

# Implications of Village Centers Zoning

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## 1. The Basic Plan for Village Centers

Newton is now engaged in a planning process that involves the City Council as a whole, the Zoning and Planning committee [ZAP], and the Planning Dept. The focus of this process is to rezone the Village Centers and perhaps certain areas around these centers. The general goal seems to be to try to increase residential housing in Newton and to add to the commercial vitality of the city.

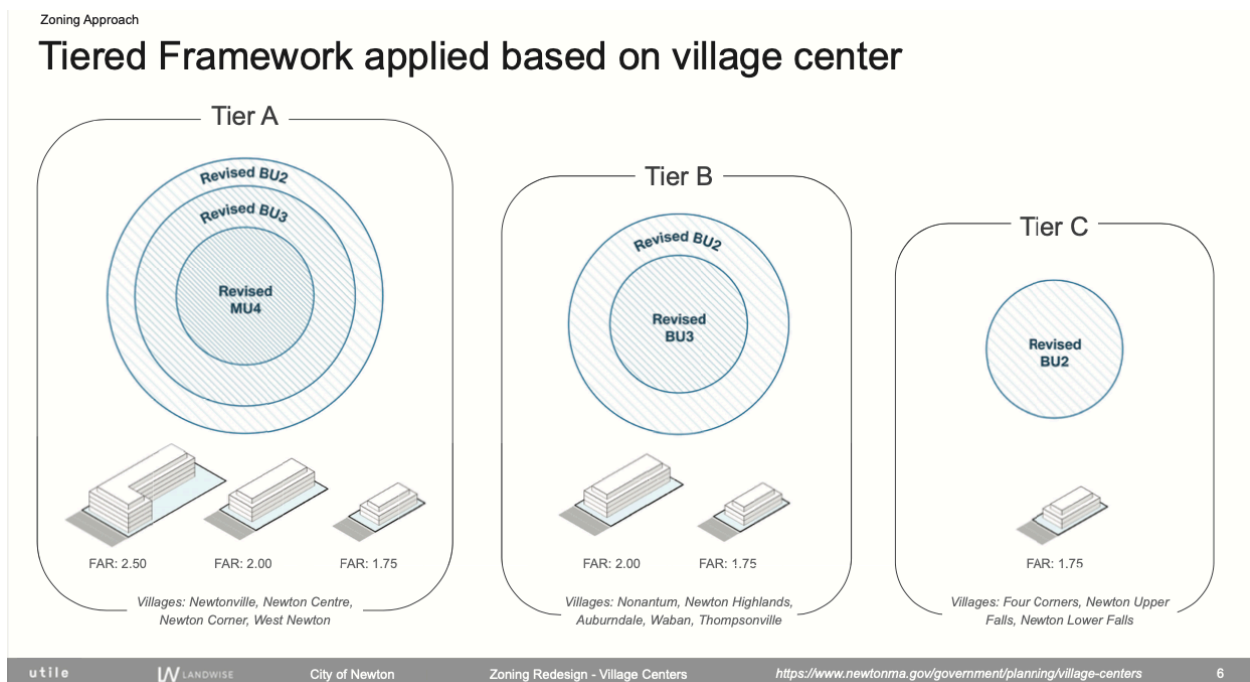
Given the housing shortage in the Boston region, there are human reasons to support this. Given the recent state legislation to mandate additional housing options in “MBTA Communities”, there are legal reasons to support this as well.

I wish to discuss these plans.

