

# Department of Planning and Development

DRAFT



## FY22 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)



# Housing & Community Development Division



Amanda Berman, Director of Housing and Community Development

Shaylyn Davis, Senior Community Development Planner

Nika Sandal, Community Development Planner

Malcolm Lucas, Housing Planner

Eamon Bencivengo, Housing Program Manager

Doug Desmarais, Construction Manager

Lauren Nowlan, Account Specialist

Janet Antonellis, Administrative Assistant

Rhodora Lantion, Fiscal Manager

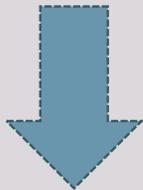
# What is the FY22 CAPER?



5 Year Consolidated Plan



Annual Action Plan



CAPER

- Assessment of the goals and activities identified in FY22 Annual Action Plan (AAP) and FY21-25 Consolidated Plan (Con Plan)
- The AAP and Con Plan describe the proposed use of CDBG, ESG and HOME program funds for housing and community development activities in Newton and the WestMetro HOME Consortium
- The CAPER details efforts to address needs and priorities identified in the AAP and Con Plan
- The CAPER outlines programmatic expenditures made in the fiscal year

# Funds Received and Expended in FY22



Federal Program	FY22 Entitlement & Program Income Received	Funds Expended in FY22
CDBG	\$2,027,565.46*	\$1,430,155.76
HOME Consortium	\$1,704,689.57**	\$1,497,375.19
ESG	\$164,708.00	\$194,699.14
<b>Total</b>	<b>\$3,896,963.03</b>	<b>\$3,122,230.09</b>

\*Includes \$63,993.46 in CDBG program income received during FY22 (FFY21)

\*\*Includes \$212,824.57 in HOME program income received during FY22 (FFY21)

# FY22 CDBG Expenditures by Program Area



<b>Program Area</b>	<b>% of Total Expenditures in FY22 (July 1, 2021 – June 30, 2022)</b>
Affordable Housing Production & Preservation	23%
Human Services	21%
Housing Rehabilitation	15%
Affordable Homeownership	3%
Architectural Access	6%
Administration	32%
<b>Total</b>	<b>100%</b>

# CARES ACT FUNDING

## CDBG-CV & ESG-CV



- On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was signed into law
- Authorized under the CARES Act, a special allocation of supplemental FY20 (FFY19) Community Development Block Grant Coronavirus Funds (CDBG-CV) and Emergency Solutions Grant Funds (ESG-CV) from the U.S. Department of Housing and Urban Development (HUD) became available
- CDBG-CV and ESG-CV funds must be used to prevent, prepare for, and respond to COVID-19 through eligible activities

# CARES Act Funds



<b>Federal Program</b>	<b>Program Budget</b>	<b>Funds Expended in FY20</b>	<b>Funds Expended in FY21</b>	<b>Funds Expended in FY22</b>	<b>Program Balance</b>
CDBG-CV	\$1,743,641.00	\$714,181.26	\$804,898.42	\$212,891.52	\$11,669.80
ESG-CV	\$1,483,400.00	\$2,732.53	\$952,219.30	\$387,683.83	\$140,764.34
<b>Total</b>	<b>\$3,227,041.00</b>	<b>\$716,913.79</b>	<b>\$1,757,117.72</b>	<b>\$600,575.35</b>	<b>\$152,434.14</b>

# CARES ACT PROGRAMMING



- ❖ **EMERGENCY HOUSING RELIEF**
- ❖ **SMALL BUSINESS RECOVERY GRANT**
- ❖ **HUMAN SERVICES-CV**
- ❖ **EMERGENCY SOLUTIONS GRANT-CV**

# CDBG-CV CARES Act Funds



<b>Program</b>	<b>Budget</b>
Emergency Housing Relief	\$500,000.00
Small Business Recovery Grant	\$610,000.00
Human Services-CV	\$545,341.04
Administration	\$88,299.96
<b>Total</b>	<b>\$1,743,641.00</b>

# CDBG-CV Emergency Housing Relief Program



- Funded with \$3,200,00 in CPA funds and \$500,000 in CDBG-CV funds
- Provided temporary rental and mortgage assistance to Newton households  $\leq 80\%$  of AMI
- Assistance capped at \$2,500 per household per month
- Average assistance per HH per month \$1,100
- 250 households assisted (551 individuals) between July 2020 – June 2021
  - Of the 250 households, 185 households were supported by CDBG-CV funds between June 2020 and August 2020



# CDBG-CV Small Business Recovery Grant Program



- Support the stabilization of existing businesses experiencing significant disruption due to COVID
- Launched in two rounds for a total of \$610,000 in CARES Act funds
- Grants divided in two groups:
  - Microbusinesses (5 or fewer employees)
  - Small Businesses (6 -20 employees)
- 183 applicants
- 54 grants awarded
  - 37% of grants awarded went to BIPOC business owners



# CDBG-CV Human Service Program



- Launched in two rounds for a total of \$546,716.00
- Priority given to proposals that addressed:
  - Food security
  - Affordable childcare
  - Mental health services
- 10 total subrecipients across two rounds of funding
- As of 6/30/22, the 10 projects served a total of 2,209 individuals
  - 6% of individuals served identified as Hispanic or Latino
  - 23% identified as Black, Indigenous, Alaskan Native, Asian, Native Hawaiian, Pacific Islander, or as Multi-Racial



*\*Image from Childcare Program from the West Suburban YMCA*

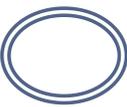
# CDBG-CV Human Service Program



## **CDBG-CV Human Service Subrecipients & Projects**

- 1. Friends of 2Life Communities / Emergency COVID-19 Food Relief**
- 2. The Barry Price Rehabilitation Center / Ensuring Safe and Enriching Services for Individuals with Intellectual and Developmental Disabilities during the COVID-19 Pandemic**
- 3. Family ACCESS of Newton / Building Affordable Childcare Capacity for the Returning Workforce**
- 4. Horace Cousens Industrial Fund / Emergency Assistance for Utilities**
- 5. Newton Community Development Foundation / Resident Services Touchtown Program**
- 6. Newton Housing Authority / Resident Services Program**
- 7. Newton Department of Senior Services / Food and Essential Item Shopping Program**
- 8. Pathway to Possible / P2P COVID-19 Support**
- 9. The John M. Barry Boys and Girls Club of Newton / Out of School Time Program**
- 10. West Suburban YMCA / Childcare Financial Aid Program**

# Emergency Solutions Grant CARES Program



- Two rounds of supplemental ESG funds (ESG-CV) – for a total of \$1,483,400.00
- Eligible program components:
  - Emergency Shelter
  - Homelessness Prevention
  - Rapid Re-housing
- Five subrecipients across two rounds of ESG-CV funding
  - Brookline Community Mental Health Center
  - Community Day Center of Waltham
  - Middlesex Human Service Agency
  - REACH Beyond Domestic Violence
  - The Second Step



*\*Image from lunch service at the Community Day Center of Waltham*

# Emergency Solutions Grant CARES Program



Objective	ESG-CV Round 1	ESG-CV Round 2	Funds Expended	% of Component Expended	People Assisted*
Emergency Shelter Services	\$382,814	\$733,616	\$982,325.00	88%	599
Homelessness Prevention	\$124,828	\$121,781	\$240,594.55	99%	78
Rapid Re-Housing	\$30,508	\$60,603	\$97,466.11	97%	10
Administration	\$20,243	\$2,007	\$22,250.00	100%	n/a
<b>Total</b>	<b>\$558,393</b>	<b>\$918,007</b>	<b>\$1,342,635.66</b>	<b>91%</b>	<b>687**</b>

\*As of 6/30/22

\*\* 20% of individuals served identified as Hispanic or Latino  
 30% identified as Black, Indigenous, Asian, Alaskan Native, Native Hawaiian, Pacific Islander, or Multi-Racial

# FY21-25 CON PLAN AND FY22 AAP CDBG GOALS



- PRODUCTION OF NEW AFFORDABLE UNITS
- SUPPORT OF HOMEOWNERSHIP
- REHABILITATION OF HOUSING
- PRESERVATION OF AFFORDABLE UNITS
- INCREASE AWARENESS OF FAIR HOUSING POLICIES AND PRACTICES
- PROVISION OF SUPPORTIVE SERVICES TO THE HOMELESS AND AT-RISK OF HOMELESSNESS
- PROVISION OF HUMAN SERVICES
- IMPLEMENTATION OF ARCHITECTURAL ACCESSIBILITY IMPROVEMENTS FOR PERSONS WITH DISABILITIES

# FY22 AAP GOALS



**PRODUCTION OF AFFORDABLE HOUSING**

**PRESERVATION OF HOUSING**

**REHABILITATION OF HOUSING**

# NHA's Haywood House



- Newton Housing Authority project
- 55 new affordable units for seniors
- 3 fully accessible units
- 4 units designated for homeless or at-risk of homelessness
- Income eligibility will range from 30% to 99% AMI
- Construction began Spring 2021
- Project completion anticipated for Spring of 2023
- Total Development Cost: \$30,138,854
  - \$875,000 of CDBG funds



# Golda Meir Expansion



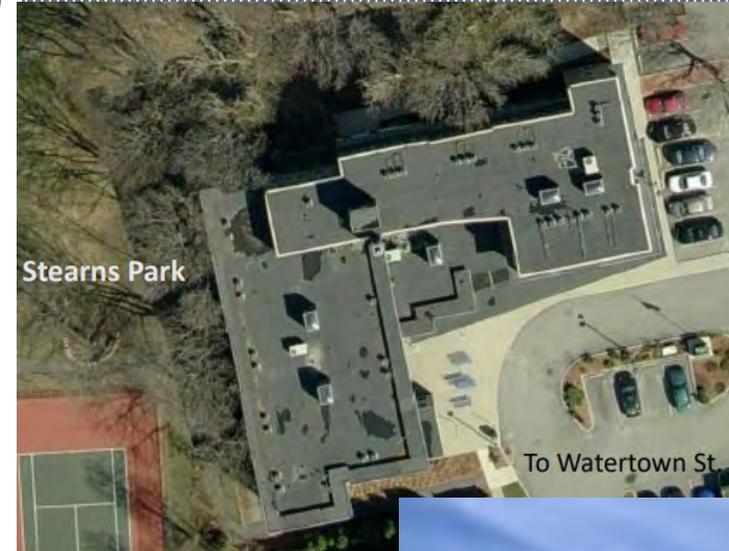
- 2Life Communities project
- 68 new affordable units for seniors
- 9 units designated for homeless adults with disabilities
- Income eligibility ranges from 30% to 99% AMI
- Project completion anticipated for Spring of 2023
- Total Development Cost: \$43,258,883
  - \$255,143 of HOME funds



# Nonantum Village Place



- Rehabilitation project by Cascap, Inc.
- Rehab work includes a roof, siding replacement and energy upgrades
- 34 one-bedroom units for seniors
- Income eligibility up to 50% AMI
- Project anticipated to begin and end in FY23
- Total Development Cost: \$997,000
  - \$100,000 of CDBG funds



# Rehabilitation of Housing



- Progress on commencing the rehabilitation of the former CAN-DO portfolio (16 units rental units for low-income households across 7 properties – work to begin Fall 2022)
- In FY23, the City began rehabilitation work on 18-20 Coyne Road, a group home for adults with cognitive and developmental disabilities
  - Driveway redesign to establish greater accessibility for home's residents with disabilities and create additional parking spaces for the handicapped van and 24-hour staff

# FY22 AAP GOALS



## SUPPORT OF HOMEOWNERSHIP

# Downpayment / Closing Cost Assistance Program

DRAFT



- \$10,000 grant to first-time homebuyers of deed-restricted affordable ownership units
- 7 households assisted in FY22
  - 3 units - new construction
  - 4 units - resales of existing affordable units

# FY22 AAP GOALS



**INCREASE AWARENESS OF  
FAIR HOUSING POLICIES  
AND PRACTICES**

# Increase Awareness of Fair Housing Policies and Practices



- FY21-25 Analysis of Impediments to Fair Housing Choice on behalf of WestMetro HOME Consortium completed
- Working groups formed by the Consortium members continue to focus on advancing the AI's recommendations

## Protected Classes – Federal and State

### Federal

- Race
- Color
- National Origin
- Religion
- Sex
- Familial Status (*including families with children under the age of 18*)
- Disability

### State includes all of the above and:

- Ancestry
- Age
- Marital Status
- Source of Income (*including Section 8*)
- Sexual Orientation
- Gender Identity and Expression
- Veteran/Military Status
- Genetic Information



Note: Income level is not a protected class

# Increase Awareness of Fair Housing Policies and Practices



**WestMetro HOME Consortium's**  
**FAIR HOUSING MONTH**

For the month of April, the WestMetro HOME Consortium\* (WMHC) invites you to celebrate Fair Housing Month to increase efforts to end housing discrimination and raise awareness of fair housing rights

**WMHC Fair Housing Workshop: Fair Housing Past to Present - Insights from the Field**  
Tuesday, April 26, 3-5pm  
Attorneys from the Suffolk School of Law Housing Discrimination Testing Program will examine the history of the real estate industry and government's roles in racial discrimination, current trends in housing discrimination, and ways to mitigate implicit biases to ensure that everyone has fair and equal access to housing. The workshop will begin with remarks by Newton's Mayor Ruthanne Fuller. Register at <https://tinyurl.com/FHM2022>

**Questions?** Please contact Amanda Berman, City of Newton Director of Housing & Community Development, at [aberman@newtonma.gov](mailto:aberman@newtonma.gov)

- Consortium/MAPC study of parking utilization in multi-family projects commenced in FY22; anticipated completion in FY23
- \$100,000 in HOME Consolidated Pool funds will be used to complete fair housing testing throughout the Consortium; RFP to be re-released in Fall 2022
- Fair Housing Month Workshop - City and WestMetro HOME Consortium hired Suffolk School of Law Housing Discrimination Testing Program to present to the 13 communities and key stakeholders

# FY22 AAP GOALS



**PROVISION OF SUPPORTIVE  
SERVICES TO THE HOMELESS &  
AT-RISK OF HOMELESSNESS**

# Emergency Solutions Grant (ESG) Highlights



- FY22 ESG funds were awarded to **three subrecipients** in the Brookline-Newton-Waltham-Watertown (BNWW) region:
  - Community Day Center of Waltham
  - Brookline Community Mental Health Center
  - REACH Beyond Domestic Violence
- Allocated **\$164,708** in FY22 ESG funds

# FY22 ESG Expenditures and Beneficiaries



Objective	FY22 and Prior Year Available Budgets	Funds Expended	% of Component Expended	People Assisted
Emergency Shelter Services	\$116,271.25	\$116,271.25	100%	136
Homelessness Prevention	\$68,164.74	\$46,493.54	68%	23
Rapid Re-Housing	\$26,430.90	\$21,744.71	82%	6
HMIS	\$5,600	\$5,600	100%	n/a
Administration	\$16,450.78	\$4,589.64	42%	n/a
<b>Total</b>	<b>\$232,917.67</b>	<b>\$194,699.14</b>	<b>83.6%</b>	<b>165*</b>

\*15.6% of individuals served identified as Hispanic or Latino; 44.8% identified as Black, Indigenous, Asian, Alaskan Native, Native Hawaiian, Pacific Islander, or Multi-Racial

# Continuum of Care

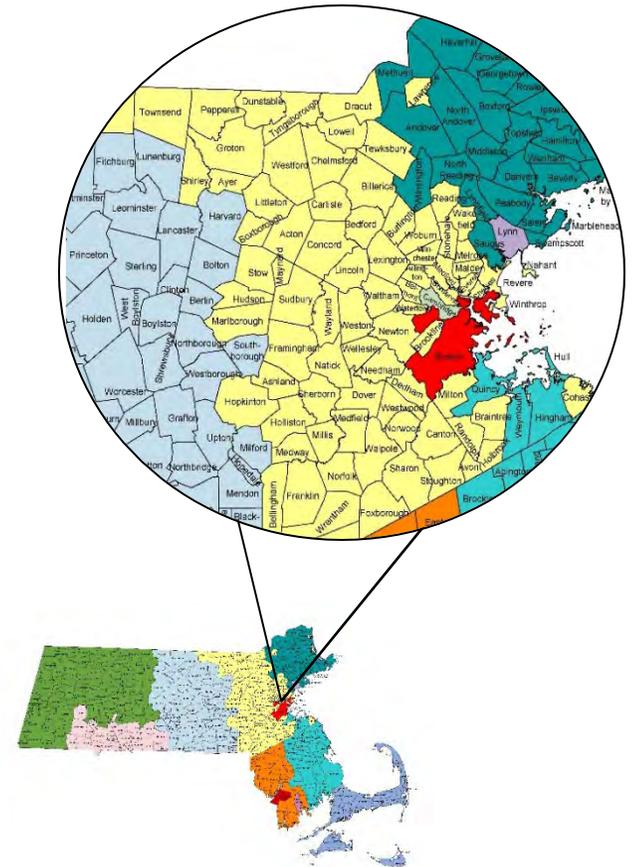


- Balance of State Continuum of Care (BoS CoC) awarded \$23,903,388 in McKinney-Vento Homelessness Assistance Funds during FY22 (FFY21)
  - \$3,342,642 awarded to four projects in BNWW region

## 2022 Point in Time Count and Housing Inventory Count

*Count conducted on February 23, 2022:*

- Balance of State – 2,652 homeless persons
- BNWW region – 219 homeless persons



# FY22 AAP GOALS



## PROVISION OF HUMAN SERVICES

# Provision of Human Services



- FY22 CDBG Human Service funds were awarded to **13 subrecipients** in Newton
- Allocated **\$295,205** in FY22 Human Service funds



*Photo Credit to Newton  
Community Development  
Foundation*

# Provision of Human Services



## FY22 Human Service Subrecipients & Projects

1. **Barry L. Price Rehabilitation Center** / Building Independence and Self-Esteem Through Employment
2. **John M. Barry Boys and Girls Club** / Financial Aid for Teens and Families
3. **West Suburban YMCA**/ Childcare Financial Aid Program
4. **Family ACCESS** / Social Mobility for Young Families
5. **Horace Cousens Industrial Fund** / Emergency Payments for Families in Financial Crisis
6. **2Life Communities** / CaringChoices and Wellness Nurses for Low-Income Seniors
7. **Jewish Family & Children's Services** / Stabilization & Recovery Services for People with Mental Illness & Autism
8. **Newton Community Development Foundation** / Resident Service Programs
9. **Newton Housing Authority** / Resident Services Program
10. **Plowshares Education Development Center** / Tuition Assistance
11. **Department of Parks, Recreation & Culture** / Financial Aid for Youth Summer Camp
12. **Riverside Community Care** / Mental Health Services Promoting Economic Mobility
13. **The Second Step** / Residential and Community Programs

# Provision of Human Services



Population Served	Funds Expended	% of Expenditure	People Served
Youth <i>(below 18 years old)</i>	\$160,375.90	54%	281
Adults and Families	\$86,855.50	29%	790
Seniors <i>(over 62 years old)</i>	\$47,973.60	16%	633
<b>Total</b>	<b>\$295,205</b>	<b>100%</b>	<b>1,704*</b>
People with Disabilities	\$64,900	22%	140
Survivors of Domestic Violence	\$25,000	9%	60

\*10% of individuals served identified as Hispanic or Latino; 31.2% identified as Black, Indigenous, Asian, Alaskan Native, Native Hawaiian, Pacific Islander, or Multi-Racial

# FY22 AAP GOALS



**IMPLEMENTATION OF  
ARCHITECTURAL ACCESS  
IMPROVEMENTS**

# Implementation of Architectural Access Improvements



## ADA Accessible curb cuts

Installation at the following locations: Watertown St. at Edinboro St. and Watertown St. at West St.\*

\*Construction completed in FY21; project officially closed out in FY22

## Curb cuts on Watertown Street

*Before and After*

# Implementation of Architectural Access Improvements

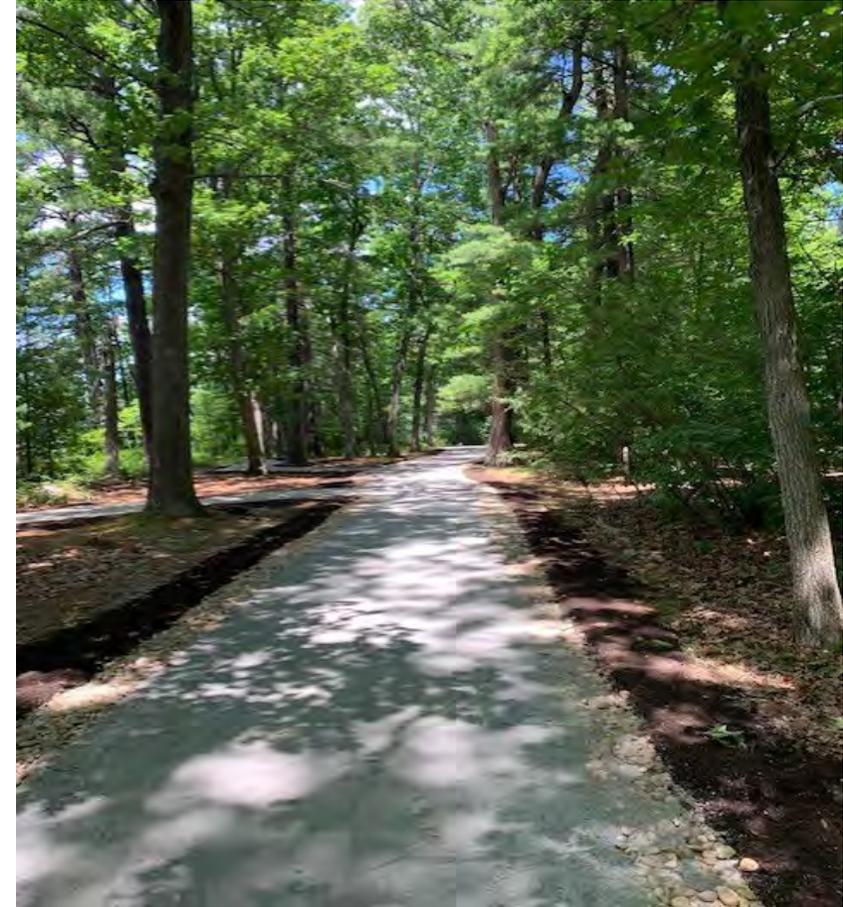


## **Marty Sender Trail Installation\***

**Total Project Cost: \$66,847.00**

**Total CDBG Cost: \$52,000.00**

\*Project was started in 2022;  
construction completed Q1 of FY23



**Marty Sender Trail**

# Implementation of Architectural Access Improvements



**McGrath Park Pathway**

## McGrath Pathway Installation

Department of Parks, Recreation, & Culture hired a designer to plan for park upgrades during FY23

*\*Project in design phase*

# FY22 AAP GOALS

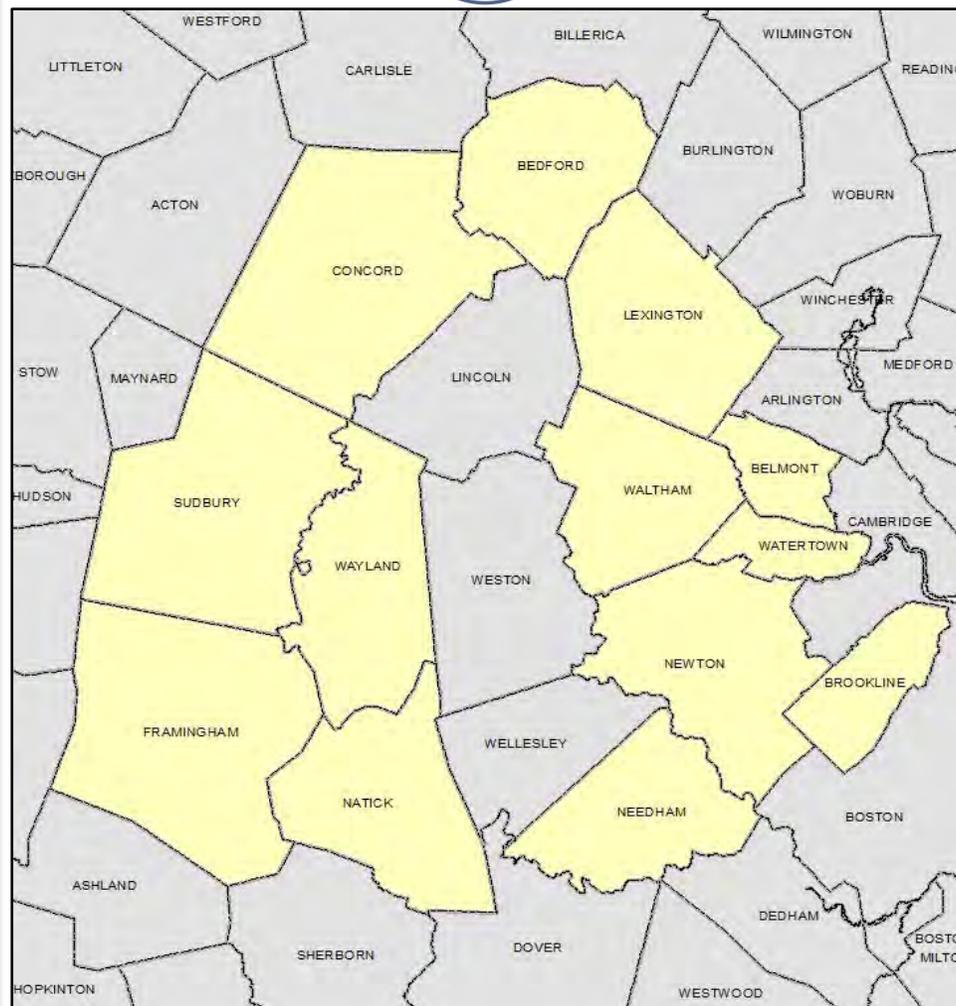


## WESTMETRO HOME CONSORTIUM

# WestMetro HOME Consortium FY22 Allocation



<b>Bedford</b>
\$17,200
<b>Belmont</b>
\$53,875
<b>Brookline</b>
\$233,100
<b>Concord</b>
\$30,800
<b>Framingham</b>
\$256,750
<b>Lexington</b>
\$32,625
<b>Natick</b>
\$55,489



