



# CITY OF NEWTON, MASSACHUSETTS

City Hall

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Ruthanne Fuller  
Mayor

## ZONING BOARD OF APPEALS

Brenda Belsanti, Zoning Board Clerk

### MEETING MINUTES

**Wednesday, September 13, 2023.**

**7:00 p.m.**

**Hybrid – in person and via ZOOM**

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

**Staff Present:** Brenda Belsanti, ZBA Clerk; Jonah Temple, City Solicitor; Barney Heath, Director of Planning; Katie Whewell, Chief Planner; and Michael Gleba, Senior Planner

**A public hearing of the Newton Zoning Board of Appeals was held as a hybrid meeting in person and virtually via Zoom on Wednesday, September 13, 2023, at 7:00 p.m. on the following petitions:**

- #07-23** Leonard and Lisa Wolin of 409 Crafts Street, Newton, requesting a variance from Sections 3.1.3 and 3.4.3.A.1 of the Newton Zoning Ordinance to reduce the front setback requirement to 5 feet to construct a detached garage. The subject property is located at 409 Crafts Street within a Single-Residence 3 (SR-3) zoning district and consists of a 10,215 square foot lot.
- #09-22** Northland 160 Charlemont, LLC, requesting a Comprehensive Permit, pursuant to M.G.L. Chapter 40B, to construct a nine-story mixed-use development with 410 residential units and approximately 10,689 square feet of ground floor commercial space on 6.98 acres of land located at 160 Charlemont Street and 56 Christina Street in the Mixed Use 1 Zoning District. The proposal includes 103 affordable units and 486 parking stalls.
- #08-23** 41 TusNua LLC, requesting a Comprehensive Permit, pursuant to M.G.L. Chapter 40B, to construct a 16-unit residential development on a 25,902 square foot lot located at 41 Washington Street within a Single-Residence 3 (SR-3) zoning district. The proposed development would consist of reconfiguring the existing dwelling and constructing an addition. The proposal includes 4 affordable units.



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**Agenda Item 1: #07-23** Leonard and Lisa Wolin of 409 Crafts Street, Newton.

Sitting Members: Michael Rossi (Chair), Brooke Lipsitt, Elizabeth Sweet, William McLaughlin, Stuart Snyder and Denise Chicoine (alternate-ZOOM).

**Documents Submitted:**

1. Variance Application dated July 19, 2023.

**Testimony:**

Attorney Terry Morris, 57 Elm Street, Newton, presented a PowerPoint detailing the property, driveway, proposed garage plan, area map, and the plans for the street closure of Albermarle Road.

Mr. Len and Lisa Wollin, 409 Crafts Street, Newton, presented a PowerPoint detailing the history of the property, City of Newton Traffic Council hearings, and proposed closures.

**Public Comments:**

There were no public comments.

Chair Rossi asked for questions and comments from the Board.

Mr. Stuart asked for clarification on the timetable of the City of Newton Traffic Council meetings, traffic trials, and decisions and upon purchase of the property a trial closure was being conducted.

Attorney Morris stated the timetable and expressed that there are trials all over the City and many do not become permanent and prevent local access.

Ms. Lipsitt stated that instead of a variance the residents could speak to their City Councilors and Traffic Council and have the street changed from closed to open to residents only which seems like a simpler solution.



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Attorney Morris stated that the clients felt it would be a win-win for them and the City to build the garage on the Crafts Street side and enable them to permanently close the portion of Albermarle for bike and pedestrian traffic only. There is no indication that the City will allow local traffic for this one home.

Mr. McLaughlin asked if putting the garage on Albermarle Road would have needed a variance.

Attorney Morris stated that the resident would have been able to build without a variance on Albermarle Road and been able to build by-right.

Ms. Sweet asked what exactly the hardship is in terms of building a garage.

Attorney Morris stated that they cannot build a garage and have access to it due to the decision by the Traffic Council and every other house in the neighborhood has a garage.

Ms. Sweet stated that inability to build a garage is not a hardship.

Chair Rossi asked if Attorney Morris is suggesting that if homes in a neighborhood have garages that it would constitute a hardship if a resident was unable to build one.

