



Zoning & Planning Committee Report

City of Newton In City Council

Monday, August 22, 2016

Present: Councilors Hess-Mahan (Chair), Sangiolo, Leary, Albright, Yates and Kalis

Absent: Councilors Baker and Danberg

City Staff: Barney Heath (Director, Planning Dept.), James Freas (Deputy Director, Planning Department), Alice Ingerson (Community Preservation Manager), Marie Lawlor (Assistant City Solicitor), Lily Canan Reynolds (Community Engagement Manager), Karyn Dean (Committee Clerk)

#237-16 **Mayor's appointment of Peter Sargent to the Community Preservation Committee**
HIS HONOR THE MAYOR appointing PETER SARGENT, 33 Avondale Road, Newton as a member of the Community Preservation Committee for a term to expire July 31, 2019. (60 days 09/09/16) [07/01/16 @ 2:26 PM]

Action: **Approved 5-0 (Councilor Kalis not voting)**

Note: Mr. Sargent joined the Committee. He explained that Joel Feinberg, former member of the Community Preservation Committee, approached him and asked if he would consider serving. He is in the community development business and felt the opportunity was intriguing and would allow him to be helpful to the CPC with his experience in affordable housing.

A Committee member asked if the CPC should encourage projects instead of waiting for proposals to be submitted. Mr. Sargent said he would like to understand more before he would feel comfortable expressing an opinion about that.

The Committee members expressed their pleasure with Mr. Sargent's appointment and thanked him for serving. Councilor Yates moved approval and the Committee voted in favor 5-0.

#239-16 **Mayor's appointment of Kathleen Eutsler to the Commission on Disability**
HIS HONOR THE MAYOR appointing KATHLEEN EUTSLER, 34 Beecher Place, Newton, as a member of the Commission on Disability for a term to expire July 31, 2017 (60 days 09/09/16) [06/29/16 @ 9:28 AM]

Action: **Approved 5-0 (Councilor Kalis not voting)**

Note: Ms. Eutsler joined the Committee. She explained that she started going to the Commission on Disability (COD) meetings in January. She first attended for personal reasons and wanted to know more about the world of disability and access. She enjoyed the meetings and has had an interest in local government. She has a degree in food policy and works for the Center for Health Law and Policy Innovation at Harvard University. She hopes to spend time learning more about

access issues in Newton and finding ways to improve accessibility for those with all kinds of disability. She has a disability involving her heart which is an “invisible” disability. Accessibility via elevators and ramps, for instance, are particular issues for her since it affects her but she understands how others with invisible disabilities may be overlooked.

Committee members noted that the West Newton and Newtonville T stops are not accessible. The COD was asked for a letter of support so that something could be done for both of those locations. Mr. Eutsler said she would support such a letter. It was noted that the Green Line also has accessibility issues and there has been advocacy for several years. Some were also concerned with making streets and villages accessible. Councilor Leary said she would like to speak with Ms. Eutsler at some point about food policy and starting a program in Newton.

The Chair noted that he has worked on disability issues in his legal practice for years and was pleased that Mr. Sargent was willing to serve.

Councilor Sangiolo moved approval and the Committee voted in favor 5-0.

#240-16 **Mayor’s re-appointment of Barbara Lischinsky to the Commission on Disability**
HIS HONOR THE MAYOR re appointing BARBARA LISCHINSKY, 1942 Washington Street, Newton, as a member of the Commission on Disability for a term to expire July 31, 2017 (60 days 09/09/16) [06/29/16 @ 9:28 AM]

Action: **Approved 5-0 (Councilor Kalis not voting)**

Note: The Committee voted to approve Ms. Lischinsky’s re- appointment 5-0.

#241-16 **Mayor’s re-appointment of Rosemary Larking to the Commission on Disability**
HIS HONOR THE MAYOR re-appointing ROSEMARY LARKING, 1600 Washington Street, Newton, as a member of the Commission on Disability for a term to expire July 31, 2018 (60 days 09/09/16) [06/29/16 @ 9:28 AM]

Action: **Approved 5-0 (Councilor Kalis not voting)**

Note: The Committee voted to approve Ms. Larking’s re-appointment 5-0.

#242-16 **Mayor’s re-appointment of Girard A. Plante to the Commission on Disability**
HIS HONOR THE MAYOR re-appointing GIRARD A. PLANTE, 58A Ash Street, Newton, as a member of the Commission on Disability for a term to expire July 31, 2019 (60 days 09/09/16) [06/29/16 @ 9:28 AM]

Action: **Approved 5-0 (Councilor Kalis not voting)**

Note: The Committee voted to approve Mr. Plante’s re-appointment 5-0.

