



Programs & Services Committee Report

City of Newton In City Council

Wednesday, August 14, 2024

Present: Councilors Krintzman (Chair), Oliver, Malakie, Humphrey, Baker, Micley, Lobovits, and Farrell

Also Present: Councilors Leary, Getz, Lucas and Greenberg

City Staff: Hattie, Kerwin Derrick, Director of Community Engagement and Inclusion; Jonah Temple, Deputy City Solicitor; Marc Welch, Deputy Commissioner of Parks, Recreation and Culture; Barney Heath, Director of Planning; Mollie Hutchings, CPA Program Manager; Mignonne Murray, Director of Senior Services; Luis Perez Demorizi, Director of Parks and Open Space; Shin-Yi Lao, Commissioner of Health and Human Services; and Jaclyn Norton, Committee Clerk

All agendas and reports, both past and present can be found at the following link: [Programs & Services Committee | City of Newton, MA \(newtonma.gov\)](https://www.newtonma.gov/Programs%20and%20Services%20Committee)

For more information regarding this meeting, a video recording can be found at the following link: [Programs and Services Committee - August 14, 2024 \(youtube.com\)](https://www.youtube.com/watch?v=...)

#28-24 Discussion and possible amendments to Chapter 21, Art III Trees
COUNCILORS HUMPHREY, DANBERG, GREENBERG, GROSSMAN, KALIS, LEARY, MALAKIE, WRIGHT, LOBOVITS, and FARRELL requesting revisions and amendments to Chapter 21, Art III Trees (Sec. 21-60 through 21-89) to further clarify recent revisions to our tree protection ordinances and requesting updates from the Tree Warden on the progress of implementation of the recent revisions.

Programs & Services Held 4-3 (Councilors Malakie, Lobovits, and Baker Opposed) on 04/10/24

Action: Programs & Services Held 8-0

Note: Melissa Brown from Protect Newton Trees presented the attached presentation about the updated tree ordinance and how preserving trees benefits the community. Cindy Callaway from Mothers Out Front Newton stated that they support the updated ordinance and that a full year of the ordinance being in effect is needed before further evaluation.

The public comment period was opened.

Judith Boroschek, 32 Indian Ridge Road, noted support for the updated tree ordinance and

described her experience with flooding due to tree loss.

Laura Petrillo, 119 Oxford Road, is a member of Protect Newton Trees and Mothers Out Front. She supports the updated ordinance but would like it to eventually be expanded.

Mary Ann Payne, 12 Kappius Path, noted the increased flooding in her neighborhood due to tree loss.

David Roll, 21 Mague Place, supports the updated ordinance and described how this ordinance helps people see the value of trees.

The public comment period was closed.

Councilors raised questions if an exemption for the removal of invasive species was considered. Marc Welch, Deputy Commissioner of Parks, Recreation and Culture, noted that this was raised during deliberations but that a very thoughtful discussion is needed for this type of exemption. Another Councilor later in the discussion noted that the state maintains a list of invasive species and regulates them. Regarding concerns about construction damaging trees on abutting properties, a Councilor stated that there is a state statute that covers the willful destruction of trees on someone else's property. (MGL c. 242, Section 7) A question was also asked about if a permit is needed to prune a tree. Mr. Welch stated that no permit is currently needed to prune a tree and that the City works with utility companies for any pruning of public trees near utility lines.

Councilors voted 8-0 on a motion to hold items #28-24, #51-24, and #52-24 from Councilor Oliver.

#51-24 Proposed Amendment to Sec. 21-85 Tree Replacement concerning invasive species

COUNCILORS KELLEY AND LEARY requesting discussion and proposed amendments to allow removal of invasive species without requiring replacement or fee, fine or penalty and to prohibit the planting of an invasive species as a replacement tree.

Action: Programs & Services Held 8-0

Note: This item was discussed jointly with item #28-24. A written report can be found with item #28-24.

#52-24 Proposed Amendment to Sec. 21-81 and Sec. 21-85 Tree Replacement regarding single and two family residential

COUNCILORS KELLEY AND LEARY requesting discussion and proposed amendments to exempt trees from within by-right build areas on a single- and two-family residential lot.

Action: Programs & Services Held 8-0

Note: This item was discussed jointly with item #28-24. A written report can be found with item #28-24.