Attorney Morris stated that is not his argument, but they have a right to build a garage on the lot now, but their right has been taken away by public action would constitute a hardship. Why should they be denied something they had a right to do? They have chosen not to fight the City on something that is a public benefit and a safer environment and instead decided to ask for a variance to build the garage.

Ms. Lipsitt made a motion to close the public hearing and Mr. Snyder seconded the motion.

### **Deliberation:**



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Mr. McLaughlin stated he is empathetic to the situation and the actions of the City. The fact that they would have been able to build by-right prior to the closure he feels that it is a relief the Board should consider.

Mr. Snyder stated he echoes Mr. McLaughlin's comments and that he is sympathetic to the argument of hardship.

Ms. Lipsitt stated that she would feel better if the petitioners had made an attempt to rectify the situation through an administrative process she would be more sympathetic. They are proposing to put a garage five feet from an extremely busy street. She is not sure it is even safe to put a garage there. Is it allowable for the petition to make these attempts and come back to us?

Mr. Temple responded that it would be permissible to withdraw or to hold it until the October meeting.

Mr. McLaughlin stated he was also concerned about the safety of coming in and out of the driveway, but the cars would be pulling in and out nose first. There are no homes across the street – it is open space.

Ms. Sweet stated that she echoes Ms. Lipsitt's concerns.

Chair Rossi stated that he agrees with Ms. Lipsitt and Ms. Sweet and he does sympathize with the petitioners, but there are strict guidelines that the Board needs to consider and garages generally don't fall under a hardship. If the petitioners do make attempts to solve this issue in other ways maybe there could be a consideration. Chair Rossi asked in Attorney Moris was inclined to hold the item until the October meeting.

Mr. Stuart stated that if the applicant is able to get Traffic Control to allow access they would get the result they desired in the first place.

Attorney Morris stated one of the benefits of closing the road was to aid the flooding that is happening on that stretch of street by pulling up the impervious surface and installing greenspace.

Chair Rossi asked for a motion.

Ms. Lipsitt made a motion to hold the item until the October 25<sup>th</sup> meeting which was duly seconded by Mr. McLaughlin.



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The motion was passed unanimously.

**Agenda Item 2:** #09-22 – Northland 160 Charlemont, LLC, Newton. This item was opened on October 26, 2022. Sitting Members: Michael Rossi (Chair), Brooke Lipsitt, Elizabeth Sweet, William McLaughlin, Stuart Snyder, and Denise Chicoine (alternate).

### **Documents Submitted:**

1. Letter from Attorney Adams with a memorandum from VHB, updated site plan, updated waiver list, and a presentation package dated August 25, 2023.
2. Letter from Councilors Downs, Bowman, Lipof, Ryan, and Kalis
3. Memorandum with attachments from the Planning Department dated September 6, 2023.

### **Testimony:**

Attorney Steve Buchbinder, Schlessinger & Buchbinder, 1200 Walnut Street, Newton, opened the applicant's presentation and indicated that the applicant would discuss the revised design of the building, signage package, balconies, sustainability, traffic patterns, and site layout.

Chris Bridle, Stantec, 40 Water Street, Boston, presented a PowerPoint detailing signage, stairways, bike ramp, accessibility, round-about, and other aspects of site design.

BK Boley, Stantec, 40 Water Street, Boston, presented a PowerPoint detailing additional signage, balconies, greenspace, green roofs, sustainability features, and bike storage.

Mr. Brindle presented a PowerPoint detailing sustainability strategies concerning water management, green roofs, public transit, pervious surface, native plantings, promoting biking and pedestrian use, and community open space.

Randy Hart, VHB, reviewed the prepared memorandum of August 17<sup>th</sup> via PowerPoint presentation answering traffic questions that had been asked in prior meetings including traffic changes on Christina Street and potential of cut-through activity through the neighborhood.



