



Zoning & Planning Committee Report

City of Newton In City Council

Monday, February 13, 2023

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

Also Present: Councilors Lucas, Greenberg, Bowman, Kalis, Malakie, Norton, Humphrey, and Lipof

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

City Staff: Barney Heath, Director of Planning; Jennifer Caira, Deputy Director of Planning; John Sisson, Economic Development Director; Andrew Lee, Assistant City Solicitor; and Jaclyn Norton, Committee Clerk

For more information regarding this meeting, a video recording can be found at the following link: [Zoning & Planning Committee February 13, 2023 \(newtv.org\)](https://www.newtv.org/Zoning-Planning-Committee-February-13-2023)

#32-23 **Request for amendment to Sections 5.1.4, 6.4.29, and 7.8.2**
HER HONOR THE MAYOR requesting amendments to Sections 5.1.4, 6.4.29, and 7.8.2 to make on-street dining permanent.
Action: **Zoning & Planning Approved 8-0**

Note: The Chair introduced John Sisson, Economic Development Director, to present the proposed amendments that would permanently allow outdoor dining, by treating café seating in parking spaces similarly to sidewalk café seating. She noted that these amendments need to be made in a timely manner if we are to give our restaurants time to prepare for the spring season, because the state waiver allowing outdoor dining expires on March 31, 2023.

Mr. Sisson provided a brief overview of the changes to Sec. 12-70 that would allow outdoor dining permanently, which the Public Safety & Transportation Committee unanimously approved. Chapter 12 Sec. 70 of the city ordinances, reference Sections 5.1.4, 6.4.29, and 7.8.2 in the Chapter 30 zoning ordinances. Amendments proposed to these sections would regulate outdoor seating within the street the same as sidewalk seating. Mr. Sisson presented a redline version of the proposed amendments. (attached)

Mr. Sisson made clear that because outdoor dining in a public way is a recent phenomenon in Newton, the Planning Department expects municipal policies to evolve, and that Planning

intends to provide an update on these outdoor dining policies later this year.

Multiple Councilors suggested regulating the quality of barriers for on-street dining spaces with one Councilor seeking clarification on the administration of outdoor dining in Newton. The Chair noted that these can be discussed at a future meeting.

The public hearing was opened.

Dave Punch, a restaurant owner in Newton described the positive reception that outdoor dining has received at his businesses and how helpful it has been for the City to supply the barriers during the pandemic.

John Driscoll, owner of Buttonwood Restaurant at 51 Lincoln Street noted support for the proposed amendments. He also stated that ordinance amendments making outdoor dining permanent, give his restaurant reason to invest in upgrading the furniture and materials used to create spaces for outdoor dining.

Greg Reibman, President of the Charles River Chamber of Commerce, expressed support for the amendments and described how allowing outdoor dining permanently would benefit the community.

The public hearing was closed, and the item was approved 8-0 with both motions from Councilor Danberg.

The Planning & Development Board voted 5-0-1 (Barney Heath Abstaining) on a motion to approve from Peter Doeringer, second by Kevin McCormick.

#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: The Chair introduced consultant Tim Love, Principal at Utile Architecture & Planning.

A Councilor raised concern regarding tonight's presentation not being made available at least 48 hours before the meeting citing Article 1, Section 5.C.1 of [City Council Rules](#). She stated that these presentations being provided in advance are helpful in preparing for the meeting, which was reiterated by another Councilor. The Chair noted that the exception to this rule, used is that the presentation can be accepted with a motion to suspend the rules. Further, it is often the case that written material is included in the packet, but there is extensive precedent, in multiple

committees, to narrate a Power point presentation for the first time in committee, then provide the visuals with the report subsequently. Committee members voted 6-2 (Councilors Wright and Baker Opposed) on a motion to suspend the rules to allow the presentation from Councilor Danberg.

Mr. Love noted that this presentation will focus on the urban design under the zoning proposal and provide accurate visuals on what development in the proposed VC3 zones could look like from the perspective of a person on the street. The example renderings use accurate detail from the existing streetscapes and the new work is scaled according to design standards in the version 1 draft text.

