



Newtonville Area Council - Meeting Minutes
Thursday, October 27, 2022 7:00 PM
Meeting Location: Online via Zoom

Attendees:

NAC: Jennifer Bentley (President), Martina Jackson (Vice President), Carolyn Jacoby Gabbay (Secretary), Nancy Greenberg and Timothy LeBlanc

Absent: Dana D'Agostino (Treasurer) and Aline Sammut

City Government: President Albright, Councilors Crossley, Lipof, Lucas and Malakie
Joan Belle Isle, Council on Aging

Public: Approximately 21 members of the public

Attachments: The slides presented during the meeting are attached as

- Exhibit #1: Village Centers Zoning Maps
- Exhibit #2: Washington Street Project
- Exhibit #3: Tax Override

Jennifer called the meeting to order and confirmed the presence of a quorum.

1. Discussion of the Village Center Zoning Map for Newtonville (just released)

Jennifer reported that draft zoning maps for village centers were unveiled at the October 24th Zoning and Planning Committee (ZAP) meeting. These draft zoning maps show the current zoning and the proposed for the village center upzoning as an overlay.¹ She reviewed the efforts since 2021 to rezone the village centers and noted that the planned the next steps are to be for the Planning and Development Department (P&D) to prepare draft ordinance language for review in ZAP, with a possible vote by the City Council in the spring. She also reported that the public feedback tool that accompanied the library exhibit closed on October 16th or 17th and, according Nevena Pilipovic-Wengler there were a total of 1,086 submission. This figure does not represent individual respondents as the tool allowed multiple submissions by an unknown number of individuals.

¹ As President Albright explained during the meeting, a developer can elect to proceed under the underlying current zoning or the village center overlay, depending upon which they chose to utilize. She also noted that when the MBTA Communities Act revised zoning is configured, it will also be a zoning overlay. Developers could then elect whether to proceed under the current zoning or either the village center or MBTA Communities Act overlay, whichever they find most favorable to them.

On the draft zoning maps, the nomenclature has been changed from the terms “low, medium and high” that were previously used. The new nomenclature is “VC1, VC2 and VC3”. Based upon the legend used in the draft zoning maps, the following table lists key characteristics of these designations:

ZONE	BY RIGHT	BY SPECIAL PERMIT
VC1	<ul style="list-style-type: none"> • 5,000 sq ft • 2.5 stories • Residential 	<ul style="list-style-type: none"> • 7,500 sq ft • 3.5 stories • Commercial or Mixed-use
VC2	<ul style="list-style-type: none"> • 10,00 sq ft • 3.5 stories • Residential, Commercial or Mixed-Use 	<ul style="list-style-type: none"> • 12,500 sq ft • 4.5 stories • Residential, Commercial or Mixed-Use
VC1	<ul style="list-style-type: none"> • 15,000 sq ft • 4.5 stories • Residential, Commercial or Mixed-Use 	<ul style="list-style-type: none"> • 17,500 sq ft • 5.5 stories [75-foot maximum height] • Residential, Commercial or Mixed-Use

Jennifer reviewed the proposal’s impact on Newtonville by contrasting existing zoning and the proposed map for village center upzoning. She noted that the draft zoning maps confirmed community concerns about the possibility of 4- to 6-story building being proposed along Walnut and Washington Street. [See [Exhibit #1.](#)]

Jennifer also reviewed the draft zoning maps for other village centers that either abut or include area within the NAC catchment area, namely West Newton Square (in which the proposed upzoning to VC3 extends along Washington Street to the Dustan East project, essentially meeting up with the proposed Newtonville VC3 upzoning), Nonantum (which has no VC 3 proposed and, instead, is all VC 2) and Newton Corner.

Jennifer also summarized the published proposed ZAP schedule between now and April 2023, noting the public sessions listed (i.e., January 2023 public feedback on maps and ordinance, and April 2023 public hearing).

Carolyn commented that proceeding with the current village centers proposal before knowing the impact of the MBTA Communities Act upzoning seemed inefficient and expensive, that the proposals will lead to a further erosion of the City’s commercial tax base, that the heights proposed for Walnut Street under the draft village centers zoning maps are excessive, and she noted that because the proposal to increase ground floor heights from 12-feet to 18-feet of itself adds ½ story height to building heights, the nominal story counts listed in the draft zoning maps disguise the fact that a “4.5” story building is really 5 stories tall and a “5.5” story building is really 6 stories tall.

