



# CITY OF NEWTON, MASSACHUSETTS

City Hall

1000 Commonwealth Avenue, Newton, MA 02459-1449

Telephone: (617) 796-1065 TDD/TTY: (617) 796-1089 Fax: (617) 796-1086  
www.ci.newton.ma.us

Ruthanne Fuller  
Mayor

## ZONING BOARD OF APPEALS

**To:** Zoning Board of Appeals Members  
**From:** Adrianna Henriquez, Clerk  
**Date:** June 17, 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. 6/23/2020 Agenda
2. Materials received from Applicant dated June 17, 2020:
  - Revised list of waivers from the Applicant
  - Memorandum from Bozzuto Management Company to Mark Development dated June 15, 2020
3. Letter dated June 15, 2020 from Arthur Glasgow
4. Letter dated June 15, 2020 from Beverly Craig
5. Letter dated June 16, 2020 from Chagit Steiner
6. Letter dated June 15, 2020 from Paula Farina Pollis, Nancy McKenna, Cheryl Forte, Gabriella Meyer, Phyllis Krag, Ken Weissberg, Frank and Susan Sullivan, Alex Davis, Fran Davis, Ruby Lee, Tim Marks and Ann Carey
7. Letter dated June 15, 2020 from Ellie Goldberg
8. Letter dated June 16, 2020 from GreenNewton
9. Letter dated June 5, 2020 from Heather Amsden
10. Letter dated June 16, 2020 from Jay Walter

11. Letter dated June 15, 2020 from Jen Barrer-Gall
12. Letter dated June 15, 2020 from Jonathan Kantar
13. Letter dated June 15, 2020 from Judith Boroschek
14. Letter dated June 15, 2020 from Judy Norsigian
15. Letter dated June 17, 2020 from Kathy Pillsbury
16. Letter dated June 11, 2020 from the League of Women Voters Newton
17. Letter dated June 17, 2020 from Leslie Zebrowitz
18. Letter dated June 15, 2020 from Marian Glasgow
19. Letter dated June 5, 2020 from Naomi Myrvaagnes
20. Letter dated June 16, 2020 from Patricia N. Burdick
21. Letter dated June 14, 2020 from Peter Barrer
22. Letter dated June 16, 2020 from Ron Blau
23. Letter dated June 17, 2020 from Sarah Grant

Thank you,

Adrianna Henriquez

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



# CITY OF NEWTON, MASSACHUSETTS

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

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 Tuesday, June 23, 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. Alternatively, the direct Zoom link to the meeting is <https://us02web.zoom.us/j/8429428454>.

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 Tuesday, June 23, 2020 at 7:00 p.m. 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 May 20, 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.

**SCHLESINGER AND BUCHBINDER, LLP**  
ATTORNEYS AT LAW

STEPHEN J. BUCHBINDER  
ALAN J. SCHLESINGER  
LEONARD M. DAVIDSON  
A MIRIAM JAFFE  
SHERMAN H. STARR, JR.  
JUDITH L. MELIDEO-PREBLE  
BARBARA D. DALLIS  
PAUL N. BELL  
KATHERINE BRAUCHER ADAMS  
FRANKLIN J. SCHWARZER  
RACHAEL C. CARVER  
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June 17, 2020

**BY EMAIL**

Ms. Adrianna Henriquez Olmstead  
Newton Zoning Board of Appeals  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

Re: #09-19/Comprehensive Permit Application Under M.G.L. Chapter 40B, Sections 20-23/Dunstan East, LLC

Dear Ms. Olmstead,

Enclosed please find the following documents:

1. Revised list of waivers from the Applicant, and
2. Memorandum from Bozzuto Management Company to Mark Development dated June 15, 2020.

I would ask that you please forward both documents electronically to the members of the Newton Zoning Board of Appeals and staff for review and possible discussion at the Board's next meeting on June 23, 2020.

Please feel free to contact me if you have any questions or require further information.

Sincerely,

*Katherine Braucher Adams*

Katherine Braucher Adams

Enclosures

cc: (By Email, w/enclosures)

Mr. Michael Gleba, Senior Planner

(By Email, w/out enclosures)

Mr. Robert Korff

Mr. Damien Chaviano

Mr. Scott Lombardi



**MEMO**

June 15, 2020

Damien B. Chaviano  
Mark Development LLC

RE: Dunstan East | Newton, MA

To who it may concern,

Bozzuto Management Company has been engaged by Mark Development on the Dunstan East project in Newton, Massachusetts. As a part of the advisory consultation, we have reviewed the proposed parking plans for the community as well as done an analysis on similar properties within our own portfolio.

Based on the information that we have reviewed regarding the proposed parking experience at Dunstan East, 11 guest parking spaces is expected to be sufficient for the needs of the community. This information takes into consideration the close proximity to the commuter rail, the available street parking adjacent to the community as well as the potential addition of reverse commute options at the office building.

Please see attached data set for reference. Should you need additional information please do not hesitate to reach out. Thank you.

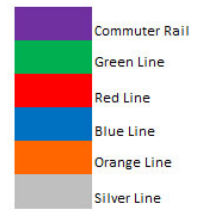
Sincerely,

*A Medugno*

Amy Medugno  
Senior Vice President  
Bozzuto Management Company

Exhibit

PROPERTY	CITY	TRANSIT DISTANCE (miles)	UNITS	TOTAL PARKING	TOTAL RATIO	GUEST PARKING	GUEST PARKING RATIO
Cambridge Park	Cambridge	0.08	312	287	0.9	9	0.029
Trio	Newton	0.08	140	141	1.0	3	0.021
Fuse	Cambridge	0.3	244	215	0.9	4	0.016
Eliot on Ocean	Revere	0.3	194	270	1.4	3	0.015
The Harvey	Boston	0.46	177	78	0.4	3	0.017
Dunstan East	Newton	0.5	234	294	1.3	11	0.047
The Pioneer	Everett	0.69	289	423	1.5	4	0.014
Atmark	Cambridge	0.8	438	386	0.9	6	0.014
Flats on D	Boston	0.88	197	122	0.6	4	0.020
Reading Commons	Reading	1.2	204	387	1.9	4	0.020
Currents on the Charles	Waltham	1.2	200	400	2.0	5	0.025
Watertown Mews	Watertown	1.4	206	350	1.7	5	0.024
Washington Crossing	Woburn	1.8	205	287	1.4	5	0.024
Meriel Marina Bay	Quincy	1.9	352	528	1.5	5	0.014
The Batch Yard	Everett	2.2	327	441	1.3	10	0.031
Village at Taylor Pond	Bedford	5.84	200	340	1.7	4	0.020



**DUNSTAN EAST/LIST OF WAIVERS REQUESTED**

**ZONING ORDINANCE**

- A. Use: The Applicant seeks a comprehensive permit in lieu of special permits, variances, licenses, and/or approvals to allow the property to be used for the Project, including without limitation:
1. Special Permit under Section 4.1.2.B to permit a development of over 20,000 square feet.
  2. Waiver of the requirements of Section 5.11 to conform the provisions for affordable housing to the terms of the application, if and to the extent necessary.
  3. Special Permit under Section 4.4.1 for residential use at ground floor.
  4. Special Permit under Section 4.4.1 for parking facility, accessory, multi-level.
  5. Special Permit under Section 4.4.1 for ATM, standalone.
  6. Special Permit under Section 4.4.1 for a restaurant with over 50 seats.
  7. Special Permit under Section 4.4.1 for fast food establishment.
  8. Special Permit under Section 4.1.1 for for-profit educational use.
- B. Density and Dimensional Controls: The Applicant seeks a comprehensive permit in lieu of such special permits, variances, licenses, and/or approvals as may be required from or under Sections 4.1.2 and 4.1.3 for construction of the Project in the Business 2 District including without limitation:
1. Variances from the dimensional requirements of Section 4.1.2, 4.1.2.A.2, 4.1.2.B.3, and 4.1.3 as follows (**in bold**):

<u>Dimension</u>	<u>Required/Allowed</u>	<u>Provided</u>
Lot Area	10,000 sf minimum	138,142 sf
Lot Area Per Unit:	1,200 sf minimum	<b>590 sf (234 units)</b>
Frontage:	N/A	373.3 ft
Front Setback:	5 ft minimum <sup>1</sup>	<b>2.4 ft</b>

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<sup>1</sup> Based on Average Setback as described in Section 1.5.3 and Section 4.1.3 of the Newton Zoning Ordinance.

Side Setback:	40.5 ft minimum <sup>2</sup>	<b>5.0 ft</b>
Rear Setback:	40.5 ft minimum <sup>2</sup>	64.7 ft
FAR:	2.0 maximum	<b>2.59</b>
Stories:	4 by special permit	<b>TBD</b>
Building Height:	48 ft	<b>TBD</b>

C. Parking/Loading Requirements<sup>3</sup>:

The Applicant seeks a comprehensive permit in lieu of a special permit pursuant to Section 5.1.13 to permit a parking facility in accordance with the submitted plans and to deviate from, *inter alia*, the following requirements:

1. To the extent that Section 5.1.3.E prevents assignment of parking spaces to tenants, a waiver is sought from that provision.
2. Number of parking stalls under Section 5.1.4.A from 2 per unit to 1 per unit for multi-family dwelling.
3. Number of parking stalls under 5.1.4.A from 164 stalls to 49 parking stalls for the proposed retail, personal service, restaurant, health club, office, and similar commercial uses.
4. To the extent required, waiver from the obligation to provide an off-street parking or loading plan under Section 5.1.5.
5. Under Section 5.1.8.A.1 to the required side setback or within 5 feet of a street.
6. Under Section 5.1.8.A.2 to locate an outdoor parking space within 5 feet of a building or structure containing dwelling units.
7. Under Section 5.1.8.B.1 and B.2 to reduce the width and depth of parking stalls.
8. Under Section 5.1.8.B.6 to reduce end aisle maneuvering space.
9. Under Section 5.1.8.B.7 to waive the requirement of an off-street parking or loading plan for noncommercial vans, buses, or other vehicles exceeding 7 ½ feet by 18 feet.

