

Newton Highlands Neighborhood Area Council

Meeting Minutes, December 1, 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 attending, City Councilors Brenda Noel and Holly Ryan were not present.

Residents and others:

John Rice, Bob Burke, Waban Area Councilor Isabelle Albeck, Carol Carroll, Lisa Monahan, Kathy Pillsbury, City Councilor Andreae Downs, Waban Area Councilor Rena Getz, City Councilor Pam Wright

Meeting called to order at 7:03 pm. Jeremy Freudberg and Barbara Darnell taking minutes. Area Councilor Nathaniel Lichtin presiding. The meeting was held in person at the Brigham House as well as via Zoom videoconferencing technology. Srdjan Nedeljkovic took over taking minutes at 8:30 pm.

Substantive Topics:

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

Area Council Nomination and Selection: No nominations. The vacant seat remains.

Tax Override: No substantive updates or discussion.

Levingston Park Closure: Area Council President Nathaniel Lichtin noted that the Cove is now closed in advance of construction, to be completed in June. A fence with black tarps is up. Area Councilor Jeremy Freudberg asked what type of work could be done in December and other cold months and Area Councilor Robert Fizek mentioned that the structural work for this project does not depend on frost. Regarding access to the water, it was mentioned that the project involves removing the large rocks, as well as adding a surface of river stones at the water's edge.

Newton Highlands MBTA Station Proposal at Newton Historical Commission: Area Councilor Robert Fizek summarized the MBTA's appearance at the November 29th Historical Commission meeting. The MBTA modified their proposal to not intrude into the preservation restriction area; consequently, the Commission was able to make only non-binding comments and had no power to

approve or deny the project. It was noted that Planning staff recommended approval in their memo without any specific reasoning offered. The plan is nearly the same as previously, with the same canopy design and lighting design, with some changes to the crossing points and a fence added along the section of ramp closest to the tracks. Area Councilor Robert Fizek also compared the Newton Highlands proposal to a past project undertaken at the Milton station on the Mattapan line.

1149-1151 Walnut Street (Skin Innovations site) for sale: Area Councilor Jeremy Freudberg noted that 1149 and 1151 Walnut Street are listed for sale on the open market for \$2.5M. It appears that Chris Talanian is unable to move forward with his approved project. A potential buyer would have the option of exercising Chris's special permit or trying something else, either with a new special permit or by-right under the current zoning or some new zoning. Area Councilor Jeremy Freudberg provided an analysis which indicated that the VC3 zoning proposed for these parcels would not offer much of an advantage to the developer compared to what was already approved. While VC3 would allow for a somewhat larger and taller building without any a minimum lot area per unit or maximum FAR, it features non-waivable setbacks and non-waivable parking requirements, which suggests the same number of units but perhaps they would be bigger. Area Councilor Barbara Darnell asked if anyone had heard if Chris was trying to sell the Stevens Block too – if he is, then it would be an off-market transaction, but it seemed unlikely that he would be selling it.

Christina Street/Charles River Pedestrian Bridge Funding: Area Council President Nathaniel Lichtin mentioned that there is a state earmark for \$1.25M for the bridge. A replacement bridge might cost \$3M. Area Councilor Robert Fizek spoke in favor of reusing/rehabilitating the existing bridge. Several Area Councilors wondered about whether an easement across the Barry Price Center parking lot would be acquired or taken by the City. City Councilor Andreae Downs recalled a letter from a few years back stating that the Barry Price Center would allow access if they deemed the bridge to be sufficiently safe.

Newton Highlands Accessibility Improvements: It was noted that DPW, with pressing from Newton citizen Robert Solomon and Area Councilor Amy Wayne, recently added asphalt to make several crossings accessible.

Other Updates:

Area Councilor Robert Fizek gave an update regarding the removal of the large Norway maple from the front yard of the Hyde condominiums. After a violation letter was issued, the condo association provided an explanation and other documentation regarding the apparent need to remove the tree. The association then applied for a retroactive tree permit and requested that they not be required to plant 1:1 replacement inches.

Marc Welch, Director of Urban Forestry for the city of Newton, approved the permit and their request. As some Area Councilors continue to be concerned about whether this particular tree removal was justified, as well as about the tree ordinance itself, Area Councilor Robert Fizek stated he will be following-up with Mr. Welch.