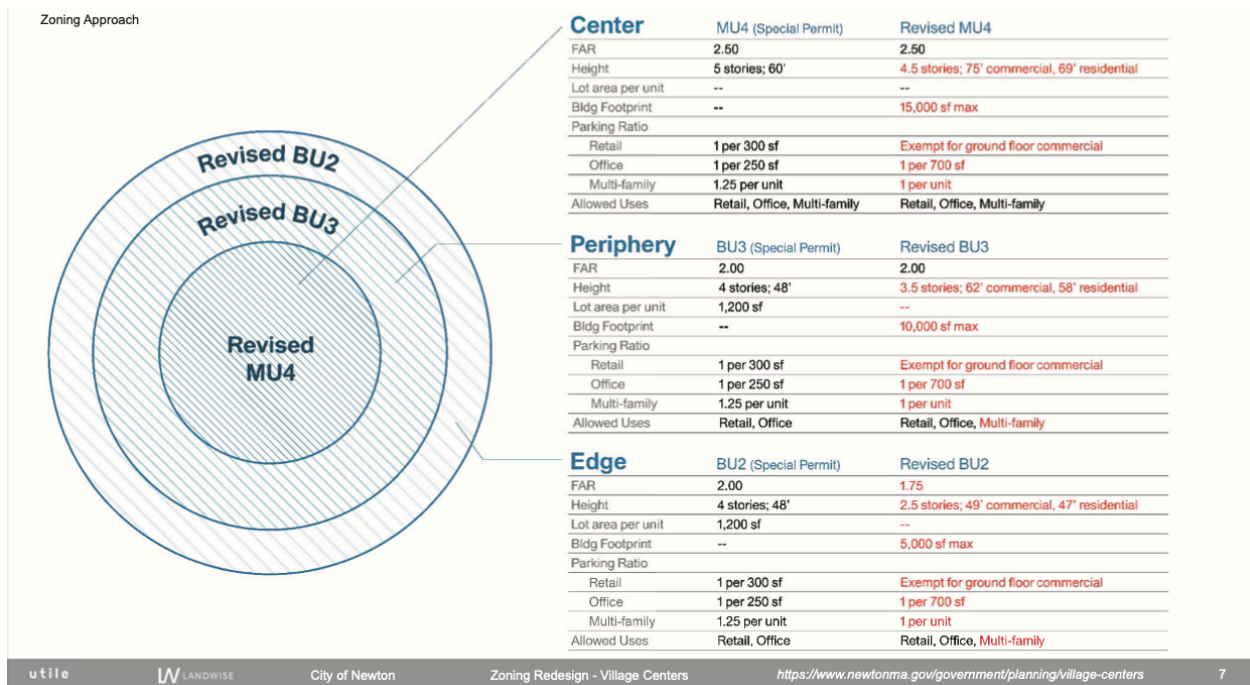
I will first bring up information from a slide deck of 4/25/2022 created by the Planning Dept with the assistance of the consultants Utile and Landwise:

[Village Center Rezoning Phase 2, Scenarios](#)

Slide 6 of this deck outlines 3 tiered categories for village center development:



Slide 7 of this deck provides detailed specifications for the 3 zoning categories involved:



Let me extract the critical data from these 2 slides.

There are 3 tiers of development (Tier A, Tier B, Tier C) going from the most intense to the least intense. There are also 3 zoning designations used to specify intensity of development:

- MU4 (Multi-Use 4)
- BU3 (Business-Use 3)
- BU2 (Business-Use 2)

Each of these designations permits a combination of business use and residential use in one building. Let me give the details of each designation where FAR means Floor-Area Ratio, Comm means Commercial, Res means Residential, and SF means square feet:

	MU4	BU3	BU2
<b>FAR</b>	2.50	2.00	1.75
<b>Height</b>	4.5 stories 75' Comm, 69' Res	3.5 stories, 62' Comm, 58' Res	2.5 stories, 49' Comm, 47' Res
<b>Footprint</b>	15000 SF max	10000 SF max	5000 SF max

The designations MU4, BU3, and BU2 all agree in the following specifications:

Allowed Uses: Retail, Office, Multi-family

Parking Ratio

Retail:	Exempt for ground floor commercial
Office:	1 per 700 SF
Multi-family	1 per unit

At no point in the slide deck of 4/25/2022 is there any suggestion that the height limits stated in these tables may be exceeded *by special permit*.

A very important matter is that *the various tiers need not consist of land areas with a single zoning designation*.

Tier A may consist of 3 nested layers:

Center	Zoned with MU4
Periphery	Zoned with BU3
Edge	Zoned with BU2

Tier B may consist of 2 nested layers:

Center	Zoned with BU3
Edge	Zoned with BU2

Tier C is homogeneous with 1 layer:

Center	Zoned with BU2
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Given this structure, it is highly likely that *these new areas will require significantly more land than what is in the current village centers*.

