



# Zoning & Planning Committee Report

## City of Newton In City Council

**Thursday, November 14, 2019**

Present: Councilors Albright (Chair), Danberg, Leary, Kalis, Downs, Krintzman, Brousal-Glaser, Baker

Also Present: Councilors Kelley, Crossley

Planning Board: Peter Doeringer (Chair), Sudha Maheshwari, Jennifer Molinsky, Chris Steele, Kevin McCormick

City Staff: Barney Heath, Director of Planning and Development; Zachery Lemel, Chief of Long Range Planning; Gabriel Holbrow, Community Planning/Engagement Specialist; Andrew Lee, Assistant City Solicitor; Jonathan Yeo, Chief Operating Officer; Alice Ingerson, CPA Program Manager; Jennifer Steel, Senior Planner; Ann Berwick, Director of Sustainability; Nathan Giacalone, Committee Clerk

**#361-19      Appointment of Marcela Merino to the Economic Development Commission**

HER HONOR THE MAYOR appointing Marcela Merino, 66 Clover Road, West Newton, as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire November 30, 2022. (60 Days: 12/14/19)

**Action:**      Zoning and Planning Approved 8-0

**Notes:**      Ms. Merino was invited to the front table where she was asked to explain her desire to join the Economic Development commission. Ms. Merino answered that as a 15-year resident of Newton, she wanted to make a difference in her community and felt that she could do this using her professional skills with economic development. When the Chair asked Ms. Merino if she had been attending EDC meetings, she answered that she had. Councilor Brousal-Glaser moved to approve confirmation of Ms. Merino's appointment and the Committee voted 8-0 to approve.

**#335-19      Appointment of Leigh Gilligan to the Conservation Commission**

HER HONOR THE MAYOR appointing LEIGH GILLIGAN, 16 Bradford Road, Newton Highlands, as a full member to the CONSERVATION COMMISSION. Ms. Gilligan currently serves as an alternate member on the Conservation Commission. Ms. Gilligan will complete a new term as a full member which will expire November 1, 2022.

**Action:**      Zoning and Planning Approved 8-0

**Notes:**      Councilor Danberg moved to approve confirmation of Ms. Gilligan to the status of a full member on the Conservation Commission and the Committee voted 8-0 to approve.

**Referred to Zoning & Planning and Finance Committees**

**#384-19 Appropriate \$15,000 for a grant to the Newton Conservators**

COMMUNITY PRESERVATION COMMITTEE requesting the appropriation of fifteen thousand dollars (\$15,000) to the Planning & Development Department for a grant to the Newton Conservators, for the costs associated with holding the required conservation restriction on open space acquired with community preservation funds at Kessler Woods.

**Action:** **Zoning and Planning Approved 8-0**

**Notes:** Mark Armstrong, Chair of the Conservation Preservation Committee (CPC), addressed the Committee on this item.

Mr. Armstrong said to the Committee that the request was for the purpose of monitoring and enforcing the conservation restriction on Kessler Woods, a site acquired by the City using CPA funds in 2004. A vote was taken in September, 2019 to approve the measure and the CPC forwarded it to the Zoning and Planning Committee.

A committee member asked about the public accessibility of the site and how easy it was for the public to use the site. Jennifer Steel answered and said that there are trails already present which have been expanded with other projects underway. Ms. Steel elaborated on how some of the money would be spent, such as on access boardwalks. Labor would be done with volunteer work. She also provided an estimated timeline of the project. She also said that discussion is underway with Hancock Estates for a public access easement in the area.

A committee member asked for elaboration on the term “monitoring and enforcement” as well as how \$15,000 was decided upon for the grant. Mr. Armstrong answered that monitoring meant ensuring that the conservation status was respected. Katherine Howard, Treasurer of the Newton Conservators, approached the podium to help answer the question. Ms. Howard explained that the monitoring is performed on an annual basis using volunteer labor, however every few years an external consultant is hired to ensure compliance. The sum of \$15,000 would pay for the monitoring of all the sites through the interest generated by the money.

Councilor Leary motioned to appropriate the funds to the Newton Conservators and the Committee voted 8-0 to approve.

**Referred to Zoning & Planning and Finance Committees**

**#386-19 Request to appropriate \$50,000 in CPC funds for Pigeon Hill Trail Design**

COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of fifty-thousand dollars (\$50,000) to the Planning & Development Department for a grant to the Newton Conservators, as the fiscal agent of the Riverside Greenway Working Group, for design of the Pigeon Hill Trail in Auburndale as described in the proposal submitted to the CPC in September 2019.

**Action:** **Zoning and Planning Approved 8-0**

**Notes:** Mr. Armstrong addressed the Committee on this item.

Mr. Armstrong said that this project would complete the design for the Pigeon Hill trail site. The completion of this design would help it qualify for state and federal construction funding. Ted Chapman, Project Manager for the Riverside Working Group also addressed the Committee. Mr. Chapman gave an overview of the project plan to the Committee. He described the network of trails being developed in the area with grants that have been received, including the final road underneath the Mass Pike. Mr. Chapman said that the \$50,000 would allow for the designer to work up to 100 percent design, making it eligible for construction funding from MassDOT and to match funds from MassTrails.

Multiple committee members expressed their excitement at what the CPC has been able to do with the trails so far and what they would do with the additional funding.

A committee member asked about the current accessibility of the Pigeon Hill site and Mr. Chapman answered her that there are currently footpaths and streets and that the portion of trail in question could be opened by MassDOT. He further offered to organize walks of the site for any Councilor who may be interested. Mr. Chapman said that MassDOT was estimating the bridge to be completed by 2021 with other aspects of the site dependent on funding.

A committee member asked about how aligned the CPC was with the MBTA and Mark Development. Mr. Chapman answered that the CPC have been in dialogue with both entities and are optimistic that there is agreement on the trail connections.

The Chair expressed her excitement at seeing the civic engagement of Newton residents to make this project possible.

Councilor Krintzman moved to approve and the Committee voted 8-0 to appropriate the funds to the CPC.

### **Referred to Public Facilities and Zoning & Planning Committees**

**#143-19** **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 and Planning Voted No Action Necessary 8-0**

**Notes:** The Committee voted 8-0 No Action Necessary on this docket item base on their approval of docket item #13-19.

**#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 and Planning Approved 8-0

**Notes:** Jennifer Steel, Senior Planner, addressed the Committee on this item

Ms. Steel delivered a presentation on a plan which integrates the long-term goals of the citizens' climate plan with those of the city. She said that the goal of the city plan is carbon-neutrality by the year 2050, with benchmarks set earlier at 2025 to help keep pace towards the goal. It is to be re-considered on a regular basis. There are ten strategies and actions used to meet the goals of the CAP: creation a city implementation team, cooperation with partners to build awareness and drive action, reduction of single-occupancy vehicle trips, advocacy for an energy-efficient and climate-smart building code, amending of the zoning ordinance for high-efficiency performance, increase of renewable energy usage, "green" municipal infrastructure and operations, electric vehicle incentives for the residents, transition to electric heating and cooling, and engagement with residents and businesses to reduce greenhouse gas emissions. Referring to the chart on page three of her presentation, Ms. Steel summarized some of the ways the City would measure its success. These are split between 2025 and 2050. The metrics of these goals focus on clean energy, transportation, new construction, and modifications and retrofits of existing commercial and residential buildings. Once finished with her presentation, Ms. Steel opened to questions from the Committee.

A committee member mentioned that a resident emailed the committee about how Cambridge and Boston have energy-usage disclosure requirements similar to the one the City hopes to implement. Ann Berwick, Director of Sustainability, approached the podium to answer this question. She said that there have been discussions with Cambridge about this and that the results of the program in Cambridge have been poor. Ms. Berwick emphasized the different circumstances facing Newton than the other cities and was hopeful that Newton could make change if given the authority to enact this policy.

A committee member commented on the anti-idling measures in the CAP, saying that the City is often the worst offender and must begin to lead by example if it hopes for the CAP to be effective.

Another committee member echoed their aggravation at the lax enforcement of anti-idling laws. They also asked Ms. Berwick what the goals needed to be for the plan to achieve better results than Cambridge. Ms. Berwick answered that the Newton CAP energy-disclosure is tied to the point of sale, rather than in Cambridge. Betsy Harper of 19 Fairmont Ave approached the podium to answer this question and said that one of the main differences is that Boston and Cambridge are dealing with much larger buildings than Newton is and may be adjusting their own size parameters for the disclosures as well.

Chair Albright opened the public hearing and gave special time to Halina Brown of the Citizens' Energy Commission (CEC) and Dan Ruben of Green Newton.

Public Comment:

Ms. Brown spoke on behalf of the Citizens' Energy Commission in support of adoption of the CAP. She said that the CEC was excited to see the CAP get approved as a guide for Newton moving forward,

but that they still had a few concerns. She said that they wanted the City to remain mindful of the effects of climate issues on the vulnerable. Ms. Brown then spoke on several key steps she and the CEC hoped to see the City adopt through the CAP, such as the creation of the Energy Coach position as soon as possible. Other items she discussed were more options for the residents with technologies such as heat pumps and a better approach to inducements.

