

## **Newton Highlands Neighborhood Area Council Meeting Minutes, October 2, 2014**

Attending: Rodney Barker, Bob Burke, Barbara Darnell, Steven Feinstein, Groot Gregory, Ron Mauri, Carol McPherson, Srdj Nedeljkovic (joined late)

Ex Officio Aldermen: John Rice and Dick Blazer

### **Guests:**

H. Nevin Yuksel-Ekici, 39 Pine Crest Road  
Rena Getz, Waban Neighborhood Area Council  
Mildred Hutchinson, Newton Highlands Community Development Corporation  
Sallee Lipshutz, Waban Neighborhood Area Council  
Maureen Meagher, Waban Neighborhood Area Council  
Sarah Quigley, Non-Binding Ballot Questions 5 and 6  
Richard Paisner, 30 Pine Crest Road  
Carol Rose, Newton Council on Aging  
Chris Steele, Newton Economic Development Commissions  
Brian Yates, Alderman at Large, Ward 5

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Barbara called the meeting to order at 7:40 PM and determined that we had a quorum to conduct business.

Bob then presented the minutes from September's meeting. It was moved that the minutes be accepted as read. These were approved unanimously without change.

Groot then presented the Treasurer's Report. As of October 1, 2014, there was \$8,293.37, \$5543.37 of which is currently available. All of it is in our checking account. Pending transactions include \$300.00 for the Halloween Haunted House, \$1,200.00 for drape and posts, \$78.00 owed to Steve Feinstein for Survey Monkey, up to \$1,000.00 for the Officer English Garden and up to \$250.00 for Village Day activities. It was moved that the Treasurer's Report be accepted as presented. This was approved unanimously without change.

The following items were discussed:

## **Four Corner Development**

Richard Paisner (30 Pine Crest) and H. Nevin Yuksel-Ekici (39 Pine Crest) came to raise concern about a major new housing construction project that is planned on Pine Crest Road where they own a home. Pine Crest Road is parallel to Walnut Street and the project would be located close to the Whole Foods 4-Corners store. The developer is Ward Shifman who has built several new homes and housing developments in the Newton area.

According to Richard, Shifman's plans for Pine Crest still are not entirely clear since it involves a still undefined number of units that are planned; (rumors range from 12 to 24 units). Shifman has already cut down from 25-30 trees on property he owns on the Street. Richard is concerned about the impacts this will have on parking, traffic etc. Until now, has been a very quiet street.

The discussion then turned to whether the project on Pine Crest would be done as a 40 B project or whether Shifman might be enticed to go for a "Special Permit" where the impacts would be less than under the more open ended 40 B approach.

Richard said that he and Nevin had come to the meeting not just to voice their concerns, but to seek guidance on what they should do. They asked if there was anything they could do to make it "winnable" for them and the homeowners on the street. Dick Blazer advised them to get a competent lawyer before taking any action on their own. "You might have to settle for a less destructive special permit", but that may be preferable to a 40 B." The City's Tree Conservancy should also be approached for anything they can do to save trees on the street. Dick also asked Richard if he had approached the MWRA about any problems they might have with this development. Richard stated that he had, but the MWRA thought the developer could take certain low cost remedial measures to meet any objection the authority might have.

Rodney stated that he and Carol had talked with Shifman about his plans and that Shifman told them he would like to meet with all the neighbors to hear their concerns and to see if he could work around them. Rodney strongly urged Richard to take him up on that offer.

Maureen Meagher from the Waban Area Council strongly suggested that Richard, Nevin and the other neighbors initiate this dialogue with Shifman “before any specific project he has in mind is put in concrete.”

#### **40B Effect on Development in Newton**

After the specific discussion on Pine Crest Road, Ron Mauri briefed Richard and Nevin and others present about the scope and status of 40 B’s in Newton, how applications to build 40 B projects had proliferated in recent months and how disruptive they can be to whole blocks and neighborhoods.

Ron showed multiple examples of how development under the MA 40B “Anti Snob” Law is affecting development in Newton. Under 40B, a developer essentially applies for a “Comprehensive Permit”; in Newton the developer does not have to conform to the usual zoning restrictions such as size, setback, number of units, or even whether the area is zoned for residential use.

In addition to the project on Pine Crest Road, Ron noted that the approval process for 40B projects has also started for:

- A 36 unit building on Court Street (zoned for multi-resident-a maximum of two units by right but about 13 units under a “Special Permit”
- 334 rental units on the side of the Boston Sports Club on Wells Avenue office park that is zoned for limited manufacturing
- 150 units on Rowe Street in Auburndale
- Most recently, a developer has filed a 40B application to build five housing units on Goddard Street in a single resident area of Newton Highlands
- There have also been discussions between the Waban Area council and a developer about a 48 unit 40B development on the former Saint Philip Neri Church site (a single resident zoning district) at the corner of Beacon and Chestnut in Waban.