The data with maps on the current village centers may be found at the site:

[The Newton Pattern Book 2018](#)

The Pattern Book site has a detailed contents to help you find what you are seeking. Look in the sections labeled *Character Patterns & Pattern Subsets* for the appropriate maps with the village centers marked.

The recent village centers exhibit at the Newton Library had a large map with outlines of village centers drawn. These outlines came from the Newton Pattern Book 2018 and do *not* represent new decisions of the Zoning and Planning committee.

The Planning Department posted a virtual version of the Newton Library exhibit:

[Zoning Framework for Village Centers: Virtual Library Exhibit](#)

This online document does *not* contain maps of village centers. When I asked about this, I was told that there are no maps in the online document since the outlines shown at the library are 2018 outlines and have not been updated.

I think it is unfortunate that the citizens of Newton were asked to comment about the village centers zoning framework without maps to show what land areas were under consideration.

At the end of this document, I will discuss my own home village, Newton Corner, in some detail. Let me make some general comments here that I think extrapolate to many other village centers.

The Newton Corner village center in the Pattern Book 2018 shows mostly commercial buildings although there are *anomalies* including some private homes, two churches, one school, and a small park. Newton Corner is being considered as a Tier A village. If the existing village center is to be developed as Tier A, then the "Center" portion zoned MU4 will presumably be the 2018 village center plus perhaps more land. If this core is to be wrapped in a "Periphery" zoned BU3 and then in an "Edge" zoned BU2, these additional areas must use land currently occupied by private homes. There is no other land to use.

It is my belief from this visual analysis of Newton Corner:

**To implement the Tier A, B, C plans across the city, Newton will have to rezone land currently occupied by private homes in the vicinity of the existing village centers.**

*I think this policy raises significant questions of fairness.* To solve the city wide and region wide problem of a shortage of housing, the small fraction of the citizens of the city who happen to live near a village center will be rezoned into an area slated for development. Meanwhile, the rest of Newton may sit back and relax and have no impingement on their lives.

I also think that the zoning document should have stated explicitly that the proposed policy would have significant impact on private homes rather than leave this fact for individual citizens to figure out.

The Newton Pattern Book 2018 states that 2% of Newton land falls in the areas designated in that document as village centers. I suppose that this mathematical fact shows that there is no possible way that village centers zoning can impact the current housing shortage unless substantial additional land is used. A key question that ZAP should answer is:

**What percentage of city land that currently has private homes will be included in the areas covered by village centers zoning?**

Now let me consider the actual villages that are proposed for Tier A, Tier B, and Tier C on slide 6:

Tier A: Newton Centre, Newton Corner, Newtonville, West Newton

Tier B: Auburndale, Newton Highlands, Nonantum, Waban, Thompsonville

Tier C: Four Corners, Newton Lower Falls, Newton Upper Falls

Notably Absent: Chestnut Hill, Oak Hill

Curiously, this list is not included in the document:

[Zoning Framework for Village Centers: Virtual Library Exhibit](#)

Therefore, readers of only this document would not even know what villages were being considered for what tiers.

*The lack of any zoning impact for Chestnut Hill concerns me.* Chestnut Hill has 2 MBTA stops, Chestnut Hill [D line] and Boston College [B line]. Given the fact that the MBTA Communities law is now a factor in the zoning process, it is odd that Chestnut Hill is exempted. Perhaps, one explanation is that the Chestnut Hill Mall and The Street were both put into a district "Route 9 East" that is sort of Thompsonville expanded. Perhaps the thinking is that the Chestnut Hill contribution to zoning will take place in these malls. Still ....

The exemption of Oak Hill makes sense since it is far to the south, has no significant village center, and has little public transit.

**I want to formally propose that 3 villages included in the above lists be exempted from any further zoning changes: Auburndale, Newton Lower Falls, Newton Upper Falls.**

Auburndale and Newton Lower Falls are currently slated to be massively impacted by the Riverside project. Newton Upper Falls is currently slated to be massively impacted by the Northland project. These communities will contribute substantially to housing and commercial development in Newton and should *not* be asked to do more.

