



# Public Safety & Transportation Committee Report

## City of Newton In City Council

**Wednesday, January 19, 2022**

Present: Councilors Downs (Chair), Lipof, Malakie, Grossman, Markiewicz, Bowman, Oliver and Lucas

Also Present: Councilor Crossley

City Staff: Transportation Coordinator David Koses; Planning Director, Barney Heath and Director of Transportation Planning Nicole Freedman

Others Present: New TV and Jeremy Freudberg, Traffic Council Alternate Member

**#66-22      Annual Report of the work of the Traffic Council for 2021**

DAVID KOSES, TRAFFIC COUNCIL CHAIR providing the Annual Report of the work of the Traffic Council for 2021.

**Action:      Public Safety & Transportation No Action Necessary 8-0**

**Note:**      Transportation Coordinator David Koses joined the Committee for discussion on this item.

Mr. Koses reviewed with Committee members the work of Traffic Council in 2021; this material was attached to the agenda. Mr. Koses said that during 2021, Traffic Council held 11 evening meetings (all virtual). Traffic Council heard 102 items and took final action on all but ten of them. No docket item was denied in 2021. One appeal was submitted to the City Council (a stop sign on Parker Road). Backlog during 2021 consisted of 28 items. Traffic Council is efficient, effective, and Mr. Koses sees no necessary changes.

Mr. Koses stated that in 2021 Traffic Council spent time improving the Traffic and Parking Regulations (TPR). For example, the TPR are used if a sign gets knocked down, a sign is missing; it records what a sign is supposed to say, what's the regulation, and where exactly the sign should be located. The Traffic Division handles parking ticket appeals and hearings refer to the document to see where the ticket was issued, what the actual official parking regulation is and whether the ticket should be upheld or not.

In 2021, Traffic Council approved a number of trials: the employee permit program in Newton Centre to assist employees with better access to long-term parking meters. This has been so successful, Mr. Koses hopes the trial will be made permanent. Homer Street was temporarily made a one-way street to add parking spaces during the reconstruction of the Library parking lot. Also, for

the major reconstruction project on Walnut Street, a trial allowed for all the changes to the parking meters and turning restrictions.

Committee members questions and answers:

**Is it typical for zero items to be denied?** Mr. Koses answered that Traffic Council rarely denies an item. It is more typical to take no action necessary because then the item can be re-docketed in the future.

**Are more people reaching out in advance of filing their petitions?** Not more than any other year. Sometimes discussions take place in advance of items getting docketed and the petitioner may decide to docket something different or withdraw the petition.

**Please provide an update on how the employee permit program in Newton Centre is working.** Mr. Koses said that trial is underway. Data is being compiled on the number of meters being used by employees who have these new employee permits, how many meters are being parked in by vehicles without a permit. The City has started enforcement. The next step will be to discuss whether the trial should be made permanent.

**What is the charge for the employee permit?** Mr. Koses answered that as part of this trial, we decided that the permit would be free to Newton Centre employees, but they would have to pay at the meters. The permit does not guarantee a space will be available. In Newton Centre there are certain meters that are reserved only for employees with permits. The goal is to free up some long term meters in the lots in Newton Centre by deterring commuters or short-term visitors.

**What is the cost of a long-term meter per hour?** Mr. Koses answered that all the meters are 12-hour meters costing \$.50 cents an hour/\$5.00 per day. We call them 12-hour meters but they're 8 a.m. to 6 p.m. (10 hours).

Council members thanked Mr. Koses and Traffic Division staff for their diligence.

Without further discussion, Councilor Bowman made a motion for no action necessary. Committee members agreed 8-0.

**Referred to Public Safety & Transportation and Finance Committees**

**#112-22**      **Request for the establishment of a fee relative to Permanent Outdoor Dining**  
HER HONOR THE MAYOR requesting the establishment of an annual fee of two-hundred and fifty dollars (\$250) per parking space for approved outdoor dining spaces and requesting such fee be waived for calendar year 2022.

**Action:**      **Public Safety & Transportation Approved 8-0**

**Note:**      Planning Director Barney Heath and Director of Transportation Planning Nicole Freedman joined the Committee for discussion on this item.

Mr. Heath stated that this docket item is to continue the successful pandemic-related outdoor dining program in the City.

When COVID began, the City quickly provided restaurants with opportunities for outdoor dining where a lot of patrons feel more comfortable. The department has worked hard with Department of Public Works and the Police Department to structure a program that worked for the restaurants to provide safe and convenient spots for outdoor dining.

Ms. Freedman provided Committee members with a PowerPoint presentation, attached.

Ms. Freedman stated we are allowing restaurants to use public property (parking spaces). The outdoor dining season is from April 1 to January 2. Should the City charge, if we charge, how much should we charge? We reached out to forty-five neighboring communities to see what they are charging and heard back from six.

The communities that are charging have set a fee of about \$250 for a single or multiple parking spaces. Council will determine if the \$250 is for one or more spaces. For 2022 several communities are waiving the fees. Cambridge and Brookline have higher fees. Neighboring communities on average are charging \$225 to \$250. The average revenue for a Newton parking space is about \$450 for an 8 month period, or the season for which we're allowing outdoor dining.

