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# CITY OF NEWTON, MASSACHUSETTS

## Economic Development Commission

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### Meeting Minutes

DATE: March 8, 2022

TIME: 6:30 pm via Zoom

#### 1. Attendance

Ruthanne Fuller  
Mayor

**Commissioners Attending:** Phil Plottel (Chair); Sarah Rahman (Vice Chair); Chuck Tanowitz (Secretary); Lisa Adams; Jeremy Freid; Jack Leader; Marcela Merino; Joyce Plotkin; and Matt Segneri.

Barney S. Heath  
Director

**Commissioners Not Attending:** Ali Erol; Rob Finkel; and Debora Jackson;

Planning & Development  
Devra G. Bailin  
Director  
Economic Development

**Staff Attending:** Barney Heath, Director of Planning & Development; Zachery LeMel, Chief of Long Range Planning; and Devra Bailin, Economic Development Director.

**Also Attending:** Councilor Wright; Applicants for the Commission John DeVito, Zach Knowlton, and Florent Mali.

#### 2. Approval of Minutes of February 18, 2022

Commissioners  
Phil Plottel, Chair  
Sarah Rahman, Vice Chair  
Chuck Tanowitz, Secretary

After the motion to approve was made by Mr. Tanowitz and seconded by Ms. Adams, the Minutes were unanimously approved.

#### 3. City Updates

Lisa Adams  
Ali Erol  
Robert Finkel  
Jeremy Freid  
Jim Griglun  
Debora Jackson  
Jack Leader  
Marcela Merino  
Joyce Plotkin  
Matt Segneri

- a. Electrification Mr. Heath explained that the Home Rule Petition is on for discussion before Public Facilities tomorrow night. Mr. Plottel expressed his concern for the tenor of the last hearing, as there seemed very little interest in hearing any concerns. It is expected it will be voted out of Committee. He noted that Greg Reibman asked that they exempt small commercial spaces because they are not impactful to City's emissions. Mr. Plottel explained that the AG has ruled that Brookline's most recent attempt is invalid; ordinances and bylaws cannot, under Chapter 40A, amend the State Building Code.
- b. Outdoor Dining Mr. Heath explained that the last piece of the outdoor dining corrections for the coming season went before ZAP; the outdoor dining on private property, including parking lots and patios, was approved by ZAP and heads to the whole City Council for vote. It would allow a temporary reprieve (until the end of the year) from special permit and other zoning restrictions which would otherwise prohibit this use. After this year, restaurants will need to seek zoning relief and/or amend their special permits. The House has now passed legislation extending the emergency

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provisions from April 1 to the end of the year. (The Senate had passed a bill previously.)

- c. Housing Choice The issue is being studied internally and questions being formulated to submit at the end of the month. The State will then clarify its guidance.
- d. Last Mile Delivery Services Mr. LeMel provided an update on the work of the microfulfillment centers working group. He explained that Inspectional Services has deemed these uses to be retail, even if they have no instore component. These centers are usually not open to the public and offer delivery within 15-30 minutes. Some, however, offer instore components like a convenience store, order pickup, or coffee bar. Mr. LeMel noted that we do not allow warehouses in Business Use 1 or 2, which are the zoning districts in most of the village centers. The consensus seems to be that these fulfillment centers provide a service Newton residents want but that they do not promote vitality and foot traffic. There is also concern about how to regulate the curb impacts including parking requirements and loading (which are within the purview of zoning) as well as traffic and use of curbside public parking spaces (which are not). We are also unable to dictate type of delivery vehicle with zoning. Zoning can regulate location of uses and provide certain standards, like an instore component and transparency. Where should these uses be allowed; if allowed in village centers what standards should be adopted? The draft lays out proposals which look at what would be allowed in BU1, BU2, MU1, MU2, Limited Manufacturing, and Manufacturing. The matter is coming before ZAP on Monday and we want to get the EDC's views on it.

Mr. Tanowitz, who serves on the working group, commented that the more he thinks about it the more he is convinced that zoning is not the right tool for the use. Traffic, curbside usage, the evolving nature of the market, and other factors lead him to the conclusion that zoning will not be effective. He noted that Whole Foods has employees fulfilling deliveries from the store—when does that use tip it to a warehouse? And is this a use likely to continue or one which is presently just propped up by venture capital which will not survive? Mr. Leader said that we are trying to bring vibrancy to our village centers and this does not provide it. It should be allowed where warehousing and distribution are allowed. He also felt that Whole Foods is a grocery store with a small portion being home deliveries. Ms. Adams asked if Mr. Tanowitz was suggesting that the use should be dealt with by general ordinance rather than zoning? Mr. Tanowitz said that he is concerned that in regulating this use via zoning we may inadvertently be zoning out other uses—e.g., fully takeout restaurants. Mr. LeMel noted that he is working with ISD to make sure that we aren't regulating catering facilities, takeout restaurants, and other uses inadvertently. Mr. Tanowitz noted that GoPuff could simply add an instore component and be allowed. Mr. Plottel asked about whether places like UPS and FedEx would still be allowed. Mr. Leader noted that, in addition to shipping and distribution, they provide general business services.

