Newtonville Area Council - Meeting Agenda
Thursday, February 11, 2021 7:00 PM

Meeting Location: Online via Zoom

- NAC members:
  - Peter Bruce (President), Susan Reisler, Carolyn Gabbay (Secretary) Kartikey Trivedi (VP), Dana D'Agostino (Treasurer), Jessica Aker Archer, Martina Jackson, Pamela Shufro, and Kirill Alshewski
- City Councilors Present: Susan Albright, Julia Malakie, Emily Norton, Marc Laredo, Deborah Crossley, and Pamela Wright.
- Members of the public: Approximately 25-30 persons

Peter Bruce called the meeting to order, confirmed the presence of a quorum.

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1. **Burning Issues**
   - *The state's poor rollout of vaccines and what the NAC can do to help.*

   Noting that Massachusetts has had a series of issues with its vaccination program rollout, Peter Bruce suggested that the NAC write to the City Council suggesting that, in view of the military's logistical prowess, they ask for the National Guard be activated to help with vaccinations.

   Kartikey Trivedi (COO of the Commonwealth's Medicaid program) noted that the key problem is the limited number of doses that Massachusetts is being allocated and that the state has been using them for the highest risk groups. He added that 4 new vaccination centers opened recently.

   Jessica Aker agreed that the rollout has not worked well, questioned some of the Phase group priorities and agreed that vaccine supply has been a prime issue. Peter asked about vaccines reportedly being withheld from distribution, which Jessica noted was often done to assure supply for timely 2nd dose administration. Carolyn Gabbay questioned the NAC's expertise or authority on this issue, and Kirill Alshewski noted that nobody on the NAC is a health care professional. Since no members of the public has comments. Peter withdrew his suggestion.

   - *Why is Garden Remedies advertising pot?*

   Seth Anapolle, a Central Avenue resident who lives near Garden Remedies and who had previously shared a letter he had sent to the Mayor and City Council expressing concerns about

new store signage. showed an image (reproduced below) of the new sign on the Washington Street storefront. He said there is a similar sign on the side of the store facing Whole Foods.

He said that while he supports dispensaries, he was shocked when he first saw the sign and that it was striking that "CANNABIS" is its largest element. He reported that that the City's committee on signs had approved the new sign. He said that Cannabis Control Commission (CCC) regulations do not explicitly prohibit using the words "cannabis" and "marijuana" in signage. He reported that when the issue was forwarded to the City Solicitor and Director of Planning, their response was that the City would be pre-empted by CCC signage regulations. However, the inquiry prompted a review of the Special Permit (SP) for Garden Remedies and, despite the Urban Design Commission's approval of the new sign, it is not consistent with the SP's specifications about signage. Accordingly, Garden Remedies would need to get a consistency review ruling concerning the new sign's compliance with the terms of the SP and, if necessary, request an amendment to their current SP. Mr. Anapolle respectfully disagreed with the view that the City has no ability to regulate sign content and sent an email to the CCC. He plans to follow up when he gets a response. He also noted that Garden Remedies likely made the sign change to compete with the new Ascend store, which has a sign that can be viewed from the Mass Pike. He also noted that the new sign is not consistent with Garden Remedies' promises to neighbors to remain discreet.

Peter suggested that the community might be able to could exert some pressure. Jessica noted that the name of the CCC includes the work "cannabis," that Garden Remedies has agreed to operate as "appointment only" so that walk-ins are not permitted, and that the sign is straightforward, akin to liquor store signs, and that it was up to parents to educate their children.

Helen Nayar thanked Mr. Anapolle and asked what he wanted NAC to do. He said his objective was to inform the public about the activities of the business and noted that the applicants for a SP on Rt. 9 changed their proposed sign in response to community opposition.

Carolyn said that the City should require the new sign to be taken down until Garden Remedies requests the consistency review and it is completed.

