



## Zoning & Planning Committee Agenda

### City of Newton In City Council

Tuesday, August 15, 2023

7:00 pm  
Room 204

The Zoning and Planning Committee will hold this meeting as a hybrid meeting on Tuesday, August 15, 2023 at 7:00 PM that the public may access in-person or virtually via Zoom. To attend this meeting via Zoom use this link: <https://newtonma-gov.zoom.us/j/87138513698> or call 1-646-558-8656 and use the following Meeting ID: 871 3851 3698.

#### Items Scheduled for Discussion:

**Chair's note:** *The Committee will 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 07/31/23**

**#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 07/31/23**

Respectfully Submitted,  
Deborah J. Crossley, Chair

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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](mailto: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.

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

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

As requested, I have ordered these proposals as the Planning Memo suggested. At the Committee meeting on the 31<sup>st</sup>, 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.*

**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

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**Village Center Overlay District (VCOD)**

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.

**Village Center Overlay District (VCOD)**

- 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).

**Village Center Overlay District (VCOD)**

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 <sup>1</sup>
<b>Approval Process</b>					
<b>Special Permit</b>					
–	Multiple buildings on a lot	Development on lots greater than or equal to 30,000 sf			
<b>Site Plan Review</b>					
Lot Size	Development on lots greater than or equal to 20,000 sf but less than 30,000 sf				
<b>Usable Open Space</b>					
Lots greater than 30,000 sf	30%	30%	5%	5%	
<b>Building Setbacks</b>					
<b>Front (min.)</b>					
–	10' or Average	10' or Average	0'	0'	
<b>Side (min.)</b>					
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'	
<b>Rear (min.)</b>					
Abutting a non-Residential District	15'	15'	5'	5'	
Abutting a Residential District	15'				
<b>Building Separation for Multiple Buildings on a Lot (min.)</b>					

**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.

<sup>1</sup> Section references to be added as needed

VCOD	MRT	VC1	VC2	VC3	Definition / Listed Standard
–	15'	15'	25'	25'	
<b>Facade</b>					
<b>Facade Build Out Ratio (min.)</b>					
Facing a public right-of-way	N/A	75%, or Lot Width within side setbacks minus 15', whichever is less			
<b>Parking Placement</b>					
<b>Parking Setbacks (min.)</b>					
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
<b>Building Massing</b>					
<b>Building Footprint (max.)</b>					
–	1,500 sf	4,000 sf	10,000 sf	15,000 sf	
<b>Building Height in Stories (max.)</b>					
–	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	
<b>Pitched Roof, Building Height in Feet (max.)</b>					
–	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					
<b>Flat Roof, Building Height in Feet (max.)</b>					
–	27'	40'	56'	69'	
Development within 50' of lot line abutting Residential district	27'	40'	56'	56'	
<b>Ground Story Height in Feet (min.)</b>					
Mixed-Use Priority Streets	N/A	15'			
All other Streets	N/A	12'	12'	12'	
<b>Half-Story Height in Feet (max.)</b>					
Flat Roof	12'				
Pitched Roof	18'				
<b>Half-Story Step-Back in Feet (min.)</b>					
Flat Roof	7' along all Lot Lines, see Sec. #				
Pitched Roof	N/A, see figure #				
<b>Facade</b>					
<b>Ground Story Fenestration (min.)</b>					
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%	
<b>Ground Story Active Use (min.)</b>					
Mixed-Use Priority Streets	N/A	N/A	100%	100%	
Active Use Depth	N/A	N/A	25'	25'	
<b>Articulation</b>					

VCOD	MRT	VC1	VC2	VC3	Definition / Listed Standard
Length of continuous facade (max.)	100', see Sec. #				
<b>Use and Occupancy</b>					
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.

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.

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

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.

**Village Center Overlay District (VCOD)**

- 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.

**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?

- 5. Retaining Walls
  - a. The placement of a retaining wall of four (4) feet or more anywhere on a lot requires a special permit.

**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
	VC2	VC3	VC3
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				
Project Type	Option 1		Option 2	
	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

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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.



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- 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.

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- 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.)
<b>Residential Uses</b>		
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	–	–
<b>Civic/Institutional Uses</b>		
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
<b>Commercial Uses</b>		
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
<b>Industrial Uses</b>		
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.

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- 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
<b>Residential Uses</b>					
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
<b>Civic/Institutional Uses</b>					
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
<b>Commercial Uses</b>					
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?

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
<b>Industrial Uses</b>					
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
<b>Open Space Uses</b>					
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
<b>Restricted Uses</b>					
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.

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# 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:**

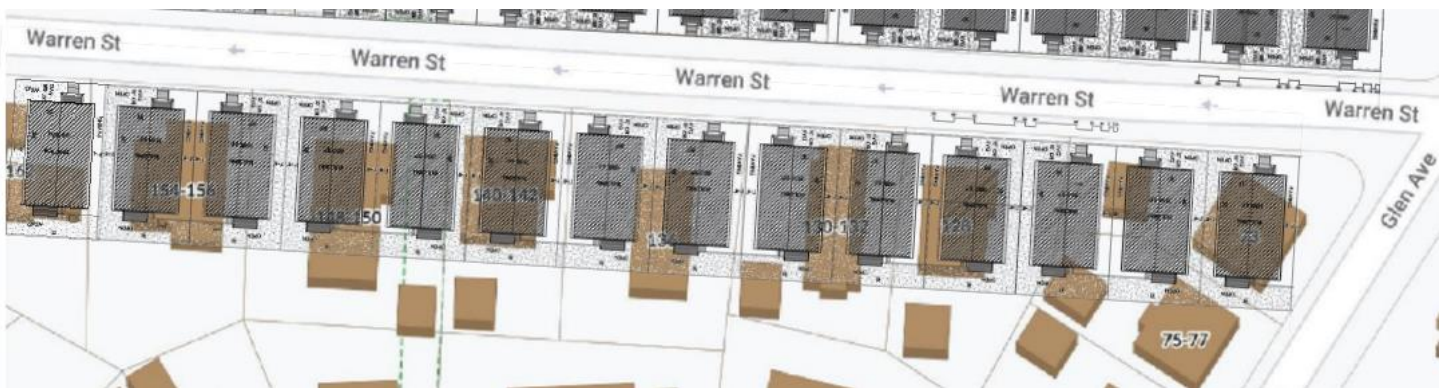
1. Limit VC2 and VC3 developments within 50’ of lot line abutting a residential district to 3.5 stories with the present zoning setback of “½ building height or 15’, whichever is larger”
2. Lower maximum MRT pitched roof height to 40’
3. *I would like a discussion on the active use depth minimum. Is 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	
<b>Description</b> Material selection impacts sustainability and durability and the way in which materials are selected and applied responds to existing architectural context.	
<b>Applicability</b> All new buildings and facade modifications.	
<b>Durability Standards</b> 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)	
<b>Allowed Materials</b>	
Element	Allowed Materials
<b>Exterior Walls</b>	
Wall Cladding, house scale buildings	Wood, fiber cement, brick
Wall Cladding, block scale buildings	Brick 
<b>Base</b>	
Base or Foundation	Brick, cast stone, wood, fiber cement, treated concrete (block scale buildings only)
<b>Roof and Roof Elements</b>	
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
<b>Windows, Bay Windows, and Entry Doors</b>	
Lintel	Stone, concrete, brick
<b>Allowed Materials (Cont'd)</b>	
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
<b>Balconies</b>	
Guard/Railing	Metal, glass
Fascia	Metal, wood, composite wood
<b>Porches and Galleries</b>	
Columns	Wood, composite wood, fiberglass, cast stone
Guard/Railing	Metal, wood, composite wood, metal, glass
<b>Storefronts</b>	
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
<b>Change in Facade Color and/or Material</b>	
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.	
	
<i>Note: Images are illustrative, not regulatory.</i>	

## 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.

To: Councilor Deborah Crossley, Chair, Zoning and Planning Committee

From: Peter Doeringer, Planning and Development Board Member

cc. Jaelyn Norton, Committee Clerk; Zachery LeMel, Chief of Long Range Planning

Re: Amendments to VCD Zoning

I am in favor of the direction that the most recent version of the VCD Zoning proposal is taking. However, I have concerns about a couple of issues affecting residential neighborhoods that could arise under special circumstances. I would appreciate clarification about how the current zoning proposal applies in these situations and have proposed the following zoning amendments if the current zoning proposal does not adequately address these circumstances.

