the originally approved plan.

THE FOLLOWING ITEMS WERE TAKEN UP IN WORKING SESSION:

#437-03(2) BACK BAY SIGN/SOVEREIGN BANK/JEAN E. GRIER for SULLIVAN REALTY TRUST petition for a SPECIAL PERMIT for a free-standing sign and an amendment to the site plan approved in previously-granted special permit #437-03 at 64 NEEDHAM STREET, on land known as Sec 83, Blk 11, Lot 18, containing approx 25,731 sf of land in a district zoned MIXED USE 2. Ref: Sec 30-23, 30-24(d), 30-20(l) of the City of Newton Rev Zoning Ord, 2001.

ACTION: APPROVED 6-0 (Samuelson not voting)
NOTE: This is a petition for a free standing sign and an amendment to site plan approved in a previously-granted special permit that allowed commercial parking on adjacent land for a portion of the building located at 60 Needham Street. The sign would be to identify a new tenant in an existing commercial building, a branch bank in an as-of-right use in a Mixed Use 2 Zoning District. In May, 2004 the Urban Design and Beautification Commission approved two existing wall signs; however, at that time the petitioner expressed concerns about the visibility of the building because of its setback from Needham Street and partial obstruction by other properties.

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The free-standing sign proposed is 7'wide x 4'10" high, internally illuminated, with an 18" open area beneath it for motorists' visibility.

The Planning Department recommended the proposed sign be relocated two to three feet further back from the sidewalk, from 4' to 7', to improve visibility and anticipate the eventual reconstruction of Needham Street. At the public hearing held on March 15, 2005, the petitioner agreed to do so. No members of the public testified at the hearing. Aldermen Fischman and Samuelson agreed that the existing wall signs are not visible from the street and the business is hard to see until one is directly in front of it. The petitioner had provided several photographs demonstrating this. At the hearing, Alderman Samuelson expressed support for a free-standing sign at this location, as long as it was not lighted at night. Chairman Mansfield noted that there were currently more than 25 free-standing signs on Needham Street, and to set the context in which this petition could be considered, he asked the Planning Department to provide documentation of those signs and the special permits and/or other authorizations behind them.

At the working session, the Planning Department recommended that the six shrubs shown on the plans at the base of the sign be eliminated and replaced with ground cover to improve sight lines for motorists exiting the site. Since the sign was elevated 18" to achieve the same purpose, it did not make sense to fill this clear space with plantings. They also recommended a condition that the lighted sign be turned off ½ hour after the business closed, thus complying with the sign ordinance. Ald. Fischman suggested the intensity of the light from a red sign might be too bright, and Jason Brill from Back Bay Sign agreed to install a diffuser on the inside of the sign panel and to reduce the wattage of the fluorescent bulbs. Ms. Radzevich said the sign would comply with the newly adopted light pollution standards, and she and the committee agreed that a condition limiting the intensity of the light could be achieved by review and approval of the construction plans by her department.

Ald. Mansfield commended the Planning Department for their inventory and analysis of the existing free-standing signs on Needham Street that was submitted to the committee. It clearly showed that there are 28 such signs; 18 are authorized by special permit; one is pre-existing non-conforming; but nine do not have apparent evidence of their authorization. He explained that the reason he had asked for this information was not because he did not believe that the requested sign was justified, but rather to see if any of the existing signs could be subject to elimination or change, since he felt that with the prospect of rebuilding the street, possibly placing utilities underground, and generally improving the aesthetics of the environment, the City should take all possible steps to minimize the "sign forest" that threatens to overtake Needham Street. Ald. Albright asked whether these signs can be standardized when Needham Street is rebuilt. Ms. Young pointed out that all these signs are on private property and so would not be affected by that project. Ald. Mansfield added that standardization could only be carried out through a combination of enforcement actions, willing owners and a willing Board of Aldermen. However, he suggested and the committee agreed that, in the name of the committee, he ask the Inspectional Services Department to investigate those signs for which authorization is not apparent and, if no further evidence is found, to order their removal or application to the Board for a special permit. He also noted that there are at least four sidewalk or "sandwich board" signs on this street, and a large fence sign, which are clearly prohibited.

