



PLANNING & DEVELOPMENT BOARD MEETING MINUTES

September 14, 2023

Members present:

Kelley Brown, Chair
Kevin McCormick, Vice-Chair
Lee Breckenridge, Member
Amy Dain, Member
Peter Doeringer, Member
Jennifer Molinsky, Member
Jyothsna Buddharaju, Alternate
Barney Heath, *ex officio*

Ruthanne Fuller
Mayor

Staff present:

Lara Kritzer, Director of Housing and Community Development
Shaylyn Davis-Iannaco, Housing Program Manager
Malcolm Lucas, Housing Planner
Nika Sandal, Senior Community Development Planner
Louis Taverna, City Engineer
John Daghlian, Associate City Engineer
Joseph Iadonisi, Planning Associate

Barney Heath
Director
Planning & Development

Joseph Iadonisi
Planning Associate

Meeting held in Room 205 and virtually by Zoom Meeting at 7:00 p.m.

Members

Kelley Brown, Chair
Kevin McCormick, Vice Chair
Lee Breckenridge, Member
Amy Dain, Member
Peter Doeringer, Member
Jennifer Molinsky, Member
Barney Heath, *ex officio*
Laxmi Rao, Alternate
Jyothsna Buddharaju, Alternate

1. FY23 Consolidated Annual Performance and Evaluation Report (CAPER) Public Hearing Presentation and Vote

The Department of Planning and Development's Housing and Community Development division presented their CAPER for the Planning and Development Board's vote on forwarding to the mayor for final approval before submission to the US Department of Housing and Urban Development. The report, attached below, detailed the achievements, performance, and expenditures of Housing and Community Development programs and activities. The three main sources of programmatic funding were the Community Development Block Grant, HOME, and Emergency Solutions Grant, providing \$3.97 million in funds for Fiscal Year 2023 with \$3.57 million expended in Fiscal Year 2023. These funds were expended on affordable housing production and preservation, human services, housing rehabilitation, affordable homeownership, architectural access, and administration. Additionally, the division received \$3.22 million in Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding which the department expended emergency housing relief, small business recovery grant, human services, emergency shelter services, homelessness prevention, rapid re-housing, and administration.

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Staff then detailed the achievements of the Architectural Access Program, including the Haywood House, Golda Meir House expansion, Coleman House, Nonantum Village Place, and rehabilitation for five Newton Housing Authority properties. The staff achieved its goal of support of homeownership by providing down payment assistance to two new homeowners. Working with the West Metro Consortium, staff increased awareness of fair housing policies and practices. In working towards provision of supportive services to the homeless and at-risk of homelessness, staff expended \$141,407 from the Emergency Solutions Grant towards shelter, prevention, and re-housing programs and administration. For the goal of provision of human services, the division worked with local partners to provide services to a wide population. Staff summarized achievements in terms of implementation of architectural access

improvements, including improvements to sideways, trails, and parks. As a part of the West Metro HOME Consortium, the City of Newton administered the grant program for 13 total communities, enabling communities to provide security deposit assistance and construction, redevelopment, and rehabilitation for affordable housing.

Staff concluded their presentation by providing their contact for comment and soliciting any feedback from the public hearing. Mr. Doeringer asked staff if they could provide demographic information on, not just the recipients, but also the program providers. Staff offered to provide this information. Mr. Doeringer asked staff about parking minimums, to which staff offered to provide more information. Ms. Molinsky asked about how the West Metro Consortium functions and staff explained how the City administers and allocates funds to nearby communities. Mr. Brown lauded staff for quickly and efficiently administering significant funds under the CARES and ARP Acts and asked for lessons learned from the staff. Staff credited community partners and strong relationships with other organizations for ensuring clear communication and efficient expenditures.

The Board opened the public hearing, but there were no comments. Mr. Brown motioned to close the public hearing and the Board voted 8-0 to close the public hearing. Mr. Brown then motioned to approve the CAPER and the Board voted 7-0, Director Heath abstaining, to approve the CAPER.