Dan Ruben followed and spoke on behalf of Green Newton. He reiterated Green Newton's support for the CAP and said that the group is committed to helping Newton residents meet the goals of the CAP. Mr. Ruben also supported the creation of the Energy Coach and the energy disclosures for home sales.

Demi Stathopolos, 71 Arlington Street, spoke in favor of the CAP and thanked the Committee for including specific targets into the plan as well as tactics to meet those goals. She also said that she wanted to see the Energy Coach made into an office-level position. Ms. Stathopolos also offered a series of issues for the Committee and the City Council to consider as it moved forward with the CAP to help the city transition to meet its goals.

Cory Alperstein of 19 Hibbard Road spoke in support of the final draft of the CAP on behalf of 350 Mass. She also gave her appreciation for all the work that City staff and Councilors put into the document as it has attainable goals. Ms. Alperstein expressed her concern that the City has not effectively laid out the necessary resources to meet the goals in the CAP.

Nicholas Wilsanthayer of 21 Parmenter Terrace asked Ms. Steel how Newton would effectively spread the word about using less energy and motivate residents about this as well.

Dina Gorelik, 43 Pine Street, had a question about the transportation portion of the CAP. She wanted to see promotion of a car free lifestyle as a more important part of the transportation section of the plan as switching to electric vehicles would not lower the number of cars on the road. Ms. Gorelik also wanted to see the CAP include more about protected-separate bike lanes in the CAP.

Samantha Chevelle of 44 Allen Ave asked about what the CAP would do to address the traffic problems Newton faces.

Kathy Pillsbury, 34 Carver Road, expressed her pleasure to see recommendations from the CEC implemented into the plan. She said that most green house gas emissions in the City come from residents and businesses and emphasized a need to work with them more. Ms. Pillsbury called on the City to lead by example and to spread the word about its green achievements, to advocate more at the State House, and the need to get people out of their own cars and into better mass transit.

Paul Eldrenkamp of 111 Spiers Road spoke as a remodeling contractor who has worked to retrofit older homes. He said that the City should advertise its mistakes so that other communities can learn from them. Mr. Eldrenkamp addressed two of his concerns: that cold-climate heat pumps are easy to maintain and install, and that the importance of embodied carbon has been ignored.

Asa Hopkins of 171 Fairway Drive urged the Committee to approve the CAP. He shared the story of his own family and how they could have benefitted from having an energy coach to help them retrofit their home towards almost net-zero.

Nathaniel Lichtin of 53 Pine Crest Road spoke in favor of the CAP and hoped that the Committee would vote to adopt it. He also spoke as president of the Newton Highlands Area Council and brought concerns from some residents, though without an official position. Mr. Lichtin said that lower income residents, as well as others who had difficulty living in Newton, were concerned that the CAP could lead to them being priced out of their homes. Specifically, he spoke about proposed zoning changes that would mandate change and pass the costs onto residents.

Philip Vergragt, 56 Cloverdale Road, congratulated all the work that had been done on behalf of the CAP. However, he said that the plan does not go far enough in places. Mr. Vergragt said that the City could play a bigger role in educating residents about their consumer product choices, as well as their food. He also spoke in support of the energy scorecard and the need for smaller housing.

After no more residents came up to speak about this item, a committee member asked Mr. Eldrenkamp to clarify how realistic assumptions were about making Newton an all-electric community any time soon when accounting for retrofitting old buildings. Mr. Eldrenkamp agreed that the biggest challenge will come from retrofitting old buildings rather than buildings new ones per the new standards. He said that under the right conditions, a house could potentially be retrofitted in a week, though that would then require the grid to evolve to green standards. The committee member was skeptical of the feasibility of reaching 100 percent electrical by 2050, citing the questionable reliability of heat pumps. They proposed an amendment to strike the 100 percent mark from the final plan. Mr. Eldrenkamp responded that he was optimistic Newton will at least be able to try to reach the goal and set an example.

The Chair emphasized that little in the CAP was based on mandate and it was mostly to support the residents in adopting a greener lifestyle and incentivizing them to do so.

A council member responded to the proposed amendment by saying that the main point of the CAP was as a goal to work towards. They acknowledged the likely failures which would be encountered along the way, but said that these failures would be used as learning opportunities to improve the steps and plans being taken to meet the goals of the CAP.

A committee member addressed the concerns of the proposed amendment by saying that the CAP is a living document with the ability to adapt to changing circumstances and new challenges as the City works to meet its goals. Emphasizing the risks posed by climate change, they said the circumstances were too important to set anything less than lofty goals.

The committee member with the proposed amendment then asked about how less emphasis seemed to be placed on the city to retrofit its own buildings.

A committee member acknowledged the difficulty of asking the residents to adapt to some of the more audacious goals in the CAP and agreed that they wanted to see the CAP place more emphasis on the City's commitment to change. They were overall happy with the proposed CAP.

A committee member said that while unlikely that Newton would reach the 100 percent all-electric goal by 2050, lowering the goal would leave the City further off than it would be otherwise. They also asked if the City was able to set new construction standards above the state building code or if the State code limited them. Ms. Berwick answered that Newton was constrained by the state building code and by the stretch code. She elaborated that the state establishes a base code, as well as a second code for communities which wish to move further towards greener standards. Ms. Berwick said that a law may pass in the state legislature which would provide for a net-zero building code. She also spoke about how offshore wind would help transition the energy grid towards more renewable sources in the next 20 years.

Mr. Doeringer then spoke about the proposed amendment and said that he felt the only audacious goal was carbon-neutrality by 2050. He said that if the CAP were clearer, it would say that carbon-neutral is the main goal and that the plan itself is only one possible pathway to that goal.

A committee member answered to clear up a misconception that the CAP was a plan of mandates, saying that the CAP had no power to mandate. They also described some of the steps that the City is already taking to meet greener energy standards.

The committee member responded with their wish for the amendment to keep the goal at carbon-neutrality by 2050, but to remove specifics calling for all homes and vehicles to be electrified to allow for versatility in how to reach that goal through other strategies or technologies to be invented.

Before moving on to discuss the precise text of the amendment, Councilor Krintzman moved to close the public hearing and the Committee approved 8-0.

The Chair then suggested that based on public comment from earlier in the meeting, language be added to the CAP to demonstrate its acknowledgement of likely failures along the way and a commitment to learn from them and publicize them so that other communities can learn from them as well. She also suggested adding in a numbered item to explore opportunities to assist those facing financial difficulties adapting to the new green standards. Ms. Steel also added in that while much discussion has focused on heat pumps, the CAP is not wholly attached to any one technology and has mechanisms to review its strategies and see what works best.

Councilor Baker then introduced his proposed amendment to the CAP, which said that various strategies would be used to work towards carbon-neutrality by 2050, acknowledging that there would be failures along the way and a need to adapt to whatever technology is available at the time to help reach that goal. His amendment also proposed lowering the target threshold from 100 percent carbon-neutrality to 80-100 percent carbon-neutrality.

A committee member responded that they approved of most of the amendment but wanted to keep the target at 100 percent carbon-neutrality.

The Chair suggested to take a straw vote on the proposed amendment. The Committee voted 4-4, with Councilors Kalis, Baker, Danberg, and Leary voting in favor of the amendment and Councilors Albright, Brousal-Glasser, Krintzman, and Downs voting against. The motion failed to carry.

A committee member said that their problem with the amendment was its reduction of the goal from 100 percent to 80 percent and its use of carbon offsets to substitute for it.

Andrew Lee, Assistant City Solicitor, had helped to revise the proposed amendment to the CAP. After reviewing the revised amendment, the Committee voted 8-0 to approve the text of it.

Councilor Downs moved to accept the whole CAP, now including the amendment. The Committee voted 8-0 to approve the new Climate Action Plan.

As a result of approving docket item #13-19, the Committee determined that it could vote No Action Needed on docket item #143-19. The Committee voted 8-0 in favor of NAN.

**#363-19      Amendment(s) to Chapter 30 relative to building efficiencies**

DIRECTOR OF PLANNING & CO-DIRECTORS OF SUSTAINABILITY requesting discussion and adoption of amendments to Chapter 30, the Newton Zoning Ordinance to create exemptions to building envelope standards such as height and setback to facilitate the implementation of energy efficiency and alternative energy measures in buildings including external insulation, doorway vestibules, heat pumps, and solar panels among other features.

**Action:**            Zoning and Planning Held 8-0

**Notes:**            Barney Heath, Director of Planning and Development, addressed the Committee on this item.

Mr. Heath gave the presentation that in some cases, the goal would be to reduce barriers to green construction and in others it would be to enact standards to help the City reach its goals. He said that external features under consideration included heat pumps and exterior insulation while the vertical factors included solar panels. He described the review process the City would use to analyze its progress. Mr. Heath also talked about the different sets of standards and ratings that would be used for residential housing. An exception provision would be included for those who proved they could meet the standards through other means and others who would be unable to meet the standards.

