# CITY OF NEWTON, MASSACHUSETTS

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

### ZONING BOARD OF APPEALS

Brenda Belsanti, Zoning Board Clerk

### "MEETING MINUTES

Wednesday, October 26, 2022 7:00 p.m. Hybrid – in person and via ZOOM

**Board Members Present:** Brooke Lipsitt (Chair), Michael Rossi, Elizabeth Sweet, Stuart Snyder, William McLaughlin, and Denise Chicoine (alternate)

**Staff Present:** Brenda Belsanti, ZBA Clerk; Jennifer Wilson, Assistant City Solicitor; Heather Zaring, Executive Assistant (remote); Jennifer Caira, Deputy Director of Planning; and Michael Gleba, Senior Planner

A public hearing of the Newton Zoning Board of Appeals was held as a hybrid meeting in person and virtually via Zoom on Wednesday, October 26, 2022, at 7:00 p.m. on the following petitions:

1. #09-22 Northland 160 Charlemont, LLC, requesting a Comprehensive Permit, pursuant to M.G.L. Chapter 40B, to construct a nine-story mixed-use development with 410 residential units and approximately 10,689 square feet of ground floor commercial space on 6.98 acres of land located at 160 Charlemont Street and 56 Christina Street in the Mixed Use 1 Zoning District. The proposal includes 103 affordable units and 486 parking stalls.

<u>Agenda Item 1</u>: #09-22 – Northland 160 Charlemont, LLC, Newton. Sitting Members: Brooke Lipsitt (Chair), Michael Rossi, Elizabeth Sweet, William McLaughlin, Stuart Snyder and Denise Chicoine

### **Documents Submitted:**

- 1. 160 Charlemont Street comprehensive permit application dated September 22, 2022.
- 2. Public Hearing Memorandum from the Department of Planning & Development dated October 19, 2022.
- 3. Memorandum from the Urban Design Commission dated October 24, 2022.

## **Testimony:**

Stephen Buchbinder of Schlessinger & Buchbinder, 1200 Walnut Street, Newton, on behalf of the

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applicant, Northland Charlemont LLC, which is seeking to develop a site located between Charlemont Street and Christina Street pursuant to M.G.L. Chapter 40B. Attorney Buchbinder questioned if a sixth member of the Board was there as an alternate

Chair Lipsitt stated Ms. Chicoine is attending as an alternate member in case one of the Board is unable to serve for the duration of this hearing but would be participating fully.

Attorney Buchbinder stated that they received a MA Housing eligibility letter dated August 8, 2022. The presentation will be an overview of the project and anticipate returning to give more detailed discussion on individual topics over the next several months. Peter Standish of Northland will discuss the existing conditions at the site and provide an overview of the proposed project. James Gray, project architect, and Chris Bridle, project landscape designer, both of Stantec will present the project design including the open space and landscaping. Curt Quitzau of VHB will provide an overview of stormwater and civil engineering issues as well as comment on the project's commitments to sustainability. Randy Hart of VHB will address transportation issues. He said we would conclude by reviewing the applicant's outreach programs to date and touching briefly on requested waivers.

Peter Standish, Senior Vice President, Northland Investment Corporation, 2150 Washington Street, Newton, presented plans for the development. The location of 160 Charlemont Street/56 Christina Street is one block east of Needham Street. The project would be a new residential mixed-use development. The proposed development site total 6.99 acres that currently houses two light industrial buildings constructed in 1950 and 1966. This project is based on six core goals: to create housing opportunity and diversity for the City of Newton, minimize impacts on the abutting residential neighborhood, improve on the existing conditions of the properties, maximize greenspace around the development, provide a public benefit, and be at the forefront of sustainability. Mr. Standish said that this is same approach they used across Needham Street at the other Northland Newton property; they are employing the same design team here to help them accomplish these goals. The proposed development is comprised of 410 apartments and a small commercial component totally 10,689 square feet. 103 apartments will be affordable in perpetuity at up to 80% AMI. The unit mix will be 27 studio units (7%), 134 one-bedroom units (33%), 208 two-bedroom units (50%), and 41 three-bedroom units (10%). The average unit size is 1135

