

Newton Highlands Neighborhood Area Council

Meeting Minutes, April 1, 2021

Area Council members:

Bob Burke, Nathaniel Lichtin, Srdjan Nedeljkovic, Larry Rosenberg, Amanda Theunissen, Amy Wayne; Not present: Groot Gregory, Barbara Darnell

Ex Officio:

Bill Humphrey, Brenda Noel, Holly Ryan

Guests:

Sonya McKnight, Rena Getz, Ed Nunes, Lisa Gordon, Franklyn Schwarzer, Elaine and Mark Shooman, Alicia Bowman, Hal Lichtin, Ron Simons, Elizabeth Stockwell, Yoshino Futai, Julia Malakie, Gary Lesanto, Judi Burten, Kathy Pillsbury, Liz Gray, Craig Nesta, Matt Bell, Carol Carroll, John Rice, Isabelle Albeck, John Tsay, Loumona Petroff

Meeting called to order at 7:33 pm. Srdjan Nedeljkovic taking minutes. Area Council President Nathaniel Lichtin presiding. The meeting was held using Zoom videoconferencing technology.

H.B. 1440: A bill to charge online streaming services a fee to support public access TV

This item was discussed at 9 pm due to a schedule change. Bob Kelly, executive director of NewTV joined the meeting to discuss the resolution before City Council to support H.B. 1440 and SB 834. Mr. Kelly pointed out that over the years, a portion of money paid for cable TV bills has gone to support New TV and to the City. The Cable TV Act of 1984 required 5% of revenues to support public access TV. This was a Right-of-Way bill. With the increase in streaming services, many states have added a surcharge for digital products. There are about 25-28 states that charge streaming video providers 5% to 9%. These providers are often still using cable from the roadway to the home. The proposed bill in Massachusetts would surcharge the streaming providers 5% to 9%. Mr. Kelly noted that many City Councils have been supportive of this legislation. A letter from the Ward 6 Democratic Committee expressed support for this charge, and the Waban Area Council also voted to support the legislation. Mr. Kelly pointed out that revenue for NewTV has been reduced because there has been a reduction of about 25% fewer cable subscribers over the past several years.

Mr. Kelly noted that the amount charged to cable companies to support public access TV has typically been assessed as a surcharge to the customers on their cable bills, and that the new surcharge for digital services may also end up being added as a surcharge to customers of those services. City Councilor Holly Ryan asked how much this surcharge would cost the customers of streaming services. Bob responded that a 5% surcharge may appear on customer bills. Councilor Ryan pointed out that New TV supports broadcasts of City Council meetings on New TV and that this service should be supported. Bob stated that New TV will be putting additional equipment into City Council chambers

to expand coverage of City Council meetings as plans unfold for hybrid versions of meetings in the future. Currently, the loss of cable TV subscribers means that NewTV is losing about \$175K per year of funding. The surcharge proposed by the new legislation would help make up this difference.

Mr. Kelly stated that if this bill passes, the revenues will be shared between the state, the municipality, and the public access provider. It is possible that the state may take a larger portion of the surcharge. The hope is that the split will be 2:2:1 city/public TV/state. Area Councilor Amanda Theunissen expressed concern that a larger portion of this surcharge may be taken by the state and that little will go to public access TV. Mr. Kelly responded that at this point, it is not certain how much will go to each branch. Once the bill gets passed, a discussion will take place on how the money is apportioned. Mr. Kelly also pointed out that to raise funds, some towns have levied an entertainment tax on streaming services as a municipality.

