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## MEMORANDUM

**DATE:** November 9, 2023

**TO:** Councilor Susan Albright, City Council President  
City Council

**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  
Joe Iadonisi, Planning Associate

**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:** November 15, 2023

**CC:** Planning Board  
Jonathan Yeo, Chief Operating Officer  
Alissa Giuliani, City Solicitor

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The City Council has scheduled a special meeting for Wednesday, November 15, to deliberate on the [Village Center Overlay District \(VCOD\) proposal](#). At the request of Council President Albright, City Councilors have submitted amendments to the zoning text and map in advance:

Councilor Baker – <https://www.newtonma.gov/home/showpublisheddocument/113549>

Councilor Bowman – <https://www.newtonma.gov/home/showpublisheddocument/113551>

Councilor Danberg – <https://www.newtonma.gov/home/showpublisheddocument/113559>

Councilor Lucas/Norton – <https://www.newtonma.gov/home/showpublisheddocument/113555/638346270815799114>

Councilor Wright – <https://www.newtonma.gov/home/showpublisheddocument/113557>

Councilor Gentile/Markiewicz – <https://www.newtonma.gov/home/showpublisheddocument/113589/638348633916791135>

Councilor Gentile – <https://www.newtonma.gov/home/showpublisheddocument/113587/638348633913041031>

To help facilitate the deliberation at City Council, City staff have organized the amendments received into two categories, zoning text (T) and zoning map (M) amendments. Where appropriate, staff have provided contextual information and some preliminary analysis on how the amendment would impact Newton's MBTA compliance.

## **VCOD Zoning Text Amendments**

### *T1. Amendment:*

Revise the special permit threshold to a lot size of 15,000 square feet and greater.

*Section:* 9.2.4.B.3.

*Councilor:* Wright

*Background:*

The proposal to use the lot size to regulate the level of discretionary review was presented in [June 2022](#) (#7, pg. 11) when ZAP held a series of zoning framework workshops. The straw votes held in these workshops set the foundation for drafting the VCOD zoning text. The current proposal, of requiring a special permit for lots greater than 30,000 square feet, was discussed at the [June 13, 2022 meeting](#) (pg. 5-6). The ZAP Committee voted 6-0-2 in approval.

*Impact on MTBA Compliance:*

There are 19 VC2 lots and 29 VC3 lots that are between 15,000 and 30,000 square feet included in Newton's MBTA compliance. Approval of this amendment would remove these lots from counting towards compliance and would result in a unit capacity reduction of approximately 3,000 units. In addition, requiring a special permit for these lots could impact the minimum contiguity requirements within the MBTA guidelines. Specifically, no sub-area can be less than 5 acres. Staff have not run this analysis, but it is likely that the reduction in unit capacity could be much greater.

### *T2. Amendment:*

Add a minimum lot size of 6,000 square feet in MRT.

*Section:* 9.2.5.A.

*Councilor:* Wright

*Background:*

Similar to the above, the proposal to eliminate minimum lot size was made in [June 2022](#) (#5, pg. 8). ZAP discussed this at [the June 13, 2022 meeting](#) (pg. 6-7) and voted unanimously to do so. In addition, ZAP considered a series of amendments over a series of meetings in [summer 2023](#) (pg. 2). This proposal to set a minimum lot size was proposed and failed by a 2-6 vote.

*Impact on MTBA Compliance:*

This change would not impact Newton's MBTA Communities compliance. Lots under minimum lot size that currently exists would be considered as a pre-existing non-conforming lot and therefore still develop by-right.

*T3. Amendment:*

Increase the minimum lot frontage in the MRT zone from 45 feet to 65 feet.

*Section:* 9.2.5.A.

*Councilor:* Wright

*Background:*

Through [version 2.0](#), no minimum lot frontage was proposed within the VCOD. ZAP voted to require a minimum lot frontage of 45 feet from the amendments proposed in [summer 2023](#) (pg. 2). The current minimum was approved by a 4-2-2 vote. In addition, a second amendment was proposed to require an even greater minimum lot frontage, 60 feet, which failed 2-6.

*Impact on MTBA Compliance:*

This change would not impact Newton's MBTA Communities compliance. Lots with less than minimum frontage that currently exists would be considered as a pre-existing non-conforming lot and therefore still develop by-right.

*T4. Amendment:*

Increase the useable open space requirement in the MRT zone from 35% to 50%.

*Section:* 9.2.5.A.

*Councilor:* Wright

*Background:*

Through [version 2.0](#), no minimum useable open space requirement was required in the MRT zone for lots less than 30,000 square feet. ZAP voted to require a minimum useable open space of 35% in the MRT zone from the amendments proposed in [summer 2023](#) (pg. 2). The current minimum was approved by a 7-0-1 vote. A previous amendment that matches the current one failed by a 2-6 vote.

*Impact on MTBA Compliance:*

An increase in the minimum open space requirement would result in a unit capacity reduction of approximately 140 units.

