Newtonville Area Council Meeting Minutes (Final)
Thursday, August 12, 2021. 7:00 PM
Meeting Location: Online via Zoom

- NAC members: Peter Bruce (President), Kartikey Trivedi (Vice President), Dana D'Agostino (Treasurer), Carolyn Gabbay (Secretary), Jessica Aker Archer, Martina Jackson, and Susan Reisler, Pam Shufro
- Members of the public: Approximately 30, including City Councilors Susan Albright and Tarik Lucas
- Peter Bruce called the meeting to order and confirmed the presence of a quorum.
- Since Carolyn Gabbay's participation would be intermittent, he appointed Susan Reisler Secretary Pro Tempore.

UPDATES

Peter noted the delegation of the *September Song* concert series logistics to Newton Community Pride. He then let Gloria Gavris from that organization describe the series. Showing a flyer (draft) soon to be distributed, she said that with the help of Chris Pitts and Peter, she had worked out a schedule for three concerts in the 28 Austin Street Plaza scheduled for 3 pm on Sunday, September 12, Sunday, September 19, and Saturday, September 25, so as not to interfere with Village Day and to help make September 25-26 a Village Day weekend. The performers would be Lydia Harrell, Nikola Stajic, and Dominique Eades, respectively. She added that no permit was necessary, since it was being held on private property, that they were happy to partner with the NAC, and to have received $3300 in funding from Scott Oran of 28 Austin Street. She also thanked Chris Pitts of the Newton Cultural Council for doing most of the outreach to artists and scheduling.

Chris then pointed out that he and Peter, and Scott Oran had been in discussion about these events since before the pandemic, and the series, which he hoped would be one of many, was the culmination of that earlier work. Gloria stepped in, he said, with added vision. The series would be a "win-win" for the community's businesses and residents he said, touting the artists first-rate musicianship, star-quality, and their ability to generate a strong rapport with crowds.

Carolyn wanted to know who would assume responsibility for COVID contingency planning. She noted that the conference the Massachusetts chapter of the American College of Healthcare Executives (ACHE) had planned for September 9 a networking event to be held partially outdoors in Boston, had been cancelled, and urged all to heed that warning.

Chris replied that he and Gloria would be responsible for such planning, that they had been doing concerts throughout the summer without incident, and that they would follow all relevant government guidelines. Gloria then asserted that if the NAC wants to be more cautious than what

the guidelines provide, then that would be respected. "Just let us know…. This is really your event that we are trying to help execute. If your council decides that you are uncomfortable with what the data indicates in a couple of weeks, then we will make that call based on your judgment. But, without the NAC making a decision, we will follow the City's guidance."

"It's outdoors," she added, and people can bring their own chairs, create their own spaces, and bring masks.

- NAC's Upcoming Election
  Peter asserted that the deadline for filing nomination papers for the NAC election was September 17 at 5 pm; He then turned to the issue of the NAC's 3-term, 6-year term limits and said that the Law Department had approved the wording of an amendment to the NAC's By-laws to end those limits, which involved simply striking out the single sentence including that rule with no other changes to the By-laws. A two-thirds vote is required to change the By-laws he noted. Before the vote, he listed a series of rationales, for the change, to wit:
- That no other area council has such a rule.
- That the longest-lived area council (about 40 years) in Newton Highlands has four members who have served for more than eight years.
- And that some of the NAC members who have won the most votes are term-limited, and it is unfair to deny voters a choice to support them. It was also noted that though incumbents usually have an advantage in elections, only three had taken out nomination papers for the NAC's nine positions.
- Jessica asked what the reason was for the original rule. Peter said that no one on the NAC now knew, since none had been involved in the founding of the organization.
- To these points, resident Peter Harrington added that non-profits often had a tradition of rotating offices and limiting terms, and he believed that the people who started the NAC, who were originally also in Beautiful Newtonville, were used to that kind of practice.
- He further asserted that though he generally supported term limits, he thought the existing rule was too restrictive to allow the NAC to benefit from the institutional knowledge, skill, and continuity that would come with the ability to keep experienced members longer.
- Carolyn moved, Martina seconded, and all nine NAC members:

VOTED: To strike from the NAC By-laws the sentence stating the term limit rule.

