



Zoning & Planning Committee Agenda

City of Newton In City Council

Monday July 31, 2023

6:30 pm
Room 204

The Zoning and Planning Committee will hold this meeting as a hybrid meeting on Monday, July 31, 2023 at 6:30 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/85908582592> or call 1-646-558-8656 and use the following Meeting ID: 859 0858 2592.

Items Scheduled for Discussion:

- #245-23** **Appointment of Jane Obbagy to the Economic Development Commission**
HER HONOR THE MAYOR appointing Jane Obbagy, 28 Lenox Street, Newton as a member of the Economic Development Commission for a term of office to expire on September 11, 2026. (60 Days: 09/08/23)
- #205-23** **Petition to rezone lots on Charles Street**
TERRENCE P. MORRIS, ESQ. petitioning to amend the City of Newton's Zoning Map by changing the current zoning of the property known as and numbered 132 Charles Street, Newton, Ma, and shown on the City of Newton Assessor's database as Section 41, Block 06, Lots 14, currently zoned MULTI-RESIDENCE 1 and MANUFACTURING, and Section 41, Block 06, Lot 26, currently zoned MANUFACTURING, to MIXED USE 1.
Zoning & Planning Held 7-0 (Councilor Baker Not Voting) on 07/24/23; Public Hearing Closed

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.

Chair's note: *Staff and Utile will present an illustration of development that could evolve using the VCOD along a particular street in Newton. Councilor Wright will present a tool she developed to quantify unit capacity if the metrics are modified. The majority of the meeting will be to review and discuss the text by substantive sections as per the staff outline, take straw votes on each section, and consider amendments relevant to each section.*

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

ZONING & PLANNING COMMITTEE requesting review, discussion and possible ordinance amendments relative to Chapter 30 zoning ordinances pertaining to Mixed Use, business districts and village districts relative to the draft Zoning Ordinance. (formerly #88-20)

Zoning & Planning Held 8-0 on 07/24/23; Public Hearing Continued

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

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

Zoning & Planning Held 8-0 on 07/24/23

#246-23 Appointment of Anthony Ciccariello as Commissioner of Inspectional Services

HER HONOR THE MAYOR appointing ANTHONY CICCARIELLO as COMMISSIONER OF INSPECTIONAL SERVICES pursuant to Sec 3-3 of the City Charter. (30 Days: 08/09/23)

#243-23 Reappointment of Kathryn Cade to the Conservation Commission

HER HONOR THE MAYOR reappointing Kathryn Cade, 195 Islington Road, Auburndale as a full member of the Conservation Commission for a term of office to expire on July 31, 2026. (60 Days: 09/08/23)

#244-23 Reappointment of Jeffrey Riklin to the Newton Upper Falls Historic District Commission

HER HONOR THE MAYOR reappointing Jeffrey Riklin, 37 High Street, Newton Upper Falls as a full member of the Newton Upper Falls Historic District Commission for a term of office to expire on July 31, 2026. (60 Days: 09/08/23)

**Respectfully Submitted,
Deborah J. Crossley, Chair**



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#245-23

Telephone
(617) 796-1100
Fax
(617) 796-1113
TDD/TTY
(617) 796-1089
Email
rfuller@newtonma.gov

July 9, 2023

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

To the Honorable City Councilors:

I am pleased to appoint Jane Obbagy of 28 Lenox Street, Newton 02465 as a member of the Economic Development Commission. Her term of office shall expire on September 11, 2026 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

RECEIVED
CITY CLERK
NEWTON, MA, 02459

2023 JUL -3 PM 3:38

Application Form

Profile

Jane _____ Obbagy _____
 First Name Middle Initial Last Name

 Email Address

28 Lenox Street _____
 Home Address Suite or Apt

Newton _____ MA _____ 02465 _____
 City State Postal Code

What Ward do you live in?

None Selected

 Primary Phone

 Alternate Phone

 Employer

 Job Title

Which Boards would you like to apply for?

Economic Development Commission: Submitted

Interests & Experiences

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

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

As a small business owner and resident of the City of Newton, I am interested in participating on the Economic Development Commission to further the positive environment created by the city to engage in business. As a long time, business operator, hopefully my insights can assist with the planning and decision making undertaken by the Commission.

[Executive Resume Obbagy 2023.pdf](#)

Upload a Resume

JANE E. OBBAGY

EXECUTIVE PROFILE

Entrepreneurial and results driven executive with significant domestic and international experience helping organizations thrive and grow while navigating shifts in the business and stakeholder sustainability/environmental, social and governance (ESG) expectations.

Adept at developing strong relationships with business partners resulting in financial growth of operations and strategic positioning of consulting businesses for sale.

Track record for growing the bottom line while spearheading operational improvements to drive productivity and reduce costs at both profit and not for profit organizations.

Experienced nonprofit board member, advisor to energy efficient start-up company, and member of a governance committee.

Managing consultant with extensive employee and financial management experience.

EXECUTIVE MANAGEMENT EXPERIENCE

CURRENT

Managing Director, Obbagy Consulting, Newton, MA – 2015 - Present

PRIOR

Fractional Executive Director Nonprofits in Massachusetts

Vice President Emerging Markets, The Cadmus Group Waltham, MA

Vice President, Clayton Group Services, Southborough, MA

Senior Vice President, ICF Consulting, Lexington, MA

Vice President, Arthur D. Little, Cambridge, MA

OTHER ACCOMPLISHMENTS

Founder of a women-owned small business focused on ESG Consulting and certified operations to increase enterprise value.

Recipient of multiple awards for providing exceptional service offering a balanced understanding of business dynamics, marketing, and leadership to help position organizations for sustainable success.

Volunteer activities: Governance Committee Newton Food Pantry, Cleantech Open, MassChallenge

EDUCATION

M.A., Urban and Environmental Policy, Tufts University

B.A., Environmental Studies, University of Vermont

WBENC - WeThrive, We Ignite (Management & Business Training)

Goldman Sachs 10,000 Small Business Program

UC Berkeley School of Law Certificate: ESG Navigating the Board's Role

LEGAL DESCRIPTION
126-132 CHARLES STREET, NEWTON, MASSACHUSETTS

The parcels of land, identified as SBL 41006 0026 and 41006 0014, together with the buildings and improvements situated thereon located in the Auburndale Village of Newton, Middlesex County, Massachusetts, shown on a plan entitled "Site Plan of Land Showing Proposed Zoning, Located at 132 Charles Street, Newton, MA" dated March 24, 2023, drawn by Boston Survey, Inc., and bounded and further described as follows:

Beginning at a point on the northerly side of Charles Street, thence running

- | | |
|---------------|---|
| NORTHWESTERLY | By Lot 1A on said plan, one hundred seventeen and 86/100 (117.86) feet, as shown on said plan; |
| NORTHWESTERLY | Again by said Lot 1A, twenty-four and 99/100 (24.99) feet, as shown on said plan; |
| NORTHWESTERLY | Again by said Lot 1A, forty-seven and 21/100 (47.21) feet, as shown on said plan; |
| NORTHEASTERLY | By land of the Massachusetts Turnpike Authority one hundred fifty-two and 19/100 (152.19) feet as shown on said plan; and |
| NORTHEASTERLY | Again by land of the Massachusetts Turnpike Authority one hundred twenty-five and 62/100 (125.62) feet as shown on said plan; |
| SOUTHWESTERLY | Along a curved line by land of the Massachusetts Bay Transit Authority, three hundred ninety and 25/100 (390.25) feet, as shown on said plan. |
| NORTHWESTERLY | By Charles Street, one hundred twenty-eight and 64/100 (128.64) feet, to the point beginning. |

Containing 33,986 square feet, more or less.



Ruthanne Fuller
Mayor

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

Telephone
#205-23
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney Heath
Director

Property Owner Authorization

Date: 2/22/23

Property Location: 126-132 Charles Street

	Number	Street Address
Property Owner:	<u>WZ DNA LAB LLC</u>	<u>617 945-9697</u>

	Name	Contact Number
Current Mailing Address:	<u>478 Franklin Street</u>	

	Number	Street Name
<u>Franklin</u>	<u>MA</u>	<u>02038</u>
City/Town	State	Zip Code

- I am (we are) the owner(s) of the property subject to this application and I (we) consent as follows:
1. This application for a land use permit or administrative approval for development on my (our) property is made with my permission.
 2. I(we) grant permission for officials and employees of the City of Newton to access my property for the purposes of this application.

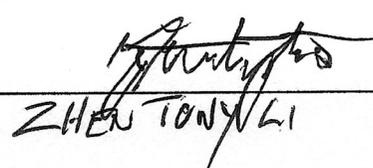
NOTICE: The City of Newton's staff may need access to the subject property during regular business hours and will attempt to contact the applicant/agent prior to any visit. Further, members of a regulatory authority of the City may visit the property as well.

The undersigned "Property Owner" assumes full responsibility for compliance with applicable codes, ordinances, regulations, and the City of Newton codes, procedures, and requirements.

I (we) give our permission for the applicant to submit this application as my agent (see Page 2).

NOTICE: The applicant/agent is the primary contact and may be any individual representing the establishment or property owner. The applicant/agent must also be legally authorized to make decisions on behalf of the property owner(s) regarding the application.

Property Owner/Owner Representative Signature:



Applicant/Agent Information

Applicant/Agent: Terrence P. Morris, Esq.
Name

Applicant/Agent Address:

<u>57</u>	<u>Elm Road</u>	
Number	Street Name	
<u>Newton</u>	<u>MA</u>	<u>02460-2144</u>
City/Town	State	Zip Code

Applicant/Agent Signature:

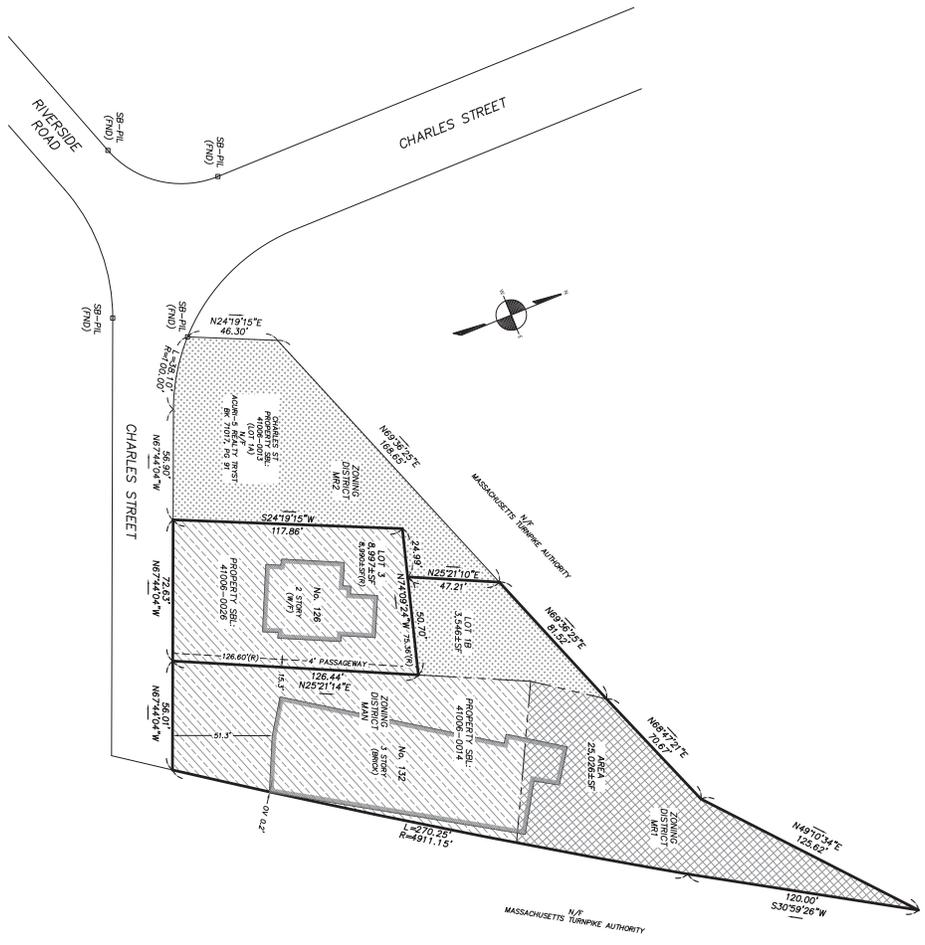
Terrence P. Morris, Esq.

#205-23

PREPARED FOR:
 TOWN OF NEWTON
 133 CHARLES STREET
 NEWTON, MASSACHUSETTS 02459
 REFERENCE:
 PL 1320 P102
 PL 2015 0634

#130 CHARLES STREET
 #132 CHARLES STREET

SITE PLAN OF LAND
 SHOWING THE EXISTING ZONING
 AT 126 - 132 CHARLES STREET
 NEWTON, MA
 DATE: MARCH 26, 2023 SCALE: 1/8" = 1'-0" / 1" = 8'-0"



LEGEND

ZONING DISTRICTS

	M1 - MULTI RESIDENCE 1
	M2 - MULTI RESIDENCE 2
	M1A - MULTI RESIDENCE 1
	M1 - MANUFACTURING

I CERTIFY THAT THIS PLAN WAS MADE FROM AN ORIGINAL SURVEY OF THE PROPERTY AND THE DATE OF JULY 31, 2015 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.
 ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD HAZARD MAPS, THE PROPERTY IS NOT IN AN AREA DESIGNATED AS A SPECIAL FLOOD HAZARD AREA.
 COMMUNITY PANEL: 25070334E
 EFFECTIVE DATE: 06/04/2010

