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**Correction! Washington St tonight, Wednesday 12/11; Ascend marijuana vote postponed to January; Northland petition; and more**

1 message

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Wed, Dec 11, 2019 at 6:28 AM

**Correction: Washington Street Vision (vote?)  
at Zoning & Planning tonight, Wednesday,  
12/11 (not Thursday)**

Where do the Ubers stop if the parking spaces are filled? Is this an example of tallest buildings used "sparingly"?

I must apologize for a date error in my earlier email. I clearly need a proofreader. **Zoning & Planning is 7pm tonight, Wednesday, 12/11.** (Not Thursday -- but this means no overlap with the West Newton Armory JAPG kickoff, so you can attend both.) Here are the ZAP links again:

Latest draft of Vision Plan (Nov. 15): <http://www.newtonma.gov/civicax/filebank/documents/100126>

ZAP Agenda: <http://www.newtonma.gov/civicax/filebank/documents/100450>

**Some key issues:**

-- Proposed heights of up to six stories over large areas, is much higher than the 3-4 stories supported by majority of respondents to best available indicator of public opinion (over 2,500 responses), the [Newtonville Area Council Survey](#).

-- Unclear if six stories will be absolute maximum with special permit, or maximum by-right, with more allowed by special permit. "Height Principles Diagram" (pp84-85 in the Nov. 15 draft) still calls 3 to 6 stories "Medium Heights." As noted by my fellow councilor-elect Pam Wright, while the ten-story areas have been eliminated, other areas' maximum heights have been increased from the Principle Group's Draft #2. These maps from the Nov. 15 draft are my double-checking of her maps. (Click maps for larger versions.) The numbers I've written in are what maximum stories were in Draft #2 back in February 2019. Cross-hatched areas increased. Green areas decreased (but of course are increases compared to current zoning).

Area-wide Planning Principles

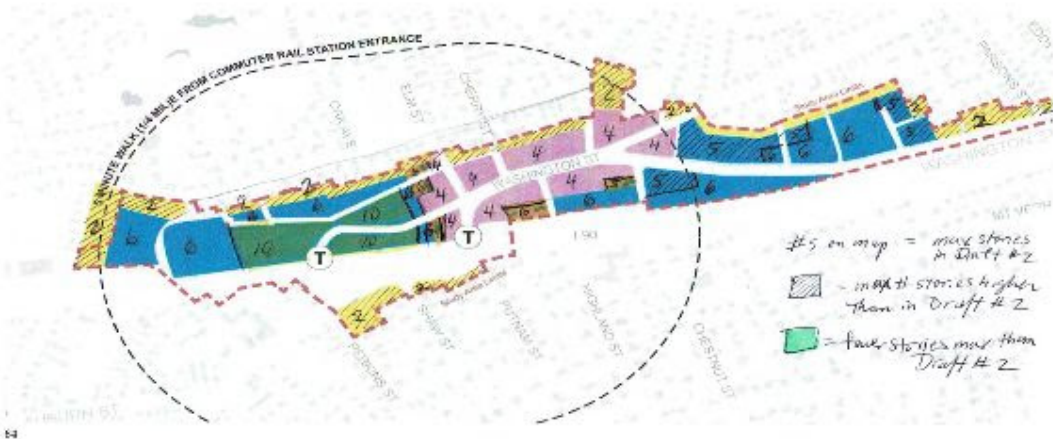
Height Principles Diagram

This diagram illustrates the height principles along Washington Street. The height ranges shown correspond to the area-wide planning principles:

