



Zoning & Planning Committee Agenda

City of Newton In City Council

Monday, January 8, 2024

7:00 pm
Room 204

The Zoning and Planning Committee will hold this meeting as a hybrid meeting on Monday, January 8, 2024 at 7:00 PM that the public may access in-person or virtually via Zoom. To attend this meeting via Zoom use this link: <https://newtonma-gov.zoom.us/j/82947568764> or call 1-646-558-8656 and use the following Meeting ID: 829 4756 8764.

Item Scheduled for Discussion:

Chair's Note: *Attached to this agenda are two documents. The first is a memo is designed to lay out some process and policy issues for the Committee to consider in shaping its upcoming work. The second is a memo from Councilor Wright about economic feasibility of some of the recent zoning amendments based on earlier work for the City by the Landwise consulting firm. I do not anticipate extensive discussion about that matter as related work by the Metropolitan Area Planning Council of recent amendments has not yet been completed, but I will ask the Planning Department for a brief update on its progress, for which Councilor Wright's memo provides some helpful background.*

#21-24 Discussion concerning ZAP Committee workplan for the new term
COUNCILORS BAKER AND OLIVER requesting a discussion with Zoning and Planning Committee concerning the work plan of the ZAP Committee for the new 2024-2025 term.

Chair's Note: *The Chair will entertain a motion to hold for the following items. The purpose of hearing these items is in relation to the discussion concerning the work plan of the ZAP Committee.*

#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

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

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.

#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.

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.

**Respectfully Submitted,
R. Lisle Baker, Chair**



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?
- Manufacturing Zone study – current status and planned next steps?
- Response to grade changes in new construction resulting in homes elevated next to neighboring properties not part of natural topography.

- What modifications might be made to our inclusionary zoning ordinance to respond to smaller than six-unit development?

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)?
- How will Newton capture, report data with regards to development in MBTA / non-MBTA zones to gauge progress toward our goals.
- 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?
- What additional energy conservation/electrification requirements should be considered for major projects and renovations?

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?
 - **#22-24 Referred to Zoning & Planning & Finance Committees 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.

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

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

October: Tuesday, October 15th and 28th

May: 13th and Tuesday, May 28th

November: Tuesday, November 12th and 25th

June: 10th and 24th

December: 9th and 23rd



Memorandum

To: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Deputy Director
Zachary LeMel, Chief of Long Range Planning

From: Councilor Pam Wright

CC: City Council

Re: VCOD feasibility

Date: 12/31/23

Questions have been raised about the economic viability of new construction in VCOD, especially in the newly created VC2. Based on the 2022 economic study conducted by Landwise, I believe the recently adopted VCOD zoning will be conducive for new development, as the barriers identified in the Landwise study are no longer present.

For reference, here is a link to the Landwise study from 2022:

<https://www.newtonma.gov/home/showpublisheddocument/81553/637819174426530000>

2022 Landwise Study

Landwise’s test-fit feasibility study was completed during the height of COVID with high construction costs and supply chain issues. It was based on our current underlying zoning, including the special permit process, with a 1.25 parking ratio. While not all sites were found to be economically feasible, two selected sites in Newton Centre were financially feasible using the special permit process and a FAR (Floor Area Ratio) range of 1.15 to 1.71.

Landwise conclusions:

- **Parking requirements are the biggest limitation on building size**
- **Projects with FAR between 1.0 and 1.3 were considered borderline feasible**

Recently adopted VCOD

VCOD zoning has addressed the constraints listed as conclusions in the 2022 Landwise study and will incentivize redevelopment:

- Special Permits are not required in VCOD to go beyond the underlying zoning to the new VCOD limits.

- The VC2 and VC3 zones require no parking and will be well below 1.25 / unit and is expected to be much less if a developer decides to include any parking.
- Equivalent FARs for VC2 and VC3 may now exceed 3.0 and 4.0 (respectively) on 11,000 and 16,000 sf village center lots.
- Overall building height, floor-to-floor measures, and setbacks constraints have changed to be more conducive for redevelopment.

