

Newton Highlands Neighborhood Area Council

Meeting Minutes, October 6, 2022

Area Council members:

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

Ex Officio:

City Councilor Bill Humphrey attended; Brenda Noel and Holly Ryan were not present.

Residents and others:

John Rice, Robert Soloman, Dan Powdermaker, Bob Burke, Isabelle Albeck, Sonya McKnight, Loumona Petroff, Dennis Rieske, Rena Getz, Jenn Martin

Meeting called to order at 7:00 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.

Substantive Topics:

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

Area Council Nomination and Selection: Area Council President Nathaniel Lichtin asked if there were any nominees for the open Area Council position. There being no nominees, the item was postponed until the next meeting.

Newton Highlands Congregational Church Anniversary: Mr. Lichtin reported that the Newton Highlands Congregational Church and Historic Newton are hosting a Newton Highlands history walk on October 15 at 1 pm. Attendance is limited, so people are invited to sign up. Registration is available at: <https://www.newtonma.gov/Home/Components/Calendar/Event/3514/1592>

Traffic on Lincoln Street: Area Council President Nathaniel Lichtin reported that a speed board has been placed on Lincoln Street by the Newton Police Department. These signs are in limited supply, and it may be taken down at some point. The sign informs people that the speed limit is 20 mph in the village center. Area Councilor Barbara Darnell informed the Area Council that Izaak Prizant, the City Traffic Engineer, had conducted a traffic study of Lincoln Street and Centre Street documenting speeds on these streets. The study was done in April 2022. She will be forwarding these results to Area Councilors.

Robert Solomon commented on the speed board sign and the traffic situation in the village center. He noted that when traveling on Lincoln Street towards Walnut Street, to avoid the speed board sign,

a car needs to move into the opposite lane of traffic to avoid the sign. Also, Mr. Solomom pointed out issues with double parked cars in the village center. Area Council President Nathaniel Lichtin stated that he will contact the police chief to participate in a future Area Council meeting to discuss these issues. Area Councilor Amy Wayne stated that she would also reach out to the police regarding traffic enforcement in the village.

Other Updates:

Area Councilor Robert Fizek reported about communications with Marc Welch regarding removal of a 30" diameter tree at the old Hyde School. A violation will be issued to the property owner regarding the un-permitted removal of the tree.

Crystal Lake Park:

The Parks and Recreation Department held a community meeting to discuss plans to upgrade parts of Crystal Lake Park. The area to be renovated is the area near the wall at the water's edge and within the park. Three proposed alternatives were presented. Each of the plans included boardwalks at the site of the current beach that is adjacent to the wall. There was a discussion about the placement of stairs on or near the boardwalks. People were not pleased that every proposal had a boardwalk and involved more development and infrastructure. Concept C also proposes a road through the middle of the park. Area Council President Nathaniel Lichtin noted that he had invited representatives from the Parks and Recreation department to attend our Area Council meeting, but that they were not available this evening.

Area Councilor Srdjan Nedeljkovic commented on the three proposals. Good aspects of the plans include the removal of fencing in 2 of the 3 options. Also, it is great that there will be some investment and renewal of the area. However, there has been little opportunity for the public to interact to discuss the preferred options. The options do not include any other alternatives than a boardwalk at the water's edge, and it would be preferable to see at least one other non-boardwalk alternative.

Area Councilor Robert Fizek stated that the Parks and Recreation Department did not conduct an adequate engagement process with the public before presenting the alternatives. Robert would like the Area Council to express dissatisfaction with the process. It makes no sense to not plan for the entire site at Crystal Lake at one time, rather than piecemeal. Also there was no competitive process to select a consultant.

Area Councilor Groot Gregory noted that he attended the Parks and Recreation meeting when the plans were presented, and he is glad that trees within the park will be preserved. Area Councilor Barbara Darnell feels that there should be more trees close to the street and fewer trees near the lake and beach itself. Area Council President Nathaniel Lichtin expressed concern about having parts of the park with free access outside the official area that will continue to require payment for access. He doesn't like that all of the designs have a boardwalk. Depending on the fixed height of the boardwalk, it may be difficult to get into the water depending on the water level. Only one of the plans has a large dock, and there is concern about loss of the dock. Dan Powdermaker stated that he is pleased that the City is working on ideas to improve the lakefront. He commented that if the

NHNAC comes forward with comments about these plans, it would be constructive to suggest an improvement and how to do it. Mr. Powdermaker pointed out that there is merit to having a boardwalk, along with some negatives.