Newton Highlands Village Enhancement Project:

Area Councilor Jeremy Freudberg stated he put this item on the agenda primarily because he wanted to take some time to listen to our constituents about what they think about the design options. However, the discussion quickly deviated towards process concerns, which were captured in a draft letter prepared by Area Councilor Jeremy Freudberg. Mr. Freudberg stated he was troubled that DPW is relying on the existing mapping tool for collecting feedback in this phase rather than something built around the specific design options that were presented. Mr. Freudberg also stated that he felt that DPW should clarify whether they were still entertaining other ideas or the choice at this point was only among the presented options.

Mr. Freudberg renewed the Area Council's prior request to include undergrounding or relocating of utilities in the project scope. Area Councilor Amy Wayne shared that Shawna Sullivan of DPW recently told her that undergrounding would cost \$8M and the design costs would be 10% of that. City Councilor Andreae Downs mentioned that she also had some information from Shawna Sullivan regarding the utilities. John Rice mentioned that perhaps instead of undergrounding them, the poles could be relocated to the back alleys, in the case of Lincoln Street and also referred to a previous utility relocation effort on Beethoven Ave related to the Zervas School reconstruction.

Area Councilor Robert Fizek made a motion, seconded by Area Councilor Barbara Darnell, to approve Mr. Freudberg's letter with some edits that made what was being asked for more obvious. Area Councilor Groot Gregory noted that since DPW seems to have very recently produced some more information regarding undergrounding of utilities, the Area Council should not make that part of the letter too strong. The motion passed unanimously (8-0).

Review of Newton Highlands Village Parking:

Area Councilor Barbara Darnell stated that arising from her involvement in the Village Enhancement project, she has heard from several businesses that they lack sufficient parking. Area Councilors Barbara Darnell and Amy Wayne have been continually talking to the businesses, most if not all of which were unaware of their eligibility for parking permits. Area Councilors Barbara Darnell and Jeremy Freudberg followed up with David Koses, Transportation Coordinator for Newton, and Matt Norcross of the Newton Police Department in order to find out how many permits were still available for 2022 and to clarify some other details about the operation of the permit program.

It was revealed that with the Senior Center coming to Newton Highlands, all of the parking permits had been claimed for 2022. Area Councilor Barbara Darnell stated her desire to expand the parking district, particularly to the streets east of Walnut Street and to add more permits for the current streets. Area Councilor Jeremy Freudberg noted that there were some issues with inconsistent regulations on Floral Street that might need to be addressed first, but supported the idea of adding Station Ave to the parking district.

There was also some discussion about how the parking district has grown and what the reasoning is behind its current size and what streets were included, with Area Councilor Jeremy Freudberg noting that Traffic Council has preferred an iterative process rather than adding too many streets at once to

a district. John Rice noted that a parking district needs to be contiguous, and Area Councilor Jeremy Freudberg added that the minimum segment is a block. Waban Area Councilor Isabelle Albeck mentioned the Hartford Street lot which is not part of this local district permit system but does allow free parking with a senior citizen permit and might potentially be part of the solution for businesses too. Area Councilor Jeremy Freudberg suggested that the businesses in the Highlands may wish to buy their permits for 2023 as early as possible in order to get ahead of the Senior Center. Mr. Freudberg also wondered whether the Senior Center actually paid for their permits.

Area Councilor Barbara Darnell made a motion to recommend to the city's Transportation Coordinator, David Koses, to expand the district both in number of permits and number of streets. Area Councilor Amy Wayne seconded the motion and also expressed her desire to state a specific number of permits. Area Councilor Jeremy Freudberg and John Rice explained that David Koses will make the determination for how many employee permits a particular street can bear, so it would be unwise for the Area Council to include any numbers in the motion. Area Councilor Amy Wayne offered an amendment to Area Councilor Barbara Darnell's motion to direct David Koses to work with other City departments to make the process of applying for and paying for permits easier and as part of an online system. The amendment was accepted. The motion passed unanimously (8-0).

Area Councilor Groot Gregory then made a motion, seconded by Area Councilor Amy Wayne, to ask John Sisson, Economic Development Director for Newton, and David Koses, Transportation Coordinator for Newton, to increase businesses' awareness of the permit program, and in particular new businesses' awareness. The motion passed unanimously (8-0).

