



# CITY OF NEWTON, MASSACHUSETTS

City Hall

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Ruthanne Fuller  
Mayor

## ZONING BOARD OF APPEALS

**To:** Zoning Board of Appeals Members

**From:** Brenda Belsanti

**Date:** November 15, 2024

**Subject:** Materials for **November 20, 2024** Public Hearing

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### Packet 1

Hello,

Please see the following supplemental materials for the upcoming hearing on November 20, 2024 Public Hearing. The following board members are scheduled to sit: *Michael Rossi (Chair), Brooke Lipsitt, Stuart Snyder, Elizabeth Sweet, Denise Chicoine.*

1. Meeting Agenda for November 20, 2024.
2. Meeting Minutes for January 10, 2024; January 24, 2024; February 28, 2024; March 13, 2024; and March 27, 2024.

Thank you,

Brenda Belsanti

**bbelsanti@newtonma.gov** |



# CITY OF NEWTON, MASSACHUSETTS

## Zoning Board of Appeals

### AGENDA - Revised

**Meeting Date:** November 20, 2024.  
**Location:** Hybrid—Council Chamber (Room 207) & Zoom  
**Time:** 7:00pm

Ruthanne Fuller  
Mayor

Barney Heath,  
Director, Planning &  
Development

Brenda Belsanti  
ZBA Clerk

#### Members

Michael Rossi, Chair  
Brooke Lipsitt, Vice Chair  
Jennifer Pucci  
Stuart Snyder  
Elizabeth Sweet  
Denise Chicoine, Alternate  
Lei Reilley, Alternate

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This meeting will be a hybrid meeting that will take place at Newton City Hall City Council Chamber (Room 207) and virtually via Zoom. To view and participate <https://newtonma-gov.zoom.us/j/89453443656> or dial +13017158592,,89453443656#

- #06-24** The Newton City Council appealing the August 14, 2024 determination of the Commissioner of Inspectional Services in response to a request for zoning enforcement for alleged violations of the conditions of special permit #195-23 at 16-22 Clinton Street. The subject property is located at 16-22 Clinton Street within a Business 2 (BU-2) zoning district and consists of a 10,403 square foot lot.
- #07-24** Jason Gee of 13R Lincoln Street, Newton, appealing the August 14, 2024 determination of the Commissioner of Inspectional Services in response to a request for zoning enforcement for alleged violations of the conditions of special permit #195-23 at 16-22 Clinton Street. The Subject property is located at 16-22 Clinton Street within a Business 2 (BU-2) zoning district and consists of a 10,403 square foot lot.
- Approval of Meeting Minutes** – January 10, 2024; January 24, 2024; February 28, 2024; March 13, 2024; and March 27, 2024.
- Adjournment**

The location of this meeting is wheelchair accessible and reasonable accommodations will be provided to persons with disabilities requiring assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA/Sec.504 Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. For Telecommunications Relay Service, please dial 711 or call City Hall's TTY/TDD line at 617-796-1089.



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

## MEETING MINUTES

**Wednesday, January 10, 2024.**  
**7:00 p.m.**  
**Hybrid and remote via ZOOM**

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

**Staff Present:** Katie Whewell, Chief Planner; Alyssa Sandoval, Deputy Chief Planner; and Jennifer Wilson, Assistant City Solicitor (remote); and Jonah Temple, Deputy City Solicitor

**A public hearing of the Newton Zoning Board of Appeals was held as a hybrid meeting in person and virtually via Zoom on Wednesday, January 10, 2024, at 7:00 p.m. on the following petitions:**

- #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.
- #11-23** 78 Crafts Street Newton LLC, requesting a Comprehensive Permit, pursuant to M.G.L. Chapter 40B, to construct a 307-unit residential development on a 4.76 square acre lot located at 78-84 Crafts Street, 68-70 Crafts Street, 9 Maguire Court, 17-19 Maguire Court, 67R Court Street, 63 Court Street, 13-15 Maguire Court, 24 Maguire Court, 31 Maguire Court, and 31R Maguire Court within the Multi-Residence 1 (MR-1) and Manufacturing (M) zoning districts. The proposal includes 62 affordable units and 263 parking spaces.

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**Agenda Item 1:** #08-23 41 TusNua LLC, Newton. This item was opened on September 13, 2023. Sitting Members: Michael Rossi (Chair), Brooke Lipsitt, Elizabeth Sweet, William McLaughlin, Stuart Snyder, and Denise Chicoine (alternate).



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## **Documents Submitted:**

1. Memorandum with attachments from the Planning Department dated January 3, 2024.
2. Resident emails (2) including videos.

## **Testimony:**

Attorney Steve Buchbinder, Schlessinger & Buchbinder, 1200 Walnut Street, Newton, addressed comments from the last meeting and reviewed with the Urban Design Commission and timetable for new designs and stormwater management solutions.

Chair Rossi asked for comments from Planning.

Ms. Whewell stated that there was no presentation beyond the Planning Memo since they are awaiting design updates.

Ms. Lipsitt asked if Ms. Whewell could clarify the UDC report for the next meeting.

Chair Rossi continued the item until March 27, 2024.

## **Public Comments:**

There were no public comments.

**Agenda Item 2: #11-23** 78 Crafts Street Newton LLC, requesting a Comprehensive Permit.  
Sitting Members: Michael Rossi (Chair), Brooke Lipsitt, Elizabeth Sweet, William McLaughlin, Stuart Snyder and Jennifer Pucci (alternate).

## **Documents Submitted:**

1. Comprehensive Permit Application dated December 11, 2023.
2. Memorandum from the Planning Department dated January 3, 2024.



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### 3. Resident (13) Emails

#### **Testimony:**

Andrew Copelotti, Principal, Boylston Properties, introduced the team and presented an overview of the proposed design for 78 Crafts Street.

Michael Bennet, Principal, Architectural Team, presented the proposed building design.

Michael Gentile, Civil Engineer, Weston and Sampson, presented the exiting conditions of the site.

William Madden, Landscape Architect, Lombardi Design, presented the landscape design.

Mr. Copelotti stated that they will be submitting other materials over the next few weeks prior to the next meeting.

Chair Rossi stated that the Board would like a site visit to be scheduled.

Ms. Sandoval presented an overview of the project and noted questions for follow ups, studies, and peer reviews.

Mr. McLaughlin stated that the presentation answered a lot of questions and shared his concern regarding the dog park and parking ratios.

Mr. Snyder stated he felt the presentation was comprehensive and agrees Planning Department's presentation the list of concerns. He is concerned with the actual open space being meaningful space for residents or abutters. He feels the entry and exit point seems to be less than what 300 units would need. He stated that the Board takes these 40B projects very seriously and tries to improve projects with the applicants and that the residents can have input on. He reiterated the process that the ZBA goes through on these projects and the reasons behind the meetings and questions they ask.



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Ms. Lipsitt stated that the architect said that they are cues from the area housing, but concerned about the first-floor parking in three of the buildings and would like to see parking moved underground which would help reduce the height and to maintain a more residential feel to the project. There was no reference to the project that was already approved next door and that needs to be addressed as what impact they will have together in this area and what will be left between the two projects. She also asked to see a model of the project and the neighborhood. She is disappointed not to see a continuous walkway from Court Street to the site and would like to see that addressed for safety. The proposal states there is an activity and use limitation on the site and she would like further explanation on it.

Ms. Sweet stated that she liked the affordability, but would like to see the mix of affordable units. She would like to see more on the sustainability aspects of the building such as electric car parking, solar, passive home, and rainwater capturing systems. Will there be an area for community gardens and pollinator gardens. She is hoping there will be a great dialogue between the applicant, Board, and residents.

Ms. Pucci agrees with Ms. Lipsitt on the design of the parking. She agrees with Mr. Snyder regarding green space and if it will be usable green space and would like to see more. Ms. Pucci wants to see the impact on traffic on Crafts Street especially during rush hour and the Court Street neighborhood and the surrounding neighborhoods across from Crafts Street. This should be a walkable site for residents and surrounding neighborhood.

Ms. Chicoine stated that she agrees with Ms. Sweet and feels anything would be an improvement to the site. She also appreciates the affordability of the units. She would also like to see underground parking and believes it would be a tremendous improvement to the project. Landscaping should be more hybrid grasses that do not require as much watering.

Chair Rossi agrees with most of the comments. He feels that the site is appropriate for development, but the project as designed fills up a lot space. The west end of the project the setback is only eight feet and the other is the front is right up to Crafts Street. He feels that shrinking the project would fix both these issues.



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Chair Rossi asked for a vote on the City's request for Peer Reviewers for site design, transportation, and stormwater/engineering before continuing with the public comments. Ms. Sweet made a motion to approve the Peer Reviewers and the motion was seconded by Mr. Snyder. The motion passed unanimously 5-0

### Public Comments:

Councilor Susan Albright stated she appreciates the comments from the ZBA. She likes the positive aspects of affordability of 50% AMI, the need for housing, the passive house design, and cleans up the site. She finds the design institutional and does not like the above ground parking. The parks don't have anything to them and the dog park is much too small. The pedestrian areas seem skimpy and does not seem welcoming for pedestrians. There is more work to do. Buildings C & D are very close to the abutters on Court Street and would like to see the top stories stepped back.

Councilor Tarik Lucas stated that Buildings C & D are four stories, but still are over 50 feet high and feels they need to be lowered. If this was a special permit it would be a BU-4 zoning and not be able to go over 48 feet not 53 feet. The setbacks would also have to be half the building height. The Crafts Street senior project the FAR is 1.86 and the FAR for this project is 2.06. The developer also exceeded the setback requirement for all of the Court Street abutters and he hopes that Board in this case will make sure this developer meets or exceeds the setback requirement. The proposal had 266 parking stalls, but the presentation tonight had 263 parking stalls. Which one is it? What else has changed? There is only one entrance/exit to the site from Crafts Street. Traffic is bad on Crafts Street. Will cars be able to pull out of the site. Oak Hill Park has two exits and the residents complain all of the time about the traffic. Exiting the site will be very intense. The dog park will be in the shade most of the time. He wants to see a shadow study done especially how it will affect the Craft, Clinton, and Lincoln neighbors. There is not a lot of green space and would like to see that addressed. He would like to know the locations of the affordable units and does not want to see all of them placed next to the City Yard.

Councilor Pam Wright agrees with Councilor Lucas. At 5:00pm tonight traffic was backed up on Crafts Street halfway between Washington and Watertown Streets. Five or six stories tall is too





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tall for this neighborhood. Usable greenspace does not seem to be here. The setbacks need to be increased because this is right on top of the neighbors. Appreciates the affordability.

Councilor Alison Leary stated that she is concerned about the senior housing and this projects impacts on the neighborhood and looks forward to the traffic studies. She would like to see a shuttle to the Commuter Rail. She would like to see an increase in usable greenspace, pollinator gardens, wildlife trees, and areas for the resident children to play. This is all rental but would like to see ownership. She is also curious where bike parking will be.

Councilor David Micley stated that he agrees with the comments of the Board and Council. He wants everyone to listen to resident comments especially those on Court Street. Court Street has the diversity we are trying to attract with housing and does not want these projects to impact that type of existing neighborhood.

Robert O'Hare, 81 Prescott Street, Newton, stated that it is not just Court and Crafts Streets that will be impacted, but there are also abutters on Turner Terrace and Prescott Street. The applicant is creating some renderings from our backyards. He is particularly concerned about the impacts of the heights of the buildings.

Marcella Hauke-Burke, 255 Adams Street, Newton, stated she is concerned about the traffic and 307 units for the safety of pedestrians and bicyclists on the surrounding streets in Nonantum. Pedestrians and cyclists including a young boy have been hit in the last year. There are 5800 cars that go down Adams Street every day and more than half exceed the speed limits. It is not safe to even cross the street. The impact of the two projects be immense. The City spends so much time on building new projects and no time thinking about the traffic. The City Traffic Engineer said he could not discuss traffic calming with her for Adams Street because it was a not a priority area, but it is if adding 500 new units and 1000 cars to daily trips. Parking is also an issue. There is already an insufficient amount or parking with cars parking on sidewalks because the street are too narrow and making it even more dangerous for pedestrians. 263 parking spaces for 307 units. Many of these people living in these units, many of them two and three-bedrooms, will have no more that 263 cars? They need to provide space for all units including families with two cars. You have enough land to build a large garage. We want a traffic study that shows existing conditions and the





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potential impact of both projects that will be built. We want you to design and implement plans to ensure that the new residents that will live there will not cut through the small side streets of Nonantum trying to avoid the traffic on the main streets. We look forward to working with the developer and the City to design a project that will not just minimize impact, but will enhance the neighborhood. A few ideas are to provide vehicle access to Court Street to Washington Street to keep cars off Crafts Street, change the turns and directions to inhibit cars from using side streets as cut throughs, traffic calming infrastructure on all neighborhood streets, enforce speed limits and parking laws, prohibit sideway parking, and most important the project needs to be scaled back to something smaller that better fits the scale of the neighborhood.

Al Checchanelli, 224 Chapel Street, Nonantum, stated that the traffic study does not take into account the changing of Washington Street to one lane in each direction and the adding of the senior living next door. What is a traffic study of today going to tell us about when this is built? We need to know the impact of all of these things and how they will impact the neighborhood. There is already a parking crisis in Nonantum. The streets are littered with cars. They are combining six lots. If they were building single-family houses and we had to deal with the overflow of single-family houses there would still be a problem, but to have 307 units and the overflow from that, and the insufficient parking as it is for those 307 units, never mind visitors and deliveries, it is simply not enough. The City ordinance requires two spots per unit. They are asking to change our rules for them to be able to build housing on a manufacturing lot. We should ask them to follow our rules for housing in a housing area. There will be some flooding issues for the abutters. They say they will build French drains and there will be a study, but that doesn't put the abutters at ease. These things end up being underbuilt and understaffed. He commends them on the 50% AMI affordability, but it's too little too late. The City needs to go to the state and get out of 40B. With the planned VCOD overdevelopment with no guaranteed low-income housing will completely put us in the red for 10% safe harbor that is being mandated on us. We should be able to get out of the 40B and stop developers from being able to beat us over the head to get what they want. That is to overdevelop our cities.

Anthony Pellegrini, Jr, 58 Clinton Street, Nonantum, MA, stated that he has heard little mention of Nonantum Village, but that side of Crafts Street and that side of Ward 4 is no more Newtonville than Washington DC. It is more a part of Nonantum than Newtonville. For the developers to call



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a meeting and exclude Nonantum is ludicrous. They would not let anyone in on the previous meeting. They are kowtowing to everyone on Court Street, which they should, but neglecting Nonantum. That is not going to fly with Nonantum. We are a part of this as much as anyone else and have been for the majority of time. The City Yard, construction, First National store, and the only link was the back of Marty's. This project you may get a little community, but the density is going to crush us. The amount of cars on there now is immense. He has lobbied the City for seven years to get a right-hand turn at Marty's. He's lobbied the Councilors, the Planning Board, and the Mayor to be pro-active with the DPW and it has eased some traffic at Crafts and Washington. There is now a delineated line to go right. The littlest bit of mentioning Nonantum is disheartening because we will go forward with this. This will probably split Nonantum and Newtonville apart. There will be arguments about access and egress on the property like closing off Court Street. There are other ways of doing things. So if you are going to restrict a City street because that is what the residents want then we all want it on Lincoln Street and Clinton Street and Ashmont Ave. it all comes to the density and you cannot dump it all onto Nonantum.

Jackie O'Toole, Turner Terrace, Newtonville, stated that it is a bit of a heartbreak in the community when something like this is going on. Hoping that you try to respect the residents in the area and there is a price to the people that live here. The site is not just nothing there, but there is a house that is a two-family home. We talk about AMI and housing, but those people are being displaced. There is a lot of talk in City government and City Planning how great the AMI is, but when these things go up the people that are displaced tend to be the people with the least voice. They don't get included into the so-called affordable housing. When we start talking AMI lets start throwing in some specifics. Who can really afford to live there? How much are they getting for the other apartments? Two kinds of people end up not being able to live there. The first are the ones being displaced. The other is the one that will never have the opportunity to live there. Water is historically an issue there which is probably the reason they did not go underground with the garage.

Jenna Vincenzino, Ashmont Ave., Newton, stated she agrees with everything with parking. Everyone is talking about the commuter rail being right next door. She has lived here all her life and has never seen anyone in the neighborhood use the Commuter Rail. If your thinking about transportation you want to use the Greenline. The Greenline is in Newton Center so how are



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

people getting from here to all the way up there. You need to think about the schools. There is this huge development that you want families to move in. Where are all these kids going to go to school? Most likely they are going to go to Horace Mann or more than likely Lincoln Eliot. The schools are already overrun and overpopulated. How are we going to support all these kids when we already don't have enough support especially with recent budget cuts in certain programs? If we don't have the teacher or the supports it does not add for her. Think of this as well when thinking of this new development.

Bob Kavanagh, 69 Court Street, Newton, stated he was here seven years ago discussing another 40B project on Court Street. He dares us to find another street in Newton that will have a 40B to their west directly and a 40B to the north directly. There is not one. He is protesting that the meeting is being held today stating that not all of the abutters were not contacted. Four huge buildings and we are being told they fit into the neighborhood. 307 units and six stories in height and a two-tier parking garage – it is a total misfit for our neighborhood. No one can claim it fits in beautifully. These structures would be bigger than Trio and bigger than 28 Austin Street. They blow right past the VCOD while this half of the City was talking about VCOD this part was saying to heck with three-story and VCOD and let's go for six. They don't care about what the City of Newton is doing. It has nothing to do with them. Very convenient that our side of the street was not included. The 40B next door is on 52,616 square feet whereas this project is on 207,345 square feet. This project is on four times as much land, but they are putting up 307 units. That is 8.5 times more than the other 40B for the amount of land. So this is blowing everything out of the water and to say it fits in is absolute silliness. Two affordable homes are going to be destroyed. Newton loves affordable housing except when it gets in the way of profit. One is a two-family house on my street. I know the residents. They are nice people. They are collateral damage like in warfare. We already lost two houses on Court Street and we are going to lose two more when they build the senior housing. That is five houses on one small street that are being torn down for progress. 24 Maguire will also be destroyed. He feels as a direct abutter that will be affected by this he deserves a little more time to speak.

Maria O'Hare, 81 Prescott Street, Newton, stated the original proposal was for 163 units, but it blossomed to 307 units when Boylston Properties decided to make it a 40B project. This is more than an 88% increase in the number of units being proposed. The reason for the increase was the



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original plans had an undesirable entry on Maguire Court for its \$5000 units. BP lead person for the project publicly misstated the reason for the huge expansion at the only public session BP has held about their revisions on 12/02/23. No public retraction was forthcoming. The property is situated in wetlands and is the lowest point between Lowell Ave., Watertown Street, Crafts Street, and Washington Street. The developers plan to fill in this land in a way that will necessitate cutting down mature trees and may also endanger neighboring properties. There is little usable outdoor space for the possible 700+ residents. The linear park is a small strip of turf along a driveway. The dog park would be in permanent shade on the north side of the building. Outdoor grilling areas will be polluting. No safe space for children to play at this time. Is this anyway to treat families that cannot afford to buy their own homes? 250 cars plus an endless parade of delivery trucks, moving vans, and garbage trucks will clog up traffic on the already backed up intersections of Crafts and Washington Streets and Crafts and Watertown Streets. Add it to the increased traffic from the already approved 200+ units of the senior living development next door this will create even more traffic gridlock and additional hazards to pedestrians. There will be increased air and noise pollution to go along with what the neighbors already get from the Mass Pike, Washington Street, and the Commuter Rail. It is enough already. It would be the second 40B to be approved on this block. The developers stated need for an emergency vehicle access on one-way residential Court Street gives an idea of how unsafe this oversized project will be. This access will cause a two-family home to be destroyed at 63 Court Street. Not all abutters received notice of this meeting.

Chair Rossi asked about abutter noticing.

Attorney Temple stated that they reviewed the issue and all abutters that were legally required to receive notice did receive notice and will continue to evaluate and if further notice is needed we will do it before the next public hearing date.

Jeanine Stewart, Adams Street, Newton stated she is representing her parents and two brothers that live on Lincoln Road. She was shocked to hear that the developer has been working on this for 18 months. Councilor Lukas said many of her concerns. Can you imagine having an additional 500 units dumped right next to where you live? Why do we have to take the brunt of a developer who is going to make a fortune? Most local residents were not even aware of this project. There is



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parking crisis in this area. They have to have more parking to accommodate their vehicles. What is the methodology that is going to be used for the proposed parking spaces? What is the methodology to calculate trips generated? What studies of comparable projects have been used to arrive at your numbers? Have you considered other projects that are under review or approved? Will you share your data and analysis with residents prior to finalizing your traffic and parking plan? We also would prefer local preference with these affordable units. We need to reduce the number of units, add adequate parking, find another egress, and do something for the surrounding streets and provide answers for the studies being done.

Terry Sauro stated she is also the Chair of the Nonantum Neighborhood Association. The December 2<sup>nd</sup> meeting that was held the neighborhood found out at the last minute. It was held at 8:30am and we were all on a bus trip with the Association as a fundraiser. Mr. Kavanagh sent her a map showing the abutters that should have been noticed for this meeting. She grew up on Lincoln Road and Cook Street and growing up Newtonville for this neighborhood is where the Trio currently is. This area of the project is considered Nonantum by the neighborhood. Therefore Lincoln Road, Clinton Street, and Ashmont Ave. should be getting notifications about these meetings. If Crafts Street is the only exit out the residents will cut through going down Clinton Street, Lincoln Road, Ashmont Ave. It will be only one way to get out and go right, left, or cut through. There is a parking crisis in Nonantum. Why is there not more parking for this project? Make the garage larger. The project is too big. She agrees with Councilor Lukas. She does not want to pit Newtonville and Nonantum against each other because they should be working together to make this project work. You talk about affordable housing, but you are taking away the affordable housing and making it not affordable for the residents of Nonantum and Newtonville.

Peter Bruce, Newtonville, stated Trio and 28 Austin serve as critical case studies as to what will likely happen at this project. Transit only development Trio had \$300,000 in subsidized passes for the Commuter Rail, but only 1% of those passes were used over the years so they put it towards NewMo and other things. As far as affordability the rental rates are one-bedrooms going for \$4000/month and two-bedrooms going for \$5500/month. Families needing a two-bedroom would have to make about \$200,000 a year and that is about twice the median household income in Newton. These developments are very gentrifying. He applauds the 50% AMI, but there is too much gentrification, too many market rate units, and too many units overall. 500+ units on or





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around a single block and there are already 200 from Trio and Austin that is 700 units in this area. How about the rest of the City? He feels that this part of town is being unfairly overdeveloped. Other concerns are rats/rodents and hopes the controls are good with the former wetlands situation and the culverts. Rats are an issue in Nonantum and parts of Newtonville so please make sure the mitigation is really really good. Traffic already the levels on Washington and Crafts are higher than the Federal Highway Administration recommends and yet the City is talking about a road diet when there will be 1000 more people from 500 new units in this area. The traffic needs serious consideration especially all the streets across Crafts from this project on the Nonantum side. When Washington Street gets all clogged up worse than it is now you need to make sure people are not cutting through those streets to Adams.

Dan Rubin, 175 Auburn Street, Newton, stated the big picture is Newton and Greater Boston has a housing crisis. We need more housing. The supply is not equal to the demand and that is why prices are sky high. Our kids are priced out of the housing market. Young people between 25-35 years of age are leaving the Boston area because we don't have enough housing. Our teachers are priced out. Our working people are priced out. We have a housing crisis – we need units. There is also a climate crisis. This kind of housing would be good for the climate crisis because it is near shopping, restaurants, and transit. We don't need the kind of restrictive housing that push people further and further out and become more car dependent and increase climate change. Young people face devastation from climate change and even our middle-aged people that could see 2070. Density is part of the new climate action plan and we need to pay attention to it. He supports denser housing.

Kathleen Grieser, 258 Mill Street, Newtonville, stated she appreciates the skepticism of the ZBA. Everyone agrees that the project is too big. Contrary to the speaker before me we know that these types of projects are actually gentrifying and tends to raise the overall price of housing. 50% AMI is terrific, but that 20% will remain even if this project is scaled down to fewer units. If people are concerned about the environment, then they should be concerned about the actual environment on the site of this project. There are issues with water and she thinks this development could be challenged on environmental grounds. Clearly this needs to be scaled back. The setbacks need to be much bigger. The issues of safety egress are very serious ones. Rather than chopping down trees make the setbacks larger and keep the trees. Maybe we don't need the buildings to be this tall



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Mayor

## ZONING BOARD OF APPEALS

Brenda Belsanti, Zoning Board Clerk

because we really don't need this many units. She realizes Mr. Kavanagh became upset, but he has four stories looming over one side of his garden and now he is going to have four stories looming over another side of his garden. That has to be taken seriously. She is very disappointed that the City knew about this project and the other projects that supposedly brings us over 10%, but couldn't manage to get the timing right so that this project wouldn't have to be dumped on this neighborhood full of people with moderate income. The kind of people that get displaced by these kinds of gentrifying projects by companies like Boylston Properties. She finds it very disappointing and hopes it's looked at with great skepticism and do your best to protect the moderate-income people who live in this neighborhood. You represent them.

Seth Anapolle, 88 Central Ave, Newton, stated that he believes he is within the 300 feet of this sites parking structure. He was involved in the Court Street project comments which is three houses from him. He does not think using the rear of the Court Street project height as a touchstone for suitable height for this project is a reasonable comment. One of the mistakes we the neighbors made with that project was we focused on the traffic implications of the approximately 40 units, but did not focus enough on the massing and the height difference of the project from the front which is three stories to the rear which is over 5.5 stories due to the change in topography. The project in the rear includes a garage entrance and then three stories and a fourth story built into the roofline and a steep roof pitch. The first thing the developer did when they built the Court Street 40B was they brought the entire site to grade with Court Street. If you are familiar with the site and even the Verizon parking lot next door it slopes considerably from Court Street to the rear. So the developer brought the rear up approximately 10 feet to level with Court Street and then put 5.5 stories on top of the new grade. So that is not a good starting point because that was a grave mistake. The roofline goes front to back one big line and as a result he lost his view of the horizon and the view of the church steeple and the sun. He likes the idea that his project is trying to break up the mass, but the height is significant, and the Court Street project height is not a good touchstone and should not be used as a strong point.

Janet Sterman, Church Street, Newton Corner, stated she has been a resident for 30 years. I love speaking at this hour about saving this City for the people that live here first over developers and people that want to live here but can't necessarily afford to live here. When she hears people crying about the housing crisis she cannot believe how everyone falls for it. She hears phrases like





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deeply affordable, sustainability, community, bike friendly, urban oasis she knows it is all baloney trying to lead us. This does not look promising. How many people are employed by Newton's Planning Department? At these meetings the Planning Department gets up and represents the applicant or petitioner. Why is the Planning Department employed by the City to work for the residents of Newton representing people from outside of the City. She does not understand and is completely wrong. How desperate are we to do the socially judicial thing to the detriment of current residents and property owners?

Chair Rossi stated the Planning Department does not represent the applicant but that they represent the Planning Department.

Frances Godine, 19 Crofton Road, Newton, stated that the 20% of units, 62 apartments, at 50% AMI that everyone has commended is truly outstanding when looking at the other housing developments in our City. Let's be cautious on the requirements we place on this development so that we make this economically unattainable. The numbers have to work in order to have this level of deep affordability. The project shows thoughtful design, passive house standards, and significant infrastructure improvements like stormwater will be good for the neighborhood and the City. She encourages the ZBA to advance this project to the benefit of all. She stated she also works with affordable housing.

Frances Crognale, Lothrop Street, Newton, stated kudos to Kathleen Grieser, Janet Sterman, Peter Bruce, Bob Kavanagh, and Jenna Vincenzino. She did not know about the project until December 2<sup>nd</sup>. There are 50 people on the call tonight so people care. There could be one and two-family homes on the site. There are other ways to do this. It is not safe. There will be too much traffic. To the gentleman who spoke about the children who could not afford to live in Newton – he can make an addition on his property and the kids can live there. There are ways around this and it has to be done in a different way. How about West Newton Hill? You'll be up on a hill with beautiful views and won't have to look at the City Yard. We live here and we like it. It is not fair to the people of Nonantum that already have affordable modest homes. Our safety is at stake. She does not understand how tearing things down is green. Let's fix up the properties we have and don't tear them down. Kathleen Grieser did a video on Newton Needs Change and she had wonderful things to say. This is not safe for the elderly or children. We do not need this. There is already



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too much traffic. The residents should be able to do the site visit.

Annie Raines, 50 Court Street, Newton, stated she looks down the driveway across from her and sees where the residences were recently built. She has lived here for 50 years since 1972. Earliest memories was watching a structure burn down right where building C will be located. The idea of a building of that size and that many units being that close to a fence to which there is no exit and there is a property hard up against the fence is very frightening for her. Especially a wood framed structure up on the Court Street side. She is very concerned about the safety of future residents of this proposed development and is happy that members of the ZBA are also concerned about their safety. She believes it would be terrible to subject existing neighbors to safety issues, traffic, and density but also subject future residents to the same. Especially since this would be 100% rental units so these are people who cannot afford to own their own homes. To treat them this way seems very inhospitable since Newton is supposed to be so welcoming. This seems to isolate them from Newton. Require the developer account for their safety and well-being for them to be able to bring in families. The development will demolish a two-family where two low-income families live. They are working class people that are good neighbors and contribute to the neighborhood and they could not live in an apartment because one has a child with special needs that needs a yard and a pet. People in this neighborhood are not asking for much. Unfortunately, we are getting much more than we asked for with this development in the City. The residents in this area have a lot in common and a lot we share and she is looking forward to working together to make sure the neighborhood stays safe and gets safer for the people here. She hopes she and her neighbors aren't part of the next housing crisis when they are forced to move out by overdevelopment.

Margaret Ward, 957 Washington Street, Newton, stated she spoke on this topic when the VCOD were going around the Villages looking for input and it all fell on deaf ears. This section of this City – Newton Corner, Nonantum, Newtonville, and West Newton – are facing an increasing amount of traffic as a result of development happening just over our borders in Waltham and Watertown. She has pleaded with the Planning Department and others to look at the traffic they are getting. They are cutting through and Watertown Street has been increasing with traffic and because of the congestion they are cutting through the neighborhoods of Nonantum. As Marcella spoke about earlier there is a lot of traffic and congestion. Just look at Galen Street and the development there. There is a BioLab that has been built. Development all along Pleasant Street



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and Arsenal Street right on our borders. Massive development. Where do you think the traffic is going? Those people are travelling down Washington and Watertown Streets if they have to head Westbound. If they need to get to 95 they are not going to the Mass Pike or up Center Street they are going through the northern Villages. We are getting so much traffic from all of the development just over our borders of our City boundaries. Now we are going to add three more massive developments. Dunstan East has already been approved and the senior housing development and now looking at another one that will add 1000 residents of traffic going to Washington Street which they are looking to reduce it to single lane each way. She wants the City Planners to consider not just the development in our City, but the developments bordering us.

Chair Rossi continued the hearing until February 28, 2024.

**Agenda Item 3:** Elections, discuss and/or adopt changes to the City of Newton Rules of the Zoning Board of Appeals, any necessary briefing from the Law Department about items in litigation. Sitting Members: Michael Rossi (Chair), Brooke Lipsitt, Elizabeth Sweet, William McLaughlin, Stuart Snyder and Jennifer Pucci (alternate).

Chair Rossi proposed to do the election discussion and to table the rule discussion to the next meeting.

Mr. Snyder nominated Chair Rossi as Chair and was duly seconded by Mr. McLaughlin. The motion passed unanimously.

Chair Rossi nominated Ms. Lipsitt as Vice Chair and was duly seconded by Ms. Pucci. The motion passed unanimously.

