



## **Zoning & Planning Committee** **Report**

### **City of Newton** **In City Council**

**Monday, February 14, 2022**

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

**Also Present:** Councilors Malakie, Laredo, Bowman, Norton, Humphrey, Lipof, Greenberg, Downs, Kalis, Noel, and Lucas

**City Staff:** Zachery LeMel, Chief of Long-Range Planning; Barney Heath, Director of Planning & Development; Jen Caira, Deputy Director of Planning & Development; Cat Kemmett, Planning Associate; Andrew Lee, Assistant City Solicitor; Ann Berwick, Co-Director of Sustainability; Maureen Lemieux, Chief Financial Officer; Lara Kritzer, CPA Program Administrator; William Ferguson, Co-Director of Sustainability; Nathan Giacalone, Committee Clerk

**Planning & Development Board:** Peter Doeringer (Chair), Chris Steele, Kevin McCormick, and Lee Breckenridge

#### **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 and Planning Held 8-0**

**Chair's Note:** Sustainability Directors will join the committee to present the array of action items pertaining to reducing emissions and fostering clean energy sources in Newton buildings. With Sustainability and Planning staff we will discuss options for advancing the work using working groups, other committees, commission, etc. and outside resources.

**Note:** The Chair introduced the item, referring to the Chair's note and that the update tonight will focus on Climate Action Plan measures that would ultimately require ordinances or amendments to Chapter 30. The goal is to decide how we can advance the work on these items given the very full agenda of the ZAP committee. There may be a need for additional working groups or committees to begin work on several more complex items. She noted that all of the items to be discussed tonight are listed on the two-page list circulated to Council, and most have docket numbers.

Sustainability Co-Director Ann Berwick joined the committee to provide an overview of Climate Actions that we can achieve through zoning. She began by stating that she would focus on policy measures by which Council could require or incentivize increased building energy efficiency and sourcing clean renewable energy in buildings. Electrification is a goal because electricity can be clean while fossil fuels cannot. Importantly, there will be a focus throughout on pre-emption, to address what measures Newton may take on its own without needing permission from the state. She noted there are several more complex measures that she will describe, then many smaller items that address specific building development standards.

**BERDO (Building Energy Reporting and Reduction Disclosure Ordinance).** Director Berwick stated that BERDO requires large commercial and residential buildings to achieve net-zero by 2050 and has been adopted in both Boston (BERDO 2.0) and Cambridge (BERDO 1.0) and is under consideration in Watertown. BERDO has been implemented in two phases: BERDO 1.0 requires reporting energy use emissions and BERDO 2.0 which requires reporting and demonstrating annual reductions. She explained that BERDO requires meeting a performance standard, not by mandating specific measures. There are multiple pathways the building owner may choose, depending on the building type. BERDO differs from other measures by addressing all existing buildings, not just new construction.

Director Berwick then described **SRI (Sustainable Residential Incentives Program)**, which is proposed on the Lexington Warrant to be considered at their next town meeting. SRI limits the size that homes may be built by-right but allows increased size if certain are included in the design such as electrification, solar, and a better HERS score (Home Energy Rating Score). It only impacts new buildings and, potentially, large renovations. She clarified that it is currently unclear if SRI may be implemented by a municipality without state permission.

Director Berwick noted that currently, electricity is generated roughly half by fossil fuels and half by renewables, such as wind, solar, hydro and nuclear, and that renewable sources are increasing.

Director Berwick stated that Newton has been working for months on a **Home Rule petition to require electrification** of new construction and substantial renovations. But the draft no longer addresses large commercial buildings as these can be regulated under BERDO. In its current form, the proposed Home Rule petition affects residential and small (under 20,000 sf) commercial

buildings. If Newton gets permission from the state legislature to move forward with electrification, then an ordinance will be drafted, a public education process begun and public hearing set.

### **MA Legislation**

Director Berwick stated that Rep. Khan has filed a bill which would require all new construction and major renovations statewide to be all-electric in order to facilitate the net-zero by 2050 goal. Other pending bills would allow municipalities to require some of these measures, eliminating the preemption issue. Additionally, the MA DOER has issued a "Straw Code". The proposed codes would update the MA Building Code ("Base code") and the Stretch Energy code, as well as provide a new "Specialized code" which requires higher energy performance standards than the Stretch code. None of the codes require electrification per se, though electrification can be part of a pathway to achieving code compliance. Newton adopted the Stretch code in 2009, and now is one of 299 Stretch Code communities. Therefore, both the amended Base and Stretch codes would apply to Newton automatically. The Specialized code is opt-in.

Director Berwick closed her presentation by summarizing that BERDO, SRI, and the Home Rule petition are the main topics which ZAP and working groups should move forward on. There are other measures that can be handled at the staff level. These measures would be an installed solar requirement for new commercial properties, reducing the building size threshold that triggers stricter energy controls and sustainability for projects seeking special permits, electrification requirements for special permits, increasing electric vehicle charging requirements, and regulating embodied carbon in new construction.

### Councilor Questions and Comments:

**How many years did it take for renewables to become half of how electricity is generated, versus by fossil fuels, and what can we expect?** Director Berwick answered that renewables like offshore wind have been taking off while the share generated by fossil fuels has been declining.

**If Newton adopts the new Specialized code, is it prohibited from pursuing the home rule petition on electrification?** Director Berwick answered that it does not.

**Is the electrical infrastructure in Newton of sufficient capacity to handle increased electrification?** Director Berwick stated that Newton does not need to manage this question as other organizations such as ISO New England and the Department of Public Utilities are working on building the grid.

**How does geothermal energy and undergrounding utilities fit into this plan?** Director Berwick answered that geothermal energy can be another approach to heating and that there is a pilot program in response to the omnibus energy bill passed by the state last year. Regarding undergrounding utilities, Director Berwick stated that she understands there is a working group is currently studying this for both aesthetic and liability concerns in discrete areas.

**What is the cost of electrification on a renovation? Are there any grants available to help with this?** Director Berwick stated that the evidence shows a minimal cost impact on new construction, though she added that the impact can be more varied with renovations depending on the specifics of the project. Additionally, global events can impact energy costs, particularly as they are hard to predict. Both state and federal subsidies for electrification retrofits are available to consumers.

**What HERS level would get us to net-zero by 2050?** Director Berwick responded the target levels have hovered in the mid-40s and clarified that a lower HERS score is more environmentally friendly.

(Note HERS = Home Energy Rating Score, on a 1-100 scale; A “net zero” energy building would get a score of zero. A score of 100 reflects a building built to base code.)

