



# PLANNING & DEVELOPMENT BOARD JOINT MEETING WITH ZONING AND PLANNING COMMITTEE MINUTES

February 8, 2021

## Members Present:

Peter Doeringer, Chair  
Sonia Parisca  
Chris Steele  
Jennifer Molinsky  
Kevin McCormick  
Kelley Brown  
Barney Heath

Ruthanne Fuller  
Mayor

Barney Heath  
Director  
Planning & Development

## Members

Peter Doeringer, Chair  
Kelley Brown, Member  
Sudha Maheshwari, Member  
Jennifer Molinsky, Member  
Sonia Parisca, Vice Chair  
Chris Steele, Member  
Barney Heath, *ex officio*  
Kevin McCormick, Alternate  
James Robertson, Alternate

1000 Commonwealth Ave.  
Newton, MA 02459  
T 617-796-1120  
F 617-796-1142

[www.newtonma.gov](http://www.newtonma.gov)

**Zoning and Planning Committee Members Present:** Councilors Crossley (Chair), Leary, Wright, Krintzman, Danberg, Baker and Ryan

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

## Staff Present:

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

Meeting held virtually by Zoom Meeting

## 1. Discussion and possible vote on Docket Item #485-20 Zoning Amendment for Research & Development

The meeting was opened at 7:01 p.m. Ms. Caira stated that this item is to clarify existing allowed research and development uses and has been a collaborative effort between the Planning Department and Economic Development Commission. The is to correct some issues within the existing zoning to make it clearer that research and development is allowed, and to encourage these kinds of businesses in Newton.

Beth Nicklas, Economic Development Commission representative, stated this corrective measure is in keeping with the Economic Development Plan that was adopted by the City Council in 2019. The strategies include: increasing lab space to capitalize on Massachusetts highly skilled workforce with scientific background and regional economic trends; increasing office space in Newton to attract and retain companies to increase the commercial tax base; targeting growth sectors that may provide good paying jobs for Newton citizens in life sciences, health, tech professional and technical services. The rationale for putting this forward is to clarify the inconsistencies and ambiguities that the EDC found in the code, but it also provides a unique opportunity to increase the commercial tax base in Newton.

Ms. Caira stated the proposal is to strike the term "research and development" from the use table and rename it "laboratory, research and development" to better reflect the category of uses, rather than describing only one type of facility. The definition is now: "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.” Ms. Caira also stated that prior changes to Section 6.7.4, which only applies to accessory scientific and research activities in civic and institutional uses, had been removed from the proposal due to being inadvertently left out of the public hearing notice. This includes striking a prohibition on RDNA uses, which will be addressed in the future.

Ms. Nicklas stated that the EDC reached out to the Newton-Needham Chamber of Commerce. They are very supportive of this corrective measure, believing that it will resolve some of the ambiguities in the current language of the ordinance. The EDC also received a comment from a Wells Avenue landowner expressing their support.

Chair Crossley then opened the public hearing.

Debra Waller expressed her concern that Section 6.7.4 B. deletes an important prohibition. Ms. Nicklas said that allowed uses would not be changed, but only clarified by this docket item. Ms. Waller continued saying it would be a large change to allow this use in all these residential districts. She voiced concern that the deletion of 6.7.4 B would add risk to the lives of existing Newton residents in return for no increase tax revenue, because 6.7.4 only affects institutional and civic uses, who don't pay any taxes. Ms. Waller asked to know who asked for 6.7.4.B to be deleted.

Chair Crossley asked the Planning Department and the Economic Development Commission to speak to her question. Ms. Caira said that she believes Ms. Waller is referring to Section 6.7.4, which only applies to accessory scientific and research activities in civic and institutional uses. This section prohibits RDNA as an accessory use. In 2017 the city council removed RDNA from zoning and made it subject to the Biosafety Committee. However, amending this section was not specifically noted in the public notice and so will not be included at this time. Amending 6.7.4 is not critical to the changes proposed that will clarify commercial and industrial laboratory and R&D uses.

