



CITY OF NEWTON, MASSACHUSETTS

City Hall
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www.newtonma.gov

Ruthanne Fuller
Mayor

ZONING BOARD OF APPEALS
Brenda Belsanti, Zoning Board Clerk

MEETING MINUTES

Wednesday, February 22, 2023.
7:00 p.m.

Hybrid – in person and via ZOOM

Board Members Present: Michael Rossi (Chair), Brooke Lipsitt, Elizabeth Sweet, Stuart Snyder, William McLaughlin (remote), and Denise Chicoine (alternate)

Staff Present: Brenda Belsanti, ZBA Clerk; Jonah Temple, Deputy City Solicitor (remote), Jennifer Wilson Assistant City Solicitor; Jennifer Caira, Deputy Director of Planning (remote), and Katie Whewell, Chief Planner

A public hearing of the Newton Zoning Board of Appeals was held as a hybrid meeting in person and virtually via Zoom on Wednesday, February 22, 2023, at 7:00 p.m. on the following petitions:

- 1. #09-22** Northland 160 Charlemont, LLC, requesting a Comprehensive Permit, pursuant to M.G.L. Chapter 40B, to construct a nine-story mixed-use development with 410 residential units and approximately 10,689 square feet of ground floor commercial space on 6.98 acres of land located at 160 Charlemont Street and 56 Christina Street in the Mixed Use 1 Zoning District. The proposal includes 103 affordable units and 486 parking stalls.
- 2. #01-20** CPC Land Acquisition Company, LLC requesting to change the details of the Comprehensive Permit previously granted to the applicant on June 17, 2020, for a project located at 15 Riverdale Avenue in Newton, Massachusetts that consists of 51 affordable housing units. The applicant proposes to convert amenity space into an additional affordable unit. Pursuant to 760 CMR 56.05(11), this item will be heard for the purpose of determining whether the proposed change is substantial or insubstantial.
- 3. #09-21** David and Suzanne Wakefield of 229 Bellevue Street, Newton, Massachusetts, is requesting an extension of time to exercise variance decision (#09-21), to raze and reconstruct a detached garage. The subject property is located at 229 Bellevue Street within a Multi-Residence 1 (MR-1) zoning district and consists of a 9,700 square foot lot improved with a single-family dwelling.



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4. Review and approval of minutes for December 21, 2022 meeting.

Agenda Item 3: #09-21 – David and Suzanne Wakefield, 229 Bellevue Street, Newton. Sitting Members: Michael Rossi (Chair), Brooke Lipsitt, Elizabeth Sweet, William McLaughlin, and Stuart Snyder.

Documents Submitted:

1. Email requesting Extension dated February 13, 2023.
2. Original Detailed Record of Decision stamped February 11, 2022.

Testimony:

Mr. David Wakefield, 229 Bellevue Street, Newton stated that he was requesting an extension of the previous approved variance. Over the course of the year, they have had various delays through the architectural process, engineering drawings, soil samples, etc. and despite best efforts it still took longer than expected. As it stands right now in the process, it does not appear that the architectural process will be complete by March 3rd, therefore the applicant requested a brief extension.

Chair Rossi asked for questions from the Board.

Chair Rossi asked if Mr. Wakefield had been in touch with Inspectional Services to get a sense of their timeline.

Mr. Wakefield responded that he had spoken to several people and though the permit application is moving forward, it would not be processed prior to March 3rd. He plans to begin construction immediately once the permit is granted.

Public Comments:



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There were no public comments.

Deliberation:

Mr. Rossi asked for a motion on the item.

Accordingly, a motion was made by Stuart Snyder, duly seconded by Betsy Sweet, to grant the request for a six-month extension to the applicant. The motion passed five in favor, and none opposed. Therefore, the request for an extension was granted.

Agenda Item 2: #01-20 – CPC Land Acquisition Company, LLC, 15 Riverdale (2-4 Los Angeles Street), Newton. Sitting Members: Michael Rossi (Chair), Brooke Lipsitt, Elizabeth Sweet, William McLaughlin, and Stuart Snyder.

