



# CITY OF NEWTON, MASSACHUSETTS

City Hall

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Ruthanne Fuller  
Mayor

## ZONING BOARD OF APPEALS

**To:** Zoning Board of Appeals Members  
**From:** Adrianna Henriquez, Clerk  
**Date:** May 14, 2020 (Revised May 15, 2020)  
**Subject:** Materials for **May 20, 2020** Public Hearing

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Hello,

Please see the following materials are for the upcoming hearing on May 22, 2020 Public Hearing. The following board members are scheduled to sit: **Brooke Lipsitt (Chair), William McLaughlin, Barbara Huggins Carboni, Michael Rossi, Michael Quinn, and Timothy Durken (Alternate)**

1. May 20, 2020 Agenda
2. Planning Memorandum dated May 14, 2020  
(Letters Received for Dunstan East in Alphabetical Order)
3. Letter dated April 24, 2020 from Councilor Andreae Downs
4. Letter dated April 21, 2020 from Bart Lloyd
5. Letter dated May 10, 2020 from Benita Danzing
6. Letter dated May 14, 2020 from Claire Sokoloff
7. Letter dated May 9, 2020 from Daniel Harris
8. Letter dated May 13, 2020 from Donnalyn Kahn
9. Letter dated April 17, 2020 from Ellen Lubell
10. Letter dated May 13, 2020 from Engine 6
11. Letter dated April 21, 2020 from Fran Godine
12. Letter dated May 12, 2020 from Gloria Gavis
13. Letter dated April 22, 2020 from Green Newton
14. Letter dated May 11, 2020 from Griffin Bond and Alexander Olhava
15. Letter dated April 8, 2020 from Howard Rosenof (was sent to junk mail)

16. Letter dated April 17, 2020 from Howard Rosenof
17. Letter dated April 28, 2020 from Howard Rosenof
18. Letter dated May 14, 2020 from John Sisson
19. Letter dated April 21, 2020 from Lynne Weissburg
20. Letter received April 27, 2020 from the Fair Housing Committee
21. Letter dated May 14, 2020 from Rob Gifford
22. Letter dated May 14, 2020 from Sue Parsons
23. Letter dated May 14, 2020 from Susan Davidoff
24. Letter dated May 13, 2020 from Tim Murphy
25. Letter dated May 13, 2020 from Tom Gagen
26. Draft meeting minutes from March 25, 2020

Thank you,

Adrianna Henriquez

**[ahenriquez@newtonma.gov](mailto:ahenriquez@newtonma.gov) | (617) 796 1133**



# CITY OF NEWTON, MASSACHUSETTS

City Hall

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Ruthanne Fuller  
Mayor

## ZONING BOARD OF APPEALS

Adrianna Henriquez, Board Clerk

**The Zoning Board of Appeals will hold this meeting as a virtual meeting on Wednesday, May 20, 2020 at 7:00 pm. No in-person meeting will take place at City Hall.**

To view and participate in this virtual meeting on your phone, download the “Zoom Cloud Meetings” app in any app store or at [www.zoom.us](http://www.zoom.us). At the above date and time, click on “Join a Meeting” and enter the following Meeting ID: 842 942 8454.

To view and participate in this virtual meeting on your computer, at the above date and time, go to [www.zoom.us](http://www.zoom.us), click “Join a Meeting” and enter the following Meeting ID: 842 942 8454.

To dial into the meeting via telephone, call in by dialing 1-646-558-8656 and use the Meeting ID: 842 942 8454.

## AGENDA

**A public hearing of the Newton Zoning Board of Appeals will be held on Wednesday, May 20, 2020 at 7:00 p.m. in the City Council Chambers, Room 207, Newton City Hall, 1000 Commonwealth Avenue, Newton Centre, Massachusetts on the following petitions:**

1. **#09-19** Dunstan East, LLC applying to the Zoning Board of Appeals, pursuant to Massachusetts General Laws Chapter 40B, for the issuance of a Comprehensive Permit authorizing the applicant to construct a 244 unit residential development, which will include 61 affordable housing units and approximately 12,141 square feet of retail space, and to maintain an approximately 8,222 square foot existing office building, all on approximately 3.17 acres of land located in the Business 2 Zoning District at 1149, 1151, 1169, 1171-1173, 1179 and 1185 Washington Street, 12, 18, 24 and 25 Kempton Place, and 32 and 34 Dunstan Street in Newton, Massachusetts.

The comprehensive permit application and associated plans and documents are on file with the Zoning Board of Appeals’ office at Newton City Hall, 1000 Commonwealth Avenue, Newton, Massachusetts and are available for review online at [www.newtonma.gov/zoningboardofappeals](http://www.newtonma.gov/zoningboardofappeals)

2. Review and approval of minutes for March 25, 2020 meeting

The location of this meeting is wheelchair accessible and reasonable accommodations will be provided to persons with disabilities who require 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. The city's TTY/TDD direct line is: 617-796-1089.  
For the Telecommunications Relay Service (TRS), please dial 711.



Ruthanne Fuller  
Mayor

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Department of Planning and Development  
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Barney S. Heath  
Director

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**PUBLIC HEARING MEMORANDUM**

DATE: May 14, 2020

MEETING DATE: May 20, 2020

TO: Zoning Board of Appeals

FROM: Barney Heath, Director of Planning and Development  
Neil Cronin, Chief Planner for Current Planning  
Michael Gleba, Senior Planner

COPIED: Mayor Ruthanne Fuller  
City Council

In response to questions raised at Zoning Board of Appeals public hearings on January 22, March 17, and April 22, 2020 the Planning Department is providing the following information for the upcoming continued public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

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**PETITION #09-19**

**Dunstan East**

Mark Development, LLC, applying to the Zoning Board of Appeals of the City of Newton, Massachusetts, pursuant to General Laws, Chapter 40B, Sections 20 through 23, as amended, for the issuance of a Comprehensive Permit authorizing the applicant to construct a mixed-use project with three separate buildings with a total of 244 units of rental housing, approximately 12,141 square feet of retail space, and a total of 291 parking stalls within two subterranean garages at a site encompassing the following properties: 1149, 1151, 1169, 1171-1173, 1179, and 1185 Washington Street; 32-34 Dunstan Street; and 12, 18, 24, and 25 Kempton Place in Newton, Massachusetts ("Dunstan East"). Sixty-one (61) of the units (25%) will be deed restricted to remain permanently affordable to households at up to 80 percent of Area Median Income (AMI). The property is located in a Business 2 (BU2) Zoning District.

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## **I. BACKGROUND**

The Applicant, Dunstan East, LLC, is seeking a Comprehensive Permit pursuant to Massachusetts General Laws Chapter 40B, Sections 20 through 23, for the construction of a mixed-use project consisting of three buildings along the north side Washington Street in West Newton. The subject property comprises approximately 138,142 square feet on twelve lots in a Business 2 (BU2) zoning district: 1149, 1151, 1169, 1171-1173, 1179, and 1185 Washington Street; 32-34 Dunstan Street; and 12, 18, 24, and 25 Kempton Place in Newton, Massachusetts (“Dunstan East”).

The Zoning Board of Appeals (Board) opened the public hearing on this petition on January 22, 2020, which was held open for the petitioner to respond to questions and concerns raised in the Planning Department’s Memorandum and at the public hearing by the Board as well as by members of the public. At that meeting the Board authorized peer reviews of the project.

On March 17, 2020, the public hearing addressed issues related to the proposed development’s site design, civil engineering, stormwater management, and sustainability, including a memorandum drafted by Horsley Witten, the peer reviewer hired by the City to review those aspects of the project.

On April 22, 2020, the public hearing addressed the project’s transportation issues, including a memorandum drafted by BETA, Inc., the peer reviewer hired by the City to review the applicant’s November 2019 Transportation Impact and Access Study (TIAS) which was prepared in advance of that meeting in consultation with City staff from several departments. The memo discussed several aspects of the proposed project, including traffic, parking, circulation, loading, bicycling facilities, and transportation demand management.

On May 6, 2020, the applicant submitted a considerable amount of new information regarding the proposed project, including its responses to Horsley Witten’s March 10, 2020 and BETA’s April 2020 peer review memoranda, as well as modified civil engineering plans (dated April 28, 2020), site operations plans, preliminary signage/wayfinding plans (dated April 30, 2020), information regarding proposed street improvements (April 30, 2020), and architectural designs (dated May 4, 2020). This material was distributed to City staff and the Planning Department’s peer reviewers for analysis and review in anticipation of the drafting memoranda for this and subsequent public meetings.

This material was subsequently amended by the applicant on the afternoon of Monday May 11, 2020 with material including revised architectural drawings dated May 8, 2020 and a memorandum dated that same day discussing the various changes to the proposed development. These materials were similarly circulated the relevant City office’s and the peer reviewers.

## II. PROJECT UPDATES

### a. Design

Per the materials submitted on May 11, the project's design has been modified to place first floor lobbies for Buildings 1 and 2 on Washington Street in ground floor areas previously designated as retail space. As a result, the proposed amount of retail space has been reduced by 3,824 square feet to 8,318 square feet.

The applicant has also eliminated 10 residential units, lowering their number to 234. The applicant has indicated however, that many units will be larger than previously proposed, with their average size "increasing from approximately 887 RSF per unit to 937 RSF per unit," (with "RSF" being "rentable square footage" and these measurements being, at this stage of design development, estimates).

### b. Parking

The reduction in both the amount of retail space and the number of residential units serve to change the proposed parking ratios. For example, while the applicant continues to propose to provide one parking space per residential unit, their reduction from 244 to 234 allows for the provision of "guest spaces," to be available for residents' visitors (i.e., not rented on a permanent basis). The applicant is now proposing 11 such spaces, which roughly corresponds previously provided for the ten now-eliminated units.

The elimination of 3,824 square feet of retail improves the parking ratio for that use from 2.4 to 3.5 parking spaces per 1,000 square feet (29 spaces would be available for that use). An additional parking space would be provided for the office use, raising the number of such stalls from 19 to 20, improving that ratio also (albeit only slightly) from 2.4 to 2.5 parking spaces per 1,000 square feet.

The Planning Department is supportive of avoiding the creation of unnecessary parking and continues to be

Of the parking spaces referenced above, 10% would have electric vehicle (EV) charging stations and infrastructure would be installed to facilitate an additional 10% of the garaged spaces to have charging stations.

### c. Sustainability

In regard to its sustainability efforts, the applicant has indicated that in addition to the above-referenced installation of EV charging stations, it will install electric residential cooking, heating and cooling, and hot water systems. It will also conduct, in its words, an "embodied carbon analysis of alternate materials."

### d. Affordability

As a "40B" rental development, 25% of the residential units must be affordable to households

with incomes of up to 80% of the Average Median Income level. As such, the reduction in the total number of units would reduce the number of such affordable unit from 61 to 59. That said, the applicant has indicated that it would provide for deeper affordability for 8 of the remaining 59 affordable units by making them available to households earning up to only 50% of the Area Median Income. The Planning Department supports this deeper level of affordability and looks forward to the opportunity to review the unit breakdown by size, number of bedrooms, etc.

The Planning Department notes that this change is responsive to a request made by the Newton Fair Housing Committee, as referenced in its review (**Attachment A**) which discusses the project's compliance with the Committee's fair housing criteria.

### **III. ANALYSIS**

#### **a. Transportation peer review**

The attached memorandum submitted from BETA details its comments on and responses to the applicant's own responses to the initial peer review issued in April (**Attachment B**).

Generally, BETA's report indicates that the applicant has addressed a considerable majority of the concerns and questions it raised in its initial peer review. The memorandum also makes some suggestions that the applicant provide some additional information about its proposed parking operations and transportation demand management (TDM) measures, including that transit subsidies be better identified by the applicant. It also puts forth some other suggestions, including the installation of some pedestrian improvements and one or more bus shelters in the vicinity of the project, etc.

BETA and the Planning Department will be available to address any issues and questions that might be raised at the forthcoming public hearing.

#### **b. Site design, civil engineering, stormwater management, and sustainability**

The city's peer reviewer for these topics, Horsley Witten, is currently reviewing the applicant's recently submitted responses to its March 10, 2020 peer review and the new/updated material submitted by the applicant on May 6 and May 11. Although some of their reviews and responses might be available in time for the upcoming meeting, it is expected that Horsley Witten's full response will be received in advance of the Board's subsequent meeting on this application.

The Planning Department can make some observations on the project's design as it stands now. The lay-out of the project including a variety of roof heights along Washington Street, an inviting, accessible courtyard space that connects from Washington Street to Cheesecake Brook, underground parking, some recommended building heights of five and six stories in this exact location is entirely consistent with the Washington Street Area Vision Plan recently adopted by the City Council.

The Department notes that a concern often associated with height is the creation of shadows on



nearby properties. The shadow studies provided by the applicant indicate that the project would have limited impacts on neighboring residential properties for much of the year, with such impacts largely limited to winter mornings and afternoons, times where all shadows tend to be at their longest given the low location of the sun in the sky.

The Planning Department also offers the consideration that, all other things being equal (e.g., square footage), a project's height is a function of other related dimensions and attributes. As applied to the present project, height in one location allows for a variability in height elsewhere in the project, such as along the Washington Street frontage, including, of course, the entrance to the courtyard between Buildings 1 and 2. Accordingly, for these reasons and the project's relatively buffered location from adjacent residential, the Department is comfortable with the heights associated with all sides of the development.

c. Inflow and Infiltration (I&) fees

Regarding the expected Inflow and Infiltration ("I&I") fees associated with this project, the Engineering Division provided an initial calculation based upon the original development program of \$2,022,493.

As the I&I fee is based on total number of bedrooms and the area utilized as retail space, this fee is expected to be modified to reflect the applicant's recently submitted changes to the development program.

**IV. ADDITIONAL INFORMATION AND MATERIALS**

The applicant should be prepared to respond to all of the peer reviewer's comments and questions at the public hearing and subsequently in writing for appropriate review by the peer reviewers, City staff, and the Board in advance of future meetings.

**V. CONCLUSION AND NEXT STEPS**

The Planning Department will continue to review the proposal and as, where appropriate and authorized, coordinate reviews of the project by City agencies and consultant peer reviewers and provide updated and expanded memoranda in advance of future Board meetings on this application. It is anticipated that the next meeting will continue to focus on project updates (including any design changes) the peer reviewers' responses to materials submitted by the applicant.

The applicant should continue to work with City staff and the peer reviewers to address all comments and concerns raised by the peer reviewers, City department and the Board.

**ATTACHMENTS**

- Attachment A:** Newton Fair Housing Committee letter to Brooke K. Lipsitt, Zoning Board of Appeals Chair re Dunstan East Comprehensive Permit
- Attachment B:** BETA, Inc. Memorandum entitled "The Dunstan Residence West Newton Redevelopment Transportation Engineering Peer Review- Transportation Engineering Peer Review of Response to Comments," dated May 2020

# ATTACHMENT A

## CITY OF NEWTON, MASSACHUSETTS

### Fair Housing Committee



Ruthanne Fuller  
Mayor

Barney Heath  
Director of  
Planning & Development

Malcolm Lucas  
Housing Planner

#### Members

Kathy Laufer, Chair  
Ted Hess-Mahan, Vice-Chair  
Esther Schlorholtz  
Josephine McNeil  
Donna Rigg  
Tatjana Meschede  
Rosemary Larking  
Judy Korenowski  
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Brooke K. Lipsitt, Chair  
Newton Zoning Board of Appeals  
1000 Commonwealth Avenue  
Newton, MA 02459

Re: Dunstan East Comprehensive Permit

Dear Chairperson Lipsitt:

At the request of Mark Development, LLC ("Mark Development"), developer of the proposed Dunstan East development, the Newton Fair Housing Committee (the "Committee") recently reviewed the above-referenced proposal.

In 2015, the City of Newton agreed with the U.S. Department of Housing and Urban Development ("HUD") to "review all applicable projects for their inclusion of fair housing goals, and note in writing in all applicable project reviews a statement that 'the objectives of the City's *Consolidated Plan*, including fair housing, have been considered in this review'" as a part of the Conciliation Agreement between the City, HUD and the Supporters of Engine 6 to resolve a fair housing complaint. That charge complements the usual review by City staff in that it is asking for review that focuses on goals and policies that are documented in the Consolidated Plan, which calls for consideration thereof, and not necessarily consistency with, such goals and policies.

In September 2016, the Committee drafted a set of criteria for reviewing project developers' consideration of the City's fair housing goals, a copy of which is attached hereto. These criteria were revised in January 2019. The revised criteria reflect the following ways in which developers might go beyond regulatory requirements in order to serve the City's currently documented fair housing goals:

- Going beyond the required minimum share of project housing units that are committed to being affordable;
- Going beyond the regulated minimum share of project housing units that meet housing accessibility standards;
- Providing "visitability" for housing units not required to be fully accessible;
- Developing at a site that is well located in relation to commercial services and job accessibility;
- Developing at a location close to good public transportation; and
- Going beyond legal obligation to avoid any possible discriminatory impacts on "protected classes."

While none of these actions are specifically required by current law or regulation, each of them would support the fair housing goals set forth in the *Consolidated Plan*, and other documents cited in it.

Mark Development, LLC, has applied the Zoning Board of Appeals, pursuant to Massachusetts General Laws, Chapter 40B, Sections 20 through 23, as amended, for the issuance of a Comprehensive Permit authorizing the applicant to construct a mixed-use project (“Dunstan East”) with three separate buildings with a total of 244 units of rental housing occupying 283,899 square feet, approximately 12,141 square feet of retail space, for a total of 296,040 square feet, and a total of 291 parking stalls, including 286 parking spaces located within two underground garages, and 5 off street parking spaces. Two hundred forty-four (244) parking spaces will be for the residential units, with the balance for retail. Dunstan East is located in West Newton on 2.98 acres of land bounded by Washington Street, Dunstan Street, Kempton Place, and the Cheesecake Brook. Sixty-one (61) of the units (25%) will be deed restricted to remain permanently affordable to households at up to 80 percent of Area Median Income (“AMI”). The property is located in a Business 2 (BU2) Zoning District. The 244 units of rental housing will include 43 studio units (17%), 112 1-bedroom units (46%), 63 2-bedroom units (26%), and 26 3-bedroom units (11%). Eleven studio units (25.6%) will be affordable, 28 1-bedroom units (25%) will be affordable, 16 2-bedroom units (25.4%) will be affordable, and 6 3-bedroom units (23.1%) will be affordable.

Because Newton has not met the statutory minima for affordable housing under Chapter 40B, the denial of a comprehensive permit would be “consistent with local needs” only if a valid local concern outweighs the regional need for affordable housing. Such local concerns must be verifiable concerns about the health and safety of residents of the proposed housing, surrounding neighborhood or community as a whole, or serious building and site design deficiencies that cannot be rectified with conditions of approval. In the case of conditional approval of a comprehensive permit, the conditions or requirements imposed may not make the building or operation of the project “uneconomic.” Conditions that make the project uneconomic may still be imposed, however, if they are reasonable and necessary to protect valid health, safety, design, environmental or open space concerns.

Mark Development gave a presentation regarding Dunstan East at the Committee’s February 5, 2020 meeting. Based on its review of Dunstan East, the Committee offers the following comments and observations concerning the extent to which the project supports the City’s fair housing goals, for consideration by the ZBA in connection with granting a Comprehensive Permit for the Project.

**Affordability.** As proposed, Dunstan East will meet but not exceed the requirements under Chapter 40B that 25% of the rental units will be affordable to households with an income up to 80% AMI. Members of the Committee inquired whether Mark Development could create units that are affordable to households making 50% of the AMI, for which there is a need in Newton. Mark Development indicated that it would consider including units affordable to households making under 50% of the AMI.

**Accessibility.** The Committee found that Dunstan East will meet, but not exceed, the number of accessible units required by Group 2 Massachusetts Architectural Access Board (“MAAB”) standards. In addition, all of the units will be ADA adaptable. Each building will have an elevator, providing access for each floor of residential units. Mark Development will also improve the sidewalks along the Washington Street frontage making them ADA accessible.

**Visitability.** The Committee found that Dunstan East will exceed regulatory requirements for visitability. Mark Development indicated that each unit will have at least one entrance without a step and that doorways will be at least 34 inches wide with 32 inches clear passage. In addition, there will be at least one-half bathroom on the main living floor of each unit.

**Housing/Employment/Transportation Proximities.** The Committee found that Dunstan East is in a desirable location near West Newton Square. Dunstan East is located near residential neighborhoods in West Newton on or nears Watertown Street, Dunstan Street, Cross Street, and Washington Street. There is a park and

playground within one-quarter mile of Dunstan East, as well as numerous amenities within one-half mile, including a pharmacy, post office, Newton Police Department Headquarters and the Annex, a state district court, banks, retail stores, professional offices, a cinema, restaurants and cafes, a health and fitness club, community service organizations, two churches, child day care programs, and a grocery store. Dunstan Street also includes open space for passive recreation and a playground. West Newton offers opportunities for employment as well as available rental space for small businesses. Dunstan East is adjacent to a stop for the express bus to downtown Boston, and within approximately a half mile of the West Newton commuter rail station and Exit 16 of the MassPike. The ratio of parking spaces is 1 per rental housing unit, which is adequate for a residential development that includes 25% affordable housing, and is consistent with the City's Climate Change Vulnerability Assessment and Action Plan in that it will attract renters who have no more than one motor vehicle.

**Discriminatory Impacts.** The Project does not appear to have a disparate impact on any protected class (i.e., race, national origin, color, religion, sex, disability, familial status, sexual orientation or gender identity), nor will it perpetuate racially segregated housing patterns. The Project meets or exceeds minimum fair housing regulatory requirements in several respects. Significantly, the Project includes 26 3-bedroom units (11%), 23.1% of which will be affordable, which offers both affordable and market rate housing opportunities for families with children under 18. As noted above, it is also conveniently located near residential neighborhoods, parks and playgrounds, areas with substantial commercial activity and employment opportunities, as well as public transportation. Finally, in order to avoid any disparate impact, the Committee notes that the affirmative marketing plan for rental of the units is intended to support the City's fair housing goals.

Thank you for your consideration. If you have any questions for the Committee, please contact the City's Housing Planner, Malcolm Lucas, who staffs the Committee, by telephone at 617-796-1149 or by email at [mlucas@newtonma.gov](mailto:mlucas@newtonma.gov).