<b>Needham</b>
\$30,550
<b>Newton</b>
\$131,061
<b>Sudbury</b>
\$1,261
<b>Waltham</b>
\$195,050
<b>Watertown</b>
\$101,675
<b>Wayland</b>
\$9,300
<b>Total Allocation</b>
<b>\$1,491,865</b>

# FY22 HOME Consortium Projects



- **7 HOME-assisted rental units rehabilitated in FY22:**
  - Bedford: Ashby Place (Bedford Housing Authority); 4 HOME-assisted units
  - Brookline: Longwood RAD Project / Morse Apartments (Brookline Housing Authority); 3 HOME-assisted units
- **81 families served through TBRA/Security Deposit Assistance across the Consortium; 13 cases closed-out in FY22:**
  - Bedford: 1 family (security deposit)
  - Framingham: 1 family (security deposit + full TBRA)
  - Waltham: 7 families (security deposit + full TBRA)
  - Wayland: 4 families (security deposit)

# Board and Public Comment



- Comments and Questions?
- CAPER available online: <https://www.newtonma.gov/government/planning/housing-community-development>
- Written comments: **Deadline: September 26, 2022, 5:00 pm**
  - Mail: Amanda Berman, Planning & Development Dept.  
1000 Commonwealth Avenue  
Newton, MA 02459
  - E-mail: [aberman@newtonma.gov](mailto:aberman@newtonma.gov)



**SCHLESINGER AND BUCHBINDER, LLP**  
ATTORNEYS AT LAW

STEPHEN J. BUCHBINDER  
ALAN J. SCHLESINGER  
LEONARD M. DAVIDSON  
A MIRIAM JAFFE  
SHERMAN H. STARR, JR.  
JUDITH L. MELIDEO-PREBLE  
BARBARA D. DALLIS  
JULIE B. ROSS  
KATHRYN K. WINTERS  
KATHERINE BRAUCHER ADAMS  
FRANKLIN J. SCHWARZER  
ADAM M. SCHECTER

1200 Walnut Street  
Newton, Massachusetts 02461-1267  
Telephone (617) 965-3500  
  
www.sab-law.com  
Email: sjbuchbinder@sab-law.com

July 28, 2022

**BY ELECTRONIC MAIL**

Peter B. Doeringer, Chair  
Newton Planning and Development Board  
1000 Commonwealth Avenue  
Newton, MA 02459-1449

Re: 1314 Washington Street, 31 Davis Street, and 33 Davis Street/ RZ#22-2

Dear Mr. Doeringer,

As you know, HQ, LLC (“the petitioner”) has filed a request to rezone the above-mentioned parcels (collectively, the “Property”) from the BU-1 zoning district to the MU-4 zoning district. This request is being made in connection with the petitioner’s application for a special permit to construct a mixed use development with 50 dwelling units and approximately 4,000 square feet of restaurant or retail space. The initial public hearing on this petition before both the Planning Board and the Land Use Committee of the City Council was held on July 19, 2022.

As set forth below, the proposed rezoning of these parcels in the heart of the West Newton Square to the MU-4 district furthers a valid public purpose by promoting mixed-use development which is consistent with the Comprehensive Plan, the Washington Street Vision Plan, and the Proposed Village Center Framework.

Comprehensive Plan

Newton’s Comprehensive Plan, as amended in 2011 with the adoption of the Section 3A “Mixed-Used Centers Amendment,” promotes the development of mixed-use centers. “The livability of Newton has been greatly enhanced by its traditional mixed-use centers.” Comprehensive Plan, page 3A-1. In this instance, rezoning the parcels to MU-4 furthers the goal of sustaining a vibrant and walkable village center with a mix of commercial and residential uses located near a transportation node.

The Comprehensive Plan extolls the benefits of locating housing in mixed-use centers. “Housing, either within or adjacent to and integrated with mixed-use centers, can provide a kind of vitality and fruitful contributions to the creation of wonderful places and an improved quality of life that centers without such housing may not be able to achieve.” Comprehensive Plan, page 3A-8. Rezoning these parcels to MU-4 will allow the development of much needed multi-family housing in the larger mixed-use center that is West Newton Square.

Peter B. Doeringer, Chair  
July 28, 2022

Page 2

Washington Street Vision Plan

Rezoning the parcels to MU-4 would be consistent with the Washington Street Vision Plan, which includes the following goals: (i) focus housing near transportation options, (ii) combine housing near transit with new commercial and retail space, and (iii) promote lower heights (1-4 stories) along Washington Street and medium heights (3-6 stories) closer to Davis Street. Washington Steet Vision Plan, pages 59, 60, and 84.

Proposed Village Center Framework

Finally, as was aptly pointed out by the Planning Department in its recent presentation before the Land Use Committee regarding this proposal on July 19th, the proposed development (which would be allowed in the MU-4 district but not in the BU-1 district) is consistent with the Village Center Zoning Framework currently under consideration with the Zoning and Planning Committee.

The Proposed Zone Change Does Not Constitute Spot Zoning.

We are aware that when a proposed rezoning is connected to a specific development and affects a single parcel or several combined parcels under common ownership, the issue of “spot zoning” may come up. However, the law is settled that as long as the zoning amendment advances a *valid public purpose*, then it does not constitute illegal spot zoning, regardless of whether the zone change is of economic benefit to the property owner. *See, e.g., Rando v. Town of N. Attleborough*, 44 Mass. App. Ct. 603, 606, 692 N.E.2d 544, 546 (1998). In this case, rezoning these parcels to MU-4 clearly serves a valid public purpose for the reasons stated above, and a zone change to support this proposed development is appropriate.

The Proposed Zone Change Qualifies for a Majority Vote

It is our understanding that the recently amended Massachusetts Zoning Act, M.G.L. Chapter 40A (the “Housing Choice legislation”) applies to the proposed rezoning of the Properties, and that a simple majority vote by the City Council would be needed to approve the change of zone. Specifically, the Housing Choice legislation amends the Zoning Act (M.G.L. Chapter 40A, Section 5) to provide that a simple majority vote of the City Council shall apply to a number of zoning amendments, including:

- an amendment to allow multi-family housing or mixed-use development in an eligible location by right;
- an amendment to allow multi-family housing or mixed-use development in an eligible location by special permit; and
- an amendment to allow for an increase to the permissible density of population or intensity of a particular use in a proposed multi-family or mixed-use development by special permit.

In this case, if the site qualifies as an “eligible location,” the proposed rezoning to MU-4 will qualify for the majority vote quantum under any of the three bullet points listed above. “Eligible locations” are defined in the Zoning Act as:

Peter B. Doeringer, Chair  
July 28, 2022

Page 3

areas that by virtue of their infrastructure, transportation access, existing underutilized facilities or location make highly suitable locations for residential or mixed-use smart growth zoning districts or starter home zoning districts, including without limitation: (i) areas near transit stations, including rapid transit, commuter rail and bus and ferry terminals; or (ii) areas of concentrated development, including town and city centers, other existing commercial districts in cities and towns and existing rural village districts. Zoning Act, Sec. 1A.

This site is located approximately 700 feet from the West Newton commuter rail stop and is also located within the West Newton village center. The Executive Office of Housing and Economic Development has published Guidance for Local Officials on Determining Voting Thresholds for Zoning Ordinances and Bylaws which makes clear that “[a]ny parcel that is at least partially within 0.5 miles of [a transit station] should be deemed to be an eligible location.” This Property clearly fits within the definition of an “eligible location.” Accordingly, the zone change to MU-4 should qualify for the majority vote quantum, and we request that the Planning Board include such a finding in its report.

Thank you for your consideration of this matter.

Sincerely,

*Stephen J. Buchbinder*

Stephen J. Buchbinder

SJB/mer  
attachment

cc: (By Electronic Mail, w/attachment)  
Kelley Brown, Vice Chair  
Jennifer Molinsky  
Chris Steele  
Kevin McCormick  
Lee Breckenridge  
Barney Heath, Ex-Officio  
Ms. Cat Kemmett  
Deputy City Solicitor Jonah Temple  
Mr. Robert Korff



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

**#357-22 & #358-22**

Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

Barney S. Heath  
Director

## PUBLIC HEARING MEMORANDUM

Public Hearing Date: July 19, 2022  
Land Use Action Date: October 11, 2022  
City Council Action Date: October 17, 2022  
90-Day Expiration Date: October 17, 2022

DATE: July 15, 2022

TO: City Council

FROM: Barney Heath, Director of Planning and Development  
Katie Whewell, Chief Planner for Current Planning  
Michael Gleba, Senior Planner

SUBJECT: **Petition #357-22** for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone 3 parcels as follows: **1314 Washington Street** (Section 33 Block 10 Lot 01), **31 Davis Street** (Section 33 Block 10 Lot 11) and **33 Davis Street** (Section 33 Block 10 Lot 12) from BUSINESS 1 TO MIXED USE 4.

**Petition #358-22** for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a building in excess of 20,000 sq. ft., to allow a mixed-use residential building with five stories and 60 feet in height, to allow reduced lot area per unit, to exceed the maximum front setback, to allow a FAR of 2.45 in a five-story building, to waive the setback requirement for the portions of the building exceeding 40 ft. in height, to waive entrance and façade transparency requirements, to allow a restaurant with more than 50 seats with extended hours of operation, to allow ground floor residential use, to waive the requirement of using the A+B+C parking formula, to waive 115 parking stalls, to allow assigned parking, to allow reduced parking stall width and depth, to allow reduced accessible stall depth, to waive end stall maneuvering space requirements, to allow reduced aisle width at **1314 Washington Street** and **31, 33 Davis Street**, Ward 3, Newton, on land known as Section 33 Block 10 Lots 01, 11, 12 containing approximately 30,031 sq. ft. of land in a district zoned BUSINESS USE 1 (rezone to MIXED USE 4 proposed). Ref: Sec. 7.3.3, 7.4, 4.2.2.A.2, 4.2.5.A.3, 4.2.2.B.1, 4.2.3, 4.2.5.A.4, 4.2.2.B.3, 4.2.5.A.2, 4.2.5.A.4.c, 4.2.5.A.6.a, 4.2.5.A.6.b, 4.4.1, 6.4.29.B.1, 6.4.29.C.6, 6.2.4, 5.1.3.B, 5.1.13, 5.1.4, 5.1.3.E, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.B.6, 5.1.8.C.1, 5.1.8.C.2 of the City of Newton Rev Zoning Ord, 2017.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



**1314 Washington Street, 31  
Davis Street and 33 Davis Street**

### EXECUTIVE SUMMARY

The subject property is comprised of three lots, 1314 Washington Street, 31 Davis Street, and 33 Davis Street, totaling 30,031 square feet in a Business 1 (BU1) zoning district.

Bound by Washington Street to the north, Highland Street to the west and Davis Street to the south, the parcel is currently improved with a bank building constructed circa 1915 and a surface parking lot with 60 stalls and many dimensional parking nonconformities.

The petitioner proposes to construct a five-story rear addition containing 50 residential units to the south side of the existing building and convert the existing bank space into a restaurant and lobby area. As currently designed, the development would have a total of 69 parking stalls for the two uses in two separate parking facilities, one at surface level, the other below-grade.

To do so, the petitioner is seeking to have the three parcels' zoning designation changed from BU1 to Mixed Use (MU4). As such, the administrative determinations and relief requested by this memo assume that the entire project site is zoned MU4. That said, even in the event the requested rezoning is granted, to develop the project as proposed would require significant zoning relief, including that related to certain dimensional standards, design standards, proposed uses, and required parking and parking stall and facilities dimensions.

Also, as the proposed 50-unit multi-family dwelling would be subject to the inclusionary zoning provisions of Sec. 5.11.4.B.4.c, the petitioner would be required to provide eight (15%) of the dwelling units to households earning 50%-80% of the Area Median Income (AMI) and one (2.5%) of the units to households earning up to 110% of the AMI for a total of nine required inclusionary units. The petitioner would also be required to provide a fractional cash payment equivalent to 0.3 units.

Lastly, as the proposed development would include construction or substantial reconstruction of one or more buildings totaling 20,000 square feet or more of gross floor area and also requires a special permit, it would be subject to the sustainable development requirements provided Sec. 5.13.3.A.

Due to the size of the project, plans can be found here by searching the project address: <https://newtonma.viewpointcloud.com/search>

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether allowing:

***Special Permit criteria***

- a FAR of 2.44 in a five-story building (§4.2.2.B.3, §4.2.3)
- a restaurant with more than 50 seats with extended hours of operation (§4.4.1, §6.4.29.B.1, §6.4.29.C.6), *and*
- ground floor residential use (§4.4.1, §6.2.4),

is appropriate as:

- The specific site is an appropriate location for such use, structure (§7.3.3.C.1)
- The use as developed and operated will not adversely affect the neighborhood (§7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4),

and as the proposed building is in excess of 20,000 square feet (§4.2.2.B.1), whether the site and buildings as designed, constructed and operated will contribute significantly to the efficient use and conservation of natural resources and energy, including through some or all of the following: (a) minimizing operating energy; (b) minimizing the use of fossil fuels; (c) implementing a transportation plan that will minimize carbon footprint (§7.3.3.5)

**Regarding additional standards in an MU4 zoning district, whether:**

- by allowing reduced lot area per unit, the proposed density creates a beneficial living environment for the residents, does not adversely affect the traffic on roads in the vicinity, and better achieves the purposes of this district than strict compliance with these standards (§4.2.2.A.2, §4.2.5.A.3).
- by allowing the development to exceed the maximum front setback, the proposed plan does not create shadows or blocked views that have material and adverse effects on its surroundings, supports pedestrian vitality, and advances the purposes of the MU4 district (§4.2.3, §4.2.5.A.4)
- the proposed building with five stories and 60 feet in height is compatible in visual scale to its surroundings, does not create shadows or blocked views that have material and adverse effects on its surroundings, and advances the purposes of the MU4 district (§4.2.3, §4.2.2.B.3, §4.2.5.A.2)
- with the requested waiver of the setback requirement for the portions of the building exceeding 40 feet in height, the proposed plan does not create shadows or blocked views that have material and adverse effects on its surroundings, supports pedestrian vitality, and advances the purposes of the MU4s district (§4.2.5.A.4.c)

- with the requested waiver of entrance requirements, the proposed design better enables appropriate use of the site, supports pedestrian vitality, and achieves the purposes of this district than strict compliance with that standard (§4.2.5.A.6.a)
- with the requested waiver of façade transparency requirements, the proposed design better enables appropriate use of the site, supports pedestrian vitality, and achieves the purposes of this district than strict compliance with that standard (§4.2.5.A.6.b)

**Regarding exceptions to parking requirements:**

and, whether granting exceptions to certain parking facility requirements to:

- use the A-B+C parking formula (§5.1.3.B, §5.1.13), and
- provide 115 required parking stalls (§5.1.4, §5.1.13)

and, further, to allow:

- assigned parking (§5.1.3.E, §5.1.13)
- reduced parking stall width (§5.1.8.B.1, §5.1.13)
- reduced parking stall depth (§5.1.8.B.2, §5.1.13)
- allow reduced accessible stall depth (§5.1.8.B.4, §5.1.13)

is appropriate as literal compliance with said requirements is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is three adjacent lots located in West Newton Square at the eastern corner of Washington Street and Highland Street; it also has frontage along Davis Street. The neighborhood has a mix of commercial, municipal and institutional uses as well as residential uses, which are mostly to the north and south (the latter being beyond the Massachusetts Turnpike which it directly to the south), but also includes a single-family dwelling that is directly abuts the property to the east along Davis Street (**Attachment A**). The site and immediately surrounding area are generally zoned Business 1 (BU1) or Public Use (PUB), with an exception being a Multi-Residence 2 (MR2) property directly across Highland Street occupied by a church. There are also various Single- and Multi- Residence districts located several hundred feet to the north and south, including along Webster Street and south of the Turnpike (**Attachment B**).

B. Site

The subject property is comprised of three lots, 1314 Washington Street, 31 Davis Street, and 33 Davis Street, totaling 30,031 square feet in a Business 1 (BU1) zoning district.

Bordered by Washington Street to the north, Highland Street to the west and Davis Street to the south, the lot slopes approximately 10 feet downward from Davis Street towards Washington Street, it is improved with the existing bank building. The property's 60 stall surface parking area has many nonconformities and is accessed via several curb cuts along Highland and Davis streets. The only vegetation on the site is some shrubbery along the bank's Washington Street and Highland Street facades.

### III. PROJECT DESCRIPTION AND ANALYSIS

#### A. Land Use

If approved, principal use of the site will be a mix of residential and restaurant/retail uses. Specific aspects of the proposed uses include that require zoning relief is that the petitioner has indicated that the proposed first floor restaurant would have 160 indoor and 65 outdoor seats, for a total of 225 seats, thus requiring a special permit for a restaurant in a MU4 district to have more than 50 seats per Secs. 4.4.1 and 6.4.29.B.1. The petitioner is also seeking a special permit per Sec. 6.4.29.C.6 to allow a restaurant in a MU4 district to have extended hours of operation.

Also, per Secs. 4.4.1 and 6.2.4, in a MU4 zoning district ground floor residential uses, including amenities and/or a possible residential leasing office, would require a special permit, and on the ground floor.

#### B. Building and Site Design

The petitioner proposes to construct a five-story, 59.9-foot-high addition the rear of the existing two-story building (on and above the existing 60 stall surface parking lot) that would contain 50 rental residential units. The resulting expanded structure would contain a total of 73,601 square feet of gross square footage area, including 69,482 square feet of residential space.

As presently indicated by the petitioner, the existing one-story bank space would be converted into two spaces- into lobby area for the dwellings and 4,119 square foot, 225-seat (160 indoors and 65 outdoors) restaurant. The first floor would contain 10,313 square feet of area, and the second through fifth floor would range from approximately 14,500 to 17,500 square feet of area.

The Planning Department notes that the immediate abutters to the proposed addition include a windowless brick wall approximately 9.5 feet from the subject property and a two-story single-family home, one of several homes along Davis Street.

Regarding dimensional standards, which are discussed in more detail in the attached Zoning Memorandum, as the petitioner proposes to construct 50 residential units, this would result in a lot area per unit of 601 square feet, considerably less than the minimum 1,000 square feet in an MU4 district. The property's floor area ratio (FAR) would be 2.45, less than the 2.50 allowed for special permit approved five-story buildings.

The property has frontage on three streets: Washington, Highland and Davis streets. The existing structure has a 10.9-foot front setback from Washington Street. The proposed

addition is set back between 6.6 and 25.6 feet from Highland Street and between 6.1 and 19.2 feet from Davis Street, therefore, exceeding, in some locations, the maximum by-right front setback of 10 feet in an MU4 district.

The 59.9-foot addition is proposed with as little as a 5-foot setback. As such, it does not meet the requirement that in an MU4 district any portion of a building greater than 40 feet in height must be set back one foot from the adjacent lot line, for each additional foot of height, which would require a 20-foot setback on those portions exceeding 40 feet. The Planning Department notes that this condition would exist along portions of the parcel's Highland and Davis street frontages.

The proposed structure also does not meet the MU4 district requirement that there be at least one entrance for every 50 feet of building frontage facing a public way and that a minimum of 60 percent of the street-facing building façade between 2 feet and 8 feet in height above the street-level floor consist of clear windows that allow views of indoor space.

The petitioner has submitted a shadow study showing expected conditions at three times (9:00 PM, 12 noon, 3:00 PM) on the 21<sup>st</sup> of March, June, September, and December. Of these twelve times of the year depicted in the study, it appears that the project's most extensive shadow impacts would occur, not unexpectedly, on December afternoons with shadow being cast to the north and east.

C. Traffic, Parking and Circulation

The Planning Department has engaged an on-call transportation consultant to conduct a peer-review of the petitioner's materials on transportation/traffic issues. The Planning Department anticipates receiving a Peer Review Memorandum from its consultant in advance of a future public meeting. The Planning Department shall review such information in conjunction with other relevant departments upon its submission and be prepared to discuss it in a working session memorandum.

The Department makes the following initial observations on some of the issues that will be addressed by the peer review.

The subject site currently contains 60 surface parking stalls which are largely nonconforming with regard to setback, dimensional, and landscaping requirements.

Regarding the number of parking stalls required for the proposed redevelopment of the site, as detailed in the attached Zoning Review Memorandum, Sec. 5.1.3.B provides that when the gross floor area of a building is increased or a change in use increases the parking requirements, the petitioner shall use the so-called "A-B+C formula" to determine the number of parking stalls required after the change, where "A" is the number of stalls required per §5.1 and "B" is the number of stalls that would have been required under §5.1 prior to the date of enlargement or change of use and "C" is the number of off-street parking stalls located on the premises prior to the date of enlargement or change of use. The petitioner requests a waiver from that requirement and requests in the alternative to determine the required number of parking stalls based on the proposed uses.

Toward that end, per Sec. 5.1.4 of the NZO, the proposed 50 residential dwelling units requires 100 stalls (two per unit) and the 225-seat restaurant with 27 employees on the largest shift requires 84 stalls (1 per 3 seats plus 1 per 3 employees). As such, the proposal requires a total of 184 required stalls.

The petitioner proposes to provide only 69 parking stalls, thus requiring a waiver of 115 required stalls.

As designed, the proposed 69 parking stalls onsite would be located in two separate parking facilities. Nineteen would be in an at-grade facility (below the upper floors of the proposed addition) and accessed from Davis Street, while fifty would be located in a below-grade garage accessed from Highland Street.

Furthermore, the petitioner seeks to assign the 19 at-grade stalls to the restaurant use and the 50 stalls located on the lower parking level to the residential use (one per unit), requiring a special permit to waive the prohibition on the assignment of parking stalls to specific tenants.

The Planning Department notes that the applicant will provide at least 50 biking parking stalls, which is considerably in excess of the seven required.

The proposed parking facility as proposed would also require various dimensional exceptions, including allowing parking stalls widths as narrow as eight feet and stall depths of 16 feet where 9 and 19 feet, respectively, are required.

Regarding maneuverability issues, where parking facilities with 90-degree parking require a minimum aisle width of 24 feet for two-way traffic, the proposed two-level garage facility would have aisle widths in some locations of less than 23 feet wide. It would also be nonconforming as there are end stalls that are not provided with required end-of -aisle maneuvering space of at least five feet in depth and nine feet in width. The Planning Department suggests the petitioner consider alternative configurations for the parking area, including the habitable space on the ground level, the depth of which seem to constrain both the parking stall depths and aisle width, so as to allow the site's parking to better comply with applicable requirements.

Also, the Planning Department requests that the petitioner how deliveries would be made to the property, especially if it expected that they would be made curbside via Washington and/or Highland streets.

D. Landscaping and Lighting

The petitioner provided a landscape plan. As the proposed building would occupy the vast majority if not effectively all of the lot, the landscaping is by necessity focused on street trees and ground level vegetation along the property's three street frontages. The Planning Department recommends that the petitioner make best efforts to address conditions at the property line shared with the abutting property on Davis Street. It also notes that transformers are generally not allowed in setback and the one shown on the site plans is located close to the Davis Street front and side property lines.

The petitioner has submitted a photometric plan showing very little, if any “spillage” of light onto adjacent sidewalk, public ways, and properties.

E. Inclusionary Zoning

Also, as the proposed 50-unit multi-family dwelling would be subject to the inclusionary zoning provisions of Sec. 5.11.4.B.4.c, the petitioner would be required to provide eight (15%) of the dwelling units to households earning 50%-80% of the Area Median Income (AMI) and one (2.5%) of the units to households earning up to 110% of the AMI for a total of nine required inclusionary units. The petitioner would also be required to provide a fractional cash payment equivalent to 0.3 units.

