



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: July 2, 2020 – **Packet 1**
Subject: Materials for **July 8, 2020** Public Hearing

Hello,

Please see the following materials for the upcoming hearing on July 8, 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. 7/8/2020 Agenda
2. Law Department Cover Memo
3. Draft Decision
4. Revised Zoning Review Memorandum
5. Revised Waiver Request from Applicant
6. Letter dated June 29, 2020 from Arthur Glasgow, 9 Laurel Street
7. Letter dated June 29, 2020 from Barbara Allaire, 26 Lowell Avenue
8. Letter dated July 1, 2020 from Betsy Harper, 19 Fairmont Avenue
9. Letter dated June 23, 2020 from Bill Dain, 199 Harvard Circle
10. Letter dated June 29, 2020 from Chagit Steiner, 48 Woodward Street
11. Letter dated July 1, 2020 from David Backer, 47 Page Road
12. Letter dated June 28, 2020 from Green Newton
13. Letter dated June 30, 3030 from Hanni Myers, 21 Manet Circle
14. Letter dated June 24, 2020 from Howard Rosenof, 9 Vincent Street
15. Letter dated June 29, 2020 from Jane S. Getter, 128 Warren Street #1

16. Letter dated July 1, 2020 from Jonathan Kantar, 672 Chestnut Street
17. Letter dated June 25, 2020 from Josephine McNeil, 53B Taft Avenue
18. Letter dated June 29, 2020 from Josh Nichols-Barrer, 60 Endicot Street
19. Letter dated July 1, 2020 from Judith Boroschek, 32 Indian Ridge Road
20. Letter dated June 29, 2020 from Judith Nichols, 60 Endicott Street
21. Letter dated June 29, 2020 from Juliet Schor, 5 Stuart Road
22. Letter dated June 29, 2020 from Kimberly Jackson, 103 Ripley Street
23. Letter dated June 29, 2020 from Leslie Zebrowitz, 62 Pine Crest Road
24. Letter dated June 29, 2020 from Lexi Turner and Tom Bledsoe, 34 Ricker Road #2
25. Letter dated June 22, 2020 from Lisa Monahan, 1105 Walnut Street
26. Letter dated June 29, 2020 from Madelyn Morris, 31 Cottage Street
27. Letter dated June 29, 2020 from Marian Glasgow, 9 Laurel Street
28. Letter dated June 23, 2020 from Nick Lazaris, 1947 Beacon Street
29. Letter dated June 30, 2020 from Patricia N. Burdick, 108 Dudley Road
30. Letter dated June 29, 2020 from Paul Holt, 75 Andrew Street
31. Letter dated June 23, 2020 from Peter Bruce, 11 Chafin Place
32. Letter dated June 22, 2020 from Peter H. Smith, 130 Washington Street
33. Letter dated June 29, 2020 from Peter H. Smith, 130 Washington Street
34. Letter dated July 1, 2020 from Peter J. Barrer, 60 Endicott Street
35. Letter dated June 30, 2020 from Rachel Alder-Golden, 20 Clarendon Street
36. Letter dated June 23, 2020 from Randall Block, 45 Lafayette Road
37. Letter dated June 24, 2020 from Right Size Newton
38. Letter dated June 29, 2020 from Ron Blau, 111 Wood End Road
39. Letter dated July 1, 2020 from Ruby Lee and Tim Marks, 904 Watertown Street
40. Letter dated July 2, 2020 from Tarik Lucas, 36 Central Avenue
41. Letter dated June 22, 2020 from Vivi Leavy, 4 Eden Avenue

Thank you,

Adrianna Henriquez

ahenriquez@newtonma.gov | (617) 796 1133



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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, July 8, 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. At the above date and time, click on “Join a Meeting” and enter the following Meeting ID: 857 1388 1384.

To view and participate in this virtual meeting on your computer, at the above date and time, go to www.zoom.us, click “Join a Meeting” and enter the following Meeting ID: 85713881384. Alternatively, the direct Zoom link to the meeting is <https://us02web.zoom.us/j/85713881384>.

To dial into the meeting via telephone, call in by dialing 1-646-558-8656 and use the Meeting ID: 857 1388 1384#

AGENDA

A public hearing of the Newton Zoning Board of Appeals will be held on Wednesday, July 8, 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

2. Review and approval of minutes for June 3, 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 or (617) 796-1253. The city’s TTY/TDD direct line is: 617-796-1089.

For the Telecommunications Relay Service (TRS), please dial 711.

CITY OF NEWTON
LAW DEPARTMENT
INTEROFFICE MEMORANDUM

DATE: July 2, 2020

TO: Brooke K. Lipsitt, Chairman
Zoning Board of Appeals

FROM: Jonah Temple, Assistant City Solicitor
Neil Cronin, Chief Planner for Current Planning

RE: Comprehensive Permit #09-19
Dunstan East Project

Attached for your review is a draft Comprehensive Permit Decision. This Decision includes proposed findings and conditions.

Please note that many of the conditions are standard conditions that are included in most comprehensive permit (as well as special permit decisions), and which you recently reviewed for the Riverdale project. While it is important for the Board to review every condition, the following boilerplate conditions may not require the same level of scrutiny during the public hearing compared to the conditions that are more project-specific:

- The general conditions (#1 through #9) and the housing conditions (#10 through #20) are standard conditions that remain unchanged from Riverdale, with the exception of the affordable housing unit matrix in Condition #10.
- The construction conditions (#33 through #46) and the ongoing conditions (#61 through #64) are also standard conditions.
- The last two sections of the conditions (#65 through #67) act as a checklist of the requirements for a building permit to issue and for a certificate of occupancy to issue and are repetitive of the preceding conditions; they do not include new substantive conditions.

Conditions that are project-specific and merit more focus from the Board include: the mitigation/offsite improvements conditions (#21 through #32); the sustainability conditions (#47 through #52); and the traffic/parking conditions (#53 through #60).

In addition to the draft Decision, the following documents are also attached to assist your review: (1) a final revised list of waivers requested by the Applicant; and (2) a revised Zoning Review Memorandum.

We look forward to discussing the Decision at the Board's next meeting on July 8, 2020.

Thank you.



Ruthanne Fuller
Mayor

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ZONING BOARD OF APPEALS

Adrianna Henriquez, Board Clerk

DECISION

**1149, 1151, 1169, 1171-1173, 1179 and 1185 Washington Street,
12, 18, 24 and 25 Kempton Place, and
32 and 34 Dunstan Street, Newton, Massachusetts
Comprehensive Permit**

Decision Number: #09-19

Date Application Filed: December 24, 2019

Applicant: Dunstan East, LLC

Premises Affected: 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, Assessor's Map 31007 0028, 31007 0028A, 31007 0030, 31007 0032, 31007 0033, 31007 0035, 31007 0036, 31007 0037, 31007 0038, 31007 0040, 31007 0040A, 31007 0040B, 31007 0040C, 31007 0040D, 31007 0040E, 31007 0040F, 31007 0040G, 31007 0041, 31007 0042

Relief Requested: Comprehensive Permit, G.L. c. 40B, §§ 20-23

Public Notice: January 8, 2020 and January 15, 2020

Public Hearing Dates: January 22, 2020; March 17, 2020; April 22, 2020; May 20, 2020; June 8, 2020; June 23, 2020; July 8, 2020

Decision of the Board: Approved with Conditions

Members Voting: Brooke K. Lipsitt, (Chair); William McLaughlin (Vice Chair); Barbara Huggins Carboni; Michael Rossi; Michael Quinn; Timothy Durken (alternate)

Date of Decision: July XX, 2020

PROCEDURAL HISTORY

1. On October 28, 2019, Massachusetts Housing Finance Agency (“MassHousing”) issued a Project Eligibility Letter (“PEL”) to Dunstan East, LLC (the “Applicant”).
2. On December 24, 2019, the Applicant Applied for a Comprehensive Permit pursuant to G.L. c. 40B, §§ 20-23 (the “Act”) to construct a mixed use development known as “Dunstan East” containing three new buildings with 244 residential rental units and 12,141 square feet of retail space, and to maintain an approximately 8,222 square foot existing office building (the “Original Project”) on approximately 3.17 acres of land located 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 “Site”).
3. During the course of the public hearing, based upon feedback from the Board, advisory groups, and residents, the Original Project underwent several revisions, ultimately resulting in a smaller project with 234-unit residential rental units, including 59 affordable housing units, and 8,318 square feet of retail space (the “Project”). The final revision included a reduction in a portion of the Project’s height, and a reallocation of the residential rental units, ground floor commercial space, and lobby space.
4. The materials submitted by the Applicant and/or entered into the record during the public hearing include:
 - Application for Comprehensive Permit dated December 19, 2019 and submitted December 24, 2019, including the following plans:
 - i. Site Plan dated November 25, 2019 by Vanasse Hangen Brustlin, Inc. (C-2.0)
 - ii. Grading and Drainage Plan dated November 25, 2019 by Vanasse Hangen Brustlin, Inc. (C-3.0)
 - iii. Utility Plan dated November 25, 2019 by Vanasse Hangen Brustlin, Inc. (C-4.0)
 - iv. Site Details Plans 1 – 3 dated November 25, 2019 by Vanasse Hangen Brustlin, Inc. (C-5.1 – C 5-5.3)
 - v. Site Materials Plan dated November 25, 2019 by Vanasse Hangen Brustlin, Inc. and Halvorson Design (L 1.1.)
 - vi. Existing Site Layout Plan dated November 25, 2019 by Vanasse Hangen Brustlin, Inc. and Elkus Manfredi Architects (A-001)
 - vii. Building 1 and 2 Level P2 Plan dated November 25, 2019 by Vanasse Hangen Brustlin, Inc. and Elkus Manfredi Architects (A-120)
 - viii. Buildings 1, 2, and 3 Level P1 Plan dated November 25, 2019 by Vanasse Hangen Brustlin, Inc. and Elkus Manfredi Architects (A-121)
 - ix. Buildings 1, 2, and 3 Level 1 Plan dated November 25, 2019 by Vanasse Hangen Brustlin, Inc. and Elkus Manfredi Architects (A-122)

- x. Buildings 1, 2, and 3 Level 2 Plan dated November 25, 2019 by Vanasse Hangen Brustlin, Inc. and Elkus Manfredi Architects (A-123)
- xi. Buildings 1, 2 and 3 Level 3 Plan dated November 25, 2019 by Vanasse Hangen Brustlin, Inc. and Elkus Manfredi Architects (A-124)
- xii. Buildings 1, 2, and 3 Level 4 Plan dated November 25, 2019 by Vanasse Hangen Brustlin, Inc. and Elkus Manfredi Architects (A-125)
- xiii. Buildings 1, 2, and 3 Level 5 Plan dated November 25, 2019 by Vanasse Hangen Brustlin, Inc. and Elkus Manfredi Architects (A-126)
- xiv. Buildings 1, 2, and 3 Level 6 Plan dated November 25, 2019 by Vanasse Hangen Brustlin, Inc. and Elkus Manfredi Architects (A-127)
- xv. Roof Plan dated November 25, 2019 by Vanasse Hangen Brustlin, Inc. and Elkus Manfredi Architects (A-128)
- xvi. Buildings 1 and 2 Elevations dated November 25, 2019 by Vanasse Hangen Brustlin, Inc. and Elkus Manfredi Architects (A-203)
- xvii. Buildings 1 and 2 Elevations dated November 25, 2019 by Vanasse Hangen Brustlin, Inc. and Elkus Manfredi Architects (A-204)
- xviii. Building 3 Elevations dated November 25, 2019 by Vanasse Hangen Brustlin, Inc. and Elkus Manfredi Architects (A-205)
- xix. Building Sections Plan dated November 25, 2019 by Vanasse Hangen Brustlin, Inc. and Elkus Manfredi Architects (A-203)
- xx. Boundary and Topographic Survey dated May 28, 2019, prepared by Gerry L. Holdright, PLS, of Control Point Associates, Inc. (Sheets 1-5)
 - Planning Department Public Hearing Memorandum dated January 16, 2020;
 - Letter from the Urban Design Commission dated January 16, 2020;
 - Horsley Witten Group Peer Review dated March 10, 2020;
 - Planning Department Public Hearing Memorandum dated March 12, 2020;
 - Planning Department Public Hearing Memorandum dated April 16, 2020;
 - Transportation Engineering Peer Review, conducted by BETA Group, Inc. dated April 2020;
 - Planning Department Public Hearing Memorandum dated May 14, 2020;
 - Newton Fair Housing Committee letter to Brooke K. Lipsitt, Zoning Board of Appeals Chair re: Dunstan East Comprehensive Permit;
 - BETA Group, Inc. Memorandum entitled “The Dunstan Residence West Newton Redevelopment Transportation Engineering Peer Review- Transportation Engineering Peer Review of Response to Comments,” dated May 2020;
 - Correspondence from Schlesinger and Buchbinder LLP dated March 12, 2020 with the following enclosed documents:
 - i. Shadow study dated February 28, 2020 by Elkus Manfredi Architects consisting of nine (9) sheets;
 - ii. Photometric Plan dated March 3, 2020 by ReflexLighting;
 - iii. Plan entitled “Fire Department Access Plan” dated February 11, 2020 by VHB stamped and signed by Deputy Chief Israel Jimenez on March 4, 2020 indicating site review and acceptance;

- iv. Memorandum from Leslie Kivitz, Esquire, General Counsel for Mark Development, LLC outlining site control for 12 Kempton Place;
- v. Site Sections dated February 28, 2020 by Elkus Manfredi Architects consisting of seven (7) sheets;
- vi. Floor Plans showing corridor lengths consisting of three (3) sheets;
- vii. Vision Plan comparison.
- Correspondence from Schlesinger and Buchbinder LLP dated April 16, 2020 with the following enclosed documents:
 - i. Retail Loading Plan dated April 16, 2020 by Elkus Manfredi Architects;
 - ii. Residential Move-in and Move-Out Plan dated April 16, 2020 by Elkus Manfredi Architects.;
 - iii. Trash Management Plan dated April 16, 2020 by Elkus Manfredi Architects;
 - iv. Residential Pick-up/Drop-off Plan dated April 16, 2020 by Elkus Manfredi Architects;
 - v. Garage Parking Plan and Matrix dated April 16, 2020 by Elkus Manfredi Architects;
 - vi. Courtyard Division of Space Diagram dated April 16, 2020 by Elkus Manfredi Architects;
 - vii. Bike Parking Matrix dated April 16, 2020 by Elkus Manfredi Architects;
 - viii. Transit Capacity Analysis with Appendix dated April, 2020 by Vanasse Hangen Brustlin, Inc.
- Correspondence from Schlesinger and Buchbinder LLP dated May 11, 2020 with the following enclosed documents:
 - i. Development Team's May 1, 2020 Response to Horsley-Witten Group's March 10, 2020 Peer Review Memorandum and supporting Exhibits;
 - ii. VHB's April 28, 2020 Response to BETA Group's April, 2020 Peer Review Memorandum;
 - iii. Revised Civil Engineering Plans dated April 28, 2020 by VHB consisting of fifteen sheets;
 - iv. Site Operations Memorandum;
 - v. Preliminary Signage/Wayfinding Plan dated April 30, 2020 by Elkus Manfredi Architects consisting of three sheets;
 - vi. Proposed Dunstan Street Improvements dated April 30, 2020 by Mark Development consisting of seven sheets;
 - vii. Revised Architectural Plans dated May 8, 2020 by Elkus Manfredi Architects consisting of fourteen sheets; and
 - viii. Memorandum from Mark Development dated May 8, 2020 explaining the various plan changes.
- Letter from Green Newton to the Zoning Board of Appeals dated April 22, 2020;
- Letter from Joel A. Bloom, 20 Turner Street;
- Letter from Newton Housing Partnership dated _____;
- Letter from the Fair Housing Committee dated April 27, 2020;

- Memorandum from City Councilor Andreae Downs, Susan Albright, Jake Auchincloss, Alicia Bowman, Vicki Danberg, Alison Leary and Brenda Noel for ZBA re: Parking dated April 24, 2020;
- Letter from Bart Lloyd, 65 Taft Avenue, dated April 21, 2020;
- Letter from Benita Danzing, 79 Brookside Avenue, dated May 10, 2020;
- Letter from Claire Sokoloff, 41 Oxford Road, dated May 14, 2020;
- Letter from Daniel Harris, 14 Phillips Lane, dated May 9, 2020;
- Letter from Donnalyn Kahn, 66 Highland Avenue, dated May 13, 2020;
- Letter from Ellen Lubell and David Nathan, 80 Temple Street, dated April 17, 2020;
- Letter from Engine 6, dated May 13, 2020;
- Letter from Fran Godine, 19 Crofton Road, dated April 22, 2020;
- Letter from Gloria Gavis, 21 Monadnock Road, dated May 12, 2020;
- Letter from Alex Olhava, 11 Scarsdale Road and Griffin Bond, 1592 Commonwealth Avenue, dated May 11, 2020;
- Letters from Howard Rosenof, 9 Vincent Street, dated April 8, 2020, April 17, 2020, April 28, 2020, and June 1, 2020;
- Letter from John Sisson, 45 Greenlawn Avenue, dated May 14, 2020;
- Letter from Lynn Weissberg, 5 Alden Street, dated April 21, 2020;
- Letter from Rob Gifford, 41 Oxford Road, dated May 14, 2020;
- Letter from Sue Parsons, 172 Washington Street, dated May 14, 2020;
- Letter from Susan Davidoff, 24 Bridge Street, dated May 14, 2020;
- Letter from Tim Murphy, 250 Waltham Street, dated May 13, 2020;
- Letter from Tom Gagen, 32 Fern Street, dated May 13, 2020;
- Correspondence from Schlesinger and Buchbinder LLP dated June 2, 2020 with the following enclosed documents:
 - i. Revised Architectural Plans dated June 1, 2020 by Elkus Manfredi Architects (consisting of fourteen sheets);
 - ii. Rendered elevations dated Jun 1, 2020 by Elkus Manfredi Architects summarizing plan changes and enhancements since previous filing (consisting of four sheets);
 - iii. Matrix outlining plan evolution since original filing and updated affordable unit mix;
 - iv. Summary of Proposed Mitigation from Mark Development; and
 - v. Memorandum from Sanborn Head dated March 31, 2020.
- Planning Department Public Hearing Memorandum dated June 4, 2020;
- Letter from Michael Halle, Chair of the Newton Transportation Advisory Group dated May 19, 2020;
- Letter from Julia Wolfe, 170 Cherry Street, dated May 19, 2020;
- Letter from Angela Eleazar, 160 Stanton Avenue, dated May 21, 2020;
- Letter from Ellen Weinberger, 160 Elliot Ave, dated June 1, 2020
- Letter from Allison Kelly and Andrew Reed, 11 Raymond Place, dated June 1, 2020;
- Letter dated June 1, 2020 from Howard Rosenof

