



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

October 12, 2022

[By Electronic Mail]

Kat Miller
Planning and Programs Specialist
Massachusetts Housing Finance Agency
One Beacon Street
Boston, MA 02108

RE: Chapter 40B Comprehensive Permit Project Eligibility Application/Site Approval

Project Name: 528 Boylston
Location: 0, 502-504, 516, and 528 Boylston Street; 24-26 and 32-34 Hurley Place; and Hagan Road
Number of Proposed Units: 244
Subsidizing Agency: Massachusetts Housing Finance Agency (MassHousing)
Applicant: Toll 528 Boylston LLC

Dear Ms. Miller:

The Planning and Development Department, on behalf of the City of Newton, appreciates the opportunity to comment on the Project Eligibility/Site Approval application recently submitted by Toll Brothers (the "Applicant") for 528 Boylston (the "Project"). This letter constitutes the City's response to your letter addressed to Mayor Fuller, dated September 12, 2022, seeking comments regarding the Project.

The Planning and Development Department (the "Department") solicited written comments from abutters to the proposed project as well as from City staff, and members of the City Council and Boards and Commissions. Comments were received from several abutters, which can be found in Attachment A.

Comments in Response to the Project Proposal

The Planning and Development Department offers the following comments in response to the information provided by the Applicant to help MassHousing evaluate this request for Project Eligibility/Site Approval:

A. Affordable Housing

- **Affordable Housing Need.** The need for affordable housing in Newton is vast, impacting extremely low-income individuals and families to those earning upwards of 120% of the area median income. These needs continue to persist as evidenced by the latest Comprehensive Housing Affordability Strategy data published by HUD. Of the total 30,850 households in the City, 23% are low-to-moderate with incomes at or below 80% of the area median income (AMI). More startling is the percentage of housing cost burdened families in the City – close to 30% of *all* households in Newton, regardless of income level. Housing cost burden pertains to those individuals or families that spend over 30% of their monthly gross income on housing costs. As a result, these households are likely to struggle to afford other basic needs such as food, clothing, transportation, medical care, and childcare, which force difficult trade-offs. An even more shocking statistic is that over 46% of low-to-moderate families (at or below 80% AMI) in Newton are considered severely housing cost burdened, paying greater than 50% of their annual incomes on housing costs.¹

In Newton, the lowest income families experience the greatest challenges related to housing. According to the City's 2016 Housing Strategy, approximately 16% of all households in the city, or over 4,900 households, earn at or below 50% of AMI, yet there are only 2,145 rental units and 106 ownership units affordable to families at these low-income levels.² This affordability gap amongst Newton's vulnerable populations is also highlighted by the over 1,300 families and seniors on the Newton Housing Authority waitlist. Many of these households spend close to ten years on the Housing Authority's waitlist before receiving notification of an available unit in Newton.

While there are a handful of pending and approved developments in the City with SHI-eligible units, these additional units will not meet the overwhelming demand for affordable rental housing throughout Newton. As of August 2022, 8.90%, or 2,878 units of the City's housing units are listed on Newton's Subsidized Housing Inventory (SHI). However, only 5.35%, or 1,729 units, of the City's housing units are deed-restricted affordable units, set at prices affordable to households at or below 80% AMI.

¹ 2014-2018 CHAS.

² 2011-2015 CHAS.

- **Newton's Housing Strategy and Priorities.** Newton's housing priorities stem from the urgent need for affordable housing. According to the City's *Newton Leads 2040 Housing Strategy*, published in 2016, since 2003 the average sale price of a single-family home in Newton has doubled from approximately \$600,000 to \$1.2 million. A 2021 Boston Globe article cited that more than one out of every four single-family homes sold in Newton that year went for more than \$2 million and the median single-family home price from January to July 2021 was \$1.5 million.³ The rental market in Newton also corresponds to this widening price trend as most rentals in the City are only affordable to households earning 100% of the area median income (AMI) or higher. In addition, the number of households earning less than \$125,000 declined by 22.2% between 2000 and 2013. The combination of escalating housing prices and the City's significant loss of low- and middle-income households over the past 15 years means that without action, Newton will become predominantly a city affordable to only the wealthy, with limited diverse housing options for younger and older Newtonians and those of more limited means.⁴

The dearth of housing options affordable to a variety of populations at a range of incomes, including individuals with disabilities, threatens the vibrancy of our village centers, our schools, and community life. The City, therefore, has consulted with stakeholders and residents to create public plans with clear goals to guide Newton in combatting this challenge. These documents, the City's Comprehensive Plan, the *2040 Housing Leads Strategy*, the Economic Development Strategic Plan, and the Needham and Riverside Vision Plans all identify the protection and broadening of Newton's housing diversity as major priorities. The plans emphasize that the creation of affordable housing could assist in maintaining the diversity of Newton by providing housing opportunities of varying types to different populations at mixed incomes. Doing so creates the opportunity for greater economic and social diversity, as families and individuals of varying ages, ethnicities, occupations, and income levels can find a home in Newton.

The enactment of these overarching goals and others (e.g., walkable village centers, lowering greenhouse gas emissions, co-locating housing and public transit to address congestion) requires the implementation of key strategies, which are also outlined in the City's public planning documents. One strategy is the purposeful placement of new housing. For instance, housing development in mixed-use developments, near walkable amenities and access to transit.

In addition to the desirability of mixed-use development, Newton also recognizes mixed-income development as an integral strategy. Mixed-income projects that offer equitable housing units and amenities for both low-and middle-income and higher income

³ "More than one out of every four homes in Newton sold for more than \$2 million this year," Boston Globe, John Hilliard, August 31, 2021, <https://www.bostonglobe.com/2021/08/31/metro/more-than-one-out-every-four-homes-newton-sold-more-than-2-million-mayor-says/>

⁴ Newton Leads 2040 Housing Strategy, p. 28

individuals and families are crucial for encouraging newcomers to Newton and helping residents stay in community. The creation of a greater number of mixed-income developments may help to reverse the trend of Newton's shrinking low- and middle-income populations. Finally, leveraging a mix of local, state, federal, and private dollars to create affordable ownership and rental housing is crucial for Newton to meet its housing goals and create the diverse and welcoming city it desires

- **Project Unit Mix and Affordability.** The Project will add 61 units affordable to households at 80% of the Area Median Income (AMI): 24 one-bedrooms, 30 two-bedrooms, and 7 three-bedrooms. A total of 3 units will be both affordable and fully-accessible to individuals with disabilities. By producing affordable units at these sizes, the Project allows individuals and families with a range of social and economic diversity to find a home in Newton. The remaining 183 units will be rented at market-rate.