The petitioner submitted an Inclusionary Housing Plan (dated May 25, 2022) that will be reviewed by the Planning Department’s Housing staff.

F. Sustainability

As the proposed development would include construction or substantial reconstruction of one or more buildings totaling 20,000 square feet or more of gross floor area and also requires a special permit, it would be subject to the sustainable development requirements provided Sec. 5.13.3.A. The City’s Climate and Sustainability Team has reviewed the proposal and its comments can be found in its attached memorandum (**Attachment C**).

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment D**). Based on the completed Zoning Review Memorandum, the petitioner is seeking

- to rezone to MU4
- a Special Permit per §7.3.3 to:
  - allow reduced lot area per unit (§4.2.2.A.2, §4.2.5.A.3)
  - allow a building in excess of 20,000 square feet (§4.2.2.B.1)
  - exceed the maximum front setback (§4.2.3, §4.2.5.A.4)
  - allow a mixed-use residential building with five stories and 60 feet in height (§4.2.3, §4.2.2.B.3, §4.2.5.A.2)
  - allow an FAR of 2.44 in a five-story building (§4.2.2.B.3, §4.2.3)
  - waive the setback requirement for the portions of the building exceeding 40 feet in height (§4.2.5.A.4.c)
  - waive entrance requirements (§4.2.5.A.6.a)
  - Request to waive façade transparency requirements (§4.2.5.A.6.b)
  - allow a restaurant with more than 50 seats with extended hours of operation

(§4.4.1, §6.4.29.B.1, §6.4.29.C.6)

- allow ground floor residential use (§4.4.1, §6.2.4)
- waive the requirement of using the A-B+C parking formula (§5.1.3.B, §5.1.13)
- waive 115 required parking stalls (§5.1.4, §5.1.13)
- allow assigned parking (§5.1.3.E, §5.1.13)
- allow reduced parking stall width (§5.1.8.B.1, §5.1.13)
- allow reduced parking stall depth (§5.1.8.B.2, §5.1.13)
- to allow reduced accessible stall depth (§5.1.8.B.4, §5.1.13)
- waive end stall maneuvering space requirements (§5.1.8.B.6, §5.1.13)
- allow reduced aisle width (§5.1.8.C.1, §5.1.8.C.2, §5.1.13)

**B. Engineering Review**

The Engineering Division Memorandum (**Attachment E**) provides an analysis of the proposal with regard to engineering issues. It notes that the petitioner's proposed Operations and Maintenance (O&M) plan for Stormwater Management Facilities is appropriate, and a construction management plan (CMP) will be required for this project.

Also, per a memorandum dated April 25, 2022, the Engineering Division has calculated a required Infiltration & Inflow issues payment of \$385, 741.

The Engineering Division will review this project for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit should this petition be approved.

**C. Newton Historic Commission**

The existing building is listed on the National Register. At the time of the granting of a previous special permit (SP #294-18) for the redevelopment of the property for a smaller mixed-use building, was found by the Newton Historic Committee to also be 'preferably preserved' for architectural integrity and historic context but waived the demolition delay based upon the plans for the smaller project that were reviewed and approved at that time.

**V. PETITIONER'S RESPONSIBILITIES**

The petitioner should provide any further information referenced above and should continue to work with the Planning Department on any issues raised above or the upcoming public hearing.

**ATTACHMENTS:**

**Attachment A:** Land Use Map

**Attachment B:** Zoning Map

**Attachment C:** City of Newton Climate and Sustainability Team- 1314 Washington Street Special

Permit Sustainability Review, dated July 12, 2022

**Attachment D:**

Zoning Review Memorandum

**Attachment E:**

Engineering Division Memorandum



# ATTACHMENT B

## Zoning

1314 Washington St.

*City of Newton,  
Massachusetts*

### Legend

-  Single Residence 2
-  Single Residence 3
-  Multi-Residence 1
-  Multi-Residence 2
-  Multi-Residence 3
-  Business 1
-  Manufacturing
-  Public Use

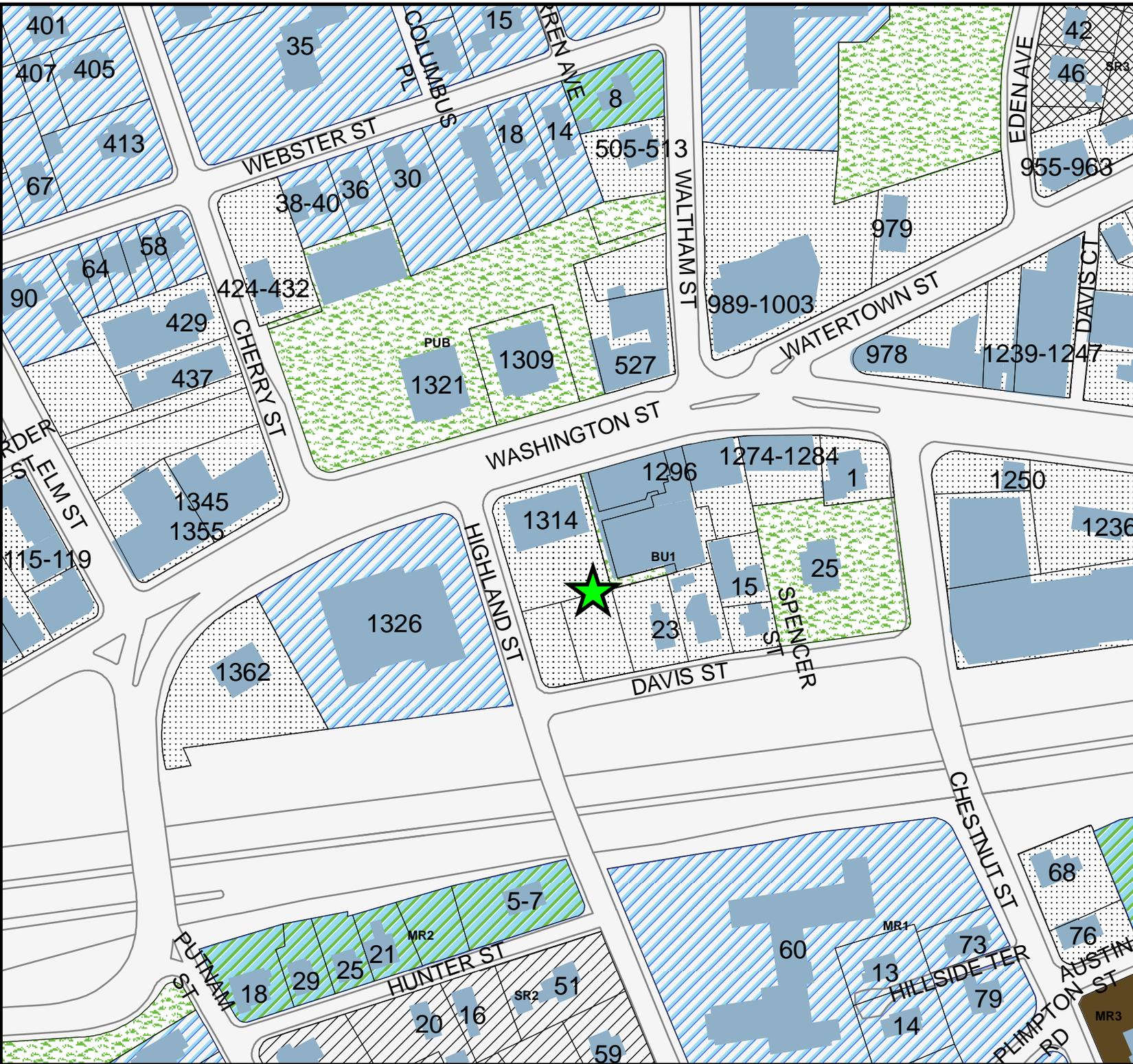


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield



Map Date: July 11, 2022





## City of Newton, Massachusetts Climate and Sustainability Team



**Date:** July 12, 2022

**To:** Councilor Richard Lipof, Land Use Committee Chair

**CC:** Stephen J. Buchbinder, Attorney; Mark Development, Developer; New Ecology, Sustainability Consultant; Michael Gleba, Senior Planner

**From:** Ann Berwick, Co-Director of Climate and Sustainability; Bill Ferguson, Co-Director of Climate and Sustainability; Liora Silkes, Energy Coach

**RE:** 1314 Washington Street Special Permit Sustainability Review

---

The Climate and Sustainability Team has reviewed the materials submitted by the project team and found the plans for 1314 Washington Street to be in compliance with the Sustainability Requirements as set forth by Zoning Ordinance Chapter 5 Section 13.

By planning to build 1314 Washington Street to LEED Gold certifiable standards, this project is on track to meet the requirements of Section 5.13.4.A of the Newton Zoning Ordinance. By planning to install EV charging stations for 10% of parking spaces and making another 10% EV charger ready, the project is on track to meet the requirements of Section 5.13.4.B of the Newton Zoning Ordinance. However, we see in the Green Building Rating System Narrative that EV charging equipment is listed at only 2% — if the project plans to install EV charging equipment at only 2% of parking spots that would not meet requirements. If this is a typo and should read 20% then the project is on track.

We are seeing substantial growth in EV adoption and would encourage the project team to install even more chargers than required.

The City Climate and Sustainability Team is pleased to see this project is committing to all-electric HVAC for the residential spaces and electric hot water when feasible, as well as conducting a Passive House feasibility study. We encourage the project team to follow through on the recommendations of the feasibility study to make this project as efficient as possible, and to use electricity for as much of the project's energy needs as possible.

We are glad to see the project team is exploring potential solar strategies and suggest the project become at least solar-ready, with careful consideration given to the location of mechanicals on the roof to leave room for a future solar installation if solar is not installed during construction. We suggest doing a solar analysis to evaluate potential costs and benefits of installing solar during construction.

Finally, we are happy to see mention of embodied carbon through revitalizing the existing bank building and using wood-framed construction as much as possible.



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: May 25, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Katie Whewell, Chief Planner for Current Planning

Cc: Stephen J. Buchbinder, Attorney  
HQ, LLC, Applicant  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Associate City Solicitor

**RE: Request to rezone to Mixed Use 4, to allow a building with more than 20,000 square feet, a restaurant with more than 50 seats, to extend a nonconforming structure, to allow five stories and various waivers for parking**

Applicant: HQ, LLC	
<b>Site:</b> 1314 Washington St, 31 Davis St & 33 Davis St	<b>SBL:</b> 33 10 01, 33 10 11 & 33 10 12
<b>Zoning:</b> BU1 (rezone to MU4 proposed)	<b>Lot Area:</b> 30,031 square feet
<b>Current use:</b> Bank	<b>Proposed use:</b> Residential and restaurant

### BACKGROUND:

The property 1314 Washington Street is comprised of three lots totaling 30,031 square feet in the Business 1 zoning district currently improved with a bank constructed in 1915 and a surface parking lot with 60 stalls and many dimensional parking nonconformities. The property is bound by Washington Street to the north, Highland Street to the west and Davis Street to the south. There has been a bank in the existing building since original construction in 1920. The petitioner proposes to consolidate and rezone the parcels to Mixed Use 4 and construct a five-story rear addition to the existing building. The petitioner intends to convert the bank space into a restaurant. The addition will accommodate 50 residential units. As proposed, there will be 69 parking stalls available for the two uses in two separate surface and below-grade facilities.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Stephen J Buchbinder, attorney, dated 3/31/2022, revised 5/11/2022
- Parking Calculation, submitted 3/31/2022, revised 5/4/2022
- Existing Conditions Plan, prepared by Gerry L. Holdright, surveyor, dated 8/1/2017
- Average Grade Plane, prepared by Bohler Engineering, dated 3/22/2022

- Proposed Site Plan, signed and stamped by Joshua Swerling, Engineer, dated 5/2/2022
- Floor Plans and Elevations, signed and stamped by David M. Schwarz, architect, submitted 5/4/2022

### **ADMINISTRATIVE DETERMINATIONS:**

---

1. The existing project site is compromised of three parcels containing 30,031 square feet in the BU1 zoning district. The petitioner proposes to combine the three parcels into one and requests to rezone to MU4.

The administrative determinations and relief requested by this memo assume that the entire project site is zoned MU4.

2. Per section 4.2.2.A.2, the minimum lot area per unit in the MU4 district is 1,000 square feet. The petitioner proposes to construct 50 residential units in the rear addition, resulting in a lot area per unit of 601 square feet. Per section 4.2.5.A.3, the lot area per unit may be waived by special permit as the City Council finds appropriate.
3. The petitioner proposes to construct a five-story addition to the rear of the existing building, resulting in a total of 73,333 square feet of gross floor area. Per section 4.2.2.B.1, a special permit is required for any development in the MU4 district of 20,000 square feet or more gross floor area.
4. The property has frontage on three streets; Washington, Highland and Davis streets. The existing structure has a 10.9 foot front setback from Washington Street. The proposed addition is set back between 6.6 and 25.6 feet from Highland Street and between 6.1 and 19.2 feet from Davis Street. Per section 4.2.3, the maximum by-right front setback allowed in the MU4 district is ten feet. Section 4.2.5.A.4 allows the Council to waive the front setback requirement if found to be beneficial for pedestrian vitality, protection from shadows and encouraging the goals of the district.
5. Section 4.2.5.A.2 allows for the City Council to grant a special permit to allow up to five stories and 60 feet in height for buildings that meet the definition of mixed-use residential. As the proposal is to include a restaurant and a 50-unit multi-family dwelling, the petitioner seeks a special permit from the height and story limitations of sections 4.2.2.B.3 and 4.2.3 to allow the proposed five-story building with 60 feet in height.
6. Section 4.2.3 allows for an FAR of 2.50 for five-story buildings. To the extent that a special permit is required to allow for five stories per section 4.2.2.B.3, a special permit is required to allow an FAR of 2.44.
7. Section 4.2.5.A.4.c requires that any portion of a building greater than 40 feet in height must be set back one foot from the adjacent lot line for each additional foot of height. The proposed 59.9 foot addition would require a 20-foot setback on those portions exceeding 40 feet. The building is proposed with as little as a 5-foot setback, requiring a special permit.
8. Section 4.2.5.A.6.a requires that there is at least one entrance for every 50 feet of building frontage facing a public way. The petitioner seeks a special permit to waive this requirement.

9. Section 4.2.5.A.6.b requires a minimum of 60 percent of the street-facing building façade between 2 feet and 8 feet in height above the street-level floor must consist of clear windows that allow views of the indoor space. The petitioner seeks a special permit to waive this requirement.
10. Sections 4.4.1, 6.4.29.B.1 require a special permit for a restaurant with more than 50 seats. Additionally, section 6.4.29.C.6 requires special permit relief for a restaurant specifically in the MU4 district with more than 50 seats and extended hours of operation. The petitioner proposes a first floor restaurant with up to 225 seats and extended hours of operation, requiring a special permit.
11. Per sections 4.4.1 and 6.2.4, ground floor residential uses require a special permit in the MU4 zoning district. While no dwelling units are proposed on the ground floor, the leasing office and amenities for the dwelling units are proposed. A special permit is required to allow the residential leasing office and amenities on the ground floor.
12. The petitioner is proposing 50 residential dwelling units in the rear addition and a 225-seat restaurant in the existing bank space.

Proposed Use	Zoning Ordinance §5.1.4	Parking Requirement
Restaurant Use	225 seats @ 1 stall /3 seats = 75 stalls 27 Employees @ 1 stall/3 employees = 9 stalls	<b>84 stalls</b>
Residential Use	50 units@ 2 stalls/unit	<b>100 stalls</b>
<b>TOTAL</b>		<b>184 STALLS</b>

The petitioner requires a total of 184 parking stalls, per the requirements of section 5.1.4.

There are 69 parking stalls proposed on the site in two separate parking facilities. The 19 parking stalls for the restaurant will be in an at-grade facility covered by the upper floors of the building and accessed from Davis Street. There will be 50 stalls dedicated to the residential uses located in a below-grade garage accessed from Highland Street. The petitioner requires a waiver of 115 stalls per section 5.1.13.

13. Section 5.1.3.B states that when an enlargement or extension of the gross floor area of a building, or a change in use increases the parking requirements, the petitioner shall use the A-B+C formula to determine the number of parking stalls required after the change. In this formula, “C” represents the number of off-street parking stalls that exist prior to the enlargement, extension or change. The petitioner requests a waiver from the requirements of section 5.1.3.B and requests to determine the parking based on the proposed uses’ requirements and the proposed number of parking stalls.
14. The petitioner intends to assign the 50 below grade stalls to the residential units and the 19 at grade stalls will be dedicated to the restaurant use. The petitioner seeks a special permit to waive the prohibition on the assignment of parking stalls to specific tenants per sections 5.1.3.E and 5.1.13.
15. Section 5.1.8.B.1 requires a parking stall width of at least 9 feet. The petitioner proposes parking stalls that are either 8 or 8.5 feet wide, requiring a special permit per section 5.1.13.

16. Section 5.1.8.B.2 requires a parking stall depth of at least 19 feet. The petitioner proposes some parking stalls that are 16 feet deep, requiring a special permit per section 5.1.13.
17. The accessible stalls are all 18 feet deep where section 5.1.8.B.4 requires 19 feet. The petitioner requires a special permit per section 5.1.13 to reduce the required depth of the accessible stalls.
18. Section 5.1.8.B.6 requires that end stalls restricted on one or both sides have maneuvering space at the end of the aisle of at least five feet in depth and nine feet in width. The petitioner is proposing parking with limited maneuvering space at the end of the aisle, requiring a special permit per section 5.1.13.
19. Per section 5.1.8.C.1 and 2, parking facilities with 90 degree parking require a minimum aisle width of 24 feet for two-way traffic. The proposed below grade garage facility has aisle widths between 22.7 and 24 feet wide. A special permit is required for a reduced aisle width per section 5.1.13.
20. Per section 5.11.4.B.4.c a 50-unit multi-family dwelling is required to provide 15% of the dwelling units at 50%-80% AMI and 2.5% at 110% AMI. The petitioner must provide eight units at 50-80% AMI and one unit at 110% AMI, for a total of nine required inclusionary units. The petitioner must also provide a fractional cash payment for 0.3 units.
21. Per section 5.13.3.A the sustainable development requirements apply to any proposed development that includes construction or substantial reconstruction of one or more buildings totaling 20,000 square feet or more of gross floor area that also requires the issuance of a special permit. The proposed development must meet the sustainable development requirements by submitting the materials outlined at the special permit application stage or request a waiver per section 5.13.7.

See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
	Request to rezone to MU4	
§4.2.2.A.2 §4.2.5.A.3	Request to allow reduced lot area per unit	S.P. per §7.3.3
§4.2.2.B.1	Request to allow a building in excess of 20,000 square feet	S.P. per §7.3.3
§4.2.3 §4.2.5.A.4	Request to exceed the maximum front setback	S.P. per §7.3.3
§4.2.3 §4.2.2.B.3 §4.2.5.A.2	Request to allow a mixed-use residential building with five stories and 60 feet in height	S.P. per §7.3.3
§4.2.2.B.3 §4.2.3	Request to allow an FAR of 2.44 in a five-story building	S.P. per §7.3.3
§4.2.5.A.4.c	Request to waive the setback requirement for the portions of the building exceeding 40 feet in height	S.P. per §7.3.3

§4.2.5.A.6.a	Request to waive entrance requirements	S.P. per §7.3.3
§4.2.5.A.6.b	Request to waive façade transparency requirements	S.P. per §7.3.3
§4.4.1 §6.4.29.B.1 §6.4.29.C.6	Request to allow a restaurant with more than 50 seats with extended hours of operation	S.P. per §7.3.3
§4.4.1 §6.2.4	Request to allow ground floor residential use	S.P. per §7.3.3
§5.1.3.B §5.1.13	Request to waive the requirement of using the A-B+C parking formula	S.P. per §7.3.3
§5.1.4 §5.1.13	Request to waive 115 required parking stalls	S.P. per §7.3.3
§5.1.3.E §5.1.13	Request to allow assigned parking	S.P. per §7.3.3
§5.1.8.B.1 §5.1.13	Request to allow reduced parking stall width	S.P. per §7.3.3
§5.1.8.B.2 §5.1.13	Request to allow reduced parking stall depth	S.P. per §7.3.3
§5.1.8.B.4 §5.1.13	Request to allow reduced accessible stall depth	S.P. per §7.3.3
§5.1.8.B.6 §5.1.13	Request to waive end stall maneuvering space requirements	S.P. per §7.3.3
§5.1.8.C.1 §5.1.8.C.2 §5.1.13	Request to allow reduced aisle width	S.P. per §7.3.3

CITY OF NEWTON  
Department of Public Works  
ENGINEERING DIVISION

MEMORANDUM

To: Council Rick Lipof, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 1314 Washington Street

Date: July 1, 2022

CC: Barney Heath, Director of Planning  
Jennifer Caira, Deputy Director of Planner  
Katie Whewell, Chief Planner  
Lou Taverna, PE City Engineer  
Jennifer Breslouf, Committee Clerk

---

In reference to the above site, I have the following comments for a plan entitled:

*Special Permit/Zoning Change Plans  
1314 Washington Street  
Prepared by: Bohler Engineering  
Dated: May 2, 2022*

Executive Summary:

This project entails the redevelopment of the existing building which is currently a bank and adding a five-story addition to the rear of the structure. The site currently comprises of three lots, if the special permit is approved an Approval Not Required (ANR) plan will be needed in accordance to Massachusetts General Laws Chapter 41 Section 81P requiring the separate lots be combined into one lot.

The property has frontage along Washington Street, Highland Avenue and Davis Street, the one of the existing curb cuts (driveway aprons) along Davis Street will be closed off and remodeled as ADA compliant sidewalks. The second curb cut on Davis Street will provide access to the underground parking lot. The existing curb cut on Highland Street will serve as a secondary ramp down to the residential parking below grade. In concert with the sidewalk repairs the applicant wishes to remove an existing metal guard rail, this

office has no records of who installed this guard rail. If it was installed by the previous owner as a barrier to separate the parked cars and the sidewalk, then I would recommend that an ornamental wrought iron fence be installed in lieu of the guard rail. If the guard rail was installed per the City Police Department's requirement as a safety barrier for vehicles parked in the lot from vehicles that travel northerly on Highland Avenue, then the applicant should replace the guard rail for public safety. I recommend that the applicant meet with the Police Department for input.

The site is essentially all impervious with roof and paved parking lot, only a small area of vegetation exists.



*View of parking lot Highland Avenue towards the left & Davis Street at the rear of the photo.*

The site generally slopes from a high point near Davis Street at elevation 59-feet towards the rear of the building at elevation approximately 55-feet. The only stormwater system is a catch basin it is unclear if this is functioning.

The engineer of record has designed a storm water collection system to enhance stormwater quality from the site for a 100-year storm, however; the City standard is 8.78 inch not 8.73-inches over a 24-hour period. The design shows reduced rate of runoff from the site but need to include a computation for volume. The designed system has an overflow connection to the City drainage system connecting at a catch basin, this is not allowed any overflow must be made to the closest drain manhole. The proposed operations and maintenance plan is appropriate for the design intent if this permit is approved the O&M shall be recorded at the Registry of Deeds.

Water and sanitary sewer services are being upgrade to current standards as well.

All sidewalks and curbing shall be updated in accordance with the City Ordinance B-42.

Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction equipment, construction materials, parking of construction worker's vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of contractor. It shall also address any anticipated dewatering during construction, site safety & stability, and impact to abutting properties.

Drainage:

1. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the property owner(s).
2. When a connection to the City's drainage system is proposed, prior to approval of the Building Permit a Closed Circuit Television (CCTV) inspection shall be performed and witnessed by the Engineering Division, the applicant shall retain a contractor that specializes in CCTV inspection. The applicant shall contact the Engineering Division 48 hours in advance to schedule an appointment. At the end of the inspection the video or CD shall be given to the inspector. Furthermore, upon completion of the connection to the drainage system a Post – Construction video inspection shall also take place and witnessed as described above. This is required regardless of the connection point, the intent is to ensure that there are no downstream blockages or damaged pipe so that the contractor of record is not held accountable for preexisting conditions.

Environmental:

1. Has a 21E investigation & report been performed on the site, if so copies of the report should be submitted the Newton Board of Health and the Engineering Division.
2. Are there any existing underground oil or fuel tanks, are they to be removed, if they have been evidence should be submitted to the Newton Fire Department, and Newton Board of Health.

