



To: Members of the Zoning & Planning Committee (2024-25)
From: Councilor Lisle Baker, Chair; Councilor John Oliver Vice-Chair
Cc: Newton City Council; Newton Planning and Law Departments
Re: Planning the work of the Committee – Initial discussion #21-24
Date: December 28, 2023

Memorandum

For the first meeting of the ZAP Committee, it would be helpful to spend some time in a preliminary discussion about where the Committee might spend its time over the next few months before budget discussions begin.

Below are possible matters for discussion and possible action; please bring additional topics that you want the committee to consider in our first few months. This discussion will help us in planning the upcoming Committee agendas. Other than those items already docketed, we anticipate framing docket items growing out of this list, as it is important to use the Committee’s time wisely. (Note that while some matters have already been docketed, they are not part of the formal agenda for this meeting, though it will be helpful to understand enough about them so we can plan for when best to take them up.)

Our plan is to avoid special Zoning and Planning meetings, and regularly conclude discussions by 10 p.m., except where a public hearing may require more time. To assist your planning, below is a list of the dates anticipated for ZAP meetings in 2024, recognizing that some meetings will occur on a Tuesday because of a Monday holiday.

Finally, at our first meeting before we discuss the items below, we would like to ask each member of the Committee, staff, and the Planning & Development Board, who we have invited to join us, to introduce themselves and their background for information of each other and the public which may be watching. As a general matter, we hope that as many of us on the Committee can attend in person as it is easier to see and be heard, though we recognize that there will be exceptions.

We are looking forward to working with you in the coming term.

Topics for initial consideration

Current Zoning:

- What modifications can be made to existing residential zoning to reduce the incidence of demolition of older homes that are usually more affordable than the new ones that replace them?
- COUNCILORS ALBRIGHT, DANBERG, KRINTZMAN, AND LEARY seeking a discussion with the Planning Department to consider ordinance amendments that would revise the metrics in the multi-residence (MR1, MR2 and MR3) zones, to regulate the size of

new buildings better, enable a wider range of housing options close to public transit, and better incentivize preservation and renovation of existing housing stock.

- Manufacturing Zone study – current status and planned next steps?
 - Item set to be docketed
- Response to grade changes in new construction resulting in homes elevated next to neighboring properties not part of natural topography.
- COUNCILORS ALBRIGHT, LIPOF, WRIGHT, AND LEARY requesting a discussion with the Planning Department to address concerns relative to the trend of significantly raising grade elevations on lots, using retaining walls, terracing, and other means to add soil to conceal a raised basement, which can lead to new buildings that are significantly taller than nearby existing houses in the area and cause denuding of wooded areas and increase stormwater runoff. This discussion may result in an ordinance change to Chapter 30 section 5.4.2 which would require a special permit or other means of city review of all retaining walls over 4 feet on a site.
- What modifications might be made to our inclusionary zoning ordinance to respond to smaller than six-unit development?
 - DANBERG AND... requesting a discussion with the Planning and Development Department and the Newton Housing Partnership about the City's Inclusionary Zoning Ordinance and possible amendments to the ordinance to include 4-6 units, including raising the requirements for the number of affordable units in large developments.
 - DANBERG AND... requesting discussion and possible amendment to require that developers and property managers provide training for their employees regarding bias toward residents of the IZ units and how to mitigate this bias.

MBTA Communities:

- Are there adjustments needed to the new MBTA Communities Act Overlay Zoning text and maps to comply with state guidelines?
- Should we include any additional elements, such as minimum parking requirements in select locations not already covered by such requirements?
- What is the status of the financial viability study (by MAPC) for the City regarding the MBTA compliance requirements? How is it being conducted?

Measurement and Reporting

- What should be collected and reported on, how frequently, and how should the information be shared?
- Progress being made on newton's Climate Action Plan (CAP)?
 - THE PUBLIC FACILITIES COMMITTEE AND THE ZONING AND PLANNING COMMITTEE requesting an update from the Sustainability Team and appropriate staff on the status of implementing Climate Action Plan measures, expanding municipal energy efficiency and renewable energy programs as follows: Newton Power Choice participation rates, municipal power purchasing contracts for gas and electricity; Solar Power Purchase Agreement including operational and PV

installations under construction, municipal energy consumption (DOER report) Green Communities grant funded efficiency projects to date, Energy Coach/ "4 our Future" program and zoning ordinances both to increase building energy efficiency/renewables in the private sector and foster sustainable development patterns.

- How will Newton capture, report data with regards to development in MBTA / non-MBTA zones to gauge progress toward our goals.
 - COUNCILORS ALBRIGHT AND DANBERG requesting updates on any potential projects brought to the Planning Department under the new Village Center Overlay District. The updates should include indications of interest and actual permits filed; for which villages and under which zoning districts; number of stories and units.
- What is the status of Newton's progress in reaching required amounts of units or land area devoted to affordable housing sufficient to avoid chapter 40B bypassing Newton zoning?

