



Zoning & Planning Committee Report

City of Newton In City Council

Monday, February 13, 2023

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

Also Present: Councilors Lucas, Greenberg, Bowman, Kalis, Malakie, Norton, Humphrey, and Lipof

Planning & Development Board: Kelley Brown (Chair), Peter Doeringer, Kevin McCormick, Jennifer Molinsky, and Amy Dain

City Staff: Barney Heath, Director of Planning; Jennifer Caira, Deputy Director of Planning; John Sisson, Economic Development Director; Andrew Lee, Assistant City Solicitor; and Jaclyn Norton, Committee Clerk

For more information regarding this meeting, a video recording can be found at the following link: [Zoning & Planning Committee February 13, 2023 \(newtv.org\)](https://www.newtv.org/zoning-planning-committee-february-13-2023)

#32-23 **Request for amendment to Sections 5.1.4, 6.4.29, and 7.8.2**
HER HONOR THE MAYOR requesting amendments to Sections 5.1.4, 6.4.29, and 7.8.2 to make on-street dining permanent.

Action: **Zoning & Planning Approved 8-0**

Note: The Chair introduced John Sisson, Economic Development Director, to present the proposed amendments that would permanently allow outdoor dining, by treating café seating in parking spaces similarly to sidewalk café seating. She noted that these amendments need to be made in a timely manner if we are to give our restaurants time to prepare for the spring season, because the state waiver allowing outdoor dining expires on March 31, 2023.

Mr. Sisson provided a brief overview of the changes to Sec. 12-70 that would allow outdoor dining permanently, which the Public Safety & Transportation Committee unanimously approved. Chapter 12 Sec. 70 of the city ordinances, reference Sections 5.1.4, 6.4.29, and 7.8.2 in the Chapter 30 zoning ordinances. Amendments proposed to these sections would regulate outdoor seating within the street the same as sidewalk seating. Mr. Sisson presented a redline version of the proposed amendments. (attached)

Mr. Sisson made clear that because outdoor dining in a public way is a recent phenomenon in Newton, the Planning Department expects municipal policies to evolve, and that Planning

intends to provide an update on these outdoor dining policies later this year.

Multiple Councilors suggested regulating the quality of barriers for on-street dining spaces with one Councilor seeking clarification on the administration of outdoor dining in Newton. The Chair noted that these can be discussed at a future meeting.

The public hearing was opened.

Dave Punch, a restaurant owner in Newton described the positive reception that outdoor dining has received at his businesses and how helpful it has been for the City to supply the barriers during the pandemic.

John Driscoll, owner of Buttonwood Restaurant at 51 Lincoln Street noted support for the proposed amendments. He also stated that ordinance amendments making outdoor dining permanent, give his restaurant reason to invest in upgrading the furniture and materials used to create spaces for outdoor dining.

Greg Reibman, President of the Charles River Chamber of Commerce, expressed support for the amendments and described how allowing outdoor dining permanently would benefit the community.

The public hearing was closed, and the item was approved 8-0 with both motions from Councilor Danberg.

The Planning & Development Board voted 5-0-1 (Barney Heath Abstaining) on a motion to approve from Peter Doeringer, second by Kevin McCormick.

#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 8-0**

Note: The Chair introduced consultant Tim Love, Principal at Utile Architecture & Planning.

A Councilor raised concern regarding tonight's presentation not being made available at least 48 hours before the meeting citing Article 1, Section 5.C.1 of [City Council Rules](#). She stated that these presentations being provided in advance are helpful in preparing for the meeting, which was reiterated by another Councilor. The Chair noted that the exception to this rule, used is that the presentation can be accepted with a motion to suspend the rules. Further, it is often the case that written material is included in the packet, but there is extensive precedent, in multiple

committees, to narrate a Power point presentation for the first time in committee, then provide the visuals with the report subsequently. Committee members voted 6-2 (Councilors Wright and Baker Opposed) on a motion to suspend the rules to allow the presentation from Councilor Danberg.

Mr. Love noted that this presentation will focus on the urban design under the zoning proposal and provide accurate visuals on what development in the proposed VC3 zones could look like from the perspective of a person on the street. The example renderings use accurate detail from the existing streetscapes and the new work is scaled according to design standards in the version 1 draft text.

