



Ruthanne Fuller
Mayor

Barney Heath
Director
Planning & Development

Rachel Powers
CD and 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
www.newtonma.gov

CITY OF NEWTON

Planning and Development Board

AGENDA

DATE: **Monday, July 15, 2019**
TIME: **7:00 p.m.**
PLACE: **Newton City Hall, Room 204/ Room 205**

- 1. Minutes:** Approve Minutes from June 3, 2019
- 2. CPA Discussion:** P & D Board Deliberation re: Newton CPC Priorities & Updates

**** The P & D Board will move to Room 205 for ZAP Discussion****
(Approx. time 7:30pm)

- 3. ZAP Discussion:** Washington Street Vision Plan & Zoning
- 4. ZAP Discussion:** Riverside Rezoning
- 5. ZAP Discussion:** Short-Term Rentals
- 6. Upcoming Meetings:**
 - Monday, August 5, 2019 at 7:00PM, in Room 204, Regular Planning & Development Board meeting
 - Monday, July 29, 2019 at 7:00PM, in Room 205, ZAP Discussion (*Washington Street Vision & CPA Amendments*)
 - Tuesday, August 6, 2019 at 7:00PM, in Council Chambers, Joint LUC/ P & D Meeting (*Northland?*)
 - Monday August 26, Monday, July 29, 2019 at 7:00PM, in Room 205, ZAP Discussion (*Climate Action Plan and related zoning amendments*)
 - Monday, September 9, 2019 at 7:00PM, in Council Chambers, Joint ZAP/ P & D Hearing (*Washington Street Vision Plan & Riverside*)
 - CHANGE-** Tuesday, September 10, 2019 at 7:00PM. At Newton Senior Center, Joint CPC/ P & D Hearing (*FY19 CAPER & *tentative* NHA Proposal*)

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.

PLANNING & DEVELOPMENT BOARD MEETING MINUTES

June 3, 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
Barney Heath, *ex officio*
James Robertson, Alternate
Kevin McCormick, Alternate

Staff Present:

Eamon Bencivengo, Housing Development Planner
Jennifer Caira, Chief Planner
James Freas, Associate Director

1. **Minutes from the Planning and Development Board Meeting held on May 6, 2019**
2. **Presentation/Vote:** Gateway Center Light Petition/Waiver
3. **Northland Discussion:** Zoning Change Request Deliberation (*Continued from May 14, 2019*)

1. Action Item: Approval of Minutes of May 6, 2019 meeting

Chair Doeringer opened the meeting at 7:00 p.m. The motion was made by Mr. Brown, seconded by Ms. Molinsky and passed unanimously 6-0-0, to approve the minutes of May 6, 2019, as amended by Chair Doeringer.

2. Presentation/Vote: Gateway Center Light Petition Waiver

Chair Doeringer introduced project proponent Chris Ripman, of Ripman Lighting Consultants, present to discuss with the Planning and Development Board, the proposed lighting scheme and petition taking place at the Gateway Center. Dir. Heath observed the rarity of the petition and noted that the Board has a very specific role in considering waivers for this proposed project.

Mr. Ripman and his company are architectural lighting designers, recently completed a lighting project at Newton North High School. Similar to the School project, they are faced with challenges in the City Ordinance relating to Light Trespass on this new project. He also introduced client Wayne Smith, who is representing J.F. White Properties, the team charged with Gateway Center's property management.

The building currently in question, located just above the Mass Pike, is not well-lit and not an attractive contribution to the surrounding environment. Mr. Ripman and team met previously with the Urban Design Commission and distributed their recommendations. He noted issues with the lighting poles and conduits surrounding the parcel. Over the past few years, he has worked with J.F. White properties to upgrade existing lighting to make the property safer, more secure and more

attractive as a pedestrian amenity. The other side faces the Mass Pike and is one of the gateway entrances to the community and would be well-served by these improvements. The hotel is not identical in terms of the façade detail, but are both modern mid-century buildings from the 1960's.

