



Zoning & Planning Committee Report

City of Newton In City Council

Wednesday, September 28, 2022

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

Absent: Councilor Krintzman

Also Present: Councilors Lipof, Greenberg, Downs and Bowman

City Staff: Zachary LeMel, Chief of Long Rand Planning; Jen Caira, Deputy Director of Planning; Barney Heath, Director of Planning; Andrew Lee, Assistant City Solicitor; Jaclyn Norton, Committee Clerk

For more information regarding this meeting, a video recording can be found at the following link: [09-28-22 Zoning & Planning Committee Meeting](#)

#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)

Action: **Zoning & Planning Approved 5-0 (Councilors Leary and Ryan not voting)**

Note: The Chair introduced Mr. Friedman. who described his interest in joining the Commission as a long time Newton resident who loves the city and expressed a desire to preserve current housing stock. Multiple Councilors expressed support and the Committee voted 5-0 on a motion to approve from Councilor Albright.

#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**

Note: The Chair read the item into the record and noted that the current community engagement is an interim step and that we should understand and communicate that this phase will not be directly followed by voting on zoning. Rather, the Committee still has extensive work to do, and feedback received from this phase may be helpful. Committee work ahead includes consideration of draft maps for each village center, design standards and actual zoning text. Sessions are being planned to take draft maps out to the community. The Chair expects this work to take the rest of the year and into the following year. Once the committee decides it has a product to propose to the public, public hearings will be scheduled. It was also noted by multiple individuals that draft maps will be proposed to the Committee in late October. Zachary LeMel, Chief of Long Range Planning provided an update on the current status of the community engagement efforts. The community engagement exhibit and feedback tool will be open until October 16th and Mr. LeMel urged all individuals to complete the feedback tool ([Village Centers | City of Newton, MA \(newtonma.gov\)](#)). Ms. Cairra confirmed that the exhibit is a step above and beyond the public process required for zoning amendments, intending to inform and educate the public, as well as to receive feedback.

During the discussion, one Councilor noted a desire to see a 3D model of the proposed maximum by-right buildings within various village centers. These models would be to allow the public to see how these proposed changes look contextually. It was reaffirmed by Mr. LeMel that zoning will cause a change in an area over time, so the illustrations provided that show some buildings built to the proposed maximum by-right metrics may happen but not throughout an entire district. He stressed that a 3D model of the entire city can be found via Google Earth. Google Earth is being used extensively to see what is currently built, along with existing zoning that defines village centers, to propose areas and boundaries for the new village center districts. Multiple Councilors also sought clarification on what should be done to get more people involved. Mr. LeMel stated that Councilors should help in any way possible to get this information to interested individuals and is willing to help share the community engagement materials. Committee members voted 7-0 on a motion to hold from Councilor Albright.

#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)

Action: Zoning & Planning Held 7-0

Note: The Chair read the item into the record and introduced Mr. LeMel to discuss the final Compliance Guidelines. Mr. LeMel noted that there are several significant changes from the Draft Guidelines that affect how Newton can comply.

First, the guidelines focus on fixed rail rapid transit as the foundation for assigning categories to municipalities. Newton remains in the highest category, having extensive access to the T and commuter rail. But Newton must now designate 90% of compliant zoning districts within a half mile of rapid transit, versus 50% in the Draft Guidelines.

Affordability requirements are new and may limit the level of affordability Newton could require in the new districts, perhaps depending on DHCD's interpretation. The Planning Department is currently looking into the specific provisions surrounding affordability as the City's Inclusionary Zoning Ordinance allows for a deeper level of affordability than the guidelines. Chair Crossley read a statement from Clark Ziegler, Executive Director of Mass Housing Partnership, who says *"the administration is actively considering IZ situations like Newton's and that other cities and towns have raised similar concerns. Keep in mind that any proposed solution would likely require the city to demonstrate the economic feasibility of the IZ policy, consistent with the intent of the state guidelines."*

Finally, a new rule is that our new zoning may allow, but not require, first floor retail/commercial uses. Planning staff are working with Utile on methods we may employ to incentivize mixed-use development in the village center districts.

