



Zoning & Planning Committee Report

City of Newton

In City Council

Wednesday, October 11, 2017

Present: Councilors Hess-Mahan (Chair), Danberg, Kalis, Baker, Yates, Leary and Albright

Absent: Councilor Sangiolo

Also Present: Councilor Crossley

Planning & Development Board: Wolf (Chair), Doeringer, Parisca, Mierav, Yeo and Health (ex-officio member)

City Staff: Barney Heath (Director, Planning Dept.), James Freas (Deputy Director, Planning Dept.), John Lojek (Commissioner, Inspectional Services), Marie Lawlor (Assistant City Solicitor), Maura O'Keefe (Assistant City Solicitor), Lily Reynolds (Community Engagement Manager), Rachel Powers (Community Development Program Manager), Karyn Dean (Committee Clerk)

#287-17 **Mayor's appointment of Jean Wood to the Economic Development Commission**
JEAN WOOD, 90 Forest Avenue, West Newton appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire October 30, 2019. (60 DAYS 11/17/17) [09/08/17 @ 9:11 AM]

Action: **Zoning & Planning Approved 4-0 (Councilors Yates, Leary and Albright not voting)**

Note: Ms. Wood joined the Committee. The Chair explained that the Committee had an opportunity to review her resume. Ms. Wood noted that she has lived in Newton for about 30 years and her son attended public schools here. She is retired and has time to devote to other endeavors so she looked into opportunities to work with the City. She is interested in the Economic Development Commission because she has an interest in bringing business to Newton and keeping it here. She met with Barney Heath over the summer to talk about the EDC and since she has a PhD in economics, she found this to be a great fit.

Councilor Danberg moved approval and the Committee voted in favor, unanimously, with thanks.

#308-17 **Mayor's re-appointment of Matthew Montgomery to Chestnut Hill HDC**
MATTHEW MONTGOMERY, 57 Bowen Street, Newton re-appointed as a member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term to expire November 15, 2020. (60 DAYS 12/01/17) [09/013/17 @ 2:49 PM]

Action: **Zoning & Planning Approved 4-0 (Councilors Yates, Leary and Albright not voting)**

Note: Councilor Baker noted that all the re-appointments to the Chestnut Hill Historic District Commission have been doing an outstanding job. He is pleased that their level of experience has

and will be available to the City. He moved approval on all their appointments The Committee voted in favor 4-0.

- #309-17 Mayor's re-appointment of Robert Imperato to Chestnut Hill HDC**
ROBERT IMPERATO, 145 Washington Street, Newton re-appointed as a member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term to expire November 15, 2020. (60 DAYS 12/01/17) [09/013/17 @ 2:49 PM]
Action: Zoning & Planning Approved 4-0 (Councilors Yates, Leary and Albright not voting)
- #310-17 Mayor's re-appointment of Peter Vieira to Chestnut Hill HDC**
PETER VIEIRA, 67 Old Orchard Road, Chestnut Hill, re-appointed as a member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term to expire July 31, 2020. (60 DAYS 12/01/17) [09/013/17 @ 2:49 PM]
Action: Zoning & Planning Approved 4-0 (Councilors Yates, Leary and Albright not voting)
- #311-17 Mayor's re-appointment of John C. Wyman to Chestnut Hill HDC**
JOHN C. WYMAN, 47 Old Orchard Road, Chestnut Hill, re-appointed as a member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term to expire November 15, 2020. (60 DAYS 12/01/17) [09/013/17 @ 2:49 PM]
Action: Zoning & Planning Approved 4-0 (Councilors Yates, Leary and Albright not voting)
- #312-17 Mayor's re-appointment of Samuel D. Perry to Chestnut Hill HDC**
SAMUEL D. PERRY, 26 Old Orchard Road, Chestnut Hill, re-appointed as an alternate member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term to expire November 15, 2020. (60 DAYS 12/01/17) [09/013/17 @ 2:49 PM]
Action: Zoning & Planning Approved 4-0 (Councilors Yates, Leary and Albright not voting)

Zoning Redesign Update

James Freas, Deputy Director of Planning, explained that the Planning Department has started to run a series of public events, each based on a topic area in the zoning ordinance. After each event, staff will come to Zoning & Planning to share the responses and results of the meeting. At the end of the event series, they will discuss and consider all the feedback and make proposals to address the various issues based on what has been learned. They will bind all of that into a booklet to bring to Zoning & Planning in the spring to get a straw vote from the Committee on each of the topic areas to determine how to move forward on the project.

Lily Reynolds, Community Engagement Manager, addressed the Committee. The presentation (attached) is a summary of the Sustainable Newton event, which was the first in the ongoing series of public events. This event covered issues of stormwater, green design and energy and approximately 65 residents participated. The summary report of that event is attached as well.

The next event will be on October 19th at 6:30pm in the Druker Auditorium. The subject will be Economic Development and Zoning.

Committee Comments/Questions

The Chair noted that he and Councilor Crossley had originally docketed some efforts to change zoning order to qualify for green communities. Mr. Freas said that the stretch code, which was passed in Newton, states that the building must demonstrate “significant” improvements in energy and natural resource consumption. Staff looked at that as a starting point for this discussion, but it did not provide enough clarity. The vast majority of developers come in for LEED certifiable buildings and many communities have tied building to LEED or some kind of rating system. As many developers have pointed out, given the state requirements, LEED certification can be met with basic building requirements. This would add requirements and focus more on energy, which is a concern due to climate change.

A Councilor mentioned that on the stormwater issue, the standard related to runoff has been linked to impervious surface. There have been a number of situations where grade change has been an issue and runoff has been a problem for neighbors. He wants to be sure that the pre-development site plan is used for calculations. Mr. Freas said that is a significant issue. In the current ordinance, for flooding due to runoff, there is the standard of “no net increase” of runoff, which is not well stated. With new regulations the calculations that stormwater engineers will do when they receive a site plan from a developer, will include slope and other factors to determine runoff impacts. This issue is a top priority.

The Councilor was also concerned about “density bonuses” without knowing the baseline or what the bonus might be. For example, he did not want to allow buildings to get taller just because the net consumption of energy was remaining the same. There may be a long-term payback on the larger scale, but the cost is locally assumed which is why zoning is so challenging. The impact on abutting properties must be considered.

He also wanted to understand what might get past the height limits and what design review would be in place to understand impact. He wrote an article called “My Tree vs. Your Solar Collector”. Someone in California built a solar panel and forced the neighbor to cut his tree back so as not to obscure the solar panel. The question of benign but incompatible uses needs to be considered. He will provide the article to Mr. Freas. He also mentioned that under state law, solar facilities have some preemptive rights. Mr. Freas said he has spent significant time speaking with Green Newton and the High Performance Building Groups about interest in a solar protection ordinance. In order to protect future capacity for solar panels, the ordinance would prevent neighbors from planting trees that might obscure them. The answer to that question was a resounding no. There was no interest in that.

Mr. Freas noted, for instance, that there is a movement to put insulation on the outside of a house to realize energy savings. If a house is on the setback line, it would make it impossible. The kinds of changes being considered for the ordinance might be to allow an encroachment of 6-8 inches for

energy saving adjustments like this. These are the types of small changes they are considering in this area, not large, sweeping changes

It was asked how all the feedback from each of the public events is implemented into zoning reform. Mr. Freas noted that at the end of the series, staff will compile the proposals that have come out of the public event process, bring those to Committee and take straw votes. The point is to focus on the objectives they are trying to achieve and get feedback from the Committee before drafting the ordinance. They do not want to spend time drafting a concept that ultimately may have no support in Committee. The Councilor asked if this could be done after each event instead of waiting for the all of them to be completed. Mr. Freas explained that there are overlapping complexities in the zoning ordinance and sections do not necessarily stand alone. It needs to be worked as a whole. Staff will take the feedback from the Committee meetings after each update and include that in the overall proposals to come. A Committee member asked that when the review comes at the end of the process, an explicit explanation is given for each of the changes.