Mr. Ripman and his team have experimented with numerous light mockups and concluded that up lighting, in lieu of downlighting, was the best way to present the building. He noted two code requirements that an installation like this must pass, including Massachusetts' State Building Code, which limits the amount of energy one can put on a façade; and Newton's City Ordinance which requires that all lighting be going down, the intent of which is to prohibit mass light from trespassing into other neighbor properties.

The presentation outlined several examples of full cut-off lighting and its affects, which show that lighting does not project up to the ceiling, rather the things that it lights up do. Mr. Ripman described various elements and façade challenges that Ripman Lighting Consultants had to consider in their design. Because of the overhangs, light is caught and often absorbed. Down lighting forces light down and reflects back into sky. The reflective concrete ground surfaces surround building and hotel. The existing building's egg-crate design traps up lighting from going up into sky when shone from the bottom toward the top.

Mr. Ripman further detailed his team's light design recommendations, which will contribute to the building and pedestrian environment surrounding the building. He illustrated the proposed view off one of the projected brackets and demonstrated the detriments of down lighting based on the built environment as he took the Board through his proposed model. In his examples, down-lighting on concrete and asphalt surfaces via cut-off fixtures reflected back into the sky.

Utilizing what is allowed under Mass State Code, Ripman Lighting Consultants created a calculation plane to measure the light produced around the perimeter with down-lighting as compared to the proposed up-lighting. The up-lighting scheme averted more light from projecting into sky than the down-lighting scheme, while still meeting code. Neither scheme violates neighbor trespassing requirements. Fixtures will be dimmable and more attractive than the alternative. Ultimately, the proponents feel strongly that the project meets the City Light Trespass Ordinance and Mass Energy Code with the proposed lighting scheme using fewer watts and equating to less lumens passing into the sky than would have traditionally been allowed by Code.

Vice Chair Parisca inquired how the parking lot and surrounding sidewalks would be lit. According to Mr. Ripman, full cut-off lighting is already installed on the buildings to light existing parking lots. Additional planned lighting will bounce off of the building façade to create enhanced light for walkers and cars. The sidewalk alongside Washington street is currently under lit, but up-lighting will brighten the environment.

Mr. Brown requested clarification on where the up-lighting would be to which Mr. Ripman indicated that the up-lighting would be on the north and south sides of the office building and ends (minimally) to the east and west side of the hotel. Illumination would be added to the towers, which stick out at the ends of the building.

Chair Doeringer noted that the UDC raised questions about the proponents' need to light the Pike side of the project and pointed out UDC's recommendation to brighten the Washington Street pedestrian right-of-way. Mr. Ripman indicated that it is not common in architecture practice to just light one side of a building, particularly if they are important views and not prohibited to do so. It also did not make sense to light one side and not the other. When considering the UDC recommendation, the proponents concluded that additional lighting on Washington Street would reduce difficulties.

Chair Doeringer further asked if Mr. Ripman recorded the amount of light that would be coming onto Washington St. to light the sidewalk and whether it was equivalent to street lighting? Mr. Ripman informed the Board that the recording was included in the model and lighting concerns on Washington Street would be addressed and would incorporate the pedestrian cut-through.

Vice Chair Parisca wondered about limits on wattage to buildings and whether narrow beams were considered in the design? While up-lighting presented a nice design, she was concerned with how much it actually assisted pedestrians. Mr. Ripman noted that narrow beams did not serve the building well and looked more like columns. It was clarified that while the Newton Lighting Ordinance does not have limits relative to the amount of wattage that can be installed, the MA State Building Code does. In reviewing the amount of energy allowed by State, both schemes presented conform to the State limits. The proposed scheme calculates at 0.1 and State allows 0.35.

Mr. Brown expressed that the proponents demonstrated the intent and purpose of this scheme met ordinance requirements. While the proposal's primary function is motivated by design and improving visibility, Chair Doeringer questioned whether the ordinance should be rewritten to discourage down-lighting?