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Peter Standish, Northland Investment Corporation, 2150 Washington Street, Newton, presented a PowerPoint with updated discussions regarding Charlemont Street and Needham Street intersection area including bike-pedestrian path, sidewalk, and parking for the local businesses. He also touched on Planning mitigation requests of the Christina Street Bridge construction, Bobby Braceland Playground, Countryside School contribution, and transportation management. None address the deeper affordability proposed or other mitigation suggestions proposed in the presentation.

Attorney Buchbinder stated that James McManus, Charlemont Street business property owner, is amenable to improvements to the area even if it possibly loses a few parking spaces for the greater good.

Mr. Gleba reviewed the ZBA Memorandum dated September 6, 2023.

Chair Rossi asked for questions and comments from the Board.

Mr. McLaughlin asked for clarification if the Planning Department was still asking for the original mitigation items or had agreed to the revised mitigation proposed.

Mr. Heath stated that Planning is still absorbing the changes and have not made any decisions yet.

Ms. Lipsitt stated she is still struck with the 100 square foot sign between the buildings and would rather see the money spent for the sign in the mitigation package. She asked for clarification of the water mitigation for the roundabout and walkways. She asked that everything on the sustainability plan marked as "potential" be assured and installed.

Mr. Bridle stated that all paved surfaces are being reviewed.

Mr. Buchbinder stated there is an intent to do green area on the roofs and solar ready.

Mr. Standish stated until they know where all the mechanical systems will be located they can't put



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## ZONING BOARD OF APPEALS

Brenda Belsanti, Zoning Board Clerk

it in the plans.

Ms. Lipsitt asked for the TDM plan finalized.

Mr. Buchbinder stated that much of what Mr. Gleba presented gets it 95% there.

Mr. Snyder asked if it was possible to put a no left turn sign onto Christina Street from the project to prevent people from cutting through the adjacent neighborhood.

Mr. Hart stated that they could restrict the left turn but would increase left turns to Charlemont and at Needham.

Chair Rossi asked about both visual and acoustic roof screening for the mechanicals.

Mr. McLaughlin asked about the enhanced affordability and the underwriting.

Ms. Chicoine asked about EV charging stations and the amount there would be in the garage.

Mr. Buchbinder stated there would be 20% of spaces would have EV charging and there is an intent to make more to easily convert.

Ms. Sweet asked if the 20% is the most that can be done.

Mr. Buchbinder stated that 20% is the energy code.

### **Public Comments:**

Neil Halin, 138 Albermarle Road, Newton, stated that he would like to see that the project be required to install a solar roof instead of just be solar-ready.

Josephine McNeil, 53B Taft Ave, Newton, Co-President of UCAH and Executive Director of CANDU, supports the proposed 40B project and asked the ZBA to approve the project with 93





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Brenda Belsanti, Zoning Board Clerk

affordable units with 74 units at 80% AMI and 19 units at 50% AMI. We are thankful to Northland for providing the 50% units which will enable those that provide services to Newton residents such as childcare workers, nursing assistants, and others who work to live in Newton.

Chair Rossi continued the hearing until October 25, 2023 with the expectation that we will be able to close the public hearing on that date.

The next hearing for this project will be October 25, 2023.

**Agenda Item 3:** #08-23 41 TusNua LLC., 41 Washington Street, Newton. Sitting Members: Michael Rossi (Chair), Brooke Lipsitt, Elizabeth Sweet, William McLaughlin, Stuart Snyder, and Denise Chicoine (alternate).

### **Documents Submitted:**

1. Comprehensive Permit Application dated August 18, 2023.
2. Letter from neighbors and abutters dated April 28, 2023.
3. Memorandum with attachments from the Planning Department dated September 6, 2023.
4. Letter from Mr. Heath to MA Housing dated December 9, 2022.

### **Testimony:**

Attorney Steve Buchbinder, Schlessinger & Buchbinder, 1200 Walnut Street, Newton, presented a PowerPoint detailing the history of the application process and an overview of the project.

John Pears, Design Architect, 102 Parker Ave, Newton, presented a PowerPoint detailing the proposed project design for the existing structure, addition, landscaping, and drainage.

Blair Hines, Principal Landscape Architect, Verdant Landscape Architects, Brookline, presented a PowerPoint detailing the proposed landscape plan.





