



MEMORANDUM

DATE: September 10, 2020

TO: Zachery LeMel, Chief of Long Range Planning, Newton Planning Department
 Nathan Giacalone, Clerk of the Zoning and Planning Committee
 Barney Heath, Director, Department of Planning and Development
 Cat Kemmett, Planning Associate
 Neil Cronin, Chief of Current Planning

FROM: Councilor Pam Wright

RE: Comments on the Planning Department’s revised provisions of the Residential Component of the Department’s proposed new zoning ordinance version 3 attached to a Planning Dept. memo dated August 7, 2020

CC: Deborah Crossley, Chair, Zoning & Planning Committee
 City Council
 David Olson, Clerk of the Council
 Planning Board
 John Lojek, Commissioner of Inspectional Services
 Alissa O. Giuliani, City Solicitor
 Jonathan Yeo, Chief Operating Officer

Dear Planning Department,

I am pro smart development and I want truly affordable housing. “A zoning code more responsive to a demand for housing that serves a range of incomes” was unanimously agreed upon with a straw vote at ZAP 4/27/20. My interpretation of the new zoning ordinance version 3 does not accomplish that. I believe version 3 as written will just bring in more luxury housing with an accelerant rate of tear downs AND, for some smaller lots, even larger homes than that can be built today. I would like to propose some alternatives for consideration once we flesh out the ideas.

I will begin with my high level issues of the most recent draft (080720) ordinance followed by a listing of specific issues, questions, comments (Appendix A). I am also including my suggestions for discussion on how to fix some of the issues. The orange highlighted items I believe are the most important out of the 111 line items.

I request a separate discussion in ZAP on how to reduce teardowns. Per my perspective, version 3 will significantly increase them. I will provide my ideas to reduce teardowns at that time.

As an engineer I am concerned with the inaccuracies in the change log. Any changes or revisions to the original proposed draft need to be accounted for with 100% accuracy, as well as who made the changes (Planning Department or ZAP Committee).

- Items just appearing in version 3 without any annotation

- Items not redlined but changed
- Items removed and not noted
- Change log not following its own definition "...all the changes to Article 3 made between the draft shared in March 2020 and the latest draft shared here are documented in a changelog".

Appendix B addresses some of these change log issues. I have also noted by a star in Appendix A some of the change control issues.

Appendix C contains specific tear down data over 2.5 months this spring showing what can be built by right in the designated zone and what was built there per our present zoning ordinance. Surprisingly, many of the new houses can be bigger than presently allowed under FAR. When given the opportunity per appendix C, developers always built more units per the data except in extreme situations.

As of this date, I have many concerns with the proposed new zoning code presented by the Zoning & Planning Committee (ZAP). I have listed in Appendix A my specific concerns, but I wish to start with the overarching ones.

I believe that in order to cast a responsible vote I would need the following information from the Planning Department:

- A build-out analysis of the total number of dwelling units generated in our residential and village districts under the final proposed zoning map.
- A tear-down analysis of the redevelopment of our Residential and Village Districts.
- The infrastructure impacts – fiscal, traffic and parking.

I am not the only one concerned with version 3 of the zoning ordinance. We received a series of letters from architects, some of whom were members of the Architect Focus Group. Quite a few believed the proposed ordinance would "*remain fundamentally flawed and likely to have unforeseen consequences that could have significant deleterious effects on our city and our homes.*" Many residents have written in with their concerns too. I would like these issues to be discussed and addressed in ZAP.

Allowing side wings and rear additions to be outside the maximum footprint for new builds will incentivize developers to tear down the house. Per planning dept documents and what has been stated over the past 1-2 years is if a developer can build a house larger than 3800 sf, cost less than \$600 sf and sell it for 2.5 times the original house, then it's likely to be a tear down. Allowing the footprint bump for additions only on *existing* homes will help reduce tear downs. This is greener solution too. A renovated home has much less embodied carbon than a tear down replaced by a new home. Also, restricting the tear down size will reduce the bidding wars by developers for homes that could be sold to a family. More discussions are needed.

In MLS data over 2.5 months this spring, every new build lot that could be converted into 2 units or more, was converted into multiple units except for 2 very small lots (3511 sf and odd shaped 5000 sf lot). Allowing multifamily housing everywhere will explode tear downs and greatly increase density. This can have a huge effect on the city and therefore, a build out analysis should be performed along with city financial, traffic and infrastructure impacts calculated.

Multi-unit conversions are a hot topic. We need to discuss how many units by right, what size house, what zone, etc. I want to share my ideas in our ZAP meeting.