While the affordability of 528 Boylston responds to the City's diverse housing goals as articulated earlier in this document, the Department would like to see a deeper level of affordability represented throughout the 61 affordable units, including units set at or below 50% AMI and 65% AMI, in addition to the 80% AMI units. As stated above, there is a substantial affordability gap amongst Newton's lowest income families, particularly for those at and below 50% AMI. The pandemic exacerbated these issues and increasing rents continue to put pressure on Newton's most vulnerable populations, many of whom were already severely housing cost burdened. The dire need for units affordable to families at and below 50% AMI cannot be overstated. This project provides a unique opportunity to set aside units at these lower levels to support Newton's and the region's vastly underserved individuals and families.

B. Land Use, Site Plan Design and Sustainability

The regulation for a Comprehensive Permit under M.G.L. Chapter 40B states that the Subsidizing Agency determines whether *"the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns."*⁵

- **Land Use and Density.** The subject site is located along the south side of Boylston Street (Route 9) between Olde Field and Dudley Roads. The subject properties are zoned Single Residence 1 (SR1) and Single Residence 2 (SR2) and contain a laydown area and contracting supply yard for a landscaping business, two two-family homes, and undeveloped land. The site includes wetlands and flood zone along the western edge of the site and ledge along the eastern edge. The site is surrounded by primarily single-family

⁵ (760 CMR 56.04(4)(c))

homes to the north, west, south, and east. To the north and west, properties are zoned Single Residence 3 (SR3), to the south properties are zoned SR2 and to the east is zoned SR1. The single residence districts primarily allow for single-family homes, as well as some institutional or civic uses.

The Applicant proposes one multifamily building fronting Boylston Street on a 5.8-acre site. There would be a total of 244 apartments ranging from one- to three-bedrooms, of which 61 (25%) would be affordable at 80% of area median income (AMI). A total of 397 parking spaces are proposed, or a ratio of 1.63 parking spaces per unit. There are 14 surface parking spaces, and the rest of the parking is located within three levels of parking garage at the base of the building, the majority of which will be subterranean.

The project requires zoning relief for the use, type of building, dimensional standards, and parking. The SR 1 and SR2 zoning districts where the project is located do not allow for multifamily buildings, therefore there are no dimensional standards to apply, and the ZBA will be required to determine reasonable standards through the comprehensive permit process.

While Boylston Street is likely an appropriate location for multifamily housing, determining the appropriate levels of density as well as other dimensional controls such as building height, floor area, and setbacks, will require careful consideration by the ZBA along with input from City staff, peer reviewers, and the community.

- **Building Massing, Design and Architecture.** The project proposes a long building running roughly east-west along Boylston Street and extending back towards Hagen Road. The building ranges from five to six stories along Boylston Street and from five to seven stories along the southern elevation. The site is challenging due to changes in grade, flood zone, a 100' inner riparian zone, a 100' wetlands buffer zone, topography, and various easements. The proposed building appears to be located to mostly avoid the areas of exposed ledge and the flood zone. Due to these constraints however, the building extends quite close to the single-family homes along Hagen Road and along this section the building is seven stories without space for much of a buffer or landscaping.

In general, the building appears monolithic with little variation in height and a very large footprint. Planning recommends breaking the building into multiple buildings, varying the heights, and stepping the building down and back from the closest abutters. The applicant should submit renderings and additional information on how the Boylston Street frontage will be treated. The building may need to be set back further from the road to create a more attractive area for pedestrians. The applicant has submitted to the City's Urban Design Commission for design review, and they are strongly urged to work closely with the Commission prior to filing the Comprehensive Permit application. The applicant has

stated they are investigating Passive House feasibility and Planning looks forward to further information on achieving this goal as well as other sustainability commitments.

- **Open Space, Landscaping and Tree Removal.** The existing site contains a laydown area and contracting supply yard for a landscaping business, two two-family homes, and undeveloped land. The site is predominantly vegetated/wooded and the grade changes approximately 70 feet across the site. There is exposed ledge on the northeastern portion of the site. Paul Brook runs along the western portion of the site and there is a 200' riverfront area associated with the brook. There is also a 100' inner riparian zone and 100' wetlands buffer zone delineated on site. The western portion of the site is also located within FEMA Floodplain Zone AE.

This is a complex site with multiple state and local regulations that must be met due to the presence of wetlands, riverfront and flood zone. If the project moves forward with a comprehensive permit application, it will be required to undergo a thorough review process by the Conservation Commission. As part of this review, it will be important to understand the impact of the project on the existing natural resources and to ensure the project improves upon the existing conditions.

The proposed project lacks usable open space. The areas of the site not occupied by the building or driveways are generally not useable due to flood zone, slope, etc. The applicant should find a way to include active and passive outdoor areas for residents, ideally incorporating areas children to play and for residents to take dogs. Boylston Street is not a welcoming place to walk, making it even more critical that open space be incorporated into the site.

- **Noise, Lighting, and Construction Management.** The applicant should submit a detailed site lighting plan to ensure the lighting does not negatively impact neighboring properties. HVAC and other equipment and their locations should be selected carefully in order to minimize sound heard by residential abutters. A construction management plan should be prepared to give assurance to the neighborhood that the contractor will mitigate the impacts of construction, including noise and vibration. The construction management plan should include a designated contact person for the construction along with 24-hour contact information.
- **Access to Public Transit and a Village Center.** The project site is located between the along Boylston Street between Newton Highlands and Thompsonville. The site is located approximately 1 mile from the Newton Centre and Newton Highlands MBTA Green Line stations and 1.8 miles from the Chestnut Hill MBTA Green Line stations. The site is also a little under a mile from the Chestnut Hill Mall and Chestnut Hill Square, where there is a variety of retailers, restaurants, and a grocery store. The number 52 bus runs between Watertown Yard and Dedham Mall with a stop in Newton Centre and a stop near the site

at Parker and Boylston Streets. The number 60 bus runs along Boylston Street with stop at 325 Boylston Street, however it only runs inbound to Kenmore Station starting after 1pm and the final outbound destination is the Chestnut Hill Mall. The nearest transit stations are unlikely to be considered walkable for most residents, however NewMo, the City's ride-sharing service could help provide first and last mile connections.