A chart comparing the dimensional metrics of by-right development proposed in VC3 versus what is currently allowed in the MU4 district (attached) shows that these metrics combined with the many design standards in the text show that VC3, which is modeled on the MU4 district, would allow less density than the MU4 district.

In drafting maps for the village center overlay district (VCOD) the team has been looking at having the same district on both sides of the street, because doing so would help promote the character of each village center and create a defined public realm. Mr. Love then described height-to-width ratios used in urban design to create outdoor spaces that feel comfortable to people at the street level. This ratio compares the width of the street and sidewalks from building face to building face (public realm) to the height of the buildings at the eave line. It was later noted that a 2:1 or 1.5:1 ratio of building height to the public realm is ideal for creating a sense of place “containment”, and in cases where the street is too wide a comfortable ratio can be achieved by placement of the street tree canopy. Street sections of Lincoln Street in Newton Highlands, Walnut Street in Newtonville, and Washington Street in Newton Corner were presented for both the existing area and the proposed zoning to demonstrate how the VCOD helps to achieve the ideal ratio previously mentioned.

Mr. Love then showed perspective models for each location that depicted first the actual existing structures, then added in potential development of one and multiple buildings that would be allowed in a VC3 zone. These illustrations depicted accurate height allowances and incorporated some of the elements incentivized in the text (like bay windows projecting over the sidewalk that would not count toward footprint) and the design standards that regulate them. (attached) A Councilor later in the discussion sought clarification on how we can ensure these visuals are accurate. Mr. Love noted the extreme attention to accuracy taken in crafting these models, and that models he has reviewed that have been created by residents and/ or commissioned by citizens’ groups were noted to have several inaccuracies. Later in the discussion, the Chair noted that groups interested in producing visuals or other material for public consumption can contact the Planning Department to ensure accuracy with the numerous design standards throughout the code.

A Councilor asked during the discussion how this proposed zoning would change the feel of the village centers. Mr. Love stated that the proposed zoning would help to create a distinction between residential neighborhoods and the slightly more urban scale village centers. There was additional discussion about what factors, (ownership patterns, substantial existing buildings, site configuration) contribute to whether a site is economically feasible/ desirable for redevelopment. Such realities suggest that the full scope of development under this draft ordinance would not be seen for a long time. For example, if a three story building already exists on a parcel in VC3, the economics of redevelopment may not make economic sense, whereas parcels having only one story structures may engender more interest.

Jennifer Caira, Deputy Director of Planning also stated that the Planning Department is working on revisions to the proposed VC1 district to preserve scale. Another Councilor and Mr. Love both noted that some buildings will not be redeveloped under the proposed zoning due to the lack of economic incentives. Multiple Councilors stated that these visual models help to see the reality of the proposed zoning.

The Chair suggested that committee members take a close look at the Version 1 text in the packet, which highlights all of the design standards in version 1 in yellow, so that the committee can discuss the specifics of these standards at the next meeting.

Committee members voted 8-0 on a motion to hold from Councilor Ryan.

#44-23 Reappointment of Peter Doeringer to the Planning and Development Board
HER HONOR THE MAYOR reappointing Peter Doeringer, 35 Pulsifer Street, Newtonville as a member of the Planning & Development Board for a term of office to expire on February 1, 2028. (60 Days: 04/07/2023)

Action: Zoning & Planning Approved 8-0

Note: The Chair read the items into the record. Committee members expressed no concerns relative to the reappointments and voted 8-0 on a motion to approve from Councilor Krintzman.

#45-23 Reappointment of Robert Imperato to the Chestnut Hill Historic District Commission
HER HONOR THE MAYOR reappointing Robert Imperato, 145 Washington Street, Newton as a member of the Chestnut Hill Historic District Commission for a term of office to expire on November 15, 2025. (60 Days: 04/07/2023)

Action: Zoning & Planning Approved 8-0

Note: This item was discussed concurrently with item #45-23.

The meeting adjourned at 10:05pm.

