

MINUTES OF THE NEWTON UPPER FALLS AREA COUNCIL

January 19, 2023 7:00 p.m.

Pursuant to *An Act Relative to Extending Certain State of Emergency Accommodations*, Chapter 22 of the Acts of 2022, signed into law by Governor Baker on July 16, 2022, this will be an Online/Telephone Meeting

Participation Details: Join Zoom Meeting <https://zoom.us/j/714158912>

Meeting ID: 714 158 912

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Meeting ID: 714 158 912

Find your local number: <https://zoom.us/u/ani0ErE3g>

Upper Falls Area Councilors in Attendance:

Anil Adyanthaya (President)

Jeff Riklin (Vice-President)

Jay Werb (Treasurer)

Kathaleen Brearley (Secretary)

Patty Connolly

Julie Irish

Marie Jackson

Matt Lai

Jack Neville

Newton City Councilors in Attendance:

Deborah Crossley

William Humphrey

Tariq Lucas

Julia Malakie

John Oliver

Pamela Wright

Others City representatives in Attendance:

Carol Stapleton (Parks and Recreation)

Rena Getz (Waban Area Council)

Peter Bruce (Newtonville Area Council)

1) Approval of Minutes from December Meeting (5 minutes)

Jeff R. motioned to accept the minutes as submitted. Marie J. seconded the motion. All members in attendance voted to accept the minutes as submitted.

2) Treasurer's Report (5 minutes)

Jay reported that there were no changes in the account balance since last month

3) Public Comment/Questions?

4) Village Center Zoning Updates for Upper Falls – Presentation by City Councilor Deb Crossley (80 Minutes)

Councilor Crossley (ZAP Chair) presented a helpful overview of the proposed Zoning plan.

In it, she began by explaining that Utile Design was brought in to look at the components of zoning that have not been working, particularly in terms of helping businesses to thrive in Newton's village centers.

In June 2022, the ZAP Committee began to pick apart UTILE's findings.

They incorporated recommendations that came out of the data but within the context of the reality that all Newton villages are unique (and different culture and scale for each).

The proposed zoning redesign by the Committee seeks to update the design standards with some of the following goals in mind;

Wider sidewalks to encourage more pedestrian activity

Incentivize ground level commercial zoning and the possibility for adaptive reuse.

Councilor Crossley illustrated examples of layered zoning and pointed out the mapping principles in the studies by Utile.

For example; How to transition from dense zones such as mixed-use to residential zones in a gradual way, Focusing on preserving historic buildings while highlighting their potential for adaptive reuse (As in instances when churches or synagogues close, to preserve the building but be open to rezoning it as housing).

She acknowledged that The Upper Falls Greenway provides unique circumstances to take special care with appropriate setbacks and scale.

The (ZAP) Committee hopes to have a revised report /proposal to present at the beginning of March so that they can workshop the revised maps and ordinances by May.

There are planned revisions to the Village Center 1 since the previous round: To reduce the height requirements, reduce the parking requirement in cases of housing in particular. The Committee also identified data where parking requirements are no longer necessary.

Existing zoning restricts the number of units by square feet land area. They would like to eliminate that requirement. They want more tools for managing the scale of development better, to allow for as many units that seem reasonable. It also would be helpful to Incentivise smaller units.

Julie I. asked about Adaptive Reuse and how the Historic Commission would oversee this process.

Councilor Crossley pointed out that it was important to keep in mind that Business Owners are often different than the property owners, when contacting the occupants vs owners.

One of the questions they are focusing on is How to maximize useable open space.

Councilor Crossley reiterated that trying out new zoning metrics allows for adapting the codes/rules after it is implemented and what works becomes apparent. For example, Floor Area Ratio came out of control element to the maximum height.

Councilor Humphrey commented:

Eliot T station is by the area that will be in the Route 9 corridor tackled in Corridor Rezoning, as opposed to the Village Center in Pettee Square. Also, re Eliot Station, there are parts of Upper Falls within half a mile from the station, but they are extremely inaccessible for the purpose of considering adding additional housing zoning. For example, the Hickory Cliff area off Route 9 would not be a good place to add more housing because of the circulation pattern. Councilor Humphrey brought that up with Planning in 2020 and they agreed with him after checking the map.

Jay W. asked about historically significant buildings. Firstly, What is the logic of having the Telegraph Building in the Village Center zoning when it is also within the historic district?

Councilor Crossley responded that zoning will still be important for buildings within the historic district mostly related to the allowable uses. Under current zoning allowed uses do not include residential in Pettee Square. Under village center zoning it could be converted to residential use by right. Second question: UFAC has previously discussed whether it is possible for village center zoning to preserve the street fronts of the Biltmore buildings which are important to the history and feel of Pettee Square.