*T5. Amendment:*

Remove the minimum first floor height requirement.

*Section:* 9.2.5.A.

*Councilor:* Wright

*Background:*

As presented in the [June 2022](#) (#2 pg. 3) workshops, a minimum first [ground] floor height is critical for different businesses to function. For example, restaurants require taller ceiling heights so they can accommodate ventilation, safety, and soundproofing systems. In addition, urban design best practice occurs when buildings have a distinct base (ground floor), middle (upper floors) and top (roof/ridge). Setting a minimum ground floor height helps ensure this design principle. The current proposal is a minimum ground floor height of:

Development along a mixed-use priority street (active use required) – 15 feet

All other streets (commercial or residential use) – 12 feet

*Impact on MTBA Compliance:*

This change would not impact Newton’s MBTA Communities compliance as it does not alter potential units.

*T6. Amendment:*

Require one parking spaces per two units for adaptive reuse in the MRT district. This parking requirement would be waivable as our current ordinance provides.

*Section:* 9.2.6.B.8.d.iii.

*Councilor:* Baker

*Background:*

Parking requirements have been discussed continuously throughout this nearly three year process. In the [June 2022](#) (#1 pg. 1) workshops, ZAP affirmed their support for reducing the minimum parking requirements. Following the release of the Metropolitan Area Planning Council (MAPC) [Perfect Fit Parking Initiative, Phase 4](#) ZAP further expressed their support for further lowering or eliminating parking requirements within the VCOD given the proximity to transit and other services and amenities. In advance of releasing version 2.0, ZAP discussed this issue at their [March 13, 2023 meeting](#) and [March 27, 2023 meeting](#), with the majority supporting no minimum requirement.

*Impact on MTBA Compliance:*

This change would not impact Newton’s MBTA Communities compliance. Only new construction can be counted towards the minimum unit capacity.

*T7. Amendment:*

Requiring one parking space for every two units in the VC2 and VC3 districts if the parcel is adjacent to an underlying residential zone. This parking requirement would be waivable as our current ordinance provides.

*Section:* 9.2.6.C.1.

*Councilor:* Baker

*Background:*

See above for background on minimum parking requirements being discussed at ZAP previously. In addition, a similar amendment was proposed with the series of [summer 2023 amendments](#) (pg. 1), which failed 1-7 in Committee.

*Impact on MTBA Compliance:*

Newton’s unit capacity would be reduced towards meeting MBTA Communities compliance. Determining exactly how many units would be lost is complicated because this amendment has a spatial component and would not be applied uniformly throughout the VC2 and VC3 zones. Staff previously provided a parking sensitivity analysis for version 3.0, which showed a reduction of approximately 1,300 units when 0.5 spaces/unit is required for all lots in the VC2 and VC3 zones, not including mixed-use priority street lots. This amendment would impact a subset of

these lots. When the mixed-use priority street lots are included, an across the board 0.5 spaces/unit requirement would result in a reduction of approximately 2,225 units.

In an initial analysis, setting a 0.5 parking space/unit requirement for VC2 and VC3 lots adjacent to a lot zoned residential (SR or MR) would result in a unit capacity reduction of approximately 840 units.

## **VCOD Zoning Map Amendments**

### *M1. Amendment:*

Remove the following village centers from the VCOD proposal: 1) Auburndale 2) Newton Lower Falls 3) Newton Upper Falls 4) Thompsonville 5) Four Corners 6) Newton Corner 7) Nonantum.

*Councilor:* Wright

*Village Center:* Multiple

### *Background:*

Determining what village centers to include within this proposal was an effort undertaken at the beginning of this planning process. Quantitative and qualitative analysis, as well as significant community input, was used by ZAP to determine this. The various analyses were summarized in a [September 13, 2021 ZAP presentation](#). The community input used occurred in Phase I and can be found on the [Community Engagement page](#) of the City website.

### *Impact on MTBA Compliance:*

While none of these village centers are being used to meet Newton's MBTA compliance, Councilor Wright correctly points out the State guidelines allow Newton to count up to 10% of units outside of a "Transit Area". If other amendments proposed here that reduce unit capacity are approved, the City may need to utilize some portion of this 10% to meet compliance. Removing these village centers from the proposal, as this amendment proposes, would eliminate that option.

### *M2. Amendment:*

Reduce all VC3 lots to VC2 in Newton Highlands.

*Councilor:* Wright

*Village Center:* Newton Highlands

### *Background:*

This amendment was proposed as part of the [summer 2023 amendments](#) (pg. 4) and failed 2-6.

### *Impact on MTBA Compliance:*

The reduction from VC3 to VC2 would result in a unit capacity reduction of approximately 295 units.

*M3. Amendment:*

Add the following lots into the VCOD proposal as VC3 near Newton Highlands/Eliot: 49-51, 53, and 53B Winchester Rd

*Councilor:* Danberg

*Village Center:* Newton Highlands

*Background:*

There was a proposal to add properties along Winchester St as part of the [summer 2023 amendments](#) (pg. 4). ZAP voted to not include these properties with a 7-1 vote in favor of them being included as part of a corridor study.

