



Zoning & Planning Committee Agenda

City of Newton In City Council

Monday, March 14, 2022

7:00 PM

The Zoning and Planning Committee will hold this meeting as a virtual meeting on Monday, March 14, 2022 at 7:00 PM. To view this meeting using Zoom, use this link: <https://us02web.zoom.us/j/81728988968> or call 1-646-558-8656 and use the following Meeting ID: 817 2898 8968.

Items Scheduled for Discussion:

Chair's Note: *Planning staff will present the plan for community engagement regarding development scenarios that could accomplish shared goals. The committee will as well have time to discuss work presented at the previous meeting.*

#38-22 Discussion and review relative to the draft Zoning Ordinance regarding village centers

ZONING & PLANNING COMMITTEE requesting review, discussion and possible ordinance amendments relative to Chapter 30 zoning ordinances pertaining to Mixed Use, business districts and village districts relative to the draft Zoning Ordinance. (formerly #88-20)

Held 7-0 (Councilor Leary not voting) on 02/28/22

8:00 PM Public Hearing

#42-22 Citizens petition to amend the village center district

ATTORNEY PETER HARRINGTON ET AL., submitting a 60-signature citizen petition to strike Chapter 30, Section 4.1 Business Districts, in its entirety and insert, in place thereof, the following: 4.1. Village Center District; 4.1.1. District Intent and 4.1.2. Dimensional Standards.

Zoning & Planning Held 7-1 (Councilor Danberg opposed); Public Hearing Continued on 02/28/22.

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

#127-22 Request for amendment to the Zoning Code to regulate “last mile” delivery services

COUNCILORS LAREDO, DOWNS, CROSSLEY, RYAN, KALIS, DANBERG, KRINTZMAN ALBRIGHT, MARKIEWICZ AND WRIGHT requesting an amendment to the Zoning Code to regulate “last mile” delivery services in the City of Newton.

#180-22 Reappointment of Daniel C. Green to the Conservation Commission

HER HONOR THE MAYOR reappointing Daniel C. Green, 38 Everett Street, Newton Center to the Conservation Commission for a term of office to expire on January 1, 2025. (60 days: 05/06/22)

Chair’s Note: *The Committee will discuss its calendar and scheduling for upcoming meetings.*

Respectfully Submitted,

Deborah J. Crossley, Chair

VILLAGE CENTER DISTRICT AMENDMENT - 2021

Strike Chapter 30, Section 4.1. Business Districts, in its entirety and insert, in place thereof, the following. (1)

RECEIVED
2021 SEP 30 PM 12:04

iv.
CITY CLERK
NEWTON, MA. 02459

floor immediately below. Such area shall not be restricted by the conditions of §4.1.2. A. ii. (3) Dormers, as defined in Section 1.5.4.G., may not exceed ten (10) feet in width and separation between dormers shall be not less than 15 feet. No Special Permit or variance may allow for greater size, capacity, or use.

4.1. VILLAGE CENTER DISTRICT

4.1.1. DISTRICT INTENT

To create a zoning district for Newton Village Centers that maintains a “village scale” and answers the demands created by the recent amendment to MGL Chapter 40A, Section 3 to allow multi-family housing or mixed-use development as of right or by special permit in “eligible locations”. (2)

4.1.2. DIMENSIONAL STANDARDS

A. Building Height. Building height is limited to two stories unless otherwise provided.

- i. A flat roofed building with allowed uses set forth in §C. i and C. ii below, shall be limited to two stories.
- ii. A three story, flat roofed building is allowed, provided that not less than forty (40%) per cent of the floor area of said building is for multi-family residential use and further provided that ten (10%) percent of the floor area of said residential use is for units that are deed restricted for occupancy or ownership by occupants with limited assets earning less than fifty (50%) of the Greater Boston Area Median Income. Said restriction is to be in a form approved by the City of Newton Law Department. (3)
- iii. A pitched roof on any building may contain usable space under the roof, provided such usable space does not exceed 60% of the floor area of the

B. Other Dimensional Use Standards.

- i. Building coverage shall not exceed 85% of the lot area.
- ii. No building shall be set back less than five (5) feet from a property line adjacent to a public way or private way to which the public has a right of access, excluding foot and bicycle easements.
- iii. No building shall be set back less than 50 feet from an adjoining single family or two family zoning District.
- iv. Existing non-conforming structures may be torn down and replaced. Any increase in floor space shall be vertical and shall not extend beyond the pre-existing, nonconforming building footprint.
- v. Party Walls are permitted.