#243-16 Mayor's re-appointment of Jane Brown to the Commission on Disability
HIS HONOR THE MAYOR re-appointing JANE BROWN, 104 Atwood Avenue, Newton to expire July 31, 2019 (60 days 09/09/16) [06/29/16 @ 9:28 AM]

Action: Approved 5-0 (Councilor Kalis not voting)

Note: The Committee voted to approve Ms. Brown's re-appointment 5-0.

#244-16 Mayor's re-appointment of Lucille Chansky to the Commission on Disability
HIS HONOR THE MAYOR re-appointing LUCILLE CHANSKY, 259 Jackson Street, Newton Centre, as a member of the Commission on Disability for a term to expire July 31, 2018 (60 days 09/09/16) [06/29/16 @ 9:28 AM]

Action: Approved 5-0 (Councilor Kalis not voting)

Note: The Committee voted to approve Ms. Chansky's re-appointment 5-0.

#245-16 Mayor's re-appointment of Robert Caruso to the Commission on Disability
HIS HONOR THE MAYOR re-appointing ROBERT CARUSO, 237C Watertown Street, Newton, as a member of the Commission on Disability for a term to expire July 31, 2019 (60 days 09/09/16) [06/29/16 @ 9:28 AM]

Action: Approved 5-0 (Councilor Kalis not voting)

Note: The Committee voted to approve Mr. Caruso's re-appointment 5-0.

#80-13 Updates on the zoning reform project
THE PLANNING DEPARTMENT requesting update discussions of the zoning reform project. [02/25/13 @ 12:31 PM]

Action: Held 6-0

Note: James Freas, Deputy Director of the Planning Department addressed the Committee. He noted that last fall the Zoning & Planning Committee approved a scope of work that was published and put out in a Request for Proposal. The selection committee included Mr. Freas, John Lojek, Commissioner of Inspectional Services, Councilor Ted Hess-Mahan, Chair of the Zoning & Planning Committee and Assistant City Solicitor, Marie Lawlor. Ultimately, Sasaki Associates was chosen to be the consultant for the Zoning Reform Phase 2 project which will lead to a context based zoning ordinance. There will be two parts of the project: understanding the existing context which comes in the form of the Pattern Book. This will be accomplished by doing an analysis of the entire City to see the patterns of development in the villages and neighborhoods and how those patterns manifest themselves; and then the codification of the zoning ordinance

Fred Merrill from Sasaki Associates introduced himself and team members Chris Freda and Ethen Lay-Sleeper. He explained that he would be the Principle on the project. He thanked the Committee for being selected and stated that they were excited about working with Newton as it has a great reputation for doing things in a way they admire. Sasaki liked that the City already has a Comprehensive Plan, a Zoning & Planning Committee and Phase One completed. These were all good steps towards a successful project.

Goal Statement

The goal statement is attached to this report.

Public Engagement Plan

The public engagement plan is meant to work in tandem with the overall project and is a comprehensive and detailed strategy for outreach throughout the zoning reform process. The Sasaki team felt that this community is very active, vocal, interested and concerned with the outcome of the project so they wanted to provide a multitude of means of access to the process itself. They would like to flush out the diversity of opinions that exist throughout the neighborhoods and village centers in the City.

There are seven phases of the project as shown on the attached calendar.

Phase 1

There will be a kick-off event on September 20th that Sasaki will host with the City and this will be an opportunity to educate the public about the zoning reform process and outline in great detail the opportunities that will be made available to them for engagement through each stage.

Phase 2

An interactive engagement platform will also be released online and Sasaki is working with a CoUrbanize, a Cambridge firm to assist with that. They have a great track record of providing diverse opportunities online. Sasaki also hopes this will allow them to reach a younger demographic who are some of the most important stakeholders in zoning.

Phase 3

There will then be a careful analysis of the existing documentation of Newton's regulatory environment and mapping. Sasaki is going to take that as an opportunity to show the citizens of Newton what has been uncovered via a variety of meetings, presentations and online interaction.

