

# Newton Highlands Neighborhood Area Council

## Meeting Minutes, February 7, 2019

### **Area Council members attending:**

Bob Burke, Carol Clark, Nathaniel Lichtin, Srdjan Nedeljkovic, Bill Roesner, Amy Wayne; Not present: Bruce Blakely, Barbara Darnell, Groot Gregory

### **Ex Officio:**

City Councilor John Rice; Also present: City councilors Vicky Danberg and Greg Schwartz; Waban Area Council President Kathy Winters

### **Guests:**

Larry Rosenberg, Patty Kellogg, Sonya McKnight, Ken Parker, Mariana Dagatti, Robert LeBlanc, David Patterson, Deborah Allen, Bill Humphrey, Debbie DeBotton, Kit Stover, Charlie Stover, Richard Paisner, Craig Nesta, Cory Sakakeeny, Ward Shifman, Mary Beth Shifman, and others

Meeting called to order at 7:35 pm. Srdjan Nedeljkovic taking minutes.

### Pine Crest Road – Walnut Street Development in Four Corners

Laurence Lee, attorney on behalf of the developer, gave a presentation of the new development proposal at Four Corners for which the developer will be seeking a Special Permit. Mr. Lee pointed out that there are three parcels of land controlled by the developer at this site. Previous plans involved all three parcels of land and there was an initial scheme that proposed 18 units of housing. Meetings ensued with neighbors on Pine Crest Road and Walnut Street. Feedback from the neighbors provided information about local priorities. Mr. Lee stated that there was support for preserving the tree canopy on this site, as well as preservation of local character and minimizing vehicle circulation.

Mr. Lee pointed out how in a prior iteration of the development plan, the proposal included a long driveway on the site. Neighbors had expressed concern about this proposal and were represented by attorney Dennis Murphy. The group presented a sketch for a new proposal that preserved the tree canopy. The group also wanted to have buildings on the parcel pushed away from the middle of the site. The 1058 Beacon Street parcel is where most of the tree canopy sits. That parcel was taken out of the special permit realm in order to preserve it. The developer intends to construct a by-right project on that site and plans to leave most of the tree canopy alone.

The current proposal involves development at the 956 Walnut Street site. This will be a 7-unit development with underground parking. The city's Urban beautification committee gave some feedback to the developer about reducing surface parking on the site and was supportive of the plan to move it underground. Each unit will have private garage space underground for 2 cars and there will be shared guest parking for 5 cars on the surface. Moving the parking underground allows the site to increase the amount of green space.

The developer had a subsequent meeting with the neighborhood group and received a concept that breaks up the buildings. Mr. Lee pointed out that there are challenges that would prevent breaking up the building mass in order to continue to offer underground parking. The concept of several separate buildings was also explored with the city's Urban Design commission, which reaffirmed that having a cluster of buildings is preferred. The developer has decided to take the 962 Walnut Street parcel and make it a by-right project such that a two family house can be built there.

The issue of density was brought up. The 956-962 Walnut Street development will be a 9-unit project, and 2 of those will be by right, so 7 units on the 956 Walnut Street site will be going through the special permit process. The by-right development at 962 allows for a two family house. The Special Permit is for single-family attached dwellings, which are otherwise not allowed by right. Under a special permit, these units are required to be built in a tighter building envelope. The side setback for old lots is 7.5 feet under regular zoning requirements, but under the special permit process the requirement is 25 feet. The proposed project will have 25 ft setbacks, but will be asking for a 23 ft setback variance at one location. The underground parking facility is part of the proposal that requires special permit relief.

The 1058 Beacon Street parcel is not part of special permit, and the majority of the existing tree canopy will remain on this land. Any tree that is 8" caliper or greater and that is lost must be counted and must be replaced inch for inch. The developer plans to present a landscaping plan once it has been finalized. It was noted that setbacks for the proposed development are 25 feet from the Pine Crest Road lots.

