



# Zoning & Planning Committee Report

## City of Newton In City Council

**Tuesday, September 26, 2023**

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

Also Present: Councilors Oliver, Greenberg, Lucas, Norton, Malakie, Gentile, Markiewicz, Downs, Humphrey, Bowman, Noel, Laredo, Lipof, and Kalis

City Staff: Barney Heath, Director of Planning; Jennifer Caira, Deputy Director of Planning; Zachary LeMel, Chief of Long Range Planning; Josh Ostroff, Director of Transportation Planning; Andrew Lee, Senior Assistant City Solicitor; Jonathan Yeo, Chief Operating Officer; and Jaclyn Norton, Committee Clerk

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

For more information regarding this meeting, a video recording can be found at the following link: [Zoning and Planning Committee - September 26, 2023 - YouTube](#)

**#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 amendments relative to Chapter 30 zoning ordinances by adding a new Village Center Overlay District, consisting of four (4) district tiers, by establishing requirements for such District, and requesting amendments to the Zoning Map to include the Village Center Overlay District, and requesting amendments to the Zoning Map to include the Village Center Overlay District.

**Action:** Zoning & Planning Held 8-0; Public Hearing Closed

**Note:** The Planning Department provided a brief overview of the Village Center Overlay District VCOD (attached), focusing on changes from version 2.0 to version 3.0, and the impact on MBTA compliance.

Zachery LeMel noted how the proposed alternative zoning builds upon existing successes to create vibrant village centers to help address many housing, economic and environmental challenges facing Newton. He explained that an overlay district allows a property owner to choose between the existing underlying zoning and the VCOD.

Copies of the updated text and maps are available [here](#).

Mr. LeMel outlined that amendments to the text and maps reflect decisions made by the ZAP Committee: reduced maximum height of new by-right construction, increased setbacks to protect VCOD adjacent residential neighborhoods, and requiring minimum open space in the MRT district. Regarding map changes the Committee removed the VC1 district from the proposal and overall, reduced the number of VCOD properties, thereby reducing unit capacity.

Jennifer Caira spoke about the MBTA Communities Law, which mandates that communities served by the MBTA must adopt zoning that allows by-right multi-family housing near transit. In Newton, this zoning must be adopted by December 31, 2023, and must show a minimum “unit capacity” of 8,330, according to the state formula. She emphasized that the MBTA requirement is not a mandate to build housing, just to make it possible for housing to be built. Unit capacity does not tell us how many units actually can be built. Rather, the MBTA formula assumes nothing exists on a parcel, and calculates units by dividing total possible building area by 1,000sf, and no parking on site.

The MBTA Communities Guidelines were revised in August 2023, to allow units above required mixed-use development to count towards compliance. Without counting these additional units, version 3.0 of the draft VCOD results in a unit capacity of 7300, which does not. But when the units above required ground floor retail are counted, the unit capacity increases to 9,300 which does comply.

The Chair explained that each person would be given three minutes to speak, which will be timed, and that individuals who had not spoken since the public hearing opened on June 26th would be prioritized.

The public hearing was continued.

Terry Sauro, 44 Cook St, expressed concern with Nonantum being included in the VCOD due to no MBTA stations being located within this village center. Ms. Sauro also was concerned that development under the VCOD not being truly affordable and requested that Nonantum be removed from the VCOD.

Marcela Hauck-Burke, 255 Adams St, also requested that Nonantum be removed from the VCOD citing concerns about increased traffic. She also stated how Nonantum is already vibrant and felt that this proposal would destroy that vibrancy.

Mateo Luongo, a minor, stated that higher levels of density will lead to more traffic within the village center. He noted his experience getting hit by a car while crossing a street in the village, and how that has impacted him.

Armando Luongo, his brother, expressed general opposition to the VCOD.

Jenine Stewart, 251 Adams St, is a lifelong resident of the Nonantum village and stated that this proposal is discriminatory and will lead to further gentrification.