Councilor Crossley replied that this would be a good comment to submit to the Committee. Under the current proposal they could be demolished and redeveloped by right to VC2. So the question seems to be “Can we identify the face of that building as significant to the character of the streetscape and somehow protect it?” ZAP is going to lean on the Historic Commission to give us some guidance on this. She hears the question and cannot tell us the solution at this time.

Jay W. asked if the city is considering the consequences of upzoning parcels with post offices. Post offices are commonly privately owned and on long leases, around 25 years. When the leases are up and if the land is much more valuable for another use, then the property owner might not renew the lease. Instead, the parcel would be redeveloped for a different use, and that's the end of the post office in that location. The post office in Upper Falls appears to be privately owned, which maybe similar across the city.

Councilor Humphrey responded: That's a good question to raise city-wide with the planning department. Even if it's not up zoned the post office might disappear.

Jeff R. commented, Also a lot of the post office buildings are historically significant structures, and in those cases should also be approached as being historically significant buildings.

Garry Miller asked about the role of open space. Garry would trade height for open space, and by right makes the opposite choice, where the by right incentives to building out the maximum on the lot and crowds out any potential for open space.

Councilor Crossley replied: A lot of people have a different opinion about that, but in the specific case of Upper Falls we have the Greenway. She feels wholeheartedly that we should be protecting the experience of the Greenway as an integral part of the Upper Falls village center. The side abutting the Greenway, that might be considered the rear of the building, but it faces the Greenway? More generally, there are open space requirements that are built into the design standards. "The most significant one in my mind" is sidewalk width, so that over time you would wind up with a deeper setback. Except if you're protecting the façade of a building. Another consideration is that the absolute size of the building footprint is limited. (Anything over 30,000 sq ft would require a special permit.) If you have just under 30,000 sq ft in VC2 you are limited to a building footprint of 10,000 sq ft. Maybe you could have 2 of those buildings, but you can't have more than that. When you start putting a lot of building on a site you will need to put the parking underground. So there are various intersecting design controls that combine to limit what may be developed on a site. Councilor Crossley further explained in greater details on some of the deeper design components and rules that can be utilized to adapt to different types of land sites and overlay a set of rules that can work for most of them. Once the larger components of this are worked out: the Height, the Footprint, when a site plan/special permit is required (parcels greater than 20,000'/30,000'), then the committee can work to specify a list of design standards in specific detail to try and put the right package together.

Garry Miller commented that open space and green space are different things, and parking lots or sidewalks would not add to the green space. It would be good to fit in some green space into the design standards.

Councilor Wright: Wondered about the protections provided by Newton Upper Falls Historic District for Telegraph Building. She recommended Landmarking as the strongest

way to protect the building and Jeff R. responded as chair of the Upper Falls Historic Commission that they were strict.

Councilors Crossley and Wright discussed the 3 ½ vs 2 ½ stories for VC2. Apparently, this was under discussion starting in December. They are trying to incentive commercial use on the first floor.

Councilor Wright asked about parking, and whether it is one parking place “per resident” or “per residence”? Councilor Crossley answered it is one spot “per residence” or ‘per unit’.

Councilor Wright also asked about setback requirements along the Greenway: Setback is 5 ft along the side and the rear. Councilor Crossley clarified that we are talking about a special condition along the Greenway. This is in response to feedback from Upper Falls and not updated in the current draft.

Councilor Wright also asked about outreach to business owners. Property owners are getting postcards, but their tenants (the businesses) are not being systematically contacted by the city. In Wards 2 and 3, they went to every business owner in groups to let them know what’s going on. In Upper Falls she suggested we might want to get into contact with the businesses (not necessarily the property owners) and encourage them to get involved.

Councilor Wright specified that Lot coverage rules only apply to large lots over 30,000 sqft. For smaller lots, the rules are constrained by setbacks and building footprint. VC2 and VC3 need only 5% usable open space, VC1 needs 30%. If you have multiple buildings on one lot they need to be 25 ft apart.

Councilor Crossley added that under Business 1 and Business 2, current zoning does not have any open space requirements, and requires twice the amount of onsite parking, no setbacks, and no sidewalk width minimums. She wants people to understand that with setbacks etc, we are going to end up with more open space – not necessarily green space – than is currently required.

Paula Kelleher commented that people in Upper Falls are upset that for Northland, the largest development in Newton, the City Council waived the minimum number of parking spaces, and are concerned there will be overflow parking on the residential streets from Northland. Are we going to be realistic about providing enough spaces for the businesses that we want to attract to Pettee Square? If there is not enough parking those businesses are going to fail. We are hoping that when somebody takes down a building, underground parking should be required.

Councilor Humphrey responded that David Koses of the Traffic Council has been developing a parking plan related to Northland and presumably also applicable to Pettee Square. A preliminary proposal was presented to the Upper Falls Area Council

previously, but we're still a few years away from tenants at Northland so we wouldn't see a final proposal until construction is farther along.