FIELD:	JH
DRAWN:	JH, G.C., M.A.
CHECK:	G.C.
DATE:	03/26/23
TOR #:	15105016

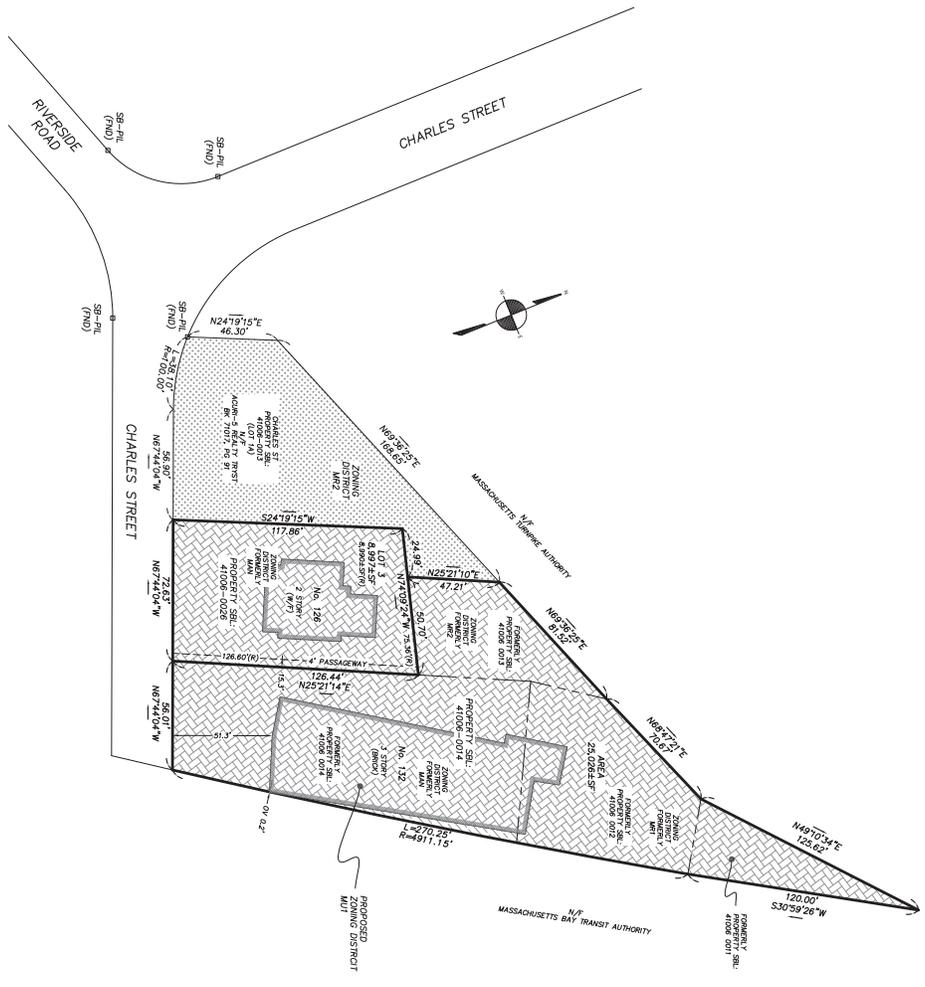


PREPARED FOR:
 TOWN OF NEWTON
 133 CHARLES STREET
 NEWTON, MASSACHUSETTS
 REFERENCE:
 PL 1330 PL102
 PL 1330 PL102
 PL 1330 PL102
 PL 1330 PL102
 PL 2015 06894

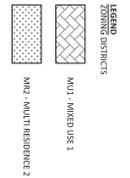
#133 CHARLES STREET
 #132 CHARLES STREET

SITE PLAN OF LAND
 SHOWING PROPOSED ZONING
 AT 126 - 132 CHARLES STREET
 NEWTON, MA

DATE: MARCH 26, 2025 SCALE: 1/8"=1'-0" (30 FEET)



- NOTES:**
- 1) THE PURPOSE OF THIS PLAN IS TO PROPOSE NEW ZONING DISTRICTS FOR THE PROPERTIES SHOWN ON THE FOLLOWING CITY OF NEWTON PARCELS:
 1) NO. 126 CHARLES STREET, PROPERTY SBL: 41006-0026, FORMERLY WITHIN THE (M4) MANUFACTURING ZONING DISTRICT WILL NOW BECOME (M21) MIXED USE 1.
 - 2) NO. 132 CHARLES STREET, PROPERTY SBL: 41006-0014, MANUFACTURING (M4) MULTI RESIDENCE 1, AND (M2) MULTI RESIDENCE 2 ZONING DISTRICTS WILL NOW BECOME (M21) MIXED USE 1.



I CERTIFY THAT THIS PLAN WAS MADE FROM AN ORIGINAL SURVEY OF THE PROPERTY AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.
 ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD HAZARD MAPS, THE PROPERTY IS NOT IN AN AREA DESIGNATED AS A SPECIAL FLOOD HAZARD AREA.
 COMMUNITY PANEL: 25070303AE
 EFFECTIVE DATE: 06/09/2010

FIELD	JH
DRAWN	JH, GJC, DAV
CHECK	GJC
DATE	03/26/25
TITLE	15-00506



Abutters List

[print this list](#)

Date: July 06, 2023

Subject Property Address: 132 CHARLES ST AUB Newton, MA
Subject Property ID: 41-006-0014

Subject Property Address: 126 CHARLES ST AUB Newton, MA
Subject Property ID: 41-006-0026

Search Distance: 300 Feet

Owner: COMMONWEALTH OF MASSACHUSETTS
Co-Owner: MDC- PARK COMM
Prop ID: 41-005-0001
Prop Location: 1 RIVERSIDE RD Newton, MA
Mailing Address:

20 SOMERSET ST
BOSTON, MA 02108

Owner: COMMONWEALTH OF MASSACHUSETTS
Co-Owner: MDC- CENTRAL SERVICES DIVISION
Prop ID: 41-005-0002
Prop Location: 107 CHARLES ST AUB Newton, MA
Mailing Address:
1 MONSIGNOR O'BRIEN HWY
CAMBRIDGE, MA 02141

Owner: COMMONWEALTH OF MASSACHUSETTS
Co-Owner: MDC- PARK COMM
Prop ID: 41-005-0003
Prop Location: 139 CHARLES ST AUB Newton, MA
Mailing Address:
20 SOMERSET ST
BOSTON, MA 02108

Owner: MASSACHUSETTS TURNPIKE AUTHORITY
Prop ID: 41-005-0004
Prop Location: 149 CHARLES ST AUB Newton, MA
Mailing Address:
80 BOYLSTON ST
BOSTON, MA 02116

Owner: ARCURI-5 REALTY TRUST
Prop ID: 41-006-0013
Prop Location: CHARLES ST AUB Newton, MA
Mailing Address:
132 CHARLES ST
AUBURNDALE, MA 02466

Owner: MASSACHUSETTS TURNPIKE AUTHORITY
Prop ID: 41-006-0013-A
Prop Location: 132 R CHARLES ST REAR AUB Newton, MA
Mailing Address:
80 BOYLSTON ST
BOSTON, MA 02116

Owner: MCDONALD KEITH & JOYCE TRS
Co-Owner: MCDONALD FAMILY TRUST
Prop ID: 41-007-0025
Prop Location: 30 CHARLES ST AUB Newton, MA
Mailing Address:
30 CHARLES ST
AUBURNDALE, MA 02466

Owner: ARCURI JAMES
Prop ID: 41-007-0027
Prop Location: 13 NEWLAND ST Newton, MA
Mailing Address:
13 NEWLAND ST
AUBURNDALE, MA 02466

Owner: MASSACHUSETTS TURNPIKE AUTHORITY
Prop ID: 41-007-0028
Prop Location: 11 NEWLAND ST Newton, MA
Mailing Address:
80 BOYLSTON ST
BOSTON, MA 02116

Owner: COMMONWEALTH OF MASSACHUSETTS
Co-Owner: MDC
Prop ID: 42-011-0001
Prop Location: 355 R GROVE ST OFF Newton, MA
Mailing Address:
20 SOMERSET ST
BOSTON, MA 02108

Owner: COMMONWEALTH OF MASSACHUSETTS
Co-Owner: MDC
Prop ID: 42-011-0001-A
Prop Location: 355 X GROVE ST OFF Newton, MA
Mailing Address:
20 SOMERSET ST
NEWTON, MA 02465

Owner: MASSACHUSETTS TURNPIKE AUTHORITY
Prop ID: 42-011-0001-B
Prop Location: GROVE ST OFF Newton, MA
Mailing Address:
80 BOYLSTON ST
BOSTON, MA 02116

Owner: ABEND LAWRENCE J
Prop ID: 43-029-0013-B
Prop Location: 329 CENTRAL ST Newton, MA
Mailing Address:
329 CENTRAL ST
AUBURNDALE, MA 02466

Owner: LEE KEVIN K Q
Co-Owner: SUN LI J TRS
Prop ID: 43-029-0014
Prop Location: 337 CENTRAL ST Newton, MA
Mailing Address:
12 CHRISTIAN WAY
ANDOVER, MA 01810

Owner: WOODRUFF WENDY R
Co-Owner: PIKE JEFFREY
Prop ID: 43-029-0015
Prop Location: 347 CENTRAL ST Newton, MA
Mailing Address:
347 CENTRAL ST
AUBURNDALE, MA 02466

Owner: HSU CHUNG HAN
Co-Owner: HSU BECKY LAM
Prop ID: 43-029-0016
Prop Location: 357 CENTRAL ST Newton, MA
Mailing Address:
357 CENTRAL ST
AUBURNDALE, MA 02466

Owner: THEODOROU IGNATIUS E & ANGELINA
Co-Owner: MCNEIL EO
Prop ID: 43-029-0017
Prop Location: 369 CENTRAL ST Newton, MA
Mailing Address:
369 CENTRAL ST
AUBURNDALE, MA 02466

Owner: LEVINE HERBERT O & NANCY M
Prop ID: 43-029-0018
Prop Location: 379 CENTRAL ST Newton, MA
Mailing Address:
379 CENTRAL ST
AUBURNDALE, MA 02466

Owner: MASSACHUSETTS TURNPIKE AUTHORITY
Prop ID: 43-029-0019
Prop Location: 379 R CENTRAL ST OFF Newton, MA
Mailing Address:
80 BOYLSTON ST
BOSTON, MA 02116

Owner: SANGIOLO JOHN & AMY MAH

Prop ID: 43-029-0020

Prop Location: 387-389 CENTRAL ST Newton, MA

Mailing Address:

387 389 CENTRAL ST

AUBURNDALE, MA 02466

Alternate VCOD Zoning Plan That complies with MBTA Community Act

Pam Wright
July 24, 2023

1

Docket Items being addressed

#38-22 Request for discussion and amendments to the Zoning Ordinance and Zoning Map regarding village center districts ZONING & PLANNING COMMITTEE requesting review, discussion and amendments relative to Chapter 30 zoning ordinances by **adding a new Village Center Overlay District**, consisting of four (4) district tiers, by establishing requirements for such District, and requesting amendments to the Zoning Map to include the Village Center Overlay District.

#39-22 Requesting discussion on state guidance for implementing the **Housing Choice Bill** COUNCILOR CROSSLEY on behalf of the Zoning & Planning Committee requesting discussion on state guidance for implementing the Housing Choice element of the MA Economic Development legislation. (formerly #131-21)

2

Total 18,319 units in all village centers will be zoned by right, not including additional lot subdivisions or allowed multiple buildings on a lot

MBTA Communities Act requires zoning to provide 8330 units by right with no special permit, variance, waiver or other discretionary zoning approval

Utile and Planning Dept. calculate 10,000 units in limited areas to meet the MBTA Communities Act

3

High Level Recommendations And will meet the MBTA requirements

- Change the number of lots designated VC3
- Change special permit threshold to 15,000 sf
- Reduce number of lots in the village overlay districts
- Require minimum lot requirements for MRT and VC1 designated lots to promote Adaptive Reuse of existing buildings, versus lot subdivisions
- Include Auburndale and Newton Corner in the MBTA calculations

4

Methodology to create Village Zoning Database

- Downloaded data from the Assessor's database
- Classified each property as MRT, VC1, VC2 and VC3 and eliminated duplicates
- Determined priority streets properties and abutting residential or non residential lots
- Used variables for setbacks, average unit size, max footprint, special permit threshold, story heights, and more
- Each lot is a stand alone even though one building on multiple lots and/or one owner for adjacent lots
- **Calculated:**
 - Maximum footprint, maximum building size, village center units, MBTA units, special permit lots and units with density variable, MRT dividable lots and more

Database created by Councilors John Oliver and Pam Wright

5

Variables that can be easily changed to calculate city wide and MBTA Communities units in optimizing village zoning

- **Change Special Permit thresholds**
- **Change setbacks and/or building heights**
- **Change VC lots to another designation**
- **Change priority street locations**
- **Change unit density for Special Permit lots**

Database will soon have a shared link

6

Various Parameter changes and the effect on units And still meet MBTA Communities Act

Zoning Options Examples	VCOD units
Utile/Planning Dept Baseline VCOD unit count	did not calculate
Baseline VCOD by right without lot subdivision or multiple bldgs on lot; Special Permit threshold 30,000 sf	18,319
Replace all VC3 with VC2, Special Permit threshold 30,000 sf	15,890
Add VC3 in select locations, Replace all other VC3 with VC2, Special Permit threshold 30,000 sf	16,381
Above VC3 in select locations; Special Permit threshold 20,000 sf	14,781
Above VC3 in select locations; Special Permit threshold 17,000 sf	13,984
Above VC3 in select locations; Special Permit threshold 15,000 sf	13,175
With database, changes can be easily made to optimize unit count	

7

2659 Special Permit Multifamily units approved since 2020

Multifamily projects	Residential units	Multifamily projects	Residential units
Total	2659	106 River St	9
Riverdale	204	416-418 Langley	6
Northland/Needham St	800	1114 Beacon	34
Riverside	550	136-144 Hancock (Walker)	16
Dunstan East	292	120 Norwood	4
Walker & Washington St.	28	1 Jackson St	6
West Newton Armory	43	20 Clinton St	4
300 Eliot St.	4	71 Comm Ave	6
50 Highland Ave.	4	77 Hartford St	4
145 Warren St.	5	283 Melrose	16
386-394 Watertown St.	10	432 Cherry	3
667 Boylston St.	4	15-21 Lexington	24
1092-1094 Chestnut St.	4	280 Newtonville	18
1149-1151 Walnut St.	25	956 Walnut	7
Mr. Sushi/ 383 Boylston	12	160 Stanton Ave	69
Craft St senior Living	185	264 Pearl	3
24 Wilson Cir	5	20 Kinmouth	24
63-65 Broadway	3	34 Prescott St	4
Santander Bank (50)	50	2 Life Golda Meir House	174

Two 40B projects soon to be approved outside of Village Centers: additional 568 Units

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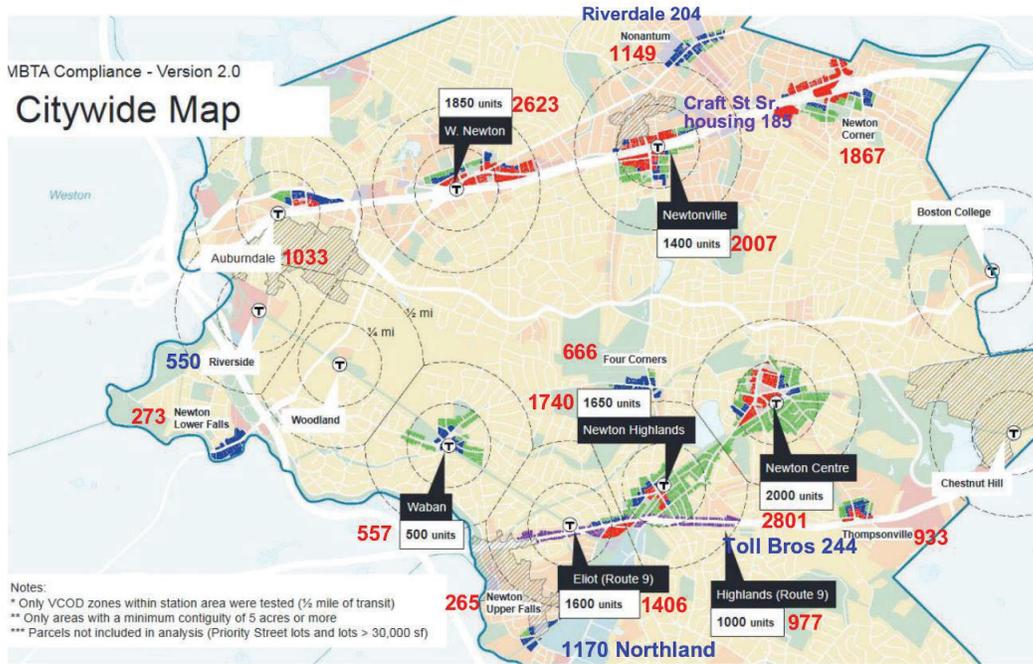
Additional analysis required with the large increase in by right units

- **Infrastructure**
- **City services – police, fire, school, recreation fields, etc**
- **Fiscal**
- **Traffic**

9

Using the database, we can meet the 8330 MBTA Communities Act units and optimize overall unit count

VCOD permits by right including all villages and priority streets: 18,319 units
Additional 40B and large special permits approved by not built: 2,353 units



Red numbers: number of units by right including priority street lots
Black numbers: number of units calculated by Utile excluding priority street lots
Blue numbers: 40B and large special permits approved but unbuilt and not in the village zoning

End

Various Parameter changes and the effect on units

Zoning Options	VCOD units	MBTA units
Utile/Planning Dept Baseline MBTA unit count	did not calculate	10,000
Baseline VCOD by right without lot subdivision or multiple bldgs on lot; Special Permit 30,000	18,319	9,782
Replace all VC3 with VC2, Special Permit 30,000 sf	15,890	8,694
VC3 in select locations	16,381	9,029
Above VC3 in select locations; Special Permit 20,000 sf	14,781	8,059
Above VC3 in select locations; Special Permit 17,000 sf	13,984	7,565
Above VC3 in select locations; Special Permit 15,000 sf	13,175	7,203
Above VC3 in select locations; Special Permit 15,000 sf; add Auburndale and modified Newton Corner to MBTA count	13,175	8,688
With database, changes can be easily made to optimize unit count		

Note: VCOD unit column includes all villages and priority streets. MBTA unit columns include only designated villages in Planning Dept Map 2.0 excluding priority streets for MBTA Communities Act count.

