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Barney S. Heath  
Director

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**PUBLIC HEARING MEMORANDUM**

DATE: June 3, 2021  
MEETING DATE: June 10, 2021  
TO: Zoning Board of Appeals  
FROM: Barney S. Heath, Director of Planning and Development  
Neil Cronin, Chief Planner for Current Planning  
Michael Gleba, Senior Planner  
COPIED: Mayor Ruthanne Fuller  
City Council

In response to questions raised at the Zoning Board of Appeals public hearing on April 28, 2021, the Planning Department is providing the following information for the upcoming continued public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

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**PETITION #09-19(2)**

**Dunstan East**

Dunstan East, LLC, applying to the Zoning Board of Appeals, pursuant to Massachusetts General Laws Chapter 40B, to amend and make substantial changes to the Comprehensive Permit previously granted to the applicant on July 8, 2020 for a project 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 containing approximately 3.58 acres. The applicant proposes to incorporate the 6,983 square foot parcel located at 1157 Washington Street into the development parcel, demolish the building located at 1149 Washington Street, and increase the height of Building 3. The revised project will contain a 302-unit residential development, which includes 64 new units in Building 3, and 76 of the total number of units will be affordable. The revised project will contain approximately 5,821 square feet of retail space, and 338 parking stalls (42 of which are new).

The Zoning Board of Appeals (Board) opened the public hearing on this petition on April 28, 2021, which was held open for the petitioner to respond to questions and concerns raised in the Planning Department's Memorandum and at the public hearing by the Board as well as by members of the public. At that meeting the Board authorized peer reviews of the project. This memo reflects the peer review of the sustainability, stormwater, civil engineering, and site design issues related to the project. The Permit Holder submitted updated architectural plans and

renderings as well as a shadow study, street section, figure ground plan and response to Board questions and comments on May 27<sup>th</sup>; Planning staff will be prepared to discuss these as well as overall building massing at a future meeting. The transportation aspects of the project including traffic, parking, circulation, loading, bicycling facilities, and transportation demand management will also be discussed at a future meeting.

### **EXECUTIVE SUMMARY**

The Permit Holder, Dunstan East, LLC, was granted a comprehensive permit on July 8, 2020 by the Zoning Board of Appeals (ZBA) for a development including the construction of three buildings containing, in the aggregate, 234 residential units (including 59 Affordable Units) and 8,318 square feet of retail space, and 294 parking stalls. Also included in the approved development plan is an approximately 8,222 square foot existing office building at 1149-1151 Washington Street (the "Approved Project").

Subsequently, in February of 2021, the ZBA approved certain "insubstantial changes" to the proposed structures known as "Building 1" and "Building 2" (both located to the west of Kempton Place), which increased the number of residential units by four, to 238, and the number of parking stalls by two, raising the total to 296. The amount of retail space was reduced by 2,497 square feet to 5,821 square feet.

The Permit Holder is now proposing to expand the project site with the inclusion of 1157 Washington Street which would increase the lot area of the project by approximately 6,983 square feet. It proposes to demolish the existing building on that lot as well as the one located on the previously incorporated 1149-1151 Washington Street. As the latter building currently contains office space, its demolition would eliminate that use from the project.

The Permit Holder now seeks to develop the portion of the to-be expanded site east of Kempton Place with an expanded Building 3. This modification would increase the residential square footage of the development by 71,485 gross square feet. The new "Building 3" would include a sixth floor toward Washington Street, but its total height would be lower than the 81.10 foot approved by the comprehensive permit. Additional street level residential units would be located along the proposed Brook Drive along the northern portion of the site (the "Revised Project").

The number in units in the revised Building 3 would be 132, raising the total number of residential units in the overall development from 234 to 302. The number of proposed parking stalls has also been increased, by 42, enabling the project to have a 1:1 residential unit-parking stall ratio.

This memo reflects an analysis of the site design, stormwater, civil engineering, and sustainability of the proposed project. Reflected in this memo are comments from The Horsley Witten Group ("Horsley Witten"), the peer reviewer hired by the City, and the Engineering Division of Public Works, as well as the Planning Department. In addition to these comments, this memo includes an analysis of how well the project relates to the principles included in the Washington Street Vision Plan, adopted by the City Council in December 2019.

Please also note that this memo does not reflect analysis of additional/updated information and plans submitted by the Permit Holder on May 27, 2021.

## I. ANALYSIS

The City's peer reviewer, Horsley Witten, has submitted the attached initial memorandum on the sustainability, open space and building siting, grading, utilities, and stormwater mitigation aspects of the proposed revised development plan (**Attachment A**). Please note that the memorandum also includes some requests for additional information from the Permit Holder.

### A. Sustainability

Regarding sustainability issues, the peer-review memorandum notes, among other comments, that the Permit Holder's updated Sustainability Strategic Plan includes a commitment to achieve "LEED BD+C Multifamily Midrise Gold" certifiability, which would meet the requirements established by Sec. 5.12 of the Newton Zoning Ordinance (NZO). The Permit Holder has also indicated its commitment to utilize electric heating and cooling for the residential portions of the project and, where practicable, electric domestic hot water.

Also, the Permit Holder will meet the relevant requirement that 10% of parking stalls would include electric vehicle (EV) charging stations and an additional 10% of stalls be EV ready.

The Planning Department notes that, per the conditions of the previously granted comprehensive permit, the Permit Holder is required to complete "Passive House" feasibility studies, "energy modeling" and an "embodied carbon analysis" to guide its final design and construction approaches.

### B. Civil Engineering/Stormwater

The project site is located adjacent to Cheesecake Brook and portions of the site are within 100 feet of the Brook, which is classified as a Riverine Wetland System according to the US Fish and Wildlife Service National Wetlands Inventory. The project is subject to review and approval by the Conservation Commission.

