



Programs & Services Committee Report

City of Newton **In City Council**

Wednesday, August 16, 2023

Present: Councilors Krintzman (Chair), Noel, Humphrey, Wright, Greenberg, Albright, Baker and Ryan

Also Present: Councilors Malakie, Lucas, Kelley, Norton, Leary, and Crossley

City Staff: Marc Welch, Deputy Commissioner of Parks, Recreation and Culture; Carol Moore, City Clerk/Clerk of the Council; Jonathan Yeo, Chief Operating Officer; and Jaclyn Norton, Committee Clerk

For more information regarding this meeting, a video recording can be found at the following link: [Programs & Services Committee - August 16, 2023 - YouTube](#)

#252-23 Appointment of Janet Huettig to the Health and Human Services Advisory Council

HER HONOR THE MAYOR appointing Janet Huettig, 217 Suffolk Road, Chestnut Hill as a member of the Health and Human Services Advisory Council for a term of office to expire on January 1, 2026. (60 Days: 09/08/23)

Action: **Programs & Services Approved 7-0 (Councilor Noel Not Voting)**

Note: Ms. Huettig described that she is a longtime resident of the City and looks forward to utilizing her clinical experience while serving on the Advisory Council. Multiple Councilors voiced support for this appointment. One Councilor asked if the Health and Human Services Advisory Council oversees mental health services within the City. Ms. Huettig noted the need for a greater number of mental health services within the City and that she would get back to this Councilor regarding the Advisory Councils role. Councilors voted 7-0 (Councilor Noel Not Voting) on a motion to approve from Councilor Baker.

#253-23 Appointment of Dr. Carolyn Bernstein to the Health and Human Services Advisory Council

HER HONOR THE MAYOR appointing Dr. Carolyn Bernstein, 111 Dickerson Road, Newton Highlands as a registered physician member of the Health and Human Services Advisory Council for a term of office to expire on January 1, 2026. (60 Days: 09/08/23)

Action: **Programs & Services Approved 7-0 (Councilor Noel Not Voting)**

Note: Dr. Bernstein joined the Committee and commended the City's response to the COVID-19 pandemic and noted her professional experience as a neurologist at Brigham and Women's Hospital. In response to the questions raised regarding mental health services during Ms. Huettig's appointment, Dr. Bernstein stated her work around mindfulness. Multiple Councilors voiced support for this appointment and the Committee voted 7-0 (Councilor Noel Not Voting) on a motion to approve from Councilor Humphrey.

Referred to Programs & Services and Finance Committees

#411-22 Request for Amendment to Chapter 21, Art III Trees to extend tree protection and update permits
COUNCILORS MALAKIE, NORTON, LEARY, RYAN, WRIGHT, LUCAS, HUMPHREY, BOWMAN, MARKIEWICZ, OLIVER, DOWNS, LAREDO, AND GROSSMAN requesting revisions and amendments to Chapter 21, Art. III Trees (sec. 21-60 through 21-89) to extend tree protection to all trees 6 inches DBH (diameter at breast height) and greater within the City (with no exempt lots); to update tree removal permits, fees, and compensation; and to strengthen protection for existing and replacement trees.

Action: **Programs & Services Held 7-0 (Councilor Noel Not Voting)**

Note: At the beginning of the meeting the Chair outlined that each person will be allotted 2 minutes of speaking time to provide public comment on the draft tree preservation ordinance. No deliberation on the draft ordinance will occur at this meeting.

Lalor Burdick, 180 Dudley Road, is a board member of the Newton Cemetery and Arboretum and described how the Cemetery is a non-profit organization. The Cemetery seeks to have an endowment large enough to sustain operation of the Cemetery as an arboretum for 100 years after the last burial plot is filled. He voiced support for the cemetery exemption present in the draft ordinance.

Alice Ingerson, 1923 Beacon St, is a member of the Newton Conservators and advocated for an ordinance that waives replacement requirements if a tree is being removed for the ecological benefit of surrounding trees.

Melissa Brown, 949 Chestnut St, urged that further revisions be made to the draft ordinance. These revisions include removing the exemptions for cemeteries that meet certain requirements, having the ordinance apply to all trees 6" DBH or larger on all lots not owned by the state or federal government, and requiring both replacement and a payment when removing a tree.

Herbie Robinson, 116 Carver Road, noted how this ordinance does nothing for individuals that would need to remove a tree to install solar panels.

