

# Newton Highlands Neighborhood Area Council

## Meeting Minutes, February 6, 2020

### **Area Council members:**

Bruce Blakely (not present), Bob Burke, Barbara Darnell (not present), Groot Gregory (not present), Nathaniel Lichtin, Srdjan Nedeljkovic, Amanda Theunissen, Amy Wayne

### **Ex Officio:**

City Councilor Brenda Noel

### **Guests:**

Lisa Gordon, Tarik Lucas, Gabriel Holbrow from the City of Newton Planning Department, Waban Area Council Vice President Rena Getz, Larry Rosenberg, Carol Carroll, John Rice, and residents of the Four Corners neighborhood

Meeting called to order at 7:32 pm. Srdjan Nedeljkovic taking minutes. Area Council president Nathaniel Lichtin presiding.

### City of Newton Community Planner

Area Council president Nathaniel Lichtin introduced Gabriel Holbrow from the City of Newton Planning Department. Mr. Holbrow is the new city community engagement specialist who has taken the position formerly held by Lily Canaan Reynolds. Mr. Holbrow is involved in efforts to facilitate communication and engagement with various community groups and serves as another channel of communication between members of the community and city government.

He can be reached at: Gabriel Holbrow <gholbrow@newtonma.gov>

Mr. Holbrow noted that he will serve as a facilitator regarding planning and permitting issues and that he will forward questions from residents to the correct department at City Hall. He will be involved in the Zoning Redesign process that the city will be undertaking this year. Mr. Holbrow is originally from California and went to school to study urban planning at Tufts University. He previously worked as a regional planner in Upstate New York. He is looking forward to addressing items that are of concern to the community. He noted that there are still a number of open positions in the Planning Department, including the role of Senior Planner.

### Union Twist marijuana retail proposal for 1158 Beacon Street

Area Council president Nathaniel Lichtin provided an update on the status of the proposal for a retail marijuana dispensary at 1158 Beacon Street, known as the Union Twist project. The City Land Use committee had its first public meeting about Union Twist on February 4<sup>th</sup>. The

proposal was discussed starting at 9:45 pm due to other items on the agenda. Union Twist representatives made a short presentation. Newton resident Amanda Theunissen gave a presentation at the meeting expressing opposition to having the proposed business at this location. Comments at the hearing were primarily in opposition to the proposal, and they focused on concerns about traffic and parking at the site. Concerns were expressed about whether this location was appropriate in such close proximity to a nearby residential neighborhood. It was noted that the owner of an apartment building and brick office building near the proposed site was favorable towards the business. Union Twist has offered to build a wall and fencing on his property to prevent people from crossing from one property to the other. It was noted that the entrance for customers to Union Twist will be from the rear, accessed by a 19-ft wide driveway into the site. The City Council decided not to hold a vote on the proposal at this weeks' meeting because of lack of peer review of the traffic and parking plan. No date has been set for the next public hearing.

The Area Council has received numerous comments about the proposed facility from members of the community, along with a few letters of support. In addition, a request was made for the Area Council to send a letter to City Council expressing opposition to the project. Union Twist responded with a 3-page letter asking for Area Council support of their proposal.

Area Councilor Amanda Theunissen asked that the Area Council send a letter to City Council stating that the Newton Highlands Neighborhood Area Council has concerns about the Union Twist proposal going forward at this particular location. There are concerns that the proposed facility will create a significant adverse impact on nearby uses and that access to the site is not appropriate for the numbers of vehicles involved. Therefore, the proposal does not meet the criteria necessary in order for a special permit to be approved. Additional concerns include that this will be a "point of sale" business, meaning that customers will need to stand in line at a counter to purchase product. The proposal includes 9 "points of sale" counters, which will generate more appointments than at other smaller marijuana stores in Newton. Ms. Theunissen pointed out that at the Garden Remedies store, there are 5 points of sale, typically with 3 points of sale open: medical, pickup, and walk-in. The Garden Remedies establishment is located on Washington Street, a 4-lane road in a 3-mile commercial corridor, with metered parking nearby. In addition, concern was expressed that Union Twist is asking for long opening hours. It was noted that there is no on-street parking on this segment of Beacon Street, and that Union Twist does not have a plan for any potential overflow parking.

