



Zoning & Planning Committee Report

City of Newton In City Council

Wednesday, October 2, 2019

Present: Councilors Albright, Krintzman, Leary, Downs, Baker, Brousal-Glaser, Danberg, Kalis, Crossley, Laredo, Lappin, Norton, Kelley, Markiewicz

City Staff Present: Barney Heath (Director of Planning & Development), Katy Hax Holmes (Chief Historic Preservation), Jennifer Steel (Chief Conservation Planner), Ann Berwick, (Co-Director Sustainability), Marie Lawlor (Deputy City Solicitor), Andrew Lee (Assistant City Solicitor), Sonia Parisca (Planning Board), Nancy Grissom (Chair Historic Commission), Donna Whitham (Committee Clerk)

Also Present: Halina Brown (Chair-Newton Citizens Commission on Energy), CPC Committee members Dan Brody (Vice Chair), Susan Lunin

#204-19 **Review and possible amendment of Demolition Delay and Landmark Ordinances**
COUNCILORS KELLEY, ALBRIGHT, AUCHINCLOSS, COTE, CROSSLEY, GREENBERG, KALIS, KRINTZMAN, LAPPIN, LEARY, LIPOF, MARKIEWICZ, NORTON, AND SCHWARTZ requesting a review and, if appropriate, an update of Chapter 22, Sections 22-50 to 22-76 that relate to demolition delays, historic designation, and landmarking.

Action: **Zoning & Planning Committee Held 7-0 (Kalis not voting)**

Note: Mr. Heath stated at this time the Planning Department would like to provide background information about the designated properties across the City. He said the Planning Department is looking for specific feedback from the Committee and introduced Katy Holmes who presented a PowerPoint (attached). During the presentation, she stated 3 main goals the City of Newton utilizes to protect historic resources via ordinances and local historic districts; historic districts, demo delay and landmarking. She informed there are 22,631 properties within Newton, of which 19,974 are over 50 years old yielding 88% defined as historic. She added the Newton Historical Commission was organized in 1975 and defined its historic preservation guidelines and the successes that the program has achieved. Ordinances were established for obtainable goals to preserve historic homes from full demo and to work with owners to safeguard viable properties. The Commission encourages partial demolitions opposed to full and defines some historically significant structures as Preferably Preserved. These are noted properties whose demolitions would be a detriment to the City's cultural and historical value. They also support voluntary landmarking and assist in restoring public buildings as a reusable source.

Ms. Holmes discussed the ordinances for demolition delay (adopted 1985) and landmarking (adopted 1993). She reminded the Committee of the 2016 demo delay ordinance that describes a non-transferable application; whereby, if ownership changes during the course of a new application process must begin. She reported since the adoption of the 2016 ordinance, the applications submitted to ISD had a distinct narrowing.

Recommendations for landmarks are endorsed by City Council members, Commissioner of Inspectional Services, Newton Historical Commission and the Director of Planning & Development. Since 2000 there have been 18 landmark designations. Massachusetts Historical Commission has been part of the local landmark ordinance, who have now asked to be removed from Newton's ordinance. Ms. Holmes said they are waiting to hear if there will be a supplemental agency, or if the process will change.

She informed the Committee that of the 351 cities and towns within Massachusetts, 25 cities are Certified Local Governments having signed contracts to uphold historic preservation programs and standards for which they receive monetary grant funding. Newton has been one of the first members of the Massachusetts Historical Commission and continues to support and follow the conditions expected by the State of Massachusetts. Per ordinance, Newton is required to have 7 members from various walks; architect, realtor, at-large and an agent from Historic Newton all of whom possess historic knowledge, experience or interest.

There are several future tasks noted in Ms. Holmes Presentation, including a withdrawal option, hardship provisions, benchmarks, certain areas of exemption, ordinance clarification and working with the Law Department for new updates and reorganization. The Planning & Development looks forward to these continuous improvements. Councilor Danberg moved hold on this item, which was unanimously carried.

#301-19 Appointment of Dante Capasso to Auburndale Historic District Commission

HER HONOR THE MAYOR appointing DANTE CAPASSO, 5 Ionia Street, Auburndale, as a member of the AUBURNDALE HISTORIC DISTRICT COMMISSION for a term to expire September 30, 2022 (60 days: 11/02/19)

Action: Zoning & Planning Committee Approved 7-0 (Kalis not voting)

Note: The Committee welcomed and appreciated Dante Capasso's interest and credentials to serve on the Auburndale Historic District Commission [AHDC]. Mr. Capasso learned construction and property management from his grandfather, father and uncle, all of whom had extensive property involvement in Auburndale. He has a true affinity for the City of Newton and is sincerely happy to become a member of the AHDC. Councilor Krintzman motioned to confirm Mr. Capasso and the Committee unanimously approved.

Note: *The Zoning & Planning Committee met jointly with the Public Facilities Committee to discuss Climate Action Items, #143-19 & #13-19.*

#143-19 Referred to Public Facilities and Zoning & Planning Committees

Discussion/Adoption of Climate Action Plan/Citizens Climate Action Plan

COUNCILORS ALBRIGHT AND CROSSLEY on behalf of the Zoning & Planning and Public Facilities committees, requesting discussion and adoption of items within the Climate Action Plan and the Citizen's Climate Action Plan with the Sustainability Directors, Climate Action Planning team led by Jennifer Steel (Planning Department staff, MAPC and volunteers) and the Citizens' Commission on Energy. The focus will be to understand the synergies between the two complimentary plans and how items within the plans can be integrated to achieve the significant reductions in greenhouse gas emissions called for in recent national and international reports.

Action: Zoning & Planning Held Committee 7-0 (Danberg not voting)

Note: Items 143-19 and #13-19 Discussed and voted upon jointly. See below.

#13-19 Adoption of the Climate Action Plan

DIRECTOR OF PLANNING requesting discussion and adoption of the Climate Action Plan as an amendment to the 2007 Comprehensive Plan.

Action: Zoning & Planning Committee Held 7-0 (Danberg not voting)

Note: Director of Planning and Development Barney Heath, Senior Planner Jennifer Steel and Director of Sustainability Ann Berwick presented the request for adoption of the Climate Action Plan. Ms. Steel presented changes that have come to the plan since it was last discussed by the Zoning and Planning and Public Facilities committees. The City's Climate Action Plan is designed to be a five-year plan and will set the stage for the long term goal of carbon neutrality. Ms. Steel explained that the plan's goals are conservation, high energy efficiency and the production and use of green clean energy. The City's plan focuses on the points of municipal leverage with the clear recognition that the City's ability to make changes city-wide are limited to these points of municipal leverage; the work within City Hall and municipal buildings, to move the agenda of clean and renewable energy, green transportation and streetscape, new constructions and major renovations, incentivizing programs with existing buildings and greenhouse gas emissions associated with consumption and disposal.

Ms. Steel explained that the changes of the plan came from the comments from the last Zoning & Planning and Public Facilities joint meeting, from individual Councilors and conversations with City Staff as well as the Citizens Energy Commission. An executive summary has been added as requested and a list of top ten strategies. The top ten strategies include the top 20 actions. Measurable Metrics were also added, as well as several figures to elucidate and enliven the plan and demographics. The top ten strategies including the top 20 actions and the Measurable Metrics charts are shown in the attached presentation. The metrics are numbers that have been discussed with the Citizen's group and the sustainability office. Ms. Steel explained several figures were added to enliven the city's plan and include what happens if the city delays action, how much steeper the City's curve of change will have to be and how much more aggressive the reduction efforts will have to be. Attached are graphs that illustrate those figures.

A Councilor asked if it was correct that the goal for 2050 is to have all existing residential buildings electric. Ms. Steel confirmed that this was the goal and the idea behind that is if the city wants to reach the goal of carbon neutrality then the city must have all fossil fuel free buildings. The Councilor asked if the buildings are all electric will this require a larger electric grid and can the infrastructure the city has support that. Ms. Steel explained that ISO New England; the grid operator, is required by Federal Statute to ensure that the electrical grid can handle the increase and ISO New England is focused on that. Additionally, the Councilor asked what resources are available for retrofit and conversion for existing structures. For example, residents that use gas will there be an economic or any incentive for them to

convert? Ms. Steel explained that once the Energy Coach position has been implemented then they can help with the transition, also the market signal can move, in the next 30 years for, people moving into the industry of electric utilities. This has been seen in the Solar industry. The Councilor continued to ask what will create that signal in the market. Ms. Steel explained the Energy Coach will be a critical facilitator of information and that information could indicate that it is more cost effective for homeowners to update their utilizes in a green way. The State offers incentives, through MassSave, for installation, air-sealing and other items to become more environmentally friendly. Ms. Steel explained that it has become more of the norm for contractors to implement these changes.

A Councilor explained that it is the job as community leaders to stay up to date on the changing and increasing regulations. Additionally, to stay up to date on new technology and the economic incentives. The Councilor explained that it is written that the Energy Coach position is pending the availability of funds and additionally explained that there are no set criteria for this job yet. The Councilor asked if Ms. Steel and Ms. Berwick if they could further define the commitment for this position. Ms. Steel explained they have tried to work within their bonds while creating this plan and have not made commitments for other departments. The decision for a new staff position needs to be decided during the budgeting process. This will need to be a decision made by the administration. Chief Operations Officer Jonathan Yeo explained that the administration is focused on the Capital Improvement Plan now but agree this is a top priority.