Rena Getz provided a letter from the Waban Area Council in support of this legislation for the Newton Highlands Area Council to review. Area Councilor Amy Wayne wondered if the legislation could require that public TV entities like NewTV receive a larger portion of the funds. Area Councilor Srdjan Nedeljkovic expressed reservations about supporting the bill due to the uncertainty about what proportion of the funds collected will actually be provided to public access TV. Area Councilor Amanda Theunissen also expressed concern about how the surcharge will be allocated. Amy Wayne suggested that it may be easier for the Area Council to support the bill under the condition that a larger proportion of the funding goes to New TV. Area Council President Nathaniel Lichtin suggested that the Area Council should support the bill as drafted and encourage the Newton City Council to provide the 2% portion that the city would be receiving to New TV. Bob Burke agreed with the approach outlined by Nathaniel and expressed his support for continuing New TV services. Mark Shooman asked if New TV streams through YouTube. Bob Kelly responded that NewTV uses Vimeo as its platform currently, which is less expensive. Livestreams on the NewTV website are provided via Vimeo. Mr. Kelly agreed that the future of public TV services is access through the internet and not cable TV. Perhaps a surcharge on internet services would be a fairer process, but Mr. Kelly pointed out that legislation prevents taxing certain internet services. City Councilor Holly Ryan remarked that people should read the bill on the state website and let the state delegation know what the community recommends regarding allocations in this bill. Amy Wayne made a motion for the Area Council to support the bill but to request a higher allocation to New TV. The motion passed 5:1.

Green Infrastructure and Redesign of Newton Highlands MBTA station

Area Council President Nathaniel Lichtin introduced Ms. Elizabeth Stockwell and Ms. Yoshino Futai to discuss a proposal for Green infrastructure at the Newton Highlands MBTA station. Ms. Stockwell introduced herself as a recent graduate from Newton South in 2016 and stated she is now a senior in college. Ms. Futai is currently a high school senior. Ms. Stockwell and Ms. Futai are from Green Newton's youth leadership group.

Ms. Stockwell noted that the Newton Highlands MBTA station is being planned for renovation for accessibility, but that the current plans include no mention of trees, shrubs, and gardens, or anything to do with sustainability. Ms. Stockwell recommended that this would be an optimal time to ask the MBTA to include green infrastructure in their design for the station. The current plans were shown as including no trees, no gardens, and while there are trees on the opposite side of the ramp, there is no

mention of additional plantings in any plans. Green infrastructure is a tool that can be used to improve the urban landscape. It can allow for storm water to be used for plants and native soils. Low impact development, LID, or best management practice, all fall under “green infrastructure.” A balance is needed between green and gray infrastructure like roads and water treatment plants. The MBTA should recognize these opportunities, and the upgraded station should include greenery. Trees provide oxygen, improve air quality, conserve water, preserve soil, and support wildlife. Green infrastructure can help manage stormwater and make cities more livable. Trees can improve the local business environment and provide personal and spiritual value while reducing crime. Trees are an overall investment for our communities. Ms. Stockwell gave examples of green infrastructure in Boston, such as at the Franklin Park Zoo where rain gardens were built. Other examples of green infrastructure were shown, including projects that incorporate green design into sidewalks and elsewhere.

Ms. Stockwell also noted that green infrastructure could be beneficial in attracting more riders and that it will be a smart return on investment for the MBTA. An example in Vancouver was presented, where laws have been passed that require green infrastructure in project design. Examples in Massachusetts and Madrid were shown. Ms. Stockwell asked that the Area Council requests that the MBTA includes Green infrastructure in the Newton Highlands station accessibility plans.

Area Council president Nathaniel Lichtin asked if the Area Council should send a letter to the MBTA regarding the points brought up. He noted that the MBTA is coming to Newton on April 12 to the Commission on Disabilities meeting where the Newton Highlands redesign will be discussed. Area Councilor Srdjan Nedeljkovic expressed support for requesting that Green infrastructure be included in the MBTA project. However, he expressed overall concerns about the escalating costs of the project, which is now projected to cost over \$30 million. Area Councilor Nedeljkovic stated that the Newton Highlands MBTA project needs to be audited as this escalation in cost is unjustified. The design is also flawed because it adds unnecessary roofing on access paths to the station which is the antithesis of a green design. He pointed out that these escalating costs are occurring at a time when the MBTA has cut and reduced service throughout many communities.