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Additional suggestions

- Reduce residential areas in villages to meet 8330 unit requirements
- Add Auburndale and 38A of Newton Corner to MBTA unit count
- Require site plan review for lots greater than 8000 sf in VC zones
- Allow one extra floor incentive in certain areas in the village centers
- Require special permit for priority street lots greater than 8000 sf
- Increase building separation
- Require usable open space in MRT and VC1 lots

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Additional Data

Calculation Parameters	VC Special Permit lots	VC SP units 50 units/A	VC lots with multiple bldgs	Corner Lot and large MRT lot subdivision	
				lots	units
Total VCOD by right without lot subdivision or multiple bldgs on lot; Special Permit 30,000	59	4591	70		
Remove all VC3, Special Permit 30,000 sf	59	4591	87		
VC3 in select locations (VC4)	59	4591	87		
VC3 in select locations (VC4); Special Permit 20,000 sf	97	5,824	46		
VC3 in select locations (VC4); Special Permit 17,000 sf	116	6,316	28		
VC3 in select locations (VC4); Special Permit 15,000 sf	138	6,769	16		
VC3 in select locations (VC4); Special Permit 15,000 sf; add Auburndale and modified Newton Corner to MBTA count	138	6,769	16		
note 1: multiple bldgs only when VC1/2 is 40% larger and VC3/4 is 35% larger					
note 2: corner lot subdivision >10,000 sf; lot subdivision > 12,000 sf					

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**Can reduce contiguous land to 50% and add 10% outside station area
And still meet the MBTA Communities Act 8330 units and reduce overall Unit count.**

MBTA Communities Compliance
Version 2.0 VCOD Meets MBTA Compliance

MBTA Compliance Summary (rounded)

	MBTA Requirements (min.)	Version 2.0 VCOD Results	MBTA Compliant
Unit Capacity	8,330 units	10,000 units	YES
Aggregate Gross Density	15 units/acre	35 units/acre	YES
Total Land Area	50 acres	288	YES
% of District to be Located in Station Area	90%	100%*	YES
% of Contiguous Land for Multi-Family Zoning District(s)	50%	69%	YES

Notes:
 * Only VCOD zones within station area were tested
 ** Parcels not included in analysis (Priority Street lots and lots greater than 30,000 sf)
 *** Assumes no minimum parking requirements

Must meet every requirement to reach compliance

Calculations:

		Acres
now	total land	288
now	contiguous land - 69%	199
	can add the following for 50% contiguous	109
	can add 10% outside transit	40

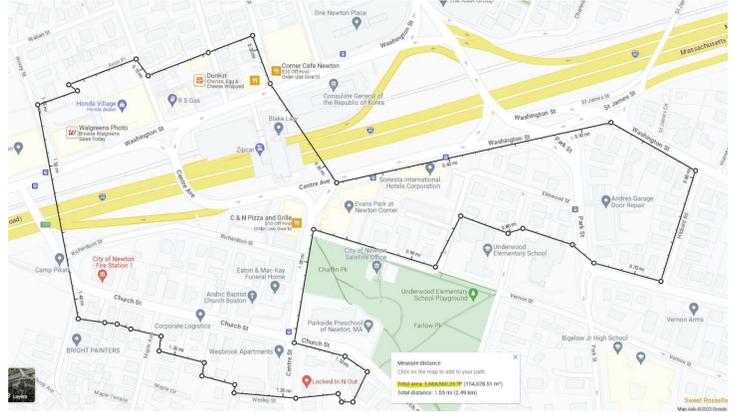
16

Additional villages added to MBTA Communities Act units

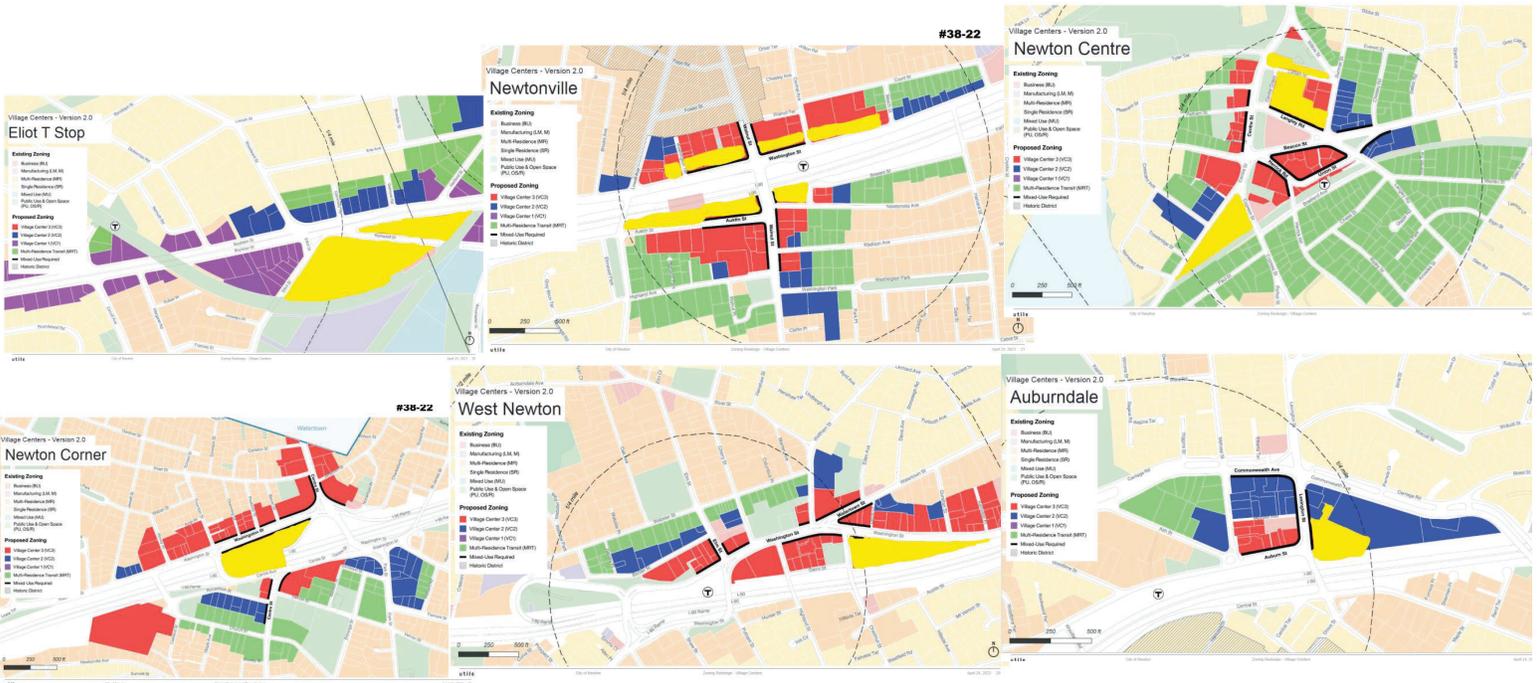
Auburndale 16.3 acres within 0.5 miles of transit



Modified Newton Corner 38.3 acres outside transit



Propose changing all VC3 to VC2 except areas in yellow below



Proposed Corner lot subdivision example



472-474 Watertown St

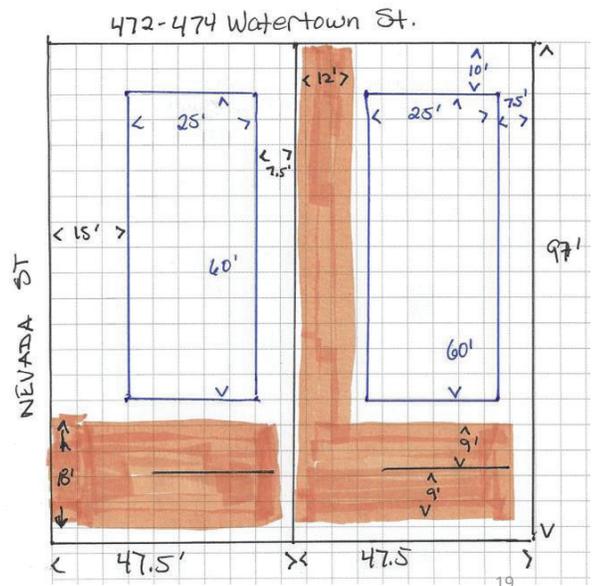
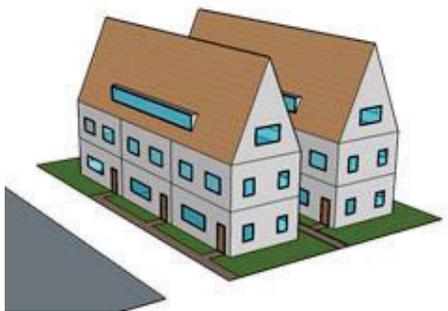
Each building is a 3 family with two 9'x19' parking stalls, 4' parking setbacks and 12' driveway

3 units are 1620 sf each

25'w x 60'l and 45' tall

9234 sf lot = 95' x 97' Could it be subdivided into two 47.5' x 97' lots

In this example, if house is 27' x 56' then 3 parking stalls would fit in the back



Easily modified database variables

	scale factor	max footprint	footprint threshold	abutting			Not abutting			Stories + half	
				rear setback	side setback	front setback	rear setback	side setback	front setback		
VC 1	0.4	4000	5600	15	15	10	15	10	10	3.7	
VC 2	0.4	10000	14000	15	15	0	5	0	0	3	
VC 3	0.35	15000	20250	15	15	0	5	0	0	4	
MRT	0	1500	1500	15	15	10	15	15	10	2.8	
VC 4	0.35	15000	20250	15	15	0	5	0	0	4	
Special Permit Threshold			30000	Special Permit sf calculation for unit numbers; units/acre			50				
Sqft / Unit			1000								

Note: scale factor used to Determine multiple buildings On a lot

sample database

	A	B	C	D	E	F	G	H	I	J	K	M	U	V
1														
2	Village	Proposed VCOD	Priority st	abut R	VC 1 abut	R rear	R side	shape factor	note	SI	No1	Street	Frontage	Lot size
428	Newton Centre	VC 2	yes	no		no	no			8	22	UNION ST	45	3617
429	Newton Centre	VC 3	yes	no		no	no			6	49	UNION ST	147	8735
430	Newton Centre	VC 3	no	no		no	no			5	50	UNION ST	120	3958
431	Newton Centre	VC 3	yes	no		no	no			6	65	UNION ST	75	4148
432	Newton Centre	VC 3	no	no		no	no			5	70	UNION ST	80	2842
433	Newton Centre	VC 3	yes	no		no	no			6	93	UNION ST	267	31455

K	M	U	V	AI	AJ	AK	AL	AM	AN	AO	AP	AQ	AR	AS	AT	AU
No1	Street	Frontage	Lot size	lot depth	rear setback	side setback	front setback	calc footprint	max footprint	max fp or mult bldg	BLD volume All res	priority st res volume	volume of units	1000 sf unit size	subdivided corner lots	
22	UNION ST	45	3617	80	5	0	0	3392	3392	3392	12079	8687	9	0		
49	UNION ST	147	8735	59	5	0	0	8000	8000	8000	37376	29376	29	0		
50	UNION ST	120	3958	33	5	0	0	3358	3358	3358	14914	14914	15	0		
65	UNION ST	75	4148	55	5	0	0	3773	3773	3773	17307	13534	14	0		
70	UNION ST	80	2842	36	5	0	0	2442	2442	2442	10859	10859	11	0		
93	UNION ST	267	31455	118	5	0	0	30120	15000	30120	67396	52396	SP	36		

Column AS formula: =if(or(\$B428="MRT", \$C428="dup"),0,if(\$V428<pivots!\$F\$32,if(\$H428>0,ROUND(min(\$AQ428,\$AR428)/\$AS\$1,0)*\$H428,ROUND(min(\$AQ428,\$AR428)/\$AS\$1,0)), "SP"))

Introduction

The City Council Zoning and Planning Committee (ZAP) kicked-off the project to revise Newton’s Zoning Ordinance for village center commercial centers in early 2021. The second draft zoning ordinance below, “version 2.0,” represents the continued collaborative effort with the City Council, City staff, urban design & economic development consultants, and the Newton Community.

Why is this necessary? While Newton has a strong foundation of diverse and dynamic village centers, the current zoning one-size-fits-all format does not recognize this. This draft set of zoning rules, along with the version 1.0 zoning maps, build upon the successes and uniqueness of each village center, while also guiding development that addresses our current and future needs. In other words, the zoning is the technical tool that supports the community vision like helping small businesses thrive, responding to climate change, developing more diverse & affordable housing, and creating more communal & active spaces.

Commented [ML1]: I am assuming that this entire Introduction will be removed from the proposed ordinance since it is opinion, not directive.