Ms. Belsanti was nominated by Ms. Lipsitt as clerk and was duly seconded by Mr. McLaughlin. The motion passed unanimously.

Chair Rossi concluded the meeting at 10:24 p.m.

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



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### MEETING MINUTES

Wednesday, January 24, 2023.

7:00 p.m.

HYBRID

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

**Staff Present:** Brenda Belsanti, ZBA Clerk; Jonah Temple, Deputy City Solicitor; Barney Heath, Director of Planning; Katie Whewell, Director of Current Planning (remote); Cat Kemmett, Senior Planner (remote).

**A public hearing of the Newton Zoning Board of Appeals was held a hybrid meeting on Wednesday, January 24, 2023, at 7:00 p.m. on the following petitions:**

1. **#04-23** Toll Bros. Inc., requesting a Comprehensive Permit, pursuant to M.G.L. Chapter 40B, to construct a six-story all-residential development with 244 residential units on 5.82 acres of land located at 528 Boylston Street in the SR1, SR2 Zoning Districts. The proposal includes 61 affordable units and 385 parking stalls.
2. Discuss and/or adopt changes to the City of Newton Rules of the Zoning Board of Appeals, any necessary briefing from the Law Department about items in litigation.

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**Agenda Item 1:** #04-23 Toll Bros. Inc., requesting a Comprehensive Permit, pursuant to M.G.L. Chapter 40B, to construct a six-story all-residential development with 244 residential units on 5.82 acres of land located at 528 Boylston Street; 0, 502-504, 516 Boylston Street; 0 Hagan Road; and 24-26, 32-34 Hurley Place in the SR1, SR2 Zoning Districts. The proposal includes 61 affordable units and 385 parking stalls. Sitting Members: Michael Rossi (Chair), Brooke Lipsitt, Elizabeth Sweet, Stuart Snyder, Jennifer Pucci, and Denise Chicoine (alternate)



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### Documents Submitted:

1. Letter from Attorney Winters with attachments dated January 12, 2024.
2. Planning Department Memorandum dated January 17, 2024.
3. Resident emails
4. Resident video
5. Scott Horsley Report

### Testimony:

Attorney Stephen Buchbinder, Schlessinger & Buchbinder, 1200 Walnut Street, Newton, reviewed the redesigns and updates on the project.

Tom Schultz, architectural team, 50 Commandant's Way, Quincy, presented the decrease in massing and units comparing the first, second, and current third version of the smaller project design.

Steve Martorano, Bohler Engineering, 45 Franklin Street, Boston, presented the updates on stormwater improvements, ledge and topography, landscaping, fire access, buffers, pathways, and abutter views.

Robert Michaud, MDM Transportation Consultants, Marlborough, presented his responses to the peer-reviews, enhancements for pedestrian and bicycle traffic, commercial vehicle circulation, and Mass DOT plans.

Ms. Kemmett presented the Planning presentation with a review of the current project updates.

Alan Mountjoy, Architect, NBBJ, Boston, stated he is satisfied that the building has been significantly reduced. The project is consistent in size with other 40B projects but the footprint does exceed the size in Village Center 3 Zoning. The height questions were resolved with the



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Village Zoning. The courtyards helped reduce the massing and the step downs reduce the impacts which also had an impact on reducing shadows. Likes the multi-use path and to incorporate into Safe Routes to School. Advocates to keeping the mature trees for buffer. Satisfied with the movement of the bike room. The parking ratio is inline with where it should be,

Jeff Maxtutis, BETA Group, Norwood, gave a presentation and stated he reviewed transportation and mitigation with the applicant and there have been several improvements. Mass DOT is responsible for Rte. 9. Each driveway will include a median to reduce speed. Minor vehicle delays in the area. Parker Street design will be done for traffic timing. There will be delivery vehicle monitoring done after occupancy to work with the City for solutions. Signage program for visitors and deliveries. There will be a transportation plan needed during construction. Guardrail installation for pedestrian safety will be discussed. Pedestrian and bicycle multi-use path connectivity.

Janet Bernardo, Civil Engineer, Horsley Witten, stated the applicant is required to meet the ten standards. The applicant has responded to the majority, but there are a few outstanding items. She is also looking for some clarification on some aspects of the design and further documentation.

Ms. Kemmett reviewed next steps for the applicant of refining design, responding to NBBJs concerns, responses to traffic and stormwater, identify areas of mitigation, review the traffic demand management plan, updated lighting plan, sustainability plan, and details for tree removal and replacement.

Ms. Sweet stated that this was a great update. Appreciative of the 50% affordability and would like to know the breakdown of unit types. She would like to know about the pond due to the increase in flooding. What impact will be on the neighbors if there is 2.5 feet of water in the pond. She wants to know why applicant would use synthetic turf when there is so much evidence that it is toxic and would like to see something else used.

Attorney Buchbinder stated that they are looking for lighting recommendations for the multi-use path and the applicant will act accordingly. Of the 50% AMI units three will be three-bedroom units.



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Mr. Martorano stated that the pond is meant to slow the water down for a couple of hours during the peak of the storm and then it will empty into Paul Brook to reduce impact to the neighborhood. There is more capacity than a 100-year storm. The synthetic turf was just for the Fire Department so whatever we use needs to be drivable.

Ms. Pucci stated that she appreciates the neighbors' input and it's been incredibly helpful. She asked if more of the 80% AMI could go deeper to 50% and how many of the units would be accessible to families with disabilities. The peer reviewer noted for stormwater that it planned for a 25-year event, but we know that this site has flooding today and these events are continuing. We need to use the 100-year benchmark to make sure we have what we need there in terms of impervious surface. The landscaping berm plan as proposed will actually function and thrive with minimal maintenance of the years.

Attorney Buchbinder stated that the affordability will be looked at. Out of the total affordable units 58 of the 148 are three-bedrooms which is 1/3 of the units so the project is very heavy on the three-bedrooms.

Mr. Martorano stated that the 25-year is a DOT standard approach, but will look at the 100-year and see the impacts. The landscape berm build up material will provide better growth and providing drainage so there will not be the ponding there is now that is harming the vegetation today. The intent is to make it a native and healthy buffer that will not need a lot of maintenance.

Ms. Pucci asked if the maintenance will be part of the ongoing maintenance plan of the project.

Mr. Martorano stated it would be maintained.

Ms. Lipsitt stated that she supports the statements from Ms. Sweet and Ms. Pucci and feels there needs to be a maintenance condition. She also strongly agrees with not having synthetic turf. There are two issues she wants clarity and it is flooding and traffic. She wants to hear that there will be less flooding impacting the neighbor's property there is today. She understands the standard is not making worse, but she wants to hear it will be better. She continues to be concerned about traffic. It is a difficult situation at Parker Street and Rte.9 and the surrounding





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streets. She is concerned about the two driveways. She is concerned about people not knowing where to go and wants to see the signage package that will explain how to navigate the site. She wants to hear that in practice this will not be an issue. In the NBBJ written materials it states that there may be a removal of the concrete channel in Paul Brook as an opportunity to reduce flooding. She wants to hear from the Conservation Commission if this is a realistic possibility, if it a meaningful change, and how would we go about having Toll Bros. make it happen.

Mr. Martorano stated that definitively that there would be less flooding at the neighboring properties than there is today. We are at 200% storage instead of the requirement of 100% standard and 110% by the City.

Chair Rossi asked Ms. Bernardo if what Mr. Martorano said is correct.

Ms. Bernardo agreed that is what is the intent is, but she wants to make sure she agrees with the numbers before making that statement and confirming.

Chair Rossi stated he was trying to see this from the perspective of the neighbors and wants to know if it will be better or worse.

Mr. Mountjoy stated that the engineers are addressing onsite storm treatment. They are not addressing the larger issue of Paul Brook as a stormwater conveyance structure. The comment is to what degree will the remaining land that is within the flood plain of Paul Brook be used to enhance or reduce downstream impacts by having more storage within that area. The applicant cannot touch it because it's in the flood plain. The challenge may be outside the applicants purview, but it is in the Conservation Commission say to ask how can the area of Paul Brook be harnessed to help reduce the impacts downstream to the neighbors that are probably going to experience flood events in the future due to increased rainfall. He wanted to make the distinction of what the project is doing and what might be done to the remainder of the site that they are not touching.

Chair Rossi appreciated the distinction and asked if it was the view of Mr. Mountjoy for the applicant to not make things worse.



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Mr. Mountjoy stated he believes they are enhancing the onsite flood storage on areas they are touching.

Chair Rossi asked if the overall impact of the project ends up exacerbating the flooding due to Paul Brook or any other feature the applicant is not really mitigating or sustaining the runoff.

Mr. Mountjoy stated that the applicant is improving the onsite. He is not a Civil Engineer. They are addressing the onsite stormwater, but it is a drop in the bucket compared to the conveyance of Paul Brook has to carry. He is only making the distinction that what else can be done to the wetlands to enhance to what they are doing on the site.

Mr. Heath stated that the conversation should be had with the Conservation Commission.

Chair Rossi stated that he asks what the impact on the abutters with the flooding.

Mr. Snyder stated that from a big picture standpoint he appreciated the presentations from the applicant, staff, and peer reviewers. We need to get to the point where the peer reviewers are satisfied with the responses and there are no outstanding questions. He is concerned about the effects on Paul Brook from this site and downstream. Is there a chance Paul Brook gets overtaxed? Has the applicant been in contact with direct abutters to see what could be mitigated on their property?

Mr. Martorano stated that there will be further conversation with Conservation Commission and Public Works regarding this. If there is an opportunity to put mitigation along the property lines may be more effective and they are looking at that because the dry wells could be more easily overwhelmed.

Mr. Snyder stated that he feels these are conversations worth having with the abutters.

Mr. Martorano stated that there will be some survey work done. Dry wells may work better if there is regrading done. What there is now is to put drainage in the area.



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Mr. Snyder asked for more clarification with parking and reasonable expectation for the nine stalls for deliveries and visitors. Will there be enough parking for visitors?

Mr. Michaud stated those are really for lease visitors or short-term for visitors that are picking someone up, or food delivery, or rideshare. They are really intended for come and then turnaround and leave. The nine spaces should be adequate to meet those needs. Longer visits would be put in the garage in supplemental spaces in an as needed spaces.

Mr. Stuart asked if there will be signage to direct people where to go to park for visit a resident.

Mr. Michaud stated that the spaces are at the management office and they would be able to direct and give a visitor pass.

Mr. Snyder asked what is a reasonable expectation for people visiting there. This could impact the surrounding streets and the pedestrian path.

Mr. Michaud stated that the MAPC studies suggest the demand ratios per unit during peaks and the supply here is 1.28 which is above for this type of projects. It is 20-25% higher than needed.

Attorney Buchbinder stated that they will come up with a parking protocol and signage plan.

Mr. Michaud state that in terms of the traffic there will be a combination of things that will let people know what driveway is appropriate for their use. Residents will use the primary driveway, package delivery, USPS, food delivery, and rideshare would use a different eastern driveway. Those needing the leasing office would use the auto court and short-term parking.

Mr. Snyder stated that the lighting on the multi-use path and sees that the applicant is looking for suggestions. This is important and is asking how decisions will be made.

Attorney Buchbinder stated that they need to get a lighting package together.



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Mr. Snyder stated many of the residential letters raised the questions of health risks for light, noise, and the blasting that will be going on. Concerns over blasting dust and damage that it may cause to the neighboring properties.

Ms. Whewell stated that blasting is regulated by the state and the City has a vibration ordinance. Everything would need to be monitored. There would be a construction plan that would be monitored by Inspectional Services that they take very seriously. Neighbors can file for zoning enforcement if these things are not being followed.

Mr. Martorano stated that there is a stormwater pollution prevention plan and meetings with the general contractor prior to the start of construction. The EPA requires a notice of intent that construction is going on and they have the ability to enforce the prevention plan. There will be dust control procedures that the contractors are required to implement.

Mr. Snyder stated that another letter from Newton Impact addresses the berm suggesting different plantings and ideas and asked if the applicant reads the letters.

Attorney Buchbinder stated that they do try to keep on top of the letters that come in.

Ms. Chicoine stated that she appreciates the redesign and the reduction in massing. How many electric car charging stations will be available and will there be a shuttle to the Greenline?

Attorney Buchbinder stated there will be 20% of stalls with charging stations on day one with the ability to go to 50%. There has been many discussions with the City about having a shuttle with other developments in the City along the Rte. 9 corridor to Chestnut Hill and they will continue.

Chair Rossi stated that some of the updates since the beginning of the project are great progress. He asked Ms. Bernardo she could provide more information on the standards for stormwater in following meetings. He stated to Mr. Mountjoy that the statement that this project is in scale to other 40B projects in the City is misleading because it does not take into account the setting that this project is in. It is a single residential district and surrounded on three sides by residential homes and there is not another project in the City that fit that criteria. Do you take the setting of



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the building when you consider the size of the massing and how does it factor into your analysis?

Mr. Mountjoy stated that he has worked on several 40B projects in the City and on a case by case basis when working on Charlemont we looked at a building that was nearly 400 feet long and decided in that setting that it was too big primarily because we wanted a smaller scale block structure to be supported within that district as part of the studies that Needham Street as being a walkable neighborhood. He didn't feel that breaking up the building mass in this case would help and the multi-use path was going around the side and provided the connectivity of the site adequately. There was no need to provide additional pathways through the site and it didn't challenge the size of the building because breaking it up would probably increase the height of the project. Even though it is one of the larger 40Bs breaking up the mass would benefit the community in any way for the connectivity. The buffering has been a beneficial aspect by not breaking it up.

Chair Rossi asked if in Mr. Mountjoy's view the building was too big as opposed to too big for the setting.

Mr. Mountjoy stated that with Charlemont they wanted to break it up for better pedestrian connectivity through the site whereas with this site the connectivity was satisfied with the multi-use path. There was no reason to increase connectivity through the site because the neighbors would not have appreciated any additional connections to any street other than the one there.

Chair Rossi asked if the concern at Charlemont was that it was one big building and if did not have the same concern here.

Mr. Mountjoy stated that was correct.

Chair Rossi asked if there were thoughts if this building was the appropriate size for the setting that it is in.

Mr. Mountjoy stated that he does not have his scale comparisons. They did a number in the City and from the Charlemont study he used the same precedence and many of the buildings were 400



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feet long and this building is approximately that so it is not unusual to see buildings of that size. The specifics of the site mandates if it should be broken up into pieces or not based on urbanistic principles as opposed to strictly massing.

Chair Rossi asked if the project make things better, worse, or no impact. The study showed that there would be a minor increase in delays at intersections. What does that mean in terms of time and what intersections were studied.

Mr. Maxtutis stated the intersections studied were along Rte. 9 from Parker Street down to Hammond Pond Parkway. Eight or so locations were done. Minor impacts would be if you are adding traffic it will make delay somewhat longer. In traffic engineering valuation if it does not change level of service it is said to be not significant.

Chair Rossi asked to explain if lines are longer and people are delayed how does that not change level of service? If you live in the neighborhood and you're waiting longer how is that addressed?

Mr. Maxtutis explained that level of service is a report card for the intersection. Adding one or two seconds in delay that is in the margin of daily fluctuation it is hard to measure that impact. But if you trade a grade from level of service that means you have increased delay significantly by 30 seconds or more. This project is not in that area. It does not create a lot of trips. People find it hard to believe, but the actual trip generation for multi-family units is low. Trips are between 55-75 when the project was larger so now it will be less. So it's one per minute that is being added which is not a lot.

Chair Rossi asked if any of the intersections studied were already at level of service grade F.

Mr. Maxtutis stated that he did not believe so but would have to recheck.

Chair Rossi asked even though there will be an increase none of the studies showed a change in grade from one level of service to another.

Mr. Maxtutis stated that there may be a change if one was on the borderline, but as he recalled



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none did.

Chair Rossi asked specifically about Parker Street and asked if there would be an added significant delay.

Mr. Maxtutis stated that it experiences significant delays now.

Chair Rossi asked if it will get worse if the project is built.

Mr. Maxtutis stated any traffic will increase delay, but that intersection in particular is being addressed by Mass DOT Safe Routes to School Project with lanes and traffic signal optimization. The applicant does not take into account signal optimization at the intersections and has agreed to make improvements.

Chair Rossi asked Mr. Michaud the same questions and what his responses would be.

Mr. Michaud agreed with Mr. Maxtutis that any additional traffic would increase delay, but the level of that delay is in seconds and the changes are 3-4 seconds at most of the intersections which would be in a day to day fluctuation regardless of the project. In terms of the Parker Street intersection which on occasion the westbound ramp backs up, but putting in signal optimization, phasing, and lane assignments at that location. It is a one second of additional delay does not rise to the level of changing a nominal level of service now or future. The applicants commitment to working with the City for improvements should get better with the new projects. This is a very small part of a growth part along Rte. 9.

### **Public Comments:**

Councilor Stephen Farrell, 30 Winton Road, Newton, asked a process question regarding the Conservation Commission and he was surprised at the January 24 hearing by the Conservation Committee to learn that it was undertaking only an informal overview with the project of many outstanding critical questions, stormwater management and flooding. It would only be after your decision and the zba that the Conservation Commission would and “closely





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examine the project for compliance with the Wetlands Protection Act and other relevant regulations. The project will need to exhibit an overall improvement ecologically and hydrologically for the riverfront area. The Commission will consider the potential for improvements Paul Brook itself, review a detailed construction sequence for ongoing construction erosion and stormwater controls". There are several things, but these are a lot of very significant concerns that have been addressed here this evening and others. Each of these is absolutely critical to understand prior to the ZBA approval in his opinion. Few of the answers to these questions about this project are more critical to immediate neighbors and in indeed City itself that knows about stormwater management and flooding. This is an area where the neighbors have consistently demonstrated to you that they suffer daily stormwater and flood warning flood management problems. It's not sufficient as Horsley and Witten suggests that it appears that the apparent the applicant can comply. It must be clear. There are substantial costs of the developer to do this now, but some water or flood or water problems cannot be corrected after the fact like safety, traffic congestion and public transportation to name a few. Therefore, he respectfully urges the ZBA to require that all stormwater and floodwater questions be answered now with the support of the Conservation Committee and not after your decision.

Chair Rossi stated he had similar questions about the order of operations and asked Planning for some insight.

Ms. Whewell stated the reason why it makes sense to come to the ZBA first is to really finalize what the site plan is going to be. Also, they have to comply with state requirements which the Conservation Commission is responsible for upholding and enforcing. The level of detail of those plans is just incredibly detailed on how they are going to meet the requirements of the Conservation Commission. The applicant could also add to this, but it's just the level of detail that is required for those plans and not knowing whether this project will be approved and in what iteration what form. So that is sort of the reason why that the process unfolds the way it has.

Wendy Landin, 40 Olde Field Road, Newton stated she is a direct abutter and thanked Toll and it's architects for their revised designs. She appreciates the changes in materials that are clearly an effort to respond to our concerns about the project fitting in with the neighborhood. She also



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appreciate the new median renderings, which have an accurate portrayal of Rte. 9 with chain link fence and not lush green mediums. She is not an engineer. She could apply and confidently on Toll Brothers cap structural liquidity and valuation, but I am a mere resident for 27 years old 40 Olde Field Road and have only lived experience and homeowner observations to rely on which formulate my concerns. For almost a year and a half my primary concerns remain the same. The negative impact on safety primarily increased traffic risks, not traffic delay, but traffic risk from getting from Olde Field Road, Sheldon, Philbrook merging onto a 50 mile an hour road which now we have to come to a hard stop because of this project. Waiting another minute is fine. Hitting a car is not fine. We're fortunate to have competent experts in Newton and Toll has also has very competent experts. Subsequent to the last meeting ZBA meeting, a few of us met with Mayor Fuller and Barney Heath to discuss our concerns and we found them very supportive and very sympathetic and we'll meet with Mr. Heath again. Vacations, holidays, and the teacher strike. All of this is weighing on our City. However, Scott Horsley formerly of Horsley-Witten, an expert in water resources management, is engaged by our group and confirmed our concerns are valid and real. Thank you to this committee for sharing those concerns and for recognizing that more needs to be done to reduce flood risks to our neighborhood and unroot Olde Field Road. He's made a bunch of suggestions, including groundwater mounding analysis, but what we're asking is do the analysis and use best practices. If things are fine, that's great. Our concerns will be alleviated. Similarly with traffic. We're concerned about the underlying assumptions. We're concerned about the risks. Let's do a scenario analysis. If the safety risks are not increased rate, we'll be happy and our concerns will be alleviated. If there are risks it can be mitigated and we can perhaps save a life. She is not going to discuss the impact on daily life other than to say Olde Field Road residents are very concerned and determined to maintain the maximum number of trees for our privacy. Similarly brought up today the lighting. We're concerned about the lighting and what that does to our privacy. Positive changes have been made, but I believe we have to come together as a community, support and protect each other, and compromise. Let's work together to achieve a project that we can all be proud of.

Sean Roche, 42 Daniel Street, Newton, he is a neighbor across Rte. 9 on the north side. He will not speak about the floodwater and the stormwater issue and clearly lots of people have raised it. He is here talking about housing and pedestrian access. He and in many in the housing advocacy community, don't necessarily consider it progress, that the project has fewer units. We need



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housing, and we need affordable housing. It's good that there are more three bedrooms and it's great that there's more deeply affordable housing, but I don't think it should be the province of the ZBA. As you as you said Chair, to commend a reduction in the number of units of housing that this will bring to our city. I understand many of the concerns of the neighbors. This is probably not what they imagined when they moved in, but we've had similar buildings built in Newton before and they haven't ruined Newton or the neighborhoods. He wants to address a question about how it fits in with the single-family residences. 40B is a mechanism the state created to deal with the shortage of housing in the state and in places like Newton. The reason we have a housing shortage is the preponderance of single-family neighborhoods. So you know that the clash between the size of this building and single-family neighborhoods is really a function of single-family neighborhoods. Really love the connection of the multi-use path to use to Hagen through the property. I have some specific suggested requirements that ZBA impose sidewalks along the east side of the auto court so that pedestrians traveling from the East don't have to cross the driveway entrance to stay on a sidewalk to the front door. The guardrail between Rte. 9 and the sidewalk I think is important for the perception of safety. Extending the guardrail from the east edge of the property to Dudley. There's an existing guardrail from Dudley to Langley that will create a safe corridor. Create a signalized pedestrian crossing at Dudley like there is Woodcliff. If we want to reduce auto traffic, one of the ways to do that is to create pedestrian alternatives for typical use cases, like getting to Bowen School. At Hagen in Adelaide, that is a an intersection desperately in need of a road diet that should be compressed and that would make it better both for pedestrians and the neighbors. And lastly, I get the desire to make the buildings look residential with a peaked roof. I really do. However, if we go half a mile down the road to Avalon at Rte. 9, there's a peaked roof to make it look residential. What ends up being is a gigantic mountain of asphalt roofing. Long term it would be better if this goes back to flatter roofs.

Sharon Greenstein, 16 Olde Field Road stated she is a direct abutter. Rick Lipof had been on the call until recently, just a few minutes ago and just wanted you to know that his comments will be emailed. She will speak about two different things tonight two of my concerns traffic safety and affordability. She spoke about traffic safety. Issues back at the May, 2023 ZBA meeting and believe there are still many open and unanswered issues. These are further detailed in a separate letter that we sent to the ZBA this week, so she will only mention a couple of things tonight. As has been discussed, the project's exit will be located at a treacherous merging of traffic from the



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Parker Street Bridge Olde Field, Sheldon and Philbrick Roads. How will safety concerns about tenant cars merging onto Rte. 9 and having to accelerate up a hill to 50 miles per hour mitigated? We have not heard adequate information about this. How can a sufficiently long merge lane be created while allowing for the planned sidewalk, building setback, and rock wall without reducing the current lanes? Mitigation has also not been proposed for the risks that Olde Field Road drivers as my colleague, Wendy said we'll face merging onto Rte. 9 and competing with an industry standard projection of 729 car trips a day and during at 528 Boylston for the 243 added cars. As the suggestion by BETA to having a separate entrance and exit been considered. Now switching over to affordability this also remains an issue. She knows several people in the chambers today have discussed this and stolen some of her fire but will still repeat what she wanted to say. Under the current design a total of 46 affordable units are proposed 9 at 50% of AMI, 37 at 80% AMI has also mentioned in the past it's highly debatable whether units priced at 80% of AMI are really affordable. Affordable \$2,700 per month two-bedroom family units are only affordable to households making \$110,000 per year and this is more than what Newton is paying many of our teachers. Nine units priced at 50% of AMI are truly the only affordable units. Sadly, four affordable units on Hurley place are being torn down to build this project, netting just five affordable units. Three of these units at on Hurley offer four-bedroom units. So you know if you were to do the math, and she does not know all the numbers, but it looks like there is only a net about five to 10 affordable bedrooms that this project will be creating. This is a missed opportunity to diversify Newton and incentivize those who work for our community and support our children. We welcome affordable housing, but it needs to be truly affordable housing that doesn't negatively impact the safety of our residents.

Rob Sellers, 16 Olde Field Road, Newton thanks everyone all of the time that you've put into this. He lives 50 yards away and 20 feet below the project so requests a rendering from his place because he's actually much closer to the project. Especially the winter view. We've sent some pictures you can see what that looks like from our yard. He really appreciate the design improvements as well, but we continues to have concerns about the impacts of the project on safety and the environment. We know that the ZBA and the neighborhood are aligned on the interest of providing affordable housing and ensuring that future generations feel that our work today that our work today made the neighborhood and Newton a better place to live. The burden of that responsibility is on us, not the developers. We take this very seriously and again, we want to make



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sure that concerns are addressed. On the safety front we feel that an independent traffic assessment is still needed to evaluate the impact of the project. The additional thought 238 cars and 729 car trips to the neighborhood. A couple of assumptions that we really want to challenge that just don't make any sense to us is that the fundamental no impact or negligible impact of cars is based on the assumption that only 8% of the tenant cars which is 19 vehicle trips divided by 243 will be commuting to work or taking their kids to daycare during morning rush hour. Maybe that's a 2021 COVID era benchmark, but this may seem reasonable in a mixed-use development, but we feel that the assumption may be a gross understatement given that the target market is a high-income tenants with jobs were paying for parking. The Vanesse and Associates earlier this year quoted some survey results by the American Community Survey that is 27% of our area contained in the project site reported they use an alternative mode of transportation or they work from home. So we're trying to figure out what the gap is. If 92% of the cars are not commuting, there's 27% in the survey so what's the difference? How did you arrive at the at the 8%? The other part is the level of service question. It's a C on the MDM survey but we know as we live there that it's frequently have an F during rush hour. They're saying a C during peak hours and we're noticing up to an F and that also was noted by Vanesse & Associates. There's more in the letter, but appreciate the time today.

Betsy Harper, 19 Fairmont Avenue, Newton stated speaking on behalf of herself and also Grant Newton's Building Standards Committee. Personally and as a committee, we have reviewed this project with the petitioner extensively and we are highly in support of it because of its strong sustainability plan. There is a new specialized building code, which some of you may be aware of has increased the requirements for all buildings to multifamily buildings of this size to be passive house and to be all electric and obviously the petitioners conforming with those, but they are going above and beyond that in three ways. Firstly, on their study and use of embodied carbon lower embodied carbon materials. Secondly, on the percentage of electric vehicle charging stations. Thirdly, on their exploration of rooftop solar. The embodied carbon analysis, they've hired an external consultant to look at the major contributors to embodied carbon from cement and brick and steel and are committed to using the lowest materials that they can to lower the amount of embodied carbon in those materials. Secondly, the code only requires 20% of the parking spaces to be EV ready, whereas the petitioner is looking at the newest types of smart shared electric utilization charging stations so that they can go as high as 50% of those parking spaces to be EV ready, without the need for a huge new transformer to be installed. Thirdly, rooftop solar is not





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required by the building code for all electric buildings, but they have unfortunately not had the time to present that plan today, but there is significant available rooftop that they are committing to put rooftop solar on. Those roofs are southern facing and we expect them to be highly productive in their generation of electricity. In short, we believe from a sustainability point of view that this building will add significantly to the Passive House units in the city and all electric buildings. With all the other additional components that I've mentioned about lowering embodied carbon below standard building material usage, the increase of EV charging stations and the addition of rooftop solar. Thank you very much.

Patricia Burdick, 180 Dudley Road, Newton, stated she is concerned about the massive scale of this building, which makes it necessary to deal with the rock ledge. Her husband and her dealt with removal of ledge when the Atrium was built, which is the corner of Rte. 9 and Florence Street. The blasting there was very disruptive. You will hear a loud siren, then the ground would shake, and our house would shake. Then there would be another siren which would signal that was all clear at that time after that. What happened was that our chimney began to leak and it took a while for it to become serious enough so that we called in a mason. This was in the midst mid-80s and the mason discovered that our chimney was cracked. The chimney had to be torn down halfway and then rebuilt. It was never possible to prove that it was the blasting that had caused us, but since it hasn't happened again, and we haven't had any blasting it seems only logical. She would like to inquire what Toll Brothers will do to protect homes, and there are many homes in the vicinity of this project from damages, and what is any recourse if homeowners discovered damage to their properties? Thank you for your time

Stephen Friedenthal, 329 Parker Street, Newton, stated he appreciated the presentation. He has been to a couple so far. Probably reiterating some of the same concerns that other people have. One is on the traffic and he listens to the testimony. He's so serious. He does not find it credible and it's smug. He drives that road. He takes his wife into work every day. He already has a several minute backup coming up Rte. 9. He thinks when people do studies they do an a 10 or 11 am. Not during school hours and during school. Over the last 20 years Parker Street has turned into parking street because it is just stopped with traffic and trying to get on his driveway is often just waiting on the kindness of strangers. He does not see how adding more when the only possible route for students to get to Brown or Bowen or Oak or South is that Parker Street exit. He understands we have the



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safe walkways to school, but now you're expecting students, and I have a couple, to now walk to school and winter snow rain and it's not credible. They're going to drive. They're going to want to drive and it's going to add traffic and he thinks the assumptions are unfounded from what he's seen there. He is also worried about safety on that intersection. He was nearly t-boned a while ago and he still has recollections and he was nearly t-boned because people get frustrated by the backup already on Parker Street. So they blow past the red light and it creates a risk. He does think this is going to ameliorate that. He worries about the students walking as well. Yes, we have the walkway but it's more people it's incredibly dark at night. We had a fatality or near fatality just outside his house earlier in the year because of a darkness on Parker Street in the amount of traffic. Two the flooding. We all talk about it. It's not climate change, folks. We have three inches of snow and he has a sump pump that won't stop running every couple of minutes. A few years ago it was never an issue in the last year alone every yard out here is a pond. It's a swimming pool. And he does not see how that stormwater maintenance that you're doing, I notice the words, were very carefully coached, to say well on this site on this area, but the water's got to go somewhere and it's gonna go downhill and he happens to be in a low point of Parker Street. So unless Toll Brothers is willing to put up the money to fix the flooding issue, and he hasn't heard them volunteer that, he's skeptical and I'm worried about that. His last thing is he heard the testimony about the EV chargers. I know that makes us all feel good, but EV chargers actually put a phenomenal strain on our electrical grid. So as much as people like electric cars, modern electrical vehicle charger is going to do what 100 amps 480 volts and you're gonna put 20 plus of them out there. And we're gonna find that our existing electrical system is already strained to capacity and suddenly having a large number of electric cars charging things is going to cause a greater risk. So in short, he appreciates people trying to do and he doesn't feel like this project is ready and he's concerned that resident input is being blown off and that we're not being listened to.