**Is there any more information on the stretch code since it was released?** Director Berwick answered that about 48 slides were released and not much else. We are in a public comment period that concludes in early March. She expects that the response will be primarily that it does not go far enough.

**How will embodied carbon be tracked and does this apply to teardowns as well?** Director Berwick stated that there is currently an embodied carbon working group (advising/working with the Energy Coach, Law and Planning), though she emphasized that tracking embodied carbon is still a new process. There will be more on embodied carbon from the Planning Department in March. It was stated that Waneta Trabert would be better suited to answer the question about tracking construction waste in more detail, but the state already has regulations covering recycling materials.

There are docket items to address the measures described in Director Berwick’s presentation already and the work is planned to continue. The decision now is how to best structure this work. It matters whether we call it a subcommittee or Council committees as this determines applicable rules.

Multiple Councilors supported the use of Working Groups. They suggested that the makeup would include staff, Councilors, representatives from certain boards & commissions, and community stakeholders. It was also recommended to include a Working Group tasked to identify financial assistance to people.

One councilor suggested that while there may need to be a group dedicated solely to laying the groundwork for an ordinance like BERDO, that the second group might take on more than just the SRI. It might be focused on climate actions targeting residential buildings, for example.

Other Councilors stated that separate working groups were not enough. Instead there should be a full Council Committee to address climate issues. They felt that the ad-hoc nature of working groups does not meet the importance of the issue and that a full Committee would build more

support. It was also stated that there should not be so much concern on cost at the moment as it is late in the emergency and inaction will cost more and there needs to be emphasis on electrification as there is no longer a choice on this.

A Councilor stated that despite the urgency of climate change, the costs for these initiatives cannot be ignored as they will be felt by the residents.

Deputy Director Cairra confirmed that the Planning Department has discussed outreach and engagement and is working on bringing in outside resources to assist with communications materials.

It was also stated that whatever groups are created, that the intention is to have open meetings. Subcommittees and Council committees must comply with the Open Meeting Law.

Without further discussion, Councilor Albright made a motion to Hold which carried 8-0.

**#129-22**      **Appointment of Judy Weber to the Newton Affordable Housing Trust Fund**  
HER HONOR THE MAYOR appointing Judy Weber, 21 Belmont Street, Newton 02458 to the Newton Affordable Housing Trust Fund as a member for a term of office to expire March 21, 2024. (60 days: 04/08/22)

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

**Note:**      Ms. Weber was invited to introduce herself and describe her desire to join the Trust Fund. Ms. Weber answered that she has been a Newton resident for over 45 years and worked in affordable housing for her entire career. Recently, Ms. Weber was the Governor's appointee to the Newton Housing Authority. She stated that she volunteered to serve on the Trust in particular because of her experience in the operations side of affordable housing and is familiar with what it takes to maintain a project over time, while she imagines most others may be coming from the development side.

Councilors stated that they were impressed with Ms. Weber's experience in affordable housing and were interested to hear her ideas on how to increase it in Newton.

Without further discussion, Councilor Leary made a motion to approve which carried 8-0.

**#130-22**      **Appointment of Harvey Schorr to the Newton Historical Commission**  
HER HONOR THE MAYOR appointing Harvey Schorr, 106 Bellevue Street, Newton 02458 to the Newton Historical Commission as an alternate member for a term of office to expire March 30, 2025. (60 days: 04/08/22)

**Action:**      **Zoning and Planning Approved 7-0-1 (Councilor Wright abstaining)**

**Note:**      Mr. Schorr was invited to introduce himself and describe his desire to join the Newton Historical Commission. Mr. Schorr stated that he was speaking with the Mayor last

summer and after mentioning his architectural background, she had asked him to serve on the Commission. He described his long career in architecture and that he has been a Newton resident since 1971. In his own neighborhood, Mr. Schorr stated that teardowns are common and while some are unavoidable, some good homes are also lost. He thinks the Commission could be more proactive in publicizing and promoting the good of preservation.

Councilor Questions:

**How much experience do you have with historic architecture and work in Newton?** Mr. Schorr answered that he has done little work in Newton, most of his work has been non-residential and that he has worked on historic preservation in many places.

**Have you attended the historic commission meetings?** Mr. Schorr stated that he had only been to one since the Mayor recommended his appointment.

**Are there ways to combine the advantages from both historic preservation and teardowns? There is often a financial incentive to pursue a teardown.** Mr. Schorr answered that this has been an issue that those in design professions have faced for a long time, as it is often more economical to pursue a demolition and start over. Design professionals argue that cost should not be the primary factor.

**How would you approach achieving a more efficient building envelope in an historic structure?** Mr. Schorr stated that the state code already has strict requirements for the building envelope.

**Have you thought about how historic preservation and accessibility meet?** Mr. Schorr stated that those in design confront these issues constantly as access issues loom large. The ADA has clear mandates for access.

Without further discussion, Councilor Leary made a motion to approve which carried 7-0-1 (Councilor Wright abstaining).

**#131-22 Appointment of Josh Markette to the Auburndale Historic District Commission**  
HER HONOR THE MAYOR appointing Josh Markette, 60 Grove Street, Auburndale 02466 to the Auburndale Historic District Commission as an alternate member for a term of office to expire March 14, 2023. (60 days: 04/08/22)

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

**Note:** Mr. Markette was invited to introduce himself and describe why he wants to serve on the Commission. Mr. Markette answered that it was his neighbor, the former chair of the District Commission, who encouraged him to volunteer.

Without further discussion, Councilor Krintzman made a motion to approve which carried 8-0.

**#132-22**      **Appointment of Joel Shames to the Auburndale Historic District Commission**  
HER HONOR THE MAYOR appointing Joel Shames, 348 Central Street, Auburndale 02466 to the Auburndale Historic District Commission as an alternate member for a term of office to expire March 14, 2023. (60 days: 04/08/22)

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

**Note:**      Mr. Shames was invited to introduce himself and describe his interest in joining the Commission. He answered that a current member of the Commission requested him to join in order to fill a vacancy. He added that as a Newton resident for almost 30 years he felt that he should be willing to step up and do his part. Director Heath clarified that there are currently three vacancies out of the seven positions.

Without further discussion, Councilor Krintzman made a motion to approve which carried 8-0.

