



Zoning & Planning Committee Report

City of Newton In City Council

Monday, January 13, 2020

Present: Councilors Danberg (Vice Chair), Krintzman, Albright, Baker, Ryan, Wright, Leary

Absent: Councilor Crossley (Chair)

Also Present: Councilors Malakie, Laredo, Bowman, Kelley, Greenberg, Downs

City Staff: Barney Heath, Director of Planning; Jennifer Caira, Deputy Director of Planning; Gabriel Holbrow, Community Planner and Engagement Specialist; Zachery LeMel, Chief of Long-Range Planning; Andrew Lee, Assistant City Solicitor; Jonathan Yeo, Chief Operating Officer; Nathan Giacalone, Committee Clerk

Chair's Note: There will be a presentation from the Planning Department on the history of Zoning Redesign.

Notes: Barney Heath, Director of Planning, addressed the Committee on this item.

Mr. Heath opened his presentation by saying how after Planning's full agenda from the previous term, the Department felt it necessary to take a step back and provide an overview of Zoning Redesign for the Committee, along with the steps ahead and the chance for feedback from the Committee. Mr. Heath said that Planning has already been meeting with Chair Crossley and Vice Chair Danberg to discuss the steps to take moving forward in the Zoning Redesign process. Another purpose of the review is to catch up the new councilors on the Committee.

Jennifer Caira, Deputy Director of Planning presented to the Committee after Mr. Heath. Ms. Caira's presentation is attached to this report. Ms. Caira said that the goal was to adopt a new zoning ordinance during the 2020-2021 council term. She said that Zoning Redesign aims to create a new context-based zoning that is more flexible in use than the current zoning. The timeline for Zoning Redesign goes back to 2011 and the report of the Zoning Reform Group. This Group Report outlined 11 themes to be used for Zoning Redesign. They are:

1. Better organize the Ordinance for ease of use
2. Simplify and streamline the permitting and review process
3. Recognize the uniqueness of each village center and commercial corridor
4. Encourage mixed-use residential in village centers

5. Create “soft-transitions” between village centers and residential neighborhoods
6. Allowance of moderate, flexible growth for commercial corridors
7. Rationalize and streamline of parking regulations
8. Protection of neighborhood character and scale
9. Creation of more diverse housing opportunities
10. Institution of a better process for managing change of religious and educational institutions
11. Improvement of natural resource conservation and sustainability

Ms. Caira emphasized these as the themes which will be the base of Zoning Redesign. From 2016 to 2017, the City launched a new Pattern Book and used 18 months of public engagement to help gather more data for the new Pattern Book. After the release of new draft zoning ordinances in 2017 and 2018, the Planning Department decided in 2019 to pause on Zoning Redesign.

Phase 2 comes with the completed pattern book and a draft zoning map of the City’s zoning districts. She said that Planning also has a full draft of the proposed ordinance.

Ms. Caira then highlighted several amendments to the zoning ordinance that the Council adopted over the last term, such as regulating short-term rentals and marijuana establishments, adopting the Climate Action Plan, and several development standards to promote energy efficiency.

Ms. Caira said that the Planning Department’s main goal for the new term would be to advance Zoning Redesign. She said that a timeline would be developed lay out how the Council might address Zoning Redesign in a section-by-section manner to best meet the interim goals. The recommendation was to start with Article 3-the residential section. This choice is because the most work has been done with the residential districts prior to the Zoning Redesign pause with possible solutions identified. She said another reason to start with residential sections is because it addresses some of the issues that the Committee has identified as pressing. These include how to use the code to discourage teardowns, better-defining single-family attached homes, and incorporating the intentions of the garage ordinance. In order to meet these goals, the Planning Department would have to revisit where Zoning Redesign left off before moving forward with the initiatives in the residential districts.

The next steps for Zoning Redesign were also outlined. Ms. Caira said that they were to discuss the process and timeline at the January 27th Committee meeting and to begin a summary of the Article 3 draft at the February 10th Committee meeting.

Ms. Caira concluded her presentation and welcomed questions from the Committee.

A committee member emphasized that a shift to context-based zoning would be a significant change from what is currently in use and urged caution with it. He also felt that too much of the Zoning Redesign process was being handled by the administrative authorities rather than the legislative ones.

A committee member responded that they believed context-based zoning to be an improvement over the current zoning ordinances. They pointed out how the current older zoning has also allowed plenty of unintended consequences. Asking the other committee member to explain their reservations about context-based zoning, they answered that the burden should be on Planning to explain why the changes are necessary, rather than to explain why the current zoning ordinances are adequate. They wanted each change explained in more detail. Mr. Heath answered that it was important to address this issue and look at case studies of how the new zoning ordinance would take effect.