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<sup>2</sup> One-half of building height.

<sup>3</sup> We have treated parking for the entire development as one parking facility under the Zoning Ordinance.



10. Under Sections 5.1.8.C.1 and C.2 to reduce minimum maneuvering aisle dimensions.
11. Under Section 5.1.10.A.1 to reduce the 1-foot candle lighting requirement.
12. Under Section 5.1.12.B for waiver of the requirement to submit a plan for off-street loading facilities.
13. Under Section 5.1.12.C and the Table thereunder to reduce the number of off-street loading facilities to 0.
14. Under Section 5.1.12.D to waive the design requirements for off-street loading facilities.
15. To the extent applicable, the Applicant seeks a comprehensive permit in lieu of a special permit pursuant to Section 5.4.2.B to permit a retaining wall of up to 5 feet within a setback for the existing channel wall on the bank of Cheesecake Brook.
16. Any other relief which may be necessary or appropriate and may be granted by the City Council under Section 5.1.13 in order to conform the waivers sought to the plan submitted.

#### NON-ZONING ORDINANCES

E. Infiltration and Inflow Mitigation (Chapter 29)

A waiver of the I and I payment of more than 25% of the I and I calculation.

F. On-Street Loading

The Applicant seeks permission to have two on-street loading areas designated on Washington Street adjacent to the project.

## Comment on Dunstan East to newton Zoning Board of Appeals

Arthur Glasgow <arthurglasgow@gmail.com>

Mon 6/15/2020 4:04 PM

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

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

Dear members of the Newton Zoning Board of Appeals,

As a long duration Newton resident, strong advocate for more multifamily housing, particularly affordable, and someone concerned about the climate crisis, I urge you to issue a Comprehensive Permit for the Dunstan East Project. Having reviewed the latest presentation I believe this project not only provides much needed housing including 25% which is affordable, it also incorporates many climate friendly features. In addition its location near public transportation and other resources in West Newton makes it attractive to both younger and older families and reduces the reliance on cars. Allowing the project to proceed promptly will aid Newton's efforts to eventually be zero carbon producing by reducing fossil fuel use for heating, cooling and transportation.

This is a well thought out attractive multi use project providing much needed diverse multifamily and affordable housing in a particularly suitable location. This is Newton's future. Please make it happen.

Thank you for your consideration.

Arthur Glasgow  
9 Laurel St.  
Newton Center, MA 02459

## Dustan East proposed development- 40B

Beverly Craig <beverlycraig@yahoo.com>

Mon 6/15/2020 3:18 PM

To: Adrianna Henriquez <ahenriquez@newtonma.gov>

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

Dear members of the Newton Zoning Board of Appeals,

I am writing to urge you to approve the proposed Dunstan East project- at the old Barn site near West Newton.

This is an excellent and well thought out proposal. It not only includes 49 affordable units, but it is exactly the type of multi-family development along a great transit corridor that we need in Newton. If not Washington Street, where should we put attractive multi-family housing like this? In non COVID-19 times, I use the commuter bus every day. Express bus service is fantastic along this route. This is an excellent location for those working downtown to commute to car free and it will invigorate West Newton commercial space by adding more people to frequent local businesses. More people means more thriving businesses.

This proposed development incorporates many critical sustainability features. It is committed to no gas for heating and cooling, it will do an analysis of the carbon needed to produce materials used in its building, and it is committed to conducting a Passive House feasibility study and Passive House energy model. All of these will lead to a more energy efficient building and multi-family housing is already many times more efficient than single family homes. I sincerely hope that the architect and owner will try to certify at least one of the 3 buildings as Passive House as well. We need projects like this showing the way to more sustainable new construction. This is the only way to meet our City Climate Action Goals.

I urge you as ZBA members to pay attention to the citizens of the City who recognize the need for more and diverse housing, densely located near village centers. This proposal is not too dense for this site. It is ideally designed. It is an attractive proposal and will improve the neighborhood dramatically and give much needed housing options for Newton.

Thank you.

Beverly Craig, LEED AP BD+C 9 Arlington Street #2 Newton

## Comment on Dunstan East for the Newton Zoning Board of Appeals

Chagit Steiner <chagit@maczipit.com>

Tue 6/16/2020 2:40 PM

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

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

Dear members of the Newton Zoning Board of Appeals,

As a Newton resident, I am writing to urge you to issue a Comprehensive Permit for the Dunstan East project.

The project has many benefits in addition to providing much needed housing including affordable housing.

The development has incorporated climate-friendly features into the conceptual design. It is located near public transportation and other amenities in West Newton. Permitting the project to proceed will contribute to Newton's efforts towards a zero carbon future by reducing heating and cooling energy use, and transportation fuel use.

I urge you as ZBA members to pay attention to the citizens of the City who recognize the need for more and diverse housing, densely located near village centers.

Thank you,

Chagit Steiner  
48 Woodward St. Newton

June 15, 2020

Ms. Brooke K. Lipsitt, Chairman  
Newton Zoning Board of Appeals  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

Via email: [dunstaneast@newtonma.gov](mailto:dunstaneast@newtonma.gov)

Re: 40B Comprehensive Permit Application Dunstan East, LLC

Dear Chairman Lipsitt and Zoning Board of Appeals Members,

As abutters and neighbors, we welcome the development of Dunstan East. We stand squarely in support of affordable housing in our village. Additionally, we applaud the adoption of sustainable design features as well as the recently-proposed improvements to Cheesecake Brook and stormwater management.

However, we have significant concerns about safe navigation of Dunstan Street, neighborhood parking impacts, and—most especially—building design. We believe, finally, that these reservations should be calculated into your decision-making in the context of precedent: decisions regarding this Project will reverberate as Dunstan West and other projects move forward citywide.

**Safety of Dunstan Street:** Dunstan Street is narrow and unable to safely accommodate increased vehicle traffic along with more pedestrian and bicycle activity. Intersection sight distance is already limited by on-street parking, especially at Watertown Street, creating a safety hazard. Although the private section of Dunstan Street could be redesigned to accommodate increased activity, the public section from Brook Drive to Watertown Street cannot be widened. In addition, it is unfair to restrict on-street parking on the public section of Dunstan Street in front of the multi-unit residential dwellings that have relied on it for several decades.

**Neighborhood Parking Impacts:** We are familiar with current public transportation options, including reliability, frequency, accessibility, and coverage. We are, however, skeptical that a significant number of Dunstan East residents will either commute by public transportation or forego car ownership. We expect that many Dunstan East residents will have more than one car per unit. This quantity, coupled with many market-rate tenants' desire to avoid garage fees, will result in constant overflow parking on adjacent streets, primarily Watertown Street.

**Building Design:** Building height is of primary concern for abutters and for the neighborhood. The final version of the Washington Street Vision Plan clearly articulates the neighborhood vision regarding new development and offers guidance regarding building height in West Newton village (Attachment 1). The Plan repeatedly refers to human-scale development, echoing direction also offered in the *Handbook: Approach to Chapter 40B Design Reviews*, regarding the significance of neighborhood scale and context in such construction. The massive scale of the current Dunstan East proposal is not well aligned with these principles, as illustrated in the attached figure in which 6–7 foot tall people (red figures) are dwarfed by the height and bulk of the proposed development (Attachment 2).

The current proposed building heights are excessive, particularly in relation to ground level on the north side of the site (Attachment 3). As a consequence, they create long shadows on abutters' homes and properties throughout the mornings in the months surrounding December 21, the darkest and bleakest days of the year, as revealed in the shadow study (Attachment 4).

Compelling support illustrating the impact of building height on diminished light and the enhanced visibility between the site and abutters' property during six months of the year is revealed in the attached photographs. The first photograph was taken at noon on December 14, 2014, from the abutters' backyard at 904 Watertown Street. This reveals, without the tree canopy of late spring and summer, the proximity of the site to the children playing and the open view from both perspectives (Attachment 5). The second photograph is taken from the living room of abutters at 898 Watertown Street. This view, captured on January 11, 2020 at 9:47 a.m., illustrates once again the unimpeded view between the site and neighbors' residences, as well as the unshadowed light that is currently available in early winter (Attachment 6).

In sum, we recognize that the ZBA's charge is to balance the need for affordable housing with local health, safety, open space, and site/building design concerns. Many of the signers below, in fact, have attended all of the ZBA public hearings regarding this project and have been impressed with the serious and thoughtful consideration ZBA members have demonstrated as they continually re-evaluate the Dunstan East proposal. Therefore, as abutters and neighbors, we feel encouraged that after considering our document-supported concerns, the ZBA will require modifications and impose conditions that respect and preserve the character of our neighborhood.