Pedestrian and bicycle access to and from the site is limited. Boylston Street is not a very welcoming place to walk and even less welcoming for bicycles. The Planning Department would like to better understand how the applicant plans to improve upon the walking and biking conditions, including incorporating bicycle facilities onsite and the potential for bicycle and pedestrian improvements in the area.

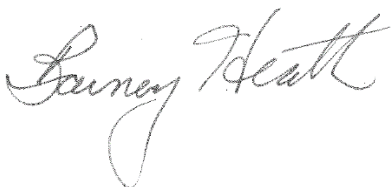
- **Traffic, Parking and Transportation Impacts.** The Planning Department will undertake a peer review process to analyze the Applicant's traffic study and potential impacts and mitigations. Of particular concern is safe access to and from Boylston Street. The Project proposes to add 397 parking stalls, the majority of which will be located in an underground garage, for the 244 apartments. More information is necessary to fully analyze traffic impacts, parking needs, infrastructure improvements, loading, and circulation within the site. The proposed plan shows a driveway along Boylston Street, close to the location of the existing driveway. The Department supports minimizing parking to the extent feasible and incentivizing alternative modes of transportation. The applicant should submit a traffic study, parking analysis, and transportation demand management plan as part of their Comprehensive Permit application.

C. Conclusion

As detailed above, the Planning Department is supportive of adding housing at this location, however, we would like to see the applicant address the concerns and questions raised above, as well as those included in the attached abutter comment letters. If a Comprehensive Permit application is filed City staff will provide additional analysis of the Project, both internally and through peer-reviews, pending an announcement of 40B project eligibility from MassHousing.

Please do not hesitate to contact me if you have any questions about the contents of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Barney Heath".

Barney Heath
Director, Planning and Development Department

cc: Mayor Ruthanne Fuller
Alissa O. Giuliani, City Solicitor
Applicant
Councilor Ryan
Councilor Lipof
Councilor Kalis

ATTACHMENT A: Comment Letters Received

144 Hagen Road
Newton, Ma 02459

10/5/2022

RE: Proposed housing project at 528 Boylston Street

Newton has done a tremendous job increasing affordable housing options throughout the community and we continue to support this effort. There are currently many affordable housing projects under review and many more approved and being built in Newton well exceeding many of the surrounding communities. That said we are deeply concerned about the negative impacts of this project as proposed. 144 Hagen Road has been our home for 22 years, the back/south side of the proposed building (as stated in 40B application) abuts our back yard fence by 30 feet. The proposal states the following "The proposed building would provide a visual buffer between Route 9 and the single-family homes to the south, serving as a residential transitional space". This is extremely disingenuous (or maybe just misinformed). To clarify, currently our view is 2 historic homes (100+ years) and beautiful trees and green spaces and not a glimpse of or sound from, Route 9.

Below we will address many of our concerns and modification requests Mass Housing and Newton Planning and Zoning should consider before any approval is granted:

Storm water/ Flood Plain

Flooding and drainage is a huge concern for this location. The flood plain covers a large portion of the building site but it does not give the full picture of the area. In 1996 the entire dead end street of Hagen road flooded including all the basements (many of these houses are not on the flood plain but still flooded). Currently during excessive rain our back yard floods and water pours down the street from the forest/ rock ledge and the houses above on Dudley, causing the street to look like a river. All homes now must have sump pumps to combat this issue. A stream runs under the homes on the opposite side of the street and now causes a mini pond at the end of Hagen Rd during heavy rain events. The land is also slopped down from Rt9 to Hagen road. The mitigation of storm water run-off and flooding can't be guaranteed during construction/completion of such a massive project with underground parking and many paved areas that are just feet from our homes and street.

Environmental concerns/ wet lands

Another project on this site was proposed about 15 years ago and due to environmental findings on the wet lands and its impact on threatened salamander species, it did not proceed. The flood plain itself is considered under The Wet Land Protection Act and therefore detailed investigation should occur into previous uncovered wetland and protected species issues. Newton has always prided itself on the protection of its green space and the environment, there are many concerns in this area with this project.

Size and scope

The current building is configured to the right of the flood plain (west) and the left of the massive amount of rock ledge on a slope (east). Because of the flood plain and the size and configuration of the proposed building it has pushed this project up against the properties on Hagen road. The site itself is less than 6 acres with about a ¼ of unusable flood plain/wet lands. The South side of the building has a 30 foot setback from the Hagen property lines. The goal of 40B is to meld these projects into the neighborhood in a harmonious way for all. It is unclear how this can be accomplished with a 70 foot development (looming over a neighborhood of single family homes), 244 units and 397 cars, causing increasing noise, night time flood lighting, constant cars and loss of our privacy. With its current size, scope and location on the land NO amount of fencing or plantings could possibly integrate this structure without a much greater set back and a reduction in building size and height for this lot.

Vehicular Traffic

Many attempts have been made to improve traffic flow and safety on RT9 and in this area but this project if completed would need an investment and possible re-design. Currently traffic from the residential homes (and high school/ 2 middle schools) turn right/ merge from Old Field onto RT9 East. During peak hours this can be very dangerous, traffic is merging from the Parker Street Light/ Over Pass at the same time cars are speeding up from under the Parker Street Bridge. The entrance and exit for this new development and its 397 cars would be 100 feet to the right of Old field (heading east), with cars now slowing down to enter the development at the same time cars pulling into development. This confusion with pulling onto RT9 and slowing down to get off is already difficult and has caused multiple accidents this would increase exponentially. On the other side of RT9 going west from Boston the light for Parker Street is constantly backed up to make a U turn over the bridge and this also would increase as this is the only way to reverse on RT9 to enter the complex on the other side. Also stated in the proposal that would need attention is there is no safe walking path/sidewalk from this proposed complex going East on Rt9 to the shopping centers and bus stops. There have been multiple serious accidents on this hill by the entrance to Dudley road.

