



## City Council Actions

### In City Council

Monday March 7, 2022

**Present:** Councilors Baker, Bowman, Crossley, Danberg, Downs, Gentile, Greenberg, Grossman, Humphrey, Kalis, Kelley, Krintzman, Laredo, Leary, Lipof, Lucas, Malakie, Markiewicz, Noel, Norton, Oliver, Ryan, Wright & Albright.

**Clerk's Note:** The full Council meeting can be viewed on the following link:

<https://newtv.org/recent-video/63-newton-city-council-meetings/7397-newton-city-council-committee-of-the-whole-march-7-2022>

The City Council went into a Committee of the Whole to hear the City Planning Department present a discussion regarding the MBTA Communities Act.

**#174-22      Discussion with the Planning Department regarding the MBTA Communities Act**  
THE PLANNING DEPARTMENT requesting a discussion with the City Council to inform it about the MBTA Communities Act, section 3A c. 40A  
**Committee of the Whole voted No Action Necessary 23 yeas, 0 nays, 1 absent (Councilor Danberg)**

**Clerk's Note:** See attached Committee of the Whole Report.

### **The City Council discussed the following items on Second Call:**

**#28-22      Petition to request a 12-unit multi-family dwelling at 383-387 Boylston Street**  
**BARBARA AND GERALD BARATZ REVOCABLE TRUSTS** petition for **SPECIAL PERMIT/SITE PLAN APPROVAL** to allow a three story, 12-unit multi-family dwelling with an FAR of 1.5 and 36' in height, ground floor residential use, a building with more than 20,000 sq. ft., to alter and extend a nonconforming side setback, to waive six parking stalls, to reduce the width of parking stalls, to reduce the driveway width for two-way traffic, to allow a loading facility which may impede traffic, and to allow a retaining wall greater than four feet in height within the setback at 50 Jackson Street/383-387 Boylston, Ward 6, Newton, on land known as Section 65 Block 11 Lot 04, containing approximately 14,866 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.4.1, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 7.8.2.C.2, 5.1.4, 5.1.8.B.1, 5.1.8.D.1, 5.1.12.D.5, 5.1.13, 5.4.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved 6-0 (Councilors Laredo and Lucas Abstaining); Public Hearing Closed 1/25/22**

**City Council Unanimously Recommitted to Land Use by Voice Vote**

**City Council postponed to March 7, 2022 by Voice Vote**

**City Council Approved 24 yeas, 0 Nays**

Clerk's Note: Councilor Danberg stated the reason why this docket item was postponed to today's meeting was to ensure more Councilors were a part of the discussion. Councilors discussed the allowances recommended by the Land Use Committee to allow Residential units in a district zoned for Business Use.

**#168-22 Authorization to enter into a 5-year contract**

HER HONOR THE MAYOR requesting approval to enter into a five-year (5) contract for the supply and delivery of school bus transportation services for Newton Public Schools commencing on July 1, 2022 and ending on June 30, 2027

**Finance Approved 8-0**

**Motion to recommit to Finance Committee Failed 8 yeas, 16 nays (Councilors Bowman, Crossley, Danberg, Downs, Gentile, Greenberg, Grossman, Humphrey, Kelley, Leary, Lipof, Lucas, Malakie, Markiewicz, Oliver, and Albright)**

**City Council Approved 24 yeas, 0 Nays**

Clerk's Note: Councilor Krintzman discussed reasons why this docket item was placed on second call, mainly the question about removing bussing fees. Council began discussion on recommitting item back to Finance Committee for further deliberation.

**Referred to Committee of the Whole**

**#184-22 Discussion on Regulating Building Energy Reporting and Reduction**

COUNCILOR CROSSLEY ON BEHALF OF THE ZONING & PLANNING COMMITTEE requesting that Newton's co-Directors of Sustainability and the Citizens' Energy Commission, join the Council to present the key elements and expected timeline and resources necessary to create a program ordinance that would regulate building energy reporting and reduction by large property owners in the city.

**City Council Approved 24 yeas, 0 Nays**

Clerk's Note: Pursuant to the Rules of the Council, items which are within the jurisdiction of the six standing committees which are referred to a Committee of the Whole, must be placed on second call and the decision of the referral shall be subject to a majority vote of the Council.

**The City Council voted without discussion 24 Yeas, 0 Nays, to Accept the Committee Recommendations on the following items:**

## Referred to Land Use Committee

- #26-22**      **Petition to request variances from side setback and garage door width requirements and to exceed maximum FAR at 14 Crystal Street**  
JEFF FREEDMAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing garage and construct a new attached garage exceeding the maximum FAR and requiring setback and door width variances at 14 Crystal Street, Ward 6, Newton, on land known as Section 62 Block 07 Lot 08, containing approximately 11,640 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.4.4.C.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved Withdrawal without Prejudice 7-0 (Councilor Greenberg not voting)**
- #118-22**      **Petition to amend Special Permit #18-15 at 17 Cushing Street**  
DAN MARX AND BETH SLIVERBERG petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #18-15 to construct a single story addition consisting of an internal accessory apartment, resulting in an increase of FAR from .34 to .45 where .50 was previously approved, and to construct a detached two-car garage at 17 Cushing Street, Ward 6, Newton, on land known as Section 52, Block 27, Lot 10, containing approximately 8640 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 8-0; Public Hearing Closed 3/1/22**
- #119-22**      **Petition to amend Special Permit #187-94 at 15 Roberts Avenue**  
MICHAEL KUCZEWSKI petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #187-94 to construct a rear porch with living space above adding 182 sq. ft. to the existing footprint of the house, replacing a nonconforming rear deck with an enclosed 36 sq. ft. basement access, adding a heat pump compressor and replacing the front entrance with an open entry stair and landing at 15 Roberts Avenue, Ward 2, Newton, on land known as Section 21, Block 33, Lot 10, containing approximately 5081 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 8-0; Public Hearing Closed 3/1/22**
- #157-22**      **Petition to extend nonconforming front setbacks at 4 Clarendon Street**  
VENKATESA RAVI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a second-story addition, vertically extending the nonconforming front setbacks on a corner lot at 4 Clarendon Street, Ward 2, Newton, on land known as Section 22 Block 09 Lot 01, containing approximately 5823 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 8-0; Public Hearing Closed 3/1/22**