Sincerely,

Paula Farina Pollis, 18 Dunstan Street  
Nancy McKenna 876 Watertown Street  
Cheryl Forté, 888 Watertown Street  
Gabrielle Meyer, 892 Watertown Street  
Phyllis Krag, 894 Watertown Street  
Ken Weissberg, 896 Watertown Street  
Frank Sullivan, 898 Watertown Street  
Susan Sullivan, 898 Watertown Street  
Alex Davis, 902 Watertown Street  
Fran Davis, 902 Watertown Street  
Ruby Lee, 904 Watertown Street  
Tim Marks, 904 Watertown Street  
Ann Carey, 920 Watertown Street

*Area-wide Planning Principles*

## Require gentle transitions to adjacent neighborhoods

The gentle transition from the village centers to surrounding residential neighborhoods is an important part of retaining the historic pattern of villages and neighborhoods. This Vision recommends, and the zoning could ultimately require, that building heights be lower adjacent to residences in order to be complementary to the scale of surrounding neighborhoods.

Setbacks are another way to create a gentle transition, a taller building that is pulled away from the side property line in

favor of green space or even a driveway lined with trees creates a more gentle transition. The transition can also be made gentler by locating smaller footprint buildings adjacent to residential neighborhoods; for instance, a small four-story office building that has the same footprint as a house could actually be a better transitional structure than a one-story office building with a long facade and large footprint. All of these approaches to creating gentle transitions should be incorporated when developing zoning for Washington Street.



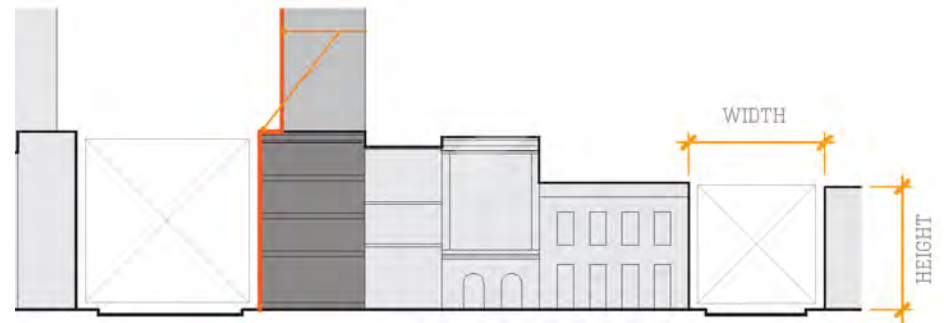
This sketch of Dunstan Street shows a gradual transition from a 6-story building on Washington Street to a 3.5-story building closest to the neighborhood. The building closest to the neighborhood also has a 1-story portion at the edge nearest to residences.

## Develop standards and guidelines for human-scale design

Every building and public space along Washington Street should be designed with a focus on what it feels like to be in the space. This includes thinking about the relationship of the human body and the sensory experience of a space – texture, enclosure, views, variety, sound, and feel. The human field of vision relates to building height and width, as well as 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. Such “human-scale” design principles should be incorporated into zoning for Washington Street as well as design guidelines for Washington Street.

It is a well established principal of urban design that people gravitate to well-defined edges such as provided by buildings or landscaping. People generally feel more comfortable in these sheltered edge areas than in wide open spaces. Building height is an important component of creating this sense of shelter or enclosure.

Building design should also respond to the fact that people can see a lot of detail at eye-level and closer to the ground, and generally less detail up above. Therefore the ground level should be well-detailed with architectural features, signs, windows, and similar.



This diagram describes two of the design principles for setting building height in relationship to a street. First, note the gray square with an X through it above each street. The sides of the square are equal. The diagram demonstrates that the height of the buildings at the street edge are similar to the width of the open space. Building to street width ratios with a similar relationship have generally been found to make for a comfortable sense of enclosure. Second, note that on the left, the buildings are taller, but are set back at the upper levels. This preserves the proportions at which the street is comfortably enclosed and allows more sunlight to the street.

