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Barney S. Heath
Director

MEMORANDUM

TO: Planning & Development Board

FROM: Barney Heath, Director, Department of Planning and Development
Cat Kemmett, Planning Associate

DATE: July 29, 2022

SUBJ: Planning Board's role in determining voting threshold under Housing Choice

Please see enclosed guidance for the Planning Board's role in determining an "eligible location" (page 6) for Monday's continued rezoning hearings/discussion.



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**GUIDANCE FOR LOCAL OFFICIALS ON
DETERMINING VOTING THRESHOLDS FOR
ZONING ORDINANCES AND BYLAWS**

Chapter 358 of the Acts of 2020 (sometimes referred to as the economic development legislation of 2020) made several amendments to Chapter 40A of the General Laws, commonly known as the Zoning Act. Among these amendments are (1) changes to section 5 of the Zoning Act, which reduce the number of votes required to enact certain kinds of zoning ordinances and bylaws from a $\frac{2}{3}$ supermajority to a simple majority; and (2) changes to section 9 of the Zoning Act, making similar changes to the voting thresholds for the issuance of certain kinds of special permits.

Section 100 of said chapter 358 directs “[t]he executive office of housing and economic development [to] issue guidance to assist local officials in determining the voting thresholds for various zoning amendments. Such guidance shall be assembled in consultation with the department of housing and community development, the Massachusetts attorney general's municipal law unit, and Massachusetts Housing Partnership.” This guidance is intended to comply with that directive.

This guidance was initially posted on February 26, 2021 and was updated on March 15, 2021, April 8, 2021 and May 20, 2021. On May 20, the guidance was restructured to include topic headings and reordered certain questions under the relevant headings. The date listed with each question and answer below indicates when posted, and, if relevant, any subsequent updates.

GENERAL OVERVIEW

Q: Where does the Zoning Act apply?

A: The Zoning Act applies to all cities and towns in Massachusetts except the City of Boston, which has its own zoning enabling act. (*February 26, 2021*)

Q: What kinds of zoning ordinance or bylaw can be enacted with a simple majority vote?

A: Under the newly amended section 5 of the Zoning Act, a zoning ordinance or bylaw can be enacted by a simple majority vote, rather than the $\frac{2}{3}$ supermajority that applies to other zoning amendments, if that ordinance or bylaw does any of the following:

1. Allows for multi-family housing or mixed-use developments “as of right” in an eligible location.
2. Allows for open space residential development as of right.
3. Allows accessory dwelling units, either within the principal dwelling or within a detached structure on the same lot, as-of-right.
4. Allows by special permit accessory dwelling units in a detached structure on the same lot.
5. Reduces the parking requirements for residential or mixed-use development under a special permit.
6. Permits an increase in the permissible density of population or intensity of a particular use in a proposed multi-family or mixed-use development that requires a special permit.
7. Changes dimensional standards such as lot coverage or floor area ratio, height, setbacks, minimum open space coverage, parking, building coverage to allow for the construction of additional residential units on a particular parcel or parcels of land.
8. Provides for the transfer of development rights or natural resource protection zoning in instances where the adoption of such zoning promotes concentration of development in areas that the municipality deems most appropriate for such development, but will not result in a diminution in the maximum number of housing units that could be developed within the municipality.
9. Adopts a smart growth or starter home districts in accordance with section 3 of Chapter 40R of the General Laws.

Key terms such as “multi-family housing,” “mixed-use development,” “accessory dwelling unit,” “transfer of development rights,” “natural resource protection zoning,” and “eligible location” are now defined in section 1A of the Zoning Act. (*February 26, 2021*)

Q: Who decides which voting threshold applies to a particular zoning proposal?

A: Section 5 does not specify who determines whether a proposed zoning ordinance or bylaw is the kind that can be approved by a simple majority vote. The proponent of a zoning ordinance or bylaw that allows or facilitates the development of new housing should include in the petition a statement explaining if it meets any of the criteria for being approved by a simple majority vote. The Zoning Act provides that no vote on a zoning petition may occur until after the planning board

in a city or town, and the city council (or a committee designated or appointed by the council) each has held a public hearing on the proposal. Additionally, no vote to adopt a zoning ordinance or bylaw may be taken until the planning board has submitted a report and recommendations to the town meeting or city council, or 21 days have elapsed after the hearing without submission of such report. It is recommended that the planning board include in this report a determination of which voting threshold applies to the zoning proposal. It is further recommended that the legislative body affirm the voting threshold in its vote on the subject zoning amendments. In the case of a zoning bylaw amendment being considered at town meeting, the Town Moderator has authority to “preside and regulate the proceedings, and decide all questions of order”—potentially including the required quantum of vote—pursuant to G.L. c. 39, § 15.

Under section 32 of chapter 40 of the General Laws, all zoning bylaws adopted by a town must be submitted to the Attorney General for review and approval. A request for approval must include adequate proof that the town has complied with all of the procedural requirements for the adoption of the bylaw. If the Attorney General finds an inconsistency between the proposed bylaw and state law, the bylaw or portions of it may be disapproved. (*February 26, 2021; updated May 20, 2021*)

Q: What happens if a proposed zoning ordinance or bylaw includes some changes that can be adopted with simple majority vote, and other changes that require a 2/3 supermajority?

A: Section 5 as amended provides that “any amendment that requires a simple majority vote shall not be combined with amendments that require a two-thirds majority vote.” A proposed zoning amendment cannot be adopted by a simple majority vote if it is combined with an amendment that requires a 2/3 supermajority. Drafters of new zoning proposals should take care not to combine provisions that require different voting thresholds, so that proposals that will encourage new housing production will get the benefit of the simple majority threshold. If a municipality desires to combine proposals with different voting thresholds, the municipality should first confer with municipal counsel, and review the guidance issued by EOHED. If the town meeting approves the amendment, will be subject to the review and approval of the Attorney General pursuant to G.L. c. 40, § 32. (*March 15, 2021; updated April 9 and May 20, 2021*)

Q: Should a city or town in the process of updating its zoning code make changes to conform to the statutory changes?

A: A city or town may decide to review its zoning ordinances or by-laws and consider making changes to be consistent with the statute, but such conforming changes are not required for the new thresholds to apply. (*March 15, 2021*)

TRANSITION TO THE NEW LAW

Q: My board is considering a zoning amendment that would qualify for the majority threshold set forth in amended section 5 and was filed and had a public hearing before the effective date of the recent changes to Chapter 40A. Does the new threshold apply to zoning proposals that were initiated before the Zoning Act was amended?

A: Yes. The amendments to section 5 of Chapter 40A became effective immediately on the date the Governor signed chapter 358 of the Acts of 2020 (January 14, 2021). The new voting thresholds apply to any zoning amendment that comes before a city council or town meeting for a vote after that date, regardless of when the petition was filed or when the public hearing was opened. (*March 15, 2021*)

Q: Does the new voting threshold for certain special permits likewise apply to projects that filed a special permit application prior to January 14, 2021? What if the initial hearing was opened prior to January 14, 2021, but a vote has not yet been taken?

A: Yes. If a project qualifies for a special permit by majority vote, that threshold applies to any vote by a special permit granting authority taken after January 14, 2021, regardless of when the application was filed or the hearing opened. (*March 15, 2021*)

Q: Does a municipality need to change its zoning ordinances or by-laws in order for the new voting threshold to apply?

A: No. A town or city does not have to take any action for the amendments to Chapter 40A to take effect. There is no “opt in” provision. The changes apply automatically to all cities and towns except Boston, which has its own zoning statute. (*March 15, 2021*)

Q: My town is planning a comprehensive update of our zoning bylaws to eliminate inconsistencies and make the bylaws easier to use (for example, by consolidating all definition in a new section). Can this be done by a vote on a single article that amends and restates the entire zoning code, as originally planned? Or should we delay the vote so that the existing provisions that qualify for a simple majority vote can be presented as separate articles?

A: You may proceed with a vote as planned, consistent with the following guidance. Section 5 of the Zoning Act now provides that “any amendment that requires a simple majority vote shall not be combined with amendments that require a two-thirds majority vote.” The intent of this language is to ensure that certain zoning changes that make it easier to build new housing will have the benefit of the simple majority threshold. If a city or town is considering an existing proposal to amend and restate its entire zoning code with a single vote, and there is not enough time to separate amendments that have different voting thresholds, it may proceed as planned rather than starting over or delaying the vote. Although the statute does not say so expressly, in the view of EOHEd, the combined article may be approved by a $\frac{2}{3}$ vote. The Attorney General has not yet taken a position on this question. The city or town alternatively may elect to delay the vote and separate out the zoning provisions that have different approval thresholds. Going forward it is the recommendation of EOHEd that proposals to amend and restate an entire zoning code should be drafted so that housing-friendly provisions that qualify for approval by a simple majority approval are considered separately, if possible. In all cases, the municipality should consult with municipal counsel regarding the appropriate quantum of vote. In the case of a zoning bylaw amendment being considered at town meeting, the Town Moderator has authority to “preside and regulate the proceedings, and decide all questions of order”—potentially including the required quantum of vote—pursuant to G.L. c. 39, § 15. If the town meeting approves the amendment, will be subject to the review and approval of the Attorney General pursuant to G.L. c. 40, § 32. (*April 9, 2021*)

MIXED-USE DEVELOPMENT

Q: My town is considering a zoning change that would allow a mixed-use project in a particular zoning district. Does the amendment qualify for the majority threshold if the zoning amendment will permit projects that are primarily commercial rather than residential?

