



# PLANNING & DEVELOPMENT BOARD DRAFT MEETING MINUTES

March 2, 2020

## Members Present:

Peter Doeringer, Chair  
Sonia Parisca, Vice Chair  
Kelley Brown  
Sudha Maheshwari  
Jennifer Molinsky  
Chris Steele  
Kevin McCormick (not voting)  
James Robertson (not voting)

## Staff Present:

Gabriel Holbrow, Community Planner – Engagement Specialist, staff to the Board  
Katy Hax Holmes, Chief Preservation Planner  
Zachery LeMel, Chief of Long Range Planning

Ruthanne Fuller  
Mayor

Barney Heath  
Director  
Planning & Development

Gabriel Holbrow  
Community Planner  
Engagement Specialist  
Planning & Development

Meeting held in Room 211, Newton City Hall

Chair Doeringer opened the meeting at 7:04 p.m.

## 1. Minutes

Upon a motion by Ms. Molinsky, seconded by Mr. Brown, the Board unanimously approved the meetings minutes for January 6, February 3, February 11, and February 24, 2020 (Mr. Steele abstaining regarding the February 11 minutes).

## 2. Comment on nominations for Landmark designation in West Newton

- 978 Watertown Street
- 1 Chestnut Street
- 989-1003 Watertown Street
- 1253 Washington Street

Ms. Holmes explained there were seven landmark nominations made in January. The Newton Historical Commission (NHC) met in January and narrowed it down to five. Two came to the NHC for a public hearing on February 27: one was demolished before the public hearing, and the other—978 Watertown Street, including Sweet Tomatoes and the Davis Hotel—was designated as a City of Newton Landmark by a unanimous vote of the NHC. A vote on 978 Watertown Street property was possible sooner than other nominated properties because it was already individually listed on the National Historic Register.

Board members discussed with Ms. Holmes the criteria for landmarking under the current ordinance, which establishes criteria for landmarking that are the same as the criteria for historic significance. Ms. Holmes noted that the ordinance is under review by a working group that meets weekly. The working group is trying to clarify the criteria for landmarking and better stratify the differences between historical significance, preferentially preserved, and landmarking. The intent is to put into

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ordinance what has been long-standing best practice undertaken the NHC to reserve landmarking for only the most deserving buildings.

Board members discussed with Ms. Holmes what preservation measures come with landmarking. Ms. Holmes confirmed that landmarking takes full demolition off the table, but allows interior changes. Preservation means preserving the exterior of a structure to maintain its current appearance as it was when the designation was applied and working with owner on any exterior changes. The NHC reviews proposals for any exterior changes and additions of any size on any side to implement preservation.

Ms. Molinsky asked whether individual listing on the National Historic Register by itself provides any protection. Ms. Holmes explained that in Newton the only effect of individual listing is an 18 month demolition delay.

Board members discussed with Ms. Holmes the Board's role in the landmarking process. Chair Doeringer asked if the Board had been consulted in the past about landmark nominations to seek its consideration and recommendation. Ms. Holmes replied that this has always been done in the past, but the form of the Board's response has varied. Ms. Molinsky asked if the Board is the only commission that the ordinance requires notification to. Ms. Holmes affirmed that the Board is the only body with this role.

Chair Doeringer asked about the appeals process. Ms. Holmes explained that there are provisions in the ordinance for administrative appeal and judicial appeal. For administrative appeal, the Metropolitan Area Planning Council (MAPC) appoints a panel of three experts who come out to the community to hold a hearing.

Ms. Parisca asked what role the owners of nominated property have in the landmarking process. Ms. Holmes explained that owners are always notified, although the working group is trying to improve the notification. Owners also have a right to comment, but the NHC does not need owner approval to designate a landmark.

Ms. Holmes noted that the next step for the three remaining nominated properties is for her to submit a report on each property to the NHC. Ms. Maheshwari how extensive the reports are. Ms. Holmes explained that a report for landmarking follows the guidelines for listing on the National Historic Register and includes ownership, legal boundaries, historical significance, current use, historic use, historic name, history of the property, architectural significance, deed and title research, list of abutters, and recommendations on future preservation.

