



Zoning & Planning Committee Report **Revised**

City of Newton **In City Council**

Monday, June 26, 2023

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

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

City Staff: Barney Heath, Director of Planning; Jennifer Caira, Deputy Director of Planning; Zachary LeMel, Chief of Long Range Planning; and Jaclyn Norton, Committee Clerk

Planning & Development Board: Kelly Brown, Peter Doeringer, Lee Breckenridge, Kevin McCormick, Laxmi Rao, Jennifer Molinsky

For more information regarding this meeting, a video recording can be found at the following link: [Zoning & Planning Committee - June 26, 2023 \(newtv.org\)](https://www.newtv.org/Zoning-Planning-Committee-June-26-2023)

#38-22 Discussion and review relative to the draft Zoning Ordinance regarding village centers

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 Held 8-0; Public Hearing Continued**

Note: The Chair outlined the procedure for the public hearing, emphasizing that there would not be time to hear from all who wish to speak on this item during this first meeting and that the Committee will continue the public hearing at future meetings. Zachary LeMel, Chief of Long Range Planning, and Jennifer Caira, Deputy Director of Planning, presented the attached presentation which provided an overview of the proposed Village Center Overlay District (VCOD). Their approximately 20 minute presentation is a shortened version of that which was presented at the 6/20 ZAP meeting for Council.

A recording of the presentation can be found [here](#).

The Chair

The Public Hearing was opened.

Sarah Rahman, 33 Staniford St, Chair of the Economic Development Commission (EDC), expressed her support for the proposal. She particularly noted how the proposed VCOD would help small businesses be more vibrant and resilient. She noted that the EDC would be meeting soon to vote on a statement to Council on the VCOD proposal.

Lisa Adams, 40 Converse Ave, a member of the EDC, described how the proposed VCOD would strike a good balance between preserving existing neighborhoods while also increasing housing near public transit. She also stressed the need for the City to comply with MBTA Communities Guidelines.

Chuck Tanowitz, 51 Harding St, also a member of the EDC, described the benefits he has seen from living in a community that can be more easily traversed on bike or foot, and that the VCOD proposal will allow others to experience these benefits.

Matt Segneri, 45 Cedar St, also a member of the EDC, described the extensive community engagement performed by the Planning Department throughout the process of developing this proposal. He stated support for the VCOD proposal and that it promoted village centers being inclusive spaces that are a hub for both residents and visitors of Newton.

Lynn Weissberg, 5 Alden St, is a member of the Engine 6 Zoning Working Group and stated how the proposal serves the goal of incentivizing more multi-family housing near public transit. She also urged that while the proposal is controversial that Council should not reduce the scale or scope.

Carolyn Stone, 66 Verndale Rd, described her connection to the Newton Highlands village center through previously renting office space. She expressed support for the proposal stating that it will make our village centers more vibrant.

Peter Harrington, 157 Lowell Ave, expressed opposition to the proposal stating that it is counterintuitive to the goals of helping alleviate climate change and reducing the cost of housing. He also noted inadequacies with the MBTA and why more housing shouldn't be built near public transit until it is improved.

Kimberly Gladman, 206 Sumner St, described how the proposed VCOD will benefit renters and encouraged the City to look at options that earmark units for civil servants.

David Decosimo, 70 Vernon St, expressed concerns that the proposal could be counterintuitive to the goals of preserving existing structures through the sections on adaptive reuse and the multi-family conversion option in the MRT zone.

Lorraine Sanik, 411 Newtonville Ave, described how the proposed VCOD will make village centers less accessible and expressed a desire to reduce the density. She further described

how the proposal places an unfair burden on village centers near a Commuter Rail Station (versus south side villages along the Greenline).

Peter Barrer, 60 Endicott St, noted how the proposal is very complex and takes time to fully understand. He also expressed support for the proposal.

Kathy Pillsbury, 34 Carver Rd, stated that it is time to change the zoning to allow more people to live near transit. During her testimony, she also noted the written testimony she previously submitted which details the positive fiscal impact of new development in Newton.

