



Zoning & Planning Committee Agenda

City of Newton In City Council

Wednesday, September 28, 2022

7:00 pm

The Zoning and Planning Committee will hold this meeting as a Virtual Meeting on Wednesday, September 28, 2022 at 7:00 PM. To view this meeting via Zoom use this link: <https://us02web.zoom.us/j/84669130420> or call 1-646-558-8656 and use the following Meeting ID: 846 6913 0420

Items Scheduled for Discussion:

- #398-22** **Appointment of Scott Friedman to the Newton Historical Commission**
HER HONOR THE MAYOR appointing Scott Friedman, 62 Hinckley Road, Waban as an alternate member of the Newton Historical Commission for a term of office to expire on March 30, 2025. (60 Days: 10/07/2022)
- Chair's Note:** *Discussion surrounding the following item will be limited to a brief update from the Planning Department surrounding ongoing community engagement efforts.*
- #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)
Zoning & Planning Held 8-0 on 09/12/22
- #39-22** **Requesting discussion on state guidance for implementing the Housing Choice Bill**
COUNCILOR CROSSLEY on behalf of the Zoning & Planning Committee requesting discussion on state guidance for implementing the Housing Choice element of the MA Economic Development legislation. (formerly #131-21)
Zoning & Planning Held 8-0 on 09/12/22

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

- #400-22 Request for amendment to Section 1.5.2.G.1**
TERRANCE P. MORRIS, ESQ. requesting possible amendment to Section 1.5.2.G.1 Rear Lots, to substitute the word “or” for the words, “which” and “and” as they appear in the 1st sentence of the “Rear Lot” definition.
- #83-22 Review and Amendment of Zoning Ordinance concerning requirements for electric vehicle charging station infrastructure**
COUNCILORS LAREDO, OLIVER, KALIS, DOWNS, MALAKIE, NORTON, LUCAS, MARKIEWICZ, BOWMAN, LEARY, WRIGHT, LIPOF AND GROSSMAN requesting a review and, if appropriate, amendment to our zoning code to increase the requirements for electric vehicle charging station infrastructure in new construction projects.
- Chair’s Note:** *The Chair will entertain a motion of No Action Necessary (NAN) for the following item, as the sign ordinance is under review in the Urban Design Commission, who will be looking at comprehensive improvements to recommend to us at a later date.*
- #52-22 Discussion and possible ordinance amendments regarding the utilization of electric vehicle charging stations**
COUNCILORS GROSSMAN, LAREDO, BOWMAN, NORTON, ALBRIGHT AND CROSSLEY requesting a discussion and possible ordinance amendments with the Planning Department and the Sustainability Directors regarding allowing the utilization of electric vehicle charging stations on private commercial parking lots BY CITY ORDINANCES, including but not limited to the use of digital advertising to pay for the stations and provide free charging to customers. (formerly #340-21)
Zoning & Planning Held 7-0 (Councilor Baker Recused) on 04/11/22
- #420-22 Reappointment of Leigh Gilligan to the Conservation Commission**
HER HONOR THE MAYOR reappointing Leigh Gilligan, 16 Bradford Road, Newton as a full member of the Conservation Commission for a term of office to expire on November 1, 2025. (60 Days: 11/06/2022)
- #421-22 Reappointment of Nancy Grissom to the Auburndale Historic District Commission**
HER HONOR THE MAYOR reappointing Nancy Grissom, 7 Orris Street, Auburndale as a full member of the Auburndale Historic District Commission for a term of office to expire on July 10, 2025. (60 Days: 11/06/2022)
- #422-22 Reappointment of Nancy Grissom to the Newton Historical Commission**
HER HONOR THE MAYOR reappointing Nancy Grissom, 7 Orris Street, Auburndale as a full member of the Newton Historical Commission for a term of office to expire on July 10, 2024. (60 Days: 11/06/2022)

Respectfully Submitted,

Deborah J. Crossley, Chair



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

Telephone
(617) 796-1100
Fax
(617) 796-1113
TDD/TTY
(617) 796-1089
Email
rfuller@newtonma.gov

August 1, 2022

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to appoint Scott Friedman of 62 Hinckley Road, Waban 02468 as an Alternate member of the Newton Historical Commission. His term of office shall expire on March 30, 2025 and his appointment is subject to your confirmation. Mr. Scott Friedman will be completing Mr. Harvey Schorr's previous term, when he served as an Alternate member, which ends on March 30, 2025.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

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2022 AUG - 1 PM 1:20
CITY CLERK
NEWTON, MA, 02459

Application Form

Profile

Scott _____ A _____ Friedman _____
First Name Middle Initial Last Name

Email Address

62 Hinckley Road _____
Home Address Suite or Apt

Waban _____ MA _____ 02468 _____
City State Postal Code

What Ward do you live in?