Among other observations in its attached memorandum, Horsley Witten noted that the design for Building 3 utilizes piers along its north side to allow flood storage beneath the building. The boardwalk and stone dust walking path adjacent to Building 3 are being reconfigured by the Landscape Architect. Horsley Witten recommends that the Permit Holder submit "building elevations, cross sections of the compensatory storage area, and the finalized landscape design to verify the provided flood storage values."

The Engineering Division submitted a memorandum reflecting the proposed changes (**Attachment B**). Updated inflow and infiltration information will be provided by the Engineering Division at a later date.

### C. Site Design

A key difference resulting from the proposed plan change would be the removal of two small scale buildings, one on the recently acquired parcel, the other a small office building that was to be retained, from the project's Washington Street frontage. As the site area from these two buildings would now be subsumed into the footprint of the expanded Building 3, the proposed front setback along Washington Street would be reduced from the 2.4 feet approved by the Comprehensive Permit to 0.2 feet under the current proposal. Building 3 would retain its eastern setback of six feet.

Horsley Witten also has additional comments, recommendations and requests for more information such as grading details, certain street treatments and materials, and considering green infrastructure in accordance with the City's Complete Streets Policy, Additional analysis of circulation, parking, bicycle facilities, and loading will also be done as part of the transportation peer review.

## II. CONSISTENCY WITH THE WASHINGTON STREET VISION PLAN

The Washington Street Vision Plan (the "Vision") was adopted by the City Council in December of 2019. The Vision discusses priorities for a portion of Washington Street from West Newton through Newtonville to the Crafts Street intersection before Newton Corner. The Vision is intended to inform discussions about public investments and to guide private development to align with Newton's priorities. The Vision contains guiding principles for Unique and Vital Village Centers, Safe Multimodal Transportation, Housing Diversity, Global Climate and Local Environment, and Excellence in Placemaking and Design. An analysis of how the project fits the relevant principles is below and the Vision is available here:

<http://www.newtonma.gov/civica3/filebank/documents/100643>.

Unique and Vital Village Centers:

### *Design for Engaging Walks*

- *Use buildings and trees to make a more comfortable environment*

The Approved Project included the parcel at 1149 Washington Street and both the two-story structure and the use (office) were to remain. However, the petition did not include the parcel at 1157 Washington Street which is improved with a one-story auto repair use. The Revised Project seeks to raze both structures and replace them with the expanded Building 3. As a result, the expanded Building 3 will continue the defined street wall along this section of Washington Street. In addition street trees, streetlights, and decorative pavers will be installed along Washington Street from Dunstan Street to Kempton Place.

- *Promote narrow and transparent shopfronts*

The expanded Building 3 features a transparent ground floor, albeit the proposed uses are a lobby and a tenant-amenity space. The Planning Department suggests the Permit Holder consider adding ground-floor commercial space to increase pedestrian vitality.

At the time of this writing, the Permit Holder submitted revised plans adding a 1,950 square foot commercial space at the southwest corner of Building 3. The Permit Holder should provide more information on the proposed use for this space.

- *Incorporate opportunities for outdoor dining*

The Approved Project allows for outdoor dining between the break in Buildings 1 and 2 that creates atmosphere and also serves to invite pedestrians into the courtyard. As stated above, revised plans include a commercial space in the ground floor of Building 3. The Permit Holder should provide more information on this space, as the tenant might be able to install outdoor seating along Washington Street.

- *Design Streets and plazas as places to linger*

The Approved Project creates pleasant sidewalks along Washington Street with street trees and decorative pavers as well as a public courtyard, and a boardwalk along Cheesecake Brooke named Brook Drive. As stated above, the street trees, and decorative pavers will extend to the site's eastern boundary, and the Revised Project includes a private courtyard at Building 3. The Applicant has stated that security concerns prevent them from making this courtyard publicly accessible. The Applicant should further elaborate on the potential for providing additional public open space and/or providing a connection to the Armory property. Additionally, the expanded Building 3, particularly its western façade, changes the nature of Kempton Place and will likely be the route pedestrians from the east use to access Brook Drive. The Permit Holder should provide information as to how the nature of Kempton Place will change, recognizing the topography may prevent this street from becoming a place to linger.

#### *Invest in Public Art & Programming*

1. *Promote West Newton and Newtonville artists*
2. *Allow for arts production, presentation, and artist housing*
3. *Design for music and community events in public spaces*

The Permit Holder should state whether there is an opportunity to promote local art and or artists and if there is a plan to program the courtyard and/or private roads for occasional

community events.

### Housing Diversity:

#### *Attract All Ages, All People*

- *Ensure availability of accessible units*
- *Promote diverse building and unit sizes*
- *Allow communal living models*

The expanded Building 3 will be required to meet state standards regarding accessibility, including the number of accessible units, based on the final unit count. The increase in the total number of units would trigger an increase in the number of deed-restricted units from 59 to 76. There would also be shifts in the total numbers of the different unit types. The number of affordable studio units would be decreased from eight to five, affordable one-bedroom units would be increased from 24 to 42, affordable two-bedroom units would be increased from 20 to 21, and the number of affordable three-bedroom units would increase from 7 to 8. The material submitted by the Permit Holder indicates the number of deed-restricted units at the 50% of Area Median Income would remain the same, at eight.

#### *Seek Affordable Housing Opportunities*

- *Invest directly in affordable housing*
- *Leverage public land for affordable housing development*

The Revised Project will provide 76 permanently deed-restricted dwelling units in an area of Washington Street identified by the Vision as lacking low-moderate income households, without the need for City funding or public land.

