



# Zoning & Planning Committee Report

## City of Newton In City Council

**Monday, December 11, 2023**

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

Absent: Councilor Krintzman

City Staff: Barney Heath, Director of Planning; Joseph Iadonisi, Planning Associate; Andrew Lee, Senior Assistant City Solicitor; and Jaclyn Norton, Committee Clerk

Planning & Development Board: Kelley Brown (Chair), Peter Doeringer, Kevin McCormick, Lee Breckenridge, Barney Heath, and Amy Dain

For more information regarding this meeting, a video recording can be found at the following link: [Zoning and Planning Committee - December 11, 2023 \(youtube.com\)](https://www.youtube.com/watch?v=...)

### **#376-23      Petition to rezone lot on Dedham Street**

KATHERINE ADAMS petitioning to amend the City of Newton's Zoning Map by changing the current zoning of the property known and numbered 0 Dedham St Off, Newton, MA, and shown on the City of Newton Assessor's database as Section 83, Block 36, Lot 3A, currently zoned PUBLIC USE to SINGLE RESIDENCE 1.

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

**Note:**      The Chair described that this parcel had been declared surplus by the Real Property Reuse Committee in 2021, conditional upon maintaining the parcel as open space allowing recreational development (eg. pool, tennis court) only. A purchase agreement is contingent on rezoning the parcel to SR1, consistent with the surrounding residential neighborhood. Katherine Adams from Schlesinger & Buchbinder briefly outlined the specifics of the parcel, the Reuse Order, and purchase and sale agreement (powerpoint attached). She made clear that the parcel is landlocked, with only three abutters: The Gables, Charles River Country Club and the one residence at 197 Countryside Road. If the rezone is granted, only the owner of 197 Countryside Road expressed interest in purchasing the lot.

The Public Hearing was opened.

Steven Wolberg, 435 Dedham St, asked if the purchase agreement would prevent parking structures.

Staff clarified that no buildings may be placed on the parcel.

Fred Chanowski, 111 Countryside Rd, raised concern that more individuals in the neighborhood were not notified of the bidding process for this parcel.

Staff reminded that the process was advertised, but only the three abutters could make use of the parcel.

Joseph Lank, 95 Countryside Rd, asked what the process was for disposing of public land and raised concern about this parcel being rezoned.

Steve Silk, 175 Countryside Rd, raised concern about people not being informed of the bidding process for this parcel.

Committee members voted 7-0 on a motion to close the public hearing from Councilor Albright. The Planning & Development Board voted 5-0-1 (Barney Heath Abstaining) on a motion to close the public hearing from Kevin McCormick.

A Councilor raised concern about the open space restriction not preventing the parcel from being turned into parking, a tennis court, or a swimming pool. Andrew Lee, Senior Assistant City Solicitor, stated that the Real Property Reuse Committee had discussed this and decided on having an open space restriction rather than a conservation restriction. The open space restriction primarily prevents buildings from being built on the parcel while a conservation restriction would require the parcel to be kept in its natural state. Regarding notification of the bidding process, Attorney Lee noted that the Purchasing Department oversaw the process and complied with state law for notification requirements.

Committee members voted 7-0 on a motion to approve from Councilor Ryan. The Planning & Development Board subsequently voted 5-0-1 (Barney Heath Abstaining) on a motion to approve from Kevin McCormick.

**#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 Voted No Action Necessary 7-0

**Note:**      The Chair noted that this item has been discussed jointly with item #38-22 throughout the term. A new item will need to be filed in the upcoming term requesting updates regarding state compliance. Committee members voted 7-0 on a motion of No Action Necessary from Councilor Danberg.

**#394-23      Reappointment of Peter Vieira to the Chestnut Hill Historic District Commission**

HER HONOR THE MAYOR reappointing Peter Vieira, 67 Old Orchard Road, Chestnut Hill as a full member of the Chestnut Hill Historic District Commission for a term of office set to expire on July 31, 2026. (60 Days: 02/02/2024)

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

**Note:**          Committee members raised no concern relative to the reappointments. Councilors voted 7-0 on a motion to approve items #394-23, #395-23, #396-23, #397-23, #398-23, #399-23, #400-23, and #401-23 from Councilor Ryan.

**#395-23      Reappointment of Lisa Adams to the Economic Development Commission**

HER HONOR THE MAYOR reappointing Lisa Adams, 40 Converse Avenue, Newton as a member of the Economic Development Commission for a term of office set to expire on November 30, 2026. (60 Days: 02/02/2024)

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

**Note:**          This item was discussed concurrently with item #394-23. A written report can be found with item #394-23.

**#396-23      Reappointment of Florent Mali to the Economic Development Commission**

HER HONOR THE MAYOR reappointing Florent Mali, 32 Rowe Street, Auburndale as a member of the Economic Development Commission for a term of office set to expire on December 31, 2026. (60 Days: 02/02/2024)

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

**Note:**          This item was discussed concurrently with item #394-23. A written report can be found with item #394-23.

**#397-23      Reappointment of Jim Griglum to the Economic Development Commission**

HER HONOR THE MAYOR reappointing Jim Griglum, 94 Bemis Street, Newton as a member of the Economic Development Commission for a term of office set to expire on December 31, 2026. (60 Days: 02/02/2024)

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

**Note:**          This item was discussed concurrently with item #394-23. A written report can be found with item #394-23.

