



# Zoning & Planning Committee Agenda

## City of Newton In City Council

Thursday, October 10, 2024

7:00 pm  
Room 204

The Zoning and Planning Committee will hold this meeting as a hybrid meeting on Thursday, October 10, 2024 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/89648440163> or call 1-646-558-8656 and use the following Meeting ID: 896 4844 0163.

### Item Scheduled for Discussion:

**Chair's Note:** *The Chair will entertain a motion to set a public hearing for Thursday, November 14<sup>th</sup> for the following two items.*

**#311-24 Requesting discussion and possible amendments to dormer regulations in Chapter 30 Zoning**  
HER HONOR THE MAYOR requesting a discussion and possible amendments to dormer regulations for Residential Buildings in Chapter 30 Zoning Section 1.5.4.G to clarify language regarding overall dormer length calculations.

**#317-24 Requesting discussion and possible amendments to Section 5.4.2**  
HER HONOR THE MAYOR requesting a discussion and possible amendments to retaining wall regulations for Multi-Family/Commercial/Industrial/Civic Buildings in Section 5.4.2 of Chapter 30 Zoning.  
**Zoning & Planning Held 8-0 on 09/23/24**

**Chair's Note:** *Landwise will join the Committee and provide an economic analysis of the current zoning and the factors that can lead to teardowns. Councilors Wright and Oliver will also present potential amendments to the zoning ordinance.*

**#85-24 Request for discussion and possible amendments to enhance the preservation of existing homes.**

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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.

COUNCILORS BAKER, OLIVER, MALAKIE, KALIS, GETZ, LUCAS, LOBOVITS, AND WRIGHT requesting a discussion and possible amendments to Chapter 30 Zoning or other City Ordinances to enhance the preservation of existing homes over their replacement by larger and more expensive structures.

**Zoning & Planning Held 7-0 on 02/15/24**

**Zoning & Planning Held 6-0 (Councilor Albright Not Voting) on 03/11/24**

**Zoning & Planning Held 8-0 on 04/08/24**

**Zoning & Planning Held 7-0 on 07/22/24**

**Zoning & Planning Held 7-0 on 09/09/24**

**Zoning & Planning Held 8-0 on 09/23/24**

**#41-24 Amend the setbacks in the MR zones to encourage preservation of existing buildings**

COUNCILORS ALBRIGHT, DANBERG, KRINTZMAN, AND LEARY seeking a discussion with the Planning Department to consider ordinance amendments that would revise the metrics in the multi-residence (MR1, MR2 and MR3) zones, to regulate the size of new buildings better, enable a wider range of housing options close to public transit, and better incentivize preservation and renovation of existing housing stock.

**Zoning & Planning Held 7-0 on 02/15/24**

**Zoning & Planning Held 6-0 (Councilor Albright Not Voting) on 03/11/24**

**Zoning & Planning Held 8-0 on 04/08/24**

**Zoning & Planning Held 7-0 on 07/22/24**

**Zoning & Planning Held 7-0 on 09/09/24**

**Zoning & Planning Held 8-0 on 09/23/24**

**#302-24 Aligning zoning to proposed use in new development**

COUNCILORS OLIVER, WRIGHT, LUCAS, MALAKIE, KALIS, FARRELL, GREENBERG, GETZ, AND LOBOVITS requesting discussion and possible zoning ordinance changes to align zoning to the proposed use for by right or special permit projects for new build or major renovations. The goal would be to further improve consistency in lot utilization (eg., setbacks, open space) and structure (eg., massing, height, FAR) within a neighborhood.

**#369-24 Requesting discussion and amendments to Accessory Dwelling Unit (ADU) Ordinance**

HER HONOR THE MAYOR requesting discussion and amendments to Newton's Accessory Dwelling Unit (ADU) Ordinance, so it complies with the State's Zoning Act (Ch. 40A).

**Respectfully Submitted,  
R. Lisle Baker, Chair**



Ruthanne Fuller  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

**#311-24**

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August 5, 2024

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

Honorable City Councilors:

I respectfully submit a docket item to the Honorable Council requesting a discussion and possible amendments to Dormer Regulations for Residential Buildings in the Zoning Ordinance at Section 1.5.4.G. The amendments are needed to clarify language regarding overall dormer length calculations to incentivize these important architectural features.

