



Zoning & Planning Committee **Report**

City of Newton **In City Council**

Wednesday, September 28, 2022

Present: Councilors Crossley (Chair), Albright, Danberg, Wright, Leary, Baker, and Ryan

Absent: Councilor Krintzman

Also Present: Councilors Lipof, Greenberg, Downs and Bowman

City Staff: Zachary LeMel, Chief of Long Rand Planning; Jen Caira, Deputy Director of Planning; Barney Heath, Director of Planning; Andrew Lee, Assistant City Solicitor; Jaclyn Norton, Committee Clerk

For more information regarding this meeting, a video recording can be found at the following link: [09-28-22 Zoning & Planning Committee Meeting](#)

#398-22 **Appointment of Scott Friedman to the Newton Historical Commission**
HER HONOR THE MAYOR appointing Scott Friedman, 62 Hinckley Road, Waban as an alternate member of the Newton Historical Commission for a term of office to expire on March 30, 2025. (60 Days: 10/07/2022)

Action: **Zoning & Planning Approved 5-0 (Councilors Leary and Ryan not voting)**

Note: The Chair introduced Mr. Friedman. who described his interest in joining the Commission as a long time Newton resident who loves the city and expressed a desire to preserve current housing stock. Multiple Councilors expressed support and the Committee voted 5-0 on a motion to approve from Councilor Albright.

#38-22 **Discussion and review relative to the draft Zoning Ordinance regarding village centers**
ZONING & PLANNING COMMITTEE requesting review, discussion and possible ordinance amendments relative to Chapter 30 zoning ordinances pertaining to Mixed Use, business districts and village districts relative to the draft Zoning Ordinance. (formerly #88-20)

Action: **Zoning & Planning Held 7-0**

Note: The Chair read the item into the record and noted that the current community engagement is an interim step and that we should understand and communicate that this phase will not be directly followed by voting on zoning. Rather, the Committee still has extensive work to do, and feedback received from this phase may be helpful. Committee work ahead includes consideration of draft maps for each village center, design standards and actual zoning text. Sessions are being planned to take draft maps out to the community. The Chair expects this work to take the rest of the year and into the following year. Once the committee decides it has a product to propose to the public, public hearings will be scheduled. It was also noted by multiple individuals that draft maps will be proposed to the Committee in late October. Zachary LeMel, Chief of Long Range Planning provided an update on the current status of the community engagement efforts. The community engagement exhibit and feedback tool will be open until October 16th and Mr. LeMel urged all individuals to complete the feedback tool ([Village Centers | City of Newton, MA \(newtonma.gov\)](#)). Ms. Caira confirmed that the exhibit is a step above and beyond the public process required for zoning amendments, intending to inform and educate the public, as well as to receive feedback.

During the discussion, one Councilor noted a desire to see a 3D model of the proposed maximum by-right buildings within various village centers. These models would be to allow the public to see how these proposed changes look contextually. It was reaffirmed by Mr. LeMel that zoning will cause a change in an area over time, so the illustrations provided that show some buildings built to the proposed maximum by-right metrics may happen but not throughout an entire district. He stressed that a 3D model of the entire city can be found via Google Earth. Google Earth is being used extensively to see what is currently built, along with existing zoning that defines village centers, to propose areas and boundaries for the new village center districts. Multiple Councilors also sought clarification on what should be done to get more people involved. Mr. LeMel stated that Councilors should help in any way possible to get this information to interested individuals and is willing to help share the community engagement materials. Committee members voted 7-0 on a motion to hold from Councilor Albright.

#39-22 Requesting discussion on state guidance for implementing the Housing Choice Bill

COUNCILOR CROSSLEY on behalf of the Zoning & Planning Committee requesting discussion on state guidance for implementing the Housing Choice element of the MA Economic Development legislation. (formerly #131-21)

Action: Zoning & Planning Held 7-0

Note: The Chair read the item into the record and introduced Mr. LeMel to discuss the final Compliance Guidelines. Mr. LeMel noted that there are several significant changes from the Draft Guidelines that affect how Newton can comply.