DHCD will be issuing compliance modeling software later this fall that all communities must use to measure compliance. An Action Plan that describes steps being taken to achieve compliance is due by January 31, 2023. Compliant zoning is required to be in effect by December 31, 2023. Jen Caira, Deputy Director of Planning added that the work on village center zoning redesign will be focused on what is best for the village centers, then consider how we might use that zoning as one pathway to compliance with MBTA, afterward considering additional methods to ensure compliance. Once we complete village center rezoning, the intention is to move to commercial corridors, such as Washington Street, Needham Street and Route nine.

During the discussion, multiple Councilors noted several questions on compliance and affordable units within the City. Planning staff noted that they are currently seeking guidance from DHCD (Department of Housing and Community Development) and that compliance questions cannot be fully answered until the compliance model is available. Multiple Councilors also posed questions relating to how this new zoning will affect special permit projects. Deputy Director Caira noted that it will take time to fully research the logistics of those special permits and can respond at a later meeting. The Committee voted 7-0 on a motion to hold from Councilor Wright.

#400-22 Request for amendment to Section 1.5.2.G.1
TERRENCE 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.

Action: Zoning & Planning Held 7-0

Note: The Chair introduced Terrence Morris. Attorney Morris provided the Committee with a brief history of the Rear Lot ordinance (attached) and showcased inconsistencies in its interpretation. He noted that this item was docketed to help clarify the ordinance. Deputy Director Caira stated that if the Committee should proceed with this item, the Planning

Department will work the Law Department and attorney Morris on the proposal language. Andrew Lee, Assistant City Solicitor, recommended that a public hearing not be set until the Committee has reviewed the proposed language.

Councilors expressed interest in reviewing the proposed language at a future meeting. One Councilor raised concerns that the amendment presented by Attorney Morris would create a significant increase in rear lot subdivisions and that the full scope of the amendment is unknown. Another noted that in any case a special permit is required for a rear lot subdivision which is a rare occurrence. The Committee voted 7-0 on a motion to hold from Councilor Leary.

#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.

Action: **Zoning & Planning Held 7-0**

Note: The Chair introduced Councilor Bowman as lead docketer and member of the Newton EV Taskforce, who advise the Sustainability Team ([The Team | City of Newton, MA \(newtonma.gov\)](https://www.newtonma.gov)). This Councilor referred to the memo in the Friday Packet (attached), containing some history regarding EV requirements in Newton and Boston, the coming revisions to the MA Stretch Energy Code, and the Task Force' recommendations to increase our requirements to prepare for future needs. It was also noted that ICE (Internal Combustion Engine) vehicle production will be halting in 2035 and the grid changes that would result. Bill Ferguson, Co-director of Sustainability, stated that he and the Task Force still have a few details to work out and can present the proposal at a future meeting.

Councilors noted that the newly released stretch code, which takes effect January 2023, includes requirements for charger-ready infrastructure. Areas of consideration were also raised due to less frequent charging resulting from increased range and potential infrastructure for e-bikes. The presenting Councilor noted that in developments with assigned parking, it would be best that all parking spaces have access to EV chargers or charger-ready infrastructure, and that Boston has started work on e-bike infrastructure. Task Force member George Kirby emphasized the importance of bringing sufficient power to new construction to serve the growing need for EV charging, which is very expensive to add at a later date. The Chair stated that before the next discussion on this item the Law Department has agreed to conduct a review of potential MA code limitations. Committee members voted 7-0 on a motion to hold from Councilor Ryan.

#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)

Action: Zoning & Planning NAN 6-0-1 (Councilor Baker recused)

Note: The Chair read the item into the record and noted that the Urban Design Commission is currently conducting a comprehensive review of the Sign Ordinance and will be proposing amendments to the ZAP committee at a later date. The aspect of digital advertising could be incorporated into these amendments, but that we should take the discussion item off our agenda until such time. Committee members agreed the Committee voted 6-0-1 (Councilor Baker recused) on a motion of No Action Necessary (NAN) from Councilor Leary.

#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)

Action: Zoning & Planning Approved 7-0

#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)

Action: Zoning & Planning Approved 7-0

#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)

Action: Zoning & Planning Approved 7-0

Note: The Chair read items #420-22, 421-22, and 422-22 into the record. Committee members expressed no concerns relative to the reappointments and voted 7-0 in favor of a motion to approve from Councilor Albright.

The meeting adjourned at 9:25pm.

