



Zoning & Planning Committee Agenda

City of Newton In City Council

Thursday, November 14, 2024

7:00 pm

City Council Chambers (Room 207)

The Zoning and Planning Committee will hold this meeting as a hybrid meeting on Thursday, November 14, 2024 at 7:00 PM that the public may access in-person or virtually via Zoom. To attend this meeting via Zoom use this link: <https://newtonma-gov.zoom.us/j/87089867941> or call 1-646-558-8656 and use the following Meeting ID: 870 8986 7941.

Item Scheduled for Discussion:

Public Hearing

Chair's Note: *The following three items will be a joint meeting with the Planning & Development Board.*

#311-24 Requesting discussion and possible amendments to dormer regulations in Chapter 30 Zoning

HER HONOR THE MAYOR requesting amendments to dormer length regulations for Residential Buildings in Chapter 30 Zoning Section 1.5.4.G.

Public Hearing

#317-24 Requesting discussion and possible amendments to retaining wall regulations in Chapter 30 Zoning

HER HONOR THE MAYOR requesting amendments to retaining wall regulations for Multi-Family/Commercial/Industrial/Civic Buildings in Chapter 30 Zoning.

Public Hearing

#385-24 Requesting amendment to Section 9.1 of Chapter 30, Zoning

HER HONOR THE MAYOR requesting a minor technical amendment to the opt-in requirements for Village Center Overlay Districts in Section 9.1 of Chapter 30, Zoning.

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

#383-24 Appointment of Charles Eisenberg as an associate member of the Zoning Board of Appeals

HER HONOR THE MAYOR appointing Charles Eisenberg, 4 Ashford Road, Newton as a member of the Zoning Board of Appeals for a term of office to expire on November 18, 2025. (60 Days: 12/20/24)

#391-24 Appointment of Deborah Crossley as an associate member of the Zoning Board of Appeals

HER HONOR THE MAYOR appointing Deborah Crossley, 26 Circuit Avenue, Newton as an associate member of the Zoning Board of Appeals for a term of office to expire on November 18, 2025. (60 Days: 12/20/24)

#85-24 Request for discussion and possible amendments to enhance the preservation of existing homes.

COUNCILORS BAKER, OLIVER, MALAKIE, KALIS, GETZ, LUCAS, LOBOVITS, AND WRIGHT requesting a discussion and possible amendments to Chapter 30 Zoning or other City Ordinances to enhance the preservation of existing homes over their replacement by larger and more expensive structures.

Zoning & Planning Held 7-0 on 02/15/24

Zoning & Planning Held 6-0 (Councilor Albright Not Voting) on 03/11/24

Zoning & Planning Held 8-0 on 04/08/24

Zoning & Planning Held 7-0 on 07/22/24

Zoning & Planning Held 7-0 on 09/09/24

Zoning & Planning Held 7-0 on 10/10/24

#41-24 Amend the setbacks in the MR zones to encourage preservation of existing buildings

COUNCILORS ALBRIGHT, DANBERG, KRINTZMAN, AND LEARY seeking a discussion with the Planning Department to consider ordinance amendments that would revise the metrics in the multi-residence (MR1, MR2 and MR3) zones, to regulate the size of new buildings better, enable a wider range of housing options close to public transit, and better incentivize preservation and renovation of existing housing stock.

Zoning & Planning Held on 02/15/24, 03/11/24

Zoning & Planning Held 8-0 on 04/08/24

Zoning & Planning Held 7-0 on 07/22/24

Zoning & Planning Held 7-0 on 09/09/24

Zoning & Planning Held 7-0 on 10/10/24

Zoning & Planning Held 8-0 on 10/28/24

Respectfully Submitted,

R. Lisle Baker, Chair



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
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Barney Heath
Director

MEMORANDUM

DATE: November 8th, 2024

TO: Councilor R. Lisle Baker, Chair, Zoning & Planning Committee
Members of the Zoning & Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director, Department of Planning and Development
Zachery LeMel, Chief of Long-Range Planning
Nora Masler, Planning Associate

RE: **#311-24 Requesting discussion and possible amendments to dormer regulations in Chapter 30 Zoning**
HER HONOR THE MAYOR requesting a discussion and possible amendments to dormer regulations for Residential Buildings in Chapter 30 Zoning Section 1.5.4.G to clarify language regarding overall dormer length calculations.

Meeting: November 14th, 2024

CC: City Council
Planning Board
Anthony Ciccariello, Commissioner of Inspectional Services
Jonathan Yeo, Chief Operating Officer
Alissa O. Giuliani, City Solicitor

Overview

Dormers (Fig. 1), a window that projects vertically from a sloping roof, are regulated within Newton's Zoning Ordinance to ensure that they are not utilized to construct essentially a third story (Fig. 2). Newton's single and two-family residential buildings allow a maximum of two-and-a-half stories by-right.



Fig. 1: Sketch of a typical dormer



Fig. 2: Building elevation with shed dormer (red), not allowed by-right

Dormers are an important architectural feature that both helps to articulate the building and allows for habitable space on the upper floors while reducing the visual impression of the mass of the building. Dormers should be encouraged. Without dormers, many projects would opt for a flat roof, which is typically less expensive than a pitched roof. This is particularly true for the Multi-Residence Transit (MRT) district where that upper story must be habitable for the required third unit.

Issue

Sec. 1.5.4.G.2.b.

A dormer may be no wider than 50 percent of the length of the exterior wall of the story next below. Where more than one dormer is located on the same side of the roof, the width of all dormers combined may not exceed 50 percent of the length of the exterior wall next below.

The current ordinance language above limits the overall length of a dormer to half of the length of wall of the floor below. This 50% maximum limits the overall bulk of the dormer and prevents a dormer from visually creating the appearance of a third story. Dormers are also limited by Section 1.5.4.C, which defines a half story as “a story directly under a sloping roof where the area with a ceiling height of 7 feet or greater is less than 2/3 of the area of the next story below.” This prevents using dormers to by-pass the 2.5 story height limit and create a full third story. There is no recommendation to change the length of dormer allowed or the half story definition, but instead update how the length is calculated.