Ward 5

Primary Phone Alternate Phone

Coldwell Banker Realty _____ Realtor _____
Employer Job Title

Which Boards would you like to apply for?

Newton Historical Commission: Submitted

Interests & Experiences

Please tell us about yourself and why you want to serve.

Why are you interested in serving on a board or commission?

I have been a Newton resident for over 20 years. I have been in real estate for more than 7 years. I loved architecture, home design and preservation for my entire adult life. I think have professional and person experience that would be an added value to the Commission.

Upload a Resume

Scott A. Friedman

62 Hinckley Road – Waban, MA 02468

Professional Experience:**Coldwell Banker Realty****William Ravies**

Self-employed Realtor

2016 - present

Birthright Israel Foundation*Northeast Regional Director*

2012 – 2015

- Developed resources and relationships in the Northeast Region, including identification of donor prospects, cultivation and stewardship of major donors.
- Solicited numerous five and six-figure gifts on an annual basis and staged solicitation and cultivation opportunities for the President and key lay leadership within the region.
- Provided ongoing and vital information to major donors, foundations, prospects and other community leaders.
- Planned and coordinated several high-level major donor events within the region.

Northeastern University, Boston, Massachusetts*Senior Major Gifts Officer*

2010 – 2011

- Identified, cultivated, solicited and stewarded a portfolio of 150+ prospects, including alumni, parents and friends who are capable of making six to seven-figure gifts to the university.
- Built and enhanced constituent relationships with the university as part of an overall strategy of engagement.
- Major geographic responsibilities included but were not limited to: Massachusetts; Connecticut; New York City; Florida; California and Colorado.

Acting Director of Development, College of Social Sciences and Humanities.

- Worked directly with the new Dean of the College in a variety of high-level engagement activities.
- Worked closely with the Chair of the Jewish Studies Program to secure five and six-figure gifts.
- Created and executed a development plan to reach the targeted goal of \$2M for the College as part of the annual university fundraising goal of \$42M.
- Supervised and mentored junior-level associates and administrative staff.

Phillips Academy, Andover, Massachusetts*Leadership Gift Officer for Educational Outreach*

2008 – 2010

- Identified, cultivated, solicited and stewarded a portfolio of 125+ prospects, including alumni, parents and friends who are capable of making six-figure gifts to the institution and/or the four Educational Outreach Programs.
- Identified, cultivated, solicited and stewarded a portfolio of 50+ corporations and foundations that have the capacity to make substantial gifts (\$50,000 and above) to the institution and/or the Educational Outreach Programs.
- Supervised support staff.

Babson College, Wellesley, Massachusetts

2006 – 2008

Leadership Gifts Officer

- Managed the relationship of 200+ individuals capable of making gifts of \$100,000+ over a three to five-year period.
- Developed, recommended, and implemented appropriate strategies for cultivating, soliciting, and stewarding donors within my portfolio. Consulted with advancement colleagues, administrators, faculty, trustees, and other volunteers as appropriate.
- Responsible for all leadership gift activities in geographic regions including: New England, New York, Texas and Southern California.

Combined Jewish Philanthropies, Boston, Massachusetts

1999 - 2005

Senior Major Gifts Officer

- Developed, managed, and implemented strategies for the cultivation, solicitation and stewardship of 125+ donor families with the capacity to consider a six- or seven-figure gift to CJP's Community and Capital Campaign.
- Communicated face-to-face with dozens of donors and community leaders as part of relationship-building strategy development.
- Developed high level solicitation briefings for key volunteer leadership, professional colleagues and the President.
- Identified, cultivated, and solicited new donors to CJP and its community partners, agencies and day school.
- Worked with donors to develop creative ways to achieve their philanthropic goals.
- Executed high-level stewardship events.

Major Gifts Coordinator

- Created and managed major gifts leadership structure to include fundraising, leadership development and volunteer engagement.
- Ensured that all major donor families were assigned the appropriate campaigner and that all gift discussions were completed in an efficient, effective and thoughtful manner.
- Managed the creation and completion of the annual major gifts solicitation process by overseeing the development and accuracy of approximately 550 high-level strategy briefings.
- Developed, managed, and implemented the logistics for all major gifts annual recognition programs and events.

Trust Consultants, Boston, Massachusetts

1992 - 1997

Senior Plan Consultant

- Managed complex pension plans for over 200 clients worldwide.
- Managed all aspects of client training in relation to employee benefit plans.

CIGNA, Hartford, Connecticut

1986 – 1992

Senior Plan Manager

- Managed the client-benefit activity for 100+ large corporations.
- Served as the team trainer and provided senior staff support through effective written and oral communications.