Relative to the P & D Board advising on the petition for the requested waiver, Chair Doeringer inquired as to how hardship could be established. Mr. Ripman believes that the intent of the ordinance is to limit light in the night sky in Newton, expressing that forcing down-lighting defeats the purpose of this. Mr. Robertson further noted that "hardship" in zoning is a broad term and, in this case, would be the existing architecture. A suggestion arose over the possibility of a conditional vote contingent on the approval of Newton's Legal Department, but it was also pointed out that the Ordinance asks if there are steps to abate light pollution, which the up-lighting scheme does. The hardship in down-lighting is the poor visibility of your building, and the benefit to the City is the reflection of less light into the sky which meets the true intent of the Ordinance.

The Board recommended seeking the advice of the Newton Law Department down the line regarding the criteria of hardship. Mr. Ripman believes the Ordinance as written is effective in limiting light pollution and in lighting buildings in certain ways. Chair Doeringer noted if the Ordinance was rewritten, it would need to be neutral on the type of required lighting while imposing limits on the metrics and performance.

Upon a motion by Mr. Brown, seconded by Mr. Steele, and passed 6-0-1, with Dir. Heath abstaining, the petition requested by proponents Ripman Lighting Consultants on behalf of J.F. White Properties, the property management entity engaged by owner Gateway Realty Trust, relative to the Gateway Center at 296-334 Washington Street, for a waiver from Sections 20-24 and 20-25 under Article IV for Light Trespass under the Newton Ordinances, was approved in accordance with Section 20-26.

3. Northland Continuation

Chair Doeringer welcomed continued Board deliberation on the Northland Redevelopment project, introducing Chief Planner Jennifer Caira for a brief update. Ms. Caira indicated the project was well underway in the public hearing process. Discussion continued relative to transportation on June 18th and included potential conditions, recommendations, public findings and potential mitigations.

Chair Doeringer distributed the Northland Development Design Guidelines, which ZAP used at its last meeting to go through issues section by section. He thought it was a good model to prompt active discussion and debate. Chair Doeringer also reminded the Board about his desire to create three P& D Board task forces aligned with sections of the Design Guidelines: Neighborhood, Site, and Building Design.

Ms. Molinsky asked to clarify the Board's role in the design guidelines; her understanding is that their official role concerns guidance specifically on zoning. In the same way that ZAP offers conditions and recommendations to the City Council, Chair Doeringer seeks to issue the Board's advisory recommendations. These recommendations would go to the LUC.

Vice Chair Parisca still wondered how the Board would frame their opinion, if their only purview is zoning. Chair Doeringer indicated that they could simply vote up or down, but given the time extended by the Board over the matter, they may want to point out issues they want paid attention to. The Board can utilize their ongoing inventory of questions and concerns for their recommendation. Mr. Schlesinger, representing the project proponents, expressed that he did not want the Board to lose sight of the primary issue, which is zoning; if the project is currently zoned incorrectly, what should it be?

Several Board members seemed to think that only a few components from the Guidelines directly related to the ongoing Zoning discussion. Mr. Brown suggested going through the exercise of reviewing project zoning, envisioning proposed zoning as compared to the existing, with the Planning staff. This process would assist in the Board in issuing accurate and productive recommendations. Questions still linger relative to mass and density.

In order to help guide Staff, Chair Doeringer recommended compiling questions on topics that we want more guidance about. Height and density are important issues that pertain to important waivers but have implications relative to transportation and continues to be a hot button issue. While all these different areas are important, Ms. Molinsky thought looking at the project from the top down would be more productive than looking at the more nuanced components of the project. (1:08:02)

Mr. Brown reminded the Board to consider the Needham Street Vision Plan and the large amount of space in question. How might the zoning of Northland might influence zoning on nearby properties; is that a good idea and can the existing transportation infrastructure support such development. How does Northland's zoning relate to the residential area around it?