Conclusion

I expect that the findings of the updated economic feasibility study which will be completed soon by MAPC will show that VC2 and VC3 are economically feasible under our VCOD zoning. Any evidence to the contrary should be compared to the 2022 study for consistency before being submitted to EOHLC for compliance.

The following pages contain slides from the 2022 Landwise study for reference, as well as tables that compare VCOD and underlying (current) zoning on the same lots included in the original study.

Conclusion: Physical constraints under current zoning

Zoning Constraints

- Parking requirements are the biggest limitation on building size.
- Maximum allowable building heights often do not allow for market-typical floor-to-floor heights within the allowable number of stories.
- Setbacks requirements have a greater impact on smaller parcels.
- Setback requirements are also constraining because parking cannot be located within required side lot setback.

Conclusion: Financial constraints under current zoning

Residential

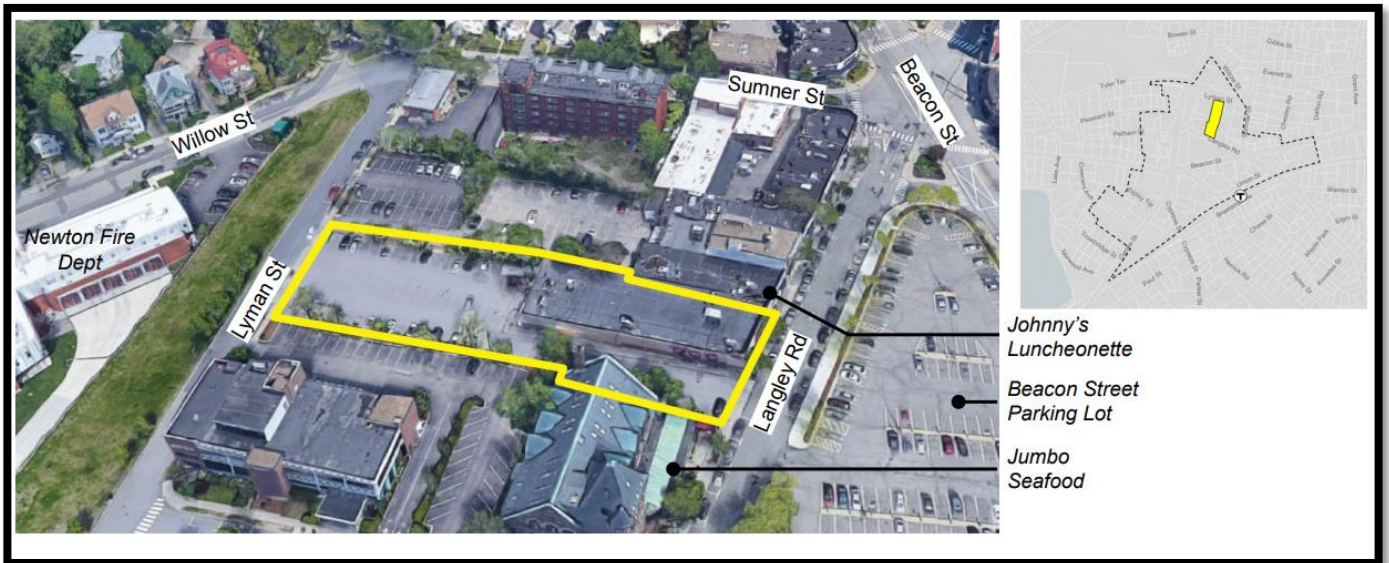
- Generally, projects with an FAR of less than 1.00 are not financially feasible.
- Projects with an FAR between 1.00 and 1.30 are borderline feasible.
- Typically parking needs to be located below-grade for projects to work on parcels in village centers
- For-sale is slightly more attractive than rental due to larger units/high price points

Office

- Generally, projects with an FAR of less than 1.00 are not financially feasible.
- Projects with an FAR between 1.00 and 1.30 are borderline feasible.
- Office/retail development economics are largely driven by parking requirements and costs. In general, feasible projects will minimize parking ratios and provide a hybrid of surface and subsurface spaces

Comparing the two sites in Newton Centre, Walgreens (22-28 Langley Rd at 35,900 sf) and the combined Shell station and insurance building lot (1359 – 1365 Centre St at 18,024 sf) with special permit and the new by right zoning.