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square feet. There will be 486 parking spaces with 471 in structured parking beneath the building and the balance will be surface parking proximate to residential and commercial entrances. The project is one block east of Needham Street. Immediately to the west of the property is the backside of the Public Storage facility at 300 Needham Street and Marshall's. To the north of the property is a surface parking lot and an industrial site operated by HC Starck. To the south across Christina Street is a parking lot serving the Barry Price Center. Immediately to the east of the site is a residential neighborhood largely made up of single-family residences. This site was serviced by a railway that at one point extended from the old Needham Industrial Park across the Charles River and the abandoned railbed runs across the eastern portion of the property. The project can enhance the connectivity of Christina Street and Charlemont Street that does not exist today. The proposed plan would create a pedestrian and bicycle pathway along the eastern portion of property from Christina Street to Charlemont Street. This development can help knit together further connections to the Upper Falls Greenway through the Northland Newton development on Needham Street to the west and to the Oak Hill neighborhood to the east. The intersection of Charlemont Street and Needham Street is signalized and, as part of the DOT improvements that are ongoing now, will prioritize pedestrian and bicycle crossings. Although not controlled by Northland, the rail bridge presents further opportunity to extend neighborhood connectivity in the future and provide pedestrian access to the Blue Heron Trail in Needham. The City has received community support for rebuilding the bridge, has done feasibility studies and has sought funding sources for bridge reconstruction.

The aerial pictures show the industrial buildings and parking lots. The existing building on the Charlemont parcel is 100,000 square feet of light industrial flex space and the building on Christina Street is 69,000 square feet of light industrial space. The picture also shows the railbed and rail bridge crossing the Charles River. Mr. Standish stated that one of the primary goals of this project is to minimize the impact to the abutting neighborhood, which is why they positioned the footprint of the building away from the residential abutters and focused the density and height along the backside of the storage building and Marshall's. This allows the creation of two acres of greenspace between the residential neighbors and the development and replace an asphalt parking lot with trees and a natural screen. There is additional buffer space being created as compared to the existing buildings. The asphalt parking lots will be transformed to publicly accessible greenspace with a pedestrian path and recreational spaces.

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James Gray, AIA with Stantec, 40 Water Street, Boston, presented a picture noting the setbacks of the current buildings and the proposed development.

Christopher Bridle, Landscape Architect with Stantec, 40 Water Street, Boston, presented a picture focusing on the public open space and the setback of the building. A series of open spaces are organized by the multi-use trail that runs through the site connecting Charlemont to Christina. Starting at Charlemont, functions include: a retail café patio, gateway plaza entrance for people to either enter the building area or the open space, active play spaces, an accessible loop path that links the residential district to the space, a gathering space in the central area of the open green space, a woodland buffer that expands the canopy of the residential district, a large recreational lawn, and another gateway and café patio. Hopefully, these would lead to an improved bridge that would go to Blue Heron Trail. Along the sides of the buildings there are improved sidewalks on both Christina and Charlemont Streets. Immediately in front of the lobby of the building there is an area for package drop off, visitor parking, and bike parking.

Mr. Gray noted that there will be additional green spaces on the roof of the buildings and roof top amenities. Some of the green roofs would be passively filtering storm water. The site is 12-13 feet higher on one side (Charlemont) than the other (Christina) so "things would be cascading down the hill as one goes from the north to the south". Mr. Gray presented the building plans. The main entrance is at the center at ground level with 11 parking spaces including accessible spaces. Units are located to the left and right of the entrance and the building forms three courtyards. Underground parking is located in the northern 2/3 of the site to have it obscured from view. The southern-most courtyard has amenity space, pool and recreational courtyard. There is a small commercial space at Christina Street that will support the recreational space, possibly with a bike shop. Parking has elevator access into the building.

Mr. Bridle stated that the three courtyards support the open space planned for the project. The southern courtyard will house the pool and recreation area. The lobby courtyard will be a flexible, functional space for residents. The northern courtyard is meant to be a more private space with a series of smaller spaces. It will have an outdoor kitchen and passive garden and is meant to be a bit quieter. Mr. Bridle made a slide presentation to illustrate the existing buildings and the

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proposed new building, with setbacks, opens spaces, wooded areas, tree canopies, elevations and connections to the residential neighborhood.

Mr. Gray explained that the building goes as high as nine stories but as it approaches the open space the height steps down to four stories. The green roof and additional open space would be located on the top of the four-story portion.

Mr. Bridle noted that the portal for the entrance provides a dramatic focus on the green space. The increased building set back will permit the creation of an improved pedestrian sidewalk and raised traffic calming measure that will link the multi-use trail to the improved Christina Street bridge.

Mr. Gray stated the design is a masonry base on the lower floors, a clapboard siding look and balconies, expressing their desire to be appealing from the open spaces. The colors will be muted, earthy tones to blend and recede into the green spaces.

