



# Zoning & Planning Committee Report

## City of Newton In City Council

**Monday, August 21, 2023**

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

Also Present: Councilors Gentile, Laredo, Bowman, Downs, and Humphrey

City Staff: Barney Heath, Director of Planning; Jennifer Caira, Deputy Director of Planning; Zachary LeMel, Chief of Long Range Planning; Joseph Iadonisi, Planning Associate; Cassidy Flynn, Deputy City Clerk

For more information regarding this meeting, a video recording can be found at the following link: [Zoning and Planning Committee - August 21, 2023 - YouTube](#)

**Chair's note:** *The Committee will continue to review and discuss the VCOD text and proposed amendments by substantive section as per the staff outline, and will then review and assess the maps and proposed amendments for each village center. Straw votes will be taken on all items. There will be a brief dinner break at 7:00 pm.*

**#38-22 Request for discussion and amendments to the Zoning Ordinance and Zoning Map regarding village center districts**

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:** Chair Crossley explained that the first part of this meeting would be to discuss and take a straw vote on the remaining text amendments. Proposed amendments are ordered according to the Planning memo (attached)

### **Dimensional Standards - Sites**

3. Councilor Wright's proposed to require 50% minimum open space on all MRT lots versus the draft proposing 30% open space only when special permits are triggered

Zachary LeMel stated that current zoning does not use building footprint as a metric. Limiting the building footprint almost always results in significantly more open space, and we do not

believe there is a need to set a minimum. However, if the Committee is inclined to require a minimum, the Planning Department recommendation is no more than 35%.

A Councilor stated that it is not just about open space, but usable open space. Currently, the way the ordinance is written the developer can have a house taking up the entire space with pavement. The current zoning in the residential districts require 50-70% usable open space.

Jennifer Caira clarified that the usable open space definition does not include parking areas. The Stormwater Ordinance will also prevent that from happening. She also noted that the same definition of open space for residential uses will be used in the VCOD, just a lower requirement, because we want to allow for multiple units on these sites.

The Committee took the following straw votes on Amendment 3.

(3.1) Councilor Wright proposed increase the open space requirement in the MRT zone to 50% from 30%. And require in all cases on all lots, not just those requiring special permits.

The motion failed 2-6 (Councilors Crossley, Leary, Albright, Krintzman, Ryan, Danberg Opposed)

(3.2) Increase open space requirement for MRT to 35% from 30%, and require on all lots, not just for those requiring special permits.

The motion passed 7-0-1 (Councilor Wright Abstained)

(4) Councilor Baker proposed requiring a minimum lot size in the MRT zone.

Mr. LeMel stated that the Council voted last year in favor of not requiring a minimum lot size. Lots in the core of village centers are small, and normally the buildings take up the entire lot. In MRT, To allow for more affordable housing there needs to be buildings on smaller lots and let the setbacks and footprints guide what can or cannot be built. Planning staff also recommended utilizing a minimum frontage requirement in MRT in lieu of a minimum lot size.

Chair Crossley proposed that Councilor Baker's amendment could be solved by instead requiring a minimum frontage rather than a minimum lot size.

The Planning Department recommends setting that minimum frontage to no more than 45 feet.

A Councilor questioned what the rationale is for 45 ft. Mr. LeMel reminded that the committee voted to increase the size of setbacks to 10 feet and 10-foot setbacks would give you a 25-foot

wide building for a 3 or 4-family home. For a workable building you don't want the building to be much narrower than 25 feet.

Councilor Baker responded that a minimum frontage would help but was concerned about the incentive for subdivision thinking that 45' is too small. The minimum lot size is still a good idea.

Another Councilor stated requiring a minimum lot size eats into too much of our goals to create more diverse types of affordable housing.

The Committee took the following straw votes for Amendment 4.

(4.1) Proposal to set a minimum lot size in MRT.

The motion failed 2-6 (Councilors Crossley, Leary, Albright, Krintzman, Ryan, and Danberg Opposed)

(4.2) Consider requiring a minimum frontage.

The motion passed 5-3 (Councilors Leary, Albright and Danberg Opposed)

(4.3) Require a minimum frontage of no more than 45 feet.

The motion passed 4-2-2 (Councilors Ryan and Albright Opposed) (Councilors Leary, Danberg Abstained)

(4.4) Consider a minimum frontage of no more than 60 ft.

