

# Newton Highlands Neighborhood Area Council

## Meeting Minutes, May 6, 2021

### **Area Council members:**

Bob Burke, Nathaniel Lichtin, Srdjan Nedeljkovic, Larry Rosenberg, Amanda Theunissen, Amy Wayne, Groot Gregory, Barbara Darnell

### **Ex Officio:**

Bill Humphrey, Brenda Noel, Holly Ryan: not present

### **Guests:**

Nicole Freedman, David Patterson, George Kirby, Lisa Monahan, Lisa Gordon, Peter Harrington, Alicia Bowman, Carol Carroll, John Rice, Lisa Gordon, Sonya McKnight, Margaret Clermont, Julius Starkman, Pamela Wright

Meeting called to order at 7:35 pm. Srdjan Nedeljkovic taking minutes. Area Council President Nathaniel Lichtin presiding. The meeting was held using Zoom videoconferencing technology.

### Bluebike Stations in Newton Highlands and Wells Shuttle Bus

Nicole Freedman, the Director of Transportation Planning for the City of Newton, gave a presentation about Bluebikes, which is a bike share system that has expanded in the Boston area. The Bluebike system came to Newton last fall. There are now 8 Bluebike stations in Newton. These are bike share stations. Most trips tend to be 1-mile trips or less. A bike may be rented at one station and must be returned to another station. Often these trips are taken in connection with transit. Users of the system are typically people who have not ridden a bike for years and who often use the system as the quickest way to get to and from a public transit system. The bike share system works well for people who are more than a 5 to 10-minute walk from transit, and for whom it may be easier to use a bicycle to get to transit without driving.

Newton has received a grant to expand the bike share system in Newton. The goal is to make sure that access to the system is equitable and that it reaches much of Newton. There are plans to expand Bluebikes to Newton Highlands and to Needham Street. A picture of a bike share station was shown. It was noted that the bikes need to be returned to a station after each use. The stations are sited at locations that connect to each other well and that are high demand locations. Places with transit connection and high pedestrian activity are good locations. Newton Highlands will be a key location for the Bluebike network in the south of Newton. A number of locations in Newton Highlands were considered. The Hartford Street municipal lot was considered, but it is too far from the MBTA. A station on Walnut Street near the MBTA station was considered, but it was dropped because it would take many months to get permission from the MBTA, and it would involve removing a bench and a pole. The chosen location is a site on Station Avenue, just off of the Walnut Street intersection on

the side of the MBTA station. The bike station will be 42 feet long and will have 15 docks. Eventually, it is anticipated that there will be 16 Bluebike stations in Newton. The bicycles will back up to the sidewalk, not the street, in order to increase safety. Another location in Newton Highlands is proposed for Four Corners, on Walnut Street alongside Whole Foods. The current bus stop is being moved to the north side of the Whole Foods driveway.

George Kirby expressed support for the bike share system going into Newton Highlands and towards the Upper Falls Greenway area. It was noted that a station will also be placed in the Needham Street corridor. This station may be in the Crosspoint property location, pending final approval from the property owner. George Kirby inquired if Northland may be placing bike share stations, and Ms. Freedman noted that bike share at Northland will be implemented once the development moves forward. The pricing for Bluebikes is \$2.95 for a single trip of up to 30 minutes, or a membership can be purchased for \$25 per month, which allows 45-minute rides. A comment was made about the sidewalk being narrow due to the proposed Bluebike station at Whole Foods. Ms. Freedman noted that a normal bike station is 6' wide, and this station will be 4.5' wide. This will leave 5-6' clear on the sidewalk, more than the 3' ADA minimum that is required.

Ms. Freedman provide an update on the proposed Wells Avenue shuttle bus. She noted that this new transportation option will not really be a shuttle bus, but it will be more like an Uber or Lyft service. The City received a grant of \$475K to pilot a transportation system that will help people get from Wells Avenue to transit. The city has already implemented the NewMo senior shuttle, which is an on-demand system for which someone can call and request a trip. It is expected that the new Wells Avenue service will be merged with NewMO. The service will take people from Wells Avenue to Newton Highlands, Needham Heights, the commuter line, and Newton Center. A study was done to evaluate potential usage by employees who work at Wells Avenue. Only about 14% of Wells Avenue employees live near the Green line, so the system will be designed to be flexible to reach other destinations. It is anticipated that the shuttle system will be made open to the general population in the future.