A: The Zoning Act was amended to define “mixed-use development” as “development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, industrial or other uses.” There is no requirement that the mix of uses be in any particular ratio or configuration. A zoning amendment will qualify for the majority threshold as long as it permits mixed-use development, as defined in the Zoning Act, either as-of-right or by special permit, in an eligible location. *(March 15, 2021; updated May 20, 2021)*

Q: My town is considering a new overlay district in which a mixture of retail, hospitality, recreational, entertainment, commercial and other uses will be allowed by right. Multifamily and mixed-use developments are among many types of uses that will be allowed in the new zone, along with things like retail, hotels, commercial recreational facilities, and entertainment uses. The new overlay district does not require a proposed project to include a residential component. Does this overlay district qualify for the simple majority?

A: Section 5 of the Zoning Act now provides that “any amendment that requires a simple majority vote shall not be combined with amendments that require a two-thirds majority vote.” The intent of this language is to ensure that certain zoning changes that make it easier to build new housing will have the benefit of the simple majority threshold. It also is intended to ensure that zoning proposals that otherwise would require a $\frac{2}{3}$ vote are not approved by a simple majority simply because a multifamily use or other residential use has been added to the mix of allowed uses. This overlay district appears to conflict with the statute’s prohibition on combined articles, since it combines uses that require a $\frac{2}{3}$ vote with uses that may potentially qualify for a simple majority vote. In all cases, the municipality should consult with municipal counsel regarding the appropriate quantum of vote. In the case of a zoning bylaw amendment being considered at town meeting, the Town Moderator has authority to “preside and regulate the proceedings, and decide all questions of order”—potentially including the required quantum of vote—pursuant to G.L. c. 39, § 15. If the town meeting approves the amendment, will be subject to the review and approval of the Attorney General pursuant to G.L. c. 40, § 32. *(April 9, 2021)*

Q: Section 5 says that a zoning amendment requiring a simple majority vote shall not be combined with amendments that require a $\frac{2}{3}$ majority vote. But it also says that a simple majority is sufficient to approve mixed-use development in an eligible location. When a zoning amendment permits housing and other uses, how do I know which threshold applies?

A: You must determine if the zoning amendment permits “mixed-use development” as defined in the Zoning Act: “development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, industrial or other uses.” If a zoning amendment is drafted to permit a mixture of uses in a new zone, and also *requires* that all future uses in that zone include a residential component, then the amendment allows “mixed-use development” as defined in the statute, and qualifies for the simple majority, as long as the affected

land area is an “eligible location.” Municipalities that want to approve a mixed-use overlay district by simple majority should take care to draft the article so that individual projects must include a residential use. (*May 20, 2021*)

ELIGIBLE LOCATIONS

Q: How do I know if a particular land area qualifies as an eligible location?

A: Section 1A of the Zoning Act defines “eligible locations” as areas that by virtue of their infrastructure, transportation access, existing underutilized facilities or location make highly suitable locations for residential or mixed use smart growth zoning districts or starter home zoning districts, including without limitation: (i) areas near transit stations, including rapid transit, commuter rail and bus and ferry terminals; or (ii) areas of concentrated development, including town and city centers, other existing commercial districts in cities and towns and existing rural village districts.

Section 5 does not specify who determines whether the land area subject to a proposed zoning ordinance or bylaw is an eligible location. The proponent of a zoning ordinance or bylaw that allows or facilitates the development of new housing should include in the petition explaining if the land area affected meets any of the criteria for an eligible location. As noted above, no vote to adopt a zoning ordinance or bylaw may be taken until the proposal has received a public hearing and the planning board has submitted a report with recommendations to the town meeting or city council, or 21 days have elapsed after the hearing without submission of such report. It is recommended that the planning board include in this report a determination of whether the affected land area is an eligible location, when such a determination is relevant to the voting threshold. (*February 26, 2021*)

Q: Is there any additional guidance for determining eligible locations?

A: The same definition of “eligible location” that appears in section 1A of Chapter 40A also appears in section 2 of Chapter 40R. The regulations implementing Chapter 40R (760 CMR 59) set forth detailed criteria that the Department of Housing and Community Development (DHCD) applies when it determines if a land area is an eligible location under that statute. Although 760 CMR 59 does not apply to Chapter 40A, municipalities may reasonably look to those regulations for additional guidance on what areas are should be deemed eligible locations under Chapter 40A.

Under the statutory definition, a land area qualifies as an eligible location if it is located “near” a transit station, including rapid transit, commuter rail or bus or ferry terminals. Any parcel that is at least partially within 0.5 miles of the kind of transit station listed should be deemed to be an eligible location. In addition, the statute includes within the definition of “eligible location” parcels that are within “an area of concentrated development, including a town or city enter, or other existing commercial districts, or existing rural village district.” All other land areas may be determined to be “eligible locations” if, in the judgment of the planning board, the land area is a highly suitable location for residential or mixed-use development based on its infrastructure, transportation access, or existing underutilized facilities.

If there is uncertainty about whether a zoning proposal affects an eligible location, the municipality may request an advisory determination from the Executive Office of Housing and Economic Development. Such a request must be made by the mayor, city council, board of aldermen, or planning board (when the zoning amendment is proposed in a city); or by the select board or planning board (when the zoning amendment is proposed in a town). A request may not be made by an individual member of the council or board. Communities are encouraged to submit their request for an Advisory Opinion as early as possible in the zoning amendment process. The request should be made by completing the application at the following website: mass.gov/forms/request-an-advisory-opinion-on-ch40A-eligible-locations. EOHEd will endeavor to provide a written advisory determination within 30 days of receipt of a complete request. (February 26, 2021)

ACCESSORY DWELLING UNITS

Q: My town will be voting on a zoning amendment to permit accessory dwelling units, up to 1,200 square feet, as of right in the residential A zoning district. Does this amendment qualify for the simple majority threshold?

A: No. A zoning amendment to permit “accessory dwelling units” by right only qualifies for the simple majority vote if the proposal is consistent with the Zoning Act’s definition of accessory dwelling unit. The statutory definition limits the size of the unit to “not larger in floor area than ½ the floor area of the principal dwelling or 900 square feet, whichever is smaller.” Communities may add size or other restrictions, but the zoning amendment does not qualify for simple majority if it permits accessory dwelling units larger than specified in the statute. (May 20, 2021)

SPECIAL PERMITS

Q: What is a special permit and what are the required thresholds for special permit votes?

A: Section 9 of the Zoning Act provides that zoning ordinances or bylaws can provide for specific types of uses which shall only be permitted in specified districts upon the issuance of a special permit. Zoning ordinances or bylaws may also provide for special permits authorizing increases in density or intensity of a particular use in a proposed development if the petitioner or applicant agrees to conditions that serve the public interest. Special permits may also issue for other purposes set forth in section 9.

A special permit can be granted a 2/3 vote of boards with more than 5 members, a vote of at least 4 members of a 5-member board, and a unanimous vote of a 3-member board. But, the recent amendments to section 9 provide that a special permit may be issued by a simple majority vote if the special permit does any of the following:

- Permits multi-family housing that is located within ½ mile of a commuter rail station, subway station, ferry terminal or bus station; provided that not less than 10% of the housing is affordable to and occupied by households whose annual income is less than 80% of the area median income and affordability is assured for a period of not less than

30 years through the use of an affordable housing restriction.

- Permits mixed-use development in centers of commercial activity within a municipality, including town and city centers, other commercial districts in cities and towns and rural village districts; provided, that not less than 10% of the housing meets the same standard of affordability as noted above.
- Permits a reduced parking space to residential unit ratio requirement, provided such reduction in the parking requirement will result in the production of additional housing units.

(February 26, 2021)

ADDITIONAL GUIDANCE

Q: Where can I find additional guidance about the voting thresholds for zoning ordinances and bylaws?

A: Periodic updates to this guidance will be posted at www.mass.gov/info-details/housing-choice-and-mbta-communities-legislation. Questions about zoning thresholds that are not answered in the guidance can be directed to the Executive Office of Housing and Economic Development at housingchoice@mass.gov. *(February 26, 2021, updated May 20, 2021)*

CITY OF NEWTON
LAW DEPARTMENT
INTEROFFICE MEMORANDUM

DATE: November 4, 2021

TO: Richard Lipof, Chair, Land Use Committee
Land Use Committee Members

FROM: Jonah M. Temple, Assistant City Solicitor

RE: 11 Florence Street – Rezoning Petition #304-21 & Special Permit Petition #305-21

The purpose of this memorandum is to briefly address the recent letters submitted to the Land Use Committee on behalf of the Residences at Chestnut Hill Condominium Trust concerning the above-referenced rezoning petition. The Law Department has reviewed the letters and finds no merit to the legal arguments they set forth.

First, on process, the City Council is acting in full compliance with state zoning law by holding public hearings on both the rezoning petition and the special permit petition at the same time. Both hearings have also been properly noticed in accordance with state law. As stated many times before, the Law Department does not view the fact that a proposed project is incompliant with current zoning requirements as a reasonable basis to delay a special permit public hearing where the petitioner has simultaneously requested a rezoning that, if granted, would allow the project to be built by special permit. There is no statutory or judicial authority that suggests zoning amendment and special permit requests cannot proceed in concert. Ultimately, the rezoning petition will be voted on prior to the special permit petition, and the special permit cannot be granted unless the zoning passes first. Moreover, it is a well-established City Council practice to hold public hearings at the same time on special permit and rezoning petitions that apply to the same land. Recent examples include the Riverside development, the Northland development, the Washington Place development, and the Sunrise development on Washington Street, as well as others.