Chair Doeringer attempted a similar exercise Peter and ended up with concerns relating to traffic and consistency with the Needham Street Vision Plan. He questioned how suitably integrated Northland would be with the surrounding neighborhood. Chair Doeringer reminded the Board about previous conversations as to whether Needham Street frontage was sufficiently transparent and vibrant. His feeling is that we can address height and massing if we can identify some of the other contextual issues related to zoning.

Dir. Heath noted that Zoning Redesign efforts have taken a crack at this exercise and has been involved in various comparison schemes. Mr. Schlesinger indicated that he also had a comparison analysis he could distribute.

In going through the Guidelines, Mr. Brown thought that the project does good job of showing height and reinforces that the proposed buildings are actually not as gigantic as people have feared. Mr. Robertson indicated that the shadow study further confirms this. Buildings are not high enough to create major shadows. However, it doesn't negate that the Board needs to consider whether the neighborhood can take on the number of units, people and commercial space. The design of overall project is good and has lots of open space. But if the zoning changes and the project is not built at the zoning maximum, the project could come back for an amendment on their special permit.

Chair Doeringer reiterated that there's no problem with shadows or height, but concerns surrounding traffic and traffic management remain. Ms. Molinsky was interested in hearing from the Planning staff as to whether the analysis went far enough into the neighborhoods in determining impacts and thoughts on usage of the shuttle. Do staff think that people will drive to the site to take the shuttle into

Boston. Chair Doeringer indicated that traffic going in and out of the site has already been counted. (1:19) Concerns were further raised that additional uncounted traffic would be coming into the site and utilizing side streets, but Dir. Heath commented that this already happens throughout the City. Anywhere near a T station, people frequently park along the side streets. Staff are going to recommend that cars coming in and out be counted all the time to get a better sense of the traffic. The externality that the project faces is the creation of a multi-modal transportation hub. Will transportation at Northland be attractive enough for people to skip the T or bus; the success of this could be a good problem to have and might dispel fears expressed during the public hearing process.

Conversation shifted to the challenge of Needham Street in relation to the site; will retailers actually come to this strip, especially when parking and landscaping face away from the streetscape? Vice Chair Parisca wondered what say the City had with regard to streetscape standards.

Ms. Caira explained that this was a staff concern as well, to which they recommended mitigations that made space more transparent. A more inviting entry way would be incorporated at Building 7. There wouldn't much in the way of furniture, as there isn't any on Needham Street. Dir. Heath noted that big changes will include a much wider sidewalk and an adjacent bike lane, which will generally be more inviting.

Mr. McCormick noted few retail entrances along Needham street, though the wide sidewalk may entice retailers to come. The possibility of an arcade at Building 7 with a transparent entrance was also discussed. Mr. Brown presented the question of whether the Board believed in the Needham Street vision that will be created? If so, we need to have doors on sidewalk to invite vibrancy and engagement. He urged examples of the alternative. Dir. Heath pointed out that restaurant B. Good and the Newton Nexus has some front doors along Needham Street. Building 2, which includes a restaurant, will help to create a defined street edge. Needham Street will be an evolution over time. Ms. Molinsky also brought up that there will need to be a thoughtful selection of retail stores to create foot traffic. Some foot traffic may come from residents within walking distance.

Mr. Brown asked if Building 2 would be directly accessible from Needham Street? Mr. Schlesinger explained that primary access will be from Main Street. Grading issues limit access from Needham, but access nearby Building 3 will create a path to the Village Green. A bridge has been created due to the grade change. Pedestrians will have to reach Building 7 before feeling like they're on a city block. Though people definitely drive everywhere, Mr. Robertson noted that people are willing to stroll. People will park at one end and stroll to the other. If enough density is created, it will make sense to build the area into an urban boulevard. However, reduced retail cuts into this. Chair Doeringer reinforced that an urban boulevard is a positive externality and urged continued discussion, stressing the need to recognize the dimension of the "urban boulevard" in the Board's recommendations.