Foot Traffic

There is currently a foot path from Hurley place (dead end that is only accessible going RT9 East) that currently cuts on to Hagen road. The 2 family homes use this path sometimes and they also park their cars on Hagen Road to take advantage of the easier egress to RT9 West. By parking on Hagen they are easily able to avoid RT 9 turn around a mile east at Hammond Pond Parkway (which consistently is backed up with traffic). No one complains currently as it is only a few additional cars that do this but imagine when 397 cars decide that the traffic is so bad going RT9 East that they decide to park on Hagen/Adeline/Oldfield to enable themselves to easily go West on RT9 or Newton Center. As it is currently our side streets bear the brunt of Newton South/Oak Hill and Brown Middle school buses and cars and many people trying to escape the RT 9 traffic trying to use our street as a way to avoid RT9 around only to find out it is a dead end.

Demolition of 100+ year homes

Newton prides its self and has a long process of protecting its Historic homes. The 2 homes on Hurley Place that will be knocked down are over 100+ years old. There has been a recent instance by Newton South where the knock down of a Historic home was an issue for a developer, we expect the Newton

Historic Society to take the same care with these homes. Affordable housing is an important part of our community but not at the expense of Newton's history.

Requests for modifications to this project:

- Building should be scaled back to a maximum of 4 stories, and a minimum of 200 feet of complete "green space" on all abutters sides (South, West and East), (on South side this would be before the massive circular driveway proposed at the back of the building)
- A 8 foot fence should surround the property not allowing tenant cut through to abutters streets/properties/side street parking/ RT 9 cut through
- Fully mature evergreens/ various species should be planted at least 200 feet deep starting at any abutters property line that does not currently have established trees, a fund replenished by the developer should be established to maintain and replant as necessary over the years
- A substantial fund/account funded by the developer should be required to be set aside to address any drainage / water issues in the future and wetland care.
- Extensive study into the impact of the construction process and the final complex on flooding in the area and how flood risk will be avoided.
- Pay for any additional sidewalks/pedestrian safety and improvement to roadways to accommodate the additional cars and people.

Sincerely

David and Marie Fredrick

From: Ann Findeisen <annfindeisen@gmail.com>
Sent: Friday, October 7, 2022 1:55 PM
To: Brenda Belsanti <bbelsanti@newtonma.gov>
Subject: 528 Boyleston Street

[DO NOT OPEN links/attachments unless you are sure the content is safe.]

Dear Mr. Heath,

I have lived at 132 Hagen Rd since 1991 and I am a direct abutter for the proposed project at 528 Boyleston Street. I appreciate the opportunity to communicate with you, and I am writing to express my thoughts and concerns about the project.

First let me say that I understand and support the need to increase affordable housing in Newton. That said, I have serious concerns about the size of this proposed project on this particular site as well as the negative environmental impacts. A similar project was proposed for this site several years ago and was abandoned because of environmental concerns. I am interested to learn if that history has been taken into consideration with the planning for this project.

In particular, I am concerned about the following:

Drainage and flooding: For most of the Spring, the western side of my yard fills up with drainage, causing a large pool that covers most of the front yard. There is a constant stream of water behind the house, coming across the back of the yard, emptying into that pool. This already threatens to flood my basement and generator. In addition, a huge puddle forms in the street between 144 and 108 Hagen in the Spring and whenever there is significant rainfall. I did not see improved drainage addressed by the current proposal.

Traffic and safety: The intersection of Olde Field Rd and Route 9 is already a dangerous intersection. There is very heavy and fast moving traffic on Route 9, especially on weekday mornings. Adding such a large number of additional cars at that junction would cause it to be even more dangerous unless the road ways were significantly redesigned. In addition, the pollution and noise from adding so many more vehicles to that intersection would severely impact the health and comfort of all nearby residents.

Lack of an adequate buffer zone between the project and the backyard of myself and my neighbors on both sides:

The current design has the project directly touching these 3 backyards. I have an especially narrow backyard (just within the city coming guidelines) which essentially make the building site part of my backyard. The new building itself is both much taller than the current 2 family dwelling that is on the site, as well as at the top of a hill. This would completely put an end to my privacy as well as adding light, noise and car exhaust pollution to my yard and that of the 2 neighbors. This would make it impossible to enjoy any use of my backyard and would destroy the quality of life I have treasured for the past 31 years.

I want to be clear that I am not opposed to the development of housing at this site but I truly believe that the size and design of the currently proposed project are not adequate for the amount of available

space. If the many problems related to the project could be addressed and successfully resolved, I think it would be possible for the project to be a welcome addition to the neighborhood.

Thank you again for your willingness to hear these concerns.

Ann Findeisen
132 Hagen Rd
Newton, MA 02459

To whom it may concern:

I am writing today to submit my concerns about the proposed development at 528 Boylston Street in Newton. As a life-long resident of Olde Field Rd, I strongly feel the proposed development should not proceed as proposed for the following reasons:

1. It is not in line with the character of our neighborhood. We are a tight-knit neighborhood of single family home owners and the proposed development is in contrast to the character of our neighborhood. Newton values the character of its main villages and it should also respect and value the character of our village.
2. Conservation: The proposed development would require the destruction of many beloved trees and other areas which are protected by conservation ordinances. It would also impact the pond and stream that runs through our neighborhood.
3. Branch of the Charles: The stream that runs through our neighborhood is protected and in some parts considered a flood zone. Certainly the proposed development would impact the stability of the stream and potentially pose flooding threats to the adjacent neighbors.
4. Increased traffic: Our neighborhood already has seen increased traffic as it is an access road to Newton South High School. Many vehicles pass through our street at high speeds. As it stands already, many pedestrians come down our street on the way to the High School and it can be dangerous for them with the traffic. This danger increases in the winter when the sidewalks are snowy or icy. The increased traffic this development would pose certainly would increase the danger to the pedestrians and our own children.
5. Decreased privacy to the adjacent homes: The size and height of the proposed development would greatly impact the privacy of the adjacent properties.
6. Decreased value of the nearby homes: The project would significantly decrease the value of our homes. Many of us would lose necessary equity in our homes as the development would devalue our property.
7. Burden on the local school: As a NPS teacher and mother of three children who attend NPS, I can attest that the schools are already suffering from overcrowding and large class sizes with less funding. The schools could not handle the increased student population a development down the street from the High School would undoubtedly bring.
8. Parking: Our street should not serve as overflow parking for the development. The proposed development is too large to handle the cars of renters and cars of guests.

The current proposed development on Boylston St in Newton is unwelcome. It is too large for the neighborhood, it would change our neighborhood's character, destroy our trees and beloved streams, render our property less safe and/or desirable, decrease our privacy and burden our schools. Our concerns are valid and should be respected. Please consider working with us and decrease the proposed size and number of units of this development.