In discussions with Councilors in Watertown, he hears that a lot of the parking in these new projects is not actually being used. One thing Watertown has been doing is to landscape some areas that might be needed for parking, so if you end up needing the spaces you can convert it to parking, but if you don't you can leave it as green space. This program seems to be successful so far in Watertown. In Newton we're going to test it out in a small project in Newton Highlands, and the same concept can be scaled up to some of the larger projects. Councilor Humphrey acknowledged the comment about underground parking and that it will be on the table for some of the larger projects.

Councilor Crossley further commented that over the past few years they have been studying actual use of on-site parking. For example, the two highly controversial projects in Newtonville are not using all of the parking that the city required them to have. Austin St required 1 ½ spaces per unit. Only 0.78 are actually being used – every unit doesn't use a car. At Trio they reduced the minimum to 1.25 per unit, and residents report that at least a third of the spaces are always empty. Deed restricted affordable apartments tend to go to families, and they need cars. Market rate apartments have a lot of retired folks, divorcees. Also, the number of people working from home has dramatically increased and stabilized at 44%, up from 10.5% of Newton residents working at home. So you have a lot of retirees and work-at-homes, and they are driving less. That may be a factor of why a lot of these spaces are not used.

Paula K pointed out that the Northland project is not really transit oriented. She wants to emphasize that there will be an overflow parking problem from Northland and the community wants to be sure that enough parking is provided for any new developments in Pettee Square.

Jay W commented that at the Waban/Upper Falls meeting with the Zoning and Planning Commission representatives, the owners of the Telegraph Building asked that their parking lot be zoned VC2 so they could build a 4-story office building on the site. Is that the intent of this zoning?

Councillor Crossley responded that VC2 is actually 3 ½ stories.

Jay Werb clarified that the question was intended to be about the office use, not the size of the building.

Councilor Crossley replied that the site is over 30,000 sqft, and therefore will require a special permit. We're designing these zones to use across the city, and most of the village centers are covered by MBTA Communities Law. 90% of the housing we will have to enable with the zoning has to be within a half mile of public transit – Green Line or Commuter Rail -- and Pettee Square is not within .5 mile. So that doesn't really apply here, we're just trying to get the right mix. But assuming we use the same Village Center zoning throughout the city, they are not allowed under MBTA law to require ground floor

commercial, but the city is allowed to incentivize ground floor commercial and we are trying to do that. We want that first floor to be active uses, and office is not an active use under the definitions that the city is writing. Perhaps that site, and maybe the Newton Electric building (which has been owned by the same family for generations) are Upper Falls opportunity for some interesting new mixed use development which would suggest VC2 because VC1 is strictly residential. In any case, the Gamewell/Telegraph parking lot is a unique site that will need a special permit due to its lot size so the city has control over that site as proposed.

Peter Bruce (from Newtonville Area Council) asked how the Village Center zoning relates to state requirements to build more housing, and commented that it was difficult to get questions answered by the state about this law.

Councillor Crossley said she couldn't speak for the MAPC or the Department of Housing and Urban Development who are the ones who are administering the MBTA Communities Act. Under the MBTA Communities Act, Newton is not responsible by any measure or by any state entity to actually produce some number of housing units in a given year. There is no rule about that. We are responsible to zone the community to enable a certain amount of by right development that could result over time in 8,330 units across the city. 90% of what Newton does has to be within a half-mile of rapid transit, and we are assuming that Pettee Square doesn't qualify for the 90%. 10% can be transit accessible, which Northland is due to the shuttle, and perhaps Pettee Square might qualify due to its proximity to Northland. The City has been working with consultants to determine how much of the MBTA Communities Act we will satisfy by doing the right thing for our villages. They say we're not going to get all of the way there with the 11 business centers we're looking at. That's OK. Village Center zoning covers only 2% of the land area in the whole city. There are other areas in the city within a half mile of mass transit stations. As Councilor Wright frequently notes, there is the Woodland T stop and there's the golf course adjacent to it. We also have Chestnut Hill, which is not a village in the sense that the rest of the village centers are villages. There is the Route 9 strip and all of the development along there, and parts of that are within a half mile of a transit stop. There's a major transit stop near BC. These other areas aren't necessarily suited for the Village Center zones we are designing today. We're focusing on the 11 Village Center zones first, and understand how much of the puzzle we can solve by doing the right thing for our villages. Then we can follow up by looking at the other parts of the city, along Route 9, along Washington Street, and so forth.

Peter B. asked if any of the approximately 3500 units in the pipeline count toward the MBTA Communities Act requirements?

Councillor Crossley replied that it doesn't matter how many units have been built in the past or will be built in the future. The only thing that matters is how the property is zoned.

Councillor Humphrey added that the projects would have to be by right, vs. by special permit or by 40B.