How to read this document

Like the draft maps, the draft zoning ordinance is intentionally meant to be reviewed and updated. This is also a working document. Some items may not be fully resolved and other items may require further refinement in advance of a vote to adopt this zoning ordinance.

Commented [ML2]: Again, this section should be removed.

Table of Contents

- 1. Applicability (overlay districts generally)
- 2. Village Center Overlay District (VCOD)
 - 2.1. District Intent
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 - 2.3. Definitions
 - 2.4. Development Review
 - 2.5. Dimensional Standards
 - 2.6. Development and Design Standards (Site, Building, and Parking Design Standards)
 - 2.7. Design Guidelines (Site, Building, and Parking Design Standards)
 - 2.8. Allowed Uses
 - 2.9. Administration

1. Applicability.

1.1. General

- A. The provisions of Article # 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. Where a building permit for development of a lot, or any portion thereof, under the provisions and standards of the Overlay District has not been previously issued by the city, future development on the lot may occur either in accordance with the underlying zoning district or the Overlay District. Submittal for an Overlay District development application shall be voluntary.
 - 2. Where an Overlay District development application has been previously submitted and a building permit has been issued pursuant to such application for development activity for a given lot, or any portion thereof, any future development on the lot shall be subject to the provisions and standards of the Overlay District.
- B. Conflicts. If a site is subject to the provisions and standards of the Overlay District, and where conflicts exist between the Overlay District and any other provision of the City of Newton Zoning Ordinance, the provisions and standards of the Overlay District shall take precedence and apply.

2. Village Center Overlay District (VCOD)

2.1. District Intent.

- A. Allow the development of buildings and uses appropriate to Newton's village centers, areas immediately adjacent to village centers, and transit-rich areas, in a manner that aligns with the vision of the City's Comprehensive Plan and other policy documents.
- B. Encourage development that fosters compact, pedestrian-oriented villages with a diverse mix of residences, shops, offices, institutions, and opportunities for entertainment.
- C. Allow sufficient density and intensity of uses to promote a lively pedestrian environment, public transit, and variety of businesses that serve the needs of the community.
- D. Expand the diversity of housing options available in the City.
- E. Promote the health and well-being of the community by encouraging physical activity, use of alternative modes of transportation, and creating a sense of place.

Commented [ML3]: "Transit-rich" is an opinion and does not belong in this document. Nor is it a defined term.

Commented [ML4]: This proposal is not consistent with the current version of the Comprehensive Plan. Either the Plan needs to be amended or this section needs to be deleted.

- F. Facilitate compliance with the multi-family zoning requirement for MBTA communities pursuant to M.G.L. Chapter 40A, Section 3A.

Commented [ML5]: The MBTA Communities Act and this plan are two distinct items. We can comply with the Act without enacting the Village Center Overlay District. Therefore, this should be removed.

2.2. District Purpose.

The Village Center Overlay District (VCOD) has been divided into four (4) distinct tiers of districts:

- A. Multi Residence Transit (MRT). The MRT District facilitates new, small-scale, multi-family buildings similar in size to the surrounding residential neighborhoods and the preservation of existing homes through conversion to multiple units. This district acts as a transition between the mixed-use cores of village centers and surrounding residential neighborhoods.
- B. Village Center 1 (VC1). The VC1 District facilitates small- to medium-scale multi-family buildings given its location along major corridors and proximity to amenities, mixture of uses, and transit options found in Newton's village centers. This district acts to link certain village centers and allows for neighborhood serving retail along key corridors and intersections.
- C. Village Center 2 (VC2). The VC2 District facilitates mixed-use and residential development of moderate scale. This district serves as the core of some village centers and as a transition district for other village centers. Buildings are typically set close to the sidewalk to create a defined street wall that supports pedestrian activity and a sense of place. Ground story active uses address the needs of residents and employees in the immediate neighborhood as well as the larger Newton Community.
- D. Village Center 3 (VC3). The VC3 District facilitates mixed-use development of moderate- and large-scale. This district serves as the core commercial zone of certain village centers, particularly those with access to mass transit. Buildings are typically set close to the sidewalk to create a defined street wall that supports pedestrian activity and a sense of place. Ground story active uses address the needs of residents and employees in the immediate neighborhood, the larger Newton Community, and regional visitors.

Commented [ML6]: Community should not be capitalized.

2.3. Definitions

In addition to the definitions found in Article 8 Definition, the following definitions apply.

- A. Awning. A roof-like covering of canvas or other material attached to a metal or other frame and supported entirely from a building or other structure.
- B. Balcony. An unenclosed platform with a railing that provides outdoor amenity space on upper stories.
- C. Basement. See Section 1.5.4.D.
- D. Bay. A Bay is a window assembly extending from the main body of a building to permit increased light, provide multi-direction views, and articulate a building wall. Two Bays can connect around corners.
- E. Bicycle Parking, Long-Term. Accommodations for the parking of a bicycle for two (2) or more hours.

Commented [ML7]: None of these statements of purpose are necessary. Moreover, active uses in VC2 can, and should, be attractive to those outside of Newton. Indeed, it is those types of iconic businesses that we want to foster.

- F. Bicycle Parking, Short-Term. Accommodations for the parking of a bicycle for less than two (2) hours.
- G. Building Footprint Area. Area of the largest above grade floor of the building as measured to the exterior faces of the walls, including decks that extend more than 8' from the building face.
- H. Development. The construction or modification of any principal building type, accessory building type, or other structure; and the establishment, change, or expansion of any use of any structure or land.
- I. Facade Build Out Ratio. The ratio of the width of the entire Front Elevation to the Lot Width along the Primary Front Lot Line.
- J. Frontage Area. The area of a lot between the building facade(s) and any front lot line(s), extending fully to each side lot line(s).
- K. Front Elevation. The exterior wall of a building oriented in whole or in part toward the public right of way.
- L. Furnishing Zone. The portion of the sidewalk between the curb and the walkway that is used for street trees, landscaping, transit stops, street lights, and site furnishing.
- M. Lot Line. See Section 1.5.2.A.
- N. Lot Line, Front. The lot line abutting a street or right of way.
- O. Lot Line, Side. Any lot line other than a front or rear lot line.
- P. Lot Line, Rear. Any lot line which is parallel to or within forty-five (45 degrees) of being parallel to a front lot line, unless that lot line is a side lot line of an abutting lot.
- Q. Lot Width. The length of the front lot line of a lot.
- R. Mixed-Use Priority Street. A portion of a street that requires ground story active uses within the VCOD tiers as shown on the Newton Zoning Map.
- S. Open Space, Usable. See definition in Article 8.
- T. Party Wall. A wall separating two attached buildings.
- U. Primary Front Lot Line. The lot line abutting a street or right of way. Where there are multiple lot lines abutting streets or rights of way, the Primary Front Lot Line shall be the one the main entrance faces. Where there are multiple lot lines abutting streets or rights of way and the main entrance does not face a street or right of way, the Primary Front Lot Line shall be determined by the Commissioner of Inspectional Services or their designee.
- V. Principal Entrance. The addressed entrance to a building or commercial space.
- W. Residential District. Residential districts include lots located in the Single Residence (SR), Multi Residence (MR), and Multi Residence Transit (MRT) zoning districts.
- X. Retaining Wall. See Sec. 5.4.2.A.
- Y. Screening. See Section #.
- Z. Step-Back. A recess of an upper story façade a set distance behind the façade of the story below.
- AA.Story. See Section 1.5.4.

Commented [ML8]: Eight feet is too big.

Commented [ML9]: Who owns the sidewalk – the city or the landowner (I think it is the former). Can we legally regulate sidewalk uses in this way (and maybe we can but we need to ask the questions).

- BB. Story, Ground. The lowest story of a building with a finished floor at or above the finished ground level next to a building at the facade.
- CC. Story, Half. See VCOD Section 2.6.B.3
- DD. Story, Upper. Any full story above the ground story of a building.

2.4. Development Review

A. Applicability.

- 1. The density and dimensional controls in Sec. # apply to all buildings, structures and uses in each of the listed VCOD tiers, except as expressly **excepted** in this VCOD ordinance.

Commented [ML10]: I think you need to use another word here.

B. Approval Process.

Development on any lot, by-right or by special permit, requires the submittal of development review materials as required in Article 7, except as modified herein. A pre-submittal discussion or meeting with the Planning Department, who shall consult with the Inspectional Services Department, is **recommended** for all development.

Commented [ML11]: Recommendations have no place in an ordinance. This should be stricken. It can be issued as a matter of guidance.

- 1. Special Permit is required for:
 - i. Any Development in the Village Center 1, 2, and 3 tiers on a lot thirty-thousand (30,000) square feet or larger, except as modified through Adaptive Reuse (see Sec. #).
 - ii. The construction of multiple buildings on a single lot in the Multi Residence Transit district (MRT), except as modified through Adaptive Reuse (see Sec. #).
 - iii. The City Council is the granting authority for all development that requires a special permit, except as modified in this **ordinance**.

Commented [ML12]: This is too high a threshold. It should be somewhere between 10,000 – 15,000 feet.

- 2. Site Plan Review is required for:
 - i. Any development in the Village Center 1, 2, and 3, and MRT) tiers on a lot twenty-thousand (20,000) square feet or larger but less than thirty-thousand (30,000) square feet, except as modified through Adaptive Reuse (see Sec. #).
 - ii. The Planning Board is the granting authority for all development that requires Site Plan Review.

Commented [ML13]: I would eliminate this process entirely.

2.5. Dimensional Standards

A. Site Standards

VCOD	MRT	VC1	VC2	VC3	Definition List Standard ¹
Approval Process					
Special Permit					
–	Multiple buildings on a lot	Development on lots greater than or equal to 30,000 sf			
Site Plan Review					
Lot Size	Development on lots greater than or equal to 20,000 sf but less than 30,000 sf				
Usable Open Space					
Lots greater than 30,000 sf	30%	30%	5%	5%	
Building Setbacks					
Front (min.)					
–	10' or Average	10' or Average	0'	0'	
Side (min.)					
Abutting a Party Wall in a non-Residential District	7.5'	0'	0'	0'	
Abutting a building without a Party Wall in non-Residential District	7.5'	10'	0'	0'	
Abutting a Residential District	7.5'	15'	15'	15'	
Rear (min.)					
Abutting a non-Residential District	15'	15'	5'	5'	
Abutting a Residential District	15'				
Building Separation for Multiple Buildings on a Lot (min.)					

Commented [ML14]: In general, we do not need a VC3 concept, except in perhaps a few places.

Commented [ML15]: See above

Commented [ML16]: See above

Commented [ML17]: I need to have a better understanding of the implications of these dimensions before I can comment on them. Some examples would be helpful.

¹ Section references to be added as needed

VCOD	MRT	VC1	VC2	VC3	Definition / Listed Standard
–	15'	15'	25'	25'	
Facade					
Facade Build Out Ratio (min.)					
Facing a public right-of-way	N/A	75%, or Lot Width within side setbacks minus 15', whichever is less			
Parking Placement					
Parking Setbacks (min.)					
Facing a right of way		12'			
Not facing a right of way		4'			
-- = Not Allowed N/A = Not Applicable					

Commented [ML14]: In general, we do not need a VC3 concept, except in perhaps a few places.

B. Building Standards

VCOD	MRT	VC1	VC2	VC3	Definition / Listed Standard
Building Massing					
Building Footprint (max.)					
–	1,500 sf	4,000 sf	10,000 sf	15,000 sf	
Building Height in Stories (max.)					
–	Pitched Roof: 2.5 Flat Roof: 2.0	2.5	3.5	4.5	
Development within 50' of lot line abutting a Residential District	Pitched Roof: 2.5 Flat Roof: 2.0	2.5	3.5	3.5	
Pitched Roof, Building Height in Feet (max.)					
–	45'	45'	62'	75'	
Development within 50' of lot	45'	45'	62'	62'	

Commented [ML18]: See above regarding the need for a better understanding and examples.

Commented [ML19]: I object to the continued use of the half-story concept. These are not "half stories". They are top stories with slightly smaller dimensions.

VCOD	MRT	VC1	VC2	VC3	Definition / Listed Standard
line abutting Residential District					
Flat Roof, Building Height in Feet (max.)					
–	27'	40'	56'	69'	
Development within 50' of lot line abutting Residential district	27'	40'	56'	56'	
Ground Story Height in Feet (min.)					
Mixed-Use Priority Streets	N/A	15'			
All other Streets	N/A	12'	12'	12'	
Half-Story Height in Feet (max.)					
Flat Roof	12'				
Pitched Roof	18'				
Half-Story Step-Back in Feet (min.)					
Flat Roof	7' along all Lot Lines, see Sec. #				
Pitched Roof	N/A, see figure #				
Facade					
Ground Story Fenestration (min.)					
Mixed-Use Priority Streets	N/A	N/A	70%	70%	Commented [ML20]: How do you define "priority streets"?
All other Streets, non-residential use	N/A	N/A	50%	50%	
All other Streets, residential use	N/A	N/A	15%	15%	
Ground Story Active Use (min.)					
Mixed-Use Priority Streets	N/A	N/A	100%	100%	
Active Use Depth	N/A	N/A	25'	25'	
Articulation					

VCOD	MRT	VC1	VC2	VC3	Definition / Listed Standard
Length of continuous facade (max.)	100', see Sec. #				
Use and Occupancy					
Dwelling Units (min./max.)	3 / 4 except as modified through Adaptive Reuse (see Sec. #)	3 / N/A	3 / N/A	3 / N/A	
-- = Not Allowed N/A = Not Applicable					

Commented [ML21]: Please confirm that if a property is currently zoned SR1, 2 or 3 that there will be no prohibitions in building in that manner.

2.6. Development and Design Standards

A. Site Design Standards

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

Commented [ML22]: As noted above, I need a better understanding of the implications of these rules, including examples.

1. Building Placement

- a. The Front Elevation must be built out to a percentage of the Lot Width as specified by the Facade Build Out Ratio in the Lot Standards for each VCOD tier.
 - i. The Facade Build Out Ratio may be met cumulatively by multiple buildings on a lot.
 - ii. Usable Open Space with Ground Story Active Uses is considered part of the building for the purpose of calculating the facade build out ratio.
- b. Buildings must be set back from any lot line abutting a sidewalk an additional distance so that at least twelve (12) feet in width is provided between the back of curb and exterior facade of the building, at all points. The area of the lot that is within twelve (12) feet of the curb shall be paved in compliance with the City's sidewalk standards.

2. Number of Buildings

- a. Multiple buildings are permitted on each lot by-right, except;
 - i. A special permit is required in the MRT district for multiple buildings on a lot, except as modified through Adaptive Reuse (see Sec. #).

Commented [ML23]: I do not think multiple buildings should be permitted without a special permit.

3. Building Separation

- a. Multiple buildings on a single lot must comply with the building separation distance at all points as specified in the Building Standards for each VCOD tier.

