



Zoning & Planning Committee Report

City of Newton In City Council

Tuesday, October 11, 2022

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

Absent: Councilor Ryan

Also Present: Councilors Lucas, Bowman, Downs, Malakie, Oliver, Humphrey, and Norton

City Staff: Barney Heath, Director of Planning; Ann Berwick, Co-Director of Sustainability; Bill Ferguson, Co-Director of Sustainability; Liora Silkes, Energy Coach; Jonathan Yeo, Chief Operating Officer; Jaclyn Norton, Committee Clerk

For more information regarding this meeting, a video recording can be found at the following link: [10-11-22 Zoning & Planning Committee Meeting](#)

#463-22 Appointment of Amy Dain to the Planning & Development Board

HER HONOR THE MAYOR appointing Amy Dain, 4 Woodhaven Road, Waban as a full member of the Planning & Development Board for a term of office to expire on February 1, 2025. (60 Days: 12/02/2022)

Action: Zoning & Planning Approved 6-0 (Councilor Krintzman not voting)

Note: Amy Dain noted her involvement as an alternate member on the Planning & Development Board and that she is studying topics related to the Board that help to inform this work. Multiple Councilors expressed support for her appointment and voted 6-0 (Councilor Krintzman not voting) on a motion to approve from Councilor Albright.

#464-22 Appointment of Scott Friedman to the Newtonville Historical District Commission

HER HONOR THE MAYOR appointing Scott Friedman, 62 Hinckley Road, Waban as a member of the Newtonville Historical District Commission for a term of office to expire on October 31, 2025. (60 Days: 12/02/2022)

Action: Zoning & Planning Approved 6-0 (Councilor Krintzman not voting)

Note: Scott Friedman expressed an eagerness to continue to work on the Commission as a full member and noted how his real estate background would assist in his work. Multiple

Councilors expressed support for his appointment and voted 6-0 (Councilor Krintzman not voting) on a motion to approve from Councilor Albright.

#38-22 Discussion and review relative to the draft Zoning Ordinance regarding village centers

ZONING & PLANNING COMMITTEE requesting review, discussion and possible ordinance amendments relative to Chapter 30 zoning ordinances pertaining to Mixed Use, business districts and village districts relative to the draft Zoning Ordinance. (formerly #88-20)

Action: Zoning & Planning Held 6-0 (Councilor Albright not voting)

Note: Chair introduced Barney Heath, Director of Planning, who noted that the engagement period and library exhibit will conclude on October 16th, and that staff will work on analyzing the feedback gathered for discussion at the first November ZAP meeting. Director Heath provided the following timeline for future discussion on this item:

- October 24th: Draft maps presented to Committee for discussion
- November 14th: Data from recent community engagement and feedback tool presented to Committee and continued discussion with Councilors on maps, zoning text
- November 24th and December 12th: Deeper discussion on proposed zoning language, design standards
- January 2023: Continued discussion on draft maps, zoning text, etc. in committee and community meetings

One Councilor asked how other items before the Committee will fit with this proposed timeline. The Chair responded that a schedule is being developed and a more detailed calendar will be provided at the October 24th meeting, but that the intention is to wrap up a few relatively minor items but to focus hard on VC zoning. Committee members voted 6-0 (Councilor Albright not voting) on a motion to hold from Councilor Krintzman.

Chair's Note: *The Sustainability Team will join the Committee for discussion of the following item focusing on climate action items that will require new zoning or zoning amendments, such as developing a Newton BERDO, working groups assessing regulation for EV charging, embodied carbon, requiring electrification of new construction and advances in MA Stretch codes, coming in January. The Climate Actions update provided to Council at the September 19, 2022 Committee of the Whole Meeting ([Newton City Council | Committee of the Whole September 19, 2022 \(newtv.org\)](https://www.newtoncity.org/news/2022/09/19/committee-of-the-whole-september-19-2022)) involved both extensive municipal programs as well as regulation, leaving little time for questions. Please bring your questions to this meeting!*

Referred to Zoning & Planning and Public Facilities Committees

#48-22 Requesting an update on the status of implementing the Climate Action Plan

PUBLIC FACILITIES and ZONING & PLANNING COMMITTEES requesting an update from the Sustainability Team and appropriate staff on the status of implementing Climate Action Plan measures, expanding municipal energy efficiency and renewable energy programs as follows:

Newton Power Choice participation rates, municipal power purchasing contracts for gas and electricity; Solar Power Purchase Agreement including operational and PV installations under construction, municipal energy consumption (DOER report) Green Communities grant funded efficiency projects to date, Energy Coach/ "4 our Future" program and zoning ordinances both to increase building energy efficiency/renewables in the private sector and foster sustainable development patterns. (formerly #324-21)

Action: **Zoning & Planning Held 6-0 (Councilor Albright not voting)**

Note: Items #48-22 and 227-22 were read into the record and the Chair introduced the following city staff: Ann Berwick, Co-Director of Sustainability; Bill Ferguson, Co-Director of Sustainability; and Liora Silkes, Energy Coach.