Councilor Norton praised Mr. Anapolle and noted that Garden Remedies now wants to have the "appointments only" condition removed, so they have an incentive to listen to neighbors on this issue, as well as neighborhood concerns about customers leaving trash behind, getting high on the streets, and urinating in the area.

- *Tragedy strikes again in Newton's long-term care facilities.*

Peter Bruce, in a follow-up to his report last Spring, shared recent findings on Newton's COVID-19 death rates, which, as before, remain the highest on a fatalities/case basis in Eastern Massachusetts. (See Attachment #1.) And, as before, they remain concentrated in Newton's long-term care facilities.

More positively, Newton has a small incidence of cases, especially compared to municipalities with larger blue-collar and minority populations, who live and work in more crowded conditions than most Newton residents. Also, the increase in fatalities in LTCs almost stopped completely once the state became more transparent with its statistics and began auditing and inspecting these places aggressively last June. While in early summer LTCs accounted for more than 95% of Newton's deaths, that figure has been cut to less than 75%.

An exception to this overall improvement, is CareOne Newton, which failed to comply with the state's testing regime on many occasions between Thanksgiving and Christmas, leaving about 40% of its staff untested. (See Attachment #2.) Consequently, its number of Covid-related deaths increased from 34 in late November 2020 to 54 by February 4, 2021.

He questioned who has responsibility for oversight.

- *Proposed development in Oakley Spa area and status of the Washington Street Vision Plan.*

Peter Bruce explained that this item relates to a proposal to rezone the Washington Street parcels at Oakley Spa so the developer would to be able to add more stories than are allowed under current zoning or the Washington Street Vision Plan (i.e., 3 stories) for this intervillage location. The height of the Trio complex is an anomaly and it is not quite in the area. The NAC previously issued a letter requesting enforcement of the current limit of 3 stories. At the Urban Design Committee meeting last night neighbors pressed for the 3-story limit to be enforced.

Peter Harrington reviewed the history of this small bloc of formerly family-owned stores and reported that the developer originally proposed a 3-stories apartment building without commercial uses. At the Urban Design Commission (UDC) last night, the architect said that he had met with two City Councilors (whom he declined to identify), one of whom suggested building 4, rather than 3, stories. Peter Harrington reminded the NAC that the $500,000 Washington Street Vision Plan recommended 3 stories for this area and said that the proposed zoning change would raise a question of spot zoning.

Councilor Norton said that, while she would be open to discussing greater height, at 4 stories such a building would tower over the adjacent 2.5 story garden apartments. The developer proposed interposing a small 2-family house to address this. Peter Harrington questioned whether that would make sense. Meg Ward (owner of an abutting condo) expressed concerns about impacts and the conflict with the recently adopted Washington Street Vision Plan, saying that such a building would be out of character to the local area.

City Council President Albright explained that the developer had met with her, and separately with Councilor Norton, some months ago, showing her a plan for 2- or 3- story building that would "hug up to" neighboring properties and that, knowing neighbors would not be happy with the encroachment, she had suggested that moving to Washington might be better. Councilor Albright acknowledged that she had forgotten about the Washington Street Vision Plan (WSVP), but thought that the Design Review Team (DRT) would have raised any conflict with the WSVP but they did not, and now the process has moved to the UDC. She said it was unfortunate that the developer had not gone to the neighbors who are now unhappy with the 4-story proposal.

Martina Jackson noted that the 3-story apartment on the corner of Lowell and Washington Streets works well in the neighborhood and that the Washington Street Vision Plan calls for 3 stories. The noted that there is a 3-story building directly adjacent and a Victorian nearby to the site. She said she could see a 3-story building fitting in, but that 4 stories would spoil the aesthetic and overpower the existing apartment building across Walker Street. Councilor Albright agreed that 3 stories would be nice.

Councilor Norton characterized the first design she had been shown as an "ugly box" and said that adding a roof element might improve the appearance, but did not want to deny the public a say. She said the latest plan is also very ugly and that the developer needs to create something that will fit in better, perhaps something akin to the brownstones along Brookline's Beacon Street.