Vehicles for the Wells Avenue service may be either minivans or passenger vehicles. Initially, the city may start by using a 12-passenger van, and then downsize to smaller vehicles depending on demand. The intention is to use hybrid or electric vehicles. Once we know demand patterns, the City will right size the vehicle to enable a fully electric or hybrid option. A question was asked about the staging area for the vehicles. Ms. Freedman responded that no staging areas are being planned. The vehicles will pull up to pick up a passenger like an Uber or Lyft ride, and stopping locations may vary. A discussion ensued about the overall burden of vans and vehicles in Newton Highlands. Area Councilor Amy Wayne noted that passenger vans sometimes idle in front of businesses on Walnut Street, and the vans block parking spaces and cause pollution. It is likely that these vans were the TripAdvisor van and the Route 128 business shuttle.

## Village Center Zoning

### Presentation by former Alderman Peter Harrington

Peter Harrington presented a new proposal for village center zoning. Mr. Harrington presented his thoughts about the zoning redesign process. He noted that Newton has been working on changing

the zoning ordinance for the past 10 years. A number of studies and much time and money have been spent on this process, but we do not yet have a specific plan that is ready to be adopted. A new program now being proposed by the Planning Department to identify concerns of residents through a study to find out what the issues are, but this will not be a qualitative or scientific study. A good part of why zoning redesign has been a prolonged process is because the voters do not agree with the wishes of the City Council. Meanwhile, development is going forward, and the current zoning regulations are often being waived when a proposed development does not fit the zoning code.

Mr. Harrington noted that he has been involved with zoning since 1970, since being elected to the Board of Aldermen. He also served in the State Legislature and helped rewrite the state's zoning act. He noted that he helped write a bill related to transit-oriented development. He had also worked on a plan to revive business centers in Newton in the 1980s. When Massachusetts initially amended its constitution to allow for zoning, the purpose was to protect the quality of life and property values in a community. We have a number of zones in the city, but the proposal that Mr. Harrington would like to put forth concentrates on village center zoning. Currently in Newton, most village centers are zoned Business 1, which allows 2-story buildings as of right for commercial use. If residential use is desired on an upper floor, a Special Permit is needed.

There is confusion about the different zones in Newton, since there are 8-9 different business type zones. A few new issues complicate the problem. In October 2019, Newton joined with Boston and agreed with a plan to create 185,000 new housing units in the metropolitan area and 230,000 new jobs by 2030. Nobody knows to what extent Newton agreed with this proposal. We have a crisis regarding building more housing that seems to be based on this deal to create 185,000 new housing units in the metropolitan area. There is no information on how Newton will share in the business or jobs related to this agreement. There is no information on how Newton will get its share of tax revenues. In addition, the Massachusetts legislature has signed a recent bill that all cities must create a new zoning district that allows for construction of multifamily units by right. Newton needs to create this district and say where it will go. Mr. Harrington pointed out that a multifamily house is not a 2-family house; it is a building that has 3 or more residential units. In Newton, we can already build 2 residential units in any place in the city. The new multifamily zone is intended to be used to create large multiple unit projects. Mr. Harrington noted that he is not in favor of that type of development, and that he does not want to see mini-downtowns or to see density like in parts of Brookline. Mr. Harrington pointed out that most towns have a 15% ratio between commercial and residential tax revenues. This ratio is about 7% in Newton. When considering new development, Newton needs to consider the burden to taxpayers in real estate taxes as more and more residential housing is built.