Councillor Crossley noted: For example, if we zoned Northland VC3, that would be less intensive use than what is actually being built there. We could only count what could be built under VC3. So for example, if VC3 zoning would hypothetically allow 500 units on that site, it doesn't matter that 800 units are actually being built. (Northland isn't a perfect example because it's not within a half-mile of rapid transit.)

Councillor Humphrey commented that hypothetically you could rezone the Riverside property at what was approved by special permit, but that's a larger discussion. In this meeting we're talking about Upper Falls, which is very unlikely to fall within our MBTA Communities Law. As we're all very aware, since Northland has been approved right there, we are conscious about the need to put a cap on the level of development nearby.

Rena Getz added that this land area is 10 acres. We know we have a high density coming with the Northland project, and it seems like an opportunity zone for office and commercial, as well as restaurants and providing services for the community. The Telegraph parking lot (1234 Chestnut) seems a good candidate for something interesting on the first floor. It's currently designated VC1 which is just housing. She is curious why it was designated VC1, seems a good candidate for VC2. The other side of Oak Street around the Biltmore could be VC1.

Councilor Crossley doesn't know what criteria were used by the planning department. She agrees that VC2 would be a better choice for the Telegraph parking lot with commercial use on the first floor. Generally, this is consistent with a more general vision for village centers where VC2 should not be more than 3 ½ stories with commercial on the ground floor. There is residential across the street, already 2 ½ stories, so it seems reasonable to zone that VC2 as long as there is a reasonable setback from the Greenway. Similar analysis applies to Newton Electric building on Mechanic St, but that is less likely to be redeveloped any time soon considering its current use and ownership.

Jack Neville commented that 5' foot setback from the Greenway is not enough. (Greenway side is considered the rear of the building, and the rear setback is 5 ft.) The Greenway is a beautiful open area. The setback is so important. We should start at 15 ft. You need to see the sky when you walk down the Greenway. How do we make sure we get a 15' ft setback from the Greenway? That's 40 feet from the center of the Greenway, plus 15 feet from the boundary. (As discussed in December UFAC meeting, the MBTA land parcel is 80 feet wide. The Greenway, about 20 feet wide, is roughly centered on that land.)

Councilor Crossley agrees we have unique conditions in Pettee Square, that are not in any other village in Newton. She will advocate for the wider setbacks.

5) Northland Update (5 minutes)

As representative from the Northland Liaison Committee, Jay reported that there was not a lot to report at this time, although there are currently discussions going on about soil remediation.

Councilor Humphrey commented “Underground parking will likely come down to a case by case question. Soil polluted sites find underground parking helpful to reducing the cost of environmental remediation, while other projects find them prohibitively expensive.” Northland appears to have some of these issues due to the contamination of the underground soil. Councilor Crossley commented that there are no building permits yet and she expects that they will not be able to start any foundation work for at least a year.

Paula Kelleher would like the Councilors to know that Northland is doing the bare minimum to mitigate the dust on the Upper Falls Greenway as a result of the demolition work.

6) 2022 Annual Report Draft (5 minutes)

Anil circulated a draft of the Annual Report and asked the other area councils to please submit feedback or additional items. Jay gave a treasurer’s summary of the Annual spending out of the UFAC account.

7) Elliot Street Safety Issues Updates (5 minutes)

Traffic Council released the plans for street signs to mitigate safety and which of the intersections (Eliot@Mechanic, Elliot@Columbia Ave, Elliot@Oak St, etc).

Councilor Humphrey commented that Councilor Downs would be the best Councilor to talk to with regard to Traffic Calming.

Julie I. did receive feedback from Jason Sobel and wondered the best way to get a response. Councilor Humphrey thought he could find out when the Traffic council will have a response.

8) La Nuestra Update & Pettee Square Redesign Update (5 minutes)

The proposed Cannabis dispensary and Pettee Square Redesign have both been approved for funding by the City Council.

Jay W. asked about the strip of land between the Northland property and the Greenway(near these sites) and Councilor Crossley confirmed that Northland removed the invasive species (Norway Maples) but they are not responsible for maintaining any further plantings or funding beautification. Councilor Humphrey confirmed that this is not something in the budget for the Pettee Square redesign.

9) General Upper Falls News (5 minutes)

Newton North awarded Jack with a Lifetime Honor and he was inducted into the Newton Tiger Hall of Fame for Golf

13-19 Winter St is making progress

959 Chestnut still working on its grade level and what was approved by The Upper Falls Historic Commission

300 Elliot St

14 Summer St has been dormant for a few months, and Jeff R. expects them to come back with a revised plan, hopefully soon.

10) Public Comment/Questions?

N/A

11) Adjourn

Jeff motioned to adjourn the meeting and Jay seconded the motion. All voted to adjourn the meeting at 9:27PM