Chair Doeringer asked whether the landmarking of one property affects the likelihood of others achieving landmark designation. Ms. Holmes explained that they are all reviewed independently. Although they share history and are located in the same neighborhood, they are not being reviewed or analyzed as a group.

Ms. Maheshwari asked how the designation process for landmarks is different from the process of establishing a local historic district. Ms. Holmes explained that establishing local historic districts is governed by Chapter 40C of Massachusetts General Laws, and state law requires a community-driven process. Landmarking is a home-rule process, up to the municipality to decide. The protections ultimately are very similar, the processes are different. Ms. Maheshwari asked if the Board has a role in the process of establishing a local historic district. Ms. Holmes stated that she does not know about the Board's role, but confirmed that a proposal for a local historic district

would have to go through the NHC and then through the Zoning & Planning Committee and full City Council.

The Board did not take any action on the three remaining landmark nominations, preferring to wait until Ms. Holmes's staff reports are ready to review.

### **3. Zoning Redesign Update: Article 3 Residence Districts**

Mr. LeMel introduced himself to the Board as a new staff member working on Zoning Redesign. He briefly updated the Board on the current status of the Zoning Redesign project. At the last Zoning & Planning (ZAP) Committee meeting on February 24, staff presented an overview of Article 3 Residence Districts. The current draft Zoning Ordinance is mostly the same as the October 2018 draft, with some modifications to the Residence Districts.

The Board first discussed the process for the Board's involvement with Zoning Redesign. Mr. Holbrow provided Board members with a proposed plan and schedule for the Board's involvement and coordination with ZAP's process. Board members expressed a strong interest in staying involved in the process through some means, including having members of the Board participate in some workshops at ZAP meetings. Mr. LeMel said that he would discuss this with Councilor Crossley, the chair of ZAP.

Ms. Molinsky expressed that the Board should have two goals from participation in the Zoning Redesign process with ZAP: 1. we have a voice, and 2. people to see that we have a voice, which is essential to build trust and have City Council feel comfortable with the Board taking over review of Special Permits.

The Board next turned to a discussion of the content of the proposed zoning. Mr. LeMel reviewed the overview memo that was provided to ZAP before their February 24 meeting. Article 3 establishes five districts, R1 through R4 and N, designed to provide a smooth transition of density from village centers down to single-family residential areas. An analysis of the October 2018 draft found that it had the potential to increase teardowns, so modifications were made to reduce that likelihood. Modifications included reducing maximum lot coverage and increasing minimum setbacks, as well as splitting the R3 district into a new slightly less dense R3 and a new slightly more dense R4. The revised draft allows for less building bulk than the October 2018 draft but with the same number of residential units. The draft Zoning Ordinance no longer uses Floor Area Ratio (FAR).

Ms. Molinsky asked if the Planning Department doing all the work in-house. Mr. LeMel noted that Sasaki, the consultant that developed the Pattern Book at an earlier stage of the process is no longer on board. The Planning Department is working on bringing on a backend consultant to review the content and provide assistance on case studies, but the bulk of the work is being done in-house. Case studies will be chosen to match the topics of the workshops.

Board members emphasized the importance of getting architects, builders, and other professionals to try to test the ordinance and try to "break" it. Mr. LeMel affirmed that staff hopes to make use of focus groups for this this. Mr. Robertson noted that land use attorneys and builders will rigorously test any zoning ordinance that gets enacted, trying to find the holes. He recommended that the City plan for a close review of the outcomes nine months or a year after enacted.

Chair Doeringer asked about how neighborhoods are defined. He cautioned that context—and therefore the rules derived from the context—vary greatly based on the size and exact boundaries that are chosen for a neighborhood. Mr. LeMel explained that district boundaries and the

dimensional requirements for each district are based on the Pattern Book and are intended to be as data-driven as possible. He stated that adjustments to boundary areas will most likely be driven by concerns from homeowners in those areas.