Respectfully Submitted,

Deborah J. Crossley, Chair

Outdoor dining policy update

*City of Newton: Zoning & Planning Committee
Public Hearing on February 13, 2023*



Changes to the Newton Ordinance

In January, City staff submitted proposed amending Newton Ordinance Sec. 12-70 to:

1. Enable outdoor dining areas in the public way, adding oversight of protected parking stalls to existing regulations about café furniture on public sidewalks,
2. Codify the City's authority over an outdoor dining program, which will be necessary after the State's emergency authorization expires on April 1, 2023, and
3. Extend the existing program for seasonal outdoor dining on a permanent basis.

The Public Safety & Transportation (PS&T) Committee voted unanimously to approve the amendments.

Amendments to the Zoning Ordinance

As part of this update, the City’s Law Department identified the need to separately amend three sections of the Zoning Ordinance cross-referencing Sec. 12-70.

These updates are needed to clarify that outdoor seating within the street will be regulated the same as sidewalk seating. Pertinent sections include:

- **5.1.4.** Number of Parking Stalls (Restaurant, food, or beverage establishment)
- **6.4.29.** Restaurant (B. Standards for Allowed Uses)
- **7.8.2.** Nonconforming Buildings, Structures, or Uses

5.1.4. Number of Parking Stalls

A. The minimum number of parking stalls to be supplied for each type of building or land use shall be in accordance with the following requirements. Where the computation results in a fractional number, the fraction shall be counted as one stall.

Use	Parking Stalls Required	Allowed by Special Permit
Restaurant, food or beverage establishment (for sidewalk cafe and parking space café seating , see 12- 70)	1 per 3 patron seats, permanent or otherwise plus 1 per 3 employees excluding any sidewalk and parking space cafe seating permitted under Sec. 12-70	

6.4.29. Restaurant

B. Standards for Allowed Uses

[...]

3. In all districts, outdoor sidewalk seats [and parking space seats](#) permitted under revised Ordinances Chapter 12, Section 12-70 shall be excluded from the total number of seats used to determine the review process.

[...]

C. Standards for Special Permit Uses

[...]

7. In all districts, outdoor sidewalk [and parking space](#) seats permitted under revised Ordinances Chapter 12, Section 12-70 shall be excluded from the total number of seats used to determine the review process.

[...]

7.8.2. Nonconforming Buildings, Structures, or Uses

A. Special Permit Not Required.

1. A special permit is not required from the City Council for nonconforming buildings or structures in the following cases:

[...]

- c) Additional outdoor sidewalk [and parking space](#) seats permitted under Revised Ordinances Chapter 12, Section 12-70 shall not be considered an increase in the nonconformity nor constitute an extension of use of a lawful nonconforming restaurant in any district; and

[...]

FUTURE PLANNING



Outdoor dining in the public way is a recent phenomenon in the U.S., and municipal policies will continue to evolve.

In 2023, City staff will continue studying comparable policies and implementations to provide analysis and recommendations to the City Council later this year.

City of Newton
Zoning & Planning Committee



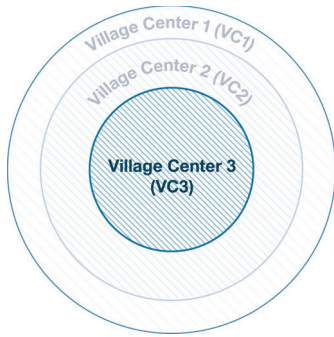
Village Center Rezoning Phase 4: Draft Zoning

February 13, 2023

Agenda

1. Recap of VC3 Metrics
2. Urban Design Street Sections
3. VC3 Street Perspectives
4. Next Steps

VC3 Metrics



*Max height for a flat roof mixed-use building with residential units on the upper floors.

Maximum building heights for flat roof and pitched roof VC3 buildings are shown in the table below.

	Flat Roof	Pitched Roof
Mixed-Use	66'	72'
Commercial	69'	75'