Opening a public hearing, Peter Bauer of Green Newton's Building Standards Committee spoke and said that Green Newton supported the proposal.

Mr. Lichtin returned to the stand to state his support for the changes and his hope that the Committee would adopt them.

A committee member asked about how the noise levels of heat pumps compared to typical external compressors. It was answered that heat pumps are quiet than traditional compressors.

Jonathan Kanter of 672 Chestnut Street answered questions that the Committee had about heat pumps. Mr. Kanter concurred that heat pumps were a quieter technology and no more offensive than other external condensers. He said that techniques such as screening could be



used to minimize the visual impact without impeding on the appeal of the neighborhood. He also spoke about how solar panels would be addressed under the ordinance.

Councilor Krintzman moved to close the public hearing and the Committee approved 8-0.

Citing a need for further research on the solar panel item within the docket item, Councilor Brousal-Glaser moved to hold the item and the Committee voted 8-0 to hold the item.

**#364-19**      **Amendment(s) to Chapter 30 relative to sustainable design**  
DIRECTOR OF PLANNING & CO-DIRECTORS OF SUSTAINABILITY requesting discussion and adoption of amendments to Chapter 30, the Newton Zoning Ordinance to create a new set of standards related to sustainable development design with requirements for new buildings and development projects to include environmental and energy efficiency features.

**Action:**      **Zoning and Planning Held 8-0**

**Notes:**      Citing a need to further explore recommendations provided by Green Newton, the Committee decided to hold the item for the next meeting. The public hearing was left open and Councilor Brousal-Glaser moved to hold the item and the Committee voted 8-0 to hold the item.

The meeting adjourned at 10:10 PM.

**Respectfully Submitted,**

**Susan S. Albright, Chair**



Ruthanne Fuller  
Mayor

## City of Newton, Massachusetts

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Barney S. Heath  
Director

### Community Preservation Committee Funding Recommendation for Conservation Restriction Grant to Newton Conservators

date: 20 September 2019  
from: Community Preservation Committee  
to: The Honorable City Council

RECEIVED  
Newton City Clerk  
2019 NOV 15 PM 2:41  
David A. Olson, Clerk  
Newton, MA 02459

#### PROJECT GOALS & ELIGIBILITY

This request is for costs associated with monitoring and enforcing a permanent conservation restriction on the [Kessler Woods](#) parcels in south Newton acquired by the City of Newton with CPA funds in 2003-2004, as documented under [Proposals & Projects](#) at [www.newtonma.gov/cpa](http://www.newtonma.gov/cpa).

This restriction is required, and this funding is allowed, as follows by the Community Preservation Act:

MGL Ch. 44B, Section 12. (a): A real property interest that is acquired with monies from the Community Preservation Fund shall be bound by a permanent restriction, recorded as a separate instrument, that meets the requirements of sections 31 to 33, inclusive, of chapter 184 limiting the use of the interest to the purpose for which it was acquired. The permanent restriction shall run with the land and shall be enforceable by the city or town or the commonwealth. The permanent restriction may also run to the benefit of a nonprofit organization, charitable corporation or foundation selected by the city or town with the right to enforce the restriction. **The legislative body may appropriate monies from the Community Preservation Fund to pay a non-profit organization created pursuant to chapter 180 to hold, monitor and enforce the deed restriction on the property.**

The current request reflects the Conservators' past experience and expected costs associated with holding this restriction. The Conservators will manage and report on these CPA funds separately from their other operating funds.

#### RECOMMENDED FUNDING

On 10 September 2019 by a vote of 6-0 (members Peter Sargent and Rick Kronish absent; member Dan Brody abstaining as a member of the Newton Conservators board) the Community Preservation Committee recommended appropriating the requested \$15,000 for this purpose, from the Community Preservation Fund's fy20 budget reserve for open space, to the control of the Planning & Development Department for a grant to the Newton Conservators.

#### SPECIAL ISSUES CONSIDERED BY THE CPC

The Newton Conservators already hold the CPA-required restrictions on other properties acquired by the City of Newton using CPA funds. Most recently, in January 2019 the Council approved \$30,000 recommended by the

website [www.newtonma.gov/cpa](http://www.newtonma.gov/cpa)

contact Alice E. Ingerson, Community Preservation Program Manager

email [aingerson@newtonma.gov](mailto:aingerson@newtonma.gov) phone 617.796.1144

CPC for grants to the Conservators toward the costs of holding two other required restrictions on CPA-funded land acquisitions: [20 Rogers Street](#) (Crystal Lake) and [30 Wabasso Street](#) (Flowed Meadow Conservation Area, Auburndale). The Wabasso Street restriction has now been recorded at the Registry of Deeds. As of the date of this recommendation, the restrictions for Rogers Street and Kessler Woods have received most of their required local approvals and have been approved in final form by the Massachusetts Executive Office of Energy and Environmental Affairs. Only a few additional steps are required before these two restrictions can also be recorded at the Registry.

Finally, the state's standard language for conservation restrictions requires the landowner, in this case the City of Newton, to reimburse the restriction holder, in this case the Conservators, for the legal costs of enforcement if a court finds that a restriction has been violated. To supplement that requirement, the CPC has also recommended some specific provisions below for a combined grant agreement governing the CPA funds held by the Conservators for the restrictions on 30 Wabasso Street, 20 Rogers Street, and Kessler Woods.

#### **ADDITIONAL RECOMMENDATIONS** *(funding conditions)*

1. These funds should be appropriated to the Planning & Development Dept. for a grant to the Newton Conservators.
2. Funds should be released in full to the Newton Conservators upon execution of a grant agreement, which among other provisions should require the Conservators to track these funds separately for their intended, CPA-eligible uses and to report to the City periodically on these restricted funds.
3. While acknowledging the Conservators' legal right and responsibility to enforce this restriction, the grant agreement should also aim to minimize direct costs to the Conservators by requiring them to notify the City before either contracting for services by a third party, in case the City itself can provide these services, or taking legal action against a private abutter, to give the City itself as the landowner the opportunity to enforce the restriction. The agreement should also commit the City and the Conservators to participate in a dispute resolution process before any legal action is taken against the City itself.
4. The CPC assumes all recommended funds will be appropriated within 3 months, and this restriction will be recorded at the Registry of Deeds within 6 months, after the date of this recommendation. If either of these deadlines cannot be met, the City should request an extension of that deadline.
5. Any CPA funds appropriated but not used for the purposes stated herein will be returned to the Newton Community Preservation Fund.

#### **KEY OUTCOMES**

The Community Preservation Committee will evaluate this appropriation based on how well it meets goals 2, 3 and 4 above, and on how effectively the City collaborates with the Newton Conservators to prevent, and if necessary, to correct promptly, any violations of these conservation restrictions.

#### **ATTACHMENTS**

(delivered to the clerks of the Zoning & Planning and Finance Committees)

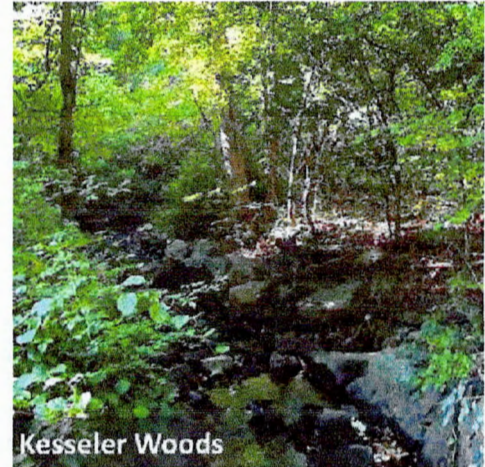
- Proposal submitted to the CPC, also available from [Proposals & Projects – Pending](#) at [www.newtonma.gov/cpa](http://www.newtonma.gov/cpa), or from this direct link:  
<http://www.newtonma.gov/civicax/filebank/blobload.aspx?t=42622.49&BlobID=98219>



*last updated 17 September 2019*

## **Kessler Woods Conservation Restriction-- Summary**

The Kessler Woods Conservation Restriction covers 4 parcels of land totaling 12.45 acres, located near Vine and LaGrange Streets in Newton (the "Premises"). One of the parcels, which is comprised of approximately 444 sq. ft., is located within the limits of the City of Boston. These parcels were acquired by the City of Newton from Boston Edison in 2004 using \$5,000,000 in Community Preservation Act Funds. The Conservation Restriction ("CR") will be granted to the Newton Conservators, Incorporated, a nonprofit organization in Newton which promotes protection of natural areas. The parcels are open space and heavily wooded.



This CR insures that the parcels will be permanently maintained in a natural and scenic condition. Permitted activities include outdoor passive recreational activities such as hiking and nature study. Examples of prohibited activities are the construction of structures, cutting of vegetation, removal of soil and parking or storage of motorized vehicles. Nature trails will be upgraded and built.

As of 16 September 2019, the Conservation Restriction has been approved by the state's Executive Office of Energy and Environmental Affairs (the "EEA") and the Newton Conservators. It still needs local approvals from Newton's Conservation Commission, City Council and Mayor. The EEA also requires Municipal Certifications approved and signed by Newton's Conservation Commission and Boston's Conservation Commission, respectively, certifying that the Conservation Restriction is in the public interest. Once these approvals are completed, it will be returned to the state for signature before being recorded at the Registry of Deeds.