Attached is a memo from the Planning Department providing background information and examples for this docket item.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller  
Mayor



Ruthanne Fuller  
Mayor

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Barney Heath  
Director

## MEMORANDUM

**TO:** Mayor Ruthanne Fuller  
Jonathan Yeo, Chief Operating Officer

**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:** Request to docket a discussion and possible amendment to Dormer Regulations for Residential Buildings – Zoning Ordinance Sec. 1.5.4.G.

**Date:** July 29, 2025

**CC:** Alissa O. Giuliani, City Solicitor

### Overview

Dormers (Fig. 1), a window that projects vertically from a sloping roof, are regulated within Newton's Zoning Ordinance to ensure that they are not utilized as a backdoor to creating what is essentially a third story (Fig. 2). Newton's residential buildings allow a maximum of two-and-a-half stories by-right.



Fig. 1: Sketch of a typical dormer



Fig. 2: Shed dormer, outlined in red, not allowed by-right

Dormers are an important architectural feature that both helps to articulate the building and allows for habitable space on the upper floors. Dormers should be encouraged. Without dormers, many projects would opt for a flat roof, which is typically less expensive than a pitched roof. This is

particularly true for the Multi-Residence Transit (MRT) district where that upper story must be habitable for the required third unit.

## Issue

*Sec. 1.5.4.G.2.b.*

*A dormer may be no wider than 50 percent of the length of the exterior wall of the story next below. Where more than one dormer is located on the same side of the roof, the width of all dormers combined may not exceed 50 percent of the length of the exterior wall next below.*

The current ordinance language above limits the overall length of a dormer to half of the length of wall of the floor below. This 50% maximum limits the overall bulk of the dormer and successfully prevents a dormer from creating what is essentially a third story. There is no recommendation to change the length of dormer allowed, but instead update how the length is calculated.

It was recently brought to our attention that the language, see above, is interpreted by the Inspectional Services Department (ISD) that any “jog” or change in wall plane on the story below the roof is considered a break or change. This then impacts how the allowed dormer width is calculated not based on the entire exterior wall, or roof plane, but based on each wall segment, see Fig. 3. Similar to how dormers provide roof articulation, bays or jogs along the walls help articulate the building and break up the overall mass, which should be encouraged. The current dormer interpretation disincentivizes such architectural features.