	MU4 (Special Permit)	VC3 (By-Right) for lots under 30K SF
FAR	2.50	–
Height, max.	5 stories; 60'	4.5 stories; 66'*
Lot area per unit	–	–
Building Footprint, max.	–	15,000 sf
Lot Frontage, min.	75% of lot facing a public way shall contain building(s)	75%, or Lot Width within side setbacks minus 15', whichever is less
Setback: Front	0'-10' 40' + height stepback 1:1	0' min., 10' max.
Setback: Side, min.	None, unless: <ul style="list-style-type: none"> Abutting an R district, then 20' 40' + height stepback 1:1 	None, unless: <ul style="list-style-type: none"> Abutting a building without a party wall in a non-R district, then 5' Abutting an R-district, then 15'
Setback: Rear, min.	Same as side setback	<ul style="list-style-type: none"> If abutting a non-R district, then 5' If abutting an R district, then 15'
Parking Ratio: Retail	1 per 300 sf	Exempt for ground floor commercial
Parking Ratio: Office	1 per 250 sf	1 per 700 sf
Parking Ratio: Multi-family	1.25 per unit	1 per unit
Allowable Uses	Multi-family, Retail, Office	Multi-family, Retail, Office

Urban Design Street Sections

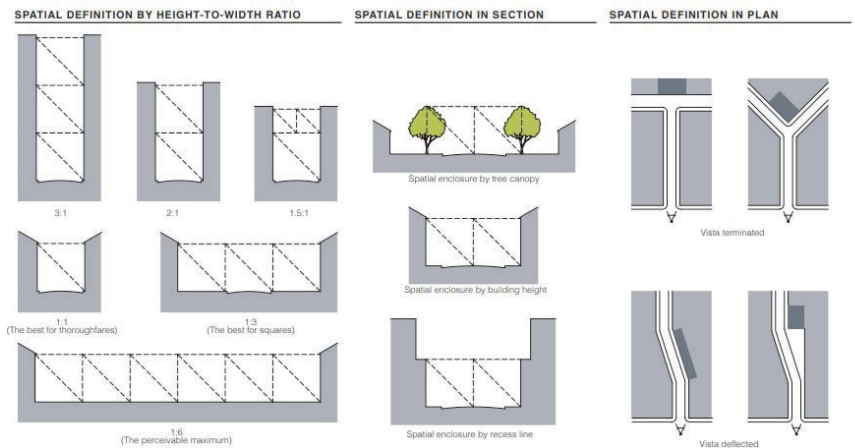
The Lexicon for New Urbanism

Duany Plater-Zyberk & Co., 2014

Spatial Definition: the fabric achieved when enfronting facades are aligned in a coherent manner and the **defined space does not exceed a certain height-to-width ratio.**

Height-to-Width Ratio: the proportion of spatial enclosure related to the physiology of the human eye. If the width of space is such that the cone of vision encompasses less street wall than open sky, the degree of spatial enclosure is slight. As a general rule, **the tighter the ratio, the stronger the sense of place**, and, often, the higher the real estate value.

Spatial Enclosure: the physical definition of thoroughfares and open spaces contributing to a sense of place. **It is shaped, as an outdoor room, by walls of buildings: their facades.** Controlling the degree of enclosure is one of the principal variables in the creation of an urban-to-rural Transect. **Enclosure is adjusted through the selection of frontage types or by a build-to line specifying the minimum building frontage and the minimum building height.** It can also be extended on very wide thoroughfares by aligning regularly-spaced trees to provide spatial enclosure by tree canopy.

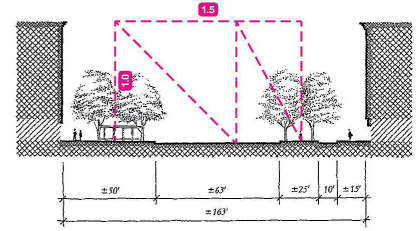
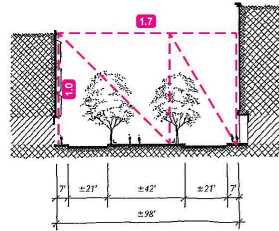
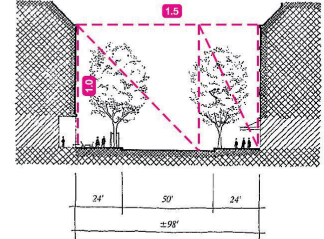
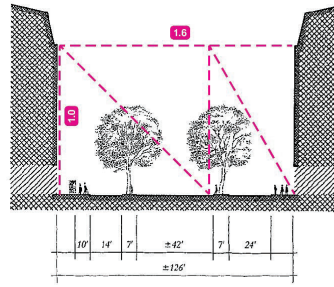


Great Streets

Allan Jacobs, 1993

If, walking along a street on its left side, you turn your head about 30 degrees to the right, a rather normal, unforced thing to do, and if the building height across the street where your vision intersects with it is one-fourth of the horizontal distance to that point, then it is likely that you will sense that the street is defined, albeit sometimes weakly. **At height to distance ratios of 1:3.3 there always seems to be definition, and at 1:2 definition is strong.** As the ratios get smaller, to 1:5 and beyond, there is not a sense of the street being defined.