Second, in response to the issue raised concerning “spot zoning,” rezoning the land as proposed by this petition will not constitute illegal spot zoning so long as there is a valid public purpose. The Law Department notes that the City Council has significant discretion to enact any zoning amendment that bears a rational relation to a legitimate public purpose and that zoning changes carry a strong presumption of validity. It is well within the City Council’s discretion to rezone specific parcels for specific projects. That is not “spot zoning.” All of the projects set forth in the preceding paragraph are examples of valid zoning changes for a particular project. Illegal spot zoning does not occur unless it is shown that a parcel was rezoned solely for the economic benefit of the owner of the land without any legitimate legislative goal. In other words, it is completely acceptable for a rezoning to further a particular project that benefits a developer if the amendment also serves the public welfare. As with all rezoning petitions, both the City Council and the Planning Board are currently holding public hearings on this petition and are in the process of evaluating whether the proposed rezoning advances a valid public purpose.

Please let me know if you have any questions. Thank you.

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July 28, 2022

BY ELECTRONIC MAIL

Peter B. Doeringer, Chair
Newton Planning and Development Board
1000 Commonwealth Avenue
Newton, MA 02459-1449

Re: 1314 Washington Street, 31 Davis Street, and 33 Davis Street/ RZ#22-2

Dear Mr. Doeringer,

As you know, HQ, LLC (“the petitioner”) has filed a request to rezone the above-mentioned parcels (collectively, the “Property”) from the BU-1 zoning district to the MU-4 zoning district. This request is being made in connection with the petitioner’s application for a special permit to construct a mixed use development with 50 dwelling units and approximately 4,000 square feet of restaurant or retail space. The initial public hearing on this petition before both the Planning Board and the Land Use Committee of the City Council was held on July 19, 2022.

As set forth below, the proposed rezoning of these parcels in the heart of the West Newton Square to the MU-4 district furthers a valid public purpose by promoting mixed-use development which is consistent with the Comprehensive Plan, the Washington Street Vision Plan, and the Proposed Village Center Framework.

Comprehensive Plan

Newton’s Comprehensive Plan, as amended in 2011 with the adoption of the Section 3A “Mixed-Used Centers Amendment,” promotes the development of mixed-use centers. “The livability of Newton has been greatly enhanced by its traditional mixed-use centers.” Comprehensive Plan, page 3A-1. In this instance, rezoning the parcels to MU-4 furthers the goal of sustaining a vibrant and walkable village center with a mix of commercial and residential uses located near a transportation node.

The Comprehensive Plan extolls the benefits of locating housing in mixed-use centers. “Housing, either within or adjacent to and integrated with mixed-use centers, can provide a kind of vitality and fruitful contributions to the creation of wonderful places and an improved quality of life that centers without such housing may not be able to achieve.” Comprehensive Plan, page 3A-8. Rezoning these parcels to MU-4 will allow the development of much needed multi-family housing in the larger mixed-use center that is West Newton Square.

Peter B. Doeringer, Chair
July 28, 2022

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Washington Street Vision Plan

Rezoning the parcels to MU-4 would be consistent with the Washington Street Vision Plan, which includes the following goals: (i) focus housing near transportation options, (ii) combine housing near transit with new commercial and retail space, and (iii) promote lower heights (1-4 stories) along Washington Street and medium heights (3-6 stories) closer to Davis Street. Washington Steet Vision Plan, pages 59, 60, and 84.

Proposed Village Center Framework

Finally, as was aptly pointed out by the Planning Department in its recent presentation before the Land Use Committee regarding this proposal on July 19th, the proposed development (which would be allowed in the MU-4 district but not in the BU-1 district) is consistent with the Village Center Zoning Framework currently under consideration with the Zoning and Planning Committee.

The Proposed Zone Change Does Not Constitute Spot Zoning.

We are aware that when a proposed rezoning is connected to a specific development and affects a single parcel or several combined parcels under common ownership, the issue of “spot zoning” may come up. However, the law is settled that as long as the zoning amendment advances a *valid public purpose*, then it does not constitute illegal spot zoning, regardless of whether the zone change is of economic benefit to the property owner. *See, e.g., Rando v. Town of N. Attleborough*, 44 Mass. App. Ct. 603, 606, 692 N.E.2d 544, 546 (1998). In this case, rezoning these parcels to MU-4 clearly serves a valid public purpose for the reasons stated above, and a zone change to support this proposed development is appropriate.

The Proposed Zone Change Qualifies for a Majority Vote

It is our understanding that the recently amended Massachusetts Zoning Act, M.G.L. Chapter 40A (the “Housing Choice legislation”) applies to the proposed rezoning of the Properties, and that a simple majority vote by the City Council would be needed to approve the change of zone. Specifically, the Housing Choice legislation amends the Zoning Act (M.G.L. Chapter 40A, Section 5) to provide that a simple majority vote of the City Council shall apply to a number of zoning amendments, including:

- an amendment to allow multi-family housing or mixed-use development in an eligible location by right;
- an amendment to allow multi-family housing or mixed-use development in an eligible location by special permit; and
- an amendment to allow for an increase to the permissible density of population or intensity of a particular use in a proposed multi-family or mixed-use development by special permit.

In this case, if the site qualifies as an “eligible location,” the proposed rezoning to MU-4 will qualify for the majority vote quantum under any of the three bullet points listed above. “Eligible locations” are defined in the Zoning Act as:

Peter B. Doeringer, Chair
July 28, 2022

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areas that by virtue of their infrastructure, transportation access, existing underutilized facilities or location make highly suitable locations for residential or mixed-use smart growth zoning districts or starter home zoning districts, including without limitation: (i) areas near transit stations, including rapid transit, commuter rail and bus and ferry terminals; or (ii) areas of concentrated development, including town and city centers, other existing commercial districts in cities and towns and existing rural village districts. Zoning Act, Sec. 1A.

This site is located approximately 700 feet from the West Newton commuter rail stop and is also located within the West Newton village center. The Executive Office of Housing and Economic Development has published Guidance for Local Officials on Determining Voting Thresholds for Zoning Ordinances and Bylaws which makes clear that “[a]ny parcel that is at least partially within 0.5 miles of [a transit station] should be deemed to be an eligible location.” This Property clearly fits within the definition of an “eligible location.” Accordingly, the zone change to MU-4 should qualify for the majority vote quantum, and we request that the Planning Board include such a finding in its report.

Thank you for your consideration of this matter.

Sincerely,

Stephen J. Buchbinder

Stephen J. Buchbinder

SJB/mer
attachment

cc: (By Electronic Mail, w/attachment)
Kelley Brown, Vice Chair
Jennifer Molinsky
Chris Steele
Kevin McCormick
Lee Breckenridge
Barney Heath, Ex-Officio
Ms. Cat Kemmett
Deputy City Solicitor Jonah Temple
Mr. Robert Korff



Ruthanne Fuller
Mayor

Barney Heath
Director
Planning & Development

Cat Kemmett, Planning
Associate

Members

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

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PLANNING & DEVELOPMENT BOARD MEETING MINUTES

June 6, 2022

Members present:

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

City Staff: Cat Kemmett, Planning Associate

Meeting held virtually by Zoom Meeting

1. Continuation of Public Hearing on #259-22 Request to Rezone 7 parcels to BU4 (34, 36, 38, 48, & 50 Crafts Street and 19 and 21 Court Street)

At 7:01 Chair Doeringer started the meeting.

Attorney Buchbinder and several members of the development team made a presentation explaining some of the details of the proposed project.

The site comprises seven different parcels, and currently has commercial and two-family residential uses. Together, the parcels contain 115,818 square feet of area and four existing buildings, two commercial and two residential. The parcels are split between two zoning districts, MAN and MR1. The development team is asking for the whole site to be rezoned to BU4.

Architect John Martin, of Elkus Manfredi Architects, said that though the Washington Street Vision plan recommends a lower height than the proposed project, they believe the proposed height is appropriate given the proximity to the MBTA. There is a primary entrance on Crafts Street that leads to an underground garage with about 135 parking spaces on a single level. Mr. Martin explained the details of the parking and circulation plan, which ensures there will be no need for vehicle maneuvering for deliveries on Crafts Street.

In the BU4 zone, this use requires a setback when the property abuts a commercial use. He showed images of what the setbacks on each side would look like, and some of the plans for buffering and screening. Mr. Martin showed images of the building and site design, and how the proposed building looks in context with the neighboring buildings.

City of Newton Planning and Development Board

Attorney Buchbinder noted that the proposed use is not allowed in the parcels as they are zoned now. The Vision Plan suggests a variety of heights in different zones, so this plan is well suited to the site. The proposed height of just under 72 feet and 6 floors are allowed only in the BU4 district. This project also proposes to provide senior housing, which is needed in the city according to the Comprehensive Plan. For inclusionary housing, they plan to make an in lieu of payment to the city in the amount of \$10.8 million.

Ms. Molinsky asked for details about the two existing residential properties included in the plan and whether they were in common ownership. Mr. Chaviano said it was one home and two condos, and they have not yet acquired those properties, but it is under contract. That area will become the emergency-specific gated area providing rear access from Court St.

