



# CITY OF NEWTON, MASSACHUSETTS

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Ruthanne Fuller  
Mayor

## ZONING BOARD OF APPEALS

**To:** Zoning Board of Appeals Members  
**From:** Adrianna Henriquez, Clerk  
**Date:** June 18, 2020  
**Subject:** Materials for **June 23, 2020** Public Hearing

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Hello,

Please see the following materials for the upcoming hearing on June 23, 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**

1. Planning Memorandum dated June 18, 2020

Thank you,

Adrianna Henriquez

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Ruthanne Fuller  
Mayor

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Barney S. Heath  
Director

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**PUBLIC HEARING MEMORANDUM**

DATE: June 18, 2020

MEETING DATE: June 23, 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, April 22, 2020, May 20, 2020, and June 4, 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 of 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 City’s peer reviewer for 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 City’s transportation peer reviewer, that discussed the applicant’s November 2019 Transportation Impact and Access Study (TIAS), including 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 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.

On June 2, 2020, the applicant submitted additional and modified information regarding the proposed project, including revised architectural plans (dated June 1, 2020) that reflected a reduction of the height of Building 1 along Dunstan Street and an increase of the height of Building Two by adding a 4<sup>th</sup> floor to that building along Washington Street. In its previous memorandum the Planning Department noted that it was comfortable with the proposed modification as it maintains varied building heights along Washington Street (consistent with the Washington Street Vision Plan), addressed concerns about height and massing along the Dunstan Street side of the project, and that the development would have a 64-foot setback from its

northern boundary line shared with some abutting properties.

Also, the Planning Department notes that the design, especially as it has evolved during the Board's public hearing process, reflects the Washington Street Vision Plan's "human scale" principle that emphasizes the "the details of the architecture – the layout of windows on the ground floor, the frequency of doorways, the architectural details that relate a building to the people who will ultimately use it" and, importantly, that "building height is an important component of creating (a) sense of shelter or enclosure."

The applicant also submitted at that time an outline of what it is characterizing as project mitigation. Totaling \$3,083,690, it included costs related to the provision of deeper affordability (at 50% AMI) for eight of the 59 affordable units; sustainability features; upgrades to Cheesecake Brook; payments related to the Infiltration & Inflow (I&I) fee; and various transportation-related items such as bus shelters, traffic signal improvements, road safety audits, sidewalk improvements and ADA ramps. Relevant City Departments and peer reviewers continue to review this information.

## **II. UPDATES**

### ***New Material***

On June 17, 2020, the applicant submitted additional new information regarding the proposed project, including a revised list of waivers being sought by comprehensive permit. Changes to the list include those related to the modification of the dimensions of the structures, the number of units and parking requirements. As some reliefs have been added while others have been deleted or modified, the applicant should be prepared to detail these changes at the upcoming public hearing.

Also included was a letter and parking capacity data from its consultant stating that, in its opinion as based on comparable selected developments in the metropolitan area, that the "11 guest parking spaces is expected to be sufficient for the needs of the community." The City's transportation peer reviewer, BETA, has indicated that based on this material, the number of visitor spaces appear to be sufficient.

### ***Transportation Demand Management***

The Planning Department notes that the applicant has to date not provided requested additional information regarding possible transportation demand management (TDM) measures (e.g., transit subsidies to residents and on-site employees, etc.).

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

The Planning Department also notes that, as discussed in its previous memo dated June 4, 2020, while the applicant has adequately addressed most of the issues the Horsley Witten Group (HW), the city's peer reviewer for site design, civil engineering, stormwater management, and

sustainability has raised, it recommends that the applicants provide responses to HW's comments/questions. This includes information related to grading, lighting, sustainability/resiliency, and proposed improvements to Cheesecake Brook.

***Conservation Commission***

The applicant will appear before at the Conservation Commission at its June 25, 2020 meeting.

**IV. CONCLUSION AND NEXT STEPS**

Except for follow-up information requested by Horsley Witten and details regarding the TDM Plan, the Planning Department believes there are no substantive issues outstanding. Where appropriate, staff will continue to review the application with City Departments and consultant peer reviewers.