- Letter dated June 1, 2020 from Ellen Weinberger
- Letter dated June 1, 2020 from Allison Kelley and Andrew Reed
- Supplemental Material from the Applicant dated June 2, 2020
- Revised Architectural Plans dated June 1, 2020 by Elkus Manfredi Architects (consisting of fourteen sheets).
- Rendered elevations dated Jun 1, 2020 by Elkus Manfredi Architects summarizing plan changes and enhancements since previous filing (consisting of four sheets).
- Matrix outlining plan evolution since original filing and updated affordable unit mix.
- Summary of Proposed Mitigation from Mark Development.
- Memorandum prepared for Mark Development by Sanborn Head dated March 31, 2020.
- Supplemental Material from the Applicant dated June 17, 2020:
- Revised list of waivers from the Applicant
- Memorandum from Bozzuto Management Company to Mark Development dated June 15, 2020
- Letter dated June 15, 2020 from Arthur Glasgow
- Letter dated June 15, 2020 from Beverly Craig
- Letter dated June 16, 2020 from Chagit Steiner
- 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
- Letter dated June 15, 2020 from Ellie Goldberg
- Letter dated June 16, 2020 from GreenNewton
- Letter dated June 5, 2020 from Heather Amsden
- Letter dated June 16, 2020 from Jay Walter
- Letter dated June 15, 2020 from Jen Barrer-Gall
- Letter dated June 15, 2020 from Jonathan Kantar
- Letter dated June 15, 2020 from Judy Norsigian
- Letter dated June 17, 2020 from Kathy Pillsbury
- Letter dated June 11, 2020 from the League of Women Voters Newton
- Letter dated June 17, 2020 from Leslie Zebrowitz
- Letter dated June 15, 2020 from Marian Glasgow
- Letter dated June 5, 2020 from Naomi Myrvaagnes
- Letter dated June 16, 2020 from Patricia N. Burdick
- Letter dated June 14, 2020 from Peter Barrer
- Letter dated June 16, 2020 from Ron Blau
- Letter dated June 17, 2020 from Sarah Grant
- Letter dated June 15, 2020 from Judith Boroschek
- Planning Memorandum dated June 18, 2020
- Letter from Meryl Kessler dated June 19, 2020
- Letter from Doris Ann Sweet dated June 19, 2020

5. The Zoning Board of Appeals for the City of Newton (the “Board”) opened a duly noticed public hearing on January 22, 2020. A second session of the public hearing was held on

March 17, 2020 via Internet video conferencing, pursuant to Massachusetts executive order, *Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, Section 20* (March 10, 2020), and Chapter 53 of the Acts of 2020, an *Act To Address Challenges Faced by Municipalities and State Authorities Resulting from COVID-19* (April 3, 2020). Additional sessions of the public hearing were held on April 22, 2020, May 20, 2020, June 8, 2020, and June 23, 2020, all via Internet video conferencing pursuant to the aforementioned Executive Order and act.

6. The Board conducted a duly noticed site visit on February 24, 2020.
7. On July 8, 2020, the Board closed the public hearing.
8. The Board deliberated on the application at a public hearing held on July 8, 2020 and voted to grant a Comprehensive Permit subject to the Conditions listed below.
9. As required by the Act, the Board notified all applicable local boards, commissions, and departments of the filing of the Application by sending a copy thereof to such local boards, commissions, and departments for their recommendations, all of which have been made a part of the record of these proceedings and have been taken into consideration by the Board in rendering its decision.
10. During the course of the public hearing, City staff, boards/commissions, peer reviewers, local residents, and technical experts submitted extensive oral and written testimony with respect to the Project on issues of: site design; open space; landscaping; lighting; sewer and drainage; massing; scale; pedestrian scale; height; streetscapes/public realms; architecture; feasibility of the parking plan; geotechnical studies including but not limited to foundation method, construction means and methods, groundwater impact, soil conditions and testing for hazardous materials; construction management and planning; protection of abutters' properties during construction; emergency access during construction; sustainability; parking adequacy, design, management, and ratios; shadow impacts; traffic impact and access studies; traffic and pedestrian safety; traffic demand management; rubbish and recycling management; site circulation, access/egress; adequacy of transit service; signage; accessibility; water table, flooding, flood plain, and compensatory flood storage; stormwater management; integration and coordination of functions occurring in the ground plane including but not limited to truck deliveries, trash/recycling pickup, and loading zones; rideshare drop-off and pick-up; snow removal; engineering; infiltration and inflow; design; environmental concerns; greenspace and recreation areas; site control, and the City's Vision Plan for the Washington Street corridor.

11. The following consultants and independent peer reviewers assisted the Board in its review of the Application:
 - a. Transportation
Jeff Maxtutis and Jaklyn Centraccio
BETA Group, Inc.
 - b. Site Design, Open Space, Civil Engineering, Stormwater, Flooding
Janet Bernardo and Jon Ford
Horsley Witten Group
12. The following representatives and members of the Applicant's development team presented oral and written testimony to the Board:
 - a. Stephen Buchbinder, Esq., Katherine Adams, Esq. and Julie Ross, Esq., Schlesinger and Buchbinder, LLP
 - b. Robert Korff, Founding Principal and CEO, Mark Development, LLC
 - c. Damien Chaviano, Principal, Mark Development, LLC
 - d. John Martin, AIA, LEED-AP, Principal, Elkus Manfredi Architects
 - e. Randall C. Hart, Director, Transportation, Planning & Energy, Vanasse Hangen Brustlin, Inc.
 - f. Rich Hollworth, Director of Land Development, Vanasse Hansen Brustlin, Inc.
 - g. Jeff Speck, AICP, CNU-A, LEED-AP, Hon. ASLA, Speck and Associates;
 - h. Robert Adams, Principal Landscape Architect, Halvorson
 - i. Thomas Chase, New Ecology, Senior Project Manager, LEED BD+C + Homes, CPHC

FINDINGS

1. The Applicant received the PEL finding that the Original Project is eligible under the New England Fund housing subsidy program, and at least 25% of the units will be available to households earning up to 80% of Area Median Income ("AMI"), adjusted for household size, as published by the U.S. Department of Housing and Urban Development. In accordance with 760 CMR 56.04(6), the Board considers the issuance of the PEL to be conclusive evidence that the Project and the Applicant have satisfied the project eligibility requirements to receive a comprehensive permit.
2. The Board finds that the Applicant has complied with all of the rules and regulations of the City of Newton as they pertain to the application for a comprehensive permit.
3. The Site is located 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, in the Business 2 Zoning District.
4. Existing conditions at the Site consist of approximately 138,142 square feet (3.17 acres) of land improved with multiple commercial/industrial and residential buildings. A majority

of the Site is impervious area. The Site and surrounding neighborhood are comprised of a mix of uses, including single- and multi-story commercial and industrial uses along Washington Street, and single-family residential uses to the north of the Site along Watertown Street. The single-family residential uses on the east side Dunstan Street and the south side of Watertown Street are buffered by Cheesecake Brook, which abuts the Site to the north.

5. The Site is located in a walkable area directly served by MBTA bus routes 553 and 554 providing express connections to Boston and the Site is less than one mile from MBTA bus route 170 and MBTA commuter rail stations in West Newton and Newtonville.
6. The Project is consistent with several goals of Newton's *Comprehensive Plan* by locating additional housing units near public transit
7. The Project is consistent with the principles of the Washington Street Vision Plan by:
 - a. Using building height to foster a moment of arrival along Washington Street.
 - b. Transitioning height from Washington Street to the residential structures north of the Site with a rear setback in excess required by the Business Use 2 zoning district.
 - c. Employing a variety of building sizes and shapes to create a public courtyard and to create smaller blocks.
8. The site is an appropriate location for the Project due to its location within the Business 2 district, proximity to the village of West Newton, and the project is creating additional housing near transit and existing neighborhood amenities.
9. The Project provides outdoor community space, which will be open to the public and increases public access to Cheesecake Brook.
10. The sustainability plan meets many of the City's goals outlined in the Climate Action Plan such as:
 - a. Improving Cheesecake Brook to increase compensatory flood storage to reduce downstream flooding.
 - b. Reducing the heat island effect by redeveloping an impervious site to include open space and plantings.
 - c. Constructing the buildings to achieve LEED Gold version 4 certifiability and conducting an embodied carbon analysis during final design.
11. The Project will provide 59 deed restricted housing units, 51 of which will be affordable to households earning up to 80% of Area Median Income, and 8 of which will be affordable to households earning up to 50% of Area Median Income. The Board finds those eight units are in excess of the requirements of the City of Newton Zoning Ordinance. As conditioned by this decision, the proposed development is Consistent with Local Needs, as that term is defined in 760 CMR 56.02, and will provide housing for individuals with an AMI of 80% or less.

12. The Board finds that a development at this location is appropriate because it increases density without having an adverse impact on the neighborhood, the Project is structurally sound, has adequate sewage and water drainage arrangements, and adequate fire protection, the Project has adequate arrangements for dealing with traffic circulation within the site and off, the Site is not proximate to airports, industrial activities, or other activities which may affect the health and safety of the occupants of the proposed housing, and the Project has adequate parking arrangements.
13. In accordance with City Ordinance Chapter 29, §§ 167-174, the Board finds that there is good cause, based in part on other mitigation and community benefits offered by the Applicant, to waive 75% of the infiltration/inflow calculation for the Project. Therefore, the fee shall be \$515,510.00.
14. The Board heard the concerns of City staff, boards, commissions, departments, and residents and weighed them against local needs. The Board finds that the Project, as conditioned below, is Consistent with Local Needs, as that term is defined in 760 CMR 56.02, as required by the Act.
15. The Board finds that the conditions imposed in this decision are necessary in order to address Local Concerns, as that term is defined in 760 CMR 56.02. At no time during the public hearing did the Applicant indicate that any conditions may render the Project uneconomic, and therefore the Board finds that the conditions will not render the Project uneconomic. To the extent that such conditions may render the Project uneconomic, the Board finds that the Local Concerns outweigh the potential benefits of the proposed affordable units.
16. The Board acknowledges concerns raised by abutters and other interested parties. The Board finds that despite these concerns, the Project addresses local and regional housing needs.

DECISION

Pursuant to the Act, after convening a public hearing and making findings of fact, the Board grants a Comprehensive Permit to the Applicant for the Project, encompassing the enumerated waivers set forth herein and subject to the following conditions of approval set forth below.

CONDITIONS

GENERAL CONDITIONS

1. All buildings, parking areas, driveways walkways, landscaping, and all other site features associated with this Comprehensive Permit shall be located and constructed consistent with the plans identified in Schedule A, and which are incorporated by reference (collectively, the “Approved Plans”).
2. Prior to the issuance of any building permits, the Applicant shall submit a complete final set of architectural plans including elevations, signed and stamped by an architect, and dimensioned site plans, engineering plans, storm water drainage plans, landscaping plans, and utility plans, signed and stamped by a professional engineer, consistent with the Approved Plans listed/referenced in Condition #1. To the extent that the final plans referenced in this Condition differ from the Approved Plans, the Applicant shall request a consistency ruling from the Commissioner of Inspectional Services.
3. With respect to the Applicant’s request for waivers from local ordinances and regulations, the Board approves only those waivers listed in this Decision. The Project shall comply with all applicable local ordinances, rules, and regulations not expressly waived, including the payment of all applicable permit fees. The Project shall also comply with all applicable state and federal laws, codes, regulations, and standards.
4. The City will not issue a building permit for the Project without final approval from the Subsidizing Agency.
5. Copies of all state and federal permits and approvals related to the Site or the Project shall be submitted to the City’s Department of Planning and Development as well as the Law Department for review to ensure consistency and compliance with this Decision.
6. Before any site clearing, grading, demolition, or construction may begin on site, the Applicant shall submit a municipal lien certificate that shows all assessments and betterments have been paid in full and there are no outstanding municipal liens on the property.
7. Unless extended by the Newton Zoning Board of Appeals upon a finding of good cause, this Comprehensive Permit Decision shall lapse and become void if construction is not commenced within three years of the date on which it is filed with the City Clerk, not including the time required to pursue or await the determination of an appeal pursuant to G.L.c. 40B. For purposes of this paragraph only, commencement of construction is defined as the issuance of a building permit (other than a demolition permit) for all or any portion of the Project.
8. The Applicant shall use its best efforts to secure a building permit within one year of the filing of this Comprehensive Permit Decision with the City Clerk to ensure that the units remain eligible for inclusion on the City’s Subsidized Housing Inventory.

9. This Comprehensive Permit Decision, and all conditions herein, shall run with the land and be binding on any heirs, successors or assigns of the Applicant. In the event that this Project, the comprehensive permit, or any of the obligations therein are sold, transferred, sub-contracted, or otherwise made the obligation(s) of an entity other than the original Applicant, the successor or subcontractor shall be bound by all of the terms and conditions of this Comprehensive Permit Decision.

HOUSING CONDITIONS

10. The Project shall include 234 units of rental housing, as listed in the following table:

Unit Type	Number of Units	Number of Affordable Units
Studio	31	8
One Bedroom	94	24
Two Bedroom	81	20
Three Bedroom	28	7

- 11. Twenty five percent (25%) of the units, which is 59 units, shall be affordable to households earning up to 80% of the AMI, adjusted for household size, as published by the U.S. Department of Housing and Urban Development (the "Affordable Units").
- 12. Fifty-one (51) of the Affordable Units shall be affordable to households at 80% of AMI. Eight (8) of the Affordable Units shall be affordable to households earning up to 50% of AMI.
- 13. All 59 Affordable Units shall be and shall remain affordable in perpetuity at the affordability levels set forth herein through the execution of the Regulatory Agreement.
- 14. All units, including both the Affordable Units and the market rate units, shall be eligible for inclusion on DHCD's Subsidized Housing Inventory (SHI) in perpetuity in accordance with DHCD Guidelines.
- 15. Unless otherwise required by MassHousing, the Affordable Units shall be dispersed throughout the Project and shall have approximately the same bedroom "ratio" or "mix" as the other units in the Project. Each residential building shall have approximately 25% Affordable Units.
- 16. The Affirmative Fair Housing Marketing and Resident Selection Plan shall meet the requirements of DHCD's Guidelines for G.L. c. 40B Comprehensive Permit Projects.
- 17. The Applicant shall provide evidence of MassHousing's approval of the Affirmative Fair Housing Marketing and Resident Selection Plan prior to commencing any marketing of the units.

18. If Certificates of Occupancy are sought on a per unit basis, then no more than three Certificates of Occupancy (temporary or final) shall be issued for market rate units until at least one Certificate of Occupancy (temporary or final) is issued for an Affordable Unit. At no point will the number of Certificates of Occupancy issued for Affordable Units be less than 25% of all Certificates of Occupancy issued.
19. No residential unit or building shall be constructed to contain or be marketed and/or rented as containing more bedrooms than the number of bedrooms indicated for said unit in the Approved Plans referenced in Condition #1 and Condition #11. All leases for the units in the Project shall include language stating that tenants may not use any rooms other than bedrooms for sleeping purposes. Living rooms or dining rooms may not be used as bedrooms.
20. A second-Regulatory Agreement (the "City Regulatory Agreement"), in a form approved by the City Law Department, shall be entered into by the Applicant and the City and shall be executed and recorded prior to expiration of the initial Regulatory Agreement, and shall remain effective for so long as the Project exists. The Applicant shall enter into the City Regulatory Agreement to continue such restrictions and the terms of the City Regulatory Agreement shall be consistent with the terms of this Decision and with the customary terms of the City's Regulatory Agreements. At a minimum, the City Regulatory Agreement shall require: (i) that the Project shall remain 25% affordable in perpetuity; (ii) that 25% of the units in the Project shall be affordable and rented to low and moderate income households as that term is defined in G.L. c. 40B, §§ 20-23 as set forth in Condition #12; and (iii) annual monitoring and reporting to ensure compliance. The City Regulatory Agreement shall constitute a restrictive covenant and shall be recorded against the Property and shall be enforceable by the City.

MITIGATION/OFFSITE IMPROVEMENT CONDITIONS

21. The Applicant shall make payments in the aggregate amount of \$515,510.00 to the City for infrastructure improvements for inflow and infiltration (I&I). Payments shall be made as follows:
 - a. \$257,755.00 at the first building permit for the vertical construction of the Project.
 - b. \$257,755.00 at the first dwelling unit occupancy permit (temporary or final) in the Project.
22. Prior to the issuance of any building permits for the vertical construction of the Project, the Applicant shall submit plans for the reconstruction/improvement of the sidewalk along the Washington Street frontage of the Project with ADA compliant sidewalks for review and approval by the Director of Planning and Development and the Commissioner of Public Works. The plans shall also include the replacement of the City's street lights currently within the sidewalk by the Applicant. Prior to the issuance of any certificates of occupancy (temporary or final) for the final dwelling unit, and at the Applicant's sole cost and expense,

the Applicant shall complete this work in accordance with the approved plans. The Commissioner of Public Works shall inspect and approve the improvements upon completion.