- Throughout the proposed VCD zoning there are references to special considerations, such as setbacks, stepbacks, and limits on the number of stories and heights for properties using the Affordable Housing Bonus when a VCD zone is “abutting a Residential District”. I understand and endorse these considerations when VCD zones abut a residential zone. But how do these regulations apply when the VCD zones abut a roadway that separates them from residential zones, as is the case on Court Street in Newtonville? If it is legally recognized that the regulations for VCD zones that abut residential zones also apply in situations when there is a roadway separating the two zones, then I am satisfied with the proposed zoning language. If not, I would recommend an amendment to the VCD zoning that would clearly extend the setbacks, stepbacks, and other special considerations to include situations where residential and VCD zones are “adjacent to and separated by roadways, except for wide corridors such as Washington St., Boylston St. and the Mass Pike”.
- Up to 6 units are allowed in the MRT zone when an existing building is reused and Section 2.6.B.8 (g) on “Adaptive Reuse” provides that:

*No exterior alterations of the building along the Front Elevation except those necessary to comply with applicable Health, Building, and Fire codes.*

I expect Newton’s Fire code will require additional entrances for the additional units created by adaptive reuse. Owners or developers of these properties may elect to meet this requirement by providing entrances with external stairways for units located above the ground floor, rather than locating them within the building. In my experience, external entrance stairways are likely to adversely affect the character of neighborhoods if they are visible from the street and abutters may experience adverse effects as well. The current zoning proposal does not explicitly address this issue, but there are some provisions that may be interpreted as allowing such external stairways. For example, Section 2.6.B.9 (a) (Architectural Features) allows structural and architectural features (possibly including external stairways) to project into front setbacks and Section 2.6.B.12 (Building Entrances) encourages entrances on street frontages and side walls.



I recommend that the following text be added to Section 2.6.B.12 on Building Entrances:

*d. Entrances for additional residential units created under Section 2.6.B.8 shall either be located within the building or as external staircases that are fully enclosed and do not encroach on any setback.*

- In addition, Section 2.6.B.4 (b) dealing with Half-Story Step-Back for Flat Roofs may need editorial clarification. I think it should read.

*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.*

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# Memorandum

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

**From:** Councilor Pam Wright

**Re:** Additional proposed amendments to zoning

**Date:** August 11, 2023

On July 28, I forwarded 30 amendments. Please consider the following additional amendments in our next ZAP meeting.

## Dimensional Standards Site:

1. Has the fire department reviewed the setbacks for VC1 and MRT? Are they adequate for their work? Do they have any recommendations to the zoning?

## Dimensional Standards Building:

1. I'm concerned the MBTA Act zoned units would not be large enough for families. I would like to add in those zones that the average size for units is 1000 sf. Presently the developer can make any size including very small units which are not conducive to families.
2. Change maximum top floor sloped roof to 14'. The proposed 18-foot height for a half story is very high. Or decrease maximum height and developer can choose where to put the height.
3. Increase top floor setback from 7' to 10'.
4. VC1 4000 sf footprint is greatly out of scale for the areas zoned VC1. I recommend lowering the maximum footprint to 3000 sf footprint.

## Allowed Uses:

1. Town homes are excluded from the table of allowable uses. Was this an oversight?





# Memorandum

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

**From:** Councilor Pam Wright

**Re:** Amendments to VCOD maps

**Date:** August 11, 2023

## Change from VC3 to VC2

Village	Number	Street
Auburndale	305-307	AUBURN ST
Auburndale	309-315	AUBURN ST
Auburndale	319	AUBURN ST
Auburndale	327-349	AUBURN ST
Auburndale	451	LEXINGTON ST
Auburndale	278	MELROSE ST
Auburndale	280-282	MELROSE ST
Auburndale	284	MELROSE ST
Auburndale	286	MELROSE ST
Newton Corner	12	Avon Pl
Newton Corner	6477 sf lot	Avon Pl
Newton Corner	249	CENTRE ST
Newton Corner	258	CENTRE ST
Newton Corner	259	CENTRE ST
Newton Corner	261-275	CENTRE ST
Newton Corner	264	CENTRE ST
Newton Corner	270-276	CENTRE ST
Newton Corner	280-292	CENTRE ST
Newton Corner	283-291	CENTRE ST
Newton Corner	400	CENTRE ST
Newton Corner	427-443	CENTRE ST
Newton Corner	430	CENTRE ST

Newton Corner	447	CENTRE ST
Newton Corner	31	CHANNING ST
Newton Corner	32	CHANNING ST
Newton Corner	34	CHANNING ST
Newton Corner	276	CHURCH ST
Newton Corner	278	CHURCH ST
Newton Corner	65	JEFFERSON ST
Newton Corner	65	JEFFERSON ST
Newton Corner	21-23	PEABODY ST
Newton Corner	25-27	PEABODY ST
Newton Corner	19	Pearl
Newton Corner	42	THORNTON ST
Newton Corner	44	THORNTON ST
Newton Corner	9975 sf lot	THORNTON ST
Newton Corner	235-241	WASHINGTON ST
Newton Corner	303-321	WASHINGTON ST
Newton Corner	323-333	WASHINGTON ST
Newton Corner	337	WASHINGTON ST
Newton Corner	341-349	WASHINGTON ST
Newton Corner	351	WASHINGTON ST
Newton Corner	355	WASHINGTON ST
Newton Corner	361-363	WASHINGTON ST
Newton Corner	371	WASHINGTON ST
Newton Corner	399-403	WASHINGTON ST
Newton Corner	405-409	WASHINGTON ST
Newton Corner	431	WASHINGTON ST
Newton Corner	part of 405 Wash	WASHINGTON ST
Newton Corner	part of 405 Wash	WASHINGTON ST
Newton Centre	776	BEACON ST
Newton Centre	780	BEACON ST
Newton Centre	790-794	BEACON ST
Newton Centre	796	BEACON ST
Newton Centre	808	BEACON ST
Newton Centre	left of 848	BEACON ST
Newton Centre	1148	CENTRE ST
Newton Centre	1179-1181	CENTRE ST
Newton Centre	1185-1197	CENTRE ST
Newton Centre	1199-1217	CENTRE ST

Newton Centre	1221-1227	CENTRE ST
Newton Centre	1229-1235	CENTRE ST
Newton Centre	1239-1243	CENTRE ST
Newton Centre	1247-1249	CENTRE ST
Newton Centre	1251-1253	CENTRE ST
Newton Centre	1253-1257	CENTRE ST
Newton Centre	1261-1269	CENTRE ST
Newton Centre	1280	CENTRE ST
Newton Centre	1294	CENTRE ST
Newton Centre	1296-1298	CENTRE ST
Newton Centre	1299	CENTRE ST
Newton Centre	1301	CENTRE ST
Newton Centre	1255	CENTRE ST
Newton Centre	17-31	HERRICK RD
Newton Centre	17-31	HERRICK RD
Newton Centre	47-61	LANGLEY RD
Newton Centre	12	LYMAN ST
Newton Centre	14	LYMAN ST
Newton Centre	12	PELHAM ST
Newton Centre	17	PELHAM ST
Newton Centre	191	SUMNER ST
Newton Centre	195	SUMNER ST
Newton Centre	49-63	UNION ST
Newton Centre	50	UNION ST
Newton Centre	65-73	UNION ST
Newton Centre	70	UNION ST
Newton Centre	93-105	UNION ST
Newton Centre	49	UNION ST
Newton Centre	50	UNION ST
Newton Centre	65	UNION ST
Newton Centre	70	UNION ST
Newton Centre	93	UNION ST
Newton Centre	360 sf lot	UNION ST
Newton Centre	1400 sf lot	UNION ST
Newton Centre	3060 sf lot	UNION ST
Newton Centre	3300 sf lot	UNION ST
Newtonville	12	AUSTIN ST
Newtonville	28	AUSTIN ST
Newtonville	40	AUSTIN ST
Newtonville	46-48	AUSTIN ST