A Councilor agreed that the Energy Coach is a critical position and would have liked to have stronger language for this position and in other areas of the plan. The Councilor commented that 7% of Newton's greenhouse gas emissions are from fugitive gas and the City needs to work further with utilities and docketing certain items to deal with this issue. Additionally, a Committee member asked Ms. Steel and Ms. Berwick if they had further comment on that issue and if it should be a higher priority because it is a very potent greenhouse gas. Ms. Steel explained that utilities have an order through the Department of Public Utilities that would require them to replace the gas infrastructure on a particular schedule but that will not completely fix the problem. That the plan focuses on getting residents off natural gas and the city needs to move to electricity which is the safer and greener option. The Councilor stated that the plan included that they are going to plant trees and the plan discusses the Complete Streets policy. Green infrastructure and the planting of trees is important to the residents of Newton and the Councilor believes this needs to be more of a priority. Additionally, the Councilor noted that the Complete Streets policy has not been implemented as of now. This has been a policy since 2016 and Newton does not have a complete street yet. Mr. Heath explained that right now they are in the progress of having completed a project on Walnut Street and West Newton Square. These projects will include stormwater and other upgrades. The Councilor continued to explain that reduction is an important part of this plan; examples of that include reducing vehicle miles traveled and reducing the amount of consumer products that are used. The City as of now allows residents five bulky items a week for trash pickup and is working towards implementing a fee to minimize the amount of bulky waste. Also, working towards requiring commercial recycling and

that item will be discussed by the Council at a future date. Ms. Steel explained that on the point of green infrastructure one of the items added to the plan is the idea of creating volunteer offsets for air travel. These offsets would go into a fund to plant trees in Newton. The City has already started creating programs that go along with the Climate Action Plan. These include meetings with utility companies regarding gas leaks and coordination of these repairs. Also, the preferential parking program is already underway, and the Energy Coach is not just an idea but is a significant part of this plan.

A Councilor commented how critical it is to educate the residents. The Councilor also noted that there are a lot of goals set for 2025 and 2050. Additionally, is concerned that the Energy Coach role, which could be someone internal, is a huge position. A major part of this role will be educating the public on how to make the proposed changes in their home. The Councilor was expecting that there would be a commitment from the administration and that there would a job description for this new role. The education of residents is a key part to making many of the proposed changes. The Energy Couch must be able to educate but also should have a background in community outreach and marketing. The Councilor noted that when the city started the Newton Power Choice Program it would have been easier if the residents received an email stating if you would like to opt in click here. This would have also been an easy way to keep track of who has and has not opted into the program.

A Councilor commented that even though there are goals set for 2025 and 2050 there should be some timelines and milestones in between those goals. Ms. Steel explained that this is a 5-year plan and that there is an understanding that there are longer term goals in mind. This plan is based on implementation of projects and policies. The new and improved city staff clusters will be developing these timelines on when projects and policies will be implemented. The Councilor would like to put some milestones in the plan itself and not rely completely on city staff to create these timelines. Ms. Steel explained the plan explains what projects are priorities through the metrics and figures are to help guide city staff.

A Councilor explained that utilities should be able to handle the increased energy levels if everyone moves to electric energy because they have made these changes in the past through different upgrades to homes. These are not changes that will occur overnight and the utilities should be able to keep up with them. Additionally, the Councilor commented that when it comes to residents making these changes; it will not just be residents in Newton, but many other towns and cities will be implementing these changes. Newton will be able to look at communities all over the country for guidance. The Councilor agreed with other councilors on the importance of the Energy Coach and commented that it was important that they saw the metrics and the overall goals for the plan.

Halina Brown presented comments on the Climate Action Plan on the behalf of the Newton Citizens Commission on Energy. Ms. Brown thanked the committees for giving her the opportunity to present and explained that at the last meeting that she was present, Jennifer Steel, Ann Berwick, Bill Ferguson and representatives from the Energy Commission discussed the reporting frequency of these metrics. For example, they will be measuring how many energy assessments will be done and what the goals are for

that. These statistics are given to the city on a monthly basis and this can establish milestones. The utilities also have milestones which tend to line up with the Energy Commission's. A summary of Ms. Brown's presentation is attached.

A Councilor commented on how fast technology is and how fast city process is changing and is concerned whether certain technologies should be called out or whether they should be more circumspect in the wording so that the plan can be flexible as technology evolves. The Councilor is also concerned about how difficult it is to incentivize others to make changes. One area that the Council has control over are in the public areas and the City's streets are an important asset. The City should be making streets safe for pedestrians as well as bikers when repaving. Also lining the street with trees and putting in stormwater infrastructure that infiltrate rather than pollute the river with water run-off should be a part of the City's standing operating procedure.

A Councilor expressed concern about including in the plan a promise of specific zoning changes. For example, the Councilor is concerned about parking minimum reductions. The Councilor questioned once residents start to move to electric as an energy source, what will happen to the residents that are that are still using gas and oil because they don't have the resources to convert. The Councilor encouraged further investigation of these issues.

The Chair stated that the Climate Action plan will be on the agenda on October 16th and October 28th. The conversation will be continued at these next two meetings. From Public Facilities Councilor Leary motioned to hold which passed with a vote of 6-0 with Councilor Danberg not voting. From Zoning and Planning Councilor Krinztman motioned to hold which passed 6-0 with Councilor Danberg not voting.

#165-19 Adoption of Washington Street Vision Plan as part of the Comprehensive Plan
DIRECTOR OF PLANNING requesting approval and adoption of the Washington Street Vision Plan as an amendment to the 2007 Newton Comprehensive Plan.

Action: Zoning & Planning Committee Held 7-0 (Danberg not voting)

Note: Mr. Heath began to describe some of the new and improved changes made to the Washington Street Vision Plan. He stated that the implementation of comments and recommendations contributed to many of the significant alterations of the plan. Many substantive changes have occurred: removal of the up to 10 story building at Crafts Street, overall reduction of the volume, withdrawal of the Armory references and further edits were made according to input and feedback from City Councilors and the public. He continued that more discussion will take place regarding the map, but these evolutionary changes are progressing, and a final draft is close.

The Chair first mentioned what a wonderful job James Frees, Deputy Director of Planning, had done throughout the project and provided strategic language especially within this version. She also inquired with Mr. Heath about a rewording with regards to building heights. It had been stated at 5 stories in the previous plan, which now reads medium at 3-6. She asked to have that reference note included again stating a variation of heights mentioning 5. Mr. Heath stated they were expressing maximum flexibility

until the arrival of zoning recommendations. The Chair also asked about affordable housing and what the word “acquired” meant in attaining properties; if that was to reference eminent domain in any type of adversarial way. Mr. Heath mentioned at times eminent domain is easier done with a property owner and a broader language is sometimes used in looking into opportunities. He stated that displacing people is not the intention and the department does not anticipate doing business in that manner. The Chair requested to insert language that would be more acceptable, without negative interpretation of eminent domain.

A Councilor praised the new Vision Plan for its readability and recognized James Frees for his craftsmanship and participation in the journey. The Councilor stated this will be a useful guide, but questioned why the taller buildings were at the edges of the village centers, rather than prominently placed within the centers, as that is a more common layout.

They also inquired how it could be legislated if one builder constructed a 6-story structure and mandating the next builder to create a 3-story and so on. With these unfair constraints, how can limitations be imposed upon builders while attaining the variations of heights? Having contrasting heights is vital so that all rooflines are not continuous level. In addition, they mentioned the 1:1-1:3 ratios on pages 18 & 83 of the new version, and if those variables referred to width of the street, sidewalks etc. They suggested more definition, refinement and further discussion to achieve clear and comprehensive understanding. More information is requested.

A Councilor again mentioned not coming to terms with the heights. It appeared everything they liked was 3-4 stories and all they did not like were the higher 5-6 and especially the 10 stories. One Councilor asked Mr. Heath about the intended road diet and traffic calming on Washington Street with comparison to Needham Street. With the traffic studies, Mr. Heath stated perhaps a 3-lane boulevard, 2 directions with a center turning, this has yet to be determined. They also felt it is too aggressive with the heights and staying with 3-4 with 5-stories and up requiring special permit. A Committee member asked what some of the tradeoffs would be if only lower heights were to be built on Washington Street and what would be negatively be impacted elsewhere in the overall design. Another Councilor mentioned tying the higher intensity populated buildings closer to commuter rail. This is a sound metric to follow. Moving people is a concern and top priority. Enhancing transportation to accommodate the intensity of people is essential.

One Councilor mentioned the chatter that has occurred in Newtonville. They are not in agreement with leveraging property or creating an eminent domain situation. They are looking forward to the replacement of plantings and trees especially Court Street where several trees and brush had just been eliminated. They cited the description of gentle transition that was referenced in the Vision Plan, as they felt Washington Place does not express that gentle transitional feel. They too, feel lower height buildings are more conducive to the area to maintain a neighborhood feel. A Councilor stated this plan will set precedent and is extremely vital for appropriate housing and the implementation of climate action needs. They also felt 6 stories could work nearing public transportation areas.

A Committee member expressed the need to adjust the street width and lanes accordingly. They noted that the need for drop off, pick up, deliveries, busses, ubers will all require ample areas for which to operate. They mentioned citizens continue to request up to 4-stories and they do not exclusively feel that higher is better. One Councilor felt the need for metrics in determining heights and spoke to the gentle

transition description. Higher concentration would be within the centers and taper down towards the edges. They mentioned Washington Place and that it did decrease on Walnut Street as it approaches the neighborhood of Victorians. Gentle transition could have varied definitions and measurements. A Councilor stated that without question, developers will build to the allowable maximum. They expressed the concern that zoning would be defined to reflect current zoning requirements now, as opposed to 20-30 years in the future. Would a footnote be included to cite building heights and could increase if public transportation accommodations are enhanced? Mr. Heath appreciated all comments and feels most of these can be addressed in zoning where specifics will be determined. He will look at the section and revise some of the language. These ongoing issues will be discussed further in depth at the next 2 meetings as it will move forward to a vote. With this, Councilor Downs moved to hold the item and the Committee unanimously agreed.

