

## **NEWTON HOUSING PARTNERSHIP**

Newton Housing & Community Development Program  
492 Waltham St., West Newton, MA 02465. Phone 617-796-1156. TDD/TTY 617-796-7089

---

### **December 2006 MEETING MINUTES**

Date: December 13, 2006  
Time: 7:45 a.m.  
Location: City Hall, Room 202

Members Present: Phil Herr, Josephine McNeil, John Wilson, Dan Violi, Jeanne Strickland, Liz Kirsch, David Stein, Andrew Franklin, Deb Crossley, Henry Korman, Nancy Andersen

Members Absent: Carol Ann Shea, Maritzie Rudden, Bart Lloyd, Lynne Sweet, Ellen Feingold, Kay Khan

Staff: Steve Gartrell, Trisha Kenyon Guditz and Margaret Siciliano

Minutes prepared for the Housing Partnership by Margaret Siciliano, AICP, Housing Development Planner.

---

1. Minutes from the September Housing Partnership meeting were approved.
2. The Partnership reviewed and discussed the 254 Derby Street Comprehensive Permit application. (See Peter Munkenbeck's memo dated December 6, 2006.)

Steve Buchbinder explained the Derby Street project is going to the Zoning Board of Appeals (ZBA) on January 18<sup>th</sup> and that the development team is here to show the Partnership the final set of plans that are going to be presented to the ZBA. The plans are similar to what the Partnership has seen previously. The Derby Street development team is looking for the Partnership's endorsement of the project.

The Derby Street development team explained that the plan has been modified to respond to comments from the Planning Department. For instance, there is now one driveway instead of two, a central courtyard, and garages separated from the units to keep a lower rise development. In response to neighborhood concerns, they have also added two guest spaces on site and have more green space along the adjacent neighbor's lot line.

The proposal is for eight units, two of which will be affordable. Each unit is allowed a small backyard. The two front units (units 1 and 8) will visually reference the architecture along Derby Street. The new unit #8 is setback roughly the same as the existing front unit #1.

The development team has met with the Newton Historical Commission. They were asked to keep the historic look of the neighborhood. In response, no two units are the same and each unit

compliments the character of the area. They also plan to include accents such as cobblestone and brick pavers and post lights.

The Planning Department asked the developer to put the garages under the units. This would not work because it would increase the height of the buildings too much and not allow access for a person with a disability or allow for a bedroom on the first floor.

The landscape treatment includes full sized shade trees, evergreens along neighbor's property line, and brick pavers. There are no proposed sidewalks connecting the units to each other. The driveway acts as the connector. The Planning Department has asked the developer to include a sidewalk within the development. The developer is requesting a waiver from the requirement to provide an evergreen landscaped border along the parking perimeter.

John Wilson agreed with the Planning Department's request to provide an interior sidewalk and asked how the developer sees the common space being used.

The development team responded that some of the units have patios. There is no fencing between units and the condominium association can decide how common space is used. The development team offered to clarify on a plan how each unit would use the common space.

John Wilson observed that the development is quite dense.

The development team responded that they think it works and fits into the neighborhood. They added that the proposed development is close to commercial uses and public transportation. They remarked that using a larger lens, this could be a 40R development (transit oriented). This is the type of development the state is looking for. The Planning Department asked the development team to prove that less than eight units is financially feasible. The development team has been resisting this because they don't think it is helpful to the review and the financials are a distraction. The development team feels eight units are an economic necessity. The City asked a consultant (Peter Munkenbeck) to review the financials and he concurred that a proposal with less than eight units is not feasible.

The development team explained that the Fire Department has seen and endorsed these plans and all storm water will be accommodated on site.

Josephine McNeil asked whether the Fire Department is requiring alarm boxes.

Steve Buchbinder responded that it hasn't come up yet.

The Planning Department says the project doesn't meet size, massing, and density of the neighborhood. The development team disagrees and believes the project is a "response" to the neighborhood, not a "reflection."

The Planning Department's memo states that the Derby Street submission is incomplete. The development team feels they're dealing with a chicken and egg problem as it is hard to move forward when they don't know what is acceptable to the City. The process needs to be done in steps and plans will become more complete as comments are given. This project is a precedent because it is one of the first 40Bs being done by a private developer. The Planning Department is

worried about how the neighborhood is going to redevelop. They are worried about setting a precedent. Similar developments aren't likely to occur in the neighborhood because the land would first have to be assembled.

Henry Korman asked how reducing the number of units from eight to six would effect the number of affordable units that are required? He also asked what is the affordability restriction and if accessible units were being proposed.

The development team responded that the affordability restriction would be in perpetuity and they have no problem with that. Reducing the number of units down to six would not effect the number of affordable units that must be provided. They are proposing that one of the affordable units would be adapted if a buyer who has a disability purchases the unit.

Deb Crossley stated, "I think the design is affecting the safety of the development. I'm not concerned about the density of the neighborhood but of the actual site. Eight units will make traffic difficult on the site."

Andrew Franklin stated, "In my opinion if you reduce the number of units it won't really effect the traffic."

