

# VILLAGE CENTER DISTRICT AMENDMENT - 2021

Strike Chapter 30, Section 4.1. Business Districts, in its entirety and insert, in place thereof, the following. (1)

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iv.  
CITY CLERK  
NEWTON, MA. 02459

floor immediately below. Such area shall not be restricted by the conditions of §4.1.2. A. ii. (3) Dormers, as defined in Section 1.5.4.G., may not exceed ten (10) feet in width and separation between dormers shall be not less than 15 feet. No Special Permit or variance may allow for greater size, capacity, or use.

## 4.1. VILLAGE CENTER DISTRICT

### 4.1.1. DISTRICT INTENT

To create a zoning district for Newton Village Centers that maintains a “village scale” and answers the demands created by the recent amendment to MGL Chapter 40A, Section 3 to allow multi-family housing or mixed-use development as of right or by special permit in “eligible locations”. (2)

### 4.1.2. DIMENSIONAL STANDARDS

#### A. Building Height. Building height is limited to two stories unless otherwise provided.

- i. A flat roofed building with allowed uses set forth in §C. i and C. ii below, shall be limited to two stories.
- ii. A three story, flat roofed building is allowed, provided that not less than forty (40%) per cent of the floor area of said building is for multi-family residential use and further provided that ten (10%) percent of the floor area of said residential use is for units that are deed restricted for occupancy or ownership by occupants with limited assets earning less than fifty (50%) of the Greater Boston Area Median Income. Said restriction is to be in a form approved by the City of Newton Law Department. (3)
- iii. A pitched roof on any building may contain usable space under the roof, provided such usable space does not exceed 60% of the floor area of the

#### B. Other Dimensional Use Standards.

- i. Building coverage shall not exceed 85% of the lot area.
- ii. No building shall be set back less than five (5) feet from a property line adjacent to a public way or private way to which the public has a right of access, excluding foot and bicycle easements.
- iii. No building shall be set back less than 50 feet from an adjoining single family or two family zoning District.
- iv. Existing non-conforming structures may be torn down and replaced. Any increase in floor space shall be vertical and shall not extend beyond the pre-existing, nonconforming building footprint.
- v. Party Walls are permitted.

#### C. Use Standards

- i. Commercial retail, office, hospitality, or other commercial use not assigned to another use district under this chapter.
- ii. Residential use above the first floor (including multi-family use).
- iii. All buildings, structures, and additions located on a lot in single and separate ownership, may be available for use in common or in connection with contiguous or adjacent lots without the requirement of a Special Permit.

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- iv. Development of a building on a separately owned lot shall be considered a separate project and shall not require a Special Permit even though connected by party walls.
- v. **Any building construction in excess of two stories shall be subject to the provisions on section 7.4 of this chapter (Site Plan Approval).**

**D. A Special Permit is required for:**

- i. Any development in the Village Center districts of 30,000 square feet or more of gross floor area.
- ii. Use of the roof for the installation and/or storage of mechanical systems, including HVAC equipment.
- iii. A Site Plan Review is required in connection with a Special Permit.

**E. District Designation.**

**Unless otherwise designated in Section 1.3.2 of this chapter, this Zoning District shall apply to all areas previously zoned Business 1.**

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**Amendment to Section 3 of Chapter 40A, the State Zoning Law.**

Section 3 A. (a)(1) An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; . . . ; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

(b) An MBTA community that fails to comply with this section shall not be eligible for funds from: (i) the Housing Choice Initiative . . . ; (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A."

## FOOTNOTES

<sup>1</sup> *Newton has five Business use districts and four Mixed Use districts. During Zoning Redesign, these districts should be consolidated to conform to the form-based standards being adopted. This is a proposal to amend areas now zoned Business 1, most significantly by allowing residential use as of right rather than by a Special Permit and limiting height of buildings.*

<sup>2</sup> *From Eastport, Maine to Kansas, to the Pacific coastal towns; from Ireland to Italy, a village center is immediately recognizable by the predominance of two and three story buildings, its mix of commercial uses, residential uses and local businesses to serve the village residents.*

<sup>3</sup> *Assume a lot in a Village Center District contains 10,000 square feet of land. 85% lot coverage times two floors (above the first floor) equals 17,000 square feet plus 5,100 square feet under the sloped roof (60% of 8,500 square feet third floor) equals 22,100 square feet for residential use. 1,700 square feet of space is for low income housing. Residential unit size will have to be adjusted to allow for exterior and unit perimeter walls, hallways and stairways. This formula falls within the form based concept of zoning. It provides an option for developers and land owners to expand building space and to provide housing for an economically disadvantaged portion of the population. It also qualifies to meet the goals of providing such housing without the necessity of obtaining a special permit, as set out in MGL c.40A, §3, as amended by Chapter 358 of the Acts of 2021.*