Documents Submitted:

1. Letter from Attorney Katherine Adams dated February 15, 2023.

Testimony:

Attorney Katherine Adams, Schlessinger & Buchbinder, 1200 Walnut Street, Newton, stated that CPC received a comprehensive permit in June, 2020. In September, 2021 an insubstantial change was approved for parking changes and ground floor layout. In February, 2022 an insubstantial change was approved for changes to architectural plans and materials as well as the receipt of the TDM payment. Construction is underway and it was determined that building #2 has an overabundance of amenity space and an extra suite of conference rooms, so CPC is seeking a determination from the Board that converting this space to an additional two-bedroom affordable housing unit at 80% AMI, would constitute an insubstantial change. If approved, this change would bring the total of the project to 52 affordable units. Attorney Adams stated that the 40B regulations do note what constitutes a substantial and insubstantial change and that an increase of 10% or more housing units would be a substantial change, while the applicant is proposing 0.5% change. On that basis, the applicant is seeking a determination that the change is insubstantial.

Chair Rossi asked for questions from the Board.



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Ms. Lipsitt stated that she is delighted that if the applicant is adding a unit it going to be an affordable unit.

Chair Rossi agreed with Ms. Lipsitt's statement.

Public Comments:

There were no public comments.

Deliberation:

A motion was made by Brooke Lipsitt, duly seconded by Stuart Snyder, to grant the request of the petitioner that the proposed change be viewed as insubstantial. The motion passed five in favor, and none opposed. Therefore, the change was determined to be insubstantial.

Agenda Item 1: #09-22 – Northland 160 Charlemont, LLC, Newton. This item was opened on October 26, 2022. Sitting Members: Michael Rossi (Chair), Brooke Lipsitt Elizabeth Sweet, William McLaughlin, Stuart Snyder, and Denise Chicoine (alternate).

Documents Submitted:

1. Presentation of a 3D model of plan
2. Letter with attachments from Attorney Katherine Adams dated February 8, 2023.
3. Letter with attachments from Attorney Steve Buchbinder dated February 16, 2023.
4. Memorandum with attachments from the Planning Department dated February 15, 2023.

Testimony:

Attorney Steve Buchbinder, Schlessinger & Buchbinder, 1200 Walnut Street, Newton, opened the applicant's presentation and indicated that the applicant would discuss the design of the building.

Attorney Buchbinder along with Christopher Bridle, Landscape Architect, James Gray, AIA, and BK Boley, all with Stantec, 40 Water Street, Boston, presented a power point overview of the site



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plan, peer review responses, and changes made to the plans since the last meeting.

Chair Rossi asked for a walk through of the 3D model.

Mr. Gray presented on the 1/40 scale 3D model.

Mr. Snyder asked about the accuracy of the model.

Mr. Gray responded that the perspective is accurate.

Ms. Lipsitt asked about the height difference between the tops of the abutting homes and the top of the Northland buildings.

Mr. Gray responded that he could not accurately give an answer to the question. There is an electronic model that could be presented later.

Ms. Lipsitt asked about the height of the retaining wall at the corner of Christina Street

Mr. Gray responded that the difference is about 16 feet with 10-12 feet exposed.

Mr. Snyder asked if the cars were also to scale.

Mr. Gray responded yes.

Chair Rossi asked if there was any feedback or questions from the Planning Department.

Ms. Whewell stated that the peer reviewers from MBBJ are present and that Planning was still reviewing the submissions.

Chair Rossi asked if there were comments from the public.



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Public Comments:

Steve Ayres, 94B Christina Street, Newton, asked if the continuous sidewalk along Christina Street shown in the slide was now part of the plan.

Mr. Bridle responded that the continuous sidewalk is proposed in the design.

Mr. Gray responded that the retaining wall precludes them from continuing the sidewalk up Christina Street, but the applicant has proposed a crosswalk to the other side of Christina Street.

There were no further comments from the public.

Mr. Rossi directed the Board to focus questions on the design of the project so that the applicant would have a direction to work towards for the next meetingg.

Ms. Chicoine asked for clarification on the design of the loading docks and entrances for the parking garage.

Mr. Gray clarified that the plan in the presentation is a new design.

Mr. McLaughlin asked if the same number of units and parking spaces are in the plan now as compared to the original design or if these numbers have been altered with the design changes.