Newtonville	60	AUSTIN ST
Newtonville	66-68	AUSTIN ST
Newtonville	74	BOWERS ST
Newtonville	80-86	BOWERS ST
Newtonville	107	Central
Newtonville	119	Central
Newtonville	90	COURT ST
Newtonville	19	HIGHLAND AVE
Newtonville	162	LOWELL AVE
Newtonville	304	NEWTONVILLE AVE
Newtonville	439	NEWTONVILLE AVE
Newtonville	454	NEWTONVILLE AVE
Newtonville	456	NEWTONVILLE AVE
Newtonville	246-254	WALNUT ST
Newtonville	288	WALNUT ST
Newtonville	303	WALNUT ST
Newtonville	304-306	WALNUT ST
Newtonville	305	WALNUT ST
Newtonville	308-322	WALNUT ST
Newtonville	309-321	WALNUT ST
Newtonville	323-335	WALNUT ST
Newtonville	324	WALNUT ST
Newtonville	330-334	WALNUT ST
Newtonville	309R	WALNUT ST
Newtonville	743	WASHINGTON ST
Newtonville	773	WASHINGTON ST
Newtonville	899	WASHINGTON ST
Newtonville	911	WASHINGTON ST
Thompsonville	325	BOYLSTON ST
Thompsonville	327	BOYLSTON ST
Thompsonville	335-339	BOYLSTON ST
Thompsonville	345	BOYLSTON ST
Thompsonville	373-375	BOYLSTON ST
Thompsonville	379	BOYLSTON ST
Thompsonville	383-387	BOYLSTON ST
Thompsonville	1	JACKSON ST
Thompsonville	7	JACKSON ST
Thompsonville	13	JACKSON ST
Thompsonville	15	JACKSON ST
Thompsonville	17	JACKSON ST

Thompsonville	21	JACKSON ST
Thompsonville	30-34	JACKSON ST
Thompsonville	31	JACKSON ST
Thompsonville	405	LANGLEY RD
Thompsonville	412	LANGLEY RD
Thompsonville	415	LANGLEY RD
Thompsonville	416	LANGLEY RD
Thompsonville	418	LANGLEY RD
Thompsonville	422	LANGLEY RD
West Newton	8	BORDER ST
West Newton	24	BORDER ST
West Newton	30	BORDER ST
West Newton	38	BORDER ST
West Newton	1	CHESTNUT ST REAR
West Newton	12	DAVIS CT
West Newton	15	DAVIS ST
West Newton	19-21	DAVIS ST
West Newton	23	DAVIS ST
West Newton	31	DAVIS ST
West Newton	33	DAVIS ST
West Newton	32	DUNSTAN ST
West Newton	34	DUNSTAN ST
West Newton	12	KEMPTON PL
West Newton	18	KEMPTON PL
West Newton	24	KEMPTON PL
West Newton	25	KEMPTON PL
West Newton	15	Lucas Ct
West Newton	11	Lucas Ct
West Newton	15	Spencer St
West Newton	521	WALTHAM ST
West Newton	527	WALTHAM ST
West Newton	1149	WASHINGTON ST
West Newton	1151	WASHINGTON ST
West Newton	1157	WASHINGTON ST
West Newton	1169	WASHINGTON ST
West Newton	1171-1173	WASHINGTON ST
West Newton	1179	WASHINGTON ST
West Newton	1185	WASHINGTON ST
West Newton	1191	WASHINGTON ST
West Newton	1197	WASHINGTON ST

West Newton	1203	WASHINGTON ST
West Newton	1211	WASHINGTON ST
West Newton	1213-1215	WASHINGTON ST
West Newton	1221	WASHINGTON ST
West Newton	1229	WASHINGTON ST
West Newton	1235	WASHINGTON ST
West Newton	1239-1247	WASHINGTON ST
West Newton	1253	WASHINGTON ST
West Newton	1274-1284	WASHINGTON ST
West Newton	1286-1294	WASHINGTON ST
West Newton	1296	WASHINGTON ST
West Newton	1298-1308	WASHINGTON ST
West Newton	1314	WASHINGTON ST
West Newton	1326	WASHINGTON ST
West Newton	1345-1355	WASHINGTON ST
West Newton	1357-1369	WASHINGTON ST
West Newton	1362	WASHINGTON ST
West Newton	1371-1379	WASHINGTON ST
West Newton	1381	WASHINGTON ST
West Newton	1385-1389	WASHINGTON ST
West Newton	1391-1397	WASHINGTON ST
West Newton	978	WATERTOWN ST
West Newton	979	WATERTOWN ST
West Newton	989-1003	WATERTOWN ST

### Add lot as VC3

West Newton	60	Highland St
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### Change depth of VC3: up to 100' from Washington St then VC2

Newtonville	787	WASHINGTON ST
Newtonville	793-821	WASHINGTON ST
Newtonville	823-833	WASHINGTON ST
Newtonville	839-853	WASHINGTON ST
Newtonville	885	WASHINGTON ST
Newtonville	891-897	WASHINGTON ST

Hi,

In the regards to fairness and equity as we apply zoning changes across the city I would like to suggest adding MRT zoning in the ½ mile of the Boston College T stop. This is also in hopes of avoiding situations like the recent Special Permit for 71 Commonwealth ave where a development of 5 very large units with 3.2 parking ratio will be built.

I'm still not clear why this transit node was not included in the MRT district. I understand that some of the lots are owned by Boston College but as I went thru the Assessor's data base many are not. Some examples- 37, 41,51, 53, 71 and 86 Comm ave are MR1, 85-103 Comm ave are SR2 and 27-29 Com ave MR2.

Also, a few months ago we discussed uses in Nonantum village center VCOD to not allow auto body shops. Is this the recommendation from Planning?

Thank you.

Maria Scibelli Greenberg (she/her)  
Newton Ward 1 City Councilor



# Ideas for changes to the map based on a meeting with Alison Leary and Maria Greenberg.

## Legend

- In the areas that are filled in with a darker color no change is proposed.
- Green border/pale yellow fill – potential areas for MRT
- Red border / pale red fill – potential area for VC3
- Blue border/ pale blue fill – potential area for VC2
- Green outline / pale blue or pale red inside – On current maps they are MRT but could be VC2 or VC3.
- Blue outline / pale red inside -- On current maps they are VC2 but could be VC3.
- Red outline / pale blue inside -- On current maps they are VC3 but could be VC2.

## Newton Highlands / Eliot T / Rt. 9



## Detail of above image:

- Additional MRT to connect Newton Highlands to Eliot.
- There are many large Victorians on both Lincoln and Erie.
- Right next to Eliot are three lots owned by the same person. That's why the MRT goes up Harrison.