It was recently brought to the attention of the Planning Department that the dormer language, see above, is interpreted by the Inspectional Services Department (ISD) that any “jog” or change in wall plane on the story below the roof is considered a break or change and is calculated as a separate wall. The allowed dormer width is therefore calculated based on each wall segment, rather than based on the entire exterior wall, or roof plane, see Fig. 3. Therefore, the zoning as currently written disincentivizes architects and builders from adding articulations, such as bays, to avoid requirements for disproportionately small dormers. Similar to the way dormers provide roof articulation, bays or jogs along the walls help articulate the building and break up the overall mass, which should be encouraged. Thus, the proposal before the Zoning and Planning Committee (ZAP) aligns the zoning language with the intent of the section, to encourage appropriately sized dormers without discouraging other aesthetically enhancing building articulation.

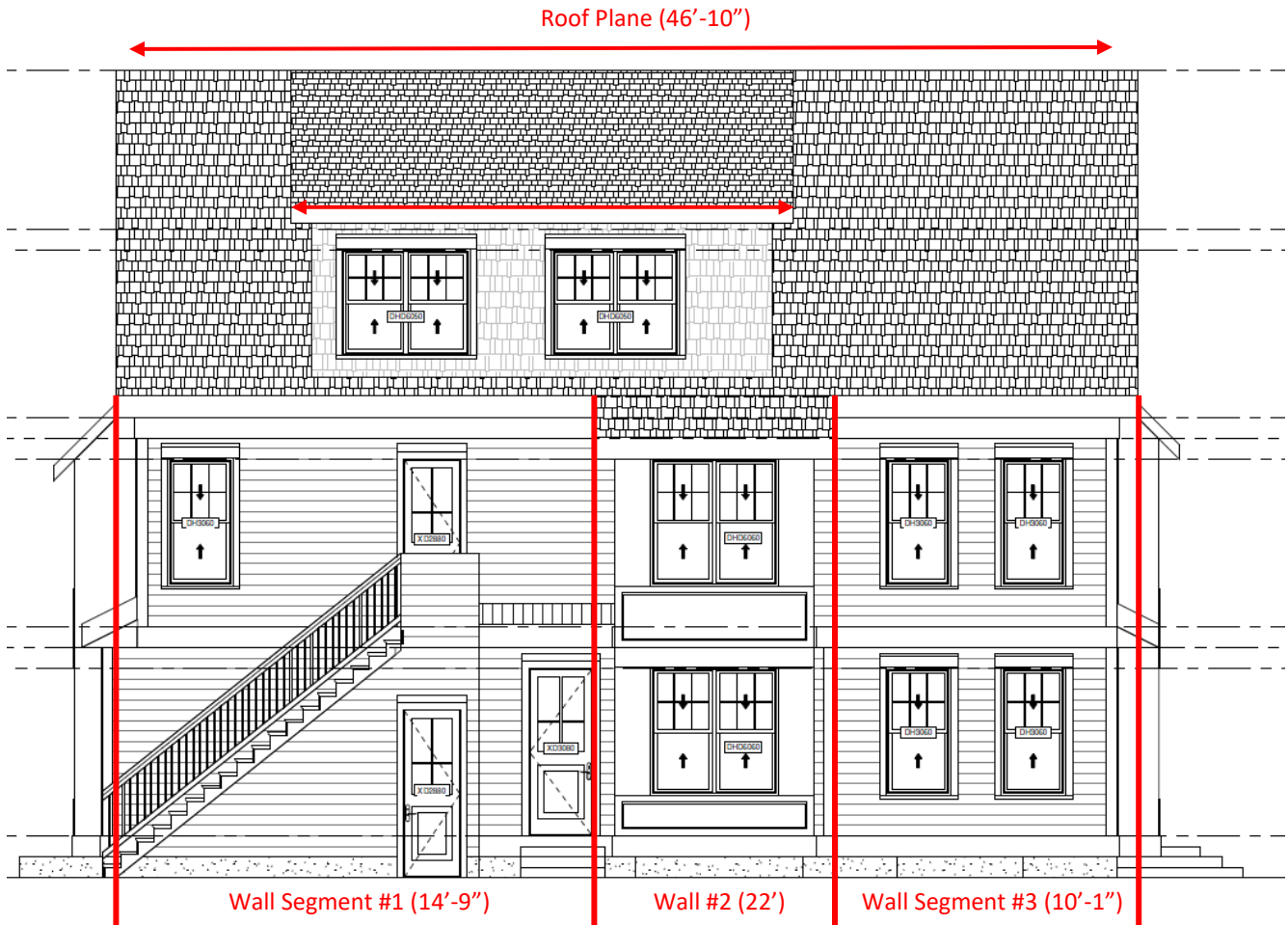


Fig. 3: A proposed building elevation with a dormer that exceeds 50% of the length of the exterior walls of the story beneath, which is calculated as 3 individual segments, based on ISD's current interpretation

Recommendation

Staff recommend a simple update in language to determine the maximum length of a dormer be calculated based on the “the widest length of the uninterrupted roof plane excluding overhangs”, not the “exterior wall of the story next below” (see Fig. 4 below). There is no proposed change to the maximum dormer length allowance of 50% currently. There is also no proposed change to the requirement that dormers be located at least three feet from the end wall below. For reference, this would permit the drawing in Fig. 3 by-right, whereas the drawing in Fig. 2 would still either not be allowed or require a special permit.

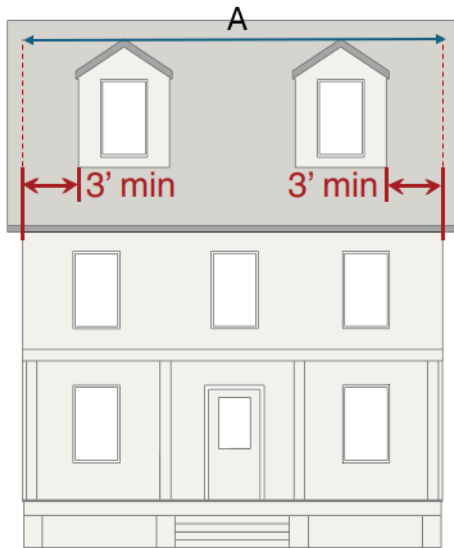


Fig. 4: A diagram showing how dormers would be measured under the proposal. Dormers could not exceed 50% of 'A'.

