



Zoning & Planning Committee Agenda

City of Newton In City Council

Monday, March 8, 2021

7:00 PM

The Zoning & Planning Committee will hold this meeting as a virtual meeting on Monday, March 8, 2021 at 7:00 PM. To view this meeting using Zoom, use this link: <https://us02web.zoom.us/j/82311660434> or call 1-646-558-8656 and use the following Meeting ID: 823 1166 0434

Items Scheduled for Discussion:

Public Hearing

#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.

Zoning & Planning Held in Committee 8-0 and set public hearing date for March 8, 2021

Zoning & Planning Held 7-0 on 02/08/21

#29-20

Review and possible amendment of Demolition Delay and Landmark Ordinances
COUNCILORS KELLEY, ALBRIGHT, AUCHINCLOSS, CROSSLEY, GREENBERG, KALIS, KRINTZMAN, LEARY, LIPOF, MARKIEWICZ, BOWMAN, HUMPHREY, RYAN AND NORTON requesting a review and, if appropriate, an update of Chapter 22, Sections 22-50 to 22-76 that relate to demolition delays, historic designation, and landmarking.

(1) Landmarking - Zoning & Planning Approved as Amended 7-0-1 (Councilor Krintzman abstaining) on 05/19/2020; Approved as Amended by Full Council on 06/22/2020

**(2) Demolition Delay -Held in Committee 06/22/2020, 10/15/2020 and 02/22/21
Public Hearing to be Assigned**

The location of this meeting is 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 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.

Chair's Note: The following item is to take up the annotated DRAFT of Article 3. Residential Districts, NOT to further discuss the merits of its content, but to agree on the status of our deliberations thus far, so that our comments, concerns, additional analyses and information requested are properly recorded. This is so that we can put Article 3. down for a time and move on to consider village centers and nearby surrounds.

#88-20 Discussion and review relative to the draft Zoning Ordinance
DIRECTOR OF PLANNING requesting review, discussion, and direction relative to the draft Zoning Ordinance.
Zoning & Planning Held on 01/27/20, 02/10/2020, 02/24/2020, 03/09/2020, 03/23/2020, 04/13/2020, 04/27/2020, 05/19//2020, 06/01/2020, 06/15/2020, 06/29/2020, 07/09/2020, 07/16/2020, 08/13/2020, 09/14/2020, 10/01/2020, 10/15/2020, 11/05/2020, 11/09/2020, 12/14/20, 02/22/21

Chair's Note: Due to recent developments, we intend to request a vote of NAN on this item. Please see the Planning Memo.

#60-21 Requesting a trial to assist restaurants by modifying minimum parking requirement
COUNCILORS ALBRIGHT, BOWMAN, CROSSLEY, DANBERG, DOWNS, KELLY AND NOEL requesting a trial to assist restaurants by modifying minimum parking requirement calculations to exclude outside seating.

#71-21 Reappointment of David Morton to the Newtonville Historic District Commission
HER HONOR THE MAYOR reappointing David Morton, 148 Edinboro Street, Newtonville, as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire on January 1, 2024. (60 days: 04/30/21)

#72-21 Reappointment of Judith Neville to the Newton Upper Falls Historic District Commission
HER HONOR THE MAYOR reappointing Judith Neville, 68 High Street, Newton Upper Falls, as a full member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term to expire on January 26, 2024. 60 days: 04/30/21)

73-21 Reappointment of James Doolin to the Urban Design Commission
HER HONOR THE MAYOR reappointing James Doolin, 104 Fairway Drive, Newton, as a member of the URBAN DESIGN COMMISSION for a term to expire on March 1, 2023. (60 days: 04/30/21)

#74-21

Reappointment of John Downie to the Urban Design Commission

HER HONOR THE MAYOR reappointing John Downie, 285 Auburndale Avenue, Newton, as a member of the URBAN DESIGN COMMISSION for a term to expire on March 31, 2024. (60 days: 04/30/21)

Respectfully Submitted,

Deborah J. Crossley, Chair



City of Newton **Legal Notice**

Monday, March 8, 2021

A Public Hearing will be held on Monday, March 8, 2021, at 7:00PM, before the PLANNING AND DEVELOPMENT BOARD and the ZONING & PLANNING COMMITTEE of the Newton City Council for the purpose of hearing the following petition at which time all parties interested in this item shall be heard. Notice will be published Monday, February 22, 2021 and Monday, March 1, 2021 in The Boston Globe and Wednesday, March 3, 2021 in the Newton Tab, with a copy posted online and in a conspicuous place at Newton City Hall.

Please Note: Due to the COVID-19 state of emergency, this meeting will be virtual and can be attended by desktop, laptop, tablet, or smartphone by visiting the following link: <https://us02web.zoom.us/j/82311660434>. The meeting can also be accessed by telephone by dialing 1-646-558-8656 and entering the Meeting ID: 823 1166 0434

The final agenda will be posted online on Friday, March 5, 2021 at: <https://www.newtonma.gov/government/city-clerk/city-council/friday-packet>. If the State of Emergency is terminated or if the Governor's Order suspending certain provisions of open meeting law is rescinded, this meeting will be held on the Second Floor of City Hall, 1000 Commonwealth Avenue, Newton. Please call the Clerk's office at 617-796-1210 for more information. Copies of the proposed changes and accompanying materials are available at the City Clerk's office or can be found online at <https://www.newtonma.gov/government/city-clerk/city-council/council-standing-committees/zoning-planning-committee>

#41-21 Zoning Amendments for Marijuana Establishments

THE DIRECTOR OF PLANNING AND DEVELOPMENT requesting to amend Newton Zoning Ordinance, Chapter 30, Sections 4.4 and 6.10 regulating marijuana establishments to be consistent with the amended regulations promulgated by the Cannabis Control Commission on January 8, 2021. The proposed amendments would update terminology, definitions and buffer requirements; determine in which districts Marijuana Couriers and Marijuana Delivery Operators will be allowed, and whether by right or by special permit; and delete Section 6.10.4 in its entirety.



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

PUBLIC HEARING MEMORANDUM

DATE: March 5, 2021

TO: Councilor Crossley, Chair
Members of the Zoning and Planning Committee

FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Deputy Director of Planning and Development
Marie Lawlor, Deputy City Solicitor

RE: #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.

MEETING DATE: March 8, 2021

CC: City Council
Planning and Development Board
Jonathan Yeo, Chief Operating Officer
Alissa O. Giuliani
John Lojek, Commissioner of ISD

In December 2018, the City Council adopted zoning for marijuana establishments, including recreational marijuana uses. At the time the state Cannabis Control Commission (Commission) had not created license types or regulations for the delivery of recreational marijuana. On January 8, 2021 the Commission filed updated regulations for both medical and recreational marijuana, which can be found here: <https://mass-cannabis-control.com/the-laws/>. Included in the new regulations are updates to address inconsistencies in the prior regulations, amend definitions, change some terminology, clarify measurements, and add two new delivery license types. Most of the changes are relatively minor but require updates to the ordinance to remain consistent with state regulations.

Examples include renaming Registered Marijuana Dispensaries (RMD) to Medical Marijuana Treatment Centers (MTC), revising the buffer requirements for medical marijuana (MTCs) to be consistent with those for marijuana retailers (500 feet from k-12 public or private schools), and clarifying how that buffer distance is to be measured.

The most significant change is the addition of two new types of delivery licenses, marijuana courier and marijuana delivery operator. A marijuana courier is defined as an entity licensed to deliver marijuana and marijuana products directly to consumers from a marijuana retailer or medical marijuana treatment center but is not authorized to sell directly to consumers. A marijuana delivery operator is defined as an entity licensed to purchase at wholesale and warehouse finished marijuana products acquired from a marijuana cultivator, product manufacturer, microbusiness or craft marijuana cooperative and to sell and deliver directly to consumers but is not authorized to operate a storefront. A marijuana courier will partner with retailers or MTCs to deliver to their customers but cannot store any products while a delivery operator can buy marijuana products wholesale, store onsite in a warehouse, and then deliver to customers under their own brand. Neither entity will allow for public access at their physical location. Delivery operators are not considered retailers and are not subject to the cap on the number of licenses a municipality must issue.

For a period of three years (starting with the issuance of the first license), both marijuana courier and marijuana delivery operator licenses will be limited to applicants who qualify under the Commission's Social Equity or Economic Empowerment programs. The Social Equity program provides training and technical assistance to applicants who have been disproportionately impacted by the War on Drugs, marijuana prohibition, arrests and incarceration and meet certain income and residency requirements. The Economic Empowerment program applicants have to meet criteria such as living in an area of disproportionate impact; holding a position where the primary population served were disproportionately impacted; the majority of ownership is made up of individuals from Black, African American, Hispanic, or Latino descent; the majority of employees live in areas of disproportionate impact; the majority of employees have drug-related CORI; and owners can demonstrate significant past experience in economic empowerment in areas of disproportionate impact.