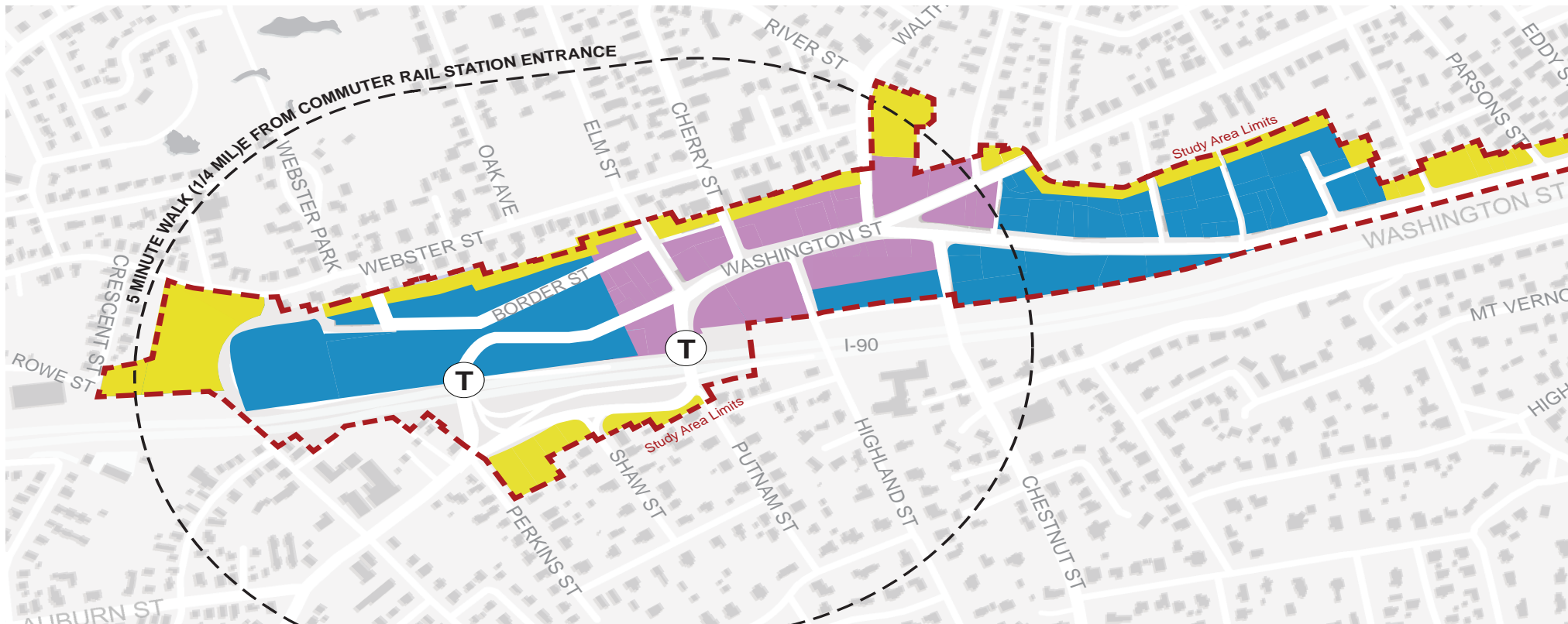


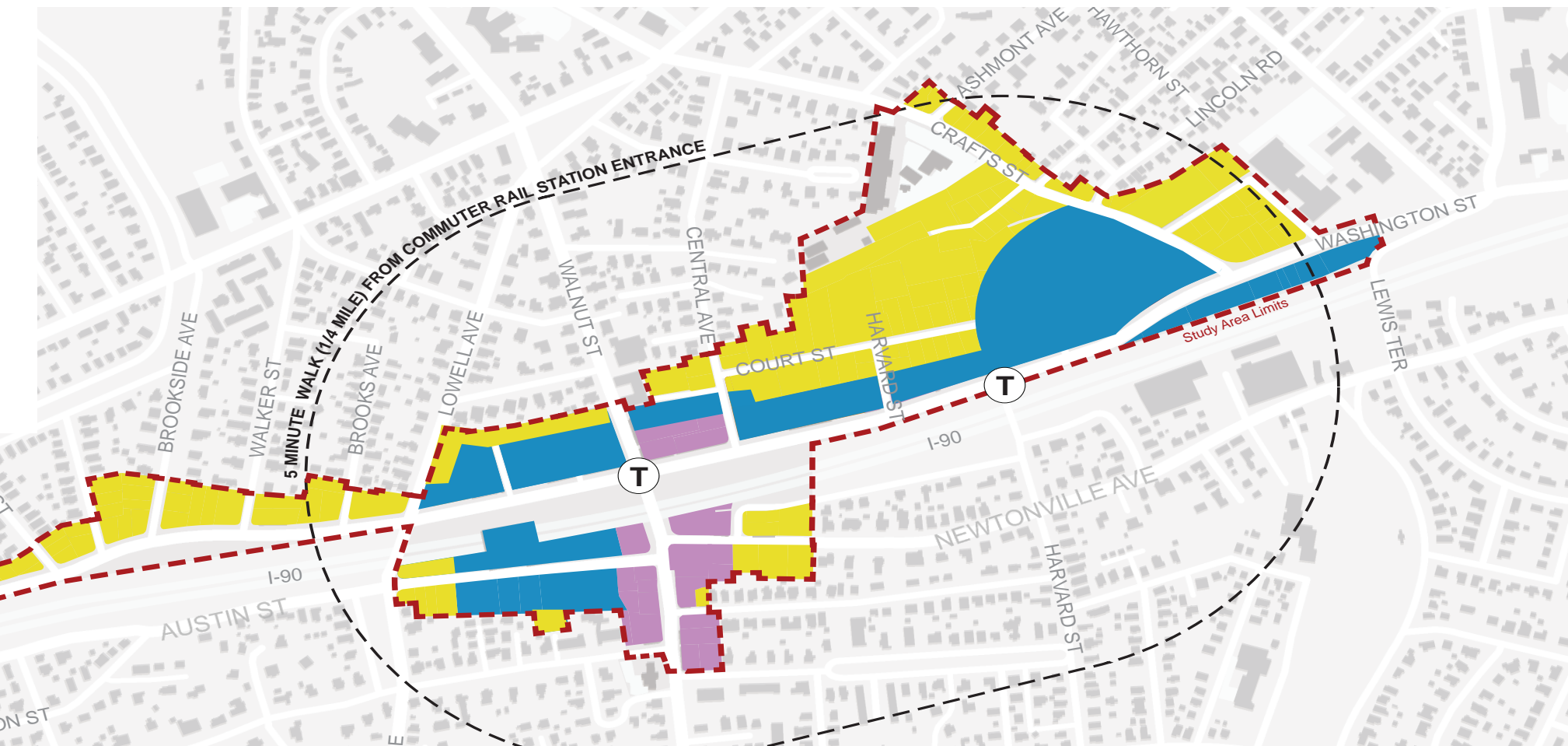
Area-wide Planning Principles

Height Principles Diagram

This diagram illustrates the height principles along Washington Street. The height ranges shown correspond to the area-wide planning principles:

- Maintain the lower height neighborhood between West Newton and Newtonville.
- Maintain gentle transitions to adjacent neighborhoods by requiring height step downs on taller buildings
- Create moments of arrival and transition at the edges of the villages.
- Ensure heights vary along any given block so as to maintain the sense of buildings having developed incrementally over time.
- Maintain the prominence of historic iconic buildings in the village cores.
- Ensure buildings respond to human-scale throughout the area including upper story stepbacks on taller buildings.



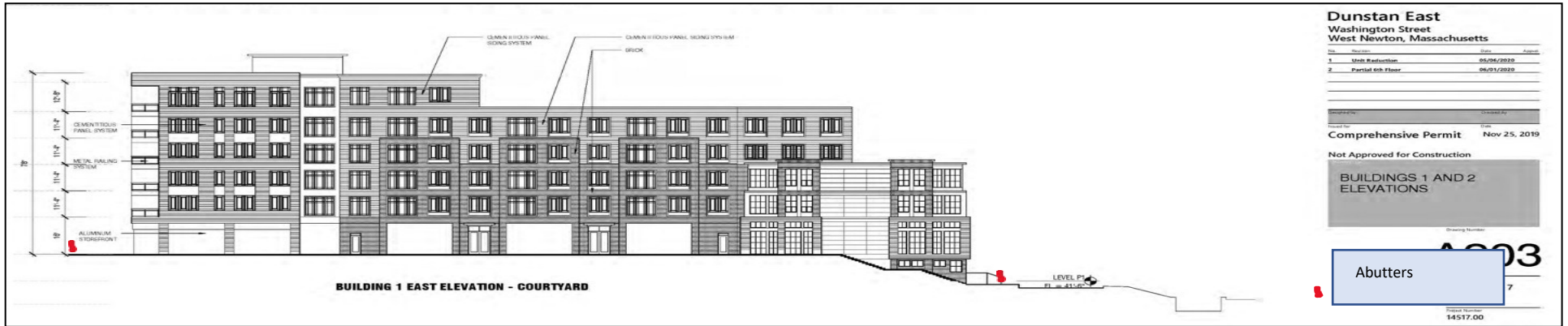


- Low Heights - Neighborhood Character (1 to 3 stories)
- Low Heights - Village Character (1 to 4 stories)
- Medium Heights - Village Character (3 to 6 stories)

Footnotes:

- This is an illustration of principles only; this is not a regulatory or zoning map.
- Further nuance must be developed in Washington Street Zoning including specifying the limits of each zoning district and the rules for each district and building type.
- The scale of some buildings, including taller height buildings, will require additional review and community input as can be achieved through the Special Permit Process.

# Attachment 2. Lack of human scale



**Dunstan East**  
Washington Street  
West Newton, Massachusetts

NO.	REVISION	DATE	APP'D.
1.	With Revisions	05/04/2019	
2.	Partial 6th Floor	08/01/2020	

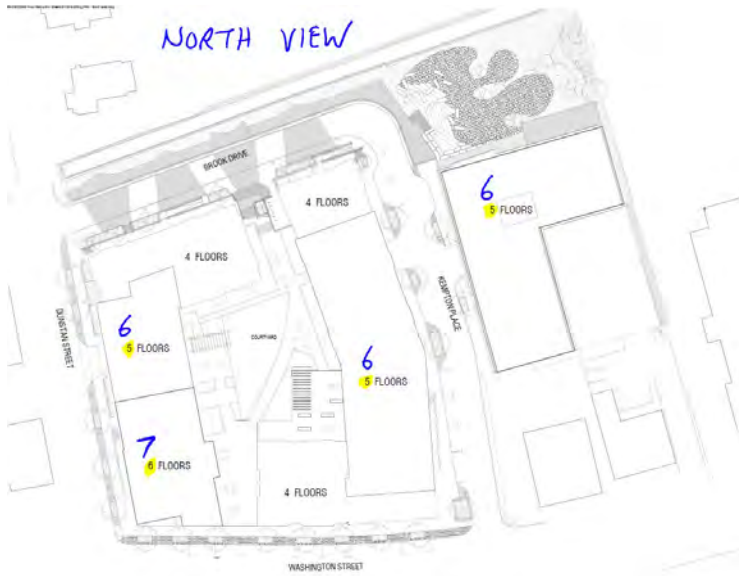
Comprehensive Permit Nov 25, 2019  
Not Approved for Construction