4. Open Space and Public Realm
 - a. Development on lots 30,000 sf and greater must provide Usable Open Space as specified for each VCOD tier.
 - b. In the VC2 and VC3 districts, the Usable Open Space must be accessible to the public.
 - c. Buildings must provide shared Usable Open Space as exterior spaces (patio, roof deck, roof terrace, yard, forecourt, plaza) that maintain attractive landscaping where it enhances the public realm, environmental sustainability, and/or the appearance of the site.
5. Retaining Walls
 - a. The placement of a retaining wall of four (4) feet or more anywhere on a lot requires a special permit.

Commented [ML24]: This threshold should be lower.

Commented [ML25]: Please define how that will be done.

Commented [ML26]: This is a completely subjective term. What is attractive to one person may be unattractive to another.

Commented [ML27]: Who will be deciding if these standards are met?

B. Building Design Standards

This section provides the dimensional standards for buildings within the VCOD tiers, defines how to measure certain standards, and provides other requirements and information.

1. Building Height
 - a. Buildings may not exceed the maximum building height specified for each building type. Building height is measured as defined in Section 1.5.4. Height.
2. Story Height
 - a. The Ground Story of a building must comply with the minimum story height requirements specified for each VCOD tier.
 - b. The height of the ground story and upper story(ies) of a building is measured vertically from the surface of the finished floor to the surface of the finished floor above, or to the top of the highest roof beam if no finished floor is immediately above, at all points.
 - c. The height of a half story is measured vertically from the surface of the finished floor to the top of the highest roof beam above.
3. Number of Stories
 - a. Buildings may not exceed the maximum number of stories as specified in the Building Standards for each VCOD tier.
 - b. The Ground Story is always counted as one (1) story, except that a single Ground Story eighteen (18) feet or greater in height is counted as two (2) stories.
 - c. Any Upper Story is counted as (1) additional story, except that any upper story sixteen (16) feet or greater in height is counted as two (2) stories;
 - d. Space located directly under a pitched roof is counted as a half (0.5)-story, provided the following standards are all met:
 - i. At least two (2) opposite roof planes are pitched toward each other.

Commented [ML28]: Why isn't this twelve feet?

- ii. A pitched roof may be composed of roof planes with different slopes.
 - iii. The slope of any pitch must be no greater than 14:12 (49.4 degrees); otherwise, this story is counted as a full story.
 - iv. The roof rafters must intersect the wall plate or top of wall frame of the exterior walls at a height no more than two (2) feet above the finished floor of the half (0.5)-story; otherwise, this story is counted as a full story.
 - v. Dormers must comply with the requirements set forth in Sec. 1.5.4.G.
4. Half-Story Step-Back for Flat Roofs
- a. Required Step-Backs must be provided for all stories as specified in the Building Standards for each VCOD tier.
 - b. Buildings on any lot with a Lot Width of seventy (70) feet or less are exempt for the upper story Step-Back requirement along the Side Lot Line(s), except when abutting a Residential District the facade of the building facing the Residential District is not exempt from the upper story Step-Back requirement..
 - c. Buildings on any lot with an average lot depth less than seventy (70) feet are exempt from the upper story Step-Back requirement along the Rear Lot Line, except when the rear lot line abuts a Residential District.
5. Building Footprint
- a. Buildings must comply with the maximum Building Footprint as specified in the Building Standards for each VCOD tier.
 - b. Building Footprint includes all enclosed spaces whether for habitation or storage. Any parking area that is covered by a roof is included in the Building Footprint.
 - c. Portions of the building below the average grade and not visible from any right of way or adjacent lot line do not count towards the Building Footprint.
 - d. Bays, Awnings, and Balconies, do not count towards the Building Footprint. See Sec. # Architectural Features.
6. Affordable Housing
- a. Except as modified herein, the provisions of Section 5.11 Inclusionary Zoning shall apply in the VCOD.
 - b. Bonus. To increase the supply of affordable housing, beyond the requirements within Newton's Inclusionary Zoning Ordinance, the following building height and building footprint increases are allowed within the VC2 and VC3 districts by-right, subject to the requirements of Sec. 2.6.B.6.c.:

Commented [ML29]: Please provide examples so we can better understand the implications of this proposal.

Commented [ML30]: How is roof defined for this purpose?

Commented [ML31]: I do not support Option 2. I need a better understanding of Option 1.

Affordable Housing Bonus

	Option 1		Option 2
VCOD District	VC2	VC3	VC3
Building Height in Stories, (max.)	4.5	5.5	6.5
Pitched Roof, Building Height in Feet, (max.)	72'	84'	96'
Flat Roof, Height in Feet, (max.)	66'	78'	90'
Building Footprint, (max.)	12,500 sf	17,500 sf	17,500 sf

c. Standards

- i. To utilize the affordable housing bonus in the above table, a development must fully comply with the provisions of Section 5.11, except the number of inclusionary units required shall be as follows:

Number of Inclusionary Units Required				
	Option 1		Option 2	
Project Type	Rental	Ownership	Rental	Ownership
Tier 1 (# of units)	25%	25%	30%	30%
Tier 2 (# of units)	N/A	N/A	N/A	N/A
Area Median Income (AMI)	50-80%	80%	50-80%	80%

- ii. The portion of the building within 50' of a lot line abutting a Residential District may not increase the number of stories or height.
- iii. A VC3 lot adjacent to a VC1 or Residential District may not utilize Option 2.

7. Ground Story Active Uses

- a. Any lot with Mixed Use Priority Street frontage must also provide ground story Active Use space. The active use space must meet the depth requirement specified in each VCOD Tier, measured as the distance from the interior of the wall fronting on the Mixed Use

Priority Street towards the interior of the building, for one hundred percent (100%) of the total width of the building. No more than thirty percent (30%) of the required active use space may be dedicated to semi-active accessory uses, as defined below.

Commented [ML32]: This seems too high. I would want to discuss further.

- b. Active Uses only include:
 - i. Retail
 - ii. Restaurant / bar / specialty food service
 - iii. Place of amusement
 - iv. Personal service
 - v. Gallery / arts studio
 - vi. Live/work space
 - vii. Community use space
- c. Semi-active accessory uses include: lobbies and common areas associated with office, hotel, or residential uses, and access to accessory parking.

8. Adaptive Reuse

- a. The reuse and revitalization of existing buildings, including historically significant buildings, within the VCOD tiers will benefit the general health and welfare of the Newton community by fulfilling stated goals on housing, transportation, sustainability, and historic preservation.
- b. A building on a lot in the VCOD District must meet the following criteria to be eligible to be developed as an adaptive reuse development:
 - i. Buildings within the VC2 and VC3 tiers must have at least two (2) stories in height, and have been constructed prior to 1945 or determined to be historically significant by the Newton Historical Commission.
 - ii. Buildings within the MRT and VC1 tiers must have at least one-and-a-half (1.5) stories in height.
- c. A building on a lot in the VCOD District that meets the foregoing eligibility criteria may be developed as an adaptive reuse development, provided that a pre-development site survey with existing conditions prepared, stamped, and signed by a registered engineer or land surveyor is submitted with the required Overlay District development application.
- d. Notwithstanding anything to the contrary in the zoning ordinance, an existing building on a lot that qualifies as an adaptive reuse development in any of the VCOD tiers may utilize the following building standards:
 - i. Additional height may be added to existing buildings; however the total height may not exceed the overall height or number of stories as specified in each VCOD tier.
 - ii. There are no parking requirements.

Commented [ML33]: This language is not necessary.

Commented [ML34]: I need to better understand the implications of this proposal. Examples would be helpful.

- iii. There are no open space requirements.
 - iv. New construction must meet minimum sidewalk width requirements; however existing buildings and portions of existing buildings are exempt.
 - v. Existing building side and rear setbacks that do not meet the minimums in Sec. # may remain. Alterations, enlargements, or reconstruction within the side or rear setbacks are not allowed, except as permitted under Section 7.8.
- e. Additional standards for buildings within the VC2 and VC3 tiers utilizing this Section:
- i. A building may exceed the maximum Building Footprint, up to five-thousand (5,000) square feet along the side and rear elevations set back at least twenty (20) feet from the Front Elevation.
 - ii. Development on lots larger than thirty thousand (30,000) square feet is permitted by-right, subject to Site Plan Review.
- f. Additional standards for buildings within the VC1 and MRT tiers utilizing this Section:
- i. A building may exceed the maximum Building Footprint by fifty percent (50%) along the side and rear elevations set back at least twenty (20) feet from the front elevation.
 - ii. Multiple buildings on a lot are permitted, subject to Site Plan Review.
- g. No exterior alterations of the building along the Front Elevation except those necessary to comply with applicable Health, Building, and Fire codes.
9. Architectural Features
- a. The structural and architectural elements which extend outward from a building facade, including Awnings, Canopies, Bays, and Balconies. Architectural features may project into the front setback and/or right of way as shown below:
 - i. Bay.

Commented [ML35]: This threshold should be much lower, as noted above.

Commented [ML36]: I am not comfortable with these provisions without further explanation.

Dimensions	
Width of Each Bay (max.)	Greater of 20% of wall length or 12 ft
Depth (max.)	3 ft
Fenestration (min.)	60%
Front Setback Encroachment at Ground Story (max.)	3 ft

Commented [ML37]: What is the rationale for this provision?

Front Setback Encroachment at Upper Story (max.)	100%
Extension into the right of way (max.)	3 ft
Clearance above Grade within right of way (min.)	Top of the Ground Story

ii. Balcony.

Dimensions	
Width of Each Balcony (min. / max.)	5 ft / Greater of 20% of wall length or 12 ft
Depth (min. / max.)	3 ft / 8 ft
Clearance above Grade (min.)	Top of the Ground Story
Front Setback Encroachment (max.)	100%
Extension into the right of way (max.)	3 ft

iii. Awning.

Dimensions	
Width of Each Awning	–
Depth (min.)	3 ft
Clearance above Grade (min.)	8 ft
Front Setback Encroachment (max.)	100%
Extension into the right of way (max.)	10 ft

10. Facade Articulation

- a. The Front Elevation of any building greater than one hundred (100) feet in width must be divided vertically by a recess or an offset at least seven (7) feet deep and ten (10) feet wide. Modifications to the facade of existing buildings are exempt.

11. Ground Story Fenestration

- a. Fenestration must be provided as specified in the Building Standards for each VCOD tier and is calculated as a percentage of the area of the Front Elevation.

- b. For buildings with ground story Active Use spaces, ground story fenestration is measured between two (2) feet and ten (10) feet above the finished floor of the ground story.
- c. For ground story fenestration, glazing must have a minimum sixty percent (60%) Visible Light Transmittance (VLT) and no more than fifteen percent (15%) Visible Light Reflectance (VLR) as indicated by the manufacturer.

12. Building Entrances

- a. For lots with Street frontage, buildings must have their main entrance from a right of way on that Street. For parcels without Street frontage, buildings should have their main entrance on the side wall oriented toward the parking lot provided for the building.
- b. Buildings with ground story Active Use spaces must have principal entrances for the Active Uses along the Street frontage.
- c. Principal entrances must either be recessed from the plane of the facade, or have a projecting Awning, to signal building entry and provide adequate protection from the elements.

13. Roof Features

- a. Non-habitable architectural features are permitted on roofs in accordance with Section 1.5.4.A.

14. Mechanical Equipment

- a. Roof-mounted mechanical equipment must be screened and setback at least ten (10) feet from the intersection of the roof and wall plane immediately below. See Section # Screening.
- b. Wall-mounted mechanical and/or electrical equipment such as louvers, exhaust equipment, ducts, alarm devices, cable boxes, utility meters, etc. shall not be mounted on a Front Elevation.
- c. All free standing mechanical and/or electrical equipment are prohibited between any Front Lot Line and Front Elevation.

Commented [ML38]: Don't use "etc." in an ordinance.

C. Parking Design Standards

1. Required Accessory Parking Spaces

- a. There are no motor vehicle parking minimums within the VCOD.
- b. Bicycle parking must be provided as specified in Sec. #.
- c. Motor vehicle parking spaces for persons with disabilities may not be shared and must be provided on-site.
- d. Centralized parking facilities must provide signage identifying the permitted users.
- e. Pedestrian access to motor vehicle parking must be via a paved sidewalk or walkway.
- f. Bicycle parking must be provided at no cost or fee to customers, visitors, employees, tenants, and residents.

Commented [ML39]: If we believe that the market should dictate how much parking to provide, then the same should be true for bicycles. Furthermore, depending on the needs of the residents and businesses, the necessity of bike parking might vary considerably. Shouldn't we let the market decide?

Commented [ML40]: If there are no parking requirements, then I do not understand the need for this provision. Do we want to require a certain amount of parking for persons with disabilities?

2. Required Number of Accessory Bicycle Parking Stalls

Commented [ML41]: See above.

The following standards for accessory bicycle and motor vehicle parking spaces are associated with the use categories permitted in the VCOD tiers:

Use Category	Bicycle Parking	
	Short-term (min.)	Long-term (min.)
Residential Uses		
Multi-family dwelling, ten (10) units or less	None	None
Multi-family dwelling, more than ten (10) units	0.1 per unit	1.0 per unit
Lodging House	1 per 10,000 sf	1 per 5,000 sf
Live/work space	0.5 per unit	0.1 per unit
Convalescent or rest home or other institution devoted to the board, care or treatment of humans	–	–
Elderly housing with services, residential care facility, elderly congregate living facility	–	–
Civic/Institutional Uses		
Dormitory	0.1 per bed	0.5 per bed
Religious Institutions	–	–
School serving children under 14 years of age	1 per classroom	4 per classroom
Commercial Uses		
Bank	1 per 5,000 sf	1 per 2,500 sf
Family child care home, large family child care home, day care center	2	1 per 10,000 sf
Funeral home	1 per 2,500 sf	1 per 10,000 sf
Health club, similar establishment	1 per 2,500 sf	1 per 10,000 sf
Hospital, sanitarium	10 per entrance	1 per 5,000 sf
Hotel, motel	1 per 20 rooms	1 per 10 rooms
Medical office	1 per 2,000 sf	1 per 10,000 sf

Commented [ML42]: Would this include a pre-school or daycare center?

Commented [ML43]: Why aren't city facilities sufficient for this parking?

Office, professional building	1 per 5,000 sf	1 per 2,000 sf
Outdoor or open-air sales space, drive-in establishments, open-air retail business, amusements and other similar uses	–	–
Personal service	1 per 1,000 sf	1 per 2,500 sf
Post Office	1 per 1,000 sf	1 per 2,500 sf
Radio or television broadcasting studio	1 per 2,500 sf	1 per 10,000 sf
Restaurant, food or beverage establishment (for sidewalk and parking space cafe seating, see 12-70)	1 per 2,000 sf	1 per 2,000 sf
Retail store, showroom	1 per 2,500 sf	1 per 10,000 sf
Service establishment	1 per 1,000 sf	1 per 2,500 sf
Theaters, halls, clubs, auditoriums and other places of amusement or assembly	1 per 5,000 sf	1 per 2,500 sf
Industrial Uses		
Manufacturing	–	1 per 10,000 sf
Research, laboratory	1 per 20,000 sf	1 per 5,000 sf
Storage warehouse or business	–	–
Telecommunications and data storage facility	–	–
Wholesale business	–	1 per 40,000 sf

3. Parking Access

- a. Vehicular access to parking lots and structures along the Primary Front Lot Line is prohibited when vehicular access along another lot line is available.
- b. Shared use of parking lots, by multiple uses and/or developments on multiple parcels, is permitted.
- c. The sum of the width of a garage door or doors may be no more than 40% of the Front Elevation along any Primary Front Lot Line.