Ms. Breckenridge asked about how this plan supports the Washington Street Vision Plan and about the drainage at the grade change and whether there are buried wetlands on the site. Atty Buchbinder said that there is desire to revitalize the Washington Street Corridor. This plan represents an improvement on what is on the site now. Mr. Martin said there is a grade change from Washington Street entry back to the site, and there is a small brook culverted under the property. The planned setbacks should help with stormwater control, but they cannot daylight the brook since part of it lies on abutting property.

Chair Doeringer then reopened the public hearing.

Kathy Laufer of 26 Mosman St. spoke in favor of the plan for payment in lieu of providing affordable housing units, because affordable units in this type of development are often not truly affordable for seniors.

MaryLee Belleville of 136 Warren Street appreciated the discussion of the rezoning request but said that producing luxury senior housing is not a goal the city has, and she does not see a public benefit from this project. She said there is a criteria for establishing what an affordable unit should be in terms of cost, and believes affordable units should be provided instead of a payment.

Upon a motion by Mr. Brown and approved unanimously, the public hearing was then closed.

Ms. Molinsky said that the backsides of buildings on Washington St. that abut neighbors are important. 5-6 story buildings are appropriate in some instances, but the details that can make these projects good neighbors are important. She noted that in the ordinance inclusionary beds and inclusionary units are not exactly the same- the housing and the care are two separate topics. There is a great need for both care and housing across income levels, and solutions for lower- and middle-income people who can't afford the amenities in projects like this. It would be good to know that similar housing with services is part of the plan for these payments in lieu of affordable units.

Director Heath said that the money goes to the city to be distributed equally to the city and to the NHA. The NHA determines how they choose to use those funds. The prevailing sentiment is that the money that comes to the city will go to the newly created housing trust to allocate for future projects. The portion of the IZ ordinance regarding elderly housing is complex, and though not without its flaws, there are benefits to the payment in lieu in terms of the money the city gets for payment in lieu.

Chair Doeringer noted that though the Washington St. Vision plan is not prescriptive regarding zoning, it does provide important guidance, and he is glad that the team is moving forward with the 6-story plan.

City of Newton Planning and Development Board

Mr. Brown said that the Board and Planning staff might want to consider the fact that the city is losing many existing manufacturing uses, and if there should be a plan for the future of manufacturing. Director Heath agreed and said that a planned study of California Street could surface some thoughts and plans for that.

Upon a motion by Mr. Brown and approved 5-0-1 with Director Heath abstaining, the item was continued.

2. Village Center Zoning Discussion

Parking Requirements

Chair Doeringer acknowledged that parking is one of the more divisive and difficult topics of discussion. He would like to see more centralized parking options and flexible options for transportation management. There should be more proactive plans to handle parking centralization and undergrounding of parking. If we are going to make village centers denser, that is bound to put more cars on the street, so while there are compelling reasons to reduce parking requirements, the impact of more people coming through must be considered.

Mr. McCormick noted that Trio had their required parking reduced, and even at the reduced amount their parking is not at full capacity. He is in favor of lowering the minimums as a way to encourage car-free alternatives.

Ms. Molinsky agreed with Mr. McCormick and added that creating more flexibility for restaurant parking would make projects more realistic, and those parking requirements are regularly waived anyways. Mr. Brown agreed that lowering parking makes a lot of sense and could help support the vitality we are looking to see in village centers.

Ms. Kemmett said that Planning staff recently participated in an overnight parking count of residential developments in Newton which showed that many have significant amounts of underutilized parking that was required by the Zoning Ordinance.

Ms. Breckenridge said that the spillover effects of parking into neighboring areas can be significant, so careful consideration is needed if we are to lower parking minimums.

Board members discussed the need for further traffic studies that are more expansive than just the area right around an individual project. Additional centralized parking might be helpful at some point soon in some village centers, but there was not clarity on an exact location or funding source for such a project. There should be a way to proactively plan for parking management and other infrastructure concerns that may arise as village centers evolve.

Chair Doeringer asked for a straw vote to gauge support for this item. The Board voted in support of this item 5-0-1 with Director Heath abstaining.

Increasing Allowable Floor to Floor Heights

This proposed change would allow higher floor-to-floor heights for office and retail but reduce allowable residential floor-to-floor heights from 12' to 11'. The proposal would allow a modest increase in commercial building height in order to accommodate the required floor-to-floor heights for certain types of business, eliminating a barrier to desirable uses.

Members discussed the benefits of allowing flexibility for commercial buildings.

City of Newton Planning and Development Board

Ms. Breckenridge noted that there is an energy concern that comes with taller ceiling heights, but otherwise a difference of a foot seems inconsequential for residential uses.

The Board voted in support of this item 5-0-1 with Director Heath abstaining.

Setting Design Requirements for Half-Stories

Our existing zoning sets the maximum number of stories at whole numbers. Generally there are no design requirements for upper stories, but creating more visually interesting and varied top stories comes up in special permit review as a way to reduce visual bulk. This proposal would allow a half story forcing the upper story to pull in a bit. This reduces height as seen at street level and provides some visual interest.

Board members overall were in support of this proposal, and Mr. Brown said that a smaller setback for smaller buildings seems appropriate and reducing the setback from 10 feet to a slightly smaller number for those buildings could work.

The Board voted in support of this item 5-0-1 with Director Heath abstaining.

Eliminate lot area per unit minimums

Board members discussed this item, and several members observed that this step seems appropriate and that the other dimensional controls in place should ensure that eliminating the lot area per unit minimum will not have a negative impact.

The Board voted in support of this item 5-0-1 with Director Heath abstaining.

Remove minimum lot size

Board members discussed this item, with Chair Doeringer noting that many existing lots are smaller than the minimums we have now. Mr. Brown asked if we are proposing a frontage requirement along with this change, and Ms. Kemmett responded that as drafted there is no frontage requirement, but that is something staff could consider for the design standards.

The Board voted in support of this item 5-0-1 with Director Heath abstaining.

Set maximum building footprint

Board members overall were in support of this proposal.

The Board voted in support of this item 5-0-1 with Director Heath abstaining.

3. Minutes

The minutes for April 25 were approved 5-0-1 with Director Heath abstaining.
The minutes for April 29 were approved 4-0-0.

City of Newton Planning and Development Board

The minutes for May 2 were approved 4-0-2 with Ms. Breckenridge and Director Heath abstaining.
The minutes for May 17 were approved 4-0-0.

4. Adjournment

Upon a motion by Mr. Brown and approved unanimously, the meeting was adjourned at 9:42 p.m.



Ruthanne Fuller
Mayor

Barney Heath
Director
Planning & Development

Cat Kemmett, Planning
Associate

Members

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

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PLANNING & DEVELOPMENT BOARD JOINT MEETING WITH CITY COUNCIL ZONING AND PLANNING COMMITTEE MINUTES

June 13, 2022

Members present:

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

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

Also Present: Councilors Lucas, Greenberg, Kelley, Bowman, Lipof and Downs

City Staff: Jonathan Yeo, Chief Operations Officer; Jen Caira, Deputy Director of Planning & Development; Barney Heath, Director of Planning & Development; Zachery LeMel, Chief of Long Range Planning; Cat Kemmett, Planning Associate; Amanda Berman, Director of Housing & Community Development; Nevena Pilipovic-Wengler, Community Planner Engagement Specialist; Shaylyn Davis, Community Development Planner; Carol Moore, City Clerk; Jaclyn Norton, Committee Clerk

Meeting held virtually by Zoom Meeting

1. Joint public hearing on docket item #279-22, Request for amendment to Chapter 30, Section 5.2 Signs of the Newton Zoning Code regarding regulation of noncommercial signs.

The Planning and Development Board joined the City Council Zoning and Planning Committee for this item. For detailed notes on the proceedings and discussion at this meeting, please see the attached Zoning and Planning Committee Report.

Following a presentation by Chief of Long Range Planning Zachary LeMel, the public hearing was opened. For further detail on the testimony and discussion that followed, see the attached Zoning and Planning Committee Report.

The Board was not prepared to vote on the amendment, which they felt may be a significant change. Ms. Molinsky motioned to approve the original amendments as propose by Planning department staff, and her motion was seconded. The

City of Newton Planning and Development Board

Planning and Development Board voted 5-0-1 (Director Heath abstaining). Mr. Brown motioned to adjourn which carried unanimously.



Zoning & Planning Committee **Report**

City of Newton **In City Council**

Monday, June 13, 2022

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

Also Present: Councilors Lucas, Greenberg, Kelley, Bowman, Lipof and Downs

City Staff: Jonathan Yeo, Chief Operations Officer; Jen Caira, Deputy Director of Planning & Development; Barney Heath, Director of Planning & Development; Zachery LeMel, Chief of Long Range Planning; Cat Kemmett, Planning Associate; Amanda Berman, Director of Housing & Community Development; Nevena Pilipovic-Wengler, Community Planner Engagement Specialist; Shaylyn Davis, Community Development Planner; Carol Moore, City Clerk; Jaclyn Norton, Committee Clerk

#281-22 Appointment of Lee Breckenridge to the Planning & Development Board

HER HONOR THE MAYOR appointing Lee Breckenridge, 173 Berkeley Street, Newton as a full member of the Planning and Development Board for a term of office to expire on February 1, 2027. Ms. Breckenridge is currently serving as an Alternate member from August 9, 2021 to July 31, 2026. (60 Days: 07/01/22)

Action: **Zoning & Planning Approved 7-0 (Councilor Leary Not Voting)**

Note: Lee Breckenridge joined the Committee to discuss her appointment to the Planning and Development Board for a term to expire February 21, 2027. Ms. Breckenridge noted that she has enjoyed serving as an alternate member and is looking forward to serving as a full member. Ms. Breckenridge's experience includes teaching at Northeastern University on topics including planning, zoning and environmental matters. The Committee thanked Ms. Breckenridge for her willingness to serve. Councilor Wright motioned to approve Ms. Breckenridge's appointment and the motion carried unanimously.