23. The Applicant shall update the pedestrian curb cut and ramp on the corner of Dunstan and Washington Street in front of 1191 Washington Street to current ADA standards and in accordance with the City of Newton's specifications, provided that the Applicant obtains permission from the abutting property owner to the extent such permission is legally required. The Applicant shall use best efforts to obtain all legally required permission to perform this work and such efforts must be documented to the Director of Planning and Development upon request. Prior to the issuance of any building permits for the vertical construction of the Project, the Applicant shall submit final plans for review and approval by the Director of Planning and Development and the Commissioner of Public Works in consultation with the Director of Transportation, and the City Engineer. Prior to the issuance of any certificates of occupancy (temporary or final) for the final dwelling unit, and at the Applicant's sole cost and expense, the Applicant shall complete this work in accordance with the approved plans. If all or any portion of this work is not possible due to the inability to obtain property owners' permissions, the Applicant shall work with the Director of Planning and Development and the Commissioner of Public Works to identify other local improvements or other measures that the Applicant shall fulfill at a similar cost.
24. Prior to the issuance of the first building permit for vertical construction of the Project, the Applicant shall submit a design for a crosswalk across Washington Street in the general vicinity of Armory Street, equipped with a pedestrian hybrid beacon (a.k.a. high-intensity activated crosswalk beacon ("HAWK")) to the Commissioner of Public Works and the Director of Planning and Development for review and approval. The design shall include curb extensions on the north and south side of Washington Street and shall be consistent with MBTA bus stop guidelines. The Applicant shall construct and install all infrastructure of the approved design and have the improvements inspected and approved by the Department of Public Works prior to the issuance of any certificate of occupancy (temporary or final) for the final dwelling unit.
25. Prior to the issuance of any certificate of occupancy (temporary or final) for the final dwelling unit, the Applicant shall, at its sole cost and expense, purchase and install bus shelters on both the North and South sides of Washington Street. Final design, location and installation shall be subject to review and approval by Commissioner of Public Works and the Director of Planning and Development.
26. Prior to the issuance of any certificates of occupancy (temporary or final) for the final dwelling unit, the Applicant shall, at its sole cost and expense, submit traffic signal plans to the Commissioner of Public Works with revised traffic signal timing, phasing, splits, and offsets (as appropriate) for review and approval, and at the Applicant's sole cost and

Commented [JT1]: The Applicant has not yet agreed to this condition.

expense, the Applicant shall complete this work in accordance with the approved plans at the following locations:

- a. Watertown Street at Albemarle Road
- b. Washington Street at Prospect Street

27. Prior to the issuance of any certificate of occupancy (temporary or final) for the final dwelling unit, the Applicant shall, at its sole cost and expense, conduct Roadway Safety Audits (RSA) at the following locations:

- a. Washington Street/Davis Court/Jacobs Auto Sales
- b. Washington Street at Eden Street
- c. Watertown Street at Davis Court

Upon completion of the RSA's copies shall be provided to the Director of Planning and Development.

28. Prior to the issuance of any certificates of occupancy (temporary or final) for the final dwelling unit, the Applicant shall, at its sole cost and expense, repair the existing sidewalk segment over Cheesecake Brook on the east side of Dunstan Street to the satisfaction of the Commissioner of Public Works.

29. The Applicant shall allow public pedestrian access, including accessible access through the courtyard between Buildings 1 and 2 to Cheesecake Brook and shall allow public pedestrian access to the boardwalk at the northern portion of the Site. The Applicant shall also allow public access through the eastern portion of the Site to Armory Street, should a connection be developed in the future.

30. Prior to the issuance of any building permit or demolition permit for the Project, the Applicant shall seek the necessary approvals from the Newton Conservation Commission for the proposed improvements to Cheesecake Brook including: restoration and naturalization of the Cheesecake Brook edge; removing the wall on the south side of Cheesecake Brook within the limits of the Site; regrading the bank and adding vegetation along the newly naturalized edge; sidewalk repairs at Cheesecake Brook Bridge, and construction of the pedestrian way along Cheesecake Brook. Such improvements shall be completed prior to the issuance of a certificate of occupancy (temporary or final) for the final dwelling unit. In the event, the Conservation Commission does not approve the above improvements, the Applicant shall work with the Director of Planning and Development to identify alternative local improvements or other measures that the Applicant shall fulfill at a similar cost.

31. Prior to the issuance of the first building permit for vertical construction of the Project, the Applicant shall submit a plan detailing the improvements to Dunstan Street in accordance with the Conceptual plan dated ____ on file with the Clerk of the Board to the Commissioner of Public Works and the Director of Planning and Development for review and approval. The Applicant shall complete this work prior to the issuance of a certificate of occupancy (temporary or final) for the final dwelling unit.
32. The Applicant shall pay the sum of \$100,000 for improvements to the Elm Street Park Playground prior to issuance of any certificate of occupancy (temporary or final) for the first dwelling unit in the Project.

CONSTRUCTION CONDITIONS

33. The Applicant shall pay the reasonable fees of the City's consultants for review of the building permit plans or documents described herein or for inspections required during the construction phase.
34. All construction activity shall be limited to 7:00AM-7:00PM Monday through Friday and 8:00AM-7:00PM on Saturdays, excluding holidays, unless waived by the Mayor in accordance with Newton Ordinances, §20-13. Interior work may occur at times outside of the hours specified above, but only after the building is fully enclosed.
35. Prior to the issuance of any building permit for the Project, other than a demolition permit, the Applicant shall submit a Construction Management Plan (CMP) for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, the Commissioner of Public Works, the Commissioner of Parks, Recreation, and Culture, the City Engineer, and the Fire Department. The Applicant shall comply in all material respects with the final Construction Management Plan, which shall be consistent with and not in conflict with relevant conditions of this Decision and shall include, but not be limited to, the following provisions:
 - a. 24-hour contact information for the general contractor of the Project.
 - b. The proposed schedule of the project, including the general phasing of the construction activities and anticipated milestones and completion dates.
 - c. Site plan(s) showing the proposed location of the contractor and subcontractor parking, on-site material storage area(s), on-site staging area(s) for construction and delivery vehicles, and location of any security fencing.
 - d. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them using tarps to cover piles of bulk building materials and soil; and locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.

- e. Proposed methods of noise control, in accordance with the City of Newton's Noise Ordinance, §20-13. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise-producing staging activities should be located as far as practicable from noise sensitive locations.
 - f. Tree preservation plan to define the proposed method(s) for protection of any existing trees to remain on site.
 - g. A plan for rodent control prior to demolition, during demolition, and during construction.
 - h. The CMP shall also address the following: safety precautions; anticipated dewatering during construction; site safety and stability; and impacts on abutting properties.
36. The Applicant shall be responsible for securing and paying police details that may be necessary for traffic control throughout the construction process as required by the Police Chief.
37. The Applicant shall be responsible for repairing any damage to public ways and public property caused by any construction vehicles traveling to or from the Site. All repair work shall be done prior to the issuance of the final certificate of occupancy for the final dwelling unit in the Project, unless the Commissioner of Public Works determines either: (a) that the damage to the public way is so extensive that it limits the use of the public way; (b) that the damage interferes with traffic flow; or (c) that the damage poses a threat to public safety. In such cases, the repair work must be initiated within one month of the Commissioner making such determination and shall be conducted consistent with City Construction Standards, and shall be completed within an appropriate time frame, as determined by the Commissioner.
38. The Applicant shall designate a neighborhood liaison to communicate with the neighborhood, all property owners and businesses within 300 feet of the Site, and the Ward 3 City Councilors via email. The substance of the communication shall include updates related to key construction activities and shall facilitate an open line of communication between the General Contractor/Applicant and the neighborhood.
39. All signage shall comply with the Section 5.2 of the City of Newton Zoning Ordinance. A comprehensive signage package shall be submitted to the Urban Design Commission for review and approval prior to the issuance of any sign permit for the Project.
40. All sidewalks and internal roadways (Kempton Place and Brook Drive) located within the Site shall be designed as shown on the Approved Plans and shall be open to the public. The internal roadways may be closed by the Applicant, at periodic and reasonable times, for events. The Applicant is responsible for maintaining and plowing all internal paved

roadways and sidewalks, ensuring they are clean, well-kept and in good and safe working order.

41. All sidewalks and pedestrian ramps located within the Site or along the Site's frontage shall be ADA compliant unless a variance for noncompliance is granted. A letter of compliance prepared by a professional engineer registered in the state of Massachusetts shall be submitted prior to the issuance of any certificate of occupancy (temporary or final) for the final dwelling unit.
42. The Applicant shall locate all utility service lines on the Site underground. The Applicant shall also locate all utility service lines along the frontages of the Site underground. This condition does not require the undergrounding of the utility service lines currently located on the western side of Dunstan Street.
43. Prior to the issuance of any building permit for the Project (other than a demolition permit), the Applicant shall prepare and submit a final Site Plan and Site Circulation Plan for review and approval by the Fire Department that confirms the Fire Department will have sufficient access to all buildings, confirms that fire access will function safely, and shows all hydrants and fire connections, and other features as may be required for Fire Department approval.
44. Prior to the issuance of any building permit for the Project (other than a demolition permit), the Applicant shall submit final engineering, utility, and drainage plans, and an Operations and Maintenance plan for Stormwater Management, for review and approval by the City Engineer. Once approved, the O&M Plan must be adopted, implemented, and maintained by the Applicant, and recorded at the Middlesex South District Registry of Deeds. A copy of the recorded O&M shall be filed with the Engineering Division of Public Works, the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development.
45. Prior to the issuance of the first building permit for vertical construction of the Project, the Applicant shall submit a final photometric plan detailing lighting location and levels to the Commissioner of Public Works and the Department of Planning and Development for review and approval.
46. The Applicant shall notify the City and provide copies of any filings made in accordance with the Massachusetts Contingency Plan relating to any historical release of hazardous materials or the discovery of any new release.

SUSTAINABILITY CONDITIONS

47. The Applicant shall complete Passive House feasibility studies and energy modeling to determine the design and construction approach. Such reports shall be provided to the Director of Planning and Development prior to the issuance of any certificate of occupancy (temporary or final) for the first dwelling unit.

48. The Applicant shall complete an embodied carbon analysis to guide materials selection during design and construction approach. Such analysis shall be provided to the Director of Planning and Development prior to the issuance of any certificate of occupancy (temporary or final) for the first dwelling unit.
49. Other than for the existing building on the Site, the Applicant shall comply with all applicable sustainable design provisions of the City of Newton Zoning Ordinance.
50. The residential buildings shall feature all electric heating, cooling, and cooking systems as well as electric domestic hot water.
51. Twenty-nine (29) of the parking stalls shall be equipped with electric vehicle charging stations and an additional twenty-nine (29) parking stalls shall be wired for electric vehicle use.
52. The Applicant shall make every effort to utilize sustainable building materials and systems including:
 - a. water efficient domestic plumbing fixtures;
 - b. LED light fixtures;
 - c. programmable thermostats;
 - d. building-level and unit-level electricity and water metering;
 - e. building systems commissioning;
 - f. low VOC building materials and finishes;
 - g. fresh air supply and bathroom and kitchen exhaust provided in every apartment;
 - h. MERV8-rated air filters on ventilation equipment; and
 - i. construction and demolition waste will be recycled and diverted, as possible, by the receiving facility.

TRAFFIC/PARKING CONDITIONS

53. The Project shall include 294 parking stalls.
54. Of the eleven (11) visitor parking stalls, at least one (1) shall be ADA accessible.
55. The cost of residential tenant parking for market-rate units shall be charged separately from residential tenant rents, and the rental period cannot commence prior to, or extend past the end of, the rental period of the unit. At all times the parking stalls shall only be rented to current residential tenants. Prior to the issuance of any certificate of occupancy for a market rate unit (temporary or final), the Applicant shall provide evidence of such separation to the Director of Planning and Development.
56. One (1) parking stall shall be available for each Inclusionary Unit without charge to the tenant of such unit.

57. The Applicant shall provide storage for at least 373 bicycles within the building or garage. Outdoor storage for thirty-two (32) bicycles will be provided on the Site.

58. The Applicant shall implement a Transportation Demand Management Plan to reduce reliance on motor vehicle transportation. The Plan shall be submitted to the Director of Planning and Development prior to the issuance of the first building permit for vertical construction of the Project for review and approval and shall include the following:

- a. Providing a transit subsidy for two months for the cost of a Monthly Inner Express Bus Pass to all new tenants who move into the Project during year 1. The subsidy shall be limited to two adults per unit.
- b. Onsite Transportation Coordinator.
- c. Liaison with MassRides.
- d. Car pool/ride share program.
- e. Disseminating information on alternate travel modes.
- f. Distributing transit maps, schedules and passes.
- g. Monitor TDM effectiveness through surveys and other tools and adjust as necessary
- h. Implement a website providing travel-related information and promoting awareness of alternative travel modes.
- i. Indoor bike storage and fix-it station for residents, and bike racks outdoors.
- j. Car-sharing service on-site (such as Zipcar if available).
- k. Preferential electric vehicle/low emission car parking in parking garages by designating spaces and providing electric vehicle charging stations.
- l. Shared parking for retail uses.
- m. "Unbundling" of parking costs from rent/leases so that residents with vehicles will pay more to allow access to the parking garage.

Commented [JT2]: The Applicant has not yet agreed to this condition.

59. The Applicant will implement and maintain the Transportation Demand Management Plan contained in Condition #58 and shall collaborate with the City on traffic management issues.

60. Prior to the issuance of the first building permit for vertical construction of the Project, the Applicant shall apply to the Traffic Council to designate on-street loading zones along the Project's Washington Street frontage as shown on the Approved Plans. If the Traffic Council denies this request, the Project shall be constructed in accordance with the Approved Plans absent any off-site loading zone.

OTHER/ONGOING CONDITIONS

61. The landscaping shown on the approved plan shall be maintained in good condition. The plantings shall be inspected annually, and any plant material that has become diseased or dies shall be replaced in a timely manner with similar material.

62. The Applicant shall be responsible at its sole cost for trash and recycling disposal for the Project.

63. The Applicant shall be responsible for keeping the internal roadways and sidewalks clear of snow to ensure safe and reliable access to and from all buildings at all times. To the extent snow removal is necessary, such removal shall be conducted pursuant to a Snow Removal Plan, which shall be maintained on file at the Project and be available for review upon request by the Director of Planning and Development.
64. Any portions of the Site subject to the jurisdiction of the Conservation Commission must receive an Order of Conditions from the Conservation Commission prior to the issuance of any demolition permit or building permit for the Project.

CONDITIONS PRECEDENT TO THE ISSUANCE OF BUILDING PERMITS

65. No building permit shall be issued pursuant to this Comprehensive Permit until the Applicant has:
 - a. Recorded a certified copy of this Decision at the Middlesex County (South) Registry of Deeds and filed proof of such recording with the City Clerk, the Clerk of the Zoning Board of Appeals, and the Department of Planning and Development.
 - b. Submitted evidence of Final Project Approval by MassHousing.
 - c. Submitted evidence of MassHousing's approval of the Affirmative Fair Housing Marketing and Resident Selection plan.
 - d. Provided a fully executed Regulatory Agreement and proof of recording with the City Clerk, the Clerk of the Zoning Board of Appeals, and the Department of Planning and Development.
 - e. Submitted final site and building plans for the specific building(s) subject to such building permit which shall include all required information for building code review and approval and consistency with the Approved Plans in accordance with Condition #2.
 - f. Obtained a written statement from the Director of Planning and Development that confirms that the final site and building permit plans are consistent with the Approved Plans.
 - g. Submitted a municipal lien certificate showing all assessments and betterments have been paid in full and that there are no outstanding municipal liens on the Site in accordance with Condition #6.
 - h. Submitted the I/I payment required prior to the issuance of the first building permit for the vertical construction of the Project in accordance with Condition #21.

- i. Submitted plans to the appropriate City Departments for review and approval regarding the off-site improvements prior to the issuance of the first building permit for the vertical construction of the Project in accordance with Conditions #22, 23, 24, 31.
- j. Received an order of Conditions from the Conservation Commission prior to the issuance of any building permit or demolition permit in accordance with Condition #30.
- k. Submitted a final Construction Management Plan (CMP) for review and approval by the Commissioner of Inspectional Services in consultation with the Director of Planning and Development, the Fire Department, the Commissioner of Public Works, and the City Engineer in accordance with Condition #35.
- l. Submitted to the Fire Department for review and approval final site circulation plans and building plans which shall include all required information on proposed sprinkler and alarm systems, access to buildings, and all hydrants and fire connections in accordance with Condition #43.
- m. Submitted engineering, utility and drainage plans and an Operations and Maintenance plan for Stormwater Management (O&M Plan) for review and approval by the City Engineer in accordance with Condition #44.
- n. Submitted a final photometric plan for review and approval by the Director of Planning and Development prior to the issuance of the first building permit for the vertical construction of the Project in accordance with Condition #45.
- o. Submitted a Transportation Demand Management Plan for review and approval by the Director of Planning and Development prior to the issuance of the first building permit for the vertical construction of the Project in accordance with Condition #58.
- p. Submitted to the Director of Planning and Development a copy of the petition filed with the Traffic Council requesting designation of an on-street loading zone in accordance with Condition #60.
- q. Produced evidence satisfactory to the Director of Planning and Development and the Law Department that the Applicant is prepared to comply with all state and federal environmental laws, regulations, and standards applicable to existing conditions and to the proposed use related to building construction, stormwater management, wastewater collection and treatment, and hazardous waste safety.