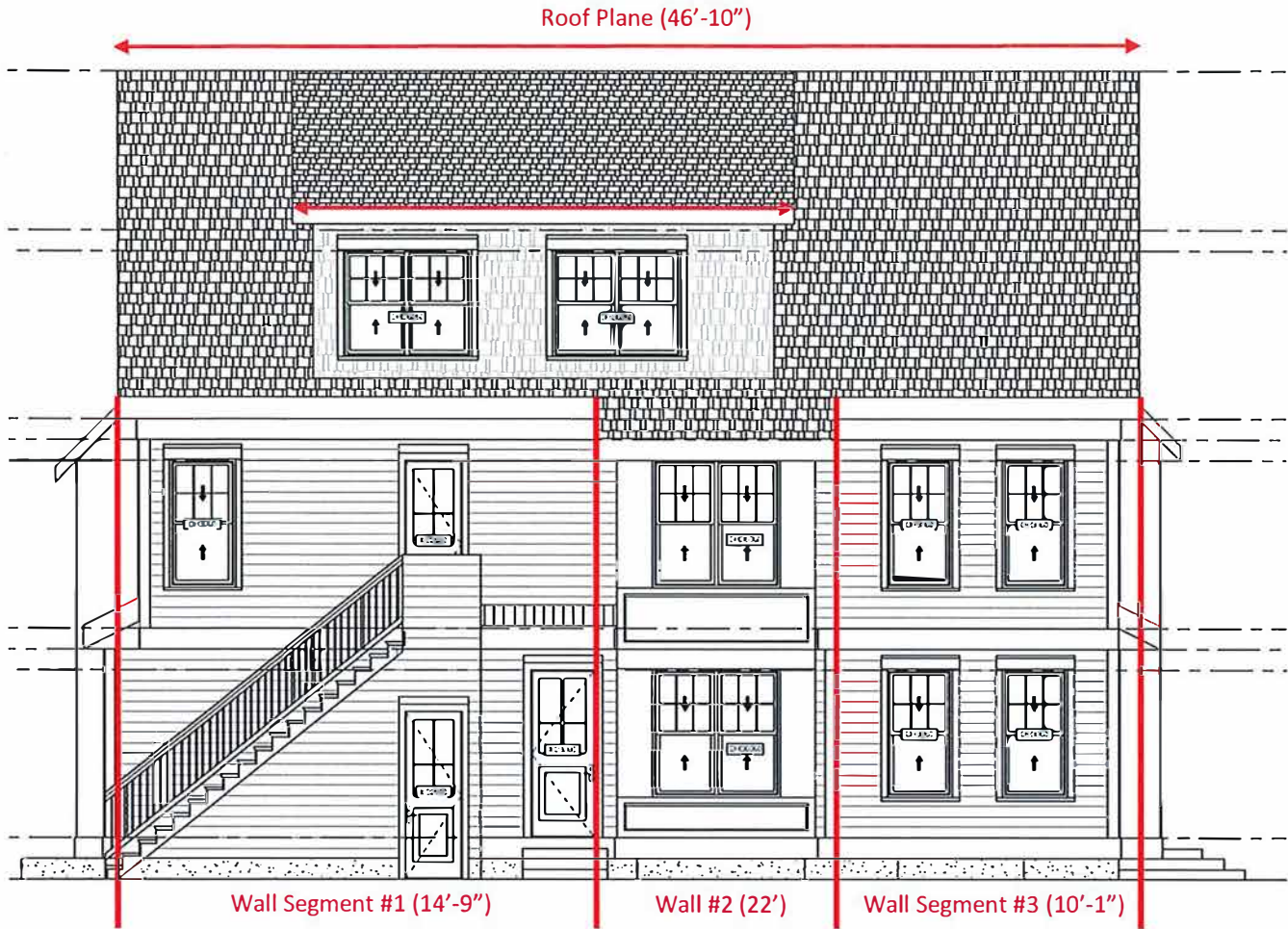


Fig. 3: A proposed building elevation with a dormer that exceeds 50% of the length of the exterior walls of the story beneath, which is calculated as 3 individual segments , based on ISD's current interpretation

**Recommendation**

Staff recommended a simple update in language to determine the maximum length of a dormer be calculated based on the "uninterrupted roof plane", not the "exterior wall of the story next below." There is no proposed change to the maximum dormer length allowance of 50% at this time. For reference, this would permit the drawing in Fig. 3 by-right, whereas the drawing in Fig. 2 would still require either not be allowed or require a special permit.

**Next Steps**

Once docketed, staff plan to explore these options and make a full recommendation to the City Council.



Ruthanne Fuller  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

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August 5, 2024

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

Honorable City Councilors:

I respectfully submit this docket item to your Honorable Council requesting a discussion and possible amendments to Retaining Wall Regulations for Multi-Family/Commercial/Industrial/Civic Buildings in the Zoning Ordinance at Section 5.4.2. The amendments are needed to address unintentional impacts created in the April 2024 zoning amendments requiring special permits for retaining walls.

Attached is a memo from the Planning Department providing background information and examples for this docket item.

Thank you for your consideration of this matter.

Sincerely,

Mayor Ruthanne Fuller



Ruthanne Fuller  
Mayor

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Department of Planning and Development  
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Barney Heath  
Director

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MEMORANDUM

**TO:** Mayor Ruthanne Fuller  
Jonathan Yeo, Chief Operating Officer

**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:** Request to docket a discussion and possible **amendment to Retaining Wall Regulations for Multi-Family/Commercial/Industrial/Civic Buildings – Zoning Ordinance Sec. 5.4.2.**

**Date:** July 24, 2025

**CC:** Alissa O. Giuliani, City Solicitor

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**Overview**

In April 2024, the City Council approved a zoning amendment to Sec. 5.4.2. that requires a special permit for any retaining wall over four feet in height in all zoning districts. Previously, only retaining walls over four feet within the setback required a special permit while retaining walls outside of the set-back areas had not required a special permit.