Senior Center – latest developments, announcements

Peter said many of our residents had concerns about the lack of green space and patio space, maintenance of adequate front and side setbacks, as well as the overall size and design of the large new building that will replace the existing one. He said that there would be a Land Use Committee meeting mostly devoted to NewCAL in a week, and suggested people might want to save their comments and criticisms for that meeting, though he said he would allow anyone who wanted to speak about that project in this meeting to do so. No one did.

FIVE STORIES AT OLD CVS SITE? NEW DEVELOPMENT PROPOSAL

Peter Mooradian and Ken Brown (Masonic Hall VP and President) gave a visual and historic

presentation of the Masonic Lodge and its Hall and how it might fit with the proposed new development. The first Hall was built in 1860 and burned to the ground in 1896, after which it was replaced by the current building. With lots of lore, documents, and pictures of these buildings and notables, the building serves as an amateur museum and archive.

In addition to these functions, Mssrs. Mooradian and Brown pointed out that their Hall houses numerous businesses and charitable organizations, including one that helps tutor students with dyslexia and hearing problems. While these sorts of helping organizations are common in other Masonic Lodges, they noted that this lodge had featured the first one.

More recently and locally, the lodge has provided service to the community by conducting tours and contributing to Village Day and assisting the Boston Marathon. In terms of its iconic prominence, it was noted that the Masonic Hall was of such city-wide importance that, until 1971 the City Charter held that no building could exceed its height.

In discussing the current proposal by Jeff and Justine Cohen, they said that the parties were in cordial discussions about design, but that there were concerns that had still not been fully addressed. One was that the proposed building was so large and close to the Masonic Hall that it would obstruct adequate lighting and ventilation, especially that needed by the Hall's second and third floor tenants. (Though the pandemic had curtailed some of its retail tenants, it was claimed that that was now back to almost 100%. They also noted a considerable need for parking, especially since their average member was more than 65 years old.)

Mr. Brown commented on the organization of the Masons, claiming that all their officers and board members were volunteers and had no salaries, and that they operate under the aegis of the Grand Lodge of Massachusetts as one of eight regional chapters. He also said that this Hall is one of only four or five other such historic, large buildings in the state.

At this point, after about 20 minutes of presentation, NAC member Martina Jackson asked the first question as to whether the Masons had tried to landmark their building. Mr. Brown, who described himself as a "real estate guy," said that the Masons would be seeking this status at a meeting of Newton's historical commission in late August. He said that the previous leadership didn't try for it because it would impose considerable, mostly external, regulations on themselves, and that that earlier leadership didn't want to be told what to do. He also said that with an aging and declining membership, the Hall's retail businesses were becoming increasingly important in helping pay for the building's maintenance, and that the previous leadership were interested in the building's resale value, which landmarking might constrain.

Carolyn Gabbay asserted that it is a "spectacular" building on the inside, of "museum quality." She noted that she is a member of the "Order of the Eastern Star," and is especially concerned about the integrity of the building. Then she complained that the *Washington Street Vision Plan* (which limits buildings to four stories on the block) had been ignored in allowing part of the building to be overly large and diminishing the prominence of the Masonic Hall. Trio, she asserted, has a combination of 4 and 5 stories, similar to much of this proposed building, and she finds its appearance imposing compared to the surrounding neighborhood. She also worried that it will be followed by "Trio 2" at the Frame Store/Dunkin Donuts area across the street, so that the entire character of the village center will be disrupted. She also pointed out that the undergrounding of wires for the new

development would disrupt Walnut Street and require new construction where new construction had just been completed, and that the Cohens should be required to pay for this.

Peter Bruce wondered what the insurance costs would be if the building or a major part of it were hurt by vibrations or other external effects of construction, and what would be the costs of replacing some or all of the building if it had significant damage. Mr. Mooradian said that the replacement costs would be "off the charts" and that ensuring the whole building was so prohibitive that it could only be insured to a fraction of its real value. In terms of short-term damage incurred during construction itself, he said, the developer would pay for that.

