



# Zoning & Planning Committee Report

## (Part 2)

### City of Newton In City Council

**Monday, February 8, 2021**

Present: Councilors Crossley (Chair), Leary, Wright, Krintzman, Danberg, Baker and Ryan

Absent: Councilor Albright

Also Present: Councilors Markiewicz, Downs, Laredo, Greenberg and Malakie

City Staff: Jonathan Yeo, Chief Operating Officer; Marie Lawlor, Assistant City Solicitor; Jen Caira, Deputy Planning Director, Cat Kemmett, Planning Associate, Zach LeMel, Chief of Long Range Planning, and Devra Bailin, Director of Economic Development, Planning & Development Department

Planning & Development Board: Peter Doeringer, Chair; Sonia Parisca, Vice Chair; Christopher Steele, Kevin McCormick, Kelley Brown and Jennifer Molinsky

Economic Development Commission: Chairman Phil Plottel and Beth Nicklaus

Others Present: NewTV

#### **#41-21      Zoning Amendments for Marijuana Establishments**

THE DIRECTOR OF PLANNING AND DEVELOPMENT requesting amendments to the Newton Zoning Ordinance, Chapter 30, Sections 4.4 and 6.10, to amend the regulations for marijuana establishments to be consistent with the regulations put forth by the Cannabis Control Commission on January 8, 2021.

**Action:**      **Zoning & Planning Committee Held 7-0, Public Hearing scheduled for March 8, 2021**

**Note:**      Committee members were provided with a draft Zoning amendment for marijuana establishments, attached.

Jen Caira, Deputy Director of Planning & Development provided a detailed PowerPoint presentation, attached.

Ms. Caira stated that this discussion is a continuation of the conversation the Committee had at the January 25, 2021 meeting about changes to the Marijuana Zoning Ordinance in preparation for the public hearing that is set for March 8, 2021. New state regulations from the Cannabis Control Commission require several small changes to the City's ordinance to be consistent, as well as zoning for two new delivery license types. Any necessary revisions to this draft ordinance will be made in advance of the public hearing.

Committee members comments, questions and answers.

C. A Councilor expressed concern about allowing the cannabis courier services to locate in only limited manufacturing and manufacturing zoning areas of the City, as they are few and located only in certain districts.

C. As Wells Avenue Office Park is one of those locations, it was noted that the Committee has heard a lot of concerns regarding Wells Avenue traffic backing up at the traffic signal, and how it works. Perhaps a traffic analysis should be performed at this location prior to allowing this use in the office park.

C. A ward 8 councilor countered that that this use is unlikely to contribute significantly to the traffic issues? At that location.

C. The Land Use Committee discusses medical and recreational retail establishments which require a special permit. Many issues are considered including traffic flow, overflow parking, and product delivery.

**Q. Has the City considered a special permit option for the mixed-use districts, MU1 and MU2?**

**A.** Ms. Caira answered yes; and said that she did not think the use would be appropriate in the mixed use one and two districts, which are located along Needham Street. While the uses may be compatible with some existing areas along Needham Street, they would not be consistent with the Needham Street Vision Plan. The uses will not be pedestrian oriented and will require a good amount of parking, which will need to be secure. The areas not immediately fronting along Needham Street were also considered but most of these sites have frontage along the Greenway, which would also not be an appropriate location for the use.

**Q. Can the city deny allowing delivery uses entirely?**

**A.** Ms. Caira answered no; **Delivery operators and couriers** cannot be denied without a ballot referendum. The zoning districts for the two new license types are to comply with state regulations. The City can provide reasonable regulations, which would include limiting them to certain districts if desired. The City may do this either by right, or by special permit

Without further discussion, Councilor Danberg made a motion to hold this item. A Public Hearing is scheduled for March 8, 2021. Committee members agreed 7-0.

**Chair's Note:** The Zoning & Planning Committee will continue its discussion with Planning Department staff on a Zoning Work Plan for 2021.

**Note:** Chair Crossley referred to her memo to the Committee dated February 5, 2021 that was attached to the agenda. Chair Crossley stated she has worked very closely with the Planning Department in drafting the calendar necessary to plan the Zoning & Planning Committee agenda.

The memo asks the Committee to review the basis from where we started, the Zoning Reform Group report of 2012, and consider the following: 1) What sections of the ordinance, if any, can be considered in isolation, item by item and which items require a comprehensive or holistic understanding of the ordinances in order to address the goals to which we have agreed, or 2) labeled as form-based zoning.

Chair Crossley then said that after the comprehensive plan was adopted, the zoning reform group report of early 2012 included ten themes which describe challenges and problems with the City's current ordinance.

Chair Crossley stated that the Committee has been considering the use of multiple tools and multiple approaches in specific efforts to achieve the right balance. She asked: Given that a few folks continue to question the use of certain methods, such as "form-based codes" - does anyone think there are tools in the toolbox that should be eliminated? Are there issues the Committee feels we can take up independently versus what the Committee should consider as a whole?

Chair Crossley asked Committee members their ideas on how the Committee should move forward procedurally before we can commit to a schedule of work for the next phase of zoning redesign. Which challenges the Committee can solve, as laid out in the themes in the zoning reform group report? Chair Crossley then said that the Committee could certainly attempt to rationalize and streamline parking regulations and institutional campus planning. The remaining items are interconnected and should be part of zoning reform.

Committee members comments, questions and answers.

C. Committee members agreed that additional time will be necessary to discuss this item; let's raise this matter earlier in our next meeting. A larger discussion about the process going forward is necessary.

C. A councilor noted that on the calendar, there are cases when a public hearing and a vote are shown on the same night; for a significant issue this may not be wise.

C. There are some elements in the City's current Zoning Ordinance that can be improved independently.

C. It was generally agreed that tools in the toolbox should not be reduced. It was pointed out that form based tools were used to craft the garage ordinance which just passed unanimously.

C. Committee members suggested items that could be discussed individually: parking, campus planning, storm water and some sustainability and development standards. Otherwise, we need a comprehensive approach to achieve our goals. Form-based tools have merit and we should think about how we could still use FAR as a tool.

C. Consider using FAR along with a set of tools that regulates how something presents on the street.

C. Consider tear downs and FAR as discrete problems

**Q. Does the Committee want to limit themselves to taking up parts of the ordinance one at a time entirely, given the scope of efforts that have been defined for us to pursue?**

**Q. Although, the Committee has not had a thorough discussion, can the current ordinance be fixed by a series of amendments, or should a new ordinance be put in place?**

**A.** Chair Crossley answered that is the question she wants Committee members to consider when rereading the zoning reform group report. The report distills the main themes in the comprehensive plan to address problems that have long been identified in the community.

Chair Crossley thanked members of the Planning Department and Planning and Development Board members for their continued hard work.

At approximately 10:40 p.m., Councilor Danberg made a motion to adjourn. Committee members agreed 7-0.

**Respectfully submitted,**

**Deborah J. Crossley, Chair**