



**Newtonville Area Council Meeting Minutes**  
**Thursday, April 15, 2021 7:00 PM**  
**Meeting Location: Online via Zoom**

- NAC members:
  - Peter Bruce (President), Susan Reisler, Carolyn Gabbay (Secretary) Kartikey Trivedi (VP), (Treasurer) Dana D’Agostino, Jessica Aker Archer, Martina Jackson, Pamela Shufro
- Office of the Mayor: Mayor Ruthanne Fuller
- City Councilors: Susan Albright, Allison Leary, Tarik Lucas, Julia Malakie, Emily Norton, John Oliver, Pam Wright
- Other Area Councilors: Rena Getz, Chris Pitts
- City Government: Barney Heath, Zachery Lemel, Hattie Kerwin Derrick, Ellen Ishkanian
- Members of the public: Approximately 50 people

Peter Bruce called the meeting to order and confirmed the presence of a quorum. Kartikey covered some Zoom administrative ground rules.

**1. Discussion with Mayor Fuller regarding the NAC’s NewVision letter (last February), and planning, development, and Zoning Redesign.**

Peter Bruce introduced Mayor Fuller and moderated the discussion with her.

The Mayor made introductory comments unrelated to zoning, including about:

- The decrease in new COVID-related deaths, but also the damage done to the residents and businesses most harmed by COVID;
- The selection of a new Police Chief (John Carmichael) and ongoing police reform discussions;
- The selection of the current Newtonville location for NewCAL and the gathering consensus to build a new building. Regarding the design, she promised to engage closely with Newtonville residents and the NAC;
- Working with the MBTA and her desire that “Biden Dollars” be spent on the commuter rail and restoring express bus service;
- Her hope to issue a *Request for Proposals* for the Armory during the summer;
- Rebuilding the Bulloughs Pond Dam to keep the downstream safe while preserving trees and vegetation;
- Her desire to prevent the proposed gun store at 709 Washington Street from opening, saying that she was working with several of Newton’s departments on the matter.

Regarding zoning, the Mayor expressed gratitude to the NAC as a leader in thinking about the issue. She then noted that as the decision-maker on zoning, the City Council has the most important role, but that the Mayor has a special role in working with the Planning Department, even though they will primarily

serve the City Council on this issue. She then asserted that there is a lot of unity on goals among the community for planning and zoning, and she listed them as follows:

- Diversifying housing types and making housing available for a wider range of incomes,
- Energy-efficient construction,
- Supporting local businesses,
- Limiting the number of automobiles,
- Having housing near transportation and village centers, and
- Creating economically dynamic, character-rich, and livable and walkable village centers.

Regarding the NAC's February letter, she said that a main point was making sure residents and businesses are being heard by the City Council and Planning Department and that the December "pivot" by ZAP, away from allowing multi-family housing to be built by right in most of the City, was evidence that people in the City's planning institutions were listening, and that it was the right thing to do.

Peter began to summarize the questions that had been posed to the Mayor in preparation for the meeting, starting with the question (Question #1) about her promise as a candidate to emulate Somerville's visioning process with broad resident leadership, rather than leadership by their planning department. He said that, despite a 3-year process with multiple "false starts", Newton has not built a public consensus on (a) whether to have incremental or revolutionary changes to its zoning, or (b) how heavily to rely on zoning as the tool to achieve affordable housing and environmental goals rather than policies that deal more directly with those issues. He added that our process was almost the opposite of what she promised. (These questions are displayed, along with the February letter, on the NAC website.)

The Mayor responded that robust community engagement was critical. She said that her campaign comments about SomerVision related to developing a comprehensive plan. In Newton, the Comprehensive Plan was developed over a decade ago in a resident-led process (led by Phil Herr) and that, if and when there was need for a new Comprehensive Plan, rather than updating and amending the current one, that process would be resident-led. In contrast, the Zoning Redesign process, in which the City Council is the decision-maker, needs to rely on planning professionals, and that those professionals have had lots of discussions and entertained many viewpoints from the City Council, on which there has been more both more diversity of opinion and consensus than may be apparent.

Peter countered that Newton's Comprehensive Plan already was in place when the 2017 campaign promise was made, and that the promise related to the course of future activities, not the past. The Mayor replied that "we can probably do better" and that new outreach tactics were being further developed. She also offered that COVID has been inhibiting communications and welcomed ideas on better ways to get input. Peter suggested doing this with a scientific public opinion survey. He also said that there has been no public mandate for the Planning Department (with no vote by the City Council) to decide on new goals (a reference to Question #4), and that the decade-old Comprehensive Plan predates the pandemic and relies heavily on mass transit, especially the commuter rail, in ways that need rethinking.

