



Zoning & Planning Committee **Report**

City of Newton **In City Council**

Monday, March 14, 2022

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

Also Present: Councilors Laredo, Malakie, Oliver, Greenberg, Kelley, Bowman, Humphrey, Lipof, and Norton

Planning & Development Board: Peter Doeringer (Chair), Kevin McCormick, and Chris Steele

City Staff: Jen Caira, Deputy Director of Planning & Development; Devra Bailin, Economic Development Director; Zachery LeMel, Chief of Long Range Planning; Andrew Lee, Assistant City Solicitor; Nevena Pilipovic-Wengler, Community Planner Engagement Specialist; Barney Heath, Director of Planning & Development; Cat Kemmett, Planning Associate; Jonathan Yeo, Chief Operations Officer; Nathan Giacalone, Committee Clerk

#38-22 Discussion and review relative to the draft Zoning Ordinance regarding village centers

ZONING & PLANNING COMMITTEE requesting review, discussion and possible ordinance amendments relative to Chapter 30 zoning ordinances pertaining to Mixed Use, business districts and village districts relative to the draft Zoning Ordinance. (formerly #88-20)

Action: **Zoning & Planning Held 7-0 (Councilor Leary not voting)**

Note: Nevena Pilipovic-Wengler, Community Planner Engagement Specialist, delivered the attached presentation. Zachery LeMel, Chief of Long-Range Planning, Planning Director Barney Heath and Deputy Planning Director Jen Caira also joined this discussion.

Ms. Pilipovic-Wengler began by summarizing the 2021 engagement process (PowerPoint attached) which asked the community to express its vision for the future of village centers, resulting in eight primary takeaways.

By the end of June, the committee will have reviewed economic analyses of alternative village center development scenarios for large and small village centers in Newton, and considered which scenarios best achieve shared community objectives. In addition, development scenarios will be evaluated relative to achieving housing opportunity in compliance with the MBTA

Communities requirements. Once the committee evaluates this work, preferred alternative development scenarios will be chosen to present to the community, as the basis for village center zoning.

The engagement process planned includes reaching out to the comprehensive network of community groups engaged during phase one (see PowerPoint), preparing illustrated and interactive materials that can be used to train leaders from each group who can then present to their organizations or groups. The engagement period is proposed to take place from May through October.

Ms. Pilipovic-Wengler stated that in order to reach as many people as possible, there will be interactive tools offered both virtually and in-person. Additionally, there will be an exhibit installed at the Newton Free Library from August through October.

Ms. Pilipovic-Wengler then described how she plans to build the community engagement network. A maximum of two representatives from any one group may apply to participate in workshops to review the material from the development scenarios. Membership in the network requires only a commitment to engagement, not zoning expertise. Applications are due by Sunday, April 10; workshops will begin in May. City Councilors are welcome to observe the meetings.

It is envisioned that community feedback will be delivered to the Committee by late November or early December.

Discussion:

It would be better to have a draft code earlier in the fall. What is the content of the community engagement?

Ms. Pilipovic-Wengler answered that engagement will test whether the community feels the development scenarios reflect what they said in 2021. Mr. LeMel added that Utile's development scenarios will be the foundation for the engagement material which ought to be tested prior to writing the zoning. The development scenarios will be based on potential zoning recommendations (i.e. modified allowances for height, FAR, setbacks, # of stories, etc.).

The engagement process is valuable, but the legislative power is with the Council. How does this process interact with how the Council discusses these questions?

Director Heath answered that this is to get the word out and ensure residents are aware of our proceedings.

It would be better to conclude community feedback by September. Getting this report to the Committee by early fall would allow significant work to be done before the holiday season.

Deputy Director Caira stated that Planning hopes to establish comfort (in ZAP committee) with the development scenarios by the end of June. She and Director Heath both added that

engagement was extended into the fall as Planning has consistently heard that residents are less available during summer.

While Community engagement is important there is concern that this process will be taken as a scientific one. The Council should demonstrate its seriousness by discussing and voting on specific issues such as building heights.

Deputy Director Caira responded that the intent is to work through these questions. Planning will be meeting with ZAP to discuss these matters and then bring them before the community. There is no draft ordinance text planned to be ready by June, but the hope is to reach agreement on key pieces of it.

The Committee needs to balance hearing from residents and taking up the burden of this work. The content of these plans will be discussed in detail with Utile over the next few meetings.

It is important to engage the community with scenarios and to get residents informed on the zoning potential using the development scenarios, but there is also concern about writing the code before decisions have been made on the relevant questions.

Did you say that this process will not dive into the zoning particulars?

Ms. Pilipovic-Wengler answered that the engagement planned will be a technical and policy-oriented project that seeks to present the zoning particulars through broadly understandable material. The community engagement network is not the forum to go deeply into the zoning particulars. Rather, the network is meant to respond to community requests for more involvement and assist Planning staff in making sure the presentation material is as accessible as possible.

Ms. Pilipovic-Wengler also confirmed that this engagement network will invite representatives from established groups, (e.g. League of Women Voters), so that they can lead their members to the engagement set to take place between August and October.

If the plan is to finish the process by next spring, then the Committee needs to finish engagement before the late fall.

Deputy Director Caira answered that these conversations are not waiting until November to start but are ongoing now. Director Heath added that the important policy questions will be put before the Committee by June.

It is hard to assert that the engagement process is overdone without knowing where the Committee will be in this process in June.

Utile is showing real-world examples in the village centers. Last meeting, we saw what is economically feasible under current zoning. In the next three sessions we'll consider options under revised zoning scenarios.

It is a good idea to educate people on the tradeoffs as ZAP continues this discussion. If not a draft ordinance, the Committee needs to have something meaningful accomplished by the end of the year.

The committee thanked Ms. Pilipovic-Wengler, then tabled item #38-22 at 8pm to complete the public hearing on item #42-22.

Later, the Committee voted to take this item off the table and resume discussion on #38-22, to debrief on the analyses presented at the previous meeting.

Mr. LeMel summarized the February 28th meeting (PowerPoint attached) where Utile and Landwise assessed the economic feasibility of development on three different sites in Newton Center, under current zoning rules. He stated that it showed that parking requirements limit building size to less than what is permitted by zoning.

Discussion:

One councilor noted that parking requirements are sensitive as they are necessary to maintain since cars are still a primary method of transportation. The Council needs to ask what the alternative is if parking requirements are reduced.

However, another noted that the Land Use committee routinely waives parking requirements in village centers from what our ordinances require, adding that it is important to distinguish between first floor retail/commercial use and residential as each has a very different parking need.

Planning is doing what the committee asked for (economic analyses). It is easier for people to react to more specific things. Starting from scratch would create too much uncertainty. We know the areas of contention. Trade-offs should also be made clear for the public. Would like to get to a point where we can put this to bed before the end of the year.

With the budget discussions approaching, the Council may not be able to properly address this issue in the near-term.

In addition to the scenarios by parcel, can staff provide illustrations of what the streetscapes could look like, when built out?

Mr. LeMel answered that development as a result of these changes is not instantaneous and occurs over time. These drawings will be critical for discussion, but we must be clear that they only show what could happen over many years.

Councilor Baker made a motion to hold which carried 7-0 (Councilor Leary not voting).

#42-22 Citizens petition to amend the village center district

ATTORNEY PETER HARRINGTON ET AL., submitting a 60-signature citizen petition to strike Chapter 30, Section 4.1 Business Districts, in its entirety and insert, in place thereof, the following: 4.1. Village Center District; 4.1.1. District Intent and 4.1.2. Dimensional Standards.

Action: Zoning & Planning voted No Action Necessary 8-0; Public Hearing Closed

Note: The Chair opened the item noting that this is a continuation of the public hearing begun at the last meeting, and reminding that Section 10-2 of the City Charter affords citizens the opportunity to formally speak to the Council. The Council must hold a public hearing and act on a petition addressed to the Council when signed by at least 50 voters. In cases where the petition seeks passage of a measure, action must be taken within three months of filing. This means that, as with any docket item, there must be a vote to approve, deny, or vote “No Action Necessary” (NAN). She explained that voting NAN means that the Committee has received the information from the discussion and does not need to move further with the item. The Chair added that the item was being discussed again in order to mail individual notices to the petition signers, as required by the Charter. She then opened the public hearing and invited the petitioner, Atty. Peter Harrington, to make an opening statement.