**#158-22      Petition to reconstruct and extend nonconforming two-family use at 68 Evergreen Avenue**

CAROL QUINN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to extend the legally nonconforming two-family residential dwelling in the SR3 district by razing and reconstructing the existing structure at 68 Evergreen Street, Ward 4, Newton, on land known as Section 41 Block 04 Lot 11, containing approximately 12,271 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.1, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved 8-0; Public Hearing Closed 3/1/22**

**#176-22      Class 2 Auto Dealer License**

NEWTON COLLISION, INC. d/b/a GM AUTO BODY  
64 Crafts Street  
Newton, MA. 02458

**Land Use Approved 8-0**

**Referred to Zoning Planning Committee**

**#113-22      Request for Amendment to Zoning Ordinance to allow restaurants for nine months to add outdoor seating**

HER HONOR THE MAYOR requesting to amend the Zoning Ordinance to insert a new Section 5.1.14 to allow restaurants for nine months to add outdoor seating on their private property regardless of the impact on any applicable parking and seating requirements from April 1, 2022 until January 1, 2023.

**Zoning & Planning Approved 8-0; Public Hearing closed 02/28/22**

**Referred to Programs & Services Committee**

**#133-22      Petition to expand the area represented by the Newton Highlands Area Council**

SRDJAN S. NEDELJKOVIC et. al. petitioning the City Council to expand the area represented by the Newton Highlands Neighborhood Area Council to include areas immediately contiguous with the existing service area of the Newton Highlands Neighborhood Area Council pursuant to Article 9, Section 9-4 of the City of Newton Charter

**Programs & Services Approved 5-0; Public Hearing Closed 02/23/22**

**Referred to Programs & Services and Finance Committees**

**#173-22      Request to transfer \$165,000 from Current Year Budget Reserve**

HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred sixty-five thousand dollars (\$165,000) from Acct # 0110498-579000 Current Year Budget Reserve to Acct # 0160238-585270 Parks, Recreation & Culture Trash Receptacles for the purchase of open-style trash and recycling receptacles with active monitoring and reporting capability for 30 strategic high-use areas in the City.

**Finance Approved 8-0 on 02/28/22**

**Programs & Services Approved 5-0**

**Referred to Public Facilities Committee**

**#154-22**

**Request for water main extensions in Midland Avenue**

JOHN J ENGLERT, on behalf of The Residence on the Charles, LLP, 37 Walnut Street, Suite 110, Wellesley Hills, petitioning for water main extension in MIDLAND AVENUE. The petition includes the acceptance of an approximately 40' x 150' utility easement as shown in the plan dated December 1, 2021, in Midland Avenue (private way). (Ward 1)

**PETITIONER TO PAY ENTIRE COST**

**Public Facilities Approved 6-0**

**#139-22**

**5-58 for the Commonwealth Golf Course at 212 Kenrick Street**

DESIGN REVIEW COMMITTEE petition, pursuant to 5-58, for schematic design and site plan approval at 212 Kenrick Street for the renovation and expanding of the existing Maintenance Facility to provide additional space for storage and repair of the golf course maintenance equipment and to upgrade the interior of the existing facility to improve the indoor environment, adjust the layout and space adjacencies to improve the safety and efficiency for the workers and provide proper code complaint environments for the Staff and the Facilities Director.

**Public Facilities Approved 6-0**

**#143-22**

**Appointment of Stacy Roman to the Designer Selection Committee**

HER HONOR THE MAYOR appointing Stacy Roman, 32 Arapahoe Road, Newton 02456 to the Designer Selection Committee for a term of office to expire December 31, 2025. (60 days: 04/08/22)

**Public Facilities Approved 6-0**

**#144-22**

**Appointment of Adam Bernstein to the Design Review Committee**

HER HONOR THE MAYOR appointing Adam Bernstein, 21 Nod Hill Road, Newton, 02461 to the DESIGN REVIEW COMMITTEE for a term to expire upon the completion of the Countryside School Project. (60 days: 04/08/22)

**Public Facilities Approved 6-0**

**Referred to Public Facilities and Finance Committees**

**#175-22**

**Approve \$1,500,000 for snow and ice removal**

HER HONOR THE MAYOR requesting authorization to transfer the sum of one million five hundred thousand dollars (\$1,500,000) from Acct # 0110498-579400, Reserve for Snow/Ice Removal as follows:

Regular Overtime	
(0140123-513010).....	\$150,000
Rental Vehicles/Contractors	
(0140123-527300).....	\$1,350,000