Area Councilor Srdjan Nedeljkovic reported that some community members feel that a new Crystal Lake Task Force should be created that includes city councilors, members of the community, and other interested parties. Nathaniel Lichtin pointed out that there are lifeguards at the paid beach and that their costs need to be accounted for. People should have to pay for these amenities. Last season, the cost was \$65 per person for the season. Area Councilor Amy Wayne stated that she does not believe access to the lake should be free. The fee is a method of controlling how many people come and go, and there cannot be unlimited numbers of people coming and going. Fencing and charging fees can control this access.

Robert Solomon does not think any of these designs work for people who need accessibility, and that the fencing complicates the plan. Barbara Darnell noted that lifeguards look over the entire lake area. When there was a report last summer of a potential drowning, many resources were available for rescue. She noted that the lake is already being used by people without paying fees. Area Councilor Robert Fizek had asked at the P&R meeting about the income raised by the bathhouse, but no response was forthcoming. Area Councilor Groot Gregory noted that by ordinance, there is only access point for the public at one location on the Lake, at the bathhouse. The City is not likely to address the issue of people accessing the lake at other sites. With this being a Great Pond, there are state regulations that need to be considered. Area Councilor Barbara Darnell agreed that the design process should be opened for community input.

Area Council President Nathaniel Lichtin remarked that there seems to be support for establishing a broad community process for design at the Lake. A motion was made that the Area Council sends a letter to the Parks and Recreation Department and the Commission, the Mayor, and City Council to solicit community input for the planning process for the Crystal Lake beach area. The vote was 8:0 in favor. Barbara Darnell and Robert Fizek will be writing a draft to present at the next meeting.

MBTA Communities Act Zoning:

Area Council President Nathaniel Lichtin reported that the City Council met recently to discuss what is needed to implement the MBTA Communities Act. A 50-acre zone is needed where multifamily buildings are allowed by right, without ground floor retail, and 90% needs to be within ½ mile of the Green line or commuter rail. There are questions regarding how much Inclusionary Zoning can be implemented. The city's standards differ from the state's requirements for the MBTA Communities Act, with Newton setting a threshold of 50% of AMI rather than the state's requirement for 80% AMI. Because the new zoning needs to be economically viable to be built, the state has limited how much inclusionary zoning can be implemented. Will Newton be allowed to keep our standards for Inclusionary Zoning? This is not known yet. Also, we don't know how the state will determine if a City is complying with the regulations. More information about this will be available in November. The City needs to present an action plan by January 31. The new zoning needs to be completed by December 2023.

If the City is not compliant, the city will not be allowed to apply for certain state funds. The city has received about a half million per year of these types of funds in the past. Area Councilor Robert Fizek noted that the legislation describes a new zoning framework, with another set of regulations that describes the details of implementing the law. There is not a clear definition of what is meant by compliance.

In ensuing months, some potential sites for the new zoning will need to be identified. While the MBTA Communities Act is going forward, the City's Zoning Redesign effort is also progressing. For the zoning redesign project, the City intends to develop new zoning requirements that represent what is best for the City. Once a new zoning ordinance for Newton is implemented, only then we will see how it is in compliance with the state's requirements. Zoning redesign will not be driven by the MBTA Communities Act. As the MBTA Communities Act is being implemented, it is possible that the requirements of this Act may change. For example, the City of Newton may want new housing projects to include some retail near MBTA sites. Densities of 15 units per acre will be required.

Area Councilor Srdjan Nedeljkovic showed a table of recent developments and the cost of housing, noting that any new developments that move forward under the MBTA's new zoning plan are likely to be highly expensive. Currently, units in the newly built apartment complexes in Newton range from \$3000 for a one-bedroom to \$5600 for a 3-bedroom unit. Area Councilor Amy Wayne asked what are potential consequences for Newton of losing some state funding, and what type of sanctions are possible against a community that doesn't adopt the new regulations? Area Council President Nathaniel Lichtin pointed out that a developer may then try to develop a parcel based on the act even in the absence of new zoning approvals, and this could lead to legal action.

