Newtonville Area Council - Meeting Minutes

Thursday, March 25, 2021 7:00 PM

Meeting Location: Online via Zoom

- NAC members:
  - Peter Bruce (President), Susan Reisler, Carolyn Gabbay (Secretary) Kartikey Trivedi (VP), Jessica Aker Archer, Martina Jackson, and Pamela Shufro
- City Councilors Present: Susan Albright, Deborah Crossley, Maria Greenberg, Tarik Lucas, Julia Malakie, Emily Norton, John Oliver, Pam Wright, and Kirill Alshewski
- Other Area Councilors: Rena Getz (Waban Area Council) and Nathaniel Lichtin, (Highlands Area Council)
- Members of the public: Approximately 40-45 persons

Peter Bruce called the meeting to order and confirmed the presence of a quorum and said that as an accommodation to the speakers, the order of the scheduled presentations would be modified.

1. **New plans for the Oakley Spa area development**

On behalf of permit applicant Ernie Rogers, his counsel and architect (Terrence Morris and Alan Mayer, respectively), said that they want to collaborate with the NAC and neighbors and described the updated plans for the project. This included sharing the layout plan in the context of the neighborhood and a drawing illustrating the elevation of the proposed project (See Attachment #1). The new plan for this proposed 28-unit condo building on a ¾ acre lot includes:

- A 3, rather than 4, stories flat-roofed project (i.e., 32-35 feet tall, vs the ~42 tall if the roof were sloped);
- Breaking the project into 2 buildings, one fronting on Washington Street and one on Walker Street, with covered parking, garden/patios for 1st floor apartments and a large, open, rear green space;
- Tiering, setting back the main entry and using bays and color/materials (brick or clapboard – currently undecided) to break up the sense of mass, as well as a larger than required setback on Walker Street

After the presentation, a City Councilor mistakenly asserted that the percentage of required affordable units in a project of this size has recently increased from 17.5% to 20%. In fact, as Planning Director Barney Heath chatted in, that rule only applied to developments of 100 units or more. Attorney Morris promised to review the requirement and assured that the required percentage would be met. (It had been at this time, as documentation provided by Mr. Morris later confirmed.) Councilor Albright asked about a proposed wall on the Washington Street side. The explanation was that the wall would only be

3 feet tall and was needed to give the patio/garden areas of the 1st floor units a sense of privacy from busy Washington Street and the Mass Pike. Councilor Wright asked about the building's height and number of units. Pam Shufro noted that the set back on Washington Street seemed small. The response was that the setback met code and that to fit the reconfigured buildings into the ¾ acre property and achieve the Walker Street building setback and green spaces, the project had to be located as it was, though Mr. Mayer said it could perhaps be adjusted by a few feet. Martina Jackson commented favorably on the revised plan and its "fit" with another nearby flat roofed complex. Abutter Meg Ward said that she was very happy with the revised plan, endorsed having a flat roof over a sloped roof so as to minimize the building height and thereby lessen the loss of light in neighboring homes. She also said that she found the setback from Washington Street adequate and consistent with that of her own property. Sean Roche advocated for stoops between the ground-floor apartments and patio areas. Attorney Morris and Architect Mayer said that next steps would include working on sustainability considerations, determining where to locate the mechanicals, and preparing a model of the proposed project. Peter thanked them their informative presentation and efforts to collaborate with the NAC and neighbors early in the project.

2. Next Steps in Zoning Redesign (ZR)

Councilor Crossley said that the Zoning and Planning committee (ZAP) spent much of last year working with a Planning and Development department with a depleted staff due to many departures, and that much time had been taken in orienting new committee members and planning staff to the history of the zoning code, basic zoning concepts, and reaffirming goals, namely: addressing the shortage of affordable housing types for a wide spectrum of people, balancing economic and environmental considerations, and looking for controls to assure that new buildings fit within the context of the communities. The pandemic also delayed progress in planning, by requiring the process to adjust to logistical and intellectual challenges. Having concentrated first on the residential zoning rules, and having put out a draft plan last August, ZAP now plans to review and rethink zoning for village centers.

