



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

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PLANNING & DEVELOPMENT BOARD MEETING MINUTES

May 3, 2021

Members Present:

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

Staff Present:

Barney Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor
Nevena Pilipovic-Wengler, Community Engagement Planner
Cat Kemmett, Planning Associate

Meeting held virtually by Zoom Meeting

1. Newton Housing Authority Request for use of their portion of Inclusionary Zoning Fund Balance for Haywood House Development

The meeting was opened at 7:01 p.m. Ms. Zarechian introduced herself and Ms. Cross and explained that Haywood House will soon start prep work. It is a residential project for seniors that has benefited greatly from the financial support of the city. They are now before the Board because the initial lowest bid on a framer for construction walked away due to the rising cost of lumber, which has increased considerably during the pandemic. The NHA is requesting access to the balance of Inclusionary Zoning funds, amounting to approximately \$643,215.

Ms. Zarechian explained that their team has been working with the second lowest bidder for the project. That bid price may be as much as \$750,000 more in lumber costs than they expected to pay for the framing for the project, which is why they are turning to a new funding source. They are requesting the estimated balance of the gap in funding that has been created by the increased cost of lumber.

Ms. Molinsky asked what the Board's role is in allocation of these funds. Mr. Heath explained that under the Cash Payment Recipient section, appropriation of these funds must first be approved by the Board and then by the Mayor.

Upon a motion by Mr. Steele, seconded by Ms. Parisca, the Board voted unanimously to recommend the approval of the transfer of funds to the NHA for this project with Mr. Heath abstaining.

2. Continued public hearing/possible vote on #91-21 Zoning Amendment for Riverside project

Robert Korff, Damian Chaviano, and John Martin were all present for the petitioner. Attorney Stephen Buchbinder spoke on behalf of Mark Development. He explained some of the history of the project and walked through all of the text changes that are now before the Board. The most significant text amendments to the Special Permit for Riverside is the change in use of Building 2 from a hotel to a life science building.

Atty. Buchbinder explained that in addition to the text amendments, it is also recommended that the Board hold a vote as to whether the Board does or does not recommend to the City Council that this project is eligible for a simple majority vote under the Housing Choice bill. He said that based on recent state guidance, Mark Development believed this development should be an eligible location to meet the simple majority vote threshold.

Chair Doeringer then opened the meeting to public comment. No member of the public came forward to speak. Upon a motion by Mr. Steele, seconded by Ms. Maheshwari and approved unanimously, the public hearing was closed.

Ms. Maheshwari inquired how much taller the building would be under the new plan. Atty. Buchbinder explained that previous plans showed Building 2 taller than they are planning for now, which is 135 feet, and in the final plan it may even be shorter than 135 feet.

Ms. Molinsky asked if the petitioner managed life science building in other towns in such close proximity to residential areas, and if so, how they dealt with any associated noise, glare, or other potential negative impacts on a surrounding neighborhood. John Martin said that for this project, the nearest residential building is about 60 feet away, and will conduct a noise study to make sure the decibel level is not too high for homes nearby. They do manage several buildings very close to residential areas and they try to work closely with communities to minimize any negative impacts.

Mr. Steele asked for clarification on the role that the Board plays in making a recommendation on the question of the voting threshold. Attorney Jonah Temple said that the Board plays an advisory role, making a recommendation to City Council as to the voting requirements which can be included in the same report as the recommendation. He also confirmed that for this project the Board's recommendation on the voting threshold will be limited to the zoning text changes, and not to the special permit conditions.

Upon a motion by Ms. Parisca and seconded by Mr. Steele, the Board voted unanimously in favor of recommending to the City Council the approval of Docket Item #91-21 requesting text amendments to the Zoning Ordinance in relation to Special Permit #27-20. Mr. Heath abstained.

Upon a motion by Ms. Maheshwari and seconded by Mr. Steele, the Board then voted unanimously (with Mr. Heath abstaining) that this amendment should be subject to a simple majority vote by the City Council.

3. Zoning Redesign- Village Centers

Nevena Pilipovic-Wengler gave a presentation on the village center engagement strategy. She explained that the crux of this engagement effort is to better understand how Newton community members experience their vision centers, and how they envision the future of village centers.

The first way to engage is the Vision Kit, an interactive document that helps someone explore their village center, reflect on how they currently experience them and imagine what village centers could be in the future. The Vision Kit is an easy and quick activity that can be done solo or in a group.

The second is Polis, an online interactive forum. Rather than simply asking questions for people to answer in a survey, Polis asks respondents to agree or disagree with submitted statements as well as submit their own. Interacting with the Polis platform is also easy and can be completed in 5-10 minutes.

The Planning department will be helping organize several focus groups to further equitable engagement. The focus groups are primarily an opportunity to facilitate the vision kit with groups that have been underrepresented in our past engagement efforts. Engagement with the business community will be done in parallel in partnership with the Economic Development Commission. Additionally, staff will conduct on-spot surveying in the summer.