Electrification Ordinance

Ms. Berwick provided an overview of the state Bill that will allow up to ten communities to require electrification for new construction and substantial renovations, as long as they meet the affordable housing requirements specified in the law. She noted that of the ten original communities, West Tisbury has pulled out, and Arlington is as well likely unable to meet the requirements. This secures Newton's position, as several large housing projects are seeking 40B comprehensive permits in the next few months in the city, which would put Newton over the 10% affordability requirement. It also leaves a spot open for Boston, who recently passed a Home Rule petition and has met housing affordability requirements. Regulations that will instruct participating communities on the details of local regulation have not yet been issued by the state.

Ms. Berwick also noted that ISO New England (Independent Systems Operator) met with Newton Sustainability Directors and expressed confidence in the ability of the MA electric grid capacity to handle increased electrical demand. ISO has factored electrification of buildings and vehicles into future planning. Ms. Berwick noted large (1600 megawatt) in offshore wind power installations that have been permitted.

Councilors asked whether local infrastructure is sufficiently prepared to serve additional demand and whether battery technology will be able to provide sufficient storage. Ms. Berwick responded that grid regulators and Eversource are confident in the ability to handle this demand and improvements are planned over the next 10 years to further ensure this. Ms. Berwick also noted the need for improvements in battery technology to have adequate storage.

One Councilor asked about options for electrification of older homes within the city. Ms. Silkes noted the belief that all homes have at least one thing that can be done to improve efficiency but that different solutions are needed for different types of homes.

Building Energy Reporting & Disclosure Ordinance (BERDO)

Mr. Ferguson provided a brief overview of the calendar, showing staggered implementation of BERDO, according to the size of the building (presentation attached). In this staggered approach emissions standards would take effect in 2026 with a reduction every 5 years until emissions are zero. In preparation for this implementation, the Sustainability Team is reaching out to owners of all buildings over 20,000 sf and establishing advisory groups.

Councilors sought clarification on how the City's timetable compares to the one adopted by Boston, and if the Sustainability team has been working with commercial property owners who have a property in Newton and Boston. Mr. Ferguson noted that Boston's timetable will be one year ahead of Newton's and that yes, Newton property owners who also own property in Boston are already submitting reports to Boston. Reports to Newton will be in a similar format and submitted through an online portal operated by the EPA. Questions were also raised regarding engagement with property owners. Mr. Ferguson noted that advisory groups are starting to meet and that engagement with all groups is happening concurrently. He feels they are on track to draft an ordinance for Newton by February of 2023.

Metrics for Measuring Success

Ms. Silkes presented on the City's multifaceted approach to meeting sustainability goals, how we can measure success and where we need additional data (memo with sustainability metrics and quantitative data attached). It was noted that this chart does not encompass everything the City is doing relating to sustainability.

Regarding the data on tracking achievements against sustainability goals, Councilors asked multiple questions relating to the gathering of this data. Ms. Silkes noted that data is gathered from various sources including but not limited to City departments, state agencies, and Mass Save program administrators. Councilors asked whether our new permitting system could be used to sort relevant data. Ms. Silkes noted there are ongoing discussions on this topic.

Halina Brown, Chair of the Citizen's Commission on Energy (NCCE), has asked NCCE to aid in the development of a multi-faceted strategic plan to improve the success of residential energy retrofits. This plan would include incentives, subsidies, mandates, education, and be designed to account for homeowners in different stages of life. Ms. Brown also advocated for the City to coordinate with other municipalities on climate action to save resources and reduce political barriers

The City has also developed a working relationship with Endless Energy, a contractor who performs Mass Save energy assessments to provide the public with a trusted option. Ms. Berwick noted that one of the largest factors in not getting a high close rate on implementing

energy efficient measures is inertia. It was also noted that Newton Power Choice (NPC) being an opt-out program has led to a high participation rate.

EV Requirements

The EV working group continues to work with the Sustainability Team to reach consensus on language that would require additional charging stations and infrastructure in new construction seeking special permits. They will advise when they are ready for a meeting with the committee.