#### *Link Housing and Transportation*

- *Focus housing where residents have transportation options*
- *Pair housing near transit with new commercial retail space*

The Revised Project results in 302 units of housing (with 76 affordable units) in a walkable area near multiple transit options, including the 553 express bus and West Newton Commuter Rail. The Revised Project also provides a mix of uses on site, pairing new housing with new commercial space.

Global Climate and Local Environment:*Provide Options for Low-Carbon Living*

- *Allow for smaller unit residences*
- *Build in features to make low-carbon living easy*
- *Create incentives and mandates for an energy-efficient future*

The Revised Project includes a mix of studio, one-, two-, and three-bedroom units. The site's location at the edge of West Newton Square as well as its proximity to transit also allows for low-carbon living. The Permit Holder has committed to implementing a transportation demand management (TDM) plan to encourage residents to use alternative transportation methods, including a reimbursement for transit use. Additionally, the Permit Holder will comply with the Sustainable Development provisions of the zoning ordinance which requires Leadership in Energy and Environmental Design ("LEED") Gold certifiability. Lastly, the Permit Holder is required to construct the residential portions of the project utilizing all electric-sourced heating and cooling, to conduct passive house feasibility studies, and to use an embodied carbon analysis to guide material selection prior to construction.

*Improve Climate Resilience*

- *Improve Cheesecake Brook to reduce downstream flooding*  
The Approved Project includes significant improvements to Cheesecake Brook which were reviewed by Horsley Witten and were later approved by the City of Newton Conservation Commission. The Permit Holder will seek an amendment to the Conservation Commission's Order of Conditions.
- *Reduce heat island effect through building and site design standards*  
The Revised Project includes removing large amounts of impervious surfaces while installing street trees along Washington Street, Kempton Place and a new open spaces. As stated above, the Permit Holder is required to achieve certain sustainable initiatives, LEED Gold Certifiability, while investigating others, Passive House.

*Expand Access to Open Green Spaces and Recreation*

- *Facilitate the creation of a network of pocket parks, tot lots, and community plazas*  
The Approved Project creates a public open space between Buildings 1 and 2 and a boardwalk along an improved Cheesecake Brooke which will create a more pleasant through-block connection from Washington Street to Watertown Street. The Revised Project includes a private courtyard at Building 3, and the expanded Building 3 is associated with an improved northern portion of Kempton Place with street trees and other accents.

- *Activate existing and new public spaces*  
The Permit Holder should provide information as to how the courtyard between Buildings 1 and 2 will be programmed as well as the Brook Drive boardwalk.
- *Expand tree canopy and add layers of vegetation*  
As stated above the frontages throughout the site will be improved with street trees, while the courtyards will feature ornamental trees, grasses, and planting beds.

### Excellence in Placemaking and Design

#### *Area-wide Planning Principles*

- *Ensure Newtonville and West Newton remain distinct and vital*  
The Vision defines the “Cheesecake Brook lots” as the lots east of Chestnut Street and extending as far as Trader Joes as an area where density and height are recommended because the land is underutilized and because they are walkable to the transit and services offered by West Newton Square.
- *Protect iconic buildings*  
The structure at 1157 Washington Street, improved with an auto repair use, was found “Not Historically Significant” by the Newton Historical Commission. The structure at 1149-1151 Washington Street does not qualify for review because it is less than 50 years old.
- *Foster moments of arrival*  
The expanded Building 3 in both footprint and number of stories would foster a moment of arrival to those traveling westbound on Washington Street. However, given the structure’s proximity to the eastern boundary, portions of the eastern façade would consist of blank walls which may affect Building 3’s ability to serve as a focal point. The Planning Department suggests the Permit Holder consider alternatives to ensure this façade meets the Vision’s goal of high-quality design.
- *Require gentle transitions to adjacent neighborhoods*  
The Approved Project included a five-story Buildings 3, with the existing structures at 1149 and 1157 Washington Street remaining. As a result, the bulk and mass of Building 3 was set back from Washington Street. The Revised Project replaces the one-story structure at 1157 Washington Street and the two-story structure at 1149 Washington Street with a six-story Building 3.



As stated above, the Permit Holder submitted updated architectural plans and renderings as well as a shadow study, street section, and a figure ground plan. Planning staff and Horsley Witten will be prepared to discuss these as well as overall building massing at a future meeting.

- *Encourage variety in building size and shape*  
The Vision calls for development to reflect the incremental building pattern of Newton which resulted in villages containing buildings of different heights, shapes, and materials. The Planning Department will be prepared to discuss this principle at a future hearing.

#### *Site Planning Principles*

- *Limit visible parking*  
The auto repair use at 1157 Washington Street contained a number of surface parking stalls that were accessed from Kempton Place and were visible from Washington Street. The expanded Building 3 eliminates these stalls and replaces them with six on-street parking stalls along Kempton Place.
- *Break down the scale of larger projects with new streets, paths, and open spaces*  
The Revised Project creates a courtyard space, yet it is not accessible to the public. As stated above, the expanded Building 3 will change the nature and use of Kempton Place. Additionally, the West Newton Armory to the east at 1137 Washington Street is currently before the City Council's ReUse Committee. The Planning Department suggests the Permit Holder seek to incorporate a pedestrian and or bicycle connection(s) to this site.

#### *Building Design Principles*

- *Allow form to follow function*
- *Encourage traditional New England roof diversity*
- *Promote energy-efficient, human-scaled, and durable construction*

The expanded Building 3 is designed as a mixed-use building with a ground floor tall enough (15 feet) to accommodate a variety of uses, including restaurants.

As stated above, the Permit Holder is required to achieve certain sustainable initiatives and will investigate others such as Passive House, and they will be required to conduct an embodied carbon analysis to guide material selection.

### **III. ADDITIONAL INFORMATION AND MATERIALS**

The Permit Holder should respond to all questions and requests for more information raised

in this memo and the peer review by Horsley Witten in advance of future meetings.