Next Steps

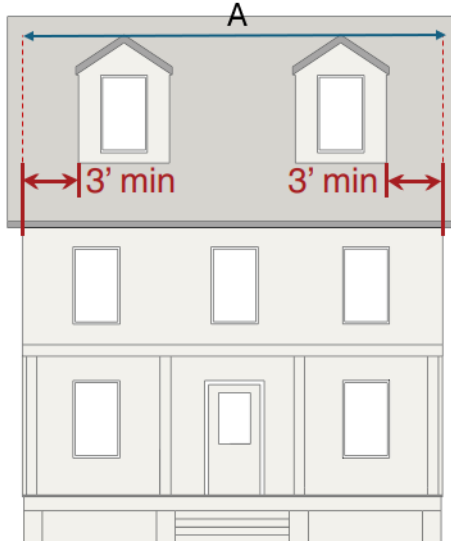
Discussion and possible vote by the Zoning and Planning Committee and the Planning and Development Board during the public hearing.

Attachment A: Proposed Section 1.5.G Amendment

1.5 Rules of Measurement

G. Dormers.

1. **Defined.** A projection built out from a sloping roof, usually containing a window or vent.
2. Except as may be allowed by special permit in accordance with Sec. 7.3, the following restrictions apply to dormers above the second story in single- and two-family dwellings and to dormers in accessory structures.
 - a. A roof line overhang shall be continued between the dormer and the story next below so as to avoid the appearance of an uninterrupted wall plane extending beyond two stories.
 - b. A dormer may be no wider than 50 percent of the ~~length of the exterior wall of the story next below~~ the widest length of the uninterrupted roof plane excluding overhangs. Where more than one dormer is located on the same side of the roof, the width of all dormers combined may not exceed 50 percent of the length of the exterior wall next below.
 - c. The vertical plane of the side wall of any dormer shall not be closer than 3 feet from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer.
 - d. No dormer may project above the main ridgeline of the single- or two-family dwelling or the accessory structure.





Ruthanne Fuller
Mayor

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Barney Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: November 8, 2024

TO: R. Lisle Baker, Chair, Zoning & Planning Committee
Members of the Zoning & Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director, Department of Planning and Development
Zachery LeMel, Chief of Long Range Planning
Nora Masler, Planning Associate

RE: **#317-24 Requesting discussion and possible amendments to Section 5.4.2**
HER HONOR THE MAYOR requesting a discussion and possible amendments to retaining wall regulations for Multi-Family/Commercial/Industrial/Civic Buildings in Section 5.4.2 of Chapter 30 Zoning.

MEETING: November 14, 2024

CC: City Council
Planning Board
Anthony Ciccariello, Commissioner of Inspectional Services
Jonathan Yeo, Chief Operating Officer
Alissa O. Giuliani, City Solicitor

Overview

In April 2024, the City Council approved a zoning amendment to Sec. 5.4.2. Retaining Walls, that sets a special permit requirement for any retaining wall over four feet in height in all zoning districts and for all building types. The Village Center Overlay District (VCOD), adopted last December, contains a similar provision. Previously, only retaining walls over four feet within the setback required a special permit while retaining walls outside of the setback areas had not required a special permit.

The Council introduced these retaining wall amendments primarily to address grade and wall concerns, particularly for single- and two-family developments. These homes have often utilized retaining walls to increase the grade of the site for a number of reasons including: creating a basement that does not count towards stories or FAR, presence of high groundwater, creating a flat site, and/or locating stormwater systems. The City Council has also adopted changes to the way

height is measured for all building types. Beginning in 2025, height will be measured from original grade, prior to any grading changes on the site, further reducing the incentive or ability to significantly alter the grade.

The special permit requirement for all retaining walls over four feet in height helps address long standing issues with grade manipulation primarily in residential neighborhoods. However, it has the unintended consequence of limiting the ability to provide access to parking garages in multi-family and mixed-use buildings. It is typically preferred that parking be provided within the building in multi-family buildings, and often the parking is located at least partially underground. This creates the need for retaining walls along the driveway to access the parking garage entrance.

This special permit requirement is particularly an issue in the VCOD, where state law requires that we allow for multi-family housing to be built fully by-right. This particular provision was flagged by the state Executive Office of Housing and Livable Communities (EOHLC) during their review of the VCOD for compliance with the MBTA Communities law. An amendment to this provision will be necessary for Newton to obtain full compliance with the law. Specifically, the letter stated: "Section 9.2.6.A.7 requires a special permit for any retaining wall over 4 feet high. This requirement could require a special permit for many development proposals, as retaining walls are often part of routine site work for multi-family housing. This requirement must be removed in order for the zoning to allow multi-family housing as of right." Click [here](#) to read the full letter from EOHLC.

Proposed Amendment

Planning staff initially recommended exempting all multi-family, commercial, and industrial buildings from the requirement for a special permit for all walls over four feet in height. In response to concerns regarding a broad exemption raised by members of the Zoning and Planning (ZAP) Committee at their meeting on September 23, 2024, staff have narrowed the recommendation. The proposed exemption would now only apply to buildings in the VCOD and would be limited to retaining walls that enable access to parking or loading (see **Attachment A**). Staff from EOHLC would like to see a broader exemption in the VCOD, however they have indicated that allowing walls below four feet in height across the site and greater than four feet when related to parking and loading access should be acceptable, as long as there is not evidence in the future that this is preventing new multi-family housing development.

The proposed amendment does not specifically require that the retaining wall be enabling only underground parking as this was seen as too narrow for EOHLC staff and when reviewing existing multi-family building examples staff found that often the parking is not fully submerged, depending on the site topography. The proposed amendment also retains additional safeguards against excessive retaining wall height. Specifically:

1. Revised Definition of Height: Height is now measured from the original grade, which removes the incentive to artificially manipulate grade to maximize building height. This change ensures that retaining walls align more naturally with the existing landscape and discourages unnecessary height increases.

2. VCOD Exemption from Floor Area Requirements: In the Village Center Overlay District (VCOD), there is no floor area requirement, so developers lack incentive to manipulate grade to create basement spaces that would be exempt from Floor Area Ratio (FAR) calculations. This helps prevent any strategic grading for additional exempt space, promoting a more consistent and predictable use of retaining walls across projects.