A committee member asked Planning why zoning redesign would start with residential areas rather than smaller zoning sections to test how it would work.

A committee member commented that under residential areas, there are significant issues such as the garage ordinance which the committee plans to address as soon as possible.

A committee member asked how zoning redesign would relate to the Washington Street Vision Plan. Ms. Caira answered that some of the specific zoning for the Washington Street Vision Plan would be included within zoning redesign. However, this could result in additional zoning districts.

A councilor expressed their surprise at the decision regarding Washington Street but thought it was a good idea and did not think the Washington Street corridor should be treated as a unique place. They emphasized that even with all the professional expertise of the Planning Department, that the final say in goals falls to the City Council. They wanted the problems sought to be solved by zoning redesign more clearly defined. They felt that by better defining these problems, it may show that the current zoning is still adequate. The committee member also asked for studies of similar plans undertaken in other cities to see how these changes are implemented and what the results are.

A committee member emphasized the desirability of seeing studies of more towns. They spoke about context-based zoning and said that it looks at new building in the context of where it is and what its effect will be. They gave an example of the Oak Hill area in Ward 8 which has experienced many smaller homes being torn down and replaced by megastructures. Context-based zoning, they said, would discourage and prevent the construction of these structures out of character with the neighborhood.

A committee member asked if they were going to view context-based zoning as another tool to use or a wholesale rewrite. His concern was that the shift to context-based zoning would be looking for solutions rather than problems and the appropriate tools needed to fix them. He also stated his caution over a full-scale rewrite of Newton's zoning due to the magnitude of the act before seeing if the existing zoning framework could be adjusted as needed.

A committee member emphasized the earlier point that tear-downs and the “McMansions” that replace them are a problem that context-based zoning will seek to eliminate. Context-based zoning would limit how big a new house could be built in relation to the house torn down. The committee member also supported studies of similar policies in other cities.

A committee member spoke about how the new housing construction was eliminating Newton’s single-family affordable housing in her area, also echoing concerns about how cellar installation impacts the groundwater conditions. They said that the main objective should be to come up with reasonable solutions for housing to balance development while maintaining community character.

A councilor spoke about the need to address the concerns being faced by the village districts in the City such as housing, transit, and senior services. They favored new zoning to meet the challenges ahead for Newton.

A councilor said that the main issue was whether context-based zoning was the best tool to face the challenges posed by tear downs and other similar issues in Newton. They said that the problem was clear and that the debate now is over the solutions. They asked the other councilor what they thought the Council should do to the existing zoning code in order to best help the village centers. The councilor responded that possible solutions could include a housing overlay, changes to parking, or more height. They said that if dense housing was not built close to mass transit, then plans to incentivize less vehicle traffic would be for naught.

A committee member added that goal was first for the intended use of the land, then for the form. They also said that zoning redesign would be helpful in meeting the myriad of challenges facing Newton such as mass transit and sustainability. The committee member also spoke in favor of viewing more examples from other municipalities to identify what plans worked well, which ones did not, and the reasons why.

A committee member asked whether the three main issues they saw: tear downs, the garage ordinance, and groundwater, could be addressed with the existing zoning guidelines. They said that context-based zoning could be derived from existing zoning ordinances to respond to these prevailing issues without the need for a full-scale rewrite.

A committee member suggested adding single-family attached homes to the previous list of items for Planning to analyze against the existing code. They added that when the items were put together it nearly added up to the whole residential section anyway.

A councilor said that they wanted to see the Planning Department come up with the simplest solution possible for the mentioned specific challenges.

A committee member spoke about the high percentage of non-conforming lots in Newton and agreed that residential may be a difficult place to start with context-based zoning. They also

supported including the Washington Street Vision Plan into Zoning Redesign. The committee member also wanted a more defined comparison of what can be built on parcels under current zoning compared to under zoning redesign.

A councilor said that they felt the term “context-based zoning” was misleading in the way that it would alter existing zoning regulations. They wanted to see an easier way for residents to access the regulations for what they were able to build.

A committee member expressed concern that the zoning redesign would move too fast without time to fully analyze it.

Mr. Heath then said that regarding comments about the prevalence of non-complying properties that one of the main goals of zoning redesign would be to bring them back into compliance.

A Councilor said that based on comments about how most of Newton is not in compliance, the four main problems brought up should be further analyzed by Planning to see if the existing zoning code can fix them or not. They said the four specific problems should serve as the base to see whether context-based zoning was needed or not.

A committee member said that the nonconformance problem is decades old. They said that the nonconformance is not causing the problems Newton is facing and changing the code to make properties conforming will not solve the actual problems the City faces.

