



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
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Barney S. Heath  
Director

December 9, 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:	41 Washington Street
Location:	41 Washington Street
Number of Proposed Units:	16
Subsidizing Agency:	Massachusetts Housing Finance Agency (MassHousing)
Applicant:	41 Tusnua 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 41 Tusnua LLC (the "Applicant") for 41 Washington Street (the "Project"). This letter constitutes the City's response to your letter addressed to Mayor Fuller, dated November 9, 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 income 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.<sup>1</sup>

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.<sup>2</sup> 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 and ownership 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.

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<sup>1</sup> 2014-2018 CHAS.

<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

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

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<sup>3</sup> "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/>

<sup>4</sup> 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 four ownership units affordable to households at 80% of the Area Median Income (AMI): two two-bedrooms, and two four-bedrooms. 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 12 units will be available for ownership at market-rate. The multifamily building will have an elevator and will be visitable, however the townhouse units will not be visitable and none of the units in the project appear to be fully accessible. There is a great need for accessible, and particularly affordable accessible units in the City and staff would like to see the applicant create at least one affordable accessible unit.

The creation of ownership units, and particularly deed-restricted affordable ownership units, responds to the City's diverse housing goals as articulated earlier in this document.

## **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."*<sup>5</sup>

- **Land Use and Density.** The subject site is located along the north side of Washington Street between Grasmere Street and Elmhurst Road in Newton Corner. The subject property is zoned Single Residence 3 (SR3) and is improved with an existing historic two and a half story, Shingle Style, two-family dwelling constructed circa 1891. The rear yard setback is approximately 133 feet and the rear yard slopes downwards approximately 20 feet towards the rear property line and consists of open space and landscaping. The neighborhood along Washington Street consists of single- and two- family homes. There is a two-family to the east at 47 Washington and a single family directly to the west at 33 Washington Street. To the north, properties are zoned Single Residence 3 (SR3), south of Washington Street the majority of the properties are zoned Multi-Residence 1 however, there is also a block of properties south of Washington Street zoned SR3. The site is

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<sup>5</sup> (760 CMR 56.04(4)(c))

approximately 650 feet from the Newton-Boston boundary with Brighton's Oak Square neighborhood approximately half of a mile to the east.

The Applicant proposes to retain the existing dwelling and construct an addition to convert it to a nine-unit multifamily building. In addition to the nine-unit multifamily building ("Building A"), the applicant proposes two additional buildings, one townhouse style building with five units that is parallel to the rear property line ("Building B") and another two-unit structure at the northeast corner of the site ("Building C"). There would be a total of 16 ownership apartments consisting of two- and four-bedroom units of which 4 (25%) would be affordable at 80% of area median income (AMI). A total of 22 parking spaces are proposed, or a ratio of 1.37 parking spaces per unit. There are five surface parking spaces, and the remaining 17 spaces are located below Building B.

The SR3 zoning district allows for a single-family detached dwelling, a rear lot subdivision (on sites greater than 22,000 sf), and single-family attached dwellings (on sites greater than 1 acre). The project requires zoning relief for the use, type of building, dimensional standards, and parking. While the site has an existing nonconforming two-family use, the SR3 zoning district does not allow for multifamily buildings, of which there are two proposed as well as an additional two-unit dwelling. The ZBA will be required to determine reasonable standards through the comprehensive permit process.

While Washington Street is likely an appropriate location for additional density, 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.

- **Site Design, Building Massing, Design and Architecture.** The project proposes three buildings with 16 units total. Building A incorporates an existing Shingle Style two family with notable features as outlined by the Massachusetts Historical Commission such as its Shingle style architecture with a fieldstone first story, corner tower, and porte cochère. The existing building is referred to as the George H. Hastings House and the pavilions, gables, bay windows and corner tower are reminiscent of Queen Anne style architecture. Other details such as cropped shingle raking eaves, jambs in the gable window, and shingled parapet in the side bay are Shingle style in origin. The applicant proposes to construct an addition to the dwelling which would ultimately house nine units. Building B is parallel to the rear property line and would house five townhouse style units with an underground parking garage. Building C, in the site's rear dog leg portion of the lot will feature two townhouse style units, divided vertically. Buildings B and C have setbacks of approximately five feet from their corresponding side and rear property lines. Building A, with nine units proposed, maintains the front and side setbacks of the existing two-family dwelling. The five-foot setbacks are less than what is prescribed for single- and two-family residences and staff have concerns with the inadequate setbacks. Setbacks closer to five

feet are commonly seen with accessory buildings, not buildings containing two units (Building C) and five units (Building B). Building C has a proposed setback of 3.7 feet and 4.8 feet from the side and rear of the building. Building C is located in a dog leg part of the site and is oriented inward towards the west. The applicant stated the minimum side setback as five feet in their zoning analysis, however 3.7 feet is the shortest side setback for the project at Building C.

The project site was reviewed in 2020 by the Engineering Division of Public Works for a prior unsuccessful special permit project considered for the site. The Associate City Engineer noted that groundwater was discovered four and a half feet below the existing surface. He noted the neighborhood has consistent issues with basement flooding, however, these conditions are also typical for the New England area as many foundations constructed of field stone, masonry block, or even cast in place concrete develop cracks and become an entry for groundwater. Many neighbors stated there was an underground stream, however the Associate City Engineer stated that to confirm that, several observation wells need to be drilled and monitored to properly model groundwater flow.

The Associate City Engineer stated that should the proposed project move forward, it would be a challenge to keep the proposed underground garage dry. Planning staff have concerns with this aspect of the proposal that places an underground parking garage for seventeen vehicles in an area with high groundwater, which the applicant would be expected to address as part of their application. The Engineering Division commented that seasonal high ground water table during the Spring months would be higher and due to concerns regarding flooding, additional soil testing would need to be done. Under the prior special permit review, the Associate City Engineer suggested the applicant install an interceptor/French drain which would act as a backstop to prevent the migration of water underground to the neighborhood. This project will require review by the City's Engineering Division. The engineering components and water table issues are anticipated to be a significant topic of discussion, should this project move forward.

The buildings have varying heights from 3-5 stories. Building A will consist of five stories, Building B will consist of three stories, and Building C will consist of four stories. The applicant has provided varying heights of 42, 45, 48 feet and 51 feet in different areas of their applications for the three buildings but did not provide a height analysis for each building from the average grade. The applicant should provide height measurements for each building as measured from the average grade. The floor area ratio, or how the City measures bulk by dividing the gross floor area by the lot size, is 1.05 which is more commonly seen in Business districts.

The site will have two points of access from Washington Street. The proposed driveway loops around Building A and provides access to Building B's underground garage containing 17 parking stalls as well as five surface stalls on the western side of Building A.

The driveway is 19.9 feet wide along the right property line, and less than five feet from the right property line.

In general, the three buildings proposed for the site add a generous amount of lot coverage and height to the site beyond what is existing. Planning appreciates the aspect of the proposal which breaks the additional 14 units into three buildings, while retaining the existing notable two-family dwelling. Staff suggests more consideration should be given to abutters near the side and rear property lines where the new construction is placed five feet or less from those side and rear property lines at heights of three to four stories. Most of the surrounding buildings consist of two or two and a half stories and there are no four or five story buildings in the vicinity of the project. The applicant should consider ways to articulate the massing differently and revisit the size and placement of the buildings on the site. Staff also have concerns with Unit 10 in line with the western driveway and question whether the future occupants of that unit will experience significant impacts from the vehicles accessing the driveway such as headlights and noise. The applicant should consider a submittal to the City's Urban Design Commission for design review, and they are encouraged to work closely with the Commission prior to filing the Comprehensive Permit application.

- **Open Space, Landscaping and Tree Removal.** The existing site contains a nonconforming two-family dwelling and undeveloped land. The rear of the site is predominantly vegetated/wooded and the grade changes approximately 20 feet from the front to the rear of the site. The rear yard contains several trees ranging in diameters of ten inches to 33 inches. The applicant did not submit a landscape plan, but from the architectural site plan it appears all are slated to be removed for the additional buildings and driveway that are proposed.

The proposed project lacks usable open space and eliminates several existing trees. The proposed building placement leaves little room for additional landscaping to screen the site and provide privacy for the future occupants as well as for the abutters. The applicant submitted a zoning analysis indicating they are maintaining 50% of the site as open space, however, staff have concerns with that calculation as driveway, regardless of materials, are to be counted against the open space calculation. Given that much of the site is covered by building or driveway, staff would encourage the applicant to dedicate more of the site to active and passive outdoor areas for residents, ideally incorporating areas for children to play, given the unit mix of the project with seven four-bedroom units and nine two-bedroom units. The applicant should provide a landscape plan and revisit the open space calculation to ensure it is calculated correctly. Due to the concerns about flooding in the area, the applicant should also consider retaining as many trees as possible as they provide a means of retaining water.

- **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 and to ensure there is a location for the materials and type of equipment required by these types of buildings. 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 in Newton Corner, at the edge of the City and is within walking distance of Newton Corner village center and Boston's Brighton neighborhood. Brighton's Oak Square neighborhood is approximately half of a mile to the east. The 57 bus which connects Watertown Square to Kenmore Square in Boston via Newton and Brighton has a stop less than one mile away at Waverly Avenue and Tremont Street. Exactly one-half mile away is a connection to the 501 express bus and another 57-bus stop at Park Street at Elmwood Street. The 501 express bus services Boston's downtown.

This section of Washington Street is a walkable neighborhood and features a conventional bicycle lane delineated by pavement markings. Most of this stretch of Washington Street features parking nearest the sidewalk, the bike lane, and then the motor vehicle travel lane, but further west are sections with no parking and only the bike lane and travel lane. 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 exploring the elimination of one of the two curb cuts to minimize interruptions to the sidewalk and eliminate potential conflicts between vehicles and pedestrians.

- **Traffic, Parking and Transportation Impacts.** The Planning Department will want to better understand any potential circulation or traffic impacts and will review with the Transportation Division of Public Works. The Zoning Board of Appeals also has the ability to bring in a peer reviewer to review any site circulation and traffic materials the Applicant provides. A preliminary area of concerns is the site circulation and how vehicles will access the driveway that leads to the underground garage under Building B. Planning understands that the underground garage is only accessible if a vehicle is driving in from the western driveway and the eastern driveway will be reserved for fire access only, however the applicant should provide additional information. Staff will also want to confirm that the materials used for the eastern driveway are appropriate for the types of vehicles that will need to utilize that driveway, such as emergency and fire access. The Project proposes to add 22 parking stalls, 17 of which will be located in an underground garage under Building B. More information is necessary to fully analyze traffic impacts, parking need, and circulation within the site. The Department supports minimizing



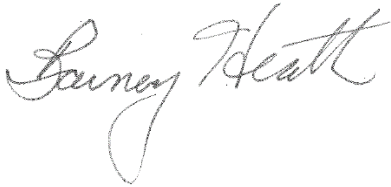
parking to the extent feasible and incentivizing alternative modes of transportation. The applicant should submit a traffic study, parking analysis, and transportation demand management plan as part of their Comprehensive Permit application.

**C. Conclusion**

As detailed above, the Planning Department is supportive of adding housing at this location given the size of the site and proximity to transit, however the application represents a significant change from the existing single- and two-family neighborhood. We support the preservation and reuse of the existing two-family home, and the proposal would add nine units of housing in a multifamily building accessible by elevator, which is greatly needed. The project would also provide additional opportunities for home ownership. However, we have concerns with the location of the townhouse units so close to the property line, the lack of fully accessible units and the lack of visitability of the townhouse units. 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 Greenberg  
Councilor Leary  
Councilor Oliver

**ATTACHMENT A:** Comment Letters Received

**From:** [John Daghlian](#)  
**To:** [Brenda Belsanti](#)  
**Cc:** [Louis M. Taverna](#); [Barney Heath](#); [Jennifer Caira](#); [Katie Whewell](#); [Michael Gleba](#)  
**Subject:** RE: 41 Washington Street  
**Date:** Thursday, December 1, 2022 4:11:20 PM

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Hi Brenda,

In 2021 the property owner(s) submitted a Special Permit application for a single-family unit at the rear of the lot prepared by Everett M. Brooks; based on soil logs (test pits performed) on site the groundwater was down about 4.5 feet below the existing surface. The residents abutting the property had issues with basement flooding and property flooding downstream of this site. After several iterations and comments from Engineering Division, the applicants engineer agreed to install an interceptor (french) drain to capture the groundwater that appeared to flow [below grade] from a northeast to a southwest direction. The french drain had an impervious barrier on the downstream side of the trench to act as a “backstop” and trap the groundwater flow. A perforated pipe within the crushed stone directed the trapped water to a manhole which had two sump pumps (with a backup generator) that would pump the groundwater to the end of the proposed driveway towards the east [Washington St] that discharged to a manhole on the property then had a gravity overflow connection to the City’s drainage system. DPW allows for overflow connections. This system and project was never constructed.

Based on this recent application and just on the conceptual plans the condominium units have underground parking garage, it will be a challenge [not impossible] to keep these garages dry, however; the issue of ground water flow to the neighbors may still be an issue. Please keep in mind the **DPW does not and cannot regulate groundwater flows** we only have jurisdiction for surface water to ensure that any construction does not impact downstream abutters from diverted or increased surface water runoff. So, the applicant needs to develop the plans to ensure that surface water is not altered or exasperated to the abutters but please be aware of the groundwater situation that the applicants will have to address from public comments. Additionally dewatering during construction will have to be addressed.

Please let me know if you have any questions.

John Daghlian

Associate City Engineer

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**From:** Brenda Belsanti <bbelsanti@newtonma.gov>

**Sent:** Tuesday, November 15, 2022 1:44 PM

**To:** Jennifer Caira <jcaira@newtonma.gov>; Jonah Temple <jtemple@newtonma.gov>; Jonathan Yeo <jyeo@newtonma.gov>; Barney Heath <bheath@newtonma.gov>; Heather Zaring <hzaring@newtonma.gov>; Amanda Berman <aberman@newtonma.gov>; Katie Whewell <kwhewell@newtonma.gov>; Louis M. Taverna <ltaverna@newtonma.gov>; John Daghlian <jdaghlian@newtonma.gov>; David Koses <dkoses@newtonma.gov>; Jason Sobel <jsobel@newtonma.gov>; Isaac Prizant <iprizant@newtonma.gov>; Malcolm Lucas <mlucas@newtonma.gov>; Jini Fairley <jfairley@newtonma.gov>; Shubee Sikka <ssikka@newtonma.gov>; Lara Kritzer <lkritzer@newtonma.gov>; Jennifer Steel <jsteel@newtonma.gov>; Ellen Menounos <emenounos@newtonma.gov>; Eamon Bencivengo <ebencivengo@newtonma.gov>; Liora Silkes <lsilkes@newtonma.gov>; Ann G. Berwick <aberwick@newtonma.gov>; Luis Perez Demorizi <lpdemorizi@newtonma.gov>; Fire Prevention <FirePrevention@newtonma.gov>; Mollie Hutchings <mhutchings@newtonma.gov>

**Subject:** 41 Washington Street

Good Afternoon,

Attached is a notice regarding a Project Eligibility application that has been submitted to MassHousing for a development project proposed by 41 Tusnua, LLC on 0.6 acres of land on 41 Washington Street in Newton. As proposed, the project will consist of 16 ownership units, four of which will be affordable to households earning up to 80% of area median income (AMI). The existing two-family home will be expanded towards the rear of the site and converted to nine units and an additional two buildings will contain seven townhouse units.

The Project Eligibility application is a prerequisite to filing with the Zoning Board of Appeals for a Comprehensive Permit/40B and as part of the Project Eligibility process we will be submitting a comment to MassHousing. If you have any comments regarding the Project Eligibility application for this project, please send them to me by **5pm on Friday, December 2<sup>nd</sup>**. **In addition to your comments, please also forward this to any boards or commissions that you staff.** Any comments received will be considered and included in our comment letter to MassHousing. The City Council and neighbors within a 300-foot radius have also been notified.

Once the project has received a Project Eligibility letter from MassHousing the applicant will file for a Comprehensive Permit/40B with the ZBA and there will be additional opportunity for public comment at that time. More information about the project, including the full application, can be found here: <https://www.newtonma.gov/government/planning/development-review/high-interest->

[projects/41-washington-street/-fsiteid-1#!](#)

Please let me know if you have any questions or comments regarding the project.

Thank you

*Brenda Belsanti*

ZBA Clerk

City of Newton | Planning Department

1000 Commonwealth Avenue

Newton, MA 02459

November 20,2022

Brenda Belsanti  
Clerk City of Newton Zoning Board of Appeals  
1000 Commonwealth Avenue  
2nd Floor  
Newton MA, 02459

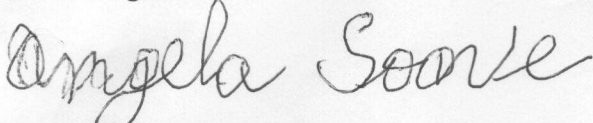
Dear Ms. Belsanti:

I am writing to express my opposition to the proposed project at 41 Washington Street in Newton. I live directly across the street and see this as a monstrous project that will make it more difficult to get out of my driveway, add considerable more traffic to an already busy street, and is massively out of character for the single and two family houses in the neighborhood.

Please let those know who are making the decision on this project that I am against this project.

If you have any questions, please don't hesitate to contact me.

Angela Soave

A handwritten signature in cursive script that reads "Angela Soave". The signature is written in dark ink and is positioned above the printed contact information.

46 Washington Street  
Newton MA 02458  
617-527-9248

**From:** Southall, Alexander C <southy99@bu.edu>  
**Sent:** Friday, December 2, 2022 4:49 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington Street development

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

**Hi Brenda,**

**I am writing as I have just learned from neighbors today that there are plans for a significant real estate development in the neighborhood where I live. My family and I have been here since 2011 and attended Underwood, Bigelow Schools and Newton North next year. I am writing to express my strong feelings that this project (at the very) least needs more review, community input and a much-improved process before moving any further. This is a matter of common decency when it comes to treatment of residents and the lives they have created for themselves. The decision everyone made to live in these locations would never have factored in the possibility of a project of this impact. At this stage, it seems utterly out of place and inappropriate and I would like to urge you and others to reject it as currently proposed, and involve the members of the community in any steps moving forward. Please do what it right. There is no hurry on something of this scale. The impacts are significant.**

**Thank you for hearing what the community has to say and responding to that.**

**Sincerely,**

**Alec Southall  
75 Elmhurst Road**

**From:** Patricia Adair <psadair@comcast.net>  
**Sent:** Friday, December 2, 2022 5:03 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington St. Proposal

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

Brenda,

Our beautiful Hunnewell Hill neighborhood is a residential family community with many home with historical significance from around 1890. Our neighborhood is a microcosm of our "Garden City." All neighbors take pride in keeping our neighborhood as a wonderful well kept, safe environment for all of our residents. We even have a group of volunteers who we call our "Constant Gardeners" who have made the lovely garden entrance to our neighborhood welcoming to all of us and visitors alike.

Here are my concerns:

**PUBLIC HEALTH & SAFETY IMPACT**

Construction will impact the serenity of our neighborhood.

-Noise from blasting, digging and rumbling

-Vehicle noise from motors, brakes, and honking from the excess number of over 40+ vehicles

Rumbling from construction, rumbling to affect the structural integrity of our homes.

Exhaust fume pollution from all construction vehicles and from over 40+ vehicles will impact the health of our residents.

Underground water run off from from excavation and paving changes will affect adjacent neighboring properties.

**TRASH AND RECYCLING ISSUES**

Having 32+ trash bins and 32+ recycle bins on Washington St. will impact traffic and pedestrians. Trash and recycling bins would be strewn across sidewalks and streets blocking sidewalks for pedestrians.

**PARKING**

40+ cars under the building?

Where would visitors park? The streets in our quiet family neighborhood would become a parking lot. We have a 2 hour parking limit on the streets which has been enforced to keep commuters from using our streets for parking when they use

public transportation. The non-resident commuters were parking dangerously on our streets making the streets unsafe for our residents, children, elderly, and pets. This ordinance cannot be changed.

The additional cars would make it difficult for any ambulance, fire, and police vehicles to access our neighborhood.

The excess number of cars would create danger for pedestrians (children, elderly, handicapped, bikers, pets).

**PRIVACY**

Close proximity to abutting homes

Abutting homes would be dark from the tall buildings.

Abutting homes would need to keep their blinds and drapes closed in order to have privacy.

**LIGHT**

There would be a lack of light during the day (affecting their quality of life and gardens that have taken years to grow) and too many lights from vehicles at night.

Please do not approve this proposal.

Thank you so much for your consideration.

Patty Adair  
5 Willard St.

**From:** Beth Goldstein <goldstein.beth@gmail.com>  
**Sent:** Friday, December 2, 2022 8:43 AM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington Street Proposal

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

Dear Ms. Belsanti,

My husband and I live at 57 Hunnewell Avenue, where we have happily raised our family in this friendly neighborhood. I am fearful for the future of our quiet, family-centric neighborhood if the 41 Washington Street proposal were to go forward. I am writing to express my strong opposition to this proposed development. It now appears that in a neighborhood which until recently did not allow a 3rd floor apartment, there is now a proposal to build 16 large apartments in what was formerly a one-family space. Surely the zoning laws which are so stringent about building even a garage on a single family lot will not allow this unbridled construction. Under the guise of affordable housing, development and profit appear to be dominant.

This project creates many problems and we are surprised that such a dense project even would be considered for this neighborhood.

We see the following problems:

1. **Garbage pickup.** Most one-family houses in the neighborhood place two trash barrels by the curb for pickup each week - - one for garbage and one for recycling. Therefore, the proposed 16-unit development would have, at a minimum, 32 trash barrels needing to be placed at the curb each week. Where will these trash barrels be placed on garbage pickup day? It is clear that there will not be enough room to place them all at the front of the property on Washington Street in a manner that can be picked up by the automated garbage truck systems.

And, equally as important, where will they be placed during non-pickup days? If they're left out in the open they can attract vermin and other pests. I note that we have had problems with rats in the neighborhood from people not properly storing their garbage bins. Adding 32 barrels for one lot of land will only increase the likelihood of more rodents in the neighborhood.

2. **Parking.** The developer has significantly undercounted the number of cars that will need to be (and realistically will be) brought onto the property, stating 22 cars for 16 units. Most one-family houses have 2 cars (sometimes more when the kids get their licenses). Two-bedroom units most probably means at least 2 adults with



children per unit. So, we're starting with 2 cars per unit (32), and probably more when the children reach driving age. Where will all these cars be parked? Our neighborhood has only 2-hour parking on weekdays and also no overnight parking from November to April.

Also, you should be aware that right now there are about 7-8 cars parked on the property on any given day, whether or not that is in compliance with the current zoning ordinances. It is likely that residents who need another car will simply skirt the zoning issues and hope no one notices. Does the City of Newton have the resources and a plan to police whether the ordinances are followed?

**3. Environmental Concerns.** There is an underground river which will be disturbed by the proposed construction. There is evidence of substantial water flow, this could interfere with the stability of new structures there, especially when underground parking is proposed. The recent clearing of part of the site has been followed by the appearance of leaking water on Grasmere Street. This is more than a nuisance: it is a hazard to people and vehicles when it freezes. The source of the leakage needs to be examined, given the possibility that it is due to the disturbance of soil at 41 Washington.

**4. Traffic and Safety.** All the additional cars will exacerbate an already dangerous condition for children walking to school at Underwood and Bigelow. Our neighborhood has been trying for years to get traffic-calming measures added to Washington Street as people race from Oak Square to get to the Pike. The "slow down" signs routinely get knocked over by speeding cars. Adding 22 cars (again, more likely 32 cars) to the area will create more traffic, especially during the morning hours, making the streets even more dangerous for children walking to school. And many cars turn onto Hunnewell Avenue to avoid slowdowns on Washington. They go whizzing past down the street, with little regard for the many walkers utilizing what had been a quiet place to walk.

**5. Zoning laws.** The current proposal exceeds the FAR (floor area ratio) .36 is required and they have over 1.04. This exceeds the allowable by 2.89%. Some of the zoning it is skipping over for Newton's bylaws is: they are violating the setbacks, height limits and FAR. And they don't meet the parking requirements. The current code for height limit is: 2.5 stories, 35 feet and this project is 3, 4 and 5 stories, 51 feet for the addition to the house and assuming something like 49 feet for the back building and 45 feet for the side building. The average grade and heights are not indicated on the drawings. The required set backs are 7.5' side yard and 15' rear yard, they are proposing 3.7' to 5.4' for both of the rear buildings.

**Zoning variances should be granted rarely, and then only for well-thought-out projects that show the need and include remediation to address problems caused by the development. In our view, this project does neither. It is a boondoggle for the developer, who is trying to get around restrictive zoning ordinances by hiding behind the banner of creating more affordable housing in Newton, when it is clear that this project will not do much to help lower-income residents. Instead, it will create myriad problems for the neighborhood that the neighbors will have to live with while the developer reaps profits at the expense of this neighborhood.**

**We strongly urge you and the other members of the zoning board to vote "NO" on this project.**

**Sincerely,**

**Beth Goldstein  
57 Hunnewell Avenue**

-----Original Message-----

From: Benny Soave <brsoave@msn.com>

Sent: Friday, December 2, 2022 11:45 AM

To: Brenda Belsanti <bbelsanti@newtonma.gov>

Subject: 41 Washington St

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

Hi!

I live at 46 Washington St. directly across from 41 Washington St. I have lived here 40 years. This was a quiet street back then with the speed limit at 30 miles an hour. Now they have taken away parking on my side of the street for a bike lane and upped the speed limit to 35 miles an hour. Backing out of my driveway is a dangerous undertaking and now you are adding more cars to the mix. The average household has two cars so if this goes through that will 32 cars to park and be on the roadway. There is limited parking as it is and my guests have to park on that side of the street.

Please do not let him put in all of those units. It will cause too much traffic and ruin the quality of life of the neighborhood.

Angela Soave

Sent from my iPhone

**From:** Ann <abartwin@gmail.com>  
**Sent:** Tuesday, November 29, 2022 11:03 AM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington St, Newton

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

Dear Ms. Belsanti,

As a life long resident of the "Hunnewell Hill" area, now at 11 Hunnewell Circle I wanted to take a moment and express my opposition to the proposed development of 41 Washington St. Simply put the area's infrastructure cannot support such an increase. The project creates needs far beyond current capacity, specifically but not limited to parking/traffic, trash, and safety. While there are benefits to the developers, there are no apparent, legitimate benefits to the community.

Thank you,  
Ann Barton Irwin  
11 Hunnewell Circle  
Newton, MA  
02458

**From:** Claire Sheridan <cfsras@gmail.com>  
**Sent:** Tuesday, November 29, 2022 11:53 AM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington Street Project

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

Good day,

I hope this email finds you well. My husband and I live at 137 Washington Street. We are writing to express our strong opposition to the proposed development for 41 Washington Street. We believe this project creates many problems and we are surprised that such a dense project even would be considered for this neighborhood.

We see the following problems:

1. Garbage pickup. Most one-family houses in the neighborhood place two trash barrels by the curb for pickup each week - - one for garbage and one for recycling. Therefore, the proposed 16-unit development would have, at a minimum, 32 trash barrels needing to be placed at the curb each week. Where will these trash barrels be placed on garbage pickup day? It is clear that there will not be enough room to place them all at the front of the property on Washington Street in a manner that can be picked up by the automated garbage truck systems.

2. Parking. The developer has significantly undercounted the number of cars that will need to be (and realistically will be) brought onto the property, stating 22 cars for 16 units. Most one-family houses have 2 cars (sometimes more when the kids get their licenses). Two-bedroom units most probably means at least 2 adults with children per unit. So, we're starting with 2 cars per unit (32), and probably more when the children reach driving age. Where will all these cars be parked? Our neighborhood has only 2-hour parking on weekdays and also no overnight parking from November to April.

Also, you should be aware that right now there are about 7-8 cars parked on the property on any given day, whether or not that is in compliance with the current zoning ordinances. It is likely that residents who need another car will simply skirt the zoning issues and hope no one notices. Does the City of Newton have the resources and a plan to police whether the ordinances are followed?

Lastly, the idea that people will park in Brighton and walk to their home is another concern.

3. Traffic and Safety. All the additional cars will exacerbate an already dangerous condition for children walking to school at Underwood and Bigelow. Our

neighborhood has been trying for years to get traffic-calming measures added to Washington Street as people race from Oak Square to get to the Pike. The "slow down" signs routinely get knocked over by speeding cars. Adding 22 cars (again, more likely 32 cars) to the area will create more traffic, especially during the morning hours, making the streets even more dangerous for children walking to school.

**4. Owner Occupancy or College rentals/AirBnB? Will these units be required to be owner-occupied, or will passive investors be able to buy them and turn them into rental properties or AirBnB's? A two-bedroom apartment easily could be rented to 4 or even 6 college students.**

**5. Pond/ Brook. I grew up in this neighborhood and remember a water source in the backyard. What will happen to that water table? How will this affect the neighbors? Has this been addressed.**

**Zoning variances should be granted rarely, and then only for well-thought-out projects that show the need and include remediation to address problems caused by the development. In our view, this project does neither. It is a boondoggle for the developer, who is trying to get around restrictive zoning ordinances by hiding behind the banner of creating more affordable housing in Newton, when it is clear that this project will not do much to help lower-income residents. Instead, it will create myriad problems for the neighborhood that the neighbors will have to live with while the developer reaps profits at the expense of this neighborhood.**

**We strongly urge you and the other members of the zoning board to vote "NO" on this project.**

**Sincerely,  
Claire Barton Sheridan**

**From:** Jacqui Becker <jacqui@beckerfinearts.com>  
**Sent:** Friday, December 2, 2022 11:13 AM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington Street project

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

Good morning Ms. Belsantis,

I am strongly opposed to the housing development proposed for 41 Washington Street.

I clearly has been over built, shoved into a space for which it is way too large, and will drastically alter the lives of all abutters, both during the painful construction period and for many years thereafter.

I have some special experience with living next door to an older home that is "remodeled". I live at 261 Franklin Street in Newton Corner. In June of 2020, 187 Park Street, the beautiful old stone house next door, was purchased by people who "loved the house". They gutted it, built a new modern wing, and then added an attached ultra modern garage with deck that sits within a few feet of my house.

My new neighbors asked me to testify in their behalf before the Historic Commission. I did! I said the new wing was not for everyone in this historic district, but that I didn't oppose it, but that I strongly objected to the garage, which was overbuilt and an eye sore. I was told that since it was not seen from the front of the house, it was not of interest to the commission. **Please note that everyone I have spoken with, many neighbors in Newton Corner, do not understand how this project was approved without consideration of what it looks like from Franklin Street.**

What we used to live next door to:





**What we live next door to now:**



**View from Franklin Street**



**(They refuse to put up window treatments, in a glass house outfitted with colored light displays...)**



I always thought that once the construction, which took place during the pandemic when we were home all the time, was completed I would learn to live with the changes. But I haven't.

**So here's my question: Why is there so little consideration given to the needs of people who already live here, and have paid taxes for decades, over the shiny new intrusive project?**

**I'm all for affordable housing, Newton definitely needs more, but why at the cost of the mental health and property values of people who already live here?**

Respectfully,  
Jacqueline Becker



261 Franklin Street

Newton, MA 02458

C: 617-513-6856

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**From:** Nicki Bibbo <bibbonicki@gmail.com>  
**Sent:** Thursday, December 1, 2022 8:24 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington Street, Newton

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

**Dear Brenda Belsanti:**

**I am writing to urge the zoning board to vote against the 41 Washington Street proposed development. I have been a resident of the Hunnewell Hill neighborhood since 1976.**

**The proposed development would have a huge negative impact on this neighborhood. The density of this proposal will threaten public safety with the increase of vehicles in such a limited space. This would also increase concerns about fire safety.**

**Another very practical matter would be the management of trash and recycling for so many units in such a confined space.**

**This neighborhood has already experienced difficulties with underground water flow. Has this project adequately addressed this matter?**

**The impact on traffic is a core concern for this neighborhood. There is already quite a steady stream of traffic between Oak Square and Newton Corner making its way to the turnpike as well as other destinations within this congested area.**

**This project will greatly change the character of our neighborhood and increase the dangers and congestion here.**

**Nicki A. Bibbo  
4 Fairview Street  
Newton, MA 02458**

**From:** Steve Carter <sjkcs48@yahoo.com>  
**Sent:** Friday, December 2, 2022 2:57 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington Street

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

**To whom it may concern,**

**I am writing to express my opposition to the development of 41 Washington Street as currently proposed.**

**Although most agree that we should build more housing in Newton to provide additional opportunities for those that grew up here or work here to live in this great city, this proposal is not the way to do it. The property in question is located in an area primarily of one and two family homes. This proposal for 15 units is too dense for this location. This section of Washington Street already has an abundant amount of traffic coming from and going to Oak Square, without adding the vehicles that 15 new housing units would bring.**

**I am also concerned with the potential harm to the neighborhood's environment by the extent of new construction proposed, with a major addition to the existing home, two large standalone buildings and an underground parking structure. A project of this size would most certainly have an impact on the surrounding properties and residences.**

**I hope you carefully review this project and either reject it completely or ask that the developer to significantly scale back the proposal.**

**Sincerely,**

**Steve Carter  
234 Church Street**

**From:** Naomi Cohn <gnomik@gmail.com>

**Sent:** Monday, November 21, 2022 8:39 AM

**To:** Brenda Belsanti <bbelsanti@newtonma.gov>

**Subject:** Re plans for 41 Washington St., From Owner, 25 Hunnewell Avenue, Newton

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

To whom it may concern,

**Ny husband and I have reviewed the plan, and are very much against this town house construction project. We believe that either the home should be preserved or it should be replaced with another single-family home to preserve our neighborhood. Otherwise, we feel that we will be directly impacted in an adverse way.**

**Thanks,  
Naomi**

**From:** Rebecca Connors <beccablumm@gmail.com>  
**Sent:** Tuesday, November 22, 2022 12:31 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Cc:** David Connors <dconnors@jhancock.com>  
**Subject:** 41 Washington St

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

Hi Brenda.

Thank you for receiving comments on the proposed property renovations at 41 Washington St.

We have lived in this neighborhood since 2009. We have two teenage boys who walk to/from Bigelow and the bus stop at Waverley Ave and Whittemore Road. I am both concerned and dumbfounded by this proposal, which seems to be a serious overreach, perhaps in an attempt to see how far they can actually push the boundaries of development.

Some practical points I'm sure you've already read include questions around trash pickup, parking, and increased traffic on a road already ill-equipped for the current traffic load. I spoke with our crossing guard this morning, and she mentioned how unsafe she's feeling lately on Washington and Hibbard. One car nearly hit her as she walked toward the middle of the road to help children pass...the car wanted to get through and came very close to her body as it turned the corner around her. I'm sure you can follow up with her for more information, or I would be happy to get a statement from her (Lei-Mei Ho).

I wonder about the water table, which we learned runs high in that area from years past during heavy October rains when the fire department came to pump out basements on this upper part of the hill. How will this underground river be mitigated? And how will it impact the neighborhood?

After having looked at the permit application, I am terribly confused how they can even ask for such reduced setbacks on the backside and sides of the property, as well as leniency on the frontage requirements. In an attempt to maximize build-out and profits, the developer is asking an awful lot of this town to subsidize their efforts by overlooking basic zoning requirements and minimizing the actual impact this project would have on our limited resources.

Thank you for your time.  
Rebecca Connors  
108 Hunnewell Ave



-----Original Message-----

From: Dan Barton <danbarton63@gmail.com>

Sent: Wednesday, November 30, 2022 4:06 PM

To: Brenda Belsanti <bbelsanti@newtonma.gov>

Cc: Ruth.Balser@mahouse.gov; John Oliver <joliver@newtonma.gov>; Susan Albright <salbright@newtonma.gov>; Andrea W. Kelley <akelley@newtonma.gov>; Joshua Krintzman <jkrintzman@newtonma.gov>; Deborah J. Crossley <dcrossley@newtonma.gov>; Vicki Danberg <vdanberg@newtonma.gov>; Marc C. Laredo <mlaredo@newtonma.gov>; Richard Lipof <rlipof@newtonma.gov>; Alison M. Leary <aleary@newtonma.gov>; Maria Scibelli Greenberg <msgreenberg@newtonma.gov>; Emily Norton <enorton@newtonma.gov>; Jonathan Yeo <jyeo@newtonma.gov>; Mayor Ruthanne Fuller <rfuller@newtonma.gov>

Subject: 41 WASHINGTON STREET PROPOSAL

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

To whom it may Concern:

I am a long-time resident ( 31 yrs) of the Hunnewell Circle area and have been very happy living in our neighborhood. I am very concerned and not supportive of the construction plans at 41 Washington Street.

First, a project of this magnitude and change should not circumvent the normal zoning laws of Newton. This is not right. To fast track this type of project without proper diligence is unacceptable and not how things are done in newton..

A few of the issues that concern me are as follows:

1. The height of the buildings - the current code for height limit is: 2.5 stories, 35 feet and this project is 3, 4 and 5 stories, 51 feet for the addition to the house and assuming something like 49 feet for the back building and 45 feet for the side building. The average grade and heights are not indicated on the drawings.
2. Nonadherence to setbacks -- The required set backs are 7.5' side yard and 15' rear yard, they are proposing 3.7' to 5.4' for both rear buildings. A project of this magnitude should comply to the all ZONING Laws especially if they are filling a 40B.
3. Not enough parking in an already dense neighborhood
4. No discussion of trash and quantities
5. No discussion of how this monstrosity fits into the overall neighborhood
6. No discussion of the water table
7. What major bus hubs are near our neighborhood?
8. Washington st TRAFFIC is already a nightmare and with the proposed buildings going up in Brighton right over the line will only make the area worse.

Newton is a fabulous place to live, and neighborhoods should be preserved. Our voices need to be listened to and this project should be stopped. Based on the outrageous proposal this developer should be banned from doing business in Newton. Clearly this a ploy to negotiate but in reality it demonstrates their lack of intimacy of the neighborhood they seek to destroy for profit.

Clearly this is a developer who does not have the best interest of Newton in mind but rather profits .

The 41 Washington Street project should be stopped.