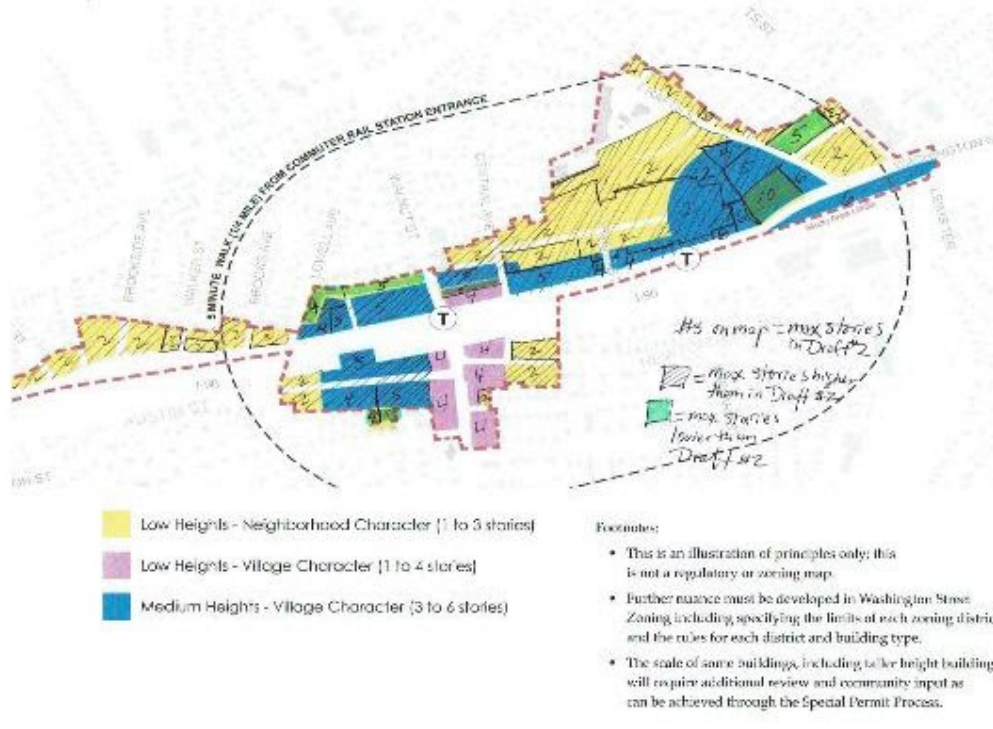
- Maintaining the lower height neighborhood between West Newton and Newtonville.

- Ensure heights vary along any given block so as to maintain the sense of buildings having developed incrementally over time.
- Maintaining the prominence of historic iconic buildings in the village cores.
- Creating moments of arrival and transition at the edges of the villages.
- Ensure buildings respond to human-scale throughout the area including upper story setbacks on taller buildings.

yellow - 1-3  
 pink - 1-4  
 blue 3-6



#5 on map = more stories in Draft #2  
 [cross-hatched] = more stories higher than in Draft #2  
 [green] = fewer stories more than Draft #2



-- As noted in my earlier emails, the Fiscal Impact Analysis in the early Vision Plan drafts, that was supposed to be one of the benefits of hiring the Principle Group on the \$500,000 no-bid contract, is long gone. As are the estimates of housing units and commercial space that the Vision would lead to. The consultant never came back with the requested better numbers for unrealistically low school costs.

-- The net fiscal benefit calculated in that Fiscal Impact Analysis assumed accessible MBTA Commuter Rail platforms, double platforms to allow both inbound and outbound peak service, and more frequent service, that would be necessary to attract large commercial tenants. Since then, the MBTA has indicated only that they will begin design work for accessible platforms. But there is no commitment to build them, or increase service frequency. And as yesterday's [Boston Globe article](#) noted, the MBTA is having trouble simultaneously managing safety, service and big infrastructure projects.

-- If the changed height maximums in the maps above lead to less commercial (which the 10-story buildings were), and more residential units (six stories instead of five, five instead of four), the fiscal impact will be less positive or more negative than whatever it would have been in the earlier version.

-- Preservation of historic buildings gets short shrift in this Vision. "Protect Iconic Buildings" on pg 80 says "Newton should continue to protect iconic buildings" -- but we are not protecting them now, and neither does this Vision Plan. "Broaden the toolkit to incentivize historic preservation" (pg 90) speaks

ominously of "structures that are underperforming economically relative to their land value", which would probably describe Cabot's as well as Sweet Tomatoes and L'Aroma and The Paper Mouse to name just a few. The proposed tool is a height/floor bonus for preserving "historically significant portions" but as one councilor said at a meeting, "if we want something, why don't we just require it?"

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## Ascend marijuana store in West Newton: special permit vote postponed to early 2020



Ascend Mass CEO Andrea Cabral replies to a question from councilor Lenny Gentile.

The discussion of Ascend's special permit for a retail marijuana store at Cross St & Washington took up most of last night's Land Use meeting. There turned out to be many unresolved issues, in particular whether the Cross Street residents' preferred "horseshoe" parking lot traffic pattern was precluded by inability of long fire trucks having enough turning radius to go around the corner of the building, whether Ascend's latest parking lot plan with a Cross Street exit only used for emergencies would work, whether the building should have a bathroom available for customers, hours of operation, maximum number of customer at a time, and lack of time for both councilors and the neighbors to

study the latest plan (which they received Monday).

With only two members of Land Use ready to vote for the item, and the likelihood of the item being "chartered" (automatically being postponed, once, to the next regular City Council meeting) at the last full Council meeting of the year on Monday, meaning it would have to be re-introduced in 2020, Ascend and their attorneys decided to "withdraw without prejudice" and resubmit for next term. They were assured the item can be taken up quickly in January.



