

Newton Highlands Neighborhood Area Council

Meeting Minutes, October 7, 2021

Area Council members:

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

Ex Officio:

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

Guests:

Carol Stapleton, Robert Fizek, John Rice, Carol Carroll, Barry Bergman, 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.

Newton Parks, Recreation, and Culture Commissioner Nicole Banks

Area Council President Nathaniel Lichtin introduced Parks, Recreation, and Culture Commissioner Nicole Banks. Ms. Banks has been Commissioner approximately since the Covid pandemic started. Ms. Banks thanked Mr. Lichtin for the invitation to attend the NHNAC meeting. Ms. Banks stated that she would like to discuss current events regarding her department that have an impact on the Newton Highlands neighborhood. Ms. Banks served as the Recreation Director in Westwood for 6 years, and prior to that was Recreation Director in New Hampshire for 9 years. She is also a past president of the Massachusetts Parks and Recreation Association. She was hired to start her position in Newton in March 2020, and her main agenda item quickly became preparation and reaction to the Covid-19 pandemic. Since her arrival in Newton, she has become familiar with happenings related to parks, recreation, and culture in the city. During the first year in her position, Ms. Banks stated that she was not able to see much of the programming for various facilities due to the shutdown related to the pandemic. A decision was made in 2020 not to open the Crystal Lake Bathhouse or Gath Pool last summer. This year, as things have opened up, she has been able to attend many more City events, including Village Day activities, and has had an opportunity to meet many people in the City.

Over this time, the Department has seen explosive growth. People found it very hard to stay indoors during the pandemic, and it was important for people to get outside. There was increased use of open spaces, trails, playgrounds, tracks at the high schools. Additional trash collection services were needed in parks. Services for trash pickup and maintenance were ramped up in the Newton Highlands Playground. Eventually, this past summer the City began to host some gatherings and activities. The outdoor concert series resumed in Newton Centre in July. The uptick in Parks usage has continued this year in Newton. People have reconnected with nature, finding it

tranquil and enjoyable to be outdoors. People seem to be re-energized to be engaged in outdoors activities. The Mayor presented the City's Capital Improvement Plan this week, indicating a commitment to invest into our Parks, athletic fields, Gath Pool, Crystal Lake, trail improvements in the city, with a proposal to conduct a feasibility assessment of having a new outdoor performance pavilion. The Parks department looks at the Hyde Bandstand as an example of an open space project that has been well done.

Over the past year, Parks and Rec has brought forward improvements at Crystal Lake. New additional signs have been posted about leashing and picking up after your dog. New signs were added about water safety. At the Bathhouse, there was a complete cleanout of the bathhouse such that we were able to open the bathhouse for use this past summer. Going further beyond cleanup, there were concerted efforts to increase access to the park for guests who have a disability, and paths were regraded from the bathhouse building to the park, an accessible picnic table was installed, and a new water-accessible wheelchair was purchased for floating in the water. Commissioner Banks noted that she was proud to receive letters on how important these improvements have been. People in wheelchairs are better able to enjoy these spaces, which are friendly and accessible spaces for everyone.

Commissioner Banks has met with State Representative Ruth Balser, who expressed commitment to improve the lake area. Representative Balser filed for funds in the state budget for Crystal Lake improvements. Due to Representative Balser's advocacy, Newton has received \$75,000 in funding for accessibility improvements. There will be improved connectivity paths from the main park to Levingston Cove, and better pathways to the water from the bathhouse. These improvements will help many people, even those who do not have a disability. Commissioner Banks has also worked to secure permission with Conservation Commission to remove the old benches and board system on the left section of the Crystal Lake beach. Emergency conditions were put in place to reopen the lake for visitors. Further improvements to this beach space are now part of the CIP (Capital Improvement Plan), which is a five-year plan. Being in the CIP will allow us to start thinking about what this beach space may be like in the future and how to improve it from its present condition so that people can enjoy the water and sunbathe. The Parks and Recreation department will work with all groups to envision what this beach may look like, and to make it more accessible, safer, and environmentally friendly. Initially, there is a consideration for some temporary improvements, including new seating options.