4. Curb Cuts and Driveways

- a. Curb cuts are prohibited along the Primary Front Lot Line when vehicular access along another lot line is available.
- b. Each lot is limited to one curb cut per Street frontage.
- c. The maximum width of a driveway for vehicular access to parking lots and structures is as follows:

Access Type	Width (max.)
One-way	12 ft
Two-way	24 ft

- d. The interior width of a curb cut (between curb stones) may be no wider than the driveway, vehicular entrance, or loading facility it serves.
 - e. The grade, cross slope, and clear width of the walkway of a sidewalk must be maintained between the driveway apron and the abutting driveway.
 - f. Curb cuts for driveways must be at least 20 feet from an unsignalized intersection and at least forty 40 feet from a signalized intersection.
5. Vehicular Parking Placement
- a. Unless otherwise specified in this Section, all parking spaces must be located at or behind any required parking setback as specified in the Lot Standards for each VCOD tier.
 - b. No parking spaces are allowed between the Front Elevation and the Primary Front Lot Line.
6. Parking Stall Dimensions
- a. For vehicular parking stalls, see Section 5.1.8.B and 5.1.8.C.
 - b. Bicycle parking stalls must meet the following standards:
 - i. Size and Layout. Each bicycle parking stall must be at least two (2) feet by six (6) feet in size or the minimum required by the manufacturer of a bicycle rack or locker, whichever is more.
 - ii. Access.
 - a. Areas designed for bicycle parking stalls must have a hard, stabilized surface.
 - b. Bicycle parking stalls must have at least one (1) access aisle at least five (5) feet wide to allow room for maneuvering. This access aisle must be kept free from obstructions.
 - c. Bicycle parking stalls must be accessible without moving another bicycle or lifting or carrying a bicycle over any steps or stairs.
 - d. Outdoor access routes must be appropriately lighted to allow for safe nighttime use.
 - iii. Weather Protection. When provided, weather protection must be permanent, designed to protect bicycles from rainfall, and provide at least seven (7) feet of clearance above ground level.

- iv. Bicycle racks must meet the following standards:
 - a. Be a fixed-in-place stand that is securely anchored to the ground;
 - b. Provide support to the bicycle frame, allowing for both wheels to rest upon a stable surface and for the bicycle to stand upright and not fall over without the use of a kick-stand;
 - c. Be configured not to block handlebars and baskets and to provide two points of contact for locking the frame and at least one wheel with a user-provided locking device;
 - d. Be constructed of materials that resist cutting, rusting, bending, or deformation; and
 - e. Be arranged in rows (with bicycles parked side-by-side) or in alignment (with bicycles parked end-to-end).
- v. Bicycle lockers must meet the following standards:
 - a. Be securely anchored to the ground;
 - b. Be configured to provide support to the bicycle, allowing it to stand upright without the use of a kick-stand, and
 - c. Be secured by means of a lockable door or, alternatively, configured internally to allow locking of the frame and at least one wheel with a user-provided locking device.
- vi. Signage. If required bicycle parking is not visible from the street or principal entrance(s), a sign must be posted at the principal entrance(s) indicating the location of the parking. Such signage must meet the standards found in Sec. 5.2. Signs.
- vii. Additional standards for Short-Term Bicycle Parking.
 - a. Short-term bicycle parking may be provided in any combination of bicycle racks and bicycle lockers. Racks that are double height or require hanging of a bicycle are prohibited for short-term bicycle parking.
 - b. Short-term bicycle parking must be provided outside of a principal building and within one-hundred (100) feet of the principal entrance of the use served by the parking.
 - c. Short-term bicycle parking must be at the same grade as the abutting sidewalk or at a location that can be reached by an accessible route from the

- sidewalk that is a minimum of five (5) feet wide, with no steps and a six percent (6%) slope or less.
- d. Short-term bicycle parking serving multiple uses on a single lot, or abutting parcels under the same ownership, may be combined into a single area.
 - e. Any required Short-Term Bicycle Parking provided in a structure or under cover must be provided at ground level, free of charge, and clearly marked as bicycle parking.
- viii. Additional standards for Long-Term Bicycle Parking.
- a. Long-term bicycle parking may be provided through any combination of racks or lockers.
 - b. Long-term bicycle parking must be provided in a well lit, secure location within the same building as the use the parking is intended to serve or within an accessory structure located within two-hundred (200) feet of the principal entrance of the building.
 - c. To provide security, long-term bicycle parking must either be:
 - i. In a locked room;
 - ii. In an area that is enclosed by a fence with a locked gate. The fence must be either eight (8) feet high, or be floor-to-ceiling;
 - iii. Within view of an attendant or security guard;
 - iv. In an area that is monitored by a security camera; or
 - v. In an area that is visible from employee work areas.
 - d. All required long-term bicycle parking spaces must be designed to provide continuous shelter from the elements.
 - e. Long-term bicycle parking serving multiple uses may be combined into a single area or accessory structure.
 - f. Where long-term bicycle parking is located adjacent to motor vehicle parking or loading facilities, a physical barrier must be provided to prevent potential damage to bicycles by other vehicles.
 - g. When twenty (20) or more long term bicycle parking spaces are provided, a minimum of ten percent (10%) of the spaces must be three (3) feet by eight (8) feet in size.

- h. Up to twenty five (25%) of long term bicycle parking space may be provided as racks that require bicycles to be hung or lifted off the ground or floor.
- ix. Alternative Compliance. The provisions of this Section # may be modified by special permit to accommodate alternative technologies and methods for providing bicycle parking so long as the Special Permit Granting Authority makes a finding that the alternative bicycle parking provides equal or greater benefits to bicycle users.

7. Screening

- a. Parking lots must be separated from the right of way by a building or screening within the parking setback as specified in the Lot Standards for each VCOD Tier. Screening shall consist of one or a combination of the following:
 - i. A landscape strip at least five (5) feet in width, running the full length of the parking lot perimeter along the right-of-way, excluding curb cuts and driveways (Fig. #).
 - a. The landscape strip must be planted with trees, shrubs, perennials, native grasses, and/or other planting types that provide a buffer from the right-of-way.
 - b. Deciduous shade trees must be planted for every 20 feet of landscape strip length, spaced linearly and parallel to the public right-of-way. Shade trees must be a minimum of two (2) inches in tree caliper when planted.
 - ii. A wall, barrier, or fence of uniform appearance. Such a wall, barrier, or fence may be opaque or perforated provided that not more than fifty (50) percent of the face is open. There shall be a landscaped strip with a minimum width of 3 feet between the base of the wall, barrier, or fence and right of way. The wall, barrier, or fence shall comply with the provisions of the Fence ordinance in Chapter 5, Sections 5-30 - 5-34.
- b. The required screening shall be located so as not to conflict with any corner visibility requirements or any other City ordinances. Such screening may be interrupted by entrances or exits.
- c. The use of stormwater management techniques such as rain gardens and bioswales is encouraged in landscape strips.
- d. Outdoor parking facilities containing 20 stalls or more must comply with the requirements in Sec. 5.1.9.B.
- e. Parking lots in the VC1, VC2, and VC3 districts abutting properties in any Residential Districts along any side or rear lot line must be screened, per the standards above.

Commented [ML44]: The word "encouraged" is not appropriate for an ordinance.

- f. Parking lot landscape strips, parking lot islands, landscape buffers, and other landscaped areas should utilize Low-Impact-Development (LID) practices consistent with state law to treat and discharge stormwater.
- 8. Lighting. Lighting shall comply with the provisions of the Light Trespass ordinance in Chapter 20 Sections 20-23 - 20-49.
- 9. Loading
 - a. For off-street loading requirements, see Section 5.1.12.
 - b. Access to loading docks and areas along the Primary Front Lot Line is prohibited.
 - c. Outdoor loading facilities, including all docks and areas used for the storage and staging of goods or materials, that are visible from a public street, public space, or abutting properties in any Residential Districts must be screened from view. See Section #.
- 10. Service Areas
 - a. Buildings containing five or more residential units must provide private trash and recycling pick up.
 - b. Trash collection, trash compaction, recycling collection and other similar service areas must be fully enclosed within a building or located to the side or rear of the buildings.
 - c. Outdoor service areas are not permitted along any Primary Front Lot Line.
 - d. Outdoor service areas that are visible from a public street, public space, or abutting properties in any Residential Districts must be fully screened from view. See Section #.
- 11. Parking Relief
 - a. The Planning Board is the Special Permit Granting Authority for all parking relief within the VCOD tiers.
 - b. In particular instances, a special permit may be granted to allow for exceptions to this Sec. # if it is determined that literal compliance is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features.

Commented [ML45]: What about delivery vehicles, such as Amazon?

Commented [ML46]: I do not think that the Planning Board should be involved with this.

Commented [ML47]: The Planning Board is not a special permit granting authority. I do not understand this language.

2.7. Design Guidelines

The Director of Planning and Development shall adopt, and periodically amend as deemed necessary, design guidelines. These guidelines provide direction, not requirements, for the design of new development within the VCOD tiers resulting in a cohesive pattern over time. The intent is to define expectations for new development while allowing for flexibility and fostering high quality design.

Commented [ML48]: I think that this section should be deleted. The Director of Planning can issue (or not issue) guidelines but since they are not legally enforceable, they should not be part of an ordinance. Likewise, "expectations" should not be part of an ordinance.

2.8. Allowed Uses

Uses permitted in buildings with the VCOD tiers are described below.

A. Permitted Uses

1. The use of real property is subject to the provisions of Article # Use Regulations.
2. Uses are permitted as specified in Sec. #.
3. Use categories not expressly authorized are prohibited.
4. Uses permitted by special permit require additional development review in accordance with Article #.

B. Permitted Accessory Uses

1. The use of real property is subject to the provisions of Article # Use Regulations.
2. Accessory Uses are permitted as specified in Sec. #.
3. Accessory Uses not expressly authorized are prohibited.
4. Accessory Uses permitted by special permit require additional development review in accordance with Article #.

C. Use Table

Use Category	MRT	VC1	VC2	VC3	Definitions & Use Specific Standards
Residential Uses					
Single-Family, detached	–	–	–	–	Sec. 6.2.1
Two-Family, detached	–	–	–	–	Sec. 6.2.2
Multi-Family Residential use	P	P	P	P	Sec. 6.2.4
Assisted living, nursing home	SP	SP	SP	SP	Sec. 6.2.5
Elderly housing with services	SP	SP	SP	SP	Sec. 6.2.10
Live/work space	P	P	P	P	Sec. 6.2.11
Lodging House	SP	SP	SP	SP	Sec. 7
Civic/Institutional Uses					
Cemetery, private	–	–	–	–	Sec. 6.3.1
Club, clubhouse	SP	P	P	P	Sec. 6.3.2
Community use space	P	P	P	P	Sec. 6.3.3
Family child care home, large family child care home, day care center	L	L	L	L	Sec. 6.3.4

Government offices or services	P	P	P	P	Sec. 6.3.5
Heliport	-	-	-	-	Sec. 6.3.6
Hospital	-	SP	SP	SP	Sec. 6.3.7
Library, museum or similar institution	SP	P	P	P	Sec. 6.3.8
Public use	L	L	L	L	Sec. 6.3.10
Rail/bus station	P	P	P	P	Sec. 6.3.11
Religious institution	L	L	L	L	Sec. 6.3.12
Sanitarium, convalescent or rest home, other like institution	SP	SP	SP	SP	Sec. 6.3.13
School or other educational purposes, non-profit	L	L	L	L	Sec. 6.3.14
School or other educational purposes, for-profit	SP	SP	SP	SP	Sec. 6.3.14
Theater, hall	SP	P	P	P	Sec. 6.3.15
Commercial Uses					
Animal service, excluding overnight boarding	-	P	P	P	Sec. 6.4.1
ATM, standalone	-	P	P	P	Sec. 6.4.2
Bank, ground story	-	SP	SP	-	Sec. 6.4.4
Bank, upper story	-	-	SP	SP	Sec. 6.4.4
Bed & Breakfast	P	P	P	SP	Sec. 6.4.5
Business incubator	-	P	P	P	Sec. 6.4.6
Business services	-	SP	P	P	Sec. 6.4.7
Car-sharing service, car rental, bike rental, electric car-charging station as accessory uses	P	P	P	P	Sec. 6.4.8
Car wash	-	-	-	-	Sec. 6.4.9
Drive-in business	-	-	-	-	Sec. 6.4.11
Dry cleaning or laundry, retail	-	P	P	P	Sec. 6.4.12
Fast food establishment	-	-	-	-	Sec. 6.4.13
Fuel establishment	-	-	-	-	Sec. 6.4.14

Commented [ML49]: I think that this warrants further discussion.

Commented [ML50]: This warrants further discussion. Do we want parking lots of cars for car sharing or rental?