Zoning Redesign:

The Area Councils have held 2 joint meetings to review and discuss the Zoning Redesign process that were videotaped and are available for review. Area Council President Nathaniel Lichtin stated that the meetings were well attended. People expressed concerns that the City is upzoning large parts of the city and increasing density. Mr. Lichtin noted that the visions of growth under the new zoning don't comply with what the community said it wanted during the first phase of this process last year. People should attend the Zoning Redesign exhibit at the library and complete the feedback form. You can also send e-mails to city councilors. The Planning Dept is pushing everyone to complete the feedback tool. There is no Zoning Code proposal or map yet available. There will be a differentiation between small, medium, and large village centers. Newton Highlands village center is considered as a "medium" village center.

Dan Powdermaker stated that we also have development potential along Route 9, and that the Highlands is not just the village center. From a zoning standpoint, this area needs to be taken into consideration. If Newton Centre is allowed to have greater density of housing, some of the smaller property owners may be able to build. Hopefully they will not have to sell to large developers, and then they may be able to build in the village center. Nathaniel pointed out that there are some smaller developments in Newton Highlands, on Walnut Street, behind Pine Crest, and at Four Corners that are all smaller developments. Isabelle Albeck stated that Waban is being considered a "medium" village. She wonders about the criteria for designating a village. Rena Getz noted that she has not

heard how these categorizations were established. No criteria have been publicly shared about these designations.

Robert Soloman asked about the large house that was recently built in Newton Highlands next to the post office. It was a by right project, so a single- or two-family home could be built next to the village center. Nobody had any say about its design. The historical commission voted to preserve the old house that had been there, but the developer waited one year and then demolished it. Area Councilor Barbara Darnell noted that the new house next to the post office is an example of a small developer moving forward with a single lot building project. Area Councilor Jeremy Freudberg commented about the CVS plaza on Route 9 as a good site for future development. In terms of the new zoning efforts, these are two separate places, Route 9 and the village center. However, the Route 9 parcels could be considered as part of the MBTA Communities Act property. For the zoning process, the CVS parcels may be considered as part of a corridor zoning effort rather than a village center effort.

Dennis Rieske commented about small, medium, and large village designations. He stated that the maps used as part of zoning redesign are not historically accurate. Historically in Newton, there were mill villages and railroad villages, including Newton Highlands and Newton Centre, the Riverside loop and along what is now the main commuter line. There were 11 villages historically. Some areas were not considered villages: Chestnut Hill and Thompsonville. Rena Getz agreed that these historical designations are important in the context of how villages originated.

Dan Powdermaker commented on the house that was built next to the post office. Zoning reform is an effort to improve on this process and its outcome. Dennis Rieske noted that Newton Highlands is in the US Historic District but that the old house next to the Post Office was excluded from that district. Area Councilor Srdjan Nedeljkovic commented on the double-width driveway at the new house, which has two driveways on Lincoln Street, each the maximally allowed 16 ft wide, and how Zoning Redesign will hopefully address the issue of double width driveways with large curb cuts so near the village center.

A motion was made for the Area Council to send a letter to City Council pointing out that the new zoning redesign proposal does not match the community's intentions that were expressed during the first phase of zoning input in 2021. A vote was held, the measure passed 7:1, with one opposed.

MBTA Green Line Closure and Bussing:

The first of three nine-day closures of the Green line has already happened. The next closure is Oct 8 to Oct 16, then Oct 22 to Oct 30. During the closures, the MBTA is running buses along the route. Jenn Martin noted an incident that occurred between a Yankee line bus that tapped a handlebar of a bicyclist, where the bus did not move over to allow safe passage for the bicyclist. Jenn Martin pointed out that a plan is needed to address safety concerns during the time that the bus shuttles are running. There are pedestrians also crossing the street in front of buses while cars are passing buses. We need better connections to the commuter rail, vouchers for NewMo, vouchers for Blue Bikes, and we should be looking for better bicycle routes. It was noted that Mayor Fuller is supportive of thinking about these ideas. It's important to realize that the police are able to implement safety rules

in situations like this. Ms. Martin stated that speeds should be reduced and parking restrictions may be needed during Green line shutdowns.