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Edwin Spoon, Civil Engineer, Spoon Engineering, presented a PowerPoint detailing the proposed water mitigation plan.

Robert Michaud, MDM Transportation Associates, Marlborough, presented a PowerPoint detailing the traffic impacts of the proposed project.

Attorney Buchbinder reviewed future meetings with other City entities and a list of waivers. He also reviewed the ZBA Memorandum focusing on providing the Planning Department with clarification and a more detailed TDM plan and photometric plan. Peer review requests for storm water, engineering, traffic, and a landscaping, lighting, and fencing.

Micheal Gleba, Senior Planning, presented a PowerPoint outlining the details of the ZBA Memorandum.

Chair Rossi asked for clarification on peer reviews.

Katie Whewell, Chief Planner, stated that massing will be covered in the site design review.

Chair Rossi asked if peer reviews requested including stormwater, landscaping, lighting, fencing, site design and traffic would suffice.

Ms. Whewell stated that would be sufficient for the consultants used.

Mr. McLaughlin made a motion to approve the peer reviews requested by the Planning Department and Ms. Sweet seconded the motion.

The motion passed unanimously.

Chair Rossi requested a site visit for the project.

Chair Rossi asked for questions from the Board.



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Ms. Sweet asked what the green aspects of the building will be and if pollinators will be included in the landscaping plan.

Mr. Pears stated that there has not been a lot of discussion as yet with the EV, electric, bicycle parking, or sustainability, but that will be the subject of future meetings.

Mr. McLaughlin stated he would like to see floor plans and a perspective from the rear that the neighbors would see.

Attorney Buchbinder stated there are floor plans prepared in the packet, but will review at later meetings.

Ms. Lipsitt stated that she also wants to see 360-degree perspectives. She questioned the amount of parking needed for the project and feels there is opportunity to decrease the amount of spaces.

Mr. Michaud stated that they are trying to accommodate 2–3-bedroom units with families and put in a higher ratio for parking.

Ms. Lipsitt stated that the site plan playground area seems to be looming over the parking area as if it's on a platform needing a lift or ramp.

Mr. Pears stated that the site is sloped and the playground area is in a grove of trees and is higher due to the parking area will be dug out. The playground area is in line with the rest of the site, it is the parking that is dropped.

Ms. Lipsitt stated that the drop of the parking may affect the water issues. She would like to see at least one deeper affordable unit and a shadow study for the neighborhood.

Mr. Snyder stated that it is a smaller project than usual, but would still like to see a model to see how it impacts the neighborhood.

Chair Rossi stated there is a need for some perspective and would like to see Attorney Buchbinder



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## ZONING BOARD OF APPEALS Brenda Belsanti, Zoning Board Clerk

find a solution that is economical for this petitioner.

Attorney Buchbinder stated that they could do some 3D computer modeling and see if that would work for the Board.

Ms. Chicoine stated that she feels this is a good use of the land and the goal to provide this type of housing is a laudable undertaking.

Chair Rossi stated the challenge will be building this into a neighborhood of existing homes and trying to mitigate the concerns of the neighbors.

Chair Rossi asked for public comments.

### **Public Comments:**

Jodi Vito, 128 Grasmere Street, Newton, stated she has lived there since 2017 and directly abuts 41 Washington Street. She has serious concerns the proposed project due to the wetlands which were clearly marked on the 1892 map that was submitted to MA Housing. Several underground streams are also known to emanate from the lot. The previous owners of our home renovated the kitchen 20 years ago and the small bump out caused the underground water to divert to the neighbor's previously dry basement at 124 Grasmere Street and flood it. An underground water tank was installed between the two homes. Most of the homes that are downhill from 41 Washington Street have had some type of water issue or wet basement that is currently managed with French drains and sumps. When the developer decided to install an illegal parking lot last year this caused a stream of underground water to flow onto Grasmere Street and froze last winter. This created an ice hazard on the road for drivers and pedestrians. For the record, the City received multiple phone calls from neighbors regarding the ice hazard and I submitted photos of this ice hazard to MA Housing. The 40B application intends to replace the heavily wooded back lot which currently serves as a natural sponge with impervious structures. The existing trees help contain the stormwater. Their removal alone will alter the water bearing capacity of the lot. I was present both times when test digs were done and can confirm with video footage that water is present at four and one-half feet. A fact that was confirmed by the City Engineer. The Associate City