Zoning Updates – Minor technical changes

The attached redline of the 2018 marijuana zoning ordinance (Attachment A) represents the changes necessary to stay consistent with state regulations. These changes include:

- Registered marijuana dispensaries (RMDs) are now called Medical Marijuana Treatment Centers (MTCs). An MTC is still limited to the sale of medical marijuana and the definition is largely unchanged. MTCs, formerly regulated by the Department of Public Health, are now regulated by the Cannabis Control Commission.
- Marijuana Product Manufacturing definition has been updated to clarify that it includes packaging and transferring products to other marijuana establishments.
- The buffers for Medical Marijuana Treatment Centers have been revised to be consistent with those for Marijuana retailers. Previously medical marijuana RMDs could be required to

maintain a buffer of at least 500 feet from a school, daycare center, preschool or afterschool facility, or any facility in which minors commonly congregate. Marijuana retailers are only required to maintain a 500-foot buffer from public and private k-12 schools. The MTC buffer has been revised to match the marijuana retailer buffer. The City may reduce this buffer requirement or eliminate it but may not require a greater buffer.

- The measurement for this buffer distance has also been clarified and new definitions have been added. The buffer zone distance is to be measured in a straight line from the geometric center of the marijuana establishment entrance to the geometric center of the nearest school entrance, unless there is an unpassable barrier within those 500 feet, in which case it is measured along the center of the shortest publicly accessible pedestrian travel path from entrance to entrance. An impassible barrier is defined as a highway, public or private way or path, inaccessible structure, body of water, or other obstruction that renders any part of the 500-foot straight line inaccessible by a pedestrian or automobile.
- The school buffer updates do not impact the City's required half-mile buffer between MTCs/marijuana retailers.
- The requirement for medical marijuana RMDs to be located in an area that currently does not have reasonable access to medical marijuana or an area that has been established by the Department of Health as needing supplemental service has been removed.
- For clean up purposes we are also striking Section 6.10.4 from the ordinance. This section is the moratorium that was in place in 2018 prior to adopting zoning for recreational marijuana.

Zoning Recommendations for New License Types

The two new delivery license types are defined as follows:

- Marijuana courier is an entity licensed to deliver marijuana and marijuana products directly to consumers from a marijuana retailer or medical marijuana treatment center but is not authorized to sell directly to consumers.
- Marijuana delivery operator is an entity licensed to purchase at wholesale and warehouse finished marijuana products acquired from a marijuana cultivator, product manufacturer, microbusiness or craft marijuana cooperative and to repackage, sell and deliver directly to consumers but is not authorized to operate a storefront. Delivery operators are not considered retailers and are not subject to the cap on the number of licenses a municipality must issue.

New zoning is needed for the two new license types. The zoning allows for the courier or delivery operators to physically locate here, it does not affect the ability of Newton residents to receive deliveries from operators within or outside of Newton. Newton must allow for couriers and delivery operators to locate in the city or ban the use through a ballot referendum. Either way, Newton residents may still receive deliveries from couriers or delivery operators located in other communities. Marijuana couriers will need a site that allows for parking of the delivery vehicles and likely some office space. The delivery operators will require parking for delivery vehicles and space for a storage

warehouse and office. The courier will never have marijuana products onsite as they will pick up from the retailer/MTC and deliver directly to the customer. The delivery operator will require a secure location to store products.

Planning staff have evaluated the current zoning districts for compatibility with these new uses as well as reviewed proposals from surrounding communities. Both couriers and delivery operators will need sufficient parking for their delivery vehicles and delivery operators will also need a secure warehouse to store products. In preliminary conversations with delivery operators, they tend to be looking for warehouse space ranging from about 1,000 square feet to about 10,000 square feet. Parking needs are likely fairly high, though it will be a fixed amount based on the number of delivery vehicles and applicants can be expected to only select sites that meet their parking needs.

Staff do not anticipate external impacts from either couriers or delivery operators. All products stored in the warehouse for delivery operators must be packaged so odors are unlikely. Drivers are able to make multiple stops per trip (the cash value of product carried in the vehicle is limited to \$10,000), reducing the number of vehicular trips to and from the site. However, neither use is compatible with the vibrant, pedestrian friendly vision for village centers and commercial areas. For this reason, Planning Staff recommends limiting marijuana couriers and marijuana delivery operators to the manufacturing and limited manufacturing zoning districts (see map in Attachment B). Other zoning districts were considered, but not recommended for the following reasons:

- BU1 and BU2 – these districts represent the core of village centers and the areas just on the edge of village centers. These commercial and mixed-use areas should be preserved for more active uses.
- BU4 and BU5 – these districts are extremely limited and primarily include the Marriot hotel in Auburndale, the Street and Chestnut Hill Square along Route 9, and Northland (once the rezoning is in effect).
- Mixed Use 1 and Mixed Use 2 – MU1 and MU2 encompass Needham Street and contain a mix of predominantly retail, office, and industrial uses. The courier and delivery operator uses would not be out of place along Needham Street, but they also do not contribute towards the vision for Needham Street in the Needham Street Area Vision Plan.
- Mixed Use 4 – the MU4 district has only been applied in conjunction with development projects receiving a Special Permit for a mixed use building with residential units above ground floor retail. These buildings are not appropriate locations for this type of use, and it is not in line with the MU4 regulations.

Given the emphasis on parking and security, and for the reasons above, staff recommends limiting these uses to manufacturing and limited manufacturing zoning districts. This is also consistent with initial recommendations from Cambridge and Natick, both of which have recommended limiting these new delivery uses to industrial areas. However, given these uses will be similar to other uses allowed by-right in manufacturing and limited manufacturing districts, Planning staff recommend that both couriers and delivery operators be allowed to locate by-right. Operators will be heavily regulated by

the Cannabis Control Commission (far more so than other warehouses) and as discussed above external impacts would be extremely limited. All applicants for marijuana establishments, including couriers and delivery operators, must also secure a Host Community Agreement from the Mayor.

The relevant criteria from Section 6.10.3 E will also still apply, including:

- Marijuana establishments are prohibited from locating in a building containing a residential use and all marijuana establishments must be located in a permanent building.
- Deliveries may not occur before 8 am or after 9 pm.
- All marijuana establishments must submit state approved emergency response plans and security plans to the Newton Police Department and Newton Fire Department for review and approval.
- All marijuana establishments must submit a state approved operation and management plan to Inspectional Services Department and Planning and Development for review and approval.
- No odors may be detected at the exterior of the building.

In addition, signage is subject to the regulations issued by the Commission which includes a prohibition on any images of marijuana or marijuana products. Signage would additionally be reviewed by the Urban Design Commission.

Eliminating the requirement for a Special Permit would also benefit Social Equity and Economic Empowerment entities who may be challenged in terms of being able to “hold” potential properties while proceeding forward with a Special Permit process and timeline.

Responses to operational questions raised by the Committee at the January 25, 2021 meeting can be found in the Planning Department’s February 8, 2021 memo [here](#) (starting on page 20).

ATTACHMENT A: Proposed Ordinance - Redline

ATTACHMENT B: Proposed Marijuana Courier and Delivery Operator Zoning Map

2/5/2021

Item # 41-21 DRAFT FOR DISCUSSION

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
Medical Marijuana Treatment Center/Registered Marijuana Dispensary	--	SP	--	SP	SP	SP	--	--	--	--	--	Sec. 6.10.3
Craft Marijuana Cooperative	--	--	--	--	--	--	--	--	--	SP	--	Sec. 6.10.3
Independent Testing Laboratory	--	--	--	--	--	--	--	--	--	SP	SP	Sec. 6.10.3
Marijuana Courier										<u>L</u>	<u>L</u>	Sec. 6.10.3
Marijuana Cultivator	--	--	--	--	--	--	--	--	--	SP	--	Sec. 6.10.3
Marijuana Delivery Operator										<u>L</u>	<u>L</u>	Sec. 6.10.3
Marijuana Product Manufacturing	--	--	--	--	--	--	--	--	--	SP	--	Sec. 6.10.3
Marijuana Research Facility	--	--	--	--	--	--	--	--	--	SP	SP	Sec. 6.10.3
Marijuana Retailer	--	SP	--	SP	SP	SP	--	--	--	--	--	Sec. 6.10.3
Marijuana Transporter	--	--	--	--	--	--	--	--	--	SP	--	Sec. 6.10.3
Microbusiness	--	--	--	--	--	--	--	--	--	SP	--	Sec. 6.10.3

6.10.3. Registered Marijuana Use

A. **Purpose.** The purpose of this [Sec. 6.10.3](#) is to provide for the limited establishment of [Medical Marijuana Treatment Centers \(“MTCs”\)](#) ~~Registered Marijuana Dispensaries (“RMDs”)~~ and adult use Marijuana Establishments ([“MEs”](#)) within the City as they are authorized pursuant to state regulations set forth in ~~105 CMR 725.000~~ and 935 CMR 500.000 [and 935 CMR 501.000](#). Since ~~RMD~~ [MTCs](#) and Marijuana Establishments are strictly regulated by the Massachusetts [Department of Public Health and the](#) Cannabis Control Commission, the intent of this [Sec. 6.10.3](#) is to permit ~~RMD~~ [MTCs](#) and Marijuana Establishments where there is access to regional roadways and public transportation, where they may be readily monitored by law enforcement for health and public safety purposes, and where they will not adversely impact the character of residential neighborhoods and business districts.

