



Ruthanne Fuller  
Mayor

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

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

Barney S. Heath  
Director

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## MEMORANDUM

**DATE:** July 28, 2023  
**TO:** Councilor Deborah Crossley, Chair, Zoning & Planning Committee  
Members of the Zoning & Planning Committee  
**FROM:** Barney Heath, Director, Department of Planning and Development  
Jennifer Caira, Deputy Director Department of Planning and Development  
Zachery LeMel, Chief of Long Range Planning  
**RE:** **#38-22 Discussion and review relative to the draft Zoning Ordinance regarding village centers**  
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)  
**MEETING:** July 31, 2023  
**CC:** City Council  
Planning Board  
Jonathan Yeo, Chief Operating Officer

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### Introduction

The Planning Department and its consultants Utile have consistently provided illustrations of potential redevelopment under the Village Center Overlay District (VCOD) on a variety of individual lots and portions of streets. Each of the specific site characteristics and conditions, along with many other external factors, are all part of the equation determining whether a property is likely to redevelop at some point.

Much of the basis for developing the current VCOD proposal has been to carefully calibrate the size of development allowed in and adjacent to our commercial village centers to both **encourage** the incremental development of more multi-unit housing (which for decades under the most favorable economic conditions has not occurred above many single-story buildings) and **protect against** larger scale single development projects which result from the accumulation of multiple lots. And much time and effort has gone into establishing feasibility and design metrics so that should a decision be made to redevelop a village center property it will align with the goals and desirable outcomes established over this [two-year process](#).

However, the Planning Department has indicated that trying to predict with any accuracy what level of development may occur and over any given time-period, depends on so many individual factors (i.e. ownership, economic conditions, what exists now in terms of lot and building size and tenant leases, cost to redevelop), that it is at best an educated guess. Our consultant Utile will illustrate that multi-layered decision tree for a portion of a single village center street at Monday's upcoming ZAP meeting.

At the other end of spectrum, applying the standardized MBTA unit capacity formula to use as an estimate of potential village center development under the proposed VCOD zoning is false and misleading. For example, the MBTA formula is solely built to calculate the maximum residential development on every single eligible property in the VCOD zones by assuming every site is cleared, built as large as possible, and with no on-site parking. The MBTA's formula is expressly conditioned on requiring 177 Massachusetts' communities to allow for some level of multi-family housing to occur in each community to address a statewide housing shortage.

Simply, we know this will not be the case. Some properties will never redevelop. Other properties may redevelop through minor renovations and expansions. And some properties will fully redevelop incrementally over time, as development has historically occurred in Newton, based on the many factors a property owner considers. How soon and how much housing development actually results will be important to monitor. If necessary, as we are doing with this effort, the zoning may be adjusted in the coming years.

An overarching goal of the VCOD effort has always been centered around the development of more diverse housing options. Early on, the City Council agreed that our village center commercial districts, with easy access to amenities, transit, and other services, were the most appropriate places for such housing. Seeking ways to arbitrarily reduce capacity to arrive at an already faulty premised statutory minimum MBTA unit number is extremely counter to the very goals laid out for vibrant village centers.

Given this, any such analysis should be viewed with an extreme level of uncertainty making it an unreliable datapoint for setting land use policy, like VCOD zoning. At the [May 8, 2023](#) and [June 12, 2023](#) ZAP meetings, Committee members seemed to come to an agreement on not performing such an analysis for the entire VCOD proposal. Instead, ZAP requested that Planning and Utile look at a single VCOD street to provide one possible visualization of development over time.

### **Choosing a Street**

The first step was choosing the area to analyze. Planning and Utile looked at each village center within the proposed VCOD and narrowed the choice down to six:

- Newton Centre – Sumner Street (at the intersection of Langley Road and Beacon Street)
- Newton Corner – Vernon Street (between Centre and Park Streets)
- Newton Highlands – Walnut Street (between Lincoln and Forest Streets)
- Newtonville – Madison Avenue (at the intersection of Walnut Street)
- Waban – Wyman Street
- West Newton – Waltham Street (between Webster and Watertown Streets)

These streets were chosen because each section contains the Village center 3 (VC3), Village Center 2 (VC2), and Multi Residence Transit (MRT) zones. Ultimately, Madison Avenue in Newtonville was chosen because numerous considerations for potential development, or not, existed across the properties.

### **Considerations for Potential Development**

As stated above, there are many factors that go into determining if and when a property will redevelop. For this analysis, we wanted to make sure the properties chosen fit within multiple pathways (i.e. no

development, conversion, redevelopment) to ensure it is most representative of citywide conditions and avoid the appearance of “cherry picking”. The summary of considerations are:

- **Parcel Ownership** – Does the parcel have one owner or several owners? If the site is owned by more than two owners, it is less likely for it to be redeveloped in the near or medium-term.
- **Parcel Size** – How large is the parcel? If the parcel is on the smaller side, a developer may want to wait to acquire an adjacent parcel in order to build closer to the maximum allowable footprint.
- **Size of Existing Development** – How large is the existing development? If the development is already close to the massing thresholds proposed in the overlay zoning, it is likely that no new development will happen on that parcel.
- **Existing Value** – Does the parcel already have high embedded value? Higher value parcels with newer development will not be likely candidates for redevelopment in the near or medium-term.
- **MRT Conversion vs. New Construction** – How large is the existing development? If the existing footprint is within 100’ of the proposed 1,500 sf max footprint, then it will not be redeveloped. Instead, it may be a more likely candidate to add an addition so that it can have more units.