The motion failed 2-6 (Councilors Crossley, Leary, Albright, Krintzman, Ryan, and Danberg Opposed)

(1) Councilor Laredo proposed to require a special permit for multiple building on lots in all zones.

Mr. LeMel stated that MRT does require a special permit for multiple buildings on a lot.

The Committee took the Following straw votes on Amendment 1.

(1) Require a special permit for multiple buildings on a lot in VC2 and VC3 (Laredo)  
The motion failed 0-8 (Councilors Crossley, Leary, Albright, Krintzman, Ryan, Baker, Wright, Danberg Opposed)

(1.1) Require a Special Permit for adaptive reuse in an MRT Zone for more than one additional building on a site.

The motion failed 2-6 (Councilors Crossley, Leary, Albright, Krintzman, Ryan, and Danberg Opposed).

(2) Councilor Baker proposed requiring setbacks in VC and MRT projects to match “new lot” standards when abutting residential zones if within 50 ft of such zones, whichever setback is greater, unless modified by special permit

This motion was withdrawn.

### **Allowed Uses**

(5) Councilor Wright proposed changing allowed commercial uses in VC1 to low car demand uses only.

This motion was withdrawn due to the previous removal of VC1.

(6) Councilor Wright proposed adding uses relating to craft beverages to VC2 and VC3.

The motion was withdrawn as there is a proposed ordinance going to public hearing in September.

### **Design Standards- Buildings**

(7) Councilor Wright proposed adding language to adaptive reuse for MRT development that caps reuse to 6 units maximum.

This is already required, and the motion was withdrawn.

(8) Councilor Wright proposed adding a “local, non-chain retail” requirement where ground floor active use is required.

This type of restriction is not legal within this ordinance and the motion was withdrawn.

(9) Councilor Wright proposed adding a 40% open space requirement for adaptive reuse in MRT and VC1.

This motion was withdrawn as this topic was voted on as part of another section.

(10) Require adaptive reuse addition to be setback 25 ft. from the front façade, not 20 ft, when building is landmarked.

Historic Commission has jurisdiction over landmarked buildings and the motion was withdrawn.

(11) President Albright moved to require front façade articulation every 80 ft of width, reduced from 100 ft.

A Councilor agreed would like 80 feet or even less. Brookline has 75 feet.

A Councilor stated that if you have a good design, a nicely textured front façade, and well-placed entrances, etc. you can have a 100 foot long building.

A Councilor said that a lot of the turn of the century have long facades. some of the older buildings have more than 100 feet, like the mill building in Upper Falls.

(11) Councilor Albright proposed requiring façade articulation for the front façade of buildings every 80 ft of width, reduced from 100 ft.

The motion passed 5-1-1 (Councilor Ryan Opposed) (Councilor Crossley Abstained)  
(Councilor Krintzman Not Voting)

(12) Require stairways/access to additional units created through adaptive reuse to either be internal or external staircase

Held pending staff discussion regarding building codes with ISD.

### **Design Standards- Sites**

(13) Councilor Wright proposed additional setback requirements adjacent to a landmarked building and prominent village center buildings

Held

(14) Councilor Wright proposed adding design/material requirements similar to ADU language.

The motion failed 2-6 (Councilors Crossley, Leary, Albright, Krintzman, Ryan, and Danberg Opposed)

(15) Councilor Wright proposed adding back language to not allow rear lot subdivisions.

This motion was withdrawn as the Planning Department plans to include this in future versions.

(16) Councilor Baker proposed allowing parking in the front setback by special permit for commercial uses.

This motion was withdrawn due to lack of support within the Committee.

## Map Amendments

The Chair described the committee will discuss the zoning maps, as well as amendments proposed the version 2 maps, by village district, and will take straw votes on each. The maps included in the Friday Packet are graphic illustrations to show all amendments proposed by Councilors, community groups, individuals, and property owners. (Additional amendments were submitted after the maps were made and are not included) The proposed amendments are illustrated over the version 2 maps, where solid colors are used to show each of the zones proposed in version 2, and areas are outlined in those colors where proposed to be downzoned or upzoned. An area proposed for removal from the VCOD is outlined in black. The Committee will go through the maps by village, considering what is best for that village center. Note that DHCD has released updated guidelines that will allow housing above required commercial space to be counted towards compliance ([08-17-23 Summary of Revisions to Section 3A Compliance Guidelines \(mass.gov\)](#)). Staff noted that there is plenty of room for making adjustments within the compliance areas without worrying about breaking the formula.

