



September 7, 2023

To: Ted Schwartzberg
Jack Halverson
Kathleen Onufer
Alex Pinard

Cc: City Councilor Tania Fernandes-Anderson

Re: Newmarket Article 90 Zoning

To BPDA Planners:

We are writing as members of [Friends of Melnea Cass Boulevard](#), a community coalition of MCB neighbors and their allies, regarding the proposed Newmarket zoning.

Our coalition is actively pursuing the creation of a Melnea Cass Boulevard Greenway, enhancing the existing green spaces along the Boulevard, which provide beauty, respite, and heat mitigation for environmental justice neighborhoods. The corridor from Tremont to Massachusetts Avenue includes a significant mature tree canopy, mitigating heat conditions for the area. Our plan would add more trees, wider setbacks from the curb and enhance the existing bike path.

The proposed change from Roxbury to Newmarket Zoning for the blocks from Hampden Street to Massachusetts Avenue raises concerns because of the current Boulevard Planning District Section 50.37 in Article 50 which protects the existing green space. **How can we ensure that this protection is formalized in the Newmarket Plan?**

Given the existing conditions, as documented in the accompanying photos, we are advocating for extensive tree planting and increased green space on these blocks in the Gateway area, particularly at the intersection of Island and Reading Streets, also bordering the Paul Revere bus yard and the Wing Fook funeral home, AND formal protection in the Newmarket Article 90 Zoning for the Boulevard.

An additional dimension to our advocacy is the need for safe walking routes to the local elementary schools: Orchard Gardens and the Samuel Mason school with School Zone speed signs AND safer pedestrian crossings. Considering that walk zones for Boston's public elementary schools extend one mile, students use the sidewalks on these local streets.

As noted in your report, the Newmarket area is already 12% lower than the city average for tree canopy. We support the Newmarket efforts to decrease heat island effects as noted in the bullets below.

- *Increase overall district tree canopy by >15%, to be achieved through interventions on both public and private property (based on 2019 Canopy Assessment)*
- *New street trees should be placed on the inboard side of the sidewalk, away from the street, to prevent damage from trucks and other motor vehicles.*



We would welcome the opportunity to speak with you in more detail. Our priority is the preservation and increase of tree canopy for the Melnea Cass Boulevard (Greenway).

Sincerely,

Cori Champagne and Alison Pultinas, on behalf of Friends of Melnea Cass Boulevard



Jack Halverson <jack.halverson@boston.gov>

Newmarket Zoning Amendment Proposal

1 message

Fri, Sep 8, 2023 at 2:30 PM

To: "jack.halverson@boston.gov" <jack.halverson@boston.gov>

Hello Jack, please see my email text below your announcement:

BPDA Board adopts PLAN: Newmarket planning initiative Aug 17, 2023 *Draft zoning for the plan released today*

BPDA Board adopts PLAN: Newmarket planning initiative | Boston Planning & Development Agency

<https://www.bostonplans.org/news-calendar/news-updates/2023/08/17/bpda-board-adopts-plan-newmarket-planning-initiati>

Jack;

This is concerning as any re-zoning of an area has major implications for residents of the area.

It seems a fast turn around for the BPDA to release a proposed Zoning amendment draft for an entire neighborhood with under a month for the public to review and comment prior to the BPDA Board voting on it. Particularly since the short comment period coincided with Labor Day and the first week of school.

I also reached out to a friend of mine on a nearby neighborhood association board and they knew nothing about the proposed amendment.

This seems rushed with a lack of transparency on the part of the BPDA and the City and planning without genuine inclusion of neighborhood stakeholders.

Paul - Long time South Ender



Jack Halverson <jack.halverson@boston.gov>

PLAN: Newmarket Zoning-Draft Article 90 Zoning Amendment: Comment/Recommendations

1 message

Mon, Sep 25, 2023 at 3:57 PM

To: "jack.halverson@boston.gov" <jack.halverson@boston.gov>

RE: PLAN: Newmarket Zoning-Draft Article 90 Zoning Amendment-Comment/Recommendations

To the BPDA and the BPDA Board:

Comments and Recommendations for your consideration, reconsideration:

1. As the building at 1010 Massachusetts Avenue is tall (amounting to approximately 7-10 stories), there is no precedence to deciding that only five stories maximum height be allowed for any new construction on the Newmarket Site.
2. The Newmarket Site has the space and affords taller structures - which will be seen from the Expressway and surrounding area - a draw, an attraction to the Newmarket Site.
3. Please consider, reconsider the maximum height of ten (10) to fifteen (15) stories for new construction (inclusive of added height construction of existing buildings) on the Newmarket Site.
4. The Newmarket Site is planned by the BPDA as mainly Industrial, and this is a good, reasonable plan. However, its Zoning could and should include Commercial, such as Offices, and new Retail, as well.
5. It is regrettable that Housing, such as Condominiums (market and affordable), is not being considered for the Newmarket Site. There is ample space (and height) to include planning for at least one new constructed building with Housing and Office (and Retail on the ground level).
6. An exception to the Industrial Zone, could be made by the Board for one (1) tall new structure of 10 stories, or higher to 15 stories.
7. We have one chance to expand and use the existing industrial, commercial, zoning for this Newmarket Site. There is not "any" industrial and commercial site(s)/space left in the City of Boston, Dorchester area, and we need to use the existing space that this Newmarket Site provides maximally - for the future - beyond 50-100 years.

Thank you for your consideration, reconsideration.

Kathryn Wheaton
Proposed Developer

Scott A. Schlager, Esq., Partner

September 26, 2023

VIA EMAIL ONLY

Ms. Alexa Pinard (alex.pinard@boston.gov)
Assistant Deputy Director of Design Review
Boston Planning & Development Agency (BPDA)
One City Hall Square
Boston, MA 02201

Re: Concerns of The Haroutunian Family vis-à-vis PLAN: Newmarket

Dear Asst. Deputy Director Pinard:

As you are aware, we represent Zachary R. Haroutunian and his family in connection with their concerns surrounding the PLAN: Newmarket. As significant stakeholders in the community for over 30 years, the Haroutunian Family desires the best for the area and its future. Owning property at: 129 Shirley Street, 131 Shirley Street, 133 Shirley Street, 135 Shirley Street, 141 Shirley Street, 143 Shirley Street, and 16 Shetland Street, it is imperative that their voices be heard—for PLAN: Newmarket will have an outsized effect on these abutting properties given the proximity of the subject area to their properties. As all real estate is interconnected, we must scrutinize changes to zoning that will impact neighborhoods for generations to come. To the Haroutunian Family, Newmarket has sentimental value, and they desire the area to prosper.

It was a pleasure meeting with you and your colleagues last week to discuss some of our concerns concretely and we appreciate the opportunity to elaborate on our concerns and ensure that the implementation of PLAN: Newmarket is equitable, inclusive, and transparent. We value your responsiveness and are optimistic that given time, PLAN: Newmarket can be formulated in a fair way to respond to its environment.

Considering the concerns presented, we request that BPDA delay implementation of PLAN: Newmarket until proper outreach with all stakeholders is accomplished in an equitable, inclusive, and transparent manner. We believe that a **12-month delay** would be sufficient time to ensure comprehensive review of the PLAN: Newmarket (especially considering the delay and ineffective outreach borne out of the COVID-19 pandemic). It is important to further community outreach via postcards with QR codes, through social media platforms, billboards, and other means of advertisement to encourage all residents, property owners, and other stakeholders to cooperate and offer their input on PLAN: Newmarket. We must **INCLUDE** all stakeholders in a **TRANSPARENT** way.

Because most planning and outreach efforts took place during the COVID-19 pandemic—a great scourge on Boston and the nation that had an outsized personal effect on Mr. Haroutunian and his family given that his father Richard was placed on life support for nearly 3 months and

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given a 5% chance of survival—any outreach was overshadowed by the pandemic. People had other priorities during the pandemic, including health, but also ensuring that their businesses survived. There was little time to consider zoning changes.

Importantly, none of the emails, or conversations with Mr. Haroutunian or his family members by Sue Sullivan, or other members of the BID, seemed to highlight that PLAN: Newmarket involved a **comprehensive zoning change**. Failing to highlight that PLAN: Newmarket was a **comprehensive zoning change** constitutes a significant misstep in the plan's supposed grassroots efforts.

Not every stakeholder in our community is a sophisticated urban planner. I might suggest that the BID, to increase transparency, highlight in the subject line of all future correspondence concerning PLAN: Newmarket that it deals with significant zoning changes. To that end, Ms. Sullivan should specifically highlight that fact and every correspondence should have the subject line: "**Zoning Change: PLAN: Newmarket**". That way, you are signaling to all stakeholders that PLAN: Newmarket concerns significant zoning changes in the community.