Phase 4

The issues of immediate concern component was not designed to accommodate an extensive public engagement process. This would be a consideration when deciding which pieces of the project belong in this category. Mr. Freas added that these would be issues that they might want to tackle at the very start of the process. The Planning Department has some ideas of what could be addressed, but asked that Committee members submit any issues they would like considered. In order to act on these items quickly, as mentioned, they would not be offered the same package

of public engagement opportunities that the overall project would. These issues would need to be stand-alone items that don't tie into other areas of the zoning ordinance, and issues that the Committee and Planning staff would feel comfortable and confident moving on with the limited scope of public engagement.

Phase 5

In Phase 5, Sasaki and the City work together to understand the context of the neighborhoods and village centers and start to map out, through a Pattern Book, what patterns exist. This is another opportunity for deep public engagement. This would include presentations and workshops and a 2-day Open House; a number of campaigns to engage people online long-term, including opportunities to submit photos to help people identify visual examples of the character of neighborhoods; a mapping exercise to help identify areas where residents would like to see improvements, preservation, etc.; and a visual preference survey to help identify the type of development that appeals most.

Phases 6 and 7

This will be the phases that get into the details of what a new zoning code might look like. Sasaki partners with a firm of land use attorneys and they will be helping them draft the ordinance. There are a number of opportunities in these phases to reach out to the community to show the progress being made and incorporate public feedback into draft materials before they are finalized.

Committee Comments/Questions

Councilor Yates explained that there are many documents that already exist which could provide very useful information including the Comprehensive Plan and information relative to current Historic District Commissions. He suggested also speaking with those involved in the formation of new Historic District Commissions in Waban and West Newton Hill, as well as the Neighborhood Area Councils throughout the City. There is great interest in the local government process and the design issues and these would be great resources.

Councilor Yates also said he found the Management Study of the Planning Department, which was done by Sasaki Associates, unsatisfactory in many ways. Specifically, the report made a recommendation that the Land Use and Zoning & Planning Committees should be combined. He noted that the Zoning & Planning Committee was actually created years ago because the Land Use Committee could not accommodate both functions. He was concerned that they did not know this history and they should be sure to do enough research in the zoning reform process so they are not suggesting something that has been tried and has failed in the past.

Councilor Yates was very intrigued by the presentation that was given to the Committee by the Somerville Planning Department and their process of creating and implementing a Pattern Book. Many of the Committee members were impressed by that as well. He asked if any other municipality in Massachusetts had a pattern book or utilized context based zoning. The consultants that handled Phase One of zoning reform were from Texas and didn't seem to have a good

understanding of Massachusetts, which caused problems. He asked that Sasaki please reach out to the Committee members and endeavor to have a strong working relationship with them.

Councilor Sangiolo mentioned that she has a copy of the Pattern Book from Newburyport. The Sasaki team noted that there are not many cities and towns in Massachusetts that use a pattern book. They tend to be used in faster growing communities in the sunbelt and southeastern cities.

Councilor Albright asked if the Pattern Book would include new development ideas and designs. Mr. Freas said it would include the historic and forward-looking designs that would be desirable in the City. Councilor Sangiolo said she hopes that much can be learned from the mistakes that have been made in development and design to make sure they are not repeated. Along those lines, she wondered if there would be an opportunity for residents to show photos of what they do not like and not just what they do like during the engagement process. The team said that was something they had discussed and would look to incorporate that as well.

It was asked how much involvement the Zoning & Planning Committee would have in this process. Mr. Freas said there would be heavy emphasis on collaboration. It will primarily fall on Planning staff to regularly come back to the Committee and also do individual and smaller group meetings as have been done in the past for other topical areas, to keep the Committee up-to-date and get feedback as well. He wants to be sure the Committee stays very tapped into the process, provides feedback, raises flags, etc... The goal is to come out of the process with a complete draft ordinance to bring to the Committee for a full detailed review. They would like to stay to the 18-month timeline. Some Councilors questioned the timeline and the team responded that there is a balance between too fast and too slow and they feel they found the right balance and it can be done well in that timeframe. Taking too long can lead to fatigue which is damaging to a project just as much as going to quickly can be. Between the Sasaki team and the Planning staff team, there will be many hands in this and it is a priority.

Councilor Leary asked how the zoning reform goals would tie in with the Mayor's housing plan, and also how the ordinance would be successfully implemented by City staff when complete. Mr. Freas said this is one of the key reasons that the Inspectional Services Department will be involved in the process. They are the department which operationalizes the ordinance. They have to interpret it and apply it. The Planning Department staff, particularly those involved in the land use process will also have to be closely involved so that it is properly applied to special permits.