Marcia Cooper, 170 Evelyn Rd, president of Green Newton, expressed support for the proposal and described how it will help address climate change. This proposal in combination with the adoption of the Specialized Code and the Ten Communities Program will result in much more environmentally friendly development.

Jeremy Freudberg, 102 Clark St, spoke on behalf of the Newton Highlands Area Council, expressing concern regarding the height of VC3 in Newton Highlands along with concerns regarding Four Corners becoming purely residential over time. He also advocated for getting a 3D model of potential build-out within the VCOD.

Ann Houston, 45 Wedgwood Rd, on behalf of the Newton Affordable Housing Trust, who support the proposal. She described how the VCOD proposal will incentivize more development on smaller lots and more affordable housing within village centers. She noted, in particular, that NAHT supports the height and building footprint bonuses proposed subject to developers providing more deed restricted affordable housing that what is already required by the inclusionary zoning ordinance, and that the ordinance removes lot area per unit and parking minimums.

Jay Walter, 83 Pembroke St, during his testimony, expressed support for the proposal, but emphasized his concern that people have tried to defame others during public comment periods regarding this proposal.

Carolyn Gabbay, 11 Doris Circle, noted how the Newtonville Area Council conducted a survey that received 534 responses. 70% of respondents were opposed to the proposal with 30% supporting the proposal. She also read comments from survey respondents regarding the VCOD proposal.

Peter Bruce, 11 Claflin Place, expressed opposition to the proposal along with describing the unit capacity requirements complying with MBTA Communities as unrealistic, citing that people are moving out of urban environments.

Jennifer Sulla, 17 Munroe St, voiced support for the proposal and stated the need to prioritize transit-oriented development and walkable communities.

Dan Powdermaker, 119 Lincoln St, who rehabilitates and expands older homes in Newton, commented how the proposed MRT district would have changed his approach to a development in Newtonville from being a two-family home to a four-unit multi-family residence. If this proposed district had it been in effect would have kept the exterior of the building the same while creating more affordable housing options, by virtue of more smaller units.

Henry Dorkin, 75 Evergreen Ave, described how traffic has impacted his commute and that while he agrees with the transit goals, he is skeptical of the outcome. He also echoed concerns about not having sufficient infrastructure to support the increased population.

Emily Cagwin, 57 Taft Ave, voiced support for the VCOD proposal. She also described how the lack of affordable housing options in Newton prevents those who work in Newton from living in Newton.

Laura DeVeau, 12 Proctors St, similar to Carolyn Gabbay noted the survey conducted by the Newtonville Area Council. However, Ms. DeVeau in describing the survey results presented that the results differed between newer and longer-term residents of Newton. Residents of Newton who had been living in the City for less than 5 years were more supportive of the VCOD proposal according to Ms. DeVeau.

Emma Vesey, 186 Highland Ave, expressed concern with the VCOD proposal potentially being counter-intuitive and limiting green space and affordable housing. She also advocated for required mixed-use development to be counted toward compliance with MBTA Communities Guidelines.

Note: During previous meetings, it has been noted that where mixed-use development is required on the ground floor, that DHCD will not count multifamily units above toward MBTA compliance.

Fred Smith, 89 Needham St, noted his experience living at the Avalon and how the affordable units in that development have led to a more diverse community.

Dan Ruben, 175 Waban St, further emphasized the need for more housing options and more affordable housing within Newton citing that this proposal will increase the housing stock and subsequently reduce housing prices.

Constance Cork, 876 Beacon St, lives on the edge of the VCOD and described difficulties in only using transit in Newton Centre. These difficulties led to her buying a car and believes that others will have similar experiences leading to increased traffic. She also noted recent increases in traffic and urged the City to work to alleviate traffic congestion.

Ray Hoefling, 153 Cherry St, noted that some people will still need a car if this proposal is passed due to not everyone being able to get around on a bike. He also expressed concern with the proposal potentially increasing traffic and straining public infrastructure within the City.