Education:

<i>Brandeis University, Waltham, Massachusetts</i>	1997 – 1999
Master's Degree, Hornstein Program in Jewish Communal Service	
Master's Degree, Heller School of Management	
<i>University of Connecticut, Storrs, Connecticut</i>	1981 – 1985
Bachelor of Liberal Arts	

Community and Volunteer Involvement:

Extensive volunteer leadership experience in a variety of Jewish non-profit organizations throughout the Greater Boston area.

Memberships

Combined Jewish Philanthropies
Greater Boston Real Estate Board
Massachusetts Association of Fundraising Professionals
Temple Beth Elohim, Wellesley



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

#400-22

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www.newtonma.gov

Barney Heath
Director

ZONING REVIEW APPLICATION

Date Submitted: March 7, 2020

Project Address: 113 Grove Street

Zone: SR-3

Project Information

Current Use: Single-family dwelling

Proposed Use: Rear Lot Subdivision for Two 1F dwellings

Project Description (Briefly describe the project below):

Petition for real lot subdivision of a 23,063 sq. ft. lot to erect a new single-family dwelling on a new 12,897 sf lot per NZO Sections 3.1.5 and 3.1.10. The project requires a special permit under Section 3.1.10.A. The existing single-family dwelling on the front lot will have an FAR of .26, with .41 is the maximum allowed for a 10,015 sq. ft. lot. The dwelling on the rear lot will have an FAR of .23 where .24 is the maximum allowed. Neither structure requires FAR relief.

In all other respects the petition meets the dimensional requirements (frontage, setbacks, lot coverage, open space, vehicular access and building height) for a rear lot subdivision. However, section 1.5.2.G.1 defines a rear lot "as a parcel of land not fronting or abutting a street...". Since the proposed rear lot abuts Lasell Street for a distance of 30' arguably it may not qualify for rear lot treatment even though in 2016 the Council granted a rear lot subdivision for property at 103 Court Street with secondary frontage on and access from Wilton Road. Accordingly, **this application also involves clarification of the rear lot definition by changing the words, "which" and "and" as they appear in the 1st sentence to the word, "or".**

Site Information

Describe the Current and Past Uses, Site and/or Structure information as it relates this application:

The 23,063 sf lot contains a dwelling originally constructed as a single-family dwelling circa 1860.

Project Plans Should Include the Following Site Information in Current and Proposed Conditions:

REQUIRED SUBMITTAL CHECKLIST					
X	Lot Size	X	Front Setback	X	Lot Coverage
X	Lot Frontage	X	Side Setbacks	X	Open Space
X	Building Height	X	Rear Setback	X	Floor Area Ratio
X	Lot Area per Unit	X	Number of Stories	X	Parking

(All plans **MUST** be signed, stamped, dated, drawn to scale, and clearly labeled. An inaccurate or incomplete application will **NOT** be accepted. As necessary, the additional information may be requested. Please review the reverse of this form for additional information.)

NOTE: This Application MUST be accompanied by a General Permit Application.

Middlesex South Registry of Deeds
Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

Document Number	: 73017
Document Type	: DECIS
Recorded Date	: May 11, 2016
Recorded Time	: 09:49:47 AM
Recorded Book and Page	: 67231 / 33
Number of Pages(including cover sheet)	: 7
Receipt Number	: 1941032
Recording Fee	: \$75.00

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.middlesexsouthregistry.com

#49-16
103 Court Street

CITY OF NEWTON

IN CITY COUNCIL

April 4, 2016

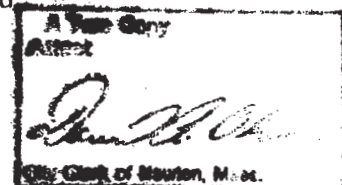
2016 APR - 6 PM
CITY OF NEWTON

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL for a rear lot subdivision to construct a new two two-family dwelling and to allow the frontage of the rear lot to be measured along the rear lot line of the lot in front, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Marc Laredo:

Property Address: 103 Court Street, Newton

1. The site is an appropriate location for the proposed use and structure as the proposed new rear lot will be in keeping with surrounding lot sizes. (§7.3.3.C.1.)
2. The proposed two-family dwelling is designed in such a manner so that its massing and scale will be in character and consistent with adjacent residential structures in the surrounding Multi Residential 1 zoning district. (§7.3.4.B.2.)
3. The proposed height of the ridgeline for the rear lot dwelling, approximately 31.49 feet, does not exceed the allowed 36 feet and is in keeping with the ridge elevations of adjacent residential structures. (§7.3.4.B.1.)
4. The proposed lighting will be residential in character and will not impact abutting properties. (§7.3.4.B.9.)
5. The orientation of the driveways and siting of the new two-family dwelling, which meets the dimensional controls, are appropriate for the site and neighborhood. (§7.3.4.B.5.)
6. The existing shared 10 foot wide shared driveway along the east property line will be widened to 12 ft. and will service the existing two-family house and one of the two proposed rear units.
7. As per Sec. 3.2.12.B.1, vehicular access to one of the units in the proposed rear two-family dwelling will be provided by a 20 foot wide driveway off Wilton Road.



