

MBTA Zoning and Village Center Zoning

By Richard Rasala

I have been tracking the work of the Zoning and Planning Committee since January 2020. Village Center Zoning was introduced as a concept in January 2021. From the beginning, I have been concerned that VC zoning is too dense, too intense, and too tall.

Meanwhile, the state government developed plans *to intervene in municipal zoning in order to promote multi-family housing with units suitable for families with children*. This effort is known as the Housing Choice Law or the MBTA Communities Law. The latter name comes from the fact that the law applies to 175 communities with direct MBTA service or with MBTA service in an adjacent community. For brevity, I will sometimes speak of the zoning requirements associated with this law as MBTA Zoning.

The preliminary guidelines for MBTA Zoning were available in early 2022, the “FINAL” guidelines came out on August 10, 2022, and the “REVISED” guidelines came out on August 17, 2023. A constant for Newton throughout these documents is that Newton is mandated to define zoning that will *enable the creation of 8330 units of housing units within buildings that have 3 housing units or more and that may be constructed by right with no special permits needed*. Notice that there is no requirement that this housing ever be built but rather that this housing simply be enabled by zoning law.

Version 1.0 of Village Center Zoning was announced in October 2022 and discussed through March 2023. Although the MBTA Communities Law was mentioned in the Council during this period, Version 1.0 of VC zoning did not address the law.

Version 2.0 of Village Center Zoning was announced in April 2023 and has been discussed up until the present. This was the first version to discuss the MBTA Communities Law and MBTA Zoning.

Version 3.0 of Village Center Zoning was just announced this week and many details are not yet available.

I will discuss the zoning in Version 2.0 of Village Center Zoning in a moment but let me first list some quotes from the MBTA Communities Law.

“Housing suitable for families” means housing comprised of residential dwelling units that are not age-restricted housing, and for which there are no zoning restriction on the number of bedrooms, the size of bedrooms, or the number of occupants.

“Residential dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

“Multi-family housing” means a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

“Multi-family zoning district” means a zoning district, including a base district or an overlay district, in which multi-family housing is allowed as of right; provided that the district shall be in a fixed location or locations, and shown on a map that is part of the zoning ordinance or by-law.

“As of right” means development that may proceed under a zoning ordinance or by-law without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.

To me, there is an implication in these quotations of thinking about the creation of multi-family housing with a small number of units (3-6) in a building in an area that has only one or two family housing at present. However, there is an alternate interpretation that apartment buildings with an unlimited number of units are fine as long as they provide apartments for families with children and as long as the buildings may be built by right. This alternate interpretation appears to be what has guided the Version 2.0 of Village Center Zoning approach to MBTA Zoning. The apartment style housing in Village Center Zoning would in current plans be provided in the VC2 and VC3 zones.

Version 2.0 of Village Center Zoning also provides a zone MRT (Multi Residence Transit) to enable housing of 3-6 units. The zone MRT will permit 3-4 units if the house is created by new construction and will permit 3-6 units if an existing house is transformed by renovation and possible addition in the rear of the building. MRT is close in spirit to my interpretation of the MBTA Communities Law.

In Version 2.0 of Village Center Zoning, MRT is used in two ways:

- To provide zones around various village centers where multi-family housing will be enabled.
- To provide a “zoning bridge” between Newton Centre, Newton Highlands, and Route 9 in order to create the “large contiguous district” that is one of the MBTA Communities Law requirements.