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## ZONING BOARD OF APPEALS

Brenda Belsanti, Zoning Board Clerk

Engineer stated that to confirm the underground streams that observation wells would need to be drilled and be monitored to properly model ground water flow; however, she does not believe the owner of the property has provided any observation data to the City Engineer. She requests the Board solicit a peer review to the monitor the underground water and that the abutters are granted permission to this lot to have our own independent engineer complete testing. Her home was the first home built on Grasmere Street in 1888 and is registered with the Newton Historical Commission. She has concerns that many of the historical homes foundations in the neighborhood will be seriously compromised by water if this large-scale development is allowed to be built. The City Councilors unanimously rejected the special permit for a single-story home on the rear lot of this property. Since they were denied Newton has changed that water must be maintained on-site so she is surprised that the developer want to waive that so the water flows into the Charles River and does not align with the City's green initiative.

Kevin Vito, 128 Grasmere Street, Newton, a direct abutter to the site. He opposes the development and believe the Councilors voted correctly against the building on this lot. There is a very high-water table and existing water issues in the neighborhood. It is well known that the underground water is extremely hard to manage. His father was a civil engineer with the State of Massachusetts lives at 43 Playstead Road which is located below Washington Street. Moved to the home in 1976 and there was a damp basement but no standing water. His father wanted to finish the basement so they dug a four foot French drain on the property and added crushed stone and underground drainage pipes to redirect the water coming down the slope. This initially eliminated the dampness in the basement. In the early 2000's the large homes on Washington Street were built behind the house. They were told underground water tanks would be installed and the water redirected similar to the 41 Washington Street plan. During and after the homes being built the basement began to flood and had to install a sump pump because the drains built around the house were overwhelmed. The water tank solution obviously did not work. A 25-foot wall was then built behind the house and they were told that any water would be collected and redirected. After the wall was built the basement immediately began to flood again even with the sump pump. The contractors said they would redirect the water again to avoid the basement. As a result the next door neighbors house began to flood. Contractors promised trees and shrubbery to be placed in front of the 25-foot wall which was never done. Due to the obvious water and safety issues the 41 Washington Street project should not be allowed. This project will be worse than Playstead Road because Hunnewell



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## ZONING BOARD OF APPEALS

Brenda Belsanti, Zoning Board Clerk

Hills water table is significantly higher. The water issues have already increased after the building of a large parking lot behind the existing house without a permit. They have had to repair a sinkhole on their property caused by running underground water in the driveway. This is why the City says they are not responsible for ground water because they cannot solve the problem. As others have pointed out this is a terrible location for an apartment building because it will undoubtedly cause water problems and safety issues for the children walking to school. A more reasonable solution for this house is add a lower amount of condominiums to the existing structure similar to what has been done to other large historical homes in the neighborhood.

Chair Rossi stated that the Board had voted for a peer review for a storm water plan earlier in the evening. There was also a question raised regarding the neighbor permission access to the property to have an independent study done and that is not something the Board can decide, but continue to encourage the applicant to have discussions with the neighbors.

Laura Johnson, 33 Washington Street, Newton is a direct abutter and is strongly opposed to the 40B application. She has one particular opposition to the project which is the waiver the applicant has requested to not have a loading zone for the site should the application be approved. The design plan for the property shows 24 parking spaces designated for the resident cars. Without a loading zone where will all the other vehicles that need access to the property park? Moving trucks, furniture trucks, utility trucks, Amazon, UPS, FedEx, grocery deliver vans, service technicians, house cleaners, and visitors/overnight guest cars. As it stands, there are only a few free two-hour parking and permit parking spaces on Washington Street. Will a service technician who will be at 41 Washington Street for a lengthy amount of time move their van every two hours? There is a safety concern with adding more vehicles to the already congested Washington Street. In 2021 the Neighborhood Advisory Group was advised by the City of Newton Transportation Planning Department that Hunnewell Hill was #55 in the prioritization queue for traffic calming. She hopes the City will reposition Hunnewell Hill closer to the top of that queue in light of the dozens of new motor vehicles that will be associated with not just 41 Washington Street but also the six houses being built at 720 Washington Street in Brighton which is one block away. There have been deaths of pedestrians along Washington Street in both Hunnewell Hill and Brighton in the past. She fears that the increase of motor vehicles passing through the area day and night as a consequence of the massive development there will be more deaths. Please vote no on this 40B



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## ZONING BOARD OF APPEALS

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application.

