



Zoning & Planning Committee Report

City of Newton In City Council

Thursday, September 7, 2023

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

Also Present: Councilors Lucas, Humphrey, Malakie, Bowman, Oliver, Gentile, and Kelley

City Staff: Jennifer Caira, Deputy Director of Planning; Zachary LeMel, Chief of Long Range Planning; Jaclyn Norton, Committee Clerk

For more information regarding this meeting, a video recording can be found at the following link: [Zoning and Planning Committee - September 7, 2023 - YouTube](#)

#289-23 Appointment of David Boronkay to the Auburndale Historic District Commission

HER HONOR THE MAYOR appointing David Boronkay, 187 Melrose Street, Auburndale as an alternate member of the Auburndale Historic District Commission for a term of office set to expire on September 18, 2026. (60 Days: 11/04/2023)

Action: **Zoning & Planning Approved 4-0 (Councilors Baker, Krintzman, Ryan, and Wright Not Voting)**

Note: David Boronkay joined the Committee and noted his passion for historic homes and historic preservation. He is currently the owner of an architecture and interior design firm that has won Historic awards for previous projects within the City. Councilors expressed support for his appointment and voted 4-0 (Councilors Baker, Krintzman, Ryan, and Wright Not Voting) on a motion to approve from Councilor Danberg.

Chair's note: *The Committee will continue to review and assess the maps and proposed amendments for each village center. Straw votes will be taken on all items.*

#38-22 Request for discussion and amendments to the Zoning Ordinance and Zoning Map regarding village center districts

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 (Councilor Baker Not Voting)**

Note: The Chair noted claims that have been circulating that materials pertaining to this item have not been made available to the public. For the record, she noted that all meeting materials have been published online prior to meetings and that Version 2 of the draft text and maps are available on the City's website since April of this year, and were noticed and advertised ahead of opening the public hearing in June. In addition, in advance of the July 26 Public Hearing, 6,000 postcard notices were mailed to property owners, residents, abutters, and abutters to abutters, noting links to access all version 2 information on the proposed Village Center Overlay District (VCOD).

The Chair noted that the committee will continue its review of the village center maps and proposed amendments for the village centers, and take straw votes on each. The results will be incorporated into Version 3.0 of the VCOD that must be noticed by September 12 to be in time for reopening the hearing on 9/26. Any villages not taken up tonight must be completed at the Monday 9/11 meeting.

Newtonville

There were no motions to expand the MRT district for Newtonville.

Councilor Albright proposed changing 66-68 Austin St from VC3 to MRT to provide more of a step down to the neighborhood.

Motion to change 66-68 Austin St from VC3 to MRT.

Approved 8-0

Councilor Albright proposed adding 675 and 661 Washington St to the VCOD as VC2 with 641 Washington St as VC3, citing that these sites are active businesses that were included in the original village plan. Multiple Councilors expressed support for this change citing that currently, these lots are large parcels primarily covered in parking. Zachary LeMel stated that these parcels are over 30,000 sf and would require a special permit. One Councilor expressed concern with the proposed amendment stating that these parcels should be part of a later corridor study. The motion was later amended to also have 641 Washington St. included in the VCOD as VC2.

Motion to add 675, 661, and 641 Washington St to VCOD as VC2.

Approved 6-1-1 (Councilor Wright Opposed) (Councilor Baker Abstaining)

Councilors Lucas and Wright proposed changing 456-460 and 439 Newtonville Ave, 288 Walnut St, and 74-78, 80-86 Bowers St from VC3 to VC2. When asked for the rationale they cited the results of a survey conducted by the Newtonville Area Council which expressed support for reduced heights in Newtonville.

Change 456-460 and 439 Newtonville Ave, 288 Walnut St, and 74-78, 80-86 Bowers St from VC3 to VC2.

Failed 2-6 (Councilors Leary, Albright, Krintzman, Crossley, Danberg, and Ryan Opposed)

Councilor Albright proposed changing 324 and 330-334 Walnut St from VC3 to VC2 due to the NewCAL project once completed being 3 stories. Changing these two parcels to VC2 would aid in the transition from VC3 to NewCAL.