A committee member concurred and emphasized the need to look at similar initiatives in other communities. They said that the code needed to consider more environmental issues as may be needed in the future.

A committee member said that in their conversations with builders around the City, they have found that builders know how to get around zoning regulations via loopholes. This is done through how the house is raised and how stories are classified as either attics or third floors.

With no further comments, the committee closed conversation on the Chair’s Note. As it was not a formal docket item, no vote was taken.

Referred to Zoning & Planning Committee

#37-20 **Amend ordinances by creating a temporary suspension on landmark designation**
COUNCILORS ALBRIGHT, AUCHINCLOSS, CROSSLEY, DOWNS, KELLEY, LIPOF,
GREENBERG, KRINTZMAN, NOEL, LEARY, AND DANBERG proposing an amendment to Chapter 22 of the Revised Ordinances of the City of Newton, 2017 to temporarily suspend nominations made by the Historical Commission and the City Council for landmark designations of any land, buildings and structures in the City of Newton in order to allow the City adequate time to review the landmark ordinance and consider what revisions are appropriate. The temporary suspension will prevent and suspend the processing, and approval of any property currently under consideration for landmark designation and will temporarily suspend future landmark designations made by the Historical Commission and the City Council. Landmark nominations made by the Mayor, Director of Planning and Development and the Commissioner of Inspectional Services shall not be affected. This temporary suspension shall end no later than December 31, 2020.

Action: **Zoning and Planning Held 7-0**

Notes: Mr. Heath addressed the Committee on this item.

He said that this item was docketed in the previous term. A working group was developed to address this issue but ultimately did not complete its work in time for the end of the term. After a brief description of the docket item, it was open for questions and discussion.

A committee member serving on the working group said that it will meet again soon to continue its work from the previous term. He said also that it was an unusual process to suspend an administrative structure already in place. He did not want to suspend any opportunity for historical designation as the mechanism has been sparingly used and did not want to prevent valid properties from being designated as historic. The committee member also said that he found it "anomalous" to take the City Council out of the process but to leave the Mayor and Planning Director in it.

Councilor Baker moved No Action Necessary on docket item #37-20, saying that he did not feel it is wise policy to implement this designation suspension.

A councilor emphasized Mr. Heath's points, saying that new work on zoning redesign was suspended for several months as the Committee had felt the working group would be capable of completing its work in time for the end of the term, but other matters were prioritized. She added that historical designation was used sparingly until recently. The councilor thought it unwise to continue landmarking properties while this ordinance was under review.

A committee member said that the ordinance is functioning without the Massachusetts Historical Society (MHC) saying that it will no longer help Newton with its designations, and as well that the appeal process via the Metropolitan Area Planning Council (MAPC) will no longer be available.

The committee member said that considering these developments they would support the temporary moratorium on designations.

A councilor asked if properties could be designated historical without the property owner being notified. Mr. Heath and Ms. Caira answered no and explained that property owners are notified along with abutters and that the Planning Department is working to improve the process with mechanisms such as certified mail to confirm that the notice was received. The councilor felt that there needed to be more notice given than two weeks and emphasized their support for putting the item on hold.

A committee member said that he was concerned about implementing a temporary moratorium that becomes *de facto* permanent and suspends the capacity to respond to historical designation. They said that there already exists a process for councilors to appeal decisions made by the Historical Commission.

Andrew Lee, Assistant City Solicitor, spoke to confirm earlier statements about the MHC and the MAPC. Atty. Lee said that both bodies have said they will no longer perform their respective duties in Newton.

A committee member said that in the past Katy Hax Holmes, Senior Planner, had given a presentation in the past which included the landmark discussion. The committee member said that it would be helpful for the newly elected councilors to hear as well.

A committee member asked how and why the Mayor, the Planning Department, and Inspectional Services were left out of this proposed moratorium. A councilor answered that when this item was first docketed, it was to temporarily suspend landmarking. At the time, the Council wanted to be sure that important structures could still be preserved, so the Mayor offered to retain the nomination ability for properties as an elected official, as well as the Planning Department for their professional expertise. Addressing the infrequency brought up by a committee member, the councilor agreed that historical designation has been sparingly used in the past. However, this rate has increased and within the last year, Ward 3 alone has seen 10 structures nominated. They said that the intention behind this ordinance is to prevent historical designation from being used as a tool to halt development

A councilor said that the high rate of development taking place in West Newton is the reason for the increased historical designations. They further stated that the designation numbers have been low in the past because the practice was only to nominate a property when it was threatened. The councilor said it was important to allow the historical commission to continue to be able to do its job.