Thank you  
Dan Barton  
165 Oakleigh rd

-----Original Message-----

From: Will Dailey <will@willdailey.com>

Sent: Tuesday, November 22, 2022 10:18 AM

To: Brenda Belsanti <bbelsanti@newtonma.gov>

Subject: Regarding 41 Washington St.

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

Brenda,

Hope this finds you well.

I just wanted to share my current opposition to the proposed development at 41 Washington St.

Thank you

William and Ronnisa Dailey  
77 Newtonville Ave 02458

**From:** Paul Fair <pgf12758@hotmail.com>  
**Sent:** Thursday, December 1, 2022 6:00 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington

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

**Dear Brenda,**

**I am writing you in regard to 41 Washington Street,**

**I have lived at 20 Merton Street in Newton Corner for 45 years in a house that has been passed down from my family since 1900. I have raised my children on this property and hope that they one day can do the same. Because of this I want to share my concerns about the proposal for 41 Washington Street.**

**I understand the need for more affordable housing and generally support the 40B projects proposed in Newton City centers, however, this project is ill-conceived and has serious safety, traffic, and environmental dangers.**

**SAFETY/TRAFFIC:**

**Washington Street is already heavily trafficked with folks driving to the Mass Pike. This poses danger to anyone walking or biking on Washington Street between Elmhurst and Hibbard Roads. While there are now two crosswalks (often ignored by motorists) our neighborhood has had one fatality on Washington Street (John Hopper). Neighbors have been talking with the City on traffic calming and pedestrian safety measures for decades. Another student was struck crossing Washington and broke his elbow (Justin Simko). Only the fast thinking of a crossing guard prevented a more serious accident. Personally, I have been clipped on the arm and hand and knocked off my bike on two separate occasions in this same stretch of road. The proposed project will add at least 30-plus cars daily to the already busy route. A project of this scope would certainly require additional investments in safety such as a traffic light to help pedestrians safely cross the street.**

**ENVIRONMENTAL:**

**Many abutters have raised serious water issues that would be caused by the scope of this project. There are documented engineering findings of underground streams in this particular plot of land. In fact, there is currently a water issue with a constant flow running down Grasmere Street today, potentially caused by the changes already made to the 41 Washington Street property. As homeowners, we have personally experienced a flooded basement at 20 Merton Street on numerous occasions after particularly heavy rains or rapid snow melts. A large project with underground parking would only exacerbate this problem.**

**With much appreciation,  
Paul Fair**

**From:** paul fair <pgf1958@gmail.com>  
**Sent:** Wednesday, November 30, 2022 8:29 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington St.

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

**Dear Benda**

**I live at 20 Merton Street directly behind 41 Washington St. I would like to comment on the proposed development at 41 Washington Street. My grandfather built this house in 1900 in Newton Corner My father myself and my children all attended the Newten public schools and my older brother attended Newton junior college and my mother worked at the Ed Center for 25 years I believe.**

**I understand the need for more affordable housing and generally support the 40B projects proposed in Newton City centers, however, this project is ill conceived and has serious safety, traffic and environmental dangers.**

**SAFETY/TRAFFIC:**

**Washington Street is already heavily trafficked with folks driving to the Mass Pike. This poses danger to anyone walking or biking on Washington Street between Elmhurst and Hibbard Roads. While there are now two crosswalks (often ignored by motorists) our neighborhood has had one fatality on Washington Street (John Hopper). Neighbors have been talking with the City on traffic calming and pedestrian safety measures for decades. Another student was struck crossing Washington and broke his elbow (Justin Simko). Only the fast thinking of a crossing guard prevented a more serious accident. Personally, I have been clipped on the arm and hand and knocked off my bike on two separate occasions in this same stretch of road. The proposed project will add at least 30-plus cars a day to the already busy route. A project of this scope would certainly require additional investments in safety such as a traffic light to help pedestrians safely cross the street.**

**ENVIRONMENTAL:**

**Many abutters have raised serious water issues that would be caused by the scope of this project. There are documented engineering findings of underground streams in this particular plot of land and in my on backyard, in the late 60s my mom told my father to put in a pool and she told him she's not packing up all the kids for a weeks vacation after they dug a 8 foot hole for the in ground pool the next morning there was 5 feet of water in it. In fact, there is currently a water issue with a constant flow running down Grasmere Street today, potentially caused by the changes already made to the 41 Washington Street property. As homeowner i have personally experienced Water issues in my garage and basement. I lived here for 64 years and ther are numerous occasions after particularly heavy rains or rapid snow melts You can see water draining on a dry day in the city storm drain**

**and coming up in parts of my property and my neighbors. A large project with underground parking would only exacerbate this problem. And eventually damage our foundations.**

**Finally, we believe the proposed project is wildly out of scale with the lot and neighborhood. It is difficult to imagine 16 families living on barely a ½ acre  
Thank you for your time**

**Paul fair  
20 Merton  
Newton ma**

**From:** Fauteux Kathleen <kfauteux16@gmail.com>  
**Sent:** Sunday, November 20, 2022 12:50 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Cc:** Mayor Ruthanne Fuller <rfuller@newtonma.gov>  
**Subject:** 41 Washington Street proposed development

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

Good morning -

I recently received your small blue postcard informing me that a 16 unit development was planned for the .6 acre parcel at 41 Washington Street, Newton Corner. My first question is why weren't neighbors properly (a letter that wouldn't get lost in the junk mail, not a postcard) notified and notified on a timely basis? How did this project get so far along before neighbors were notified?

My initial reaction was shock. How is it possible or reasonable to build 16 units on such a small parcel and in a residential neighborhood? Aside from the fact that such a development is completely inappropriate for the neighborhood, my own experience with the building and planning departments leaves me scratching my head. My husband and I moved to 71 Elmhurst Road in June 1977 - 45 years ago. Because of significant health concerns, we now need to build/replace a garage so that we can safely go from the car to the house in bad weather. We have spent thousands of dollars with an architect and made multiple trips to the building department to try and figure out a way to add a garage within current zoning limitations - without tearing down a portion of our house to fit the garage within current setbacks. Recently we have called the planning department several times and left messages - hoping to discuss the possibility of a special permit. No one has ever answered the telephone and no one has ever returned our calls. We have put our garage project on hold for the winter because we cannot get any answers. I asked the building department if we could put up a temporary canvas car port for this winter and the answer was no - against zoning. Fast forward to the 41 Washington Street project.

The Hunnewell Hill neighborhood is a residential neighborhood consisting of mostly single family homes, some two family homes and several homes with accessory apartments. There are no structures taller than three stories. The proposed four and five story units would tower over the existing homes in the neighborhood and would be visible from pretty much everywhere. Would the buildings be constructed so that they blended into the style of homes in the neighborhood?

Garbage pick up: Sixteen units equals 16 garbage cans and 16 recycle cans. Will the garbage trucks drive onto the property or will the 32 cans be lined up from Thursday evening to Friday evening along Washington Street? Maybe such a complex might require permanent dumpsters. I did not see them in the drawings. Who would be responsible for controlling rodents, if dumpsters are used?

Deliveries: will UPS and USPS vehicles be allowed onto the property or will there be 16 mailboxes along Washington Street?

Cars: 16 units and 22 parking places? How does that work? Most homes have two cars - what is the plan for the overflow of cars? Will parking be allowed on Washington Street now or in the future? 9

of the units have four bedrooms - which means families. Where will their teenagers park their cars? Guests? Construction and repair vehicles?

Occupants: Because of the proximity of Boston and local colleges, will these units be required to be owner occupied? Could there be four students (four cars) in each of the four bedroom units?

Current owner and occupants: The current renters of the home have trashed the property. The back yard has been turned into a parking lot. Clearly the parking lot is a zoning violation. Has the current owner been cited? Has the current owner been required to remove the gravel parking lot he created?

Standing water: I understand that a proposal for the same property was turned down last year because of concerns regarding standing water at the back of the lot. Has this issue been addressed? Where will the water go?

Current owner's other properties: Does the developer own other properties in Newton, on Washington Street or elsewhere? Is 41 Washington Street part of a larger plan? Is the developer hoping that abutters sell out in disgust and then he can expand his dense housing plan right down Washington Street?

Density: With 16 new units and a potential for 4 new residents per unity, that means possibly 64 new residents on a .6 acre parcel. Clearly this is not reasonable. This describes an apartment building, not homes in a residential neighborhood.

Newton is 17.8 square miles or 11,392 acres or 22,392 half acres. The population of Newton is 89,000. That gives Newton a population density of approximately 5 people per half acre. The 41 Washington Street proposal would create a density of a minimum of 16 people per "half" acre and up to possible 64 people per half acre. That means the proposal would increase density for this parcel to at least three and possibly 13 times Newton's average density.

This type of development in a Newton residential neighborhood is unprecedented. It will undoubtedly lead to a domino effect along Washington Street, which will destroy the neighborhood and increase the already heavy traffic down Washington Street toward the turnpike. It will not be safe for children to walk to school.

Our neighborhood puts up with traffic to and from Brighton, traffic getting on and off the turnpike, noise from the turnpike, and Newton Corner traffic. Perhaps that is why a developer thinks we might put up with this type of proposal.

My husband and I stand firmly against this ill advised project.

Kathy Fauteux and Steve Fauteux  
71 Elmhurst Road  
Newton, MA



-----Original Message-----

From: Nancy Felts <casa.de.felts@gmail.com>  
Sent: Thursday, December 1, 2022 5:59 PM  
To: Brenda Belsanti <bbelsanti@newtonma.gov>  
Subject: Proposed 40B - 41 Washington Street

Ms. Belsanti:

I am adding a few additional comments on the Proposed 40B - 41 Washington Street project.

I watched the video available of the 04-13-21 Land Use Committee meeting in which a previous proposal for 41 Washington Street was discussed. The applicant confirmed they had conducted testing to establish the water table level. Their proposal was to construct a single family house with no basement on the site. The proposed bottom of foundation elevation for the house was 105.0'; the high water elevation (from their test) was 102.2'.

The City Engineer who spoke at the Land Use Committee meeting clarified that contractors are responsible for compliant dewatering during construction. After construction is complete City ordinances require Owners to control surface water only; there is no jurisdiction for underground water. The applicant's plan site drainage/utilities plans had included an interceptor and pump chamber. The pump chamber would pump water and uphill to the City's storm water system. I can imagine the decibel level of such a pump. The difference in grade from the front to the rear of the site is 19'.

The current Proposed 40B - 41 Washington Street site plan indicates two potential infiltration system locations and a potential pump chamber location. The Fire Department access drive is proposed to be permeable pavers. These would prevent pooling and somewhat limit runoff but would allow rain to soak back into the soil - into the already high water table.

The proposed site plan overall indicates a large extent of paving. The main access drive will create a lot of runoff, and will run downhill.

Given all of these site conditions it is absurd that underground parking is being proposed behind the lower townhouses. It appears that the proposal will entail a very elaborate and expensive (although necessary) drainage and storm water management system. The siting of the components, the density proposed, the amount of paving and the underground parking all exacerbate this issue.

Best regards,

Nancy Felts  
81 Elmhurst Rd.  
Newton MA 02458  
617 852-1638  
[casa.de.felts@gmail.com](mailto:casa.de.felts@gmail.com)

-----Original Message-----

From: Nancy Felts <casa.de.felts@gmail.com>  
Sent: Tuesday, November 29, 2022 11:11 PM  
To: Brenda Belsanti <bbelsanti@newtonma.gov>  
Subject: Proposed 40B - 41 Washington Street

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

Brenda Belsanti  
Zoning Board of Appeals (ZBA) Clerk  
Zoning Board of Appeals  
City of Newton  
1000 Commonwealth Ave.  
Newton Centre MA 02459

Ms. Belsanti:

We recently received a notice regarding the Proposed 40B project to be located at 41 Washington Street. I am forwarding my comments and concerns on this project.

I understand that in addition to evaluating financial feasibility and site suitability, MassHousing also assesses whether "the conceptual project design is generally appropriate for the site." In my opinion the project as proposed is unsuitable for the site for many reasons.

The applicant is proposing to provide 22 parking spaces including 2 accessible spaces for 16 housing units. Since the 2 accessible spaces would need to be reserved for those who require them, including visitors, this results in effectively 20 parking spaces for 16 units.

Seven (7) of the units are 4-bedroom units. The site is not a dense urban area with multiple options for public transit in close proximity; it is unrealistic to anticipate that each household would have only one car.

On-street parking on Washington Street during the day is limited to two hours unless a Newton Corner permit is applied for. There is no on-street overnight parking allowed City-wide from December 1 through March 31. How is the applicant proposing to allocate parking spaces since several residents will likely have more than one car? Will each unit come with one space with an additional space available for an additional fee? Are there any accessible housing units? Based on required clearances at doors and within bathrooms it is not clear from the proposed plans if there are any. If there are accessible units, where are they located in relation to the accessible parking spaces?

The number of parking spaces proposed appears woefully inadequate given this type of site, the number of units, and the local parking restrictions.

In the proposed site configuration the 20+ cars exiting onto Washington Street would all be exiting from the drive on the southwest side of the site. This is a high number of cars exiting from a single access point onto Washington Street, which experiences a steady stream of heavy traffic in the morning and afternoon in particular. The City reconfigured the pavement striping on Washington a few years ago to provide a "chicaning" effect to slow down traffic. Those who use Washington Street as a cut-through to Newton Corner are by now familiar with this pattern and it has had limited effect in slowing down drivers. During the day numerous cars are parked on the north side of Washington Street in front of the

proposed site. It is currently difficult to take a left turn out of Grasmere Street due to blocked visibility from the parked cars. Twenty+ cars potentially exiting from a single drive to turn left onto Washington would be a dangerous situation.

Although Chapter 40B projects are allowed exemptions from local zoning requirements, the applicant has pushed these limits to an often egregious limit. The amount of paving proposed on the site is extreme.

There are many existing trees of substantial caliper on the site. Per the proposed site plan it appears that all of the existing trees at the rear of the site would require removal to accommodate construction. Per the rendered site plan there appear to be no new trees proposed and there is very little site area available for them.

The only trees shown on the proposed site plan are existing trees on adjacent properties.

A stated project design goal is to "maximize the open space for the use of the residents by minimizing the site area dedicated to parking." As currently proposed there would be very little open space.

To characterize the Fire Department access drive as available for use as "outdoor recreation space" is misleading. The site has a change in grade of 19' from front to back; no one is going to be sitting in lawn chairs or playing basketball on the Fire Department access drive.

The proposed building setbacks and building massing are perhaps the most egregious. The required minimum rear setback is 15'; the proposed rear setback is 5'. Since the site slopes from front to back the three or four-story townhouses will be looming over adjacent property owners, and within five feet of their properties.

Additionally on the Tabular Zoning Analysis sheet the proposed rear setback is listed as 5'. At the northeast corner of the site, behind the proposed two townhouses, the distance from the adjacent property line is indicated on the site plan as 3.7'. How can a project of this size and height be physically constructed in such close proximity to existing property lines? How can cladding, windows and other materials be installed not to mention erect staging within 3.7' of a property line?

The crest of Hunnewell Hill is well known to have a high water table.

We - at 81 Elmhurst Road - as well as our neighbors on either side of us can attest to how often our sump pumps or French drains work during heavy rain. During heavy rainstorms water streams steadily down both Elmhurst Road and Grasmere Street. For the past several weeks there has been "unknown" water ponding occurring and steadily running down Grasmere near the corner of Washington Street. This issue has been reported to the City to investigate by several neighbors but I personally have not heard back yet from the City.

There is reportedly an underground stream located on the proposed site. When there is heavy rain or disruptions on the site this water floods the basements of adjacent properties. There was a recent single family house proposal (not Chapter 40B) submitted for 41 Washington Street through the City of Newton's Special permit process. The previous applicant was unable to provide a solution to address this water issue and subsequently withdrew their proposal.

How does the current applicant propose to address this issue? The amount of excavation and disruption on the site under the current proposal will be extensive. Under the proposed Financial Information section \$0 is listed for both Geotechnical Condition and Environmental Remediation. Furthermore, how

does the applicant propose to address water running down the extent of the 19' grade drop into the below grade parking garage?

There are numerous site and environmental issues which have not been addressed. I strongly object to the project as currently proposed.

Best regards,

Nancy Felts  
81 Elmhurst Rd.  
Newton MA 02458  
617 852-1638  
casa.de.felts@gmail.com

**From:** Andy <gluckers@aol.com>  
**Sent:** Wednesday, November 30, 2022 4:29 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 WASHINGTON STREET 40B

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

Dear Brenda,

Thank you for your time on the phone today. I appreciate your clarifying timelines and the 40B process for our neighborhood. I have passed your information along via our email list serve.

My wife Kim and I live at 19 Merton Street and we would like to comment on the proposed development at 41 Washington Street. We are 32-year Newton Corner residents and I am a 16-year member of the Underwood School teaching staff. Our two children attended Underwood, Bigelow and Newton North.

I understand the need for more affordable housing and generally support the 40B projects proposed in Newton City centers, however, this project is ill conceived and has serious safety, traffic and environmental dangers.

#### SAFETY/TRAFFIC:

Washington Street is already heavily trafficked with folks driving to the Mass Pike. This poses danger to anyone walking or biking on Washington Street between Elmhurst and Hibbard Roads. While there are now two crosswalks (often ignored by motorists) our neighborhood has had one fatality on Washington Street (John Hopper). Neighbors have been talking with the City on traffic calming and pedestrian safety measures for decades. Another student was struck crossing Washington and broke his elbow (Justin Simko). Only the fast thinking of a crossing guard prevented a more serious accident. Personally, I have been clipped on the arm and hand and knocked off my bike on two separate occasions in this same stretch of road. The proposed project will add at least 30-plus cars a day to the already busy route. A project of this scope would certainly require additional investments in safety such as a traffic light to help pedestrians safely cross the street.

#### ENVIRONMENTAL:

Many abutters have raised serious water issues that would be caused by the scope of this project. There are documented engineering findings of underground streams in this particular plot of land. In fact, there is currently a water issue with a constant flow running down Grasmere Street today, potentially caused by the changes already made to the 41 Washington Street property. As homeowners, we have personally experienced a flooded basement at 19 Merton Street on numerous occasions after particularly heavy rains or rapid snow melts. A large project with underground parking would only exacerbate this problem.

Finally, we believe the proposed project is wildly out of scale with the lot and neighborhood. It is difficult to imagine 16 families living on barely a ½ acre of land in this small pocket of

Newton. There are no buildings in our neighborhood today that are anything like the dormitory of units being suggested.

Thank you for the opportunity to comment.

Andy Gluck  
19 Merton Street  
Newton, MA. 02458  
[gluckers@aol.com](mailto:gluckers@aol.com)  
617-939-3869

**From:** Hallie Boger <hallieboger@gmail.com>  
**Sent:** Thursday, December 1, 2022 1:19 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** Concerns about the 41 Washington Street Development

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

Dear Brenda Belsanti and members of the Zoning Board of Appeals:

My two children and I live at 102 Grasmere. I am opposed to the massive development proposed for 41 Washington Street, because I believe it will cause flooding down Grasmere Street, as evidenced by the current runoff that has resulted from the addition of a small parking area behind the main house. I'll also note that the runoff was reported multiple times by neighbors and not even acknowledged by the city until recently.

Our neighbors were present when the previous water study was done and witnessed the amount of water encountered when the excavation was just three feet underground. The consequences of building condominiums with underground parking on beds of rocks over which multiple streams flow is unimaginable. I already have three sump pumps in my basement now to manage the existing water. How will I manage any additional water? What is the City prepared to do if my house or all of our houses flood? What if this creates a sinkhole - is that something Newton wants to be accountable for? We are all warning you of this high risk - loudly - and our warnings are very much on the record now.

I am also alarmed by the proposed 20+ additional cars entering and exiting the driveway on Washington Street at the same time as my children (and other neighborhood children) walk to school each day.

While I support the goals of affordable housing, I do not support them in the form of massive developments that would likely create water damage to the other houses. This feels like a money-making scheme disguised as an attempt at social good, and it's fooling nobody.

Thank you.

Hallie Snead Boger  
102 Grasmere Street

**From:** Laurie Halloran <lhalloran69@gmail.com>  
**Sent:** Thursday, December 1, 2022 5:40 AM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington St

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

Dear Ms. Belsanti,

I am writing to register my strong opposition to the development of 41 Washington St. as it is currently proposed.

I live at 35 HUNNEWELL AVE. When I first learned of the project I thought I had misheard the address and it was Brighton. Upon realizing the address was correct I was disturbed. The neighborhood just isn't able to absorb the impact of a development of this scale and density on such a small lot, and it's really going to change the tenor of the neighborhood.

The Hunnewell Hill area is ALREADY overburdened with traffic and dense development. Washington St is a nightmare with cars inching along, engines running, waiting for the traffic light to allow entry to the Mass. Pike. Often in frustration, these cars peel off down the side streets of Elmhurst, Grasmere and Copley and then turn left and race down Hunnewell Ave. trying to make an end run around the stalled traffic. At other times of day when traffic can move freely, trucks and cars travel Washington St at excessive speeds.

The city has ALREADY had to pepper the side streets with no parking signs in order to prevent commuters from turning the neighborhood into their personal "Park and Ride " lot, enabling them to catch a bus downtown. The city has also had to install traffic calming measures on Washington, in an attempt to improve safety. This is a neighborhood where the children WALK to the Underwood and Bigelow Schools. Their safety is ALREADY of concern without adding the cars of this many residents and service vehicles into the mix. I become beside myself with anger thinking it will take a tragedy to get our Newton Corner neighborhood concerns to be taken seriously.

Adding the density of the proposed project to the already existing mess would cause unacceptable traffic and safety issues. The building phase alone would be a nightmare and the traffic and safety issues caused and/or added to will burden the city for years to come, requiring measures to ameliorate problems that a modicum of common sense could have prevented in the first place.

Please, just say NO to this poorly conceived proposal.

Laurie Halloran  
Mobile: 617-842-2306  
[lhalloran69@gmail.com](mailto:lhalloran69@gmail.com)



**From:** Howard Harrison <howardsharrison@gmail.com>  
**Sent:** Thursday, December 1, 2022 12:52 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** Development of 41 Washington Street

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

**BRENDA BELSANTI**

**Zoning Board Appeals Clerk for the City of Newton**

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

Dear Ms. Belsanti

As a resident of Newton Corner for over forty years, I am strongly concerned about the proposed scope of development of the property at 41 Washington Street. I have witnessed the erosion of the quality of life than has for so long made Newton, and Newton Corner specifically, an attractive community in which to live. This project does nothing to serve the future interests of our community. Is it not the responsibility of our officials, both elected and appointed, to protect and promote the direction of the community through their decisions. This smacks of the *creeping urbanization* of Newton that we all wish to avoid. I am very concerned for the future of Newton as implied by this development.

- I do understand the rights of the property purchaser to develop the property. This must be balanced however by the existing realities of the community.
- Allowing that affordable housing has far-reaching positive impact, but in this situation is the means by which the developer is selfishly trying to maximize profit. How will the affordable housing residents access grocery markets? There are none nearby.
- The proposed design is out of character with the neighborhood and will negatively impact property values, both immediately of the adjoining properties and in the long term, that of the entire Newton Corner neighborhood and thusly, the City of Newton itself. In your decision, please weigh the over-arching concerns of the current residents versus the narrow and self-serving purpose of the would-be developer.
- I am troubled by the proposed size of the project, its population density, and the likely attendant vehicle issues. Inarguably, the proposed parking scheme is problematic at best. What then when winter snowbanks impact the already narrow roadway further and piled snow covers perhaps 30% more of the parking spaces, knowing there is no where to pile it until it melts. Certainly, its removal cost will not be borne by the developer into the future, nor by the financial resources of the residents whether in the affordable housing units or otherwise. Springtime melt is not a solution to this reality.
- The avoidance of oversight inherent in the existing zoning laws is worrisome. Zoning exists for a purpose, to provide protection to the community. This end-run to skirt these protections is

**unconscionable. The burden of this project will impact Newton negatively forever. Is this in itself not cause of concern? The project does not respect established setbacks, height restrictions, parking realities, nor standard density of allowable occupancy. The setbacks alone are a fraction of what is permitted.**

- **What mandates will exist for owner-occupancy? Does Newton really want these units to become a high-density nightmare of transient renters with no respect for the community or expectation to contribute to the community well-being.**

- **If cars are parked in the shoe-horned spaces, how possibly will trash trucks access the bins to lift them for disposal of the contents?**

**I am not requesting that this development be halted but hope, that in good conscience, the future of Newton weighs heavily in the decisions made.**

**Most sincerely,**

**Dr. Howard S Harrison**

**136 Hunnewell Avenue**

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

Dear Ms.Belsanti, Mayor Fuller, and Newton City Councilors:

Laura Johnson here, owner of 33 Washington Street (at the corner of Elmhurst Road and next door to 41 Washington Street).

There is so much I could say about the proposal to develop 41 Washington Street, but at this early stage, I'm going to focus on just one aspect of it, which is likely the tip of the iceberg, so to speak. I won't even begin to address the myriad of other deleterious effects this project would have on the 10 direct abutters situated on the Washington/Grasmere/Merton/Elmhurst block in Hunnewell Hill, much less the entire Hunnewell Hill neighborhood.

Here goes: housing structures aside, my family is not interested in residing less than six feet away from a thruway that has the potential for 24-hour-a-day/7-day-a-week motor vehicle and pedestrian traffic passing by.

Passenger cars would be bad enough, but all manner of trucks (e.g., fire, utility, garbage, recycling, moving, landscaping, snow removal, delivery, etc.) would also be coming and going day and night, and those vehicles aren't subject to the same stringent noise and emissions standards as passenger cars are.

We'd be hearing their loud engines and exposed to exhaust fumes and clouds of particulate seven days a week. The view from every window on that side of our house would be of a thoroughfare for cars and people, which would be visually and auditorily stressful.

Until our neighbor Jane O'Connor sold her property three years ago, our side and rear yards served as a refuge from busy Washington Street. We already live on a corner lot, so if this project were approved, we'd be surrounded by traffic on three out of four sides of our house.

Then there's the population explosion: If four occupants moved into each of the 16 proposed units—let's say two adults and two children per unit—there'd be a potential for 64 people becoming our next-door neighbors and passing by our driveway every day. If we wanted to live in direct proximity to 64 people and their visitors (and all the noise and activity they bring), we'd have moved into an apartment building, not a detached single-family house.

If this development is approved, my family can kiss our privacy, peace, and quiet good-bye forever. It's a no for us.

Laura Johnson  
Owner and resident of 33 Washington Street since 1969

Sent from my iPhone.  
(Please excuse typos and autocorrect!)



**From:** Deborah Jonas <dm3jonas@gmail.com>  
**Sent:** Thursday, December 1, 2022 10:17 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington Street Project (40B)

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

**Hi Brenda,**

**My name is Deborah Jonas-Walsh and I live at 119 Grasmere St. I am reaching out to you because I am concerned about the safety and impact to the environment that the 41 Washington St project poses.**

**Over the years there have been numerous reports of repeated basement flooding in many of my neighbors homes. I have experienced frequent flooding in my own basement and now am dependent upon a sump pump to keep the basement dry.**

**On the property of 41 Washington, specifically as it goes further back into the middle of the block, there have been reports over the years of excessive water pooling in that area.**

**Recently, over the past several months there has been constant water flow from near the corner of Washington and Grasmere St. It is flowing out from the same block where there is a concern about significant underground water not far below the surface.**

**I really think before this project is approved someone needs to address the underground water issue before building starts and the area is flooded. Where will all this water go?**

**I can't even begin to imagine the problems that will arise once an underground garage is built on 41 Washington. I am thinking it might be better as a swimming pool than a garage.**

**The issue is not blocking the 40 B building project, but making sure that it can be done without causing water, drainage and flooding problems. I am concerned about the impact that this project will have on the environment and the safety of the area.**

**Thank you for taking this into consideration.**

**Best,  
Deborah Jonas-Walsh  
119 Grasmere Street  
617-899-1050**

**From:** keith jones <jones.is.keith@gmail.com>

**Sent:** Thursday, December 1, 2022 10:58 PM

**To:** Brenda Belsanti <bbelsanti@newtonma.gov>

**Cc:** Keith Jones <jones.is.keith@gmail.com>; Andy and Kim Gluck <Gluckers@aol.com>; Laura Johnson <johnsoneditorial@gmail.com>

**Subject:** 41 Washington Street

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

**Dear Ms. Belsantis, Clerk to the Zoning Board of Appeals**

**It is of concern to many of us in Newton Corner what appears to be the citification of our neighborhood. Large buildings destroy the aesthetics of our traditional neighborhoods and are one step more towards changing our Garden City into a Congested City. By allowing the proposed development of 41 Washington it will be one more blot on a beautiful area of Newton.**

**Sincerely,**

**Keith Jones**

**President, Friends of Farlow Park**

**109 Vernon Street**

**Newton, MA 02458**

**617 501-3388**

**[jones.is.keith@gmail.com](mailto:jones.is.keith@gmail.com)**



-----Original Message-----

From: Kate Barton <kjbarton124@gmail.com>  
Sent: Wednesday, November 30, 2022 9:52 AM  
To: Brenda Belsanti <bbelsanti@newtonma.gov>  
Subject: 41 Washington Street Project

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

To whom it may Concern:

I am a long time resident of the Hunnewell Circle area and have been very happy living in our neighborhood. I am very concerned and not supportive of the construction plans at 41 Washington Street.

First, a project of this magnitude and change should not circumvent the normal zoning laws of Newton. This is not right. To fast track this type of project without proper diligence is not correct. A few of the issues that concern me are as follows:

- The height of the buildings
- Non adherence to set backs -- little land left, buildings are overbuilt
- Not enough parking in an already dense neighborhood
- No discussion of trash and quantities
- No discussion of how this monstrosity fits into the overall neighborhood
- No discussion of the water table

Newton is a fabulous place to live and neighborhoods should be preserved. Our voices need to be listened to -- this really matters.

The 41 Washington Street project should be stopped.

Kate Barton  
124 Hunnewell Avenue  
Newton, Mass 02458

**From:** Kimberly Kos <kimberly\_kos@yahoo.com>  
**Sent:** Friday, December 2, 2022 1:48 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washinton St

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

**Dear Ms. Brenda Belsantis, I am a resident on Elmhurst Rd (75) and am shocked to find out that there is a development asking for zoning at 41 Washington St. This is a neighborhood of single families home where are kids bike the neighborhood and walk to school. Adding that many apartments/townhouses will change who we are. Right now the current 41 Washingt n house has turned into an apartment and it is a disgrace to the nieghbood. Loud parties, cars parked on the the front yard and garbage everywhere. Who are the owner renting to and who is responsible for this? I can only imagine what it will look and feel like when and if the project is approved. What do we want Newton to be? I am strognly against this project and do believe it will change who we are as a neighborhood and will not be as safe or attractive for our current residents**

**Kim Southall**

**From:** Annette Kaplan <annettekaplan@gmail.com>  
**Sent:** Sunday, November 20, 2022 9:11 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington Street proposed development

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

Hi Brenda. I have lived on Washington Street, a few houses away from 41 Washington Street, for over 30 years. I will do everything in my power to prevent the proposed development as it is absolutely not feasible to add that number of units and associated cars/traffic to this area without negatively impacting the safety and quality of life of those in the neighborhood. I am prepared to do whatever is necessary to oppose this project. It seems incomprehensible that this project is even being proposed, It appears to violate multiple existing zoning requirements. Please do whatever you can to prevent it from getting the necessary approval Thank you.

Annette Kaplan  
2 Washington Street

**From:** Jeff Kenney <jeff.c.kenney@gmail.com>  
**Sent:** Friday, December 2, 2022 10:43 AM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington St.

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

**Hell Ms Belsantis,**

**I am a resident of the Hunnewell Hill neighborhood (2 Elmhurst Rd) and learned of the developer's plans for 41 Washington St. this morning.**

**These plans are absolutely INSANE.**

**This section of Washington St. is not a commercial or multiple residence area, aside from tastefully developed conversions of large homes into multi-family units. This proposal is the exact opposite of that - a plan to jam in as many residences as possible in what appears to be anything but tasteful design. There are already traffic issues in this area, with traffic backing up from the Mass Pike entrance to Elmhurst Road and with commuters speeding through the residential neighborhood where kids walk to school. Adding SIXTEEN residences worsens this existing problem exponentially.**

**Please do everything possible to prevent these plans and anything like them moving forward from becoming a reality.**

**Best Regards,**

**Jeff Kenney  
2 Elmhurst Road  
Cell: (617) 312-4627**

**From:** Kathy Kyratzoglou <kkyratzog@gmail.com>  
**Sent:** Friday, December 2, 2022 10:08 AM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 47 Washington Street Proposal

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

December 2, 2022

**BRENDA BELSANTI**  
Newton City Hall  
(Zoning Board Appeals Clerk for the City of Newton)  
[bbelsanti@newtonma.gov](mailto:bbelsanti@newtonma.gov)

Dear Ms. Belsanti:

I would like to voice my opposition to the proposed development of 47 Washington Street in Newton Corner. To me it seems ludicrous that the zoning board can deny a proposal for development and the developer just turns around and submits another proposal as 40b housing in order to push it through. It seems they are using affordable housing as a way to feed their greed. This developer has no interest in affordable housing; he is merely using it to make money which certainly is not the intent of Massachusetts affordable housing.

This proposal is basically placing 16 units in someone's backyard. This neighborhood is completely residential consisting of single and two family homes, and to plop down a project of this size would destroy the makeup of the neighborhood. It is not right for the people who live here and work hard to maintain their homes and neighborhood to be victims to a greedy developer.

There is a lot of talk about disrupting the water tables in the area. I am not a water expert but I live on Grasmere Street and all of us get an unusual amount of water in our basements. It seems pretty sensible that digging in the area that is already problematic will certainly exasperate a problem we are already dealing with.

There is currently development of the former Presentation Church and church parking lot. The traffic on Washington Street heading into Newton Corner at rush hour is already pushed to the limit adding another development in such close proximity on a two lane street would be disastrous.

Has anyone addressed the issue of the City of Newton infrastructure with all this development going on. I believe there is only two fire trucks assigned to Newton Corner not to mention all the other services that these developments are pushing to the limit.

Lastly, 41 and 47 Grasmere Street and the two families that are across the street are all income properties with owners renting to people but do not provide enough parking. There should be some legislation enacted that that only allows the number of tenants to equal the

**amount of parking spaces available. These cars obstruct the vision of people pulling out of Grasmere Street onto Washington Street. The overflow cars from these income properties park all day long on Washington Street between Grasmere and Elmurst streets(even though there is a two hour parking limit) making it impossible to see when pulling out of Grasmere Street. I have notified the Newton Police about this situation and the cars are still parked there all day. I have saved all my e-mail correspondence regarding this problem and when someone gets seriously injured pulling out of Grasmere Street onto Washington Street I will certainly share this correspondence with the media and the law firm handling the case on behalf of the victim or victims.**

**In closing I would just like to say being a senior citizen in Newton I am all for affordable housing however I think it is a slippery slope when you start granting approval for monstrosities that are being shoved into back yards in order for the developer to use affordable housing to get his agenda passed.**

**The City of Newton zoning board has already said no. This new attempt for passage of this proposal is merely the developer coming up with an angle to force his agenda and boost his profit at the expense of people that need affordable housing as well as homeowners in this neighborhood. I beg you to deny this proposal.**

**Sincerely,**

**Ioannis & Kathleen Kyratzoglou  
61 Grasmere Street  
Newton, MA 02458**

**P.S. We have four voters, who vote every election, in our home and we intend to voice our disapproval on the way this proposition has been handled at the polls!**

**From:** Sherri Lazear <slazear@aol.com>  
**Sent:** Thursday, December 1, 2022 9:38 AM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** rebuttal of 41 Washington street

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

I am writing to register my strong opposition to the development of 41 Washington St. as it is currently proposed. I am writing to urge the zoning board to vote against the 41 Washington Street proposed development. I am a nearby resident who has lived at 136 Hunnewell Ave for more than 30 years.

1 The proposed 16 unit development with only 22 parking spaces is not going to work. Most families in this neighborhood have at least 2 and sometimes 3 cars. All of the proposed units are two bedrooms or more, leading one to believe that at least 2 adults will live in each unit. There is no overnight parking on the neighborhood streets from November to April and only 2 hour parking during the week. The neighborhood may be considered "transit oriented" because we have the 57, 501 and 504 busses, but there is no way to get to a food store via public transit and there is not one close enough to walk.

2 Will the condo association be required to provide private trash pickup? The projected condo fees which I assume includes water and grounds maintenance are not nearly adequate to provide for private trash in addition to water and yard maintenance. I am fairly certain that there is not enough frontage on Washington Street to place 32 trash and recycling cans side by side, 3 feet apart as required by the City for [Thursday](#) pickup. Has the Newton Trash and Recycling Department been consulted about this proposal?

3 Will the condo documents prohibit rental units? The four bedroom market unit would be very attractive to an investor who could rent the unit to 4-8 students at \$800-\$1,00 per month per student. This is not a student neighborhood despite the fact that that is how the current owners are using the property. (there are typically 7 cars parked in the pack yard on a given evening)

4 If the city approves the project, would it be possible to have the developer pay for a traffic light at a pedestrian crossing close to the project? Washington Street is a very dangerous path for students walking to Underwood and Bigelow. There has already been one fatality on Washingtons street and our neighborhood has been talking with the City on traffic calming and pedestrian safety measures for years.

5 The Hunnewell Hill area is currently overburdened with traffic and dense development. Drivers attempting to avoid the hectic rush hour traffic of Washington Street leading onto the MASS Pike peel off down the side streets of Elmhurst, Grasmere and Copley and then turn left and race down Hunnewell Ave. trying to make an end run around the stalled traffic. At other times of day when traffic can move freely, trucks and cars travel Washington St at excessive speeds. Exiting my street (Hunnewell Ave.) is either thwarted by the commuters held hostage by the traffic lights.

6 The city has ALREADY had to pepper the side streets with no parking signs in order to prevent commuters from turning the neighborhood into their personal "Park and Ride" lot, enabling them to catch a bus downtown. The city has also had to install traffic calming measures on Washington, in an attempt to improve safety. The proposed project will add 32 cars per day to the already busy route where access to the Mass Turnpike is available.