Next, **I want to argue that no village should be put in Tier A by default.** This tier will have such an impact on a community that it should be necessary for the Zoning and Planning committee to argue for and document the reasons for such inclusion. I will discuss the Newton Corner case below but the case for inclusion of any village in Tier A needs justification. A village should not be placed in Tier A simply by putting the village name into a list on a slide.

Here then is my suggested revised list of *villages in tiers*.

Tier A: **None by default**. Must require justification and community involvement.

Tier B: Newton Centre, Newton Corner, Newton Highlands, Newtonville, West Newton, Thompsonville

Tier C: Four Corners, Nonantum, Waban

Exempt: Auburndale, Chestnut Hill, Newton Lower Falls, Newton Upper Falls, Oak Hill

As the Zoning and Planning committee elaborates its plans for village centers zoning, it is necessary that a draft map be prepared for each specific village that shows:

- What area might be zoned MU4
- What area might be zoned BU3
- What area might be zoned BU2

The maps for all villages must be available on a city web site. Each draft map should have both the village name and a version number for the draft. In this way, residents should be able to follow the evolution of their village centers zoning map. In no way should any map be a *fait accompli*. The process will be done when ZAP and the residents agree that no further changes are possible.

Of course, to implement this, ZAP must plan to have specific and concrete outreach to each village. It will be time to move from broad generalities to the nitty-gritty.

I would now like to suggest that *there is a missing category that should be included in the village centers zoning options*.

I would like to see a *purely residential category MRX* that will fit nicely into existing neighborhoods and not have the baggage of multi-use commercial buildings. I have read articles from zoning experts that describe cities that have so many multi-use buildings that the ground floor retail spaces remain unrented and become a blight on the city. I do not want this for Newton.

Here is my wish list for what should be allowed in the MRX zoning category:

- Maximum height: 3 stories [with no special permit override]
- Traditional 1-family, 2-family, 3-family houses
- Duplex, 4-plex, 6-plex houses
- Small apartment buildings with maximum 12 units

It should be possible for an MRX building to fit on 1-4 traditional house lots. There should be reasonable lot and setback requirements that are not burdensome. **Since an MRX building will be purely residential and will have a height consistent with most residential areas, an MRX building should be able to fit right into a traditional neighborhood with few issues.**

*I know that the current zoning has categories MR1, MR2, MR3, and MR4 but I do not see how these categories fit what I am wishing for. Perhaps, I fail to understand the technical details.*

I recommend that it should be possible for a village to request that some or all of the BU3 and BU2 type of buildings be replaced with MRX style buildings. I think that *this opportunity will be much more palatable to the villages*. Indeed, MRX might be permitted in other areas away from the village centers if that is desired as a further way to increase housing in Newton.

I hope that the Zoning and Planning committee will take the MRX idea seriously. I think that most citizens do not yet have any idea of how much land that is currently zoned for private homes will turn out be rezoned for MU4, BU3, and BU2 under the current village centers zoning plan. Once this awareness sinks into the minds of our citizens, I am concerned that there will be a huge outcry that may sink the entire project.

I believe that there is a major need to increase total housing and housing density. There is a more modest need to add commercial and office space. If the current plan is modified so that new commercial and office space is kept close to existing village center boundaries and any additional rezoned space is focused on MRX style buildings that will provide additional housing then I think we will have a plan that can achieve broad public acceptance.

## 2. Twelve Specific Village Center Zoning Proposals

The Zoning and Planning committee made more precise its thinking on village centers zoning in a document with twelve proposals. There are two versions.

[5/27/2022: Twelve Village Center Zoning Proposals \[26 pages\]](#)

[8/2/2022: Twelve Village Center Zoning Proposals annotated \[42 pages\]](#)

The annotations consist of summaries of ZAP discussions on each proposal and straw votes taken. Here is a list of the topics of the twelve proposals:

1. Reduce parking requirements
2. Change floor-to-floor height rules
3. Set design requirements for half stories
4. Eliminate lot area per unit minimums
5. Remove minimum lot size
6. Set a maximum building footprint
7. Require Special Permit for parcels greater than 3/4 acre (32670 SF)
8. Require Site Plan Review and Design Review for certain projects
9. Incorporate design standards
10. Revise MU4 dimensional standards
11. Revise BU3 dimensional standards
12. Revise BU2 dimensional standards

