



Zoning & Planning Committee Report

City of Newton In City Council

Tuesday, October 10, 2023

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

Also Present: Councilors Greenberg, Kelley, Bowman, Lipof, Downs, Malakie, and Gentile

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, Senior 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 and Planning Committee October 10, 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 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 noted that this meeting will be to debrief from the public hearing, discuss the topics raised in the most recent planning memo, and take amendments. Zachary LeMel outlined that this memo is to address and provide further clarification on topics of most concern heard from public testimony.

Debrief from Public Hearing and Planning Memo

The Planning Department's memo addressed potential impacts to small businesses, how the VCOD can generate affordable housing, historic preservation, what is meant by unit capacity as defined by the MBTA formula, and interdepartmental coordination.

Safeguards for local businesses. Mr. LeMel noted that the VCOD is designed to make it easier for new businesses to open and allow existing businesses to grow. A Councilor disputed the 3-6 month timeline stated in the memo for obtaining a parking waiver. Jennifer Caira laid out all the steps required of a petitioner seeking only a parking waiver to show that a special permit takes 3-4 months. If contentious, it takes longer. This Councilor also sought clarification on the process

to combine or split lots. Ms. Caira noted that today, most are submitted requesting an ANR (Approval Not Required) to the Engineering Department, but some cases do go before the Planning & Development Board. This process does not change.

Affordable housing. Mr. LeMel stated that affordable housing will get built within the VCOD due to the inclusionary zoning ordinance and noted the one story and footprint bonus if 25% units are deed restricts at 65%AMI. He also noted that the smaller units are incentivized by the VCOD will incentivize smaller units that are cheaper. Ms. Caira noted that this memo should be clarified on page 3: “17.5%” should be “15% + 2.5 - 5%” (50% @ 50-80% AMI plus 2.5 to 5% @ 80-110% AMI).

The Newton Housing Partnership requested the committee reconsider adding back a two story affordability bonus, but requiring 50% affordable units. A Councilor noted that there is not support within the community for increased building height. The committee agreed. It was also agreed that early in the new term, that NHP members join the committee to better understand how “mission driven” affordable housing developers could finance this high a percentage. Another councilor noted how units affordable to very low income persons require greater subsidies.

Preservation/ Adaptive Reuse. The Chair noted that possible incentives noted in version 2 for preservation and adaptive reuse in the VC2 and VC3 districts, were omitted from version 3. Such incentives remain only as they apply to the MRT zone. She asked staff to describe their review with Law of this section, clarify references to existing ordinances that will apply, where NHC jurisdiction prevails and why the same incentives given in the MRT district cannot apply. Ms. Caira stated that many of the aspects that were part of the previous adaptive reuse section are currently covered in other sections of the ordinances, had been incorporated either directly into the code or were done through interpretation of the code. She also reminded how existing nonconformities are additionally protected by the special permit process, which will also apply to the VCOD. A Councilor expressed a desire to include incentives for historic preservation in the VCOD. Ms. Caira stated that she would be willing to talk with that Councilor offline regarding any specific ideas for such incentives.

Unit Capacity. The unit capacity metric of the MBTA Communities Guidelines is not a build-out analysis, only a tool for determining compliance. The numbers generated assume no present development, that every site is built new to the maximum footage, and with no on-site parking taking up any space. The Chair noted that this model also assumes a small unit size (that by dividing the gross square footage by 1000 sf means units of about 800 sf) and that many units will be larger. Tim Love, Principal Consultant at Utile, noted that a build out analysis is a guess with many variables in play, and that has not been done for the current zoning so there is no 1 to 1 comparison for this metric. He also stated that the MRT district incentives discourage teardowns, and that existing buildings in the VC2 and VC3 districts that have large building footprints limit redevelopment potential. A Councilor noted that number of units that have been approved since the Washington Street Vision Plan was adopted in 2019 equal one third of the

units estimated. Ms. Caria noted that none of these units have yet been built, many are stalled, and that this exemplifies how the long time frame from proposal to construction gives the city time to plan for infrastructure needs.