An information session about this phase of engagement will be held on May 20 and is open to the public. The registration link is posted on the city website, and a recording will be available for those who cannot attend. Ms. Pilipovic-Wengler recommended Board members attend if they are interested and encouraged them to reach out to her if any member is interested in working with her to get more involved in outreach efforts.

Several Board members expressed their excitement for these engagement efforts. Ms. Molinsky highlighted the importance of reaching out to renters and tapping into the enthusiasm she has seen in young people in Newton who have expressed interest in getting more engaged in efforts like this.

In response to a question about how the success of engagement will be measured, Ms. Pilipovic-Wengler responded that she would consider it a success if there was a good turnout of attendees for the focus groups. For the interactive online forum, she is looking for multiple points of consensus to emerge from the dialogue on Polis. Additionally, she is hoping to see many photos and stories submitted by Newton community members through the Vision Kit exercise about their direct experiences to make sure that the work of zoning redesign can prioritize their thoughts and experiences.

Board members discussed the importance of retail and restaurants in village centers and asked how the unique needs of businesses will be addressed in this process. Ms. Pilipovic-Wengler explained that the consultants at Utile have a lot of experience in analyzing economic development topics which they will bring to this, and they will be working with the EDC closely on engagement efforts. Not all of the concerns and challenges facing retail establishments in the city can be addressed through zoning, but the information gathered through these discussions and materials can be used in other efforts beyond zoning redesign as well.

Chair Doeringer asked for clarification on how the economic engagement with business groups will work, and how the groups will be organized in terms of topic or geography. He also suggested that retailers outside of village centers also be included in these discussions. Ms. Pilipovic-Wengler said that there will be an initial focus group with the EDC members, and then focus groups for business owners, developers, and brokers at a later date. Utile and the EDC will also provide ideas for how to best connect with brick and mortar shops and conduct door to door engagement.

4. Zoning Amendments

Mr. Heath provided updates on other city projects. On April 26th there was an introductory discussion at ZAP about the proposed Firearms Zoning Amendment. Staff have put together draft ordinance

language that would introduce additional restrictions on firearm sales as a retail use including buffers from sensitive uses, standards limiting hours and signage, and special permit criteria. Mr. Heath said that the public hearing for the Firearms Zoning Amendment will be held on May 10. This is likely to be a hearing with a lot of testimony from the public, so it's possible a follow-up meeting will be needed in order to have time for ZAP and the Board to discuss the proposed changes. A walkthrough of the different map options will be included in the presentation at that meeting, with a discussion of the different options for zones and buffers.

Ms. Maheshwari asked if there was a possibility a special permit for a potential firearms store could be denied, and whether things like limiting hours of operation could be written into the zoning rules. Mr. Heath confirmed that they could be either approved or denied in the same way any other special permit is subject to the discretion of the City Council, and that hours of operation can and probably will be limited in the proposed zoning.

Several members of the board asked questions about how many locations for potential firearms stores these plans would allow for, and how many the city is required by zoning to provide. Mr. Heath said that there is no clear range or target for the amount of locations for firearms stores, but the city's current recommended proposal includes around 30 potential locations. Of those 30 though, it is unlikely many of them are highly desirable locations for potential firearm retail tenants.

It was asked whether the buffers proposed in this plan include sensitive uses such as schools in towns outside of Newton. Mr. Heath responded that they did not include sensitive uses in adjacent communities, but that might be a consideration discussed in any special permit process. The majority of towns in the area do not have additional restrictions on firearms zoning.

Ms. Molinsky noted that with the additional locations that would be added by including the BU-2 zone, potential locations are further concentrated on the north side of the city, and suggested that a zoning overlay might be an option to appropriate to consider. She also asked whether sensitive uses like liquor stores might be included in the buffers. Mr. Heath responded that buffer zones eliminate the vast majority of potential locations on the north side of the city. He added that the city has considered adding other sensitive uses like cannabis retailers and liquor stores to the list of sensitive uses, and that possibility will be discussed at the public hearing.

Ms. Kemmett then provided an update on the building heights zoning amendment. This item is something staff have been working on with folks from the EDC and will be introduced on May 10th before the firearms discussion. She explained that essentially, the zoning ordinance links stories with building heights in Business, Mixed use & Manufacturing Districts and assumes a 12-foot floor to floor height for each story.

Right now, there is not a way for a commercial building to build to the maximum height in a zoning district without also building the maximum number of stories. This causes some problems for R&D uses which need higher story heights, and this is something that could also benefit commercial and retail uses on the ground floor. The proposed zoning amendment would decouple building height and story height, while still maintaining the same allowed height overall for structures by right or by special permit.

6. City Updates

Mr. Heath said that Dunstan East is going before the ZBA with some proposed changes, including additional units.

7. Minutes

Upon a motion by Ms. Molinsky, the minutes for April 5 were unanimously approved with Ms. Maheshwari abstaining. Upon a motion by Ms. Molinsky, the minutes for April 13 were unanimously approved with Mr. Steele abstaining.

8. Adjournment

Upon a motion by Mr. Steele and unanimously approved, the meeting was adjourned at 8:45 p.m.