

# Newton Highlands Neighborhood Area Council

## Meeting Minutes, June 3, 2021

### **Area Council members:**

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

### **Ex Officio:**

Brenda Noel: present; Bill Humphrey and Holly Ryan: not present

### **Guests:**

Amy McNamee, Barry Bergman, Donnalyn Kahn, Michael Ross, Rena Getz, Margaret Clermont, Marie St. Fleur, Vicki Danberg, Judi Burten, Jeremy Freudberg, Johanna and Tyler Kirtley, Tahira Rehmatullah, Noah Inbar, Gerlinde Munshi, Jane, Andreae Downs, Miriam Porter, Miho K, Elaine Shooman, Anatoli Rastorgouev, John Rice, Lilian Astrachan, Carol Carroll, Lisa Gordon, Simon French, Loumona Petroff

Meeting called to order at 7:34 pm. Srdjan Nedeljkovic taking minutes. Area Council President Nathaniel Lichtin presiding. The meeting was held using Zoom videoconferencing technology.

### Union Twist Marijuana Retailer

A presentation was made by the proponent of the Union Twist marijuana retail store on Beacon Street. Donnalyn Kahn is one of the attorneys representing Union Twist, a business seeking to open a cannabis dispensary at 1158 Beacon Street. Union Twist has developed a new site plan based on concerns and input from members of the Newton Highlands community. Mike Ross, attorney on behalf of Union Twist presented the new site plan. Also present were the following representatives from Union Twist: Marie St. Fleur, Amy McNamee, and Tahira Rehmatullah. At a prior presentation to the Area Council, two options were presented regarding parking and access to the site. Based on feedback from the Area Council and others, there was one option for a site plan that was preferred over the other, and this will be presented this evening.

One of the issues of the former site plan was having two curb cuts on Beacon Street, one in and out of the site. There was concern about parking area in front, which held only 4 spaces, and which was a potential conflict area for cars and pedestrians. The originally proposed driveway to the rear of the site to access 16 parking spaces would have required zoning relief and an easement from the adjacent property owner. There was concern of there being multiple tenants on the property, as the former site plan include potentially up to three tenants on the site. Union Twist has modified the plans as a result of community input. The current proposal involves demolishing the existing building, removing the tenants, and creating a single building with only the marijuana business as its single use. The site plan includes a single curb cut, 22 parking spaces, assigned employee parking,

assigned pick up and drop off parking, covered bicycle parking, the addition of a sidewalk extending to the rear of the entire site, and having a delivery area in the rear of the site. The new site plan addresses concerns about driveway access and glare from headlights into nearby properties. The new site plan aims to solve many of the prior parking and flow issues. The new landscape plan will include trees and other plantings that will be consistent with providing good access to the site. There will be plantings down the property line with a new fence in the rear. It was noted that Union Twist has participated in a series of community meetings dating back to April 2019. The proposal to demolish the existing 57-year-old building has been approved by the Newton Historic Commission at a recent meeting.

The aspects of the proposal require zoning relief: approval for a marijuana retailer on the site, waiving lighting requirements, and the request to allow assigned parking for employees. All other zoning relief that was previously required is no longer required. The proposed floor plan for the building was presented. Union Twist is now proposing to have 6 point of sales, a prior commitment to the community that is being honored. Customers will come in through a dedicated entrance to a waiting area that includes a bathroom. The customer will then walk into the sales areas, which will be about 1000 SF. There is a separate delivery area. The customer will leave through a separate entrance, adjacent to where they entered. Elevations of building from rear and front were presented. Glazing will be evident from the front. A rendering was presented of the building as it will appear from the parking lot and from the driveway.