Heidi Werner, 30 Hagen Road, Newton, stated she has spoken before is sure you're aware and it's unfortunate that many people are occupied with the school strike and could not attend tonight. With that said many people like herself in the community are even more concerned with the environment and flooding issues. It'll become more of a disaster than it already is with the extreme weather. She does not think you can accurately measure future storms since it's extreme and unpredictable. We can't control the weather, but we can control potential extra problems by not building this massive structure. The last major storm we had was on December 22, which left us





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with major flooding for weeks after. Lower line levels off the Parker which we just talked about Kendal Truman, they still have extended pipes and hoses to remove water and constant drainage out to the street and creating ice on the road during the winter. Just yesterday she saw a woman on Truman still addressing her runoff from her home and this is about a month after that last storm. Who is accountable? Who will shovel the sidewalks on Rte. 9 and the new biking paths? Because right now they're not taken care of. Who's going to help us with the constant flooding? It took the City four weeks to pick up my yard wastes from the last major storm with their extended pickup. One month ago and five phone calls later it was just picked up. So with that example she has little confidence that our flooding will be okay or get any better. The reality is even adding 10 units to that property will make a negative impact in this residential area. In addition, we're sacrificing the many homes in our whole neighborhood not just the abutters, but the taxpayers, the residential community we built. This massive building will dominate and take away the little green space that we have left in the neighborhood and in the city. Not to mention you create noise and light pollution that will affect all of us and potentially our health. The risks are too high and too many for this massive rental property. Thank you for your time

Maitriyi Shah, 109 Dudley Road, Newton, stated she an opposition of this massive project. She works as a trauma anesthesiologist, and she has humongous safety concerns about the Parker/Boylston intersection here. As previous members have of the community have said we've had near fatalities and fatalities along the road. She doesn't think it's appropriate at all to add more traffic to add more pedestrian traffic actually and then furthermore, congest the area. She thinks it's a huge risk and she thinks one life saved is going to be worth not making this project go forward. Subsequently, she thinks it's just a wrong location for a huge complex like this. We've heard so much about the flooding. She kind of just don't even care. She cares about saving lives. She cares about saving children's lives. And that's what she does is her job and she really doesn't want to see this project move forward as a trauma anesthesiologist.

Enrique Testa, 84 Ireland Road, Newton, stated although people are mentioned before the issue of flooding, He's a little bit upset that the vision of this issue is pertains only to the building site and the address when it affects as we guess heard areas as far away as Parker Street Adeline road when the repairs on Dudley Street about three years ago he had to put pumps in my house never had to do that before. Now there was a rainstorm on January 9 and in one



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of my neighbor's house, there was a brook coming from the sides that the empty space on the houses that have the backyard towards Adeline Road and there have been three new houses built in that area. And we never had seen a brook in that area. Now we have it. So if you don't take the whole neighborhood into consideration. Yes, the gentleman just said that he will make the immediate neighborhood better by probably pumping the water for the rest of us. Who live further downstream and that's not appropriate. That's not what the City should be doing. That's my concern and comment at this point.

Marie Fredrick, 24 Hagen Road, Newton, stated she is a direct butter. I've lived here for 24 years with my husband and two children. Thank you for letting us speak tonight. A large group of concerned neighbors joined in to listen to the Conservation Commission meeting two weeks ago we're told did a presentation about 528 projects and its current plan for drainage and flooding mitigation. Though, though it is still unsettling to the neighborhood that the Conservation Committee did not have to weigh in more formally on this site that has extremely challenging complicated topography, flooding and wetlands before the ZBA decides on the permit. We now have a better understanding of their process and their thoughts. We were told that engineering calculations and special systems are being put into place and that the neighbor should really not worry about our concerns being an issue. But when we gave examples of the Newton Public Library lot where trees were taken down for solar panels parking lot where calculations and special systems smart people and huge expenses were spent and it still instilled a lot flooded and the Mayor got more experts and calculations and then again the parking lot flooded this summer. We were told that the Conservation Commission must work within the wetlands law and cannot really address these unintended consequences. Consequences even though we have valid concerns, though we appreciate Horsley-Witten group's comments. We were still concerned so the group decided to hire another consultant to examine this project flooding systems data and the area on behalf of the neighborhood. Scott Horsley, a water resources consultant was provided all the documents on the Newton comprehensive permanent permit web website. Unfortunately, Scott is ill today and was unable to join us from the documents he examines it appears that on December 7 that test pit samples taken were not within the footprint of the proposed infiltration system. Is this understanding correct or do we miss or overlooked a report? His report was provided to this ZBA last week. We hope the ZBA will take Scott Worsley's recommendation and require the additional test pits pit locations and require the needed monitoring well from approximately late



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winter to early spring. In the 2P area in this area, the risk of severe flooding and a high water table and basement flooding is real. We are in favor of affordable housing but we also believe there is more that can be and should be done to protect us. We are hoping that the ZBA sees that the real risk outweighs the benefit and will help further protect our neighborhood ZBA thank you for your time and consideration.

Lucie Chansky, 259 Jackson Street, Newton, stated she lives across the street and diagonally closer to the Parker Street bridge. She has two questions. One is the impact on people coming from the east and going up to Parker Street on the ramp will certainly increase if this project is built. It's unclear how many cars she thinks that's the question how many cars will be added, but at this point, cars are constantly backed up right back into Rte. 9 in a really dangerous situation. They're just stuck and waiting for the lights and saying that they're going to fix this problem with adjusting the light is not reality in my opinion and addition to that issue she lives very close to the ramp on Jackson Street and I can never get out of onto the ramp if I need to go onto the bridge. Parker Street bridge to turn left the traffic never ends. What's going to be done about that. So that the impact is on all parts of the bridge and all the ramps are not just the one that leads to the project in question. And then my other question is will tenants be charged for parking? And if they're going to be charged for parking how many of them are going to try to avoid paying for parking and be parking on the neighborhood streets and what's going to stop them from parking in front of people's houses, particularly if the overnight parking ban is ever taken away which sounds like it possibly could be. Cars will be there forever and our neighbors will not be able to park in front of their houses.

Ann Findeisen, 132 Hagen Road, Newton, stated she is a direct abutter and has been living here for 32 years with my family. At the last meeting she spoke about the serious health risks associated with noise light and air pollution. She knows that Newton has zoning regulations regarding all of these and but tonight she is asking the ZBA to consider requesting impact studies in these three important areas in order to minimize the risk that the project will pose to the residents of the neighborhood. She knows this was addressed earlier in the meeting. She was a little concerned when she heard that well, if there's a problem you can ask the zoning committee to enforce the regulations. She'd rather address this before rather than after that there's a problem. So again, her concern is what will be done to protect the health of the residents during the process. Second



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concern she has also been mentioned but she wants to second it it's about the blasting and the potential damage to the homes and foundations in the area. She's wondering what is going to be put in place to protect residents from the impact of the blasting on our properties. She is really wonder there's a there hasn't been a lot of attention given to the blasting of the cliff but she really recently we learned that there is a significant portion of the cliff that's going to be blasted. She'd like to know what a significant portion means and how that's again going to affect flooding because flooding is another major concern. Her backyard is one of the ones that is it's a sea it's a river it's a see an ocean, every time there's a storm, and it's all frozen over now the skating rink so she knows that there's been a lot of attention and she appreciates all that's been done to look into this question of the flooding and the store the water storage but she can't help but wonder given that this project takes up every single every single bit of area that could possibly be used. That isn't technically wetlands or some other area that's off limits. There's so much of the permeable land being taken away being a both above and below ground. I really am still seriously concerned about how that's how that's going to play out. She had another question related to soil testing. The project is being built on land which now houses a landscaping business. She's a little concerned about what's underneath there. She doesn't know how you know what, what kinds of toxins could be underneath there that could be unearthed and she wonders if there are plans in place for soil testing. Once again, these are all questions about concerning the health and safety and property of the neighborhood. Thank you for hearing me out.

Carolyn Kraft, 295 Dudley Road, Newton, stated she spoke at the last meeting with grave concerns of the traffic coming through Dudley it's a scenic road with no sidewalks. It's a toboggan run - I call it a death road because people get almost get killed here. My daughter almost got killed in a car swerved, flipped over into a telephone pole, and it took that for the city to consider it going down to 20 miles per hour and then even then when it was 20 miles per hour and it's still a death road. It's a toboggan run of speeding cars during rush hour going both directions from Brookline Street to Rte. 9 and back. If this is going to happen, I'm going to advocate putting it as a one way from Rte. 9 to Greenwood so that we can prevent an onslaught of these new residents from like coming through. It's just not an appropriate location for that size of a development in this location. The fact that I put this as I press this as a traffic study last time no one has done anything about it. I'm wondering why not? Why is there no traffic study being done right now before they even consider putting this gigantic building in where it shouldn't be? So please consider a traffic study



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for the road and it's crucial for the safety of this neighborhood. Thank you.

Michael Gerard, 32 Olde Field Road, Newton, stated he has been here for 23 plus years. First of all, Olde Field Road. He wants to thank the Board. I want to thank the Zoning Board and other officials for even mentioning the area of Olde Field Road. I really wish Toll Brothers would address Olde Field Road a little bit more. We are right long the property. We heard things from Toll Brothers of less flooding will occur overall. He's heard that the berm that we're putting up no worries. Water will go into the pond, which is furthest from the neighbors. So we've heard a lot of things from that. He wishes to be a little bit more attention to this side. We see flooding constantly as arguments so much already talked about flooding, but please do pay a little bit more attention to the abutters over here. It's very concerned about the flooding and we see it over there. The second thing is that wetlands area in the pond. He mentioned this many times, my wife has, other folks have us and Olde Field Road, but he's seen no pictures, or a few pictures or views from Olde Field Road, looking towards this property. During the winter, I can almost see across the entire property from our backyard. The trees in that flooded area they're not doing well. They're falling down and in the Conservation Committee discussion. There was even suggestions that they take down some of those trees because they're invasive. So he's concerned about that. So it's going to be more noise pollution and more light pollution. The final thing is this light pollution issue. I haven't heard much of a discussion at all once again about us abutters on Olde Field Road, about the light pollution about the noise pollution, which direction lights will go and he even hears that there's a proposal of lights going along this multi-use pathway where everybody's going to be biking, rollerskating, rollerblading, walking, running, and so that's a concern as well. So please once again overall he thanks the Board for thinking of Olde Field Road not forgetting us here. We are at every meeting. We're talking. We're doing our best. So please, please do keep us advocating for us. Thank you.

Melane Gerard, 32 Olde Field Road, Newton, stated that she is concerned about parking. The parking situation that was referenced earlier because she's confident that these people are going to the new residents will park on Olde Field Road on Hagen on Adeline using the new crosswalk on Rte. 9 and the new walking path to get to the property. We already know that these roads are congested and incredibly dangerous during the school hours, where cars are lined up on all of the roads in this neighborhood to get to South into Bowen and in the schools. Kids are walking and riding their bikes in the street. We've got these safe streets and in the safe sideways and these new





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bike lanes but it's not enough the sidewalks are bumpy. With routes the kids are jutting out into the street unexpectedly on their bikes and then their backpacks and it's just it's a mess. I'm really nervous when the parking now hits the sidewalk as well and there's nowhere for these kids to go or for cars to go like the safety is just really a big concern for all of our neighbors. Secondly, we talked a little bit about lighting on a path there was a request for neighbors to chime in. She can say sort of informally that we have been talking about that while this call is going on. Overall, she thinks consensus from the immediate abutters is that we'd like to not have lighting and certainly she will let my neighbors chime in on that as well, but we're just concerned about the light pollution. As mentioned, we already see a lot of the lights from Rte. 9 coming in and as well as the additional the residents that are there on Hurley Road now when they're parked, we see lights coming into our backyard. She can't imagine what 300 cars coming in would look like as well as people walking on a path with lights and the shadows that will cast over our homes and what kind of pollution that'll make. We talked a little bit about massing of greens on Adeline and on Hagen and how that will help provide some privacy. She'd love to see how that might be done on the walkway as well just to offer some evergreens as well facing the Olde Field Road side and if that's a viable solution to help screen a little bit on this side of the property as well. Thank you.

Margaret Zaleski, 11 Marshfield Road, Newton, stated she has lived here about 40 years. She is just on the other side of Rte. 9 in the neighborhood that nobody wants to talk about, which is the fourth neighborhood. This building has four neighborhoods on all sides. We're over here and please acknowledge that we're over here. She's concerned about traffic safety very much. I walked up to the Parker Street Bridge to watch the traffic that comes up from Rte. 9 going toward the west. She watched the cars in a very long line that moved very slowly and I watched every time the light changed. I watched those last two cars in line run the red light time after time after time. This is a very unsafe situation. Even with the current traffic, people are running the red lights. What are people going to do when the line is extended much further down Rte. 9 and it takes much longer to get up over the bridge. She is concerned also about cars coming from 528 and merging onto Rte. 9. She was at Wegmans the other day she was about the 15th car in line and to get onto Rte. 9 and took literally forever. We crept along and crept along and crept along and finally the cars were able to merge. She thinks about the people, my neighbors, and the people in this monster building who are going to be underground and maybe the 50th car in line, maybe the 60th car in line, trying to take their child to daycare and they're going to be creeping out as cars try to merge into a very



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dangerous situation and they're all going to be inside with CO2 being formed. It just seems to her that she wouldn't want to be there. It seems very unsafe and very dangerous. On drainage. She is very concerned, and she very much appreciate Mr. Snyder's suggestion, that Toll work with the immediate abutters and see if there's some pumps or some something that could be done to help the immediate abutters as others have said it's not only the immediate abutters, it's all of us in this neighborhood, including those of us on the north side. She can tell you from everyone she knows in this neighborhood, everyone already has sump pumps, and all the sump pumps are running continuously. People are running hoses out to sewer lines now because there's no place else to put the water. It's a real problem and she really, really appreciates that you're beginning to take it more seriously. She is also very concerned about noise and light. We all know that sound bounces off of things and when this massive building seven stories high is sitting there the noise that usually dissipates from Rte. 9 in all directions is now going to bounce up against that building and come over to us on the north side and she thinks it's going to make our homes very unpleasant. She's asking the ZBA to order both light impact and noise impact for the residents in the area. The last thing I want to mention the shadows on Dudley finally coming out from under the shadows with the new design. There are still shadows that will be on Rte. 9 during the worst months of the year and when there's a dip and there's often water and now it's going to be frozen water because it'll be in constant shadow. People come down Rte. 9 and they're going to slide right through that ice or they're going to you know get stuck in that water.

Bob Kavanagh, 69 Court Street, Newtonville, stated he's been before the ZBA before and once and he will be under three minutes this time. He just wanted to say he was very heartened to listen to this ZBA ask very hard and pointed questions about guest parking, to use it side streets, and traffic generated by 528. I was really heartened by that.

Barry Bergman, 18 Walter Street, Newton, stated couple of questions. One is really about the parking. You know we talked about the nine parking spots and it really bothers him. He's talking about 184 units and nine parking spaces. He thinks if someone dies and one of the families that are having a condolence calls, that's ten to fifteen cars. If another apartments having a party that's another seven or eight cars. Someone else having Mahjong game and that's three additional cars. There has to be people going to park on Olde Field Road. He knows if he was driving up and saying should he take a chance on one of those nine spots being open so why not just stop at Olde





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Field Road and walk over. That's an issue that really needs to be addressed. The other thing is really this flooding. He lives north of the project and so he knows the Lantern Lane is a street that's really dealing with a lot of this flooding. He doesn't know if it's really been adequately addressed. The one thing he does like is that there's a good plan at least to make a Paul Brook that area a little bit better than what it is today. However, he thinks the footprint for this project has to be substantially reduced. He thinks it really should be reduced in half because the runoff that's going to go into Paul Brook, which is going to cause the problems for all the neighbors in this area both north and south of Rte. 9. Thank you

Mike Midlin, 459 Dudley Road, Newton, stated he lives there with his wife and three young children. We keep coming back to this. This has been going on now for nearly a year and a half. We all saw what we've been doing now we're going to continue to go along with this project conversation, but this development continues to be burdened with a myriad of issues environmental structural, logistical, safety, and otherwise. He listened to experts on both sides and residents and members of the ZBA and he appreciates everyone's input, but this is really just comes down to we're trying to fit a square peg into a round hole. With all due respect to everybody's work over here, this project does not just does not belong in the neighborhood. It is we're just working really hard to try to make it work and he appreciate the Chair especially asking pointed questions such as can you get your name on the dotted line that this will improve and this will get better and it's easy for an expert sitting back to say yes we've done our numbers, but at the end of the day, the impact to the folks by the time the shovels go on the ground it will be too late. Just picking up what Barry said just a few minutes ago. He finds it extremely preposterous and naive that 184 unit building needs nine spots and we're going to rely on Toll Brothers doorman in the building to be responsible for traffic management. There's just the utmost and sheer cavalier disregard by the development and the founders of this project to the community and the needs of what all of us want. He really just strongly urges everyone involved that this just isn't the right project for the community. Safety, traffic, and other reasons. He appreciates all of us working hard to try to make it work but sometimes it just doesn't belong. He thinks this is unfortunately one of these instances.

Chair Rossi closed the public comment.

The next hearing for this project will be March, 2024.



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**Agenda Item 2:** Discuss and/or adopt changes to the City of Newton Rules of the Zoning Board of Appeals, any necessary briefing from the Law Department about items in litigation. Sitting Members: Michael Rossi (Chair), Brooke Lipsitt, Elizabeth Sweet, Stuart Snyder, Jennifer Pucci, Denise Chicoine (alternate) and Ms. Reilley

Chair Rossi stated that there is a discussion of an adaption to changes to the city of Newton Rules of the Zoning Board of Appeals and any necessary briefing from the Law Department about items in litigation. We were here two weeks ago it was late and we punted on this and kicked it over and given what's on our docket over the next couple of months. That's going to happen every week. It's 10:15 and he proposed to give 15 minutes to kick off the discussion and see if we can give some guidance to Attorney Temple perhaps on rule changes and then wrap up at 10:30. Is everyone okay with that? Ms. Pucci? Ms. Sweet? Mr. Snyder? Ms. Lipsitt? We reviewed the rules. Does anybody have any items that they would like to raise that may merit some revision?

Chair Rossi stated that one issue he wanted to raise is the way we handle submissions. He knows that's caused some confusion in the past and by this he means what is the deadline for the submissions? At what point do we instruct Ms. Belsanti not to circulate things? At what point can we continue to receive submissions? Do we treat submissions differently from the applicant versus abutters versus City Staff? He proposed is something along the lines of because the submissions from the applicant tend to be more substantial we need more time to read them. So he would be in favor of having a different deadline for submissions from the applicant. Perhaps five business days prior to the hearing and then allow submissions from members of the public up to say 48 hours prior to the hearing. His suggestion would be to get rid of this situation where the Chair has discretion whether or not to accept things into the record because he thinks that just creates a lot of ambiguity and it's arbitrary. He'd rather just have a deadline where Ms. Belsanti could say it's in or it's not in given the time. Any comments on that?

Ms. Lipsitt stated the Chair suggested that there'd be five days for things from applicants and 48 hours for the public but did not mention what is suggested for City Staff.

Chair Rossi asked Attorney Temple if it would be appropriate to limit it to five business days for City Staff.

Attorney Temple stated that it would be fine, but have it be five days not business days.

Mr. Snyder asked why it would not be the same across the Board.



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Mr. Rossi stated that the agenda does not even need to be posted until 48 hours before the meeting so to cut off public comment six days before would be pretty onerous, and it would really impose a little bit of a burden on members of the public to get up to speed on what we're going to be discussing and then get us their comments. The other distinction in his mind is the stuff we get typically from an applicant is substantial, it requires a lot of time to read, and that's why we need a longer period of time, whereas the stuff we get from members of the public tends to be emails and he thinks those can be more easily distributed and consumed in the 48 hours. Just based on experience, just given people's day to day lives, they tend to get to this during the week of the hearing. Isn't it the case that Monday is a pretty heavy day in terms of what we get stuff?

Ms. Lipsitt stated that it gives members of the public time to respond to the materials of the applicant. She believes a hard deadline is the critical piece.

Ms. Pucci asked when the agenda deadline is and if 48 hours was enough time for the public to comment if that is when the agenda posted.

Chair Rossi stated that it is usually up prior to then, but that's the deadline. That's the last possible time that the agenda has to be published is no later than 48 hours, but it typically comes out before. There may be circumstances where what you're describing would be the case, but he knows that it's not logistically really feasible for us to accept comments that come in after Monday night because Ms. Belsanti has to compile them, get them out to people, and then just think about what you're doing in your day to day lives. If you're running around on Tuesday afternoon or Wednesday, and you don't have time to review the stuff.

Ms. Pucci agreed with the Chair and that she just wanted clarification. We can receive them after that for the next round, except there's nothing closed at any point.

Chair Rossi stated the only time that would be an issue is sometimes obviously we have things that are for one hearing like a variance or something like that it, but that's just a risk people run. We have to balance all the different interests.

Ms. Reilley asked for public comment deadline would be in writing because they can also show up to the hearing and speak.

Chair Rossi agreed that the public can always come and speak at the hearings to be heard.



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Ms. Reilley stated that the issue is if they they're not aware of the deadline, even though that is a rule, and they submitted anyway and then because of that they didn't know to show up at a Zoom meeting to voice their opinion they have missed a deadline. She sees that could be a problem. She is leaning towards not having a deadline or not much of a deadline, maybe 24 hours or something for the public. She feels like if someone of public just submitted comments, without being aware of there's a deadline of 48 hours, and then and then not having their comment being considered that could be a little problematic.

Chair Rossi agreed. He thinks the onus will be on us to make clear to the members of the public what our rules are and that they may be revised. He will certainly plan to do that at each of our upcoming meetings just to make it clear that that we do have these deadlines. Where he may disagree with you just a bit is there has to be some lead time because if we're getting materials say 24 hours before hearing, that could be Tuesday night at 6:30. If Ms. Belsanti comes to work on Wednesday morning and she's got all these materials that were submitted the evening before she then has to compile them, send them out to all the members of the Board, and we would be responsible for reading them prior to the hearing. He does not think that's practical for people who may be working or who have childcare obligations or family obligations to know you'll be able to dedicate the necessary time on Wednesday. So that's why just his own preference would be to build in that extra day and make it 48 hours.

Ms. Reilley agrees and just wants to make sure the public is aware.

Mr. Snyder stated that he thinks about it in this context. It's one thing when we're dealing with an ongoing project that will have subsequent hearings in which you can say to someone hey, listen you didn't make the deadline on submitting your written material to be presented to the Board for this meeting, but we'll capture it for the following meeting. That wouldn't apply in a one-off situation and so for that reason, even though he does support a firm deadline he does not love the idea of not giving the Chair discretion. You could even couch it with language that says and "only in rare cases will the Chair exercise its discretion to allow material to be accepted beyond the stated deadline" or something to that effect.

Ms. Lipsitt stated that we don't usually get an awful lot of public testimony on variances. And people who are interested in those tend to actually show up actively because they are immediate abutters who have been notified of the hearing. The hearing notice could say you're welcome to come testify, but if you want to submit written materials they have to be in 48 hours in advance.



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Ms. Sweet echoed Ms. Lipsitt's comments. Maybe in an automatic message it can say your materials cannot be submitted in writing, but you're welcome to come to the hearing. We really, really need time to be able to read them if we're not going to be hearing them here. 48 hours is necessary. She does not think we need discretion. We need to have those deadlines from her perspective.

Chair Rossi stated that there seemed to be consensus from the Board and asked Attorney Temple if he had enough to work with to put together perhaps a draft that we could consider at the next meeting.

Attorney Temple stated he had enough to put a couple of drafts together for options.

Mr. Snyder stated that this isn't a change to the rules, but just to let Attorney Temple know in Section 4, page 16. There's under filing the application. There's ABCDE F but C is blank. I think that just needs to be revised and removed. There isn't a C because there's nothing after it.

Attorney Temple stated that he would review it.

Ms. Lipsitt stated that now that people send this testimony via email, people don't always include their addresses. If we have a rule that says people need to give us their name and address we need to follow that rule. We either have to say we don't care where they come from or we need to say we're not going to distribute it if we don't have your address.

Chair Rossi agreed with Ms. Lipsitt.

Mr. Rossi concluded the meeting.

Adjourned 10:30 p.m.

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



Ruthanne Fuller  
Mayor

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

### MEETING MINUTES

**Wednesday, February 28, 2024.**  
**7:00 p.m.**  
**Hybrid and remote via ZOOM**

**Board Members Present:** Michael Rossi (Chair), Brooke Lipsitt, Elizabeth Sweet, Stuart Snyder, William McLaughlin, and Jennifer Pucci (alternate)

**Staff Present:** Brenda Belsanti, ZBA Clerk; Katie Whewell, Chief Planner; Alyssa Sandoval, Deputy Chief Planner; and Jennifer Wilson, Assistant City Solicitor (remote) and Barney Heath, Director of Planning & Development.

**A public hearing of the Newton Zoning Board of Appeals was held as a hybrid meeting in person and virtually via Zoom on Wednesday, February 28, 2024, at 7:00 p.m. on the following petitions:**

1. **#11-23** 78 Crafts Street Newton LLC, requesting a Comprehensive Permit, pursuant to M.G.L. Chapter 40B, to construct a 307-unit residential development on a 4.76 square acre lot located at 78-84 Crafts Street, 68-70 Crafts Street, 9 Maguire Court, 17-19 Maguire Court, 67R Court Street, 63 Court Street, 13-15 Maguire Court, 24 Maguire Court, 31 Maguire Court, and 31R Maguire Court within the Multi-Residence 1 (MR-1) and Manufacturing (M) zoning districts. The proposal includes 62 affordable units and 263 parking spaces.
2. Discuss and/or adopt changes to the City of Newton Rules of the Zoning Board of Appeals.

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**Agenda Item 1:** #11-23 78 Crafts Street, Newton LLC requesting a comprehensive permit. Sitting Members: Michael Rossi (Chair), Brooke Lipsitt, Elizabeth Sweet, William McLaughlin, Stuart Snyder and Jennifer Pucci (alternate).





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## **Documents Submitted:**

1. Submissions from Applicant
  - a. Sustainability Plan dated February 12, 2024.
  - b. Activity in Use Limitation Termination Letter dated February 16, 2024.
  - c. Transportation Impact Assessment dated January 31, 2024.
2. Memorandum from the Planning Department with attachments dated February 21, 2024.
3. Peer Review Memo from NBBJ dated February 15, 2024.
4. Peer Review Memo from Horsley-Witten dated February 15, 2024.
5. I & I Memorandum for City Engineer
6. Resident (50+) Emails

## **Testimony:**

Chair Rossi opened the meeting directing the public how to submit comments to the ZBA so they will be part of the public record. He also clarified why the Board members were not able to speak with the public at the site visit that had happened the day before.

Andrew Copelotti, Principal, Boylston Properties, presented the updates for the project including meetings with both the peer reviewers and community members. The presentation focused on building design and massing, stormwater engineering, landscape and site design, and transportation. Shadow studies have been completed. The 3D model is 90% done. Gave status on upcoming studies and work to be done.

Michael Bennet, Principal, Architectural Team, presented the shadow studies.

Daniel LaCivita, Traffic Engineer, Vanasse & Associates, presented the traffic study.

Ms. Sandoval presented a Planning overview of the project including departmental reviews for DPW sewer analysis and Urban Forestry landscape review and the peer reviews received and waiting for.





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Chair Rossi explained the purpose of the independent peer reviewers for the City and the Board for the public.

Alan Mountjoy, Architect & Urban Designer, NBBJ, Boston, presented his review of submissions by the applicant that were prior to February 15<sup>th</sup> and the current building and landscaping plans. He highlighted the areas of progress by the applicant and the areas of concern and gave suggestions to the applicant for resolution of these concerns.

Ms. Sandoval presented next steps from the applicant include the 3D model, renderings from the abutting properties, stormwater review, transportation review, and site design review.

Chair Rossi asked for comments from the Board.

Ms. Sweet stated that this presentations have been helpful. The amount of 50% affordable housing is very much appreciated and needed in the community. She stated she smelled a lot of chemicals on the site visit so what sort of remediation will need to be done to make it safe for people there. She has read all of the letters from everyone were issues on traffic and parking and would like to see if there is way to change the thinking to how a community can think about reducing driving overall including the neighbors and Newton at large. We need to all drive less.

Mr. Copelotti stated they did several borings on several parcels and feel comfortable is cleaner than they assumed it would be, but most importantly there is no contamination in the ground water. Some of the activity on the industrial businesses yesterday may have contributed some of the smells. Some of the soil will be removed. The proposed parking counts mimic Trio and AutHe hopes that the transit-oriented location will help reduce parking needs. Newtonville will be the first Commuter Rail enhancement and we hope residents will take advantage of that.

Mr. Snyder stated he wanted to focus on the peer reviewer comments from NBBJ and the issues related to that. This it's very good timing from his perspective simply because we were just there yesterday, physically on site, and it was rather staggering. He is going to be a little less gentle then Mr. Mountjoy and he agree with the suggestions that were made but says that it's a very large site



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and even though the building massing in general, might not equate to other projects we've looked at that really require paring down. What strikes him about this one is the extreme lack of green space and open space in the plan. Coupled with what he heard, which is based on the current planning where parking is on the first level of these buildings, and then obviously in a separate parking structure, the experience of being on that site is remarkably unappealing, unattractive, and not at all in keeping with what that neighborhood in terms of its residential aspects, calls to mind. He would like to see and would look much more favorably upon this project if there were an outright elimination of perhaps one of the buildings all together and a focus instead, on making the lived experience of the people who will be there even at the risk, and sad to say, of a reduction in the overall number of affordable units. There are 307 proposed units it's not up to him to revise this plan, but we also have to factor in what the overall impact and result is going to be, notwithstanding, the sheer numbers of units created and the idea that you could call this a meaningful pass through for either walking or biking or anything like that, referring to my colleague Miss Lipsett has previously said, about not this project but another one that the landscaping plan seems to be more of an excuse than it was an actual plan. It feels that way to him on this one too. He is not excited about what he has seen so far in terms of what's being presented.

Mr. Copelotti stated that he would agree to disagree with some of Mr. Snyder's comments. We think we're making a tremendous improvement to that site. He's giving short shrift to the pedestrian connectivity and those things that we're creating. There's zero square footage of open space on that site now and we're creating 40,000 to 50,000 square feet of what we consider to be usable space. The site certainly is not without its challenges, from its shape and its layout and we recognize that we think that some of the ideas that Mr. Mountjoy has brought here tonight are certainly ideas we would love to investigate further with him through that sort of peer review process. There will be some things we can do and there will be lots of things we probably can't do. We will certainly litigate those issues here over the next several months.

Ms. Lipsitt stated it's been a very interesting evening. She thanked Mr. Mountjoy and is actually quite astonished at the level of redesign that you and your team have attempted and the really exciting ideas you've put forward. She is just going to start with where she was before then. She said at our opening hearing on this item that she was dismayed by the ground level parking under the buildings and she continues to be dismayed and she thinks that Mr. Copelotti said something



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earlier about they were studying landscape and decorative screening for that parking. That wasn't what she had in mind. What she had in mind was taking that ground level parking away. When we worked on this board worked on the 40B for Dunstan East further down Washington Street one of the things that we encouraged the proponent to do, and that they did quite successfully, was turn the streetscape into a vibrant place where there was interaction with the neighborhood. And that's what she had in mind by doing away with parking, and in particular, the building that faces Crafts Street. There is nothing appealing about walking by a built building that has no doors and no windows at ground level and we are trying to encourage people to walk and not to be in their cars. We definitely need to do that. She remembers she mentioned it to Mr. Copelotti when we were on our site visit yesterday that she would bring up at this hearing several of the letters that we have received, even referred to this as former wetlands, and we saw some illustration of that this evening. She was assured that it's not a problem. She does not know whether it's a problem or not. She would certainly like to know more about that and assumes that we will learn more about that as we get more engineering studies, but she thought maybe that was the excuse for why the parking had to be at ground level. If there's no wetlands problem she does not know why the parking can't be underground. That certainly is a concern. She agrees with comments that have been made by others that the buildings need to be stepped back as has been encouraged in the designs the in the design models that have been approved in the Village Center District for instance. She was struck yesterday when we were at the site, and we stood behind the Fraser Engineering Building and talked about the building letter that is that's supposed to be parallel to Court Street and a neighbor asked how high is this building going to be? Or it could have been one of her colleagues and the answer was 50 feet. Somebody said how big is 50 feet and she pointed to the top of the tree and said that's about 50 feet. She believes it was the landscape consultant who said yes, that's about 50 feet. That's a very high building to be to be in that location. So somehow these buildings at the edges of the property, in particular abutting Court Street and abutting Craft Street, feels much too tall. There was an earlier comment maybe by Mr. Mountjoy, maybe by someone else, that possibly making things lower at the edges and higher in the middle might be an approach and it certainly is something that we have looked at in other projects. She would like to hear that this issue about shadows on this DPW property. She really would like to hear from the Planning Department at some point about what the city's long-term vision for the utilization of that property is. She can't imagine ever taking down the stables building itself, but that represents only a tiny fraction of that very large parcel. She would love to know what you have got in mind for that. In the NBBJ report



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there was a quote that was talking about how this project related to the residences across Crafts Street and Mr. Mount Joy's report said and she quoted 'it was visual dwarfing of the neighboring residential properties' and that's really how she felt about the proximity of this very tall building to Crafts Street.

