

Newton Highlands Neighborhood Area Council

Meeting Minutes, September 1, 2022

Area Council members:

Barbara Darnell, Robert Fizek, Jeremy Freudberg, Groot Gregory, Nathaniel Lichtin, Srdjan Nedeljkovic, and Larry Rosenberg; Amy Wayne

Ex Officio:

City Councilors Bill Humphrey, Brenda Noel and Holly Ryan were not present.

Residents and others:

John Rice, Kathy Pillsbury, Pam Wright, Elena Wright, Dan Powdermaker, Simon French. Lisa Monahan, Alice Ingerson, Mary Lee Belleville, Deb Crossley, Bob Burke, Jennifer Bentley, Elaine Shooman, C Todreas, Vicki Danberg. Andreae Downs, Rena Getz, Tarik Lucas

Meeting called to order at 7:01 pm. Srdjan Nedeljkovic taking minutes. Area Councilor Nathaniel Lichtin presiding. The meeting was held in person at the Brigham House as well as via Zoom videoconferencing technology.

At the start of the meeting, Area Council President Lichtin announced that the agenda item regarding the MBTA Communities Zoning proposal will be postponed until next month's Area Council meeting.

Substantive Topics:

Local and City Updates - presented by Area Council President Nathaniel Lichtin.

Area Council Opening: Area Council President Nathaniel Lichtin noted that no candidates have asked to be considered for the open position. If any resident in our district is interested in joining the Newton Highlands Area Council, please contact Nathaniel Lichtin.

Crystal Lake Bathhouse Beach: Mr. Lichtin reported that the gates to the beach at the Bathhouse have been opened. He noted that there was lots of positive feedback when access to the bathhouse beach was opened last year after the season. The Bathhouse building itself is closed for the season.

Area Councilor Srdjan Nedeljkovic suggested that the preponderance of fencing at and near the bathhouse creates a barrier to the park and beach and should be removed because it is perceived as a hindrance for people who may want to enjoy access to the lake at this location. This may be one of the reasons that people lately have been congregating at the other coves, such as Levingston Cove and Cronin's Cove, more than at the bathhouse. A discussion ensued about whether fewer people tend to congregate at the bathhouse versus the other coves due to the fencing or for other reasons.

1114 Beacon Street Consistency Request: Area Councilor Jeremy Freudberg brought up the issue of the Special Permit for a 34-unit residential building that was approved at Four Corners. The developer has proposed a change to the project and a Consistency Request was filed with the Commissioner of the Inspectional Services Department. The request was to change the 34 units in the building from being condo units to being rental units. As a result, there will be a change in the number of Tier 1 vs Tier 2 units, and there will be less money for the affordable housing trust. The following table was presented:

	Special permit approved by City Council 11/15/21	Requested 7/27/22; Determined as consistent by ISD on 8/23/22
	34 condo units	34 rental units
	3.4 “Tier 1” units (0.1 × 34)	5.1 “Tier 1” units (0.15 × 34)
	2.55 “Tier 2” units (0.075 × 34)	0.85 “Tier 2” units (0.025 × 34)
Cond. #4	= 3 “Tier 1” + 3 “Tier 2” + 0.4 cash [0.4 cash = \$231,295.50]	= 5 “Tier 1” + 1 “Tier 2” + 0.1 cash [0.1 cash = \$57,823.92]
Cond. #5	“Monthly housing costs, inclusive of mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner’s association fees, hazard insurance, and 1 parking space, must not exceed 30% of the applicable household income limit for the Inclusionary Unit.”	“Monthly housing costs, inclusive of rent, utility costs for heat, water, hot water, and electricity, 1 parking space, and including access to all amenities that are offered to tenants in the building, must not exceed 30% of the applicable household income limit for the Inclusionary Unit.”

This was approved by the Commissioner of ISD. Rentals will all count for Chapter 40B counts.

Secretary’s Addendum from Area Councilor Freudberg (received September 15): “Regarding 1114 Beacon, the minutes state "Rentals will all count for Chapter 40B counts" which was indeed mentioned at the meeting. However, I have since learned that this is not correct. The percentage of inclusionary units for the project fall short of the required percentage in section II.A.2.b(1) of the [SHI guidelines](#) for all rentals to be eligible for inclusion on the SHI.”

