



## **Zoning & Planning Committee** **Report**

### **City of Newton** **In City Council**

**Monday, November 25, 2019**

Present: Councilors Albright (Chair), Danberg, Kalis, Baker, Krintzman, Leary, Downs, Brousal-Glaser

Also Present: Councilors Crossley, Greenberg

Planning Board: Peter Doeringer (Chair), Jennifer Molinsky, Kevin McCormick, Kelley Brown

City Staff: Barney Heath, Director of Planning and Development; Jennifer Caira, Chief Planner; Zachery LeMel, Chief of Long Range Planning; Nathan Giacalone, Committee Clerk

**#358-19**      **Appointment of Martin Smargiassi to the Community Preservation Committee**  
HER HONOR THE MAYOR appointing Martin Smargiassi, 20 Fern Street, Auburndale, as a member of the COMMUNITY PRESERVATION COMMITTEE for a term to expire July 10, 2022. (60 days: 12/14/19)

**Action:**      **Zoning and Planning Approved 6-0 (Councilors Leary and Krintzman not voting)**

**Notes:**      The Chair invited Mr. Smargiassi to join the Committee to explain why he was interested in serving on the Community Preservation Committee (CPC). Mr. Smargiassi answered that he is a planner, architect, builder, real estate developer, and a member of the Auburndale Historic District Commission. Because of his credentials, Mr. Smargiassi said that both Mr. Heath and Mayor Fuller thought he would be a good fit for the CPC. He has already attended CPC meetings to get acquainted with how the Committee operates and he believes that membership on the CPC would allow him to use his skills to directly enhance Newton.

A committee member asked Mr. Smargiassi whether there was any area within the CPC that he was most focused on. Mr. Smargiassi answered that his specialties were in historic buildings, urban redevelopment, and affordable housing.

A committee member thanked Mr. Smargiassi for his willingness to serve on the CPC and offer his talents to public service.

Councilor Danberg moved to approve the appointment of Mr. Smargiassi. The Committee voted 6-0 in favor of the motion.

**#398-19**      **Appointment of Visda Saeyan to the Urban Design Commission**  
HER HONOR THE MAYOR appointing Visda Saeyan, 7 Marcellus Drive, Newton Center, as a member of the URBAN DESIGN COMMISSION for a term to expire on December 31, 2022. (60 days: 01/07/20)

**Action:**      **Zoning and Planning Approved 6-0 (Councilors Leary and Kritzman not voting)**

**Notes:**      The Chair invited Ms. Saeyan to join the Committee and asked her to say why she wanted to be on the Urban Design Commission (UDC). Ms. Saeyan explained that she is a longtime architect and is also involved in Newton real estate. She said that she moved to Newton mostly because she wanted her son to benefit from the public schools. Ms. Saeyan said that she works with families trying to find homes which has made her aware of the difficult housing situation in Newton. She said that she has long been interested in serving the City to give back and that Mayor Fuller made it easy for her to approach the administration and apply.

A committee member asked Ms. Saeyan if the UDC is the body primarily responsible for dealing with fence permits. Ms. Saeyan answered that the UDC does deal with signage in addition to fence permits. The UDC deals with fence permits when they are appealed.

The Committee members thanked Ms. Saeyan for her willingness to serve and how beneficial it would be to have another architect on the UDC as Newton has seen multiple large development projects. Councilor Kalis moved to approve the appointment of Ms. Saeyan. The Committee voted 6-0 in favor of the motion. Ms. Saeyan then said that she brought her son to the meeting to show him how City Hall works.

**#397-19**      **Reappointment of Michael Kauffman to the Urban Design Commission**  
HER HONOR THE MAYOR reappointing MICHAEL KAUFFMAN, 24 Turner Terrace, Newtonville, as a member of the URBAN DESIGN COMMISSION for a term to expire December 31, 2022. (60 days: 01/07/20)

**Action:**      **Zoning and Planning Approved 6-0 (Councilors Leary and Kritzman not voting)**

**Notes:**      Councilor Danberg moved to approve the reappointment of Mr. Kauffman. The Committee voted 6-0 in favor of the motion.

**Public Hearing**

**#327-19 Ordinance amendment to repeal Zoning Ordinance 3.4.4 Garages**  
COUNCILOR ALBRIGHT requesting that Chapter 30 of Newton's Zoning ordinance be amended to repeal section 3.4.4 Garages (effective December 31, 2019 after three postponements). Garages will be discussed during Zoning Redesign next term.