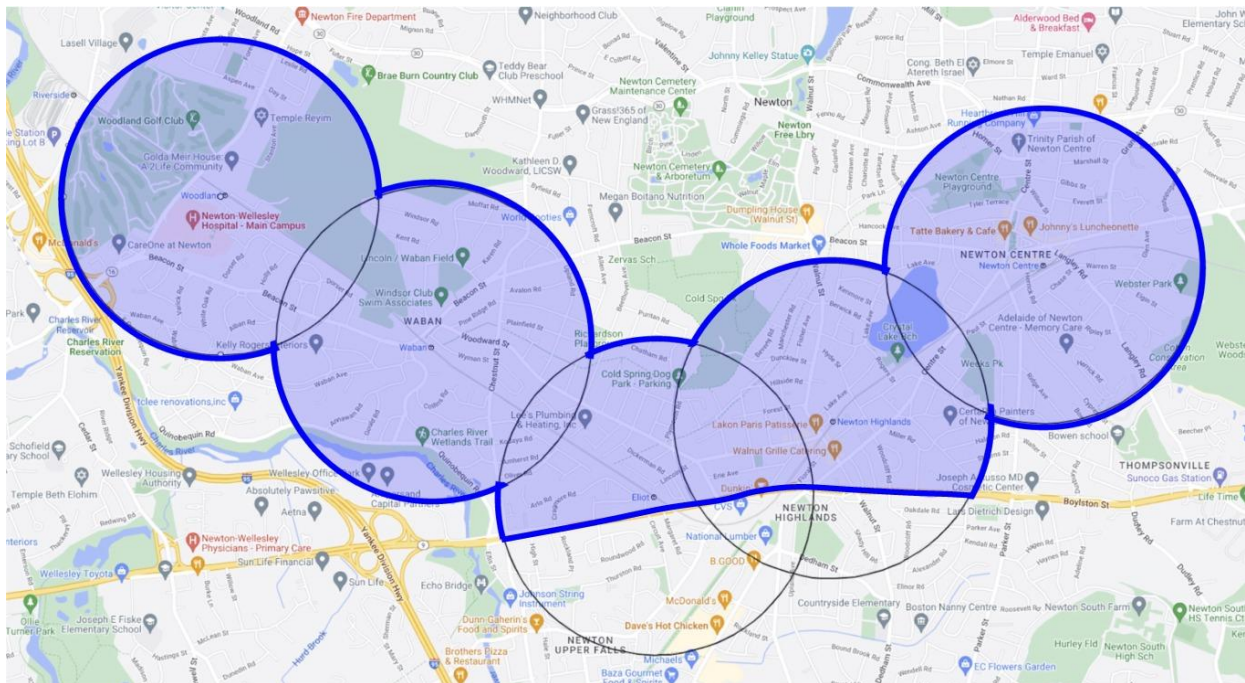
In the “zoning bridge” use of MRT, MRT overlays the following five current zones: SR2, SR3, MR1, MR2, and MR3. This is not a mistake on the part of the Planning Dept. Centre St from Paul St to Hyde St has SR2 zoned lots to the west and SR3 zoned lots to the east. If this stretch of road were not overlaid by MRT then Newton would be unable to meet the MBTA

Communities Law requirements. There is no way to back off at least this much of MRT zoning over single residence districts.

I have written a large web document {link below} in which I propose:

- Zone larger areas of Newton with MRT overlaying lots with current zoning: SR2, SR3, MR1, MR2, and MR3. Thereby, satisfy more of the housing needs of Newton in its residential areas rather than in its village centers.
- Zone the village centers less intensely. Utilize village centers for housing less than in the current plans although housing should certainly continue to exist in VC. Contemplate that VC buildings might have other active uses on the upper floors in some cases. These active uses might include additional active business uses and professional services.

I actually have one very specific area in Newton to suggest for MRT zoning, namely, the area in the 5 half mile circles at Newton Centre, Newton Highlands, Eliot, Waban, and Woodland that is north of Route 9 and that overlays the current zones SR2, SR3, MR1, MR2, and MR3.



There are other areas in Newton that might also be selected but the above area is the largest and most useful.

The huge advantage of the 5 half mile circle area is that it has *by far the best transit in Newton*: the Riverside Green Line. This transit will work best for families with children.

The huge question for existing residents of this area is: *Why should this MRT overlay zoning be acceptable?*

The answer is that *there is a specific recipe for doing the zoning that is designed to integrate multi-family housing amidst single family housing in a manner that is seamless*. The inventor of this idea is Daniel Parolek who defined the [Missing Middle Housing](#) concept and who created a company [Opticos Design](#) to promote this concept nationally. Parolek's ideas are explained in greater depth in his book **Missing Middle Housing**.

What I have done in my web document is to adapt Parolek's ideas to the context of Newton and to the constraints of the MBTA Communities Law in order to create a *more refined and subtle definition* of MRT. The first step that I did was to select from the housing options suggested by Parolek those types that allow for 3-4 housing units and that meet the MBTA Communities Law constraints.