Multi-family/Mixed-Use and Commercial Retaining Wall Examples

Below are examples of multi-family/mixed-use and commercial projects that now require a special permit where a retaining wall is beneficial, and unobtrusive, and could be allowed by-right.

935 Washington Street (corner of Washington and Lowell) – 18 units



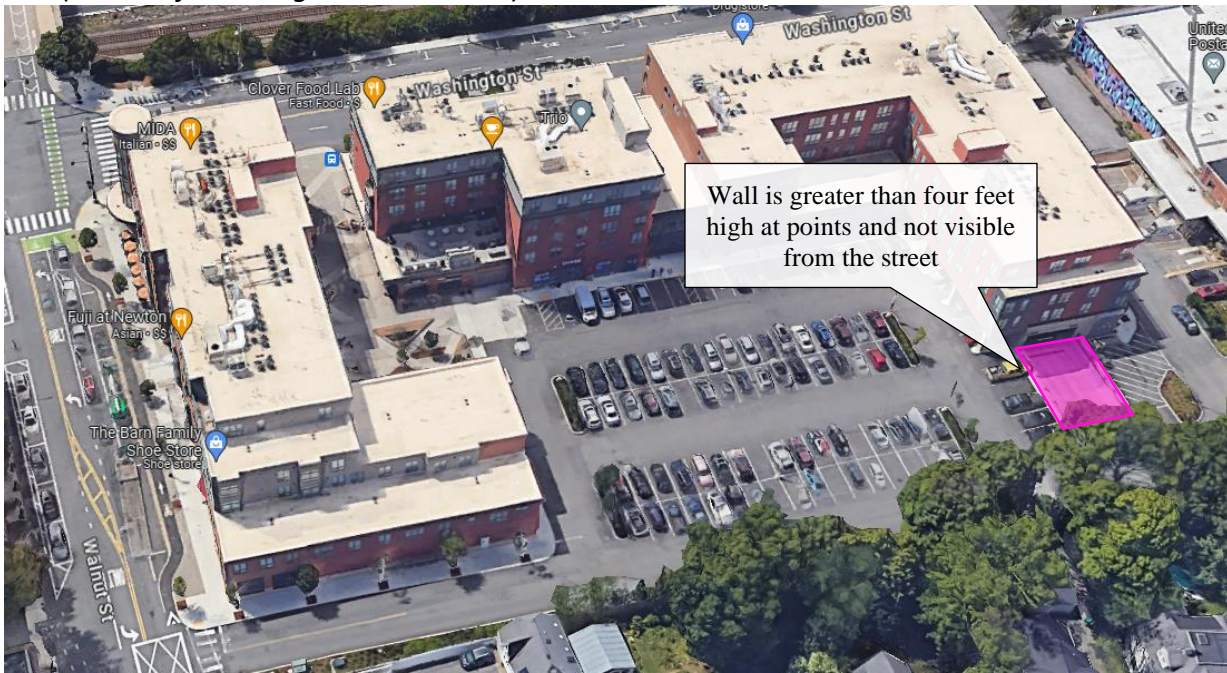
429 Cherry Street (West Newton) – 19 units



109 Needham Street (Multifamily)

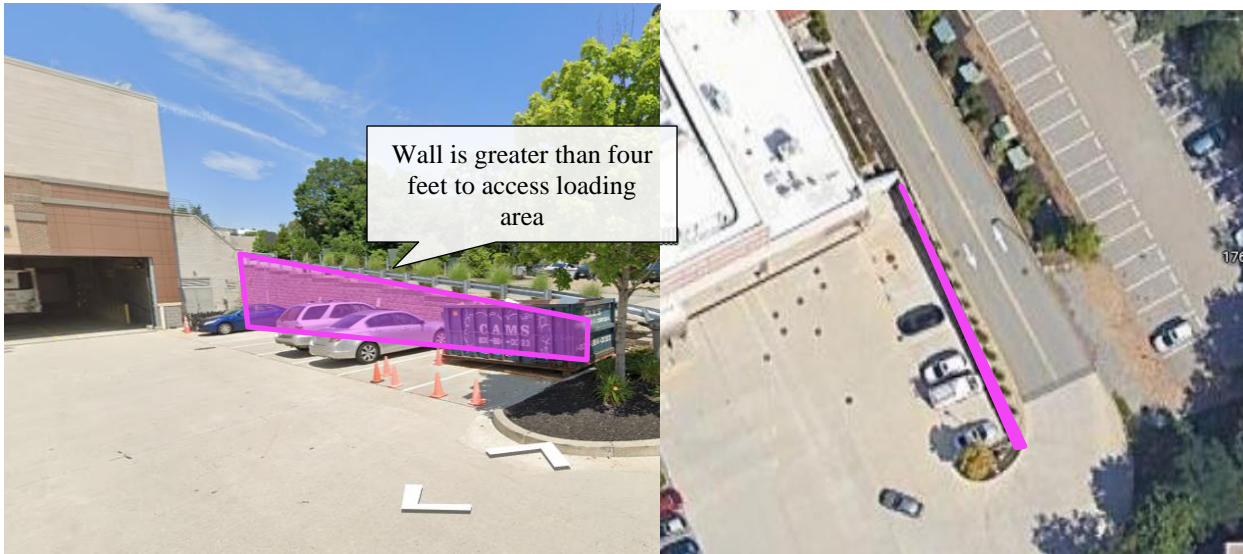


Trio (corner of Washington and Walnut) – Mixed-Use



Fully below grade driveway and retaining wall leads to parking beneath the building

Wegman's/Equinox



Next Steps

Staff look forward to the Zoning and Planning Committee and Planning and Development Board discussion and possible vote regarding this item at the upcoming public hearing.

9.2.6 Development and Design Standards

A. Site Design Standards

This section provides the design standards for lot improvements within the VCOD zones, defines how to measure certain standards, and provides other requirements and information.