7 The density of housing, with limited access for motor vehicles, threatens public safety for the whole block. This is especially worrisome when it comes to fire safety.

8 Has there been a geohydrological study of the proposed building sites? If there is evidence of substantial water flow, this could interfere with the stability of new structures there, especially when underground parking is proposed. The recent clearing of part of the site has been followed by the appearance of leaking water on Grasmere Street. This is more than a nuisance: it is a hazard to people and vehicles when it freezes. The source of the leakage needs to be examined, given the possibility that it is due to the disturbance of soil at 41 Washington.

9 With or without underground parking, the number of parking places for the development is, to put it kindly, unrealistic.

10 The legal framework of the development is unclear. Are the terms of ownership going to be limited to people who live here and care about the above issues, or will they allow passive investment that typically leads to income from people who don't care about those issues?

11 The current proposal exceeds the FAR (floor area ratio) .36 is required and they have over 1.04. exceeds the allowable by 2.89%

12 Zoning requirements being ignored: violating the setbacks, height limits and FAR. And they don't meet the parking requirements.

13 The current code for height limit is: 2.5 stories, 35 feet and this project is 3, 4 and 5 stories, 51 feet for the addition to the house and assuming something like 49 feet for the back building and 45 feet for the side building. The average grade and heights are not indicated on the drawings.

14 The required set backs are 7.5' side yard and 15' rear yard, they are proposing 3.7' to 5.4' for both of the rear buildings.

15 At a minimum this project should meet the setbacks and the height limit for the two rear buildings and meet the parking requirements in exchange for the multiple units, exceeding the FAR and adding a large addition to the rear of the existing house.

16 Will need fencing and landscaping around the perimeter of the lot for screening and privacy. Car headlights could be a major nuisance.

17 There is little to no outdoor space.

**I sincerely hope you vote against this developer scheme!**

**Sincerely,**

**Sherri Lazear**

**136 Hunnewell Ave**



**From:** Nancy Lopin <nancylopin@gmail.com>  
**Sent:** Wednesday, November 30, 2022 7:49 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington proposed housing project

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

**Hi Brenda,**  
**I live at 25 Hibbard Road. I often walk on Washington Street and am aware of many concerns about the proposed housing project at 41 Washington Street.**  
**I would vote to either cancel or greatly downsize the current proposal.**  
**Thank you,**  
**Nancy Lopin**

-----Original Message-----

From: Michael S. Lyons <mssl@darrigoma.com>  
Sent: Wednesday, November 30, 2022 4:52 PM  
To: Brenda Belsanti <bbelsanti@newtonma.gov>  
Subject: 41 Washington st

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

Good evening Brenda, Michael Lyons from 52 Washington st. I grew up on Washington st and have lived in the neighborhood for 44 of my 55 years. I am writing to strongly oppose the project at 41 Washington st. Congestion and parking are already a problem. Please add me to the long list of neighbors who find the scope of this project ridiculous.

Sincerely  
Mike Lyons

Sent from my iPhone

**From:** Lyons-Hunter, Mary,PSYD <MLYONSHUNTER@mgh.harvard.edu>  
**Sent:** Tuesday, November 29, 2022 11:21 AM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington St

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

Dear Ms. Belsanti,

I live at 179 Hunnewell Avenue, and I am writing to express my strong opposition to the proposed development for 41 Washington Street. Creating more affordable housing is an important goal, I believe the details of each proposed project must be analyzed to determine whether the asked-for zoning variances are appropriate and should be granted. Frankly, this project creates many problems and we are surprised that such a dense project even would be considered for our neighborhood.

I see the following problems:

1. **Garbage pickup.** Most one-family houses in the neighborhood place two trash barrels by the curb for pickup each week - - one for garbage and one for recycling. Therefore, the proposed 16-unit development would have, at a minimum, 32 trash barrels needing to be placed at the curb each week. Where will these trash barrels be placed on garbage pickup day? It is clear that there will not be enough room to place them all at the front of the property on Washington Street in a manner that can be picked up by the automated garbage truck systems.

And, equally as important, where will they be placed during non-pickup days? If they're left out in the open they can attract vermin and other pests. I note that we have a serious problems with rats in the neighborhood from people not properly storing their garbage bins. Adding 32 barrels for one lot of land will only increase the likelihood of more rodents in the neighborhood.

2. **Parking.** The developer has significantly undercounted the number of cars that will need to be (and realistically will be) brought onto the property, stating 22 cars for 16 units. Most one-family houses have 2 cars (sometimes more when the kids get their licenses). Two-bedroom units most probably means at least 2 adults with children per unit. So, we're starting with 2 cars per unit (32), and probably more when the children reach driving age. **Where will all these cars be parked?** Our neighborhood has only 2-hour parking on weekdays and also no overnight parking from November to April.

Also, you should be aware that right now there are about 7-8 cars parked on the property on any given day, whether or not that is in compliance with the current zoning ordinances. It is likely that residents who need another car will simply skirt

**the zoning issues and hope no one notices. Does the City of Newton have the resources and a plan to police whether the ordinances are followed?**

**3. Traffic and Safety. All the additional cars will exacerbate an already dangerous condition for children walking to school at Underwood and Bigelow. Our neighborhood has been trying for years to get traffic-calming measures added to Washington Street as people race from Oak Square to get to the Pike. The "slow down" signs routinely get knocked over by speeding cars. Adding 22 cars (again, more likely 32 cars) to the area will create more traffic, especially during the morning hours, making the streets even more dangerous for children walking to school.**

**4. Owner Occupancy or College rentals/AirBnB? Will these units be required to be owner-occupied, or will passive investors be able to buy them and turn them into rental properties or AirBnB's? A two-bedroom apartment easily could be rented to 4 or even 6 college students. In addition to the additional garbage, comings, goings and noise, this will mean yet more cars.**

**Zoning variances should be granted rarely, and then only for well-thought-out projects that show the need and include remediation to address problems caused by the development. In our view, this project does neither. It is a ruse on the part of the developer, who is trying to get around restrictive zoning ordinances by hiding behind the banner of creating more affordable housing in Newton. It is clear that this project will not do much to help lower-income residents. Instead, it will create myriad problems for the neighborhood that the neighbors will have to live with while the developer reaps profits at the expense of this neighborhood.**

**I strongly urge you and the other members of the zoning board to vote "NO" on this project.**

**Sincerely,**

**Mary Lyons Hunter  
179 Hunnewell Ave**

**Mary Lyons Hunter, Psy.D.  
Unit Chief, MGH Chelsea Health Center Behavioral Health  
Instructor, Harvard Medical School**

**From:** marshall goldstein <mgold74@gmail.com>  
**Sent:** Sunday, November 20, 2022 9:09 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** Proposed project at 41 Washington St Newton 02458

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

Ms Belsanti,

I live at 17 Washington St, Newton, 2 houses away from #41 and have enjoyed living here for the past 24 years. I strongly oppose the developers plans for 16 units on this property and urge you to reject this proposal.

I understand and generally support plans to create more housing, especially affordable housing in Newton and had no objections to the prior owners proposed plan for further developing the property several years ago, but this proposal is totally out of scale in a residential neighborhood that is a good distance from commercial areas. The increase in population density it would create is too extreme, packing another 50 -75 people into a double lot. Parking for 22 cars is wholly inadequate for 16 units in a neighborhood that has limited public transportation and no grocery stores, restaurants or shops in easy walking distance.

The increase in cars would exacerbate an already bad traffic problem during rush hour and create safety issues for pedestrians in our neighborhood, especially for children walking to the nearby elementary and middle schools. And while it's not a Newton issue alone, the large parcel just a couple hundred yards away across the Brighton line that is slated for development will certainly create big density and traffic issues, and adding this overly crowded inappropriate development so close to it will add insult to injury and surround our home with too many people in too small a space and way too many additional cars, and way too much noise, too many landscapers, trash pickups, package deliveries, new visitors etc, etc.

Building another single family, two family or even three family house in the back and side of #41 would help with our housing crunch but adding 14 or 15 units to this double lot should be a non-starter.

I would like to attend the December 8 public meeting to personally convey my strong opposition but am out of the country that week. Can you please represent my voice that day?

Again, I strongly urge you and the Zoning Board to reject this proposal.

Thank you for your consideration.

Marshall Goldstein  
17 Washington St, Newton

--

Marshall

**From:** Tabettha McCartney <tabetha\_m@hotmail.com>  
**Sent:** Tuesday, November 22, 2022 10:22 AM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Cc:** Lee McCartney <jleemcc@gmail.com>  
**Subject:** 41 Washington Street

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

Hi Brenda. My husband and I live at 155 Hunnewell Ave and I would like to comment on the proposed development at 41 Washington Street. I was a member of the Newton Planning Board for a number of years, appointed by Mayor Cohen. Before leaving the board after a dispute with Seti Warren over his disapproval of the Engine 6 development, I was chair of the Planning Board. I work for an affordable housing developer which has two properties in Newton . I totally understand the need for more affordable housing and usually support the 40 B projects proposed in the City, but his project is ill conceived.

1. The proposed 16 unit development with only 22 parking spaces is not going to work. Most families in this neighborhood have at least 2 and sometimes 3 cars. All of the proposed units are two bedrooms or more, leading one to believe that at least 2 adults will live in each unit. There is no overnight parking on the neighborhood streets from November to April and only 2 hour parking during the week. The neighborhood may be considered "transit oriented" because we have the 57, 501 and 504 busses, but there is no way to get to a food store via public transit and there is not one close enough to walk.
2. Will the condo association be required to provide private trash pickup? The projected condo fees which I assume includes water and grounds maintenance are not nearly adequate to provide for private trash in addition to water and yard maintenance. I am fairly certain that there is not enough frontage on Washington Street to place 32 trash and recycling cans side by side, 3 feet apart as required by the City for Thursday pickup.
3. Will the condo documents prohibit rental units? The four bedroom market unit would be very attractive to an investor who could rent the unit to 4-8 students at \$800-\$1,00 per month per student. This is not a student neighborhood despite the fact that that is how the current owners are using the property. (there are typically 7 cars parked in the pack yard on a given evening)
4. If the city approves the project, would it be possible to have the developer pay for a traffic light at a pedestrian crossing close to the project? Washington Street is a very dangerous path for students walking to Underwood and Bigelow. Having children myself, I am quite sure that anyone walking to either school from 41 Washington will try to cross the street before the crosswalk which is at the other end of Hunnewell Ave. There has already been one fatality on Washingtons street and our neighborhood has been talking with the City on traffic calming and pedestrian safety measures for years. The proposed project will add 32 cars per day to the already busy route to the "circle of death" where access to the Mass Turnpike is available.

Thank you for the opportunity to comment.

Tabetha McCarney  
155 Hunnewell Ave.

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

Dear Ms. Belsanti,

Greetings, I am James Meigs. I own 74 and 80 Elmhurst Rd, both of which abut 41 Washington St. I oppose the proposed development at 41 Washington St.

As you are aware, the town has already rejected building a single family house on this property because of concerns about increased density, privacy and environmental concerns. The proposed development proposes an obviously more severe violation of town zoning rules for this neighborhood. In particular, the size and closeness of the buildings (5 stories tall, 3 separate buildings 5 foot side setbacks, underground parking right next to 4 abutters) are completely out of character with our residential neighborhood. This building will severely degrade my property values and I am willing to sue for those losses.

As are many in Newton, we support more affordable housing. However, such housing needs to be contextually appropriate and not degrade the value or quality of existing neighborhoods. The design and density of this will have significant, long-lasting negative impacts on the desirability and current value of the neighborhood.

Thank you

,

James Meigs  
Julia Talcott  
74 Elmhurst Rd  
Newton MA  
02458

**From:** Matt Morgan <mattmorgan1@gmail.com>  
**Sent:** Thursday, December 1, 2022 9:27 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington St comments from a neighbor

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

Hello Brenda.

My wife and I (and our two children ages 6 and 9) live at 70 Grasmere St and I would like to comment on the proposed development at 41 Washington Street as it is at the entrance of our street.

We see many problems with the proposed development at 41 Washington St. We ourselves have been working on an addition for our house and have been met with substantial hurdles to meet city standards. Many of the hurdles we've experienced have resulted in considerable adjustments to our proposal that we've had to meet in order to move forward. I'm certainly not against an owner expanding the development on their own lot, but it seems that the proposal I've reviewed has considerable issues that would need to be addressed in order to be acceptable in our city. Namely, the problems I see with the development, and why I'm against the development as currently proposed are these:

1. This area of Newton has significant water runoff from rains (on a hill) and a very high water table. We've had to invest in an extremely large water infiltration unit to account for these items in order for our permit to be approved. I don't see these in the current proposal.
2. The project is adding a significant amount of impermeable area to the lot that will further exacerbate the water runoff issue.
3. The amount of parking proposed for the number of units is comically small. I would think that there needs to be significantly more room for parking on the lot for this number of units, especially because the lot is on a heavily trafficked roadway (Washington st). Parking on Washington st doesn't allow for overnight parking for some of the year, and only 2 hour parking during the daytime.
4. The number of units would require significant trash pickup facilities as the number of bins would not fit on the road as the city requires. I don't see any private trash pickup in the proposal.
5. The proposal seems to violate many building codes that we ourselves have had to deal with. FAR requirements are over the allowed amount, and setbacks are not met. This would place a large development right in the middle of, and far too close to the single family home neighbors.
6. As a homeowner that must abide by the building and zoning requirements for my own property addition, it appears as though the rules I must abide by don't apply to this developer, which poses a threat to safety.



7. This area of Washington street already has significant traffic, to the point it's difficult to turn on to the road from Grasmere St (the closest corner). Adding significant units and parking to this area poses a serious safety risk, not only for the increase in traffic, but for the safe entry and exit to the property (such as backing out onto a high speed road). If the developer included traffic calming measures to the street such as a traffic light, stop sign, or other ways to reduce traffic speed, it would considerably decrease the risk for injury to tenants, passersby and passing vehicles. The school crossing guard on Washington St in the mornings and afternoons can attest to these safety concerns as she's notified Newton PD several times to vehicles who don't stop at the crosswalks because of the high speed of the road.

All of these issues pose risks that I think can be mitigated by a significantly reduced number of units, fewer buildings and impermeable surfaces, increased parking onsite and better trash facilities.

Thank you for the opportunity to comment.

Matthew Morgan  
70 Grasmere St

December 5, 2022

Jennifer Caira  
Deputy Director, Planning Department  
City of Newton  
Email: Jcaira@newtonma.gov

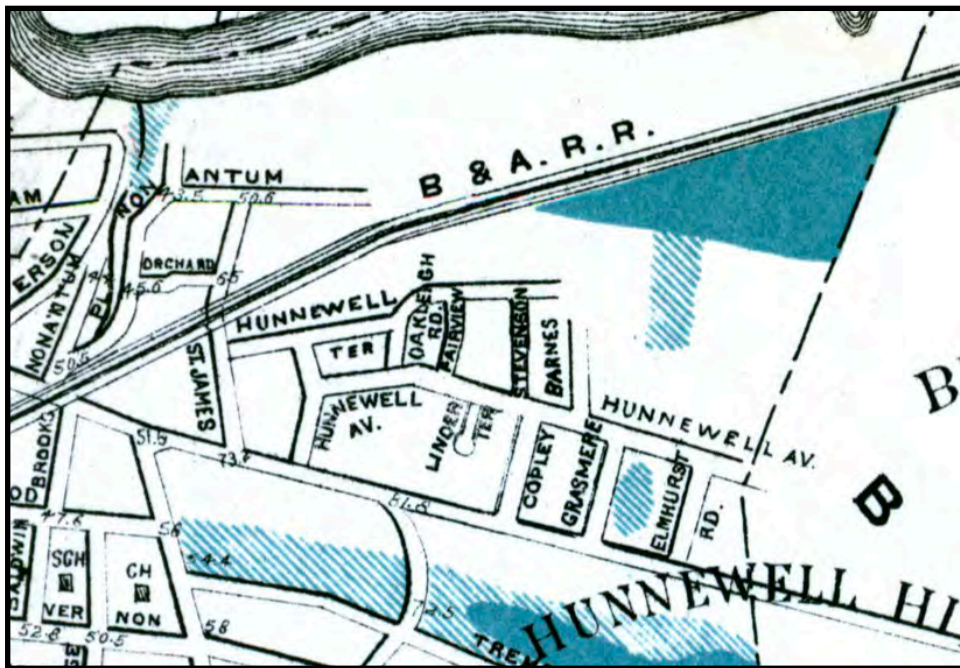
Dear Ms. Caira,

We are writing to express our concerns with the **40B project eligibility application for 41 Washington Street**. While we support thoughtful development of the site, we have serious concerns in the following areas:

- (1) Significant drainage concerns
- (2) Fire Safety Concerns
- (3) Traffic & Parking
- (4) Massing & Vegetative Buffer
- (5) Newton Close to Safe Harbor Status
- (6) Developer Unsuitable to Develop 40B Projects

### (1) Significant Drainage Concerns

As a neighborhood, we have long been aware of three underground streams running from Washington St down the hill into Hunnewell Hill.



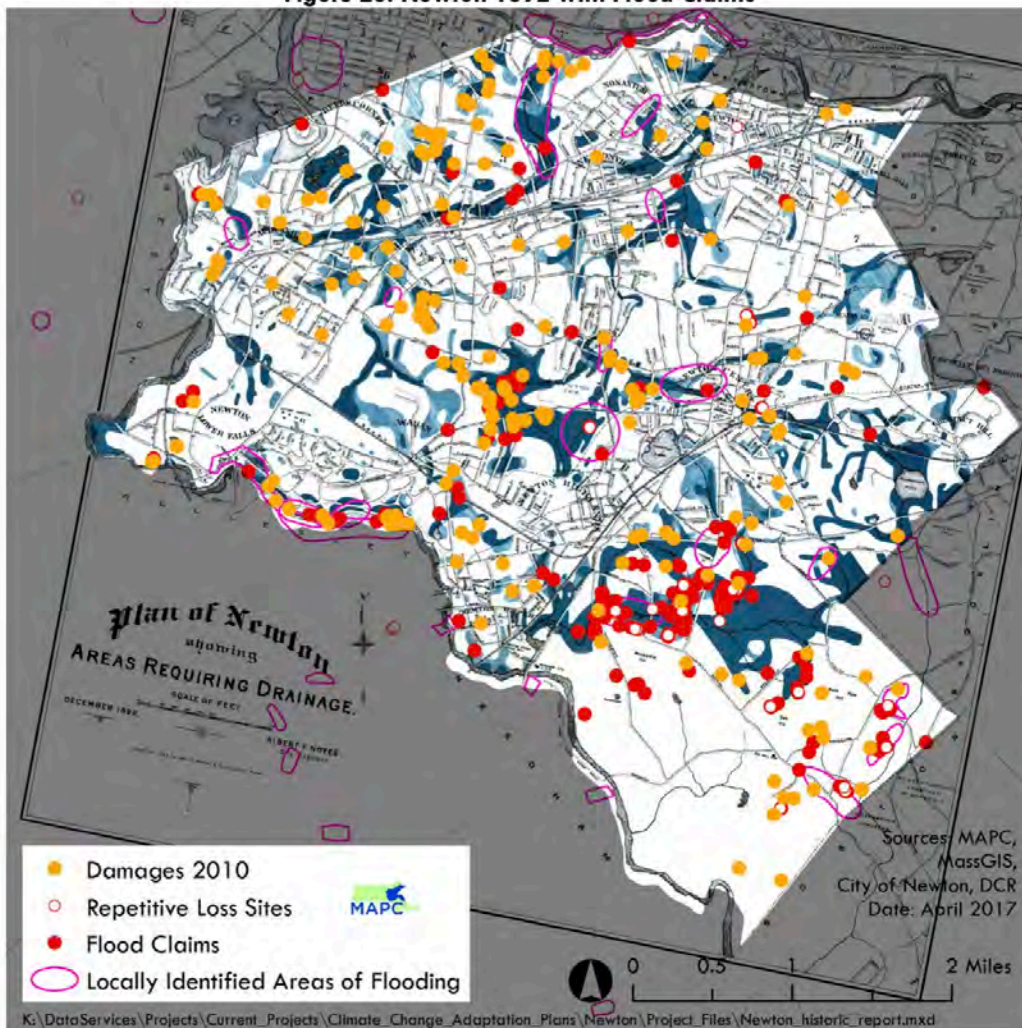
Close-up of 1892 Flood Claims Map showing “pond-shaped area”  
In the approximate area where 141 Washington is located  
Source: Plan of Newton Showing Areas Requiring Drainage, Dec. 1892

Drainage issues at 41 Washington have in fact been known since 1892. Above is a close-up of Hunnewell Hill in the 1892 flood claims map. The full map is included as an attachment. **(Attachment 1-a)**

Looking closely at the map excerpt, you can see the “pond-shaped area” where 41 Washington and its abutters are located. Years ago a previous owner of 41 Washington created a small duck pond, clearly making the best use of the abundant onsite groundwater.

“[The original] 1892 map shows “areas requiring drainage,” including ponds, streams and wetland areas. In striking contrast, the figure [below] depicts today’s surface waters and wetlands; the vast majority of the 1892 wetlands and waterways are no longer visible...and much of the alteration of water resources took place under development pressures or for perceived health reasons.” Source: City of Newton Climate Vulnerability Assessment and Adaptation and Resiliency Action Plan, April 2018. <https://www.mass.gov/doc/newton-ccva-and-adaptation-action-plan/download>

**Figure 28. Newton 1892 with Flood Claims**



The flood claim locations are enlarged to comply with federal privacy requirements.

As the report lays out, climate change is increasing the frequency and intensity of storms. Once rare 100-year storms are happening more often. Poor drainage and a high water table will continue to be one of the major limiting factors for site development, a fact known to the developer since 2021.

Historical evidence suggests the lot sits on top of an underground “pond”. The overgrown treed lot currently acts as a “sponge”, retaining a good amount of storm water run-off on site. Even modest development here will require soil testing, exacting engineering, and a commitment to do things “by the book” so that future residents of 41 Washington St, its abutters, and neighbors are not negatively impacted.

### High Water Table & Poor Soil

The water table in our area is very high. Even though it feels counterintuitive to us, a soil engineer tells us that the water table is similar for properties *at the top of hill* such as 41 Washington St as it is for homes *lower down the hill* such as 112 Grasmere St. We are including a link to video taken in 2020 of a test pit drilled at 41 Washington showing water bubbling up around the 3 foot mark. Note that the *actual water table is much higher than 3 feet* because water takes many hours to reach its level.

**Test Pit Drilled at 41 Washington in 2020:** <https://youtu.be/leU-kunXd4s>

Serious water issues in abutting and surrounding properties have already compelled many of us to add sump pumps with backup batteries, french drains, drywells and other containment systems. In 2010, flooding was widespread and even neighbors with normally dry basements reported water in their basements. In August 2011, Hurricane Irene hit, and our (112 Grasmere St) basement filled with 6 inches of standing water. The pre-existing French Drain either couldn't keep up or was non-functional. Other residents on Grasmere found themselves with flooded basements. Notably, this included Harry Busted, then the owner of 47 Washington, a property which now seems to be the source of groundwater discharge onto Grasmere St. *More on this later.*

After installing a triple sump with battery backup, we (112 Grasmere) eliminated almost all water intrusion into the basement. So just last week, hoping to gain some headroom in the basement, we (112 Grasmere) hired Hayes & Associates to determine the feasibility of lowering the basement floor, which sits on a flat lot downhill from 41 Washington. The soil engineer dug a 31” pit and found the soil below 12” to be poor, clayey and saturated with groundwater. At first only a small amount of water entered the bottom, but by 2 day the water had leveled off at 12.5-13 inches below the concrete slab. Photos and a link to the video are provided below.

**Test Pit Drilled at 112 Grasmere St in 2022:** <https://youtu.be/C5AnxnCa2Ag>



Engineer digs test pit at 112 Grasmere



Wet clayey soil pulled from pit

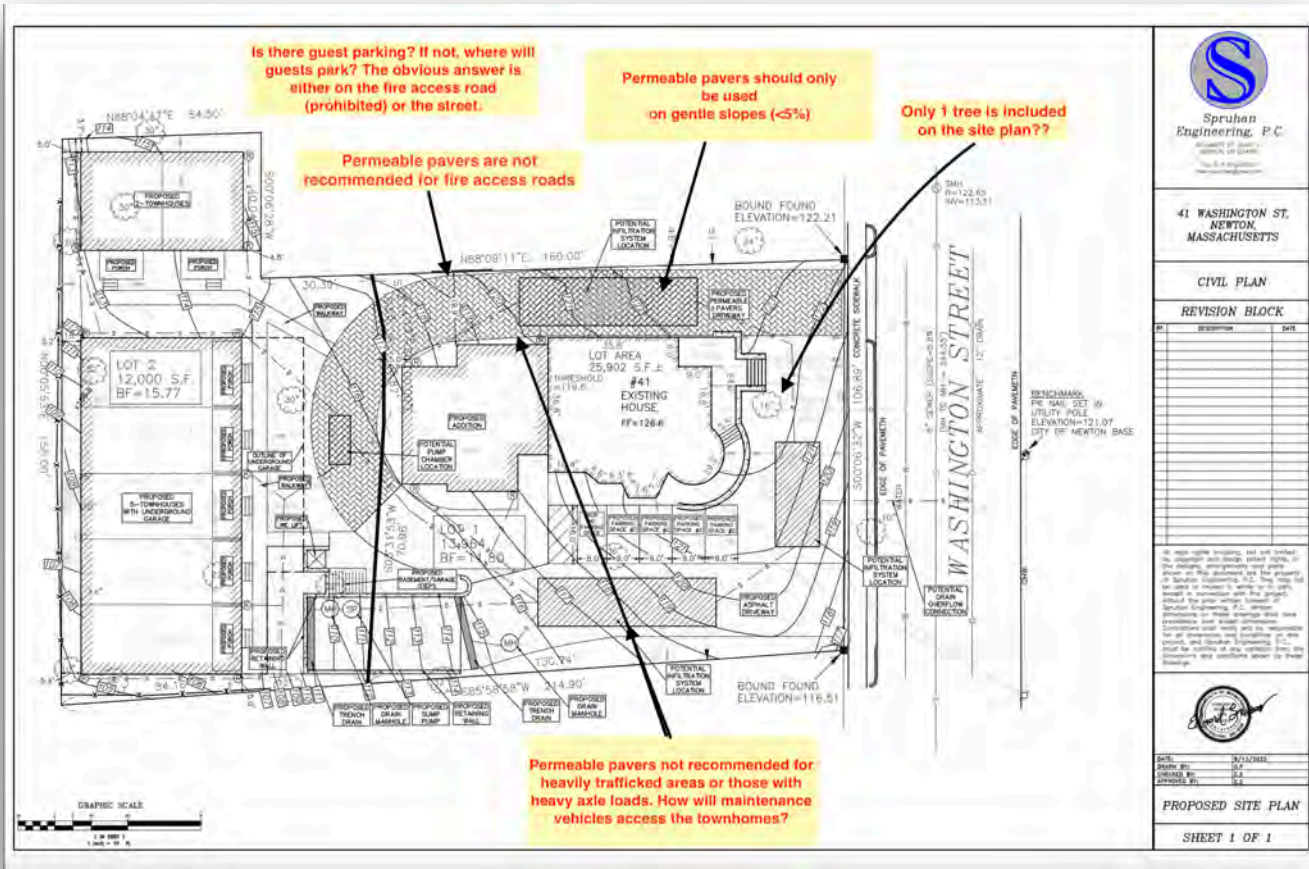


Pipe left in test pit at 112 Grasmere

Hayes & Associates explained to us that our property is located in an area known to have poor soils. He showed us a soil survey map that confirmed Hunnewell Hill's poor soil quality and high water table (in some cases only 18 inches below grade). According to the survey, we are 627-c, Newport-Urban Complex, 3- to 15- percent slopes with hydrologic soil group D (**Attachment 1-b**). Admittedly, it is a bit confusing. What we do understand is that soil groups can vary somewhat from site to site and even within a single site.

So, again if we understand correctly, the placement of infiltration systems — currently proposed — are not recommended for Hydrologic Soil Group D because they are likely to fail. Therefore, it is critical that a “Competent Soils Professional” be engaged to conduct a comprehensive analysis of the soil as required by MassDEP. Source: *Massachusetts Stormwater Handbook, Volume 1*. <https://www.mass.gov/guides/massachusetts-stormwater-handbook-and-stormwater-standards#-stormwater-handbook-volume-1->

The soils and infiltration rate need to be examined in the location the infiltration systems are proposed. It is imperative to know whether the proposed siting of the infiltration systems are even feasible.



Questions Re: the Proposed Site Plan

## Permeable Pavers

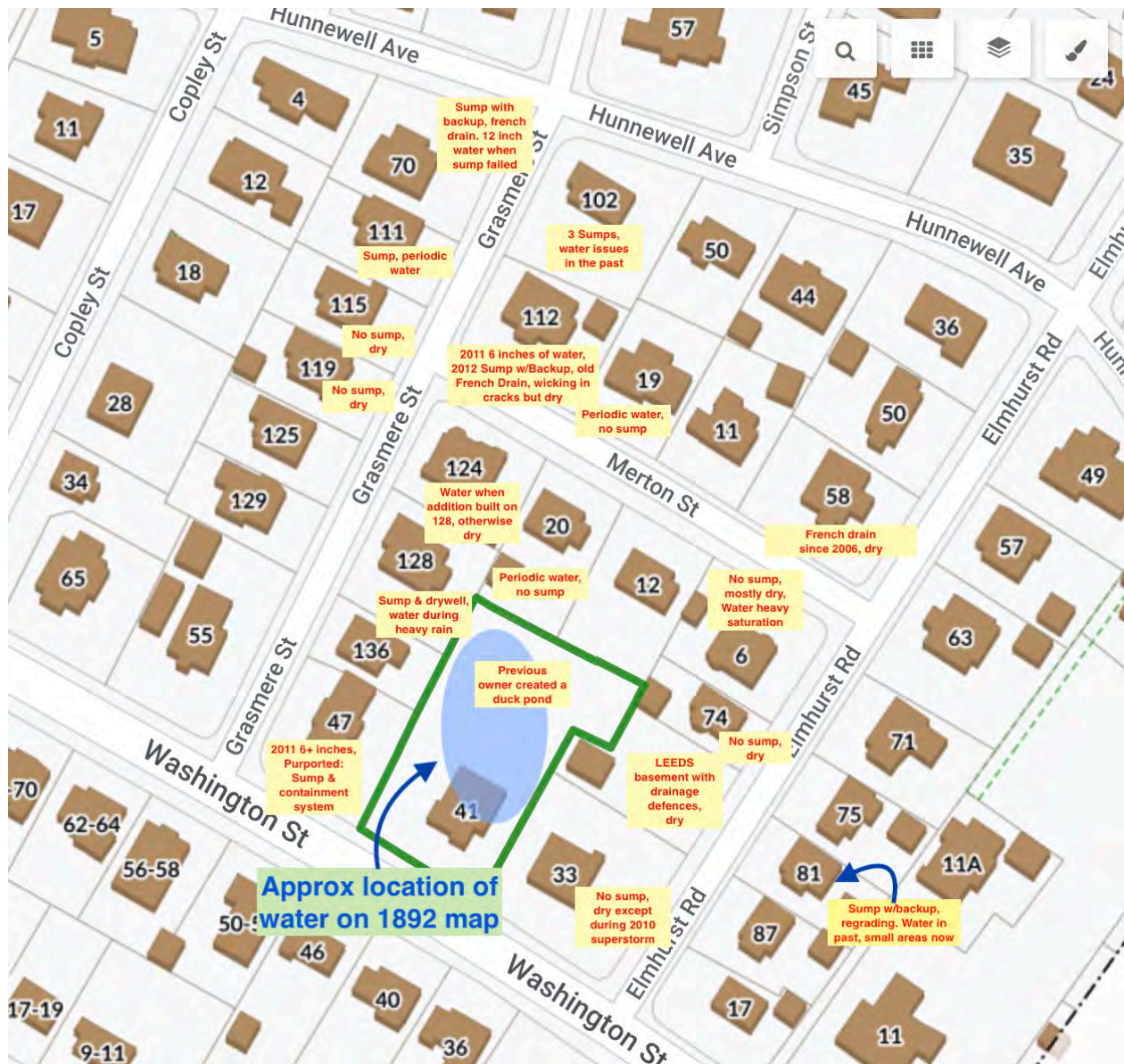
Permeable pavers can be useful for increasing infiltration and recharge. The challenge on this site is that permeable pavers are proposed for the Fire Access road, which is not recommended due to the heavy axle load. In addition, how often would large maintenance vehicles use the Fire Access road? Heavy winter sanding may clog joints and void spaces, and frost heave is a concern in cold climates. Regular vacuuming is needed to prevent the pavers from clogging.

Permeable pavers have other limitations. They can only be used over soils that have a permeability of at least 0.3" per hour. What is the permeability of the chosen location? They should not be "used on stormwater 'hotspots' with high pollutant loads because stormwater cannot be pretreated prior to infiltration...Does this apply?

And finally permeable paving can only be used on "gentle slopes (<5%)". What is the slope of the proposed fire road? Source: *MAPC Fact Sheet: Permeable Paving*, <https://www.mapc.org/resource-library/fact-sheet-permeable-paving/>

## Map of Water Issues in Neighboring Properties

Below is a map listing some of the known neighborhood water issues. Unfortunately, we did not have time to collect information from all property owners. Interestingly, basement flooding has primarily plagued abutters on Grasmere St and homes on the western end of Merton St. Contrast this to the fact that abutters on Elmhurst report that water issues have rarely been an issue for them.



Map showing which properties have had water and which have not in the vicinity of 41 Washington. The depiction of the 1892 "pond" is overlaid onto the graphic for informational purposes only. Source: Property Owners

## Existing Trees Reduce Surface Runoff

We could only find a single tree within the bounds of the proposed site plan. This is disappointing and concerning. The heavily treed lot currently serves as a “sponge” helping reduce surface runoff and retain water on site. The tree canopy captures some of the rainfall while the roots promote infiltration and storage in the soil. The photo below shows the tree canopy in its full glory.



Tree Canopy at 41 Washington

*“Surface runoff is water that the land cannot absorb. Surface runoff, particularly from storms, can be a cause for concern in many urban areas because the large amounts of paved surfaces will increase the amount of water that cannot soak into the ground. These large volumes of stormwater runoff can carry surface impurities into streams, wetlands, rivers, lakes, and oceans, contributing pollution, garbage, and excessive nutrients into aquatic ecosystems. Urban forests, however, are beneficial in reducing surface runoff. Trees and shrubs intercept precipitation, while their root systems promote infiltration and storage in the soil.”* Source: National Park Service, “Urban Runoff and National Parks Service”. <https://www.nps.gov/articles/000/uerla-trees-runoff.htm>

The stormwater mitigation issues particular to this site are further illuminated by the developer’s first attempt to develop this site, a fact they omitted in their 40B PE application.



In April 2021, the developer sought a special permit to build a second house on the back lot of 41 Washington St and even then the requirements to handle drainage issues were significant.

*“Even for a modest single family home the structural engineering required to mitigate water on site and stormwater runoff was very significant. It included five Cultech recharge chambers, a pump chamber to pump out water to the City's stormwater drains and a 25 foot long interceptor trench with an impervious barrier to a depth of 6 feet. The proposed 40B is much more dense with 16 units and underground parking.” Source: Councilor Alison Leary, 12/2/22 Email to Mr. Heath and Ms. Caira.*

The current plans calls for 16 units. Any development over 4 units will be required to comply with MassDEP stormwater rules to the extent possible. A development over 9 units requires the developer to meet all requirements.

Of course, this does not mean there can be no development on the site, simply that development needs to be carefully balanced with the constraints of the site. The scale and impervious lot coverage of the proposed plan--given that 41 Washington is on (1) a heavily treed, sloping lot, (2) with poor clayey soil, and (3) a known high water table—is untenable for a number of reasons, not least is the devastating negative impact it could have on surrounding homes. As we discuss later, it is also unclear where and how the developer proposes to introduce replacement trees or a vegetative buffer. The site plan depicts a single tree within the property borders.

Will properties that historically have experienced water issues have their situations exponentially worsened? Will properties that have not typically had water issues, such as the abutters at 33 Washington St, 74 Elmhurst and 6 Merton St, begin to face groundwater issues? These are questions we would like answered before any construction begins.

### Can the Property As Designed Meet MassDEP Stormwater Standards?

As mentioned earlier, the Cooperative Soil Survey dated September 2022 indicates the Hunnewell Hill area has hydrologic group D soils. Hydrologic group D refers to "soils with high runoff potential when thoroughly wet. Water movement through the soil is restricted or very restricted. Group D soils have greater than 40 percent clay, less than 50 percent sand, and have clayey textures. In some areas they also have high shrink-swell potential." Source: USDA National Engineering Handbook. <https://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=17757.wba>

The proposed plan depicts infiltration systems placed adjacent to property lines. What happens if they overflow or fail? Does it impact the development, neighbors, or both? Can a cost-effective system be built that retains water on site during peak rain flow?

Will the infiltration system fully contain stormwater to 41 Washington St with the lot coverage being proposed?

This project will also have trouble conforming to Newton's strict new stormwater rules. Piping the water off site is no longer an option. The City of Newton is requiring infiltration and the recharge of ground water on site and prohibiting additional stormwater flow into the city's drainage system.

It's troubling to think this development could exponentially increase the discharge of pollutants into the Charles River. But, setting aside our own feelings about this, we



Storm water and the pollutants it carries will end up in the Charles

know that Mass DEP requires that "stormwater management systems shall be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates."

We suspect that the engineering required to build 16 units to MassDEP standards on this water-logged site could be cost-prohibitive. The property sits nestled among 10

abutters. Underground streams are known to run under the area. The 1892 map suggests 41 Washington is built atop an underground “pond”.

### Water Finds a Way

In the neighborhood, we have seen how the actions of one neighbor can have direct effects on another, so we can't help but question the ability of the proposed infiltration systems to keep groundwater from impacting us.