The list of housing types is:

- The Traditional 2.5 Story House with Pitched Roof
- Fourplex houses
- A Pair of Stacked Duplex houses
- A Pair of Side-By-Side Duplex houses
 - perhaps with one duplex in front and one duplex in back
 - perhaps with the duplex buildings facing each other across an open courtyard
- A Courtyard Building, with 3 or 4 units

I think that the Newton zoning should explicitly call attention to the above housing forms as options for MRT. This list will make the MRT zoning somewhat more "form based" and not just "dimension based". This list will add variety to any new construction in MRT zones.

Let me discuss the maximum footprint for new construction in MRT. *The Planning Dept has set the maximum footprint at 1500 SF.*

First, of the various housing types listed above, only the "Traditional 2.5 Story House with Pitched Roof" can possibly fit within a footprint of 1500 SF. **The other options require much more footprint, at least, 3000 to 3600 SF.** This makes 1500 SF a serious limitation.

Next, let me recall a key provision of the MBTA Communities Law:

"Housing suitable for families" means housing comprised of residential dwelling units that are not age-restricted housing, and for which there are no zoning restriction on the number of bedrooms, the size of bedrooms, or the number of occupants.

What housing do families with children need?

- A family consisting of a couple with at least one child at home will require at least a 2 bedroom unit (2BR).

- A family consisting of a couple with at least two children of opposite sexes at home will require at least a 3 bedroom unit (3BR).
- Further, families with adults who do significant work from home may require an extra bedroom to serve as a study.

To me, this means that the zoning rules for families with children should encourage buildings with 2BR and 3BR units and should permit the possibility of buildings with 4BR units. The zoning should not promote primarily 1BR units and small 2BR units.

The Planning Dept has set up a combination of constraints that make it impossible to achieve the above requirements for 2BR and 3BR units as the ones needed by families with children:

- The 1500 SF footprint maximum.
- The “Traditional 2.5 Story House with Pitched Roof” as the only possible building type that fits within 1500 SF.
- The desire to permit 3 or 4 housing units in order to be able to count an MRT lot as 4 units in the MBTA Compliance calculations.

Let me explain.

In a Traditional 2.5 Story House with Pitched Roof with a 1500 SF footprint, the first and second floors will have a gross area of 1500 SF and the third floor will have 2/3 of that, namely, a gross area of 1000 SF. Is this enough gross area?

To make a comparison, I extracted data from the [West Newton Armory affordable housing project](#). This is certainly a project that can provide data about the *minimum apartment sizes* for apartments with assorted numbers of bedrooms. The Armory data is:

- 1BR units range from 608 to 720 SF
- 2BR units range from 850 to 888 SF
- 3BR units range from 990 to 1018 SF
- The ratio of (net apartment area) / (gross floor area) in the West Newton Armory project is 73%

Note that the ratio of (net apartment area) / (gross floor area) must account for stairs, halls, walls, etc.

To apply the Armory data to the situation of a Traditional 2.5 Story House with Pitched Roof, let me make the generous assumption that:

The ratio of (net apartment area) / (gross floor area) in a Traditional 2.5 Story House with Pitched Roof is 80%.

Then, with a building footprint of 1500 SF:

- Floors 1 and 2 have a net apartment area of 1200 SF.
- Floor 3 has a net apartment area of 800 SF.
- The total net apartment area is 3200 SF.

If you limit a building to 3 units, you may fit two 3BR units on floors 1 and 2. On floor 3, you may either have a cramped 2BR unit or a generous 1BR unit. This design is acceptable for families with children since at least two of the three units work well for them.

*Things become quite problematic if you insist on 4 units. You may fit one 3BR apartment on floor 1. Then you may then possibly squeeze two undersized 1 BR units on floor 2. Finally, on floor 3, you may either have a cramped 2BR unit or a generous 1BR unit. This design is *not* one that is suitable for families with children.*

The solution to the dilemma of a maximum footprint that is much too small is to follow Daniel Parolek's recommendation of a maximum footprint of 3600 SF in MRT. With a maximum footprint of 3600 SF:

- All of the housing types listed above are enabled.
- A Traditional 2.5 Story House with Pitched Roof could have 3 large units, two 3BR and one 2BR, using 1800 SF of footprint. This choice would not however justify the rating of 4 units per lot for MBTA Compliance purposes. To fit 4 units of reasonable size on 3 floors and at the same time emphasize 2BR and 3BR units would require interesting architectural design and even more footprint.
- On the other hand, the choices of Fourplex houses and Paired Stacked Duplex houses using 3000 to 3600 SF of footprint justify the rating of 4 units per lot for MBTA Compliance since these designs all easily permit four 3BR units.

