



Zoning & Planning Committee Report

City of Newton In City Council

Monday, June 12, 2023

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

Absent: Councilor Krintzman

Also Present: Councilors Lucas, Kelley, Laredo, Bowman, Lipof, Greenberg, and Malakie

Consultants Present: Tim Love, Principal Consultant at Utile; Loren Rapport, Senior Urban Designer at Utile; and Jon Trementozzi, Principal at Landwise Advisors

City Staff: Barney Heath, Director of Planning; Jennifer Caira, Deputy Director of Planning; Zachary LeMel, Chief of Long Range Planning; Joseph Iadonisi, Planning Associate; Andrew Lee, Assistant City Solicitor; John Sisson, Economic Development Director; and Jaclyn Norton, Committee Clerk

For more information regarding this meeting, a video recording can be found at the following link: [Zoning and Planning Committee - June 12, 2023 \(newtv.org\)](https://www.newtv.org/Zoning-and-Planning-Committee-June-12-2023)

#174-23 Appointment of David Weinstein to Newtonville Historic District Commission
HER HONOR THE MAYOR appointing David Weinstein, 132 Cornell Street, Newton as a full member of the Newtonville Historic District Commission for a term of office to expire on March 20, 2025. (60 Days: 07/14/2023)
Action: Zoning & Planning Approved 6-0 (Councilor Baker Not Voting)

Note: Prior to hearing this item, committee members voted 6-0 (Councilor Baker Not Voting) to accept the resume and mayor's letter that was inadvertently left out of the packet. David Weinstein joined the Committee and stated that he has enjoyed his time as an associate member on the Commission and looks forward to serving as a full member. Committee members expressed appreciation for Mr. Weinstein's continued service and no concerns relative to his appointment and voted 6-0 (Councilor Baker Not Voting) on a motion to approve from Councilor Albright.

Chair's Note: *Planning staff, Landwise, and Utile will present an economic analysis of the proposed MRT district.*

#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 described that tonight's discussion will focus on the proposed MRT district and the economic and test fit analyses done by Utile and Landwise, which were to address concerns raised regarding the economic viability of achieving desired outcomes using the MRT district. Other questions regarding the VCOD proposal as a whole will be addressed during the June 20th meeting. Jennifer Caira, Deputy Director of Planning, noted that the Planning Department sent out over 6,000 postcards last week to all property owners and tenants within the district, as well as abutters, and abutters to abutters of the proposed Village Center Overlay District (VCOD).

Ms. Caira provided a general overview of the VCOD, reminding all of the context within which the MRT zone was designed, and laid out the calendar into next fall, when a vote on this proposal is anticipated.

Tim Love of Utile, began with an overview of recent modifications made to version 2, focusing on the MRT zone, which allows a maximum of 2.5 stories. And two options for redevelopment:

- **1. To incentivize adaptive reuse of existing buildings**, a multi-family conversion (at least 3 units) would allow the existing building footprint to increase by up to 50%, if the addition is set back at least 20 feet from the front façade of the home, and the building may contain up to 6 units, if the site is generous enough to accommodate this.
- **2. For new construction**, a building may have a 1,500 sf maximum footprint for a minimum of 3, and up to 4 units.
- **Roof heights:** In both cases, the top ridge of a pitched roof could be up to 45 ft above mean grade to the ridge line (roof peak), but a flat roofed building may have only two stories, and be at most 27 feet above mean grade.

But for adaptive reuse, the roof of an addition may not exceed the height of the existing house.

Loren Rapport, Senior Urban Designer at Utile, outlined that the conversion option requires significant investment to satisfy code requirements for such things as access, egress and fire separation, and to add bathrooms and kitchens, in order to accommodate multiple units in an existing structure. The proposal seeks to incentivize conversions over new construction by the allowable size of the addition, allowing up to 6 units, and allowing multiple buildings (on very large lots) by site plan review. Ms. Rapport also noted that incentivizing smaller units would contribute to more moderately priced housing options. She also stated that additional analysis is needed to compare the attractiveness of the proposed MRT district to the existing MR1/MR2 districts.

