

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

MONDAY, APRIL 27, 2009

Present: Ald. Yates (Chairman), Ald. Baker, Lappin, Danberg, Swiston, Ciccone, Harney, and Linsky; also present: Ald. Sangiolo and Brandel

Planning Board members: Tabitha McCartney (Chairman), Joyce Moss, Scott Wolf, Leslie Burg, David Banash, and Douglas Sweet

City staff: Kathleen Cahill (Senior Planner), Linda Finucane (Chief Committee Clerk), Michael Kruse (Director of Planning & Development), Marie Lawlor (Assistant City Solicitor), and Jennifer Molinsky (Principal Planner)

Appointment by His Honor the Mayor

#93-09 ED ZIELINSKI, 128 Gibbs Street, Newton Centre, appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term of office to expire January 1, 2012 (60 days: 6/5/09).

ACTION: APPROVED 5-0 (Linsky, Harney, Ciccone not voting)

NOTE: Mr. Zielinski is an architect with Boston Scientific. With his children grown, he has time to volunteer in the community. He will fill the architect's position on the Newtonville Historic District Commission. The committee thanked him for wishing to serve and Alderman Danberg moved approval of his appointment, which carried unanimously.

***A public hearing was opened on March 23, continued on April 13 and continued to April 27:***

#46-09 DIRECTOR OF PLANNING & DEVELOPMENT recommending that Chapter 30 of the Revised Ordinances of Newton, Massachusetts, 2007, be amended by allowing the board of aldermen to grant a special permit for a Planned Multi-Use Business Development in any Mixed Use 1 District; by adding to Section 30-1, Definitions, a definition for Overlay Zone; by modifying certain minimum criteria and additional special permit criteria for a Planned Multi-Use Business Development in Section 30-15(s), Planned Multi-Use Business Development; by modifying certain density and dimensional requirements for Planned Multi-Use Business Development in Table A of Section 30-15(s), Planned Multi-Use Business Development; by renumbering, in Section 30-11(d), subparagraph (12) as (13) and adding a new subparagraph (12); by renumbering, in Section 30-13(b), subparagraph (16) as (17) and adding a new subparagraph (16); by adding to Section 30-13, Mixed Use Districts, a new subsection 30-13(h), special permits for Planned Multi-Use

Business Development; and by adding to Section 30-19(1), Off-Street Loading Requirements, a new subsection 30-19(1)(4) and the table of off-street loading requirements new provisions for buildings containing a mix of commercial and residential uses in a Planned Multi-Use Business Development and included as part of this amendment as Exhibit A.

ACTION: NO ACTION NECESSARY 7-0 (Lappin not voting)

NOTE: Planning Director Michael Kruse presented a slightly amended PowerPoint from March 23. To recap: the proposal would amend the Planned Multi-Use Business Development (PMBD) ordinance adopted by the Board of Aldermen on December 17, 2007, which allows by special permit a mixed-use development in a district zoned Business 4 on sites with a minimum of 10 acres with frontage on a "major arterial" as classified by the city. Currently, only Route 9 is classified as such. Prompted by a potential mixed-used proposal by Northland Investment Corporation, which owns 22 acres on Needham Street, the proposed amendment would create two overlay districts, one on a portion of Route 9 along Boylston Street and the other along Needham Street between Oak/Christina Streets and Winchester Street, for projects that would meet certain minimum criteria. Mr. Kruse noted there have been no mixed-use developments in Newton in the twelve years he has been Planning Director.

The Chairman had asked why overlays? Mr. Kruse explained that a PMBD is tied to location rather than to zoning, if a different approach is used for Needham Street, the zoning ordinance will have a PMBD applicable to Route 9, the same option with essentially the same requirements available under Mixed Use 1 zoning.

Mr. Kruse said the proposed amendment would:

- prohibit off-street parking in the front setback of retail, office or commercial buildings in relation to a public way;
- require a rear service driveway(s) to alleviate traffic congestion;
- require off-street loading docks for buildings that have both residential and commercial uses;
- allow reduced setbacks when abutting another commercial property; set a new minimum of 15% beneficial open space;
- allow mixed-use buildings with street side facades to be built up to 48 feet in height (which corrects the existing 36 feet because you cannot build a 4-story building that is 36 feet in height).

In conclusion, Mr. Kruse said that the establishment of overlay zones would allow special permit opportunity within those zones with the addition of special permit criteria and conditions and facilitate mixed used development, including the possible Northland Investment proposal.

Alderman Brandel asked how complete the reconstruction plans for Needham Street are. Mr. Kruse said that the reconstruction plans have been 25% complete for several years, with \$17 million earmarked in the Transportation Bond Bill, but it is not a priority for the state.

Mr. Banash asked about existing and proposed public transportation on Needham Street. Recently the MBTA tried but ultimately did not cut the already limited service of the 59 bus. Ms. Moss noted there is a sizable constituency that would like to see the Green Line extended and that the Comprehensive Plan supports the extension as well.