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Ald Fischman moved approval of the petition, with the conditions that had been discussed, including moving the sign back from the street, removing the shrubbery, turning the sign off ½ hour after closing, and reducing the intensity of the light. He found that the orientation of the building in relation to the buildings on either side makes the location difficult to find, and approval of this special permit will help the traveling public to identify the site. He also found that the proposed landscaping will improve the appearance of the frontage of this building. His motion was approved 6-0.

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#470-04 NEWTON WELLESLEY HOSPITAL CORP. petition for SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NON-CONFORMING USE AND STRUCTURE for a new and relocated Emergency Department of approximately 36, 000 sf, ambulatory services space of approximately 22,000 sf, "shell space" of approximately 22,000 sf, in three levels above the Ambulatory Surgical Services Building, a 600 sf connector to the Ambulatory Surgical Building from the new Emergency Department, a 5,000 sf basement Operating Room space, enlargement of the existing garage (Special Permit # 455-89) to provide a net increase of 570 parking spaces, an enclosed pedestrian walkway connector from the west end of the Surgical Building to the Hospital (previously approved in Special Permit # 140-00, but not constructed), and a new generator on the roof of the existing main Hospital Building to support the new Emergency Department and Ambulatory Services at 2014 WASHINGTON STREET, Ward 5, on land known as Section 55, Block 1, Lots 15, 15A, 15B, 15BL, 28, 31, 33, 34 containing approximately 1, 127, 289 sf of land in a district zoned SINGLE RESIDENCE 2. Ref:30-5(b)(4), 30-8(b)(3), 30-8(b)(7), 30-15, 30-19(h), 30-19(i)(1)), 30-19(j)(1)), 30-19(m), 30-20(l), 30-21 (a)(b), 30-23, 30-24 of the City of Newton Rev Zoning Ord, amendment to condition 7 of Special Permit #128-87, second and third sentences, to allow a portion of the new generator only to exceed 232 feet, 4 inches. Except as expressly modified by this Special Permit request, all conditions of the following Special Permits to remain in full force and effect: 128-87, 455-89, 302-90, 302-90(2), 151-95, 140-00.

ACTION: APPROVED 7-0

NOTE: This is a petition for a special permit and site plan approval for the extension of a non-conforming use and structure, a hospital and its associated facilities, in a Single Residence 2 zoning district. The essence of this request is the relocation and expansion of the Newton Wellesley Hospital's (NWH) existing Emergency Department (ED) and extension of an existing parking structure both to accommodate the requirements of the new ED and to relieve an existing parking shortage for employees, patients and visitors throughout the campus. The petitioner testified that the existing ED was designed for 30,000 visits per year, but is now experiencing 35-40,000 such visits. In the past year, he reported, the ED was on "diversion" of emergency calls to other medical centers for 587 hours. At the public hearing, Ald Yates asked for a flow analysis of the utilization of the ED and its relation to admissions to the hospital. The petitioner provided very detailed studies and technical analysis in response. The proposed ED will be designed to accommodate 55,000 visits per year, and could be further expanded to meet an additional 10,000 visits in growth.

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In total, the petition requests the construction of approximately 80,000 sq.ft. of additional floor area for patient services, on three floors above the existing 2-story Wickstrom Surgical Center without increasing the footprint of the building. The first new story will be for the new ED which, because of the grade differential of the site, will have a direct entrance at grade on the east side of the building. The Surgical Center will retain its at-grade entrance facing north. The second new story will be designated for expanded ambulatory services. The third new story will be built as shell space, and a future special permit amendment will be required when NWH decides to build out and occupy this space. The resulting structure will not be higher than the existing adjacent hospital buildings, and will not require an extension of the non-conforming structure for building height. However, a proposed ventilation stack mounted on top of a new generator pad on the roof of the new building requires approval of an extension of the height limit for mechanical equipment by 12 feet.