President Albright clarified that there would be no ZAP meeting until end of November and January is reserved for public comment (not a public hearing) with a new draft due around February. She added that the ½ story nomenclature is based on the visual difference due to the set back of the top floor. She added that Newton use AMI percentages lower than the MBTA Community Act’s 80% standard if it can prove that the lower standard is workable, which she maintained can be proven as to Newton’s inclusionary zoning and that following the village centers upzoning process, the difference remaining under the MBTA Communities Act will be made up with concentration on densification along Newton’s commercial corridors (i.e., Rt. 9, Needham Street and Washington Street) with another zoning overlay. She pointed out that overlays are new

for Newton and that developers will be able to elect chose to proceed with their projects using Newton's underlying current zoning or any overlay that applies to the locus of the project.

Jennifer noted that while P&D has said it does not expect rapid full build out, developers frequently buy a series of parcels to build out in a single project. President Albright said that the yet-to-be shared design standards might address that and that there has been some discussion in committee about requiring variation in building heights if large blocks of land are involved.

Councilor Crossley commented that developers frequently ask for rezoning to avoid the current requirements and that the concept behind the village centers upzoning proposal is to create the right mix to support village center businesses. She described VC1 as "transitional" zone of 2.5 stories (vs. the current 2) and multi-family (3 or more families) dwellings. If adjacent to manufacturing or a place with current business development, commercial use would be permitted by Special Permit. The VC2 and VC3 designations would allow/encourage retail. In the current ordinance, a "½ story" is defined as where 2/3 of the area under the roof averages at least 7 feet and is habitable. She described the objective of the upzoning proposal as incentivizing a partial structure at the upper level with a setback from the streetscape so the building experience is a little less in scale and encourages different roof styles. She suggested that the top floor setback should be 6 feet or some other number of feet. The proposed 18 feet for the 1st story (floor-to-floor) has been done in other business districts due to the need to accommodate commercial mechanicals, especially for restaurants. As to the MBTA Communities Law, she characterized that as a separate matter from the Village Centers upzoning proposal and said that its requirements could not be met within just the village centers, so the village centers upzoning proposal is intended just to make the village centers economically stable and provide right mix for adjacent neighborhoods.

Peter Bruce pointed out that the proposal is inconstant with the Washington Street Vision Plan, part of the Comprehensive Plan, which the P&D worked on and for which the City spend \$500,000, set a limit of 4 stories not 6 stories along Washington Street, with 6 stories allowed behind Whole Foods. He also noted that the We should also appreciate the Massachusetts Department of Housing and Community Development prescribes a 25% densification increase for "rapid transit" zones along T lines, whereas a "commuter rail" zone like Washington Street should only have a 15% increase. He also noted that Boston and its suburbs are having a decline in office usage.

Nancy Greenberg commented that incenting developers to create more storefronts in more expensive new construction storefronts conflicts with the inability to fill current storefronts. She added that in the outreach sessions and chats she has participated in the comments on the proposals have been strongly negative. She asked that Newton residents be allowed to vote on these proposals and that the City Council should pay more heed to public sentiment

President Albright countered that legally the City Council is responsible for zoning and cannot delegate that responsibility to a ballot question or otherwise. She also commended a book from a Brooking Institute author arguing that suburb dwellers not allowing buildings to be build.

Councilor Lucas agreed that the City Council votes on zoning, but pointed out that the Northland project was put on a public ballot by a citizen initiative after the zoning change and Special Permit, so while a proposal for zoning cannot be put on a ballot, once enacted a revision to the zoning code can be put on a public ballot.

Martina commented that public discourse has degraded and is being marked by hostility and classifying people who hold a different view as uninformed rather than working to strike a balance.

Robert Kavanaugh asked whether VC1 is to be all residential and President Albright clarified that it would be “by right” if a project is all residential, but a Special Permit would allow commercial or mixed uses.

He added that a section at the end of Court Street seems to be an outlier as to how it is proposed to be classified because it is far from Washington and Walnut Streets. President Albright countered that she was surprised that the zone did not extend all the way to Crafts Street.