Sewer:

1. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the main and the site then properly back filled. The Engineering Division must inspect this work; failure to having this work inspected may result in the delay of issuance of the Utility Connection Permit.
2. Washington Street was reconstructed last year and is under a moratorium. Any utility work within the street will require full restoration in accordance with the DPW Restoration Policy.
3. With the exception of natural gas service(s), all utility trenches with the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E, detail is available in the City of Newton Construction Standards Detail Book.
4. All new sewer service and/or structures shall be pressure tested or videotaped after final installation is complete. Method of final inspection shall be determined solely by the construction inspector from the City Engineering Division. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer. ***This note must be added to the final approved plans.***
5. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer. ***This note must be added to the final approved plans.***
6. A detailed profile will be needed for the proposed sewer connection.

Infiltration & Inflow:

Will be addressed via a separate memo.

Water:

1. Fire flow testing is required for the proposed fire suppression system. The applicant must coordinate this test with both the Newton Fire Department and the

Utilities Division; representatives of each department shall witness the testing, test results shall be submitted in a write report. Hydraulic calculation shall be submitted to the Newton Fire Department for approval.

2. All water connections shall be chlorinated & pressure tested in accordance to AWWA and the City of Newton Construction Standards and Specifications prior to opening the connection to existing pipes.
3. Approval of the final configuration of the water service(s) shall be determined by the Utilities Division, the engineer of record should submit a plan to the Director of Utilities for approval

General:

1. All trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility in question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
4. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
5. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
6. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading, improvements and limits of restoration work. The plan shall also include profiles of the various new utilities, indicating rim & invert elevations, slopes of pipes, pipe material, and swing ties from permanent building corners. ***This note must be incorporated onto the final contract plans.***

7. All site work including trench restoration must be completed before a Certificate of Occupancy is issued. *This note must be incorporated onto the site plan.*
8. If any changes from the original approved design plan that are required due to unforeseen site conditions, the engineer of record shall submit a revised design & stamped and submitted for review and approval prior to continuing construction.

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
[www.newtonma.gov](http://www.newtonma.gov)

Barney Heath  
Director

---

**MEMORANDUM**

To: Planning & Development Board

From: Barney Heath, Director of Planning & Development  
Cat Kemmett, Senior Planner

Date: September 6, 2022

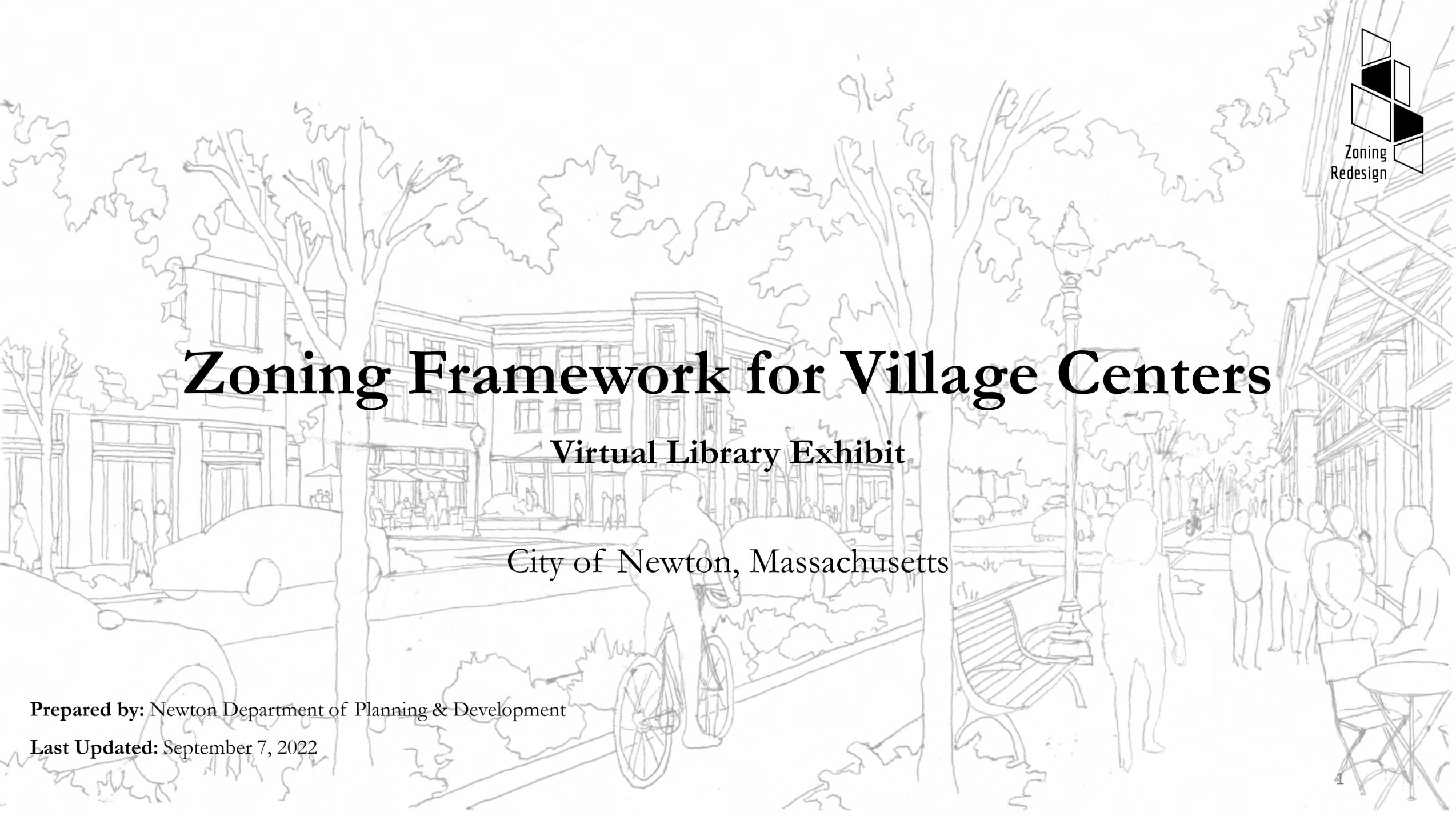
Subject: Planning Board Determination on Voting Threshold for Rezoning Petition #357-22—  
1314 Washington Street, 31 & 33 Davis Street

---

As part of the so-called “Housing Choice” legislation enacted in early 2021, several amendments were made to Chapter 40A known as the Zoning Act. Among those changes most germane to Planning Boards was the recommendation that the Planning Board, as part of their overall rezoning recommendation to the City Council, include whether the specific location of the rezoning request meet the criteria for a simple majority vote (as opposed to a two-thirds majority vote for all other zoning amendments) of the City Council.

The rezoning petition #357-22 for rezoning 1314 Washington Street, 31 & 33 Davis Street is a textbook example of the kind of project that was envisioned for this legislation because of its location in the heart of West Newton square and adjacent proximity to the commuter rail bus lines.

Therefore, as part of its overall rezoning recommendation for these sites, it is recommended that the Planning Board include a determination that this petition meets the qualifications for the City Council to hold a simple majority vote.



# Zoning Framework for Village Centers

Virtual Library Exhibit

City of Newton, Massachusetts

Prepared by: Newton Department of Planning & Development

Last Updated: September 7, 2022

# Introduction

(1)

# Shaping Future Village Centers

## Zoning for Newton's Community and Business Centers

### What is This Document and How did We Get Here?

The City of Newton is updating certain aspects of its Zoning Ordinance - a set of rules that impacts what can be built, and where. Zoning can seem complicated at first glance, where eyes can gloss over numbers and planning jargon. But zoning is incredibly important and has a direct relationship to many things near and dear to the Newton community like helping small businesses thrive, responding to climate change, developing more diverse & affordable housing, and creating more communal & active spaces.

Right now, the Newton City Council is considering a set of proposed zoning changes for Newton's village center commercial districts. The last comprehensive update to Newton's village center zoning was in 1987 during a period of declining population.

The additional controls placed on commercial development then are still impacting economic development and village center vitality today.

This exhibit provides information about zoning generally, the village center specific zoning proposals, and how you can communicate your thoughts - your experience as a Newton community member is very important to this effort.



A zoomed in view along the street of a hypothetical village center that could be developed over time under the proposed zoning framework. Ample sidewalks, bike lanes, plazas, and landscaping create a high-quality experience for pedestrians, cyclists, and drivers. This is a successful village center given the high mix of uses, a built-in customer base from residences and offices on upper floors, and a safe and accessible transit network to move within and around it.

# We Want to Hear from You

## How to Give Your Feedback

### How to Use This Document?

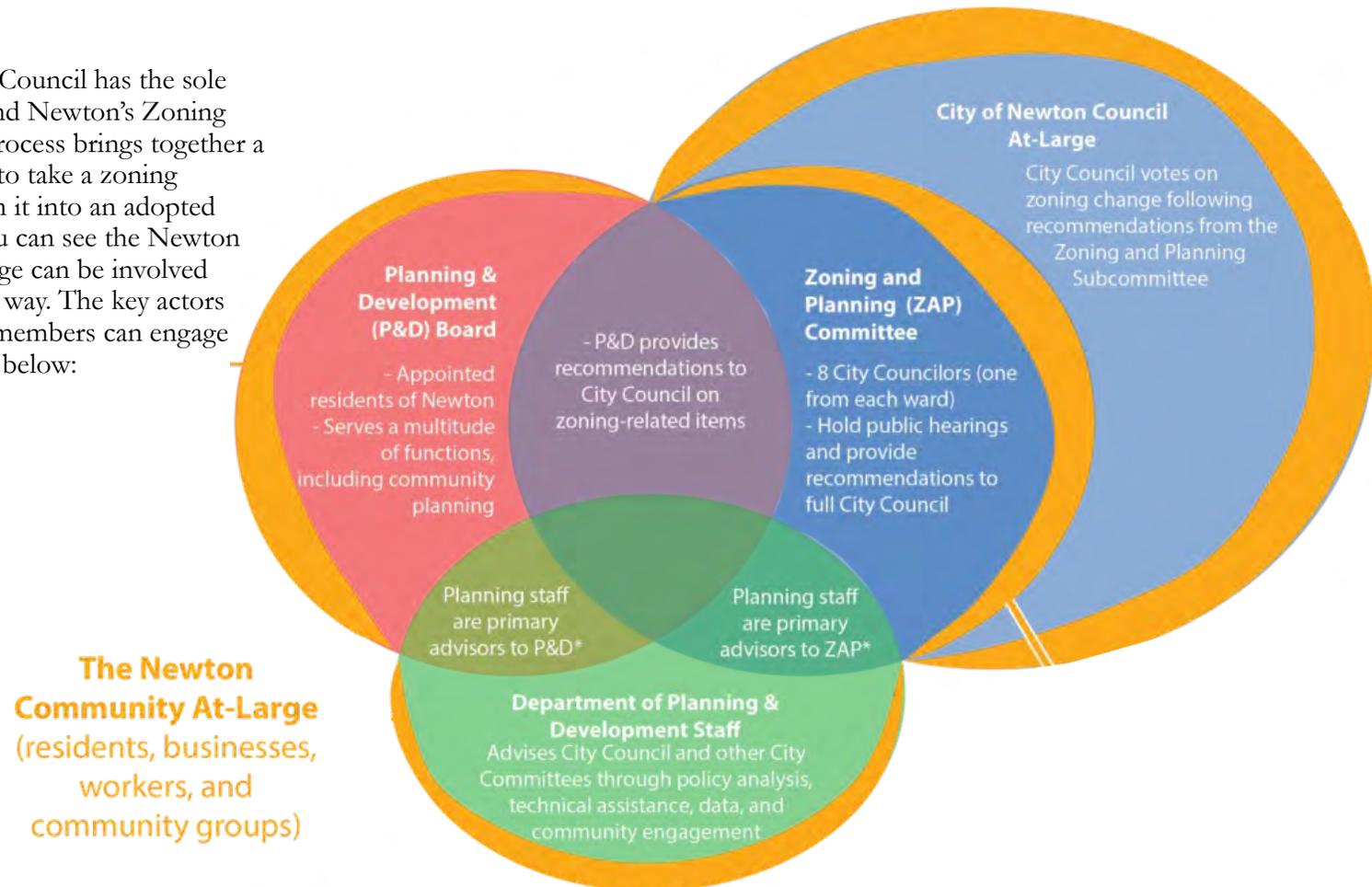
As you read through this document: take notes to mark your observations, formulate your questions, and list out pros and cons for each proposal. After you finish, complete the Feedback Tool using your phone, laptop, or tablet by going to the following website:

[https://stanforduniversity.qualtrics.com/jfe/form/SV\\_9MrszPSIt4KcGq2](https://stanforduniversity.qualtrics.com/jfe/form/SV_9MrszPSIt4KcGq2)

The Feedback Tool will be open from September 1, 2022 through October 16, 2022.

### Key Actors

Though the City Council has the sole authority to amend Newton's Zoning Ordinance, the process brings together a variety of actors to take a zoning proposal and turn it into an adopted ordinance. As you can see the Newton community at-large can be involved every step of the way. The key actors that community members can engage with are outlined below:



# We Want to Hear from You

## How to Give Your Feedback

### How to Use This Document for a Group Meeting

If you are using this document for a group meeting, either in person or in a virtual meeting, we suggest the following agenda to the right.

#### Why are less slides suggested in the agenda than what exist in the document?

This agenda is suggested for an hour-long meeting, a standard for group convenings. It zooms in on the most relevant slides for community members to give their input through the feedback tool.

If you were to present this whole document in a group meeting, it would take a while. This document is comprehensive and goes through each proposed change to the village center zoning. However, zoning rules often function like a pulley system – you pull on one pulley, it impacts other pulleys in different ways. Similarly, these 12 proposals are in dialogue with one another, working individually and together to create a complete proposed zoning framework.

That's why the city is asking just three zoning questions to try to get at the core reasoning behind the 12 proposals.

#### Have more time? Want to present more slides?

While all the slides are important, we suggest the agenda above for about an hour-long meeting. However, this is not the only way you have to use this document with your group! Go through all the slides or add on slides that you think are additionally relevant.

### Suggested Group Meeting Agenda

*Identify one or multiple people to facilitate this meeting and present the slides listed here.*

1. Introductions (Name, pronouns if one wants, the activities they enjoy or want to see in village centers, and the village centers they have relationships with)
2. Present **Zoning History (2.1 – 2.3)**, pg 7-13
3. Present **Nuts and Bolts of Zoning (3.1)**, pg 14-17
4. Present **Allow for Reasonably Taller Buildings (3.2)**, pg 18-21
5. Present **Mapping the Village Center Zoning Districts (5.1)**, pg 58-64
6. **Pause and ask discuss:** Currently Newton essentially has the same zoning districts for all its village centers. Do you think there should be a variety of zoning districts for the variety of village centers?
7. Present **Mapping and MBTA Communities (5.2)**, pg 65-67
8. **Pause and discuss:** Which allowed heights for new buildings do you think are appropriate for village centers?
9. Present **Lower Parking Requirements (3.9)**, p 45-49
10. **Pause and discuss:** Do you agree with the proposal to reduce the parking requirements for new buildings in the village centers? Have each person open the feedback tool: <https://tinyurl.com/ZoningFeedbackTool>
11. **Fill out the feedback tool.** A lot of the information written out here overlaps with what is in this document, so skip to the bottom part of each page that has the questions asked above. Each person individually submits their answers. Remind people that each person should only submit their input through the feedback tool once, in order to ensure equal representation of Newton's community members (those who live, work, or study in Newton.)

# Table of Contents

The contents of this document are organized into six sections identified by color:

**Introduction (1)** page 2

**Zoning History (2)** page 7

**Zoning Framework – Development Standards (3)** page 14

**Zoning Framework – Review Process (4)** page 50

**Zoning Framework – The Zoning Map (5)** page 57

**Next Steps (6)** page 68

# Zoning History

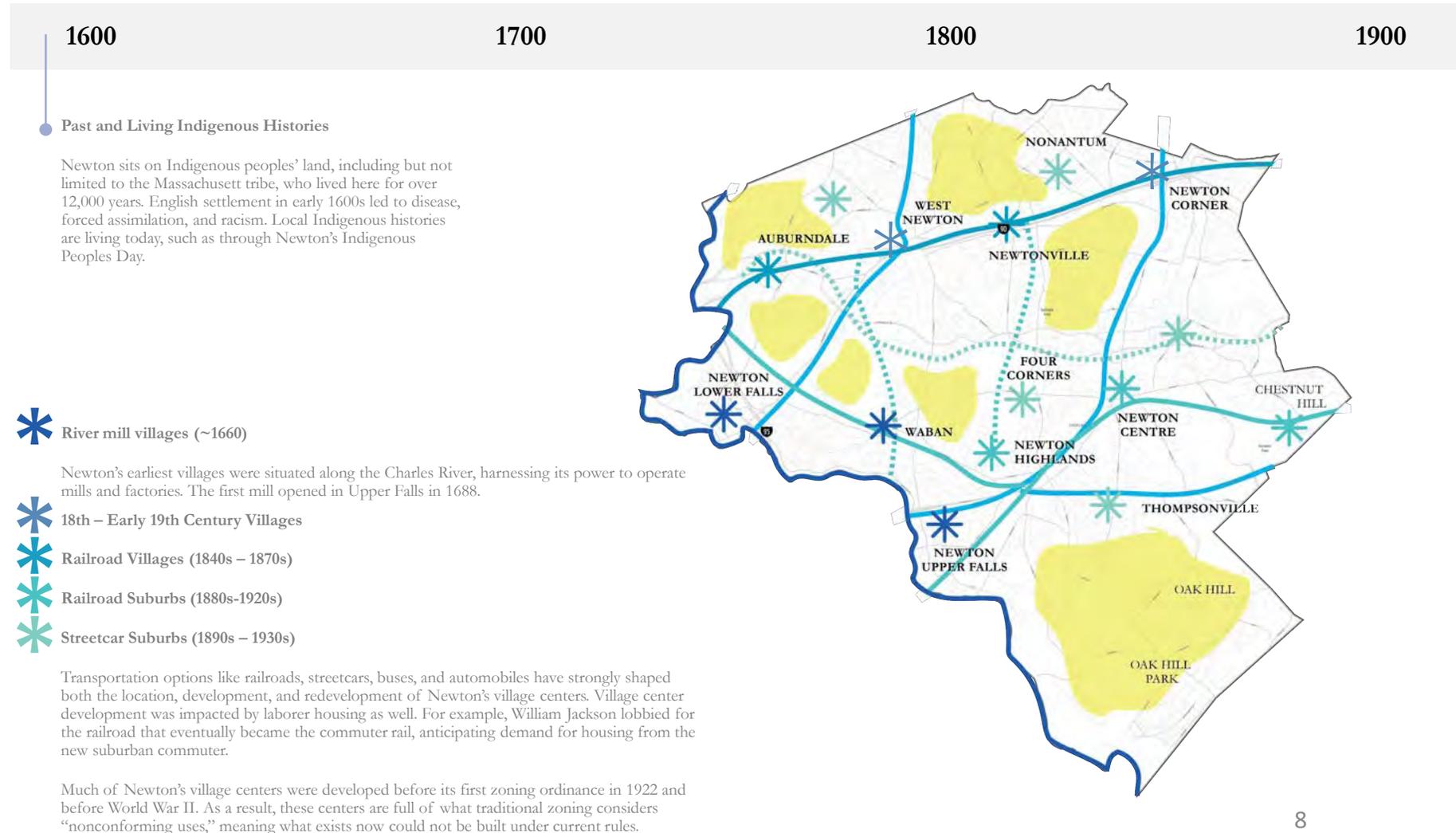
(2)

# Newton's Zoning and Development History

## Beginnings of Zoning + Village Centers (2.1)

Today's village centers have developed through the complex interplay of economic shifts, transportation innovations, and ever-changing trends in household lifestyles for nearly 400 years. Look closely and you may see remnants of this history in a building, park, or train station.

More recently, the two greatest forces shaping village centers are the automobile and modern zoning, which both rose to popularity in the early 1900s. Newton adopted its first Zoning Ordinance in 1922.

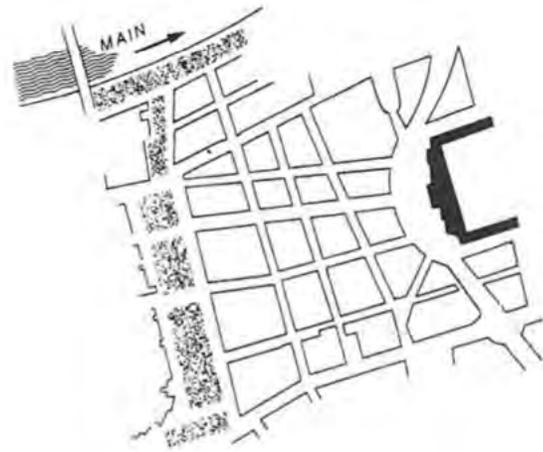


# Newton's Zoning and Development History

## Beginnings of Zoning + Village Centers (2.1)

### Zoning Beginnings - Germany to Newton

Frankfurt, Germany first developed zoning in the 1870s to control toxic industry, provide relief from crowding, and offer protection of the countryside.



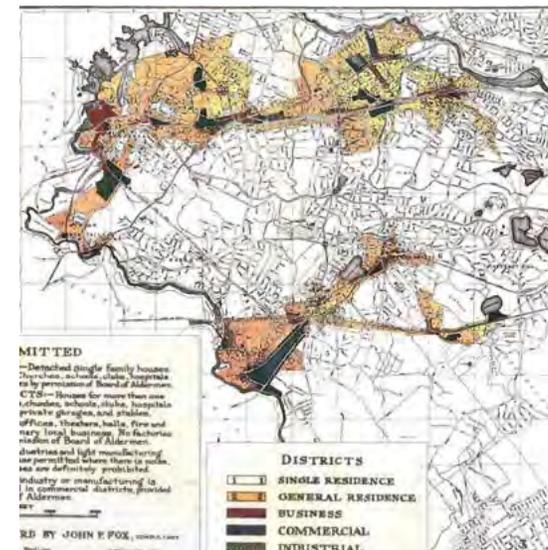
A sketch of plots from the Frankfurt zoning.

Influenced by Frankfurt, first attempts at zoning in the U.S. began in the 1910s. Although zoning was marketed as a tool to separate incompatible uses - like a school next to a slaughterhouse - in practice it served as a way to keep certain people and uses out, further segregating cities nationwide racially and economically.



People bustling down a busy street with street food vendors, horse carriages, and apartment complexes in NYC, c. 1900.

Newton adopted its first zoning ordinance in 1922 following the City's first comprehensive plan. This early zoning ordinance was designed to essentially hold commercial (including apartment buildings) and industrial development in its present (at that time) locations.



1921 Map from the first zoning proposal for Newton that has districts for single residence, general residence, business, commercial and industrial.

# Newton's Zoning and Development History

## Zoning Development + Events in Newton (2.2)

Newton's population nearly doubled from 46,000 to 82,000 between 1922 (when Newton first adopted zoning) and 1950. This rapid growth led to two major zoning overhauls, between 1930 and 1953, to further limit density and build upon the post-WWII suburban ideal. These zoning changes, made over 70 years ago, still form the foundation of the Zoning Ordinance today.

In addition, major events of discrimination took place, like redlining. While not directly influenced by local zoning, they are relevant in the overall understanding of Newton's development.

- Legend
- General Residence (apartments)
  - Business
  - Manufactured
  - Unrestricted
  - Single Residence
  - Private Residence



1900

1925

1950

1975

Early Zoning Revisions

This zoning map of 1938 is broken up into 6 areas. They are zoning districts - an area of the city within which zoning rules control what can be built or redeveloped. So the areas marked brown will only allow buildings used for business. Most of the village centers today sit within 2 types of business districts.

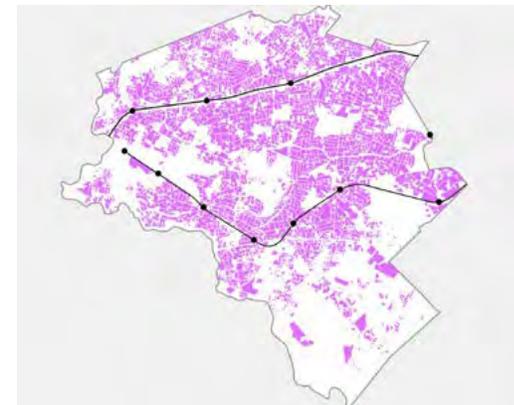


Village Center revisions (1987)

The Zoning Ordinance is revised and imposes restrictions on commercial development following the completion of The Atrium in 1986, pictured above, along Route 9.



