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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: January 29, 2021

TO: Councilor Deborah Crossley, Chair, Zoning & Planning Committee
Members of the Zoning and Planning Committee
Members of the Planning & Development Board
Members of the Economic Development Commission

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Deputy Director, Department of Planning & Development
Devra Bailin, Director of Economic Development

RE: #485-20 Economic Development Commission requesting City Ordinance amendments
ECONOMIC DEVELOPMENT COMMISSION requesting an amendment of Sections 4.4.1 (Business, Mixed Use & Manufacturing Districts), 6.4.28 (Research and Development), and 6.5.9 (Laboratory and Research Facility) in order to clarify inconsistencies in the way Research and Development is treated in the use tables and definitions. Providing clarity in where Research and Development uses are allowed is necessary to diversity Newton's Economy, make Newton competitive with surrounding communities in attracting 21st century industries and jobs, and raise Newton's commercial tax revenue and implement recommendation from the 2019 Newton Strategic Plan (Camoin study).

MEETING DATE: February 8, 2021

CC: City Council
John Lojek, Commissioner of Inspectional Services
Neil Cronin, Chief of Current Planning
Alissa O. Giuliani, City Solicitor
Jonathan Yeo, Chief Operating Officer

In reviewing applications and responding to questions from developers, the Planning Department has experienced technical inconsistencies within the Zoning Ordinance regarding allowed uses for research and development activities. “Research and Development” is listed in the Zoning Ordinance use table as only being permitted in the Mixed Use 3 zone (Riverside Station), and nowhere else. Research and Development is also undefined in the ordinance. A “Laboratory and Research Facility” is allowed, either by-right or by Special Permit, in all commercial, mixed use and manufacturing zones and the definition includes research and development. This leads to confusion about if and where research and development activities are permitted. The “Laboratory and Research Facility” definition could also use improvement to better reflect current research and development activities.

In addition, the Economic Development Commission has indicated its interest in diversifying the commercial tax base by encouraging appropriate development by R&D enterprises. We therefore provide proposed corrective measures to the Zoning Ordinance to clarify and encourage these uses in appropriate locations.

Attached you will find the proposed revisions to Sections 4.4.1 (Business, Mixed Use & Manufacturing Districts), 6.5.9 (Laboratory and Research Facility), 6.5.11 (Manufacturing) and 6.7.4 (Scientific Research and Development Activities). This proposal reflects input from the Economic Development Commission, the Newton Needham Chamber of Commerce, and other experts in the field.

The proposed revisions include:

- Striking Research & Development as a stand-alone use from the use table in Section 4.4.1 as it is only permitted in the MU3 zone and is undefined.
- Renaming Laboratory and Research Facility to Laboratory, Research and Development to better reflect the category of uses.
- Revising the definition for Laboratory, Research and Development in Section 6.5.9 to better align with modern laboratory and research uses and to clarify that accessory manufacturing is permitted in the business and mixed-use zones.
- Amending the definition for Manufacturing in 6.5.11 to include the types of manufacturing associated with research and development.
- Clarifying Section 6.7.4 Scientific Research and Development Activities to provide a reference to Section 6.5.9 for all commercial and industrial research and development uses. Section 6.7.4 only applies to Civic/Institutional uses in the public use, open space/recreational, and residential districts.

Attachment A: Draft ordinance revisions (clean)

Attachment B: Draft ordinance revisions (redline)

Amend the following sections as follows:

Sec. 4.4. Allowed Uses

4.4.1. Business, Mixed Use & Manufacturing Districts

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
Industrial Uses												
Laboratory, research and development	SP	SP	SP	SP	SP	P	P	SP	P	P	P	Sec. 6.5.9

6.5.9. Laboratory, Research and Development

- A. **Defined.** Technical facility consisting of laboratory space, office space, storage space, and space for assembly of materials for study, research and development, experimentation, and prototype development in one or more scientific fields including, but not limited to, life sciences, biotechnology, biomedical research, robotics, renewable technology, sustainable technology, computer science, electronic technology, or medicine.
- B. **Standards.** Research and Development involving recombinant DNA shall be subject to Revised Ordinances Chapter 12, Sections 12-21 – 21-26.
- C. Manufacturing activity shall be considered an allowed accessory use to a technical facility in a business or mixed-use district that does not otherwise permit manufacturing uses provided that such manufacturing activity is related to the research and development being conducted in such a facility and occurs inside of buildings.