Per the housing seminar I attended, duplexes and triple deckers should have the same footprint as single family homes. These units are still bigger than house B in the proposed zoning ordinance. As these units will likely be located near transit and village centers, it makes sense to have smaller units.

Town house, allowed only in N, which is next to village centers is bigger than a house B. Again, per the missing middle one would want smaller and more housing near transit and village centers. Reducing the footprint to 800 or maybe 1000 would help. This would still be a 2400 sf or 3000 sf home. Right now 4 town houses could have the massing of 18,000 sf.

The ordinance tried to remove snout houses and it did it for single family homes. For 2 unit buildings less than 48' wide, snout houses remain. I have recommendation to resolve this issue.

People are afraid of special permits and I've heard horror stories spending \$70K and then abandoning the project. Architect Peter Sachs stated in a ZAP meeting that he charges \$2000 for a special permit. He seems to have the process down. We should make the special permit process for residential homes as easy as possible including a prescreening (DBT) and checklist. How can one person find the process easy and others find it exceedingly difficult?

Finally, I would close with the requirement of a comparative table of our current zoning ordinance to the proposed new code. This is a significant change from our current ordinance, and it is important for the residents to understand these changes. Plus, this will help the councilors understand the differences before we vote on the new ordinance.

APPENDIX B – CHANGELOG ISSUES

3.1.2. Residence 1 District (R1)

A. Context Description.

The Residence 1 District is composed of neighborhoods characterized typically by larger homes on larger parcels of land. These neighborhoods consist almost entirely of single unit residences and frequently feature architecturally distinctive homes and significant areas of landscaping and trees. Where other uses exist or may be proposed, the City would like to preserve the existing building stock by allowing, to a limited extent, for existing buildings to be converted to multiple units or to a civic institution.

B. Purpose.

1. To preserve the scale of these neighborhoods throughout the City.
2. To permit the development of single unit detached residential buildings on individual lots.
3. To permit contextual modifications of existing single unit detached residential buildings.
4. To create a mechanism for the preservation and continued use of architecturally significant homes.

8/7/20 version which reads very different

Not a red line of version of 2/28/20. Page 6 states:

In addition, all the changes to Article 3 made between the draft shared in March 2020 and the latest draft shared here are documented in a changelog (Attachment B).

3.1.2.B was changed but it was not noted in the change log.

Zoning Redesign
Article 3 - Residence District, Change Log

#88-20
Attachment B

The table below represents the revisions and updates made to Article 3 - Residence Districts from the draft shared in the March 9, 2020 ZAP memo, titled **Version 2 - 02/28/20**. The original draft of Article 3 - Residence Districts was released in October 2018.

Section	Previous Recommendation	Proposed Recommendation	Goal, Problem Addressed, or Reasoning
3.1.1.D	Table specified the Special Permit Granting Authority depending on the scale/threshold of proposed development	Make this a [Reserved] section to be discussed as part of the larger discussion on Article 11 - Administration	To simplify and streamline the permitting review process remains an overall goal. However, attempting to tackle development review and overhauling the zoning code at the same time does not allow for the necessary focus each item needs individually.
3.1.2.C - 3.1.2.D	Lot and Setback Standards were split into two different bullets. "Contextual Front Setback (sec. 3.4.1.A)" states as a rule.	Combine 3.1.2.C (Lot Standards) and 3.1.2.D (Setback Standards) into one bullet titled "Dimensional Standards". Remove "Contextual Front Setback" and instead make the minimum-maximum range of front setback the rule.	"Dimensional Standards" is the language used in the current Zoning Ordinance. Being consistent with language, when possible, will simplify the transition to the new code. Similarly, Contextual Front Setback is an option found in the current Zoning Ordinance. Making it a rule in the draft is not necessary because each district sets a minimum and a maximum front setback (range), that is contextual. This recommendations simplifies the code.

2/28/20 version:

Version 2 – 02/28/2020

3.1.2. Residence 1 District (R1)

A. Context Description.

The Residence 1 District is composed of neighborhoods characterized typically by larger homes on larger parcels of land. These neighborhoods consist almost entirely of single-unit residences with significant areas of landscaping and trees. Where other uses exist or may be proposed, the City would like to preserve the existing building stock by allowing for existing buildings to be renovated or converted to multiple dwelling units or to a civic institution.

B. Purpose.

1. To permit the development of detached residential buildings on individual lots in scale and context with these neighborhoods throughout the City.
2. To permit contextual modifications of existing detached residential buildings in a predictable manner for homeowners and neighbors.
3. To create a mechanism for the preservation and continued use of existing building stock architecturally significant homes by allowing for existing buildings to be renovated or converted to multiple dwelling units or ~~to a~~ civic institution.
4. To promote, through building and lot design, community connections.

