

PLANNING & DEVELOPMENT BOARD MEETING MINUTES

July 15, 2019



Ruthanne Fuller
Mayor

Barney Heath
Director
Planning & Development

Rachel Powers
CD & HOME
Program Manager
Planning & Development

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

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

Full Members Present:

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

Staff Present:

Rachel Powers, CD & HOME Program Manager

1. **Minutes from the Planning and Development Board Meeting held on June 3, 2019**
2. **CPA Discussion: P & D Board Deliberation re: Newton CPC Priorities**
3. **ZAP Discussion: Washington Street Vision Plan & Zoning**
4. **ZAP Discussion: Riverside Rezoning**
5. **ZAP Discussion: Short-Term Rentals**

1. Action Item: Approval of Minutes of June 3, 2019 meeting

Chair Doeringer opened the meeting at 7:00 p.m. The motion was made by Mr. McCormick, seconded by Ms. Maheshwari and passed unanimously 7-0-0, to approve the minutes of June 3, 2019, as amended by Chair Doeringer.

2. CPA Discussion: P & D Board Deliberation re: Newton CPC Priorities

Chair Doeringer welcomed Newton CPC Program Manager, Alice Ingerson, and CPC Liaison to the Planning and Development Board, Jennifer Molinsky, to solicit the Board's thoughts on CPC priorities. Ms. Ingerson indicated that there were 5 other appointed members that comprise the Newton CPC. The City is in the process of amending the existing CPC ordinance to take into account composition of the overall group and gaps in expertise when making committee nominations. Ms. Ingerson noted that it is difficult to replace Newton Housing Authority designees.

Ms. Molinsky also spoke to the CPC Plan, outlining the various CPC categories. The CPC prefers to leverage additional funds, rather than be the sole funder of any given project. Vice Chair Parisca inquired into potential partners. Ms. Ingerson and Ms. Molinsky explained that partners could include those utilizing resources such as state LIHTC, CDBG and HOME.

Mr. Brown asked how long money could be held; Ms. Ingerson acknowledged that funds could be held indefinitely. She noted two large projects previously approved by the CPC that are currently competing in the state funding round: both NHA's Haywood House and 2Life Communities' Golda Meir Expansion projects.

Ms. Ingerson explained that the Committee does not try to completely empty the fund out at any point in time, a portion of reserves are kept on-hand. However,

there are no timeliness limits or expenditure deadlines like there are with CDBG or HOME funds.

It was further outlined that applicants can include the City and non-profits alike, however, only a public entity like the City, can be applicants of park projects. Often, more control can be exercised over non-city projects, such as requiring the demonstration of raised funds and other conditions as part of CPC grant agreements. These projects require final reports, which are often timelier when coming from entities outside of the City. Ms. Ingerson also mentioned that many City programs throughout the Commonwealth manage CPC similarly to the CDBG and HOME programs.

Mr. Brown asked if the City was slow on delivering projects. Ms. Ingerson responded that many projects were stuck at one point or another. Capacity is a huge consideration. On occasion there could be political implications preventing movement. Issues pertaining to procurement and past projects were also detailed. It is a delicate balancing act. Ms. Ingerson pointed out that she keeps an ongoing database of active and completed projects on the CPC website.

The Board inquired into the hiring process to fill position once Ms. Ingerson retires. They wondered if there would be overlap, to which Ms. Ingerson explained there would be some during ramp up. The Board thanked Ms. Ingerson for her time and service in managing the Newton CPA Program.

Chair Doeringer complimented the way Ms. Ingerson set up priorities and structured the CPC report. It's solid and precise, while still providing some flexibility. He also had questions about the leveraging of funds and organizational capacity. Are there incentives for smaller neighborhoods? Can a special tax assessment, such as a betterment assessment, be utilized as a way of generating leveraged funds? Ms. Ingerson noted a prior golf course project where funds were raised and leveraged in a similar manner; the project was a conservation project, but the model could serve as a good example. Additionally, one recently completed project used CDBG as part of their leveraged funds.

Mr. Brown made a point relative to City obligation in ensuring accessibility and proper maintenance of City structures and whether the CPC should assist in these cases. Ms. Ingerson responded that projects should be bonafide projects and not maintenance activities. Mr. Brown further expressed that rules should be shifted, and more funds directly allocated toward affordable housing. The CPC should be last resort for all other uses, including historic preservation and open space.

Ms. Molinsky was confused about the rehabilitation of public and recreational facilities. Ms. Ingerson noted the City's Capital Improvement Plan (CIP) and its ranking system. Most critical items go to the top of the list and the CPC process is generally too lengthy a process for such items. The CIP can be a difficult tool to truly evaluate upcoming projects. Ms. Ingerson noted that the Town of Needham has a 40-year CPC spending plan that is rigidly upheld. It would be difficult to even coordinate or collaborate on a shared project and does not welcome a very participatory process.

Mr. Brown inquired as to the appropriate forum for approaching a change in guidelines. Ms. Ingerson indicated that public hearings are held to address changes and are typically conducted every 3-4 years. About a year ago, a CPA appropriateness table was incorporated into the guidelines. They're not changed often. A survey was distributed in 2011, as part of the Newton CPA's 10th anniversary. The current survey will be up until December and distributed as part of upcoming tax bills.

Chair Doeringer asked what the Board could do to assist the needs assessment process and whether a P & D Board committee could be helpful to address changes in the ordinance. Ms. Ingerson indicated that Board members could encourage people to sign up for email updates and to complete the CPC survey. Ultimately, the CPC is the "people's purse" and Newton provides an open, receptive process. The Board could write a letter supporting ordinance changes and comment on handling maintenance and preservation at a policy level. The Board might even comment on how the City manages capital

spending. At least the CIP is now interdepartmental and includes all departmental priorities versus the series of individual documents previously completed in the past.

