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MEMORANDUM

DATE: November 8, 2024

TO: Councilor R. Lisle Baker, 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
Nora Masler, Planning Associate

RE: **#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.

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

#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.

Meeting: November 14, 2024

CC: City Council
Planning Board
Anthony Ciccariello, Commissioner of Inspectional Services
Jonathan Yeo, Chief Operating Officer
Alissa O. Giuliani, City Solicitor

Background

At the recent October 10th Zoning and Planning Committee Meeting, Councilors Oliver and Wright presented their concepts for aligning zoning to proposed use in new development, reducing residential teardowns and promoting housing options, with a focus on achieving outcomes that align with Newton's values. Their presentation is available online at [this link](#) starting on page 36. The Councilors shared many compelling ideas aimed at fostering preservation and affordability in Newton's neighborhoods. Below is an initial response to these concepts.

Zoning Use Realignment

There are numerous areas across the city where the zoning does not align with the predominant uses on the ground. The proposal focused on areas of the city zoned for business uses where residential buildings are being constructed. The business zones require the City Council to grant a special permit to allow residential uses on the ground floor. The setbacks in the business zones are based upon the height of the building or the existing setbacks on adjacent lots. Increased setbacks are required adjacent to residential zones, but increased setbacks are not required adjacent to residential uses or for fully residential buildings.

Addressing this misalignment likely requires a two-fold approach. Areas zoned for business, where the existing fabric is entirely residential, should probably be rezoned to multi residence. The business zones allow a commercial or mixed-use building to be built by-right even in fully residential areas. For other areas, where there are a mix of business and residential uses existing it likely makes sense to retain the business zoning, but to adjust the business zone setbacks based upon the proposed use.

Planning is supportive of this proposal and will take this up as a separate effort from the teardown analysis.

Supporting Modest Sized Homes

Councilors Oliver and Wright also presented a number of concepts intended to address the size of new homes.

New Lot Standards for Tear Downs

Newton's residential zoning districts have different dimensional standards for lots created prior to 1953 (old lot standards) and those created after 1953 (new lot standards). New lot standards require a larger minimum lot size, larger frontage, larger setbacks, more open space, and less lot coverage. New lot standards are based upon the year the lot was created and are not tied to the age of the home. When a home on an old lot is torn down and rebuilt the new home is still subject to old lot standards. Applying new lot standards whenever a home is torn down and rebuilt addresses some of the concerns raised when a smaller home is replaced with a larger home but may not be the most effective. New lot standards currently only apply when a new lot is created, which would also comply with the larger minimum lot size and frontage. Applying new lot standards for all demolition and

redevelopment including construction on older lots that may be much smaller would have a disproportionate impact on smaller lots.

Planning staff and Utile will analyze the effects of applying new lot standards to new construction following demolition and also explore other options that are more specifically tailored to the concerns that are raised with redevelopment. A more targeted approach could include increasing side setbacks in residential zones or tying the height of the new building to setback requirements, with taller buildings requiring larger setbacks. Another potential option could be applying a maximum façade buildout.

Sliding Scale Adjustment to FAR

Councilors Oliver and Wright also presented a proposal where the floor area ratio (FAR) would be reduced by a certain percentage, with a larger reduction on larger lots. An FAR reduction is one tool that Utile and Landwise are analyzing. An FAR reduction will result in smaller homes, but would not necessarily address the way the massing of the home presents to the street or neighbors. In addition to adjusting FAR, Planning and Utile plan to analyze other tools to address the form, including regulating building footprint and adjusting for height relative to footprint and location on the lot.

Large House Review

Wellesley implemented a process for large house review for single- and two-family homes that exceed a certain threshold. This process acts as a mini site plan review, where there is very limited discretion to deny a project, but the Planning Board has the ability to review the site and provide input. Wellesley does not have stormwater regulations and only regulates trees along the property line so the ability to review stormwater and trees onsite was a large impetus for the creation of the review process. The threshold is based upon the “total living area and garage space”, or TLAG. The TLAG threshold is a static number that varies by zoning district but is not tied to the size of the lot.