First, the guidelines focus on fixed rail rapid transit as the foundation for assigning categories to municipalities. Newton remains in the highest category, having extensive access to the T and commuter rail. But Newton must now designate 90% of compliant zoning districts within a half mile of rapid transit, versus 50% in the Draft Guidelines.

Affordability requirements are new and may limit the level of affordability Newton could require in the new districts, perhaps depending on DHCD's interpretation. The Planning Department is currently looking into the specific provisions surrounding affordability as the City's Inclusionary Zoning Ordinance allows for a deeper level of affordability than the guidelines. Chair Crossley read a statement from Clark Ziegler, Executive Director of Mass Housing Partnership, who says *"the administration is actively considering IZ situations like Newton's and that other cities and towns have raised similar concerns. Keep in mind that any proposed solution would likely require the city to demonstrate the economic feasibility of the IZ policy, consistent with the intent of the state guidelines."*

Finally, a new rule is that our new zoning may allow, but not require, first floor retail/commercial uses. Planning staff are working with Utile on methods we may employ to incentivize mixed-use development in the village center districts.

DHCD will be issuing compliance modeling software later this fall that all communities must use to measure compliance. An Action Plan that describes steps being taken to achieve compliance is due by January 31, 2023. Compliant zoning is required to be in effect by December 31, 2023. Jen Caira, Deputy Director of Planning added that the work on village center zoning redesign will be focused on what is best for the village centers, then consider how we might use that zoning as one pathway to compliance with MBTA, afterward considering additional methods to ensure compliance. Once we complete village center rezoning, the intention is to move to commercial corridors, such as Washington Street, Needham Street and Route nine.

During the discussion, multiple Councilors noted several questions on compliance and affordable units within the City. Planning staff noted that they are currently seeking guidance from DHCD (Department of Housing and Community Development) and that compliance questions cannot be fully answered until the compliance model is available. Multiple Councilors also posed questions relating to how this new zoning will affect special permit projects. Deputy Director Caira noted that it will take time to fully research the logistics of those special permits and can respond at a later meeting. The Committee voted 7-0 on a motion to hold from Councilor Wright.

#400-22 Request for amendment to Section 1.5.2.G.1

TERRENCE P. MORRIS, ESQ. requesting possible amendment to Section 1.5.2.G.1 Rear Lots, to substitute the word "or" for the words, "which" and "and" as they appear in the 1st sentence of the "Rear Lot" definition.

Action: Zoning & Planning Held 7-0

Note: The Chair introduced Terrence Morris. Attorney Morris provided the Committee with a brief history of the Rear Lot ordinance (attached) and showcased inconsistencies in its interpretation. He noted that this item was docketed to help clarify the ordinance. Deputy Director Caira stated that if the Committee should proceed with this item, the Planning

Department will work the Law Department and attorney Morris on the proposal language. Andrew Lee, Assistant City Solicitor, recommended that a public hearing not be set until the Committee has reviewed the proposed language.

Councilors expressed interest in reviewing the proposed language at a future meeting. One Councilor raised concerns that the amendment presented by Attorney Morris would create a significant increase in rear lot subdivisions and that the full scope of the amendment is unknown. Another noted that in any case a special permit is required for a rear lot subdivision which is a rare occurrence. The Committee voted 7-0 on a motion to hold from Councilor Leary.

#83-22 Review and Amendment of Zoning Ordinance concerning requirements for electric vehicle charging station infrastructure

COUNCILORS LAREDO, OLIVER, KALIS, DOWNS, MALAKIE, NORTON, LUCAS, MARKIEWICZ, BOWMAN, LEARY, WRIGHT, LIPOF AND GROSSMAN requesting a review and, if appropriate, amendment to our zoning code to increase the requirements for electric vehicle charging station infrastructure in new construction projects.