Housing:

- May Newton devote CPA funds, or other funds, set aside for housing to aid Newton municipal and school employees to live in the City they serve? If so, how?
- May Newton limit the purchase of existing housing by investors to preserve the home-buying opportunities for individuals and families? If so, how?

Enforcement work by ISD:

- Zoning compliance generally.
- Special permit conditions.
- Short-term rental ordinance compliance and possible amendments.
 - **#23-24 Update on Short-term rental ordinance compliance and enforcement**
COUNCILORS MALAKIE, WRIGHT, KELLEY, LAREDO, LIPOF, HUMPHREY, LUCAS, ALBRIGHT, DANBERG, AND OLIVER requesting an update on Short-term Rental ordinance compliance and enforcement, including data on registrations, complaints, investigations and fines issued; types of violations being found (e.g. non-owner occupied, room limits, annual time limits, other code violations like noise, health & safety, trash); ability to compare STRs registered with the city vs registered with the state vs listings on public platforms; ability to obtain listing information from STR companies; adequacy of resources or other obstacles to enforcement.
- Leaf-blower ordinance.
- Street side fence approvals.

Energy Conservation and Climate:

- What additional steps are required to continue the City's qualification as one of the Ten Communities?
 - COUNCILORS ALBRIGHT, LEARY, DANBERG AND request review and adoption of the electrification ordinance to enable the City to participate in the State's

Fossil Fuel-Free Demonstration Project, 225 CMR 24.00, to which Newton was conditionally accepted in December 2023. The purpose of the Fossil Fuel-Free Demonstration Project is to restrict and prohibit new building construction and Major Renovation Projects that are not fossil fuel-free in ten communities in Massachusetts.

- What additional energy conservation/electrification requirements should be considered for major projects and renovations?
- COUNCILORS ALBRIGHT, DANBERG, AND LEARY, on behalf of the Newton Citizens Commission on Energy (NCCE), requesting discussion and an ordinance that would require large property owners (campuses and large commercial buildings) to report energy use and associated greenhouse gas emissions annually to the city of Newton, to be used to encourage reductions in said energy use and greenhouse gas emissions in accordance and support of the goals set forth in the Newton Climate Action Plan.

Economic Development:

- **#24-24 Request for discussion and possible ordinance amendments relative to aiding small businesses impacted by development**
COUNCILORS ALBRIGHT AND KELLEY request the Planning Department with the assistance of the Economic Development Commission, research and develop mechanisms including ordinance changes or other means to assist local businesses impacted by development similar to the Somerville work. The goal of this docket item will be to help small commercial/retail/independent and locally-owned businesses remain in Newton as development occurs.
- What additional measures are likely to be proposed to increase the “vibrancy” of new commercial development in Village Centers not part of the Overlay zones?

Community Preservation:

- What is likely to be forthcoming this term?
Referred to Zoning & Planning & Finance Committees
- **#22-24 CPC Recommendation to appropriate \$125,000 in CPA funding**
COMMUNITY PRESERVATION COMMITTEE recommending appropriation of \$125,500 in Community Preservation Act funding from the FY24 Historic Resource Reserve Funds to the control of the Planning & Development Department for a grant to the Second Church in Newton for the restoration.
- What is the current balance available for projects not already set aside, and what is set aside by category (open space, recreation, housing, historic preservation)

Boards and Commissions:

- Appointments and Reappointments as they occur.
- Role of the Boards and Commissions that advise or implement ordinances for which the Committee is responsible.

- COUNCILORS DANBERG AND ALBRIGHT requesting periodic progress reports on establishing the Municipal Affordable Housing Trust

Response to state legislation:

- Preserving our accessory apartment ordinance as recently amended.

Recodification:

- Making sure zoning changes are part of the official Newton ordinances.

Public Education:

- A Newton Zoning primer for the public.
- Occasional public information about upcoming matters?

Committee Process:

- The importance of involving Ms. Norton and Clerk’s office about Committee matters to assist preparation and follow up on Committee work.
- How agendas are prepared and attachments – meeting with Planning the week before.
- How reports are prepared – factual, so that’s the Council and the public can be informed.
- Attendance of staff and consultants as much as possible in person.
- Committee member attendance – if absent please notify the Clerk.
- Receiving oral and written testimony at public hearings – advance notice of process?
- Understanding legal constraints on zoning changes compared to other ordinances – public hearings, uniformity requirements, variable council votes, role of the Planning Board.

Pre-budget Department Interviews and Questions?

- Planning
- Inspectional Services
- CPA Administration

Parking Minimums

- Extending reduction of parking minimums to non-VCOD villages.

Calendar:

Here are dates anticipated for Regular Zoning and Planning Committee meetings; Mondays unless otherwise noted:

January: 8th and 22nd

July: At the discretion of Chair and Committee

February: 12th and 26th

August: At the discretion of Chair and Committee

March: 11th and 25th

September: 9th and 23rd

April: 8th and Wednesday, April 24th

May: 13th and Tuesday, May 28th

June: 10th and 24th

October: Tuesday, October 15th and 28th

November: Tuesday, November 12th and 25th

December: 9th and 23rd