- 8. The proposed landscape plan entails fencing and the planting of trees that will screen the new dwelling from abutting properties. (§7.3.4.B.4.)
- 9. The proposed retaining walls and site drainage systems are designed to ensure that there will be no off-site drainage impacts on abutting properties. (§7.3.4.B.3.)

PETITION NUMBER: #49-16

PETITIONER: Alan W. and Barbara Quebec

LOCATION: 103 Court Street, Ward 2, Newtonville, on land known as Section 23 Block 16 Lot 36, containing approx. 22,723 square feet of land

OWNER: Alan W. and Barbara Quebec

ADDRESS OF OWNER: 103 Court Street, Newton, MA 02460

TO BE USED FOR: Rear lot subdivision and construction of a new two-family dwelling on a 12,084 square foot lot while maintaining the existing two-family dwelling on a 10,699 square foot lot.

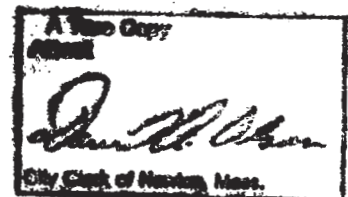
CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.2.12 to allow a rear-lot subdivision with the frontage of the rear lot measured along the rear line of the front lot.

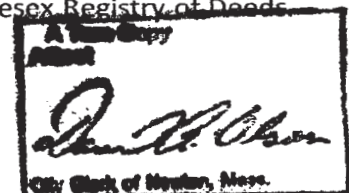
ZONING: Multi Residence 1 District

Approved subject to the following conditions:

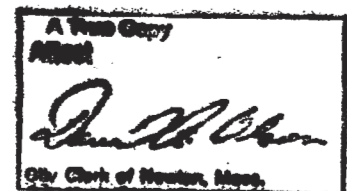
- 1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - a. A set of site plan drawings, "Showing Proposed Conditions at #103 Court Street" prepared by VTP Associates Inc., stamped and signed by Joseph R. Porter, Land Surveyor, dated February 9, 2016, including:
 - i. "Topographic Site Plan," Sheet 1 of 3;
 - ii. "Detail-1," Sheet 2 of 3;
 - "Detail-2," Sheet 3 of 3.



- b. A plan entitled "Topographic Site Plan, Newton, Massachusetts, Showing Existing Conditions at #103 Court Street," prepared by VTP Associates Inc., stamped and signed by Joseph R. Porter, Land Surveyor, dated August 24, 2015.
- c. A set of architectural drawings for the proposed new two-family residence on proposed Lot B and the proposed attached garage proposed on proposed Lot A at 103 Court Street, prepared by Ronald F. Jarek, Architect, dated Nov. 26, 2015 and revised on Feb. 5, 2016, entitled: "Project: Proposed 2 Family Residence 103 Court Street, Newtonville, MA 02460," including:
 - i. "Title Sheet," Sheet A-0;
 - ii. "Notes & Materials," Sheet A-1;
 - iii. "Proposed Basement Plan," Sheet A-2;
 - iv. "Proposed First Floor Plan," Sheet A-3;
 - v. "Proposed Second Floor Plan," Sheet A-4;
 - vi. "Proposed Attic Plan," Sheet A-5;
 - vii. "Proposed Roof Plan," Sheet A-6;
 - viii. "Proposed Front Elevation," Sheet A-7;
 - ix. "Proposed Right Side Elevation," Sheet A-8;
 - x. "Proposed Left Side Elevation," Sheet A-9;
 - xi. "Proposed Rear Elevation," Sheet A-10;
 - xii. "Proposed Section A-A," Sheet A-11;
 - xiii. "Proposed Wall Sections," Sheet A-12;
 - xiv. "Proposed Sections & Details," Sheet A-13;
 - xv. "Proposed Parcel "A" Garage Drawings," Sheet A-14;
 - xvi. "Proposed Foundation Plan," Sheet F-1;
 - xvii. "Proposed First Floor Framing Plan," Sheet F-2;
 - xviii. "Proposed Second Floor Framing Plan," Sheet F-3;
 - xix. "Proposed Attic Framing Plan," Sheet F-4;
 - xx. "Proposed Roof Framing Plan," Sheet F-5;
 - xxi. "Typical Sections & Details," Sheet F-6.
 - xxii. "Landscape Plan," Sheet LA-1.
2. The petitioner shall comply with the Tree Preservation Ordinance.
3. All utilities shall be located underground from the property line.
4. All lighting fixtures shall be residential in scale.
5. Prior to the issuance of any Building Permit, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds.