Motion to change 324 and 330-334 Walnut St from VC3 to VC2 (Albright)

Approved 8-0

Councilor Wright proposed changing 305, 304-306, 303, 309-321, 308-322 Walnut St from VC3 to VC2. Councilors spoke against this amendment stating that VC3 is appropriate for this section of Walnut St.

Motion to change 305, 304-306, 303, 309-321, 308-322 Walnut St from VC3 to VC2.

Failed 2-6 (Councilors Leary, Albright, Krintzman, Crossley, Danberg, and Ryan Opposed)

Councilor Wright proposed changing 323-335 Walnut St from VC3 to VC2 to aid in the transition from Walnut St to NewCAL.

Motion to change 323-335 Walnut St from VC3 to VC2.

Approved 8-0

Councilor Wright proposed changing 19 Highland Ave from VC3 to VC2 stating concerns over the lot being subdivided to allow for by-right development. This site had recently been landmarked and the Committee asked staff if a landmarked site can be subdivided. Jennifer Caira stated that this lot could be subdivided, however, the entire parcel is under the jurisdiction of the Newton Historical Commission, so would be subject to a determination of appropriateness.

Motion to change 19 Highland Ave from VC3 to VC2.

Failed 1-7 (Councilors Leary, Albright, Krintzman, Crossley, Danberg, Baker, and Ryan)

Councilor Wright proposed changing 304 Newtonville Ave Rear and 454 Newtonville Ave from VC3 to VC2 to aid in the transition to the MRT district.

Motion to change 304 Newtonville Ave Rear and 454 Newtonville Ave from VC3 to VC2.

Approved 4-3-1 (Albright, Danberg, and Leary Opposed) (Crossley Abstaining)

Councilor Wright proposed changing 12 Austin St and Walnut St Rear from VC3 to VC2.

Motion to change 12 Austin St and Walnut St Rear from VC3 to VC2.

Failed 2-6 (Councilors Leary, Albright, Krintzman, Crossley, Danberg, and Ryan Opposed)

Councilor Wright proposed changing 40, 46-48, 60, and 28 Austin St from VC3 to VC2 to provide a better stepdown to the MRT district. (28 Austin St was voted on separately.)

Motion to change 40, 46-48, and 60 Austin St from VC3 to VC2.

Failed 2-6 (Councilors Leary, Albright, Krintzman, Crossley, Danberg, and Ryan Opposed)

Motion to change 28 Austin St from VC3 to VC2.

Failed 1-7 (Leary, Albright, Krintzman, Crossley, Danberg, Baker, and Ryan Opposed)

Councilor Wright proposed changing 899 and 911 Washington St from VC3 to VC2 to aid in the transition to the residential neighborhood.

Motion to change 899 and 911 Washington St from VC3 to VC2.

Failed 2-6 (Councilors Leary, Albright, Krintzman, Crossley, Danberg, and Ryan Opposed)

Councilor Wright proposed changing 162 Lowell Ave from VC3 to VC2 to aid in the transition to the residential neighborhood.

Motion to change 162 Lowell Ave from VC3 to VC2 (Wright)

Approved 8-0

A property owner requested that 17 and 21 Washington Terrace be changed from VC2 to VC3. Mr. LeMel stated that Mark Development owns the parcels but that they are currently leased to the United States Postal Service. These parcels have also been combined with 891-897 Washington St as one parcel, and councilors agreed it needs to be consistent zoning.

Motion to change 17 and 21 Washington Terrace from VC2 to VC3

Approved 5-2-1 (Councilors Ryan and Wright Opposed) (Councilor Baker Abstaining)

Councilor Wright proposed changing 246-254 Walnut St from VC3 to VC2 to aid in the transition to the residential neighborhood.

Motion to change 246-254 Walnut St from VC3 to VC2.

Failed 2-6 (Councilors Leary, Albright, Krintzman, Crossley, Danberg, and Ryan Opposed)

Councilor Wright proposed to change 107-109 and 119 Central Ave from VC3 to VC2

Motion to change 107-109 and 119 Central Ave from VC3 to VC2.

Failed 2-6 (Leary, Albright, Krintzman, Crossley, Danberg, and Baker Opposed)

Councilor Wright proposed changing 773 Washington St from VC3 to VC2 to provide a buffer for abutting lots that are in a BU zone but have a residential use.