Meg Ward noted that there have been a lot of teardowns, including on Brooks Avenue and Walker Street, with replacements being built out to the property lines. She noted that the "Hello Washington Street" guidance document (circa pages 82-85) featured Oakley Spa and her house and including a rendering of a development that would be in scale for the area and consistent with the look of her Victorian house.

Councilor Wright agreed that the proposed project would be overpowering to the neighborhood and inconsistent with the Washington Street Vision Plan. She noted that the developer wanted to build 28 condominium units and felt that if they added a pointed roof, they could still get 28 units. She also noted that condo units are proposed on Jackson Street.

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2. Zoning Redesign:

- *Where do we go from here? Presentation and Q & A with City Councilor Marc Laredo.*

Councilor Laredo said that it is an open question as to where we are and where we are going. Councilor Laredo made the following points, among others, in his presentation which he noted expressed his own view:

- The City Council spent several years putting the zoning code in better order, deferring some of the more controversial issues.
- Zoning defines how, as a community, we restrict what people can do with their land and how we shape the City to be what we want.
- Some zoning work was done in 2018, with a grand Washington Street Vision. But other things were paused after that. Starting in January 2020, with a new President, the City Council began to look at doing a comprehensive re-write of the zoning code and often time was not used well over the next year because much of the discourse was in terms of broad concepts and amorphous language. When City residents objected strongly, it prompted a pause, which was a good thing. Councilor Crossley is now leading a discussion on what the City will do next.
- He believes that we should start building on areas of consensus.
    - Example: Two nights ago there was a compelling discussion about the possibility of rezoning a portion of Newton Highlands, based on agreement that the current zoning does not reflect what is actually built there.
- We should start with village centers and what we can achieve consensus upon. The current terminology in the zoning code often does not allow what makes sense or what is good practice in the current environment.
    - Start with the village centers – not ½ mile from them or the whole city.
    - Determine what is and is not working in village centers.
    - Words matter – while this often doesn't get enough attention, it is critically important. Defining the boundaries of village centers, for instance, is very important.
        - Example: 4-5 years ago, the City Council passed a "snout garage" ordinance. The building professionals assailed it. Then the City Council paused, because of the zoning redesign effort. Finally, last fall, enough of City Council decided to fix this issue without more delay. With a lot of hard work, a new ordinance was crafted which, while not perfect, is a good improvement that design professionals, the City Council and residents think is better. It took months to get it right. The devil was in the details.
- Regarding the village centers, he advocates determining what we like now and getting down to specifics about what we want in village centers, namely what to do about parking, height, etc.
- He hopes the next steps will be to build slowly and carefully and incrementally on what works.
    - The big issue is how do we approach zoning: Is there a moral imperative to rezone the entire City? Or, should we be thoughtful about what we do, and deal more with specifics?
    - The City Council ought to listen carefully to what people have to say and talk to residents, not just the Planning Department.

- A critical issue, even if not addressed first, will be who will control land use decisions going forward, including whether it should be the City Council who are electorally accountable, appointed officials who might act as a rubber stamp, a mixed group, or something else.
- It is important to him to open the discussion up to a broad swath of City residents and, while we need advocacy in the City, for the ~200 people who advocate actively, there are thousands of people who do not have awareness, especially during COVID. He wants to engage residents in meaningful ways. The Planning Department has put out some good ideas on that. The City needs to build broad consensus.

The ensuing discussion and question period included the following exchanges:

Lisa Monahan said that from ZAP and Planning Department presentations, it seems like the plan is to move to the village centers and talk about multi-family developments, and a variety of transit hubs, with Planning Department staff outlining an ambitious outreach program. She asked Councilor Laredo, "What do you think should be the plan going forward?"

Councilor Laredo responded that, the City spent a year not focusing on the village centers and now we should look at what we want in village centers, but not in terms of "transit-oriented" and "walkability". We need real decisions, like:

- Whether heights will be 3 or 4/5 stories with permits.
- Should we have parking requirements and, if so, what should they be?