Respectfully Submitted,

Deborah J. Crossley, Chair

phs (1) through (10) thereof [(b) of this section] and
 purpose listed in paragraph (6) thereof [(b) of this
 section] and the purpose listed in paragraph (6) thereof [(b)
 section] in accordance with the provisions of section
 Rev. Ords. 1965, § 25-12; Ord. No. 305, 6-17-69)

4-13. Minimum lot areas and widths.

In residence districts, except as provided in section
 and in this section, there shall be provided for each
 or two-family dwelling erected the following
 minimum lot areas and minimum lot widths respectively:

	Lot Area (square feet)	Lot Width (feet)
residence A	25,000	140
residence B	15,000	100
residence C, private		
residence D or E	10,000	80

to single- or two-family dwellings erected on lots
 on or before December 7, 1953 were shown as such on
 assessors' plans filed in the assessors' office, or on
 vision plans tentatively approved by the planning
 board acting as a board of survey, or on plans duly recorded
 in the Middlesex South District Registry of Deeds, or as to
 lots described as such in deeds duly recorded with
 the registry of deeds prior to such date, such minimum lot
 areas and minimum lot widths shall be, except as provided
 in subsection (d) of this section, as follows:

	Lot Area (square feet)	Lot Width (feet)
residence A	15,000	100
residence B	10,000	80
residence C, private		
residence D or E	7,000	70

In the case of a lot on a street, the line of which has a
 radius of less than two hundred (200) feet, the

required lot width shall be measured along the setback line.
 In the case of a lot on a street and a public footway, the
 required lot width may be measured along the public
 footway with the permission of the board of aldermen in
 accordance with the procedure provided in section 24-29. In
 the case of a rear lot not having the required width on a
 street, the required lot width may be measured along the
 rear line of the lot or lots in front of it with the permission
 of the board of aldermen in accordance with the procedure
 provided in section 24-29. In all other cases the required lot
 width shall be measured on the street line. In the case of
 corner lots, the width when measured on the street line
 shall run to the point of intersection of the two (2) street
 lines.

(c) Except as provided in sections 24-6(c) and 24-6(e), no
 new buildings shall be constructed and no existing buildings
 shall be altered, extended or reconstructed to provide living
 quarters for more than one family for each three thousand
 (3,000) square feet of lot area in private residence and
 residence D districts and for each twelve hundred (1,200)
 square feet of lot area in residence E and in business A and
 B districts; provided, that in business A and B districts, the
 board of aldermen may give permission in accordance with
 the procedure provided in section 24-29 for the construction
 of apartment houses, apartment hotels or other multifamily
 dwellings, separately or in combination with other permitted
 uses, with a lesser lot area requirement for each family, if
 circumstances warrant such modification, but in no case
 less than five hundred (500) feet of lot area per family.

(d) Subsections (a) and (b) of this section shall not apply
 to lots not in compliance therewith which, prior to October
 11, 1940, were shown as separate parcels on the assessors'
 plans filed in the assessors' office and were assessed as
 such, or were so shown on subdivision plans approved by
 the planning board acting as a board of survey, or were so
 shown or described in plans or deeds duly recorded with the
 Middlesex South District Registry of Deeds; provided, that
 such subsections shall apply to any such lot the lot lines of
 which shall have been changed since October 11, 1940;

1995

(a) In any instance where a density or dimensional control(s) is not set forth in the Tables below for a use which may be granted by special permit, the most restrictive density or dimensional control applicable to such use in any district where such use is allowed as of right shall be applicable to such use when granted by special permit, unless otherwise required in the special permit by the board of aldermen.

(b) Lot frontage.

- (1) In the case of a lot on a street, the line of which has a curve with a radius of less than two hundred (200) feet, the required lot frontage shall be measured along the setback line;
- (2) In the case of a lot on a street and a public footway, the required lot frontage may be measured along the public footway with the permission of the board of aldermen in accordance with the procedure provided in section 30-24;
- (3) In the case of corner lots, the frontage when measured on the street line shall run to the point of intersection of the two (2) street lines;
- (4) In the case of a rear lot not having the required frontage on a street, the required lot frontage may be measured along the rear line of the lot or lots in front of it with the permission of the board of aldermen in accordance with the procedure provided in section 30-24;
- (5) In all other cases the required lot frontage shall be measured on the street line.

