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Mayor

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Director of
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Malcolm Lucas
Housing Planner

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Ted Hess Mahan, Chair
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Esther Schlorholtz
Josephine McNeil
Donna Rigg
Tatjana Meschede
Rosemary Larking
Judy Korzenowski
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CITY OF NEWTON, MASSACHUSETTS

Fair Housing Committee

MEETING AGENDA

Date: March 3, 2021

Time: 8:00 a.m.

Place: Virtual (Zoom)

Members Present: Theodore M. Hess Mahan, Chair

Kathy Laufer, Vice Chair
Josephine McNeil
Esther Schlorholtz
Judy Korzenowski
Donna Rigg
Ellen Tanowitz
Alexandra Weiffenbach

Members Absent: Tatjana Meschede

Rosemary Larking

Staff Present:

Malcolm Lucas, Housing Planner
Jini Fairley, ADA/Sec. 504 Coordinator
Eamon Bencivengo, Housing Development Planner
Hattie N. Kerwin Derrick, Director of Community
Engagement & Inclusion

Public Present:

Councilor Pamela Wright
Councilor Alicia Bowman
Councilor Julia Malakie
Hannah Cross, Newton Housing Authority
Stephen Buchbinder, Attorney
Franklin Schwarzer, Architect
Ron Rismo, Developer
Ed Nunes, Architect
Kathleen Hobson

Malcolm Lucas, Housing Planner served as recorder, Ted Hess-Mahan, Chair called the meeting to order at 8:30 a.m.



1. Approval of January and February's meeting minutes

- THM tabled the approval of the minutes because of the technical difficulties of the start of the meeting. The Committee did not object. The meeting minutes will be discussed at the April 7th meeting.

2. 1114 Beacon Street Developer Presentation

- THM introduced Stephen Buchbinder and Franklin Schwarzer and asked them to discuss their project at 1114 Beacon St. Mr. Schwarzer gave a context of the neighborhood. The project will be located in Four Corners at the intersection of Beacon Street and Walnut Street. The 51,745 square foot lot is in a business use 2 zoning district. Mr. Schwarzer stated that there is some conservation land, that is a catch basin for the neighborhood, in the rear of the development. They have been to the Conservation Commission and it was agreed that they could clean that area out, it had been used as a dumping area. Currently there is a single-story commercial building with a parking lot with 79 parking spaces made with asphalt. Their plans will consist of demolishing this space to build a multifamily dwelling which will contain 34 condominiums. This development will contain 16 one-bedroom units, 17 two-bedroom units and 1 three-bedroom unit. 6 of these units will be affordable. Most of the parking will be underground. 46 will be in the basement and only 4 will be above ground. There will also be substantial bike parking at this development. Having most of the parking underground will create more open space. Mr. Schwarzer then talked about the floor plans and designs of the proposed development. The developer used the Fair Housing Committee's scorecard and ranked themselves 10 out of 18. Affordability – 0, Accessibility – 0, Visitability – 3, Proximity of Employment – 3, Proximity to Transportation – 1 and Discretionary Impact - 3
- THM asked if there is a breakdown for the number of bedrooms that will be the inclusionary units. The three-bedroom unit will be one of the inclusionary units. 3 two-bedroom units and 2 one-bedrooms equals the 6 inclusionary units. DR asked for clarification of the units again Mr. Schwarzer gave her the breakdown again.
- KL asked if they are fully accessible. Ed Nunes responded that because these are condominiums there will not be accessible units. The Massachusetts Architectural Access Board does not require group 2 units within the building. All the units are group one which are made to be adaptable to buyers. JF stated that she understands for sales it does not have to be done but asked the developer to put in at least one. She stated that it will be very expensive to make it fully accessible. JF asked could be a possibility to make one available. Mr. Buchbinder stated that the developer would accommodate if a person needed but it would be on the buyer. Ron Rismo stated that he has done this for a while and there have been many times he has worked with buyers if they needed things and accommodations. He also gave a personal example. JF stated that she knew the person and stated that it was good to know that is an option. JF asked about the spacing and sizing. Ron Rismo stated that not only he is the developer, but he is also a general contractor so spacing, and sizing could be reconfigured and do whatever he has to do to make it accessible. Ed Nunes stated that in the planning stages they could size rooms to accommodate group 2 units without the accessories like a grab bar so it could be easily adapted if needed. He stated the units are large enough for clearances at doorways and turning radiuses. JF also added that the Commission on Disability had concerns with new development and spoke about a rental development. The door at the main entrance of the common area is very heavy and does not have an automatic opener. JF asked if there was a consideration. Ed Nunes stated that a automatic opener