The Community Preservation Committee's recommendation to appropriate \$15,000 in CPA funds for a grant to the Newton Conservators, to cover their expenses in managing and monitoring this CR, has now been docketed with the City Council.

**For all Conservation Restrictions:** The Community Preservation Act, M.G.L. c. 44B, § 12a, requires that property acquired using CPA funds be bound by a permanent conservation restriction. Conservation Restrictions ("CR") for Newton's CPA acquisitions are granted to the Newton Conservators. Past examples include Angino Farm (2005) and Waban Hill Reservoir (2015). Approval procedures are the same for all of these CRs.

Henry L. Dorkin MD  
Auburndale Pediatric Pulmonology

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phone: 617-584-6958  
email: dorkinh@massmed.org

November 11, 2019

Councilor Susan S. Albright  
Chair, Zoning and Planning Committee  
City of Newton  
Newton City Hall  
100 Commonwealth Avenue  
Newton Centre  
Massachusetts 02459

RECEIVED  
Newton City Clerk  
2019 NOV 15 AM 9:11  
J. M. A. OLSON, CMC  
NEWTON, MA 02459

Dear Councilor Albright :

I, Henry L. Dorkin MD, FAAP, live on Evergreen Avenue in Auburndale. My front door is in close proximity to the entrance of the proposed Greenway trail from Evergreen Avenue, under the Turnpike, and down along the river to Charles Street. As a pediatrician who has practiced in Massachusetts for over 40 years (including 17 as a pediatric intensive care unit physician) I have some serious concerns about the initial proposal as I first heard it espoused at the Newton Marriott meeting last month. As the November 14th zoning meeting is occurring while I am in San Diego (representing the Commonwealth's Massachusetts Medical Society at the Interim meeting of the House of Delegates of the American Medical Association), I am writing to make sure that my safety concerns are heard. Many of my neighbors have discussed this with me and have asked me to set down the specifics so that the Zoning and Planning Committee of Newton may be aware of our worries. These need to be addressed with the health and safety of our children as paramount.

Oakland and Evergreen are essentially a closed loop circle. The streets of this area are very narrow, in a residential locale without sidewalks and with (depending upon the age cut off chosen) between 25 and 40 young children. There currently is no through traffic, the only vehicles being those of residents, their visitors, and delivery trucks. During legal parking periods on the street, there is less than 10 feet between vehicles on either side. Traffic must really stop and let cars going in the opposite direction pass before they can proceed.

Any action which would increase the bicycle traffic on these streets would pose a threat to children playing. The streets are so steep that bicycles going down to the level of Commonwealth Avenue would most likely be accelerating and difficult to stop. We feel that it would not be long, if such an increase in bicycle traffic began, before a child would be hit by one of these cyclists and injured, as well as possibly the cyclist. All of this I brought forward at the Newton Marriott meeting in October.

Since that meeting, the Riverside Greenway Working Group held a walk-through of the route under the turnpike, followed by a discussion session with slides at the Conservation Building which is in the vicinity of the Lasell Boat House area. Our objections were raised again, and it was acknowledged by the presenters that our safety issues were legitimate, especially regarding rapid bicycle speed downhill to the Auburn/Commonwealth level. I was informed during the Q and A period that:

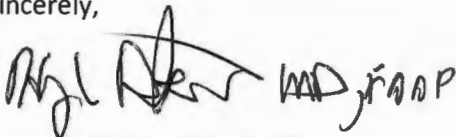
1. There would be no plans whatsoever by the Greenway Planning Working Group for a bicycle lane to be placed on either Oakland or Evergreen. They agreed the streets are too narrow.
2. Their intention was for a walking trail only, and that the area under the turnpike and down the slope to Charles Street would not be paved for vehicular traffic, but only smoothed for ambulatory purposes.
3. No signage would be placed anywhere suggesting bicyclists to go up Evergreen or Oakland as part of the envisioned bicycle route – the system would endeavor to keep the bicyclists on level ground, on Charles Street, going across the pedestrian bridge.
4. There was confidence that there would be no logical reason for either bike commuters, or bicycle enthusiasts, to use Oakland or Evergreen unless they actually lived there.

If these conditions are met as outlined to me and others at the meeting on November 10th, I believe that child pedestrian safety from bicyclist induced trauma would be averted. I and others who share my concern are not averse to a walking trail and agree that such would be in the interests of exercise and better health. Failure to adhere to these principles, however, would endanger our children and would be unacceptable to me and the others with whom I have discussed this.

Please enter this letter into the official record of the meeting. Feel free to contact me if you need further clarification. Your agenda notes for this November 14<sup>th</sup> meeting state that at a previous CPC meeting regarding this topic there was only one communication, a “supportive letter and no public comments.” The subsequent statement, however, of “wide community support” is inaccurate with regard to the community on Pigeon Hill unless it is only a walking/hiking path and not a designated bicycle route. I believe the lack of response at the previous meeting was more a function of unawareness of that meeting and not of acquiescence to the original plan as stated. For future meetings, I would urge better notification of all citizens of the neighborhood under discussion and suspect that the response will then be considerably greater.

For informational purposes only, I include my CV as to my qualifications to discuss child safety. Presence on my CV of any named organization (as the document is for informational purposes only) does not necessarily imply their current support for the positions here so stated. Thank you in advance for seriously considering my concerns on this matter.

Sincerely,



Henry L. Dorkin MD, FAAP

**The 11/7/19 version (page 58) included in the most recent draft shared with ZAP –  
REVISED AS SHOWN BELOW**

- E.3.2. Explore options for promoting the use of a standardized, broadly accepted, energy performance scorecard detailing the relative energy efficiency of a building, to be disclosed to a potential buyer at the time of sale. Explore options for including such a scorecard in the Assessor’s database.

It is extremely difficult to reduce GHG emissions from existing building stock. One of the few points of leverage is at the time of a sale, when a potential buyer pays attention – or could be encouraged to pay attention – to a building’s energy performance.

Starting in 2020, the State will require utilities to provide an energy efficiency scorecard to the owners of all buildings for which an energy audit is requested. City staff will work with local realtors to encourage use of scorecards during real estate transactions, or to require them if that becomes legally permissible.

Examples: Examples noted above, Chicago, American Council for an Energy-Efficient Economy<sup>54</sup>

Performance indicators – Passage of ordinance

Implementer: City Council, Planning Department, Sustainability Department

**The 11/13/19 version (page 58) – the current proposal supported by City Legal,  
Sustainability, and Planning staff and NCCE representatives.**

- E.3.2. Explore opportunities for requiring a standardized, broadly accepted, building energy performance scorecard, to be obtained by a potential seller and disclosed to potential buyers. .

It is extremely difficult to reduce GHG emissions from existing building stock. One of the few points of leverage is at the time of a sale, when a potential buyer pays attention – or could be encouraged to pay attention – to a building’s energy performance.

Starting in 2020, the State will require utilities to provide an energy efficiency scorecard to the owners of all buildings for which an energy audit is requested. City staff will work with local realtors to encourage use of scorecards during real estate transactions, or to require them if that becomes legally permissible.

Examples: None

Metric(s): Compilation of options

Implementer: Planning Department, Sustainability Department

Jennifer

*Jennifer Steel*

*Chief Environmental Planner*

*1000 Comm. Ave. Newton, MA 02459*

*617-796-1134 or 617-631-6982*





Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
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**Barney S. Heath**  
Director

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## MEMORANDUM

**DATE:** November 6, 2019

**TO:** Councilor Albright, Chair of the Zoning and Planning Committee  
Members of the Zoning and Planning Committee

**FROM:** Barney Heath, Director of Planning and Development  
Jennifer Steel, Chief Environmental Planner

**RE:** **#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.

**MEETING DATE:** November 14, 2019

**CC:** Planning Board  
Ann Berwick, Co-Director of Sustainability  
Bill Ferguson, Co-Director of Sustainability  
Jonathan Yeo, Chief Operating Officer

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Because the Climate Action Plan is over 100 pages long and because the recent changes to the 10/21/19 draft were so few in number, below, we are providing a list of the changes made to the 10/21/19 draft and links to the revised (11/7/19) plan, now posted on the City's website. To view either the clean or the red-lined version, copy the link address and paste it into your search bar.

- Here is a link to a red-lined version of the current (11/7/19) of the City's Climate Action Plan. <http://www.newtonma.gov/civicax/filebank/documents/99942>.

The red-lined version shows the changes made to the 10/21/19 draft based on comments from: City Councilors made at the 10/28/19 meeting and in writing, City staff, representatives of Newton Citizens Commission on Energy, and the City's Legal Department.