7. Retaining Walls

- a. The placement of a retaining wall of four (4) feet or more anywhere on a lot requires a special permit. When a combination of retaining walls are within 25 feet of each other (measured from front-face of wall to front-face of wall), height is measured from the foot of the lowest wall to the top of the highest wall.
- b. Walls, or combinations of walls, may exceed four (4) feet without a special permit when the wall(s) are enabling access to parking or loading facilities.



Ruthanne Fuller
Mayor

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Office of the Mayor

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rfuller@newtonma.gov

October 15, 2024

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Dear Honorable Councilors:

I respectfully submit this docket item to your Honorable Council requesting a minor technical amendment to Section 9.1 of Article 9 of the Newton Zoning Ordinance. Article 9 contains the Village Center Overlay District (VCOD) which was adopted by the City Council in December of 2023. The State Executive Office of Housing and Livable Communities (EOHLC) recently determined Newton to be conditionally compliant with the MBTA Communities Act pending resolution of some technical ordinance language.

EOHLC has requested that Newton amend its VCOD to make clear that properties with existing buildings that are non-conforming be allowed to opt-in to the VCOD. The intent of the current VCOD ordinance matches EOHLC's goal; this amendment is just to make the language clearer.

Attached is a memo from the Planning Department on the issue. They will be available at the Zoning & Planning Committee meeting to answer any questions you may have.

Sincerely,

Ruthanne Fuller
Mayor



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

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Barney Heath
Director

MEMORANDUM

TO: Mayor Ruthanne Fuller
Jonathan Yeo, Chief Operating Officer

FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director, Department of Planning and Development
Zachery LeMel, Chief of Long Range Planning

DATE: October 15, 2024

RE: Docket request to amend sections of the Village Center Overlay District (VCOD) -
Article 9 of Newton's Zoning Ordinance

CC: Alissa O. Giuliani, City Solicitor

The Planning Department respectfully requests that you docket this item for a minor technical amendment to Section 9.1 of Article 9 of the Newton Zoning Ordinance. Article 9 contains the Village Center Overlay District (VCOD), which was adopted by the City Council in December of 2023. The State Executive Office of Housing and Livable Communities (EOHLC) recently determined Newton to be conditionally compliant with the MBTA Communities Act pending resolution of some technical ordinance language.

EOHLC has requested that Newton amend its VCOD to make clear that properties with existing buildings that are non-conforming be allowed to opt-in to the VCOD. The intent of the current VCOD ordinance matches EOHLC's goal; this amendment is just to make the language clearer.



Ruthanne Fuller
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Barney Heath
Director

MEMORANDUM

DATE: November 8, 2024

TO: Councilor R. Lisle Baker, Chair, Zoning & Planning Committee
Members of the Zoning & Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director, Department of Planning and Development
Zachery LeMel, Chief of Long-Range Planning
Nora Masler, Planning Associate

RE: **#385-24 Requesting amendment to Section 9.1 of Chapter 30, Zoning**
HER HONOR THE MAYOR requesting a minor technical amendment to the opt-in requirements for Village Center Overlay Districts in Section 9.1 of Chapter 30, Zoning.

MEETING: November 14, 2024

CC: Jonathan Yeo, Chief Operating Officer
Alissa O. Giuliani, City Solicitor
Planning Board

The State Executive Office of Housing and Livable Communities (EOHLC) has officially notified us that Newton's Village Center Overlay District (VCOD) zoning, adopted last December, is conditionally compliant with the MBTA Communities law. Click [here](#) to read the letter from EOHLC. EOHLC flagged two aspects of Newton's zoning that require amendment because they could prevent by-right multi-family housing. One is to allow retaining walls greater than four feet by-right (see docket item #317-24). The other is to clarify the intent of language allowing for existing non-conforming buildings to opt in to the VCOD zoning.

Section 9.1.1.A of Newton's Zoning Ordinance regulates when and how a property may opt-in to an overlay district, such as VCOD. Section 9.1.1.A.2 relates to properties opting in with existing buildings or structures. The intent was to allow existing buildings that do not fully comply with the dimensional requirements of the overlay district to still opt in. Any existing non-conforming aspects of the building would require a special permit to extend the non-conformity per Section 7.8, however any new uses or construction that fully complies with the overlay district would still be by-right. For example, if an existing building exceeded the height allowance it could still opt-in to the overlay district. If the height were to be further increased a special permit would be required, however an addition that met the

overlay height limit could be added by-right as long as it complied with all other applicable aspects of the zoning.

In their read of the language EOHLC thought this intent was not entirely clear and that the provision could be interpreted to mean that any existing building opting in to the overlay district would be considered nonconforming, regardless of whether it complied with the overlay district zoning or not and would therefore require a special permit. The attached amendment clarifying this provision has been reviewed by staff at EOHLC and found acceptable.

Attachment A: Section 9.1.1 redline

9.1.1 General

- A. As set forth herein, the provisions of Article 9 shall apply to all real property within a defined Overlay District as shown on the Newton Zoning Map. The provisions of the Overlay District will modify the form, location, and use of buildings by applying special dimensional, use, and other standards in a variety of areas in the City tailored to those specific areas and relevant policy objectives. Compliance with the Overlay District provisions may be voluntary or required based on the following criteria:
1. The owner of a site may opt-in to an Overlay District by obtaining and exercising a building and/or zoning permit for development of the site, or any portion thereof, under the provisions and standards of the Overlay District. Until a site has opted-in to an Overlay District, future development on the site, or any portion thereof, shall be in accordance with the underlying zoning district. When a site, or any portion thereof, opts-in to an Overlay District, the site shall be deemed to be zoned in the Overlay District and the provisions of Article 9 shall apply to and control any future development on the site.
 2. Buildings or structures that lawfully exist pursuant to the underlying zoning district at the time a site opts-in to an Overlay District, but do not fully comply with the dimensional standards contained in the Overlay District, shall be deemed a nonconforming building or structure and shall be subject to the provisions of Section 7.8. Sites with uses that are not permitted in an Overlay District may not opt-in to the Overlay District.



Ruthanne Fuller
Mayor

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Office of the Mayor

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rfuller@newtonma.gov

October 15, 2024

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to appoint Charles Eisenberg of 4 Ashford Road, Newton Centre as an associate member of the Zoning Board of Appeals. Charles Eisenberg's term of office shall expire on November 18, 2025 and the appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

Application Form

Profile

Charles
First Name

S
Middle Initial

Eisenberg
Last Name

[Redacted]
Email Address

4 Ashford Rd
Home Address

Suite or Apt

Newton Centre
City

MA
State

02459
Postal Code

What Ward do you live in?