The City Council supported this amendment as an important first step with the understanding that additional measures (i.e. how height is measured) were being considered. The City Council brought forward this amendment to address grade and wall issues with a particular focus in single- and two-family districts. The ordinance presently applies in all zoning districts.

We have come to recognize that this recently enacted retaining wall requirement can be counter-productive in multi-family, commercial and industrial zones. The Planning staff is seeing beneficial retaining walls recently completed developments. Our intention is to explore with the City Council where modifications might be made to the current ordinance in the aforementioned districts and/or building types.



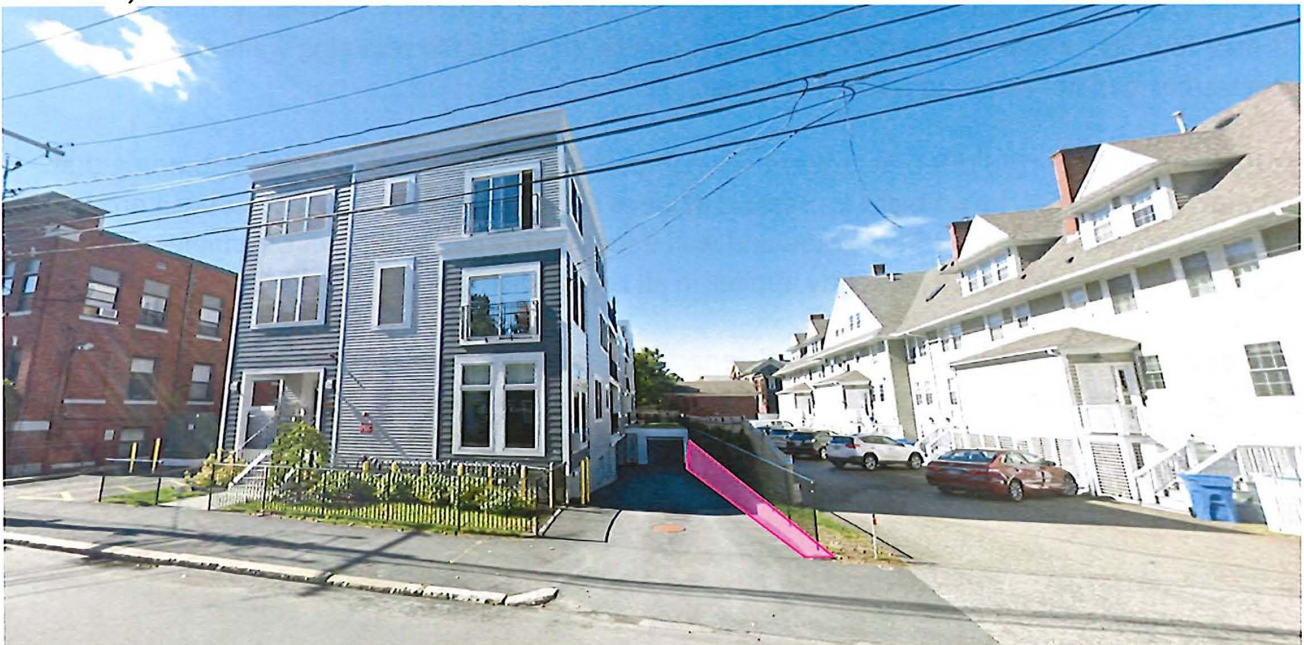
Examples of multi-family/mixed-use projects that now require a special permit where a retaining wall is beneficial and could be allowed by right or with administrative review with an appeal option to ZAP