City Councilor Bowman expressed her opinion that green infrastructure should be added to the project. She also agreed that if the cost of the project were reduced, it would be more likely it would be funded and built. Ideally, we should try to achieve the same goals of accessibility with less infrastructure. Councilor Bowman recommended that rather than sending a letter to the MBTA regarding the cost issue, it would be important to work with the Newton Commission on Disability to make sure that goals were aligned. City Councilor Bill Humphrey suggested that although some of the points about the problems of this project are well taken, we should keep in mind the scope and scale of the Area Council mandate regarding this project and focus on recommending minor aesthetic improvements.

Area Councilor Amy Wayne suggested that we should discuss the costs of the project with state representative Ruth Balsler, who may have more of an impact in addressing this issue. Area Council President Lichtin stated that he does not feel that a letter from the Area Council should suggest a pause to the project until we hear from the Commission on Disability. The Area Council letter should support asking for Green infrastructure and focus on that issue primarily. Area Councilor Amy Wayne suggested that the Area Council should invite stakeholders to a future Area Council meeting to discuss all of these points and perhaps revisit the scope of the project. Councilor Bowman suggested that folks should attend the Commission of Disability and support commitment for renovation of the station.

Area Councilor Amanda Theunissen stated she is in favor of promoting green infrastructure at the station. The main issue is with the part of the plans that propose covered platforms and walkways. It was pointed out that the topic of the tree canopy at the station was discussed at a prior community meeting, and the MBTA did not provide a firm commitment. Area Council President Lichtin suggested that the Area Council authorize the drafting of a letter to address the issue of green infrastructure, and that this letter is to be discussed and approved at the next Area Council meeting. Mr. Lichtin also stated that he will work to coordinate a meeting with Representative Balser and the MBTA to discuss the overall project. The letter requesting green infrastructure at the station will be written as a stand-alone item. The motion to proceed in this manner was approved 6:0. Area Councilors thanked Ms. Stockwell and Ms. Futai for bringing attention to this matter.

Ms. Stockwell also wanted to inform the Area Council that the Green Newton youth group will be engaging in a project to plant trees to honor those who passed away after contracting Covid-19.

1114 Beacon Street Revised Design

At the former site of the Apgujung restaurant in Four Corners, a new development is being planned. Franklyn Schwarzer presented the project and introduced Ron Simons, the developer, and Ed Nunes, the architect. Mr. Schwarzer provided a chronology of the course of the project. It has gone through several iterations. The project began in 2018 as a 4 story, 41-unit apartment rental building with surface parking. The neighborhood was not pleased with the design. In August 2018 a revised proposal was put forth. It had 43 apartment units, a front setback of 60 feet, and a height of 4 stories. After further review, the project was amended to reduce the front setback to 10 feet. A later iteration changed the project to a condominium development, of 22 units with a 2-story commercial building facing the street. There were mixed feelings in the community about the commercial space. In the next revised set of plans, the commercial use was removed and the size of the 4th floor was reduced. Additional feedback was provided and a further redesign reduced the 4th floor area. After further input from City Council the design of the building was made to reflect more historical forms. The revised plans included a gable design, a reduced 4th floor area, and a front setback of 8 feet. Finally, the current set of plans were developed in which there is now just one curb cut into the site, there are 4 at-grade parking spaces, there are a total of 34 units, and the building has been set back an additional 2 feet to comply with the 10 ft setback requirement in a BU2 zone. Also, the garage floor was lifted up a foot to increase to 116 ft elevation. The 4th floor was redesigned to include solar panels and open deck space. With there being just an opening to roof access on the 4th floor, the development is being presented as a 3-story development.