Tree at Hyde Removed: Area Councilor Robert Fizek reported that a large maple tree has been removed at the old Hyde School. The removal of the tree required a tree removal permit, but it is unclear if a permit had been issued. The city’s Director of Urban Forestry, Mark Welch, will be contacting the property owner to inform them that a permit to remove this tree was required. If there are penalties for not obtaining the proper permit, they will be assigned to the property owner, not the contractor. A violation letter will be sent if no further information is received from the property owner.

Area Councilor Srdjan Nedeljkovic asked about the consequences of such a violation. Area Councilor Barbara Darnell stated that the property owner may be required to provide an inch-to-inch

tree replacement or make a payment into a tree replacement fund. Currently, there are no other significant fines in our ordinances for removing a tree without a permit.

Levingston Cove Permit Approved: Area Council President Nathaniel Lichtin reported that Parks Recreation, and Culture Commissioner Nicole Banks has stated that the City will be proceeding with the planned project.

Other Updates:

John Rice reported that Newton Highlands has been approved as a location for swing space for the Senior Center once the current building in Newtonville has been vacated. The Brigham House will be used for staff. The Hyde Community Center will be used for programming such as Zumba, Yoga, arts programs, and other activities. Senior Services will replicate many of the programs that have been available in Newtonville in Newton Highlands while the Senior Center project moves forward. As a result, there will be more foot traffic in Newton Highlands. The buildout of the new Senior Center may take between 18 months and 2 years. The Newton Highlands site will be operational even before demolition of the current historic building.

John noted that the Hyde after school program that had been previously using the Brigham House and Hyde Center had been terminated due to low enrollment, which further decreased during the Covid-related lockdowns when parents were at home. Most of the current Hyde and Brigham House programs will continue even when the Senior Center activities are taking place in those locations. There will be a number of improvements made at the Brigham House, including a new ramp for access and fresh interior painting. The City of Newton will improve the internet connectivity at the Brigham House with improved bandwidth and potentially conferencing facilities.

This transition to Senior Services in Newton Highlands may occur either in November of this year or in the Spring of next year. There have been Senior Services occurring at the Hyde already over the past 5 years. The parking plan for employees is being worked out. There may be 7-8 employees on site.

Recognizing Joseph Miele's Death:

Area Councilor Robert Fizek had pointed out that a long-time employee at the Newton Highlands post office, Joseph Miele, had passed away in March. He had worked at the post office for 42 years. A discussion ensued about sending a letter of appreciation to the family. The Area Council unanimously voted to send a letter of appreciation to the Miele family. Area Councilor Groot Gregory agreed to write the letter.

MBTA Green Line Trains Skipping Stations:

Area Councilor Srdjan Nedeljkovic pointed out that the Green line trains have been dumping Newton passengers with increasing regularity and frequency. Passengers are asked to leave the train at Reservoir, Newton Centre, or Newton Highlands. The mostly empty train then is sent express to either the Woodland or Riverside station. At times, the next train does not come for a while, causing inconvenience and delays to transit users. A conversation ensued about the potential reasons for this

dumping of passengers, including possible staffing issues at the MBTA, bunching of trains, broken-down trains, and the intent of the MBTA to arrive trains at their terminus as quickly as possible, regardless of how many passengers are adversely affected. Several people commented that the MBTA's service has been unreliable and passengers have been dumped without the next train being available. Area Councilor Srdjan Nedeljkovic will write a draft letter asking the Mayor to request that the MBTA halt this practice of dumping passengers, except when it is an emergency situation. The draft letter will be reviewed at the next Area Council meeting. Area Councilor Barbara Darnell noted that the MBTA is under a looking glass right now, so this is an ideal time to create change.

MBTA Communities Zoning:

Area Council President Nathaniel Lichtin announced that this topic will be on next month's Area Council agenda.

Traffic Concerns in Newton Highlands:

Area Council President Nathaniel Lichtin reported that he had planned to invite the city's Traffic Engineer Isaac Prizant to our meeting this month, but he is on vacation this week and was unable to attend. Hopefully we will have him attend a future meeting to discuss traffic issues. Area Councilor Larry Rosenberg noted that a 20-mph Safety Zone has been put in place from Walnut Street to approximately 153 Lincoln Street. However, he has noticed municipal trucks that sometimes seem to be driving over this speed limit. John Rice also noted that there are many people traveling over the new Safety Zone speed limit near the Hyde Center. More enforcement and education is needed. Skepticism was raised that any effort would be effective other than enforcement that involves fines.