Respectfully,

Daniela Alvarez-Bradley and Stephen Bradley (Owners since 2009)
25 Olde Field Rd

Norberto Alvarez and Susana Rey-Alvarez (Owner's since 1978)

From: melanie gerard <melaniegerard1@gmail.com>
Sent: Thursday, September 29, 2022 8:15 PM
To: Brenda Belsanti <bbelsanti@newtonma.gov>
Cc: Mike Gerard <GDM898@gmail.com>
Subject: Planning Dept Ltr re: 528 Boylston

[DO NOT OPEN links/attachments unless you are sure the content is safe.]

Hello,

I'm writing in response to the 528 Boylston Planning Department Notice. We are direct abutters to 528 for more than 20 years and have some initial feedback to share that we hope you will incorporate into Newton's project determination letter:

- We welcome the departure of Sam White and Sons, who for decades has polluted this area with dust, noise pollution, and street pollution caused by poor adherence to zoning laws and regulations. These violations are recorded extensively with the city (refer to countless complaints filed w/zoning, police, and conservation committees)
- We welcome the addition of luxury and affordable housing in the area

We reject, without hesitation, this proposal to build ~300 apartments and 350 parking spots in this space for the following reasons:

Vehicle Accidents / Danger to Pedestrian Traffic:

- We have a long history of traffic accidents on the Olde Field Rd - Rte 9E - 528 Boylston street area. (refer to police and ambulance logs) and the repeated damage to the Stein property at the corner of Olde Field Rd. *What is the plan to fix this already dangerous "intersection" ?* (Check police and ambulance logs and you'll see >3 accidents last year at the "intersection" of Olde Field, Rte 9).
- Dangers to students and children. Many students riding bikes and walking to school walk along Rte 9 (the onramp and Rte9E into Olde Field). We watch cars accelerating 0-50mph between stop signs daily - 2 of our 3 kids have been brushed by cars driving too fast. Adding 300 more cars commuting in this tight neighborhood only makes the area more dangerous!
- The turnaround near the Chestnt Hillel Avalon Apartments is already dangerous - particularly vehicles standing at a full stop under the Hammond Park Bridge. A car approaching the turnaround has ZERO visibility and can't predict stopped vehicles until they are within a dangerously close proximity. Plus, this single-lane U-turn area will cause Rte9 to back up for miles too, particularly for residents of the new proposed project.

Traffic and Schools:

- At the risk of stating the obvious, Rte 9 is already a disaster. The schools are already overflowing. *What's the plan to help mitigate this mess?* Avalon apartments on Rte 9 and Needham Street, Wegmans Plaza, and The Street -- It seems like affordable housing is disproportionately centered on this side of Newton, where MBTA is inconveniently accessbily

(bus routes aren't consistent or convenient enough to incent commuters to use them, very few safe bike lanes). Police Detail simply exasperated everything.

- The side walk on the on-ramp to Rte9E from Parker street is dangerous, never plowed in the winter - kids to walk on the road on Rite 9 to make it onto Olde Field safely. *Can the developer address this??*

Wetlands, Flood Zone, and Conservation Lands AND an Intermittent Stream:

- I welcome planners and zoning boards back to my backyard to visit this area again when we are NOT experiencing a summer drought. To ignore the pools of water and frozen pond that forms each winter is to neglect everything that our Green City stands for! We see ducks swimming back there and last winter, kids were ice skating in the area.

Land Impact:

- Runoff from a large paved parking lot will flow directly into the flood zone and wetlands, including the stream - it's unimaginable that the conservation committee, City & State can ignore this in the name of 40B.
- The concrete-lined stream is backfilled with mounds of sand ... not dirt. Any attempt by the developer to plant something will fail unless they backfill the area with 10-15' of top soil/dirt. Nothing survives in the flood zone where rotting large maple trees fall to the ground annually. *How can we be guaranteed that any plantings in the abutting areas will be sustainable over the years without destroying the wetlands entirely?*

Thanks in advance for giving us the chance to share initial feedback and comments. Please confirm this email is received.

Thank you,
Melanie & Michael Gerard
32 Olde Field Rd, Newton

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Melanie Gerard
617-775-1057 | melaniegerard1@gmail.com | [LinkedIn](#)

From: Mimi Karys <mkarys@rcn.com>
Sent: Friday, October 7, 2022 11:23 AM
To: Brenda Belsanti <bbelsanti@newtonma.gov>
Cc: Peter Karys <peter.karys@gmail.com>
Subject: Comments regarding eligibility for 528 Boylston St. project

[DO NOT OPEN links/attachments unless you are sure the content is safe.]

Good day,

My husband, Peter Karys , and I live at 129 Hagen Road. We are adjacent to the proposed 528 Boylston project that has applied for 40B eligibility from Mass Housing. We appreciate the opportunity to give input on neighborhood impacts of the proposed project.

While we are in support of increasing affordable housing in Newton, we are concerned about the potential negative impacts on the neighborhood due to the large size of the proposed project.

Traffic concerns:

High school traffic is already very heavy during the morning commute with cars backing up often down Adeline Road almost to Hagen Road. This is particularly problematic in the winter when snow banks narrow the street, making it difficult for school buses to get down the street.

In addition, the Route 9, Parker Street and Old Field Road intersection are very congested during commute times. Safety is a great concern as much of the traffic in the area is for Countryside Elementary, Brown and Oak Hill Middle School and Newton South High School.

It would be very important to address traffic safety and congestion with the impact of adding 244 housing units to this area.

Environment concerns:

There are currently some drainage issues in the area. Adding storm water runoff from the proposed building and pavement would need a comprehensive plan to mitigate the affects of this water runoff.

Also, I recall from a previous building proposal from the site, there are issues with protecting wetlands in the area.

Thank you again for your consideration of our concerns about this project.

Sincerely yours,

**Mimi and Peter Karys
129 Hagen Road
Newton, MA 02459**

Sent from my iPad

Dear Ms. Belsanti

I am writing in concern to the proposed building development notice at 528 Boylston Street. I live at 28 Olde Field Road and am an abutter to the property. Like many of my neighbors, I have concerns over the increase in traffic, traffic management, environmental impact, and sheer scope of the project.