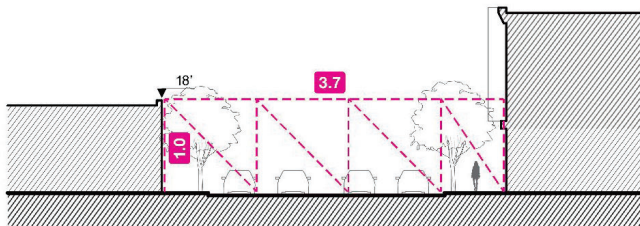
All of the great streets discussed here have definition. In sections, their vertical to horizontal ratios range from 1:4 in the case of Monument Avenue, a residential street, to 1:0.4 in the case of the Via dei Giubbonari. **Most of the streets we have studied seem to fall within a range (vertical to horizontal) of from 1:1.1 to 1:2.5.** For the widest streets, where width is significantly greater than height, such as along the Champs-Élysées or the Paseo de Gracia, it is the intervening trees as much as or more than buildings that strengthen or provide definition. That is one of their purposes and speaks to the necessity of their closeness and fullness.



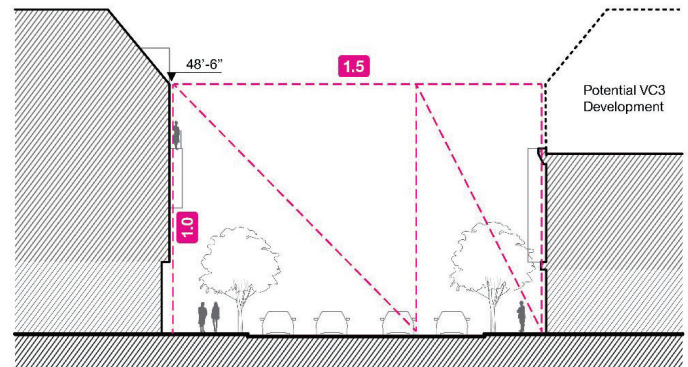
Rambla de Catalunya, Barcelona

Via Cola di Rienzo, Rome

Lincoln Street, Newton Highlands



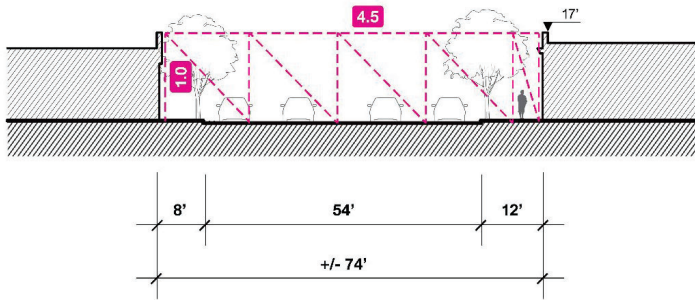
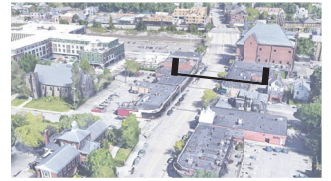
Existing Street Section