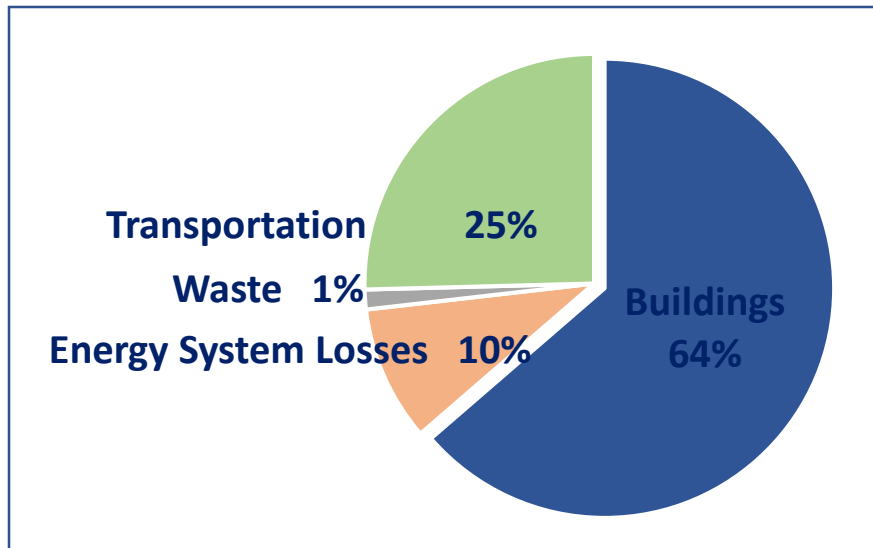
- Here is a link to a clean version of the current (11/7/19) of the City's Climate Action Plan, with all of the above changes incorporated. <http://www.newtonma.gov/civicax/filebank/documents/99941>



The changes that were made to the 10/21/19 draft and which appear in the 11/7/19 drafts are as follows.

<b>Page #</b>	<b>“Chapter”</b>	<b>Action</b>	<b>Change</b>
Page 4	Acknowledgements		Recognized ZAP’s contribution
Page 7	Executive Summary	C.4.2.	Corrected the inadvertent omission of “explore”
Page 7	Executive Summary	E.3.2.	Revised the action addressing energy efficient scorecards
Page 10-11	Introduction		Reformatted to make the table of 11 Critical Metrics fit on one page
Page 39	Transportation	C.1.4.	Corrected a typo by adding the word “in”
Page 42	Transportation	C.3.1.	Added mention of the Sustainability Department as an implementer
Page 43	Transportation	C.3.2.	Added mention of the Sustainability Department as an implementer
Page 43	Transportation	C.3.3.	Added TNCs, shuttle operators, City Council Public Safety and Transportation Committee as implementers
Page 46	Transportation	C.4.7.	Added “all effective” funding opportunities
Page 58	Existing Buildings	E.3.2.	Revised the recommendation about energy efficiency scorecards
Page 87-88	Appendix E	All above	Reflected all action item changes in this summary table
Page 88-90	Appendix F	All above	Reflected all action item changes in this summary table

# Newton's Five-Year Climate Action Plan (2020-2024)



**ZAP Public Hearing  
Wednesday, November 14, 2019**

# **Newton's 5-Year Climate Action Plan**

**Long-Term Goal: Carbon-neutral by 2050**

# Metrics and Goals

11 Critical Metrics	2025 Goals	2050 Goals
<b>B. Clean Energy</b>		
Percent renewables as Newton Power Choice base	100%	100%
Percent of residents opted up to 100% NPC match	15%	n.a.
<b>C. Transportation</b>		
Percent reduction in vehicle miles traveled	5%	20%
Percent of private cars in Newton that are electric	10%	100%
<b>D. New Construction</b>		
Percent of all-electric buildings	100%	100%
<b>E. Existing Residential Buildings</b>		
Number of home energy (re)assessments/year	4000 <sup>1</sup>	TBD
Number of insulation installations/year	800 <sup>2</sup>	all homes are insulated
Number of heat pump installations/year	450 <sup>3</sup>	all homes have heat pumps
Percent reduction in total energy consumption	3%	20%
Percent of all-electric buildings	5%	100%
<b>F. Existing Commercial Buildings</b>		
Percent reduction in total energy consumption	15%	50%

# Newton's 5-Year Climate Action Plan

**Approach:** Focus on points of municipal leverage

- **Establish Teams and Partnerships**
  - leverage action
- **Use Less**
  - promote conservation and high-efficiency
- **Green the Rest**
  - produce and use clean energy

# Newton's 5-Year Climate Action Plan

## Approach: Strategies and Actions within 6 Action Areas

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



# The Top 10 Strategies and Some Top Actions

## Establish Teams and Partnerships

### Strategy 1. Create a City implementation team, (A.1.)

- Oversee implementation and of this Plan. (A.1.1.)



### Strategy 2. Work with partners to build awareness and drive action (A.2.)

- Develop an Energy Coach Role. (A.2.2.)
- Work with the Utilities and the largest energy users (A.2.3.)
- Explore possibilities for a "Green Ribbon Commission" (A.2.4.)



# The Top 10 Strategies and Some Top Actions

## Use Less

### Strategy 3. Reduce single-occupancy vehicle trips (C.4.)

- Develop a Transportation Demand Management (TDM) program (C.4.1.)
- Explore reducing or eliminating the minimum parking requirement (C.4.2.)
- Create safe bicycle and pedestrian facilities (C.4.3.)



### Strategy 4. Advocate for an energy-efficient and climate-smart building code (D.1.)

- Vote on the International Energy Conservation Code (IECC) and advocate for a net zero Stretch Code (D.1.1.)



### Strategy 5. Amend Zoning Ordinance for high-efficiency performance (D.3.)

- Maximize energy efficiency and the use of renewable energy (D.3.1.)
- Analyze the costs, benefits, and GHG impacts of electric heating/cooling, and using renewable energy (D.3.2.)
- Encourage appropriate low-carbon, housing near public transportation (D.3.5.)





# The Top 10 Strategies and Top 20 Actions (cont'd)

## Green the Rest

### Strategy 6. Increase renewable energy (B.1.)

- Encourage opt up to 100% renewable energy through Newton Power Choice. (B.1.1.)
- Support Green Newton's in Newton Solar Challenge for rooftop solar. (B.2.1.)



### Strategy 7. “Green” municipal infrastructure and operations (C.1.)

- Install EV charging stations in village centers, school facilities, etc. (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.)

- Install EV charging stations on private properties (C.2.3.)
- Support education, events (such as test drives) (C.3.1.)



### Strategy 9. Transition to electric and thermal heating and cooling (E.2.)

- Explore opportunities for a building energy performance scorecard (E.3.2.)

A+

### Strategy 10. Engage businesses and residents in reducing GHG emissions (F.1.)

- Work with the Chamber of Commerce to explore incentive programs (F.1.1.)
- Explore a voluntary program to offset GHGs produced by air travel. (F.1.2.)

N-N

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# Changes to the 10/21/19 draft in the 11/7/19 draft <sup>#13-19</sup>

Page #	“Chapter”	Action	Change
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Page 58	Existing Buildings	E.3.2.	Revised the recommendation about energy efficiency scorecards
Page 87-88	Appendix E	All above	Reflected all action item changes in this summary table
Page 88-90	Appendix F	All above	Reflected all action item changes in this summary table

## Recent changes to the 11/7/19 draft

- \* *The Legal Department counsels that the City cannot require scorecards during a property sale because it cannot inject itself into civil relationships in that manner.*

Page #	"Chapter"	Action	Change
Page 58	Existing Buildings	E.3.2.	Revised the recommendation about energy efficiency scorecards to read "Explore opportunities for requiring a standardized, broadly accepted, building energy performance scorecard, to be obtained by a potential seller and disclosed to potential buyers." *

# Discussion

Questions

Comments

Next Steps

**From:** Rachel Adler Golden [REDACTED]  
**Sent:** Wednesday, November 13, 2019 2:16 PM  
**To:** City Council <[citycouncil@newtonma.gov](mailto:citycouncil@newtonma.gov)>  
**Subject:** Letter in Support of CAP from Mothers Out Front Newton

**Dear City Councilors:**

**We are fortunate to live in a city in which so many citizens freely give of their time, talent, and expertise to help Newton meet the unprecedented challenges we're facing from the Climate Crisis. We urge you to adopt Newton's bold, long range Climate Action Plan designed to eliminate greenhouse gas emissions by optimizing efficiencies and switching from fossil fuels as soon as possible.**

**We are proud that the city recognizes the Mothers Out Front climate action program and key strategy "*Use Less, Green the Rest*" as the title of Newton's Plan.**

**In particular, we enthusiastically support the following strategies:**

- 
- 
- **A strong energy-efficient building code that requires electric thermal heating and cooling in residential and commercial buildings,**
- **including Zoning Ordinance amendments within 12 months that require high-efficiency performance in new construction.**
- 
- 
- 
- **Incentives to increase biking, walking, telecommuting, shared rides and use of shuttles and improved**
- **public transit to reduce single-occupancy vehicle trips, as well as incentives to encourage residents to switch to electric vehicles, aiming for at least 10% of all vehicles to be electric, zero emission or plug-in hybrids by 2024.**
- 
- 
- 
- **Increasing the basic amount in Newton Power Choice to 100% New England renewables in the next contract.**
- 

**Newton has an opportunity to lead by example. Mothers Out Front is looking forward to the adoption of the proposed Plan and we look forward to being partners with City officials and community advocates in its implementation.**

**Sincerely,**

**Rachel Adler-Golden  
Newton Mothers Out Front, Team Coordinator  
20 Clarendon St., Newtonville, MA 02460**

**Testimony in support of the Newton Climate Action Plan under consideration by the joint committees of Zoning and Public Facilities, Newton City Council**

**November 14, 2019**

My name is Cory Alperstein. I am a board member of Green Newton, an associate member of the Newton Citizens Commission on Energy, a founder of Newton Coalition for Climate Action and a leader in the statewide organization, 350 Mass, which has an active node in Newton. I have been wearing all these hats because it has been my mission to actualize a practical response to climate change. You may laugh, but in Newton and MA there are many David's fighting this Goliath, and we have made some real progress, together.