**#398-23      Reappointment of Zach Knowlton to the Economic Development Commission**

HER HONOR THE MAYOR reappointing Zach Knowlton, 61 Walker Street, Newtonville as a member of the Economic Development Commission for a term of office set to expire on October 30, 2026. (60 Days: 02/02/2024)

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

**Note:** This item was discussed concurrently with item #394-23. A written report can be found with item #394-23.

**#399-23**      **Reappointment of Mark Armstrong to the Newton Historical Commission**  
HER HONOR THE MAYOR reappointing Mark Armstrong, 61 Vaughn Avenue, Newton Highlands as a full member of the Newton Historical Commission for a term of office set to expire on July 23, 2026. (60 Days: 02/02/2024)

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

**Note:** This item was discussed concurrently with item #394-23. A written report can be found with item #394-23.

**#400-23**      **Reappointment of Ralph Abele to the Newtonville Historic District Commission**  
HER HONOR THE MAYOR reappointing Ralph Abele, 15 Page Road, Newton as a full member of the Newtonville Historic District Commission for a term of office set to expire on May 5, 2026. (60 Days: 02/02/2024)

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

**Note:** This item was discussed concurrently with item #394-23. A written report can be found with item #394-23.

**#401-23**      **Reappointment of Matthew Montgomery to the Chestnut Hill Historic District Commission**  
HER HONOR THE MAYOR reappointing Matthew Montgomery, 57 Bowen Street, Newton as a full member of the Chestnut Hill Historic District Commission for a term of office set to expire on November 15, 2026. (60 Days: 02/02/2024)

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

**Note:** This item was discussed concurrently with item #394-23. A written report can be found with item #394-23.

The meeting adjourned at 7:37 pm.

**Respectfully Submitted,**

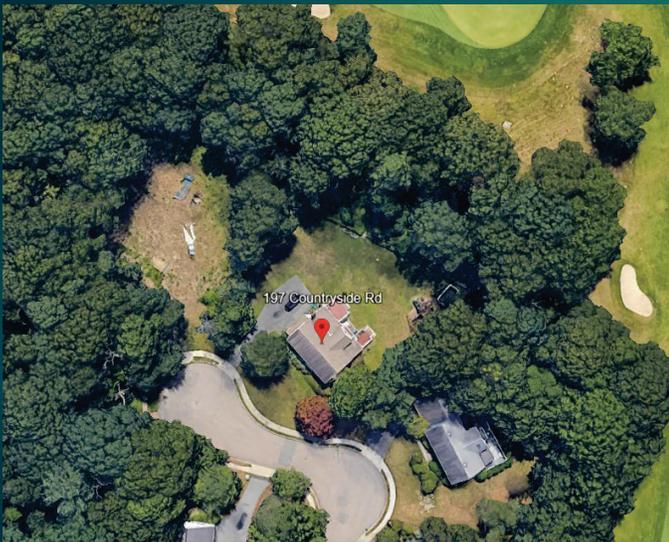
**Deborah J. Crossley, Chair**

Off Dedham Street

Joint Meeting:  
Zoning and Planning  
Committee and the  
Planning Board  
December 11, 2023



COUNTRYSIDE ROAD  
AERIAL VIEW



REUSE ORDER - 2021

#393-20

CITY OF NEWTON

IN CITY COUNCIL

July 12, 2021

That, pursuant to Section 2-7 of the Revised Ordinances of 2012, as amended, after a public hearing and upon recommendation of the Real Property Reuse Committee through its Chair Victoria Danberg, it is hereby

ORDERED:

That Her Honor the Mayor be and is hereby authorized to sell the land commonly known as the Baldpate Water Tower site containing approximately 16,900 square feet of land, identified as Section 83, Block 36, Lot 3A, in Ward 8, in a Public Use zoned district, and,

The property shall be sold, subject to the minimum financial terms and conditions as voted by the Honorable City Council as set forth as follows:

TERMS OF SALE

1. That the minimum sale price shall be set at Fair Market Value; and
2. That the property be sold for the purposes of maintaining the land as open space.

FURTHER BE IT RESOLVED:

1. That a permanent conservation restriction held by the City shall be placed on the property.

Approved as to legal form and character:

*Alissa O. Giuliani*  
ALISSA O. GIULIANI  
 City Solicitor

PURCHASE AND SALE AGREEMENT - 2023

**27. CONTINGENCY**

As of the date of this Agreement, the Premises is zoned Public Use. BUYER'S obligation to purchase the Premises as set forth herein shall be subject to the City of Newton Zoning Ordinance, Sheets of Zoning Plans, and Official Zoning Map, being amended to change the Property zone to Single Residence 1. If BUYER petitions the City to change the zone of the Property, the City, as owner, will act as a co-petitioner. All costs related to the petition, required survey work, and plan and legal description preparation, shall be borne by the BUYER. If the Premises is not zoned to Single Residence 1 on or before November 1, 2024, this Agreement shall automatically terminate and become of no force or effect.

Nothing in this Agreement shall be construed as an agreement by, guarantee, or an obligation of the City to grant or effectuate the rezoning of the Property from Public Use to Single Residence 1.

NEW LOT/SQUARE FOOTAGE

- 197 Countryside Road – 25,878 sf
- Off Dedham Street – 16,900 sf
- Combined: 42,778 sf
  
- Combining the two lots will enable the petitioner to create a large single lot on 197 Countryside Road.
  
- The water tower site will remain open space.