CONDITIONS PRECEDENT TO THE ISSUANCE OF OCCUPANCY PERMITS

66. No occupancy permit shall be issued pursuant to this Comprehensive Permit until the Applicant has:

- a. Filed with the Board's Clerk, the Department of Inspectional Services and the Department of Planning and Development a statement by a registered architect, professional land surveyor, and registered landscape architect certifying compliance with Condition #1.
- b. Submitted to the Department of Inspectional Services, the Department of Planning and Development, and the Engineering Division final as-built survey plans in digital format for the buildings for which an occupancy permit is requested.
- c. Recorded with the Middlesex South District Registry of Deeds an Operations and Maintenance Plan for Stormwater Management Facilities that provides ongoing stormwater system cleaning and maintenance and provided a copy of the recorded document to the City Engineer in accordance with Condition #44.
- d. Completed all landscaping in compliance with Condition #1 related to or for the portion of the project for which an occupancy permit is requested.
- e. Filed with the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, landscape features, fencing, and parking areas related to or for the portion of the Project for which an occupancy permit is requested.
- f. Prior to the issuance of any occupancy permit (temporary or final) for the first dwelling unit in the Project, submitted the I/I payment required in accordance with Condition #21.
- g. Prior to the issuance of any occupancy permit (temporary or final) for the first dwelling unit in the Project, submitted the payment required for improvements to Elm Street park in accordance with Condition #32.
- h. Prior to the issuance of any certificate of occupancy (temporary or final) for the first dwelling unit, submitted to the Director of Planning and Development copies of the Passive House feasibility studies and embodied carbon analysis in accordance with Conditions #47-48.
- i. Prior to the issuance of any certificate of occupancy (temporary or final) for the first market rate dwelling unit, submitted to the Director of Planning and Development evidence of separation of charges for tenant parking and tenant rent in accordance with Condition #55.
- j. Prior to the issuance of any certificate of occupancy (temporary or final) for the final dwelling unit in the Project, received a statement from the City Engineer certifying that all engineering details have been constructed to standards of the Department of Public Works.

- k. Prior to the issuance of any certificate of occupancy (temporary or final) for the final dwelling unit in the Project, submitted to the Director of Planning and Development evidence of completion of off-site improvements in accordance with Conditions #22, 23, 24, 25, 26, 28, and 31.
 - l. Prior to the issuance of any certificate of occupancy (temporary or final) for the final dwelling unit in the Project, submitted to the Director of Planning and Development copies of the Road Safety Audits in accordance with Condition #27.
 - m. Filed with the Department of Inspectional Services and the Department of Planning and Development evidence that the undergrounding of utilities has been completed in accordance with Condition #42.
 - n. Prior to the issuance of any certificate of occupancy (temporary or final) for the final dwelling unit in the Project, filed with the Department of Inspectional Services and the Department of Planning and Development a letter of compliance prepared by a professional engineer certifying that all sidewalks and handicapped ramps are ADA compliant in accordance with Condition #45.
67. The Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy of all or portions of the buildings prior to installation of final landscaping provided that the Applicant shall first have filed with the Director of Planning and Development a letter of credit or other security in a form satisfactory to the Director of Planning and Development in an amount not less than 135% of the remaining landscaping for the building for which the temporary certificate of occupancy is sought to secure installation of such landscaping.

WAIVERS GRANTED

RECORD OF VOTE

AYES:

Brooke K. Lipsitt, Chairman

Wherefore, a Comprehensive Permit, consistent with the conditions of this Decision, is granted to the Applicant.

Filed with the City Clerk on _____, 2020

The City Clerk certifies that all statutory requirements have been complied with and that 20 days have lapsed since the date of filing of this decision and no appeal, pursuant to G.L. c. 40B, § 22 has been filed.

David A. Olson, City Clerk



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: July 1, 2020

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Neil Cronin, Chief Planner for Current Planning

Cc: Mark Development
Stephen Buchbinder, Attorney
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request for a Comprehensive Permit to construct a mixed-use development with 234 residential units, 20,363 square feet of commercial space and 288 on-site parking stalls**

Petitioner: Mark Development	
Site: 1149-1151, 1169, 1171-1173, 1179 & 1185 Washington Street; 12, 18, 24 & 25 Kempton Place; 32 & 34 Dunstan Street	SBL: 31007 0028, 31007 0028A, 31007 0030, 31007 0032, 31007 0033, 31007 0035, 31007 0036, 31007 0037, 31007 0038, 31007 0040, 31007 0041, 31007 0042
Zoning: BU2	Lot Area: 138,142 square feet
Current use: Mixed office, retail and residential	Proposed use: No change

BACKGROUND:

A Comprehensive Permit under MGL Chapter 40B is requested for the project known as "Dunstan East" which consists of eleven lots to be combined into one parcel bordered by Dunstan Street to the west and the Armory to the east. The existing lots are currently improved with a mix of uses including office, retail and residential units. The petitioner intends to raze all of the existing structures and construct a 420,364 square foot mixed use development consisting of three buildings (two will share a two-level underground garage) with 234 residential units, 20,363 square feet of commercial space and 289 parking stalls.

The following review is based on plans and materials submitted to date as noted below.

- Comprehensive Permit Application, prepared by Stephen J. Buchbinder, attorney, dated 8/21/2019, revised 11/25/2019
- Schedule A Property Location Information, submitted 8/21/2019
- West Newton-Residential Development, Zoning Plan, prepared by VHB, dated 7/29/2019 revised 11/25/2019
- Site Plan Levels P2, P1, 1, 2, 3, 4, 5 & 6, prepared by Elkus Manfredi, architects, dated 7/22/2019, revised 11/25/2019
- Elevations, submitted 8/21/2019

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to construct a 420,364 square foot mixed use development with 244 residential units, 12,141 square feet of retail space, 8,222 square feet of office and 291 garaged parking stalls on the newly created lot. Per section 4.1.2.B, a special permit is required for any development in the business district of 20,000 square feet or more of new gross floor area. The petitioner seeks relief from the special permit requirements through a Comprehensive Permit.
2. Section 4.1.2.A.2 requires 1,200 square feet of lot area per each dwelling unit in the Business 2 zoning district. The petitioner proposes to construct 234 dwelling units, producing a lot area per unit of 590 square feet. The petitioner requires a Comprehensive Permit in lieu of a variance for relief from the lot area per unit requirements of section 4.1.2.A.2.
3. Buildings 1 and 2 are proposed with seven stories. Building 3 is proposed with six stories. Per sections 4.1.2.B.3 and 4.1.3, the maximum number of stories allowed in the Business 2 district is two by right, and four by special permit. The petitioner's requested seven stories in Buildings 1 and 2, and six stories in Building 3 require relief from the maximum number of stories for both lots through a Comprehensive Permit in lieu of a variance.
4. The required front setback is taken by averaging the adjacent lots, producing a requirement of 5 feet per sections 4.1.3 and 1.5.3. The petitioner proposes a front setback of 2.4 feet from Washington Street for Building 1 and 3.2 feet for Building 2, requiring relief through the Comprehensive Permit in lieu of a variance. The existing office building at 1149-1151 Washington Street is situated at 8.15 feet from the front lot line and will remain unchanged.
5. Per section 4.1.3, the side setback requirement is one-half the Building height or equal to the abutting side yard setback. The adjacent parcel is vacant. Building 3 is proposed at 68.2 feet in height, creating a required side yard setback minimum of 34.1 feet. The building is proposed at 5 feet from the side lot line, requiring relief from section 4.1.3 through the Comprehensive Permit.
6. The maximum height allowed in the Business 2 district is 48 feet per section 4.1.3. The proposed height of Buildings 1 and 2 is 81.1 feet, and the proposed height of Building 3 is 68.2 feet. To exceed 48 feet requires relief from section 4.1.3 through the Comprehensive Permit in lieu of a variance.
7. The maximum FAR allowed per section 4.1.3 is 2.00 for a building with four stories in the BU2 zoning district. The petitioner proposes an FAR of 2.59 for the three new buildings and the existing office

building at 1149 Washington Street. To exceed the allowable FAR of 2.00 requires relief from section 4.1.3 through the Comprehensive Permit in lieu of a variance.

8. Section 4.4.1 requires a special permit for residential uses on the ground floor. The petitioner proposes residential units on the ground floor, requiring relief through the Comprehensive Permit in lieu of a special permit.
9. Per section 4.4.1, a special permit is required to allow a multi-level accessory parking facility. The petitioner proposes to construct multi-level accessory parking facilities under Buildings 1 and 2, requiring relief through the Comprehensive Permit in lieu of a special permit.
10. Section 4.4.1 requires a special permit to allow for fast food establishments. The petitioner requests relief through the Comprehensive Permit to allow for fast food establishments in lieu of a special permit.
11. Per sections 4.4.1 and 6.4.29, a special permit is required to allow restaurants with more than 50 seats. The petitioner requests relief through the Comprehensive Permit to allow for restaurants with more than 50 seats in lieu of a special permit.
12. Per section 4.4.1 a special permit is required for a school or other educational purpose. The petitioner requests relief through the Comprehensive Permit to allow for a for-profit school and other for-profit educational uses in lieu of a special permit.
13. Per section 4.4.1 a special permit is required for a stand-alone ATM. The petitioner requests relief through the Comprehensive Permit to allow for stand-alone ATMs in lieu of a special permit.
14. Per section 5.1.3.B, whenever there is an extension of gross floor area or change of use which increases the parking requirements, the parking is to be complied with per the formula found in this section of A-B+C to equal the number of stalls required, where "A" is the proposed number of parking stalls required, "B" is the number of stalls currently required and "C" is the number of stalls that physically exist. The petitioner seeks a Comprehensive Permit in lieu of a special permit to waive the requirement to use this calculation.
15. Section 5.1.3.E requires a special permit to allow for assigned parking stalls. To the extent that parking stalls will be assigned to individual unit owners, a waiver through the Comprehensive Permit is required in lieu of a special permit.
16. The petitioner proposes to construct 289 parking stalls, available for use between the buildings. The existing office building at 1149 Washington Street will maintain 5 parking stalls after construction, creating a total of 289 parking stalls for the site. Five stalls are available on Kempton Place, but as it is a private way the stalls are not available to be counted in the overall figure). There are 234 residential units proposed, as well as 20,363 square feet of commercial space. While no commercial tenants have been confirmed, based on the available information included in the application, the following parking calculation is presumed per the requirements found in section 5.4.1:

Use	Parking Regulation	Parking Required	Reduced Parking
234 Residential units	2 stall per unit	468 stalls	293 stalls
Restaurants 310 seats 26 employees	1 stall per 3 seats 1 stall per 3 employees	112 stalls	75 stalls
Health Club 2,150 square feet 9 employees	1 stall per 150 square feet 1 stall per 3 employees	18 stalls	12 stalls
Office Use (Existing at 1149-1151 Washington St) 8,222 square feet	1 stall per 250 square feet	33 stalls	22 stalls
TOTAL		631 stalls	402 stalls

Section 5.1.4.A allows the multi-family residential parking requirement to be reduced to 1.25 stalls per unit by special permit, resulting in a requirement of 293 stalls. Section 5.1.4.C allows for a one-third reduction in parking in the case of a single integrated development with three or more uses. The three commercial uses result in a requirement of 163 stalls. With the one-third reduction applied, the commercial parking requirement is 109. With both reductions applied, the total parking required for the site may be reduced to a total of 402 stalls. With a total of 289 stalls to be built, a waiver of 113 stalls is required. A Comprehensive Permit in lieu of a special permit to reduce the required parking is necessary.

17. Section 5.1.5 requires that parking facilities with more than five stalls and any loading facility provide to the Commissioner of Inspectional Services an off-street parking and loading plan for review. The petitioner seeks to waive the provisions of this section through the Comprehensive Permit in lieu of a special permit.
18. Section 5.1.8.A.1 requires that no parking locate within a required setback from a front or side lot line. The reconfigured parking behind the existing building at 1149-1151 Washington Street is within five feet of the side lot line, where 40.5 feet is the required side setback, requiring a Comprehensive Permit in lieu of a special permit.
19. Section 5.1.8.A.2 requires a special permit to locate on outdoor parking space within five feet of a building or structure containing dwelling units. The petitioner seeks a Comprehensive Permit in lieu of a special permit to allow outdoor parking within five feet of structure containing dwelling units.
20. Per sections 5.1.8.B.1 and B.2, parking stalls must be 9 feet wide and must be at least 19 feet in depth for all angle parking and 21 feet for parallel parking. All angle stalls are proposed at 18 feet in depth, and five parallel stalls are proposed at 18 feet, requiring a waiver through the Comprehensive Permit in lieu of a special permit.
21. Section 5.1.8.B.6 requires that end stalls restricted on one or both sides by curbs, walls, fences or other obstructions must have a maneuvering space at the aisle end of at least 5 feet in depth and 9 feet in

width. The petitioner requests a Comprehensive Permit in lieu of a special permit to waive this requirement.

22. Section 5.1.8.B.7 requires an off-street parking and loading plan for noncommercial vans, buses, or other vehicles exceeding 7.5 feet by 18 feet be specifically identified on the off-street parking and loading plan and be dimensioned so-as to accommodate those vehicles. The petitioner seeks a Comprehensive Permit in lieu of a special permit to waive this requirement.
23. Sections 5.1.8.C.1 and 2 require that 90-degree parking stalls in two-way traffic have a minimum maneuvering aisle width of 24 feet. The petitioner proposes 22-foot wide aisles in the parking under Buildings 1 and 2, special permit relief through the Comprehensive Permit.
24. To the extent that the existing parking facility behind 1049-1051 Washington Street is altered out of compliance, or that the proposed reconfigured parking does not meet the any of the requirements of section 5.1, the special permit relief allowed by section 5.1.13 is requested through the Comprehensive Permit.
25. Section 5.1.12.B.1 requires that a development provide a plan for off-street loading facilities prior to approval of a building permit application. The petitioner seeks a Comprehensive Permit to waive this provision in lieu of a special permit.
26. Section 5.1.12.C provides the off-street loading facility requirements. Per this table, one bay is required for the 12,521 square feet of commercial space, where the petitioner proposes to provide none. A Comprehensive Permit is requested to waive this provision in lieu of a special permit.
27. Section 5.1.12.D provides the design requirements for off-street loading facilities. The petitioner requests a Comprehensive Permit in lieu of a special permit to waive these design requirements.
28. The petitioner seeks a waiver of sign permit procedures and dimensional requirements under section 5.2 through the exceptions provided in special permit provisions of section 5.2.13 through the Comprehensive Permit.
29. Section 5.4.2 requires a special permit for a retaining wall in excess of 4 feet in height within a setback. The petitioner requests a Comprehensive Permit in lieu of the special permit for a wall of up to 5 feet in height within a setback for the existing channel wall on the bank of Cheese Cake Brook.
30. Section 5.11 of the Zoning Ordinance provides requirements for providing affordable units for private residential developments. To the extent that Section 5.11 of the Zoning Ordinance is applicable to the project, a comprehensive permit is requested in lieu of a variance or cash payment under Section 5.11 to conform to the affordability elements of the proposed development to the requirements of the Zoning Ordinance.
31. Section 5.13 requires that any development in excess of 20,000 square feet must meet green building standards. The existing building at 1149 Washington Street is included in the project site, but will not be modified in any way. The petitioner seeks a Comprehensive Permit in lieu of a special permit waiving the

requirement for this building to meet with the requirements of the section 5.13 for Sustainable Development design.

32. The Petitioner seeks a waiver from the site plan approval requirements of Section 7.4 in connection with special permits granted under Section 7.3.
33. Section 7.3.1.B requires that a petitioner submit a 3D computer-generated model of a proposed multi-family project with more than 20,000 square feet. The petitioner requests a waiver from this provision through the Comprehensive Permit.
34. Revised Ordinances Sections 20-23 to 20-28 provide limitations on installation of light sources which do not conform to the criteria of the Ordinances. Section 20-26 provides for waivers to be granted by the Planning Board to the extent that any light source does not conform to the requirements of Section 20-24. To the extent that any light source may not conform to these requirements, or that these requirements may be inconsistent with Section 5.1.10.A, the Petitioner seeks a waiver.
35. To the extent necessary, the petitioner seeks a Comprehensive Permit in lieu of meeting the provisions of section 5-30, Article III pertaining to fences.
36. To the extent that any consent or review by the Planning Board is required under Planning Board rules, or that the submission of an Approval Not Required plan is needed, a waiver is requested through the Comprehensive Permit.
37. The Petitioner seeks a permit to cross the sidewalk under the provisions of Section 26-65 Construction of Sidewalks, Driveways and Driveway Entrances.
38. The petitioner seeks a Comprehensive Permit in lieu of such local approvals as are required under Chapters 29 for a waiver of the Infiltration and Inflow Mitigation payment of more than 25% of the I and I calculation.
39. The petitioner seeks a Comprehensive Permit in lieu of such local approvals as are required under Chapters 23, 26 and 29 and to open streets, make utility connections for water, sewer, stormwater, gas, electric, cable, or other utilities or to cross sidewalks from time to time.
40. The rear portion of the property is located within the City of Newton Floodplain/Watershed Protection District governed by section 22-22 in its entirety. To the extent that any relief is necessary for the project from the Conservation Commission under the Floodplain/Watershed Protection Ordinance, the petitioner seeks a Comprehensive Permit in lieu of such approvals.
41. The Applicant seeks a waiver from the provisions of the Tree Preservation Ordinance, sections 21-81 through -89, as amended by Ordinance No. A-38 (#397-13), to allow removal of protected trees from the property without relocation or replacement, or payment to the tree replacement fund. To the extent that any permit or fee payment would otherwise be required under the Revised Ordinances section 21-80, the Applicant seeks a waiver.

42. Revised Ordinances Section 22-50 requires review by the Newton Historic Commission and the possible imposition of a demolition delay for the demolition of historically significant buildings. To the extent that the existing dwellings or other elements of the property are deemed historically significant and fall under the jurisdiction of the Newton Historic Commission under Section 22-50, the Applicant seeks a waiver under the Comprehensive Permit.
43. The petitioner seeks a Comprehensive Permit for such amendments to the relief sought herein as may be required to conform to the relief sought to the plans as filed or to any amendments filed in connection with the actions of the Zoning Board of Appeals or the Housing Appeals Committee.
44. The Petitioner seeks any relief from local rules and regulations, and any additional required local approvals as may be necessary for approval for the Comprehensive Permit plans as may be amended prior to the termination of the public hearing.