Attorney Harrington stated that his intent with the petition was to bring to attention an ongoing discussion of what should happen to village centers. He stated that there is much public support behind limiting building height, with a plurality, according to a Newtonville Area Council survey, favoring three stories. The proposed ordinance language in the petition also seeks to address the new law that requires multi-family housing, which is less dense than the existing zoning. He urged adoption of the state requirement by-right instead of creating new denser zoning. He also felt that discussion of voting NAN on the item at the February 28th meeting the “No Action Necessary” (NAN) vote discouraged people from participating and asked if there could be another action.

The Chair answered that an NAN vote is used for many items, such as when information has been delivered to the Council, but further action is not yet needed or clear. She then asked Attorney Lee for any further clarifications on committee actions, who stated that the Committee can pass an item without changes, reject it, or pass the NAN measure stated which would be deemed a rejection.

Though committee members expressed appreciation for several elements of the proposed language, it was generally agreed that other aspects of the petition require further deliberation. Atty. Lee clarified that Holding the item is not an action.

Public Comment:

Robert DeSantis, 46 Parsons Street, stated that changes to the zoning are made in 100-year timeframes and the historic architecture should be preserved. He felt that new multi-unit buildings being constructed in Newton, such as Trio, look too much like Soviet-era high density buildings in Europe.

Wendy Plesniak, 38 Waban Street, believes that developers do not want to produce housing stock with mortgage caps under \$450,000/500,000. The term “affordability” needs to be taken back from developers and this petition accomplishes this goal. She also suggested a temporary five-year zone for a village centers which would allow housing by-right and establish dimensional limits to preserve village character.

Marc Hershman, MSH Architects, presented with Atty. Harrington at the prior meeting. He stated that zoning needs to better consider the realities of living in a pandemic-prone world as the built-environment continues to evolve. He felt that high-density housing has been proven to be too risky and going forward, the code should emphasize separating formerly shared spaces such as corridors, entranceways, and stairwells.

Kathy Pillsbury, 34 Carver Road, stated that the Washington Street Vision Plan discusses a range of building heights and shows that there is a range of public opinion on this topic.

Atty. Harrington expressed interest in the temporary zoning concept.

Councilor Baker made a motion to close the public hearing which carried 8-0.

Discussion:

Multiple Councilors expressed support for a vote of NAN, thanking the petitioner and his colleagues for their work. They felt that while the proposed language in the petition offers up good ideas for village center zoning, and that the points raised are and will be considered seriously as we deliberate village center zoning reform, the Councilors stated that this petition brings attention to public concerns over design and it was suggested that Planning incorporate elements of this proposal as part of its public engagement campaign.

Councilor Baker made a motion to close the public hearing which carried 8-0.

Councilor Baker motioned to vote No Action Necessary which carried 8-0.

The Planning & Development Board voted to close the public hearing 4-0.

Mr. Doeringer asked if the Planning Board needed to take a vote on this item and Atty. Lee answered that it does not since the item is being voted NAN but it can. Mr. McCormick made a motion to vote No Action Necessary which carried 3-0-1 (Director Heath abstaining).

#127-22 Request for amendment to the Zoning Code to regulate “last mile” delivery services

COUNCILORS LAREDO, DOWNS, CROSSLEY, RYAN, KALIS, DANBERG, KRINTZMAN ALBRIGHT, MARKIEWICZ AND WRIGHT requesting an amendment to the Zoning Code to regulate “last mile” delivery services in the City of Newton.

Action: Zoning & Planning Held 7-0 (Councilor Leary not voting); Public Hearing set for 04/25/22

Note: The Committee was joined for discussion on this item by Phil Plottel, Chair of the Economic Development Commission (EDC), along with EDC members Chuck Tanowitz and Sarah Rahman. They were also joined by Jodie Zussman and President Greg Reibman of the Charles River Regional Chamber.

Mr. LeMel delivered the attached presentation, picking up from the prior discussion in ZAP of this item in late January, regarding whether and how to regulate “last mile” delivery centers. This is a new business model, which will be called “microfulfillment “centers. Mr. LeMel stated that the Advisory Group, comprising Ms. Zussman, Mr. Tanowitz, and Mr. Doeringer, has met every week since January and presented to the Planning & Development Board, the Regional Chamber, and EDC. There have also been discussions with Gopuff, the only microfulfillment center operator in Newton.

Mr. LeMel defined microfulfillment centers as looking like retail from the outside but which are primarily a warehouse and distribution center. Deliveries are often done by bikes and scooters in urban areas like Boston, Cambridge, and Brookline.

Currently micro fulfillment centers are not a defined use in the code, so ISD sees them as retail uses, which are allowed in village centers by-right. Mr. LeMel stated that Planning drafted the proposed ordinance to allow this option, but in a controlled manner. This proposed ordinance does not apply to businesses who offer delivery as a supplemental service.

The proposed ordinance would allow microfulfillment centers by-right within BU1 BU2, MU1, MU2, M, and LM districts, but subject to listed standards. These standards would recommend one parking spot per 750 square feet, plus one per four employees, limit overall size to 5000 square feet in BU districts and 10,000 square feet within MU/LM/M districts, and require 2 spaces for delivery vehicles for the first 2,500 square feet and additional one space for every additional 2,500 square feet. Additionally, both an in-store retail component and 50 percent storefront transparency requirement are proposed, but with certain exemptions, such as if the business is located in the rear of a building. Within village centers, below grade and second floor spaces would also be exempt since they do not contribute to the streetscape. Mr. LeMel noted that Gopuff has been in place for about two years without any problems. Mr. LeMel described the two alternatives proposed for BU1 and 2 districts in the proposed ordinance. The first bans them entirely, reasoning that the requirements would be too difficult to enforce, and the negatives would outweigh the benefits. The second allows microfulfillment centers but not on the street, reasoning that this will keep them from directly impacting the pedestrian experience.

Mr. LeMel recommended a public hearing be set for April 25.

Discussion:

Mr. Plottel stated that the EDC has not taken a formal vote yet. He expressed concerns about the vitality of village centers and how these businesses would impact parking. He questioned whether this encouraged the uses that the community wants. Mr. Tanowitz supported the focus on village center vitality.

Councilor Laredo spoke as the lead docketer, thanking the Planning Department for its work on this item. He stated that while it makes sense to allow microfulfillment centers in village centers, the storefront requirement may be hard to enforce.

Devra Bailin, Economic Development Director supported the conclusions of the Advisory Committee.

Mr. Steele summarized a presentation he made to the Planning Board on this topic and urged caution as some of these uses may create effects similar to banks which do not attract more foot traffic into village centers. Since these businesses would be serving the broader Newton market, they may create rent competition within the village centers as well.

Mr. Doeringer stated his concerns about the nature of these businesses and the incentives they face. These included their nature as growth businesses, the speed of their vehicles, and the frequency of replenishment. He stated that it would be better if there was real-time electronic enforcement and monitoring of the parking issues created by this use.

Ms. Zussman stated that some of these businesses may want to go into former bank locations due to the space they provide

Chamber President Reibman urged the Council to avoid being too restrictive on this use as the future for this business is uncertain.

Discussion:

Committee members thanked staff for their thorough and collaborative work with the EDC and Chamber. Committee members generally agreed that if microfulfillment centers are to be allowed, they should be carefully regulated, and expressed concerns about enforcement of the retail component requirement. Other comments were as follows:

Non-retail uses should be limited to above and below the first floor. These centers should not be allowed even in the rear of a building that fronts a main street, but a side street would be fine. The proliferation of banks took up much space for non-retail use and delivery would also take up valuable parking space.

It is important to regulate them to preserve village centers as streetscape vital areas. They could be good for areas where residents do not have the ability to walk to a store as they could function similar to a convenience store.

Delivery vehicles could be disruptive to residents who abut micro fulfillment centers.