B. **Definitions.** ~~Marijuana Uses shall include the following, As~~ defined or amended by 935 CMR 500.000 and 935 CMR 501.000:

1. **Craft Marijuana Cooperative.** A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.
2. **Independent Testing Laboratory.** A laboratory licensed by the Commission that is: accredited to the International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission; independent financially from any Medical Marijuana Treatment Center (RMD), Marijuana Establishment or licensee for which it conducts a test; and qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and MGL c. 94C, Section 34.
3. **Marijuana Cultivator.** An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers.
4. **Marijuana Establishment.** A Marijuana Cultivator (Indoor or Outdoor), Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Microbusiness, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, Marijuana Delivery Licensee, or any other type of licensed marijuana-related business, except a medical marijuana treatment center.
5. **Marijuana Product Manufacturer.** An entity licensed to obtain, manufacture, process and package marijuana or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumersecompound, blend, extract, infuse or otherwise make or prepare a cannabis or marijuana product.
6. **Marijuana Research Facility.** An entity licensed to engage in research projects by the Cannabis Control Commission. A Marijuana Research Facility may cultivate, purchase or otherwise acquire marijuana for the purpose of conducting research regarding marijuana products.

7. **Marijuana Retailer.** An entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers.
8. **Marijuana Transporter.** An entity, not otherwise licensed by the Commission, that is licensed to possess purchase, obtain, and possess cannabis or marijuana products -solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments or MTCs, but not to consumers.
9. **Microbusiness.** A co-located Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.
10. **Medical Marijuana Treatment Center** (formerly known as a Registered Marijuana Dispensary (RMD)). ~~also known as Medical Marijuana Treatment Center~~-An entity registered under 105935 CMR 501.101725.100: Registration of Registered Marijuana Dispensaries, that acquires, cultivates, possesses, processes (including development of related products such as edible cannabis or marijuana products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing cannabis or marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use.
11. **Tier 1 Marijuana- Cultivator.** A Tier 1 Marijuana Cultivator shall be limited to less than 5,000 square feet of canopy.
12. **Marijuana Courier.** ~~An entity licensed to deliver marijuana and marijuana products directly to consumers from a Marijuana Retailer or Medical Marijuana Treatment center but is not authorized to sell directly to consumers.~~
13. **Marijuana Delivery Operator.** ~~An entity licensed to purchase at wholesale and warehouse finished marijuana products acquired from a marijuana cultivator, product manufacturer, microbusiness or craft marijuana cooperative and to sell and deliver directly to consumers, but is not authorized to operate a storefront.~~

14. **Impassible Barrier.** For the purposes of determining the 500-foot buffer zone, a highway, public or private way or path, inaccessible structure, body of water, or other obstruction that renders any part of the 500-foot straight line distance between a marijuana establishment entrance and a school entrance inaccessible by a pedestrian or automobile.

15. **Marijuana Establishment Entrance.** The entrance or entrances that provide ingress and egress to consumers to the marijuana establishment.

~~14.~~16. **School Entrance.** The entrance or entrances that provide ingress and egress to students of a preexisting public or private school providing education in kindergarten or any grades 1 through 12.

C. Marijuana uses not Allowed As-of-Right. Marijuana uses are not included within the definition of retail sales or services, agriculture, manufacturing, research, or any other lawful business permitted as of right or by special permit as provided in this Chapter.

D. Marijuana uses allowed by special permit. Use of land, buildings or structures for an ~~MTCRMD~~ or Marijuana Establishment shall be allowed only by special permit in the districts specified in Sec. 4.4.1 subject to the requirements and criteria of this Sec. 6.10.3.

E. Notwithstanding the provisions of paragraphs C and D above, licensed marijuana couriers and licensed delivery operators are allowed as-of-right in the districts specified in Sec. 4.4.1 subject to the requirements and criteria of this Sec. 6.10.3.

F.E. Minimum criteria and limitations on approval.

1. An ~~MTCRMD~~ or Marijuana Retailer shall not be located within a radius of 500 feet from ~~a school, daycare center, preschool or afterschool facility or any facility in which minors commonly congregate, and a Marijuana Retailer shall not be located within a radius of 500 feet from~~ an existing public or private school providing education in kindergarten or any grades 1 through 12~~kindergarten-12 school~~, unless the City Council finds that the ~~MTCRMD~~ or Marijuana Retailer is sufficiently buffered such that these facilities or uses will not be adversely impacted by the ~~MTC'sRMD~~ or Marijuana Retailer's operation. ~~Such distance shall be measured in a straight line from the nearest property line of the proposed RMD or Marijuana Retailer to the nearest property line of the facility. The buffer zone distance of 500 feet shall be measured in a straight line from the geometric center of the marijuana establishment entrance to the geometric center of the nearest school entrance, unless there is an impassable barrier within those 500 feet; in these cases, the buffer zone distance shall be measured along the center of the shortest publicly-accessible pedestrian travel path from the geometric center~~

of the marijuana establishment entrance to the geometric center of the nearest school entrance.

2. An ~~RMD-MTC~~ or Marijuana Establishment shall be properly registered with the Massachusetts ~~Department of Public Health or~~ Cannabis Control Commission pursuant to ~~105 CMR 725.100~~ or 935 CMR 500.1000 ~~or 935 CMR 501.00~~ and shall comply with all applicable state and local public health regulations, public safety code regulations and all other applicable state and local laws, ordinances, rules and regulations. No building permit or certificate of occupancy shall be issued for an ~~MTCRMD~~ or Marijuana Establishment that is not properly registered with the Massachusetts ~~Department of Public Health or~~ Cannabis Control Commission. The ~~MTCRMD~~ or Marijuana Establishment shall file copies of its initial certificate of registration and each annual renewal certificate with the clerk of the City Council within one week of issuance, and shall immediately notify said clerk if its registration is not renewed or is revoked. The ~~MTCRMD~~ or Marijuana Establishment shall provide the Newton Police Department with the names and contact information for all management staff and shall immediately notify the police department of any changes.

3. A special permit granted by the City Council authorizing the establishment of an ~~MTCRMD~~ or Marijuana Establishment shall be valid only for the registered entity to which the special permit was issued, and only for the lot on which the ~~MTCRMD~~ or Marijuana Establishment has been authorized by the special permit. If the registration for the ~~MTCRMD~~ or Marijuana Establishment is revoked, transferred to another controlling entity, or relocated to a different site, a new special permit shall be required prior to the issuance of a certificate of occupancy.

4. An ~~MTCRMD~~ or Marijuana Establishment shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted either within the building or by home delivery to qualified clients pursuant to applicable state regulations.

5. An ~~MTCRMD~~ or Marijuana Establishment shall be subject to the number of parking stalls required in Sec. 5.1 unless a lesser or greater number of stalls is required by the City Council based on the transportation analysis provided by the applicant. An ~~MTCRMD~~ or Marijuana Retailer shall comply with the parking requirements for Retail uses; a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Courier, Marijuana Delivery Operator, Marijuana Microbusiness, or Marijuana Product Manufacturer shall comply with the parking requirements for Manufacturing; and a Marijuana Research Facility or Independent Testing Laboratory shall comply with the parking requirements for Research, Laboratory.

6. All signage shall conform to the requirements of ~~105 CMR 725.105(L)~~ and 935 CMR 500.105(4) or 935 CMR 501.105(4) as applicable, and to the requirements of Sec. 5.2. No graphics, symbols or images of marijuana or related paraphernalia

shall be displayed or clearly visible from the exterior of an ~~MTCRMD~~ or Marijuana Establishment. The City Council may impose additional restrictions on signage to mitigate impact on the immediate neighborhood.

7. The ~~MTC'sRMD~~ or Marijuana Retailer's or other marijuana establishment's hours of operation shall not adversely impact nearby uses. The hours of operation shall be set by the City Council as a condition of the Special Permit, but in no case shall an ~~MTCRMD~~ or Marijuana Retailer open before 9:00 a.m. or remain open after 9:00 p.m.; and -in no case shall a delivery licensee deliver marijuana and marijuana products to Newton locations before 8:00 a.m or after 9:00 p.m.

