



Zoning & Planning Committee Report

City of Newton In City Council

Monday, May 22, 2023

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

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

City staff present: Maureen Lemieux, Chief Financial Officer; Perry Rosenfield FP&A Manager; Jonathan Yeo, Chief Operating Officer; John Lojek, Commissioner of Inspectional Services; Anthony Ciccariello, Deputy Commissioner of Inspectional Services; Lara Kritzer, CPA Program Manager; Amalia Timbers, Citizen Assistance Officer; Andrew Lee, Assistant City Solicitor; Ann Berwick, Co-Director of Sustainability; Josh Ostroff, Director of Transportation Planning; Barney Heath, Director of Planning; Jennifer Caira, Deputy Director of Planning; Deb Finamore, Inspectional Services Administrative Assistant; Jaclyn Norton, Committee Clerk

For more information regarding this meeting, a video recording can be found at the following link: [Zoning & Planning Committee - May 22, 2023 \(newtv.org\)](https://www.newtv.org/Zoning-Planning-Committee-May-22-2023)

Chair's Note: *Ann Berwick, Co-Director of Sustainability will join the Committee to discuss a draft waiver provision to add to the draft ordinance. The Chair will also entertain a motion to set a public hearing for the following item for Wednesday, June 14.*

#94-23 Discussion and possible ordinance requiring electrification of all new construction and substantial renovations

COUNCILORS CROSSLEY, LIPOF, DOWNS, HUMPHREY, LAREDO, NORTON, MALAKIE, BOWMAN, DANBERG, WRIGHT, RYAN, LEARY, ALBRIGHT, GREENBERG, KELLEY, OLIVER, AND MARKIEWICZ requesting an update and discussion with the Sustainability Director on the requirements under the Ten Communities program, that would allow Newton to require electrification of all new construction and substantial renovations, and to consider adopting such an ordinance.

Action: Zoning & Planning Held 8-0; Public Hearing Set for 06/14/23

Note: The Chair stated that the Committee has previously discussed the body of the draft ordinance but had requested an updated waiver provision. DOER has also released updated regulations that relax the deadline for when the ordinance needs to be passed, and

when the housing affordability requirement must be met. Ann Berwick, Co-Director of Sustainability, explained that an application from the City, including the draft ordinance, needs to be submitted by September 1, 2023 for DOER approval, but the deadline to pass the ordinance is 01/01/2024. Furthermore, and the housing affordability requirement must be met by 02/11/2024. She also stated that the intent is to submit the draft ordinance earlier this summer, to allow time for Council to amend the ordinance if DOER doesn't approve. When asked about the process of adopting the ordinance Andrew Lee, Assistant City Solicitor, described that this ordinance belongs in the general ordinances, and requires a simple majority vote. In addition, although a public hearing is not required by statute, it is required by DOER.

Attorney Lee explained that the City and multiple other municipalities had submitted home rule petitions to the General Court regarding requiring electrification of new construction. He reminded that the Legislature General Court, instead of acting separately on each home rule petition, created the Ten Communities Act. The Chair noted that during the previous committee discussion the elements of Newton's draft ordinance that differ from the DOER model ordinance, which are the proposed exemptions and waiver provision, were explained. (03-27-23 Zoning & Planning Report)

The draft waiver provision would only apply to major renovation projects and would require that an architect, engineer, or general contractor on the project certify that the cost to comply with the electrification ordinance would increase by at least 50% more than the same project built to code. A previous version would have required the Inspectional Services Department to make a subjective determination. The proposed waiver would be easier to administer. Ms. Berwick noted that DOER has not provided her with formal feedback on the updated waiver provision. When asked why she stated that DOER has left the decision to have a waiver up to each municipality, but that DOER has the final say.

A Councilor asked if the definition of a Major Renovation Project is the same as that in the VCOD draft text. Attorney Lee described that DOER now defines a Major Renovation Project within the model ordinance instead of citing the relevant CMR and that any inconsistencies in the draft VCOD text will be rectified. One Councilor expressed concern regarding the capacity of the electric grid in handling this increased demand. The Chair noted recent past documents from Ms. Berwick which address this issue directly, where she found grid capacity to the relatively small (relative to existing buildings) amount of new construction per year, increased efficiency of electric HVAC equipment and commitments to renewable power generation.

Councilors agreed to include the waiver provision in the ordinance as drafted, and voted 8-0 on a motion to hold and set the public hearing for Wednesday, June 14, 2023, from Councilor Danberg.

The meeting adjourned at 9:37 pm.

Respectfully Submitted,

Deborah J. Crossley, Chair