



Newtonville Area Council - Meeting Minutes
Thursday, November 17, 2022 7:00 PM
Meeting Location: Online via Zoom

Attendees:

NAC: Jennifer Bentley (President), Martina Jackson (Vice President), Dana D'Agostino (Treasurer), Carolyn Jacoby Gabbay (Secretary), Nancy Greenberg, Timothy LeBlanc, Aline Sammut

City Government: President Albright and Counselors Lucas, Malakie, Norton and Wright

Public: Approximately 25-30 members of the public

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

1. Village Center Zoning Response

Jennifer reminded everyone of the prior discussion of the draft zoning maps and the timeline/status within the Zoning & Planning Committee (ZAP). She reported on the Planning & Development Department's collection of community input on the so-called feedback form in conjunction with the exhibit at the library pointing out:

- 1,300 people started the feedback tool form, 1,264 finished the introduction section, and <1,000 finished the whole form
- Respondents' age distribution was 50% >45 years old and 6.3% under age 18.
- Village centers that respondents related to were 83.5% Newton Centre, 78.7% Newtonville.
- There were more respondents for larger village centers.
- Far more owners than renters filled out the form.
- Half the respondents felt the approach was "appropriate" and a large group felt it "goes too far" or "needs an entirely different strategy".
- Respondents felt that building sizes should differ in the different village centers. For Newton Corner and Newton Centre there was more support for larger scale, but there was stronger support for medium scale in Newtonville.
- Regarding parking, respondents felt the requirement could be reduced for residential uses and felt it was generally the right balance for retail uses.
- Responses were weighted based on factors such as age and owner/renter status.

Jennifer summarized the proposed map for Newtonville, pointing out that upzoning to VC3 is proposed for Walnut Street to the Senior Center and along Washington Streets, with additional areas upzoned to VC 1 and VC2. She also reported that at its November 28th meeting ZAP will review a draft zoning ordinance text, with input sessions to be conducted through year's end divided out by village center area and Newtonville's session scheduled for December 8. There will be a display at City Hall until December 23rd.

Carolyn reported that work was continuing in identifying a modelling vendor and developing a comment sheet. She also asked about the apparent inconsistency between the feedback tool responses on reducing parking while the Mayor's recent newsletter reported that the winter parking ban is an issue because residents do not have places to park without relaxing that ban.

Nancy noted that feedback tool responders are not being tracked and could, for instance, be developers and their staff. Jennifer noted that a number of responses came from the same IP addresses, although that could be the library. Jennifer confirmed that Councilors' votes on the upzoning ordinance will be on the record. President Albright noted that while there have been a series of straw votes, the City Council will vote on the upzoning ordinance as a whole. Nancy said that if the ordinance does pass, she will want to pursue a referendum.

Robert Kavanaugh inquired about the location of data on the feedback tool responses, where the responses originated, and asked for added information about the responses on appropriate building heights.

President Albright commented that currently 2 parking spaces per unit are required on most projects and that their developers say that, on average, residents are not using even 1 space. She said with regard to overnight parking that some residents may not have driveways or a second space for a second unit in their building. Jennifer wondered whether these numbers have been skewed by limited responses from renters.

Peter Bruce expressed concerns with the feedback tool methodology as not randomized, non-scientific and with a limited response rate. He noted that the NAC's survey of residents had more than 2.5 times the response rate of the library exhibit feedback tool (i.e., 2,500 responses to the NAC survey vs ~1,000 non-unique responses for the feedback tool). Despite the more robust response rate for the NAC survey, Peter and Jennifer noted that the Planning & Development Department and ZAP have been dismissive of the NAC survey. Jennifer commented that ~1,000 non-unique response (which Ms. Pilipovic-Wengler set as the Planning & Development Department's goal) in a community for >86,000 residents is a terrible response rate. Carolyn added that as bad as that response rate and non-scientific technique was, the POLIS tool was even worse and unreliable/non-representative, and added that comments by participants in focus group breakout sessions were not reported fairly.

Rachel Milgrom commented that the library exhibit and feedback tool never explained that wide swaths of the community would be converted from their current character. She added that residents are just trying to live in their own homes, but under the upzoning proposal there would be big buildings right next to them, with residential homes suddenly being converted in huge swaths to mixed use, retail and commercial by right or with special permits.

