



Zoning & Planning Committee Report

City of Newton In City Council

Monday, September 11, 2023

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

Also Present: Councilors Malakie, Markiewicz, Humphrey, Kelley, Oliver, Lipof, Gentile, Lucas, Greenberg, Downs, and Bowman

City Staff: Barney Heath, Director of Planning; Zachary LeMel, Chief of Long Range Planning; Joseph Iadonisi, Planning Associate; John Sisson, Economic Development Director; 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 11, 2023 - YouTube](#)

- #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 Approved 7-1 (Councilor Baker Opposed); Public Hearing Closed**

Note: Joseph Iadonisi outlined that the current zoning prohibits bottling works while allowing restaurants that serve alcohol, bars, and liquor stores to operate. The attached presentation states the social benefits and economic opportunities that enabling breweries would promote. This draft ordinance has a distinction between off-premise and on-premise consumption. Both are permitted by right in manufacturing and limited manufacturing zones, under 10,000 sf in BU1-5 and MU1-4. Establishments over 10,000 sf in BU1 through BU5, and MU1 and MU2 districts must obtain a special permit. Establishments having off-premise consumption must provide 1 parking space per 500 sf plus 1 for every 4 employees. Establishments having on-premise consumption must provide 1 space per 5 patron seats, excluding outdoor/sidewalk seats.

Kelley Brown, Chair of the Planning & Development Board, asked why establishments over 10,000 sf were not permitted in MU3 or MU4. Zachary LeMel stated that the original idea had been to promote smaller establishments within village centers. A Councilor also asked about the number of alcohol licenses available within Newton. John Sisson noted that 17 retail licenses remain available at this time, and outlined the different types of alcohol licenses. Planning staff noted that they would need to do more research on limits that exist for the farmer-brewer license. A Councilor raised concern about requiring on-site parking for this new use, when the policy direction has generally been toward using shared parking in business districts for ground floor active uses. Several committee members agreed.

The public hearing was opened, but no one came forward to speak. The committee voted 8-0 on a motion to close the public hearing by Councilor Danberg. The Planning and Development Board unanimously voted to close the public hearing.

Committee members voted 7-1 (Councilor Baker Opposed) on a motion to remove the parking requirement and approve the item from Councilor Ryan.

#277-23 Appointment of Peter Leis to the Newton Historical Commission

HER HONOR THE MAYOR appointing Peter Leis, 350 Cabot Street, Newtonville as an alternate member of the Newton Historical Commission for a term of office set to expire on April 19, 2025. (60 Days: 10/13/2023)

Action: **Zoning & Planning Approved 7-0-1 (Councilor Ryan Abstaining)**

Note: Peter Leis joined the Committee and spoke regarding his interest in historic architecture and his experience on historic preservation advisory groups. A Councilor asked a question regarding ways to incentivize adaptive reuse of an existing building. Mr. Leis responded that he sees adaptive reuse as normally preferable to tearing down an existing structure, but when to renovate versus rebuild needs to be considered on a case by case basis. Committee members expressed gratitude for Mr. Leis' service and voted 7-0-1 (Councilor Ryan Abstaining) on a motion to approve from Councilor Albright.

#290-23 Appointment of Richard Alfred to the Auburndale Historic District Commission

HER HONOR THE MAYOR appointing Richard Alfred, 73 Grove Street, Auburndale as a full 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 8-0**

Note: Richard Alfred joined the Committee and spoke about his prior experience serving on the Auburndale Historic District Commission. He had stepped down to an alternate member during his career as an attorney and has become more active on the Commission since retiring. Multiple Councilors expressed support for his appointment and the Committee voted 8-0 on a motion to approve from Councilor Krintzman.

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 that the committee will be continuing its review of the proposed amendments to the Village Center Overlay District (VCOD) maps for the remaining three village centers. The results of these straw votes will be incorporated into Version 3.0 of the VCOD by the end of the following day (9/12/23) to go along with renoticing the hearing. On September 26th the Zoning & Planning Committee will reopen the public hearing on this item.