Zone BU2	Required	Existing	Proposed
Lot Size	10,000 square feet	138,142 square feet	No change
Lot area per unit	1,200 square feet		590 square feet
Frontage			373.3 feet
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	5 feet 40.5 feet (½ building height) 40.5 feet (½ building height)		2.4 feet 5 feet 64.7 feet
Building Height	24 feet/48 feet by SP		81.10 feet
Max number of stories	2/ 4 by SP		7
FAR	2.0		2.59
Parking stalls	662		291

45. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§4.1.2.B	To allow for a development with more than 20,000 square feet	C.P. per MGL c 40B
§4.1.2.A.2 §7.6	Waive required minimum lot area per unit	C.P. per MGL c 40B
§4.1.2.B.3 §4.1.3 §7.6	Waive maximum stories to allow 7 stories	C.P. per MGL c 40B
§4.1.3	Waive minimum front setback	C.P. per MGL c 40B

§1.5.3 §7.6		
§4.1.3 §7.6	Waive minimum side setback	C.P. per MGL c 40B
§4.1.3 §7.6	Waive maximum height	C.P. per MGL c 40B
§4.1.3 §7.6	Waive maximum FAR	C.P. per MGL c 40B
§4.4.1 §7.3	To allow ground floor residential uses	C.P. per MGL c 40B
§4.4.1 §6.4.29 §7.3	To allow multi-level parking facilities, fast-food establishments, restaurants with more than 50 seats, for profit schools and stand-alone ATMs	C.P. per MGL c 40B
§5.4.2.B §7.3	To allow a retaining wall in excess of 4 feet in a setback	C.P. per MGL c 40B
§5.1.3.B §5.1.13 §7.3	Waive requirement to apply the A-B+C parking formula	C.P. per MGL c 40B
§5.1.3.E §5.1.13 §7.3	To allow assigned parking	C.P. per MGL c 40B
§5.1.4.A §5.1.13 §7.3	To allow a waiver of 371 parking stalls	C.P. per MGL c 40B
§5.1.5 §5.1.13 §7.3	Waive the requirement to provide an off-street parking and loading plan	C.P. per MGL c 40B
§5.1.8.A.1 §5.1.13 §7.3	To allow parking in the side setback	C.P. per MGL c 40B
§5.1.8.B §5.1.13 §7.3	Waive minimum parking stall dimensions	C.P. per MGL c 40B
§5.1.8.B.6 §5.1.13 §7.3	To allow restricted end stalls	C.P. per MGL c 40B
§5.1.8.C.1 and 2 §5.1.13 §7.3	Waive minimum maneuvering aisle dimensions	C.P. per MGL c 40B
§5.1.12.B.1 §5.1.13 §7.3	Waive off-street loading plan requirements	C.P. per MGL c 40B
§5.1.12.C §5.1.13	Waive the number of off-street loading bays	C.P. per MGL c 40B

§7.3		
§5.2 §5.2.13 §7.3	Waive all sign regulations and procedures	C.P. per MGL c 40B
§5.4 §7.3	To allow a retaining wall in excess of 4 feet within a setback	C.P. per MGL c 40B
§5.11 §7.6	Waive the Inclusionary Zoning requirements	C.P. per MGL c 40B
§5.13 §7.6	Waive the sustainable development design standards	C.P. per MGL c 40B
§7.4 §7.3	Waive site plan approval procedures	C.P. per MGL c 40B
§7.3.1.B §7.6	Waive the requirement for submission of a 3-D computer generated model	C.P. per MGL c 40B
§20-23 §20-28	Waive Light Trespass provisions	C.P. per MGL c 40B
§5-30, Article III	Waive Fence Ordinance provisions	C.P. per MGL c 40B
	Waive requirement for review by and submission of an ANR plan to the Planning Board	C.P. per MGL c 40B
§26-65	Permit to cross the sidewalk and connect to the street	C.P. per MGL c 40B
§29, Article II	Permit to connect to public water supply	C.P. per MGL c 40B
§29, Article III	Sewer connection permit	C.P. per MGL c 40B
§29, Article IV	Storm drain connection permit	C.P. per MGL c 40B
§22-22	Waive relief from Conservation Commission under the Floodplain/Watershed Protection Ordinance	C.P. per MGL c 40B
§21-81 through 89 §21-80	Waive Tree Preservation Ordinance	C.P. per MGL c 40B
§22-50	Waive review and demolition delay by Newton Historical Commission	C.P. per MGL c 40B

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	590 sf (234 units)
Frontage:	N/A	373.3 ft
Front Setback:	5 ft minimum ¹	2.4 ft

¹ 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 ²	5.0 ft
Rear Setback:	40.5 ft minimum ²	64.7 ft
FAR:	2.0 maximum	2.24
Stories:	4 by special permit	6
Building Height:	48 ft	81.10³

C. Parking/Loading Requirements⁴:

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 locate a parking space within 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.

² One-half of building height.

³ Based on definition of Building Height and Average Grade Plane per Section 1.5.4 of the Newton Zoning Ordinance. Actual Height measured relative to Washington Street is approximately 74 feet.

⁴ 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.

NON-PARKING WAIVERS

- D. To the extent applicable, under Section 5.13, a waiver of the sustainable design requirements for the existing office building.
- E. 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.

NON-ZONING ORDINANCES

- F. Floodplain, Watershed Protection Ordinance (Chapter 22)
A portion of the property is located within the City of Newton Floodplain/Watershed Protection District governed by § 22-22 et seq. To the extent that any relief is necessary for the project from the Conservation Commission under the Floodplain/Watershed Protection Ordinance, the Applicant seeks a comprehensive permit in lieu of such approvals.
- G. Infiltration and Inflow Mitigation (Chapter 29)
A waiver of the I and I payment of more than 25% of the I and I calculation.

(dated 7/2/20)

Support for Sustainability at Dunstan East

Arthur Glasgow <arthurglasgow@gmail.com>

Mon 6/29/2020 10:40 AM

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,

Two weeks ago I wrote advocating that you approve Dunstan East, because Newton needs the housing, and desperately needs affordable housing. The planned design is climate responsive, helping Newton reach its Climate Action goals.

Now I am writing to urge you to include in the ZBA Decision approving the project three Sustainability Conditions that Green Newton has highlighted that will strengthen the Climate impact of the project. These conditions are:

- Provide the City with a report of the Passive House feasibility study and energy modeling, detailing the impact on the design.
- Provide the City with a report of the Embodied Carbon options analysis of building materials specified for construction.
- Residences will be all electric, including energy recovery ventilation, heat pump heating and cooling, and electric cooking and hot water.

Thank you very much.

Arthur Glasgow
9 Laurel St.
Newton Center

Support for Dunstan East and Sustainability

Barbara A. <barbara.allaire@gmail.com>

Mon 6/29/2020 10:01 AM

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,

This is my first time writing to you about Dunstan East.

Please vote to approve the Dunstan East project. Newton needs the housing, and desperately needs affordable housing. The planned design is climate responsive, helping Newton reach its Climate Action goals.

I also urge you to include in the ZBA Decision approving the project three Sustainability Conditions that Green Newton has highlighted that will strengthen the Climate impact of the project. These conditions are:

- Provide the City with a report of the Passive House feasibility study and energy modeling, detailing the impact on the design.
- Provide the City with a report of the Embodied Carbon options analysis of building materials specified for construction.
- Residences will be all electric, including energy recovery ventilation, heat pump heating and cooling, and electric cooking and hot water.

Thank you very much.

Barbara Allaire
26 Lowell Ave
Newtonville MA 02460

Sent from my iPhone

July 1, 2020

Dear Chair Lipsett and members of the ZBA,

I'm writing to echo EXACTLY what Jonathan Kantar wrote in his letter to you. It's critical for any developer to be required to provide transparency via public reporting. And as Jonathan eloquently explained, the more the developer is required to report, the more steps towards Passive House standards he/she will be required to take.

All projects reviewed either by the ZBA or the City Council via the Special Permit process going forward should receive **equal treatment** so that no developer feels over-burdened compared to his/her competitors.

Green Newton has been consistent in insisting that all developments perform state-of-the-art evaluations, i.e.:

- a) A Passive House feasibility study (heavily rebated by the utilities, up to \$5,000);
- b) Iterative Passive House energy modeling (again heavily rebated by the utilities); and
- c) An analysis of the Embodied Carbon of the construction materials.

Members of the Green Newton BSC are in communication with city staff and are hopeful that either an amendment to the Riverdale board order be written or the developer will issue a written statement of his intentions to perform and publicly share the results of an Embodied Carbon analysis of construction materials. *I cannot stress enough how much the newest building science places emphasis on this Embodied Carbon analysis. Reducing carbon emissions – from all sources – is the ultimate imperative.*

We are now asking that the board order for Dunstan East reflect Green Newton's consistent requests for the above three analyzes, as well as a public reporting of the results. Having these public reports will provide the secondary benefit of continued education of city staff in the growing field of building science and high-performance technical details. We are in the midst of a market transformation of the Passive House standard – the highest metric that is available today. Green Newton's BSC has offered any technical assistance support that any stakeholder in Newton might need. We are a committee of highly informed professionals who spend countless volunteer hours in honoring our commitment to aiding a market transformation that doesn't *appear at first* to be obvious or easy.

Many of us are confident that within ten years a majority of multi-family developments will be built to receive Passive House Certification. It's like learning to ride a bike when you're five years old. At first it feels scary and wobbly. But once you've developed a skilled team to design and build to Passive House standards, you won't build any other way. The engineering and the math behind the energy modeling is rigorous and fact-based. If you do it right, when you get to the end of the build, the building WILL get certified. There are at least four steps along the way when the certifying agency – either PHIUS or PHI – requires extensive air tightness and ventilation commissioning. You don't get to the end of the build and find "Oops! We built the walls wrong. Or Oops! The ventilation isn't balanced." There are multiple safeguards at the pre-certification stage and all along the way to ensure this doesn't happen. Again, the tests are black and white. You either pass a blower door test (air infiltration) for the first few units, or you don't. You pass the commissioning test which ensures balanced ventilation, or you don't. If you don't pass it at Phase One, you fix it before proceeding with the rest of the building. It's not yet well-understood that achieving Passive House Certification is a **process, not just a final yes or no metric.**

As some of you heard, I've personally dropped my goal for the ZBA to at least state a "preference" that one of the buildings at Dunstan East be Passive House Certified. (Although this is still the stated request by Green Newton, as articulated by Chair, Dan Ruben.) It's important for each developer to be held to this same precedent in order for us to make progress toward our Climate Action Plan. Dunstan East *should* – in our opinion – have the same **one building Passive House Certified** commitment made by the developer of the Riverdale project. This is definitely within MARK Development's skill set and budget (at a current average of only a 0-2% cost premium). But I've recently conveyed to you via Public Testimony that a greater good is at stake. The ZBA needs to approve the Dunstan East application because of the incredible \$3.2M in mitigation funds that MARK Development has offered, and which would be at risk if the ZBA fails to approve the project.

If the ZBA turns down the petitioner, he has made it known that he will indeed take the development to the Commonwealth of MA's Housing Appeals Court. And he has become increasingly vocal that if he has to spend the time and legal funds to take those laborious steps, he **will withdraw the \$3.2M in mitigation funds**. This is not an idle or hateful threat. It's a financial reality.

This is a risk that has terrible odds for Newton. The likelihood of the state approving Dunstan East while Newton stands at 7.5% of its housing stock being affordable housing is *extremely high*. Please. For the citizens of Newton. For the 8 units of AH at 50% AMI, for the clean-up of the brook, the clean-up of the Elm Street Playground, for the all-electric, no gas hook-up commitment and all the other mitigation funds that total \$3.2M, *please don't allow that to happen*. It would be a disservice to us as citizens. Collectively and individually you work too hard and volunteer too much time to end at a decision that would be **net detrimental** to Newton. Please allow density where urban planners and authors of the Washington Street Vision Plan have agreed it should be. Please join me in welcoming Affordable Housing at the largest scale any developer has offered to date.

Working on dismantling embedded systemic racism, social and economic inequality **starts with the access for all residents to safe, affordable housing**. Housing begets education. Education begets jobs. Jobs beget stable, contributing citizens. Dunstan East provides what Newton needs to allow this chain reaction to happen – at scale!

Thank you for all the work you do on behalf of Newton residents like me. We do recognize and appreciate your hard work.

Respectfully,

Betsy

Betsy Harper
19 Fairmont Avenue
Newton Corner

Support of the development

William Dain <wmdain@rcn.com>

Tue 6/23/2020 9:59 AM

To: Dunstan East <dunstaneast@newtonma.gov>

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

I would like to register my support for the development as it is. The attempts by some to make it smaller and to make other changes will result in fewer affordable units with less amenities.

We have a housing crisis in Eastern Massachusetts, there are thousands of people without housing, prices for rentals continue to go up Downsizing this development will only aggravate the problems.

Sincerely

**Bill Dain
199 Harvard Circle
Newtonville, 02460
617 244-1158**

Support for Sustainability at Dunstan East

Chagit Steiner <chagit@maczipit.com>

Mon 6/29/2020 10:07 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,

Two weeks ago I wrote advocating that you approve Dunstan East, because Newton needs the housing, and desperately needs affordable housing. The planned design is climate responsive, helping Newton reach its Climate Action goals.

Now I am writing to urge you to include in the ZBA Decision approving the project three Sustainability Conditions that Green Newton has highlighted that will strengthen the Climate impact of the project. These conditions are:

- Provide the City with a report of the Passive House feasibility study and energy modeling, detailing the impact on the design.
- Provide the City with a report of the Embodied Carbon options analysis of building materials specified for construction.
- Residences will be all electric, including energy recovery ventilation, heat pump heating and cooling, and electric cooking and hot water.

Thank you very much.

Chagit Steiner
48 Woodward St.
Newton 02461

Support for Dunstan East and Sustainability

david backer <davidbacker@newstudio.com>

Wed 7/1/2020 1:15 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 have not sent email to you about Dunstan East before but want to do so now.

Please vote to approve the Dunstan East project. Newton needs the housing, and desperately needs affordable housing. The planned design is climate responsive, helping Newton reach its Climate Action goals.

I also urge you to include in the ZBA Decision approving the project three Sustainability Conditions that Green Newton has highlighted that will strengthen the Climate impact of the project. These conditions are:

- Provide the City with a report of the Passive House feasibility study and energy modeling, detailing the impact on the design.
- Provide the City with a report of the Embodied Carbon options analysis of building materials specified for construction.
- Residences will be all electric, including energy recovery ventilation, heat pump heating and cooling, and electric cooking and hot water.

Thank you very much.

David Backer
47 PAge Rd
Newtonville

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GreenNewton

June 28, 2020

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President

Jim Purdy
Vice President

Dan Ruben
Chair

Sharon Cushing
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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 fourth letter from Green Newton about the Dunstan East project. Here, we recommend language to be included in the Board Order.

For all three buildings:

- 1.) Perform a Passive House Feasibility Study and a Passive House energy modeling study. Provide a report detailing the outcome of each and the corresponding impact on the building design.
- 2.) Analyze options for reducing the Embodied Carbon of building materials in the development during schematic design, including but not limited to, materials for concrete, framing, cladding, and insulation. Provide a report on the impact of the analysis on the building design.
- 3) All residences shall feature all electric mechanicals and appliances, including energy recovery ventilation, heat pump heating and cooling, electric cooking systems, and electric hot water.

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

Support for Sustainability at Dunstan East

Hanni Myers <hanni.myers@bc.edu>

Tue 6/30/2020 9:19 AM

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,

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- Provide the City with a report of the Embodied Carbon options analysis of building materials specified for construction.
- Residences will be all electric, including energy recovery ventilation, heat pump heating and cooling, and electric cooking and hot water.

Thank you very much.

Hanni Myers

21 Manet Circle

Chestnut Hill 02467

YOUR NAME AND ADDRESS

Dunstan East Parking Garages

Howard Rosenof <howardrosenof@comcast.net>

Wed 6/24/2020 9:18 PM

To: Dunstan East <dunstaneast@newtonma.gov>

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

To: Zoning Board of Appeals

From: Howard Rosenof
9 Vincent Street

Subject: Dunstan East Parking Garages

Date: June 24, 2020

I spoke at last night's public hearing about the need for all resident parking spaces to be equipped for charging electric vehicles. Since a subsequent speaker disputed this need, I am writing to further explain my remarks.

The proposed parking ratio for Dunstan East is one space per unit. This is half the current zoning requirement of two spaces per unit and appears to be less than anything we've ever seen in Newton. To achieve even this minimal ratio of spaces to units, the project's designers literally had to cut corners. Among the many waivers the developer is requesting under a Comprehensive Permit are (a) a reduction in the length of parking stalls to 18 feet, below the mandated minimum of 19 feet (angle parking) or 21 feet (parallel parking), (b) a reduction in aisle width from 24 feet to 22 feet, and (c) a reduction in maneuvering space at the ends of rows of parking stalls. (See

[https://gcc01.safelinks.protection.outlook.com/?](https://gcc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.newtonma.gov%2Fcivil%2Ffilebank%2Fdocuments%2F100679&data=02%7C01%7Cdunstaneast%40newtonma.gov%7Cb22c14963f4a4d88b2bb08d818a59aa9%7C2a3929e0ccb54fb381402e2562c90e96%7C0%7C637286446841709935&sdata=Vn5boeUtpqMuNW1AEaYGrTvl85B3znYuJL7%2BmU%2FFtI%3D&reserved=0)

[url=http%3A%2F%2Fwww.newtonma.gov%2Fcivil%2Ffilebank%2Fdocuments%2F100679&data=02%7C01%7Cdunstaneast%40newtonma.gov%7Cb22c14963f4a4d88b2bb08d818a59aa9%7C2a3929e0ccb54fb381402e2562c90e96%7C0%7C637286446841709935&sdata=Vn5boeUtpqMuNW1AEaYGrTvl85B3znYuJL7%2BmU%2FFtI%3D&reserved=0](https://gcc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.newtonma.gov%2Fcivil%2Ffilebank%2Fdocuments%2F100679&data=02%7C01%7Cdunstaneast%40newtonma.gov%7Cb22c14963f4a4d88b2bb08d818a59aa9%7C2a3929e0ccb54fb381402e2562c90e96%7C0%7C637286446841709935&sdata=Vn5boeUtpqMuNW1AEaYGrTvl85B3znYuJL7%2BmU%2FFtI%3D&reserved=0) Page 33 of 86).