Mr. Phillips said that the EDC originally focused just on the business, industrial, and manufacturing use districts. When the EDC reviewed the ordinances, they saw that Section 6.7.4 also references scientific and research uses in civic and institutional use districts and proposed changes. However, they are primarily focused on commercial and industrial districts. The EDC worked to simplify the code so it would be understandable and consistent.

Randall Block said that he would support Ms. Waller’s statement. He is concerned about proposals to have life science buildings built at Riverside, as well as the adjacent Riverside management building given the proximity to residences.

Attorney Stephen Buchbinder said that he is a land use attorney with interest in the topic and is the attorney for Alexandria Real Estate, owner of Riverside Office Park. As Ms. Caira mentioned, there is some confusion in the current ordinance, and the proposed text amendments are important in clarifying the rules.

Amy Sangiolo asked if there was outreach to any community groups, neighborhood organizations, or Area Councils. Chair Crossley answered that although the sections under discussion were properly noticed, that the section of the ordinance that addresses residential districts was not and is therefore postponed. The intent is to vote on the portion of the ordinance that addresses commercial and manufacturing districts. Chair Crossley then said that she recommends Councilors reach out to constituents when the remainder of the item returns to ZAP, which will require its own public hearing.

The public hearing was then closed.

Ms. Caira noted that the proposed language does not change allowed RDNA uses or definitions in commercial or industrial zones. the language and process will be the same as is in the current zoning ordinance.

Ms. Molinsky said that these proposed amendments rationalize the ordinance and make sense from an economic development perspective. She asked how the City know that in these mixed-use districts where a special permit is not necessary that the manufacturing won't produce fumes or noise or something that will disturb the neighbors, and whether the city would be open to linking that to Section 6.5.11. Ms. Caira suggested that the intent is that the addition of a new number 10 in the manufacturing definition for product and/or process development in connection with the lab research or development uses is meant to limit manufacturing just to that which is accessory to the lab or research and development use and would not permit heavy manufacturing.

Chair Doeringer said that he has done some work on this kind of R&D prototype and understands the type of manufacturing necessary to prepare prototypes for market. He suggested language to sharpen the distinction between R&D prototypes that would distinguish manufacturing on a small scale and clarifying the transition to manufacturing activities, perhaps in nonmanufacturing zones. Chair Doeringer suggested language could be added to Section C of the laboratory research and development definition, to clarify manufacturing accessory to the R&D use in districts that do not otherwise permit manufacturing.

Mr. Plottel said that the City tried to use language that was similar to ordinances in neighboring communities and is concerned about the unintended consequences of trying to provide too much definition. Economic Development Director Ms. Bailin said that most municipalities do not define a limit on what constitutes an accessory manufacturing use, as it can vary significantly. The definition of accessory manufacturing has not been limited in its definition because doing so may inadvertently restrict or prohibit some sort of R&D use that you wish to attract.

It was asked how a building inspector decides whether the company's accessory manufacturing activities comply with the allowed use if there's no definition. Ms. Bailin and the Planning Department said that ISD must make this kind of determination all the time.

Mr. Steele noted that the City Council, Committee, and the EDC first began the conversation in 2012, to position the city of Newton similarly to other bio ready communities, and to possibly adapt some language similar to what is in Watertown and Waltham ordinances.

Committee and Board members voiced appreciation that planning and EDC have reviewed other town ordinances and bylaws, and agreed that it is difficult to define terms, especially in the biotech industry where protocols can change rapidly. If the ordinance tries to over define these terms, it would be difficult for building inspectors to make decisions.

It was asked what counted as an accessory use. Ms. Caira answered that an accessory use is determined by the Inspectional Services Department Commissioner who determines the point at which accessory becomes the primary use in a building but certainly it's not the primary activity. There is always some manufacturing that happens before a product must go somewhere else for a full-blown manufacturing process.

The ZAP committee approved the item 7-0-0.

Upon a motion by Mr. Steele and seconded by Ms. Maheshwari, the Planning & Development Board approved this item 6-0-0.

## **2. Adjournment**

The Planning and Development Board meeting was concluded at 8:20 p.m.