Curtis Quitzau, Project Manager & Director of Land Engineering, with VHB site civil engineers and transportation engineers, 1 Cedar Street, Providence, RI stated they are committed to sustainability. The building will be all electric consistent with forward thinking net-zero strategies. The building will be built to passive-house standards and to achieve passive-house certification. This will be an air-tight building envelope with high efficiency windows and doors, efficient ventilation with energy recovery in all living spaces, continuous insulation, high efficiency appliances and lighting, solar-ready roof space, reflective roof space, and green roof space. They plan to reduce overall use of concrete and steel and evaluate materials with an eye to reducing carbon. The project will include electric charging stations for residents' automobiles. Sustainability begins with shape of the building, creating contiguous walking spaceand a shared use path, promoteing healthy living by providing access to off-site biking and walking paths, and connectivity to public transport options. These elements also contribute to a more sustainable stormwater system to reduce run-off and improve the quality of water that does run off from the site. There are a few surface parking spots, and by putting parking underneath they plan to reduce impervious surfaces by 1.7 acres when compared with today's conditions. This means less run-off

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from parking surfaces which is a primary source of pollutants. There is increased water filtration which also decreases the pollutant load on the Charles River. The existing storm water collection system will be completely replaced, and the new system will provide pre-treatment with structural sand filters to substantially reduce pollutant loads and bring the site into compliance with the DEP stormwater standards and phosphorus reduction goals for sites along the Charles River Watershed.

Randy Hart, with VHB 101 Walnut St, Watertown, MA, presented the traffic impact study. The property has the ability to create extensive traffic under the existing conditions. VHB worked with the City to create the scope of the traffic study which was done on 16 intersections in the vicinity of the site, with many on Needham Street but several on the side streets as well. They performed manual turning movement counts and pedestrian movement counts during two critical periods, 7:00am-9:00am and 4:00pm-6:00pm weekdays to judge potential impacts. They projected for existing use and the proposed development. Based on the Institute of Transportation Engineers' Trip Generation Manual, the ncrease would be about 380 trips over a 24-hour period. As for the two critical weekday periods, in the morning,they project less traffic than under the current use, and during the evening rush hours, they project a little more, of about 24 additional trips.

The plan provides access to the site from Charlemont and Christina to enter the garage and a rear service driveway primarily for service vehicles. They will present a robust plan for traffic management. They will provide indoor and outdoor bike storage, a bike repair station on-site, access to bike share on-site, and the currently approved Northland Newton shuttle will be coming to this project for service to MBTA. Electric charging stations and charges for parking spaces would be unbundled except for the affordable units.

Attorney Buchbinder stated that community outreach included meeting with the Upper Falls Area Council and Engine 6; they hosted a virtual community meeting on September 29, 2022. They have met with the Newton Fire Department to review site access and have appeared before the Newton Housing Partnership and the Urban Design Commission. The UDC issued a memorandum on October 24, 2022 which overall seemed supportive of the project design. The proposal includes a number of requested waivers which are listed in Tab 7 of the application to the applicant will work with the Planning Department to clarify several items in their October 19, 2022 memorandum and will do so by the next hearing date. Specifically, they will submit a shadow

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study, a photometric plan, and a signage plan. Additional information will be provided regarding pedestrian entrances to the building, perspectives for residential abutter to the east, detail on the use of the open space, and parking arrangements for commercial tenant visitors and residential visitors. Additional information for bike storage in the garage which are details the UDC is asking for and bike parking for visitors will be provided. The Planning Department has suggested peer review of storm water and civil engineering, traffic, parking, transportation management demand, adequacy of loading areas, bicycle connections and parking, overall site design and building massing, adequacy of open areas, and landscape lighting and fencing. We feel this is reasonable and will assist in implementing the peer reviews.

Michael Rossi asked for clarification on the Northland shuttle schedule.

Mr. Standish responded that the intent would be to have it be a scheduled stop and that the resident would not need to call for it.

Chair Lipsitt asked if schedule would impact the frequency when the shuttle would run. This should be included in the transportation review.

Mr. Standish responded that it shouldn't have a material impact and there will be more testing on it.

Mr. Rossi asked for clarification of pedestrian access to get to Needham Street.

Mr. Standish responded that there would be a sidewalk that transverses both sides of the property to connect Needham Street.

William McLaughlin asked for clarification regarding building material and limiting the use of concrete and steel. What is the structural system?

Mr. Gray responded that the structural system is not decided yet but they are exploring cross-laminated timber and mast timber to improve the embodied carbon footprint of this project. A new building code is coming out next year which will allow us to go up to nine stories with this material.

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Mr. McLaughlin asked, as an all-electric building, will it be a central plant system or individual units for 400+ apartments?

