

Newton Highlands Neighborhood Area Council

Meeting Minutes, April 6, 2023

Area Council members:

Rakashi Chand, Barbara Darnell, Robert Fizek, Groot Gregory, Jeremy Freudberg, Nathaniel Lichtin, Srdjan Nedeljkovic, Larry Rosenberg, and Amy Wayne.

Ex Officio:

City Councilor Bill Humphrey present, City Councilors Brenda Noel and Holly Ryan were not present.

Residents and others:

Kathy Pillsbury, City Councilor Deb Crossley, Waban Area Councilor Rena Getz, City Councilor Julia Malakie, Lisa Monahan, City Councilor Pam Wright, John Rice, Jack Lovett, Martina Jackson (Fig City News), Jay Walter, Sonya McKnight, City Councilor Tarik Lucas, Carol Carroll

Meeting called to order at 7:04 pm. Srdjan Nedeljkovic taking minutes. Area Council President Jeremy Freudberg presiding. The meeting was held in person at the Brigham House as well as via Zoom videoconferencing technology. The meeting was recorded.

Substantive Topics:

1149-1151 Walnut Street:

Area Council President Jeremy Freudberg noted that the Area Council had supported this project when it was before City Council. On March 31, the property was transferred to a new owner for \$2.505 million. Laurence Lee is the attorney who represents the new owner, real estate developer Enrique Darer, and the new owner will be proceeding with going forward with a building permit. As far as we know, the project will be proceeding as per the prior plans. City Councilor Deb Crossley noted that unless the new owner files for an amendment, the special permit will need to be executed in the approved form.

Area Councilor Robert Fizek expressed concern regarding whether changes will be made to the proposed project from what had been approved, noting how the approved housing project at Four Corners was changed from condominiums to rental units. City Councilor Crossley stated that the change from rental to condo is not considered a change in use since both uses are for residential units. She noted that in order for the Walnut Street project to move forward, the elevations, the square footage, and the parking requirements all need to conform to the plans that were submitted and approved by City Council.

Levingston Cove:

Area Council President Jeremy Freudberg presented a letter that has been drafted to Luis Perez Demorizi, Director of Parks and Open Space, following his presentation about Levingston Cove during the March meeting of the NHNAC. The letter expresses concerns about the progress of the Levingston Cove project, requests more information about planning for the “Left Beach,” and states that the Area Council is looking forward to a public meeting to discuss that project. A motion was made to send the letter to Mr. Perez Demorizi and the motion was approved unanimously 8:0 (with Groot Gregory absent).

Village Day:

Area Councilor Barbara Darnell noted that a meeting took place between a number of people including Chris Pitts, Amy Wayne, Barbara Darnell, and Groot Gregory to discuss Village Day planning. It was noted that the Village Day Road Race will not be taking place this year, as there is nobody to coordinate it. Village Day will include rides, booths, and music.

Newly sworn in Area Councilor Rakashi Chand suggested that Village Day could include a dance session and aerobic exercise session, or perhaps a dance marathon. Area Councilor Nathaniel Lichtin pointed out that there is ballroom dance instruction at the Congregational Church and that the Area Council may reach out to see if they would like to be involved in Village Day.

Future Events:

Area Council President Freudberg noted that since the Area Council not running the Soup Social any longer, perhaps the Area Council could host other events. He suggested that the Area Council may consider doing more new events to stimulate community gatherings and engagement. As an example, Area Councilor Freudberg suggested that a future Area Council meeting could take place outdoors in the summer.

Area Councilor Rakashi Chand asked how the Area Council is connecting to the neighborhood. It was noted that the Area Council is looking for someone to help manage social media connections. One idea may be to have a Porch Fest, with music. Another idea is to organize an event in which personal expressions or art is featured at peoples’ homes, encouraging people to interact. Another idea was that the Area Council could support National Picnic Day and encourage everyone to go out and have a picnic in a park in Newton Highlands.

Area Councilor Amy Wayne noted that in the past, the Area Council has reached out to people via the Area Council website, signs on the Walnut Street bridge, and by sending postcards. Area Councilor Amy Wayne suggested that people could bring their own art to display during a picnic at the Hyde Playground. Kathy Pillsbury mentioned that this type of an event could be connected to Newton Open Studios. John Rice noted that the Area Council could set up booths around summer events featuring various items.

Zoning Redesign Discussion:

Area Council President Freudberg provided an overview of recent City Council Zoning and Planning committee meetings. At the March 13 meeting, changes were discussed in the VC1 zoning proposal. Among those, a reduced building footprint was suggested, along with changes in the number of units allowed on a lot, number of stories, setbacks, and parking requirements. Multiple buildings on a lot would no longer be allowed by right but could be allowed by Special Permit. New requirements were presented for existing building that are to be zoned in VC1.