Robert Fizek agreed with these comments and criticized the fact that the draft zoning maps showing the location and extent of the proposed upzoning were not available at the time of the library display and administration of the feedback tool. He added that the library exhibit had very limited displays and

visualizations and added that, as an architect, he would never design without elevations and the overall plan. He characterized the failings of the community outreach and framework design as “flabbergasting”.

Kathy Pillsbury said the feedback tool was not a poll and she considered it to be an input vehicle and just one datapoint, which, Councilor Laredo has said, nothing will be decided based on just one datapoint. She noted that the proposed VC1 districts would be all residential by right and that a special permit would be needed to add retail/commercial uses. She added that residents have more to say now because more is being disclosed.

Robert Kavanaugh said that he and wife went to the library exhibit and came away with the feeling that there was no point in bothering with the feedback tool because “they have their mind made up.” He felt many people may not have submitted responses because they felt it would be pointless.

Peter Bruce pointed out that residents have not been asked if they like the current zoning, which he would argue is not bad. He noted that 3,200+ units have been developed or are in the pipeline since Setti Warren was Mayor and that Newton is getting close to the 40B safe harbor and may reach that threshold in spring. He also noted that the feedback tool did not ask people what they want and that ~8,300 units would be added under the MBTA Communities Act.

President Albright said that Utile said at the previous meeting there is more density elsewhere than in Newton and that negotiations for Special Permits bring more units here than in other places where zoning is more updated. She added that our zoning is vintage 1953/1987 and conditions have changed since then.

Peter Bruce made the point that Councilors advocating for the change used to say there would be more non-conformity if we continue the current zoning. He added that while there is a 10-year target of 283,000 units under the MBTA Communities Act, residents should have been asked how much total development we want and what with building heights and that, while the Planning & Development Department suggests the zoning will not necessarily result in full built out, but people should be asked if they want that rate of growth.

Tim made the point that one of Newton’s treasures is the differences among various village centers that were created at different times and that the fabric of Newton is these different villages, whereas if we put this uniform zoning into effect the result will be that in ~5 years, they will all look the same and will be built up with the cheapest materials available and that no regard is being accorded in this process to saving the fabric of Newton and saving our historical structures.

Aline made the point that developers regularly seek Special Permits no matter how their properties are zoned and that she expected developers to continue to push the limits with Special Permits to exceed the by right revised zoning. She challenged the notion that listening to the mere 1,000 non-unique responses to the library exhibit as constituting a fair process. She acknowledged that Newton has to grow, but pointed to the concerns about parking with previously approved apartments.

Lisa Monahan, responding to Tim’s comments about making village centers all look the same, contended that the 1st draft maps are customized to current conditions and the surrounding areas. She added that there are to be meetings of the individual villages and that she was optimistic that City will end up with a customized plans for each village center. Responding to Aline’s comments she contended that there are upper limits to

both by right and Special Permit allowances. Aline reiterated the point that no matter what is zoned, developers want more and that taxpayers are being adversely affected.

Peter Harrington made the point that part of the parking problem is the exorbitant cost of rents in new buildings and that with the high rents when the new building landlords levy an additional parking charge residents elect to take their chances with street parking rather than paying extra for parking. Another concern he noted was that there has been a change on density targets, with the concept of ~4-5,000 sq foot buildings in Newtonville having been replaced with discussion of a 5,000 sq. foot footprint meaning that a 12,000 sq foot building could replace a 1-2 family house. The plan for requiring only 50-foot frontage with no lot size requirement, could result in two 12,500 sq ft (i.e., 25,000 sq foot) buildings. President Albright suggested that mere "2.5" stories for buildings were being discussed, but Peter countered that, in point of fact, a developer could replace a 2-family home with a 25,000 sq foot structure under the proposal.

Councilor Wright confirmed Peter Harrington's general proposition, pointing out that in the proposed VC 1 zone a building could have a 5,000 sq foot footprint and could be even larger with a Special Permit. She added that Floor Area Ratios would be done away with under the proposal and it will not be until after Thanksgiving that dimensional and setback requirements will be proposed. She stressed the importance of setbacks where there are no minimum lot sizes and doubt about frontage requirements. She noted that most of the Councilors on ZAP want to do away with any minimum size for the number of units to be built, although she wants such a requirement.

Peter Harrington noted that today's trend is to build smaller units because more people are living alone. He added that changing 2-family homes into 25 units is a large change. He added that Newton's unique quality of having no downtown and, instead, a series of villages, will have to be given up to meet the state's objective, thereby changing the character of Newton.

