

Debating Single-Family Zoning in Newton, 1922 - 1953



14 January 2021
for Historic Newton

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Debating Single-Family Zoning in Newton, How did we get here? And how did “here” get us?



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As Newton debates new zoning decisions, it seems worth remembering that we are here to participate in these debates because we passed through the social and economic “filters” created by almost a century of past zoning decisions – and worth thinking about who those past decisions “filtered out.”

Sources

City of Newton zoning ordinances

- 1922
- 1929
- 1939
- 1940
- 1951
- 1953

City of Newton zoning maps
(as adopted, unless otherwise noted)

- 1921 (proposed)
- 1938
- 1941-44
- 1953

Board of Aldermen minutes (City of Newton Archives)

- 1913-1922

Newton Graphic ([Newton Free Library/ Internet Archive](#))

- 1918-1953

Acknowledgments

For their help in locating and understanding these sources:

- Jessica Eldridge-Young, City of Newton Archivist
- Sara Goldberg, Historic Newton Archivist
- Ouida Young, former Newton City Solicitor

Zoning in Newton, 1921-1953

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work in progress

Author's Notes:

- *I have done this research strictly as a volunteer, since retiring in January 2020 as the staff manager of Newton's Community Preservation Program.*
- *All interpretations and conclusions are my responsibility and do not represent any group or organization.*

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Please contact the author at usablehistory@gmail.com before citing this presentation. I will be updating and correcting it as I consult additional sources.

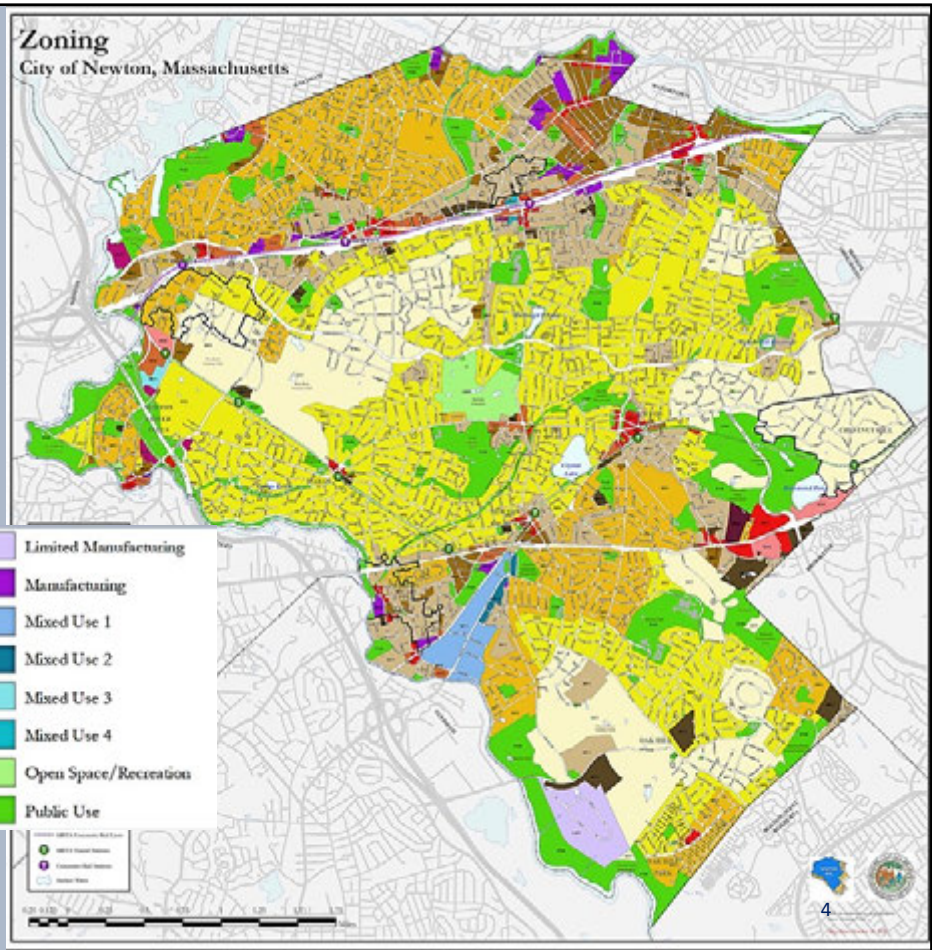
In particular, for events in 1923 and later, the 14 January 2021 version of this presentation did not reflect the Board of Aldermens' minutes and other sources available only in the City archives, which were temporarily closed due to the Covid-19 pandemic just as I finished researching events through 1922.

Newton's current zoning (2020)

... is complicated.



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Newton's current zoning is complicated: it has 3 single-residence districts (allowing only homes for 1 family), 4 multi-residence districts (allowing homes for 1 or 2 families), 5 business districts, and 4 mixed-use districts. As later slides in this presentation explain, it also includes other layers of complexity that are not visible on this map!

Newton's historical layers

But **river/mill villages**

completing was
bui
fair
historical
18th-early 19th
century villages

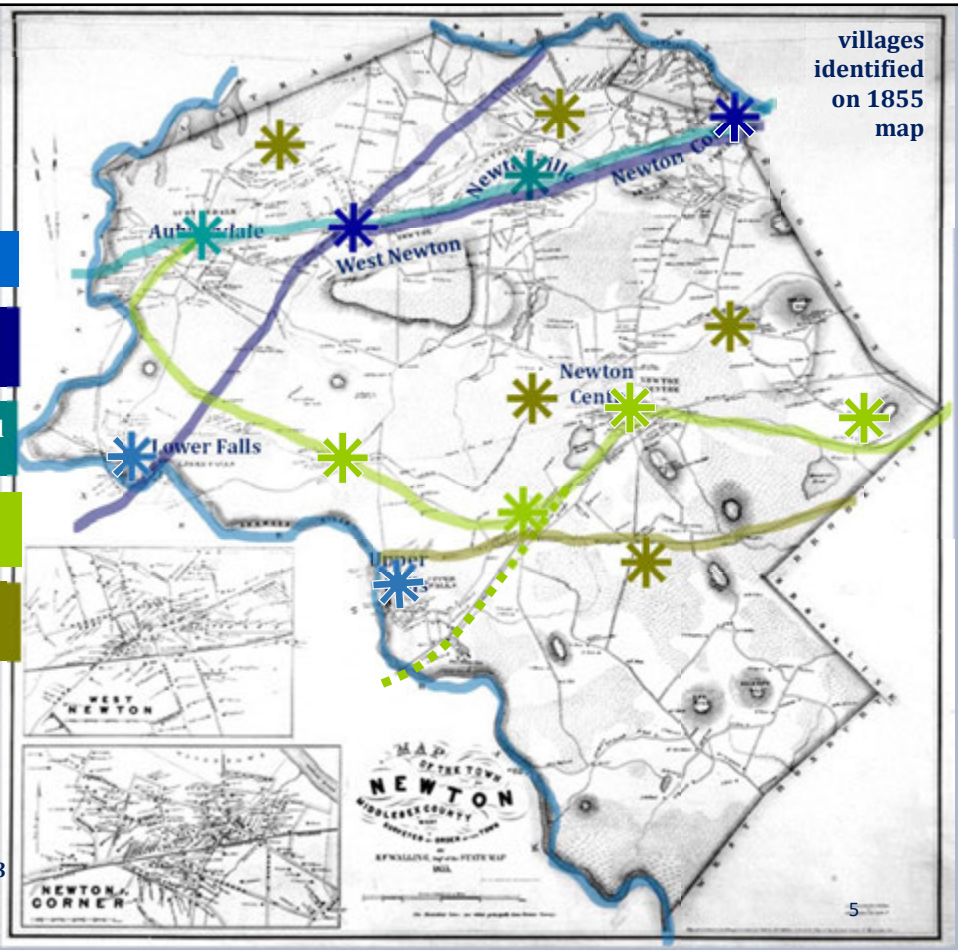
1840s-70s railroad
villages

1880s-1930s
railroad suburb

1880s-1930s
streetcar suburb

* *Rivers, Roads & Rails:*
Mapping Newton, 2001
exhibition at the
Jackson Homestead,
curated by Susan Abele.

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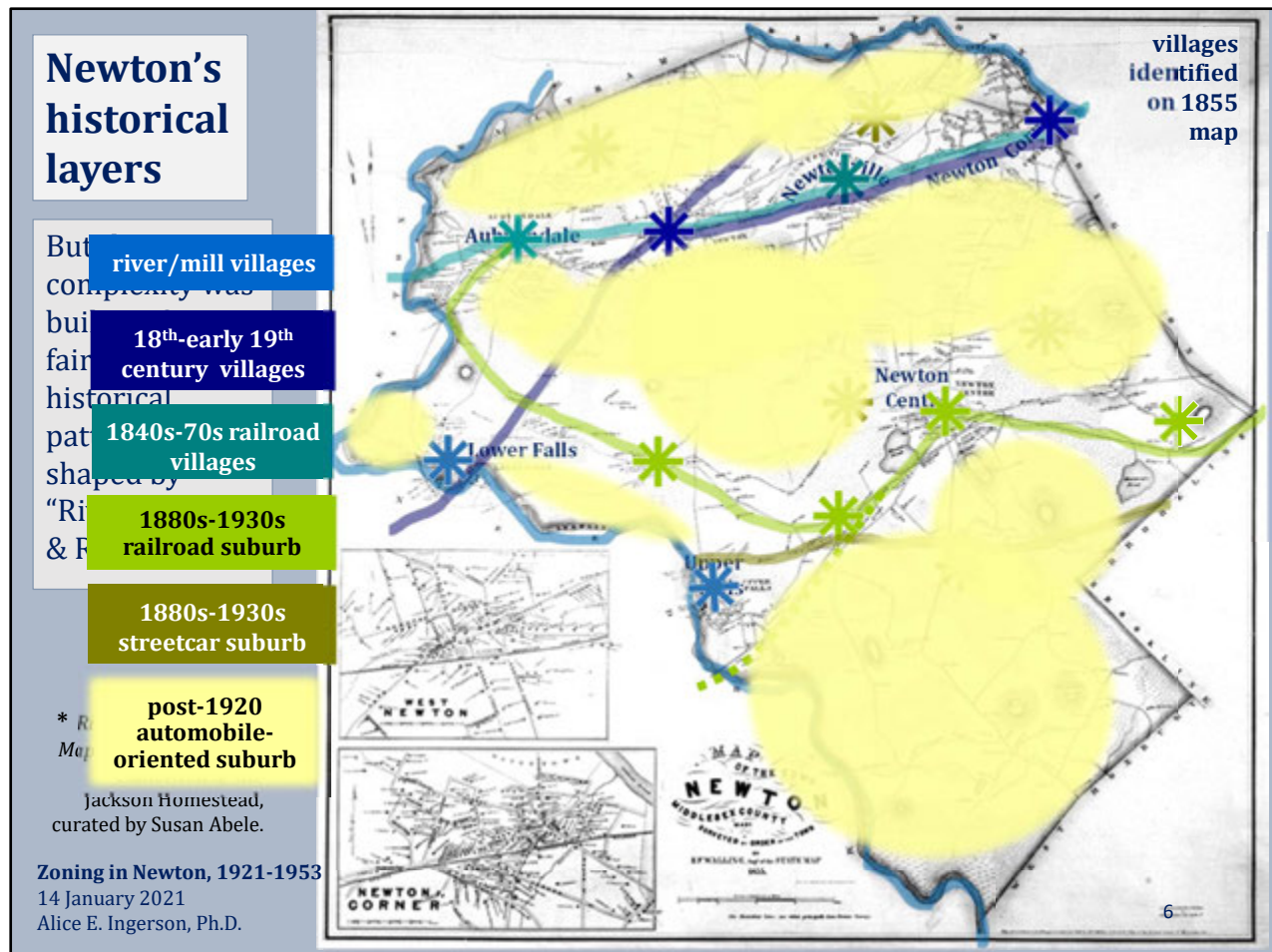


To understand Newton's complicated current zoning, it helps to start from its simpler beginnings. Newton's pre-1920 neighborhoods are certainly not all the same, but they all cluster along two "spokes" of Boston's "hub & spokes" transportation system:

- a northern spoke along the Boston & Albany Railroad/Washington Street (and now the Massachusetts Turnpike),
- a southern spoke along the Charles River Railroad, originally built to carry gravel from Needham through Newton to fill Boston's Back Bay, then converted for passenger service and connected to Riverside; and Boylston Street (once called the Worcester Turnpike, now Route 9).

Since both residents and businesses relied primarily on rail transportation before 1920, most factories, workshops and stores – as well as housing for their workers – were located close to these two "spokes." Even the wealthier Newton residents who took the train to work in Boston built their homes within a short walk or carriage ride of the train stations, though far enough from the tracks to be confident that a factory wouldn't be built next door.

Areas farther away from these two "spokes" remained largely undeveloped – as wetlands, forests, farms or estates – well into the 1940s and even the early 1950s.