#### Committee members questions, answers and comments

##### Questions and Answers:

**What is the impetus for kind of formalizing, establishing and setting the fee if the intent is to waive the fee this year?**

**Fees generally need to be charged based on what it costs the City to run a program. How was this fee determined as opposed to just basing it on neighboring communities?** Ms. Freedman answered that she can't speak to whether we are required to charge a fee based on the administrative cost. If you're charging a fee, you want to be able to defend why you're choosing that fee. The reason we're suggesting a fee and potentially waiving it now is twofold. One, so the restaurants can plan accordingly. Two, I think for us that becomes defensible. This is the fee we plan to charge and we're waiving the fee in 2022.

Chair Downs said that parking meters and parking fees were exempted from the Proposition 2 ½ rule about fees charged versus what it costs to provide a service under the municipal Modernization Act of 2016.

**How many parking meters are in the city?** Ms. Freedman answered between 1,700 to 1,800 metered parking spaces and 3,000 unmetered parking spaces.

**How many parking spaces would be affected by this?** Ms. Freedman answered approximately 40 to 50 spaces.

**Is this an annual fee of \$250?** Ms. Freedman answered yes, the fee would be included in restaurants' application for outdoor dining with the Licensing Commission.

**What City account would accept the \$250?** Mr. Heath answered perhaps the general fund.

**Why wasn't this program implemented last year, in 2021?** Ms. Freedman answered that everything last year was part of the COVID Governors Emergency Order. The Governor's Emergency Order will be lifted April 1. Everything we put in was temporary. We didn't know whether we would be continuing the program post COVID, or not. During COVID, we were not charging for parking meters. It would be a little hard to charge restaurants a fee for something that had no value at the time.

**Has anyone contacted the restaurants that have been using parking spaces?** Ms. Freedman answered yes, meetings were held with a representative representing several restaurants, and Greg Reibman of the Newton Needham Chamber of Commerce. We've mentioned that we most likely will need to charge a fee of perhaps \$250.00 but the fee will be waived in 2022.

**For a restaurant to do a street space, do they need to be first doing the sidewalk space in between?** Ms. Freedman answered no.

**Would a restaurant be required to pay a second alcohol fee for outdoor alcohol?** Ms. Freedman answered that the License Commission would determine this.

**Have we contemplated the same fee for unmetered spaces?** Ms. Freedman answered we have not had any requests yet for unmetered spaces, so we haven't contemplated a fee.

**Are the barriers around the parking spaces included in the fee?** If not, do you anticipate a charge in the future? Ms. Freedman answered that last year, barriers were offered, and the City will offer it again this year, we are able to provide those barriers for free.

**In the future, do we envision any sort of flexibility to be introduced for a fee decrease with restaurants expressing that they want to pay less of a fee for a shorter period of time?** Ms. Freedman wasn't sure.

**Is the same staff involved who are responsible for approving these parking spaces and the setup of the spaces?** Ms. Freedman answered yes, the Traffic Division and Department of Public Works review the spaces for safety and to ensure the balance is right. If there was one restaurant that wanted 10 spaces on a block, and there's only 10 spaces on that block, they would want to know the other tenants on the block were OK with that.

**In general, did you feel that all these different staff people who have this responsibility worked well together?** Ms. Freedman answered yes, the process was manageable. Last year, the process was much simpler, because we were in COVID. Restaurants didn't have to go through the full licensing commission process for outdoor seating. This year, restaurants must go through the full

licensing commission process, including the ABCC if applicable, to be approved for outdoor seating. To apply for sidewalk or on street dining is almost the exact same process as it always had been. With the exception for on street dining. Mr. Heath added that this year, should be a much simpler approval process for all the parties involved.

**If you have one parking space in front of two different businesses what is the process?** Ms.

Freedman answered that if the parking space is 50% or more in front of your property, then you don't have to ask your neighbor. If you have less than 50% of that parking space in front of your establishment, then you must get written permission from your neighbor.

**If two restaurants wanted to go in together and split the fee and share the space, would that be permissible?** Ms. Freedman answered that this would get into a contiguous issue because the dining space needs to be contiguous. If two restaurants were side by side, they could theoretically share both of those spaces.

**In the past, has there been any pushback from non-restaurant businesses about loss of parking spaces?** Ms. Freedman answered only on Union Street. The pushback there was because we had created such a taper, so there were additional spaces lost. We've already met with them, and we'll adjust that so that we're not losing as many spaces.

Comments:

\$250 seems perfectly appropriate, perhaps on the low end. If we calculate the loss of City revenue over six or seven months that the spaces are gone for outdoor dining, we probably will want to charge more. Ms. Freedman added that the average annual revenue per space is approximately \$742 per metered space for 1700 to 1800 meters. The typical meter income is about \$1.3 million.

**Please explain the other fees that restaurants will have to pay to have expanded dining.** Ms.

Freedman explained that the remaining fees will be in the guidelines.

It is important to waive the fee this year because the restaurants are pinched by the pandemic.