- A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
6. Prior to the issuance of any Building Permit, the petitioner shall provide a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
 7. Prior to the issuance of any Building Permits, the petitioner shall provide a final Landscape Plan showing compliance with the Tree Preservation Ordinance and all new plantings, for review and approval by the Director of Planning and Development.
 8. Prior to the issuance of any Building Permit, the petitioner shall submit a final Construction Management Plan (CMP) to the Commissioner of Inspectional Services, the Director of Urban Forestry, the Engineering Division of Public Works, the Director of the Department of Planning and Development, the Newton Fire Department and Newton Police Department, which plan should shall include at a minimum:
 - a. 24-hour contact information for the general contractor of the project.
 - b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 5:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Commissioner of Inspectional Services.
 - c. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
 - d. A tree preservation plan to define the proposed method for protection of existing trees to remain on the site and on abutting properties during construction.
 - e. A plan for rodent control during construction.
 - f. If blasting of on-site ledge is required, the petitioner shall obtain a Blasting Permit from the Newton Fire Department.
 - g. To ensure emergency vehicle access there shall be no parking in the common driveway.
 9. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Received final approval from the Director of Planning and Development for the Construction Management Plan.
 - b. Recorded a certified copy of this Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - c. Filed a copy of such recorded Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.




- d. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
 - e. Obtain a written statement from the Engineering Division of Public Works that confirms the receipt of a certified copy of the recorded O&M in accordance with Condition #5.
 - f. Filed a final Landscape Plan to the Director of Planning and Development for review and approval.
10. No occupancy permit for the houses constructed pursuant to this Special Permit/Site Plan Approval shall be issued until the petitioner has:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in digital format.
 - c. Filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, final landscape features and fencing.
11. Notwithstanding the provisions of Condition #10 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provide that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.

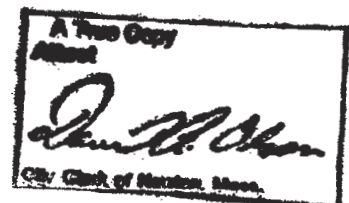
Under Suspension of Rules
 Readings Waived and Approved
 23 yeas 0 nays 1 absent (Councilor Harney)

The undersigned hereby certifies that the foregoing copy of the decision of the City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on April 6, 2016. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
 Clerk of the City Council

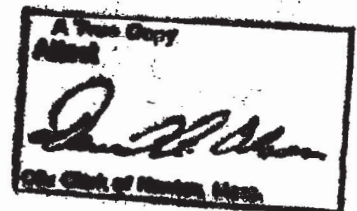


I, David A. Olson, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the City Council in the Office of the City Clerk on 4/6 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the City Council



Newton EV Taskforce Members

Leslie Zebrowitz

Philip Vergragt

George Kirby

Alicia Bowman

September 23, 2022

Newton City Council

1000 Commonwealth Avenue

Newton, MA 02459

Honorable City Councilors,

We have prepared the following information in preparation for the discussion of the docket item

#83-22 Review and Amendment of Zoning Ordinance concerning requirements for electric vehicle charging station infrastructure

COUNCILORS LAREDO, OLIVER, KALIS, DOWNS, MALAKIE, NORTON, LUCAS, MARKIEWICZ, BOWMAN, LEARY, WRIGHT, LIPOF AND GROSSMAN requesting a review and, if appropriate, amendment to our zoning code to increase the requirements for electric vehicle charging station infrastructure in new construction projects.

Background. Our world climate is changing at an unprecedented rate as a result of human-caused greenhouse gas emissions. Personal vehicle emissions comprise 24% of the MA total emissions. <https://www.mass.gov/doc/transportation-sector-technical-report/download> Transitioning from gas-powered vehicles to electric vehicles is a key climate strategy for Massachusetts and is one of Newton's four key climate goals. **As presented to the City Council at the 9-19 Climate Update, 5% of vehicles registered in Newton are already EVs and are estimated to be 10% by 2025.**

Increased need for EV chargers. The pace of transformation of the automotive industry to electric vehicles has quickened, with most manufacturers planning to phase out new internal combustion vehicles within the next ten years. By the end of 2022 Massachusetts will adopt The Advanced Clean Cars II (ACCII) standards. These standards require automakers to steadily increase the percentage of vehicles they sell that are electric from 35% in 2026 to 100% in 2035. **That's worth restating: it will not be possible to buy a new car in the Commonwealth as of 2035 that is not electric.**

Newton must prepare for these changes by increasing the availability of EV charging stations in new developments and major renovations. A higher priority should be placed on residential charging as this allows for implementing gradual, overnight Level 2 charging to best match lifestyle and grid power availability.