Version 2.0 Zoning Ordinance
Village Center Overlay District (VCOD)

Last Update: 6/9/23
 #38-22

Funeral home	-	-	SP	SP	Sec. 6.4.15
Health club	-	SP	P	P	Sec. 6.4.16
Hotel or lodging establishment	-	SP	P	P	Sec. 6.4.17
Job printing, up to 3,000 square feet (area used for work and storage)	-	P	P	P	Sec. 6.4.18
Job printing, over 3,000 square feet (area used for work and storage)	-	SP	SP	SP	Sec. 6.4.18
Kennel	-	-	-	-	Sec. 6.4.19
Microfulfillment Center	-	-	-	-	Sec. 6.4.47
Office	-	SP	P	P	Sec. 6.4.20
Open-air business	-	SP	P	P	Sec. 6.4.22
Outdoor storage	-	-	-	-	Sec. 6.4.23
Parking facility, accessory, single level	P	P	P	P	Sec. 6.4.24
Parking facility, non-accessory, single level	P	P	P	P	Sec. 6.4.24
Parking facility, accessory, multi-level	-	P	P	P	Sec. 6.4.24
Parking facility, non-accessory, multi-level	-	P	P	P	Sec. 6.4.24
Personal service, up to 5,000 square feet	-	P	P	P	Sec. 6.4.25
Personal service, over 5,000 square feet	-	-	P	P	Sec. 6.4.25
Place of amusement, indoor or outdoor	-	P	P	P	Sec. 6.4.26
Radio or television broadcasting studio	-	P	P	P	Sec. 6.4.27
Radio, or television transmission station	-	-	-	-	Sec. 6.4.27
Restaurant	-	P	P	P	Sec. 6.4.29
Retail sales, under 5,000 square feet	-	P	P	P	Sec. 6.4.30
Retail sales, over 5,000 square feet	-	SP	P	P	Sec. 6.4.30
Service establishment, up to 5,000 sq. feet	-	P	P	P	Sec. 6.4.31
Service establishment, over 5,000 sq. feet	-	SP	P	P	Sec. 6.4.31
Stable, public	-	-	-	-	Sec. 6.4.32

Taxidermist	-	-	-	-	Sec. 6.4.33
Vehicle repair shop, minor	-	-	-	-	Sec. 6.4.34
Vehicle repair shop, major	-	-	-	-	Sec. 6.4.34
Vehicles sales and service facility, indoor -	-	-	-	-	Sec. 6.4.35
Vehicles sales and service facility, outdoor	-	-	-	-	Sec. 6.4.35
Veterinary hospital	-	SP	SP	SP	Sec. 6.4.36
Industrial Uses					
Assembly or fabrication of materials manufactured off premise	-	-	-	-	Sec. 6.5.1
Bakery, wholesale	-	-	-	-	Sec. 6.5.2
Boat building, storage and repair	-	-	-	-	Sec. 6.5.3
Bottling works (except for alcoholic beverages)	-	-	-	-	Sec. 6.5.4
Building materials sales yard and storage building	-	-	-	-	Sec. 6.5.5
Contractor's yard	-	-	-	-	Sec. 6.5.6
Feed and seed store	-	-	-	-	Sec. 6.5.7
Food processing, wholesale	-	-	-	-	Sec. 6.5.8
Laboratory, research and development	-	-	P	P	Sec. 6.5.9
Laundry, cleaning & dyeing establishment	-	-	-	-	Sec. 6.5.10
Manufacturing	-	-	-	-	Sec. 6.5.11
Manufacturing, molding, shaping or assembly from prepared materials (including repairs)	-	-	-	-	Sec. 6.5.11
Paint store	-	-	-	-	Sec. 6.5.12
Printing, publishing and reproduction establishment	-	-	-	-	Sec. 6.5.13
Sign painting shop	-	-	-	-	Sec. 6.5.14
Telecommunications and data storage facility	-	-	-	-	Sec. 6.5.15
Trash or yard waste, collection, storage, transfer-haul or composting	-	-	-	-	Sec. 6.5.16

Vehicle storage	-	-	-	-	Sec. 6.5.17
Wholesale business or storage facility -	-	-	-	-	Sec. 6.5.18
Wholesale distribution plant	-	-	-	-	Sec. 6.5.19
Wireless communication equipment	-	-	-	-	Sec. 6.9
Manufacturing, uses not allowed by right	-	-	-	-	Sec. 6.5.11
Open Space Uses					
Agriculture, on a parcel of 5 or more acres	-	-	-	-	Sec. 6.6.1
Agriculture, on a parcel under 5 acres	-	-	-	-	Sec. 6.6.1
Resource extraction	-	-	-	-	Sec. 6.6.4
Restricted Uses					
Adult business	-	-	-	-	Sec. 6.10.1
Keno	-	-	-	-	Sec. 6.10.2
Medical Marijuana Treatment Center	-	-	-	-	Sec. 6.10.3
Craft Marijuana Cooperative	-	-	-	-	Sec. 6.10.3
Independent Testing Laboratory	-	-	-	-	Sec. 6.10.3
Marijuana Courier	-	-	-	-	Sec. 6.10.3
Marijuana Cultivator	-	-	-	-	Sec. 6.10.3
Marijuana Delivery Operator	-	-	-	-	Sec. 6.10.3
Marijuana Product Manufacturing	-	-	-	-	Sec. 6.10.3
Marijuana Research Facility	-	-	-	-	Sec. 6.10.3
Marijuana Retailer	-	-	-	-	Sec. 6.10.3
Marijuana Transporter	-	-	-	-	Sec. 6.10.3
Microbusiness	-	-	-	-	Sec. 6.10.3
Firearm Business	-	-	-	-	Sec. 6.10.4
Firing Range	-	-	-	-	Sec. 6.10.4
Gunsmith	-	-	-	-	Sec. 6.10.4

Commented [ML51]: Is this intended to include storage facilities such as the one on Newtonville Ave? I would expect that we would not want those to be built without a special permit.

P = Permitted	-- = Not Allowed	L = Allowed with Limitations	SP = Special Permit
---------------	------------------	------------------------------	---------------------

2.9. Administration

A. Special Permit Review

1. A special permit application shall be submitted and reviewed in accordance with Section 7.3, except in lieu of the criteria in 7.3.3.C, the City Council shall not approve any application for a special permit in the VCOD unless it finds, in its judgment, that the proposal meets all the following criteria:
 - i. The proposed development is consistent with the City's Comprehensive Plan and existing policies and plans established by the City.
 - ii. The proposed development is consistent with the intent and purposes of the VCOD.

Commented [ML52]: Shouldn't we be including the normal special permit criteria here – I think they are part of state law.

B. Site Plan Review

1. Application. Whenever Site Plan Review is required under the provisions of the VCOD an electronic application shall be submitted in accordance with forms and instructions provided by the Planning and Development Department.
 - i. Fee. [Reserved]
2. Review. Site Plan Review shall be conducted by the Planning and Development Board.
 - i. Timeline. [Reserved]
3. Grant of Permit. Site Plan approval shall be granted upon determination by the Planning and Development Board that the following conditions have been satisfied. The Planning and Development Board may impose reasonable conditions, at the expense of the applicant, to ensure that these conditions have been satisfied.
 - i. The Applicant has submitted the required fees and information as set forth in the City's requirements for Site Plan Review; and
 - ii. The project as described in the application meets the development standards set forth in Section #.
4. Site Plan approval shall be granted by a majority vote of the Planning and Development Board.
5. Site Plan approval under this Section # shall lapse if substantial use thereof or construction thereunder has not begun within 36 months following the grant of the Site Plan approval.

Commented [ML53]: I do not think that there should be any Site Plan Review Process – it should either be by right or by special permit and, as discussed above, the threshold for a special permit should be much lower.

Commented [ML54]: I do not think this works.

Commented [ML55]: Why wouldn't this be part of the ordinary process that Inspectional Services undertakes?

Commented [ML56]: The Director of Planning sits on the Board – the director should not be able to vote on a project.

Comments and possible amendments for VCOD
Susan. Albright

1. The use of the terms tiers and districts is confusing, sometimes you refer to VC1, VC2, VC3 by itself, sometimes as tiers and sometimes as zoning districts sometimes both. Please sort this out and make it clearer.
2. 2.2 B. uses the term “large-scale” describing VC3. Everything is relative I suppose but I don’t consider Vc3 large-scale. It is larger than VC2 but I wouldn’t call 4.5 stories large-scale. Can you say “Larger-scale”? Please find another descriptor.
3. 2.6 B 6 – Affordable housing options. I want to amend this section by deleting Option 2
4. In the same section there is a chart on inclusionary zoning – Do the tiers referred to in this chart refer to the VC1-3 tiers? Or the inclusionary zoning tiers? Please make this clearer.
5. Same section 8 – Adaptive reuse – I can’t find any reference to allowing 6 units in an MRT- maybe it’s there but I can’t find it. Can we add any qualifiers as to when 6 units is possible?
6. Same section 10.a. Façade articulation – what about changing 100 feet to between 50-80 feet?
7. Same section 12. C – building entrances – is this standard really necessary?

Principal entrances must either be recessed from the plane of the facade, or have a projecting Awning, to signal building entry and provide adequate protection from the elements. I’m thinking about several small stores – that have glass fronts – where would you put the awning – across the whole store? only over the entrance?

8. C2 – bike standards – why are all these bike standards in the VCOD? Way too much. Perhaps the bike standards should live somewhere else?
9. In the use table – L represents allowed with limitations – where are those limitations described? Should we reference some other section?
10. In the use table - why are paint and publishing stores not allowed? There is a paint store in Newton Center and it seems fine – there are printers in some centers (although less now) – but why are they not welcome?



Memorandum

To: Barney S. Heath, Director of Planning and Development;
Jennifer Caira, Deputy Director

From: Councilor Pam Wright

Re: Proposed amendments to zoning

Date: July 28, 2023

Approval process:

1. 2.4.B.1.i change special permit from 30,000 sf to 15,000 sf and add priority streets special permit to 10,000 sf or larger. *Priority streets are not counted in MBTA Act and we get more control on what our village centers will be.*
2. 2.4.B.1.ii replace “except as modified through Adaptive Reuse” to “except for one additional building as modified through Adaptive Reuse”.
3. 2.4.B.2.i change site plan review from 20,000 sf to 10,000 sf.
4. 2.4.B.2.ii Add public hearing for site plan and design reviews. *Brookline is having public hearings for site plan and design review in their zoning proposal.*

Dimensional Standards Site:

1. 2.5.A special permit: change special permit from 30,000 sf to 15,000 sf and add priority streets special permit to 10,000 sf or larger. *Priority streets are not counted in MBTA Act and we get more control on what our village centers will become. Through my calculations, proposed zoning will allow over 18,300 units by right plus additional units in multiple buildings and lot separation (~2000 units+). Lowering the special permit to 15,000 sf still allows over 14,300+ units by right and over 9000 units in the MBTA communities areas. Lowering special permits on priority streets give us more control over the village centers.*
2. 2.5.A Change site plan review from 20,000 sf to 10,000 sf. And add public comment requirement. Brookline will do this too.

3. Change Usable open space from 30% to 50% for MRT and VC1 on all lot sizes per our present zoning. For adaptive reuse, usable open space for all lots to 40%. *This will allow for trees and green space and not all pavement and parking. Presently our zoning is 50% to 70% usable open space depending on the lot designation. This still doesn't limit the size of the house – FAR does.*
4. Front building setbacks: change from “10’ or average” to “25’ or average”. *Presently zoning is 25’ (MR2), 30’ (SR2 and SR3) to 40’ (SR1).*
5. Change required front setback abutting a residential district in MRT from 7.5’ to 12.5’. *Presently this is one of the biggest complaints – that the new house is too close to the street. Also, this greatly limits trees and green space in side yards.*
6. Add: when abutting a non residential lot used as residential, abutting residential district setbacks will be used. *Some BU lots are used as homes and will not get any protection from zoning when abutting VC districts.*
7. Change VC1, 2, 3 side and rear setbacks to abutting residential districts to present zoning – “½ building height or 15’, whichever is larger”. *The proposed zoning could have a 62’ building only 15’ away from a residential district. In the present zoning it would have to be 31’ away or a 30’ tall building could be 15’ away. Depending on the orientation of buildings, residential yards could be in shadows much of the day.*
8. Change MRT building separation from 15’ to 25’ as in the present zoning. *A building separation of 15’ will present as a bigger mass in the residential neighborhoods.*

Dimensional Standards Building:

1. Limit VC2 and VC3 developments within 50’ of lot line abutting a residential district to 3.5 stories with the present zoning setback of “½ building height or 15’, whichever is larger”
2. Lower maximum MRT pitched roof height to 40’
3. *I would like a discussion on the active use depth minimum. Is 25’ too large? Would 12’ be OK for a pop up?*

Site Design Standards:

1. In 2.6.A.1 add additional setback required to eliminate blocked site lines to landmarked and prominent village center buildings.
2. Add 2.6.A.2.a.ii - additional buildings in public view will be designed in keeping or compatible/compliment original building (**embolden text**). Wording can be something similar to: 6.7.1.E.3 Rules for detached ADU: 3. Exterior alterations to an existing accessory structure or the creation of a new accessory structure are permitted **provided they are in keeping with the architectural integrity of the existing structure and/or the**

principal dwelling on the lot and the residential character of the neighborhood. The exterior finish material should be the same or visually compatible in type, size, and placement, as the exterior finish material of the principal dwelling unit on the site.

3. Add 2.6.A.4.d - Usable open space 50% for MRT and VC1 on all lot. For MRT adaptive reuse, usable open space for all lots 40%. *This will allow for trees and green space and not all pavement and parking. Presently our zoning is 50% to 70% usable open space depending on the lot designation. This still doesn't limit the size of the house – FAR does.*
4. Add 2.6.A.6 – Rear lot definition from previous proposal.
5. Add 2.6.A.7 – MRT and VC1 lot subdivision as per the present zoning. *Presently no restrictions and a 4 unit building could be built on a 3400sf lot. This will increase tear downs, and remove many trees and open space in MRT and VC1.*



Building Design Standards:

1. Add 2.6.B.7.a ground story active uses: if footprint is >9500 sf (negotiable number) than 20% for local, non-chain, non – bank or nail salon (use Trio's wording)
2. Add 2.6.B.7.b.viii brewer/brewpub.
3. Remove 2.6.B.8.b.i “must have at least two (2) stories in height.
4. Remove 2.6.B.8.b.ii “must have at least one-and-a-half (1.5) stories in height.
5. Add 2.6.B.8.d.i – Additional height on existing landmarked buildings are not allowed within 25’ of the front plane of the building
6. Change 2.6.B.8.d.iii to “There are no open space requirements for VC2 and VC3. For MRT and VC1 40% usable space is required.”
7. Add back language on retaining existing trees in 2.6.B.7
8. In 2.6.B.7.f Add back “10% of paved lots must be landscaped”
9. Add in 2.6.B.10.a “Require trash storage enclosed in building footprint or if outdoors in locked enclosures”.

10. Add 2.6.B.5 element design standards like Brookline. Objective design standards integrated into dimensional requirements, Architectural Preservation standards, Site Plan and Design Review for as of right. We should review their work. One example below. <https://www.brooklinema.gov/DocumentCenter/View/43167/Harvard-St-Select-Board-0725-2023>

11-4.06 Exterior Finishes and Materials	
Description Material selection impacts sustainability and durability and the way in which materials are selected and applied responds to existing architectural context.	
Applicability All new buildings and facade modifications.	
Durability Standards Exterior timber shall be protected from decay by application of a stain and sealant or paint. Exterior ferrous metals shall be protected from corrosion by at least one of the following: a. Painting or other impermeable coating; and/or b. Metallurgical properties, including galvanized steel, stainless steel (matte effect finish only), and/or weathering steel (e.g., COR-TEN)	
Allowed Materials	
Element	Allowed Materials
Exterior Walls	
Wall Cladding, house scale buildings	Wood, fiber cement, brick
Wall Cladding, block scale buildings	Brick 
Base	
Base or Foundation	Brick, cast stone, wood, fiber cement, treated concrete (block scale buildings only)
Roof and Roof Elements	
Sloped roof forms shall be used on house scale buildings. Mansard roof forms shall be allowed on block-scale buildings but shall not be required; no other sloped roof forms shall be allowed on block-scale buildings.	
Roofing, mansard	Slate shingles or metal
Roofing, sloped	Asphalt or slate shingles
Rake and Eave	Wood, composite wood, stucco, metal
Cornice	Wood, composite wood, stucco, fiberglass
Brackets	Wood, composite wood, fiberglass
Gutter	Metal ogee, half-round, or box
Windows, Bay Windows, and Entry Doors	
Lintel	Stone, concrete, brick
Allowed Materials (Cont'd)	
Trim or Surround	Cast iron, Composite wood, wood, fiber cement
Entry Door	Wood, fiberglass, composite wood, wood-clad aluminum
Window Frames	Wood, fiberglass
Window Sill	Wood, composite wood, fiber cement, cast stone
Glazing	Clear glass; shall not be tinted, mirrored, or colored
Balconies	
Guard/Railing	Metal, glass
Fascia	Metal, wood, composite wood
Porches and Galleries	
Columns	Wood, composite wood, fiberglass, cast stone
Guard/Railing	Metal, wood, composite wood, metal, glass
Storefronts	
Storefront	Brick, wood, composite wood, metal
Columns	Wood, composite wood, fiberglass, metal
Storefront Base/Bulkhead	Wood panels, brick, stone, cast stone, tile, fiber cement, stucco
Change in Facade Color and/or Material	
Color and/or material change shall occur only at the following locations on a facade: a. At inside corners rather than outside corners. b. At a horizontal articulation such as a string course c. At the boundaries between vertical divisions.	
	