Motion to change 773 Washington St from VC3 to VC2.

Failed 1-7 (Leary, Albright, Krintzman, Crossley, Danberg, Baker, and Ryan Opposed)

Councilor Wright proposed changing 90-92 Court St from VC3 to VC2 to aid in the transition to the MRT district. Another Councilor expressed support for this amendment.

Motion to change 90-92 Court St from VC3 to VC2.

Approved 8-0

Councilor Lucas proposed changing 743 Washington St from VC3 to VC2 to provide a buffer for an abutting lot that is in a BU zone but has a residential use.

Motion to change 743 Washington St from VC3 to VC2.

Approved 5-3 (Councilors Danberg, Krintzman, and Ryan Opposed)

Four Corners

Councilors Danberg, Bowman, and Noel proposed adding 54 and 58-60 Brentwood to the VCOD as MRT, given what exist on the site and to transition to the neighborhood.

Motion to add 54 and 58-60 Brentwood Ave to VCOD as MRT.

Approved 6-2 (Baker and Wright Opposed)

Councilors Danberg, Bowman, and Noel proposed changing 858 and 860-862 Walnut St from MRT to VC2 to allow the current use of this building to be allowed within the VCOD.

Motion to change 858 and 860-862 Walnut St from MRT to VC2.

Approved 6-2 (Councilors Baker and Wright Opposed)

An amendment was suggested to change 77 Beaconwood from MRT to VC2. Mr. LeMel stated that this site is 90,000 sf and currently is an apartment building. Councilor Leary proposed to remove this parcel from the VCOD.

Motion to remove 77 Beaconwood Road from VCOD.
Approved 8-0

The property owner requested that 1062 Beacon St be added to the VCOD as VC2. Councilor Danberg moved the proposed amendment.

Motion to add 1062 Beacon St to VCOD as VC2.
Approved 8-0

Councilor Danberg proposed that 1100-1102, 1106-1108, 1114, 1099, 1087, 1126, 1082, and 1094 Beacon St and 870-880, 900, and 899-901 Walnut St be changed from VC2 to VC3. Multiple Councilors noted opposition in this smaller village, noting less access to public transit. Councilor Danberg withdrew the amendment.

West Newton

Several proposals to expand the MRT district were not moved.

Councilor Wright proposed Adding 60 Highland St to the VCOD as VC3. This was proposed both to provide addition opportunity for reuse of the existing structure, noting that the parcel is at a lower elevation than the residential neighborhood. Multiple Councilors expressed support.

Motion to add 60 Highland St to VCOD as VC3.
Approved 7-0-1 (Councilor Baker Abstaining)

Councilor Malakie proposed to eliminate a large area around Border Street, which has increasingly been prone to flooding. Ms. Caira stated that she spoke with Jennifer Steel, Senior Environmental Planner, who shares concerns about including this area and recommended removing these parcels from the VCOD for further study. Planning staff agrees. Multiple Councilors noted how well-engineered new development can help alleviate flooding, but the infrastructure here is complicated by the location of an MWRA main line which must be resolved.

Motion to eliminate 49, 83-85, 39-45, 24, 30, 79, 25, 55-67, 97, 35, and 38 Border St; 21, 11, and 17 Harvey Place; and 11-13 Lucas Ct from the VCOD for future study regarding flooding concerns.
Approved 8-0

Councilor Leary introduced an amendment to add the MBTA parking lot to the VCOD as VC3 stating that this location would be ideal for housing. Another Councilor expressed concern with this amendment as this site could be used for charging electric buses.

Motion to add MBTA Parking Lot to VCOD as VC3.

Approved 6-0-2 (Councilors Crossley and Wright Abstaining)

Councilor Wright proposed changing 1179, 1171-1173, 1169, 1185, 1151, 1149, and 1157 Washington St, 18, 24, 25, and 12 Kempton Pl and 32 and 34 Dunstan St from VC3 to VC2.

Failed 1-7 (Councilors Leary, Albright, Krintzman, Crossley, Danberg, Baker, and Ryan Opposed)

Councilor Wright moved changing 978, 1239-1247, and 1253 Washington St from VC3 to VC2.