Howard Rosenof, 153 Cherry St, described how the VCOD proposal has a higher unit capacity than what is required under MBTA Communities Guidelines. He further advocated for the reduction of density in the VCOD district until the unit capacity matches that of the MBTA Communities Guidelines.

Cyrisse Jaffee, 8 Hallron Rd, advocated for the preservation of architectural character within village centers and suggested that the City find a way to increase housing without increasing density.

Marc Hershman, 162 Cynthia Rd, stated that the proposed VCOD will lead to increased traffic and that the greater density will not lead to more affordable units. He also advocated for the preservation of open space in the proposal.

Mark Webster, 15 Owatonna St, Auburndale, expressed support for the proposed VCOD and commended the extensive community engagement conducted regarding this item. He described how the VCOD proposal will enable more affordable housing within Newton and promote a wider array of businesses within village centers. Mr. Webster did raise concern that the height and footprint bonus for greater affordable units is too tall for smaller village centers.

Jerry Riley, 12 Spring St, emphasized a point made during the Planning Department's presentation that the current buildings that we love in our village centers cannot be built under the existing zoning and voiced support for the proposal. He also described that the current zoning is broken and needs to be revised.

Lisa Monahan, 1105 Walnut St, described the vast community outreach that has been done regarding this proposal and voiced support for the proposal as a whole. She also described the extremely accurate street view renderings of development that the proposed zoning would allow would look like, drawn by Utile and the less accurate/ misleading illustrations drawn by some citizens' groups.

Ron Blau, 111 Wood End Rd, admired the thoughtfulness of the proposal and described how the proposal will enable more people to live within the City and create a more diverse community.

Cory Alperstein, 19 Hibbard Rd, is a board member of Green Newton and described how this proposal will help produce new construction that is fossil fuel free.

Ms. Alperstein also read a testimony on behalf of Halina Brown, 56 Cloverdale Rd, who is chair of the Citizens Commission on Energy. This testimony voiced support for the VCOD proposal and noted the benefits of the proposal in limiting greenhouse gases, invigorating economic life in village centers, and incentivizing small and medium size housing.

Ari Zeren, 301 Woodcliff Rd, described how the proposal will increase the quality of life for Newton residents by enabling more people to live close to public transit. He stated that the proposal is a good first step at creating an accessible community where younger residents will eventually want to raise a family.

Claire Sokolof, 41 Oxford Rd, spoke in support, describing how the proposal will provide more housing options within Newton and make village centers livelier.

Robert Gifford, 41 Oxford Rd, spoke in support. He described the previous work of a Newton Centre Task Force years ago, which failed, and commended the clear goals and framework used by the Zoning & Planning Committee, which would have been helpful to that earlier effort. He also noted how the increased density in village centers will help drive down the cost of housing and allow for more affordable housing options.

Nora Zizlsperger, 164 Linwood Ave, indicated that the VCOD proposal is a good start and looks forward to other zoning reforms that enable more people to live in Newton.

Reverend Devlin Scott, 196 Linwood Ave, cited issues with the current zoning that need to be amended and voiced support for the proposal.

Debra Waller, 10 Bonaire Circle, spoke against the proposal and stated that the increased density enabled by this proposal will not decrease the cost of housing.

Paul Fair, 20 Merton St, also raised concerns regarding traffic within Newton and advocated for the traffic to be reduced before increasing density.

John Dundon, 71 Fordham St, expressed support for the proposal and cited how it is difficult for many to live in Newton due to the lack of affordable housing options.

Russel Feldman, 85 Langley Rd, supports the proposal. He noted that the VCOD proposal does not require a minimum number of units to be built and that no community has zoning that is 100 percent built out. He also stated how this proposal can lead to rethinking the zoning for other areas in addition to the VCOD.

Kathleen Kouril Grieser, 258 Mill St, opposes the proposal claiming that it will lead to gentrification, displacement of current residents, increased housing prices, demolitions of existing homes, and loss of green space. She also stated that increasing density only will

benefit wealthy developers and that any elected official who supports the proposal should be removed from office.