When a Councilor asked about the impact of being able to include the unit count along priority streets on the unit capacity, Ms. Caira noted that staff and Utile will present an updated model at a September meeting.

## Newton Highlands

The Committee first focused the discussion along Route 9 which is currently zoned VC1. Last week the Committee voted to eliminate VC1 as a district. 4-2-2 (Councilors Baker and Krintzman Opposed) (Councilors Danberg and Wright Abstained) and turn some of it into MRT to maintain the required contiguity.

The ward 6 councilors map amendments included adding properties along Winchester Street south of route 9 as VC3 and VC2. Another Councilor proposed waiting to assess the rezoning of Route 9 when the primary corridor study is planned for next year. A Councilor commented that the particular section of Winchester Street being discussed is walkable, a direct line to Newton Highlands station, and cycling infrastructure is being added. A Councilor proposed that the Committee wait on zoning for Route 9 and Winchester Street as part of the corridor study.

All those in favor of waiting for the corridor study, regarding the particular sites proposed along Winchester Street near Route 9.

The motion passed 7-1 (Councilor Ryan Opposed)

The next proposal was to eliminate the VC1 district along Route 9 except for where removing a lot would break the contiguous area. Those lots would be changed to MRT and these lots are denoted on the Eliot/Route 9 map with a blue infill and a green outline (attached).

All those in favor of either eliminating VC1 on the map, or where it is contiguous changing it to MRT.

The motion passed 8-0.

Both the Ward 6 Councilors and a community group put forward proposals to expand the MRT district in some areas while contracting the zone in others. Councilors from Ward 6 noted that they spent significant time meeting with residents and received feedback opposed to the mapping of MRT in certain lots currently zoned single residence (SR). A Councilor noted misinformation being spread that has caused residents of single-family lots to fear that their property will be subdivided and that more outreach is needed to explain the benefits of the MRT district. Councilors proposed removing the MRT district from all parcels currently in an SR district. Ms. Caira stated that staff and Utile could minimize the number of parcels in a SR district, but that removing all could create problems regarding maintaining the contiguous area.

Motion to eliminate MRT zoning in certain sections in and around Newton Highlands, as proposed by the ward 6 councilors and as highlighted in black north and south of Route 9.

The motion passed 6-0-2 (Councilors Crossley and Krintzman Abstained)

A Councilor noted how the proposed MRT addition around Eliot does not fit squarely within a village center and that this is a primarily residential area. This Councilor also recommended that this area be studied as part of a larger residential zoning redesign effort.

Councilor Krintzman motioned to not include the proposed addition to MRT near Eliot station.

The motion passed 7-0-1 (Councilor Crossley Abstained)

Councilor Humphrey proposed changing the VC2 lots located along the north side of Route 9 as shown on the Eliot/Route 9 map, to MRT, as the lot sizes and egress are not appropriate for adding this much to Route 9. The Chair noted the need for a Route 9 corridor study.

Motion to downzone VC2 to MRT for the lots along Route 9

The motion passed 6-0-2 (Councilors Baker and Wright Abstained)

Councilor Wright and the Newton Highlands Area Council proposed downzoning all VC3 to VC2 within Newton Highlands.

Several committee members noted that by reducing the extent of the MRT zone, it is even more critical to keep VC3 in the heart of the business district.

Motion to down-zone all VC3 in Newton Highlands to VC2. The section of VC3 located along Route 9 would be handled separately.

The motion failed 2-6 (Councilors Crossley, Leary, Albright, Krintzman, Ryan, and Danberg Opposed)

Councilor Kalis proposed to down-zone VC3 lots only along Walnut Street south of Floral Street due to road narrowing in that section near Centre Street. Other Councilors noted buildings in need of renovation in this area and concerns that VC2 would inhibit the renovation of these buildings.

Motion to downsize these parcels, as shown on the map, from VC3 to VC2, all of them.

The motion failed 2-6 (Councilors Crossley, Leary, Albright, Krintzman, Ryan, and Danberg Opposed)

### **Newton Centre**

The Ward 6 Councilors proposed the MRT zone outlined in black is to be removed, except for six parcels along the intersection of Braeland Avenue and Herrick Road.