Mr. McLaughlin stated that he is in agreement with a lot of what his colleagues have said. His sense is that this site, on the one hand, is a spectacularly well located and positioned parcel for redevelopment, but on the other hand it faces a number of challenges as we've heard. It's very flat and very low. It has a really odd geometry or set of geometries as a result of the assemblage, which makes for some really obtuse angles and some interesting challenges. He thinks the bigger challenges are the fact that its perimeter is surrounded by relatively low density residential and there lies much of the challenge. He likes to think that it's not all that different from a lot of the 40Bs that we have seen, and many of which thanks to Mr. Mountjoy's presentation, we were able to see again tonight, examples where similar planning challenges and design challenges were faced and solved or at least mitigated through step backs, through setbacks, and through underground parking. We've identified all the issues. Hats off to Mr. Montoya for the amount of effort he put in to summarize it, but that's been those are the topics that will be raised by those of us on the Board, by our professional staff, by our consultants, and by the neighbors. It's not rocket science what this site needs in terms of the elbow grease to get it from where it is to where it can be. We're off to a reasonable start, but we have a long way to go. The initial plan with all the parking was somewhat uninspired especially given what else we've seen come through this Board in the last several years in terms of these older industrial sites that have been reused for relatively high-density housing and made to fit in the neighborhoods in which they sit. None of it's perfect, but I think this is exactly the kind of process we need and look forward to continuing in the dialogue.

Ms. Pucci stated that she appreciated the presentation tonight and all the input and engagement from the neighbors in the process. It's been helpful. Big picture she shares a lot of what's been said in terms of concerns, but to briefly summarize this to keep it moving. She sees a lot of opportunity with this site with the parcels, but it is an odd shape and she has concerns about the current massing and scale of the proposed project. It doesn't seem to fit within the neighborhood as proposed both in terms of the height and scale and the massing. There's work to be done there. She thinks that it does not achieve the stated goal of the applicant to create a village like atmosphere



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and it really is that first level parking. It's just, and Mr. Snyder said it well, it's fundamentally uninviting as a place to live to have 75% of that first story was kind of dead space. That's a key area to work on to make this actually inviting for the people who will live there and actually inviting and engaging for the neighbors around who are hopefully going to have meaningful green space to share in in a meaningful kind of well needed pathway from Crafts all the way through to Court Street. There there's a lot you could do with this, but believes there's quite a ways to go to make it meaningful given the current state of the proposal. She echoes the point about kind of more meaningful pedestrian and bicycle access. It was great point to highlight the number of conflict points around the current path and how inviting and usable and safe what the current proposal will be. Just to comment on the green space that it presents now as fringe around what are incredibly large buildings and there's a lot more you could do to make this an inviting neighborhood area. There's a lot more to come. I look forward to more dialogue and thank everyone for the participation

Chair Rossi stated that there was a couple of sentences from Mr. Mountjoy's report that really caught his attention. He wrote in summary, "we are having ongoing concerns about nearly all of the proposed waivers to current zoning sought by the proponent we understand the need for additional affordable housing and are sympathetic to the need to extend exceed certain zoning limits to achieve this goal, however, we have pointed out many issues that concern the health, safety and welfare of Newton residents, particularly those that will be most impacted by new development". He has sat on a number of many at this point 40B projects and he does not recall reading any comments from NBBJ or another peer reviewer that are as direct, and frankly as critical, or at least expressing such concern, about a project. These concerns, specifically the go to the health, safety and welfare of new residents. These go to the criteria that we are required to consider under 40B. These are not aesthetic issues. These are these are exactly the types of things that this Board is required to consider under 40B so that really caught my attention and he would like to sort of impart to the applicant the significance of this comment and this observation relative to many other projects that we've considered here that it is significant. A lot of the, as other of his colleagues have raised, problems here begin with the ground level parking. He would really ask the applicant to take seriously what has been reviewed tonight and dig deep, maybe literally, maybe figuratively to try to break up the massing and articulation of the buildings and do that by reconsidering ground level parking. Bottom line, as others have pointed out, he struggles to see the



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village like environment here. We've got building heights. They're all 50 feet plus. There's really no variation. There's no step volumes. There's lots of points of reference on this, from Village Center Zoning to the Washington Vision Plan. There's no shortage of resources for the applicant to rely upon and get some ideas from to make this project more consistent with those visions. His biggest takeaway from the site visit yesterday was how close and how large some of these buildings are relative to the surrounding residential parts of the project. The building, he thinks it's Building C, that runs parallel to Court Street, where as Miss Lipsett pointed out, they will be as tall as the existing trees and 20 feet from the setback, was really jarring to me. It's one thing that he hopes that the applicant is able to address in further meetings. Crafts Street is another problem. We've got a bizarre contrast between the building it's proposed to be on Crafts Street, which is 64 feet as far as he understands it, with buildings across the street that are about half that. It would be great to have more balanced height and certainly more setback. NBBJ raised some concerns even practically with power lines that may interfere with a building that is set so close to the street. Renderings was something the Planning Department mentioned is something that the applicant may provide and he would like to underscore that and really encouraged the applicant to provide clear and detailed renderings of what this project is going to look like from Prescott Street, from Turner Terrace, Court Street, Crafts Street. That type of thing has been very helpful to him in evaluating prior projects and he hopes that we have that here. He noted that the applicant is asking for a waiver of the stormwater requirements that in my view is a big ask for any project 40B or not and is curious and eager to learn more about what the basis and the justification for that is. Ms. Lipsitt pointed out we have what appears to us to be a very low lying and bowl sight. Then finally on traffic and this hits him on all of these projects that we see. We've statistics or data that shows we're going to have 1000 added vehicle trips per day and at the same time we hear this really isn't going to have that much of an impact. It's really hard for him as a layperson when it comes to this and members of the public to understand that. Asked the applicant to, in layman's terms, to really dig into that and try to explain to us why adding 1000 vehicle trips to an area that's already congested is not going to have a detrimental impact on the traffic conditions in the area. He hopes that we've provided some direction to the applicant, Mr. Copelotti we are going to ask members of the public to weigh in, but I'd like to give you the chance to respond.

Mr. Copelotti stated that they certainly heard lots of different thoughts tonight. We look forward to really doing some more working sessions with NBBJ and Alan Mountjoy and taking a look at a lot





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of the different things that he thinks everyone here mentioned earlier this evening. He has nothing more to add and we will certainly we will be back with some different thoughts and ideas.

Chair Rossi asked for public comments.

### Public Comments:

Councilor Susan Albright stated her first question for the proponent - what assumptions have you made visa vie the senior housing project and because part of that project were improvements to the Crafts Street-Washington Street intersection, about those corrections and how do your corrections fit in with those corrections? She thinks there's a lot of work to be done with figuring out how these two projects work together and making sure that the corrections you're going to make to that intersection comply with what they're going to do and does it all work together. That's a piece of work that absolutely needs to be straightened out. The shadow studies she is interested in looking more closely at the shadow studies for the late afternoon in both spring and fall and its effect on the Crafts Street side of the project. It seems like you guys were saying there's no problems there, but she's not sure that there's no problems there. She would like to have another look at that. She really appreciated the peer reviewers references to the Washington Street Vision Plan and to the VCOD work that we've been doing and the step down to the neighborhood and all of those issues that were raised were just fabulous and she hopes you will definitely take that into account. She is not one of the people that is against height, but if you can put more height in the in the center of the project and make it lower on the edges it would be better for everybody in the neighborhood. The parking issue is a tough one and this project asked for 50% AMI and that's something that we need in this city. If underground parking is going to wipe out the 50% and make it all 80% that's a hard tradeoff for her to think about. Any improvement of the parking is good, but she does not want to lose the 50% housing either. She loves the idea of activating the ground floor and with some retail and a few shops for the 307 people and plus the other neighbors in the surrounding area would be a fabulous idea. She appreciated all of the comments tonight. They were really right on target. That along with the peer reviewer should really help this project.

Councilor Tarik Lucus stated that the size and the massing of the buildings in his opinion are still too big. He was hoping after the first meeting in January we would see changes to the site and we



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don't see them. The size and massing are too big. This can be accomplished with increasing setbacks and reducing building height that was recommended by NBBJ. The shadow study that he saw there are some shadows on the homes on Crafts Street. Perhaps stepping back and stepping down the buildings to limit shadows would help. That goes with the Washington Street Vision Plan about trying to have a gentle transition into residential neighborhoods. With respect to NBBJ he disagrees with them on the setbacks to the homes on Court Street where they say they are acceptable. They aren't. They are too close to the homes on Court Street. At the meeting in January he stated they should be half the maximum building height. That's what we do in the business use four zone. He disagrees that there should be retail on the site. Retail on the site will attract more cars to the site. That is a traffic issue. Whole Foods is a stone's throw away from the site and that is the closest retail establishment. There is not enough green space for pedestrians. The sidewalks are narrow and small and as presented it will be dangerous for Newton residents to walk from Court Street through the site and onto Crafts Street. The Crafts Street senior housing development has better pedestrian access and it has wider sidewalks. He tried to look at the TDM for the project, but the link on NewGOV doesn't seem to work. He hopes someone can look into that please. NBBJ and Planning are trying to compare this with the VCOD standards. He disagrees with that. The city chose not to include this site in the VCOD and he believes the Boylston Properties also chose not to be part of VCOD so he doesn't know why we're making comparisons to them at all. He wants to point out one thing that NBBJ said in, possibly, the last paragraph in their memo about the Crafts Street City Stable. They point that they point out that however "we have pointed out many issues that concern the health, safety, and welfare of Newton residents, particularly those who will be most impacted by new developments require reasonable standards in lieu of existing zoning. Furthermore, we point out the importance of historic resources, such as the Craft Street Stables near the site that should not be forgotten in this process as stewards of the future. Newton might consider the future flexibility of public resources such as the DPW site that could be diminished by thoughtless actions taken now".

Councilor Malakie stated that she has not been able to make the previous meeting or the site visit, but will give a few comments based on what she heard tonight. She is shocked that anyone would propose asking to be exempt from stormwater requirements because she sees flooding and impacts of the more intense storms were getting all over her ward and other parts of the City and it's only going to get worse. So that should just be a non-starter. She is puzzled by the recommendation to



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lower the parking which obviously would be a much better plan aesthetically, but was under the impression that that was not possible for reasons of what's underneath the ground. Maybe in future meetings that will be clarified. Maybe there's some parts of the site where it is possible in other parts where it is not. She agrees with the need for usable green space and it should be actual grass and trees green space and not, thanks to members Lipsitt and Sweet for raising the issue of artificial turf at another ZBA hearing, artificial turf. That should be a non-starter as well. Just for example, the sort of minimal strip of green space for the dog park it doesn't even look like an attractive place to be except maybe in the heat of the summer when the deep shade of the building would be welcomed but the rest of the year it's just not. It doesn't look like a fun place to be and there is no apparent recreational playground type facilities for kids. The parking situation, and she has made this comment that other not so much 40B but special permits, if you're going to build something that you're saying is transit oriented and you're planning to attract people with fewer cars by having fewer parking spaces. There's got to be some kind of enforcement for that. It's has to be in the lease or in the purchase agreements if they end up being condos that people are not going to have more cars than they have parking spaces for because otherwise it's just an empty promise to the neighborhood that you're going to attract people without the cars that are going to be overflowing into already crowded streets.

Councilor Greenberg stated that she found all the comments insightful. She really appreciated all the ZBA comments. She strongly agrees with the peer reviewer that there is an overabundance of accurate parking. She wonders if it would be possible to get rid of that one parking building and incorporate the remaining parking underground and the other four buildings that would allow for more usable green space on the site. She also agrees with the peer reviewer recommendation to step back the building, the height and the setbacks, especially on Crafts Street to better fit the neighborhood. She suggested that the petitioner reevaluate an additional egress for automobiles in and out of the site to provide relief to the Crafts Street entrance if you can look at Court Street again to see if that would be another possible egress. Finally, she would like the developer to include the side streets of Ashmont, Lincoln, and Clinton all the way to Adams Street in their traffic study to evaluate the impact on the adjacent neighborhood.

Lynn Weisberg, 5 Alden Street, Newton. State she wanted to use her time to try to reorient the discussion tonight. She is not going to talk about shadows or traffic or the design of the building.



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What I'm going to talk about and what I think all of you should have as your top priority is preserving the 62 units of housing that this proposal will create at 50% of AMI. As Ms. Sweet said that is a feature that should be retained. Any tweaks made to the design made because of concerns about shadows or parking her view, and she would hope the view of the Board, is that they can be made so long as they don't put the 62 units at 50% at risk. Think about 62 units at 50% of AMI. There is not another project either 40B or through the special permit process that has created such a large number of homes that really could be affordable by low-income people. Think about what the point of 40B is. This is a project, again she knows you like to do a back and forth with the developer and you want to massage it and all of that, massager or you want so long as the end result has 60 to at 50%. One final comment about the senior housing project also on Crafts Street. Not only did they recently get an extension of one year on getting a building permit, but based on what she has read in the press, the partners of that development have some disputes, and they're litigating them. It's not at all clear that that project will ever be built. She thinks you have a project before you buy Boylston properties, they're ready to go and that should be your primary focus.

Marcela Burke, 255 Adams Street, Newton, stated she lives at the corner of Adams Street and Lincoln Road. This project is too big. It doesn't fit our dense neighborhood and the impact of the proposed 307 units, along with another 105 senior units the Board has already approved for the site will make the traffic in and around the street much worse. Our neighborhood, the least affluent in Newton, already suffer from more automobile pollution and a traffic safety issues than any anywhere else in Newton. For the ones they are pushing for this project should be approved in in the most crowded part in the least affluent part of Newton. Why are we leaving the more affluent areas untouched? How many of them live in a neighborhood with 500 units of new house? Her question for the Board members is how can we fit all these cars entering exiting from only a single driveway or Crafts Street? Have any of you lately driven Crafts Street? Have you any of you experienced the congestion on Crafts Street? When she moved to her house 16 years ago, her two kids used to play on the streets and now it is too dangerous even for them to drive their bikes. The developers traffic study last January shows what they want us to believe, which is everything fine and this product is wonderful. They're steady claims that adding hundreds of cars on this site in another 140 to the site next door will have only a minor impact on the traffic. This is not believable. Our streets are narrow in already crowded. Why didn't their study to look at Crafts traffic volume and the crash data only grows. Clinton, Ashmont, and Adams Street which many



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cars use to avoid the traffic at Crafts Street. Their steady claims the only couple cars from the project will use those side streets to cut through at peak hours. An improbable finding that's inconsistent with what drivers already do. Do you believe their numbers? We need a serious traffic and parking study that looks at the entire neighborhood that will be impacted by the project not just Crafts Street. Regarding the parking ratio. Right now in Nonantum we have a parking crisis. The streets cannot handle any more cars. Some people park on the sidewalk. Do people in other parts of Newton where all you live do they do that? She guesses not. 307 units and only 263 parking space in an area that doesn't have a decent public transportation. If they assume that low-income families don't have cars then they should take a look at the public housing parking lots in nearby Brighton. They're filled with cars. The market rate tenants who can pay \$3500 for one bedroom and \$5800 for three bedrooms most likely we'll have one or two cars. Board members the last study Newton shows 6% residents commuting cars only 2% Newton households don't own your car and the vast majority have at least two cars.

Suzanne Sancar, 11 Phillips Lane, Newtonville, stated she is here to express my support for the approval of the 40B Development at 78 Crafts. Her support is based on two significant features. Its true affordability and its positive environmental impact. In terms of affordability the developer has opted to include 62 affordable units geared towards families and individuals making 50% of the area median income. This is really a rare opportunity for Newton to add to its limited stock of affordable rental units. Why is this important? Increasingly, Newton is becoming a city available only to the wealthy. She is truly worried about this. 78 Crafts Street can help us keep the City off the path to becoming a city of exclusivity. In terms of the environmental impact Crafts Street is uniquely situated for its residents use of mass transit. It's within walking distance of the Washington Street buses. It's also within walking distance of the Harvard Street entrance to the Commuter Rail. She sees this as a huge plus. She commuted to Boston for over 25 years and can tell you that Crafts Street location is really great for public use of public transit. Additionally, the development will be built using passive housing standards. It will use no fossil fuel hookups. It will be fully electric. These features ensure the building's energy efficiency. Simply put, the environmental benefits are substantial for this project. She is aware that there's opposition to the project and that some who want a significantly scaled down development. She encourages the Board to approve the current plan with 307 units. It's the only way with this number of units that we can achieve the level of affordability that's necessary in Newton.





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David Rockwell, 13 Floral Place, Newton Highlands, stated he is in support of the project. He has heard the comments tonight. He wants the Board to keep in mind the trade-off when you impose various costs whether it's parking or other things you threatened the one of the main benefits of this. This City so badly needs these 50% units. One quick statistic one-third of residents make less than \$50,000 per year. That means they can afford about \$1,200 in rent. The average rent in Newton is \$2200 We can't just keep letting this go. We will think of what our City is going to look like 10-20 years from now when we can't even have our own kids who have grown up in this town can't afford to stay. So please keep the trade-off in mind when you look at these design changes. If you go too far, we're going to lose what we really need out of this proposal from a qualified developer. The environmental benefits are there it's passive house standards. It's the highest standards you can get for energy efficiency. Low parking ratio is good for the environment and it will encourage more pedestrian and bicycle use. The utilities all electric no fossil fuels and we're cleaning up some hazardous waste and getting better systems for stormwater and sewage management. This is a great chance for us. We should not pass this by. We keep telling ourselves we believe in more affordable housing for Newton. This is our chance.

Sheila Decter, 13 Ransom Road, Newton, stated she has lived in Newton for 52 years. From the first week in which she moved to Newton she kept hearing about how Newton was going to build an add more affordable housing. Yet what she has seen is clearly insignificant additions to the City to meet the needs of those people who are not part of the wealthiest 1% or 10%. We've listened tonight to some wonderful ideas for the Boylston Properties to consider in terms of this property and to their design. Whether or not they can do it and some of these ideas, follow them up, and still make this viable is something they're going to have to tell us, but she would hate to see the sacrifice as well. She is here in support of this project as it is. She would hate to see that we lose this 50% AMI. It would provide rentals in a good size project like no other project has had before. She watches and see seniors who might be considering selling their properties, they don't, because they're not sure there's affordable places they could move to. What's the point of selling if they're not going to be able to stay in Newton where they're familiar. She knows and she looks at her kids who are out in various communities in Jamaica Plain and others, it's because there was no way they could afford to live in Newton. She strongly supports this proposed project for 40B and hopes that we do not make such demands that we lose some of the best features of the proposal.





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Jackie O'Toole, 17 Turner Terrace, Newtonville, stated at some point just for people who are coming in new to all this, the word AMI gets bandied about all the time, but she knows what 40B is now. She still have to learn the AMI and my guess is there's a lot of our residents around who don't understand some of these terms. She really appreciates when you do stop and say for those of you new to this, because that's been her all along and she appreciates the way you've incorporated a bit about that. One thing, and she's said this before, and she thinks she will try and say it in a different way. People are being displaced by this. Basically, less financially privileged people who live in Newton often seem to be the people who are not considered in this. She knows that in the project it's not assigned to anybody to worry about, but she will tell you, she worries about a little a little bit about living in a town that doesn't worry about them. One of the conversations she had with a friend who recently that said "well there's so few of them". She realized exactly, that's her point. How hard could it be to take care of them if there's that few of them? There was a few of them when they built the other 40B on Court Street, the one that abuts this property. There were a few of them and they let the apartments go fallow or whatever you want to call that. Then the last people were in some of the other buildings had to leave. Those were actually people who were not at all high income, who managed to find a way to live in Newton and loved it and they were our neighbors and she misses them. Please take care of these people and she would even extend if it affects some of the small businesses or businesses back there. It's hard to relocate places like that. You guys should please help. This his account. I know it's not the developers idea or problem. Maybe they have some creative ideas too. She's Turner Terrace which happens to be west and speaking with another neighbor he said something she hadn't really thought about. When you talk about the heights we have to remember that some of the streets are lower. So sort of to the West we're lower than the people that are to the south, etc, etc. So that's just something to just remember. Her own personal and direct impact is this business about stormwater. She was very badly impacted by something that was built near her. There's probably a really good reason they're looking for some kind of reason not to fulfill those stormwater standards. It's an issue there. If somebody wants to ask me about it later is at some point.

Chair Rossi defined AMI for everyone.

Al Cecchinelli, 224 Chapel Street, Newton, stated he is shocked and disappointed that this project is still on the table is planned. This project does not fit the character, the scope of the



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neighborhood, and it will be invariably change the character of the neighborhood. Let's start with the misconception that this property is underutilized. He went to the site to tour on Tuesday morning, found that every foot of this property is being utilized. There was not an underutilization. There may be an under profit for the developer, but that's all that this is about is the profit for the developer. Next, let's look at the two obvious flaws in this plan. Other than it being too large. The first is the insufficient parking. There are not enough parking spots for the residents, let alone any visitors. This was evident on the site visit when the 30 people there had to find on street parking. The second is the entrance in and out of this project onto Crafts Street. Traffic there is already tough and adding 1000 trips, it's going to be almost impossible. A much better plan would it be to put small eight small houses and make two of them affordable for first time homebuyers. We know that's not going to happen because that doesn't provide enough profit. We know that's all this is about. The 62 submarket units, no they're not low income units, they are only being offered because that's the cost of doing business. These are the 30 pieces of silver that we require to allow developers to strip-mine our community. In closing, be aware that each unit will be taxed under the tax of existing housing units in the area. The \$1.2 million in additional taxes will be eaten up if 67 students attend our public schools at the \$18,000 per student. That means 21% of these properties, having children will put us at a loss for taxes to service ratio. That means we will be subsidizing the profits of this developer.

Sam Davis, Newton, stated he has lived in Newton all his life. He walks the City. You probably see him walking around. Public Safety for the kids in the community. Traffic around here is chaos. Washington Street, Crafts Street, Adams Street, Murphy Court, Jones Court, with cars coming this way and coming that way. By the time you get to the fire station there is the red light. Then there is another red light on Crafts Street/Washington Street. Traffic is crazy. You people got to do what you got to do more public safety for our kids and our children in the future is what it's all about. Keeping the city safe. Where he walks everywhere there's traffic everywhere and he probably walks more than everybody in this room. That's why he sees it because he does traffic is crazy. You have nowhere to go. People are cutting side streets. People are cutting through a fire stations to beat the light on Crafts Street and everywhere. He sees it they're cutting through the fire station just to beat the light on Craft Street that cutting through the go down to Adams Street through to go to Watertown Street. If they cut through first responders buildings, that's a problem.



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Sean Roche, 42 Daniel Street, Newton, state he does not live in the neighborhood. Like my fellow housing and environmental advocates he recognizes the amazing opportunity that 62 units creates at 50% of AMI. The other important part of that calculation is that the housing price will be set at 30% of those people's income and so that's what makes it affordable is that it 50% AMI. If he's only paying 30% of his income and so my housing becomes affordable. The environmental impacts others have spoken to eloquently, but those are kind of vague and abstract. He's here to speak for the people who don't know that they'll live here one day because we don't know who they are and they can't be here. So we housing advocates are here to say we want people to live in our community. We want to help ease the housing shortage and we want to speak for the people who will be our neighbors one day. 40B is specifically designed because communities like Newton have created neighborhoods that don't have sufficient affordable housing. It is a contradiction in 40B to talk about whether or not this changes the character of the neighborhood. Of course it changes the character of the neighborhood. That's the point. Now, he found that the peer review listening to the peer review more along the lines of a hatchet job you know from an from an aesthetic perspective. Yes, there are lots of interesting ideas, but that's not the point. The point and the scope and the ambit of your brief is to ensure that there is not detriment to the neighborhood. Not that this is perfect, not that it executes a village community perfectly, but that we build the housing that we don't build because our zoning is too restrictive. He fully supports this and is dismayed by the comments of the peer reviewer and some of the members of the Zoning Board of Appeals and the kinds of concerns that they have about this which amounts to aesthetic concerns for the most part.

Bill Cavanaugh, 69 Court Street, Newton, stated he is a direct abutter to 78 Crafts Street to the north and also a direct abutter to another 40B to our west. To the best of my knowledge his wife Carol and he are the only home or homeowners in the Commonwealth who can claim this dubious distinction. Now what benefits accrue to Nonantum and Court Street from having 307 units and untold vehicles added to their neighborhoods? When Andrew Copelotti of BP was asked this question at the January 31 at the community meeting Nonantum. Nothing. Okay, fair enough. If one reads the Planning Department and NBBJ's reports, the best they come up with for us is a pathway from Crafts Street to Court Street. I hate to tell them the senior housing is doing the same thing. So their big benefit is redundant. Now throughout the reports from the Planning Department and NBBJ, they note that there's a lack of green space in parks in our neighborhood. Only the dog park is actually mentioned, three times actually, the word the word child appears nowhere. Dog



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park three times. Excuse me, that upsets me, but the cavalier attitude displayed in the memos is extremely disconcerting. Given they acknowledge the dearth of open space in this area. What do we get? 307 units in a two-story parking garage in an area that's a heat island and lacks green space. That's all we get. NBBJ notes on page 16 of their peer review that it's required. That useful open space be at least 40%. Since softscape is only 26% NBBJs comment that the project comes close to the goals. It's unbelievable, given they acknowledge the lack of green space. It appears that good enough is going to have to be good enough for Nonantum and Court Street. By the way, DEP states that this area is an environmental justice zone, but they still ignore the neighborhood lack of green space. Finally, why am I wearing a Yankee sweatshirt here in this area? Well, very simply, his wife and he met in the Bronx. We went to college in the Bronx. We got married in the Bronx and we spent the first four years of our marriage in the Bronx. We have fond memories of our time living in a fourth story walk up at 325 East 194th. If you're all familiar with the Bronx sits right off the concourse by Poe Park. We moved up here in 1975. We did not expect to have the Bronx follow us and yet here we are almost 50 years later with a five-story structure on the west and soon a four-story structure to our north. It was not what we expected.

Maria Camilli, 70 Albemarle Road, Newton, she stated attended the walkthrough yesterday. She observed the traffic. The traffic is her biggest worry. She lives near the Waltham-Newton line. A lot of people from Waltham cut through High Street and down into Crafts Street to go take the Mass Pike to drive into work and this creates a lot of traffic. I go up and down Crafts Street four or five times a day sometimes with my car because she has to use my car and there's a lot of traffic. As she stood there yesterday at the walkthrough, she watched the red light in front of the Whole Foods store and the traffic was backed up to Maguire Court. That was just regular traffic at 8:05 in the morning. So rush hour morning and afternoon is really bad. Central Street you can't make a left turn onto Crafts Street near the fire station because nobody will let you by. So sometimes when she would going home from work she actually took a right to go all the way around Ashmont and it is bad. The traffic is very bad. This is going to add a huge problem to the traffic. They need to put an exit onto Court Street somehow. If they can't do that then don't do the project. Regarding the people who ask us in the community to stop driving and to think about public transportation. Let me tell you something, Newton does not have good public transportation. Back in the 60s you could wait 10 minutes for a bus and you'll be able to go where you wanted to go. We don't have that today. The world has changed. Don't ask us not to drive. We have to drive. So many of us do.



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Put the project here because Whole Foods is right there and they can walk to get their groceries. Well they have to drive to go get something else. That's the way life is today. One final thing the people who are in favor of this do not live near Crafts Street. Alden Street, Floral Street, Phillips Lane, and Galen Street they're nowhere near Crafts Street and of course they are for it because it doesn't affect them that much.

Annie Raines, 50 Court Street, Newton, stated Court Street stated she is definitely affected by some of the comments in support of the project. We in Newton are all very passionate about helping our neighbors and we're all in favor of affordable housing there isn't anyone here who says they are against affordable housing. She thinks it should be pointed out that in Newtonville and the neighborhood's around this project in Newtonville are already at 80% AMI and the neighborhood's around Nonantum are already at 50% AMI. She feels that these neighborhoods are already paying the debt for the city of Newton and she thinks that needs to be factored into the discussion at some point. She learned to drive in Newton at Newton North and watched those videos of the car accidents and how gory it was and it was very effective. One of the things she learned about driving was don't assume anything because you may follow all the rules and you may not be technically at fault in an accident. If you're involved in an accident at all and someone gets hurt or killed, was it enough that you just followed the rules? You had the right of way, you're not at fault, but you might be haunted forever by the thought that you could have been looking out for the distracted driver or the illegal left turner, instead of assuming the law that protects you from liability would protect them as well. She learned a new word the other day it was riparian. Anybody know what that means? Well, I didn't either and I grew up in Newton. It means pertaining to wetlands, rivers, wetlands, and so on. She read through all of the soil tests performed for the petitioner's stormwater report. She thinks they could have gone further. It's pretty clear from the results that these lowlands are indeed wetlands covered wetlands, former wetlands, abused wetlands but, definitely wetlands underneath the fill and asphalt. There are large deposits of peat and glacial sands. Not really the best place to build large buildings. It is also the gathering point at the city is drained sector 77-1, which is a broad area extending west to the Trio building, north to Watertown Street at Linwood receives stormwater from all these areas. The petitioner didn't design underground parking -- wetlands. So these adjacent neighborhoods have traditionally housed many low income residents, including myself, were more intimately connected by this waterway, not just the culvert, but the underground water than we even realize. She believes this





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entire waterway from Central Ave. to Jackson Road should be investigated very carefully before any construction is allowed to proceed on any of the parcels on it. If you if you follow the rules and if you do your due diligence, is it really enough to do your due diligence.

Jimmy Sbordone, 260 Linwood Ave., Newton, asked whose idea was it to build 260 spaces for 307 units? How come nobody's ever brought up Court Street being exit or an entrance? He has two dogs himself instead of a dog park. Why don't we think about kids in the neighborhood? Wouldn't like maybe a splash park or something like that and for the kids.