Area Councilor Amanda Theunissen asked about the hours of operation. Michael Ross responded that the hours will be 9 am to 9 pm 6 days per week and 9 am to 6 pm on Sundays. Amanda stated that shorter hours of operation would be preferable, 10 am to 8 pm during week, and 12 noon to 6 pm on Sunday. Initially, the business will be by appointment only. Amanda asked if Union Twist will commit to one appointment every 15 minutes per point of sale, as this would help with reducing traffic flow issues. Union Twist representatives responded that they will consider this option. Tahira Rehmatullah responded that they would consider limiting visits to one visit per counter every 15 minutes, and that Union Twist will obtain relevant market data from other dispensaries in evaluating this schedule. If the flow of customers looks like it is too congested, Union Twist will adjust the appointment rules. Their goal is to alleviate any flow issues by managing the time slots for appointments. Area Council President Nathaniel Lichtin asked if the building will have a natural gas hookup. Michael Ross stated he will get information about this and provide it to the Area Council. Nathaniel stated that the building should be compliant with energy criteria for green building standards and consistent with Climate Action Plan for energy efficiency. Nathaniel asked about traffic counts. Michael Ross responded that traffic is expected to be less than with the prior proposal due to loss of the current restaurant and third tenant. Amanda Theunissen noted that a left turn into the site from traffic on Beacon Street from Four Corners will be a problem, and that Union Twist will need to address this.

Area Councilor Larry Rosenberg asked about security at the site. Michael Ross responded that a security consultant has been hired and will abide by the requirements of Newton police department. It was noted that other marijuana retail facilities have removed police details as they were not required in most cases, but that Union Twist may start operations with a police detail at the site initially. If the Newton police have concerns, Union Twist will abide with their requests regarding police details. Initially the plan is to have a police detail for 2 weeks, subject to availability by the

Newton police department and their approval. In addition, Union Twist will have its own security on site in the parking lot.

Area Councilor Rosenberg mentioned concern about people leaving the facility and going into Cold Spring Park to use the product. Michael Ross stated that Union Twist will work to mitigate concerns in the neighborhood. A question was posed about the construction timeline. The project is expected to be a simple build that will take 3 months to 6 months to construct. Since Newton has a freeze on winter construction, and all approvals may not be granted until later in the year, construction may not begin before the spring of 2022. Rena Getz noted that this is a great improvement to the site design, but recommended that Union Twist consider that there is a Tuesday farmer's market and that Beacon Street is a narrow street that is congested during the evening rush hour. Traffic could back up to Four Corners going westbound. The Farmer's market will be returning to Cold Spring Park later this month. It starts at 1 pm and is open until 6 pm, and there is a police detail at the site.

Miho asked about specific measures for security. Michael Ross made the analogy of a liquor store and that drinking in public is not accepted behavior. He noted that an individual cannot be arrested for smoking, but that public smoking is not allowed and fines may be issued. If a customer is found smoking in the area in public, they will no longer be a customer of the store. Currently, smoking of cannabis products is only permitted in the privacy of the home. Mike Ross noted that the average customer for this type of business is someone in their 50's. The product is expensive, and it is cheaper to buy it outside of the retail store. The product is tested for contaminants and the product is regulated and expensive, so more wealthy people are purchasing the product. Younger people may not be able to afford the product. Marie St. Fleur noted that "seed to sale" tracking of the product is taking place. The clientele for this kind of business is looking for a particular type of service, It is not likely to be a younger clientele. The product is provided in a sealed container, and it can be tracked by bar code. Therefore, bags can be tracked to the person who purchased the product. Customers will be asked to sign a "good neighbor" promise. Customers who are in breach of this promise will not be welcome in the store again.

### Letter to MBTA Regarding Eliot Station

At a recent meeting, the MBTA presented plans for making stations on the Green line ADA accessible, including the Eliot station in Newton Highlands. After review of these plans and with public input, a letter has been prepared regarding the proposal for the Eliot station. Area Councilor Srdjan Nedeljkovic presented the letter, which calls for the following modifications to the plans:

- Provide ADA-complaint access to the station from both sides of Lincoln Street, not just the Harrison Street side.
- Reduce the crossing distance across the parking lot by maintaining a pedestrian bump-out that shortens the distance from the Lincoln Street sidewalk to the platform.
- Remove the fencing that is planned between the parking lot and the platform and replace it with a parapet, similar to what is currently in place at Waban.
- Whether there is a fence or parapet between the parking lot and the station, create more points of access between the parking lot and the station to improve access to the trains.
- Connect the MBTA ramp across Route 9 to Suban Place, providing a short-cut and alternative for pedestrians to avoid walking a longer distance on Route 9 in order to walk to the Needham Street corridor area.