C. Use Standards

- i. Commercial retail, office, hospitality, or other commercial use not assigned to another use district under this chapter.
- ii. Residential use above the first floor (including multi-family use).
- iii. All buildings, structures, and additions located on a lot in single and separate ownership, may be available for use in common or in connection with contiguous or adjacent lots without the requirement of a Special Permit.

VILLAGE CENTER DISTRICT AMENDMENT - 2021

- iv. Development of a building on a separately owned lot shall be considered a separate project and shall not require a Special Permit even though connected by party walls.
- v. **Any building construction in excess of two stories shall be subject to the provisions on section 7.4 of this chapter (Site Plan Approval).**

D. A Special Permit is required for:

- i. Any development in the Village Center districts of 30,000 square feet or more of gross floor area.
- ii. Use of the roof for the installation and/or storage of mechanical systems, including HVAC equipment.
- iii. A Site Plan Review is required in connection with a Special Permit.

E. District Designation.

Unless otherwise designated in Section 1.3.2 of this chapter, this Zoning District shall apply to all areas previously zoned Business 1.

Amendment to Section 3 of Chapter 40A, the State Zoning Law.

Section 3 A. (a)(1) An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; . . . ; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

(b) An MBTA community that fails to comply with this section shall not be eligible for funds from: (i) the Housing Choice Initiative . . . ; (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A."

FOOTNOTES

¹ *Newton has five Business use districts and four Mixed Use districts. During Zoning Redesign, these districts should be consolidated to conform to the form-based standards being adopted. This is a proposal to amend areas now zoned Business 1, most significantly by allowing residential use as of right rather than by a Special Permit and limiting height of buildings.*

² *From Eastport, Maine to Kansas, to the Pacific coastal towns; from Ireland to Italy, a village center is immediately recognizable by the predominance of two and three story buildings, its mix of commercial uses, residential uses and local businesses to serve the village residents.*

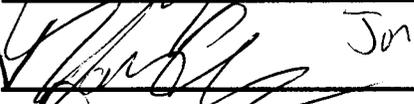
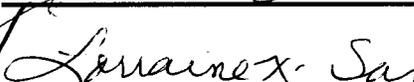
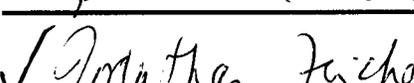
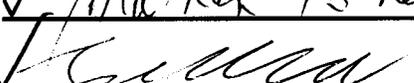
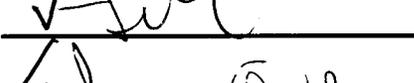
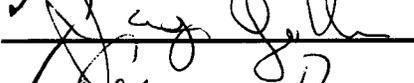
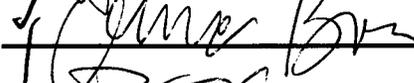
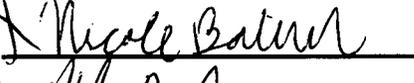
³ *Assume a lot in a Village Center District contains 10,000 square feet of land. 85% lot coverage times two floors (above the first floor) equals 17,000 square feet plus 5,100 square feet under the sloped roof (60% of 8,500 square feet third floor) equals 22,100 square feet for residential use. 1,700 square feet of space is for low income housing.*

Residential unit size will have to be adjusted to allow for exterior and unit perimeter walls, hallways and stairways.

This formula falls within the form based concept of zoning. It provides an option for developers and land owners to expand building space and to provide housing for an economically disadvantaged portion of the population.

It also qualifies to meet the goals of providing such housing without the necessity of obtaining a special permit, as set out in MGL c.40A, §3, as amended by Chapter 358 of the Acts of 2021.

We, the undersigned voters of the City of Newton, hereby by petition the Newton City Council to hold a public hearing and act upon the attached amendment to the Newton Zoning Ordinance, titled "Village Center District Amendment - 2021", in accordance with Section 10-2 of the Newton City Charter, that says, in part, "The city council . . . shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by at least 50 voters, and which seeks the passage of a measure." The amendment is intended to limit building height and preserve the unique character of our villages.

Signature	Print Name & Address	Ward
	Carol O'Grady 920 CENTRE ST	6
	Jon Clarys 23 Buswell rd 02458	
	CARA STEEHY 43 HIGHLAND AVE #3 NEWTONVILLE	
	Robert Williams 47 Washington Park Newtonville	
	JAMES WOOD 47 WASHINGTON PARK 02460	2
	Lorraine Janik 411 Newtonville Ave	
	Jonathan Fischer 411 Newtonville Ave	
	Jenny Chen 79 Walnut St.	
	Diana Reoupy 90 Highland St.	
	Fran Mancini 38 Carleton St	
	JAY Goldman 41 Vineyard Rd	
	Emma Barson 40 Bolton	
	Darius Eslamii 40 Bolton	
	Nicole Babich 110 Madison AVE Newtonville MA	
	Kyle Zinchuk 110 Madison Ave Newtonville MA	

We, the undersigned voters of the City of Newton, hereby by petition the Newton City Council to hold a public hearing and act upon the attached amendment to the Newton Zoning Ordinance, titled "Village Center District Amendment - 2021", in accordance with Section 10-2 of the Newton City Charter, that says, in part, "The city council . . . shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by at least 50 voters, and which seeks the passage of a measure." The amendment is intended to limit building height and preserve the unique character of our villages.