Note: Images are illustrative, not regulatory.	

Parking Requirements:

1. Add back in Applicability (2.6.C.1) to Parking Design Standards
2. Change 2.6.C.1.a to “There are no motor vehicle parking minimum within the VCOD” to “There are no motor vehicle parking minimums within the MBTA designated VCOD areas except on priority streets. 0.5 parking space required per unit on non MBTA designated VCOD and on priority streets. *(Since priority streets do not count in the MBTA units, parking requirement will not affect the final unit count required by the state)*
3. Add electric bike parking requirements.

Allowed Uses:

1. Add Brewery/Brewpub to VC2 and VC3
2. Refine VC1 to only allow low car trip businesses in VC1 in 2.2.B. *Limited trips in and out of Rt9 with many driveways on Rt 9 creating unsafe entry*

Affordable Housing Bonus:

1. Option 1 only
2. Add a line under AMI in table for another option – lower AMI and then lower number of units needed to meet that. Need discussion on the right number.

General

1. **Remove references to the Comprehensive Plan** since it states a maximum of 35,995 units for the city (p. 15). VCOD zoning will provide a much higher number of units. We’re near 35,995 with present built and approved units.
2. Please explain the change in 2.4.A.1 from “except as exempted” to “except as expressly exempted”. What does this mean or imply? Was it a typo originally? This appears to be a 180.

Memorandum

To: Members of the Zoning and Planning Committee
From: Councilor Lisle Baker
Date: July 28, 2023
Subject: Zoning amendments for consideration on Monday the 31st.

The following are my recommendations for some amendments for consideration in preparation for the discussion on the 31st.

As requested, I have ordered these proposals as the Planning Memo suggested. At the Committee meeting on the 31st, I can provide a brief rationale, recognizing that they be modified further as part of the discussion, or if amendments proposed by others help respond to purposes of the amendments more effectively.

1. Approval Process (review thresholds)

Proposal: Have a minimum parcel size of 5,000 square feet for VC or MRT projects.

Proposal: Reduce the VC special permit threshold to 25,000 square feet of lot area.

2. Dimensional Standards for Buildings

Proposal: If possible, clarify that the distance by which height is measured cannot involve alternation of existing grade.

Proposal: Limit the allowed height in VC and MRT projects to the current height limit of abutting residential zones, whichever is lower, if within 50 foot of such zones, unless modified by special permit.

3. Dimensional Standards for Sites

Proposal: Require setbacks of VC and MRT projects to match “new lot” standards of abutting residential zones if within 50 feet of such zones, whichever setback is greater, unless modified by special permit.

4. Design Standards for Sites

Proposal: Allow parking in front setback of VC projects by special permit for commercial uses on site.

5. Parking Requirements (vehicular and bicycle)

Proposal: Restore vehicular parking requirements of 1 space per each VC or MRT unit, waivable by special permit, for properties within 50 feet of residential zones.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts

Office of the Mayor
2023 JUL -3 PM 3:28

#246-23

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CITY CLERK
NEWTON, MA, 02459

July 3, 2023

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

Honorable City Councilors:

I respectfully submit this docket item to this Honorable Council requesting the appointment of Anthony Ciccariello to the position of Commissioner of Inspectional Services.

Anthony will succeed John Lojek who is retiring as Commissioner of Inspectional Services today, June 30, after 18 years of outstanding service to our City. Over those 18 years, Commissioner Lojek's leadership transformed our Inspectional Services into a professional, knowledgeable, responsive department through his own efforts and, in part, because he had just the right person serving as his Deputy Commissioner for the past 6 years, Anthony Ciccariello.

Anthony has the professional qualifications, personal qualities, breadth of experience, and depth of knowledge needed to run this important and very active department. The Commissioner ensures all building in our City is done safely and legally in accordance with federal, state and local regulations, oversees a staff that issues approximately 10,000 permits annually, and collaborates intensely and daily with a wide variety of people and staff across City and School departments.

Anthony is a person of integrity. He is fair and balanced. He is accessible, approachable and calm, even unflappable. He is respectful of the wide variety of people with whom ISD interacts. He has the respect and trust of department staff. He is a hard worker. He is smart. He is curious. He stays on top of new building code issues, including those related to energy.

Since assuming the role of Deputy Commissioner and serving as the Department's Plans Examiner, he has issued every new commercial building, large addition, and new home permit in the City. This includes city projects such as schools and other public buildings. Anthony knows our code and all its ambiguities. He says "no" when necessary in a respectful way and works with a wide cross section of people to help them find a safe and legal way to "yes."

Anthony also played a pivotal role on the team that implemented our state-of-the-art online permitting and management information system, NewGov. This is a massive undertaking, streamlining and simplifying the permitting process by allowing residents, contractors, and businesspeople to apply for building approvals, work permits and licenses online. NewGov has also been a huge step forward for transparent information sharing, making the history and progress of work being done across Newton readily accessible to anyone anytime.

To make this important decision about the next leader of Inspectional Services, I invested a significant amount of time listening to a wide range of people about the strengths and challenges of our Department of Inspectional Services, and the characteristics that our City needs in our next Commissioner. This group spanned builders, lawyers, architects, and other professionals with whom the Department and the Commissioner often interacts. I also spoke with the many people internally that our Commissioner and Department coordinates and collaborates with, such as department heads and other key staff. Lastly, but very importantly, I sought valuable feedback from the very staff our Commissioner supports and manages. In addition to the long process of seeking this feedback, Anthony also met with key leaders within our organization to discuss his interest and goals for this position and the Department. These conversations were helpful.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in blue ink that reads "Ruthanne Fuller". The signature is written in a cursive style with a large initial "R" and a long horizontal line extending from the end of the name.

Mayor Ruthanne Fuller

ANTHONY CICCARIELLO**INSPECTIONAL SERVICES****Planning/Scheduling • Problem Solving • Deadlines • Leadership/Teamwork**

An experienced Building Official with ongoing success supporting, scheduling, planning, and reviewing projects within the high volume ISD Department. Combines strong organizational skills with proven ability to lead teams, manage relationships, and communicate project status. Proactively identifies problems & offers solutions that promote efficiency, minimize risk, and ensure customer satisfaction. Actively pursuing the Building Commissioner's Certification.

Core Competencies

- Organizational Skills
- Reporting/Documentation
- Clear Communications
- Customer Service/Satisfaction
- Relationship Building
- Analytical Problem Solving
- Train/Mentor New Hires
- Process Improvements/Efficiency
- Task Prioritization

Professional Experience

CITY OF NEWTON, Newton, MA

March 2013 to Present

The City of Newton has approximately 80,000 residents and 26,000 homes. Housing Boston College, UMass Campus and Lasell College.

Deputy Commissioner of Inspectional Services

Manage and coordinate resources and relations between ISD, Health, Engineering, Planning, Historic, Fire, Police, City Counselors and the Mayor's office. Review and approve plans for medium and large residential and commercial projects.

- Responsible for the general management of the office operations of the Inspectional Services Department.
- Supervision of the front counter, issuance of permits, customer interface, customer relations, organization of personnel.
- Performs plan examination for compliance with all Massachusetts State Building Codes and the City of Newton Zoning Ordinances prior to issuance of building permits.
- Meets with Architects, Engineers, Contractors, Developers and Attorneys to examine plans and interpret building and zoning code.
- Ensures compliance with the terms of special permit and variance conditions for permit issuance and certificates of occupancy.
- Knowledgeable of Massachusetts General Laws 40A and 40B
- Performs the duties of the Commissioner in his absence.

Building Code and Zoning Enforcement Officer

April 2015-March 2016

- Enforce compliance with State Building Codes as well as the City of Newton Zoning Ordinances.
- Meet with residents onsite and conduct inspections and guide them through compliance.

Periodic Building Inspector

June 2013-April 2015

- Inspect periodically existing buildings and structures and parts in accordance with the Schedule for Periodic Inspections of Existing Buildings.
- Responsible for the entire City of Newton's Periodic Inspections.

Owner/Sole Proprietor A.C. Construction, Billerica, Massachusetts*April 1981 – June 2013*

Construction supervisor with a 30-year record of success overseeing all phases of construction, commercial and private-sector clients. Experience includes managing employees, an extensive array of construction projects, project design, and plan review. Established construction company, managing all phases of commercial and residential projects. Including all levels of commercial building maintenance, interior and exterior.

Education

- Burlington High School, Burlington Massachusetts, 01803
- Wentworth Institute of Technology plan review and estimating course

Professional Licenses & Certificates

- Certified Building Official License BO-1874
- Member-International Code Council
- Licensed Construction Supervisor- CS-044221
- Home Improvement Contractor License 174064
- Southeastern Massachusetts Building Officials Association SEMBOA
- Massachusetts Building Commissioners and Inspectors Association Inc. MBCIA



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#243-23

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rfuller@newtonma.gov

July 3, 2023

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

To the Honorable City Councilors:

I am pleased to reappoint Kathryn Cade of 195 Islington Road, Auburndale, 02466 as a full member of the Conservation Commission. Her term of office shall expire on July 31, 2026 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

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CITY CLERK
NEWTON, MA. 02459

Application Form

Profile

Kathryn (Kathy) E. Cade
First Name Middle Initial Last Name

[Redacted Email Address]

195 Islington Road
Home Address Suite or Apt

Auburndale MA 02466
City State Postal Code

What Ward do you live in?

[X] Ward 4

[Redacted Primary Phone] [Redacted Alternate Phone]
Primary Phone Alternate Phone

Retired Investment Banker
Employer Job Title

Which Boards would you like to apply for?

Conservation Commission: Submitted

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 presently serve as a member of the Conservation Commission. I first became aware of the Commission's responsibilities when I had to obtain approval to do work on my property, which is subject to Commission regulation. Having served in government myself, I have a longstanding interest in how government can best serve the interests of its citizens. I am especially concerned about environmental issues and environmental regulation. Executing these responsibilities well is key to garnering citizen support for efforts to preserve and protect the environment. Finally, now that I live on the Charles I realize how precious this natural resource is to not only the citizens of Newton but also the broader community who use the river every day. I want to do my part to ensure the river and the other natural resources in the city receive all the protection the law allows. I have learned a great deal in the last six years as a full member of the Commission and want to continue to serve for another term.

KEC_bio.docx
Upload a Resume

Kathryn E. Cade

Ms. Cade, a retired investment banker, has served as trustee and in leadership roles for a number of nonprofit health and human service organizations, including the Dimock Community Health Center and the Judge Baker Children's Center. She currently serves as Vice Chair of the Board of Trustees of The Carter Center in Atlanta, Georgia and as Co-Chair of the Advisory Board of the Rosalynn Carter Institute for Caregiving at Georgia Southwestern State University. She is also a member of the Audit Committee of Historic New England.

Ms. Cade began her professional career working for the American Association for the Advancement of Science, the largest professional scientific organization in the country. She then joined WNET-TV in New York, where she produced health and science documentaries. In 1976 she joined the presidential campaign staff of then candidate Jimmy Carter. She went on to serve as Director of Projects for Rosalynn Carter from 1977-81, where she led a new staff office in The White House created by Mrs. Carter to support the first lady's work in mental health, aging, women's rights and refugee relief.

After receiving an MBA from the Yale School of Management, Ms. Cade spent more than twenty years at a major regional bank in Boston, where she managed several trading businesses and then became chief of staff to the president of the bank.

Ms. Cade has had a longstanding interest in environmental issues and conservation causes, supporting a number of conservation organizations. Since moving to the Islington Peninsula in Newton in 2013, she has become actively involved in the control of invasive weeds in the lakes district of the Charles River. She is a member of CRWA and on the steering committee for CANOE, a citizen's group established to partner with CRWA in engaging citizens in the clean-up of this part of the Charles. She also serves as the coordinator for Save the Cove, another citizen's effort to preserve and protect Ware's Cove.

Ms. Cade holds a BA in History and Science from Harvard University.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#244-23

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rfuller@newtonma.gov

July 3, 2023

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

To the Honorable City Councilors:

I am pleased to reappoint Jeffrey Riklin of 37 High Street, Newton Upper Falls as a full member of the Newton Upper Falls Historic District Commission. His term of office shall expire on July 31, 2026 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

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CITY CLERK
NEWTON, MA, 02459

Application Form

Profile

Jeffrey Riklin
First Name Middle Initial Last Name

[Redacted]
Email Address

37 High St.
Home Address Suite or Apt

Newton Upper Falls MA 02464
City State Postal Code

What Ward do you live in?

[X] Ward 5

[Redacted] [Redacted]
Primary Phone Alternate Phone

New England Homecrafters, Inc. President
Employer Job Title

Which Boards would you like to apply for?

Newton Upper Falls Historic District Commission: Submitted

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 have served on this board for more than 15 years, and I would like to continue my public service on this board.

2020_J_Riklin_commercial_resume.pdf

Upload a Resume

**Jeffrey Riklin
37 High Street
Newton Upper Falls, MA 02464**

PROFESSIONAL AFFILIATIONS:

Chelsea Restoration Corporation- 2011- present- part-time consultant and rehab specialist to this non-profit housing agency.

Newton Upper Falls Area Councilor, 2006- present.

Newton Upper Falls Historical Commission, 2000-present, member of the board, now Chairman.

Newton Upper Falls CDC, 2003- present, Vice President of the board.

Boston Building Materials Coop- Board of Directors 1985-97; President 1993-97.

The Building Materials Resource Center- Board of Directors 1993-97; President 1993-97.

Member of the Zoning Committee of the Jamaica Plain Neighborhood Council 1987-1990, responsible for developing the IPOD to rezone Jamaica Plain.

LICENSURE:

MA State Construction Supervisor's License (#043253)

Home Improvement Contractor's License (#102868)

Moderate Risk License (MR#001159)

MA Lead Inspector's License (#4049)

LANGUAGES: Bilingual Spanish/English.

REFERENCES: Available upon request.

PERSONAL: Resident of Newton Upper Falls for 21 years, Newton for 29 years, married to Liz with three children: Leah, 33, Eric,30, and Allison, 19. Coach at Newton South HS in Boys' Soccer and Nordic Skiing, and Newton North HS for Boys' Lacrosse.