Olde Field Road is a cut through road from Route 9 to Brandeis Road. It is a hazard and there are countless accidents that occur in that area. However, there are many, many more near accidents that don't ever get reported. It is very difficult to turn onto the street because of the speed coming off of Route 9. I do not allow my children to even cross the street beyond our home because it is just not safe and cars do not pay attention when coming at such a fast speed. Going from our street onto Route 9 is equally dangerous and with the entrance and exit for 528 solely on Route 9, there is a greater danger on the right side. I just imagine how much more dangerous it will be trying to enter Route 9 when many more cars will be doing the same just feet away. I also worry that our street will become an even busier cut through for the 528 residents who can simply park on Hagen Road to avoid Route 9. Olde Field Road is a cut through for people avoiding Route 9 and I am concerned that a development of that scale will further burden narrow residential streets never designed for the speed and volume already experienced. A development of this scale will only exacerbate the problem.

Route 9 and Olde Field Road are also pathways students use to walk to the high school as well as both middle schools. The sidewalks are in poor condition and often children have to walk in the street because of gigantic inclines on the sidewalk due to tree roots and crumbling sidewalks which make it unsafe to walk on. I am very worried how a complex this size will impact children and their safety, which should be paramount.

Next, I have many concerns how a project of this scope will impact the environment. As well as being an abutter, my property also falls within the conservation zone. I have found the conservation commission to be very strict and conservative with even putting a small addition on a home. We had to take a lot of care and do mitigation when we built far away from the area. And I have spent many, many hours tending to the plantings to ensure the area remains vibrant. I don't see how a project of such a massive scale will not damage the conservation area the city works so hard to protect. First, the actual construction with debris will cause harm to the plantings as well as the presence of wildlife, secondly, a building of that size will dwarf the conservation area and shield it from sunlight, and third with a building set that far above the conservation area in height, I suspect water will be an issue with either too much running off or the natural water pattern being cut off. Further, the land is backfilled with sand and slight changes can be catastrophic to the trees and shrubs surviving there. A building of that scale will be a major change and I worry all the wetlands will be destroyed. Debris, lack of sunlight and excess or lack of water will be harmful and cause loss of the greenery Newton prides itself on. This cannot be allowed in the name of 40B. I understand that area is zoned for residential use and I have no desire to stop a development, which I actually think is a boon for the neighborhood. However, the development as proposed is an environmental burden that I do not believe can be mitigated without permanent harm.

The wetlands area is enjoyed by the community in so many different ways. People go exploring and find many wildlife creatures such as hawks, other birds, salamanders, frogs, deer, and families of ducks that come yearly to the pond to have babies. We have even seen coyotes back there, but don't actively go seeking them out! In the winter, when the pond freezes over, it is used for ice skating by

many children in the neighborhood. I do not see how this rich, natural environment can be spared from destruction with a project of such magnitude. It would behoove the City to put a permanent conservation restriction on that part of the wetlands to maintain its quality and benefit.

While I welcome the exit of Sam White Landscaping and all his pollutants in the neighborhood that went unchecked for years, I do not want a monstrosity that is not in scale with the neighborhood. I am hopeful that common sense can prevail and the city can work to bring about a project that addresses the housing shortage, but also preserves the greenery and nature we tout in Newton as an equal necessity in life. Seeing as we are known as the "Garden City," I hope our city will work to preserve that in reality and not just in name.

Regards,

Punam Sharma and Subbu Rayavarapu
28 Olde Field Road
(617) 983-9835

From: Rachel White <rachelwhitemansbach@gmail.com>
Sent: Wednesday, October 5, 2022 4:15 PM
To: Brenda Belsanti <bbelsanti@newtonma.gov>
Cc: Jonathan Mansbach <jonathan.mansbach@childrens.harvard.edu>
Subject: 528 Boylston comment letter

[DO NOT OPEN links/attachments unless you are sure the content is safe.]

Dear Mr. Heath,

My husband, Jonathan Mansbach, and I live at 124 Hagen Road. We are abutters to the proposed 528 Boylston project that has applied for 40B eligibility from Mass Housing. I am also a Co-owner and the CEO of a longstanding Newton business, Byggmeister Design/Build, a residential remodeling firm that strives to serve as an exemplary steward of existing homes.

Thank you for inviting abutters and neighbors to provide comments on this project.

Jonathan and I are strongly in favor of increasing affordable housing in Newton, as well as in increasing the diversity of housing options, and we think that this site is well-suited for housing. We are also pleased to see that the developer intends to pursue Passive House Certification for the project. That said, we are deeply concerned about the negative impacts of the project as proposed.

In no particular order, our concerns (followed by suggestions) are:

Vehicular traffic

The turn from Olde Field onto Route 9 east is already quite dangerous and congested during peak travel times. It's hard to imagine how all the additional cars can be safely accommodated without a holistic redesign of the surrounding roadways. In the morning, there is also a high volume of cars on Route 9 east from Olde Field to Hammond Street. In the evening, the traffic from Langley traveling west on Route 9 is also very heavy.

Foot traffic

There is currently a pedestrian right-of-way on the western edge of our property for residents of Hurley Place. We appreciate that residents of the new building will want to use this footpath, but the increased usage threatens to destroy our privacy.

Building proximity to our property line and building height

As designed the building hugs our property line and will loom over us. It will cast shadows during the day and light up what is now a dark site at night. Where we now look out on to trees we will look out to a building more than twice the height of our home. This along with the increased foot traffic is likely to diminish our enjoyment of our yard. Our yard is one of the things that we most love about our home. We would be devastated if after the project we were to find that we no longer enjoy spending time outside.

Privacy

Both the increased foot traffic and the building height would negatively impact our privacy both outside (ie, yard) and inside (ie, site lines from the building into our home).

Demolition of existing 100+ year-old homes

Two 100+ year-old homes would be demolished for this project. Once these homes are taken down our home will be the oldest home in the neighborhood by about 50 years. It will be the last remaining home that existed before the neighborhood began to be developed after World War Two.

Degraded condition of the site

The woodlands and the stream on the western side of the site have been severely degraded over the years. We don't see anything in the current proposal about restoring the stream and the surrounding landscape.

Storm water

Perhaps related to the above concern, during large storms, water collects on Hagen Road between our house and 108 Hagen Road. In addition, water covers much of the front yard of 132 Hagen Rd. As far as we can tell, the plans don't seem to include drainage improvements for the woods on the western side of the site.