Ed Nunes discussed the architectural and design features of the building. The site plans include one access point to the building on east side of site. There is a notch in the building on the east side which represents visitor parking and the resident entrance. The garage entrance is now on the rear of the building. The elevations include a traditional style building with gable roofs, a synthetic slate roof, a traditional brick face highlighted with cast stone with banding and lintels. There are projecting bays in cast stone, and the building has 3 gables on the north elevation. On the east elevation, there is a long, segmented arch that represents a service area and surface parking. A ramp enters the lower parking garage. There is a small 600 SF part on the 4th floor to provide access between the building and the

rooftop solar panels and roof garden. Views of the proposed building from Beacon Street were presented.

The project will include 34 condominium units, of which 16 will have one bedroom, 17 will have two bedrooms, and 1 will have three bedrooms. Six of the units will be considered affordable, of which 1 will have 1 bedroom, 3 will have 2 bedrooms, and one will be a 3-bedroom unit. Zoning relief will be needed since this proposal involves more than a 20K SF development and a building height of up to 4 stories. The developer is asking for a reduction in the requirement for parking to allow 1.25 parking stalls per unit, but the development will have 1.47 parking stalls per unit when built, 46 in the garage and 4 on grade.

Elaine Shooman asked about access to the building and how it aligns with parking access to the condominiums across the street. The proposed entrance will be similar to the current east side entrance at this site. It was noted that there was resistance to having two entrances to the site, so the new plans have only one driveway on the east side. The existing driveway has been expanded to 20 feet wide. Councilor Bowman stated that an abutter to the east was in approval with the current proposal. Kathy Pillsbury asked about energy efficiency for the project. The project will meet the new standards for a LEED Gold certifiable project. This will be primarily an electric building and discussions are ongoing whether hot water heating may be by gas or electric. The roof will include solar panels, and in the middle there will be mechanical equipment. There are plans to have 34 individual rooftop areas for people who live in the units, which will be 10'x12' spots to place a chair. Liz Gray asked about the roof and what it would look like. A question was posed about the solar panels, and whether they will be flat. A parapet around the building will shield view of the equipment. The solar panels will be on a slope system. The building was raised one foot to a 116 ft grade due to ground water being at a 115.7 ft grade.

Srdjan Nedeljkovic commented that ground floor retail was preferable and expressed dissatisfaction that the ground floor retail had been removed. The developer Ron Simons stated that it was also his preference to have ground floor retail, but there was opposition from some abutters. In a business area, it would be preferable from an urban design perspective to have walkable pedestrian areas with retail or other commercial space. Srdjan Nedeljkovic commented that it is important to provide walkable options for retail and businesses so that people do not have to drive somewhere else for all of their services. The other nearby properties are commercial uses, and it would be preferable to have active street facing uses on the ground level at this building.

It was noted that a landscape plan for the site is in the process of being developed. Kathy Pillsbury asked about the number of units, being 34 units with 6 affordable units. Elaine Shooman expressed that there are many empty stores and that she prefers a residential building. John Tsay from nearby Carthay Circle asked about the design as it appears from the south side. It was noted that the top elevation is 47.17 feet on the north elevation. The south elevation may be about 40 feet in height, with the roof height being 34 ft high. By right, the zoning allows 24 feet, which can go to 48 feet by special permit. Rena Getz stated that she appreciated the changes in architecture but stated that the massing of the building remains large. It would be good to see a new set of drawings that provides context with abutting buildings. It was noted that the site is a 52K SF lot and that the largest footprint is the garage level, which is 22K SF. A grassy area will be built on top of the garage on the west side of the property. All requirements for rear and side setbacks are being met. Gary Lesanto asked about the

drainage plans for the building and when the documentation will be submitted. The project is anticipated to be presented to the Land Use Committee in late May or June. Engineering plans will be made available as part of the special permit process.

Newton Highlands Neighborhood Area Council Annual Report

Area Council President Nathaniel Lichtin stated that that the NHNAC Annual Report for 2020 is anticipated for review prior to the next meeting of the Area Council.

