



Zoning & Planning Committee Report

City of Newton In City Council

Monday, November 28, 2022

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

Also Present: Councilors Lucas, Lipof, Downs, Greenberg, Laredo, Oliver, Malakie, Humphrey, and Norton

Planning & Development Board: Kelley Brown (Chair), Kevin McCormick, and Peter Doeringer

City Staff: Barney Heath, Director of Planning; Jennifer Caira, Deputy Director of Planning; Zachery LeMel, Chief of Long Range Planning; Jonathan Yeo, Chief Operating Officer; and Jaclyn Norton, Committee Clerk

For more information regarding this meeting, a video recording can be found at the following link: [11-28-22 Zoning & Planning Committee Meeting](#)

#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 8-0

Note: Tim Love, Consultant from Utile, and Jen Caira, Deputy Director of Planning were introduced and began presenting the preliminary text of the village center zoning. Mr. Love provided an overview of the zoning approach used to create these districts (attached). It was noted that the five thousand (5,000) sf maximum building footprint in the Village Center 1 (VC1) district has been reduced to four thousand (4,000) sf subsequent to feedback received and further study since the October 24th ZAP meeting. ([10-24-22 Planning Presentation on Draft Village Center Maps](#))

Lot Size

Previous iterations of this proposal required that lots greater than $\frac{3}{4}$ acre would require a special permit. This dimensional standard was rounded down to thirty thousand (30,000) square feet for simplicity. When lots are twenty thousand (20,000) sf or more, but less than

thirty thousand (30,000) sf site plan review by the Planning & Development Board would be required.

Building Setbacks

Mr. Love noted that in previous presentations the side and rear setbacks were proposed at ten (10) ft in all districts for lots abutting a non-residential district. These have been modified with the side and rear setbacks being reduced to five (5) ft in zones VC2 (Village Center 2) and VC3 (Village Center 3), because this would be more consistent with what we see now in a typical business center district. VC1 kept the ten (10) ft side and rear setbacks to better fit within the reduced scale of what will in most cases be a single or two family residential context. When abut a residential zone, the side and rear setbacks are proposed increased to fifteen (15) ft.

The draft requires front setbacks in a VC1 district to be a minimum of ten (10) ft and a maximum of twenty (20) ft. In VC2 and VC3 front setbacks must be a minimum of zero (0) ft and a maximum of fifteen (15) ft or ten (10) ft respectively. Later in the discussion Mr. Love noted that VC1 and VC2 both allow for the front setback to be the average of abutting properties which is also how it works in the current zoning ordinance.

Building Separation

These dimensional standards are applicable to lots that contain multiple buildings with VC1 requiring a minimum of fifteen (15) ft between buildings and VC2 and VC3 requiring a minimum of twenty-five (25) ft. The team examined development test sites conducted in Newton Centre and one in Newtonville to determine optimal requirements. It was also noted that, according to state building code, a minimum building separation of fifteen (15) ft allows for up to twenty-five (25) percent fenestration in the facade and twenty-five (25) ft allows for up to seventy (70) percent fenestration. The lesser of the two is good practice for Passive House standards. The building separation at Langley Terrace Apartments was shown as an example of a similar building separation.

Facade Build-Out

Earlier materials suggested that the build-out ratio of the front facade should be seventy-five (75) % of the frontage to help facilitate continuity along the street wall. This was revised to accommodate lots where a driveway to a rear parking lot would be necessary. Therefore, the facade build-out ratio for all village center districts is seventy-five (75) % or Lot Width within side setbacks minus fifteen (15) ft, whichever is less.

Building Footprint

Mr. Love reiterated the maximum by-right building footprint in VC1 districts is now 4,000 sf. The recommended by-right building footprint in VC2 and VC3 remain at ten thousand (10,000) sf and fifteen thousand (15,000) sf respectively. City staff and consultants continue to deliberate the potential requirements for projects seeking increased building footprint through a special permit. Examples of residential buildings with a building footprint allowed in a VC1 district were presented to the Committee (attached).

Building Height/ Number of Stories

The by-right maximum number of stories proposed in the framework presented at the library was presented with two proposed changes. The first is that an all residential building in a VC3 district by-right, may be only a maximum height of two and a half (2.5) stories. The second is that mixed-use development in VC1 districts would only be permissible by special permit. It is also noted that developments in VC3 districts within fifty (50) ft of a lot line abutting a residential district must reduce the maximum building height reduced by one story (from 4.5 to 3.5 stories). This is to aid in a more gradual transition to residential districts.

Mr. Love presented the two sections of the chart showing maximum building height in feet for projects with a pitched roof and flat roof respectively (see slide 15 of attached presentation). These heights are predicated on a maximum floor-to-floor height of fifteen (15) ft on the first floor of residential developments in VC1 districts. The first floor may increase to eighteen (18) ft in VC2 and VC3 districts. Commercial/Mixed Use developments have a maximum ground story height of eighteen (18) ft in all village center districts. The half-story height may be twelve (12) feet if the top story is set back seven feet with a flat roof, or eighteen (18) ft to the ridge of a pitched roof. See slide 16 in the attached presentation.

Similar to the building footprint, city staff is exploring whether the special permit allowance of one additional story can be tied to specific criteria requiring more affordable housing.