#191-19 Ordinance amendment relative to Community Preservation Act and Committee

COUNCILORS LAPPIN, ALBRIGHT, CROSSLEY, LEARY, DOWNS AND KELLEY requesting amendments to Chapter 7, Section 81 of the City of Newton Ordinances, to better define the membership of the Community Preservation Committee, to clarify oversight, and to include City approval procedures required by the 2012 update to MGL Chapter 44B, Section 5(d), the Community Preservation Act.

Action: Zoning & Planning Committee Approved 5-0-2 (Krintzman and Kalis abstaining/Danberg not voting)

Note: The Chair opened with reference to the August meeting about procedural changes to the ordinance. Proposed language was used in various areas in Article VIII, by Docketers and Administration. At that time, the Community Preservation committee (CPC) members showed support with the Docketer's language. Since that time Mr. Heath met with the CPC and described to them the suggestions made by the Administration and Her Honor the Mayor. There have been variations and more decisive language to determine the necessary changes.

Mr. Heath discussed the revised wording and structure that the CPC Manager would not sit under the Housing & Development division, as it could risk an unfavorable perception with regards to the CPC usage of funds. The structure was changed for the CPC Manager to report to Mr. Heath as the Director of Planning & Development to avoid misconceptions. He cited the Administration took State language regarding how the CPA funds were to be used. It stated, *preservation funds shall not be used to replace operating general funds, only to augment them. Also, projects should use CPA funds to leverage other resources.* Perhaps the overly restrictive language should be looked at by the CPC, but not necessarily be in the ordinance. The last interest was in the operations and particularly the hiring of CPC Manager. Allowing the CPC Chair and a member to have final approval could pose complications. He feels it would result in setting a precedent that other boards would enact and does not feel it presents a sound policy.

The Chair defined changes made by the Administration. It referenced that CPC monies are not used as general funds for any given project. Mr. Heath stated a variety of projects could be included within the realm of these monies and could be a general fund expense. Mr. Brody and Ms. Lunin from the CPC

accepted the phrase that CPC funds can be used to leverage other resources. One Councilor stated that since the funds are CPC, they should make the determination as to what projects could benefit from them.

Marie Lawlor stated the Law Department is concerned with the interpretation and she designed and suggested a phrase; *it is the intent of this ordinance that, to the extent possible, projects using CPA funds seek to leverage other funding resources. CPA funds shall not replace existing operating funds, only augment them.* She feels this is an appropriate coverage of the intended meaning and noted there should be flexibility if needed. One Councilor asked to eliminate the words, *to the extent possible*. A Committee member voiced concerns that if CPC funds a project and their choice is disliked, the CPC could become liable for a legal challenge that it was beyond the scope of the ordinance. Also, the leveraging other funds is of concern, as it feels like gatekeeping that applicants must have the matched funds.

They prefer being more restrictive under the State language. Ms. Lawlor suggested putting the first phrase in the guidelines and not in the actual ordinance. One Councilor felt the leverage phrase is important and not strictly definitive. They feel it makes the public money go further and cited Farlow Park as an example. They feel it is a reasonable compromise. Another Councilor mentioned matching funds are important and stretches total funding. They are in support of the full phrasing as a reasonable compromise. One Councilor mentioned it is common practice that CPA projects have always used matching funds and the word leverage is important to retain, but felt using the word “seek to” and “*greatest extent possible*” could be used in the passage to express the sentiment that it is not mandatory. A straw vote to accept Deputy Solicitor Lawlor’s language was passed 6-0 (Baker not voting).

A Committee member suggested changing the word “*shall meet annually*” in Article VIII 7-80-d, to a more suggestive and not a mandated word. Mr. Brody was in favor of annual contact and did not have an issue with the word “shall”. Marie Lawlor offered the word “*CPC may request a meeting separate from the budget meeting*”. A straw vote for “shall” was posed and failed once. Upon the 2nd straw vote “*shall*” passed.

The term limits were discussed, 2 3-year terms/Docketer language vs 3 3-year terms/Administration suggestion, with the concern that 9 years may be hard for commitment. A Councilor asked Mr. Brody if he feels with the increase of institutional knowledge keeping members is a benefit, however, there is flexibility for a member to leave within the period. The phrase 3 3-year term suggested by Administration was kept. Alice Ingerson, Current CPC Manager, changed language in 7-81 d, to state “*Appointed members who remove their residence from the City shall be considered to have resigned from the committee*”. This was retained.

Discussion took place between Councilor members, Mr. Heath and Ms. Lawlor regarding final approval of the hiring of a new CPC Manager as stated in 7-83 b, allowing the CPC Chair and member have participation in the hiring process and the final approval of the new manager or any other funded staff position. There was debate if relinquishing jurisdiction and allowing an entity to usurp executive power and with that control from the department would have a sound outcome. Ms. Lawlor and Mr. Heath both agree with full inclusion and participation of the CPC in the hiring process, however, not to the degree of sole final approval. Ms. Lawlor mentioned the Law Department does not support full approval rights to the CPC. A Committee member mentioned, 2 pieces of language used by Administration; “*collaborate*” and “*participate in*”. They feel the inclusion of the CPC should reflect a greater decision making role.


The Chair mentioned a phone call with an attorney of the day at the State, who agreed the CPC should have the final approval of the hiring, but could not offer that in writing. Another Councilor stated this CPC is like no other body and does not feel it sets precedent and would like the CPC to possess the final approval in the hiring process for manager and staff members. This was supported by many other Councilors. A Committee Member echoed the sentiment of the Law Department and Ms. Lawlor.

Councilors had concerns that the CPC would be compromised and used as another funding source for something specific, a particular manager could be hired an agent for those purposes and has seen this type of protocol in the past. The Chair offered special language and posed using a candidate would not be forwarded to the Mayor without the full approval of the CPC, or if the CPC could have veto rights. Mr. Heath expressed how this issue has made such progress and to keep the CPC as an integral aspect of the hiring process and final approval over the staff members, but not for its manager. He made comparisons to other boards and their methods during the hiring process, none of which have full hiring power. Other Councilors supported the CPC to have the full power, as there is a definite distinction between this body and other committees. Various language was offered by a Committee member who agrees with final approval rights for the CPC, but suggested "*shall share*" to move forward. Ms. Lawlor suggested the CPC chair and member to choose finalists and forward to the Mayor to issue final approval. Further debate continued in order to quantify final hiring process rights to be given to the CPC. Mr. Brody and Ms. Lunin both supported this. A straw vote was taken and passed 4-0-3. Councilor Downs motioned to approve, vote taken 5-0-2 (Krintzman and Kalis abstaining/Danberg not voting)

Respectfully Submitted,

Susan S. Albright, Chair

**Department of
Planning and Development**



**HISTORIC PRESERVATION
IN
NEWTON
2019**

1

Key Points

- Brief history of HP in Newton
- How do Newton's HP ordinances work?
- How does Planning gauge success of HP program?
- What's next? (Tasks)

2

Newton is a Certified Local Government (CLG)

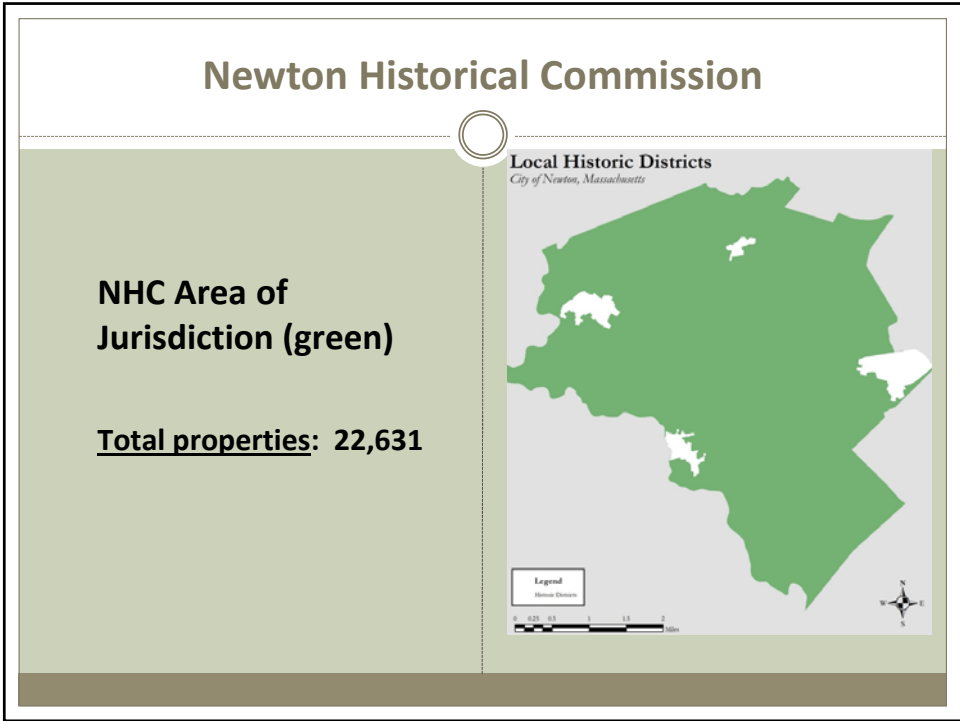
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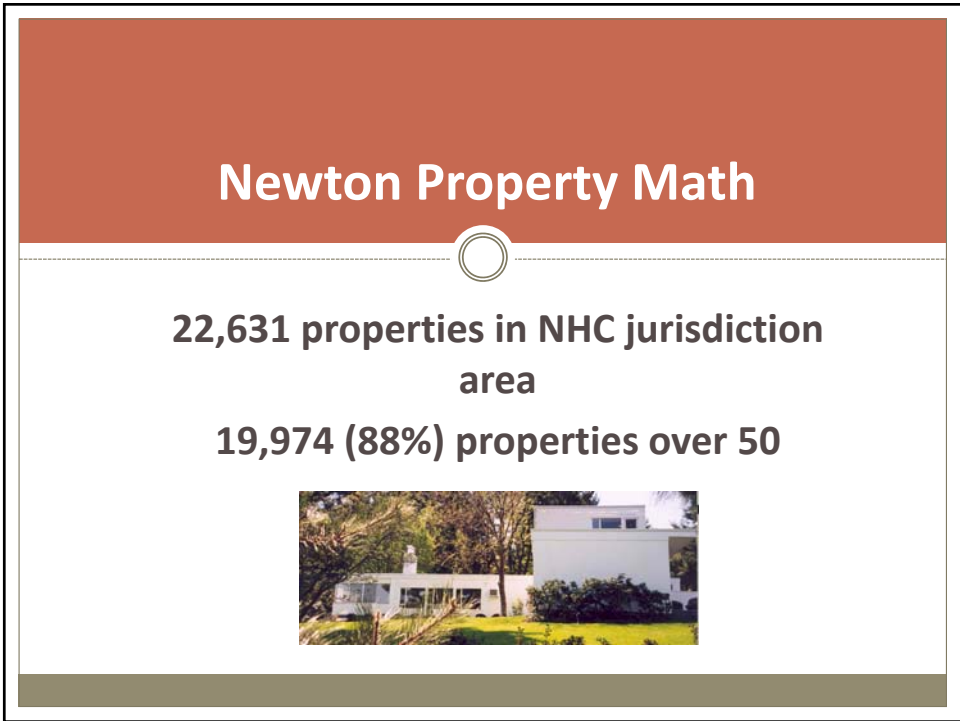
Three ways the City preserves historic resources in Newton