Terry Sauro, 44 Cook Street, Newton, made a suggestion maybe when we have another meeting the public could speak first because it's 10 o'clock and everybody's exhausted and she doesn't even know if anybody is really hearing us. She grew up on Lincoln Road, married and moved to Cook Street. She knows this area probably better than any of you on that committee. You may consider this Newtonville but it's Nonantum. When we were growing up, and we still to this day, we consider Newtonville where Trio is and that center is in. Sorry, she gets nervous after hearing some of the comments tonight. We can share our wealth. No one is saying anything about affordable housing. We need affordable housing. What we're saying is the concerns with this big project. Yesterday she attended the site visit for Court Street. At the start of the meeting Mr. Rossi, you set the ground rules and we were told that concern residents could not speak. She finds your ground rules offensive. If this is our neighborhood, which will be impacted by this development after it's erected this won't impact your committee, but it will impact that neighborhood. You then proceeded to say that there is a ZBA meeting tomorrow night etc etc. If we were allowed to speak yesterday you would have heard the following. Did you acknowledge the heavy traffic at yesterday's morning at 8:00? So much the neighbors attending trying to cross over had a hard time crossing with that heavy traffic. She saw that there was no consideration as far as having a flashing light or any type of a traffic light for Murphy Court going on to Crafts Street. Since you checked off the site visit with no neighborhood input. These issues need to be listened to and considered by ZBA. 307 units need to be decreased especially with only one way access to Crafts Street. If there is no other access, decrease the units 200 units. Additional parking spaces needs to be added if the 307 units remain. We can agree to disagree, but residents who will be rented the three-bedroom units will definitely have two cars. If there are extra parking spaces offer parking during the winter overnight ban to the neighborhood. Proven fact that past developments and Nonantum that have





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limited parking and a year later they are looking for additional parking spaces. There needs to be another access road other than the one-way access coming on to Crafts Street. The proposed senior independent living two doors up will be additional 1000 people as well as 600 to 800 additional cars. She hopes there is some type of, we have an infestation of rats, rat plan that the developer will have to incorporate. Also, it's called Maguire Court. Will that name change?

Jay Walter, 83 Pembroke Street, Newton, stated he'd like to address the calls for underground parking both from the peer review memo and from others on the Board and in the audience. He thinks it's unrealistic to expect the developer to provide underground parking for a number of reasons. First and foremost is it would be extremely expensive, and the additional cost would jeopardize the viability of the proposed affordable units especially at 50% AMI, which is unique in the city and which we really need. Second, the drainage issues have been mentioned by the locals and in the report and he thinks that's a real concern which would make underground parking problematic and even more expensive. The review expresses concern about number of driveway crossings and how they're unsafe. If there was underground parking, those crossings would become ramps and become even more cumbersome and unworkable. The builder has already put parking under the buildings to mitigate their impact on the site and that could be improved by improving the screening that they have around the facade. He agrees with those who say that on Crafts Street we should have, instead of parked cars, occupied space either with the residential units or some small commercial retail on Crafts Street to enliven it. So in conclusion, he thinks that the affordable housing is a priority. He urges the ZBA not to recommend anything that jeopardizes that.

Janine Stewart, 251 Adams Street, Newton, stated she has many relatives on Lincoln Road. She's concerned about the amount of traffic and doesn't understand why Nonantum must take the brunt of it all spilling out onto Crafts Street. She doesn't understand the developers saying it's not going to make much of an impact. She has appointments early in the morning at Chatham Center Building and when she tries to take a left from Lincoln Road she has lot of difficulty. People will say why not walk, but it's usually because she is going somewhere after. The woman who made the comment that the senior housing will probably not happen. The developer will sell it like Dunston and make a profit. She is not against affordable housing. She is against the size of the development and the additional traffic. She is disappointed that the community input from the last meeting with



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residents on Lincoln and Clinton were not addressed. It was not even listed as what they heard. They never studied the impact on cut through traffic onto Clinton and Lincoln Road. They assume that only 2% of the cars will go straight onto Lincoln and Clinton. That's an outrageous assumption. They should perform a study not assumptions. For the size of the development there was not enough parking. They're banking on everyone taking buses and commuter rail. If you look at what happened to Trio they offered subsidized MBTA costs and hardly anyone took advantage of it. She asked at the last community meeting about the number of visitor parking spots, but did not get a direct answer other than we are going to have visitor parking. With 307 units it's going to need adequate visitor parking and disability parking. The people that have spoken in support of this project do not live in this area and do not have an additional 500 units dumped on them on an already densely populated area.

Margaret Ward, 957 Washington Street, Newtonville, stated she wanted to speak to the diminished transportation that we now see servicing our area by the MBTA. Like someone commented earlier, they've been commuting for 20 years or so. She has been commuting for 30 years exactly from Newtonville. She has taken the commuter rail in the beginning from the Newtonville stop and then ended up changing to the bus and she says over the years that MBTA has absolutely cut the service to Newtonville full stop. We used to be able to have a bus service that the 553,554,556 that some originated from West Newton some originated from Walnut Street, the five basics originated from Walnut Street, that all went directly downtown and you were able to get them during the weekday and also on the weekends, but they cut that. Now the furthest those buses go on a weekday is to Newton Corner. Now on a weekday you have to go to Newton Corner, switch up, and get the 504 which is the only bus that takes you downtown now. Now let's talk about the weekends. We live in a transit-oriented development so to speak that we want to claim. Try to go into the city for dinner and a movie guess when the last bus is out from the city. She raised this issue in 2018 during the meetings that we had with the principal group. She was at the table that was specifically to talk about MBTA service and asked the table when the last bus came. No one knew. Of course, they didn't know they don't commute into the city. Not like she did. Guess what time on a Saturday night the last bus out of Boston that you can catch? It is 7:46 pm. So much for dinner and a movie. So your choice is no choice. You have no choice of taking the commuter rail. Now, the bus service doesn't even exist on Sunday. So forget about the bus service. Then you're only relying on the commuter rail, which is very sparse and the service keeps dropping to Newtonville. My point is,



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let's stop talking about this development like it would be transit-oriented development. We do not have any transit service at all by the MBTA servicing this area.

Kathleen Kouril Grieser, 258 Mill Street, Newton, stated some of the members of the ZBA know that she's no fan of chapter 40B, but I want to thank you, particularly you Chair Rossi, Ms. Lipsitt, and Mr. Snyder along with the peer reviewer who had a lot of good ideas for how to make this project less intrusive and negatively impactful on the people that Mr. Walter referred to as the locals. She's very disturbed by the fact that chapter 40B is making Massachusetts the laughing stock of the real estate industry. That developers are increasingly sending out prospectuses to investors guaranteeing the terrific profits to come from investing in 40B projects because municipalities basically can't stop them without safe harbor. Unfortunately, we didn't quite manage to get safe harbor in time to protect this neighborhood from yet another 40B. She really appreciates the proposals for making this project smaller, better, greener, safer and more environmentally sound. That may be the best we can do. She hopes that's not the best we can do. She hopes you'll keep working on that and she appreciates that you're doing that. The people who live in this neighborhood live in what's already a modest neighborhood and it is unfair that these projects seem to impact these people the most and displace them the most. That concerns her a great deal. Those people, those housing advocates, like Mr. Roche and Mr. Walter and the others who keep saying it's so important that we get these 62 units at 50% AMI. That would be great, but if you don't care about the people who already live in this neighborhood, maybe you could imagine caring about the people who would live in this project if built the way Boylston Properties proposes. Do you not care about those people? All of the impacts that are going to be so awful for people like Bob Kavanaugh and his neighbors and Terry Sauro and her neighbors will be just as bad for the new people that were supposedly welcoming into this paradise. Maybe we could have less than 62 affordable units and a much smaller and much better project. She thinks any developer that uses the 40B process rather than the special permit process going by our elected officials really is a bad actor. This actor in particular Boylston Properties she just wonders if they're going to flip it as soon as they get a permit. They have already tried to interfere in one of our City Council elections, so she doesn't see them as good actors. She'd like to thank you, Mr. Rossi and the others on the ZBA for looking at ways to make this project smaller and better.

Janet Sterman, Church Street, Newton Corner, stated she appreciates the opportunity to speak tonight. She does not know if anyone other than her has been listening in the last year to two years about what people want as far as affordable housing and Newton, but she is kind of appalled. She knows that all these people from Engine 6 like Lynn Weisberg and Roche and Mr. Walter talking about having to have this the 62 affordable units, but ironically, only 25% of those units are going



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to be made available to people from Newton. Not the people like the guy who lives on Floral Street who wants to make sure that the kids who grew up here can afford to stay here. No, no, no. This project is really for not only giving local preference on this project to only 25% of the project is going for local preference. So 75% of those 62 units are going to go to people not from Newton. So she loves the idea of doing affordable housing, but don't we want to be able to provide housing to our firefighters, our police officers, our dear teachers that we all supported so much during the strike. Who are we doing this for? She doesn't understand. Less than 25% is going to the people who grew up here, who work here, and the people that are so near and dear. These affordability Engine 6 Newton for Everybody, people don't get it just doesn't make sense to her at all. Somebody came up and spoke and said she's lived here for 50 years. It's quite obvious she hasn't shopped for real estate in Jamaica Plain in 50 years or in the last year, it's certainly not an affordable neighborhood. Whoever thinks Jamaica Plain as affordable today has not gone shopping for real estate in Jamaica Plain. Finally, the traffic plan that we were looking at right now they gave a seven-year projected traffic, but they didn't take into account that we're going to be reducing the number of lanes on Washington Street from four to two. You're not even taking into account the additional traffic. There's a lot of work that has to be done before you a project like this gets approved and she thinks ZBA is in a position to put some real criteria together that makes sense for everybody so that it can be a working solution. She does not see a solution being evident at this point and she is looking forward to the ZBA input as a group to put in some strong criteria to make it work better.

Mary Shepherd, 85 Kingswood Road, Newton, stated this project is insane in its size for the neighborhood. The fact that they don't want to do stormwater study is disturbing. All those houses in those neighborhoods from this low-lying thing and what they're building. Is it all going to flood down their driveway and flood the entire neighborhoods? It just it sounds like insanity. The traffic one way in and one way out doesn't seem safe for firefighters or police. The idea of extending some green grass for firefighters to drive over doesn't sound good to her. It just sounds like it's going to really ruin a neighborhood. She agrees that most of these housing is being dumped in Newton Corner and Nonantum and it doesn't seem right. It's already the most congested area of Newton. It's going to look like Watertown with one giant building after another. It's sad. She just heard 25% of Newton residents are allowed to apply. That is how many people are on the Newton housing list right now? How many people? People have been on the list for 10 years. It's wrong.

Dan Ruben, 175 Auburn Street, Newton, stated that he supports this project and other housing projects in Newton and around our region because housing prices are so outrageously high. That



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has terrible ramifications for our community. The reason why our prices are so high is because the demand for housing greatly outstrips our supply. We need more housing. He is personally tired of seeing my friends have to move away because the renters and their rent becomes too extreme and they have to leave. Our young people are particularly affected. They're priced out of the market. Our young people we're seeing a great out migration of young people from this region that harms our vitality and will eventually harm our workforce and our economy. These high housing prices because we don't have enough housing is separating families. Our young adults cannot afford to live here. They're separated from their parents. They want to be able to help their parents as they age, but they can't because they can't afford to live in our region. Lastly, these high prices force people further and further away. It forces them to drive more and enhances the spew of greenhouse gas emissions that will be so harmful to our young and middle-aged people because they exacerbate climate change.

William McQuillan, Principle, Boylston Properties stated he is appreciative of the ZBA, staff, and public. They will be meeting with NBBJ to discuss the peer review. He feels some of the ideas will improve the plan and the issues they are facing. They expect a full and robust discussion and the process and foresee changes to the project.

Chair Rossi continued the item until March 27<sup>th</sup>.

**Agenda Item 2:** Discuss and/or adopt changes to the City of Newton Rules of the Zoning Board of Appeals. Sitting Members: Michael Rossi (Chair), Brooke Lipsitt, Elizabeth Sweet, William McLaughlin, Stuart Snyder and Jennifer Pucci (alternate).

Chair Rossi proposed change to our rules has to do with the way we receive public comment. The intent was to try to be clear to all parties that submit materials to us as to how and when we will receive those materials. The draft before us eliminates the discretion of the Chair to accept materials that are submitted after our deadline which is something that I support because I think it provides better and greater clarity to members of the public in the applicant who are submitting materials to us. The way these rules are drafted, they clarified that the submission deadline only applies to the submission deadline in Section Eight of the rules applies only to applicants and petitioners. The deadline was changed from five business to five calendar days. The proposed challenges changes as they said remove the board's discretion to accept materials after the deadline has passed. A new section was added creating a 48-hour deadline for written public comment



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finally, the number of paper copies required to be filed has been decreased from 15 copies to 12 copies for comprehensive permits and six copies for administrative appeals and variances. Thanks again attorney Wilson for preparing the draft and this memo. Does anybody have any comments?

Ms. Sweet stated she supports the rule changes.

Ms. Lipsitt made a motion to adopt the amendments to the rules as drafted. The motion was duly seconded by Mr. McLaughlin

The motion passed unanimously 5-0

Chair Rossi concluded the meeting at 10:30 p.m.

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





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Mayor

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

## MEETING MINUTES

**Wednesday, March 13, 2024.**

**7:00 p.m.**

**HYBRID**

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

**Staff Present:** Brenda Belsanti, ZBA Clerk; Jonah Temple, Deputy City Solicitor; Barney Heath, Director of Planning & Development; Katie Whewell, Director of Current Planning; Jennifer Steel, Chief Environmental Planner; Cat Kemmett, Senior Planner and John Daghlian, Associate City Engineer.

**A public hearing of the Newton Zoning Board of Appeals was held a hybrid meeting on Wednesday, March 13, 2024, at 7:00 p.m. on the following petitions:**

1. **#04-23** Toll Bros. Inc., requesting a Comprehensive Permit, pursuant to M.G.L. Chapter 40B, to construct a six-story all-residential development with 244 residential units on 5.82 acres of land located at 528 Boylston Street in the SR1, SR2 Zoning Districts. The proposal includes 61 affordable units and 385 parking stalls.

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**Agenda Item 1:** 1. #04-23 Toll Bros. Inc., requesting a Comprehensive Permit, pursuant to M.G.L. Chapter 40B, to construct a six-story all-residential development with 244 residential units on 5.82 acres of land located at 528 Boylston Street; 0, 502-504, 516 Boylston Street; 0 Hagan Road; and 24-26, 32-34 Hurley Place in the SR1, SR2 Zoning Districts. The proposal includes 61 affordable units and 385 parking stalls. Sitting Members: Michael Rossi (Chair), Brooke Lipsitt, Elizabeth Sweet, Stuart Snyder, Jennifer Pucci, and Denise Chicoine (alternate)

### **Documents Submitted:**

1. Revised Civil Plans



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2. Peer Review Responses prepared by Bohler
3. Revised Landscape Plan and graphics
4. Lighting Plans
5. Signage Plans
6. Parking Protocols Description
7. Analysis of Mechanical Noise
8. Updated Sustainability Report
9. Wayfinding Site Plan
10. Letter from Attorney Buchbinder dated March 6, 2024.
11. Revised Drainage Report
12. Packet of compiled emails, letters, and comments from the public.
13. ZBA Memo from Planning with attachments dated March 6, 2024.

### Testimony:

Attorney Stephen Buchbinder, Schlessinger & Buchbinder, 1200 Walnut Street, Newton, reviewed the applicant submissions, review of meeting with abutting residents on March 6, review of meeting with Newton Housing and tour of Kendrick in Needham, and summary of the evening's presentation

Tom Schultz, architectural team, 50 Commandant's Way, Quincy, presented the current design and new graphics to review the process from the start of the design to where it stands today. He reviewed the landscape with a focus on trees and buffers with renderings of different seasons from abutting properties. He also touched on signage for traffic circulation and parking and the multi-use path.

Chair Rossi asked how long it would take for the trees to go from planted to mature.

Matt Mrva, Landscape Architect, Bohler, stated that once the trees are planted, the evergreens will grow about a foot per year. So that's sort of the expected growth rate of what these buffers will



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grow into.

Chair Rossi asked what the renderings are showing for tree maturity.

Mr. Mrva stated that it would be about 6-8 years to reach the maturity in the renderings.

Mr. Schultz continued with the presentation

Robert Michaud, Managing Principal, MDM Transportation Consultants, 28 Wood Road, Marlborough, recapped changes made based on the outcome of the peer review transportation demand report and the input by the Planning Department. Traffic calming, mitigation packages, and bicycle/pedestrian connection to the surrounding neighborhoods were reviewed and the plans of MA DOT. Traffic patterns, delivery/moving truck parking, and resident/visitor parking on the site as well as amenities was also discussed.

Steve Martorano, Bohler Engineering, 45 Franklin Street, Boston, presented the landscape plan with a focus on lighting, buffers/berm, drainage/floodplain/Paul Brook, and stormwater and to work with Conservation Commission. The emergency access area and turnaround was also reviewed.

Attorney Buchbinder summarized the presentation and discussed mitigation and the I&I for the project. He complimented the neighbors and the discussions between the applicant and abutters. He admits it's not a perfect project, but it supplies much needed housing for low-income households. He reviewed how all recommendations have been implemented into the current design.

Ms. Kemmett presented the Planning Department presentation that included the new design, sustainability, EV parking, noise concerns, signage, wayfinding, lighting, mitigation, pedestrian and bicycle safety, TDM, and stormwater plan and concerns.

Chair Rossi asked for questions from the Board.



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Ms. Sweet stated she appreciated all the information and work done to make it a better project than when it first started. We still have a lot of really important affordable housing which is why we even have 40Bs in the first place because we are, as has been noted, in a housing crisis. On this project in the memo it seemed like the sewage and the water in getting keeping the water out of the system seems good. She doesn't know if there are any comments, but it seemed like that has as they have said it's gone above and beyond so she doesn't have any questions about that. She did have a comment about the turf and hates be a nudge about this, but the synthetic turf that we have now, and maybe they will be better synthetic turf in the future, is toxic and cancer causing. So maybe it's needed for some reason why something else couldn't be there, but certainly wouldn't encourage people to sit on it. It just seems like that's not an appropriate use for it. It is cancer causing. We have lots of studies to show that unless there's some absolutely new product that she is not aware of. She pays pretty close attention to this so maybe there'll be new stuff and it will be fine, but what we have now is just not appropriate. Even though she knows residents and we have it at Newton South. It's not good for kids to be on that synthetic turf.

Mr. Snyder stated he agrees with the Ms. Sweet that we're certainly looking now at a project that's much improved from what we originally saw. As we go on, he may come back and have a couple of other things he wants to ask about, but just at the moment there were two on my mind. Maybe one is for Attorney Buchbinder or somebody from the team, but you had mentioned the meeting that took place with the neighbors on March 6 and that it felt positive. You mentioned that meeting had something to do with reaching out to them in regard to making some individual efforts for property owners around handling water and just wondering specifically what the results of that conversation were.

Attorney Buchbinder stated that the intent was to reach out and talk to folks about their own properties and learned from this process is this. These homes, they're at least all along Olde Field were in a floodplain. They've got the brook there. That's an existing condition what that we can't really make that condition better for those people. What we can do though is make the runoff that's currently coming off the site less and we can improve that conditions. That's what he understands as a lay person, but he asked Steve to come up and speak to that technically.

Mr. Martorano stated that the March 6 meeting was great. It was good to sit down with folks and



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have just a real conversation about what they're facing. We don't have any property on that side and the properties are pretty low-lying in or at or very close to groundwater conditions. So we thought the best thing we could do to help them is create more flood storage on our side of the river. Create more. We did increase some of the stormwater systems and move some around to spread the water out and retain as much as we possibly could on our property. So that's really for the Olde Field residents, they're just low and the best thing we could do is handle as much as possible on our side. On the on the Hagen Road side, we did incorporate some additional area drains and things along the property line. Again, it's mostly capturing all the water we can that's on our side or if there's any ponding from their properties that is sitting really at the base that berm, where the berm would create a new blockage, we wanted to make sure so those area drains will capture any runoff from the berm, but they'll also if there is runoff in those backyards. It gives it a relief valve so should provide some additional relief for that for the Hagen Road residents.

Mr. Snyder stated he was not asking him to characterize every neighbor's reaction, but in general how would he characterize the reaction to what was just said about trying to keep things on your side and do what you can there.

Mr. Martorano stated that he thinks it was well received. We understand there's groundwater challenges and biggest concern. We spent more time talking about the landscaping and the buffers and where can we really minimize the impact of the new building was the predominant theme of the conversation. That's when we revealed a lot of those new photo renderings to give a better feel and the photographs from those renderings were provided by the individual neighbors. They're the views that they were most concerned with. So we think they're really good representations of what it be like some of the additional evergreen spots that we needed to fill in. So it was a very productive meeting, but a lot more focused on that landscaping.

Mr. Snyder stated that there were other subjects he wanted just to hear a little bit more about. Comments from neighbors expressed their view that the multi-use path they did not actually see as all that valuable. That certainly can be a difference of opinion about that, but from their perspective, they would prefer to see a reduced width in the path is what they were saying. Maybe even no lighting, that's subject to some kind of conversation, or reduced lighting and instead planting more trees. That was the essence of it and wanted to get your reaction to that. Mr. Martorano stated that the director abutters did not feel that path, generalizing, because it wasn't every abutter there is a handful folks, and there were a couple of people that maybe commented on the path. The general theme of the comments was that it wasn't something that they were overly



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excited for. They didn't think they would use it. They didn't necessarily say this is great and a benefit for us and who's using this path was a few of the comments we heard. They definitely did not want additional lighting because for fear that it would be something they'd see and it would be more impactful than even just having the walkway there. To have the lighting and have it lit up so that's why we said if lighting is a requirement to add there we definitely want some type of timeline cut off and not have it be lit up 24 hours a day if that was a requirement. Then the reduced path width we think if you're going to do a multi-use path, you don't want to be less than eight feet. So it's either not a multi-use path with something now or if we want it to be a multi-use path as was recommended and asked us it should be at least these eight feet. In regards to the synthetic turf and the use of it and we understand that the products today are being reevaluated and we understand there's some bans on turf fields, especially for high exposure turf fields. We fully believe that the turf industry is not going to close up and go away and they're going to come out with better products that are made with different materials or have encapsulated the materials or what they're working on, but the turf industry is not gone at this point. We fully believe by the time you're putting this turf down in three years, or whatever the timeline turns out to be, there will be better products out there. If they're not, we'll go with a different product, which is why maybe have a product submission prior to installation which would be three plus years from now and likely would be appropriate and then we could switch the materiality if that wasn't suitable.

Attorney Buchbinder stated that this isn't going to happen for a couple years. We're very happy to have a condition that says that the selection of the material will be subject to the approval of the Planning Department or the Health Department so we would work with the City on it. And again, it's at least two three years away probably, but we're fine with that. We appreciate the concern.

Ms. Chicoine stated that she appreciated the thoughtful interaction that the developer has had with the peer reviewers and the wealth of information that has been brought to bear by experts. My colleagues have covered a number of issues. but one particular very small point in mind about the transportation management plan. She wonders why there hasn't been any discussion of shuttles to the T stop. It's less than a mile to make it to Newton Center or the closest T and there is a bus line. In other projects we've talked about a dedicated shuttle service. Is that something that can be done?

Attorney Buchbinder stated that it makes a lot of sense. The reality is that for a single development to run a shuttle at meaningful times throughout the day. It's just it's incredibly expensive. What would make sense, and there was work with Mr. Heath on this in the past when Nicole Friedman had been here, she was pushing an initiative that would have a shuttle really run from the Chestnut





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Hill Green Line station to the Newton center Green Line station. You would go down Rte. 9 in a row. On other projects there were commitments for clients who would receive special permits along the Rte. 9 corridor to contribute and work on that. It's just kind of fallen off the table. There's a lot of other things going on, but we would certainly be willing to work with a team to try to get a shuttle, but to make it work you'd have to have a number of stakeholders, including Chestnut Hill Square and The Street. If you had all of those people participating and they would probably want to do it partly for their employees as well as customers. It might work but just one shuttle from our project to Newton Center would really be hard to maintain.

Ms. Chicoine asked if NewMo could be added to funding.

Attorney Buchbinder stated they'd be more than happy. We've offered to give a sum of money here and we have the \$483,000 that we've mentioned we also have some TDM funds. If you folks felt that those dollars or some of those dollars were better spent to support a city shuttle system like a NewMo or something we're fine with that because it's a legitimate need.

Ms. Lipsitt stated that she is always appreciative of my colleagues comments. It helps her cross things off her list, which is always very long. She thanked Attorney Buchbinder for the extensive presentation this evening. We have three experts here and some questions to focus. She has other issues too, but really wants to focus on giving them an excuse for having been here. The storm water and problems about the Paul Brook have been sort of the center of concerns on this project. Having said several times probably in public that we need to be assured not by the developer, but by you that this project is not going to have a negative effect on the neighborhood. She heard and really appreciated the remarks that she heard this evening and it was also in the written materials that this project only represents 1% of the watershed for the Paul Brook and therefore it can't solve the problem. That was really helpful and expects that's probably helpful to be neighbors as well. Nonetheless, it remains a concern. If she understands correctly, the amount of mitigation that they're doing is going to reduce the water flow from this site more than is required. Does that account for the water that runs onto this site as well? Not all of the water that runs off this site fell, if it was raining straight down here, a lot of it fell on Dudley Road and then all those rocks and that's running off this site as well. How does that get accounted for?



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Ms. Bernardo stated that the developers are required to look at the entire watershed including what is running on to the site. When we reviewed their watershed maps, that basically shows the existing condition and seeing what is coming off of Rte. 9, as well as what is going onto Rte. 9, as well as what is coming from Dudley, and what is going towards Hagen, was going towards the Brook. We look at all of the different watersheds and have agreed with what they are delineating the watershed to be, which includes additional runoff from the other sites.

Ms. Lipsitt stated that what we have from Bohler, this set of papers called “compensatory flood storage”, and it shows in several pages. She is not really quite sure what the difference between the pages, it shows proposed floodplain impact and proposed floodplain mitigation. In each one of these are in most of them the mitigation seems to me to be happening upstream from the impact. How does that help and doesn't it mean that the impacts getting worse in the area down toward Hagen Road?

Ms. Bernardo stated that when you look at those plans, each sheet is a different elevation. So you say are showing you elevation like 124 to 125. You can look at the colors and there's the pink and the blue, and you can see that the mitigated area is a little larger, but it's the same exact elevation. It's not up or down gradient, it is the same elevation on each sheet.

Ms. Lipsitt asked if this is the mitigation that is pictured at these different elevations more than mitigate with the impact is.

Ms. Bernardo stated that as water rises you picture water rising from Paul Brook, it comes up it is kind of flat, it evens itself out. So if you had a slope, it's kind of starts to rise up and it rises up evenly all the way along. So as long as the elevation is the same elevation, it is helping that flood elevation at that area.

Ms. Lipsitt stated that she is concerned about water control during construction. People put up hay bales and silt fences, but there's a lot of water that's going to be falling onto and through this site during the construction period before all of these six containers worth of water storage go into place. How do we get comfort with that?

Ms. Bernardo stated that typically when a project goes to the Conservation Commission usually it's required that they show the proposed flood storage first thing. So that is one of the beginning parts of construction. So the storage is already there. Then they will have erosion controls that have been



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reviewed and there's a stormwater pollution prevention plan that's created to deal with erosion. So that there isn't any sediment that goes runs off the site. They do also have to make sure that as the building gets developed and before the subsurface infiltration chambers are installed and having water directed to them because that kind of comes in almost at the end. They can put them in early and they will probably be depending on their construction sequence. Then they have to eventually get the catch basins to tie into those chambers. Still like a soil and not pavement. The water will still infiltrate on the site during construction, but a lot of times they need to put in a temporary sediment basin of some sort at a low gradient point. That's not in the wetlands. It has to be upgrading of the wetlands to capture runoff as it's going through and it might hold it so it's you might see it and it might be mucky and muddy because this sediment will get in and then it will work its way through the system. They will have to design a way to manage runoff and the Conservation Commission is going to be watching them closely.

Ms. Lipsitt stated that just because they have to; does not mean they have. We have 100-year storms every other week these days.

Ms. Steel stated during the permitting process the Conservation Commission will be requiring a construction phasing plan. Looking at when will there be vegetation removal and what would that what will that do in terms of altering site drainage, site runoff and how will that be handled. Then what will the next phase be and so on. As Janet indicated at each one of those phases, the plans will have to convince the Conservation Commission that the applicant team has really thought this through and provided adequate infiltration and stormwater controls throughout the construction period. Those are very different usually than the final post construction period infiltration and erosion protocols.

Ms. Lipsitt asked if the Conservation Commission or Engineering Department monitor what is happening.

Ms. Steel stated that the Conservation Commission often includes a condition that these systems are inspected by the Engineering Department, proof of inspection is provided to the Conservation Office, and then ultimately of course the as built plans are provided. The Conservation agents will go out in the field and inspects. Engineering has inspectors and, of course, the Building Department has inspectors. There are lots of City eyes on these projects as they're unfolding. If a project is large enough and warrants we also can condition the a third party environmental monitor to be sort of embedded in the construction team and they will be responsible for periodic monitoring, reporting, you know, site photographs and so on.

Ms. Lipsitt asked if this project was large enough that you would be likely to do that.



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Ms. Steel stated that it may it may well be. We do for example, have an environmental monitor on the Dunston East project right now and receive regular reports from him. We have an environmental monitor on the bicycle and pedestrian bridge going in at LaSalle boathouse. So it's not an uncommon request. We have we have an environmental monitor on the Needham Street project. So she can well imagine that anything.

Ms. Lipsitt asked Ms. Steel and Mr. Daghlian if they felt in a position to tell this Board that you are comfortable with how the water is being handled on this site?

Ms. Steel stated she has not received or evaluated the most recent set of plans. She did work closely with Janet Bernardo on the original review and understands that the applicant team has made many, if not all, of the changes that were that were requested, in addition to other changes. When we receive plans and an application, the Conservation Commission, under my sort of assistance, will do a very comprehensive review in coordination with the Engineering Department and at that time we'll be able to say absolutely for sure. Based on my understanding of the plans and my reliance on and trust in Horsley Witten team she believes that all of the standards that are required are being met or exceeded.

Mr. Daghlian stated the materials he received today were satisfied with it. There's just minor housekeeping items that we're going to bring to light once they get to the site planning phase and also the Conservation Commission. So we're going to get probably like two or three more bites at the apple. By no means it's a perfect design, but they do meet the spirit of the requirements and the City Ordinance.

Ms. Lipsitt stated you will understand that this Board is uncomfortable with the fact that you don't get to do that final review before we have to make a decision that makes us all very anxious in this particular project. It's not something that has happened to us before.

Ms. Steel stated that the Conservation Commission in tandem with the Engineering Department undertakes a very rigorous review. There are standards that the team will have to meet under that rigorous review. She has been very impressed with how responsive the team has been so she's not at all concerned that during that review anything large on unforeseen will be discovered except things that may be underground. The ledge is always a question, but in terms of the process unfolding she is confident that we will be able to work with the team and ensure that all of the



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standards are being met and, in fact, exceeded.

Ms. Bernardo stated that Horsley Witten has reviewed the latest design plans and we have a letter that we will be issuing tomorrow or the next day. She feels like she can say to you that they have met all of the stormwater standards in the Massachusetts Handbook and the standards required by DEP. She feels comfortable that at this stage she has reviewed all the numbers, all the calculations, and there are a few minor little tweaks, but is very comfortable that they've met the standards and that they're compliant.

Ms. Lipsitt stated that she will have more questions, but wanted to really address this issue at the beginning because she thinks it's always been the elephant in the room on this project.

Mr. Snyder built on Ms. Lipsitt's question and asked how the proposed construction in terms of blasting relate to the conversation about water. Does this site and what's being proposed require an unusual amount of blasting? Can you talk to us about how that works? What the impact is on the neighbors in the neighborhood? The public is interested in this. I'm interested in how it might or might not impact water flow.

Mr. Daghlian stated that the City has pretty stringent ordinances for blasting. They have to get a permit through the Fire Department. Surveys are required throughout the neighborhood for perimeter around this site. They also do monitoring as long as they're going along and blasting on the property. To say with 100% confidence that certain blasts will not impact someone because it's underground there is really no way to tell. Similar situation we had for Kessler was they had a lot of ledge that they had to blast out. Fortunately, with all the monitoring that went on throughout the process no one really got impacted on that site. Whether groundwater flows over any other type of surface flow. So you can't say with 100% certainty that no one's going to get impacted, but it is monitored and there are safe measures that that have to follow up with.