**Referred to Zoning & Planning and Finance Committees**

**#150-22**      **CPC Recommendation to appropriate \$94,600 in CPA funding**  
COMMUNITY PRESERVATION COMMITTEE recommending appropriation of ninety-four thousand six hundred dollars (\$94,600) in Community Preservation Act fund, with \$74,978.29 to come from the FY22 Unrestricted Funds (Account #58R10498-57900) and the remaining \$19,621.71 to come from the FY22 Historic Resource Fund (Account #58B10498-57900B) to the control of the Planning & Development Department for a grant to the New Art Center to complete the plans and studies necessary to move forward with the restoration of the former Church of the Open Word located at 19 Highland Avenue.

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

**Note:**      The Committee was joined by Community Preservation Program Administrator Lara Kritzer and Dan Brody, Chair of the CPC, for discussion of this item. They were also joined by Emily O’Neil and Dewey Nichols from the New Art Center.

Mr. Brody delivered the attached presentation, summarizing the request. The New Art Center (NAC) is currently located at 61 Washington Park at a building that is no longer suitable. The NAC has reached an agreement with the current owners of the former Church of the Open Word at 19 Highland Avenue to commence a one-year study to assess the condition and capacity of the buildings to meet the New Art Center needs. Mr. Brody stated that this would be a better use for the site than if a developer purchased it to build more condos. He continued that according to the current timeline, the study is estimated to be completed in August, 2022 and NAC will match the funding from the CPA. If the study determines the building is suitable, the NAC will look to purchase the building, and may return to the CPC for historic preservation funding. Ms. O’Neil stated that this location would allow NAC to participate more in the vibrancy of Newtonville.

Mr. Nichols added that the NAC is exploring ways to increase its prominence as well.

Councilor Questions and Comments:

**With the Senior Center nearby and projected to undergo a major rebuild, can these projects collaborate on programming?** Ms. O'Neil answered that NAC has been talking with Commissioner Morse and the Senior Center and is happy to discuss a.

**Was the City involved with helping NAC obtain its current building?** Ms. O'Neil answered that yes, the City provided the building for a dollar back in 1977. It has not yet been discussed what will happen to the current building after NAC is finished with it.

**Will the proceeds from the sale of the current building go towards the purchase of the new building as CPC money can only be used for historic restoration?** Ms. O'Neil stated that the NAC will need to figure this out as the process progresses.

**Does the NAC have a plan to pay for the ongoing maintenance and operations needs of the former Church of the Open Word building?** Ms. O'Neil answered that NAC is still in the phase of understanding the viability and will not move forward if the study determines that the building is not sustainable.

**Was it said that the Church of the Open Word is in the Newtonville Historic District?** It is on the National Register and a Historic Resource in the district, but not included in the District.

Councilors spoke in favor of the proposal to locate NAC in the Open Word Church in the village, saying that it would breathe new life into Newtonville. Councilors expressed hope that the feasibility study yields positive results.

Without further discussion, Councilor Albright made a motion to approve using CPC funding to conduct the feasibility study, which carried 8-0.

**#126-22      Requesting technical amendments to Newton Zoning Ordinance, Chapter 30**  
DIRECTOR OF PLANNING requesting technical amendments to the Newton Zoning Ordinance, Chapter 30 to address missing or incorrectly transcribed ordinance provisions, fix inconsistencies, and clarify ambiguous language.

**Action:**      Zoning and Planning Held 8-0; Public Hearing set for 03/28/22

**Note:**      The Committee was joined by Planning Associate Cat Kemmett and Deputy Director of Planning & Development Jen Caira. Ms. Kemmett introduced the item and delivered the attached presentation, stating that updates are regularly made to fix errors found in Chapter 30. Ms. Kemmett stated that the first error needing correction relates to calculating FAR for commercial buildings with exterior insulation. She explained that amendments adopted in 2019 allow exterior insulation to be added to a building without contributing to the FAR calculation. However, this exemption is only available to buildings in residential districts and the Planning Department believes that the intention was to apply this amendment to the other districts. Ms. Kemmett stated that this is likely due to a formatting error which makes it appear to only apply

to residential districts. The proposed fix will allow this deduction in all other districts, making the policy more consistent and incentivizing higher levels of insulation.

The second error Ms. Kemmett stated, came from 2021 amendments that decoupled building and story heights, which changed some dimensional standard tables. This formatting change created some errors and she stated that the proposed amendment will fix this along with another longstanding error. No current projects have been impacted.

The third error is in the tables showing maximum by-right height in MU4 districts, also caused by the reformatting process.

Ms. Kemmett recommended setting a public hearing date for March 28<sup>th</sup> for these items.

Councilor Questions and Comments:

**To wrap a commercial building in four inches of exterior insulation, is it correct that they would not be required to do an FAR calculation?** Ms. Caira answered yes; this is the proposal being put before the Committee.

**When 5.13 was passed in December of 2019, wasn't the idea to allow this insulation to protrude into the setback? Would this also apply to commercial buildings?** Ms. Caira answered that this is correct, but it is a different section and does not apply here.

**Exterior insulation may protrude into the setback in both residential and commercial districts, is that correct?** Ms. Caira answered that yes, setbacks in Section 1.5.3 do not differentiate between residential and other districts, a section which does not differentiate between residential and commercial districts.

A Councilor stated that exterior insulation aligns with the motivation for originally passing the ordinance.

Councilor Krintzman made a motion to Hold the item and set a public hearing for March 28<sup>th</sup> which carried 8-0.

**#57-22**      **Request for discussion relative to demolition of existing homes in Newton**  
COUNCILORS WRIGHT, MALAKIE, BAKER, HUMPHREY, MARKIEWICZ, KALIS AND RYAN requesting discussion of appropriate adjustments to Newton's zoning to discourage the demolition of smaller homes which are being replaced by larger and much more expensive structures. (formerly #75-21)

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

**Note:**      Councilors Wright and Baker introduced the item, stating that the intent is to determine if there can be a short-term adjustment to disincentivize tear-downs. The main question is whether requiring "new lot" setback requirements, which are larger than "old lot"

setback requirements, would disincentivize teardowns. There are about 100 homes that go through the demolition process each year.

Councilor Wright presented the attached document on her findings regarding this item. She acquired examples from residents and other councilors regarding teardowns and additions where the house seems to take up most of the lot. Back in March 2020, the Planning Department came out with a spreadsheet in one of their presentations which compares new lot (post 1953) standards with “old lot” (pre-1953) standards. Councilor Wright stated that in the SR3 and MR districts, there is no difference between old and new lot standards except in side setbacks. The biggest differences between old and new lot standards are in SR1 districts.