Kirill displayed maps from *the Washington Street Vision Plan* which indicated that it limits development to four stories in this area, and Peter (Bruce) indicated that one of the bullet-points in the *Plan* states the principle that "Iconic buildings need to keep their prominence." He then asked why the developer didn't respect the *Vision Plan*? He also noted that the mayor had promised in 2018 that that Plan would be accompanied by zoning, and asked why, twenty months after the approval of the Plan, there was still no sign of the "drop-in" zoning for the "corridor."

At this point, about 30 minutes into this segment, the developer, Mr. Cohen, introduced himself, stated his positions and took questions. He introduced himself as the husband of Justine Cohen, head of Down Under Yoga, and said that this was their first and only development. He said that Down Under had been a good neighbor in Newtonville and an advocate of social and racial justice. He mentioned that his architect, John Pears, was very experienced in Newton and that his first request to Mr. Pears was to "make the design respect the Masonic building." They had "pared the building back," he said, so that from the street, it only looks like four stories and doesn't hide some of the most beautiful aspects of the Masonic Hall's architecture. The fifth story is small, he asserted, and covers only part of the building, as result of negotiations between the parties. He also claimed the proposed building was pulled away, cutting a sliver to create a bigger gap between it and the Masonic building. And that "the intent was not to" (inaudible – flout?) "the Walnut Street or Washington Street Plan (sic)."

He claimed that his lawyer, Stephen Buchbinder, had requested audience with the NAC, but Peter said that there had been no such request. Cohen then said that he would like to appear at a later meeting with his team. He continued that they will not be excavating near the Masonic Hall, so as not to hurt it with vibrations. He and the contractor will also have "proper insurance," along with vibration monitors and engineers to monitor any damage. He also noted that the Urban Development Commission had approved the design, especially the stepping down of stories and ostensible minimization of impact on the south side of the older structure. Showing a visual slide of the proposed building, it revealed what he termed as a large front setback, which he claimed would diminish the older building "some," "but would not detract from its significance."

Regarding aesthetics, Mr. Cohen said he did not like the look of the 28 Austin Street building and that they would aim for a more classical look. He also said they would be incorporating "lots" of the Vision Plan, after which Peter again asked why the entire WSVP wasn't being respected and complained that there is a problem with Newton's local government not respecting and enforcing its own laws and norms, as per the example of the recent demolition, against the City's rules, of the Hyde House (dating back to the 1700s) on Greenwood Street.

Jessica then asked why the developer needs the space and development on the fifth floor. She did worry, however, that another developer might be worse. Mr. Cohen responded that he gets calls "every day" from other developers who would like to purchase the lot. And he reiterated that his intent was not to flout the rules.

Residents then began asking questions. The first said people feel like they're "losing control" with all the developments in Newtonville. She asked if the Cohens would reimburse the Masons for their development and what the overall intent of their proposed building was?

Mr. Cohen said that the basement yoga studio would no longer be used commercially, and that the yoga studio would move into the new ground floor. He offered to be good neighbors with the Masons and to help them with their air-conditioning needs.

The resident followed up asking the Mason representatives "How comfortable are you with the project?" Mr. Brown said that though he works in real estate himself, and is pro-development, that he was pledged to protect the building as best he can. He again stressed HVAC concerns, ventilation problems from the buildings being too close, worries about possible damage to terra cotta wrappings which can no longer be replaced (due to a lack of artists who now do this sort of work), and related disruptions to tenants. He also said the Down Under (formerly CVS) and Masonic Hall buildings are in some places connected and that he would like at least six feet of separation everywhere. Mr. Mooradian added that the size and scope of the building made him nervous and that he would like to see two and three stories in the front, then going higher in the back.

Councilor Lucas reported that he had been in two other meetings with three other councilors regarding this project over the past several months. He noted that there was a public hearing scheduled for it on September 28.