Jennifer encouraged attendance at the November 28th ZAP meeting.

2. Court Street project update

Jennifer reported on the Court Street project about which Robert Kavanaugh had alerted the NAC. In her meeting with developer Boylston Properties, she was told that the plan is for the area behind the small one-way street, for which they have acquired one house on Court Street and lots behind the Court Street homes, some of which space is currently is a storage lot for old cars. The early design concept is for:

- two 6-story buildings connected at the 3rd floor, with 163 units consisting of 5% studio, 40% 2-bedrooms and 15% 3-bed room unit;
- 9 townhouse condos of 3 stories, with 1 family each on the west side of the lot; and
- a lot of surface parking with a parking ratio that initially was conceptualized as 1.1 per unit but now a .75 ratio seems more likely.

A drainage culver runs through the property, hence the two buildings proposal and the inability to construct underground parking.

Jarringly, traffic would exit onto Court Street, although some green features might be added to reduce the impact. An entrance from Crafts Street has been proposed, with a Court Street driveway only for emergency vehicles, but there are issues with DPW trucks' access to salt sheds, etc. An alternative would be to enter via McGuire Court though an industrial area, which would require a lot of redesign. The developer has

considerable work ahead with neighbors and the City. A community site visit has been scheduled for November 19th gathering at 67R Court Street and a presentation of new rendering is to be made to the NAC on December 22nd.

Robert Kavanaugh pointed out that there is also a fire station on Crafts Street. He said that Boylston Properties hesitates to use McGuire Court as it is unattractive. Jennifer noted that the proposed project has a Court Street driveway plan because they need two avenues of entry/egress, but said that the developer knows using Court Street for entry is problematic as it is a narrow, one-way street. Mr. Kavanaugh noted that a 1997 Board Order prohibits 2.5-ton vehicles from Court Street so all trucks need to enter via McGuire Court.

Aline noted the proximity of the Crafts Street senior living project and asked if the impact of all the traffic exiting onto Crafts Street from both projects is understood and questioned the ability of the Crafts/Washington intersection to handle the volume. Councilor Lucas echoed that the senior living project will have cars, as well as delivery vehicles, exiting onto Crafts Street. Aline added that, based on the activity at the Waterstone senior living facility, visitors and staff enter and exit regularly and noted that the comments asserting that seniors will not drive much is no answer to the traffic concern. She added that the Crafts/Washington intersection is not conducive to turns in either direction and that Crafts Street does not have the width to handle more lanes, and there is already significant traffic from Whole Foods. Councilor Lucas pointed out that there is to be a revamp of the Washington/Crafts intersection to improve the traffic flow and safety.

Peter Harrington suggested a plan showing both projects at once. He also made the point that Newton is replacing its industrial and commercial land with residential uses which adversely affects the needed tax roll balance with commercial uses that make limited demands on municipal services and pay higher tax rates that make a huge contribution to Newton's quality of life. He recommended a study of the impact of the imbalance that will be created by all of this change in use. Mr. Kavanaugh pointed out that Belmont and Sudbury have problems with the tax burden falling on the homeowners. He added that since 105 of the units at Crafts Street are to be independent living, adding the Boylston Properties project, plus workers and visitors, would result in a high traffic burden.

Councilor Malakie reiterated the concern about losing commercial properties and noted that in West Newton the proposal is to change the Border Street manufacturing area to residential use despite the fact that there are thriving business there. She asserted that it is a valuable part of Newton and very disturbing to toss that away.

3. Crafts Street project update

Jennifer showed a new rendering of the Crafts Street project and reported that on November 7th the City Council voted to approve the project with 185 market rate units, composed of 105 independent living units, 52 assistive units and 28 memory care beds. The developer is to make an offset payment of \$11.8 M in lieu of including Affordable Units and is to pay \$1.1M for neighborhood improvements (i.e., Washington/Crafts intersection improvements, trees, \$25,000 for Pellegrini Park in Nonantum and funding a Transit Demand Management Plan).

4. NewCAL update

Jennifer showed the newest building and interior renderings displayed at the NewCAL meeting on November 16th which included changes, such as to staircase location and lobby, and having Senior Services offices upstairs. The top floor is proposed to have a walking track and game room, with the gymnasium (which can be set up for pickleball) still located toward the back of the building. Martina reported that there are still some concerns about the staircase being too big and the walking track being too narrow. The building is to be all-electric, with a natural gas generator. There are no showers or locker rooms planned. Martina also confirmed, in response to Aline's question, that there is still one elevator planned. Jennifer clarified that young people/non-senior are expected to use NewCAL only after hours.