The motion failed 2-5-1 (Albright, Krintzman, Crossley, Danberg, Baker, and Ryan Opposed) (Leary Abstaining)

Councilor Wright moved changing 978 Washington St from VC3 to VC2.

The motion failed 4-4 (Councilors Albright, Krintzman, Danberg, and Ryan Opposed)

Councilor Wright Proposed Changing 979 Washington St from VC3 to VC2.

The motion failed 3-4-1 (Councilors Albright, Krintzman, Crossley, and Danberg Opposed) (Councilor Leary Abstaining)

Councilor Wright moved changing 1191, 1197, 1203, 1213-1215, 1221, 1229, 1235, 1326, 1362, 1314, 1298-1308, 1296, 1286-1294, 1274-1284, 1345-1355, and 1357-1369 Washington St, 1 Chestnut St, 1 Chestnut St Rear, 23, 31, and 33 Davis St, and 15 Spencer St from VC3 to VC2.

The motion failed 2-6 (Councilors Leary, Albright, Krintzman, Crossley, Danberg, and Ryan Opposed)

Waban

Proposals to expand the MRT district were not moved.

Councilor Kalis had proposed changing 1615 Beacon St (the Windsor Club) from MRT to VC2. Councilor Ryan moved it but later withdrew it, upon hearing from councilors that it is a community controlled parcel unlikely to be redeveloped. A subsequent motion was made by Councilor Krintzman to remove 1615 Beacon St from the VCOD.

Motion to remove 1615 Beacon St from VCOD.

Approved 8-0

Councilor Ryan proposed changing 68-70 and 100 Wyman St from VC2 to VC3. It was noted that the MBTA lot would require working with the state and as well that the lower site elevation could accommodate more height.

Motion approved 4-3-1 (Councilors Baker, Krintzman, and Wright Opposed) (Councilor Albright Abstaining)

Thompsonville

Councilor Danberg proposed changing 22-24 John St from MRT to VC2.

Motion approved 8-0

Councilor Wright proposed changing 13, 1, 21, 17, 31, 30-34, and 15 Jackson St, 418, 416, 422, and 405 Langley Rd and 383-387, 325, 327, 335-339, 345, 379, and 373-375 Boylston St from VC3 to VC2. She stated similarities between Thompsonville and Four Corners along with noting that Route 9 will be studied as a corridor. Multiple other Councilors spoke in opposition to this amendment noting a desire to encourage small businesses in this area.

Motion failed 2-6 (Councilors Leary, Albright, Krintzman, Crossley, Danberg, and Ryan Opposed)

Committee members voted 7-0 (Councilor Baker Not Voting) on a motion to hold from Councilor Krintzman.

#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 (Councilor Baker Not Voting)

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

#278-23 Reappointment of John Rice to the Newton Historical Commission

HER HONOR THE MAYOR reappointing John Rice, 9 Selden Street, Waban as an at-large member of the Newton Historical Commission for a term of office set to expire on September 30, 2026. (60 Days: 10/13/2023)

Action: Zoning & Planning Approved 6-0 (Councilors Baker and Ryan Not Voting)

Note: The Chair read item #278-23 into the record. Committee members expressed no concerns relative to the reappointments and voted 6-0 (Councilors Baker and Ryan Not Voting) on a motion to approve from Councilor Krintzman.

#279-23 Reappointment of Doug Cornelius to the Newton Historical Commission
HER HONOR THE MAYOR reappointing Doug Cornelius, 15 Lockwood Road, West Newton as an at-large member of the Newton Historical Commission for a term of office set to expire on July 31, 2026. (60 Days: 10/13/2023)

Action: **Zoning & Planning Approved 4-0 (Councilors Baker, Krintzman, Ryan, and Wright Not Voting)**

Note: Doug Cornelius joined the Committee and noted his professional experience as a real estate attorney. This reappointment would be for his third term on the Commission where he was recently re-elected as Chair. Multiple Councilors expressed support for the reappointment and voted 4-0 (Councilors Baker, Krintzman, Ryan, and Wright Not Voting) on a motion to approve from Councilor Albright.

The meeting adjourned at 10:26 pm.

Respectfully Submitted,

Deborah J. Crossley, Chair