Sincerely,

*Kathy Laufer*

Kathy Laufer, Chair



Ted Hess-Mahan, Vice Chair

Attachment

Stephen Buchbinder, Esq.  
Barney Heath, Director of Planning & Development  
Jennifer Caira, Chief Planner  
Amanda Berman, Housing Development Planner  
Malcolm Lucas, Housing Planner  
Jini Fairley, ADA Coordinator  
Adrianna Henriquez Olmsted, Board Clerk, Newton Zoning Board of Appeals

# NEWTON FAIR HOUSING COMMITTEE

Newton Department of Planning and Development  
Newton City Hall, 1000 Commonwealth Avenue, Massachusetts 02459  
Phone 617-796-1149

## **REVIEWING PROJECT CONSIDERATION OF CITY FAIR HOUSING GOALS**

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September 21, 2016; revised 5/13/2019

The City of Newton agreed with HUD in 2015 to “...review all applicable projects for their inclusion of fair housing goals and note in writing in all applicable project reviews a statement that ‘the objectives of the City’s *Consolidated Plan*, including fair housing, have been considered in this review” as a part of the Engine 6 Conciliation Agreement<sup>1</sup>. That charge complements the usual review by City staff in that it is asking for review that focuses on goals and policies that are documented in a plan and asks about the consideration of those goals and policies, not necessarily consistency with them.

The City has a well-structured process for reviewing project proposals at the various stages in moving from conceptual early sketches to highly detailed construction documents, with a good record in timely reviews and inspections. However, there is less structure and documentation at early stages regarding objective consistency with considerations that are documented not in regulations but rather in less-familiar documents which bear on fair housing, including the *Newton Consolidated Plan* and other documents that are cited in it, so are within the scope of the agreed reviewing, these in particular:

- *Newton FY11-15 Analysis of Impediments to Fair Housing Choice*, in its sixth year;
- *Newton’s Fair Housing Action Plan*, drafted in 2008, and the
- *Newton Comprehensive Plan*, now nearing 10 years old.

No developer could be expected to study those many hundreds of pages of relevant guidance in deciding project location, design, and operation by seeking beyond rules for consistency with those documents. However, after careful review seven ways stand out through which developers might go beyond regulation to serve the City’s currently documented fair housing goals:

- Going beyond the required minimum share of project housing units that are committed to being affordable;
- Going beyond the regulated minimum share of project housing units that meet housing accessibility standards;
- Providing “visitability” for housing units not required to be fully accessible;
- Developing at a site that is well located in relation to commercial services and job accessibility;
- Developing at a location close to good public transportation; and
- Going beyond legal obligation to avoid any possible discriminatory impacts on “protected classes.”

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<sup>1</sup> Page 6 of “Conciliation Agreement...between Supporters of Engine 6...and...City of Newton ...,” 5/12/2015.

None of those actions are obliged by current law or regulation, but each of them would be supportive of fair housing through goals cited in the *Consolidated Plan* and/or documents that that *Plan* cites, and all but one of them (“visitability”) has been provided in one or more recently approved developments in Newton.

## **AFFORDABILITY**

Is the project planned for more units priced below-market than is required by law?

0. No, the number of below-market units will equal that required
1. Yes, but fewer than twice the required number of units will be below market
2. Yes, at least twice as many units as required but not all will be priced below market
3. Yes, all of the units will be below market.

## **ACCESSIBILITY**

Is the development planned for more units meeting accessibility rules than are required by State or federal regulation?

0. No, the number will be that which is required, if any.
1. Yes, but fewer than twice the required percentage will be accessible;
2. Yes, and at least twice the required percentage will be accessible;
3. Yes, 100% of the units will be accessible.

## **VISITABILITY**

A “visitable home” as noted in the Newton *FY11-15 Analysis of Impediments to Fair Housing Choice* must have “(1) at least one entrance is at grade (no step), approached by an accessible route, such as a sidewalk; (2) that entrance door and all interior doors on the first floor are at least 34 inches wide, offering 32 inches of clear passage space; and (3) at least one half-bath is on the main floor.”

To what extent do the dwelling units in the proposed development meet that description of what is called “visitability?”

0. No dwelling units meet all three criteria
1. A few housing units meet all three criteria
2. Most housing units meet all three criteria, or all meet most of them
3. All housing units meet all three criteria.

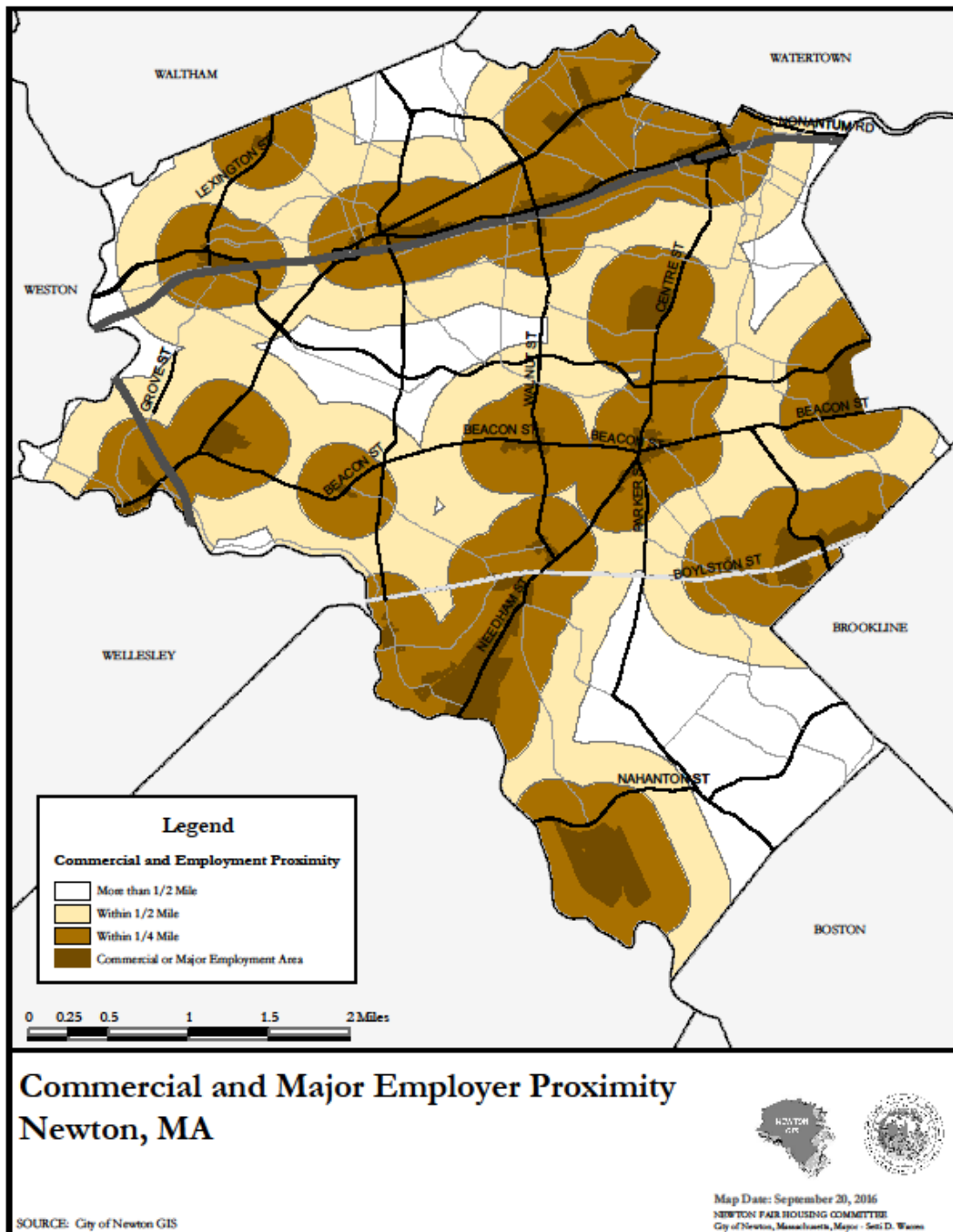
## **HOUSING/EMPLOYMENT/TRANSPORTATION PROXIMITIES**

Newton’s *FY 11–15 Analysis of Impediments to Fair Housing Choice* speaks highly of how many locations in Newton benefit from their proximity to employment opportunities, commercial services, community services, and proximity to public transportation for access to such assets that may be beyond walking distance. Some locations within the City are far richer than others regarding those opportunities and services, and locations within the City differ in proximity to and frequency of service of public transportation than are others. It is important for affirmatively furthering fair housing that sites of affordable housing be served no less well than other sites in those two regards. The following two maps enable evaluating how well a proposed housing development serves that consideration as expressed in the *Analysis of Impediments*.

## Proximity to commercial or major employment

How close is the housing site's proximity to commercial activity and employment as shown by City data on the map below?

0. More than 1/2 mile from such a site
1. Within 1/2 mile of such a site
2. Within 1/4 mile of such a site
3. Within or adjacent to a commercial or major employment site

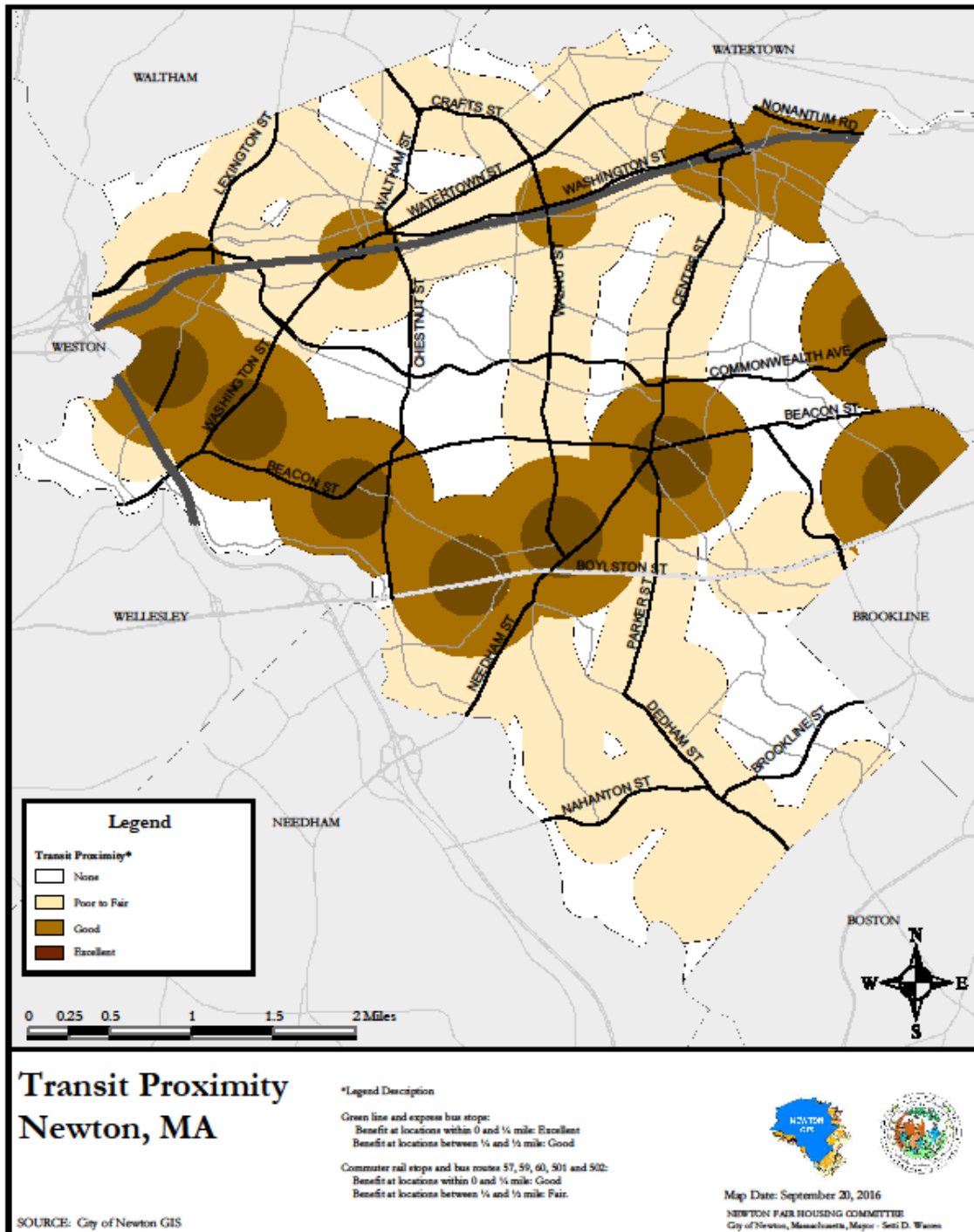




# Proximity to good public transportation

How good is the site's transit proximity as City-defined?

- 0 - None
- 1 - Poor, Fair
- 2 - Good, Very good
- 3 - Excellent, Superior



## **Discretionary Impacts**

(A) Would the proposed development be free of disparate negative impacts for “protected classes” based on race, national origin, color, religion, sex, familial status, or disability, even though no regulation might be violated? For example,

- A sizable development that contains only one-bedroom and studio apartments could be seen as having disparate impact on families with children under 18, or
- A proposed townhouse development having no units that have first-floor bedrooms and bathrooms could be seen as having a disparate impact on persons having a disability; or
- A housing proposal might be proposed at a site at which accessibility would be disparately poor for some.

(B) Might the City’s approval of the development be seen as creating, increasing, reinforcing, or perpetuating segregated housing patterns based on protected class status?

(C) In either such case, what is the justification provided for that proposal? Is the justification supported by the facts? Is the proposal necessary to achieve a “substantial, legitimate, nondiscriminatory interest”? If so, can that interest be served by modification of or an alternative for the proposal which has less discriminatory effect?

These are the potential findings:

0. Whether or not in compliance with all regulations, the proposed development would have disparate impact on a protected class, as illustrated at (A) above, and/or it would perpetuate segregated housing patterns, and there is no feasible means of lessening impact through modification or an alternative.
1. Whether or not in compliance with all regulations, the proposed development would have a disparate impact on a protected class, as illustrated at (A) above, and/or it would perpetuate segregated housing patterns, but the impact could possibly be lessened through major modification or an alternative.
2. Whether or not in compliance with all regulations, the proposed development would have a disparate impact on a protected class, as illustrated at (A) above, and/or it would perpetuate segregated housing patterns, but the impact could possibly be lessened through small revisions or minor alteration.
3. The proposed development appears to have no disparate impact on any protected class, nor does it perpetuate segregated housing patterns.

## **SOURCES FOR RELEVANT CONSOLIDATED PLAN OBJECTIVES**

### **Affordability**

#### *FY 16-20 Consolidated Plan*

Page 112: "...this Consolidated Plan puts the need for affordable housing at the top of the priority list..."

Page 113: SP-25 Priority needs table, row 2, "Provide affordable housing in mixed income developments."

Page 113: SP-25 Priority needs table, row 4, "Increase production of new affordable housing units."

Page 132: SP-45 Strategic Goals table, row 1, "Increase production of new affordable ... units."

#### *FY11-15 Analysis of Impediments to Fair Housing Choice,*

Page 16: "providing incentives to developers to exceed the mandated amount of inclusionary zoning."

### **Accessibility**

#### *FY 16-20 Consolidated Plan*

Page 113: SP-25 Priority needs table, row 3, "Additional accessible rental units ..."

Page 132: SP-45 Strategic Goals table, row 1, "Increase production of new ... accessible ... units."

### **Visitability**

#### *FY 16-20 Consolidated Plan*

Page 113: SP-25 Priority needs table, row 3, "Additional ... visitable housing"

#### *FY11-15 Analysis of Impediments to Fair Housing Choice,*

Pages 26 - 27: "Visitability in Housing" discussion at length.

### **Proximity to commercial or major employment**

#### *FY11-15 Analysis of Impediments to Fair Housing Choice,*

Pages 21-25: "Employment- Housing – Transportation" discussion at length.

### **Proximity to good public transportation**

#### *FY11-15 Analysis of Impediments to Fair Housing Choice,*

Pages 21 – 25 as above, especially page 23: Proximity to Transit Legend Description.

### **Discriminatory impacts**

#### *FY11-15 Analysis of Impediments to Fair Housing Choice,*

Pages 12 – 13, "B. 2002 Analysis of Impediments to Fair Housing Choice Update.

Newton, Massachusetts

**The Dunstan Residence West Newton  
Redevelopment**

*Transportation Engineering Peer Review  
May 2020*

**TRANSPORTATION ENGINEERING  
PEER REVIEW OF RESPONSE TO COMMENTS**

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**The Dunstan Residence West Newton Redevelopment**  
Newton, Massachusetts  
*Transportation Engineering Peer Review*

**TRANSPORTATION ENGINEERING  
PEER REVIEW OF RESPONSE TO COMMENTS**

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Prepared by: BETA GROUP, INC.  
Prepared for: City of Newton

May 2020

The BETA Group, Inc. (BETA) has reviewed the transportation Response to Comments Memorandum submitted by VHB dated May 11, 2020. The VHB responses addressed the initial transportation comments made in the BETA report dated April 2020. Comments to VHB responses are provided in [blue text](#). For completeness, all comments and responses are provided below.

## 1.0 INTRODUCTION

### PROJECT DESCRIPTION

**Comment 1.1:** The Traffic Impact and Access Study states in the Introduction on page 1 (and other sections in the report) that 244 apartments are proposed as part of the project. The Project Description on page 2, states the project will include 242 apartments. **Please confirm that 244 units is correct.**

Response: The Project has been reduced from 244 units and 12,141 sf to 234 units and 8,318 sf. A supplemental traffic generation memo has been prepared to reflect the changes.

[BETA Comment: BETA agrees that the changes to the project's uses are relatively minor regarding transportation impacts and a full update of the full Traffic Impact and Access Study is not required. Comment addressed.](#)

## 2.0 EXISTING CONDITIONS

### TRAFFIC VOLUMES

**Comment 2.1:** Existing peak hour traffic volumes were shown on Figure 4, 5, and 6 in the study, however, there were some volume discrepancies between the figures and the TMC data sheets. For instance, one of the more significant volume discrepancies is the Washington Street westbound through movement at Auburn Street which is shown as 915 vehicles on Figure 4 – 2019 Existing Conditions Weekday Morning Peak Hour Traffic Volumes but the TMC data shows 1,455 vehicles during the AM peak hour 7:30-8:30 AM. **Verify the existing volumes at intersection 1 through 4, 6, and 26 on Figures 4, 5, and 6.**

Response: The volumes in Figures 4 through 6 do not exactly match the TMC volumes in some locations due to adjustments that were made to balance counts between some intersections. In addition, there were some slight discrepancies in the TMC counts that were accounted for by adjusting the counts and are reflected in Figures 4 through 6. For example, during the weekday morning peak hour at the intersection of Washington Street and Auburn Street, the TMC counts broken into 15-minute intervals on the westbound approach showed 310 vehicles in the first 15-minute period, 715 vehicles in the second 15-minute period, 224 vehicles in the third 15-minute period, and 206 vehicles in the fourth 15-minute period for a peak hour count of 1,455 vehicles during the peak hour in the westbound direction. Reviewing the volumes at this intersection and adjacent intersections resulted in the conclusion that the 715 vehicles recorded by the TMC during

the second 15-minute period was an error from when the TMC was transcribed, and it is more likely that the westbound direction saw 215 vehicles during that 15-minute period which would result in a peak hour count of 955 westbound vehicles during the weekday morning peak hour. When the volumes were balanced with the upstream intersections at Prospect Street and Perkins Street, the westbound approach volume was adjusted from 955 vehicles to 915 vehicles, which is what is shown in Figure 4.

BETA Comment: Comment addressed.

**Comment 2.2:** The site and associated driveways are not provided on any of the volume figures. **Show the site, site driveways and associated volumes on all traffic volume figures.**

Response: The 2019 Existing Conditions, 2026 No Build Conditions, and 2026 Build Conditions traffic volume networks include the intersections of Washington Street at Dunstan Street, Washington Street at Kempton Place, and Watertown Street at Dunstan Street. Kempton Place only serves the site and therefore acts as a site driveway under Existing and No Build conditions. The other site driveways were not included in the figures because under Existing and No Build conditions they either generate negligible traffic volumes or feed directly into Dunstan Street or Kempton Place. While the specific site-generated volumes for each driveway on-Site were not included in TIAS submission, the driveway volumes broken down by land use were provided to the peer reviewer by VHB on March 13, 2020 and are included in the Attachments to this memorandum for reference.

BETA Comment: Comment addressed.

**Comment 2.3:** Upon review of the ATR data provided in the Appendix and the Traffic Volume section of the report there are inconsistencies between Table 1 – Observed Traffic Volumes and the rest of the ATR data. **The Saturday daily volume for Watertown Street should be 6,980 vehicles per day in the table. Also, the Saturday K-factors need to be revised to 8.7% for Washington Street and 8.3% for Watertown Street.**

Response: Table 1 – Observed Traffic Volumes has been updated and is provided below. The daily volumes were rounded to the nearest hundred vehicles.

**Table 1 Observed Traffic Volumes**

Location	<u>Weekday</u> <u>Daily</u> <sup>a</sup>	<u>Weekday Morning</u> <u>Peak Hour</u>			<u>Weekday Evening</u> <u>Peak Hour</u>			<u>Saturday</u> <u>Daily</u>	<u>Saturday Midday</u> <u>Peak Hour</u>		
	Vol.	Vol. <sup>b</sup>	K Factor <sup>c</sup>	Dir. Dist. <sup>d</sup>	Vol.	K Factor	Dir. Dist.	Vol.	Vol.	K Factor	Dir. Dist.
Washington Street west of Dunstan Street	12,100	1,100	9.1%	56% EB	1,070	8.8%	55% EB	8,900	775	8.7%	56% WB
Watertown Street west of Davis Avenue	8,500	625	7.3%	52% EB	685	8.1%	51% WB	7,000	580	8.3%	52% EB

Source: VHB; Based on automatic traffic recorder (ATR) counts conducted in April 2019.

a Average Daily Traffic (ADT) volume, expressed in vehicles per day

b Peak period traffic volumes expressed in vehicles per hour

c Represents the percent daily traffic which occurs during the peak hour

d Directional distribution of peak hour traffic

Note: Peak hours do not necessarily coincide with the peak hours of turning movement counts.