Circulation of vehicles on the site will be minimized. Garage parking will be placed underground. There will be limited surface guest parking. Each of the residential condominium units is under 3000 square feet in size, ranging from about 2300 to 2800 square feet per unit. The developer is required to provide one affordable unit under the inclusionary zoning ordinance. After zoning review, the developer plans to file a special permit application that will include engineering and drainage plans. The city will review the utility plan for the site, and all water must be kept on site. All utility connections on the site will be underground. Along the Aqueduct, there is a city drain easement. The conditions of the Special Permit will be recorded as part of the title to the property in perpetuity.

In summary, the development will have 7 units, with underground parking providing garages for parking spaces for each unit. No garage doors will be visible, which is desirable from an aesthetic standpoint. The Urban Design Committee has given positive feedback on the design. There will be a total of 5 guest spaces on the surface abutting the Aqueduct. Buildings will be under 36 feet, or 2.5 stories.

Topography of the site is lower than the residences on Pine Crest Road. The developer intends to preserve as many trees as possible. The developer is required to provide a sustainability memorandum and is required to meet Massachusetts's energy Stretch code regulations.

A discussion ensued by attendees of the meeting: The development will consist of condominiums that will be sold, and there are no plans for rental units. The total square feet of development, is about 18,400 SF. The lot size is 32,300 SF. The FAR is about 0.57. The developer intends to use pavers for the guest parking. The aqueduct abuts the guest parking. All utilities will be underground, including those from the street to the site. Concern was expressed that the five units that are being planned in one connected building may not be in the character and scale of the neighborhood. Concern was expressed that the structure will be very massive considering the size of this small lot. A discussion ensued about breaking the massing by separating the units. The developer's lawyer stated that it was an expensive decision to have underground garage such that units can be reached from the interior of the garage. Reducing the project by one unit would make the project infeasible. It was noted that the Zoning ordinance requires an affordable unit for a 7 unit development. However, if the development has 6 units, then no affordable unit is required by zoning.

A discussion took place regarding lot coverage. By right, zoning allows lot coverage up to 30%. By special permit, the maximum lot coverage is 25%. The lot coverage of the proposal is at 24%, which is 6% less than the by-right coverage requirement. In addition to the Special Permit project, there will be 4 additional units built on the other parcels by right. A question was posed about the building having 2 or 3 stories, as some views appear to have 3 stories. Access to 1058 Beacon will be from Beacon Street. Currently, there are plans to build the two other parcels "by right" and not by special permit.

City Councilor Greg Schwartz presented information to define "special permit" vs "by right" development.

A question was posed about fencing, and how stockade fencing creates barriers, segmentation, and a feeling of exclusion of a new development that can separate it from the character of the existing community. The developer's attorney responded that fencing will be placed abutting the Pine Crest Road parcels but minimized elsewhere. A point was made about creating affordable housing and how having smaller units can actually create more affordability. The developer responded that more costly, larger units are needed in order to make the project fiscally feasible. A question was asked about the quality of the architectural style of the development. It was noted that the renderings are computer generated and preliminary. The final designs will include appropriate shingles and clapboards reflective of the area.

The developer plans to submit the project in March for a special permit. Two existing houses will be demolished on Walnut Street. The former house on Beacon Street has already been demolished.

Elliot Street recreational marijuana proposal

Katherine Adams, attorney from Schlesinger Buchbinder presented a proposal for a recreational marijuana facility on Elliot Street at the site of the former Green Tea restaurant. Cypress Tree Management, represented by Todd Finard, Victor Chiang and Eric Liebman, is proposing a recreational marijuana facility at this location. Cypress Tree had applied for a special permit for a medical marijuana facility that had been approved by City Council in 2018. Zoning for recreational use was finalized in December 2018. The proponent is requesting a change in use from a medical marijuana facility to allow a recreational marijuana facility.