Issue with data in 3.2.7.B. This is for the duplex –changed the max number of stories. It was 3 in version 2 and 2.5 in version 3 but nowhere did it say it changed.

3.2.7.B	See 3.2.3.B "Building Dimensional Standards", and maximum footprint = 2,000 sf	See 3.2.3.B "Building Dimensional Standards", and maximum footprint = 1,800 sf (smaller footprint)
		See 3.2.3.B. And the new maximum footprint more closely aligns with existing two-unit (Duplex) developments in Newton, and New England generally. It also, will promote smaller development, which will help to lower costs and help achieve certain goals around sustainability. Also, this differentiates between a Duplex and a Townhouse Section. A Townhouse Section is two-units (or more) side-by-side.

Version 2

Version 2 – 02/28/2020

3.2.7. Two-Unit Residence

A. Description.

The two-unit residence building type is common in Newton’s traditional mill village areas like the Upper Falls and Nonantum, as well as in early commuter neighborhoods near transit like West Newton, Newtonville and Auburndale. Two-unit residence types can be organized with one unit above and one below, two units side-by-side, or a combination as in the case of a “Philadelphia-style” duplex.

B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
20 ft	65 ft	80 ft	2,000 sf SP: 2,200 sf	3 stories	Max 12 ft SP: 14 ft

SP = Special Permit with mandatory Design Review (See Sec. 3.2.2)

And now version 3:

3.2.7. Duplex Two-Unit Residence

A. Description.

The ~~two-unit residence~~ Duplex building type is common in Newton's traditional mill village areas like the Upper Falls and Nonantum, as well as in early commuter neighborhoods near transit like West Newton, Newtonville and Auburndale. ~~Two-unit residence Duplex building types are can be~~ organized with one unit above and one below, ~~two units side-by-side, or the second floor is split between the two units a combination~~ as in the case of a "Philadelphia-style" duplex.

B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
20 ft	65 ft	80 ft	1,800-2,000 sf	2.5 stories	Max 12 ft SP-14 ft

SP = Special Permit with mandatory Design Review (See Sec. 3.2.2)

Another discrepancy version 2 vs 3 and not all in attachment B in 3.1.6.C for the N district. All the setbacks became smaller from version 2 but it doesn't look like it in version 3.

Section	Previous Recommendation	Proposed Recommendation	Goal, Problem Addressed, or Reasoning
3.1.6.C	Front Setback = 5ft (min.), Side Setback = 10ft, Rear Setback = 20ft	Front Setback = 0ft (min.), Side Setback = 7.5ft, Rear Setback = 15ft	The recommended changes to setback requirements within the N district more closely align with the goal of providing more housing opportunities closest to village centers and public transit in a form is appropriate for these transition areas between residential neighborhoods and village centers.

3.1.6.C N district

C. Dimensional Standards.

The following table contains lot standards for the Neighborhood General District:

Lot Characteristics	
Frontage:	40-80 ft Min, 100 ft Max
Lot Depth:	-
Lot Coverage:	70% Max; +10% by SP (See Sec. 2.3.2)

Version 2 limits

this change not in attachment B

was 50 not 30

smaller setbacks compared to version 2

The following table contains setback standards for the Neighborhood General District:

Setbacks	Min	Max
Front:	Contextual Front Setback (See Sec. 3.4.1A) Absolute Min: 0 ft	25 ft
Side:	7.5 ft	-
Rear:	15 ft	-
Frontage Buildout	Minimum greater of 12 ft or 40% of the lot frontage, whichever is greater; nonconforming lots exceeding the max. frontage have a min. of 40 ft	-

was 5

was 10

was 20

3.5.3.B.1 R4 lot coverage for courtyard cluster went from 60% in version 2 to 50% in version 3 but no red line or anything in app. B about the change. It's noted as "added" but it was already in version 2.