Ward 7

[Redacted]
Primary Phone

[Redacted]
Alternate Phone

Eisenberg Consulting LLC
Employer

President
Job Title

Which Boards would you like to apply for?

Zoning Board of Appeals: Submitted

Ethnicity

Caucasian/Non-Hispanic

Gender

Male

Interests & Experiences

Please tell us about yourself and why you want to serve.

Why are you interested in serving on a board or commission?

I am a real estate development consultant specializing in affordable housing. I have previously served on the Economic Development Commission, the Comprehensive Planning Committee and the Newton Housing Partnership. With the achievement of 10% SHI, the ZBA will have substantial discretion in approving Comprehensive Permits. Nevertheless, it will continue to be the primary permitting vehicle for multi-family housing in Newton. I believe my experience, both professionally and in Newton, would be a valuable addition to the ZBA.

[2024 Resume.docx](#)
Upload a Resume

CHARLES S. EISENBERG

4 Ashford Road

Newton Centre, MA 02459

EXPERIENCE

EISENBERG CONSULTING, LLC, Newton, MA.

2004-Present

President

Enable clients to achieve growth and greater performance through new business concepts and business process engineering. Selected recent engagements include:

- Housing Partners, Inc.-Affiliate
 - PeeblesCorp-Development Consultant for 125 unit affordable development in Boston, MA.
 - Franklin Realty-Development Consultant for adaptive re-use of four historic mill buildings
 - Into a total of 304 affordable housing units.
 - Lynn Housing Authority-Development Consultant for 51 units of supportive housing for homeless residents.
 - Lynn Housing Authority-Development Consultant for historic adaptive re-use of Lynn Armory
 - for 51 affordable veterans housing units.
 - Newton Housing Authority-Development Consultant for 55 unit mixed-income senior Development in Newton, MA.
 - Lynn Housing Authority/Hub Holdings, Inc.-Development consultant for 71 unit affordable family development in Lynn., MA.
 - Central Building Development LLC-Development Consultant for 55 unit mixed-use historic rehabilitation in downtown Worcester, MA.
- Rio Grande Development LLC-Financial Consultant for 26 story mixed use development in Nubian Square, Roxbury, MA.
- Maloney Properties-Financial consultant for new developments and preservation projects.
- Cote Village LLC-Development consultant-76 units mixed-income development in Mattapan, MA.
- AFLCIO Housing Investment Trust-Project Finance consultant.

THE COMMUNITY BUILDERS, INC., Boston, MA.
2003-2004

Northeast Regional Director

Managed the development operation in New England and New York for national, non-profit affordable housing developer.

LEA GROUP, INC., Boston, MA.
1994-2002

Principal, Chief Administrative and Financial Officer

Led finance, marketing and operations for this family-owned regional engineering/architecture firm.

PRIOR EMPLOYMENT

RECOLL MANAGEMENT CORP.
FEDERAL DEPOSIT INSURANCE CORP.
THE RELATED COMPANIES
THE DRUKER COMPANY
THE BEACON COMPANIES

TEACHING EXPERIENCE

BOSTON UNIVERSITY CENTER FOR PROFESSIONAL STUDIES
1999-2016

Instructor, Program in Real Estate Studies

Teach Real Estate Market Analysis course to students in certificate programs.

- Course designed to be immediately applicable to real estate professionals.
- Course credits apply towards certificate requirements in real estate finance and management.

NORTHEASTERN UNIVERSITY-UNIVERSITY COLLEGE

2003-2010

Adjunct Professor

Taught International Business Management and Operations to Undergraduates

- Upper level one-semester course required for degrees in Business or Finance.

EDUCATION/PROFESSIONAL DEVELOPMENT

Harvard University, M.B.A. with Honors

Cornell University, M.A. in Government/Planning

Brandeis University, B.A. Magna Cum Laude with Honors, Phi Beta Kappa

MAJOR ACTIVITIES AND AFFILIATIONS

Co-Chairman-Commonwealth Housing Task Force Public Housing Committee

Member, Newton Wellesley Hospital Patient and Family Advisory Committee

Fellow-Brandeis University

Member-Newton Housing Partnership

Member-The Highland Glee Club

Past Chairman and Member-Newton Economic Development Commission.

Past Vice Chairman and Chairman of the Facilities Committee-Greater Boston

Jewish Community

Housing for the Elderly



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

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October 15, 2024

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to appoint Deborah Crossley of 26 Circuit Avenue, Newton as an associate member of the Zoning Board of Appeals. Deborah Crossley's term of office shall expire on November 18, 2025 and the appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

Application Form

Profile

Deb J Crossley
 First Name Middle Initial Last Name

[Redacted]
 Email Address

26 Circuit Avenue Suite or Apt
 Home Address

Newton MA 02461
 City State Postal Code

What Ward do you live in?

Ward 5

Primary Phone Alternate Phone

Self Architect
 Employer Job Title

Which Boards would you like to apply for?

Zoning Board of Appeals: Submitted

Ethnicity

Caucasian/Non-Hispanic

Gender

Female

Interests & Experiences

Please tell us about yourself and why you want to serve.

Why are you interested in serving on a board or commission?

I believe in public service and have a long history of involvement in our Newton community. I am interested in contributing to the ZBA's work to help decide land use matters that best serve the needs of the community. I believe that my professional experience as an architect, familiarity with city ordinances, state codes and housing laws, as well as many years of working in the public sector, give me useful skills to apply to this work.