## **A Housing Production Plan (HPP) As an Alternative to 40B**

Ron reported that because of this recent surge in 40B activity and concerns about its effect on residential neighborhoods and the commercial tax base, Ward 4 Alderman Amy Sangiolo has filed a petition to the Board of Aldermen. This requests that both the Executive Department and the Planning Department work as quickly as possible with the Board of Aldermen to develop a “Housing Production Plan” (HPP) in accordance with 760CMR 56.03(4) and guidelines adopted by the Department of Housing and Community Development. If a city or town develops an HPP that is subsequently approved and certified by the State, it can then impose and enforce zoning restrictions on, or even reject 40B projects.

Ron informed us that the Massachusetts Department of Housing and Economic Development has published guidelines on HPPs that explain why cities and towns should create HPPs. Ron read the following quote from the guidelines:

*“By taking a proactive approach in the adoption of an HPP, cities and towns are much more likely to achieve both their affordable housing and community planning goals. HPPs give communities that are under the 10% threshold of Chapter 40B, but are making steady progress in producing affordable housing on an annual basis, more control over comprehensive permit applications for a specified period of time.”*

Ron also noted that Newton does have other plans that discuss affordable housing (the 2007 Comprehensive Plan and the 5 year Consolidated Plan), but the HPP gives the City some legal authority and control over 40 B, while the other plans do not.

An extended discussion took place on Ron’s presentation during which a question was raised as to “who within Newton can initiate and create an HPP?” While nobody was sure of the development process and any required Newton approvals, it was noted that, as a practical matter, it would need significant effort from the City’s planning staff and would probably have to be submitted by the Mayor to the State Department of Housing and Economic Development.

After discussion a motion was made and approved unanimously (8:0 with one absent) for the NHNAC to send a letter to the mayor and the BOA in support of Ald. Sangiolo’s petition. It was also noted that it would be helpful to contact the other Area Councils on this matter in the hope that they will also support the petition for an HPP. Ron agreed to draft the letter.

### **Ballot Questions 5 and 6 for Newton Voters**

Sarah Quigley from Newtonville appeared before our Area Council to ask for support on two non-binding referendum questions (5 and 6) that will be on November's ballot. Both are supported by Representatives Balser and Khan. In essence, these are:

#### Question 5:

“Shall the state representative from this district be instructed to vote for legislation to require that a majority of the voters in a municipality approve the sale of any municipally owned real estate containing more than 7,500 square feet?”

#### Question 6:

This would modify 40 B to allow municipalities to have more local control over characteristics such as density, traffic and parking of these proposals which would impact adjacent neighborhoods if they have already attained a significant level of affordable housing (such as Newton has at 7.5%) , and are now making progress toward the state goal of 10%.

An extended discussion took place on the two ballot questions. Groot was supportive, but wanted us to get more specific information on the scope and potential impacts of each of these questions. A consensus developed that we needed more information and input from the City on Question 5, but that we knew enough about the essence of Question 6 to move forward with that tonight.

It was moved by Rodney and seconded that:

Our Area Council support Ballot Question 6 without qualifications. This vote carried unanimously on an 8-0 vote, with one absent member.

It was moved by Bob and seconded that:

Our Area Council should ask the City to provide more specific information on the impacts of Question 5 before making an endorsement. This vote carried unanimously on an 8-0 vote with one absent member.

## **Alderman Yate's Letter On the Add-a-Lane Project**

Alderman Yates appeared before our Area Council to seek support for a resolution that would be sent to the Mayor from all three area councils in this part of Newton; i.e. Newton Upper Falls, Newton Highlands and Waban. The letter supporting the resolution would read as follows:

“ALDERMAN YATES requesting a RESOLUTION to His Honor the Mayor asking that”

*“The Director of Public Engagement develop a public outreach program in partnership with the Massachusetts Department of Transportation re the Add-a-Lane Project on Route 128, including, but not limited to e-mails to Aldermen and members of the upper Falls, Waban, and Newton Highlands Neighborhood Area Councils, and create a prominent link on the City's website to the new Department of Transportation website page on the project.”*

Brian, Chris Steele from the Newton Economic Development Commission and Sallee Lipshutz from the Waban Area Council gave an update on the status and likely timeframe of the Add-a-Lane project and it's likely impacts on residences and businesses in this area, particularly on Quinobequin Road and the already heavily congested intersection of Route 9 and Elliott and Woodward streets.

Sallee stated that both the Waban and Upper Falls Councils had already voted to endorse Brian's resolution.

Rodney moved that we endorse and place our imprimatur on Brian's letter. The motion was seconded and carried unanimously on an 8-0 vote, with one absent member

## **Proposal for a Local Historical District**

Rodney announced that the first meeting of all those interested in working on establishing the Local Historical District in the Highlands will be meeting at 10 AM on Monday, October 6<sup>th</sup> at the Brigham House. We have a lot of work to do to get this off the ground, but several people have indicated a willingness to help.

## **Area Council Boundaries Update**

We are still trying to nail down dates and times to conduct our door-to-door survey in the expanded portion of our service area. There have just been too many other things on our plate these past few months, but Council members has their eyes on it.