APPENDIX A: Questions and Concerns on Zoning Ordinance Version 3 by Councilor Pam Wright

#88-20

No.	Section	Proposed Zoning Code v080720 or PD comment	Question/Concern	Recommendation/Comment
1	Overall	Proposed new zoning code	Understanding implications for existing Housing Stock	Build out analysis
2	Overall	Proposed new zoning code	Understanding property tax and infrastructure costs for Newton residents	Financial, traffic and infrastructure impacts
3	Overall	Proposed new zoning code	Understanding implications for existing Housing Stock	Tear down analysis
4	Mayor	According to the mayor's email to me "The City Council is in charge of writing the zoning and, when asked, the Planning Department provides the Council with their professional opinion."	In my opinion the Zoning & Planning Committee is not "in charge" of the writing of a new zoning code. Please explain why we as a Committee are not following the process delineated to me by the Mayor.	Define and follow process
5	Planning Department Memo dated 080720 -p2	The goals and objectives changed from the straw vote goals, specifically from "Context: Preserve and protect what we like in our neighborhoods. Encourage new development to fit in the context of our neighborhoods and villages" to "Ensure new development, and renovations, respect the physical character and scale of existing neighborhoods and align with adopted visions"	This is a major shift and never agreed upon by the committee.	Change goal back to "Context: Preserve and protect what we like in our neighborhoods. Encourage new development to fit in the context of our neighborhoods and villages."
6	ZAP meetings	Attainable housing	What is the definition of "attainable" housing which replaces affordable housing in recent ZAP discussions. Please provide examples with defined cost ranges.	Definition and data
7	overall	Present versus proposed zoning ordinance	Please provide a comparison of today's zoning ordinance vs. what is proposed in version 3.	Comparison table
8	Architect letters	The Focus Group Architects expressed a concern that the proposed new zoning code will increase nonconformity.	How many houses will become nonconforming with the increased setbacks, especially for houses currently in SR2 shifting to R1 Districts?	Non conformity calculation
9	Architect letters	Suggestions from architects	The new ordinance would remain fundamentally flawed and likely to have unforeseen consequences that could have significant deleterious effects on our city and our homes. Have you address their concerns?	Respond to Architects' concerns
10	Architect letters	Suggestions from architects	This ordinance does not make the review or permit process simpler or easier. Have you addressed their concerns?	Define simpler review and permit process
11	General	House Type Conversions	If you have a house C, can you convert it to a house B by right? What is that process?	Define the process for House Type conversion.
12	Non conforming	Non conforming house or driveway	zoning code, is the property owner able to expand the building by right? If the driveway does not conform, would a property owner be able to modify the driveway? Will a property owner be able to grandfather pre-existing driveways and setbacks?	Define non-conformity for existing homes; and what does grandfathering mean

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No.	Section	Proposed Zoning Code v080720 or PD comment	Question/Concern	Recommendation/ Comment
13	Non conforming	Non conforming house or driveway	What if you keep up one corner of the house, can you keep the non compliant driveways and patio and expand the house to the max allowed?	Define non-conformity for existing homes; do you have to meet new regs with teardown?
14	3.1.1.D	The Planning Department recommends that the discussion on who is the Special Permit Granting Authority, and at what scale of project, to happen when taking up Article 11 – Administration.	Why, it's part of Article 3. "The Special Permit Granting Authority is determined by the thresholds listed in the table below"	To be discussed as part of the Article 3 deliveries
15	3.1.2.B.2	"To permit contextual modifications of existing detached residential buildings in a predictable manner for homeowners and neighbors"	What is meant by this ? Please provide some examples. It's used in other districts	Define and example
16	3.1.2.B.4	"To promote, through building and lot design, community connections."	Define and explain as it is repeated throughout the proposed code.	Define and example
17	3.1.2.D.1.e	Civic Building	Why has civic building removed from R1, R2, R3, R4, N?	Explanation
18	3.1.2.E.2	"Multi-Unit Conversions (Sec.3.5.2) are permitted in the Residence 1 District. Depending on the scale of the project, a Special Permit may be required."	Define scale of project and when a SP is needed	Define and provide examples
19	3.1.3.C	Contextual front setback	Why removed contextual front setback in R2, R3, R4?	Explanation
20	3.1.3.D.2.a	Ranch home in R2	Why is a ranch still a special permit in R2? There are ranches in R3 now – why not allow? A ranch is a good option for a senior. In general, I would expect only a homeowner to build a ranch, not a speculative builder.	Explanation
21	3.1.3.D.2.B.iii	"The site and building as designed, constructed, and operated will contribute significantly to the efficient use and conservation of natural resources and energy"	What does this actually mean? Its vague.	Explanation
22	3.1.4.A	R3 is described "frequently within walking distance to transit" but R2 and R1 are not described that way, in fact "many of these neighborhoods are remote from the walkable village centers."	Both of those areas do include many areas walking distance to transit. Why the switch in wording?	Explanation
23	3.1.4.B.1	"Permit the development of detached residential buildings on individual lots in scale and context with these neighborhoods"	Why is a large house B allowed, 4375 sf by right? The average size is ~2500 sf. In places like Oak Hill Park the average house size is 1000 sf. House B is 4 times bigger and very out of context.	Discussion
24	3.1.4.D.2.b.ii	"Design and management strategies achieve compatibility with the neighborhood and adjacent residential properties?"	Why only in R3 and R4. What is meant by by it? Please give examples.	Explanation and provide examples
25	3.1.4.D.2.b.iii	Triple Decker parking requirements	Why have parking requirements removed for triple decker? Are there no parking requirements for a triple decker?	Clarify
26	3.1.5.D.2.b.iii	4-8 unit parking parking requirements	Is parking removed for 4-8 unit building. This is implied here.	Clarify