Current Newton charging station regulations. Enacted in 2017, the City of Newton Sustainable Development Requirements mandate at least 10% of available parking spaces in new green developments greater than 20,000 square feet be equipped with charging stations plus another 10% must be charging station ready. The ordinance also sets the maximum number of required chargers per project as 40. This level of charging infrastructure will be insufficient to handle the near future estimated charging needs and would be expensive to retrofit.

Regulations from Nearby Communities.

- [Boston](#) 25% EV charger equipped and 75% EV-Ready for its larger new developments
- [Brookline](#) at least 2% of parking spaces (or 1 space, whichever is larger) EV charger equipped and another 15% of all parking spaces are EV-Ready for major impact projects
- Cambridge 25% EV charger equipped for larger projects.

It is important to consider that Cambridge and Somerville have a large number of residents that do not have off street parking. Thus both cities have also launched efforts to provide a sizeable network of EV chargers on city property to support these residents. Other communities that have not yet adopted EV charger regulations are likely handling requirements as part of the special permit process and may be waiting for new Massachusetts Electrical Stretch Code to determine criteria.

Recommendation.

The new Massachusetts Electrical Stretch Code that will be in place January 2023 has several important changes related to EV charging. First, it requires all new construction to prepare for EV charging with electrical conduit and wiring. This includes single family homes and small residential. More detail on these changes are noted in the table below.

Second, it would no longer require each EV charging station to have a dedicated circuit capable of supplying continuous power to each station, helping to resolve the issue of providing sufficient power for the number of charging stations mandated. The new code will now allow available power to be utilized at maximum efficiency by means of an Automated Load Management System (ALMS). This would allocate power and supply to as many stations and vehicles as possible without exceeding the load on the facility or circuit.

We recommend that Newton significantly increase requirements for EV chargers and EV charger ready parking spaces, looking to the City of Boston standards for our larger residential buildings. We also recommend increasing the requirements for commercial buildings and eliminating the maximum number of chargers. **Lastly, Newton should consider developing an EV standards policy similar to that developed by [Boston](#).**

Review of EV Charging Requirements			
Charging Stations	Current Newton Ordinance	MA Electrical Stretch Code (as of Jan 2023)	Proposed Changes to Newton Ordinance
Coverage	New Green Developments >20,000 square feet	All new construction including small residential	All new parking lots
Mandated % of Parking Spaces with Access to EV Charging Stations	10% of parking spots	No requirement	<p>Single family + 2-5 unit multi-family: no requirement</p> <p>Residential (6+ units but less than 20,000 sq ft) no requirement</p> <p>Larger residential (>20,000 sq ft): 25 % of parking spots</p> <p>Commercial: 25% of parking spots</p>
Mandated % of Parking Spaces that are Charger Ready with Conduit and Cable (in addition to those mandated spaces charging equipped)	10% of parking spots	<p>Single family + 2-5 unit multi-family: 1 charger ready per unit</p> <p>Larger residential and all commercial: 20% charger ready</p>	<p>Single family + 2-5 unit multi-family: 1 charger ready per unit</p> <p>Residential (6+ units but less than 20,000 sq ft) 20% charger ready with a minimum of 3 spaces</p> <p>Larger residential (>20,000 sq ft) 75% charger ready</p> <p>40% commercial charger ready</p>
Maximum # of EV Chargers	40	No maximum	No maximum

CURRENT ORDINANCE

5.13.4 B. Electric Vehicle Charging Stations.

A green building project must provide that a minimum of 10% of parking spaces have access to electric vehicle charging stations up to a maximum of 40 spaces. An additional 10% of parking spaces must be electric vehicle charging station ready, meaning that electrical systems and conduit are prepared to expand the number of charging stations as demand increases. This Section 5.13.4.B only applies to new or rebuilt parking facilities; those projects using existing parking lots are exempt.

Items for Discussion

1. Our recommendation establishes higher standards for residential buildings vs. commercial buildings given vehicle owners are more likely to charge at home.
 - a. 25% EV charger + 75% charger ready for residential buildings
 - b. 25% EV charger + 40% EV charger ready for commercial buildings.

It is important that the combination EV chargers + EV charger ready meets or exceeds 61%. The new Massachusetts Electrical Stretch Code noted that the number of spaces that can be supplied with electricity and controlled by an ALMS is greatly maximized when at least 61% of spaces are EV charger equipped or EV charger ready. Refer to table at end of document for further detail.

2. Should we require any EV charging requirements (beyond the Massachusetts Electrical Stretch Code) in any buildings of less than 20,000 square feet?

C405.13.1 Minimum Charging Performance Requirements. Automatic Load Management System (ALMS) may be used to control electric vehicle loads for EV-Ready or EVSE-Installed Spaces, subject to the performance requirements in Table C405.13.1. The maximum number of parking spaces that may share a single branch circuit varies based on the percentage of all parking spaces to be provided with EVSE.