Newton Highlands resident Dennis Rieske, who lives on Harrison Street near the station stated that he is familiar with the station and supports the letter. Mr. Rieske also supports the proposal to connect the MBTA overpass to Suban Place. Another possible connection could be made to the Needham Street corridor by creating a pedestrian pathway further east to allow connection to the Greenway. Area Councilor Bob Burke commented that he walks to the station very often, and that access is difficult for an older person. He supports the improvements noted in the letter and supports the proposed pedestrian connection to Suban Place as it allows pedestrians to avoid the perilous Route 9. Mr. Rieske suggested that further review by the state's Architectural Access Board may provide an opportunity to influence the proposal. A motion was made for the Area Council to submit the letter as written to the MBTA. The motion was seconded and approved by a vote of 6:0.

### Restaurant Accessibility Project

City Councilor Brenda Noel updated the Area Council about feedback from restaurants about the recent accessibility project to build platforms for outdoor seating. Ms. Noel noted that City Councilor Alicia Bowman has been a long-time advocate for outdoor seating for restaurants. With the onset of the pandemic, the City approved new outdoor dining space by using parking spaces adjacent to several restaurants, including those in Newton Centre and in Newton Highlands. However, it was pointed out that due to a step-off from the curb, people with physical disabilities were not able to access the on-street seating. A plan for platforms to raise the seating to street level was developed and a Go Fund Me page was set up which raised \$4600. Advocates worked with Chapman construction, which came up with plans on how to build platforms to extend the sidewalk by building them on palettes. The palettes are readily available but the wood for the platforms was expensive. In the course of 2 weekends, 21 volunteers and several city councilors volunteered their time and energy to build platforms at Grape Leaf, Bill's Pizza, Cook, and Four Spoons. The group is considering further options for new platforms, or if the city will have some funding to build these platforms. The city was able to fund ramps, for some of the platforms. However, some of the restaurants could not accommodate a ramp as table seating would be lost. City Councilor Noel expressed her appreciation to the volunteers and to the donors. City Councilor Bowman offered compliments to City Councilor Noel for all of her efforts to construct these platforms. City Councilor Vicki Danberg added that Councilor Noel deserves credit for spearheading this initiative.

Area Councilor Srdjan Nedeljkovic asked if the platforms and outdoor dining will be continued from year to year. City Councilor Noel noted that the wood that was used is pine and it will not last beyond October. If the platforms are to be permanent, a longer lasting material will be needed. Many would like to see this as a year-round program. However, some business owners are worried about a loss of parking. Hopefully outdoor dining will increase foot traffic and viability in village centers. These builds took at least 6 hours to construct. People were excited to see more outdoor seating. The platforms and outdoor seating provide a possibility to catapult us forward on how we use street space in the City. There is support from the Newton Needham Chamber. Restaurants are supportive and would love to make the seating a permanent fixture. It will also depend on how the state and city rules evolve regarding outdoor dining. Dennis Rieske noted that outdoor restaurant seating has been done in Cambridge and other places with good success and he would like to see this made permanent.

Area Councilor Barbara Darnell commented that there are businesses other than the restaurants in the village centers and that their needs should be considered. City Councilor Bowman recounted a meeting that took place at City Council with the Chamber of Commerce and representatives from Waltham, where Moody Street was closed for 2 blocks to increase pedestrian access to restaurants and businesses. For the most part, the Waltham businesses felt that they had done better as a result of the street closure. More people came to Moody Street and patronized the businesses in the corridor. Area Councilor Groot Gregory also expressed concern that needs of all businesses should be considered. We need to be careful about removing parking spaces. It was again pointed out that the platforms were initially intended to address the access issue for those with disabilities due to drop in the sidewalk to the street. Councilor Bowman added that there have been meetings regarding on-street dining on Union Street with that have included many of the businesses. For the most part, retailers recognize that more people coming to an area is good for all businesses.

Area Councilor Srdjan Nedeljkovic noted that concerns about parking loss could be addressed with a robust parking plan. Improved availability and access to parking on residential side streets in Newton Highlands could be used to make up for any lost spaces on the street in front of restaurants. In addition, the suspension of parking meters during the pandemic has had positive effects and has been welcomed by many people. Removing parking meter requirements in the village center while enforcing time limits on parking would be helpful to businesses and could be a mitigation for the few parking spaces that are lost on Lincoln Street.