*935 Washington Street (corner of Washington and Lowell) – 18 units*



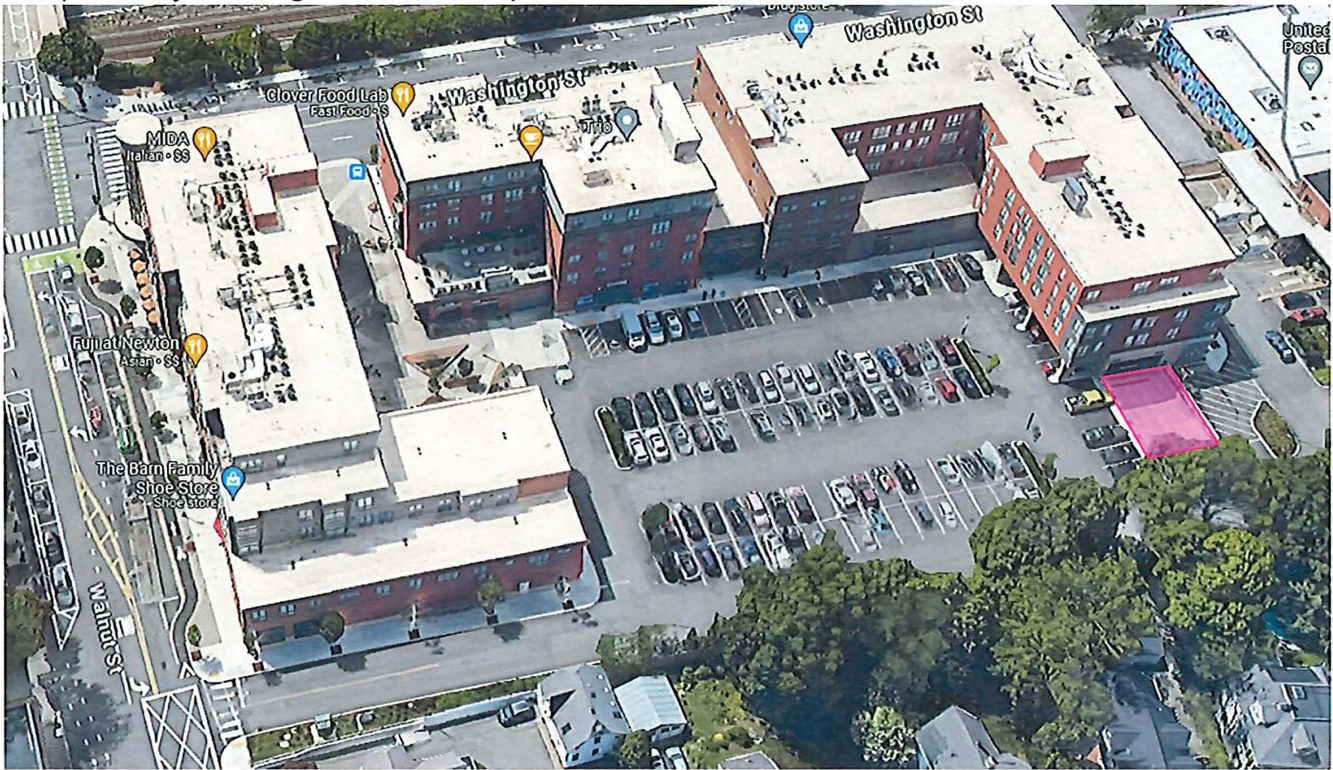
Fully below grade driveway and retaining wall leads to parking beneath the building