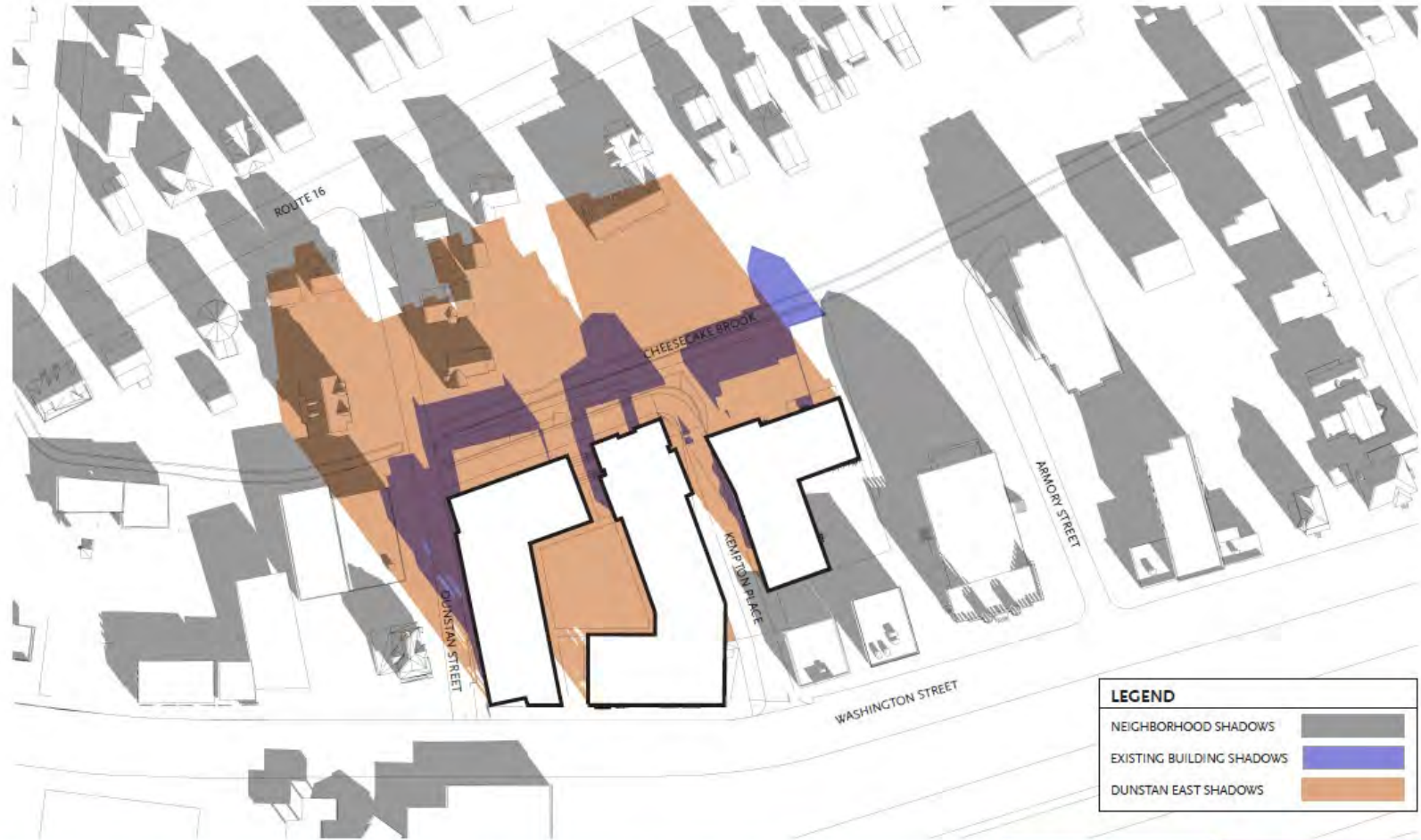
**BUILDINGS 1 AND 2 ELEVATIONS**

Abutters

14517.00

Attachment 3. North elevations as viewed by northern abutters





LEGEND	
NEIGHBORHOOD SHADOWS	Grey
EXISTING BUILDING SHADOWS	Blue
DUNSTAN EAST SHADOWS	Orange

DUNSTAN EAST  
Newton, Massachusetts

9:00 AM - DECEMBER 21 - SHADOW STUDY  
FEBRUARY 28, 2020



Attachment 5. View from 904 Watertown Street December 14, 2014 at noon



Attachment 6. View from 898 Watertown Street January 11, 2020 at 9:47 AM



## Support for Dunstan East for the Newton Zoning Board of Appeals

Ellie.Goldberg <ellie.goldberg@gmail.com>

Mon 6/15/2020 2:36 PM

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

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

I am writing to support a Comprehensive Permit for the Dunstan East project. The project has many features that will fulfill the need to increase and diversify housing options in Newton and also be in line with Newton's Climate Action Plan for reducing emissions from heating, cooling and transportation. I hope you will issue a Comprehensive Permit for the Dunstan East Project.

Thank you very much.

Ellie Goldberg

79 Elmore St, Newton Centre, MA 02459

617 930 4327

[Show Up, Stand Up, Speak Up, Team Up](#)  
[Ellie Goldberg, M.Ed., Healthy-Kids.Info](#)



## Green Newton letter to ZBA regarding Dunstan East

Dan Ruben <[dan\\_ruben@usa.net](mailto:dan_ruben@usa.net)>

Tue 6/16/2020 3:32 PM

To: Adrianna Henriquez <[ahenriquez@newtonma.gov](mailto:ahenriquez@newtonma.gov)>; Brooke Lipsitt <[brooke.paul.lipsitt@gmail.com](mailto:brooke.paul.lipsitt@gmail.com)>

Cc: Robert Korff <[rkorff@markdevllc.com](mailto:rkorff@markdevllc.com)>; Barney Heath <[bheath@newtonma.gov](mailto:bheath@newtonma.gov)>; Marcia Cooper <[marcia@greennewton.org](mailto:marcia@greennewton.org)>

 3 attachments (417 KB)

Green Newton Letter to ZBA re Dunstan East, June 23.docx; Green Newton Letter to ZBA re Dunstan East, April 22.docx; Green Newton Letter to ZBA re Dunstan East, Jan 14.docx;

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

Dear Brooke and Andrianna,

I attached Green Newton's letter to the ZBA regarding the Dunstan East project. Our previous two letters on this subject are attachments 2 and 3.

I am copying Mr. Korff for his information.

Please contact me if you have any questions.

Best,

Dan Ruben  
Chair, Green Newton  
Chair, Green Newton Building Standards Committee

--

Dan Ruben  
Executive Director, Boston Green Tourism  
175 Auburn Street  
Newton, MA 02466  
[dan\\_ruben@usa.net](mailto:dan_ruben@usa.net)  
h: 617-527-7950  
c: 617-584-7850  
[www.bostongreentourism.org](http://www.bostongreentourism.org)

## *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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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

## Celebrating 29 Years of Environmental Leadership



**Green Newton**

June 23, 2020

Marcia Cooper  
*President*

Jim Purdy  
*Vice President*

Dan Ruben  
*Chair*

Sharon Cushing  
*Treasurer*

Jack Cheng  
*Clerk*

Cory Alperstein  
Craig Forman  
Paul Holt

Joana Canedo  
Beverly Craig  
Barbara Brousal Glaser  
Sunwoo Kahng  
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Brita Lundberg  
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### Advisory Board

Ana Zarina Asuaje Solon  
Louise Bruyn, *Founder*  
Sheila Clawson  
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Kevin Dutt  
Paul Eldrenkamp  
Margaret Ford  
Ellie Goldberg  
Barbara Herson  
Ira Krepchin  
Lois Levin  
Brooke Lipsitt  
Jean MacRae  
Eric Olson  
Matt Pawa  
Heather Tausig

Ms. Brooke Lipsitt, Chair  
Newton Zoning Board of Appeals

RE: Dunstan East proposed Development

Dear Zoning Board of Appeals,

This is the third letter that Green Newton to testify about the Dunstan East project. I attached the first two letters.

Green Newton continues to believe that the Dunstan East project is laudable for the following reasons:

- It provides desperately needed housing, including affordable housing, near mass transit, shopping and restaurants.
- The proposed transportation measures are strong: an appropriate parking ratio, adequate EV charging stations and an abundance of bicycle parking spaces.
- No natural gas will be used for residential space heating, water heating and cooking.
- Mark Development has agreed to perform an Embodied Carbon analysis and consider using low carbon building materials based on that report.
- Mark Development has agreed to conduct third-party energy modelling and Passive House feasibility studies for all of its buildings.

We recognize that Mark Development is committed to using many Passive House principles in its buildings. We urge the developer to commit to earning full Passive House certification for at least one of the Dunstan East buildings.

Going forward, we urge the ZBA to make Passive House certification for at least one building a requirement for all multi-family building projects.

The sea is rising, storms and wildfires are worsening and Newton has set a very challenging Climate Action Plan goal. We believe that we can only stabilize our climate and secure our well-being if we sharply reduce fossil fuel use in our buildings and for transportation.

Sincerely,

Dan Ruben  
Chair, Green Newton  
Chair, Green Newton's Building Standards Committee

cc: Marcia Cooper  
cc: Green Newton Building Standards Committee  
Peter Barrer  
Bev Craig  
Paul Eldrenkamp  
Betsy Harper

Jonathan Kantar  
Lois Levin  
Jim Purdy  
Peter Smith  
Jay Walter

community support for Dunstan East

Heather Amsden <heather.amsden@gmail.com>

Fri 6/5/2020 12:16 PM

To: Dunstan East <dunstaneast@newtonma.gov>

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

Dear Zoning Board of Appeals members,

I am writing as a member of the Newtonville/West Newton community to **whole-heartedly pledge my support for the Dunstan East 40B development.**

**I feel strongly that the number of stories (six) and the density of the project are very much appropriate for the area** and will reinvigorate a run down portion of Washington Street that should be thriving.

Newton and the entire Greater Boston area are in the midst of a severe housing crisis. We need more housing desperately - especially affordable housing.

Approving Dunstan East is a huge step in the right direction for Newton. Please approve this development and let's get building!

My thanks to all of you for your hard work as members of the ZBA.

**Heather Amsden**

8 Birch Hill Road

Newton, MA 02465

[617-686-6855](tel:617-686-6855)

Dustan East

Jay Walter <jaycwalter@icloud.com>

Tue 6/16/2020 8:18 AM

To: Dunstan East <dunstaneast@newtonma.gov>

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

To the members of the Zoning Board of Appeals:

I am writing to urge the Board to approve the Comprehensive Permit for the Dustan East project. The project is nicely designed affording the community many benefits. The project is consistent with the Washington Street Corridor Visioning goals and the project is designed to address sustainability goals of reduced energy use, embodied energy analysis, as well as reclaiming Cheese Cake Brook.

This project will bring much needed housing into the city in a well designed project that will be an asset to the City.

thank you.

-j

Jay Walter  
Entasis Architects PC  
617 527-8383

**CLERK NOTE -  
Jay Walter  
83 Pembroke Street  
Newton Corner**

## Comment on Dunstan East for the Newton Zoning Board of Appeals

Jen Barrer-Gall <jbarrergall@gmail.com>

Mon 6/15/2020 7:51 PM

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

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

Dear members of the Newton Zoning Board of Appeals,

I am writing to urge you to issue a Comprehensive Permit for the Dunstan East project.

The project has many benefits in addition to providing much needed housing and affordable housing.

The development has incorporated climate-friendly features into the conceptual design. It is located near public transportation and other amenities in West Newton. Permitting the project to proceed will contribute to Newton's efforts towards a zero carbon future by reducing heating and cooling energy use, and transportation fuel use.

I urge you as ZBA members to pay attention to the citizens of the City who recognize the need for more and diverse housing, densely located near village centers.

Thank you very much,  
Jen Barrer-Gall  
95 Court Street #2

## Dunstan East

Jonathan Kantar <jonathan@sagebuilders.com>

Mon 6/15/2020 9:01 PM

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

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

To: [DunstanEast@newtonma.gov](mailto:DunstanEast@newtonma.gov).

Adrianna Henriquez <[ahenriquez@newtonma.gov](mailto:ahenriquez@newtonma.gov)>

Subject: Comment on Dunstan East for the Newton Zoning Board of Appeals

Dear members of the Newton Zoning Board of Appeals,

I am writing to urge you to issue a Comprehensive Permit for the Dunstan East project.