Looking at a variety of different houses, Councilor Wright stated that first question they asked was if the new house meets the new lot setbacks, and many did. Next they studied whether the house would need to be built smaller to meet all of the different items and only about half would need to be built smaller, but not much smaller. The next column asks if the house is built to the new setbacks, and a few use the FAR bonus, mainly for older houses. She then added how developers will change the address of a house to build it bigger.

Based on the information studied, she found that requiring teardowns or major additions to go to new lot standards will likely not reduce teardowns.

Councilor Wright then expressed interest in pursuing the residential incentive proposal (SRI) that Lexington is considering.

Councilor Questions and Comments:

Councilors appreciated that Councilors Wright and Baker did the analysis, and although it did not produce the expected results, that it was a useful exercise to show that by itself, increasing setback requirements to reduce building opportunity is not sufficient. It was suggested that as this conversation continues, its goals should be better defined and that we should also study the sustainability issue more. It was also asked if this conversation can include preserving the single-family opportunity at a lower price point as a goal.

Councilor Danberg made a motion to Hold which carried 8-0.

The meeting adjourned at 9:16pm.

**Respectfully Submitted,**

**Deborah J. Crossley, Chair**



Ruthanne Fuller  
Mayor

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Barney S. Heath  
Director

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## MEMORANDUM

**DATE:** February 11, 2022

**TO:** Councilor Deborah Crossley, Chair, Zoning & Planning Committee  
Councilor Rebecca Walker Grossman, Chair, Finance Committee  
Members of the Zoning & Planning Committee and Finance Committee

**FROM:** Barney Heath, Director, Department of Planning and Development  
Jennifer Caira, Deputy Director Department of Planning and Development  
Zachery LeMel, Chief of Long Range Planning

**RE:** **#48-22 Requesting an update on the status of implementing the Climate Action Plan**  
*Chair's Note: Sustainability Directors will join the committee to present the array of action items pertaining to reducing emissions and fostering clean energy sources in Newton buildings. With Sustainability and Planning staff we will discuss options for advancing the work both within ZAP committee, and by using working group/s, other committees, commissions, etc. as well as outside resources to inform how zoning can be used to set the desired policy in each case.*

**MEETING:** February 14, 2022

**CC:** City Council  
Planning Board  
Jonathan Yeo, Chief Operating Officer  
Ann Berwick, Co-Director of Sustainability  
Bill Ferguson, Co-Director of Sustainability  
Liora Silkes, Energy Coach  
Jennifer Steel, Chief Environmental Planner  
Nicole Freedman, Director of Transportation Planning

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### Introduction

At the 2022 City of Newton Inauguration both Mayor Fuller and Council President Albright spoke to the dire need for taking actions that address climate change. Particularly, multiple items dealing with the reduction of building energy use and greenhouse gas emissions (GHG) all fall to the ZAP Committee. While climate considerations have been incorporated as part of recent zoning, there is an acknowledgement that more can and should be done to quickly and efficiently tackle these items and achieve the goals set out in [Newton's Climate Action Plan](#) (CAP). At the upcoming ZAP meeting City staff will present an overview of these CAP items, which include:

- BERDO - Building Energy Reduction and Disclosure Ordinance ("Boston/Cambridge Model")
- Sustainable Residential Incentives ("Lexington Model")
- Updates to Sustainable Development Requirements (Ch. 30 Sec. 5.13)

- Solar requirements for new commercial buildings (“Watertown Model”)
- Reduced size threshold for projects to comply (Special Permit criterion 5) and address electrification requirements for Special Permit projects
- Embodied carbon tracking and monitoring
- Increased electric vehicle (EV) requirements
- Electrification home rule petition/the State electrification bill
  - The home rule petition is currently at Public Facilities and is not intended to come to ZAP unless the petition is approved by the State when additional ordinance language will be needed. Similarly, no action will be required of ZAP on the State electrification bill until/if it is approved.
  - Note: no City Council action is required now, but Newton State Representative Kay Khan has filed a bill, HD 4755, requiring that all new construction and substantial renovations statewide be electric.

### **Building Energy Items Before ZAP**

Newton’s Co-Directors of Climate and Sustainability, Ann Berwick and Bill Ferguson, recently outlined the building energy use and GHG emissions items above in a memo to the Mayor (attachment A). This memo provides a brief introduction to each item: what it is, why it is being undertaken, and the overlap between the different proposals. The Co-Directors’ memo begins to outline the need for a different process to work through these items and what that might look. The ideas are further expanded upon and refined below.

### **Workplan for Building Energy CAP Items**

Addressing all the above CAP items, through the traditional approach, in light of the current zoning efforts on ZAP’s general calendar, will not be efficient in terms of timing which is of the essence. Given this, the City’s Sustainability Directors and the Planning Department recommend that the CAP items be analyzed through two working groups (BERDO and Sustainable Residential Incentives) made up expressly to tackle those items. There is expected to be overlap of working group members, but each item has a different set of experts and stakeholders as well. The working groups would not only technically assess and create proposals for ZAP to consider, but also engage the appropriate stakeholders to build a coalition of support in advance of the item returning to ZAP and a City Council vote. Lastly, multiple working groups mean that both items can progress simultaneously.

City staff believe the third category of items, updates to Sustainable Development Requirements, can be handled internally by staff with the assistance of expert advisors as needed. Some of these items, like embodied carbon, are currently moving forward in this manner and portions should be ready for ZAP soon.

Generally, the size and makeup of each working group should be proportional to the impact and priority of the item. BERDO, for example, would only apply to commercial and large residential buildings and therefore would require representation from commercial property owners and the broader economic development community. The Sustainable Residential Incentives, in its current form in Lexington, would only apply to new construction and substantial renovations of single- and two-family homes. For both these items, appropriate thresholds for Newton will need to be determined.

It is the expectation that City Councilors would participate in these working groups. If broader policy issues arise the City Councilors on the working group can provide guidance, and if needed recommend that a broader conversation be held at ZAP. City Councilors would also play a critical role in broader outreach to impacted stakeholders. The engagement with stakeholders and the transparency of the

process are critical to success. Luckily other communities like Boston and Cambridge for BERDO have provided us with successful models. In addition, City staff believe outside support may be needed in particular for outreach and communications. Informing and soliciting feedback from the broader community is a priority for City staff.

