



# CITY OF NEWTON

## Planning and Development Board

11/09/2021

The Honorable City Council President, Susan Albright  
City of Newton  
1000 Commonwealth Avenue  
Newton, MA 02459

CC: Honorable Newton City Council

Ruthanne Fuller  
Mayor

Barney Heath  
Director  
Planning & Development

Cat Kemmett, Planning  
Associate

**Members**

Peter Doeringer, Chair  
Kelley Brown, Vice Chair  
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Jennifer Molinsky, Member  
Chris Steele, Member  
Barney Heath, Planning  
Director *ex officio*  
Kevin McCormick, Alternate  
Lee Breckenridge, Alternate

**RE: #180-21** Requesting amendments to Section 4.2.5(A) COUNCILORS LAREDO, LUCAS, LIPOF AND MARKIEWICZ requesting amendments to the City of Newton Zoning Ordinance, Chapter 30, Section 4.2.5(A) Design Standards for the Mixed Use 4 District to clarify language concerning shadows and blocked views in the Mixed Use 4 district.

Dear Honorable Council President Albright:

The Planning and Development Board discussed Docket #180-21 requesting a review and possible amendments to Section 4.2.5(A) of the City of Newton’s Zoning Ordinance at its regularly-scheduled meeting on November 1, 2021.

The Board understands that the proposed amendments dealing with shadows and blocked views are in response to differing interpretations of Section 4.2.5(A) that have recently arisen during reviews of projects before the Land Use Committee. However, some Board members noted the similarities in the language of the proposed amendments and the original language of Section 4.2.5(A) and questioned whether the amendments would resolve the confusion. The Board’s subsequent discussions focused on two questions: (1) whether the proposed amendments corrected the ambiguities in the existing Ordinance and (2) whether the Board wished to elaborate its understanding of the intent of the proposed amendment.

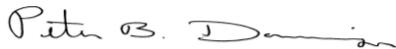
After examining various alternatives to the current language of the Ordinance, the Board concluded that the proposed amendments reduced the ambiguity in the Ordinance as well or better than the other alternatives. There was then further discussion about the Board’s interpretation of the intent of the proposed amendments.

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The Board recognizes that issues of shadows and blocked views will inevitably arise under the MU4 zoning ordinance. Nevertheless, because each project will have unique characteristics and unique surroundings, these issues are best resolved on a case-by-case basis through the flexible and discretionary procedures of the Special Permit process. The Board's view of the proposed MU4 amendments is that they confirm the principle established in Newton's Comprehensive Plan that "buildings and spaces should be respectful of and compatible with the context within which the development is located". While the Comprehensive Plan specifically identifies shadows and blocked views as an example of adverse impacts that need to be evaluated, it is also clear that the Comprehensive Plan envisions that these adverse consequences must be weighed along with other considerations as part of the larger packages of benefits and adverse consequences that are typically realized through the Special Permitting process. Because these considerations benefit from having detailed technical information on adverse impacts such as shadows, the Board also endorses the Planning Department's new policy of requesting that developers routinely provide detailed shadow studies as part of their MU4 proposals. With these understandings in mind, the Board voted 6 in favor of the proposed amendments in Docket #180-21, with Director Heath abstaining.

Following the November 9, 2021 joint public hearing with the Zoning and Planning Committee on Docket #180-21, the Planning Board voted to adopt the Zoning and Planning Committee's amended version of Docket #180-21 by a vote of 6 in favor, with Director Heath abstaining.

Sincerely,



Peter B. Doeringer, Chair