**IV. CONCLUSION AND NEXT STEPS**

The Planning Department will continue to review the proposal and as, where appropriate and authorized, coordinate reviews of the project by City agencies and consultant peer reviewers and provide updated and expanded memoranda in advance of future ZBA hearings. It is anticipated that the next meeting will focus on the transportation aspects of the project.

**ATTACHMENTS**

- Attachment A:** Horsley Witten Group peer review memorandum dated May 28, 2021  
**Attachment B:** Engineering Division memorandum dated May 27, 2021



## MEMORANDUM

**To:** Michael Gleba, Neil Cronin, Jennifer Caira – City of Newton  
**From:** Janet Carter Bernardo, PE and Jonathan Ford, PE  
**Date:** May 28, 2021  
**Re:** Peer Review of the Revised Dunstan East 40B Development

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The intent of this memorandum is to provide the City of Newton with a follow up peer review of the Dunstan East open space and building siting, sustainability report, grading, utilities, and stormwater mitigation. The Applicant is proposing to develop a three-building mixed-use residential and retail area along Washington Street in Newton, Massachusetts. Recently submitted documents include the following site/landscape changes:

1. The site area has been expanded from 3.3 acres to 3.6 acres as the entirety of parcels 31-7-28, 31-7-28A, 31-7-29, and 31-7-30 are now included in the project.
2. The total residential units have been increased from 244 units to 302 units.
3. The retail/restaurant space has decreased from 12,442 square feet (sf) to 6,247 sf.
4. The structured parking spaces have increased from 286 spaces to 322 spaces.
5. The proposed building area has increased from 425,945 gross sf to 503,880 gross sf.
6. The footprint of Building 3 has been expanded to Washington Street.
7. Demolition of existing buildings at 1149 and 1157 Washington Street is proposed.
8. The internal private courtyard for Building 3 has been updated and expanded.
9. The design of the Building 1-2 courtyard has been revised.
10. The design of the Building 3 riverfront park space has been revised slightly.
11. The design of Kempton Place has been reconfigured slightly.
12. Minor detail-oriented revisions and adjustments were made to Building 1 and Building 2 footprints, street design details, site layout elements, and landscape design.
13. The total impervious area reduced from existing conditions has increased from approximately 8,900 sf to approximately 10,000 sf.
14. The proposed compensatory flood storage area is expected to change minimally pending further refinement of the architectural and landscape designs. The grading shown adjacent to Cheesecake Brook on the April 2021 plans is almost identical to the April 2020 plan set. HW understands that the final design of Building 3 includes piers along the north side to allow flood storage beneath the building. The boardwalk and stone dust walking path adjacent to Building 3 are being reconfigured by the Landscape Architect.

In the spring of 2020, peer review memoranda on various aspects of the project were provided to the City of Newton. This memorandum does not include previous comments and is specifically limited to new and changed elements of the plan included in the documents listed below. We understand additional information is pending from the Applicant, therefore building heights, massing, and scale transitions to adjacent neighborhoods was not reviewed at this time.

HW has reviewed the following updated documents:

- Stormwater Report, Dunstan East Mixed-Use Redevelopment, Washington Street, Newton, Massachusetts, prepared by VHB, revised May 17, 2021 (133 pages).
- Sustainability Strategic Plan, Dunstan East, Newton, MA, prepared by New Ecology, dated April 7, 2021 (9 pages).
- Dunstan East/List of Waivers Requested (Revised as of April 8, 2021) (3 pages).
- Dunstan East Commercial Use Parking Calculation (Revised April 5, 2021) (1 page).
- Site Plans, Dunstan East, Washington Street, West Newton, Massachusetts, prepared by VHB, date issued April 28, 2020, date revised April 8, 2021, including:
  - Title Sheet
  - Legend and General Notes Sheet C-1.0
  - Site Plan and Erosion & Sediment Control Plan Sheet C-2.0
  - Site Plan Sheet C-3.0
  - Grading and Drainage Plan Sheet C-4.0
  - Utility Plan Sheet C-5.0
  - Site Details 1 Sheet C-6.1
  - Site Details 2 Sheet C-6.2
  - Site Details 3 Sheet C-6.3
  - Site Details 4 Sheet C-6.4
  - Boundary and Topographic Survey Sheet 1 of 4
  - Boundary and Topographic Survey Sheet 2 of 4
  - Boundary and Topographic Survey Sheet 3 of 4
  - Boundary and Topographic Survey Sheet 4 of 4
- Landscape Plans, Dunstan East, Washington Street, West Newton, Massachusetts, prepared by VHB & Halvorson, dated April 28, 2020, revised April 8, 2021, including:
  - Site Materials Sheet L1.1
  - Planting Plan Sheet L1.2
- Dunstan East Architectural Plans Unit Reduction (Rev 1), prepared by VHB and Elkus Manfredi Architects, dated May 6, 2020, including:
  - Existing Site Layout Plan A001
  - Buildings 1, 2, and 3, Level P2 A120
  - Buildings 1, 2, and 3, Level P1 A121
  - Buildings 1, 2, and 3, Level 1 A122
  - Buildings 1, 2, and 3, Level 2 A123

- Buildings 1, 2, and 3, Level 3 A124
  - Buildings 1, 2, and 3, Level 4 A125
  - Buildings 1, 2, and 3, Level 5 A126
  - Buildings 1, 2, and 3, Level 6 A127
  - Buildings 1, 2, and 3, Roof Plan A128
  - Building Elevations – Building 3 A303
  - Building Sections – Building 3 A322
- Dunstan East Photometric Plan, prepared by Reflex Lighting, dated April 1, 2021.