Walgreens: 22-28 Langley Rd



Walgreens 22-28 Langley Rd; test fit

	Special Permit BU1	New Zoning VC3	New Zoning VC3; subdivided lot
Lot size (sf)	35,900	35,900	17,950
1st floor retail	yes	yes	Yes, front lot only
Stories, max	3	5	5
FAR, max special permit	1.5	4.0+	4.0+
FAR, test case	1.21	2.0	4.0
Units	30	52	119
Parking Ratio	1.25	0	0
Expected parking spaces	44	25	50
Economic feasibility	borderline	All indications Yes	All indications Yes

Shell Station (combined, split) 1359-1365 Centre St.



**Shell St combined lot 1359-1365 Centre St;
test fit; abut residential at rear**

	Special Permit BU2	New Zoning VC2
Lot size sf	17,700	17,700
1st floor retail	no	no
Stories, max	4	4
FAR, max special permit	2.0	3.0+
FAR, test case	1.71	2.1
Units	19	56
Parking Ratio	1.25	0
Expected spaces	44	25
Economic feasibility	borderline	All indications Yes

Insurance building only: 1359 Centre St

	Special Permit BU2	New Zoning VC2
Lot size sf	6,496	6,496
1st floor retail	no	no
Stories, max	4	4
FAR, max special permit	2.0	3.0+
FAR, test case	0.75	3.1
Units	5	20
Parking Ratio	1.25	0
Expected spaces	5	10
Economic feasibility	no	All indications Yes

With the removal of special permit and FAR plus no parking required (even if some is provided), these borderline feasible test cases seem to be economically feasible.

Slides from the 2022 Landwise/Utile feasibility study presentation:

Initial Pro Forma Input Ranges

Cost	Range
Hard (\$ / SF)	\$275 → \$325
Soft (% Hard)	20% → 25%
Site (% Hard)	4% → 8%
Operating (\$ / unit)	\$10,000 → \$14,000
Total Development (\$ / SF)	\$450 → \$650
Land (\$ / Land Foot)	\$70 → \$100
Parking (\$ / space)	\$50,000 (podium) → \$100,000 (underground)

Revenue	Range
Rents (\$ / SF)	\$4.25 → \$4.75
Sales (\$ / SF)	\$700 → \$1,000
Parking (per month)	\$100 → \$150
Return on Cost	5.25% → 6%

utile | LANDWISE | City of Newton | Zoning Redesign - Village Centers | <https://www.newtonma.gov/government/planning/village-centers> | 21

Walgreens site test fit – Special Permit, 3 stories and first floor retail, 30 units and borderline feasible. VC3 lot could be subdivided through the ANR (Approval Not Required) process

Test-fit under existing zoning: Central Site 35,900 sf

Zone BU1
Special Permit
1 level of below-grade parking

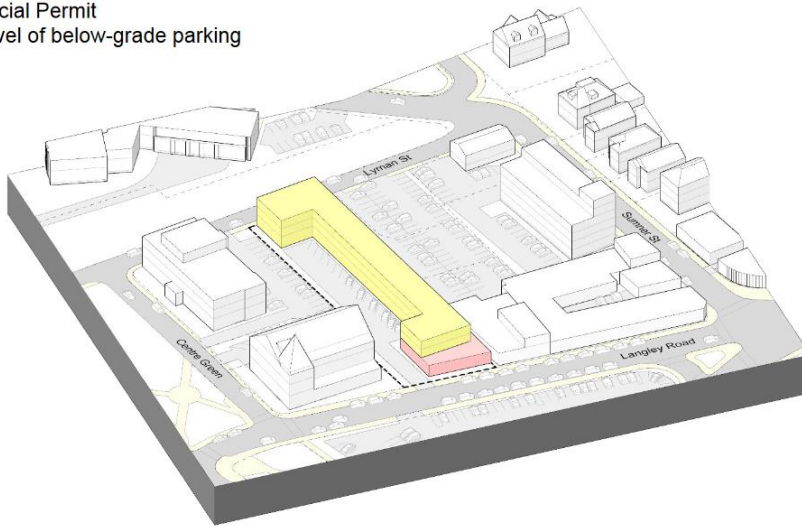
FAR	1.21
Height	3 stories, 36 ft
Number of Units	30*
Area Retail	4,600 gsf
Rqd Parking Resi 1.25 per unit	37 (below-grade)
Rqd Parking Retail 1/300	15 (at-grade)
Total Parking	53
Setback: Front	12'
Setback: Side	10' and 0'
Setback: Rear	0'