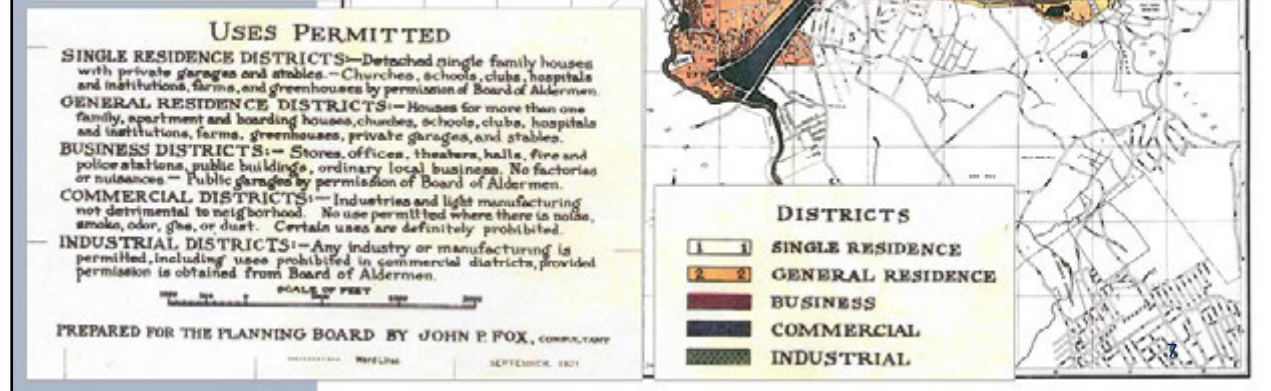


By the 1920s, cars and trucks were allowing *any use* to locate *anywhere*. This led to demands for government action – namely, zoning -- to make the future location of various land uses more predictable. The rapid spread of both automobile use and zoning during the 1920s were two sides of the same coin, throughout the United States.

As later slides in this presentation document, not everyone agreed about how Newton's undeveloped areas should be used, but those who wanted to reserve most of this land strictly for automobile-dependent, high-end residential development were very successful. To achieve that goal, Newton's zoning has consistently treated the city's older, transit-oriented, mixed-use areas primarily as a *problem to be contained*. In the mid-twentieth century, as trolley lines and other transit services shrank, zoning even encouraged automobile-oriented residential development to expand into some older, originally pre-automobile neighborhoods.

1921 zoning (proposed)

MAP ACCOMPANYING DRAFT OF ZONING ORDINANCE FOR THE CITY OF NEWTON MASSACHUSETTS



This map is from the first zoning proposal for Newton. As is still the practice on nearly all zoning maps, it listed districts in order from “higher” to “lower” uses (and from lighter to darker colors), with the proposed district limited strictly to homes for a single family at the top (in white) and manufacturing or industry at the bottom (in black). Most land along the two “spokes” that shaped Newton’s pre-1920 development is in the “lower” districts.

As was the practice in nearly all zoning codes until fairly recently, this 1921 proposal also nested the districts. In other words, each district allowed all uses allowed in every district “above” it, plus some. For example, this proposal’s business (offices), commercial (stores) & industrial (factories) districts ALL allowed housing, in any form.

In contrast to the widespread assumption that zoning protected the residents of all housing from the negative side-effects of all other land uses, in practice zoning offered this benefit principally to people who could afford to live in the strictly residential districts. Workers who could not afford housing in these “higher” districts continued to live in the “lower” districts. Before environmental and occupational health regulations, these residents were exposed both at work *and* at home to any negative side-effects of stores and factories.

FYI, the rules for Newton’s industrial/manufacturing district long consisted mostly of a list of over 50 manufacturing uses NOT allowed in that district. At the September 1921 public hearing, one manufacturer’s representative quipped that this list of disallowed uses included “every form of

manufacturing that he knew about.”

1921



Newton Graphic 31 March 1921



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This cartoon captures a perennial dilemma of zoning: Property owners who object to restrictions on how they can use their own property often want strong restrictions on what their neighbors can do next door.

Another version of this dilemma is familiar in Newton and other suburbs today: Homeowners often want zoning to prevent their neighbors' homes from being replaced by much larger new houses. Yet they also want zoning to maximize the value of their property: when they are ready to sell, they want the highest possible offers, even if those come from developers planning to replace their homes with much larger new houses.

1921-22 major issues

- Does zoning violate the U.S. Constitution, especially the Fifth Amendment's prohibition on taking "private property ... for public use, without just compensation"?

Should residential zoning be based on

- **occupancy** (number of households)?
- or instead on **design & construction**, to prevent "small, cheap" houses?

Should there be a district restricted to single-family homes?

- If so, should owners in it be able to convert their single-family homes into two-family homes?

Where, if at all, should zoning allow **homes for two or more households, including apartment buildings**, for

- young married couples who want to live near their parents?
- employees who want to live near their Newton-based jobs?
- older residents who no longer want to or can maintain single-family homes?

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Most of the zoning issues listed on this slide are still current today, with the exception of **constitutionality**. Early zoning skeptics questioned whether zoning really fell under the "police power" of local government to protect the public's health and safety. Yet "constitutionality" was really a concern about zoning's potential impact on *property values*: these skeptics thought zoning might *reduce* the market value of at least some properties, and that local government should be required to compensate those property owners for this lost value.

The constitutionality issue was settled nationally in 1926 by the U.S. Supreme Court's decision *Village of Euclid, Ohio v. Ambler Realty Co.*, which confirmed that zoning's restrictions on the design and use of buildings fell within the scope of government's "police power." But concerns about constitutionality seem to have disappeared much earlier in Newton, perhaps because it quickly became clear to most property owners that the relative certainty about future uses provided by zoning actually *enhanced* the value of their properties, especially in undeveloped parts of the city.

1921-22 debates

ZONING ORDINANCE CRITICIZED
Interesting Public Hearing at City Hall Attracts a Large Audience

Newton Graphic, 23 September 1921, pp. 1, 2

“... where two-family houses and apartment houses creep in single houses can no longer stay ... [This is not] a distinction based on class or money, as it also protects the property of the laboring man.”
(Alderman Phipps, Ward 5)

“Some of our most thoughtful citizens have intimated to me ... that the distinction drawn between single and two-family houses having in mind only its relation to public health, public safety, public morals and public welfare, is hard for them to see.” *(Mayor Edwin S. Childs)*

A SURVEY OF NEWTON
New Secretary of Chamber of Commerce Makes An Interesting Report

I understand there are others who work in Newton but do not feel that they can afford to live in Newton. I believe it would be an advantage to not only these people, but to their employers and to Newton itself, if a successful effort could be made to provide modest homes and living conditions within the means of these people. ...

... In my work outside of Newton, I have found a general impression that only the wealthy can afford to live in Newton. I believe we should strive to correct this impression, that we may safely do so without affecting the character of the city.

Newton Graphic, 18 November 1921, pp. 2, 3

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Many concerns in these quotations from 1920s newspaper articles and public hearings about Newton’s first proposed zoning ordinance are still familiar today:

- Can or should zoning make it possible for people who work in Newton to live in Newton?
- If zoning allowed less expensive housing, would that damage Newton’s “character”?
- Should Newton’s zoning allow two-family houses and apartment buildings, as well as single-family homes?

The quotation from Mayor Childs also illustrates the “constitutionality” issue: At this time, some residents felt zoning was less about protecting public safety or public welfare, which were proper uses of local government’s “police power,” than about imposing the aesthetic preferences of some residents on others.

1921-22 debates

"A great many people [who] are in favor of the proposition ... within five or ten years ... may become dissatisfied, owing to change in family conditions (the children having left the home of ten or twelve rooms) and desire to change their home into a two-family house." (*Alderman White, Ward 5*)

Charles H. Cobb "said there were nice two-family houses and even four-family houses, as nice as any house in Newtonville ... he believed the restrictions should be rather on the style of the house."

Thomas T. Murray "believed that there is one thing that should be protected in Newton and that is the community spirit, ... we need more comparatively small houses so that the young man will have a home of his own."

[President Hollis, Ward 7] opposed a "class distinction[, so] that a man who lives on the north side of the tracks must live in the double residence district and those on the south side in the single residence district. ... He did not believe the property on one side [was] any better than the property on the other side."

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These quotes illustrate more concerns from Newton's first zoning debates that have continued into the present:

- Should zoning allow property owners to convert their single-family homes into two-family homes? Do the positions people take in current zoning debates adequately anticipate even their own future needs?
- If zoning is mostly about aesthetics, should it regulate the design of houses directly, rather than the number of households living in them?
- Should Newton's zoning allow small homes, for young people or others who cannot afford large ones?
- Should zoning allow two-family homes only in the older parts of the city and reserve other areas, including those not yet developed, strictly for single-family homes?

1921-22 debates

THE ZONING PLAN

As a country we are shutting the doors against undesirable immigrants. We are shutting out certain people from the country for the country's good. Has a city on a small scale a right to do as far as it can what the nation is attempting to do on a larger scale? ...

... Those who have built and settled have the right to rule, have the right to say in what kind of a city they wish to have their homes, in what kind of a city they wish to live and bring up their children. ...

JOHN CUTLER.

Newton Graphic, 14 April 1922, pp. 1-2

ZONING

... Any one who is at all familiar with social conditions is aware, that the greatest danger to America and American Institutions, grows out of this very tendency toward segregation and isolation, which makes one half both unmindful and unconcerned as to how the other half lives. ...

... It is not altogether improbable that if the seclusion loving citizen, neighbor would be only a little less exacting in demanding increasing dividends, and the absentee stock holder, and industrial manager would take the pains to give the Spirit of America a real chance in industry, our "Flat dweller" would not only be able to own his pianola, but his home as well. It is difficult to understand why this humble citizen should be considered objectionable.

FREDERICK PALLADINO.

Newton Graphic, 8 December 1922, p. 8

GENERAL EXPLANATION

LEGEND

USES PERMITTED

NEWTON ZONING MAP

NEWTON

1922

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The rapid spread of zoning in the United States and in Newton coincided with a national wave of anti-immigrant sentiment, prompted partly by labor and political unrest both before and after World War I.

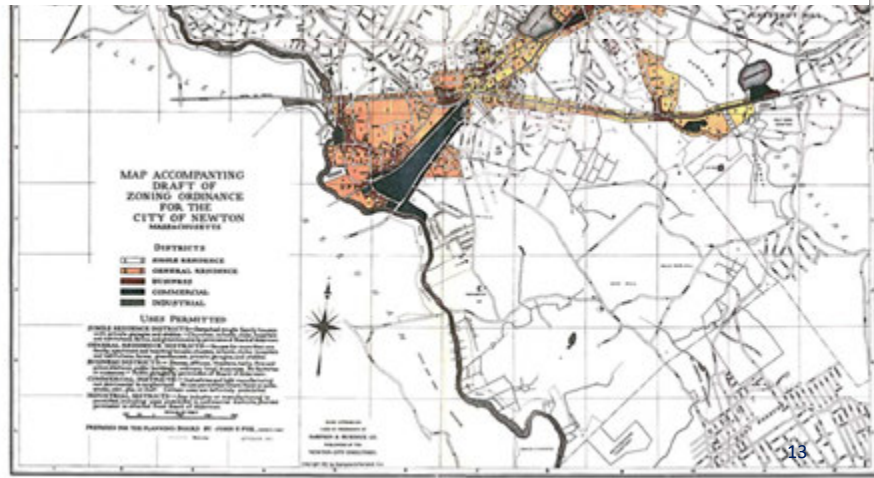
- In 1919, the Newtonville home of state representative Leland Powers was bombed, apparently by an anarchist group with many members who had immigrated from Italy. No one was seriously injured in that blast, but many Newton residents surely still remembered it during the 1921-22 zoning debates.
- Newton's first zoning debates also coincided with new national laws on immigration:
 - The 1921 Emergency Quota Act allowed new immigration based on the number of people of each nationality living in the U.S. as of the 1910 Census.
 - In 1924, the new Immigration Act rolled those quotas back to the number of each nationality living in the U.S. as of the 1890 Census, chosen because it preceded the largest waves of immigration from Eastern and Southern Europe.

As his letter here illustrates, resident John Cutler saw a direct analogy between the national and local "right to rule": he felt current residents of both the United States and Newton had the right to decide who else should be allowed to live in their nation or their city.

In contrast, resident Frederick Palladino thought the best way to protect the United States, and Newton, was through economic integration and economic opportunity.

1922 decisions

- zoning adopted twice with a single-residence district, by 14-7 in June and by 12-7 (2 absent) in November (*at this time, Newton only had 21 aldermen*)
- both ordinances vetoed by Mayor Childs, Aldermen fail to override
- zoning adopted on December 27 without a single-residence district but with a “private residence district” allowing both 1- and 2-family homes by right, by 18-1 (2 absent)
- ordinance signed by Mayor Childs on December 29



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Unfortunately, I have not yet found a map of the zoning actually *adopted* in 1922.

1922 decisions



Mayor Edwin O. Childs, ca. 1936,
courtesy of Historic Newton

[from Mayor Childs' January 1923 inauguration speech]

... The first and second [zoning] ordinances passed I vetoed and I have no apologies to make ... Both were founded on selfishness ...

After all it isn't so much the sort of house as the people in it which makes or breaks a city. All of the good people are not found in single dwellings.

... it is the character of the citizen that counts and the Zoning Ordinance as adopted in my judgement will be of great benefit to Newton of the present and the future because it will make it possible for character to have an equal chance with money as our city grows.

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Mayor Childs' eloquent defense of the final 1922 zoning ordinance, in which the most restrictive residential district allowed both 1- and 2-family houses by right, turned out to be Newton's high-water mark for inclusion, or alternatively its low-water mark for single-family zoning.