### Zoning Redesign Process

Area Council President Nathaniel Lichtin presented an update on the zoning redesign process. The City held a community engagement meeting on May 26 and explained the process of community feedback using a Vision Kit as a method to get feedback on zoning reform for Village Centers. Nathaniel asked how the Area Council can engage with the Vision Kit process and how to obtain more feedback from the community about Newton Highlands and Four Corners. The Vision Kit has themes of shopping, eating, working, accessibility, transportation, housing, and other topics. It is intended to engage people by having them walk around the village center to express opinions on what they like and what could be made better. Nathaniel suggested that the Area Council could do this exercise with members of the community either in person or via a zoom meeting.

Area Councilor Barbara Darnell asked if there is a target date for this information to be provided to the Planning Department. Nathaniel stated that the community engagement piece will be open through the end of September. Barbara expressed support for gathering as a group to discuss visioning efforts. Area Councilor Groot Gregory asked how much input is desired from the community and who is the audience to engage over the Vision Kit. Nathaniel stated that he would send notice similar to a regular Area Council meeting and invite community members to participate fully in the process. If there was a large group, it could be split to smaller subgroups if necessary. Nathaniel suggested that the Area Council should conduct this as a meeting separate from the regularly scheduled Area Council monthly meeting. Area Councilor Bob Burke agreed that the meeting should be a special meeting, held on a weekend, and that he would prefer a live meeting. Bob does not think this kind of engagement lends itself to a zoom session. A suggestion was made to hold two meetings, one for Lincoln Street and one for Four Corners. Rena Getz noted that the

Waban Area Council will also be discussing how to participate in this process. She noted that the Upper Falls Area Council has asked each of its councilors to take the Vision Kit survey, Afterwards, the councilors will meet as a group to see if a consensus is possible. She noted that the Planning Department is asking the Area Councils to lead the Vision Kit process in their communities, but that a good first step is for each councilor to take the survey.

Kathy Pillsbury agreed that this should be done as an in-person meeting. The Vision Kit can also be done on its own by residents individually. Carol Carroll suggested that Area Councilors Amy Wayne and Amanda Theunissen could help involve people who participated in prior Area Council engagements and potentially conduct a field trip activity to provide feedback and input. Dennis Rieske stated that as a member of the Congregational Church, the Great Hall could be used as a meeting space. Nathaniel Lichtin suggested that the community meeting may be a walking exercise in the village center. It was decided that the Area Council will plan to hold 2 special meetings regarding Village Center visioning, one for Lincoln Street and one for Four Corners, in person, outside, in each village district. He will work on getting a notice out to the community.

### Local and City Updates:

#### Gun Shop zoning ordinance

Area Council President Lichtin stated that the City Council had recently passed a restrictive zoning ordinance regulating gun shops, and the mayor has signed it. The proposal will require those under 18 to enter stores only with parent or guardian. The next step in the process is a discussion of a docket item for a full ban on gun shops in Newton. The restrictive zoning just passed allows for only three areas in the city to have gun shops. One of these is The Street in Chestnut Hill, which has stated that they will not allow a gun shop. Another potential site is at Rumford Avenue.

The proposal for a full ban will go before a public hearing on June 21 via Zoom. It was noted that City meetings will likely stay on Zoom until at least September. There are a number of amendments related to gun shops that have been proposed which did not get passed with the current zoning that may be discussed as separate zoning items, including a complete ban on people under age 18 entering gun stores. The current ban is for people under age 14. Also, there may be further discussion about adding additional buffer zone criteria.

#### Christina Street Pedestrian Bridge:

The City held a public meeting on May 26 to take feedback about preliminary design options for the Christina Street bridge to either renovate or replace the bridge. The meeting was recorded and is available on the City website. The public comment period closed on June 2. Once comments have been considered, the City plans on using a consultant to do more extensive design scoping on the options. One option is to keep the old bridge but build a new bridge next to it. Another option is to replace the bridge entirely with something new. A third option is to rehabilitate the existing bridge and make it accessible. The preliminary scoping exercise will be completed by June 30. Once that is done, the City will be looking to have more extensive design work. No funding is currently available to actually do the work needed to rehab or replace the bridge.