To begin thinking about these CAP items and the various needs each one has, City staff have drafted a calendar of building energy CAP items (Attachment B). It attempts to put these items in order of priority/impact, as well as feasibility given staffing constraints. The time devoted to each item would follow a similar process:

- Kick-off presentation to ZAP
- Working group meetings – technical and outreach (# dependent on item)
- Check-ins at ZAP (if policy decisions arise or if item has a longer timeline)
- Zoning Ordinance proposals at ZAP and Public Hearing

At the upcoming ZAP meeting, City staff recommend the conversation focus on the merits of this model, appropriate group make-up, and the general timelines.

**A Note on the Recent DOER Net Zero Stretch Code Proposal**

The Department of Energy Resources (DOER) released a straw proposal on February 8 related to updates to the “stretch energy code” and the more ambitious “specialized code.” Newton is already a stretch code community and, as such, automatically adopts the new stretch code. Adoption of the specialized code would require City Council action. It is important to note that neither the stretch code nor the specialized code gives the City the authority to require that all new construction be electrified. The details of these codes are not yet available, but it appears that they make substantial progress on building envelope requirements.

**Looking Ahead / Next Steps**

To proceed, City staff are looking to ZAP for confirmation that building energy CAP items described above are considered the correct implementation tools to achieve many of the policy goals in the CAP approved upon by the City Council in 2019.

**Attachments**

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| Attachment A | Newton Directors of Sustainability Letter to the Mayor |
| Attachment B | Building Energy CAP Items Draft Calendar               |

To: Mayor Fuller, Jonathan Yeo  
From: Bill Ferguson, Ann Berwick  
CC: Jennifer Steel, Liora Silkes, Nicole Freedman, Sam Nighman, Devra Bailin, Barney Heath, Jennifer Caira, Zach LeMel  
Date: January 26, 2022  
Re: Reducing building energy use and GHG emissions

The Climate and Sustainability Team has been working to update the Climate Action Plan to reflect new and ongoing efforts, update our tracking tool, and summarize our current thinking.

However, there is a set of issues relative to reducing building energy use and GHG emissions that we'd like to discuss separately from that broader effort. These are: (1) the electrification Home Rule petition, (2) the State electrification bill, (3) BERDO, (4) the Green Leadership Collaborative, (5) an alternative approach to electrification that Lexington is considering, (6) the Watertown solar requirement for large new commercial buildings, and (7) reducing the Chapter 30 Sustainable Design Requirement from 20,000 to 10,000 sf.

Here is a brief outline of those issues, together with our recommendations and issues for further discussion.

### **BERDO (Building Energy Reduction and Disclosure Ordinance)**

- Adopt BERDO-type ordinance, possibly with Newton-specific adaptations (but do not reinvent this wheel, i.e., adopt most of the Boston BERDO approach).

BERDO in Boston explicitly addresses *large existing* commercial buildings and residential buildings with over 15 separate dwelling units and, effectively, *new large* buildings because they will have to be designed to anticipate the need to comply with progressively stricter BERDO standards as they phase in. This is the basis for our recommendation below to limit the electrification Home Rule Petition to residential construction and small commercial buildings. We also note that the fact that BERDO reaches existing buildings is very advantageous.

For at least the purposes of this memo, we are considering residential buildings with over 15 separate dwelling units to be commercial. It is also possible that Newton will limit its own version of BERDO to actual commercial construction, which is another reason to think about BERDO as addressing just commercial construction for our current purposes.

Boston started with BERDO 1.0 (GHG emissions reporting requirements only), moving to BERDO 2.0 in 2021 (GHG emissions reduction requirements). We think that this basic trajectory makes sense; BERDO 1.0 is useful mainly because it is a predicate to BERDO 2.0 by establishing the energy use reporting requirement that is needed to enforce a BERDO 2.0 ordinance. By starting with BERDO 1.0, Newton can also learn from Boston's experience with BERDO 2.0 before we move forward.

Although Boston has already enacted BERDO 2.0 by ordinance, there is some concern that it will take months or longer for Boston to adopt regulations. It's not clear whether this concern is warranted—Boston published phase one of its regulations just before Christmas, and BERDO is presumably a priority for Mayor Wu. Newton will have to decide how far to go with BERDO 2.0 before Boston's regulations have been finalized and any legal challenges are addressed.

Our BERDO recommendation raises two issues:

- (1) BERDO omits small commercial buildings. Our recommendation is to address small commercial buildings by including them with residential buildings in the Home Rule Petition.
- (2) The more complicated question is whether, ideally, we would want the electrification Home Rule Petition to include large commercial buildings, and want to adopt BERDO as well. We think there are good arguments on both sides of that question, which we won't go into here.

### **Electrification Home Rule Petition**

- Continue moving the electrification Home Rule Petition/Ordinance forward, but consider narrowing it to new residential and small commercial buildings and substantial renovations (rather than the current approach, which addresses new residential *and all new commercial* buildings).

### **State Electrification Bill**

- Continue work on the State bill requiring electrification of all new buildings and substantial renovations.

The bill was filed on January 24: HD4755. Unlike community-by-community Home Rule petitions and BERDO, this statute would automatically address all new buildings and substantial renovations in the State, residential and commercial. No Home Rule rigamarole or adoption of local ordinances required. This would be a major step forward.

### **Green Leadership Collaborative**

- Use the proposed Green Leadership Collaborative initiative as a mechanism to help implement BERDO, rather than as it was initially envisioned in the Climate Action Plan. Alternatively, we could discuss whether there is a way for the City to provide the umbrella for this initiative, without a lot of time on the part of City staff.

The Green Leadership Collaborative, proposed in the Climate Action Plan, would involve the City in organizing large businesses to work together on their own climate action plans, which would involve significant City staff resources.

### **An Alternative Approach to Electrification for Residential Buildings**

- For new residential buildings, consider the approach that Lexington is discussing (but has made no decision on), i.e., limit building size by zoning but allow increases in size for buildings that meet a specific building performance standard and electrify. (We're calling it the "Lexington approach," even though it is only under consideration in Lexington.) For example, if zoning currently allows a 2500 sf home in a particular location, only an 1800 sf house would be allowed unless the home were built to a specified performance standard (Passive House? HERS 45?), added solar, and electrified. Lexington believes this approach eliminates the preemption problem that the Home Rule Petition is meant to address.

If Newton adopts this approach, we recommend that it be limited to residential construction. Applying it to commercial construction might simply be too complicated. We are not certain whether it can include renovations, but are exploring that question.

Just as the electrification Home Rule Petition as originally conceived and BERDO are to some extent redundant (i.e., for large commercial construction), the Lexington approach could make the electrification Home Rule Petition at least partly superfluous (for residential construction). The question arises as to whether the Lexington approach should replace the Home Rule Petition or, alternatively, proceed contemporaneously.