A councilor briefly described seven properties nominated for designation which are already on the National Register of Historic Places as part of the Historic District. She mentioned one

specifically, the former Farmer Realty Building which may not be savable due to impending 40B development.

A committee member asked if 40B trumps Newton's historic landmarking ordinances, to which Ms. Caira answered yes. The committee member then said that she were worried that prohibitive historic landmarking ordinances would result in more 40B development rather than other projects.

A committee member asked to understand the landmark designation process better. She said that they wanted to see a more clearly defined landmarking process.

A committee member asked about the existence of a list of properties of highest historical value. Mr. Heath answered that this list and similar ones exist and is a project Planning continues to work on. He said that the ideal situation is where the owner consents to landmarking.

A committee member expressed concern about this process, saying that it could lead to historical cherry-picking. He said that the role should be left to the Historical Commission. Ms. Caira said that the goal of the list is to proactively work with building owners and that no list would be released without outreach to the owners.

A committee member sought the committee's opinion on the No Action Necessary motion, believing it is a mistake to move forward with the moratorium on the item.

A councilor asked if under the current ordinance, private citizens could nominate a neighbor's home for historical designation. Ms. Caira answered that currently, a citizen would have to go through their councilor for the nomination. Atty. Lee confirmed that a single citizen may not nominate a property and only the Council and/or Historical Commission has this ability.

Another committee member agreed that there should not be a temporary suspension and that the reason for the increased nominations is a result of the increased development pressure in West Newton.

A committee member said that Nathan Giacalone, Committee Clerk, reminded them that as per the request of Chair Crossley, a public hearing on docket item #37-20 was scheduled and posted for January 27, 2020.

A committee member said that after the discussion in the meeting, the question remaining was what to do next regarding the temporary moratorium.

A councilor suggested that the ordinance should be updated so as not to need a suspension of the rules.

Councilor Baker motioned to vote “No Action Necessary” on docket item #37-20 and the Committee voted 2-5 against the motion (Councilors Baker and Wright in favor, Councilors Danberg, Albright, Krintzman, Ryan, and Leary opposed).

Councilor Albright motioned to hold docket item #37-20 and the Committee voted 7-0 in favor of the motion.

The meeting adjourned at 8:47PM.

Respectfully Submitted,

Deborah J. Crossley, Chair



Newton Zoning Redesign

ZAP Presentation
01.13.20

Welcome Back!

Introduction

Project History

Looking Ahead

Questions & Comments





Introduction

Goals & Purpose

Full adoption of new Newton Zoning

Ordinance by end of term

1. Restate and agree on the shared goal of Zoning Redesign
2. Establish a clearly defined process and timeline moving forward





Shared Goal

The Zoning Redesign initiative aims to create a *context-based* Zoning Ordinance derived from the existing fabric of Newton that is more flexible, predictable, and set up to be more easily amended in the future.



Process

Zoning Redesign is extremely complex. To ensure adoption City Staff, City Council, and the Mayor should jointly establish a clearly defined process and timeline to achieve adoption by the end of term.



Project History

General Overview

1. Timeline to-date
2. Completed components



Timeline To-date

2011

Zoning Reform Group (ZRG) releases report of a three-phased approach to zoning reform

2015

Completion of Zoning Reform Phase I with the adoption of Newton's updated Zoning Ordinance

2013

Zoning Reform Phase I (reformatting and reorganization) begins with an assessment of the existing code

Zoning Reform Group Report

Themes for Zoning Redesign:

1. Better organize the Ordinance for ease of use
2. Simplify and streamline the permitting and review processes
3. Recognize that each village center and commercial corridor is unique
4. Encourage mixed-use residential in village centers
5. Create “soft transitions” between village centers and residential neighborhoods