Specifics, rather than generalities, are needed. Newton is a built city and we will not raze it. The mindset needs to be being openminded, working together and building consensus. We have been missing that.

Councilor Crossley made the following points:

- Zoning is a very complicated, dense and multi-faceted subject. In many cases, it requires puzzling in many dimensions and throwing out ideas. It will be a long process, especially since we are doing it with everybody and, like a game of telephone, what somebody says get misrepresented down the line.
- She disagrees with Councilor Laredo on some things.
- The City has been working on zoning since Mayor Cohen's time and the idea of looking comprehensively came from that years-long effort. The Comprehensive Plan was adopted in 2007 as a joint effort of the City Council and Mayor Warren.
- She disagrees with Councilor Laredo and does not think that any of the work done and time spent has been wasted.
- There was a short document listed in the ZAP Friday packet which is coming before the ZAP again as to how to proceed this year. She asks ZAP and others who wish to participate to look at that document and ask: What in those challenges can be addressed independently of other issues? What among the challenges and problem statements have to be considered as a whole?

- As to village centers, we need to talk about transit, economic development, density of stores and people. ZAP started to have that conversation at the end of the last meeting.
- A whole new code was drafted in 2018 by staff and people have been "throwing darts" and there has been lot of what Councilor Crossley called "labeling" to argue that we should not use a form-based code, but the idea is to employ the best tools.
- There has been more attendance at meetings than ever before, but people cannot attend in person and ZAP has been trying to explore options.
- She wrote a piece to Next Door Newton saying that she wants to engage in a culture of curiosity, rather than people getting nervous.
- Many building professionals have been very helpful.

Kathleen Greiser said that she appreciated Councilor Laredo's comments. She is very concerned and does not think public engagement has ever been adequate, even though contentious. Lots of the people who are in favor of more density do so for the right reasons – making Newton welcoming, for the environment, etc. Most people agree to those goals, but do not agree on the means. People who do not have the same views about density are cut out of the conversation. She is also concerned about social justice goals, past redlining, and structural racism. High density projects with small slivers of affordable is the racial redlining of our times. The kinds of homes that people could buy are being pushed to become rentals, which is the opposite of wealth-building. As properties are redeveloped, high-priced rentals are raising rents and destroying naturally affordable housing, as well as historic and sustainable homes. She also expressed concern that goals keep shifting and nothing gets accomplished. She thinks we should go back to the drawing board and have all sorts of people involved. The only and consistent beneficiaries of what has happened so far, she asserted, are the for-profit developers.

Susan Reisler asked if the City would undertake a scientific study of residents' opinions. She noted the NAC's survey with ~11,000+ outreach and 2,500+ responses (a high return), conducted at a cost of about $5,000. She estimated that a city-wide survey would cost $15-20,000 and that it would be the first step in engaging everybody. She asked for Councilor Laredo's thoughts on a survey and on what effect the pandemic will have on zoning.

Councilor Laredo responded that he is not a big fan of the surveys that have been done in the past because they are not scientific in that they require people to self-select in responding, so that respondents are mostly active people. A scientific survey would have to be done very carefully, with proper science and not just a mailout. Surveys can be good but are not the antidote for all our ills, and it depends on how questions are asked. A really scientific survey is one tool if it is well done. If one is to be done it would likely come from the Mayor's Office/Planning Department, but the City Council does not have the ability to do it. With these stipulations, he indicated he would favor such a scientific poll.

On the question of teardowns that was raised in the Chat, Councilor Laredo said that, as was done with garages, the City needs to figure out what we do and don't want, and address it

without a total rewrite of the zoning code. Just address the issue. He noted that he is not against all teardowns, but that he hears that when there is a teardown, we usually get a larger building with less setback.