is not a requirement but typically people will ask for one when developing. He is finding out now that developers are now pushing to have automatic doors to cut down on issues and confusion and to make everyone happy. JF stated that she will ask more detailed questions when they come to the COD this following Monday. THM asked if the condo association would have jurisdiction to accommodate. Mr. Buchbinder stated yes, and each unit will have their unit ownership and there is an undivided interest in the common areas.

- JM stated we need to make sure that the monitoring agent, who she presumes will be the City of Newton, will include that type of information in the resale certificate so that everyone would understand what they are getting into from the very beginning. JM asked, once a reasonable accommodation or modifications is made after the condominium documents are recorded and the fees are set, will that have any impact on the condo fees for that affordable unit. Mr. Buchbinder stated in the initial sale, that if there is a buyer who needs the unit to be retrofitted that the developer will do so. He said he is unsure if the second buyer five years later is buying one of the units that are not fully adaptable. He stated if there is a market unit, they must be on their own and if it is a affordable unit that he is not sure. He stated that JM raised a good point he has not thought about. Ron Rismo stated that the percentages of the condo fee are already set in the beginning stages before any sales take place and the fees for the affordable units. All the condo fees in Massachusetts are based on the initial value of each unit. This doesn't necessarily mean that the value will be the same as what the unit is sold or resold for because that will continually change the condo fee percentage. Initially the affordable condos that have lower rates will have lower condo fees. The percentages do not change because it is recorded with the master condominium deed. He did say that the budget can change if the price of the fuel or insurance goes up. The condo fee could change a little, but the percentage stays the same. THM asked is there an elevator in the building and asked could he see it in the floor plans and the developer showed him.
- KL asked how they will market and sell the affordable condo units. The developer responded and stated that it is a lottery. He stated in Boston and Brookline they have been responsible for that. DR asked the price of the units. The developers stated that the affordable sale prices will be set by state standards, and the market rate units will be around 700 dollars a square foot which is about 1.2 million.
- JM asked for a breakdown of the various units that show the bedrooms and square footage for the whole development as well as the breakdown of affordable units. She asked that this be separated out so the FHC have it. Mr. Buchman asked the architect if a summary that could be made available for the fair housing committee. THM stated that he would send a table to Mr. Buchman. THM thanked them for the presentation.

3. 429 Cherry Street – Marketing and Lottery

- THM asked who was giving an update on this lottery. ML explained that there was not going to be an update and stated why this discussion was on the agenda. ML stated that JM asked for the marketing and lottery material so the committee could review it and discuss. ML stated that the application is available and the deadline for the application is April 10, 2021 and that was the only information that he had on the project. JM stated the marketing plan that was submitted to the Committee has grammatical errors and had multiple typos. JM asked if the marketing plan had been submitted and approved by DHCD. EB stated that was correct, the document was submitted to DHCD. ML stated that the document is a draft, that was what he had received to submit to the FHC and

was sure this document was updated before it was sent to DHCD. JM stated that the City, being the monitoring agent should be reviewing this document before it is submitted to make sure that errors are corrected. JM asked who the monitoring agent at the City and who deals with DHCD. ML stated Amanda Berman and Eamon Bencivengo. JM asked who the approved document goes to and who at the City receives it. JM stated that the City needs to answer these questions. JM stated that it is the monitoring agent's responsibility to ensure processes with these deed restricted developments are complete and clear for people to understand. JM stated that the monitoring agent needs to be identified specifically in these development documents so a person could know who to contact and who they are dealing with. JM also gave an example about some language in the document recommending an attorney to be hired in these cases when she recommends it should be required.

- THM stated that he would like to set up a meeting with planning to talk about it offline and asked if JM would be willing to meet. She stated yes but she would like to meet with possibly ET, DR and JK have the discussion about the deed restrictions because of their backgrounds if they are willing. JM asked when did the marketing start on 429 Cherry street and ML stated it was a few weeks ago and was unclear of the time and deferred to EB.
- EB stated that when the project comes up and receives a special permit, he submits a Local Action Unit application to DHCD for those projects that don't come through the 40B process or the LIP program. EB stated to put a development on the Subsidized Housing Inventory the City must submit this application so that the ~~for~~ property could be counted. EB stated that one of the components of the application is the marketing plan.

