

Friday, Jan. 5, 2024

Mayor's Newton Update



Newton May Achieve 40B Safe Harbor Status

In Massachusetts, developers of housing have greater leeway in cities and towns that have not met the State's minimum threshold for providing affordable housing – 10% of a community's year round housing units on the State's Subsidized Housing Inventory (SHI). With 33,116 year-round housing units in Newton according to the 2020 census, the State's minimum affordable unit threshold in Newton is 3,312 units (or 10% of our housing stock).

The state law known as Chapter 40B was enacted in 1969. It allows developers who include a particular amount of affordable housing in their proposal to bypass certain local zoning requirements and apply for "comprehensive permits" through Zoning Boards of Appeals if a municipality has not met one of the State's affordable housing thresholds.

In order to meet the affordability requirements set by the State, Newton needs to meet one of two affordability thresholds to achieve Chapter 40B "safe harbor." Safe harbor status is available to municipalities that have met, as described above, the Housing Unit Minimum, achieved when a municipality's SHI Eligible Housing units exceed 10% of its total housing units; or the General Land Area Minimum, achieved when housing units eligible for inclusion on the state's Subsidized Housing Inventory exist on sites comprising 1.5% or more of a municipality's total land area.

If a community meets either of the safe harbors, it can enforce local zoning requirements for affordable housing projects proposed under 40B guidelines.

The City just updated its calculations.

Newton's land area percentage of affordable housing is now 1.41%, a slight increase over last year's calculation of 1.35%, and still below the 1.5% threshold. Based on the latest calculation, Newton needs approximately 7 additional acres of SHI housing in order to reach the 1.5% safe harbor.

As of right now, Newton's total housing unit calculation is now at 9.94%, an increase from the 9.80% last year, and still slightly below the 10% threshold. Based on the latest calculation, Newton needs approximately 20 additional SHI units to reach the 10% safe harbor.

Next week, we are expecting a building permit to be issued to the new owners of Dunstan East (see article below). This would add sufficient units to the calculation to presumably put us over the 10% safe harbor threshold.

Please know that the achievement of a “safe harbor” still allows our Zoning Board of Appeals the ability to grant additional comprehensive permits to developers seeking to construct housing. In addition, we still will have plenty of work to do once we achieve “safe harbor” as we all know that we need more affordable housing in Newton than we have today.

Read the detailed memo on Newton’s current 40B status [here](#).

New Playing Fields at Newton North and Newton South

A big thank you to our City Council which approved in late December my recommendation to use funding from Free Cash to replace the aging synthetic turf field and the perimeter track surface at Newton North High School (NNHS).

(Photo: New field and lights at NSHS.)



This upgrade, along with new permanent lights at the NNHS stadium, will provide much needed, “all weather” reliable

playing space for school athletes and Newton recreational players. With three upgraded synthetic fields (all with lights) at both our high school campuses, we now have much needed relief for our grass fields. (Simultaneously, with support from the City’s operating budget, Community Preservation Act funds, and our youth sports group partners, we are investing in substantially more maintenance for our grass fields.)

The new high school fields will be completely free of crumb rubber infill, using instead a thermoplastic elastomer (TPE) infill that is cooler, cleaner, resilient, and has great playability. The old field carpet and infill will be removed this summer while school is out of session. With stringent requirements in the project contract, the “used” materials will be delivered to APW Enterprises in Pennsylvania where the infill will be separated and bagged for reuse in new synthetic fields and the carpet will be used to make composite boards for benches, boardwalks, and other outdoor amenities.

We’re grateful for the help of Athletic Directors Mike Jackson at Newton North and Pat Gonzalez at Newton South, the Boosters Clubs at both high schools, Newton Youth Soccer, Newton Girls Soccer, Newton Flag Football, Friends of Albemarle, and many others who spoke out about how important these new turf fields are for athletics in our City.

Electricity and New Buildings/Major Renovations

The Massachusetts Department of Energy Resources (DOER) has “conditionally approved” our application to allow us to require new construction and major renovation projects to use electricity instead of fossil fuels.