Area Councilor Jeremy Freudberg presented a draft of a letter that addresses these concerns, with a focus on getting people on the commuter rail. The shuttles take as much as 3 times as long to get to Boston, and the commuter rail would allow for faster travel. There are issues of how to bike safely and how to cross streets when buses are running. Area Councilor Barbara Darnell noted that when there was a prior shutdown, the project was extended to a multiple year project. Robert Solomon believes that buses used on the route that are of this size should not be permitted and that smaller buses should be used. The larger buses are dangerous to drivers, pedestrians and bicyclists.

Area Councilor Srdjan Nedeljkovic commented about the use of intercity buses on Newton streets as transit buses and how they are inappropriate to use as replacements. A discussion ensued regarding the contents of the letter as presented by Mr. Freudberg. Robert Solomon suggested that the letter should be sent as soon as possible, before the next Green line shutdown. Jenn Martin commented that the requests noted in the letter should be applicable for future shutdowns whenever buses are used to substitute the Green line. Robert Solomon noted that a person in a wheelchair is only 3 ft high and may not be seen by a bus driver in a large bus. A motion was made to accept the letter with revisions as discussed. A vote was taken and the letter was approved 8:0. Later in the meeting, Area Councilor Freudberg proposed sending a version of this letter to the MBTA. This passed 8:0.

Approval of Letters:

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

Joseph Miele Letter final text:

A letter of condolences and appreciation for Mr. Miele, a longtime post office employee in Newton Highlands, was reviewed by the Area Council. The Area Council voted 8:0 to send the letter to the Miele family.

MBTA Green Line Trains Skipping Stations Letter final text:

A letter was reviewed regarding the issue of Green line trains that 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. The letter asks the Mayor to request that the MBTA halt this practice of dumping passengers, except when it is an emergency situation. The draft letter was reviewed. This was approved 8:0.

Tree Ordinance:

Area Council President Nathaniel Lichtin introduced City Councilor Julia Malakie to discuss the newly proposed Tree Ordinance. Councilor Malakie showed a slide presentation and discussed why a Tree Ordinance update is needed. The City is currently at 48% canopy cover, which is under the desired 60% level. Existing ordinance exempts most residential lots from tree removal. Damage can

occur to trees on a lot when an abutter cuts roots or interferes with the watershed of a tree's roots. There are proposals from the city administration and from Councilors Malakie and Norton. Both proposals call to protect trees down to 6" diameter trees, create categories of protected trees based on size, establish rules for replacement trees, defining a tree save area of 1.5 ft for every one inch of diameter, and including protection for abutter trees. The proposals eliminate exempt lot status. Currently exempted lots are 1-4 family lots. The administration proposal would only protect trees greater than 55" diameter. Councilors propose that all trees 6" and above are protected. The councilor's proposal calls for an Environmental Mitigation Payment based on cross sectional area of a tree. An example of a mitigation for a 30" tree removed showed a current penalty of \$6000 that would rise to \$9000 under the administration proposal or up to \$100,000 under the councilor's proposal. Councilor Malakie supports the preservation of trees due to their positive effects on the environment and energy consumption.

Area Councilor Robert Fizek suggested that elements of the Seattle tree ordinance are implemented, including the requirement for tree companies to register with the City. City Councilor Malakie noted that it is always the property owner who is the one responsible for fines. Isabelle Albeck commented on where a notice would be placed informing the community about the doomed tree. Councilor Malakie noted that the permit would be placed on the front of the property. Ms. Albeck noted how many trees have been cut on a nearby golf course, and hopefully the ordinance will prevent this type of large scale cutting in the future. A motion was made to write a letter to support a one-year moratorium on tree cutting, until a new ordinance passes. The vote was approved 5 favor:1 opposed:2 abstentions.

Administrative Items:

Approval of September Minutes: The draft minutes from the past month were deferred for review until next month's meeting.

Treasurer's Report: Area Council Treasurer Groot Gregory reported that there was no activity in the past month.

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 future Hyde Center events.

New Business: Robert Solomon asked why there are still unsafe curb cuts in the village center. He called for support to implement curb cuts throughout the village center. Area Councilor Amy Wayne stated she had gone to the city and that temporary curb cuts cannot be implemented. This item will be placed on the agenda for October. Robert Solomon is demanding a solution to this problem. John Rice noted that all ADA-accessible ramps may not be implemented until the village upgrades are put into place.

Meeting Adjournment: The meeting was adjourned at 9:33 pm.