She noted that many groups have conducted their own reviews of the zoning ordinances. She also noted that it is the City Council that ultimately will adopt any zoning plan and that reliance is placed on staff's expertise because most Councilors are not building professionals. She also said that targeted approaches should be considered, in addition to looking at a comprehensive overhaul. She emphasized that the idea of allowing multi-family conversions broadly in the City was spawned by a discussion about how to preserve houses, and that the "multi-family everywhere" proposition has not been adopted.

Councilor Crossley said she believes that terminology has been misunderstood and she offered the following on key definitions:

- The Massachusetts Building Code establishes standards for any construction.
- "By right" means a building that can be built without additional zoning approvals, but they must still comply with building codes and obtain various permits, especially building permits.
- Special permits impose conditions that are decided by the City Council
- Multi-family structures (under the Massachusetts Building Code, state law, and Newton ordinances) are buildings with three or more residential units.
- An accessory apartment is not a multi-family structure.

- In Newton, 1- and (sometimes) 2-family homes are allowed in residential districts by right, with more units requiring a special permit. Some zones are single-family only.
- Nowhere in the city are 3+ family homes currently allowed "by right."
    - The Governor's newly approved legislation requires MBTA communities to find places in the city "of reasonable size" that will allow the construction of multi-family housing "by right".
    - Newton needs to define differences among areas of Newton to take advantage of public transit and support villages.

Questions had been provided to Councilor Crossley prior to the meeting and she and Peter summarized some of the questions and Councilor Crossley commented as follows:

- Mayor Fuller did not commit Newton to adding a specific number of units in the pact that was made among 15 Boston area community mayors for 185,000 total units.
    - The goal is a range of housing opportunities compatible with our districts, village centers and corridors. Opinions vary as to what would be "out of context" housing that we do not want. We need more local businesses.
    - Projects in excess of 30,000 square feet require a City Council meeting, and over 10,000 square feet they require site plan approval under a Special Permit.
    - Newton's planners are not planning on a particular number of added units, nor do they have any more general targets.
    - After the soon-to-be-issued 2020 census results are available, a re-evaluation should be made as to housing and development goals depending on the growth of employment and population.
    - Development is opportunistic, with larger development being possible only if multiple adjacent lots become available.
    - Zoning can only encourage or discourage the type of housing we desire; it cannot produce or dictate it.
    - Newton is not built out to capacity under the current zoning ordinance.
    - Zoning is not the only way to achieve environmental sustainability and economic diversity, but ZAP as a whole decided that it wanted to proceed to address these goals.
    - Where a concentration of infrastructure (especially transit) exists and goods and services along corridors and in village centers are provided, we can accommodate more housing and denser housing would support more business.
    - In Newton Highlands, large Victorian houses that used to have large families are now occupied by 1 or 2 residents, making for less vibrancy and support for local businesses.
        - Asked by Peter whether the broader goals of ZR, especially environmental sustainability and affordable housing, could not be better addressed by reforms directly targeted at them, rather than ZR, Councilor Crossley responded that zoning is not the "be all, end all," but that we need to "think globally and act locally," and realize that problems are inter-related. She continued saying that it is "not rocket science" to realize that commercial areas near transit are where we can accommodate denser housing, and that she saw that kind of synergy already working in Newtonville.

