



Zoning & Planning Committee Report

City of Newton In City Council

Monday, October 23, 2023

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

Absent: Councilor Krintzman

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

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; Josh Ostroff, Director of Transportation Planning; Mollie Hutchins, CPA Administrator; Lara Kritzer, Director of Housing & Community Development; Jonathan Yeo, Chief Operating Officer; 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 23, 2023 - YouTube](#)

Referred to Zoning & Planning and Finance Committees

#276-23

CPC Recommendation to appropriate \$1,967,119 in CPA funding

COMMUNITY PRESERVATION COMMITTEE recommending appropriation of one million nine hundred sixty seven thousand, one hundred and nineteen dollars (\$1,967,119) in Community Preservation Act funding be appropriated, with \$562,034 to come from the FY24 Community Housing Reserve Account and \$1,405,085 to come from FY24 Unrestricted Funding Account, to the control of the Planning & Development Department to provide funding to the Newton Affordable Housing Trust for future projects that meet one or more of the CPA's eligible funding categories for Community Housing projects.

Action: **Zoning & Planning Approved 7-0**

Note: Eliza Datta, Chair of the Community Preservation Committee, spoke of the CPC commitment to allocating its annual target of Community Housing funds to the Affordable Housing Trust. Therefore, the CPC request is to allocate 35% of the FY24 annual funds to the Trust, with \$526,034 coming from the Community Housing FY24 Reserve Funds Account and \$1,405,085 coming from the FY24 Unrestricted Funds Account. These funds would be used by the Trust for future projects to acquire, create, support, preserve, and/or restore/rehabilitate affordable housing in Newton. The Trust is currently accepting applications for housing projects

on a rolling basis. New applications are reviewed at the Trust's regularly scheduled bi-monthly meetings.

A Councilor asked how much money would be left in CPC reserve funds once this money is distributed. Lara Kritzer stated that the CPC will have roughly \$7 million left in reserve. This Councilor had also requested that Councilors from the ward of a potential project be notified when a funding application comes in. Ann Houston, Chair of the Newton Affordable Housing Trust, stated that they will keep that in mind and that developers are encouraged to reach out to Councilors. The Cahir also noted that an open item on the docket allows the Trust to provide updates to the committee.

Committee members voted 7-0 on a motion to approve from Councilor Leary.

#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 Approved 5-1-1 (Councilor Wright Opposed) (Councilor Baker Abstained)

Note: Councilors were asked to submit amendments in advance of this meeting for inclusion in the Friday Packet. Zachery LeMel compiled these amendments into a single list which is attached. The following amendments were discussed.

Text Amendments

1. Councilor Baker proposed 1 parking space be required for each 1000 sf of commercial space plus 1 space for every 8 employees, and that this requirement could be waived by special permit. Learning that the MBTA regulations prohibit a parking requirement where retail is required below housing, (if the units above are to be counted toward compliance) Councilor Baker amended his motion to exclude priority streets within village centers being used for MBTA Communities Compliance. However, the Law Department pointed to state law that prohibits having different parking requirements for the same use in the same zone in different locations. Councilor Baker withdrew the motion.
2. Councilor Wright proposed adding a 0.5 parking minimum per residential unit in VC zones.
The motion failed 2-5 (Leary, Albright, Crossley, Danberg, and Ryan Opposed)
3. Councilor Baker proposed adding a 0.5 parking space requirement for each residential unit not within a half mile of mass transit, except by special permit.

The motion was held pending review by the Law Department.

Councilor Wright proposed requiring 1.0 parking space per residential unit in the MRT zone.

The motion failed 2-5 (Leary, Albright, Crossley, Danberg, and Ryan Opposed)

Councilor Crossley proposed requiring 1 on-site parking space per unit for new buildings constructed in the MRT zone.

The motion was approved 6-1 (Leary Opposed)

Map Amendments

Citywide

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

The motion failed 2-4-1 (Leary, Albright, Crossley, and Danberg Opposed) (Councilor Ryan Abstained)

During discussion on this amendment a Councilor discussed the possibility of setting an effective date for some of these villages to a later date or dates. This idea generated some interest but was not proposed at this time.

Four Corners

Councilor Wright proposed changing 853, 1147, 1143, 1139, 1137, 1133, and 1129 Beacon St in Four Corners to MRT.

The motion failed 2-5 (Leary, Albright, Crossley, Danberg, and Ryan Opposed)

Multiple Councilors noted opposition to this amendment stating that these parcels are unlikely to be redeveloped.

Thompsonville

Councilor Wright proposed changing 10, 14, 18, and 22 John St in Thompsonville to MRT.

The motion failed 2-5 (Leary, Albright, Crossley, Danberg, and Ryan Opposed)

Councilors noted how VC3 is appropriate for these lots given the close proximity to Route 9.

Nonantum

Councilor Oliver proposed removing all VC2 in Nonantum east of Adams St.

The motion was approved 7-0

The Ward 1 Councilors noted that these properties would be revisited after a study of the nearby manufacturing district.

Councilor Wright proposed removing all VC3 in Nonantum.

Withdrawn. This amendment had been made by Councilor Leary at the October 10 meeting and was approved.

Newtonville

Councilor Wright proposed changing 103 Madison Ave in Newtonville to MRT.