Ms. Pucci echoed the comments of her colleagues. It's been an incredibly informative set of presentations tonight and in prior meetings, both from the applicant and the neighbors. All the neighbors and community members have offered has been incredibly helpful. Ms. Lipsitt really covered the questions that she had around stormwater very ably getting it all the details, but she had one follow up to Horsley Witten. You said that you are very comfortable that they met all the standards and glad we can kind of get that piece in as we're trying to wrap up and figure out this



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stormwater piece which has been such a theme here. They've met the standards, but do you have any concerns about the plan as currently proposed? Are you satisfied that we've addressed this water issue? Asking the same question, but bigger picture just to make sure there are no outstanding concerns. She understands they've met the standards.

Ms. Bernardo stated that as discussed earlier there is an existing flooding condition because of the brook and the low-lying area and the project will not be able to improve that and so that part is always kind of out there as an issue. The precipitation rates seem to be getting more and more and it seems to be coming a more frequent problem. Her job is to look at the calculations and to look at the standards and to kind of be able to review each one and to make sure we're comfortable that they meet the requirements, and they do meet the requirements. They're infiltrating which she is a big fan of infiltrating stormwater. They've done more of that than they had originally. She feels more comfortable with that design. Is it the best design for the whole neighborhood? That's not my role. She takes the project as it's presented and review those calculations. So sorry. She doesn't know that she can say it's the best. They're meeting the requirements. That's basically all she can say is that they're meeting the requirements. They are improving the stormwater off-site. They're improving the flood storage. That is as much as she can say.

Ms. Pucci asked given what you see here is there anything you would recommend that the project do in addition to what they proposed? She acknowledges she thinks they have tried to do a lot. This is a problem that preexists them. They can't solve the entire ecosystem, but they do need to do, and the Board has been consistent, as much as they absolutely can to kind of minimize and improve the site as they can control it, She does see it as a problem that you can fix through engineering, hopefully, as well as you can. It's not an unsolvable problem in that respect. So is there anything you would recommend they add?

Ms. Bernardo stated they have definitely asked them to look harder at infiltrating practices and there may be more opportunity to infiltrate some of the pipes that maybe are just carrying water across underneath south of the building. That might be a possibility she is not sure about where groundwater is because it doesn't help if you're in groundwater to infiltrate. You are just kind of moving it to a different place. If some of the pipes that are crossing the south part of the site could be turned into infiltration pipes that might be useful.

Chair Rossi stated that he had several questions for the panel. Ms. Lipsitt certainly captured his





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questions and sentiments, but just he thinks this is an important issue. He really wants to make sure he is clear on it. Based on the information that you have seen will the stormwater runoff from this site, increase, decrease, or stay the same if this project is built?

Ms. Bernardo stated that the design shows it decreasing a little.

Chair Rossi stated that's what the design shows. Do you come to that conclusion based on your training experience in light of the information you've seen?

Ms. Bernardo responded yes. The numbers and the values that are used. There's definitely specific calculations that you kind of go through specific modeling analysis. The inputs are kind of what we pay attention to because you assume that the program works. We will go through and make sure we agree with the drainage areas for instance, and make sure the runoff all around the site is taking into consideration. The surface material, whether it's wooded or grass or paved or gravel roads. Taking a look at what existing surface conditions are as well as what they're proposing surface conditions to be. We look at each of the different inputs and those are all inputs. Then as well as the precipitation depths looking at kind of higher standard and some of those depths that are now being produced by NOAA. So the calculations make sense to her. They're not just kind of doing the minimum. They're doing them a little bit more. She is comfortable with that design.

Chair Rossi asked if her assessment is that based on what she has seen that the runoff, the stormwater runoff, from the site will decrease a little bit if this project compared to the existing conditions.

Ms. Bernardo responded yes.

Chair Rossi asked if Ms. Steel or Mr. Daghlian had any comments on the issue.

Mr. Daghlian stated that when he referred to housekeeping items it will be that we're going to require a few more test pits in the area of those infiltration basins just to confirm groundwater elevations. Also, if any mounding analysis is needed for those systems. That's what he meant by housekeeping items that the applicant has left when they go for Conservation Commission filings, Site Plan Review, and final building permit.

Chair Rossi stated that he didn't know if any of our panelists have had an opportunity to read the materials submitted by some of the neighbors, but among them was a report submitted by Scott Horsley, who was represented to us to be an expert, that has been retained by one of the neighbors



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or a group of the neighbors, and an issue he has raised is the test pit locations. Is anybody familiar with this issue as this has been raised? He would appreciate it if the panel could address that. Maybe just briefly summarize what you understand the issue to be. Whether you think there's merit to it and how the applicant ought to address it.

Mr. Daghlian responded that they required a test pit within 25 feet of every system. We're going to have that as part of that housekeeping items that we were talking about. We're going to want to see those testings done prior to any of the filings with Con Com within the building permit phase. So that will be tightened up.

Ms. Bernardo stated that she did go through Scott Horsley's letter. She believes there were two primary concerns that he brought up. One was the number of test pits and confirming estimated seasonal high groundwater elevation as well as the soil textures. Beneath those she went through each of the chamber systems the rain garden and the three infiltration systems and looked at the test pits in those vicinities comparing them. So the rain garden has a test pit in the middle of it as well as one that's 10 feet away. Infiltration system number two, which is south of the building and those test pits are about 30 to 35 feet away. The subsurface system three, which is on the west side of the building in the driveway, which is kind of a newer system that has one test pit, but that's 10 feet away and she would recommend additional test pits there. Also, for the southern one to have additional test pits at some stage, but it's sitting on a house at the moment. So that makes it a little harder to do the test pits there, but they can get closer to the 25 feet is a reasonable number. The subsurface system four is on the north side of the building in the drive in area courtyard and that has a test pit right in the footprint of it and another one that's about 10 feet away that shows ledge and so there's some recommendations like making sure that if they find ledge during construction, that that is removed to four feet below the system. If they find in the system three seems to be in fill and so we would remove any fill that's underneath the system to four feet. The applicant has added a note about any fill or organics that would be removed and replaced with clean sand, clean gravel that meets the filtration rate. She has gone through one of the other comments that Mr. Horsley made was that the test pits were done in December, 2023 when it wasn't so wet. We basically use the stormwater handbook and there's a soil evaluator program that requires the test pits to be looked at through the redox in soil modeling. A soil evaluator will look at the soil, look at the colors of the soil, and you can see how far groundwater would come up and in a typical basis for the changes to like a rusty color from a brown or gray. You can see that line and that is how you determine seasonal high ground water. It used to be in the good old days when she started her career you'd go out in the spring and dig and if it was a dry spring everybody was thrilled and if it was a wet spring it was harder. Now we've evened it off by using the soil modeling and looking at the sand and the materials that are in it, and the color of the soils. You don't have to depend on the



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time of year when to do it. The other comment that Mr. Horsley made was about having groundwater mounding analysis be conducted and the applicant has done a groundwater mounding for the infiltration system to the south of the building that has the test pits that are not within the footprint and that mounding analysis appears reasonable. They used values that made sense for the modeling process. For the mounding analysis is a method and you put in a bunch of inputs and the input is the critical values that's important to know. So they have done one mounding analysis. The other systems are all have four feet of separation. You do the mounding if you have between two feet and four feet of separation to groundwater. You have to have at least two feet that's part of the requirements. If you have if you have more than four you don't have to do the mounding analysis. If you have between two and four you do. So they have provided one for infiltration system number 2P and we found those numbers to be reasonable.

Chair Rossi stated that was very helpful information. There was another comment in some of the materials that the members of the public have submitted about the use of FEMA maps and particularly whether the applicant is using the correct FEMA maps to calculate some of the stormwater data and information. Does anybody had any concerns about that the use of the proper FEMA maps to measure runoff and stormwater?

Ms. Steel stated that FEMA has redone their maps for the area that Newton is within and there have been changes they are still considered preliminary maps, but they are regulatorily active even though they still have the title of preliminary on them. She does not believe that in this particular location there was a change in their mapping. She would have to go back and look at records to be sure about that. She knows that the City's stormwater ordinance flood elevation is a foot above the FEMA's flood elevation. There's added protection, if you will, because of that additional layer of regulatory authority that the Conservation Commission has and will regulate upon.

Chair Rossi asked if this is something that the Conservation Commission will consider in its review.

Ms. Steel responded absolutely.

Chair Rossi stated in talking about stormwater runoff, we've focused, justifiably so, on the abutting neighbors, but also wants to just talk a little bit about Rte. 9. We've seen some photographs and heard some testimony about the flooding at that low point, which would be just outside the building, in a moderate or heavy rainfall and wants to ask about any conclusions that have come to about how that condition will be impacted by this development if it's built.



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Ms. Bernardo stated that the watershed maps that the applicant has provided and we have reviewed indicate a small sliver of land that currently flows onto Rte. 9 and that is kind of in the northeast section of the site and it really doesn't change. It's slightly reduced under proposed conditions, but it's basically the exactly the same area so they're not doing anything to it. It's basically even the same conditions. It's kind of a wooded area.

Chair Rossi responded so the water that's currently pooling on Rte. 9 is not coming from this site.

Ms. Steel stated that her belief is that the water that collects there may well be due to insufficiently frequent cleaning of the catch basins at that site. The catch basins are owned by MA DOT. The one other thing to add is that with the current land use being changed the tracking of dirt and mulch will be greatly reduced and consequently the catch basins may not need as frequent cleaning and the MA DOT may actually be able to keep up with the requirements.

Chair Rossi stated no one on our panel sees that condition worsening as a result of the proposed bill. Is that fair to say?

Ms. Steel responded correct

Chair Rossi turned to the applicant with questions. Ms. Lipsitt raised an issue that has been a concern of mine and knows also a concern of the neighbors and that is the stormwater runoff and flooding issues during construction. We heard from Ms. Bernardo and Mr. Daghlian on that, but would also like to hear from the applicant. What can the applicant tell the neighbors and the Board about how the construction itself is going to impact the flooding that exists right now in the neighborhood. What steps will be taken to mitigate that? Obviously, the applicant potentially will be removing a lot of trees. That certainly from a layman's perspective results in more runoff. He would appreciate any insight they could share.

Mr. Martorano stated the Conservation Commission process there will be some added detail to the construction phasing and how we handle the stormwater at different points in time. The general contractor will be held to a few standards. There will be those implied by the local Conservation Commission. They will be subject to the EPA NEPDS program and that comes with weekly reporting. There will be another Notice of Intent. It's a different Notice of Intent the EPA calls it also electronic notice of intent so there will be a permit and they'll get a construction general permit issued through the EPA and that has different reporting requirements it could be weekly or bi-weekly depending on how they do it, but there's weekly reporting on conditions of the site. What are the construction activities happening in this given time period, were their issues and the



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resolution of those issues need to be documented if there was something that went wrong, and there's an inspector that does those reports weekly. There's a couple sets of eyes in addition to we heard DPW representatives and Conservation Commission has the ability to come on site and look and make sure we're protecting the wetland resource areas and the drain system. So there's a lot of set of sets of eyes and the general contractors are much better today than in years past knowing that there's many sets of eyes on top of the owners watching to make sure they're properly managing the site. There will be a heightened level of concern because there are the wetland resource areas on site right there that need to be protected.

Chair Rossi stated the applicant has been quite clear about the at least the applicants view of how the stormwater will be handled once the project's built that the runoff will decrease. Can you assure the neighbors to the highest degree of certainty that you can, given where we're at in this project, that during the course of construction, the runoff will not increase beyond what it is now.

Mr. Martorano stated he is not the general contractor, but assuming we're on board for those services, we do a training. This is a pretty prototypical course of action is you do a training before construction starts with the construction team and the general contractor and their site contractor and they all individually have to sign on to the permit saying we know these are the requirements and we will meet them. The general contractor signs on, the site contractor, and the owners of the property all need to sign this permit. He does not control them. So he can't say definitively, but the positive for this site is it does all naturally, if you didn't do anything, it naturally drains to the Paul Brook. If we're properly protecting the Paul Brook the neighborhood inherently is protected. Right? So the sensitivity is protecting and obviously the Hagen Road neighbors who are very proximate to the construction. Typically, what they do if he was the general contractor, you'd create an earth berm kind of the one we're proposing and the bill condition. You'd create that on day one. So if there is an issue, it's your issue, right? It stays on the construction site. That's typically how they do it. Again, he is not the one doing it and he can't tell them exactly how to manage it, but that's what you'll see it at a lot of construction sites. That is a very common and he would think it's great in this application is to build a berm and make it control the water on your site and deal with the flood. If it happens, the flooding occurs within the construction zone. So, again, he hopes that answers the question.

Chair Rossi stated that the Board gets a lot of letters and comments from members of the public and sometimes it's hard to understand where in the timeline the letters come in. For example, we know that the applicant met with a number of the neighbors on March 6, can you just explain a little bit about what if anything has changed or what was done, if anything in response to that meeting? For example there were a lot of comments that we received about evergreen hedges along





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the west side of the path. We saw those in the slides that were presented. Was that something in response to the meeting or are the neighbors actually looking for something in addition? He is not limiting it to that just looking for a general understanding of what was incorporated into the design since that meeting to address the concerns of the neighbors.

Mr. Martorano stated it really was the additional evergreens and the agreement to work with the Conservation Commission to see if we can add even more evergreens, but again they will be within the floodplain and in the resource areas. We think they make sense, but they want the Conservation Commission to have an opportunity to review it and make sure we're not over promising the amount of disturbance and vegetation we can bring in there. There's some opportunity still though.

Chair Rossi asked about the path. He knows there seems to be a little bit of a disagreement. One thing it seems to be in the renderings that we've seen that the applicant and perhaps the Planning Department is interested in creating something that's attractive and attracts people and that people want to use whereas the neighbors see this as a little bit more of a utility, something that people can use to pass through, but this is not necessarily a place where you want people to linger on park benches. Where are we with that? What sort of feedback did the applicant incorporate after the meeting on March 6?

Mr. Martorano stated that there were no changes to the path. We're taking that feedback and trying to relay it and we did some thinking is what we did. Would a five-foot path be better? Is lighting appropriate? We know there's difference of opinions of should it be a smaller path and with no light or should it be a wider path with more light. If we compromise and land somewhere in the middle with an eight-foot path that's still wide enough for a stroller to go one way and a bike to go the other of maybe eight feet it would get rid of two feet of impervious coverage. We've heard less impervious as much as we can. We think eight feet is a reasonable compromise there. Maybe some lighting that shuts off at a given hour. In winter, today it's one hour better, but last week at four o'clock it's getting dark. So maybe there's some lighting that just gets through the commuting hours or something like that. We just are bringing that feedback to the Board because there's a difference between planning interpretations and their desires and what we heard from the immediate neighbors, and he thinks the concern is really as you get down the end past where our emergency access road is. That stretch where you're starting to get in between some single-family homes you don't want folks hanging out down there. We focused our benches up by the building. We focused the lighting up by the building. We think what's on the plan is pretty good. If you went to eight feet that's a nice compromise.





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Attorney Buchbinder stated just by way of some background when we started the project we were rather agnostic in terms of the path. Then as things went along it seemed to make sense, and the planning certainly thought it made sense, we began to realize we may have kids going to junior high or high school. If we don't have the path you're probably going to cut through the woods and we figured it's probably better to have a path than not. He has personally struggled with whether it has to be lit at night. Ms. Kemmett has persuaded me that we may not be a bad idea to have it lit at least up to some hour, but it wasn't something that we want to die on that hill. This wasn't something that we were pounding the table on from day one. We'd like to get to a compromise. He really appreciates the neighbors particularly don't want people late at night. The issue with the path that we'd be fine with a five-foot path, but as Steve and Bob have said, if this is incorporated into the Safe Route to Schools, it's has to be at least eight feet. We're fine with eight feet. If you felt we don't need lights we're okay with no lights. It's a tough issue.

Chair Rossi tabled the path discussion for the moment. He wanted to raise it and the Board will have more opportunity to discuss it later. Another issue is noise. There were some recommendations in the report by TAT about noise mitigation and are those recommendations, something that the applicant will be willing to implement?

Mr. Martorano stated yes. They hired a Acentech to do noise analysis and they've even talked to some of the neighbors because of concerns around mechanical equipment, especially mechanical equipment degrading over time and what that leads to regarding acoustical concerns that they have. Toll is fully on board and that's why we hired Acentech because they're very well regarded in the development community to resolving those sorts of issues.

Chair Rossi asked that all the recommendations that we saw in that report, the applicant will undertake

Mr. Martorano stated yes.

Chair Rossi stated that it was mentioned in another comment that came up in the public submissions which is monitoring the noise over time, especially as the equipment degrades and becomes louder. Can you just explain how that works? Certainly it's tested at the beginning. Is it something that's tested annually to make sure that it's not getting louder?

Mr. Schultz stated he had not seen that in my professional career. He has not seen that level every



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year, but certainly longer periods of times they can put those monitors. They just locate them throughout the site. So that definitely can happen, but I haven't seen it happen that frequently.

Chair Rossi asked what a realistic frequency would be.

Mr. Schultz stated it would maybe be every decade.

Chair Rossi stated we know the applicant is not seeking a waiver of the city's noise limits. What is accounted for in coming up with the calculation of where the decibels are? Is it vehicular traffic, mechanical noise people at the swimming pool, or pedestrians on the path? How is that calculated? Trying to get at is what is really the issue. So it's one thing to say we comply with the noise ordinance because the decibels are x, but it's another thing to say this is what the real impact on the neighbors is going to be. He is trying to understand what's counted in that calculation.

Mr. Schultz stated he not the acoustical consultant. We can have them come here and speak more technically about this, but generally they create a baseline of ambient noise levels. We've had monitors out there at different times, they study that throughout a period of time to understand what those ambient levels are, and then they're measured against that. Anything we do in the project, and it's primarily based on mechanical noise and things like that. It's not based on people having playing in the pool or having coffee on the balcony. It's not that level of scrutiny.

Chair Rossi asked about mitigation. We will table for now he total amount and some of the specific things that Attorney Buchbinder addressed, but one thing he would like to see the applicant and perhaps the Planning Department give some thought to is whether there could be some mitigation measures aimed at the immediate neighborhood the Hagen Road residents and the Olde Field Road residents are clearly bearing the brunt of this. If it's built in is there anything we can do to make their lives better to make their neighborhood more pleasant? Is it planting? Is it new sidewalks? He'd like to give some thought to that because as they said, they're the ones in the crosshairs here if this project is built. Just a comment to keep in mind when we continue that discussion. Last question on traffic for Mr. Michaud. Some of these points while you're here last and wants to make sure he has them right because it's important. Focusing on the intersections in the vicinity of the project and the levels of service as those are measured. Is there any changes in the levels of service at any of the intersections in the vicinity of the project that you surveyed attributable to this proposed development?



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Mr. Michaud stated that the analysis that we did indicate little if any change to any level of service delay or vehicle queue for any of the study locations relative to what we call a no build condition. Those analyses were reviewed in detail by BETA as part of the independent peer review process. They concurred with the outcome and results of those. He believes it's in the public record now that the peer reviewer had acknowledged that the traffic impact of this project is relatively small which comports with what the analysis is showing. Certainly, relative to other initiatives along Rte. 9 and other development projects this project plays a very small part as a percentage of the amount of traffic that currently uses any one of those study locations. So the answer is no, it will not materially affect or change operating levels it study locations.

Ms. Lipsitt stated that she is so glad the subject to the path has come up. Her sense was also that the path was too wide. She wonders if it can be made of some pervious material instead of asphalt. We are trying to make everything more permeable. She agrees with Mr. Snyder that it could be narrower and could have more trees it would provide more room for trees. She thinks that there needs to be lighting along that path down toward Hagen Road. In the winter when the middle schools release after four o'clock by the time those kids walk home it's dark. So we need to have lighting at least until some hour in the early evening there and if it's those low ballers she can't imagine it's going to bother anyone or that it's even going to be visible. On the other hand, she is not exactly sure why there are like a dozen and a half lights at the rear of the property going around the emergency drive for the Fire Department and in the playground. No one's going to play in the playground when it's dark. Those lights seem totally superfluous. Maybe those could go away and replace them with a few bollards on the path. The things that have the signage. We have seen something referred to as a monument sign. We have no dimensions. We have no idea what it's going to look like. She sees that it's intended to be placed in the entry courtyard, but would like to see a rendering of it and have some real dimensions so that we could decide whether it was good or not. She still remembers when Avalon Chestnut Hill was built and suddenly there was this giant four-story high sign saying "open for leasing" or something like that. It was there for years too. While we're talking sign locations it seems there was a bit of a conflict in the way the signs at thr residence driveway were positioned so that on the one hand it said "residents only" and right after that or right before that it said "Take this Pass Hagen Road". We need to do something so that people don't find that confusing. We do need a condition in our decision about maintaining the berm that's behind Hagen Road. That that not only to maintain the construction of the berm itself so it doesn't erode over time, but also to maintain and replace those trees when and if they fail as some of them are bound to do because that's an important visual barrier for those neighbors on Hagen Road. The transportation demand management a two month pass for new tenants in years one, two and three seems to her for some sort of bus seems woefully inadequate. For one thing, people take more than two months to get accustomed to any kind of transportation. They need to



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have as many kinds of transportation as they possibly can. Tenants don't just arrive in the first three years. Tenants that come in year 4 and 14 need to have an opportunity to learn to use public transit if our goal is to get people out of cars and that is certainly our goal. Two more things. One is Ms. Sweet talked about the synthetic turf and she is feeling a little less concerned about it than she was the last time, but noticed that it's been replaced with stabilized sand and wondering whether it couldn't instead be replaced with grass. The place where you have removed it. So because that would be more attractive. Finally, the mitigation package. There are a number of things that are listed in the mitigation package that it seems to me are absolutely critical to make this project work. Things like improving the ramp coming down from Parker Street. Putting a sidewalk in front of this building. Those are not mitigation. Those are absolute requirements. Without those this project can't go. She wants mitigation that does not include those things. The multi-use path. You have to provide a way for those kids to get to school. That is not mitigation. That's part of this project. She wants mitigation that's not related. That's going to help the community at large. That concludes my questions and comments.

Mr. Martorano touched on the materials and the lighting. The multi-use path. We've talked about it internally. We've talked about even before this meeting tonight and we're comfortable going to a porous asphalt material which might solve some of the housekeeping items we've been talking about with Horsley Witten. There's a good opportunity there and that really addresses that one comment. Grass versus stabilizing. The reason we can't just plant grass back there is it will be driven on. The grass does not do well in that type of condition with the road base, which is why we're trying to find these creative solutions to keep it pervious, not have it be asphalt, but still accommodate a fire trucks turning movements. The stabilized stone dust works in a straight line. It doesn't really work where the fire trucks going to be turning its wheels, which is why we still have that area of synthetic turf. We're trying to strike that balance of aesthetics, function, for nature, and this is this is the balance. We'd prefer it be more synthetic turf, but we heard the comment, and we're trying to balance those interests. The lighting, we feel we do need some lighting on that pathway around the back. It is the Fire Department and Fire Fighter access route. If they don't want to bring a truck back there they still need to be able to walk around the building so we do need to light that as we've lit the walkway up the right side of the building. Those are purely for function. The play area last week at four o'clock it was dark we do want that area lit for those purposes. It could have a nighttime cut off in that area as well. Others will talk to the signage.

Steve Buchbinder stated that they will take a look at the number of lights at the rear of the building on fire access. We'll get details on the signage. We'll have that well in advance of the next meeting. We'll take a look at that conflict in the signage. It may be confusing. We're fine with the condition that we have to maintain that berm. That berms important and we will maintain it so



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we're fine with a condition on that. The TDM, he does not profess to be an expert at this, but you make a valid point and this is why to some degree Bob was mentioning maybe we create a fund. We want to talk to Ms. Whewell about this because she's had experience with other projects. Maybe we create a fund and maybe there's some flexibility as to how it gets used. Maybe some tenants are going to use it more than other tenants, but we'll work on that before the next meeting. Wanted to clarify one thing on the multi-use path. We haven't included the multi-use path as part of a mitigation. It's only to the extent that someone says we'd like the Safe Routes to School to be included where we'd have to bring it up to that standard. That doesn't have to happen. We're going to take care of the regular multi use path just as it is.

Chair Rossi opened public comments.

### Public Comments:

Melanie Gerard, 32 Olde Field Road, Newton, We've talked a lot about the path so she is going to focus on that path. A lot of questions are asked of Toll what the neighbors thought, but it's great to ask the neighbors directly. We would appreciate that too. We don't want the path. The path is there. We understand that people need to go to school and we appreciate a footpath. That's important. That's great. She cannot think of a single parent, grandparent, babysitter, or caretaker that would say to their child go down Parker. Go onto Rte. 9. Keep going on Rte. 9 so that you get to that safe route in the corner. They're going to take Sheldon, they're going to take Olde Field, because those are safer, those are quicker. It's off Rte. 9. Safe Routes doesn't belong on 528. It just doesn't make sense. We believe in a path. We think that's a great idea. Low level lighting may be sure. Benches? Ten feet is larger than this first bench here. Eight feet is this bench here. That's why it's unnecessary. What we'd love to see are some greens. Evergreens. My home has zero evergreens in front of it. 28 Olde Field has no evergreens in front of it. 40 Olde Field has no evergreens. We are a direct shot into it. That compromises the safety, the security, and it encourages foot traffic into the wetlands into the Conservation area for hanging out which we know our teens love to do, even though we don't want them to. It just is it's problematic for us. We don't want it. If there is somebody who wants it she encourages them to walk in front of my house where there is a beautiful sidewalk and where Safe Routes could really benefit focusing on because there are many branches getting in the way of the walkway there. That's her primary focus right now. She also says that the trees that we have in that area specifically on Olde Field, they are high trees as somebody had pointed out. So the aerial view is terrific. The ground view where the photos





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were shared from, it's very sparse, it's thin. Any lights coming out from the driveway of the parking lot will shine directly into our backyards. Without evergreens, there's really nothing to soften that pollution from lights from sound and from traffic foot traffic too.

Rob Sellers, Olde Field Road, Newton, stated he is a direct abutter. He thanks the Board for the questions on behalf of the neighborhood and community and the opportunity now to represent ourselves. We appreciated the opportunity last week to meet with Will and Steve. We found some alignment, but still have unanswered questions and concerns. He wants to share some of our continued flooding concerns and the risks to this incredibly sensitive wetlands. We don't expect Toll to fix the current flooding problems, but we are still concerned that the Toll project will make flooding worse or impossible to improve as they build, when they finish, and when global warming makes the 100-year events more frequent. We look forward to seeing the Horsley Witten report, but we perceive that most of the water shed impacting the southern neighbors flows through that five plus acre site. So maybe it's not a big contributor, but it goes through that site now. For starters, there's the authoritative recommendations raised by Scott Horsley on January 17 that still haven't been acted on. For instance, Mr. Horsley strongly recommended the immediate installation of monitoring wells since groundwater levels can fluctuate several feet throughout the late winter and spring season. We're already in March. It seems reasonable that Toll could get permission from the current property owners as needed. Second, Mr. Horsley noted that the additional test pits were needed again now to be placed in accordance with stormwater handbook. That testing is most accurately done now not during the dry periods relying on the high watermarks. Calculations also showed that a mounding analysis was needed. We asked the Toll do what seems to be relatively minor but important testing recommended by Scott and be fully transparent with the findings including the risks. If risks are low, great. Then neighbors' concerns can be alleviated. If Toll isn't willing to do the additional testing it looks to us as if Toll shares are concerns about what they might learn. The neighbors also need to know that Tolls calculations considered all of the project impacts in groundwater retention including removing the mulch piles, redirecting the water table with a subterranean parking garage, removing mature trees, creating a runoff with the proposed asphalt drive, and the multi-use path at the lowest elevation of the of the site. We would like to see in writing by the consultants that those impacts were considered with a comparison to current discharge for into the brook both pre and post construction. Also, since maintenance of this containment system is critical now. How is the city going to oversee and manage the project's





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Mayor

## ZONING BOARD OF APPEALS

Brenda Belsanti, Zoning Board Clerk

operations and management plan? Does Newton have an office for that? Has trending been factored into the FEMA flood map?

Marie Frederick, 144 Hagen Road, Newton, stated that she has lived there with her family for the past 24 years. We want to start out by thanking the ZBA Committee for listening to our concerns and working hard towards a better project for the neighborhood and Newton. We also appreciate Toll for their efforts in trying to reduce our flooding and safety concerns and attempting to mitigate our privacy issues. Last hearing Mr. Rossi's and NBBJ peer reviewer a question was the 40B project and preceded in Newton over the last decade due to it being built in a single-family neighborhood and how did his analysis of other 40Bs take this into account. NBBJ responded about the walking path and building efficiencies, but in our opinion he never answered his question. We believe this development is unprecedented as NBBJ said in the beginning of this process and the only analysis in this case should be site specific. This project has been compared by NBBJ and Mr. Buchbinder to Dunstan East as being lower in FAR and equal in length, height, and massing. Our location and everything about it is nothing like their area. The housing design handbook suggests that the site and building design not the new numerical density determines if a development is appropriate for the site. This has this site has been used for commercial purposes for the past 70 years, but it really is only commercial by the financial definition. The site is covered in trees, mulch, animals, rock ledge, wetlands, and a few small homes. If it wasn't for the mulch trucks on early morning weekdays in the summer, you would not even know it was a business. You would think it was a forest. Some are bothered by the truck noise, but many feel this occasional noise is worth the sacrifice to save the forest and environment and not end up with another heat island. The land is zoned as SR-1 and SR-2 and when the neighborhood purchased their home two years ago the expectation is that if Sam White moved any replacement homes would have a similar look and feel. This area is not Chestnut Hill Shops or Towers for a half a mile stretch on this part of Rte. 9 it is all single-family homes. We want to stress again we support new affordable housing we agree we are in a severe affordable housing crisis, but we are definitely not having a luxury housing crisis especially here in Newton. Newton is hands down doing their part, but we know everyone can always do more. We understand that most likely this land will be developed at some point but the question before us is this the right project for this site. Have enough changes and mitigations been made to the design to make it fit into the neighborhood? Is the safety and health of the neighbors environment and children been adequately addressed and protected? Do the



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rewards outweigh the risk? The housing design handbook states that the agencies have a commitment to ensuring that a 40B affordable housing developments adhere to high standards of site and building design that enhance the quality of life for residents and the neighborhood in which they reside. We hope the ZBA will make the right decision for our neighborhood.

Sharon Greenstein, 16 Olde Field Road, Newton, stated she is a direct abutter. She does not live in a floodplain and she certainly hopes that that does not happen because of this project. Again, she'd like to thank Mr. Adams and Mr. Martorano for speaking with the neighborhood last week to discuss our concerns it was helpful to finally get together. Traffic Safety remained one of our primary concerns. She continues to believe that there are still many open and unanswered issues. She still is having difficulty with the TDM studies stating that only 8% of tenants will be commuting during rush hour. It just doesn't seem to be reasonable in this day and age, maybe during the pandemic it was, but 8% is awfully low. She is not going to discuss safety issues brought on by increased neighborhood traffic, tenant parking in the neighborhood, or flooding at the entrance of the building, which are all valid issues. She is going to discuss again what she believes is the most significant traffic safety issue. As has been discussed, the project's entrance and exit are going to be located at a very treacherous merging of traffic from the Parker Street Bridge, Olde Field Road, Sheldon, and Philbrook Roads. She took a walk this morning from the intersection of Olde Field and Rte. 9 to the entrance of Sam Whites, which is the planned tenant entrance and exit. She did this to measure the distance between these two points because she's been concerned all along that Olde Field and the entrance and exit to the new project are very, very close together and are going to cause potentially very serious accidents. She came up with them with a 200-foot difference in the distance. Different from the stated 100 yards, not huge, but again, every foot matters here in terms of safety mitigation. It not been proposed for the risks that Olde Field Road drivers, including students, will face merging onto Rte. 9, and competing with an industry standard projection of 729 car trips a day entering at 528 Boylston. Every day that she turned on to Rte. 9 and drive past Sam White she imagines a car pulling out from 528 Boylston, They're having difficulty accelerating up the hill. Her having to slam on the brakes and a car behind me going 50 miles an hour rear ends her. Recommend having a separate entrance and exit. This sure seems logical to me having an exit that's much further than 200 feet from a busy road. Why isn't this being considered? Which brings me to the second part of her walk this morning. Her experience was far from pleasant with a constant stream of cars zipping by at high speed. Even with a widened sidewalk and some plants who would want to walk on this road. She can't imagine that members of the community would choose to walk on Rt. 9 in order to use the mixed-use path that's been proposed by the City of Newton. She is pretty certain that my neighbors would prefer to use our quiet neighborhood streets instead. The community does not want this past math for a



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host of reasons including light flooding, privacy, and safety issues. We'd prefer that additional trees be planted in its place to preserve our privacy and assist with flooding issues.