City Councilor Andreae Downs and Area Councilor Jeremy Freudberg noted that the Newton Police Department may not be able to keep up with all of the permit programs in the city going forward, or they should at least have more defined processes to ensure smooth and fair operation of the permit programs. Area Councilor Amy Wayne mentioned that the administrative removals of parking spaces near crosswalks on Lincoln Street have been the subject of complaints from business owners who say removal of these parking spaces has not made the situation safer. Area Councilor Barbara Darnell said that a baby carriage was hit in one of the crosswalks after the parking space was removed.

Area Councilor Srdjan Nedeljkovic joined the meeting at 8:30 pm and began taking minutes.

Zoning Redesign Maps and Other Updates:

Area Council President Nathaniel Lichtin noted that last night, the Planning Department hosted an information and input session on the first draft of the proposed zoning ordinance for Newton Highlands village center and Four Corners. On the maps, Four Corners has been designated as a VC-1 zone and VC-2, without changes to the maps. For the Newton Highlands village center, the maps discussed at the November Area Council meeting were without changes. During the information session, some participants were concerned about heights of buildings. There was support by at least a few participants for expanding the VC-1 district in Newton Highlands village center along Floral Street. Some participants also wanted the VC-1 district to continue down Hartford Street. There were 57 people on the webinar at one point during the meeting.

Area Council President Lichtin presented the current versions of the proposed Four Corners zoning overlay map and the Newton Highlands village center map. In the draft ordinance, the Planning Department has removed the special permit process to add a story in VC-2 and VC-3 districts. New criteria for waiving the height maximum are to be determined later. It was noted that buildings in the VC-1 district are to be multifamily residential buildings. There may be a special permit option to add a first-floor retail. There may be an option for VC-1 to become two different zones, one that allows first floor retail and one that doesn't. Some members of the public have expressed an opposition to having commercial uses on the first floor of these buildings. Additional analysis will take place at the Planning Department to determine if mixed use or commercial uses will be allowed in a future version of the VC-1 zone.

The draft zoning ordinance as currently proposed indicates that VC-1 will allow only residential uses. There is consideration of adding special permit criteria in the future about having a commercial component. Any building in VC-3 within 50 ft of a residential district must be no taller than 3.5 stories, which means that a 4th story needs to be set back 7 ft. A pitched roof can be up to 6 ft taller than a full story, or up to 18 ft height. The 50 ft buffer zone between VC-3 and a currently zoned residential area is new in the draft. There is no longer a step-down zone between residential and VC-3. A special permit will still be required for any lot greater than 30,000 SF, and review by the Planning Board will be required for lots between 20,000 SF and 30,000 SF.

There may be a further special permit process to obtain relief from parking requirements. Residential parking requirements are proposed to be reduced from 2 spaces per unit to 1 space per unit. Parking requirements may be further reduced if a building is near transit. The draft proposal indicates there will be no parking requirement for first floor retail and for second floor retail under a certain square-foot area. There was a discussion on whether banking uses may not be allowed as a first-floor use. Otherwise, first floor uses can be only retail and personal services.

The draft zoning ordinance states that the maximum building footprint on a lot can be adjusted by the use of bays and awnings and some other building features. Design standards will be included in the ordinance, although design guidelines will be separate. Adaptive reuse criteria are not yet present in the draft ordinance and nor are there any historical preservation requirements. There is a fenestration requirement for street level windows, although some businesses such as marijuana shops may not be subject to these requirements. There is a building entrance requirement so that the entrance to a building faces the main street. The new ordinance intends to remove the special permit process and discretion by City Council.

A discussion ensued about the draft zoning ordinance. Area Councilor Robert Fizek asked for there to be visual representations of the proposals. Area Councilor Srdjan Nedeljkovic stated that he feels that the zoning process reflects many of the ideas of the New Urbanist movement from the mid-1990s. Hopefully we will get the benefits of this form-based development rather than just more intense development. Waban Area Council President Rena Getz also called for there to be better visual representation so that more people can be understand what is being proposed. Newton resident Lisa Monahan stated that she does not feel that that the new zoning requirements reflect aspects of the New Urbanist movement as seen in places like Celebration, Florida.

Area Council President Nathaniel Lichtin noted that the Zoning and Planning committee will be holding discussions about the proposal at their January meeting where they will accept public comments.