As background, with the unanimous approval of the City Council, we submitted a “home rule petition” to the State Legislature in 2022 requesting authority to require all new construction and substantial renovations to be all-electric.

The Legislature never acted on this petition, nor on similar petitions from some other communities; instead, the Legislature passed a law saying that the first 10 communities to file such home rule petitions would be allowed to enact an electrification requirement, and that any such requirement would have to comply with certain DOER specifications.

The DOER approval is conditional because the City of Newton must still comply with one of the housing affordability requirements (by February 2024) and pass our draft electrification ordinance (by July 2024). We expect to meet the housing affordability requirement by the State approving our new zoning ordinance passed by the City Council in December that we believe is in compliance with the MBTA Communities Law.

Why is electrification of buildings important?

In Newton, more than 60% of our greenhouse gas emissions come from our homes, apartments, and commercial buildings. So, the way we heat and cool these buildings, heat our water, and keep the lights on matters as we work to “Use Less and Green the Rest” and meet the goals of Newton’s Climate Action Plan.

Thankfully, by using cleaner and greener electricity generated with renewable sources (solar and wind), we can reduce greenhouse gas emissions caused by fossil fuels, the major contributor to climate change.

Working with builders, experts among our residents, and City Councilors, we brought forward a draft ordinance and accompanying Home Rule petition to allow Newton to move forward with electrification as the towns of Brookline, Arlington, Lexington, Acton and Concord have already done.

We have many people to thank for getting the City to this historic moment. They are led by our Co-Directors of Sustainability, Ann Berwick and Bill Ferguson and by the City’s Energy Coach Liora Silkes. They also include many City Councilors, especially Councilor Alison Leary and former Councilors Deb Crossley, Alicia Bowman, and Emily Norton, and many residents, especially Marcia Cooper, Halina Brown, Ellie Goldberg, and Peter Barrer. Organizations including the Newton Citizens Commission on Energy, Green Newton, and the Chamber, all actively helped us.

We extended curbside yard waste collection through Friday, Jan. 12 after last month's heavy wind and rain. (Some collection delays may occur, especially with the snow expected on Saturday night/Sunday. If you leave yard waste at the curb, please make sure there is room for a plow to pass. It will be collected sometime next week.) Newtonians are also welcome to drop off yard waste at the Resource Recovery Center, 115 Rumford Avenue. Winter hours are Monday through Friday, 7:00 a.m. to 2:30 p.m. and Saturday 9:00 a.m. to 1:00 p.m. (The Resource Recovery Center is closed on Sundays and holidays.)



Curbside Christmas tree collection also began this week and will continue through Friday, Jan. 12. Place your tree out on the curb by 7:00 a.m. on your collection day. Evergreen springs from wreaths (with wire or plastic framing removed) will also be collected with trees. Please make sure all decorations and lights are removed from trees and do not

place them in plastic bags. (FYI: The Christmas trees and evergreen sprigs will be chipped into mulch.) Find more information [here](#).

2023 Employee of the Year: Derek Mannion

Ever wonder how we oversee the care and maintenance of hundreds of acres of parks and open space areas, school grounds, community recreation centers, fields, playgrounds, courts, aquatic facilities, and more?

(Photo: From left, with Parks, Recreation and Culture Commissioner Nicole Banks and Employee of the Year Derek Mannion.)



For 20 years, Derek Mannion has been a key to it all.

Now as Superintendent of Maintenance in our Parks, Recreation and Culture Department, Derek and his team are the first to enter Crystal Lake in late spring when they put the docks in for the summer swim season. In the winter, he oversees the snowplowing of school and municipal parking lots and clears all the pathways into schools, City Hall, the Newton Free Library and more. In between, Derek and his team do transformative work improving our athletics playing fields, putting into action the quadrupling of the fields' maintenance budget in the last six years.

Derek brings great knowledge to this work. He earned a post graduate degree in plant and soil sciences and has managed golf courses. What really sets him apart is his amazing responsiveness to requests, questions and concerns, personally looking at the issue, meeting with residents onsite at a park or playground, and “getting stuff done.”