**Finance Approved 8-0 on 02/28/22**

**Public Facilities Approved 6-0**

### **Referred to Finance Committee**

- #167-22 Request to transfer \$50,000 from City Council Full Time Salaries**  
HER HONOR THE MAYOR requesting authorization to transfer the sum of fifty thousand dollars (\$50,000) from Acct # 0110111-511001 City Council Full Time Salaries to Acct # 0110111-534300 City Council Advertising/ Publications.  
**Finance Approved 7-0 (Councilor Gentile not voting)**
- #166-22 Acceptance of \$35,000 for the purchase of FireDex Leather Fire Boots**  
HER HONOR THE MAYOR requesting authorization to accept, appropriate and expend the sum of thirty-five thousand dollars (\$35,000) from the Executive Office of Public Safety and Security and the Department of Fire Services Firefighter Safety Equipment Grant for the purchase of FireDex Leather Fire Boots  
**Finance Approved 7-0 (Councilor Gentile not voting)**
- #172-22 Acceptance of \$25,600 from Massachusetts Emergency Management Agency**  
HER HONOR THE MAYOR requesting authorization to accept, appropriate and expend the sum of twenty-five thousand six hundred dollars (\$25,600) from the Massachusetts Emergency Management Agency (MEMA) Emergency Management Preparedness Grant to purchase equipment to expand the capabilities of the CAD back up system, pay for costs related to the internet connection for the EOC, and purchase protective gear and public safety equipment.  
**Finance Approved 7-0 (Councilor Gentile not voting)**

### **Referred to Programs & Services and Finance Committees**

- #173-22 Request to transfer \$165,000 from Current Year Budget Reserve**  
HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred sixty-five thousand dollars (\$165,000) from Acct # 0110498-579000 Current Year Budget Reserve to Acct # 0160238-585270 Parks, Recreation & Culture Trash Receptacles for the purchase of open-style trash and recycling receptacles with active monitoring and reporting capability for 30 strategic high-use areas in the City.  
**Programs & Services Approved 5-0 on 02/23/22**  
**Finance Approved 8-0**

### **Referred to Zoning & Planning and Finance Committees**

- #150-22 CPC Recommendation to appropriate \$94,600 in CPA funding**  
COMMUNITY PRESERVATION COMMITTEE recommending appropriation of ninety-four thousand six hundred dollars (\$94,600) in Community Preservation Act fund, with \$74,978.29 to come from the FY22 Unrestricted Funds (Account #58R10498-57900) and the remaining \$19,621.71 to come from the FY22 Historic Resource Fund (Account #58B10498-57900B) to the control of the Planning & Development Department for a grant to the New Art Center to complete the plans and studies necessary to move forward with the restoration of the former Church of the Open Word located at 19 Highland Avenue.

**Zoning & Planning Approved 8-0 on 02/14/22****Finance Approved 8-0**

- #148-22**      **Acceptance of \$581,600 from MassDOT's Community Connections Program**  
HER HONOR THE MAYOR requesting authorization to accept and expend the sum of five hundred eighty-one thousand six hundred dollars (\$581,600) in grant funding from the MassDOT's Community Connections Program for the customer service of Newton in Motion (NewMo), the City's on-demand ridesharing service for everyone in Newton  
**Finance Approved 7-0 (Councilor Gentile not voting)**
- #149-22**      **Acceptance of \$125,000 from MassDOT's Community Transit Grant Program**  
HER HONOR THE MAYOR requesting authorization to accept and expend the sum of one hundred twenty-five thousand (\$125,000) in grant funding from MassDOT's Community Transit Grant Program SFY21 for the senior service of Newton in Motion (NewMo), the City's on-demand ridesharing for older residents in Newton  
**Finance Approved 7-0 (Councilor Gentile not voting)**

**Motion to suspend the Rules to accept late filed items to be referred to Committee:****Referred to Public Safety & Transportation Committee**

- #183-22**      **Requesting a discussion and possible amendment to Newton's firearms ordinance Sec. 20-62 Weapons**  
COUNCILORS KELLEY, LIPOF, DOWNS, WRIGHT, MALAKIE, DANBERG, KRINTZMAN AND LUCAS requesting a discussion with Police Chief Carmichael and possible adoption of an amendment to Newton's fire arms ordinance Sec. 20-62 Weapons – Discharging firearms, to include a ban on discharging air guns, air rifles, BB guns or pellet guns in the City.

**Referred to Programs & Services Committee**

- #185-22**      **Requesting a discussion with CGR, authors of the Community Needs Assessment**  
COUNCILORS ALBRIGHT AND KRINTZMAN requesting a presentation and discussion with CGR, the authors of the Community Needs Assessment, regarding findings and recommendations on Newton needs. In the last term, the City Council docketed a request to hear from each department and how they support people in need, including, immigrants, seniors, disabled individuals, families and families with adult disabled children. As this discussion never occurred this presentation would reestablish the need for this discussion between the Council and the Administration.