*429 Cherry Street – 19 units*



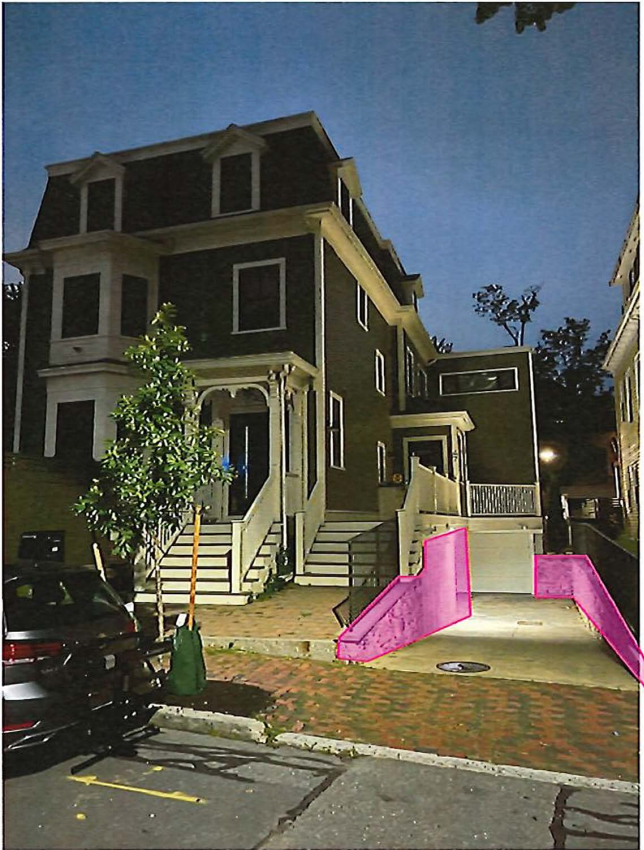
Fully below grade driveway and retaining wall leads to parking beneath the building

*Trio (corner of Washington and Walnut) – Mixed-Use*



Fully below grade driveway and retaining wall leads to parking beneath the building

*Adaptive Reuse, Cambridge, MA – 4-units*



Some portions of the retaining wall are above grade, though the majority is fully below

**Next Steps**

Once docketed, staff plan to explore these options and make a full recommendation to the City Council.



# Teardowns and Re-Use

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Promoting Outcomes that  
Newton Prefers



## Objectives

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What we are trying to achieve:

- Increase the diversity of our housing stock (eg., "starter homes" or "attainable" housing)
- Increase production to better address Newton's housing needs
- Provide climate change resiliency by maintaining and increasing open space standards and existing tree canopy
- Lessen negative impact of new builds on abutters
- Shift incentives toward the development types that we DO want

## Concepts (Overview)

These are the concepts that we would like to discuss:

1. Align Zoning with Intended Use
2. The loss of modest sized homes to large single family homes
3. Incentivize additional units permitted by right on a lot
4. Adaptive re-use of large homes

## Align Zoning with Intended Use

When a lot zoned business (BU) is being converted to residential (only) use, consider that:

- Current zoning allows 100% residential build utilizing business-zoned lot standards
- There are NO lot coverage or open space requirements for BU lots
- FAR for BU lots START at 1.0 and increase to 2.0 (@ 3.5 story buildings)
- We have taken strides to maintain 'consistency' of scale in residential neighborhoods
- Many residential building components and standards are not applicable in BU (eg., dormer size restrictions)

# Align Zoning with Intended Use

There are several possible solutions to consider:

- Option 1. Require a zone change to residential zoning - equivalent to abutting properties designation and/or use
- Option 2. Maintain zoning designation, but require use of residential dimensional controls (when abutting a residential neighborhood)
- Option 3. No SP relief for first floor business
- Option 4. Modify the use table to allow residential ...'ONLY above business'

# Align Zoning with Intended Use (Example)

A SP was granted to demolish the existing home and build 4 large units. Because this lot is zoned BU2, there are significant incentives that are detrimental to abutters and the neighborhood.

How can we best balance this to incentivize what we want AND fit to the residential neighborhood (MR2)?



# Align Zoning with Intended Use (Example)

Extending the example from the previous slide, in which much of the neighborhood is residential, and zoned MR2, here is a quick comparison of BU2 and MR2 zones

	BU2	MR2*
FAR	1.0, 1.5 and 2.0 at 2,3,4 stories respectively	0.43 - 0.53 (max)
Open Space	No requirement	50% (min)
Lot Coverage	No requirement	25% (max)
Setbacks	Front: 10ft or average of side abutters if residential @2,3 stories, 10ft @4 stories Side: (Min) ½ building height or abutter setback. In residential 15' or ½ building height Rear: 0'; if abutting residential greater of ½ building height or 15'	Front: 25' (min) Side: 7.5' (min) Rear: 15' (min)
Parking	Based on business use and sqft.	2 / unit
Height (stories)	24' or 48' by SP (2-4)	36' (2.5) (max)