*Impact on MTBA Compliance:*

Adding this parcel to the VCOD proposal would not impact unit capacity because it is over 30,000 square feet and therefore requires a special permit.

*M4. Amendment:*

Reduce all VC3 lots to VC2 in West Newton

*Councilor:* Wright

*Village Center:* West Newton

*Background:*

This amendment was proposed as part of the [summer 2023 amendments](#) (pg. 6) as a series of four amendments where different parcels were grouped together.

*Impact on MTBA Compliance:*

The reduction from VC3 to VC2 would result in a unit capacity reduction of approximately 930 units.

*M5. Amendment:*

Reduce the following VC3 lots to VC2 in Newtonville: a) 12 Austin St b) 303 Walnut St c) 305 Walnut St d) 309-321 Walnut St e) Walnut St Rear.

*Councilor:* Lucas / Norton

*Village Center:* Newtonville

*Background:*

These properties were requested to be changed from VC3 to VC2 as part of the [summer 2023 amendments](#) (pg. 5). They failed to garner support and failed in a series of 2-6 votes.

Proposed at 10/23 ZAP, failed 2-6.

*Impact on MTBA Compliance:*

The reduction from VC3 to VC2 would result in a unit capacity reduction of approximately 40 units.

*M6. Amendment:*

Reduce the following VC3 lots to VC2 in Newtonville: a) 40 Austin St b) 46-48 Austin St c) 60 Austin St.

*Councilor:* Lucas / Norton

*Village Center:* Newtonville

*Background:*

These properties were requested to be changed from VC3 to VC2 as part of the [summer 2023 amendments](#) (pg. 5). They failed to garner support and failed in a series of 2-6 votes.

*Impact on MTBA Compliance:*

The reduction from VC3 to VC2 would result in a unit capacity reduction of approximately 80 units.

*M7. Amendment:*

Reduce the following VC3 lots to VC2 in Newtonville: a) 19 Highland Ave.

*Councilor:* Lucas / Norton

*Village Center:* Newtonville

*Background:*

This property was requested to be changed from VC3 to VC2 as part of the [summer 2023 amendments](#) (pg. 5). It failed to garner support and failed in a 1-7 votes. In addition, this property, main building only, has been landmarked by the Newton Historic Commission.

*Impact on MTBA Compliance:*

The reduction from VC3 to VC2 for this lot would not impact unit capacity because it is over 30,000 square feet and therefore requires a special permit.

*M8. Amendment:*

Add 42 Chesley Rd into the VCOD map as MRT to match the adjoining property 44 Chesley Rd. Currently 42-44 Chesley Rd is developed with a two-family housing spanning the properties.

*Councilor:* Bowman

*Village Center:* Newton Centre

*Background:*

This property was included as MRT in [version 2.0](#). This amendment was proposed as part of the [summer 2023 amendments](#) (pg. 4) and grouped with a series of properties north of Beacon St. The vote to remove these lots, including 42 Chesley Rd, was approved 4-0-4).

*Impact on MTBA Compliance:*

Adding this lot to the VCOD proposal as MRT would increase the unit capacity by 4 units.

*M9. Amendment:*

Reduce all VC3 lots to VC2 in Auburndale.

*Councilor:* Gentile / Markiewicz

*Village Center:* Auburndale

*Background:*

These properties were requested to be changed from VC3 to VC2 as part of the [summer 2023 amendments](#) (pg. 7). They failed to garner support and failed in a series of 2-6 votes.

*Impact on MTBA Compliance:*

This change would not impact Newton's MBTA Communities compliance.

*M10. Amendment:*

Remove the following lots from the VCOD proposal in Auburndale: a) 2134, 2138-2140, 2142-2144, 2148-2150, 2158-2160 Commonwealth Ave b) 261, 264-266, 267, 268, 278, 280-282, 284, 286 Melrose St c) 27-29 Melrose Ave d) 23, 27, 25, 45 Ash St

*Councilor:* Gentile

*Village Center:* Auburndale

*Background:*

This is a new proposal and has not been discussed previously.

*Impact on MTBA Compliance:*

This change would not impact Newton's MBTA Communities compliance. Auburndale is not currently being included in Newton's MBTA communities submission because there is no sub-area of at least 5 acres that allows multi-family housing by-right due to the mixed-use priority street requirements and a number of large parcels over 30,000 square feet.

**Next Steps**

If additional amendments are presented at the November 15 special City Council meeting, City staff will provide input as soon as possible. In some cases, staff may be able to offer a recommendation on the spot. In other cases, additional analysis may be needed.

**Links**

November 6, 2023 Planning Memo to City Council for VCOD, Version 3.1

<https://www.newtonma.gov/home/showpublisheddocument/113517/638346200277507871>