Local and City Updates:

Winter Cheer Photo Contest:

Area Councilor Amanda Theunissen reported that the Newton Highlands Neighborhood Area Council has finished up the winter photo contest. There were 10 winners during the first week, then 5 the next week, then 5 the following week, and then 3 the last week. The Area Council now has 206 followers on Instagram. There is hope that the Photo Contest helped in supporting our local businesses.

Newton Highlands Area Council Banner/Sign:

Area Councilor Amanda Theunissen reported that an Area Council banner has been placed up on the Walnut Street bridge. This banner will go up on the bridge prior to Area Council meetings each month and announce the meetings. Area Council President Lichtin thanked Area Councilors Amanda Theunissen and Amy Wayne for their efforts on these projects.

Village Day:

Area Council President Lichtin stated that he had received a suggestion from Chris Pitts that we have a joint Waban and Newton Highlands Village Day on Sept 12 or Sept 19. John Rice remarked that he had spoken with Parks Commissioner Nicole Banks about having Village Day in Cold Spring park, but there was not much enthusiasm about this proposal. There are concerns about how to handle many of these events in September as the course of the pandemic remains uncertain. Area Councilor Srdjan Nedeljkovic supported the idea of having a combined Village Day between Waban and Newton Highlands. City Councilor Alicia Bowman suggested that a combined event take place on the same day, with a bike lane on Woodward to connect the two venues. Rena Getz stated that the issue of Village Day will be discussed at the next Waban Area Council meeting. City Councilor Bill Humphrey mentioned that the Upper Falls Area Council has scheduled their Village Day for October 3 and Newtonville Village Day will be on September 26.

Christina Street Pedestrian Bridge:

Area Council President Lichtin reported that the City has received grant funding to do a feasibility study of the Christina Street bridge looking at either making improvements to the existing bridge, demolition of the bridge, or keeping the existing bridge and creating a new bridge next to it. All options are being planned so as to have the capacity to have a maintenance vehicle such as an ambulance on the bridge. Area Councilor Srdjan Nedeljkovic expressed concern that the project will

balloon in cost and unnecessary requirements will stymie the project. Nathaniel expressed a sentiment that we want a simple project. Alicia Bowman stated that many City Councilors have pushed back on the requirement that the rehabbed bridge must be able support an ambulance crossing the bridge.

Newton Senior Center Project Update:

Area Council President Lichtin noted that there have been several meetings regarding a new Senior Center, and that two design options are being considered. One option would involve keeping the existing senior center and putting a rear addition. The second option is to demolish the existing Senior Center and build a new structure entirely. City Councilor Humphrey noted that the cost estimates indicate that the rehab option would be \$2.5 million more expensive due to specific issues with the current building and heights of floor relative to street and basement.

Demolition Delay Ordinance:

On April 12, there will be a Zoning and Planning Committee hearing on changes to the Demolition Delay Ordinance. The Waban Area Council will be posting information about this on their website.

Marijuana Delivery and Marijuana Courier Zoning:

Area Council President Lichtin reported that the marijuana delivery and courier zoning change has been approved to be in compliance with state laws.

1149-1151 Walnut Street Project and MBTA accessibility projects:

On April 6, the Land Use Committee is having its final public hearing on 1149-1151 Walnut Street. Anybody interested in making further comments should attend this meeting. It was noted that the MBTA is planning to make improvements in accessibility to the remaining Newton MBTA stations.

Administrative Items:

Approval of March Minutes: The revised draft minutes were submitted for review from the March 4th Area Council meeting. No changes were proposed. The minutes were approved 6:0.

Treasurer's Report: Area Council Treasurer Groot Gregory was not present at tonight's meeting and no update was provided.

Next Meeting Items:

At the NHNAC meeting in May, Peter Harrington will be giving a presentation of a proposal for zoning in Village Centers. Zoning and Planning will be discussing these areas in the next month or two.

Meeting Adjournment:

The meeting was adjourned at 9:49 pm.