The motion failed 2-5 (Leary, Albright, Crossley, Danberg, and Ryan Opposed)

Councilor Wright proposed changing 105 Washington Park in Newtonville to MRT.

The motion failed 2-5 (Leary, Albright, Crossley, Danberg, and Ryan Opposed)

Councilors Lucas and Norton proposed changing 304-306 and 308-322 Walnut St from VC3 to VC2. The discussion noted the two parcels on the east side open up the view field to the iconic Masonic temple.

The motion was approved 7-0

Councilors Lucas, Norton, and Wright proposed changing 12 Austin St and 456-460, 303, 305, and 309-321 Walnut St from VC3 to VC2.

The motion failed 2-5 (Leary, Albright, Crossley, Danberg, and Ryan Opposed)

Councilors Lucas, Norton, and Wright proposed changing 911 and 899 Washington St from VC3 to VC2. In discussion a Councilor noted that the nearby intersection is dangerous along with other recent development in the area.

The motion was approved 7-0

Councilor Wright proposed changing 60, 46, and 40 Austin St from VC3 to VC2.

Withdrawn, as these properties were discussed at the 09-07-23 ZAP Meeting. ([09-07-23 Zoning & Planning Report](#))

Councilors Lucas and Norton proposed removing all MRT lots along Court St.

The motion failed 2-5 (Leary, Albright, Crossley, Danberg, and Ryan Opposed)

In discussion it was noted that these lots are behind VC2 (3.5 stories) fronting on Washington Street, would be the same scale as the residential lots on the opposite side of the street (2.5 stories) and all residential.

West Newton

Councilor Wright proposed changing 1391, 1385, 1381, 1357, 1345, 1362, 1314, 1298, 1296, 1274, 1253, 1239, 1235, 1229, 1221, 1213, 1211, 1203, 1199, 1197, and 1191 Washington St; 1 Chestnut St Rear; 989, 979, and 978 Watertown St; 12 Davis Ct; 527, and 521 Waltham St; and 8 Border St from VC3 to VC2.

The motion failed 2-5 (Leary, Albright, Crossley, Danberg, and Ryan Opposed)

This would eliminate all VC3 in the heart of the village, leaving some at each end. It was noted that the scale of this street is so wide that taller (4.5 story) buildings would help to define the space.

Newton Highlands

Councilor Wright proposed changing 1141 Walnut St in Newton Highlands to MRT.

The motion failed 2-5 (Leary, Albright, Crossley, Danberg, and Ryan Opposed)

Councilor Wright proposed changing 1629 and 1623 Centre St in Newton Highlands to MRT.

The motion failed 2-5 (Leary, Albright, Crossley, Danberg, and Ryan Opposed)

Councilor Wright proposed changing parcels on Lincoln St designated as VC3, to VC2.

The motion failed 2-5 (Leary, Albright, Crossley, Danberg, and Ryan Opposed)

Newton Centre

Councilor Wright proposed changing 190, 192, 196, and 200 Sumner St. in Newton Centre to MRT.

The motion failed 2-4 (Leary, Albright, Crossley, and Danberg Opposed) (Councilor Ryan Not Voting)

Ward 6 councilors reminded they had very carefully reviewed and assessed all parcels in Newton Centre.

Councilor Wright proposed changing 17 and 21 Pleasant St; 1301 Centre St; 18-20 Ripley Ter; Northside of Herrick Rd; and the North side of Union St from VC3 to VC2.

Withdrawn

Waban

Councilor Humphrey proposed adding 1535 Beacon St to the VCOD as MRT. This was requested by the owner and extends the proposed MRT district by one lot.

The motion was approved 7-0

Councilor Humphrey proposed changing 68-70 Wyman St from VC3 to VC2. This is the lot adjacent to the MBTA lot, between the racks and Wyman St. with an existing apartment building on it, adjacent to another apartment building designated VC2.

The motion was approved 6-0-1 (Councilor Wright Abstaining)

Councilor Humphrey proposed changing 100 Wyman St from VC3 to VC2. This is the MBTA lot, which would require working with the state to develop.

The motion failed 1-6 (Leary, Albright, Wright, Crossley, Danberg, and Baker Opposed)

Auburndale

Councilor Wright proposed changing 319, 305-321, 287-289, and 271-283 Auburn St from VC3 to VC2.

Withdrawn, as these lots were thoroughly reviewed at the September 11th meeting.

Newton Corner

Councilor Wright proposed changing 445 and 449 Washington St in Newton Corner to MRT.

The motion failed 2-5 (Leary, Albright, Crossley, Danberg, and Ryan Opposed)

Councilor Wright proposed changing 28 and 36 Park St in Newton Corner to MRT.

The motion failed 2-5 (Leary, Albright, Crossley, Danberg, and Ryan Opposed)

Councilor Wright proposed Change from VC3 to VC2, lots off of Washington St from Jackson St to Bacon St and lots on Centre St north of the Mass Pike. (Wright)

Withdrawn, as these lots were thoroughly reviewed at the Oct. 10 meeting.

With discussion and voting on all amendments completed, the committee voted 5-1-1 (Councilor Wright Opposed) (Councilor Baker Abstaining) on a motion to approve item #38-22 from Councilor Danberg.

#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

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

Committee members voted 7-0 on a motion to hold item #39-22 from Councilor Baker

The meeting adjourned at 10:58 pm.

Respectfully Submitted,

Deborah J. Crossley, Chair