#244-24 Requesting Discussion and Amendments to Human Rights Commission Ordinance

HER HONOR THE MAYOR requesting discussion and possible amendments to the Newton Human Rights Commission ordinance (Section 12-50) to clarify the commission's investigatory powers and authority.

Action: Programs & Services Approved 8-0

Note: Shin-Yi Lao, Commissioner of Health and Human Services, described that this ordinance amendment is to clarify the investigatory powers of the Human Rights Commission (HRC). Under the current ordinance the Commission has the ability to initiate investigations, subpoena witnesses, investigate complaints, and provide informal mediation. The Commission does not have the legal authority to serve as a mediator as that is handled with the Massachusetts Commission Against Discrimination. This ordinance amendment will eliminate confusion for individuals filing a complaint. Rabbi Stern who is a member of the HRC stated support for the proposed amendment.

A Councilor asked why it has taken so long to bring this ordinance amendment forward. Jonah Temple, Deputy City Solicitor, described that the HRC has the authority to investigate but cannot enforce any mediation per state law and how this ordinance would eliminate confusion. A Councilor asked how individuals are notified of what the HRC can do and where else they can go. Attorney Temple and Hattie Kerwin Derrick, Director of Inclusion and Community Engagement, described that when a submission is received on the complaint form it will be referred to the appropriate entity and this information is given to the complainant by phone and in writing.

Committee members voted 8-0 on a motion to approve from Councilor Oliver.

#288-24 Requesting discussion and amendments to Chapter 14 Senior Services

HER HONOR THE MAYOR requesting discussion and amendments to Chapter 14 of the City Ordinances to change the name of the Department of Senior Services and to combine the Advisory Board with the Council on Aging (COA) into one body.

Action: Programs & Services Approved 8-0

Note: Mignonne Murray, Director of Senior Services, described the broader trend of reframing aging and use the terms older adult or older people. This proposed ordinance would update the name of the Department to reflect this broader trend as the Department is preparing for the opening of the Cooper Center for Active Living. Joan Belle Isle, Chair of the Council on Aging, described the other part of this ordinance amendment which would be to combine the Council on Aging and the Council on Aging Advisory Board. This proposed change

is due to the advisory board never meeting separately from the council on aging and they both have similar missions. Combining these two would allow for the Council on Aging to be more efficient. Councilors noted support for the proposed amendments. Committee members voted 8-0 on a motion to approve from Councilor Oliver.

Referred to Programs & Services and Finance Committees

#294-24

CPC Recommendation to appropriate \$150,000 in CPA funding

COMMUNITY PRESERVATION COMMITTEE recommending appropriation of one hundred twenty-one thousand six hundred twenty-one dollars and sixty-two cents (\$121,621.62) in Community Preservation Act funding be appropriated from the FY24 Open Space Reserve Funds and twenty-eight thousand three hundred seventy-eight dollars and thirty-eight cents (\$28,378.38) from the CPA unrestricted fund balance for the creation of Spears Park Community Garden.

Action:

Programs & Services Approved as Amended Changing “one hundred twenty-one thousand six hundred twenty-one dollars and sixty-two cents (\$121,621.62)” to “one hundred twenty-one thousand seven hundred thirty-four dollars and fifty-six cents (\$121,734.56)” and “twenty-eight thousand three hundred seventy-eight dollars and thirty-eight cents (\$28,378.38)” to “twenty-eight thousand two hundred sixty-five dollars and forty-four cents (\$28,265.44)” 8-0

Note:

Mollie Hutchings, CPA Program Manager, and Buzz Dunker, Chair of the Community Preservation Committee, presented the attached presentation. In the attached presentation an overview of the project as approved by the Parks and Recreation Commission. This project will provide up to 30 raised garden beds with 2 being accessible, a critter-resistant fence enclosure, site amenities such as benches, yard hydrants, and amenities for the community outside of the fenced in gardens. The total budget for the project is \$349,519 with \$150,000 being requested from CPA funding. It was noted that the amounts from each account need to be amended to reflect funding that was returned to the City at the end of FY24. A Councilor asked if periodic testing of the soil would be done to ensure it is safe to grow produce in. Luis Perez Demorizi, Director of Parks and Open Space, stated that there are no current plans to test the soil but will consider it in the future. Councilors expressed support for the project.