This is the case with the final draft of the Newton Climate Action Plan, which I lend my support to tonight, along with support for the testimony offered by Halina Brown, Chair of the Newton Citizen's Commission on Energy. I appreciate that most of the Commission's own CAP recommendations are now embedded in the City's plan. I also appreciate the work that went into this final draft by others - City Council members Deb Crossley and Susan Albright, City sustainability directors, Ann Berwick and Bill Ferguson, and City planner, Jennifer Steele. I believe we now have a document that has ambitious, quantifiable metrics which if met will allow us to approach our GHG emissions goals. I am concerned that this is only a five-year plan rather than a 30-year road map; on the other hand, this is half the time we have left, just 10 years, to get to over 50% of our GHG emissions reduction goals, world wide. So a lot must happen in the next five years.

The proof, as they say, will be in the pudding - implementation. To pull this off we must work in a coordinated, focused, strategic way, with a process that is inclusive, departing from a tradition of top down decision-making. The Environmental Justice Conversation that was co-hosted by Green Newton, 350 Mass, Newton Mothers Out Front and FUUSON resulted in specific recommendations for this process, which I hope the City Council and the Mayor will take to heart. You have all received copies of our Oct 19 memo, and Demie Strathpolis will detail them tonight.

I also hope the City Council and the Mayor will grapple with the reality of what kind of resources implementation of the CAP will require on the part of the City. To date those resources have not been identified. A single staff position is proposed, rather than a multi-faceted Office on Climate Action, and is dependent on outside grant funding for implementation this year. I am concerned that a plan without a budget and sufficient staff will fail to meet the enormity of our challenge. Nor can we wait for 2021 to determine that budget. We had a chance to identify funding during the 2020 budgeting process and this was postponed. We now have one year less to get up and going, to address a challenge that soon will dwarf how good our schools are or what kind of senior center we construct. Money must be found.

While 350 Mass, Newton is currently partnering on the application for the HEATSMART program, I am concerned that efforts like this will be a drop in the bucket. I hope as conversations move forward on implementation, sufficient resources and a genuine community-based process will drive the kind of outcomes that will allow us to meet our climate action goals in time. The clock is ticking for all of us.

Thank you.

**Testimony by Halina Brown on behalf of the Newton Citizens Commission on Energy  
before the Newton City Council at a public hearing on Newton Climate Action Plan.**

**November 14, 2019.**

On behalf of the Newton Citizens Commission on Energy I support the Newton Climate Action Plan (CAP). The Commission members unanimously recommend that the Newton City Council adopts this plan as the official Newton guide for achieving the numerical goals for 2024 and for setting a trajectory for carbon neutrality in 2050. The Commission members also ask that the final version of the Plan includes in its opening paragraph a direct web link to the Citizens Climate Action Plan, which provides the data and analysis undergirding the NCAP, and which explains the rationale for many of CAP's policy recommendations.

As we now enter the implementation stage of the CAP we have much work to do. Some of it, such as providing preferential free parking spaces for electric vehicles at municipal lots is already underway. But the Plan's ambitious goals will not be reached without effective collaboration. The Energy Commission looks forward to working closely with the City Administration, the City Council, the grassroots community, and Newton residents and businesses. Furthermore, the October 19<sup>th</sup> memorandum to the Mayor from several grassroots organizations regarding Climate Justice Issues reminds us that we must be sensitive to the needs of, and impacts on, the vulnerable members of the Newton Community.

*The first of the five years starts now, and the clock will begin ticking when the Council adopts the CAP. January 1, 2020, will then mark the baseline year for measuring future progress. For that reason, between now and January 1 the City should collect data on all the metrics in the Plan.*

Below, I highlight some of the most pressing next steps involving the City Council that need to be taken up immediately.

1. **Develop a baseline** for the metrics to be used to measure progress, based on the most recent available data. That will include, among others, updating the GHG emissions inventory, which is currently based on the *2013 data*.
2. **Energy coach.** Create and fill as soon as possible the position of Energy Coach. This function is essential for reducing the greenhouse gas emissions from the residential sector, both new construction and the existing housing stock. It will provide the necessary guidance to homeowners and contractors in understanding and adopting heat pump technologies for space and water heating, and will help to increase the rate of energy efficiency retrofits. On May 20, 2019 the City Council adopted a resolution to that effect for the FY2020, which was however not accepted by the Mayor. If we wait for the FY2021 to hire the Energy Coach we will have lost a full year of potential progress toward avoiding the climate disaster. We therefore ask the City Council to *support our plea to the Mayor to identify the necessary funding for this position as soon as possible.*



3. **New construction.** The Commission unanimously supports the Green Newton's recommendations for the climate-related zoning ordinance for new large constructions and major renovations seeking special permits (#364-19 amendments to Chapter 30). We urge the Council and the Planning Department to include these recommendations in the currently ongoing work on the ordinance (especially the LEED gold and 10,000 threshold recommendations).

Adopt an ordinance requiring that all new construction and major renovations built by right analyze the costs, benefits, and potential GHG reductions of aiming for the Passive House energy efficiency performance; utilizing electric heating, cooling, and hot water; and using renewable energy.

4. **Existing buildings.** Adopt an ordinance requiring that in order to obtain a permit for installation or replacement of an HVAC system in existing residential homes the contractor must present to a homeowner the option of a combined cooling and heating system using heat pump, including cost comparisons.
5. **Existing buildings.** Adopt an ordinance requiring a disclosure of standardized and third-party-verified energy rating of residential houses at the time of listing for sale. Such a policy will mobilize market forces to reward homeowners who have energy efficient homes. It will also be a powerful educational tool for residents. There are several models of such programs in other cities across the country. The research conducted by NCCE shows that the program adopted in 2018 in Portland, Oregon, has features that are most appropriate for Newton to consider. At the time of this writing Councilor Albright has assembled a committee to consider such a policy within the Massachusetts legal context.
6. **Commercial sector.** Create a Green Ribbon Commission, chaired by the Mayor. In collaboration with the Utilities, the Newton-Needham Chamber of Commerce and the NCCE work with the largest energy users in the City to reduce their GHG emissions.
7. **Transportation.** Adopt an ordinance requiring a Transportation Demand Management (TDM) program to reduce single-occupancy vehicle trips; to encourage additional, appropriate low-carbon housing near public transportation; to reduce or eliminate the minimum parking requirement; and to set a maximum on parking allotments.

**Newton Climate Action Plan Hearing 11-14-19**

My name is Demie Stathoplos, and I am a member of the First Unitarian Universalist Society in Newton, and a member of the Newton node of 350Mass. I am here to speak in favor of the passage and implementation of the Newton Climate Action Plan.

Thank you for the work the city has done incorporating necessary, specific carbon reduction targets into the plan, and specific tactics for achieving those targets. The focus on residential and commercial heating and electricity use, as well as transportation will address the lion's share of our city's carbon emissions. What is clearer than ever, is that the city will play a critical role in helping our citizens move forward into a new world, where natural gas is no longer understood to be the so-called "clean" energy. Where driving gasoline powered vehicles will no longer be acceptable. Where building contractors and developers will need to center carbon neutrality in their designs and into the way structures are sited and constructed.

Change is never easy. Based on scientific projections, the climate changes we will see by the year 2100 will lead to the loss of billions of people's lives if we do not firmly and quickly commit ourselves – in dollars, and actions, to carbon neutrality by 2050.

I would like to highlight the recommendations sent to the City Council and the Mayor regarding climate justice issues that came out of a community conversation held in October, co-sponsored by the Green Sanctuary Committee of FUUSN, Green Newton, Newton Node of 350MA, and Newton Mothers Out Front. We would like you to consider these issues as you finalize the Climate Action Plan and consider next steps for implementation.