Allowing these fulfillment centers could help to support higher density housing around village centers.

A councilor stated that there is no scenario under which microfulfillment centers should be allowed in village centers, and that they may be a nuisance to surrounding businesses due to the delivery vehicles.

Another councilor felt that the parking requirements proposed are too great.

Other strategies better support transit-oriented housing such as closing certain streets.

Currently, could a microfulfillment center move into the empty Walgreens, black out the windows, block the door, and open?

Mr. LeMel answered yes, current zoning allows this use, as long as the business meets retail parking and other zoning requirements would be allowed by-right. Our current ordinance does not require on site sales.

The special permit option should also be discussed as this could allow them into the BU zones. If standards are stricter, they can always be relaxed later on.

Asked for Planning's interpretation of the discussion, Deputy Director Caira stated that the zoning should avoid mentioning side streets vs main streets. She felt that there was consensus against allowing these businesses in village centers, but that areas like Needham Street would be fine provided they had proper setbacks. Additionally, there would be no restrictions other than size in the manufacturing districts and parking requirements would also be reduced. To keep them out of village centers, Deputy Director Caira stated that they would need to be kept out of BU1 and BU2 zones as there is not yet a village center zone. She also clarified that this will be a temporary measure until village center zoning is perfected.

Councilor Albright made a motion to set a public hearing for April 25th which carried 7-0 (Councilor Leary not voting).

Councilor Krintzman made a motion to Hold which carried 7-0 (Councilor Leary not voting).

#180-22 Reappointment of Daniel C. Green to the Conservation Commission
HER HONOR THE MAYOR reappointing Daniel C. Green, 38 Everett Street,
Newton Center to the Conservation Commission for a term of office to expire on
January 1, 2025. (60 days: 05/06/22)

Action: **Zoning & Planning Approved 7-0 (Councilor Leary not voting)**

Note: Councilor Krintzman made a motion to approve which carried 7-0 (Councilor Leary not voting).

The meeting adjourned at 10:27pm.

Respectfully Submitted,

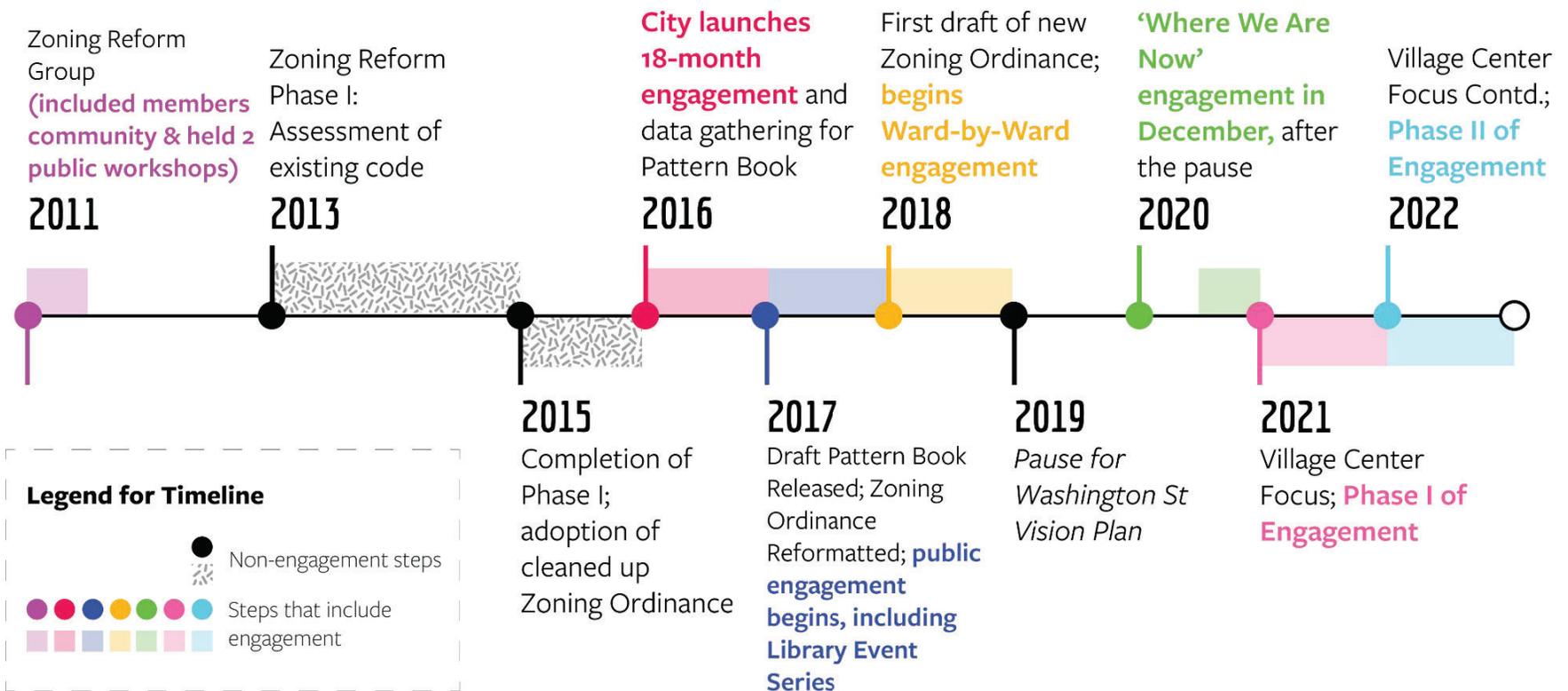
Deborah J. Crossley, Chair

Zoning Redesign: Village Centers Phase II Engagement

ZAP 3.14.22



Zoning Redesign Engagement Timeline



Village Center Focus Timeline 2021

2021: Phase I Engagement						
MAY	JUN	JUL	AUG	OCT	NOV	DEC

Identified shared visions & spectrum of opinions in response to, “What do you envision for the future of your village centers?”



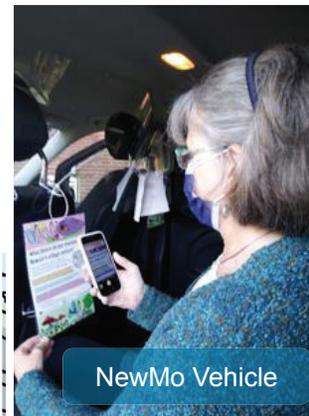
您对牛顿乡村中心的未来有何设想？

牛顿市希望听取您的体验和想法，为分区更新提案提供信息！

从五月下旬至七月，请参与：
在线调查 // 自助式愿景套件 (Vision Kit)

登录 newtonma.gov/zoningredesign

Facebook: @Newton Planning and Development Instagram: @NewtonPlanning



Village Center Focus Timeline 2022

With Utile’s development scenarios and economic feasibility analysis, ask community members, “To what extent do these scenarios align with what we heard from you in 2021?”

2022: Phase II (incl. engagement)								
MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV



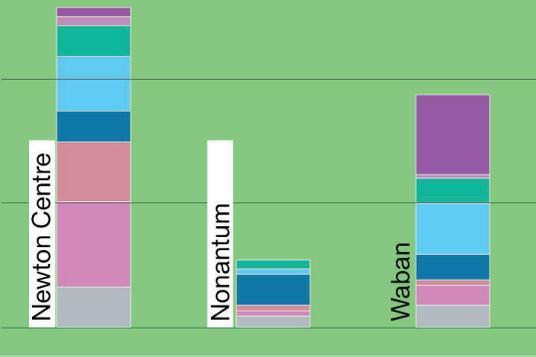
Image Source: Jeffrey Shumaker, Urbanscape

2022 Engagement Strategy



Get Community Feedback on Development Scenarios & MBTA Communities

Interactive tools that anyone can use to give feedback



Synthesis for ZAP

Identify takeaways to create community-informed village center zoning update proposals

Left image: Reimagine Union Square (Somerville) Pop-Up // Right image: Graph from 2021 Engagement (Site Observations)