Ms. Adams asked whether other municipalities are using zoning to regulate these uses and Mr. LeMel responded that most are still working on the issue.

Ms. Merino noted the difficulty in trying to regulate a relatively undefined business. She wondered whether these uses would use the village centers since rental costs are so much higher. Ms. Bailin noted that they have learned that the use of highly visible sites, even when not open to the public, are a form of advertising the business. Mr. Mali had a couple of thoughts; he noted the need for foot traffic in the village centers and whether these uses contribute that. He was interested in the façade standards requiring transparency and instore use, as well as size. He added that spaces in the back, under the street, or on the second floor are interesting options.

Ms. Adams noted that concerns might be less if we could limit the number of these facilities and curbside impacts less if we could require delivery bikes. Mr. LeMel noted that these are not things we can regulate by zoning. Mr. Tanowitz added that curbside and traffic issues cannot be handled through zoning. Mr. Plottel noted that advocating for zoning changes which make it easier for desirably businesses to come into the village centers would be ideal. These regulations are prohibitive but there is no carrot. He thinks these businesses will provide services to our residents which they want and he believes the approach proposed strikes a balance on competing goals. He's not sure about the parking requirements—they seem to favor these uses over ones we want to encourage. We need zoning to reduce existing barriers.

## **5. Discussion Items:**

### **a. Reports from 2021 Subgroups**

#### **1. Report from Support Women and Minority-owned Businesses Subgroup**

Ms. Adams noted that she has nothing prepared. Procurement remains the leading concern. She is also looking at the possibility of finding an intern and has been in touch with Babson. Ms. Bailin noted there is an undergraduate program which she used a couple of times in Needham—MCFE; she will forward the information to Ms. Adams. The work will be handed over to the new DEI Working Group.

#### **2. Report from Zoning Redesign Subgroup**

Mr. Plottel said there was nothing new to report.

#### **3. Report from R & D Attraction Subgroup**

Mr. Plottel explained that, while no work was presently being done by the Subgroup, he wanted to note that LabShare is expanding and the UMass Amherst at Mt. Ida is attracting life science companies.

#### **4. Report from Support Newton's Storefront Businesses Subgroup**

The Subgroup did not meet but Mr. Tanowitz has been working on the Last Mile Delivery Services working group.

b. Discussion of Goals and Creation and Assignments into Working Groups

Mr. Plottel explained that we identified three major high level working groups and he wanted to discuss whether the Commission thinks we should add any.

1. Diversity, Equity, and Inclusion

2. Zoning

Mr. Heath noted that Utile made a presentation before ZAP on the economics of development in the village centers; it begins with Newton Centre. Ms. Bailin will share the presentation with the members. Mr. Heath added that Utile comes back to ZAP on March 28<sup>th</sup> with additional information.

3. Sustainability

4. TBD

Ms. Rahman thought three or four were sufficient but that there is a need to define the deliverables. Ms. Adams thought the three identified were a lot to unpack and would not add a fourth. After a short discussion, the consensus was to leave the number of Working Groups at three. Ms. Bailin was asked to send out an email asking the members which group or groups they wish to work on.

c. Discussion of Breweries in Newton

Ms. Bailin explained that an owner of a Farmer's Brewery in Hanover is taking over the Local space. He will operate for a time basically as a restaurant pouring the beer he brews in Hanover. He wants to bring his operation over from Hanover and be able to brew and bottle beer at his Newton. In addition to issues related to the zoning districts for bottling, Newton also prohibits bottling of alcohol. A Planning Department team is working to understand the zoning changes that need to be made to allow his operation and to understand what is required to license a Farmer's Brewery here. Fortunately, Needham has been working on this for a year and their Economic Development Coordinator is providing copies of her research and draft zoning and licensing changes. Councilor Wright commented that she is happy to hear that progress is being made on this.

**5. Other Business**

Mr. Plottel noted that Northland is proposing a 40B at the old Starck building on Needham Street. He tried to encourage a lab or life science use on the site.

Applicants for the Commission commented on the interesting discussions and topics.

**6. Date of next regularly scheduled meeting—April 12, 2022**

The next meeting will be held virtually via Zoom on April 12, 2022 at 6:30 p.m.

**7. Adjournment**

The meeting was adjourned at approximately 7:55 p.m.

Respectfully Submitted,  
Devra G. Bailin, Economic Development Director