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No.	Section	Proposed Zoning Code v080720 or PD comment	Question/Concern	Recommendation/Comment
27	3.1.5.E.2	Multi building assemblages	What does multi building assemblages look like in R4? What about side set backs?	Clarify and provide examples
28	3.1.6.C **	Neighborhood general frontage	Frontage in version 2 was 50'. In Version 3 30' is redlined and replaced with 40'. Nothing noting this in the changelog	Update the change log
29	3.2.1.A	"Building types are a way of organizing standards for the size, shape, and scale of principal buildings."	Building types are defined here but Planning said it's not really a building type but a volume of house. What is correct?	Clarify
30	3.2.3.B	House A	Why no special permit for very large house A?	Discussion
31	3.2.3.C	Fenestration	Review fenestration – is this a good number? What have the architects say?	Discussion
32	3.2.3.E.3	Increase building footprint	Why are building components – rear and side additions not part of original footprint? This will incentivize teardowns	Discussion
33	3.2.3.E.3	Increase building footprint	Not clear - other building components don't count toward increase of footprint – only side and rear additions in House A? Also are any allowed in setback?	Clarification
34	3.2.4.E.2	Maximum 2 units in house B for new build	Allowing 2 units to be built in house B will increase teardowns. Also, many sampled homes in Appendix C will be bigger than allowed today by FAR. Whenever a developer can build more than 1 unit he did except for 2 extreme conditions More details in Appendix C.	Discussion
35	3.2.4.E.3	increase building footprint	Why are side wings and rear additions allowed to increase footprint? This will cause more tear downs, especially for house B and now 4375 sf, much bigger than 3800 sf; similar for house D	Discussion
36	3.2.6.B	Ranch size decrease	Why did ranch go down in size and why isn't there one by right in R2?	Explanation and discussion
37	3.2.6.B	Ranch in R3	Why not ranch in R3? Special permit? In case someone wants to build a family compound.	Discussion
38	3.2.6.E.2	2 units in ranch	Allowing 2 units to be built in house D will increase teardowns; per data collected whenever possible developer built 2 units	Discussion
39	3.2.7.B **	Building Dimensional Standards	Marked up building dimensional standards is NOT in the previous table. The previous one has 3 stories for 2 unit. Now it's 2.5 stories and no change log NOW	Update change log

APPENDIX A: Questions and Concerns on Zoning Ordinance Version 3 by Councilor Pam Wright

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No.	Section	Proposed Zoning Code v080720 or PD comment	Question/Concern	Recommendation/ Comment
40	3.2.7.A	2 unit (duplex) definition	Interesting - 2 family is either duplex (on top of each other) or Philadelphia style – not townhouse style. Must have 2 Residential Units, one on the first floor and one on the second floor. Alternatively, may have 2 Residential Units with the first unit comprised of the first floor and a portion of the second floor, and the second unit comprised of the remainder of the second floor.	
41	3.2.7.B	Duplex footprint	Why 1800 sf footprint? Missing middle recommends 2 and 3 unit builds same footprint as single family (1400 sf)	Discussion
42	3.2.7.C	Fenestration	Review fenestration. Are the numbers appropriate?	Explanation
43	3.2.8.B	Triple decker footprint	Per the missing middle, triple decker footprint should be the same size as a house – 1400 sf.	Discussion
44	3.2.8.B **	Change log issue with number of stories	Marked up building dimensional standards is NOT in the previous table. The previous one has 2.5 stories for 3 unit. Now it's 3 stories and no change log	Update change log
45	3.2.8.C	Fenestration	Review fenestration. Are the numbers appropriate?	Explanation
46	3.2.9.B	Town house footprint	Max footprint is large – will result in 4500 sf townhouse – bigger than house B. 4 townhomes could be 18,000 sf mass. Being next to the village center, they should be much smaller. Need to discuss an appropriate number	Discussion
47	3.2.9.C	Fenestration	Review fenestration. Are the numbers appropriate?	Explanation
48	3.2.9.E.2	"Maximum of 2 Residential Units are permitted per townhouse section."	Townhouse can be 2 units; page 5 of memo doesn't note it and maximum 8 sections or 16 units. Why reduced from 3 to 2?.	Explanation
49	3.2.10.C	Fenestration	Review fenestration. Are the numbers appropriate?	Explanation
50	3.2.10	Inclusionary zoning	Small apartment house 4-8 units doesn't say anything about inclusionary zoning starting at 7 units.	Clarification
51	3.2.10.E	Town house vs small apartment house	Small apartment house – it can be townhouse – side by side – don't see anything in the definition stopping it. 900 sf footprint	Clarification
52	3.2.10.E.4	"The following Building Components may be used to increase the maximum Building Footprint by no more than 10 percent"	Why allow 10% increase? If allowing bigger footprint, just increase foot print.	Explanation
53	3.2.11.C	Fenestration	Review fenestration. Are the numbers appropriate?	Explanation
54	3.2.11.E.4.b	"100% affordable/Sustainable design standard"	What is the definition of "100% affordable/Sustainable design standard". Are both required or just 1? It's not clear.	Definition, clarification
55	3.2.11.E.6	"The following Building Components may be used to increase the maximum Building Footprint by no more than 10 percent"	Why allow 10% increase? If allowing bigger footprint, just increase foot print.	Explanation