Existing Buildings Built Before 1945



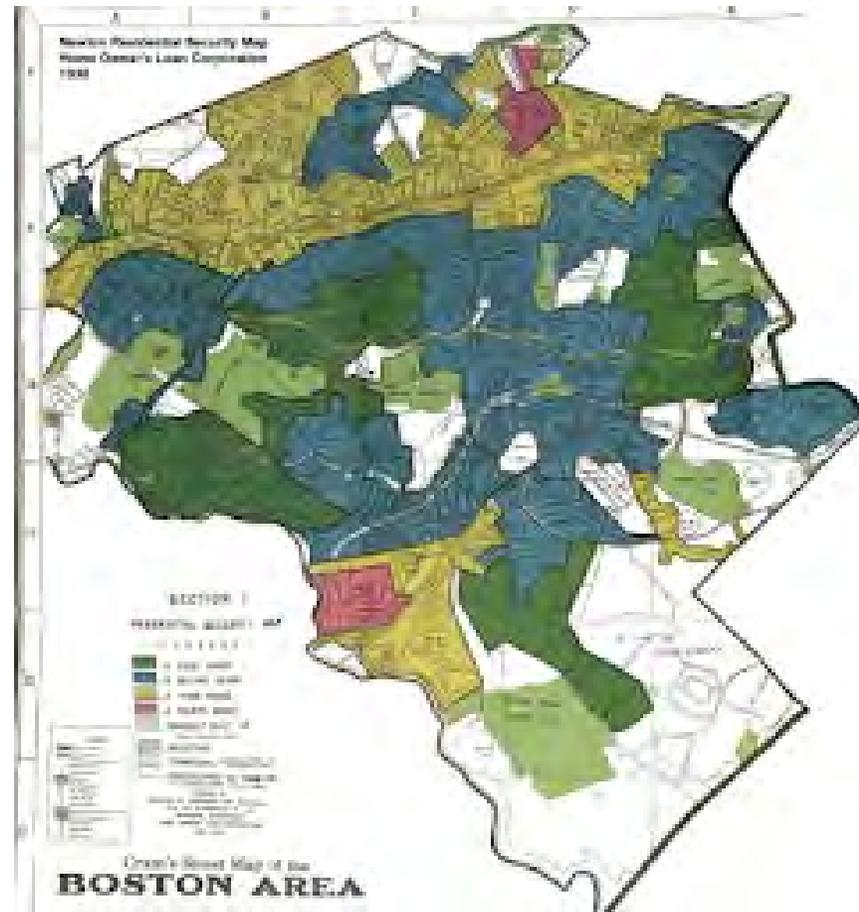
# Newton's Zoning and Development History

## Zoning Development + Events in Newton (2.2)

### Redlining (1945-1959)

The U.S. government outlined areas across the country with sizable Black and immigrant populations in red on maps as a warning to mortgage lenders. This effectively isolated Black people in areas that would suffer lower levels of investment than their white counterparts.

For Newton, these 'red areas' were applied to immigrant neighborhoods of Upper Falls and Nonantum.



The 1938 'Newton Residential Security Map' from the Home Owner's Loan Corporation. Neighborhoods are colored based on their 'grade,' or rather, 'desirability' for receiving mortgages.

Legend - Residential Securities Map

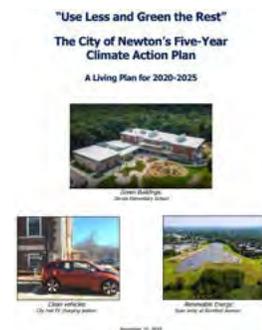
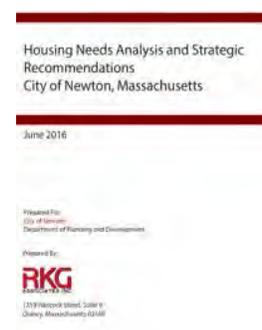
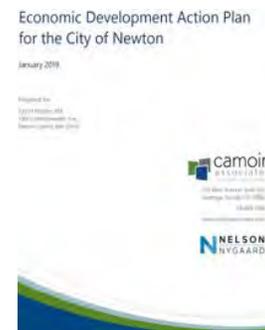
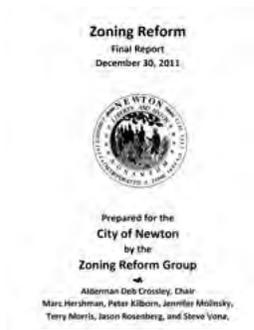
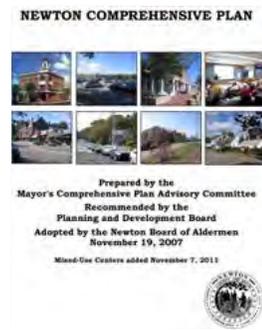
- A - First Grade - 'Best'
- B - Second Grade - 'Still Desirable'
- C - Third Grade - 'Definitely Declining'
- D - Fourth Grade - 'Hazardous'

# Newton's Zoning and Development History Considering Zoning Updates (2.3)

Since 2000, the City of Newton has produced multiple future-looking plans and reports that all highlighted the need to change zoning in village centers in order to achieve the stated goals.

Zoning can seem technical and boring. But as these City reports highlight, it plays an essential role in the city reaching - or not reaching - its goals. This exhibit is designed to help break down the mechanics and bring community members into the decision-making process.

## 2000 2010 2020



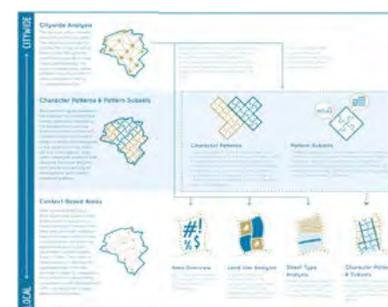
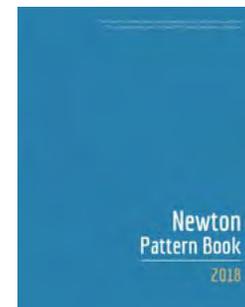
### Beginnings of Zoning Updates

The 2007 Comprehensive Plan highlighted how the zoning ordinance was difficult to read and did not always lead to desirable outcomes. In response, City staff, City Council and community members formed the Zoning Reform Group in 2011. It recommended comprehensively updating the Zoning Ordinance, kicking off the Zoning Redesign project.



### Creating the Pattern Book

In 2015, the Zoning Ordinance was reorganized to make it more user friendly. In 2016, the City began to develop the Pattern Book to assess existing development patterns in order to better understand Newton's context. Geographic information systems (GIS) data, historical records, regulatory/policy documents, existing conditions measurements, and community input were all used. It was released in 2018.



# Newton's Zoning and Development History

## Considering Zoning Updates (2.3)

### Focus on Village Centers

In 2021, the City shifted the focus to updating the zoning districts for Village Centers. Here is the City's step-by-step approach:

#### I. Identifying Values (summer 2021)

City staff and the consultant team are continuing to refine the proposed development standards so that they facilitate desired community outcomes, allow for financially feasible development, and align with overall City policy. In that regard, what follows remains a work in progress.



#### II. Getting Technical (today)

City staff drafted zoning update proposals based on Phase I, and they were workshopped by ZAP between February and June 2022. The resulting proposals are presented for community input.



#### III. Going to Vote (winter 2022)

First: Zoning Ordinance language is drafted, based on Phase II results & ZAP deliberation

Second: ZAP votes on drafted language & proposed updates

Third: If ZAP votes approval, City council votes on zoning changes



# Zoning Framework – Development Standards

(3)

# The Nuts and Bolts of Zoning Development Standards (3.1)

## Introduction

Development standards determine the overall size, shape, and location of a building, or buildings, that property owners can develop on their lot. These standards form the nuts and bolts of any zoning code. To ensure that new and renovated buildings, along with new uses of land, promote positive outcomes for the community, the Zoning Ordinance incorporates these standards.

They are hard and fast rules, applying to all projects in that zoning district in the same way. This section explains each development standard proposed within the village center zoning framework: what they do, why they were chosen, and the common arguments for and against each one that ZAP discussed before taking straw votes.

City staff and the consultant team are continuing to refine the proposed development standards so that they facilitate desired community outcomes, allow for financially feasible development, and align with overall City policy. In that regard, what follows remains a work in progress.

## Development Standard Categories

### Building Design

Scale, proportions, and exterior appearance of buildings. These are the standards which typically deal with the overall building height and mass. They also deal with windows, finishes, widths, roofs and roof lines in an attempt to describe local and regional building traditions within village centers. That said, zoning does not regulate architectural style, nor should it. Rather zoning and its standards create a framework with specific constraints that the design and creative process must work within.

### Lot Configuration

The location of a building and garage entrances for cars and delivery trucks. This element also controls overall the minimum requirements of a lot size, if any, and other things proportional to the lot. Such things include: on-site open spaces, buffering, and setbacks.

### Parking Requirements

Off-street parking and the number of parking spaces required. This element could also be used as a means to balance on-street and off-street parking in the total count to encourage the level of activity desired on the street. In addition, parking requirements could mute the visibility and visual impact of parking lots and garages by setting parking setbacks and other design standards.

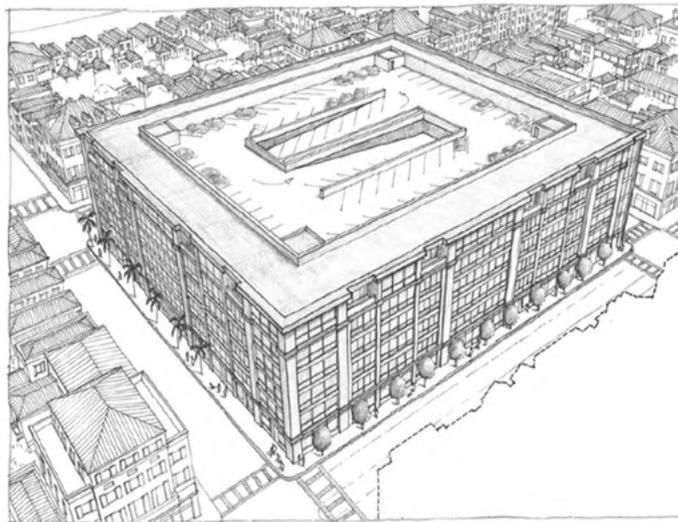
# The Nuts and Bolts of Zoning Development Standards (3.1)

## Importance of Standards

Calibrated correctly, these standards build upon the characteristics, or “DNA”, that make up desired village centers. This approach to creating standards brings a greater level of intent and purpose to the zoning, which is often lacking in the current rules. In addition, they make the development process predictable, yet flexible enough for Newton’s diverse lot sizes and allow for architectural creativity.

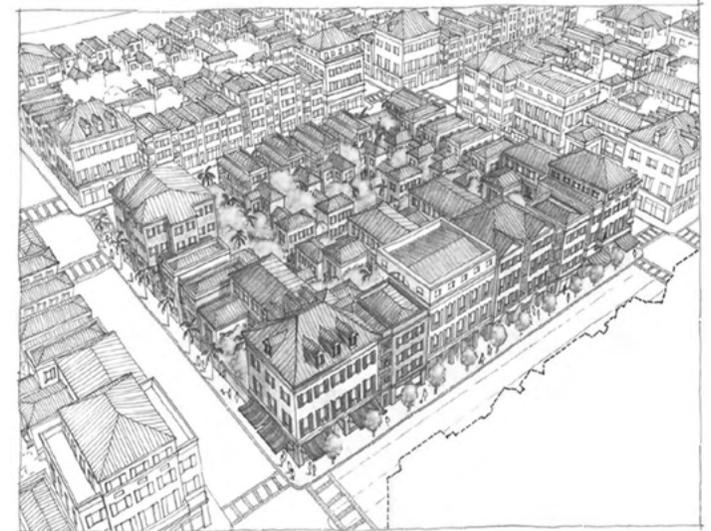
The following case study (left) illustrates how it is not the proposed density of new development that is incompatible with Newton’s village centers, but rather the proposed form that clashes. Development standards can guide that form.

## Poor Standards: “Texas Donut” Urbanism



An all-too-common building type proposed across the United States, an Anyplace USA. It is a 6-story building wrapped around a parking garage covering the entire city block and only has windows facing the street. No public or private green space is provided.

## Development Standard Categories



The same city block developed with a variety of buildings and open space that draws inspiration from the surrounding forms and architecture. This development pattern has the same number of units as the “Texas Donut” but in buildings no taller than 4.5 stories and with significant space left for light, air, and gardens.

# The Nuts and Bolts of Zoning Development Standards (3.1)

## Breaking Down a Standard

Each development standard has two components, a regulation and a standard (right). The regulation defines the specific feature, configuration, or function of a building or lot that determines how it interacts with the public realm around it. The standard attached to each regulation is the quantifiable measure that determines what is and is not allowed.

## Ground Floor Transparency Requirements



Regulation: Ground floor commercial space must provide high transparency

Standard: A minimum of 60% transparency is required

# Allow for Reasonably Taller Buildings

## Increased Height Proportionate to the Village Center Size (3.2)

### What is This?

When looking at the current zoning map it is hard to know that one village center differs from another. That is because Newton's village centers, regardless of size, are primarily zoned Business 1 (BU1) and Business 2 (BU2). Meaning, the scale of development allowed in Newton Corner is also allowed in Four Corners and Waban.

While BU1 and BU2 are the zoning districts that regulate the commercial core of village centers, there is also a patchwork of other adjacent zoning districts including manufacturing and residential that many consider part of the commercial core.

The proposal to create three new village center zoning districts will establish a zoning framework that allows for small-, medium-, and large-scale development appropriate for the sizes and attributes of each village center.

### Current vs. Proposed Requirements (# of stories allowed)



The figure is a bar chart, with the bars illustrated to look like buildings with either a flat or pointed roof. The chart indicates that the current zoning in all village centers allows 2 stories by-right, and up to 4 stories by Special Permit. Under the proposed new zoning, village centers would have different heights allowed based on their size. The proposals are described below.

# Allow for Reasonably Taller Buildings

## Increased Height Proportionate to the Village Center Size (3.2)

Existing Conditions

Proposed Allowance

Small Village Centers



Medium Village Centers



Large Village Centers



# Allow for Reasonably Taller Buildings

## Increased Height Proportionate to the Village Center Size (3.2)

### Why This Proposal?

Village centers historically have been places of gathering for socializing, commercial activity, and civic life. Typically, housing or local businesses occupied space on the upper floors of buildings with retail space along the street. This is the case today to some extent, but greatly diminished.

Allowing additional height can facilitate greater levels of sustainability and accessibility in building design, of affordability and size diversity in housing units, of successful businesses with a built-in customer base, and beyond.

### Additional Height Can Reduce the Overall Cost Per Housing Unit

#### Inclusionary Zoning Ordinance

This Newton ordinance requires multi-family projects to provide deed restricted affordable units. This number increases with size of the project, meaning buildings with more units require more affordable units. Units created under this ordinance are marketed to low-to-moderate income (LMI) households. In Newton, 4-person LMI household incomes range between \$60,000 and \$90,000.

#### Distributing Land Costs

In Newton, land costs are very high, making up a large portion of development costs. Additional height allows more units to be built, distributing the cost of land across more units. Other recommendations discussed later, like simplifying the permitting process, can further reduce development costs and thus reduce the overall cost per unit of housing.



Required  
affordable units



Market rate units



Acres: 1.5  
# of Units: 6



Acres: 1.5  
# of Units: 24

# Allow for Reasonably Taller Buildings

## Increased Height Proportionate to the Village Center Size (3.2)

ZAP Deliberation (6 in favor, 0 against, 2 abstained)

The comments for and against to the left represent the common sentiments of ZAP Councilors during the June 2022 ZAP meetings in advance of the straw vote taken on this specific zoning proposal. The result of the straw vote is shown above.

### For:

- Varied height allowances better align with the different scales and types of village centers
- Combined with other proposals it can incentivize smaller lots to develop, which will lead to more contextual and diverse projects
- Will help Newton come into compliance with the state MBTA communities requirements

### Against:

- Allowed increased heights, particularly for the zoning district allowing 4.5 stories, are too tall for Newton's village centers
- Allowed heights by-right means the City Council loses their discretionary review through the special permit process, which produces better projects

# Incentivize Diverse Roof Lines, Including Pitched Roofs

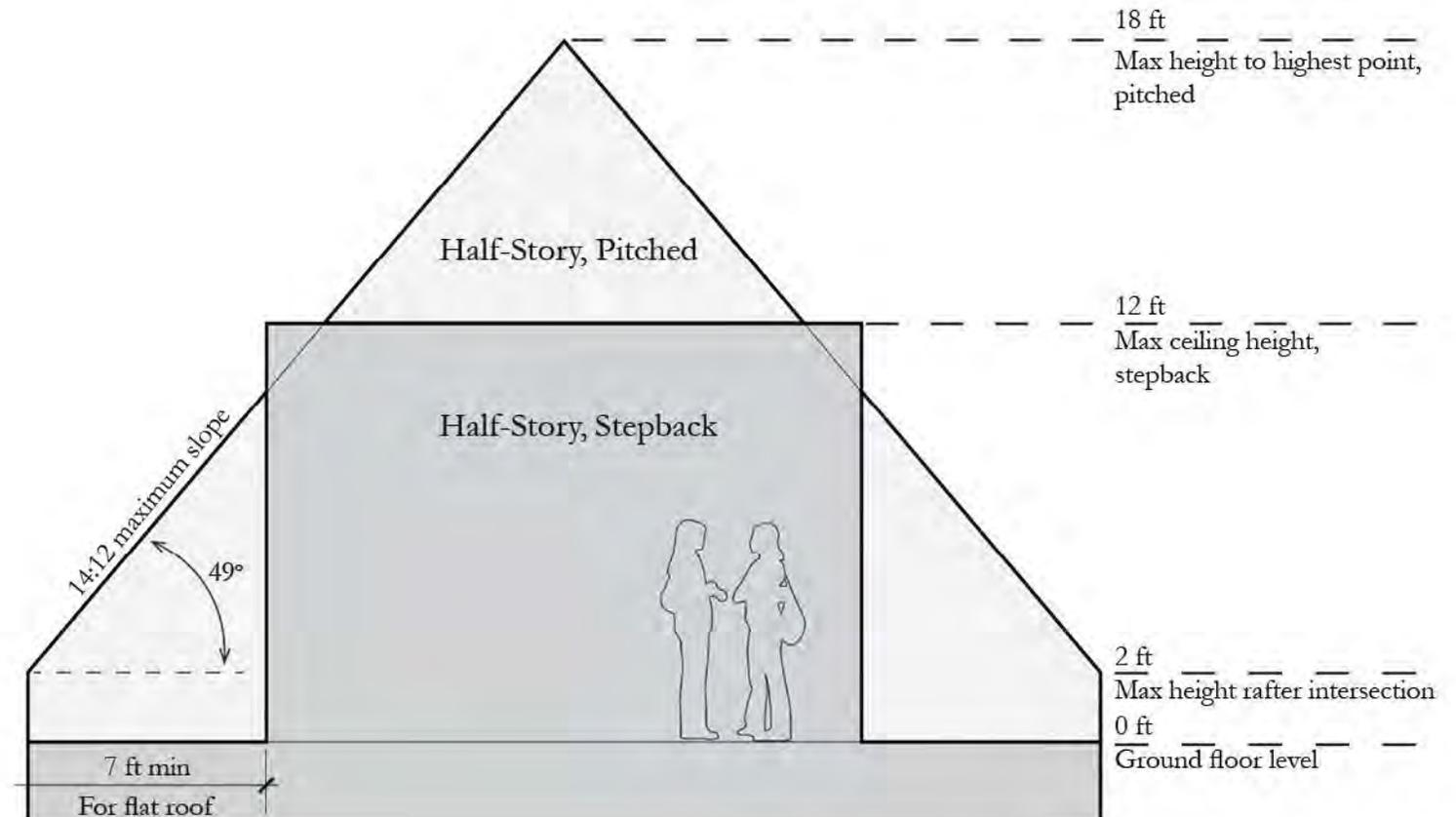
## Set Maximum By-Right Building Height at a Half-Story (3.3)

### What is This?

These days, most new development in Newton has flat roofs - leading to less diversity of building design and a more box-like feeling along the street. This is largely because the current rules in Newton's village centers set maximum floors, or stories, at whole numbers - such as, 2 or 3 stories. With the high cost of land, materials, and construction labor, property owners typically need to build as big as zoning allows to make a project financially feasible.

Given this, the proposal suggests setting the maximum number of stories at halves - such as 2.5 or 3.5. For additional flexibility, the proposal defines half stories as either a stepback full height space or as a pitched roof that can be articulated with dormers and other bump outs. Both cases encourage a greater diversity of roofs and buildings that appear smaller for any people walking along the streets below.

### Defining a Half-Story for Flat and Pitched Roofs

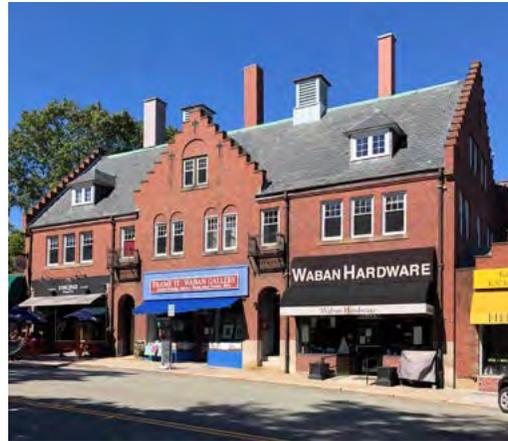


# Incentivize Diverse Roof Lines, Including Pitched Roofs

## Set Maximum By-Right Building Height at a Half-Story (3.3)

### Why This Proposal?

Look at most new developments in Newton and you will see a lot of flat roofs. This lack of roof variety is a result of the current development standards height and floor maximums. For property owners, a pitched roof is both more expensive than a flat roof to build and it results in less space they can lease or sell below it. All buildings (right) exist in Newton but could not be built today under the current zoning rules.



2.5 Stories – Waban, MA



3.5 Stories – Chestnut Hill, MA



2.5 Stories – Newton Corner, MA

# Incentivize Diverse Roof Lines, Including Pitched Roofs

## Set Maximum By-Right Building Height at a Half-Story (3.3)

### Hypothetical Medium Village Center

Not Allowed: 4-Story Building No Stepback



The sketch above shows a view from the perspective of a pedestrian walking through a medium scale village center. The building on the corner is a four-story structure where the top floor has no stepback. This makes the building feel larger and more imposing. This would not be allowed under the village center proposals.

Allowed: 3.5-Story Building with Stepback



The sketch above shows the same perspective view of a medium size village center as the one to the left, except that the top floor steps back from the floor below. This stepback is a requirement of the village centers proposals. The resulting structure appears smaller, allows for more light and air at the street, and creates a usable terrace space on the roof for either apartments or commercial space.

# Incentivize Diverse Roof Lines, Including Pitched Roofs

## Set Maximum By-Right Building Height at a Half-Story (3.3)

ZAP Deliberation (6 in favor, 0 against, 1 abstained)

The comments for and against to the left represent the common sentiments of ZAP Councilors during the June 2022 ZAP meetings in advance of the straw vote taken on this specific zoning proposal. The result of the straw vote is shown above.

### For:

- Setting the maximum height at the half-story will lead to a greater diversity of building design and incentivize pitched roofs
- Requiring a stepback top floor for flat roofs will lessen the impact of the building on the street and increase active roof space for terraces

### Against:

- Specific concerns were not brought up by ZAP

# Prevent Large and Blocky Buildings

## Establish a Maximum Building Footprint (3.4)

### What is This?

The building footprint is defined as, “the area measured as the total gross floor area of the ground floor of a building, including all enclosed space.” In other words, it is the portion of the building that touches the ground.

A maximum building footprint functions as a tool to limit the overall massing of the building. Together with other design standards like facade length, half-story maximum heights, and ground floor transparency, the building footprint requirements will help facilitate design variety and a more human-scaled experience along the streets and sidewalks in village centers.

### Defining a Building Footprint – Examples of Newton Buildings and Structures



Hyde Community Center

~6,100 square feet



Gath Pool

~7,500 square feet



West Newton Cinema

~10,800 square feet



Newton Free Library

~25,000 square feet



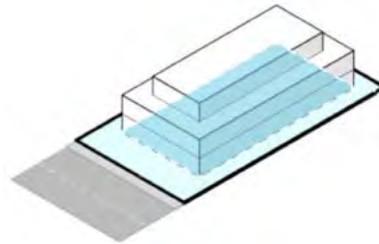
# Prevent Large and Blocky Buildings

## Establish a Maximum Building Footprint (3.4)

### Current vs. Proposed Requirements

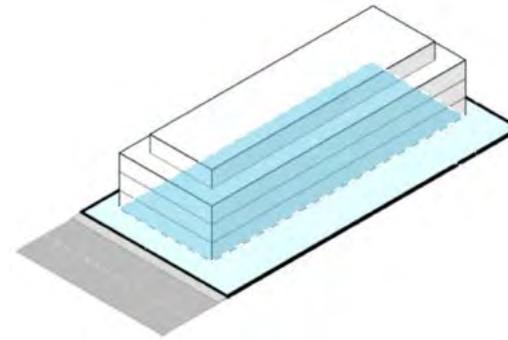
Currently, there are no zoning regulations for building footprint. Rather floor area ratio (FAR) and setbacks indirectly control the overall footprint. The proposal recommends three building footprint maximums, one for each village center zoning district proposed.