8. The number of Marijuana Retailers shall not exceed 20 percent of the number of liquor licenses issued in the City pursuant to G.L. c.138 § 15 (commonly known as "package stores").

9. No ~~MTCRMD~~ or Marijuana Retailer shall be located within a radius of one half-mile of an existing or approved ~~MTCRMD~~ or Marijuana Retailer. Such distance shall be measured in a straight line from the nearest property line of the proposed RMD or Marijuana Retailer to the nearest property line of the existing ~~RMDMTC~~ or Marijuana Retailer. The co-location of a ~~MTCRMD~~ and Marijuana Retailer on the same site shall not be subject to this buffer requirement.

10. No ~~MTCRMD~~ or Marijuana Establishment shall be located within a building containing a residential use.

11. No ~~MTCRMD~~ or Marijuana Retailer or co-located facility shall exceed 5,000 square feet of floor area.

12. All ~~MTCRMDs~~ and Marijuana Establishments shall submit a state approved security plan to the Newton Police Department for review and approval.

13. All ~~MTCRMDs~~ and Marijuana Establishments shall submit a state approved emergency response plan to the Newton Police Department and Newton Fire Department for review and approval.

14. All ~~MTCRMDs~~ and Marijuana Establishments shall submit a state approved Operation and Management Plan to the Inspectional Services Department and the Department of Planning and Development for review and approval.

15. An ~~MTCRMD~~ or Marijuana Retailer located at the ground level shall provide at least 25 percent transparency along building's front façade at ground level and existing buildings shall not be modified to reduce the transparency of the front façade at the ground level to below 25 percent, unless the City Council finds impacts to security and aesthetics have been appropriately mitigated.

16. Any marijuana cultivation shall offset 100 percent of energy used for cultivation through renewable energy, either by any combination of purchasing

Renewable Energy Certificates through the State, generating renewable energy onsite, and/or through Newton Power Choice, if available.

17. The MTCRMD or Marijuana Establishment shall be ventilated in such a manner that no:
 - a. Pesticides, insecticides, or other chemicals or products in cultivation or processing are dispersed into the outside atmosphere; or
 - b. Odor from marijuana may be detected by a person with a normal sense of smell at the exterior or the building or at any adjoining use or property.
18. A Marijuana Research Facility may not sell marijuana cultivated under its research license.
19. Marijuana Retailers are prohibited from delivering cannabis or marijuana products to consumers unless authorized by the CCC; and are prohibited from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.

G.F. Special permit application and procedure. The procedural and application requirements of Sec. 7.3 shall apply. In addition to the procedural and application requirements of Sec. 7.3, an application for special permit shall include, at a minimum, the following information:

1. **Description of Activities:** A narrative providing information about the type and scale of all activities that will take place on the proposed site, including but not limited to cultivating and processing of marijuana or marijuana infused products (MIP's), research, testing, on-site sales, off-site deliveries, distribution of educational materials, and other programs or activities.
2. **MTCRMD Service Area:** Applications for an MTCRMD shall include a map and narrative describing the area proposed to be served by the MTCRMD and the anticipated number of clients that will be served within that area. This description shall indicate where any other MTCRMD's exist or have been proposed within the expected service area.
3. **MTCRMD and Marijuana Retailer Transportation Analysis:** An application for an RMD or Marijuana Retailer shall include a quantitative analysis, prepared by a qualified transportation specialist acceptable to the Director of Planning and Development and the Director of Transportation, analyzing the proposed new vehicular trips, the expected modes of transportation used by clients and employees, and the frequency and scale of deliveries to and from the site. An MTCRMD or Marijuana Retailer that does

not provide the number of parking stalls required per this Sec. 6.10.E.6. shall also provide a parking study.

- 4. **Lighting Analysis:** A lighting plan showing the location of proposed lights on the building and the lot and a photometric plan showing the lighting levels.

5. **Context Map:** A map depicting all properties and land uses within a minimum 1,000 foot radius of the proposed lot, whether such uses are located in the City or within surrounding communities, including but not limited to all educational uses, ~~kindergarten through grade 12, day care, preschool and afterschool programs~~. The context map shall include the measured distance to all uses described in paragraphs ~~E.1 and DE.10.4~~ above.

6. **Registration Materials:** Copies of registration materials issued by the Massachusetts Department of Public Health or Cannabis Control Commission and any materials submitted to that Department for the purpose of seeking registration, to confirm that all information provided to the City Council is consistent with that provided to the Massachusetts Department of Public Health or Cannabis Control Commission.

HG. Special Permit Criteria. In granting a special permit for an RMD or Marijuana Establishment, in addition to finding that the general criteria for issuance of a special permit are met, the City Council shall find that the following criteria are met:

- 1. Criteria for all marijuana uses:
 - a. The lot is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the lot, whether driving, bicycling, walking or using public transportation.
 - b. Loading, refuse and service areas are designed to be secure and shielded from abutting uses.
 - c. The ~~MTCRMD~~ or Marijuana Establishment is designed to minimize any adverse impacts on abutters.
 - d. The ~~MTCRMD~~ or Marijuana Establishment has satisfied all of the conditions and requirements in this section.
- 2. Additional criteria for ~~MTCRMDs~~ and Marijuana Retailers:

- a. The lot location complies with Sec. 6.10.3.~~EF~~.1, or the lot is located at a lesser distance if the City Council finds that the lot is sufficiently buffered such that these facilities or uses will not be adversely impacted by the MTCRMD or Marijuana Retailer’s operation.
- b. Traffic generated by client trips, employee trips, and deliveries to and from the MTCRMD or Marijuana Retailer shall not create a significant adverse impact on nearby uses.
- c. The building and lot have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building’s interior.
- d. The building and lot are accessible to persons with disabilities.
- e. The lot is accessible to regional roadways and public transportation.
- f. The lot is located where it may be readily monitored by law enforcement and other code enforcement personnel.
- g. The MTCRMD or Marijuana Retailer’s hours of operation will have no significant adverse impact on nearby uses.

~~3. Additional Criteria for RMDs only:~~

- ~~a. The RMD is located to serve an area that currently does not have reasonable access to medical marijuana, or if it is proposed to serve an area that is already served by another RMD, it has been established by the Massachusetts Department of Public Health that supplemental service is needed.~~

II. *Severability*. If any portion of this section is ruled invalid, such ruling will not affect the validity of the remainder of the section.

6.10.4. Recreational Marijuana Establishments

- ~~A. **Recreational Marijuana Establishment** shall mean a non-medical marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of marijuana-related business licensed by the Cannabis Control Commission.~~

- ~~B. The City hereby adopts a temporary moratorium prohibiting the use of land, buildings or structures in any district for Recreational Marijuana Establishments. This moratorium shall be in effect through December 31, 2018, unless repealed earlier by the City Council. During this moratorium period, the City shall undertake a planning process to address the potential impacts of recreational marijuana establishments on the City, to consider the Cannabis Control Commission's regulations pertaining to recreational marijuana establishments and related uses, and to study and consider adoption of zoning amendments to regulate in what districts and under what conditions licensed marijuana establishments may be allowed.~~
- ~~C. This moratorium shall not apply to prevent a medical marijuana dispensary operating in Newton that was licensed or registered not later than July 1, 2017 from converting to the retail sale of recreational marijuana under the provisions of MGL c. 94G and any regulations promulgated thereunder.~~

DRAFT



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

PUBLIC HEARING MEMORANDUM

DATE: March 5, 2021

TO: Councilor Crossley, Chair
Members of the Zoning and Planning Committee

FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Deputy Director of Planning and Development
Katy Hax Holmes, Chief Preservation Planner

RE: #29-20 Review and possible amendment of Demolition Delay and Landmark Ordinances
COUNCILORS KELLEY, ALBRIGHT, AUCHINCLOSS, CROSSLEY, GREENBERG, KALIS, KRINTZMAN, LEARY, LIPOF, MARKIEWICZ, BOWMAN, HUMPHREY, RYAN AND NORTON requesting a review and, if appropriate, an update of Chapter 22, Sections 22-50 to 22-76 that relate to demolition delays, historic designation, and landmarking.