Peter Harrington stated that a lot of people feel shut out of the process in their neighborhoods, especially the less affluent ones. There are lots of people who oppose teardowns and replacing the homes with big 4 story buildings but, apparently, they are not opposed to this happening when done to Nonantum, if they live in the posher parts of town. Referring to recent, private discussions between developers and individual councilors, he asked if Councilor Laredo would agree that the entire process be subject to Open Meeting laws rather than developers and their lawyers meeting with one or a few Councilors. He asserted that having public, transparent process at an early stage would have a beneficial impact by incentivizing the developer to come up with plans with fewer legal and design costs and make the public feel more involved. He said that many Councilors think that if the public does not like what they do, they can vote against them in elections, and that that's sufficient to ensure accountability.

Councilor Laredo responded that like any other legislation, zoning ordinances are rules. Granting Special Permits is a quasi-judicial process. On zoning you can have 1-to-1 conversations about the code, but when it comes to SP projects, he is willing to talk to a developer or developer's attorney about the process before the submission of a proposal, but not after that, and not about the merits unless in a meeting with the public. That would be the same for Councilors' discussions with all residents as well as developers.

Peter Harrington followed up saying that in developing the SP process it would be good to come up with a plan for the Open Meeting Laws to govern the entire process, not just from time of filing to vote.

Councilor Laredo said that the Open Meeting Law governs discussion among a quorum of a committee or the City Council, but that it permissible for two Councilors to have a discussion as long as they are not aggregating discussions to make a quorum.

Peter Bruce agreed with Councilor Laredo about too much time having been spent in the rezoning debate in discussing overly vague and utopian goals and that, while it is good to have aspirational goals for the City, we already have metrics for the City's currently existing goals. For instance, the Comprehensive Plan said we should build about 15% (or ~4,800) more units and we are well on the way to that goal; we do not need to put that the City's growth on steroids.

We are also well on our way toward meeting the state's 40B goals for subsidized affordable housing. Regarding 40B, City lawyer Jonah Temple's memo does not include Dunstan East, Riverside or, Northland in its inventory because they have not yet asked for building permits. But when they do, Newton will be only 40-50 units away from the 10% of total housing units 40B safe

harbor. Although the Mayor does not seem to want to use the leverage of the safe harbor, Newton is in the top third of the state's municipalities in getting to that 40B safe harbor.

Finally, Peter added the caveat that even most of the "affordable" housing units at our recent large development are much more expensive than our naturally affordable housing. At Trio, some of the affordable units rent for hundreds of dollars more than naturally affordable housing. Despite the inadequacy of state-defined affordable housing of truly affordable housing, he argued that we nevertheless appreciate how close we are to meeting the state's goals.

Councilor Laredo responded that there is an affordable housing problem, and we are building more affordable housing. The new projects are building about 17.5% affordable. The problem with the safe harbor calculation is that while the calculation's numerator is increasing, the denominator will increase dramatically because a lot of housing is being built, thus the question is: How to get to the 10% safe harbor goal. If a proposed project is 25% or more affordable, then the entire project would count in the computation. And he suggested we press for that higher ratio. We looked at that a number of years ago regarding the financial incentives and there were concerns. Councilor Laredo said he would support increasing to 25% affordable units as the required percentage and, if subsidies were needed, that would be ok. Councilor Laredo said he does not think Newton is going to get to the 10% safe harbor threshold -- although it is important to get to the 10% to avoid the developers' ability to override local zoning and local control of projects. If we removed the 40B threat, we could more easily increase the supply of affordable housing and reduce developer power over what gets built.

Peter Bruce commented that the census will come out during summer 2021 and the denominator will not change until 2030 and then will stay in place for the ensuing 10 years. By his own estimates, and those of the Metropolitan Area Planning Council, he claimed that Newton will likely be very close to the 10% threshold once the 2020 Census figures are released.

Councilor Laredo said that the need is to think more long-term about public policy as to how to get to 10% and to have it remain in effect for a long time.

Jessica Archer said that she has different opinions from those held by many on NAC and that she would like to be helpful to those who want to express those views. She asked what Councilor Laredo thinks the NAC can do to help.