Feedback on Development Scenarios



Get Community Feedback on Development Scenarios & MBTA Communities

Interactive tools that anyone can use to give feedback

Interactive tool that can be used virtually or in-person

Installation at Newton Free Library

On-the-spot surveying

Focus groups

Community Engagement Network

MAPC Technical Assistance Program Grant

Image: Reimagine Union Square (Somerville) Pop-Up

Feedback on Development Scenarios



Get Community Feedback on Development Scenarios & MBTA Communities

Interactive tools that anyone
can use to give feedback

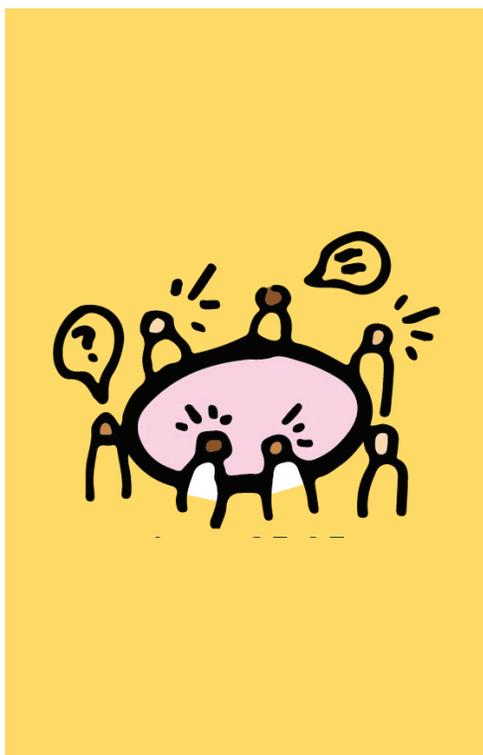


Community Engagement Network

A space to make the engagement
material & efforts as fun &
accessible as possible!

**Not a space to give feedback
on zoning content*

Community Engagement Network



Public & virtual meetings/ workshops (May - November)

Develop an understanding of Zoning Redesign

Test & make suggestions on the engagement material designed by staff

Workshop(s) on community engagement

A space for collaboration, brainstorming, and problem-solving

**Not a space to give feedback on zoning content; this will be done from August - October (see slide 6 for how feedback will be collected)*

Community Engagement Network: **Membership**

Network Members

- Active participation for majority of each meeting
- Can co-facilitate a meeting (if interested)
- Agree to this set of commitments:
 - Curiosity
 - Commitment to wide-reaching, inclusive & equitable engagement
 - Conduit for your respective group (informal or formal)
 - Max of 2 representatives per group
 - Attend all 4 meetings *or* Send feedback/updates via email/ call
- Submit application by April 10th
- **Do not have to be an 'expert' on Zoning Redesign!*



Everyone Else

- All meetings will be public; any attendee can give comments or ask questions at the end of each meeting
- City Councilors welcomed to attend meetings

(2021) Who we reached out to & heard from

Neighborhood Area Councils

- Newton Highlands
- Newtonville NAC
- Upper Falls NAC
- Waban NAC

Commissions, Committees & Departments

- Commission on Disability
- Council on Aging
- Youth Commission
- Department of Health & Human Services (workers)
- Department of Planning & Development (workers)
- Historic Newton
- Human Rights Commission
- Newton Senior Center
- Transportation Advisory Group
- Economic Development Commission
- Citizens Commission on Energy
- Parks, Recreation + Culture Planning & Development Board

Councilors

Reached out to all Councilors
 ● 12 Councilors of 5 Wards

Stakeholders

- 350Mass Newton Node
- Bike Newton
- Boston College Graduate Student Union
- Boys & Girls Club
- Chestnut Hill Association
- Chinese American Association of Newton (CAAN)
- *Cultural Development (City)*
- Culture Center of Taipei
- Economic and Cultural Office
- Defund Newton Police
- Engine6
- Families Organizing for Racial Justice (FORJ)
- FUUSN - Social Action Council
- Green Newton
- Green Newton - School Connections

- Green Newton - Youth Group
- Harmony Foundation
- Hyde Community Center
- League of Women Voters - Newton
- Myrtle Baptist Church
- New Art Center
- Newton Center for Civic Engagement
- Newton Coalition of Black Residents
- Newton Community Development Foundation
- *Newton Housing Authority*
- Newton Interfaith Clergy Association (NICA)
- Newton Lower Falls Improvement Association
- *Newton Neighbors Helping Neighbors*
- NNHS & NSHS's Sustainability Courses
- Newton Open Studio

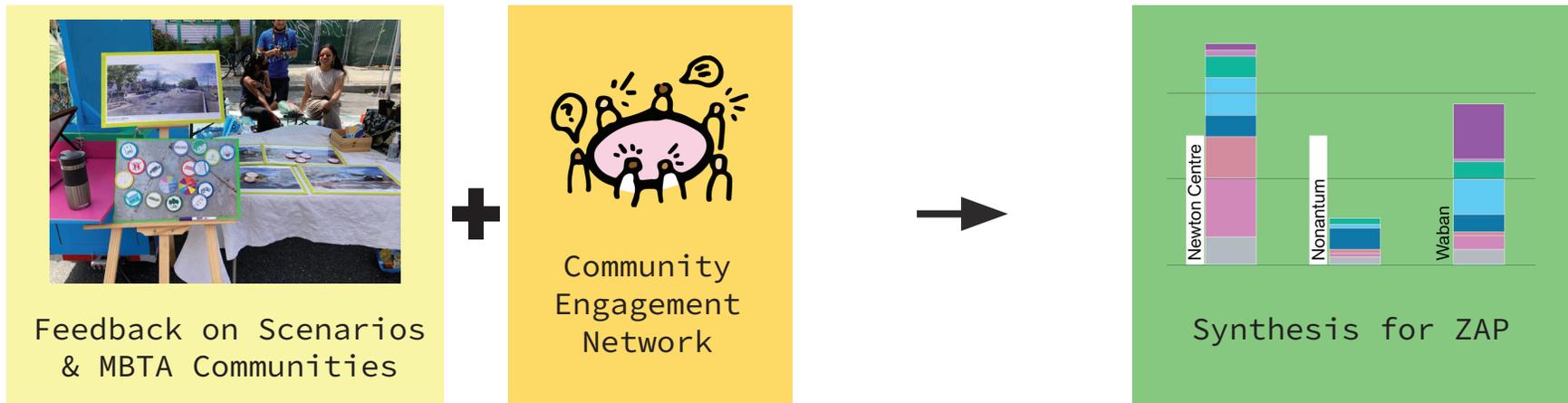
- co-hosted focus group
- submitted a Vision Kit
- staff tabled at event of

- Newton Public School System (PTOs + Teachers + Social Workers + Students)
- Newton Talks Race
- Newton Teachers Association
- NNHS NextGen Voices
- Right-Size Newton
- Safe Routes to School Task Force
- St. Mary of Carmen Society
- Team Sangiolo
- Temple Emanuel Social Justice Group
- Temple Shalom
- The Village Bank
- Tour de Newton
- U-CHAN
- Understanding Our Differences
- Waban Improvement Society
- Welcoming Newton