Additionally, Ms. Theuniessen expressed concern that the proposed parking plan for this business may cause backups on Beacon Street. Although a parking attendant will be in the rear parking lot, nobody will be directing traffic in and out of Beacon Street. It was also noted that the driveway to access the site is narrow and dose not meet current requirements for width. It was noted that there is only room for 3-4 cars leaving the store. If a vehicle is trying to make a left turn out of the site, there may be backups leaving the site that could in turn lead to vehicular backups on Beacon Street. .

A question was posed if the request was for the Area Council to oppose the project in general, or if the request was for the Area Council to oppose the current design and plans for the project. The request is for the Area Council to oppose the project as it is currently designed. One

additional item that was brought up is that the proposal intends to have 10 employees, which may make it difficult to operate 9 points of sale at once.

Anatoli Rastorgouev from Beaconwood Road asked why the proposal shouldn't be opposed in its entirety. It was pointed out that the scope of granting the special permit is limited to whether the current proposal meets planning requirements for a special permit. For example, peer review may conclude that the traffic plan may or may not be workable. Currently, the planning department has expressed concerns about queue space for vehicles, the width of the driveway, and entry and exit onto Beacon Street. It was noted that the petitioner is seeking exemption of a requirement that the driveway to access the site must be at least 20 feet wide. When the peer review traffic consultant issues a report, the Land Use committee will be reviewing the impact of the proposal on traffic and access concerns.

A community member asked how the traffic and parking plan for Union Twist may affect the second business on this site, which is a takeout restaurant. In the design drawings, there appear to be two parking spaces for this restaurant, and it is unclear how this business will be receiving deliveries and otherwise function? City Councilor Noel noted that in terms of requirements for this site, the proposal meets the requirements necessary for this second business. However, the presence of a second business on the site will be a factor in the traffic analysis for Union Twist.

Larry Rosenberg noted that there is space for a third store on site that will be left empty. A question was posed if there will be a condition in the special permit regarding whether there will be two or three businesses at this site. A parking exemption may be required if a third store were to be opened. However, it was noted that a third business may be going into this location unless there is a condition in the special permit. If the existing restaurant leaves, it was noted that a new business may come in that takes over the entire remaining space in the building.

It was noted that in order for Union Twist to expand the business uses at this site, they would need to apply for a new special permit, and City Council could put additional conditions on the new proposal.

A member of the community asked what methods are available to stop the development from happening. Based on the pending application before the City Council, the only grounds that City Council is legally allowed to reject this proposal is on the basis of special permit criteria. It was noted that many residents who live near the proposed project are opposed to the location. Because there was a ballot referendum about the matter of marijuana businesses in Newton, up to 8 marijuana establishments may be opened in Newton, and opinions by community members who do not support the sale of marijuana will not be considered by the Land Use committee, since this is a quasi judicial process.

A question was posed on whether the City could require that all marijuana stores in Newton be capped at 3 points of sale for example. There is uncertainty if the City is allowed to place these types of restrictions. Lisa Gordon asked if this issue could be further evaluated, since the city can require "appointment only" for these businesses. There is a general opinion by community members that this business should be accessed by "appointment only."

Area Councilor Amy Wayne noted that initially Union Twist presented a smaller business plan and had indicated at past presentations they would admit customers only by appointment at their facility and possibly limit hours of operation. More recent indications seem to point to a less restrictive business plan. Another community member posed the question if the City Council will be concerned if parking for this business overflows into Cold Spring Park, as there is no overflow parking plan. It was pointed out how traffic from the site could create an undue burden to the neighborhood, and could be perceived as a nuisance to the neighborhood. With regards to overflow parking, it was noted that people have a legal right to park on public streets and in public parking lots.

Another community member expressed concern that people will make U-turns on local streets, such as Beaconwood Street. One community member felt that it would be more appropriate to allow these kinds of dispensaries in areas under different zoning, such as manufacturing zones. However, another community member felt that a business owner may prefer to be in a commercial zone, not a manufacturing zone. It was noted that as more locations are added, each location may be less busy as people will have options to go to other stores.

Waban Area Council Vice President Rena Getz reviewed the zoning rules about location of the marijuana stores. She noted that since the moratorium on stores expired in December 2018, a decision had to be made that determined which exact location or zoning district these businesses could be located.