Councilor Stephen Farrell stated he appreciates it very much and he's happy to speak closer to the end although he sees you have more people online. What is completely frustrating to him and to many people in the neighborhood is, in fact, this process. We've sat here and listened to Attorney Buchbinder and his group explain what they want to do. We have many questions and we have three minutes each person to respond to that. We have asked for over a year for Toll Brothers to sit with us and have substantive conversations where we might actually be good to get answers to a lot of the questions we have and not waste your time, or more of the community's time, or Toll Bros. time to do this. They have been reluctant until recently and a relatively short conversation. If there's any way you can convince Toll Brothers to sit down and help us all come together. You're hearing the same questions and so we're frustrated by that. He's frustrated by that and the community is frustrated by that. We'd like a process that works better and that includes working with the Planning Department and the City. He thanked everyone for questions, many of which were about stormwater and flooding, which is a critical issue in this development. He thinks it's quite unlike a lot of other ones. As an example, he wasn't really heartened to hear that the stormwater mitigation work that they will do will help the stormwater situation in the neighborhood a little. This is one the largest real estate development corporation in the country. It's certainly right up there. We would expect as a benefit to the neighborhood that this water mitigation process would do more than just a little bit better for what we have because it's miserable right now. People have one, two, three sump pumps working 24 hours a day. We have water all the time in this neighborhood. So mostly he just wants to say thank you and appreciate your support and you do what you can by the rules. If you could encourage Toll brothers to please have some substantive conversations with neighbors we could probably get through a lot of this a lot faster.

Heidi Werner, 30 Hagen Road, Newton, stated she quickly wanted just summarize the topics and concerns that have been voiced over the many months in these meetings. The Garden City is losing our already limited green space, our woods, and our charm of Newton. She feels the majority of the people in this community were not being heard. Many of us have a variety of concerns about the proposed luxury rental apartment property. If this is being built, it will contribute to the overdevelopment, the tear downs being replaced with giant homes, and eliminating healthy trees. We've seen flooding issues resulting from large single-family homes squeezed into small lots. There are bound to be issues affecting the people that live in this immediate area. On behalf of Newton Impact, a couple of us compiled and sent in a PowerPoint deck including 38 slides of local flooding from Hagen, Olde Field, and across Parker Street. Those images speak volumes as you've



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seen. There's really minimal, if any, support for this project from immediate neighbors in the community that make up the five surrounding schools. Flooding and traffic will jeopardize these people who live in this area now. A large rental property squeezed into a small area will change the landscape of this residential neighborhood that's already thickly settled. Honestly ask you, the Board, would you want this massive rental property in your neighborhood or in your backyard? Adding to the already high volume of traffic? Structure to be built near or on wetlands and knowing how often flooding happens in our area? The tremendous amount of traffic? Do you really think that this belongs here?

Ann Findeisen, 132 Hagen Road, Newton, stated she has lived there for 33 years and is a direct abutter. She appreciates the adjustments that Toll Brothers have made to try to make this project better and they have made some good adjustments. She is still very concerned that it is simply too large a project for this small, delicate, and complicated site which actually has only two and a half acres that are buildable. The neighbors have many remaining concerns in regards to both flooding and traffic safety. She doesn't think any of us are fully convinced that the mitigation strategies will be sufficient to avoid future problems. With every storm now her backyard floods and the water fails to absorb for days. There's there were puddles still this morning from the storms last week. Of course, Toll Brothers is not responsible for this, but when we look at all of the permeable surface that will be removed during the proposed building. We can't help but wonder how the project can avoid making our flooding worse. As far as traffic safety, the assumption that 19 vehicle trips or 8% of cars from the proposed building will be commuting during morning rush hour seems like quite a significant underestimate. Even with the traffic lights installed to regulate the flow of cars onto the ramp at Route 9, Dudley Road will still become the default turnaround road. This means that all of those cars will drive past the middle school and the high school causing a very dangerous situation for students walking, biking, and driving to school. We're still requesting a neighborhood traffic safety impact study. Regarding the housing crisis, which she certainly acknowledges, Newton like unlike many surrounding towns has pledged to complete the MBTA Communities Act rezoning requirements around the Village Centers and she applauds that plan. Still, those buildings will be capped at three to four stories high while the 528 project is slated to be seven stories high. We've also reached another milestone recently 10% of our housing units now have the designation of affordable. We certainly support the development of more affordable housing, but unfortunately, the builder advertises a high level of affordable units. The number of truly affordable units in the entire complex is nine. The next level of quote 'affordable units,' will be rented at a cost of \$2400 or \$2,500 for a one-bedroom apartment, \$4500 for a two-bedroom, and \$5500 for a three-bedroom which is way out of reach for most families. This project is a luxury building with a swimming pool and needs to be recognized as that. It will be of help to very few low-income families. In conclusion, we're convinced that it's simply not possible to make this work because it is the wrong



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project for this site. She asked his ZBA to support a project on this site which will be a credit to Newton rather than one which may destroy the environment and the homes of us who live there.

Enrique Testa, 84 Adeline Road, Newton, stated he is a couple of houses over from Hagen and shares the floodwater with the rest of the neighborhood. He has concerns for the following. The expert from the City says that the infiltration of water and the system will help decrease a little the possibility of flooding except that currently the flooding is a fact of life. It's not going to be created by the building, but it could make it worse, especially since we do not have any assurances that the blasting is not going to change the direction of the water that has been established over the last at least 50 or 100 years. That's very uncertain. His question is for the City and for the Council does the City has a Plan B what to do when the water is doesn't go the way you want it to go. That's question number one. Question number two has to do with the plan for the assessment for traffic. Mr. Michaud said that he did not see an increase in the traffic pattern and that will be about from the baseline. My question is the baseline. Does he think that the baseline is adequate because from just driving around the neighbors can tell that the bridge Rte. 9 at Parker Street is terrible. So again, he said assessment is not going to be worse than it is but right now, but it seems to be pretty bad. Those are my two questions.

Mike Mindlin, 459 Dudley Road, Newton, stated he has lived her for six years with his three children. He has spoken before at these meetings and appreciates everyone's diligence and attention. Sitting here listening to a variety of consultants going back and forth on a variety of studies. Does anybody really have the confidence that any of these issues will be addressed? At the end of the day this is nothing but superposition and somebody has real confidence in any of these issues and there's a myriad of them from stormwater to 100-year floods that are occurring on a weekly basis, affordable housing, traffic safety, and a variety of environmental concerns. Do we really have the confidence as a City and as members of this community and all these issues are going to be addressed? Just because some consultant thing said listen here are the probability or the statistics. Do we really want to risk the livelihood and the well-being of this community for project? Toll is a luxury developer right. When people tell me who they are you listen. Their annual report states we design, build, market, sell, and arrange financing for an array of luxury residential single-family detached homes. We cater to luxury first time, move-up, empty-nesters, active adult, and second homebuyers in the United States for urban and suburban renters. This is their annual report published a couple months ago. Where is there any language about coming into communities and building sustainable homes and upholding family values? None of that is in here. When people tell you who they are, we should listen. We've gone back and forth on this for a year and a half. Valuable City resources are spent. Perhaps this is just the wrong project for this community and at this time. Understandably, something will be done with this site, but it's not





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now and this should not be this type of project. We cannot exhibit a cavalier disregard for the well-being of this community

Michael Gerard, 32 Olde Field Road, Newton, stated they have lived here for over twenty years and are direct abutters. He is glad the Toll Brothers met with us last week. Appreciate that. He will be honest, the first couple of minutes was Toll Brothers basically indicating that project is happening one way or another regardless, so we need to move forward. That was it was a bit intimidating honestly. That prefaced the meeting. You've heard it already. This plan to guide children to cross Olde Field Road along Rte. 9 to access the Toll Brothers sidewalk. He's concerned people's children, our children, it's really it's an invitation to vehicular death. Crossing Olde Field Road right at that Rte. 9 area. Please take a look at that. It's dangerous. Think the Frogger game God forbid. Olde Field Road is the main entrance for parents and teenagers driving to Newton South and a lot of accidents there already. He's not sure if that logic of encouraging increased traffic for children crossing that Olde Field Road to access this new path, which you already know, that we're just not for. There's already Safe Routes along Sheldon, Olde Field, and some other routes. Let's invest in that and guide the kids there. You've seen that the new pictures and appreciate that Toll did some pictures from 28 to 32 Olde Field Road, but there's no visual barrier in our backyards to this property resulting in the noise pollution and light pollution. He would really appreciate more attention to that. We would thank you for that visual barrier. We're not for the path, but the path is going right through a flood zone area. He's really not sure why that's acceptable and would much rather see more trees in there. Thank you to the Board members asking the tough questions about stormwater. Regardless, a Toll Brothers has been trying hard. No one's been able to really assure us that the stormwater problem will not be worsened by this massive project. Experts from the developers say it, but he would love to hear from other folks. Thank you Board members for continuing to ask those tough questions. Honestly, as an environmental engineer, a former environmental engineer, and abutter he's really concerned about this project. A point was made about Paul Brook being that it's a great opportunity for discharge to apply with a test permit and it gets water off the site. Let's not forget the hundreds of residents downstream from that Paul Brook and that there's going to be increased flooding. There are several of your Board members that jumped in ask the tough questions. Thank you for your help supporting us representing us. Overall, I agree this project, it's really not in the spirit of 40B. So thank you again for all of your time and effort. And please, please help us and continue.

Rachel White, 124 Hagen Road, Newton, stated that she is direct abutter. She would like to make a couple of comments. First, she would appreciate the suggestion that the berm and maintenance of the trees along the berm between the project and Hagen Road that there be a condition for that as part of the operations and maintenance plan. She would also like to comment on the path. The path





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does go directly by my house. It is closest to my house of any of the homes that it goes by. You can't see it from the documentation that you have, but she has a patio. So her outdoor living space is directly next to that path. She would never have put a patio there if she knew there was going to be a sidewalk or a multi-use path. That path is literally in her outdoor living space. She would strongly be in favor of reducing the width of that path. Also, if there is going to be lighting on that path that that path that that lighting be turned off after commuting hours and not stay on all night. She does not want benches there. Again that is literally in my outdoor living space. She would also strongly echo the comments that were made by the neighborhood that this path is not going to be used by people from the neighborhood to go to Newton Center and vice versa. It is not pleasant. It is not safe. When she walks to Newton Center she walks down Hagan Road to either Sheldon or Philbrook. She does not want to spend any time walking along Rte. 9 even if the sidewalk is improved. It is not comfortable. It is not safe to cross over that intersection with Olde Field Road. It is unrealistic to think that this is a path that is going to be used by anybody other than residents of the property which is extremely important. It is not going to be a public multi-use path. That has not been her experience as somebody who lives in the neighborhood and walks to Newton Center. The architect at one point there was a question regarding noise this. She would be very close to the property and she is really concerned about the noise from mechanical equipment. She would be in favor of hearing from Acentech at a future public hearing about their noise calculations and recommendations. She really wants to understand how the mechanical equipment is going to affect her experience of using her yard. She does not understand a lot about those noise calculations, but would really like to understand that better and hear more about what is going to be done over time to ensure that there isn't noise pollution in our backyards, particularly along Hagen Road, because we're the closest.

Barry Bergman, 18 Walter Street, Newton, stated he had a couple of quick items. The first is he thinks it is very disingenuous the chart that was put up comparing the Boylston Road project to Dunstan East and the other ones. The property over here on Boylston has wetlands and nature and it's not the same type of property. Secondly, the flooding issues haven't really been mitigated in these discussions. He thinks that the real answer is to make this a real win-win situation for both Toll Brothers and for the City is to reduce the footprint. That is Rick Lipof has said in previous meetings there should only be 70 units. If you can reduce the footprint, and take more steps to mitigate the flooding, then everyone wins. He thinks that's what's fair, rather than have this be just for Toll Brothers to maximize its profit.

Chair Rossi closed the public comment.



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## ZONING BOARD OF APPEALS

Brenda Belsanti, Zoning Board Clerk

The next hearing for this project will be April 10, 2024.

Mr. Rossi concluded the meeting.

Adjourned 10:06 p.m.

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



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

### MEETING MINUTES

Wednesday, March 27, 2024.

7:00 p.m.

Hybrid and remote via ZOOM

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

**Staff Present:** Brenda Belsanti, ZBA Clerk; Katie Whewell, Chief Planner; Alyssa Sandoval, Deputy Chief Planner; and Jennifer Wilson, Assistant City Solicitor; Jonah Temple, City Solicitor (remote); and Anthony Ciccariello, Director of Inspectional Services

**A public hearing of the Newton Zoning Board of Appeals was held as a hybrid meeting in person and virtually via Zoom on Wednesday, March 27, 2024, at 7:00 p.m. on the following petitions:**

1. **#11-23** 78 Crafts Street Newton LLC, requesting a Comprehensive Permit, pursuant to M.G.L. Chapter 40B, to construct a 307-unit residential development on a 4.76 square acre lot located at 78-84 Crafts Street, 68-70 Crafts Street, 9 Maguire Court, 17-19 Maguire Court, 67R Court Street, 63 Court Street, 13-15 Maguire Court, 24 Maguire Court, 31 Maguire Court, and 31R Maguire Court within the Multi-Residence 1 (MR-1) and Manufacturing (M) zoning districts. The proposal includes 62 affordable units and 263 parking spaces.
2. **#02-24** Samuel Chud of 3 Edgefield Road, Chestnut Hill, Massachusetts, pursuant to M.G.L. c. 40A, §§ 8 and 15, appealing the January 26, 2024 issuance of a building permit by the Commissioner of Inspectional Services for the construction of a new single-family home. The subject property is located at 11 Edgefield Road, Newton, Massachusetts within a Single-Residence 2 (SR-2) zoning district.

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**Agenda Item 2: #02-24** Samuel Chud, 3 Edgefield Road, Newton, appealing the January 26, 2024



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issuance of a building permit. Sitting Members: Michael Rossi (Chair), Brooke Lipsitt, Elizabeth Sweet, William McLaughlin, Stuart Snyder and Jennifer Pucci (alternate).

### Documents Submitted:

1. Appeal Application dated February 23, 2024.

### Testimony:

Samuel Chud, 3 Edgefield Road, Newton, stated that he had submitted a request for a continuance for this matter. There are a few reasons for doing so. The appeal that he filed was based on a plan that was submitted that is no longer relevant. The engineer and developers have subsequently submitted a revised plan. They've done so without permitting the necessary amount of time for us to review that plan and get a comprehensive study done by an independent engineer that we've hired at our own expense, the same engineer who worked on another similar project that we did on our property several years ago. As a result, we want to allow the necessary amount of time for that individual to review the plans and give us back his professional perspective. As he is not a trained engineer. Based upon his feedback to then continue what we've done up to this point in time, which is to work with the developer and their engineer to come to a mutually agreeable solution.

Chair Rossi asked how much time he would need to complete that process.

Mr. Chud stated one to two weeks from now.

Chair Rossi asked if there was anything further to share.

Mr. Chud replied no.

Chair Rossi stated that since this matter was on the agenda he would like to open it up to comments from any members of the public that are here that were expecting us to hear this petition, as well as abutters and the owner of the subject property. He is going to give them a chance to address us and then after we do that the Board will take up the request for continuance. Is there any member of the public that would like to be heard on this petition and specifically the request for a continuance?

### Public Comments:

Charlene Zion, 19 Edgefield Road, Newton, stated she is an abutter to the property and is not sure



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what the issue is. Is there a way to find out? Is there a problem associated with this construction? She is in the dark.

Chair Rossi stated that the Board really isn't in a position to explain those types of things. Our job is to evaluate the petition and determine whether the Commissioner issued a permit in error or not. That's our job. The project information, including the appeal, is available on the ZBA website or the City's website. You could certainly gather the information that way. To the extent that perhaps some outside person might be able to help you interpret that he would encourage you to pursue it that way.

Alex Kogan, 11 Edgefield Road, Newton, stated he is the owner of the subject property and his engineer is on Zoom and he can provide some background on the project.

Tom Ryder, Engineer, 14 Cypress Road, Natick stated that he designed a compliant stormwater plan that's been approved through Engineering Division. We saw the original plan was approved through Engineering. We did hear from the neighbors, the concerns, and we provided another design with more safety measures and through discussions. It does meet the stormwater requirements through Engineering. We added additional measures in order to accommodate and also we heard a lot of the concerns. We didn't dismiss it we actually are trying to provide something even better. The final plan here right now is a better plan will be better than the existing conditions because from what we heard, is that the previous owner of this property, had filled up the backyard and blocked a lot of the surface flow. The idea is we're going to take some of that storm water that flows down the hill that would otherwise collect between the two properties. We increase the size of the filtration systems and rain gardens to push that water away from the property line back into the groundwater and back underneath towards the downgradient side. We feel like we've met a lot of these elements and there still maybe some in person talks with the neighbor to clarify what type of vegetation along the property and the type of screening but the analysis that we provided Engineering has been very happy with it. They believe that we've gone above and beyond. For example, the infiltration system size requirement is 592 cubic feet and we're at 2165 cubic feet. It's nearly four times the size, maybe three times the size, but those are the points.

Mr. Kogan stated that the original submission to Engineering Department met and was approved. Based on that the ISD issued the building permit because they rely on the approved engineering plan to issue their approval. There were some issues raised as described by the neighbor in order to accommodate their requests. We went above and beyond. If you ask anybody at the Engineering we went above and beyond we've done what's required by the zoning ordinance and stormwater



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Brenda Belsanti, Zoning Board Clerk

management ordinance we've provided additional measures. We've had plan revision was approved as well. We've met the requirements for the stormwater management twice and exceeded it the second time. We don't think there's any need for continuance since there's a plan that's reviewed and approved by engineering twice. Both plans in the second plan exceeds requirements that are stated by the stormwater management regulation.

Larry Chud, 112 Waban Hill Road, Newton, stated it sounds like we're getting into the adjudication of the matter here. We're not interested in adjudicating that now until there's some decision made on the basis of this.

Chair Rossi stated that he understood, but there were people that this hearing was noticed for tonight. People showed up with the expectation that would be heard, and it was only fair to give them the opportunity to address this and that's what they did. If we've heard from everybody we can turn to the issue of the timing and we can figure that out as support anything else that you'd like to share with us on that.

Larry Chud stated one bit of data is that the stormwater plan and the that we base the appeal line was filed in January. Subsequent to that, another stormwater plan was filed only last week and at the end of the last week appeared on the website. That's the reason that we're requesting a continuance to give our engineer an opportunity to evaluate that.

Attorney Laurence Lee stated he represents the owner of the property. He objects to the continuance. He wants to make a short presentation to the background and speak to it a little bit, which may help in terms of your decision. Basically, we have an appeal of a building permit that was legally obtained and issued and its over stormwater. Since the appeal, we have worked with the neighbor to improve or make changes to the site plan that are above and beyond that is required of the City ordinances. He understands the appellant arguments stems from the 2017 episodes, which predated my client's ownership of the property. In that situation, that person did not follow the rules. That's not the case here. We have a valid building permit. It's been vetted and approved by the City Engineers office, which then was approved by ISD. Since then, to address and be a good neighbor, we have made changes to the site plans. These are above and beyond what is required. So a day of delay beyond what is today. Every single day there's heavy carrying costs. My client bought the property with high-interest rate environment. There actually is a major detriment to my folks. He does not want to compare the current situation with the 2017 situation because that is a completely different set of circumstances and facts. The key here is that everything we've done was permitted, vetted, and approved. The Commissioner is right there for testimony. That's the major difference here. Every day that's delayed is a big detriment to my





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client. We were planning on a later presentation, but we have our engineer who was supposed to be here as well to present on the improvements that were made. Again, these improvements are above and beyond what's required based on the regulations. Thank you.

Samual Chud stated they didn't want to comment on the matter because the reality is we're not prepared for that because we haven't had adequate time to confer with the engineer that has been involved in our property in this area for a number of years and we value his professional opinion as neither my father nor he are engineers.

### **Deliberation:**

Chair Lipsitt stated the appellant who is asking for the continuance. Not sure whether it's the Mr. Chud Sr. or Mr. Chud Jr. who was the appellant is, but what the appellants have said to us that their engineer is able to evaluate this revised project within a week or two. This Board is meeting several times in April and can imagine we could schedule this for a meeting in mid-April without much detriment to the party that is trying to develop the property and would suggest that we move in that direction.

Ms. Lipsitt moved that to continue the item until April 10, 2024. The motion was duly seconded by Mr. McLaughlin.

Mr. Snyder stated that he is really on the fence on this because on the one hand, he's persuaded in general with Ms. Lipsitt argument and on the other hand, it seems to me the manner in which this reaches us, is on the basis of an appeal of the issuance of a building permit, which was done on the basis of the original plan that has been referred to. He would be interested whether we would be if we took this up making any kind of decision based on this revised plan or whether the appeal is still based on the original plan if we would be focusing on that. It seems to this appellant has certainly had enough time and would have been prepared to challenge the building the issuance of the building permit based on that plan. They're saying that they have not had sufficient time to evaluate this new plan, but that it seems to me is not what they are appealing anyway. Also take to heart attorney Lee's comments about his own client what the harm is. If there were no harm or if the harm were relatively de minimis, to him, he would want to factor that into his thinking. Now we are told that there's substantial harm. He doesn't know what that means exactly. Substantial. Maybe we need to know more about that. There's my discussion. Just kind of on the fence about what he thinks over my colleagues.



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Ms. Lipsitt stated that it's clear that the appeal is of the current building permit since the other previous building permit is probably lapsed by now. The way she is weighing it is the proposal made is for a continuance for 14 days. And weighing that 14 days delay, understanding that there is some cost to Mr. Lee's client associated with failing to move this project forward for 14 days. She also recognizes that there is a history of dismay, to put it mildly, in this neighborhood related to this property and how this property relates to its neighboring properties that goes back at least until since 2017 and possibly before. She is trying to balance those two things, and it seems to her 14 days delay is a small cost compared to what may make for better relationships in the neighborhood over the long period.

Ms. Pucci stated that she agrees with Ms. Lipsitt and it also sounds like there's meaningful information that could help us weigh the record that's going to come in short order and the possibility for resolution between the parties which she thinks is always a good thing to encourage.

Chair Rossi stated that if we continue this to April 10, 2024 there's a concern about scheduling we would likely need to start at 6:30pm so for members of the Board does that pose any concern?

Mr. McLaughlin stated that he didn't believe he is sitting on the 10th. That is a different hearing and he is not sure whether his participation in the continuance necessarily requires him to sit.

Chair Rossi stated he didn't think we would have a quorum that night and that will be fine. Any other concerns? None for members of the Board. There may be additional members that are sitting but confident we can work that out from either the applicant or any of the other parties. It does anybody have a issue starting a meeting at 6:30 as opposed to 7:00 if we were to continue this not seeing any concerns

The motion was passed unanimously to continue the item to April 10, 2024 at 6:30pm.

**Agenda Item 1: #11-23** 78 Crafts Street, Newton LLC requesting a comprehensive permit. Sitting Members: Michael Rossi (Chair), Brooke Lipsitt, Elizabeth Sweet, William McLaughlin, Stuart Snyder and Jennifer Pucci (alternate).

### Documents Submitted:

1. Submissions from Applicant:
  - a. Peer Review Response letter for Engineering and Stormwater dated March 28,



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2024.

- b. Peer Review Response letter to NBBJ Memo dated March 20, 2024.
- c. Transportation Impact Assessment dated January 31, 2024.
2. Comprehensive Response Memorandum from Peter Harrington, Robert Kavanagh, and Peter Bruce.
3. Planning Department Memo dated March 20 with attachments.
4. Resident Emails

### Testimony:

Andrew Copelotti, Principal, Boylston Properties, updated the Board on meetings and responses with the peer reviewers and presented the 3D model. He also presented updates on the new designs for the project including massing, placement of the buildings, and site improvements. He highlighted the affordability of the units being offered and planned cost of rent.

Bill Madden, Landscape Architect, presented the landscape design updates.

Michael Bennet, Principal, Architectural Team, presented updates with focus changes due to the peer reviews.

Mr. Copelotti wrapped up the presentation.

Ms. Sandoval presented the Planning presentation with an overview of the project, submitted materials, and peer reviews.

Jeff Maxtutis, BETA, presented the traffic impact assessment for the project, traffic patterns onsite, turning radii, drop off/pick up, parking, pedestrian traffic, next steps, and future street projects.

Janet Bernardo, Civil Engineer, Horsley-Witten Group, presented stormwater management with including her peer review, current conditions, and proposed conditions. She also reviewed each of the stormwater requirement standards on this project.



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Ms. Sandoval provided a City staff review for each subject area including I & I, Urban Forestry, Sustainability, DPW, TDM Plan, mitigation measures, traffic impact analysis, stormwater management, and future reviews and submissions needed.

Ms. Pucci stated that she appreciates all the information we heard a lot tonight and it was a appreciated hearing from the applicant that you're moving in the direction of breaking up the massing, reducing the size of the project, and kind of addressing some of the things that we outlined last time. There's more to do along this kind of trajectory that you're moving on. Appreciate you move that building back that's up against Crafts Street. You broke up the massing that improves it considerably, but maybe you could consider doing that with the building that abuts Court Street since that building still sits incredibly close to the setback. It sits as a monolithic mass and there's work you could do to break that up and integrate it more so it actually appropriately fits within the scope and scale the neighborhood. Appreciate the movement on building D to reduce that and to put in the tot lot. Again, all pieces in the right direction. There's more to do along that trajectory to actually make this development as proposed fit into this neighborhood in a reasonable way. One of the things that we talked about last time was putting the parking underground, but didn't hear any discussion of that. That would seem to address some of the concerns we have about the height and placement of these buildings in what is other otherwise a pretty modest neighborhood and increase the actual village feel of the neighborhood which seems to be something that you're aiming for. The reduction in affordable units. It is incredibly important that we need these units in Newton and it's a huge value of the project and you're reducing it by three affordable units. Someone can correct her math, but it's nearly a 5% reduction in those affordable units. Every one of those lost is important. If you could add back those units that you cut out into the project and really urge you to think about doing that. The last two comments are about traffic and stormwater. There's a lot we have and ways to go on this and there's going to be more information to come, but she is really concerned about the traffic. We heard a really thoughtful kind of thorough look at this from the peer reviewer tonight and it's a huge issue. It's a huge issue and she's not sure based on what she heard how to address that and think about that given the number of problem intersections in this area. It's a project with one driveway. That it's sort of by the nature of it creates a choke point right around that Crafts Street area. She is looking forward to hearing if there's a way to address that. She is looking forward to the applicant responding to all the



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very good questions and points that the peer reviewer raised and to look more at all the surrounding neighborhoods not just that Crafts Street area, although that's obviously the main point of concern, to understand the real impact on the neighborhood and what this is going to look like if the project is built.

Mr. McLaughlin stated that he echoes a lot of what Ms. Pucci said. He thought it was presented articulately and in great detail, hitting on all the issues that we've been following and agree that substantial material progress has been made. Obviously, there's some there's some additional work that could go in on the site plan, but was really going to focus his thoughts today on both the traffic and the stormwater and more with questions for our experts. If you look at the traffic or the transportation, you really broke it down into the on-site, sort of oddities, some of the difficult turning radii, the odd parking configuration, the skinny sidewalks, he thinks they've made progress on a lot of those since the initial plan. He's comfortable that's definitely headed in the right direction. Then there's the off-site impacts of traffic flows, which we've got a bad situation all around this site, and we're not going to make it any better. We may tweak a signal or two which basically may open the floodgate for a delay going east-west but it'll slow down the guys going north-south. There's only so many minutes to make the movements. You identified a number of areas that we should look at a wait to hear where those come out. One thing he didn't hear anything about was the Saturday peak. Given that Washington, Crafts and Watertown Street are all very retail-oriented streets and there's a lot of shopping that goes on Saturdays. Multi-family generates at noon time on Saturdays almost as much of a peak as it does in the weekday am and pm. Are we concerned about any of those intersections? Are they perhaps worse on a weekend and they are peak am or pm or are they actually better so we've got C's and D's instead of D's and F's? No one's mentioned it no one's studied it. He'd be interested in knowing a little bit more about that. Beyond the timing of the signals are there areas that can be improved with physical alterations? In other words, if you had a right turn lane, coming off of Crafts onto Washington, we already may have that, but can you lengthen the queuing so that the right is a more free-flowing or other places? Is there something like that could be done within the right-away without takings, that may be more expensive, maybe more impactful, but maybe more of a positive impact when they're completed. The biggest item he has is the safety concerns. The phrase pedestrian crash sounds pretty awful to him and we've had eight of them in that in that particular neighborhood. You pointed out the deficiencies in the pedestrian realm, not least of which is the sidewalk missing piece, but most of



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the timing at the signalization or pedestrian crossing. Is there more we can do there? If it were up to him and we had a limited set of resources he would accept the traffic is going to be bad from a flow perspective, but he'd really focus our energies and the City's energies on the safety pieces. Then with respect to the stormwater. He remembers 35 years of this business trying to figure out exactly what's needed. The two-inch issue. He's not sure he fully understands. It sounds somewhat locally arbitrary to him. He'd like to understand. He remembers designing things for 10-year storms, 100-year storms etc. -- all of which are in flux, right? They've all changed, but can you explain the importance or the practicality of a two-inch retaining on-site versus what the state standard. Ultimately here on the 40B we are required to hold the applicant to a state standard, not a local extra standard so he'd like to understand what the tradeoffs might be.

Ms. Bernardo stated that they're asked to retain two inches of runoff that is going to be infiltrated into the ground to basically replenish the aquifer that's below the surface. The design as it stands is basically infiltrating about an inch, being a little bit more than an inch, of runoff is meeting that state standard. Infiltration solves a lot of flooding problems.

Mr. McLaughlin asked if one inch is the state standard.

Ms. Bernardo stated that it is a state standard for various types of like if it's a land use with higher potential pollutant loads, it's a one-inch standard. If it's going into a critical water body it's a one-inch standard. They're meeting the one-inch standard for this and many. The state is about to redo their stormwater regulations and everything's going to become a one-inch so people are designing it to that point at this stage. Infiltration solves a lot of issues including flooding issues and water quality issues. So requiring two inches is just improving it that much better, but there might be a reason why they can't including what the soils are beneath the surface -- if it was ledge, if it's clay, or if it's contaminated they won't be able to necessarily infiltrate so we ask why.