#282-22 Appointment of Amy Dain to the Planning & Development Board

HER HONOR THE MAYOR appointing Amy Dain, 9 Frederick Street, Newton as an Alternate member of the Planning and Development Board for a term of office to expire on July 31, 2026. (60 Days: 07/01/22)

Action: **Zoning & Planning Approved 7-0 (Councilor Leary Not Voting)**

Note: Amy Dain joined the Committee to discuss her appointment to the Planning and Development Board. Ms. Dain, a Newton native has conducted extensive research on public policy, urban and suburban planning, the masterplans, zoning ordinance bylaws and road design standards on

communities throughout the state. In 2017, Ms. Dain's work brought her back to analyzing multi-family dwelling units and accessory apartments through Smart Growth Alliance. Ms. Dain found her independent research and analysis inspirational and she is looking forward to the opportunity to contribute to the community on the matter of suburban planning. The Committee emphasized their gratitude for Ms. Dain's willingness to serve, noting her extensive experience. Councilor Albright moved approval of the appointment and the Committee voted unanimously in favor of approval.

#320-22 Appointment of Harvey Schorr to the Newton Historical Commission

HER HONOR THE MAYOR appointing Harvey Schorr, 106 Bellevue Street, Newton as a full member of the Newton Historical Commission for a term of office to expire on June 21, 2025. Mr. Schorr is currently serving as an Alternate member from February 22, 2022 to March 30, 2025. (60 days: 08/05/22)

Action: **Zoning & Planning Approved 7-0 (Councilor Leary Not Voting)**

Note: The Committee was joined by Harvey Schorr to discuss his appointment to the Historical Commission. Mr. Schorr's expertise includes professional and academic experience as an architect. He explained that he has been serving on the Historical Commission an alternate member and was encouraged to step up as a full member. Mr. Schorr noted that he has had an opportunity to learn the mechanics and regulations of the Historical Commission during his service as an alternate member. He stated that he has found the work of the Commission challenging, as the Commission is limited in their ability to entirely prevent demolition of existing structures. Mr. Schorr assured the Committee that he will work diligently to remain apolitical respecting his work on the Commission. A Committee member noted that the Historical Commission does have the authority to prevent demolition of existing structures by way of the City's landmarking ordinance. The Committee thanked Mr. Schorr for his willingness to become a full member of the Commission. Councilor Danberg motioned to approve Mr. Schorr's appointment to the Historic Commission and the Committee voted unanimously in favor of approval.

#279-22 Request for amendment to the Zoning Code to regulate certain signage

HER HONOR THE MAYOR requesting amendments to the City of Newton Zoning Ordinance, Chapter 30, Section 5.2 Signs regarding regulation of noncommercial signs.

Zoning & Planning Held 7-0 (Councilor Albright not voting) on 05/09/22

Action: **Zoning & Planning Approved 6-0-2 (Councilors Baker and Leary Abstaining)**

Note: Chief of Long Range Planning Zachary LeMel presented an overview of the Chapter 30 Section 5.2 amendments relative to the regulation of non-commercial signs. Mr. LeMel explained that the proposed amendments to Chapter 30 are relative to election signs and lawn signs on private property, which express opinions, views and/or beliefs. The amendments will remedy aspects of the current zoning code that do not comport with constitutional law. Mr. LeMel noted that a comprehensive sign overhaul is forthcoming. The proposed changes to the sign ordinance include; the defining non-commercial signage, and deleting existing language regarding election signage and yard/garage sales. The language regulating non-commercial signage draws from the existing language in the ordinance regarding size and location. The draft amendments prohibit commercial signage and

artificial illumination, except as permitted by Section 5.2.10. Lastly, the ordinance amendments include modifications for improved clarity and consistency.

The Public Hearing was Opened.

Peter Harrington, 157 Lowell Avenue, urged the Committee to approve the ordinance so that aligns with the United States Constitution. Mr. Harrington suggested that the Committee adopt additional language stating that the ordinance does not apply to political signs and emphasized the danger to democracy in limiting free speech. Mr. Harrington noted that free speech should be protected even when it may be inconvenient or unsightly. He asked the Council to consider the difference between non-commercial signs and political signs.

Amy Mah Sangiolo, 389 Central Street, expressed concern that the proposed changes are not being done as part of a comprehensive review and revisions to the sign ordinance. She also expressed concern relative to the sign restriction on non-commercial signage and suggested that they should be treated the same way as commercial signs. The Chair noted that a comprehensive review has been undertaken, but that that process will take time, and it is important to be in compliance with constitutional law quickly.

Martina Jackson, 115 Lowell Avenue, noted that her property was subject to enforcement action based on the City's existing ordinance. Ms. Jackson expressed concern that the zoning ordinance currently limits free speech. Ms. Jackson emphasized her support for approval of the ordinance and noted that community aesthetic should not be a consideration for the Council.

A Committee member expressed concern relative to the proposed limitation on non-commercial signs to 3'x3'. Associate City Solicitor Andrew Lee confirmed that the Law Department is comfortable with the proposed limitation, because this imposes no restriction on content. Deputy Director of Planning and Development Jennifer Caira noted again that the Planning Department has begun an internal review with the Law Department and is preparing to begin analysis of the sign ordinance in coordination with the Urban Design Commission.

Some Committee members expressed concerns about the 3'x3' size limitation, noting that it is somewhat arbitrary and questioned whether it should be considered constitutional. Committee members noted that the ordinance could be approved without a size limitation and the Council could approve a subsequent amendment relative to size in the future, if needed. Councilor Krintzman motioned to strike the language from the draft ordinance relative to the size limitation (Section 5.2.A). Some Committee members were supportive of the size limitation, noting that a proliferation of billboard-sized signs could become unsightly, regardless of content. It was noted that identifying signage as unsightly is subjective and up to each property owner's discretion. The Committee was in agreement that in no case should non-commercial signage impact public safety. Committee members reiterated concern about creating a standard that is not clear and objective.

Planning and Development Board Member Lee Breckenridge expressed support for additional analysis and case studies on the first amendment. Ms. Breckenridge noted that making a distinction for non-commercial signage created a content-based distinction.

Committee members agreed that the ordinance should include an explicit condition that any signage not create a public safety concern. Councilor Krintzman amended his motion to include the language: “No sign shall create a public safety concern” as well to eliminate of the 3’x3’ size limitation. The Committee voted 5-3 (Councilors Baker, Albright and Leary opposed). Councilor Krintzman motioned to close the public hearing, which carried unanimously. Planning and Development Board Member Kevin McCormick motioned to close the public hearing before the Planning & Development Board. The motion carried unanimously.

Councilor Krintzman motioned to approve the draft ordinance, as amended. The Committee voted 6-0-2 (Councilors Baker and Leary abstaining). Planning and Development Board members discussed the proposed ordinance amendments. The Board considered Councilor Krintzman’s amendment as approved during the Zoning & Planning Committee discussion. The Board was not prepared to vote on the amendment, which they felt may be a significant change. Ms. Molinsky motioned to approve the original amendments as propose by Planning department staff, and her motion was seconded. The Planning and Development Board voted 5-0-1 (Barney Heath abstaining). Mr. Brown motioned to adjourn which carried unanimously.

#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 7-0 on 06/01/22

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

Note: An amended report reflecting the discussion on item #38-22 will be available during the week of June 19, 2022.

Referred to Zoning & Planning and Finance Committees

#336-22 **CPC Recommendation to appropriate \$133,002 in CPA funding**
COMMUNITY PRESERVATION COMMITTEE recommending appropriation of one hundred thirty-three thousand and two dollars (\$133,002) in Community Preservation Act funding be appropriated from the Unrestricted Prior Year Funds to the control of the Planning & Development Department for the completion of the 100% design of the Commonwealth Avenue Carriageway Redesign project in Auburndale.

Action: **Zoning and Planning Approved 7-0 (Councilor Leary Not Voting)**

Note: The Chair explained that item #336-22 was inadvertently referred to the Zoning & Planning Committee but should have been referred to the Finance and Public Facilities Committees.

Councilor Danberg motioned to send the item back to the Council for referral to the appropriate Committees. The Committee voted 7-0 in favor of sending the item back to the Council.

#283-22 Reappointment of Paul Snyder to the Newton Upper Falls Historic District Commission
HER HONOR THE MAYOR reappointing Paul Snyder, 9 Ardmore Road, West Newton as a full member of the Newton Upper Falls Historic District Commission for a term of office to expire on July 1, 2025. (60 Days: 07/01/22)

Action: **Zoning and Planning Approved 7-0 (Councilor Leary Not Voting)**

Note: The Committee reviewed Mr. Snyder’s appointment to the Upper Falls Historic District Commission. The Committee expressed no concerns relative to the reappointment and voted unanimously in favor of a motion to approve from Councilor Albright.