Sumukh Tendulkar, address unknown, is a member of the Waban Area Council and proposed that development within the mixed-use priority streets be by special permit only.

Julian Goldman, address unknown, expressed uncertainty about how the VCOD proposal would affect traffic and inquired about the secondary impacts of this increased density.

Jonathan Kantar, 672 Chestnut St, voiced support for the proposal noting the extensive community engagement performed. He also echoed the comments from previous speakers regarding how this proposal will diversify housing options, help combat climate change, and help more individuals live without a car.

Alice Ingerson, 1923 Beacon St, described how the current zoning code was designed to promote large single-family homes with previous changes being to incentivize cars. This proposal moves away from this and incentivized multi-family housing near public transit.

Jason Harburger, 15 Perkins St, is a member of the Engine 6 Zoning Working Group and described how this proposal will create more walkable communities and diversify housing options. He also noted multiple examples of exclusionary zoning and how this proposal helps remove some of those barriers.

Stephen Farrell, 30 Winston Rd, expressed opposition to the VCOD proposal. He inquired about the possible penalties for non-compliance with MBTA Communities Guidelines and what will be done to make sure existing businesses can continue operation during construction if development happens at that location.

Lizbeth Heyer, 25 Freeman St, advocated for the city to do more to increase affordable housing and voiced support for the affordability bonus in the VC2 and VC3 districts.

Sean Roche, 42 Daniel St, voiced support for the VCOD proposal. He also agreed with previous speakers on how the proposal will increase affordable housing options and reduce greenhouse gas emissions.

Chagit Steiner, 48 Woodward St, expressed support for the proposal and cited the need for more affordable housing within village centers.

At 10:15 the Chair noted that no further public testimony would be entertained during this meeting and that the public hearing will be continued at a future meeting.

Ms. Caira in response to points raised during public testimony provided clarifying statements: In response to parking concerns, she noted they are seeing some individuals living with less

than 1 car per unit in recent developments. In response to concerns about churches being torn down, she stated that under current zoning churches may be redeveloped, and for those sites under the new zoning often what is being proposed is less than what is already allowed. Allowing more uses, like housing units within churches would provide more options for keeping the church. In response to concern that amenities that can be negotiated during the special permit process could no longer be negotiated, Ms. Caira noted that many of these amenities are required by the design standards, and that large projects will still go through the special permit process. In response to several concerns raised about protecting historic resources, she noted that all local historic districts have been removed from the VCOD, and anything landmarked would have to follow the current process of being approved by the Newton Historical Commission. In response to concerns raised about preserving open space, she reminded that no parks or public open spaces are being removed or rezoned as part of the proposal.

A councilor noted that earmarking affordable apartments for Newton civil servants are not allowed under fair housing law. Ms. Caira confirmed this, but noted there is a local preference process that can be provided to 25% units for those that live, work, or go to school in Newton.

A Councilor asked if the Planning Department could provide context as to why the unit capacity isn't an accurate number. Ms. Caira stated that the unit capacity number is derived from the MBTA compliance formula, which makes numerous assumptions and is only useful to show compliance. The formula only considers the absolute maximum that could be built, assuming nothing exists on the site currently, and that no on-site parking would be built that would take space away from potential unit development. The formula is blind to actual site existing conditions within the district. It is highly unlikely that all parcels within the VCOD could be built to maximum by-right allowances according to this formula.

She also directed individuals to the [FAQ](#) on the Planning Department's website for more discussion on this topic.

Regarding the process for going forward, the Committee will continue discussion throughout the summer and take straw votes on sections of the text and maps. During this time Councilors may offer amendments to the draft text and maps.

Committee members voted 8-0 on a motion to hold and continue the public hearing from Councilor Krintzman.

#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 8-0

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

The meeting adjourned at 10:56pm.

Respectfully Submitted,

Deborah J. Crossley, Chair