The project has many benefits in addition to providing much needed housing and affordable housing.

The development has incorporated climate-friendly features into the conceptual design. It is located near public transportation and other amenities in West Newton. Permitting the project to proceed will contribute to Newton's efforts towards a zero carbon future by reducing heating and cooling energy use, and transportation fuel use.

I urge you as ZBA members to pay attention to the citizens of the City who recognize the need for more and diverse housing, densely located near village centers.

Thank you very much.

Jonathan Kantar

672 Chestnut St .  
Newton , MA 02468  
**mobile: 617.212.9689**



## Please support zoning for Dunstan East

Judith Boroschek <judithboroschek@gmail.com>

Mon 6/15/2020 3:24 PM

To: Dunstan East <dunstaneast@newtonma.gov>

Cc: pbarrer@gmail.com <pbarrer@gmail.com>

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

Dear members of the Newton Zoning Board of Appeals,

I am writing to urge you to issue a Comprehensive Permit for the Dunstan East project.

The project has many benefits in addition to providing much needed housing and affordable housing.

The development has incorporated climate-friendly features into the conceptual design. It is located near public transportation and other amenities in West Newton. Permitting the project to proceed will contribute to Newton's efforts towards a zero carbon future by reducing heating and cooling energy use, and transportation fuel use.

I urge you as ZBA members to pay attention to the citizens of the City who recognize the need for more and diverse housing, densely located near village centers.

Thank you very much.

Judith Boroschek  
32 Indian Ridge Road

## Comment on the proposed Dunstan East development project

Judy Norsigian <judynorsigian@gmail.com>

Mon 6/15/2020 4:42 PM

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

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

Dear members of the Newton Zoning Board of Appeals:

I am writing to urge you to issue a Comprehensive Permit for the Dunstan East project.

This project has many benefits in addition to providing much needed housing, especially affordable housing:

- The development has incorporated climate-friendly features into the conceptual design.
- It is located near public transportation and other amenities in West Newton.
- Permitting the project to proceed will contribute to Newton's efforts towards a zero carbon future by reducing heating and cooling energy use as well as transportation fuel use.

As you know, many citizens in Newton are in strong support of creating more and diverse housing that is denser in nature and located near village centers.

Thank you for your consideration.

Sincerely,

Judy Norsigian  
43 Waban Hill Rd North  
Chestnut Hill, MA 02467  
617 233 0062

## Density is not Destiny - Research on COVID-19 and Cities

Kathy Pillsbury <kathy.pillsbury@gmail.com>

Tue 6/16/2020 3:42 PM

To: Susan Albright <salbright@newtonma.gov>; Deborah J. Crossley <dcrossley@newtonma.gov>  
Cc: Nathan Giacalone <ngiacalone@newtonma.gov>; Barney Heath <bheath@newtonma.gov>; Zachery LeMel <zlemel@newtonma.gov>; Ruthanne Fuller <rfuller@newtonma.gov>; Jonathan Yeo <jyeo@newtonma.gov>; Adrianna Henriquez <ahenriquez@newtonma.gov>

📎 1 attachments (32 KB)

COVID 19, Zoning, Density, Economic Disparities, Public Health Response Summary.pdf

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

To President Albright, Councilor Crossley, Members of the Zoning and Planning Committee, the Planning and Development Board and the Zoning Board of Appeals,

The COVID-19 pandemic has raised a lot of fears for people on many fronts including housing and new development. Therefore, I was curious what the research actually said about the risk factors in cities and housing. Below is a summary of that research with hyperlinks to the sources.

The main takeaway that I found is that rates of infection and death from coronavirus have been particularly affected by two factors.

1. At the citywide scale the rates of infection have been affected by how quickly public health measures were put in place.
2. Within a city, however, the key factor has been the economic conditions of a neighborhood which impacts the internal density of housing not the density of the housing units in an area. In other words, it's the number of square feet per person in homes that matters not the number of people per square mile.

### Rapid Public Health Response:

- People often look to New York and quickly assume that the spread of COVID-19 came from density. However, [dense cities elsewhere had much lower rates of infection](#) and death – Hong Kong, Seoul, and Singapore because they had a much more rapid public health response.
- In North America, [Vancouver's rate of infection has been much lower](#) than any of the large metropolitan areas in the U.S. The chief public health officer in British Columbia had experience with Ebola and therefore understood the need to act quickly. The lower rate of infection in the city was attained even though two-thirds of the population live in [multifamily homes](#), it had substantial [tourist and business ties with Asia](#), and a relatively high percent of the people [use public transportation](#). They even managed to control coronavirus in [long term care facilities](#).

### The Impact of Overcrowding:

- COVID-19 is mainly transmitted through [extended close contact, particularly in enclosed spaces](#) hence outbreaks in [meatpacking plants, nursing homes, cruise ships](#) and [aircraft carriers](#). Therefore, the density that matters is indoor population density.
- Based on studies of [New York City](#), [Los Angeles](#) and [counties throughout the U.S.](#), rates of COVID-19 were highest in the poorest neighborhoods with the overcrowded homes while in both [Los Angeles](#) and [New York](#) the densest areas of the city did not experience the highest COVID rates. In New York, the study also showed the connection between more COVID-19 and [higher rates of rent burden and eviction rates](#) showing the importance of housing that people can afford.
- Closer to home, both [Brookline and Arlington](#) with almost twice the population density as Newton have lower rates of COVID-19. Even Cambridge with 3.5 times the population density of Newton has a lower rate. (Among the 100 largest cities and towns in Massachusetts, Brookline ranks 90 in cases of COVID-19 per 10,000 people, Arlington 87, Cambridge 81 and Newton 75 as of June 10<sup>th</sup>.)
- On the other hand, the rates of COVID 19 in [Fitchburg and Westborough](#) are over twice that of Newton, even though they have much lower population densities. The key difference is overcrowding – more people living together in homes. Those towns rank 4 and 5 in the state for overcrowding while Newton ranks 72.

Thank you,

Kathy Pillsbury

Kathy Pillsbury  
[kathy.pillsbury@gmail.com](mailto:kathy.pillsbury@gmail.com)  
Researcher, Consultant  
34 Carver Rd.  
Newton Highlands

# A Summary of Research on COVID 19, Density, Economic Disparities and Public Health Response

Research by Kathy Pillsbury

The COVID-19 pandemic has raised a lot of fears for people on many fronts including housing and new development. Therefore, I was curious what the research actually said about the risk factors in cities and housing. Below is a summary of that research with hyperlinks to the sources.

The main takeaway that I found is that rates of infection and death from coronavirus have been particularly affected by two factors.

- 1) At the citywide scale the rates of infection have been affected by how quickly public health measures were put in place.
- 2) Within a city, however, the key factor has been the economic conditions of a neighborhood which impacts the internal density of housing not the density of the housing units in an area. In other words, it's the number of square feet per person in homes that matters not the number of people per square miles.

## Rapid Public Health Response:

- People often look to New York and quickly assume that the spread of COVID-19 came from density. However, [dense cities elsewhere had much lower rates of infection](#) and death – Hong Kong, Seoul, and Singapore because they had a much more rapid public health response.
- In North America, [Vancouver's rate of infection has been much lower](#) than any of the large metropolitan areas in the U.S. The chief public health officer in British Columbia had experience with Ebola and therefore understood the need to act quickly. The lower rate of infection in the city was attained even though two-thirds of the population live in [multifamily homes](#), it had substantial [tourist and business ties with Asia](#) and a relatively high percent of the people [use public transportation](#). They even managed to control coronavirus in [long term care](#) facilities.

## The Impact of Overcrowding:

- COVID-19 is mainly transmitted through [extended close contact, particularly in enclosed spaces](#) hence outbreaks in [meatpacking plants, nursing homes, cruise ships](#) and [aircraft carriers](#). Therefore, the concern about density that matters is internal population density.
- Based on studies of [New York City](#), [Los Angeles](#) and [counties throughout the U.S.](#), rates of COVID-19 were highest in the poorest neighborhoods with the overcrowded homes while in both [Los Angeles](#) and [New York](#) the densest areas of the city did not experience the highest COVID rates. In New York, the study also showed the connection between more COVID-19 and [higher rates of rent burden and eviction rates](#) showing the importance of housing that people can afford.
- Closer to home, both [Brookline and Arlington](#) with almost twice the population density as Newton have lower rates of COVID-19. Even Cambridge with 3.5 times the population density of Newton has a lower rate. (Among the 100 largest cities and towns in Massachusetts, Brookline ranks 90 in cases of COVID-19 per 10,000 people, Arlington 87, Cambridge 81 and Newton 75 as on June 10<sup>th</sup>.)
- On the other hand, the rates of COVID 19 in [Fitchburg and Westborough](#) are over twice that of Newton, even though they have much lower population densities. The key difference is overcrowding. Those towns rank 4 and 5 in the state for overcrowding while Newton ranks 72.



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Sharyn Roberts

Ms. Brooke Lipsitt, Chair  
Zoning Board of Appeals  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

June 11, 2020

Dear Ms. Lipsitt,

The League of Women Voters of Newton (LWVN) is writing to express its support for the project known as Dunstan East, and to request that the Zoning Board of Appeals (ZBA) vote to grant the applicant, Mark Development, LLC., a comprehensive permit for the project pursuant to Chapter 40B of the Massachusetts General Laws.