HW has the following comments:

*Open Space, Building Placement, and Site Design*

1. The proposed site framework is generally consistent with the previously submitted 2020 documents. The project proposes new street connections providing smaller blocks and increased porosity, village-scale buildings fronting Washington Street, a publicly accessible internal block courtyard, and step down in scale from Washington Street towards Cheesecake Brook – all consistent with the adopted Washington Street Vision Plan.
2. Portions of the proposed site are within 100 feet of Cheesecake Brook, which is classified as a Riverine Wetland System according to the US Fish and Wildlife Service National Wetlands Inventory. The Applicant has indicated the Riverfront Area, Limit of Bank, Bordering Land Subject to Flooding (BLSF), and 100-foot buffer zone on the updated plan set. The Applicant filed a Notice of Intent with the Newton Conservation Commission in April 2020 and received an Order of Conditions in July 2020. MassDEP File No. 239-0867.
3. Sheet C-3.0 shows one proposed pick up/drop off zone on Washington Street between Building 1 and Building 2, and one zone on Kempton Place in front of Building 2. The second pickup/drop off/loading zone on Washington Street in front of Building 2 has been removed. More information is required to verify the approach to pick up, drop off, and loading at Building 2 and Building 3.
4. The Building 3 internal parking layout notes a 22-foot parking aisle width on Sheet A121. This reduced width is workable for residential uses but extremely tight, especially for larger vehicles. Additional detail is necessary to review the approach to internal vehicular/truck circulation and loading for Building 3.
5. A parallel on-street parking space on Washington Street is designated as accessible on Sheet C-3.0. If this space is to be compliant, additional detail is required to provide a flush loading zone and transition to the Washington Street sidewalk.
6. It appears that the proposed surface material at the garage entry to Building 3 and the sidewalk extending north towards Cheesecake Brook from this location is different from the sidewalk material extending south towards Washington Street. It is not clear why there is a difference or what the material north of the garage is intended to be.
7. HW recommends that flood plain elevations be added to the Building 3 cross sections to clearly review how flood storage will be provided beneath the building. HW recommends

that to minimize potential pollutants from entering Cheesecake Brook during a 100-year flood event regular maintenance of the stormwater system and sweeping of the roadway is required.

8. The previous exhibits and cross sections detailing the Building 1/2 courtyard division of space, accessible path of travel, and elevator connections should be updated to reflect the updated courtyard design and submitted for review.
9. The design of Kempton Place has been adjusted to provide for on-street parking and regularly spaced street trees on both sides. This is a great improvement to provide for a more pleasant streetscape condition as well as addition of convenient parking. Additional information is needed for review of Kempton Place streetscape and building massing. At least two cross-sections including proposed building façades/heights on both sides of the street should be provided for review, including sections through the entirety of Building 3 to demonstrate the location of the residential units, parking, and the private courtyard relative to the street.
10. It appears that the outer curb radius for the 90-degree turn of Kempton Place to Brook Drive has been reduced compared to the previous plan. HW recommends turning movements for single-unit trucks and City emergency response vehicles be provided for review and approved by the fire department.
11. The Applicant has provided a list of representative street/shade trees and stated that street trees will be in raised beds and connected subgrade with structural soil that would address this response. The Landscape Plan calls for permeable pavers along the street which seems amenable to a larger strip of soil. Landscape details to confirm this and information on soil volume or structural soils are not currently on the plan. The Applicant should provide details that help to clarify the planting condition for the trees.
12. The Washington Street streetscape in front of Building 3 has been updated to include street trees in beds with landscape curb edges, and permeable unit pavers in the furnishing zone. The design appears to be consistent with the proposed streetscape in front of Building 1 and Building 2. HW concurs with the general approach and extension of the upgraded consistent streetscape along Washington Street is an improvement, and consistent with the adopted Washington Street Vision Plan as follows (guiding principles in **bold**):
  - a. The building placement and improvements to streetscape are consistent with the Vision Plan principle to **use buildings and trees to make a more comfortable environment. Visible parking is limited** to the maximum extent practicable with lower level parking built into topography.
  - b. HW recommends additional benches and other furnishings be considered for Washington Street (and other streets) to fulfill the Vision Plan principle to **design streets and plazas as places to linger**.
  - c. Additional detail should be provided regarding opportunities to maximize **opportunities for public art, including design for music and community events**, within the streetscape, plazas, and Cheesecake Brook open space.

- d. Proposed **improvements to Cheesecake Brook** address Vision Plan principles to **reduce heat island effect and reduce storm-related flooding**.
  - e. **New and well-connected open spaces** are proposed, including the public Building 1/2 courtyard plaza and Cheesecake Brook open space. The proposed Building 1/2 courtyard **breaks down the scale of the block** and adds pedestrian permeability.
  - f. Additional information is required to review **building scale transitions to adjacent neighborhoods** and Kempton Place dimensions. See comment #9 regarding Kempton Place.
  - g. As the design progresses, the proposed Washington Street pedestrian realm should be carefully coordinated with City improvements to Washington Street. What is the intent for people-powered transportation along Washington Street? Have curb bumpouts at Kempton Place and/or Dunstan Street been considered?
13. The Site Materials Sheet L1.1 includes a call out labeled “E2” in several locations along Washington Street. The legend notes E2 is a “wood and metal shade structure” HW recommends that the Applicant clarify what this structure will be.
14. HW recommends additional detail be provided to demonstrate the Brook Drive locations of grade transition to flush curb shared condition. More coordination will be necessary to detail these transitions.
- a. Realignment of the crosswalk at Dunstan Street should be considered so that the crosswalk carries across Brook Drive at a consistent pedestrian elevation, rather than the crosswalk as shown with ADA ramps.
  - b. A crosswalk should be considered at the bend in Brook Drive/Kempton Place, aligned with the stair to the Cheesecake Brook open space. Will the shared street design continue through the street bend? This may allow for the pedestrian crossing in this location to be within the shared street space, improve traffic calming, and provide a better vista from Washington Street to Cheesecake Brook.