Benny Arpino, 215 Adams St, raised concerns regarding whether the City has accounted for how this increased density will impact existing infrastructure. He also noted that this proposal will displace small businesses.

Cathy Botinadari, a Newton resident, wants Nonantum removed from the VCOD and requested that a separate public hearing be held for each village center. She also stated that she feels this proposal will displace small businesses.

Patrick Song, 41 Janet Rd, is concerned that this plan doesn't emphasize improving the MBTA in Newton. He expressed opposition to the proposal stating that it will lead to increased housing costs and that the unit capacity is misleading as it only includes village centers submitted for compliance with MBTA Communities.

Franchesca, a minor, stated generalized opposition to the VCOD.

John DeVito, 150 Adams St, is opposed to the VCOD over concerns that it will have unintended negative consequences.

Anthony Pellegrine Jr., 56 Clinton St, is opposed to the VCOD stating that it will displace businesses and will not produce truly affordable housing.

Al Cecchinelli, 224 Chapel St, also raised concern about the VCOD displacing businesses along with concerns that this proposal exceeding the requirements set by the MBTA Communities Guidelines. He also expressed support for including a parking requirement.

Kevin Riffe, 92 Hawthorne St, is opposed to the proposal stating that it needs more community involvement and will lead to overcrowding. He requested that Nonantum be removed from the VCOD.

Cindy Roche, 42 Daniel St, stated that while she choose and prefers to live in a single family home, she cannot in good conscience make that a policy decision that would tell others how to live, and expressed support for the proposal.

Pat Irwin, 115 West St, is opposed to the VCOD stating that this will not increase affordable housing and will lead to more trees being cut down.

Laura Towvim, 61 Islington Rd, supports the VCOD proposal and said she was struck in listening to the June 26 hearing, by the large number of people who have expertise in housing, and affordable housing advocates who have enthusiastically supported the proposal.

Adam Towvim, 61 Islington Rd, supports the VCOD proposal and noted how this is an opportunity to make Newton more competitive with other communities in the region.

John Chaimanis, 17 West Pine St, is opposed to the VCOD proposal and advocated for the inclusion of a ballot question on it. He stated that this proposal would be detrimental to local schools and businesses.

Frances Godine, 19 Grafton St, supports the VCOD proposal and stated how the zoning needs to evolve to allow Newton to grow.

Robert Kavanagh, 69 Court St, raised concern with the mapping of the MRT district in Newtonville, stating that it doesn't properly transition to the residential neighborhood.

Laura Foote, 333 Otis St, asked if the City can provide more incentives for the adaptive reuse of an existing building.

Nancy Zollers, 154 Oliver St, spoke on behalf of the Newton Interfaith Coalition and stated support for the proposal. She stated that the community is currently fractured due to the high cost of housing and that this will have positive impacts beyond the 3.5% of the City's land area on which it is mapped.

Philip Plottel, 50 Roslyn Rd, is a member of the Economic Development Commission, and noted their support for the proposal. Speaking for himself, he suggested that the proposal be revised to include more mixed-use priority streets and to include a parking requirement in the MRT district.

Richard Rasala, 285 Tremont St, noted the importance of the MRT district in incentivizing adaptive reuse. He did express concern with the proposal incentivizing smaller units, because he thinks there need to be more larger units to accommodate families.

Ken Parker, 965 Walnut St, noted that the proposal will not achieve the desired goals and likened it to trickle-down economics. He advocated for a home rule petition to limit unit size within the VCOD. (The MBTA Law prohibits setting unit sizes or number of bedrooms).

Alan Lobovits, 168 Allerton Rd, opposed the proposal and advocated for the VCOD only being used to comply with MBTA Communities, and to wait on the rest.

Margaret Ward, 9057 Washington St, is opposed to the proposal and believes that providing supply to meet demand won't decrease the price of housing. She also raised concerns about the proposal displacing businesses.