Several options to reduce traffic speeds on Lincoln Street were suggested, including having a new bump-out at Bowdoin. City Councilor Andreae Downs said that more enforcement is unlikely due to staffing shortages at the police department, and that the police are focusing on patrol rather than traffic enforcement. She pointed out that the suggestion for bump-outs may be discussed as part of the village redesign process and that narrowing Lincoln Street may help slow down traffic. Also, we could request that municipal trucks use Route 9 rather than Lincoln Street to get to the Public Works yard on Elliot Street. Kathy Pillsbury suggested that temporary barriers could be placed to test narrowing the road to see if it will slow down traffic.

Area Councilor Groot Gregory noted that Lincoln Street at the Buttonwood restaurant is narrow due to the dining barriers and that traffic has to slow down at this location. Narrowing the road may also allow for more outdoor dining. Area Councilor Barbara Darnell noted that flashing speed monitors may help slow down drivers, and this suggestion was supported by Area Councilor Robert Fizek. City Councilor Downs noted that the flashing speed feedback signs on Chestnut Street are permanent. The Newton Police Traffic Bureau owns a few of these signs, and we could request that one of these signs could be used in the village to see if it reduces speed. An action item was proposed to redirect trucks down Route 9 instead of Lincoln Street. Area Councilors Barbara Darnell and Srdjan Nedeljkovic suggested that we request a speed feedback sign from the Police Traffic Bureau, Captain Boudreau. City Councilor Downs stated that she would send a note to the Traffic Bureau with this request. These action items were approved by the Area Council, 8:0.

Improving Village Center Business Districts:

Area Council President Nathaniel Lichtin noted that resident Karen Sherman was interested in addressing the problem of empty storefronts and beautification efforts on Lincoln Street and in Four Corners, especially noting the high numbers of empty storefronts in Four Corners. This initiative will be further discussed on next month's agenda.

Approval of Donation for Summer in the Highlands:

John Rice requested a donation from the Area Council to the Hyde Community Center for a \$1000 amount to co-sponsor the Summer in the Hyde event series. The program cost \$16K, and Village Bank donated \$10K. John reported that there were 63 events this year at the Hyde, including performances by the Glee Club, Library events, the Dog Show, and many others. There were two concerts held in the gym because of rain, but most other events have happened outside. Taiwan Day and India Day took place at the Hyde Playground. Next year, Juneteenth activities will take place at the Hyde as well.

Area Councilor Groot Gregory noted that Village Day had a net of \$88 this year. We have benefitted financially from Village Days in previous years, so our accounts are solid.

Regarding expenses for the Summer in the Hyde concerts, John Rice noted that bands charge \$600 to \$1400. Shakespeare in the Park costs \$1200. The overall cost for expenses was \$16K for programs this summer. He noted that the City will not be providing financial support for Senior Programming when this moves over to the Hyde. Area Councilor Robert Fizek suggested that ARPA funds should be used in supporting the Hyde, especially to cover building infrastructure costs, maintenance, and upgrades. Area Councilor Srdjan Nedeljkovic made a motion to allocate \$1000 from the Area Council to the Hyde Community Center, which was approved 8:0.

John Rice noted that the Friday after Labor Day will be the last concert of the season. The concert will feature a Teacher band and a movie will be played. This is usually a big night to close off the Hyde Summer Concert season.

Approval of Letters:

There are two draft letters for the Area Council to consider.

Zoning Redesign: This is a joint 4-Area Council letter. The hope is for all of the Area Councils to approve the same language for this letter. The letter requests additional community engagement in the Zoning Redesign process via Area Councils, and that the length of time for review of Zoning Redesign proposals is extended beyond the current period of 6 weeks. Newton resident Lisa Monahan asked for several clarifications of the text and intent of the letter. Area Councilor Robert Fizek noted that there has been confusion about the Zoning Redesign process, and that there has not been adequate material presented on proposals for zoning changes and their impact on specific villages. The process needs to be more user friendly for citizens to understand the zoning proposals. The other request is for more time for Area Councils and citizens to review the proposal. Lisa Monahan pointed out that the materials became available only today and asked how can the letter

already be determining that the materials are not adequately presented. Waban Area Council President Rena Getz noted that this discussion tonight should focus on the role of Area Councils and their request for more involvement in the process.