Commissioner Banks noted that we have another important project moving forward at Levingston Cove. She has become familiar with the history of the Cove, including the commitment to protecting the park and Lake area. The cove is subject to conditions of water run-off from the road to the water, especially when it is raining. The benches at Levingston Cove are not at the correct heights due to erosion. Commissioner Banks stated that she understands that Crystal Lake is described as a gem, and a community asset. There is a lot of work to be done in this area. Overuse of the area is one of the problems leading to erosion, the failure to maintain the grassy area, and leading to difficulties in bringing the space to a better condition. Looking over that history, and the work that had been done, Commissioner Banks noted that it has come to a point to bringing a plan forward. The proposal that has been developed will stop erosion, stop water run-off, and expand access to guests. The department is bringing several projects forward, including Gath pool, athletic fields, and will be holding public meetings for the amphitheater feasibility study. Looking at

Levingston Cove, it is important that the project stays on schedule. She is aware that people are unhappy about some aspects of the design of the fishing platform. The proposal calls for a platform to be placed 10 feet over the water. The additional surface area will allow people in a wheelchair to fish over a lowered safety railing in a safe manner with more space in that area. The Commissioner noted that her department had received an alternate design sketch without a platform, but the city believes that the platform brings significant and essential features to the lake, including universal access. People are now using Crystal Lake for the first time in years. The mission is to provide improvements at the Cove, in addition to erosion control and runoff protection. This will be a benefit to the community, and Commissioner Banks stated she is excited about beginning to make improvements at the lake.

Commissioner Banks concluded her presentation, and President Lichtin asked for questions. Barry Bergman asked if there is a way for a compromise to be considered between the proposed city plan and a plan that does not include a platform but that extends the walkway towards the road. One concern is that the proposed fence will become an attractive nuisance, and cause someone to dive into the water and have an injury. Is there a way to incorporate both plans that include a walkway and deck of 15 feet width, but with a shorter deck that goes out only 3-4 feet rather than 10 feet? Mr. Bergman asked for consideration for both disability needs and environmental needs. Commissioner Banks replied that further consideration about the design of the fishing wall will take place. Regarding the deck, she noted that some compromise has already happened. There is currently not a lot of space for people to pass each other. The platform was reduced in size based on public comment. The platform was changed regarding placing borings as to where it will go. The other item is the safety railing, to keep people from falling off the edge. Feedback has been taken into account to lower the height of the railing, which will give a nicer sight line. People will be able to have a view over the lake when sitting on the terraced seating. Children will have an easier time to fish. The rail is there for safety, but the design of the rail is still being considered. Horizontal slats will not be used that people can climb. The top of the railing will be angled to prevent people from jumping off. The other consideration is what kind of signage to place. There may be interpretive signs about environment and history and also rule signs about safe use. The Commissioner stated that her department will continue to make this the best possible design as more feedback is received. Consideration will be given regarding the space for the pathway at this area, currently at 5 feet width. The platform size has already been reduced, but the City does not want to miss out on an opportunity to have this extra space at the fishing wall.

Carol Carroll asked about the left beach and asked that the Area Council should be included for input about these future plans. Nathaniel Lichtin asked about the time line for the left beach design. It is hard to say about the timeline. While it is on the capital projects list, there is no funding currently. We need to evaluate what this project may look like. One item discussed is how to retain the sandy beach area but do it in a way to protect the water. The process will start to determine what the project will entail, then put together a time line and request funding. It is unlikely that the left beach will be completed for next summer, but that gives time to be thoughtful about the project. Mr. Lichtin noted how there was community engagement on Levingston Cove in past years, but then without recent community input, plans were suddenly thrust forward for approval without a larger public outreach. He noted that is important not just to have early engagement and then go through a formal approval process, but to also go through additional

community engagement along the way. Commission Banks agreed with this feedback and will try to incorporate it into further projects. Commission Banks then left the meeting.