**Public Hearings were assigned for the following Items:*****Public hearing to be Assigned for March 22, 2022***

- #177-22**      **Petition to allow an oversized internal accessory apartment and extend a nonconforming**

**two-family use at 350 Cabot Street**

PETER LEIS and JENNIFER STORO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to create an oversized internal accessory apartment within one of two dwelling units and further extend the nonconforming two-family dwelling use at 350 Cabot Street, Ward 2, Newton, on land known as Section 22 Block 19 Lot 05, containing approximately 12,594 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 6.7.1.D.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017

***Public hearing to be Assigned for March 22, 2022*****#178-22      Petition to alter and extend a nonconforming residential use and extend a nonconforming side setback at 2-4 Auburndale Avenue**

BERNARDO and LISA MARZILLI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to alter and extend a nonconforming residential use and construct a rear addition to the existing dwelling, to allow a 2.5 story building, to allow a building with 36' in height, and to further extend a nonconforming side setback at 2-4 Auburndale Avenue, Ward 3, on land known as Section 33 Block 23 Lot 13, containing approximately 11,702 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.4.1, 7.8.2.C.2, 4.1.2.B.3, 4.1.3 of the City of Newton Rev Zoning Ord, 2017.

***Public Hearing to be Assigned for March 8, 2022*****#161-22      Petition to allow retaining wall in excess of 4 feet and to exceed FAR at 26 Magnolia Avenue**

JOHN ARONE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a new dwelling with retaining walls along the sides and rear of the property exceeding 4' in height at 26 Magnolia Avenue, Ward 7, Newton, on land known as Section 72 Block 39 Lot 23, containing approximately 15,787 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 5.4.2.B of the City of Newton Rev Zoning Ord, 2017.





## Newton City Council

### Committee of the Whole Report

**Monday, March 7, 2022**

**Present:** Councilors Baker, Bowman, Crossley, Downs, Gentile, Greenberg, Grossman, Humphrey, Kalis, Kelley, Krintzman, Laredo, Leary, Lipof, Lucas, Malakie, Markiewicz, Noel, Norton, Oliver, Ryan, Wright & Albright.

**Absent:** Councilor Danberg

**Also Present:** Director of Planning Barney Heath; Assistant Director of Planning Jennifer Caira; Chief of Long Range Planning Zachery LeMel

**Clerk's Note: The full Council meeting can be viewed on the following link:**

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The City Council went into a Committee of the Whole to hear the City Planning Department present a discussion on the MBTA Communities Act, Section 3A c. 40A.

**#174-22      Discussion with the Planning Department regarding the MBTA Communities Act**  
THE PLANNING DEPARTMENT requesting a discussion with the City Council to inform it about the MBTA Communities Act, section 3A c. 40A  
**Committee of the Whole voted No Action Necessary 23 yeas, 0 Nays, 1 absent (Councilor Danberg)**

Assistant Director Caira presented (attached) an overview of the Act and Draft guidelines to provide the required briefing to City Council on the MBTA Communities Multi-Family Zoning Requirements. The Planning Department will be submitting their questions for DHCD Public Comment by March 31, 2022.

Councilors discussed and submitted questions to be added to the DHCD Public Comment.

Respectfully submitted,

Susan Albright, President

# Multi-Family Zoning Requirement for MBTA Communities

## Overview

# Agenda

1. Overview of multifamily zoning requirements for MBTA Communities
2. Initial data analysis
3. Future Analysis
4. Questions for DHCD Public Comment
5. Next Steps

# **1. Overview of multifamily zoning requirements for MBTA Communities**

# Background

- January 2021 – Governor Baker signs *An Act Enabling Partnerships for Growth*
- The Act contains a new Section 3A of MGL Chapter 40A (the Zoning Act) requiring MBTA communities to have a zoning district that allows multifamily housing by-right
- Section 3A includes requirements and instructs the Department of Housing and Community Development to promulgate guidelines
- December 2021- DHCD issued draft guidelines with a public comment period open through March 31, 2022

# Key Dates

1. March 31, 2022 - State public comment period ends
2. May 2, 2022 – Submit Community Information Form\*
3. Summer 2022 - Finalized guidance from the State
4. December 31, 2022 - Action Plan must be submitted to DHCD\*
5. March 31, 2023 - Action Plan must be approved by DHCD\*
6. December 31, 2023 - Compliant multi-family zoning district must be adopted\*

\*Required in order to stay in compliance

# Multi-Family Zoning Requirement for MBTA Communities Statute

An MBTA community shall have at least one zoning district of **reasonable size** in which multi-family housing (3+ units) is permitted as of right and meets other criteria set forth in the statute:

- Minimum gross density of 15 units per acre
- Not more than ½ miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable
- No age restrictions
- Suitable for families with children

# DHCD December 2021 Draft Guidelines

## Reasonable Size

New guidelines define reasonable size as both a minimum land area and a unit capacity:

- Multi-family districts must comprise at least 50 acres
- An overlay district is acceptable as long as at least one area is at least 25 contiguous acres of land and all other areas at least 5 contiguous acres
- At least half of the zoning district must be within ½ mile of a transit station
- Unit capacity is set as a percentage of community's housing units
- Unit capacity percentage varies based on level of transit service





# Minimum Multifamily Unit Capacity

Municipality	MBTA Community Type	2020 Housing Units (Census PL-94)	Minimum multifamily district unit capacity requirement
Newton	subway or light rail	33,320	8,330 *

**Unit Capacity:** means an estimate of the total number of multi-family housing units that can be developed as of right within the multi-family district

# DHCD December 2021 Draft Guidelines

## Unit Capacity

This is a zoning requirement not a housing mandate:

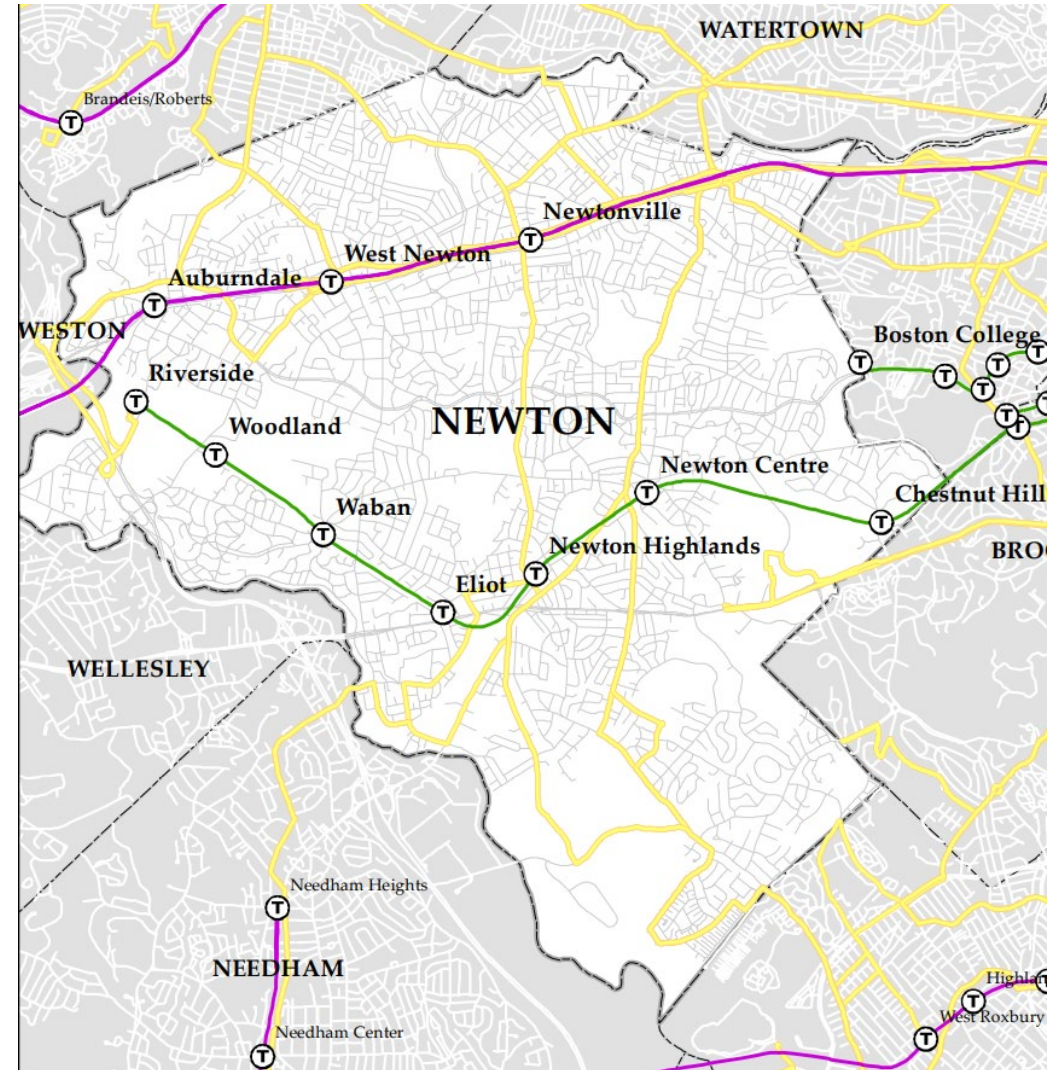
- Must demonstrate that the multifamily zoning district allows for 8,330 multifamily units to be built by-right
- Number of existing units within the district and number of units actually constructed under the zoning are irrelevant

# DHCD December 2021 Draft Guidelines

## Location

Statute requires the transit district to be located within 0.5 miles of a transit station:

- Newton has 11 transit stations – Commuter Rail and Green Line
- Up to 50% of the district may be more than 0.5 miles from a transit station, as long as it is easily accessible to a transit station
- An overlay district could include areas around more than one transit station



# DHCD December 2021 Draft Guidelines

## Gross Density

Overall district must have a gross density of at least 15 units/acre:

- Gross density calculation includes land occupied by public rights-of-way and any recreational, civic, commercial, or other non-residential uses
- Ex: if 25% of a 50-acre district was public rights-of-way, the developable parcels would need a minimum density of 20 units/acre to achieve a district-wide density of 15 units/acre
- Current zoning allows densities of 36.3 units/acre in business zones and 43.5 units/acre in Mixed Use 4 zone



# DHCD December 2021 Draft Guidelines

## Suitable for Families

Statute states that the housing must be suitable for families:

- No age restrictions
- May not place any restrictions on the size of units, number of bedrooms, or size of bedrooms

# DHCD December 2021 Draft Guidelines

## By-right housing

Multifamily housing must be allowed without the need to obtain any discretionary permit or approval:

- Site Plan Review and Site Plan Approval may be required
- May review a site layout to ensure public safety and convenience and regulate vehicular access and circulation, architectural design, and screening of adjacent properties
- May not deny a project that is allowed by-right or impose conditions that make it infeasible to proceed

# DHCD December 2021 Draft Guidelines Compliance

An MBTA Community that fails to comply will not be eligible for state funds from:

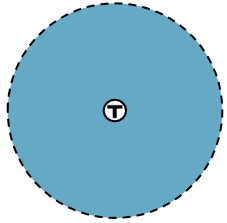
- Housing Choice Initiative
- Local Capital Projects Fund
- MassWorks infrastructure program
- DHCD may take non-compliance into consideration when making other discretionary grant awards





# 2. Initial data analysis

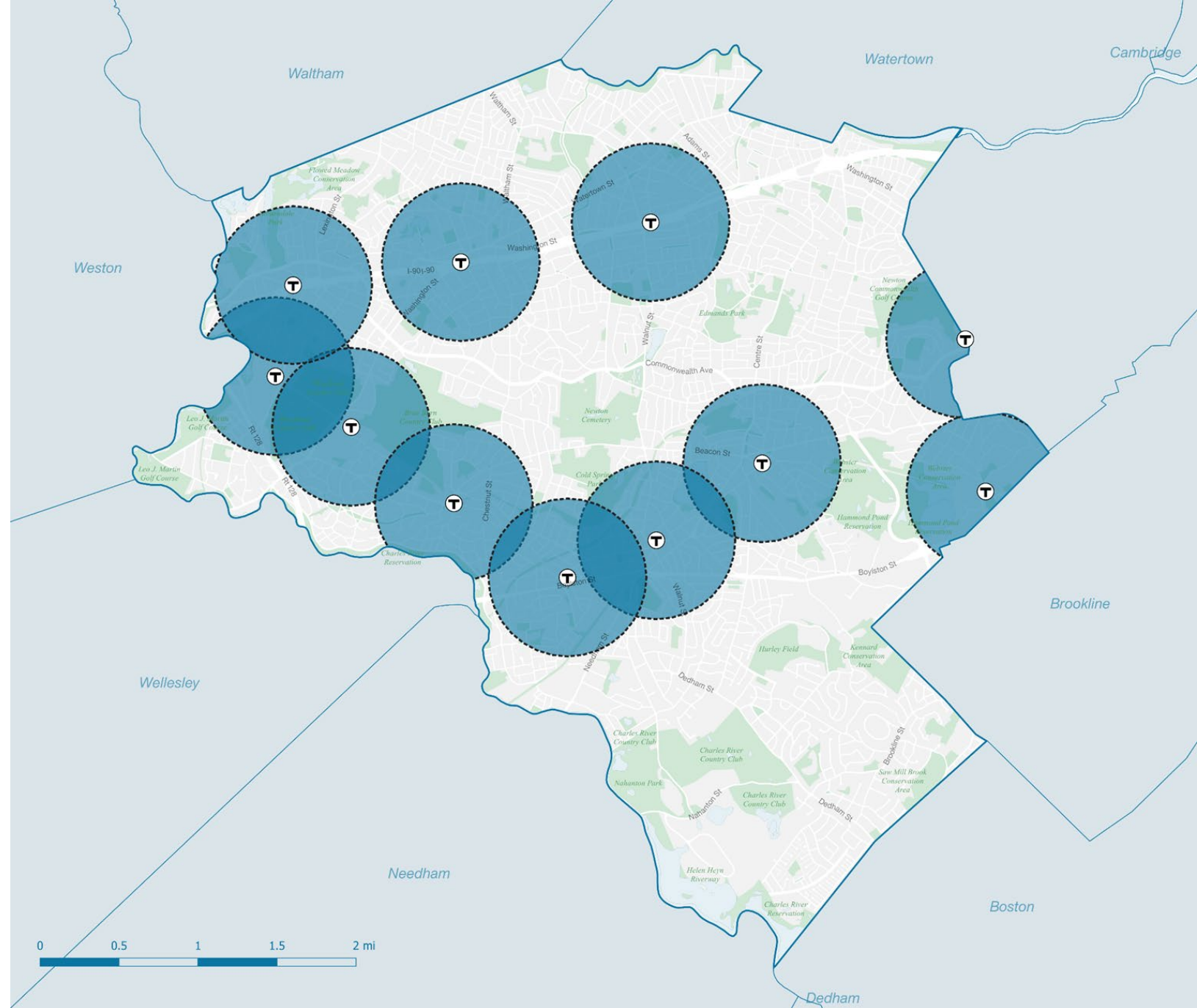
# 4,340 acres



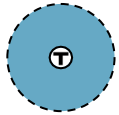
1/2 mile around  
transit stop

Newton **does not** need to rezone all land within 0.5 miles of transit to comply.

Many transit stops allow for greater flexibility to comply.