APPENDIX A: Questions and Concerns on Zoning Ordinance Version 3 by Councilor Pam Wright

#88-20

No.	Section	Proposed Zoning Code v080720 or PD comment	Question/Concern	Recommendation/Comment
56	3.2.12.C	Ground story fenestration decrease	Why did ground story fenestration decreased for small multi use building (12,000 sf footprint)? Review	Explanation
57	3.2.12.E.3.b	"100% affordable/Sustainable design standard"	What is the definition of "100% affordable/Sustainable design standard". Are both required or just 1? It's not clear.	Definition, clarification
58	3.2.12.E.5	"The following Building Components may be used to increase the maximum Building Footprint by no more than 10 percent"	Why allow 10% increase, just increase foot print?	Explanation
59	3.2.13	Location of small shop	Why not allow small shop in very narrow locations – like Needham st. Could be by special permit.	Discussion
60	3.2.14	Civic building	Why is civic building being removed?	Explanation
61	3.3.1/3.3.2	Building components	What is the relationship between “building components” and “architectural components?”	Explanation
62	3.3.1	Side wing and rear additions	Side wing and rear addition by right on House A-D plus duplex- 25% BUT triple decker and larger are by special permit. Additions are implied by right in earlier section but doesn't state it. Need to be clear	Clarification
63	3.3.2.B.3.a	“opaque enclosure at the bottom of the guardrail”	Is this statement needed? Isn't “views of the public realm through the posts and rails” enough?	Explanation
64	3.3.2.C	Porches: Planning stated if a porch has a roof then it counts in the footprint.	I don't see definition of stated by planning here. If it doesn't have a roof then I think it's a deck. Please clarify and also what's in the footprint.	Clarification
65	3.3.2.C.3.b	“opaque enclosure at the bottom of the guardrail”	Is statement needed? Isn't “views of the public realm through the posts and rails” enough?	Explanation
66	3.3.2.C	“front porch”	Need to remove “front” from porch from text – at least 4 of them	Update text
67	3.3.2.E	“A side wing added to a principal building that does not exceed the maximum building footprint for that building type shall be part of the main massing of the building”	Same statement for rear addition. If one has a 2000 sf House B colonial (800 sf footprint) then one can add 600 sf footprint (1400 sf total space) to get max house size and then add 25% more by right with side wing and rear addition for a 1750 sf footprint or 4375 sf house. One still needs to maintain setbacks and lot coverage. Can this also be done with a 1000 sf ranch? Can it be changed into a 1400 sf house B and then a 25% increase with side and rear setbacks?	Discussion
68	3.3.2.E.2	Dimension chart "Depth"	Please explain “depth” which is “100% of the front elevation width.” A drawing would be helpful.	Explanation
69	3.3.2.E.2	Side addition width can be up to 50% of the front elevation	This seems large. Why was that number chosen? Is it based on any standards?	Explanation
70	3.3.2.E.3.a	"Side wings must have similar style roof as the Principal Building."	Side wings must have similar style roof. This may exclude an 1 story addition with a roof deck above it which many homes have. Is this what we want?	Discussion