1925: one major issue, short debate

- **Should there be a district restricted to single-family homes? If so, should owners in this district be able to convert their existing homes into 2-family homes?**

ALDERMEN MEET
Alderman Ball put in an amendment to the zoning ordinance changing the present "private residence" district to a single residence" district.
Newton Graphic, 14 November 1924, p. 4 (parag. 9 of article)

Alderman J. Earle Parker informed the members of the Chamber on the question of the proposed amendment to the zoning ordinance establishing a single residence zone ...

... **A single residence zone is advantageous for all, no matter what one's social standing might be, and it placed good homes within the reach of the thrifty whose earning power was an average.**

Newton Graphic, 3 April 1925, pp. 1, 2

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In the years leading up to 1922, the Board of Aldermen had often considered dozens of requests related to development at each of their meetings. The rising popularity of automobiles meant many of these were requests to build either public (shared) or private garages.

As some aldermen had predicted, far from shrinking the Board's agendas, the adoption of zoning simply replaced the older, garage-related requests with a new wave of rezoning requests, in many if not most cases from "lower" (less restrictive residential, or nonresidential) to "higher" (more restrictive residential) districts.

Beginning in 1924, the Chamber of Commerce, many neighborhood associations and other community groups organized meetings to demand a single-family residential district in the zoning ordinance. This proposed change was apparently so uncontroversial that when it was finally filed as a zoning amendment, the *Newton Graphic* relegated that news to paragraph 9 in an article about that particular November 1924 Board meeting. (With an occasional caveat, the *Graphic* strongly supported single-family zoning.)

Perhaps to counteract the concerns about "class distinctions" raised in 1921-22, in 1925 Alderman Parker emphasized that a single-residence district would accommodate modest houses for people of modest means.

1925: one major issue, short debate

- Should there be a district restricted to single-family homes? If so, should owners in this district be able to convert their existing homes into 2-family homes?

BOARD OF ALDERMEN

... At 7.45 the aldermanic chamber was crowded with the largest audience ever attending an aldermanic meeting, about 300 being present. Many of those interested could not even get inside of the chamber, and were forced to stand outside in the entry. The main topic of interest was the much advertised hearing on an amendment to the zoning ordinance whereby a single residence zone would be established in Newton.

Newton Graphic, 10 April 1925, pp. 1-2

SINGLE RESIDENCE ZONE

... The establishment of a single residence zone by an amendment to the zoning ordinance was the outstanding event of the evening. The board passed the order establishing the single residence zone by a unanimous vote, Alderman Weeks was absent.

Newton Graphic, 8 May 1925, pp. 1, 4

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At the May 1925 public hearing, resident Armand C. Band opposed a single-residence district because “**only 10 percent of the people of Massachusetts lived in single-family houses**, [which] required an income of at least five thousand dollars a year. ... He also predicted that within five or ten years, the development of **airships** would mean that the people of such incomes would commute from places over a hundred miles away and that they would not want to live in Newton anyway” (*Newton Graphic*, 8 May 1925, pp. 1, 4; emphasis added).

In marked contrast to the protracted debates about zoning in 1921-22, the Aldermen voted to adopt a single-residence zone immediately after closing their public hearing on the proposal, in May 1925.

1925: a quick decision

- **May 8, zoning amended to include a single-residence district,** Board of Aldermen vote 20-0 (1 absent), **signed by Mayor Childs**
a 1-family home may be converted to 2-family by special permission of the Aldermen if:
 - it has been paying taxes since at least April 1, 1925
 - footprint ≥ 1200 sq ft & conversion increases size by $\leq 15\%$
 - conversion maintains "the general appearance of a single residence in that neighborhood"

- **by 1929, 80 percent of Newton's land is in the single-residence district**

Theodora & Henry Hubbard, *Our Cities To-Day and To-Morrow: A Survey of Planning and Zoning Progress in the United States* (1929)



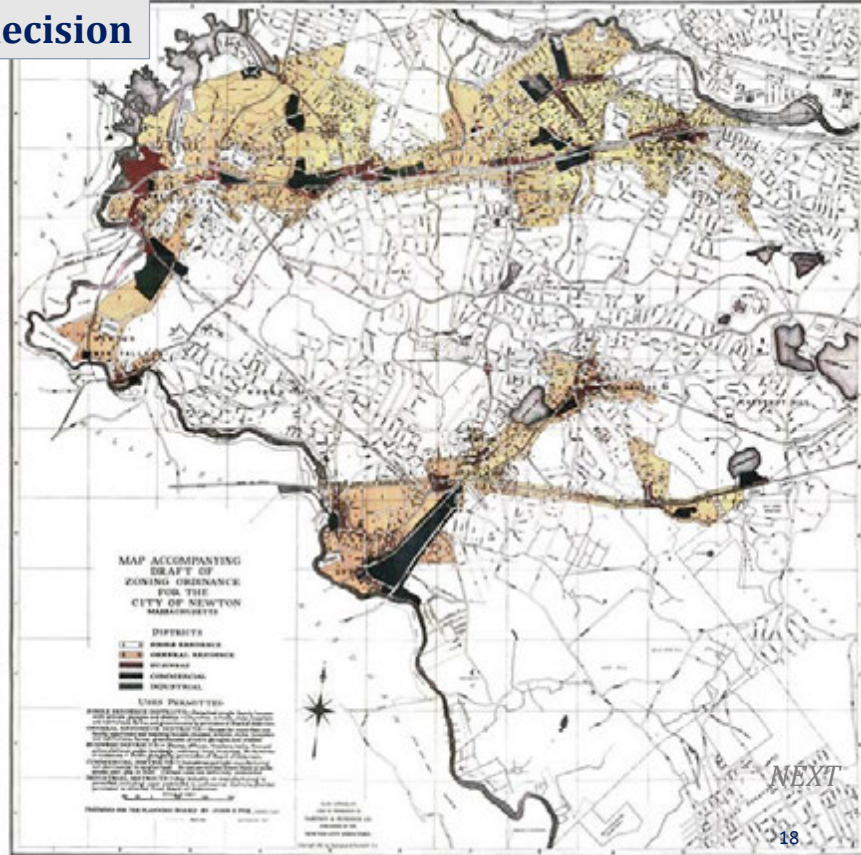
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A keyword search for “zoning” in the *Newton Graphic* turned up no mention of it as a campaign issue, making it hard to know whether zoning contributed to turnover on the Board of Aldermen between 1922 and 1925, and therefore possibly to the very different vote on single-family zoning in 1925.

Of the 21 members of the 1925 Board, 14 had not been members in 1922. Of these, 5 new members had joined the Board in 1923; 6 in 1924; and 3 in 1925.

1925: a quick decision

- **May 8, zoning and** Board of Aldermen **a 1-family home** Aldermen if:
 - it has been pay
 - footprint ≥ 120
 - conversion mai neighborhood"
- **by 1929, 80 perc**



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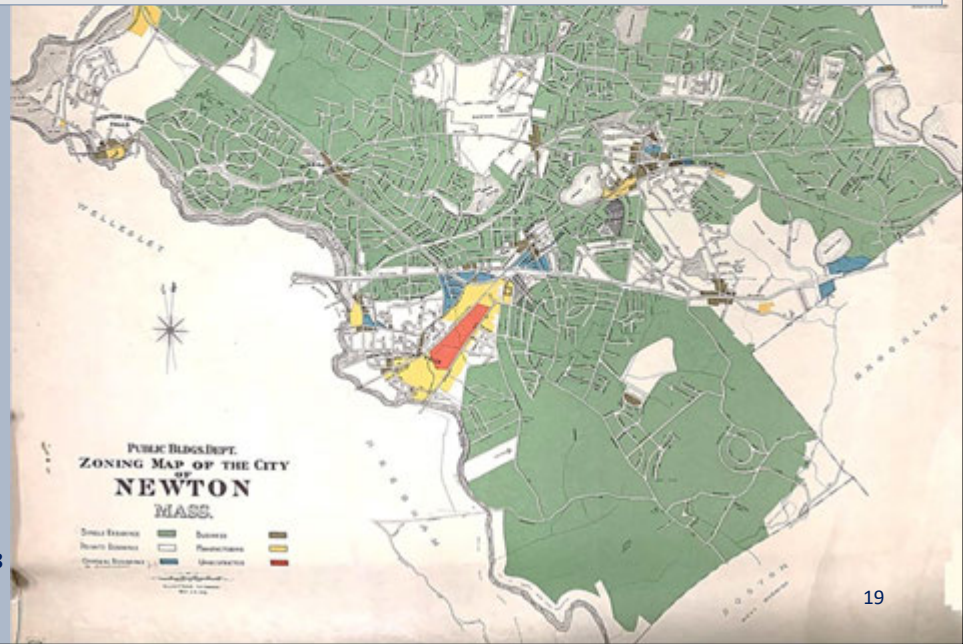
I have not yet found a map of the zoning *actually adopted* in 1925. However, the *Newton Graphic's* accounts suggest the 1925 adopted zoning was very similar to the original 1921 zoning proposal shown here, in which the areas in white would have allowed only single-family homes.

1930 major issues, debates, decision

How large – & where – should the single-residence district be?

Where should zoning allow

- apartment buildings?
- small single-family homes on small lots?



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Concern about apartment buildings continued during the Great Depression, though many comments reported in the *Graphic* also argued that Newton's zoning did not really need to exclude apartment buildings, because its building code already did so by requiring "first class," masonry construction in all buildings that housed 3 or more families.

Building codes were strictly local at this time, but state law began allowing them to include this provision before World War I. Requiring masonry construction was ostensibly a fire safety measure, but it also made small residential buildings too expensive to be worth building, based on the rents they could be expected to generate. Like Newton, many suburban communities used this building code rule to exclude the wood-framed "triple deckers" that were spreading rapidly in urban centers, where these buildings were often occupied or even owned by relatively recent immigrants.

1930 major issues, debates, decision

Hearings Planned On Re-Zoning Land

General Residence Districts May Be
Changed

At that hearing it was evident that many citizens had very confused ideas on the matter. Some appeared to protest whose properties were not affected. Others feared they could not build two-apartment dwellings should their property be placed in a private residence zone. This is not so. The main objects for which the changes are sought are—to prevent apartment houses from being erected promiscuously throughout the city to the detriment of attractive residence districts; to prevent existing estates from being sub-divided into small house lots on which cheaply constructed dwellings will be crowded by speculative builders who have exploited Newton since the building boom started here eight years ago.

Newton Graphic, 14 June 1929, p. 1

Important Change Made In Zoning Ordinance At Aldermanic Meeting

Most of General Residence Zones Are Placed In Private
Residence Districts

At the meeting of the Board of Aldermen last Monday night the long deferred action by which most of the general residence zones in this city were changed to private residence zones was taken. This important step has been contemplated for nearly three years. Much of the former opposition to it was removed by an amendment to the Zoning Ordinance which provides for concessions to owners of small lots which were on record as having been recorded on November 1st of this year. As a result of this change apartment buildings cannot be erected except in few areas in this city and the growing practice of real estate speculators buying large lots of land and cutting them up into a number of small lots has been checked.

Newton Graphic,
19 December 1930,
pp. 1, 3

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Soon after Newton adopted a “single residence” district in 1925, community debates turned to further limiting the land available for both apartment buildings and the small “homes within the reach of the thrifty whose earning power was an average” that Alderman Earle Parker had cited in 1925 as a reason to support single-family zoning in the first place.

In a June 1929 piece that read more like an editorial than an article, the *Newton Graphic* explained that more restrictive zoning was needed to discourage “apartment houses from being erected promiscuously throughout the city,” as well as the “small house lots” and “cheaply constructed dwellings” that the newspaper associated with “speculative builders.”

In December 1930, the Board of Aldermen addressed these two concerns by moving much of the land previously in the “general residence” district, which allowed homes for 3 or more families, into the “private residence” district, which allowed only homes for 1 or 2 families. Although the *Newton Graphic* said this shift had been “contemplated for nearly three years,” the paper published almost nothing about this proposed change before it was adopted.

Since Newton’s zoning in 1930 did not yet have minimum lot sizes, it is not entirely clear how these 1930 changes discouraged “small lots.” However, for a house of a given size, the private residence district’s wider setbacks and smaller lot coverage ratio did effectively require a larger lot (see next slide).

1930 decisions

- much of “**general residence**” district (homes for 3+ families, apartment buildings, rooming houses all by right)
- **moved into “private residence” district** (homes for 1 or 2 families by right)

On lots rezoned by this change:

- front setback 15 → 25 ft
- max. lot coverage 50% → 30%
- max. building height 6 stories, 80 ft → 4 stories, 55 ft.

... but Aldermen could allow any lot **unchanged since April 1, 1930** to continue using “general residence” standards if the lot became effectively unusable under “private residence” standards.

Zoning in Newton, 1921-1953

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PUBLIC BLDG. DEPT.
ZONING MAP OF THE CITY
OF
NEWTON
MASS.

Single Residence
Private Residence
General Residence

Business
Manufacturing
Unincorporated

21

The 1930 changes clearly reduced the land available for residential buildings that housed 3 or more families.

The Aldermen also recognized that the private residence district’s larger required setbacks and smaller maximum lot coverage might be problematic for some lots that had previously been in the general residence district. To mitigate that, owners of rezoned properties who simply could not meet the private residence standards were allowed to ask the Board for permission to continue using the general residence standards.