Small Village Centers



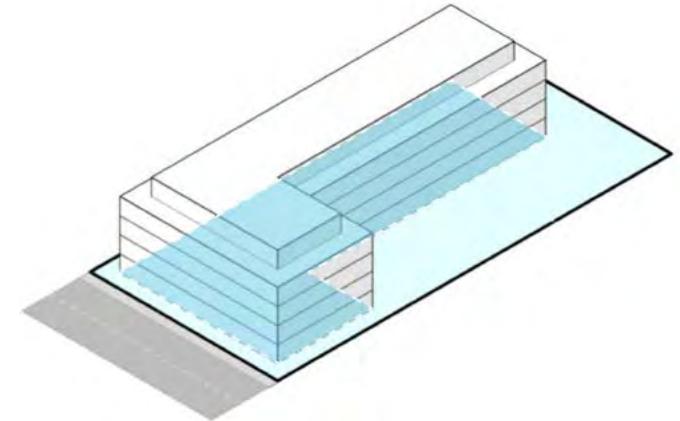
5,000 square feet

Medium Village Centers



10,000 square feet

Large Village Centers



15,000 square feet

# Prevent Large and Blocky Buildings

## Establish a Maximum Building Footprint (3.4)

### Why This Proposal?

One of the primary goals of the zoning framework is to allow more development within Newton's village centers. There is understandable concern for the impact of that new development. A maximum building footprint can mitigate and address this concern. Along with other dimensional controls, such as maximum facade length, the building footprint will help ensure larger lots in village centers develop as a building, or series of buildings, that are visually and functionally broken up. This condition of smaller buildings side-by-side is typical of older New England villages and main streets.

### Diverse & Interesting Streetscape - Multiple Footprints



Main Street – Brattleboro, VT

Many of the buildings along Main Street date back to the 19th- and early 20th-centuries. All together these buildings create a strong street wall and diverse experience for pedestrians walking along the sidewalk. The image above shows approximately 400 feet of building facades along Main Street, which is the same length as Cronin's Landing, shown to the right.

- Footprint Size: ~2,000 - 15,000 square feet
- Facade Length: ~400 feet

### Repetitive & Blocky Streetscape - Single Footprint



Cronin's Landing – Waltham, MA

This site along Moody Street in Waltham was redeveloped as a single large-site development in the 1990s. Though it brought significant infrastructure improvements, diverse housing opportunities, and enhanced public space along the waterfront, the singular mass creates a less than desirable pedestrian experience at the street.

- Footprint Size: ~30,000 square feet
- Facade Length: ~400 feet

# Prevent Large and Blocky Buildings

## Establish a Maximum Building Footprint (3.4)

ZAP Deliberation (6 in favor, 0 against, 2 abstained)

The comments for and against to the left represent the common sentiments of ZAP Councilors during the June 2022 ZAP meetings in advance of the straw vote taken on this specific zoning proposal. The result of the straw vote is shown above.

For:

- The different sizes better align with and distinguish the different scales of Newton's village centers
- The proposal better mitigates the impact of new buildings along the street than the current 20,000 square feet total building area
- The footprint size cap encourages designing multiple buildings on larger sites instead of one large building

Against:

- In addition to setting a by-right building footprint maximum, there also needs to be a special permit maximum
- The current special permit threshold of 20,000 sf total building area is better
- The largest allowed footprint is too big and out of scale for village centers

# Encourage a Mix of Uses

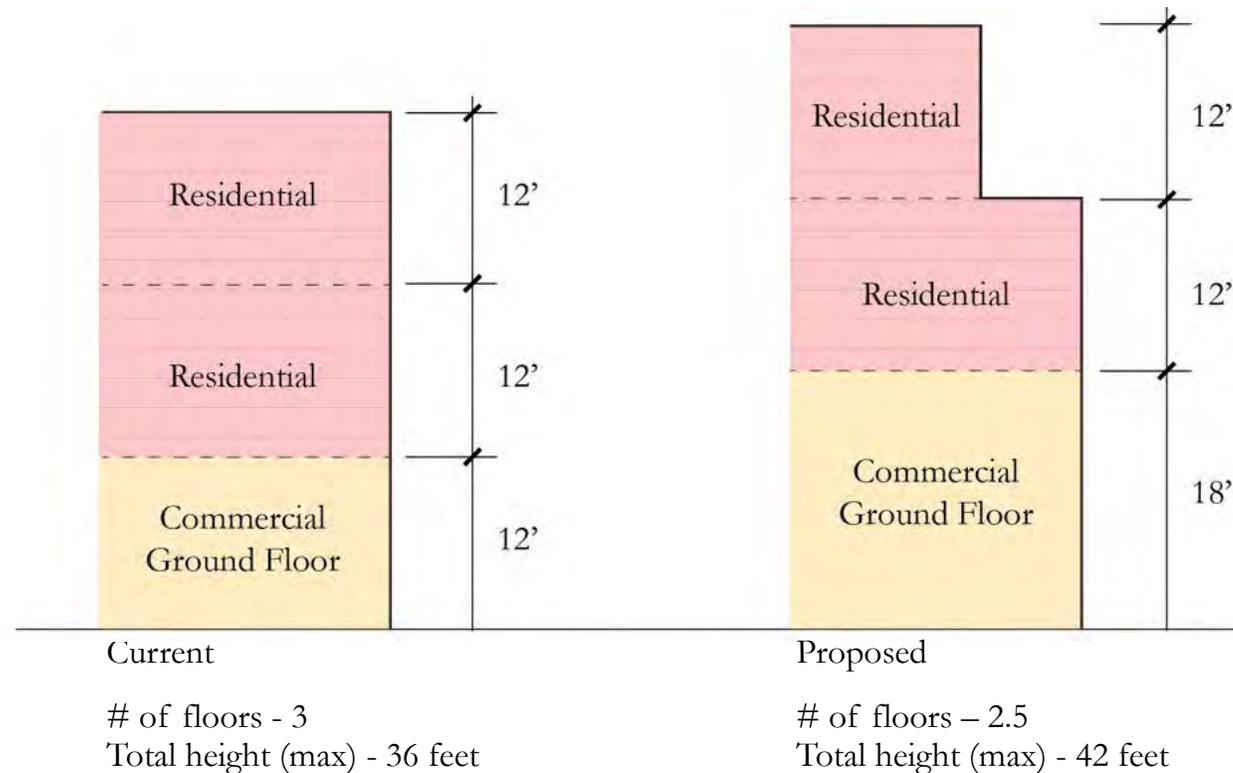
## Allow Standard Floor-to-Floor Heights (3.5)

### What is This?

Different uses within a building need different design requirements. When it comes to heights of individual floors, floor-to-floor heights are critically important for the space to function properly. Floor-to-floor height is defined as the distance from the top of a floor to the top of the next floor, meaning it includes all the space for mechanical equipment, insulation/soundproofing, and anything else that needs to go in the ceiling.

This proposal looks to establish maximum by-right and special permit heights based on industry standards for commercial and residential uses.

### Current vs. Proposed Requirements



Currently the overall height of a building is tied to 12 feet floor-to-floor heights, regardless of use. The proposal recommends linking the maximum heights to the given use as follows:

- 12 feet – Residential
- 13 feet - Commercial (upper floor)
- 18 feet - Commercial (ground floor)

# Encourage a Mix of Uses

## Allow Standard Floor-to-Floor Heights (3.5)

Desirable Spaces Require Greater Height



MIDA in Newtonville. Building completed in 2020 with 16'-9" floor-to-floor heights



Harvard Book Store in Cambridge, MA. Building completed in 1885 with ~16' floor-to-floor heights

# Encourage a Mix of Uses

## Allow Standard Floor-to-Floor Heights (3.5)

### Why This Proposal?

Not surprisingly, a ground floor business requires taller ceilings to function properly. Restaurants need additional ceiling space to accommodate certain equipment like exhaust systems, and bookstores may want higher ceilings so they can have large bookshelves that invite shoppers in. Likewise, upper floor office or residential space need a minimum floor-to-floor height so that businesses and residents do not feel cramped.

### Historic Precedent for Greater Floor-to-Floor Heights



The Abbot Building was completed in 1908 as mixed-use building with offices above ground floor retail. During a recent renovation the ground floor-to-floor heights were increased from 14'-6" to over 16' and in some areas even higher.

# Encourage a Mix of Uses

## Allow Standard Floor-to-Floor Heights (3.5)

ZAP Deliberation (4 in favor, 2 against, 1 abstained)

The comments for and against to the left represent the common sentiments of ZAP Councilors during the June 2022 ZAP meetings in advance of the straw vote taken on this specific zoning proposal. The result of the straw vote is shown above.

For:

- Allowing industry standard heights is critical to encouraging businesses to locate in village centers
- Developers will only build greater heights if they have specific tenants to rent it since all additional height raises costs
- Additional floor heights is properly mitigated by other zoning proposals

Against:

- The allowed floor heights increase the overall height of the building too much
- Need more design standards to mitigate the additional height allowed

# Ensure Design Quality and Compatibility

## Incorporate Strong Design Standards (3.6)

### What is This?

Design standards define how a development should complement the area around it and achieve quality of design based on public interest purposes or community vision. At their best, design standards provide a menu of options that architects can creatively incorporate into the development designs.

Effective design standards can:

- Establish clear and consistent criteria applied consistently
- Utilize a common vocabulary of terms and concepts through charts, images, and diagrams
- Provide practical guidance with clear expectation for property owners, designers, or community members

Design standards cannot:

- Create unreasonable requirements that would prevent by-right development
- Create design solutions specific or unique to an individual project
- Conflict with other applicable laws and regulations

Architectural Exterior Elements Commonly Found in Design Standards



# Ensure Design Quality and Compatibility

## Incorporate Strong Design Standards (3.6)

### Current vs. Proposed Requirements

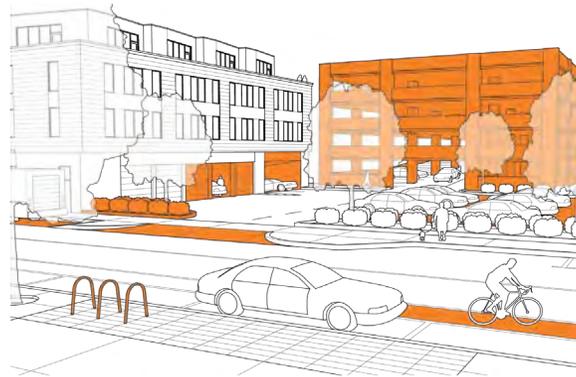
In the current zoning few to no design standards exist. Through the special permit process design standards are often required on a case-by-case basis. Examples include the development requiring public open space (such as the plaza at Austin St), wider sidewalks, sustainability features (such as green roofs or pollinator gardens), or transparent storefronts.

As with all the development standards here, the zoning proposal seeks to implement design standards appropriate to the project scale and promote a desired community outcome. These may include the following examples from Watertown shown here.

### Categories of Design Standards



Façade Treatment



Parking and Access



Public Realm and Open Space



Building Massing

# Ensure Design Quality and Compatibility

## Incorporate Strong Design Standards (3.6)

### Why This Proposal?

With allowing more development by-right comes the concern that new buildings will not have the proper review necessary to ensure a quality building. Design standards mitigate this risk because they are requirements within the zoning. Some design standards would be required for all projects, while others would be required only for larger projects on larger lots.

More importantly, the design standards would represent desired public interests shared last summer and codified in Newton policy documents. This could be public open space, similar to the plaza at Austin Street, or setting back the building enough to accommodate a wider sidewalk. Finally, establishing design standards should eliminate any surprises and lower the cost for new projects because it is a simpler and more efficient process.

### Categories of Design Standards



Sustainable Design



Building Setbacks



Building Height

# Ensure Design Quality and Compatibility

## Incorporate Strong Design Standards (3.6)

ZAP Deliberation (8 in favor, 0 against, 0 abstained)

The comments for and against to the left represent the common sentiments of ZAP Councilors during the June 2022 ZAP meetings in advance of the straw vote taken on this specific zoning proposal. The result of the straw vote is shown above.

**For:**

- Design standards mitigate the impacts of allowing larger buildings
- As requirements in the zoning code, we know what we will be getting from the start
- Larger projects still will require a special permit or site plan review
- Design standards for by-right projects align with the state MBTA communities requirements

**Against:**

- Many lots and projects are unique and benefit from a more discretionary review (i.e. special permit) process

# Promote Variety of Apartment Sizes

## Eliminate Lot Area Per Unit Minimums (3.7)

### What is This?

The lot area per unit minimum is a ratio between the size of the lot and the number of units of housing allowed on that lot. It is calculated as follows:

$$\frac{\text{Lot size}}{\text{Lot area per unit}} = \# \text{ of units (max)}$$

$$\frac{10,000 \text{ sf}}{1,000 \text{ sf}} = 10 \text{ units (max)}$$

As you can see from the formula above, a property owner that wants to build more units that are smaller (ex. 15 units that average 670 sf) is prevented from doing so because of the lot area per unit requirement. This standard controls the interior layout of a building and has no connection to its outward appearance or overall size.

### Current vs. Proposed Requirements

Scale of Village Center	Current	Proposed
Small	1,200 sf / unit	None
Medium	1,200 sf / unit	
Large	1,000 – 1,200 sf / unit	

# Promote Variety of Apartment Sizes

## Eliminate Lot Area Per Unit Minimums (3.7)

### Why This Proposal?

Lot area per unit is one of multiple existing standards that control density. Floor Area Ratio (FAR) is another density control. However, these two density controls are not linked, which leads to a disconnect between the overall size of a building and the number of units it contains. This can be seen in Newton's older multifamily residential buildings, which are often on smaller lots and have smaller units (see right).

This proposal recommends removing the lot area per unit requirement entirely for village centers in order to promote new development that fits in with Newton's existing context. See the examples above of various contextual Newton buildings in and around village centers.

### Lot Area Per Unit Compliance – Comparing Old vs. New Development



457 Washington Street – Newton Corner

- Year Built = 1920
- Lot Size = 11,320 sf
- # of Units = 16
- Lot Area per Unit = 702 sf



457 Washington Street – Newton Corner

- Year Built = 2018
- Lot Size = 74,482 sf
- # of Units = 68
- Lot Area per Unit = 1,095 sf

# Promote Variety of Apartment Sizes

## Eliminate Lot Area Per Unit Minimums (3.7)

ZAP Deliberation (5 in favor, 0 against, 2 abstained)

The comments for and against to the left represent the common sentiments of ZAP Councilors during the June 2022 ZAP meetings in advance of the straw vote taken on this specific zoning proposal. The result of the straw vote is shown above.

### For:

- Removes a barrier to creating smaller, more affordable units
- Allowing more units will mean more deed restricted affordable units
- Will help Newton come into compliance with the state MBTA communities requirements
- We should be allowing maximum flexibility for the building interior

### Against:

- Eliminating is too extreme, maybe a lower number could be appropriate
- It is a good tool to prevent greater density in terms of too much activity (i.e. more units = more people)
- Without this requirement developers could build only small units and we want a greater variety of unit sizes, including those for families

# Promote Smaller Buildings on Smaller Lots

## Remove Minimum Lot Size (3.8)

### What is This?

Minimum lot size is defined as the smallest amount of land allowed for constructing a new building. For example, a minimum lot size of 10,000 square feet (the standard in Newton's village center zones today) means that a building can't legally be constructed on any lot smaller than 10,000 square feet without special approval.

54% of existing lots within village centers, as defined by the Pattern Book boundaries, are less than 10,000 square feet. This proposal recommends to remove the minimum lot size requirement entirely. The total size and appearance of buildings will still be tied to the lot through other dimensional controls like setbacks and facade requirements.

### Current vs. Proposed Requirements

Scale of Village Center	Current	Proposed
Small	10,000 sf	None
Medium		
Large		

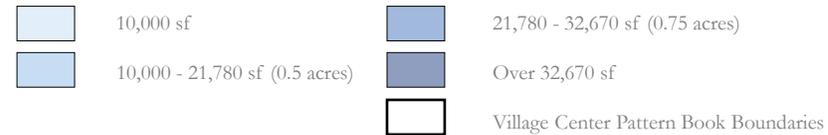
# Promote Smaller Buildings on Smaller Lots

## Remove Minimum Lot Size (3.8)

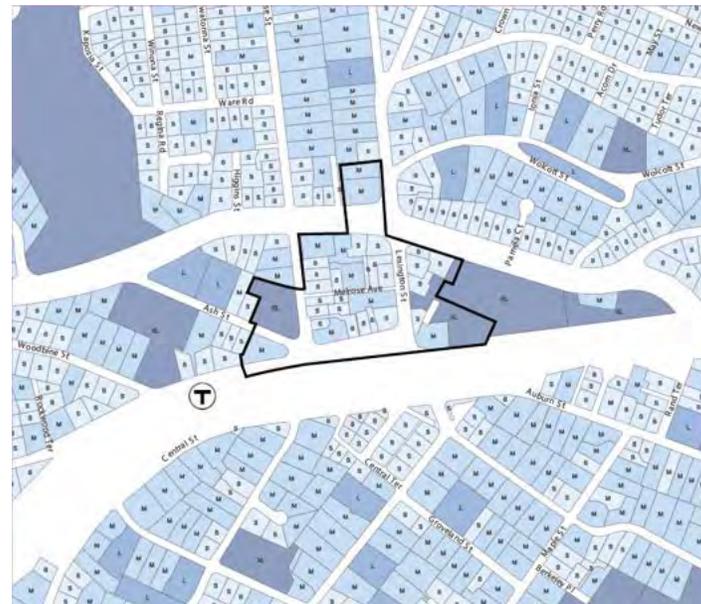
### Typical Village Center Lots are Small

The village center maps below break down the lots by size. The majority are small, with more than half less than 10,000 sf or more depending on the specific village center.

Legend (lot sizes)



Nonantum



Auburndale



Newton Centre

# Promote Smaller Buildings on Smaller Lots

## Remove Minimum Lot Size (3.8)

### Why This Proposal?

While lots smaller than the minimum requirement can develop through a special permit, that additional burden typically leads to the aggregation of smaller lots for a bigger development (ex. Trio in Newtonville) or to no development at all. Removing the minimum lot size requirement will allow for smaller projects on smaller lots, which can better fit into the existing village center fabric.

The images here show traditional village center development in neighboring communities. In many cases the building takes up all or most of the lot.

### Different Lot Sizes Achieve Visual Interest and Diversity



Moody Street – Waltham, MA



Brookline Village – Brookline, MA



Leonard Street – Belmont, MA

# Promote Smaller Buildings on Smaller Lots

## Remove Minimum Lot Size (3.8)

ZAP Deliberation (8 in favor, 0 against, 0 abstained)

The comments for and against to the left represent the common sentiments of ZAP Councilors during the June 2022 ZAP meetings in advance of the straw vote taken on this specific zoning proposal. The result of the straw vote is shown above.

### For:

- Encourages smaller buildings on smaller lots that fit better into the village centers
- Along with other proposals, removes current incentive to merge lots and build bigger
- Typical building requirements, like egress and fire safety, will prevent extremely small lots from being built
- Will help Newton come into compliance with the state MBTA communities requirements

### Against:

- Would be more comfortable with lowering the minimum lot size, not eliminating it entirely, to prevent very small lots from developing odd shaped/sized buildings

# Remove Greatest Barrier to Desirable Development

## Lower Parking Requirements (3.9)

### What is This?

Parking requirements are local laws that require private businesses and residences to provide at least a certain number of off-street parking spaces. The number of parking spaces required is determined based on the individual use. For example, new apartments require a number of spots for the residents and new businesses for the expected customers and employees.

This proposal looks to reduce the required parking for all uses within village centers and in certain instances eliminate the requirement altogether. These requirements would only apply to the village center zoning districts, not the adjacent residential districts or other areas of Newton.

### How Should Space be Prioritized in Village Centers?



 Newton Centre off-street public and private parking

### What Could Replace Parking in Village Centers?



Green Infrastructure



Outdoor Dining



Parks and Plazas



Housing and Shops

# Remove Greatest Barrier to Desirable Development

## Lower Parking Requirements (3.9)

### Current vs. Proposed Requirements

The table shown here highlights the current and proposed parking requirements for typical uses found in village centers. It is not a comprehensive list, which will include additional allowed uses.

Use Type	Current – All Floors	Proposed – Ground Floor	Proposed – Upper Floors
Residential, multi-family	2 per unit	1 per unit	1 per unit
Bank	1 per 300 sf + 1 per every 3 employees	Exempt	1.5 per 1,000 sf
Health Club	1 per 150 sf + 1 per every 3 employees	Exempt	1 per 750 sf
Medical Office	1 per 400 sf + 1 per every 3 employees	Exempt	1 per 500 sf
Office, professional	1 per 250 sf up to 20,000 sf	Exempt	1.5 per 1,000 sf
Restaurant	1 per 3 patron seats + 1 per 3 employees	Exempt	4 per 1,000 sf
Retail Store	1 per 300 sf + 1 per every 3 employees	Exempt	1 per 1,500 sf

# Remove Greatest Barrier to Desirable Development

## Lower Parking Requirements (3.9)

### Why This Proposal?

These requirements are one of the most significant factors shaping how new uses and new buildings can or cannot fit within Newton's village centers. High minimum parking requirements hinder the economic potential of village centers by filling our cities with unproductive, empty parking spaces that don't add value to our places. They require new commercial uses in existing buildings to provide parking or seek a waiver from City Council even when parking has never existed on the site.

They push homes and businesses farther apart, impede the walkability of our neighborhoods, raise the cost of housing, and place an especially costly burden on small, local entrepreneurs. With reduced parking minimums, we will still have parking—but property owners can decide how necessary it is for a viable project and weigh its value against the other things they could do with the same finite, precious land.

### Many Alternatives Exist to the Private Automobile

MBTA – Public Transit



Rideshare Services



Personal Mobility



# Remove Greatest Barrier to Desirable Development

## Lower Parking Requirements (3.9)

### But Where Will People Park?

Many people have expressed concern over reducing required parking to be provided on individual lots. However, there are many ways to address or mitigate these concerns, see left.

In addition, all village centers have a variety of public parking between on-street parking and off-street municipal lots. Having control over these spaces could allow the City to more efficiently manage parking for all users. For example, more centralized parking can allow visitors to park once and visit multiple establishments.

Common Concern	Mitigating Measures
The people who live in new developments (that have less required parking) will park on the residential streets nearby	Developing buildings with less parking attracts tenants who want to live a car-free or car-lite lifestyle. We have seen this in the recent Newtonville developments (Austin Street and Trio) and older developments (Avalon on Needham Street) with much less parking being utilized than what is provided.
There will not be enough parking for visitors to the village centers, which will negatively impact businesses	Village centers have numerous alternatives to private parking and the City more broadly has numerous alternative transit options to bring visitors to/from village centers (see top right). Or when possible, the City could provide a parking garage.

# Remove Greatest Barrier to Desirable Development

## Lower Parking Requirements (3.9)

ZAP Deliberation (Residential: 5 in favor, 1 against, 2 abstained) & (Commercial: 6 in favor, 2 against, 0 abstained)

The comments for and against to the left represent the common sentiments of ZAP Councilors during the June 2022 ZAP meetings in advance of the straw vote taken on this specific zoning proposal. The result of the straw vote is shown above.

### For:

- Eliminating parking requirements for ground floor commercial will remove the greatest barrier to entry for businesses
- Current multi-family projects almost always request less parking for residential units and the City Council approves it
- Parking is expensive. Lowering or eliminating the requirement will lower the cost of development and the housing that comes with it
- Parking takes up a lot of space. With less required there can be more area for open space

### Against:

- Many village centers do not have adequate public parking and we will see visitors parking in the surrounding residential neighborhoods
- We should not require any parking and allow the property owner to determine what is needed for a successful project

# Zoning Framework – Review Process

(4)

# How the Zoning Rules are Applied and by Whom

## The Review Process (4.1)

### Introduction

In addition to setting the rules for new buildings and uses, zoning also determines how the rules are carried out. A shorter, more predictable process makes it clear to property owners and neighbors what could be built and may reduce overall costs associated with development. A longer, more discretionary process allows for more public input and for the review to be tailored to individual development proposals.

However, the longer process means less predictable outcomes and typically higher costs associated with the project. This can result in more expensive housing being built or nothing being built at all.

