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Barney S. Heath
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MEMORANDUM

DATE: August 18, 2023
TO: Councilor Deborah Crossley, Chair, Zoning & Planning Committee
Members of the Zoning & Planning Committee
FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director Department of Planning and Development
Zachery LeMel, Chief of Long Range Planning
RE: **#38-22 Discussion and review relative to the draft Zoning Ordinance regarding village centers**
ZONING & PLANNING COMMITTEE requesting review, discussion and possible ordinance amendments relative to Chapter 30 zoning ordinances pertaining to Mixed Use, business districts and village districts relative to the draft Zoning Ordinance. (formerly #88-20)
#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)
MEETING: August 21, 2023
CC: City Council
Planning Board
Jonathan Yeo, Chief Operating Officer

The Zoning and Planning Committee (ZAP) has been working through the Version 2.0 Village Center Overlay District (VCOD) zoning text at the two previous committee meetings, July 31 and August 15. This process was laid out in the June 24 ZAP memo, [linked here](#). Planning staff will be incorporating all the ZAP approved amendments into the Version 3.0 zoning text, which will be shared in September before the continuation of the public hearing.

ZAP plans to take up the remaining zoning text amendments at the upcoming, August 21, meeting. The remaining amendments are compiled below by substantive section:

Dimensional Standards – Sites

1. Require a special permit for multiple buildings on lot in all zones. (Laredo)

Planning Recommendation: Multiple buildings on a lot in the MRT zone requires a special permit for new construction and site plan review for adaptive reuse. The VC2 and VC3 zones will require large lots to accommodate multiple buildings, which will trigger additional review. This is not necessary.

2. 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. (Baker)

Planning Recommendation: ZAP voted at the previous meeting to require a minimum side and rear setback of 20 feet for VC2 and VC3 development adjacent to a residential district. This is more than or equal to the new lot side and rear setbacks for SR and MR zones. This not necessary.

3. Increase open space requirement for MRT and VC1 to 50% from 30%. And require on all lots, not just for special permit lots. (Wright)

Planning Recommendation: As demonstrated in various case studies, the minimum setback and maximum building footprint requirements mean that a significant percentage of any given lot is left over for open space. However, if the Committee wants to set a minimum open space requirement, then Planning recommends setting the minimum at no more than 35%. Note: if approved then #9 should be removed.

4. Set a minimum lot size. (Baker)

Planning Recommendation: The traditional village center buildings across the region are often on very small lots with the building taking up nearly 100% of the lot. As demonstrated in various case studies, this is the desired outcome for VC2 and VC3 lots. If the Committee is concerned about possible development in MRT, Planning staff recommend setting a minimum lot frontage of no more than 45 feet instead of a minimum lot size. Note: If approved then #17 should be removed.

Allowed Uses

5. Change allowed commercial uses in VC1 to low car demand uses only (Wright - specifics were not provided)

Planning Recommendation: VC1 zone was eliminated at the previous meeting. This can be removed.

6. Add craft beverages to VC2 and VC3 (Wright)

Planning Recommendation: Planning agrees with this proposal.

Design Standards – Buildings

7. Add language to adaptive reuse for MRT development that caps reuse to 6 units maximum (Albright)

Planning Recommendation. This was left out in error in the previous draft. Planning agrees with this proposal.

8. Add “local, non-chain retail” requirement where Ground Story Active Use is required (Wright)

Planning Recommendation: This proposal was reviewed with the Law Department. This type of requirement is not legal within a Zoning Ordinance.

9. Add a 40% open space requirement for adaptive reuse in MRT and VC1 (Wright)

Planning Recommendation: See #3.

10. Require adaptive reuse addition to be setback 25 ft from the front facade, not 20 ft, when building is landmarked (Wright)

Planning Recommendation: A landmarked building already has additional discretionary review through the Newton Historical Commission (NHC) and will have authority to set requirements for any addition. Planning does not recommend this.

11. Require facade articulation for the front façade of buildings between 50-80 ft wide (TBD), reduced from 100 ft (Albright)

Planning Recommendation: The façade articulation is one design standard of many that will help create differentiated and interesting building facades. Planning feels that 100 feet is an appropriate metric. However, if ZAP wants to reduce the façade length, Planning staff recommend no less than 80 feet.

12. Require stairways/access to additional units created through adaptive reuse to either be internal or external staircases be fully enclosed. (Doeringer)

Planning Recommendation: The primary means of egress must be internal to the building per the building code. This recommendation needs additional review because there may be issues with building and fire code requirements.

Design Standards - Sites

13. Add additional setback requirements adjacent to landmarked building and prominent village center buildings (Wright)

Planning Recommendation: Staff discussed this with the Law Department and believe this not legal within a Zoning Ordinance as it violates the predictability and uniformity requirements. Note, this is the same rationale discussed for the previous amendment about requiring different setbacks based on the use of the adjacent property.

14. Add design/material requirements similar to ADU language (Wright)

Planning Recommendation: Staff discussed this with the Law Department and believe such language is problematic since it deals with building materials and materiality more generally, which local zoning code is preempted on from the state building code.

15. Add back in language to not allow rear lot subdivision (Wright)

Planning Recommendation: See #4. In addition, staff propose to add language that requires the minimum frontage requirement to be measured along the right of way.

16. Allow parking in the front setback by special permit for commercial uses (Baker)

Planning Recommendation: Existing buildings with parking in the front will have legal non-conformity protections. Fully new construction should be required to put the parking in the rear or underground. Planning does not recommend this.