Another reason he is spectacular at his job is that Derek is a kind, humble person who believes in being a team leader. He is the first to say that his achievements are a direct result of his great team members.

For all that he has accomplished, his compassionate leadership, his consummate professionalism and continuous responsiveness, Derek Mannion is our 2023 Employee of the Year.

2023 Innovator of the Year: Rufen Liao

Software application development requires critical thinking, technical imagination, and an ability to break down intricate processes into individual steps that interlock with sophisticated workflows.



(Photo: From left, with Information Technology Director Joe Mulvey and Innovator of the Year Rufen Lao.)

When we need to create an online tool to explain complex information or to provide residents with easy access to forms, reports or tracking systems, it's Rufen Liao in our Information Technology Department to whom we turn.

Have you ever checked to see if a coyote has been sighted in your neighborhood? Scanned Newton COVID-19 data? Looked for a traffic incident report online or applied for a noise ordinance waiver? Did you check the Override Calculator? Shortly, we will all be able to track a docket through the City Council process much more effectively. That, and so much more, is all the work of Rufen Liao.

Over her 12-plus years working for the City of Newton, Rufen's skill and fast turn-around time has earned the respect of her colleagues in our City and beyond.

When combined with her forward thinking mind, wonderful can-do attitude, continuous commitment to learning (she takes night courses at Boston College), diligence in finding solutions and especially her ability to think outside of the box, Rufen Liao is our 2023 Innovator of the Year.

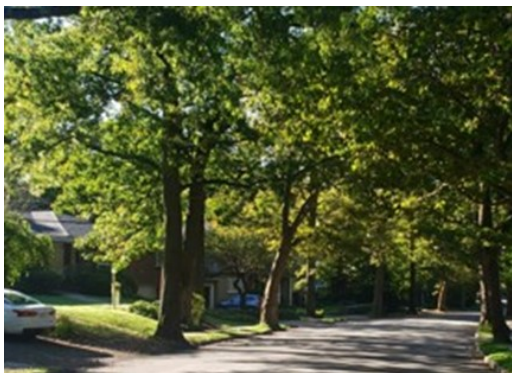
Updates to the City's Tree Preservation Ordinance

After nearly two years of careful work by City staff, City Councilors and members of the Newton Tree Commission, the City's Tree Preservation ordinance has been significantly updated.

First implemented in 1999, Newton's Tree Preservation Ordinance was created to help mitigate the effects of the loss of trees from private property. Trees are a "public good," improving air quality, mitigating the effects of stormwater runoff, reducing energy needs, and enhancing the overall sense of community and beauty in our "Garden City." Over the years, our tree ordinance has protected many private trees, resulted in the planting of thousands of trees, and supported our urban forestry program.

The key updates passed by the City Council in December 2023 to better protect private trees include:

- Replacement requirements for larger trees that more accurately address their great environmental importance.
- A lower threshold for smaller trees to increase their protection.
- Limiting significantly the removal of trees without replacement.
- Enhanced tree protection requirements with arborists hired by the property owner assessing impacts of projects on trees and providing the information to the City of Newton Tree Warden.
- Increased amount of the "payments made in lieu of planting" to more accurately reflect the environmental impacts of removing established trees.
- New protection requirements for trees on lots adjacent to construction.



More specifically, the revised ordinance requires replacement of all trees 6-inches in diameter or larger when removed for new construction of a building, home, addition, deck or pool. It also requires a greater number of new trees to be planted in accordance with the size category of trees removed. For example, a 6-inch tree would require an equivalent one inch replacement (in other words, an equivalent 6-inch tree to replace it); a "Significant

Tree", for example one that is 25 inches in diameter, would require 1.5-inches or trees that equal 37.5 inches in diameter; a "Landmark Tree" of 40" in diameter would require two times the size for replacement or trees that equal 80" in diameter and a 55-inch "Landmark Tree" would require 3 inches or trees equaling 165 inches in diameter to be planted.