1. LOCAL HISTORIC DISTRICTS (CHAPTER 40C)
2. DEMOLITION DELAY ORDINANCE
3. LOCAL LANDMARK ORDINANCE

4



5



6


Demo-Delay Definitions

• Over 50 years old	=	<i>Historic</i>
• Meets demo delay ordinance criteria	=	<i>Historically Significant</i>
• Removing 50% or more of any façade	=	<i>Partial Demolition</i>
• Demo 100% of building	=	<i>Full Demolition</i>
• NHC agrees on historical significance at hearing	=	<i>Preferably Preserved</i>
• Demo delay is waived with NHC approved plans	=	<i>Waiver</i>

7

A property is *historically significant* if 50 years or older and is:

- Listed on the NR or determined eligible for listing;
- Listed on NR or in LHD and not visible from a public way;
- Associated with historic persons, events, architectural or social history of the city;
- Historically or architecturally important for its period, style, architect, builder or context; or
- Within 150 feet of a historic district and shares contextual similarity with district.

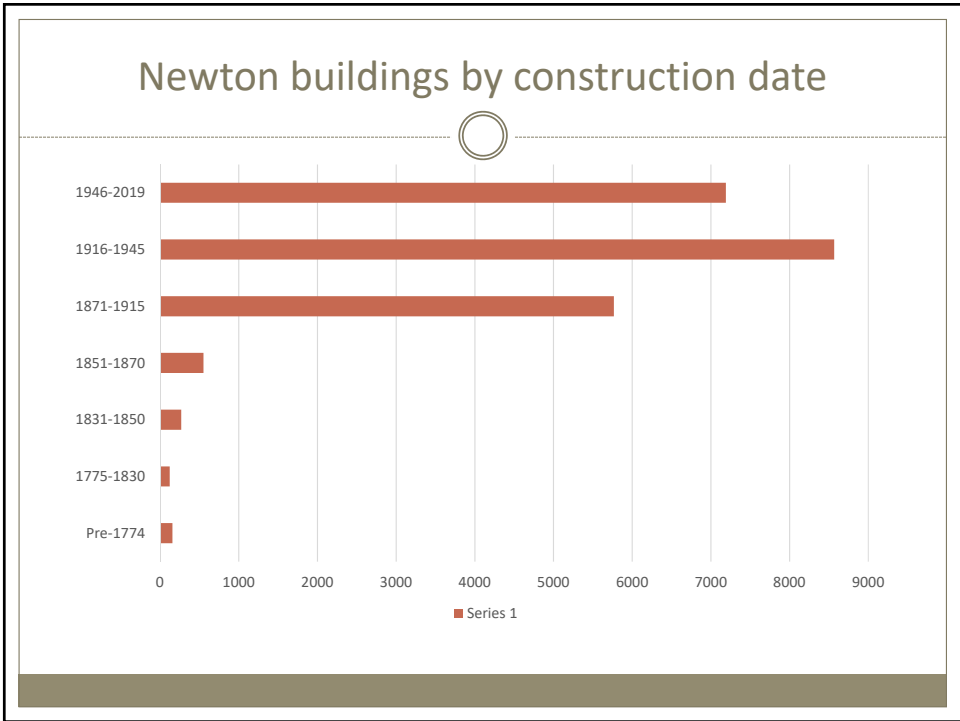


8

NHC Members

Architect	(1)
Realtor	(1)
At-Large members	(4)
<u>Rep. From Historic Newton</u>	<u>(1)</u>
	= (7) members

9



10

How is *Preferably Preserved* Defined?

A historically significant building, structure, or architectural feature is *preferably preserved* if its demolition would be detrimental to the city's historical and cultural heritage



11

Ownership Non-Transfer

As of May 2016, a finding of preferably preserved travels with the owner.

SO

If ownership transfers during a demolition delay, the delay

RESTARTS

12

Demolition Delay



If structure is *preferably preserved* by NHC, then a one-year or 18-month delay of demolition is imposed.

13

Demo Delay Appeals

SECTION 22-50 (C) PROCEDURE.

DETERMINATION OF HISTORICAL SIGNIFICANCE MAY BE APPEALED TO THE FULL COMMISSION

14

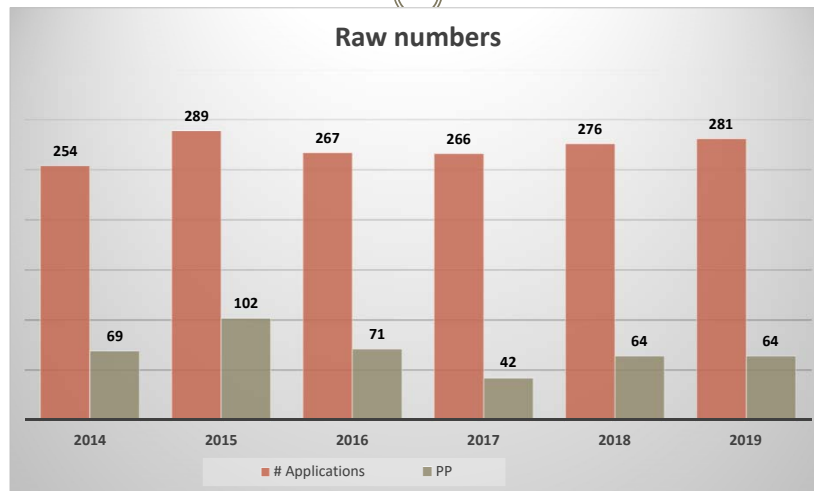
Waiving the Demolition Delay

A demolition delay may be waived four months after a determination of *preferably preserved*. The NHC may grant a waiver based on:

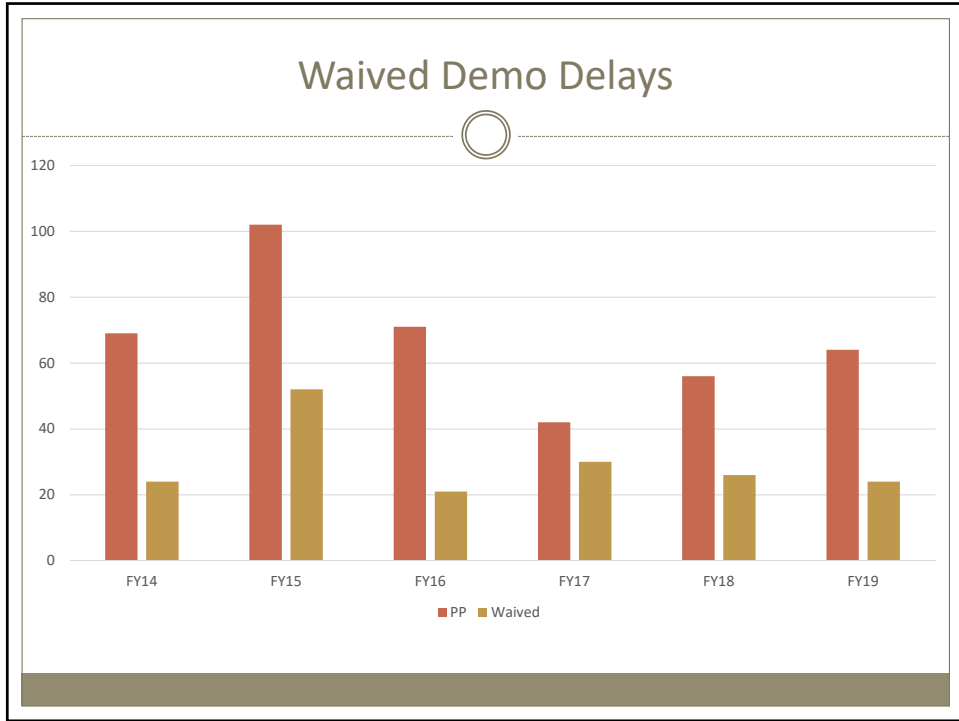
1. review and approval of proposed plans
2. owner decides instead to restore