Levingston Cove design presentation by Architect Robert Fizek

Mr. Robert Fizek thanked Commissioner Banks for her work in the Parks Department. Mr. Fizek is an architect who has lived in Newton Highlands for the past 30 years, mostly specializing in residential and commercial design. He is very familiar working with engineers and public entities in project design and execution. He presented some thoughts on how we've come to where we are regarding the Levingston Cove project, and why there is controversy on the fishing cove area. Mr. Fizek noted that although he is a member of the Crystal Lake Conservancy, he is speaking on behalf of himself, and not the full Crystal Lake Conservancy, although there are several board members who agree with his position.

Mr. Fizek presented an image of the proposed deck with two retaining walls. He supports improving accessibility and noted that community feedback indicated a preference for keeping plans for the cove simple and natural when designing the cove. Mr. Fizek pointed out there were lapses in informing the public about the design of the project. No detailed images have been shown of the fishing deck, and the design development phase was not fully part of the process. A concept plan went right into a final design, with a result that creates an overengineered project. Mr. Fizek stated that the proposed platform will be 110 feet long with steel framing, reinforced concrete, and significant environmental impacts. The entire relationship of an individual coming to the waterfront will no longer be an intimate relation to the water. The person will be 3 feet higher on the newly proposed walkway, and instead of being near the water, the pedestrian will be closer to street level. A person walking on this path will have views that are not to the water but to the cars passing by on Lake Ave. Mr. Fizek expressed concern that the approach to the design of the fishing wall is overly complicated, and it should be simple and elegant. This proposal includes 78 cubic yards of concrete, 14 to 17 tons of CO₂. Robert pointed out that while the city talks about sustainability goals, it does not seem to pay attention to the impacts. When residents presented a modified set of plans to Parks and Rec that reduce construction at the fishing wall, most of the suggestions were rejected. Mr. Fizek noted that early, initial support for the project was based on limited information, without proper vetting.

Mr. Fizek pointed out that there is a tendency to add extra infrastructure to a project to solve problems, even though it may not be the best way to go. What if instead of throwing a deck up and over the water at a cost of about \$500K, and changing the entire character of cove edge, new plans were developed that widen the walkway towards the roadway. About 5' could be added while modifying the slope. Several examples of stone embankment were presented to show a solution that does not require heavy engineering. There are techniques that have been in use for hundreds of years, and should be prioritized rather than having large engineering solutions. An alternate plan could create a 10 ft wide pathway with a fishing deck. Photos of the existing walkway and fishing wall were compared to an alternate design of a double wide walkway with a stone wall, no new foundations, and a natural stone embankment, with plenty of room for people to be maneuver and to be together. Everyone is given the same opportunity to access the fishing area. Perhaps an additional cantilevered platform of a few feet could be added simply. Robert presented a flyer showing a comparison between the city plan and an alternate plan. He showed images of situations

where mobility impaired people in wheelchairs are accessing lakefronts. Councilor Noel expressed concern that images showing disabled people from the internet may not accurately reflect issues faced by this group. Robert concluded with an image of the foundation of stone and concrete proposed for this location and pointed out that these heavily engineered techniques may not be superior to living, permeable walls. Robert Fizek asked the Area Council to think about these alternatives, and how the project has advanced forward, and whether it should go forward without additional consideration. Mr. Fizek asked the Area Council to consider asking the City to look at this again and revise the plans, first by opening the process for more public commentary.

Councilor Brenda Noel stated that she is passionate about issues of accessibility. She feels that presenting images of people in wheelchairs and using stock photos from the internet is offensive. She noted that we live in an ableist and racist culture, and that we need to be respectful of people who are in wheelchairs. Robert responded that nobody is arguing against accessibility. Brenda stated that lack of a fence at the fishing wall is dangerous for disabled people. Councilor Noel questioned Mr. Fizek about a slide of individuals in wheelchairs that he found on the internet through a “google search” to make his point that a fishing rail was not necessary for safety. Councilor Brenda Noel expressed her concern and the danger of using any stock photo or googled image to represent individuals with disabilities. She pointed out that the internet is full of misinformation. As someone who works in the disability community, Councilor Noel stated we live in an ableist culture, and the images could be perceived as doing a disservice to people with disabilities. She questioned the choice to use stock photos and stressed we have a responsibility when making a public presentation to be accurate and represent the truth. Councilor Noel felt that the images were not obligated to address ADA compliance.