We would like to be able to get behind this project, as we are strong supporters of affordable housing, and we recognize that economic and housing diversity leads to a more vibrant and resilient community. But it's hard to do so given the myriad ways that the project as designed is likely to make our day-to-day lives worse.

We have already reached out to the developer to better inform them about the project's impacts on us and to explore whether they are willing to make changes to mitigate the negative impacts. Some of the things that we intend to ask for are to:

- move the building away from our property line and create a buffer of trees and green space between our property line and the building
- step down the height of the building to no more than 4 stories on the western and southern sides of the building that are closest to the single-family homes along Hagen Road and Olde Field Road
- retain mature trees at 32 Hurley Place and 24-26 Hurley Place
- pay for screening along abutting property lines
- restore and protect the woods and the stream
- relocate the footpath to protect our privacy as well as the privacy of 108 Hagen
- reduce the number of units and the number of parking spaces
- provide shuttles to public transportation or otherwise incentivize residents to use public transportation
- pay for roadway and sidewalk improvements to accommodate the additional traffic and to improve pedestrian safety

Thank you again for your consideration of our concerns about this project.

Sincerely yours,

Rachel White and Jonathan Mansbach

**124 Hagen Road
Newton, MA 02459**

From: Robert Sellers <robshahome@yahoo.com>
Sent: Tuesday, October 4, 2022 9:32 PM
To: Brenda Belsanti <bbelsanti@newtonma.gov>
Cc: Sharon Greenstein <sdgreenstein1@gmail.com>
Subject: 528 Boylston project

[DO NOT OPEN links/attachments unless you are sure the content is safe.]

Dear sirs,

We are writing with concerns about the proposed 528 Boylston Toll Brothers project after reviewing their application. Our property is approximately 20 feet to the west of the Sam White property, separated by South Meadow Brook.

Here are our concerns:

1. The proposed 244 apartment units is excessive, especially given the number of luxury apartments recently built on route 9 within a mile of the project. There are concerns about the additional traffic, both to already congested route 9 or to Hagen road in the back. Given how new the other projects are, this project may compound the impact of those projects on traffic as people return to their commutes.
2. Buildings should be stepped back from abutters. There should be green space or tree barriers to continue to allow privacy.
3. The Project should not be more than 4 stories. 6 story buildings should not be overlooking the single or two story homes of its immediate neighbors.
4. The Sam White property is on a steep hill above the creek that separates our properties. We have concerns about parking lot drainage and the potential of trash or debris drifting over the steep incline to the creek (an important Newton drainage tributary to the Charles River). There should be an attractive, 8 foot or taller wooden fence between the project and the creek.
5. As yet another luxury apartment development, this project is not advancing the goal of providing affordable, permanent homes to families or retirees or the goal of strengthening our schools and community.

Please note a correction to be made to their application. We were active with a previous proposal to develop the Sam White project. The answer should be "Yes" to the question "has this site ever been rejected for project eligibility/site approval by another subsidizing agency or authority". I recall it was refused due to the wetlands, flooding/drainage concerns (already a flood zone), and a threatened salamander species.

We understand and support the need for affordable housing in Newton, balanced against the need to preserve green space before it is forever lost. We want to engage to make sure that if this project does move forward it is an asset to the community.

Sincerely,

Rob Sellers, Sharon Greenstein and family
16 Olde Field Road, 02459

99 Hagen Road
Newton, MA 02459

10/5/2022

Re: Proposed housing project at 528 Boylston Street

We live at 99 Hagen Road, which is across the street from the proposed Toll Bros development. We are writing to express our concerns about the project in three different areas:

- 1.) Size and Positioning** - The overall size of the proposed development is very large for the site. At the proposed 70ft height and at setbacks very close to the minimum allowed, the development will loom over the neighborhood. For those abutting the site, many will have a six story building essentially in their backyard. For those across the street, we, too, will have a large apartment structure overlooking our house and street. Mitigation such as fencing and plantings cannot possibly conceal a 70ft tall structure that is also uphill from the neighborhood it abuts. If the project were to go forward, the structure should both be scaled back and reconfigured to better fit in with the neighborhood it is impacting.
- 2.) Environmental Concerns** - Approximately 15 years ago another development was proposed on the site. At that time it was not allowed to proceed based on the environmental findings and its impact on protected wildlife in the area. The environmental concerns from that past proposed structure should be reviewed and addressed as part of this proposed development. In addition to wildlife and native species, we are concerned about the impact on the water table in the area. Such a large development with underground parking and paved areas will impact the way water runs off in the area. Today many of the homes in the neighborhood, including ours and many abutting properties, have sump pumps which cost thousands of dollars to install and hundreds to maintain each year and which are vital to protecting our properties. The impact of changes to drainage in the area and its impact on the surrounding neighborhood must be well understood and mitigated for the project to move forward.
- 3.) Parking and Traffic** - While there is no proposed road to connect the development to Hagen Road, there are proposed pathways and easy access to Hagen Road. On the surface this may not seem like an issue; however, for any residents of the new complex who would like to go West on Route 9, the only way to do so would be to drive in heavy traffic to the turn around on Hammond Pond Parkway and then back through heavy traffic heading west (especially in the morning and evening). Even today, residents of the two-family homes on Hurley Place often park on Hagen Road, in the circle at the intersection of Hagen and Adeline Roads, in order to have an easier egress to Route 9 West. Today it only consists of 3-4 cars, but with a 244 unit development, the potential for issues grows exponentially. As Hagen and Adeline Roads are some of the main access roads to Newton South High School, they are already very busy in the morning and afternoon. All of the surrounding roads already have much bus and truck traffic and

significant street parking for the high school. We do not believe this issue has been appropriately addressed as part of the development plan.

Sincerely,

Karen and Michael Weissel

From: Wendy Landon <wblandon@comcast.net>
Sent: Friday, October 7, 2022 1:54 PM
To: Brenda Belsanti <bbelsanti@newtonma.gov>
Cc: Wendy Landon <wblandon@comcast.net>
Subject: Concerns about proposed 528 Boylston Street Project

[DO NOT OPEN links/attachments unless you are sure the content is safe.]

We are writing with concerns about the proposed development project , as currently conceived, at 528 Boylston Street. We have lived at 40 Olde Field Road for 25 years and are direct abutters to the proposed project.