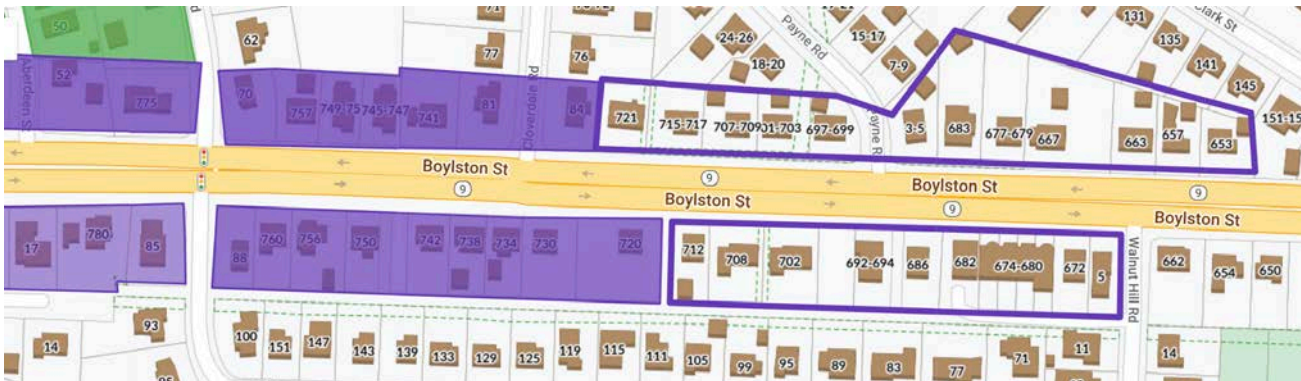




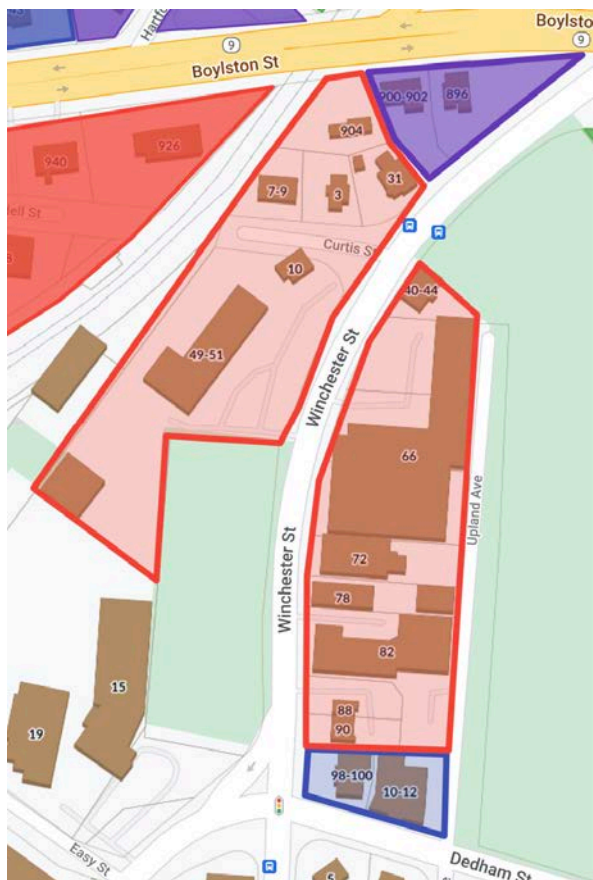
- Additional MRT down Walnut and Lake Ave. as they are so close to the T. There is an entrance to the T on Hyde St. so these lots are very close to transit.



- The section of VC1 that is not filled in with purple is hardly a walkable area.



- An area that could have more VC3. Especially on the west side of Winchester St. – large underused lot with a 2 story building. About 1/3 mile from T.
- The VC3 extends to Rt. 9 because that lot has same owner as one on Winchester St. Could access from there.



### Auburndale

- The area for more VC2 on the left side of this map currently has Newton Housing Authority buildings. In future may want to do more.
- Star market and parking area could have more height, especially near the Pike





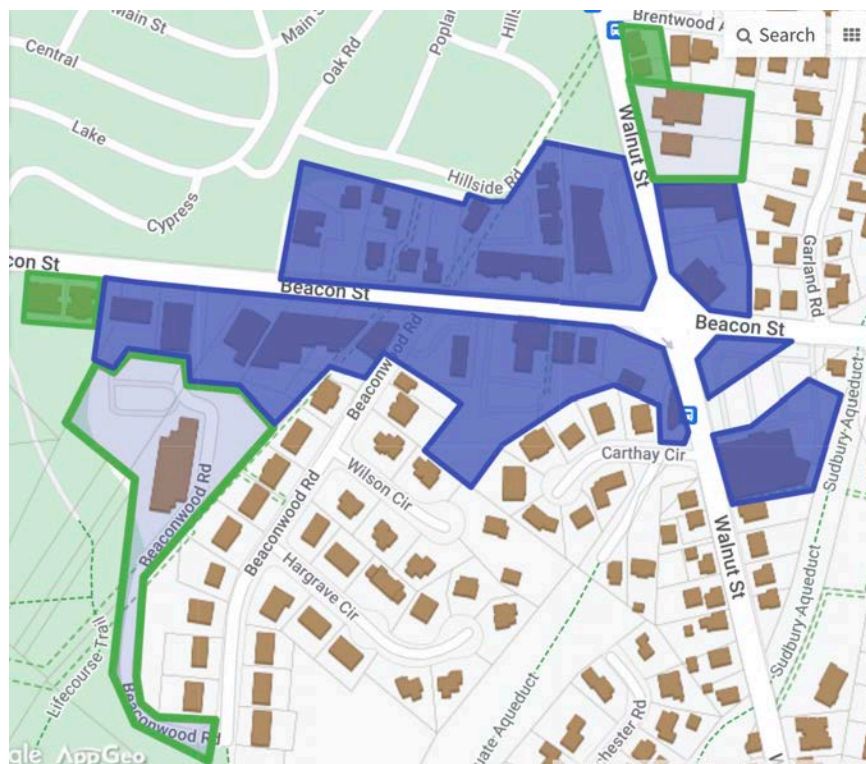
### Waban

- The Windsor Club could be VC3. It may never change but if it does it should allow taller buildings.
- Waban should have some VC3.
- The MBTA parking lot and the two housing authority lots would be a good place for VC3.



### Four Corners

- The lot that is currently MRT on the bottom left corner of this map could be VC2. It currently has an apartment building that one day they might want to rebuild.
- Two more lots on Walnut could be VC2.