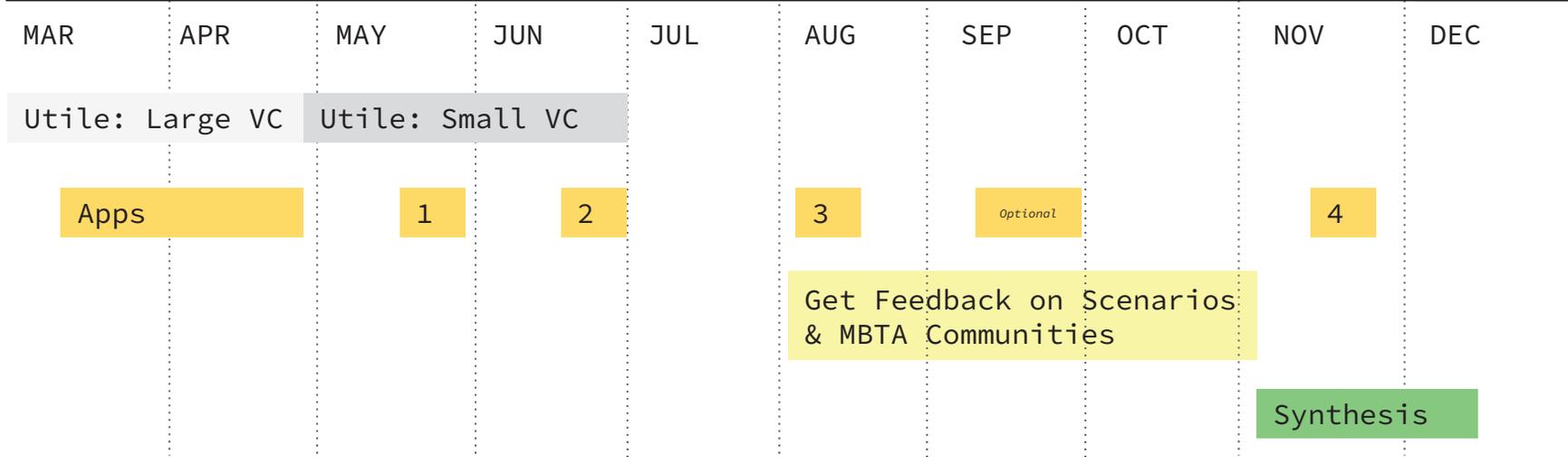
Community Engagement Network: **Calendar**



- April 10** Applications due (acceptance on a rolling basis)
- Meeting #1** Kick-Off the Network
May Zoning Redesign intro / Community Engagement 101 / Workshop goals
- Meeting #2** Test Engagement Material & Goals Contd.
June
- Meeting #3** Practice Engagement Material & Begin
August To Engage One's Group
- Optional Meeting** Check-In on Goals
September
- Meeting #4** Celebrate & Debrief the Network
November



2022: Phase II Engagement



Left image: Reimagine Union Square (Somerville) Pop-Up // Right image: Graph from 2021 Engagement (Site Observations)

Concrete Next Steps

- **Apply to join the Zoning Redesign 'Community Engagement Network' by April 10th at: <https://tinyurl.com/ZRNetwork>**
- **Sign up for Zoning Redesign Newsletters** in order to get the Network meetings' dates, times & zoom links
- **Stay tuned** for the engagement in the Fall!
- **Any questions?** Email zoningredesign@newtonma.gov or find information on newtonma.gov/zoningredesign/vc



3/14/2022

City of Newton Zoning & Planning Committee

Village Center Rezoning Phase 2, Scenarios



Agenda

1. What was presented and takeaways from the 2/28 ZAP meeting
2. Looking ahead to the 3/28 ZAP meeting
3. Discussion

What was presented at the 2/28 ZAP meeting

Analysis of existing zoning in large village centers

1. Select a large village center for analysis: Newton Centre
2. Select “hypothetical sites” that represent typical parcels in large village centers.
3. Development scenarios on “hypothetical sites” based on existing by-right and special permit zoning
4. Analysis of zoning constraints
5. Economic feasibility of development scenarios on “hypothetical sites”

Takeaways from the 2/28 ZAP meeting

Conclusion: Physical constraints under current zoning

Zoning Constraints

- Parking requirements are the biggest limitation on building size.
- Maximum allowable building heights often do not allow for market-typical floor-to-floor heights within the allowable number of stories.
- Setbacks requirements have a greater impact on smaller parcels.
- Setback requirements are also constraining because parking cannot be located within required side lot setback.

Takeaways from the 2/28 ZAP meeting

Conclusion: Financial constraints under current zoning

Residential

- Generally, projects with an FAR of less than 1.00 are not financially feasible.
- Projects with an FAR between 1.00 and 1.30 are borderline feasible.
- Typically parking needs to be located below-grade for projects to work on parcels in village centers
- For-sale is slightly more attractive than rental due to larger units/high price points

Office

- Generally, projects with an FAR of less than 1.00 are not financially feasible.
- Projects with an FAR between 1.00 and 1.30 are borderline feasible.
- Office/retail development economics are largely driven by parking requirements and costs. In general, feasible projects will minimize parking ratios and provide a hybrid of surface and subsurface spaces

Looking ahead to the 3/28 ZAP meeting

1. Run alternative development scenarios on “hypothetical parcels”
2. Compare alternative development scenarios to what’s allowed by existing zoning, including:
 - Qualitative: scale, urban form, contextual fit
 - Quantitative: financial analysis, housing supply yield, program mix
3. Repeat the analysis and studies for small village centers

VILLAGE CENTER DISTRICT AMENDMENT - 2021

Strike Chapter 30, Section 4.1. Business Districts, in its entirety and insert, in place thereof, the following. (1)

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iv.
CITY CLERK
NEWTON, MA. 02459

floor immediately below. Such area shall not be restricted by the conditions of §4.1.2. A. ii. (3) Dormers, as defined in Section 1.5.4.G., may not exceed ten (10) feet in width and separation between dormers shall be not less than 15 feet. No Special Permit or variance may allow for greater size, capacity, or use.

4.1. VILLAGE CENTER DISTRICT

4.1.1. DISTRICT INTENT

To create a zoning district for Newton Village Centers that maintains a “village scale” and answers the demands created by the recent amendment to MGL Chapter 40A, Section 3 to allow multi-family housing or mixed-use development as of right or by special permit in “eligible locations”. (2)

4.1.2. DIMENSIONAL STANDARDS

A. Building Height. Building height is limited to two stories unless otherwise provided.

- i. A flat roofed building with allowed uses set forth in §C. i and C. ii below, shall be limited to two stories.
- ii. A three story, flat roofed building is allowed, provided that not less than forty (40%) per cent of the floor area of said building is for multi-family residential use and further provided that ten (10%) percent of the floor area of said residential use is for units that are deed restricted for occupancy or ownership by occupants with limited assets earning less than fifty (50%) of the Greater Boston Area Median Income. Said restriction is to be in a form approved by the City of Newton Law Department. (3)
- iii. A pitched roof on any building may contain usable space under the roof, provided such usable space does not exceed 60% of the floor area of the

B. Other Dimensional Use Standards.

- i. Building coverage shall not exceed 85% of the lot area.
- ii. No building shall be set back less than five (5) feet from a property line adjacent to a public way or private way to which the public has a right of access, excluding foot and bicycle easements.
- iii. No building shall be set back less than 50 feet from an adjoining single family or two family zoning District.
- iv. Existing non-conforming structures may be torn down and replaced. Any increase in floor space shall be vertical and shall not extend beyond the pre-existing, nonconforming building footprint.
- v. Party Walls are permitted.

C. Use Standards

- i. Commercial retail, office, hospitality, or other commercial use not assigned to another use district under this chapter.
- ii. Residential use above the first floor (including multi-family use).
- iii. All buildings, structures, and additions located on a lot in single and separate ownership, may be available for use in common or in connection with contiguous or adjacent lots without the requirement of a Special Permit.

VILLAGE CENTER DISTRICT AMENDMENT - 2021

- iv. Development of a building on a separately owned lot shall be considered a separate project and shall not require a Special Permit even though connected by party walls.
- v. **Any building construction in excess of two stories shall be subject to the provisions on section 7.4 of this chapter (Site Plan Approval).**

D. A Special Permit is required for:

- i. Any development in the Village Center districts of 30,000 square feet or more of gross floor area.
- ii. Use of the roof for the installation and/or storage of mechanical systems, including HVAC equipment.
- iii. A Site Plan Review is required in connection with a Special Permit.

E. District Designation.

Unless otherwise designated in Section 1.3.2 of this chapter, this Zoning District shall apply to all areas previously zoned Business 1.

Amendment to Section 3 of Chapter 40A, the State Zoning Law.

Section 3 A. (a)(1) An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; . . . ; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

(b) An MBTA community that fails to comply with this section shall not be eligible for funds from: (i) the Housing Choice Initiative . . . ; (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A."