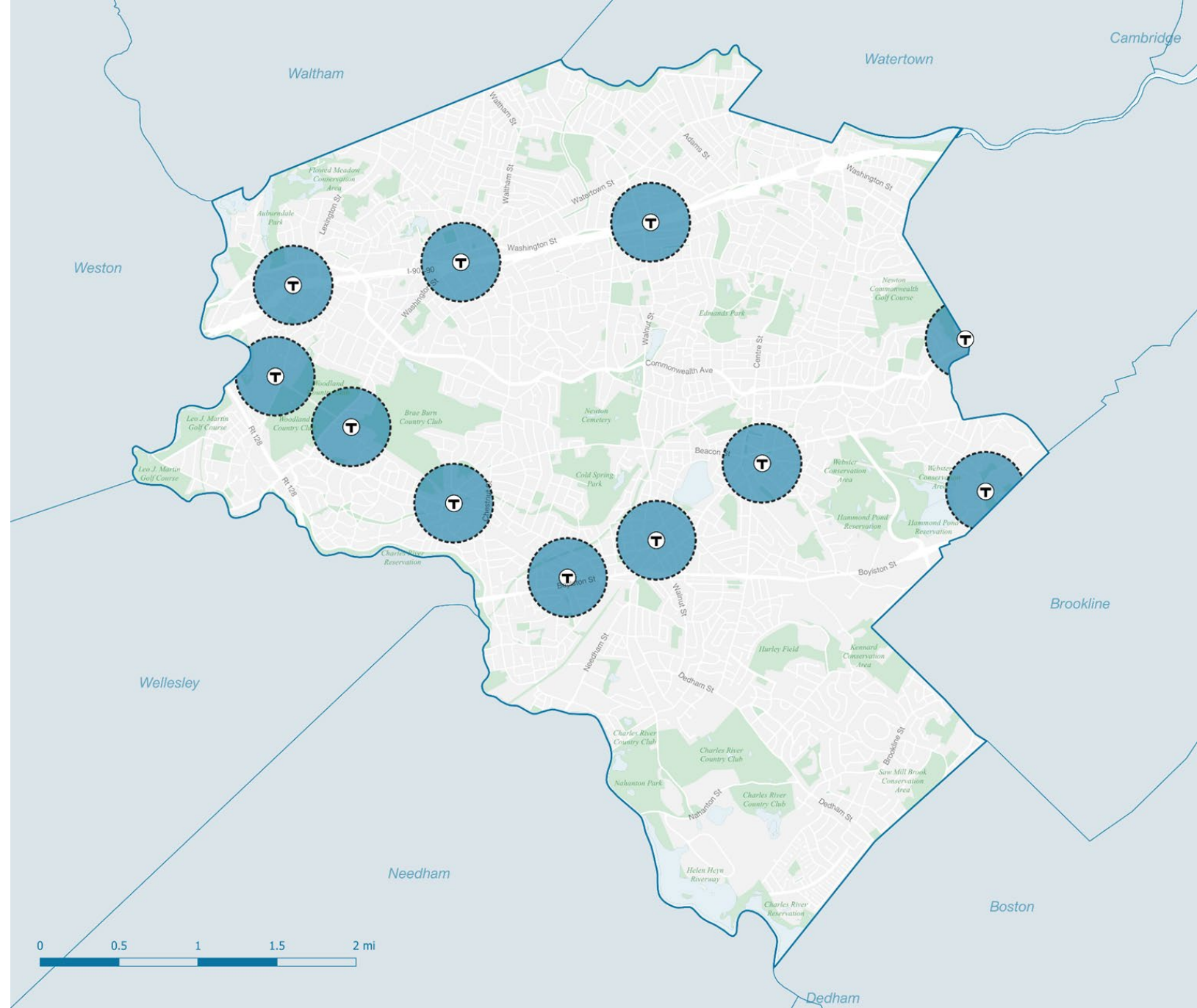


# 1,260 acres



1/4 mile around  
transit stop

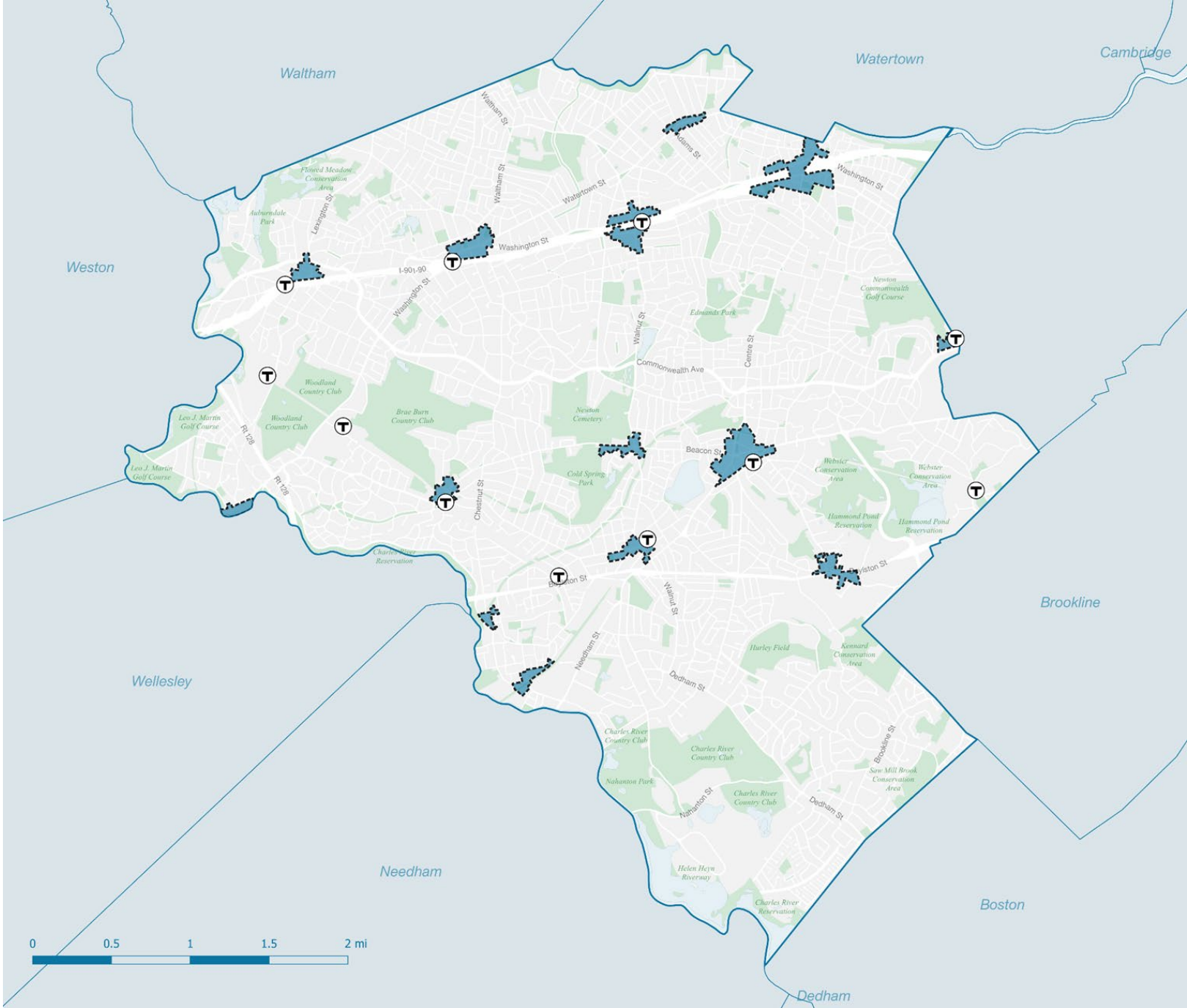
Even within 0.25 miles, Newton  
has more land than is needed  
for compliance.



