



Zoning & Planning Committee Report

City of Newton In City Council

Monday, May 9, 2022

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

Also Present: Councilors Downs, Lucas, Laredo, Greenberg, Humphrey, and Malakie

City Staff: Barney Heath, Director of Planning & Development; Jonathan Yeo, Chief Operations Officer, Josh Handverger, Senior Financial Analyst; Jen Caira, Deputy Director of Planning & Development; John Lojek, Commissioner of Inspectional Services, Andrew Lee, Associate City Solicitor; Lara Kritzer, CPA Program Manager; Ouida Young, Law Department; Deb Finnamore, ISD Administrative Assistant; Perry Rosenfield, Senior Financial Analyst; Nathan Giacalone, Committee Clerk

#229-22 **Appointment of Tamirrashe Gambiza to the Newton Affordable Housing Trust Fund**
HER HONOR THE MAYOR appointing Tamirrashe Gambiza, 15 Cotter Road, Waban as a member of the Newton Affordable Housing Trust Fund for a term of office to expire on May 2, 2023. (60 days: 06/03/22)

Action: **Zoning & Planning Approved 8-0**

Note: Mr. Tamirrashe Gambiza joined the Committee and expressed his desire to serve on the Newton Affordable Housing Trust. Mr. Gambiza noted that he lives in Newton and works as a CPA for a national firm. He is passionate about the importance of providing affordable housing opportunities in every community within the country. Mr. Gambiza expressed his eagerness to offer his financial expertise on the Trust.

The Committee expressed their gratitude for Mr. Gambiza's willingness to serve. A Committee member questioned whether Mr. Gambiza believes the cost of land acquisition will be a barrier to the City. Mr. Gambiza noted that although the cost of land is high, the City's decisions with respect to funding sources and types of agreements may reduce the up-front financial demand. With that, Councilor Albright motioned to approve Mr. Gambiza's appointment to the Affordable Housing Trust. The motion carried unanimously.

#230-22 **Appointment of Peter Sargent to the Newton Affordable Housing Trust Fund**
HER HONOR THE MAYOR appointing Peter Sargent, 33 Avondale Road, Newton as a member of the Newton Affordable Housing Trust Fund for a term of office to expire on May 2, 2023. (60 days: 06/03/22)

Action: **Zoning & Planning Held 8-0**

#231-22 Appointment of Ann Houston to the Newton Affordable Housing Trust Fund
HER HONOR THE MAYOR appointing Ann Houston, 45 Wedgewood Avenue, West Newton as a member of the Newton Affordable Housing Trust Fund for a term of office to expire on May 2, 2023. (60 days: 06/03/22)

Action: Zoning & Planning Held 8-0

Note: The Chair read items #230-22 and #231-22 into the record and explained that the appointees were not available to join the Committee for discussion during the Committee meeting. It was noted that the two appointees are known to some Councilors. Noting that the Council's 60-day time frame to act on the appointees will expire before the Council has an opportunity to take action on the items, the Committee discussed taking action without the appointees being present.

The Committee was supportive of holding a special early meeting, prior to the Committee of the Whole on May 23, 2022 to bring the appointees in for discussion. It was noted that with the appointment of the candidates on May 23, the Trust will have a full complement of members (including four residents, one City Councilor, one CPC member and the Mayor) with terms ranging from one- to two-years. With that, Councilor Leary motioned to hold items #230-22 and #231-22. The motion carried unanimously.

Chair's Note: *After further review from the Law Department, it was later clarified that the 60-day time frame does not apply to the Affordable Housing Trust appointments and the appointees will instead join the Committee at its June 1st meeting.*

#233-22 Appointment of Jason Korb to the Newton Affordable Housing Trust Fund
HER HONOR THE MAYOR appointing Jason Korb, 25 Columbia Avenue, Newton Upper Falls as a member of the Newton Affordable Housing Trust Fund for a term of office to expire on May 2, 2024. (60 days: 06/03/22)

Action: Zoning & Planning Approved 8-0

Note: Mr. Jason Korb joined the Committee to discuss his appointment to the Affordable Housing Trust. Mr. Korb is the managing Principal for Capstone Communities, an affordable and market-rate housing developer. His prior experience includes work for the Fenway Community Development Corporation and Beacon Communities. Mr. Korb has developed several affordable and mixed income developments throughout the state (Brockton, Cambridge and Bridgewater). Mr. Korb expressed his excitement for the opportunity to contribute his expertise in Newton, the community he grew up in. He noted that he has no plans to develop within the City.

The Committee expressed their enthusiastic support for Mr. Korb's appointment to the Trust. Councilor Danberg moved approval of Mr. Korb's appointment which carried unanimously.