(c) The minimum lot area, lot frontage, maximum building lot coverage and minimum open space requirements set forth in Table 1 below which are applicable to as-of-right uses in all Single Residence

Districts and in Multi-Residence Districts 1, 2 and 3 (hereinafter referred to in this subsection as the "dimensional and density controls") shall not apply to lots not in compliance therewith which, prior to October 11, 1940, were shown as separate parcels on the assessing' plans filed in the assessing' office and were assessed as such, or were so shown on subdivision plans approved by the planning board acting as a board of survey, or were so shown or described in plans or deeds duly recorded with the Middlesex South District Registry of Deeds; provided, that such dimensional and density controls shall apply to any such lot the lot lines of which shall have been changed since October 11, 1940; provided further, that if at any time subsequent to 1950 two (2) or more contiguous lots with frontage upon a common street shall be in common ownership, the dimensional and density controls shall apply to the extent that it is possible by combining such lots, or by resubdivision thereof by straight line boundaries and without bringing the location of any buildings thereon into violation of the provisions of the setbacks required in Table 1 below to provide at least one or more lots, each of which complies, or more nearly complies, than theretofore with such dimensional and density controls, such combination to be made to provide as many fully complying lots as possible. In the event that the dimensional and density controls are made applicable, by operation of either of the foregoing provisions of this subsection to any lot or lots to which, as originally constituted, the provisions of Table 1 applicable to lots created prior to December 7, 1953 would have been applicable, the minimum lot areas, lot frontage, maximum building lot coverage and minimum open space requirements applicable to the changed, combined or resubdivided lot or lots shall be those set forth in Table 1 for lots created prior to December 7, 1953.

(r) Requirements For Creation of Rear Lots in Residential Districts.

Purpose: The purpose of this subsection is to eliminate or mitigate against potential undesirable development impacts on adjacent residential uses and neighborhoods by the application of the density and dimensional controls set out in Table 4 of this subsection as well as through the requirement of a special permit that shall include, but not be limited to, a review of proposed building placement and buffering.

(1) Definition of rear lot.

A rear lot is defined as a parcel of land not fronting or abutting a street, as defined in section 30-1, which does not have the required minimum frontage directly on a street, and which has limited access to a street by either (1) a "flag pole" or "pan-handle" shaped portion of the lot, (2) an easement over an adjoining lot possessing frontage directly on the street, or (3) a private right-of-way as shown or described in plans or deeds duly recorded with the Middlesex (South) Registry of Deeds. A rear lot may, with the permission of the board of aldermen in accordance with the procedure provided in section 30-24, satisfy the minimum frontage requirement for the zoning district in which it is located by measuring lot frontage along the rear line of the lot or lots in front of it.

(2) Administration.

a) Creation of rear lots in residential zoning districts shall require a special permit from the board of aldermen in accordance with the procedure provided in section 30-24. The rear lot development density and dimensional controls in section 30-15(r), Table 4, shall apply to the proposed rear lot(s) and the remainder of the original lot shall be subject to the density and dimensional controls of section 30-15; Table 1, for lots created after December 7, 1953, unless waivers from either of such controls are granted by the board of aldermen in accordance with the section 30-15(r) (3) below.

b) The provisions of section 30-26 shall not apply to the creation of rear lots under this subsection.

c) In addition to the provisions of section 30-23 and 30-24, general application requirements and criteria for grant of a special permit for a rear lot development are as follows:

i) Applicants must submit a sufficient number of copies of architectural plans for all proposed residential buildings and structures, a landscape plan, site plan, and an area plan showing distances from proposed building(s) or structure(s) to existing residential buildings and structures used for accessory purposes on the original lot and all abutting lots, along with information on the heights and number of stories of these existing building(s) or structure(s). All plans must be prepared, stamped and signed, as appropriate, by an architect, landscape architect, professional engineer or registered land surveyor.

ii) The board of aldermen shall consider the special permit application for a rear lot development in light of the following criteria:

(a) Whether the proposed building(s) or structure(s) exceed the respective average height of abutting residential buildings and structures used for accessory purposes;

(b) The scale of a proposed building(s) or structure(s) in relation to adjacent residential buildings and structures used for accessory purposes and the character of the neighborhood;

(c) Topographic differentials, if any, between proposed building(s) or structure(s) and adjacent residential buildings and structures used for accessory purposes;

(d) Proposed landscape screening;

frontage on Lasell Street this property would not meet the definition of a rear lot per section 1.5.2.G.1 of the zoning ordinance.