Taking all of this in consideration, Mr. Harrington proposed a new plan for village zoning. The plan follows the Newtonville Area Council survey and the Washington Street vision plan, in which 32% of people stated that they wanted 3-story limits on buildings. Some said they would allow up to 4 stories, but few stated they would support allowing 5 or more stories. About 28% of respondents considered factors such as architectural design being more important than height. How the building looks is very important to many people. Mr. Harrington's proposal takes the existing Business 1 zone and renames it Village Center zoning. The new Village Center zoning would consist of a basic plan that can be modified village to village. The proposal would keep a requirement for 2 stories, and remove limits on residential use on the second floor to match recent changes in state laws that

requires multifamily units. A third floor would be allowed by right as long as 20% of the space was restricted to those earning less than 50% of the median area income. Any time a tall building is proposed, it would be required to have a sloped roof. If a sloped roof is used, additional floor space could be allowed to up to 60% of the area below. This would allow for a mixed use building that has multiple stories. Based on state regulations about low-income units, developers can take the initiative on how to develop the mix but need to give 20% of space to low income housing. Mr. Harrington also proposed setback requirements for a development that is next to a public way. New regulations would be put in place for regulating rooftop mechanical structures. Perhaps a parapet could be built to hide these structures. Mr. Harrington suggests a 25 ft setback from a village zone property to a residential property. Mr. Harrington welcomed further input on the Village Center zoning proposal based on goals of serving diversity in the population, adding higher density projects near a transit stop, and making sure that new development is in context with what is here now.

Area Councilor Srdjan Nedeljkovic thanked Mr. Harrington for his presentation and zoning proposal and noted that the Newton Highlands and Waban Area Councils had also conducted a visioning process several years ago related to zoning and development in village centers. At that time, a proposal for a mixed-use village overlay zone was made, along with a set of design guidelines for new development. Srdjan Nedeljkovic then presented several images representing placemaking. These included an image of a busy town center surrounded by 3-4 story buildings, several residential streets with high density housing that is 2-3 stories, and an example of a monotonous suburb with wide roads, large setbacks, and low heights. A few images reflecting design concepts were presented from the works of Leon Krier, an architect and urban planner. A brief discussion ensued about the impressions made by those images.

Mr. Harrington discussed the reasons for setbacks, that people wanted front and back yards, and for purposes of policing. Mr. Harrington stated that his zoning proposal would better define what can be done by right in the village centers, and that he would like the new zoning ordinance to prohibit variances as much as possible that currently require Special Permits. However, some waivers to the zoning code could be made on a per village basis. Currently, there are more waivers than conformities to the law in the development process. Mr. Harrington noted his support for having a sloped roof, as it allows more air and light into the village center at ground level than a set of buildings with flat roofs that create a canyon effect. He noted that currently there is a provision that zoning requirements may not regulate architectural impact. Mr. Harrington also noted problems with the building code that lead to mediocre design of buildings. Today it is less expensive to build higher buildings than in the past, and we need to take into account the relationship between the building code and what ultimately gets designed and built. Mr. Harrington noted that cities and towns have powers to regulate and implement zoning. He supports sticking to Newton's original zoning principle to protect the residential characteristics of our community. Builders should not feel entitled to make large profits on properties. Mr. Harrington stated that we need more cross fertilization of ideas and to avoid being stuck with old theories.

Lisa Monahan thanked Mr. Harrington for his presentation. She noted that she sits on the architect and building professionals design working group. She noted that it is a multidepartment effort at the city to get zoning right. Mr. Harrington clarified comments he had made regarding his proposed requirement for a 25-foot setback from a building in a village district from the property line to a

residential district. He noted how in Newtonville the new Trio development closely abuts an existing section of 2-family homes. In a situation like this, Mr. Harrington believes there should be at least a 25-foot setback between the properties. There was agreement that architectural style and design is a big part of how people view zoning.

Area Councilor Bob Burke commented that in considering new development, we should also work to preserve the best we have in our village centers, as many of the buildings have been maintained over many years. But we can do better than just preserving what is there now. Bob noted what happened in Germany after World War II where cities were destroyed, and how there was a push to build housing without building community. He expressed concern that some of our new developments feel isolating. Bob is pleased that local input can be included in the zoning process.