Jennifer urged that P&D clarify to be more transparent about what each proposed zone would allow, and President Albright noted that the information does appear on the map legends, but agreed that greater clarity would be appropriate.

Peter Harrington asked whether the added 1st floor height allowance would be limited to infrastructure uses or developers might add mezzanines to increase square footage. President Albright agreed that this would be good to clarify. He also noted that his view was that there should be something given by developers in exchange for the added space under the ½ story concept, such as a traditional sloped roof so that we retain New England style.

Carolyn commented that the proposal for broad “by right” allowances will cost the City the loss of mitigation payments that the Special Permit process garners from developers.

President Albright suggested that many people are not big fans of “progressive” development, but agreed that people need to talk to each other. Martina pointed out that the assumption that if when people do not agree they are regarded as if they do not understand the issue.

Carolyn proposed that, since the P&D was not providing 3D representations of the upzoning proposals that, the NAC should endeavor to create them. Jennifer noted that this concept had been deferred at the last meeting, but now that the village center upzoning maps have been disclosed, she thought that it would be a good idea. Nancy and Tim agreed.

Carolyn moved, Martina seconded, and it was unanimously:

VOTED: That the Newtonville Area Council expend up to \$10,000 for the production of graphic renderings or 3D models (or both) illustrating the potential full build out of Newtonville’s village center, at least with respect to Walnut Street, as a “large village center” as proposed in the Planning & Development Department library exhibit and its October draft village centers zoning map.

Carolyn moved, Jennifer seconded, and it was unanimously

VOTED: That a working group consisting of Jennifer Bentley, Martina Jackson and Carolyn Gabbay (a) prepare a draft position paper on the pros and cons of the proposed upzoning of Newtonville’s village center, and (b) consult with the Presidents of the other Area Council about their Area

Councils' interest in engaging in a such a drafting exercise either jointly or independently; and, further, to report to the NAC at its next meeting.

Peter Bruce suggested sending the maps to the NAC email list with a brief explanation. Jennifer agreed, adding that the information would also be posted on the NAC's Facebook and Instagram social media.

2. Discussion of the Tax Override

Jennifer reported that the Mayor has requested tax overrides for 2023.

She summarized the history of previous override requests:

- The last override was in 2013 for \$11.4M, consisting of two debt exclusions and two debt override for general operations (totaling \$8.4M). The mid-March special election in that case drew 32% of voters.
- In 2008, an override was rejected with a 47% turnout.
- An override requested in 2011 the Board of Aldermen rejected an override request and, therefore, it did not proceed to the ballot.

She reported that the current tax override requests, if approved by the City Council for a public ballot, will consist of a \$9.175M capital and operating increase and 2 debt exclusions for the Franklin and Countryside schools. If approved by the voters, the \$9.175M override will be a permanent increase on every future year's tax bills and the \$5.8M debt exclusion override tax increase will start in 2026/2027 and last ~20 years and would trend upward during that period.

The Mayor has created an overrides page on the City website, listing a number of meeting the City is holding to explain and advocate for the overrides and including a calculator individuals can use to compute the impact on their property tax bills. There may be some relief for those property owners who qualify for exemption based on financial hardship and the Mayor has said that she will ask to double the amount of income allowed to qualify for the exemption. Procedurally, the next step will be for the Mayor to docket the override request for the City Council to vote placing the override request on the ballot in a special election on March 14, 2023. If the overrides request passes, the tax increase will start increasing tax bills effective 1/1/2023, with the impact ramping up over time.

Carolyn asked why the Mayor waited to unveil her tax override request, thereby requiring the City to hold separate special election rather than including the request on the November ballot. She asked how much holding a special election costs the City, to which President Albright responded that the cost of the special election will be \$500K because the City will have to print and mail ballots at its own expense, as well as paying for poll workers and police details. Carolyn pointed out that a general tax override is in effect forever, not just one year, and that a debt exclusion will be in effect the 20- or 30-year life of the bonds. She added that tax overrides make living in Newton less affordable and that the hardship relief provisions, even if the income thresholds are doubled, only assist people of extremely limited means. She said that with a half a billion dollar annual budget already, Newton should be able to afford the items the items for which the Mayor is asking for added tax revenue, especially if the Mayor were more judicious about repeatedly issuing consultants contracts (often on a no bid basis) at \$500K apiece.