Restricted stall dimensions may make it difficult to install chargers for interior spaces. Construction once the garage is in use can be disruptive, particularly if chargers have to be installed in ceilings. The necessary infrastructure should be put in place before the project is occupied. The chargers themselves can then be purchased later as needed, and installed with little disruption. This sequence will be advantageous for Dunstan East residents, the community, and building management, and will contribute to the project's sustainability by minimizing construction delays as residents replace gasoline-powered cars with EV's.

Thank you.

Support for Dunstan East and Sustainability

Jane Getter <jane@janegettercpa.com>

Mon 6/29/2020 12:30 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,

This is my first time writing to you about Dunstan East.

Please vote to approve the Dunstan East project. Newton needs the housing, and desperately needs affordable housing. The planned design is climate responsive, helping Newton reach its Climate Action goals. I also urge you to include in the ZBA Decision approving the project three Sustainability Conditions that Green Newton has highlighted that will strengthen the Climate impact of the project. These conditions are:

- Provide the City with a report of the Passive House feasibility study and energy modeling, detailing the impact on the design.
- Provide the City with a report of the Embodied Carbon options analysis of building materials specified for construction.
- Residences will be all electric, including energy recovery ventilation, heat pump heating and cooling, and electric cooking and hot water.

Thank you very much.

Jane S. Getter

128 Warren Street #1

Newton, MA 02459

Dunstan East Sustainability Condition on Passive House study

Jonathan Kantar <jonathan@sagebuilders.com>

Wed 7/1/2020 3:07 PM

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

Cc: Barney Heath <bheath@newtonma.gov>; Neil Cronin <ncronin@newtonma.gov>; Katie Whewell <kwhewell@newtonma.gov>; Jonah Temple <jtemple@newtonma.gov>

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

Dear Chair Lipsitt and members of the ZBA,

I'm writing to urge you to include in the Sustainability Conditions for Dunstan East the requirement to provide the City with a Report on the results of the Passive House and energy modeling study. I believe that the transparency afforded by a Report will encourage the developer to take the most steps towards Passive House standards. I hope as a result that at least part of the development will be Passive House Certified. But since the developer has committed only to do a study, the least the ZBA can do is require providing a public document of the study's results.

I want to emphasize the importance of ensuring that this new project attains the energy efficiency levels that will most economically enable the building to operate successfully over its useful life without requiring substantial, costly retrofits later necessary to reduce its greenhouse gas emissions (GHGe) and limit its impact on climate change.

As you probably well know, the Intergovernmental Panel on Climate Change (IPCC) has determined that we must reduce our GHGe by 45% relative to 2019 levels by 2030 to prevent catastrophic climate change impacts. Since any new buildings that we add to our community automatically add additional GHGe to our environment, we have to work doubly hard to minimize their impact. In fact, it is imperative that we build them so that the materials used actually remove (sequester) carbon from the atmosphere and then we operate them so efficiently that their energy needs might be met by renewable energy.

I am a developer and contractor and I have designed and built many deep energy retrofit renovations and new net zero energy homes. Fortunately, the Passive House Certification process offers a system and metric for design and construction that ensures a product that will operate most efficiently in our climate. Most importantly, because of the considerable thought, planning, materials, and performance oriented building assembly, the buildings will be more durable, reduce energy costs, and deliver better indoor air quality. That means fewer repairs that save money for renters and owners and much healthier indoor environments that will improve the health and quality of life for inhabitants.

I strongly urge you to *require* that the petitioner on this project initiate the Passive House feasibility process and the Energy Modeling design assistance program on all buildings in this proposed development, and provide the ZBA with a report on the analysis so that the public can learn from that process. It is also my hope that at least one (1) building will be Passive House Certifiable, and that in any case, the building envelopes of all structures should meet the Passive House building shell certification requirements in addition to being heated and cooled with electricity.

This is our opportunity to make a difference for the future inhabitants of these buildings and the larger community. Please appropriately condition the approval of the petitioner's proposal.

Thank you,

Respectfully,

Jonathan Kantar
672 Chestnut St.

[/mc/compose?

to=jonathan@sagebuilders.com]Jonathan A.

Kantar

Principal, Sage Builders LLC

672 Chestnut St .

Newton , MA 02468

617.965.5272; fax 630.5272;

mobile: 617.212.9689



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Sage Builders LLC is committed to energy efficiency in our built environment.

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Mr. Kantar is Chair. of Newton's High Performance Buildings Coalition and is a member of both the City of Newton's Design Review Committee and the Citizens' Commission on Energy. He also serves on the Governor's Zero Net Energy Buildings Advisory Council and is on the Board of Historic Newton.

DATE: June 25, 2020

TO: Brooke Lipsitt, Chair, Newton Zoning Board of Appeals

FROM: Josephine McNeil, 53B Taft Road, West Newton, MA 02465

RE: Why the ZBA must grant a comprehensive permit for the Dunstan Street East Project

Thanks for the opportunity to share my thoughts with you after Tuesday's ZBA hearing on the Dunstan Street East project. First, I want to thank each of you on the Board for giving so generously of your time to listen to comments and requests from those in the community asking for relief from regulatory barriers that have had, or will have, an adverse impact on their ability to use their property for the good of the community.

I urge the board to grant the requested comprehensive permit for this project and explain my reasons as follows.

In my opinion, of all your areas of responsibility, the hearing and resulting grant or denial of a comprehensive Permit pursuant to Chapter 40B of the General Laws of Massachusetts is the most challenging and consequential for two reasons:

1. The law addresses a community rather than a personal issue: the lack of affordable housing.

In 1969 the Massachusetts legislature determined that the land use laws in suburban communities such as Newton impeded the building of a sufficient number of units to meet the housing demand. Unfortunately, that need has not abated—and some would posit that it has worsened.

A 2018 National Low Income Housing Coalition study found that, in no county in the nation, could a worker earning the minimum wage afford a two-bedroom unit without being rent burdened. HUD considers a household rent burdened if people pay more than 30% of their income for rent.

What does that mean for households currently living in Newton? The Planning Department recently submitted to HUD its Five Year Consolidated Plan for how it will spend its federal Community Development Block Grant Funds and HOME funds for FY 2016-2015. The plan states that:

in Newton, approximately 39% of all Newton households meet the definition of "cost-burdened." This problem is most common among households with incomes at or below 50% of AMI; 58% which are severely cost burdened paying more than 50% of their income for rent.

Thus the plan calls for the need to create more affordable housing. The City Council recognized this need by making changes in Newton's Inclusionary Housing Ordinance in 2019, raising the number of affordable units for those developers seeking a special permit from 15% to 17.5%.

2. The law and its accompanying regulatory scheme for the allocation of the affordable units—a lottery—provides an opportunity for households of color to live in communities such as Newton, where their children have access to better-performing schools, safer neighborhoods and other factors that facilitate family wellbeing.

In Newton those most cost burdened are racial minorities and the disabled. Evidence of this disparate racial impact is apparent in the data recently reported from Newton's Emergency Housing Relief Program, which was instituted to help households impacted by COVID 19:

of the 240 applications in the lottery, 10% of the households are Asian, 4% are Other, 15% are Black/African/Caribbean, 27% are Latino, 35% are White, and the remaining 10% left the question blank. The majority of these applications are for households who are at or below 65% AMI, with a good percentage below 30% AMI.

Over the past several months, you have listened respectfully to those concerned about the density and other aspects of the project and to those of us supporting the project because we recognize that, without density, it is not possible to create a significant number of affordable units in a project that does not include public financing. It has become apparent that some of you are having difficulty balancing neighborhood concerns, particularly the height of one of the buildings, with the greater community need for more affordable housing.

As you consider your individual vote, I ask you to please give special thought to the eight families, with incomes at 50% of the area median income, who would not be able to remain in or move into Newton without the applicant's decision to include those units in this project. Based upon my 25 years of developing housing in Newton for low and extremely low-income families, those eight units will provide the best chance for households of color to remain in or move into Newton. The impact of the lack of affordable housing opportunities for poor and minority households in communities such as Newton has never been more evident.

In its June 19th edition of the Boston Globe it was reported that the state's COVID-19 Health Equity Advisory Group released recommendations to address the vast disparities in which Massachusetts residents have the highest rate of infections. The advisory group included among its recommendations. that the state make efforts to improve housing for populations hit hardest by COVID-19. The health advocates said

" high housing costs and low wages in many Black and brown communities force families to live in crowded conditions, amplifying infections."

COVID – 19 has laid bare the need for affordable housing, especially for low and extremely low income people many of whom are Black or brown.

Once again, for all the reasons stated above I urge the board to grant the comprehensive permit.

Thank you.

Josephine McNeil

Support for Dunstan East and Sustainability

Josh Nichols-Barrer <barrer@post.harvard.edu>

Mon 6/29/2020 10:02 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,

This is my first time writing to you about Dunstan East.

Please vote to approve the Dunstan East project. Newton needs the housing, and desperately needs affordable housing. The planned design is climate responsive, helping Newton reach its Climate Action goals.

I also urge you to include in the ZBA Decision approving the project three Sustainability Conditions that Green Newton has highlighted that will strengthen the Climate impact of the project. These conditions are:

- Provide the City with a report of the Passive House feasibility study and energy modeling, detailing the impact on the design.
- Provide the City with a report of the Embodied Carbon options analysis of building materials specified for construction.
- Residences will be all electric, including energy recovery ventilation, heat pump heating and cooling, and electric cooking and hot water.

Thank you very much.

Josh Nichols-Barrer
60 Endicott St.
Newton, MA 02461

Dunstan East

Judith Boroschek <job10014@gmail.com>

Wed 7/1/2020 2:00 PM

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

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

To: DunstanEast@newtonma.gov.

Adrianna Henriquez <ahenriquez@newtonma.gov>

Bcc: pbarrer@gmail.com

Subject: Support for Sustainability at Dunstan East

Dear members of the Newton Zoning Board of Appeals,

Two weeks ago I wrote advocating that you approve Dunstan East, because Newton needs the housing, and desperately needs affordable housing. The planned design is climate responsive, helping Newton reach its Climate Action goals.

Now I am writing to urge you to include in the ZBA Decision approving the project three Sustainability Conditions that Green Newton has highlighted that will strengthen the Climate impact of the project. These conditions are:

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- Residences will be all electric, including energy recovery ventilation, heat pump heating and cooling, and electric cooking and hot water.

Thank you very much.

JUDITH BOROSCHEK
32 INDIAN RIDGE ROAD

Support for Dunstan East and Sustainability

Judy Nichols <JNichols@wearewci.org>

Mon 6/29/2020 7:51 AM

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,

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- Residences will be all electric, including energy recovery ventilation, heat pump heating and cooling, and electric cooking and hot water.

Thank you very much.

Judith A. Nichols
60 Endicott Street
Newton Highlands 02461

 Photograph

Judy Nichols

Human Resources Manager | WCI - Work,
Community, Independence

M: 781-858-3845

P: (781) 899-8220

E: jnichols@wearewci.org

135 Beaver Street
Waltham, MA 02452

www.wearewci.org



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Support for Dunstan East and Sustainability

Juliet Schor <juliet.schor@bc.edu>

Mon 6/29/2020 11:22 AM

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

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

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Please vote to approve the Dunstan East project. Newton needs the housing, and desperately needs affordable housing. The planned design is climate responsive, helping Newton reach its Climate Action goals.

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- Residences will be all electric, including energy recovery ventilation, heat pump heating and cooling, and electric cooking and hot water.

Thank you very much.

Juliet Schor
5 Stuart Road Newton

Support for Dunstan East and Sustainability

Kimberly Gladman <kgladman@gmail.com>

Mon 6/29/2020 2:07 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,

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- Residences will be all electric, including energy recovery ventilation, heat pump heating and cooling, and electric cooking and hot water.

Thank you very much.

Kimberly Jackson
103 Ripley Street
Newton, MA 02459

--

Kimberly Gladman, CFA, Ph.D.
Senior Associate, ValueEdge Advisors LLC
Author of [Materfamilias](#) and [Tesseract](#)

(617) 467-7093

www.kimberlygladmanjackson.com

<https://www.linkedin.com/in/kimberly-gladman-25489110/>

Support for Sustainability at Dunstan East

Leslie Zebrowitz <zebrowit@brandeis.edu>

Mon 6/29/2020 12:18 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:

Two weeks ago I wrote to comment on the permit request for the Dunstan East Project. I had found 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 found some things lacking in the domain of sustainability, as summarized and expanded below.

1. I understand that Green Newton has highlighted one of my earlier stated concerns by requesting that the developers provide the City with a report of the Passive house feasibility study and energy modeling, detailing the impact on the design. I would go further by requesting that the developers make a firm commitment to a passive housing design.
2. I also endorse the Green Newton request that residences will be all electric, including energy recovery ventilation, heat pump heating and cooling, and electric cooking and hot water.
3. In addition, I endorse the Green Newton request that the developers provide the City with a report of the Embodied Carbon options analysis of building materials specified for construction.
4. I would like to reiterate my request that electric chargers be installed in more than 10% of the parking spaces, the number that had been stated in the plans. This is particularly important for those parking spaces that will be used by residents. One prong of the Newton Climate action plan is to eliminate all gas powered vehicles by 2050, if not sooner. This can only be accomplished if residents of multi-family housing have easy access to charging stations. 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.

Thank you for your attention.

Leslie Zebrowitz, Co-Chair
Newton EV Task Force
62 Pine Crest Rd.
Newton, MA 02459

Support for Sustainability at Dunstan East

Lexi Turner <lexit83@gmail.com>

Mon 6/29/2020 1:26 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,

Thank you for your time and commitment to the city of Newton.

I am writing to express my and my husband's support of the Dunstan East housing project and specifically language that will maximize the climate impact of the project. We support this project because Newton needs the housing, and desperately needs affordable housing. And importantly, the planned design is climate responsive, helping Newton reach its climate action goals.

As you consider Dunstan East we urge you to include in the ZBA decision approving the project the three sustainability conditions that Green Newton has highlighted that will strengthen the climate impact of the project. These conditions are:

- Provide the City with a report of the Passive House feasibility study and energy modeling, detailing the impact on the design.
- Provide the City with a report of the Embodied Carbon options analysis of building materials specified for construction.
- Residences will be all electric, including energy recovery ventilation, heat pump heating and cooling, and electric cooking and hot water.

Thank you very much.

Lexi Turner and Tom Bledsoe
34 Ricker Rd #2

Please support Dunstan East - it's adding just the kind of housing Newton needs now

lisa monahan <lisa@lisamonahan.com>

Mon 6/22/2020 9:51 AM

To: Adrianna Henriquez <ahenriquez@newtonma.gov>

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

Brooke Lipsitt, Chair

Newton Zoning Board of Appeals

Newton, MA 02459

Re: Dunstan East Housing

Dear Chairwoman Lipsitt:

I am writing in support of Dunstan East due to heard tomorrow evening at the ZBA hearing. I am unable to attend the Zoom meeting so I am writing, asking that the ZBA approve this project.

Dunstan East is a really good example of a 40B project working well. Newton residents desperately need more housing at a full range of price points. Dunstan East offers an additional 58 affordable units in addition to almost 200 market rate units. Younger families and Newton civil servants wanting to live in Newton most often don't have the luxury we had of looking for single family homes as a "starter home". This project provides the 2020 starter home as well as many public amenities.

A project like Dunstan East will be a catalyst for more good development in the area. We can see from the Washington St. and Austin St. developments that this scale project is not overpowering.

Mark Development has been very thoughtful in their planning, we are lucky to have this housing project before us. I urge you to approve Dunstan East with the modifications recommended by the NHP. Thank you for your consideration and all of your hard work on these critical matters.

Sincerely,

Lisa Monahan
Registered Architect
1105 Walnut St.
Newton Highlands

Support for Dunstan East and Sustainability

Madelyn Morris <madelyncottage@gmail.com>

Mon 6/29/2020 9:37 AM

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,

This is my first time writing to you about Dunstan East.

Please vote to approve the Dunstan East project. Newton needs the housing, and desperately needs affordable housing. The planned design is climate responsive, helping Newton reach its Climate Action goals.

I also urge you to include in the ZBA Decision approving the project three Sustainability Conditions that Green Newton has highlighted that will strengthen the Climate impact of the project. These conditions are:

- Provide the City with a report of the Passive House feasibility study and energy modeling, detailing the impact on the design.
- Provide the City with a report of the Embodied Carbon options analysis of building materials specified for construction.
- Residences will be all electric, including energy recovery ventilation, heat pump heating and cooling, and electric cooking and hot water.

Thank you very much.

Madelyn Morris
31 Cottage St.
Newton, MA

Support for Sustainability at Dunstan East

Marian Glasgow <marianglasgow@gmail.com>

Mon 6/29/2020 12:20 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,

Two weeks ago I wrote advocating that you approve Dunstan East, because Newton needs the housing, and desperately needs affordable housing. The planned design is climate responsive, helping Newton reach its Climate Action goals.

Now I am writing to urge you to include in the ZBA Decision approving the project three Sustainability Conditions that Green Newton has highlighted that will strengthen the Climate impact of the project. These conditions are:

- Provide the City with a report of the Passive House feasibility study and energy modeling, detailing the impact on the design.
- Provide the City with a report of the Embodied Carbon options analysis of building materials specified for construction.
- Residences will be all electric, including energy recovery ventilation, heat pump heating and cooling, and electric cooking and hot water.

Thank you very much.