**BETA Comment:** Comment addressed.

## VEHICLE SPEEDS

### **Comment 2.4: Verify that the posted speed limits are consistent with the regulatory speed limits assigned by MassDOT.**

Response: The regulatory speed limits assigned by MassDOT for Washington Street in both directions approximately between Prospect Street and just east of Chestnut Street is 25 miles per hour (mph), and approximately between just east of Chestnut Street and Jewett Street in Newton Corner is 35 mph. The posted speed limits along Washington Street in the study area are consistent with the regulatory speed limits, with the posted speed limit changing from 25 mph to 35 mph just east of Chestnut Street.

The regulatory speed limits assigned by MassDOT for Watertown Street in both directions approximately between Washington Street and Eden Avenue is 25 mph and approximately between Eden Avenue and just west of Walnut Street is 35 mph. The posted speed limits along Watertown Street in the study area are mostly consistent with the regulatory speed limits assigned by MassDOT, except for an approximately 300-foot stretch between Eden Avenue and Davis Avenue where the regulatory speed limit is 35 mph, but the posted speed limit is 25 mph. The existing speeds recorded via ATR and presented in Table 2 of the TIAS were collected on this segment of Watertown Avenue between Eden Avenue and Davis Avenue, and therefore Table 2 in the TIAS lists the posted speed limit as 25 mph on this stretch of roadway while the regulatory speed limit is 35 mph. The peer reviewer noted in the Transportation Engineering Peer Review that based on the ATR data, along Watertown Street between Eden Avenue and Davis Avenue, the average speed is 29 mph and the 85<sup>th</sup>-percentile speed is 34 mph, which are both above the posted speed limit of 25 mph and that highlights a speed issue along Watertown Street. However, while the average and 85<sup>th</sup>-percentile speeds are both above



the posted speed limit along this segment of roadway, they are both below the regulatory speed limit of 35 mph for this segment. The regulatory speed limits assigned by MassDOT are included in the Attachments to this memorandum. It should be noted that the regulatory speed limits were assigned by MassDOT in 1972 and that as of March 2017, the City of Newton has adopted a default speed limit of 25 miles per hour on all roadways in the City that do not have a posted speed limit.

BETA Comment: Comment addressed.

**Comment 2.5: Revise Table – Existing Traffic Speed Summary to reflect the correct Watertown Street ATR location.**

Response: Table 2 – Existing Traffic Speed Summary has been updated and is provided below:

**Table 2 Existing Traffic Speed Summary**

Location	Speeds (mph)		
	Posted	Ave <sup>1</sup>	85 <sup>th</sup> <sup>2</sup>
Washington Street, west of Dunstan Street	35	EB: 34 WB: 32	EB: 39 WB: 38
Watertown Street, west of Davis Avenue	25	EB: 29 WB: 29	EB: 34 WB: 34

Based on automatic traffic recorder counts conducted on April 11 and April 27, 2019

1 Average (50th percentile) speeds.

2 85th percentile speeds.

BETA Comment: Comment addressed.

CRASH HISTORY

**Comment 2.6:** Crash data for the study area intersections were obtained from MassDOT between 2013 and 2017. Incident occurrence was also compared to the volume of traffic through each intersection to determine significance and whether potential safety problems exist. Accordingly, crash rates were calculated for each study area intersection and compared with the district-wide (MassDOT District 6) average of 0.52 MEV and 0.71 MEV for unsignalized and signalized intersections, respectively. Based on this evaluation, the following six study area intersections were noted to have experienced crash rates that exceeded the district-wide averages.

- Location 9 - Washington Street/Highland Street
- Location 10 - Washington Street/Waltham Street/Watertown Street
- Location 11 - Washington Street/Chestnut Street
- Location 26 - Webster Street/Elm Street
- Location 27 - Webster Street/Cherry Street
- Location 28 - Waltham Street/Webster Street

**Provide a timeline for the intersection improvements planned at the high crash locations 9-11.**

Response: Construction is ongoing as of March 27, 2020, on the West Newton Square Village enhancement project that includes locations 9-11 listed above. Construction is expected to be completed within a year.

BETA Comment: Comment addressed.

**Comment 2.7:** Of these high crash rate locations, improvements are not planned for some of the intersections (locations 26, 27, and 28). **The Applicant should coordinate with the Newton Director of Transportation Operations to identify safety improvement measures that should be considered.**

Response: Improvements at locations 26, 27, and 28 may be considered in the future as the context of the complete project mitigation becomes more clear.

BETA Comment: Road Safety Audits should be considered for locations 26, 27, and 28.

## HIGHWAY SAFETY IMPROVEMENT PROGRAM

**Comment 2.8:** In accordance with MassDOT Transportation Impact Assessment Guidelines, an RSA shall be conducted in the place of a safety review for those locations considered HSIP-eligible. Accordingly, an RSA or Pedestrian Assessment, pending a conversation with MassDOT, should be completed during the early project stages to help identify appropriate improvements. The intersections of Washington Street/Highland Street, Washington Street/Waltham Street/Watertown Street, and Washington Street/Chestnut Street are high crash locations and are MassDOT HSIP eligible, however, they are currently being redesigned. **The intersection of Washington Street/Davis Court/Jacob's Auto Sales Driveway is a HSIP and located near the site, therefore, considerations should be given to conduct an RSA or Pedestrian Assessment at this location before the mitigation measures can be finalized.**

Response: Our understanding is that a future development is being contemplated at this location and if so we would anticipate this work being incorporated into that proposal.

BETA Comment: We encourage the Applicant to coordinate with the City on the issue as we are not aware of potential mitigations from other projects being considered (also see Comment 5.4).

## PEDESTRIAN AND BICYCLE FACILITIES

**Comment 2.9:** The following existing conditions should be noted regarding pedestrian and bicycle facilities:

- There is currently no sidewalk or curb on either side of Dunstan Street in the segment that is designated a private road north of Washington Street.
- There is no sidewalk or curb on the east side of Dunstan Street in the segment that is designated a public road.
- The sidewalk and curb on the west side of Dunstan Street in the segment that is designated a public road is in poor condition.
- The sidewalk segment over Cheesecake Brook on the east side of Dunstan Street is in poor condition.
- The asphalt sidewalk and granite curb along the project frontage on the north side of Washington Street is in poor condition.
- The concrete sidewalk and granite curb along the project frontage on the north side of Washington Street is in fair condition, except in front of building #1149, which has newer concrete sidewalk and granite curb.
- Pedestrian ramps are missing or are non-ADA compliant along the project frontage on the north side of Washington Street.
- Pedestrian ramps and pedestrian signals are non-compliant at several study intersections.
- Many of the pedestrian signal heads and pushbuttons are inconsistent at each intersection. At least three different types of pedestrian signal heads were observed within the study area and multiple different pushbuttons were observed.
- The pedestrian pushbutton on the northeast corner of the Washington Street at Elm Street intersection does not work.

Response: The preceding existing pedestrian and bicycle accommodations have been noted. It should be noted that the Project will be adding a sidewalk on the east side of Dunstan Street between Washington Street and Cheesecake Brook where one does not currently exist and will be reconstructing the sidewalk on the north side of Washington Street in front of the Site. In addition, the pedestrian accommodations along Washington Street between Elm Street and Chestnut Street, such as sidewalks, crosswalk ramps, crosswalks, and pedestrian signal equipment, will be reconstructed as part of the West Newton Square Village enhancements that are currently under construction.

BETA Comment: Please confirm that the project will be repaving both sides of the portion of Dunstan Street designated as a private roadway. The Applicant should consider upgrading the sidewalk segment on the east side Dunstan Street over Cheesecake Brook, which is in poor condition. This will benefit both project residents and well as the general public.

## PUBLIC TRANSPORTATION

**Comment 2.10: The existing ridership levels for MBTA Bus Routes 553, 554, and 170; and the West Newton Commuter Rail Station for weekday peak periods should be provided. Boarding and alighting information at each bus stop near the project site and West Newton Station should be provided.**

Response: A separate transit analysis report has been completed and is included in the Attachments to this memorandum. The transit analysis report includes the existing ridership levels and boarding and alighting information for the MBTA services near the Site.

**BETA Comment:** Comment addressed.

**Comment 2.11: It should be noted that no bus shelters are provided at any of the MBTA bus stops in the vicinity of the project.**

Response: The Applicant is committed to work with the city and MBTA to install a bus shelter at the bus stop closest to the site.

**BETA Comment:** The Applicant should consider providing a bus shelter on each side of Washington Street.

**Comment 2.12: The TIAS on page 18 states that the West Newton Station is approximately ¼ mile west of the site and approximately a five-minute walk to the west side of the project site. The actual walking distance appears to be closer to ½ mile and approximately a 10-minute walk.**

Response: It has been noted that the actual walking distance from the Site to the commuter rail station is closer to ½-mile than ¼-mile and that the walking time is approximately 10-minutes.

**BETA Comment:** Comment addressed.

## 3.0 3.0 FUTURE CONDITIONS

### 3.1 ANALYSIS YEAR

**Comment 3.1: While we concur that the seven-year design horizon is considered to be the typical future time period to evaluate traffic conditions in Massachusetts, the Applicant should confirm that the proposed development will not be phased and the full build-out of the project is expected to be completed by 2026. Should the Dunstan Development be phased and/or not completed by 2026, then the project's impacts will need to be evaluated under other design horizons.**

Response: It is expected that the Project will be constructed in one phase and will be fully built-out by 2026.

BETA Comment: Comment addressed.

## SITE-SPECIFIC TRAFFIC GROWTH

**Comment 3.2:** The following two projects were not included in the list of other site-specific projects in the TIAs:

- 15 Riverdale Avenue Project. Proposed 204 dwelling units and 5,000 SF commercial space located near Watertown. Currently going through Comprehensive Permit process.
- Sunrise Assisted Living and Memory Care Facility, 431 Washington Street. Project is currently under construction and will provide 85 suites.

**These two projects should be considered for their potential traffic impact on the study roadways and intersections. No-Build and Build traffic volumes and analysis results should be revised if necessary.**

Response: The site-specific projects included in the TIA were based on a list of projects provided by the City of Newton Planning Department in April 2019 in the West Newton, Newtonville, Auburndale, and Nonantum neighborhoods. The Sunrise Assisted Living and Memory Care Facility and the 15 Riverdale Avenue project were not provided in the list of projects to include by the City of Newton Planning Department and therefore was not included in the TIA.

However, the traffic impact assessments have been reviewed for both projects to determine the potential impacts on the study area intersections. The TIA for the Sunrise Assisted Living and Memory Care Facility (VHB, March 2017) estimates that 5 trips and 7 trips will be generated from the west on Washington Street during the weekday morning and weekday evening peak hours, respectively. Since this project is over 1.5 miles east of the site, it is expected that the majority of those trips will turn onto or off-of Washington Street prior to reaching the site, resulting in very few additional trips added to Washington Street through the study area. Similarly, the TIA for 15 Riverdale Avenue (MDM, December 2019) estimates that 32 trips and 31 trips will be generated from the west on California Street during the weekday morning and weekday evening peak hours, respectively, and 9 trips will be generated from the south on Bridge Street during both the weekday morning and weekday evening peak hour. Since this project is over two miles north of the site, it is expected that the majority of those trips will turn onto or off-of other roadways before reaching the site, resulting in few additional trips added to the study area.

In addition to the site-specific growth included in the TIA, a general background growth rate of 0.5-percent per year was applied to the 2019 Existing traffic volumes to generate the 2026 No-Build and Build traffic volumes. This growth rate was applied to account for general traffic growth on the local roadway network and to account for additional site-specific projects that were not specifically included. Therefore, the minimal traffic volumes that will be generated by Sunrise Assisted Living and Memory Care Facility and by the 15 Riverdale Avenue project through the study area are incorporated into the 0.5-

percent annual growth rate and are accounted for in the No-Build and Build traffic volumes.

BETA Comment: Comment addressed.

## ROADWAY IMPROVEMENTS

**Comment 3.3:** BETA concurs with the methodology of including/excluding these roadway improvement measures in future traffic-volume conditions.

Response: No response is required.

## PROJECT-GENERATED TRIPS

**Comment 3.4:** Parking will include two underground parking garages with 286 spaces, five surface off-street spaces, and 11 on-street spaces (six on Kempton Place and five on Washington Street). **Please clarify if the 11 on-street parking spaces are included in the overall parking supply for the project.**

Response: Since Kempton Place will be a private way and Washington Street will be a public way, the five on-street parking spaces along Kempton Place are included in the overall parking supply for the project while the five on-street parking spaces along Washington Street are not included in the overall parking supply for the project. The overall parking supply for the project consists of 294 parking spaces (284 spaces in the two underground garages, five on-street (Kempton Place) surface spaces) and five existing spaces behind 1149 Washington Street.

BETA Comment: Comment addressed.

## EXISTING SITE-GENERATED TRAFFIC

**Comment 3.5:** No traffic turning movement counts were conducted for the driveway serving the Eastern Insurance office building at 1149 Washington Street which will remain as part of the project. **Weekday peak hour traffic volumes should be estimated to determine the existing vehicular activity for this building and level of office space occupancy determined. The estimated vehicle trips for the office building should be added to Table 4 Existing Site Trip Generation. However, because these uses will remain, they should not be included in the total new vehicle trips in Table 8 Project-Generated Peak-Hour Vehicle Trips by Use.**

Response: According to the ITE *Trip Generation 10th Edition* publication, and using the average rate for peak hour trips generated by for an office building, the 8,222-square-foot office building at 1149 Washington Street would generate approximately 10 vehicle trips (8 entering/2 exiting) during the weekday morning peak hour, 9 vehicle trips (8 entering/1 exiting) during the weekday evening peak hour, and 4 vehicle trips (2 entering/2 exiting)

during the Saturday midday peak hour at occupancy. Based on our observations and information from the Applicant, the office building is not at full occupancy, so the trip generation estimations would likely be lower in reality and therefore the average rates provide a more accurate representation of the office use than the regression equations.

The trips generated by 1149 Washington Street were not included in Table 4 or Table 8 in the TIA because the office building itself is not expected to be impacted by the Project and therefore the level of trips generated by the office building is expected to be the same with or without the Project. However, the Project will affect the surface parking lot of 1149 Washington Street, reducing the size of the parking lot from 20 parking spaces to 5 spaces. To supplement this loss of parking, employees and visitors of 1149 Washington Street will have access to the proposed parking garage under Buildings 1 and 2. While the starting/ending points for some trips generated by 1149 Washington Street may shift with the Project in place, this is only expected to be a handful of trips due to the low level of trips generated by the office buildings and due to the fact that the amount of trips generated is not expected to change.

**BETA Comment:** Comment addressed.

## UNADJUSTED PROJECT-GENERATED TRAFFIC

**Comment 3.6:** It is noted that some types of retail stores and fast-food restaurants may generate more peak hour vehicle trips than are estimated using the shopping center land use. **The Applicant should identify if these type of commercial land uses will be considered for the project.**

**Response:** While at this time it is not known what the specific businesses will occupy the retail on-site, the uses are expected to be small-scale businesses (2,000 sf on average) that attract more local customers than regional customers. The businesses on this site will likely not include high-generating traffic uses such as fast food restaurants or big-box stores. It should also be noted that none of the businesses will include a drive-through, which would generate more vehicle trips than a business without a drive-through.

**BETA Comment:** Comment addressed.

**Comment 3.7:** The following changes should be made to Table 5: Project Trip Generation – New Unadjusted Vehicle Trips in the TIAS:

- Because the R-squared value is less than 0.75 for the Residential Weekday Morning, Weekday Evening, and Saturday Daily, the regression formula should be used to calculate trips instead of the average rate. Therefore, these trips should be changed from 82 to 88, 105 to 107 and 1,158 to 1,198, respectively.
- The Total New Unadjusted Vehicle Trips for Weekday Morning should be changed from 140 to 240.

Response: While the  $R^2$  values are below 0.75 for the residential land use during some time periods, the regression equations were used for all periods to calculate the site generated vehicle trips because there are more than 20 data point provided for the mid-rise residential land use code in the ITE Trip Generation Manual. As illustrated in Figure 4.2 of the ITE Trip Generation Handbook, it is applicable to use the fitted curve equation when there are more than 20 data points for a land use, regardless of the  $R^2$  value. It is correct that the Total New Unadjusted Vehicle Trips for the weekday morning should state 240 vehicles instead of 140 vehicles. New traffic generation based on revised program results is 234 trips (unadjusted) during the weekday morning peak hour.

BETA Comment: Comment addressed.

**Comment 3.8:** In Table 5: Project Trip Generation – New Unadjusted Vehicle Trips in the TIAS, the Retail trips are based on the regression equations which result in significantly higher trips (particularly for Daily Weekday and Saturday) than trips calculated using average rates. It is noted that the actual number of trips generated by the retail uses may be higher or lower than what is presented in the TIAS. **It is important to note that greater accuracy in estimating trips generated by the retail component of the project cannot be made until specific retail uses are identified.**

Response: The regression equations were used to estimate the retail-generated trips instead of the average rates based on the methodology illustrated in Figure 4.2 of the ITE Trip Generation Handbook. While using the regression equations do result in a higher level of trip generation than the average rates, it provides a more conservative estimate of the number of trips expected to be generated. As stated in the response to Comment 3.6, the specific retail uses are not expected to be known until tenanting of the project starts. However, given that the average retail store is estimated at 2,000 sf, the Project is not expected to contain retail uses that are known as high generators, such as fast food restaurants with drive throughs or big-box stores, the retail trip generation estimate presented in the TIAS is considered to be an accurate representation based on the amount of information currently available.

BETA Comment: Comment addressed.

## MODE SHARE SPLITS

**Comment 3.9:** The US Census Bureau recently released 2018 data (January 23, 2020). At the meeting on February 25, 2020 with City, Applicant, and VHB, **BETA requested that VHB evaluate mode share with the new data.** In addition, **BETA requested mode share be reviewed for the project census block.** VHB provided mode share comparison in an email dated March 6, 2020. The results showed that the transit mode share for Newton overall increased from 12% (not including work at home trips) to 13%, but the mode share for the project census block is only 10%. VHB suggested continuing to use 12% transit mode share for the residential portion of the project. BETA acknowledges that the 12% transit mode share is reasonable to use for the analysis, and there would be no significant differences between applying 10% or 13% transit mode share. It is also noted that due to Transportation Demand Management strategies proposed as part of the project, the



transit mode share may increase above 13% in the future, but the 12% is reasonable for analysis purposes.

Response: No response is required.

**Comment 3.10:** It is noted that project mode shares shown above do not include persons who work at home (9.5% in Newton). The TIAS removed the work at home residents from the mode share equation. This presents a conservatively high share for the other modes. BETA finds this methodology to be reasonable.

Response: No response is required.

## PASS-BY TRIPS

**Comment 3.11:** Change Grove Street to Washington Street in Pass-By Trips text on page 40 of the TIAS.

Response: It is correct that the text in the Pass-By Trips section on Page 40 of the TIAS should say “Washington Street” instead of “Grove Street”. This has been updated in the supplemental traffic generation memo dated May 11, 2020.

[BETA Comment: Comment addressed](#)

## 4.0 TRANSPORTATION OPERATIONS ANALYSIS

### SIGNALIZED INTERSECTION CAPACITY ANALYSIS

**Comment 4.1:** The TIA stated that the analysis was done based on the methodology and procedures set forth in the Highway Capacity Manual (HCM). Based on a review of the capacity analysis worksheets provided in the Appendix, which match the capacity analysis tables, the Synchro analysis data sheets do not show HCM data output. **Provide HCM 2010 analysis results.**

Response: The intersection capacity analyses were performed using Synchro software. Within the Synchro software, the results of the intersection capacity analyses can be based on several different methodologies, including the HCM method (under various editions) and the percentile delay method. While the unsignalized intersection capacity analysis results reported for the Project are based on the HCM 2010 methodology, the signalized intersection capacity analysis results reported for the Project are based on the percentile delay methodology, which is what is included in the Appendix to the TIAS. The percentile delay method was used for signalized intersections instead of the HCM method because the HCM 6<sup>th</sup> Edition and HCM 2010 methodology can only be used to report intersections with typical geometric approaches that follow standard NEMA timing and phasing (as outlined on Pages 15-1 and 16-1 of the Synchro Studio 10 User Guide). Since not all signalized study area intersections have typical geometry or follow standard NEMA timing and phasing, the HCM 6<sup>th</sup> Edition and HCM 2010 methods cannot be used to produce results for all signalized study area intersections. In order to provide results based on a

consistent methodology for all of the signalized intersections, the percentile delay method is used for all reporting instead. It should be noted that using the percentile delay method to report signalized intersection capacity analysis results is consistent with the analyses completed for several other recent development projects in the City of Newton, including Washington Place, Riverside, and the Northland Newton Development.

BETA Comment: Comment addressed.

**Comment 4.2:** Based on conversations with the City, they are considering changes to the signal phasing at the intersection of Washington Street and Lowell Avenue by adding a 4-section signal head to create a lead Washington Street westbound movement. It is understood that the Applicant is aware of this change, but it was not included in the No-Build and Build analyses. **Provide analysis results so the City can review the impacts of adding the lead westbound movement.**

Response: Intersection capacity analyses at the intersection of Washington Street and Lowell Avenue have been updated to reflect the modification of the signal to add a lead westbound left-turn movement. A summary table of the intersection capacity analysis results and the capacity worksheets are included in the Attachments to this memorandum. As shown in the summary table, with the revised signal timings the intersection is expected to operate at an overall LOS E during the weekday morning and weekday evening peak hours and at an overall LOS D during the Saturday midday peak hour under the 2026 No Build and 2026 Build Conditions. The intersection is expected to maintain overall LOS during all peak hours with the addition of the Site-generated traffic.

It should be noted that based on conversations with the City of Newton Department of Public Works, these improvements are not expected to be implemented in the near future due to the additional signal heads and posts that are required to add the leading westbound left-turn movement. Therefore, the capacity analysis results are included for informational purposes only and the analyses provided in the TIA represent the actual conditions that are expected to be in place under the 2026 No Build and 2026 Build Conditions.