Julia Talcott, 74 Elmhurst Road, Newton, has lived there since 1994. They purchased the lot at 80 Elmhurst Road, that abuts the playground, in 2008 and in 2009 built a 700 square foot home. They paid taxes on both properties until recently when they sold 74 Elmhurst Road and moved into 80 Elmhurst Road and have invested most of their savings and retirement into these properties. When they built 80 Elmhurst Road it was built as a LEAD certified building with a careful eye to the surrounding natural environment. The developer knows that the City of Newton and LEADS requires a lot of new construction. They had to pay for a lot of very expensive permits, forms that they required of us, and inspections in order to satisfy quality regulations. In 2018 the developer in question bought the land behind their little house and had an associate purchase the house from an elderly widow under the belief that she was selling her longtime home to her neighbor. This neighbor sold it to the developer three days later. His attempt to build a second home on the lot was vetoed by the City due to the significant water issues. Fast forward to last fall after a summer of multiple cars pulled up on the front lawn at 41 Washington Street we asked the City to take a look at the situation. Presumably in response to the City the developer chose to bulldoze an non-permitted mud and gravel parking lot into the backyard. He did not get permission or a permit. Should a developer that can not be bothered to pull a permit for a parking lot be entrusted to build a state funded 16-unit complex with 24 parking spaces? He has had multiple families living in this two-family home and most days as many as 10 cars are parked in the lot. It is a safety and fire hazard and one more example of this developer cutting corners in the name of maximizing profits. As neighbors wrote to MA Housing Joseph Tony Keegan's project included multiple omissions such as many LLCs, his previous attempt to obtain a special permit, and a previous lawsuit against him. His latest proposal transforms the plot into a parking lot, a huge four-story building, huge massing that would loom over our neighborhood. She does not trust the developer to see this project through and the initial idea behind this is suspect.

Jennifer Murphy, 112 Grasmere Street, Newton, has lived here since 2011. Like many of her neighbors she has serious concerns with the proposed project. These include the historical and ongoing water issues, exacerbation of traffic safety, concerns about the developer lack of concern and qualifications, and the untenable massing and scale. The developer proposed a four-story complex with 16 units and 24 parking spaces on a 25,900 square foot lot with eight abutting





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## ZONING BOARD OF APPEALS Brenda Belsanti, Zoning Board Clerk

homes. A building of this size belongs in a commercial or mixed-use are not a residential zone. Abutters and neighbors would be faced with the noise of dozens of cars and A/C units, vermin from dumpsters, loss of natural light, and light trespass. In addition, the latest proposal does not appear to provide the state mandated turning radius for fire apparatus putting everyone's safety at risk. 41 Washington is primarily trees and open space which absorb water but the developer plans to increase the impervious area from 3500 square feet to 17,800 square feet. On a slope site with existing water issues that climate change will only exacerbate its unrealistic to believe that they can capture and retain all the water that this open, treed site already absorbs if they replace it with impervious materials. The developer wishes to waive requirements around light trespass and vegetation screening and look to place 10 parking spaces within feet of abutters properties. The setback for a single-family home in the area is 7 ½ feet and common sense tells us that a complex of this size necessitates reasonable setbacks, adequate vegetative screening and fencing, and careful placing of lights. She requests that the Board reduce the scale of the project and require much more open space be maintained, require reasonable setbacks, fencing and vegetative screening, provide a shadow study, and virtual 3D models that neighbors have previously requested, ensure that this project complies with all Massachusetts Fire Safety laws, conduct a photometric study, install monitoring wells to assess the underground springs which both Counciller Leary and City Engineer have requested, and please do not waive the City Engineers right to review drainage, driveways, and loading areas.