4. Fair Housing Month

- a. **City Council Resolution/Mayoral Proclamation** - THM stated that everyone received the documents and asked if they have any comments to send an email to ML and THM. This is being done to recognize Fair Housing month.
- b. **CPTC/Judy Barrett Training Module** - THM talked about the meeting he had with Planning about CPTC creating a module for the HOME Consortium. TM stated that there is a possibility that Judy Barrett could modify and do a training for fair housing month. EB stated that Judy is still working on it and working on coordinating a date with Amanda Berman. EB also stated that the training that will take place on two days, one in the afternoon and one in the evening to be accommodating to more people. THM asked will it be recorded and EB stated yes. JM asked if there was anyone on that team who is experienced in (DEI) Diversity Equity and Inclusion. EB stated that he will ask.
- c. **Panel of Experts** – THM stated this is something that the FHC can incorporate DEI and asked JM and the Committee if they knew experts and JM stated that she could get some names. DR stated that she could get some names as well.
- d. **Newton Fair Housing Award** – THM talked to Lee Mondshein about the award for fair housing month to recognize people that go above and beyond in terms of promoting fair housing. THM wants to name it the Sheila Mondshein award and would like to make an announcement on Facebook and in the Mayor's newsletter. THM wants to raise awareness and the profile for Fair housing and is nominating Shelia for next month. JM stated this is a great idea, but criteria should be established. JM stated that it should be criteria to be a part of the process of receiving the award.

- e. **Realtor Training** – THM asked the Committee if they should put this on again and open it up to the Consortium Communities. THM thought it was an excellent training. JM stated that it was a part of the AI and they will be discussing that soon. THM stated that the Planning Department is working with the consortium on the items on the AI and stated that their bandwidth to put this together is small and then asked JK who put this on the first time. EB stated it was Judi Barrett’s team.
- f. **Other Ideas.** – THM asked if there were any ideas for trainings or other fair housing activities. KL wanted clarification if it was the whole AI or trainings and THM stated just the training part. KL stated that she thinks it has to come in a context of looking at the whole AI. She stated just to pick out one thing is hard to do. She stated that it is a big plan and she understands that the Planning Department is stretched but she also understands that the Planning Department is the recipient of the administrative funds. She states that those funds could be used for a variety of things and she thinks that we should have that discussion. She stated the it can’t just be used for staff it has to be used for trainings and experts and all the other things that were clearly identified.

5. **Update on First Time Homebuyer Units**

- a. **Chairperson’s Note: The First Time Homebuyer Program will be on the Agenda for April 7, 2021**

6. **Zoning Redesign**

- a. **Chairperson’s Note: Brief discussion to decide whether the Committee wants to take up AI Recommendation to review and provide guidance on Zoning Redesign to Affirmatively Further Fair Housing**
- THM stated he circulated the recommendation from the AI. Kathleen Hobson from Engine 6 had noted that the AI was part of the recommendations to review and provided guidance on zoning policies as they relate to barriers to AFFH and he wanted to highlight that and get a consensus by the Committee to see when to explore this. THM asked if in May someone can come to talk specifically about the AI. KL stated that they would need to see it before they meet. JM asked if the Consortium meetings are public and are the agendas public for people to attend. EB stated that he would get the information to ML to distribute to the FHC.

Meeting Adjourned @ 10 a.m.

7. **Other Business**

8. **Next meeting Wednesday, April 7, 2021**

*Supplementary materials are available for public review in the Planning Department of City Hall (basement) the Friday before the meeting. For more information contact **Malcolm Lucas at 617.796.1149**. The location of this meeting/event is wheelchair accessible and Reasonable Accommodations will be provided to persons with disabilities who require assistance. If you need a Reasonable Accommodation, please contact the city of Newton’s ADA/Section 504 Coordinator, Jini Fairley, at least two business days in advance (2 weeks for ASL or CART) of the meeting/event: jfairley@newtonma.gov or (617) 796-1253. The city’s TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711