Respectfully Submitted,

Deborah J. Crossley, Chair

Sec. 5.2. Signs

521. Intent and Purpose

- A. It is recognized that signs perform important functions in the City, which are essential for the public safety and general welfare, such as communicating messages, providing information about goods and services available, and providing orientation. It is further recognized that because of their potential detrimental impact on the visual and perceptual environment, signs must be regulated in order to:
1. Prevent hazards to vehicular and pedestrian traffic;
 2. Prevent conditions which have a blighting influence and contribute to declining property values;
 3. Provide for easy recognition and legibility of all permitted signs and other uses in the immediate vicinity; and
 4. Preserve the amenities and visual quality of the City and curb the deterioration of the village commercial areas.
- B. It is the intent of these provisions to protect property values, create a more attractive business climate, enhance and protect the physical appearance of the City, provide a more enjoyable and pleasing environment and to encourage the most appropriate use of land.

(Ord. No. 158, 10/18/76)

522. Applicability

All signs shall comply with the regulations for the erection and construction of signs contained in the 780 CMR and applicable City ordinances. No sign shall be erected, displayed, or maintained within the City, except those specifically provided for in this Sec. 5.2 or in other chapters of the Revised Ordinances.

(Ord. No. 196, 2/22/77)

523. Definitions

Sign. A permanent or temporary structure, device, letter, word, 2D or 3D model, insignia, banner, streamer, display, emblem, or representation which is an advertisement, announcement or direction, or which is designed to attract attention.

Sign, Accessory. A sign that, with respect to the premises on which it is erected, advertises or indicates one or more of the following: the address and/or occupant of the premises, the business transacted on the premises, the year the business was established, a slogan, directional or parking instructions, or the sale or letting of the premises or any part thereof.

Sign, Area. The entire area within a single continuous perimeter, and a single plane, which encloses the extreme limits of the advertising message or announcement or wording together with any frame, background, trim, or other integral part of the display excluding the necessary supports or uprights on which the sign is placed. Sign area of a free-standing sign or a perpendicular wall sign is the entire area of one side of such sign such that two faces which are back to back are counted only once.



Sign, Awning. A sign on or attached to a temporary retractable shelter which is supported entirely from the exterior wall of a building.



Sign, Directional. Signs indicating “Entrance,” “Exit,” “Parking,” or the like, erected on a premises for the direction of persons or vehicles.



Sign, Free-Standing. A sign erected on or affixed to the land by post, pole, pylon or any framing or supporting device or stand which is not affixed to a building, and may include kiosks or public information bulletin boards.



Sign, Frontage. The length in feet of the building wall parallel or substantially parallel to a street that is occupied by an individual business establishment.

Sign, Noncommercial. A sign which contains only noncommercial messages.

Sign, Marquee. A sign on or attached to a permanent overhanging shelter which projects from the face of a building, is entirely supported by said building, and may have a changeable letter panel.



Sign, Non-Accessory. A billboard, sign or other commercial advertising device which does not come within the foregoing definitions of an accessory sign or of a non-accessory directory sign, or of a noncommercial sign.



Sign, Non-Accessory Directory. A sign that, with respect to the premises on which it is erected and/or an adjacent premises for which the sign is a single common identifier, or with respect to a single integrated development consisting of two or more lots, advertises or indicates one or more of the following: the address and/or occupant of the premises, the business transacted on the premises, the year the business was established, a slogan, directional or parking instructions, or the sale or letting of the premises or any part thereof.



Sign, Principal. The principal sign on a lot. Where permission is granted for a free-standing sign, the free-standing sign shall be considered the principal sign.

Sign, Secondary. A wall sign located on a wall other than that occupied by the principal sign.

Sign, Wall. A sign affixed either parallel or perpendicular to the wall of a building and not extending above the roof plate or parapet line.

- A. Wall signs shall be affixed either parallel or perpendicular to a wall of a building. Where a building or structure to which a parallel wall sign is to be affixed has an identifiable sign band, as determined by the Director of Planning and Development in consultation with the Urban Design Commission, or is part of a block of commercial establishments which, except for the petitioned property, is the subject of uniform signage, the parallel wall sign shall be located within the identifiable sign band or shall be consistent with any uniform signage.
- B. A parallel wall sign shall project no more than 12 inches from the building surface and shall not extend above the roof line or beyond the sides of the building.
- C. A perpendicular wall sign shall be attached at a right angle to the wall of a building; it shall have no more than 2 faces; and it shall not project in any linear dimension more than 6 feet, subject to the provisions of Revised Ordinances Chapter 26, Sections 26-1 to 26-6. When a projecting sign is closer than 12 feet to the corner of a building, its projection shall be no more than a distance equal to 1/2 the horizontal distance from the sign to that building corner.



Sign, Window. A sign affixed to the interior or exterior surface of a window or displayed behind a window so as to attract attention from the outside. A sign shall be

deemed a window sign if it is within 6 inches of the inside surface of a window through which it is intended to be viewed and is not merchandise on display.



(Ord. No. 158, 10/18/76; Ord. No. V-7, 03/20/95)

524. Permit Procedure

- A. No sign shall be erected on the exterior of any building or on any land, and no such sign shall be enlarged or altered, with the exception of copy changes on changeable letter panels, clocks, or thermometers, until an application on appropriate forms supplied by the Commissioner of Inspectional Services with such information including plans, drawings, and photographs as the Commissioner of Inspectional Services may require, shall have been filed with the Commissioner of Inspectional Services, and a permit for such erection, alteration or enlargement has been issued by the Commissioner of Inspectional Services.
- B. All non-accessory directory signs shall obtain an outdoor advertising permit from the Commonwealth of Massachusetts' Office of Outdoor Advertising.
- C. Upon receipt of an application for a sign permit, the Commissioner of Inspectional Services shall notify the Urban Design Commission and the Director of Planning and Development regarding said application within 2 weeks of the date of filing, if they deem it necessary. The Director of Planning and Development shall submit an advisory report, including any recommendation of the Urban Design Commission, to the Commissioner of Inspectional Services within 3 weeks of the application filing date.
- D. The fees for sign permits shall be established from time to time by the City Council.
- E. Within 2 months after the erection, alteration or enlargement of any sign, the owner or operator

of said sign shall file two 8 inch by 10 inch photographs, taken after intallation.

(Ord. No. 158, 10/18/76)

525. Prohibited Signs

The following signs shall not be permitted, constructed, erected, or maintained:

- A. Non-accessory signs;
- B. Signs constructed, erected, or maintained on the roof of a building or which extend above the roof plate line;
- C. Portable signs not permanently affixed, anchored, or secured to the ground or a structure on the lot it occupies, including trailer signs and signs affixed to or painted on a vehicle permanently parked on the premises so as to serve as a sign, but excluding signs affixed to or painted on a vehicle temporarily parked on the premises;
- D. Window signs which cover more than 25 percent of the area of the window;
- E. Any sign which advertises or calls attention to any products, businesses, or activities which are no longer sold or carried on at any particular premises; or
- F. String lights used in connection with commercial premises with the exception of temporary lighting for holiday decoration.

(Ord. No. 158, 10/18/76)

526. Signs Allowed By Right

- A. **Permanent Signs.** The following signs shall be allowed by right without the necessity of sign review, but may require a building permit:
 1. Signs erected by or on the order of a governmental agency when limited to governmental purposes, and excluding any advertising, except in the Open Space/ Recreation and Public Use districts (see Sec. 6.2.9);
 2. Names of buildings, date of erection, monumental citations and commemorative

tablets, when made a permanent and integral part of a building, not to exceed 10 square feet;

3. Banners or flags emblematic of or issued by national, state, or local governments;
 4. Signs indicating the name and address of the occupant of a dwelling, not to exceed 1 square foot. Where a permitted accessory home business exists, such sign shall not exceed 2 square feet;
 5. Awning signs in business, mixed use, limited manufacturing and manufacturing districts;
 6. Window signs, in nonresidential buildings, not to exceed 25 percent of the area of the window;
 7. Customary signs on gasoline pumps indicating in usual size and form the name, type and price of gasoline;
 8. Clocks and thermometers displaying no information other than the time and temperature;
 9. Holiday decorations and lights when in season; and
 10. Signs not to exceed 2 square feet which indicate warnings, hazards, or public conveniences such as "trespass," "beware of dog," or rest room signs.
- B. **Temporary Signs.** Temporary signs shall not be illuminated and shall comply with the provisions of this Sec. 5.2, but may require a building permit:
 1. **Short-Term Event Sign.** The Commissioner of Inspectional Services may permit an establishment to display on its premises 1 non-illuminated sign announcing a special event of limited duration to take place on the premises. Such sign may be displayed for a period not to exceed 72 hours, including time required for installation and removal. The Commissioner of Inspectional Services shall issue such a permit to the same establishment no more than twice per calendar year. Applications for such permits shall be submitted in accordance with Sec. 5.2.4, but shall be submitted no later than 1 week prior to the proposed date of installation. Applications for such permits shall not be subject to notice to and review by the Urban

Design Commission and the Director of Planning and Development.