The City should consider outdoor dining year-round especially if the pandemic doesn't abate soon and we have another surge. Some cities are creating tents and great outdoor dining spaces. We're going to want to have restaurants continue in the City, and we want to make sure that places will be comfortable for people to dine.

Perhaps in the future, we may want to revisit what we charge for parking and what we charge for parking lot spaces.

Without further discussion, Councilor Markiewicz made a motion to approve this item establishing an annual fee of \$250 per parking space and waiving the fee for calendar year 2022. Committee members agreed 8-0.

**#115-22      Resolution on Upper Falls Greenway to Needham**  
COUNCILORS DOWNS, CROSSLEY, KALIS, LIPOF, RYAN, NOEL, LAREDO, AND BOWMAN  
requesting a Resolution supporting a community bridge over Route 128 and the Charles River, connecting Upper Falls Greenway to Needham.

**Action:      Public Safety & Transportation Approved 8-0**

**Note:**      Councilors Greenberg, Albright, Kelley, Danberg and Wright requested their names be added as co-docketers.

Chair Downs stated that Senator Cream and Senator Rausch (of Needham) earmarked \$200,000 for a study of multi-modal transportation over the Charles and 128 at the Upper Falls Greenway. This resolution supports that.

Committee members comments:

Making this connection is important. People could to use this corridor to Dover and beyond allowing bicyclists and pedestrians a low stress route.

The paths are completely separated from cars and safe.

We can expect to see dramatic changes in people's transportation modes and choices they make if this is realized.

Chair Downs opened the discussion to members of the public who were present.

Public Comment

George Kirby, 19 Cummings Road, said that the Greenway has become a wonderful amenity for the Upper Falls community, approximately a mile long. People regularly use it for walking and biking. If we can connect it through some of the other pathways in Newton, and across the proposed Christina Street Bridge, into the DCR trails into Needham, and into the Needham business park, it could become even more useful for the Needham crossing industrial area. If we can do this study of this proposed bridge between the communities of Newton and Needham, then you could have more access to shopping and to offices without requiring people to drive. Northland Development is coming and there is a proposed development in Needham that would abut this pathway; it would become the focus of design for a more livable community like what has been done in the Northland design. The key to enabling more biking and more walking is safety. Being able to offer a trail means that more people besides just an expert bicyclist could attempt to go that way and to connect to the MBTA, both in Needham and in Newton. It is up to us in Newton to champion our vision of encouraging active bicycle and pedestrian mobility as part of our climate change commitment, although only one end of this community bridge connection is in Newton. It's important for us to highlight that vision as we go forward hand in hand with Needham. The study is only the first step. I hope we can move forward and support this resolution.

An amended resolution is attached.

Without further discussion, Councilor Lipof made a motion to approve this item. Committee members agreed 8-0.

The meeting adjourned at 8:16 p.m.

**Respectfully submitted,**

**Andreae Downs, Chair**

## Fees for Parking Space Dining

Norwood: No charge

Quincy: as of date of response no charge

Maynard: \$225/parking space

Needham: \$250 for up to 3 spaces but has been waived for 2022

Arlington: \$250 application fee (there is a fee of \$50 for sidewalk dining and private areas) There are no other fees.

Cambridge: \$750 for establishments serving alcohol; \$250 for others; \$75 application fee

Brookline: Fees effective April 1, 2022: Seasonal on-street: \$680

Brookline future fees for the next years are subject to Select Board approval:

	Jan. 1 2023	Jan. 1 2024	Jan. 1, 2025
Annual on-street:	\$4165	\$7045	\$9925
Seasonal on-street:	\$2360	\$4040	\$5720
Annual Sidewalk	\$360	\$360	\$360
Seasonal Sidewalk	\$310	\$310	\$310



Resolution Supporting a Community Bridge over Route 128 and the Charles River

Whereas the Upper Falls Greenway is a beloved active bicycle and pedestrian transportation corridor connecting Upper Falls almost to Newton Highlands center, and

Whereas the City of Newton plans to connect the Greenway to Newton Highlands T stop & center, and

Whereas the Town of Needham Selectboard has a goal of connecting to the Greenway from the south, and

Whereas the development of multi-modal transportation options between the Town of Needham and the City of Newton would likely benefit residents and businesses on both sides of the river and highway, and

Whereas a connected greenway would allow Needham residents to more easily access the Green Line at Newton Highlands and Newton residents to access the Commuter Rail at Needham Heights, and

Whereas the Upper Falls Greenway could further connect not just to trails along the Newton side of the Charles River (planned), but also to trails in Needham, and

Whereas the Muzi parcel as well as the Northland development will add population and businesses to both municipalities in upcoming years, and

Whereas the Needham portion of the rail trail is planned to extend and add recreational access through Dover to Medfield

Therefore, be it resolved that the City Council of Newton supports and encourages our mayor, and legislative delegation to join us in supporting a community development, engineering feasibility and preliminary design study toward the vision of a Community Bridge over Route 128 and rehabilitation of the Charles River "Sunset Deck" rail bridge connecting to the Upper Falls Greenway.