1. The city should communicate in languages other than English for all Climate Action and Climate Vulnerability Action initiatives
2. Set a specific goal for increasing energy efficient affordable housing units
3. Provide sufficient subsidies to low income homeowners to upgrade the energy efficiency and electrical capacity of their homes and convert to electric heat pump heating and hot water, and induction cooking.
4. Provide additional subsidies for low income residents to accommodate any potential increase in heating bills from changing from fossil fuel to electric heating and cooking; identify a process to put such subsidies in place. This includes housing voucher utility allowances.
5. Expand the Energy Coach position to an Office with sufficient staff for community education for all ages, to inform and assist residents with transitions to more sustainable transportation options, as well as guidance to contractors and developers on home renovations, heating system replacement, and new construction. Emphasize that the Energy Coach will need proven expertise in these areas. Acknowledge that implementation will require additional staff and resources. This Office should be funded through the City Budget and not be dependent on grants.
6. Pass an ordinance or regulation banning new residential or commercial gas hook-ups and set a date for implementation.

7. Set a date when further development of gas infrastructure in Newton will no longer be permitted.
8. Work with local universities to permit the public use of their shuttles.
9. Acknowledge that current public transportation is clearly insufficient to meet the Plan's 2050 goals.
10. Initiate an analysis of pedestrian/bike-only main streets in the villages with free electric shuttle service around those streets.

We recommend that the city make a significant effort to include “unheard voices” on an ongoing basis in the process of developing policies and programs, including young people, the elderly, people with disabilities, people without cars, people with few economic resources, and people of minority status of other kinds.

Thank you again for the hard work that has gone into this Climate Action Plan. We look forward to the speedy passage and implementation of this plan.

Susan Demetra (Demie) Stathoplos

71 Arlington St. Newton MA 02458

[REDACTED]

[REDACTED]



GreenNewton

marcia Cooper  
President

Jim Purdy  
Vice President

Sharon Cushing  
Treasurer

Jack Cheng  
Clerk

Cory Alperstein  
Craig Forman  
Paul Holt

Joana Canedo  
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Ira Krepchin

Lois Levin

Brooke Lipsitt

Jean MacRae

Eric Olson

Matt Pawa

Heather Tausig

Jay Walter

Monday, November 18, 2019

To: Councilor Susan Albright, Chair, Zoning & Planning Committee  
Members of the Zoning & Planning Committee  
Barney Heath, Director, Department of Planning and Development

cc: Planning Board  
Ann Berwick, Co-Director of Sustainability  
Jennifer Cairra, Chief Planner  
William Ferguson, Co-Director of Sustainability  
John Lojek, Commissioner of Inspectional Services  
Alissa O. Giuliani, City Solicitor  
Jonathan Yeo, Chief Operating Officer

Per Councilor Susan Albright’s request, the Building Standards Committee is writing to provide a response to the October 25<sup>th</sup> Memorandum written by Barney Heath and James Freas - specifically on the following item:

**#518-18 Discussion and review relative to the draft Zoning Ordinance**

Our committee has performed a review of the drafts of the following two docketed items:

1. xxx-19 - DIRECTOR OF PLANNING, OFFICE AND SUSTAINABILITY, AND... requesting adoption of amendments to the Chapter 30, the Newton Zoning Ordinance to create exemption to building envelope standards such as height and setback to facilitate the implementation of energy efficiency and alternative energy measures in buildings, including external insulation, doorway vestibules, heat pumps, and solar panels, among other things.
2. xxx-19 – DIRECTOR OF PLANNING, OFFICE OF SUSTAINABILITY, AND... requesting discussion and adoption of amendments to the Chapter 30, the Newton Zoning Ordinance to create a new set of standards related to sustainable development designs with requirements for new buildings to include environmental and energy efficiency features.

In terms of the first item, these refer to the draft of 1.5 Rules of Measurement. Our committee is in unanimous support of the changes recommended to the three items: setbacks, height, and gross floor area. To reinforce the strength of these recommendations, these changes mirror those being made by other progressive cities and towns in MA.

In terms of the second item, these refer to the draft of 5.12. Sustainable Development Design.

Our committee has **three** recommendations, which are also marked up in Track Changes on the Memorandum itself. Two of these recommendations refer specifically to 5.12.4. Sustainable Development Requirements. The draft demonstrates significant, positive progress from using only one metric – that of LEED – to offering two other metrics which are more directly tied to energy use and carbon emissions.

- 1.) However, we would recommend ALL buildings 20,000 sf or greater be required to achieve a LEED Gold rating (rather than allowing buildings 20,000 sf – 50,000 to achieve LEED Silver). Our rationale is the following:
  - a. The staff’s recommendation is to allow buildings 20,000 sf to 50,000 sf to obtain Silver, and only to require Gold for the largest buildings, i.e. those over 50,000 sf. Instead, the recommendation of the committee is to require all buildings over 20,000 sf to obtain a Gold rating for the reasons listed below. A Silver rating allows too much leeway in a petitioner choosing to focus on points other than energy use.

LEED is an encompassing Sustainability metric, with options for petitioners to pick and choose how to obtain sufficient points to achieve a specific rating level. Only approximately one-third of those points are focused on energy use. Merely building in Newton – with requirements for infill development, proximity to public transportation, using the stretch code, meeting the city’s storm water management requirements, etc. – will likely result de facto in attaining a Silver rating. This may occur without the petitioner focusing on points in the energy efficiency section. However, achieving a Gold level will usually require that the petitioner achieve significant points in the energy efficiency area. This is the most powerful way for the city to meet its goals to reduce carbon emissions.
  - b. The square footage defining the level of LEED rating seems arbitrary. Neither of the two alternative paths – Passive House or Enterprise Green Communities – is drafted with a distinction in the square footage of the project for the metrics they need to achieve.
- 2.) Our committee’s recommendation is to require that the LEED metric be CERTIFIED – instead of CERTIFIABLE. Specifically we are recommending striking the last sentence in the 5.12.4 A. “Certification by the green building rating program is not required.” Our reasons for making this recommendation follow:
  - a. If a project is going to follow a LEED path, it will already had to incur the expenses of hiring a LEED consultant and doing the extensive design work to determine which points the project will target to achieve. And during the construction process, various documentation, material tracking, and quality control must be performed. In order for a LEED rater to attest that a project is “Certifiable,” all of the data will need to be gathered, analyzed, and organized throughout the design and construction process. At this point, most of the costly work is done. Registering with the official governing body – the USGBC – requires relatively little additional paperwork and a registration fee. This additional time and cost are minor in comparison to the work needed to be “Certifiable.”
  - b. The certification that comes from the USGBC provides a third-party quality control that prevents Newton staff from being required to have the skills or resources to interpret the reports submitted by the project’s energy engineer as “Certifiable” – a term lacking full precision. Newton’s Inspectional Services and Planning Departments are already taxed to maximum capacity and are likely unprepared and perhaps untrained to take on the additional work of interpreting a non-certified, complex document. This LEED Certification would function much the same as the HERS rating system currently works in the residential and multifamily home sectors.
  - c. In the same 5.12.4. paragraph, the draft recommends that if the Passive House metric is used, it must be designed to achieve the minimum requirement for Certification. Unlike LEED, Passive House does not have a menu of optional points that a developer can choose from. The most important criteria for Passive House – an air tightness standard, and an energy use intensity per square foot – are absolute requirements. Passive House is

more directly focused on energy use and indoor air quality. Our committee also recommends that the Passive House path be Certified. It's virtually impossible to meet the standards without achieving a Certified level of performance, as energy modeling, air infiltration testing by qualified third-party professionals happen throughout the process. The additional cost of submitting relatively minimum paperwork and review fees are small, since most of the costs have already been incurred. Again, requiring Certification also removes the need for additional training and resources for city staff.

- d. Enterprise Green Communities is an excellent option to include since it is critical for affordable housing projects. This metric uses a criteria checklist in seven categories. To achieve Certification, a project must comply with *mandatory measures* within each of the seven categories that are applicable to several different construction types. Complying with these mandatory measures de facto delivers a project that is Certified.
- 3.) Our third recommendation is that a couple of concepts referred to in the 5.12.1 Intent and Purpose have not been evaluated in time to be included in the proposed amendment to Criterion 5 prior to its consideration in 2019. For example, to promote the creation of additional renewable power, a holding place was established under 5.12.4 C. Solar Panels [reserved]. We support this concept, and would like to add two additional topics that are mentioned in the Memo's "Intent" that we recommend be included with a holding place:

D. Embodied Carbon [reserved]; and

E. Electrification of heating/cooling and residential cooking, domestic water heating, and laundry [reserved]

For Embodied Carbon, we recommend that future examination be done to require an applicant to evaluate a.) the embodied carbon of the proposed materials versus alternatives; and b.) an economic feasibility analysis of replacing materials with those with lower carbon content.

Regarding a possible electrification requirement, this is a prerequisite to the city's goal of zero carbon emissions. Virtually all of the residential projects 20,000 sf or greater already have electric heating & cooling and cooking in the proposed design. But there are nuances for other building types which should be examined.

In summary, we applaud the extensive work that has been done by Newton staff in creating requirements for a Green Building Project. We appreciate your interest in our recommendations and your consideration thereof.