2. Board of Survey

a. Subdivision Request for 132 Homer St

The Board of Planning and Development voted 8-0 upon a motion raised by Mr. McCormick to assume its role as the Board of Survey regarding the proposed subdivision of 132 Homer St. The City Engineer, Mr. Taverna serving as the clerk for the Board of Survey, described the procedures for the Board of Survey and introduced the proposed subdivision. The City Engineer informed the Board that it has the authority to approve or disapprove the subdivision, but that the City Council must vote on the proposed water main extension. The Associate City Engineer detailed the proposed site plans, including a proposed stormwater drainage extension, private right of way extension to Chapin Rd., and utilities connections. Additionally, the proposed subdivision would require four waivers: the radius of the centerline for the private right of way, the minimum requirement of a 45-foot-wide right of way, the requirement of a cul-de-sac for a dead-end street, and the 25-foot minimum width of the pavement and sidewalks. The Associate City Engineer assessed that the waiver requests are reasonable. The City Engineer concluded covering the waiver requirements by informing the Board of Survey that staff will include these waiver requirements on the Certificate of Action and, if granted, on the subdivision plan and homeowners agreement. Additionally, Mr. Taverna informed the Board of the ability to place conditions on the subdivision approval before opening questions to the Board.

Mr. McCormick asked about the private right of way and staff informed them about the details. Ms. Breckenridge questioned staff about the stormwater drainage and staff detailed the plan and other options to deal with the existing the existing water and stormwater drainage. Additionally, Ms. Breckenridge asked about the Fire Department's ability to access and egress from the site. Ms. Molinsky had staff clarify the lot size and whether the proposed subdivision would preclude further subdivision of the lots neighboring to the east. Mr. Doeringer asked about the conditions that the Board of Survey could place on the proposed subdivision; staff mentioned that the Board could ask for reasonable conditions such as streetlights. Mr. Brown clarified that conditions cannot include things that are already in the City ordinances. Ms. Breckenridge clarified the Board's role in ensuring that the subdivision meets all applicable requirements prior to granting the permit. Mr. Doeringer stated his current concerns were the maximum footprints of the possible dwellings, improved drainage, emergency vehicle turn-around, solid waste collection, the rear setback, the homeowners associate allotment, and the lot shape. Staff clarified the rear setback and the attorney representing the subdivision applicants clarified how build factor ensures regularity of lot shapes. Mr. McCormick asked whether the Board could ensure that the site does not utilize natural gas and Mr. Taverna informed the Board that it could place that as a condition. Mr. Brown

furthered that the Ten Communities electrification ordinance. The representing attorney said that the clients would agree to full electrification, that the proposed development has undergone zoning review, and that future development will undergo further review prior to obtaining a building permit. Mr. Daghlian recommended that the applicants provide neighboring properties a connection to the drainage system extension.

The Board voted 8-0 to open the public hearing upon on a motion from Mr. McCormick. Mr. Bruckner, of Chapin Rd., voiced concern that new development may exacerbate existing flood issues for his property and neighboring properties. Mr. Berinstein, an abutter, furthered concern about existing flooding and parking issues and stated his opposition to the proposed development. Ms. Berinstein, an abutter, voiced her unease about clearing and depositing snow and trash collection and confusion about the frontage requirement and other building requirements and limits. Mr. Brown clarified that the building requirements are covered by zoning and would not be under the purview of the Board. Mr. Taverna clarified that there are over 200 private rights of way in Newton that all provide frontage. Mr. Daghlian furthered that the cul-de-sac requirement is appropriate for a waiver given it would be overwhelmingly large and would add more impervious surface. Mr. Brown asked if the development would improve existing stormwater management in the area and Engineer staff confirmed it would be an improvement. Staff also responded to Ms. Berinstein's concern that condos would be built by confirming that only single-family housing would be allowed by right on the proposed lots. Mr. Bruckner further detailed his concerns about flooding in the neighborhood. Ms. Berinstein asked whether there would be construction for the drain line extension and Mr. Taverna and Mr. Daghlian confirmed that there would be some disruption as a trench would be required to install the drain extension. Mr. Brown asked if additional catch basins would be helpful and Mr. Daghlian clarified that the City Council could ensure this as a part of granting the stormwater drain extension.

The Board voted upon motions raised by Mr. McCormick, 8-0 to close the public hearing, followed by a 8-0 vote to hold the matter of the subdivision, and a 8-0 vote to end their role as the Board of Survey and return to matters in their role Board of Planning and Development.