All Special Permits Require a Public Hearing and City Council Approval



Newton City Council Chamber

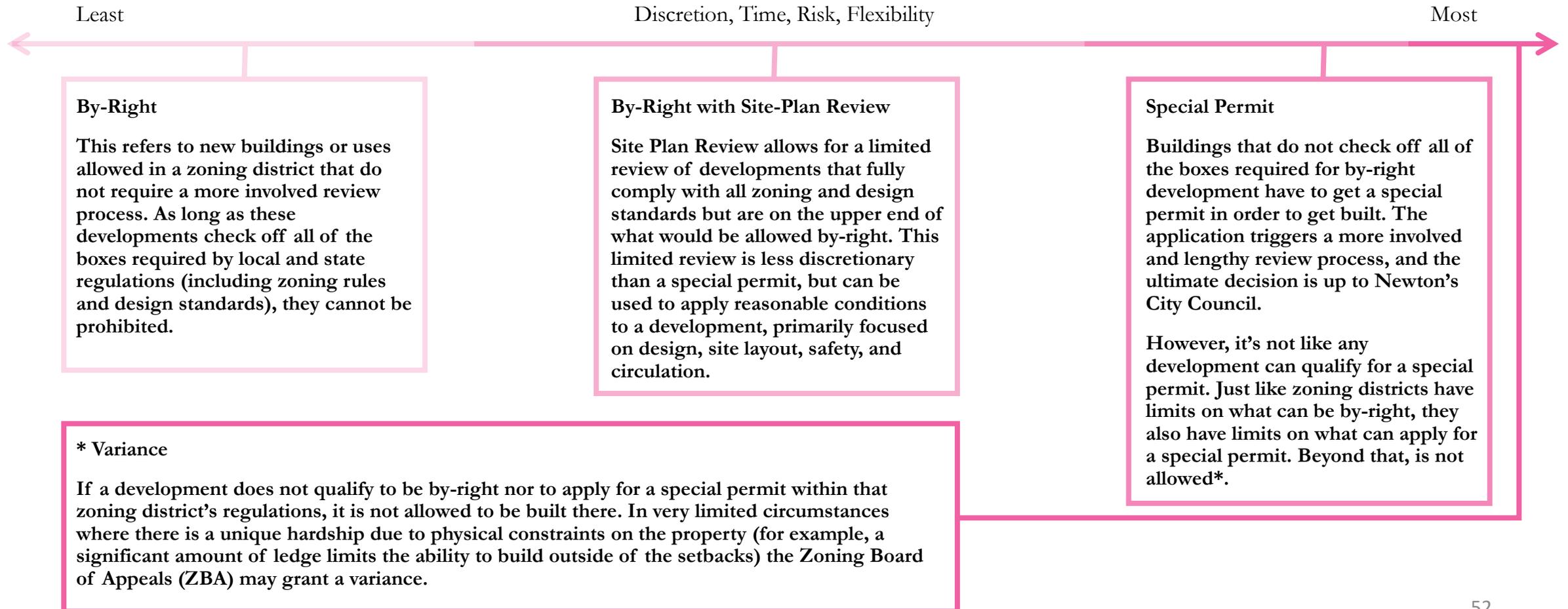


Public Hearing Notice

# How the Zoning Rules are Applied and by Whom

## The Review Process (4.1)

What is the Review Process and Why is it Important?



# Match the Level of Review to the Project Impact

## Revise the Special Permit Threshold for New Development (4.2)

### What is This?

The current zoning in village centers makes almost all new by-right development financially infeasible, thus requiring special permit requests and often rezoning. The special permit process allows the City Council a lot of discretion and can take more than six months, depending on the type of project.

This level of review and flexibility is important for projects that may have a large impact or unique circumstances. However, with updated zoning and strong design standards, a shorter, more predictable process could be appropriate for many projects.

In addition, all new buildings with more than 20,000 square feet of gross floor area require a special permit today. Gross floor area is the total

square feet of all of the floors in a building. This proposal recommends removing the floor area threshold for a special permit and creating a new tiered review process based on the size of the lot.

### Current vs. Proposed Requirements

Current Review Process	
Buildings with > than 10,000 sq ft floor area	Buildings with > than 20,000 sq ft floor area
Site Plan Approval by City Council	Special Permit by City Council

Proposed Review Process		
Lot Size up to 1/2 acre (21,780 sq ft)	Lot Size between 1/2 (21,780 sq ft) and 3/4 acre (32,670 sq ft)	Lot Size over 3/4 acre (32,670 sq ft)
By-Right	By-Right with Site Plan Review by Planning Board	Special Permit by City Council

# Match the Level of Review to the Project Impact

## Revise the Special Permit Threshold for New Development (4.2)

### Current Process

#### Special Permit



28 Austin > 20,000 sf floor area



20 Kinmonth > 20,000 sf floor area



967 Washington > 20,000 sf floor area



The Beacon > 20,000 sf floor area



The Gateway > 20,000 sf floor area



1149 Walnut > 20,000 sf floor area



386 Watertown



424 Cherry

### Proposed Process (design changes may be necessary to comply with zoning)

#### By-Right



1149 Walnut 0.30 acres



The Gateway 0.42 acres



386 Watertown 0.22 acres

#### Site Plan Review



20 Kinmonth 0.56 acres



424 Cherry 0.32 acres

#### Special Permit



28 Austin 1.73 acres



967 Washington 0.79 acres



The Beacon 1.19 acres

# Match the Level of Review to the Project Impact

## Revise the Special Permit Threshold for New Development (4.2)

### Why This Proposal?

**The current process is one-size-fits-all. It incentivizes a developer to combine lots to create larger projects, given the time and risk involved in the process. With new zoning more carefully tailored to the size and scale of the village center and with strong design standards, smaller buildings will be more compatible with their surroundings and will require less discretionary review.**

**A shorter, more predictable process reduces the cost of development and makes it easier for property owners or small developers to participate in the process.**

### Lot Size vs. Floor Area

Lot size is also a better indicator of a development's complexities and potential

### Lot Size vs. Floor Area

impact, which would benefit from the higher level of review. Development on larger lots requires more scrutiny regarding design, open space, access and circulation, public amenities, and potential impacts on the surrounding area and infrastructure.

### ¾ Acre Special Permit Threshold

Historically, village centers have been made up of individual buildings on relatively small lots. Recently, developers have typically bought several lots and merged them together to build a larger building on a larger site. This proposal, along with others such as maximum building footprint, is designed to encourage buildings on smaller lots, more in line with the existing fabric of the village center.

### Site Plan Review by the Planning Board\*

Incorporating site plan review also allows for planning professionals on the Planning Board to perform a limited review of developments that fully comply with all zoning and design standards, but are on lots that are on the upper end of what would be allowed by-right. This limited review is less discretionary than a special permit, but can be used to apply reasonable conditions to a development. It may also be used to incorporate design review, which could be done by the City's Urban Design Commission.

\*The Planning Board consists of seven full time members and up to five alternates. Five of the full time members are appointed by the Mayor and confirmed by the City Council, one is appointed by the state Secretary of Housing and Economic Development, and the Director of Planning serves as an ex-officio (automatic) member of the board. The Planning Board includes professionals with experience in areas such as planning, housing, and economic development. The board is charged with reviewing new subdivision requests, making recommendations on the following: new zoning changes, landmark designations, and community development programs.

# Match the Level of Review to the Project Impact

## Revise the Special Permit Threshold for New Development (4.2)

ZAP Deliberation (6 in favor, 0 against, 2 abstained)

The comments for and against to the left represent the common sentiments of ZAP Councilors during the June 2022 ZAP meetings in advance of the straw vote taken on this specific zoning proposal. The result of the straw vote is shown above.

### For:

- Tying the special permit to the lot size means that smaller development will be allowed by-right, but the larger more impactful projects will still be captured by special permit
- Alright with the threshold size because all projects will be subject to more stringent development and design standards
- A more predictable process will lower the cost of development
- The Urban Design Commission has done a very good job on reviewing Riverside and Northland against the project design guidelines, which can similarly be applied to the village centers

### Against:

- The  $\frac{3}{4}$  acre threshold is too big and smaller lots should trigger a special permit
- A one sized threshold does not take into consideration the different village center scales and should be different based on the different village center zoning districts
- Site Plan Review performed by the Planning Board or other commission is problematic because members of the board or commission are appointed, not elected

# Zoning Framework – The Zoning Map

(5)

# Where Will the New Rules Apply

## Mapping the Village Center Zoning Districts (5.1)

### Introduction

Much of the exhibit so far has discussed the zoning text, rules and regulations that will shape Newton's future village centers. But where will these new rules apply? The City's Zoning Map breaks the City up into multiple zoning districts, that each lot of land fits into. As mentioned previously, Newton's village centers are primarily zoned for business use (BU1 and BU2). In addition to these business zones, village centers often have a patchwork of other zoning districts, like manufacturing or residential, on lots that many would consider part of the commercial core. The zoning also restricts buildings to 2 stories by-right in the core of most village centers, which is not in sync with existing buildings.

All the development and parking proposals work together to create the proposed three new village center zoning districts. If this proposal is adopted, City Council will explore the new boundaries needed to apply the proposed zoning districts.

### Key Terms

- Zoning district - A defined area delineated on the City's official Zoning Map with specific zoning regulations controlling how the land is used and what can be physically built on each lot. Typical zoning districts include residential, commercial, and industrial.
- Pattern Book - A resource that documents the existing pattern of development up until 2017. It was created through analysis of geographic data, historical records, regulatory/policy documents, existing conditions measurements, and working with Newton community members.

# Where Will the New Rules Apply

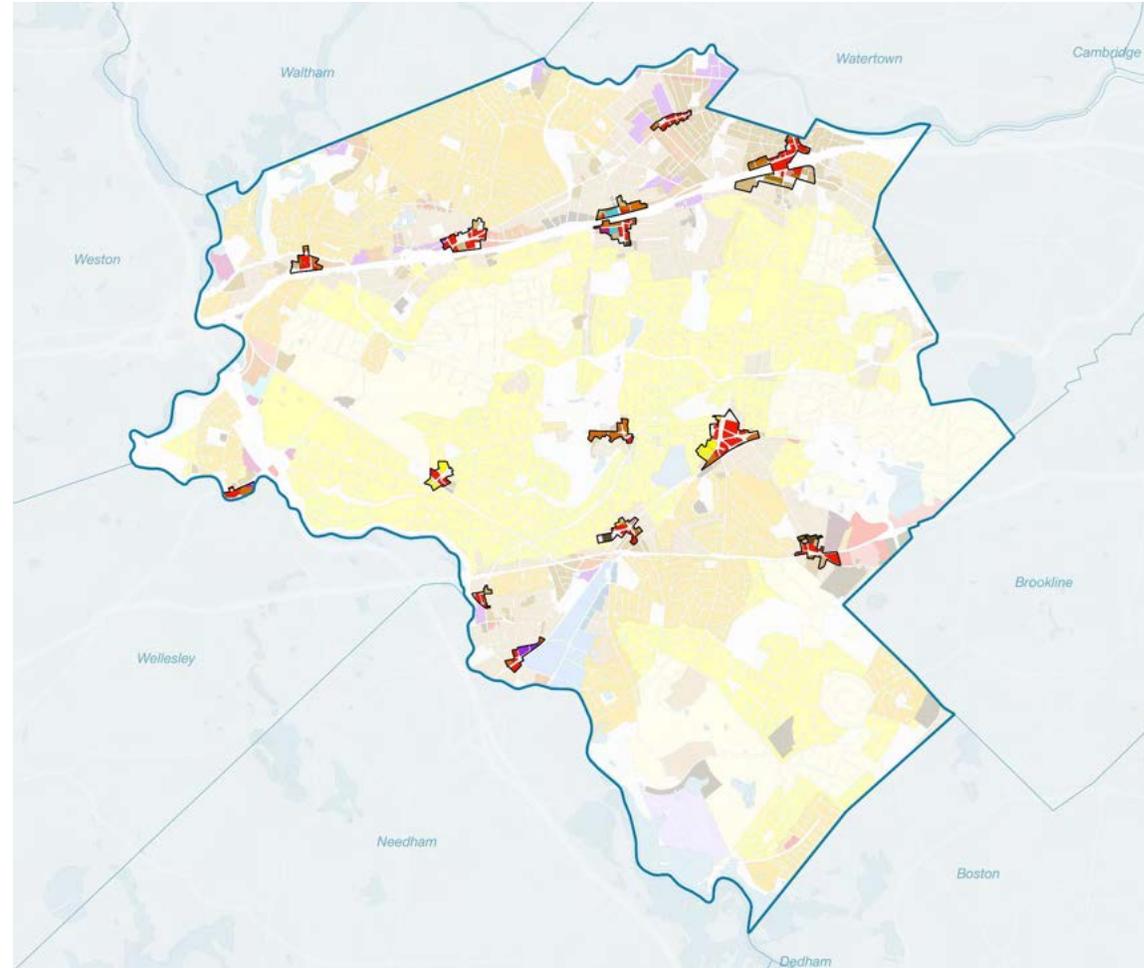
## Mapping the Village Center Zoning Districts (5.1)

### Existing Zoning in Village Centers

Existing zoning map, right, showing the village center outlines from the Pattern Book study from 2018. The Pattern Book boundaries are being used as a starting point for the mapping of the new village center zoning districts. These boundaries are not final.

Legend (by-right)

	Business 1 (BU1) 2 stories		Multi-Residence 1 (MR1) 2.5 stories
	Business 2 (BU2) 2 stories		Multi-Residence 2 (MR2) 2.5 stories
	Business 5 (BU5) 3 stories		Multi-Residence 3 (MR3) 2.5 stories
	Village Center Pattern Book Boundaries		Mixed-Use 4 (MU4) 3 stories



# Where Will the New Rules Apply

## Mapping the Village Center Zoning Districts (5.1)

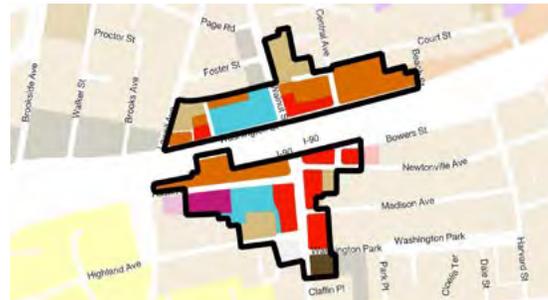
### Existing Zoning Conflicts with Existing Buildings

#### Nonantum



An existing 3-story building in Nonantum, zoned BU1, which only allows 2-story buildings by-right

#### Newtonville



An existing 4.5-story building in Newtonville, zoned BU1, which only allows 2-story buildings by-right

#### Newton Highlands



An existing 3-story building in Newton Highlands, zoned BU1, which only allows 2-story buildings by-right

# Where Will the New Rules Apply

## Mapping the Village Center Zoning Districts (5.1)

### What to Include and What Not to Include in Drafted Boundaries?

Mapping a new zoning district is a process that has no easy answers. How can the city look to both the past and the future at the same time? The Planning Department will use historical development patterns and what exists on the ground now as a starting point, along with the boundaries established in the Pattern Book and the City's existing zoning map.

Input from the public will be essential to the updated Zoning Map. No one knows village centers like the people who live, work, and study in Newton. Bringing together the research and community input, Planning staff will bring a draft zoning map, with boundaries for new village center zoning districts, to ZAP for their deliberation.

# Where Will the New Rules Apply

## Mapping the Village Center Zoning Districts (5.1)

### Current vs. Proposed Scales of Zoning Districts

The diagrams here show the comparison between the current zoning districts in Newton's village centers in contrast to the proposed districts. With a birds-eye view, you are looking down on a map of buildings along roads in the core of a hypothetical village center.

In the current zoning, for Newton village centers of all sizes (small, medium and large), the same two zoning districts are applied to most of the commercial core - Business 1 and Business 2. A draft map has not yet been completed for the new village center zoning. The three proposed zoning districts will allow for zoning to be tailored to the uniqueness of each village center. All three districts may be used in larger village centers while only one may be appropriate in smaller village centers.

Small Village Centers



#### Legend

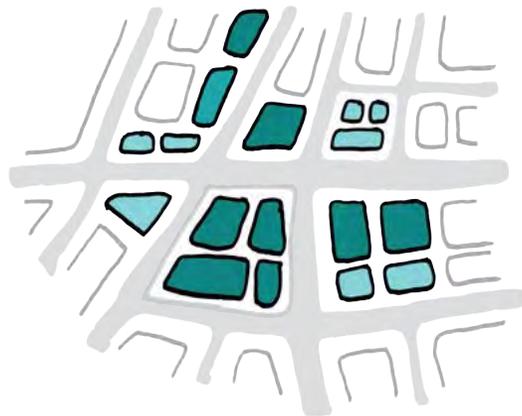
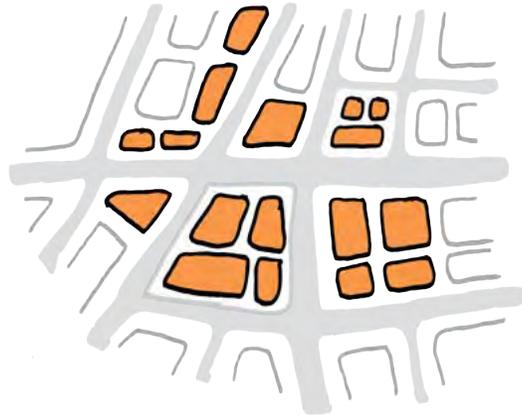
- BU1 and BU2 (2 stories)
- Small (2.5 stories)
- Medium (3.5 stories)
- Large (4.5 stories)

\* All village centers presented here are hypothetical

The diagram shows that in a small village center, it would only have the small scale district - which allows up to 2.5 floors by right, and 4 by special permit.

## Current vs. Proposed Scales of Zoning Districts

### Medium Village Centers



#### Legend

- BU1 and BU2 (2 stories)
- Small (2.5 stories)
- Medium (3.5 stories)
- Large (4.5 stories)

\* All village centers presented here are hypothetical

In the medium village center, it would have the small scale district and the medium scale district, allowing up to 3.5 floors by-right and 5 by special permit.

# Where Will the New Rules Apply

## Mapping the Village Center Zoning Districts (5.1)

### Current vs. Proposed Scales of Zoning Districts

Large Village Centers



#### Legend

- BU1 and BU2 (2 stories)
- Small (2.5 stories)
- Medium (3.5 stories)
- Large (4.5 stories)

\* All village centers presented here are hypothetical

In a large village center, it would have the small scale, medium scale, and large scale districts - where the large scale allows up to 4.5 floors by-right and 6 by special permit.



# Mapping and MBTA Communities

## Incorporating State Requirements for Allowing Multi-Family Housing (5.2)

### What is This?

**Massachusetts, and the entire United States, is facing a housing crisis. To address this, the State recently passed a law to encourage building more housing throughout 175 cities and towns that make up Greater Boston. This law requires towns and cities served by the MBTA to create zoning districts that allow multi-family housing (3 units or more) by-right.**

**Cities and towns that do not revise their zoning regulations to accommodate this new requirement will become ineligible for some State funds that support affordable housing and community projects. This includes Housing Choice Grants, Local Capital Fund Projects, and MassWorks Infrastructure Program.**

### Key Requirements

Newton is not in compliance with this new regulation. In order to come into compliance, the city will need to have at least one zoning district in which multi-family housing is permitted by-right and meets the other criteria in the statute including:

- Minimum gross density of 15 units per acre
- Not more than 1/2 mile from a commuter rail station, subway station, ferry terminal or bus station, if applicable
- No age restrictions
- Suitable for families with children

- Allows for the by-right construction of a minimum multifamily housing unit capacity. Unit capacity is a percentage of a community's total housing units based upon the level of transit service in the community. Since Newton has multiple rapid transit stops, the City must zone to allow for 25% of the total housing units, or 8,330 units.

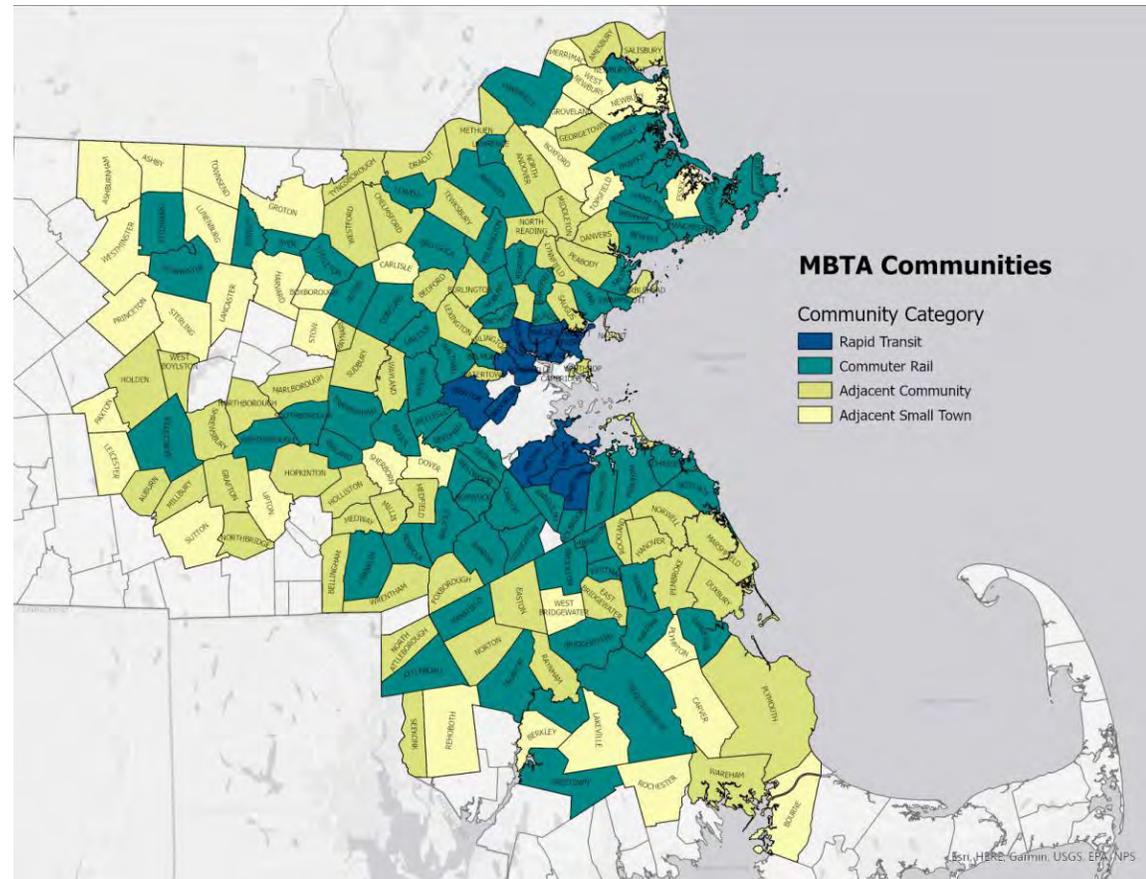
Currently, multi-family housing is either not allowed by right in Newton or is made financially infeasible by the zoning requirements imposed on it. If some village centers- particularly those with good public transit access- were to allow multi-family housing by-right, that could get the City closer to complying with the law.

# Mapping and MBTA Communities Incorporating State Requirements for Allowing Multi-Family Housing (5.2)

## State vs. Local Zoning

In Massachusetts, most zoning regulations happen at the local level. The MBTA Communities requirement is notable for being the rare comprehensive zoning mandate by the State, requiring rezoning portions of 175 different communities in Metro Boston. The State's overall goal is to reduce the price of homes and rent in the state.

Massachusetts has some of the highest housing costs in the country, and Newton has the second most owner-occupied housing valued at over \$1 million, behind only Boston. The mandate aims to do so by allowing more housing by right through reducing barriers to building new homes, particularly near transit and other resources.



Newton is classified as a Rapid Transit Community due to the Green Line. Rapid Transit Communities are required to provide zoning that allows multifamily housing to be built by-right near transit, equivalent to 25% of the City's existing housing.

# Mapping and MBTA Communities

## Incorporating State Requirements for Allowing Multi-Family Housing (5.2)

### Unit Capacity and Timeline

8,330 units may seem like a lot, however the requirement it is not a housing production mandate. There is no requirement to build all of the units, only adopt zoning that would allow them to be built. Similarly, Newton's current zoning allows for many more units than are actually built.

In reality it will take many years, and some may never be built. It also does not matter what existing housing has been built or approved, the requirement is solely for zoning.

It is likely that the village center zoning alone will not be enough to fully comply with the MBTA zoning requirements, however it is an important piece of the puzzle as many village centers are located near transit.

Compliant zoning must be adopted by the end of 2023 and an Action Plan is due by January 31, 2023.