TABLE C405.13.1 EV-READY PERFORMANCE REQUIREMENTS

<u>Circuit Breaker Amperage</u>	<u>Maximum Parking Spaces that May Share a Branch Circuit with 10%-60% EV Ready spaces</u>	<u>Maximum Parking Spaces that May Share a Branch Circuit with 61-100% EV Ready spaces</u>
<u>40A</u>	<u>1</u>	<u>2</u>
<u>50A</u>	<u>1</u>	<u>2</u>
<u>60A</u>	<u>2</u>	<u>4</u>
<u>70A</u>	<u>3</u>	<u>6</u>
<u>80A</u>	<u>4</u>	<u>8</u>
<u>90A</u>	<u>5</u>	<u>9</u>
<u>100A</u>	<u>6</u>	<u>10</u>



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

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(617) 796-1089
Email
rfuller@newtonma.gov

August 29, 2022

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to reappoint Leigh Gilligan of 16 Bradford Road, Newton, 02461 as a full member of the Conservation Commission. Her term of office shall expire on November 1, 2025 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

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2022 AUG 29 PM 12:04
CITY CLERK
NEWTON, MA. 02459

Application Form

Profile

Leigh _____ A. _____ Gilligan _____
 First Name Middle Initial Last Name

 Email Address

16 Bradford Road _____
 Home Address Suite or Apt

Newton _____ MA _____ 02461 _____
 City State Postal Code

What Ward do you live in?

Ward 5

 Primary Phone

 Alternate Phone

Sullivan & Worcester LLP _____ Partner / Lawyer _____
 Employer Job Title

Which Boards would you like to apply for?

Conservation Commission: Submitted

Interests & Experiences

Please tell us about yourself and why you want to serve.

Why are you interested in serving on a board or commission?

I have been a Newton resident since 2000, and an environmental attorney since 1990. I am keenly interested in applying my skills to become an engaged and active member of the Conservation Commission to participate in its able stewardship of Newton's important wetlands and conservation resources and find that this is a good time for me to make a substantial commitment to our community. I have worked in the wetlands regulatory world on behalf of many clients over the decades and greatly enjoy this aspect of my professional life. I have a wide body of experience within wetlands law and regulation at the local, state and federal level. I would greatly appreciate the opportunity to apply this experience in the Commission context. I greatly enjoyed sitting with Jennifer Steel and Claire Rundelli (City of Newton) and hearing about the Commission's important work, priorities and methodologies. I think I would be a good addition to the Commission and would greatly look forward to working with these impressive professionals.

[Leigh_Gilligan_Bio.pdf](#) _____
 Upload a Resume

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EAST BRUNSWICK | PHILADELPHIA | WILMINGTON | WASHINGTON, DC



LEIGH A. GILLIGAN PARTNER BOSTON

PRACTICE GROUP
Environment & Energy

CONTACT
265 Franklin Street
Boston, MA 02110

EDUCATION

J.D., George Washington University Law School, 1990 (formerly George Washington University, The National Law Center)

B.A., University of Vermont, 1987

ADMITTED TO PRACTICE
Massachusetts

U.S. District Court, District of Massachusetts

U.S. Court of Appeals, First Circuit

MEMBERSHIPS AND PROFESSIONAL ACTIVITIES

American Bar Association, Section of Natural Resources, Energy and Environmental Law

Boston Bar Association, Environmental Law Section

New England Women in Real Estate (NEWIRE), Member of the Steering Committee (2004-2007), Programs and Seminars Committee, Chair, Legacy Council



McCarter & English, LLP

Clients report Gilligan "explains complex legal situations in clear ways and makes excellent recommendations for solving our problems." - Chambers USA

Leigh Gilligan of McCarter & English, LLP "displays a perfect blend of commanding legal knowledge and creative business know-how," clients say. - Chambers USA

Ms. Gilligan is a partner in the firm's Environment & Energy Practice Group. She has extensive experience in many aspects of environmental and land use law including licensing and permitting, compliance counseling, and representation in connection with business and lending transactions, as well as real estate development.

Ms. Gilligan represents parties involved in federal and state hazardous waste sites including legal proceedings, private cost recovery actions and dealings with governmental agencies. She regularly represents lenders in the evaluation, management and resolution of environmental issues. She also has extensive experience in environmental issues involved in transactions for the purchase and sale of land and businesses, including confirming and securing liability protections and economic incentives in connection with Brownfields redevelopment. Her representation also includes preparation of environmental opinions in connection with loans and bond issuances; compliance counseling to businesses of all sizes; representation of parties in environmentally-related state and local administrative and enforcement proceedings (including wetlands, tidelands and Massachusetts Environmental Policy Act review and facility site assignments); and working with site owners and developers in the management of environmental issues and permitting in the context of development. Ms. Gilligan is a frequent author and lecturer on environmentally related topics. She has in the past been an Instructor/Guest Lecturer at MIT's Center for Real Estate.