BETA Comment: Comment addressed.

**Comment 4.3:** Based on a review of the capacity analysis worksheets provided in the Appendix, it was noted that at the Washington Street and Walnut Street intersection, an exclusive pedestrian phase was included in the No-Build and Build analysis, but the proposed plans dated December 7, 2018 show a concurrent ped phase. **Clarify this inconsistency.**

Response: The No-Build and Build analyses at the intersection of Washington Street and Walnut Street are based on the PS&E submission dated April 5, 2019. These plans are more recent than the December 7, 2018 plans and include an exclusive pedestrian phase at the intersection. The April 5, 2019 signal plans are included in the Attachments to this memorandum.

BETA Comment: Comment addressed.

## SIGNAL WARRANT ANALYSIS

**Comment 4.4:** Warrant 1 - Eight-Hour, Warrant 2 – Four Hour, and Warrant 3 – Peak Hour were examined. Signal warrant criteria, which was based on future build volumes, was not met for any of the three warrants. The results of Warrant 1 were an assumption based on the four hours of traffic volume data collected by turning movement counts. The reason being that if the 4-hour warrant criteria were not met with the peak four hours of a day, then the volumes for the remaining hours would be lower and the 8-hour warrant would not meet. **This is a reasonable assumption; however, BETA does not recommend including Warrant 1 in the summary table unless at least eight hours of traffic volume data were collected at the intersections which is typically done in preparation of a signal warrant analysis.**

Response: This comment has been noted.

## TRANSIT OPERATIONS

**Comment 4.5:** The TIAS does not include an analysis of the impact of project-generated person trips on transit service. **An analysis should be provided that shows the distribution of project walk to transit trips and a capacity analysis of Build conditions during the weekday peak periods on the MBTA bus and commuter rail service. The capacity results should be compared to 2026 No-Build results.**

Response: A separate transit analysis report has been completed and is included in the Attachments to this memorandum.

**BETA Comment:** The analysis and results are acceptable. Comment addressed.

## 5.0 PROPOSED MITIGATION AND SITE ACCESS

### PROPOSED SIGNAL TIMING MITIGATION AND OPERATIONS WITH MITIGATION

**Comment 5.1:** Although the eastbound movement during the PM peak hour would improve from LOS E to LOS D at the intersection of Washington Street at Prospect Street, the westbound movement would continue to operate at LOS F. **Additional measures to improve traffic operations at this intersection should be considered.**

Response: Improvements at Washington Street and Prospect Street may be considered in the future as context of the complete project mitigation becomes more clear.

**BETA Comment:** Signal timing adjustments can be considered. Comment addressed.

**Comment 5.2:** As noted in Section 4.1.1, the Washington Street at Auburn Street would operate at an overall LOS F during the Build PM peak period with additional movements operating at LOS F during the AM peak hour. **Considering signal timing adjustments were proposed**

**at the adjacent signal of Washington Street/Prospect Street, signal timing adjustments should be provided to improve operations at the Washington Street at Auburn Street intersection.**

Response: Improvements at Washington and Auburn Street may be considered in the future as context of the complete project mitigation becomes more clear.

**BETA Comment: Signal timing adjustments can be considered. Comment addressed.**

**Comment 5.3:** In addition, as noted in Section 4.1.1, the Washington Street eastbound through movement at the Washington Street at I-90 Eastbound On-Ramp intersection, under MassDOT jurisdiction, would continue to operate at LOS F under Build conditions. **Signal timings adjustments should be considered for this intersection.**

Response: Improvements at Washington Street and I-90 Eastbound on-ramp may be considered in the future as context of the complete project mitigation becomes more clear.

**BETA Comment: Signal timing adjustments can be considered. Comment addressed.**

**Comment 5.4:** As noted in Section 2.2.4, the following intersections within the study area are part of an HSIP cluster and in close proximity to the site.

- Location 12 - Washington Street/Davis Court/Jacob's Auto Sales Driveway
- Location 18 - Watertown Street/Eden Avenue
- Location 19 - Watertown Street/Davis Court

**Consideration should be given to including pedestrian safety improvements at these intersections.**

Response: Improvements at HSIP cluster may be considered in the future as context of the complete project mitigation becomes more clear.

**BETA Comment: Project pedestrians will often walk through the intersection of Washington Street/Davis Court/Jacob's Auto Sales Driveway. Sidewalk and pedestrian ramp improvements should be considered at this location (also see Comment 2.8).**

## PEDESTRIAN AND BICYCLE FACILITIES

**Comment 5.5:** The Newton Street Design Guide (June 2018) requires a five-foot wide sidewalk pedestrian zone and an additional two feet of width to accommodate amenities such as trees and streetscape elements on local streets. The site plans show that most proposed sidewalks will meet these guidelines except for the Dunstan Street sidewalk south of the garage driveway (four feet wide sidewalk) and Kempton Place east side fronting the Auto glass building. **Confirm that all sidewalks will provide a minimum five feet clear effective width and ensure that the design of the sidewalks along Washington Street include a**

**furniture zone flexible enough to incorporate bike racks that provide convenient access to the retail businesses.**

Response: All proposed sidewalks will provide a minimum five-foot clear effective width and the sidewalk along Washington Street will include a furniture zone of at least five feet that is flexible enough to incorporate bike racks. Approximately eight bike racks will be included along the Washington Street sidewalk furniture zone.

BETA Comment: Comment addressed.

**Comment 5.6: The minimum offsets for sidewalk amenities and furniture shown in the Newton Street Design Guide should be followed.**

Response: The minimum offsets for sidewalk amenities and furniture as shown in the Newton Street Design Guides have been followed.

BETA Comment: Comment addressed.

**Comment 5.7: The Dunstan project proposes to reconstruct the sidewalk along the site frontage consistent with the Washington Street Vision Plan. It also recommends that sidewalk improvements at the intersections of Washington Street at Kempton Place and Dunstan Street not preclude the installation of future signal equipment. **Identify if signal equipment is being considered in the future at the intersections of Washington Street/Kempton Place and Washington Street/Dunstan Street.****

Response: Signal equipment is not currently being considered in the future at the intersections of Washington Street at Kempton Place and Washington Street at Dunstan Street. As noted in the TIAS, neither of these intersections are expected to warrant a traffic signal under the 2026 Build Conditions. However, the design of each intersection will not preclude the ability to install signal equipment at some point in the future if the traffic volumes do one day meet the thresholds to warrant signals at either of these locations.

BETA Comment: Comment addressed.

**Comment 5.8: A crosswalk should be provided across the Dunstan Street garage entrance.**

Response: A crosswalk is provided across the Dunstan Street garage entrance and is reflected on the updated site plans dated April 28, 2020.

BETA Comment: Site Plan C-3.0 dated April 28, 2020 does not show the crosswalk (also see Comment 5.13).

**Comment 5.9: Four bicycle racks to accommodate 32 bicycles are shown along Washington Street on the Site Materials sheet L1.1. This meets the zoning requirement 5.1.11 for 29 bicycles. **The building site plans show a total of 455 bicycle parking spaces in the garages. Bicycle****

**parking areas are shown in the southeast corners of both garages and both levels. Verify that these areas will accommodate 455 bicycles to match the building site plans.**

Response: These areas identified in the parking garages will be designed to accommodate 455 bicycles as shown on the site plans.

BETA Comment: Comment addressed.

**Comment 5.10: Will residents of Building 3 and employees of 1149 Washington Street be allowed to use the open space between Buildings 2 and 3? Will residents of Buildings 1 and 2 have access to the open space at Building 3? If so, will they have access through Buildings 3?**

Response: The open space between Buildings 1 and 2 will be open to the public and therefore will also be open to residents of Buildings 3 and employees of 1149 Washington Street. Residents of buildings 1 and 2 will also have access to the open space at Building 3. They will have access to the space through a key fob.

BETA Comment: Comment addressed.

**Comment 5.11: No crosswalks are shown across Kempton Place between Buildings 2 and 3. A crosswalk should be considered to provide pedestrian access between the two buildings if pedestrian crossings are anticipated.**

Response: The street profile does not allow for a crosswalk at this location due to the slope on Kempton Place; however, pedestrians needing to cross Kempton Place can use the crosswalk provided at Washington Street or the raised profile along Brook Street.

BETA Comment: Comment addressed.

**Comment 5.12: Will the open spaces be accessible by the public?**

Response: The courtyard between Buildings 1 and 2 and the boardwalk along Cheesecake Brook will be accessible to the public.

BETA Comment: Comment addressed.

**Comment 5.13: The site plan and Site Detail 1 Plan show crosswalks with two lines that are eight feet wide. Crosswalks should use continental striping and be nine feet wide according to the Newton Street Design Guide.**

Response: All proposed crosswalks have been updated to have continental striping and all crossings are at least nine feet wide, according to Newton Street Design Guide. The revised crosswalks are reflected in the updated site plans dated April 28, 2020.

BETA Comment: Crosswalks were shown across the two garage driveways on Kempton Place in the previous Site Plan C-2.0 dated November 25, 2019. Crosswalks should be

provided here, as well as at the garage driveway on Dunstan Street (also see Comment 5.8).

**Comment 5.14: Will the proposed boardwalk along Cheesecake Brook be open to the public? Will it be accessible to people with disabilities?**

Response: The proposed pedestrian way along Cheesecake Brook will be open to the public and will be accessible to people with disabilities.

BETA Comment: Comment addressed.

**Comment 5.15: Provide a pedestrian ramp on the northeast corner of Washington Street and Dunstan Street.**

Response: A pedestrian ramp is proposed on the northeast corner of Washington Street and Dunstan Street and is reflected in the updated site plans dated April 28, 2020.

BETA Comment: A companion pedestrian ramp should be considered on the northwest corner of Washington Street and Dunstan Street.

## PROPOSED SITE ACCESS

**Comment 5.16: Access to the project will be provided by four locations:**

- One garage driveway on the east side of Dunstan Street at Building 1
- One garage driveway on the west side of Kempton Place at Building 2
- One garage driveway on the east side of Kempton Place at Building 3
- Brook Street – a private road proposed as part of the project that provides access to the rear of the project site and access between Dunstan Street and Kempton Place

Each of the garage driveways is shown as 24 feet wide, which meets zoning standard 5.1.7.D.

Response: No response is required.

**Comment 5.17: Kempton Place and the private segment of Dunstan Street are shown as 22-foot wide two-way roadways and Brook Street is shown as a 20-foot wide two-way roadway. These are acceptable. All three roadways are shown with double-yellow centerlines. The Newton Street Design Guide indicates centerlines are required on streets with over 6,000 vehicles per day and over a 20-foot wide traveled. **The Applicant should consider removing the centerline on Brook Street.****

Response: A centerline has been included along Brook Street to inform motorists that the roadway carries two-way traffic and to be consistent with the centerline that is included on

Kempton Place. If requested by the City of Newton, the Applicant will remove the centerline on Brook Street.

BETA Comment: Comment addressed.

**Comment 5.18:** The Newton Street Design Guide recommends using permeable pavement. **Will permeable pavement be used for any portion of the project such as private roadways and surface on-street Parking?**

Response: Permeable pavers will be located within the furniture zone along the back of roadway curb along Washington Street, Dunstan Street, and Kempton Place.

BETA Comment: Comment addressed.

**Comment 5.19:** **Has the Newton Fire Department reviewed the site plan for emergency vehicle access?**

Response: The Newton Fire Department has reviewed the site plan for emergency vehicle access and has signed-off on the plans. The approved emergency vehicle access plans have been submitted to the Newton Planning Department.

BETA Comment: Comment addressed.

**Comment 5.20:** The Site Plan shows Brook Street as flush with the curb and sidewalk. It is shown on the plan as "(PUBLIC)". **Please confirm this is a PRIVATE Road. Additional signage and pavement markings may be required on Brook Street to indicate that the street is intended to be shared by vehicles, pedestrians and bicycles (woonerf). Speed advisory signs of 10 MPH should be considered. What is proposed to delineate the change from roadway to sidewalk (e.g. bollards)? Details should be shown as how the raised roadway transitions into Dunstan Street and Kempton Place. Provide details of the proposed sidewalk and boardwalk along Cheesecake Brook.**

Response: Brook Street will be a private road. The roadway will be flush with the sidewalk level and bollards will be placed to differentiate the roadway from the sidewalk. Paving materials will be consistent between the roadway and the sidewalk in order to create the sense that this will be a shared street. While no speed advisory signs are currently proposed along Brook Street, the roadway has been designed to meet City of Newton standards and the Applicant will consider the installation of speed advisory signs in the future. Details showing how the raised roadway transitions into Dunstan Street and Kempton Place are shown in the grading plan included in the revised site plans dated April 28, 2020, and details showing the proposed pedestrian area along Cheesecake Brook are also included in the revised site plans dated April 28, 2020.

BETA Comment: Comment addressed.



**Comment 5.21:** Site Details 1 shows a raised crosswalk. **Are any raised crosswalks proposed? A crosswalk should be considered between the project's courtyard and the north side of Brook Street.**

Response: No raised crosswalks are proposed on the Site. Brook Street will be flush at sidewalk-level between the project's courtyard and the north side of Brook Street and therefore no crosswalk will be necessary as the design allows for pedestrian crossings anywhere along Brook Street. See the response to Comment 5.20 on how Brook Street will be designed as a shared street.

BETA Comment: Comment addressed.

**Comment 5.22:** The garage driveways on Kempton Place are offset from one another. **Consider realigning the driveways across from each other to create a four-way intersection.**

Response: The design team has looked into creating a four-way intersection on Kempton Street at the garage driveways. However, due to design considerations of Buildings 2 and 3, a four-way intersection is not feasible at this location.

BETA Comment: Comment addressed.

**Comment 5.23:** Provide cross sections for all roadways.

Response: Typical cross-sections are included in the updated site plans that have been submitted to the City of Newton.

BETA Comment: Comment addressed.

## CURBSIDE AND SERVICE / LOADING ACTIVITY

**Comment 5.24:** Indicate where loading/drop-off/pick-up areas will be designated on Kempton Place and Dunstan Street. Will these areas be used for deliveries to the three buildings?

Response: A pick-up/drop-off area has been added to the east side of Kempton Place adjacent to the Building 3 lobby and is reflected on the revised site plans dated April 28, 2020. Pick-up/drop-off operations and deliveries can use the designated pick-up/drop-off areas along Washington Street and Kempton Place. The pick-up/drop-off areas are located near the lobby entrances to all three buildings in order to provide ease of access for pick-up/drop-off passengers and loading activities.

BETA Comment: Comment addressed.

**Comment 5.25:** Per Newton Zoning, one off-street loading bay is required for the 12,140 feet proposed of commercial space. None are shown on the project site plan. **How will truck loading/deliveries occur for each building: on-street and garages? Are any truck loading docks proposed? Would truck deliveries for the retail stores along Washington Street**

**use the two designated pick/drop-off areas? How will garbage trucks access each building?**

Response: All truck loadings and deliveries for the retail space are expected to take place in the two designated pick-up/drop-off areas on Washington Street. While the total proposed square footage of retail on-Site will be 8,318 sf, that will be made up of individual retail spaces consisting of less than 2,500 square feet each. Due to the small sizes of each retail space, deliveries are expected to take place via box trucks and smaller vehicles and all loading operations are expected to be accommodated in the two designated pick-up/drop-off areas on Washington Street. Garbage for each building will be collected in garbage areas under each building and will be wheeled out to Kempton Place to be picked-up by a trash truck on designated garbage removal days.

BETA Comment: Comment addressed.

**Comment 5.26:** There is a loading area striped in the rear parking lot of the building 1149 Washington Street. **What is the intended use for this loading area and how would trucks maneuver in and out of this space?**

Response: The space is striped off from being used as a parking space as it is located directly across from the relocated existing dumpster. Trash vehicles will access the relocated existing dumpster the same way as they do under existing conditions.

BETA Comment: Comment addressed.

## TRANSPORTATION NETWORK COMPANIES (TNC) OPERATIONS

**Comment 5.27:** Are the pickup/drop-off areas on Washington Street designated for TNC vehicles? The Applicant should explain why the proposed pickup/drop-off areas cannot be accommodated on-site.

Response: The pick-up/drop-off areas on Washington Street will be designated for all pick-up/drop-off and loading activities, not specifically for TNCs. An additional pick-up/drop-off area has been added on Kempton Place adjacent to the Building 3 lobby and is included on the revised site plans dated April 28, 2020. While TNC operations will also take place on-Site, there is no way to prevent TNC drivers from dropping off passengers along Washington Street. Since these operations are expected to occur regardless of what precautions are put in place, pick-up/drop-off areas have been designated along Washington Street to ensure that a travel lane along Washington Street will not be blocked because of pick-up and drop-off operations. The pick-up/drop-off areas are located close to the building lobbies and will demarcated with signs to provide a convenient location for residents of each building. As stated in the response to Comment 5.28 below, there are currently five on-street parking spaces along this section of Washington Street and those five spaces will remain. The pick-up/drop-off areas will be created from addition curb space gained from closing several curb cuts along Washington Street.

BETA Comment: Comment addressed.

**Comment 5.28:** The proposed plan shows that approximately four on-street parking spaces would be eliminated on Washington Street in front of the project site to create two pickup/drop-off zones. **It is important to maintain on-street spaces in front of the proposed retail uses. Did the Applicant consider the importance of maintaining the spaces in front of the proposed retail uses?**

Response: Under existing conditions there are only five on-street parking spaces on the north side of Washington Street between Kempton Place and Dunstan Street due to the many curb-cuts that currently exist. The same number of on-street parking spaces available today are proposed in the future. The additional curb space created due to reducing the number of curb cuts is proposed to be used as a dedicated pick-up/drop-off areas in order to eliminate the potential of vehicles double-parking along Washington Street and blocking a lane of through traffic. This methodology of maintain the existing number of on-street parking spaces and designating additional curb space to pick-up/drop-off operations is consistent with the design of the currently-under construction Washington Place project on the corner of Washington Street and Walnut Street. In addition, it is expected that the retail demand parking will be accommodated in the underground parking garage below buildings 1 and 2.

**BETA Comment:** Comment noted. It is reasonable to assume that customers to the retail uses will also, and perhaps preferentially, use the on-street parking spaces on both sides of Washington Street and on Kempton Place.

## NUMBER OF PARKING SPACES REQUIRED

**Comment 5.29:** The proposed 291 off-street parking spaces for the project falls into the lower range of parking supply based on TOD guidelines (211 to 445 spaces). For the project to fall within the TOD range of parking spaces, the average space per dwelling unit would need to be below 1.0. A Transportation Demand Management (TDM) technique of “Unbundling” parking costs from rent/leases so that residents with vehicles will pay more to allow access to the parking garage is listed as a potential measure on page 76 of the TIAS. **Will the Applicant commit to this program which means some units would not have parking spaces?**

Response: The Applicant is proposing to provide one parking space per residential unit. The cost of the parking space will be unbundled from the rent/lease for the market-rate units and it will be included in the rent/lease of the affordable units.

**BETA Comment:** Comment addressed. Additional information on parking operations provided by Applicant in Dunstan East: Operation Memos, 5/6/20.

**Comment 5.30:** Using shared parking areas with different peak parking demands for land uses within a mixed-use development can reduce the total number of parking spaces required. **Would**

**a shared-parking arrangement be provided in the garages to accommodate peaking parking demand for the mix of land uses on-site? (See comment 5.49).**

Response: To simplify proposed operations and because only two different land uses are proposed on-Site, shared parking is not currently proposed with this Project. However, there is an opportunity to use the office parking (20 spaces) on nights and weekends for additional residential guest parking.

It should be noted that this assignment of parking spaces is consistent with the recommended parking guidelines outlined by the peer reviewer in the Transportation Engineering Peer Review. In that document, BETA noted that to follow the TOD parking guidelines, which encourage lower vehicle use near transit, the Site would need between 183 and 366 residential spaces, between 19 and 37 retail spaces, and between 9 and 42 office spaces for the existing commercial building at 1149 Washington Street. Based on the parking guidelines, the Project is expected to provide a level of parking consistent with the goals of the City of Newton without needing to have shared parking between residential and commercial uses.

**BETA Comment:** It is noted that there are three land uses proposed (residential, office, and commercial). We recommend using office parking spaces for additional residential guest parking on nights and weekends (also see Comment 5.49).

**Comment 5.31:** The office building at 1149 Washington Street currently has 20 parking spaces in its parking lot (with a calculated demand between 9 and 37 spaces). The site plan shows that the number of parking spaces in the lot will be reduced to five spaces. **Is it assumed that the five spaces in the lot will be reserved for visitors/customers of the office building? Will additional visitors and employees be directed to the Building 3 parking garage? Could they share spaces with the residences of Building 3?**

Response: There are currently 19 parking spaces at 1149 Washington Street, however we plan to provide 20 spaces. The intent is to reserve the remaining 5 spaces on the existing surface lot as well as reserving 15 spaces within the garage in order to maintain the existing parking count. In off hours, i.e. nights and weekends, the intent is to use those spaces as guest parking spaces for residential units.

**BETA Comment:** It is reasonable to assume that visitors to the office building would use the five spaces in the parking lot and/or the on-street spaces on Washington Street, versus parking in the garage. Is this the intent?

**Comment 5.32:** The site plan shows six on-street parking spaces on the west side of Kempton Place which is a private roadway. **Will these spaces be designated for specific users and time periods?**

Response: The spaces will be set aside as short-term parking spaces to cater to the retail customers.

**BETA Comment:** Based on an email from Mark Development, LLC on May 12, 2020, we understand that there are now five designated on-street parking spaces on

Kempton Place with the sixth space converted to a dedicated pickup/drop-off area. This change should be shown on the Site Plan.

**Comment 5.33: Will customers of the retail businesses fronting Washington Street have access to the parking garage below Buildings 1 and 2?**

Response: There will be 29 retail parking spaces provided in the garage below Buildings 1 and 2 for customers of the retail businesses fronting Washington Street and employees and visitors of the existing office building at 1149 Washington Street.

BETA Comment: It is noted that 15 parking spaces in the garage will be assigned to the office building.