Robert Kavanaugh commented on the funding disparity among the schools, such as Horace Mann receiving only \$400 K in contrast to the investments in Franklin and Countryside and other schools. President Albright said that the Horace Mann figure is an annual one for the debt payment, not the total expenditure, and that \$15M was put into Horace Mann and that there will be another \$21M. Mr. Kavanaugh compared that investment to \$61M spent for the other schools. He asked how much was spend on Anger, Zervas, and President Albright said the figure was about \$45M.

Martina commented on the inequity in spending on schools, noting that Anger and Zervas, which are less than a mile apart, have been redone beautifully, Cabot got a substantial addition, and Franklin and Countryside will need substantial additions. In contrast, Horace Mann is an old building and even with the renovations that building from the 1930's is shortchanging the children who attend that school. She added that Horace Mann's parents spent a lot of money to build a nice park which is being lost because of lack of space. The Horace Mann school is located in Ward 1, Precinct 4 and most of the children are from Ward 2, Precinct 1 in Newtonville and they have to go a long way to attend school at Carr. She agreed with Carolyn about the spending on consultants' fees while residents are being asked for an override.

Councilor Lukas commented that he had not previously been aware of the 2011 override.

3. Mayor's Capital Improvement Plan and How it Affects Newtonville

No discussion.

4. \$3.5M Washington Street Project

Jennifer reported that Mayor has issued a press release about this project as an effort to make Washington Street safer, more accessible and user-friendly and improve biking and supporting transit service. In May 2022 the City Council approved a \$500K expenditure and next steps will be to finish the redesign and then pilot the realignment. Then a design will be developed that goes all the way from West Newton Square Newton Corner. An allocation of \$3M of ARPA funds will be used for the initial phases, with the hope that state funding will cover the balance.

Peter Bruce noted that between Harvard and Newton Corner there were over 20,000 trips a day pre-pandemic and the federal Department of Transportation says that a "road diet" is not advisable for a street with that traffic burden and, further, that there is more traffic now than before pandemic.

Jennifer expressed concerns about traffic, especially after Dunstan East comes on line, fearing that traffic backups on Washington Street would become like those on Needham Street.

Peter Harrington commented that to narrow Washington Street to 2 lanes seems foolish, and that at least a turning lane will be needed and that there is the potential for big backups when people want to make turns. He added that West Newton Square traffic is a mess after that redesign and the hoped that the same consultant is not being used for Washington Street.

Jennifer asked if there is a plan or visual that shows what is to happen, or whether this is the same plan as there was put forward in 2019, and President Albright confirmed that is confirmed the same plan.

Mr. Kavanaugh commented that West Newton Square traffic may not be worse than before, but certainly has not improved. He asked whether the City has any plans to enforce the bike lanes, noting that people riding on the sidewalk is a real problem. Peter Bruce noted that in the 300 block of Walnut there is no bike lane and that drivers do not yield to bikes where there is no bike lane.

Councilor Lukas noted that with reducing from 4 lanes to 2 lanes there is an opportunity to extend the sidewalk and plan more trees to curtain the Mass Pike. He added that traffic at the circle at Newton Corner can be backed up to Church Street. He advised that designers should drive, bike and walk the area before starting to redesign.

Lisa Caira agreed that West Newton Square traffic is now confusing and that the traffic lights at Sweet Tomatoes Pizzeria do not synch. She expects the situation to worsen with all of the buildings under construction, adding the are one way traffic pattern at Washington and Elm Streets is a problem. Jennifer noted that Councilor Wright has been trying address the traffic light timing problem, but that a solution has not been worked out yet.

Phil Notick asked if there are criteria for the proposed pilot and how will the success of Phase 1 will be evaluated. President Albright said she did not know and that there was to be a working group with City Councilors, but it has never met. She said that she thought the Planning and Development Department and the Department of Public Works (DPW) would handle it. Jennifer commented that the 2019 plan probably needs to be reevaluated in view of all the new housing projects.

5. Updates on Development Projects in and around Newtonville

Jennifer reported that the Land Use Committee unanimously recommended rezoning the 7 parcels involved in Mark Development's senior living project on Crafts Street and the next step is consideration by the City Council.