### *Lighting*

15. The Applicant provided a revised photometrics plan. The plan shows adequate lighting around the buildings except for the Building 3 private courtyard. HW recommends that the Applicant provide more information to verify this area has adequate lighting.
16. Several fixtures along the north face of Building 3 are labeled “dimmed” on the photometrics plan. HW recommends that the Applicant provide clarification on the use of “dimmed” fixtures.
17. The photometrics plan indicates a reduced lighting level at the 90-degree street bend for Brook Drive and Kempton Place. HW recommends that the Applicant consider if another fixture is warranted in this location.
18. HW recommends that the manufacturer sheets for the proposed fixtures be provided for review, especially for “SL1” streetlight fixtures.

### *Sustainability*

19. The design is required to meet the standards of an authorized green building rating system per Zoning Section 5.12. The Applicant has stated that compliance with Zoning Section 5.12 is not required under Chapter 40B. The updated Sustainability Strategic Plan notes a commitment to LEED BD+C Multifamily Midrise Gold certifiability, which would meet the City requirement. The updated Sustainability Strategic Plan also notes commitment to all-electric-sourced heating and cooling for the residential portion of the buildings, in addition to electric domestic hot water where practicable. HW supports the Applicant's commitment to providing a comprehensive sustainability plan as part of a future submission, and encourages documentation and compliance with green building rating system requirements to achieve this standard.
20. Electric Vehicle (EV) stations are required for 10% of the project parking spaces and a provision of an additional 10% of parking spaces to be EV ready. The revised sustainability report indicates 10% EV spaces will be provided and an additional 10% of parking spaces will be EV ready.
21. The Applicant indicated buildings will be "solar-ready". HW recommends that the Applicant confirm that the updated design will include solar ready buildings.
22. HW understands that the Applicant is working in conjunction with MassDOT and the Charles River Watershed Association (CRWA) to improve stormwater management directed towards Cheesecake Brook and enhance the portion of Cheesecake Brook within the project limits.
23. HW encourages the Applicant to investigation other opportunities to provide green infrastructure practices consistent with the City's Complete Streets Policy.
24. HW recommends more information be provided regarding long-term efforts to support neighborhood groups and advocacy organizations regarding environmental improvements as well as EVs, biking, walking, public transit, and shared transportation. The Applicant previously provided a list of potential Traffic Demand Management measures in the Beta Group response. No mention is made regarding long-term efforts to support neighborhood groups and advocacy organizations regarding environmental improvements.
25. We encourage a commitment to conducting embodied carbon analyses as part of the design process, and encourage the selection of materials, products, and wall assemblies that minimize the overall embodied carbon and maximize high thermal performance throughout the project.

### *Cheesecake Brook*

26. The CRWA is working on a project to restore and naturalize Cheesecake Brook. The Applicant has agreed to removing the existing wall adjacent to Cheesecake Brook and create a naturalized brook edge. The proposed landscaping includes a boardwalk and grading to accept flood waters. As noted in the 2020 review by bringing the Brook into the site, there are additional educational opportunities to teach about restoration. HW recommends that the Applicant continue to coordinate with CRWA and provide additional details integrating the Brook into the landscaped areas.



27. The boardwalk maximizes the potential flood storage and restoration planting area. Ideally high quality, sustainable and durable wood decking should be utilized which will reduce the future maintenance needs. If a lower cost material is required due to budget requirements, the sustainability and maintenance benefits of various wood species and composites should be weighed.
28. For maintenance and longevity, HW recommends that the transition from lawn to naturalized plantings in the northeast corner of the site be indicated or simplified for maintenance and longevity.

*Stormwater Management and Phosphorus Removal*

29. In accordance with its MS4 Permit, the City of Newton is required to reduce its phosphorus load to the Charles River by 50%, of which Cheesecake Brook is a tributary. Furthermore, the CRWA prepared a technical report (CN 272.0) for MassDEP, "Total Maximum Daily Load for Nutrients in the Upper/Middle Charles River, Massachusetts", dated May 2011. The document established targeted percent annual phosphorus load reductions for High Density Residential land uses to be 65%. The Applicant is proposing a Biofiltration BMP to treat 0.63-inches of runoff from the proposed impervious area and therefore providing the required 65% Phosphorus removal.
30. The Applicant has provided the HydroCAD modeling and the sand filter sizing calculations in the revised stormwater report. The Stormwater Sand Filter System 1 located within Brook Drive has increased in size to accommodate the additional impervious area flowing to it. The Sand Filter 2 located on Kempton Place has been slightly reconfigured from 18 feet by 11 feet to 23 feet by 8 feet. The sizing calculations dated May 2021 provided in the stormwater report do not appear to use the correct values for the required water quality volume. The sand filters may be adequately sized, however HW recommends that the Applicant revisit the calculations and verify that the correct values have been utilized.
31. The Applicant has illustrated two sand filters to provide water quality as shown on Sheet C-4.0. The details are provided on Sheet C-6.3 and the sizing calculations are in Appendix C of the Stormwater Report. The plan view, details and sizing calculations are not consistent. HW recommends that the Applicant revisit the documents and revise accordingly.
32. The Applicant has proposed an open space/flood storage area at the northeast corner of the site (bordering Cheesecake Brook). The proposed compensatory flood storage area is expected to change minimally pending further refinement of the architectural and landscape designs. The grading shown adjacent to Cheesecake Brook on the April 2021 plans is almost identical to the April 2020 plan set. HW understands that the final design of Building 3 includes piers along the north side to allow flood storage beneath the building. The boardwalk and stone dust walking path adjacent to Building 3 are being reconfigured by the Landscape Architect. HW recommends that the Applicant provide the building elevations, cross sections of the compensatory storage area, and the finalized landscape design to verify the provided flood storage values.