# 240 acres



Village Center boundaries from pattern book



# 3. Future Analysis

# Future Analysis: Density

- 1. Unit density at the lot scale and neighborhood scale**
2. Unit capacity allowed under current zoning (*future meetings*)
3. Compliant zoning scenarios (*future meetings*)

Looking at individual lots is not an apples to apples comparison since the unit density must be calculated at the district level, including rights-of-way, streets, etc. Additional analysis will look at Newton and other regional neighborhoods at the block level as case studies visualizing potential compliance.

# Future Analysis: Current Zoning

1. Unit density at the lot scale and neighborhood scale

## 2. Unit capacity allowed under current zoning

Planning and Utile are developing an analytic process to understand the current potential unit capacity under current zoning in multifamily zones.

- Identifying calculable zoning constraints and applying them to each individual parcel:
  - Lot area per unit, minimum lot size
  - Height maximums, FAR (floor-area ratio) maximums
  - Mixed-use constraints, lot coverage maximums, and usable open space minimums.

# Future Analysis: Zoning Scenarios

1. Unit density at the lot scale and neighborhood scale
2. Unit capacity allowed under current zoning

## **3. Compliant zoning scenarios**

With additional input from the state and City Council, Planning and Utile can develop 3-4 zoning scenarios that comply with the MBTA communities requirements:

- Locations and distribution of districts
- Multi-family building types and unit densities



# 4. Questions for DHCD Public Comment

# Outstanding Questions

- What ability do we have to incorporate sustainability requirements into by-right multifamily zoning?
- Can we still require a special permit at a certain unit/land size/building type threshold as long as we can show we can meet the unit capacity by-right?
- How will existing special permits be affected? Would existing and approved but not yet constructed developments still be required to comply with their special permit conditions?
- Can we require a certain number of units with 2 or 3 bedrooms to ensure there is family-sized housing?

# Outstanding Questions

- Could the zoning also incentivize smaller units that are likely to be less expensive and have fewer vehicles?
- Can you provide more guidance on how Site Plan Review and Site Plan Approval might be incorporated?
- If the multifamily district overlaps with a local historic district or includes landmarked properties, would development requiring historic review still be considered by-right?
- If we have sufficient land within 0.5 miles of transit stations could we still include land located greater than 0.5 miles from transit? Would this area need to be contiguous with portions of the district within 0.5 miles of transit?

# Outstanding Questions

- How do we measure the 0.5-mile radius from commuter rail stations where we do not have parcel boundaries and there are multiple platforms?
- How will DHCD analyze proposed districts for compliance? How will economic feasibility be determined? In order to test whether other dimensional controls (FAR, height, parking, setbacks, etc.) make it infeasible to build the allowable density we will need to make assumptions about unit sizes. Will DHCD be providing guidance around these assumptions?

# 5. Next Steps

# Key Dates

1. March 31, 2022 - State public comment period ends
2. May 2, 2022 – Submit Community Information Form\*
3. Summer 2022 - Finalized guidance from the State
4. December 31, 2022 - Action Plan must be submitted to DHCD\*
5. March 31, 2023 - Action Plan must be approved by DHCD\*
6. December 31, 2023 - Compliant multi-family zoning district must be adopted\*

\*Required in order to stay in compliance

# Next Steps

- Send any additional questions to Planning by March 25<sup>th</sup>
- Planning to transmit comments to DHCD by March 31<sup>st</sup>
- Submit Community Information Form by May 2<sup>nd</sup>
- Continue to provide updates and additional analysis to ZAP

## More info:

<https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>

<https://www.newtonma.gov/government/planning/plans-policies-strategies/multi-family-zoning-requirement-for-mbta-communities>