Billy Walker, 56 Washington Street, Newton, has lived here since 1988 diagonally across from 41 Washington Street. The issue is the massing. The size of the project is out of character with the mostly single-family neighborhood. About 8000 square feet of the roughly 26,000 square foot property will not have something developed on it. That is a huge reduction in open space. It brings into question how effective snow removal, emergency services, and trash removal and how will they navigate the property without causing disruption to the lives of the current neighbors. He does not believe these areas have been addressed adequately. What is the plan for snow removal that does not create issues with water or noise for the neighborhood? There are too many units with too little parking with plans showing parking right up to the lot line. The setback should be more not less than is required for a single-family building. He is requesting a shadow study, 3D model of the project and abutters, and a photometric study. He states that he worked hard his whole life to buy and payoff his home. Please reconsider the project is a monstrosity.





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Ruthanne Fuller  
Mayor

## ZONING BOARD OF APPEALS

Brenda Belsanti, Zoning Board Clerk

Michael Lozano, 74 Elmhurst Road, Newton, stated every city in the Commonwealth needs more housing of all types and in particular affordable housing which is very important. That said it is clear that the neighborhood residents have a lot of thoughts about this project. It is important that the developer and the Board continue to hear from and work with the neighbors through this process. It is very clear that there needs to be a very particular emphasis on screening all of the abutter. It looks from the plans that there is too much paving and parking for a site like this that is accessible to public transit and easily walkable to places and easy to bike places. There is just way too much parking and paving for a site that very clearly has water issues. Clearly there needs to be mitigation for pedestrians and bikes particularly on Washington Street which is a very busy thoroughfare. For the kids of the neighborhood, it is very important that they're taken care of through this process. He asked where the City is for the Safe Harbor for the 40B.

Chair Rossi responded that the Law Department periodically addresses the Safe Harbor question and we should have an answer for a future meeting. The Board is not responsible for calculating it.

Chris Perruzzi, 4 Copley Street, Newton, stated that he an abutter to the project and is opposed to the project. He stated that he has resided at his residence for ten years. He has family at 12 Copley Street as well. The traffic study does not take into account the amount of traffic we see every day travelling up from Oak Square to the Mass Pike. Washington Street is challenging even on a Sunday morning and during rush hour it is impossible to get out of your street and neighborhood. He uses Washington Street going towards the Pike into Boston and often will avoid the area if needing to travel into Boston or Brookline he will travel into Oak Square to Soldiers Field Road and get access to Storrow Drive. Getting out onto Grasmere Street is a challenge now and sixteen additional units and more parking on Washington Street and an inability to see oncoming traffic from Oak Square will be a nightmare. This traffic study does not take it into account. He travels that road all the time and also is also an attorney that has done some Section 17 appeals with Board decisions and will be fully involved with whatever appeal is filed from this request. This project should not happen. The impact on the neighborhood will be outrageous. Adding sixteen units to a single-family neighborhood homes that people have invested their life savings into and will change the character of the neighborhood. It will not help the neighborhood in any appreciable way. With respect to any legal standard that this Board has to adhere to the language of arbitrary and



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capricious in regard to benefit as far as being arbitrary is concerned further down on Washington Street near the town line there is a proposal for nearly 100-unit project in the old parking lot of the church. When thinking about traffic studies and impact that this project will have we also have to take into consideration what other projects are being considered in the same neighborhood. This neighborhood will be in deep trouble if this project is approved without a proper traffic analysis which does not take into account proposed usage of other parcels.

