

PLANNING & DEVELOPMENT BOARD MEETING MINUTES

August 5, 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

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Full Members Present:

Barney Heath, Ex-Officio
Peter Doeringer, Chair
Kelley Brown, Member
Sudha Maheshwari, Member
Jennifer Molinsky, Member
James Robinson, Alternate

Staff Present:

Rachel Powers, CD & HOME Program Manager
Jen Caira, Chief Planner

1. **Minutes from the Planning and Development Board Meeting held on July 15, 2019**
2. **Discussion/Vote: Short-Term Rentals**
3. **Discussion/Possible Vote: Northland Zoning Change**
4. **Officer Elections for September 10th P & D Board Mtg**

1. Action Item: Approval of Minutes of July 15, 2019 meeting

Chair Doeringer opened the meeting at 7:01 p.m. The motion was made by Ms. Maheshwari and seconded by Chair Doeringer, with two abstentions by Dir. Heath and James Robinson and passed 4-0-2, to approve the minutes of July 15, 2019, as amended by Chair Doeringer.

2. Discussion/Possible Vote: Northland Zoning Change

Alan Schlesinger, on behalf of the project proponents, reintroduced the project at Northland. The question he posed to the Board was whether the proposed uses fulfill their vision for the City? He described the existing and ancillary uses allowed on site and how those uses limited the site in return. Portions of the site have been vacant for years and the types allowed have diminished in the area. He further outlined the general mismatch between existing uses and what is allowed by zoning throughout the neighborhood. Every property is either non-conforming or had been granted a special permit. The district should reflect a 21st century system; this has been supported by the Comprehensive Plan, which highlights the importance of mixed-use development.

Zoning should capture a combination of the real world and aspirational world (the vision). By petitioning to a BU-4 from a MU-1, Northland is attempting to conform the project to an existing district. The rezoning makes more sense. Mr. Schlesinger compared the current proposal from Northland's original, noting the differences in parking, number of affordable housing units, square footage, open space and reduction in traffic.

Chair Doeringer inquired about the set-up of valet spaces; Mr. Schlesinger indicated they would be stacked in the aisles and used primarily by the restaurants in the

evenings and during the holidays by retailers. The ratio comes to 1 per dwelling unit, approximately 650 spaces for the commercial.

Mr. Schlesinger concluded further expressing that the existing zoning is wrong for the site and that we should all ask ourselves what it should be. Only in BU-4 does the City Council have the power to grant a Special Permit over 4 stories.

Ms. Caira also presented, detailing existing zoning and uses; and the differences in uses and dimensional controls between MU-1 and BU-4 zoning. MU-1 is generally geared toward large footprint uses, like industrial or vehicle type uses. BU-4 is more typical in a commercial area, and includes more service and neighborhood amenities, housing and retail. BU-4 also allows small retail under 5,000 square feet. Density is probably the biggest difference between the two zones. MU-1 zoning severely inhibits construction of residential housing, only allowing 1 unit per 10,000 square feet of space.

She further highlighted the Needham Street Vision Plan vision for land use, which included support for a mix of uses, increasing support for local businesses, creating a range of community gathering spaces and providing for diverse housing options. Throughout the engagement process, the main consensus was that MU-1 zoning was inappropriate for the site and didn't allow the housing production necessary to create the vibrancy wanted. She further pointed out the newest EDC plan and N-Squared Corridor support for increased housing opportunities. This development also promotes transportation options and the use of various amenities.

Ms. Caira transitioned to the Zoning Redesign process, presenting a proposed map for the Needham Street neighborhood. Ultimately, Planning's recommendation is to rezone the site from MU-1 to BU-4. An additional special permit would still be necessary to accomplish remaining goals. Proposed outcomes and uses are consistent with the Needham Street Vision and cater more to the desired goals for the neighborhood.

Ms. Maheshwari asked for clarification between the rezoning petition versus the special permit request. Questions arose whether the zoning change would remain with the land should the project never get built.