        - Peter said that it is not clear that transit-oriented development is working in Newtonville, as we will need to see after the pandemic the extent to which occupants of the new developments use transit. He further noted that there is more transit frequency and flexibility via the Green Line, and that the future of the commuter rail, including the potential for ramping service up, is uncertain given its falling ridership even before the pandemic and its extremely low ridership today.
        - Given the relatively large amounts of new housing being built in Newtonville and West Newton, Peter said that given a rail line that runs about six times more frequently than the commuter rail, the wealthy villages along the Green Line (from Waban east) should do their fair share, to which Councilor Crossley responded, "I couldn't agree more," asserting that equity is very important in the discussion about the distribution of additional housing in Newton. In developing metrics for "by right" multifamily housing, the greater accessibility of Green Line transit over the commuter rail should be recognized.
        - Jessica Aker commented on commuter rail service complications being due to the single track/platform and asserted that huge investments from the state and via federal grants would be required to modify the situation. With a single platform, Newton will not get a big increase in service even when people return to offices post-pandemic.
        - Councilor Albright commented that there were discussions last year with the MBTA about getting a 2-track plan in place for the commuter rail in Newton and that such a project, is "shovel ready," and might be an especially effective use for federal infrastructure funds.
    - There have been no discussions as to when an updated zoning map will be available, and "village boundaries" have not yet been fixed. ZAP will start with the inner cores of villages and examine their boundaries. Current boundaries are likely to change as the process moves forward, subject to hearing from all of the villages and communities. Walking tours were started last year but were interrupted by COVID. Outreach has been limited.
    - Electric vehicles are part of the Climate Action Plan, but they are still cars on the road contributing to congestion and need to be balanced with other forms of travel.
    - With regard to references to "suburban" sections of Newton and consideration of rezoning those areas, consideration is being given to moderating what can be developed in all residential districts. Newton has one of the most forward-thinking accessory apartment ordinances, but it does not allow "by right" accessory apartments and carriage houses or above garage allowances or detached accessory dwelling units.
    - A lot of pushback was received with regard to the proposal to allow 2-family housing throughout Newton.

The following comments were made by attendees:

- Jessica said that balancing post-pandemic realities will be difficult and that she hopes federal and state governments can help with certain investments, such as with the development of comprehensive plans and mass transit.

- Pam Shufro expressed her interest in affordability and asked whether price points would be established for units so that middle class people (such as teachers and families with working spouses) can afford housing without having to go into a lottery. She expressed concern about the "missing middle" as a solution to the problem of regional supply and demand, as this ambiguous concept sometimes applies to mid-sized developments, and at other times mid-priced developments. She asked for specifics about price points, rather than broad theoretical concepts, so that we know what we are really talking about.
- Martina Jackson asked Councilor Crossley what she means when she refers to "suburban areas" of Newton. Her response was that as one moves away from the central business districts, such as Newton Center, where those "inner suburban" areas have more houses closer together, other parts of the city have larger lots and houses are further apart and generally are larger as a result of floor area ratio (FAR) metrics and get too far away to walk to village centers. She also hoped that there would be agreement on minimum lot sizes.
- Rena Getz commented on the many iterations of lot sizing near Waban transit, existing buildings and unbuildable lots, and asked about ZAP's plan for addressing village centers. Councilor Crossley responded that Planning Department staff and Councilor Danberg (ZAP Vice Chair) will start with gathering data, looking at historical patterns of development, what is on the ground and currently adopted document (such as the Climate Action Plan and Economic Development Plan), as well as information like the Pattern Book about different villages, and what has been built. She also said that ZAP needs to agree on the goals for village centers. She said that one approach might be to increase height, noting that currently one story is allowed "by right" in the village center, but that it used to be 3 stories. Due to tax rules, floors above one story were removed and the residential units above were lost. She felt this situation was not helpful to the vibrancy of the area to support local businesses.

Peter thanked her for her comments and Councilor Crossley offered to attend future meetings and encouraged the public to attend committee meetings.