Councilors voted 8-0 on a motion to approve the item as amended changing “one hundred twenty-one thousand six hundred twenty-one dollars and sixty-two cents (\$121,621.62)” to “one hundred twenty-one thousand seven hundred thirty-four dollars and fifty-six cents (\$121,734.56)” and “twenty-eight thousand three hundred seventy-eight dollars and thirty-eight cents (\$28,378.38)” to “twenty-eight thousand two hundred sixty-five dollars and forty-four cents (\$28,265.44)” from Councilor Oliver.

#304-24 Reappointment of John Synnott to the Newton Commonwealth Foundation
HER HONOR THE MAYOR reappointing John, Synnott, 22 Winona Street, Auburndale as a member of the Newton Commonwealth Foundation for a term of office set to expire on August 31, 2027. (60 Days: 10/11/2024)

Action: **Programs & Services Approved 8-0**

Note: The Chair read item #304-24 into the record and Councilors expressing no concern voted 8-0 on a motion to approve from Councilor Krintzman.

#305-24 Reappointment of John Neville to the Newton Commonwealth Foundation
HER HONOR THE MAYOR reappointing John Neville, 68 High Street, Newton Upper Falls as a member of the Newton Commonwealth Foundation for a term of office set to expire on September 18, 2027. (60 Days: 10/11/2024)

Action: **Programs & Services Approved 8-0**

Note: The Chair read item #305-24 into the record and Councilors expressing no concern voted 8-0 on a motion to approve from Councilor Humphrey.

#306-24 Reappointment of John Neville to the Parks and Recreation Commission
HER HONOR THE MAYOR reappointing John Neville, 68 High Street, Newton Upper Falls as an alternate member of the Parks and Recreation Commission for a term of office set to expire on September 30, 2027. (60 Days: 10/11/2024)

Action: **Programs & Services Approved 8-0**

Note: The Chair read item #306-24 into the record and Councilors expressing no concern voted 8-0 on a motion to approve from Councilor Humphrey.

#307-24 Reappointment of John Rice to the Parks and Recreation Commission
HER HONOR THE MAYOR reappointing John Rice, 9 Selden Street, Waban as an alternate member of the Parks and Recreation Commission for a term of office set to expire on October 31, 2027. (60 Days: 10/11/2024)

Action: **Programs & Services Approved 8-0**

Note: The Chair read item #307-24 into the record and Councilors expressing no concern voted 8-0 on a motion to approve from Councilor Humphrey.

#321-24 Reappointment of Patrick Costello to the Farm Commission
PRESIDENT LAREDO reappointing Patrick Costello, 392 Wolcott Street, Auburndale, as a member of the Farm Commission for a term to expire on August 12, 2027. (60 Days: 10/11/2024)

Action: **Programs & Services Approved 8-0**

Note: The Chair read item #321-24 into the record and Councilors expressing no concern voted 8-0 on a motion to approve from Councilor Krintzman.

The meeting adjourned at 8:25 pm.

**Respectfully Submitted,
Josh Krintzman, Chair**

Newton Tree Ordinance

passed Dec 18, 2023
effective March 1, 2024



Protect Newton Trees

<https://www.protectnewtontrees.org/>



Why do we need the 2023 Tree Preservation Ordinance?

Tree Loss	“One key concern in Newton is the continued loss of trees to development and the loss of street trees to disease and gas leaks.” *
Public Health	Trees reduce climate-related illnesses & improve mental health
Climate	Trees cool & clean the air, remove CO2, reduce flooding, clean water, provide wildlife habitat, and more

* City of Newton, [Climate Vulnerability Assessment and Adaptation and Resilience Plan](#), April 2018, p. 59

Who supports the new Tree Ordinance?