Version 3 draft text and maps can be found [here](#).

Auburndale

Several proposed amendments such as adding to the MRT district and upzoning several districts, as indicated on the maps were not moved by councilors so taken off the table.

Councilor Markiewicz proposed changing 21 and 27-29 Melrose Ave, and 264-266 and 268 Melrose St from VC2 to MRT as these are small lots that currently have multi-family development at 2.5 stories. Multiple Councilors expressed support for the proposed change stating that it would protect the current use on these lots. Councilor Gentile proposed removing these parcels from the VCOD, but several councilors agreed that the MRT zone was most appropriate.

Motion to change 21 and 27-29 Melrose Ave, and 264-266 and 268 Melrose St from VC2 to MRT.

Approved 8-0

Councilor Markiewicz proposed changing 278, 280-282 and 284 Melrose St from VC3 to MRT to preserve the existing development on these sites. He also stated that this proposal would alleviate concerns about these lots being combined to facilitate a larger development. Multiple Councilors stated that redevelopment on these lots is unlikely due to recent development on them and that this zoning is looking towards the future.

Motion to change 278, 280-282 and 284 Melrose St from VC3 to MRT.

Approved 8-0

Councilor Markiewicz originally proposed changing 286 Melrose from VC3 to VC1 and 372-349 Auburn from VC3 to VC2. In a previous meeting the Committee voted to remove the VC1 district. Councilor Krintzman proposed amending Councilor Markiewicz original proposal to change 286 Melrose St from VC3 to MRT and 372-349 Auburn St from VC3 to VC2. This would preserve the existing structure on 286 Melrose while accounting for the depth of the building only allowing 3.5 stories within 50' of the lot line to a residential /MRT district.

Motion to change 286 Melrose St from VC3 to MRT and 372-349 Auburn St from VC3 to VC2.

Approved 4-2-2 (Councilors Leary and Ryan Opposed) (Councilors Crossley and Danberg Abstaining)

Councilor Markiewicz proposed the following two amendments to reduce the scale of development within this village center and noted concerns with current Commuter Rail service at this station. Another Councilor also expressed concern regarding the height of potential development if these parcels stayed VC3. Multiple Councilors opposed the proposed amendments stating that this village center can handle VC3 development directly across from the commuter rail, and that planned station upgrades seeking funding are contingent on this zoning.

Motion to change 451-453 Lexington St, and 319, 309-315, and 305-307 Auburn St from VC3 to VC2.

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

Motion to change 450 Lexington St and 271-283 and 287-289 Auburn St from VC3 to VC2.

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

Newton Corner

A number of amendments shown on the maps were not considered as no Councilor moved the amendment. As with other villages, there is no proposed expansion of the MRT zone at this time. Councilor Wright withdrew her amendment to change 276 Church St (YMCA) from VC3 to VC2.

Councilor Leary proposed changing 26-28, 40-42, 12-20, 24, 38, 46, and 32 Richardson St from VC2 to MRT. Another Councilor agreed with the proposal stating that these lots are primarily existing multi-family homes, the lots are small, and MRT would promote the continued use of these buildings.

Motion to change 26-28, 40-42, 12-20, 24, 38, 46, and 32 Richardson St from VC2 to MRT.

Approved 8-0

Councilor Baker moved changing 321, 315-317 and 327 Tremont St and 54 Park St from VC2 to MRT due to these lots having existing one and two-family homes transitioning from the neighborhoods.

Motion to change 321, 315-317 and 327 Tremont St and 54 Park St from VC2 to MRT.

Approved 7-1 (Councilor Albright Opposed)

Councilor Baker moved changing 178-180, 172, and 184 Washington St and 12-14 Park St from VC2 to MRT as these lots are primarily two-family homes. Multiple Councilors expressed concern with changing these lots to MRT, given their location.