For months, a stream of water has been emanating from the edge of 47 Washington St's driveway, which sits at the top of Grasmere Streets. Water is being continuously discharged down Grasmere St. It starts near the top of hill and follows the road and empties into the storm drain on the corner of Merton and Grasmere Streets. City testing showed the water is unchlorinated, making us believe groundwater is escaping a drywell under 47 Washington St. Neighbors recall that former owner Harry Busted had both a sump and drywell. Resolving this issue has become especially urgent as the temperatures dip below freezing and the discharge creates an icy hazard down Grasmere St.

**Video of Running Discharge:** <https://youtu.be/N01Fw3yFXBw>

**Video of Frozen Discharge:** <https://youtu.be/bzTx3IE00xl>

Later in this letter, we will discuss the suspected link between the discharge at 47 Washington and the unpermitted parking lot put in by the developer at 41 Washington.

## **(2) Fire Safety Concerns**

### Fire Access Road Does Not Meet Code

It is our understanding that the proposed 18 foot wide fire access road fails to meet the minimum requirement of 20 feet per the Massachusetts Comprehensive Fire Safety Code. Nor does it appear that the developer could provide a 20-foot wide road especially if they are required to create a vegetative buffer along the property line with 33 Washington St.

*“While the Massachusetts State Building Code is silent on fire department access, the Massachusetts Comprehensive Fire Safety Code (527 CMR 1.00), contains the requirements for fire department access, and is enforced by the local fire department. In this Insight, we will discuss the minimum dimensional criteria for fire department access roads. Fire department access roads are required to have an unobstructed width of not less than 20 feet, and a vertical clearance of not less than 13 feet 6 inches. This width is required to be maintained at all times, and cannot be obstructed by parked cars, curbs, and*

snow piles during the winter months of New England. The vertical clearance also cannot be reduced by items such as trees, bridges, walkways, power lines, decorative catenary lighting, and building overhangs.” Source: Code Red Consultants, <https://coderedconsultants.com/insights/fire-department-access-part-1-roadway-dimensions/>

### Permeable Pavers Not Ideal for Fire Access Road

As pointed out earlier, permeable pavers are not appropriate for a Fire Access Road.

*“The maintenance over the life of the roadway should also be considered during the of fire department access roadway. For example, selecting permeable pavers with grass as the top surface of the roadway might be advantageous from an aesthetic perspective, and may even be capable of supporting the load of a fire department vehicle. However, during the winter months when snowfall occurs, the pavers are difficult to plow. If the plow is set too high off the ground, it will leave residual packed snow that will turn to ice and create a hazard to the responding fire apparatus – and anyone else using the roadway. If the plow is set too low, it can rip up the pavers and grass and require repair. The same grass roadways can also blend into the adjacent grass during the summer months, creating visual difficulties for the responding fire department personnel to locate the boundaries of the road.”* Source: Code Red Consultants, <https://coderedconsultants.com/insights/fire-department-access-part-2-roadway-materials-and-maintenance/>

### Does Plan Allow for Minimum Turning Radius?

Fire apparatus need a lot of room to maneuver and turn. Has it been determined whether the largest of Newton & Brighton fire vehicles will have an adequate turning radius? We are laypeople so it’s hard for us to know. Our research suggests that most fire trucks need a minimum of 35'+ turning radius and certain fire vehicles require even more. Does the proposed plan allow adequate turning radius for the largest Newton and Brighton fire vehicles that might respond to the scene? As a point of reference, 41 Washington is only a few hundred feet from the Brighton line and about 0.5 miles from Engine 51 in Oak Square, Brighton.

### Will Multiple Fire Vehicles Be Able To Maneuver Onsite?

Will more than one fire vehicle be able to safely maneuver onsite in the event of multi-alarm fires? This seems very pertinent given the site includes 16 units densely packed onto a small lot (0.60) in close proximity of 10 abutting properties. It seems reasonable to insist that the site is safe both for the residents of the development and the 10 people who live directly next to it.

We learned how important it is for fire trucks to be able to access a fire quickly and safely. On the evening of February 25, 2021, a dumpster in our driveway (112 Grasmere) --which is overhung by trees, perhaps 10-feet from their garage and maybe 10-feet from a neighbor's home--caught fire. Fortunately, neighbors walking by spotted it and thankfully Newton fire had no issues maneuvering onto our street and were able to contain the fire. You never believe it will happen to you until it does.

### **(3) Traffic & Parking**

Our neighborhood has had a problem for decades with vehicles speeding down Washington St to access the Mass Pike. This section of Washington St connects Oak Square Brighton, Hunnewell Hill in Newton, and residents from other Newton Villages with the onramp to 90 Eastbound and the "Circle of Death" as it is known locally. Our small stretch of Washington St is heavily traversed, particularly during rush hour.

#### Safety of Children and Other Pedestrians

In the 1970s, two children were killed and one child was permanently paralyzed after being struck by speeding drivers. Changes were made to the road and fortunately, to date no one else has been struck but we have seen or heard of near misses of pedestrians crossing Washington St on their way to either Bigelow Middle School or Underwood Elementary School. The City of Newton has added calming measures to the Newton section of Washington and stanchions at marked crosswalks and it does help. Unfortunately, the stanchions are still regularly struck and knocked out of the middle of the street and schoolchildren at the unattended crosswalks have to hope that cars notice them AND stop.

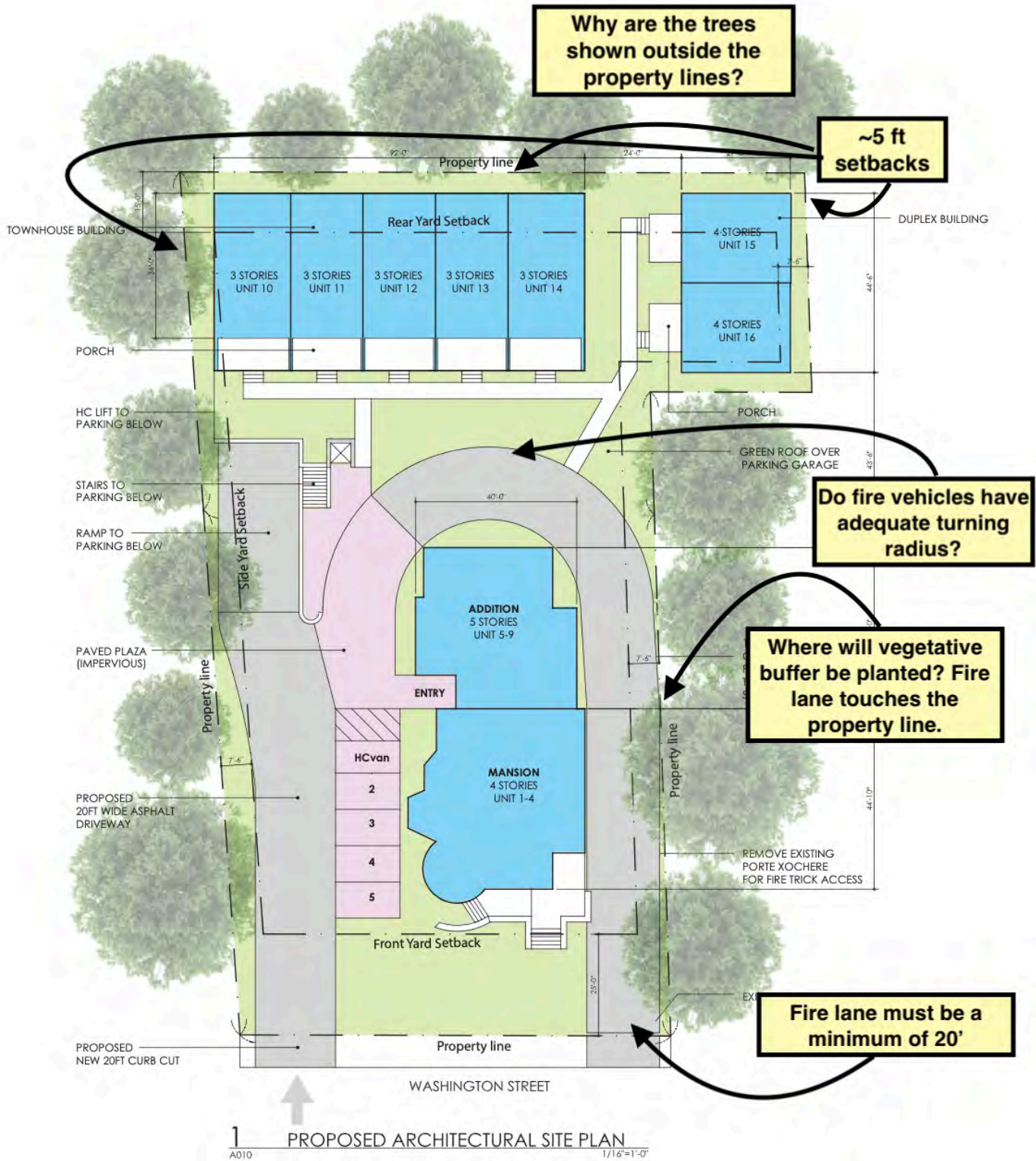
If 41 Washington adds 22 cars to this small stretch of Washington St, it will add to rush hour congestion and more importantly increase the risk of injury to schoolchildren. With a development of this size, the developer should subsidize additional mitigation such as flashing pedestrian crossing lights at marked crosswalks.

#### Guest Parking

Unless we are mistaken, the plan also does not allocate space for guest parking. It is unreasonable to create a development of this size without allocating space for guest parking. Nearby on-street parking is limited to 2 hours during most of the day. Where will guests park? With nowhere else to go, will guests park illegally on the Fire Access Road?

### **(4) Massing & Vegetative Buffer**

The proposal to build a 5-story addition to the existing house and 3- and 4-story townhouses along the rear of the property raises serious concerns about the massing. The site plan depicts buildings and driveways mostly located 3.7-5.4' away from the lot



Proposed Architectural Site Plan: Where will the Trees Go?  
On Abutters' property?

lines. This includes the two 3- and 4-story townhouse buildings which are shown 5.4' or less from abutters. How and where will the developer provide an adequate vegetative buffer to shield the massive structures from the 10 abutters? Small trees are not able to provide screening for 3- to 4- story buildings. Green giant arborvitae might work but their bases, even when trimmed, are many feet wide.

### Where are the Trees?

**Only one tree is shown on the proposed engineering site plan.** By contrast, on the Proposed Architectural Site Plan (above), it looks like the property will be bordered by trees but how is that possible? Certainly, the abutters will want a vegetative buffer, but as asked earlier: Where does the developer intend to plant the trees shown on the plan? Even a layperson can see that the plan does not provide adequate room for plantings inside the property line. Moreover, it looks like 35' of the permeable fire access road touches the lot line with 33 Washington.

Is it the developer's intention to plant the vegetative buffer on neighboring properties? This is unacceptable for obvious reasons. We would like a realistic plan that incorporates adequate space for the vegetative buffer, and in our opinion should consult with abutters as to what type of screening they prefer.

### Access for HOA Maintenance

We have no doubt that future residents of 41 Washington will also appreciate the buffer. We also feel a future HOA would need additional space between the vegetative buffer and the lot line so that they can care for the plantings as well as inspect, access and make repairs to the rear of the townhouse buildings.

*Again, it bears repeating that the plan shows 3- and 4- story structures built 3.7-5.4 ft away from the property line of multiple abutters with only one tree depicted on the engineered site plan.*

### Lawn and Plantings Budget Inadequate

Based on the size of the site and the vegetative buffer needed, \$50,000 is entirely inadequate. The developer should also be required to allocate a reasonable budget for lawn and plantings.

### Snow Removal

Another question that begs to be answered: Is there adequate space allotted to store snow following storms? It is our understanding that it is not permitted to put snow on the fire access road and we assume it can't be plowed onto Washington Street?

We feel all of the foregoing issues should to be resolved prior to permit approval as we believe a 16-unit development on this particular lot is unfeasible. And without answers to these questions—particularly soils and drainage—we think it’s fair to say that no one really knows what level of density is feasible.

### **(5) Newton Close to Safe Harbor Status**

We believe the City of Newton has effectively met “Safe Harbor” status and therefore should have input into any development at 41 Washington.

We are proud that the City of Newton is committed to creating affordable housing. The City proactively seeks sites to redevelop like the Armory in West Newton, where 100% of the units will be affordable. As of August 2022, Newton has officially reached 9.8% affordable housing stock. Source: City Memorandum: Update on Chapter 40B Safe Harbor, 8/24/22. <https://www.newtonma.gov/home/showpublisheddocument/90402>

Many projects currently underway, however, are not officially counted in our housing numbers.

For example, the Riverside 40B is not counted in the 9.8% number.

“This means that projects such as Riverside that have been issued a special permit but have not yet been approved by DHCD as Local Action Units, cannot be counted yet in the City’s safe harbor calculations. The standard practice for the City is to apply for LAU Approval (jointly with the project developer) sometime after commencement of construction but prior to completion and marketing of any units.” Source: Memorandum 8/24/22

In addition, "the following previously approved special permit projects do not currently count as SHI Eligible Housing, because they have not received Local Action Approval from DHCD."

- Northland
- Riverside
- 15-21 Lexington St
- 20 Kinmonth Road
- 283 Melrose Street
- 956 Walnut Street
- 39 Herrick Road
- Cabot Park Village Expansion
- 1114 Beacon Street
- 149-1151 Walnut Street
- 967 Washington Street
- 393 Boylston Street

The City of Newton has a robust portfolio of affordable housing stock both existing and in the pipeline. By their actions, our city leaders have proven their commitment to expanding the availability of affordable housing. Along with a bevy of *experienced & reputable* private developers, the City continues to identify and approve sites for well-



designed 40B projects. We feel the City of Newton should now be afforded more input into 40B project eligibility applications including 41 Washington.

### **(6) Developer Unsuitable to Develop 40B projects**

The Department of Housing and Community Development (DHCD), and Mass Housing rely on 40B developers to be forthright, trustworthy and ethical. This is particularly critical because Chapter 40B allows developers to bypass local zoning regulations. It is important that developers that do not misrepresent themselves or their affiliates on their Project Eligibility Applications.

They should not have a history of violating applicable laws and zoning regulations with regard to any properties they own or develop. Chapter 40B should not give developers a sense of carte blanche.

Given the recent high-profile cases where 40B developers were charged with violating MassDEP standards or misrepresenting affiliations ([see below](#)), it is clear that DCHD and Mass Housing has an obligation to ensure that 40B developers adhere to a high standard of behavior and professionalism and to hold accountable those who do not.

#### **2018 Dean Behrend, Riverview Crossings LLC, 40B in Wellesley - Permanent Ban**

[https://wellesleyma.gov/DocumentCenter/View/13622/Project-Eligibility-Denial\\_136-Worcester-Street\\_12-14-2018](https://wellesleyma.gov/DocumentCenter/View/13622/Project-Eligibility-Denial_136-Worcester-Street_12-14-2018)

#### **2019 Ken Ryder, Idylwell Village, 40B in Weymouth - Application Withdrawn**

<https://www.patriotledger.com/story/news/2019/11/18/officials-say-weymouth-developer-lacks/2265721007/>

<https://www.patriotledger.com/story/news/2020/06/05/weymouth-developer-withdraws-40b-application-due-to-tremendous-opposition/113749624/>

#### **2021 Geoff Engler, Strategic Land Ventures, 40B in Wellesley - Suspended for 1 year**

<https://finance.yahoo.com/news/manchester-40b-developers-ban-future-140000579.html>

We as abutters and neighbors (and any future 40B homeowners) have no choice but to rely on the developer of 41 Washington to follow the plan as approved, obtain any necessary permits, meet MassDEP requirements, and appropriately identify and resolve issues that arise during all phases of construction.

## Unpermitted Lot Built at 41 Washington

Sometime this year, 41 TusNua LLC installed a large impermeable parking lot behind the existing house without obtaining a permit. No one has been able to locate a permit for the lot. Below are pictures of the lot now and as it was before. Can we trust someone who can't be bothered to pull a permit for a parking lot to build a technically challenging 16-unit project without cutting corners?

It's important to point out that after this lot was built, un-chlorinated groundwater began discharging from the far side of the 47 Washington, which was referenced earlier in this letter. The groundwater seems to emanate from beneath their driveway on Grasmere St. The water flows down the street and is now freezing causing a hazard.

The irony of this is not lost on us...adding an impermeable surface to 41 Washington caused a water issue for neighbors. What will adding 16-units do?



Unpermitted parking lot, view from  
128 Washington St



What it looked like before,  
view from 128 Washington St



Another view of the illegal lot, view from 33 Washington St



Aerial view - note the size of the illegal parking lot

Omissions and Misrepresentations in the 40B Project Eligibility Application

The project eligibility application contains a number of omissions and misrepresentations that we would like to bring to your attention.

- 1) The developer previously applied for then withdrew an earlier application for a Special Permit for 41 Washington yet he omits to include this in the PE application. Source: Land Use Committee Report, dated 11-9-21. Relevant excerpt is included below:

Land Use Committee Report  
Tuesday, November 9, 2021  
Page 8

4.2.3, 4.2.5.A.4.b, 4.2.5.A.4, 4.2.5.A.4.c, 5.1.4, 5.1.4.A, 5.1.13, 5.1.8.A.1, 5.1.8.A.2, 5.1.8.B.1, 5.1.9.A, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

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

**#300-21 Request to Rezone two parcels at 304-306 Walnut Street**  
**JH REAL ESTATE LLC** petition for to rezone two parcels; 304 Walnut Street (Section 22 Block 05 Lot 33) from Business Use 1 and 306 Walnut Street (Section 22 Block 05 Lot 30) from Multi Residence 1 to Mixed Use 4.

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

**#427-20 Petition to allow a rear-lot subdivision at 41 Washington Street**  
**JOSEPH AND SHEILA KEEGAN** petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a rear lot subdivision to create two lots, abandon the two-family use in the existing structure and construct a single-family on the rear 12,000 sq. ft. lot, extending the existing non-conforming side setback at 41 Washington Street, Ward 1, Newton, on land known as Section 71 Block 29 Lot 07, containing approximately 25,902 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3, 7.4, 3.1.5, 3.1.10, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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

**Note:** The Committee voted without discussion to withdraw without prejudice items #427-20, #300-21, #301-21, #89-20, #217-21, and #312-20.

*Developer now known as #1 TishNue LLC*

- 2) The PE application fails to mention that principals Joseph Keegan and Sheila Gleeson were the defendants in a 2018 lawsuit claiming negligence. The plaintiff alleges that in January 2016, the defendants allowed “snow and ice to accumulate” on one of their properties and “dangerous conditions”. Source: Court Document submitted with Letter by Liam Ryan, Esq and Rachel Kantor, Psy.D, 136 Grasmere St, to Jennifer Caira, dated 12/2/22
- 3) Joseph A. “Tony” Keegan and Sheila Gleeson are long-time landlords in Allston/Brighton, with a minimum of 9-10 rental properties. Records show several complaints including one for unsafe housing conditions. This was not included in the PE application.
- 4) The developer and its associates failed to list all of their affiliates on the PE application.

Sheila Gleeson  
The Here Comes Everybody Players, Inc. (Nonprofit) - 9/17/20 (Nonprofit)

Ian Gleeson & Moya Hynes  
40 Waverly LLC - 4/22/2022  
24 Selkirk Rd LLC - 4/7/2021  
Kenrick St LLC - 9/25/2019 (name changed to Kenrick Street LLC - 10/30/2020)



Aerial view from back of property. Evidence strongly suggests the property hosts a “pond”, underground streams, a high water table and poor clayey soil. It will require rigorous soil analysis, engineering and site planning to ensure that the many abutting homes and other impacted homes are not negatively impacted.

Because of the hydrology and location of 41 Washington means it has the potential to adversely many of us in surrounding homes. Case in point: The unpermitted parking lot was enough to cause a hazard affecting us all.

We believe the lot is technically challenging. Cutting corners is simply not an option. It is paramount that any developer of this property be trusted to use every care and due diligence in all aspects of development.

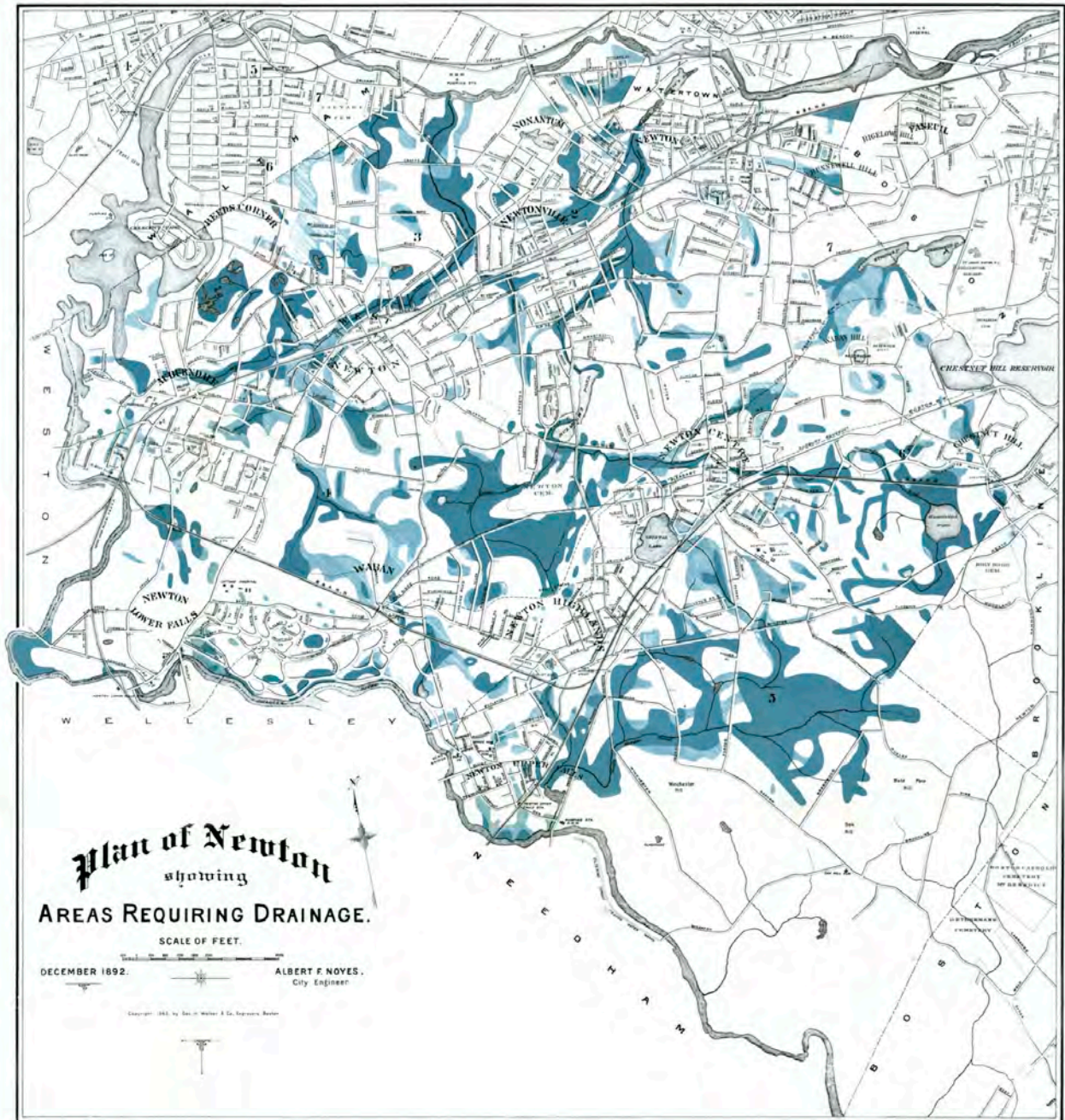
We appreciate your consideration of our concerns.

Respectfully,

Jennifer & Christopher Murphy  
112 Grasmere St  
Newton, MA 02458

Paul Fair  
20 Merton St  
Newton, MA 02458

Attachment 1-a



# Attachment 1-b pg 1 of 3



Soil Map 112 Grasmere and Vicinity  
Source: Natural Resources Conservation Service, Web Soil Survey

## Attachment 1-b pg 2 of 3

Map Unit Description: Newport-Urban land complex, 3 to 15 percent slopes—Middlesex County, Massachusetts

112 Grasmere Street, Newton, MA

### Middlesex County, Massachusetts

#### 627C—Newport-Urban land complex, 3 to 15 percent slopes

##### Map Unit Setting

*National map unit symbol:* 9958  
*Elevation:* 20 to 380 feet  
*Mean annual precipitation:* 45 to 54 inches  
*Mean annual air temperature:* 43 to 54 degrees F  
*Frost-free period:* 145 to 240 days  
*Farmland classification:* Not prime farmland

##### Map Unit Composition

*Newport and similar soils:* 45 percent  
*Urban land:* 40 percent  
*Minor components:* 15 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

##### Description of Newport

###### Setting

*Landform:* Ridges, drumlins, moraines  
*Landform position (two-dimensional):* Backslope  
*Landform position (three-dimensional):* Side slope  
*Down-slope shape:* Linear  
*Across-slope shape:* Convex  
*Parent material:* Friable loamy basal till over dense loamy lodgment till derived from phyllite

###### Typical profile

*H1 - 0 to 8 inches:* channery fine sandy loam  
*H2 - 8 to 18 inches:* channery silt loam  
*H3 - 18 to 24 inches:* channery sandy loam  
*H4 - 24 to 65 inches:* channery fine sandy loam

###### Properties and qualities

*Slope:* 8 to 20 percent  
*Depth to restrictive feature:* 20 to 39 inches to densic material  
*Drainage class:* Well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Low to moderately high (0.01 to 0.20 in/hr)  
*Depth to water table:* About 18 to 21 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Available water supply, 0 to 60 inches:* Low (about 3.4 inches)

###### Interpretive groups

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 4e  
*Hydrologic Soil Group:* D  
*Ecological site:* F144AY007CT - Well Drained Dense Till Uplands



## Attachment 1-b pg 3 of 3

Map Unit Description: Newport-Urban land complex, 3 to 15 percent slopes—Middlesex County, Massachusetts

112 Grasmere Street, Newton, MA

*Hydric soil rating:* No

### Description of Urban Land

#### Setting

*Landform position (two-dimensional):* Footslope

*Landform position (three-dimensional):* Base slope

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Parent material:* Excavated and filled land

### Minor Components

#### Udorthents, loamy

*Percent of map unit:* 10 percent

*Hydric soil rating:* No

#### Pittstown

*Percent of map unit:* 3 percent

*Landform:* Drumlins, depressions

*Landform position (two-dimensional):* Shoulder, backslope, toeslope

*Landform position (three-dimensional):* Nose slope, side slope, base slope

*Down-slope shape:* Linear

*Across-slope shape:* Concave

*Hydric soil rating:* No

#### Paxton

*Percent of map unit:* 2 percent

*Landform:* Hillslopes

*Landform position (two-dimensional):* Summit, backslope

*Landform position (three-dimensional):* Head slope, side slope

*Down-slope shape:* Convex

*Across-slope shape:* Convex

*Hydric soil rating:* No

### Data Source Information

Soil Survey Area: Middlesex County, Massachusetts

Survey Area Data: Version 22, Sep 9, 2022

## **Attachment 1-d**

EVERETT M  
BROOKS  
COMPANY

PROJECT ADDRESS: 41 Washington St  
Newton, MA

PROJECT NO.: 26100

SHEET:

OF:

CALCULATIONS BY: ES

DATE: 8/26/20

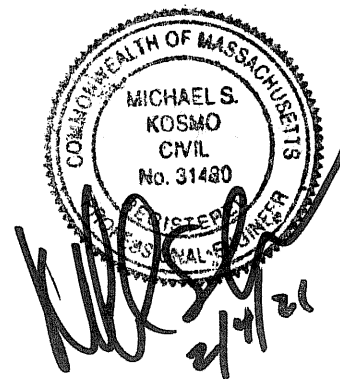
REVISED: 2/4/21

CHECKED BY: MS/L

DATE: 2/4/21

Drainage Summary – Peak Storm Flow

	Existing Conditions	Proposed Conditions
100- Year Storm Event	2.30 cfs	1.40 cfs





Existing Conditions



Existing Watershed to Rear



Remaing Proposed House, Proposed Driveway



Remainder of lot



Proposed Watershed to Rear



Proposed Part Rear Roof Runoff



Proposed Drainage System - Standard Concrete Leaching Galleys



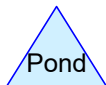
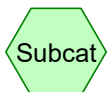
Proposed Front Roof Runoff & Part of Rear



Proposed Catch Basin



Overflow to City Drain Main



Drainage Diagram for 26100\_41 Washington St, Newton - Pre-Post 2-4-21

Prepared by {enter your company name here} 2/4/2021

HydroCAD® 7.10 s/n 003546 © 2005 HydroCAD Software Solutions LLC

Time span=0.00-25.00 hrs, dt=0.01 hrs, 2501 points  
Runoff by SCS TR-20 method, UH=SCS  
Reach routing by Stor-Ind method - Pond routing by Stor-Ind method

**Subcatchment 1S: Existing Conditions** Runoff Area=0.274 ac Runoff Depth=6.60"  
Flow Length=145' Tc=3.0 min CN=82 Runoff=2.30 cfs 0.151 af

**Subcatchment 3S: Remaining Proposed House, Proposed Drive** Runoff Area=0.014 ac Runoff Depth=8.54"  
Flow Length=145' Tc=3.0 min CN=98 Runoff=0.13 cfs 0.010 af

**Subcatchment 4S: Remainder of lot** Runoff Area=0.146 ac Runoff Depth=6.36"  
Tc=0.0 min CN=80 Runoff=1.29 cfs 0.077 af

**Subcatchment 6S: Proposed Part Rear Roof Runoff** Runoff Area=0.027 ac Runoff Depth=8.54"  
Flow Length=150' Tc=3.0 min CN=98 Runoff=0.26 cfs 0.019 af

**Subcatchment 8S: Proposed Front Roof Runoff & Part of Rear** Runoff Area=0.024 ac Runoff Depth=8.54"  
Flow Length=150' Tc=3.0 min CN=98 Runoff=0.23 cfs 0.017 af

**Subcatchment 10S: Proposed Catch Basin** Runoff Area=0.216 ac Runoff Depth=6.60"  
Flow Length=120' Tc=3.0 min CN=82 Runoff=1.81 cfs 0.119 af

**Reach 2R: Existing Watershed to Rear** Inflow=2.30 cfs 0.151 af  
Outflow=2.30 cfs 0.151 af

**Reach 5R: Proposed Watershed to Rear** Inflow=1.40 cfs 0.087 af  
Outflow=1.40 cfs 0.087 af

**Reach 11R: Overflow to City Drain Main** Inflow=2.04 cfs 0.136 af  
Outflow=2.04 cfs 0.136 af

**Pond 7P: Proposed Drainage System - Stan** Peak Elev=111.12' Storage=0.011 af Inflow=0.26 cfs 0.019 af  
Outflow=0.01 cfs 0.010 af

**Total Runoff Area = 0.701 ac Runoff Volume = 0.393 af Average Runoff Depth = 6.73"**

**Subcatchment 1S: Existng Conditions**

Runoff = 2.30 cfs @ 12.04 hrs, Volume= 0.151 af, Depth= 6.60"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-25.00 hrs, dt= 0.01 hrs  
 Type III 24-hr 100-Year Rainfall=8.78"

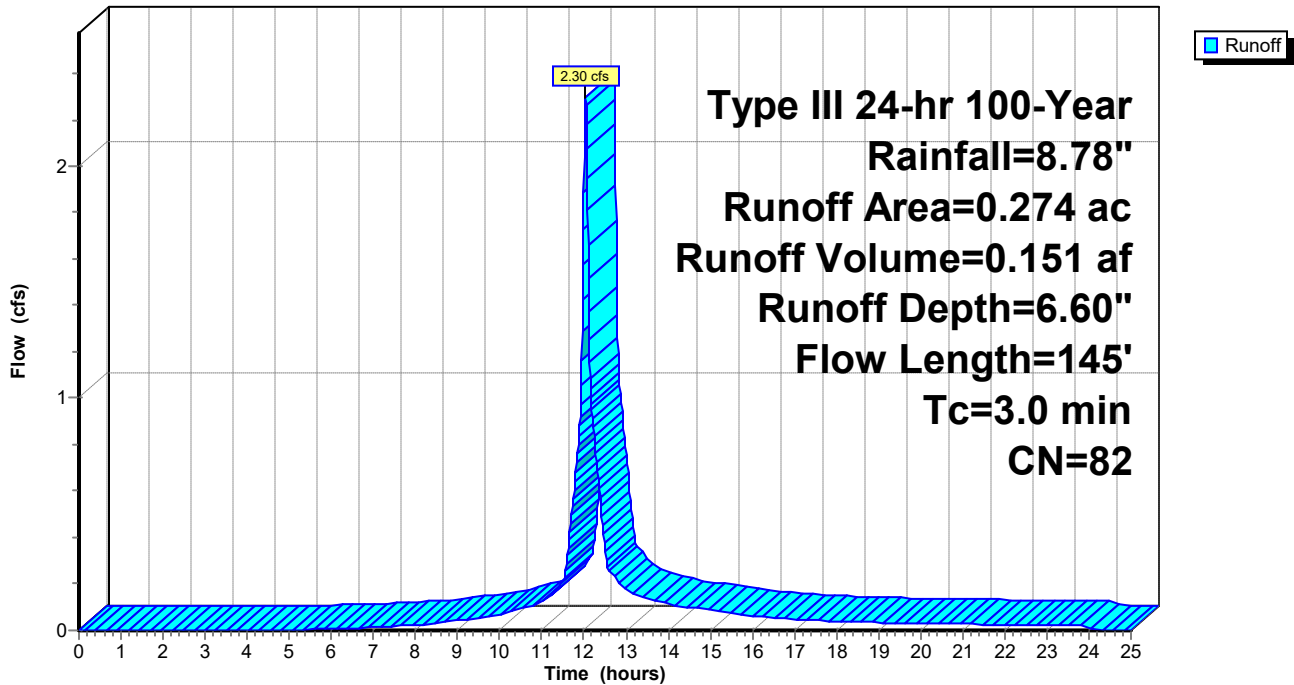
Area (ac)	CN	Description
0.274	82	Woods/ Grass

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
2.2	145	0.0860	1.1		<b>Lag/CN Method,</b>
2.2	145	Total, Increased to minimum Tc = 3.0 min			

**Subcatchment 1S: Existng Conditions**

Hydrograph



**Subcatchment 3S: Remaing Proposed House, Proposed Driveway**

Runoff = 0.13 cfs @ 12.04 hrs, Volume= 0.010 af, Depth= 8.54"

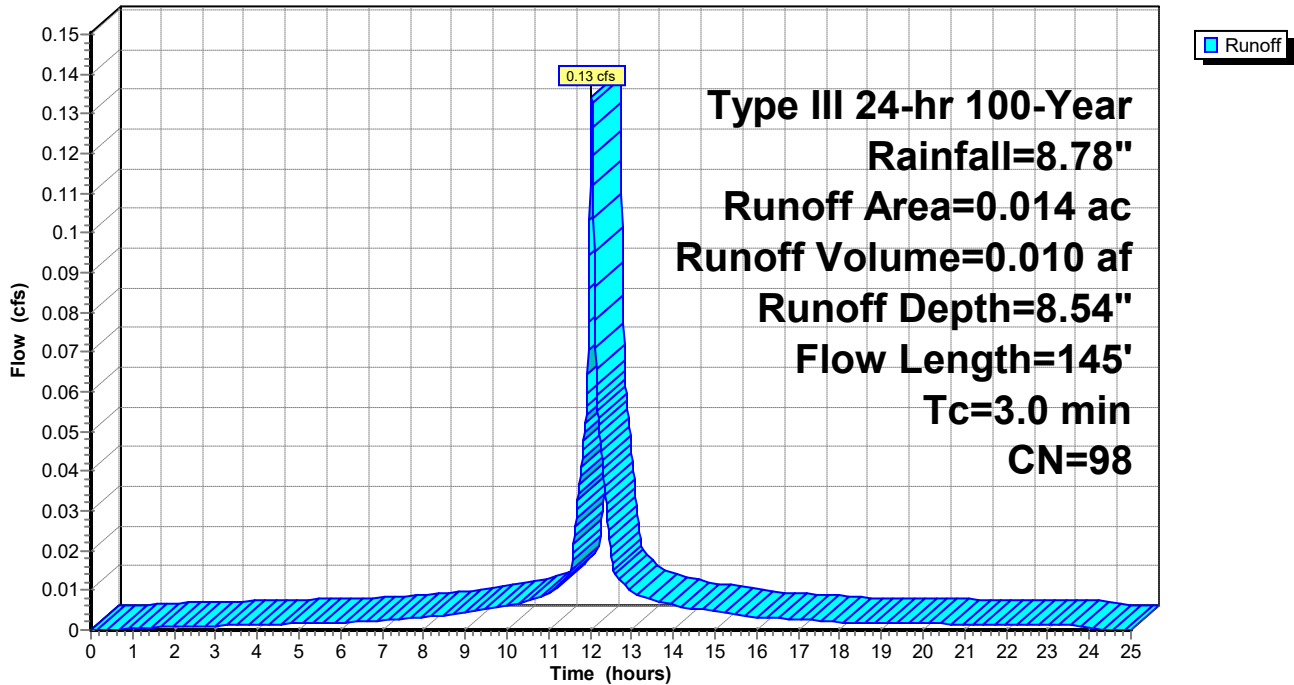
Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-25.00 hrs, dt= 0.01 hrs  
 Type III 24-hr 100-Year Rainfall=8.78"

Area (ac)	CN	Description
0.002	98	Remaining House & Steps
0.012	98	Remaining Prop Walks, Walls
0.000	98	Remaining Prop Drive
0.014	98	Weighted Average

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.1	145	0.0860	2.2		Lag/CN Method,
1.1	145	Total, Increased to minimum Tc = 3.0 min			

**Subcatchment 3S: Remaing Proposed House, Proposed Driveway**

Hydrograph



**Subcatchment 4S: Remainder of lot**

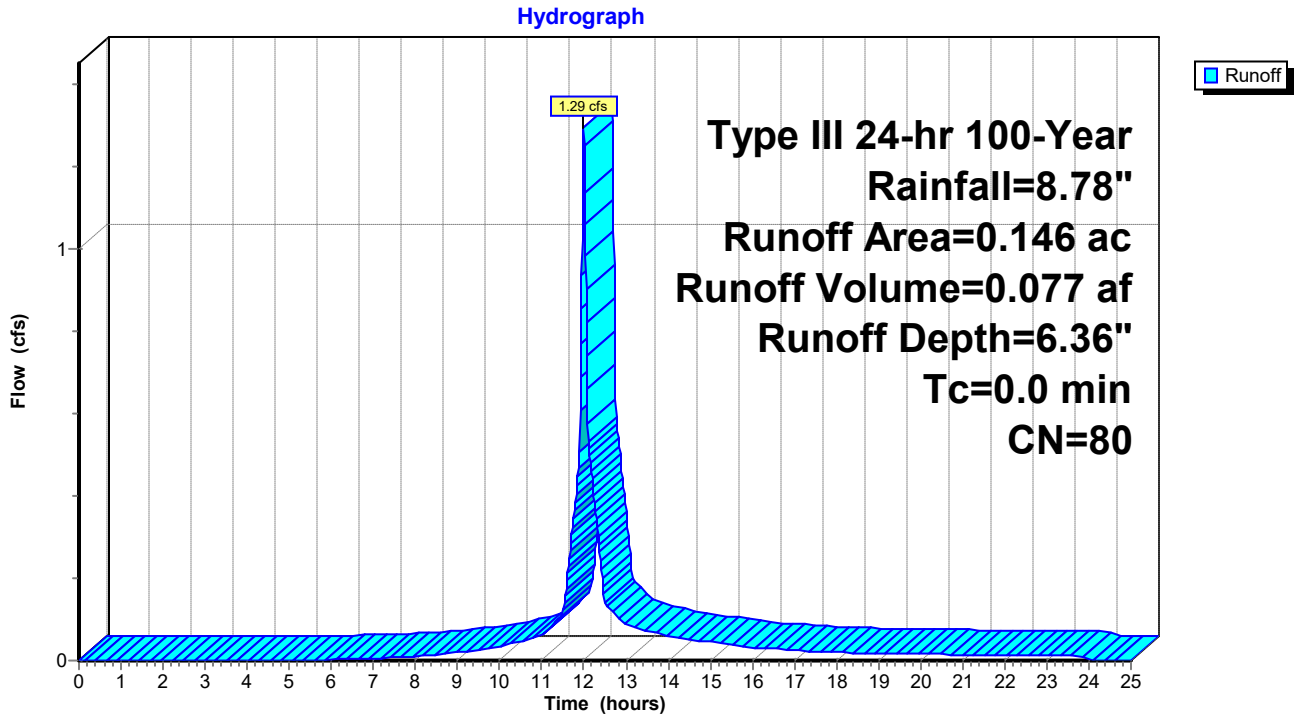
[46] Hint: Tc=0 (Instant runoff peak depends on dt)

Runoff = 1.29 cfs @ 12.00 hrs, Volume= 0.077 af, Depth= 6.36"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-25.00 hrs, dt= 0.01 hrs  
 Type III 24-hr 100-Year Rainfall=8.78"

Area (ac)	CN	Description
0.146	80	Remainder of Plantings/ Lawn

**Subcatchment 4S: Remainder of lot**





**Subcatchment 6S: Proposed Part Rear Roof Runoff**

The rear roof runoff area shall be collected by gutters and directed to proposed drainage system #1.