* Total number of units are capped by the minimum lot area per unit requirement, resulting in larger units.

utile | LANDWISE | City of Newton | Zoning Redesign - Village Centers | <https://www.newtonma.gov/government/planning/village-centers> | 33

Initial Pro Forma: Central Site 35,900 sf

Zone BU1
Special Permit
1 level of below-grade parking



■ Retail ■ Residential

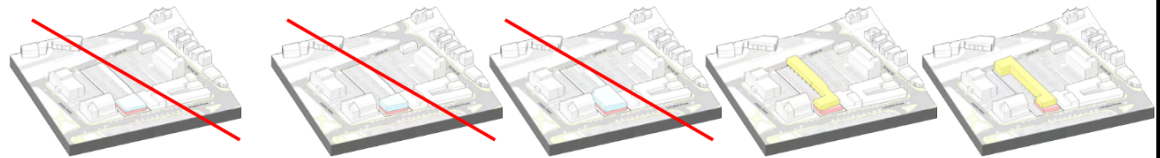
BORDERLINE FEASIBLE:
TARGET 5.5% NOI/COST

	Low Rise / 3 stories
	Underground Parking
	Residential Rental
Site (Acres)	0.84
FAR	1.21
Total Units	30
Affordability %	17.5%
Affordable Units	5
Average Unit Size	1025
Residential Efficiency	80%
Total GSF (building only)	44,274
Total GSF (including parking)	60,244
Parking Ratio	1.25
Parking Cost (underground)	\$ 70,000
Parking Spaces	44
Rent/SF	4.60
AMI %	65%
Affordable Rent/SF	\$ 1.34
Hard Cost (Includes Fit out)	315.00
Soft Cost/Site	25%
Land Cost (per land foot)	85.00
Total Cost/GSF	\$ 396
Parking fee (per space per month)	125.00
Cap Rate	4.50%
NOI/Cost	5.43%

1 Test-fit under existing zoning: Central Site 35,900 sf - L

Zone BU1

■ Financially Infeasible
■ Borderline Financially Feasible



	By-Right Regulations	By-Right: Office and Retail	Special Permit Regulations	Special Permit: Office and Retail	Special Permit: Office and Retail. Below-grade Parking	Special Permit: Office and Residential	Special Permit: Retail and Resi. Below-grade parking
FAR	1.0	0.41	1.5	0.45	0.86	1.15	1.21
Height	2 stories, 24 ft	2 stories, 24 ft	3 stories, 36 ft	3 stories, 36 ft	3 stories, 36 ft	3 stories, 36 ft	3 stories, 36 ft
Area Office		6,900 gsf		10,000 gsf	20,600 gsf		
Area Retail		7,800 gsf		6,000 gsf	10,300 gsf	6,000 gsf	4,600 gsf
# of Units						29	30
Total Parking	1/300 retail 1/250 office	54	1/300 retail 1/250 office 1.25 per unit	60	116	57	53