Zoning Reform Group Report

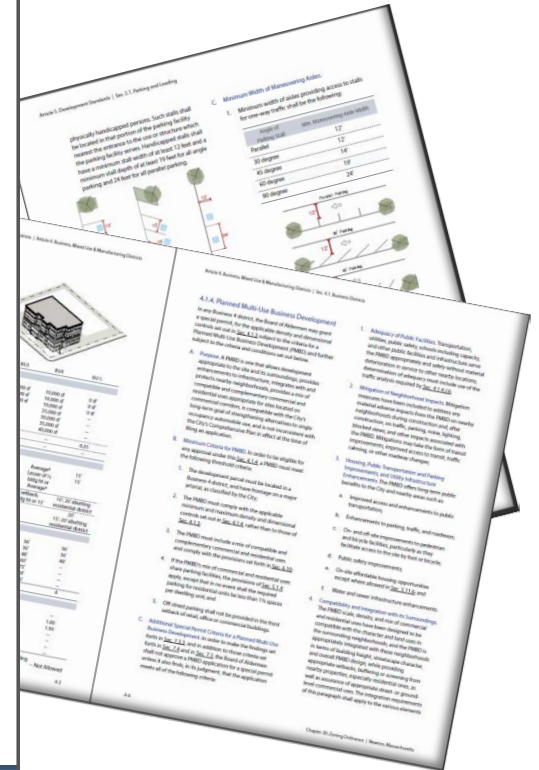
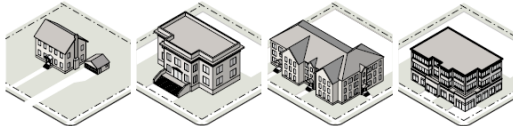
Themes for Zoning Redesign:

- 6. Allow moderate, flexible growth on commercial corridors**
- 7. Rationalize and streamline parking regulations**
- 8. Protect neighborhood character and scale**
- 9. Create more diverse housing opportunities**
- 10. Institute a better process for managing change of religious and educational institutions**
- 11. Improve natural resource conservation and sustainability**

Highlights of Phase I

Newton, Massachusetts Chapter 30: Zoning Ordinance

November 1, 2015



Timeline To-date

2016-2017

City launches an 18-month public engagement and data gathering process to create the Pattern Book

2016

Phase II kick-off with launch of the Newton Pattern Book project

2017

Draft Pattern Book is released and additional public comment is gathered for final version

Timeline To-date

2017-2018

Public engagement for the Draft Zoning Ordinance begins after releasing the Draft Pattern Book

2018-2019

City presents the Draft Zoning Ordinance Ward-by-Ward and holds working sessions with ZAP

2018

City releases the completed Pattern Book and new *context-based* Draft Zoning Ordinance

2019

The Planning Department decides to take a pause on Zoning Redesign

Highlights of Phase II

CITYWIDE

Citywide Analysis

This analysis shows several data sets at the city scale. The maps are intended to convey the composition of Newton and the systems operating citywide through various data lenses. The layers in these maps reveal patterns and allow users to draw conclusions from a citywide perspective.

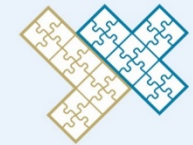
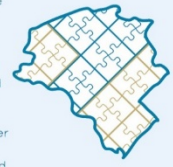


Seeing data sets on the citywide scale is useful for understanding the similarities and differences between Newton's various neighborhoods and centers. To understand these data on a more local scale, they have been broken down by CBA.

Data compiled in the citywide analysis informed the definitions of character patterns and pattern subsets.

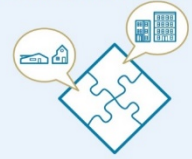
Character Patterns & Pattern Subsets

Development types (blue squares in the diagram to the right) are broad categories describing the predominant land use and composition of Newton's neighborhoods and centers. Pattern subsets (gold puzzle pieces in the diagram to the right) are the more specific areas within character patterns that describe the more detailed form, scale, and density of development within each character pattern.



Character Patterns

Development types are large, generalized areas describing the predominant use(s) and the development composition of Newton's neighborhoods and centers. The pattern book breaks the city into six character patterns: neighborhood, village center, regional center, campus, recreation/public use, and conservation.



Pattern Subsets

Pattern subsets are the more specific and measured patterns comprising each character pattern. Each character pattern contains a menu of detailed subsets describing the scale, form, and density of development as well as the relationship of buildings to each other and to the street.

Context-Based Areas

After reviewing the city's data layers and experiencing firsthand the unique mix of styles, densities, development eras, and uses that comprise Newton's neighborhoods and village centers, the planning team broke the city into seventeen "context-based areas" (CBA). The intent of these areas is to distinguish neighborhoods from one another in order to understand the composition and shared characteristics of development within an area, and of areas relative to each other.



Area Overview

Each CBA is described in terms of its boundaries and development composition.



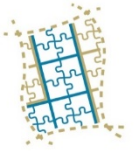
Land Use Analysis

A generalized land use map shows the patterns of development within each CBA. Key development metrics are measured by land use.



Street Type Analysis

Street types are mapped within each CBA and key development metrics are displayed by street type.