Tree Ordinance Modifications:

Area Councilor Barbara Darnell noted that she had asked City Councilor Julia Malakie for an update. The proposed Tree Ordinance item will be on the Program and Services agenda on December 7th. It was noted that one of the proposals for spending funds from the proposed tax override is to plant 500 new trees in Newton. Area Councilor Darnell noted that there were recently 300 trees cut at the Newton Cemetery. City Councilor Bill Humphrey noted in the meeting chat that these trees were overlying future burial plots. Councilor Humphrey noted that two versions of the Tree Ordinance are being revised to create a new version. Area Council President Nathaniel Lichtin made a motion that the Area Council should support the strongest language possible in a new Tree Ordinance that will protect trees.

Newton resident Lisa Monahan noted that writing a new tree ordinance is complicated and that it also has to do with property rights. Area Councilor Srdjan Nedeljkovic agreed that it is premature to take a vote on a proposed tree ordinance that has not yet been developed. Area Councilor Amy Wayne agreed. Area Councilor Jeremy Freudberg asked if the proposed motion was to endorse the strongest tree protection possible but stated that we do not yet know how the ordinance will accomplish this. City Councilor Pam Wright stated that there are two existing tree ordinance proposals and the difference is that the Mayor's proposal does not have as much regulation for trees that are on personal property. Area Councilor Groot Gregory is supportive of the strongest ordinance that will protect the environment. Area Councilor Amy Wayne gave an example of a tree that needed to be removed on her property because it was dangerous, and that it is unreasonable to wait for the City to make a decision about it. There could be insurance implications and liability if a potentially dangerous tree is not removed. City Councilor Wright noted that dying or dead trees can be removed without penalty under either version of the ordinance. There would otherwise be a financial penalty to remove a tree. City Councilor Andreae Downs stated that the current proposals for a tree ordinance have a danger provision to remove a tree without penalty. The problem is that a tree may look healthy but that may be rotten inside. A vote was held regarding passing the strongest possible tree ordinance. The vote was split with 4 people voting yes (Lichtin, Darnell, Gregory, Fizek), one person abstaining (Rosenberg), and 3 people voting no (Nedeljkovic, Wayne, Freudberg).

Winter Parking Ban:

It was noted that the Winter Parking Ban starts today in Newton between 2 am and 6 am. Area Councilors Amy Wayne and Jeremy Freudberg discussed lifting the parking ban this year. Area Councilor Freudberg presented a draft of a brief letter asking City Council to suspend the parking ban this winter and to work towards permanently repealing the ban. Outside of the standard legislative process, a referendum could be held or a non-binding question could be posed to the public. Otherwise, the legislative process should be allowed to play out. The letter has been addressed to City Council who has authority to suspend the parking ban.

City Councilor Humphrey noted that there is an item on the City Council docket for a pilot program in Wards 2 and 3 to suspend the winter parking ban, or to create a citywide permit program for people to be allowed to park overnight. This is Docket item #526-22 from City Councilors Albright and Kelley, with the intention to remove the burden on residents with no place to park their cars during the ban period. Area Councilor Jeremy Freudberg expressed that a pilot program for only two wards rather than citywide seemed like a step backwards, given that the ban had already been suspended citywide in 2020 and 2021, without complaints from DPW or the Fire Department. In other words, even if resources dictate that data collection efforts are limited to just a few areas of the city, there is still no reason not to provide relief citywide this winter. Area Councilor Srdjan Nedeljkovic expressed disapproval for any proposal that would implement a permit program that would require administrative time, involves fees, and create a burden for everyone. A vote to approve the letter requesting to suspend the winter parking ban for this winter as well as expressing support for permanently repealing the ban was held and sending the letter was unanimously approved 8:0.

Webinar Letter Follow Up:

A letter was sent from the Area Council to Planning and DPW regarding the use of webinars. No response was received. Several City Councilors have been supportive to broaden public visibility and engagement in virtual meetings. The hope is that city public meetings will be more interactive as the Planning process proceeds. The letter also mentioned a requirement for at least some in person engagement. Rena Getz expressed support for the letter regarding the use of webinars to encourage full transparency and engagement to access public meetings.

Administrative Items:

Approval of Minutes: The draft minutes from the November meeting have been revised but have not yet been distributed. City Councilor Humphrey requested that titles be consistently used for City Councilors in the Area Council meeting minutes.

Treasurer's Report: Area Council Treasurer Groot Gregory asked for a vote to be held regarding an allocation of funds for LED lighting for the Hope Fountain. The motion was made and was approved 7:0 with one abstention by Area Councilor Groot Gregory.

Meeting Adjournment: The meeting was adjourned at 9:34 pm.