Mark Development filed its application with the ZBA on December 24, 2019 for a comprehensive permit to develop the project known as Dunstan East, located on 2.98 acres of land on Washington Street between Dunstan Street and Kempton Place in West Newton. The original proposal consisted of three separate buildings with a total of 244 units of rental housing and 12,141 of ground floor retail space facing Washington Street. Sixty-one units of the 244 units would have been affordable to households earning up to 80% of area median income (AMI) and 182 units would not have any income restrictions.

Over the last five months, the project has undergone substantial review by both the city and the public. The public was given the opportunity to comment and critique the project during four public hearings and at a community charrette at which those in attendance were able to review designs for the proposed project, and meet and speak with the developer, the architect, and others on the development team.

Based upon input from the Planning Department, peer reviewers, various appointed citizen groups such as the [Newton Housing Partnership](#), [Fair Housing Committee](#), members of the public, as well as the members of the ZBA numerous changes were made to the project.

- The number of housing units was reduced from 244 to 234. The percentage of affordable units is still 25% of the total number of units, but the number of affordable units was reduced to 59. Fifty-one (51) of which will be for households earning 80% of AMI, and (8) of which will be for households earning 50% of AMI. The remaining 173 market rate units will provide housing opportunities for middle-income singles, seniors who wish to downsize, and families who make between 100% and 150% of the area median income.

- The amount of ground floor retail spaces was reduced to 8,318 in order to provide lobby entrances facing onto Washington Street. The applicant has also agreed to several mitigation efforts including transportation upgrades such as adding bus shelters and upgrading transportation signals, committing to pay 25% of the infiltration and inflow fee, naturalization of the Cheesecake Brook edge, and installation of a boardwalk

The LWVN believes the project, as currently proposed, aligns with the LWVN and the League of Women Voters Massachusetts policy position to encourage more units of housing be built that are affordable to help alleviate the extreme shortage of housing for low and moderate income families. The project will create affordable housing opportunities in Newton with 59 affordable units, including 8 units for individuals and families whose incomes are below 50% of the area median income. Those units will provide housing opportunities for people without whom the Newton community could not function, such as grocery store workers, medical staff, nursing assistants, child-care workers, as well as the disabled and low-income seniors.

The LWVN further believes that the project will be beneficial to the city in other important ways as it is well-designed, located in an area of West Newton which has long been in need of redevelopment, and offers sustainable features including, limiting the parking to one space per unit; providing electric vehicle charging stations; electrification of the entire residential program including heating and cooling, domestic hot water and residential cooking; and committing to an embodied carbon analysis of alternate materials.

Finally, the LWVN encourages the ZBA to resist its inclination to ask the applicant to add capital improvements that are not required for health and safety reasons related to its residents which will ultimately add to the cost of the project. Such expenses might lessen the applicant's ability to include in the project the units that will be made available to individuals and families whose incomes are below 50% AMI.

Sincerely,

*Marcia Johnson*

President, League of Women Voters of Newton

## Comments on Dunstan East for Newton Zoning Board of Appeals

Leslie Zebrowitz <zebrowit@brandeis.edu>

Wed 6/17/2020 5:32 PM

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

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

Dear members of the Newton Zoning Board of Appeals:

I am writing to comment on the permit request for the Dunstan East Project. I find many things to like about this project, including much needed housing and affordable housing located near transportation and a village center as well as climate friendly features. At the same time, I find some things lacking, and it is my hope that you can persuade the developers to address these:

1. I would like to see a firm commitment to a passive housing design.

2. I would like to see electric chargers installed in more than 10% of the parking spaces. One prong of the Newton Climate action plan is to eliminate all gas powered vehicles by 2050, if not sooner. This will be more easily accomplished if residents of multi-family housing have easy access to charging stations. The lack of such access will thwart this goal. If it seems unreasonable to install electric chargers in more than 10% of the parking spaces at this time, then I hope the developers will put in electrical infrastructure that will make it relatively easy to install more chargers as time goes by.

3. I am sympathetic to the issues of density raised by some Newton residents. I hope the Zoning Board will try to figure out a way for these concerns to be addressed while maintaining the very positive aspects of the project.

Thank you for your attention.

Leslie Zebrowitz

62 Pine Crest Rd.

Newton, MA 02459

## Comment on Dunstan East for the Newton Zoning Board of Appeals

Marian Glasgow <marianglasgow@gmail.com>

Mon 6/15/2020 4:29 PM

To: Dunstan East <dunstaneast@newtonma.gov>; ahenrique@newtonma.gov <ahenrique@newtonma.gov>

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

Dear members of the Newton Zoning Board of Appeals ,

I have shopped at The Barn since I moved to Newton 48 years ago. I am sorry that it is moving but I am very pleased by what is replacing it. Therefore, I urge you to issue a Comprehensive Permit for the Dunstan East project.

Newton needs more housing, particularly that which is multifamily, affordable, energy efficient and located close to public transportation and village resources. This multiuse project fits the bill admirably and attractively. Having 25% of its units affordable and a good number of those at 50%AMI is a credible means of achieving community diversity. These are all features affording Newton a successful future. Please vote for a Comprehensive Permit for the Dunstan East project.

Sincerely,  
Marian Glasgow  
9 Laurel St.  
Newton Center, MA 02459



## Comment on Dunstan East for the Newton Zoning Board of Appeals

Marian Glasgow <marianglasgow@gmail.com>

Mon 6/15/2020 4:36 PM

To: Adrianna Henriquez <ahenriquez@newtonma.gov>

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

Dear members of the Newton Zoning Board of Appeals ,

I have shopped at The Barn since I moved to Newton 48 years ago. I am sorry that it is moving but I am very pleased by what is replacing it. Therefore, I urge you to issue a Comprehensive Permit for the Dunstan East project.

Newton needs more housing, particularly that which is multifamily, affordable, energy efficient and located close to public transportation and village resources. This multiuse project fits the bill admirably and attractively. Having 25% of its units affordable and a good number of those at 50%AMI is a credible means of achieving community diversity. These are all features affording Newton a successful future. Please vote for a Comprehensive Permit for the Dunstan East project.

Sincerely,  
Marian Glasgow  
9 Laurel St.  
Newton Center, MA 02459

## supporting Howard Rosenof's proposals

Naomi Myrvaagnes <myrvaagn@brandeis.edu>

Fri 6/5/2020 6:53 PM

To: Dunstan East <dunstaneast@newtonma.gov>

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

Dear ZBA/Newton Board members,

Here is the short letter I wrote responding to Howard Rosenof 's letter to you concerning important conditions that would materially improve the proposed Dunstan East project. I respect Howard's engineering knowledge, his observations and thoughtful analysis of the project and its further needs, and his commitment to the well-being of the West Newton neighborhood and our entire city. I want the ZBA to know that I am concerned about the social, economic, and environmental impact of this and other proposed large projects on the sustainability of our city. Everything that can be done to mitigate undue strain on our environment and systems should be required.

Thank you.

Naomi Myrvaagnes 59 Morseland Ave 02459

\*\*\*\*\*

Dear Howard,

Thank you for composing and sending this very thoughtful and informed list of conditions the City should require of the Dunstan East development. You are pointing to very specific practices that would benefit the environment and public finances as well as the immediate neighbors of the project.

I would like any city officials reading these emails to know that I heartily endorse your letter. I'm sorry that the deadline for me to forward this in writing as my recommendation to the Council has past. I hope the City will meet its responsibility to the public interest by working with the developer to implement these measures.

Naomi Myrvaagnes

On 6/5/2020 10:28 AM, Howard Rosenof wrote:

**This is the text of an email I sent to the ZBA recommending that certain conditions be attached to their approval of the Dunstan East project.**

I understand that you are likely to approve this project. But you have the right, and I would say the duty, to attach conditions that will help ensure that this project will be a good neighbor both in its construction and operation.

**Condition 1: Respect all of the Washington Street Vision Plan.**

The Vision Plan has been invoked, but only selectively, to support this proposal. The Vision Plan contemplates the Dunstan East site as having building heights of 3 to 6 stories, but this proposal has just a small section shorter than 5 stories. And given the topology of the site, the developer has used the formal definition of building height to propose building up to 7 stories above grade. The west-side elevation shows a mechanical penthouse on the north, adding in effect a partial eighth story. The Vision Plan recommends that its proposed height limits be reached "sparingly" and clearly the developer has ignored this recommendation.

The Vision Plan directs developers to "Ensure heights vary along any given block so as to maintain the sense of buildings having developed incrementally over time" but the developer wishes to turn the east side of Dunstan Street into a monolithic wall. If there's a similar Dunstan West project, Dunstan Street will become a canyon. The Vision Plan directs developers to create "gentle transitions to adjacent neighborhoods" but there is nothing gentle about the transition the developer proposes toward the neighborhood on the project's immediate north.

I also remind you that the Vision Plan is not zoning. The zoning ordinance now effective prescribes considerably smaller buildings at this site than the developer petitions you to permit.

The developer's history with similar projects provides you with ample evidence that a smaller project at this site is likely to return a reasonable profit as contemplated in 40B.

*[Note: In a filing posted a few days ago, the developer proposed some changes that will reduce building height on the site's north side. The overall size of the project has not materially changed.]*

Conditions 2 through 4 concern energy.