Sincerely,

Dan Ruben, Chair of Buildings Standards Committee, Green Newton

Committee members:

Betsy Harper

Peter Barrer

Paul Eldrenkamp

Bev Craig

Peter Smith

Lois Levin

Jim Purdy

Jonathan Kantar

Jay Walter

**From:** Becky W. Evans [REDACTED]  
**Sent:** Thursday, November 14, 2019 6:56:25 PM  
**To:** City Council <[citycouncil@newtonma.gov](mailto:citycouncil@newtonma.gov)>  
**Subject:** Climate Action Plan

Dear Newton City Councilors:

As a Newton resident and member of Mothers Out Front Newton, I'm writing to ask you to consider the following strategies as you weigh the adoption of a Climate Action Plan for Newton:

- A City Implementation Team should be formed to use municipal planning and budgeting processes to provide a Plan with regular evaluations and updates that will build awareness and drive action about all efforts to become carbon neutral. City Councilors are asked to fully support all reasonable initiatives to engage businesses and residents in reducing greenhouse gas emissions.
- Our City needs to increase biking, walking, telecommuting, shared rides, the use of shuttles and public transit, and reduce single-occupancy vehicle trips, as well as incentivize residents to switch to electric vehicles and ensure that at least 10% of all vehicles on the road will be electric vehicles, zero emission machines and plug-in hybrid electric vehicles by 2024.
- We must also achieve a more energy-efficient climate-smart building code and transition to electric thermal heating and cooling in residential and commercial buildings, and adopt Zoning Ordinance amendments within 12 months to require high-efficiency performance, starting with Passive House and net-zero new construction.
- The City will also benefit by increasing the amount of electricity provided by New England renewable energy resources to ensure that municipal infrastructure and operations are increasingly sustainable.

I hope that all of the above items will receive the strongest support from Newton City Councilors.

Sincerely,

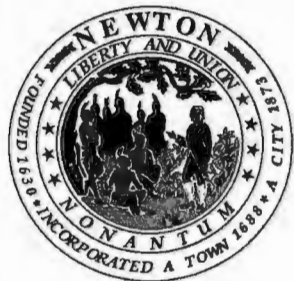
Rebecca Evans  
17 Eliot Ave.  
West Newton, MA

--

**Becky W. Evans**  
Writer, Editor, Educator  
[ThreeBeats Media](#)  
Newton, MA  
Email: [REDACTED]  
Phone: [REDACTED]

[Check out The Eco-Stewards Program : a grassroots community for young adults at the intersection of faith and the environment](#)

# PLANNING & DEVELOPMENT BOARD



Ruthanne Fuller  
Mayor

Barney Heath  
Director  
Planning & Development

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1000 Commonwealth Ave.  
Newton, MA 02459  
T 617-796-1120  
F 617/796-1142

[www.newtonma.gov](http://www.newtonma.gov)

Date: November 15, 2019

The Honorable City Council President, Marc Laredo

City of Newton  
1000 Commonwealth Avenue  
Newton, MA 02459

Subject: Planning and Development Board Recommendation on #13-19  
Adoption of the Climate Action Plan

Dear Honorable Council President Laredo:

On Thursday, November 14, 2019, the Planning and Development Board voted 5-0-1 to recommend to the City Council that the Climate Action Plan be adopted as an amendment to the City's Comprehensive Plan.

Submitted on behalf of the Planning & Development Board.

Sincerely,

Peter Doeringer, Chair

David A. Olson, CMC  
Newton, MA 02459

2019 NOV 15 PM 2:59

RECEIVED  
City Clerk



# Climate Action Zoning Proposed Ordinances



ZONING & PLANNING COMMITTEE  
NOVEMBER 14, 2019

# Climate Action Zoning Proposed Goal



**Improve environmental performance of all buildings in Newton**

***- Applicable to EXISTING and NEW buildings***

# Climate Action Zoning Proposed Ordinances



## Reducing Barriers to Environmental Improvements

- Setback Encroachments
- Height
- FAR

## Sustainable Building/Site Design Requirements

- Standard tied to 1 of 3 Green Building Programs
- Submissions at special permit, building permit, and certificate of occupancy phases

## EV Charging Station Requirements

- 10% of parking access to EV charging stations
- 10% of parking EV ready



# Reducing Barriers to

#363-19/#364-19

# Environmental Building Improvements



## Setbacks

- Heat Pump Compressors
- Exterior Insulation
- Doorway vestibules
- Window Shades
- Roof Overhangs

## Height

- Solar Panels

## FAR

- Doorway vestibules
- Exterior insulation

# Sustainable Building/Site Design Requirements



## Setting the Standard

- 20,000 sf & SP
- Choice of Green Building Programs
- Standard Tied to Green Building Program Rating Systems
- EV Charging Stations
- Other Specific Requirements

## Sustainability Review

- Special Permit Application Submission
- Green Building Program Professional

## Ensuring Compliance

- Submissions at Building Permit and Certificate of Occupancy
- Green Building Program Professional
- Green Commissioning Agent

# Setting the Standard



- **Applicability** - 20,000 sf and a special permit
- **Standard** – Choice from three Green Building Programs
  - LEED – Must meet silver, gold if 50,000+ sf
  - Passive House – base standard
  - Enterprise Green Communities – base standard

# Sustainability Review



- **Checklist** – Submitted list identifying the green building program, rating system, target rating, and the “points” of other indications of how achieved.
- **Narratives** – Descriptions of the design elements of the project and specifically, the energy components of that.
- **Credentials & Affidavit** – From the green building professional certifying that the project as designed meets the requirements of this ordinance and the appropriate rating system.

# Ensuring Compliance



- **Building Permit** – Submit everything again with the building permit application – especially the certification of the Green Building Professional.
- **Certificate of Occupancy** – Submit everything again before receiving the Certificate of Occupancy.
- **Green Commissioning Process** – Submit required materials verifying completion.



# Additional Notes



- **Exceptions Provision** – By special permit if environmental outcomes can be achieved by some other approach or project design and full exception possible for projects where literal compliance is impractical due to the nature or use

# Questions?

# Appendix

- Green improvement examples
- Green building examples

# Heat Pump Compressors



Normal sound levels emitted from most heat pumps range between 40 and 50 decibels. That's less than a working dishwasher or a light rainfall

## Proposed Rule

- Allowed in setback

## Definition

- A device that serves as a heating and cooling system for a building by transferring heat energy into a building to heat it and out of the building to cool it

# Exterior Insulation



## Proposed Rule

- Exemptions only apply for existing buildings
- Allowed in setback up to 8 inches
- Not counted towards FAR

## Definition

- Insulation that is installed exterior to the exterior structural wall of the building

# Doorway Vestibule



## Proposed Rule

- Allowed in setback to project up to 4 feet with a width no greater than 6 feet
- Not counted towards FAR up to a maximum of 24 feet

# Window Shades



## Proposed Rule

- Allowed to project into setback up to 2 feet

## Definition

- Non-habitable architectural features attached to a building above windows to reduce the amount of sunlight entering the window



# Roof Overhang



## Proposed Rule

- Allowed to project into setback up to 3 feet



# Solar Panels



## Proposed Rule

- Allowed up to 4 feet above the roofline

# Passive House



**Boston**

# Passive House



**Nonantum**



Susan Albright  
Chair, Zoning & Planning Committee  
Newton City Council  
1000 Commonwealth Ave.  
Newton, MA 02459

Nov. 14, 2019

Dear Chair Albright:

I'm writing on behalf of the Newton-Needham Regional Chamber to provide input on zoning amendments 363-19 (relative to building efficiencies) and 364-19 (relative to sustainable design).

The chamber agrees in general with the comments outlined in the Oct. 25 Planning Department memo on the language, as long the proposed recommendations all remain optional. We would not recommend upgrading a sustainability ordinance that front loads the costs on developers who are already trying to comply. As the Planning memo notes, this would have a negative impact on development. Additionally, a cut off for smaller projects is important.

If there is further discussion on ways to incentivize, a density bonus for compliance is a great option. We also like the concept of offering zoning relief for projects that want to comply with the new proposed ordinance.

I'd also like to offer a more general comment regarding the discussion of Newton's Climate Action Plan and the Newton Citizens Climate Action Plan. Climate change and climate resiliency are a priority the chamber and our members and community. However, it is important that net zero goals are achievable and workable over a reasonable timeline. Tenants, municipalities and developers alike are demanding that buildings be energy efficient and cost effective. However, achieving a net zero energy building with today's technology and increased occupant density expectations is not always feasible. Net zero buildings must achieve significant load reductions and meet remaining loads with onsite energy generation, which is not always possible given the cost and the site's specificities. If implemented, a net zero policy would greatly raise the cost of the construction and maintenance of residential and commercial buildings. Current rents could not cover the increased costs associated with such requirements. In addition, the change would dramatically alter project design, in some cases preventing the project from being built at all.

In short, a net zero policy or stretch energy code implemented within the next few years would be incredibly costly, unworkable in many types of construction given current technological constraints (multi family, mixed use, over 10 stories), and potentially halt new construction, leading to job loss and a further exacerbation of our housing crisis.

Thanks to you and the committee for the important work you are doing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Reibman'. The signature is written in a cursive style and extends to the right with a long, thin stroke.

Greg Reibman  
President