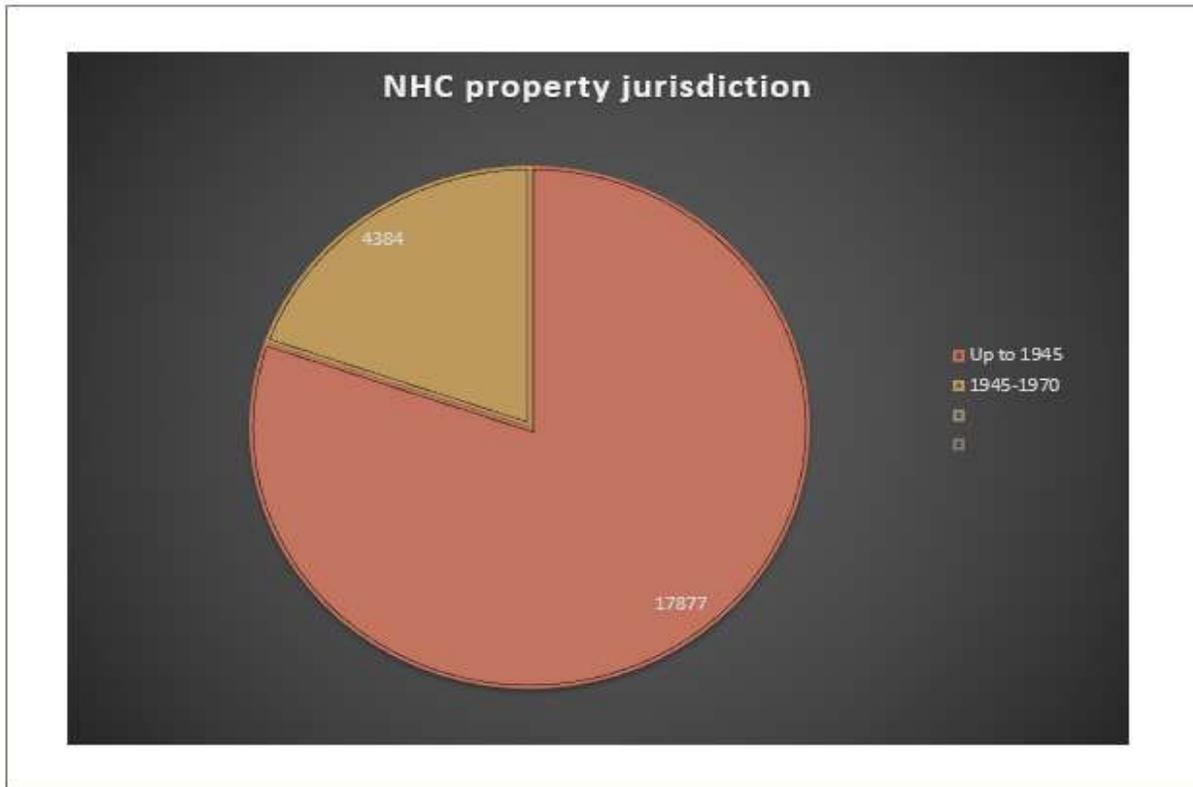
MEETING DATE: March 8, 2021

CC: City Council
Planning and Development Board
Jonathan Yeo, Chief Operating Officer
Alissa O. Giuliani
John Lojek, Commissioner of ISD

This memo summarizes demolition review activity by the Newton Historical Commission during 2018 and 2019 for properties constructed in Newton from 1946-1970. There are approximately 4,400 properties which were constructed between 1946 and 1970. The findings for this two-year period show:

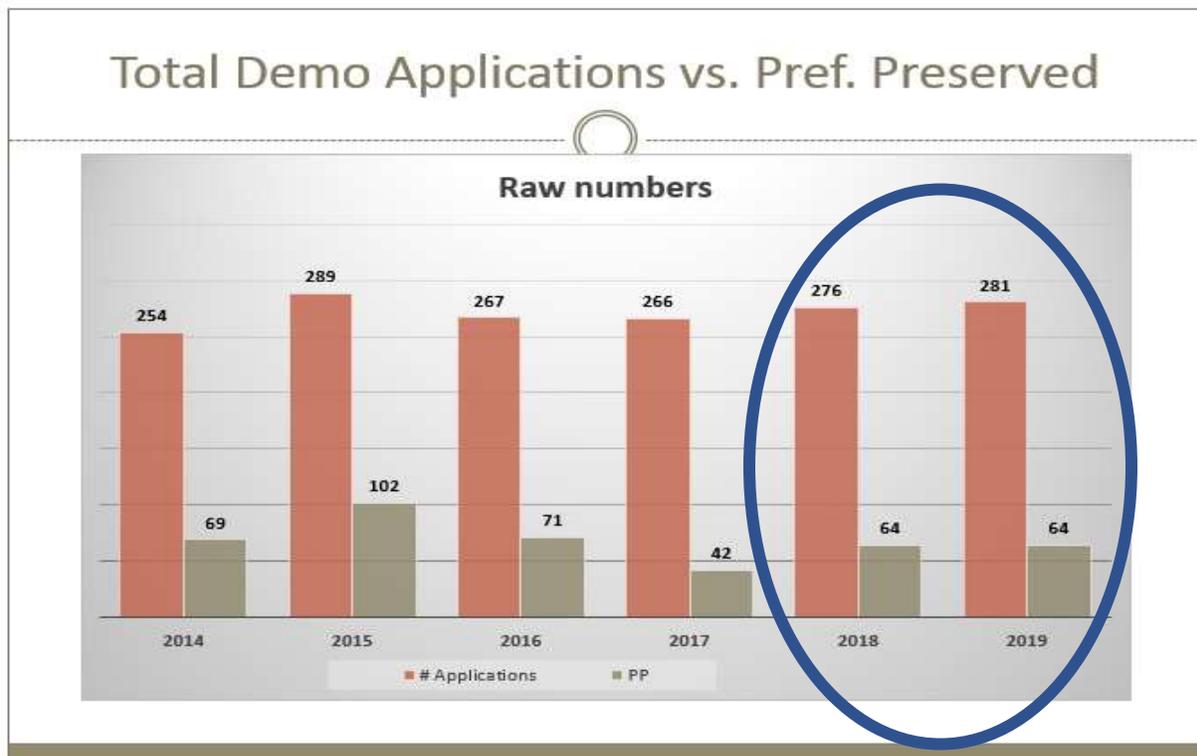
- Over this two-year study period, the number of post-1945 buildings preferably preserved by the NHC totaled an average of 15 each year;
- The majority of proposed demolitions for post-1945 properties were administratively approved by staff and the NHC Chair, and of those properties that did proceed to an NHC hearing, approximately half were “preferably preserved”.

The pie chart below shows the proportion of buildings in Newton that were built from 1946-1970 (brown) as compared to buildings constructed prior to 1946 (red):



The two years chosen for this analysis were 2018 and 2019. They were chosen because: they represent relatively normal demolition activity with respect to NHC review over time; were largely consistent with application data from prior years, as the chart below demonstrates; and were pre-COVID. To demonstrate the first two premises, these two years are circled in the chart below.

Of the total number of full and partial-demo applications shown below for properties older than 50 years in 2018 and 2019, 54% of them were reviewed by the NHC at a hearing (the rest were administratively approved). In 2018, there were 144 full demos: 18 were garages administratively approved, and 57 were full demos of houses/buildings that were administratively approved. In 2019, 156 full demo applications were received: 23 of them were garages administratively approved, and 46 were full demos of houses/buildings that were administratively approved. As shown below, about 25% of total demolition applications submitted to the city resulted in a preferably preserved finding from the NHC in 2018 and 2019.



In these two years, 34% of properties reviewed at an NHC hearing were post-1945 properties, and fifty percent of those were preferably preserved vs. 75% of pre-1945 properties.

In total, 255 applications for full and partial demolition were administratively approved during this two-year period. Of these, 152 were administratively approved for partial demolition projects and 103 were full-demolition applications that were administratively approved by the Chair and staff. Of these 103, a total of 90 applications were for post-1945 properties. This means that 87% of full-demo applications that were administratively approved were for post-war buildings constructed between 1946-1970 because they did not meet one of the five criteria for historical significance (the remaining 13% of applications that were administratively approved were for pre-1945 full demolitions for properties that no longer met the significance criteria).

Of the approximately 4,400 buildings built between 1946 -1970, 1,200 are on an existing historic survey (and therefore would remain subject to review), leaving around 3,200 buildings which have not been surveyed. The property types that make-up this group include: Ranches, Capes, Split-levels, Contemporaries, Modern Traditional, Post-war Traditional, and International Style. Only one other period in Newton saw nearly as much construction activity as that from 1946 to 1970: the 1920s. In the current draft of the demo delay ordinance, buildings constructed in the 1920s would continue to be reviewed by the NHC, as they were constructed prior to 1945.

The current ordinance contains criteria that allows the NHC to identify examples of post-1945 architecture that has historical significance. Conversely, the current ordinance also allows the NHC staff

and Chair to weed out many post-war buildings that do not meet the criteria for historical significance or that lack important historical context.

As shown in the charts provided below, the NHC reviewed post-1945 buildings using the existing significance criteria outlined in the demo delay ordinance. Though the number of properties from the post-1945 period that were administratively approved exceeded the percentage of pre-war properties that were, the 50% of post-war buildings that were preferably preserved by the NHC in the two years of this analysis show that some buildings from this era can and do meet the criteria for historical significance.

The 1946-1970 vintage of buildings that were preferably preserved by the NHC represented a relatively small number (15) and a small percentage (25%) of the total that were preferably preserved. As it happens, most of the properties from this period that were preferably preserved were not previously surveyed for historical significance.