Martina reported on NewCAL (with Jennifer recusing herself) saying that the newest interior rendition was shown last week. Many comments from the public were received, especially as to storing gym equipment. She noted that more public participation is important. She added that the building's design is not objectionable per se, but that its placement and size have been controversial and that demolishing the historic building is regrettable. She commented that one of the biggest problems with that whole discussion has been that people with objections to the project have been demonized as anti-senior and that this exemplifies the kind of animosities that have grown up in the City.

Peter Bruce noted that the City Council approved a proposal for broad allowance of Accessory Dwelling Units.

Mr. Kavanaugh noted that there is a proposal to build a project with 163 units in back of Court Street (near the City Yards), with 221 parking spaces.

Lisa Caira – Stated that she was not aware of the new project proposed for the Court Street area and that she felt Court Street cannot handle the traffic from a development of that size, especially as it is a one-way street.

She asked who would qualify for the affordable units in the Crafts Street project, but Carolyn explained that Mark Development is exercising its option under the ordinance to “buy out” of providing affordable units by making a payment to the City. Jennifer added that with affordable units there is no preference for Newton residents in any event. As to the size of the Crafts Street project, Councilor Lucas clarified that it involves 105 independent units, 52 assistive living units and 28 memory care beds. He added that the ~\$11.8M payment will assistive go ½ to Newton Housing Authority and ½ to the new Newton Housing Trust. He also noted that Heywood House on Jackson Street (Nonantum) will have affordable senior housing and Opus Senior Housing (being developed at the JCC) will be mid-priced. Ms. Caira asked what impact the proposed tax overrides would have on senior living in Newton and Jennifer and Councilor Lucas said that the Mayor has said that some of the funds would be spent on NewCAL staff and programs.

Councilor Malakie said a turning lane is planned as part of the multi-year Washington Street traffic redesign pilot, which is to have the usual public engagement sessions. She added that she does not feel there is much prospect of reverting the prior lay out if the new arrangement is disliked. Regarding West Newton Square traffic issues, following many comments from residents, DPW meet with the Police Chief last week. Because DPW does not have any answers to the problems, there will be follow up in the Transportation and Public Safety committee. She added that DPW is seeking to hire a consultant via an RFP, perhaps the same one that is working on that has been working on the light timing.

Peter Harrington said the proposed project behind Court Street raises the perennial problem of the City eroding its commercial tax base, starting with manufacturing zones and now with the Village Centers upzoning. He noted that commercial uses pay double the property tax rate compared to residential properties, do not contribute children to the school system and use City services to a lesser extent than residential uses. He cautioned keeping the balance between commercial and residential uses in mind before Newton runs out of commercial land.

Mr. Kavanaugh said that Boylston Properties’ proposed project includes 5 parcels, 4 of which are BU4 and that there is a 2-family house there as well, so it would take more property off the commercial tax rolls.

Peter Brice noted that the Village Centers upzoning provides incentives to convert properties to residential uses which will also cannibalize Newton’s commercial properties tax base.

6. Other Business

No other business was raised for discussion.

7. Administrative Issues

a. Next meeting date (regularly scheduled meeting would fall on Thanksgiving)

Jennifer suggested an alternative meeting date of November 17th and there was general agreement thereon.

- Note: No vote was need on the change of the November meeting date because a prior vote of the NAC authorizes the President to establish an alternate meeting date when the 4th Thursday of the month conflicts with a holiday.

b. Approval of September meeting minutes

The draft minutes of the September 29, 2022 meeting having been circulated for review prior to the meeting, Jennifer moved, Martina seconded, and it was unanimously:

VOTED: To approve the minutes of the September 29, 2022 NAC meeting.

c. Adjournment

At approximately 9:20 PM, Carolyn moved, Martina seconded, and it was unanimously:

VOTED: To adjourn the meeting.

Respectfully submitted,

Carolyn Jacoby Gabbay

Secretary

ATTACHMENTS

- Exhibit #1: Village Centers Zoning Maps:



Village Center
Zoning Maps.pdf

- Exhibit #2: Washington Street Project:



Washington Street
project.pdf

- Exhibit #3: Tax Override:



Tax Override.pdf