**Comment 5.34: The on-street parking spaces on Washington Street are public spaces. There are currently no parking restrictions in this area. Does the Applicant plan to coordinate with the City to provide signage to regulate on-street parking?**

Response: The Applicant will work with and support the City of Newton if they decide to regulate on-street parking along this section of Washington Street. However, since the roadway is owned by the City of Newton, all parking regulations are controlled by the City and at this point there are no plans by the City to regulate on-street parking along this section of Washington Street.

BETA Comment: Comment addressed.

## PARKING DESIGN AND LAYOUT

**Comment 5.35: Based on the City of Newton Zoning Ordinance (Articles 5.1.8.B.1 and 5.1.8.B.2), parking stalls must be a minimum of 9 feet wide, and 19 feet deep for angle/perpendicular parking and 21 feet deep for parallel parking. The spaces in the parking garages are shown to be 18 feet long and 9 feet wide. This meets the City's minimum width requirement, but not the 19-foot depth requirement. This would require a Comprehensive Permit. There are three parallel spaces in Level P2 of Building 1 and 2 and one space on Level 1 that are 18 feet long and 9 feet wide. These do not meet the City's requirement of 21 feet long for parallel spaces. Indicate if the 18-footlong parking spaces will be adequate to accommodate parking maneuvers.**

Response: The parking spaces have been adjusted to adequately accommodate parallel parking maneuvers based on the City of Newton's parking requirements and are reflected in the updated site plans dated April 28, 2020.

BETA Comment: Parallel parking space dimension addressed. The perpendicular parking spaces in the revised plans remain 18 feet long and will still require a Comprehensive Permit for not providing 19-foot long spaces.

**Comment 5.36: Will any of the spaces be designated for compact vehicles?**

Response: None of the parking spaces are currently designated for compact vehicles. Compact vehicle spaces may be added at a later date as the design develops.

BETA Comment: Comment addressed.

**Comment 5.37: Will parking spaces be designated/assigned for residential, retail and offices uses?**

Response: The parking spaces in the garages will be designated between residential use, retail, and office use. Of the 294 parking spaces 234 parking spaces will be designated for the 234 residential units, 29 parking spaces will be designated for retail use, 11 Guest Parking Spaces and the remaining 20 stalls for office use (1149 Washington Street).

BETA Comment: Comment addressed.

**Comment 5.38: Will electric vehicle charging stations be provided?**

Response: Ten percent of all spaces in the parking garages will include electric vehicle charging stations and subject to power availability, we are considering making 100% charging ready to allow for charging stations to be added in the future.

BETA Comment: Comment addressed.

**Comment 5.39:** Section 5.1.8.C.1 requires that 90-degree parking stalls in two-way traffic have a minimum maneuvering aisle width of 24 feet. The site plans show all aisle widths to be 24 feet wide and meet this requirement.

Response: No response is required.

**Comment 5.40:** The on-street parking spaces on Washington Street fronting the project are 21 feet long and 9 feet wide, which meets the City's requirement.

Response: No response is required.

**Comment 5.41:** In accordance with the City of Newton Zoning Ordinance (Article 5.1.8.B.3 and Article 5.1.8.B.4), accessible parking facilities should be incorporated within the site plan. Since the proposed development is proposing over 291 parking stalls, 3% of these spaces must be designated for the physically disabled. These specially designated stalls must be clearly identified and located nearest to the building's entrance. The disabled parking stalls must be a minimum of 12 feet wide and 19 feet long for angle/perpendicular parking and 24 feet long for parallel parking. The project site plans show 10 disabled designated spaces provided in the garages which meets the City's requirement. **Confirm that disabled spaces meet the City's dimensional requirements. It is noted that disabled on-street parking spaces on the west side of Kempton Place are 24 feet long and 13 feet wide and meet the requirements.**

Response: All disabled parking spaces meet the City's dimensional requirements. It should be noted that the disabled on-street parking space has been moved from Kempton Place to Washington Street. This is because the slope of Kempton Place has been revised to be more consistent throughout the roadway length instead of being flatter on the southern portion of the roadway closer to Washington Street and then steeper on the northern portion of the roadway closer to Brook Street. While the consistent slope provides for a more gradual transition between the higher and lower elevations on Kempton Place, the new slope is steeper than the maximum requirements for an on-street disabled parking space and therefore the disabled on-street parking space has been moved to Washington Street, which has a slope that is below the maximum allowable slope for an on-street disabled parking space. This revision is reflected in the updated site plans dated April 28, 2020.

BETA Comment: Comment addressed.

**Comment 5.42: Consideration should be given to providing one disabled parking space in the parking lot for 1149 Washington Street.**

Response: Under existing conditions there is one disabled parking space in the parking lot for 1149 Washington Street. This disabled space will remain in the reconfigured parking lot.

BETA Comment: Comment addressed.

## TRANSPORTATION DEMAND MANAGEMENT

**Comment 5.43:** Transportation Demand Management (TDM) measures were summarized in the TIAS and stated that they may include the following programs:

- Reduced parking supply
- Transportation Coordinator
- Liaison with MassRides
- Car pool/ride share program
- Disseminating information on alternate travel modes
- Hosting occasional transportation-related events
- Distributing transit maps, schedules and passes
- Monitor TDM effectiveness through surveys and other tools and adjust as necessary
- Complete regulatory reports to state and city agencies as required
- Implement a website providing travel-related information and promoting awareness alternative travel modes

- Advocating with state and local governments to improve transportation infrastructure
- Provide information at a central commuter information center
- Pedestrian-friendly layout to encourage walking on-site
- Indoor bike storage and fix-it station and bike racks outdoors
- Bike-sharing on-site
- Car-sharing service on-site (such as Zipcar)
- Preferential electric vehicle/low emission car parking in parking garages by designating spaces and providing electric vehicle charging stations
- Shared parking for retail uses
- “Unbundling” of parking costs from rent/leases so that residents with vehicles will pay more to allow access to the parking garage
- Financial incentives for alternative transportation modes, such as discounted MBTA passes

**The Applicant should identify which of the TDM measures the project will implement. Please provide more information about financial incentives for transit passes including: Will these be provided for all new tenants? Will they be provided in perpetuity?**

Response: At this stage of the project, potential TDM measures have been outlined as highlighted above. The items that can be committed to at this time include:

- Reduced parking surplus
- Transportation Coordinator
- Liaison with MassRides
- Car-pool/ride share program
- Disseminating information on alternate travel modes
- Hosting occasional transportation-related events
- Distributing transit maps, schedules and passes
- Advocating with state and local governments to improve transportation infrastructure
- Provide information at a central commuter information center
- Pedestrian-friendly layout to encourage walking on-site
- Indoor bike storage and fix-it station and bike racks outdoors (486 bicycle parking spaces on site)



- Preferential electric vehicle/low emission car parking in parking garages by designating spaces and providing electric vehicle charging stations. 10% of total parking supply (another 10% charging ready)
- “Unbundling” of parking costs from rent/leases so that residents with vehicles will pay more to allow access to the parking garage
- Work with the city and the MBTA to install a bus shelter at bus stop adjacent to the site.

BETA Comment: The Applicant has developed a robust set of TDM measures that are appropriate. The Applicant should continue discussions with the City as the project progresses.

**Comment 5.44:** Four bicycle racks are shown along the project frontage on Washington Street. Page 75 of the TIAS states “bicycle racks will also be provided at locations near various buildings within the overall development.” **Please identify these locations.**

Response: There will be eight bicycle racks located in the furniture zone of the Washington Street sidewalk adjacent to the site. The bicycle racks will be placed in four sets spaced along the site frontage with two bicycle racks in each set. The bicycle racks have been placed near the entrances to the retail businesses.

BETA Comment: Comment addressed.

**Comment 5.45:** The Applicant should develop a set of transportation goals for the project that seek to reduce single-occupant vehicle travel and promote alternative transportation modes. The Applicant should identify how these goals will be measured, monitored, and adjusted as necessary if goals are not met.

Response: The Applicant will work with the City of Newton to develop a set of transportation goals for the project that seek to reduce single-occupant vehicle travel and promote alternative transportation modes. The Applicant will also work with the City to identify how these goals will be measured and monitored.

BETA Comment: Comment addressed.

**Comment 5.46:** At the meeting with the Applicant at City Hall on February 25, 2020 there was some discussion of providing MBTA transit passes or subsidies to project residents. **Please provide additional information.**

Response: Subsidies for MBTA transit passes will be considered in the context of overall project mitigation.

BETA Comment: This measure would encourage transit use by project residents and reduce project-generated vehicle trips. We encourage the Applicant to consider this measure as part of the overall project mitigation.

**Comment 5.47: How many electric vehicle charging stations will be provided?**

Response: As stated in the response to Comment 5.38, ten percent of all spaces in the parking garages will include electric vehicle charging stations. An additional ten percent of spaces will be charging ready and will have the ability to have electric vehicle charging stations added in the future.

BETA Comment: Comment addressed.

**Comment 5.48: How many car-share service spaces will be provided on-site?**

Response: Car-share services will utilize the pick-up/drop-off spaces that have been designated on Washington Street and Kempton Place

BETA Comment: Will any on-site spaces be dedicated to car-share vehicles such as Zip Car?

**Comment 5.49: Page 75 of the TIAS states that the retail TDM program will include shared parking for all uses. Is shared parking planned in the project garages for residential, retail, and office uses (see Comment 5.30).**

Response: To simplify proposed operations and because only two different land uses are proposed on-Site, shared parking is not currently proposed with this Project. However, there is an opportunity to use the office parking (20 spaces) on nights and weekends for additional residential guest parking.

BETA Comment: It is noted that there are three land uses proposed (residential, office, and commercial). We recommend using office parking spaces for additional residential guest parking on nights and weekends (also see comment 5.30).

**Comment 5.50: The Applicant should consider providing bus shelters at the two nearest MBTA bus stops on each side of Washington Street.**

Response: The Applicant has spoken to the City of Newton Planning Department on the feasibility of requesting to move a bus stop to directly in front of the Site along Washington Street. The Applicant will support the City in making this request and will agree to provide bus shelter(s) if the MBTA agrees to move a stop in front of the Site, or at the adjacent (existing) bus stop if they do not.

BETA Comment: A new bus shelter should be considered on both sides of Washington Street (inbound and outbound directions).

## CONSISTENCY WITH THE WASHINGTON STREET VISION PLAN

**Comment 5.51: The Applicant should agree to coordinate with the City as needed as the Washington Vision Plan progresses. This includes the coordination of a planned road diet test on Washington Street by the City of Newton.**

Response: If requested by the City of Newton, the Applicant agrees to coordinate as needed as the Washington Street Vision Plan progresses.

BETA Comment: Comment addressed.

## 6.0 OTHER COMMENTS

**Comment 6.1: A transportation management plan will need to be developed for the project to reduce trucks impacts to roadways and intersections. The plan will need to be approved by the City of Newton.**

Response: The Applicant will be developing a transportation management plan for the Project that will need to be approved by the City of Newton. The transportation management plan will include a plan to reduce truck impacts to roadways and intersections.

BETA Comment: The transportation management will also need to maintain safety and accessibility for all modes during construction.

## Memo for ZBA re: Parking

Andreae Downs <adowns@newtonma.gov>

Fri 4/24/2020 1:58 PM

To: Adrianna Henriquez <ahenriquez@newtonma.gov>

Cc: brooke.paul.lipsitt@gmail.com <brooke.paul.lipsitt@gmail.com>; Susan Albright <susansophia.albright@gmail.com>; Jacob D. Auchincloss <jauchincloss@newtonma.gov>; Alicia Bowman <abowman@newtonma.gov>; Victoria Danberg <vdanberg@newtonma.gov>; Alison M. Leary <aleary@newtonma.gov>; Brenda Noel <bnoel@newtonma.gov>

 2 attachments (33 KB)

parking Newton grid.docx; ZBA Parking memo.docx;

Dear Ms. Henriquez:

Attached please find a memo to the ZBA from several City Council colleagues and myself on parking requirements for two multifamily 40B applications before the board.

Also attached for background is a chart showing Newton results of a parking study conducted recently by the Metropolitan Area Planning Council.

Best

Andreae Downs  
Newton City Council

**To:** Zoning Board of Appeals, Brooke Lipsitt, chair

**From:** Andrae Downs, Susan Albright, Jake Auchincloss, Alicia Bowman, Vicki Danberg, Alison Leary, and Brenda Noel, City Councilors

RE: Riverdale (#01-20); Dunstan East (#09-19)

Thank you for the opportunity to comment on these proposals before you.

We are writing to urge you, members of the ZBA, to carefully consider parking for automobiles and bicycles in the petitions before you.

In the past, Newton's multifamily buildings have built more car parking than necessary, and, in many cases, under built bicycle parking. Data from current buildings is fortunately now available to help inform your body, and we offer some analysis of why some apartment structures see higher parking space usage than others.

Building more automobile parking than is necessary for the market success of a multifamily structure has three undesirable consequences:

- It increases housing costs
- It depresses usage of more sustainable transportation options
- By incentivizing driving, it increases traffic congestion and associated greenhouse gas emissions.

**Cost:** Underground parking, which is what both petitions are proposing, costs between \$60,000-100,000/space to construct. In agreeing to lower the parking minimum per apartment, the ZBA can instead ask for **deeper levels of affordability** or **higher levels of energy performance**. The latter are City of Newton goals.

According to the MAPC's report, [Perfect Fit Parking](#) (2109), along with other sources, parking supply is one of the major factors affecting parking demand.

**Congestion:** Other studies note a strong correlation between high levels of available parking (particularly free parking and easily accessed parking) and increased traffic ([studies](#)). Newton residents have overwhelmingly complained in public hearings and constituent emails about increases in traffic congestion.

Newton's [Climate Action Plan](#) (11/16/19) specifically recommends reducing parking minimums—and thus increasing the demand for more sustainable transportation options—as a key component of the City's meeting its transportation emissions goals and reduction in heat island effects.

### **What is the right amount of parking?**

According to the MAPC's study, multi-family developments in and around Boston had, on average, parking spot utilization of .73 spaces/unit.

In Newton, MAPC examined four recently-constructed multifamily developments and found demand on average was slightly above 1 space per unit (see chart in attachments).

Higher utilization of parking (at Woodland) is found where the WalkScore is lowest (13 out of 100). \* It appears, then, that apartments closest to a wide variety of services have lower parking demand than those that are not.

The newly opened apartments at 28 Austin St. (WalkScore 86) are 85% leased (58 of 68). Tenants so far have rented 56 parking spaces (less than 1:1 demand) at between \$125 and \$175/month.

Looking at Riverdale and Dunstan East, their WalkScores are 77 and 84, respectively. Using the above data, we can expect that both will be viable with 1 car space/unit or less.

Further, most of the Newton apartment complexes MAPC studied have one car parking space “bundled” with the rent or purchase price—that is, the tenant or owner gets the space for “free” (the only exception is Avalon Chestnut Hill, where the first space costs \$125/month). The two proposals, like Austin St., “unbundle” the parking—the rent for the unit and the parking space are separated, and the costs more transparent to prospective tenants/buyers. This is shown to dampen parking demand (and increase affordability for car-free households), which is why our Planning Department is now adding this tool to all multifamily buildings using Newton’s Special Permit process.

**In sum, we urge you to lower the parking ratio in these projects in exchange for greater affordability and/or sustainability. It would be a forward-thinking measure that would advance Newton’s goals towards walkability and carbon-neutrality.**

### **Bicycle Parking**

In contrast to the above, we believe the *secure* bicycle parking in both complexes can be expanded.

(Outside bicycle parking is vulnerable to weather and thieves. In contrast to automobile parking, secure bike parking is relatively inexpensive—and roughly 20 bikes can fit into a typical car space.)

When **the Merc in Waltham** (corner of Moody & Main) opened a few years ago (designed ca. 2012), they quickly found that the bike room was too small to meet demand (90 inside bike spaces for 269 units). Like Riverdale, the Merc is near the Charles River Path.

**Riverdale** is planning 206 indoor bike parking spots for 204 units. We believe two spaces/unit is probably a better number (408), given that couples and families can be expected in units with more bedrooms.

**Dunstan East**, similarly, is on Washington Street, where the City is planning to pilot (and eventually to build) protected bike lanes that should make biking a highly attractive option for tenants. With an indoor bicycle parking ratio of 1.87, we are less concerned at the adequacy of indoor bike parking, but suggest that the developer leave flexibility in planning the parking garage to accommodate additional secure bike parking should it become needed.

Again, thank you for your careful attention to this matter, and for your service to the City of Newton.

---

\*By comparison, Avalon Chestnut Hill: Walk Score 51, parking demand 1.26/unit  
Avalon Newton Highlands: Walk Score 64, parking demand 1.03/unit  
Village Falls Condos: Walk Score 80, parking demand 1.04

<b>Site Name</b>	<b>Site Address</b>	<b>Total # of Res. Units</b>	<b>Occupied # Res. Units</b>	<b>Total # of Res. Parking Spaces Provide</b>	<b>Total # Spaces Occupied OR Rented</b>	<b>% utilization</b>	<b>Parking demand/unit</b>	<b>Parking supply/unit</b>
Woodland Station Apartments	1940 Washington Street	180	175	268	240	90%	1.37 spaces/unit	1.53 spaces/unit
Avalon at Chestnut Hill	160 Boylston Street	204	197	404	248	61%	1.26 spaces/unit	2.05 spaces/unit
Village Falls Condominium Trust	173-193 Oak Street	122	122	243	127	52%	1.04 spaces/unit	1.99 spaces/unit
Avalon at Newton Highlands	99 Needham Street	294	294	498	303	61%	1.03 spaces/unit	1.69 spaces/unit

\*Source: MAPC Transportation Division, Study: Perfect Fit Parking (<https://perfectfitparking.mapc.org>)



**Fwd: Dunstan East**

Dunstan East &lt;dunstaneast@newtonma.gov&gt;

Thu 4/23/2020 12:41 PM

To: Adrianna Henriquez &lt;ahenriquez@newtonma.gov&gt;

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**From:** Bart Lloyd <wblloyd@gmail.com>  
**Sent:** Tuesday, April 21, 2020 6:13:34 PM  
**To:** Dunstan East <dunstaneast@newtonma.gov>  
**Subject:** Dunstan East

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

I live at 65 Taft Ave, W. Newton and am writing to voice my support for the Dunstan East proposal.

Higher density multi-family housing, in the appropriate locations, is a key to advancing my (and our) goals of both social and environmental justice in Newton. This proposal creates significant new affordable housing, and it creates it in a location where residents will not need cars, and will be able to walk to shopping and cultural amenities and use public transit to get to work.

This is what good, thoughtful modern development looks like.

Let me know if you have questions.

Thank you.

*W. Bart Lloyd*

65 Taft Ave.  
Newton. 02465

--

Bart

Cell: 857-231-1042

## Comments on DunstanEast

Benita <b.danzing@verizon.net>

Sun 5/10/2020 12:24 PM

To: Dunstan East <dunstaneast@newtonma.gov>

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

To the Zoning Board of Appeals:

It's disappointing that all the time and energy that went into the Hello Washington Street effort hasn't resulted in new zoning. Though the process was not perfect and not everyone agrees with the results, it is clear that there are many ways in which Washington Street can both function better and add more housing to our city. As a resident of Newtonville for over 22 years, I strongly support the DunstanEast project. It aligns directly with Hello Washington recommendations for:

- **Diverse housing.** Now more than ever we need to offer housing opportunities to a wide range of income levels. Dunstan East is a way to bridge that gap and bring us much needed new housing.
- **Unique, vital village centers**, which includes variation in building heights and opportunities to connect outdoors – to small format retail storefronts
- **Safe, multimodal transportation** from new accommodations for pedestrians and bicycles to parking management
- **Environmental vision** such as electric vehicle charging stations, transit incentives, improved water, drainage, and expanded tree canopy
- **Excellence in place making**, including a human scaled design, gentle transitions to adjacent neighborhoods, and underground parking hidden from site

In short, this design makes sense for the location while it maximizes housing availability. The stakes are high. The city should embrace DunstanEast as a significant opportunity to alleviate the housing crisis and improve a piece of land that is in dire need of vitalization.

Let's get this project moving and then focus on Hello Washington Street.

Best regards,

Benita Danzing  
79 Brookside Ave., Newtonville  
(617) 877-1003

## Support of Dunston East

Claire Sokoloff <clairesokoloff@gmail.com>

Thu 5/14/2020 10:48 AM

To: Dunstan East <dunstaneast@newtonma.gov>

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

Dear Members of Newton Zoning Board of Appeals,

I'm writing to enthusiastically support the Dunston East project. The project brings much needed rental housing to Newton; I am particularly excited that 61 units are affordable and 26 are 3-bedroom which welcomes families as well as young professional and residents looking to downsize.

During the recent Northland conversation, we became acutely aware that young families find it difficult to move to Newton because of prohibitive housing prices, resulting in a projected decline in our student population. While this project is not large enough to reverse that trend, I appreciate that it will provide an opportunity for several families who may not be in a position to buy a home to live here in Newton.

Dunston East shares many features of the Northland project, which residents overwhelming said they want for Newton:

- A mix of affordable and market-rate housing units to meet the critical shortages in the area
- Walking/bike paths and multiple public transportation options, which support climate change efforts by reducing carbon footprints
- Limited, underground parking to allow for more open space and reduce the number of cars
- Attractive design, multiple public spaces to facilitate community interaction, a mixture of uses (residential and retail) and so much more...

Dunstan East is consistent with the Washington Street Vision Plan and transforms a blighted, underutilized property into a community asset that will improve the lives of current residents and our new neighbors. Thank you for your consideration.

Sincerely,  
Claire Sokoloff  
41 Oxford Road  
Newton Center

From: Daniel Harris <danielharris21@icloud.com>

Sent: Saturday, May 9, 2020 1:03 PM

To: Dunstan East <dunstaneast@newtonma.gov>

Subject: Dunstan East Project

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

To whom it may concern,

I am writing to express my support for the Dunstan East project.

As a community, we have been moving in the right direction by building numerous housing projects in the past few years. We should not stop here. I believe we must continue to grow and improve our community so that people of all kinds can live in Newton, not

just the precious few who can find an affordable apartment. It is past time to make this change, so that we can make our community more inclusive for the generations to come.

This project is long overdue, and I hope it gets approved.