Runoff = 0.26 cfs @ 12.04 hrs, Volume= 0.019 af, Depth= 8.54"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-25.00 hrs, dt= 0.01 hrs  
 Type III 24-hr 100-Year Rainfall=8.78"

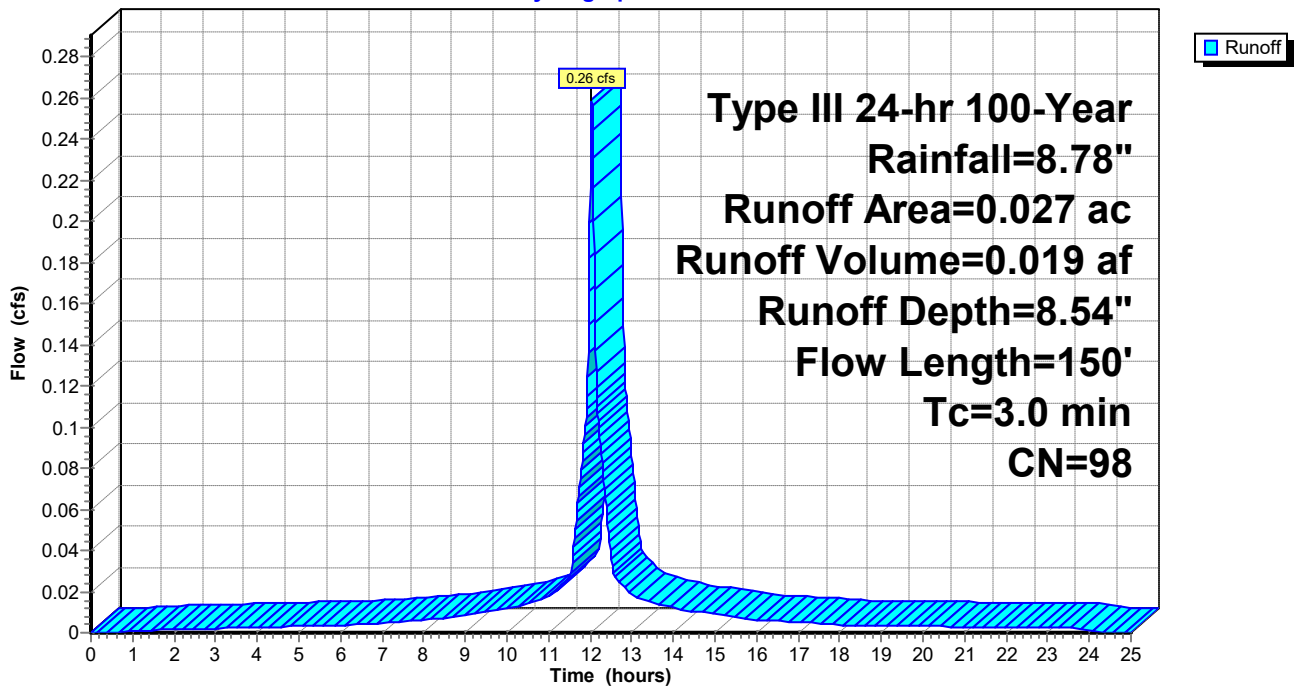
Area (ac)	CN	Description
0.027	98	Roof Area Hatched

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.7	150	0.2500	3.8		Lag/CN Method,
0.7	150	Total, Increased to minimum Tc = 3.0 min			

**Subcatchment 6S: Proposed Part Rear Roof Runoff**

Hydrograph



**Subcatchment 8S: Proposed Front Roof Runoff & Part of Rear**

Runoff = 0.23 cfs @ 12.04 hrs, Volume= 0.017 af, Depth= 8.54"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-25.00 hrs, dt= 0.01 hrs  
 Type III 24-hr 100-Year Rainfall=8.78"

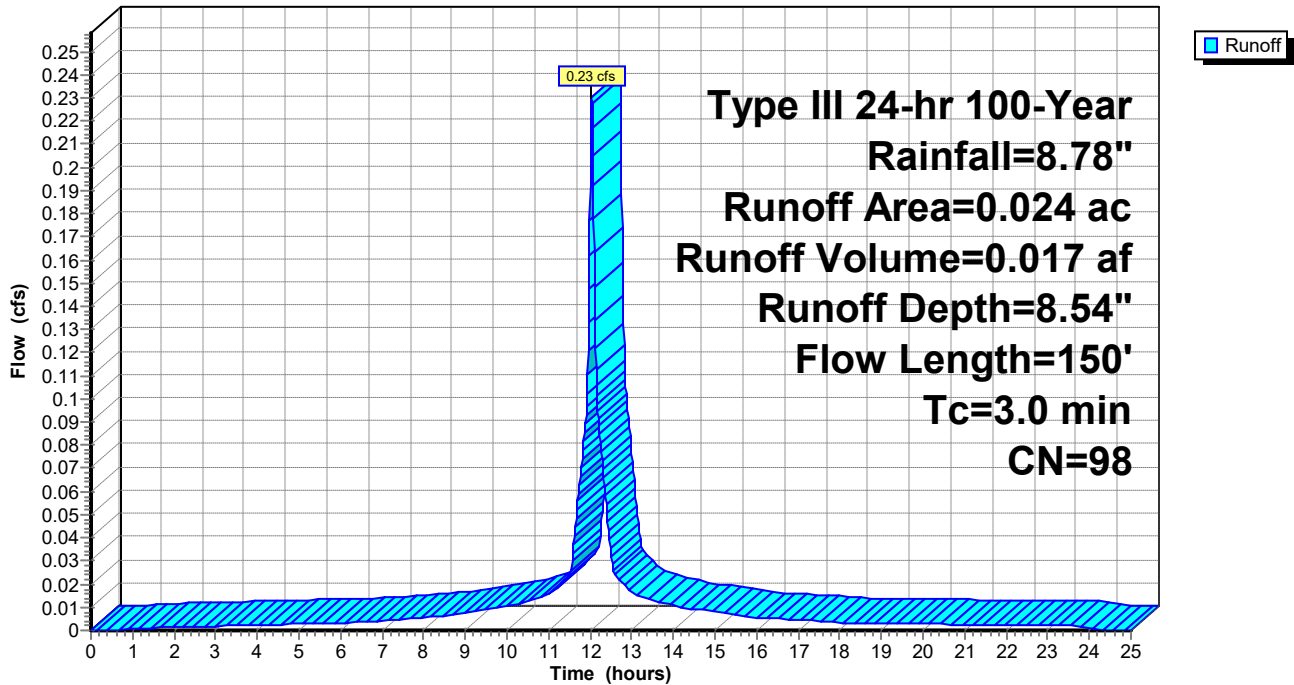
Area (ac)	CN	Description
0.024	98	Prop Roof Runoff

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.7	150	0.2500	3.8		<b>Lag/CN Method,</b>
0.7	150	Total, Increased to minimum Tc = 3.0 min			

**Subcatchment 8S: Proposed Front Roof Runoff & Part of Rear**

Hydrograph



**Subcatchment 10S: Proposed Catch Basin**

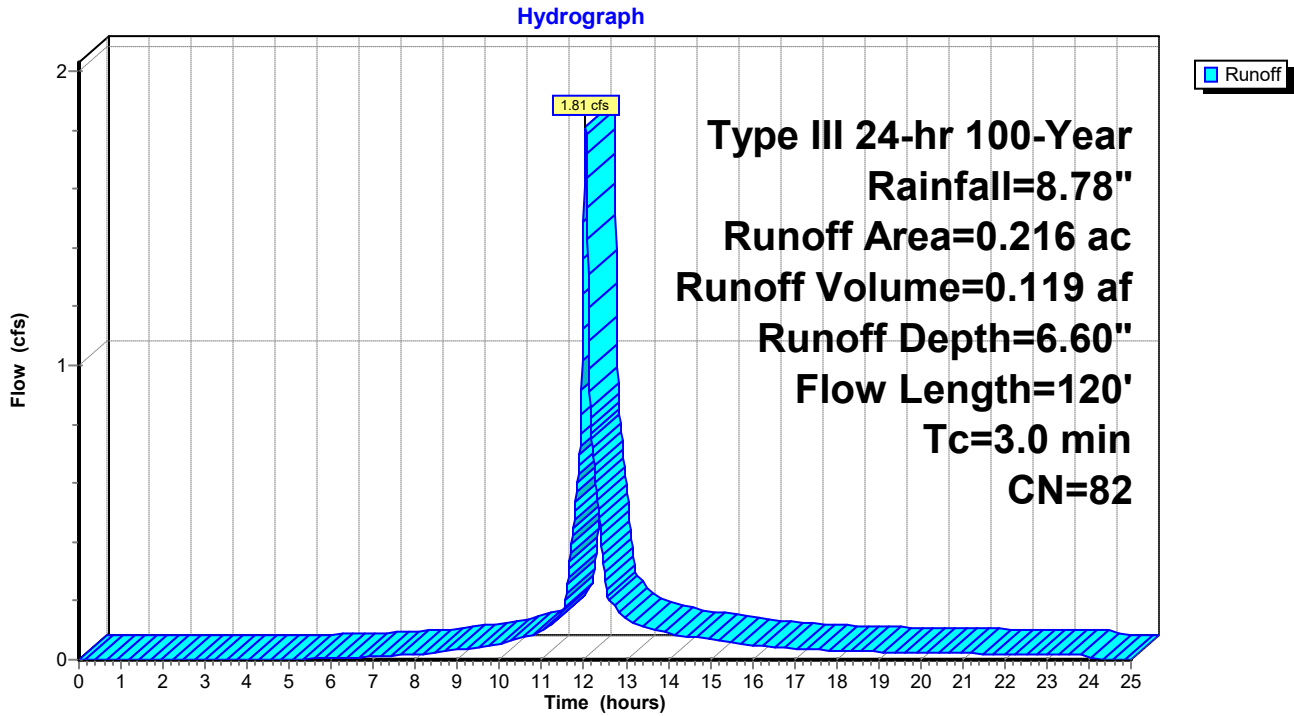
Runoff = 1.81 cfs @ 12.04 hrs, Volume= 0.119 af, Depth= 6.60"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-25.00 hrs, dt= 0.01 hrs  
 Type III 24-hr 100-Year Rainfall=8.78"

Area (ac)	CN	Description
0.074	98	Paved parking & roofs
0.142	74	>75% Grass cover, Good, HSG C
0.216	82	Weighted Average

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
2.4	120	0.0540	0.9		Lag/CN Method,
2.4	120	Total, Increased to minimum Tc = 3.0 min			

**Subcatchment 10S: Proposed Catch Basin**



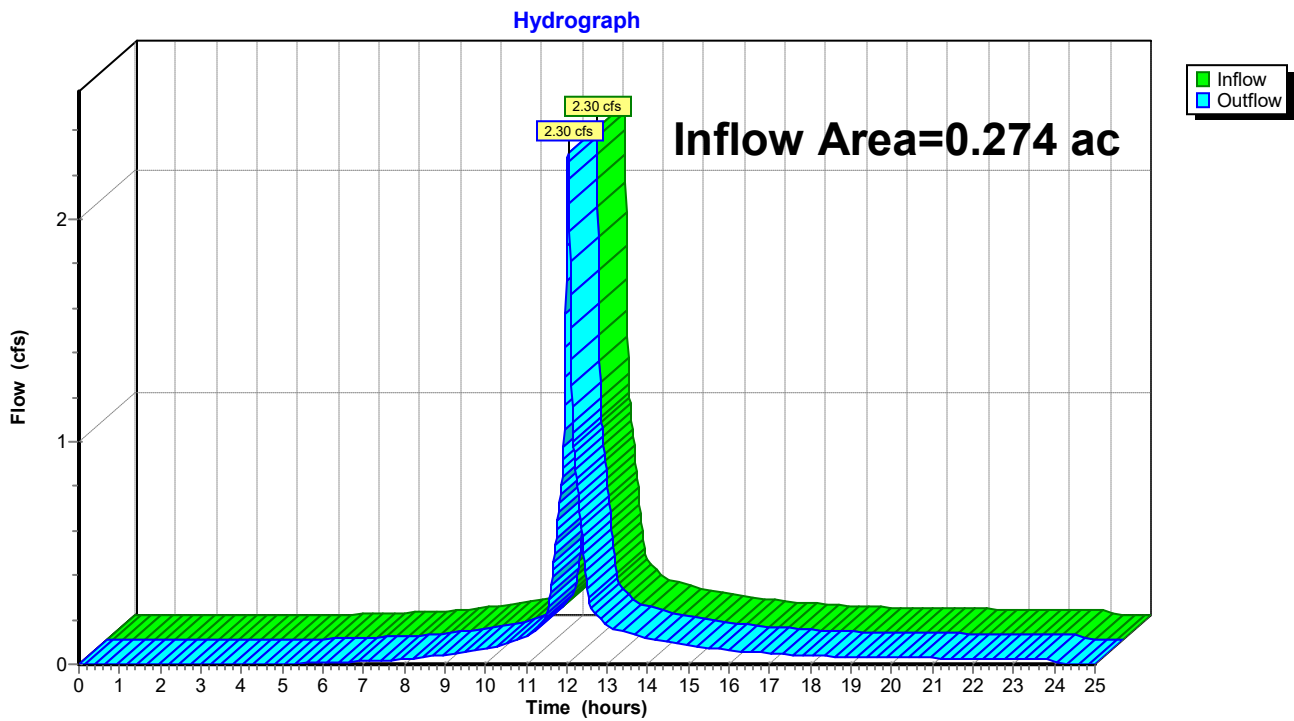
### Reach 2R: Existing Watershed to Rear

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 0.274 ac, Inflow Depth = 6.60" for 100-Year event  
Inflow = 2.30 cfs @ 12.04 hrs, Volume= 0.151 af  
Outflow = 2.30 cfs @ 12.04 hrs, Volume= 0.151 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-25.00 hrs, dt= 0.01 hrs

### Reach 2R: Existing Watershed to Rear



### Reach 5R: Proposed Watershed to Rear

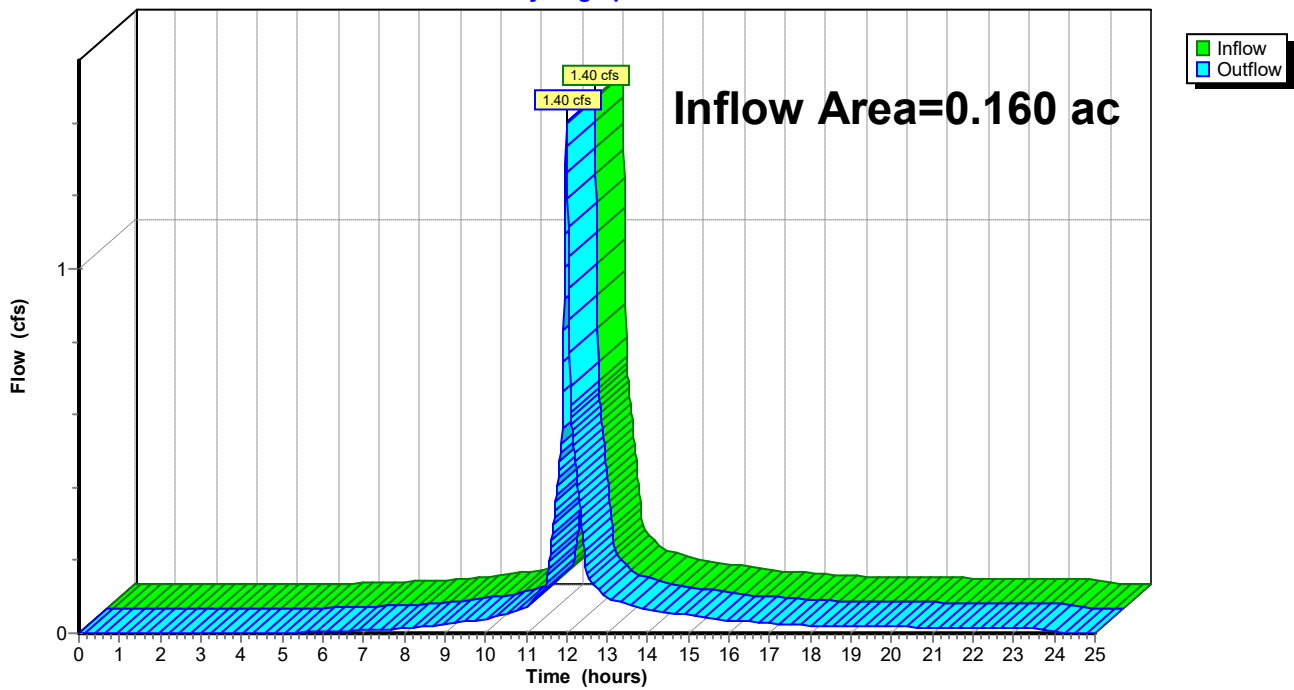
[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 0.160 ac, Inflow Depth = 6.55" for 100-Year event  
Inflow = 1.40 cfs @ 12.00 hrs, Volume= 0.087 af  
Outflow = 1.40 cfs @ 12.00 hrs, Volume= 0.087 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-25.00 hrs, dt= 0.01 hrs

### Reach 5R: Proposed Watershed to Rear

Hydrograph



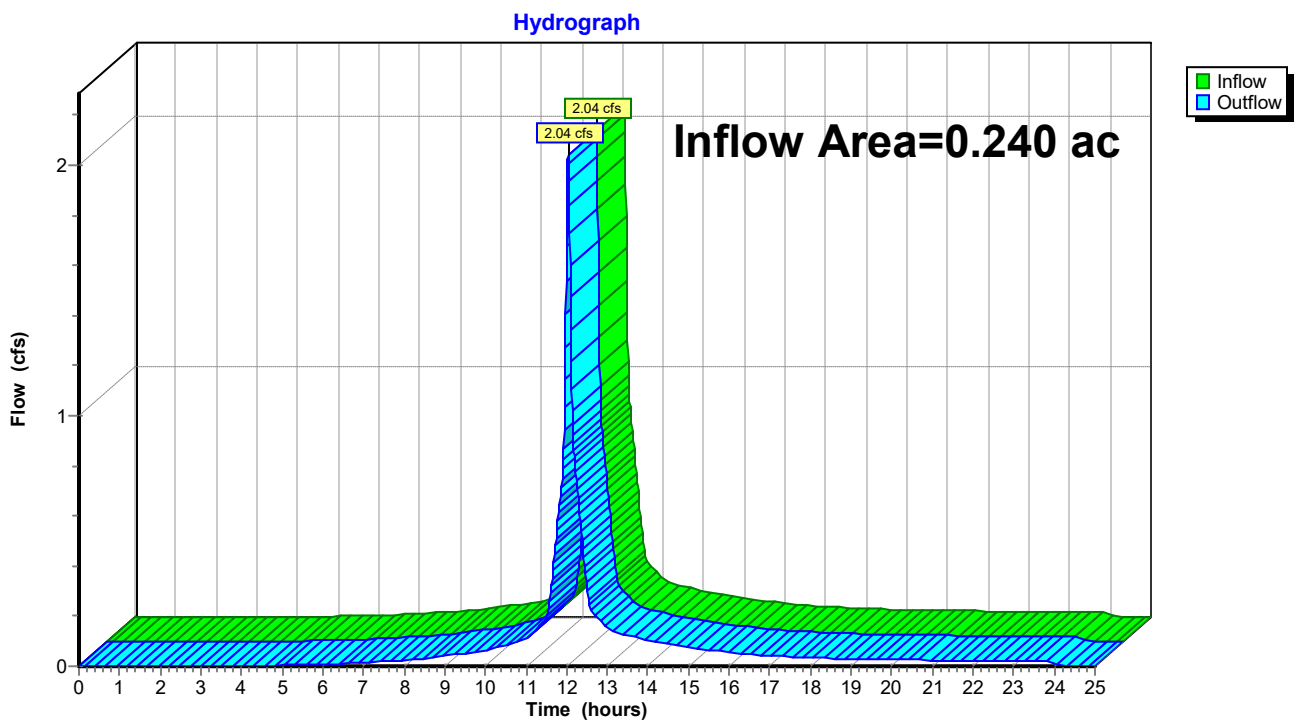
### Reach 11R: Overflow to City Drain Main

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 0.240 ac, Inflow Depth = 6.80" for 100-Year event  
Inflow = 2.04 cfs @ 12.04 hrs, Volume= 0.136 af  
Outflow = 2.04 cfs @ 12.04 hrs, Volume= 0.136 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-25.00 hrs, dt= 0.01 hrs

### Reach 11R: Overflow to City Drain Main



**Pond 7P: Proposed Drainage System - Standard Concrete Leaching Galleys**

Standard Concrete Leaching Galleys (5):  
 4' X 4' x 3.25' deep with 3' of stone surrounding and 6" of stone under the entire system.

Rawls Rate=1.02 in/hr

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Inflow Area =        0.027 ac, Inflow Depth = 8.54" for 100-Year event  
 Inflow        =        0.26 cfs @ 12.04 hrs, Volume=        0.019 af  
 Outflow       =        0.01 cfs @ 8.23 hrs, Volume=        0.010 af, Atten= 98%, Lag= 0.0 min  
 Discarded =        0.01 cfs @ 8.23 hrs, Volume=        0.010 af

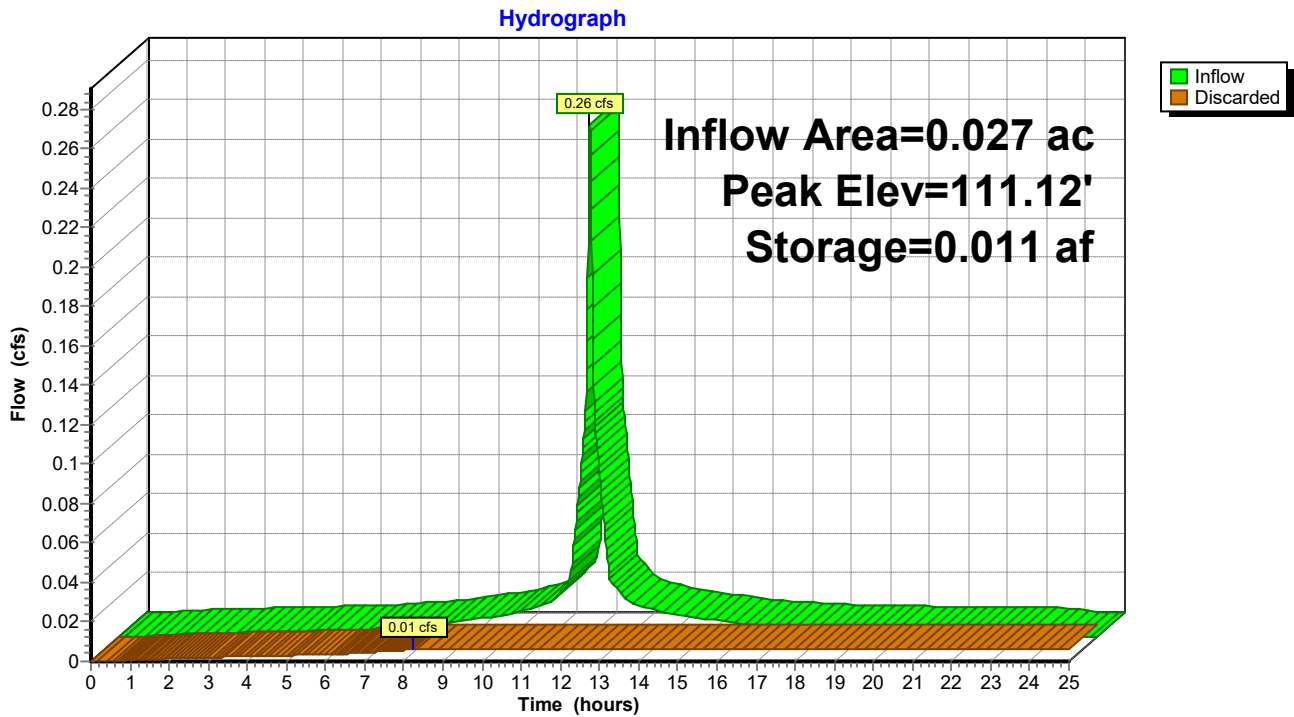
Routing by Stor-Ind method, Time Span= 0.00-25.00 hrs, dt= 0.01 hrs  
 Peak Elev= 111.12' @ 16.10 hrs Surf.Area= 0.006 ac Storage= 0.011 af  
 Plug-Flow detention time= 271.0 min calculated for 0.010 af (54% of inflow)  
 Center-of-Mass det. time= 144.6 min ( 881.7 - 737.0 )

Volume	Invert	Avail.Storage	Storage Description
#1	107.75'	0.007 af	<b>10.00'W x 26.00'L x 3.75'H Gravel</b> 0.022 af Overall - 0.006 af Embedded = 0.016 af x 40.0% Voids
#2	108.25'	0.006 af	<b>4.00'W x 20.00'L x 3.25'H Galleys</b> Inside #1
		0.013 af	Total Available Storage

Device	Routing	Invert	Outlet Devices
#1	Discarded	107.70'	<b>1.020 in/hr Exfiltration over Surface area above invert</b> Excluded Surface area = 0.000 ac

**Discarded OutFlow** Max=0.01 cfs @ 8.23 hrs HW=107.79' (Free Discharge)  
 ↑**1=Exfiltration** (Exfiltration Controls 0.01 cfs)

### Pond 7P: Proposed Drainage System - Standard Concrete Leaching Galleys





Dear Mayor Fuller & Mr. Daglian,

This email is to advise you to expect a detailed letter with documentation about concerns regarding the 40B project eligibility application for 41 Washington St. As agreed to by Barney Heath, our complete comment will be delivered by 1pm on MONDAY 12/5.

While we do not oppose development of the site per se, the current proposal raises serious concerns in a variety of areas.

Again, this is a preview. Our final letter to arrive on Monday will highlight and provide significant supporting documentation in the following areas:

- Significant drainage concerns

As a neighborhood, we have long known that there are three underground streams running from Washington St down into Hunnewell Hill. In addition, a soil engineer who recently drilled in the basement of 112 Grasmere St provided a national soil survey map showing properties in the Hunnewell Hill neighborhood having poor mostly clay soils and a water table 2-3 feet below grade.

Even though it's counter-intuitive, this is as true for properties at the top of hill like 41 Washington St as properties lower down the hill. Indeed, we will include video from 2020 of a test pit drilled at 41 Washington showing water bubbling up at the 3 foot mark. Serious widespread water issues in abutting and surrounding properties already require sump pumps, french drains, and/or containment systems.

Moreover, because the lot is uphill from many other properties, the existing heavily treed lot serves as a sponge that helps keep some water on site. If the proposed plan goes forward, 41 Washington St may go from a 25% water run-off coefficient to closer to a 96% run-off coefficient. Even the permeable fire access road will have a significantly higher run-off coefficient than the existing treed area. This does mean that there can be no development on the site, simply that development needs to be limited to the constraints of the site. The scale and lot coverage of the proposed plan-- given that 41 Washington is on (1) an uphill lot, (2) with clay soil, and (3) developer wishes to build 3.7-5ft within the property lines of the 8 abutters--could have a devastating negative impact on surrounding properties. The impact may even be felt by properties that have generally not had significant water issues, such as the abutter at 33 Washington St.

A recent study of parks shows "the runoff coefficient was 0.245 for vegetation areas, 0.583 for permeable sidewalks, 0.963 for sidewalk blocks, and 1.000 for impervious sidewalks, which had 100% outflow" Source: Son, J.; Kwon, T. Evaluation and Improvement Measures of the Runoff Coefficient of Urban Parks for Sustainable Water Balance. *Land* 2022, 11,1098.

According to the National Cooperative Soil Survey dated September 2022 and a test pit drilled by a soil engineer, 112 Grasmere St and surrounding properties are classified as Newport-Urban land complex, 13 to 15-percent slopes and are in hydrologic group D. Hydrologic group D refers to "soils with high runoff potential when thoroughly wet. Water movement through the soil is restricted or very restricted. Group D soils have greater than 40 percent clay, less than 50 percent sand, and have clayey textures. In some areas they also have high shrink-swell potential." Source: USDA National

## Engineering

Handbook. <https://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=17757.wba>

The plan shows proposed infiltration systems placed adjacent to property lines; however, our research (above) and recent experience suggests that their ability to contain the water on 41 Washington St during peak periods is highly doubtful. Currently, the plans we reviewed are conceptual and we insist that additional testing be done to show that our properties -- abutters and those spreading out downhill from 41 Washington St -- will not be negatively affected. Will the containment systems *actually contain* the water to 41 Washington St? If testing does not show this, then the project needs to be scaled so that it does not negatively impact us. We deserve rigorous scientific data showing that the building of impervious, pervious and underground structures on the majority of a small 0.60 acre uphill lot will not cause neighboring properties to suffer exponentially worse water and drainage issues. We request that this testing be done BEFORE a permit is granted because we believe the site will need to be scaled back to account for the pool soil conditions.

Certainly it seems very likely that this project would have trouble conforming to Newton's strict new stormwater rules. And it troubles us that a 40B project would be allowed to increase the discharge of pollutants into the Charles River. However, setting aside our own feelings about allowing developers to increase pollution in the name of affordability and ignoring Newton's new rules, we understand that the State of Massachusetts requires that "stormwater management systems shall be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates." We strongly believe that the plan as proposed would be in violation of State stormwater rules.

Our neighborhood already knows what happens when water escapes a containment system, as FOR MONTHS we have had a stream of water that has been emanating from the ground next to 47 Washington St and running down Grasmere St and into the storm drain on the corner of Merton and Grasmere Sts. The City tested the water and found it to be unchlorinated proving it is groundwater and is still investigating the source. This issue has become urgent as when temperatures dip below freezing, the discharge creates an icy hazard ON GRASMERE ST.

### - Fire Safety Concerns

Has the Newton Fire Chief determined whether the LARGEST Newton and Brighton fire equipment will safely traverse the proposed fire access road of 18 feet? It does not appear that the developer has the proposed 18' wide clearance AND space along much of the property line for a vegetative buffer. Has it been determined whether the largest of Newton & Brighton fire vehicles have an adequate turning radius? We are laypeople; however our research suggests that most fire trucks need a minimum of 35'+ turning radius and certain fire vehicles require even more. Does the proposed plan allow adequate turning radius for the largest Newton and Brighton fire vehicles that might respond to the scene? As a point of reference, 41 Washington is only a few hundred feet from the Brighton line and about 0.5 miles from Engine 51 in Oak Square.

Will more than one fire vehicle be able to safely maneuver onsite in the event of 3-alarm+ fires? This seems very pertinent because the site includes 16 units densely packed onto a small lot (0.60) in close proximity of 8 abutting properties. It seems reasonable to insist that the site is safe not just for the residents of the development but also the 8 properties that abut it.

As an aside, we learned how important it is for fire trucks to be able to access a fire quickly and safely. On the evening of February 25, 2021, a dumpster in our driveway (112 Grasmere) --which is overhung by trees, perhaps 10-feet from their garage and maybe 10-feet from a neighbor's home-- caught fire. Fortunately, neighbors walking by spotted it and thankfully Newton fire had no issues maneuvering onto our small residential street and were able to contain the fire.

#### - Traffic & Parking

Our neighborhood has had a problem for decades with vehicles speeding down Washington St to access the Mass Pike. This section of Washington St connects Oak Square Brighton, Hunnewell Hill in Newton, and other Newton residents with the onramp to 90 Eastbound as well as the "Circle of Death" as it is known locally. In the 1970s, there were fatalities that included a child but fortunately none since then. However, we have seen or heard of near misses of pedestrians crossing Washington St on their way to either Bigelow Middle School or Underwood Elementary School. We are pleased that the City of Newton has added calming measures to the Newton section of Washington and crosswalk stanchions. However, the stanchions are regularly struck and knocked out of the middle of the street and children have to hope that cars notice them AND stop. Adding 22 cars that may traverse this small stretch of Washington will undoubtedly add to congestion and more importantly increase the risk to schoolchildren. If allowed to go forward at its current size, the developer should pay for additional mitigation to include flashing pedestrian crossing lights at the both marked crosswalks. In addition, since parking was permitted near the corner of Washington and Grasmere Sts, drivers exiting on Grasmere St have a lot more difficulty visualizing vehicles moving Northbound on Washington St. If allowed to proceed with 22 spaces, we request that parking near that corner be prohibited.

Unless we are mistaken, the plan also does not allocate space for guest parking. We believe the developer must allocate some space for guest parking.

#### - Massing & Vegetative Buffer

The proposal to build a 5-story addition to the existing house and 3- and 4-story townhouses along the rear of the property raises serious concerns about the massing. The proposed plan shows buildings and driveways are mostly located 3.7-5.4' away from the lot lines. This includes the two 3- and 4-story townhouse buildings which are shown 5.4' or less from abutters. How and where will the developer provide an adequate vegetative buffer to shield the massive structures from the 8 abutters? Small trees are not able to provide screening for 3- to 4- story buildings. Green giant arborvitae might work but their bases, even when trimmed, are many feet wide. Where does the developer intend to plant the trees shown on the plan? Even a layperson can see that the plan does not allow adequate room for plantings within the property borders. In fact, perhaps 35' of the permeable fire access road seems to end at the property line with 33 Washington. Is it the developer's intention to plant the vegetative buffer on neighboring properties? This is unacceptable for obvious reasons. The developer needs to provide a realistic plan that allows adequate space for the vegetative buffer and in our opinion should consult with abutters as to what type of screening they prefer.

In addition to allocating adequate space for the screening, it seems to us the developer should also include additional space between screening and lot lines so that future HOA can care for the plantings as well as inspect, access or make repairs to the exterior of the townhouse buildings. Again, it bears

repeating that the plan shows 3- and 4- story structures built 3.7-5.4 ft away from the property line of multiple abutters.

The developer also should be required to allocate a reasonable budget for lawn and plantings. Based on the size of the site and the vegetative buffer needed, \$50,000 is completely inadequate.

Another question that begs to be answered...Is there adequate space allotted to store snow following storms? It is not permitted to block the fire access road. And we assume it can't be plowed onto Washington Street? These issues need to be resolved prior to permit approval as we believe they require some scaling down of the buildings to allow for adequate vegetative buffer and space to store snow.

#### - Newton Close to Safe Harbor Status

We are pleased and proud that the City of Newton is committed to creating affordable housing. Mayor Fuller notes that the City can officially claim 9.8% affordable housing stock. Source: City Memorandum 8/22. The City's commitment is clear in other ways. For example, the City has been proactive and put out RFPs to re-develop sites like the Armory in West Newton which will include 100% affordable housing units.

But in truth, Newton should really be considered to have met the requirements of Safe Harbor. Many projects currently underway are not officially counted in our housing numbers. See below for details

For example, Riverside is not counted in the 9.8% number. Source: Memorandum 8/22

- “This means that projects such as Riverside that have been issued a special permit but have not yet been approved by DHCD as Local Action Units, cannot be counted yet in the City’s safe harbor calculations. The standard practice for the City is to apply for LAU Approval (jointly with the project developer) sometime after commencement of construction but prior to completion and marketing of any units.”