Embodied carbon

Embodied carbon are the carbon emissions released over the life of a product, including material extraction manufacturing/production, transportation, assembly, use and disposal.

The Sustainability Team is currently working with experts from Green Newton’ Building Standards committee, and the law department to craft an ordinance that would require analyses of reducing embodied carbon in new construction projects seeking a special permit. This is a change from formerly intending to regulate embodied carbon, since Newton cannot challenge MA Building Code, though it can require performance standards.

Councilors posed questions regarding the specifics of the proposed embodied carbon ordinance. The Chair noted that discussions on the details of an ordinance should wait until the language and working group is before the Committee.

The Committee voted 6-0 (Councilor Albright not voting) on a motion to hold #48-22 and 227-22 from Councilor Krintzman.

#227-22 Request for ordinance to regulate embodied carbon in new construction
COUNCILOR CROSSLEY, on behalf of the Climate & Sustainability Team, requesting a discussion with the Sustainability Team and Planning Department, and to amend the zoning ordinance (Section 5.13, notable 5.13.4.D Reserved) to regulate embodied carbon in large new construction, to further the objectives of the city’s Climate Action Plan.

Action: Zoning & Planning Held 6-0 (Councilor Albright not voting)

Note: This item was discussed co-currently with #48-22.

#458-22 Reappointment of Dante Capasso to the Auburndale Historic District Commission
HER HONOR THE MAYOR reappointing Dante Capasso, 5 Lonja Street, Auburndale as a full member of the Auburndale Historic District Commission for a term of office to expire on September 30, 2025 (60 Days: 12/02/2022)

Action: Zoning & Planning Approved 6-0 (Councilor Albright not voting)

Note: This item was discussed co-currently with #474-22.

#459-22 Reappointment of Philip Plottel to the Economic Development Commission
HER HONOR THE MAYOR reappointing Philip Plottel, 50 Roslyn Road, Waban as a member of the Economic Development Commission for a term of office to expire on October 30, 2025 (60 Days: 12/02/2022)

Action: Zoning & Planning Approved 6-0 (Councilor Albright not voting)

Note: This item was discussed co-currently with #474-22.

#460-22 Reappointment of Marcela Merino to the Economic Development Commission
HER HONOR THE MAYOR reappointing Marcela Merino, 66 Cloverdale Road, Newton as a member of the Economic Development Commission for a term of office to expire on October 30, 2025 (60 Days: 12/02/2022)

Action: Zoning & Planning Approved 6-0 (Councilor Albright not voting)

Note: This item was discussed co-currently with #474-22.

#461-22 Reappointment of Kathryn Kubie to the Newton Historical Commission
HER HONOR THE MAYOR reappointing Kathryn Kubie, 48 Holman Road, Auburndale as a full member of the Newton Historical Commission for a term of office to expire on August 1, 2025 (60 Days: 12/02/2022)

Action: Zoning & Planning Approved 6-0 (Councilor Albright not voting)

Note: This item was discussed co-currently with #474-22.

#462-22 Reappointment of Paul Dudek to the Auburndale Historic District Commission
HER HONOR THE MAYOR reappointing Paul Dudek, 30 Williston Road, Auburndale as a member of the Auburndale Historic District Commission for a term of office to expire on September 30, 2025 (60 Days: 12/02/2022)

Action: Zoning & Planning Approved 6-0 (Councilor Albright not voting)

Note: This item was discussed co-currently with #474-22.

#474-22 Reappointment of William McLaughlin to the Zoning Board of Appeals
HER HONOR THE MAYOR reappointing William McLaughlin, 117 Hammond Street, Newton as a member of the Zoning Board of Appeals for a term of office to expire on April 30, 2025 (60 Days: 12/02/2022)

Action: Zoning & Planning Approved 6-0 (Councilor Albright not voting)

Note: The Chair read items #458-22, 459-22, 460-22, 461-22, 462-22 and 474-22 into the record. Committee members expressed no concerns relative to the reappointments and voted 6-0 on a motion to approve from Councilor Krintzman.

The meeting adjourned at 9:36pm.

Respectfully Submitted,

Deborah J. Crossley, Chair



BERDO UPDATE

September 19, 2022
City Council Meeting

1

Implementation Activities

Work is geared towards CC adoption of a BERDO in February 2023 as requested by CC.

BERDO Team: weekly meetings of City Sustainability Office, Planning Dept. and NCE members.

Identified 400 buildings over 20,000 ft², 205 owners. Represents 27% of all Newton's GHG.

BERDO Discussion Sessions: 5 with 76 attendees. More planned: Sept. 29th, Oct. 25th.