Joshua Herzig-Marx, 22 Averdale St, is a member of the citizens' group Newton for Everyone, a coalition of citizens' organizations and noted their support for the proposal. He stated that development is needed and that with this being a regional effort Newton needs to do their fair share.

Jane Rosenof, 9 Vincent St, is opposed to the proposal noting that the scale is not appropriate for West Newton. She also raised concerns regarding the MBTA Commuter Rail service.

Karen Sweet, 25 Kenmore Rd, supports the VCOD proposal and noted that the supply of housing is not keeping pace with the demand. She also stated that greater car travel is more harmful to the environment than more density.

Pedro Arboleda, 122 Lincoln St, is opposed to the proposal stating that it will increase traffic and cause a surge of students in Newton Public Schools.

Luke Mann-O'Halloran, 54 Adella Ave, supports the proposal and noted the need for affordable housing and ways for older residents to downsize if they desire.

Don Ross, 211 Winslow Rd, supports the proposal and noted how the changes will be gradual and that developing in Newton help fewer trees get cut down.

Jane Frantz, 12 Glastonbury Oval, stated the need to compromise and expressed concern with the anger people have regarding this topic.

Leon Kadis, 7 Clifton Rd, is opposed to the proposal and stated that it would be destructive to the City.

Ed Dailey, 67 Maplewood Ave, was a member of the Planning & Development Board long ago under mayor Mann, and worked on the inclusionary ordinance under mayor Cohen. He noted how incremental their progress was over all those years, but how this proposal represents an important step towards long needed change. He enthusiastically supports the proposal. He noted how the version 3.0 proposal is the result of thoughtful compromise and input from the community and Councilors.

Jack Leader, 613 California St, noted how over his lifetime in Newtonville, the damage the Mass Pike did, removing neighborhoods that ruined a once walkable community. He supports the proposal. He also noted how the housing removed to facilitate creating the Mass Pike was never replaced.

Alan Gordon, 27 Floral St, is a member of Green Newton and supports the proposal. He noted how this ordinance will benefit businesses, bringing customers.

Nancy Sharby, 38 Charlemont St, noted the need to create limits on density along with helping people age in place. She also advocated for requiring shaded benches in village centers.

Larry Aller, 10 Alden Place, is a member of Green Newton but is opposed to the proposal. He stated that it is incomplete and would be ineffective and noted the need for infrastructure improvements to support this density.

Karen Sherman, 57 Pine Crest Rd, is opposed to the proposal citing traffic concerns. She requested that more hearings be held on this item.

Patty Kellog, 29 Manchester Rd, is opposed to the proposal and proposed limiting heights to 3.5 stories.

Rod Greenly, 66 Strafford Rd, is opposed to VC3 being mapped along the Commuter Rail and advocated for it being mapped more along the Green Line. He also requested the Nonantum be removed from the VCOD.

Lana Camiel, 33 Paul St, is opposed to the proposal and requested that shadow studies be done to understand the impacts of VC3 throughout the city.

Peter Pinch, 65 James St, noted how this proposal is a good start to addressing concerns regarding climate change and the lack of affordable housing.

Nate Jaffee, 57 Norwood Ave, is opposed to the proposal and noted concerns regarding traffic and gentrification.

Michael Vahey, 33 Stanley Rd, advocated for an expansion of the MRT district along with a reduction of VC2 and VC3.

Myra Ferree, 515 Centre St, supports the VCOD proposal and noted that this proposal is responsible and forward-thinking.

Ellen Weinberger, 126 Eliot Ave, raised concerns with the increasing density in village centers and requested that the adaptive reuse section be added back to the VC2 and VC3 districts.

Halina Brown, 56 Cloverdale Rd, is chair of the Citizens Commission on Energy, and noted their full support of the proposal. She noted how the proposal seeks to correct the current exclusionary zoning and the benefits this proposal has regarding sustainable development.