City-wide surveys have been conducted for many years in Newton but largely focused on pre-war architecture. A Mid-Century Modern survey conducted in Newton in the 1980s and 1990s missed several properties that have since come before the NHC for demolition review and were preferably preserved. This makes sense, because when these surveys were conducted, many of the buildings the NHC is now reviewing for significance were only 20 years old at the time. Recent examples of post-war historically significant buildings that were preferably preserved by the NHC include designs by Stanley Myers, Compton & Pierce, Samuel Glaser, and other mid-century architects who only recently became noted for their architectural contributions in New England. Recognition of this architectural period has reached the national level.



176 Highland Avenue (Compton & Pierce)



180 Allen Avenue (Stanley Myers)

It may be possible to survey additional properties built between 1946-1970. However, a continuous survey would either need annual funding to hire a consultant or a trained group of organized volunteers. Both scenarios would be constrained by the number of properties that could be assessed during a given time period.

CITY OF NEWTON

DOCKET REQUEST FORM

DEADLINE NOTICE: Council Rules require items to be docketed with the Clerk of the Council NO LATER THAN 7:45 P.M. ON THE MONDAY PRIOR TO A FULL COUNCIL MEETING.

To: Clerk of the City Council

Date: 02/05/2021

From (Docketer): Councilor Bowman

Address: 19 Chestnut Terr Newton Centre MA 02459

Phone: 617-257-8270

E-mail: abowman@newtonma.gov

Additional sponsors: see below

1. Please docket the following item (it will be edited for length if necessary):

COUNCILORS ALBRIGHT, BOWMAN, CROSSLEY, DANBERG, DOWNS, KELLEY, and NOEL are requesting a trial to assist restaurants by modifying minimum parking requirement calculations to exclude outside seating

2. The purpose and intended outcome of this item is:

- Fact-finding & discussion
- Appropriation, transfer,
- Expenditure, or bond authorization
- Special permit, site plan approval,
- Zone change (public hearing required)

- Ordinance change
- Resolution
- License or renewal
- Appointment confirmation
- Other: _____

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2021 FEB - 5 PM 3: 26
CITY CLERK
NEWTON, MA 02459

3. I recommend that this item be assigned to the following committees:

- | | | |
|---|--|--|
| <input type="checkbox"/> Programs & Services | <input type="checkbox"/> Finance | <input type="checkbox"/> Real Property |
| <input checked="" type="checkbox"/> Zoning & Planning | <input type="checkbox"/> Public Safety | <input type="checkbox"/> Special Committee |
| <input type="checkbox"/> Public Facilities | <input type="checkbox"/> Land Use | <input type="checkbox"/> No Opinion |

4. This item should be taken up in committee:

Immediately (Emergency only, please). Please state nature of emergency:

- As soon as possible, preferably within a month
- In due course, at discretion of Committee Chair
- When certain materials are made available, as noted in 7 & 8 on reverse
- Following public hearing

5. I estimate that consideration of this item will require approximately:

- One half hour or less
- More than one hour
- More than one meeting
- Up to one hour
- An entire meeting
- Extended deliberation by subcommittee

6. The following people should be notified and asked to attend deliberations on this item. (Please check those with whom you have already discussed the issue, especially relevant Department Heads):

City personnel

Citizens (include telephone numbers/email please)

- | | |
|--|--------------------------------|
| <input type="checkbox"/> Barney Heath _____ | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Nicole Freedman _____ | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Devra Bailen _____ | <input type="checkbox"/> _____ |
| <input type="checkbox"/> _____ | <input type="checkbox"/> _____ |
| <input type="checkbox"/> _____ | <input type="checkbox"/> _____ |

7. The following background materials and/or drafts should be obtained or prepared by the Clerk's office prior to scheduling this item for discussion:

8. I have or intend to provide additional materials and/or undertake the following research independently prior to scheduling the item for discussion. *

Research on parking minimum ordinances

(*Note to docketer: Please provide any additional materials beyond the foregoing to the Clerk's office by 2 p.m. on Friday before the upcoming Committee meeting when the item is scheduled to be discussed so that Councilors have a chance to review all relevant materials before a scheduled discussion.)

Please check the following:

- 9. I would like to discuss this item with the Chairman before any decision is made on how and when to proceed.
- 10. I would like the Clerk's office to contact me to confirm that this item has been docketed. My daytime phone number is:
- 11. I would like the Clerk's office to notify me when the Chairman has scheduled the item for discussion.

Thank you.

Alicia Bowman
Signature of person docketing the item

[Please retain a copy for your own records]



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#71-21
Telephone
(617) 796-1100
Fax
(617) 796-1113
TDD/TTY
(617) 796-1089
Email
rfuller@newtonma.gov

January 6, 2021

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to reappoint David Morton of 148 Edinboro Street, Newtonville as a member of the Newtonville Historic District Commission. His term of office shall expire on January 1, 2024 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

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2021 FEB 22 PM 3:25
CITY CLERK
NEWTON, MA 02459

Application Form

Profile

David _____ **Morton** _____
 First Name Middle Initial Last Name

 Email Address

148 Edinboro St. _____
 Home Address Suite or Apt

Newtonville _____ **MA** _____ **02460** _____
 City State Postal Code

What Ward do you live in?

Ward 2

 Primary Phone Alternate Phone

David P Morton Architect _____ **Principal** _____
 Employer Job Title

Which Boards would you like to apply for?

Newtonville Historic District Commission: Appointed

Interests & Experiences

Please tell us about yourself and why you want to serve.

Why are you interested in serving on a board or commission?

I've served on this commission for years and I would like to continue.

Newtonville_Historic_District-
 David_Morton.pdf
 Upload a Resume

DAVID PETER MORTON

148 Edinboro Street, Newton, MA, 02460

PROFESSIONAL EXPERIENCE

- 1982 to Present David P. Morton Architect, Newton, MA
Architecture & construction management;
Responsible for all aspects of design, construction documents, construction supervision and business management

<http://www.dpmortonarchitect.com>
- 1996 to 1997 North American Homes, Peabody, MA
Modular home builder
Position: Project Manager
- 1984 to 1995 Edinboro Builders, Inc., Newton, MA

General contractor; residential renovation and new construction; commercial renovation
Position: Owner

Responsible for management of all phases of marketing, estimating, construction and financial control; liaison with owners and architects
- 1976 to 1982 Johnson Olney Associates, Inc., Architects, Boston, MA

Architectural practice; commercial, educational, institutional and public sector
Last Position Held: Project Architect

Responsible for project management, construction documents and construction supervision

EDUCATION

Virginia Polytechnic Institute and State University, Blacksburg, VA;
Degree: Bachelor of Architecture

PROFESSIONAL REGISTRATION

Registered Architect, Commonwealth of Massachusetts

ADDITIONAL EXPERIENCE

Licensed Construction Supervisor; Commonwealth of Massachusetts

AFFILIATIONS

National Trust for Historic Preservation



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#72-21
Telephone
(617) 796-1100
Fax
(617) 796-1113
TDD/TTY
(617) 796-1089
Email
rfuller@newtonma.gov

February 1, 2021

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to reappoint Judith Neville of 68 High Street, Newton Upper Falls as a full member of the Newton Upper Falls Historic District Commission. Her term of office shall expire on January 26, 2024 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

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2021 FEB 17 PM 3:11
CITY CLERK
NEWTON, MA 02459

Application Form

Profile

Judith _____ Malone Neville _____
 First Name Middle Initial Last Name

 Email Address

68 High Street _____
 Home Address Suite or Apt

Newton Upper Falls _____ MA 02464
 City State Postal Code

What Ward do you live in?

Ward 4

 Primary Phone Alternate Phone

Wrentham Public Schools _____ Administrator/Curriculum
 Employer Job Title

Which Boards would you like to apply for?

Newton Upper Falls Historic District Commission: Appointed

Interests & Experiences

Please tell us about yourself and why you want to serve.

Why are you interested in serving on a board or commission?

I would like to remain a member of the NUF Historic District Commission.