In addition, "the following previously approved special permit projects do not currently count as SHI Eligible Housing, because they have not received Local Action Approval from DHCD."

- Northland
- Riverside
- 15-21 Lexington St
- 20 Kinmonth Road
- 283 Melrose Street
- 956 Walnut Street
- 39 Herrick Road
- Cabot Park Village Expansion
- 1114 Beacon Street
- 149-1151 Walnut Street
- 967 Washington Street
- 393 Boylston Street

The City of Newton can proudly point to a robust portfolio of affordable housing stock both existing and in the pipeline. I am proud to say that our leaders are clearly committed to expanding the availability of affordable housing. Along with a bevy of *experienced & reputable* private developers, the City continues to identify and approve sites for well-designed 40B projects. We don't believe that this qualifies as such.

## **Developer Unsuitable to Develop 40B projects**

**The State of Massachusetts and Mass Housing rely on 40B developers to be forthright and trustworthy and to behave in an ethical manner. This is because the State, the City, current residents and future 40B homeowners and renters must rely on developers to follow the plan as approved, to identify and resolve issues that arise during construction, and to meet all legal and financial obligations. All of us rely on developers not to cut corners and to follow the law.**

**We do not feel that the State can trust this developer to follow all necessary rules because he has already shown that he is okay disregarding the rules. Specifically, the developer installed a gravel parking lot on the property without pulling a permit. The creation of this parking lot appears to have coincided with the appearance of groundwater that is emanating from the side of the abutter at 47 Washington St as mentioned above. The irony of this is not lost on us as neighbors. The developer illegally placed an impermeable surface on a part of the lot and very likely created a water problem for an abutter.**

**The project eligibility letter contains a number of omissions that we would like to bring to your attention.**

- The developer previously applied for and withdrew an earlier application for a Special Permit on the property.**
- The developer is a long-time landlord in Allston/Brighton. He owns at least 10 rental properties. He has had complaints by some tenants including one for unsafe housing conditions.**
- The developer has had several tax liens on his properties though it is only fair to note they were all paid off. The most recent tax lien was in 2016.**
- The developer failed to list all of his affiliates.**

**Moreover, given the complexity of this site, the developer's lack of experience with 40B projects only adds to their unsuitability. In our opinion, the developer is unsuited to develop this or any other 40B property where the utmost in integrity, professionalism and expertise is required.**

**Sincerely,**

**Jennifer & Christopher Murphy  
112 Grasmere St  
Newton, MA 02458**

**From:** Grasmere Boston <grasmere2018@gmail.com>  
**Sent:** Tuesday, November 29, 2022 1:05 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** Opposition to 41 Washington Street Proposal

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

Dear Ms. Belsanti,

My husband and I live with our 3 small children (7yo, 4yo, 5 months) in Hunnewell Hill (79 Grasmere Street). We are writing to express our extremely strong opposition to the proposed development for 41 Washington Street. This project creates a huge amount of problems for our neighborhood that is filled with small children. A neighborhood that we came to for the proximity to the school and neighborhood itself. A neighborhood that even has a playground within it.

Problems are multitude and include the construction issues that will occur in this area. We are concerned with any potential water/sewage issues that could arise and potential health hazards. We are concerned with all the garbage that will accrue and how this will be reasonably disposed of. We are concerned with parking. We already have issues with parking. This will add way too many cars on an already busy street and area. This area is already parking in non-compliant ways. I am concerned that our community does not have the resources to ensure occupants comply with city ordinances. I am concerned with all these cars in areas that there are an enormous amount of young children who ride bikes, walk, and play within our community. This is extremely dangerous. Children walk to school, and we have tried repeatedly to reduce speed limits, suggest more traffic stops/lights, etc. We also have concerns as to how these units will be used - this type of structure easily allows for rentals and AirBnBs. This is not the community of residential dwellers and allows for multiple people not invested in the health of the community. It will allow for increased disturbance, unknown people in a place with children, garbage, noise, and more cars.

This proposal only creates problems and a dangerous situation for children. It allows for select few to benefit at the expense of a neighborhood.

We strongly urge you and the other members of the zoning board to vote "NO" on this project. PLEASE vote no.

With kind regards,  
Neelam, Eric, Ava (7yo), Ethan (4yo), and Mila (5 months)

**From:** james ng <jamesng2003@yahoo.com>  
**Sent:** Friday, December 2, 2022 2:58 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Cc:** Maria Ng <mariang3950@gmail.com>  
**Subject:** 41 Washington Street Vote NO

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

Dear Ms. Belsanti,

My spouse and I live at 50 Hunnwell Ave and I am writing to express our strong opposition to the proposed development for 41 Washington Street. While creating more affordable housing is a worthwhile goal, we believe the details of each proposed project must be analyzed to determine whether the asked-for zoning variances are appropriate and should be granted. Frankly, this project creates many problems and we are surprised that such a dense project even would be considered for this neighborhood.

We see the following problems:

**1. The current proposal exceeds the FAR (floor area ratio) .36 is required and they have over 1.04. exceeds the allowable by 2.89%.**

**2. The current code for height limit is: 2.5 stories, 35 feet and this project is 3, 4 and 5 stories, 51 feet for the addition to the house and assuming something like 49 feet for the back building and 45 feet for the side building. The average grade and heights are not indicated on the drawings**

**3. The required set backs are 7.5' side yard and 15' rear yard, they are proposing 3.7' to 5.4' for both of the rear buildings.**

**4. Garbage pickup. Most one-family houses in the neighborhood place two trash barrels by the curb for pickup each week - - one for garbage and one for recycling. Therefore, the proposed 16-unit development would have, at a minimum, 32 trash barrels needing to be placed at the curb each week. Where will these trash barrels be placed on garbage pickup day? It is clear that there will not be enough room to place them all at the front of the property on Washington Street in a manner that can be picked up by the automated garbage truck systems.**

**And, equally as important, where will they be placed during non-pickup days? If they're left out in the open they can attract vermin and other pests. I note that we have had problems with rats in the neighborhood from people not properly storing**

their garbage bins. Adding 32 barrels for one lot of land will only increase the likelihood of more rodents in the neighborhood.

**5. Parking.** The developer has significantly undercounted the number of cars that will need to be (and realistically will be) brought onto the property, stating 22 cars for 16 units. Most one-family houses have 2 cars (sometimes more when the kids get their licenses). Two-bedroom units most probably means at least 2 adults with children per unit. So, we're starting with 2 cars per unit (32), and probably more when the children reach driving age. Where will all these cars be parked? Our neighborhood has only 2-hour parking on weekdays and also no overnight parking from November to April.

Also, you should be aware that right now there are about 7-8 cars parked on the property on any given day, whether or not that is in compliance with the current zoning ordinances. It is likely that residents who need another car will simply skirt the zoning issues and hope no one notices. Does the City of Newton have the resources and a plan to police whether the ordinances are followed?

**6. Traffic and Safety.** All the additional cars will exacerbate an already dangerous condition for children walking to school at Underwood and Bigelow. Our neighborhood has been trying for years to get traffic-calming measures added to Washington Street as people race from Oak Square to get to the Pike. The "slow down" signs routinely get knocked over by speeding cars. Adding 22 cars (again, more likely 32 cars) to the area will create more traffic, especially during the morning hours, making the streets even more dangerous for children walking to school.

**7. Owner Occupancy or College rentals/AirBnB?** Will these units be required to be owner-occupied, or will passive investors be able to buy them and turn them into rental properties or AirBnB's? A two-bedroom apartment easily could be rented to 4 or even 6 college students. In addition to the additional garbage, comings, goings and noise, this will mean yet more cars.

Zoning variances should be granted rarely, and then only for well-thought-out projects that show the need and include remediation to address problems caused by the development. In our view, this project does neither. It is a boondoggle for the developer, who is trying to get around restrictive zoning ordinances by hiding behind the banner of creating more affordable housing in Newton, when it is clear that this project will not do much to help lower-income residents. Instead, it will create myriad problems for the neighborhood that the neighbors will have to live with while the developer reaps profits at the expense of this neighborhood.

We strongly urge you and the other members of the zoning board to vote "NO" on this project.



**Sincerely,**

**James and Maria Ng  
50 Hunnewell Ave Newton**

**From:** Christopher Perruzzi <caperruzzi@gmail.com>  
**Sent:** Saturday, November 19, 2022 7:05 AM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington street, newton, Massachusetts

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

Good morning. My name is Christopher peruzzi, I live at 4 Copley Street in newton, massachusetts. This proposed development at 41 Washington Street, newton, Massachusetts will greatly impact, in a negative way, my quality of life.

I understand that there is a deadline of December 2nd for submitting any oppositions to the proposed development. Please advise what format you wish to have for such an opposition, as I fully intend to make my position known.

Christopher Perruzzi  
617 586 0883-office  
781 929 1130-cell

**From:** lauren puglia <l.p.rosenstrach@gmail.com>  
**Sent:** Tuesday, November 29, 2022 10:05 AM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Cc:** paul rosenstrach <p.a.rosenstrach@gmail.com>  
**Subject:** 41 Washington Street Proposal

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

Dear Ms. Belsanti,

My husband and I live at 45 Hunnewell Avenue, and I am writing to express our strong opposition to the proposed development for 41 Washington Street. While creating more affordable housing is a worthwhile goal, we believe the details of each proposed project must be analyzed to determine whether the asked-for zoning variances are appropriate and should be granted. Frankly, this project creates many problems and we are surprised that such a dense project even would be considered for this neighborhood.

We see the following problems:

1. **Garbage pickup.** Most one-family houses in the neighborhood place two trash barrels by the curb for pickup each week - - one for garbage and one for recycling. Therefore, the proposed 16-unit development would have, at a minimum, 32 trash barrels needing to be placed at the curb each week. Where will these trash barrels be placed on garbage pickup day? It is clear that there will not be enough room to place them all at the front of the property on Washington Street in a manner that can be picked up by the automated garbage truck systems.

And, equally as important, where will they be placed during non-pickup days? If they're left out in the open they can attract vermin and other pests. I note that we have had problems with rats in the neighborhood from people not properly storing their garbage bins. Adding 32 barrels for one lot of land will only increase the likelihood of more rodents in the neighborhood.

2. **Parking.** The developer has significantly undercounted the number of cars that will need to be (and realistically will be) brought onto the property, stating 22 cars for 16 units. Most one-family houses have 2 cars (sometimes more when the kids get their licenses). Two-bedroom units most probably means at least 2 adults with children per unit. So, we're starting with 2 cars per unit (32), and probably more when the children reach driving age. Where will all these cars be parked? Our neighborhood has only 2-hour parking on weekdays and also no overnight parking from November to April.

Also, you should be aware that right now there are about 7-8 cars parked on the property on any given day, whether or not that is in compliance with the current

**zoning ordinances. It is likely that residents who need another car will simply skirt the zoning issues and hope no one notices. Does the City of Newton have the resources and a plan to police whether the ordinances are followed?**

**3. Traffic and Safety. All the additional cars will exacerbate an already dangerous condition for children walking to school at Underwood and Bigelow. Our neighborhood has been trying for years to get traffic-calming measures added to Washington Street as people race from Oak Square to get to the Pike. The "slow down" signs routinely get knocked over by speeding cars. Adding 22 cars (again, more likely 32 cars) to the area will create more traffic, especially during the morning hours, making the streets even more dangerous for children walking to school.**

**4. Owner Occupancy or College rentals/AirBnB? Will these units be required to be owner-occupied, or will passive investors be able to buy them and turn them into rental properties or AirBnB's? A two-bedroom apartment easily could be rented to 4 or even 6 college students. In addition to the additional garbage, comings, goings and noise, this will mean yet more cars.**

**Zoning variances should be granted rarely, and then only for well-thought-out projects that show the need and include remediation to address problems caused by the development. In our view, this project does neither. It is a boondoggle for the developer, who is trying to get around restrictive zoning ordinances by hiding behind the banner of creating more affordable housing in Newton, when it is clear that this project will not do much to help lower-income residents. Instead, it will create myriad problems for the neighborhood that the neighbors will have to live with while the developer reaps profits at the expense of this neighborhood.**

**We strongly urge you and the other members of the zoning board to vote "NO" on this project.**

**Sincerely,**

**Lauren Puglia and Paul Rosenstrach  
45 Hunnewell Avenue**

**From:** Robin Boger <robinzboger@gmail.com>  
**Sent:** Thursday, December 1, 2022 12:44 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington Street - Why we oppose this proposed development!

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

Dear Brenda Belmont and members of the Zoning Board of Appeals,

We are the owners of 102 Grasmere Street where our daughter and her two children (ages 5 and 8) live.

*We strongly oppose* the proposed development at 41 Washington Street because of environmental and safety issues.

***Water table issues:*** The water table level is very high in the area proposed for development. The recent creation of a small parking lot behind #41 has caused an increase in water spillover onto Grasmere Street, providing evidence that the city's existing infrastructure cannot deal with disturbances on that property. We already have 3 (three) sump pumps in the basement of 102 Grasmere. I can't imagine what we would be dealing with if the developers were to proceed with their excessive site plan, which includes underground parking. How much more water would be displaced? How could we prevent a constant flooding of our property?

***Traffic safety Issues:*** Washington Street is already a dangerous road for children to cross on their way to school. The addition of another 26 cars, (assuming that all units had one car and 10 had 2 cars) would mean another 26 cars entering and exiting at the same spot. The location of the proposed driveways is close to where the traffic from Brighton crests the hill before descending into Newton. The additional development of land on the Brighton side of the hill (including a property with 74 parking spaces on Tremont Street next to the lot of the former Presentation Church on Washington Street, also bought by a developer) will mean a tremendous potential increase in the amount of traffic on Washington Street. While some traffic calming measures have already been put into effect, we are very worried that the traffic consequences of additional development will endanger the safety of all children in the neighborhood.

Thank you for allowing us to express these deeply held concerns.

Robin and Ken Boger  
102 Grasmere Street

**From:** Edward Rao <edwardkrao@gmail.com>

**Sent:** Sunday, November 20, 2022 3:35 AM

**To:** Brenda Belsanti <bbelsanti@newtonma.gov>; Marc Laredo <marccharleslaredo@gmail.com>

**Subject:** 61 Washington Street

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

The developer was thwarted by our neighborhood in his attempt to build a house in the back yard of the current Victorian home. Now , he proposes to build a multi-unit dwelling that will be a blight on Hunnewell Hill. It will bring more traffic and noise and disruption . The Washington Street corridor is already like a highway with cars travelling at 40-50 MPH. It is a miracle that there have not been any fatalities. The property simply cannot support a project of this size, and the developer is trying to overcome the opposition of all the abutters and those of us that live in the " Hill." He will not succeed. This project must be turned down by the zoning board.

Edward Rao

111 Grasmere Street

Hunnewell Hill

Newton, MA. 02458

**From:** Michael Raposa <mraposa10@gmail.com>  
**Sent:** Tuesday, November 22, 2022 9:48 AM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington St.

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

Dear Brenda -

I have just reviewed the plans for 41 Washington St. and I am shocked at the scale of this project. I will save you the complaints about how this will impact the neighborhood. Having been through this type of situation before, I am well aware that the city will not care.

However, this project presents many safety and environmental concerns that will impact the surrounding neighbors. I will be very interested to hear how the city will rectify these concerns. The project scale is way out of proportion with the rest of the neighborhood (adding 3 buildings of 4 or 5 stories). Water will be a major problem for surrounding neighbors due to existing underground water in the area.

I intend to join the meeting on 12/8. We will be vocal and obtain legal counsel to fight this project.

Kind regards,

Mike Raposa  
6 Merton St.

Liam M. Ryan and Rachel M. Kantor  
125 Grasmere Street  
Newton, MA 02458

December 2, 2022

**BY EMAIL**

Jcaira@newtonma.gov

Jennifer Caira  
Deputy Director  
Planning Department  
City of Newton  
1000 Commonwealth Avenue  
Newton, MA 02459

**Re: Comprehensive Permit Site Approval Application  
41 Washington Street, Newton, MA**

Dear Ms. Caira,

This letter contains our comments on the Comprehensive Permit Site Approval Application (the "Proposal") filed by Tusnua LLC (collectively with its members, the "Applicants") relating to the proposed 16-unit 40B development at 41 Washington Street (the "Site"). We reside at 125 Grasmere Street, which is across the street from properties that abut the site to their rear. The proposed development would be visible from our house and would affect us significantly.

We support of the City's planning goals, including the addition of affordable housing to the City's housing stock. We support the addition of affordable housing to the site. However, we have serious concerns about the Proposal and do not support it in its current form. Our specific comments are as follows:

**1. The Application Contains Material Misrepresentations and Omissions**

The Application contains many material misrepresentations and omissions which give an overall misleading picture of the current conditions and the effect of the Proposal:

- Applicants claim that the structure is a two-family residence. This statement is not true. The prior long-time owner of the property, Jane O'Connor, used the property as a single-family residence, and the property has not been used as a two-family in the memory of any neighbor (some of whom have lived in the neighborhood for decades).
- Applicants claim that they are using the property as a two-family. In fact, the applicants are renting the property to individuals who are using it as an association of persons, a use not allowed in the SR3 district without a special permit which the applicants have failed to obtain.



The property is the subject to numerous requests for zoning enforcement relating to this use as well as to the unlawful construction of a parking lot on the Site.

- Applicants fail to disclose that they previously applied for and were denied a special permit to build a residence on the rear lot.<sup>1</sup> The reports from the Land Use Committee meetings at which the Special Permit application was discussed and ultimately denied are currently missing<sup>2</sup>, but this is highly relevant to the 40B proposal given that the Applicants are now proposing a much more intensive development of the Site and it is not clear the extent to which they have addressed the issues that caused the Land Use Committee to deny the special permit.
- Applicants' description of the current conditions is not accurate: they fail to disclose that the site slopes significantly to the rear, that it likely contains ledge, and their site plan does not show the parking lot that they constructed.
- Applicants do not disclose that they were recently parties to a lawsuit alleging negligence. See copy of complaint attached hereto.
- Applicants do not disclose any financial arrangement with Harry Busted, who was involved in the acquisition of the property and very likely has a continuing financial interest in its development. The relevant background information is that Jane O'Connor sold the property in an off-market transaction to Harry Busted, who was then her next-door neighbor residing at 47 Washington Street, for \$1.3 million. A few days later Mr. Busted sold the property to Applicants for the same amount. This was obviously a prearranged plan to induce Ms. O'Connor to sell the property through false representations about the true identity of the purchaser and the planned use of the property. It is unlikely that Mr. Busted would have participated in such a scheme without an agreement with the Applicants that he would be remunerated.

## **2. Proposal not Financially Feasible**

The Applicants have never completed a project of this magnitude and have never attempted a 40B development. We do not believe they have the expertise necessary to properly calculate the expected return for the project, and we believe there is a significant likelihood that the project is not financially feasible.

Applicants' pro forma calculates expected revenue for the development based on an analysis by a real estate agent, not an appraiser, which lists comparable properties without any market adjustments for qualitative differences between the comps and the proposed units. There are also no adjustments related to rising interest rates and the softening of the market that has occurred over the past 6 months.

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<sup>1</sup> The Land Use Committee allowed the Applicants to withdraw the special permit application prior to denial without notification to the neighbors. See attached report from Land Use Committee hearing on 11/9/2021.

<sup>2</sup> Mr. Gleeson admitted in the October 12, 2021, hearing that the existing structure is not a two-family residence.

Applicants' estimated project costs are unrealistic. Applicants know that this project will face a strong and well-financed opposition from the neighbors (as happened previously with the Special Permit application), yet they budget only \$50,000 for legal expenses. They also provide no detail for their claimed construction costs of \$8.4mm.

Finally, we doubt whether Applicants have the competency necessary to manage a project this large. We believe there is a significant likelihood that, if the project were permitted, the applicants would face financial and technical constraints that would make it impossible for them to complete construction.

### **3. Proposal Requires Zoning Relief for Property not within Applicants' Control**

When Mr. Busted sold the property to Applicants, he also owned the contiguous property located at 47 Washington Street. 47 Washington Street is a nonconforming two-family on a lot that's only about half as large as necessary for two dwelling units in the SR3 zone in which it is located. As a result, the two properties should have merged for zoning purposes while under Mr. Busted's common control so that the extra land area at 41 Washington Street would reduce the undersize-lot nonconformity at 47 Washington Street.

Mr. Busted's conveyance of the site to Applicants caused 47 Washington to become a "new" lot for zoning purposes and to lose its prior protection as a preexisting nonconforming structure. This should render the rear lot at 41 Washington Street unbuildable under the doctrine of "infectious invalidity" (i.e., because its extra land area continues to buffer 47 Washington Street). Thus, the zoning relief that Applicants require includes relief for 47 Washington Street. However, Applicants do not have site control for 47 Washington Street, which has since been sold by Mr. Busted to an unrelated third-party.

### **4. Conceptual Design is not Appropriate for Site**

The proposal requires zoning relief on many dimensions:

- a. Minimum lot area
- b. Maximum lot coverage
- c. Minimum rear setback
- d. Minimum side setback
- e. Height
- f. Stories
- g. FAR
- h. Parking

This is not some minor deviation from current zoning; it requires major zoning relief and would have a significantly negative effect on a large number of surrounding properties. The property is located in the middle of a small block and has 8 other properties that abut it directly. There are also two additional properties in the block which do not directly abut the site. The Proposal would affect all of these properties negatively, with other diffuse impacts for properties further away (like ours). We think that

the City should reasonably expect that the total cost of this project to the surrounding neighborhood will greatly outweigh the benefit to the City of 4 additional affordable housing units.

Specific issues with the proposal are as follows:

- The site features significant groundwater issues which also plague the surrounding neighborhood. Groundwater frequently oozes from the site and the surrounding area and many houses in the immediate vicinity have groundwater intrusion into their basements. Long-time residents of the neighborhood believe that the site contains underground springs. Neighbors received advice in connection with the prior special permit application that the water issue likely relates to the presence of ledge at the site which is forcing groundwater to the surface. These water issues were the subject of much concern and discussion in connection with the special permit application and are not addressed in the proposal.
- The site slopes down significantly from the front to the rear. For context, the first story of the existing structure is at grade at the front of the house, but the basement is at grade at the rear, and the lot continues its slope to the rear property line. The proposal involves essentially levelling the lot by constructing the townhouse buildings on top of a parking garage which would be fully above ground at the rear of the Site. The effect would be that the abutters to the sides and rear would have the 10+ foot concrete wall of the parking structure within feet of their property line. Construction of such a parking garage is clearly inconsistent with the surrounding neighborhood and is inappropriate in this location.
- The proposal would destroy the historic significance of the existing structure. The existing structure at the Site is a historic mansion constructed circa 1890s which is of "major significance" according to the MCRIS report. The proposal would alter the structure significantly by removing the port cochere, and would obliterate its historical character by adding a 5-story, flat-roofed, addition at the rear which would dwarf the current house. The proposal also includes two separate townhouse buildings in very close proximity at the rear of the site, which would be very tall and not consistent with the house's Victorian style.
- The massing of the proposed structures is disproportionate to the structures in the surrounding neighborhood. The main house with its addition would be larger and taller than any surrounding structure, a problem exacerbated by the fact that the property is located at the crest of a hill. The townhouse buildings would be located well above grade and would be much taller than the houses that abut the site to the sides and rear.
- The proposal does not contain adequate off-street parking for the number of individuals likely to live in the units, and it is not reasonable to expect that residents would live there without a car. Options for additional parking off-site are very limited. There are a small number of street spots on Washington Street (which would be further reduced by adding another curb cut as proposed). Parking on the side streets is restricted (2-hour parking during weekdays).

- There are existing safety concerns relating to fast-moving traffic on Washington Street, particularly coming from Boston. These concerns relate to cars attempting to turn onto Washington from Grasmere and Elmhurst Streets, where visibility of oncoming traffic is limited by cars parked on the street and the crest of the hill. They also relate to pedestrian safety on Washington Street, which has been the subject of well-documented concerns and complaints over pedestrian safety at least since the 1970s when a child was struck by a car and killed.
- The proposal relies on permeable pavers to reduce the amount of impervious surface on the Site. One cannot reasonably expect that the pavers would allow groundwater absorption when they are located directly above the locations of infiltration and pump stations. Further, the reliance on pumping and underground storage of runoff from the site is very concerning – where will the water stored underground go? Will the water be pumped into the storm sewer? What happens if the pumps fail?

We hope that you will consider our comments.

Sincerely,

*Liam Ryan*

Liam M. Ryan, Esq.

*Rachel Kantor*

Rachel M. Kantor, Psy.D.

cc: Newton Zoning Board of Appeals (by email: [bbelsanti@newtonma.gov](mailto:bbelsanti@newtonma.gov))  
Newton City Council (by email: [citycouncil@newtonma.gov](mailto:citycouncil@newtonma.gov))  
Mayor Ruthanne Fuller (by email: [rfuller@newtonma.gov](mailto:rfuller@newtonma.gov))  
Jessica Malcolm, Mass Housing (by email: [jmalcolm@masshousing.com](mailto:jmalcolm@masshousing.com))  
Katherine Miller, Mass Housing (by email: [kmiller@masshousing.com](mailto:kmiller@masshousing.com))  
Hunnewell Hill Google Group (by email: [hunnewell@googlegroups.com](mailto:hunnewell@googlegroups.com))



# Land Use Committee Report

## City of Newton

### In City Council

**Tuesday, November 9, 2021**

**Present:** Councilors Lipof (Chair), Kelley, Greenberg, Lucas, Markiewicz, Downs, Bowman, Laredo, Albright, Wright, Norton, Oliver, Gentile and Leary

**City Staff Present:** Senior Planner Katie Whewell, Senior Planner Michael Gleba, Chief Planner Neil Cronin, Assistant City Solicitor Jonah Temple

All Special Permit Plans, Plan Memoranda and Application Materials can be found at the following link <https://www.newtonma.gov/government/city-clerk/city-council/special-permits/-folder-1058>. Presentations for each project can be found at the end of this report.

**#33-21(3) Petition to amend Order #33-21 to allow Lab and Research facility at 275 Grove Street ALEXANDRIA REAL ESTATE EQUITIES, INC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL** to amend Special Permit Council Orders #40-97, #40-97(2) and #33-21 to amend the site plan, to allow a lab and research facility use and to allow height up to 96' and 8 stories at 275 Grove Street, Ward 4, Auburndale, on land known as Section 43 Block 29 Lot 24, containing approximately 487,578 sq. ft. of land in a district zoned BUSINESS USE 4. Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.5.9.A, 4.1.3, 4.1.2.B.3 of the City of Newton Rev Zoning Ord, 2017.

**Action:** Land Use Approved Subject to Second Call 8-0; Public Hearing Closed 11/09/2021

**Note:** Atty. Steve Buchbinder, with law offices at Schlesinger and Buchbinder, 1200 Walnut Street, represented the petitioner. Since the Committee last met on October 5, 2021, the petitioner has provided responses to questions and held a community meeting which was attended by the Ward 3 Councilors. Atty. Buchbinder noted that the petitioner has come to an agreement with members of the community. With respect to safety issues, the regulatory framework for laboratory facilities would ensure that operations are safe. The petitioner has however, agreed to limit the use of the facility to Biosafety Use 2 or less. If the petitioner plans to increase operations to Biosafety 3, they would be required to reach out to the members of the neighborhood. The petitioner has committed to ensuring that the rooftop mechanical equipment is compliant with the noise ordinance and will conduct testing during the first summer and annually for 3 years to confirm compliance. In response to concerns related to traffic, the petitioner will provide a private police detail at the Williams School if it is determined that the Life Sciences Use has created unsafe traffic conditions.

VHB Traffic Engineer Randy Hart noted that the AM drop-off for Williams School is from 8:10 – 8:30 am and peak hour on Grove Street is 7:45 – 8:30. The switch to Life Science has a benefit in traffic and it is

anticipated that there will be approximately 16 less trips during the peak hour. The afternoon peak hour is 4:45 – 5:45 pm. Williams School is active between 2:45 and 3:15 pm. Although this will shift the peak hour it is anticipated that the shift will generate an additional 6-8 trips.

With respect to meeting sustainable standards, Atty. Buchbinder noted that Alexandria is not changing the building envelope with the exception of adding some loading docks. He noted that building 3 is not a separate free-standing building and noted that the interior renovation represents 25% of the total gross floor area. Atty. Buchbinder explained that the reason that the sustainable building standards only apply to new construction is because it is difficult to work with existing structures and systems. He stated that the petitioner remains committed to studying the feasibility of installing a heat pump system.

Senior Planner Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation.

### **Public Comment**

Brita Lundberg, Green Newton Advisory Board, expressed concern about the burning of natural gas and boilers 24/7, emphasizing the importance of reducing reliance on the use of fossil fuels. Ms. Lundberg noted that the project as proposed will increase greenhouse gas issues and exacerbate health harms.

Peter Barrer, Green Newton Building Standards Committee, expressed opposition to the petition. Mr. Barrer noted that the design, as presently proposed, is a carbon disaster.

Demie Stathopolis, expressed concerns relative to the petition. She noted that the City is trying to require reporting and reduction of carbon emissions over time, particularly for buildings over 20,000 sq. ft. She noted that there is no reason to proceed with gas infrastructure when Newton's Climate Action Plan requires the reduction of carbon footprint by residents.

Michael Gevelber, 166 Melrose Street, worked on Boston University's Climate Action Plan and on the Energy Commission. He emphasized the need to reduce carbon and methane emissions as soon as possible and noted that it is much easier to make these changes when retrofitting the building as opposed to after the fact.

Jonathan Kantar, 672 Chestnut Street, Certified Passive House Building, DRC, Energy Commission, Green Newton Building Design Standards, noted that it would be a travesty to approve the petition without imposing conditions relative to sustainability. Mr. Kantar noted that there is a great opportunity to renovate with sustainable features.

Jay Walter, 83 Pembroke Street, reiterated the concerns raised by previous speakers. Mr. Walter noted that the petitioner should be asked to mitigate their carbon footprint. He stated that the technology is available and there is an array of mitigating strategies.

Dab Ruben, Chair of Green Newton and the Green Newton Building Standards Committee, noted that Green Newton and the Building Standards Committee are not opposed to the project, but believe the studies should be done before considering approval.

The petitioner, Dante Angelucci, assured members of the community that the proposed facility will not be using any more fossil fuels than are currently being used. He noted that Alexandria remains willing to evaluate the feasibility and incorporate the heat pumps, if possible. He noted that Alexandria is at the forefront of and committed to sustainability.

The Committee noted that the petitioner should consider the mitigation measures related to sustainability, but expressed appreciation for the petitioner's willingness to study feasibility of installing and using heat pump technology. Councilors questioned whether the draft conditions should be written to allow an increase in height if the petitioner is able to accommodate heat pumps. Mr. Angelucci noted that it could become difficult and infeasible to accommodate heat pump technology without an increase in the maximum height of the building. It was noted that the petitioner agreed to a maximum building height with members of the community and if additional height is needed, the petitioner can return for an amendment to the special permit.

Bruce McVittie, 11 Norumbega Court, noted that the neighbors are very concerned about Building 3 and whether it will set a precedent for whatever happens at Building 1. Mr. McVittie noted that they are still at an impasse, but that Alexandria will reach out prior to filing the special permit application for Building 1 and/or before major design decisions are made. He expressed support for use of a liaison committee to have a process for neighborhood input during and prior to the design period.

Councilor Markiewicz motioned to close the public hearing which carried 7-1 (Councilor Lucas Opposed). Councilor Markiewicz motioned to approve the petition, subject to second call. The Committee reviewed the draft findings and conditions as shown in the attached presentation. Atty. Temple confirmed that the draft condition with language relative to sustainability will be in the Friday Packet for the Council's review.

**#333-21      Petition to allow four single-family attached dwelling at 34 Prescott Street**

WHITEACRE PROPERTIES, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert the existing single-family dwelling unit and carriage house into two, two-unit single-family attached dwelling units, to reduce require side and rear setbacks, to allow a driveway within 10' of the side lot line and parking within 20' of a boundary, to waive two parking stalls and to allow reduced parking stall width and depth at 34 Prescott Street, Ward 2, Newtonville, on land known as Section 23 Block 12 Lot 04, containing approximately 19,432 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.2, 5.1.4, 5.1.13, 5.1.7.B.1, 5.1.7.B.2 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved Subject to Second Call 8-0; Public Hearing Closed 09/28/2021**

**City Council Recommitted on October 4, 2021**

**Action:      Land Use Approved 8-0; Public Hearing Closed 09/28/2021**

**Note:** Atty. Terry Morris, with law offices at 5-7 Elm Road represented the petitioners. The item was recommitted to the Committee at the Council meeting on October 18, 2021. The petitioner evaluated an alternative plan that was proposed by members of the neighborhood. As the alternative plan resulted in an increase in paved area and parking within 11' of the sidewalk, the petitioner chose to maintain the original proposed. The Committee expressed no concerns relative to maintaining the plan as originally proposed and voted 8-0 in favor of a motion to approve from Councilor Downs.

**#293-21**      **Petition to allow 28-unit dwelling at 967 Washington, 92&96 Walker Street**  
ROGERS & COMPANY INC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 28-unit three-story multi-family dwelling with underground parking, to waive 26 parking stalls and to alter and extend a non-conforming front setback at 967 Washington Street, 92 and 96 Walker Street, Ward 2, Newtonville, on land known as Section 21 Block 33 Lots 1-3, containing approximately 34,210 sq. ft. of land in a district zoned MULTI RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.6, 7.8.2.C.2, 5.1.4, 5.1.13 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Held 8-0; Public Hearing Continued**

**Note:** Atty. Terry Morris, with law offices at 5-7 Elm Road represented the petitioner. Atty. Morris presented updates to the petition. The revised petition focuses the entrances on Washington Street with the “main entrance” on Walker Street not intended to be used regularly. Revised plans for the project can be seen on the City’s website at <https://www.newtonma.gov/government/city-clerk/city-council/special-permits/-folder-2093>. Atty. Morris noted that HVAC units will be located on the roof and the proposed plans include parking for 30 vehicles where 56 are required. He stated that the site is within 1000’ of the Newtonville commuter rail and is located proximate to bus stops. Atty. Morris noted that the project does not qualify for Passive House. The City’s Energy Coach has confirmed that it is difficult to achieve Passive House in comparable sized developments.

### **Public Comment**

Members of the neighborhood spoke Residents in the neighborhood Mary Pullman, Sharon, Frank, Masha Senderovich, Kevin Randall, Anne Cedrone, Erin Kapoor and Maureen Saldarini spoke in opposition to the project, emphasizing concerns relative to the impact of added cars to traffic, on-street parking, additional impact on the school system and pedestrian activity. Residents noted that parking is currently limited in the neighborhood and expressed concerns relative to the size of the development.

Sean Roche, 42 Daniels Street, noted that there is a parking issue citywide. He suggested that allowing residents to use the on-street parking would force new residents to live car light.

Councilors noted that there is available parking on Washington Street and suggested that the project will be a positive benefit to the neighborhood. A Councilor noted that the project meets the goals of the Washington Street vision plan. With that, Councilor Lucas motioned to hold the item which carried 8-0.

**#71-20**      **Amended Petition to allow 2734-unit multi-family dwelling at 1114 Beacon Street**  
1114 BEACON STREET LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 34-unit multi-family dwelling greater than 20,000 sq. ft. of new gross floor area, a four-story structure up to 48’ in height, to allow ground floor residential use, to allow an FAR of up to 2.0, a waiver for parking in the side setback, a waiver of the minimum stall depth requirements, relief to allow 1.25 parking stalls per unit, and a waiver of the sustainable design standards at 1114 Beacon Street, Ward 6, Newton Highlands, on land known as Section 54 Block 22 Lot 04, containing approximately 51,745 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 7.8.2.C.2, 5.1.4.A, 5.1.13, 5.1.7.A, 5.1.8.B.2, 5.1.8.D.2, 5.4.2.B, 5.12 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Approved 8-0; Public Hearing Closed 11/09/2021**



**Note:** Atty. Franklin Schwarzer with law offices at Schlesinger and Buchbinder, 1200 Walnut Street, presented updates to the petition. A copy of his presentation can be found attached to the end of this report. Senior Planner Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and updated plans as shown on the attached presentation. The City's peer reviewer, Rodrigo Guerra provided an overview of the project details. A copy of his presentation can be found attached to the end of this report. Mr. Guerra confirmed that the petitioner's shadow study matches the shadow study conducted by the peer review team.

### **Public Comment**

Matt Bell, 1111 Beacon Street, expressed concern relative to the size of the proposed development. He noted that additional plantings could help to mitigate the impact of the development.

Barry Bergman, 18 Walter Street, expressed concern relative to the parking in the neighborhood.

Sean Roche, 42 Daniels Street, noted that the proposed development is close to both the Newton Highlands and Newton Centre MBTA stations as well as grocery stores. He noted that there is no on-street parking and therefore no risk of overflow parking on the street.

Phil Levoff, 61 Beaconwood Road, spoke on behalf of Gary Lesanto, noted that he is working with the petitioner to come to an agreement. Mr. Levoff stated that the petitioner is working to address drainage concerns.

John Tsay, 19A Carthay Circle, noted that any proposed development should be in scale with the neighborhood.

Hoony Yeun, 19B Carthay Circle, reiterated the concerns relative to the size of the proposed development and asked the petitioner to consider the planting of tall trees at the rear of the site to help shield the view for residents in the proposed development and on Carthay Circle.

Liz Bray, 20 Beaconwood Road, noted that the proposed building remains too large. She emphasized her support for the changes to the drainage plan.

Gary Lesanto, expressed appreciation for the ongoing efforts with the petitioner. He expressed concerns relative to the landscape plan and urged the petitioner to continue working on the landscaping.

Randall Block, 45 Lafayette Street, urged the Committee to consider the concerns raised by members of the public.

Atty. Schwarzer noted that the properties to the rear of the proposed development are up a hill. While the hillside has some mature trees and vegetation, the proposed landscape plan includes the planting of some arborvitae and deciduous trees. Councilors were supportive of the changes to the petition. A Committee member encouraged the petitioner to consider alternatives to arborvitae. It was noted that the cash payment of \$231,000 could have been allocated towards the creation of an additional affordable unit. Councilors noted that the proposed development is consistent with the City's transportation, climate

action and Comprehensive plan goals. Councilors noted that the City's Engineering Department will ensure that the O&M plan is sufficient.