A chart comparing the dimensional metrics of by-right development proposed in VC3 versus what is currently allowed in the MU4 district (attached) shows that these metrics combined with the many design standards in the text show that VC3, which is modeled on the MU4 district, would allow less density than the MU4 district.

In drafting maps for the village center overlay district (VCOD) the team has been looking at having the same district on both sides of the street, because doing so would help promote the character of each village center and create a defined public realm. Mr. Love then described height-to-width ratios used in urban design to create outdoor spaces that feel comfortable to people at the street level. This ratio compares the width of the street and sidewalks from building face to building face (public realm) to the height of the buildings at the eave line. It was later noted that a 2:1 or 1.5:1 ratio of building height to the public realm is ideal for creating a sense of place “containment”, and in cases where the street is too wide a comfortable ratio can be achieved by placement of the street tree canopy. Street sections of Lincoln Street in Newton Highlands, Walnut Street in Newtonville, and Washington Street in Newton Corner were presented for both the existing area and the proposed zoning to demonstrate how the VCOD helps to achieve the ideal ratio previously mentioned.

Mr. Love then showed perspective models for each location that depicted first the actual existing structures, then added in potential development of one and multiple buildings that would be allowed in a VC3 zone. These illustrations depicted accurate height allowances and incorporated some of the elements incentivized in the text (like bay windows projecting over the sidewalk that would not count toward footprint) and the design standards that regulate them. (attached) A Councilor later in the discussion sought clarification on how we can ensure these visuals are accurate. Mr. Love noted the extreme attention to accuracy taken in crafting these models, and that models he has reviewed that have been created by residents and/ or commissioned by citizens’ groups were noted to have several inaccuracies. Later in the discussion, the Chair noted that groups interested in producing visuals or other material for public consumption can contact the Planning Department to ensure accuracy with the numerous design standards throughout the code.

A Councilor asked during the discussion how this proposed zoning would change the feel of the village centers. Mr. Love stated that the proposed zoning would help to create a distinction between residential neighborhoods and the slightly more urban scale village centers. There was additional discussion about what factors, (ownership patterns, substantial existing buildings, site configuration) contribute to whether a site is economically feasible/ desirable for redevelopment. Such realities suggest that the full scope of development under this draft ordinance would not be seen for a long time. For example, if a three story building already exists on a parcel in VC3, the economics of redevelopment may not make economic sense, whereas parcels having only one story structures may engender more interest.

Jennifer Caira, Deputy Director of Planning also stated that the Planning Department is working on revisions to the proposed VC1 district to preserve scale. Another Councilor and Mr. Love both noted that some buildings will not be redeveloped under the proposed zoning due to the lack of economic incentives. Multiple Councilors stated that these visual models help to see the reality of the proposed zoning.

The Chair suggested that committee members take a close look at the Version 1 text in the packet, which highlights all of the design standards in version 1 in yellow, so that the committee can discuss the specifics of these standards at the next meeting.

Committee members voted 8-0 on a motion to hold from Councilor Ryan.

#44-23 Reappointment of Peter Doeringer to the Planning and Development Board
HER HONOR THE MAYOR reappointing Peter Doeringer, 35 Pulsifer Street, Newtonville as a member of the Planning & Development Board for a term of office to expire on February 1, 2028. (60 Days: 04/07/2023)

Action: **Zoning & Planning Approved 8-0**

Note: The Chair read the items into the record. Committee members expressed no concerns relative to the reappointments and voted 8-0 on a motion to approve from Councilor Krintzman.

#45-23 Reappointment of Robert Imperato to the Chestnut Hill Historic District Commission
HER HONOR THE MAYOR reappointing Robert Imperato, 145 Washington Street, Newton as a member of the Chestnut Hill Historic District Commission for a term of office to expire on November 15, 2025. (60 Days: 04/07/2023)

Action: **Zoning & Planning Approved 8-0**

Note: This item was discussed concurrently with item #45-23.

The meeting adjourned at 10:05pm.

Respectfully Submitted,

Deborah J. Crossley, Chair