2. **Temporary Identification Sign Procedure.** One temporary identification sign to identify a property or use during the period from the submission of a sign application to the Commissioner of Inspectional Services or during the special permit procedure to 30 days after the decision, may be erected, provided that in the event of an unfavorable decision such temporary sign shall be removed immediately, and provided that the temporary sign conforms with all applicable dimensional regulations of this [Sec. 5.2](#), that it is, in fact, a temporary sign not involving any substantial expense, and that it is displayed in a manner which will not deface the building facade or otherwise impinge upon the review of the proposed sign.
3. **Construction Signs.** One or more signs during the construction or alteration of a building identifying the building, owner, contractor, architects and engineers and whether any business is or is not to be conducted there may be erected. Such signs shall not exceed in the aggregate 32 square feet and shall be removed within 48 hours after completion of the construction or alteration.
4. **Real Estate Signs.** One unlighted sign, not exceeding 12 square feet in residential districts and 32 square feet in commercial districts, advertising the sale, rental or lease of the premises or part of the premises or the willingness to build on the premises on which the sign is displayed may be erected. Such signs shall be removed within 48 hours after the sale, rental or lease of the premises.
5. **Event Signs.** Signs not exceeding 30 square feet, announcing a fundraising drive or event of a civic, philanthropic, educational or religious organization, displayed on the lot of the event or the property of the sponsoring agency and limited to 1 per lot, except that if a lot has frontage on more than one street, there may be a free-standing sign for each street frontage. Such signs shall not be erected before 14 days preceding the event and shall be removed within 48 hours after the event.
6. **Noncommercial Signs.** Noncommercial signs shall be allowed in all zoning districts, except as otherwise provided in this Chapter, and shall conform to the following:

A. Signs may be located anywhere on a lot, but shall not create a traffic safety hazard by blocking visibility of traffic on a public street from a driveway. Signs shall not overhang a public sidewalk; however, where there is no sidewalk, no part of the sign shall be closer than 8 feet to the edge of the paved portion of the public way. Signs shall not create a public safety risk;

B. Signs shall not include any names or logos advertising goods, services, or businesses or otherwise constituting commercial speech;

C. Signs shall not be artificially illuminated except as permitted by [Sec. 5.2.10](#).

a.

(Ord. No. 158, 10/18/76; Ord. No. T-64, 12/18/89; Ord. No. V-7, 03/20/95; Ord. No. Z-27, 05/19/08; Ord. No. A-29, 10/07/13; Ord. No. A-99, 01/17/17)

527. Signs in Residence Districts

No permanent sign shall be erected or maintained in a residence district, except as provided in Sec. 5.2.6 and this Sec. 5.2.7:

Use	Number	Type	Area per Sign (max)	Notes
Residential: single- or two-family	1 per unit	Wall sign	1 sf	Name of occupant, address of premises
Residential: single- or two-family with permitted accessory use or occupation	1 per unit	Wall sign	2 sf	Name of occupant(s), address of premises
Residential: building with more than 2 families or group of buildings forming a single housing development	1 total	Principal wall sign OR Free-standing sign	15 sf OR 10 sf	
Residential: Each building in a group of buildings forming a single housing development	1 per building in group	Secondary wall sign	2 sf	
Churches, schools, other institution or group of buildings forming a complex or campus	2 per street frontage	Free-standing sign AND principal wall sign	1 @ 20 sf 1 @ 10 Ssf	1 Free-standing sign per frontage; for notices and announcements of services and events
Churches, schools, or other institutions: Each building in a group of buildings forming a single complex or campus	1 per building in group	Free-standing sign AND principal wall sign	10 sf	
	1 total	Principal wall sign	20 sf	
Nonresidential use, permitted or nonconforming	1 total	Free-standing sign	15 sf	The City Council may grant a special permit for a free-standing sign
Any use	--	Directional sign	3 sf	For the direction of Persons or vehicles, indicating "entrance," "exit," "parking," or the like

-- Not Applicable

528. Signs in Commercial Districts

No permanent sign shall be erected or maintained in a business, limited manufacturing, manufacturing, and mixed use district, except as provided in [Sec. 5.2.6](#) and this [Sec. 5.2.8](#):

Type	Number per business establishment	Area per Sign (max)	Notes
Principal sign	1 total	3 sf per linear foot of building wall frontage OR 100 sf, whichever is less	In particular instances, due to the nature of the use of the premises, the architecture of the building, or its location with reference to the street, the total allowable sign area may be divided between two wall signs which together constitute the principal wall sign.
Principal sign:		3 sf per linear foot of	
Business on a corner lot	2 total	building wall OR 100 sf, whichever is less	Frontage on the second street must be at least 75 percent of frontage on first street
Secondary sign	1 per entrance or frontage on a street or parking area; 2 max	1 sf per linear foot of building wall OR 50 sf, whichever is less	May not be erected on the same wall as a principal sign.
Directory sign	1 per building entrance	1 sf per occupant or tenant	Indicating the occupants or tenants of the building to which the sign is affixed
Directory sign: building with 2nd entrance	1 per entrance	1 sf per occupant or tenant	The second entrance must have frontage on a street or parking lot. Such signs shall not be deemed nonaccessory directory signs.
Marquee sign	1 per theater		
Awning sign	--	Up to 20% of awning area	
Window sign	--	Up to 25% of window area through which they are visible	
Gas station sign	1 consolidated display	20 sf (aggregate)	Product identification signs (tires, oil...)
Directional sign		3 sf	For the direction of persons or vehicles, indicating "entrance," "exit," "parking," or the like

-- Not Applicable

(Ord. No. A-99, 01/17/17; Ord. No. B-2, 02-20-18)

529. Signs in Open Space/Recreation and Public Use Districts

In Open Space/Recreation and Public Use districts, no sign shall be erected, displayed or maintained except as provided below:

- A. Regulatory signs as may be erected by the City, county, state, or their agencies.
- B. Signs for the identification of public buildings or public premises, or allowed uses in open space/recreation and public use districts, or valid nonconforming uses existing in open space/recreation and public use districts. These identification signs shall not exceed 20 square feet in area.
- C. The City Council may permit free-standing signs, public information bulletin boards and exceptions to the maximum area requirement of 20 square feet for signs set out above, as provided for in Sec. 5.2.13. In no event shall any free-standing sign exceed 35 square feet in area in an Open Space/Recreation or Public Use district.

(Ord. No. 51, 02/03/75; Ord. No. 158, 10/18/76; Ord. No. V-90, 09/03/96)

5210. Illuminated Signs

- A. No sign shall contain any moving parts or flashing or blinking lights so as to create an animated effect, except such portions of a sign which consist solely of indicators of time and temperature.
- B. No red or green lights or any lighting effect utilizing such colors shall be used on any sign if, in the opinion of the Chief of Police, such light or lighting effect would create a hazard to the operation of motor vehicles.
- C. Any lighting of a sign shall be continuous and shall be either interior, non-exposed or exterior illumination. All illumination shall be of reasonable intensity and shielded in such a manner that all direct light falls on the sign or the wall to which it is

affixed and does not shine onto any street or nearby property.

- D. No sign shall be lighted between the hours of 11:00 p.m. and 7:00 a.m., except those signs identifying police or fire stations, a residential building, or in the case of a commercial establishment, signs which may be lighted during a period extending from 30 minutes before opening for business and to 30 minutes after closing.
- E. The City Council may grant a special permit for the illumination of other signs if the City Council finds that such illumination is in the public interest.

(Ord. No. 89, 10/06/75; Ord. No. 158, 10/18/76)

5211. Construction and Maintenance

- A. The construction, alteration, repair and maintenance of all signs, together with their appurtenant and auxiliary devices in respect to structural and fire safety, shall be governed by the provisions of the 780 CMR. Where provisions of this Sec. 5.2 are more restrictive with respect to location, use, size or height of signs and other applicable regulations, this Sec. 5.2.11 shall take precedence.
- B. No sign shall be erected so as to obstruct any door, window or fire escape on a building.
- C. Any sign which advertises or calls attention to any products, businesses or activities which are no longer sold or carried on at any particular premises shall be removed by the occupant or owner of the premises within 30 days. If any such sign is not removed within 30 days, the Commissioner of Inspectional Services shall give written notification, in hand or by certified mail, return receipt requested, to the owner or occupant of the premises that the Commissioner of Inspectional Services will have such sign removed and assess any costs of the removal to the owner or occupant. If within 30 days from the date of receipt of the notification the sign has not been removed by the owner or occupant, then the Commissioner of Inspectional Services shall remove said sign and assess any costs of the removal to the owner or occupant.

(Ord. No. 158, 10/18/76; Ord. No. R-273, 11/15/82)

5212 Nonconforming Signs

- A. Any nonconforming sign legally erected prior to the adoption of this Sec. 5.2, or any amendment of this Sec. 5.2, may be continued to be maintained but shall not be enlarged, reworded, redesigned or altered in any way unless it conforms with the provisions contained of this Sec. 5.2.
- B. The exemption granted in paragraph A. above shall not apply to any non-accessory sign or to any sign which has been illegally erected, has been abandoned, or has not been repaired or properly maintained.
- C. Any sign which has been destroyed or damaged to the extent that the cost of repair or restoration will exceed one-third of the replacement value as of the date of destruction shall not be repaired, rebuilt, restored or changed unless it conforms with this Sec. 5.2.