The large house review process typically takes about three months, and the Planning Board focuses on the design, landscaping, circulation, lighting and stormwater. The decision is then recorded at the Registry of Deeds and any future changes on the property must be reviewed for consistency or must seek a new decision.

In discussing the large house review process with the Wellesley Director of Planning it seems that their large house review process, largely mirrors Newton’s special permit process. Planning staff in Wellesley do not provide staff analysis for special permits, which go to the Zoning Board of Appeals, and the analysis they provide for large house review is very similar to what Planning staff provide in Newton for special permits. The City Council is already essentially doing a large house review through the special permit process for additional FAR. An entirely new process by a different name is not necessary, but adjusting the threshold for special permit review may make sense. Setting a static number by zoning district, similar to Wellesley, would take significant analysis however to determine the right number.

Incentivize ADUs

In addition to regulating the size of new homes, Councilors Oliver and Wright's proposals also presented ideas for incentivizing the creation of additional, smaller, and therefore less expensive homes. One idea was to make ADUs more attractive by allowing up to 1,200 sf, 1.5 story ADUs by-right if maximum size or reuse regulations are met in an existing structure. Newton's zoning currently allows up to 1,000 sf internal ADUs and 900 sf external ADUs by-right. Despite efforts over the years to incentivize ADUs, Newton only has 121 ADUs. That means only 0.6% of eligible single- and two-family homes (not including two-unit condos) have taken advantage of this allowance.

Planning staff are currently working on updating the ADU ordinance to address recent state law changes (see October 5 memo for #369-24 [here](#)). The recent law change does not require Newton to increase the allowable size of ADUs, however staff are very supportive of any efforts to make it easier and more attractive to build ADUs to increase the diversity of housing options.

Adaptive Reuse of Large Homes

The final concept presented was to allow the adaptive reuse of large homes to multiple units by-right. This has the benefit of creating new housing opportunities and also preserving existing homes. This is also consistent with the adaptive reuse provisions in the Village Center Overlay District (VCOD), which allow for a larger footprint and up to six units by-right when at least the front portion of the existing house is retained, and additions are located to the side or the rear. The proposal from Councilors Wright and Oliver recommends a similar approach but with a maximum of four units.

Planning staff fully support the idea of expanding this option beyond the VCOD. Allowing additional units in large homes provides additional units while maintaining the existing fabric of the neighborhood and helps offset the costs associated with renovating or adding on to an older home. VCOD has shown that this will not lead to a rapid increase of units, but a more gradual one. VCOD has also shown us that appropriate metrics are critical for this to be a substantive and effective tool to enhance affordability and preservation.

Incentivize Smaller Lots with Smaller Homes

While not one of the concepts presented by Councilors Oliver and Wright, Planning staff would like to analyze an additional tool that could help achieve the goals of reducing new home sizes and creating more housing options. Currently larger lots allow for larger homes and any change to the lot lines triggers new lot standards which have fairly large minimum lot sizes. This encourages the creation of larger homes and eliminates the option to build multiple smaller, contextual single-family homes on large lots. Reducing the minimum lot sizes and frontages, while also potentially reducing the allowable FAR, could create additional homes that are smaller in size and better fit the context of the neighborhood.

Next Steps

Planning staff, Utile, and Landwise are doing additional analysis and test fits in order to have recommendations for the December ZAP meeting. In analyzing the various options, it is important to

ensure that any reductions in the allowable size of new homes are also paired with the ability to create additional, smaller, homes. A reduction in FAR or increase in setbacks helps address concerns regarding new homes being out of scale with neighboring homes, but it does not address the need for more housing diversity and more attainable housing. If Newton is going to support the creation of starter homes, we must think beyond just slightly smaller single-family homes. The proposals to incentivize ADUs and the conversion of homes to multiple units are also important to allow younger people, families, and seniors looking to downsize to live in Newton.