



Zoning & Planning Committee **Report**

City of Newton **In City Council**

Thursday, October 1, 2020

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

Also Present: Councilors Bowman Lipof, Laredo, Markiewicz, Kelley, Greenberg, Downs, Malakie, Kalis, and Auchincloss

Planning & Development Board: Peter Doeringer (Chair), Jennifer Molinsky, Christopher Steele, Sonia Parisca, and Kevin McCormick

City Staff: Zachery LeMel, Chief of Long-Range Planning; Cat Kemmett, Associate Planner; Barney Heath, Director of Planning and Development; Jennifer Caira, Deputy Director of Planning; Andrew Lee, Assistant City Solicitor; Nevena Pilpovic-Wengler, Community Planning/Engagement Specialist; David Olson, City Clerk; Jonathan Yeo, Chief Operating Officer; Nathan Giacalone, Committee Clerk

#30-20(2) Amendment to Zoning Ordinance 3.4.4 Garages

COUNCILOR ALBRIGHT requesting amendment to Chapter 30 of Newton's Zoning Ordinance, section 3.4.4 on garages (delayed implementation until ~~July 1~~ April 1, 2021). This ordinance has been delayed five times.

Action: **Zoning and Planning Approved with implementation date of April 1, 2021 6-0-2**
(Councilors Krintzman and Wright abstained), pending Planning Board approval:
Public Hearing Closed 8-0

Notes: The Committee was joined on this item by Andrew Lee, Assistant City Solicitor. The Chair and Atty. Lee explained that the purpose of this item is to rectify the procedural errors that took place when ordinance #3.4.4 was amended to defer implementation to January 31, 2022 in June of 2020 (#30-20). He noted that no public hearing was held prior to the vote to defer the implementation date and the full Council voted to approve the deferral with fifteen Councilors in favor, where 16 were required. Atty. Lee noted that the Planning Board must hold a public hearing and provide a recommendation prior to the full Council vote on #30-20(2). Atty. Lee stated that the effective date of the amendment to the garage ordinance is July 1, 2020, the last valid deferral effective date which was passed in December 2019. He noted that the Law Department believes that since this ordinance has not been enforced since July 2020, the Council may still defer implementation.

Committee members explained that the objective of the deferral is to defer implementation of the garage ordinance until after zoning redesign is completed.

The Public Hearing was opened:

Matt Genaze, an architect with Zero Energy Design, 156 Milk Street #3, Boston, is currently serving a client in Newton for the past two months. Mr. Genaze said that the Building Department on multiple occasions told him that the ordinance is not in effect, so the design has developed under this premise. He said that he supports the ordinance but requested that the effective date be pushed out for six months to allow any current projects to be completed.

Jay Walter, 83 Pembroke Street, said that he is in favor of deferring the ordinance to 2022 and that it is not currently in the best interests of the city to amend this section as a standalone effort as Planning Department resources would be diverted away from Zoning Redesign efforts.

Debbie Kelly Milburn, Newton Corner, said that the garage ordinance should be implemented as soon as possible. She said that she understood it to be delayed several times and that implementing it did not seem very difficult to her.

Ann Dorfman, 9 Henshaw Street, said that it is important to implement this ordinance quickly because too many houses are being built as eyesores without the ordinance. Current projects should be allowed to be completed but moving forward all new projects should be enforced under the new garage ordinance. Ms. Dorfman also said that she had done much of the research prior to the passage of the garage ordinance in 2016. Deferring it until 2022 will not solve the problem of “snout houses” or generate more affordable housing. If developers were unable to build oversized garages, then it will also preserve the current affordable housing stock because enabling these large garage front houses make the property more valuable to the developer.

Dan Powdermaker, 119 Lincoln Street, spoke in favor of deferral, making it coterminous with zoning redesign. There are many problems in the current zoning that need to be addressed collectively and getting sidetracked with addressing the garage ordinance will be bad for the City.

Debra Waller, 10 Bonaire Circle, spoke in favor of keeping the garage ordinance and not postponing it. She said that everyone hates the large garages being built and there is little attention on zoning redesign (from the public), which is keeping the garage ordinance hostage. There are always going to be projects in the pipeline so this ordinance should take effect.

Stephen Eastham, 134 Fairway Drive, said that he agreed with the ordinance as a homeowner, but that adequate time should be given for new and potential projects to adjust to it.

Rena Getz, Pine Ridge Road, said that if ISD has not been informing applicants for the past six months that the garage ordinance is not in effect, that is not a Zoning and Planning issue. The

Council should adhere to what it has legislated but correct the errors that have been made and let it go into effect.

Lisa Monahan, 1105 Walnut Street, said that she is a member of one of the architect and building professional groups being consulted by the Planning Department and that she also thinks this item should be postponed. It would be a mistake to address this on its own and try to fix the zoning code in a piecemeal fashion.

Councilor Danberg moved to close the Public Hearing which carried 8-0.

Councilor Baker moved to amend ordinance 3.4.4 by inserting the phrase 'except by special permit' in 3.4.4 line C1. Attorney Lee stated this would constitute a specific change to the ordinance that has not been properly noticed. Others agreed. After much discussion, councilor Baker rescinded his motion in favor of one by Councilor Albright, who moved to defer to an implementation date of April 1, 2021. This is in order to allow time to thoughtfully amend the current ordinance based upon the extensive work the department has begun on this section. The amendment carried 6-0-2 (Councilors Krintzman and Wright abstained). This amendment will not be able to pass the full Council until the Planning Board holds a public hearing and provides a recommendation to the Council.

#88-20 Discussion and review relative to the draft Zoning Ordinance

DIRECTOR OF PLANNING requesting review, discussion, and direction relative to the draft Zoning Ordinance.

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

Notes: Full notes on this section to be released during the week of October 5, 2020.

Councilor Krintzman moved Hold which carried 8-0.

#148-20 Request to amend Chapter 30 to eliminate parking minimums

COUNCILORS ALBRIGHT, AUCHINCLOSS, BOWMAN, CROSSLEY, DANBERG, DOWNS, GENTILE, GREENBERG, KALIS, KELLEY, LIPOF, MARKIEWICZ, NOEL, KRINTZMAN, AND RYAN seeking amendments to Chapter of the Revised City of Newton Ordinances to eliminate mandated parking minimums to improve vitality of local businesses, reduce the cost of housing, and support the climate action goals.

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

Notes: Councilor Krintzman moved Hold which carried 8-0.

The meeting adjourned at 10:39 pm.

Respectfully Submitted,

Deborah J. Crossley, Chair