Phil Herr clarified that maneuverability of the site is the concern not the amount of traffic.

The development team responded that the courtyard is large enough for the Fire Department and the likelihood of everyone in the development leaving at the same time is low.

Deb Crossley asked, "How will snow removal be dealt with?"

The development team responded that there is open space for snow on site but, depending on conditions, it might have to be moved off site.

Henry Korman stated that his main concern is the accessibility of the site for people living there as well as visitors with mobility impairments. He asked, "What is the ability of the site to accommodate an ADA parking space and accessible walkways?"

The development team replied that if a disabled buyer should purchase a unit, an accessible parking space can be accommodated. It is difficult to fit everything on the site but agreed to see if they could reconfigure the site to include a sidewalk. They added that unit #1 can be adapted, units #3 and #4 have bedrooms on the first floor, and unit #7 (an affordable unit) can also be adapted.

David Stein stated, "We don't want to create barriers to small-scale development. I appreciate how the developer has worked with the Partnership and I understand it's hard to do development in Newton. I feel good about his project. 'Perfect' can be an enemy and sidewalks aren't always a necessity."

Andrew Franklin agreed with David Stein that he doesn't see the need of a sidewalk either.

Josephine McNeil pointed out that the requirement for a sidewalk is a standard one for the city.

Andrew Franklin added, “ I think this is the perfect site for this type of development and we shouldn’t worry if it sets a precedent.”

David Stein added, “ If this sets a precedent, I see this as a positive.”

Dan Violi stated, “I think the Partnership should support the project with recommendations.”

Nancy Andersen stated, “It is not easy to make these small scale deals work. I believe they’ve been responsive to the Partnership.”

The Housing Partnership agreed to support the Derby Street proposal with the recommendation that the developer create a plan that shows safe pedestrian circulation and accessibility and the developer illustrate the delineation between public and private space. A memo, to be drafted by Dan Violi, will be circulated to the Partnership prior to the January 10<sup>th</sup> meeting.

3. The Housing Partnership postponed their review and discussion of NCDF’s request for CPA and CDBG funds for the Warren House renovations until next meeting when more information on the project status will be available.
4. The Housing Partnership discussed Steve Gartrell’s conflict of interest policy memo to the NHP dated October 24, 2006.

Gayle Smalley, Assistant City Solicitor, began the discussion by explaining that the concern regarding conflict of interest was raised by Steve Gartrell to avoid issues from the outside. The Newton Law Department has reviewed state and federal conflict of interest laws and regulations and determined that because the NHP is not a formally constituted committee with a formal mandate, the Housing Partnership is not subject to state conflict of interest law. However, since they do review and make recommendations for CDBG and HOME program funding, the Law Department has determined that NHP members are covered by CDBG and HOME program regulations. According to CDBG and HOME provisions, conflict comes down to person by person and participation in the decision-making process. Persons participating in decisions but can’t be an applicant while a member of the Partnership and one year after.

Phil Herr asked, “What’s the definition of decision-making?”

Gayle Smalley responded that the Partnership makes recommendations to the Planning and Development Board. This is participating in the decision-making process. Applicants can’t be involved in the decision-making process for other applications.

Trisha Guditz clarified that staff reports in their memo to the Planning and Development Board what the Partnership recommends. The Partnership is an advisory body to the P & D Board on housing.

Liz Kirsch stated, “I see we have a lot of influence in directing the use of HOME and CDBG funds.”

Steve Gartrell again clarified that this would only apply to HUD funding.

Josephine McNeil asked, “What are the ramifications of this policy? Can we even be in the room when projects are being discussed?” She requested that the Law Department have a conversation with HUD about this issue.

Andrew Franklin asked if people in competition for funds could recuse themselves from the review process and asked what happens to members who could be applicants in the future.

David Stein inquired as to what other communities do about this issue.

Josephine McNeil stated, “This came up from my issue of making priorities for funding when the Partnership was reviewing the Advocates proposal.” She inquired as to whether the Mayor had been informed of this policy.

Steve Gartrell confirmed that the Mayor has been involved. He suggested that maybe there is a need for separation in reviewing projects. Steve reiterated he needs to make sure Newton complies with HUD regulations, especially since there is more competition for funding than ever before. He explained that it is the perception of a conflict that is the concern.

Phil Herr asked, “What action do we take and where does the policy go from here?”

Steve Gartrell explained that the Partnership is just being informed of what the federal law is and his hope is for the Partnership to adopt the policy.

Phil Herr asked what happens if the Partnership doesn’t adopt the policy?

Steve Gartrell replied that when HUD audits the city they will review the Partnership minutes that will show the policy and federal regulations have been presented to the Partnership. Steve explained that he is presenting this policy for discussion and the Partnership could chose to adopt a less formal policy.

Deb Crossley asked, “What if we signed a statement that said we are forthcoming in our involvement but which doesn’t limit us from the discussion?”

The Housing Partnership requested further guidance from the Law Department on HUD’s understanding of the regulations and what the policy could mean for the Partnership’s membership.

Meeting adjourned.

The next full Partnership meeting is scheduled for January 10th at 7:45 am in City Hall room 202.