Not included in these considerations are external forces, like economic conditions and demographic trends to name two. Many more inputs could be considered, but it was deemed too complex for this analysis.

### Ranking Each Property

15 properties were reviewed for this analysis per the criteria above:

Address	Current Zoning	Proposed Zoning	Current Use	Proposed Use	Development Timeframe
308-322 Walnut	BU1	VC3	Retail, single story	Mixed-use	Medium term
105-107 Madison	BU1	VC2	Two-family	Mixed-use	Medium term
103 Madison	MR1	VC2	Two-family, condo	N/A	N/A
101 Madison	MR1	MRT	Two-family	N/A	N/A
95-97 Madison	MR1	MRT	Two-family	N/A	N/A
91-93 Madison	MR1	MRT	Two-family, condo	Multi-family, conversion	Long term
89 Madison	MR1	MRT	Two-family	Multi-family, conversion	Medium term
83-85 Madison	MR1	MRT	Two-family	N/A	N/A
79-81 Madison	MR1	MRT	Two-family	N/A	N/A
324 Walnut / 108 Madison	BU1	VC3	Retail, single story	Mixed-use	Long term

<b>330-334 Walnut</b>	BU1	VC3	Retail, single story	Mixed-use	Long term
<b>100 Madison</b>	MR1	VC2	Multi-family	N/A	N/A
<b>94-96 Madison</b>	MR1	MRT	Multi-family	N/A	N/A
<b>88 Madison</b>	MR1	MRT	Two-family	Multi-family, conversion	Short term
<b>80-82 Madison</b>	MR1	MRT	Multi-family	N/A	N/A
<b>76-78 Madison</b>	MR1	MRT	Two-family, condo	N/A	N/A

The presentation at the upcoming ZAP meeting will go into further detail on each of these properties and visualizations will be provided.

### Conclusion

The *reasonable* build out presented for Madison Avenue in Newtonville shows seven properties developing over the long-term resulting in two new mixed-use buildings and three multi-family conversions where the existing building is maintained. Given the assumptions made, we understand challenges or differences of opinions can be made. We could accept alternatives where some of these sites develop in different timeframes, or not at all, and sites not chosen to develop in fact do so. As stated above, this work is at best an educated guess.

In short, Planning's recommendation remains that such analyses are not helpful in developing land use policy, like the VCOD zoning.

### Further Planning Department Clarifications

- *Does the Planning Department have any estimates of how much housing could be built in the rezoned areas that are not included in the proposed MBTA zones?*

No. This question was asked most recently at the June 24, 2023 ZAP meeting and the answer was provided. See the meeting recording here, <https://www.youtube.com/watch?v=c8l6qfmA0tc&t=10484s> (3:19:50-3:24:21)

- *If the answer to that question is no, does the Planning Department intend to provide any estimates of how much housing could be built in the rezoned areas that are not included in the proposed MBTA zones?*

See this memo for an explanation on why the Planning Department intends to not provide this information.

- *Does the Planning Department have any estimates as to the number of additional units of housing that might be built in addition to the rezoned areas in the next twenty years (areas such as Riverside, Northland, along Washington Street, along California Street, and similar locations)?*

The Planning Department monitors the status of proposed development on a regular basis.

See January 11, 2022 Housing Snapshot memo.

<https://www.newtonma.gov/home/showpublisheddocument/79513/637775053616300000>

- *Does the Planning Department have any views or opinions on the number of additional units that we should be seeking to have in the city in the next five, ten, and twenty years and, if so, what are those numbers?*

The Planning Department does not. The Planning Department recommends the zoning be amended to allow multi-family development in order to achieve citywide goals and objectives. Planning recommends this happen through the VCOD proposal, which is summarized here: <https://www.newtonma.gov/home/showpublisheddocument/101614/638217512749930000>

- *Does the Planning Department have any views or opinions on the number of additional residents that we should be seeking to have in the city in the next five, ten, and twenty years and, if so, what are those numbers?*

The Planning Department does not. See previous answer.

- *Does the Planning Department have any views or opinions on the city's capacity for future growth (both in the number of housing units and the number of residents) in the next twenty years and, if so, what is that capacity?*

Please refer to Mayor Fuller's newsletter where this question was answered. <https://www.newtonma.gov/home/showpublisheddocument/102082/638230413918970000>

- *Does the Planning Department have any plans regarding how to provide additional schools, parking facilities, other infrastructure or city services for any increased population in the next twenty years and, if not, why not?*

See answer above. In addition, development occurring through VCOD zoning will happen over time giving Newton the necessary time to plan for the future needs mentioned above.