#280-22 **Appointment of Florent Mali to the Economic Development Commission**
HER HONOR THE MAYOR appointing Florent Mali, 32 Rowe Street, Auburndale as a member of the Economic Development Commission for a term of office to expire on December 31, 2023. (60 Days: 07/01/22)

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

Note: Mr. Florent Mali was not present to join the Committee at the start of the meeting due to a scheduling miscommunication. Councilor Krintzman motioned to lay the item on the table which carried unanimously. Later in the evening, Mr. Mali joined the Committee. Councilor Krintzman motioned to take the item off the table which carried unanimously. Mr. Mali expressed interest in serving on the Economic Development Commission. He has lived in Newton for over 18 years and noted that his background includes experience in Earth Sciences and Computer Engineering. Mr. Mali stated that his work is data and fact driven and noted that he has been attending Economic Development Commission meetings which he has found interesting. The Committee thanked Mr. Mali for his willingness to serve and acknowledged his extensive experience working in evolving industries. With that, the Committee voted 7-0 (Councilor Albright not voting) in favor of a motion to approve from Councilor Krintzman.

#279-22 **Request for amendment to the Zoning Code to regulate certain signage**
HER HONOR THE MAYOR requesting amendments to Chapter 30, Section 5.2 to amend the portion of the sign ordinance that regulates all “non-commercial” signs (i.e., election or yard sale signs).

Action: **Zoning & Planning Held 7-0 (Councilor Albright not voting); Public Hearing set for 06/13/22**

Note: Associate City Solicitor Andrew Lee joined the Committee for discussion on item #279-22 - the Request for amendment to the Zoning Code to regulate signage. Atty. Lee noted that the City is working on a comprehensive overview of the sign ordinance but explained that the proposed amendments are to address first amendment, free speech concerns. The proposed revisions to the ordinance are to permit “non-commercial” signs, clarify language to ensure consistency and regulate non-commercial signs (i.e. dimensional controls). Atty. Lee provided an overview of the draft language as contained in his presentation, which can be found attached to the end of this report.

Atty. Lee noted the proposed revisions include deleting language pertaining to election signage. Election signs will now be governed as non-commercial signs. A Committee member asked if City staff could develop a guideline and/or best practice document for posting election signs. Additionally, Committee members asked the Law Department to consider ways to create a durational limit on election signs.

The Chair stated that Martina Jackson, forwarded a letter to the Council written by the ACLU (American Civil Liberties Union) citing an opinion that suggests that the City’s Zoning Ordinance is out of sync with Constitutional Law establishing the right to free speech. It was noted that the Zoning Ordinance was drafted intending to prevent a proliferation of signs that may be beyond the scope of “free speech”. Councilors were in agreement that the sign ordinance must follow constitutional law and questioned

whether the proposed size limitation (3'x3'/9 sq. ft.) might be considered unconstitutional. Atty. Lee noted that the sign size limit was taken from the current ordinance. He explained that when the City's comprehensive overhaul of the sign ordinance is undertaken, the sizing may be reevaluated. He confirmed however that an ordinance limiting sign size may be enforced as long as it aligns with the City's goals and is based on studies and data. It was also noted that the Supreme Court has made a clear distinction that there can be greater regulation of free speech (with respect to size) in the commercial context than there can be in the noncommercial context.

In response to questions from the Committee, Atty. Lee stated that these proposed revisions do not address commercial signage, signage in the Historic Districts or signage that is located on property owned by the City. A Councilor asked that the Law Department review the definition of noncommercial as defined in the draft ordinance and verify whether there is an existing definition that might serve the City's purpose. A Councilor asked that the legal notice for the public hearing be drafted to allow for adjustments based on feedback at the public hearing. The Committee agreed to hold a public hearing on June 13, 2022 and voted 7-0 (Councilor Albright not voting) in favor of a motion to hold the item from Councilor Krintzman.

The meeting adjourned at 10:45pm.

Respectfully submitted,

Deborah J. Crossley, Chair

6. Noncommercial Signs. Noncommercial signs shall be allowed in all zoning districts, except as otherwise provided in this Chapter, and shall conform to the following:

- A. The face of the sign shall be no higher than and no wider than 3 feet;
- B. Signs may be located anywhere on a lot, but shall not create a traffic safety hazard by blocking visibility of traffic on a public street from a driveway. Signs shall not overhang a public sidewalk; however, where there is no sidewalk, no part of the sign shall be closer than 8 feet to the edge of the paved portion of the public way;
- C. Signs shall not include any names or logos advertising goods, services, or businesses or otherwise constituting commercial speech;
- D. Signs shall not be artificially illuminated except as permitted by Sec. 5.2.10.