

Newton Highlands Neighborhood Area Council

Meeting Minutes, October 8, 2020

Area Council members:

Bruce Blakely, Bob Burke, Barbara Darnell, Groot Gregory (not present), Nathaniel Lichtin, Srdjan Nedeljkovic, Larry Rosenberg, Amanda Theunissen, Amy Wayne

Ex Officio:

None present

Guests:

Ned Crecelius, Julius Starkman, Alan Schlesinger, Adam Schecter, Katherine Clark, Leslie Crecelius, Len Rosenthal, City Councilor Deb Crossley

Meeting called to order at 6:05 pm. Srdjan Nedeljkovic taking minutes. Area Council President Nathaniel Lichtin presiding. The meeting was held using Zoom videoconferencing technology due to the Covid-19 health crisis.

1149-1151 Walnut Street Proposal

An extraordinary meeting of the Newton Highlands Neighborhood Area Council was called to have further discussion on whether the NHNAC should endorse and then send a letter to City Council about the 1149-1151 Walnut Street project. Talanian Realty is proposing to construct a 4-story, 48 feet high, 26-unit apartment building with first floor retail at 1149-1151 Walnut Street, replacing a single story building at that site. Three proposed letters in support of the project were submitted for consideration. Area Councilors Srdjan Nedeljkovic, Nathaniel Lichtin, and Amy Wayne submitted the draft letters for review and consideration. These were distributed to Area Councilors and to members of the NHNAC Google group via e-mail and have been posted on the NHNAC website.

Area Councilor Bruce Blakely noted that he had submitted a draft letter to Area Council members after the October 1st Area Council meeting, similar in content to Area Councilor Amy Wayne's letter. Bruce had intended to express his support for the Walnut Street project at the close of the October 1st meeting, but he was inadvertently muted at the close of the virtual meeting. He felt that that the prior letter that was discussed at the October 1st meeting needed modification, and that he was not prepared to edit or revise the letter during the meeting. Therefore, he had voted "no" on sending the prior letter. Bruce supports having this evening's additional NHNAC meeting to consider an updated letter and supports having such a letter submitted to City Council. Area Councilor Blakely noted that all three versions of the letter being considered include a statement that the Area Council hopes for an agreement between the developer and the Christian Science Church abutter. He is inclined to support either Area Councilor Amy Wayne's or Nathaniel Lichtin's version.

Ned Crecelius from the Christian Science Church spoke to make three points. 1) Of the three letters, the Church favors the shorter version (Amy Wayne's), with the second choice being Nathaniel's Lichtin's version. 2) Neither the members of the Christian Science Church nor the attorney representing the Church have heard from Mr. Schlesinger, the attorney for the developer, since Mr. Schlesinger made a commitment to have discussions with the Church during last Thursday's Area Council meeting. Mr. Crecelius questioned if a letter of general support for the project from the Area Council, one that makes reference to the suggested meeting between the parties, should be sent to City Council before such a meeting has been initiated. 3) On advice of counsel, Mr. Crecelius asked Area Council members if a subset of Area Councilors had tried to arrange a meeting on the evening of October 7, 2020 to draft a letter in support of the project. Area Councilors replied that there was no such call for a meeting and that no meeting had taken place.

Leslie Crecelius, also from the Christian Science Church, spoke about low income housing, which is a major commitment of the Church. She noted that the Church has 6 units of low income housing on site. The one-story part of the property just to the left of the main house contains a studio apartment, which has windows on four sides. The main window may be blocked from natural sunlight should the proposed project get built. This unit is rented for \$900 per month. The attic of the property has a 2-bedroom apartment, which is rented for \$1200 per month. The large carriage house had 5 residences when the Church purchased the property, and this was lowered to 3 units. These units have been rented to 3 people at \$700 per month per person. The units have a shared living room and individual bedrooms. Ms. Crecelius noted that this has been a beautiful housing arrangement, and a stable place for its residents with free parking and use of the church's laundry room.

Ms. Crecelius pointed out that shade and shadows from the proposed development will be a big issue for the tenants. There is concern that the housing units will not get direct sunlight. Ms. Crecelius had hoped that the developer would make good on working with the Church but has been disappointed by the lack of collaboration. She stated that the Church is very supportive of development in Newton Highlands as well as for low-income housing. However, a developer who refuses to speak with their abutter, and who refuses to hear the Church's concerns, is not the kind of developer that we are looking for. Ms. Crecelius noted that the developer has planned a setback on the other side of the proposed development, but is putting the bulk of the proposed development up against the Church's property line, proposing no setback. She stated that the Church would like to work out a compromise, but that the developer has not reached out to the Board.