Roslyn Williams, 83 Grasmere Street, Newton, states she has resided at her home for 47 years. She read some points of a letter from Paul Fair a resident of 20 Merton Street who is a direct abutter. Mr. Fair wrote a few examples regarding the underground water issue – in 1967 his parents installed a pool that the hole dug was ten feet deep in preparation for the pool and the next day it was filled with seven feet of water. He asked ZBA members to do a site visit and visit the neighboring abutters as well. Holding tanks and dams need to be maintained and asked if the Board will condition to budget for maintaining these in the condo fees. The driveway of the project will have residents entering and exiting at a blind spot on Washington Street. The slope of Hunnewell Hill means that visibility is very limited. Ms. Williams stated she no longer uses Grasmere Street to get out of the area and goes not another street such as Elmhurst or Copley because at the end of Grasmere at Washington with cars parked cars cannot be seen coming down the hill. It is a really dangerous intersection now and to have even more traffic it will be an even more dangerous situation. Hunnewell Hill will be between two very large projects -- the new project on Washington Street in Brighton and the new industrial project in Watertown Square. It is no longer suburban it is now urban. Those projects will be putting traffic on the roadways all around.

Mary Shaughnessy, Elmhurst Road, Newton, stated she has resided in her home since 1988 with her family. She is thankful to everyone that will be going to the site because it is incredibly different to see it in person. Anecdotally people will take buses and ride bikes, but she can count the number of people in the neighborhood that currently take the bus at maybe three and one couple that uses bikes. She states you can't get to a grocery store or soccer field without a car. She does not know of anyone that can get by with only one car. There are times she wishes she lived somewhere that she could walk everywhere but cannot from this neighborhood.



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Councilor Leary, Newton, stated that she is in favor of increasing density in some areas of the City and has been following this project over the last couple of years when it started out as a single-family home on a rear lot. The reason a special permit was not given to this site was the issue of the water. The last few months she has been researching what a 100-year storm is and the increasing rainstorms we have been having. Leominster had eleven inches of rain causing \$40 million worth of damage. On August 8<sup>th</sup> the City had three inches of rain in two hours which flooded the parking lot. The stormwater system is already overwhelmed and even though we have improved and made the stormwater ordinance much stricter the rain events that are occurring due to climate change are very concerning. It makes her rethink every project the City is doing. The fact that this needs so much structural stormwater aid on this site is very concerning and we have already seen overwhelming damage from these rain events that are happening. She wants it to be looked at very closely and is interested in the peer review for stormwater. Also, there is too much parking on the site if it's selling as transit-oriented development.

Andy Gluck, 19 Merchant Street, Newton, stated that he has resided in his home for 33 years and has taught at Underwood School for 17 years. He states he is extremely opposed to the size and massing of this project. He is the biker that was referred to in other comments and is passionate about bicycle and pedestrian safety. We have had many anecdotal pieces of evidence including children being hit, bones being broken, bikers knocked off their bikes, and he has been hit three times so he is asking to think hard about how this project will impact pedestrian and bicycle safety and how the applicant can help mitigate some of these problems. Better bike lanes and markings on Washington Street and visible green markings like those in Boston. From Oak Square cars will divert to Hunnewell Avenue so when they turn off of Elmhurst or Grasmere or Copley they will come back into the residential neighborhood and proceed down to Hunnewell and reconnect to Washington down by the MA Pike. He asks the City look at things such as speed bumps could be helpful. He will send email follow-up, but he is opposed to a sixteen-unit, 24 car development in a residential neighborhood.

Julianne Townsend, 40 Washington Street, Newton, she states she is across the street from the project and the family has been there since 1970. She is opposed to the project in an established neighborhood and currently it is almost like a frat house at the site. People coming and going and hanging around. Her son currently lives there with two other working professionals and two of the



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cars park on the street. During the winter parking ban there is no where to park. Now with the huge project where will people park and what will the noise be during construction. Where will the construction trucks park? There is a duplex being built a couple of doors down and we have water in the basement for the first time ever and it was three inches of water over the entire basement. The dugout pipe was gushing with water from the outside as they were pumping out the basement. The direct abutters are going to have real issues with water from this project. She disapproves of the project and thinks that backing out of the driveway will be dangerous. Water, parking, and safety are a big concern.

Chair Rossi continued the hearing until November 29, 2023.

The next hearing for this project will be November 29, 2023.

Chair Rossi concluded the meeting.

**ZBA DECISIONS can be found at [www.newtonma.gov/ZBA](http://www.newtonma.gov/ZBA)**