Signature	Print Name & Address	Ward
✓ Mark Rubel	Mark Rubel 51 Brooks Ave	2-1
✓ Helen K. Rubel	Helen K. Rubel 51 Brooks Ave	2-1
✓ Daniel Harris	Daniel Harris 17#Merdeen	
✓ Doug Marand	Doug Marand 12 Marion St	
✓ Lynne Marand	Lynne Marand " "	
✓ Robert DeSantis	Robert DeSantis 46 Parsons	3
✓ Hilary Bialk	Hilary Bialk 16 Creole Dr.	
✓ Liana Amichangco	Liana Amichangco 15 Ohio Ave	
✓ Jeff D. Sitter (CITIZEN)	JEFFREY SITTER, 120 CENTER ST	3
✓ William Swartz	William Swartz 113 Edinburgh St	
✓ Jacob Weidberg	Jacob Weidberg 145 Langley Rd	
✓ Tom DiGostino	TOM DIGOSTINO 359 CABOT ST	
✓ Susan Poole	Susan Poole 71 Fresenden St	2
✓ Christine Bradh	Christine Bradh 701 Washington	

We, the undersigned voters of the City of Newton, hereby by petition the Newton City Council to hold a public hearing and act upon the attached amendment to the Newton Zoning Ordinance, titled "Village Center District Amendment - 2021", in accordance with Section 10-2 of the Newton City Charter, that says, in part, "The city council . . . shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by at least 50 voters, and which seeks the passage of a measure." The amendment is intended to limit building height and preserve the unique character of our villages.

Signature	Print Name & Address	Ward
✓ Ashley Sullivan	Ashley Sullivan, 27 Wyoming Rd, 02460	2
✓ J. Dumas	JOSEPH DALTON, 12 Academy Rd, 02458	
✓ J. Robinson	Judith Robinson 251 Auburndale Ave	
✓ J. Felder	2012A FELDMAN 29 Conover Ave	
✓ Annette Seward	Annette Seward 17 Davis St. W. Newton 02465	3
✓ N. Fargy	28 Angers Ave Newton.	
✓ N. Markowitz	28 Austin Street Newton MA	
✓ N. B. Smith	311 Walnut St Newtonville	2, 3
✓ N. Sando	391 Walnut St Newtonville MA	2
✓ J. M. Plan	845 WASHINGTON ST. WASHINGTON	2
✓ David Seaman	347 Cabot St Newhall	2
✓ Barbara Darnell	BARBARA DARNELL 296 LAKE AVE	6, 3
✓ Elyse Pino	Elyse Pino 140 Brookside Ave.	2
✓ Susan Reister	Susan Reister 11 Clafin Pl.	2
✓ Marianne Louderback	137 Elgin St	7

(11)

Petition to the Newton City Council to consider a compromise amendment to the Zoning Ordinance for Newton Villages

We, the undersigned Newton Voters request the Newton City Council consider and approve the attached proposal for amendment to the Newton Zoning Ordinance.

Name

Address

✓ ¹ G. G. G. 61 Waban Park

✓ ¹ Anne Reenstierna 90 Waban Park

✓ ² Eric Reardon " " "

✓ ³ Barbara J. Dittusson 93 Waban Park

✓ ⁴ W. A. D. 93 WABAN PARK

✓ ⁵ Bernard J. G. 116 Jewett St

✓ ⁶ J. M. G. 116 Jewett St

✓ ⁷ M. I. H. 38 WABAN ST

✓ ⁸ Jennifer Furse 110 Jewett St.

✓ ⁹ Wendy P. 38 WABAN ST.

✓ ¹⁰ John Small 110 Jewett St.

✓ ¹¹ Kevin R. K. 92 HAWTHORN ST.

✓ ¹² Thomas K. 141 Jewett St #2

✓ ¹³ Arthur-LeBasseur 98 Jewett Street

✓ ¹⁴ JOE CROWLEY 129 WABAN ST

(15) ✓ ¹⁵ Quatha Adams 227 Jackson Rd, Newton MA 02458

**Petition to the Newton City Council to consider a
compromise amendment to the Zoning Ordinance for Newton Villages**

We, the undersigned Newton Voters request the Newton City Council consider and approve the attached proposal for amendment to the Newton Zoning Ordinance.