Councilor Leary was also concerned about the transportation aspects of the ordinance and hopes to hear more about that going forward. Mr. Freas said the Transportation Strategy will be substantially complete in October with a final draft before the end of the calendar year so that will tie in well with the zoning reform process.

Councilor Kalis felt the goals were laudable. There have been some recent situations with trees and he wants to be sure that protection of the environment and natural surroundings are taken into account in drafting the ordinance.

He was also wondered what “responsible development” is as stated in the memo. The team responded by saying that will be revealed through the engagement efforts and the pattern book exercise. Areas will be identified by the public as to what is appropriate and responsible and what is not. The goal is to discover through all these processes what the problems are and how they could best be addressed. The team also said they will be looking at all the documentation that is available, as mentioned by Councilor Yates.

Councilor Kalis also mentioned that the issues of immediate concern, as stated, would be “fast-tracked” and have much less emphasis on community engagement. He wondered how those issues could be determined and if it turns out that they need more time, how could that process be slowed down.

Mr. Freas noted that one of the goals is to identify those issues for an expedited process as soon as possible. These items need to be stand-alone and can be something that they are confident enough to work on and implement fairly quickly and adopt into the existing zoning ordinance. This issue was raised in June and asked if anyone had suggestions, he would like to hear them within the week.

The Planning staff has identified three issues of immediate concern: The accessory apartment ordinance is one and it has had some work done on it and a community engagement process is already underway; Inclusionary housing has been identified as a priority item by the Mayor and by the Zoning & Planning Committee and has a reasonable amount of ability to stand alone; and the other is the sign ordinance, which doesn’t really tie into other sections of the ordinance, and is outdated and problematic. It is not consistent with some recent Supreme Court rulings and there have been many complaints recently and quite a bit of enforcement actions taken which have been frustrating to the commercial community. *Reed v. Town of Gilbert, Arizona* is one of the Supreme Court cases on signs.

Councilor Sangiolo did not object to those items but felt others may be more pressing such as the issue of old lots not meeting new lot standards. FAR is also a big issue and she felt those needed to be addressed. While the zoning reform process is ongoing, existing housing stock and neighborhood character are being lost. She is concerned the pattern book will reflect that, which doesn’t necessarily reflect what the community wants. Mr. Freas said these issues are at the core of this zoning reform project and not really the items that could be fast-tracked.

Councilor Hess-Mahan noted that existing historic districts, and the new historic districts that are underway, even though they are not part of the zoning ordinance, are something that needs to be looked at in a parallel process. He does not want to see unnecessary delays or the need to look at things multiples times.

Councilor Albright felt that trying to deal with all these individual issues may be taking valuable time away from the larger project. She wasn't sure that all of this could be going on successfully at the same time. As for the sign ordinance, she has heard some issues on this from constituents.

Councilor Leary brought up the issue of having manufacturing districts right next to residential districts. Mr. Freas said the manufacturing district in general needs to be re-evaluated. She also mentioned Welles Avenue and the long-discussed plan for that area. There have been ad hoc changes but a comprehensive plan has not been developed. Mr. Freas said staff is working on a vision statement for that area in conjunction with the N2 work that was recently done. Every property owner has been interviewed and that is forthcoming. It was suggested that the neighbors also be contacted and informed.

Barney Heath, Director of Planning, responded by saying that the Planning staff and the Sasaki team were looking for a "menu" of items that could be explored as possible issues for a more expedited process. They could look at each item to determine the time that would be necessary and then make decisions based on that. Mr. Freas noted that this parallel track has been built into the RFP so the design team is focused on the Pattern Book, and the legal team is focused on the ordinance. The other option is to ignore this scope item and just move forward with the overall process.

Committee members asked what would happen with the current docket items while Zoning Reform was underway. The Chair explained that anyone who would like an item scheduled for discussion should first speak to the Planning and Law Departments. He is also relying on Planning staff and the consultants to let the Committee know what would be appropriate to move on.

There was a question about the timeframe and budget for this project. Mr. Heath explained that this is a fixed-sum contract. The contract states the deliverables Sasaki is responsible for and the timeline. In Phase One, the scope of work exceeded what the consultants could do and that was an issue, but this contract is structured differently.

Mr. Freas and Councilor Hess-Mahan asked that items of immediate concern be submitted to Mr. Freas by August 29th. Mr. Freas said a memo could be sent out in the September 2nd Friday packet with some decisions on the items.

Meeting adjourned.

Respectfully Submitted,

Ted Hess-Mahan, Chair