The site of the expanded building is adjacent to an Historic District on the National Register of Historic Places which includes some of the original cottage hospital buildings. One of these, the Ellison Building, a 2 ½ story brick building currently connected to the Surgical Center, is proposed to be moved to accommodate the new ED entrance as part of this petition. This building will be rotated, relocated in the approximate center of the District facing the ED entrance, and renovated for continued use as professional support offices. Also within this District is a "Memorial Cupola" preserved from one of the previously demolished cottage hospital buildings. To accommodate the relocation of Ellison and the traffic circulation, this cupola will also be relocated. Any amendment to the Historic District site plan, previously approved by the Board, requires a special permit amendment.

The other major element of the petition is the expansion of the employee parking garage located behind (east) of the main hospital buildings and adjacent to residential abutters on its east and south sides. The petitioner testified that 100,000 people now come to NWH per year that would not have come there 20 years ago. Changes in medical care have resulted in not only more outpatients, but also more staff on campus. The existing 5-story garage contains 564 spaces. Its proposed expansion involves two additions: a 5-story addition to the east and north sides (3 stories below grade and 2 stories at or above grade), and a 3-story addition cantilevered above the hospital's loop road on the west side. The top level of the additions will be at the same elevation as the current garage's top level, approximately 15 feet above existing grade. These additions will add 637 spaces to this garage, but the net increase in parking spaces on the campus will be 570 since several surface parking spaces currently behind the garage will be eliminated by the expansion. The majority of the stalls in this garage will be reserved for employees, with the exception of up to 90 spaces dedicated to patients and visitors to the ED. Employees currently parking in the 576-space garage located at the north campus entrance will be relocated to the newly-expanded garage, freeing up more spaces for the public. Although no additional parking spaces would be required to meet the requirements of the Zoning ordinance, the petitioner has proposed the 570-space increase to meet actual current and projected short-term parking demand.

In addition to these proposed major elements of this petition, when construction for the new ED is complete, NWH is also proposing to renovate the space currently occupied by the ED

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adjacent to the hospital's main (south) entrance for an expanded medical oncology unit and to build a new 1,500 sq. ft. entrance to this area. The existing parking area directly in front of this entrance will also be reconfigured, all to be done in accordance with this special permit/site plan approval. A 5,000 sq. ft. area in existing basement space will also be converted to operating room space. An enclosed pedestrian walkway connection between the west end of the Surgical Center and the main hospital building, previously approved as a part of a 2000 special permit, will also be constructed. Finally, NWH is proposing a number of vehicular and pedestrian circulation improvements to the site, including relocating the existing entrance sign at the south entrance, extending the right-turn lane leaving the campus at the north entrance from Washington Street, reshaping the existing surface parking area adjacent to this entrance, re-striping pedestrian crosswalks and providing additional directional signage. These circulation changes require some re-grading in excess of three feet at various portions of the site.

The petitioner has submitted a construction management plan that proposes to carry out the construction in six phases, with the parking structure expansion and much of the site circulation improvements completed before the new ED is built. That work is expected to take approximately 16 months, followed by the renovations to the existing space. That plan also includes all of the typical protective conditions to minimize the impact of noise, dust, erosion, blasting, and off-site traffic and parking generated by the construction activity that the Board has become accustomed to including in its special permit conditions.

Prior to the petitioner's application, the preliminary plans were reviewed and approved by several agencies of the City. The Historical Commission approved the plans to move the Ellison Building and the cupola, as well as the landscape plans and the façade of the new garage as they have an impact on the Historic District. The Director of Urban Forestry reviewed the petitioner's tree removal and planting plan and eventually certified its compliance with the Tree Preservation Ordinance. The Fire Department reviewed access and egress to the site and approved the site layout. The Engineering Division requested peer reviews of the petitioner's storm water management plans and drainage calculations, as well as of the petitioner's traffic impact and parking studies.