15

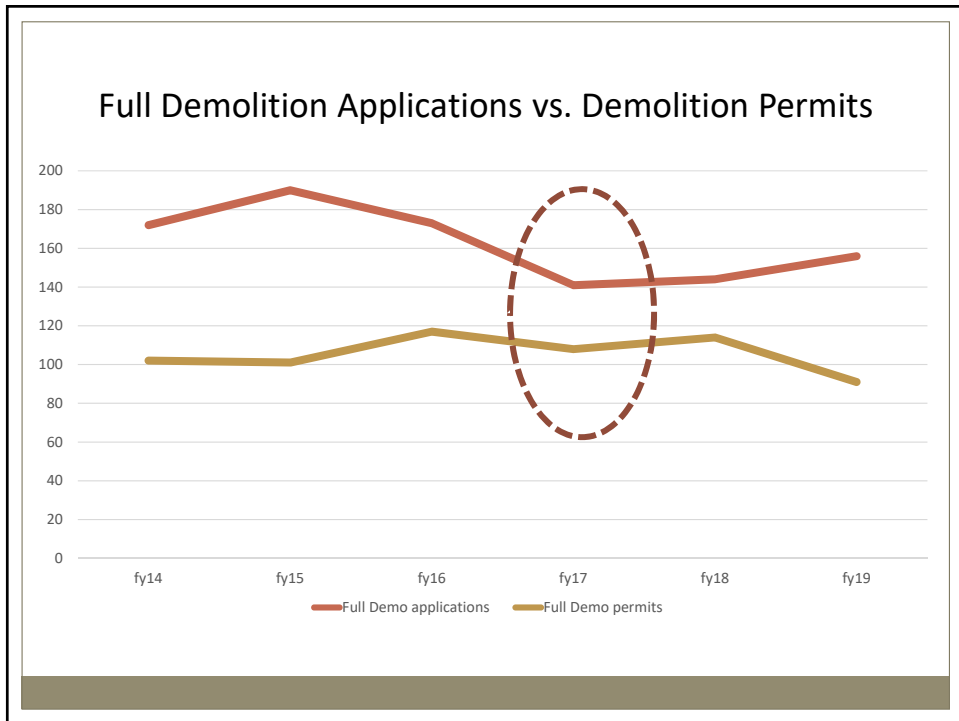
Total Demo Applications vs. Pref. Preserved



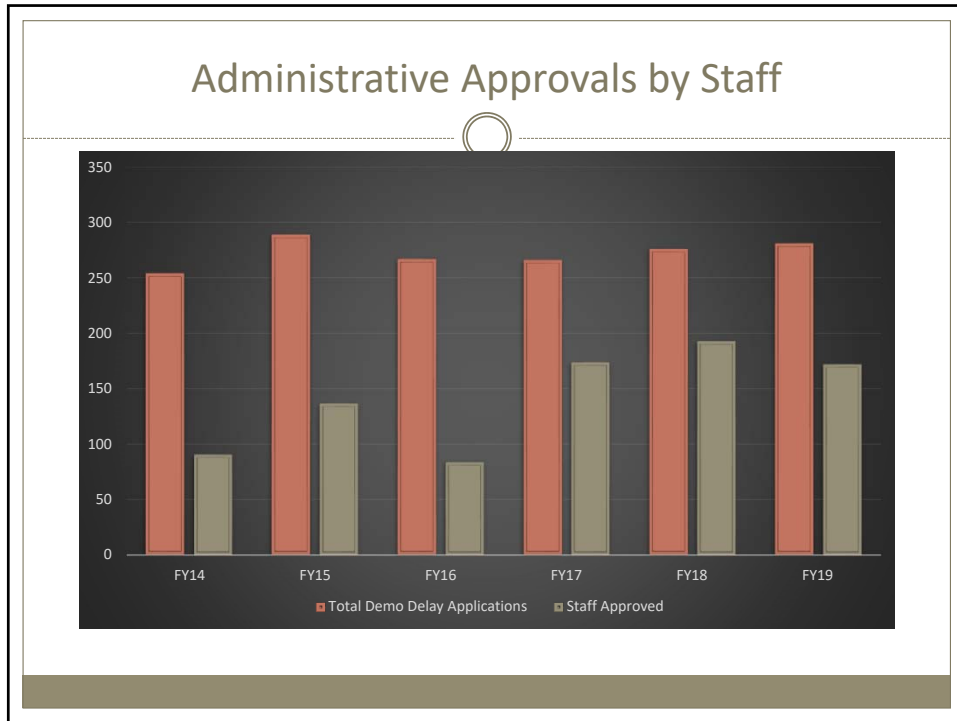
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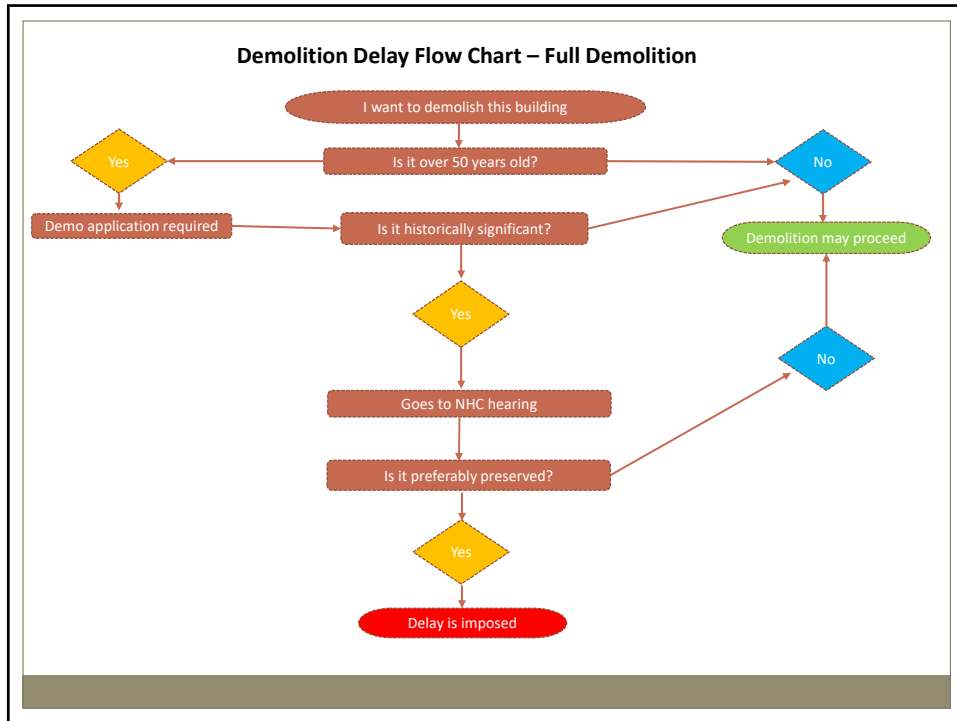


19

**What happens if a property has
*no historical significance?***

Then NHC has no jurisdiction

20



21

Partial Demolitions

~ADDITIONS ARE PARTIAL DEMOLITIONS~

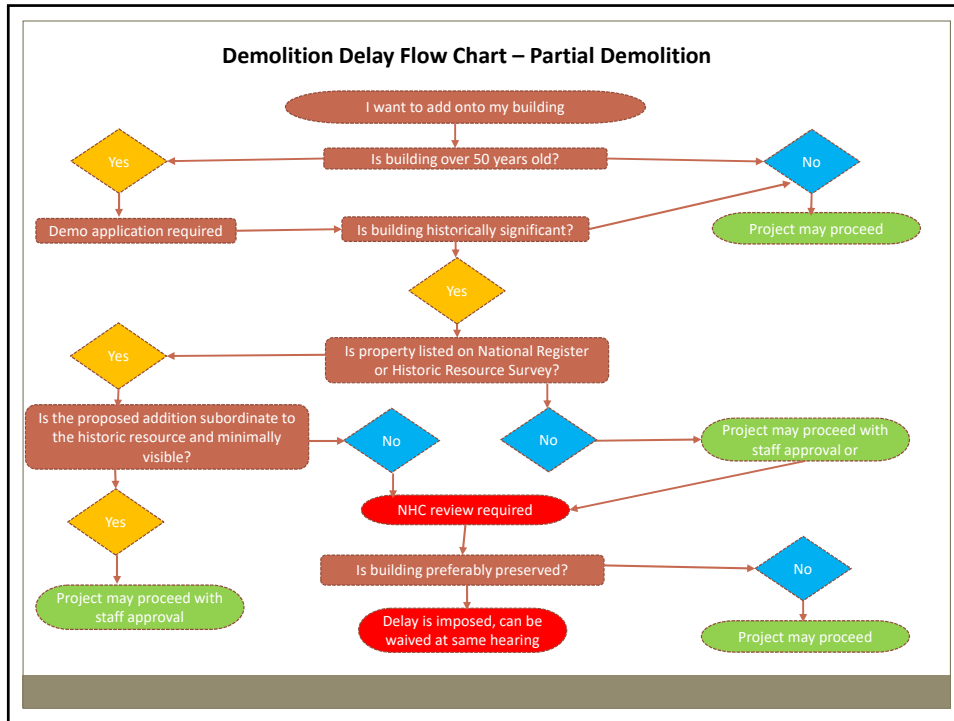
~50% OR MORE OF AN ELEVATION~

~STAFF SIGNS OFF ON MOST~

~DEMO DELAYS CAN BE WAIVED AT THE SAME HEARING
BASED ON APPROVED PLANS~

WIN ~ WIN ~ WIN ~ WIN ~ WIN

22



23

Demo Delays in other towns


Brookline:	12 months; 18 months for NR-listed
Cambridge:	6 months
Lexington:	12 months
Medford:	6 months
Somerville:	9 months
Waltham:	12 months
Watertown:	12 months

24

Factoid:

Neither the Demo Delay Ordinance nor listing on the National Register of Historic Places can necessarily prevent demolition.