Newton Highlands resident Dan Powdermaker stated that he has been following the Zoning and Planning committee's discussions and that he is familiar on how they present options to get feedback. Mr. Powdermaker expressed concern that there has not been adequate Area Council outreach to the community, but there have been many efforts by the City and its Planning Department to poll citizens regarding zoning. The Planning Department has been working with a consultant to incorporate citizen feedback to develop the proposal. The proposal became available just today, and 6 weeks allocated for community input should be a good amount of time to interact with citizens. Mr. Powdermaker wants the Area Council to provide more outreach to residents about this to obtain their opinion before issuing any letters.

Councilor Crossley, chair of ZAP, thanked Mr. Powdermaker and noted that city residents Kathy Pillsbury and Lisa Monahan have been involved in the zoning planning process for some time. Councilor Crossley believes that sending the letter is premature. Massive community outreach took place in 2021, which informed ZAP on what the community wanted to achieve for zoning reform and what they want to see in the village centers. The issues important to community members include ample, well designed, and active community gathering places, making it easier to get to and through village centers, especially for pedestrians and cyclists, making the permitting process clearer and more streamlined, and allowing our village centers to thrive in the future while making them environmentally and economically stable and sustainable. Our charge from 2021 is to come up with strategies on how to proceed. The City has done an analysis with the planning dept and consultant on how we can achieve zoning reform.

City Councilor Crossley noted how the current set of zoning rules is not working. We have empty storefronts, unsafe streets, excessive parking regulations, and this is not what we want. There are many things wrong with our existing ordinances. Based on citizen input, we took existing zoning districts and modified them to apply to village centers based on the characteristics of each village. Some of our villages are larger and some are smaller, some have more services than others, and some have public transit. The planning department did an analysis with the consultant Utile to understand what elements are critical in a village center. The design will have one district which has higher density, another one will have moderate density, and another district will be designed for low density to transition to the adjacent neighborhood. The framework for zoning will recognize that villages are different and then new zoning requirements will be applied differently to each village. The Zoning and Planning Committee has reached an agreement to move forward with this idea and further develop certain elements of the framework (like design standards and mapping alternatives). This project remains in committee until ZAP processes this round of feedback, works to develop and deliberate zoning language and mapping alternatives, hold public hearings on actual proposed zoning amendments, and vote to send to full Council. We have a way to go. The plans will illustrate what can be built in each district, show mapping, and ask basic questions from the community. The exhibit is up at the library for everyone to see. There is an on-line feedback tool. This is an interim step. It is not the final zoning. At this point, we are presenting some strategies for getting there, and asking people what do you think?

Area Councilor Jeremy Freudberg spoke about the letter itself. The letter states that the Area Council is being bypassed in the zoning outreach process, which needs more explanation. We need to define what the request entails regarding obtaining requisite information about zoning reform. Mr. Freudberg supports the section of the letter which asks for more time for Area Councils to weigh in on the process. Area Council President Nathaniel Lichtin pointed out how there are some definitions related to zoning that need to be better understood.

Kathy Pillsbury feels that the letter is premature because the ZAP presentation only became available today. Kathy noted that there were mixed feelings at other Areas Councils regarding this letter. Jennifer Bentley from the Newtonville Area Council stated that their area council was concerned that there would not be enough time to review the new zoning proposals. One request is for more time, more than 6 weeks to gather community feedback and to promote it to residents. The other ask is to have Area Councils better informed and to participate as a conduit for disseminating this information, and to function as a representative of the neighborhood for the zoning redesign process. The letter does not comment on the zoning itself, but requests that Area Councils have an opportunity to disseminate the information and to have more time to get it out to people. The Waban and Newtonville Area Councils were in unanimous support of the letter. Waban Area Council President Rena Getz noted that the information provided by the current process does not provide the requisite information needed to reach informed opinions on proposed zoning changes.