Thank you,

Daniel Harris

14 Phillips Lane, Newton MA, 02460.

**From:** Donnalyn Kahn <donnalyn.kahn@gmail.com>  
**Sent:** Wednesday, May 13, 2020 9:33 PM  
**To:** Dunstan East <dunstaneast@newtonma.gov>  
**Subject:** Support for DunstanEast Project

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

This comment is being sent in support of the Dunstan East project in West Newton.

The last eight weeks have clearly reminded me what is important and why I live near a village center in Newton. Our village centers and the small businesses that occupy them are more than a place to shop or eat. They are the fabric of our community.

I believe that the new affordable housing project in West Newton will ultimately be an important part of preserving and protecting West Newton Square for future generations. The foot traffic and visitors it will create is important to these businesses and their ability to survive.

I wholeheartedly agree with the strategy of siting denser projects near village centers. This project is a strong example of how doing so benefits our community.

Thank you,

-Donnalyn Kahn

Donnalyn Kahn, 66 Highland Avenue Newton 02460.

**Fwd: Dunstan East 40B Project**

Dunstan East &lt;dunstaneast@newtonma.gov&gt;

Thu 4/23/2020 12:42 PM

To: Adrianna Henriquez &lt;ahenriquez@newtonma.gov&gt;

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**From:** Ellen Lubell <elubell@tllawgroup.com>**Sent:** Friday, April 17, 2020 12:51:07 PM**To:** Dunstan East <dunstaneast@newtonma.gov>**Subject:** Dunstan East 40B Project

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

I would appreciate your forwarding this message to the Newton Zoning Board of Appeal.

Dear Newton Zoning Board of Appeal:

As residents of West Newton, we are writing regarding the proposed Dunstan East 40B Project.

We are strongly in favor of the project. The rental units – especially 25% affordable units—will be a wonderful addition to our neighborhood. The project will be near public transportation, so it is likely to result in less need for parking in the area and fewer cars on the road, which is just what we want for new development, sustainability and the environment.

Thank you for your consideration of this project.

Ellen Lubell and David Nathan  
80 Temple Street  
West Newton, MA 02465



May 13, 2020

By Electronic Mail

Brooke Lipsitt, Chair  
Newton Zoning Board of Appeals  
Newton City Hall  
Newton, MA 02459

Re: Dunstan East Project

Dear Chairwoman Lipsitt:

Engine 6, an organization of advocates for fair, affordable, diverse and abundant housing in Newton, strongly supports the Dunstan East project. Newton has an enormous need for housing of all types, particularly affordable housing. This project will provide 61 affordable units on a major thoroughfare near public transit. It is consistent with the Washington Street Vision, passed by the City Council after an exhaustive process of community engagement. Attractively designed and thoughtfully scaled, it would greatly improve an underutilized and unattractive section of Washington Street.

Engine 6 agrees with the recommendations made by the Newton Housing Partnership (NHP) in their letter of April 20, 2020. We agree that it would be preferable to have deeper affordability so that the affordable units would be available to persons at 50% of AMI, as compared to the current proposal of 80% of AMI. We understand that to make that feasible, the number of affordable units would need to be reduced. We also support increasing the number of three-bedroom units so that more families with children can be housed.

We also like other features of the project including the 1:1 parking ratio, which furthers deals with the climate crisis, and the creation of greenspace.

We understand that there are some concerns about the height of one of the buildings. We believe that a 6-story building is completely appropriate for this part of Washington Street, and that reducing the height would be arbitrary and unnecessary.

Newton is fortunate to have a local developer who cares about the quality and design of the project. We urge the ZBA to approve Dunstan East with the modifications recommended by the NHP.

Thank you for your consideration.

Sincerely,

Nancy Zollers  
154 Oliver Road

## Fwd: Support for Dunstan East-correction address added

Dunstan East <dunstaneast@newtonma.gov>

Thu 4/23/2020 12:41 PM

To: Adrianna Henriquez <ahenriquez@newtonma.gov>

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**From:** Fran Godine <godine@comcast.net>

**Sent:** Wednesday, April 22, 2020 4:18:35 PM

**To:** Dunstan East <dunstaneast@newtonma.gov>

**Subject:** Re: Support for Dunstan East-correction address added

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

>

> Dear Chair Lipsitt and Members of the Zoning Board of Appeal,

>

> I write in full support of the Dunstan East opportunity. We have seen world wide how having a place to live may now be a matter of life or death.

> At a time when multifamily housing may be of concern because of the Covid-19 crisis, this is the type of high quality

> housing which will continue to further our well processed and agreed upon Washington St Vision Plan to provide for a diversity of our neighbors.

>

> This will be new well designed housing with good ventilation systems, not cramped apartments in old buildings. Even with other housing along Washington St., let us not exaggerate perspective. We may hear the word 'density' but Newton is not NYC. We have no airports with travelers coming and going.

>

> Personally, I would also be supportive of increasing the number of 3 bedroom units to create more family options, as well as attempting to find deeper affordability than the current 80% AMI, even if the total number of units needed to be reduced. The location with excellent walkability, transportation plan, and open spaces seems ideal for these considerations.

>

> Thank you for your service at this challenging time, and always,

> Fran Godine

> 19 Crofton Rd

> Newton 02468



## Support for Dunstan East

Gloria Gavis <gloriagavis@gmail.com>

Tue 5/12/2020 12:31 PM

To: Dunstan East <dunstaneast@newtonma.gov>

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

Dear ZBA Members:

My

name is Gloria Gavis and I live in Ward 7, Precinct 1.

I

strongly support the Dunstan Street project proposed by Mark Development. I have watched with interest over the past couple of years Mr. Korff's and Mr. Chaviano's commitment to the City of Newton. They are not strangers or interlopers to our city. They are residents with keen insight and personal attention given to our city's economic growth, transportation challenges and need for vibrant village centers. Although I do not live in the Dunstan Street area, I share those three priorities as well and have paid particular attention to their development projects. In addition, I applaud their efforts to build consensus, listen to the experts and make appropriate changes along the way.

My keen interests in this project are based on their affordable

housing proposal, the clean up and public connectivity of the Cheesecake Brook and the compliment the project has with the greater and larger Washington Street Vision Plan. Affordable housing projects proposed under the state's 40B affordable housing statute

frequently gets a bad rap for being poorly designed, densely packed buildings that don't fit the community.

That is not true about Dunstan East. The steps Mark Development has taken to make this project fit the community are many.

The design follows the Washington Street Vision Plan, respects the transition to the nearby neighborhood, actually improves the streetscape by creating more human sized blocks and street fronts and reduces building heights near the closest neighbors.

One

of my favorite aspects to the project is the way it connects to the Cheesecake Brook. This is a little known hidden gem of green space in our community and it is terrific to see a local developer value and celebrate this space.

This

is the type of project that benefits all of Newton and I strongly support it, and urge you to do the same.

Sincerely,

Gloria  
Gavis

21

Monadnock Road

☐--

Enjoy Your Day :)

Gloria

Gloria M. Gavris  
21 Monadnock Road  
Chestnut Hill, MA 02467  
Phone: 617-480-3646

*This electronic message contains information from Attorney Gloria M. Gavris that may be privileged or confidential. The information is intended for the use of the addressee(s) only. Any disclosure, copy, distribution, or use of the contents of this message is prohibited.*

## *Celebrating 30 Years of Environmental Leadership*

April 22, 2020

To: Newton Zoning Board of Appeals

RE: Dunstan East proposed Development



**GreenNewton**

Marcia Cooper  
*President*

Jim Purdy  
*Vice President*

Sharon Cushing  
*Treasurer*

Jack Cheng  
*Clerk*

Cory Alperstein

Joana Canedo  
Beverly Craig  
Craig Forman  
Barbara Brousal Glaser  
Paul Holt  
Sunwoo Kahng  
John Lewis  
Brita Lundberg  
Ken Mallory  
Andrew Reed  
Dan Ruben  
Mindy Gregory Sieber  
Peter Smith  
Andrew Thompson  
Tony Zelle

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Margaret Ford  
Ellie Goldberg  
Barbara Herson  
Ira Krepchin  
Lois Levin  
Brooke Lipsitt  
Jean MacRae  
Eric Olson  
Matt Pawa

I am writing a member of the Green Newton Building Standards Committee. We previously submitted comment (letter dated 1/14/20) on the health and safety aspects of this project, encouraging Mark Development to provide all electric cooking and HVAC systems, as well as a submission of an Embodied Carbon analysis. We have not heard back from the developer on these two issues and we recommend that the ZBA ask for clarification of what the developer is planning to provide. (These issues were not discussed in the Planning Department Sustainability Review memo of 3/12/2020.)

We understand that the ZBA hearing on April 22, 2020 will focus on transportation. To that end, one of our four principles is “smart growth,” i.e. minimizing the carbon footprint for transportation to and from buildings. To that end, we encourage developers to do the following:

- minimize the number of parking spaces per residential unit. The currently proposed 1:1 ratio is ideal, and part of the growing trend in Newton to discourage the use of cars. This is the same ratio approved for the Northland development;
- provide a minimum 1.25:1 ratio of bike parking spaces per residential unit, which Dunstan East meets with 1.86:1 (allowing for some retail bike parking);
- provide EV charging stations for a minimum of 10% of parking spaces (i.e. 29 in this case); ideally provide additional wiring for future connection of another 10% of the spaces;
- improve access to public transportation, which would include providing safe pedestrian crossings to the MBTA bus stops on Washington Street;
- create “car calming” spaces – most importantly in this instance on Dunstan Street. Dunstan Street needs to be regraded; re-paved; improved for better sightlines onto Washington Street; and have speed bumps or other traffic slowing devices installed.

If the developer was to provide positive answers to these recommendations – as detailed above for smart growth, and as previously requested for electrification and an Embodied Carbon analysis - the Building Standards Committee of Green Newton would support the project.

Thank you.

*Betsy Harper*

19 Fairmont Avenue, Newton 02458  
Building Standards Committee, Green Newton

Cc: Dan Ruben; Marcia Cooper

Griffin Bond <griffinbond2@gmail.com>  
Mon 5/11/2020 9:32 PM  
Dunstan East; alex.olhava@gmail.com

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

Dear Zoning Board Authority,

We are coming to you as concerned students at Newton North. We are writing to express our support for the Dunstan East project.

In our 11 years so far as members of the Newton Public System, we have received an amazing education. We believe that creating more affordable housing in Newton will allow more children to receive that same excellent education. We want to share this wonderful city and give others the same opportunities that we have had access to.

Furthermore, Newton is an amazing place to live, and we strongly value our inclusivity. Whether it is its vibrant city center or its wonderful sense of community, more people of diverse backgrounds should have the ability to live in our great city.

On a personal note, if after graduating college or university we wanted to move back to Newton it would be impossible without access to affordable housing. Moreover, it is hard to attract young professionals, such as teachers or police officers who could greatly benefit the community, with such high housing prices.

This city needs affordable housing and we believe that the 61 affordable units in the Dunstan East 40B project will go a long way to solve this problem.

We urge the city to support this project.

Sincerely,  
Alex Olhava and Griffin Bond

Griffin Bond  
1592 Commonwealth Avenue, Newton MA 02465

Alexander Olhava  
11 Scarsdale Rd, Newton MA 02460

## Fwd: Fire Safety - requesting an independent peer review

Dunstan East <dunstaneast@newtonma.gov>

Thu 4/23/2020 12:37 PM

To: Adrianna Henriquez <ahenriquez@newtonma.gov>

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**From:** Howard Rosenof <howardrosenof@comcast.net>

**Sent:** Wednesday, April 8, 2020 12:04:35 PM

**To:** Dunstan East <dunstaneast@newtonma.gov>

**Subject:** Fire Safety - requesting an independent peer review

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

To: Zoning Board of Appeals

From: Howard P. Rosenof, PE  
9 Vincent Street

Date: April 8, 2020

Subject: Fire Safety at Dunstan East

In an earlier letter to you I expressed my concern about fire safety at the proposed Dunstan East project. I don't believe that this concern has been addressed by your Board, except for a short reference made at your March meeting to the Fire Chief or Fire Department having "signed off" on the project. However I was unable to locate any documentation on the City's website that would support such a statement.

The Fire Chief assumed his current position less than a year ago, appointed by the current Mayor whose administration has made clear that it strongly favors this proposed project. I have never met Chief Lucchetti and have no reason at all to question his integrity, but the most credible review will come from a source that has nothing to gain by yielding to the Mayor and nothing to lose by opposing her. I believe that this project calls for a truly independent review of its fire safety; that is, an independent peer review. This proposed project's density (residential units per acre) is unprecedented for Newton, considerably greater than the same developer's Washington Place (now Trio) project and about twice that of the Northland project on Needham Street. It pushes the limit of what the Massachusetts building code will allow for wood, the material of construction proposed for its residential stories. There is no clear access to the north side of one of its buildings; there is no roadway adjacent and access for fire

apparatus is blocked by Cheesecake Brook.

Fire services around the country have expressed disquiet about the way large residential projects are currently being constructed. I refer you to a two-part article in the trade journal Fire Engineering written by a former Fire Marshal: "Toothpick Construction: Enough is Enough".

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.fireengineering.com%2F2017%2F03%2F21%2F270738%2Ftoothpick-construction-enough-is-enough%2F&data=02%7C01%7Cdunstaneast%40newtonma.gov%7C3ac6c5ddf95a4e32a29008d7dbd68918%7C2a3929e0ccb54fb381402e2562c90e96%7C0%7C0%7C637219586778643601&odata=y.2SNiA7uUR2ppo6%2B2h53GAeZ3kEgPTDIrgMduk2xlKs%3D&reserved=0>

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.fireengineering.com%2F2017%2F08%2F15%2F278215%2Ftoothpick-construction-enough-is-enough-part-2%2F&data=02%7C01%7Cdunstaneast%40newtonma.gov%7C3ac6c5ddf95a4e32a29008d7dbd68918%7C2a3929e0ccb54fb381402e2562c90e96%7C0%7C0%7C637219586778653559&odata=xUlxafsP2yPK%2FCrlcmA4Ga2QCkHdyhJTm%2BCSweK8Tal%3D&reserved=0>

Thank you.

## Fwd: Public Health Issues

Dunstan East <dunstaneast@newtonma.gov>

Thu 4/23/2020 12:42 PM

To: Adrianna Henriquez <ahenriquez@newtonma.gov>

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**From:** Howard Rosenof <howardrosenof@comcast.net>

**Sent:** Friday, April 17, 2020 4:02:28 PM

**To:** Dunstan East <dunstaneast@newtonma.gov>

**Subject:** Public Health Issues

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

To: Zoning Board of Appeals

From: Howard P. Rosenof, PE  
9 Vincent Street

Date: April 17, 2020

Subject: Public Health Issues Associated with Dunstan East

I wish to call your attention to the following:

1. The petitioner has designated a corner of the proposed Dunstan East site for flood storage, ref. Application for Comprehensive Permit P. 2 "...a valuable amenity that includes a green park, which also provides compensatory flood storage." I ask you to look carefully at this claim. Water flowing through Cheesecake Brook, especially during a flood, is likely to contain noxious materials such as petroleum products washed off of roadway surfaces. As the flood abates some of these materials will inevitably be deposited within the flood storage area. Further, unless the project establishes and strictly enforces a no-pets policy, it's likely that this area will become a popular place for residents to bring their dogs to relieve themselves. The notion of calling this small patch of land a "park", suggesting that it might be a suitable place for children to play, is a reach.

I have visited a park in another state which does serve both to provide flood surge capacity and for recreation. That park is far larger than the area that the developer designates as such, and parts of the park that could be inundated during a flood are fenced off to prevent access by the public.

I ask you in your review of this project to not credit this mandatory flood storage area with creating any other benefit.

2. The application makes no reference to the control of rodents during construction. I have heard comments from people living near other current and recent construction projects in Newton that construction activities have caused rats to leave their nests and create a nuisance as well as a health threat for neighbors. Rodents could be a particular issue at Dunstan East due to the ready availability of water adjacent to the site. As a condition of a Comprehensive Permit for this project, the petitioner should be required to submit a detailed plan for rodent control which must then receive a favorable review from a knowledgeable independent reviewer. As part of this plan the developer should agree to accept liability for any associated damage and/or remediation.

3. During the strong storms earlier this week my residence lost electrical power for approximately 16 hours. This was certainly an inconvenience, but we had gas-heated hot water and were able to use gas for cooking. That made a difference for us, and would have made a larger difference if the power outage had persisted. Dunstan East is likely to be all-electric - in part for environmental reasons, in part to allow for tenants to pay all utilities, and likely in part to reduce construction costs. A long power outage in a tightly-packed mixed-use building like this can itself create a threat to public health. As three examples, people can be trapped in elevators, failure of air conditioning building-wide during a summer heat wave will lead to heat stress, and food establishments can find it tempting to retain stored food rather than discard it. Further, with the proliferation of elevator buildings in Newton and the area generally, the resources necessary to free people inside of them may be constrained, resulting in long delays before rescue.

I ask you to require that this project be equipped with emergency generators with adequate capacity to maintain essential services during an outage of several days. I acknowledge that it may be difficult to site an engine-driven generator in the high-density environment that the petitioner proposes. Considerable expense may be necessary to keep its noise down to an acceptable level, during both routine testing and emergency operation, for residents and neighbors. The proposed underground garage could be a good place for the generator, but then the garage may be susceptible to flooding.

4. The Dunstan East project as proposed would have a greater density than any other such project in Newton. We are now learning, though, that density can be a detriment to public health (as can be an excessive reliance on public transportation and ride-shares). The density of this project should be reduced to the minimum value consistent with its financial viability, which I believe is what the law requires. As I understand Chapter 40B, it is intended to allow a developer to make a



project economically viable, not necessarily to allow maximum profits.

You have the power, in ways the exclusive power, to ensure that this project serves as a good neighbor to its nearby community, both in its construction and operation. As one of its neighbors, I ask you to use this power and expect you to do so.

Thank you.

## Transportation

Howard Rosenof <howardrosenof@comcast.net>

Tue 4/28/2020 10:49 AM

To: Dunstan East <dunstaneast@newtonma.gov>

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

To: Zoning Board of Appeals  
(via email [dunstaneast@newtonma.gov](mailto:dunstaneast@newtonma.gov))

From: Howard P. Rosenof, PE  
9 Vincent Street

Date: April 28, 2020

Subject: Transportation

*Unless otherwise noted, paragraph references, e.g. 1.0, refer to the BETA peer review of the Transportation Impact and Access Study by VHB on behalf of Mark Development, dated November 2019. References to the original study are shown, for example, as VHB Page 1.*

General: The BETA review noted numerous deficiencies in the developer's proposal. The proposal should not be considered submitted in final form until the developer resolves these deficiencies.

1.0: Document acknowledges this to be a "mixed-use" project which appears to be in conflict with the intent of Chapter 40B under which a Comprehensive Permit is being sought. This mismatch was briefly noted by at least one ZBA member and one member of the public during the Board's April 23 meeting.

VHB Page 1 claims that all of the project's apartments will be within a 10-minute walk of "both commuter rail and local and express bus stops..." This is true for the bus lines along Washington Street, but not everyone will be able to walk the route to West Newton, the nearest commuter rail station, in 10 minutes, even in good weather.

VHB Page 1 also characterizes the buildings as ranging from three to six stories, and having subterranean parking garages. Due to the topology of the site, though, through much of the project's area its garages will not be below grade and will contribute to building heights being well above the claimed six stories, particularly on the north side..

1.1: Same as above – Characterization of this project as "mixed-use" project repeated.

The developer proposes to include into Dunstan East five existing parking spaces behind 1149 Washington Street. The developer clarified at the April 23 meeting that these spaces would be replaced by spaces in the project's underground garage. However these substitute spaces will not be visible from the building at 1149 Washington Street. With no practical way to monitor the use of these spaces, it is likely that they will be used by retail customers and other general visitors to Dunstan East rather than by those having business in the office building.

The current pandemic is likely to result in long-term changes to the way society functions. The developer proposes two pick-up/drop-off areas on Washington Street. These provisions may prove inadequate, as they will not accommodate the increasing use of delivery services for groceries and other household goods. The developer has indicated flexibility but current plans do not provide for a street-level lobby entrance on Washington Street. The developer should be required to describe in detail how delivered goods will move from delivery vehicles to residents' apartments.

How will neighbors and residents be protected from noise and odors, particularly if the retail uses include food service? There isn't a lot of open space at this site, and at least one proposed trash collection point is located directly under apartment windows.

1.2: Reviewer should state what other "federal, state, and industry guidelines, standards and regulations" were reviewed. If BETA reviewed these materials in conjunction with this engagement, they should know what these materials are and be able to explain how they were applied.

2.1: It was acknowledged during the April 23 meeting that reconstruction of major intersections in the vicinity of the proposed project is now underway. This reconstruction will include at least one major reconfiguration, wherein right turns (westbound) from Washington Street to Watertown Street will no longer be allowed. It is not clear that the traffic study reflects this reconstruction. Both the original design and the BETA review should be reviewed and, as needed updated, to reflect the road and intersection configuration that will prevail when the project is completed.

Similarly, the review contained no clear accommodation to several external factors that are likely to affect traffic conditions around the site for many years into the future. BETA made only limited acknowledgment during its presentation to the April 23 meeting. These factors include the proposed "Road Diet" which would narrow Washington Street; the approved but not yet operational retail cannabis facility nearby at Washington and Cross Streets; the forthcoming multi-year reconstruction of the Massachusetts Turnpike which is likely to encourage commuters to use local streets; the impending reduction of parking spaces associated with construction of the approved mixed-use project at Riverside, which similarly is likely to generate additional local traffic; and residents' long-term response to the coronavirus pandemic, which may include an increased preference for private vehicles over use of public transportation or even ride-share. As the Boston Globe reported on April 26, post-pandemic commuting patterns across the region are likely to change in favor of private transportation.

2.2.1: Traffic flows were measured in April. (See also VHB Page 10) April includes Patriots Day and the associated week-long school vacation. The dates on which the traffic flows were measured should have been reported. Even if the measurements were not made around Patriots Day, that fact that traffic in April is "slightly above average" does not establish that seasonal adjustment is not required; perhaps traffic in other months is considerably above average.