Newton Upper Falls Historic District-
Judith Neville.pdf

Upload a Resume

JUDITH MALONE NEVILLE
 68 High Street
 Newton Upper Falls, MA 02464

Education

Ph.D.	English and American Literature Brandeis University	1984
M.A.	English and American Literature Brandeis University	1976
B.A.	Wellesley College	1964

Dissertation "*Interpolated Narratives in Selected Works of Hawthorne, Poe, and Melville*"

Experience

- 2013-present Administrator/Curriculum, Wrentham Public Schools, Wrentham, MA
- 2012-2013 Director of Curriculum & Instruction (Interim), Wellesley Public Schools, Wellesley, MA
- 2011-2012 Assistant Superintendent (Interim), Sudbury Public Schools, Sudbury, MA
- 2010-2011 Interim Principal, Brookline Public Schools, Brookline, MA
- 2007-2009 Consultant/Interim Principal, Arlington Public Schools, Arlington, MA
- 2002-2006 Assistant Superintendent of Schools, Newton, MA
- Supervisor of 21 schools, Newton Summer School, METCO program, Career and Technical Education, Newton Community Education
 - Evaluator of 21 principals and 4 directors
 - Co-chair Curriculum Council, Elementary Progress Report Committee, Joint Oversight Committees, Principal Search Committees, Smaller Learning Communities Grant Committee, Life-Threatening Allergies Committee, Wellness Policy Committee, Elementary Equity Committee
 - Member, World Language Review Committee, Achievement Gap Committee, No Child Left Behind Committee, Newton North Task Force
- 1986-2002 Principal, Charles E. Brown Middle School, Newton, MA
- Supervisor of daily operations of a school which has fluctuated in enrollment from 500 to 1000 to 760
 - Evaluator and supervisor of over 100 professional staff
 - Overseer of two major construction projects
 - Facilitator of restructuring from a two-year junior high school to a three-year middle school
 - Implementor of state curriculum frameworks
 - Teacher of English
 - Co-chair of School Council
 - Member of system-wide committees
 - Co-chair of Newton Principals' Association, 1997-2002
- 1976-1986 Housemaster, Newton South High School, Newton, MA

- Supervisor of daily operations of a house of 500 students
- Evaluator and supervisor of forty professional staff
- Member of school and system-wide committees

**1976 (May-Sept.) Special Assistant, Office of the Secretary of State,
Commonwealth of Massachusetts**

1976 (Jan-May) Graduate Assistant, Brandeis University, Waltham, MA

1972-1986 Teacher, Newton South High School, Newton, MA

1970-1972 Graduate Assistant, Villanova University, Villanova, PA

Experience continued

1967-1970 Teacher, Attleboro High School, Attleboro, MA

1966-1967 Teacher, Classical High School, Providence, RI

1965-1966 Teacher, Newton South High School, Newton, MA

Post-doctoral Graduate Courses

"Cultural Relevance," Newton, MA, 2003

"Naples as Melting Pot," Vergilian Society, Cuma, Italy, summer 2001

"Greek Studies," Brandeis University, Waltham, MA. 1999-2000

"Good Teaching, Better Learning: Instruction for All Students," Plymouth State College, Plymouth, NH, fall, 1998

"Learning Strategies for Low Achieving Students" Boston College, Chestnut Hill, MA, summer 1998

"Active Anti-Racism" Fitchburg State College, Fitchburg, MA, fall 1997

"Education Law" Boston College, Chestnut Hill, MA, summer, 1997

"Financial Management & Control in Non-Profit Organizations" Harvard University, Cambridge, MA, summer 1994

"Court System" Lincoln Filene Center, Tufts University, Medford, MA, summer 1989

"Educator's Look at the Law" Lincoln Filene Center, Tufts University, Medford, MA, fall 1989

"Purposes & Effects of Education" Harvard University, Cambridge, MA, spring, 1987

"Institute on School Climate and Governance" Harvard University, summer 1985

"Observing & Analyzing Teaching" Fitchburg State College Fitchburg, MA, fall, 1983

Recent Presentations

"Mourning Becomes Electra and the House of Atreus," Examined Life, Brandeis University, May, 2009, 2010, 2011, 2012.

"The Examined Life: Greek Studies in the Schools," Classical Association of the Mid-West and Southern States, Memphis, TN, November, 2006

Leadership Academy, Newton Public Schools, 2004-2005

"The Three-Fors," Jingshan School International Conference, Beijing, China 2003

"Teaching, Learning and Social Responsibility," Lesley College, April 2002, 2001 and March 1999.

Grants

"The Examined Life: Ancient Greek Studies in the Public Schools," Project Administrator, funded by grants from the Newton Schools Foundation, AHEPA (American Hellenic Educational Progressive Association Housing Authority), and the National Endowment for the Humanities, 1998-present.

"Assessment," Project Administrator, funded by a grant from the Massachusetts Department of Education, 1990-1992.

References

Dr. Jeffrey Young, Superintendent, Cambridge Public Schools

Dr. James Marini, Interim Superintendent, Newton Public Schools

Dr. Irwin Blumer, Graduate School of Education, Boston College

Dr. Ann O. Koloski-Ostrow, Chair, Classics Department, Brandeis University

Dr. Carol Daynard, Assistant Superintendent (retired), Newton Public Schools

Dr. Ray Shurtleff; Consultant

Dr. Kathleen Bodie, Superintendent, Arlington Public Schools

Dr. Bill Lupini, Superintendent, Brookline Public Schools

Dr. Anne Wilson, Superintendent, Sudbury Public Schools

Dr. David Lüssier, Superintendent, Wellesley Public Schools

Dr. Chris Martes, Interim Superintendent, Wrentham Public Schools



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#73-21
Telephone
(617) 796-1100
Fax
(617) 796-1113
TDD/TTY
(617) 796-1089
Email
rfuller@newtonma.gov

January 29, 2021

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to reappoint James Doolin of 104 Fairway Drive, Newton as a member of the Urban Design Commission. His term of office shall expire on March 1, 2023 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

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2021 FEB 22 PH 3:25
CITY CLERK
NEWTON, MA 02459

Application Form

Profile

JAMES

First Name

P

Middle Initial

DOOLIN

Last Name

[Redacted]
Email Address

104 FAIRWAY DRIVE

Home Address

Suite or Apt

Newton

City

MA

State

02465

Postal Code

What Ward do you live in?

Ward 3

[Redacted]
Primary Phone

Alternate Phone

Harvard Allston Land Company

Employer

Senior Advisor

Job Title

Which Boards would you like to apply for?

Urban Design Commission: Submitted

Interests & Experiences

Please tell us about yourself and why you want to serve.

Why are you interested in serving on a board or commission?

I have served on the Commission for several years. In that time our work has expanded beyond the sign applications and fence appeals to review of a variety of development projects throughout Newton that typically are proceeding under Special Permit. In addition, the UDC's work on reviewing and advising on major projects, Northland on Needham Street and Riverside, under the recently adopted approach of determining consistency with Council approved guidelines has been interesting and important work.

[j_p_doolin_resume_jan_2021.docx](#)

Upload a Resume

James P. Doolin
104 Fairway Drive, Newton, Massachusetts 02465



SKILLS

Leading Complex Real Estate Development Projects
Maximizing Landowner Asset Value
Leveraging Infrastructure as Catalyst to Development
Advancing Mission and Balancing Stakeholder Interests
Leading Master Planning and Design Review
Implementing Principles of Sustainability and Resiliency
Preparing and Delivering Presentations

PROFESSIONAL EXPERIENCE

Doolin Advisors

Principal (2018 - Present)

Provides real estate development advisory services focused on institutional and public clients. Advisor to the Harvard Allston Land Company's Enterprise Research Campus project. Tishman Speyer selected as developer, mixed-use development includes lab / office, hotel, residential, conference center, and substantial public open space. Services being provided include RFP preparation, developer evaluations, legal documents review, design review, and diversity and inclusion initiative.

**Massachusetts
Port Authority**
Boston, Massachusetts

Chief Development Officer (March 2013 - June 2018)
Acting Chief Development Officer (March 2012 - March 2013)
Deputy Director for Planning and Development (1995 - 2012)

Oversaw the planning and execution of commercial real estate development projects by private developers, Massport's public realm investments, infrastructure investments, and land acquisition. Directed developer solicitations and negotiated complex, long-term ground leases. Directed associated market, transportation, infrastructure, permitting, and other technical analyses and strategic plans. Responsible for all administrative, budget, and staff and asset management functions; direct report to the CEO. Primary external contact with real estate developers and senior managers at BPDA, MBTA, MassDOT and MassDEP.

Staff: 18

Portfolio: Over 6 million square feet; including office, hotel, residential, restaurant, retail, and seafood processing.

Projects of note:

Office: John Hancock / Manulife HQ, Fidelity Seaport WTC Campus.

Hotel: Omni South Boston Waterfront Hotel, Hyatt Place Hotel, Boston Waterfront Renaissance Hotel, Seaport Hotel.

Residential: Park Lane Seaport Apartments, Waterside Place, Gables Seaport Apartments, Lincoln Properties Parcel K Apartments, Roseland East Pier Apartments.

Retail / Restaurant: Liberty Wharf.

Infrastructure and Open Space: South Boston Waterfront Transportation Center, South Boston Maritime Park.

Permitting and Strategic Plans: Commonwealth Flats Strategic Plan and EIR, Port of Boston Economic Development Plan, South Boston Transportation Plan, Northern Avenue Waterfront Development Plan, Commonwealth Flats Design Guidelines.