Mr. Gray responded this has not been fully determined yet but his current guess is they will use a variable refrigerant flow (VRF) system. A single VRF condenser can handle up to 14-15 units. So, he is projecting 25-30 condensers on the roof to service the units.

Mr. McLaughlin asked whether there would be separate meters for every resident.

Mr. Gray responded that in Massachusetts today you cannot meter refrigerant, but there are some calls to get that done. They will design for a future of metering, but right now that is not feasible.

Mr. McLaughlin requested that the traffic study include Saturday peak times like noon time

Mr. Hart responded that, to date, it has not been studied but he would be happy to do it. He feels there will be minimal impact.

Mr. McLaughlin asked who has ownership of the railway bed that exists? Does someone else have rights to it? How far does that sit from the backyard property lines of the residential neighborhood? Is all the green space shown on the applicant's property?

Mr. Standish responded that the railway is abandoned and there are no other easements on it

Elizabeth Sweet asked about the soil and toxins that could be present due to the industrial use of the site. Have there been studies? Any concerns? Any soil studies pending?

Mr. Standish responded there are no material concerns and that they had done a lot of testing prior to purchase in order to get funding.

Ms. Sweet asked, with climate change and proximity to the Charles, what the developer is proposing to protect against flooding and whether they have considered the new GBRAG study

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that focuses on this specific area?

Mr. Quitzau responded that the building is outside the flood zone. The site is higher than Christina Street and Christina Street is higher than the river. So, they have several feet, but they will look at the projections for water heights. The storm water design is based around more intense rainfall using the NOAA data.

Ms. Sweet asked for clarification on the number of stories for the building. Some documents state 8 stories and some state 9 stories.

Mr. Buchbinder responded that it is going to be 9 stories.

Ms. Sweet commented that there is a lot of lawn, which is not great for the environment, and that pollinators are better. She asked that the applicant consider how to make better green spaces. Also, could it be 100% EV ready for the future?

Stuart Snyder asked whether the number of surface parking spaces proposed was a realistic number; would there be enough parking for deliveries, visitors, resident drop off/pick up?

Mr. Standish responded that in an ideal scenario we would want deliveries to go through the rear service area. They have intentionally located the service area near the lobby area for easy distribution but will take another look to determine whether there is enough visitor parking

Denise Chicoine asked for more information about the reduction of pollutant loads into the Charles.

Mr. Quitzau responded that one key element is a phosphorus reduction strategy, using bio- retention and sand filters, thebest management practices for storm water treatment. Their focus will be more on the quality of water than the rates of run-off or volume of water. There will be an overall net reduction of impervious surfaces on the site. Today, there is no storm water management control on the site. Stormwater gets collected in catch basins and is piped out. There will also be an OAM plan for sweeping and cleaning of the catch basins that probably does not get done so much today.

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Ms. Sweet asked whether rain gardens were still part of the plan since they were not talked about tonight

Mr. Quitzau responded yes that rain gardens were another form of bioretention

Chair Lipsitt commented that she would like a narrative of how this project fits into the Needham Street Vision Plan. Also, she stated that although the applicant is offering 25% of the units at 80% affordability, this Board has been clear in its desire to have levels of affordability to meet the needs of the 15-20% of our population that cannot come close to the 80% income level. She stated her desire to see what the applicant can do about getting some lower affordability numbers.

Attorney Buchbinder stated that they anticipated the request for more affordability and would be happy to have the discussion.

Chair Lipsitt commented that the referenced railway bridge to connect the bike paths was mentioned multiple times in the presentation, stated, "We would love to see if Northland could help to make that happen."

Chair Lipsitt asked whether the address was going to be Christina Street or Charlemont Street. She also asked for clarification on how the traffic flow through the property would work

Attorney Buchbinder responded that they were not decided on an address yet.

Chair Lipsitt asked what the screening will be for the pool from the driveway.

Mr. Gray responded that, due to the grading of the project the pool sits quite a bit higher than the driveway, and there will be a fence as required by law.

Chair Lipsitt asked whether there was an entrance to the parking from the service driveway and will the entrance information clear? Will the spaces be assigned?

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Mr. Gray responded that there is more than one entrance. There is an entrance to the garage on the upper level. Another from the main drive near the pool. Another, from the service drive provides access to lower-level parking. Once in the garage you can go from one level to the other. Mr. Gray stated that a decision about assigning spaces has not yet been made, but sometimes it's better not to assign.

Chair Lipsitt commented that there are also negatives to not assigning spaces. People tend to drive around more looking for a space so it may be something peer reviewers want to look at.

Chair Lipsitt asked how the bicycles get in and out of the garage easily and safely.