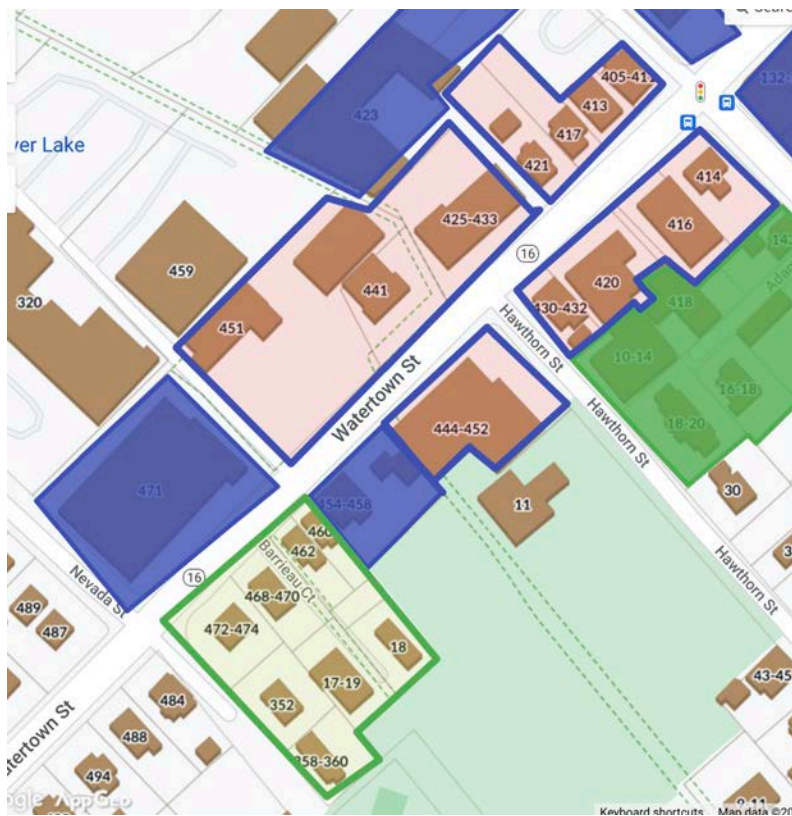


### Nonantum

- Some of Nonantum could have VC3

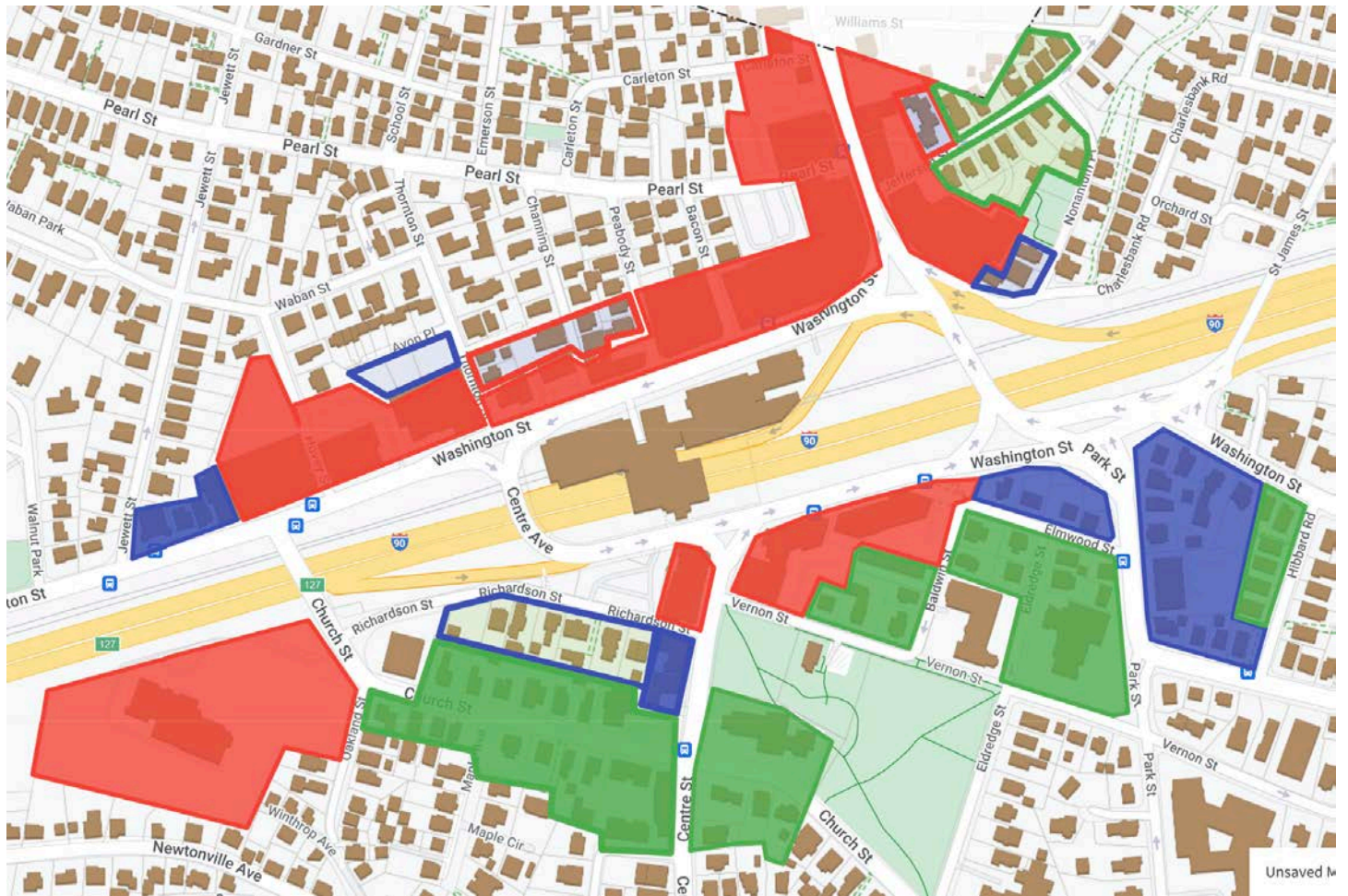


- Detail from above map

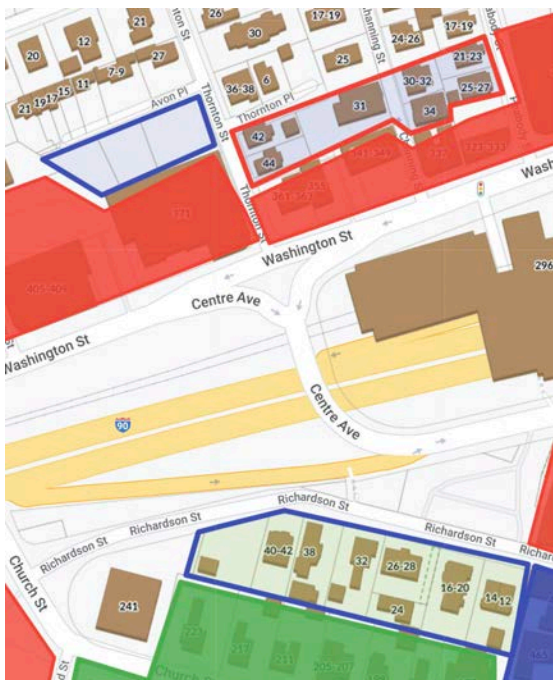




### Newton Corner



- Some of the lots north of the Pike could be VC2 instead of VC3 to transition to the neighborhood





### Newton Centre



- The areas that could be VC2 instead of MRT currently have 3 story buildings on the lot. MRT would be downzoning those lots.
- On Beacon St., the second lot in from the corner of Centre and Beacon currently has a 1 story commercial building. Should be VC2 or VC3 instead of MRT.



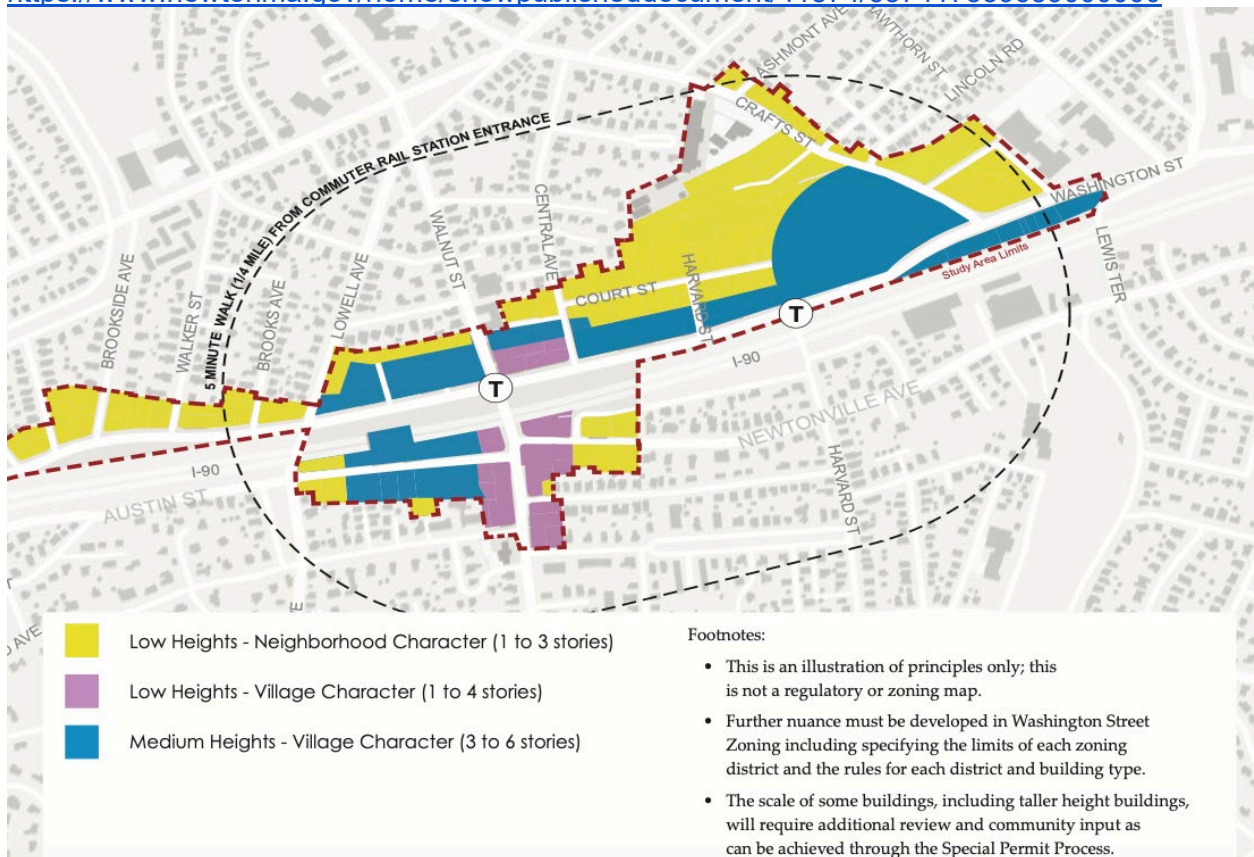


To: Zoning & Planning Committee  
From: Tarik J. Lucas, Councilor At-Large, Ward 2  
Date: August 4th, 2023  
Subject: Amendments to Village Center Zoning

1. Change all parcels in the village of Newtonville on Walnut Street south of the Massachusetts Turnpike that are proposed in the overlay district as VC3 to VC2.