Motion to change 178-180, 172, and 184 Washington St and 12-14 Park St from VC2 to MRT.

Failed 2-3-3 (Councilors Albright, Crossley, and Danberg Opposed) (Councilors Leary, Krintzman, and Ryan Abstaining)

Councilor Leary proposed changing 9-11, 15-17, 23-25, and 29-31 Elmwood from VC2 to MRT due to their being smaller properties.

Motion to change 9-11, 15-17, 23-25, and 29-31 Elmwood from VC2 to MRT.

Approved 8-0

Councilor Leary proposed adding 185 Charlesbank Rd and 227 Washington St to the VCOD as VC2.

Motion to add these lots to the VCOD as VC2

Approved 5-3 (Councilors Baker, Wright, and Ryan Opposed)

Councilor Leary moved changing 12-14 Avon Pl, Avon Pl parking lot, and Thornton St parking lot from VC3 to VC2.

Approved 8-0.

Councilor Leary proposed the following two changes due to these parcels being two-family homes on small lots, and needing to transition to the neighborhoods from VC3.

Motion to change 42 and 44 Thornton St from VC3 to VC2.

Approved 8-0

Motion to change 30 and 34 Channing St, and 25-27 and 21-23 Peabody St from VC3 to VC2.

Approved 8-0

Councilor Leary proposed changing 31 Channing St from VC3 to VC2 to provide a stepdown from VC3 to the residential neighborhood.

Motion to change 31 Channing St from VC3 to VC2.

Approved 8-0

Councilor Wright proposed changing 28 Hovey St from VC3 to VC2 to provide a stepdown to the residential neighborhood.

Motion to change 28 Hovey St from VC3 to VC2.

Failed 3-5 (Councilors Albright, Krintzman, Crossley, Danberg, and Ryan Opposed)

Councilor Wright proposed the following four changes.

Motion to change 341-349, 337, 355, 303-321, 361-363, 399-403, 323-333, 371, 405-409, and 351 Washington St and 283-291 Centre St from VC3 to VC2.

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

Motion to change 270-276, 259, 261-275, 249, 280-292 Centre St, and 69 and 65 Jefferson St from VC3 to VC2.

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

Motion to change 427-443 and 447 Centre St from VC3 to VC2.

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

Motion to change 400 and 430 Centre St from VC3 to VC2.

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

Nonantum

Councilor Leary proposed adding 460, 468-470, 462 and 472-474 Watertown St, 18 and 17-19 Barrieau Ct, and 358-360 and 352 Nevada St to the VCOD as MRT to provide a stepdown from VC2 to the residential neighborhood.

Motion to add 460, 468-470, 462 and 472-474 Watertown St, 18 and 17-19 Barrieau Ct, and 358-360 and 352 Nevada St to the VCOD as MRT.

Approved 5-1-1 (Councilor Wright Opposed) (Councilor Krintzman Abstaining)
(Councilor Baker Not Voting)

Councilor Leary proposed adding 290 Washington Street to the VCOD, to incentivize smaller units at this site.

Motion to add 290 Watertown St to VCOD as MRT.

Approved 7-0 (Councilor Baker Not Voting)

Councilor Leary proposed changing 441, 425-433, 423, and 451 Watertown St from VC2 to VC3 to provide additional opportunities for future development at the site of car dealerships which are adjacent to the manufacturing district to the north. Multiple Councilors expressed concern with VC3 level density in the Nonantum village center, given less access to public transit.

Motion to change 441, 425-433, 423, and 451 Watertown St from VC2 to VC3. (Leary)
Approved 4-3 (Councilors Crossley, Krintzman, and Wright Opposed) (Councilor Baker
Not Voting)

Map amendments proposing to change numerous parcels from VC2 to VC3 were withdrawn.

Councilors 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.

The meeting adjourned at 10:28 pm.

Respectfully Submitted,

Deborah J. Crossley, Chair