Initial Pro Forma: Edge Site 17,700 sf



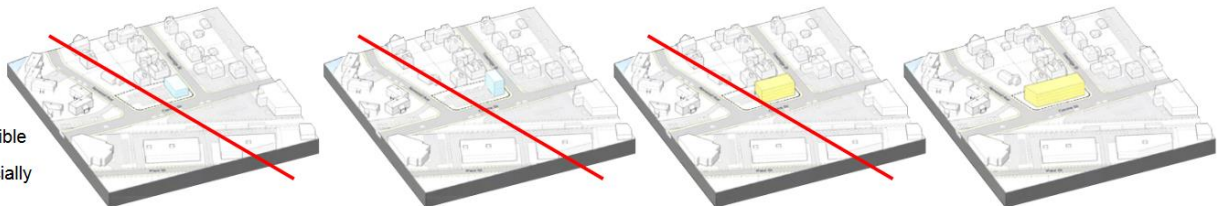
BORDERLINE FEASIBLE:
TARGET 5.5% NOI/COST

	Low Rise / 3 stories
	Under Ground Parking
	Residential Rental
Site (Acres)	0.41
FAR	1.71
Total Units	15
Affordability %	17.5%
Affordable Units	3
Average Unit Size	1600
Residential Efficiency	80%
Total GSF (building only)	30,267
Total GSF (including parking)	36,650
Parking Ratio	1.25
Parking Cost (underground)	\$ 40,000
Parking Spaces	19
Rent/SF	\$ 4.15
AMI %	65%
Affordable Rent/SF	\$ 0.97
Hard Cost (Includes Fit out)	\$ 315.00
Soft Cost/Site	25%
Land Cost (per land foot)	85.00
Total Cost/GSF	\$ 384
Parking fee (per space per month)	125.00
Cap Rate	4.50%
NOI/Cost	5.49%

5 Test-fit under existing zoning: Edge Site 17,700 sf - M

Zone BU2

- Financially Infeasible
- Borderline Financially Feasible



	By-Right Regulations	By-Right: Office	Special Permit Regulations	Special Permit: Office	Special Permit: Residential	Special Permit: Residential Below-grade parking
FAR	1.0	0.32	2.0	0.38	0.90	1.71
Height	2 stories, 24 ft	2 stories, 24 ft	4 stories, 48 ft	4 stories, 48 ft	4 stories, 42'-8" ft	4 stories, 42'-8" ft
Area Office		5,600 gsf		6,800 gsf		
# of Units					13	15
Total Parking	1/300 retail 1/250 office	22	1/300 retail 1/250 office 1.25 per unit	27	17	19

CITY COUNCIL

CITY OF NEWTON

DOCKET REQUEST FORM

DEADLINE NOTICE: Council Rules require items to be docketed with the Clerk of the Council NO LATER THAN 7:45 P.M. ON THE MONDAY PRIOR TO A FULL COUNCIL MEETING.

To: Clerk of the City Council

Date: December 11, 2023

From (Docketer): Mollie Hutchings, Community Preservation Program Manager

Address: Planning Department, Newton City Hall, 1000 Commonwealth Avenue Newton MA 02459

Phone: 617-796-1147 E-mail: mhutchings@newtonma.gov

Additional sponsors: Community Preservation Committee

1. Please docket the following item (it will be edited for length if necessary):

At its monthly meeting on Tuesday, November 14, 2023, the Community Preservation Committee recommended, with a vote of 7 to 1, that \$125,500 in Community Preservation Act funding be appropriated 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.

2. The purpose and intended outcome of this item is:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Fact-finding & discussion | <input type="checkbox"/> Ordinance change |
| <input checked="" type="checkbox"/> Appropriation, transfer, | <input type="checkbox"/> Resolution |
| <input checked="" type="checkbox"/> Expenditure, or bond authorization | <input type="checkbox"/> License or renewal |
| <input type="checkbox"/> Special permit, site plan approval, | <input type="checkbox"/> Appointment confirmation |
| <input type="checkbox"/> Zone change (public hearing required) | <input type="checkbox"/> Other: _____ |

3. I recommend that this item be assigned to the following committees:

- | | | |
|---|---|--|
| <input type="checkbox"/> Programs & Services | <input checked="" type="checkbox"/> Finance | <input type="checkbox"/> Real Property |
| <input checked="" type="checkbox"/> Zoning & Planning | <input type="checkbox"/> Public Safety | <input type="checkbox"/> Special Committee |
| <input type="checkbox"/> Public Facilities | <input type="checkbox"/> Land Use | <input type="checkbox"/> No Opinion |