Another resident appreciated Mr. Cohen's willingness to speak to us and asked what material would be used for the front façade? A "stone-like" façade, Cohen replied.

A resident expressed her great admiration for the "iconic, remarkable," Masonic building and feared that the new building would detract from its prominence, especially since "architecturally it's the best we have." She further advocated for shifting the new building more to the back of the lot where 'there's more room." She wondered if giving it landmark status could help limit the size of the new building, which she said was "way too large" and detracts from the Masonic Hall's look and prominent place in the skyline.

Another resident asked what's the reason why Mr. Cohen thinks he's entitled to exemption from existing zoning and a zoning change. Cities are destroyed incrementally, and this is the first step toward putting five stories all over Newtonville's village center area. How big an area do you want re-zoned? "Wouldn't that be spot zoning?" the resident asked. The resident also mentioned not liking flat roof with lots of HVAC equipment on top, pointing to what he considered the ugliness of Trio's roofs, and suggested it be put underground where Down Under's current yoga studio is and which apparently has no future planned use. What's the life expectancy of the façade material, "Brickmaster?" Trio's is cheap and will be short-lived the person continued. Finally, the resident liked the Masonic Hall building, but felt no obligation to help the Masons as an organization.

The next speaker worked in the children's dyslexia and hearing center of the Masonic Building which tutors 30 kids and has 12 employees. Concern was voiced especially about problems during construction and with lighting and ventilation on the second and third floors. The parents of these children also need parking. It was recommended that the design of the new building be different, with a third-story atrium. The impact on the Masonic Building's HVAC units and their ability to combat COVID was also a special concern.

The next resident expressed sadness that Newtonville is "being overrun" by new developments and said that while our local City Councilors may have known about the project, wagered that no other neighbors on this resident's street knows anything about it, despite living around the corner from the lot. The resident further said that the developers/owners should come to our community and tell us about their plans ***before the public hearing*** so we can be informed and voice our opinions before and at the hearing. While newsletters from local City Councilors were appreciated, none of them had informed the resident of this project. As an avid Down Under user, resident announced he/she would boycott it from now on and would inform other practitioners there about it. "What are Jeff and Justine doing? What's the purpose? How will the community benefit? Will apartments be affordable to those with low incomes? Will the Masons be compensated?"

In response, Mr. Cohen said he wanted to meet with neighbors before the public hearing, that they don't want to ruin Newtonville, and he urged the resident not to "take it out on Down Under."

To that, the resident responded that he should not just meet with her and her neighbors, but with all of Newtonville, and then asked "why are you doing it?" Pausing for a long time, after some residents conjectured the motive was money, Mr. Cohen said that the project was still in its early stages with no budget yet and no outside financing. One resident pointed out, however, that the attorney employed by the Cohen's and his firm had worked to usher in the other large developments in Newtonville.

Area Councilor Martina Jackson pointed to the Sunrise development in Newton Corner as one that had created cracked walls and foundations in abutting houses. No matter what the claim is, she asserted, "I don't see how you can avoid it" with this project.

An architect from Newton Highlands next said that he was a neighbor of the Cohens and that their project showed "a fairly careful approach." He continued saying we are "all victims of an unfortunate process in which vision plans never get turned into zoning, guidelines, and (enforceable) rules…" and of the ad hoc special permitting process. Following up "visions" with zoning and clear enforceable rules would allow the whole community to benefit from clear expectations and limit property speculation. He hoped for some compromise and better regulation.

Another local resident urged that the new building, and especially its highest parts, be moved closer to the back of the lot.

Mr. Cohen explained that that would be difficult due to the need to step down the building's heights in that area in consideration of abutters on that side of the project.

Kartikey Trivedi of the NAC called on (City) Council members to finish the zoning for the Vision Plan and clarify the rules.