Ms. Sullivan ignored (or created excuses) during multiple requests for in-person meetings with Zachary Haroutunian to discuss the family's concerns. There are several aspects of PLAN: Newmarket that require further review and discussion. As a result of being unable to voice these concerns directly with Ms. Sullivan and Mr. Rothschild promptly—and contrary to the adage of "delay, delay, delay the problem will go away"—we have been forced to liaise directly with BPDA officials to ensure that our concerns are heard. PLAN: Newmarket's implementation ought to be delayed at least one year until all the issues presented by all significant stakeholders in the Newmarket District can be fairly, inclusively, and transparently addressed by the BPDA. Furthermore, while Ms. Sullivan's constant refrain of "I am just an advisor" rings loudly, Ms. Sullivan was acknowledged by BPDA as "spearheading" PLAN: Newmarket.

The principal considerations worthy of further BPDA review are as follows:

- **Buffer Zone**. Sound urban planning dictates a buffer zone to an industrial area. At a minimum, there should be mixed-use development at the outer edges of the Newmarket district;
- **Housing Shortage**. There is a profound lack of affordable housing throughout the Boston area that is being overlooked in favor of creating an industrial zone in the heart of our city. Residents need to be stewards of Newmarket. An industrial zone will create a 9am to 5pm community giving rise to vagrants and exacerbating security concerns. This lack of a 24/7 type of environment makes it a less desirable place to work. Creating housing or at a minimum allowing the zone to be 24/7 operational will allow for resident stewardship of Newmarket;
- **Cultural Opportunities**. The Haroutunian Family is concerned with a lack of cultural, after-work outlets. The area requires cultural vibrancy to thrive. It would help to consider the additional of artist studios, performing arts centers, outdoor concert spaces, and other

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elements that would attract people. Zachary Haroutunian is a piano prodigy and his family's Barsoumian Foundation is an active supporter of the performing arts in Massachusetts. Adding a cultural component would serve to make the Newmarket District vivacious and an endorsement of the performing arts.

- **Architectural Design and 24/7 Area**. There is a need to focus on creating an interesting architectural vernacular for the reimagined Newmarket district. New, interesting development, highlighted by architectural ingenuity, should be encouraged by BPDA. We might suggest that BPDA reach out to the Harvard Graduate School of Design (GSD) to create a case-study for Newmarket and solicit feedback for how the Newmarket area can be developed in an equitable and innovative way.
- **Increase Height Restrictions**. BPDA needs to consider that height restrictions make development economically infeasible with respect to fostering interesting new structures that promote growth of the Newmarket District. A height restriction of 5 stories is not justified and should represent a range of permissible heights depending on the particular use. Heights should be allowed up to 12 stories in Newmarket.
- **Increase outreach and Inclusion in Planning**. BPDA should encourage greater community involvement in the PLAN: Newmarket Impact Advisory Group to promote fairness, equality, and transparency in the building of a new future for Newmarket. There is much optimism for the area, but growth needs to happen in the right way.

The Haroutunian Family is **not** opposed to the principle of development and very much supports innovation in the collective Newmarket community. However, it must be the right type of progress—progress founded on equity, inclusion, and achieved through a transparent process. We are concerned with the quality of life for neighboring residents to Newmarket, the employees who work there, and the businesses that form the fabric of the community. Any comprehensive zoning plan must improve the quality of life for all stakeholders.

We trust BPDA will do the right thing and delay implementation of PLAN: Newmarket for at least one-year while the issues of all stakeholders are explored. It is through the collective voice of our community that sound planning objectives can be met. Be guided accordingly.

We are so appreciative that the City of Boston takes its planning mandate seriously and directs a thoughtful approach to development and zoning changes to encourage an equitable, transparent, and responsive planning scheme. We thank you for taking our concerns to heart and are optimistic that BPDA will create a formidable plan for Newmarket given a 12-month delay.

Inclusion, transparency, and innovation are hallmarks of a successful community zoning plan. We need all stakeholders to voice their concerns and ensure that equitable results are achieved through open discussion. We remain optimistic that given a one-year additional study period, that PLAN: Newmarket will be honed to represent the collective interests of the stakeholder community.

Ms. Alexa Pinard
September 26, 2023

Very truly yours,

Scott A. Schlager, Esq. on behalf of Zachary R. Haroutunian & Family