The application was filed in December, 2004, and the **public hearing** opened on January 13, 2005. Primarily to receive the reports of the City's peer reviewers, the hearing was continued to February 15, 2005, when it was closed. Between these two sessions, members of the Committee and the Board conducted a site visit led by the petitioner's representatives. Several abutters were also present. At both sessions of the hearing, petitioner's representatives presented detailed descriptions of the proposed development and responded to questions raised by the Aldermen, the city's professional reviewers, and by the public. There were also a large number of members of the public testifying, many from the medical staff of NWH, many from the immediate neighborhood, as well as many citizens from throughout Newton. There was almost unanimous agreement in their testimony regarding the value of NWH to the community and the pressing need for the expansion and modernization of the ED, to better meet the changes in the way medical services are delivered in response to technological advancements. After the close of the public hearing, the Committee held three working sessions to review and analyze the petition. At the final working session, the Committee reviewed a draft of findings and conditions

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developed by the Planning and Law Departments to reflect the objectives Committee members had expressed at earlier meetings.

The primary concerns that were expressed by some from the community and some Aldermen were about the growth of vehicular traffic to and from the site, with many including the Planning Department advocating for transportation demand management measures that would reduce or at least slow the growth of such traffic. The City's peer review traffic consultant, Traffic Solutions, Inc., as well as many of the abutters concluded that the proposal provided 60-84 more parking spaces than were justified by the present needs and the proposed ED and associated floor space expansions. However, after meetings between the petitioner's traffic consultants, the peer reviewer, and the City's Traffic Engineer, the Traffic Engineer reported to the Committee that the hospital's proposed parking demand projections, to satisfy the current shortage, the new space to be created, and the projections of historical annual growth in parking demand could conceivably utilize all the proposed parking within 3 to 5 years. He also agreed with the hospital's traffic experts that maintaining a 93.5% utilization rate was reasonable to support efficiency in parking turnover and that their assumptions were conservative. He reviewed the hospital's transportation demand management efforts, including T-passes for employees, incentives for car-pooling, and a Memorandum of Understanding with the developers of the approved Arborpoint housing and parking garage project at nearby the Woodland MBTA station. He also compared their efforts and facilities with the experience of other suburban hospitals, and concluded that although only 5% NWH employees come to work by public transit, this is not atypical.

Other traffic and circulation issues were explored by the Committee in working session with the Traffic Engineer. He found the design of the drop-off/pick up area in front of the new ED to be adequate in avoiding conflicts between patients' vehicles and emergency vehicles, a concern expressed by the Committee. The petitioner agreed to provide valet parking to move vehicles into the garage if that was found to be necessary in operation. Ald. Albright had raised several detailed questions about this aspect of the proposed plan. The Traffic Engineer also advised the Committee on the desirability of a Traffic Mitigation Fund, to be used for studies and/or improvements to the intersections at Washington St. and Commonwealth Ave., Washington St. and Beacon St., and for parking meters along the east side of Washington St. at the hospital. Although the petitioner's offer of $25,000 towards this fund is a condition of the proposed special permit, none of these improvements are mandated by approval of this permit and would be subject to future approval by the Board. The Traffic Engineer also recommended a post-occupancy traffic and parking study be conducted by the petitioner, which would be available to the City before the petitioner would return to seek amendments to build out and use the shell space.

The report of the other engineering peer reviewer generated much less discussion or controversy, since he found the drainage design for storm water management adequate. However, the City Engineer did note that the report found that the petitioner's expansion would add sewer flow to a sector of the City's system that was already beyond capacity due to inflow and infiltration of ground water. Since the City is under a 1996 DEP administrative consent order to correct this situation, the City Engineer suggested a large user such as NWH should be required to mitigate their added flow on an 8:1 basis, requiring a payment into a mitigation fund

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of $129,000. The Committee found that the Arborpoint developers had agreed to a 2:1 mitigation ratio, but NWH offered a payment of $16,132 on a 1:1 ratio, which the Committee accepted. It should be noted that Ald. Salvucci proposed eliminating the conditions establishing both these mitigation funds from the permit, but his motion failed to carry by a vote of 2-5, Ald. Salvucci and Merrill in favor.