Ascend's third parking lot proposal, new this week, with regular entrance and exit both on Washington Street, and gated exit on Cross Street only for fire trucks and emergencies. Neighbors are concerned that congestion from vehicles turning around from the northern space will cause Ascend to want to open the Cross Street exit, or that customers will park on narrow Cross Street and walk under or over the gate. They would like customer vehicles to exit down the right side of the building, but Ascend would like to reserve that area for secure product delivery and cash pickup.

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## **City Council approves Northland rezoning & special permit; RightSize Newton using petition process to try to undo rezoning**

As you have probably heard, at its meeting on December 2 meeting, the City Council approved rezoning and the special permit for the Northland project, including 800 housing units, 115,000 square feet of retail and commercial space, and 193,000 square feet of office space, by a vote of 17-7. Voting No were councilors Baker, Ciccone, Gentile, Kalis, Markiewicz, Norton, and Land Use chair Greg Schwartz.

Councilor David Kalis, the first of the seven No votes to explain their opposition, gave probably the most detailed and best explanation (about 10 minutes long), beginning at 1:08:40 in the video below:



(Northland discussion begins at 1:00:40)

I have never heard so many councilors cite the language of Newton Zoning Ordinance [Chapter 30](#) Section 7.3.3, which says:

The City Council shall not approve any application for a special permit unless it finds, in its judgment, that the use of the site will be in harmony with the conditions, safeguards and limitations of this Sec. 7.3, and that the application meets all the following criteria:

1. The specific site is an appropriate location for such use, structure;
2. The use as developed and operated will not adversely affect the neighborhood;
3. There will be no nuisance or serious hazard to vehicles or pedestrians;
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved; and
5. In cases involving construction of building or structures or additions to existing buildings or structures, if those proposed buildings or structures or additions contain individually or in the aggregate 20,000 or more square feet in gross floor area, the site planning, building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy.

Councilors voting Aye on a special permit are not required to explain why, but many did. Despite the language of 7.3.3, many councilors seemed to treat their decision process as a balancing of benefits against adverse effects, or comparing the adverse effects of this project to 'what if' alternatives like a 40B project with more housing, or a project under current zoning with more commercial and more traffic.

### **Petition effort**

Residents who would like to reverse the zoning change are gathering signatures, utilizing a provision in our City Charter in which 5% of registered voters can petition the City Council to reverse their vote on an item or see it put to a citywide referendum. (Note: this process does not apply to special permits, for which the City Council is acting in a "quasi-judicial" function as a permit-granting body. But where a special permit is tied to a zoning change, as it is here, reversing the zoning change would require a new special permit under current zoning.)



Five percent may sound like a small number, but the signatures must be gathered within 20 days of the vote one is attempting to reverse. And this is all the more challenging when the vote occurs in December, going into holidays and winter weather. And when some opponents of the referendum have been harassing signature-gatherers.

I am very happy our City Charter allows voters to use the referendum process as a check on the City Council. I don't know if a majority of people citywide will turn out to overturn something that may feel far away from their part of the city. But I support this effort to get the question on the ballot.

If you would like to help collect signatures, either at an assigned location, or in your own neighborhood or from family and friends, please contact Randy Block at [info@rightsizenewton.org](mailto:info@rightsizenewton.org)

If you'd like to learn more, RightSize Newton has a page about the process here:

<https://rightsizenewton.org/referendum/>



**Thursday, 12/12 -- West Newton Armory Joint Advisory Planning Group (JAPG), Rm 204, 6-8 pm -- First meeting of this newly formed group to study**



whether the city should acquire, and what to do with, the **West Newton Armory**.

Agenda: <http://www.newtonma.gov/civicax/filebank/documents/100453>

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Looking ahead to January:

Next scheduled NewCAL Community Meeting - Thursday, January 16, 2020, 7pm at the Ed Center (100 Walnut St) Rm 111.

Public hearing on reuse of the Armory - Thursday, January 23, 2020, City Hall Rm 211.

## New city councilors get training!



Not only are we getting a series of briefings from city departments head on topics like city finance, land use, and Open Meeting Law and Public Records Law, we were also invited to the Mass Municipal Association's training for new city councilors from across the state. About 70 attended. From left, all of Newton's new city councilors, Alicia Bowman, Bill Humphrey, me, Pam Wright and Holly Ryan. And we saved gas and had a nicer trip by carpooling to Worcester, thanks to Pam for driving!

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