[Deb_Crossley_resume.docx](#)
 Upload a Resume

DEBORAH CROSSLEY

26 Circuit Avenue, Newton, MA 02461

REGISTRATION Architect, Commonwealth of Massachusetts, 1986, No. 6562**EDUCATION** Boston Architectural College, BArch 1983
University of Massachusetts, B.S. Environmental Design, Magna cum Laude 1975**PROFESSIONAL EXPERIENCE****Deborah Crossley, Architect** Newton, MA 1978 - present
Complete architectural services: housing and small commercial projects; Energy STAR Homes.
Clients: private home and business owners, non profit affordable & special needs housing providers;
Instructor: Roxbury Community College: "Building Science & Weatherization Techniques" 2008-'09**Buck, Smith & McAvoy Architects, Inc.** Boston, MA 1985-1989
Project Architect, Consultant: Public housing modernization, office facilities, public and private housing developments; corporate headquarters, Dole Publishing Co.**Conover, Elton & Associates, Cambridge, MA** 1984-1985
Designer, Job Captain: Elderly, accessible and congregate public housing**Energyworks, Inc., Watertown, MA** 1978-1984
Division Manager: Coordinated professional staff of thirteen in research, publications and computer software projects in building sciences subjects. 1981-1984
Managing Editor: 1000 page subscription catalog of energy-efficient building products and systems for building professionals. John Wiley & Sons, Inc. 1983
Project Manager: Technical revisions, redesign of residential energy analysis tool & installation guide for the New York State Energy Office (1982); Designed and conducted conference workshops to present technical assistance materials to Residential Conservation Service (RCS) program managers of gas and electric utilities for the U.S.D.O.E. (1981); Designed / authored inspectors and installers guides for federal RCS program, U.S.D.O.E. (1980-81); **Guest Speaker:** Energy Conference for Educators "Integrating Energy Conservation Techniques into Existing School Curricula" (1980);
Training Program Director/ Technical Analyst: Developed and delivered job training curriculum in residential energy analysis and construction techniques for public and private clients (1979-1981);
Writer, Illustrator, MA Insulation Installer's Exam, (1978)**Women's Enterprises of Boston, New Horizons Program** 1978
Instructor: Technical drawing skills course for adolescent girls.**ECON, Inc. & Women's Enterprises of Boston, Boston, MA** 1977-1978 (C.E.T.A. funded)
Instructor: Conducted classroom and on the job training program in residential construction, mechanical systems and energy analysis techniques for adults seeking building energy related jobs.**PUBLIC SERVICE, COMMUNITY SERVICE, AWARDS**Green Newton Environmental Leadership Awards: 2010, 2015 and 2024.
Sheila Mondshein Fair Housing Award, 2024, Newton Fair Housing Committee
Citizen's Housing & Planning Association (CHAPA) Fair Housing Award: 2024
City Councilor-at-Large, City of Newton, January 2010 – December 2023
High Performance Buildings Coalition 2004 - 2010, co-chair 2009
Newton Housing Partnership 2007 - 2010
Mayor's Comprehensive Planning Advisory Committee, Newton, 1999-2006
Newton Citizen's Commission on Energy, 2001-2010, vice chair 2008-2010
Pomroy Foundation Board of Directors, 1993-2010
Newton League of Women Voters/ LWV Board of Directors, 1988- 2008, president 1998-2000
"Legislative Roundtable" monthly program at NewTV cable with the LWV, host, 1999-2005
Creative Arts & Sciences Committee, Countryside School, 1992-1998; chair, 1996-1998
Boston Architectural Center Instructor "History of Women in Architecture" 1978-1980



Ruthanne Fuller
Mayor

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Barney Heath
Director

MEMORANDUM

DATE: November 8, 2024

TO: Councilor R. Lisle Baker, Chair, Zoning & Planning Committee
Members of the Zoning & Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director, Department of Planning and Development
Zachery LeMel, Chief of Long-Range Planning
Nora Masler, Planning Associate

RE: **#302-24 Aligning zoning to proposed use in new development.** COUNCILORS OLIVER, WRIGHT, LUCAS, MALAKIE, KALIS, FARRELL, GREENBERG, GETZ, AND LOBOVITS requesting discussion and possible zoning ordinance changes to align zoning to the proposed use for by right or special permit projects for new build or major renovations. The goal would be to further improve consistency in lot utilization (eg., setbacks, open space) and structure (eg., massing, height, FAR) within a neighborhood.

#85-24 Request for discussion and possible amendments to enhance the preservation of existing homes. COUNCILORS BAKER, OLIVER, MALAKIE, KALIS, GETZ, LUCAS, LOBOVITS, AND WRIGHT requesting a discussion and possible amendments to Chapter 30 Zoning or other City Ordinances to enhance the preservation of existing homes over their replacement by larger and more expensive structures.

#41-24 Amend the setbacks in the MR zones to encourage preservation of existing buildings COUNCILORS ALBRIGHT, DANBERG, KRINTZMAN, AND LEARY seeking a discussion with the Planning Department to consider ordinance amendments that would revise the metrics in the multi-residence (MR1, MR2 and MR3) zones, to regulate the size of new buildings better, enable a wider range of housing options close to public transit, and better incentivize preservation and renovation of existing housing stock.

Meeting: November 14, 2024

CC: City Council
Planning Board
Anthony Ciccariello, Commissioner of Inspectional Services
Jonathan Yeo, Chief Operating Officer
Alissa O. Giuliani, City Solicitor

Background

At the recent October 10th Zoning and Planning Committee Meeting, Councilors Oliver and Wright presented their concepts for aligning zoning to proposed use in new development, reducing residential teardowns and promoting housing options, with a focus on achieving outcomes that align with Newton's values. Their presentation is available online at [this link](#) starting on page 36. The Councilors shared many compelling ideas aimed at fostering preservation and affordability in Newton's neighborhoods. Below is an initial response to these concepts.

Zoning Use Realignment

There are numerous areas across the city where the zoning does not align with the predominant uses on the ground. The proposal focused on areas of the city zoned for business uses where residential buildings are being constructed. The business zones require the City Council to grant a special permit to allow residential uses on the ground floor. The setbacks in the business zones are based upon the height of the building or the existing setbacks on adjacent lots. Increased setbacks are required adjacent to residential zones, but increased setbacks are not required adjacent to residential uses or for fully residential buildings.

Addressing this misalignment likely requires a two-fold approach. Areas zoned for business, where the existing fabric is entirely residential, should probably be rezoned to multi residence. The business zones allow a commercial or mixed-use building to be built by-right even in fully residential areas. For other areas, where there are a mix of business and residential uses existing it likely makes sense to retain the business zoning, but to adjust the business zone setbacks based upon the proposed use.

