

PLANNING & DEVELOPMENT BOARD MEETING MINUTES

August 1, 2022



Ruthanne Fuller
Mayor

Barney Heath
Director
Planning & Development

Cat Kemmett, Planning
Associate

Members

Peter Doeringer, Chair
Kelley Brown, Vice Chair
Kevin McCormick, Member
Jennifer Molinsky, Member
Barney Heath, *ex officio*
Lee Breckenridge, Member
Laxmi Rao, Alternate
Amy Dain, Alternate

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

Members present:

Peter Doeringer, Chair
Kelley Brown, Vice-Chair
Kevin McCormick, Member
Lee Breckenridge, Member
Amy Dain, Alternate
Barney Heath, *ex officio*

City Staff: Cat Kemmett, Planning Associate

Meeting held virtually by Zoom Meeting

1. Continuation of public hearing for #355-22 Request to Rezone 2 Parcels to BU4

Chair Doeringer opened the meeting at 7:00 pm, and then opened the public hearing for the first item.

Attorney Steve Buchbinder, of Schlesinger and Buchbinder, was present on behalf of the petitioner. He relayed that the city's Law Department has requested that a vote on this matter be held for now to give the city time to confirm whether this project does or does not qualify for the simple majority vote.

The state Executive Office of Housing & Economic Development has provided guidance for municipalities in determining this threshold. Atty Buchbinder read an excerpt from that guidance, which says "It is recommended that the planning board, after consultation with municipal legal counsel, include in this report a determination of which voting threshold applies to the zoning proposal." Director Heath noted that the Board has provided a determination in this vein for a past project on Walnut Street, where a mixed-use project in close proximity to the Newton Highlands MBTA stop was deemed to meet the threshold for a simple majority vote.

Atty Buchbinder said that the developer has been in negotiation with the representation from the Board of Trustees of the Residences at Chestnut Hill Condominium Trust, which is the organization of unit owners at a residential condominium that directly abuts the proposed project. The Trust opposes the proposed rezoning of 11 Florence Street (and associated special permit with waivers). Attorney Ed Allcock of Marcus, Errico, Emmer & Brooks, P.C. was present on behalf of the Trust, and said that this matter can be discussed outside of the public hearing, and that the negotiation process has been largely positive. Any outstanding issues can be discussed at the September meeting.

Upon a motion by Ms. Breckenridge and unanimously approved, the Board voted to hold this item.

2. Continuation of public hearing for #357-22 Request to Rezone 3 parcels to MU4

Attorney Steve Buchbinder, of Schlesinger and Buchbinder, was present on behalf of the petitioner. He outlined some of the key details of the project. Mark Development proposes to build a mixed-use development with restaurant and retail space spanning three sites at Washington Street, 31 Davis Street, and 33 Davis Street. All three parcels are in the BU-1 district. As proposed the project requires rezoning all three parcels to the MU-4 district, and will require a special permit as well.

Atty Buchbinder explained that this project should qualify for a simple majority vote rather than 2/3 majority. The justification for that is that the site is located approximately 700 feet from the West Newton commuter rail stop and is also located within the West Newton village center. Therefore the zone change to MU-4 should qualify for the majority vote quantum. He requested that the Planning Board should make the determination of whether this site is an eligible location and whether the proposed zoning change qualifies for the majority vote threshold

Chair Doeringer then opened the public hearing.

Sachiko Isihara of 15 Davis Street said that she is a direct abutter to this proposed project. Ms. Isihara said that the change in zoning is not appropriate. This proposed development does not reflect the tenets in the Washington Street Vision Plan. She said that this area needs pedestrian-oriented development with setbacks that allow for better walking paths and do not negatively impact local businesses.

Annette Seaward of 17 Davis Street then spoke. She said that this is already a congested area in terms of traffic and parking, and this project will make congestion worse. Public transit is bad from other parts of the city and there is already a lack of parking- this will only create more traffic.

Mr. Brown motioned to close the public hearing, which was approved 5-0-1 with Director Heath abstaining.

Ms. Breckenridge voiced concern about some aspects of the proposed design, including the potential for this plan to compound existing congestion issues and lack of adequate parking. Atty Buchbinder said that those concerns are important but will be addressed in the special permit process, not the rezoning process.

Mr. McCormick said that adding more businesses can potentially compound parking issues, but the benefits are likely to outweigh the negative impact on parking. He would like to see wider sidewalks. Overall, this type of project is likely to benefit village centers. Mr. Brown said this is a good location for a project like this.

Ms. Breckenridge said it is important to consider the spillover effects of projects like this on parking and as we consider making other changes in village centers- it would be good to find a way to address parking issues more holistically in village centers in the city.

Ms. Dain thanked the neighbors for sharing their thoughts and concerns. She said that she thinks this is a good location for a project like this, and the traffic and parking challenges are present but can be addressed. Those concerns are not significant enough in her opinion to stop pursuing the project.

Mr. Brown said that in his mind, the only reason to hold off on voting on the rezoning is if the Board wants to share thoughts and concerns on things like the setbacks and width of sidewalks. Ms. Breckenridge said that it is

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important for the Board to express recommendations about some aspects of the special permit to the City Council.

Chair Doeringer said that in preparation for future discussion of this item, Board members should come prepared with a list of questions and things they would like to see from the petitioner to feel comfortable getting to a vote.

3. Village Center Zoning Update

For this item Board members edited the draft recommendation he had previously shared for the zoning recommendations for Village Centers.

Ms. Breckenridge asked how final this recommendation is meant to be. Director Heath explained that the Board will be able to review and vote on the final language of the ordinance, this is not the final say that the Board has on the matter.

After making a number of changes to the draft recommendation memo, Mr. Brown moved to accept the revised recommendations, which passed 5-0-1 with Director Heath abstaining.

Ms. Kemmett added that staff are finalizing material for the library exhibit, communications materials for network members, and finishing up the feedback tool for public engagement.

Director Heath said that the finer details of the mapping process are still being worked out, but staff are likely to propose using overlay zoning in village centers, which offers flexibility for property owners.

4. Minutes

Upon a motion by Mr. Brown the following minutes were approved.

- June 6: Mr. Brown, Mr. McCormick, Ms. Breckenridge, and Chair Doeringer voted in favor, with Ms. Dain abstaining.
- June 13: Mr. Brown, Mr. McCormick, Ms. Breckenridge, and Chair Doeringer voted in favor, with Ms. Dain abstaining.
- July 11: The Board voted unanimously 5-0-0 to approve the minutes as amended, with a small edit to reflect more accurately the difference between what ZAP voted on and what the Board voted on.

5. Adjournment

Upon a motion by Mr. McCormick and unanimously approved, the meeting was then adjourned.