Councilor Laredo explained that area councils are meant to be a more local voice for particular local areas. He suggested debating policy within the area council's ranks, so that the area council can provide those thoughts to the City Council. He said that, like other Councilors, he welcomes hearing people's ideas and he provided his contact information in Chat.

Kathleen Grieser said that we need to reclaim the safe harbor via the standard that is based upon 1.5% land area minimum standard, which, unlike the 10% standard, would be a permanent and not a moving qualification for the 40B safe harbor. She noted that developers are use the threat of a 40B project to obtain a SP and that, when they do that, the resulting SP is only marginally better than what would happen if the developer had proceeded under 40B. Once achieved, Newton can require even higher percentages of affordable units and different AMI percentages. She said that she feels Newton is being abused by the 40B process.

Councilor Laredo responded that he wanted to stay away from casting aspersions. It would be good policy to meet the 10% requirement, but that we will never get there by building large developments with 17.5% affordable because there is too much more development going on that does not require an affordable percentage and that it is not feasible to impose the requirement on all housing such as the smaller additional unit projects.

Councilor Laredo concluded by saying that part of the reason Newton is hard to afford is that we are very desirable, close to Boston with its higher education institutions, hospitals, and cutting-edge businesses. He said that COVID-19 will have a big impact on future office space needs and, in his view, will change what we want in our village centers: If there is work at home, we need to rethink village centers. For example, Salesforce has said that 1/3 of its workers can work from home permanently.

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3. Administrative Issues

- *Review and approval of 2020 Annual Report.*

A draft 2020 Annual Report having been circulated to the NAC members for review in advance of the meeting, and minor edits thereto having been suggested, was presented for approval. Carolyn moved approval of the 2020 Annual Report with the previously suggested stylistic edits, Martina seconded the motion and the NAC unanimously:

Voted: To approve the 2020 Annual Report of the NAC.

- *Preparing for Ward 2's At-large City Council election debate (Feb. 21) with other Area Councils.*

Carolyn reported that a list of suggested questions has been provided to the moderator, and that the public is welcome to submit added questions. She also reported that since there are 3 candidates in the Ward 2 contest, the time for that debate has been extended and that the organizing group is asking that NewTV broadcast the debate on its government channel.

- *Review and approval of January 14th regular meeting minutes.*

The draft minutes of the January 14, 2021 meeting having been circulated to the NAC members for review in advance of the meeting and minor edits thereto having been suggested, were presented for approval. Carolyn moved approval of the minutes with the previously suggested minor edits, Martina seconded the motion and the members of the NAC unanimously:

Voted: To approve the minutes of the January 14, 2021 meeting of the NAC.

- *Review and approval of January 23rd and 30th special meeting minutes.*

The draft minutes of the January 23, 2021 special meeting having been previously circulated to the NAC for review, Peter moved approval of the minutes, Carolyn seconded and with 8 members of the NAC in favor, and Kirill abstaining because he had not attended the special meeting, the NAC

Voted: To approve the minutes of the January 23, 2021 special meeting of the NAC.

The draft minutes of the January 30, 2021 special meeting, having been circulated to the NAC members for review in advance of the meeting, with minor edits having been suggested beforehand, were presented for approval. Peter moved approval of the minutes and Carolyn seconded the motion. With 7 members of the NAC in favor and Kirill and Jessica abstaining because they had not attended the special meeting, the NAC:

Voted: To approve the minutes of the January 30, 2021 special meeting of the NAC.