Area Councilor Srdjan Nedeljkovic pointed out how the zoning for VC1 is currently purely residential and asked if a commercial component could be considered to expand the mixed-use area of our village centers. However, it was noted that most areas being proposed to be zoned VC1 are currently residential. City Councilor Pam Wright noted that the zoning proposal involves having an overlay district, and that property owners would have a choice to use the new zoning or to continue to abide by the current zoning requirements. City Councilor Deb Crossly noted that the idea behind VC1 is that it represents a transition zone between the village center and a purely residential district. It makes sense to give people a choice to keep what they have or to take advantage of the overlay district. Area Councilor Nathaniel Lichtin expressed concern about the complexity of having more than one set of zoning standards apply to any property in an overlay district. It was noted that in an overlay district, the concept of determining density by FAR is being replaced by the use of tools such as the maximum footprint of a building and its setbacks.

Area Council President Freudberg noted that at the March 27 ZAP meeting, there was discussion about allowing the building heights in a VC3 zone to go higher by 1 or 2 stories to make it more financially feasible for a developer to build more units to be affordable. Area Councilor Nathaniel Lichtin expressed concern that two additional stories could be added in a village center, with buildings of up to 6.5 stories. City Councilor Crossley commented that in the March 27 meeting, the Housing Partnership and staff looked at the economic feasibility of allowing more by-right development in order to expand affordable housing. A proposal was made to the City Council on adding stories to allow for increasing amounts of affordable units in a development. Councilor Crossley noted that City Council will be discussing this proposal further during an upcoming meeting in April. She stated that there are places where more stories may fit the context of a village center and other places where this doesn't fit.

Area Councilor Robert Fizek noted how allowing greater heights in a village center may not result in a higher amount of affordable housing. Area Councilor Nathaniel Lichtin suggested that a letter from the Area Council to ZAP should be written to state that adding two stories to building heights may not be appropriate for Newton Highlands. During prior visioning sessions, people did not approve of higher building heights. Lisa Monahan suggested that comments should be held until the full Version 2.0 zoning plan is presented. Also, the MBTA Communities law will have an impact that may affect future zoning maps. Area Councilor Nathaniel Lichtin stated that it may be more relevant to send Area Council comments to ZAP before the plans have already been determined. Version 2.0 will not be presented to ZAP for another two weeks. Waban Area Councilor Rena Getz agreed that comments should be submitted sooner rather than later to inform the process of determining Version 2.0.

Area Council President Freudberg presented information from the March 29th ZAP meeting regarding the MBTA Communities Act. There is a requirement to zone for 8330 units within Newton. There need to be districts that meet certain standards of size, location, and density. At least 50 acres of land need to be zoned, of which $\geq 90\%$ need to be within $\frac{1}{2}$ mile of a rail station. Regardless of size, 50% of the total district needs to be in one contiguous district. A discussion ensued about the language of the requirements regarding what is the reasonable size of a district. Area Councilor Robert Fizek asked if there were a set of criteria used to devise these requirements. City Councilor Crossley noted that conversations are taking place between city officials and state officials about these rules, since not all of the rules are ideal for some of the inner suburb communities near Boston. Councilor Crossley also noted that potential contiguous high-density zone between the Newton Centre and Newton Highlands MBTA stations could be drawn. Also, City Councilor Deb Crossly noted that some of the regulations may go beyond the requirements of the actual law.

Kathy Pillsbury asked a question about the requirement to have at least one 50-acre district and noted that Newton would need to zone for a lot more than just one 50-acre district. Newton may need to allow high-density zoning in 80 to 100 acres or more. Based on current projections, Newton would require 555 acres to zone for 15 units per acre.

Area Councilor Srdjan Nedeljkovic noted that the requirements for a contiguous zone could be met easily by zoning parts of the Needham Street corridor as a high-density zone predicated on the extension of the Green Line in the corridor. In this scenario, two light rail stations would be easily accessible to high density residential development, including Avalon, the Northland project, and the new 40B project at Charlemont Street. He pointed out that the City has dragged its feet to resist the extension of transit to the corridor. City Councilor Deb Crossley noted that during the March 29th ZAP meeting, a piece of the conversation was about the Riverside project, and how this area could be part of the compliant district. It would need to have over 500 units, but financing is at risk for the previously approved project. If Riverside was made residential only, the previously approved project may be lost. Councilor Crossley noted that making the entire Green Line a VC-1 district may help meet the criteria for the MBTA Communities Act.

