



Ruthanne Fuller
Mayor

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, January 11, 2023
7:00 p.m.

Hybrid – in person and via ZOOM

Board Members Present: Brooke Lipsitt (Chair), Michael Rossi, Elizabeth Sweet, Lei Reilley, William McLaughlin (remote), Elizabeth Sweet (remote), and Jennifer Pucci

Staff Present: Jonah Temple, Deputy City Solicitor; Heather Zaring, Executive Assistant (remote); Barney Heath, Director of Planning & Development; and Cat Kemmett, Senior Planner; and Katie Whewell, Chief 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, January 11, 2023, at 7:00 p.m. on the following petitions:

1. **#10-22 Metro West Collaborative Development, Inc.**, requesting a Comprehensive Permit, pursuant to M.G.L. Chapter 40B, to redevelop the West Newton Armory into a 100% affordable mixed-use development with 43 affordable residential units, community space, office space, and 33 parking stalls. The subject property is located on 33,150 square feet of land at 1135-1137 Washington Street in the Business 2 Zoning District.

Agenda Item 1: #10-22 Metro West Collaborative Development, Inc. 1135-1137 Washington Street, Newton. This item was opened on October 19, 2022 and continued to December 7, 2022. Sitting Members: Brooke Lipsitt (Chair), Michael Rossi, Elizabeth Sweet, William McLaughlin, Lei Reilley, and Jennifer Pucci (alternate)

Documents Submitted:

1. Zoning Board of Appeals Memo with attachments dated January 4, 2023.



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Testimony:

Taylor Bearden, Partner of Civico Development, 40 Jackson Street, Worcester, representing MetroWest Collaborative Development and Civico, stated that they have provided 100% of the information planned to share with Newton staff in advance of the meeting and the questions from the last meeting were addressed therefore they have not prepared a presentation, but can do a verbal review. Otherwise, everything is contained in the ZBA Memorandum that has been presented to the Board.

Chair Lipsitt stated that the review of the ZBA Memorandum answered the questions and asked if members of the public would like to comment or question.

There were no public comments

Chair Lipsitt asked if there was a motion to close the public hearing.

Mr. Rossi made a motion to close the public hearing and Ms. Sweet seconded the motion.

The motion was passed 5-0.

Public Comments:

There were no public comments

Deliberation:

Chair Lipsitt asked if any members of the Board had any outstanding questions on the project.

Mr. McLaughlin stated that he was curious of the financial structuring of the transaction at 100% affordable. Newton Community Preservation has committed up to \$3 million and wondered if there was any other financial support from the City. It is not a condition for this project or in the purview of the Board, but just his own curiosity.



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Chair Lipsitt stated it is not a requirement for a pro forma to be submitted and usually the issue only comes up if the Board has conditions that the applicant deems uneconomic.

Mr. Bearden stated that if anyone from the Board wished to discuss he would be happy to share on an informational basis.

Mr. Rossi complimented the applicant on the answers to the questions that had been raised.

Chair Lipsitt reviewed the draft decision and conditions included.

Attorney Temple stated regarding condition #16 staff is still reviewing if the condition is necessary.

Chair Lipsitt responded that condition #16 should remain in place for affordable housing in perpetuity.

Caitlin Madden, Executive Director of MetroWest Collaborative, 93 Lowell Street, Carlisle, responded that the intent is maintain affordability in perpetuity which will be committed to in a number of documents related to the closing with the state and their other lenders. A second regulatory agreement with the City may be redundant, but if it is required, they will not take issue with it.

Chair Lipsitt stated that the annual monitoring and reporting of the residency is what seems to be needed.

Attorney Temple responded that #16 will be left in its current form.

Chair Lipsitt asked if a construction management plan has been reviewed for condition #19.

Ms. Whewell responded that standard language for all projects was used in the condition.



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Chair Lipsitt reviewed the remaining conditions.

Attorney Terrance Morris, 57 Elm Rd, Newton, expressed concern regarding #21 vibration condition and the future 40B that will be begin construction after the beginning of this project and would like language exempting that future build.

Mr. Temple noted that the future project is rental not individual unit ownership

Mr. Rossi responded that the Dunstan East project is rental so it would be one owner entity therefore not burdensome to communicate to one owner. He believes the language can stay as is.

Mr. Temple noted that it would be unlikely the project would be complete prior to the Armory project

Chair Lipsitt suggested to amend the language for condition #21a to completed or occupied projects only.

Attorney Temple responded that he would amend the language of the condition.

Mr. McLaughlin understands the concern and feels both project owners should coordinator with one another especially concerning photos.

Attorney Temple recommends exempting Dunstan East project from this condition and the Armory can collaborate with Dunstan East regarding overall construction issues.

Ms. Reilley asked for clarification about insurance since the City is involved with this project

Mr. Temple stated there will be no liability to the City

Ms. Sweet stated she agreed with the Chair regarding the condition

Mr. Rossi agrees with Mr. Temple



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Ms. Madden asked if construction is happening simultaneously who is responsible if there is damage to Trader Joe's or the Senior Housing if it could be either project

Mr. Temple stated it would be up to the person that had the damage what to do

Chair Lipsitt stated that condition #21 will be modified to reflect the new language

Chair Lipsitt continued to review the conditions

Ms. Madden stated that the project is in talks with the City for recycling pick-up by DPW for Condition #39

Sharone Small, Senior Project Manager, MetroWest Collaborative Development, 9 Beech Apple Street, Newton, with the cost associated for both trash and recycling would be higher so project would save money doing trash only if DPW agreed to do recycling as part of the sustainability initiative.

Attorney Temple responded that the City is responsible for all trash and recycling pick-up in the City unless it is stipulated in a special permit or comprehensive permit with a developer that they will handle it privately. It has been a long practice to require any multi-family project to provide their own trash and recycling removal. DPW has weighed in and stated it would cost the City approximately \$4000/year to do the recycling for this project.

Mr. Rossi stated that it is good to make the distinction that this is a fully affordable project so it would make sense to allow DPW to recycle

Ms. Sweet stated she also supports the City picking up both trash and recycling

Mr. McLaughlin asked the logistics of pick-up. Would it be in bins, therefore 40 bins or compactor? Fine with the cost perspective. We may not have the equipment for both trash and recycle.



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Attorney Temple does have the equipment to do dumpster pick-up for both.

Chair Lipsitt stated that if the logistics can be worked out to accommodate the DPW for trash and recycling pick-up it will be allowed in the condition.

Councilor Malakie noted that the City is discussing a pay as you throw system and the applicant could be affected by that.

Chair Lipsitt reviewed the remaining conditions, waivers, procedural history, and findings.

Motions:

Chair Lipsitt asked for a motion on this decision.

Mr. Rossi made a motion to approve the comprehensive permit with the subject conditions and findings described in the draft decision and Ms. Sweet seconded the motion.

There was no discussion on the motion.

The motion passed 5-0 and the decision was adopted.

Chair Lipsitt asked for a motion to approve the meeting minutes dated December 7, 2022.

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

The motion passed 5-0.

Adjourned 8:40 p.m.

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