Area Councilor Amy Wayne thanked Mr. Harrington and suggested that a proposal can be put forward to the Area Council for further discussion and a vote of endorsement. Area Council President Nathaniel Lichtin suggested that the Area Council should hold off on voting on any proposed zoning items until the zoning redesign process goes forward. Lisa Gordon thanked Mr. Harrington for his presentation and stated that she appreciates his approach. Mr. Gordon commented that we need to honor our village centers and think of ways to make our towns more inclusive and promote economic diversity. She worries about sprawl from village centers spilling into the surrounding neighborhoods. She would like to see a proposal that also includes walkability and transit.

Mr. Harrington noted that people care more about the size of a building rather than how many people live in it. We need to consider density, massing, and size of buildings. He noted that some type of form-based zoning potentially has some merit. Mr. Harrington expressed doubts that just building smaller houses will reduce the price enough to meet the housing needs of lower income people. He pointed out that even small units can command a high price. Lisa Monahan commented on the imaged presented by Srdjan Nedeljkovic and noted that people love being in those kinds of small-scale spaces. Newton is made of two kinds of development, the village centers and the residential neighborhoods. There are suburban areas outside of Newton, and Newton is a more complicated mix of residential and retail zones. It was noted that accessory units are allowed throughout the city and that there is also a zoning provision for single family detached units by Special Permit. Lisa Gordon commented that we need to be inclusive about how people feel about their environments and what people like or don't like.

### Zoning Redesign Process

Area Council President Nathaniel Lichtin presented an update on the zoning redesign process. The City Council is moving forward with the next phase of zoning redesign to discuss Village center districts. The first step will be a visioning process to run from now to the end of June. This will be composed of 4 elements: vision kit, focus groups, an outdoor charette, and spot surveying at village centers and other places. The first phase will start May 20 when the Planning Department releases the village kit, a self-guided questionnaire for people to complete and submit to the planning department. The Area Council may wish to discuss this at our June meeting. The survey on May 20 will be an interactive survey, such that options are provided to add thoughts and ideas, and for other

members of the community to respond to those concepts and ideas. Based on the reactions, statements will be characterized as divisive or as something that consensus is reached on.

The focus groups will be formed with young people, those with disabilities, renters, people of color, LGBTQ community, older adults, and arts and creative community. Any interested participant may go to planning department website and sign up to be part of meetings. The outdoor charette will be the final part of the process and will be a more standard city-run meeting. People will be out surveying in village centers and transit stops to get a broader scope. This will be used to understand what people want to see for their village centers.

This will be used along with data analysis and mapping to develop a proposal in August for alternative zoning options for village centers for the public to consider. This will be followed by another round of community engagement in September or October. The Area Council can do outreach and host a vision kit session, encourage people to take the survey and be involved in the focus groups. A discussion ensued about how the Area Council can help engage the community. Srdjan Nedeljkovic commented that the Area Council activities should be collaborative with the zoning visioning process. The Area Council will publicize the upcoming zoning redesign meetings, including the google group and on Instagram. It was noted people sometimes make inconsiderate comments on the google group. The google group is not run by the Area Council and is not subject to the Open Meeting law. President Nathaniel Lichtin stated he will follow up with the Planning Department for next steps.

### Newton Highlands Area Council Annual Report

Srdjan Nedeljkovic circulated the annual report. Any requests for changes were made. Nathaniel Lichtin suggested that our annual financial statement should be attached to the report. Larry Rosenberg made a motion to accept the annual report. Vote 7:0 to accept, with one abstention. The final report will be e-mailed to the City Clerk's office.

### New Business:

John Rice presented information about an event being planned at the Hyde Playground on June 19th, in celebration of the Juneteenth holiday. Mr. Rice noted that the Hyde sponsors the summer concert series and that there have been requests for additional programs this year. Parks and Rec will require an insurance binder of \$1000 for the event unless it is being hosted by a non-profit, like the Area Council. The group organizing the event is requesting to use the Bandstand and grounds and lawn at the Hyde Center Playground. On June 19, there will be a celebration of Juneteenth with speakers. Another event will be geared to young people on June 20. Funding is needed for food and entertainment, and money would normally be needed for an insurance binder. However, if the Area Council co-sponsors the event, the liability will be handled by the city and the event will not require a separate insurance payment. John asked if the Area Council could be a sponsor for this event. If the Area Council pulls the permit, then a \$1000 insurance payment will not be needed.