Ms. Caira highlighted the various size thresholds and level of required approvals mandated by the Newton ordinance. Even with the zone change, there is still a control aspect with the required special permit.

Ms. Molinsky advocated allowing older adult housing, especially assisted living, in vibrant areas such as those being proposed, and only a zone change will accomplish that. Chair Doeringer noted an attempt to analyze village zoning and requested the status of this effort. Both Dir. Heath and Ms. Caira indicated that they were looking into this, explaining that they were reviewing zoning categories versus specific uses.

Ms. Molinsky is persuaded that existing zoning is not appropriate for the site, but thought it was strange that the zoning ordinance jumps from 3 to 8 stories from BU-3 to BU-4 respectively. Many of the concerns expressed by abutters, won't be able to be addressed by the Planning & Development Board. She recommended incorporating conditions in their vote, such as requiring a review of transportation impacts. (42:08)

Chair Doeringer also agreed that MU-1 was wrong for the site and generally thinks the proposal is good. BU-4 zoning is the best route to go. He likes that the proponents are focusing on the type of outcomes they're hoping to achieve. He is concerned about the traffic management system, which remains a work

in progress. Mr. Schlesinger indicated that discussion would continue the following evening relative to that particular topic at LUC.

Additionally, Chair Doeringer questioned the projected number of trips, saying that 362 seems too low, not accounting for rush hour or commercial trips. Ms. Caira indicated that this number comes from the Institute of Transportation and described some of the influencing factors. Still, Chair Doeringer felt that the adjustments didn't jive with real time. It was clarified that 289 is the target.

Relative to the monitoring component, Chair Doeringer also noted that real time monitoring ought to be possible throughout the day and reported. He understands why retail isn't counted but feels there should be a way to retain complete data. Ms. Caira noted that while a lot of data could be automated and should be instituted, the combination of tracking people going in and out of the garage and surveys of guests being dropped off, might be difficult to predict or count. Currently, the planning dept is proposing periodic counts.

Chair Doeringer added that he would like to see some of the mitigation funds set aside for abutting neighborhoods. Dir. Heath clarified that funds would be set aside for existing mitigation issues, as well as creating a penalty pool to utilize to mitigate instances when the target trips aren't hit. Funds can be utilized to make it easier to bike places, adjust signal timing, and complete traffic calming enhancements. It was confirmed that this fund would be allocated at a later date to be distributed by City Council.

Mr. Brown didn't see a reason why the Board couldn't vote on the matter tonight; Chair Doeringer noted that there were still some unfinished pieces and is interested in hearing out the remaining public comment. Mr. Brown further expressed that the proposal is good for the site and believes it's a good idea to use the Board's platform to advise the Council on potential conditions prior to fully baking the project. He seemed persuaded that by waiting, something could emerge that gives the Board leverage in suggesting conditions with the City Council.

Dir. Heath urged the Board to consider the zoning aspects versus the project as a whole. If traffic is the only issue, which is part of the special permit, it will remain part of other discussions relative to the TDM Program and is actively being reviewed by Planning.

Mr. Schlesinger would prefer the Board to vote and thinks that the vote itself is important in influencing the Council.

Mr. Robertson wondered if the Board has been reviewing the project in a vacuum and whether they've fully considered the rest of the street; Ms. Caira confirmed that the rest of the street and larger vision has been considered. Mr. Robertson further expressed that the proposal dovetails perfectly with the Needham Street Vision Plan.

Chair Doeringer outlined the various components of the proposed traffic plan, and believed that to be an argument for waiting. Mr. Robertson felt that the items of concern are going to be worked out. If the Board voted, Chair Doeringer wondered if there was an advantage to holding subsequent meetings relative to developing conditions?

Ms. Maheshwari again noted the uncertainty relative to the zoning remaining with the land and concerns about existing zoning.

It was also unclear whether the Board could close out the Public Hearing.