There are important matters to discuss about proposals 10, 11, and 12. On page 2 above, we showed the following table of dimensional standards (as of 4/25/2022):

	MU4	BU3	BU2
<b>FAR</b>	2.50	2.00	1.75
<b>Height</b>	4.5 stories 75' Comm, 69' Res	3.5 stories, 62' Comm, 58' Res	2.5 stories, 49' Comm, 47' Res
<b>Footprint</b>	15000 SF max	10000 SF max	5000 SF max

The document of 5/27/2022 declares that these standards are the **by-right standards** but that these standards may be altered by Special Permit. Here are the additional statements.

**MU4:** Allow up to 5.5 stories by Special Permit.

**BU3:** Allow up to 4.5 stories by Special Permit.

**BU2:** Allow up to 3.5 stories by Special Permit.



For all three zones, it is also says concerning Floor-Area-Ratio:

Additional analysis needed to determine an upper limit of FAR.

To me, the Special Permit statements are extremely discouraging. In the past, it has been all too easy to have a special permit approved in Newton. To me, the standards will in practice become:

**MU4** = 5.5 stories

**BU3** = 4.5 stories

**BU2** = 3.5 stories

The community can have no trust that the by-right standards will hold in the face of a vigorous effort by a developer to obtain a special permit for greater height.

By the way, the online feedback tool actually muddled matters further. In that tool: 5.5 became 6, 4.5 became 5, and 3.5 became 4. So, things could be even worse.

I believe that if it becomes clear to the citizens of Newton that the original proposed height limits (4/25/2022)

**MU4:** Allow up to 4.5 stories

**BU3:** Allow up to 3.5 stories

**BU2:** Allow up to 2.5 stories

may be circumvented by the back-door route of a Special Permit then I fear that the entire city will rebel against the village centers zoning process.

To the Zoning and Planning committee, special permits may be business as usual. This is not the time for business as usual. There must be explicit standards that the community can trust now and into the future.

So, I first propose that the back door should be eliminated:

**The by-right height limits for MU4, BU3, BU2 must never be allowed to be increased by Special Permit.**

If the Zoning and Planning committee *really believes* that *larger heights may be needed* then the committee should fully own that decision and make the by-right heights one story higher , that is, (5.5, 4.5, 3.5) rather than (4.5, 3.5, 2.5). ZAP should be fully open about what it is doing and explain its decision.

By the way, I had thought that one major motivation for Zoning Redesign was to dramatically reduce the need for and use of the special permit process. This process should not be introduced into the height considerations for village centers zoning. If the maximum height of any zone is fixed then all developers will need to abide by the same rules.

I will make much briefer comments on the other nine proposals.

*On Proposal 1: Reduce parking requirements*

I am concerned only about the residential change. The existing rule is 2 parking spaces per unit and it is proposed to reduce this to 1 parking space per unit.

This might make sense if it aligned with the data. However, in the online feedback tool, there was a chart that said that on average Newton has 1.8 parking spaces per unit and that the utilization is 1.2 parking spaces per unit.

To me, it makes no sense to set up a requirement that is less than the known utilization. I recommend that the residential parking requirement be set at 1.3 spaces per unit to allow a bit of wiggle room above the known utilization of 1.2 spaces per unit. 1 space per unit is too low.

By the way, I do not believe that parking restrictions should be used as a tool to force people to do without cars and use public transit. The existing MBTA service is far too limited to allow people to get where they need to go in an efficient manner.

*On Proposal 7: Replace 20,000 sf of floor area Special Permit with Special Permit for development on parcels greater than 3/4 acre (32670 SF).*

I don't really understand the point of this proposal or the choice of 3/4 acre.

The maximum footprint of an MU4 building is 15000 SF. Perhaps, two such buildings could fit on a 3/4 acre parcel and not be required to have a Special Permit. Perhaps, three such buildings could fit on 1 acre (43560 SF) parcel but then would need a Special Permit since the lot size is bigger though the individual building sizes are within bounds. Why?