Ms. Molinsky asked where there will be opportunities for increasing the number of housing units and multi-family building types. Mr. LeMel noted that there is some opportunity in R3, R4, and N districts. All residential districts also allow for conversion of existing large single-family homes into multiple units.

Board members discussed how the Board can most effectively provide recommendations amid the political context of City Council, including whether or how to advocate for more multi-family options and density.

#### **4. Discussion of procedures for joint public hearings**

The Board discussed the current practice for joint public hearing with City Council committees and other commissions, and their ideas for better practices. Some Board members expressed that it is better for the Board to be able to hear input at a public hearing before voting on a recommendation, but that waiting to make a recommendation until after a public hearing before City Council limits the impact of that recommendation. Board members expressed a preference for the Board to hold its own public hearing, but acknowledged that it would take effort to have the Board's public hearing recognized as something as important as the City Council's own public hearings.

Several Board members agreed that the Board should work to increase its public influence. Ms. Molinsky noted that educating City Councilors on the Board's role is another way to increase the impact and meaningfulness of the Board's recommendations.

Board members discussed the physical layout of chairs and tables for joint public hearings. Board members expressed that the joint public hearing with the Community Preservation Committee on February 11, where the Board and the Committee sat together at the same ring of tables, had a very successful layout; while the joint public hearing with ZAP on February 24, where the ZAP committee sat at the main table and Board members sat off to the side, had a less successful arrangement. Mr. LeMel noted that Zoning Redesign is an opportunity to experiment with different formats for joint meetings with ZAP.

Board members asked staff to schedule a meeting with Councilor Crossley to discuss procedures and layout for joint public hearings with ZAP.

#### **5. Update on the Joint Advisory Planning Group (JAPG) for West Newton Armory**

Mr. Brown provided an update on the progress of the JAPG for the West Newton Armory. The Massachusetts Division of Capital Asset Management and Maintenance (DCAMM) had approached the City of Newton with an offer to sell the former West Newton Armory to the City for \$1 if the property is used for 100% affordable housing, or at a discounted price (25% of fair market value) if used for another municipal use. The JAPG was formed to advise the City and has a deadline of late June to submit a report. Mr. Brown noted that the JAPG will probably go past this deadline but this does not appear to be a problem. They have secured a \$200,000 grant for a consultant to perform a feasibility analysis of redeveloping the Armory for affordable housing. The JAPG is currently working on writing an RFP to hire a consultant.

Mr. Brown explained that one of the challenges is the historic nature of the Armory. Because a transfer of ownership would be a state disposition of property, the City or any other buyer must

meet with Massachusetts Historic Commission (MHC) to gain approval. The JAPG has been looking at every other redeveloped armory in the area: some were just knocked down, others preserved the just the façade, while others preserved the structure but changed the use such as to a community center.

One of dangers in redevelopment is if the City acquires the property with a commitment to a redevelopment plan only to then have the developer partner fail to secure financing, similar to what has happened in Lynn with a former armory there.

In addition to redevelopment as affordable housing, the JAPG is considering suggestions to use the West Newton Armory as a City archive or a senior center. The JAPG is also considering the option of declining the state's offer.

#### **6. Planning & Development Department Updates**

Mr. Holbrow reported that the Riverside project will be back at the Land Use Committee on March 4 for a review focused on sustainability and engineering. The Dunstan East 40B project will be back before the Zoning Board of Appeals on March 17, and the Riverdale 40B project will be back before the ZBA in April. The affordable housing development at 236 Auburn Street has a couple of apartments occupied as of the past weekend, but the congregate housing is not yet ready for occupancy.

Chair Doeringer reported that he had identified an expert on vocation training that could speak to the Board about addressing this need in the Human Services plan for CDBG. The person is the chief strategy planner for Jewish Vocational Services. She expressed an interest in coming to talk with the Board but is not available on Monday nights. Board members expressed an interest in scheduling a special meeting when she could come.

#### **7. Adjournment**

Upon a motion by Mr. Steele, seconded by Ms. Molinsky and unanimously approved, the meeting was adjourned at 9:15 p.m.

Draft minutes submitted by Gabriel Holbrow, staff to the Board