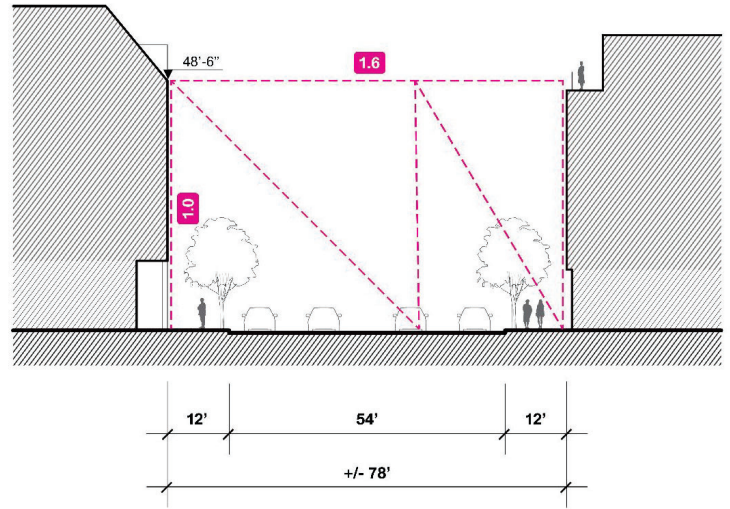
Proposed Street Section

Urban Design Street Sections

Walnut Street, Newtonville



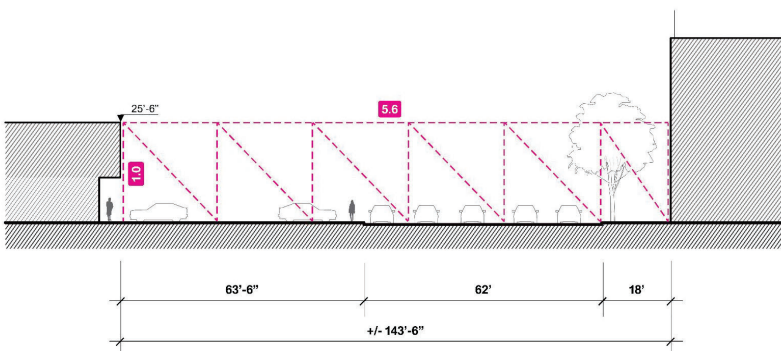
Existing Street Section



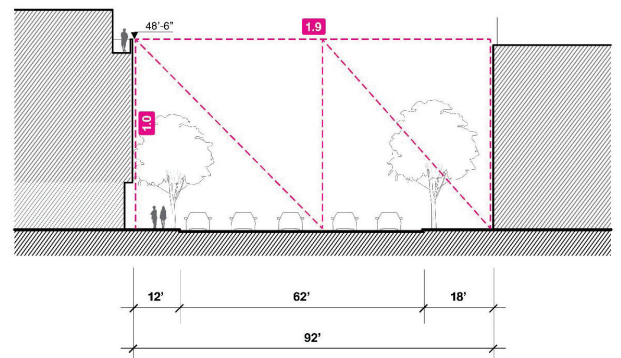
Proposed Street Section

Urban Design Street Sections

Washington Street, Newton Corner



Existing Street Section



Proposed Street Section

VC3 Street Perspectives

- 1. Recap of VC3 Metrics
- 2. Urban Design Street Sections
- 3. **VC3 Street Perspectives**
- 4. Next Steps

The following pages present illustrative street-level perspectives demonstrating the relationship of potential VC3 development to existing context within Newton Highlands, Newtonville, and Newton Corner.

The images progress in the following order: existing context, one example of potential VC3 development, and two examples of potential VC3 development. Concluding each sequence is an annotated illustration noting how the design standards have been applied to the development scenario.

VC3 Street Perspectives

Lincoln St, Newton Highlands



Existing Street View

Existing Context

Uses: single-story retail and three-story small commercial with condos.