Mr. Freas noted that another advantage of the public events is getting ideas from residents that are not necessarily related to zoning. For example, there was a suggestion that the City provide a guidebook to home energy efficiency, perhaps repackaged from resources already available and then customized a bit for Newton. This will encourage people to go take some initiatives into their own hands.

A Committee member said she is interested in initiatives to remove organics from the waste stream in the City. The City has about 25% (by weight) organic matter in its waste stream. These belong in a compost heap or in a bucket to be picked up by the City. The City trash contractor is paid by weight, so this could reduce the cost by 25%. That savings could go to programs to remove organics.

A Councilor noted that there are some good policies that can be implemented, but not all belong in the zoning ordinance. There are things that can be done in the public ways that need to be discussed in Public Facilities, for example. Also, density bonuses should not be the incentive for everything.

A member of the Planning Board cautioned about staff capacity to handle new requirements. Mr. Freas said they are taking that into consideration.

The Committee thanked Mr. Freas and Ms. Reynolds for the excellent work on this event and reporting;

#140-14 Zoning amendment for lodging house ordinance

ALD. CROSSLEY AND HESS-MAHAN requesting to amend **Chapter 30**, City of Newton Zoning Ordinances, to include a "lodging house" ordinance to promulgate rules requiring annual fire, safety and health inspections and licensing of buildings providing single room occupancy and/or congregate living arrangements.

Hearing Closed; Planning & Development Board Held 6-0

Action: Hearing Closed; Zoning & Planning Held 8-0

Note: Mr. Freas did a review of the lodging house discussion from the last meeting including definition of lodging house, different formats of lodging houses and Newton's current regulation of lodging houses. A PowerPoint was presented and is attached.

The current ordinance allows, by special permit, lodging houses in all the Multi-Residence districts. The parking standard is one parking stall for each sleeping room. There are fees for license and inspection but no regulations associated with them.

The two areas that need to be covered for the ordinance are zoning and licensing. An intent statement will be added to the zoning ordinance, making small changes to the definition to be consistent with the statute, and adding definitions of a rooming unit and ESROs (Enhanced Single Room Occupancy units). There is a new standards section, which refers to the licensing requirement and addresses parking. The new parking standard would be one parking stall per three rooming units with a maximum of six parking spaces. This is an attempt to prevent large parking lots and to be in keeping with the character of the neighborhood. Based on a review of peer communities, the current parking standard is significantly higher in Newton. Tenants of lodging houses tend to be more transit-dependent and less likely to own vehicles so lowering the standard seems reasonable.

Programs & Services and Public Safety will be meeting on the licensing issues on October 18th.

Committee Comments/Questions

A Committee member was concerned with being specific about landlord responsibilities. Perhaps changing language to specify that the landlord must be the owner would help solve that issue. He did not want to see a tenant subletting rooms and acting as a "landlord." This is a particular concern with the student population. He also did not want to see the lodging houses turn into "mini-hotels" or used as short-term Airbnb-type units. The goal of this ordinance is to provide a different type of housing stock for longer-term tenants. Mr. Freas also noted that another goal is to have existing lodging houses regulated and licensed for safe and legal operation.

All new lodging houses would have to go through the special permit process. The existing lodging houses are grandfathered in respect to the special permit process, but would have to abide by the new licensing regulations that would be adopted.

A Committee member asked Commissioner Lojek about his experience with lodging houses and students when he worked in Brookline. The Commissioner noted that he never saw any students living in lodging houses. If there were any at all, perhaps they were graduate students. Undergraduate students have other opportunities for housing and tend to want to live with other students in that environment. The Councilor explained that Boston College has most of its juniors move off campus so there are students looking for housing in the surrounding neighborhoods. He just did not want to provide an engine for conversion of properties for this purpose. The Commissioner did not believe there would be an increase in the creation of new lodging houses given the high price of properties in Newton. Mr. Freas said the special permit and licensing process should prevent this as well. The license has to be renewed every year in a public meeting with neighbors receiving notice. If there are problems or complaints about the operation of a lodging house, they can lose their license to operate. This is important because a special permit runs with the land, but the license runs with the operator.

It was asked if a minimum stay is required in the ordinance. Mr. Freas said that is not in the zoning ordinance but they would take another look at that in the licensing section.

The Chair agreed with the Commissioner that there would not be a flood of new lodging houses. The existing ones would be better regulated with the new ordinance and as suggested, the operator can lose their license if there are problems. That option currently does not exist. There will be criteria that the Licensing Board would follow to determine the status of a license. Also, the ordinance requires an on-site manager and that manager will require training with certification of completion by the City. This housing structure serves typically lower income people and a more vulnerable population. The City wants to be sure that they are protected, and the manager, who will have keys to everyone's room, is well trained and the tenants have a safe and secure place to live.

It was asked if there is a size limit of the bedroom unit. Commissioner Lojek replied that the state sanitary code requires 80 square feet for a bedroom. For an ESRO, 150 square feet is required. The City must accept a statute to allow cooking facilities in ESROs and a docket item has been filed for that. The Councilor asked if the City might want to require a different size requirement for the bedroom unit. Mr. Freas noted that one of the goals of the ordinance is to regulate existing lodging houses and changing that kind of requirement may make it less likely for them to qualify.

A Committee member asked how many lodging houses are currently in the City. It was felt there were perhaps 3, including one at 10 Chase Street. The Chase Street house has a large parking lot and rents out some space to commuters. Currently, Inspectional Services is not allowed on the property. The Commissioner noted that when something is subject to licensing, the City is allowed to go on the property. It was asked if there could be some requirement in the licensing to limit parking

A Planning Board member asked if staff have looked at ways people might game this ordinance. Mr. Freas said they have met with Law, Fire, Police, Health and Inspectional Services on

understanding the existing situation and how things can happen going forward. They have all been seriously considering those kinds of issues. Sometimes, also, people are just not aware of the regulations and the law and that is more prevalent than trying to find loopholes.

The Chair opened the public hearing and asked for comment. Hearing none, the Committee voted to close the Public Hearing. The Planning & Development Board closed their public hearing as well.

The Committee would like to wait for the licensing docket item to be voted out in Programs & Services and Public Safety before voting the zoning ordinance amendment. The Committee voted to hold this item as did the Planning & Development Board.

#294-17 **Acceptance of MGL to allow cooking facilities in lodging houses**
COUNCILORS CROSSLEY, HESS-MAHAN AND NORTON requesting to accept the provisions of MGL c. 140 Section 22A allowing cooking facilities in Lodging Houses on a limited basis.

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

Note: Marie Lawlor, Assistant City Solicitor noted that this item should be in Programs & Services Committee and not Zoning & Planning. The Committee voted to hold this item. The Chair will refer the item to Programs & Services at the next City Council meeting.