I hope that ZAP can provide more clarity about what Proposal 7 is all about.

I am mostly OK with the other seven proposals. I do like the idea of design standards but how will they be specified in such a way that architectural creativity is encouraged but ugly buildings are discouraged? This seems tricky.

### 3. Alternatives Beyond Village Centers Zoning

Many years ago (3/2/2019), I wrote a long document:

[Zoning - Issues Assumptions Proposals](#)

I want to extract just one important idea from this document. I will adapt the wording there to use the MRX zoning type that I have introduced here.

**Proposal:** Guarantee that density and diversity will be spread throughout the city of Newton by setting the zoning for all residential houses that front on major through streets in Newton to permit MRX buildings regardless of the current characteristics of the existing housing.

The notion of a “major through street” deserves debate but here is a first pass at a list:

Watertown St, California St, Crafts St, Washington St, Tremont St, Commonwealth Ave, Beacon St, Waverley Ave, Grant Ave, Langley Rd, Centre St, Parker St, Walnut St, Lowell Ave, Waltham St, Chestnut St, Lexington St, Needham St, Dedham St, Brookline St.

#### Comments:

One of the problems with Village Centers Zoning is that so much is being forced into a small area surrounding an existing village center. Since the existing village centers now cover relatively small areas, it is necessary to go far out radially to accomplish the goals of significantly increasing housing and adding more commercial options.

What I imagine in my proposal above is a **ribbon of zoning along each major through street that extends into the neighborhoods perhaps 1/10 of a mile or 1/4 of a mile on either side of the through street**, *whatever distance makes sense depending on how much housing you wish to enable*. This ribbon of zoning would permit MRX buildings and would thereby increase housing density in a way that still fits into the neighborhoods. There would be no multi-use commercial buildings that disturb the neighborhood ambiance. I do not wish to recommend a type of zoning that will create a strip-mall effect along the major through streets.

The other alternatives I wish to remind people about are the ideas presented at the ZAP meeting of 8/13/2020:

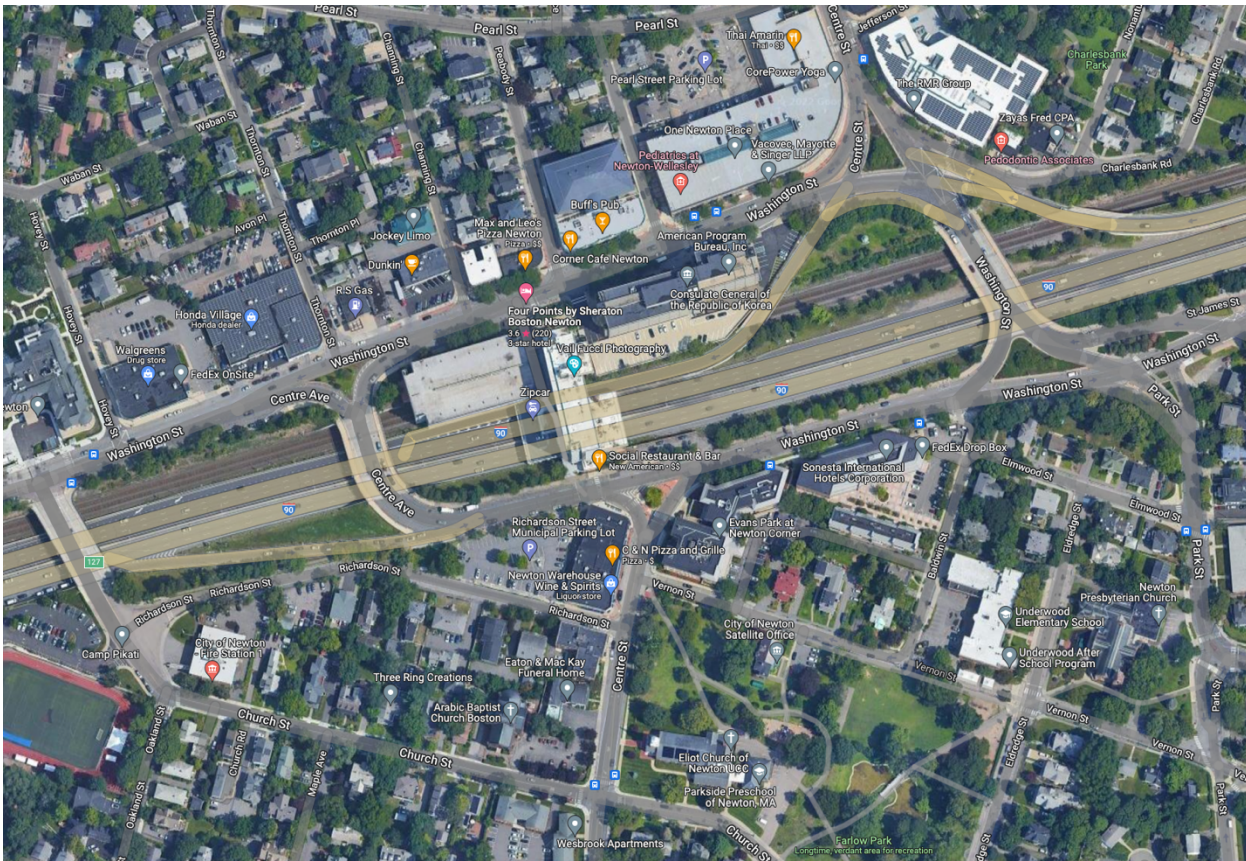
[ZAP Meeting of 8/13/2020](#)