The site plan is the same as the one approved for the medical marijuana facility. The building will remain as it is now, and parking will be located in front of or behind the building. Valet parking will be provided behind the building. Employees will not be allowed to park on site. The facility will participate in Newton's bike share program. Customers will be seen by appointment only for during at least the first year of operations. A police detail will provide traffic control from 3:45 to 7:45 pm on weekdays for 6 months. The Public hearing for this proposal has been scheduled for March 5<sup>th</sup>.

Questions ensued to the proponents: The developer confirmed that customers will be visiting the facility only by appointment. Concern was expressed about people arriving all at once, especially that people will be coming during evening rush hour and around 8 pm at night. It was reiterated that Cypress Tree will continue the appointment-only policy for at least one year. This policy will be reassessed after one year to see if there are still traffic concerns. It was noted that at Garden Remedies, there have not been traffic issues during daytime operations.

Initially, it is expected that there will be prolonged consultations with customers to teach them about use of the product. Eventually, there will be express pickup for orders placed in advance. It was noted that the valet system will assist with traffic flow. Concern was expressed about the safety of bicycling to the site.

A question was asked about the number of employees at the site. There will be 14 employees on any given shift, and appointments with customers will be about 10-15 minutes each. The 14 employees include 2 valet persons and 2 security personnel. Police detail will be there additionally. In the future, the facility may be able to complete a transaction with express patients in just 3 minutes, so traffic concerns may be lessened. It is expected that the site will see regular, repeat customers. There will be 6 points of sale, 10-minute appointments, about 36 customers per hour, or about 360 transactions per 10 hours. This will have a similar impact on traffic flow as any other retail venture.

It was pointed out that customers may utilize the CVS parking lot and may drive through the lot to reach Route 9, but they will not be directed by staff to do so. A question was posed about demand and use after a facility goes from medical use to recreational use. The proponent noted that it was difficult to estimate demand. The proponent noted that some other facilities are seeing 1000 to 2000 people per day without traffic problems, due to good management. Currently, there are 8 open stores in the state. The conditions of this Permit will limit the number of employees to 14 by board order. If the number of employees increases at this site, then there may be a greater requirement for parking from a zoning perspective. No parking waiver has been requested.

The developer noted that this is an 8000 SF facility and it is estimated to create less traffic than the prior restaurant use and a hair salon use. Dispensaries will be opening in Framingham, Natick, Needham, and Waltham. Currently, recreational delivery is not allowed but medical delivery is allowed. No changes are expected in the flow of traffic, and no entrances are being closed.

### Village Day Discussion:

John Rice noted that Steve Feinstein has handed over the main responsibilities for Village Day to Amy and Nathaniel. Steve will continue to help with fundraising. Nathaniel will talk to Chris Pitts about music for Village Day. The Area Council will need to have a Village Day planning meeting. Groot will be working to schedule the bouncy houses. John Rice will be contacting Maureen Oates and is planning on having a meeting with police detail about the Road Race.

### Soup Social:

Area Councilor Amy Wayne gave an update about the Soup Social. The event took place on February 2<sup>nd</sup> in the Hyde Center gym. There was a good turnout for the event. Amy thanked all of the volunteers who helped organize the event. She also thanked the restaurants that donated soup for the event: Walnut Grill, Eatery, O'Hara's, Newton House of Pizza, and Dunn Gaherin's.

### City Updates:

**Zoning Redesign Update.** Area Council President Nathaniel Lichtin noted that a community meeting to discuss the purpose of the Zoning Ordinance as it relates to the proposed Village District zones took place in January. On February 11<sup>th</sup>, the city will be presenting a build-out analysis, showing what can be built under the new zoning proposal compared to the current zoning code.

**Northland Update.** A public hearing was held to discuss transportation issues related to the proposed project. The meeting was well attended. There were many comments made about how the transportation plan as proposed is inadequate. The project is projected to have 1900 parking spaces. The developer is proposing a network of shuttle buses that will run every 45 minutes to various communities. The current proposal includes 822 residential units. A lively discussion ensued about the inadequacies of the current and proposed transportation plan. Srdjan Nedeljkovic suggested that a proposal to extend Route 60 bus may be a good intermediate solution to meet certain travel needs in the corridor, but noted that a rail extension along Needham Street is the only way to provide high capacity transit service to this corridor.