Newton Local Landmarks are preserved in perpetuity



25

Local Landmark Ordinance

SECTION 22-60

26

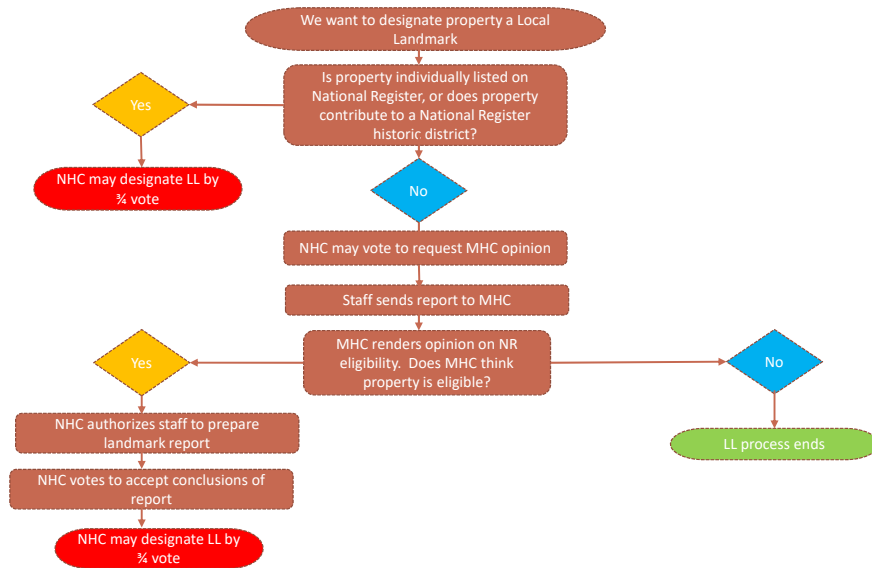
Who nominates local landmarks?

- City Council members
- Director of Planning and Development
- Commissioner of Inspectional Services
- Newton Historical Commission

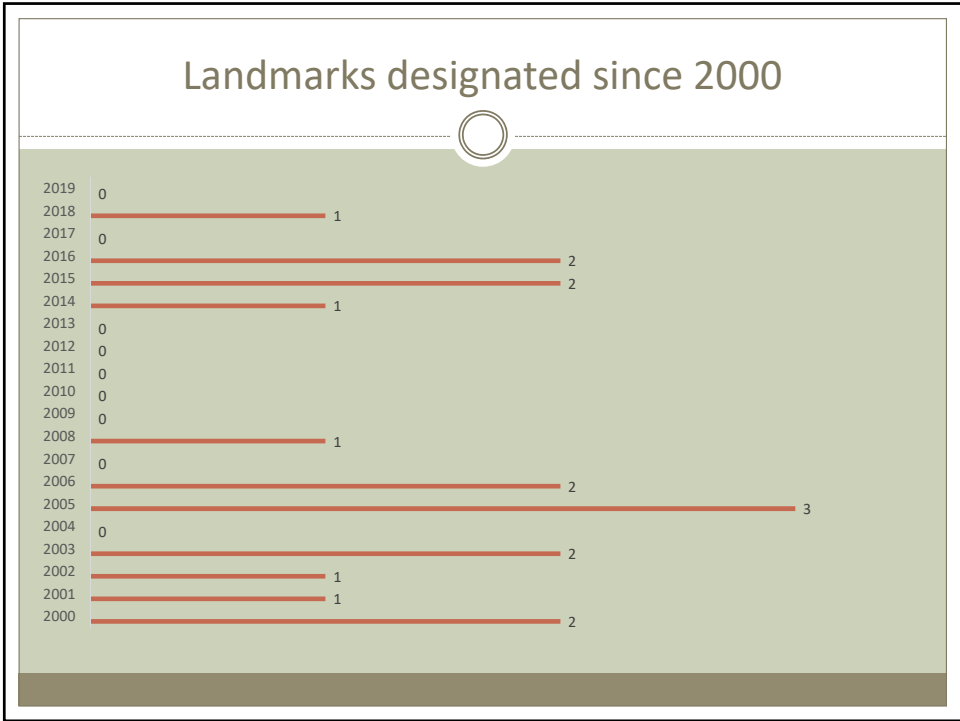


27

Local Landmarks Flow Chart



28



29

Landmark Ordinance Appeals

SECTION 22-69. ADMINISTRATIVE REVIEW
APPEALS PANEL SELECTED BY MAPC

SECTION 22-70. JUDICIAL REVIEW
MIDDLESEX COUNTY SUPERIOR COURT

30

How does the Planning Department gauge success of City's historic preservation program?

- ❑ ENCOURAGES PARTIAL DEMOLITIONS OVER FULL DEMOS
- ❑ ENCOURAGES PRESERVATION RESTRICTIONS AND VOLUNTARY LOCAL LANDMARKING
- ❑ PUBLIC BUILDINGS RESTORED AND REUSED WHERE POSSIBLE
- ❑ PROJECTS THAT BEGAN AS FULL DEMOS RESULT IN RESTORATIONS
- ❑ HISTORIC RESOURCES SUCCESSFULLY INCORPORATED INTO LARGER PLANNING PROJECTS

31

Tasks



- FIND OTHER OPTIONS FOR APPEAL BODIES
- STUDY WHETHER DD ORDINANCE NEEDS A WITHDRAWAL OPTION
- STUDY WHETHER LL ORDINANCE NEEDS A HARDSHIP PROVISION
- CLARIFY WHO CAN INITIATE THE LOCAL LANDMARK PROCESS
- REVIEW 50-YEAR BENCHMARK
- CLARIFY DEFINITIONS SECTIONS IN DD AND LL ORDINANCES
- STUDY POSSIBILITY OF EXEMPTING AREAS FROM DD REVIEW
- WORK WITH LAW DEPARTMENT TO REORGANIZE AND UPDATE ORDINANCE

- ANYTHING ELSE?

32

Next Steps

- COLLECT INITIAL THOUGHTS
- WORK WITH LAW ON SUGGESTED CHANGES



33

50 Fairlee Road, Waban (John Woodward House)



34

29 Greenwood Street, Oak Hill (Gershom Hyde House, Barn)



35

450 Winchester Street, Oak Hill (Floyd House)



36

29-31 Elmwood Street, Newton Corner (William J. Jacques House)



37

17-19 Channing Street, Newton Corner (Thayer House)



38

424-432 Cherry Street, West Newton (Samuel Warren Tavern)



39

35 Webster Street, West Newton (Nathaniel Topliff Allen House)



40

286 Waverley Avenue, Newton Corner (Durant-Kenrick House)



41

36 Walnut Park, West Newton (carriage house)



42

65-71 Walnut Park, Newton Corner (John Potter House)



43

1615 Beacon Street, Waban (Staples-Crafts-Wiswall Farm)



44

Newton's 2020-2024 Climate Action Plan

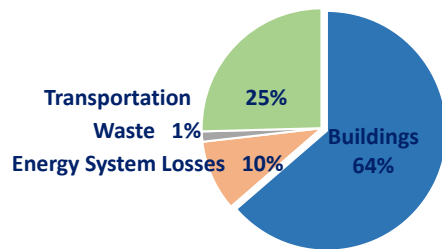


Image from Newton Mothers Out Front

Wednesday, October 2, 2019

1

Newton's 5-Year Climate Action Plan

Long-Term Goal: Carbon Neutral by 2050

Approach: Use less = conservation and high-efficiency

Green the rest = produce and use clean energy

Municipal leverage: 6 areas of action

- A. Municipal Implementation
- B. Clean & Renewable Energy
- C. Green Transportation & Streetscapes
- D. New Construction & Major Renovations
- E. Existing Buildings
- F. GHG Emissions Associated w/ Consumption & Disposal



2

Changes

- Added an executive summary
- Added top 10 strategies
- Added top 20 actions
- Added metrics
- Added figures
- Added “demographic” information

3

The Top 10 Strategies and Top 20 Actions

Establishing Teams and Partnerships

- Strategy 1.** Create a City implementation team, develop appropriate municipal planning and budgeting processes, and ensure regular Plan evaluations and updates (A.1.)
- Action 1.** Transform the existing Major Projects and Infrastructure Cluster into the Major Projects, Infrastructure, and Climate Change Cluster to oversee implementation of this Plan. (A.1.1.)
- Action 2.** Develop more concrete estimates of costs and fiscal benefits for each action in this plan and incorporate funding categories or appropriate metrics in the CIP prioritization process to reflect the priorities of this plan and other related plans (such as the Climate Change Vulnerability Assessment and Transportation Plan). (A.1.2.)
- Strategy 2.** Work with partners to build awareness and drive action (A.2.)
- Action 3.** Develop an Energy Coach Role. (A.2.2.)
- Action 4.** In collaboration with the Utilities, work with the largest energy users in the City to reduce their GHG emissions. (A.2.3.)
- Action 5.** Work with the Newton-Needham Chamber of Commerce and the NCCE to explore possible structures for a “Green Ribbon Commission” and implement the preferred model. (A.2.4.)

4

The Top 10 Strategies and Top 20 Actions

Use Less

- Strategy 3.** Increase rate of biking, walking, telecommuting, shared rides, and use of shuttles and public transit, while reducing single-occupancy vehicle trips (C.4.)
- Action 6.** Work with City Council to develop a Transportation Demand Management (TDM) program to reduce single-occupancy vehicle trips through amendments to the Zoning Ordinance. (C.4.1.)
- Action 7.** Work with City Council to reduce or eliminate the minimum parking requirement in the Zoning Ordinance and set a maximum on parking allotments. (C.4.2.)
- Action 8.** Create and encourage the use of safe bicycle and pedestrian facilities for commuters and residents. (C.4.3.)
- Strategy 4.** Advocate for a more energy-efficient and climate-smart building code (D.1.)
- Action 9.** Register and educate all eligible representatives to ensure strong City participation in the vote on the International Energy Conservation Code (IECC) to increase base building efficiency and support electrification and other carbon reduction strategies, and advocate to the Board of Building Regulations and Standards (BBRS) for a net zero Stretch Code. (D.1.1.)