3. A citizen's zoning plan for Washington Street and Newtonville's Village Center (with Attorney Peter Harrington)

After summarizing his background as an attorney working in land use and zoning, serving as an alderman and State legislator, Peter Harrington explained that he has prepared a working draft of a zoning ordinance for village centers (a copy of which he had circulated to the NAC before the meeting) that he said conforms to state law. He wants to submit it to the City Council to spur discussion and he solicited "co-sponsors." Under his proposal, the current 2-story "by right" zoning for village centers would continue, but a "bonus" space allowance would be added for structures with sloped roofs and a "bonus" of an added 1 or 2 stories would be given to structures that dedicate 20% of their space (not just units) to affordable housing. This could be for those making less than 50% of AMI, or those who would like relatively small market-rate units. He suggested retaining the 3 or 4 story height in village centers, as favored by the respondents to the NAC's survey, versus the 5-8 story heights suggested by some City Councilors for various locations. He also commented that, in his view, building luxury rental housing is not the best option for Newton since 2-bedroom units in a 2-3 family houses in Newtonville rent for about $2-3K, whereas in still-vacant market-rate units in Trio they are priced at $4-5K. He cautioned against creating a "ghost town," with Newtonville businesses being displaced from their current spaces,

sometimes moving into Trio and sometimes moving away. He feels that more resident input into the zoning process is needed.

4. What do we think of doing away with the old building and its historic façade to build a new Senior Center?

Marc Kauffman explained that at the February meeting of the Design Review Committee there was a unanimous straw vote for new construction (versus a renovate-and-add program) for the senior center/NewCAL project. New construction would cost $2M less than reno/add and provides more square feet, ostensibly allowing more space for programs. The Council on Aging also voted for new construction instead of add/reno. As to the possibility of keeping the façade and, perhaps, moving it forward on the site Councilor Albright said that they have been advised that it is not feasible to build around the current façade and that moving it forward would involve great cost.

Brooke Lipsitt said that the same program can be accommodated with either add/reno or new construction with no difference in the ability to provide the programing, but the key question is making the building user-friendly for the users, many of whom have physical challenges with multi-story buildings and that, while she was a "hold out," even she was convinced that it was not worth trying to keep the façade.

Councilor Albright noted 3 themes as to why new construction is better than the add/reno approach: (1) Access for handicapped people; (2) Pulling the building forward with new construction and making a positive a difference to abutters at the rear of the building; and (3) Better traffic and parking flow.

Martina Jackson asked about the impact of new construction on adjacent residents, especially with the planned large gym. Councilor Albright said the new construction pulls the structure away from abutters, whereas add/reno results in a looming wall for the abutters.

Carolyn expressed concerns about the artist's conception for the new construction lacking "fit" with the neighborhood and iconic buildings (i.e., the Masonic Building, the Bank of America building, the church that was converted to apartments and the current senior center). Councilor Albright agreed and said that work has not yet been done on the plan for the exterior. She noted how the new Newton Free Library building reflects City Hall as an example of how new construction can fit in. Both Peter and Jessica expressed the hope that new construction will keep the "look and feel" of the current building.

5. Administrative issues

A.) Village Day

This item was deferred because Dana D'Agostino was not able to attend to report.

B.) Regaining control of our Facebook credentials

After discussion, action was postponed with Kirill and Jessica volunteering to discuss technical conditions with the current credential holder, Ken Roberts, and report back at the next meeting.

C.) Authorizing payment for debts incurred presenting the four area councils' City Council debates.

Peter moved and Martina seconded the motion, it was unanimously:

> **Voted**: To approve the expenditure of up to $75 dollars to reimburse the Waban Area Council for the NAC's share of the costs incurred in connection with the Area Councils' Candidates Debate for the March 11, 2021 special election.

D.) Review and approval of February minutes.

The draft minutes of the February 11, 2021 meeting (which had been circulated to the NAC members for review in advance of the meeting, comments thereon having been integrated, and a proposed final draft having been circulated in advance of the meeting) were presented for approval. Carolyn moved and Martina seconded the motion, and it was unanimously:

> **Voted**: To approve the minutes of the February 11, 2021 special meeting of the NAC.

6. Adjournment

The business of the meeting having been completed, at approximately 9:35 PM, Martina moved, Carolyn seconded, and it was unanimously:

> **Voted**: To adjourn the meeting.

Respectfully Submitted,
Carolyn Jacoby Gabbay
Secretary

ATTACHMENT #1