We recommend proceeding both with the Lexington approach and the Home Rule Petition contemporaneously. The Home Rule Petition does have the advantage that it has a clear path forward for substantial renovations.

### **Solar for New Commercial Buildings**

- Adopt a version of the Watertown ordinance requiring solar on new commercial buildings (with possible Newton adaptations).

### **Chapter 30 Sustainable Development Requirements (Special Permits)**

- Reduce the Chapter 30 Sustainable Development Requirements from 20,000 sf to 10,000 sf.

Note that the Sustainable Design Requirements still require the reserved solar and embodied carbon requirements to be filled in. There is currently a working group addressing embodied carbon.

### **Process**

- Coordinate closely with the Newton Economic Development Commission, the Chamber, and other stakeholders.

All of these issues affect buildings, their owners, and their residents. Stakeholders need to be part of the process, both because they are deeply affected and because they will have important insights.

**In summary, here are our recommendations, including issues for further discussion:**

- Adopt BERDO-type ordinance, starting with BERDO 1.0, possibly with Newton-specific adaptations.
- Continue moving the electrification Home Rule Petition/Ordinance forward, but consider limiting it to new residential and new small commercial buildings and substantial renovations.

To be resolved: (1) Should we narrow the Home Rule Petition/Ordinance to new residential and small commercial buildings and substantial renovations in light of BERDO (rather than the current Home Rule Petition/Ordinance approach, which addresses new residential *and all new commercial* buildings), or should we move forward with *both* BERDO and large commercial buildings in the Home Rule Petition/Ordinance? (2) If we narrow the electrification Home Rule Petition to exclude large commercial buildings, should we include small commercial buildings with residential in the Home Rule Petition?

- Continue work on the State bill requiring electrification of all new buildings and substantial renovations.
- Redefine the role of the proposed Green Leadership Collaborative initiative to focus on BERDO implementation. Alternatively, we could discuss whether there is a way for the City to provide the umbrella for this initiative, without requiring a lot of time on the part of City staff.
- For new buildings, move forward with the Home Rule Petition/Ordinance and consider the Lexington approach.

To be resolved: (1) If we move forward with the Lexington approach, should we limit it to residential construction? (2) If we require compliance with a performance standard, what should that performance standard be? (3) In light of the fact that this is a zoning approach, is it possible to include substantial renovations?

- Adopt a version of the Watertown ordinance requiring solar on new commercial buildings, possibly with Newton-specific adaptations.
- Reduce the Chapter 30 Sustainable Development Requirements from 20,000 sf to 10,000 sf.

To be resolved: The content of the reserved solar and embodied carbon sections.

- Do not shortchange the process! Be sure to include affected stakeholders in addressing these issues.

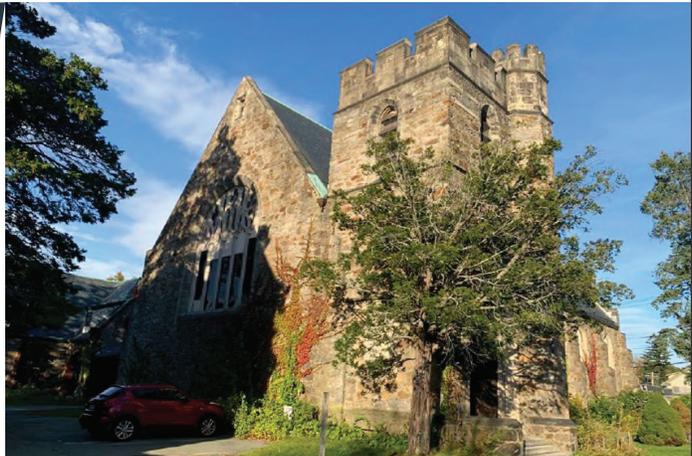


# New Art Center's Church of the Open Word Restoration Funding Recommendation

Community Preservation Committee  
Presentation to the Zoning and Planning Committee  
February 14, 2022

## Project Overview

- ▶ Church of the Open Word includes ca. 1893 stone church by well known architect Ralph Adams Cram and ca. 1886 stone parish house
- ▶ Property is centrally located and included on the National Register of Historic Places as part of the Newtonville National Register Historic District
- ▶ New Art Center is interested in relocating here and converting the existing buildings into an exhibition gallery, lecture and performance space, classrooms, offices, and studios
- ▶ New Art Center in one year agreement with property owner to evaluate the site



## Location



## Current Funding Request

CPA funding is requested to complete the plans and studies necessary to move forward with the restoration of the former Church of the Open Word located at 19 Highland Avenue including:

- ▶ An existing conditions assessment,
- ▶ Structural and site surveys,
- ▶ Engineering reviews, and the
- ▶ Designs and Architectural Plans for the restoration and rehabilitation of the existing historic structures and spaces

## Recommended CPA Project Funding

CPA Funding Accounts	Amount
CPA FY22 Historic Resource Reserve Funds	\$19,621.71
FY22 Unrestricted Funds	\$74,978.29
<b>TOTAL CPA PROJECT FUNDS:</b>	<b>\$94,600.00</b>

CPA Funding is recommended to be Historic Resource Funding.

## Project Funding Sources

Funding Sources	Amount
CPA Recommended Funding	\$94,600
New Art CARES Act Tax Credit Savings	\$94,600
<b>TOTAL CPA PROJECT FUNDS:</b>	<b>\$189,200</b>

## Timeline

Winter 2022 - Spring 2022:

Site Surveys, Existing Condition Assessments,  
Zoning Reviews, Needs Assessment and  
Business Plan Development

Spring 2022 - Summer 2022:

Conceptual Design

August 2022:

Construction Cost Estimates

## Questions & Discussion

► Thank you!