Ms. Crecelius noted that when the Christian Science Church had considered development at its property at Otis and Walnut Streets, they were more considerate of the abutters and neighbors who wanted to preserve the older building on the site. Neighbors expressed their opinion that the building at that site was an architectural anchor, and the Church made a decision not to tear it down due to neighborhood concerns. Ms. Crecelius stated that it is the right thing to do to talk with neighbors, have a dialogue, and come to an agreement. Ms. Crecelius expressed concern that the Area Council should take more interest in representing the thoughts of the neighborhood, and that this development may set a precedent on how the Area Council considers the needs of abutters to a development.

Alan Schlesinger, representing the developer of the proposed project, stated that he appreciated the sentiments expressed by the Church members. However, he disputed the facts regarding whether or not there had been communications between the two parties. Alan noted that Chris Talalian, the developer, had reached out to Mr. Crecelius on more than one occasion about the project. Alan hopes

that a mutual agreement may be forthcoming. Alan stated that he had spoken with Dennis Murphy, counsel for the Church, who said he would look into what it was that the Church needed or wanted. Only 7 days have passed, and Alan stated that there was adequate time to have these conversations prior to the City Council meeting on November 5th. Mr. Schlesinger stated that the developer is willing to hear concerns from the Church. He stated that the Church may be preserving its rights to build a future structure on their property without a side setback. Ms. Schlesinger stated that he hoped that the Area Council's letter to City Council will encourage discussion and resolution between the two parties. Mr. Schlesinger expressed an opinion that the Area Council should balance the interests of the neighbors and the developer.

Area Councilor Bob Burke stated that he understood the concerns expressed by Church members regarding the development proposal. He is hopeful that an agreement between the parties can be worked out. Mr. Burke stated that he supports the project. Bob noted that he comes from a position of supporting preservation of historical properties, and that he had led an effort to establish a proposed historic district, preserving the best of what we have in Newton Highlands. Bob noted that he felt very good about supporting the project from the start. He was pleased that, unlike some other projects, the developers for this proposal engaged with the Area Council for ideas on how it could be improved. Bob is pleased that instead of destroying the Stevens Building, this project will complement and respect the history of the Stevens building. Bob reiterated that he was very impressed on how community members were invited into the planning process for the proposed project to create changes and additions to improve its design. Mr. Burke hopes that the differences can be worked out between the developer and the Church. He supports Nathaniel's Lichtin's letter, with respect for all three versions of the letter.

Area Council President Nathaniel Lichtin stated that in writing his proposed draft, he used Area Councilor Srdjan Nedeljkovic's letter as a baseline. He removed some of the detail, especially the detail that may be potentially related to the zoning variance dispute between the Church and the developer. References to specific requests for zoning relief were removed. The edited draft expresses that the Area Council is supportive of a 26-unit housing project, no taller than Stevens building, with the details of the improvements that the Area Council had been encouraging the developer to include, such as architectural aspects and the reduction in the proposed curb cut to the entry into the building. Mr. Lichtin supports including a statement of encouragement for the Church and the developer to reach an agreement. Although Area Councilor Lichtin stated he could support any of the letters, he was more inclined to support his own draft, then Area Councilor Wayne's draft, and then Area Councilor Nedeljkovic's draft.

Area Councilor Larry Rosenberg posed a question. If the City does approve a zero setback for this project, how will construction be done if the abutting property owner may not allow access on their property. How will the construction and maintenance of the building happen? Mr. Rosenberg stated that he was opposed to having a zero setback for any piece of land, as this will lead to more density, and buildings will be up against each other. Alan Schlesinger responded by noting there are a number of examples of zero setback properties in commercial districts such as Newton Highlands. There will be need to be an agreement between the parties regarding construction, or the developer will have to set footings inside their property line.

Leslie Crecelius stated that she knew of no other zero setback examples that exist in Newton between residential and commercial properties. Alan Schlesinger stated that the Church may be

working preserve its right to have a future commercial development on its property with a zero setback. Ned Crecelius asked that since the current meeting was an Area Council meeting intended for residents, that presentations by the attorney on behalf of the developer were not welcome. Ms. Crecelius stated that he did not want to get into a debate with Mr. Schlesinger, and objected that Mr. Schlesinger was participating. Area Council President Lichtin noted that tonight's Area Council meeting is a public meeting, and that there are no restrictions on who can speak. He pointed out that a question had been asked about the development, and that an answer was provided.

Area Councilor Amanda Theunissen stated that she supported submitting Nathaniel Lichtin's draft letter. However she would like to have the paragraph about the concerns of the Church moved up in the letter. Ms. Theunissen wants to make it clear early in the letter that the Area Council supports the Church and developer coming to a resolution of their differences about the project. Area Councilor Amy Wayne expressed agreement with that sentiment, as did Area Councilor Bruce Blakely. A recommendation was also made to correct a date in the letter. Area Councilor Barbara Darnell also expressed support for bringing forward in the letter concerns about Church and developer coming to amicable resolution. Barbara expressed agreement with Area Councilor Larry Rosenberg that a zero side setback is unfavorable and a burden on the abutting residential property.

