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Barney S. Heath
Director

MEMORANDUM

DATE: January 8, 2021

TO: Councilor Deborah Crossley, Chair, Zoning & Planning Committee
Members of the Zoning and Planning Committee

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Deputy Director, Department of Planning & Development
Devra Bailin, Director of Economic Development

RE: #485-20 Economic Development Commission requesting City Ordinance amendments
ECONOMIC DEVELOPMENT COMMISSION requesting an amendment of Sections 4.4.1 (Business, Mixed Use & Manufacturing Districts), 6.4.28 (Research and Development), and 6.5.9 (Laboratory and Research Facility) in order to clarify inconsistencies in the way Research and Development is treated in the use tables and definitions. Providing clarity in where Research and Development uses are allowed is necessary to diversity Newton's Economy, make Newton competitive with surrounding communities in attracting 21st century industries and jobs, and raise Newton's commercial tax revenue and implement recommendation from the 2019 Newton Strategic Plan (Camoin study).

MEETING DATE: January 11, 2021

CC: City Council
Planning & Development Board
Economic Development Commission
John Lojek, Commissioner of Inspectional Services
Neil Cronin, Chief of Current Planning
Alissa O. Giuliani, City Solicitor
Jonathan Yeo, Chief Operating Officer

In reviewing applications and responding to questions from developers, the Planning Department has experienced technical inconsistencies within the Zoning Ordinance regarding allowed uses for research and development activities. Research and Development is listed in the use table as only being permitted in the Mixed Use 3 zone (Riverside Station), and nowhere else. Research and Development is also undefined in the ordinance. Laboratory and Research Facility is allowed, either by-right or by Special Permit, in all commercial, mixed use and manufacturing zones and the definition includes research and development. This leads to confusion about if and where research and development activities are permitted. The Laboratory and Research Facility definition could also use improvement to better reflect typical research and development activities.

In addition, the Economic Development Commission has indicated its interest in diversifying the commercial tax base by encouraging appropriate development by R&D enterprises. We therefore provide proposed corrective measures to the Zoning Ordinance to clarify and encourage these uses in appropriate locations.

Attached you will find the proposed revisions to Sections 4.4.1 (Business, Mixed Use & Manufacturing Districts), 6.5.9 (Laboratory and Research Facility), 6.5.11 (Manufacturing) and 6.7.4 (Scientific Research and Development Activities). The proposed edits to the existing ordinance will continue to be refined by the Economic Development Commission and Planning Staff in advance of a public hearing.

At the upcoming meeting, we request that the Committee discuss setting a February 8, 2021 Public Hearing date.

Attachment A: Draft ordinance revisions

Amend the following sections as follows:

Sec. 4.4. Allowed Uses

4.4.1. Business, Mixed Use & Manufacturing Districts

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
Commercial Uses												
Research and Development	-	-	-	-	-	-	-	P	-	-	-	Sec. 6.4.28
Industrial Uses												
Laboratory and research facility	SP	SP	SP	SP	SP	P	P	SP	P	P	P	Sec. 6.5.9

6.5.9. Laboratory and Research Facility

- A. **Defined.** Technical office for Rresearch and development ~~facility~~, laboratory or research facility ~~with or without recombinant DNA research or technology, as defined in Revised Ordinances Chapter 12, Section s12-20 et. seq.~~
- B. **Standards.** ~~In the business 5 District, the facility is exclusively for research purposes with no manufacturing on the premises. Research and Development involving recombinant DNA shall be subject to Revised Ordinances Chapter 12, Sections 12-21 – 21-26.~~
- ~~B.C.~~ Small-scale manufacturing activity shall be considered an allowed accessory use to a technical research facility in a business or mixed-use district provided that such manufacturing activity is related to the research and development and occurs inside of buildings.

6.5.11. Manufacturing

- A. **Defined.** Manufacturing includes:
 1. Canvas products, fabrication and sales;
 2. Glass fabrication or installation;
 3. Ice manufacturing or storage;
 4. Light metal fabrication such as sheet metal, ducts, gutters and leaders;
 5. Lightweight and nonferrous metal casting (no noxious fumes);
 6. Machine shop (excluding presses over 10 tons), plumbing shop, blacksmith shop;
 7. Molding, shaping or assembly from prepared materials (including repairs) of boxes, staging, toys, stationery, novelties, paper boxes, toilet preparations, drugs, perfumes, flavoring extracts, medical and hygienic appliances, clothing, textiles, hats, leather and sporting goods, mattresses, store, house, office,

theater, playground equipment, signs, musical instruments, art goods, industrial models, tools, appliances or electrical goods;

8. Optical scientific instrument and jewelry manufacturing;

~~9.~~ 9. Wearing apparel fabrication and processing; ~~and~~

~~9.10.~~ 9.10. Product and/or process development as a result of a Laboratory and Research Facility including, but not limited to, life sciences, robotics, renewable technology, sustainable technology, and/or electronic technology; and

~~10.11.~~ 10.11. Other similar manufacturing uses.

6.7.4. Scientific Research and Development Activities

A. **Defined.** Activities necessary in connection with scientific research or scientific development or related production, exclusively for civic and institutional uses, accessory to activities permitted as a matter of right, so long as it is found that the proposed accessory use does not substantially derogate from the public good.

~~B. **Standards.** Notwithstanding anything in this Sec. 6.7.4, no recombinant DNA research shall be permitted as an accessory use.~~