Dennis Rieske noted that he has worked with the Barry Price Center. He also pointed out that the existing bridge is a relatively new bridge. Mr. Rieske pointed out that the bridge was designed for locomotives. Restoring access to the bridge would be a great way for people to get from Newton to Needham. Mr. Rieske supports rehabilitating the existing bridge and believes that the Price Center is supportive of enabling access to the bridge. Area Council President Nathaniel Lichtin also expressed his support for reusing the existing bridge.

Area Councilor Srdjan Nedeljkovic provided comments in support of restoring the old bridge. He noted that the bridge was constructed in 1959 and that it consists of 8 piers that are each supported by 4 piles. The bridge is 140 feet long. Of those piles, 3 of the lateral ones have eroded and will need to be replaced. But the bridge is otherwise structurally sound. At its present width, it could accommodate pedestrians and bicyclists. Srdjan cautioned against “supersizing” the bridge with a new structure that is excessively wide. He supports restoring the existing bridge and making it fully accessible and does not want to see it replaced with a completely new bridge.

#### 1114 Beacon Street:

This project has been scheduled for public hearing before Land Use on June 29<sup>th</sup>. No new changes to the plans that were presented at a prior Area Council meeting have been suggested.

#### MBTA Green Line work:

The MBTA is doing track work until end of this weekend, then will take a break and then come back to Newton to do more track work in mid-July. In the meantime, from June 11 to June 20 and then from June 24 to July 2, the MBTA will be shutting down the D branch for further work. Buses will be used to substitute service.

The MBTA will be hosting a meeting on June 8 to discuss the Better Bus Project on June 8 and to present an overview of the bus network redesign project. They are considering changes to the entire system. The Route 52 bus has been shut down as part of pandemic reductions in service, and there is concern that service on this route may be reduced again in the future.

#### Newton Highlands Accessibility Project:

Area Councilor Srdjan Nedeljkovic reported that the Newton Historical Commission met to discuss the new plans for accessibility at the Newton Highlands station, and if the plans are consistent with the historical nature of the site. At the meeting, there was significant public opposition to aspects of the project, specifically the addition of multiple metal canopies with concrete and metal infrastructure. It was pointed out that the new design is not consistent with the historical landscape of the station, which was originally designed by the Olmstead firm in the 1880s. The Historical Commission deferred approving the project and asked the MBTA to return to a future meeting to respond to several questions and concerns about the design. Dennis Rieske commented that the stations are listed on the Registry of Historic Places, and that he is glad that the historical commission is doing a good job in scrutinizing the new plans.

#### Administrative Items:

Approval of May Minutes: The draft minutes were submitted for review from the May 6<sup>st</sup> Area Council meeting. No changes were proposed. The minutes were approved 6:0.

Treasurer's Report: Area Council Treasurer Groot Gregory had provided an update. No transactions took place in the past month.

Format of July Meeting:

There has been an extension for virtual public meetings until September at the City level, but it is uncertain if this extension has been approved for meetings at the state level. Area Councilor Barbara Darnell expressed support for continuing a virtual component to our Area Council meetings indefinitely. A question was posed on how that would be done once we get back in person? It was suggested that a laptop could be set up during meetings and connected to a web camera.

Rena Getz stated that Waban Area Council intends to maintain virtual access to meetings. Dennis Rieske noted that the Congregational Church has been doing services on zoom for 15 months and will be implementing a hybrid model going forward. John Rice stated that at Brigham House there is high speed bandwidth, but that the Area Council would need a laptop and video camera, and that the meeting would need to have enough sound so that people would hear the conversation. Srdjan Nedeljkovic supported maintaining virtual access to meetings indefinitely, as this provides more of an opportunity for attendance and engagement at meetings. Area Councilor Groot Gregory will work with John Rice on the technical aspects of holding a hybrid meeting. Dennis Rieske volunteered use of the Church for Area Council functions, if necessary.

A discussion ensued about whether to hold upcoming meeting in person or virtually. John Rice mentioned that regular programs at the Hyde are not starting until the Fall. Groot Gregory suggested that the next Area Council meeting should be held virtually in July, hybrid in August, and then perhaps in person in September. A decision was made to conduct an all-virtual meeting in July, and to get a report from Groot and John on what may be necessary to go hybrid afterwards.

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:

No additional new business was proposed for discussion.

Meeting Adjournment:

The meeting was adjourned at 9:24 pm.