Referred to Programs & Services and Zoning & Planning Committees

#276-17 **Ordinance amendments to allow food trucks**
THE ECONOMIC DEVELOPMENT COMMITTEE, COUNCILORS FULLER, HESS-MAHAN, KALIS, LENNON, LIPOF, NORTON, AND SANGIOLO requesting to amend Chapter 17, Sections 17-46 through 17-50 to allow Food Trucks to locate and operate on public streets in Newton subject to licensing by the Health Department and to location permitting requirements, initially restricted to Wells Avenue; to introduce new rules applicable to all Food Trucks operating in the City; and requesting to amend Chapter 30 to allow Food Trucks in the Public Use District subject to the same restrictions and requirements. [08/24/17 @ 4:17 PM]

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

Note: James Freas explained there have two primary changes to the ordinance since the last meeting of Zoning & Planning. Section 17-48 will restrict food trucks to only Wells Avenue. The zoning change would allow Food Trucks in the Public Use District, which is any public street, however, this ordinance restricts food trucks only to the public street at Wells Avenue. The second change removes the Planning Board as a host for the public hearing process to determine locations for the trucks. Since the trucks are now being limited to only Wells Avenue, that process is no longer needed. Instead, there will be a permitting process through the Planning Department.

A Committee member noted that having the Planning Department serve as a permitting agency is a new concept. Traditionally, the Inspectional Services Department would do the permitting with the

advice of the Planning Department. Mr. Freas explained that this is not a zoning or building permit and is unique. This would be finding appropriate locations on Wells Avenue and that is more suitable for the Planning Department, working with Police, Fire and the community.

Food trucks are currently allowed for special events with licensing from the Health Department. A Councilor wanted to be sure this ordinance did not somehow create opportunities for food trucks to operate in other areas of the City. Mr. Freas said he would consult with the Law Department to be sure that would not happen.

A Councilor had suggested at the last meeting that the section encouraging food trucks to use compostable and recyclable forks, plates, etc. be removed from the regulations because it seemed onerous. Mr. Freas noted that Somerville uses this language in its regulations. Food trucks would still be required to provide waste containers. The Committee decided to leave it in as it just suggested and not required.

A public hearing will be assigned for November 13th. The Committee voted to hold this item.

Meeting adjourned.

Respectfully Submitted,

Ted Hess-Mahan, Chair



Newton Zoning Redesign

Think Globally, Act Locally:
Zoning for a Sustainable
Newton

10.11.17

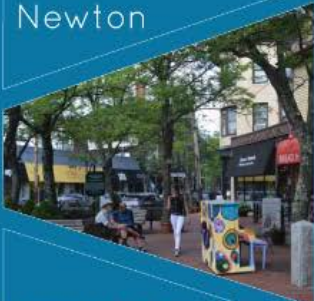
City of Newton Zoning Redesign Event Series: September 2017 - May 2018

Location: Newton Free Library, 330 Homer Street, Druker Auditorium*

Time: 6:30 p.m. - 8:00 p.m.*

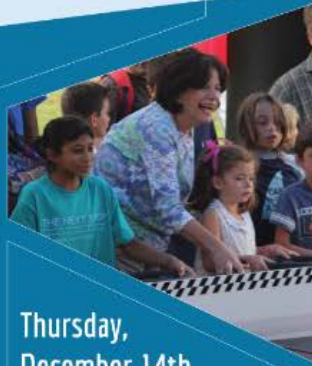
RSVP online at www.courbanize.com/newtonzoning

**Wednesday,
September 27th**
Think Globally,
Act Locally:
Zoning for a
Sustainable
Newton



**Wednesday,
November 29th**
Cracking the
Code:
Understanding
Zoning for
Homeowners

**Thursday,
October 19th**
Newton's
Advantage: Zoning
and Economic
Development



**Thursday,
December 14th**
Housing for
Whom? Zoning,
Affordability,
and Fair Housing

**Thursday,
January 18th**
A parking Lot for
Goldilocks: Zoning for
Just the Right Size

**Thursday,
February 15th**
Tapping the
Creative
Economy: Zoning,
Arts, and
Artisans

**Thursday,
March 15th**
Building Shape,
Size, and Form in
Neighborhoods
and Village
Centers

Thursday, April 12th
What's the
Process? How Stuff
gets Built in
Newton

**Thursday,
May 10th**
A New Zoning
Map for Newton



*All the events will be held at this location and time.

The location of this meeting is wheelchair accessible and reasonable accommodations will be provided to persons with disabilities who require assistance.

If you need a reasonable accommodation, please contact the city of Newton's ADA/Sec. 504 Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253.

The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

Welcome!

6:35

Zoning 101

6:45

Think Globally, Act Locally

7:20

Q&A

7:30

Table-top Sessions





**Think Globally, Act
Locally: Zoning for a
Sustainable Newton**

Zoning can...

...help achieve Newton's environmental sustainability and climate resilience goals.

...ensure clean water, responsible energy use, and the quality of our environment.



Zoning & Sustainability

Stormwater:

Rain water running off roofs and pavements

- Pollutants get carried into wetlands, streams, and the Charles River
- Flooding in severe weather events
- Zoning can regulate how new construction must deal with stormwater

Green Design:

Energy:

Stormwater



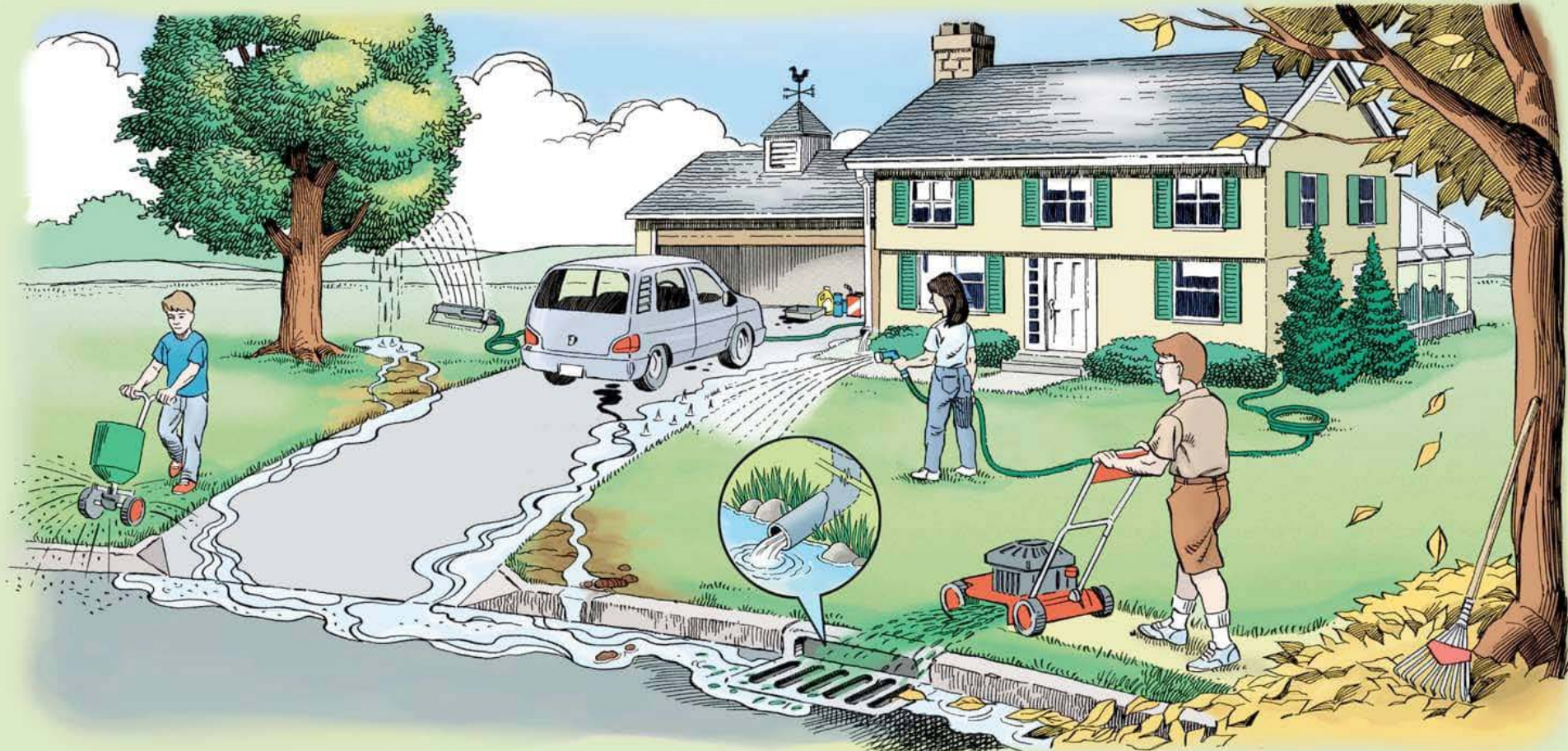
Stormwater



Selwyn Rd, 1955



Stormwater



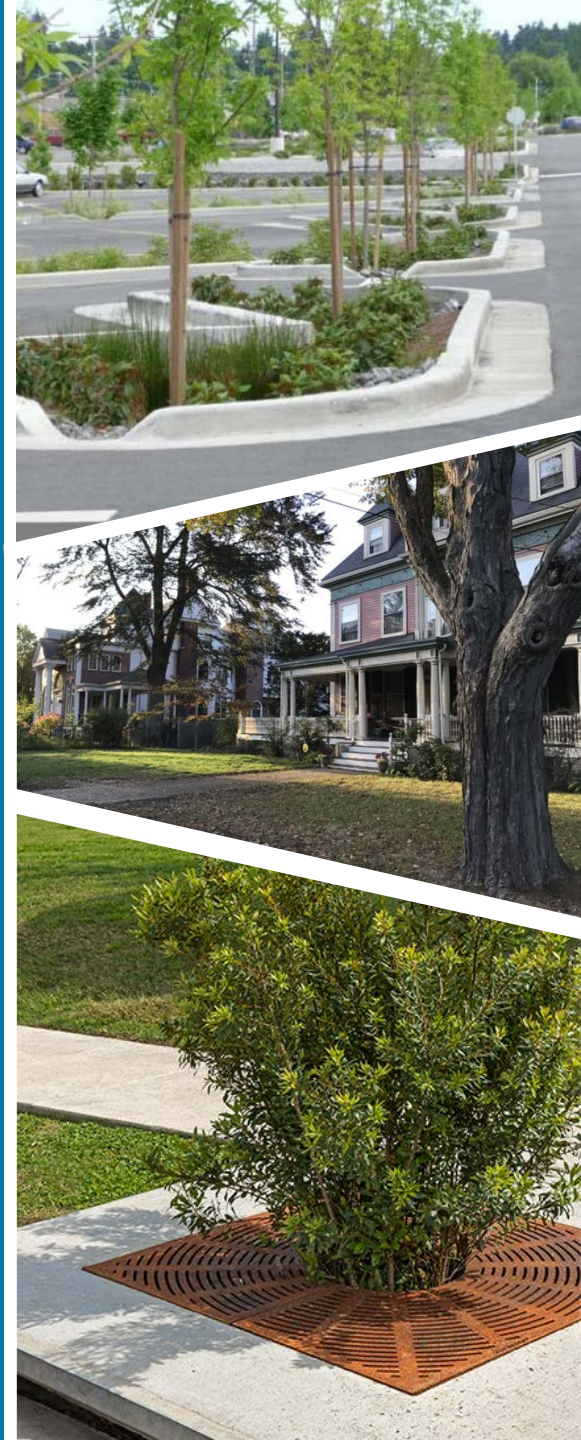
Stormwater



Proposed Stormwater Policy

Goal: Direct applicants to appropriate stormwater management options to address the potential for flooding and water quality.

1. Triggered by an increase in impervious area.
2. Small projects directed to list of home-scaled best practices.
3. Large projects required to demonstrate no net increase in stormwater run-off and a percentage reduction in nutrients.
4. Maintenance of stormwater structures for future property owners.



Zoning & Sustainability

Stormwater:

Rain water running off roofs and pavements

- Pollutants get carried into wetlands, streams, and the Charles River
- Flooding in severe weather events
- Zoning can regulate how new construction must deal with stormwater

Green Design:

Sustainable buildings

- Sustainable construction practices
- Energy and water efficiency
- Sustainably sourced building materials
- Waste management
- Zoning can create incentives for green building

Energy:

Green Building Design

In the U.S., buildings account for:

38%

Of all CO2 emissions

13.6%

*Of all potable water (15
trillion gal. / year)*

73%

*Of U.S. electricity
consumption*

Green Building Design

In the U.S., buildings account for:

38%

Of all CO2 emissions

13.6%

Of all potable water (15 trillion gal. / year)

73%

Of U.S. electricity consumption

Based on the number of points achieved, a project earns one of four LEED rating levels:



CERTIFIED



SILVER

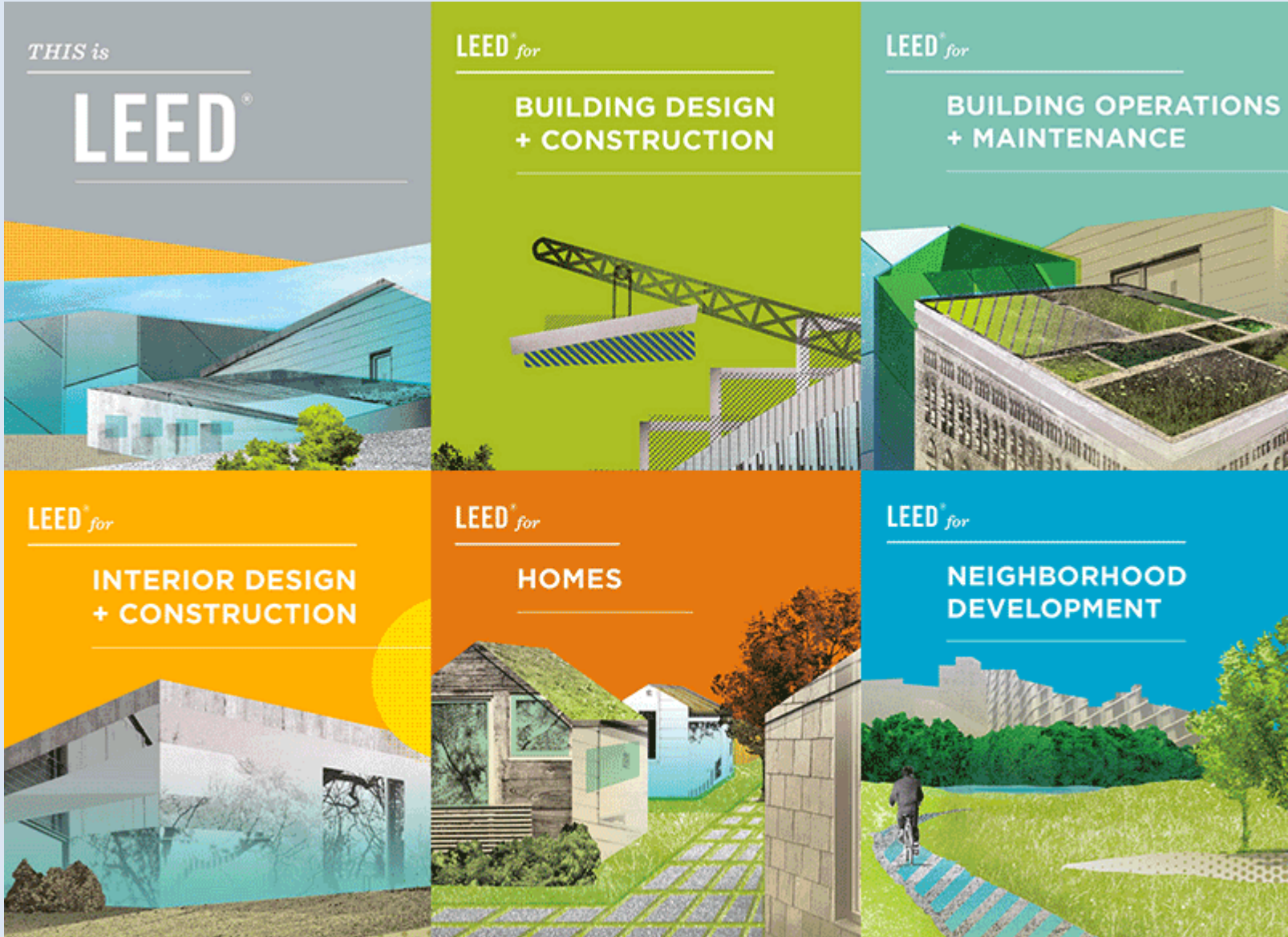


GOLD

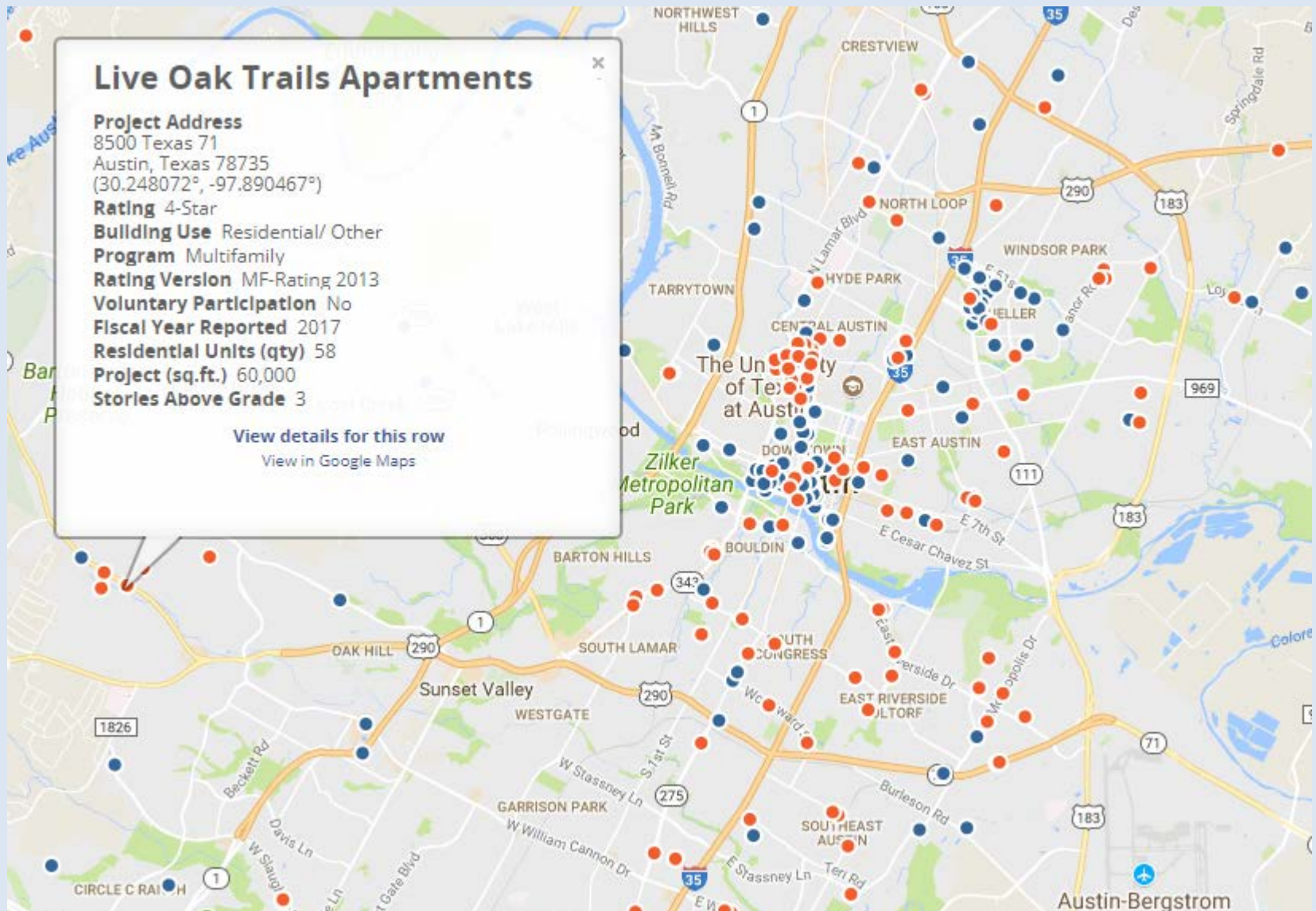


PLATINUM

Leadership in Energy and Environmental Design



Green Building Design – Austin, TX



Multifamily and commercial

Green Building Design – Austin, TX



2016 SINGLE FAMILY RATING SCORECARD

Project Address: _____

Project Submitter: _____

AEGB Representative: _____

Star Req	Points Available	Points Claimed (use X or #)	STARS ACHIEVED		RATING RESULTS	
			NOT all Basic Requirements are met		Total Points	0 Points Claimed
					Basic Requirements Met	Please go back and check requirement measures
					Additional Star Requirements Met	Not all additional star requirements met. Please go back and check the desired star level

BASIC REQUIREMENTS

			1 Codes and Energy Performance
			Energy Modeling Score <i>Applies only to new-construction, detached homes. IC3 Calculator and reports are required.</i>
			<ul style="list-style-type: none"> Minimum IC3-Austin Score of 0.0 OR maximum Energy Rating Index (ERI) value of 59
			Current City of Austin codes and amendments, included but not limited to the following: <i>Must be met regardless of project location.</i>
			<ul style="list-style-type: none"> IRC with Austin amendments IECC with Austin amendments Plumbing Code with Austin amendments, including Austin Irrigation Design Criteria Mechanical Code with Austin amendments Austin Visitability/Accessibility Ordinance, Ordinance No 20140130-21 Austin Tree Ordinance, Land Development Code (Chapter 25-8, Subchapter B)
			2 HVAC Efficiency and Design
			Cooling and heating equipment determined by approved Manual J calculation based on actual orientation, permitted plans and final specifications
			<ul style="list-style-type: none"> 600 sq. ft. of living space per ton of cooling met. Homes smaller than 900 sq. ft. must be equipped with a mini-

- 1-star to 5-star rating
- Overlays
- Density bonus
- Voluntary participation

Proposed Green Bldg. Policy

Goal is to clarify environmental design goals and incentivize larger projects to do better.

1. Large projects would be required to meet a standard of LEED certifiable or similar.
2. Specific point totals would be required for energy, ensuring a focus on this issue.
3. A density bonus would be provided to projects achieving a higher rating.



Zoning & Sustainability

Stormwater:

Rain water running off roofs and pavements

- Pollutants get carried into wetlands, streams, and the Charles River
- Flooding in severe weather events
- Zoning can regulate how new construction must deal with stormwater

Green Design:

Sustainable building practices

- Sustainable construction practices
- Energy and water efficiency
- Sustainably sourced building materials
- Waste management
- Zoning can create incentives for green building

Energy:

Alternative energy & energy efficiency

- Dimensional requirements in Newton's current zoning are barriers
- Zoning can explicitly support solar panels, small wind generators, additional insulation, etc.