Ms. Lipsitt followed up on Mr. McLaughlin's comments about the two inches. She has zero expertise on this, but her understanding is that the City has increased the storm water retention standard over the state level with an eye to the increasing danger we have from water from storms as we move forward. She is not inclined at this minute to waive that standard. So is it possible for them to meet that standard? There's clay there. There is well-packed gravel that the state considers





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pervious and the City does not, but most of that is all going to get removed and other things are going to be brought in. She needs to understand whether it is possible for them to meet that standard as opposed to whether they would choose not to. As we go forward she needs some analysis of that issue. As for the buildings, she wants to echo Miss Pucci's comments. She thinks that the whole project looks a little better. She is also very concerned about building C which is very tall and very close to the abutting residential properties on Court Street. Couple of issues that have not come up yet today and one is about parking. That's been a big issue for the neighbors. We have heard from them a lot about that. The way that she looked at the at the numbers were, this is before we took out the last however many units came out, but let me just sort of give you my theory about this. There were 263 spaces for 307 units including 24 surface parking spots. If there's going to be assigned parking does the assigned parking include those 24 units. If it does include those 24 spaces we've got less than an 0.8 ratio of parking. She hasn't heard anything about whether Mr. Maxtutis thinks that enough and does that include visitor parking and staff parking. She's not a big advocate of having excess parking that's usually Mr. McLaughlin's job, but she is concerned about whether we have sufficient parking on the site and she'd like some analysis about that. The other thing that was raised by several neighbors in letters was the timing of the traffic study. There was a contention about the timing of the traffic study and that it was done during the February school holiday. If that's true, she'd like to know whether that in any way invalidates it or requires that we look again at those numbers. My last thing for Mr. Maxtutis is that we can't make the traffic go away, but as somebody who is a regular customer at Whole Foods and who uses that exit on to Crafts Street. she knows just how difficult it is to get out of that exit now and to see the study that says that the traffic is going to back up to Maguire Court, the southbound traffic. She's concerned about whether in fact the cars that go out during the morning or the afternoon at some peak hour can actually get out into that traffic if the traffic is stopped on Crafts Street. So those are all issues she would like to see addressed on that. In terms of the Miss Bernardo's presentation she already asked her question about the stormwater. She also noticed that the plan is to pump the sewage from two of the buildings up to Court Street. She is not unfamiliar with this kind of plan. She has failed to buy houses that had pumping required to get sewage out of the house to a street level sewer. She's wondering whether that is something that you think makes sense. What do we do for power to back it up when the power goes out? Where are the generators. It seems to be an unusual plan. Wondering why that sewage cannot flow out to Crafts Street rather than being pumped up to Court Street. She is not unfamiliar with this kind of plan. She failed to buy houses



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that had pumping required to get sewage out of the house to a street level sewer. She's wondering whether that is something that you think makes sense. What do we do for power to back it up when the power goes out? She doesn't know where the generators are. It seems to be an unusual plan. She's wondering why that sewage cannot flow out to Crafts Street rather than being pumped up to Court Street. She has other issues, but in terms of these of the presentations this evening those are my primary ones.

Mr. Snyder stated that he finds himself very often being the first one to speak and he can see the benefit now of not being first and he has no interest in repeating all my colleague's excellent points, which captured a lot of his thinking so he will not take more time to do that. One thing that caught his attention when Mr. Copelotti was speaking at the end, was his reference to the size of this room in comparison to some of the open spaces that have been created in the new plan, and that he found helpful and he'd actually be interested just to look at that slide once more, if we could, and just so you can graphically tell us what you told us at the end. The open space issue he thinks relates to a number of the other issues that we've been talking about, including impervious surfaces, and maybe including water retention at the two-inch level versus the one-inch level. He's particularly interested though in the lived experience of the people who would be a calling this project home if it were to be built and also how it fits into the community because we've heard a lot about how there's an intention to activate the spaces to make them accessible to the public. So if you can just talk to us again, you know, with that reference, that'd be great.

Mr. Copelotti reviewed the slides.

Mr. Snyder asked what he envisioned the space to be used for other than just being an open visible space? Do you envision people from the building going out there and having a picnic, people coming in from the outside community, and how do you see being used.

Mr. Copelotti responded all of those things. People who live there use the space differently. Some people will never be in that space. Some people will be in that space all the time. He can see putting a couple of cornhole games in there and Adirondack chairs right for some slightly more active recreation. You could have passive seating in there. It's sort of setup now there's some bike parking that's there for maybe visitors who come to see people in that building with a bike and



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some benches. We'll program that space. Building B is the other area of recreation and that's divided into public and private. The private space is the area behind the pergola seating. So that would be the area there that would be dedicated for people who live in the building and that's also outside or adjacent to our amenity space. Then from the pergola seating forward into those in right there and then into the pollinator gardens. Again, we sort of view those again as more passive recreation places to stop and sit. You can see the red box on the right-hand side. That total space between the public and the private is about 10,400 square feet, I believe. Again, this room is about 2800.

Mr. Snyder stated the only other thought he had, which may be a non-starter, was like everyone else in this room his attention was grabbed by Mr. Maxtutis to discuss presentation about the issues relating to traffic and safety and on and on, and even also including how things will operate on the site itself. He wonders whether is it an absolute non-starter that there could be an additional egress from the site as it is. There's just the one access point from Crafts Street so he wonders about that.

Ms. Sweet stated she echoes everyone's comments and two things. One is the affordable housing and making the building smaller is going to make the housing affordable housing less so she doesn't know how we can ask the developer to make the building smaller and have more affordable units. Can they do that or really feasibly do that. So she understands folks are not happy with Building C and they should be smaller and push back, but it seems if that happens, we're going to have fewer affordable units and that's the whole point of 40B is to have affordable units. She would challenge a little bit of that thinking and see if there's some other things that we can do that will make the project better but not put in danger any more affordable units because we have already lost three which we shouldn't have lost. The other thing that we're charged with looking at issues of health and safety and that's like our big charge. She appreciates her colleague, Mr. McLaughlin's, focus on safety with the traffic and that for me is also a really, really important issue. This project is not it's, as people have said, coming into a situation that's already horrible. She goes over there quite often herself. She knows it's horrible and so this project is not of its own fault, but it's in a place that's already awful. For safety reasons traffic it's an issue, but we can all live if we have to wait a few more seconds or 20 seconds more, that's not going to kill us, but that the safety and those intersections could actually kill us and have killed people. That for her is a really important place for us to look to really focus our energies and see what the City can



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collaborate on with the developer to make this a much safer situation for everybody. She would encourage that to be a thing that we focus on. The other is the appreciation of all the work that's been done, the changing of the streets, the sidewalks, the pollinator gardens, of course, that's a big issue, and she really appreciates that there are two of them. She really wants us to be able to not lose any more affordable housing with whatever happens. That's a really important issue here. It really is what we're here for in the first place.

Chair Rossi stated he didn't have much to add beyond the really insightful questions and comments from members of the Board. The one point he just wants to emphasize that really rings true to him, and he's going to disagree a little bit with Ms. Sweet here, but is Building C. He does think we have to take into account the expectations of the people who have set their lives on Court Street and having this giant building in their backyard. He thinks it's something that he hopes that the applicant will be willing to work to improve upon. Other than that, he would just echo the comments of his colleagues.

Mr. Copelotti stated that they certainly will talk about our willingness to meet with the individual peer reviewers and he thinks that what we did with NBBJ earlier in the month was very helpful in kind of getting everyone together. He thinks we can work through a lot of the issues that were raised here today. So he will turn it over today and then have him kind of make a brief statement.

Daniel LaCivita, Traffic Engineer, Vanasse & Associates, started by thanking both the Board and Mr. Maxtutis for their thoughtful and corrective comments and questions regarding everything traffic related. We obviously haven't submitted any formal responses yet, but just kind of a blanket statement we don't disagree or take exception to any of the questions or requests for additional information brought up in the traffic study. We're working on providing formal responses which we hope to provide within the next couple of weeks. We've definitely heard especially with the Board's comments as well as with BETA peer review, a specific emphasis on safety. So that will kind of be one of our main focus points moving forward. The last thing he wanted to summarize, it was a big point of his presentation the last time he was here and the BETA peer review brought up similar themes. We do understand that there are existing both safety and operational constraints in this area on the roads at the intersections. The quantifiable impacts of the project itself. He talked about this last time, kind of physically, they are an increasing vehicle queueing of up to four



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vehicles mainly one, two or three. There was one location where we found four and consistent with what Mr. Maxtutis had said and through those three timings. We are able to reduce vehicle queueings by up to four vehicles as well, essentially mitigating the impacts of this project. So that was kind of our main point with the mitigation package we had proposed. We are open to working with the City and working with BETA to try to flush out some more traffic mitigation. We fully expect that at one of the upcoming meetings, traffic will kind of take the main focal point of that meeting, but those are just kind of our thoughts. We don't disagree with anything from the BETA peer review and will have a specific emphasis on safety going forward.

Mike Gentile, Civil Engineer, Weston & Sampson, stated they received Horsley-Witten's peer review comments and on February 15, reviewed all the comments in detail, and are in general agreement provided a draft response letter dated March 20, which describes how we intend to address all these comments with the next submission. We do want to quickly clarify one item regarding local stormwater compliance. We're requesting a waiver from the City of Newton stormwater management and erosion control rules and regulations Section 5.c.3.a only that pertains to the retention component which has been discussed tonight. As documented in the project plans and detailed stormwater report were proposed a comprehensive stormwater management program for the entire development with respect to onsite stormwater retention, currently providing underground recharge systems totaling approximately 12,000 cubic feet of storage between the three systems. This is consistent with the Massachusetts Department of Environmental Protection stormwater standards. As noted in our technical study, we either meet or exceed all state stormwater standards and either meet or exceed all local stormwater standards, again, with the exception of 5.c.3.a. So we just wanted to clarify that that we're not seeking a waiver from all City of new stormwater regulations. We look forward to engaging in future discussions through the peer review process.

Chair Rossi asked for public comments.

### **Public Comments:**

Councilor Susan Albright stated she thinks there's a lot of things that have been improved in this project and she won't go over them because it takes time. She thinks the open space areas still need



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a lot of work. As an example, the open space that was created at 28 Austin Street as compared to the open space that was created a Trio across the street on Washington Street. Austin Street Plaza has lots of things are happening because there's commercial space there and the Trio open space basically nothing is happening. She hopes that you the proponent can find a way to activate the open spaces including the linear park with some activities for older kids. She doesn't know what you're going to do there, but something to activate it. Could you, maybe you don't want to, have a coffee shop on Crafts Street, but could you at least in the summer months have a cart selling coffee and pastries, something to do when you're sitting in the open space. She thinks that's a comment for all the open spaces. She continues to be unclear as to whether the traffic's measurements are based on the Crafts Street, and the other senior project or not. Is it based on existing conditions? Or based on the addition of the other project and she really would like to have that cleared up. Either way she just needs to know. This the six the Wards 1 and 2 Councilors had talked over a specific pedestrian beautification and safety benefit to the Crafts Street-Washington Street intersection, and if that other one's not going to happen she would love to see it happen here because it was a way of making that intersection safer and more beautiful and be glad to share whatever information we have from that with the proponent. She mentioned that on April 10 the MBTA is coming to tell us what their plans are for the Newtonville Station. You might want to take that into account what their plans are and where the entrance to the train station would be. She agrees that the large building on Court Street needs some beautification to make it more fit into the neighborhood.

Councilor Tarik Lucas stated that it had been four years since he's been standing in this spot. Over four years ago he was addressing the Zoning Board of Appeals. So we've come full circle, and at the time, Miss Lipsitt was chairing the Board so it's good to be back in the Chamber on this side of the railing. He just wants to talk about the traffic and transportation to start off. He agrees with the peer reviewer, the BETA group. They had some good recommendations that he heard tonight. One of them he thought was incredible at Crafts Street in Watertown Street. They have a countdown for the walk light. He thinks that's a great idea. A lot of students go through that neighborhood every morning. He knows because he actually lives on Central Ave. right around the corner from this proposed development. He sees children walking with their parents in that intersection every morning. He hopes the petitioner can do that. In the presentation tonight, we saw that there's going to be an illuminated light on Crafts Street. It's interesting because it's going to be on the building, but I'm just a little concerned because it is directly across the street from homes on Crafts





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Street. We have to remember while the site is industrial, it is surrounded on a couple of sides by neighborhoods, Court Street and Crafts Street neighborhoods. Going back to traffic real quick. We do need a further analysis and study on the roads such as Lincoln, Ashmont, and Central Ave. We need good traffic counts and if you could do any off-site mitigation on those streets, that will be much appreciated. He thinks the Chair and Councilor Albright were commenting on Building C, it is way too close to the homes on Court Street. He addressed that in my prior comments at the public hearings, but it's good to see that Building D has been pushed back from Court Street. He's still a little confused on the petitioner requesting a waiver on the stormwater ordinance. He serves on the Land Use Committee, and we hold all petitioners, or our Engineering Department, holds all petitioners to our standards for stormwater. He does not see why this particular petitioner is seeking a waiver and he hopes the Board denies that particular waiver. Two other things he wanted to address. We heard Ms. Pucci talk about undergrounding the parking. When the Ward 2 Councilors met with Boylston Properties almost two years ago, they informed us that they cannot put any of the parking underground. That is what we've always believed since he first learned about this project. So if something has changed and they can put the parking underground that should be explored, but if they cannot put the parking underground, it has to go on the surface level. That's just a matter of the fact. The last thing he wanted to talk about in this briefly came up when we were discussing the senior housing at 34 Crafts Street was smoking. Will smoking be allowed on the premises? This is private property, but the public is going to have an easement to use the park and some of the walkways. It's something that doesn't need to be discussed or to be determined later tonight, but something that he would like to know the answer to.

Councilor Malakie stated that she wanted to make a quick comment on the request for the storm water waiver. She thinks it's reasonable for Newton to want to exceed this state standard and stick to that. To give you an example, the library parking lot stormwater retention system was designed to hold either one or two inches of rain. When we got the August rain last year of 2.7 inches that's when it flooded and people's cars were destroyed. On that same day Needham got about five inches and Billerica got about six inches. Earlier in December or January Leominster got about ten inches of rain in a 24 hour period. So the state standard it seems inadequate for what we see coming in terms of future climate impacts and what we're already seeing in random places and it's just dumb luck that Newton did not get five inches or six inches or ten inches. So she urges you not to waive that standard.



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Attorney Peter Harrington, 157 Lowell Ave, Newton, stated that he 88 years old and active in Newton civic affairs since the early 1960's. He has a few comments here that he's not going to make because he's listened to so much he has other things to say. First, concerning the question from the peer reviewer and traffic. Maguire Court is an unimproved, private way shown on a subdivision plan with a file with a Land Court and the Clerk of the Board has my contact information and if you can get in touch with me. He'll give you all that information and the deeds that go with it. We submitted a report for response to the Board. Two things on the front cover. The National Geographic Society gives a definition of gentrification. He'd ask you to read that. Number two, and the third page is the table of contents and ask you to read through it. See if there's any subject in there is of interest to you. If so, read those comments. The reports only 35 pages long the other 30 pages of footnotes and exhibits. With respect to the peer review on the water stormwater and the concern of the Board members about underground parking. The problem we have here is that the site the project is too big for the site. He does not know about the clay that you mentioned there Ms. Lipsitt but he does know that there's a lot of peat on that site. He knows from my work of representing people who bought land there and develop there. They can't put parking underground because the only thing underground is water. It's not a wetland as you pointed out, but all the water table is right below the ground level. So they can't put anything below ground. That creates a problem because they can't store the water. He thinks this is a big problem. That's no one has addressed. The site is a low point in the Newtonville, Nonantum. geographic area, all the water drains there. Now he knows we control a lot of it, but all surface water runs downhill at once to that point. There is no other place in a City like this except for in West Newton on Border Street. If you look at the problems there, you'll find we're going to have the same problems over here once this is built. What's there now is open land and it's all going to be surfaced with impervious material.

Kathy Pillsbury, 34 Carver Road, Newton, stated she supports this project for two key reasons. First climate change. The project is very close to the Commuter Rail and the bus stops. We really need more transit housing near transit, instead of pushing development further and further away from Boston transit and jobs. Second, affordability. The opportunity for this level of affordability should not be passed up, or the project constraints the way that the level of affordability isn't possible. She went to the meeting and Nonantum about the project and most of the concerns were



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about the traffic as they have been tonight. The technical presentation was very technical and hard to follow and assume that people were understanding it and believed in data and not anecdotal stories which people tend to believe in. Anecdotal, someone could say they seen backups on Crafts Street, meaning there must already been an issue there. The she could say she went to the site visit that happened right during rush hour and she was surprised at how little traffic there actually was compared with other streets that she had just driven on within Newton. She expects the ZBA and Newton to believe in and rely on data to make decisions. Since she was curious she looked at the traffic analysis and saw that uses a high estimate of car trips relative to the data for that area. Although they estimate about 1000 vehicles entering and exiting the site per day sounds like a lot. At peak hours there was estimated 90 cars would enter/exit. So then she was curious how that would play out within the site. So in the center of Nonantum the intersection of Watertown and Adams she looked at that. First cars come from and leave the site and go different directions. About two-thirds goes to Washington Street which is 60 cars or about one per minute and one-third go towards Watertown Street which is 30 cars or about one every two minutes. At Watertown Street cars head west to West Newton, go towards Waltham, or head east through Nonantum. So after this, only about 10% of the cars leaving or going to the site goes through the center of Nonantum. That means that during peak hours, only nine cars will be going through the center of Nonantum That's less than one car every five minutes. She also looked at the crash data and she knows there's concerns about the accidents and there's been a lot of stories about what's happened which are bad, but she looked mostly just at the Crafts Street where intersect Washington and Watertown. There was an average of about five accidents a year. Over the course of the five years of data there was only four that involve personal injury. More of the accidents were on Washington Street at the intersection Adams and Lewis Terrace, which she thinks the City should be more responsible for. Combined their average was about seven a year with the three involving personal injury. She thinks that Washington Street is more problem because the speed and maybe safety measures that City could be taken sooner rather than later. Just based on the data she thinks there would not be a large increase in traffic, looking at the number of cars leaving the site, as measures can be taken to reduce accidents and actually some of them should be taken sooner rather than later.

Marcella Burke, 255 Adams Street, Nonantum, stated she wanted to speak tonight about two things -- the street safety and affordable housing. She has here the Newton Police accident reports from



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Adams Street and Crafts Street from 2022 and 2023 and also the City 2024 traffic report which shows that Adams Street is the City number one priority for traffic followed by Crafts Street at number four. These are among the most dangerous streets in Newton based on the volume of cars, number of accidents, and pedestrians being hit. Yet the City study did not even consider the addition of 1000 new cars a day from the two Crafts Street projects. Nor did the developer traffic study mentioned the safety issues we already have. Is it too much to ask for a single study that deals with both the current conditions and the impact of the new project? We demand a solution where no more pedestrians are hit or feel unsafe crossing the street or where cars hitting children riding their bikes, which happened last year. Before adding more cars to the neighborhood we must solve the problem that force people to park on sidewalks because our streets are too narrow for two lines of traffic and parking. Nonantum is Newton's most affordable neighborhood. My small home on Adams Street is one of the least expensive homes in Newton. She knows affordable housing. She is affordable housing. So before approving an enormous project because it has six affordable units consider how this will impact the people who are already living in Nonantum's affordable homes. We reached out to the members of Engine 6 to discuss how we could create a new affordable housing while also protecting our neighborhood. They refuse to meet with us. How can you support affordable housing but not the people who live in Newton's most affordable neighborhood? Instead of cramming so many units in such a small area why don't we spread the growth more evenly? Why not eliminate a single-family zoning across the City or allow developers to convert large estates into condominium developments similar to historical Cabot Estate in Brookline. We can do better. Those areas could handle a lot more cars without causing safety and parking problems. These changes will better distribute the impact of new housing across the City regardless of wealth or income. Please don't put it this project all on us because of affordable housing. We are Newton's affordable housing.

Janine Stewart, 251 Adams Street, Newton, stated Nonantum residents certainly support affordable housing in our community. However, new developments should not have an adverse effect on the existing community. We support housing on the Crafts Street site, just not the density being proposed. 295 units on this site with only one ingress/egress will cause traffic congestion, which will result in local roads being used as cut throughs. This new development with over 1000 vehicles per day flowing into an area that has been declared by the City as having Newton's most dangerous roads and intersection will be disastrous for our community. The BETA peer review



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analysis dated March 2024 noted traffic conditions would likely worsen due to the project in the roadway would be to deficit. The developer has made no modifications to their plans after several public hearings, with strong concerns being expressed from ZBA members, City Councilors, and residents that does not show a good faith effort to work with the community and be a good neighbor. The community has many questions and concerns that remain unanswered. Therefore, she's putting some in writing in hopes that the ZBA can get the developer to respond to the community. First, we believe Boylston Properties should coordinate with the City of Newton Police Department to determine the number of crashes at the studied intersections within the adjacent neighborhood between January 2021 and December 2023. The crash data within the report only goes until December 2020. Traffic volumes have significantly increased since 2020 and crash data within the last 3¼ years should be analyzed. Secondly, the roadways within the adjacent neighborhood meaning Lincoln Road, Clinton Street, Ashmont Ave. and a few others are all classified as local roads. They are not designed for traffic. We are requesting that Boylston Properties provide additional information about these roadways, meaning like curb to curb, with on street parking etc. To clarify if these roadways are suited to carry traffic from the proposed development. Thirdly, we believe that the number of cut through vehicles could be much higher than originally estimated within the TIA as stated in the City of Newton ZBA Public Hearing Memo dated March 20 on page three of six BETA remarked that the southbound Crafts Street queue length would likely extend back to Maguire Court in the future and that project related to traffic would exasperate the queue length, as such drivers will look to avoid the intersection and potentially cut through the neighborhood. If half of the drivers estimated to go through eastbound along Washington Street cut through the neighborhood this would result in approximately 300 vehicle trips cutting through the residential neighborhood during each workday. How is this going to be addressed?

Fran Yerardi, Oak Ave., Newton, stated he is a lifelong Newton resident and he is going to finish her statement because she represents about 30 or 40 people in Nonantum who have concerns about this. Frankly, he appreciates what the parking the traffic study guy said. We have a report card that's failing. That road is failing. These people live in that neighborhood. They have concerns there. We're not really addressing it here tonight. We're glossing over with the neon sign and things like that. Let's get to the meat and potatoes here. If his son came home with the report card that had D's and F's that's the number one thing he wouldn't be talking about. So he will get into this here





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with you. So the cut-through vehicles can be much higher than the original estimated within the TIA. If the road is backing up like this man said all the way down to where this development comes out people are not going to turn right, they're going to go straight across, and head right into Nonantum. We would like to request that issue be addressed. Those roads to be studied more. We would also like to request Boylston Properties investigating the potential for making Maguire Court a one-way entrance, shifting Building A to the south, and making a one-way exit to the north of this site. This would alleviate the cut through traffic by eliminating the four-way intersection between Maguire Court, Crafts Street, and Lincoln Road. Given the number of units on-site and the proposed number of vehicle trips per day, Nonantum is requesting that the city and Boylston Properties work to allow traffic from the site onto Court Street in Newtonville. This could potentially reduce the queueing along Crafts Street and mitigate the cut through along the local roads in Nonantum. We understand that the City of Newton prefers a lower parking ratio for new developments, and this may even be supported by records such as the perfect fit parking study. We also understand that the applicant will unbundle parking and residents will not automatically have a parking space. However, the US Census data for the area confirms two vehicles per household. It is our experience that Nonantum already has a parking crisis. People are parking on their front lawns. Many people not from the community utilize local roads to park, taking rideshare or public transportation to access Boston, or long-term parking there and going to the airport. Will you believe that with such a high number of units on-site with limited parking, we believe it is inevitable that new residents will park on the local roads taking up already limited parking spaces from the existing homes. We're requesting Boylston Properties increase the number of parking spaces on site. Any additional spaces that go underutilized can be offered to the neighborhood residents for a fee helping to alleviate the Nonantum existing parking crises. Again, Nonantum supports affordable housing in our community. We need to ensure that our already affordable neighborhood is not adversely affected by overambitious developers. Thank you for your attention to this issue. Sincerely, Terry Sauro Anthony Sauro, Anthony Pellegrini, Jr, Gino Lucetti, Charles Proia, Jeannine Stewart, Marcella Burke, James Sbordone, Rita Cappodeluca, Dana Flynn, Kevin Riffe, and many, many more names from that neighborhood.

Bob Kavanaugh, 69 Court Street, Newton, stated the following are road disparate topics but they all point to the gaping holes in BPs proposal. To begin the purpose of 40B was to provide relief from exclusionary zoning practices. So he asked in what alternate universe our 4¾ acres of land





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currently zoned MR-1 and manufacturing. How can they be defined as exclusionary zoning practices? It doesn't make any sense. He was going to talk a bit about open space, but since there are new numbers, it's a little hard to do, but he would just point out that on page 89 of the applicants have proposal it states that currently 40.1% of the proposed development areas open space. According to their last documents that when they're finished it'll be down to 35.5%. So it's going down in an area that the City says is in need of parks. That's less than the 50%. What's their solution? Get a waiver seems to be the easiest way to do it. Parking - he asks that you look at the actual Court Street and Nonantum and how many cars are parked there? Way more than 0.86. To anyone to say that is just disingenuous to be polite. Diversity or gender gentrification on page 28 of their application, they assert that they will promote diversity and social equity. Very good. All right. That begs the question - can the low to moderate income employees referenced on page 1273 of their application afford one of their two-bedroom apartments? What about the folks who live in 63 Court Street whose home is going to be demolished for this? Will they be able to afford to live there? I don't know the answer. He's happy that Councilman Lucas referred to the whole underground thing. Everybody talks about, but nobody seems to want to realize they can't do it. Finally, the minimums. Developers always do the minimum. 20% is the minimum. That's what they do. Never 22%. The Planning Department in its memo said sidewalks in the development has to be five feet wide at a minimum. What are they doing? Five feet at a minimum. They tout this as a walker friendly, bike friendly development, but they're going to make everything as small as they can. Makes no difference who's walking or riding. There's a lot of talk, but when you look at the details, it's not there.

Albert Cecchinelli, 224 Chapel Street, Newton, stated that this is sort of a little absurd. We come back until they wear us down and then they finally get what they want at our expense. He talked last time about how they're going to build this and make a profit by the other taxpayers footing the bill. He'd love to see a study done on that. What the tax rate they're going to pay and the services that they're going to receive are because right now it looks like we're holding the bag. Second thing is they talk about it being walkable. Where are these kids going to go to school? There isn't an easy way to walk to any of the schools in the area. These kids are all going to need cars. That gets us to my next thing that's absurd. Two cars per unit is what we require in the City. We need to start from 590 spots and negotiate down as opposed to the silly number of 263 and negotiate up. That's wonderful. Let's let them have 263 cars. That brings them down to 130 units. 25% of that would be



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lovely to add is 40B housing and affordable. That would be a much more reasonable area. He's all for property rights, but when it's at the expense of others, when we're going to be paying the bills, that's where we need to cut the draw the line. The safety of our children is at stake. The safety of our neighborhood is at stake because we're all going to be caught in this traffic that nobody wants to be in.

Gail Deegan, 240 Upland Road, Newton, stated she is very impressed with the quality of information that has been provided tonight from the developers and from the City. There are many facts that are out there. We could always kind of split hairs about whether it's this or that. She's also very impressed with the people from Nonantum who have spoken so passionately about their area. She has been in Newtonville and she lived through the times when we talked about the problems with Trio and 28 Austin Street. She thinks we need to hear from the people who are going to be affected by this, but in the end, we have to as a City say what is it that we really want to accomplish? Do we want to have a City that is vibrant, that welcomes people, that has housing for young people, that has housing for older people that would like to stay in Newton, but move to another location? This is a very complex issue, but she believes that the people in Nonantum, the people in Newtonville, the people who have been the parties affected by a lot of the most recent development have a lot of learnings to share with the rest of the City. She would encourage people to give the benefit of the doubt to other people, but also not to expect everybody to be an expert and every one of these areas. That's what troubles her the most is that none of us can be experts in traffic, in water, and whatever else, but how do we develop a vision about what we want our City to be? How can we have dialogue so that we listen to each other and we agree on what it is that we want to do? She loves Nonantum, and next to Newtonville that's the place she spends most of her time. The people there are wonderful and we need to listen to them, but we also need to think about what do we want Newton as a whole to be

Peter Bruce, 11 Claflin Place, Newtonville, stated as somebody who has witnessed these projects and thinks that gentrification is an incredibly serious problem that people in Nonantum are going to have to worry about and on Court Street. He'd like to talk about the traffic study that VAI did and the peer review. They paint a pretty negative picture as we've seen with deficient EMF levels of service on key streets Adams, Washington, Crafts and Washington, and Crafts and Watertown Streets, and we see that traffic could be heading for Washington, on Crafts sometimes backed up to Maguire Court. That's a real problem for 78 Crafts Street. Well, these problems might be fixed



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somewhat by the peer reviewers suggested reforms, but deeper problems remain due to the joint impact of Mark Developments and SRGs 34 Crafts Street project and 78 Crafts on this already overburdened traffic system. Newton has already approved the 34 Crafts Street's special permit and despite these parties lawsuits with each other, we need to plan holistically. As Susan Albright suggested to look at both of these projects and their joint impact. Combining about 480 total housing units and 400 total parking spaces. First, the assessment the VAI study underestimates trip generation by not including the 34 Crafts vehicle trips that's the Mark Development project. Despite claims to the contrary by VAI, that 614 net additional average daily trips, added to about 1000 as we saw, plus 67 net additional evening peak hour trips, added to about 90 as we saw this this about 60 or 70% of the Crafts Street totals and they need to be added together because these projects are both likely to happen. We need to see what this kind of development would look like. Another aspect in which trip generation is underestimated by VAI by the peer reviewers is that the assessment for the use of transit that could be another 300 trips that aren't taken by transit and are taken by private vehicles if the projects turned out to be like Trio and its level of transit usage. Now there's some other problems with estimating the overall traffic system and how much traffic is going to grow. VAI says that this is going to be at 1% a year, but more recent data indicates that it's going to be more like two or three times per year. VAI uses pre-pandemic data and things have changed a lot. There's a lot more growth of traffic as Waze, GPS, the Federal Highway Administration, and comparisons between the Metropolitan Planning Organizations if you compare that data from 10 years ago. The trip generation of these projects will be much higher than the assessment predicts as well. The rate of growth in the local traffic system leading to serious complications for it and the environment. To avoid these the scale of 78 Crafts Street should be greatly reduced and we should respect Mother Nature and the impact this traffic is going to have on it.

Terry Sauro, 44 Cook Street, Newton, stated she has lived in Nonantum all her life which is a very long time. She went from Lincoln Road to Cook Street. Nonantum is affordable, but unfortunately these developments are making us unaffordable especially to our children that want to remain here. We tried reaching out to Engine 6 to talk about the affordable housing, but they did not want to meet with us. As far as the traffic flow there was a study that was just presented to the committee and one of the questions were asked by one of the Councilors if the Court Street/Crafts Street was when a part of the traffic flow and it was not. The developer said he would work with the City on the traffic issue. When they did the traffic study Adams Street was number one with the heaviest traffic as well as Court Street and Crafts Street and Watertown was number five. Last year, there were three children on bikes that were hit on the intersection of Adam Street and Lincoln Road and one killed on Watertown Street. Traffic is an issue in our area and it needs to be addressed, especially with an additional 1000 cars coming on to Crafts Street. Everybody's tired. It's 10:11.



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She appreciates it and hopes you hear all the issues that were brought up from everybody that spoke.

Ms. Lipsitt stated this evening's comments from the public have just given her a few more things she wants to put on the agenda. It is clear we need to see a sign package. The issue of a lighted sign facing Crafts Street came up and we need to see what the signs look like all together. She's wondering whether if we can underground the utilities on Crafts Street. We've had lots of discussion about spaces interior to the project being used by the community for recreation, for walking their dogs, for sitting and having a picnic, or playing cornhole. She would like to know how the community is welcomed in. It's fine to say oh, it's open to the community, but unless it's clear that the community should come in, they won't. She'd like to have some more information about those three points.

Chair Rossi continued the item until April 24<sup>th</sup>.

Chair Rossi concluded the meeting at 10:12 p.m.

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