Marian Glasgow
9 Laurel St
Newton Center,02459

RightSize Newton - Dunstan East Update

Nick Lazaris <nglazaris@gmail.com>

Tue 6/23/2020 4:47 PM

To: Dunstan East <dunstaneast@newtonma.gov>

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

Reducing the scale of development in Newton has never, ever been about making our city welcoming only for the wealthy. Rather it has been about how to find the best way to maintain our quality of life and at the same time make it possible for lower income people to afford to live here. Letting developers build whatever they want as long as 15% to 25% of apartment units are subsidized and available to people earning less than the average median income seems like a dubious proposition. This approach creates many more expensive, market rate units; it widens the income gap among residents of Newton; and it does nothing to make home ownership more available to people of modest income.

The ZBA should scale back the development –

- To create more playground space in the development;
- To reduce the amount of traffic the development will generate;
- To make its height and design more consistent with the surrounding neighborhoods;
- To make it less dense so that social distancing is possible for residents

Nick Lazaris
1947 Beacon Street
Newton, MA 02468

nglazaris@gmail.com
617-965-8764

My support for Sustainability at the Dunstan East Project

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

Tue 6/30/2020 12:21 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.]

June 30, 2020

Dear Members of the Newton Zoning Board of Appeals,

I wrote to you two weeks ago to urge that you approve Dunstan East, because Newton needs more housing, especially affordable housing. The planned design is climate responsive, and will help Newton to reach its Climate Action goals.

Now I want to urge you to include in the ZBA Decision approval of the three Sustainability Conditions that Green Newton has highlighted that will strengthen the Climate impact of the project. These conditions are:

- Provide the City with a report of the Passive House feasibility study and energy modeling, detailing the impact on the design.
- Provide the City with a report of the Embodied Carbon options analysis of building materials specified for construction.
- Assurance that the Residences will be all electric, including energy recovery ventilation, heat pump heating and cooling, and electric cooking and hot water.

Thank you for your attention to my reasons for offering support for this project

Patricia N. Burdick

180 Dudley Road, Newton Centre MA 02459

Support for Dunstan East and Sustainability

Paul Holt <pholt61@outlook.com>

Mon 6/29/2020 2:07 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,

This is my first time writing to you about Dunstan East.

Please vote to approve the Dunstan East project. Newton needs the housing, and desperately needs affordable housing. The planned design is climate responsive, helping Newton reach its Climate Action goals.

I also urge you to include in the ZBA Decision approving the project three Sustainability Conditions that Green Newton has highlighted that will strengthen the Climate impact of the project. These conditions are:

- Provide the City with a report of the Passive House feasibility study and energy modeling, detailing the impact on the design.
- Provide the City with a report of the Embodied Carbon options analysis of building materials specified for construction.
- Residences will be all electric, including energy recovery ventilation, heat pump heating and cooling, and electric cooking and hot water.

Thank you very much.

Paul Holt
75 Andrew St

6/23/20

Dear Mayor Fuller, ZBA Chair Lipsitt, ZBA Members, and Members of the City Council,

Surveys by both the Principle Group and Newtonville Area Council two years ago showed that most people wanted moderate development on Washington Street. Only 5% of those indicating a height preference wanted more than 5 stories in the NAC survey. And yet the *Dunstan East* development will feature buildings reaching up to 7 stories, with a total number of units almost double that of the relatively huge *Washington Place/Trio* complex.

This not only defies public opinion, but it makes a mockery of the *Washington Street Vision Plan*, by disregarding the maximum limit of 6 stories it set. While it is sometimes argued that the tallest buildings in *Dunstan East* will be below grade level for those observing from Washington Street, so that it's not all that noticeable, that's cold comfort for those living behind and in the shadows of these buildings on Watertown Street and environs.

Seemingly, the purpose of the Principle Group and the whole *Hello Washington Street* process was "for the City to get out in front of the developers." The only way it did this, it seems, was to roll out a red carpet and leave a blank check. I don't blame Mark Development for wanting to make more money by building a huge development. It obviously has a right to go as big as it wants with a 40B. But, it is surprising that the City, with all its resources, has been less able than RightSize Newton was at Riverside, to negotiate a better fit than what's before us today at Dunstan East.

Given that only 15% of Mark Development's apartments at Washington Place are required to be affordable, wouldn't it make Dunstan East *more welcoming to working-class people and people of color* by urging, with extreme moral suasion, that the number of affordable apartments be upped to 30%?

With the pandemic, too, one wonders how wise it is to have people housed in such concentrated quarters where they will likely be using common elevators, hallways, handrails, laundry, and heating and air conditioning systems. This pandemic has not yet been resolved. And, different ones with different problems are likely in the future. It seems probable that less height, more spread, and fewer units would be a safer alternative.

Sincerely,

11 Claflin Place Newton, MA 02460
Newtonville

Comment on Dunstan East for the Newton Zoning Board of Appeals

Peter H Smith <peterh.smith@icloud.com>

Mon 6/22/2020 12:30 PM

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

Cc: Peter Smith <peterh.smith@icloud.com>

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

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.

**Peter Smith
130 Washington Street
newton, MA 02458
617 233-6071**

Support for Sustainability at Dunstan East

Peter H Smith <peterh.smith@icloud.com>

Mon 6/29/2020 11:24 AM

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,

Two weeks ago I wrote advocating that you approve **Dunstan East**, because Newton needs the housing, and desperately needs affordable housing. The planned design is climate responsive, helping Newton reach its Climate Action goals.

Now I am writing to urge you to include in the ZBA Decision approving the project three Sustainability Conditions that Green Newton has highlighted that will strengthen the Climate impact of the project. These conditions are:

- Provide the City with a report of the Passive House feasibility study and energy modeling, detailing the impact on the design.
- Provide the City with a report of the Embodied Carbon options analysis of building materials specified for construction.
- Residences will be all electric, including energy recovery ventilation, heat pump heating and cooling, and electric cooking and hot water.

Thank you very much.

Peter H. Smith
130 Washington Street
Newton, MA 02458
cell: 617 233-6071

Dunstan East Sustainability Condition on Embodied Carbon

Peter Barrer <pbarrer@gmail.com>

Wed 7/1/2020 10:55 AM

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

Cc: Barney Heath <bheath@newtonma.gov>; Neil Cronin <ncronin@newtonma.gov>; Katie Whewell <kwhewell@newtonma.gov>; Jonah Temple <jtemple@newtonma.gov>

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

Dear Chair Lipsitt and members of the ZBA,

I urge you to include in the Decision on Dunstan East specific language requiring an analysis and a Report on options to reduce “embodied carbon” in the construction materials.

Here's why:

“Embodied carbon” means the greenhouse gases released in the production and delivery of materials used in construction.

Experts estimate that “embodied carbon” is 11% of all greenhouse gases worldwide.

If options are analyzed early in the design process, embodied carbon can be reduced significantly, at little cost.

The importance of embodied carbon is recognized in the construction industry. It even appears in the LEED process, but it is a seldom used point because standards and base cases are not established (yet). I've included some links below for further exploration and understanding of the issue.

The Dunstan East Applicant has declared its intention at ZBA hearings to spend over \$35,000 on embodied carbon analysis. The analysis is likely to have a greater impact on the design if your Decision includes a requirement to produce a report.

Thank you very much.

Peter Barrer

Here are some links with information about the Embodied Carbon issue -

American Institute of Architects [article on embodied carbon](#)

View the first few minutes of the [video on this page](#)

[Article defining and explaining embodied carbon](#)

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

Support for Dunstan East and Sustainability

Rachel Adler Golden <rachel.adlergolden@gmail.com>

Tue 6/30/2020 12:54 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,

This is my first time writing to you about Dunstan East.

Please vote to approve the Dunstan East project. Newton needs the housing, and desperately needs affordable housing. The planned design is climate responsive, helping Newton reach its Climate Action goals.

I also urge you to include in the ZBA Decision approving the project three Sustainability Conditions that Green Newton has highlighted that will strengthen the Climate impact of the project. These conditions are:

- Provide the City with a report of the Passive House feasibility study and energy modeling, detailing the impact on the design.
- Provide the City with a report of the Embodied Carbon options analysis of building materials specified for construction.
- Residences will be all electric, including energy recovery ventilation, heat pump heating and cooling, and electric cooking and hot water.

Thank you very much.

Rachel Adler-Golden
20 Clarendon Street, Newtonville 02460

My name is Randall Block. I live at 45 Lafayette Road, Newton Lower Falls.

I would like to raise a topic that only one other person has mentioned tonight: the Covid-19 pandemic. Infectious disease experts tell us that this disease is with us permanently. They also tell us that even after we develop a vaccine, there are likely other similar diseases to come

This pandemic calls on us to reconsider everything from our use of mass transit to how we shop for groceries. Why shouldn't it also affect how we build our buildings? Joel Sanders, Prof. at the Yale School of Architecture put it this way: "The virus isn't simply a health crisis, it's also a design problem." (NY Times Magazine, June 9, 2020) In short, how do we arrive at cost-effective designs that will protect the future tenants of Dunstan East and thereby protect the public health of Newton residents generally?

Even though scientists are still making new discoveries about the Covid-19 virus, some things are well accepted:

- Social distancing of at least 6 feet is critical to controlling the spread of the virus. Joseph Allen, director of the Healthy Buildings program at the Harvard T.H. Chan School of Public Health suggests 10 feet would be better. (Washington Post, May 26, 2020)
- The virus is transmitted through airborne aerosols, far smaller than droplets that result from sneezing or coughing. This may be the primary means of disease spread.
- Super-spreader events appear to be happening exclusively indoors.

What does this mean for a development like Dunstan East?

- Outdoor space for socializing and play must be maximized;
- Air ventilation systems must use high efficiency filters to reduce contamination and be negatively pressurized where appropriate;
- Common areas such as lobbies, elevators, and laundry facilities must be spacious enough that social distancing is possible and an enforcement system must be implemented.

The pandemic has been with us less than six months. We are still learning how this disease is transmitted. And we are still learning what we need to do to live with this disease and minimize its impact on public health. For example, although we know that people living in multi-family buildings such as Dunstan East have higher levels of anxiety than people in single family homes, we do not know if they are at higher risk of infection.

I understand your desire to end taking public comment and to bring the Dunstan East project to a vote so that the developer can progress with whatever plans you approve. However, this could be a huge mistake. New information is being developed every day. Richard Jackson, Prof. emeritus at the UCLA Fielding School of Public Health has advised, "I wouldn't make any big development decisions right now....The challenge for developers will be marrying density with safety, which will now require an interdisciplinary approach." (NY Times, May 6, 2020)

I do not envy your responsibility. Balancing neighborhood concerns such as traffic, shadows, and building height is difficult enough. Now your decisions have public health implications as well.



June 24, 2020

BY EMAIL TO:

Brooke Lipsitt, Chair, Zoning Board of Appeals
Members of the Zoning Board of Appeals
Newton City Hall
1000 Commonwealth Ave.
Newton, MA 02459

Dear Members of the Zoning Board of Appeals:

At the ZBA hearing on June 23, there was much discussion regarding the height of the proposed buildings for the Dunstan East plan. This same question was debated by the City Council when it voted on the Washington Street Vision Plan. Prior to the City Council vote, Councilor Barbara Brousal-Glaser proposed that five stories should be the maximum height rather than six stories. This motion failed by a vote of 11 to 12. However, several opponents of this measure stated that the real decision-making would come when the zoning ordinance was debated.

The ZBA's decision regarding the Dunstan East plan prefigures the City Council debate on zoning which has yet to take place. Nonetheless it seems reasonable to conclude that a 2/3rd majority of the City Council is not prepared to vote for a six story maximum on Washington Street. Although you are not bound by this sentiment, it is important to take into account community concerns as you undertake your deliberations. The fact that the building approved for Washington Square – a much larger intersection than Dunstan Street – is five stories should argue strongly that the Dunstan East location should be no taller.

We urge you to approve a Dunstan East plan that reduces all buildings in the Mark Development plan by one story except the 3-story building which can remain at that height. It is not necessary to ask Mark Development to submit detailed plans that would comply with this limitation. They will prepare such plans if this is acceptable to them. If it isn't, they will appeal the ZBA's decision as is their right.

The obvious desire for more affordable housing in Newton does not mean we ought to maximize the number of residential units on every available parcel. We join with all those who recognize the attractiveness of the development design prepared by Mark Development. We join with all those who advocate for more affordable housing. A reduction in building heights as we have proposed will still result in a substantial development of approximately 190 units, with 25% affordable as required by Chapter 40B. We hope you will give this serious consideration.

Sincerely,

A handwritten signature in black ink that reads "Randall Block". The signature is written in a cursive, flowing style.

Randall Block, President
RightSize Newton

Support for Sustainability at Dunstan East

Ron Blau <ronblau@gmail.com>

Mon 6/29/2020 12:50 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 members of the Newton Zoning Board of Appeals,

Earlier this month, I wrote to you asking that you approve Dunstan East. I said that Newton needs the housing and especially needs affordable housing. Dunstan East's planned design is climate responsive, which will materially help Newton to reach the goals of its Climate Action Plan.

Today, I am writing to urge you to include three Sustainability Conditions — the ones Green Newton has highlighted — in the ZBA Decision for the project. These will strengthen the Climate impact of the project. These conditions are:

- Provide the City with a report of the Passive House feasibility study and energy modeling, detailing the impact on the design.
- Provide the City with a report of the Embodied Carbon options analysis of building materials specified for construction.
- Residences will be all electric, including energy recovery ventilation, heat pump heating and cooling, and electric cooking and hot water.

Thank you!

Sincerely,
Ron Blau

ron blau

ronblau@gmail.com

mobile 617-872-1803

111 Wood End Road

Newton, MA 02461

July 01, 2020
 Brooke Lipsitt, Chair, Zoning Board of Appeals
 Members of the Zoning Board of Appeals
 Newton City Hall
 1000 Commonwealth Ave.
 Newton, MA 02459

Dear Madam Chair and Members of the Zoning Board of Appeals:

We thank the ZBA and Mark Development for your substantial efforts to review and present Dunstan East. We agree with statements of concern and some statements of praise brought up in previous letters. The goal of our letter is to address issues in communication between the developer and the abutters, to applaud the precedent set by Riverdale, and to clearly present the size reduction we request.

Robert Korff, CEO of Mark Development, reached out to the abutters during a small gathering on Tuesday, June 11, 2019. For an entire year after that, the developer made no attempt to contact us. Even after members of the ZBA explicitly asked the developer to contact abutters to discuss our concerns, the only contact they made was a request to photograph our backyard a year later on Thursday, June 11, 2020. We are concerned by the difference between our provided photograph and the developer’s rendering (Attachment 1). Going forward, we request better communication between the developer and abutters, both during the remainder of the ZBA review process and during demolition and construction.

The Project Comparison Spreadsheet that was compiled by Cheryl Forté of 888 Watertown St., compares the height, density, and scale of the developer’s Dunstan East proposal with three recent development projects in Newton, including Riverdale (Attachment 2). Of these, the Dunstan East proposal has by far the highest residential density (32% more units per acre than Riverdale), the largest maximum building height (20 ft taller than Riverdale), and the lowest number of parking spaces per unit (10% less than Riverdale). The proposed density and height of Dunstan East are not at an appropriate scale for the area.

We ask the ZBA to consider approving a 40B comprehensive permit with the condition that Mark Development reduce the overall density and scale (e.g., remove one level from every portion of the project), but maintain the number of affordable units currently proposed. In short, we ask that Dunstan East be modified to be more in line with Riverdale, which addresses affordable housing needs with a project scale that is appropriate for the City of Newton. The table below shows our requested modifications to the over-dense Dunstan East proposal.

Comparison of Existing 40B Proposals and Our Requests											
Project	Site acreage	Residential units	Residential density (units per acre)	Maximum building height	Maximum stories	Parking spaces	Parking spaces per residential unit	Affordable Units			
								50% AMI	65% AMI	80% AMI	120% AMI
Riverdale	3.40	204	60	56 ft	5	224	1.10	0.5%	0.5%	24.0%	0%
Dunstan East on 6/08	2.98	234	79	76 ft	6	234	1.00	2.6%	0.0%	21.8%	0%
Our Requests on 7/01	2.98	180	60	60 ft	5	200	1.11	3.3%	0.0%	28.3%	0%

Dunstan East is not an ideal location for maximizing height and density. The Washington Street Vision Plan suggests exceptions to building heights on Washington St. from 3–6 stories from as far west as Chestnut St. to nearly as far east as Cross St., with the tallest heights used sparingly. However, the topography of the location, in which the ground level at the north edge of the property is more than a full story below that on Washington St., puts the tallest building at more than 7 stories from the perspective of abutters.

Not only are the developer's proposed building heights too large for the neighborhood, they are also too tall relative to the widths of Dunstan St. and Kempton Pl. One of the few specific guidelines for human-scale development provided in the Washington Street Vision Plan is a figure (in Attachment 3) explaining that the height of a building façade should not be taller than the horizontal distance to the building across the street (1:1 ratio of height to width). Attached are figures showing cross sections of the Dunstan East proposal at five different locations on both Dunstan St. and Kempton Pl. These demonstrate that the proposed buildings are excessively tall, with height-to-width ratios as high as 1.42 (42% taller than the recommended human scale) (Attachments 3 and 4).

Please do not approve the plans as presented at the June 8 and June 23, 2020 meetings. The revised plan presented by the developers on June 8, 2020 is a rearrangement of units that did not reduce the density, the maximum height, or the overall building envelopes. Furthermore, we request that any mitigation factors be directly beneficial to the occupants of the development. Thus, we oppose the funds going towards Elm Street park, which is 0.6 miles away, and prefer that the money be invested in green spaces on site.

Once again, we reiterate our support for affordable housing. Becoming neighbors to even our suggested number of 180 new households would be a major change, which we are willing to make in order to increase Newton's stock of affordable housing. It would be incorrect to characterize our request as unfriendly to the developer or against affordable housing. We are aware of the value of public and private partnerships, and we each bring a different perspective to the negotiating table. Please take our abutter requests as seriously as the proposals of the developer.