Another matter of some discussion in the hearing was NWH's acquisition of two of the four residential properties on Bonaire Circle, abutting the site of the expanded garage, prior to filing the petition. The hospital stated it had no plans to use these sites except for residences, but the neighbors felt that this was likely to increase the transient nature of the area, and particularly of that small street. Although this was not an element of the petition, an agreement reached during the working session deliberations between NWH and the majority of its neighbors and abutters provided that the hospital seek to sell these homes on the open market within five years of occupancy of the new ED, and the Committee agreed to include this as a condition of approval. The agreement between the hospital and its neighbors, which was presented to the Committee by Ald. Harney, also proposed the establishment of a Neighborhood Council, with representatives from the neighborhood, the City and the hospital. This would be in addition to a construction liaison committee and would continue meeting indefinitely beyond the completion of the proposed expansion project. Not only would this body be a forum for the exchange of information and the resolution of complaints, but it would also be designed to address issues of long-range planning for hospital expansion and/or changes in the way it relates to the surrounding community. The issue of the apparent lack of such planning had been another compliant raised by the community at the public hearing and in letters to the Board. The hospital had testified that it could not even commit to a five-year plan, as it had when it received its last major special permit in 1995, because of the unpredictability of changes in medical technology and service delivery. The Committee hoped that the Neighborhood Council will be a mechanism that can react to and guide the response to such change, and that its continuing existence will serve planning needs better than a paper document.

Nevertheless, the restrictions on growth imposed by the succession of special permits for NWH approved by the Board since 1987 are maintained in the recommended draft Board Order. Most notable of them are the buffer zone of vegetative screening that is maintained on the three residential sides of the campus, supported by a non-statutory conservation restriction, and augmented with additional planting adjacent to the expanded garage, and the limitation that all building expansion with the exception of that for parking is limited to within the ring road.

The final detail of the plans to be considered by the Committee was the design of the lighting for the top deck of the garage. As in the current garage, the petitioner agreed to close the top level to employee parking after the end of the afternoon shift, and to turn of the lights at 8:00 PM. But the Planning Department recommended that the level of lighting be increased closer to the standard of 1.0 foot candles required by Ordinance for parking lots which cannot be maintained by the current perimeter lighting in the parapet walls. The petitioner proposed a design of 177 bollard lights, but this was rejected because of the expense and the difficulty it would pose to snow plowing. Alternatively, 20-24 ft. high fixtures were suggested, but the abutters opposed this plan, and the Committee and the petitioner finally agreed upon extending the perimeter lighting, recognizing that while it did not even consistently reach a 0.5 foot-candle

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level of illumination, this deck will be used only by employees, never late at night, and security personnel are available.

Ald. Samuelson moved approval of the petition, citing the extensive list of finding contained in the draft Board Order, and with all the associated conditions contained therein. She commended NWH for working with the community and reaching agreement with them on many controversial points of the proposal, noting that the petitioner had tried hard to address the concerns of the neighborhood to the best of his abilities. In particular, she cited the chief benefits of the proposal to be improving service to the community and enhancing pedestrian circulation on the site. She also commended the Planning Department for bringing up the question of adequate lighting and the hospital for working towards a mutually acceptable solution to the problem. She added the finding that NWH would continue their attempts to relocate some of its associated activities to other sites in the region to lessen the burden of traffic on Washington Street. Ald. Harney referred to an April 1 letter from a Beacon St. resident, Stephen Honig, and urged the hospital to take note of his comments and to be planning for their needs 7-10 years from now. He also thanked Longfellow Road resident Andree Saulnier and Dorset Road resident Michael Wolfson for working hard to reach a middle ground with the hospital through their agreement. Ald Yates again stressed his desire to have the hospital focus on helping employees to decide to live where they don't have to rely on cars to reach the campus, and also again asked the hospital to follow the advice of the patient flow management models developed by Newton resident Dr. Donald Berwick. He stated that the Neighborhood Council has much promise to address the planning issues raised by Beacon St. resident Alice Ingerson and others. Both Chairman Mansfield and Ald. Samuelson noted that the petitioner's mass mailing to the community supporting their petition was unnecessary and of little effect on the Board's eventual vote. Despite that, the Chair thanked President Jellinek and his staff for their cooperation and responsiveness, and the Aldermen of Wards 4 and 5, especially Ald. Samuelson, Yates, Harney and Sangiolo, for their efforts to complete the review of this petition.

The motion was approved by a vote of 7-0.

The meeting was adjourned at 10:15 PM.

Respectfully submitted,

George E. Mansfield, Chairman