4. This item should be taken up in committee:

Immediately (Emergency only, please). Please state nature of emergency:

- As soon as possible, preferably within a month
- In due course, at discretion of Committee Chair
- When certain materials are made available, as noted in 7 & 8 on reverse
- Following public hearing

5. I estimate that consideration of this item will require approximately:

- One half hour or less
- More than one hour
- More than one meeting
- Up to one hour
- An entire meeting
- Extended deliberation by subcommittee

6. The following people should be notified and asked to attend deliberations on this item. (Please check those with whom you have already discussed the issue, especially relevant Department Heads):

City personnel

Citizens (include telephone numbers/email please)

Mollie Hutchings _____

Lara Foote -footepath7@gmail.com _____

Barney Heath _____

7. The following background materials and/or drafts should be obtained or prepared by the Clerk’s office prior to scheduling this item for discussion:

8. I have or intend to provide additional materials and/or undertake the following research independently prior to scheduling the item for discussion. *

CPC Funding Recommendation includes a link to the full proposal on the City's website.

*(*Note to docketer: Please provide any additional materials beyond the foregoing to the Clerk’s office by 2 p.m. on Friday before the upcoming Committee meeting when the item is scheduled to be discussed so that Councilors have a chance to review all relevant materials before a scheduled discussion.)*

Please check the following:

- 9. I would like to discuss this item with the Chairman before any decision is made on how and when to proceed.
- 10. I would like the Clerk’s office to contact me to confirm that this item has been docketed. My daytime phone number is:
- 11. I would like the Clerk’s office to notify me when the Chairman has scheduled the item for discussion.

Thank you.

Mollie Hutchings
Signature of person docketing the item

[Please retain a copy for your own records]



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

#22-24
Telephone
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(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

**Community Preservation Committee
Funding Recommendation for the
Second Church in Newton Preservation Project**

Date: December 11, 2023
From: Community Preservation Committee
To: The Honorable City Council
CC: The Honorable Mayor Ruthanne Fuller

PROJECT GOALS & ELIGIBILITY

The goal of this project is for the restoration of the roof and masonry at Second Church in Newton, located at 60 Highland Street. The capital improvements to the structure would include the replacement of the original copper roof above the main entrance and drainage system, restoration of stonework, rebuilding of lead weather caps at gables, and selective repointing to prevent further water infiltration and damage. This project is eligible for CPA funding for the restoration/rehabilitation of an historic resource as it is listed on the National Historic Register, and has received grant funding from the Massachusetts Historic Commission for this project with the support of the Newton Historical Commission.

RECOMMENDED FUNDING

At its monthly meeting on Tuesday, November 14, 2023, the Community Preservation Committee recommended, with a vote of 7 to 1, that \$125,500 in Community Preservation Act funding be appropriated 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

Proposed CPA Funding Accounts for the Second Church in Newton			
Account Name	Account Number	Amount Currently Available in Account	Proposed Amount for Second Church in Newton
FY24 Historic Resource Reserve Funds	5810 3599	481,588.00	\$125.500
Total Project Funds			\$125,500

www.newtonma.gov/cpa

Lara Kritzer, Community Preservation Program Manager
lkritzer@newtonma.gov 617.796.1144

SPECIAL ISSUES CONSIDERED BY THE CPC

Repointing: It was a topic of conversation among the CPC whether repointing could be funded with CPA funds, or whether it would be considered a maintenance expense. It was determined that repointing, while needing to be done periodically on stone and brick buildings, was a major expense that occurred on a 20-40 year cycle, and not part of routine maintenance expenses.

Project Budget: The project meets the CPC’s guidelines for the funding of private projects through public-private partnerships as it provides slightly more than a 50% match to the CPA funds. It has already received a Massachusetts Preservation Project Fund award from the Massachusetts Historical Commission and received a letter of support from the Newton Historical Commission as part of that application process. The CPC’s recommendation also included a condition that all of the CPA funding for this project come from the City’s existing and future Historic Resource Reserve funds.