3. Discussion/vote on docket item #206-23 Discussion and possible ordinance to allow for breweries, brew pubs, and other craft beverage production

Mr. Iadonisi, Planning Associate, provided an update on this docket item. He stated that the Zoning and Planning Committee voted to approve the docket item with the parking requirement removed and send the item to the City Council for consideration on September 11th. Mr. Iadonisi added that a recommendation from the Planning Board to the City Council on the matter would be appropriate. Mr. Brown clarified Planning staff's intent in allowing special permits in certain districts. Ms. Breckenridge asked if the City could remove the prohibition on bottling alcoholic beverages rather than passing an ordinance. Mr. Iadonisi clarified that staff's intent was to be inviting to prospective producers and ensure that there was a defined and unambiguous use that prevented administrative discretion in potentially not considering craft beverage establishments as a permitted restaurant or manufacturing use. Mr. Doeringer asked about the removed parking requirements and the disparity of not requiring parking for craft beverage establishments while requiring parking for bars and similar uses, Ms. Breckenridge agreed. Mr. Brown stated that removing parking is in line with nationwide zoning trends and the City's efforts to remove parking requirements in village centers. He furthered that whether or not it creates a disparity in the parking requirement between similar uses, the City ought to judge the removal of the parking requirement on its own merits rather than compared to existing requirements. Mr. Doeringer labeled this approach as piecemeal and Ms. Molinsky responded that such an approach is required until larger zoning reform takes place. Mr. McCormick agreed with removing parking requirements for craft beverage establishments as a first step towards broader parking reform. Mr. Doeringer and Mr. Brown discussed motion language, attempting to capture that the Board unanimously agrees with the use, but that two members of the Board were reluctant to

support the removal of parking requirements. Mr. Brown offered that the Board unanimously supports a broader attempt to address parking in the City's zoning ordinance. Mr. Doeringer wished to include language that recognizes that removing parking for craft beverage establishments is inconsistent with broader zoning regulations. Ms. Dain discussed removing parking requirements for the Village Center Overlay District and the potential for providing more housing and a more desirable City, but that in the long run there may need to be more comprehensive parking management. Mr. Doeringer agreed with the sentiment and offered to have Mr. Brown finalize language that captured both the agreement with the proposed use and lack of unanimity around parking requirements. Ms. Breckenridge offered that the Board endorses the Planning Department's proposed ordinance, but that members of the Board expressed their desire to make parking requirements uniform across uses and districts. She moved to recommend approval of the docket item while working towards making parking requirements consistent within categories, to which the Board voted 7-0 with Director Heath abstaining. Mr. Brown expressed his desire to allow for a special permit for craft beverage establishments over 10,000 square feet in the Mixed Use 3 and 4 districts and asked staff for detail on why those districts were held separate. Mr. Iadonisi responded that the districts served a narrowly tailored purpose and that larger establishments might detract from that purpose, but that Planning staff would not recommend against allowing a special permit in those districts. Upon Mr. Brown's motion, the Board voted 7-0, Director Heath abstaining, to recommend craft beverage establishments over 10,000 square feet in Mixed Use 3 and 4. Mr. McCormick motioned to approve the overall recommendation to the City Council with the approved amendments and the Board voted 7-0 to approve the recommendation.

4. Continuation of Public Hearing for docket item #38-22 Request for discussion and amendments to the Zoning Ordinance and Zoning Map regarding village center districts and discussion on docket item #39-22 Requesting discussion on state guidance for implementing the Housing Choice Bill.

Director Heath updated the Board on Version 3 of the Village Center Overlay District (VCOD) and the timeline for releasing revised maps and the revised ordinance. Ms. Breckenridge asked about the timeline for the Planning Board to further discuss the VCOD. Director Heath added that he plans to keep the agenda clear for the Board to discuss VCOD on October 2. Mr. Doeringer asked about the role of Site Plan Review in the proposed ordinance and Director Heath agreed to ensure that Site Plan Review would be discussed during the October 2nd meeting. Mr. Brown asked about noticing to which Mr. Heath responded that the Planning Department ensures that all steps in the VCOD process have been noticed according to the advice of the law department.

5. Minutes

a. July 24

Upon a motion from Mr. McCormick, the Board voted 8-0 to approve the July 24th minutes.

6. Adjournment

Upon a motion from Ms. Breckenridge, the Board voted 8-0 to adjourn.