I had a recent email correspondence with members of the Planning Dept about computation of footprint for existing houses and how does this impact thinking about MRT. One member from the Planning Dept remarked:

“Under the current rules we know the building footprint of new two-family homes typically range between 2,000-2,500 square feet. The draft zoning allows for 1,500 square feet, which is significantly smaller. We have produced a significant amount of material on helping to visualize all of this.”

If two-family homes in Newton are currently using up to 2500 SF of footprint then one would expect that the footprint allowance for three-family and four-family homes should be larger. This makes Parolek's recommendation of 3600 SF a very reasonable footprint maximum for new construction in MRT. It also makes the Planning Dept decision to promote 1500 SF as the footprint maximum even more puzzling.

In summary: If the definition of MRT is adjusted to promote the *variety of housing types listed above* and the *maximum footprint is set at an ample 3600 SF* then I believe that new construction would fit in seamlessly in the neighborhood and be acceptable to the community.

I sincerely hope that the Zoning and Planning Committee and the Planning Dept will make these adjustments to MRT.

Recently, I made a revision of my web document to add the option of MRT-A which stands for *MRT with Small Apartment Buildings*. The basic rules of MRT-A are:

- MRT-A is a sub-zone of MRT in the sense that
 - Like MRT, MRT-A may overlay SR2, SR3, MR1, MR2, and MR3.
 - Any buildings that may be created by new construction or by renovation and addition under MRT zoning may also be created in MRT-A.
- MRT-A is different from MRT in that small apartment buildings of 4 stories in height and from 8 to 24 housing units may also be created.
- MRT-A is restricted to being used only within one quarter mile of a transit station.

The intention of MRT-A is to allow the option of small apartment buildings close to transit and with no mixed-use. Such apartment buildings are currently found sprinkled in existing residential areas.

The goal with my refined definition of MRT and with my introduction of MRT-A is to significantly increase the amount of housing enabled for MBTA Compliance in the residential neighborhoods. This will then reduce the need for such housing in the village centers. This will create more balance in where housing develops in Newton.

My hope for Village Center Zoning is that the city would be able to entirely eliminate the use of VC3 and accomplish all that needs to be done in the village centers as far as housing with VC2. If that goal is not possible, I would at least hope that the amount of VC3 usage would be significantly lessened.

I live in Newton Corner close to the “circle of death”. I can say that the plethora of tall buildings in Newton Corner has been a destructive presence for the neighborhood. People do not feel either comfortable or safe while walking or biking or driving in the area of the Newton Corner traffic circle. The citizens living on the opposite sides of the turnpike have no natural pathways for communication. I have zero confidence that the new proposed VC zoning in Newton Corner will improve the village center. The buildings in the village center that are not yet 5 stories tall will simply be replaced by 5 story buildings. What good will this do?

However, I cannot undo what has been done to Newton Corner by the zealous efforts of *urban renewal via business development* in the 1960s through 1980s.

What I can at least hope to accomplish with my documents is to convince the city not to create more Newton Corner style village centers in other areas of Newton by an insistence on too much density and too much height.

List of web documents

The following document is the web document on which this essay is based:

[Thoughts on Newton Village Center Zoning Version 2 and MBTA Communities Zoning](#)

The following web document is an in depth study of transit in Newton and explains why most of Newton's transit is inadequate for families with children:

[The Reality of Transit in Newton](#)

The following web document contains in one place links to all documents produced by the Newton Zoning and Planning Committee and the Planning Dept since January 2020 plus a few additional useful links. Despite the amount of linked information, this document loads extremely quickly.

[Newton MA Zoning Documents](#)

About the author

Richard Rasala is a retired Professor and Associate Dean for Undergraduate Education in the Khoury College of Computer Sciences at Northeastern University. His academic interests are data and web development. He has been interested in Newton zoning since soon after his retirement in 2017.