Area Council Vice President Barbara Darnell asked for more information about the program. Area Council Treasurer Groot Gregory made a motion to approve the event pending further review by Nathaniel Lichtin. The event on Saturday will be from 3 pm to 4:30 pm, and then on Sunday it will

be from noon to 4 pm. Area Councilor Srdjan Nedeljkovic also expressed support of the planned event. A motion was made for the Area Council to be a co-host of this event. The Area Council voted 8:0 in support of moving forward with the Area Council co-hosting the vent.

### Local and City Updates:

#### 1149-1151 Walnut Street:

The proposal for the new Walnut Street development went before City Council for approval this week and was approved 20:4. Area Council President Nathaniel Lichtin noted that at the City Council meeting, City Councilor Tarik Lucas brought up concerns that the building would not be more beneficial to the community based on the shadows it cast. But after a prolonged discussion, the requested zoning variances were approved to have the project go forward.

#### Gun Shop zoning issue:

On May 10, the Zoning and Planning Department will hold a public hearing on where gun shops and firing ranges may be located in Newton. A gun store is currently being proposed in Newtonville. This has been a controversial issue in Newton. The evening, the Waban Area Council and Newtonville Area Council had a meeting to discuss the issue in detail. The City has information about the process on its webpage. It was noted that new zoning could be used to regulate the store as long as it had not started operating prior to new zoning being put into place. The city is considering appropriate locations for a gun store in Newton. These potential locations may include BU4, Mixed Use 1, Light Manufacturing and Manufacturing zones. The Planning Department memo that includes this information will be available in this week's Friday package.

#### MBTA station improvements:

Area Council President Lichtin provide an update about MBTA issues. The MBTA held a meeting recently to inform the public of upcoming plans to make all Green line stations in Newton ADA accessible. The initial project will update all stations with new 8" platforms. As the initial part of the project will continue to use current vehicle stock, a plate will still be needed to extend from the vehicle for wheelchair access. The platforms will need to be redone again to a 14" height when the new Type 10 cars are available. Crossing points at the new stations will be at the end of each platform, with no crossings elsewhere. There is also a proposal for fencing at the Eliot MBTA station.

Area Councilor Srdjan Nedeljkovic commended the plan to make all of the Green line stations ADA accessible. At the Eliot MBTA stations, Area Councilor Nedeljkovic pointed out how the proposed fence on the westbound platform will be an obstacle to access the platform for those who park at the station. As pointed out during the MBTA meeting, efforts should be made to respect the desire lines of people who use the stations, and excess fencing forces people to walk longer distances to access the station from the parking lot and potentially from Lincoln Street. Area Councilor Nedeljkovic proposed that the fence, which is intended to prevent falls off of the raised platform height, should be replaced by a short parapet, similar to other stations. If a fence is to remain, then there should be additional openings that allow better access to the platform from the parking lot. Also, the MBTA

should make access to the station itself ADA-accessible by creating ramps from the sidewalks on both sides of Lincoln Street. Area Council President asked Area Councilor Nedeljkovic to prepare a letter that the Area Council could review during the June meeting indicating these proposed changes in design.

#### Crystal Lake Update:

Area Council President Nathaniel Lichtin announced that the Crystal Lake bathhouse will open on June 21. There will be a fairly normal schedule until mid-August. The Parks & Recreation Department is working on an operational plan and has not yet decided whether swimming lessons will take place. Swimming passes are now available for sale on-line on the Parks & Recreation department website.

Area Council President Lichtin provided an update about plans to renovate Levingston Cove. A public meeting was held in April to review plans to improve accessibility and address drainage and runoff issues at Levingston Cove. The plans have been under design over at least the past 2 years and intend to improve sidewalks, build a new fishing deck, implement terracing on the steep slope to reduce the flow of runoff into the lake, create rain gardens, and add plantings. The plans are going to be presented before the Community Preservation Committee on May 11, with a request for \$1.3 million in funding for design and construction.