Jon Trementozzi, Principal at Landwise Advisors, provided conceptual pro formas of two sites within the MRT district that were determined to be largely representative of the lots within the proposed district: 1435 Centre Street in Newton Centre and 199 Church Street in Newton Corner. These models were performed to test fit and assess the economic viability of both new construction with either 1,500 sf, versus 1,800 sf footprints, as well as the multi-family conversion option. Each model measured the “**residual land value**” of the proposed development, by evaluating the full costs of construction and rehabilitation/ renovation, against the sales price and cost of land. Mr. Trementozzi in presenting these values depicted that the multi-family conversion option is less attractive for smaller development while it is much more attractive than the residual value of duplex projects. A chart comparing various residual land values was also presented. (presentation attached)

Later in the discussion it was noted that the last column describing residual land value for a new duplex project according to existing zoning far exceeds what those units would sell for today, meaning the options are more attractive.

A Councilor expressed concern that only two MRT sites are analyzed. Zachary LeMel, Chief of Long Range Planning, detailed the analysis that was conducted to select these sites. Another councilor (real estate professional) stressed that this is how you do an assessment of real estate potential.

During the discussion Councilors raised the following points for Planning staff and consultants to look into regarding the MRT district.

- Allowing for the addition in the conversion option to have a maximum height of 2.5 stories even if the existing structure is less than 2.5 stories.
 - o Mr. Love felt that doing this could prevent undesirable outcomes, and recommended that a way to control the outcome be implemented if this is allowed.
- Allowing the addition in the conversion option to be a second floor added to an existing structure, unless in this case, the underlying zoning would be preferable.
- Requiring that the architectural character of the addition compliment that of the existing structure.
 - o Attorney Andrew Lee confirmed that this would be a subjective rule, not enforceable by ISD, and that local municipalities are not allowed by state law to require certain materials or methods of construction. Only the state building code may do this.
- Finding additional ways to promote open space for the multi-family conversion option.
 - o It was noted that the charts detailing the several conversion options show quite a bit of open space by virtue of the setback and other requirements in the code.
- Requiring screening or landscaping if on-site parking is provided.
 - o There are screening requirements already in the code, but it was agreed that we should look more closely at the specifics.

- Increasing the number of allowed units for multi-family conversions that exceed a certain lot size or existing building size threshold.
- Reducing the 45 ft max height to the ridge of the roof in both the new construction and multi-family conversion options.

Ms. Rapport on the topic of open space along with concerns on the design of the Newton Corner test fit stated that parking was the largest factor in driving the amount of open space and placement of the addition. She noted that although the proposal does not require on-site parking, the test fits assume that one space per unit would be provided on site.

Councilors also stated the need for more affordable housing options within Newton. Ms. Caira stated that the MRT zone will not produce deed-restricted affordable housing units, but rather create more affordable options, by incentivizing smaller units, than currently available in Newton. Larger developments in the VC 2 and 3 zones, with 7 or more units will be required to comply with the inclusionary zoning ordinance and provide deed restricted units. Ms. Caira also reminded again that per MBTA Communities Guidelines the City may not require a minimum or maximum unit size, or number of bedrooms that must be supplied in a given development. A Councilor also asked if subdivisions were looked at along with longer narrow lots. Ms. Caira responded that staff is looking at taking the rear lot subdivision provision out of the VCOD text and are working on language to allow a subdivision on wide lots.

There was discussion about the undesirable metrics of the underlying zoning, which allow duplexes and homes that are out of scale with the street. A docket item is filed to address the metrics of the MR zones, which the chair intends to take up later this year. In that context, the Chair inquired about whether Council may set the effective date for the proposed VCOD ordinance, subject to DHCD approval for some time early in 2024. Ms. Caira stated that staff will look into the effective date but are concerned with potentially jeopardizing compliance with MBTA Communities Guidelines.

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

#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: This item was discussed concurrently with item #38-22. A written report can be found with item #38-22.

#206-23 Discussion and possible ordinance to allow for breweries, brew pubs, and other craft beverage production

COUNCILOR LIPOF requesting review, discussion, and possible ordinance amendments relative to Chapter 30 zoning ordinances pertaining to craft beverage production. Possible amendments would remove prohibition on bottling alcoholic beverages and propose opportunities for other craft beverage production and accessory retail.