(Ord. No. 158, 10/18/76)

5213 Exceptions

- A. In particular instances, the City Council may grant a special permit to allow free-standing signs and exceptions to the limitations imposed by this Sec. 5.2 on the number, size, location and height of signs where it is determined that the nature of the use of the premises, the architecture of the building or its location with reference to the street is such that free-standing signs or exceptions should be permitted in the public interest.
- B. In granting such a permit, the City Council shall specify the size, type and location and shall impose such other terms and restrictions as it may deem to be in the public interest and in accordance with the 780 CMR. All free-standing signs shall not exceed 35 square feet in area, or 10 feet in any linear dimension, or 16 feet in height from the ground, except as further described in Sec. 5.2.7.
- C. Where a single lot is occupied by more than 1 establishment, whether in the same structure or not, there shall not be more than one free-standing sign for each street frontage. In granting such a permit, the City Council shall specify the size, type and location of any such sign and shall impose such other forms and restrictions as it may deem to be in

the public interest, and in accordance with the 780 CMR.

(Ord. No. 158, 10/18/76)

5214 Guidelines

The Director of Planning and Development may from time to time prepare and issue guidelines to clarify the provisions of this Sec. 5.2.

(Ord. No. 158, 10/18/76)

.....
 10-36' 10' 1' for every
 foot of
 equipment

height, including antenna

- D. If there is a parapet on any building or structure which does not exceed 36 feet in height and if the roof-mounted wireless communication equipment

will be transmitting or receiving in the direction of that parapet, the required setback from the edge



Ruthanne Fuller
Mayor

Barney Heath
Director
Planning & Development

Cat Kemmett, Planning
Associate

Members

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

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PLANNING & DEVELOPMENT BOARD MEETING MINUTES

July 11, 2022

Members present:

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

City Staff: Cat Kemmett, Planning Associate; Liora Silkes, Energy Coach

Meeting held virtually by Zoom Meeting

1. Embodied Carbon Discussion Presentation/Discussion

Energy Coach Liora Silkes and Mark Webster, a member of the Green Newton Building Standards Committee, gave a presentation on Embodied Carbon 101. Russel Feldman also joined them for the discussion.

Embodied carbon refers to the emissions associated with building construction, primarily in materials like concrete and steel. Building energy can be analyzed in several stages from materials extraction and production, construction, operation and ultimately demolition. Upfront embodied carbon focuses on the GHG emissions released before a building is constructed. These can also be thought of as supply chain emissions.

Energy efficiency and grid decarbonization efforts will decrease operational carbon over time. Embodied carbon contributes a higher proportion of life-cycle emissions in more energy-efficient buildings. structural materials – demanding better than average industry practice. As of March 2022, federal procurement regulations address carbon in concrete. Brookline MA targets a 10% reduction in concrete carbon for town projects, and Cambridge and Boston also have requirements.

Liora and Mark will continue to work with their team to refine the draft ordinance language and will present again in the future at ZAP. They plan to also discuss this with the EDC, Chamber of Commerce Real Estate Committee.

Chair Doeringer asked for clarification about the obligations municipally owned buildings have regarding embodied carbon. Liora said that we have committed to a number of different plans and strategies for city buildings and is working with

City of Newton Planning and Development Board

Joshua Morse to determine the path forward for embodied carbon and city buildings. Chair Doeringer followed up asking what the obligation is at the state level. Russell responded that the state is looking into this and is likely to try to get at carbon through the state building code. In order to have a comprehensive approach to embodied carbon in construction, the manufacturing side needs to provide good data as well.

Ms. Breckenridge observed that embodied carbon is not very different from our standards for managing impervious runoff from new building sites and the need to retain it on site. She said that rather than regulating this via zoning, maybe it makes sense to regulate this via a performance standard for new buildings. Russell responded that there are legal limitations in terms of what a municipality can regulate- a lot of the rules regarding materials can only be limited in the building code at the state level. Special permits are where there is more flexibility though, and the rules that the city imposes upon its own buildings.

Mr. Brown asked for information about how LEED and other existing regulations fit into this. Liora confirmed that LEED has built within the framework a way to assess the impact of materials used. Liora said that this embodied carbon work might have a similar framework where different options or point systems could be used to come into compliance.

Board members also discussed the pros, cons, and challenges of taking a more comprehensive approach to sustainability measures, which are currently happening largely piecemeal.

2. Village Center Zoning Discussion

Staff provided a brief overview of how the discussion of the village center zoning proposals went at ZAP. At the June 27 ZAP meeting, the committee discussed several of the 12 zoning proposals.

They first discussed replacing threshold for special permits from buildings greater than 20,000 sq. ft. to parcels with over $\frac{3}{4}$ acre the proposal for the special permit threshold is to require a special permit for any projects on parcels greater than $\frac{3}{4}$ acre, rather than parcels with development over 20,000 sq. ft. gross floor area. The change will increase by right development in village centers and will make developments more predictable located near transit hubs. Some Committee members were supportive of allowing the special permit threshold to be changed to parcels larger than $\frac{3}{4}$ acres rather than buildings in excess of 20,000 sq. ft. of floor area. Others disagreed and shared concern that this would allow large developments by right.

The committee then discussed requiring Site Plan Review and incorporating by right design standards. The rationale for this is to allow an extra layer of review without the lengthy, uncertain, special permit process, thereby allowing more projects by right but with some amount of control over them. Committee members agreed that site plan review is appropriate and noted that many projects that come through the special permit process do not necessitate the review process. They also returned to a discussion of reducing parking minimums.

Though many proposals did not have unanimous agreement, all 12 proposals had a majority approval by straw vote at ZAP.

Mr. Brown asked if staff anticipate that this rezoning will bring the city into compliance with the MBTA communities requirements. Director Heath said that we do not have a full analysis yet, nor do we have final guidance yet from the state. He believes that if passed, the rezoning will get us closer to compliance, but likely not all the way there.

City of Newton Planning and Development Board

Mr. Brown asked for clarification about the site plan review process now, and Director Heath said that this is part of the special permit process now. Staff does the analysis, but City Council ultimately votes to approve or not.

Board members brought up the lack of specificity regarding the Planning & Development's Board proposed role in site plan review under this plan. Chair Doeringer noted that some ZAP members were hesitant to grant that authority to the Board, because it is comprised of people who are not elected. Ms. Breckenridge noted that even of the site plan review process is simple and clear, there might be cause for concern about the level of staffing needed for this process, or training for Board members.

Director Heath said that in many communities site plan review falls under the purview of the Planning Board. But a better understanding of what is involved, how many projects would be part of this, is important. Mr. McCormick said that training would be helpful and wondered whether this additional responsibility would create a need for more frequent meetings.

Ms. Breckenridge said it would be important to get information about the expectations for the interaction between the UDC and Planning Board to make sure there is no duplication of workload.

Upon a motion by Mr. Brown and approved 4-0-1 with Director Heath abstaining and Ms. Dain serving as a voting member, the Board voted in favor of recommending the 12 proposals made by the Planning Department for #38-22 "Discussion and review relative to the draft Zoning Ordinance regarding village centers" in the May 27 Planning memo, but reserves approval of the proposed role of the Planning & Development Board to a later time when the zoning language is more fully developed to clarify the role of the Planning & Development Board.

3. Board Deliberation over Docket #259-22 Request to Rezone 7 parcels to BU4 (34, 36, 38, 48, & 50 Crafts Street and 19 and 21 Court Street) /Possible Vote

Damian Chaviano from the development team confirmed that the details for this project remain the same as it was presented at the previous Board meeting.

Mr. Brown said that the proposed rezoning seemed appropriate to him for this neighborhood.

Mr. McCormick asked if the number of units was reduced with the reduction in height from 7 to 6 floors. Mr. Chaviano said that number of units dropped from 209 units to 185 units in the 6-floor plan. That reduction came from the independent living units.

Mr. Brown asked if the amount of money contributed to the affordable housing fund would go down as well. Mr. Chaviano said that that amount was going from 12 million to 10.9 million dollars with the reduction in size and units.

Upon a motion by Mr. McCormick, the Board voted 4-0-1 to approve Docket #259-22 (with Director Heath abstaining).

4. Process Discussion over Joint Meeting Protocols

Chair Doeringer discussed some of the challenges that come with having joint meetings with ZAP, Land Use, and other committees. The efficiency of joint meetings is a positive, but these meetings often require quick and sometimes immediate action, leaving little time and space for Board deliberation.

City of Newton Planning and Development Board

Members discussed the idea of, when time allows, holding items after joint public hearings to discuss in greater depth at the next Planning Board. Sometimes this might not be possible, but for many items that are not urgent, it is feasible to allow the time for the Board to deliberate after ZAP but before the full City Council takes on an item.

Some members also expressed interest in having more time and space to work as a Board to formulate a response when it comes to recommendations. One option could be that Chair Doeringer could poll Board members upon the closing of a public hearing to see if members are ready to vote, and if they are not, to hold the item until the next Board meeting. Director Heath said there might be a way to persuade City Council to wait to vote on an item until the Board has conveyed their recommendation, so long as there is enough time to meet the legal requirements. There is also the option of making a draft letter public and Board members coming prepared with edits, or live editing a draft document.

5. Planning Staff Updates

Director Heath said that the department has a new Economic Development Director starting soon names John Sisson, a Newton resident who previously led the economic development department in Dedham. There is also a new Chief Preservation Planner who will be starting by the end of the month. There are also several new positions that will be advertised soon, including a Deputy Chief in Current Planning.

Upon a motion by Mr. McCormick and unanimously approved, the meeting was adjourned at 9:20 p.m.