\*Showing 'Two-family attached' dimensions found in Ch.30, sec 3.2

# Losing modest sized homes to large single family homes

When a single family (SF) house is replaced with significantly larger SF house:

- Does not further Newton’s goals for housing development or increases in density
- Can lead to reductions in [usable] open space
- Often creates homes that are out-of-scale with the neighborhoods
- Increases the purchase cost of a single family home in Newton

... without prohibiting reasonable teardowns

## Losing modest sized homes to large single family homes

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There are several possible solutions to consider:

- Option 1. Use new lot standards for tear downs with full demolition of existing structure.
- Option 2. Sliding scale adjustment to FAR
- Option 3. Large House review

## Option 1. Use new lot standards

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- Limit overall massing through introducing New Lot Standards when a SF home is being replaced with a new SF home that is 30+% larger than the original



# Option 2. Sliding scale adjustment to FAR

- Utilize a program ( this is in place in Lexington today) wherein the allowable FAR is reduced according to a scale based on lot size (percentages need to be discussed in detail)

FAR Reductions for Teardowns	
Lot Area (sqft.)	Decrease in FAR
0-5,000	5-10%
5,001-10,000	10-20%
10,001-15,000	20-30%
15,001-20,000	35-25%
20,001 +	35-45%

# Option 3. Large House Review

Issue: Large by-right construction and/or additions that have negative impacts on surrounding homes.

Purpose: To mitigate the impact of new builds and/or additions that supersede established spacial thresholds of a residential area.

Solution: Require a Large House Review for qualifying projects.

#338-14 ALD. HESS-MAHAN, KALIS, SANGIOLO AND DANBERG proposing a Large House Review ordinance requiring design review and approval of by-right single and multi-residence residential structures exceeding certain dimensional limits to be determined, to expire by December 31, 2015. [09/05/14 @ 9:39AM]

## Option 3. Large House Review

### Large House Review (defined)

Large House Review is an administrative and/or binding review process of a project that exceeds defined limits of the specific area of where the build is proposed. Criteria and standards (e.g. preservation of Landscape, scale of Buildings, lighting, open space, drainage, and circulation) are utilized to better define how the proposed project would affect its surroundings.

## Incentivize Additional Units

Today, our zoning effectively incentivizes large-scale SF homes, yet we actually want to create a more diverse set of housing options.

Consider permitting up to a 1,200sf, 1.5 story ADU by-right

- If the original home is less than x% of the FAR
- If at least y% of the original structure remains intact, including the front facade / streetscape
- And, the total of all resulting structures must utilize dimensional controls (eg., setbacks, FAR, open space)

# Adaptive Re-use of Large Homes

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Newton residents can benefit from new opportunities to age in place, and to create multi-generational homes

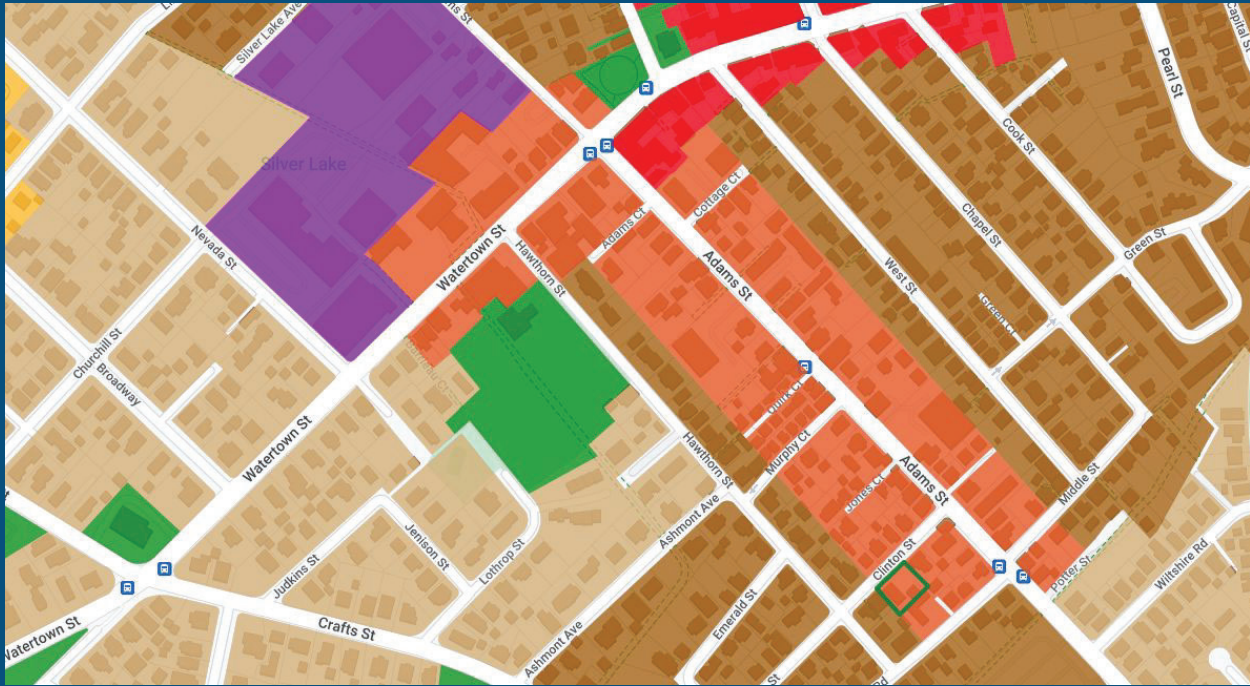
Create a path for large homes to be converted to MF by-right