Question #3 dealt with teardowns, as to which the Mayor said that, based on her prior City Council experience, she felt that just tweaking the current ordinance would not work. Barney Heath added that redevelopment in scale to current neighborhoods and architecture is challenging, given the

interrelatedness of all aspects of the zoning code. When asked if “big changes to the current tools” could make that work, he said “that’s what we’re working on.” He also added that planner Zach LeMel has been working with local architects and that years of effort to reduce house sizes and to divorce lot size from its current direct relationship to house size, had lacked consensus and had not achieved this goal.

Question #5 related to transit-oriented development (TOD) and affordable housing. It asserted that these concepts are often more hypotheses than fact, and asked whether these concepts and related metrics should be re-evaluated. Along these lines, Peter noted that commuter rail ridership is down to 12% of pre-pandemic levels, is now being utilized increasingly by blue-collar communities and less by white-collar ones like Newton, and that it will likely have a hard time coming back to prior ridership levels.

As such, he asked whether there should be more emphasis on other transportation modes, like electric vehicles, and shouldn’t the focus for TOD be more on the far more robust Green Line? The Mayor said she believes that Boston will remain attractive and thus there will be a continuing need for sufficient housing. She said that supply and demand is increasing prices and making Newton less diverse. She added that traffic is increasing in the last month and that, while remote work and meetings will continue and require rethinking, public transit is “part of our permanent future.” She noted that Newton Highlands has 13 vacant storefronts, and that for village centers to thrive, we need walkable, livable neighborhoods that are not so car-dependent. She also noted that electric cars, while good, still contribute to traffic and reiterated that TOD will be part of our future.

Question #2 related to village centers. The Mayor thought Peter Harrington’s proposal (discussed later) made sense and said she looks forward to the City Council focusing on village centers. She agreed that housing development had concentrated on certain areas of the City and not others, but noted that there has been housing proposed along Rt. 9 in Chestnut Hill and that there may be a residential project at Chestnut Hill Square. She agreed that the AMI percentage used (i.e., 80% versus 65% or 50%) makes a difference, and Barney Heath said that the average AMI for affordable housing the City, and community groups, have recently urged is 65%, which developers can meet by a mix of 50% and 80% AMI units in their projects.

Question #6 related to exercising the “safe harbor” to restrain developers from using the Commonwealth’s 40B law to avoid zoning requirements. Peter noted that, based on the likely results of the 2020 census and with the forthcoming issuance of building permits for approved projects, Newton could reach the “safe harbor” threshold soon, and asked whether the Mayor would use the powers associated with the safe harbor to help make us “masters in our own city.” Mayor Fuller replied that this was imputing too much power to her, and that the Zoning Board of Appeals (ZBA), rather than she, has the power to invoke the “safe harbor.”

Kathleen Kouril Grieser commented that the Mayor appoints the members of the ZBA and the Law Department, and that the latter, which advises ZBA, has discretion on how to interpret the calculations of “safe harbor” thresholds, and, as a result, the Mayor is not without power in invoking a “safe harbor.” The Mayor then took the position that the Law Department is not influenced by the Mayor’s political preferences and that she appoints people with various viewpoints to the ZBA. Kathleen added that Zoning Redesign seems to be driven by the Planning Department and that, while the Mayor may perceive consensus, residents do not. The Mayor responded that the City Council is the body for leading the Zoning Redesign discussion, and that the Planning Department is professional and does not reflect

the views of only a faction of the City Council. She also expressed confidence in the Planning Department, which has only recently been restored to full staffing, for which she said she is quite grateful and hopeful. Kathleen also added that, in her view, Zoning Redesign is driven by ideology rather than economics, that Newton cannot build its way to affordability and that the commitment to greater density under a revised zoning code will not make housing less expensive. The Mayor took “strong exception” to her characterizations, which she regarded as oversimplifying and misrepresenting the City’s goals and policies.

Marc Hershman offered his comments, relevant to the teardown question (Question #3), noting his extensive background in the field and his work with the Zoning Reform Group ten years ago. A key problem of the earlier zoning code, he claimed, was that it was not legible. But that problem was fixed by rewriting the text. Other problems were given a “fix of sorts by adding floor area ration (FAR) as a tool. His view was that by reforming FAR further, along with related rules about setbacks, heights, and lot coverage, most of our zoning issues could be addressed, as they have provided excellent results in other communities. But he argued against changing Newton’s core paradigm in favor of form-based zoning, upzoning, and the related extensive densification they would bring about. He noted that the pandemic has lessened people’s interest in living close together or near workplaces. He also asserted that when specific problems or aspects of the code need work, that work should be done with careful, detailed holistic reforms, as was the case with the garage ordinance, without a paradigm change. He offered the help of Newton’s architect community to help create a new, incrementally changed city, retaining, rather than transforming, its basic character.