Alternative Energy & Energy Efficiency

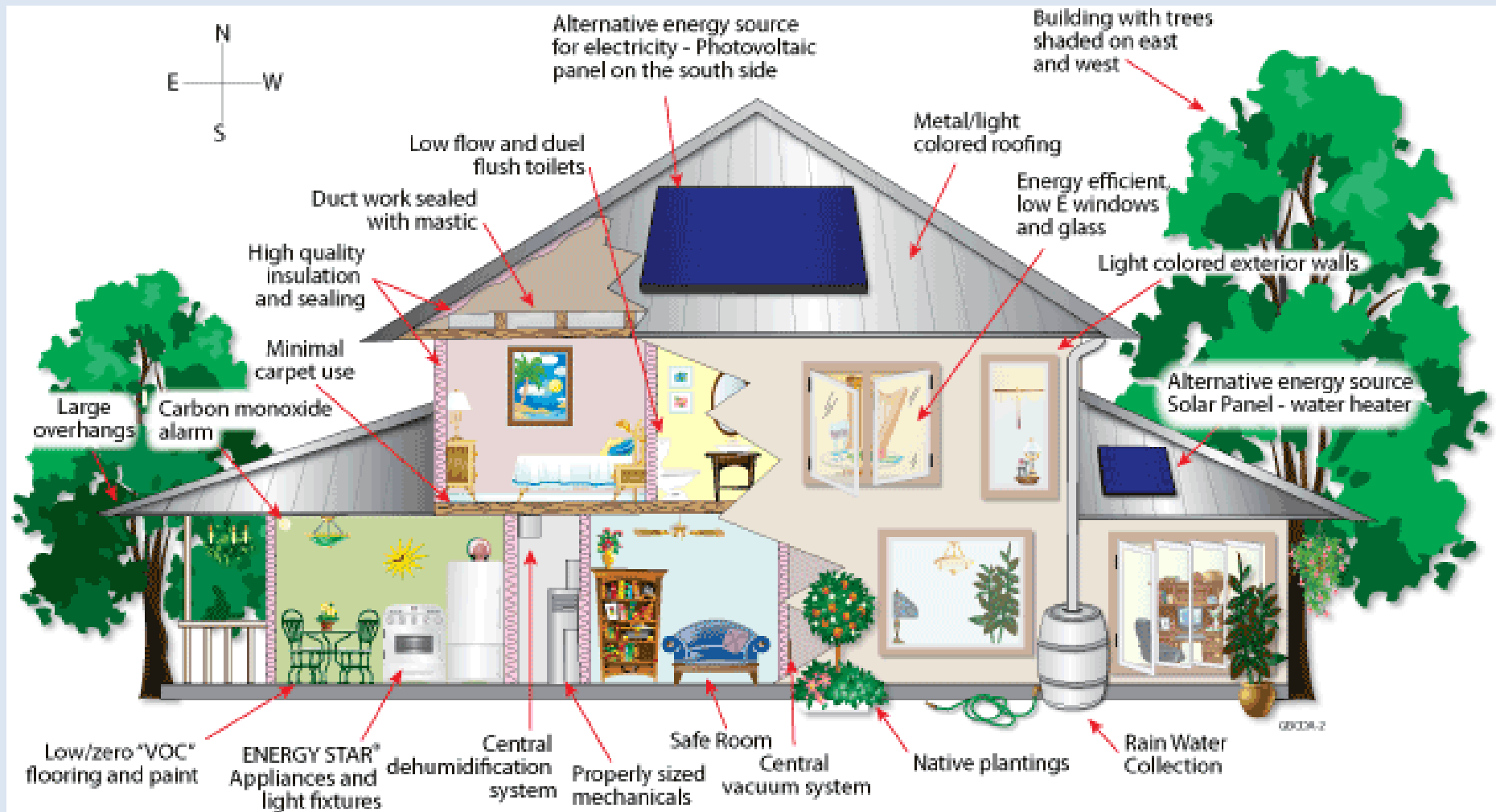


<http://www.popularmechanics.com>



www.wbur.org

Alternative Energy & Energy Efficiency



Proposed Energy Policy

Height and setback requirements can complicate alternative energy and energy efficiency projects. Goal is to make explicit in the ordinance that such improvements are allowed.

1. Alternative energy infrastructure would be allowed to exceed building height limits, to a degree.
2. Insulation and other energy efficiency improvements would be allowed in setbacks.



What do you think?

Stormwater:

Rain water running
off roofs and
pavements

Green Design:

Sustainable
building practices

Energy:

Alternative energy
& energy efficiency

What did you like?

What did you not like?

What did we miss?

How should we refine these proposals?

What did we hear?



Summary Report

Think Globally, Act Locally: Zoning for a Sustainable Newton

On September 27, 2017 the City of Newton kicked off a series of events for Zoning Redesign, the City's project to rewrite the Zoning Ordinance. Over 65 people attended "Think Globally, Act Locally: Zoning for a Sustainable Newton" at the Newton Free Library. In order to receive feedback and generate discussion about the proposals, the event format was a presentation from staff followed by facilitated group discussions involving everyone in attendance. Attendees were asked to give feedback on the zoning proposals and bring forward any new ideas that were not presented.

Zoning proposals on three aspects of environmental sustainability

Staff presented on three aspects of environmental sustainability that zoning could assist with achieving a healthier, more resilient environment: 1) stormwater management, 2) green design incentives, and 3) alternative energy. The full presentation is available to the public via slides and a video recording posted online (www.courbanize.com/newtonzoning). An informational sheet was published ahead of the event is also available online and is appended to this report.

Community Feedback: Stormwater

Proposed Stormwater Policy

Goal: Direct applicants to appropriate stormwater management options to address the potential for flooding and water quality.

1. Triggered by an Increase in Impervious area.



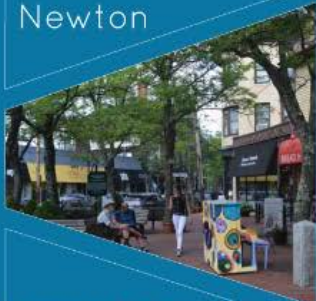
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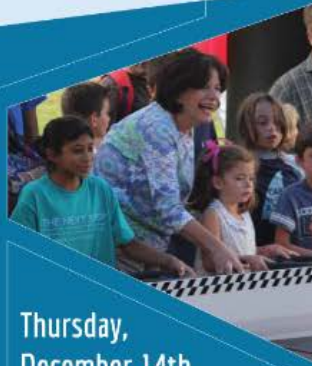
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**Wednesday,
September 27th**
Think Globally,
Act Locally:
Zoning for a
Sustainable
Newton



**Wednesday,
November 29th**
Cracking the
Code:
Understanding
Zoning for
Homeowners

**Thursday,
October 19th**
Newton's
Advantage: Zoning
and Economic
Development



**Thursday,
December 14th**
Housing for
Whom? Zoning,
Affordability,
and Fair Housing

**Thursday,
January 18th**
A parking Lot for
Goldilocks: Zoning for
Just the Right Size

**Thursday,
February 15th**
Tapping the
Creative
Economy: Zoning,
Arts, and
Artisans

**Thursday,
March 15th**
Building Shape,
Size, and Form in
Neighborhoods
and Village
Centers

Thursday, April 12th
What's the
Process? How Stuff
gets Built in
Newton

**Thursday,
May 10th**
A New Zoning
Map for Newton



*All the events will be held at this location and time.