The docket item proposes revising the rear lot definition as follows:

G. Rear Lots

1. A rear lot is defined as a parcel of land not fronting or abutting a street, which ~~or~~ does not have the required minimum frontage directly on a street, and ~~or~~ which has limited access to a street by either:

- a. A "flag pole" or "pan-handle" shaped portion of the lot.
- b. An easement over an adjoining lot possessing frontage directly on the street, or
- c. A private right-of-way as shown or described in plans or deeds duly recorded with the Registry of Deeds for the Southern District of Middlesex County.

2. Where the City Council issues a special permit, a rear lot may satisfy the minimum frontage requirement for the zoning district in which it is located by measuring lot frontage along the rear line of the lot or lots in front of it.

If the Committee would like to set a public hearing for this item, planning staff recommends modifying the language to reduce potential confusion. The proposed language could classify lots with substandard frontage as rear lots. Instead, Planning recommends adding a new section that gives the City Council the authority to grant a rear lot subdivision on through lots where there is insufficient frontage along one street.

Next Steps

If the Committee sets a public hearing for this item Planning will work with the Law department to further refine the proposed language.



Bk: 41401 Pg: 594
Recorded: 11/10/2003
Document: 00001170 Page: 1 of 6

JLB

#206-03

CITY OF NEWTON

IN BOARD OF ALDERMEN

September 2, 2003

2003 SEP -4 PM 12: 21
CITY CLERK
NEWTON, MA. 02159

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action 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, hereby grants the following **SPECIAL PERMIT TO RESUBDIVIDE TWO LOTS AND MEASURE THE FRONTAGE OF ONE NEW LOT ALONG THE REAR OF THE OTHER NEW LOT and SITE PLAN APPROVAL** in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor, through its Chairman, Alderman Susan M. Basham:

1. The Board finds that the public convenience and welfare will be served through the reconfiguration of the two lots because:
 - a. The two new lots will be more usable for two new single-family residences;
 - b. A new unit of housing will be created on the new rear lot that will be compatible in scale and massing with the existing Valley Spring Road neighborhood;
 - c. The new house on Kenrick Street will replace an older house that is in need of repair;
 - d. The two new residences have been engineered with systems which will improve on-site drainage;
 - e. The existing sidewalk adjacent to the lot on Kenrick Street will be improved; and
 - f. The new rear lot will have direct vehicular access onto Valley Spring Road, which will eliminate the need for an additional curbcut on Kenrick Street.

11/10/03 PLAN NUMBER: 00001149

SEE PLAN IN RECORD BOOK PAGE

91.00

1170

PETITION NUMBER: #206-03

PETITIONER: Thomas McDonagh and Andrew Gordon

LOCATION: 294 Kenrick Street, Ward 7, Newton, on land known as Section 72, Block 39, Lots 10 and 11, containing approximately 39,241 square feet of land