Councilor Humphrey stated that he is not sure about the ADA specifications, but a 5 ft width of a sidewalk is needed, and then additional space is needed for a platform. Erosion and slope control is a valid concern. Mr. Humphrey stated that there have been several public meetings about this project, and he is uncertain why people did not participate. Mr. Humphrey noted that some people agree with this proposal and others don't. He is uncertain how many people are opposed to the proposed project design. He related concerns that management of the Barry Price Center expressed about fencing and safety at the Christina Street bridge and as to the necessity of fencing. Mr. Fizek clarified responded to a question about of erosion control, and he noted that a more natural kind of approach can solve issues of erosion and slope.

Area Councilor Amy Wayne made the point that she has worked with disabled people for years, and she has heard nothing stated in this evening's discussion that is unreasonable or offensive. Ms. Wayne noted that Councilors Noel and Humphrey may not be aware of discussions about Crystal Lake that have been going on for years. This project has quietly crept up on people who may not have been aware of the proposal. Robert Fizek noted that public engagement on the design of the proposed plans has been minimal. A working group concerned about Crystal Lake had not ben meeting during the Covid pandemic.

Barry Bergman noted that a number of people visited the lake recently, and once people got to see the area, they changed their opinion about whether to support the current proposal. Barry asked for more compromise to develop a better plan for this cove. It needs to be ADA compliant while also protecting the environment of the lake. Mr. Bergman suggested that the proposal needs to go back

to the consultant to consider an alternative way. Area Councilor Bob Burke noted it is difficult to predict the preferences of a group. He had worked on transportation projects involving elderly and handicapped people, and that their preference for transportation modes surprised everyone. Therefore, we need to survey people on what their desires are in order to accurately reflect their needs.

Area Councilor Srdjan Nedeljkovic suggested that there is still room for compromise, and that with compromise, an even better plan will emerge. He suggested that the Area Council will take no specific action, but that members of the public and the Area Council are certainly welcome to communicate with City Council about their opinions.

Zoning Redesign Update

The NHNAC has submitted meeting minutes of community visioning walks in Four Corners and the Village area on Lincoln Street to the Planning Department.. The City Council ZAP committee had a presentation about business mixes in village centers to provide a background for considering next steps for proposed goals and what zoning can look like. The September 13 Zoning and Planning meeting is available on New TV. There will be a presentation to ZAP on Oct 25 of what City Staff have learned from community engagement about village centers. On Nov 15 there will be a public information session so that people can ask questions from City Staff.

Robert Fizek asked what people thought about the Visioning process. Nathaniel was uncertain whether the polling questions were relevant. City staff felt absent from the community engagement, as the process did not involve them. Some statements that were submitted were random and it may be difficult to derive useful data. City Councilor Bill Humphrey noted that there was positive feedback in Upper Falls about the process, and many suggestions emerged to make the village more vibrant. There were proposals in Waban of a similar nature. People noted aspects of village centers that they would like to keep. The Planning Department has been present at a number of community events, including Village Day. The Planning Department is accepting e-mails from residents on suggestions and ideas. Area Council President Lichtin noted that the Vision Kit process did not include city staff. It was the intent for the community to come up with their own ideas, rather than be prompted by the planning department. Many people did participate in some of the walking tours of village centers.

Area Council Debates

Area Councilor Bob Burke noted that questions for the upcoming debates have been developed, with the goal to make the debates fair for every candidate. The final list of questions is being developed at this time. The debates will take place on Saturday October 16 and Sunday October 17. Every candidate has agreed to participate. Every candidate has sent a biography. The debates will be held virtually. There is an agreed upon criteria and format. The exact time of the debates is still to be determined. The debates will be recorded. On Saturday, the likely starting time will be 1 pm. Each debate will be 15 minutes per candidate, or 30 minutes for 2-candidate races, and 45 minutes for 3-candidate races. The mayor's race will have a longer debate time of 60 minutes. After the debates, the moderator will take the questions which will be put them on line afterwards. Marjorie Arons-Barron will be moderating.