The *Graphic’s* December 1930 article said this “concession to owners of small lots” had “removed ... much of the former opposition” to the 1930 zoning changes. The article misreported the cutoff date as November 1930 – the ordinance actually allowed property owners to request permission to use their lot’s previous zoning rules if their lots had not been created or changed since April 1930.

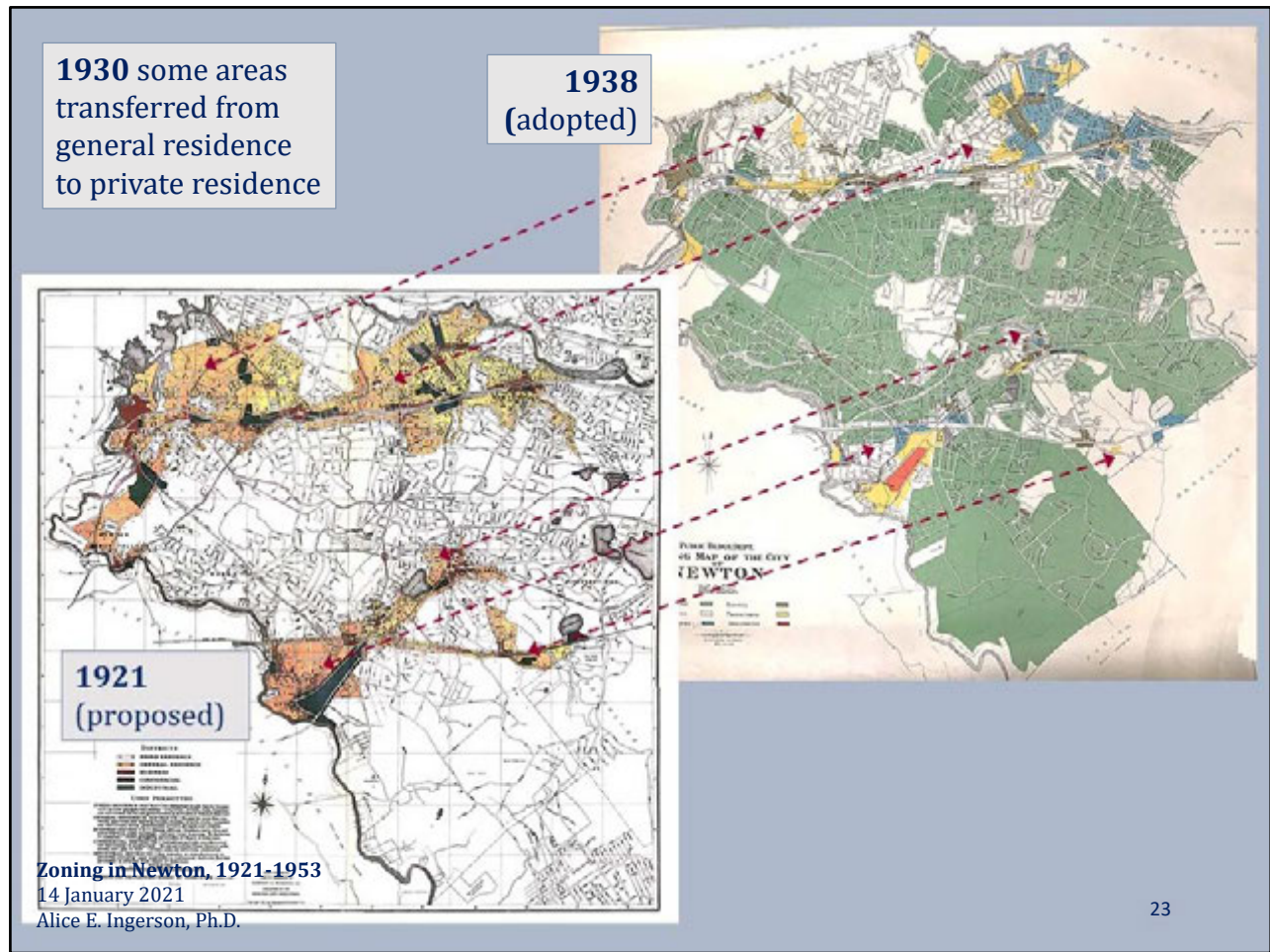
**1938
zoning
(adopted)**

SINGLE RESIDENCE	
PRIVATE RESIDENCE	
GENERAL RESIDENCE & APARTMENT	
BUSINESS	
MANUFACTURING	
UNRESTRICTED	

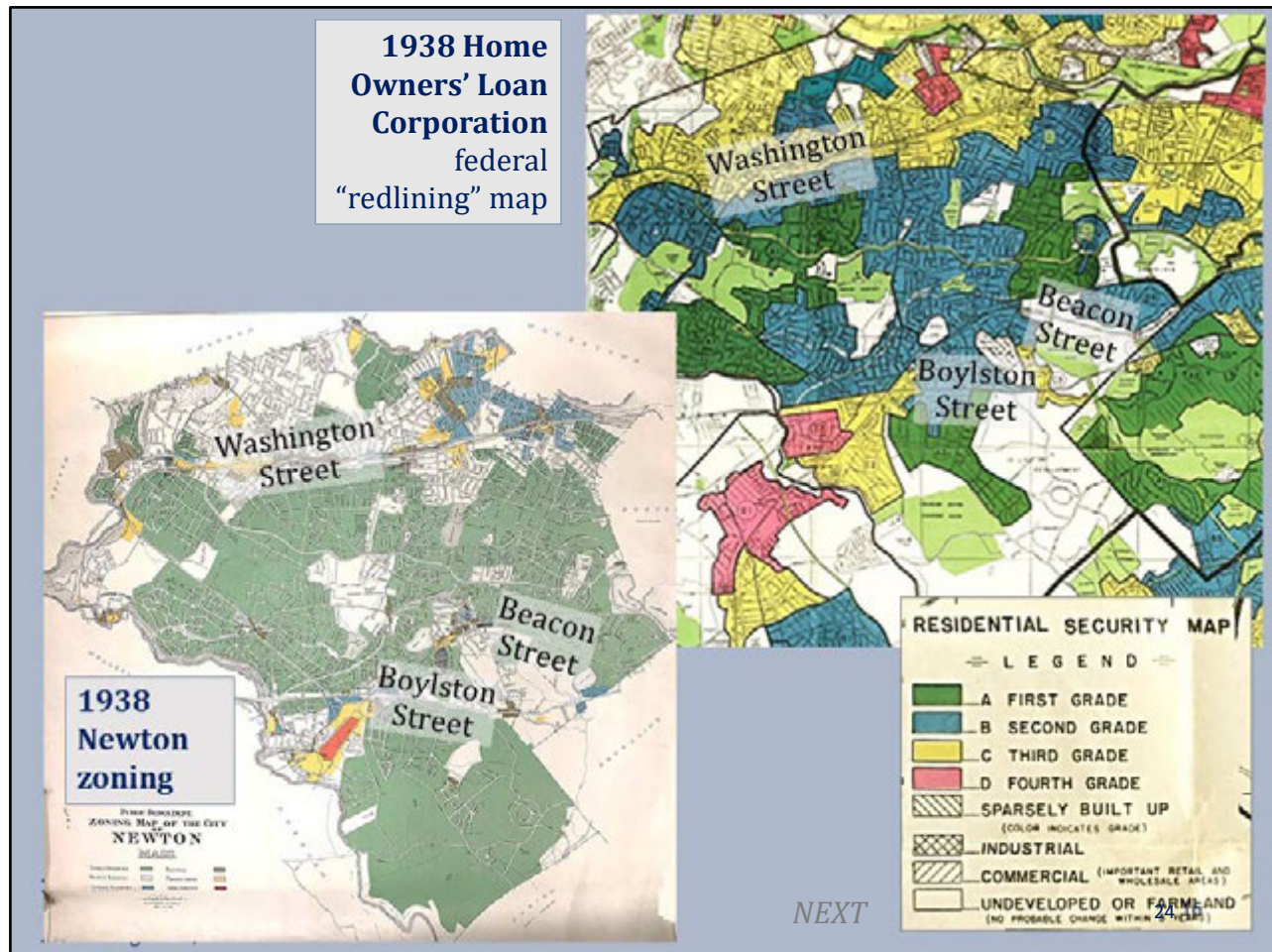


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This is the first zoning map I have found that documents the full extent of the single residence district after its adoption in 1925. It clearly shows the very limited amount of land left in the general residence district after the 1930 changes.



I have not found maps of Newton's zoning immediately before or after 1930, but this comparison between the *proposed* zoning from 1921 and the *adopted* zoning as of 1938 provides a rough sense of how much and where the 1930 changes shrank the general residence district, which allowed buildings housing 3 or more families.



The historical sources suggest no significant changes to Newton’s zoning in 1938. The survival in the archives of the zoning map from 1938 may therefore have something to do with the publication in that year of the first federal “residential security” maps – often called “redlining maps.” These maps were created to guide where the federal government’s new program of mortgage insurance should be made available.

Interestingly, restrictive zoning alone was not enough to earn top grades from the federal appraisers. The combined area with either a “first” or “second” grade on the Newton redlining map was significantly smaller than the combined area zoned for 1- and 2-family houses. But the federal agency apparently did see the new, strictly residential, car-dependent development encouraged by zoning as more “secure” than other types. The “first” and “second” grade areas on the redlining map were mostly outside Newton’s two historical “spokes” of mixed-use, pre-zoning development.

The federal appraisers’ handbook also advised downgrading areas that had or *might soon have* an “inharmonious” mix of racial or ethnic groups. Interestingly, the “fourth grade” (red) areas on the Newton map included the immigrant neighborhoods of Upper Falls and Nonantum but *not* the historically Black neighborhood around Myrtle Baptist Church. Perhaps the appraisers just took it for granted that racial discrimination would “contain” Newton’s small Black population. Despite the Depression, Newton’s total population grew by about 7% from 1930 to 1940, but its proportion of Black residents remained stable at about 1%.

1940 major issues & debates



Herbert J. Kellaway,
Chair, Newton
Planning Board

"Newton Twenty Years From Now"

Herbert Kellaway Talks To
Newton Kiwanis

... Mr. Kellaway related the efforts made by prominent citizens year after year to preserve the city's private residence features. Strict adherence to a policy of zoning has developed Newton to a point where at present 93 per cent of the city's total area is restricted to single and private residences...

Only one-third of the city of Newton is developed as yet, he showed by the zoning map, and that vast area south of the new turnpike in Boylston st. will be the scene of the next great development. ...

Newton Graphic, 25 May 1934, p. 3

Where & how should zoning allow

- **single-family houses to be converted into homes for two or more families?**

Edward H.

Powers' Paragraphs

... But why be hypocritical. If the Newton building code is too strict, if our zoning ordinance is too severe, liberalize them. But, our city government should not continue to be influenced by protests against petitions honorably made for the right to build two-family houses, when it is common knowledge that in most neighborhoods of this city, including single residence zones, there are dwellings occupied by two or more families, living independently of each other, and with separate cooking and sanitary facilities.

Newton Graphic, 26 July 1940, p. 2

Zoning in Newton, 1921-1953

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In 1934, Planning Board Chair Herbert Kellaway drew attention to two important facts about Newton's development:

- The zoning ordinance reserved 93% of the city's land area strictly for residential development.
- Only about a third of the city's land area was already developed, mostly in neighborhoods clustered along Newton's two major transportation "spokes," which had taken shape before zoning. As a result, zoning would most strongly influence the development of the other two-thirds, farther away from the city's historical population centers.

During the 1930s, *Newton Graphic* columnist Edward Powers often complained about one adaptation to the Depression's impacts on household incomes and housing access: the conversion of single-family into multi-family homes.

Since 1925 the zoning ordinance had allowed homeowners to convert many of their 1-family homes for use by 2 families, but each conversion required specific permission from the Board of Aldermen. Powers considered residents "hypocritical" for tolerating (and implicitly encouraging) such conversions when they happened *without* the Aldermen's permission, yet almost always opposing their neighbors' requests to do similar conversions legally.

1940 major issues & debates

Where & how should zoning allow

- small single-family homes on small lots?

Much Interest Shown at Hearing Before Aldermen on Question Of Reducing House Lot Size

Consultant Explains Changes Proposed In Certain Areas;
Numerous Residents and Organizations Approve Plan
With Some Modifications; Objections in Oak Hill

Newton Graphic, 31 May 1940, pp. 1, 8

*Professor Frederick J. Adams of M.I.T.,
zoning consultant to the City of Newton*



Zoning in Newton, 1921-1953

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The wording of this May 1940 *Newton Graphic* headline is misleading: the city hired Professor Frederick Adams of M.I.T. as a zoning consultant, not to help *reduce* the size of typical house lots, but to *prevent this* from happening as the Depression increased demand for small lots and limited demand for large ones.

Some Newton residents were concerned that these market changes would lead to subdividing the city's remaining farms and large estates mostly into small lots for small homes. This possibility especially worried the owners of large homes on large lots south of Boylston Street, where much of the city's still-undeveloped land was located.

1940 major issues & debates

Where & how should zoning allow

- **small single-family homes on small lots?**

EDWARD H.
Powers' Paragraphs

... In a number of sections of this city, especially in Ward 6, old houses have recently been razed and the land on which they were located has been sub-divided into small lots, on which cheaply built houses have been crowded in close proximity. Such real estate development rapidly lessens the value of all other properties in a neighborhood and will soon topple Newton from its proud status as one of the best residential communities in this country, unless it is stopped.