Area Council member Srdjan Nedeljkovic made comments regarding the letter sent by Union Twist attorney Michael Ross requesting support for the project. The purported improvements proposed by the developer are inconsistent with basic planning principles for pedestrian friendly development. For example, the proposed business relocates the front entrance to the building away from the street to a rear entrance, it removes a section of building in order to expand surface parking, it perpetuates multiple curb cuts, it allows for parking in the front setback on a pedestrian street, and it proposes barriers and fencing to isolate itself from other nearby properties. Each of these proposals is inconsistent with design principles that support walkable integrated village centers.

A community member expressed additional concerns about traffic generated by the proposed project considering that there is a separate proposal for new residential development at Four Corners. Lisa Gordon reported that at a state level, the law regarding appropriate sites for marijuana facilities may be changed to prevent these establishments from being near a public park. Although the law has not been changed as of now, the City Council may consider a proposal of this nature to be a nuisance to the public parkland, which may be a factor to consider if this proposal meets the special permit criteria.

Bob Burke noted that the current proposals for this business seem to have expanded from original proposals that were presented by Union Twist at prior meetings last year. For example, Bob recalled that the Union Twist proponents initially indicated that appointments to their facility would be required

Members of the Area Council then deliberated on whether the Area Council should take action on this matter. Several Area Councilors expressed consensus that the Area Council should send a letter to City Council regarding the Union Twist proposal. A discussion ensued on what the letter should contain. There was broad consensus that the letter should note that the Area Council opposes the Union Twist proposal in as it is currently planned for reasons that it is inconsistent with special permit requirements, and that certain actions will need to be taken in order for the proposal to be reconsidered.

It was agreed that the letter will include the factors that are important to consider regarding the special permit process, and then specify why the proposal does not meet the conditions for receiving a special permit. The letter will be factually based and oriented to the specific conditions that need to be met in the special permit process. Some general comments explaining opposition to the project in addition to the special permit criteria will be presented in the letter.

In addition, the letter will provide feedback on issues that have been concerns of the community. It was noted that during several meetings held by the Area Council to review and discuss this project, the majority of people were opposed to the project as proposed. There is broad concern by many community members that this proposal does not meet the criteria to grant a special permit.

Concerns about traffic and parking will be included in the letter. The note will point out that Beacon Street has no parking, Beacon Street is a one lane road, it is beyond capacity, the proposed capacity of the store will negatively impact the conditions of the special permit, and that no by-appointment system has been proposed. Concern was expressed that exiting the parking lot to the Union Twist site will likely cause back up to Beacon Street and create safety concerns. No plan for overflow parking has been provided. There is concern that customers to Union Twist will park in Cold Spring Park. Also, the Union Twist plans have no plans for employee parking and no plan for Lyft and Uber use. A discussion ensued on whether the Area Council should impose maximum hours of operation.

Some members of the public made comments about the Brookline facility and people violating rules about not smoking on site, not smoking on the street, parking inappropriately, and other issues. There is a concern that the Union Twist facility will similarly be a nuisance in the neighborhood in proximity to stores.

Should the City Council approve the permit for Union Twist, the following conditions will be requested: limiting number of employees per shift, limits to the number of points of sale, maximum number of customers per hour. There will be a request that the Union Twist business operates by an appointment only system. A parking plan needs to be developed that will not induce parking on neighborhood streets or in Cold Spring Park. Restrictions should be placed so that Union Twist will have more limited hours of operation. Many Area Council members felt that the placement of this business on this site is unlikely to overcome the concerns outlined in the letter that is to be sent. Furthermore, there is concern about the width of the driveway which may have a negative impact on the parking plan.

Question ensued about the impact of sending a letter from the Area Council. It is unclear how much of an impact this letter will have on the process. Community members interested in the

outcome of this process are encouraged to speak at the public hearing. The Area Council then voted 5 to 0 to draft and send a letter to City Council, as noted above.