**Action: Zoning and Planning voted to Delay Implementation for 6 months 6-0, Public Hearing Closed 11/25/19 (Councilors Leary and Krintzman not voting)**

**Notes:** Jennifer Caira, Chief Planner, presented to the Committee on this item.

Ms. Caira began by explaining that the ordinance in question was adopted to address the issue of "snout houses" (an architectural design in which the garage is pushed forward and dominates the façade of the home). After the ordinance went into effect, many residents complained due to the unintended consequences which soon became apparent. Ms. Caira said that the intent was to repeal the ordinance rather than another deferment as they planned to address it as part of Zoning Redesign. She said that Zoning Redesign would re-examine the way that garages feature in home construction.

A committee member asked if this item could be deferred again and prioritized deferment rather than repeal, citing concerns about it getting lost within Zoning Redesign. Another committee member echoed these concerns and said that they would support a deferment to find a solution in line with existing zoning.

A committee member said that they would rather repeal it, saying it has been deferred long enough. The Chair mentioned that she had worked with the Planning Department to prioritize solutions in the next term for two issues: teardowns and single-family attached homes and said that this item could be a third action item to be addressed in advance of zoning redesign.

Committee members expressed their support for this idea.

A committee member spoke about how several houses built in the "snout house" manner failed the "trick or treat test," meaning it is difficult to find the front door because of the prominent garage. They said that this problem emphasizes the need to deal with snout houses now before they proliferate their negative impact on the community further.

A committee member asked if the item could be amended to say that the garage item would be discussed "early next term" instead of leaving it a part of Zoning Redesign. The committee members said that they were amenable to this change.

A Councilor asked what the problems were with the ordinance. The issues included the fact that no garage could be even 1-inch front of the front façade even though there are many lovely examples of houses ranging from a couple of feet to even with a six or eight foot porch.

In addition, no side-facing garages are allowed and by contrast there are many examples of side facing garages that form a courtyard with the front door. Finally, the last issues were with the proposed "exemption" section rather than waivers by special permit. This was the first time such an ISD Commissioner-exemption was proposed and if used would require appeal through the Zoning Board of Appeals.

Peter Doeringer, Planning Board Chair, said that the Planning Board has also been having conversations on the matter over whether to continue deferments or to repeal the ordinance. Mr. Doeringer suggested the advantage of a short deferral in case other items come up and displace attention to this matter.

A committee member said that they would rather defer the item for four months.

The Chair opened for public hearing on docket item #327-19 before a vote was taken on the item.

Public Comment:

Simon French of 47 Glenn Avenue said that Zoning Redesign has been going on for a long time and that it was going to happen again. He said he agreed with the committee members proposing to defer the item to conduct more research on the matter.

The Committee voted 6-0 to close the public hearing (Councilors Leary and Krintzman not voting), and the Planning Board voted 4-0-1 (Mr. Heath abstaining) to close the public hearing as well.

Councilor Danberg moved to repeal the ordinance.

Multiple committee members voiced their concern over the increasing number of snout nose homes and wanted to have more research and planning done before making a final decision on the ordinance. The committee members asked if six months would be enough time to accomplish the research, to which Ms. Cairra agreed.

After the committee discussed the options of repeal versus another delay of implementation, Councilor Danberg rescinded her motion. The Committee discussed the appropriate length of time for the delay with Planning staff who suggested that six months from January 1 would be appropriate.

Councilor Brousal-Glaser moved to further delay implementation of the garage ordinance for 6 months from the beginning of the new term to July 1, 2020. The committee voted 6-0 in favor of the motion (Councilors Leary and Krintzman not voting).

**Public Hearing**

**#363-19**      **Amendment(s) to Chapter 30 relative to building efficiencies**  
DIRECTOR OF PLANNING & CO-DIRECTORS OF SUSTAINABILITY requesting discussion and adoption of amendments to Chapter 30, the Newton Zoning Ordinance to create exemptions to building envelope standards such as height and setback to facilitate the implementation of energy efficiency and alternative energy measures in buildings including external insulation, doorway vestibules, heat pumps, and solar panels among other features.

**Action:**      **Zoning and Planning Held 8-0**

**Notes:**      Docket items #363-19 and #364-19 were discussed together but voted on separately.

**Public Hearing**

**#364-19**      **Amendment(s) to Chapter 30 relative to sustainable design**  
DIRECTOR OF PLANNING & CO-DIRECTORS OF SUSTAINABILITY requesting discussion and adoption of amendments to Chapter 30, the Newton Zoning Ordinance to create a new set of standards related to sustainable development design with requirements for new buildings and development projects to include environmental and energy efficiency features.