*Grading and Utilities*

33. The Applicant has indicated proposed grading for Kempton Place, Dunstan Street, and Brook Street, as well as the proposed green space/flood storage area. The Grading and Drainage Plan appears to generally follow the existing grading of Kempton Place and Dunstan Street, and roads are proposed at slightly less steep grades comparable to the 2020 submission. Proposed grading does not extend into the proposed courtyards. A note on the plans references the Landscape Plans, HW has not received the grading plans prepared as part of the Landscape Plans package. HW recommends that the grading plans are provided to the City for review.

ATTACHMENT B

CITY OF NEWTON  
Department of Public Works  
ENGINEERING DIVISION

MEMORANDUM

To: Barney Heath, Director of Planning & Development

From: John Daghlian, Associate City Engineer

Re: Comprehensive Permit – Dunstan East

Date: May 27, 2021

CC: Jennifer Caira, Deputy Director  
James McGonagle, Commissioner  
Shawn Sullivan, COS DPW  
Lou Taverna, PE City Engineer  
Ted Jerdee, Utilities Director  
Douglas R. Valovcin, Deputy Director Utilities  
Nadia Khan, Committee Clerk  
Neil Cronin, Chief Planner  
Michael Gleba, Sr. Planner

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In reference to the above site, I have the following comments for a plan entitled:

Dunstan East  
Prepared by: VHB  
Dated: April 8, 2021

Executive Summary:

This application entails a mixed -use residential & retail development of approximately 302 residential units, 6,247 square feet of retail/restaurant & 322 structured parking spaces sited on 3.6 acres of land. The site is located along the north side of Washington Street (between Kempton Place and Dunstan Street, both are private ways); bound to the north by the Cheesecake Brook; and commercial properties to the west, and the former armory to the east.

The topography varies from a high point of 53-feet near Washington Street and slope down towards Cheesecake Brook at elevation 34-feet, the property is essentially all impervious with roofs and asphalt parking lots.

The project proposes an increase of over 10,000 square feet of *pervious* area in concert with a stormwater collection with deep sump- hooded catch basins. As part of the proposed improvements and reduction of pavement areas and new landscape features that will be constructed resulting in reducing the overall impervious area on site.

Currently the site has no stormwater quality treatment, all the collected runoff is directly discharged to the Cheesecake Brook. An infiltration system being provided is by the sub-surface sand filter system that is designed to collect & treat stormwater runoff from the entire project site, it is sized to treat 0.63-inch water quality to achieve 65% total phosphorus (TP) removal and greater than 80% Total Suspended Solids (TSS) larger storm events will bypass the unit. A second sand filter system is to be installed within Kempton Place that will provide TP and TSS removal from stormwater generated from the abutting areas on Washington Street, conveyed through the existing City drain line within Kempton Place.



Both of these systems will enhance stormwater quality that discharges to the Cheesecake Brook and ultimately the Charles River.

If the comprehensive permit is approved an Approval Not Required [ANR] plan will be required in accordance with Massachusetts General Laws Chapter 41 Section 81P requiring the multiple separate lots to be combined into one lot.

New municipal utilities are proposed for the development which include an 8" (cement lined ductile iron) water pipe that will be connected to a 12" water main in Washington Street, and extended through the property along Kempton Place and the new access road "*Brook Drive*" and looped to Dunstan Street. This looped water service shall be installed and paid by the applicant/property owner, once inspected, tested to City Standards, and brought online will be owned and maintained by the property owner. Each building shall have a meter that will be read and billed by the City to the property owner. The owner may choose to install sub-meters that will be read and billed by the property owner.

Sanitary sewer service connections will be extended from the existing 8" sewer main within Dunstan Street through *Brook Drive* and terminating at the base of Kempton Place this service connection will be responsibility of the developer to maintain. Capacity analysis of the existing 8" sewer main is needed for the additional flow from the development.

There is a concern about the alignments of proposed water & sewer service(s), this is based on the fact that a 60" reinforced concrete drainpipe and [4'x 5'] box culvert transverses the site from Washington Street to Cheesecake Brook, [see photo below]. The shallow depth of the culvert may conflict with the proposed utilities, I suggest a few test pits be performed to verify the elevation of the top of the culvert(s) and profiles and detailed cross-sections and a design be formulated to ensure no conflicts between any of the utilities and the culverts before issuance of a Building Permit. Additionally, a Closed-Circuit Television (CCTV) with a tracer signal should be performed to verify the exact location of the culvert(s) in relation to the Kempton Place and the proposed footprint of the new buildings to avoid any conflicts. This CCTV inspection and tracer process must be witnessed by the Engineering Division.



*Existing Box culvert at Cheesecake Brook*

Several monitoring wells are scattered throughout the 3.6-acre site, have contaminated soils and/or contaminated groundwater been encountered if so, what are the DEP reporting levels. What is the long-term requirement to maintain these well points?

Soil testing and borings will be required to determine if dewatering during construction is anticipated.

Underground power and telecommunications are also proposed from existing underground electric & telecommunications manholes in Washington Street that will require Grants of Location for the two extension off the public street.

*Construction Management:*

1. Once approved, a construction management plan will be needed for the project. At a minimum, it must address the following: staging site for construction materials and equipment, parking for construction workers vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of the general contractor. It shall also address anticipated dewatering during construction, site safety & stability, siltation & dust control and noise impact to abutters, and safe pedestrian access around the perimeter of the construction zone.
2. Stabilized driveway construction entrance(s) will be required for the duration of the construction which will provide a truck wash to prevent tracking of mud and silt onto City streets.