A True Copy
Attest
Thomas M. Basham

32879-198

WSD 11/10/03 02:47:22

APPROVAL OF THIS PLAN UNDER THE SUBDIVISION CONTROL LAW IS NOT REQUIRED

DATE _____

Clerk - Planning Board
Acting as a Board of Survey

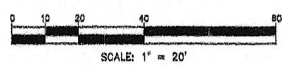
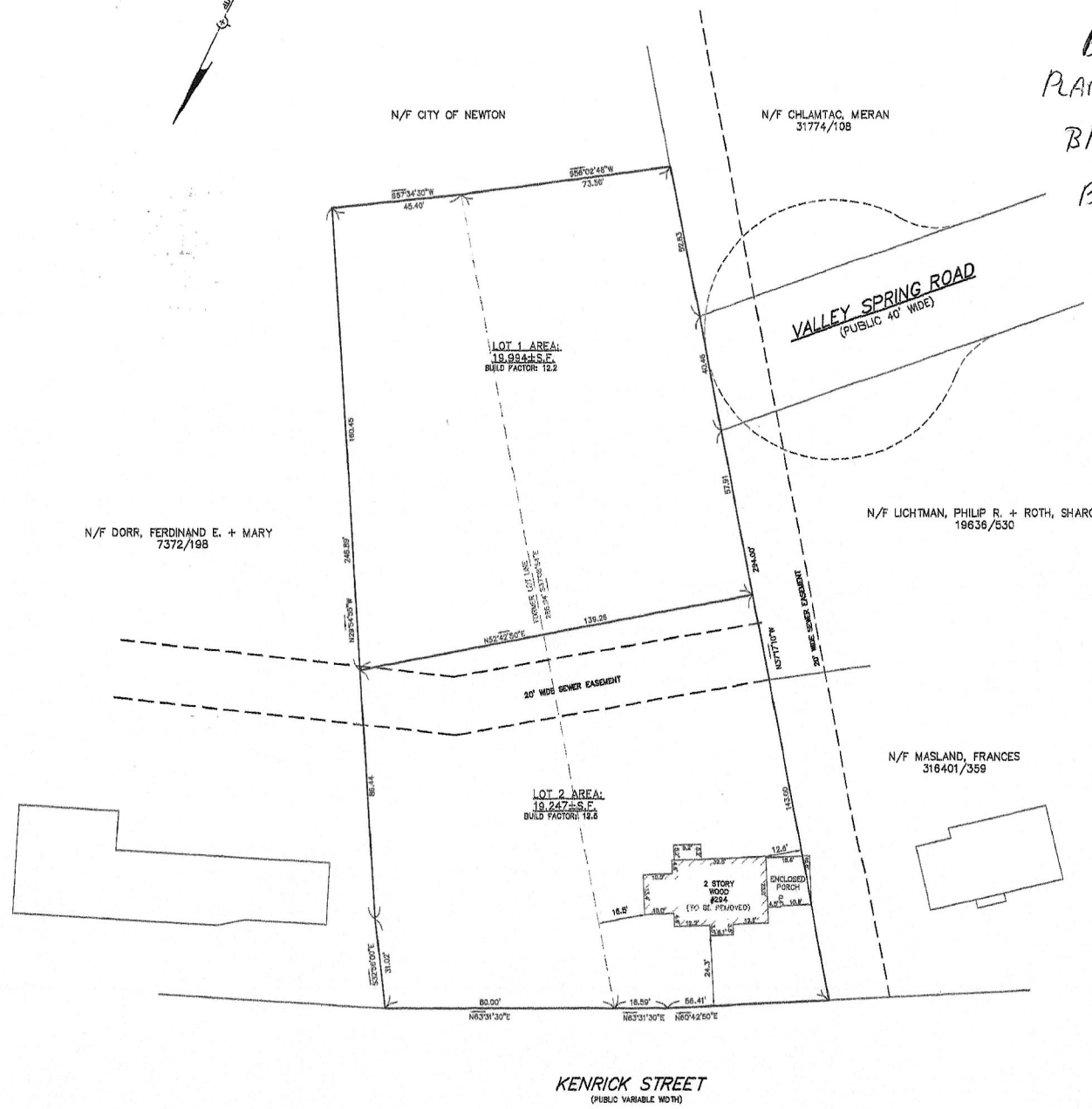
THE ABOVE ENDORSEMENT IS NOT A DETERMINATION AS TO CONFORMANCE WITH ZONING REGULATIONS.
SEE BOARD OF ALDERMAN ORDER # 206-03

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.

[Signature]
JAMES J. ABEL
10/7/02
DATE



BK 6583-59
PLAN BK 413 PLAN 87
BK 8574 419
BK " 456



1149

REC. 1511 124721 2003 OCT 11 10:51 AM

Middlesex South Registry of Deeds
Electronically Recorded Document

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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

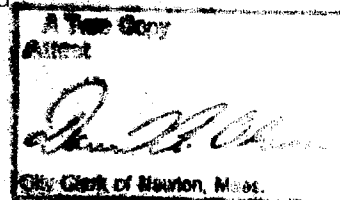
ORDERED:

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:

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

RECEIVED
 2016 APR -6 PM
 Newton, Mass.

Property Address: 103 Court Street, Newton



- 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.

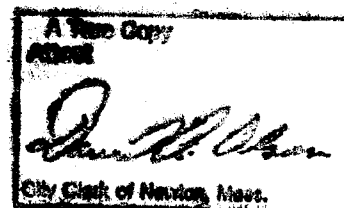
CONSTRUCTION: Wood frame

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.