Sources of Funding	
Fundraising and endowment	\$85,100
MHC Massachusetts Preservation Project Fund Grant	\$50,000
FY24 Historic Resource Reserve – Total CPA Funding Request	\$125,500
Total Project Funding	\$260,000

Funding of Private/Religious Institutions: While the topic of using CPA funds for improvements on religious buildings was not discussed in detail at the November 14, 2023 meeting, the topic was raised as part of previous discussions of the Committee regarding other projects, including the recently completed Grace Church Tower Restoration. It was determined at that time agreed that these projects must be reviewed in the same manner that any historic resource project would be considered, based on the historic significance of the structure, its importance to the community, and the merits of its restoration process and plan.

Architectural and Historical Significance: The Second Church in Newton was designed by architects Allen & Collens in 1915, with a Tudor Revival addition built 1938 to accommodate the growing number of children enrolled in the weekday nursery school, which is still operating. Allen & Collens specialized in Gothic Revival churches, including the Emmanuel Episcopal Church in Back Bay. Outside of their Gothic Revival signature, they were the architects for Newton City Hall and War Memorial. The church is listed on the National Register of Historic Places as part of the Newton Multiple Resource Area (1908-1940) and occupies a very prominent part of the West Newton streetscape.

Community spaces & services: The proposal details the extensive public use of this property as a performance venue, particularly for the Newton Piano Summit and New Philharmonic Orchestra, nursery school, and community meeting place for Girl Scouts, support groups, and more. It has been noted in the discussion for previous projects on religious buildings, however, that many historic resources are not public buildings but provide a benefit to their neighborhood and community by contributing to the community’s architectural and historic landscape and character.

Project design & permitting: Plans for the masonry and roof restoration, designed by Building Conservation Inc. are attached to the proposal. As this project has already been awarded grant funding that needs to be used by the end of the fiscal year, the expectation is that the permitting process should be initiated as soon as possible.

ADDITIONAL RECOMMENDATIONS (funding conditions)

1. Recommended CPA funds should be appropriated within 1 month and the project should be completed within 1 year after the date of its approval by City Council, with the understanding that these deadlines

may be extended by submitting a written request to the CPC outlining the reason the extension is necessary and the proposed new deadline.

2. All funding for this project will be taken from the City's CPA Historic Resource Reserve accounts, using both its current balance of available funding and additional funding from FY24 as needed.
3. All CPA funding will be used solely for the restoration of the masonry, roof and copper drainage elements as public elements of the building which is visible from all surrounding public ways and park spaces. No funding can be used for the support of any religious activities, or for the restoration of any other elements of the building which are solely used for religious purposes.
4. The Applicant will be asked to update the CPC on the status of the project at regular intervals as requested. Periodic site visits to check the status of the restoration work may also be requested.
5. The CPC will hold 10% of the project's CPA funding until all restoration work is complete, at which time a final report and updated project budget must be submitted to the CPC for approval. The Applicant will be expected to present these materials at a public meeting of the CPC for their review and approval before the final funds are released.
6. The release of CPA funds will be governed by a grant agreement that includes but is not limited to the usual conditions for the phased release of CPA funds for historic resource projects, including a final report to the CPC and the return of unspent funds.
7. Any CPA funds appropriated but not used for the purposes stated herein should be returned to the Newton Community Preservation Fund.

KEY OUTCOMES: The successful outcomes of this project will be the restoration of the church, including a replaced copper roof, and the exterior restoration of the facades by repointing and replacing failed masonry elements to prevent water infiltration and damage in the future. The ultimate goal of this project is to have a building that can be viewed and accessed by the public.

ATTACHMENTS

- Proposal:
<https://www.newtonma.gov/home/showpublisheddocument/113018/638338497352770000>

Additional information not attached to this recommendation, including petitions and letters of support, are available on the CPC's website at: <https://www.newtonma.gov/government/planning/community-preservation-program/proposals-projects/second-church-in-newton-preservation-and-accessibility-project>