



CITY OF NEWTON

Planning & Development Board

MEETING MINUTES

Monday, May 6, 2024

Ruthanne Fuller
Mayor

Barney Heath
Director
Planning & Development

Olivia Ashjian James
Community Engagement
Specialist

Members

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

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Members present:

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

Staff present:

Barney Heath, Director, Department of Planning and Development
Katie Whewell, Chief of Current Planning
Zachery LeMel, Chief of Long-Range Planning
Olivia Ashjian James, Community Engagement Specialist, Department of Planning and Development
Andrew Lee, Assistant City Solicitor

1) Site Plan Review Exercise with Planning Team and Utile Presentation

Zachery LeMel, Chief of Long-Range Planning, joined Loren Rappaport and Tim Love from Utile to present two case studies for special permit under VCOD zoning. One case study focused on a hypothetical proposal to convert a single family house into a multi-family house with two additional buildings in an MRT district. The second case study discussed a hypothetical proposed mixed-use development in a VC3 district that combined three parcels on a priority street. The presentation discussed what elements of each proposed project would trigger a site plan review by the Planning & Development Board and what worked well and what could be improved in the proposals. The following summarizes the main questions and staff responses for the two hypothetical projects.

Q from Ms. Breckenridge: Is it possible to convert a free standing garage into an accessory dwelling unit under MRT zoning?

- A from Ms. Whewell: Section 6 of the Zoning Ordinance would cover that and property owners would likely not opt into the overlay district to do that

Q from Mr. Doeringer: Would the P&D Board ask developers to “consider” making design changes or “condition” approval based on making design changes?

- A from Mr. LeMel: Moving from considerations to conditions would be determined by staff and the Board. Staff would coordinate with the chair and vice chair about this.

Q from Ms. Molinsky: Can you explain what elements within a design are considered “contextually” appropriate?

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- A from Mr. Love: As long as the proposed design follows the zoning rules, elements of the design would be allowed. It is nice when a property matches surrounding properties however it is not a condition upon which to approve or deny a proposal.
- Follow up from Mr. LeMel: There are many ways to be “contextual” such as roof slope, building material, etc.

Q from Mr. Brown: How are proposals with an existing non-conforming house treated?

- A from Mr. Love: Only the addition(s) must follow VCOD zoning. The non-conformity of the house is grandfathered in as long as no additions are proposed to that element of the house.

Q from Ms. Breckenridge: How does VCOD zoning interact with other ordinances?

- A from Mr. Lee: Any proposal that overlaps with another ordinance would be overseen by that ordinance

Q from Mr. Brown: Will Fire, DPW, and other pertinent departments review the application before it is discussed by the P&D Board?

- A from Ms. Whewell: There are a series of departments, including DPW and Fire, that the application will be reviewed by prior to it being seen by the P&D Board.

Q from Mr. McCormick: Is the goal always to find a way to approve a project?

- A from Mr. Lee: A proposed project would need to have an issue that could not otherwise be resolved. This likely would not occur, however a review must be done on a case by case basis.

Q from Mr. Love: Would an approval with conditions be allowed?

- A from Mr. Lee: Yes.

Q from Mr. Dailey (will fill Mr. Brown’s membership on Board): Can neighbors prevent a development by presenting issues?

- A from Ms. Whewell: It depends on what the complaint is. If neighbors present an issue that is allowed by-right, this would not prevent a development from being approved.
- Follow up from Mr. LeMel: Some suggestions from neighbors may be able to be incorporated into a proposal.

2) Planning Board Discussion of Docket Item #76-24(3) ZONING & PLANNING COMMITTEE requesting discussion and possible amendments to Chapter 30, Zoning to require that building height is measured from original grade instead of finished grade.

Ms. James provided an overview of what is being proposed to ZAP in Docket #76-24(3) and explained that it is a continuation of #76-24 and #76-24(2). The proposed amendments would change from measuring building height from finished grade to original grade.

Ms. Breckenridge suggested that Planning Staff include a history of this issue in their presentation to ZAP.

3) Minutes

For minutes from 4/1/24, Mr. Doeringer requested the addition of “racial composition” as a component of data he is interested in for understanding who the programs are reaching.

Mr. Doeringer moved to approve the 4/1/24 minutes and they were approved by a vote of 7-0.

Mr. Doeringer moved to approve the 4/8/24 minutes and they were approved by a vote of 6-0-1 with Dir. Heath abstaining.

4) Upcoming Meetings

Monday, June 3rd Planning Board Regular Monthly Meeting

7. Adjournment

Upon a motion by Mr. Brown, the meeting was adjourned with a vote of 7-0.