Area Councilor Srdjan Nedeljkovic stated that he supports the main points of the letter: that more time is needed for Area Councils to engage the community, to organize the gathering of constituent opinions, and to have a chance to discuss proposals at Area Council meetings that occur only once per month. Also, Area Councilor Nedeljkovic supports hearing a diversity of input on the narrative behind the proposed zoning changes. Hearing from different voices about the proposed zoning changes should be welcomed, and therefore he supports the letter. A discussion ensued regarding how the engagement process is being presented to the community. Area Councilor Barbara Darnell asked Newton resident Dan Powdermaker on how best to conduct future outreach between the Area Council and the neighborhood. Mr. Powdermaker responded that he has received little outreach related to Area Council issues and that regarding zoning, he has found there to be lots of materials on the City website.

Lisa Monahan expressed concern that the letter implies that the city's information about the zoning reform process is inadequate, and she believes the letter should not be endorsed by people who didn't see the information about the zoning process that the City posted just today. It was pointed out that network members were not trying to persuade people about zoning but were there only to disseminate information. Ms. Monahan also recommended that the Area Council's Minutes reflect that "residents" attend Area Council meetings rather than use the term "guests" in describing the people who attend the meetings. Area Councilor Robert Fizek expressed concern that the City is not making zoning engagement more active and inclusive to the community.

City Councilor Vicki Danberg stated that she appreciates the opportunity to speak and wanted to make the following points. She believes that the conversation this evening has been a good one. There is no zoning proposal yet from the ZAP or Planning Department. We are in day one of the engagement process. The Area Councils can do a huge job by disseminating information and encouraging people to go to the library to see the exhibit. It is not the job of the Area Councils to

persuade the community. Area Councils should go out to as many community members in the neighborhoods as possible to get this information out. We want people to come to the library to see the exhibits and form their opinions. We look forward to as wide participation as possible.

City Councilor Crossley reiterated that we are now in an interim phase where we are asking for the public's reactions to a potential new set of rules and what can be produced over time. We want to hear from people their opinions on which of the three proposed framework zones should be applied to Newton Highlands. We are the point of the process where we are asking people "what do you think?" Do people agree with the number of stories? The framework is a recipe that can go in different directions. We would like to see peoples' reactions and thoughtful responses. The job of network leaders is to get other people to see the exhibit. Once feedback is received, it will go back to the Zoning and Planning committee. New zoning language will be drafted at some point. It is understood that not everyone will agree with everything. When the written zoning language is developed, there will be public hearings to weigh in on the details of the proposal.

Area Council President Nathaniel Lichtin expressed concern that people may provide feedback on a framework that then leads to decisions on the final proposal as if that framework was endorsed, even though the outcome may not be the one the individual may have intended. Area Councilor Robert Fizek noted that the letter itself is a very specific form of feedback. Simon French asked what has ZAP learned from the Washington Street proposal? What's changed here? Deb Crossley noted that there was prioritization of opinions during that process. Kathy Pillsbury believes that there was misunderstanding about the role of the network representatives, and that this is the correct time to begin providing feedback. Councilor Downs noted that she has followed zoning discussions and area council discussions. The draft letter is confusing to her. Councilor Downs believes that asking for additional time is fine. What is confusing is the message that the materials provided to explain village center zoning are unclear or inadequate—since Sept. 1, the day of the meeting, was the first day those materials became available. The statement seems at best premature. The feedback period has just started today.

Mary Lee Belleville, resident of Newton Center, stated that she is a network member charged with helping engage the community in the zoning redesign effort. She stated that she attended 2 of 3 meetings and participated in the other meeting remotely. There were members of the network who started feeling anxious about the process and felt that they needed to speak up. People haven't felt heard, and haven't seen enough information, so it is premature to establish only a 6-week window during which people are going to provide feedback. The letter asks to extend the timeline of the process and provide a greater window for feedback and information. We should not arbitrarily put a limited timeline on this. Rena Getz indicated that it is important to appreciate the role of Area Councils in the effort to disseminate the new zoning information. The role of Area Councils is established by City Charter and within their state responsibilities. The city has not adequately engaged Area Councils as community organizations. Hopefully the information presented at the library will show accurate 3-d maps of the impact of proposed changes and the impact of new buildings in context with the existing villages.