3. Catch basins within and downstream of the construction zone will be required to have siltation control installed for the duration of the project and must be identified on the site plan.
4. Siltation control along the frontage of Cheesecake Brook shall be installed prior to any construction activity on the site.

Drainage:

1. The proposed Operations and Maintenance (O&M) plan for the long-term maintenance of the proposed stormwater management facilities acceptable for the design intent. If this application is approved the O&M must be recorded at the Middlesex Registry of Deeds, proof of the recording instrument shall be submitted prior to the Building Permit.
2. Prior to Building Permit phase on site soil evaluations will be required with 25 feet of the proposed sand filtration systems by a Soil Evaluator.
3. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, trench drains, and pipe(s) are the sole responsibility of the property owner(s).

Environmental:

1. Has a 21E Investigation and report been performed on the site, if so, copies of the report should be submitted to the Newton Board of Health and Engineering Division.
2. Are there any existing underground oil or fuel tanks? Have they been removed, if they have been, evidence of the proper removal should be submitted to the Newton Fire Department and the Board of Health.

Sanitary Sewer & Domestic Water Service(s):

1. Existing water and sewer services to building(s) shall cut and capped at the respective mains and completely removed from the main(s) and its entire length and properly backfilled. The Engineering Division must inspect and approve this work, failure to

having this work inspected will result in delay of issuance of the new Utility Connection or issuance of a Certificate of Occupancy.

2. All new sewer service(s) shall be pressure tested in accordance to the City Construction Specifications & Standards and inspected via Closed Circuit Television CCTV inspection after installation is completed. A copy of the video inspection and written report shall be submitted to the City Engineer or his representative. The sewer service will NOT be accepted until the two methods of inspection are completed AND witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until these tests are completed to the satisfaction of the City Engineer.
3. All sanitary sewer manhole(s) shall be vacuum tested in accordance to the City's Construction Standards & Specifications, the sewer service and manhole will NOT be accepted until the manhole(s) pass the testing requirements. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed to the satisfaction of the City Engineer and a written report of the test results is submitted to the City Engineer.
4. With the exception of natural gas service(s), all utility trenches within the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E up to within 18-inches of the asphalt binder level, after which Dense Grade Gravel compacted to 95 % Proctor Testing shall be placed over the CDF. Details of this requirement is the Engineering Division website "Standard Construction Details".
5. Fire Flow testing is required for the proposed fire suppression system. The applicant must coordinate the fire flow test with both the Newton Fire Department and the Utilities Division, representative of each department shall witness the testing. Test results shall be submitted in a written report along with hydraulic calculations that demonstrate the required size of the fire suppression system, these calculations shall be submitted to the Newton Fire Department for approval, and copies give to the Engineering Division.
6. All water services shall be chlorinated, and pressure tested in accordance with the AWWA and the City Construction Standards & Specifications prior to coming online. These tests MUST be witnessed by a representative of the Engineering Division.
7. Approval of the final configurations of the water service(s) shall be determined by the Utilities Division, the engineer of record shall submit a plan to the Director of Utilities for approval.



8. Washington Street is a concrete roadway, restoration of the utility trenches shall be with reinforce concrete as originally designed with two-way epoxy coated rebar, the slab shall be cut back to either 1/3 or half of the slab depending upon the alignment of the utility trench in relations to the slab(s).
9. Floor drains for the underground parking garages must be connected to the sanitary sewer service via an MDC gas trap per state Plumbing Codes.

Infiltration & Inflow:

This will be discussed via a separate memo.

General:

1. All trench excavation shall comply with Massachusetts General Law Chapter 82A, Trench Excavation Safety Requirements, and OSHA Standards to protect the general public from unauthorized access to unattended trenches or excavations. Trench Excavation Permit is required prior to any construction. This applies to all trenches on public and private property. *This note shall be incorporated onto the final plans.*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor of record is responsible for contacting the Engineering Division and scheduling an appointment 48-hours prior to the date when the utilities will be made available for an inspection of water services, sewer services and drainage system installation. The utility in question shall be fully exposed for the Inspector to view, backfilling shall only take place when the City Engineer's Inspector has given their approval. *This note shall be incorporated onto the final plans.*
4. The applicant shall apply for a Building Permit with the Inspectional Services Department prior to ANY construction.
5. Before requesting a Certificate of Occupancy, an As Built plan shall be submitted to the Engineering Division in both digital and paper format. The plan shall show all utilities and final grades, any easements and improvements and limits of restoration. The plan shall include profiles of the various new utilities including but not limited to rim & invert elevations (City of Newton Datum), slopes of pipes, pipe materials, and swing ties from permanent building corners. The as built shall be stamped by both a Massachusetts

Registered Professional Engineer and Registered Professional Land Surveyor. Once the as-built plan is received the Engineering Division shall perform a final site inspection and then make a determination to issue a Certificate of Occupancy. *This note shall be incorporated onto the final plans.*

6. All site work including trench restoration, sidewalk, curb, apron and loam border (where applicable) shall be completed before a Certificate of Occupancy is issued. *This note shall be incorporated onto the final plans.*
7. The contractor of record shall contact the Newton Police Department 48-hours in advanced and arrange for Police Detail to help residents and commuters navigate around the construction zone.
8. The contractor of record shall ensure safe pedestrian access & passage along the perimeter of the construction zone in accordance with the DPW Policy. This can be addressed during the Building Permit phase.
9. If any changes from the final approved design plan that are required due to unforeseen site conditions, the contractor of record shall contact the design engineer of record and submit revised design and stamped full scale plans for review and approval prior to continuing with construction.

Note: If the plans are updated it is the responsibility of the applicant to provide all City Departments [ ISD, Conservation Commission, Planning and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns, please feel free to contact me at 617-796-1023.