5

The Top 10 Strategies and Top 20 Actions

Use Less (cont'd)

- Strategy 5.** Work with City Council to adopt Zoning Ordinance amendments that require and/or incentivize high-efficiency performance and/or net-zero new construction – within the next 12 months (D.3.)
- Action 10.** Work with City Council to amend the Zoning Ordinance to require new construction and major renovations seeking a Special Permit maximize energy efficiency and the use of renewable energy, including thermal energy. (D.3.1.)
- Action 11.** Work with City Council to require that all new construction and major renovations analyze the costs, benefits, and GHG impacts of maximizing energy efficiency; utilizing electric heating, cooling, and hot water; and using renewable energy, including thermal energy. (D.3.2.)
- Action 12.** Work with City Council to adopt Zoning Ordinances that encourage additional, appropriate low-carbon, housing near public transportation. (D.3.5.)

6

The Top 10 Strategies and Top 20 Actions

Green the Rest

- Strategy 6.** Increase the amount of electricity provided by New England renewable energy resources (B.1.)
- Action 13.** Encourage residents and businesses to opt up to 100% renewable energy through Newton Power Choice. (B.1.1.)
- Action 14.** Support Green Newton’s efforts to implement the Newton Solar Challenge for residents and businesses which encourages the installation of rooftop solar. (B.2.1.)
- Strategy 7.** Ensure that municipal infrastructure and operations are as “green” as possible (C.1.)
- Action 15.** Install EV charging stations in village centers, school facilities, and other priority municipal sites, primarily through the Make Ready and GreenSpot programs. (C.1.3.)
- Strategy 8.** Incentivize residents to switch to EVs with a goal of having 10% of all vehicles on the road be EV, BHEV, ZEM, PHEV+ by 2024 (C.2.)
- Action 16.** Continue to work with partners (such as Make Ready) to install EV charging stations on private properties throughout the City. (C.2.3.)
- Action 17.** Support local non-profits and for-profits such as Green Newton, the NCCE, and Newton-Needham Chamber of Commerce, the Transportation Advisory Group (TAG), Safe Routes to School, the utilities, and local businesses efforts in education, events (such as test drives and Tour du Newton), and literature dissemination. (C.3.1.*)

7

The Top 10 Strategies and Top 20 Actions

Green the Rest (cont’d)

- Strategy 9.** Transition to electric and thermal heating and cooling in residential and commercial buildings (E.2.)
- Action 18.** Work with City Council to adopt an ordinance requiring residential and commercial building owners to disclose to potential buyers electric, gas and heating oil bills for the previous 12 months, and explore the possibility of listing energy performance in the Assessor’s database. (E.3.2.*)
- Strategy 10.** Consider initiatives to engage businesses and residents in reducing GHG emissions resulting from corporate operations and individual activities (F.1.)
- Action 19.** Work with the Economic Development Director and the Newton-Needham Chamber of Commerce to explore incentive programs for businesses to reduce GHG emissions associated with consumption and disposal. (F.1.1.)
- Action 20.** Explore adoption of a voluntary program that would allow contributions to a municipal program to help offset GHGs produced by air travel. (F.1.2.)

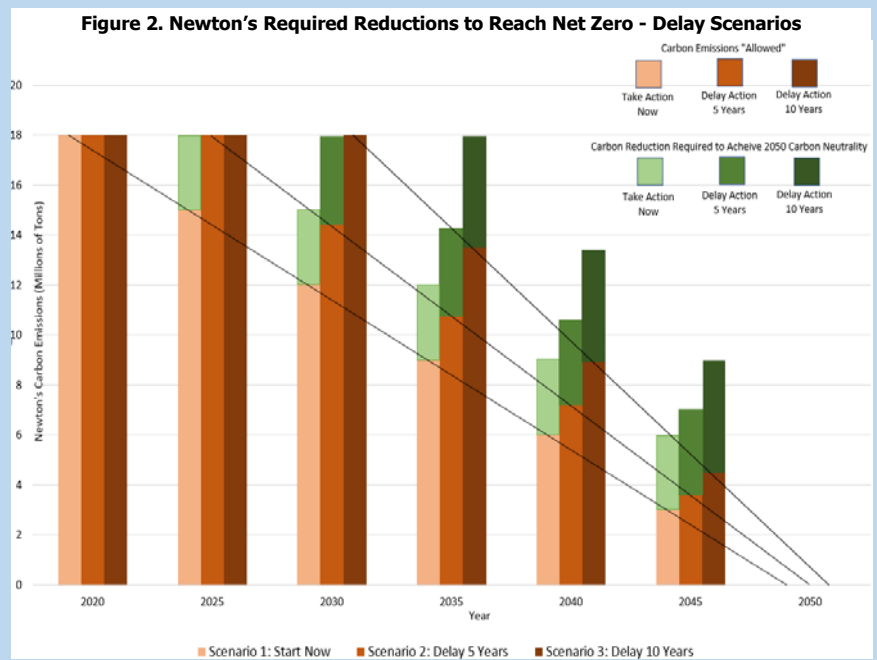
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Metrics

	Critical Interim (2025) Goals	2050 Goals
B. Clean Energy		
Percent renewables as Newton Power Choice base	100%	100%
Percent of residents opted up to 100% NPC match	15%	n.a.
C. Transportation		
Percent reduction in vehicle miles traveled	5%	20%
Percent of private cars in Newton that are electric	10%	100%
D. New Construction		
Percent of all-electric buildings	100%	100%
E. Existing Residential Buildings		
Number of home energy assessments/year	4000	n.a.
Number of insulation installations/year	800	all homes are insulated
Number of heat pump installations/year	450	all homes have heat pumps
Percent reduction in total energy consumption	3%	20%
Percent of all-electric buildings	5%	100%
F. Existing Commercial Buildings		
Percent reduction in total energy consumption	15%	50%
Percent of new units with HERS ≤40	??%	??%

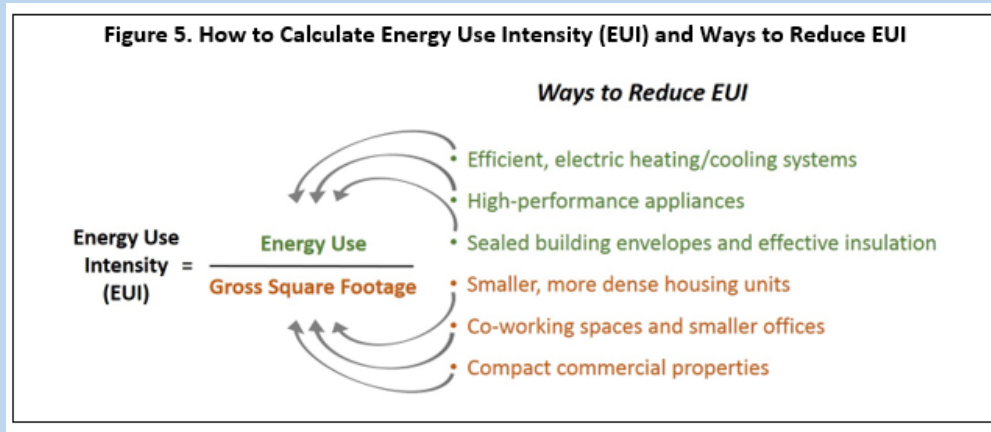
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New Figures



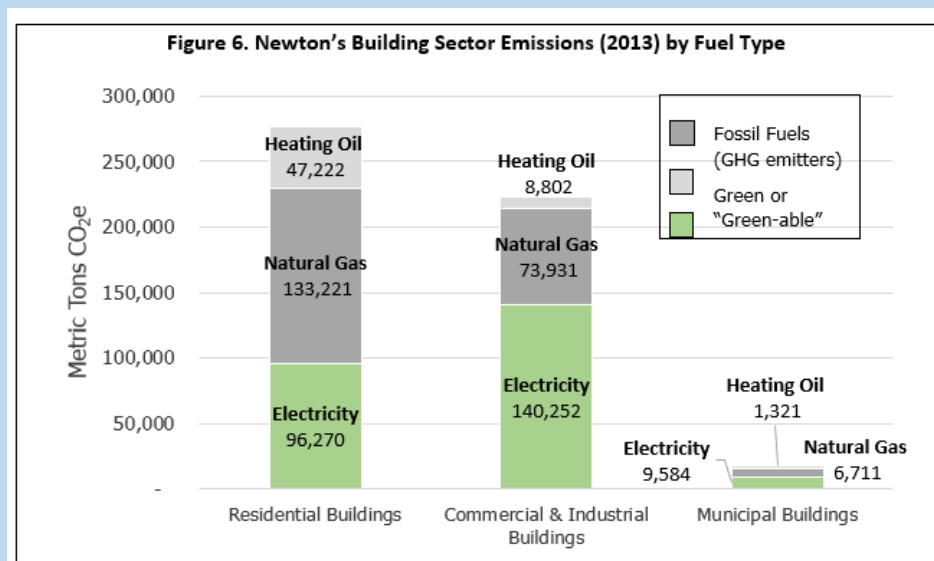
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New Figures