Area Council President Freudberg pointed out that what is being considered new zoning for village centers will not achieve the target of 8330 units, although the gross density requirements will be met. The new zoning would allow Newton to have a build out of 22 units per acre and 3530 units. Potential strategies include reducing parking requirements to allow for more housing instead of parking lots, increase the extent of the VC1 zone, remove city-owned sites from counting towards housing density requirements, and adjusting rules for streets where commercial ground floor use is desired. If Newton takes those streets out of the mix, then residential above the commercial may not be counted in the MBTA Communities Act. Newton is in favor of changing the rule that disallows ground floor commercial.

City Councilor Crossley pointed out that the Act does not expressly prohibit ground floor retail. However, the definitions for Chapter 40A apply, which includes the definition of mixed-use development vs multifamily development. The law may not require mixed-use, but it may allow it. This issue will need to be clarified by the state. Newton has defined priority streets for mixed-use

development, where Newton desires to have shops and restaurants. Right now, under the current set of rules, the City will not count those units towards fulfilling the MBTA Communities Act zoning requirements unless the state changes the law.

Kathy Pillsbury and Lisa Monahan gave a power point slide presentation regarding parking issues and a financial analysis of the proposed Village Center zoning. The proposed zoning suggests 0.5 parking spaces per residential unit. Within ¼ mile of transit, no parking spaces would be required, but one space per unit would be allowed maximum. Parking increases the cost of construction, takes up land, and has an impact on affordable housing. Drivers don't often pay directly for the parking they use, which increases the cost of businesses. There is an environmental cost to parking with more heat island effect and more stormwater runoff. Renters have fewer cars than property owners, with 51% of owners having 2 cars compared to 32% of renters having 2 cars. Recent studies by the MAPC have found that in Newton, only half the parking spaces are in use and the average amount of cars is 0.8 cars per unit. The greatest factors affecting the number of cars per unit are the percent of affordable units in a building, access to jobs via transit, and the amount of parking available. There are many towns and cities in the United States that are considering eliminating or reducing parking requirements. When parking requirements are eliminated, the historic buildings are more often renovated, smaller units can be built, and parking demand is affected by the size of units, their affordability, and access to transit. Studies suggest that having more parking spaces causes people to have more cars. In Newton Highlands, there is currently a substantial amount of parking already available, including public and private lots.

Area Councilor Srdjan Nedeljkovic noted that the Area Council had done a parking study of the Highlands in 2012 and 2013 that found that there were over 3000 potential parking spaces on residential streets, with approximately 11% utilization, and over 400 parking spaces in private village center lots, with 41% to 57% occupancy. City Councilor Pam Wright pointed out how private owners rarely are willing to allow use of their parking spaces, even if they are not occupied.

Lisa Monahan presented information about the financial impact of new development in Newton, looking at multiple new recent developments in Newton. The annual revenue for Newton around these projects is about \$21.3 million from property taxes and excise taxes. Expenses include those for education, fire, and police and are approximately \$13.7 million. Therefore, the calculations show a net positive revenue of about \$7.5 million to Newton from these projects. Also, the developments contribute additional payments for public benefits, water and sewer infrastructure, and building permit fees, totaling over \$30 million. In summary, the newly approved residential projects contribute to the city's budget in a positive manner. Also, rental households tend to be smaller than owner occupied households, therefore having a smaller impact on school costs. It is important to note how renter occupied units are more likely to have no children (80.2%) vs owner occupied (60.2%) units.

City Councilor Tarik Lucas commented that "net revenue" of \$7.5 million should be renamed "net margin" for the city. He pointed out that the analysis considered higher density projects, like ones that may occur in VC2 and VC3 zones, but he also wondered about the fiscal impact of VC1 zoning.

Area Councilor Robert Fizek asked if the projections for net new revenue calculations considered revenue that was generated by the prior use of the parcels. Ms. Monahan stated that the presentation,

including the calculation of the mentioned \$7.5M figure, did not factor in information about revenues that were generated by the previously existing uses on the sites. Therefore, this number is NOT the NET gain in city tax revenue as the difference between preexisting property revenue and anticipated revenue from developments was not accounted for.

Area Councilor Fizek pointed out how the public in Newton is not familiar with the zoning efforts and what impact they may have. The city's presentation of zoning last fall at the library did not accurately represent the impact that high density zoning will have. City Councilor Crossley pointed out that there were images presented at the library introducing people to the zoning concepts, and that there was indeed a vigorous public process of engagement in the City. Area Councilor Srdjan Nedeljkovic pointed out how planning documents often show distorted, wide-angle views of streetscapes in which streets and pedestrians appear larger than the 3-4 story buildings that are in the background, and that this is not the reality that is experienced.