The City	“The Law Department is comfortable that this Ordinance is legally defensible.” —Andrew Lee, April 10, 2024 *
Climate Groups	Protect Newton Trees; Mothers Out Front–Newton; Urban Tree Commission; Green Newton
Residents	478 Newtonians who want MORE protections

* Programs and Services Committee meeting, April 10, 2024; <https://www.youtube.com/live/8hDwjZrWfrl>, 1:14:37

Basic goals (trees 6+ inches DBH)

Collect	Collect data about trees on private land
Reduce Impacts	Reduce impacts of climate emergency: heat, flooding, etc.
Protect	Protect neighbors and the community

IMPACTS: Little or no tree cover = heat islands

Figure 22. Tree Canopy

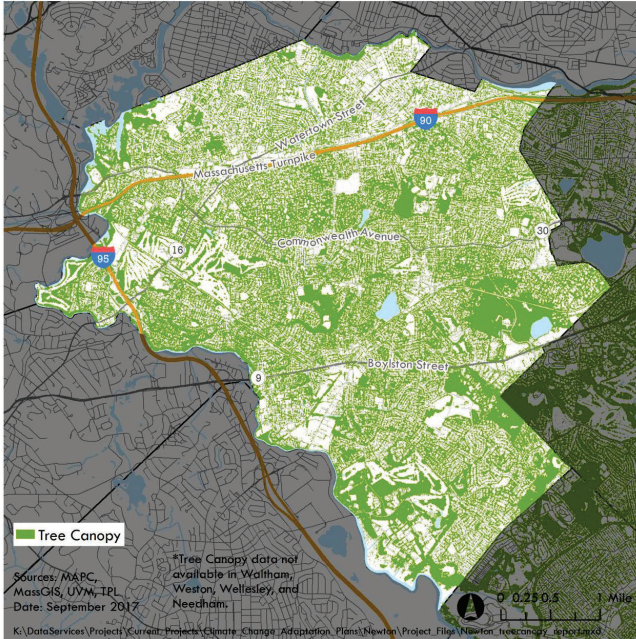
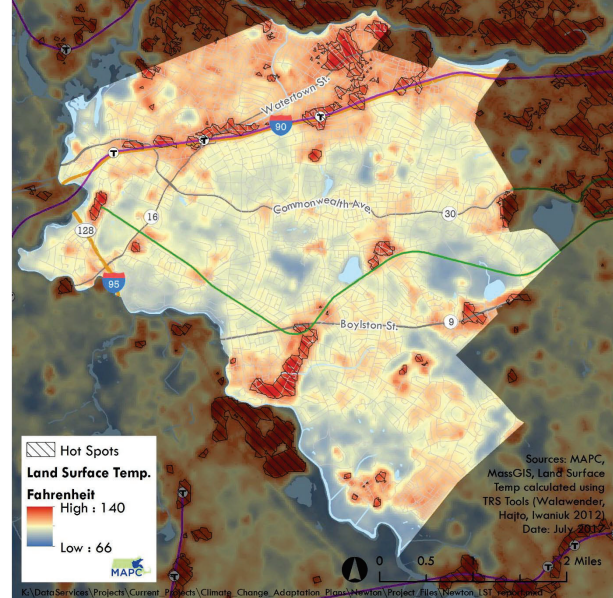


Figure 18. Heat Impacts



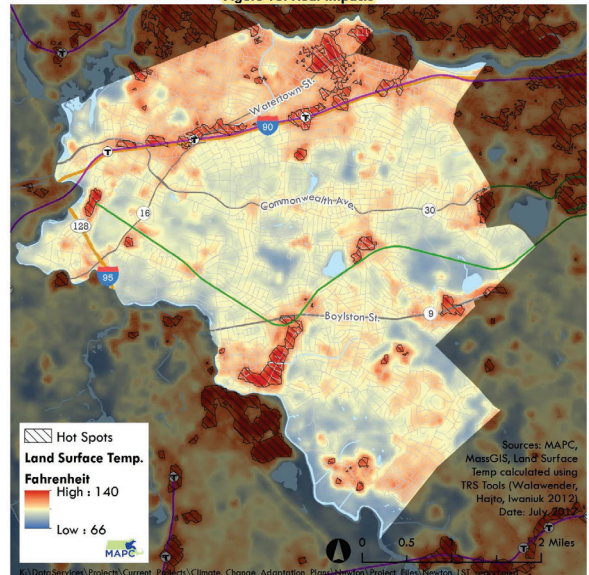
Land Surface Temperature on July 13th, 2016, when high temperature at Logan Airport was 92 degrees Fahrenheit.