Newton Graphic, 7 June 1940, p. 2

Zoning in Newton, 1921-1953

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Alice E. Ingerson, Ph.D.

opposition to proposed minimum lot sizes at November 1940 public hearing:

... Frederick Eichorn ... said his family owns 80 acres of land [in Newton, near Brookline & West Roxbury], much of which is swamp land, and it is not suitable for anything except two-family houses. ...

Arnold Hartmann of ... Oak Hill [said] the proposed changes ... are burdensome, impracticable and discriminatory, to owners of undeveloped land in Oak Hill. ...

He said that instead of forcing teachers, professional men and the younger generation of Newton families to reside in apartments, we want them in moderate priced homes in Oak Hill. He said he has paid dearly in the effort to develop Oak Hill as a community of large lots and expensive homes ...

Newton Graphic, 29 November 1940, pp. 1, 10

In June 1940, *Newton Graphic* columnist Edward Powers echoed and expanded on the concern the paper had expressed for over a decade, that large properties were being subdivided into small lots for “cheaply built houses ... crowded in close proximity.”

Both longtime landowners and developers worried that new efforts to restrict development, either by expanding the single-residence district or by introducing minimum lot sizes, would make it harder for them to sell land at all.

Interestingly, landowner Frederick Eichorn seemed sure people would buy two-family houses on lots that were so wet they simply couldn't be sold to people could afford single-family homes.

See the appendix to this presentation for more about the highly exclusive, single-family development called “Oak Hill Village” that Arnold Hartmann launched in 1926, on the large area of land he had purchased in south Newton. By 1940, Hartmann was no longer selling large lots for large homes; he had adapted to new market conditions by offering “moderate priced homes” to “teachers, professional men and the younger generation.”

1940 decisions

- **single residence divided into A, B, C, with new standards**

A: side setback 7.5 → 12.5 ft, rear setback 7.5 → 25 ft or 25% of lot depth

first-ever lot minimums: width 100 ft, size 15,000 sq ft

B: front & side setbacks unchanged, rear setback 7.5 → 15 ft

first-ever lot minimums: width 80 ft, size 10,000 sq ft

C: front & side setbacks unchanged, rear setback 7.5 → 15 ft

first-ever lot minimums: width 70 ft, size 7,000 sq ft

- **private residence: new standards** (similar to residence C)

front & side setbacks unchanged, rear setback 7.5 → 15 ft

first-ever lot minimums: width 70 ft, size 7,000 sq ft, ≥ 3,000 sq ft/household

- **general residence: new standards** (similar to residence C)

front & side setbacks unchanged, rear setback 7.5 → 15 ft

first-ever lot minimums: width 70 ft, size 7,000 sq ft, ≥ 1,300 sq ft/household

Zoning in Newton, 1921-1953

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Despite the misgivings of people like Frederick Eichorn and Arnold Hartmann, in 1940 the Board of Aldermen introduced minimum lot sizes and increased setbacks in all residential districts.

1940 decisions

... but new standards “**shall not apply to lots not in compliance therewith**” that were assessed for taxes or otherwise legally recorded “**prior to October 11, 1940**”

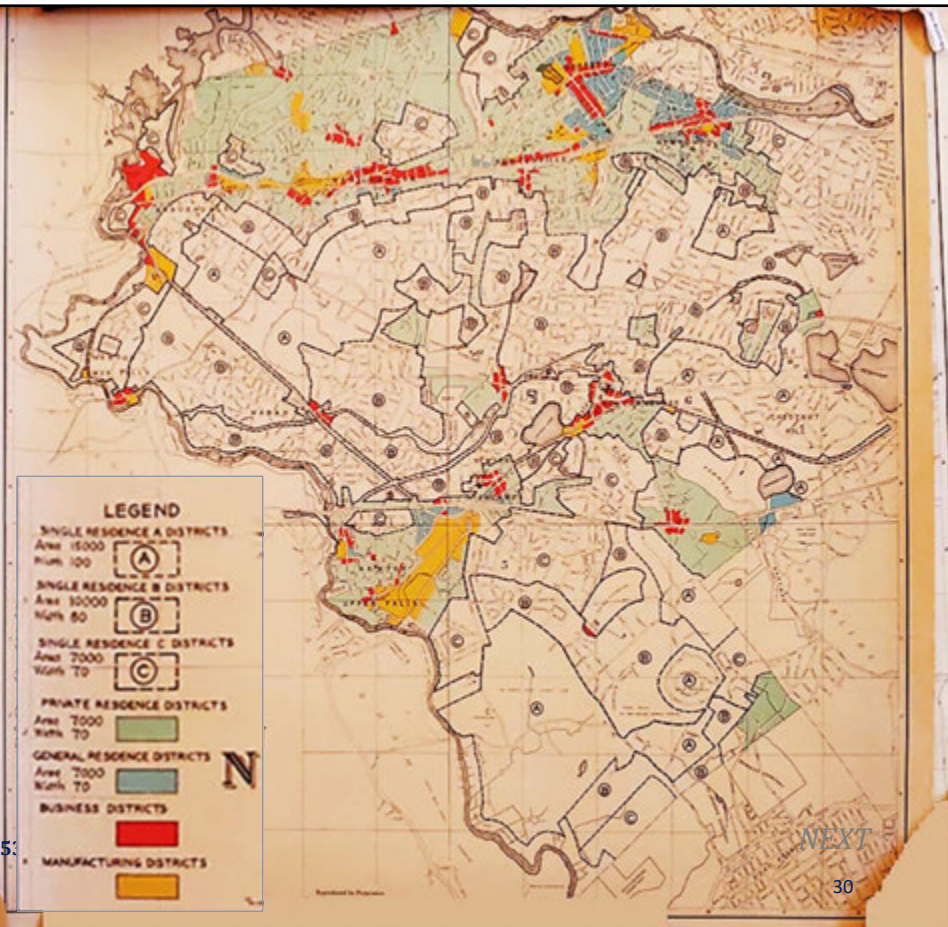
Zoning in Newton, 1921-1953
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However, in the spirit of the “concession” made in 1930 to owners whose lots had been moved from the general residence zone to the private residence zone, in 1940 the Board completely exempted from the new rules any lot that pre-dated those rules.

This exemption essentially restricted the new zoning rules to still-undeveloped, unsubdivided areas, mostly in south Newton. As Herbert Kellaway had pointed out in 1934, these places still included most of the city’s land area.

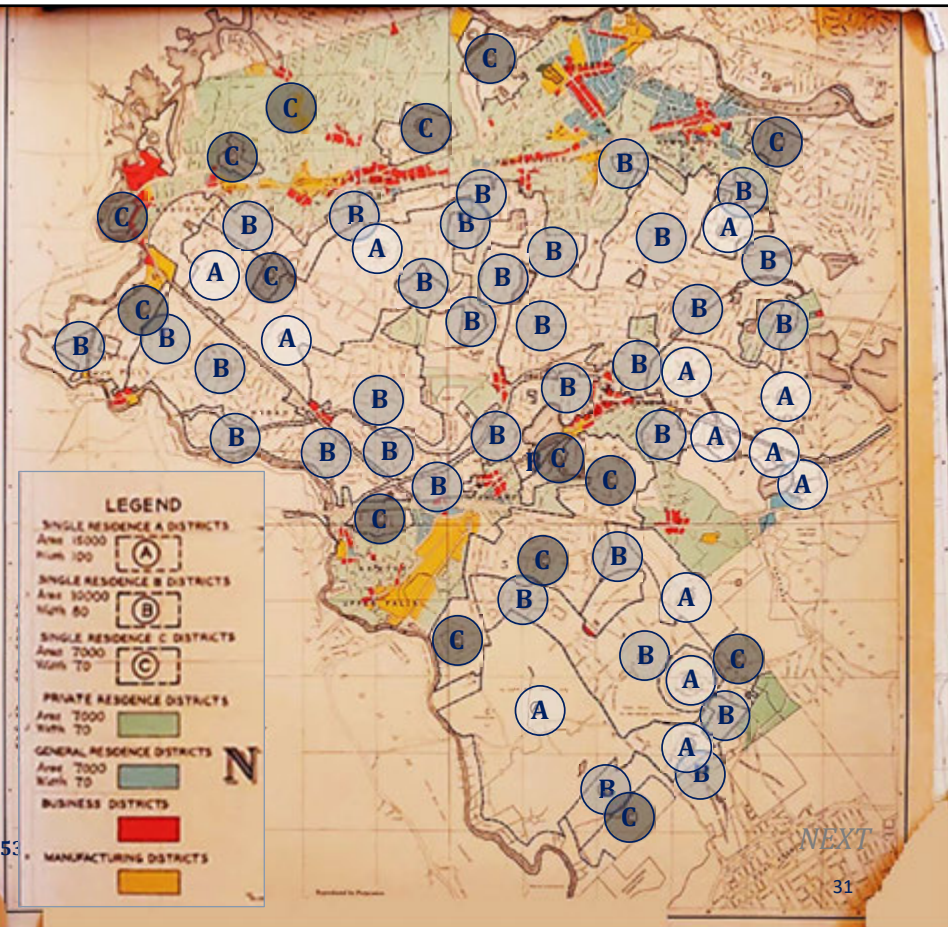
**1941
zoning
(adopted)**



Zoning in Newton, 1921-1953
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Like Herbert Kellaway's 1934 talk to the Kiwanis Club, the variable density of streets on this 1941 zoning map supports the idea that much of Newton's land was still undeveloped at the end of the Depression.

**1941
zoning
(adopted)**



Zoning in Newton, 1921-1953
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Of the new single-residence subdistricts,

- A, the most restrictive single-family district, was limited mostly to West Newton Hill, Farlow Hill (south of Newton Corner), Chestnut Hill and south Newton.
- C, the least restrictive single-family district, often bordered the private residence district, which followed the two “spokes” of Newton’s historical, pre-zoning development and allowed both 1- and 2-family homes.

1951-53 major issues & debates

Where & how should zoning allow

- housing for World War II veterans & their families?
- single-family houses to be converted into multi-family units?

A FRIENDLY CHAT WITH OUR RESPECTFUL CITIZENS

If we cannot build new homes at present with all their modern improvements for our service men, at least we have hundreds of well built old estates that are vacant now or partially occupied and easily can be converted into comfortable living quarters for them with small expense and few materials. Why should a few selfish citizens enjoy all alone the most beautiful part of our garden city while our gallant boys and their families are crowded into undesirable sections and forced to move away into far locations? ...

Humble Citizen

Newton Graphic, 3 January 1946, p. 2

To the Editor:

In the Summer of 1946 we four, all veterans of the last war, met with Mr. Lockwood at his home to discuss the acute housing shortage. We advocated, at that conference, a plan whereby the owners of larger houses be encouraged to provide temporary additional family units with those structures, provided the exterior was in no way changed and no such use and occupancy was to extend beyond the acute need. Mr. Lockwood's reply to our suggestion was: "If you men insist upon such a course of action, you will degrade the city and thereby the veterans will be in a position of fouling their own door steps." ...

Newton Graphic, 23 October 1947, p. 11

Zoning in Newton, 1921-1953

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After World War II, returning veterans urged the City of Newton to address the cumulative housing crisis that had begun with the Depression. Some veterans criticized Newton's zoning in terms reminiscent of early 1920s accusations that zoning was "class legislation."

1951-53 major issues & debates

Where & how should zoning allow

- **housing for World War II veterans & their families?**
- **single-family houses to be converted into homes for two or more families?**

Newton's Housing Problem

The present insistence on low-cost housing is nothing new in Newton. The situation has been the same for many years, as everyone knows. The problem has always been the same for our young people, and experience points out that this is the first time so many have been so insistent upon living in the old home town.

Newton Graphic editorial, 11 July 1946, p. 2

Letters to the Editor

Hopes Zoning Change Will Not Be Made

... The single dwelling means a family of permanent residents. The two family dwelling means one permanent family, often two. The apartment house, with the exception of Vernon Court, the apartments on Richardson street, which are occupied by old Newton residents, generally fills up with temporary residents. ..Dr

... They are in the city but seldom of it. Should Newton encourage a transient population? If that happens, we shall see a very different Newton from our present fine city that we love.

George E. Rawson.

Newton Graphic, 14 June 1951, p. 4

Zoning in Newton, 1921-1953
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In the 1940s, most elected officials and community groups agreed that Newton should try to provide housing for returning veterans and their families. In contrast, the *Newton Graphic* seemed to feel that anyone who could not afford to live in Newton should simply live somewhere else.

In the 1930s and 1940s, George Rawson chaired the Aldermanic committee that dealt with zoning during the 1930s (the "Claims and Rules" committee, predecessor of the current Newton City Council's "Zoning and Planning" committee). In 1951, when he had moved on to the state legislature, Rawson still adamantly opposed allowing apartment buildings in Newton. Homeowners today sometimes argue, as Rawson did, that apartments attract a "transient population" not truly committed to the community.

Rawson's one exception, for the "old Newton residents" living in Newton Corner's Vernon Court apartment hotel, reflected those residents' testimony in previous years about their positive experiences in the building. An "apartment hotel" was a building with a restaurant that served only the building's residents, not the general public – similar to what today is called "assisted living."

1951-53 issues & debates

- Where & how should zoning allow **apartment buildings**?

Vote 'Objections To Zone Changes Almost Unanimous Against Apart. Bldgs.'