6.5.11. Manufacturing

- A. **Defined.** Manufacturing includes:
 1. Canvas products, fabrication and sales;
 2. Glass fabrication or installation;
 3. Ice manufacturing or storage;
 4. Light metal fabrication such as sheet metal, ducts, gutters and leaders;
 5. Lightweight and nonferrous metal casting (no noxious fumes);
 6. Machine shop (excluding presses over 10 tons), plumbing shop, blacksmith shop;
 7. Molding, shaping or assembly from prepared materials (including repairs) of boxes, staging, toys, stationery, novelties, paper boxes, toilet preparations, drugs, perfumes, flavoring extracts, medical and hygienic appliances, clothing, textiles, hats, leather and sporting goods, mattresses, store, house, office, theater, playground equipment, signs, musical instruments, art goods, industrial models, tools, appliances or electrical goods;

8. Optical scientific instrument and jewelry manufacturing;
9. Wearing apparel fabrication and processing;
10. Product and/or process development in connection with a Laboratory, Research and Development use; and
11. Other similar manufacturing uses.

6.7.4. Scientific Research and Development Activities

- A. **Defined.** Activities necessary in connection with scientific research or scientific development or related production accessory to activities permitted as a matter of right, so long as it is found that the proposed accessory use does not substantially derogate from the public good. For Laboratory, Research and Development uses in business, mixed-use and manufacturing districts, see Section 6.5.9.

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Sec. 4.4. Allowed Uses

4.4.1. Business, Mixed Use & Manufacturing Districts

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
Commercial Uses												
Research and Development	-	-	-	-	-	-	-	P	-	-	-	Sec. 6.4.28
Industrial Uses												
Laboratory, and research facility and development	SP	SP	SP	SP	SP	P	P	SP	P	P	P	Sec. 6.5.9

6.5.9. Laboratory ~~and~~, Research ~~Facility and~~ Development

- A. **Defined.** ~~Technical facility consisting of laboratory space, office space, storage space, and space for assembly of materials for study, research and development, experimentation, and prototype development in one or more scientific fields including, but not limited to, life sciences, biotechnology, biomedical research, robotics, renewable technology, sustainable technology, computer science, electronic technology, or medicine. Research and development facility, laboratory or research facility with or without recombinant DNA research or technology, as defined in Revised Ordinances Chapter 12, Section s12-20 et. seq.~~
- B. **Standards.** ~~In the business 5 District, the facility is exclusively for research purposes with no manufacturing on the premises. Research and Development involving recombinant DNA shall be subject to Revised Ordinances Chapter 12, Sections 12-21 – 21-26.~~
- ~~B.C. Manufacturing activity shall be considered an allowed accessory use to a technical facility in a business or mixed-use district that does not otherwise permit manufacturing uses provided that such manufacturing activity is related to the research and development being conducted in such a facility and occurs inside of buildings.~~

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8. Optical scientific instrument and jewelry manufacturing;
- ~~9.~~ 9. Wearing apparel fabrication and processing; ~~and~~
- ~~9-10.~~ 9-10. Product and/or process development in connection with a Laboratory, Research and Development use; and
- ~~10-11.~~ 10-11. Other similar manufacturing uses.

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- ~~B. **Standards.** Notwithstanding anything in this Sec. 6.7.4, no recombinant DNA research shall be permitted as an accessory use.~~