While we welcome additional and diverse housing stock in a range of price points in Newton, we have significant concerns and reservations about this particular project as currently contemplated. In no particular order of importance, our concerns include, but are not limited to:

- **Impact on existing wildlife and foliage.**
 - We look forward to the birds, ducks, frogs, turkeys, critters and other wildlife that visit our property. We are concerned that a project of this size and scope, and the urbanization of this parcel, will harm the ecosystem. Indeed, my neighbor removed hemlocks on his property when he did a tear-down and we noticed a change, and decrease, in the variety of birds and wildlife we see each year. This proposed project is likely to significantly further change the existing ecosystems. We must protect the environment and existing ecosystems. Attention to this is not given in the proposed plan.
 - We spend much time and expense maintaining our plants and trees, ensuring that our indigenous hemlocks survive and thrive. We are concerned that a change in tree density combined with urbanization of this land (specifically height of the proposed project) will negatively impact the trees in this neighborhood. Protecting the environment, and the unique ecosystems of the neighborhood, must be considered, prioritized and addressed.
- **Need to Focus on Wetlands, Flood Zone, Conservation Lands, and Streams**
 - The area behind our home include wetlands, flood zone and conservation land. Ducks and wildlife enjoy the brook, water often accumulates and pools, enabling ice skating in the winter. We must keep our Garden City GREEN!
 - We are very concerned about the impact a large, paved parking lot and building will have as water runs off, down onto our property. Given the size and scope of the project, it is hard to imagine that the flood zone and wetlands will not be significantly impacted, thereby negatively impacting and threatening our property.
 - The risk of significant property damage to abutters, due to the flood zone and wetlands, from such a sizable project must be acknowledged and addressed. We simply cannot let a new project threaten the existing, established neighborhood.
- **Increased traffic and vehicular accidents**
 - Route 9, and the Parker Street ramp to/from Rte 9, is already congested making entry onto Rt 9 treacherous, especially at peak rush hour and school times. There have

been many accidents at the corner of Olde Field Rd and Rt 9, and at the corner of Olde Field Road and Hagen Rd. Cars rush to merge onto Rt 9, rush to get off of Rt 9 to get to school and don't stop at the stop sign at the corner of Olde Field Road and Hagen Road. In addition, we have many high schoolers with limited driving experience on Olde Field Road, a cut through to Newton South High School, resulting in many traffic accidents and an unusual and unacceptable level of traffic for a suburban street. Indeed, trying to turn out of our driveway before school starts is often impossible. A project of this size and scope will only increase the number of accidents and traffic on our local existing streets. Add to this the significant number of children who use our streets to bike or walk to school, and the risks of this project increases the risk to Newton residents. These concerns to pedestrian, resident and traffic safety cannot be ignored and must be addressed. How will we be assured that traffic patterns do not significantly deteriorate?

- **Privacy/Light/Noise/Sanitation Pollution**

- We are extremely concerned about the height, size and elevation of this project. Our neighborhood has been here for nearly 100 years. The elevation of this proposed project, combined with the elevation of the parcel, will result in a large building looking directly into and over our yards and homes. This will impact our views, the light pollution, and the noise pollution. This project simply cannot ignore the existing neighborhood and be allowed to have as many stories as contemplated in the current proposal. Otherwise, our residential suburban setting will turn into an urban landscape. I question whether there is enough attention paid to the number and density of trees and foliage that must be added to make this project feasible. Indeed, when looking around Newton, there are few projects of this height, and virtually none adjacent to existing, long developed residential neighborhoods. The negative impact of what abutters will "see" cannot be overstated. And, unfortunately, not enough is enumerated about this impact and mitigation in the plan filed. Frankly, this project should be limited in height to a maximum of 3 or 4 stories.
- Additionally, a project of this size will have a deleterious impact on the noise in our neighborhood. Apartment complexes with such a large parking lot will result in significant increases in noise, both from cars, service truck rolls, not to mention the increase in population in a very dense area. Significant improvements to, and ongoing commitment to, increasing trees to provide a natural, attractive buffer zone between any project and the existing neighborhood must be detailed. Given the wetlands, and flood zone issues, it is difficult to get things to grow. Hence, there must be ongoing commitment, in case original plantings do not take hold. A few years in, we cannot be subject to looking at a concrete parking lot and massive apartment complex, rather than the current woods view we all now have. Such a trade is simply too much to ask of Newtonians.
- Another concern, as an abutter on Olde Field Road, is that the trash is on the Olde Field Road side. We were very disappointed to see that this was put on the side of existing neighborhood homeowners. Having grown up in Manhattan, I well understand the impact of trash, and the deleterious impact to quality of life. We will be subject to noise from both waste removal and deposit, potential smell, and rodents and pests. We simply cannot have this noise and pest risk on the side of abutters.

Sincerely,

**Wendy and Bruce Landon
40 Olde Field Road**

From: Yitian <yitian@aol.com>
Sent: Thursday, October 6, 2022 5:50 PM
To: Brenda Belsanti <bbelsanti@newtonma.gov>
Cc: Jennifer Caira <jcaira@newtonma.gov>
Subject: comments on Toll 528 Boylston Project

[DO NOT OPEN links/attachments unless you are sure the content is safe.]

Dear Sir or Madam,

My family has lived in current location for 25 years, we strongly against this project.

Our main concern is the project will increase the traffic and cause more serious air pollutions and noise issues.

Sometimes I smell the odor in my front yards stronger than in a gas station, my cars often covered by a layer of dust, I really hope the City will pay attention to already overburdened community living along the Route 9.

There is day care center on the opposite of 528 Boylston location, I am very worried the children's health.

The applicant should follow MA's EJ policy and US EPA's Environmental justice and civil rights policy, monitor current PM2.5, PM10, air toxics such as benzene, formaldehyde, etc. VOC, NOx and CO at different locations along the Boylston Street, and should run modeling to figure out the worst case impact to people living along the Route 9. They also should do a noise survey.

EPA's recent air toxics screen indicates the cancer risk from formaldehyde in Newton already greater than 10 per million, I am sure the increased traffic will make the environment worse.

I hope the City will follow MA's EJ policy <https://www.mass.gov/service-details/environmental-justice-policy> and US EPA's EJ Policy, put the interest of people's health first!

Thank you for this opportunity to comments

regards,

Yi Tian
559 Boylston St.