The revised ordinance also gives greater emphasis on the types of replacement trees planted. Replacement trees are required to be of a same or similar type as

what is being removed and new trees will be selected for their positive impact on the environment. (Invasive species will not be allowed.)

Special attention has been placed on better protection for trees during construction. Applicants will be required to engage a certified arborist to develop plans and provide guidance on the protection of trees on neighboring properties as well as on the project site.

Notably, homeowners of one- and two-family homes will still be able to remove the average tree on their property (40" in diameter and below) to add a swing set, to add a bit of sun to their garden, or for any reason other than construction. In these types of instances, tree replacement will not be required. Homeowners will, however, need to file for approval to remove trees through a simple online portal (free of charge) so we can keep a record of trees removed.

To read the ordinance, click [here](#).

We will have all the forms and permit approval processes online before March 1 (the date the ordinance goes into effect) as well as clear instructions and guidelines. In the meantime, if you have a question, email urbanforestry@newtonma.gov.

You may be interested to see Newton's Tree Canopy Map by clicking [here](#).

Dunstan East Moving Forward With New Owner

We heard potentially good news that the stalled Dunstan East project on Washington Street just outside of West Newton Square (heading towards Newtonville) has a new owner who intends to move forward. We understand they will receive a building permit as early as next week.

Mark Development demolished the buildings that had been on the site in 2022 and began site preparation but then work stalled.

(Photo: Rendering of a completed Dunstan East.)

Mark Development sold the 3.5 acres of land along Washington Street between Dunstan Street and the Armory in West Newton to Garden Homes Development with the deed recorded on Dec. 29 with a sale price of \$48 million.

Newton's Zoning Board of Appeals (ZBA) under Chapter 40B issued a comprehensive permit which transfers to the new owner with the sale of the property. The ZBA first approved the



development in July 2020. The developer came back for amendments in September 2021 and then again in February 2022.

The approved plans allow construction of three buildings, ranging in height from three to six stories with a total of 292 residential units. Of those, 25% or 73 will be reserved as affordable - 63 affordable to households earning up to 80% of the area median income (AMI) and 10 affordable to households earning up to 50% AMI. (Click [here](#) for Massachusetts 2023 Affordable Housing Income limits.)

The development will also include approximately 8,000 square feet of retail space along Washington Street, and public open space.

The ZBA's approval also requires significant mitigation which also carries over with the sale. These include a sewer improvement fee of \$565,000; substantial improvements to the Cheesecake Brook at the rear of the site; new bus shelters on the north and south side of Washington Street; a new pedestrian activated crosswalk traffic beacon across Washington Street; improvements to two playgrounds in West Newton (\$100,000 for improvements to the Elm Street playground (at the corner of Webster Street) and \$50,000 for improvements to the Wellington Park playground on Henshaw Street); and \$50,000 toward additional streetscape improvements to Washington Street. The public will also have access to the courtyard and Cheesecake Brook.

Find more information about this project [here](#).

Graphic Designer Selected For City Seal

In the fall of 2020, I convened an Ad Hoc City Seal Working Group to take a look at our City Seal. I asked the group to make recommendations about whether the image depicted is still relevant and meaningful and whether there are graphics and/or words that would better portray the values, identity, and spirit of Newton.

The Working Group met from September of 2020 to March of 2021 soliciting input through public meetings and written input from community members as well as from Indigenous leaders, local and regional.

In November of 2021, the group submitted its final report with several recommendations:

- **Retain** the circular shape, for its official and traditional feel.
- **Retain** much of the content of the outer rings, as a link to previous iterations of the seal.
- **Replace** the scene of John Eliot evangelizing Waban and other Indigenous people with a more suitable image.
- **Remove** the word "Nonantum," chosen by John Eliot for the short-lived (five years) settlement of Native Christians, in part because it is easily confused

with Newton's village of Nonantum which is at another entirely different location.