There was a strong reaction against some of the ideas presented at this meeting but there may still be excellent ideas discussed at that meeting that can be adapted for the future.

#### 4. My Village: Newton Corner

I live on Tremont St in Newton Corner, a few blocks from the village center. You may notice that my street is one of the “major through streets” listed in my proposal in the previous section. I am willing to accept the consequences of my own zoning proposal.

Here I want to talk about the issues in the village center of Newton Corner and explain why I do not think it should have a Tier A designation. First, a satellite map.



60 years ago, the introduction of the turnpike interchange and the creation of the 12 story hotel [that crosses the turnpike] and the 11 story office building [that sits astride the turnpike just north of the pike] dramatically split the “village center” into two parts. If you stand on one side of these two tall buildings, it is as if there is a tall mountain separating you from the portion of the village center on the opposite side. There is no visual connection.

When I have read in Village Centers Zoning documents of people’s desire for a walkable village center, I think of this as a *fairy tale* when applied to Newton Corner. This village center is not walkable in any human sense. I have stood on corners with the walk light in my favor and seen cars blast right on through. Eventually, I have needed to find alternate, longer routes.

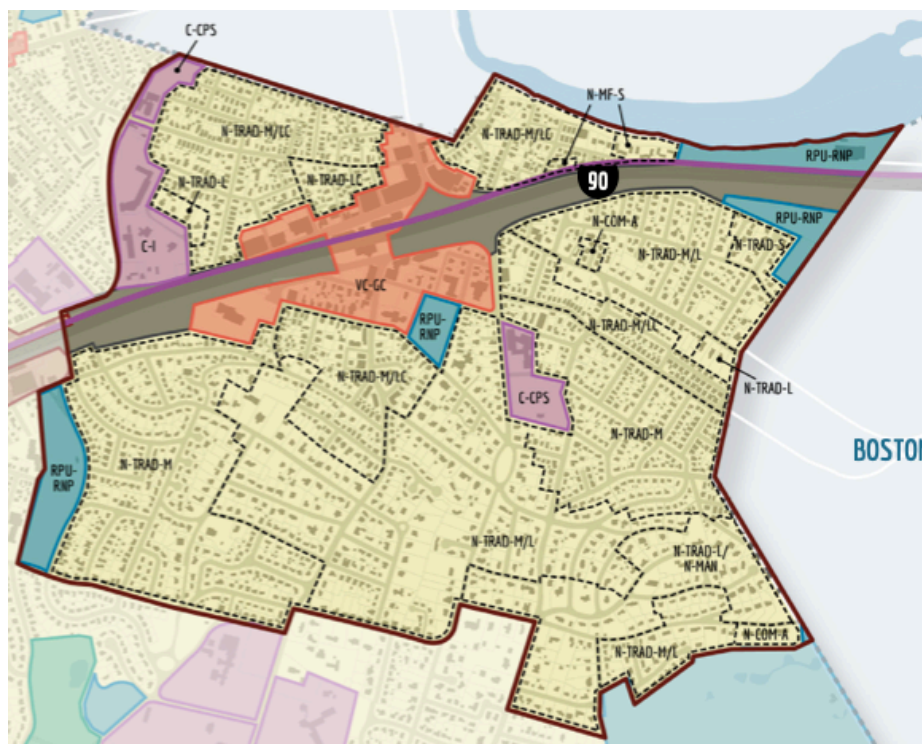
Driving through the village center is also exceedingly dangerous. There is good reason that the roadways go by the name: **the circle of death**. The northbound bridge from Park St and Washington St on the southeast side has 5 lanes for traffic. To go from the south to get to the westbound turnpike entrance one must cross all 5 lanes. It is life threatening. On most days, my wife and I take roundabout routes to avoid entering the circle of death.