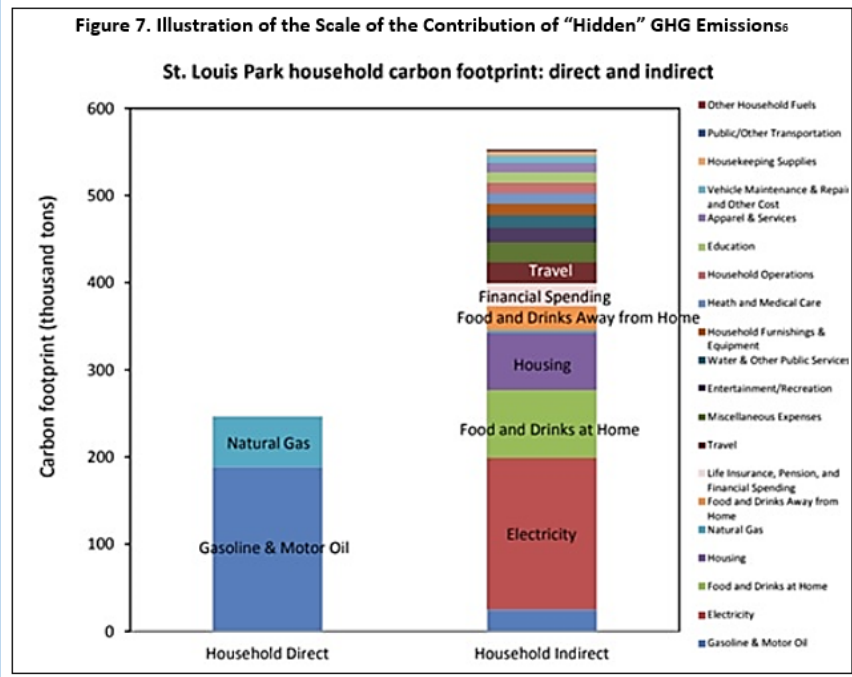
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New Figures



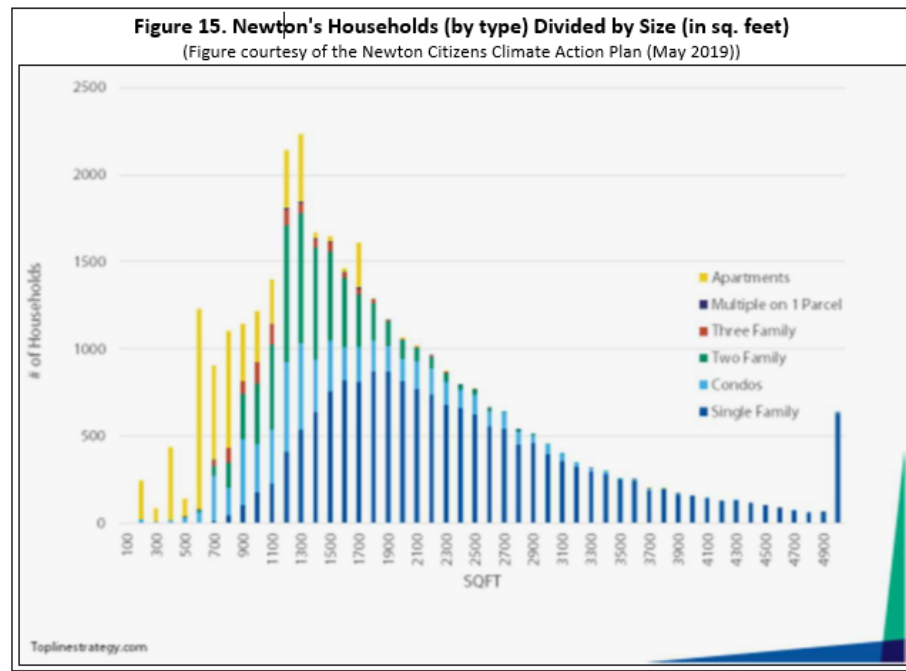
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New Figures



13

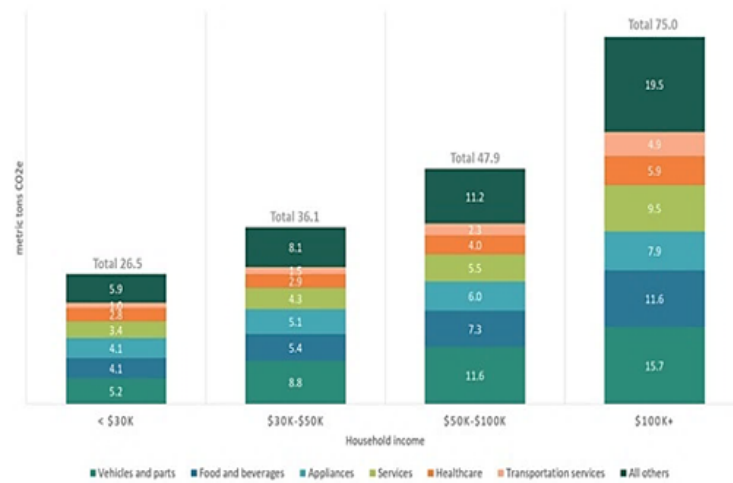
New Figures



14

New Figures

Figure 20. Average per Household Consumption-Based GHG Emissions (MTCO₂e/household) in Oregon, by Income Group⁵⁶



15

Discussion

- Questions ?
- Comments ?
- Next Steps:
 - Continued discussion
 - ZAP Public Hearing, possibly Nov. 13.

16

Summary of the presentation to the Committees on Public Facilities and Zoning and Planning on October 2, 2019.

Halina Brown on behalf of the Newton Citizens Commission on Energy

1. Since the Presentation on August 26 of the CCAP and draft CAP, members of the Newton Citizens Commission on Energy (for short, the Energy Commission) and the City Sustainability Team (Ann Berwick, Bill Ferguson and Jennifer Steel) held three working sessions. The Commission's aim was to harmonize the CAP with the key recommendations of the CCAP. We have made significant progress, most notably in that CAP now presents numerical 5-year and 30-year goals and adopted metrics to measure progress toward the goals. I anticipate these changes to be incorporated in the most recent draft and posted.
2. The goals and metrics in the CAP are *the same* as those recommended by the Energy Commission, and are consistent with the metrics and goals recommended by the utilities in the almost completed draft MOU. The CAP also adopted many of the specific actions recommended in CCAP.
3. Notably, CAP did not incorporate the recommended program of financial incentives for energy efficiency through property taxes, REEP. The Energy Commission plans to introduce it separately to the Council.
4. There are still important unresolved issues that require further deliberation. These are addressed in item 6 below.
5. Several actions listed in the Citizens Climate Action Plan and Draft Newton Climate Action Plan will require that the City Council becomes engaged and adopts new ordinances. Based on *my understanding* of the process, below is a list of ten actions extracted from both plans. The critical actions — those with large impact, or which are critical for achieving the numerical 5-year and 30-year goals – are identified in **bold**.

We seek advice from the Council members on: how accurate my understanding of the role of the City Council is; which actions may already be in progress; and how to get the process going for the rest. We look forward to a vigorous discussion of these proposed actions and a collaborative effort to translate the actions into a legislative language.

5.1 Require new construction and major renovations seeking Special Permit to achieve energy efficiency at the level of Passive House and to use electricity for heating and cooking.

5.2 Require new construction and major renovations built by-right to include an analysis of the options for passive house-level of energy performance and using electricity for heating and cooling, including cost comparisons.

5.3 Require that all existing homes listed for sale in Newton include HERS rating of energy efficiency. List HER score in the Assessor's database, just as it is currently done for all new construction and major renovations.

5.4 Require that in order to obtain a permit for installation or replacement of a heating system or central air conditioning system the contractor must present to a homeowner the option of a combined cooling and heating system using heat pump, including cost comparisons.

5.5 Create, fund, and fill the position of Energy Coach by at or before July 1, 2020, the start of FY2021.

5.6 Develop a TDM program for transportation in order to reduce single-occupancy vehicle trips.

5.7 Reduce or eliminate the minimum parking requirement and set a maximum on parking allotments.

5.8 Encourage additional appropriate low-carbon housing near public transportation nodes.

5.9 Allow certain energy saving house additions and modifications of residential homes, which currently require special permit, to be implemented by right.

5.10 Require that additions to residential houses do not increase the net energy consumption relative to the existing structure.

6. Unresolved issues

For **Action 5.3** the current City plan calls for a disclosure to potential buyers electric, gas and heating oil bills for the previous 12 months. We ask that HERS rating is used instead. The reasons are multiple, including: the privacy issues; the need to create a strong incentive through public disclosure and rewarding energy efficient houses at the market place; and the need for a standardized metric that can be benchmarked and cross-compared and which does not depend on house size, occupants' habits; confounding through EVs charging and heat pump use.

Action 5.4 is not included because the Sustainability Team has not yet figured out how to enact it in practice. This is a very important action for making it easier for homeowners to learn about and adopt these necessary technologies; and for incentivizing contractors to use them. We are confident that with time and creativity the City will figure out an effective method of implementing this action after the Plan is adopted. It should be listed among the priority actions now.

7. The matter of costs

There is no doubt that there will be costs of implementing the CAP to Newton homeowners, and that the burden on lower income citizens may be unreasonably high. For example, obtaining HERS rating increases transaction costs of selling a house; and electric heating installation may be expensive, depending on the house. For some seniors on fixed income, whose houses have greatly increased in value over the years, this may be a minor burden relative to the sale price. But others may not be so lucky. We ask that the Mayor sets aside a dedicated fund for helping out the citizens most adversely affected by these requirements. We ask the Council's advice on the appropriate size of the fund.

One source of funding can be from money saved by energy efficiency improvements in the municipal operations. Bill Ferguson has a list of savings accrued through energy efficiency projects he implemented during his years with the City. This list will serve as a guide for the size of the fund.