Chair Doeringer recapped recent discussion on sustainability and whether there should be a higher level of LEED Certification and more solar incorporated on the roof. This should all be part of the mitigation conversation. Current zoning only outlines the Energy Stretch Code, but LEED Certified Silver isn't a heavy lift. Mr. Brown asked if the City requests a point sheet coinciding with the review process. Ms. Caira indicated that the City does require evidence before issuance of a Certificate of Occupancy that a project is certifiable. There haven't been many projects that are required to be certified or certifiable. Ms. Parisca asked where the City was in terms of waste management on the Northland project. Ms. Caira informed the Board that the City does not provide trash pick-up for a project of this size. They will be required to contract to a private collector. Mr. Schlesinger further indicated that there will be single stream recycling and separate collection points for trash and recycling.

Dir. Heath also asked the proponent to expand on the sustainability piece. The project is registered as a LEED Neighborhood Development and requires identifying at least a single building for the certification.

The mill building is currently identified, but all buildings will be LEED certifiable. They are currently researching how to do a “Passive House”, but this does sacrifice the look of building to a degree and is experimental. Northland has hired Steve Winter Associates, the consultants involved in the Winthrop Square project in Boston. If they cannot create the “Passive House”, researching how to apply aspects to implement throughout project.

In terms of the massing arrangement, Ms. Molinsky wondered if the project could shift building height forward along Needham Street. Ms. Maheshwari thought it might be helpful to do 3D modeling to see the height of the Northland buildings. Ms. Caira explained that there is a 3D fly over of the project on the City website under “High Interest Projects”.

Chair Doeringer mentioned plans to reinvigorate the Upper Falls Village District. Mr. Schlesinger indicated that the reference is to the Greenway, behind the project. It is 80 feet wide. The fence would be taken down. Invasive species of plants would be removed, and the area made more inviting. He also noted that Building 7 is 4 stories but counts as 5 levels. Height is going down less severely towards Needham Street.

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

4. Action Item: Adjournment

Upon a motion by Mr. Steele and seconded by Ms. Parisca, and unanimously passed 7-0-0, the meeting was adjourned at 8:59 p.m.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

Community Preservation Committee

MEMORANDUM

Date: 1 July 2019
From: Alice Ingerson, Community Preservation Program Manager
Jennifer Molinsky, Planning & Development Board appointee to the CPC
To: Planning & Development Board
About: **CPA discussion on your July 15 agenda**

Dear P&D Board,

The Massachusetts Community Preservation Act (MGL Ch. 44B) provides state and local funds for affordable housing, historic resources, open space and land for recreation. The Act also requires each local Community Preservation Committee to

Section 5. (b)(1) ... study the needs, possibilities and resources of the city or town regarding community preservation, including the consideration of regional projects for community preservation. **The committee shall consult with existing municipal boards, including ... the planning board ...**

Your appointee has always served as a liaison between you and the CPC, but this summer and fall we're asking for some time on the agenda of each board that appoints a CPC member, to hear how all of you see Newton's "needs, possibilities and resources" related to the CPA.

Here are two links we hope you'll use to prepare for this informal discussion:

- ◆ Newton's current [Community Preservation Plan](#) (4 pages)

The first 2 pages are the CPC's funding guidelines, including the statute's statewide rules that determine which projects are "CPA-eligible" and the Newton CPC's local criteria for determining which projects are "CPA-appropriate." The *Plan's* last 2 pages compare possible future funding requests we're aware of to our funding forecast for the next 5-10 years.

- ◆ the CPC's new [community survey](#) (8 questions, about 6 minutes)

We hope you'll all take this survey before our in-person discussion. It's designed as a quick introduction to the CPA and Newton's CPA program.

We look forward to hearing your feedback on July 15!

website www.newtonma.gov/cpa

contact Alice E. Ingerson, Community Preservation Program Manager

email aingerson@newtonma.gov phone 617.796.1144