BERDO website: Newtonma.gov/NewtonBerdo.

Developed timeline proposal for implementation. When reporting takes effect, when standards take effect for various building types.

2

Implementation Activities (continued)

Identified and have had individual meetings with owners interested in joining an Advisory Group. Sept. 22nd meeting of AG.

Coordination with EDC and Chamber of Commerce.

Meetings with NWH.

Coordination with City Law Dept.

Consulting with EPA on Portfolio Manager.

Developed RFP for BERDO consulting services: one year contract with 2 one-year renewal options. Oct. 6th due date.

Data analysis by NCCE, Michael Gevelber and his students at BU.

Discussions with ISO-NE and Eversource on system capacity.

3

Next Steps for City Team

Hire consultant: October 2022.

Meetings with Advisory Group: September/October 2022.

Decide on emissions standards and implementation schedule.

Decide whether to include VPPA compliance pathway in the ordinance.

Draft ordinance. Decisions on enforcement and fines and appeals process.

Set up EPA portfolio manager with EPA.

Hold sessions for building owners on topics: accessing utility data, utility incentives, electrification equipment.

BERDO FY 2024 budget.

4

Next Steps
for City
Council

Review draft ordinance when available.

Scheduling of Public Hearings.

5

Newton's Non-Residential (NRB) & Residential Buildings (RB): GHG Emissions by Size

<u>NRB by Size (ksqft.)</u>	<u>Number of bldgs.</u>	<u>% of Newton's total emissions</u>
>100	51	14.1%
50 -100	62	4.4%
20 – 50	166	5.9%

<u>RB by Size (ksqft.)</u>	<u>Number of bldgs.</u>	<u>% of Newton's total emissions</u>
>100	14	1.5%
50 -100	20	1.0%
20 – 50	86	1.6%

Non-Residential Buildings:

- **24.4% of Newton's GHG emissions**
- **~42% of these GHG emissions from electricity** (easy to green)
- 167 unique NRB owners

Residential buildings:

- **4.1% of Newton's GHG emissions**
- includes for-profit apts, dorms, senior (independent & assisted), low income
- 45 unique RB owners

*NRB and RB have overlap of owners in both categories (given as 212 above). Total unique owners for both categories is 205.
**NRB building totals do not include parking garages

6

TIMELINE PROPOSAL															
Tier	Bldg Type	Size (kft ²)	# of Buildings	Total Area (Mft ²)	% of Newton's GHG Emissions	# of Unique Owners for Each Category	Calendar Year								
							2023	2024	2025	2026	2027	2028	2029	2030	
1	NRB (Non-Residential Building)	>50	113	13.9	18.5%	65	Collect energy use data	Submit 1st energy and emissions report - Sept.2024		Comply with the first emission standard	Submit 1st emissions compliance report - Sept.2027				
2	NRB	35-50	55	2.3	2.5%	48	Collect energy use data	Submit 1st energy and emissions report - Sept.2024			Comply with the first emission standard	Submit 1st emissions compliance report - Sept.2028			
	RB (Residential Building)	>50	34	3.5	2.5%	18	Collect energy use data	Submit 1st energy and emissions report - Sept.2024			Comply with the first emission standard	Submit 1st emissions compliance report - Sept.2028			
3	NRB	20-35	111	3.0	3.4%	92	Collect energy use data		Submit 1st energy and emissions report - Sept.2025			Comply with the first emission standard	Submit 1st emissions compliance report - Sept.2029		
4	RB	20-50	86	2.3	1.7%	38	Collect energy use data		Submit 1st energy and emissions report - Sept.2025				Comply with the first emission standard	Submit 1st emissions compliance report - Sept.2030	

7

City Team

City Climate and Sustainability Office: Bill Ferguson, Ann Berwick, Liora Silkes.

City Planning Dept.: Barney Heath, John Sisson, Zachery LeMel.

NCCE: Halina Brown, Michael Gevelber, Phil Hanser.

8



City of Newton, Massachusetts
Climate and Sustainability Team



Date: October 7, 2022

To: Councilor Alicia Bowman; Councilor Deb Crossley, Zoning and Planning Committee Chair

From: Ann Berwick, Co-Director of Climate and Sustainability; Bill Ferguson, Co-Director of Climate and Sustainability; Liora Silkes, Energy Coach; Jennifer Steel, Chief Environmental Planner; Ellen Menounos, Assistant Environmental Planner

RE: Climate Action Plan Goals and Tracking

One of the questions asked at the Sept. 19 Climate Action Plan update presentation was about data, looking for a sense of how much progress we’ve made toward our interim goals and our ultimate goal of carbon neutrality by 2050. The short answer to our progress on climate goals is that while we have a lot of accomplishments to be proud of, there is an enormous amount of work for the entire Newton community to do in the next 28 years in order to reach the goal of carbon neutrality.