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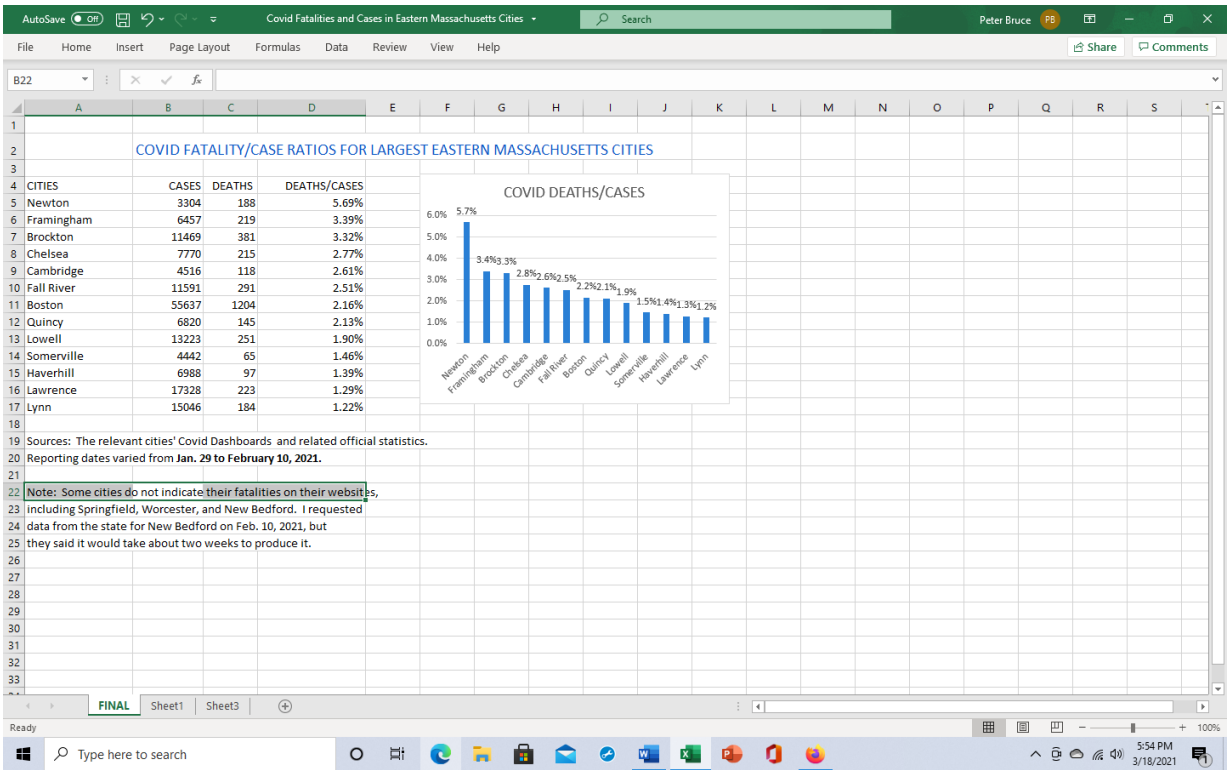
4. Adjournment

The business of the meeting having been completed, at approximately 9:30 PM, Carolyn moved, Susan seconded, and it was unanimously:

VOTED: To adjourn the meeting.