VHB (Page 11) made additional measurements on Wednesday, September 4 and Thursday, September 5. These days were shortly after Labor Day, which was September 2, when many were likely on vacation and traffic flows were likely low. Further, VHB should have noted that right turns onto Watertown Street will no longer be possible once the reconstruction of Washington Square is complete.

VHB (Page 12) does not state what technology was used to measure counts and speeds. If the

measurement technology was evident to drivers, e.g. pneumatic tubes stretched across the road, drivers may have been prompted to reduce their speeds as they traversed the measurement area.

VHB (Page 17) refers to the use of shared bicycles by Lime. Lime has indicated that they are not going to be serving Newton, and their bikes are now rarely if ever seen on Newton streets. No other bike-share company appears to be currently active in Newton.

2.2.3: Crash data presented by the developer goes up to 2017. Records of crash data that the Newton Police collect are more current. The data are available on the City's website. Why weren't they used?

BETA recommends that an unspecified party (City of Newton?) provide a timeline for reconstruction of intersections and that the developer work with the City to identify safety improvements to be considered. To what effect? Does BETA recommend that the Dunstan East project not be allowed to go forward as designed? Do they recommend that the project not go forward until planned intersection work is complete? What changes does BETA recommend as appropriate? Similarly, BETA uses the word "should" (comment 2.8) in connection with possible further study of certain intersections. In the interest of public safety your Board must make such a study mandatory with its results used to inform intersection design.

2.3: The developer should be required to resolve the deficiencies noted by BETA in comment 2.9.

2.4: There is a reference to MBTA bus route 170; it should have been noted by BETA (as VHB did note) that this route offers only extremely limited service: Two outbound trips (6:39 AM and 7:04 AM, Washington and Elm) and two inbound trips (4:42 PM and 5:53 PM, Webster and Elm). The value of this bus line to residents of the proposed project is likely to be negligible. I regularly commuted between West Newton and Boston via public transportation from 2003 to 2017 and didn't know about bus route 170 until I read the peer review.

BETA (Comment 2.4) asks for boarding data but fails to ask for an assessment of how ridership on bus and commuter rail lines compares with capacity. In fact, under normal circumstances the commuter rail line, the primary public transit route to Boston, is near or at rush-hour capacity, with riders often forced to stand. Whether that will remain the case after the coronavirus pandemic recedes is not yet clear, but capacity constraints should have been acknowledged. Post pandemic, it is entirely possible that commuter rail capacity will have to be reduced to help maintain social distancing. The MBTA has long acknowledged that service frequency cannot be materially increased as long as the Newton stations are serviced by platforms only along one track rather than both. At the April 23 meeting BETA showed a slide that acknowledged that one inbound train was at or above capacity (no seating). My own experience as a public transportation user is different. Especially in winter outside of school vacations, passengers wear heavy coats and actual capacity is less than nominal capacity.

I don't recall the exact words used, but there was a claim made during the April 22 meeting that the bus trip between Newton and Boston is quick and convenient. My experience as a public-transportation commuter for over a decade is different. Rush-hour service from the area of Dunstan East to the central downtown Boston stop (Franklin and Federal Streets) almost always takes more than an hour, except during school vacations, when it's slightly faster. Ride times will only increase with construction along the Turnpike and increased local traffic, which I have already discussed, and the likely mode shift to private automobiles.

3.3.2: With the intense development being promoted for the area of the proposed project (see the

Washington Street Vision Plan), patterns of historic traffic growth do not provide guidance. VHB acknowledges that other new developments will add traffic, but does not describe how they modeled this additional traffic.

The City is in the process of undergoing a zoning redesign whose stated intent is to increase population density. Increased population is likely to lead to increased traffic and traffic congestion. This zoning redesign is in addition to the Washington Street Vision Plan, which VHB acknowledges but its effect on traffic is not clearly predicted.

As I already noted comment above, traffic through the area will be affected not only by other developments but by Turnpike reconstruction.

Meaning of "other developments that would were considered to add traffic" is unclear.

3.5.1.5: There is reference made to ride-share services but there is no attempt to quantify their effects. Experience in other cities has shown that ride-share services primarily take riders away from public transport rather than from the riders' private vehicles. This phenomenon will be accelerated if the pandemic results in a long-term aversion to public transportation. Each rider who abandons public transportation in favor of ride-share generates four vehicle trips per day, since the ride-share vehicle must travel to the site to meet the rider, then leave the site after dropping the rider off.

Further, since commuter-rail capacity is now often fully utilized (at least it was before the pandemic), and the MBTA has advised that no additional commuter-rail capacity or bus service is planned, it is simplistic and unrealistic to assume that new residents will follow historic commuting patterns.

3.5.1.6: Even if a significant fraction of trips to the retail component of the proposed project will consist of vehicles otherwise using adjacent roads, these vehicles will still impede traffic, through their movements into and away from the site. This in particular will be the case since entrances to the site are not located where people would be likely to expect them.

4.1.1: This paragraph contains an assumption that intersections already at Level of Service (LOS) F, the worst possible score, will improve once they are redesigned (and rebuilt). This topic is explored later, in 5.1, where it is acknowledged that the proposed changes will still leave at least three intersections at LOS F – again, the worst. It is not possible for an intersection or road to fall below LOS F.

4.1.2: It is not clear whether these LOS ratings apply to intersections or roadways.

4.1.3: BETA staff apparently did not independently verify SSD and ISD at the intersection of Watertown Street and Dunstan Street. This should have been quantified: With vehicle speed on Washington Street at a typical value (not less than 85th percentile, above speed limit), how much time do drivers have to recognize each other and stop? Note that VHB (Page 64) recommends that parking be restricted near the subject intersections. What is the safety implication if this is not done? Further, there was apparently no recognition of the likelihood that drivers unfamiliar with the project's layout may have to circumnavigate the project one or more times to find the correct entrance.

As a resident of the neighborhood, I can tell you that safely entering Watertown Street from a side street is already often difficult.

4.1.4: A signal warrant analysis should also have been performed for the intersection of Watertown

and Dunstan Streets. (See VHB Page 66)

4.2: It is critical that current commuter rail capacity be considered in any prediction of its use by residents of the proposed project. An analysis would likely show that the capacity to accommodate additional riders is limited to nonexistent. And any prediction should try to account for the likely reluctance of some commuters to return to public transportation after the pandemic as well as the likelihood that commuter rail effective capacity will be decreased to allow social distancing.

5.1: The recommendations in this paragraph are tenuous. If BETA believes that the changes that "should be considered" are required for safety, they should simply say so, or explain why they are unable to make such a recommendation.

5.2: Several recommendations here appear to be the responsibility of the City, not the developer, to implement. Clarity around this would be helpful.

Comments, e.g. 5.21, should reflect the likelihood that the roadway will at times be flooded.

5.4.1: The number of parking spaces that the developer proposes is less than half of what Newton's zoning ordinance would ordinarily require. The likely effect of this will be that residents of the proposed project will seek to park their vehicles outside of the project's boundaries, in the adjacent neighborhood, creating visibility limitations, traffic impediments (including to emergency vehicles), risks for cyclists, risks for pedestrians, interference with snow removal, and so on. The length of the winter parking ordinance was reduced for 2019-2020 and then waived entirely to accommodate students whose colleges shut down earlier than planned. There is likely to be pressure to further reduce the term of the parking ban, or eliminate it entirely, especially if new dense development brings more cars into the area than there is space for. Granting the massive waiver that the developer requests can create a burden on the neighborhood, and constitute an involuntary gift from the neighborhood to the developer, allowing the developer to increase rentable space with no compensatory benefit. While your responsibility is to review this proposal only, it is likely that a precedent set here will be cited repeatedly by others, probably including the present developer, wishing to build high-density projects along Washington Street.

This is something that you have the power to help fix. As a condition of the comprehensive permit that the developer seeks, you should require that a commitment not to leave cars on public streets be included in apartment leases. Compliance can then be checked by use of records maintained by the Registry of Motor Vehicles, which are available to other government agencies and in many cases to the public. The resident TDM coordinator that the developer proposes to hire can perform this check periodically. If the developer's assertions are correct – that this will be a transit-oriented development whose limited parking needs will be met onsite – such a requirement will be without effect. If the developer's assertions are not correct, this requirement will help protect the neighborhood. Many other neighborhoods in Newton are already protected against excessive parking by nonresidents, through resident parking permits, metering, posted limits on the length of time a car can be left parked, and so on. There is nothing about my neighborhood of West Newton that disqualifies it from the same parking protections that are afforded other Newton neighborhoods.

The developer characterizes this project as "transit-oriented development" but the site is not served by "development-oriented transit". Current transit services, in particular commuter rail, are operated only to bring commuters into and out of Boston and even for that have limited additional capacity. From the commuter rail stations in downtown Boston the typical rider will need at least one additional ride

to reach Kendall Square, Logan Airport, the Seaport or Massachusetts General Hospital. Some, but perhaps not all, will be able to walk to Government Center. The public transport system offers nothing to those who work along Route 95/128, along Route 9, in Marlborough or any of our other regional employment centers. Therefore, the fraction of residents who make daily use of public transportation is not likely to rise above the current figure of 13%. Even BETA, in one of the slides it presented at the April 22 meeting, acknowledged that most commuting trips to and from this development will be by car.

One of the developer's consultants made the claim that Austin Street had more parking than it needed. This should be independently confirmed, but even if true, I note that Austin Street (along with Washington Place/Trio) is a very short walk to the Newtonville commuter rail station, and also that residents may be parking for free overnight on public streets since now that it is allowed. The distance from Dunstan East to its nearest commuter rail station will be much greater than from Austin Street.

5.4.2: If electric charging stations are provided, how will the power be paid for? Will the parking spaces so equipped be designated for certain apartments, or will there be contentions for them? Will the tenants who use these spaces be billed separately, in addition to the parking fee? Will the fee to park in a charger-equipped space be higher?

The developer proposes parking spaces that are already smaller than what Newton ordinarily requires. How will these spaces accommodate electric vehicle chargers? The developer promises that ten percent of the spaces will be equipped with chargers and another ten percent will be "charger-ready" (per the April 22 meeting), which term is not explained. The implication of this statement is that chargers are to be installed along the garage walls, and that there is no room to install them to serve interior spaces. Most of this project's residents may never be able to avail themselves of all-electric vehicles. It may be, in theory, possible to install ceiling-mounted chargers but if this is not done during construction it is likely never to be done.

Since gasoline cars will continue to be used well into the future, the developer should be required to comment on the adequacy of ventilation of this underground garage.

Again, the review continues to use the word "should". If something is important, it should be so noted. It will be up to the ZBA to convert many of these "shoulds" to "shalls" in the interest of public safety and health.

Thank you.



## Yes, Dunstan East is transit oriented

John Sisson <sisson.john@gmail.com>

Thu 5/14/2020 12:06 PM

To: Adrianna Henriquez <ahenriquez@newtonma.gov>; Dunstan East <dunstaneast@newtonma.gov>

Cc: Ruthanne Fuller <rfuller@newtonma.gov>; rob.garrity@state.ma.us <rob.garrity@state.ma.us>

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

Brooke Lipsitt, Chair  
c/o Adrianna Henriquez Olmsted, Board Clerk  
Zoning Board of Appeals  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

RE: Dunstan East Proposal

Dear Ms. Lipsitt:

I attended (remotely) the Board's April discussion of the [Dunstan East Proposal](#), which would be a great improvement to a windswept portion of Washington Street, injecting street life back to the desolate easterly side of the village of West Newton, providing stormwater improvements, new tax revenues, and other benefits.

I am writing to express my surprise and disappointment in the Board members who dissembled about the suitability of this site for redevelopment. Their assertion was that-- despite the stone's throw proximity of multiple public transit lines--the shortcomings of the MBTA's current service levels make this site not transit oriented.

Hogwash.

That notion conveys any of three culpable messages:

- A cynical assumption that public transportation services can never, ever, be improved.
- An equivocation made to reduce the volume of irate communications from "neighborhood defenders."
- Utter myopia.

I am puzzled why individuals appointed to this progressive city's ZBA would argue against the following statements:

1. Transit can be improved.
2. Status quo and attrition are not community values.
3. You should wear glasses if you need them.

Thank you,

John



--

John Sisson  
45 Greenlawn Avenue, Newton, MA 02459  
(781) 929-6621 | [sisson.john@gmail.com](mailto:sisson.john@gmail.com)

## Fwd: Support for Dunstan East project

Dunstan East <dunstaneast@newtonma.gov>

Thu 4/23/2020 12:41 PM

To: Adrianna Henriquez <ahenriquez@newtonma.gov>

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**From:** Lynn Weissberg <lweissberg@jsmtlegal.com>

**Sent:** Tuesday, April 21, 2020 2:20:40 PM

**To:** Dunstan East <dunstaneast@newtonma.gov>

**Subject:** Support for Dunstan East project

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

Dear Members of the Zoning Board of Appeals,

I am writing to urge you to approve the Dunstan East project. In addition to adding 61 units of affordable housing, which are sorely needed, it will help to revitalize the Washington St. corridor and is fully consistent with the Washington Street Vision Plan passed by the city council passed. The developer has adequate mitigation plans for traffic and other impacts. In short, the project will be a great addition to Washington St.

Thank you for your consideration.

Lynn Weissberg

5 Alden St.

Newton



Ruthanne Fuller  
Mayor

Barney Heath  
Director of  
Planning & Development

Malcolm Lucas  
Housing Planner

*Members*

Kathy Laufer, Chair  
Ted Hess-Mahan, Vice-Chair  
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Josephine McNeil  
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## CITY OF NEWTON, MASSACHUSETTS

### Fair Housing Committee

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Brooke K. Lipsitt, Chair  
Newton Zoning Board of Appeals  
1000 Commonwealth Avenue  
Newton, MA 02459

Re: Dunstan East Comprehensive Permit

Dear Chairperson Lipsitt:

At the request of Mark Development, LLC (“Mark Development”), developer of the proposed Dunstan East development, the Newton Fair Housing Committee (the “Committee”) recently reviewed the above-referenced proposal.

In 2015, the City of Newton agreed with the U.S. Department of Housing and Urban Development (“HUD”) to “review all applicable projects for their inclusion of fair housing goals, and note in writing in all applicable project reviews a statement that ‘the objectives of the City’s *Consolidated Plan*, including fair housing, have been considered in this review’” as a part of the Conciliation Agreement between the City, HUD and the Supporters of Engine 6 to resolve a fair housing complaint. That charge complements the usual review by City staff in that it is asking for review that focuses on goals and policies that are documented in the Consolidated Plan, which calls for consideration thereof, and not necessarily consistency with, such goals and policies.

In September 2016, the Committee drafted a set of criteria for reviewing project developers’ consideration of the City’s fair housing goals, a copy of which is attached hereto. These criteria were revised in January 2019. The revised criteria reflect the following ways in which developers might go beyond regulatory requirements in order to serve the City’s currently documented fair housing goals:

- Going beyond the required minimum share of project housing units that are committed to being affordable;
- Going beyond the regulated minimum share of project housing units that meet housing accessibility standards;
- Providing “visitability” for housing units not required to be fully accessible;
- Developing at a site that is well located in relation to commercial services and job accessibility;
- Developing at a location close to good public transportation; and
- Going beyond legal obligation to avoid any possible discriminatory impacts on “protected classes.”

While none of these actions are specifically required by current law or regulation, each of them would support the fair housing goals set forth in the *Consolidated Plan*, and other documents cited in it.

Mark Development, LLC, has applied the Zoning Board of Appeals, pursuant to Massachusetts General Laws, Chapter 40B, Sections 20 through 23, as amended, for the issuance of a Comprehensive Permit authorizing the applicant to construct a mixed-use project (“Dunstan East”) with three separate buildings with a total of 244 units of rental housing occupying 283,899 square feet, approximately 12,141 square feet of retail space, for a total of 296,040 square feet, and a total of 291 parking stalls, including 286 parking spaces located within two underground garages, and 5 off street parking spaces. Two hundred forty-four (244) parking spaces will be for the residential units, with the balance for retail. Dunstan East is located in West Newton on 2.98 acres of land bounded by Washington Street, Dunstan Street, Kempton Place, and the Cheesecake Brook. Sixty-one (61) of the units (25%) will be deed restricted to remain permanently affordable to households at up to 80 percent of Area Median Income (“AMI”). The property is located in a Business 2 (BU2) Zoning District. The 244 units of rental housing will include 43 studio units (17%), 112 1-bedroom units (46%), 63 2-bedroom units (26%), and 26 3-bedroom units (11%). Eleven studio units (25.6%) will be affordable, 28 1-bedroom units (25%) will be affordable, 16 2-bedroom units (25.4%) will be affordable, and 6 3-bedroom units (23.1%) will be affordable.

Because Newton has not met the statutory minima for affordable housing under Chapter 40B, the denial of a comprehensive permit would be “consistent with local needs” only if a valid local concern outweighs the regional need for affordable housing. Such local concerns must be verifiable concerns about the health and safety of residents of the proposed housing, surrounding neighborhood or community as a whole, or serious building and site design deficiencies that cannot be rectified with conditions of approval. In the case of conditional approval of a comprehensive permit, the conditions or requirements imposed may not make the building or operation of the project “uneconomic.” Conditions that make the project uneconomic may still be imposed, however, if they are reasonable and necessary to protect valid health, safety, design, environmental or open space concerns.

Mark Development gave a presentation regarding Dunstan East at the Committee’s February 5, 2020 meeting. Based on its review of Dunstan East, the Committee offers the following comments and observations concerning the extent to which the project supports the City’s fair housing goals, for consideration by the ZBA in connection with granting a Comprehensive Permit for the Project.

**Affordability.** As proposed, Dunstan East will meet but not exceed the requirements under Chapter 40B that 25% of the rental units will be affordable to households with an income up to 80% AMI. Members of the Committee inquired whether Mark Development could create units that are affordable to households making 50% of the AMI, for which there is a need in Newton. Mark Development indicated that it would consider including units affordable to households making under 50% of the AMI.

**Accessibility.** The Committee found that Dunstan East will meet, but not exceed, the number of accessible units required by Group 2 Massachusetts Architectural Access Board (“MAAB”) standards. In addition, all of the units will be ADA adaptable. Each building will have an elevator, providing access for each floor of residential units. Mark Development will also improve the sidewalks along the Washington Street frontage making them ADA accessible.

**Visitability.** The Committee found that Dunstan East will exceed regulatory requirements for visitability. Mark Development indicated that each unit will have at least one entrance without a step and that doorways will be at least 34 inches wide with 32 inches clear passage. In addition, there will be at least one-half bathroom on the main living floor of each unit.

**Housing/Employment/Transportation Proximities.** The Committee found that Dunstan East is in a desirable location near West Newton Square. Dunstan East is located near residential neighborhoods in West Newton on or nears Watertown Street, Dunstan Street, Cross Street, and Washington Street. There is a park and

playground within one-quarter mile of Dunstan East, as well as numerous amenities within one-half mile, including a pharmacy, post office, Newton Police Department Headquarters and the Annex, a state district court, banks, retail stores, professional offices, a cinema, restaurants and cafes, a health and fitness club, community service organizations, two churches, child day care programs, and a grocery store. Dunstan Street also includes open space for passive recreation and a playground. West Newton offers opportunities for employment as well as available rental space for small businesses. Dunstan East is adjacent to a stop for the express bus to downtown Boston, and within approximately a half mile of the West Newton commuter rail station and Exit 16 of the MassPike. The ratio of parking spaces is 1 per rental housing unit, which is adequate for a residential development that includes 25% affordable housing, and is consistent with the City's Climate Change Vulnerability Assessment and Action Plan in that it will attract renters who have no more than one motor vehicle.

**Discriminatory Impacts.** The Project does not appear to have a disparate impact on any protected class (i.e., race, national origin, color, religion, sex, disability, familial status, sexual orientation or gender identity), nor will it perpetuate racially segregated housing patterns. The Project meets or exceeds minimum fair housing regulatory requirements in several respects. Significantly, the Project includes 26 3-bedroom units (11%), 23.1% of which will be affordable, which offers both affordable and market rate housing opportunities for families with children under 18. As noted above, it is also conveniently located near residential neighborhoods, parks and playgrounds, areas with substantial commercial activity and employment opportunities, as well as public transportation. Finally, in order to avoid any disparate impact, the Committee notes that the affirmative marketing plan for rental of the units is intended to support the City's fair housing goals.

Thank you for your consideration. If you have any questions for the Committee, please contact the City's Housing Planner, Malcolm Lucas, who staffs the Committee, by telephone at 617-796-1149 or by email at [mlucas@newtonma.gov](mailto:mlucas@newtonma.gov).

Sincerely,

*Kathy Laufer*

Kathy Laufer, Chair



Ted Hess-Mahan, Vice Chair

Attachment

Stephen Buchbinder, Esq.  
Barney Heath, Director of Planning & Development  
Jennifer Caira, Chief Planner  
Amanda Berman, Housing Development Planner  
Malcolm Lucas, Housing Planner  
Jini Fairley, ADA Coordinator  
Adrianna Henriquez Olmsted, Board Clerk, Newton Zoning Board of Appeals

# NEWTON FAIR HOUSING COMMITTEE

Newton Department of Planning and Development  
Newton City Hall, 1000 Commonwealth Avenue, Massachusetts 02459  
Phone 617-796-1149

## **REVIEWING PROJECT CONSIDERATION OF CITY FAIR HOUSING GOALS**

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September 21, 2016; revised 5/13/2019

The City of Newton agreed with HUD in 2015 to “...review all applicable projects for their inclusion of fair housing goals and note in writing in all applicable project reviews a statement that ‘the objectives of the City’s *Consolidated Plan*, including fair housing, have been considered in this review” as a part of the Engine 6 Conciliation Agreement<sup>1</sup>. That charge complements the usual review by City staff in that it is asking for review that focuses on goals and policies that are documented in a plan and asks about the consideration of those goals and policies, not necessarily consistency with them.