Action: Zoning & Planning Held 7-0

Note: Joseph Iadonisi, Planning Associate, described that the bottling use within the zoning code does not explicitly allow the bottling of alcoholic beverages. Nearby communities have explicitly allowed this use and doing so will help increase commercial uses along with economic benefits. Mr. Iadonisi outlined two ways to allow for this use with the first being allowing explicit permissions for restaurants and retail to produce alcoholic beverages. The second option would create a new use for “Craft Beverage Establishments” which would allow for additional flexibility for the City to tailor the requirements without affecting the ordinance around restaurant and retail spaces. During the discussion, Ms. Caira stated that the standards and allowed zones could vary based on size to address a councilor’s concern about appropriate scaling of the building relative to its surroundings. Multiple Councilors also noted that the brewing operations within Newton would primarily be on a smaller scale with some larger ones in manufacturing zones. John Sisson, Economic Development Director, recommended against regulating bottle works within the City due to the high price of real estate.

Committee members expressed support for allowing this use and voted 7-0 on a motion to hold from Councilor Danberg.

#167-23 Reappointment of John Martin to Newtonville Historic District Commission
HER HONOR THE MAYOR reappointing John Martin, 12 Simpson Terrace, Newton as a full member of the Newtonville Historic District Commission for a term of office to expire on January 1, 2026. (60 Days: 07/14/2023)

Action: Zoning & Planning Approved 7-0

Note: The Chair read items #167-23 and #168-23 into the record. Committee members expressed no concerns relative to the reappointments and voted 7-0 on a motion to approve from Councilor Leary.

#168-23 Reappointment of Jim Gross to Newtonville Historic District Commission
HER HONOR THE MAYOR reappointing Jim Gross, 80 Highland Avenue, Newtonville as a full member of the Newtonville Historic District Commission for a term of office to expire on January 1, 2026. (60 Days: 07/14/2023)

Action: Zoning & Planning Approved 7-0

Note: This item was discussed concurrently with item #167-23. A written report can be found with item #167-23.

#169-23 Reappointment of Michael Rossi to Zoning Board of Appeals

HER HONOR THE MAYOR reappointing Michael Rossi, 20 Rose Drive, West Newton as a full member of the Zoning Board of Appeals for a term of office to expire on April 30, 2026. (60 Days: 07/14/2023)

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

Note: The Chair read items #169-23, #170-23, and #171-23 into the record. Committee members expressed no concerns relative to the reappointments and voted 7-0 on a motion to approve from Councilor Danberg.

#170-23 Reappointment of Jennifer Pucci to Zoning Board of Appeals

HER HONOR THE MAYOR reappointing Jennifer Pucci, 20 Florence Court, Newtonville as an associate member of the Zoning Board of Appeals for a term of office to expire on April 19, 2024. (60 Days: 07/14/2023)

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

Note: This item was discussed concurrently with item #169-23. A written report can be found with item #169-23.

#171-23 Reappointment of Stuart Snyder to Zoning Board of Appeals

HER HONOR THE MAYOR reappointing Stuart Snyder, 30 Erie Avenue, Newton Highlands as a full member of the Zoning Board of Appeals for a term of office to expire on April 30, 2026. (60 Days: 07/14/2023)

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

Note: This item was discussed concurrently with item #169-23. A written report can be found with item #169-23.

#172-23 Reappointment of Tamirirashe Gambiza to Newton Affordable Housing Trust

HER HONOR THE MAYOR reappointing Tamirirashe Gambiza, 15 Cutter Road, Waban as a member of the Newton Affordable Housing Trust for a term of office to expire on May 2, 2025. (60 Days: 07/14/2023)

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

Note: The Chair read items #172-23, #173-23, and #187-23 into the record. Committee members expressed no concerns relative to the reappointments and voted 7-0 on a motion to approve from Councilor Albright.

#173-23 Reappointment of Ann Houston to Newton Affordable Housing Trust

HER HONOR THE MAYOR reappointing Ann Houston, 45 Wedgewood Road, West Newton as a member of the Newton Affordable Housing Trust for a term of office to expire on May 2, 2026. (60 Days: 07/14/2023)

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

Note: This item was discussed concurrently with item #172-23. A written report can be found with item #172-23.

#187-23 Reappointment of Peter Sargent to Newton Affordable Housing Trust
HER HONOR THE MAYOR reappointing Peter Sargent, 33 Avondale Road, Newton as a member of the Newton Affordable Housing Trust for a term of office to expire on May 2, 2025. (60 Days: 07/14/2023)

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

Note: This item was discussed concurrently with item #172-23. A written report can be found with item #172-23.

The meeting adjourned at 10:28 pm.

Respectfully Submitted,

Deborah J. Crossley, Chair