James P. Doolin
104 Fairway Drive, Newton, Massachusetts 02465

Sasaki Associates, Inc. Senior Associate (1985 - 1995)
Watertown, Massachusetts
Responsible for all facets of planning and project management for public and private clients. Focused on integration of placemaking / public realm and economic development. Completed a variety of complex urban, waterfront, and institutional projects in the Northeast, Midwest and Mid-Atlantic regions. Lead multidisciplinary consultant teams, was primary client interface, directed public presentations and undertook strategic marketing and proposal preparation.

Projects of note: Cleveland Indians Progressive Field and Cavaliers Quicken Loans Arena Master Plan, Harvard University Boston Campus Master Plan, Charleston SC Naval Base Reuse Plan, Rock N' Roll Hall of Fame Redevelopment Plan, Northeastern University Campus Master Plan, University of South Carolina Campus Master Plan

Brian F. Mooney Associates Senior Associate/Group Manager (1983-1985)
San Diego, California

Urban Plan / SP Group Project Manager / Senior Planner (1979-1983)
West
Irvine, California

Maryland Water Resources Administration Staff Planner (1978-1979)
Annapolis, Maryland

EDUCATION Master of Regional Planning
Department of Landscape Architecture and Regional Planning
University of Pennsylvania

Bachelor of Science
Department of Natural Resources
University of Connecticut

PROFESSIONAL AFFILIATIONS
Urban Land Institute
US Green Building Council

INSTRUCTION / PRESENTATIONS
MIT Center for Real Estate; Co-Instructor, Real Estate Development Studio 2020, 2021

Numerous presentations in public / community meetings and to professional organizations (ULI, NAIOP, APA)

Guest Lecturer / Visiting Critic - Harvard Graduate School of Design, Northeastern Department of Architecture, MIT Center for Real Estate

PROFESSIONAL AWARDS
American Association of Landscape Architects
General Design Award of Honor 2006
Massport South Boston Maritime Park

James P. Doolin

104 Fairway Drive, Newton, Massachusetts 02465



Progressive Architecture
Urban Design Award 1994
The Cleveland Gateway Project (MLB Indians and NBA Cavaliers)

CIVIC

Member City of Newton Urban Design Commission, 2003 – present

ULI 'Urban Plan' Curriculum Volunteer, 2007 – present

Centre Street Food Pantry, Volunteer, 2018 - present

Massachusetts Master Gardener Association – Certified Master Gardener (CMG)

Newton Girls Basketball Association Board (2004-2010), President (2007-2009)

Board Member Newton Girls Softball (2006 – 2011)



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#74-21

Telephone
(617) 796-1100

Fax

(617) 796-1113

TDD/TTY

(617) 796-1089

Email

rfuller@newtonma.gov

January 29, 2021

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to reappoint John Downie of 285 Auburndale Avenue, Newton as a member of the Urban Design Commission. His term of office shall expire on March 31, 2024 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

CITY CLERK
NEWTON, MA, 02459

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Application Form

Profile

John _____ V. _____ Downie _____
First Name Middle Initial Last Name

Email Address

285 Auburndale Avenue _____
Home Address Suite or Apt

Newton _____ MA _____ 02466 _____
City State Postal Code

What Ward do you live in?

Ward 4

Primary Phone Alternate Phone

Self _____ Architect _____
Employer Job Title

Which Boards would you like to apply for?

Urban Design Commission: Submitted

Interests & Experiences

Please tell us about yourself and why you want to serve.

Why are you interested in serving on a board or commission?

I am interested in continuing my service on the UDC.

Downie_Resume_2015.pdf
Upload a Resume

JOHN V. DOWNIE | ARCHITECT

285 Auburndale Avenue | Newton | Massachusetts | 02466

Profile: Senior project director with extensive professional experience in architecture, interior design and planning. Creative, organized leader of complex, award-winning projects and strong teams of architects, designers, engineers, consultants and contractors. Excellent communicator who builds rapport with a full range of constituencies and collaborators, including owners, neighborhood groups, local governments and federal funding agencies. Consultant to owners, REITs and construction management firms for construction documents reviews and construction oversight.

Professional Experience:

- 2009-present **Principal**, John V. Downie, Architect, Newton, Massachusetts
Architect and project manager for single and multi-family residential, commercial and civic projects. Design and construction consultant to construction managers and other architects for municipal, institutional and interiors work. Recent projects include:
- Senior Housing Commons Expansion in Milton, MA;
 - Fire stations in New York, Boston, and Chelsea;
 - Owner's project oversight for an apartment building in Denver, Colorado;
 - Renovations to warehouse building conversion to offices;
 - Owner's project manager for garage expansion in Connecticut;
 - Private homes, vacation homes, home additions and renovations, including projects in Boston, Weston, Newton, Chatham, and Provincetown.
- 1996-2009 **Senior Associate**, DiMella Shaffer Associates, Boston, Massachusetts
Managed the complete architectural process of major new construction and historic renovation projects in senior living, multi-family housing and interiors. Primary firm liaison with all project stakeholders, cultivating and maintaining ongoing relationships with contractors, owners, building officials and end-users. Supervised large design teams, including engineers and consultants. Developed firm processes for integration of sustainable building techniques. Promoted firm via speaking engagements at national conferences, proposal writing and RFP/Q responses.
- 1997-2001 **Associate**, DiMella Shaffer Associates, Boston, Massachusetts
- 1996-1997 **Project Manager**, DiMella Shaffer Associates, Boston, Massachusetts
- 1995-1996 **Architect**, DiNisco Design Partnership, Ltd., Boston, Massachusetts
Project architect for two public elementary schools.
- 1992-1995 **Principal**, John V. Downie, Architect, San Diego, California
Built successful solo practice designing and managing commercial, residential, and planning projects from concept to completion. Design and construction consultant to other architects and designers.
- 1988-1992 **Architect**, M.W. Steele Group, Inc., La Jolla, California
Project architect for residential, commercial, and large-scale planning projects.
- 1985-1988 **Technical Coordinator**, Skidmore, Owings & Merrill, Houston, Texas
Coordinated technical and design aspects of major commercial projects throughout the US.
- 1984-1985 **Draftsman**, John Calvin Womack, Architect, Fayetteville, Arkansas
Drafted custom residences.
- Summer 1982 **Production Assistant**, National Endowment for the Arts / H. Gordon Brooks, Producer

Assistant to producer for documentary film, "Arkansas: Its Architectural Heritage, 1865-1918." Location filming and title design.

Education and Service:

- 1980-1985 **Bachelor of Architecture**, University of Arkansas, Fayetteville, Arkansas
Valedictorian. Earned numerous academic honors, including AIA Certificate of Merit, Henry Adams Medal, and Oxford Scholar award. Field study in architecture, Siena, Italy, 1984
- 1976-1980 **Sergeant**, United States Air Force, Honorably discharged.

Teaching:

- 1991-1994 **Teaching Assistant**, New School of Architecture, San Diego, California
Teach and evaluate students in second- and third-year design studios.

Presentations/Publications:

- 7/2011 **Real Estate Bar Association**, Boston, Massachusetts
Co-presented with construction manager about evolution of building energy codes.
- 6/2009 **Innovations in Aging Conference**, Boston, Massachusetts
Presented design strategies for aging populations to national conference.
- 9/2004 **Innovations in Aging Conference**, Boston, Massachusetts
Presented unique design elements to national conference.
- 10/2003 **American Association of Housing and Services for the Aged**, Denver, Colorado
Presented case study of HUD-grant-winning project to national conference.
- 1990 **Mondo Materialis: Materials and Ideas for the Future**, Beyerleian and Osborne, Harry N. Abrams Publishers, New York. Member of one of 125 contributing design teams. Published in conjunction with a traveling exhibition originating at the Cooper-Hewitt Museum, New York.

Awards:

- Preservation Award**, Massachusetts Historical Commission (The Foley, Mattapan, MA)
- Order of Excellence**, Contemporary Long-Term Care Magazine (The Summit, Rochester, NY)
- Silver Award**, NCOSH/NAHB Best of Senior Housing (Country Club Heights, Woburn, MA)
- Gold Achievement Award**, NCOSH/NAHB Best of Senior Housing (Fuller Village, Milton, MA)
- Merit Achievement Award**, AIA/AAHSA Design for Aging (The Summit, Rochester, NY)
- Grand Award**, Builder's Choice Design & Planning Awards (The Summit, Rochester, NY)
- Design for Aging Review Award**, 10th Edition (Fox Hill, Bethesda, MD)
- Newton Preservation Award**, Newton Historical Society (283-285 Auburndale Ave., Newton)

Licenses:

- Commonwealth of Massachusetts**, 30074
- State of California**, C-22352
- NCARB** 96281

Professional Affiliations:

- American Institute of Architects, Boston Society of Architects
- U.S. Green Building Council, LEED-AP
- Green Decade, Newton