A resident described the Masonic Hall as a "marvel" and claimed not to be surprised that "Jeff and Justine" are using the Masonic Hall's height as an excuse to build as much as they can, recalling that Justine had opposed the Austin Street Project as a threat to her business and that "we supported her" and "welcomed Down Under with open arms." Now, however, after having made a lot of money here, it was "really rich" that they were planning on building more luxury apartments here. How many times are property speculators from other parts of Newton going to come to Newtonville and build more luxury apartments making it harder for the rest of us to live here?" And it's hypocritical that they say they need five stories when they don't even have a budget yet." Since they'll be doing no excavation for underground parking, which is usually a major cost, why not make it three stories?"

Carolyn pointed out that Austin Street "became a wreck" when it was being repaired and wires undergrounded. She reiterated her earlier point that recent beautification and hardscape construction on Walnut Street would have to be ripped up to do this for the new building and that the Council Order should require Down Under to pay the costs.

City Council President Albright said that she and Councilors Norton, Lucas, and the NAC should convene another large community meeting before the public hearing, reinforcing Mr. Cohen's earlier offer to meet with the community before the public hearing. She also claimed that MU4 "can still be used as a zoning code," and that it would not be breaking the rules to use it.

Peter Bruce said that the NAC would like to be part of such a meeting. But he said that we shouldn't have to use MU4, since the *Washington Street Vision Plan* was supposed to have been accompanied by zoning, which we still haven't gotten, 20 months after passage of that *Plan*. He further pointed out that Mayor Fuller had stressed the imperative of creating zoning for the *Washington Street Vision Plan,* and screen-shared her statement reported in the Boston Globe in 2018:

"I understand completely that in the past, too often, here in Newton, and in too many other communities, we're not genuinely listening and creating the zoning based on what people want. Instead, there's kind of a hidden agenda," Fuller said. "This is the genuine real deal of listening to people and creating the zoning based on that."

VILLAGE DAY: Progress and tasks Dana said that planning outreach was going very well and that booth sales were much higher than in 2019. There were 17 committed business sponsors, with four pending. She briefly reviewed the various levels of sponsorship and the charges for each. There had been, so far, 38 booth applications, and she expected about 25 more. The deadline for company logo submissions was next Tuesday. Various vendor activities, bands, and performance areas were described. Some extra streets, it was noted, might be added to compensate for the narrowing of Walnut Street with its wider sidewalks. Tarik, Emily, and (especially her sons) were anticipated to be doing much of the physical labor.

Covid Considerations. What adjustments, if any, do we need to make? Peter pointed out that Newton Highlands Area Council, which had considered doing a Village Day in the Fall to make up for not doing one last Spring, had decided against that, partly due to COVID concerns. On the other

hand, the Upper Falls Area Council was going ahead with their Village Day on October 3. Peter said the NAC would follow the City's guidance, though some minor objections were made.
Phasing of Village Day and September Song concerts. Peter mentioned that he had worked with Chris Pitts and Gloria Gavris to avoid scheduling conflicts and that the concerts would complement and draw more people to Village Day.
Booth for the Planning Department's Pop-Up Survey. Peter announced that the Planning Department would get a free booth and that they would be free to conduct their Pop-up surveys there. He also said that he invited Kat Kemmett and Nevena Pilipovic-Wengler to this meeting to discuss that and community engagement, but that neither could come.

ASSISTING OTHER ACs IN ORGANIZING ELECTION DEBATES
Scheduling a debate for the September 14 Preliminary Election debate for Mayor is proving difficult given the large numbers of people leaving Newton in August, Labor Day, and the Jewish holidays. B

Regarding the November 2 Election: Planning is proceeding for a Mayoral debate and debates for 10 other CC and SC positions will be split between Oct. 16-17. Volunteers are needed to write and select questions and to help with logistics.

It is not clear whether the debates will be held ia Zoom, in-person, or a hybrid combination of both, though the working group is leaning toward the hybrid alternative.

ADMINISTRATIVE ISSUES
Martina moved, and Peter seconded that the June minutes be approved:
VOTED – to approve the June minutes unanimously by all nine members.

Martina moved and Peter seconded that the July minutes be approved:
VOTED – to approve these minutes by a vote of 7-0, with Carolyn and Jess abstaining due to their absence at that meeting.

The meeting was adjourned by acclamation.

Respectfully submitted,
Susan Reisler