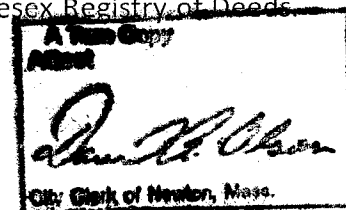
ZONING: Multi Residence 1 District

Approved subject to the following conditions:

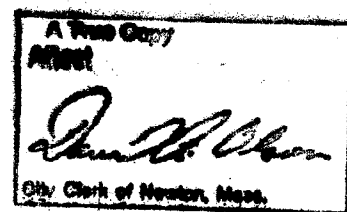
- 1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - a. A set of site plan drawings, "Showing Proposed Conditions at #103 Court Street" prepared by VTP Associates 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.

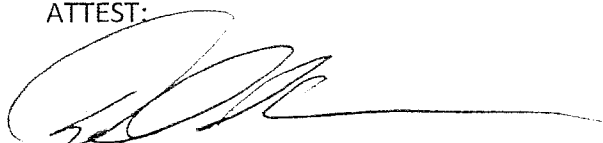


- d. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
 - e. Obtain a written statement from the Engineering Division of Public Works that confirms the receipt of a certified copy of the recorded O&M in 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.

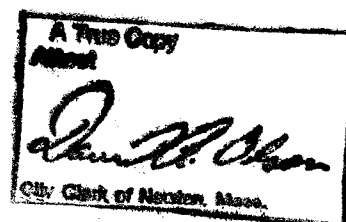
Under Suspension of Rules
 Readings Waived and Approved
 23 yeas 0 nays 1 absent (Councilor Harney)

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:

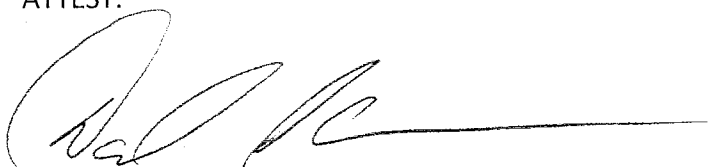


(SGD) DAVID A. OLSON, City Clerk
 Clerk of the City Council

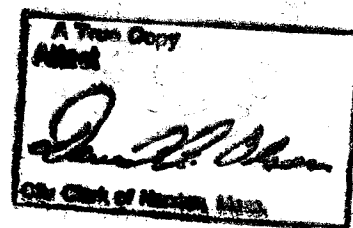


I, David A. Olson, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the City Council in the Office of the City Clerk on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

ATTEST:



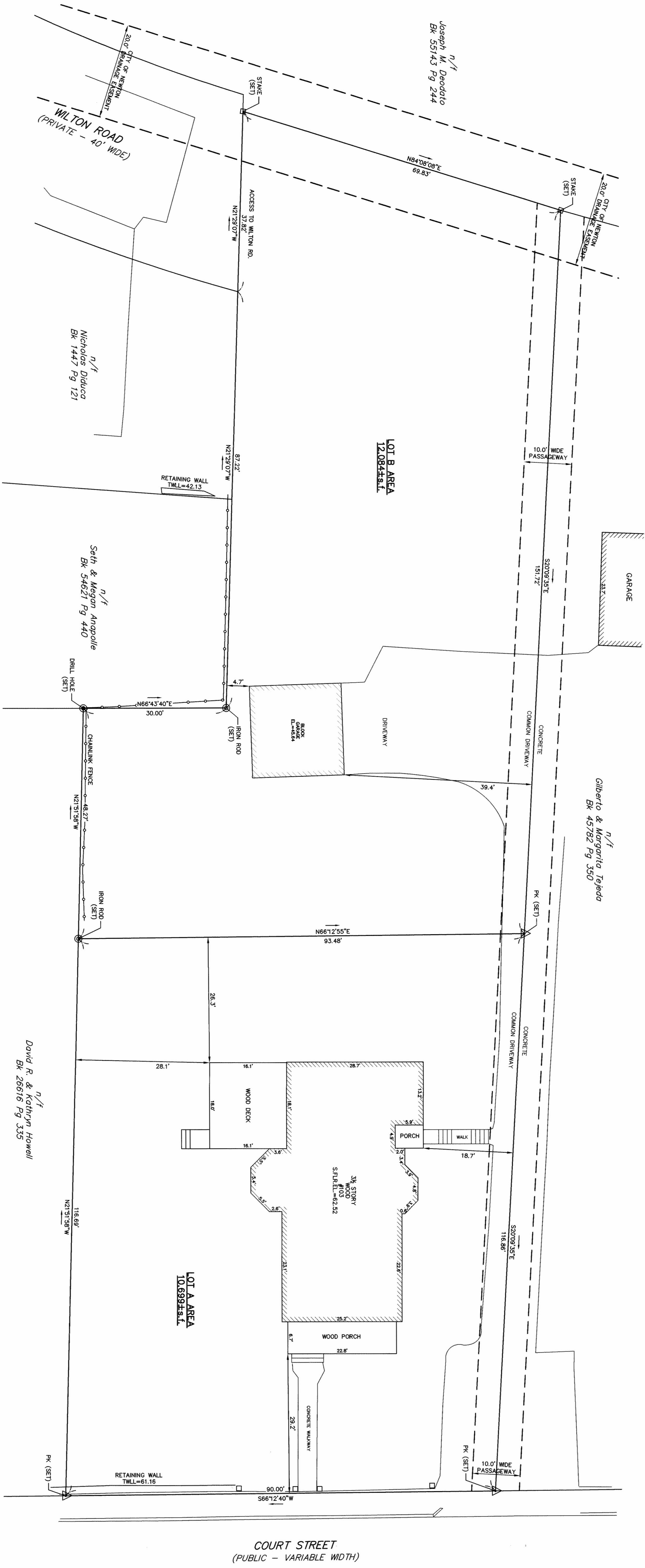
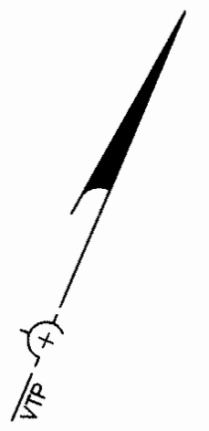
(SGD) DAVID A. OLSON, City Clerk
Clerk of the City Council



MIDDLESEX SOUTH REGISTRY OF DEEDS

REFERENCES:
 PLAN BOOK 106 PLAN 21
DEED
 BOOK 13056 PAGE 459
OWNER OF RECORD:
 ALAN W. & BARBARA J. QUEBEC

LEGEND
 BUILDING
 PROPERTY LINE W/
 BEARING DISTANCE
 CHAINLINK FENCE



APPROVAL OF THIS PLAN UNDER THE SUBDIVISION CONTROL LAW IS NOT REQUIRED.
 NEWTON PLANNING BOARD

DATE 9/21/2016
 [Signature]

Middlesex Registry of Deeds,
 Southern District
 Cambridge, Massachusetts
 Plan No. 878 of 2016
 Rec'd 9-23 of 2016
 at 10 H 30 M A M

Attest
 [Signature]
 Register

FOR REGISTRY USE ONLY

BUILD FACTOR LOT A:	(417,031.0)² / 10,699sf	= 15.19 < 20
BUILD FACTOR LOT B:	(518,341.0)² / 12,084sf	= 18.40 < 20

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Paul R. Porter
 Paul R. Porter, PLS
 DATE 6/14/16



PLAN OF LAND
 AT
 #103 COURT STREET
 NEWTON, MASSACHUSETTS

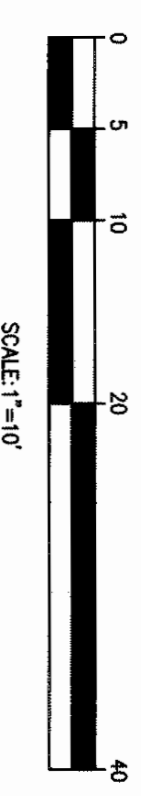
SCALE: 1/4"=10ft. DATE: SEPTEMBER 14, 2016

VTP
 ASSOCIATES

LAND SURVEYORS - CIVIL ENGINEERS, 132
 ADAMS STREET 2ND FLOOR SUITE 3
 NEWTON, MA 02459
 (617) 332-8271
 SHEET 1 OF 1

COURT STREET
 (PUBLIC - VARIABLE WIDTH)

878 of 2016



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>