Area Council President Nathaniel Lichtin asked for Area Council input about the proposed letter. Area Councilor Groot Gregory is in favor to have more time to get the word out to gather information from the community but stated he does not feel that Area Councils have been excluded

in the process thus far. He pointed out that Visioning meetings took place with Area Councils in the past. Mr. Lichtin suggested two options: that the Area Council votes to send the joint Area Council letter or that it sends a separate Newton Highlands Area Council letter asking only for more time. Area Councilor Jeremy Freudberg stated he is in favor of a separate letter. Area Councilor Robert Fizek stated is in favor of sending the letter as it has been written, including requesting to expand the Area Council's role in the community engagement process. Mr. Fizek finds it astounding and troubling that City Councilors would go out of their way to discourage Area Councils from expressing their concerns, as the Area Councils are actually asking for more complete and understandable information relevant to their particular villages. There needs to be a much more open public discourse on the proposals that have only recently been made available to the public.

Mr. Lichtin then suggested that a vote be taken about whether to support the joint letter, and then a second vote about whether to draft a separate Area Council letter that only asks for more time. The first motion did not pass, as there was a tie vote 4:4 (For: Fizek, Nedeljkovic, Darnell, Wayne; Against: Freudberg, Lichtin, Gregory, Rosenberg). A second motion was made for the Newton Highlands Area Council to send a different draft letter requesting more time (4 months instead of 6 weeks) for the Area Council to weigh-in on the zoning process. This motion passed 6:0 (For: Lichtin, Gregory, Wayne, Nedeljkovic, Rosenberg, Freudberg) with one abstention (Fizek). Nathaniel will draft this letter to be ready for approval at a special meeting of the Area Council on September 10 at the Waban Library prior to the start of the 2 pm general meeting that is to take place then.

Undergrounding Utilities: This letter requests that undergrounding utility wires in the village center be included in the scope of work for the Newton Highlands village enhancement project. The intent of the letter is for the village enhancement project to include study of undergrounding of utilities. Area Councilor Robert Fizek noted that the current scope of work for the Newton Highlands improvement project does not recognize that removing overhead poles and wires should be taken into consideration. Area Councilor Jeremy Freudberg stated he is in favor of the letter. A motion was made to approve the letter. Area Councilor Srdjan Nedeljkovic expressed support for the letter but wondered if the letter will be effective.

City Councilor Deb Crossley encouraged the Area Council in making the request, as it is early in the planning process. The goal is to get it into the scope of design for the project. City Council has approved the village enhancement project going through a design phase. However, the budget for infrastructure improvements is not yet known as the funding sources haven't been defined. DPW oversees 'horizontal' construction projects (streets, plazas, sidewalks, etc), which is why they are principally leading the Highlands visioning process; Public Buildings oversees 'vertical' projects. Both report to Public Facilities. Any plans for infrastructure improvements in the city need to go before that committee. For Newton Highlands enhancements, there will be a community process, and then we will see preliminary designs. In October of each year, the City Council receives a draft Capital Improvement Plan 6 months in advance. Lisa Monahan stated that the city may consider looking at undergrounding holistically and at all of the villages. A discussion ensued regarding the letter. The real cost needs to be understood along with the mechanisms for paying for it. The motion to send the letter passed 7:0, and the letter will go to full City Council, the Mayor, and Public Facilities.

Administrative Items:

Approval of August Minutes: The draft minutes were reviewed. No comments ensued, regarding their content and the meeting minutes were approved 6:0:1 with one absence and one abstention.

Treasurer's Report: Area Council Treasurer Groot Gregory reported that the Village Day items have been finalized and that we have a net balance of about \$80 from Village Day.

Old Area Council T-Shirts: The effort to give them away has not yet started. John Rice agreed to give them out for free at Hyde events and during the Winter Social event.

Newton Highlands Area Council Special Meeting on Zoning Redesign: This meeting will take place at 2 pm at the Waban library on Saturday, September 10. Councilor Crossley mentioned that the Upper Falls Area Council has created a subcommittee to discuss the zoning initiative and to bring the conversation back to the Area Council. A discussion ensued regarding how this comports with Open Meeting laws. There was consensus that up to 3 area councilors could jointly participate in a function or process, not as a subcommittee but as individuals.

New Business: None was presented.

Meeting Adjournment: The meeting was adjourned at 9:45 pm.