The Ward 6 Councilors suggested this because the use in this area is already a multi-residence zone, and very dense. The Ward 6 Councilors heard a lot of feedback from residents in Newton Center and Newton Highlands that this area is bearing an outsized proportion of the rezoning to meet MBTA compliance. This proposed change was prior to the elimination of VC1, and concern was raised that eliminating this much MRT could cause the proposed district to not meet the 50 percent contiguous requirement. Mr. LeMel stated that the Committee has flexibility.

This proposal was amended to retain all of the MRT south of Beacon Street and along Beacon St, as these lots are in an MR zone.

Vote to Retain all of the MRT (that was proposed to be removed) south of Beacon Street and along Beacon Street.



The motion passed 8-0.

The Ward 6 Councilors proposed removing the MRT north of Beacon Street and east of Sumner St., as outlined in black, because they are primarily in an SR district. Scattered sites in the northwest portion of the village center were proposed to be removed from MRT for a similar rationale.

Motion to remove removing the black-outlined area north of Beacon Street from MRT

The motion passed 4-0-4 (Councilors Albright, Crossley, Krintzman, and Ryan Abstained)

Motion to remove scattered sites to the West of Beacon Street from MRT, as outlined in black on the maps.

The motion passed 4-0-4 (Councilors Albright, Crossley, Krintzman, and Ryan Abstained)

A proposal was made to substantially reduce VC3 in the village center. Multiple Councilors noted how VC3 is an appropriate scale for this village center.

Motion to downzone from VC3 to VC2, all sites outlined in blue, to VC2,

The motion failed 2-6 (Councilors Crossley, Leary, Albright, Krintzman, Ryan, a Danberg Opposed)

It was, however agreed that the parkland left over from the burning of the house on the corner of Tyler Terrace and Centre, should removed from the VCOD. And it was noted that the narrow strip of land, which is the MWRA aqueduct, will be removed from the VCOD.

The ward 6 councilors proposed to upzone lots along the southwestern area of Centre Street from VC2 to VC3 and further south changing the parcels outlined in blue to VC2. Councilors noted the existing commercial development on these lots, and that it doesn't make sense to allow less in the future. The triangle between Centre Street and Crystal Lake containing condominiums was not included since the parcel is greater than 30,000 sf.

Motion to change VC2 to VC3 along Center Street, Starting at Crescent Street, going from Center Street back, and then behind it, going from MRT to VC2, further south along Center Street, going from MRT to VC2, and then on the opposite side of the triangle, further south, going from MRT to VC2, absent the big triangle.

The motion passed 6-1-1 (Councilor Wright Opposed) (Councilor Baker Abstained)

The Committee took a separate vote on the 3 lots along Paul St., which are also developed with commercial uses.

Motion to upzone from MRT to VC2, from Paul Street to Centre, and along Center, 3 lots, all over 30,000 sf

The motion passed 8-0

Councilors Leary and Greenberg had proposed upzoning the condominium complex at the corner of Norwood Avenue and Centre Street to VC2, but withdrew.

Multiple Councilors and community groups proposed three parcels along Crescent Street to be upzoned from MRT: to either VC2 or VC3, as outlined on the map. These parcels currently contain commercial uses and MRT does not allow commercial uses. Councilors expressed support for having the parcel furthest to the east be VC3 and the other two parcels be VC2.

Motion to change from MRT so that the property on the corner to the east is zoned VC3, and the 2 properties to the West are zoned VC2.

The motion passed 7-1 (Councilor Leary Opposed)

Various councilors and community groups proposed expanding the MRT zones, as outlined in green on the map.

A motion to add more MRT to Newton Centre failed 8-0.

**#39-22      Requesting discussion on state guidance for implementing the Housing Choice Bill**

COUNCILOR CROSSLEY on behalf of the Zoning & Planning Committee requesting discussion on state guidance for implementing the Housing Choice element of the MA Economic Development legislation. (formerly #131-21)

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

**Note:**      This item was discussed concurrently with item #38-22. A written report can be found with item #38-22.

The meeting adjourned at 10:50 p.m.

**Respectfully Submitted,**

**Deborah J. Crossley, Chair**