Area Council Elections

The Newton Highlands Neighborhood Area Council has 6 people on the ballot and is tied for the most candidates on the ballot. If people are interested in serving on an area council, a write-in campaign is possible. City Councilor Bill Humphrey noted that a discussion at Program and Services took place with Chris Sullivan, who is running the election. Mail in balloting will not be taking place for Area Council elections. There will be in-person early voting to include the Area Councils at City Hall. This will be Monday to Friday and Saturday half day at City Hall. Regarding the election process, there are issues about precinct lines and ward lines and realignment, which follow US census blocks. The future election process for Area Council elections is yet to be determined.

John O'Hara Square and Officer English Garden Landscaping

Recently, a meeting took place with Area Councilors Gregory, Lichtin, and Darnell, along with City Councilor Brenda Noel, John Rice, and Parks & Recreation department representatives to discuss placement of a granite pillar dedicated to John O'Hara at John O'Hara Square. The monument, estimated to be 2 ft x 2 ft x 6 ft, is being proposed for placement in the Officer English garden, along with new landscaping. The Parks and Rec Department will attend a future meeting of the Area Council to determine overall plans for Officer English Garden.

A discussion ensued about the process for approving such a monument. At this time, there is not an established public process to determine the appropriateness of a monument, and the decision of whether to accept a monument on city property is made at the discretion of city staff. Area Council President Nathaniel Lichtin presented a sample picture of what the proposed monument may look like. He noted that the O'Hara family will be paying for the monument and for the landscaping. Carol Carroll noted that there is an established process in Newton for a memorial bench or a plaque, which includes a required informational hearing. She noted that this process did not occur with this proposed monument.

City Councilor Brenda Noel pointed out that the monument would be placed on MBTA property, and that Parks & Rec has jurisdiction, and that the process to approve this structure and its placement is similar to the process for other memorial structures. Carol Carroll noted that CDBG funding was used to place a park at that area, and also to create a brick plaza at what is now Rodney Barker Square and at the Stevens Building. John Rice noted that City Council approved making the intersection of Walnut Street and Lincoln Street John O'Hara Square. There were a number of signposts proposed. However, Carl O'Hara proposed an investment of \$15K for the Officer English Garden and placement of the monument. It was also noted that there is a precedent for businesses supporting and sponsoring a community garden, and that the business is typically allowed to place a plaque near the area they are sponsoring.

Local and City Updates:

MBTA Bus Network Redesign:

Area Council President Nathaniel Lichtin stated that on October 27 at 6 pm, the MBTA will be holding a meeting to discuss concepts guiding considerations of the future of the MBTA bus network. A proposal will be put forward this winter. Area Councilor Srdjan Nedeljkovic expressed concern that the MBTA will curtail or eliminate service.

Other Updates: There were no additional updates.

Administrative Items:

Approval of September Minutes: The draft minutes were submitted for review from the September 2nd Area Council meeting. No changes were proposed. The minutes were approved 7:0.

Approval of Minutes of Zoning Redesign Vision Kit Minutes: The draft minutes of the Four Corners Vision Kit meeting from August 21 were approved 4:0 with 3 abstentions. The draft minutes of the Newton Highlands Village Center Vision Kit meeting on August 28 were approved 4:0 with 3 abstentions.

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

New Business:

Robert Fizek asked about the outcome of an investigation of a man who was killed during a police action in January 2021. Area Council President Nathaniel Lichtin noted that this is a criminal matter that is in the process of review.

Area Councilor Barbara Darnell noted that there will be a Lake Avenue detour due to Walnut Street reconstruction from Homer Street to Forest Street between October 12 to October 21.

Robert Fizek asked about an update regarding having a water line to the Hope Fountain. John Rice said that he will follow up with Public Works about running water to the fountain.

Meeting Adjournment:

The meeting was adjourned at 9:38 pm.