The City has a well-structured process for reviewing project proposals at the various stages in moving from conceptual early sketches to highly detailed construction documents, with a good record in timely reviews and inspections. However, there is less structure and documentation at early stages regarding objective consistency with considerations that are documented not in regulations but rather in less-familiar documents which bear on fair housing, including the *Newton Consolidated Plan* and other documents that are cited in it, so are within the scope of the agreed reviewing, these in particular:

- *Newton FY11-15 Analysis of Impediments to Fair Housing Choice*, in its sixth year;
- *Newton’s Fair Housing Action Plan*, drafted in 2008, and the
- *Newton Comprehensive Plan*, now nearing 10 years old.

No developer could be expected to study those many hundreds of pages of relevant guidance in deciding project location, design, and operation by seeking beyond rules for consistency with those documents. However, after careful review seven ways stand out through which developers might go beyond regulation to serve the City’s currently documented fair housing goals:

- Going beyond the required minimum share of project housing units that are committed to being affordable;
- Going beyond the regulated minimum share of project housing units that meet housing accessibility standards;
- Providing “visitability” for housing units not required to be fully accessible;
- Developing at a site that is well located in relation to commercial services and job accessibility;
- Developing at a location close to good public transportation; and
- Going beyond legal obligation to avoid any possible discriminatory impacts on “protected classes.”

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<sup>1</sup> Page 6 of “Conciliation Agreement...between Supporters of Engine 6...and...City of Newton ...,” 5/12/2015.

None of those actions are obliged by current law or regulation, but each of them would be supportive of fair housing through goals cited in the *Consolidated Plan* and/or documents that that *Plan* cites, and all but one of them (“visitability”) has been provided in one or more recently approved developments in Newton.

## **AFFORDABILITY**

Is the project planned for more units priced below-market than is required by law?

0. No, the number of below-market units will equal that required
1. Yes, but fewer than twice the required number of units will be below market
2. Yes, at least twice as many units as required but not all will be priced below market
3. Yes, all of the units will be below market.

## **ACCESSIBILITY**

Is the development planned for more units meeting accessibility rules than are required by State or federal regulation?

0. No, the number will be that which is required, if any.
1. Yes, but fewer than twice the required percentage will be accessible;
2. Yes, and at least twice the required percentage will be accessible;
3. Yes, 100% of the units will be accessible.

## **VISITABILITY**

A “visitable home” as noted in the Newton *FY11-15 Analysis of Impediments to Fair Housing Choice* must have “(1) at least one entrance is at grade (no step), approached by an accessible route, such as a sidewalk; (2) that entrance door and all interior doors on the first floor are at least 34 inches wide, offering 32 inches of clear passage space; and (3) at least one half-bath is on the main floor.”

To what extent do the dwelling units in the proposed development meet that description of what is called “visitability?”

0. No dwelling units meet all three criteria
1. A few housing units meet all three criteria
2. Most housing units meet all three criteria, or all meet most of them
3. All housing units meet all three criteria.

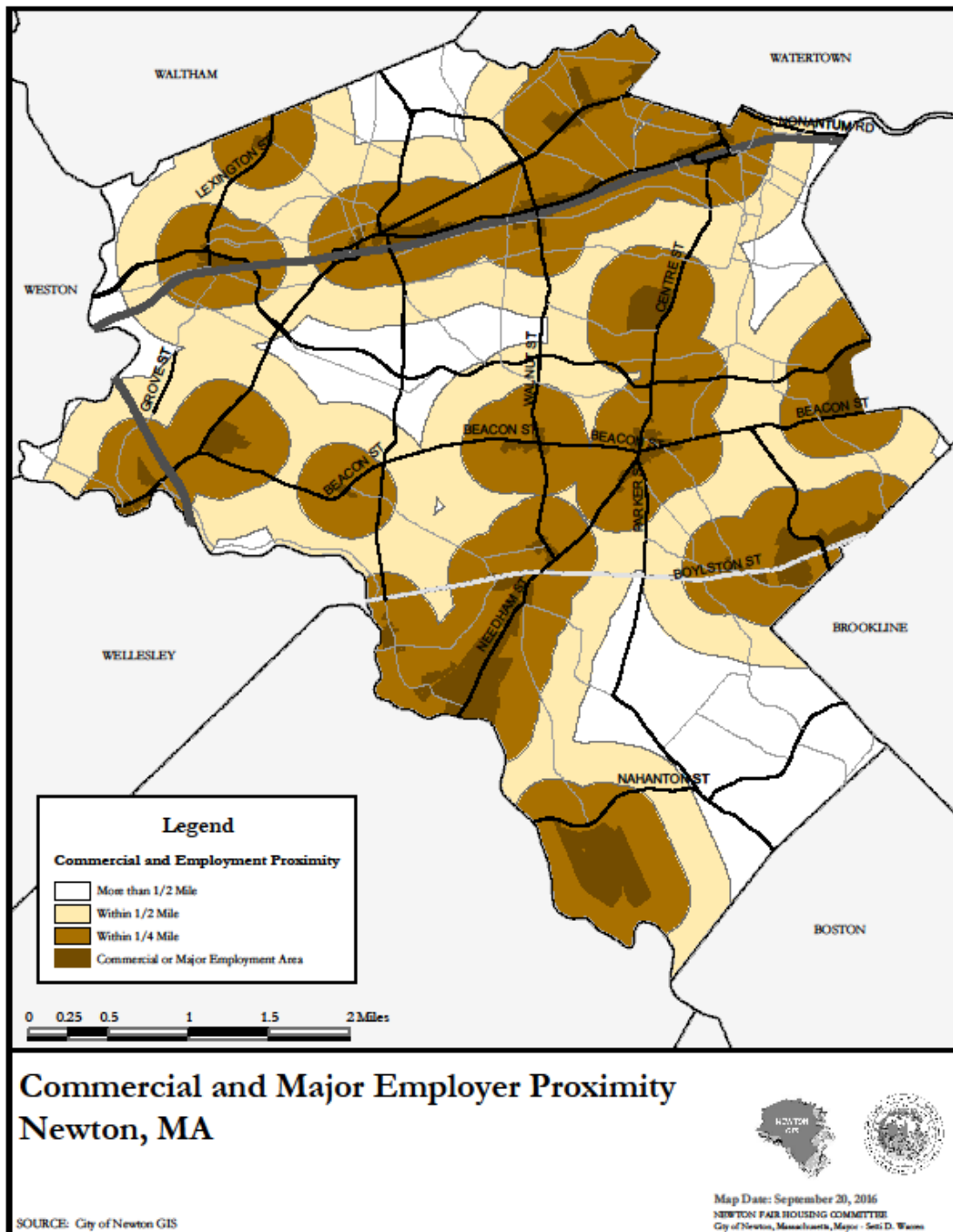
## **HOUSING/EMPLOYMENT/TRANSPORTATION PROXIMITIES**

Newton’s *FY 11–15 Analysis of Impediments to Fair Housing Choice* speaks highly of how many locations in Newton benefit from their proximity to employment opportunities, commercial services, community services, and proximity to public transportation for access to such assets that may be beyond walking distance. Some locations within the City are far richer than others regarding those opportunities and services, and locations within the City differ in proximity to and frequency of service of public transportation than are others. It is important for affirmatively furthering fair housing that sites of affordable housing be served no less well than other sites in those two regards. The following two maps enable evaluating how well a proposed housing development serves that consideration as expressed in the *Analysis of Impediments*.

## Proximity to commercial or major employment

How close is the housing site's proximity to commercial activity and employment as shown by City data on the map below?

0. More than 1/2 mile from such a site
1. Within 1/2 mile of such a site
2. Within 1/4 mile of such a site
3. Within or adjacent to a commercial or major employment site

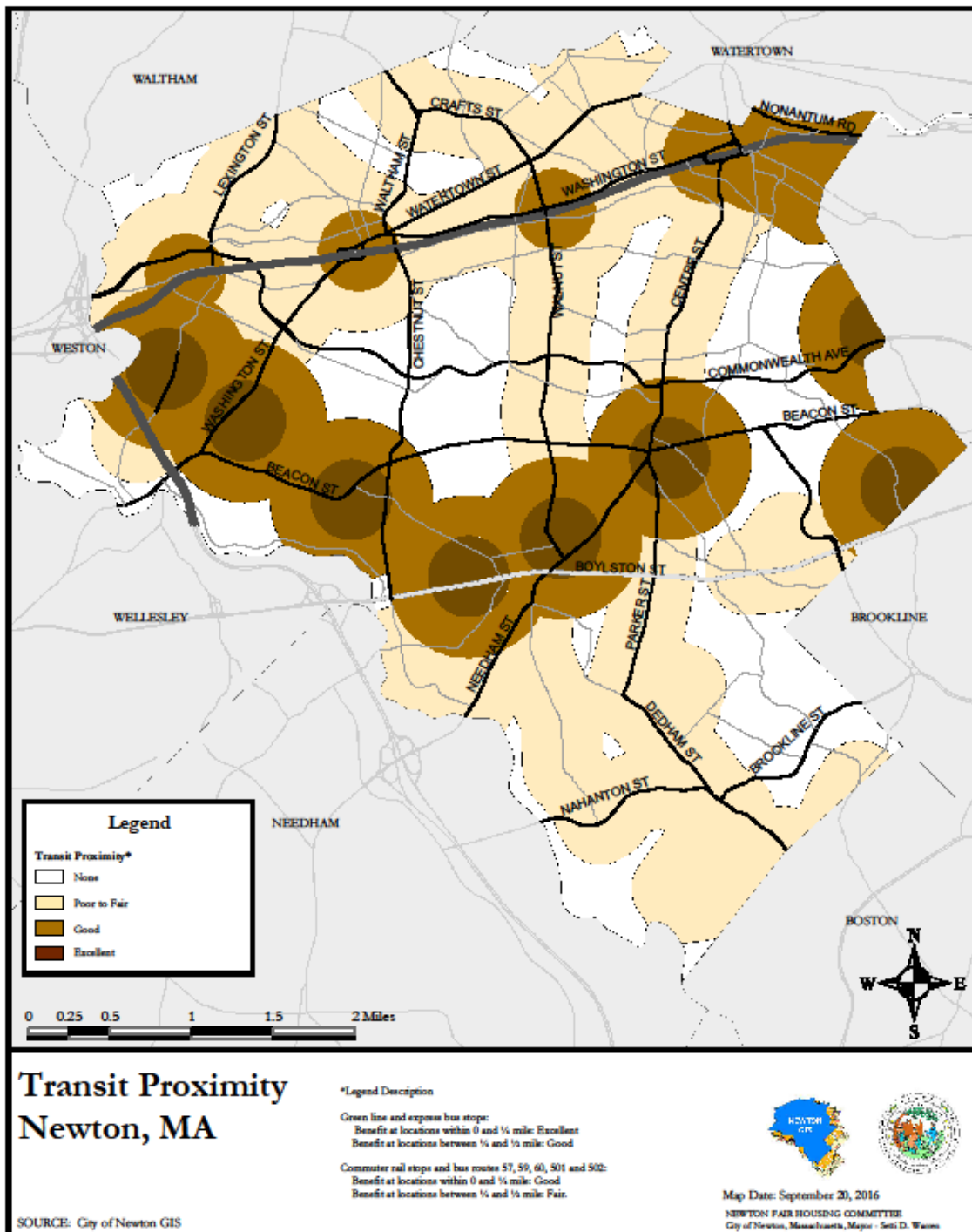




## Proximity to good public transportation

How good is the site's transit proximity as City-defined?

- 0 - None
- 1 - Poor, Fair
- 2 - Good, Very good
- 3 - Excellent, Superior



## **Discretionary Impacts**

(A) Would the proposed development be free of disparate negative impacts for “protected classes” based on race, national origin, color, religion, sex, familial status, or disability, even though no regulation might be violated? For example,

- A sizable development that contains only one-bedroom and studio apartments could be seen as having disparate impact on families with children under 18, or
- A proposed townhouse development having no units that have first-floor bedrooms and bathrooms could be seen as having a disparate impact on persons having a disability; or
- A housing proposal might be proposed at a site at which accessibility would be disparately poor for some.

(B) Might the City’s approval of the development be seen as creating, increasing, reinforcing, or perpetuating segregated housing patterns based on protected class status?

(C) In either such case, what is the justification provided for that proposal? Is the justification supported by the facts? Is the proposal necessary to achieve a “substantial, legitimate, nondiscriminatory interest”? If so, can that interest be served by modification of or an alternative for the proposal which has less discriminatory effect?

These are the potential findings:

0. Whether or not in compliance with all regulations, the proposed development would have disparate impact on a protected class, as illustrated at (A) above, and/or it would perpetuate segregated housing patterns, and there is no feasible means of lessening impact through modification or an alternative.
1. Whether or not in compliance with all regulations, the proposed development would have a disparate impact on a protected class, as illustrated at (A) above, and/or it would perpetuate segregated housing patterns, but the impact could possibly be lessened through major modification or an alternative.
2. Whether or not in compliance with all regulations, the proposed development would have a disparate impact on a protected class, as illustrated at (A) above, and/or it would perpetuate segregated housing patterns, but the impact could possibly be lessened through small revisions or minor alteration.
3. The proposed development appears to have no disparate impact on any protected class, nor does it perpetuate segregated housing patterns.

## **SOURCES FOR RELEVANT CONSOLIDATED PLAN OBJECTIVES**

### **Affordability**

#### *FY 16-20 Consolidated Plan*

Page 112: "...this Consolidated Plan puts the need for affordable housing at the top of the priority list..."

Page 113: SP-25 Priority needs table, row 2, "Provide affordable housing in mixed income developments."

Page 113: SP-25 Priority needs table, row 4, "Increase production of new affordable housing units."

Page 132: SP-45 Strategic Goals table, row 1, "Increase production of new affordable ... units."

#### *FY11-15 Analysis of Impediments to Fair Housing Choice,*

Page 16: "providing incentives to developers to exceed the mandated amount of inclusionary zoning."

### **Accessibility**

#### *FY 16-20 Consolidated Plan*

Page 113: SP-25 Priority needs table, row 3, "Additional accessible rental units ..."

Page 132: SP-45 Strategic Goals table, row 1, "Increase production of new ... accessible ... units."

### **Visitability**

#### *FY 16-20 Consolidated Plan*

Page 113: SP-25 Priority needs table, row 3, "Additional ... visitable housing"

#### *FY11-15 Analysis of Impediments to Fair Housing Choice,*

Pages 26 - 27: "Visitability in Housing" discussion at length.

### **Proximity to commercial or major employment**

#### *FY11-15 Analysis of Impediments to Fair Housing Choice,*

Pages 21-25: "Employment- Housing – Transportation" discussion at length.

### **Proximity to good public transportation**

#### *FY11-15 Analysis of Impediments to Fair Housing Choice,*

Pages 21 – 25 as above, especially page 23: Proximity to Transit Legend Description.

### **Discriminatory impacts**

#### *FY11-15 Analysis of Impediments to Fair Housing Choice,*

Pages 12 – 13, "B. 2002 Analysis of Impediments to Fair Housing Choice Update.

## Support for the Dunstan East Project

Rob Gifford <robertggifford@gmail.com>

Thu 5/14/2020 8:11 AM

To: Dunstan East <dunstaneast@newtonma.gov>

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

To the members of the Newton ZBA:

I am writing to express my strong support for the proposed Dunstan East project:

- 1) It provides Newton with greatly needed affordable and market rate apartments across a diverse mix of unit sizes.
- 2) Parking is mostly underground, and with counts of 4/1000 sf for retail and 1/unit residential, is fully consistent with regional and national best practices for infill suburban sites with pedestrian and public transit access.
- 3) The project is very attractively designed with a variety of building heights, shapes and textures, greatly enhanced public green space/gathering spaces, outdoor dining opportunities, pedestrian walk-throughs, etc., and it transitions nicely to adjacent neighborhoods.
- 4) The project is entirely consistent with the Washington Street Vision Plan.
- 5) The current site is in poor repair with a scattering of aging commercial buildings and poor infrastructure. Dunstan East comprises a dramatic upgrade to the status quo.
- 6) The project offers many other public benefits, such as enhanced traffic management (reduction of Washington Street curb cuts from 8-to-2, upgraded sidewalks, signal timing adjustments) and environmental impact (smaller units with strong pedestrian, bicycle and transit access, expanded/enhanced green space, electric vehicle charging stations, improved water quality and floodplain conditions).

Thank you for your attention.

Sincerely,

Rob Gifford  
41 Oxford Road

Sent from my iPad

## Support ZBA approval for Dunstan East housing/retail project

SUSAN A. PARSONS <s\_a\_parsons@comcast.net>

Thu 5/14/2020 9:44 PM

To: Dunstan East <dunstaneast@newtonma.gov>

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

To the Zoning Board of Appeals (ZBA):

I write with enthusiastic support for the Dunstan East project on Washington St. I look forward to seeing this property developed in the creative way it has been presented - with 244 new residences for Newton, including 61 new affordable units. As someone who pays approximately \$2500 in rent and utilities currently, but earns 50% of our area's median income, I welcome more affordable rental apartments for older residents like me. I'm also pleased to see that 26 units will have 3-bedrooms, a necessity for families to live in Newton.

I'm excited by the plans for a large public green space leading to Cheesecake Brook. I lived formerly in Newtonville across from the brook near the Albemarle playground, where it is accessible, and have always regretted how it disappears in the West Newton area. I think having the housing focus on the brook and green space area, rather than Washington St, will make this development an attractive place to live, to walk through, and to visit.

I hope the members of the ZBA vote in favor of the Dunstan East Project.

Thank you for your work,

Sue Parsons  
172 Washington St.  
Newton

## Dunstan East

Susan Davidoff <sdavid7781@aol.com>

Thu 5/14/2020 5:39 PM

To: Dunstan East <dunstaneast@newtonma.gov>

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

I

have been following (albeit virtually) the dialogue around the West Newton 40B project and what to share my perspective on the design. Particularly at a time when many newer single family homes in Newton and updates or tear downs of existing homes result in massive, out of scale new buildings, the design for Dunstan East is a real positive.

Though

the project is large, it is well proportioned, fits with the surroundings and includes a variety of building sizes and shapes. The land use plan includes many new streets, paths and open spaces to break down the scale. The ground floor experience is designed to be comfortable for pedestrians, with parking underground and walkers a priority.

The

end result is a project that fits in West Newton Square, adds important new housing and supports an important village center. This is a great addition to our community.

Best,

Susan Davidoff  
24 Bridge St.  
Newton, MA. 02458

**From:** Tim Murphy <tmurphy@fessenden.org>  
**Sent:** Wednesday, May 13, 2020 3:04 PM  
**To:** Dunstan East <dunstaneast@newtonma.gov>  
**Subject:** Note of support

Hello,

As a West Newton resident for 13 years, I am excited about the Dunstan East project, currently in development, and I want to lend my strong support as a neighbor. I love the size and design of the project, the improvement of the Cheesecake Brook area, and the bike-friendly aspect of the project.

Thank you!

Tim Murphy  
250 Waltham St.  
West Newton, MA 02465

## In support of Dunstan East

Tom Gagen <tomgagen1@verizon.net>

Wed 5/13/2020 10:39 AM

To: Dunstan East <dunstaneast@newtonma.gov>

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

Dear Newton Planning Department and Zoning Board of Appeals,

I am writing in support of the Dunstan East project proposed for West Newton Square. Dunstan East will be transit-oriented, pedestrian-friendly development with a strong affordability component that will encourage people of different economic circumstances to live in Newton. I hope the Zoning Board of Appeals approves this project.

The development will be within walking distance of the commuter rail and next to two MBTA bus lines. It will be a short walking distance to Trader Joe's, CVS, and the other shops and restaurants in West Newton Square. Future residents of Dunstan East will have a strong incentive to leave their motor vehicles at home or perhaps go without them completely.

Newton has a reputation of being an expensive, car-centric community in which to live. Approval of Dunstan East will result in the creation of more affordable, less auto-dependent housing that will increase economic and social diversity in our city.

Sincerely,

Tom Gagen

32 Fern Street





# CITY OF NEWTON, MASSACHUSETTS

City Hall  
1000 Commonwealth Avenue, Newton, MA 02459-1449  
Telephone: (617) 796-1060 Fax: (617) 796-1086  
www.newtonma.gov

Ruthanne Fuller  
Mayor

## ZONING BOARD OF APPEALS Adrianna Henriquez, Board Clerk

### MEETING MINUTES Wednesday, March 25, 2020 7:00 p.m. Virtual via Zoom

**Board Members Present:** William McLaughlin (Chair), Barbara Huggins Carboni, Michael Rossi, Stuart Snyder and Timothy Durken (Alternate)

**Staff Present:** Adrianna Henriquez, Board Clerk; Jaclyn Zawada, Assistant City Solicitor

**A public hearing of the Newton Zoning Board of Appeals was held virtually via Zoom on Wednesday, March 25, 2020 at 7:00 p.m. on the following petitions:**

1. **#02-20** Marry Grasmere Realty, LLC of 55 Washington Street, Newton, Massachusetts, pursuant to M.G.L. c. 40A, § 8, and 15, appealing the December 17, 2019 Notice of Zoning Violation issued by the Commissioner of Inspectional Services based on the existence of illegal apartments at 129 Grasmere Street. The Appellant contends that the violation order and decision of the Commissioner of Inspectional Services was improperly issued. The subject property is located at 129 Grasmere Street, Newton, Massachusetts, and consists of a 6,947 square foot lot. This property is located in a Single-Residence 3 District.

Clerks Note: This hearing will be continued at the request of the applicant.

### **Board Deliberation**

*A motion was made by Michael Rossi to continue the 129 Grasmere Street (#02-20) appeal until*



# CITY OF NEWTON, MASSACHUSETTS

City Hall

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Ruthanne Fuller  
Mayor

## ZONING BOARD OF APPEALS

Adrianna Henriquez, Board Clerk

*April 26, 2020. This motion was duly seconded by Barbara Huggins Carboni. This motion carries 5-0.*

### Public Comment

*No public comment was made.*

### 2. Review and approval of minutes for January 22, 2020 meeting

*A motion was made by Michael Rossi to accept the minutes as circulated. This motion was duly seconded by Barbara Huggins Carboni. This motion carries 5-0.*

**Meeting Adjourned:** 7:15 p.m.

**ZBA DECISIONS can be found at:**

**[http://www.newtonma.gov/gov/inspsvcs/appeals/2020\\_hearings.asp](http://www.newtonma.gov/gov/inspsvcs/appeals/2020_hearings.asp)**