VC3 Street Perspectives

Lincoln St, Newton Highlands



**Potential VC3
Development: Building 1**
Bldg 1 Footprint: 5,070 sf

VC3 Street Perspectives

Lincoln St, Newton Highlands



**Potential VC3
Development: Building 2**
Bldg 1 Footprint: 5,070 sf
Bldg 2 Footprint: 6,970 sf

VC3 Street Perspectives

Lincoln St, Newton Highlands

1. **Building Placement:**
When development occurs on any lot abutting a sidewalk that is <12' in total width, inclusive of the Furnishing Zone, buildings must be set back an additional distance such that a paved area meeting City sidewalk standards of at least 12' width is provided, inclusive of the Furnishing Zone.
2. **Building Entrances:**
Principal entrances must either be recessed from the plane of the facade, or have a projecting Awning or Canopy, to signal building entry and provide adequate protection from the elements.
3. **Architectural Features: Bay**
A bay is a window assemblage extending from the main body of a building to permit increased light, provide multi-direction views, and articulate a building wall.
4. **Fenestration:**
For ground story fenestration, glazing must have a min. 60% Visible Light Transmittance (VLT) and no more than 15% Visible Light Reflectance (VLR) as indicated by the manufacturer.
5. **Number of Stories:**
A pitched roof may be composed of roof planes with different slopes. The slope of any pitch must not be greater than 14.12 (49 degrees). The roof rafters must intersect the wall plate or top of wall frame of the exterior walls at a height no more than 2' above the finished floor of the half-story.
6. **Half-Story Step-Back:**
A required distance that certain upper stories of a building must be recessed from the plane of the facade of the stories below.
7. **Parking Lot Access:**
Access to parking lots and structures parallel to the Front Elevation is prohibited when access along another lot line is available.



VC3 Street Perspectives

Walnut St, Newtonville



Existing Street View

Existing Context

Uses: single-story small retail; two-story bank; three-story function hall with ground story retail



VC3 Street Perspectives

Walnut St, Newtonville



**Potential VC3
Development: Building 1**
Bldg 1 Footprint: 6,960 sf

VC3 Street Perspectives

Walnut St, Newtonville



**Potential VC3
Development: Building 2**
Bldg 1 Footprint: 6,960 sf
Bldg 2 Footprint: 5,880 sf

VC3 Street Perspectives

Walnut St, Newtonville

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2. **Building Entrances:**
Principal entrances must either be recessed from the plane of the facade, or have a projecting Awning or Canopy, to signal building entry and provide adequate protection from the elements.
3. **Architectural Features: Canopy**
A wall-mounted structure that provides shade and weather protection over a storefront or building entrance.
4. **Fenestration:**
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VC3 Street Perspectives

Washington St, Newton Corner



Existing Street View

Existing Context

Uses: gas station; small retail; parking garage; four-story residential; hotel, etc.



VC3 Street Perspectives

Washington St, Newton Corner



**Potential VC3
Development: Building 1**
Bldg 1 Footprint: 4,850 sf

VC3 Street Perspectives

Washington St, Newton Corner



**Potential VC3
Development: Building 2**
Bldg 1 Footprint: 4,850 sf
Bldg 2 Footprint: 3,000 sf

VC3 Street Perspectives

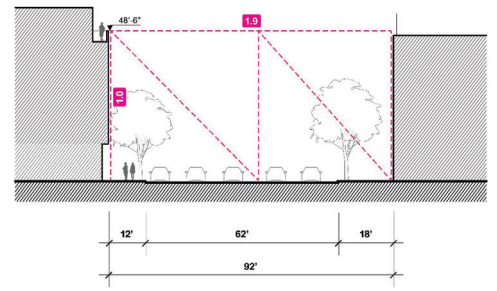
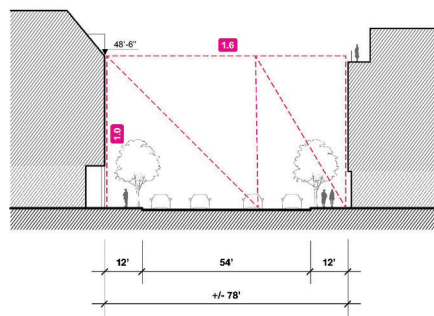
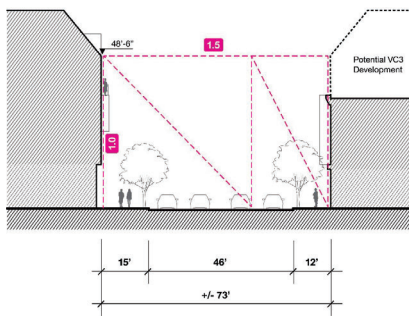
Washington St, Newton Corner

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VC3 Street Perspectives

Summary



Lincoln St, Newton Highlands



Walnut St, Newtonville



Washington St, Newton Corner

Next Steps

1. Recap of VC3 Metrics
2. Urban Design Street Sections
3. VC3 Street Perspectives
4. **Next Steps**

- February 27 - Version 2.0 Framework
- March/April - Version 2.0 text and maps