The Mayor thanked him for his help over the years and acknowledged the tension between modifying the current code and writing a new one. But, she felt that it would be hard to achieve the goals Newton is trying to achieve By “just doing tweaks, and tweaks to the tweaks.”

Planner Zach LeMel added that if all aspects of the current code need to be reformed (such as frontage, FAR, building types, and setbacks) that would also equate to a paradigm shift. Marc disagreed and advocated for incremental change, rather than a paradigm shift. He further noted that form-based zoning is a system of densification and would have many more housing units per lot. He said that it would be more effective to revise each component strategically, rather than risk a paradigm change.

Carolyn Gabbay said that the Mayor’s statement that are there are commonly held goals throughout the community was not accurate. First, she noted that the Mayor’s goals listed today differed considerably from those adopted by ZAP about a year ago. And then she asserted (echoing Question #4) that the City Council neither authorized zoning redesign nor voted on its goals, and that ZAP’s seemingly official statement of goals was made “on the fly” with a straw vote in a meeting where the topic was not on the agenda, and that the statement of goals was not specific or meaningful.

She then turned to the fact that residents and their elected City Councilors were learning that day through community sources, not their City government, that a gun shop is planning to open at 709 Washington Street. She said she was upset with the lack of official information on this development and that, after spending \$500,000 to develop a plan for Washington Street, the community was ending up with 2 pot shops and a gun store on Newton’s main corridor. The Mayor said that she had been taken aback when she heard about the Newtonville gun shop. City Councilor Lucas then asked the Mayor when the application for the gun shop was filed and when Newton Police Department had approved it. The Mayor said that this information was being assembled.

Niels Steenstrup said he was upset to have heard about the gun shop this afternoon and said that there will be a fight if that goes forward, including picketing. He noted that there are three schools in the area. He said that this should be the top issue for the NAC, the City Council, and the Mayor, and that the gun shop must be stopped. The Mayor said that she needed to understand better the federal state and local rules, and noted that a Second Amendment right is involved.

Kartikey Trivedi stated that with break-ins occurring across the city, including while people are in their homes, security is the prime concern, regardless of the kinds of buildings we zone and build. He asked what the Administration is doing to protect and defend residents with the arrival of marijuana stores, break-ins, and a gun shop. The Mayor acknowledged that the break-ins have struck at residents' fundamental sense of security and safety. She said that she was privy to more information than she could share, but that law enforcement was working hard to identify those responsible. She urged residents to lock doors and windows, turn on lights and call 911 if there is somebody on their property, and to look out for their neighbors. Kartikey renewed his request for specifics, but the Mayor said she could not provide answers other than to say that the Police Department was adding directed patrols and endeavoring to identify the perpetrators. Kartikey said that residents want a high-level sense of security regardless of affordability. Carolyn noted that the Police Department has asked residents to register their video doorbells to help create a network. The Mayor emphasized that this is a voluntary program and that it would be voluntary to share their videos if the police asked for information.

Concluding her appearance, the Mayor said she was glad to have been here and shared in these important conversations, "to talk about hard stuff in a deep and civil way" and said she looked forward to returning in the future.

## **2. Discussion with Attorney Peter Harrington about his proposed Village Centers zoning amendment.**

Mr. Harrington followed up on his comments at the last meeting, by first saying that he disagrees with the idea that the existing code and paradigm cannot be worked with and needs to be replaced. He noted that the Principle Group and NAC surveys had surprisingly similar results, and that his proposal was tailored to their findings. His key comments and points, included:

- Village centers supply goods and services to local residents.
- Rather than a downtown, Newton has ~15 village centers with local customer bases. If villages bring in much larger businesses with broader customer bases over time, they will start to compete more with each other and dry up many local businesses and villages, while other villages will become "downtowns."
- The Oakley Spa area will lose several local businesses due to housing conversion.
- From his experience travelling throughout Massachusetts and Western Europe, he sees village centers as having buildings with 2, 3, or 4 stories, not 5, 7 or more.
- The Business 1 district, which allows 2-story buildings, now prevails in Newton's village centers.
- He would create a Village Center Zone by transforming BU1 zones with 25-foot setbacks from residential areas and, by right:
  - Allowing 2 stories with residential units above the (commercial) 1<sup>st</sup> floor, and multifamily housing (i.e., 3 or more residential units in one building) which would meet recent state standards.

- Three stories would be allowed if 20% of that space is devoted to low-income housing (i.e., 20% of the space, not 20% of units, to give developers flexibility) at 50% AMI or less, while meeting the state’s minimum square footage requirements.
- Four stories would be allowed, but only if a sloped roof is used to add architectural character to the village. This would accommodate small, relatively inexpensive market-rate apartments on the fourth floor. Mechanicals should be in the basement, rather than on rooftops.