FOOTNOTES

¹ *Newton has five Business use districts and four Mixed Use districts. During Zoning Redesign, these districts should be consolidated to conform to the form-based standards being adopted. This is a proposal to amend areas now zoned Business 1, most significantly by allowing residential use as of right rather than by a Special Permit and limiting height of buildings.*

² *From Eastport, Maine to Kansas, to the Pacific coastal towns; from Ireland to Italy, a village center is immediately recognizable by the predominance of two and three story buildings, its mix of commercial uses, residential uses and local businesses to serve the village residents.*

³ *Assume a lot in a Village Center District contains 10,000 square feet of land. 85% lot coverage times two floors (above the first floor) equals 17,000 square feet plus 5,100 square feet under the sloped roof (60% of 8,500 square feet third floor) equals 22,100 square feet for residential use. 1,700 square feet of space is for low income housing. Residential unit size will have to be adjusted to allow for exterior and unit perimeter walls, hallways and stairways. This formula falls within the form based concept of zoning. It provides an option for developers and land owners to expand building space and to provide housing for an economically disadvantaged portion of the population. It also qualifies to meet the goals of providing such housing without the necessity of obtaining a special permit, as set out in MGL c.40A, §3, as amended by Chapter 358 of the Acts of 2021.*

We, the undersigned voters of the City of Newton, hereby by petition the Newton City Council to hold a public hearing and act upon the attached amendment to the Newton Zoning Ordinance, titled "Village Center District Amendment - 2021", in accordance with Section 10-2 of the Newton City Charter, that says, in part, "The city council . . . shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by at least 50 voters, and which seeks the passage of a measure." The amendment is intended to limit building height and preserve the unique character of our villages.

Signature	Print Name & Address	Ward
	Carol O'Grady 920 CENTRE ST	6
	Jon Clarys 23 Buswell rd 02458	
	CARA STEEHY 43 HIGHLAND AVE #3 NEWTONVILLE	
	Robert Williams 47 Washington Park Newtonville	
	JAMES WOOD 47 WASHINGTON PARK 02460	2
	Lorraine Sanik 411 Newtonville Ave	
	Jonathan Fischer 411 Newtonville Ave	
	Jenny Chen 79 Walnut St.	
	Diana Reoupy 90 Highland St.	
	Fran Mancini 38 Carleton St	
	JAY Goldman 41 Vineyard Rd	
	Emma Barson 40 Bolton	
	Darius Eslamii 40 Bolton	
	Nicole Babich 110 Madison AVE Newtonville MA	
	Kyle Zinchuk 110 Madison Ave Newtonville MA	

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Signature	Print Name & Address	Ward
✓ Mark Rubel	Mark Rubel 51 Brooks Ave	2-1
✓ Helen K. Rubel	Helen K. Rubel 51 Brooks Ave	2-1
✓ Daniel Harris	Daniel Harris 17#Maerdeen	
✓ Doug Marand	Doug Marand 12 Marion St	
✓ Lynne Marand	Lynne Marand " "	
✓ Robert DeSantis	Robert DeSantis 46 Parsons	3
✓ Hilary Bialk	Hilary Bialk 16 Creole Dr.	
✓ Liana Amichangco	Liana Amichangco 15 Ohio Ave	
✓ Jeff D. Litter (CITIZEN)	JEFFREY SILVER, 120 WINTER ST	3
✓ William Swartz	William Swartz 113 Edinburgh St	
✓ Jacob Weidberg	Jacob Weidberg 145 Langley Rd	
✓ Tom DiGostino	TOM DIGOSTINO 359 CABOT ST	
✓ Susan Poole	Susan Poole 71 Fresenden St	2
✓ Christine Bradh	Christine Bradh 701 Washington	

(14)

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Signature	Print Name & Address	Ward
✓ Ashley Sullivan	Ashley Sullivan, 27 Wyoming Rd, 02460	2
✓ J. Dumas	JOSEPH DALTON, 12 Academy Rd, 02458	
✓ J. Robinson	Judith Robinson 251 Auburndale Ave	
✓ J. Felder	2012A FELDMAN 29 Concord Ave	
✓ Annette Seward	Annette Seward 17 Davis St. W. Newton 02465	3
✓ N. Fargy	28 Angers Ave Newton.	
✓ N. Markowitz	28 Austin Street Newton MA	
✓ N. B. Smith	311 Walnut St Newtonville	2, 3
✓ N. Sando	391 Walnut St Newtonville MA	2
✓ J. M. Plan	845 WASHINGTON ST. WATSONVILLE	2
✓ David Seaman	347 Cabot St Newhall	2
✓ Barbara Darnell	BARBARA DARNELL 296 LAKE AVE	6, 3
✓ Elyse Pino	Elyse Pino 140 Brookside Ave.	2
✓ Susan Reister	Susan Reister 11 Claflin Pl.	2
✓ Marianne Louderback	137 Elgin St	7

(11)

**Petition to the Newton City Council to consider a
compromise amendment to the Zoning Ordinance for Newton Villages**

We, the undersigned Newton Voters request the Newton City Council consider and approve the attached proposal for amendment to the Newton Zoning Ordinance.

Name

Address

✓ ¹ Groffler 61 Waban Park

✓ ¹ Anne Reenstierna 90 Waban Park

✓ ² Eric Reardon " " "

✓ ³ Barbara A. Dittusson 93 Waban Park

✓ ⁴ Walter D. De... 93 WABAN PARK

✓ ⁵ Bernard J. Goding Jr. 116 Jewett St

✓ ⁶ Jm Muldering 116 Jewett St

✓ ⁷ Ma. I. H 38 WABAN ST

✓ ⁸ Genieve Furse 110 Jewett St.

✓ ⁹ Wendy P. R... 38 WABAN ST.

✓ ¹⁰ John Small 110 Jewett St.

✓ ¹¹ Kevin Rife 92 HAWTHORN ST.

✓ ¹² Thomas Keppeler 141 Jewett St #2

✓ ¹³ Arthur-LeBasseur 98 Jewett Street

✓ ¹⁴ JOE CROWLEY 129 WABAN ST

(15) ✓ ¹⁵ Quatha Adams 227 Jackson Rd, Newton MA 02458

**Petition to the Newton City Council to consider a
compromise amendment to the Zoning Ordinance for Newton Villages**

We, the undersigned Newton Voters request the Newton City Council consider and approve the attached proposal for amendment to the Newton Zoning Ordinance.

Name

Address

- ✓¹ Julie Lavelly 35 Waban St Newton 02458
- ✓² EUGENE LAUREL 35 WABAN ST NEWTON MA 02458
- 3
- 4
- 5
- 6
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- 10
- 11
- 12
- 13
- 14
- 15

(8)

September 30, 2021

A zoning amendment to protect Newton village centers from over development has been filed with the City Council by Peter F. Harrington, a West Newton Attorney familiar with zoning law.

“This proposal is intended to protect the visual character of our villages, encourage reasonable village redevelopment and meets new state requirements for multi-family residences,” according to Mr. Harrington.

Innovations included in the amendment include elimination of special permits, a strict limit on building height and a bonus allowance for sloped roofs. The two story threshold height limit in village centers remains the same. A third floor is allowed, as of right, if it is used for multi-family housing. Under the present law a third floor requires a special permit. If a sloped roof is added the owner can use the interior attic space.

Harrington, a former Vice President of the Newton Board of Aldermen and a former Newton State Representative said, “We need to address the new State requirements while the City Council is rewriting our zoning ordinance. They are discussing Village Center zoning. This proposed zoning law meets the State’s new requirements and we can take advantage of the Council calendar meet our obligations.”

Some of the objectives of this proposal are to eliminate uncertainty of development in our villages for both neighbors and builders, speed up the time between conception and production, allow flexibility in unit design, provide an opportunity to build new naturally affordable housing, and preserve the New England Village character of our community

Over 65 Newton voters have signed a petition asking the City Council to hold a public hearing on Harrington’s proposed zoning amendment. Under Section 10 of the City Charter a public hearing is required if 50 or more citizens request it.

In January 2021 Governor Baker signed an amendment to Section 3 of Chapter 40A, the State Zoning Law.