On the northeast side there is a **nexus of convergence** with so many roadways coming together. Sometimes, I must walk this route if I need to drop a car off at Direct Tire on Galen St. I do this walk with the utmost vigilance.

In addition, to the hotel and office building already mentioned, there are two massive four story buildings on each side of Centre/Galen St: One Newton Place with its attached garage and the RMR Group building. In addition, there are other smaller commercial buildings along Washington St heading west. *By the way, One Newton Place is notorious in village history for having been built by demolishing affordable low income apartments.*

On the south side of the pike, there is only a small amount of commercial development in the Richardson St triangle. I have used the physical therapy place, the graphics print shop, and the shoe store, and I would miss them if “new development” took their place.

Let me stop here to mention the *anomalies* in the village center outline for Newton Corner on page 171 of the Pattern Book 2018.



The orange Newton Corner village center outline includes the following areas that I believe should not be there:

- The block between Richardson St and Church St bounded by Centre St. This block *consists almost entirely of private homes* plus the Arabic Baptist Church and a funeral parlor.
- The Eliot Church (United Church of Christ)
- Chaffin Park, the west end of Farlow-Chaffin Park
- The Underwood Elementary School
- The Newton Presbyterian Church
- *Private homes* that are north and west of the last two buildings

As far as I can tell, the land in the village center outline on the north side of the turnpike properly consists of commercial and office buildings.

*Aside: Certainly, I would recommend that those in Newton who live near one of the other village centers check the accuracy of the village outline in the Pattern Book since these outlines will be the starting point for village centers zoning.*

The sentiment among people I know in Newton Corner is that we have already paid a huge price for urban development over 60 years and that we have more than our fair share of massive commercial and office buildings. We absolutely believe that we should not be in Tier A and be subject to the possibility of MU4 sized buildings.

More generally, **we are willing to consider a transition to more dense buildings provided that the height is capped at 3 or 3.5 stories.** If BU3 is capped at 3.5 stories and there is no possibility of a special permit that will allow 4.5 stories then we may consider having BU3 buildings close to the edge of the current village center (assuming that the corrections noted above are made). If BU3 will actually allow a height of 4.5 stories via special permit then we want nothing to do with BU3.

For Newton Corner, I think the appropriate zoning revision is BU2 close to the current village and outward fill using the MRX zoning that I have suggested above. This will allow Newton Corner to contribute significantly to increased housing in Newton over time in a way that new development integrates smoothly with what is currently built. Multi-use buildings with commercial and office space should be clustered near the existing village center where they have the maximum opportunity for business success.

Final comment:

There is one significant action that the city and state can do in coordination *to make Newton Corner a more safe, walkable village*:

**Build a pedestrian & bicycle overpass** that goes straight across the turnpike & railroad starting on the sidewalk that is south of Washington St eastbound over to the sidewalk that is north of Washington St westbound.

I was recently in the Bay area and have seen several such overpasses that cross US 101 at points where that highway is 4 lanes in each direction. So, doing an overpass of the proposed length in Newton Corner is feasible from an engineering standpoint.

The real question is this: Is there room on the two sidewalks for the ramps that need to descend from the overpass. I don't know. That would require study by experts.