Respectfully Submitted,
Carolyn Jacoby Gabbay
Secretary

Attachment #1



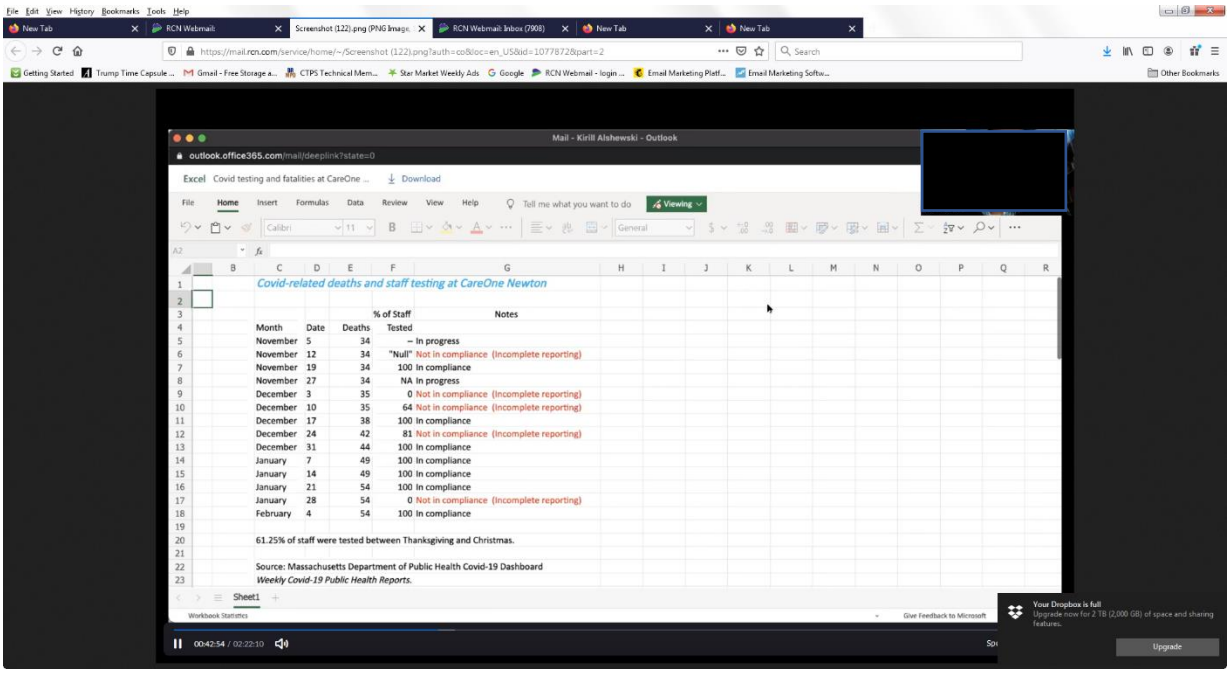
COVID FATALITY/CASE RATIOS FOR LARGEST EASTERN MASSACHUSETTS CITIES

CITIES	CASES	DEATHS	DEATHS/CASES
Newton	3304	188	5.69%
Framingham	6457	219	3.39%
Brockton	11469	381	3.32%
Chelsea	7770	215	2.77%
Cambridge	4516	118	2.61%
Fall River	11591	291	2.51%
Boston	55637	1204	2.16%
Quincy	6820	145	2.13%
Lowell	13223	251	1.90%
Somerville	4442	65	1.46%
Haverhill	6988	97	1.39%
Lawrence	17328	223	1.29%
Lynn	15046	184	1.22%

Sources: The relevant cities' Covid Dashboards and related official statistics.
Reporting dates varied from **Jan. 29 to February 10, 2021.**

Note: Some cities do not indicate their fatalities on their websites, including Springfield, Worcester, and New Bedford. I requested data from the state for New Bedford on Feb. 10, 2021, but they said it would take about two weeks to produce it.

Attachment #2:



Mail - Kirill Alshewski - Outlook

outlook.office365.com/mail/deeplink?state=0

Excel Covid testing and fatalities at CareOne ... Download

Covid-related deaths and staff testing at CareOne Newton

Month	Date	Deaths	% of Staff Tested	Notes
November	5	34	–	In progress
November	12	34	"Null"	Not in compliance (Incomplete reporting)
November	19	34	100	In compliance
November	27	34	NA	In progress
December	3	35	0	Not in compliance (Incomplete reporting)
December	10	35	64	Not in compliance (Incomplete reporting)
December	17	38	100	In compliance
December	24	42	81	Not in compliance (Incomplete reporting)
December	31	44	100	In compliance
January	7	49	100	In compliance
January	14	49	100	In compliance
January	21	54	100	In compliance
January	28	54	0	Not in compliance (Incomplete reporting)
February	4	54	100	In compliance

61.25% of staff were tested between Thanksgiving and Christmas.

Source: Massachusetts Department of Public Health Covid-19 Dashboard

Weekly Covid-19 Public Health Reports.

Sheet1

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