Area Councilor Srdjan Nedeljkovic made an argument for including additional specificity in the proposed letter. He noted that a problem with not including the requested zoning relief in the letter is that it does not specify the actual matter before the City Council. The question for the City Council is whether to grant the zoning relief that the petitioner is requesting. There are multiple variances that are being requested, from setbacks to parking to size of the units. The Area Council should be specific to request that the City Council grant each of the variances that the petitioner is requesting, and to explain the reasons why allowing those variances are in the public interest.

The request to change to an MU4 district should be supported, as our village centers should encourage modest amounts of mixed-use growth. We should support zoning relief to allow reduced lot areas per unit, as that will lead to a higher chance that less expensive, modest housing will be built. We should specifically support the height variance to allow a 4-story building, as this is consistent with the height of the nearby historic Stevens building. And we should support parking variances that allow us to prioritize people over space for cars. All of these variances are in the public interest, as they will lead to a project that reduces gaps in the streetscape and that will help increase the vibrancy of our community.

Area Councilor Nedeljkovic stated that after providing our support for the zoning variances, it is very important that the Area Council guides the City Council on other aspects of the project that need to be improved and to provide guidance on ways that this project can enhance the village center. The developer has already responded to the Area Council's request for a more traditional design of the facade to better integrate with the historical fabric of the nearby buildings. We now have a much better plan that is consistent with the fabric of the existing nearby buildings. We should state our support this new design in the letter to City Council.

Regarding the discussions between the developer and the Church, Area Councilor Nedeljkovic felt that the two sides had already much more in common on how to improve the project than perhaps they realized. An amicable agreement should come forth on issues such as adding windows on the north side of the proposed building, which is in the best interest of all parties. The bottom line is that

the Area Council has no authority to approve or reject this project. But we have a powerful voice for advocacy to make this a better project. Meanwhile, the City Council may not have much input on architectural changes to the plans based on local community preferences. So together, our advocacy for architecture and aesthetics can be matched the City Council's authority to legislate zoning. And by merging the two Council's voices, we'll end up with the best possible outcome.

City Councilor Deb Crossley noted that she appreciates the comments that are being addressed in the Area Council's letter. She noted that City Council will be spending a lot of time on zoning redesign city wide, and boundaries between zones are a topic of discussion. Part of the discussion will center around the future of our village centers and how they should develop. Ms. Crossley stated that she appreciated the comments made about how to integrate the proposed Walnut Street project into the Highlands village center, and the thoughtful and historical analysis of village center life and the built forms that are in it. Ms. Crossley expressed her opinion that setbacks belong in residential districts, but not necessarily in village centers, which may have alleyways to help with circulation. Area Councilor Barbara Darnell noted that the site of the proposed project is at a boundary between a residential district and a commercial district. Ms. Crossley responded that edges between different zones are places where there are often conflicts, but that an edge has to be somewhere. She noted that having an institutional use as an abutting property is a nice way to transition from a denser commercial area to a residential area. This project would be an example of that kind of transition. Ms. Crossley noted that although she is no longer serving on the Land Use Committee at City Council, she will carefully review this proposal and is very interested in the project.

Len Rosenthal expressed an opinion regarding the Northland project, and how Mr. Schlesinger's version of working with the community was to reduce the number of units by 1.3%. Len felt that broad statements about development in village centers may not be valid in all situations. Len also felt that there has not been adequate outreach to the public about this project, and that the proposal is moving forward way to fast. Area Councilors Lichtin and Blakely stated that this project was initially presented at the Area Council meeting in January 2020. Nathaniel noted that the Area Council has been trying to improve outreach to the community.

Area Council President Lichtin then shared the text of the draft letter on the virtual meeting screen. Area Councilor Wayne made a motion to approve the letter. The motion was seconded by Area Councilor Bruce Blakely. Katherine Clark stated that the sentence regarding discussions between the developer and the Church should be amended. A proposal was made to state that the parties "intend to have discussions" as they are not yet happening. Amy and Bruce agreed to the change and resubmitted their motion to approve the amended letter.

With a vote of 7:0, the Area Council approved the letter with intent to submit to City Council in support of the 1149-1151 Walnut Street project. Srdjan Nedeljkovic noted that his dissenting opinion regarding including further details related to the project would be memorialized in the minutes of tonight's meeting.

Meeting Adjournment:

The meeting was adjourned at 7:05 PM.