5. Gath Pool update

The report on the November 16th presentation on Gath Pool was that stairs and new ramp for accessibility have been proposed and that the women's side of the building is being reconfigured and more lockers have been added to the plan. There is still one pool (rather than 2 separate pools) proposed with zero depth entry, a competition area and a diving area. The project plan target is City Council approval in March with construction starting in late July and completion before the 2024 summer season.

Councilor Malakie said she thought the locker rooms will be looked at again for the gender-neutral spaces, as well as the plan for individual showers in women's areas but gang showers in the men's room.

Robert Kavanaugh asked if a kiddie pool would be included. Aline said a water spouts/splash pad area might be used because kiddie pools present a hygiene/sanitation issue as well as safety concerns.

6. Presentation on Tree Ordinance (by Councilors Norton and Malakie)

Councilors Malakie and Norton reviewed the presentation they had made in October to the Programs & Services Committee on their proposed tree preservation ordinance. (A copy of the slide deck they presented is attached as **Exhibit #1**.) Points they made included:

- There is community support for more tree protection, including on private property.
- State Senator Creem has filed a Municipal Reforestation Act calling for 60% tree cover in every City and Town as a "public good".
- Trees have a large impact on storm water storage, energy savings from shade and carbon sequestration by mature (rather than new) trees.
- Newton is losing private tree canopy and the climate vulnerability plan is concerned about the continuing loss of trees.
- Tree coverage around Newton is different in different areas, with Nonantum having the lowest amount, Newtonville in the middle and Waban having the most.
- Increased heat is an issue with tree loss, especially with more paved surfaces.
- Tree cover sequesters carbon and filters pollution.
- Rain storm bursts with climate change and snow melt promote more flooding, but mature trees pull up great amounts of stormwater.
- Trees help Charles River water quality and limit runoff into the water.
- Trees removed along the MassPike impacted neighboring residents with pollution and noise.
- There is a substantial difference between mature (i.e., 30-year-old, 17-inch) trees versus newly-planted (i.e., 2 inch) trees, with developers replacing mature trees with ornamentals that will not

grow as large, live as long or provided diversity. In terms of tree canopy, a new tree is equivalent to a single branch of a mature tree.

- Trees that are nominally preserved by developers are not protected as to their roots and damage to abutters' trees is not addressed in the current ordinance.

Councilors and Norton and Malakie explained that a weakened proposal is being advanced by some Councilors and the Mayor which would exempt most properties from the protection ordinance unless the tree is 55 inches in circumference, but only one such tree has been found in the City, whereas their proposal would protect trees with a circumference of 6 inches or more, requiring a tree permit and a payment for removal.

Jennifer stated her support for the version advanced by Councilors Malakie and Norton and asked how residents can influence the choice between the competing versions. Councilor Norton said that the proposal will go from the Program and Services Committee to the Finance Committee because a fine would be involved. Even after the proposal comes out of committee, Councilors can file an amendment at the City Council. She encouraged residents to reach out to all of the At-Large Councilors and respective Ward Councilors during the next few weeks. Councilor Lucas suggested emailing all City Councilors.

Lisa Monahan commented on the number of tree permit pulled annually and the focus on home owners in the Councilors' proposal. There were 125 permits pulled on private property versus 880+ pulled by developers, probably for teardowns. Councilor Norton pointed out that, under state law, anybody can appeal a street tree removal and nobody can block planting street trees. She added that there are some issues with gas leaks (noting that Newton is #1 for having gas leaks) and with overhead power lines.

7. Outreach plan

Deferred due to the late hour.

8. Administrative Issues

a. Treasurer's Report

Deferred due to the late hour.

b. Discussion on request for special meetings to approve minutes for earlier distribution

Deferred due to the late hour.

c. Approval of October meeting minutes

Deferred due to the late hour.

Adjournment

At approximately 9:36 PM, Jennifer moved, Tim seconded, and it was unanimously:

VOTED: To adjourn the meeting.

Respectfully submitted,

Carolyn Jacoby Gabbay

Secretary

Attachments:

Exhibit #1 – Tree Ordinance Presentation