### Local and City Updates:

#### Development at 1114 Beacon Street

City Councilor Brenda Noel gave an update about the residential development project that is being proposed for 1114 Beacon Street in Four Corners. A meeting will be taking place for community members to be able to discuss the planned project with the developer. The project is now envisioned as a 27-unit residential project with underground parking for 50 cars. Although the proponent will be asking for zoning relief for at least 4 parking spaces, Councilor Noel mentioned that the city is tending to require lower amounts of parking on site. It was noted that the main building will be 4 stories high, it will be set back approximately 6 feet from the current sidewalk, and that the proposal currently does not include any commercial space.

#### Demolition Delay and Landmarking Ordinance:

Carol Carroll presented information that changes are being proposed to the Demolition Delay ordinance and that City Council is considering suspending the Landmarking ordinance. The Planning Department is working on updating these ordinances internally. Several City Councilors will be working with Katy Holmes, the city preservation planner, and the legal department in reviewing these ordinances.

On a separate note from these proposed ordinances, Carol Carroll proposed that the Area Council create a historical pamphlet about Newton Highlands to distribute at the main kiosk at Village Day.

#### Newton Highlands Parking District:

Council President Lichtin gave an update about the Parking District. A proposal has been approved by Traffic Council to allow residents and businesses to obtain permits to park on parts of Lincoln Street and some of the side streets. The number of permits on Lincoln Street has recently been increased for parking between Woodward Street and Hartford Street. The number of parking permits allowed on Lincoln Street was increased by 6 permits in addition to the 6 permits previously offered. Only 3 of 6 allowable permits have been issued this year. City Councilor Noel mentioned that she and City Councilor Humphrey canvassed some of the residents on Lincoln street, and noted that folks were generally favorable towards the parking plan.

#### Zoning Redesign:

City Community Planner Gabriel Holbrow gave an update on the schedule for the Zoning Redesign process. This project had been on pause since last March, but has now has been restarted. The Zoning and Planning Committee will be discussing the zoning redesign at subsequent meetings, with the goal of adopting a completely new Zoning Ordinance by December 2021. One of the initial issues to discuss will be residential districts and issues of teardowns and sizes of houses. There is a full draft zoning redesign plan from October 2018 that will be discussed. There will be meetings for

the community going forward. Area Councilor Nathaniel Lichtin requested putting the topic of Zoning Redesign towards the beginning of ZAP meetings, rather than at the end of the meetings.

### Soup Social:

John Rice announced that the Newton Highlands Soup Social will be held at the Hyde Center on Saturday, February 8<sup>th</sup> at 6 pm. John asked for volunteers to help set up and bring the soups from various donating restaurants. There will be music from a Newton South acapella group.

### Other Items:

Area Council President Lichtin provided an update on the MBTA track and signal replacement project and the Newton Highlands station accessibility project. For the track work project, there will be work in Newton Center in March and April and Chestnut Hill in April. Work in Newton Highlands and Waban will take place later in the year. There will be a temporary raised platform located on the westbound track at Newton Highlands. The platform will be extended 140 feet to enable accessibility. For the MBTA accessibility station project, full design is in process. Construction is anticipated for 2021.

Northland development. Rena Getz proposed that there should be a digital engagement forum between the community and the developer to assess pros and cons of the project. Most people are not aware of the proposal and need information about the upcoming referendum. The Area Council voted to support working with the other Area Councils to provide education about the Northland proposal. The vote was 5/0 for the Area Council to support an informational exercise to inform the public on existing materials available in support or in opposition to the project.

Area Council Goals for 2020: This item was deferred to the next NHNAC meeting.

### Administrative Items:

Role of Ward Councilors: A discussion took place about the role of ward councilors at Area Council meetings. In general, there was agreement that City Councilors are valuable participants in Area Council meetings and are welcome to attend meetings and listen to input from Area Council members and other members of the community. City Councilors also can help bring matters at City Hall back to the neighborhood level. All 3 ward councilors do not need to attend every meeting.

Approval of the January Minutes: A motion was made to approve the December minutes. The minutes were approved with no revisions 5:0 with three Area Council member absent.

Treasurer's Report: The Report was deferred this month as the Treasurer is traveling out of state.

Annual Report: Srdjan Nedeljkovic has submitted an Annual Report of Newton Highlands Neighborhood Area Council activities in 2019. This will be discussed at a future meeting.

New Business: No additional New Business was discussed.

Meeting Adjournment:

The meeting was adjourned at 9:36 PM.