[Newton Climate Vulnerability Assessment and Adaptation and Resiliency Action Plan](#), April 2018, pp. 21, 30

IMPACTS: Trees cool the air (an equity issue)

- Paved vs natural cover – differences of up to 74 degrees F!
- More risk of heat related illnesses
- More trees = more shade = less energy consumption
 - Only 3 trees can save \$100 - \$250 in energy costs annually
- Heat is a business issue too
 - 40% of Newton businesses are located in “hot spots”
 - ~ 1800 Newton employees work outside

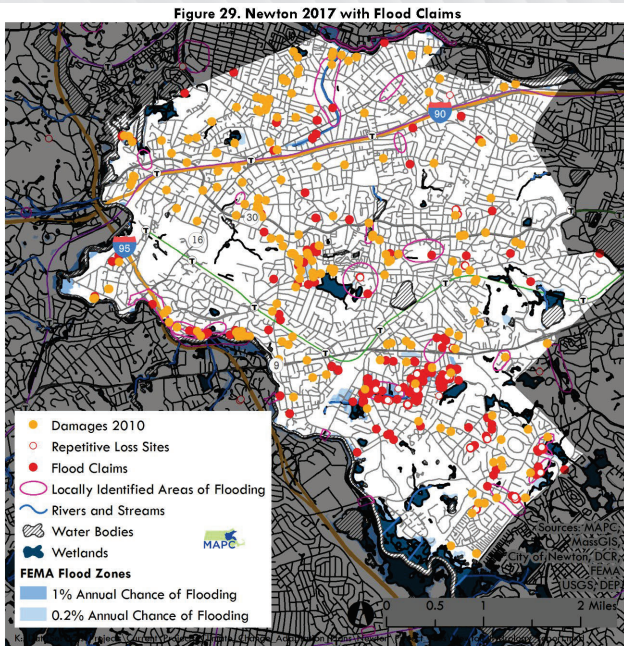
Figure 18. Heat Impacts



Land Surface Temperature on July 13th, 2016, when high temperature at Logan Airport was 92 degrees Fahrenheit.

[Newton Climate Vulnerability Assessment and Adaptation and Resiliency Action Plan](#), April 2018, pp. 26, 30, 47; [Arbor Day Foundation, Tree Facts](#), #15

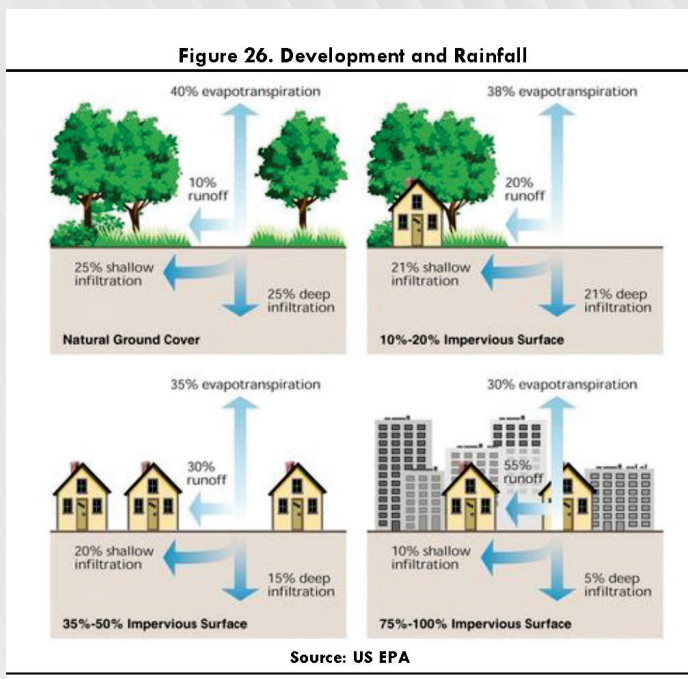
IMPACTS: Flooding in Newton



- FEMA claims 2010 (yellow)
- FEMA claims 2017 (red)
- Recurrent flooding areas (pink)
- “Future development that increases impervious surfaces or further alters natural drainage will exacerbate flooding problems.”

[Newton Climate Vulnerability Assessment and Adaptation and Resiliency Action Plan](#), April 2018, pp. 29, 37, 55

IMPACTS: Trees reduce flooding in Newton



- More trees = less flooding
 - trees stop 90 million gallons of stormwater runoff per year
 - valued @ over \$800,000 per year
- “The use of green infrastructure and low impact development techniques [preserving mature trees] reduces stormwater runoff and cooling costs.”