Amendments

Councilor Leary proposed changing 12-14 Park St and 182-184, 180, and 172 Washington St from VC2 to MRT in Newton Corner.

The motion was approved 8-0.

Councilor Leary proposed changing all VC3 in Nonantum to VC2.

The motion was approved 8-0

Councilor Greenberg proposed removing all properties east of Adams Street in Nonantum village, that are proposed to be in the VC2 zone, to be removed from the VCOD. These include: 172 Washington St; 132-136, 138-142R, Adams St; 14 Cottage Ct; 7 and 9 West St; 144R Bridge St; 11 Dalby St; 5-7 and 10 Cook St; and 399-401, 386-390, 382-384, 376-380, 372, 358, 354, 342-346, 365-369, 353-363, 337-349, 329-331, 327, 323-325, 321, 317-319, 293-311, 289-291, 330-334, 326, 320, 302-306, and 296 Watertown St.

The motion failed 2-5-1 (Councilors Leary, Albright, Krintzman, Crossley, and Danberg Opposed) (Councilor Ryan Abstained)

During discussion on this amendment Committee members were given written testimony signed by 11 business and property owners in Nonantum, that they wish the VC2 designation to remain. The Chair read the letter into the record. (attached)

Councilor Greenberg proposed adding 131-133, 135, 127-129, 125, 125R, 121-123 Bridge St; 12-16, 24-26, and 32 Chandler St; and 100 and 104 Adams St to the VCOD as MRT, which is a neighborhood north of the village and between two manufacturing districts. It was noted that this should be brought up at a later date so it can be properly noticed.

The motion was withdrawn.

Councilor Wright proposed removing the villages of Auburndale, Nonantum, Newton Corner, Newton Upper Falls, Four Corners, Thompsonville, and Newton Lower Falls from the VCOD.

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

Councilor Wright proposed changing most VC3 parcels to VC2, throughout the VCOD, in a way that would reduce the unit capacity closer to the 8330 required by the MBTA Communities Act but noting that doing so would require adding areas outside of ½ mile from T stops to the compliance application.

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

Councilor Danberg proposed removing 2, 12, 15, 21, and 27 Clark St and 96 Rowena Rd in Newton Centre, which are proposed as MRT from the VCOD. This motion was made in response to residents' written request, signed by the residents and abutters requesting this change. There was discussion about whether doing so would interfere with the required contiguity of the district.

The motion failed 2-3-2 (Councilors Albright, Crossley and Ryan Opposed) (Councilors Leary and Wright Abstaining)

Councilors expressed intentions to propose further amendments to the draft text. Memos with these amendments will be included in the Friday Packet.

It was urged that councilors work with the Planning Department to prepare specific amendments in advance of the next meeting.

Councilors voted 8-0 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 8-0

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

#205-23 Petition to rezone lots on Charles Street

TERRENCE P. MORRIS, ESQ. petitioning to amend the City of Newton's Zoning Map by changing the current zoning of the property known as and numbered 132 Charles Street, Newton, Ma, and shown on the City of Newton Assessor's database as Section 41, Block 06, Lots 14, currently zoned MULTI-RESIDENCE 1 and MANUFACTURING, and Section 41, Block 06, Lot 26, currently zoned MANUFACTURING, to MIXED USE 1.

Action: Zoning & Planning Held 8-0; Public Hearing Set for 11/13/23

Note: The Chair noted that the goal of this discussion is to set a date for a new public hearing. This new public hearing is being set due to this item previously being referred back to the Committee and MGL Chapter 40A Section 5 requiring that a new public hearing be noticed if the council does not issue a decision within 90 days. Committee members voted 8-0 on motions to set the public hearing for November 13th and hold the item from Councilor Krintzman.

The meeting adjourned at 10:41 pm.

Respectfully Submitted,

Deborah J. Crossley, Chair