Action: Zoning & Planning Held 7-0

Note: The Chair introduced Councilor Bowman as lead docketer and member of the Newton EV Taskforce, who advise the Sustainability Team ([The Team | City of Newton, MA \(newtonma.gov\)](https://www.newtonma.gov)). This Councilor referred to the memo in the Friday Packet (attached), containing some history regarding EV requirements in Newton and Boston, the coming revisions to the MA Stretch Energy Code, and the Task Force' recommendations to increase our requirements to prepare for future needs. It was also noted that ICE (Internal Combustion Engine) vehicle production will be halting in 2035 and the grid changes that would result. Bill Ferguson, Co-director of Sustainability, stated that he and the Task Force still have a few details to work out and can present the proposal at a future meeting.

Councilors noted that the newly released stretch code, which takes effect January 2023, includes requirements for charger-ready infrastructure. Areas of consideration were also raised due to less frequent charging resulting from increased range and potential infrastructure for e-bikes. The presenting Councilor noted that in developments with assigned parking, it would be best that all parking spaces have access to EV chargers or charger-ready infrastructure, and that Boston has started work on e-bike infrastructure. Task Force member George Kirby emphasized the importance of bringing sufficient power to new construction to serve the growing need for EV charging, which is very expensive to add at a later date. The Chair stated that before the next discussion on this item the Law Department has agreed to conduct a review of potential MA code limitations. Committee members voted 7-0 on a motion to hold from Councilor Ryan.

#52-22 Discussion and possible ordinance amendments regarding the utilization of electric vehicle charging stations
COUNCILORS GROSSMAN, LAREDO, BOWMAN, NORTON, ALBRIGHT AND CROSSLEY requesting a discussion and possible ordinance amendments with the Planning Department and the Sustainability Directors regarding allowing the utilization of electric vehicle charging stations on private commercial parking lots BY CITY ORDINANCES, including but not limited to the use of digital advertising to pay for the stations and provide free charging to customers. (formerly #340-21)

Action: Zoning & Planning NAN 6-0-1 (Councilor Baker recused)

Note: The Chair read the item into the record and noted that the Urban Design Commission is currently conducting a comprehensive review of the Sign Ordinance and will be proposing amendments to the ZAP committee at a later date. The aspect of digital advertising could be incorporated into these amendments, but that we should take the discussion item off our agenda until such time. Committee members agreed the Committee voted 6-0-1 (Councilor Baker recused) on a motion of No Action Necessary (NAN) from Councilor Leary.

#420-22 Reappointment of Leigh Gilligan to the Conservation Commission
HER HONOR THE MAYOR reappointing Leigh Gilligan, 16 Bradford Road, Newton as a full member of the Conservation Commission for a term of office to expire on November 1, 2025. (60 Days: 11/06/2022)

Action: Zoning & Planning Approved 7-0

#421-22 Reappointment of Nancy Grissom to the Auburndale Historic District Commission
HER HONOR THE MAYOR reappointing Nancy Grissom, 7 Orris Street, Auburndale as a full member of the Auburndale Historic District Commission for a term of office to expire on July 10, 2025. (60 Days: 11/06/2022)

Action: Zoning & Planning Approved 7-0

#422-22 Reappointment of Nancy Grissom to the Newton Historical Commission
HER HONOR THE MAYOR reappointing Nancy Grissom, 7 Orris Street, Auburndale as a full member of the Newton Historical Commission for a term of office to expire on July 10, 2024. (60 Days: 11/06/2022)

Action: Zoning & Planning Approved 7-0

Note: The Chair read items #420-22, 421-22, and 422-22 into the record. Committee members expressed no concerns relative to the reappointments and voted 7-0 in favor of a motion to approve from Councilor Albright.

The meeting adjourned at 9:25pm.

Respectfully Submitted,

Deborah J. Crossley, Chair