APPENDIX A: Questions and Concerns on Zoning Ordinance Version 3 by Councilor Pam Wright

#88-20

No.	Section	Proposed Zoning Code v080720 or PD comment	Question/Concern	Recommendation/Comment
72	3.3.2.F	Rear addition	Uses "side wing" need to correct in section F	Update text
73	3.3.3.A	Dormer	Should a minimum percentage of fenestration be required for a dormer?	Explanation
74	3.3.3.C.2.c	Roof Deck: <400 sf or 20% footprint; width not > 50% building width except flat roof; must be back 5' from all edges and 10' from front elevations (can be waived for parapet wall is guardrail)	Are the roof deck dimensions a standard? Why were they chosen?	Explanation
75	3.3.4	Accessory Structures	Backyard fireplaces are not addressed here	Explanation
76	3.3.5.A.3.a	Accessory Building Placement	Garage or accessory building can be 5' from side or rear setback – so in the setbacks. Is this a standard or just what was done in the past? Is this a good number?	Explanation
77	3.3.5.A.3.b	"Accessory buildings must be separated from the principal building by at least 6 feet"	Is 6' a standard? If an enclosed breezeway is added, is the accessory building part of the footprint? And if a garage is now less than 6' from the principal building, is it part of the footprint?	Explanation
78	3.4.1.A	Building Design Standards	Why was contextual front setback removed?	Explanation
79	3.4.1.D.1.a	Front facing garage placement	Garage is recessed from house by 8' but for a front porch at its elevation if it's 6' deep. Good design practice would have this recessed with porch.	Discussion
80	3.4.1.D.4	"Where the building Front Elevation is less than 22 feet long, an attached garage is not allowed as part of that elevation"	How was 22' determined? There should be some similar statement for duplex or house with 2 units.	Explanation
81	3.4.1.F.1	"The length of an attached garage, or attached garages, facing the Primary Front Lot Line may be up to 50% of the total Front elevation or 24 feet, whichever is greater."	Doesn't remove snout houses for 2 units. Allows all front garages in 2 unit buildings if the house is 24' wide (and there are some duplexes today that wide). If the house is 30' then 80% of garage is the front.	Change 24' to 12' and this will remove snout house from 2 units
82	3.4.1.F.2.c	"By Special Permit, a detached garage of more than 700 sf may be located within the setback, provided a minimum of 5' from the property line is maintained."	Very large detached garages are allowed in setback at least 5' from property line.	Discussion
83	3.5.1.B.5	Why remove the requirement that 50% of building in a rear lot has to face the street?	Why was this requirement removed?	Explanation
84	3.5.2.B	Text correction	Number of units allow is 3.5.2.D not 3.5.2.C	Update text

No.	Section	Proposed Zoning Code v080720 or PD comment	Question/Concern	Recommendation/Comment
85	3.5.2.C.1	"No exterior alterations of the structure are allowed, except: Building Components"	Please clarify – My understanding a side wing and rear addition which are building components can be added up to 25% of max footprint to make a multi unit conversion. For a small house B (footprint 800 sf and house 2000 sf) the house can be added on for a 1400 sf footprint and then 25% added for side wing and rear addition so the 2000 sf house is now at the maximum 4375 sf with a 1750 sf basement. Can 60% of the basement be used to get over 5400 sf and allow 6 units by right? If the lot is big enough, that 2000 sf house can now be converted into 6 units. Is this logic correct? How will this be regulated? Who will determine the extent of allowable “exterior alterations” and how the “building components” will be allowed?	Clarification and examples
86	3.5.2.C.2	"alterations of the structure... necessary to comply with applicable Health, Building and Fire Codes."	How will this be regulated? Who will determine the extent of allowable “exterior alterations” and how the “building components” will be allowed? Please provide examples and rough sizes	Clarification and examples
87	3.5.2.D.2	"100% Affordable/Sustainable"	What is the definition of “affordable” and “sustainable”. Please provide specifics numbers too.	Definition and data
88	3.5.2.E **	" Depending on the scale, a Multi-Unit Conversion may be by-right or require a Special Permit"	Multi unit conversion ADDED by right 6 units and defined special permit but not in version 2. Wrong paragraph cited in attachment B. This is a big change and it should be highlighted better – it is just “normal” text.	Correct Change Log
89	3.5.3.C.1	Courtyard cluster: 50’lot frontage for a ¾ acre	50’ seems very small for courtyard cluster. Is this a correct number?	Explanation
90	3.5.3.C.1 **	R4 lot coverage	R4 lot coverage changed from Version 2 but not noted anywhere. Appendix B stated there was no R4 requirements in V2 but that is wrong – it was there	Correct change log
91	3.5.4.C.4	"Townhouse Sections must be in a series of at least 2 but no more 8 sections. "	Why change to 2 townhouses – shouldn’t it be at least 3? Should it be a maximum width and not “8”? You may have very narrow townhouses	Discussion
92	3.5.4.D.1	"By Right. An assemblage is by-right if it includes no more than 6-8 dwelling units "	This can be 6 townhomes and 27,000 sf. Thia is a very large building that can be built by right. In the past anything over 20,000 sf needed a special permit.	Discussion