A practically unanimous disapproval was registered against so-called Garden type apartment buildings here by approximately 600 citizens who attended a meeting held under the auspices of the Newton Improvement Association in the Underwood School last Thursday night.

Newton Graphic,
14 June 1951, pp. 1, 7



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In 1951, the City of Newton again hired Professor Frederick Adams of M.I.T. to help it review and revise its zoning ordinance. To address the postwar housing shortage, in 1951 Adams and his team proposed to allow the construction of low-rise “garden apartments,” no more than two and a half stories tall.

This recommendation proved far more controversial than the same consultant team’s 1940-41 recommendation to introduce minimum lot sizes.

1951-53 issues & debates

- Where & how should zoning allow **apartment buildings**?

39 APARTMENT AREAS AVAILABLE IN PROPOSED RESIDENCE D ZONE

According to Muther, a total of thirty-nine such areas in the whole of the city were located, some which are city owned property, some are used for private parking, a substantial tract is generally under water and some always is, some areas involve lots with very precipitous grades, and two abut railroad freight sidings.

... as far as existing vacant lots are concerned, it seems apparent that they are so located and so few in number that even if they could be built on with garden apartments as a matter of right, no measurable change in the character of the city would be noticeable.

Newton Graphic, 5 July 1951, p. 1

*Survey by Taxpayers' Ass'n
Cites Lots of 24,000 Sq. Feet*

Adams Report Voted As Garden-Type Apartments Approved In Some Areas

Newton Graphic, 19 July 1951, pp. 1, 3

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The 1951 proposed zoning imposed strict requirements for the sites where garden apartments could be proposed and required the Board of Aldermen to approve each such project separately – the equivalent of what today would be called a “special permit.”

The Newton Taxpayers’ Association estimated that only 39 sites in the entire city could meet the proposed site requirements for garden apartments. Many of these sites were unlikely to attract apartment proposals because they were owned by the city, were literally under water, were very steep, or were next to railroad lines.

Whether or not the Taxpayers’ Association report made a difference, in July 1951 the Board of Aldermen adopted a zoning amendment allowing garden apartments under conditions similar to those proposed by Frederick Adams and his team.

1951-53 issues & debates

- Where & how should zoning allow **small single-family houses on small lots?**

OAK HILL DISTRICT AGAINST MONGREL UNITS

The Directors were gravely concerned with the invasion of dwellings architecturally incongruous that radically changed the character of the district and in some instances actually threatened the harmonious spirit of the community and property values. They have discovered that if the zoning laws, building codes, etc. are observed a builder or owner can erect the wildest kind of a structure, without regard to taste, value or homogeneous quality. ...

Newton Graphic, 29 September 1949,
pp. 1, 3

100 Protest Increase in Lot Minimums at Public Hearing

Arnold Hartmann of 90 Hartmann road, Oak Hill, who has been the backbone of Oak Hill construction for many years, described the minimum requirement of 25,000 square feet lots as unsaleable. He said the upkeep of homes on such lots is beyond the reach of most residents.

He questioned the constitutional right of the aldermen to block construction in this manner, and said assessments on old houses should be reviewed if more tax revenue is needed.

Newton Graphic, 5 November 1953, pp. 1, 10

Zoning in Newton, 1921-1953

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Despite the introduction of minimum lot sizes in 1940, in the early 1950s some Newton residents were still concerned about subdividing land into small lots for small houses. As in 1940, this debate focused on the southern part of Newton, which still included most of the city's undeveloped land.

Arnold Hartmann's opposition to larger minimum lot sizes in 1953 reflected the same reasoning as his opposition to the introduction of minimum lot sizes in 1940: he believed these zoning changes would make it harder for him to subdivide and sell his remaining land holdings. He also raised again the issue of zoning's "constitutionality," which had otherwise been laid to rest in the 1920s. As it had been originally, this issue seemed to be mostly about zoning's potential negative impact on property values, or at least on development profits.

Hartmann's testimony also reflected a general concern about unfair assessment practices in the 1950s, when many of Newton's *older* large homes on large lots were apparently paying much less in property taxes than *brand-new* homes of a similar size on similar lots.

1951-53 issues & debates

- Where & how should zoning allow **small single-family houses on small lots?**

PRELIMINARY PLANS AUTHORIZED FOR 3 FIRE STATIONS COSTING \$812,000

Paragraph 7 in this article:

The new lot size regulations for residential areas were approved with a dissenting vote. Exempted from the new zoning regulations are lots already established, although they may be below the new minimum sizes, and any land that backs up against state property.

*Newton Graphic, 24 December 1953,
pp. 1, 8*

Zoning in Newton, 1921-1953
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In contrast to the debate about minimum lot sizes in 1940, and despite continuing opposition from south-side landowners and developers worried that large minimums might make it hard to sell their land for development, minimum lot sizes were apparently increased in 1953 with relatively little fanfare. The *Newton Graphic* reported this vote by the Board of Aldermen in paragraph 7 of an article with a headline about new fire stations.

1951-53 decisions

1951

- **single & private residence districts:** max. height 4 stories, 55 ft → 3 stories, 40 ft
- **general residence** (homes for 3 or more families, apartment buildings) divided into:
 - new **residence D**, mostly similar to “private residence” (1 & 2 family homes by right), but also “**garden apartments**” by special permission of Aldermen, with:
 - setbacks: front 25 ft; side & rear 15 ft
 - max. height: 2.5 stories or 30 ft
 - min. lot size: 24,000 sq ft, plus ≥ 3,000 sq ft/household
 - new **residence E**, similar to old “general residence” (homes for 3 or more families, apartment buildings by right), with
 - max. height still 6 stories but 80 ft → 60 ft

1953 all minimum lot widths & sizes increased:

- single residence A: 100 → 140 ft, 15,000 → 25,000 sq ft
- single residence B: 80 → 100 ft, 10,000 → 15,000 sq ft
- single residence C, private residence, residence D & E:
70 → 80 ft, 7,000 → 10,000 sq ft

Zoning in Newton, 1921-1953

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Even though the 1951 zoning allowed low-rise “garden apartments” for the first time, the total package of zoning changes adopted in 1951-53 once more significantly *reduced* the area of land where housing for 3 or more families could be built in Newton. These changes also reduced the maximum building height and increased the setbacks and minimum lot sizes in most residential districts.

The 1953 ordinance also included a complicated provision intended to keep the owners of larger properties from taking advantage of the new rules to minimize their property taxes, by dividing their land into create lot that satisfied the new minimums and another just small enough to be taxed as “unbuildable.”


1951-53 decisions



... but new standards “**shall not apply to lots not in compliance therewith**” that were assessed for taxes or otherwise legally recorded “**prior to October 11, 1940**”

... and 1940 standards shall still apply to lots for 1- and 2-family houses that were assessed for taxes or otherwise legally recorded **after October 11, 1940** but “**on or before December 7, 1953**”

Zoning in Newton, 1921-1953
14 January 2021
Alice E. Ingerson, Ph.D.



To pre-empt opposition from the owners of properties that could not meet the new lot size minimums, the 1953 ordinance continued and expanded the exemptions created when minimum lot sizes were first introduced in 1940:

- Lots created before 1940 could continue using the standards in place *until* 1940.
- Lots created between 1940 and 1953 could continue using the standards *from that period*.
- Only lots created after December 1953 had to meet the new standards. As noted before, most of these “new lots” were in the southern part of the city.

These layered rules are still part of Newton’s zoning ordinance today, which uses a distinction between “old lots” (usually lumping together the first two categories above) and “new lots.” As a result, there is significant variation in what can be built on otherwise similar lots, because each lot’s zoning rules depend as much or more on *when the lot itself was created* as on the lot’s current size, configuration or surroundings.

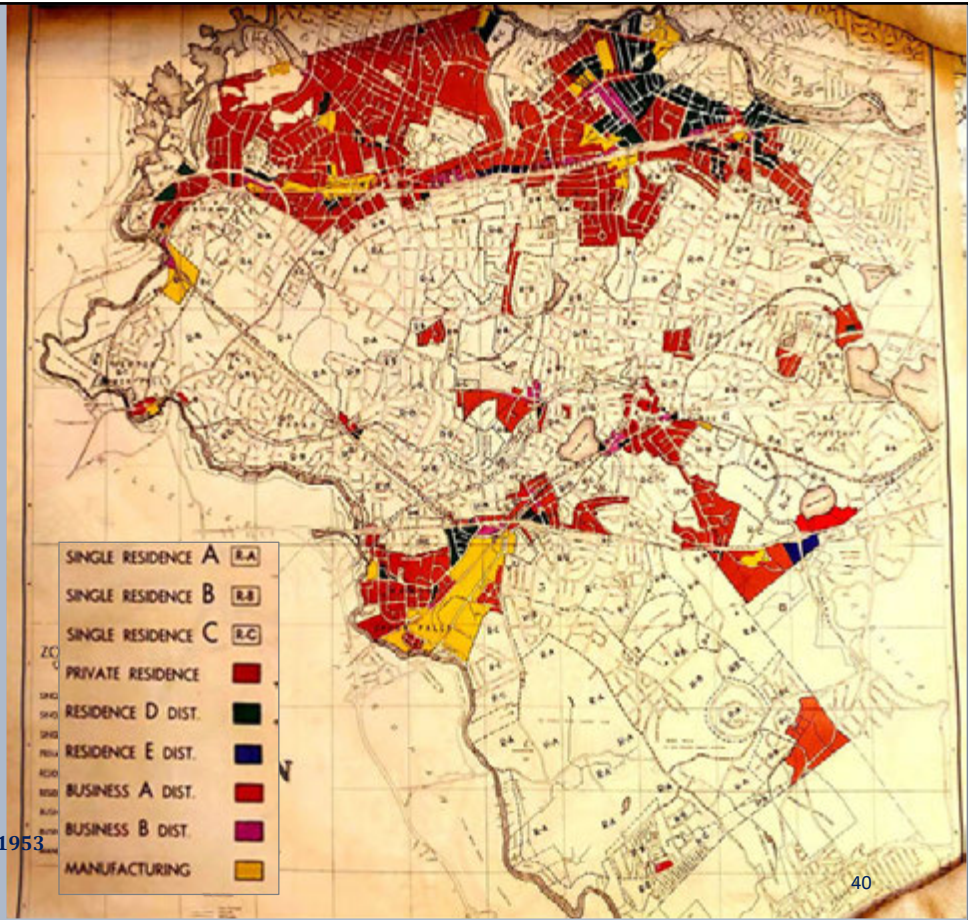
A further complication is that the date of each lot’s creation is *not* one of the dozens of pieces of information about each property in the public, online database used by the City of Newton to record property sales, list tax assessments, and guide zoning and permitting decisions. The only way to be certain which layer of Newton’s zoning rules applies to a given lot is to research that lot’s history through the South Middlesex Registry of Deeds (which is also mostly online, but in which searching is not always straightforward!).

1953 zoning (adopted)

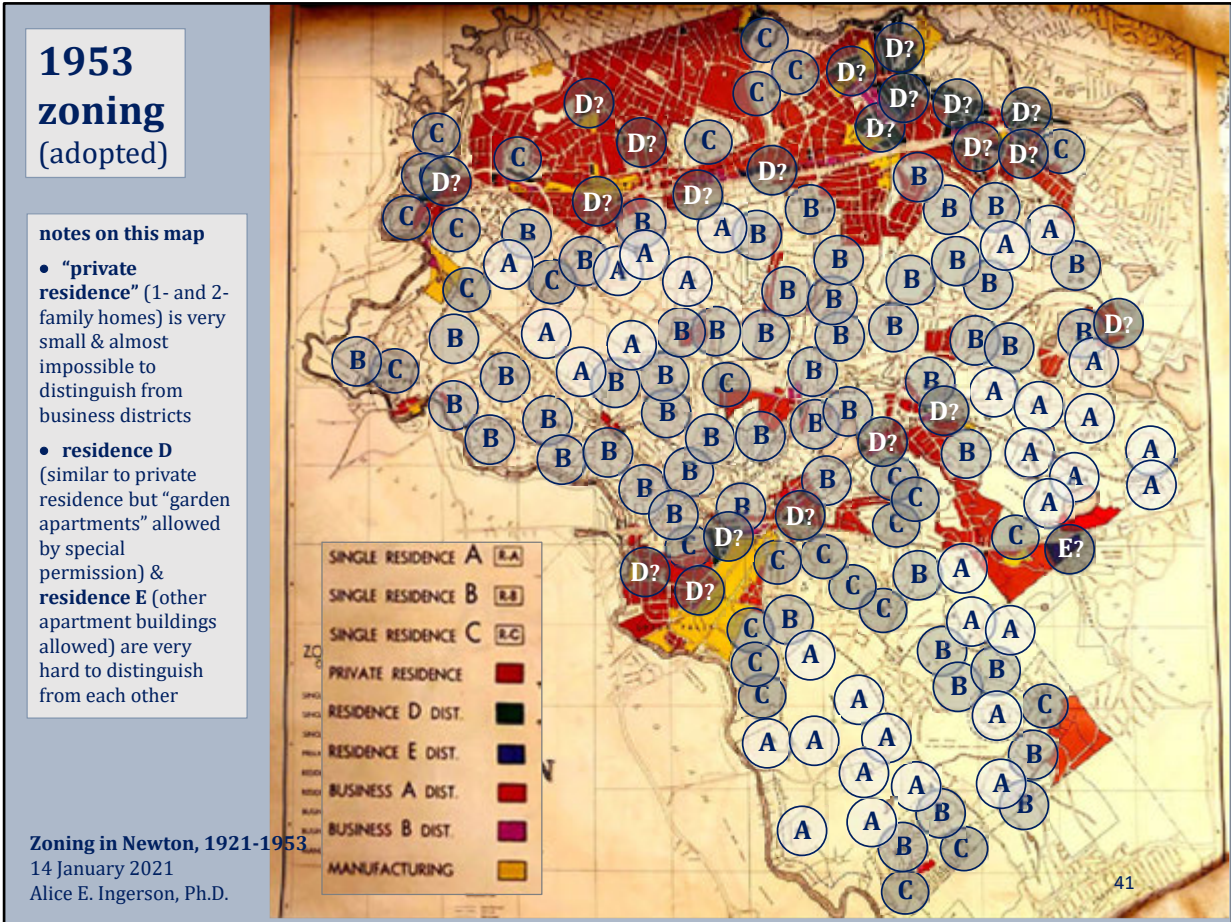
notes on this map

- “private residence” (1- and 2-family homes) is very small & almost impossible to distinguish from business districts
- residence D (similar to private residence but “garden apartments” allowed by special permission) & residence E (other apartment buildings allowed) are very hard to distinguish from each other

Zoning in Newton, 1921-1953
14 January 2021
Alice E. Ingerson, Ph.D.