The reason for this change is simple. The densest and tallest buildings in Newtonville should be reserved for certain parcels along Washington Street. Allowing 5-story building along a narrow and small street will create a “canyon-like effect”. If a developer wishes to build 5-stories or taller, that should require a special permit. Also, the Washington Street Vision Plan, which was adopted in December 2019 and is part of Newton’s Comprehensive Plan, calls for a 4-story maximum building height on this section of Walnut Street. I have provided a link to the Washington Street Vision Plan, and a map from the vision plan which states a 4-story maximum building height on Walnut Street.

<https://www.newtonma.gov/home/showpublisheddocument/41574/63741753965900000>

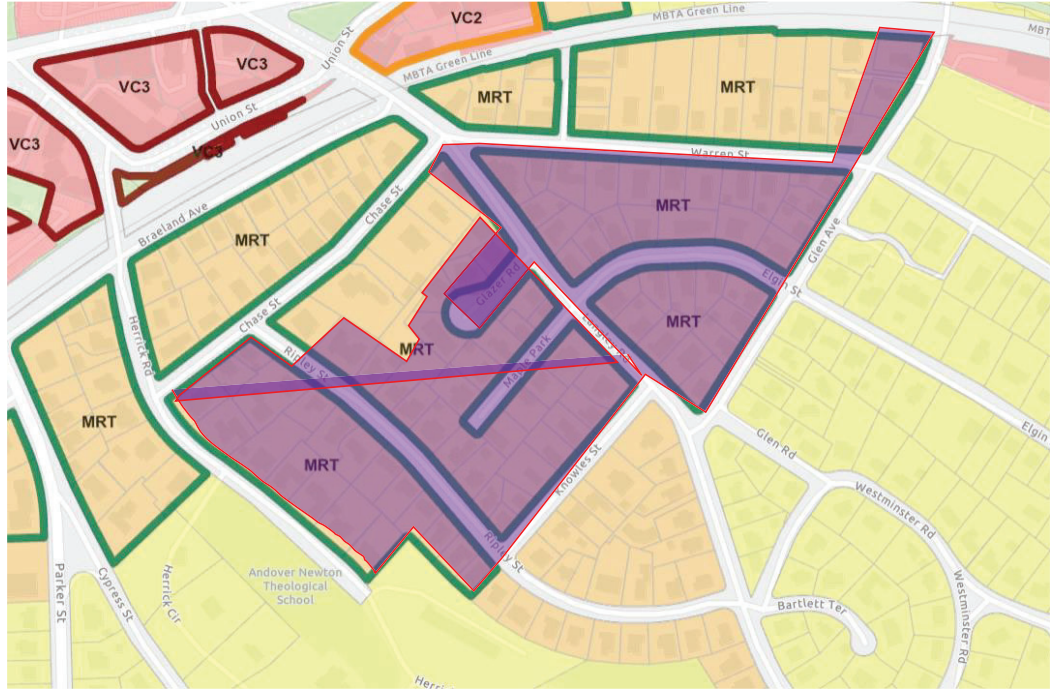




Thoughts on Village Center Zoning Map V2		Interactive Zoning Map >>>>>> <a href="https://gis2.ci.newton.ma.us/vczoningcompare.html">https://gis2.ci.newton.ma.us/vczoningcompare.html</a>	KEY
Principle	Additional Notes	Recommended Change	
1 Focus MRT on zones already zoned MR recognizing need to keep Centre St for connectivity	Highlands and Centre MRT is mostly in areas zoned MR but does include pockets of SR zones	a. Remove all Hyde St., Cushing St. and Allerton Rd. parcels from MRT unless any needed for connectivity of 50% b. Remove 15 -55 Woodcliff from MRT c. Remove 40,46,56 Columbus from MRT (only 40 is currently multi-family) d. Consider whether UCC parsonage 60 Columbus should be MRT or not e. Remove 63 & 69 Columbus from MRT (63 is currently a 2 family) f. Remove 62 & 68 Chester from MRT g. Remove 14 Standish from MRT h. Remove 56, 50 and 38 Paul from MRT (56 is 2 family) i. Remove Chesley, Everett, Dalton parcels from MRT unless needed as transition for adj VC zone j. Remove 35 Pleasant and 40, 46, 48 and 49 Pehlem parcels from MRT (all SF/SR)	new detail since W6 meeting new thought Included in mock-up of new map Included in mock-up of new map Included in mock-up of new map not included Included in mock-up of new map Included in mock-up of new map Included in mock-up of new map Included in mock-up of new map Included in mock-up of new map Included in mock-up of new map
2 Pair back MRT zones in Newton Centre that are not likely to result in conversions due to small lot size, most are already 2 family		a. Remove 82-128 Herrick from MRT b. Remove 3-61/63 Ripley and 18/20 - 56 Ripley from MRT c. Remove 95-145 Langley and 100-154 Langley from MRT d. Remove 9/11 - 37 Knowles from MRT e. Remove 62 Chase from MRT f. Remove 112-168/170 Warren from MRT g. Remove all properties on Glen, Elgin, Glazer and Maple Park from MRT	Included in mock-up of new map Included in mock-up of new map Included in mock-up of new map Included in mock-up of new map Included in mock-up of new map Included in mock-up of new map Included in mock-up of new map
3 Expand MRT to close-by adjacent properties already zoned MR		a. Add 178-180 Sumner, 170-172 Sumner, 161-163 Sumner to adjacent MRT zone b. Add 192 Gibbs, 195 Gibbs to adjacent MRT zone c. Add 1120-1122 Centre to adjacent MRT zone	Included in mock-up of new map Included in mock-up of new map Included in mock-up of new map
4 BU (or current BU use) should be VC1/2/3 not MRT	BU to MRT is a significant downgrade	a. Change 1345 thru 1365 Centre from MRT to VC2 b. Change 1400 Centre St. from MRT to VC2 (similar to current use) c. Change 858 Walnut and 860-862 Walnut from MRT to VC1 d. Change 837-847 Beacon St from MRT to VC2 or VC3 e. Change 849-851 Beacon from MRT to VC1	Included in mock-up of new map Included in mock-up of new map Included in mock-up of new map Included in mock-up of new map Included in mock-up of new map
5 Change BU with current residential use to MRT	Create better transition business to residential	a. Add 58-60 Brentwood and 54 Brentwood to MRT	Included in mock-up of new map
6 Add more BU (BU use) zones in the 1/2 mile radius to VCZ		a. Add 53 Winchester (Creata A Cook) as VC2 or VC3 b. Add 40/44 - 90 Winchester as VC2 c. Add 98-100 Winchester and 10-12 Dedham as VC1	Included in mock-up of new map
7 Don't down zone current multi-family housing		a. Change 33 and 53 Paul St. (3 story apartment buildings) from MRT to VC2	Included in mock-up of new map
8 Encourage the adaptive re-use of historic/iconic village center buildings		a. Change 1135 Walnut St. (St. Pauls Epis) from VC2 to MRT or VC1 b. Change 1141-1145 Walnut St. (Christian Science) from VC2 to MRT or VC1	Included in mock-up of new map Included in mock-up of new map
9 Other changes		a. Remove VC3 abutting/over Sudbury Aqueduct on Lyman	Included in mock-up of new map
<b>Open Questions</b>			
1	Will there still be INI (inflow & infiltration) payments with by right development? If so will any portion of this be allocated to other neighborhood improvements? What about support for NewMO and BlueBike?		
2	Require minimum open space on MRT to encourage some usable green space and trees.		
3	What encourages planting big trees in the front yard?		
4	Should we have maximum parking, especially in MRT?		
5	What rules govern lot subdivision such as minimum frontage?		