Councilors noted that the City may relocate Inclusionary units within the development so that they are located in desirable locations. Councilor Bowman motioned to close the public hearing which carried 8-0. Councilor Bowman motioned to approve the petition. The Committee reviewed the draft findings and conditions and voted 8-0 in favor of approval.

**#119-20 Request to waive I&I fee for Special Permit #71-20 at 1114 Beacon Street**  
1114 BEACON STREET LLC. Request an abatement of the infiltration/inflow mitigation fee pursuant to the City of Newton Revised Ordinances, Chapter 29 Section 29-170.

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

**#304-21 Request to Rezone 11 Florence Street**  
SUNRISE DEVELOPMENT, INC petition to rezone 11 Florence Street, known as section 82 Block 04 Lot 49 from MULTI RESIDENCE 1 to BUSINESS USE 2.

**Action:** Land Use Held 8-0; Public Hearing Continued

**#305-21 Petition to construct elderly housing with services at 11 Florence and 318 Boylston St**  
SUNRISE DEVELOPMENT, INC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to elderly housing with services, to allow a development in excess of 20,000 sq. ft., to allow a four-story building, to allow a retaining wall greater than 4' in height within a setback, to allow free-standing signs, to allow parking in the front setback, to reduce the required parking stall length, to waiver perimeter screening requirements and to waive one foot candle lighting at 11 Florence Street, Ward 8, Newton Centre, on land known as Section 82 Block 04 Lots 47 and 49, containing approximately 82,945 sq. ft. of land in a district zoned BU2 (318 Boylston Street) and MR1 (11 Florence Street, to be rezoned to BU2). Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.2.10, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 5.4.2.B, 5.1.8.A.1, 5.1.13, 5.1.9, 5.1.8.B.2, 5.1.10.A.1, 5.13, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

**Action:** Land Use Held 8-0; Public Hearing Continued

**Note:** Atty. Steve Buchbinder, with law offices at Schlesinger and Buchbinder, 1200 Walnut Street, represented the petitioner. Atty. Buchbinder noted that the petitioner will withdraw the petition and refile in 2022. The Committee voted 8-0 in favor of holding items #304-21 and #305-21 pending submission of a request to withdraw the petitions.

**#383-21 Appointments to the Riverside Neighborhood Liaison Committee**  
PRESIDENT ALBRIGHT appointing Ward 4 Councilors Markiewicz and Krintzman as co-chairs of the Riverside Neighborhood Liaison Committee as established in Condition 46 of Special Permit #27-20 granted on October 19, 2021 to MD 399 Grove Owner, LLC, Ramirez Concord, LLC, BH Normandy Riverside LLC for a mixed-use development with residences, retail, office, lab and research facilities and accessory and non-accessory parking facilities, adjacent to the Riverside MBTA station at 355 and 399 Grove Street in Ward 4.

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

**Note:** The Committee expressed their support for the appointment of Councilors Krintzman and Markiewicz to the Riverside Neighborhood Liaison Committee. The Committee voted 8-0 in favor of approval.

**#312-20** **Petition to allow three-unit dwelling and extend lot area per unit at 350 Cabot St**  
PETER LEIS AND JENNIFER STORO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert one unit within the existing two-family dwelling into two units, creating a three-unit multi-family dwelling in the SR2 district, extending the nonconforming residential two family and extending the nonconforming lot coverage at 350 Cabot Street, Ward 2, Newtonville, on land known as Section 22 Block 19 Lot 05, containing approximately 12,594 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.4.1, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

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

**#217-21** **Petition to allow retail drive-in at 1021 Boylston Street**  
1021 BOYLSTON STREET, LLC c/o JONATHAN BERNSTEIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to alter a nonconforming retail use to allow a retail drive-in business, to allow parking in the side and front setbacks and within five feet of the street, to allow a reduced required aisle width, to waive perimeter screening requirements and to waive outdoor lighting requirements at 1021 Boylston Street, Ward 5, Newton Highlands, on land known as Section 51 Block 26 Lot 03, containing approximately 17,280 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 7.8.2.C.2, 6.4.11 of the City of Newton Rev Zoning Ord, 2017.

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

**#89-20** **Petition to allow waivers for a rear lot subdivision at 40 Williston Road**  
LAUREN AND DAVID BROOKS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a rear lot subdivision and construct a new single-family dwelling on the rear lot, requiring relief to exceed FAR on the front (from .40 to .42) and rear (from .24 to .30) lots, and to allow a retaining wall greater than four feet in the setback at 40 Williston Road, Ward 4, Auburndale, on land known as Section 43 Block 28 Lot 06, containing approximately 25,099 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.5, 3.1.10.A, 3.1.3, 3.1.9, 3.1.5, 3.1.10.C, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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

**#301-21** **Petition to allow 27-unit mixed use building at 304-306 Walnut Street**  
JH REAL ESTATE LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 27-unit mixed use development in excess of 20,000 sq. ft., to allow a building height of 60' and FAR of 2.50, to allow five stories, to waive the minimum lot area per unit requirement, to reduce the side setback requirement, to reduce the setback requirement for portions of the building greater than 40' in height, to allow 1.25 parking stalls per dwelling unit, to waive 37 parking stalls, to allow parking in the side setback, to allow parking within five feet of a building containing dwelling units, to waive the parking stall width requirement, to waive perimeter screening requirements and to waive lighting requirements at 304-306 Walnut Street, Ward 2, Newtonville, on land known as Section 22 Block 05 Lots 30 and 33, containing approximately 14,038 sq. ft. of land in a district zoned BU1 and MR1 (to be rezoned to MU4). Ref: Sec. 7.3.3, 7.4, 4.2.2.B.1, 4.2.2.A.2, 4.2.5.A.3, 4.2.2.B.3, 4.2.5.A.2,

4.2.3, 4.2.5.A.4.b, 4.2.5.A.4, 4.2.5.A.4.c, 5.1.4, 5.1.4.A, 5.1.13, 5.1.8.A.1, 5.1.8.A.2, 5.1.8.B.1, 5.1.9.A, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

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

**#300-21 Request to Rezone two parcels at 304-306 Walnut Street**

JH REAL ESTATE LLC petition for to rezone two parcels; 304 Walnut Street (Section 22 Block 05 Lot 33) from Business Use 1 and 306 Walnut Street (Section 22 Block 05 Lot 30) from Multi Residence 1 to Mixed Use 4.

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

**#427-20 Petition to allow a rear-lot subdivision at 41 Washington Street**

JOSEPH AND SHEILA KEEGAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a rear lot subdivision to create two lots, abandon the two-family use in the existing structure and construct a single-family on the rear 12,000 sq. ft. lot, extending the existing non-conforming side setback at 41 Washington Street, Ward 1, Newton, on land known as Section 71 Block 29 Lot 07, containing approximately 25,902 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3, 7.4, 3.1.5, 3.1.10, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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

**Note:** The Committee voted without discussion to withdraw without prejudice items #427-20 , #300-21, #301-21, #89-20, #217-21, and #312-20.

With that, the Committee adjourned at 10:45 pm.

**Respectfully Submitted,**

**Richard Lipof, Chair**

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO.

18. 3673 H

ALAN MAYER,  
*Plaintiff,*

v.

JOSEPH KEEGAN and  
SHEILA GLEESON,  
*Defendants.*

SUFFOLK SUPERIOR COURT  
CIVIL CLERK'S OFFICE  
2018 NOV 27 A 10:55  
RECEIVED / REGISTRAR

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Now comes Alan Mayer, plaintiff in the above-captioned action and hereby files this

Complaint and shows the Court as follows:

**FACTS COMMON TO ALL COUNTS**

1. The plaintiff, Alan Mayer, is an individual residing in Boston, Suffolk County, Massachusetts.
2. The defendant, Joseph Keegan, is an individual residing in Boston, Suffolk County, Massachusetts.
3. The defendant, Sheila Gleeson, is an individual residing in Boston, Suffolk County, Massachusetts.
4. On or about January 18, 2016, the defendants, Joseph Keegan and Sheila Gleeson, were the owners and in control of the premises ("Premises") located at 505 Washington Street in Boston, Suffolk County, Massachusetts.
5. At all relevant times, the defendants, Joseph Keegan and Sheila Gleeson, were responsible for maintaining a safe environment on the Premises.

6. On or about January 18, 2016, the plaintiff, Alan Mayer, was lawfully on the premises.
7. At all relevant times, the plaintiff, Alan Mayer, was in the exercise of due care.
8. On or about January 18, 2016, the defendants, Joseph Keegan and Sheila Gleeson, allowed an accumulation of snow and ice to remain on the Premises.
9. The defendants, Joseph Keegan and Sheila Gleeson, knew, or in the exercise of due care should have known, that there was an accumulation of snow and ice on the Premises that was creating an unreasonably dangerous and unsafe condition.

### COUNT I

#### **(Negligence –Joseph Keegan)**

10. The plaintiff, Alan Mayer, restates and incorporates by reference the allegations contained in paragraphs one (1) through ten (10) as if set forth here in their entirety.
11. The defendant, Joseph Keegan, negligently cleaned, maintained, inspected, and monitored the Premises, allowing an accumulation of snow and ice to remain on the Premises, thereby creating an unreasonably dangerous and unsafe condition.
12. As a direct and proximate result of the negligence of the defendant, Joseph Keegan, the plaintiff, Alan Mayer, was caused to slip and fall.
13. As a direct and proximate result of the negligence of the defendant, Joseph Keegan, the plaintiff, Alan Mayer, has suffered and will continue to suffer great pain of body and anguish of mind; his ability to work and perform his usual activities has been restricted; his health has been impaired; he has been required to spend sums of money for continued medical care and treatment; and his ability to enjoy a normal life has been adversely affected.

14. WHEREFORE, the plaintiff, Alan Mayer, requests that judgment be entered against the defendant, Joseph Keegan, plus interest, costs and reasonable attorney's fees.

**COUNT II**

**(Failure to Warn – Joseph Keegan)**

15. The plaintiff, Alan Mayer, restates, and incorporates by reference the allegations contained in paragraphs one (1) through ten (10) as if set forth here in their entirety.
16. The defendant, Joseph Keegan, negligently failed to provide adequate warnings to the plaintiff, Alan Mayer, that there was an accumulation of snow and ice on the Premises that was creating an unreasonably dangerous and unsafe condition.
17. As a direct and proximate result of the negligence of the defendant, Joseph Keegan, the plaintiff, Alan Mayer, was caused to slip and fall.
18. As a direct and proximate result of the negligence of the defendant, Joseph Keegan, the plaintiff, Alan Mayer, has suffered and will continue to suffer great pain of body and anguish of mind; his ability to work and perform his usual activities has been restricted; his health has been impaired; he has been required to spend sums of money for continued medical care and treatment; and his ability to enjoy a normal life has been adversely affected.
19. WHEREFORE, the plaintiff, Alan Mayer, requests that judgment be entered against the defendant, Joseph Keegan, plus interest, costs and reasonable attorney's fees.

**COUNT III**

**(Negligence –Sheila Gleeson)**

20. The plaintiff, Alan Mayer, restates and incorporates by reference the allegations contained in paragraphs one (1) through ten (10) as if set forth here in their entirety.

21. The defendant, Sheila Gleeson, negligently cleaned, maintained, inspected, and monitored the Premises, allowing an accumulation of snow and ice to remain on the Premises, thereby creating an unreasonably dangerous and unsafe condition.
22. As a direct and proximate result of the negligence of the defendant, Sheila Gleeson, the plaintiff, Alan Mayer, was caused to slip and fall.
23. As a direct and proximate result of the negligence of the defendant, Sheila Gleeson, the plaintiff, Alan Mayer, has suffered and will continue to suffer great pain of body and anguish of mind; his ability to work and perform his usual activities has been restricted; his health has been impaired; he has been required to spend sums of money for continued medical care and treatment; and his ability to enjoy a normal life has been adversely affected.
24. WHEREFORE, the plaintiff, Alan Mayer, requests that judgment be entered against the defendant, Sheila Gleeson, plus interest, costs and reasonable attorney's fees.

#### COUNT IV

##### **(Failure to Warn – Sheila Gleeson)**

25. The plaintiff, Alan Mayer, restates, and incorporates by reference the allegations contained in paragraphs one (1) through ten (10) as if set forth here in their entirety.
26. The defendant, Sheila Gleeson, negligently failed to provide adequate warnings to the plaintiff, Alan Mayer, that there was an accumulation of snow and ice on the Premises that was creating an unreasonably dangerous and unsafe condition.
27. As a direct and proximate result of the negligence of the defendant, Sheila Gleeson, the plaintiff, Alan Mayer, was caused to slip and fall.



28. As a direct and proximate result of the negligence of the defendant, Sheila Gleeson, the plaintiff, Alan Mayer, has suffered and will continue to suffer great pain of body and anguish of mind; his ability to work and perform his usual activities has been restricted; his health has been impaired; he has been required to spend sums of money for continued medical care and treatment; and his ability to enjoy a normal life has been adversely affected.
29. WHEREFORE, the plaintiff, Alan Mayer, requests that judgment be entered against the defendant, Sheila Gleeson, plus interest, costs and reasonable attorney's fees.

**PLAINTIFF HEREBY DEMANDS TRIAL BY JURY ON ALL COUNTS**

Respectfully submitted,  
Plaintiff, Alan Mayer,  
By his attorneys,



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Jeffrey S. Glassman, Esq. BBO#559112  
Michael M. D'Isola, Esq. BBO#548279  
Law Offices of Jeffrey S. Glassman, LLC  
One International Place, Suite 1810  
Boston, MA 02110  
(617) 367-2900  
jeff@jeffreysglassman.com  
mdisola@jeffreysglassman.com

Dated: Nov. 21, 2018

**From:** Diane Sakakini-Rao <sakrao@yahoo.com>  
**Sent:** Thursday, December 1, 2022 11:59 AM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington Street: I am opposed to this ill-conceived project.

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

Dear Ms. Belsanti,

I appreciate the opportunity to comment on this proposed development project. My husband and I have lived at 111 Grasmere Street for 31 years, and raised our 3 children in the Newton Public Schools. We feel very committed to our neighborhood and to Newton in general. I grew up in Newtonville.

While I understand the need for more affordable housing and generally support the 40B projects proposed in Newton City centers, this project is ill conceived and has serious safety, traffic and environmental dangers. I am not sure where to begin as there are multiple issues and potentially very negative affects that this project will present to our pocket of Hunnewell Hill as well as to all of Newton Corner. When I read the proposal, I assumed it was a joke - how could 16 families live in about 1/2 acre of land, with all of the additional services required for this many families (trash and recycling, parking, traffic, etc.)?

**SAFETY/TRAFFIC:**

Washington Street is already heavily trafficked with folks driving to the Mass Pike. This poses danger to anyone walking or biking on Washington Street between Elmhurst and Hibbard Roads. While there are now two crosswalks (often ignored by motorists) our neighborhood has had one fatality on Washington Street (John Hopper). Neighbors have been talking with the City on traffic calming and pedestrian safety measures for decades. Another student was struck crossing Washington and broke his elbow (Justin Simko). Only the fast thinking of a crossing guard prevented a more serious accident. The proposed project will add at least 30-plus cars a day to the already busy route. A project of this scope would certainly require additional investments in safety such as a traffic light to help pedestrians safely cross the street.

**ENVIRONMENTAL:**

Many abutters have raised serious water issues that would be caused by the scope of this project. There are documented engineering findings of underground streams in this particular plot of land. In fact, there is currently a water issue with a constant flow running down Grasmere Street today, potentially caused by the changes already made to the 41 Washington Street property. As homeowners, we have personally experienced a flooded basement at 19 Merton Street on numerous occasions after particularly heavy rains or rapid snow melts. A large project with underground parking would only exacerbate this problem.

Finally, we believe the proposed project is wildly out of scale with the lot and neighborhood. It is difficult to imagine 16 families living on barely a 1/2 acre of land in this small pocket of Newton. There are no buildings in our neighborhood today that are anything like the dormitory of units being suggested. How could this possibly move forward?

Thank you again for the opportunity to comment.

Kind regards,  
Diane Sakakini-Rao  
111 Grasmere Street

Cherylann Salvucci  
12 Merton Street  
Newton Corner MA 02458 Ward 1

November 29, 2022

Dear Sir or Madam, [bbelsanti@newtonma.gov](mailto:bbelsanti@newtonma.gov) , [msgreenberg@newtonma.gov](mailto:msgreenberg@newtonma.gov)

I am writing to you regarding the Application for Chapter 40B Project Eligibility/ Site Approval for 41 Washington Street Newton Corner.

I am an abutter on the rear property line, paying property taxes since 1986, on 12 Merton Street.

My priority issues with the application for the 40b application are in the following areas:

	Tabular Zoning Analysis	
	Required	Proposed
Rear Setback	15 feet	5 feet
Height	36	51 feet
Stories	2.5	5
Lot area /unit.	10,000	1,619

Regarding the rear setback, I am opposed to allowing the applicant Tusnua LLC/Joseph Gleeson to change the setback from the allowed 15 feet down to only 5 feet. 5 feet is too close to my property line, and being on the south side will create long shadows on my property.

Also, I see in the Tabular Zoning Analysis, that the allowed height is 36 feet, yet the applicant is requesting the 40b permit to provide a 51 feet height allowance also increasing the shadows on my south facing property, as well as I would see very tall townhouses up against the property line.

In addition, the Lot area/unit allowance is 10,000, s.f./unit, and the application requests 1619 s.f./unit, which is not even within 20% of the allowance.

Lastly, the proposed 5 stories (over the required 2.5 stories) is way beyond anything in the neighborhood. As I watch the city committees discuss the village centers, I mostly hear discussion under 5 stories, even for the village centers; why would 5 stories be allowed in a residential zone.

So I summarize items in the proposal and architectural plans show the townhouses and duplexes along my property line, with all of the above issues, rear setback at only 5 feet, tall structures at 51 feet, and the density of 6 units too close to my property, and 5 story townhouses too tall.

Then, there are my secondary concerns:

Trees,  
Trash.

#### Trees

The proposed Architectural Site Plan appears inaccurate showing trees on my property near the rear property line; there are no trees on my property near that rear property line. A correction should be made to the proposed plan.

The 41 Wash lot has many trees, my estimate at least 40 trees. The plans show that most trees will be cut down and removed, reducing green space, natural shade, and to hinder climate change by reducing carbon dioxide from the air.

#### Trash

I did not see any trash plan in the proposal. Will there be 32 bins (16 trash, 16 recycle) stored on the property during the week? On trash day, will all 32 bins even fit on the front curb, between the 2 driveways. The frontage is 106 feet, subtract 2 twenty foot driveways, leaving 66 feet for 32 trash bins. Or, is a dumpster in the plan.

Thank you for hearing my concerns,

Cherylann Salvucci  
12 Merton Street  
Newton MA 02458  
chsalvucci@aol.com

**From:** R S <r.sarathy@gmail.com>

**Sent:** Friday, December 2, 2022 3:37 PM

**To:** Brenda Belsanti <bbelsanti@newtonma.gov>

**Subject:** My concerns about the proposed development at 41 Washington Street

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

<[bbelsanti@newtonma.gov](mailto:bbelsanti@newtonma.gov)>

Dear Ms. Belsanti,

I am a homeowner and resident at at 57 Hunnewell Avenue, and I am writing to express my dismay and strong opposition to the proposed development for 41 Washington Street. The project is overly dense for its location, and brings a host of problems which will degrade the community and neighborhood, and make life difficult for all its residents. Among its many problems, the project would exacerbate traffic intensity and be potentially dangerous for the numerous children who live here and walk to neighboring schools at Bigelow Junior High and Underwood Elementary school. It would also create parking and garbage collection problems, and increase congestion, as street parking during legal hours on Washington St would narrow the busy street used by commuters driving towards the Mass Pike.

**1. Traffic Intensity and Safety.** There will be 16 units built on the property, with the developer estimating 22 cars to be used by the 16 units. This is an under-estimate as there are more likely to be 2 cars per unit, suggesting around 32 cars for the entire property. All the additional cars will exacerbate an already dangerous condition for children walking to school at Underwood and Bigelow. The neighborhood is restricted to only 2-hour parking on weekdays, and no overnight parking from November to April. The obvious question this raises - where can these cars be parked legally?

Our neighborhood has been attempting for many years to slow down traffic on Washington Street as people race from Oak Square to get to the Pike. The "slow down" signs routinely get knocked over by speeding cars. Adding between 22 and 32 or more cars to the area will lead to more traffic congestion, especially during the morning and evening commuting hours, making the streets even more dangerous for children walking to school.

**2. Garbage pickup.** The mostly single-family houses in the neighborhood place two trash barrels by the curb for pickup each week - - one for garbage and one for recycling. The proposed 16-unit development would have perhaps 32 trash barrels set out at the curb each week. There is not enough room to place them all at the front of the property on Washington Street in a manner that can be picked up by the automated garbage truck systems.

**There have been problems with rats in the neighborhood from people not properly storing their garbage bins. Adding 32 trash barrels for one development will only increase the likelihood of more rodents in the neighborhood, and if they're left out in the open, they can attract vermin and other pests.**

**3. Are the zoning variances justifiable? Developers try to get around restrictive zoning ordinances by seeking variances under the banner of creating more affordable housing. This project has minimal offerings for lower-income residents, while offering much larger numbers of at market rate housing units.**

**This project could not go forward without significant exemptions from zoning requirements. The project violates setbacks - proposing 3.7' to 5.4' for both of the rear buildings compared to current code limits of 7.5' side yard and 15' rear yard; height limits - 3,4 and 5 stories, whereas current code is 2.5 stories; and Floor Area ratio the project is at 1.04 compared to the code required 0.36 Floor Area Ratio.**

**Creating more affordable housing is a laudable goal, but should not come at the expense of deteriorating the quality of life in a neighborhood of families and children. Given the myriad problems with this project, it should not qualify for zoning variances. This project is part of the pattern repeated throughout Newton, where quiet residential streets and single family homes are destroyed and replaced with ill-conceived multiple story buildings unsuited to the historic character of the neighborhood and community, and the quality of details of the surrounding historic houses.**

**We strongly urge you and the other members of the zoning board to vote "NO" on this project.**

**Sincerely,**

**Ravi Sarathy,  
57 Hunnewell Avenue,  
Newton MA 02458**

From: Tom Schmeisser <tomwine@comcast.net>  
Sent: Monday, November 28, 2022 7:57 PM  
To: Brenda Belsanti <bbelsanti@newtonma.gov>  
Subject: 41 Washington

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

Dear Ms. Belsanti,

I must agree with many others and oppose this inappropriate attempt to alter our neighborhood community with this absurd development proposal.

Tom Schmeisser  
34 Simpson St  
Newton,MA

**From:** Patty Schofield <pschofield17@gmail.com>  
**Sent:** Tuesday, November 29, 2022 11:40 AM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** Re: Proposed project at 41 Washington St.

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

Thank you, Brenda. I am grateful for the opportunity to be heard . It is my impression that many people don't realize how under pressure this neighborhood is from increasing urbanization. We are in a unique location bordered as we are by the Turnpike which leaves no room to expand in that direction, Oak Square in Brighton and the increasingly more developed Tremont St. All over the Commonwealth there is an explosion of construction. The big picture extends beyond Newton, as the City of Boston has ready access to Washington and Tremont Sts. both heavy "feeder" streets to the Pike. We need the most thoughtful choices in developing any remaining spaces, in an area which IMO is already maxed out. I can imagine the Newton Corner area one day being completely swallowed up by urbanization.

From my house I can see the old Presentation High School parking lot, which is slated for development. The Archdiocese of Boston has a history in this neighborhood of selling to developers who have little regard for the current residents. Newton Corner always seems to be under assault. Enough.

Please feel free to forward these comments to the Assistant Director of Planning in addition to my previous email.

Thank you for fielding all these emails. We appreciate your patience and hard work.

Patty Schofield  
17 Washington St.  
Newton



**From:** Patty Schofield <pschofield17@gmail.com>  
**Sent:** Monday, November 28, 2022 1:30 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** Proposed project at 41 Washington St.

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

Dear Ms. Belsanti,

I am writing to register my strong opposition to the development of 41 Washington St. as it is currently proposed.

I live at 17 Washington St, separated from #41 by the entrance to Elmhurst Rd. and one house. When I first learned of the project I thought I had misheard the address. Upon realizing the address was correct I was incredulous. The neighborhood just isn't able to absorb the impact of a development of this scale and density on such a small lot.

The Hunnewell Hill area is **ALREADY** overburdened with traffic and dense development. I sit at my breakfast table every morning during the commute accompanied by the sound (and emissions) of cars inching along, engines running, waiting for the traffic light to allow entry to the Mass. Pike. Often in frustration, these cars peel off down the side streets of Elmhurst, Grasmere and Copley and then turn left and race down Hunnewell Ave. trying to make an end run around the stalled traffic. At other times of day when traffic can move freely, trucks and cars travel Washington St at excessive speeds. Exiting my driveway is either thwarted by the commuters held hostage by the traffic lights, a waiting game until the red light at Oak Square temporarily halts the flow, or having to back out and immediately nail it so as not to be rear ended by cars cresting the hill from the Oak Square direction. Pick your poison.

The city has **ALREADY** had to pepper the side streets with no parking signs in order to prevent commuters from turning the neighborhood into their personal "Park and Ride " lot, enabling them to catch a bus downtown. The city has also had to install traffic calming measures on Washington, in an attempt to improve safety. This is a neighborhood where the children **WALK** to the Underwood and Bigelow Schools. Their safety is **ALREADY** of concern without adding the cars of this many residents and service vehicles into the mix. I become beside myself with anger thinking it will take a tragedy to get our Newton Corner neighborhood concerns to be taken seriously.

Adding the density of the proposed project to the already existing mess would cause unacceptable traffic and safety issues. The building phase alone would be a nightmare and the traffic and safety issues caused and/or added to will burden the city for years to come, requiring measures to ameliorate problems that a modicum of common sense could have prevented in the first place.

Please, just say **NO** to this poorly conceived proposal.

Thank you for your attention,  
Patty Schofield  
17 Washington St. Newton

-----Original Message-----

From: Erica Schwartz <h.meade@comcast.net>  
Sent: Saturday, November 19, 2022 9:26 AM  
To: Brenda Belsanti <bbelsanti@newtonma.gov>  
Subject: 41 Washington St

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

Dear Ms Belsanti:

My husband and I are concerned about the following issues regarding the aforementioned project:  
Traffic, safety and size of project.

We have lived in this neighborhood for 40+ years. Washington St is already heavily used which makes it difficult to walk and also enter & exit from our neighboring side streets.

Thank you for your time and attention to this issue.

Sincerely,  
Erica Schwartz & Harry Meade  
62 Grasmere St

**From:** Eric Secemsky <ericsecemsky@gmail.com>  
**Sent:** Monday, November 21, 2022 10:15 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** Proposed development at 41 Washington St.

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

Dear Brenda-

My wife and I would like to express our strongest opposition to the propose development at 41 Washington street. My wife and I have lived in Hunnewell Hill at 79 Grasmere street for 5 years now. We have three young kids who enjoy biking down our quiet neighborhood streets and independently playing at their friends house. This proposed development would change the markup of our special neighborhood. It would introduce noise, traffic and possibly safety concerns. This is not an urban center - it's a beautiful suburb that must be preserved. As physicians service the Boston community, we moved from the city for our family and to a raise our children in a diverse supportive community. Please let us know what else we can do to keep this proposal from proceeding.

Eric and Neelam Secemsky  
79 Grasmere Street

Eric A. Secemsky, MD, MSc, RPVI, FACC, FAHA, FSCAI, FSVM  
Director | Vascular Intervention | Beth Israel Deaconess Medical Center  
Section Head | Interventional Cardiology and Vascular Research | Richard A. and Susan F. Smith  
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Assistant: Kevil Patel

[\(kpatel22@bidmc.harvard.edu\)](mailto:kpatel22@bidmc.harvard.edu)

Website: <http://www.bidmc.org/smithcenter>

**From:** mlshaughnessy@gmail.com <mlshaughnessy@gmail.com>  
**Sent:** Saturday, November 19, 2022 7:54 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington St.

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

Dear Brenda,

I am a longtime Newton resident on Elmhurst Rd. and live 2 lots away from the proposed development at 41 Washington St.

Over the past 35 years, we have seen reasonably expected changes, notably the increase in traffic congestion. However, the proposed building project at 41 Washington St. is beyond reasonable or appropriate development for the area.

It was stunning to read about the extent of proposed development for that site. As I'm sure you know, many residents in this neighborhood adamantly opposed a much smaller development just a few years ago.

We appreciate every consideration for preserving our much loved community with reasonable development rather than overbuilding that will cause serious congestion, safety issues, and daily stress for neighboring residents. This is a wonderful, tightly-knit neighborhood, and we hope to preserve it.

Thank you.  
Marilou Shaughnessy  
58 Elmhurst Rd.  
Newton, MA 02458  
617-694-2740

**From:** M Shockley <shockleym@gmail.com>  
**Sent:** Friday, December 2, 2022 4:48 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Cc:** Chris Chen <chencs@bu.edu>  
**Subject:** Opposition to Proposed 41 Washington Street Development

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

Dear Ms. Belsanti:

My husband and I live at 49 Elmhurst Road, and we are writing to express our strong opposition to the proposed development for 41 Washington Street. The proposed development plan is incredibly ambitious for the size of the parcel of land. In its current form, the 41 Washington Street proposal does not adequately address basic service needs for potential residents in the new development complex nor does it mitigate the impact to the current resident abutters (and overall neighborhood) who will be negatively impacted with this subpar urban planning, if approved.

We would like to call your attention to four particular shortcomings of the proposed development complex:

- 1) **Safety.** Although a fire lane is proposed, it does not seem that a single fire lane leading into a complex of 16 units (3 multi-story buildings with 2-9 units each) would be sufficient to guarantee rapid and full access by first responders in the event of an emergency. Furthermore, with the current proposed variances in setbacks, surrounding resident homes would be very close to the new multi-story units which is a safety issue for managing fire spread to surrounding homes. Will a new fire hydrant be installed to service this complex?
- 2) **Health.** Improper garbage management has the potential to introduce disease. We do not understand how 16 units (across 3 multi-story buildings) with the potential for 4 or more residents in each unit would be adequately serviced by the typical 1 garbage bin/1 recycling bin per household. At a minimum, this means 32 bins to be placed on the street each week for pick up, but more importantly, 32 garbage/recycling bins to be stored somewhere on the property each week. Most residents currently either store the bins in their garage or in a designated area outside. Would these 32 bins be scattered across the property or worse yet stored together in a central location? In either case, there is a significant amount of trash to be managed. A commercial property of this size would have a private service. This large amount of trash coming from one "property" clearly is a health hazard for all residents in and around the neighborhood as there is the potential for an influx of rodents, raccoons and other wildlife (we have coyotes too) onto the property and subsequently throughout the neighborhood. Furthermore, we have a concern for our neighbors (any anyone downwind) who will have to live with the smell of this large amount of trash/recycling each week if not stored and managed in a safe and proper manner.
- 3) **Environment.** Where is the green space and what about the water? The Hunnewell Hill neighborhood of Newton is situated to no surprise on a hill. Water runoff from Washington Street down the side streets, e.g., Elmhurst and Grasmere, is common. There is the potential

**for a significant water management problem to ensue within the neighborhood and especially at abutting properties based on the design of the 41 Washington Street complex. The proposed development complex with its courtyard, driveways, above and below ground parking and 3 separate buildings has very little, if any, green space. If ground is removed for the underground parking and there is no significant greenery (large lawn, mature trees, etc..) for natural water management, where will the water go? There must be an environmental impact review of this project with a water mitigation and management plan securely in place for the entire Hunnewell Hill neighborhood, not just sump pumps in the underground garage on the 41 Washington Street property.**

- 4) Equity. Let's be honest. The developer is using the 40-B process to get around the zoning requirements in Newton. There is no evidence that this proposal will provide an affordable and equitable fair housing opportunity for our community. This proposal takes a parcel of land and builds the maximum amount of housing structure without properly planning for acceptable and comfortable living conditions for any new residents of the development complex. The plan seems to be all building, pavement, driveway, and underground garage. Why can't residents in affordable housing be offered the opportunity to live in a space with a backyard and trees? Why do we always need to create "project-housing" and call it townhomes or 2-bedroom apartments sandwiched into a much too small space? The safety, health and environmental issues raised above negatively impact newcomers to 41 Washington Street just as much as the proposed project would impact the surrounding neighborhood.**

**Let's find a way to build responsibly and provide a path to affordable housing for new neighbors that in parallel offers a comfortable living situation for both current and new residents. Please vote NO on the 41 Washington Street proposal. We and this developer can do better!**

**Sincerely,**

**Melinda S. Shockley and Chris Chen  
49 Elmhurst Road**

**From:** Diane Sinski <dsinski@gmail.com>  
**Sent:** Wednesday, November 30, 2022 5:38 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Cc:** Martin <mjgreenwald@alum.mit.edu>  
**Subject:** 41 Washington Street Proposal

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

Dear Ms. Belsanti,

We are long-time residents of 44 Hunnewell Avenue and, along with our many neighbors, strongly oppose the proposed development at 41 Washington Street. This project poses many problems that will have an impact on the environment and safety of our neighborhood.

**Parking:** The developer has significantly undercounted the number of cars that will need to be (and realistically will be) brought onto the property, stating 22 cars for 16 units. Most one-family houses have 2 cars (sometimes more when the kids get their licenses). Two-bedroom units most probably means at least 2 adults with children per unit. So, we're starting with 2 cars per unit (32), and probably more when the children reach driving age. Where will all these cars be parked? Our neighborhood has only 2-hour parking on weekdays and also no overnight parking from November to April.

Right now there are about 7-8 cars parked on the property on any given day, whether or not that is in compliance with the current zoning ordinances. It is likely that residents who need another car will simply skirt the zoning issues and hope no one notices. Does the City of Newton have the resources and a plan to police whether the ordinances are followed?

**Traffic, Safety and Emergency Vehicle Access:** Washington Street is very busy, especially during commuting hours, affording direct access to the Mass Pike into and out of Boston. All the additional cars will exacerbate an already dangerous condition for children walking to school at Underwood and Bigelow. Our neighborhood has been trying for years to get traffic-calming measures added to Washington Street as people race from Oak Square to get to the Pike. The "slow down" signs routinely get knocked over by speeding cars. Adding 22 cars (again, more likely 32 cars) to the area will create more traffic, especially during the morning hours, making the streets even more dangerous for children walking to school.

**Garbage Pickup:** Most one-family houses in the neighborhood place two trash barrels by the curb for pickup each week - - one for garbage and one for recycling. Therefore, the proposed 16-unit development would have, at a minimum, 32 trash barrels needing to be placed at the curb each week. Where will these trash barrels be placed on garbage pickup day? It is clear that there will not be enough

room to place them all at the front of the property on Washington Street in a manner that can be picked up by the automated garbage truck systems.

And, equally as important, where will they be placed during non-pickup days? If they're left out in the open they can attract vermin and other pests. I note that we have had problems with rats in the neighborhood from people not properly storing their garbage bins. Adding 32 barrels for one lot of land will only increase the likelihood of more rodents in the neighborhood.

**Environmental Concerns:** Where exactly does the underground water run? We have two sump pumps in our basement, which run continuously during heavy rains. Has there been an environmental/hydrologic impact study done of the proposed building site, especially in light of the adding an underground parking garage? How will that impact the soil stability and water drainage of nearby houses?

**Owner Occupancy vs. Long-term/Short-term Rental:** Will these units be required to be owner-occupied, or will passive investors be able to buy them and turn them into rental properties or AirBnB's? A two-bedroom apartment could easily be rented to 4 or even 6 college students. In addition to the additional garbage, comings, goings and noise, this will mean yet more cars.

Zoning variances should be granted rarely, and then only for well-thought-out projects that show the need and include remediation to address problems caused by the development. In our view, this project does neither. We believe that it will create a myriad of problems for the neighborhood that will have to live with while the developer reaps the benefits at our expense. We strongly oppose this project and urge members of the Zoning Board to reject the proposal.

Diane Sinski and Martin Greenwald



-----Original Message-----

From: Regina Sullivan <reginasullivan4@gmail.com>

Sent: Saturday, November 19, 2022 9:57 AM

To: Brenda Belsanti <bbelsanti@newtonma.gov>

Subject: Housing Zoning

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

Hi Brenda,

Please note strong opposition to the overdevelopment that is ruining the quality of life in Newton. The proposed development at 41 Washington Street will add to the already burdensome traffic congestion for residents in this area. Enough is enough.....and we are long past enough. Stop selling out the appeal of a small city near the big city for the added taxes or whatever other alleged benefit projects like this try to trumpet . With the pike entrance in Newton Corner this is a hotspot that is sizzling. Please, no more!!!

Regina Sullivan

Newton Corner Resident

**From:** Anne Watson Swager <atswager@comcast.net>  
**Sent:** Wednesday, November 30, 2022 3:04 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington St

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

**To Brenda Belsanti, Zoning Board Appeals Clerk for the City of Newton**

**and**

**Jennifer Caira, Deputy Director of Planning for the City of Newton**

**Regarding the 41 Washington St Development:**

**My husband and I live at 18 Copley St, and we are writing to strongly oppose the proposed development at 41 Washington Street in Newton Corner. We completely support the need to increased housing in Newton, including affordable housing, but this project is too flawed and ill conceived.**

**The main problems start with a 16 unit-development being crammed into a odd-shaped lot that has a single-driveway access to the very busy Washington St. Add to that the following issues:**

- parking for 16 units (space for 32 cars?!)**
- trash pickup for 16 units (32 trash and recycling bins?!)**
- already dangerous speeding traffic on Washington St, often with school-aged children in the neighborhood making their way to Underwood and Bigelow Schools**
- the type of ownership/rental leases that will be allowed**

**The downsides of this project completely outweigh the benefits.**

**Thank you for the opportunity to voice our concerns.**

**Anne and Tim Swager  
18 Copley St  
Newton, MA 02458**

**From:** julia@juliatalcott.com <julia@juliatalcott.com>  
**Sent:** Monday, November 28, 2022 7:02 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Cc:** James Meigs <JMEIGS@mgh.harvard.edu>  
**Subject:** 41 Washington street

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

Dear Ms. Belsanti

I write to strongly oppose the planned development of 41 Washington St.