Respectfully,



Ruby Lee and Tim Marks

904 Watertown St Newton, MA 02465



View from our porch at 904 Watertown St., April 6, 2013. Note that almost no leaves block the view across the street. This view includes more of the part of the site that is closer to Dunstan St.



DUNSTAN EAST
Newton, Massachusetts

Proposed View from 904 Watertown Street
JUNE 23, 2020

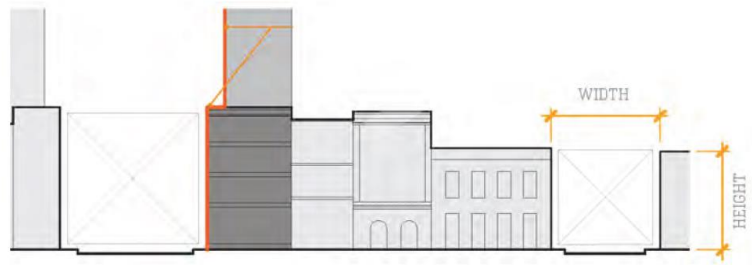
MARK
DEVELOPMENT

ELKUS | MANFREDI
ARCHITECTS

The developer's rendering incorrectly includes many of the summer leaves from the deciduous trees, which fall off for 6–7 months of the year. The rendering does not include the portion of the site closer to Dunstan St.

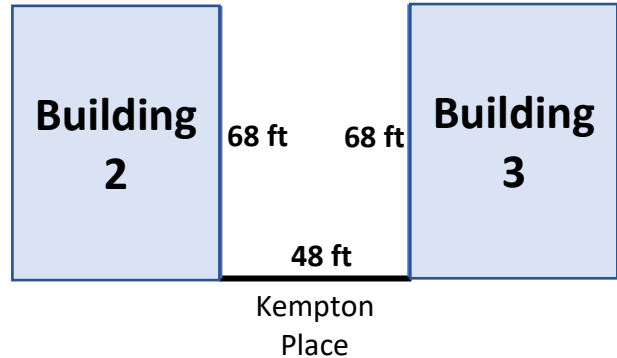
Project	Site acorage	# Residential units	Residential density (units per acre) ¹	Maximum building height	Maximum # stories	Parking spaces per residential unit ²	Affordable Units					
							50% AMI	65% AMI	80% AMI	120% AMI		
28 Austin St	1.70	68	40	48 ft	4	1.32	0%	0%	25%	0%		
Washington Place	2.85	140	49	60 ft	5	1.25	0%	0%	15%	10%		
Dunstan East	2.98	234	79	76 ft	6	1.00	3%	0%	22%	0%		
Riverdale	3.40	204	60	56 ft	5	1.10	0.5%	0.5%	24%	0%		
¹ For Dunstan East, buildable site acreage is considerably less: 2.3 buildable acres=net density of 106 units per buildable acre												
² Discrepancy with Bozzuto exhibit dated 06/15/2020:				Per publicly available information, Washington Place (Trio) parking spaces per residential unit is 1.25, not 1.0								
				Per Dunstan East proposal, parking spaces per residential unit is 1.0, not 1.3								

The diagram at right, copied from p. 83 of the Washington Street Vision Plan, demonstrates a principle of human scale design: A building's face can be as tall as the width of the open space it faces (the distance to the face of the building across the street). That is, the height-width-ratio can be as much as 1:1.



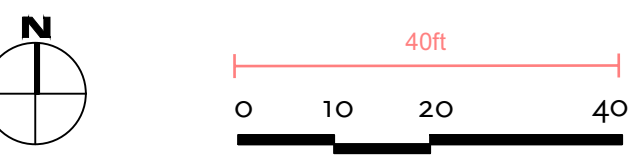
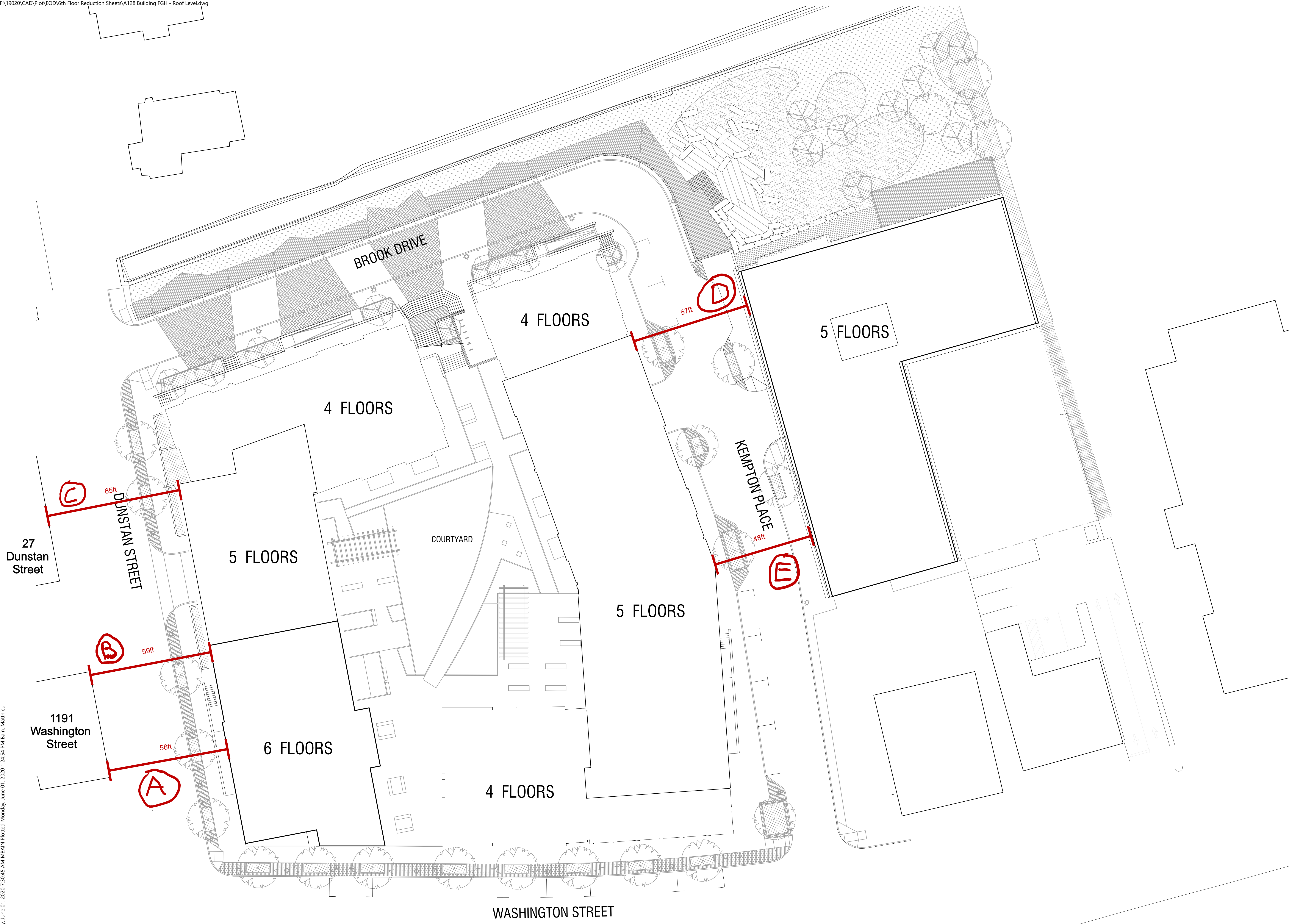
This diagram describes two of the design principles for setting building height in relationship to a street. First, note the gray square with an X through it above each street. The sides of the square are equal. The diagram demonstrates that the height of the buildings at the street edge are similar 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.

The figure on the right shows the dimensions of **Cross Section E** of the Dunstan East proposal, labeled "E" in Attachment 4. Notice that the height-to-width ratio is 1:42, indicating that the proposed building heights are 42% taller than they should be for the width of Kempton Pl.



The table below shows the height-to-width ratios of each of the five cross sections labeled in Attachment 4.

Cross Section label	Street	Height (street to roof) of proposed building(s)	Width of open space (horizontal distance to building across the street)	Height/Width ratio
A	Dunstan St.	76 ft	58 ft	1.31
B	Dunstan St.	83 ft	59 ft	1.41
C	Dunstan St.	73 ft	65 ft	1.12
D	Kempton Pl.	78 ft	57 ft	1.37
E	Kempton Pl.	68 ft	48 ft	1.42



Dunstan East
Washington Street
West Newton, Massachusetts

No.	Revision	Date	App'd.
1	Unit Reduction	05/06/2020	
2	Partial 6th Floor	06/01/2020	

Designed by _____ Checked by _____
Issued for _____ Date _____
Comprehensive Permit Nov 25, 2019

Not Approved for Construction

BUILDINGS 1, 2, AND 3
ROOF PLAN

Drawing Number
A128

Sheet of 7

Project Number
14517.00

To: Newton Zoning Board of Appeals,

The major concern that I have with Dunstan East, is the ongoing pandemic of Covid-19. Maybe in a year or two, we will enter a new normal on how we deal with the coronavirus. For example; how will new buildings that will be built or the currently constructed buildings deal with social distancing? What will elevators, common rooms and hallways look like? How much open space and green space be required in all new developments so that the residents, visitors, and commercial tenants can properly engage in social distancing? I ask that the ZBA and the developer, Mark Development, answer these questions before a final vote is taken.

I don't have the answers to these questions, and I am not sure if you do. But I would think the Newton ZBA should seek the advice of Public Health consultants so that we can ensure our new neighbors are safe in their new homes and the surrounding community is safe as well. I am attaching a letter that was written and approved by the **Newtonville Area Council** that was sent to the City Council's Zoning and Planning Committee, in which they ask that we re-evaluate how Newton creates housing and engages in Zoning Redesign.

Additionally, Dr. Michael Osterholm, who is a public health expert at the University of Minnesota, said in a USA Today interview on May 12th, 2020 that "We're just in the second inning of a nine-inning game" as it relates to the ongoing pandemic.

<https://www.usatoday.com/story/opinion/2020/05/12/coronavirus-epidemiologist-were-just-second-inning-qa-opinion/3114615001/>

By the way, in 2006 Dr. Osterholm was one of the few experts who correctly predicted the world would see a future pandemic.

<https://www.youtube.com/watch?v=u6iZ2e11mkk>

This coronavirus has affected our lives and businesses in every single way. It has changed my working habits, my eating habits, my sleeping habits. It has limited the number of people that I see. I have to stand in line to enter Whole Foods, we can't eat out at restaurants like we used to. We can't crowd ourselves in elevators anymore. And the schools will look completely different in the fall. As I said, the coronavirus has affected us in just about every single aspect of our lives. It would be foolish to allow the same practice of building super-dense housing as if the pandemic never happened.

Washington Street Vision Plan:

Additionally, at the most recent public hearing there was a lot of conversation and references to the Washington Street Vision Plan (WSVP) and how it relates to Dunstan East. The WSVP boundaries start in Newtonville at the intersection of Washington Street & Crafts Street in Ward 2, and it goes through West Newton Square in Ward 3. The WSVP was approved by the City Council with a majority vote in December 2019. But what is important to know is that the former Ward 3 Councilor, Barbara Brousal-Glaser, and the Ward 2 Councilor, Emily Norton, did not vote in favor of it. The reason for their dissenting vote, was the fact that they disagreed with the maximum building heights in the WSVP, which is 6 stories

Even though the WSVP has been approved, the zoning regulations for the area have not been approved. Additionally, the WSVP had a last-minute amendment filed to change the maximum building height from 6 stories to 5 stories. The amendment failed by a single vote.

Other councilors who voted against it, feared that the WSVP would be used as a reference for future vision plans and new construction guidelines, when there is no consensus on the building height, and as I said previously that there are no zoning regulations to complement the WSVP.

Building heights are mentioned throughout the WSVP in a number of instances, but they fail to incorporate the findings that were captured in the Newtonville Area Council (NAC) Survey from 2018.

<http://www.newtonma.gov/civicax/filebank/blobdload.aspx?t=57710.68&BlobID=92144>

The NAC (I was a member at the time) conducted a residential survey, by mailing invitations to the electronic survey in a postcard to every residential house in Wards 1, 2, & 3. These Wards are approximately in the villages of Newton Corner, Nonantum, Newtonville, and West Newton. The preference for maximum building height in the NAC Survey were as follows; 3-stories **41%**, 4-stories **18%**, 5-stories **8%**, greater than 5-stories **4%**, Architecture and site placement are more important than height **28%**. So, when it comes to listening and reacting to abutters concerns, then we should also listen to the surrounding communities near Dunstan East.

Tarik Lucas
36 Central Avenue, Newtonville

Dear President Albright, Councilor Crossley and Members of the Zoning and Planning Committee:

In the past several months, our country has undergone unimaginable changes in the wake of the COVID-19 pandemic. Although Dr. Fauci and other epidemiologists and virologists have been warning of the probability of major pandemics for years, the world, and especially the United States, were unprepared to deal with the rapid and virulent spread of the novel coronavirus. Massachusetts is no exception to this unpreparedness. With less than one-sixth of California's population, it is third, after New York and New Jersey in Covid-19-related deaths.

As has become tragically apparent from the pandemic, housing density, in the form of large apartment buildings and complexes, and in congregate facilities generally, has vastly increased infection rates and mortality. Not only has this been tragically evident in New York City, but also in other areas where apartment dwelling is common, like Chelsea and Brockton, Massachusetts. There is no way to practice social distancing in elevators, common hallways, lobbies, and laundry rooms. Many apartment dwellers have become virtual prisoners because of the risk of infection just beyond their doors.

When our world overcomes or, at least succeeds in managing this pandemic, we will enter a "new normal" with an increased awareness of our vulnerability. And we may have to deal with situations in which the novel coronavirus has not been entirely defeated, but persists in endemic form, again emphasizing our vulnerability. Already, telecommuting and social distancing are beginning to change the nature of jobs and life-styles, while the obvious role of density as an enabler of the virus has radically altered the desirability of city life for many people. And, all this has been happening at a time when the United States was about to experience its first annual population decline in over a century, even before the pandemic. (Sabrina Tavernise, "Even Before Coronavirus, America's Population Was Growing at Slowest Rate Since 1919." <https://www.nytimes.com/2020/03/26/us/population-rate-census.html>)

As a recent article in the New York Times put it, "The challenge for developers will be marrying density with safety, which will now require an interdisciplinary approach," according to Dr. Richard Jackson, a former officer in the Epidemic Intelligence Service at the Centers for Disease Control and Prevention. "Transit-oriented development will need to bring in the best minds from design, health, and transit to come up with living spaces that are conducive to community but also the well-being of residents." (Kevin Williams, "Coronavirus crisis threatens push for denser housing," <https://www.nytimes.com/2020/05/05/business/coronavirus-live-leave.html>) Important as it is to continue to fight global warming and climate change, it is also imperative that this be done safely, from the standpoint of public health.

In view of these painful lessons, and with an uncertain future ahead, we urge the City Council re-evaluate development in Newton, consistent with the hazards of too-dense development. The City, federal and state governments need to balance the push for increasing tax revenue and developer profits with the need to anticipate, prepare for, and defend against these kinds of disasters. And, Newton should not overburden its residents, already overstressed by the uncertainties and fears of the pandemic, which the U.S. government (in confidential documents) estimates will last at least eighteen months, with the added threat and uncertainties of a zoning re-design project which could also be highly disruptive to their neighborhoods and peace of mind. (Housing is most families' largest financial investment, and often one of their largest emotional ones. The "confidential report" was reported on by Peter Baker and Eileen Sullivan the same day as President Trump declared a national emergency. "U.S. Virus Plan Anticipates 18-month Pandemic." <https://www.nytimes.com/2020/03/17/us/politics/trump-coronavirus-plan.html>)

Boston has set an example we should emulate. There, the Planning and Development Agency, according to *The Boston Globe*, “has suspended all major project reviews and planning studies during this state of emergency.” We, the Newtonville Area Council, think Newton’s Zoning and Planning Committee and the Planning Department should do the same. This does not mean a cessation of all activity. In Boston, for instance, contract approvals and other housekeeping items are continuing. And Mayor Walsh hopes that the “BPDA staff can continue to work behind the scenes with developers and community members so planning and development can resume and ‘hit the ground running’ when the time is right.” We think that this would also be appropriate for Newton, especially since it would allow our community, ZAP, and the Planning and Development Department to have a healthy dialogue about our future directions in the meantime. (Jon Chesto, *The Boston Globe*, “Mayor Walsh offers sobering take,” April 14, 2020. <https://www.bostonglobe.com/2020/04/15/business/mayor-walsh-offers-sobering-take-reopening-boston-businesses/>)

Thank you for your consideration,

Peter Bruce,
President, Newtonville Area Council

I Support the Dunstan Street East Project As Presented

Vivi Leavy <vivileavy@gmail.com>

Mon 6/22/2020 3:30 PM

To: Dunstan East <dunstaneast@newtonma.gov>

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

Hi ZBA:

I live on Eden Avenue in the Dunstan East neighborhood. I walk past it on the way to Trader Joe. I support the project because it will help retain and maybe even build the diversity I cherish in Newton. We need a lot more housing for people who don't want to live in large single-family homes. As a senior, many of whose friends have moved out of Newton in order to downsize, I think it's important to build up a stock of apartments as an option for people like me who don't want to move out. When I taught at Warren (yes, it was a few years ago) teachers were driving in from New Hampshire for lack of affordable options nearby. We need housing for them and for younger people who want a variety of options.

It's also true that having more people within walking distance of Paddy's, L'Arroma, the West Newton Cinema and other local businesses we don't want to lose, will help support them and attract new ones.

Also this is has become a tricky financing environment for real estate. Sending a project back to the bankers ffor renegotiation may sideline the whole thing. We have to move ahead with this project now.

Thanks for your consideraton,

Vivi Leavy

Virginia Leavy

4 Eden Ave., Newton, MA 02465

vivileavy@gmail.com 617-527-3226