### Proposed Changes in Newton Center south of T

 Remove these properties from MRT



### Proposed Changes in Newton Center north of T

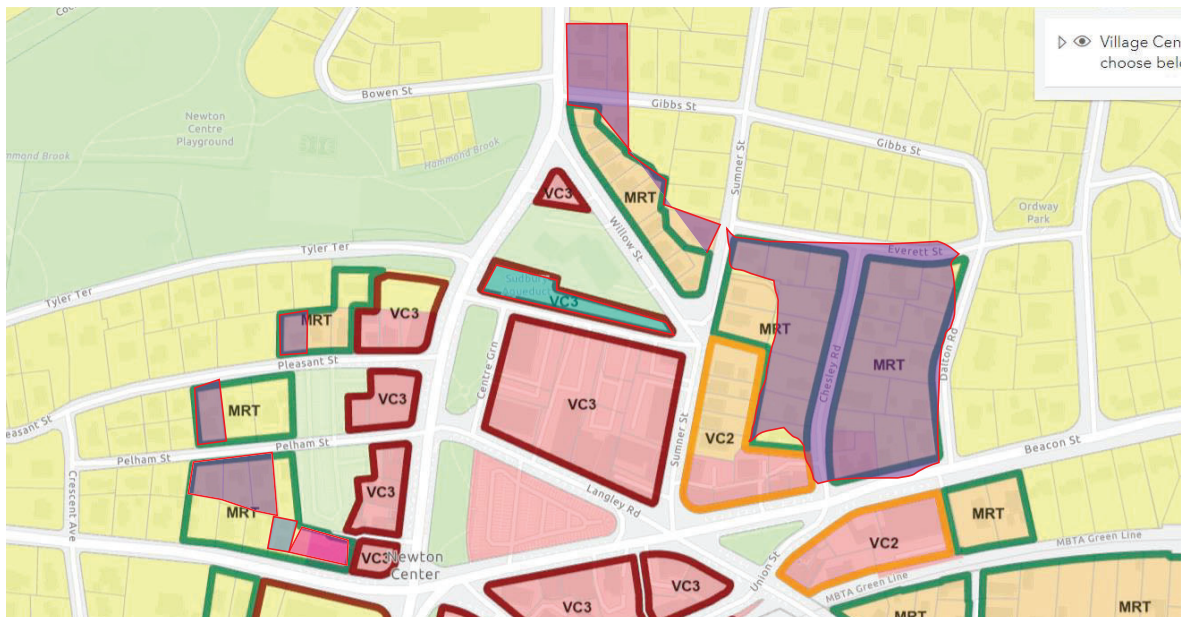
 Remove these properties from MRT

 Add these properties to MRT




 Change these properties from MRT to VC2 or VC3

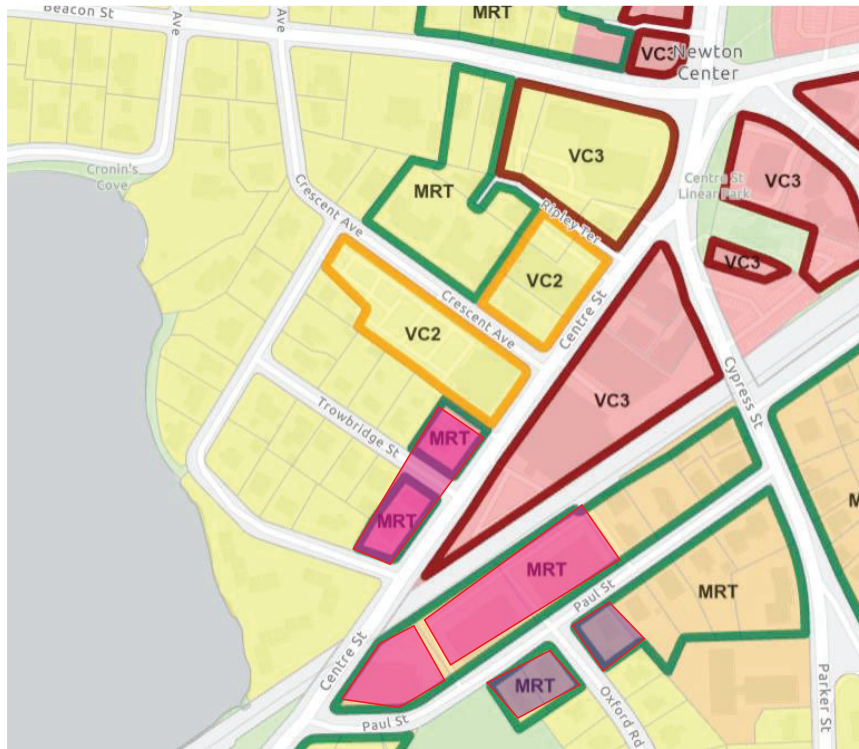
 Change these properties from MRT to VC1

 Remove this property from VC3





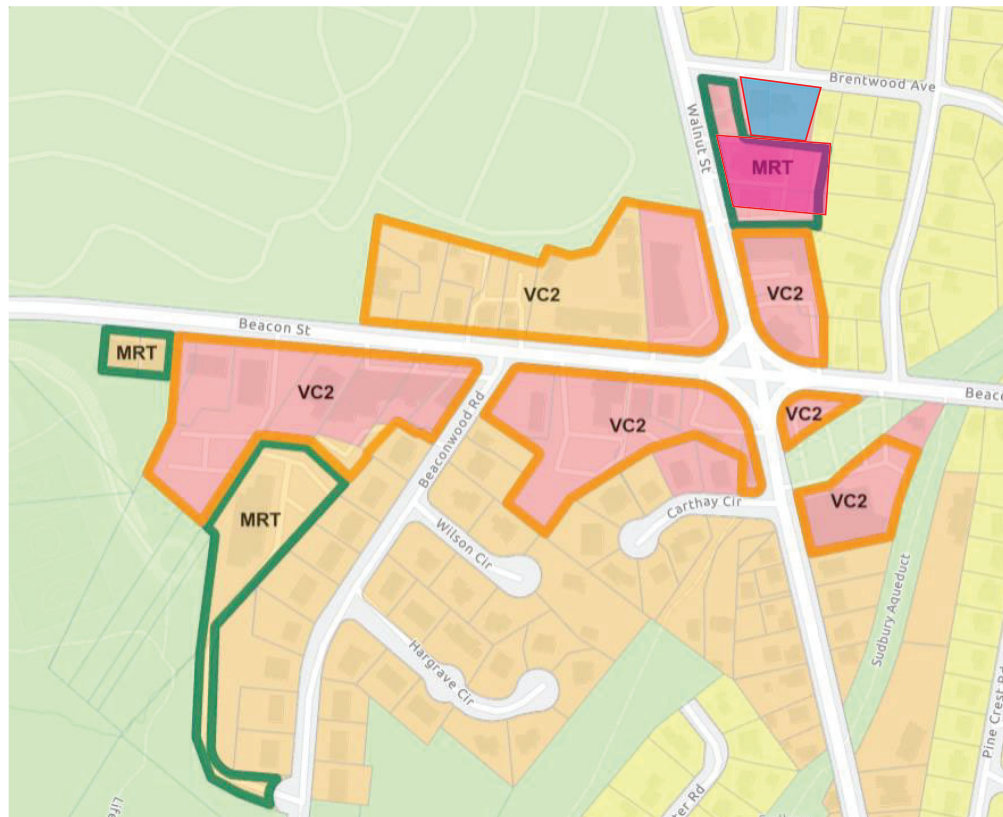
### Proposed Changes in Newton Center west of T

-  Remove these properties from MRT
-  Add these properties to MRT
-  Change these properties from MRT to VC2





### Proposed Changes in Four Corners

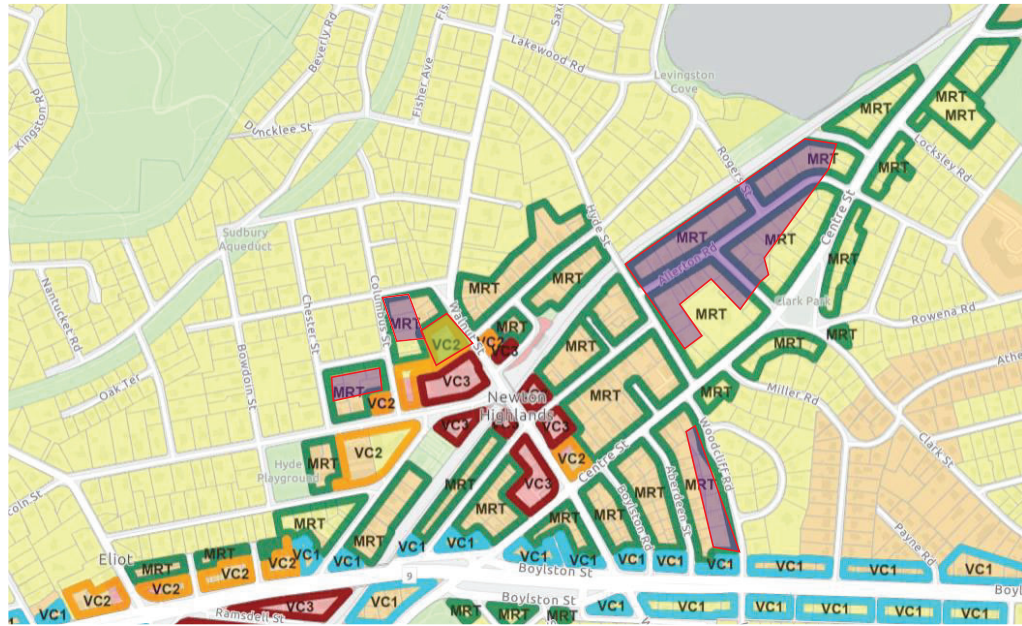
-  Add these properties to MRT
-  Add these properties to VC2