- As with its predecessors, this map’s most obvious distinction is between the single-residence districts (shown in white here, as on most previous zoning maps) and everything else, with “everything else” aligned along the two main “spokes” of Newton’s historical, pre-zoning development.
- As noted on the slide, this map’s colors do not distinguish clearly between the private residence district and the business districts (stores). This may not be accidental:
In previous years, residents had often petitioned successfully to move small portions of the business district into the “general” or “private” residence districts, usually to prevent the development of either stores or apartment buildings. By the 1950s, however, business owners were pushing back against this tradition, since only about 7 percent of Newton’s land area had been zoned for nonresidential use since the 1930s. Unsurprisingly, Newton businesses thought this tiny share should not shrink further.
- In 1951 for the first time, housing was *no longer allowed* in the manufacturing district, except for “accommodations for a watchman or janitor in connection with a commercial or manufacturing use.” Housing was still allowed in every other district, however.



This 1953 map has many more labels for the A-B-C subdivisions of the single-residence district than its 1941 predecessor. This may be partly because the new streets and neighborhoods being created by the postwar development boom demanded a finer-grained map.

1922-53 overall trends

1922: largest, most exclusive district allows 1- & 2-family homes

1925: largest, most exclusive district allows only 1-family homes

1930: much of “general residence” (homes for 3+ families by right) moved into “private residence” (only 1- & 2-family homes by right)

1940: single residence divided into A, B, & C (from most to least restricted)
- minimum frontage & lot sizes introduced in all residential districts
- some setbacks increased in all residential districts

1951: max. bldg. heights reduced in all residential districts
- “general residence” (homes for 3+ families by right) divided into:
- residence D (similar to “private residence”: 1- & 2-family homes by right, “garden apartments” by special permission)
- and residence E (similar to old “general residence”)

1953: minimum frontage & lot sizes increased in all residential districts

Zoning in Newton, 1921-1953

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✧ end ✧

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The basic trends in Newton’s zoning story from the early 1920s to the early 1950s are clear:

In 1925, Newton radically reduced its supply of land for 2-family homes, as designated just three years earlier. Between 1925 and 1953, Newton’s zoning steadily shrank further

- both the supply of land for buildings housing 3 or more families,
- and the buildable area on each 1- or 2-family house lot.

Starting in 1930, Newton also exempted existing lots from each set of new zoning rules, first at the Aldermen’s discretion and later across the board. The Board of Aldermen apparently recognized that they were requiring new homes to use more land to house fewer people than many of the city’s properties had used or housed historically.

These layered exemptions are still part of Newton’s zoning. Though they were originally intended to mitigate any sense of unfairness created by changing the zoning rules, today they can sometimes create at least an *appearance* of unfairness, by treating otherwise similar properties differently.

Appendix

Examples not formally presented on 14 January 2021
but discussed in the question & answer session.

- 1921-36, mixed uses and zoning in **Nonantum**

- 1920s-50s, exclusionary housing in **Oak Hill/south Newton**
 - **Oak Hill Village** (developed by Arnold Hartmann)
 - **Oak Hill Park** (developed by the City of Newton)

Zoning in Newton, 1921-1953
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Alice E. Ingerson, Ph.D.

A-1

1921-36, mixed uses & zoning in **Nonantum**

- **Should Nonantum be represented by its business owners or its residents?**
- **Was Nonantum residential or commercial?** (Hint: The answer was “yes.”)

*from 17 April 1922 public hearing
on the proposed zoning ordinance:*

Former Alderman Reuben Forknall complained that the committee organized to represent Nonantum included business owners who “did not live in Nonantum at all, but live in districts where their homes are protected, which he did not think fair.” The committee admitted that it “had been got together at the mill and Mr. Wright, Superintendent of the Mill ... was appointed Chairman.”

John T. Murphy, a Nonantum committee member, “felt that the people should get the most from their property, and being in the general residential section would prevent their doing things which they can now do. For instance if a person now owns a stable, he might want to rent it to a carpenter to use as a shop, or a person might want to rent a garage for business purposes, but they would not be able to do it if placed in the residential section.”

Zoning in Newton, 1921-1953
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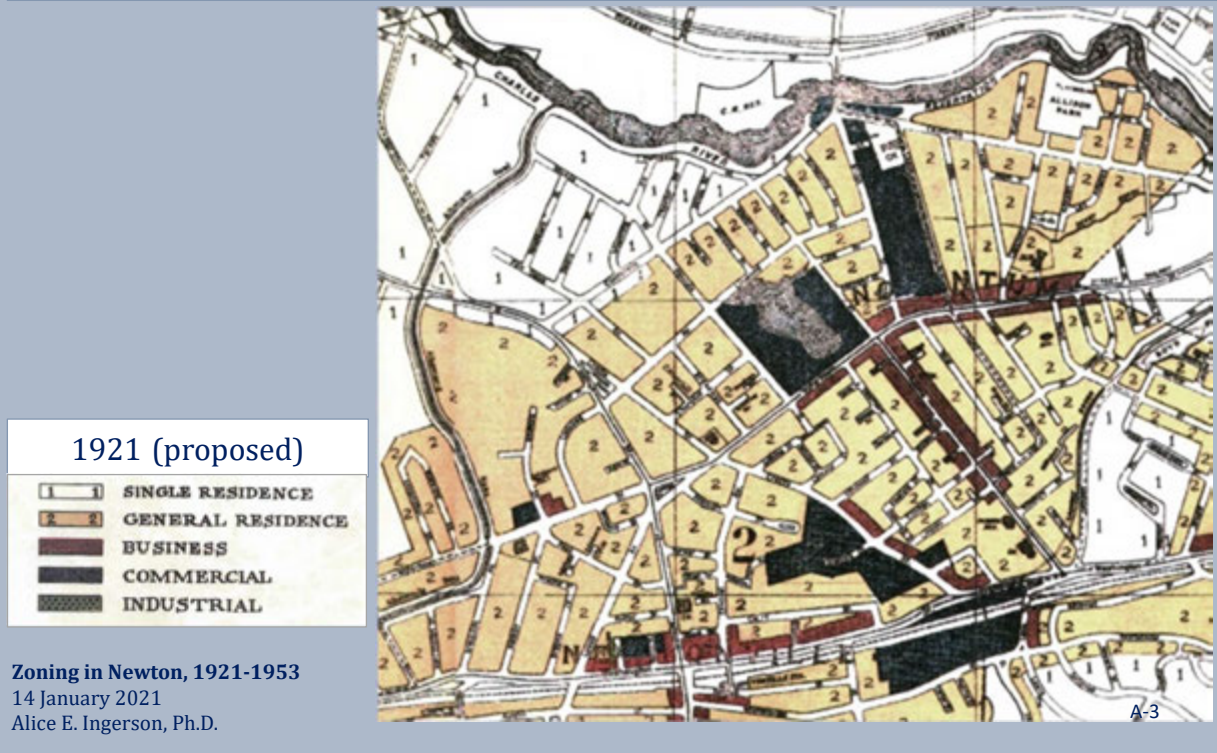
A-2

Many small Nonantum properties in the 1920s probably served as both homes and workplaces. Yet this complex, small-scale mix of uses was probably outside the personal experience of the men** who were designing Newton’s first zoning ordinance, or most zoning ordinances in the United States for that matter. For these decisionmakers, home and work were usually in different neighborhoods, if not in different cities.

** The Newton sources I have consulted to date identified no women with formal roles in Newton’s zoning process in the 1920s and 1930s.

1921-36, mixed uses & zoning in **Nonantum**

- **In 1922, most of Nonantum was assigned to the manufacturing and commercial districts**, though it was originally proposed for “general residence.”





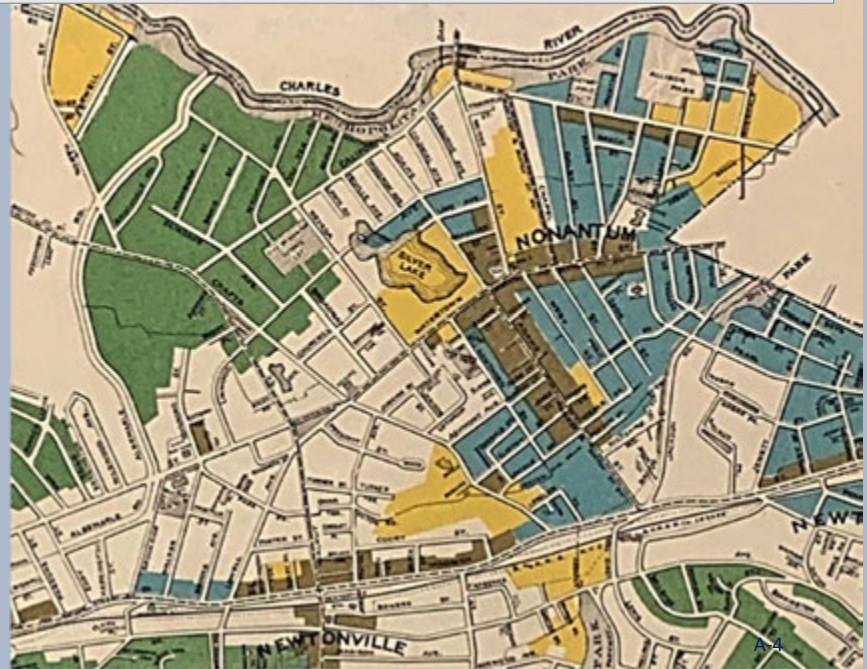
In the end, whether to serve the interests of those who owned large mills or to preserve the flexibility preferred by the owners of small properties, as described by John Murphy, in 1922 most of Nonantum was assigned to the commercial and manufacturing zones.

This decision contrasted with the primarily “general residence” zoning proposed for the neighborhood in 1921, as shown on this map. As noted earlier in this presentation, I have not yet found a map of the zoning *actually adopted* in 1922.

1921-36, mixed uses & zoning in Nonantum

- In 1936, much of Nonantum was rezoned as residential, with a western “private residence” district and an eastern “general residence” district.
- Were all the rezoned properties actually used *only* as housing? Probably not.

1938 (adopted)	
SINGLE RESIDENCE	
PRIVATE RESIDENCE	
GENERAL RESIDENCE & APARTMENT	
BUSINESS	
MANUFACTURING	
UNRESTRICTED	



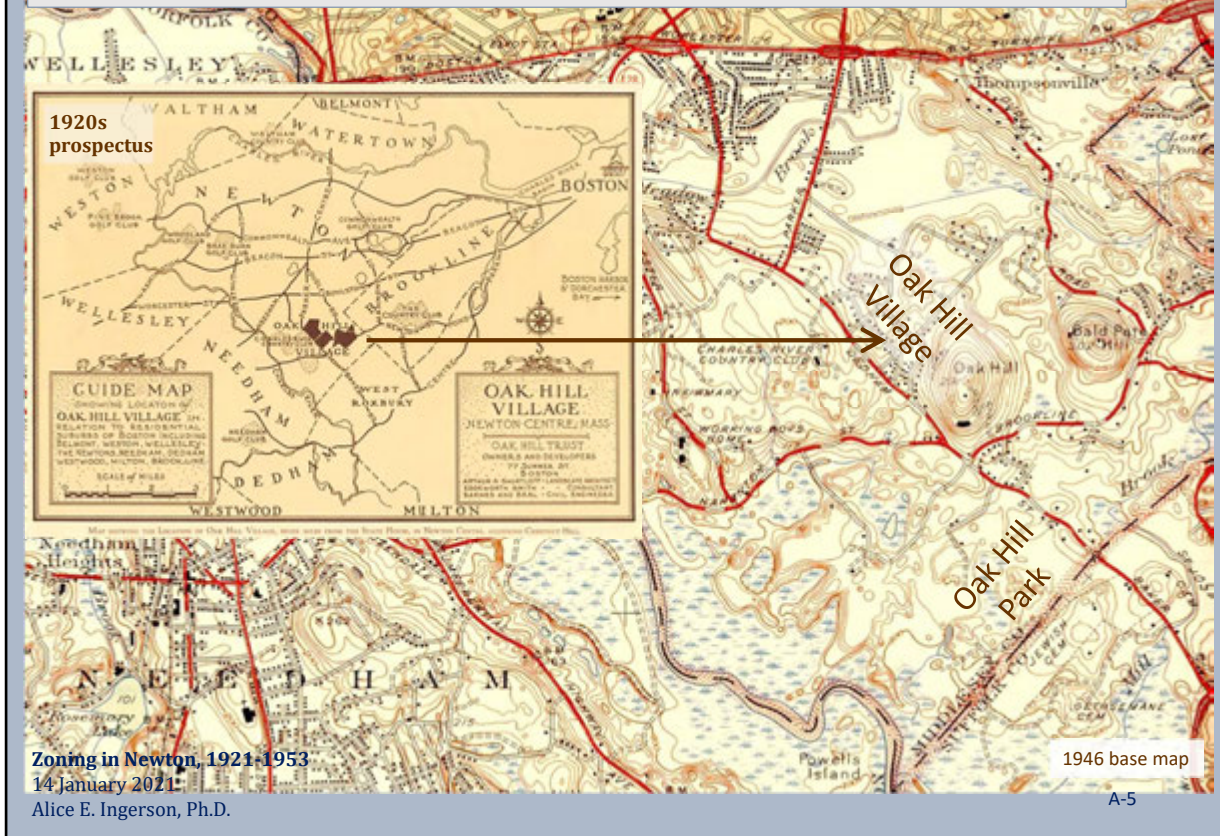
Zoning in Newton, 1921-1953
14 January 2021
Alice E. Ingerson, Ph.D.