**Condition 2: Use the roof.**

In the 21<sup>st</sup> century we shouldn't be building acres of underutilized asphalt roof. The roof can be used to support solar panels, especially on the project's south side where the panels wouldn't create additional shadows for neighbors to its north. These can be

used to provide power to common areas, for example garage lighting. Any surplus can be sold to the grid. If the developer does not wish to invest in solar panels, the project's roof can be used to support a community solar installation. According to the Solar Energy Industries Association, through 2019 over 2000 megawatts of community solar capacity have been installed in the United States. This is approximately three times the capacity of the now-closed Pilgrim Nuclear Power Station.

Another option would be a green roof, which would mitigate the site's heat-island effect, sequester carbon, reduce stormwater runoff, and reduce the building's air conditioning load. Again, this should be designed so as not to cast additional shadows onto residential neighborhoods.

**Condition 3: Plan for an all-electric fleet of private vehicles.**

The developer proposes to equip ten percent of the building's parking spaces with charging stations, and provide for an additional ten percent to be "charger-ready". But what about the other 80% of spaces? At some point all-electric vehicles will likely become the norm rather than an exception. All garage parking spaces, at least those for residents, should have the necessary infrastructure (conduits, junction boxes and so on) to permit charging stations to be installed later with only limited additional construction then needed. This will minimize future costs, inconvenience to garage users, and residents' need to park on public streets during construction.

**Condition 4: Use state-of-the art energy systems.**

It is laudable that the developer plans to make the apartments all-electric including induction-cooking ranges. But there is more that can be done. Hybrid water heaters, with heat pumps in addition to traditional resistance elements, will save energy, reduce residents' energy costs, and over time reduce building operating costs because their replacement intervals are longer than for conventional resistance-only units.

There are other energy-saving options that may be available, such as using water to store the heat exhausted by air conditioning in the summer, and using that heat to reduce the energy needed for domestic hot water.

The developer should also be required to investigate ways to recover energy from washing and drying clothes.

Conditions 5 through 8 requires the building to be a good neighbor:

**Condition 5: Provide rodent protection to neighbors.**

Construction activities, including building demolition, are known to cause rats to leave their nests. This construction site may prove especially problematic, since there is a ready supply of water along its north side. It is customary to require builders to provide rodent control on their construction sites, and at Dunstan East this protection should be extended to abutters. Unless pre-construction rodent infestations can be shown, the developer should be required to accept liability for any rodent problems experienced by abutters.

**Condition 6: Prohibit Dunstan East residents from owning or leasing cars that can't be parked in onsite spaces.**

The developer requests a large waiver from Newton's established zoning minimums, on the basis that as a "transit-oriented development" this project will only require an average of one parking space per unit. If you choose to grant this waiver, you have a corresponding responsibility to prevent residents of Dunstan East from using neighborhood streets as their normal accommodation for overnight parking. Further, even if the developer is correct and Dunstan East residents will control on average one car per unit or fewer, market-rate renters will still have an incentive to save money by not renting garage spaces, which are to be "unbundled" and charged for separately.

**Condition 7: Indemnify Newton ratepayers for any sewer problems caused by the project.**

Dunstan East will generate wastewater flows of the same magnitude as an equivalent number of single-family residences. The City is working to maintain and improve its sewage system but we can't know today whether its sewers will be able to handle this increased flow once the project is built and occupied. The developer should be required to post a bond to defray the City's cost for any repairs or improvements that are reasonably determined to have been made necessary by wastewater flows coming from the project.

**Condition 8: Protect residents and neighbors from noise.**

Dunstan East will be adjacent to a residential neighborhood. Permissible operating hours for such activities as trash collection should be compatible with existing standards for landscaping work and so on.

**Conclusion**

Chapter 40B effectuates a transfer of zoning powers normally held by public bodies, to private developers. However, this transfer is limited to what is necessary for housing production at a reasonable profit. You are under no obligation to approve an overly large and overly dense project just so that the developer can maximize its profitability.

As has become common in Newton, residents interested in Dunstan East have coalesced into two camps. One is made up of people from all around the city who regularly speak at public hearings to support just about any proposed residential development, the bigger the better. The other largely consists of people who live nearby and are most likely to experience the project's direct effects, be they in terms of traffic, parking, noise, shadows, environmental footprint, unoccupied storefronts, or loss of our historical legacy. This list is not necessarily exhaustive. With respect to the Dunstan East proposal, I hope the Board has listened and understands that most of us in the neighborhood view the prospect of residential construction at the site as generally positive. A project no denser than the one that the same developer is now completing at Washington and Walnut Streets in Newtonville is likely to provide the developer a reasonable return on investment while being less objectionable to many in the neighborhood. Long after the City as a whole, the petitioner included, will have turned its attention to other matters, we are the ones who will be living near this project, in some cases next to it. I ask you to keep this in mind as you make your decisions.

Thank you.

--

Naomi Myrvaagnes, Ph.D.  
Scholar, Women's Studies Research Center  
MS 079 Brandeis University  
Waltham MA 02453-2728

<https://NaomiMyrvaagnes.com>

Chamber of Wonders: Poems of Encounter, 2019

Subject: Dunstan East for the Newton Zoning Board of Appeals

patburdick@aol.com <patburdick@aol.com>

Tue 6/16/2020 7:25 AM

To: DustanEast@newtonma.gov <DustanEast@newtonma.gov>; Adrianna Henriquez <ahenriquez@newtonma.gov>

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

**June 16, 2020**

**Dear Members of the Newton Zoning Board of Appeals,**

**I am writing to urge you to issue a Comprehensive Permit for the Dunstan East project.**

**The project has many benefits in addition to providing much needed housing and affordable housing.**

**The development has incorporated climate-friendly features into the conceptual design. It is located near public transportation and other amenities in West Newton. Permitting the project to proceed will contribute to Newton's efforts towards a zero carbon future by reducing heating and cooling energy use, and transportation fuel use.**

**I urge you as ZBA members to pay attention to the citizens of the City who recognize the need for more and diverse housing, densely located near village centers.**

**Thank you very much.**

**Patricia N. Burdick  
180 Dudley Road  
Newton Centre MA. 02459**

## Dunstan East Project comment

Peter Barrer <pbarrer@gmail.com>

Sun 6/14/2020 8:05 PM

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

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

Dear members of the Newton Zoning Board of Appeals,

I am writing to urge you to issue a Comprehensive Permit for the Dunstan East project.

As currently configured the project has many many benefits.

It is excellently located near public transportation and other amenities.

The Applicant has incorporated climate-friendly features into the conceptual design.

Most importantly, Newton needs more housing, and needs affordable housing.

I urge you as ZBA members to pay attention to the citizens of the City who recognize the needs for more and diverse housing, densely located near village centers.

Overweighting the opinions of the project's neighbors, relative to the rest of the community, would be a regrettable mistake.

As I understand the 40B process, ZBA conditions that are not related to health and safety are likely to be overturned on appeal, so placing unsupportable conditions will serve only to delay the project, perhaps put mitigation payments at risk, and embarrass the City (and the ZBA) in the long run.

Thank you very much.

Peter Barrer

Peter J. Barrer  
60 Endicott St.  
Newton, MA 02461  
(c) 617-630-0923

## Comment about the Dunstan East project

Ron Blau <[ronblau@gmail.com](mailto:ronblau@gmail.com)>

Tue 6/16/2020 11:29 AM

To: Dunstan East <[dunstaneast@newtonma.gov](mailto:dunstaneast@newtonma.gov)>

Cc: Adrianna Henriquez <[ahenriquez@newtonma.gov](mailto:ahenriquez@newtonma.gov)>

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

Dear members of the Newton Zoning Board of Appeals,

I believe that issuing a Comprehensive Permit for the Dunstan East project would be a good idea. First, it would provide more affordable housing, which Newton needs.

Also, the development includes climate-friendly features. It's near public transportation and other West Newton amenities, so walking is encouraged. Allowing the project to proceed will thus contribute to Newton's efforts towards a zero carbon future by reducing heating and cooling energy use, and transportation fuel use.

Please pay attention to the citizens of the City who recognize the need for more and diverse housing, densely located near village centers.

Thank you!

Ron Blau

**ron blau**

[ronblau@gmail.com](mailto:ronblau@gmail.com)

mobile 617-872-1803

111 Wood End Road

Newton, MA 02461

## Comment: Proposed Dunstan East Development Project

Sarah Gant <sarah.gant@post.harvard.edu>

Wed 6/17/2020 12:19 PM

To: DunstanEast@newtonma.org <DunstanEast@newtonma.org>; Adrianna Henriquez <ahenriquez@newtonma.gov>

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

Dear members of the Newton Zoning Board of Appeals:

I am writing to urge you to issue a Comprehensive Permit for the Dunstan East project.

This project has many benefits in addition to providing much needed housing, especially affordable housing:

- The development has incorporated climate-friendly features into the conceptual design.
- It is located near public transportation and other amenities in West Newton.
- Permitting the project to proceed will contribute to Newton's efforts towards a zero carbon future by reducing heating and cooling energy use as well as transportation fuel use.

As you know, many citizens in Newton are in strong support of creating more and diverse housing that is denser in nature and located near village centers.

Thank you for your consideration.

Sincerely,

Sarah Gant  
77 Waban Hill Rd North  
Chestnut Hill, MA 02467  
617 964-9775