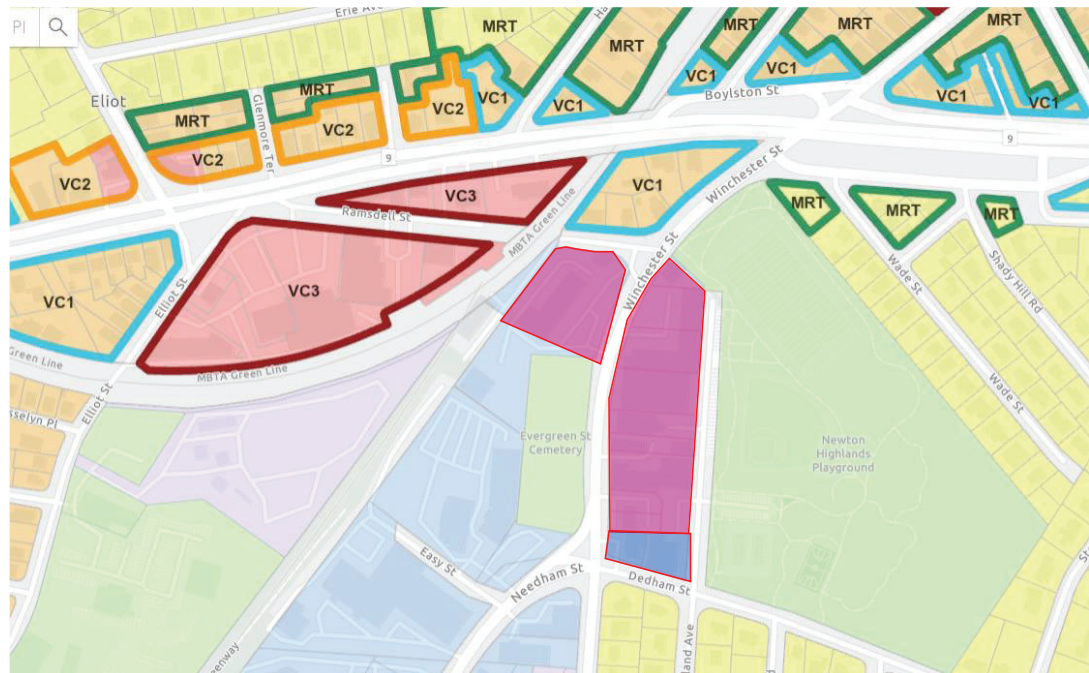
### Proposed Changes in Newton Highlands

-  Remove these properties from MRT
-  Change these properties from VC2 to VC1 or MRT



### Proposed Changes Highlands South

-  Remove these properties from MRT
-  Change these properties to VC2 or VC3
-  Change these properties to VC1





## Memorandum

To: Mayor Ruthanne Fuller  
From: Councilors R. Lisle Baker, Leonard Gentile, Marc Laredo, Tarik Lucas, Julia Malakie, Christopher Markiewicz, Emily Norton, John Oliver, and Pamela Wright  
Cc: City Council; City Clerk Carol Moore; Planning Director Barney Heath  
Re: MBTA Communities Act and Proposed Village Center Zoning  
Date: August 11, 2023

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We are writing to you regarding the MBTA Communities Act and the proposed Village Center rezoning effort. We support the Planning Department's efforts to help us comply with the Act and are confident that we will be able to submit a plan that meets the Act's requirements. However, we are quite concerned about the Planning Department's approach to the rezoning of our village centers and urge you to pause that effort until after we submit our MBTA Communities Act plan to the state and do the necessary work to inform our decision-making process on Village Center rezoning.

### The MBTA Communities Act

As you know, the Planning Department and the City Council are concurrently working to (a) meet a year-end state deadline to submit a plan to comply with the state's "Housing Choice" (also known as the "MBTA Communities") law and (b) write a new zoning code for our Village Centers and the areas immediately around them.

The state-mandated MBTA Communities law requires us to rezone areas around the MBTA subway and train stations to accommodate at least 8,330 units of multi-family housing. In a city that currently has approximately 33,000 units of housing, that is a significant increase, particularly in light of other development that is already approved or in the pipeline.

We believe that the Planning Department's proposal for complying with this law sets us on the right path – creating several zones near transit stations that will meet our legal obligations by the state's year-end deadline and allow significant additional housing in the city, goals that we support. However, we believe that the Planning Department's proposal for 10,000 units, rather than the required 8,330, is too high. We do not think that this unilateral 20% increase is necessary or appropriate, at least until after we have had an opportunity to see what gets proposed and built in the next several years.

### Village Center rezoning

Given that (a) we are likely to be adding large numbers of housing units through our MBTA Communities Act plan and (b) there are other pending or proposed housing projects that we know will add thousands of housing units to the city in the next few years (Riverside, Northland, Dunstan East, Craft Street, California Street, and 528 Boylston Street are some examples), it is imperative that we have an open, candid discussion with our residents about our plans for the future of our city over the next five, ten and twenty years **before** we start rezoning our village centers to allow for further additional development. Here are some of the questions that we need to answer:

- How many additional housing units and residents do we want to have in the city (in other words, what are our goals when it comes to growth)?

- How many housing units are reasonably likely to be built in the Village Center rezoned areas that are not part of the MBTA Act zones (understanding that these are only estimates)?
- How many additional housing units are reasonably likely to be built outside of the rezoned areas in the projects described above and other similar projects (again, understanding that these are only estimates)?
- What plans do we have for providing any additional schools, parking facilities, athletic fields, and other infrastructure and city services that may be needed for these population increases?

On July 28, 2023, the Planning Department provided responses to these questions in a memorandum to the City Council (pp 4-5; <https://www.newtonma.gov/home/showpublisheddocument/105198/638261512363470000>) which did not answer the questions listed above. We request your help in obtaining answers to what we believe are reasonable questions that a department focused on planning should be willing and, in fact, eager to provide.

To be clear, a pause on the rezoning effort does not mean that we can or should be stagnant in regard to making common-sense, non-controversial improvements to our zoning code that will improve our Village Centers: changing parking and other requirements that routinely get waived during the special permit process; making it easier for certain smaller projects to be done by right; and new rules to enhance the facades of buildings and the vitality of first floor commercial spaces. But the residents of Newton should know what our goals are – and what infrastructure and services are required to achieve them – before we entirely rewrite our zoning code.

We look forward to working collaboratively with you and other members of the executive branch as we continuously strive to make our city a better place in which to live and work.

President Albright's proposed changes to the Newtonville map

Add VC2 or VC3									
Washington vision plan showed Newtonville all the way to crafts st. We should at least consider adding this block in as the Newtonville station has an entrance at harvard st									
675 Walnut st									
Park lot between Marty's and Whole Foods									
641 Washington ST - Whole Foods									
This area was identified as part of the village in the Vision plan - Maybe even VC3 would be possible here.									
Change from VC3 to MRT- these back up to residential area									
66-68 Austin st									
70-72 Austin ST									
Change from VC3 to VC2 - these back up to a lot of MRT and approach the 3 story new senior center.									
324 Walnut st									
108 Madison									
336-348 Walnut St									

\*Received Sunday, August 13<sup>th</sup> at 7:15am