# Zoning Ordinance Cleanup

Docket #126-22

Zoning and Planning Committee  
February 14, 2022  
Planning & Development

1



## Overview

- Zoning Cleanup conducted regularly to correct inconsistencies, improve clarity, and fix typos or errors in Chapter 30
- Two changes proposed to fix significant Scrivener's errors
- One proposed policy related to sustainability goals

2

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## Sustainability- FAR and exterior insulation

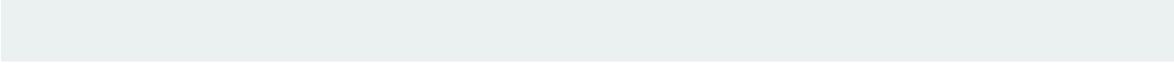
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### Sustainability- FAR and exterior insulation in Residential Districts *(Sec. 1.5.5.B.1.b.iii)*

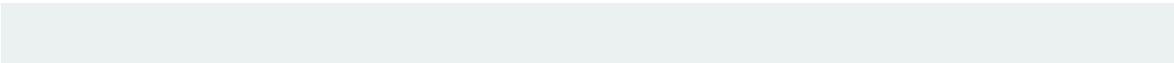
- In Residential Districts, the calculation of gross floor area is taken from the exterior face of the structural wall when exterior insulation is added to a building
- The thickness of exterior insulation is excluded from the measurement of FAR
- This exemption only applies to Residential Districts. Even residential buildings in other districts cannot take advantage of this sustainability incentive

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## Sustainability- FAR and exterior insulation in Other Districts *(Sec. 1.5.5.B.2)*

- Buildings in other districts cannot take advantage of this sustainability incentive, even if they are residential
- It appears to be a formatting mistake, not a policy choice, to limit this exemption to only Residential Districts



## Exterior insulation calculation comparison

### Residential Districts *(Sec. 1.5.5.B.1.b.iii)*

- B. Floor Area, Gross.
1. Residential Districts.
- b. Gross floor area shall not include:
- i. Unenclosed porches;
  - ii. Doorway vestibules up to a maximum floor area of 24 square feet;
  - iii. Exterior insulation added to a building, in which case gross floor area shall be taken from the exterior face of the structural wall;
  - iv. Carports; and
  - v. 1 detached accessory building equal to or less than 120 square feet in size.

### All Other Districts *(Sec. 1.5.5.B.2)*

2. All Other Districts. The sum of the floor area of all principal and accessory buildings whether or not habitable shall be taken from the exterior face of the exterior walls of each building without deduction for hallways, stairs, closets, thickness of walls, columns or other features, except as excluded below:
  - a. Gross floor area shall not include any portion of a basement used for storage, parking, or building mechanicals.

## Proposed Edits *(Sec. 15.5.B.2)*

### Proposed Edits

2. All Other Districts. The sum of the floor area of all principal and accessory buildings whether or not habitable shall be taken from the exterior face of the exterior walls of each building without deduction for hallways, stairs, closets, thickness of walls, columns or other features, except as excluded below:
  - A. Gross floor area shall not include any portion of a basement used for storage, parking, or building mechanicals; and
  - B. Exterior insulation added to a building, in which case gross floor area shall be taken from the exterior face of the structural wall.

- Same deduction for exterior insulation that currently exists in Residential Districts would apply to “All Other Districts” for all buildings
- Makes the policy consistent
- Incentivizes higher levels of sustainability and does not penalize renovations of existing buildings

7

## — Scrivener's Errors in MU2 and MU4

8



## Maximum Stories by Special Permit in MU2 and MU4

(Sec. 4.2.2.B.3)

- Listed maximum stories by special permit in MU2 and MU4 is incorrect
- Fixes a long-existing error that lists the maximum allowed stories by Special Permit in MU4 as 8, when it should say 5
- Changes proposed will have no impact on any existing or proposed projects, they will simply fix errors



## Proposed Edits

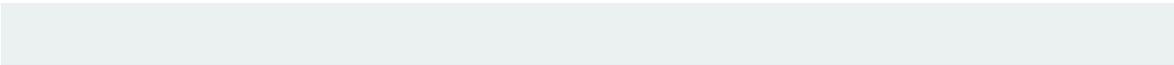
Sec. 4.2.2.B.3

Stories	MU1	MU2	MU3/TOD	MU4
Stories (max) - by Right	3	2	3	3
Stories (max) -by Special Permit. See also Sec. 4.2.23	4	<del>5</del> <u>4</u>	11	<del>8</del> <u>5</u>



### Maximum height by-right in MU4 *(Sec. 4.2.3)*

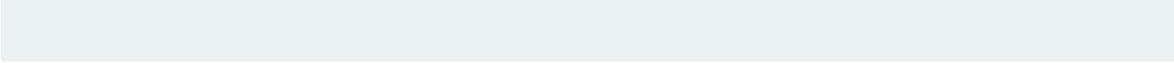
- The by-right maximum height in MU4 is listed incorrectly due to Scrivener's error
- Change proposed will align the by-right height in feet with the maximum number of floors allowed by-right
- Change proposed will have no impact on any existing or proposed projects



### Proposed Edits

*Sec. 4.2.3*

Stories	MU1	MU2	MU3/TOD	MU4
Building and structure height				
Height (max)				
Height - by Right	36'	24'	36'	24' <u>36'</u>
Height - by Special Permit	48'	48'	170'	60'



## Next Steps

- Set public hearing date for March 28, 2022



Ruthanne Fuller  
Mayor

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Department of Planning and Development  
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**#126-22**  
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Barney S. Heath  
Director

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**MEMORANDUM**

**DATE:** February 11, 2022

**TO:** Councilor Deborah Crossley, Chair, Zoning & Planning Committee  
Members of the Zoning & Planning Committee

**FROM:** Barney Heath, Director, Department of Planning and Development  
Jennifer Caira, Deputy Director, Department of Planning and Development  
Zachery LeMel, Chief of Long Range Planning  
Cat Kemmett, Planning Associate

**RE:** **#126-22 Requesting an amendment to Chapter 30**  
DIRECTOR OF PLANNING requesting technical amendments to the Newton Zoning Ordinance, Chapter 30 to address missing or incorrectly transcribed ordinance provisions, fix inconsistencies, and clarify ambiguous language.

**MEETING:** February 14, 2022

**CC:** City Council  
Planning Board  
John Lojek, Commissioner of Inspectional Services  
Neil Cronin, Chief of Current Planning  
Alissa O. Giuliani, City Solicitor  
Jonathan Yeo, Chief Operating Officer

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**Overview**

The Planning and Development Department regularly recommends updates Chapter 30, the Zoning Ordinance, in order to correct internal inconsistencies, improve clarity, and fix typos or errors.

This memo provides an overview of the revisions proposed. For each item, staff have provided a brief explanation of the issue followed by the expected impact of proposed changes in an annotated redline, as well as side-by-side comparison of the existing text and suggested revisions. (Attachment A).

**Looking Ahead**

Staff recommends the ZAP Committee set a public hearing for this item for March 28, 2022.