Mr. McCormick also spoke in favor of allocating funds for more affordable housing. More affordable housing advocacy is important, and coordination would be extremely helpful.

Mr. Brown wondered if there was enough federal funding for upcoming projects or not enough projects for the available funding. Ms. Powers indicated that timing and type of funds available must be considered and that there wasn't straight forward answer. There is a current pipeline of projects, but the type of project (new construction vs. rehabilitation) and timing of the commitment and award of leveraged resources determine the fundability of projects. Haywood House has been previously approved for CDBG funding but is still competing for state resources.

Vice Chair Parisca asked about the Webster Woods project; the status is unknown at this time, but funds have been reserved. Buying a conservation restriction is an option but is still under negotiation.

Chair Doeringer closed discussion for the time being and encouraged the Board send questions to Ms. Ingerson and Ms. Powers.

***** P & D Board shifted to the ZAP meeting at the Council Chambers around 7:45pm *****

Minor notes are outlined below, but a full report of the 7/15/19 ZAP meeting can be found at:
<http://www.newtonma.gov/gov/aldermen/committees/zoning/2019.asp>

3. ZAP Discussion: Washington Street Vision Plan

Concluding Council discussion around the Washington Street Vision Plan at ZAP stemmed around the analysis of the Vision Plan's catchment area and the determination of the area's natural breaking points. Sentiments were expressed that impacts are described generally and needed to be studied; inquiry was made whether there were plans to explore craft street? Dir. Heath indicated that this was currently being reviewed. Councilor Leary noted the Sunrise Development underway.

Additionally, action was urged on "driverless cars" and carbon reform to reduce greenhouse emissions relative to rules and ordinances. Recommendations were also made to encourage passive house standards, walkability and structured parking.

It was suggested that this is a great opportunity to redesign village centers. Several Councilors noted that the Vision Plan has evolved into a more readable document. Additional efforts were recommended to more fully convey what City is trying to achieve and how to move towards a more sustainable community.

ZAP Committee Chair Councilor Albright invited the Board to submit comments to the Clerk's office Comments by July 22, 2019 for consideration during the planned ZAP discussion on July 29, 2019.

4. ZAP Discussion: Riverside Zoning

The committee continued conversation relative to the request to rezone Riverside. Since the site in question is one of the most unusual zones in the City, one of the Councilors expressed that they would like to have a better idea of the type of mixed-use development being facilitated.

Discussion also shifted to reports and studies that can aid in the Council's review of the proposal. While nothing in the existing ordinance mandates particular studies, the City is empowered to ask for any study deemed necessary to review project proposals. One of the Councilors stated that the process was atypical surrounding the Riverside docketing and as such, the full Council should be offering guidance earlier in the process. Additional studies may be requested when matter goes to full city council for a

vote if requests for particular studies are taken out during the LUC and ZAP review proceedings. It was urged that both the zone change request and project proposal be reviewed simultaneously.

ZAP Chair Councilor Albright indicated that there is no intention on telling any committee what to do, but rather address what's not specifically detailed in the ordinance. The committees need to move forward together. It was noted that by several councilors that it is important to give projects flexibility and that LUC is in the best position to determine best studies and peer reviews needed.

Council President Marc Laredo expressed his desire for coordination between the Chairs of both the LUC and ZAP, indicating that zoning has set fairly broad standards in order to delve into details throughout the special permitting review process. The Council must strike an appropriate balance to move the project forward.

5. ZAP Discussion: Short Term Rentals

While the matter was previously voted on, the issue of Short-Term Rentals was brought back to committee. Council Baker distributed several memos outlining several recommendations made to the ordinance in conjunction with the Planning and Law Departments and noted that part of challenge was that context was not entirely clear earlier on. He's urging colleagues to consider whether changes in the ordinance are appropriate and whether they are global. This is one of the most important matters that the Council will take up as there is increasing concern whether Air BnB rentals are taking affordable housing units out of stock. Is there a way to preserve opportunities in a way that doesn't burden neighbors and that fits within the existing fabric of the City Ordinance? What is the appropriate framework with which to manage these options?

The classic "bed & breakfast", which contains up to 3 bedrooms, isn't required to be registered with the state. Councilor Baker distributed the Lynnfield Case as a potential example in one of his memos. Clarification was requested from the Law Department relative to the difference between a "bed and breakfast" versus a "house". State laws maintain that the primary difference is the serving of food at a "bed and breakfast". The "bed and breakfast" designated is not defined in the current ordinance but is noted in the most current memo. All "short-term rentals" must be registered with the state, but "bed & breakfast" owner-occupied homes, with less than 3 bedrooms and which serve food are exempt. The matter of taxing short-term rentals and bed & breakfasts of 4 bedrooms and more would need to be researched further.

The topic of parking was also discussed in committee; no assigned parking is fine during the summer months but presents difficulty in the Winter. Some provisions were noted that would be difficult to enforce. Several members also wondered what the impacts would be to the housing stock?

Conversation transitioned to the committee's review of the recommended amendments and the timing of the adoption of the proposed ordinance. It was suggested that the effective date be moved up to October 15. Units would be illegal until then and then would be required to facilitate registration and notification to abutters. The registration is currently set to open October 1, 2019, with the proposed ordinance effective January 1, 2020. Timing is critical in order for ISD to get up and running with a new process and consideration needs to be paid as the Council moves into the holiday season.

Chair Doeringer recommended a slight language change shifting references to a "12-month period" rather than "1 year". The Law Department and ZAP were agreeable to the change.

6. Action Item: Adjournment

Upon a motion by Chair Doeringer and seconded by Mr. Steele, and unanimously passed 6-0-0, the meeting was adjourned at 9:56 p.m.