Mr. Gray responded that there are different ideas, and we can discuss further

Chair Lipsitt asked if, going forward, we could have clarity of traffic and pedestrian patterns and entrances and deliveries. Also, she would like clarity on the courtyard area over the loading dock area – how will it be used, and how do people get to it?

Mr. McLaughlin asked that a north arrow be placed on the plans for clarity of direction.

Mr. Snyder asked about an I & I waiver.

Mr. Buchbinder responded that the I & I fee will be paid.

Ms. Sweet asked for consideration of community gardens.

### **Public Comments:**

Paul Pavone, Business Manager of Laborers' International Union of North America Local 560 located at 681 Main Street, Waltham, representing 800+ construction workers in Massachusetts. He said that he was here to speak in support of the petitioner Northland because "they support us with good paying jobs with the projects that they are doing now, so we are ready to go".

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Steve Ayres, 94B Christina Street, retired Navy and almost retired lawyer. "I am one of seven homes who live in very close proximity to this seemingly lovely development, My house is on the east side of the development and you can see it on the slides. I speak in favor of the trees. There are about 50-100 mature trees along the border of the development. I've heard good things about preserving the green space. There are eight tree stumps on Oak Street that Northland cut down. Maybe there was good reason to take them down, but I hope the trees on the eastern border of the development stay intact."

Chair Lipsitt commented that she would like to see trees that help the area feel wooded quickly. There is a long list of trees in the plans, but would there be large trees?

Mr. Bridle responded that they are proposing 3 1/2 inch caliper trees and want to expand the tree canopy. They will keep as many trees as possible and only remove ones that are not in good shape. Younger trees grow faster so in 10-15 years they will outgrow larger trees.

Kathy Pillsbury, 34 Carver Road, stated her support for this development because we need more housing options. She would prefer larger trees planted. There will only be a limited amount of EV chargers now, but in the future and electricity needed. Also, in many other parts of Newton the parking spots are more of a one-one ratio and this is a little more. She stated that she has worked a bit with affordable housing and there is a real need for three-bedroom housing for families, but only 10% of the units proposed are three-bedrooms while 50% are two-bedrooms. Would it possible to get more three-bedroom? She echoed the concern about grass as landscaping as there are other better alternatives to grass. She further asked, how many bike parking spots will there be?

Diane Perente, 305 Winchester Street, expressed concern about the traffic Christina Street and stated that traffic now backs up to Roland Street and it will only get worse with this development. Cars also speed down this street. Nine stories will be a huge impact on the neighborhood.

Marcia Johnson, 845 Washington Street Apt. 435, representing the League of Women Voters, sought more information on the affordable units. She echoed the comment from Chair Lipsitt asking for units for tenants at lower than 80% AMI and Ms. Pillsbury's comments about three-

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bedroom units. There was no discussion regarding a play area and she would like to know more about this because, with affordable units, there is a high likelihood of families with children. Since there will be a connection with Northland across the street, what kind of stores will there be access to? Access to drug store, grocery store, restaurants is very important.

### **Deliberation:**

Chair Lipsitt requested the Planning Department's recommendations and was presented with the following: consulting peer reviewers for utility plan, storm water, transportation, site design and building massing, and open space Chair Lipsitt asked how many peer reviewers were needed?

Michael Gleba, Senior Planner, responded that two reviewers would be needed, one for transportation and another for utilities, site plan, and open space.

Chair Lipsitt asked for a motion to accept the recommendation by the Planning Department to hire two per reviewers to conduct peer reviews on the utilities, storm water, transportation, site and building, and open space and anything else needed.

Mr. McLaughlin made the motion to accept the recommendation and Mr. Snyder seconded the motion.

The motion passed 5-0

Chair Lipsitt commented that there have been a number of questions concerning how this building will look on-site and from the adjacent neighborhood. We have scheduled a site visit for Thursday, November 10, 2022 at 8:00am. The meeting spot will be in the parking lot behind 160 Charlemont Street. The intent is to provide an opportunity for members of the Board to see the site and get perspective of it. Members of the public are welcome. Please be aware that no member of the Board will be prepared to discuss any facet of this project with either the applicants or the public. We are just there to look around and possibly ask questions, but not get into the pros and cons of the plan. The site visit agenda will be posted on the Board's website. The next hearing for this project will be December 21, 2022.

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Chair Lipsitt asked for a motion to accept the minutes from June 22, 2022 and September 28, 2022.

Ms. Sweet made a motion to approve the minutes and Mr. Rossi seconded the motion

The motion passed 5-0

The hearing was continued to December 21.

Adjourned 8:42 p.m.

ZBA DECISIONS can be found at www.newtonma.gov/ZBA