**Climate Action Plan update.** Area Council President Nathaniel Lichtin noted that a draft of the Climate Action Plan will be issued soon. No further discussion ensued.

**Phase 3 Solar Project.** City Councilor Vicky Danberg noted that the Solar panel proposals were all approved at the Public Facilities meeting that took place on February 6. Approval was given for various rooftop locations as well as parking lots. The proposal to have solar panels at the Newton Library parking lot was approved. The base of the carport solar panels will be brick and

the poles will be white colored. There will be an additional 24-33 parking spaces created at the library, and city employees will be encouraged not to park there.

**Riverside Development Project.** Charles Stover, a resident from Newton Lower Falls, provided an overview of the proposed project at Riverside. Mr. Stover presented information on the scale of the project. The current proposal represents a project that will be 2.5 larger than a prior proposal. There are 675 housing units proposed. The current proposal includes a building that will be 18 stories tall, and another that is 14 stories. These buildings will be about 400 feet from houses in Lower Falls. Currently, the Indigo Hotel is 8 stories. The proposal includes an exit from Route 128 into and out of the site.

Mr. Stover noted that the Riverside project will include over 600,000 SF of office space, 675 residential units, and a rebuilt hotel at 104,000 SF. The total area of the development will be 1.5 million square feet with 20% open space and 2832 parking spaces (including 1000 spaces in the MBTA garage). Mr. Stover noted that many people in Lower Falls are concerned about density of development and the traffic it will generate. There is a concern that the project will cause congestion on the Green line. Mr. Stover noted that the developer estimates about 100 new school age students will live in the development, but by some estimates this figure may be double. It was noted that the City has hired a consultant to lead a visioning process to evaluate the best use of this site. There will be a 10-week visioning process.

Srdjan Nedeljkovic encouraged Lower Falls community members to advocate for establishing high frequency rail service using the commuter rail to Riverside, with a new commuter rail station at Riverside creating a connection between the Riverside Green line station and the commuter rail. This will relieve traffic on both local roads and also reduce congestion on the Green line.

Kathy Winters noted that the Riverside development project will be presented to the Waban Area Council at their next meeting on February 14.

**City Charter Discussion.** Area Council president Nathaniel Lichtin noted that the Program and Services Committee is in the process of reviewing a proposal that would implement many of the segments of a revised City Charter as proposed by the former Charter Commission. Srdjan Nedeljkovic expressed concerns about the appropriateness of repackaging the recommendations of a plan that was rejected by voters at the last election. The Charter Commission's recommendations to revise the City Charter were defeated by voters, and any proposals to revise the charter should be discussed individually and with adequate publicity to get public feedback.

#### Administrative Items:

#### Approval of the January Minutes:

A motion was made to approve the January minutes, which was accepted 6/0 with 3 absent. No revisions were made to the draft minutes.

#### Treasurer's Report:

The Treasurer's Report was submitted to Area Council members by Groot Gregory via e-mail several days earlier, but Groot was unable to attend tonight's meeting. No new recommendations or other updates were made. It was noted that a single transaction related to the Winter Social had transpired.

Budget Discussion for 2019:

As the time was getting late and the Treasurer was not present, this item was deferred to a future meeting.

Next Meeting:

For the next Area Council meeting in March, Nathaniel will invite Northland to give a presentation of its transportation plan for the Needham Street development, as this plan involves several new bus routes that will affect Newton Highlands. Further discussion about the Charter Commission's proposal to reform the charter will take place. A discussion about the MBTA Better Bus project will take place, as the current proposals threaten to reduce bus service to sections of Newton Highlands.

New Business:

The MBTA Better Bus Project was noted as new business that will be discussed further at the March 7<sup>th</sup> Area Council meeting.

Meeting Adjournment:

The meeting was adjourned at 10:03 PM.