Section 3 A. (a)(1) An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; . . . ; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

(b) An MBTA community that fails to comply with this section shall not be eligible for funds from: (i) the Housing Choice Initiative. . . ; (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A.”

end

Microfulfillment Centers

Last Mile Delivery - Proposed Regulation Requirements

Docket #127-22

ZAP March 14, 2022

Agenda

- Background Info
- Regulation (why, what, where, how)
- Alternatives
- Next Steps



A Getir employee on an electric delivery bike passed the Getir store on 44 Winter St. in Boston.
DAVID L. RYAN/GLOBE STAFF

Advisory Group

Members

- Jodie Zussman - Charles River Regional Chamber
- Peter Doeringer - Planning & Development Board (Chair)
- Chuck Tanowitz - Economic Development Commission (Commissioner)

Meetings

- 6 Advisory Group meetings between Feb. 3 - Mar. 9
- Presented at the Real Estate/Restaurant Chamber Sub-committee, Planning Board, and EDC
- Staff input from Law, ISD, and Economic Development Director
- Engaged other municipalities (Boston, Cambridge, Brookline, and Watertown)
- Data gathered from Gopuff, operator in Newton

Background Information

- Storefronts, not open to the public, stocked with groceries and home goods that are marketed as deliverable within 15- to 30-minutes.
- Also known as dark stores or mini-warehouses.



Top: Gilbert Ruiz, head of store operations for Fridge No More, stocks the Cambridge location. Fueled by billions in investment, a wave of 15-minute delivery startups are moving into vacant downtown storefronts in Boston and other cities. ERIN CLARK/GLOBE STAFF

Bottom: Stickers advertising grocery items cover the windows at 45 Franklin St., where JOKR plans to open a mini-distribution center. JONATHAN WIGGS/GLOBE STAFF

Why Regulate

- Warehouse and distribution not currently allowed in business zones
- E-commerce is here to stay
- Viable business option for difficult to lease commercial spaces
- Traffic reduction (a possibility)

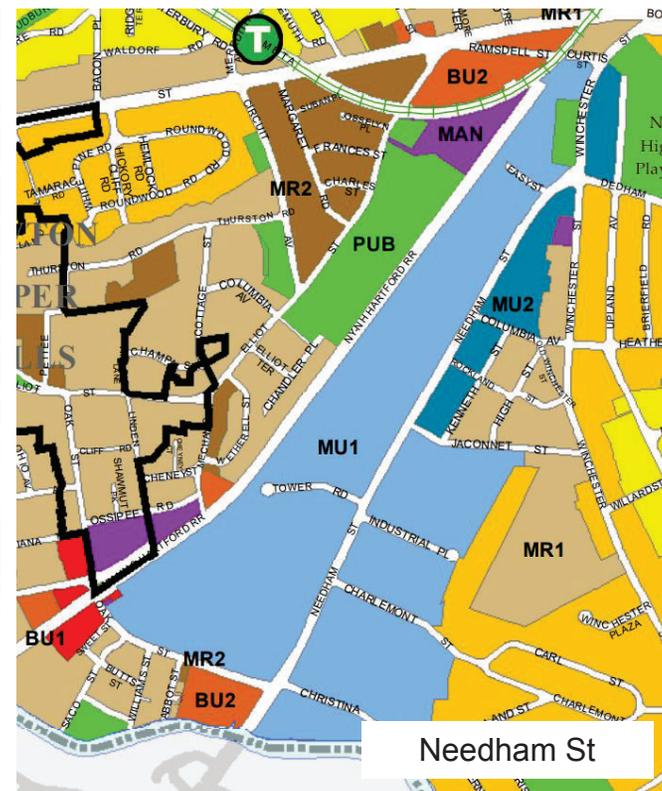
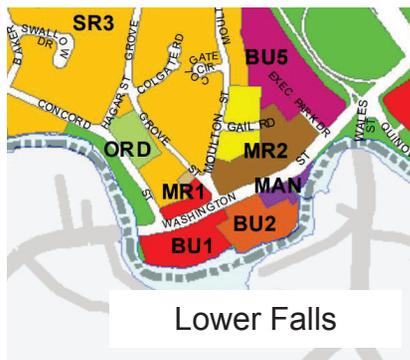
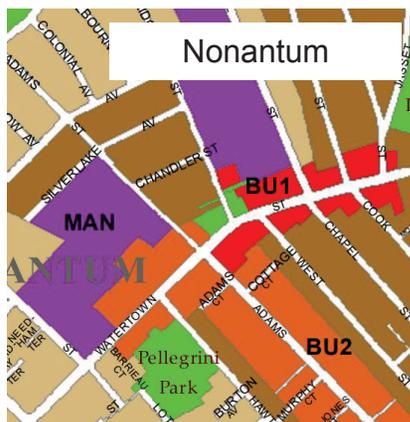
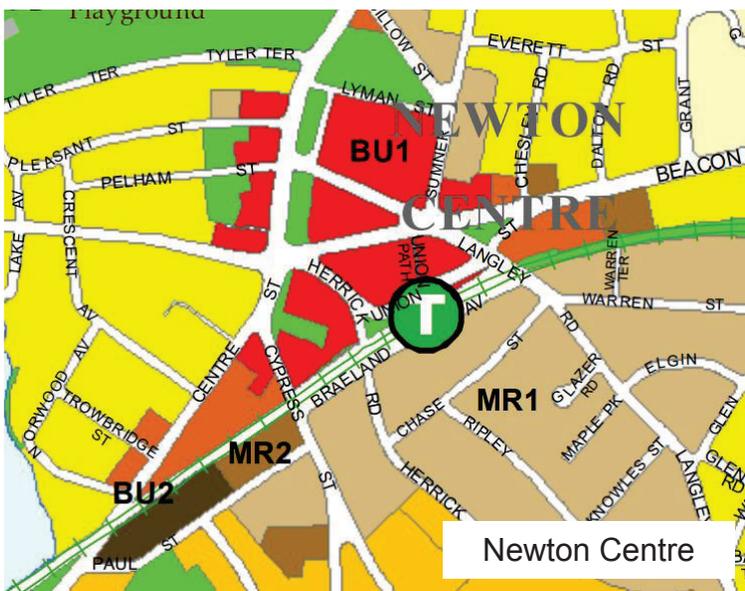
What to Regulate

- A facility whose primary use is for the receipt, transfer, short-term storage, dispatching, coordination, preparation, routing of package delivery, and parking of vehicles, associated with the delivery of goods directly to consumers.
- NOT businesses that supplement with delivery



Where to Regulate

- Village centers and commercial corridors



How to Regulate - zoning districts

Use Table (Sec. 4.4.1) -

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	MU1	MU2	MU3	MU4	M	LM	Definition / Listed Standards
Microfulfillment Center	L	L	-	-	L	L	-	-	L	L	6.4.XX

L = allowed subject to listed standards

- = not allowed

How to Regulate - parking and loading

Number of Parking Stalls (Sec. 5.1.4) -

Use	Parking Stalls Required	Allowed by Special Permit
Microfulfillment Center	1 per 750 sf plus and 1 per 4 employees	

Off-Street Loading Requirements (Sec. 5.1.12)

Table of Off-street Loading Requirements		
Number of bays required for new or expanded uses by gross floor area of structure of land use (in sf)		
Uses	Under 5,000 sf	5,000 - 50,999 sf*
Microfulfillment Center	0	1

* Note - Microfulfillment Centers have a maximum size of 10,000 sf

How to Regulate - parking for delivery vehicles

2. Parking. In addition to complying with the parking requirements of Sec. 5.1, the operator of a Microfulfillment Center shall provide onsite parking spaces dedicated for deliveries in accordance with the following:

- a. Microfulfillment Centers shall provide a minimum of two off-street parking stalls for the first 2,500 square feet of gross floor area and an additional one off-street parking stall for every additional 2,500 square feet of gross floor area. Fractions ending in 0.5 or higher shall round up to the nearest whole number.
- b. Sections 5.1.3.B and 5.1.3.D shall not be applicable to parking spaces required under this section 6.4.XX.B.2.

How to Regulate - overall size

- **Size.** The following size requirements shall be required for Microfulfillment Centers in accordance with the following table.