By the mid-1930s, the *Newton Graphic*, Aldermen, Planning Board Chair Herbert J. Kellaway and Nonantum residents were all arguing that the neighborhood’s zoning should be mostly residential. A *Graphic* editorial on 27 March 1936 (p. 2) claimed that this change would “increase the property values” and that “much of the property in Nonantum, originally zoned as manufacturing, will never be used as such and consequently it is now possible to make desirable changes.”

In his 17 July 1936 *Newton Graphic* column (p. 2), Edward H. Powers applauded the Aldermen for making this change and thereby protecting “hundreds of little homes from manufacturing or business intrusion which would have greatly lessened the values of those residences and interfered with the peace and comfort of those owning and occupying them.”

In 1936 many small properties in Nonantum may still have been used for the flexible combination of residential and business purposes described by John Murphy in 1922. In the depths of the Depression, small businesses were surely still looking for inexpensive space, and homeowners were probably still looking for extra income. So rather than the middle-class pattern of strictly residential use assumed by Edward Powers, this 1936 rezoning may have reflected a different assumption, which by this time was widely shared: that strictly residential zoning would help property owners get higher prices if or when they needed to sell.

1920s-50s, exclusionary housing in Oak Hill/south Newton



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Two major residential developments in the southern part of Newton between the 1920s and 1950s used restrictive measures in addition to those created through zoning itself:

- **Oak Hill Village**, east of Dedham Street between Brookline and Parker Streets, developed privately by Arnold Hartmann starting in the 1920s
- **Oak Hill Park**, west of Dedham Street and on the border with West Roxbury, developed by the City of Newton itself in 1948, to house returning (white) veterans with previous ties to Newton

1920s-50s, exclusionary housing in Oak Hill/south Newton

In 1926, developer Arnold Hartmann did not think single-family zoning alone guaranteed “agreeable” neighbors. His “highly restricted” new development between Parker and Dedham Streets regulated architecture through deed restrictions but relied on an application process and “personal contracts” to exclude excluded “uncongenial” residents.

Oak Hill Village
A new suburb in the Newtons,
highly restricted to preserve
old New England traditions

Hit or miss architecture has been barred. There is no chance of a French chateau, an English country house, and a California bungalow appearing consecutively on a Village road. A reproduced New England community could not be thoroughly New England unless the houses within its gates were typically New England. Various types of colonial structures have been erected.

To protect the property and prevent occupancy by uncongenial tenants, Mr. Hartmann worked out some sensible restrictive measures. Those concerning the land and the construction thereon are incorporated in the deed. Those affecting the occupants of the dwelling are contained in a personal contract between the buyer and the Oak Hill Trust. The property is restricted to single family dwellings and no business or manufacturing is allowed.

The buyer must agree that unless he occupies the premises himself, he will not sell or lease them or allow them to be occupied by any person or persons not approved in writing by the seller. Mr. Hartmann believes that no place one lives in can be ideal unless one's neighbors are agreeable.

Supervising the resale of property was one way of guarding the social aspect of the community. Another way was to prohibit the sale of land to undesirable buyers.

The Oak Hill Trust isn't selling itself to prospective buyers, it's making prospective buyers sell themselves to Oak Hill. Applications for land must be filled out and submitted to the trustee. The applicant must give three business and three social references, all of which are carefully investigated before any further negotiations take place. When the reports are satisfactory the name is submitted to the villagers. The sales of the property are being handled by The Oak Hill Co., 77 Summer St., Boston, Mass.

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from 1926 *National Real Estate Journal* article

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These national advertisements do not spell out the details of Hartmann's restrictions, but his marketing appeal to buyers interested in continuing “old New England traditions” suggests Oak Hill Village excluded immigrants from southern or eastern Europe (whether Catholic or Jewish), as well as Black Americans.

Ironically, Hartmann himself was Jewish. The Hartmann papers donated to the United States Holocaust Memorial Museum document his “efforts to help his cousins in Breslau flee Germany during the Holocaust and ... join their relatives” in Shanghai, South America, or the United States (<https://www.ushmm.org/collections/the-museums-collections/about>). Hartmann was also a patron of the American Jewish Historical Society.

1920s-50s, exclusionary housing in Oak Hill/south Newton

The Oak Hill Villager
Vol. III OCTOBER - NOVEMBER, 1938 No. 2



SOMETHING NEW IN HOMES

A well rounded out community should consist of families who are just starting out in life, those who have reached the place where they can have a complete home to meet the needs of their growing family, and those who have passed the prime of life, whose children are married and starting homes of their own, and who now require a simpler form of living.

Up to the present Oak Hill Village has catered largely to the second of these groups. We believe that the time has now arrived when we should consider the requirements of the first and third groups. That is: we should build homes for people who want a simpler and less expensive mode of living.

Heretofore, these people have been obliged to live in sections that have been definitely developed as communities of small inexpensive homes, usually on tiny, inadequate-sized lots. Such a community suggests crowding.

We believe it is desirable to design and build attractive homes with ample grounds that do not have the maximum number of rooms at the beginning. For example, a home to meet the requirements of a young family where the man has a fair earning capacity but has not yet reached his maximum —has one child, with hopes for a larger family as his financial position allows.

(Continued on Page 9)

(Continued from Page 1)

We propose to build homes which will contain the usual living room, dining room and kitchen and two chambers and a bath on the first floor. Later as the family grows and the man's earning ability increases he will require more room. Provision is made so that two additional rooms with bath can be completed at small cost at a later date. This enables the family to have and pay for all the space that they require in the beginning and later on, when their resources allow, they can finish additional chambers.

This, we hope, will bring to the Village some young people who cannot afford at the beginning of their married life to have their ultimate home. They can, however, buy one of these new houses and after making the initial cash payment they can own their home by paying a monthly sum to cover the interest, taxes, and amortization on the mortgage. This monthly payment will not amount to more than they would have to pay for suitable quarters in an apartment, but instead of having, after some years, a group of rent receipts, they will have acquired a substantial equity in their home and when their needs require, they can refinance their home and add to it and eventually pay for it out of rent.

Perhaps you would like to see some of these houses while in process of building? Come out to Oak Hill Village and let us show them to you.

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Alice E. Ingerson, Ph.D.

In 1938, Arnold Hartmann adapted to the new market conditions created by the Depression – and took advantage of the federal government’s brand-new mortgage insurance, available in neighborhoods without “inharmionious” ethnic or racial groups – by beginning to market what today might be called “starter homes.”

By the late 1930s Hartmann had shifted from marketing Oak Hill Village as a “highly restricted new suburb” to marketing smaller, less expensive homes to young families and what would now be called “empty nesters.” In contrast to his original 1920s advertising, this 1938 article makes no mention of deed restrictions, references, an application process, or restrictive “personal contracts.”

As noted in the main part of this presentation, Hartmann objected strenuously to the introduction (1940) and expansion (1953) of minimum lot sizes because he believed these changes would make it harder for him to subdivide and sell his remaining land to his new, less wealthy target buyers.

1947-48, exclusionary housing in Oak Hill Park

367 SINGLE HOUSES FOR VETS TO BE BUILT HERE

Will Rent for \$60-\$65 Per Month Finance Committee Gives Approval to Enter into Contract with Construction Corp.

After considerable negotiation extending over a period of time the Kelly Corporation of Arlington has today given its approval of entering into a contract with the City of Newton for the purchase of approximately 100 acres of land for the erection of 367 single family houses for veterans.

The tentative location is in Oak Hill section, bounded by the Charles River, West Roxbury and Wiswell Road. No zoning changes will be necessary. The houses will be available to veterans at approximately \$60 to \$65 rental per month.

This low cost is made possible by a highly perfected production line method of building and

by the contribution by the City of Newton of streets, sewers, water, etc.

The Finance Committee of the Board of Aldermen, of which Theodore R. Lockwood is chairman has given its informal approval of the general idea. Exact details are still to be worked out.

Newton Graphic, 30 October 1947, p. 1

Nearly 700 Veterans Apply for Homes in Proposed Oak Hill Project

Newton Graphic, 13 December 1947, p. 1

MAYOR SIGNS CONTRACT WITH KELLY CORP., FOR BUILDING OF 415 HOMES FOR VETERANS IN OAK HILL DISTRICT



Newton Graphic, 15 April 1948, pp. 1, 7

The *Graphic* did not explain how or why the plan for Oak Hill Park shifted from rental to ownership housing.

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After World War II, there was a huge demand in Newton for housing affordable to returning veterans.

But continuing opposition to both multifamily and rental housing surely influenced the city's final decisions to build only single-family homes for these veterans, and to sell those homes rather than rent them. It seems that building

- an entire new neighborhood of small-scale ownership housing,
- strictly for (white) veterans with previous Newton connections,
- on the southernmost edge of Newton,
- and in the process eliminating an old gravel pit, to which neighbors had long objected

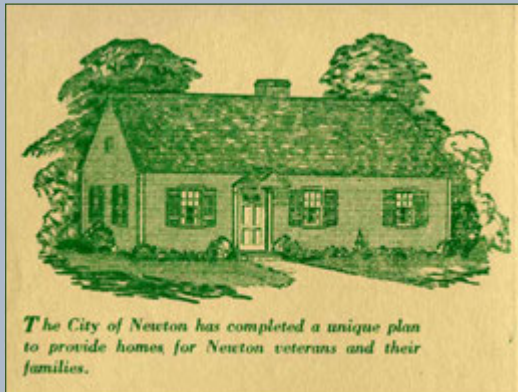
was preferable to implementing either of the ideas previously supported by veterans themselves for creating more rental housing in the already developed parts of Newton by

- either building new apartment buildings
- or dividing existing large single-family homes into apartments.

The following slide explains in more detail some of the constraints on who could live in Oak Hill Park.

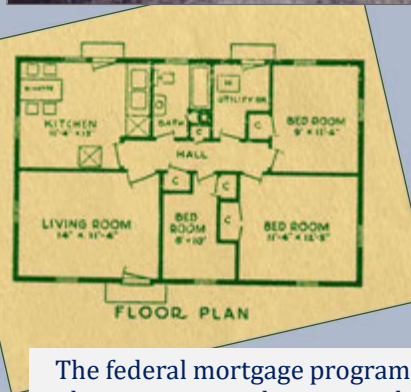
1948-50, exclusionary housing in Oak Hill Park

Oak Hill Park was built on the site of the old Highland Sand & Gravel Pit. Neighbors had not only complained about the noise, dust, and traffic from this business but had also petitioned for rezoning to close it down.



The City of Newton has completed a unique plan to provide homes for Newton veterans and their families.

A basic house in Oak Hill Park cost **\$7,820** and required a **downpayment of only \$100.**



But only **veterans who had already been living in Newton before the war** could buy these homes.

The federal mortgage programs behind the low downpayments also required that all homes in Oak Hill Park be sold only to **white** veterans.

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On the original plan for Oak Hill Park,

- homes faced pedestrian paths and turned their “backs” to the streets
- there was only one combined entrance/exit to Dedham Street
- the neighborhood had its own elementary school, surrounded entirely by homes and accessible by the path system
- a small area was set aside for a “shopping center,” so residents could meet their daily needs without getting in their cars

This plan was presented as fostering neighborliness and keeping cars away from children, who could visit their friends and travel to and from school on the paths. Yet it may not have been accidental that these features also separated Oak Hill Park physically and socially from the surrounding, older neighborhoods whose residents had wanted (and would continue to want) zoning that discouraged “small houses on small lots.”

Over the years, Oak Hill Park slowly became more connected, and similar, to these surrounding neighborhoods:

- residents began treating the street-facing sides of their homes as the “fronts,” and many homes were either enlarged or replaced entirely by much larger ones
- residents petitioned successfully for a second connection to Dedham Street
- the elementary school was sold, and Oak Hill Park children were re-assigned to the Memorial School, east of Dedham Street
- most stores in the “shopping center” closed, making car ownership more critical