- **Consolidate** the City's founding dates to read "Founded in 1630 on Massachusetts land." The Group feels that the years 1688 and 1873 are optional.
- **Retain or omit** the words "Liberty and Union," depending on context of the final design.
- **Simplify** the overall design to allow for accurate reproduction in many formats (on vehicles, documents, trash cans, etc.).

Click [here](#) for a summary and the full report.

The current City Seal is in our City Ordinance Section 1-8 ([here](#)). Updating the City Seal requires the City Council to vote to amend this Ordinance. I requested City Council authorization to move forward with the City Seal Working Group's recommendation to update the City Seal on Feb. 14, 2022.

In April 2023, the City Council's Programs and Services Committee took up this request, and on April 18, 2023, the City Council unanimously approved proceeding with the process of updating the City Seal and submitting an RFP for a graphic design professional(s).

A Request for Proposal for graphic design services was released in October 2023. We received three proposals reviewed by the Evaluation Committee made up of Lisa Dady (Director Historic Newton), Shubee Sikka (Urban Designer in the Newton Planning Department), Bill Humphrey (City Council Ward 5) and Hattie Kerwin Derrick (Director of Community Engagement & Inclusion).

Chief Procurement Officer Nick Read awarded the contract to Sebastian Ellington Ebarb Design (SEED) last month based on the superior qualitative rankings.

The City Seal Team (the Evaluation Committee and two residents who were part of the Ad Hoc City Seal Working Group) will be meeting with Sebastian Ebarb to set up a schedule of meetings, including Community Forums to solicit additional input. We will keep everyone informed about the meetings through my Updates and the City Seal webpage [here](#).

The potential new designs will be presented to the City Council, which will make the final decision on a new design. We anticipate that members of the community will provide feedback as well and that the ultimate design will be done in an iterative process.

By the way, when the City Council chooses a new design for the City Seal, we do not expect to change the City Seal on everything immediately. Rather, we expect to swap out, for the most part, the current one as new items are ordered. The City Seal is widely used including but not limited to:

- Official documents
- Letterhead, business cards, brochures, banners, and other print and sign materials.
- City material/collateral such as cars, trash cans, mugs, water bottles, and department clothing.
- Marketing, including but not limited to social media.