Zoning District	Maximum Gross Floor Area
Business 1 and 2	5,000 square feet
Mixed Use 1 and 2, Manufacturing and Limited Manufacturing	10,000 square feet

How to Regulate - design requirements

In-Store Retail Component

Zoning District	Minimum Gross Floor Area Retail Component
Business 1 and 2	20%
Mixed Use 1 and 2	15%

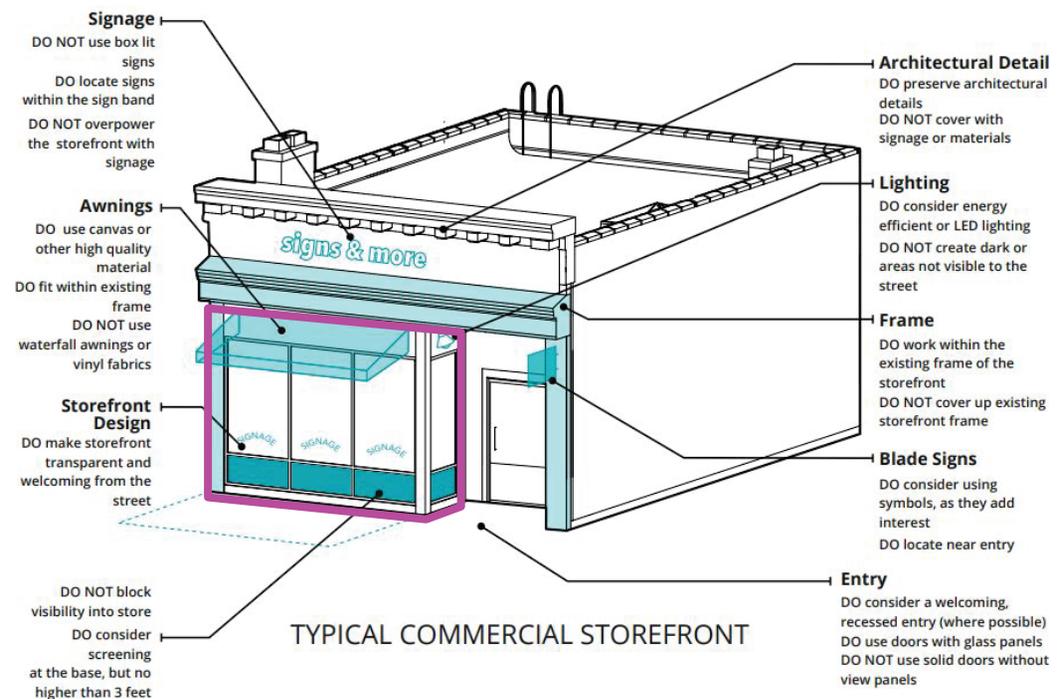


Left: Gopuff cafe concept
Center and Right: Gopuff retail concept store

How to Regulate - design requirements

Transparency Requirement

A minimum of 50 percent of the street-facing building facade at ground level shall consist of clear windows that allow views of the indoor space used for the on-site personal services and display of goods.



How to Regulate - design requirements **YES**

- At street-level within 30 ft of the street



How to Regulate - design requirements **YES***

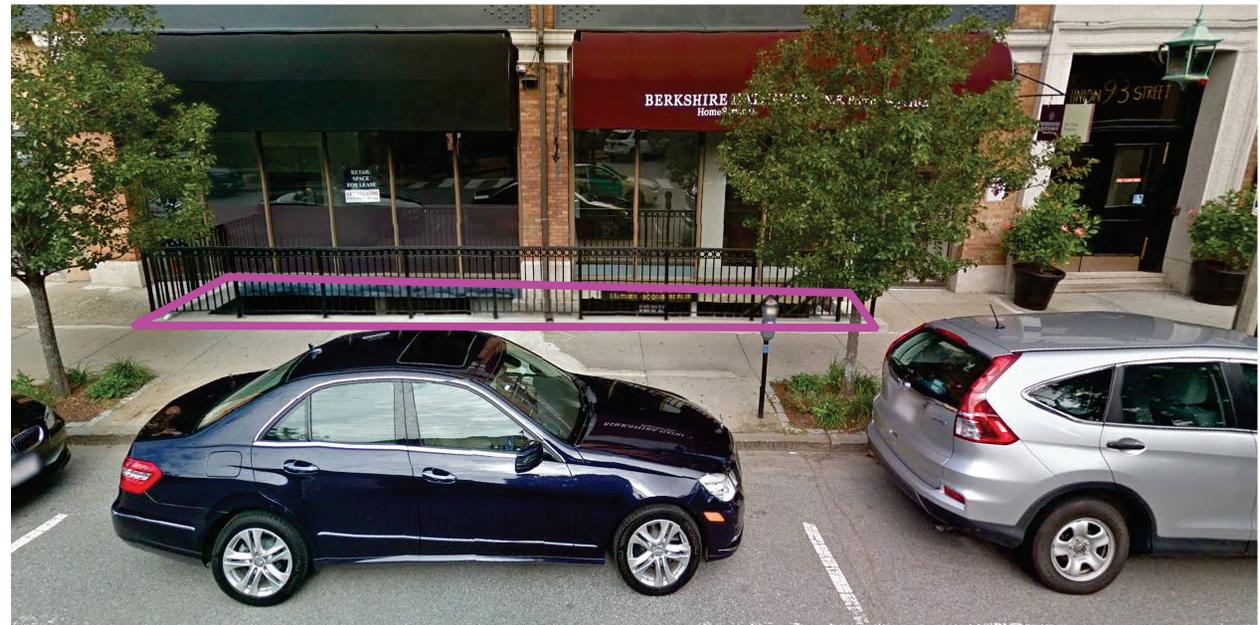
- At street-level within 30 ft of the street



* If the use is located behind the outlined area, which is greater than 16 ft from the street then no design requirements are needed

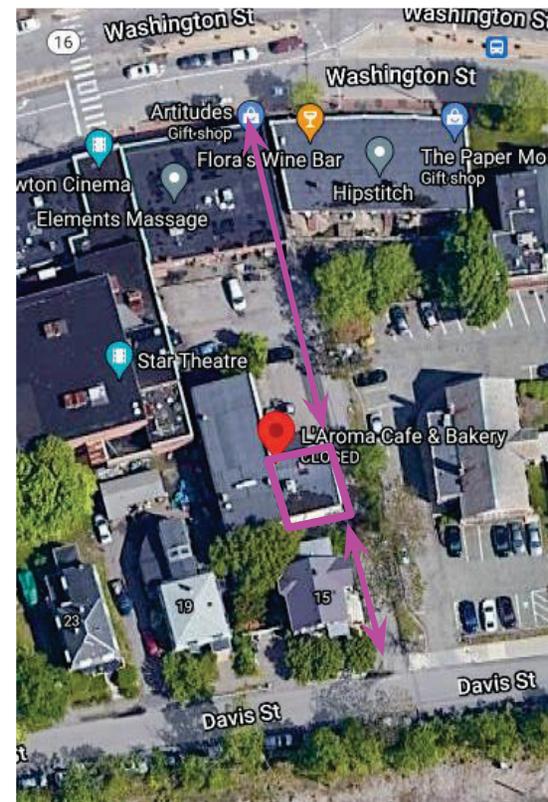
How to Regulate - design requirements **NO**

- Below-grade,
not at
street-level



How to Regulate - design requirements **NO**

- No portion of the building is within 30 feet of a street



How to Regulate - design requirements **NO**



*This is the Gopuff current location

Alternatives - village centers (BU1 and BU2)

	Proposed	Alternative 1	Alternative 2
Allowed	Yes, with standards	No	Yes, with standards
Location	Allowed at the street if there is an in-person retail space and transparency	Not allowed	Not allowed at the street, either pushed to the back of the building/lot or not on ground floor.
Rationale	In-store component and transparency prevent an actual “dark store”	May be difficult to enforce design requirements. Traffic and delivery issues may outweigh the benefits.	Not allowing on the street prevents them from directly impacting the pedestrian experience.

Thank You and Next Steps

- Revise draft zoning based on ZAP comments
- Staff to meet with
 - Advisory group
 - Law and ISD
- April 25 - Set a Public Hearing and possible vote