Public comment:

Sean Roche of 42 Daniel Street, Newton Centre, had a PowerPoint presentation (attached) in which he highlighted the lack of public process and no overall vision relative to the proposed amendment for Needham Street. By virtue of lot size, the proposed amendment precludes small development and favors large developers. Who gets to use up the traffic capacity? He is not opposed to development, but it needs to be smart development with public transit. A proponent of shared parking, the balance of cars needs to be shifted. In his opinion, a rear access driveway will create a no person's land. An internal grid would enable people who live, work, and shop on Needham Street to walk within and to and from sites. What about bike lanes? His presentation includes photographs of Waban Square and Newton Highlands, examples of good parking, and parking in various front setbacks, examples of bad parking. Mr. Roche remains skeptical that this proposed PMBD ordinance would ever be used. He reiterated the importance of a public process.

Srdjan Nedeljkovic, 5 Bellingham Street, also had a PowerPoint presentation (attached). Mr. Nedeljkovic concurred with Mr. Roche. He would like to see smaller parcels, no big box commercial, more open space for larger parcels and incentives for transit and walking. Among others, suggestions include bike lanes, covered bicycle parking accommodations, floor area ratio limits, realistic parking maximums and lower parking minimums, capping the maximum number of auto trips to a development, and connections to the surrounding neighborhood. Mr. Nedeljkovic is an enthusiastic supporter of the Green Line extension.

Mark Sangiolo, 16 Indiana Terrace, emphasized the process problem. The community should be involved first. He is not opposed to development. He does not believe service drives are necessary. Other than noon and 5:00 PM, traffic on Needham Street is not that bad. Any development on Needham Street should essentially expand the village center with smaller stores transitioning to the larger projects on Needham Street with lots of green space. Accommodations for pedestrians and bicycles on Needham Street would create more of a village ambiance. Mr. Sangiolo submitted an 8/12x11" schematic design based on a community meeting and design charrette for the Upper Falls Village center and Northland property interface, attached.

Alderman Danberg noted that bicycles have proliferated in New York City and that the city has instituted a number of innovations including bike lanes next to sidewalks with cars parked outside the bike lane more or less to protect the bicyclists. Perhaps the Needham Street reconstruction could incorporate bicycles into the traffic.

Alderman Parker said that this proposed amendment, intended to meet the needs of one developer, is like trying to fit a square peg into a round hole. He believes the Mixed Use definition should be amended with clear standards for this particular area.

Anatol Zukerman, of 17 Noble Street, West Newton, said the whole zoning process is convoluted and it circumvents public participation. He supports mixed-use development on Needham Street; it should be on smaller parcels and connect to Upper Falls. The railroad right of way could be a linear park. Mr. Zukerman's statement is attached.

Phil Herr of 20 Marlboro Street, who submitted a letter for the hearing when it opened on March 23, reiterated that

- The PMBD zoning should be amended through a future proceeding (the change probably can't be done within the current hearing) to make clear what the minimum residential share of such developments must be, or maybe a rule relating the allowable amount of development on any given lot to the share of the development that is low-traffic residential use.
- The MU-1 and MU-2 district zoning provisions need to be revised to contain a more realistic residential density rule so that mixed use in the broad sense will be made possible on parcels smaller than ten acres.
- There needs to be a community-based planning effort to produce a vision for what the City intends for this corridor, preceding and thus providing a basis for the two zoning changes listed above, and perhaps for other regulatory and non-regulatory actions in the Corridor, as well.

Needham Street is a major entrance to the city. The overlay notion is sound. Mr. Herr's Alternative PMBD Use and FAR rules, dated April 27 is attached.

Guive Mirfendereski, 24 Carleton Street, said that good governance is transparent.

Nina Koch, 70 Cottage Street, expressed concern about the piano section of the mill. The Chairman does not think it is on the National Register, but will check with the city's preservation planner. He suggested beginning the landmarking process.

Tom O'Rourke, President of the Newton-Needham Chamber of Commerce, which is located at 281 Needham Street, said that there has been talk for years about Needham Street. Get the ball rolling. In response to a question from the Chairman, he confirmed that the Chamber has written to the State about the money to reconstruct the street, but it has no more influence than any other group.

Mr. Kruse asked the Committee to vote No Action Necessary on the item. After testimony on March 23 and this evening, coupled with the economic climate, he would like to process the testimony and think about putting together a plan for major stakeholder groups, both businesses and villages, and the next steps to be taken.

The Planning Board also recommended that the item be withdrawn and upon a motion by Alderman Baker, the item was voted No Action Necessary 7-0, with Alderman Lappin not voting.

The meeting was adjourned at approximately 10:40 PM.

Respectfully submitted,

Brian E. Yates  
Chairman