We, the undersigned voters of the City of Newton, hereby by petition the Newton City Council to hold a public hearing and act upon the attached amendment to the Newton Zoning Ordinance, titled "Village Center District Amendment - 2021", in accordance with Section 10-2 of the Newton City Charter, that says, in part, "The city council . . . shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by at least 50 voters, and which seeks the passage of a measure." The amendment is intended to limit building height and preserve the unique character of our villages.

| Signature | Print Name & Address                           | Ward |
|-----------|--|------|
|           | Carl O'Grady 920 CENTRE ST                     | 6    |
|           | Jon Clarys<br>23 Buswell rd 02458              |      |
|           | CARA STEFFY 43 HIGHLAND AVE #3<br>NEWTONVILLE  |      |
|           | Robert Williams 47 Washington Park Newtonville |      |
|           | JAMES WOOD 47 WASHINGTON PARK<br>02460         | 2    |
|           | Lorraine Sanik 411 Newtonville Ave             |      |
|           | Jonathan Fischer 411 Newtonville Ave           |      |
|           | Jenny Chen 79 Walnut St.                       |      |
|           | Diana Reoung 90 Highland St.                   |      |
|           | Fran Mancini 38 Carleton St                    |      |
|           | JAY Goldman 41 Vineyard Rd                     |      |
|           | Emma Barson 40 Bolton                          |      |
|           | Darius Eslamii 40 Bolton                       |      |
|           | Nicole Babich 110 Madison AVE Newtonville MA   |      |
|           | Kyle Zinchuk 110 Madison Ave Newtonville MA    |      |





Petition to the Newton City Council to consider a compromise amendment to the Zoning Ordinance for Newton Villages

We, the undersigned Newton Voters request the Newton City Council consider and approve the attached proposal for amendment to the Newton Zoning Ordinance.

Name Address

✓ <sup>1</sup> G. G. G. 61 Waban Park

✓ <sup>1</sup> Anne Reenstierna 90 Waban Park

✓ <sup>2</sup> Eric Reardon " " "

✓ <sup>3</sup> Barbara J. Dittusson 93 Waban Park

✓ <sup>4</sup> W. A. D. 93 WABAN PARK

✓ <sup>5</sup> Bernard J. G. 116 Jewett St

✓ <sup>6</sup> J. M. G. 116 Jewett St

✓ <sup>7</sup> M. I. H. 38 WABAN ST

✓ <sup>8</sup> Jennifer Furse 110 Jewett St.

✓ <sup>9</sup> Wendy P. 38 WABAN ST.

✓ <sup>10</sup> John Small 110 Jewett St.

✓ <sup>11</sup> Kevin R. K. 92 HAWTHORN ST.

✓ <sup>12</sup> Thomas K. 141 Jewett St #2

✓ <sup>13</sup> Arthur-LeBasseur 98 Jewett Street

✓ <sup>14</sup> JOE CROWLEY 129 WABAN ST

(15) ✓ <sup>15</sup> Quatha Adams 227 Jackson Rd, Newton MA 02458

**Petition to the Newton City Council to consider a  
compromise amendment to the Zoning Ordinance for Newton Villages**

We, the undersigned Newton Voters request the Newton City Council consider and approve the attached proposal for amendment to the Newton Zoning Ordinance.

Name

Address

- ✓<sup>1</sup> Julie Lavelly 35 Waban St Newton 02458
- ✓<sup>2</sup> EUGENE LAVELLY 35 WABAN ST NEWTON MA 02458
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(8)



September 30, 2021

A zoning amendment to protect Newton village centers from over development has been filed with the City Council by Peter F. Harrington, a West Newton Attorney familiar with zoning law.

“This proposal is intended to protect the visual character of our villages, encourage reasonable village redevelopment and meets new state requirements for multi-family residences,” according to Mr. Harrington.

Innovations included in the amendment include elimination of special permits, a strict limit on building height and a bonus allowance for sloped roofs. The two story threshold height limit in village centers remains the same. A third floor is allowed, as of right, if it is used for multi-family housing. Under the present law a third floor requires a special permit. If a sloped roof is added the owner can use the interior attic space.

Harrington, a former Vice President of the Newton Board of Aldermen and a former Newton State Representative said, “We need to address the new State requirements while the City Council is rewriting our zoning ordinance. They are discussing Village Center zoning. This proposed zoning law meets the State’s new requirements and we can take advantage of the Council calendar meet our obligations.”

Some of the objectives of this proposal are to eliminate uncertainty of development in our villages for both neighbors and builders, speed up the time between conception and production, allow flexibility in unit design, provide an opportunity to build new naturally affordable housing, and preserve the New England Village character of our community

Over 65 Newton voters have signed a petition asking the City Council to hold a public hearing on Harrington’s proposed zoning amendment. Under Section 10 of the City Charter a public hearing is required if 50 or more citizens request it.

In January 2021 Governor Baker signed an amendment to Section 3 of Chapter 40A, the State Zoning Law.

Section 3 A. (a)(1) An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; . . . ; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

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end