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93	3.6.2	It appears to me commercial vehicle parking is permitted without limitation in all zones.	I believe that at present only one commercial vehicle is allowed per lot in single-family residence zones. There are also no size restrictions - a commercial vehicle could be anything from a pickup truck with commercial plates, to a moving van, to a cement mixer, to an oil truck capable of holding more than 11,000 gallons. Please clarify.	Clarification
94	3.7.1.E.1=3	"permeable areas"	What is the definition of "permeable" areas. Some material is better than other.	Clarification
95	3.7.1.E.1	"Driveways may be located within the required side setback area provided the driveways are located at least 3 feet from the side lot line."	Why 3' used? Is this the standard or used now?	Explanation
96	3.7.1.E.4	"No parking stall may be located within any required setback area...No parking stall may be located between the building front elevation and the street."	Is this for new builds only and everyone else grandfathered in? Presently many people park in this area.	Discussion
97	3.7.1.E.4	"No parking stall may be located within any required setback area...No parking stall may be located between the building front elevation and the street."	Can someone park on their lawn? It doesn't seem to prohibit it	Clarification
98	3.7.1.E.5	"For a minimum of 10 feet measured from the lot line where the driveway is accessed into the lot, driveways may be no wider than 10 feet if providing one-way access to a parking area for residential Building Types with eight-units or less"	Why only one way drive for 8 or less units? What standard is this based on?	Explanation
99	3.7.1.E.5.a	"Driveway widths may increase beyond the minimum 10' measured from the lot line where the driveway is accessed to allow for motor vehicles to back-in and back-out"	What does this mean – can you show a diagram?	Explanation and provide examples
100	3.7.1.E.8.	"Curb cuts for residential driveways should be at least 20' from an unsignalized intersection and at least 40' from a signalized intersection"	Are these standards – 20' and 40'?	Explanation
101	3.7.2.B.4	"That parking provided in excess of any maximum permitted must be paved with paving stones, grass pavers, pervious concrete, or porous asphalt"	Why no special permit for excess parking and impervious material?	Discussion
102	map question	Lodging house/ Rooming house	Please add 1 rooming house with x (for discussion) units per village center or N to add affordable housing. Do we have any now? Why not? It's allowed in the present ordinance	Discussion
103	map question	Districts	How were districts determined – computer, person driving neighborhoods, looking at maps?	Explanation
104	question	Lots needed to change district	How many lots needed to change to another district?	Explanation
105	map question	Change district process	How can one petition to change their zoning on their lot and/or neighborhood – what's the process?	Explanation

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106	random question	Minimum house size	There is a minimum apartment/condo size in multi unit conversion and accessory apartments. What is the minimum apartment size for house A, B, C, D duplex, triple decker and 4-8 unit apartment building? What is the minimum size of 2 units in house A, B and D?	Clarification
107	random question	Breezeway	What defines a breezeway and when does it connect the garage to the house and then include the garage in the footprint?	Clarification
108	random question	Breezeway	Can an open breezeway have enclosed space on the 2 nd floor connecting to the finished space above the detached garage? That space isn't counted in the footprint but lot coverage only- correct?	Clarification
109	random question	"should" usage	"Should" should not appear in a law. If you don't want to say "must" or "shall", leave it out.	
110	random question	The practice of "Grandfathering"	If a house is torn down (or maybe 50% demolished) it should adhere to the new zoning ordinance for a new build, and not be grandfathered in. Is this correct?	Explanation
111	random question	 <p data-bbox="281 1219 919 1239">Recently built two-family home in Newton Corner (does not match any House Type)</p>	<p data-bbox="980 1036 1696 1258">Page 10 in intro letter states this house doesn't match any style. I heard there's no "style" now but a footprint and max height. If they added a porch with roof up to the garage edge (in red) and made the garage doors 2 single doors, wouldn't this pass as a 2 unit in house B if it met the max footprint? I can't find anything in the ordinance not allowing it. Or can this be a 2 unit town house now?</p>	Clarification