Planning is supportive of this proposal and will take this up as a separate effort from the teardown analysis.

Supporting Modest Sized Homes

Councilors Oliver and Wright also presented a number of concepts intended to address the size of new homes.

New Lot Standards for Tear Downs

Newton's residential zoning districts have different dimensional standards for lots created prior to 1953 (old lot standards) and those created after 1953 (new lot standards). New lot standards require a larger minimum lot size, larger frontage, larger setbacks, more open space, and less lot coverage. New lot standards are based upon the year the lot was created and are not tied to the age of the home. When a home on an old lot is torn down and rebuilt the new home is still subject to old lot standards. Applying new lot standards whenever a home is torn down and rebuilt addresses some of the concerns raised when a smaller home is replaced with a larger home but may not be the most effective. New lot standards currently only apply when a new lot is created, which would also comply with the larger minimum lot size and frontage. Applying new lot standards for all demolition and

redevelopment including construction on older lots that may be much smaller would have a disproportionate impact on smaller lots.

Planning staff and Utile will analyze the effects of applying new lot standards to new construction following demolition and also explore other options that are more specifically tailored to the concerns that are raised with redevelopment. A more targeted approach could include increasing side setbacks in residential zones or tying the height of the new building to setback requirements, with taller buildings requiring larger setbacks. Another potential option could be applying a maximum façade buildout.

Sliding Scale Adjustment to FAR

Councilors Oliver and Wright also presented a proposal where the floor area ratio (FAR) would be reduced by a certain percentage, with a larger reduction on larger lots. An FAR reduction is one tool that Utile and Landwise are analyzing. An FAR reduction will result in smaller homes, but would not necessarily address the way the massing of the home presents to the street or neighbors. In addition to adjusting FAR, Planning and Utile plan to analyze other tools to address the form, including regulating building footprint and adjusting for height relative to footprint and location on the lot.

Large House Review

Wellesley implemented a process for large house review for single- and two-family homes that exceed a certain threshold. This process acts as a mini site plan review, where there is very limited discretion to deny a project, but the Planning Board has the ability to review the site and provide input. Wellesley does not have stormwater regulations and only regulates trees along the property line so the ability to review stormwater and trees onsite was a large impetus for the creation of the review process. The threshold is based upon the “total living area and garage space”, or TLAG. The TLAG threshold is a static number that varies by zoning district but is not tied to the size of the lot.

The large house review process typically takes about three months, and the Planning Board focuses on the design, landscaping, circulation, lighting and stormwater. The decision is then recorded at the Registry of Deeds and any future changes on the property must be reviewed for consistency or must seek a new decision.

In discussing the large house review process with the Wellesley Director of Planning it seems that their large house review process, largely mirrors Newton’s special permit process. Planning staff in Wellesley do not provide staff analysis for special permits, which go to the Zoning Board of Appeals, and the analysis they provide for large house review is very similar to what Planning staff provide in Newton for special permits. The City Council is already essentially doing a large house review through the special permit process for additional FAR. An entirely new process by a different name is not necessary, but adjusting the threshold for special permit review may make sense. Setting a static number by zoning district, similar to Wellesley, would take significant analysis however to determine the right number.

Incentivize ADUs

In addition to regulating the size of new homes, Councilors Oliver and Wright's proposals also presented ideas for incentivizing the creation of additional, smaller, and therefore less expensive homes. One idea was to make ADUs more attractive by allowing up to 1,200 sf, 1.5 story ADUs by-right if maximum size or reuse regulations are met in an existing structure. Newton's zoning currently allows up to 1,000 sf internal ADUs and 900 sf external ADUs by-right. Despite efforts over the years to incentivize ADUs, Newton only has 121 ADUs. That means only 0.6% of eligible single- and two-family homes (not including two-unit condos) have taken advantage of this allowance.

Planning staff are currently working on updating the ADU ordinance to address recent state law changes (see October 5 memo for #369-24 [here](#)). The recent law change does not require Newton to increase the allowable size of ADUs, however staff are very supportive of any efforts to make it easier and more attractive to build ADUs to increase the diversity of housing options.

Adaptive Reuse of Large Homes

The final concept presented was to allow the adaptive reuse of large homes to multiple units by-right. This has the benefit of creating new housing opportunities and also preserving existing homes. This is also consistent with the adaptive reuse provisions in the Village Center Overlay District (VCOD), which allow for a larger footprint and up to six units by-right when at least the front portion of the existing house is retained, and additions are located to the side or the rear. The proposal from Councilors Wright and Oliver recommends a similar approach but with a maximum of four units.

Planning staff fully support the idea of expanding this option beyond the VCOD. Allowing additional units in large homes provides additional units while maintaining the existing fabric of the neighborhood and helps offset the costs associated with renovating or adding on to an older home. VCOD has shown that this will not lead to a rapid increase of units, but a more gradual one. VCOD has also shown us that appropriate metrics are critical for this to be a substantive and effective tool to enhance affordability and preservation.

Incentivize Smaller Lots with Smaller Homes

While not one of the concepts presented by Councilors Oliver and Wright, Planning staff would like to analyze an additional tool that could help achieve the goals of reducing new home sizes and creating more housing options. Currently larger lots allow for larger homes and any change to the lot lines triggers new lot standards which have fairly large minimum lot sizes. This encourages the creation of larger homes and eliminates the option to build multiple smaller, contextual single-family homes on large lots. Reducing the minimum lot sizes and frontages, while also potentially reducing the allowable FAR, could create additional homes that are smaller in size and better fit the context of the neighborhood.

Next Steps

Planning staff, Utile, and Landwise are doing additional analysis and test fits in order to have recommendations for the December ZAP meeting. In analyzing the various options, it is important to

ensure that any reductions in the allowable size of new homes are also paired with the ability to create additional, smaller, homes. A reduction in FAR or increase in setbacks helps address concerns regarding new homes being out of scale with neighboring homes, but it does not address the need for more housing diversity and more attainable housing. If Newton is going to support the creation of starter homes, we must think beyond just slightly smaller single-family homes. The proposals to incentivize ADUs and the conversion of homes to multiple units are also important to allow younger people, families, and seniors looking to downsize to live in Newton.