Public Comments

Nathaniel Lipton, 53 Pine Crest Rd: Mr. Lipton, President of the Newton Highlands Area Council, indicated that several items concerned him, including using Zoning Redesign heights as a mental benchmark, which has seen contention. Many have disagreed with creating development that high. He has also disagreed with allowing 8 levels by special permit, highlighting that the Needham Street Vision Plan promotes human scale projects. Mr. Lipton is worried about moving the area into the BU-4 district, versus any of the other Business districts. He also has not heard the Board discuss whether it is appropriate to stay at 8 stories.

Ms. Molinsky responded that of the Business districts, BU-4 is the only one that goes up to 4 stories, but to change that would require a change in the zoning code.

Mr. Robertson outlined that height, density and traffic were the most notable complaints within the public hearing process. It is the height of the buildings which allow the proposed open space. If traffic impacts can be addressed, allowing 8 stories is an acceptable tradeoff.

Can the Board influence height being concentrated in the center of the height?

Mr. Brown indicated that he would like clarification on rules surrounding the closing of hearings and potential commentary outside the rezoning that the Board can offer the project. Overall the changes have been substantial. Chair Doeringer suggested a discussion on strategy to best influence the outcome.

Next steps include speaking to the Law Department about:

- (1) the mechanics of putting conditions on a vote
- (2) whether rezoning stays with the land
- (3) determining the mechanics about closing the public hearing

Dir. Heath noted the August 6th transportation discussion taking place at LUC, but September may be the last meeting to wrap up loose ends, mitigations, design guidelines and beginnings of a Council Order. Chair Doeringer recommended asking Greg Schwartz how the Board could be influential.

3. Discussion/Vote: Short-Term Rentals

Chair Doeringer opened up discussion on Short-term Rentals (STRs). Ms. Maheshwari felt discussion had missed the point that there is a shortage of hotels in the area. There are benefits besides income potential to approve this amendment. It's a better allocation of resources if one wants to move to the Cape for the summer and rent their home out for the summer.

Mr. Robertson checked and only found 15 airBnBs in Newton; Ms. Maheshwari wondered where the concern was coming from. Several problems related to a couple STRs in the city were noted. Mr. Brown reminded the Board of changes that require the owner to be present, which would take care of many of the problems. He doesn't believe we need a heavy hand in regulation and would prefer to do less upfront and adjust down the line.

Ms. Molinsky was initially worried about impacts to affordability and that it could eat into the affordable housing stock. We wouldn't want individuals to buy a house simply to have an airBnB and referred to several comments from the public hearing. If we're dealing with somebody's primary residence, then we're better able to protect against what's happened at some of the troubled properties.

While Chair Doeringer is satisfied with the existing amendment, pending a couple tweaks, it would be difficult to foresee potential loopholes and issues. With the uncertainties, he felt it was easier to make the regulations tighter upfront.

Mr. Brown disagreed with annual neighborhood notice requirements. Ms. Molinsky wondered if fees could be determined at the inspectors' discretion, versus because of a lack of notice to the neighbors.

Mr. Brown wondered if the City was prepared for STRs taking over accessory dwellings. Dir. Heath responded that this was expressly prohibited with the proposed amendment and there would be penalties to doing so.

Upon a motion by Ms. Molinsky and seconded by Mr. Brown, and passed 4-1-1, with Mr. Robertson's opposition and Dir. Heath's abstention to approve the amended ordinance.

4. Officer Elections for September 10th P & D Board Mtg

Dir. Heath noted that elections would occur next month; Chair Doeringer happy to continue in his capacity.

5. Upcoming meeting discussion

Ms. Powers ran through updates to upcoming Planning and Development Board meetings.

6. Action Item: Adjournment

Upon a motion by Ms. Molinsky and seconded by Mr. Robertson and unanimously passed 6-0-0, the meeting was adjourned at 8:58 p.m.