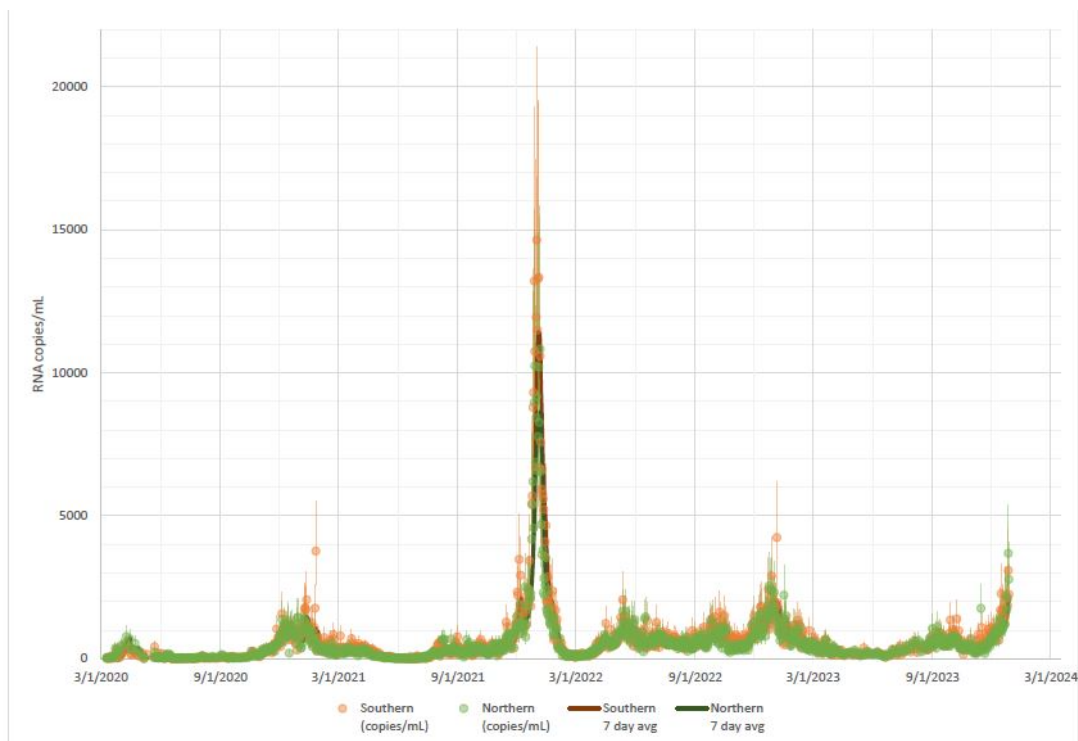
COVID-19 & Flu

COVID-19 and flu infections are increasing.

MWRA wastewater COVID-19 tracking data, a reliable indicator since March 2020, shows a familiar post-holiday jump.

The chart below shows data collected throughout the entire MWRA system (including Newton) from March 2020 through December 2023. (Find the State's surveillance data [here](#) and the Centers for Disease Control and Prevention's [here](#).)

MWRA Wastewater Tracking Data



What can we do to try to stay healthy and slow the spread of Covid and the flu?

- Get the latest **COVID-19 booster and a flu vaccine**. It's not too late. (Massachusetts data from December show 18% of MA residents have received the updated COVID vaccine.)

- Consider wearing a **mask** more frequently, especially indoors in cramped spaces and buildings with low ceilings.
- **Test** frequently if you have any symptoms, especially if you think you've been exposed and are worried about potentially infecting others. The federal government is again providing free tests. If you didn't order tests this fall, you may place two orders for a total of 8 tests. Click [here](#) to order. [CovidTests.gov](https://www.covidtests.gov) has information about at-home tests, including extended shelf life and updated expiration dates.
- **Wash hands**; the best tool we have to prevent all kinds of illness.
- **Cover coughs and sneezes** with a tissue, or if a tissue is not available, cover with an elbow, not a hand.
- **Clean** high-touch surfaces –Disinfecting high-touch surfaces like doorknobs is crucial to prevent illness.
- **Avoid exposure** to people who are sick.

Getting Ready for a Storm

With this afternoon's forecast showing snow starting around 6:00 p.m. Saturday night and ending 24 hours later with an accumulation of 4" to 8", Newton's Department of Public Works and Parks, Recreation and Culture crews are prepping approximately 180 pieces of equipment, installing salt spreaders and plows, and planning on getting a lot of sleep tonight.

As of now, the forecast has temperatures hovering around freezing through Saturday evening leading to wet, heavy snow overnight. Then, temperatures are expected to drop dramatically starting at noon on Sunday, creating solid blocks of icy frozen snow. Jim McGonagle, our DPW Commissioner, thinks it is a good idea to shovel Sunday morning before the temperatures freeze. (As a reminder, property owners need to clear the sidewalk in front of their property within 24 hours of when snow stops falling. The specific time will be posted at newtonma.gov. Help neighbors shovel if you can.)

With a storm heading our way, we thought it was a good time to dust off a Public Service Announcement I made with Newton resident Dana Hanson, now the District Director in Congressman Jake Auchincloss's office. (Sadly, Argus is no longer with us, but my emergency kit still has plenty of kibble for our dog Callie.)



Martin Luther King Day Celebration – Monday, Jan. 15



Join us to honor and reflect on the life of Dr. Martin Luther King Jr. at Newton's 56th Annual Community Celebration on Monday, Jan. 15.

The celebration begins at 9:30 a.m. at Newton North High School, 457 Walnut Street, with music, student voices, programs for children, community service opportunities and more.

Click [here](#) to register to attend and for more information, including ways to help our food pantries, [Cradles to Crayons](#), [Welcome Home](#), [Hospitality Homes](#) and more.