[Newton Climate Vulnerability Assessment and Adaptation and Resiliency Action Plan](#), April 2018, pp. 29, 35, 55, 58

PROTECT: Neighborhood benefits



Sweetgum tree, 13 inches DBH

- Reduced heat (energy savings)
- Reduced flooding from stormwater avoided
- Carbon removed from atmosphere
- Particle air pollutants removed
- Noise reduction

privacy, improvement of mental health, habitat...

Annual Benefits	Green house (left)	Gray house (right)
Energy saved (electricity)	107 kWh	66 kWh
Stormwater avoided	1,097 gallons	
Carbon removed	187 lb. CO ₂	

Benefit calculations by [Robert Leverett](#) (carbon) & [MyTree](#) (water & energy)

PROTECT: Neighbors' Trees

“The **number one complaint** that I’ve had as it relates to private tree property in the 22 years that I’ve been enforcing our tree ordinance is the damage caused by construction to the neighbors’ trees. It’s the most frequent phone call we get. It’s the most frequent issue that I observe.... That’s why we proposed it in this ordinance, because it is an issue: **there is real damage being caused to neighboring trees during construction.**”

— Marc Welch, Newton Tree Warden, P&S mtg, April 10, 2024,
<https://www.youtube.com/live/8hDwjZrWfrl>, 1:40:03 – 1:40:39

PROTECT: Damage to neighbors' trees (2022)



224 Melrose, Auburndale
- tree roots damaged by
10 Elberta Terr construction



30 Woodhaven Rd (left), 56 Upland Rd (rt), Waban,
(where developer plans to raise grade 2 ft)

PROTECT: Damage to neighbors' trees (2024)



624 Saw Mill Brook Pkwy,
Oak Hill: Norway Maple
shading house and yard,
major roots cut (below) for
retaining wall 3 feet from tree
**DAMAGE ALLOWED BY
PERMIT BEFORE 3/1/2024**



Evaluating the ordinance

- Consider impacts on both the applicant & neighbors
- Consider community impacts:
 - Heat islands
 - Flooding
 - Pollution & air quality
 - Equity
- Need more time before evaluating
 - Pre-existing permits still being used muddy evaluation.
 - **We RECOMMEND WAITING until March 1, 2025**
- Protect Newton Trees members support STRONGER tree protections!



Senator Ed Markey

“Climate action can’t be an either-or... We need new and old trees, solar panels and forests, dense housing and accessible green space.”

“Why Trees Matter for Green Development” (<https://tinyurl.com/YTreesMatter>)

Spears Park Community Garden

Presentation to Programs and Services Committee

August 14, 2024



Project Goals

- Provide up to 30 raised beds, including 2 accessible beds
- Provide accessibility throughout the garden area
- Provide critter-resistant fence enclosure
- Provide site amenities such as bike racks, benches, picnic tables, and signage
- Use sustainable materials
- Enhance pollinator habitat
- Provide garden tool storage and composting station
- Provide yard hydrants
- Provide amenities for the community outside of the fenced-in gardens

The parcel is located at the corner of Washington Street and Walnut Park, neighboring the Jackson Homestead, and is .32 acres in size. The lot has already been deed restricted as open space.

Neighborhood Discussion

Neighbors (representing group signing a petition), expressed several concerns including:

- Rodent Control
- Parking
- Aesthetics of keeping the community garden well-maintained.

CPC heard from the Parks Department on the measures taken in response to the petition. The use of raised beds and the secure compost container were shown to anticipate and respond to these issues.

Additionally, staff received 32 letters of support for the creation of the community garden.

- The letters generally supported the opportunity for gardening in the northern half of the city and believed the space could be put to better use.
- Letter writers also mentioned their support of the accessibility features of the garden.

Funding Source	Amount
State earmark funds:	\$75,000
Village Bank donation	\$7,500
Hauser Trust	\$1,455
Green Newton	\$500
ARPA Funds	\$96,164
City of Newton Employee Salaries	\$18,900
CPA Funding	\$150,000
Total Funding	\$349,519

Project Budget

Account Name	Account Number	Proposed Amount
Open Space Reserves	5840 3599	\$121,734.56
Unrestricted Funds	5800 3599	\$28,265.44
Total		\$150,000.00

Recommended Funding

Thank you