**Attachment A**

Draft ordinance revisions

1. Sustainability- FAR and exterior insulation (Sec. 1.5.5.B.2)

Issue

According to Sec. 1.5.5.B.1.b.iii, when exterior insulation is added to a building within a Residential District, the calculation of gross floor area shall be taken from the exterior face of the structural wall. This allows the thickness of exterior insulation to be excluded from the measurement of FAR in residential districts. This update was made in 2019 as part of a package of sustainable development standards that promote and incentivize energy efficient design and renovations.

However, due to the format of Section 1.5.5, this exemption only applies to Residential Districts. All other districts, even if the building is residential, cannot take advantage of this sustainability incentive. Staff believe this to be an oversight through review of the 2019 proposal and in conversations with the Law Department who assisted with the drafting of the zoning amendments.

Newton has committed to adopting and refining measures to curb greenhouse gas emissions as called for in the Newton Climate Action Plan. Exempting exterior insulation from the gross floor area calculation in all zoning districts, for all buildings, incentivizes higher levels of sustainability in new construction, removes barriers to energy efficient renovations to existing buildings that would otherwise be penalized, and creates a more equitable and consistent policy citywide.

Proposed change

Amend Sec. 1.5.5.B.2 by adding new subsection B, which allows the same deduction for exterior insulation that currently exists in Residential Districts to apply to "All Other Districts" as well.

Existing Language	Proposed Edits
<p>2. <b>All Other Districts.</b> The sum of the floor area of all principal and accessory buildings whether or not habitable shall be taken from the exterior face of the exterior walls of each building without deduction for hallways, stairs, closets, thickness of walls, columns or other features, except as excluded below:</p> <p>A. Gross floor area shall not include any portion of a basement used for storage, parking, or building mechanicals</p>	<p>2. <b>All Other Districts.</b> The sum of the floor area of all principal and accessory buildings whether or not habitable shall be taken from the exterior face of the exterior walls of each building without deduction for hallways, stairs, closets, thickness of walls, columns or other features, except as excluded below:</p> <p>A. Gross floor area shall not include any portion of a basement used for storage, parking, or building mechanicals; <u>and</u></p> <p>B. <u>Exterior insulation added to a building, in which case gross floor area shall be taken from the exterior face of the structural wall.</u></p>

2. Maximum stories by Special Permit in MU2 and MU4 (Sec. 4.2.2.B.3)

Issue

Due to a scrivener’s error, the listed maximum stories by special permit in MU2 and MU4 is incorrect. The ordinance currently has the maximum allowed stories by special permit as 5 in MU2, when it should be 4.

There is also a long-existing error in this section that lists the maximum allowed stories by special permit in MU4 as 8, when it should say 5.

Proposal

Revise the maximum special permit height for MU2 back to 4 stories. Revise the maximum special permit height for MU4 to back to 5 stories.

Stories	MU1	MU2	MU3/TOD	MU4
Stories (max) - by Right	3	2	3	3
Stories (max) –by Special Permit. See also Sec. 4.2.23	4	<del>5</del> 4	11	<del>8</del> 5

3. Maximum height by-right in MU4 (Sec. 4.2.3)

Issue

The by-right maximum height in MU4 is listed incorrectly in Sec. 4.2.3 due to scrivener's error. The ordinance currently says that the by-right height for MU4 is 24’ and the by right stories is 3, when it should be 36’ and 3 stories.

Proposed change

Revise language so the by-right height is 36’ to align with the 3 stories allowed by-right.

	MU1	MU2	MU3	MU4

Building and structure height				
Height (max)				
Height – by Right	36'	24'	36'	<del>24'</del> <u>36'</u>
Height – by Special Permit	48'	48'	170'	60'

DRAFT

address	zone	new build meet new lot setbacks?	need to build smaller for new lot standards	house now is built to new setbacks, lot cov, open space	bldg type	needed FAR bonus	other
46 Exeter	SR1	Yes	yes	no	demo	yes	doesn't meet new lot open space and lot coverage;
45 Glen	MR1	Yes	no	yes	new	no	2 units; within FAR
100 Langley	MR1	Yes	no	yes	demo	yes	was single family now 2 units; at FAR limit
205 Craft	MR1	Yes	no	yes	addition	no	
269 Jackson	SR3	no	no	no	demo	no	house built doesn't meet new lot setbacks
21 Shumaker Path	SR2	yes	yes	no	demo	no	doesn't meet new lot coverage;
593 Saw Brook	SR3	no	no	no	demo	yes	house built doesn't meet new lot setbacks
45 Fox Hill	SR2	no	yes	no	demo	no	house built doesn't meet new lot setbacks or lot coverage
27 Littlefield	SR2	yes	yes	no	demo	yes	doesn't meet new lot coverage;
659 Chestnut St	SR2	yes	no	yes	addition		
2 A Roadway	SR3	no	yes	no	demo	no	corner/end lot; setbacks wrong – should not have received address change; could not build per old address
819 Dedham	SR1	no	yes	no	demo	no	house built doesn't meet new lot setbacks; open space, lot coverage

	Current												
	SR1		SR2		SR3		MR1		MR2		MR3		MR4
	New Lot	Old Lot*	New Lot	Old Lot	New Lot	Old Lot	New Lot	Old Lot	New Lot	Old Lot	New Lot	Old Lot	New Lot
Lot Area (min)**	25,000 sf	15,000 sf	15,000 sf	10,000 sf	10,000 sf	7,000 sf	10,000 sf						
Lot Frontage (min)	140 ft	100 ft	100 ft	80 ft	80 ft	70 ft	80 ft	70 ft	80 ft	70 ft	80 ft	70 ft	80 ft
Lot Frontage (max)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Lot Coverage (max)***	15%	20%	20%	30%	30%	30%	30%	30%	30%	30%	30%	30%	30%
Open Space (min)	70%	65%	65%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%
Front Setback (min)	40 ft	25 ft	30 ft	25 ft	30 ft	25 ft	30 ft	25 ft	25 ft	25 ft	15 ft	15 ft	15 ft
Front Setback (max)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Side Setback (min)	20 ft	12.5 ft	15 ft	7.5 ft	10 ft	7.5 ft	10 ft	7.5 ft	10 ft	7.5 ft	7.5 ft	7.5 ft	10 ft
Rear Setback (min)	25 ft	25 ft	15 ft	15 ft	15 ft	15 ft	15 ft	15 ft	15 ft	15 ft	15 ft	15 ft	15 ft
Frontage Buildout (min)^	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

\*Old Lot = Lot created before 12/7/1953. New Lot = lot created on or after 12/7/1953