Attorney Buchbinder responded that at the present time the count remains the same.

Ms. Sweet asked if the size of the units has changed.

Mr. Rossi asked if the square footage of the building changed with the removal of the archway and if it had, where was it taken from.

Mr. Gray responded that the square footage has changed a bit with the removal of the archway which made the units slightly smaller. It was about 12,000 square feet less in this building, but he was not sure of the exact number. The result is slightly smaller units and a slightly smaller unit



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mix. There will be a few more one-bedrooms and few less two-bedrooms.

Ms. Sweet asked if the affordable units for two-bedroom units and one-bedroom units changed.

Mr. Gray responded doesn't think that has not been identified those yet, but there is still 10% of three bedrooms which is the requirement. [Brenda, please review and clarify this sentence. It does not make sense.

Ms. Sweet asked if there were decks and asked if those were counted into square footage.

Mr. Gray responded that there were decks on some units, and they were not counted into square footage.

Attorney Buchbinder stated they would submit the matrix for the units for the next meeting.

Mr. Snyder stated that the 3D model was very helpful to get a sense of the massing in the area and that he feels it seems pretty massive next to the residential neighborhood.

Ms. Lipsitt stated the building is massive and the Board asked in previous meetings if this could be split into multiple buildings or somehow reduce its mass. She finds it hard to accept even with 25% affordable units at the minimum the applicant is forced to provide.

Ms. Lipsitt asked about safety given where the retaining wall is located and if there is a way to work with the abutter next door for a shared driveway since there could be future development there.

Attorney Buchbinder responded that they would reach out to the abutter for a solution. He agrees it is a large building, but they are operating under the rules and regulations of 40B.

Chair Rossi responded that he believes Attorney Buchbinder is suggesting that issues concerning the design of the building are beyond the Boards purview, but stated that he believes design issues are a a local concern and the Board would be remiss in its duties if it did not consider them and matters such as the massing of the building.



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Attorney Buchbinder appreciates the concerns and spoke of the work done from speaking to the neighborhood. He noted that normally on a 40B project of this size close to a neighborhood there would be a lot of opposition, whereas this has fared very well in the neighborhood. The neighborhood wanted the buildings as far away as possible, but if there were multiple buildings they would spread out closer to the neighborhood.

Chair Rossi responded that the Board would like to hear from the applicant as to why the design came to this rather than multiple buildings.

Chair Rossi asked for clarification regarding Charlemont Street being the main exit to Needham Street.

Mr. Boley responded that it would be the main exit for bicycle and pedestrian not automobiles.

Ms. Lipsitt asked how the green space is actually going to be used. No parking is being provided for use of the green space so it would only be utilized by residents and those living in the neighborhood. Is the value of the space a good trade off for the massing of the building if it is not properly utilized? She would like the Planning Department, peer reviewers, and the developer to think about that aspect of the plan.

Mr. McLaughlin stated that he was disappointed with the plan as well.

Ms. Sweet stated she appreciated the redesign of the streets and the shifting. She still has concerns about the height of the retaining wall and would also like to see other designs that may have been rejected and why.

Attorney Buchbinder responded that they will take all the suggestions into consideration.

Chair Rossi asked about timing due to the approaching six-month mark on the application.

Attorney Buchbinder responded that the applicant would be happy to grant an extension to work



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through everything since this is such a huge project.

Chair Rossi responded that he would like to account for enough time for the Planning Department and reviewers to digest everything the applicant will be submitting and be mindful of all the resources that go into the meetings and asked for a realistic timeline for the next meeting. He suggested the regular meeting on April 26, 2023.

Attorney Buchbinder agreed to the date.

The next hearing for this project will be April 26, 2023.

The hearing was continued to April 26, 2023.

Agenda Item 4: Review and approval of minutes for December 21, 2022, meeting.

A motion was made by Betsy Sweet to approve the minutes as circulated. This motion was duly seconded by Bill McLaughlin. The motion passed 5-0.

Mr. Rossi concluded the meeting.

Adjourned 8:18 p.m.

ZBA DECISIONS can be found at www.newtonma.gov/ZBA