Area Councilor Srdjan Nedeljkovic expressed support for aspects of the plans that improve ADA accessibility, enhance the experience at the fishing wall, and that will reduce runoff into the lake, including the terracing, stone benches, and rain gardens. However, the plans also include elements that will reduce access to the lakeshore, such as inserting a wall of shrubs and bushes between the walking path and the shoreline. In the one section without this row of plantings, crushed stones are intended to be placed on the shoreline to create a physical barrier to the lake. Area Councilor Nedeljkovic expressed concern that the creation of these barriers is specifically intended to exclude people from accessing the lake at Levingston Cove. He pointed out that even with greatly increased use last summer during the pandemic, the health of the lake and clarity of water was the best it has been following last year's aluminum treatment to reduce algae. Increased use of the lake had no adverse effects, and the lake was happily enjoyed by diverse groups of people of all ages. Newton should continue to be a welcoming and inclusive community and placing these physical barriers to prevent people accessing the shoreline should be opposed.

#### Police reform/New police commissioner:

Area Council President Lichtin noted that the new Chief of Police, Mr. John Carmichael, was introduced by the Mayor at a meeting that took place earlier this evening. Mr. Carmichael was the former chief of police in Walpole. Nathaniel also made note that the city's Police Reform task force had published their recommendations in early March. These are available for review on the city website.

#### Administrative Items:



Approval of April Minutes: The draft minutes were submitted for review from the April 1<sup>st</sup> Area Council meeting. No changes were proposed. The minutes were approved 6:0 with 2 abstentions from Area Council members who were not present at the April meeting.

Treasurer's Report: Area Council Treasurer Groot Gregory had provided an update by e-mail. No further discussion took place.

Next Meeting Items:

A request will be made to have the MBTA attend the next Area Council meeting to discuss design for the two Newton Highlands stations.

New Business:

Area Councilor Amy Wayne noted that a historic house at 29 Greenwood Street in Chestnut Hill was torn down against the wishes of the city. The 18<sup>th</sup> century house was demolished even though it had been granted Landmark status in the 1990s. The city ordinance invokes a \$300 per day fine for this type of violation. Other potential consequences to the developer could be invoked by the Inspectional Services department, which may choose to withhold an occupancy permit once the new house is built. The City may also sue the developer and seek a remedy. The Historic Commission will discuss this at their next meeting on May 27.

Mr. David Patterson ne noted that a developer had purchased the property, one of the 5-6 oldest houses in Newton, which had been granted Landmark status. The developer did not apply for a demolition permit because a Landmark property cannot be granted such a permit. He had filed an application to do a substantial renovation and attach a new addition, which was granted. The developer started work at the site as a renovation, but then the building was torn down. Inspectional Services issued a stop-work order. Since it was a Landmark property, the Inspectional Services department has asked the Historic Commission to determine the remedy. There is now a mandatory fine of \$300 per day that is being applied. Based on the discretion of the Mayor, City Council, or Historic commission, the city law department may be asked to file a claim in court to request whatever remedy is appropriate.

Mr. Patterson expressed his concern that we are losing historic houses. A fine alone may not dissuade developers from tearing down Landmark properties. A penalty is needed that is a deterrent. The developer should be told that he cannot develop the property, so that others get the message that it is not possible to tear down a house that is a landmark like this. Mr. Patterson asked that the Area Council send a letter stating that it should not be acceptable to tear down these kinds of historic homes and that there should be a deterrent against developers. Councilor Pam Wright talked about increasing the fines and noted that the new house that is planned is listed for \$4 million. There seems to be little evidence that any part of the house has been preserved. Ms. Wright noted that the City Council has received a small number of letters about this and further letters would be appreciated. A discussion ensued about the developer and his intentions for the property.

Meeting Adjournment:

The meeting was adjourned at 10:10 pm.