Character Patterns & Subsets

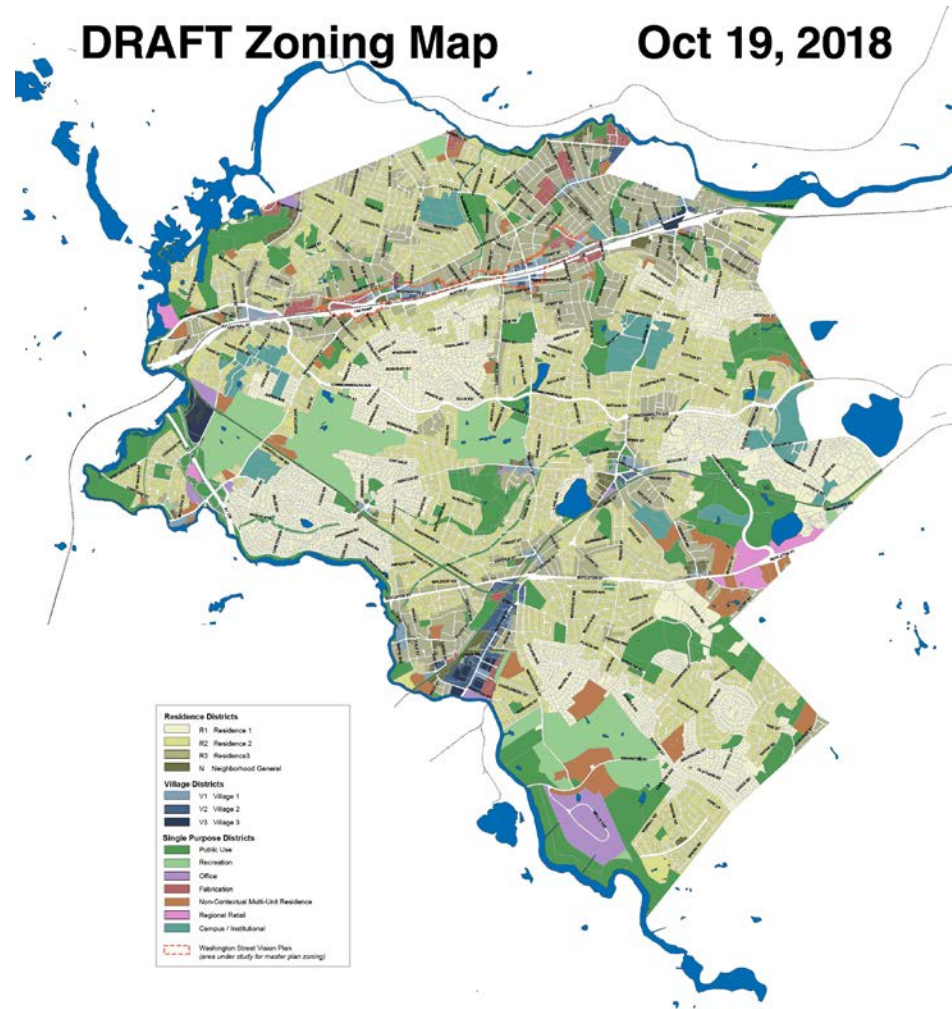
Each CBA is broken down and analyzed using the same character patterns and subsets described above.

LOCAL

Highlights of Phase II

DRAFT Zoning Map

Oct 19, 2018



Completed Components

Accessory Apartments

Sec. 6.7. Accessory Uses

6.7.1. Accessory Apartments

- A. Intent.** Accessory apartments are an allowed accessory use where they are, by design, clearly subordinate to the principal dwelling unit, meeting the requirements of the following section.

Accessory apartments are intended to advance the following:

1. Diversify housing choices in the City while respecting the residential character and scale of existing neighborhoods;
2. Provide a non-subsidized form of housing that is generally less expensive than similar rental units in multi-family buildings;
3. Create more housing units with minimal adverse effects on Newton's neighborhoods;
4. Provide flexibility for families as their needs change over time and, in particular, provide options for seniors to be able to stay in their homes and for households with disabled persons; and
5. Preserve historic buildings, particularly historic carriage houses and barns.

- B. Accessory Apartment Defined.** A separate dwelling unit located in a Single-Family, Detached or a Two-Family, Detached building or in a detached building located on the same lot as a Single-Family, Detached or a Two-Family, Detached building, as an accessory and subordinate use to the primary residential use of the property, provided that such separate dwelling unit has been established pursuant to the provisions of this [Sec. 6.7.1.](#)

1. **Internal.** An accessory apartment located within a single- or two-family dwelling.
2. **Detached.** An accessory apartment not located within a dwelling unit but is located in a separate detached accessory building.

