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CITY OF NEWTON

Planning and Development Board

5/2/2022

To: The Honorable City Council President, Susan Albright
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

RE: #127-22, Request for amendment to the Zoning Code to regulate “last mile” delivery services

COUNCILORS LAREDO, DOWNS, CROSSLEY, RYAN, KALIS, DANBERG, KRINTZMAN ALBRIGHT, MARKIEWICZ AND WRIGHT requesting amendments to the Newton Zoning Ordinance, Chapter 30, including, but not limited to, the addition of a definition for Microfulfillment Center, and amendments to Section 4.1.1 Allowed Uses, Section 5.1.4 Number of Stalls, Section 5.1.12 Off-Street Loading Requirements, and Section 6.4 Commercial Uses to regulate the use of land, structures and buildings for the siting and operation of a facility whose primary use is for the receipt, transfer, short-term storage, dispatching, coordination, preparation, routing of package delivery, and parking of vehicles, associated with the delivery of goods directly to consumers, by allowing such uses in the Business Use 4, Mixed Use 1, Mixed Use 2, Manufacturing, and Limited Manufacturing Districts by right and subject to listed standards, and to prohibit such uses in the Business Use 1 and Business Use 2 Districts, or allow the uses in the Business Use 1 and Business Use 2 Districts either by right and subject to listed standards, or only upon the granting of a special permit.

Dear Honorable Council President Albright:

The Planning and Development Board reviewed the various proposals under Docket Item 127-22, “Request for amendment to the Zoning Code to regulate ‘last mile’ delivery services” at its regular meeting on April 4, 2022, at the joint public hearing and discussion with the Zoning and Planning Committee on April 25, 2022, and at a special Board meeting convened for further discussion and vote on April 29, 2022.

At the April 29th meeting, the Board voted unanimously (4-0-0) in favor of the following recommendations for amending the Zoning Code to regulate “last mile” delivery services:

1. To allow last mile delivery services in BU4, MU1, MU2, MU3, M, and L Zones, subject to the listed standards for square footage, parking, off-street loading bays, and distances from streets and street-facing building façades proposed in the Planning Department’s April 22, 2022 memo on Docket Item 127-22.

2. To allow last mile delivery services in BU4, MU1, MU2, MU3, M, and L Zones, subject to the listed standards for square footage, parking, off-street loading bays, and distances from streets and street-facing building façades proposed in the Planning Department’s April 22, 2022 memo on Docket Item 127-22.

3. To approve the following Use Definition of “last mile delivery services”:

6.4.XX Microfulfillment Center

A. Defined A facility whose primary use is for the receipt, transfer, short-term storage, dispatching, coordination, preparation, routing of package delivery, and parking of vehicles, associated with the delivery of goods directly to consumers.

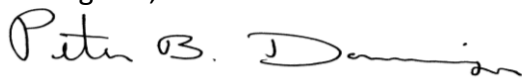
Commentary

Board members initially held different perspectives on some of these amendments. For example, in the case of the BU1 and BU2 Zones, Board members were divided over whether microfulfillment centers should not be allowed or allowed at first between allowing in out-of-the way locations and at some distance from main streets in village centers. The Board’s final consensus not to allow such centers in BU1 and BU2 Zones reflected its view that the disadvantages of various adverse impacts on independent stores and restaurants in village centers, as well as concerns about pedestrian safety and traffic congestion from frequent and speed-intensive deliveries far outweighed the advantages of filling empty storefronts, additional tax revenues for the city, and job creation in village centers.

The Board was in favor of allowing microfulfillment centers in MU1, MU2, MU3, L, and M Zones with listed standards. However, it debated whether microfulfillment centers in the BU4 Zone should be subject to listed standards or to discretionary review through the special permit process. While some Board members felt that the commercial corridors in BU4 zones might be sufficiently diverse to warrant some form of discretionary design review, the final conclusion was that requiring a special permit was unnecessary and that microfulfillment centers should be allowed in the BU4 Zone, conditional on the same listed standards as for such centers in the MU1, MU2, MU3, L, and M Zones. The Board also endorsed future consideration of some form of administrative design review as an additional zoning tool to be available in cases where a discretionary design review would be useful, but where a full special permit review would not be needed.

The Board’s endorsement of the use definition of “Microfulfillment Center” in Section 6.4.xx.A of the Zoning Ordinance is based on its understanding that the Inspectional Services Department is confident that this definition allows these centers to be distinguished from other uses, such as catering and convenience stores, that also involve the delivery of food or other household goods. However, the structure and range of services and products provided by microfulfillment centers appear to be evolving rapidly and the Board believes that it may be necessary to reevaluate the use definition and the other zoning amendments as we gain more experience with the unanticipated consequences of these centers.

Best Regards,



Peter B. Doeringer, Chair