There are many efforts that the original CAP and therefore the 2021 metrics table did not address. For example, the 2021 list of metrics does not address our municipal building improvement projects and solar installation projects; transportation infrastructure other than EV chargers; our legislative efforts; consumption and disposal; embodied carbon; or the groundwork we are laying to support and educate residents and business owners in taking climate actions. There is a great deal to say in those regards, e.g., the electrification of municipal buildings, newMo, drafting of and support for a bill to require electrification of all new construction statewide, a climate newsletter, the 4 Our Future Project, the microgrant program with Village Bank, etc. Data and metrics are crucial, they certainly do not give the whole picture.

By the Numbers

When drafting the CAP, NCCE (and others) put a great deal of effort into developing a list of metrics to help illustrate progress on some of the key action items. In the 2021 CAP status report we reported on those “original” metrics and a few additional metrics. The table below shows all the 2021 status report metrics with data current as of December 2021.

Metric	Occurrences 2021	MOU 2021 Goal	2025 Milestone	2050 Goal
B. Clean energy				
1. Default or standard level of MA Class 1 RECs under NPC	80%	N/A	100%	100%
2. # of small-scale solar installations in Newton	155	No goal set	No goal set	No goal set
3. # of large-scale solar installations in Newton	8	No goal set	No goal set	No goal set
C. Transportation				
4. % (and #) of vehicles registered in Newton that are EVs	3.8%	N/A	10%	100%
5. # of EV charging stations available to the public in Newton	Not updated yet	No goal set	No goal set	No goal set
6. # (and % reduction) of vehicle miles traveled	No data yet	N/A	5%	20%
D. New Construction and Major (“Gut”) Renovations				



City of Newton, Massachusetts

Climate and Sustainability Team



7. Average HERS rating in Newton (compared to requirement of 55)	Not updated yet	N/A	No goal set	No goal set
8. # per year new housing units that are heat pump electric-heated	27	N/A	100%	100%
9. % per year of commercial/retail buildings heated using all-electric	No data yet	N/A	100%	100%
10. # of Mass Save RNC* project participations (low rise 1-4 units)	103	75	~100	No goal yet
11. # of Mass Save RNC* project participants (renovations/additions)	20	15	~50	No goal yet
E. Existing Residential Buildings				
12. # of Mass Save energy assessments per year	1029+	2135	4000	TBD
13. # of insulation installations per year	483	640	800	all homes
14. # of heat pump installations per year (received Mass Save rebate)	259	62	450	all homes
E. Existing Commercial Buildings				
15. # of Mass Save energy assessments	No data yet	175	225	N/A
16. # of Mass Save project implementations	85	95	N/A	N/A

The Value of Data

The table indicates the value of having a summary of climate action progress that includes clear quantitative information to spread the word on progress, measure our successes, and illustrate the long distance we have yet go.

Next Steps on Data and Tracking

The Climate & Sustainability Team is working to determine what tracking and reporting would be most beneficial and most readily maintained. Some of our considerations:

- Where/when we get data:** Some of the data in the 2021 metrics chart are always at our fingertips, ready to be updated as often as we'd like to do some analysis. Other statistics require coordinating with other sources that share data with us only on a quarterly or even yearly schedule or require more in-depth analysis. We are working on a tracking and reporting system that can be updated on a schedule that is synchronized with the receipt of data.
- Dealing with change:** The projects our team prioritizes have shifted dramatically since the CAP was published at the end of 2019. The political, economic, and technological landscapes are changing at an ever-accelerating pace.
- Levels of granularity:** Some of the projects we work on have very specific, relatively short-term goals. Other projects are much larger and broader, with varied goals and interim objectives. We are working to develop a tracking and reporting system that acknowledges the differences in the types of projects we work on.



City of Newton, Massachusetts Climate and Sustainability Team



4. **Staff time:** City staff are stretched thin. We fully recognize the importance of collecting, analyzing, illustrating, and distributing information. We try to balance these activities with CAP implementation activities.
5. Ideally, we will create a simple, nearly “plug-and-play” outline that can, with relative ease, be populated with current data and clearly illustrate and quantify our efforts and our progress towards GHG reduction goals.

We welcome your input and suggestions as we work to develop these critical tracking tools.