Warmly,

Ruthanne

P.S. Join me at the Ninth Annual **Newton Police Appreciation Day** to recognize the outstanding work of the women and men of the NPD. Thank Newton's Chief, John Carmichael, chat with Newton Police officers, and enjoy food provided by many area restaurants. Thanks go to the Sons of the American Legion for organizing the event. See you at the American Legion Post 440, 295 California Street, from 5:30 to 8:30 p.m. next Tuesday, Jan. 9.

P.P.S. **The Newton Free Library is now fine free.** Our library has joined the trend ([85% of Massachusetts libraries are now fine free](#)) and is no longer charging fines for overdue materials. Please note that items checked out from



Newton that remain long overdue will still be billed for replacement fees; however, the fee will be erased if the item is returned. Click [here](#) to read more.

P.P.P.S. The Newton Fair Housing Committee invites real estate professionals to a **virtual training on fair housing best practices** on Wednesday, Jan. 17 at 8:30 a.m. Presented by Kelly Viera of Suffolk University Law School who is the Director of the Investigations & Outreach, Housing Discrimination Testing Program (HDTP), the training will focus on best practices for home sales and all rentals. You will have time to ask questions. Click [here](#) to register.



P.P.P.P.S. Newton Police's community service dog, Leo, is excited to share his new patch with the community and wants to give it away to 13 lucky winners. Every Monday at 3:00 p.m. starting next week on Jan. 8 for 13 consecutive weeks, **look for Leo's posts on the [Newton Police Facebook](#)** page (Newton MA Police Department). Leo and Officer Justin Lau will hide his patch in a different village each week. Be the first to locate Leo's patch, take a selfie holding the patch in the location and comment on that

week's Facebook post to receive a gift from Leo. (And, yes, you can keep the patch!)

P.P.P.P.P.S. Have an idea for arts & culture, public art, community service and/or beautification in Newton? Newton Community Pride has opened applications for the Spring 2024 round of **community micro grants** which average between \$500 and \$1,000. Applications are due by 7:00 p.m. on Thursday, Feb. 1. Click [here](#) for more information.



P.P.P.P.P.P.S. The Newton Police Department is looking for talented and diverse candidates to join our department. Interested? Registration for the upcoming 2024 Municipal **Police Exam** is now open through Tuesday, Jan. 16. Click [here](#) for more information on becoming a police officer. NPD is also hiring Emergency Telecommunications Dispatchers and Crossing

Guards/School Traffic Supervisors. Click [here](#) for more information on these opportunities.

P.P.P.P.P.P.S. What are the aspirations that our community has for our young people? What are the skills and mindsets that our children need for success once

they graduate from high school? What are the implications for the design of the learning experiences provided in our school system? How is the “science” of learning evolving?

These ideas and more will be discussed at two **community meetings hosted by NPS School Superintendent Anna Nolin and NPS staff** to help set the stage for developing a shared vision for the NPS *Portrait of a Graduate*. Learn how the world is changing and why our schools must change with it while having a chance to provide input at one of two sessions:

- Wednesday, Jan. 17, 6:00 to 8:00 p.m. at Newton North High School (457 Walnut Street)
- Thursday, Jan. 18, 6:00 to 8:00 p.m. at Newton South High School (140 Brandeis Road/1 Lion Drive)

R.S.V.P [here](#) and learn more about the Newton Public Schools *Portrait of a Graduate* process [here](#).

P.P.P.P.P.P.P.S. The Highland Glee Club, a 36 member all male group of singers from Newton and surrounding communities, is holding **open auditions** on Tuesday, Jan. 9 and Monday, Jan. 15 at Grace Episcopal Church, 76 Eldredge St., Newton, from 7:00 to 9:30 p.m. Find more information [here](#).



P.P.P.P.P.P.P.S. Are you over 55 and looking for a new **fitness class**? The Newton Parks, Recreation and Culture Department offers Power Band Workouts, Ballet Fitness, Basketball, Tai Yo Ba, Line Dancing and so much more. Join a trial class for free in January. Find a full list of classes [here](#) and call Nancy Scammon at 617-796-1506 to register.



Mayor Ruthanne Fuller | 1000 Commonwealth Avenue, Newton, MA 02459

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