



Ruthanne Fuller  
Mayor

Barney Heath  
Director  
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Gabriel Holbrow  
Community Planner  
Engagement Specialist  
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**Members**

Peter Doeringer, Chair  
Kelley Brown, Member  
Sudha Maheshwari, Member  
Jennifer Molinsky, Member  
Sonia Parisca, Vice Chair  
Chris Steele, Member  
Barney Heath, *ex officio*  
Kevin McCormick, Alternate  
James Robertson, Alternate

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## PLANNING & DEVELOPMENT BOARD MEETING MINUTES

Joint Public Hearing with the Zoning and Planning Committee of City Council  
February 24, 2020

**Members Present:**

Peter Doeringer, Chair  
Sonia Parisca, Vice Chair  
Sudha Maheshwari, Member  
Kevin McCormick, Acting Member  
Jennifer Molinsky, Member  
Chris Steele, Member

**Zoning and Planning (ZAP) Committee Members Present:**

Councilor Deb Crossley, Chair  
Councilor Vicki Danberg, Vice Chair  
Councilor Alison Leary  
Councilor Susan Albright  
Councilor Pam Wright  
Councilor Josh Krintzman  
Councilor Lisle Baker  
Councilor Holly Ryan

**Other City Councilors Present:**

Councilor Andrea Kelly  
Councilor Julia Malakie  
Councilor Andreae Downs  
Councilor Marc Laredo

**Staff Present:**

Ann Berwick, Co-Director of Sustainability  
Jennifer Caira, Deputy Director of Planning & Development  
Nathan Giacalone, Committee Clerk  
Gabriel Holbrow, Community Planner – Engagement Specialist, staff to the Board  
Andrew Lee, Assistant City Solicitor  
Zachery LeMel, Chief of Long Range Planning  
Jonathan Yeo, Chief Operating Officer

**Others Present:**

Nathaniel Lichtin, Howard Rosenoff, Jay Walter

Meeting held in Room 205, Newton City Hall

- 1. Public Hearing on part A of City Council docket item #31-20  
Amend Zoning Ordinance special permit criteria related to energy conservation:  
Councilors Crossley and Albright seeking a review and possible amendments to  
Section 7.3.3.C.5 of Chapter 30, Newton Zoning Ordinance, to further inform the  
objectives of reducing energy consumption and limited use of natural resources.**

At 7 p.m., upon a motion by Chair Doeringer, seconded by Mr. Steele, and unanimously approved, the Board opened their public hearing. Concurrently, ZAP Chair Crossley opened the Committee's public hearing.

ZAP Chair Crossley explained that this item was docketed with City Council to bring clarity to the fifth special permit criterion for the user and Council. The same effort to bring clarity was also the motivation for the addition in December 2019 of Section 5.12 to the ordinances, which specifies building energy rating systems and certain other requirements that must be met in order to satisfy special permit criterion 5. This item was docketed to provide additional clarity regarding the issues Criterion 5 is intended to address, within the criterion.

Jennifer Caira, Deputy Director of Planning presented both the language the Committee agreed to last session as well as recommendations from the Law Department. She said that in light of the new Section 5.12 approved in December 2019, this proposed language will help to guide and align with. Ms. Caira explained the proposed language which they hope to adopt, proposed additions in bold:

*"In cases involving construction of building or structures or additions contain individually or in the aggregate 20,000 or more square feet in gross floor area, the **site and buildings as developed and operated** will contribute significantly to the efficient use and conservation of natural resources and energy, **through some or all of the following: (a) minimizing building operating energy; (b) reducing the use of fossil fuels; (c) implementing a transportation plan that will minimize carbon footprint.**"*

ZAP Chair Crossley opened the meeting to public comment.

Mr. Rosenof, a resident at 9 Vincent Street, identified himself as a retired electrical engineer. He is skeptical of the City's ability to enforce this criterion and explain to applicants how to meet the criterion. He said that if the goal is to reduce the use of natural resources and energy, that parts a, b, and c fail to address natural resources. Mr. Rosenof also said that there is not enough guidance about how to resolve conflict between the goals, as sometimes using less energy requires a greater use of resources in materials such as insulation. He also was concerned about the relationship between cost and efficiency, specifically the lack of guidance in the proposed language for how much cost an applicant would be expected to expend to achieve what level of efficiency. ZAP Chair Crossley responded that there is already broad language in place for special permit criterion 5 and the goal of this item is to provide better information. She also clarified that special permit criteria are intended to be broad, with the specifics to be determined by Development Standards.

Mr. Walter spoke on behalf of the Building Standards Committee of Green Newton. He said that Green Newton supports the changes as they find them to be more specific than the criterion currently in place.

Mr. Lichtin, a resident at 53 Pine Crest Road, made three comments. First, he said that "some or all" could be replaced with "through appropriate" to show all three and still allow developers to avoid one if their project cannot meet it. Secondly, he suggested to add "reduce" to "minimize or eliminate" regarding the use of fossil fuels to continue to work towards the Climate Action Plan Goals. Third, he suggested that "transportation plan" is a better choice of language than "to or from the site", as it was in an earlier draft, saying that "transportation plan" allows for the consideration of offsite trips.

The ZAP Committee voted 8-0 to close their public hearing at 7:31 p.m.

Councilors asked whether “some or all” could be removed and simply list the three issue areas, which would require developers to meet all three. Mr. Lee said that the Law Department recommends keeping the language broad enough to allow discretion. Ms. Caira added that for some projects it may not be feasible to address all three, so having this discretion allows them to focus that much more on those they are able to meet.

Councilors commented that the phrase “reducing the use of fossil fuels” should be amended to “minimizing the use of fossil fuels.” There was general agreement that this language is clearer with respect to Newton’s long term goal of eliminating fossil fuel consumption.

Ms. Berwick asked if the term “some or all” should instead be “if appropriate.” Mr. Lee responded that there was no need for this change as “if appropriate” is already inherent within the language.

For clarity, “developed” was changed to “designed and constructed” with general agreement among the Councilors.

A Councilor commented that the overall goal of this process should be to continue moving Newton forward to meeting its goals detailed in the Climate Action Plan.

Upon a motion by Mr. Steele, seconded by Vice-Chair Parisca and unanimously approved, the Board closed their public hearing at 7:50 p.m.

## **2. Possible Vote on Recommendation to City Council on part A of docket item #31-20**

After participating in discussion with the ZAP Committee, Board members briefly deliberated among themselves.

Upon a motion by Vice Chair Parisca, seconded by Mr. Steele, and unanimously approved, the Board recommending the following language, as amended:

*“In cases involving construction of building or structures or additions contain individually or in the aggregate 20,000 or more square feet in gross floor area, the **site and buildings as designed, constructed and operated** will contribute significantly to the efficient use and conservation of natural resources and energy, **including through some or all of the following: (a) minimizing operating energy; (b) minimizing the use of fossil fuels; (c) implementing a transportation plan that will minimize carbon footprint.**”*

## **3. Adjournment**

Upon a motion by Chair Doeringer, seconded by Vice Chair Parisca and unanimously approved, the Board’s meeting was adjourned at 7:55 p.m.

The Zoning and Planning Committee continued their meeting with other agenda items.

Minutes submitted by Gabriel Holbrow, staff to the Board. Minutes approved by the Board on March 2, 2020.