Barney Heath said he appreciated the thoughtfulness of the suggestions and that the “look and feel” of buildings in village centers is important to the fabric of a village center. He added that the Planning Department is about to begin an engagement phase with the community concerning village centers. Zach said that it will be helpful to hear from the people and NAC about this and confirmed that most village centers are BU1. Peter Bruce said the NAC had not deliberated among themselves about the proposal, but would soon.

Peter Harrington added that there is a diversity among the village centers so that we may need to think about modifications of his proposed amendment for specific village centers. He and Peter Bruce differed as to whether the full proposal should be called 3.5 (Bruce) or 4 stories (Harrington).

### **3. Beautification or uglification? The aesthetic impact of new developments and hardscape improvements in Newtonville.**

Peter Bruce said the topic concerned how new developments are impacting Newtonville’s appearance. Martina Jackson expressed concern about the appearance, size and user-friendliness of the newly installed benches as well as the free-standing chairs. Peter noted that while there had been many hardscape discussions and some mention of benches the style of benches was never discussed with or shown to the NAC.

Barney said that there were many streetscape discussions, and that “the benches were shown.” He further asserted that his office was getting mostly positive feedback about the street furniture, although they recognized the concern if the seating is uncomfortable, as it may be to some. He said the idea for the chairs was to have some movable seating.

Peter noted that some people like the benches and some do not.

Kathleen said that the Beautiful Newtonville survey (circa 2014) had asked for classic streetlights, benches and planters that would re-enforce the look of the Masonic Building and Victorian architecture. She said that the benches do not seem to fit and asked who had chosen them.

Mr. Heath said there were many meetings, including with Beautiful Newtonville which had originated the idea for more trees and wider sidewalks and lighting. He noted that individual taste varies on the style of the benches.



#### **4. Other burning issues.**

Turning to the gun shop issue, Councilor Lucas said that a new Facebook group (“Stop Gun Sales in Newton”) has formed and will provide news on this issue. He added that a lot of people are shocked and unhappy about the issue. Dana D’Agostino proposed a working group on the issue because the Mayor was not providing much information. Dana moved, Peter seconded and it was unanimously:

**VOTED:** To create a working group with at least 2 NAC members to further investigate and learn how the prospect of gun shop on Washington Street came about and has progressed to the current point and what can be done to stop it.

Dana, Martina, and Jessica volunteered to serve on the working group.

#### **5. Administrative issues**

##### **A. Village Day**

Dana reported that the date for Village Day is September 26, 2021. Paula Gannon (Community Affairs) is to provide guidance and has suggested proceeding slowly. A survey will be sent to vendors in the next month or so regarding their interest in participating and the safeguards they would like.

Peter asked if consideration was being given to a concert or music. Dana reported that they are thinking about having 2 stages and music, but this needs to proceed slowly to get better clarity and information on how the pandemic evolves.

Jessica asked if there is a backup plan, if needed. Dana reminded her that historically in the event of cancellation, such as rain, there is no back up. She added that a virtual version was considered, but the work and costs were too great.

Pam Wright suggested sending a “save the date” message to vendors, and Dana said that the planned survey would include one.

##### **B. Gaining control of our Facebook credentials**

Jessica reported that Kirill Alshewski has created a “blank slate” Facebook group as a replacement and that she and he are still trying to figure out whether to transfer content from the existing Facebook page or start fresh. She said that a posting procedure will also be needed.

Peter said that the existing Facebook page does not seem to have much value and asked if Ken Roberts might shut it down. Jessica said that she has not discussed it with him yet but expects him to be willing to close it.

Peter thought that there would not be much to post before Village Day. But he wanted a strong presence when posting resumes. He suggested postponing further discussion to the next meeting, or having a special meeting to understand more.

Kartikey suggested an off-line meeting to develop a proposal. Jessica agreed and Peter suggested a brief special meeting in the future. No action was taken.

**C. Review and approval of March minutes**

The draft minutes of the March 25, 2021 meeting (which had been circulated to the NAC members for review in advance of the meeting) were presented for approval. Carolyn moved and Martina seconded the motion, and it was unanimously:

**VOTED:** To approve the minutes of the March 25, 2021 meeting of the NAC.

**6. Adjournment**

The business of the meeting having been completed, at approximately 9:10 PM, Carolyn moved, Martina seconded, and it was unanimously:

**VOTED:** To adjourn the meeting.

Respectfully Submitted,  
*Carolyn Jacoby Gabbay*  
Secretary

DRAFT 5-28-2021