C. Rules for All Accessory Apartments

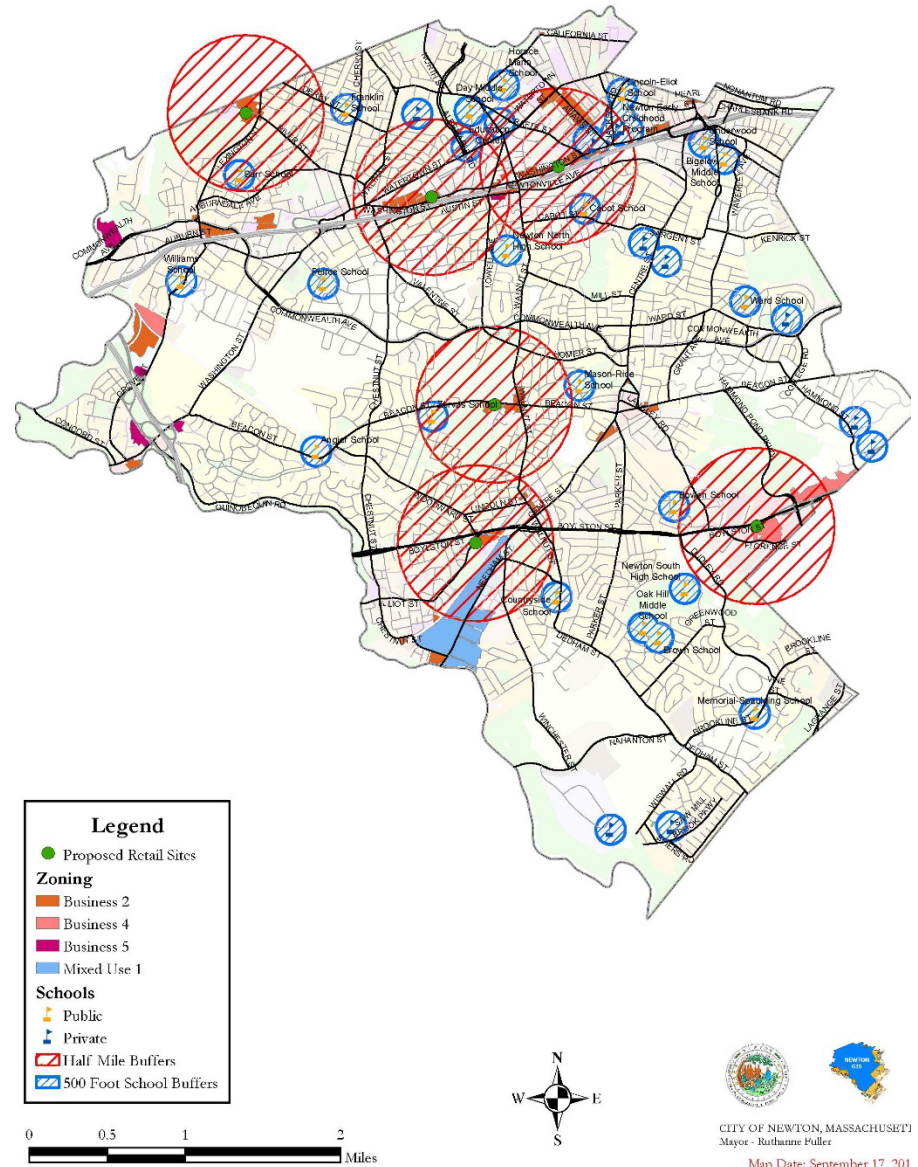
1. No accessory apartment shall be held in separate ownership from the principal structure/dwelling unit;

2. No more than 1 accessory apartment shall be allowed per lot;
3. The property owner must occupy either the principal dwelling unit or the accessory apartment;
4. The total combined number of individuals residing in the principal and accessory dwelling units may not exceed the number allowed in the principal dwelling unit alone, under Sec. 3.4.2 and other applicable sections;
5. The principal dwelling unit must have been constructed 4 or more years prior to the date of application for a permit to construct an accessory apartment as evidenced by a certificate of occupancy for the original construction of the dwelling or, where no certificate is available, the owner provides other evidence of lawful occupancy of the existing dwelling on or before a date at least 4 years prior to the date of application, except by special permit;
6. Where the accessory apartment or the principal dwelling is occupied as a rental unit, the minimum occupancy or rental term shall be 30 days;
7. No additional parking is required for the accessory apartment. If parking for the accessory apartment is added, however, screening is required sufficient to minimize the visual impact on abutters, such as evergreen or dense deciduous plantings, walls, fences, or a combination;
8. Before a Certificate of Occupancy is issued the property owner of any accessory apartment shall record with the Registry of Deeds for the Southern District of Middlesex County, or with the land court, a certified copy of the decision or of the determination from the Commissioner of Inspectional Services granting the accessory apartment and certified copies shall be filed with the Department of Inspectional Services, where a master list of accessory apartments shall be kept, and with the Assessing Department;
9. When ownership of the property changes, the new property owner shall notify the Commissioner of Inspectional Services within 30 days, at which time the Commissioner of Inspectional Services shall conduct a