Area Councilor Nathaniel Lichtin proposed a motion as follows: The Area Council believes that the VC3 zoning proposal is inappropriate for the Newton Highlands village district and we believe that options 1 and 2 for the affordable housing density bonus with regards to increased number of stories is inappropriate. Adding 2 stories would be 6.5 for VC3 and 5.5 for VC2. A vote was held and the motion to reject the building heights allowed by the new zoning proposal passed 9:0.

Area Councilor Robert Fizek pointed out how the zoning process thus far is not articulating plans for preservation. Lisa Monahan responded that the historic districts are no longer in the village center mapping. Kathy Pillsbury and Jay Walter noted that there have been provisions made to encourage preservation.

Village Enhancement Project:

John Rice asked if the failed budget override will have an impact on progress on the village enhancement project. City Councilor Deb Crossley stated that the failure of the override may have impacts, but the mayor is looking at ways to move funding towards projects that have already been bonded. However, accelerated paving of roads may be affected. It is unclear what effect this will have on the Newton Highlands village enhancement effort. State funding has been made available for the Upper Falls enhancement project by a Mass Works grant. Mass Works funding may be a good source of funding for the Newton Highlands enhancement project as well.

Area Council President Freudberg noted that a public meeting to discuss the Newton Highlands village enhancement project by DPW is now being scheduled at some point in May. More information about undergrounding of utilities will hopefully be available for this meeting. Area Councilor Robert Fizek asked about the scope of work regarding the undergrounding of utilities. Mr. Fizek also asked about accurate projections of the impact the enhancement project will have on parking.

Newton resident Carol Carroll noted that she has seen random exposed wires in the Highlands and was wondering what these were. Area Council President Freudberg said that he would follow up on this.

Area Councilor Srdjan Nedeljkovic noted that DPW has been accepting comments regarding the options presented at the November Village Enhancement public meeting and encouraged people to submit their comments on a preferred version. Area Councilor Amy Wayne pointed out that the village businesses were supportive of maintaining parking over having a bicycle lane on Lincoln Street.

Parking:

Area Council President Jeremy Freudberg reported that he had talked with the police department regarding the issue of parking permits and how they are assigned and when they are available. There is a balance between waiting on who applies for a permit and making sure that a business gets their permit in a timely manner. Next year, the new permits will be available sooner and there will be temporary permits issued. A discussion ensued about whether permits should be issued “first come, first serve” or by some other method. It was noted that the Senior Center was able to receive their 10 parking permits for staff without any problems.

Area Council President Freudberg noted he had spoken with city Transportation Coordinator David Koses about expanding the Highlands parking district. Mr. Koses wasn't sure that the parking district could be expanded to Floral Street without making spaces available for residential permits. In terms of expanding the parking district to Station Avenue, there are no houses so no residents would be excluded if only business permits were issued. Carol Carroll noted that Station Avenue has a Blue Bike bicycle dock and is being used as a pickup location for various services including the MBTA.

A discussion ensued regarding the Jersey barriers that have been reinstalled on Lincoln Street to allow for expanded outdoor dining. Comments were made on how these barriers create a risk for damage to vehicles and that they degrade the appearance of the streetscape. However, city council has permanently approved allowing outdoor dining in parking spaces.

Meeting Recordings:

Meetings of the Area Council have been recorded since last year. People have asked for the recordings, and they are stored in the Area Council's zoom account for approximately 3 meetings. These recordings cannot be put on the City website due to size limitations. City Councilor Julia Malakie noted that the Area Council may be able to use a city zoom account with greater size allowances. Area Council President Freudberg will follow up with City staff regarding use of the city license for zoom teleconferencing. A discussion ensued if meeting recordings should be posted regularly, or whether the meeting recordings should be posted only on request. There was a general consensus between Area Councilors that meeting recordings should be posted regularly.

Administrative Items:

Review and Approval of 2022 Annual Report: A motion was made to approve, and the Annual Report was approved unanimously 9:0.

Approval of Minutes: The draft minutes from the March meeting were approved 9:0. No changes were made to the March minutes.

Treasurer's Report: Area Council Treasurer Groot Gregory noted that \$300 deposit was spent for the caricature artist for Village Day, which is half the cost. The account has a balance of about \$14,800. The budget for Village Day last year was about \$14K income and \$14K expenses.

John Rice proposed banners that say Celebrate Newton in the village, at a cost of \$2000. The Hyde board will cover half. A request was made for the Area Council to support half the cost and the Area Council will consider this request.

New Business:

No new business was presented.

Meeting Adjournment: The meeting was adjourned at 10:06 pm.