The location of this meeting is wheelchair accessible and reasonable accommodations will be provided to persons with disabilities who require assistance.

If you need a reasonable accommodation, please contact the city of Newton's ADA/Sec. 504 Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253.

The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.



Summary Report

Think Globally, Act Locally: Zoning for a Sustainable Newton

On September 27, 2017 the City of Newton kicked off a series of events for Zoning Redesign, the City's project to rewrite the Zoning Ordinance. Over 65 people attended "Think Globally, Act Locally: Zoning for a Sustainable Newton" at the Newton Free Library. In order to receive feedback and generate discussion about the proposals, the event format was a presentation from staff followed by facilitated group discussions involving everyone in attendance. Attendees were asked to give feedback on the zoning proposals and bring forward any new ideas that were not presented.

Zoning proposals on three aspects of environmental sustainability

Staff presented on three aspects of environmental sustainability that zoning could assist with achieving a healthier, more resilient environment: 1) stormwater management, 2) green design incentives, and 3) alternative energy. The full presentation is available to the public via slides and a video recording posted online (www.courbanize.com/newtonzoning). An informational sheet was published ahead of the event is also available online and is appended to this report.

Community Feedback: Stormwater

The slide features a blue background with white text. On the right side, there are three photographs: the top one shows a modern parking lot with a central landscaped area containing trees and a water feature; the middle one shows a residential street with a large tree and a house; the bottom one shows a tree planted in a square, perforated metal grate on a sidewalk.

Proposed Stormwater Policy

Goal: Direct applicants to appropriate stormwater management options to address the potential for flooding and water quality.

1. Triggered by an increase in impervious area.
2. Small projects directed to list of home-scaled best practices.
3. Large projects required to demonstrate no net increase in stormwater run-off and a percentage reduction in nutrients.
4. Maintenance of stormwater structures for future property owners.

Increasing the amount of **permeable surfaces** was one of the leading topics of discussion in the table sessions. Attendees were supportive of zoning that continued to regulate the amount of impervious surfaces allowable on lots. People were interested in finding ways through zoning to reduce the amount of paving and increase the permeability of sites. Community members suggested creative solutions such as requiring permeable materials to be used for new driveways or incentives for 'de-paving'.

Table discussions also discussed zoning that could **incentivize stormwater tools** such as underground cisterns for reusing stormwater onsite. Rainwater harvesting, recycling gray water, ground water recharge, and daylighting streams were among the more cutting edge stormwater tools proposed.

Ideas for **regulation** included rules to limit construction in wetland areas, zoning or building permit processes that trigger stormwater compliance and upgrade, regulation of retaining walls and **topographic** changes, sediment and erosion controls, and the ability for the City to impose stronger enforcement. Understanding how to best regulate stormwater runoff impacts between abutting properties was a concern. Staff received positive feedback about the fourth proposal - requiring future property owners to maintain existing stormwater management systems and enforcing this via a check at the time of sale.

Finally, although zoning does not typically address public land uses, table discussions generated several new proposals for **stormwater management on public land**. Attendees asked that the City set an example by creating standards for City property, implementing stormwater management when rebuilding streets, using permeable paving, and creating pervious surface parking lots and visible rain gardens at schools. City roles could include education programs about appropriate lawn watering and fertilizing, and improving coordination within City departments and permitting.

Community Feedback: Green Building



Proposed Green Bldg. Policy

Goal is to clarify environmental design goals and incentivize larger projects to do better.

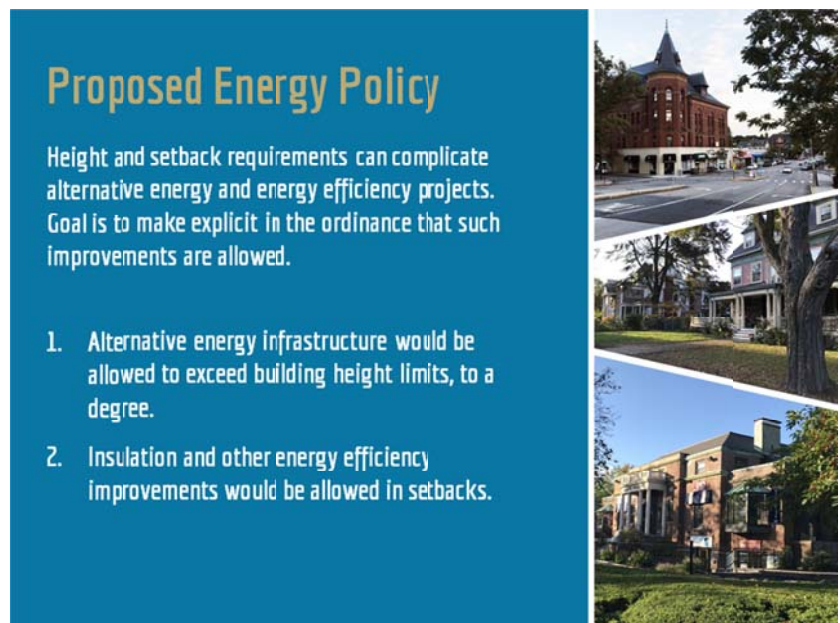
1. Large projects would be required to meet a standard of LEED certifiable or similar.
2. Specific point totals would be required for energy, ensuring a focus on this issue.
3. A density bonus would be provided to projects achieving a higher rating.

The proposals to incentivize ‘green’ building generated many supportive comments, especially requiring large projects to meet a standard of LEED certifiable or similar. One table proposed the minimum threshold for **LEED requirement be 20,000 square feet** with higher standards required for larger projects seeking zoning variances. Another table suggested extending LEED requirements to major renovations, change of use, and criteria for siting new construction. Participants noted how landscaping can provide sustainability benefits and suggested tree planting have canopy coverage requirements.

There was general support for the second policy proposal to require an energy focus within green building incentives. Attendees expressed interest in zoning incentives to **encourage net zero** or net positive buildings. There was support for mandating demolished buildings meet certain recycling requirements and incentives for salvaging building materials. One group came up with an idea for a Newton green building resource center.

There were differing opinions about the third proposal for **density bonus incentives**. Some pointed out that the greenest building is an existing building. People had remaining questions about the environmental tradeoffs for density bonuses including decreasing congestion with transit oriented development, infill development instead of green field development, and whether or not to incentivize environmentally-friendly buildings with density at all.

Community Feedback: Alternative Energy and Energy Efficiency



Proposed Energy Policy

Height and setback requirements can complicate alternative energy and energy efficiency projects. Goal is to make explicit in the ordinance that such improvements are allowed.

1. Alternative energy infrastructure would be allowed to exceed building height limits, to a degree.
2. Insulation and other energy efficiency improvements would be allowed in setbacks.

Attendees generally supported the proposals for alternative energy such as allowing **solar panels** and **exterior insulation within the setback** up to certain dimensional limits. Other ideas from the community included community solar, solar panels on carports and storage facilities, orientation of the building to maximize solar exposure, geothermal energy, energy retrofits of older homes, and questions about how to regulate solar rights and ensuring solar panels do not limit abutting properties ability to also do solar. A participant suggested Sterling, MA as an innovative example where the town has

invested in energy storage batteries to control rising power costs during peak demand hours¹. Finally, the community asked questions about regulation of parking requirements which will be discussed a full conversation about parking and zoning at the event on January 18.