John Pears, 102 Parker Ave, is an architect and former member of the EDC and supports the proposal. He said it is very thoughtful and modest, and provides for a sensitive gradual transition from village centers to neighborhoods. He said that in his experience as an architect having worked on projects across the country, that parking, though not mandated, will get built because developers must attract the market.

Annette Seaward, 17 Davis St, is opposed to the elimination of parking requirements within the VCOD and noted that it is infeasible to go car-free.

Elana Wright, 94 Rindge Ave, is opposed to the VCOD proposal and raised concerns about the shadows caused by potential development along with a loss of green space.

Scott Neagle, 9 Asheville Rd, supports the VCOD proposal and noted the need for more multi-family housing.

Sophia Lazeretas, 79 West Pine St, is opposed to the VCOD proposal and noted concerns with increased traffic, building heights, and the lack of a parking requirement.

David Rockwell, 13 Farwell Pl, spoke on behalf of the Newton Housing Partnership and noted how the current zoning is too restrictive. He requested that option 2 of the affordable housing bonus be added back to the proposal, saying that there is a way to achieve 50% deed restricted affordable housing.

Katherine Gagen, 13 Auburn St, supports the VCOD proposal and stated that housing costs are too high and this will help create more equal opportunities for housing in Newton.

Gary Markosyan, 52 Hazelhurst Ave, is opposed to the VCOD proposal and expressed concerns regarding increased traffic and the lack of a parking minimum.

Marc Hershman, 162 Cynthia Rd, opposed the VCOD proposal citing that the scale is too large and that this will lead to further gentrification. He recommended that the height be limited to 3 stories.

Peter Bruce, 11 Claflin Pl, is opposed to the VCOD proposal and requested that the VCOD and MBTA Communities plans be separated. He also noted the need for scientific polling regarding the proposal.

Annie Raines, 50 Court St, is opposed to the proposal and noted that people will be displaced by the new construction.

Janet Sterman, 120 Church St, is opposed to the proposal and requested that more community outreach be done.

Diane Prunte, 305 Winchester St, opposes the proposal citing the impacts that increased density could have on City infrastructure.

Barbara Bix, 98 Eastside Pkwy, is opposed to the VCOD proposal stating that public transit needs to be improved before zoning is passed to allow higher density near it.

Kathleen Kouril Greiser, 258 Mill St, opposes the VCOD proposal and advocates that the public should vote for candidates that oppose this proposal. She also said that the proposal prioritizes profits over people and will displace businesses.

Marylee Belleville, 136 Warren St, is opposed to the proposal and recommended that the City work to build 100 percent affordable housing above public parking lots. She also expressed concern with the notion that village centers are not currently vibrant, and she thinks Newton Centre is an example of a vibrant village.

Howard Rosenof, 9 Vincent St, noted opposition to the VCOD proposal and that he believes it incentivizes teardowns. He also stated how Trio saw a lack of demand for the MBTA pass that was offered to residents and that people would not use public transit.

Dan Powdermaker, 119 Lincoln St, supports the proposal and advocated for complying with MBTA Communities. He noted that people should have the ability to downsize, and that this proposal is a good way to begin addressing these challenges.

Sean Roche, 42 Daniel St, noted how the current zoning is too restrictive and that more housing in Newton and other communities will help reduce the cost of housing.

Jay Walter, 83 Pembroke St, supports the VCOD proposal and noted how important it is that Newton is one of many communities rezoning to address common challenges, contributing to a regional solution to regional problems.

Kia Freeman, a Newton Resident, noted how the proposal will lead to further gentrification in Newton.

Marcia Cooper, 178 Evelyn Rd, president of Green Newton, expressed support for the proposal and described how businesses will benefit from the increased density.

Councilors voted 8-0 on motions to close the public hearing and hold the item, both by Councilor Baker. The Planning & Development Board unanimously voted to close the public hearing.

**#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 8-0

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

The meeting adjourned at 11:03 pm.

**Respectfully Submitted,**

**Deborah J. Crossley, Chair**