Completed Components

Marijuana Ordinance

Retail Marijuana/RMD Buffer Zones



Completed Components

Short Term Rentals

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO. B-36

September 3, 2019

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON That the Revised Ordinances of Newton, Massachusetts, 2017, as amended, be and are hereby further amended with respect to **Chapter 20 MISCELLANEOUS ORDINANCES** by adding a new Article IX SHORT TERM RENTALS after Article VIII as follows:

Article IX SHORT TERM RENTALS

Sec. 20-160. Definitions.

The meaning of the terms used in this article shall be as follows:

- (a) *Commissioner*: The commissioner of inspectional services.
- (b) *Operator*: A person or persons offering a dwelling unit or bedroom for short-term rental in the City, who may be either the owner or the primary leaseholder of the dwelling unit with the written permission of the property owner and the condominium association if applicable.
- (c) *Occupancy*: The use or possession or the right to the use or possession of a room in a Short Term Rental normally used for sleeping and living purposes for a period of not more than 30 consecutive calendar days to one person or party, regardless of whether such use and possession is as a lessee, tenant, guest or licensee.
- (d) *Occupant or Guest*: A person who uses, possesses or has a right to use or possess a room in a Short Term Rental for rent under a lease, concession, permit, right of access, license or agreement.
- (e) *Short Term Rental*: The rental of one or more bedrooms (along with any associated living areas) within a dwelling unit on an overnight or short-term basis of less than 30 days to guests. The use is accessory to the primary residential use of the dwelling unit.

Any terms not expressly defined in this article shall have the meaning prescribed by Massachusetts General Laws Chapter 64G, Section 1.

Sec. 20-161. Requirements for Short Term Rentals

- (a) Compliance. No Residential Unit shall be offered as a Short Term Rental except in compliance with the provisions of this article.

Completed Components

Inclusionary Zoning

Rental Projects: Number of Inclusionary Units Required		
Tier Level	7-20 UNITS	21+ UNITS
Tier 1: 50%-80% AMI	15%	15%
Tier 2: 110% AMI	0%	2.5%
Total	15%	17.5%

Ownership Projects: Number of Inclusionary Units Required			
Tier Level	7-16 UNITS	17-20 UNITS	21+ UNITS
Tier 1: 80% AMI	15%	10%	10%
Tier 2: 110% AMI	0%	5%	7.5%
Total	15%	15%	17.5%

Rental Projects: Number of Inclusionary Units Required EFFECTIVE January 1, 2021			
Tier Level	7-20 UNITS	21-99 UNITS	100+ UNITS
Tier 1: 50%-80% AMI	15%	15%	15%
Tier 2: 110% AMI	0%	2.5%	5%
Total	15%	17.5%	20%

Ownership Projects: Number of Inclusionary Units Required EFFECTIVE January 1, 2021				
Tier Level	7-16 UNITS	17-20 UNITS	21-99 UNITS	100+ UNITS
Tier 1: 80% AMI	15%	10%	10%	10%
Tier 2: 110% AMI	0%	5%	7.5%	10%
Total	15%	15%	17.5%	20%

- 1 IZ Rental Unit: at or below 80% AMI
- 2+ IZ Rental Units: AMI must average out at 65% AMI (1/2 of IZ units at 50% AMI and 1/2 at 80% AMI)

- 1 or 2 IZ Ownership Units: at or below 80% AMI, priced at 70% AMI
- 3+ IZ Ownership Units: Tier 1 units must not exceed 80% AMI (priced at 70% AMI), Tier 2 units may be set up to 110% AMI (priced at 100% AMI)

Completed Components

Climate Zoning

Building Efficiencies

Reducing Barriers to Environmental Improvements

- Setback Encroachments
- Height
- FAR

Sustainable Building Design

Sustainable Building/Site Design Requirements

- Standard tied to 1 of 3 Green Building Programs
- Submissions at special permit, building permit, and certificate of occupancy phases

EV Charging Station Requirements

- 10% of parking access to EV charging stations
- 10% of parking EV ready



Looking Ahead

Zoning Redesign is Our Main Priority



Develop Timeline & Process to Adoption

1. Review and revise section by section
2. Start with Article 3 Residence Districts



Next Steps

January 27th Meeting – Discussion of Zoning Redesign Process and Timeline

February 10th Meeting – Begin summary of Article 3 draft



Question & Comments