Name

Address

- ✓¹ Julie Lavelly 35 Waban St Newton 02458
- ✓² EUGENE LAUREL 35 WABAN ST NEWTON MA 02458
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15

(8)

September 30, 2021

A zoning amendment to protect Newton village centers from over development has been filed with the City Council by Peter F. Harrington, a West Newton Attorney familiar with zoning law.

“This proposal is intended to protect the visual character of our villages, encourage reasonable village redevelopment and meets new state requirements for multi-family residences,” according to Mr. Harrington.

Innovations included in the amendment include elimination of special permits, a strict limit on building height and a bonus allowance for sloped roofs. The two story threshold height limit in village centers remains the same. A third floor is allowed, as of right, if it is used for multi-family housing. Under the present law a third floor requires a special permit. If a sloped roof is added the owner can use the interior attic space.

Harrington, a former Vice President of the Newton Board of Aldermen and a former Newton State Representative said, “We need to address the new State requirements while the City Council is rewriting our zoning ordinance. They are discussing Village Center zoning. This proposed zoning law meets the State’s new requirements and we can take advantage of the Council calendar meet our obligations.”

Some of the objectives of this proposal are to eliminate uncertainty of development in our villages for both neighbors and builders, speed up the time between conception and production, allow flexibility in unit design, provide an opportunity to build new naturally affordable housing, and preserve the New England Village character of our community

Over 65 Newton voters have signed a petition asking the City Council to hold a public hearing on Harrington’s proposed zoning amendment. Under Section 10 of the City Charter a public hearing is required if 50 or more citizens request it.

In January 2021 Governor Baker signed an amendment to Section 3 of Chapter 40A, the State Zoning Law.

Section 3 A. (a)(1) An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; . . . ; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

(b) An MBTA community that fails to comply with this section shall not be eligible for funds from: (i) the Housing Choice Initiative. . . ; (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A.”

end



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#180-22
Telephone
(617) 796-1100
Fax
(617) 796-1113
TDD/TTY
(617) 796-1089
Email
rfuller@newtonma.gov

February 28, 2022

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

RECEIVED
2022 FEB 28 PM 4:21
CITY CLERK
NEWTON, MA. 02459

To the Honorable City Councilors:

I am pleased to reappoint Daniel C. Green of 38 Everett Street, Newton Center as a full member of the Conservation Commission. His term of office shall expire on January 1, 2025 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

Application Form

Profile

Daniel (Dan) C. Green
First Name Middle Initial Last Name

[REDACTED]
Email Address

38 Everett Street _____
Home Address Suite or Apt

Newton Centre MA 02459
City State Postal Code

What Ward do you live in?

Ward 7

[REDACTED] Business:
Primary Phone Alternate Phone

The Green Company President and Principal
Employer Job Title

Which Boards would you like to apply for?

Conservation Commission: Submitted

Interests & Experiences

Please tell us about yourself and why you want to serve.

Why are you interested in serving on a board or commission?

Mr. Green stated in a phone call, that he would like to continue as a commissioner, and is currently Chair of the commission.

Bio-Dan_Green.pdf
Upload a Resume

Daniel Green
President, The Green Company

Daniel Green is President and a principal of The Green Company, a Massachusetts-based construction and development firm that creates, designs and builds award-winning residential communities.

Builder Magazine, Professional Builder Magazine, and the National Association of Home Builders (NAHB) have recognized The Green Company with 11 Builder's Choice-Design awards (more than any other builder in the country), 14 Best in American Living (BALA) awards, more than 50 National Sales and Marketing awards and 5 business management and customer satisfaction awards.

Green, a third generation builder, graduated from Harvard University and earned his Master's in Business at Duke University's Fuqua School of Business. He is on the board of directors of The Newton Conservators, a local non-profit charged with promoting the preservation of open space and environmentally sensitive areas in the City of Newton, Mass. He also sits on the City of Newton Conservation Commission and was previously on City of Newton Community Preservation Committee. He was actively involved in the National Association of Home Builders (NAHB) holding a number of appointed positions, including National Center on the Housing Industry trustee and chair of its education subcommittee, as well as Builder Trustee of the National Sales and Marketing Council. He was a member of the Executive Board of the Builders Association of Greater Boston, and was President of the association in 2007. Green is currently a judge and standards writer for the National Housing Quality Award, which is modeled after the Malcolm Baldrige National Quality Award and represents the housing industry's highest recognition for achievements in total quality management.