I do actually support good development that provides affordable housing. A good project is one that engages the surrounding community early in the design phase so its values are known and so potential impacts can be identified. This was not done in this case: the project was sprung upon the neighborhood late in the initial process.

Dialogue is essential here due to the project's negative impacts on the environment (there is an urban wild and an old wetland on the site), public health, and safety due to density concerns. The cars that will be needed for that many units will create parking congestion on Washington street (proven in the past to be dangerous) and the surrounding streets. It should be noted that although the location has public transportation accessible a quarter mile away there are no grocery stores or basic amenities in walking distance, Having cars cars is necessary if one lives here. The density of the garbage and volume of pedestrian traffic going to and from schools would need to be addressed as well as the impact on the schools themselves. With all of these concerns this project falls far short of being a successfully situated housing development.

On our own property at 80 Elmhurst adjacent to the proposed development we carefully created a Leeds building in 2008 and went through many inspections and and amendments to make sure that our small home was well situated with good drainage and in proportion and in character with the neighborhood.

If this proposal continues to advance we would look forward to seeing the 3-D model of the entire block (either digitally or an actual model) to show the relationships with existing homes. The quality of the buildings, building heights, setbacks, density, amount of paving, drainage, removal of trees, ability of cars to exit the site safely, wetlands protections) are all major issues on this site.

Thank-you for supporting this important dialogue,  
Julia Talcott 74/80 Elmhurst Road

**From:** Julianne Townsend <julianne.townsend@gmail.com>  
**Sent:** Friday, December 2, 2022 12:44 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** RE: 41 Washington Street -Concerned Resident Letter to Newton Planning Board

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

Dear Ms. Belsanti,

I am extremely alarmed to learn about the proposed massive condominium project at 41 Washington Street, and am writing to express my utmost concerns about this outrageous proposal.

I live at 40 Washington Street, directly across the street from 41 Washington Street. For the past 48 years, we have had three generations of our family live here and, although there have been quite a few changes to the roads, sidewalks, added bike lanes, and reduction of street parking, this pales by comparison to the proposal that a 16-unit massive housing development with 22 parking spaces could be shoehorned onto a .6 acre site in a residential and well-established neighborhood.

I have reviewed the applicant's 120-page proposal. I outline a partial list of my concerns below. These are not in an order of least to greatest or vice-versa.

1) I am disturbed that Tusnua will be removing a forest of mature trees that provide a sound barrier to the Mass Pike and privacy for neighbors. I am certain that many of the trees are irreplaceable and this needs careful attention from the city's arborists. Once those trees are removed, it changes the entire landscape and appearance of that lot. I see you have a small budget of \$50K for landscaping which will barely cover a 1/2 dozen small trees planted.

2) I cannot believe that 22 parking spaces located on the site will be enough, and therefore residents of the townhouses will also be parking on the street where we already have very limited parking for guests and families like mine that have 2 or 3 cars with only space for 1 in their driveway.

3) In addition, based on the site plan of parking spaces on site, I am certain that when these residents come and go to work around the same time every day that there will literally be a traffic jam inside this mini-city townhouse as these tenants are attempting to leave and get onto Washington Street! I need to wait for several minutes to back out for the morning commute to avoid speeding cars and pedestrians; I am horrified to think about the traffic jam, frustrations, and safety issues that will be created inside your mini-city while people attempt to come and go.

4) I see you are attempting to keep the height of the townhouses to blend with the current mansion, but with all the mature trees removed it is going to be COMPLETELY OUT OF CHARACTER with the surrounding houses and neighborhood. It will be a giant eye sore of new and characterless townhouses.

5) Washington Street has sidewalks because kids and people walk them regularly. There is a huge, popular fenced-in playground and dog park directly behind 41 Washington and I am EXTREMELY CONCERNED ABOUT PEDESTRIAN AND ANIMAL SAFETY as a steady stream of cars come and go from ONE DRIVEWAY EXIT both in daylight and darkness. This reinforces the fact that this 16-unit proposal

cannot be retrofitted into this established neighborhood and .6 acre lot. Washington Street is already facing many safety and automobile traffic challenges because it is a busy, cut through roadway. Please don't make it worse by allowing this project to move ahead.

6) We cannot forget that building something of this massive scale is going to require a multi-year process. I am extremely distressed to imagine the amount of noise, dirt, dust, huge trucks and chainsaws removing an entire forest of trees, building 3 new structures, and all the workers parking on the street. I see a long list of companies involved and would like Newton to ask how many people and trucks on a given day will be there on site?

In summary, this is the wrong location to attempt to build a mini-city of townhouses. I implore the City of Newton to reject this proposal in its entirety.

Sincerely,

Julianne Townsend, William Townsend IV, William Townsend V  
40 Washington Street, Newton (48 year residents)

**From:** LINDA H TRACY <lindahtracy@verizon.net>  
**Sent:** Wednesday, November 30, 2022 4:10 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington St. Proposed Housing Development

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

Dear Ms. Belsanti:

I live at 169 Washington St., located a few blocks west of #41 at the corner of St. James Circle. My home is a block from the traffic light at intersection of St. James Terrace, leading to Soldiers Field Road, the Center Street Bridge with the westbound entrance to the Mass Pike, and that leads to Watertown Square along Galen Street. Directly to the right of the traffic lights is the entrance to eastbound Mass Pike.

The traffic along Washington St. passing in front of my living room has increased in the 25 years I have lived here, in spite of the traffic calming measures installed recently. There is noise, air pollution, dirt and danger from the sheer number of cars and large trucks racing to make the green light at the intersection. I look out at the corner where children cross on foot going to school at Underwood and Bigelow. When I cared for granddaughter a few years ago, I worried for our safety crossing at Hibbard Road on our way to Farlow Park and the playgrounds there. The proposed development at #41 would add to this nightmare of traffic for all residents in this area.

I walk along Grasmere regularly and fear falling on the ice that is forming there by runoff from the landlocked section behind #41.

This area is a mix of single and two family homes along Washington St., Hibbard Rd. and St. James Terrace, providing a mix of housing for Newton residents. Some are rentals and some are condominiums. I live in a 16-unit building built in 1912 that was converted to condominiums in 1997, when I moved in. All are well-spaced with adequate off-street parking.

Property values of the abutters, as well as those along Washington St. will be affected by approving the proposed development of the #41 Washington St. site. Homeowners in the area have invested substantially in the improvement and maintenance their properties over the years to Newton's benefit.

Please show respect for the residents in the neighborhood by denying approval of this development.

Sincerely,  
Linda H Tracy

**Hi Brenda**

**Im sending this in hope that this project will stop. Our beautiful family neighborhood, is composed of mostly single family homes.**

**The proposed development at 41 Washington St. would put 16 units (possibly at least 32 cars and at least 70 occupants) in the space for 2 homes!!!**

**This would destroy our wonderful family neighborhood and disrupt the peaceful nature of our pleasant neighborhood.**

**Thank you**

**Angela**

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

Dear Brenda,

I live at 115 Grasmere St., Newton, with my husband and two young children. We live across the street from the abutters to 41 Washington Street. I am writing in to voice our **STRONG OPPOSITION** to the project. I know and support all of my neighbors' concerns. I wish I had the time to write a more thorough and thoughtful note - but I unfortunately do not. I am thankful for my neighbors who do have the time who and who have so thoughtfully voiced such strong and valid concerns. The proposal for this 16-unit building(s) is poorly planned and thought out; this current proposal is clearly being made to go around their prior failed attempt to get a special permit to build a residence on the rear lot. The issue of the land's slope and underground water were a prior issue and would be an even greater issue for this new proposal. I am sure others have provided better evidence of this issue, but please find attached a historical map that was shared during the last discussion of this issue (when the original special permit for a rear dwelling was denied. The attached historical maps show the areas of Newton requiring drainage with two additional pics highlighting the proposed site of the 16-unit dwelling and the underground parking.

Thank you for your time,

Leif-Ann Tuohey

115 Grasmere St.

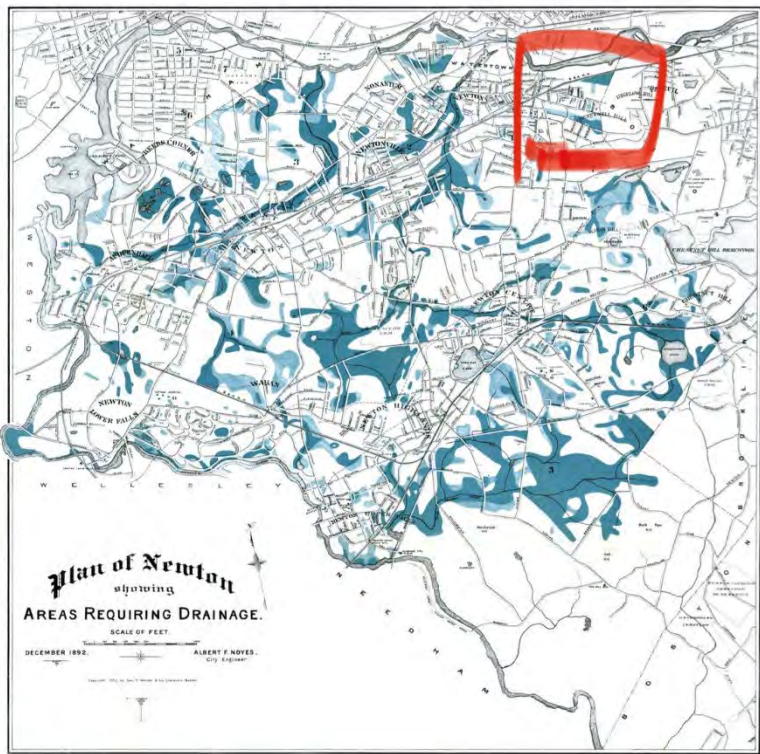
Newton, MA 02458



Newton 1892  
AreasRequiringDraina







**From:** Jodi Lamae-Vito <jlvito19@gmail.com>  
**Sent:** Friday, December 2, 2022 2:36 AM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** Opposition to 41 Washington Street 40b Project

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

Dear Ms. Belsanti,

We are the owners of 128 Grasmere Street which abuts the property of 41 Washington Street's lot and are vehemently opposed to the 40b construction project. As you're most likely aware, a proposal to build a home on this site was rejected by city counselors due to the high water table at this site negatively impacting homes in the neighborhood. We requested the builder hire a hydrology engineer to dig a few trenches to confirm the presence of three underground water springs. I've attached a video showing water filling trench at three feet. We doubt if the contractors have informed Mass Housing of these underground water streams, as they included an underground garage in their plans. The builders/owners of 41 Washington Street have since rented the property to a large group of people. The builders/owners constructed a parking lot for the large group of tenants. There have been approximately 7-10 cars parked on this new parking area. The tenants have had multiple late night/early morning parties leaving trash and broken glass around the property. It is plainly obvious that the owner/builder is using 40b as a workaround of the recent rejection and are trying to make as much money as possible at the expense of the neighborhood. We believe the proposal to build this development in such a small area is absolutely absurd. Below is a list of (obvious) reasons why the project should not be built.

1. **Safety A-** The new development would bring in 32 plus additional vehicles. There is already a large housing development being constructed approximately 500 feet away on Washington Street in Brighton. Washington Street is already a high traffic area with commuters rushing back and forth to work traveling at high speeds. Children in the neighborhood walk to Underwood Elementary School and Bigelow Middle School. The children have difficulty crossing Washington Street due to the speeding traffic - even with a pedestrian crossing. Many of the cars in the development will likely park on Washington Street, making visibility difficult for residents of the Hunnewell Hill Area to enter and exit onto Washington Street safely and also create visibility issues for drivers to see children crossing at the pedestrian walkway. There were two children killed by cars and one paralyzed after being hit by cars in the 1970s. This new development will only add to the risk of our children being hit on Washington Street. Having 32 cars coming out of one driveway on to Washington Street is ludicrous and is an extreme hazard to pedestrians walking by on the side walk. Also, the lot is far too small for a fire truck to access the property.
2. **Safety B-** Hunnewell Hill residents had the city conduct a traffic study a few years ago to replace the 35 MPH sign with a 25 MPH sign which is posted on Washington Street at the border when Brighton turns into Newton. We were informed by the city of Newton that the MPH could not be changed as its governed by Mass.Dot. We are noting this here, to point out that it will a safety concern to these 40b residents entering onto Washington Street from their driveway.

3. **Environmental** - The 41 Washington Street lot sits on a very high water table. There are three underground streams behind the home on 41 Washington Street. Almost every resident in this area has experienced water issues, flooding and use at least two sump pumps. The construction of the development would undoubtedly bring water damage to multiple historic homes in the neighborhood (this has already happened when the previous owners of our house built an addition which caused a new water problem to the next door neighbors house). A water stream (from ground water) runs down Grasmere Street after a heavy rain storm. After the owners/builders constructed the new parking lot, the stream is now constantly running down Grasmere Street, all day/every day. The City of Newton's Water department inspected the stream yesterday 12/1 and confirmed that it's not MWRA drinking water as no chlorine was present in the sample. This proves how sensitive underground water can be when digging and construction impacts the natural flow. This is a green space home to many species of birds. Hunnewell Hill residents are situated between the MassPike and Washington Street which have thousands of cars that travel on both roads every day. Removing the large trees in this lot will increase CO2 emissions and increase air pollution. The new development would also cause an increase in pollution to the Charles River Basin.
4. **Proximity to Grocery Store / convenient store amenities**- There is no grocery or convenient store that 40b tenants can walk too. While they may be able to walk to Walgreens to fill a prescription, it's a dangerous walk as they would have to cross over busy Washington Street and over the MassPike bridge.
5. **Outdated Rotary in Newton Corner** - Adding 32 plus vehicles from the proposed housing units at 41 Washington Street plus the 150+ cars from the Brighton Development will make the "circle of death" even more dangerous for all residents.

Thank you,  
Kevin and Jodi Vito  
128 Grasmere Street

**From:** William Walker <walkersystems@yahoo.com>  
**Sent:** Thursday, December 1, 2022 10:19 AM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Cc:** Mara Walker <walkermara@yahoo.com>  
**Subject:** 41 Washington Project - objections to it

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

Hello

I am writing to express my utter shock at the prospect of this project being proposed for 41 Washington Street in Newton. I live at 56-58 Washington Street, diagonally across from 41 Washington Street. I've lived here since 1988. Over the years, I have seen the traffic progress to where it is a constant heavy flow and makes it difficult to get out of our driveway. This is compounded in the winter, as when the snow plows clear the street, they inevitably narrow the street as they don't plow to the curb. Traffic then is at a standstill going as far up as the town line in the mornings as folks wait at Newton Corner to either get on the Mass Pike, continue to Watertown or continue on Washington Street. With an entrance to the Mass Pike, our street has become a magnet for cars to travel to get to them. With the traffic from the proposed 41 Washington Street project and also immediately across the border line at the top of the street the proposed 710 Washington Street in Brighton complex it will be seriously compounded. We have dozens of kids who cross our streets to walk to school or catch the local school bus to the high school. There is one crosswalk a block from me and another much further down the street with a crossing guard. The high school kids cannot use the crossing guard to get the bus realistically and they don't. How safe will this be for them? The 41 Washington Street project has proposed 20 ft driveways, an underground garage with 22 cars and 7-8 parking spots up top. That doesn't include guests that visit or stay with them. Where are those cars to park? We have already lost parking on this street,( I have none in front of my house), and it is 2 hour parking on top of that. We have elder neighbors who have a hard time getting out of their driveways as it is, now. I'm elderly- I have a hard time getting out most days. Saturdays are the worst. In the fall the sun is in your eyes when driving into Brighton. We had a chicane put in front of our house recently to slow traffic,(it has not), and with the sun in peoples eyes and the exit from 41 Washington Street right on the downward side of the hill, which most cars speed up on, we will see more accidents. Last winter during an ice storm myself and some neighbors had to go out and throw salt onto the street in the early morning , as folks were sliding on black ice into each other. I've had three cars in my front yard in the past 20 years. I've also had to call 911 for a young lady who spun out on the street in front of my house during a snow storm. This project is going to make this all worse. I have grandkids who stay with me most of the week. They will be unable to play in the front yard for fear of traffic.

How will firetrucks be able to get in and out of this project? Is this a consideration? Will it be safe for our firefighters, the neighbors whose houses this project borders? Since all reasonable zoning ordinances seem to be out the window, I fear this will add a level of danger to the neighborhood than exists now.

**We have a water issue showing up on Grassmere Street which seems to have appeared after the landlord of 41 Washington Street had construction done in the back of his property to build a parking lot. There are as many as seven to eight cars back there right now. My understanding is there are many underground streams below the land back there, how will that be managed where it doesn't become a problem for all of us as it has now? What if there is ledge? Will they use dynamite to remove it? Is that going to be safe for our houses?**

**How is the size of this project not a consideration? So much mass in a tight area isn't regulated for a 40B project? Are there no limitations on size? No consideration on the safety and environmental negatives to the existing neighborhood? Where will trash go? Are we going to have to deal with dumpsters and their pickup? Potential rodent infestation from the trash this project will generate? This landlord has already applied to build a single family house in the back of the current house and been denied by the city. Is 40B being used to circumvent all zoning ordinances and neighborhood concern for the sake of making a quick buck?**

**Lastly- I've been told by the city that the 40B regulations expect and ignore neighbor complaints. Our years of hard work to buy a home, keep it within city standards, pay taxes, go without health insurance for my family for nearly 20 years,(I couldn't afford it), all is for nothing, so a developer can find a loophole and build something completely out of character to the neighborhood, so he can make alot of money while hiding behind a get out of all zoning regulations card for four affordable houses in the project. The city is already at 9.8% of 40B housing and soon to be at 10%. Certainly that speaks to the commitment of citizens of Newton to make it affordable to live here.**

**Please-Please- don't approve this project!**

**William & Mara Walker  
56 Washington Street  
Newton MA 02458  
617-244-0123**

**STATEMENT in OPPOSITION to BUILDING ON THE REAR LOT OF 41 WASHINGTON STREET**

TO WHOM IT MAY CONCERN:

As early as December 1892 the Newton City Engineer, Albert F. Noyes, identified the lot on which 41 Washington Street had been built and the block bordered by Washington St., Grasmere St., Hunnewell Ave. (the western border before Merton Street was built), and Elmhurst Rd. as an “area requiring drainage.”



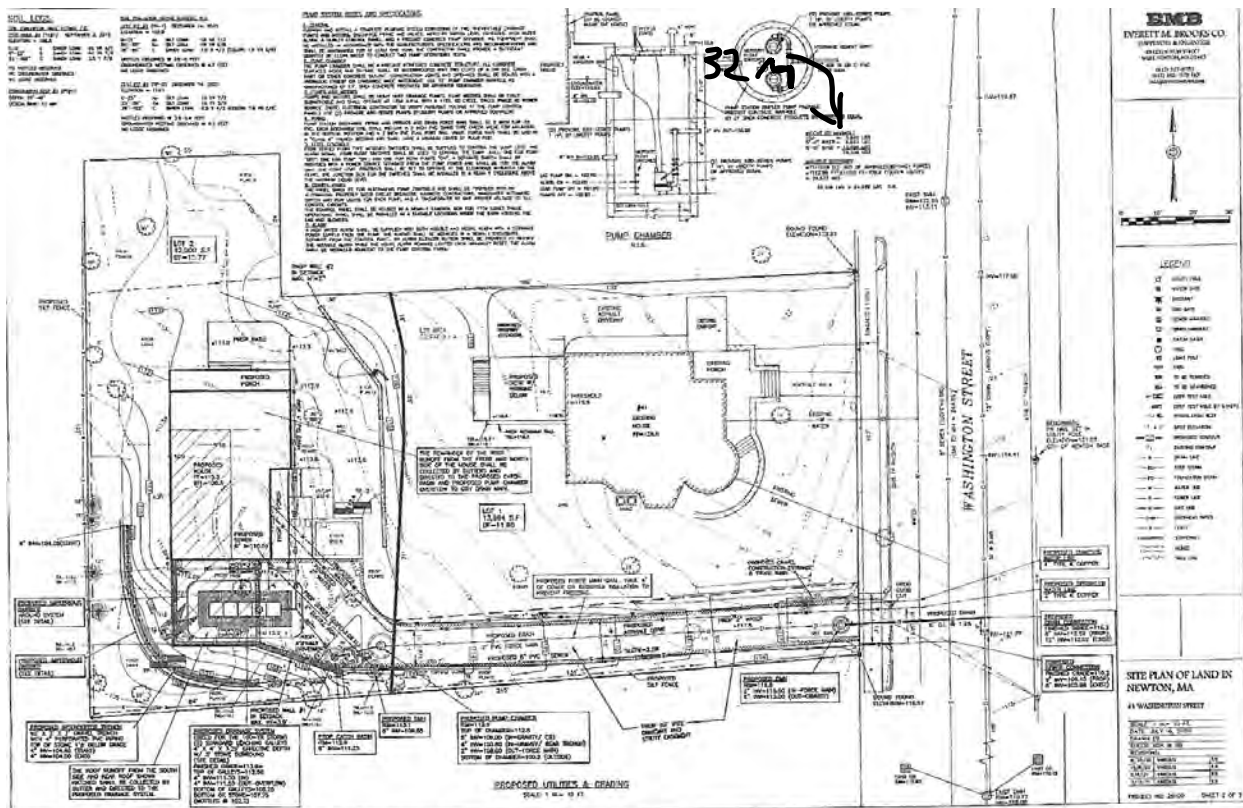
Not long ago a permit was sought for a single family house to be built on the rear lot of 41 Washington St. The neighborhood objected to the proposal because of the displacement of underground water into lots that are downhill from 41

**STATEMENT in OPPOSITION to BUILDING ON THE REAR LOT OF 41 WASHINGTON STREET**

Washington Street. The builder was made aware of the drainage problem and proposed an elaborate arrangement that purported to “solve” the problem<sup>1</sup>. The builder’s proposal included underground storage tanks to capture excess water, pumps and piping to pump the excess water upward to Washington Street. Neighbors on Grasmere St. and Merton St. are particularly vulnerable to any disturbance in the water table and flow, which is why most houses require French drains and sump pumps to manage underground water flow.

According to a topographic map of Newton, the Washington St. east corner of the lot is approximately 5 meters higher than the Merton Street side. Perhaps it was because of that that the prior single family proposal had no viable way to avoid

<sup>1</sup> The proposal for a single family house apparently tried to solve the water problem by relying on storage tanks, underground pumping system, and discharge into the City’s storm drains. No one other than the builder’s team expressed the view that the complicated water displacement “solution” would somehow avoid (i) displacing underground water to basements or other structures (including garages) in the neighborhood or (ii) adding to the water in the City’s storm drainage system in contravention of the prohibition on dumping underground water into the public storm drainage system. Here is the former proposal:



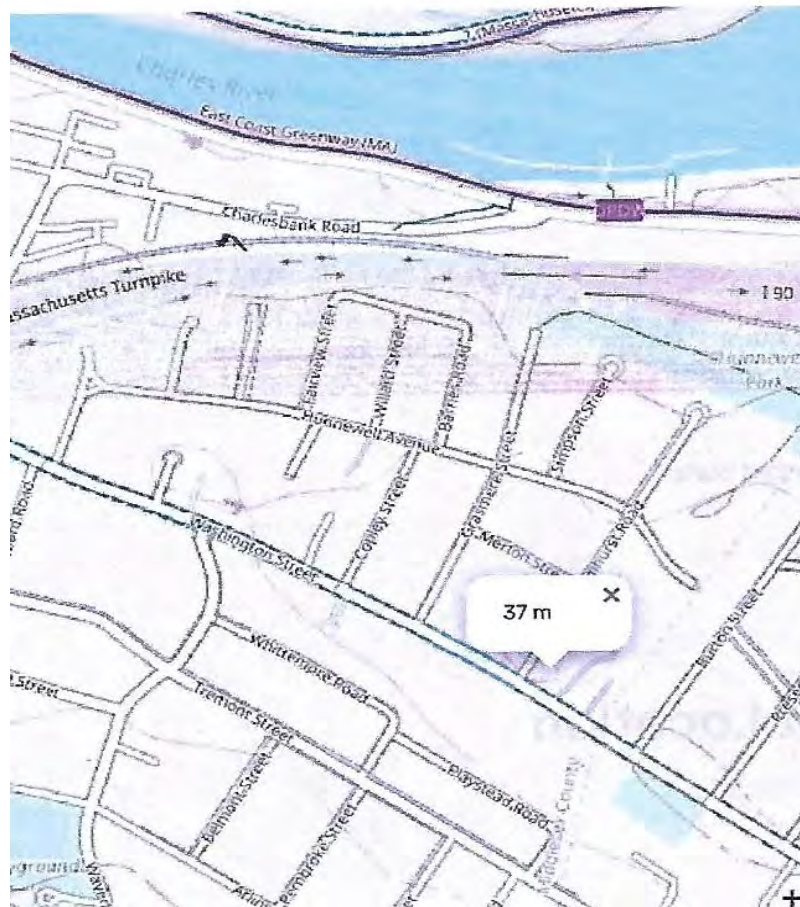
The explanation that accompanied the drawing was unconvincing to the neighbors most affected by the water.



**STATEMENT in OPPOSITION to BUILDING ON THE REAR LOT OF 41 WASHINGTON STREET**

displacing underground water except to pump upward to the Washington Street storm drain. Since the City forbids underground water disposal via the public storm drainage system, the single family project posed impossible problem of water displacement.

The back lot of 41 Washington Street also has been known the presence of what may be a vernal pool. Ducks were attracted to a wet area in the rear part of the property.



an

for

Since at least December 1892, when Newton City Engineer, Albert F. Noyes, identified the block on which 41 Washington sits as an “area requiring drainage” the underground flow of water has been a continual challenge. To pretend that the addition of more structures, and an underground garage!, will not affect the houses downhill from 41 Washington with water displacement and diversion is naïve at best. Unless a developer is prepared to rebuild the ground from Washington Street to Hunnewell Avenue, this proposal can’t avoid displacing significant streams of water and, on that basis alone, is unworkable.

There also are many other reasons for preserving 41 Washington as a house of historical interest (so designated when it was included in the inventory of Massachusetts Cultural Resources as a result of its nomination by the Newton Historical Commission in 1977). Built in or around 1890, the residence was

**STATEMENT in OPPOSITION to BUILDING ON THE REAR LOT OF 41 WASHINGTON STREET**

deemed notable because of its “fieldstone first story, its corner tower, and its porte-cochere.”

The lot contains trees of significant height that provide a cooling canopy from the sun for birds, small animals, and people.

I have much more to add to the discussion; but since I only learned of the proposal very recently (no doubt an “oversight” on the part of the developer), this is all I have time to include today.

Thank you for permitting me to share some of my concerns.

Maria C. Walsh  
119 Grasmere Street  
Newton, MA  
Mwalsh1@rcn.com

**From:** Barbara Breasted Whitesides <bawhitesides65@gmail.com>  
**Sent:** Friday, December 2, 2022 5:06 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington St.

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

**Re: proposed project at 41 Washington St, in Newton Corner**

Dear Ms. Belsanti,

I and my wife, Barbara, have lived at 124 Grasmere Street for 48 years. We have been very happy here, at least until we learned of the new proposal to build a very large project on Washington Street. We indirectly about the property line at 41 Washington Street (That is, we share a short stretch of property line). We are, however, downhill from this property in terms of water flow from the springs on it. We also share in the care of our granddaughters (2 years, and almost 10 months).

I am writing to say that we are unambiguously against the proposed development. As far as we know, our neighbors are also against it. It provides a route to some profit for the developer, but substantial disadvantages to the neighbors.

1. **Environmental.** The peculiarities of the drainage and spring systems in this part of Newton Corner are well known. The proposed project would direct substantial quantities of water to us, and the basement of our house. Chronic basement flooding has always been a concern for homeowners on this block — including ourselves. The underground parking lot is a particular problem, since it would direct both subsurface water and near-surface water (collected by the surfaced roads around the proposed project, and then send into that parking lot) toward the East end of our house. This part of our basement could become a swamp from leakage through the foundation.

Another detriment to the neighborhood is simply the density of traffic. The neighborhood is now reasonably quiet, and increasing the density of the neighborhood (vehicles and people) with no compensating advantages, clearly is to the advantage of the developers, but not to the inhabitants.

2. **Cars** (we guess approximately 30/day) entering and leaving the garage of this new facility would also introduce tailpipe emissions and noise pollution to a relatively quiet and unspoiled part of Newton corner. I believe hidden in the fine print of the proposed application will be found that the development will include 46(!) bedrooms — at full capacity — this will entirely overcrowd parking and trash collection capabilities.
3. **Safety.** The neighborhood includes a number of young children who will have to make their way (on foot) to school. The combination of new cars from the proposed project, plus additional traffic from the development (of unknown character, at least to me) of the area surrounding the former Presentation Church, will significantly increase the density of cars traversing Washington street during morning and evening rush-hours. The periods of high-density and high-speed traffic will encourage traffic to find the most direct route from Oak Square and other points South and Southeast of Newton Corner to and from the turnpike. The neighborhood absolutely does *not* need to become more hazardous to small children walking to school, by increasing the density of high-speed traffic on Hunnewell Street and the side streets connecting it to Washington Street. There has already been one fatality on Washington street involving a child. We most emphatically do not need another. Increased traffic through the center of Newton Center also represents a hazard to its older population, who often walk on the streets in the morning and evening. One has

only to listen to the engine sound of cars and motorcycles going up and down the hill between the proposed project and Oak Square in the evening to realize that efforts to control the speed of traffic in this area have had limited success.

4. Overall. We and other families living in the Grasmere and Honeywell regions of Newton Corner can understand the developers eagerness to be allowed to develop this residential region to higher density and higher-speed levels. If you examine the history of the developers' previous projects, it seems clear that they are not concerned with expanding affordable housing in Greater Boston, but only in their own profit. We can see substantial threats to the character of the neighborhood as a quiet, residential region. We do not wish to be a part of an approval that degrades our own living, while benefitting developers who live elsewhere, and seem to have no concerns in the welfare of the current inhabitants.

We realize that this problem is a knotty one, and we apologize if our opinions make the task of resolving the divergent interests of developers and current residents more difficult. Our opinion is that rejection of this development project is the best course for Newton Corner, and Hunnewell Hill.

With best regards,

Drs. George and Barbara Whitesides

**From:** Rosalind H Williams <rhwill@mit.edu>  
**Sent:** Wednesday, November 30, 2022 7:51 AM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington Street development proposal

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

**Dear Brenda Belsanti:**

**I am writing to urge the zoning board to vote against the 41 Washington Street proposed development. I am a nearby resident who has lived at 83 Grasmere Street since 1976.**

**My husband and I first saw 83 Grasmere Street in the winter of that year, when we were expecting our first child and were house-hunting in Newton. The house was handsome but needed a lot of maintenance. This was true of the neighborhood in general. As we walked around, we wondered if the area would continue to be one of family homes or if they would be subdivided into short-term rentals. My husband and I hesitated to make an offer. “It’s at a tipping point, he said. “The neighborhood will either upgrade or downgrade. It’s a gamble.”**

**We gambled on the side of optimism. It was the right call—but the 41 Washington Street proposal makes me anxious about the future. It feels like it could be another tipping point, only in the wrong direction.**

**Here are some of the issues with the proposed development that would make it a force for decline:**

**The density of housing, with limited access for motor vehicles, threatens public safety for the whole block. This is especially worrisome when it comes to fire safety.**

**After my husband and I had our offer for 83 Grasmere accepted, but before we moved in, the garage burned down. It was detached so the fire did not spread to the house – but containment depended on fire trucks having ready access to the garage. How would a similar blaze be contained in a row of townhouses? There is a fire lane shown in the proposal, but it is not clear that it would be adequate for such a crowded property. Has the Newton Fire Department been consulted about the plans for 41 Washington?**

**Also, has the Newton Trash and Recycling Department been consulted about this proposal? How would trash pickup be handled? Where would bins go?**

**Has there been a geohydrological study of the proposed building sites? If there is evidence of substantial water flow, this could interfere with the stability of new structures there, especially when underground parking is proposed. The recent clearing of part of the site has been followed by the appearance of leaking water on Grasmere Street. This is more than a nuisance: it is a hazard to people and vehicles when it freezes. The source of the**

leakage needs to be examined, given the possibility that it is due to the disturbance of soil at 41 Washington.

With or without underground parking, the number of parking places for the development is, to put it kindly, unrealistic.

The impact on traffic is a core concern for the whole area. Hunnewell Hill survives as a community of human beings who dwell between two streams of vehicles: the Mass Pike on one side, and Washington Street on the other. Washington Street is carrying more and more vehicles as development proceeds on the Boston/Oak Square end of the street and, at the other end, commercial construction around Watertown Square. Managing Washington Street traffic is—tragically, and quite literally--a life and death matter for the neighborhood.

The legal framework of the development is unclear. Are the terms of ownership going to be limited to people who live here and care about the above issues, or will they allow passive investment that typically leads to income from people who don't care about those issues?

When my husband and I bet on the neighborhood in 1976, we believed that the people and institutions of Newton want to improve the city for everyone more than they want to allow a few people to squeeze income out of it. A “No” vote on this proposal will reaffirm that conviction.

Rosalind Williams  
83 Grasmere Street  
[rhwill@mit.edu](mailto:rhwill@mit.edu)

**From:** Jingbo Ye <jingbo.ye@hotmail.com>  
**Sent:** Sunday, December 4, 2022 3:03 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Subject:** 41 Washington Street 40b opposition

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

Hi Ms Belsanti,

**We are Jingbo Ye and Fang Han, the owners of 47 Washington St. Our property is next to the 40b Project construction site. We have a strong opposition to the project. We have been experiencing water issue ever since they started the project. We question the qualification and integrity of the builders of the project.**

**In the past several months we have been in the process of getting a permit for converting a 289 sqft area of grass into paved driveway. Such as small increased impermeable area could potentially increase the water runoff to the Washington St, so we have been carefully following the guidance of the city inspectors and zoning consultants (Alan Gilford, Russell Arpino) when conducting the project, and we are not going to pave anything until we finish the soil test and get the approval from them.**

**We are telling you the story to show that, although we don't have the knowledge about every technical detail of the 40b project, we are going through the construction process, and we know how much the city clerks and the neighborhood care about our living environment. We respect the construction codes, but we strongly feel the that is not the case for the builder of the 40b project. There is no way they should be allowed to continue the project when the water issue they are causing is potentially tens or hundreds of times worse than a 289 sqft driveway could cause. We feel some issues have been covered by them, and we strongly urge you to carry out an investigation and ask them to run the necessary testing before continuing any work.**

**The other neighbors have expressed many other more serious safety and environmental concerns of the project, and we are with them. In this email we are only asking for one thing: Even if eventually we could not stop them from the project, could you please make sure everything they do complies with the code and the requirements and with no cheating.**

**Thank you for listening to our opinions.**

**Best,  
Jingbo Ye, Fang Han**

**From:** Quan Lu <quanlu001@gmail.com>  
**Sent:** Thursday, December 1, 2022 10:05 PM  
**To:** Brenda Belsanti <bbelsanti@newtonma.gov>  
**Cc:** jing yuan <yuanjinglu@yahoo.com>  
**Subject:** objection to proposed 41 Washington st development

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

Dear Ms. Belsanti,

**We write to express my strongest objection to the proposed development at 41 Washington Street. We have been living with our two children at 36 Washington St (right across the street from the proposed project site) for the past 15 years. In our opinion, the proposed project that will convert the current two-family house into 16-unit condos/townhouses is CRAZY and does not merit serious consideration by the city of Newton. There are so many problems with the proposed development: 1) it will fundamentally alter the character of the immediate neighborhood, which mostly consists of single and double-family houses; 2) it will create a significant street parking problem as tenants in the 16 condo units will likely have up to 32 cars; 3) it will exacerbate the already bad traffic and safety issues along the Washington St leading to the Mass pike entrance; and 4) it will create a garbage pickup problem and along with it potential health and safety hazards. We thus strongly urge you and the zoning board to reject this proposed development outright.**

**Sincerely yours,  
Jing Yuan and Quan Lu  
36 Washington Street**



**From:** [laura.dd@att.net](mailto:laura.dd@att.net) <[laura.dd@att.net](mailto:laura.dd@att.net)>  
**Sent:** Wednesday, December 7, 2022 8:56 PM  
**To:** Brenda Belsanti <[bbelsanti@newtonma.gov](mailto:bbelsanti@newtonma.gov)>  
**Cc:** 'Scott Whitehouse' <[scott\\_whitehouse@att.net](mailto:scott_whitehouse@att.net)>  
**Subject:** 41 Washington Street

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

Dear Ms. Belsanti,

My husband and two children and I have lived at 26 Barnes Road in the Hunnewell Hill neighborhood for 22 years. I know you have heard from many of our neighbors about the proposed development at 41 Washington Street and we concur with the many issues of concern that have been raised. These include:

1. Increased traffic and safety issues with so many additional vehicles needing to enter and exit Washington Street. This is an area with many children needing to cross Washington Street to access the public school bus pick up on Waverly Street.
2. Parking – there have not been enough parking slots allotted for the number of people proposed to reside in the development and the proposed underground parking could lead to structural problems with surrounding properties.
3. Garbage - It's difficult to imagine how many bins would be required and where they all would be placed on garbage day for so many units and it would be dangerous in a residential area to have commercial trash pickup vehicles moving on/off and through the property.
4. Fire Safety – the proposed long, narrow driveway could present an issue for fire trucks to access the back area in case of emergency.
5. Water issue – there is currently a problem with water running down Grasmere Street which seems to have started when a parking lot was built at the back of 41 Washington. The water freezes up on cold days creating a hazard to drivers and pedestrians.

For these and many other reasons, including the integrity of a very family-oriented neighborhood, we oppose this proposed development.

Thank you,

Laura DeDominicis  
Scott Whitehouse  
26 Barnes Road