Peter Kelly, 15 Sherdon Street, is the Vice Chair of the Newton Cemetery & Arboretum Board of Directors and described the work that the Cemetery does to preserve trees. He advocated for the cemetery exemption and described partnerships the Cemetery has to spread awareness about urban forestry.

Mary Ann Buras, 24 Ruane Road, is the President of Newton Cemetery and stated how the cemetery exemption is appropriate. During her testimony, she outlined the process the Cemetery engages in for landscaping, horticulture, and tree planting, along with noting how the current ordinance does not promote a diverse tree canopy.

Paul Walker, 2301 Washington Street, is the Director of Operations at Newton Cemetery and supports the cemetery exemption. He outlined the tree database the Cemetery maintains along with how this exemption will allow for long term tree planting planning along with being able to mitigate impacts on other trees when planting.

Stephen Farrell, 30 Winston Road, noted other environmental conversations happening in the City Council and advocated for protecting all trees 6" DBH or larger.

Lee Fisher, 954 Chestnut Street, voiced support for the draft ordinance but sought clarification on the fee schedule component. This fee schedule was presented at a previous meeting.

Ronald Goldstein, 38 Chesterfield Road, raised concern with this ordinance restricting activity that can occur on private property and believes it violates property rights.

Pat Irwin, 115 West Street, noted that all trees are part of a shared green infrastructure. She advocated for covering all trees 6" DBH or larger, removing the cemetery exemption, and notifying abutters when a tree is set to be removed.

Laura Petrillo, 119 Oxford Road, noted the number of trees cut down during construction and the need to preserve trees.

Howard Birnbaum, 36 Central Street, advocated for raising the fees in lieu of replacement and that smaller trees should be covered in the ordinance.

Julie Winsett, 33 Alexander Road, noted the benefits of trees and advocated for covering all trees 6" DBH or larger.

Beth Wilkinson, 14 Trabert Street, liked that construction is not being exempted under the draft ordinance and noted the need for nuance in this ordinance.

Committee members voted 7-0 (Councilor Noel Not Voting) on a motion to hold from Councilor Ryan.

Referred to Programs & Services and Finance Committees

#412-22

Request for Review and Amendments to Chapter 21, Art. III, Division 3

HER HONOR THE MAYOR requesting review and amendments to Chapter 21, Art. III, Division 3, Tree Preservation to increase replacement requirements for larger trees, add protections for smaller trees, limit removal of trees without replacement, enhance procedures for protecting trees, increasing payment required for trees cut without replacement, protect trees on lots adjacent to construction, provide Tree Warden with additional professional input on trees on private properties.

Action: **Programs & Services Held 7-0 (Councilor Noel Not Voting)**

Note: This item was discussed concurrently with item #411-22. A written report can be found with item #411-22.

#247-23

Request to place a nonbinding advisory question on the ballot

COUNCILORS LUCAS, WRIGHT, MARKIEWICZ, MALAKIE, AND OLIVER requesting that the following non-binding advisory question be placed on the November 7, 2023 municipal ballot: "Should the Newton City Council vote to adopt a zoning ordinance for Newton village commercial centers so that parcels under 30,000 square feet would have the opportunity to be redeveloped to construct multi-family housing, or a mix of businesses and multi-family housing, in buildings up to 3.5 to 4.5 stories high, without requiring onsite parking and prior approval from the City Council?"

Action: **Programs & Services Denied 6-2 (Councilor Baker and Wright Opposed)**

Note: The docketing Councilor described that this question was drafted after the Citizens Group Petition to place a nonbinding advisory question on the ballot was not accepted. He further stated that this language captures the essence of the Village Center Overlay District (VCOD) proposal in one question. A Councilor noted how the Council will eventually vote on this proposal and that placing this nonbinding question on the ballot could prevent a referendum.

Multiple Councilors noted how this proposed nonbinding question lacks the appropriate context, goals of the VCOD, and the complex details needed to fully understand the topic. The multi-year effort of the Zoning & Planning Committee was noted along with the City Council being the only body able to enact zoning regulations. A couple Councilors also noted that City Councilors were elected for a reason and that placing this nonbinding advisory question on the ballot would be a terrible way to gather public opinion.

Committee members voted 6-2 (Councilor Baker and Wright Opposed) on a motion to deny from Councilor Albright.

The meeting adjourned at 8:27pm.

Respectfully Submitted,
Josh Krintzman, Chair