Community Feedback: General

At the event, table discussions generated some general comments about open space, increasing and maintaining bike paths and rail trails, encouraging smaller houses and multifamily “cluster housing” with internal courtyards, the opportunity for environmental sustainability with proposed new developments at Northland on Needham St., and discussions around whether FAR is the best method for regulating density and massing.

The next event is **October 19, 2017, Newton’s Advantage: Zoning and Economic Development** and topics will include commercial uses, innovation manufacturing, makerspaces, and home businesses, co-working, and sign regulations.

¹ <https://www.cleangroup.org/sterling-massachusetts-changes-business-electricity-new-england-forever/>

Lodging House Regulation

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PROPOSED LODGING HOUSE ZONING AMENDMENTS

Outline

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- What is a lodging house?
- What are some of the formats of modern lodging houses?
- How does Newton currently regulate a lodging house?
- Regulating Lodging Houses through Zoning and Licensing
- Details of the Proposed Zoning Amendments

What is a lodging house?

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Lodging House

- 4+ individuals living in a quasi-group setting
- Leasing a room rather than sharing in an apartment lease
- Access to but not legal responsibility for shared kitchen and bath facilities

Also known as a boarding house or a rooming house

What is a lodging house?

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Renter #1

Renter #2

Renter #3

Renter #4



How does this compare to a group of roommates?

5

Group of Roommates

Roommate #1
(UNIT OWNER)

Roommate #2

Roommate #3

Roommate #4



Same distinction applies for larger groups:

- more than four individual lodgers = lodging house
- More than four roommates = association of persons

Lodging House Formats

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Caritas Communities

- Non-profit operated
- Mix of lodging house styles:
 - Single rooms (furnished & unfurnished) with shared kitchen and bath,
 - Small 1-bed units
 - “hotel style” units w/o kitchens
- Some units accessible
- Some with parking available, some without
- TARGET POPULATION:
low-income working adults



30 
BUILDINGS
plus 2 more building
sites in progress

14 
GREATER BOSTON
COMMUNITIES

1000+ 
CURRENT
RESIDENTS

Lodging House Formats

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Caritas Communities

22 Fessenden Rd, Arlington

- 15 rooming units
- Shared kitchen & bathrooms



Lodging House Formats

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WeLive

- Full-furnished and outfitted units
- Rent a studio, 1-bed, or room in a 2-4 bedroom shared apartment
- Housekeeping & Concierge
- Laundry in the building
- Limited parking but transit accessible
- TARGET POPULATION:
mobile tech workforce
participating in WeWork
coworking locations

A New Way of Living.

WeLive is a new way of living built upon community, flexibility, and a fundamental belief that we are only as good as the people we surround ourselves with. From mailrooms and laundry rooms that double as bars and event spaces to communal kitchens, roof decks, and hot tubs, WeLive challenges traditional apartment living through physical spaces that foster meaningful relationships. Life is better when we are part of something greater than ourselves. Whether for a day, a week, a month, or a year, by joining WeLive - you'll be psyched to be alive.

MOVE IN FOR MONTHS or STAY A FEW NIGHTS WeLive is your home as long as you need.

Excerpt from the WeLive webpage

<https://www.welive.com/dc>

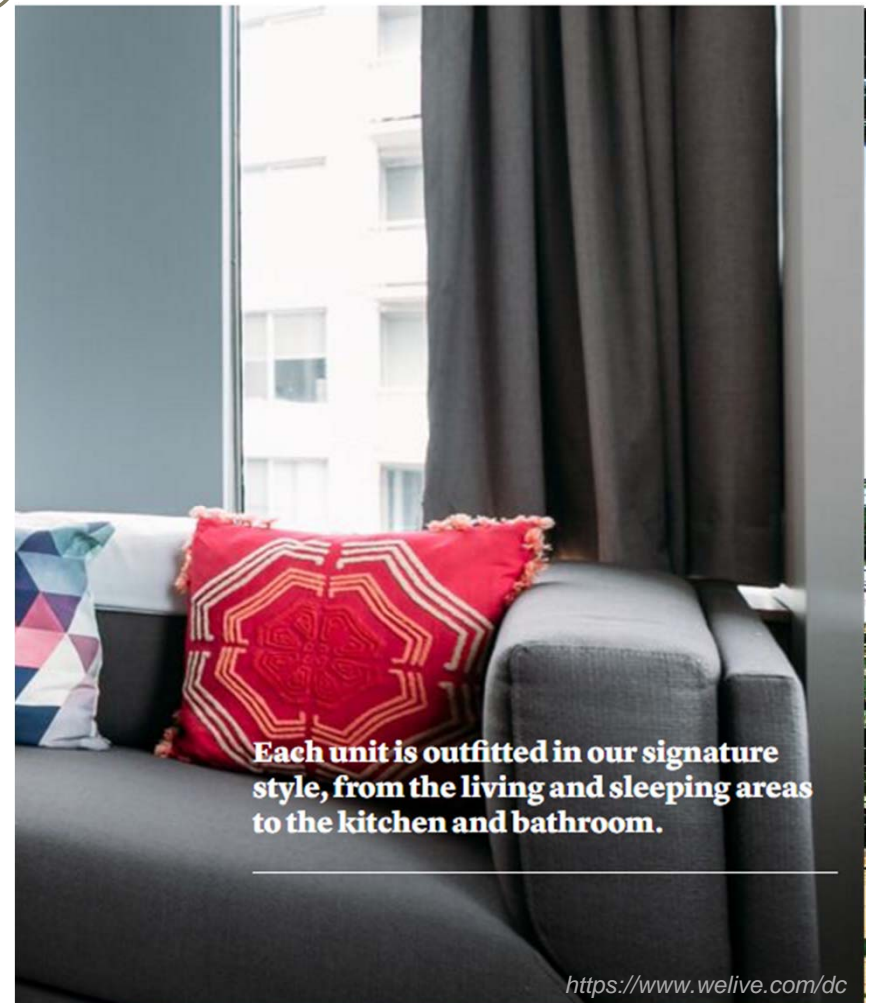
Lodging House Formats

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WeLive

Crystal City, Arlington, VA

- Studio, 1-bed, & rooms in a 2-4 bedroom shared apartments
- Housekeeping & Concierge
- Laundry in the building
- Daily community building events



How does Newton currently regulate a lodging house?

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Newton, MA

Zoning

- Defines a lodging/rooming/boarding house
- Establishes where lodging houses can be located and by what process those locations are approved
 - Use is allowed by Special Permit in the MR-1, MR-2, MR-3, and MR-4 districts (3.4.1)
- Sets parking standards
 - 1 parking stall per sleeping room plus 1 per 3 employees (5.1.4)

License Fees

- \$50/year Lodging House License (§17.3)
- \$50/quarter On-site Inspection Fee (§17-10)
- **NO REGULATIONS ASSOCIATED WITH THE FEES**

Zoning and Licensing

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Zoning + Licensing

Establishing a new lodging house

- Allowed Zones
- If/When a special permit is required
- Parking standards
- Building Development Standards

Approval of use of a property

Operating a lodging house

- Operator Requirements
- Inspection Schedule
- License Fees
- Responsibilities for Managing Lodgers
- Responsibilities for Property Maintenance

Approval of an operator

Outline for Zoning Amendments

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6.2.7 Boarding House, Rooming House, Lodging House

A. *Intent Statement – add new section*

B. Defined. – *minor changes*

C. *Standards – add new section*

D. *Process – add new section*

5.1.4 Number of Parking Stalls – *updated*

3.4.1 Residential Districts Allowed Uses – *no change*

4.4.1 Business, Mixed Use, & Manufacturing Districts - *explicitly allowed on upper stories only*

Standards for
Development

Allowed
Zones