Facade Length

Within all village center districts, a design standard would limit maximum facade length to one hundred (100) ft. If the length of a building is greater than one hundred (100) ft, then it must be divided vertically by a recess or offset at least seven (7) ft deep and ten (10) ft wide. Proposed design standards also require that the building sections be designed as two (2) or more distinct facades using differing architectural treatment and/or materials, so the building appears to be multiple buildings. Examples of Trio and 28 Austin St were provided to show the implementation of recesses being used to give the illusion of multiple buildings.

Design Standards

The design standards require various dimensional and material standards for village center districts and explain how to measure these standards. When presenting on these Mr. Love noted that design standards must be objective and non-discretionary. Numerous standards are built into the zoning to assure variations in massing and design that would lend interest and texture to a streetscape, and to help build confidence in the by-right zoning.

For example, various architectural elements such as porches, projecting entries, cross gables, and balconies are allowed, but within clear dimensional constraints. These would be features allowed by-right, but not contribute to the building footprint so as to help promote further architectural articulation. It was also noted that lots greater than thirty thousand (30,000) sq in VC1 and VC2 districts will be required to provide open space accessible to the public totaling at

least five (5) percent of the total lot area. (larger setback requirements in VC1 ensure a much greater amount of open space). In addition, a minimum sidewalk width of twelve (12) ft must be achieved in all village center districts. If a development on a lot abutting a sidewalk less than the standard width will be required to be setback an additional distance to provide at least the standard width.

Design Guidelines

Draft design guidelines were provided as a separate document. These are proposed provide guidance to developers and review boards, etc. for proposed developments within the village center districts. Such things as facade articulation and building entrance guidelines are used to help control the type/color of materials and prevent monotonous and repetitive storefronts. Other guidelines recommend low-impact development practices be implemented for stormwater management and that mechanical equipment be architecturally integrated to minimize adverse effects on the public. It was emphasized that the guidelines would be published outside of the zoning text, that further study and discussion is needed and that the intention here is to provide property owners with some additional direction before they get too far into design.

Conclusion

Ms. Caira detailed current efforts of the Planning Staff regarding meetings with Councilors from each ward to discuss the maps and draft text, and that seven public information sessions, beginning November 29, will also be taking place, each focusing on different village centers. Staff will also be working on refining the draft text and maps in response to ongoing feedback and further analyses so that they may be ready to present version two (2) in February.

Discussion

Multiple Councilors acknowledged that this is a good start on the draft ordinance and look forward to seeing future iterations. There were also questions from Councilors on how these zoning efforts may contribute to compliance with MBTA Communities Law. The compliance model was only released the day before Thanksgiving and Planning Staff will begin using the model according to Ms. Caira and Mr. Love to assess the draft maps. ([MBTA Communities Compliance Model](#)).

A couple of Councilors expressed concern that this new zoning could incentivize teardowns. One Councilor sought clarification on the inclusion of the Newtonville Historic District in the current draft mapping. Ms. Caira noted that Planning Staff is working on incorporating adaptive reuse (currently shown as “reserved”) into the zoning text to incentivize restoration and reuse, preventing teardowns. She also noted that landmarked buildings and those within an historic district already have the greatest degree of protection; modifications to those structures must be approved by the local or citywide Historic Commission.

Director Heath, in response to a question about VC1 allowing multifamily housing, where currently there may be only one or two family housing allowed, noted that property owners would need to elect to be under the VC1 zoning instead of the existing zoning for their lot.

Another Councilor later in the discussion elaborated that the overlay district is being used rather than a rezone to prevent teardowns.

Clarification was also sought by Councilors regarding the setback provisions allowing 'averaging' and setbacks to residential zones. Mr. Love explained that the averaging provision for VC1 and VC2 is to allow new development to fit within the context of current front setbacks of abutting properties. The increased setbacks for lots abutting a residential district were to aid in the transition to these districts.

The chair noted that deliberations on the zoning text will continue into the first several months of 2023, and that it is her intention to open the two January meetings to informal public comment.

The Committee voted 8-0 on a motion to hold from Councilor Krintzman.

#507-22 Reappointment of Denise Chicoine to the Zoning Board of Appeals

HER HONOR THE MAYOR reappointing Denise Chicoine, 275 Islington Road, Newton as an associate member of the Zoning Board of Appeals for a term of office to expire on January 10, 2024. (60 Days: 01/20/2023)

Action: Zoning & Planning Approved 7-0 (Councilor Albright not voting)

Note: This item was discussed concurrently with #509-22.

#508-22 Reappointment of Lei Reilley to the Zoning Board of Appeals

HER HONOR THE MAYOR reappointing Lei Reilley, 130 Pine Street, Newton as an associate member of the Zoning Board of Appeals for a term of office to expire on January 10, 2024. (60 Days: 01/20/2023)

Action: Zoning & Planning Approved 7-0 (Councilor Albright not voting)

Note: This item was discussed concurrently with #509-22.

#509-22 Reappointment of Daphne Romanoff to the Newton Upper Falls Historic District Commission

HER HONOR THE MAYOR reappointing Daphne Romanoff, 36 Canterbury Road, Newton as a full member of the Newton Upper Falls Historic District Commission for a term of office to expire on December 24, 2025. (60 Days: 01/20/2023)

Action: Zoning & Planning Approved 7-0 (Councilor Albright not voting)

Note: The Chair read items #507-22, 508-22 and 509-22 into the record. Committee members expressed no concerns relative to the reappointments and voted 7-0 (Councilor Albright not voting) on a motion to approve from Councilor Krintzman.

The meeting adjourned at 10:08pm.

Respectfully Submitted,

Deborah J. Crossley, Chair