The "very helpful and responsive" Leigh Gilligan has a solid and broad-ranging environment and land use practice and she leads the team's Boston offering. Ms. Gilligan is recognized in *Massachusetts Super Lawyers* for 2004-2018, and is listed in *Chambers USA* from 2010-2019. Her broad practice includes the representation of clients in compliance, licensing and permitting matters.



Ruthanne Fuller
Mayor

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rfuller@newtonma.gov

August 29, 2022

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to reappoint Nancy Grissom of 7 Orris Street, Auburndale 02466 as a full member of the Auburndale Historic District Commission. Her term of office shall expire July 10, 2025 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

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2022 AUG 29 PM 12:05
CITY CLERK
NEWTON, MA, 02459

Application Form

Profile

Nancy _____ Grissom _____
 First Name Middle Initial Last Name

 Email Address

7 Orris St. _____
 Home Address Suite or Apt

Auburndale _____ MA 02466 _____
 City State Postal Code

What Ward do you live in?

Ward 4

 Primary Phone

 Alternate Phone

Hammond Residential _____ Realtor/Salesperson _____
 Employer Job Title

Which Boards would you like to apply for?

Auburndale Historic District Commission: Submitted

Interests & Experiences

Please tell us about yourself and why you want to serve.


Why are you interested in serving on a board or commission?

This is my letter of interest to be reappointed to the Auburndale and Newtonville Local Historic District Commissions as well as the Newton Historical Commission. I have been the representative of the Newton Historical Commission to the Local historic district commissions in recent years. I am currently chair of the Newton Historical Commission. I believe that two of the commissions have been renewed recently. I can't remember which one has not. I have attached my resume to this letter. Thank you for your consideration.

[Newton_historical_commission_Resume.pdf](#)

Upload a Resume

Nancy Grissom
7 Orris St
Auburndale, Ma 02466



- Resident of Newton for over 40 years. Owner of a house built in 1886.
- Realtor/Salesperson with in Newton for over 22 years, currently associated with Hammond Residential in Chestnut Hill.
- GRI and CRS real estate designations.
- Active with the Greater Boston Association of Realtors, currently serving on Grievance and Professional Standards Committees
- Member of the Newton Historical Commission since 2000 with nearly perfect attendance.
- Member of the Auburndale and Newtonville Local Historic Districts as a representative of the Newton Historical Commission.
- President of the Friends of the Newton Free Library.
- Long term interest in Preservation as member and volunteer for Historic New England and Historic Newton for more than 35 years.
- Nearly 30 years experience in the high tech computer industry working for New England Life Ins Co, Digital Equipment, and Data General Corporation – first as a programmer, later in application software product development, and finally in federal sales and marketing.
- Mount Holyoke graduate, where I took courses in architecture.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

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rfuller@newtonma.gov

August 26, 2022

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to reappoint Nancy Grissom of 7 Orris Street, Auburndale 02466 as a full member of the Newton Historical Commission. Her term of office shall expire on July 10, 2024 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

RECEIVED
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CITY CLERK
NEWTON, MA, 02459

Application Form

Profile

Nancy _____ Grissom _____
 First Name Middle Initial Last Name

 Email Address

7 Orris St. _____
 Home Address Suite or Apt

Auburndale _____ MA _____ 02466 _____
 City State Postal Code

What Ward do you live in?

Ward 4

 Primary Phone

 Alternate Phone

Hammond Residential _____ Realtor/Salesperson _____
 Employer Job Title

Which Boards would you like to apply for?

Newton Historical Commission: Submitted

Interests & Experiences

Please tell us about yourself and why you want to serve.


Why are you interested in serving on a board or commission?

This is my letter of interest to be reappointed to the Auburndale and Newtonville Local Historic District Commissions as well as the Newton Historical Commission. I have been the representative of the Newton Historical Commission to the Local historic district commissions in recent years. I am currently chair of the Newton Historical Commission. I believe that two of the commissions have been renewed recently. I can't remember which one has not. I have attached my resume to this letter. Thank you for your consideration.

[Newton_historical_commission_Resume.pdf](#)

Upload a Resume

Nancy Grissom
7 Orris St
Auburndale, Ma 02466



- Resident of Newton for over 40 years. Owner of a house built in 1886.
- Realtor/Salesperson with in Newton for over 22 years, currently associated with Hammond Residential in Chestnut Hill.
- GRI and CRS real estate designations.
- Active with the Greater Boston Association of Realtors, currently serving on Grievance and Professional Standards Committees
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- Nearly 30 years experience in the high tech computer industry working for New England Life Ins Co, Digital Equipment, and Data General Corporation – first as a programmer, later in application software product development, and finally in federal sales and marketing.
- Mount Holyoke graduate, where I took courses in architecture.