- Allow modest addition off back (or side?) of home (max. ~15%?) to accommodate additional egress, entryways, etc.
- Up to 4 units
- Consider MRT adaptive re-use parameters from Ch. 9 (VCOD)

# Appendix

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# BU2 / MR2 Example location





Ruthanne Fuller  
Mayor

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Office of the Mayor

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September 30, 2024

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

Dear Honorable Councilors:

I respectfully submit this docket item to your Honorable Council requesting discussion and amendments to Newton's Accessory Dwelling Unit (ADU) Ordinance so it complies with the State's Zoning Act (Ch. 40A).

In August 2024, Governor Maura Healey signed into law the Affordable Homes Act. This legislation includes updates to the State's Zoning Act (Ch. 40A) which regulates Accessory Dwelling Units (ADUs). The most pertinent state updates for ADU permitting are:

1. ADUs must be allowed by-right within single-family zoning districts
2. ADUs may not have an owner occupancy requirement
3. ADUs may not have a parking requirement within ½ mile of transit
4. ADUs may not exceed a maximum size by-right

Newton's existing ADU Ordinance complies with most, but not all, of the State updates made within Ch. 40A. These State changes will go into effect at the beginning of 2025. To bring Newton into compliance with state law before the end of the year, the Planning Department will work with the City Council to review and bring forward the necessary amendments to the ADU Ordinance.

Attached is a memo from the Planning Department who will be available at the committee meetings to complete the work needed to comply with the state changes.

Sincerely,

Ruthanne Fuller  
Mayor



Ruthanne Fuller  
Mayor

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Department of Planning and Development  
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Barney Heath  
Director

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## MEMORANDUM

**TO:** Mayor Ruthanne Fuller  
Jonathan Yeo, Chief Operating Officer

**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  
Nora Masler, Planning Associate

**RE:** Request to docket a review and possible **amendments to Section 6.7.1 Accessory Apartments** in order to bring Newton's accessory apartment requirements in compliance with state law per recently approved Affordable Homes Act.

**Date:** September 11, 2024

**CC:** Alissa O. Giuliani, City Solicitor

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### Overview

In August 2024, Governor Maura Healey signed into law the Affordable Homes Act. This legislation includes updates to the State's Zoning Act (Ch. 40A) which regulates Accessory Dwelling Units (ADUs). The most pertinent State updates for ADU permitting are:

1. ADUs must be allowed by-right within single-family zoning districts
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Newton's existing ADU Ordinance complies with most, but not all, of the State updates made within Ch. 40A. These State changes will go into effect at the beginning of 2025. To bring Newton into compliance with state law before the end of the year, staff recommend the following docket item to review and bring forward the necessary amendments to the ADU Ordinance.