## **Zervas School Working Group**

Alderman Rice reported that the Finance Committee had voted 4-2 last evening to send a revised Plan A to the full Board without the third (corner lot) property where the owner still has not agreed to the City's conditions and terms for a sale to take place. The Finance Committee took this vote without any further discussion, but reduced the amount being requested for sale of the three properties from \$2.4 million to \$1.6 million to account for the absence of the corner lot in the sale package.

## **Transportation and Transit Update**

- Robert emailed Srdj that the Allerton project has been delayed for technical reasons, but is still on course to be completed late this fall.
- Robert's email also reported that Beverly Scott from the MBTA has asked us to suggest a range of dates for our community meeting with the Mayor to generate strong public support for the handicapped accessible improvements at the Highlands T Station.
- Srdj reported that certain members of TAG are looking to set up a 2-way "cycle track" on Needham Street between Route 9, (Point A) and Christina Street, (Point B). Srdj and others on our Area Council have concerns about setting up something like this on the entire route length because of the extreme mixed use of businesses and apartments on the Street. There are just too many complicated, confusing and often hidden entrances and exits on this route to provide a single solution like this.
- Srdj has heard from constituents that Walnut Street needs additional controls to calm traffic between Forest Street and Four Corners and provide safety to pedestrians, but that it will require a great deal of consensus to pull this off.

- Groot reported that the City responded expeditiously to his 311 request to cut certain bushes in the Highlands leading to major thoroughfares that were blocking the ability of motorists coming from side streets to see oncoming traffic.
- Bob asked suggestions from Area Council members and others present for addressing serious speeding incidents that occur regularly on Dickerman Road where he lives. Most of this problem comes from motorists looking for a quick way to hit Route 9 to avoid the lights at Woodward and Route 9. Bob said he was going to get as many residents of the streets as possible to sign a letter to the City about the problem. John suggested that Bob also approach Bill Paille about enforcement possibilities.

### **Mayor's Invitation to Neighborhood Area Council Meeting**

Srdj presented a letter he had received from Mayor Warren inviting us to a meeting with members of the other Area Councils on Thursday October 30<sup>th</sup> from 6:00-7:00 p.m. in the War Memorial Auditorium at City Hall. This is part of the Mayor's "Ideas, Action, Leadership" a new initiative to actively engage and partner with the residents and businesses of Newton to create a more livable, sustainable city. The initiative's goal is to make engaging City Hall as simple as possible while providing the community with multiple opportunities to submit input and share ideas with the Mayor and with other city officials.

The Mayor's concluded with a request to RSVP to Terry Crowley, Citizen Assistance Officer.

### **Closing of the Rox Cafe and Suggestions for Outreach**

Several members and participants lamented the closing of the Rox Cafe and what it portends for the establishment of future eating places in the Highlands. The high rental costs and a feeling by some that the Rox Cafe misidentified its clientele were listed.

Rodney wants to talk with the landlord to see if more reasonable rents can be arranged. Chris Steele suggested we identify the kinds of business we would want to support in the Highlands and talk to Steve Buchbinder at Schlessinger and Buchbinder to get his suggestions about a strategy on how to proceed and which landlords to approach first.



### **Summer Concert Series**

John reported that plans for next year's Summer Concert Series are already underway and he showed a fantastic video produced by NEW TV that showed highlights of the Series.

### **Halloween Party and Haunted House at Hyde**

Barbara and Groot again stressed the need for volunteers for setup on the Sunday before Halloween (October 26<sup>th</sup>) and on Halloween night itself. Several members of the Council again stated they would be glad to help.

They also discussed the overall game plan and time frame for both the party and haunted house. The Haunted House is being geared to kids 7 or 8 years old; young enough to think it is cool and old enough not to be totally freaked out by it.

### **Other Items**

- John reported that work on this winter's ice rink is well into the final planning stages. It will be configured to accommodate room for skating but to have only one plastic tarp used. All we need is some cold weather.
- John also reported that the Soup Social will be held on Saturday Evening, January 24<sup>th</sup>. He agrees we have to do some thinking about the comments that were brought up at September's meeting.
- Finally, John also reported that the City is still on course to install the hose system at Officer English Garden sometime in the spring.
- Srdj reported that Sunday's "Paddles and Pumpkins" celebration at Crystal Lake was a smashing success. More than 500 people attended and there were kayaks, canoes and swimming in many parts of the Lake.
- Steve updated us on the progress of our Google Electronic Community outreach program and minor updates to our website. He wants us to inform him about any changes that should be made in the content. Many positive comments were made to Steve for his work on this.
- Brian announced that the annual Fall Hemlock Gorge Cleanup will be held on Saturday, October 18<sup>th</sup> and that there will be sandwiches, soft drinks and

sweets courtesy of Dunn Gaherin's at the Old Stone Building immediately following the end of the cleanup.

- Brian also announced he is approaching Anna Weisman at Historic Newton about presenting one of their annual awards to Rodney and Bill Roesner for their tireless work on behalf of historic preservation in Newton.
- Maureen gave a rave review on the "Faith Healer", the first production of Newton's new Nomad players. Tickets are going like hotcakes.

The meeting was adjourned at 9:45 PM

Respectfully Submitted,

Bob Burke, Secretary,  
Newton Highlands Neighborhood Area Council