**Action:**      **Zoning and Planning Approved 8-0**

**Notes:**      Docket items #363-19 and #364-19 were discussed together and voted on separately.

Ms. Caira presented to the committee regarding these items.

Ms. Caira explained that there were two separate items being discussed. Docket item #363-19 would reduce barriers to environmental improvements while docket item #364-19 would introduce new green building requirements. She said that after the last meeting, the only item that still required discussion from reduction of environmental barriers was the height of solar panels above a pitched roof. Ms. Caira said that the Planning Department revisited the issue and felt that four feet was not necessary for pitched roofs. They now recommend one foot above the ridge line for a pitched roof. After consultation with Green Newton, staff felt that four feet may not always be sufficient for a flat roof, especially when mechanical equipment is present on the roof, so a waiver provision was added. Ms. Caira then welcomed questions from the Committee.

A council member asked Ms. Caira if there was any research on how these changes would affect the cost of doing business in Newton and what barriers to development might be caused as a result. Ms. Caira answered that no research on this question has been done but based on recent results in the special permitting process, the Council is already asking large scale projects to

pursue this level of sustainable design. She feels that requiring this level of sustainable design for projects smaller than 20,000 square feet might provide disincentives to smaller development.

A committee member commented on an east-west facing house which had solar panels installed perpendicular to the roof that clashed with the neighborhood. Ms. Caira said that these proposals would not address an issue such as the one described by the committee member unless they went above the ridgeline.

A committee member asked if distinctions could be made between new construction and retrofits of older buildings.

The committee also discussed how vestibules would be accounted for under these new guidelines. A Councilor suggested that a requirement could be added defining how close a vestibule could be to the lot line, suggesting five feet as a possibility.

A committee member cited the possibility for unintended consequences and asked if docket item #363-19 could be voted on in a subsequent meeting to further study the impact. They felt comfortable voting on docket item #364-19.

A committee member said that they had not previously thought about how vestibules would impact the side setbacks and neighboring lots and appreciated the suggestion to set a maximum in proximity to the lot line. There was also a discussion on whether this exemption should apply to side facing vestibules.

The Chair then opened docket item #364-19 to public comment.

Public Comment:

Peter Barrer of 60 Endicott Street spoke on behalf of Green Newton. He said that Green Newton supported the initiative and supported the efforts to include both developers and Green Newton constituents. He spoke in favor of the metrics which offer clearly defined goals to be met. He said that Green Newton planned on working with the City to develop the strategies to meet these goals.

The Committee then voted 8-0 to close the public hearing.

Councilor Baker moved approval on docket item #364-19. The Committee voted 8-0 in favor of the motion.

A committee member then expressed concerns over building into the setback in denser communities. They recommended that language be included to say that external technologies such as heat pumps be no closer than five feet to the lot line. They also expressed concerns about vestibule construction on side yards and asked for guidance from the Planning Department.

Ms. Caira answered that the Planning Department could review a requirement that the vestibule could encroach into the setback no further than five feet from the lot line and limit vestibules to the front setback.

With respect to heat pumps in the setback, a council member added that putting this equipment in the setback would work better than putting the equipment on the side of the house as they had to do. They suggested that greater leniency be shown to the sides and rear of houses to allow for green electrification sought by the City.

Committee members felt that it would be best to hold the item until the next meeting to allow for more research. Barney Heath, Director of Planning, agreed. A committee member called specific attention to the issue of side-vestibules.

A committee member spoke in favor of the five-foot idea. They expressed concerns at only allowing side vestibules under a special permit, citing how when used with an attached garage they become the *de facto* main entrance to the house.

Planning Board member Jennifer Molinsky said that the proposed elements had different effects depending on the setback in question. Because of this, Ms. Molinsky suggested more flexibility rather than a total ban on side-vestibules.

A committee member spoke in favor of flexibility regarding vestibules. They said that since people do not always use the traditional front door as the main entrance, this flexibility was necessary as they may want to install the vestibule on whichever door, they use the most.

Councilor Brousal-Glaser moved to hold docket item #363-19. The Committee voted 8-0 in favor of the motion.

Councilor Downs moved to adjourn the meeting. The Committee voted 8-0 in favor of the motion.

The meeting adjourned at 9:38pm.

**Respectfully Submitted,**

**Susan S. Albright, Chair**