Planning staff will provide additional analysis and updates to the City Council regarding options for compliance

### Newton – Rapid Transit Community

2020 Housing	Minimum Multi-Family Unit Capacity	Minimum Land Area	Developable Station Area	% of District to be Located in a Station Area
33,320 units	8,330 units	50 acres	2,833 acres	90%

# Next Steps

(6)

# Stay Involved and Informed

## Continue to Help Shape the Village Center Zoning (6.1)

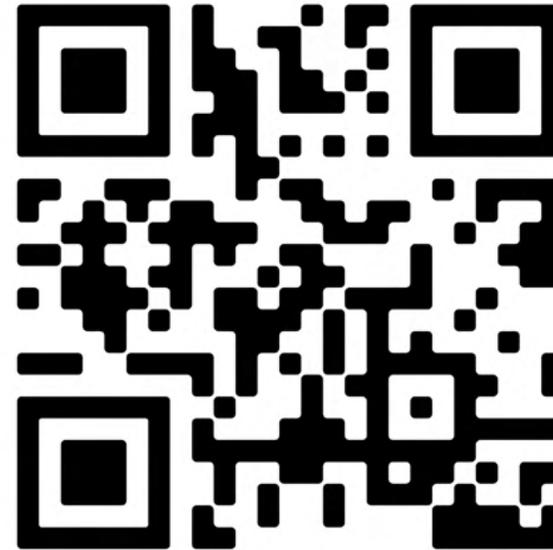
### Completing the Feedback Tool

Now that you have reviewed the village center zoning framework, you are invited to provide your thoughts and opinions using the Feedback Tool. You can use your phone, laptop, or tablet to complete it.

The Feedback Tool will be open from September 1, 2022 through October 16, 2022.

The Feedback Tool consists of three questions that try to get at the core reasoning behind the proposals you just reviewed and how they work together to make up the overall framework. These questions ask:

- Currently, Newton essentially has the same zoning districts for all of its village centers. Do you think there should be a variety of zoning districts for the variety of village centers?
- Three different scaled zoning districts are being proposed. What allowed building heights do you think are appropriate for which village center district?
- Required parking is one of the main factors for feasible development. What is your opinion on the proposal to reduce parking requirements for new buildings and uses in village centers?



Scan the QR Code here with the camera on your phone or tablet to access the Feedback Tool. Or Click on the link below.

[https://stanforduniversity.qualtrics.com/jfe/form/SV\\_9MrszPSIt4KcGq2](https://stanforduniversity.qualtrics.com/jfe/form/SV_9MrszPSIt4KcGq2)

# Stay Involved and Informed

## Continue to Help Shape the Village Center Zoning (6.1)

### Contacting Your City Councilor Directly

By law, the Newton City Council is the ultimate decision maker on any zoning changes. Your response will be collected by the Newton Department of Planning & Development. Staff will then present the results for consideration by ZAP, a subcommittee of the Newton City Council. ZAP determines what zoning changes move on to the full City Council to accept or reject.

If you want to directly reach out to a ZAP member, or your ward's City Councilors, please visit the website below to see the Councilor names and contact information.

[tinyurl.com/NewtonCityCouncilors](http://tinyurl.com/NewtonCityCouncilors)



# Moving from Proposal to Law

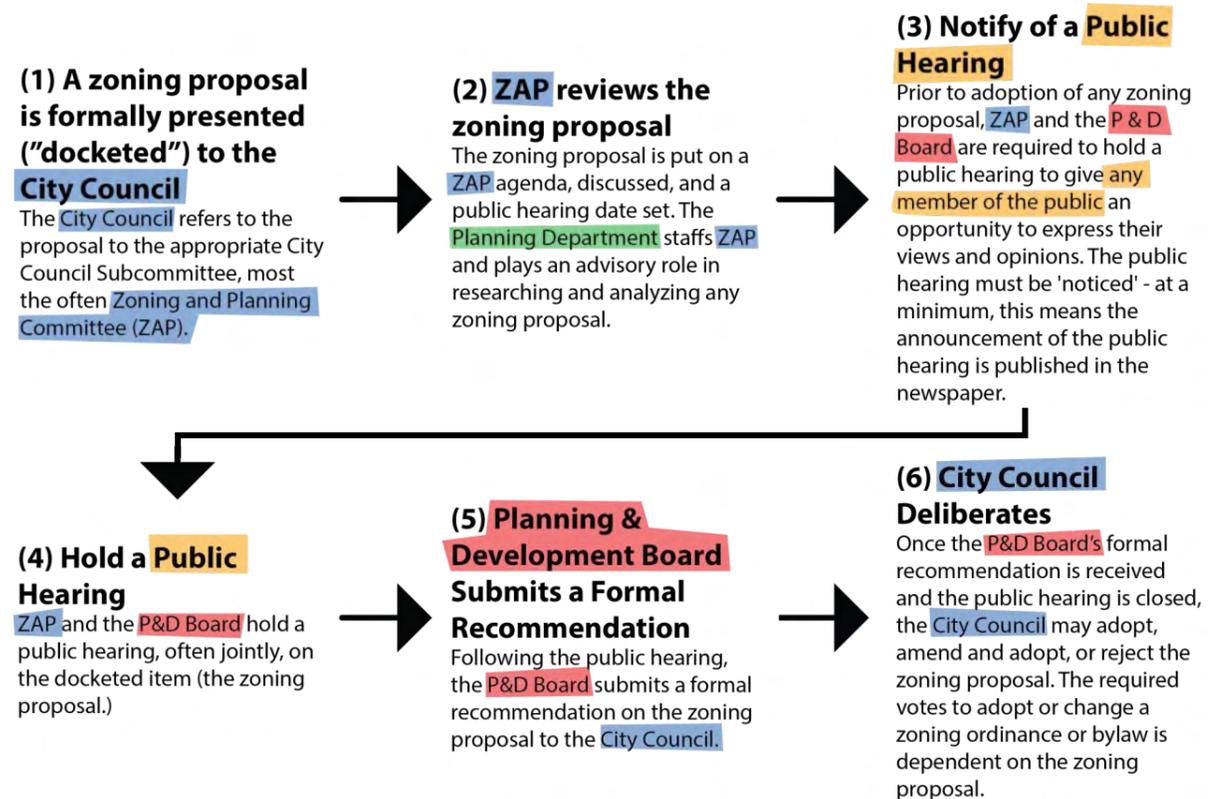
## Looking Ahead to City Council Deliberation and Vote (6.2)

### Presenting the Draft Zoning and Map

While this engagement takes place, the Planning Department and its consultant, Utile, will begin drafting village center zoning text from the direction discussed at ZAP meetings held in June. This ongoing community engagement will further inform the drafting of the recommended policy language and the mapping. Draft zoning language and maps will then be brought back into ZAP for further deliberation this fall.

All of the thoughts and opinions provided by you will be shared with ZAP and the City Council in advance of any votes to adopt new village center zoning. In addition, you will have the opportunity to directly speak or provide additional written responses to the City Council once a Public Hearing is set.

### What Does it Take to Change the Zoning Ordinance?



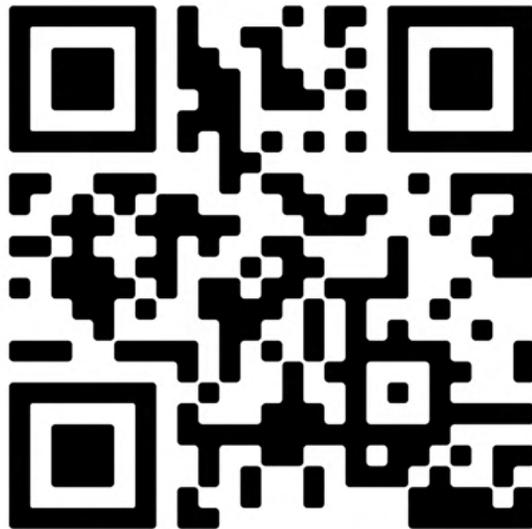
# Moving from Proposal to Law

## Looking Ahead to City Council Deliberation and Vote (6.2)

### More to Come this Fall

The Newton City Council is the ultimate decision maker on any zoning changes. Working closely with City Council, the Planning Department will present the engagement findings and the resulting proposed zoning language and map this fall.

**Thank You!**



[https://stanforduniversity.qualtrics.com/jfe/form/SV\\_9MrszPSIt4KcGq2](https://stanforduniversity.qualtrics.com/jfe/form/SV_9MrszPSIt4KcGq2)





Ruthanne Fuller  
Mayor

Barney Heath  
Director  
Planning & Development

Cat Kemmett, Planning  
Associate

#### Members

Peter Doeringer, Chair  
Kelley Brown, Vice Chair  
Kevin McCormick, Member  
Jennifer Molinsky, Member  
Barney Heath, *ex officio*  
Lee Breckenridge, Alternate  
Laxmi Rao, Alternate

1000 Commonwealth Ave.  
Newton, MA 02459  
T 617-796-1120  
F 617-796-1142  
[www.newtonma.gov](http://www.newtonma.gov)

## PLANNING & DEVELOPMENT BOARD MEETING JOINT WITH LAND USE COMMITTEE MINUTES

July 19, 2022

#### Members present:

Peter Doeringer, Chair  
Kelley Brown, Vice-Chair  
Kevin McCormick, Member  
Jen Molinsky, Member  
Lee Breckenridge, Member  
Barney Heath, *ex officio*

**Land Use Committee members present:** Councilors Lipof (Chair), Kelley, Bowman, Downs and Laredo

**Also Present:** Councilors Albright, Crossley, Malakie, Norton and Wright

**City Staff:** Senior Planner Michael Gleba, Chief Planner Katie Whewell Assistant City Solicitor Jonah Temple, Director of Planning and Development Barney Heath, Planning and Development Board Chair Peter Doeringer, Planning and Development Board Vice-Chair Kelley Brown, Planning Associate Cat Kemmett, Planning and Development Board Member Kevin McCormick, Planning and Development Board Member Jennifer Molinsky, Planning and Development Board Member Lee Breckenridge

Meeting held virtually by Zoom Meeting

#### 1. Open public hearing for #355-22 Request to Rezone 2 Parcels to BU4

The Planning and Development Board joined the City Council Land Use Committee for this item. For detailed notes on the proceedings and discussion at this meeting, please see the attached Land Use Committee Report.

Following a presentation by Attorney Steve Buchbinder, of Schlesinger and Buchbinder, and Chief Planner Katie Whewell, the public hearing was opened. For further detail on the testimony and discussion that followed, see the attached Land Use Committee Report.

Mr. Brown made a motion to hold items #355-22 and #356-22 until the next P & D Board meeting scheduled on August 1, 2022. The motion carried unanimously.

#### 2. Open public hearing for #357-22 Request to Rezone 3 parcels to MU4

The Planning and Development Board joined the City Council Land Use Committee for this item. For detailed notes on the proceedings and discussion at this meeting, please see the attached Land Use Committee Report.

## City of Newton Planning and Development Board

Following a presentation by Attorney Steve Buchbinder, of Schlesinger and Buchbinder, and Senior Planner Michael Gleba, the public hearing was opened. For further detail on the testimony and discussion that followed, see the attached Land Use Committee Report.

Mr. McCormick made a motion to hold items #357-22 and #358-22 until the next P & D Board meeting scheduled on August 1, 2022. The motion carried unanimously.

Mr. Brown motioned to adjourn which carried unanimously.



# Land Use Committee Report

## City of Newton In City Council

**Tuesday, July 19, 2022**

**Present:** Councilors Lipof (Chair), Kelley, Bowman, Downs and Laredo

**Also Present:** Councilors Albright, Crossley, Malakie, Norton and Wright

**Absent:** Councilors Greenberg, Lucas and Markiewicz

**City Staff Present:** Senior Planner Michael Gleba, Chief Planner Katie Whewell Assistant City Solicitor Jonah Temple, Director of Planning and Development Barney Heath, Planning and Development Board Chair Peter Doeringer, Planning and Development Board Vice-Chair Kelley Brown, Planning Associate Cat Kemmett, Planning and Development Board Member Kevin McCormick, Planning and Development Board Member Jennifer Molinsky, Planning and Development Board Member Lee Breckenridge

All Special Permit Plans, Plan Memoranda and Application Materials can be found at the following link <https://www.newtonma.gov/government/city-clerk/city-council/special-permits/-folder-1058>. Presentations for each project can be found at the end of this report.

**#354-22      Request to allow single-family attached dwellings, reduced lot area and parking waivers at 157 Langley Road**

HG CHESTNUT HILL LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing dwelling and construct three single family attached dwellings, to waive the required minimum lot area, to allow a driveway within 10 feet of a rear lot line; to allow parking within 20 feet of the front and rear lot lines, and to allow parking within front setbacks at 157 Langley Road, Ward 6, Newton on land known as Section 65 Block 20 Lot 01, containing approximately 14,886 sq. ft. of land in a district zoned MULTI RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 5.1.7.A, 5.1.13, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      Land Use Approved 4-0-1 (Councilor Laredo Abstaining); Public Hearing Closed 7/19/22

**Note:**      Attorney Laurance Lee, of Rosenberg, Freedman & Lee, LLC, with offices at 246 Walnut Street, Newton, represented the petitioner. Atty. Lee presented the proposed plans, general site information, landscape plans which can be found at the following link: <https://www.newtonma.gov/home/showpublisheddocument/87424/63793993841440000>.

The petitioner is proposing to replace the existing two-family dwelling with three single-family attached dwellings. Additional details:

- The project will meet the highest (above the standard) sustainability features – HERS Level 1.
- proposed project will also be smaller than a by-right development in terms of setbacks and lot coverage.
- two driveways proposed: on Knowles St and on Langley Rd. Each unit will have a single car garage and one surface parking stall.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown in the attached presentation. Mr. Gleba noted that the Planning Department is recommending reducing the paving in the driveway fronting Knowles St.

The Public Hearing was Opened.

MaryLee Belleville, 136 Warren St, noted appreciation for the design; this is better than a cookie-cutter project. Ms. Belleville noted that it is discouraging to see yet another relatively attainable modest home get demolished and replaced with luxury units.

Diego Puppini, 38 Beecher Place, noted that the multi-family developments going up have an impact on the neighborhood. Is there a plan to give support to the schools and services in the area, which are already crowded? A: The Council is unable to use the potential impact on schools in making special permit recommendations. The school system will adjust to meet the demand as necessary. The Committee takes the impact on services in the community (police/fire/roads) when it makes its decisions.

Aaron Nelson, 18 Knowles Street, expressed support for the project, noting he has lived next to the property for 35 years. The property has been in a chronic state of poor maintenance for years. This is an improvement over what is there and going from two units to three is a marginal increase in occupancy.

Tawny Sidhu, 16 Knowles Street, inquired about changes to the driveway abutting their property, as well as proposed fencing and landscaping. Ms. Sidhu indicated they had not spoken with the petitioner.

Atty. Lee noted the proposed design attempts to leave the location of the driveways largely unchanged. The proposed design is to allow maneuvering ability for cars to avoid having to back out onto Knowles Street.

Atty. Lee indicated the petitioner's willingness to speak to Ms. Sidhu and work out fencing and landscaping issues. A final landscaping plan can be worked out with the Planning department.

Mr. Sean Roche, 42 Daniels Street, expressed appreciation for the petition. Would note that there is too much parking; the City should be supporting development of smaller & more units and encourage residents not to drive, especially when located near public transportation.

Zachary Steinberg, 120 Valentine Street, supports the petition.

#### Councilor Comments and Questions

Committee members expressed support for the petition. The petitioners are asking for one more unit and the same number of parking spaces.

This project will be an improvement over the existing building.

Committee members agreed with the Planning Department's observation that there is too much pavement/parking. The proposed amount of pavement would probably encourage more cars than contemplated or specified in the proposed plans.

Q: Has the petitioner considered enabling Unit #1 with the potential for an elevator? The need for accessibility and ability to age is becoming more important with a big part of the city's population.

A: There is a bedroom on the first floor of that unit.

Q: Is this a commitment to have everything be 100% electric?

A: Yes.

Noting the Committee's concerns regarding parking, Atty Lee indicated the petitioner is amenable to modifying the Knowles St. driveway and reducing the impervious surface.

Committee members expressed appreciation for the petitioner's willingness to try to reduce paving and increase landscaping on the site.

Councilor Bowman motioned to close the public hearing which carried unanimously. Committee members reviewed the draft findings and conditions as shown in the attached presentation. Atty. Lee agreed to work with Planning and Law to update Condition #6 in the draft council order to include language stating impervious driveway surface would be reduced and landscaping would be added to both driveways. The Committee voted 4-0 in favor of approval, with Councilor Laredo abstaining.

**#373-22      Petition to amend Deed Restriction and Order #276-68(3) at 120 Wells Ave**

HARTFORD PROPERTIES, LLC petition to amend the deed restriction adopted by Board Order #276-68(3), dated November 18, 1963, as amended, to allow a day care center at 120 Wells Avenue, Ward 8, Newton, on land known as Section 84 Block 34A Lot 06, containing approximately 50,010 sq. ft. of land in a district zoned LIMITED MANUFACTURING.

**Action:**      **Land Use Approved 5-0**

**Note:**      Attorney Alan Schlesinger, of Schlesinger and Buchbinder, with offices at 1200 Walnut Street, Newton, represented the petitioner. Atty. Schlesinger presented the proposed summary and project plans, which can be found at the following link: <https://www.newtonma.gov/home/showpublisheddocument/87426/637939939326770000>.

Atty. Schlesinger was joined by Attorney Kathy Winters of Schlesinger and Buchbinder.

Atty. Schlesinger noted the purpose of the proposed amendment is to allow a daycare center use at the site.

Atty. Schlesinger noted the Wells Avenue properties are governed by both the City's zoning ordinance and the deed restriction, which limits the uses in all of the properties.

Under zoning ordinance this use is allowed as a matter of right subject to administrative site plan approval.

The petitioner has been through the development review process as outlined in the Council's rules and agrees that they are required and intend to file for administrative site plan review process.

Atty Schlesinger noted that the engineering features, and landscaping will be reviewed during the administrative site plan review. The parking has been established as a reduction in the current nonconformity. Drop off and pick up will be substantially off peak.

Chief Planner Katie Whewell noted Planning has not received a site plan to date.

The petitioner is close to having its administrative so plan review plans ready, and expects to be filing that within the next few weeks and looking forward to the process.

The Chair noted that due to the nature of the petition, no Public Hearing is required.

Atty Temple recommended the Committee focus on the amendment to the deed restriction; the site plan will be reviewed through the Administrative Site Plan approval process.

Committee members were supportive of the petition and appreciative of more daycare/school options in the City.

Councilor Bowman motioned to approve the petition. The Committee voted in favor of approval 5-0.

**#359-22 Request to allow a detached accessory apartment with reduced setbacks, oversized dormers which further exceed the nonconforming FAR at 33 Berkeley Street**

KEVIN AND ELIZABETH BRAMSON BOUDREAU petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow construction of a detached garage with an accessory apartment that does not meet principal setbacks, to allow oversized dormers, and further exceed the nonconforming FAR at 33 Berkeley Street, Newton, Ward 3, on land known as Section 32 Block 31 Lot 04, containing approximately 11,097 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3.3, 7.4, 6.7.1.E.1.a, 6.7.1.E.4, 1.5.4.G.2.b, 3.1.3, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:** Land Use Approved 5-0; Public Hearing Closed 7/19/22

**Note:** Architect Peter Sachs and Ms. Ana Gabby of Peter Sachs Architecture and Design presented the request to replace the existing garage with a detached accessory apartment. Mr. Sachs and Ms. Gabby presented the proposed plans, which can be found at the following link: <https://www.newtonma.gov/home/showpublisheddocument/87422/63793993757360000>.

Mr. Sachs noted that letters of support had been received and submitted from several abutters/neighbors.

Mr. Sachs addressed the Planning Department's concerns in the Planning memo regarding setbacks. Mr. Sachs noted that instead of the initially proposed 5.5' setbacks for the accessory unit, the petitioners would be amenable to rebuild the unit at the currently existing setbacks.

Chief Planner Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown in the attached presentation.

The Public Hearing was opened.

Nancy Morrison, 126 Prince Street, inquired about a proposed tree removal. The petitioner noted that the had been examined; it was determined to be quite old with survival issues, therefore the proposal includes removing it.

Kathleen Manchester, 41 Berkeley Street, noted support for the proposed project. Characteristics and scale are completely in conformity with the neighborhood.

Committee members were supportive and appreciative of the petitioners' agreement to change the proposed setbacks.

Councilor Kelley motioned to close the public hearing which carried unanimously. Councilor Kelley motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation. Committee members noted that based on the petitioners' representation that the setbacks are not changing, Finding #1 can be revised to reflect that. The Committee voted 5-0 in favor of approval.

**#355-22 Request to Rezone 2 parcels to BU4**

SELTZERS GARDEN CITY, INC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone 2 parcels as follows: 11 Florence Street (Section 82 Block 04 Lot 49) from MULTI RESIDENCE 1 to BUSINESS USE 4; and 318 Boylston Street (Section 82 Block 04 Lot 47) from BUSINESS USE 2 to BUSINESS USE 4.

**Action:** Land Use Held 5-0; Public Hearing Continued

**#356-22 Request to construct elderly housing with services at 11 Florence and 318 Boylston St**

SELTZERS GARDEN CITY, INC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow Elder Housing with services, to allow a development in excess of 20,000 sq. ft., to allow a five-story building, to allow a retaining wall greater than 4' in height within a setback, to allow free-standing signs, to allow parking within the front setback, and to waive lighting requirements at 11 Florence Street and 318 Boylston Street, Ward 8, Newton, on land known as Section 82 Block 04 Lots 47 and 49, containing approximately 82,946 sq. ft. of land in a district zoned BU2 (318 Boylston Street, to be rezoned to BU4) and MR1 (11 Florence Street, to be rezoned to BU4). Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.2.10, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 5.4.2.B, 5.1.8.A.1, 5.1.13, 5.1.10.A, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

**Action:** Land Use Held 5-0; Public Hearing Continued

**Note:** Attorney Steve Buchbinder, of Schlesinger and Buchbinder, with offices at 1200 Walnut Street, Newton, represented the petitioner. Atty. Schlesinger presented the proposed amendment summary, which can be found at the following link: <https://www.newtonma.gov/home/showpublisheddocument/87420/637939937062730000>

Atty. Buchbinder noted a previous petition for this project was before the Committee in 2021. The goal for this evening is to review changes to the project since that time. The petitioner will reserve discussions around sustainability, traffic, transportation and construction management for a subsequent meeting.

The petitioner is proposing to combine two parcels to construct a five-story elderly housing facility with services and associated parking areas. Planning believes the BU4 zone is appropriate due to the site's location within a regional corridor which contains an array of zones and land uses.

The petitioner has continued to meet with neighbors. Neighbors have raised legitimate concerns and Atty. Buchbinder emphasized discussions are ongoing.

Mr. Paul Kroskin, of Sunrise Senior Living, detailed the Sunrise Senior Living model and proposed project, details of which can be found at the following link: <https://www.newtonma.gov/home/showpublisheddocument/87420/637939937062730000>

Mr. John Stabach, of VHB Engineering, provided engineering updates, which can be found at the following link: <https://www.newtonma.gov/home/showpublisheddocument/87420/637939937062730000>.

Chief Planner Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown in the attached presentation.

The Public Hearing was Opened.

Cindy Weiner, The Residences, Chestnut Hill, noted that the cosmetic changes that Sunrise has put forth ignore the biggest abutter complaint, which is that the project is too large. Ms. Weiner noted most abutters don't oppose the elderly housing; it is the size that is objectionable.

Ms. Weiner noted over 140 abutters/neighbors signed a petition over 1 year ago opposing the construction as being too large. Sunrise has not reduced the size by even one unit or one bed. Sunrise has not negotiated in good faith on the Residences Community's most important priority.

Mr. Edmund Allcock, Esq., of MEEB, represents residents of The Residences at Chestnut Hill. Mr. Allcock noted the Residences Community has had meetings with Sunrise and expect to have some additional meetings between now and the next meeting. Mr. Allcock and his clients will reserve comment for the next public hearing.

Other neighbors from the Residences expressed similar concerns. None of these changes are justified by any overriding public interest. This constitutes illegal spot zoning.

Annie Raines, 50 Court Street, observed that there seems to be a trend of developers proposing certain elements of a petition with the intention to use them as "concession swap strategies".

Sean Roche, 42 Daniels Street, expressed support for the petition, noting this is an apartment-rich neighborhood. This is an appropriate site for the project

Ann Duvall, 33 Madison Avenue, expressed support for the project, noting that the City needs this valuable type of housing. Ms. Duvall expressed appreciation for the changes/updates that have been incorporated.

Melissa Flaviano, 29 Tanglewood Road, expressed concern relative to the absence of proposed filtration/floodwater abatement measures. Tanglewood Road has experienced previous flooding incidents and the residences on the street are directly impacted by this.

#### Councilor Comments and Questions

Committee members expressed concern relative to the proposed petition in light of issues with the Newton Corner Sunrise project.

While the Newton Corner Sunrise project cannot be used to determine how the Committee acts on this petition, the Committee should incorporate lessons learned from that project into this project, e.g. blasting measures, employee parking.

Unlike Sunrise Newton Corner, which is accessible by a number of buses, this area is not. It's important to have a very clear transportation management plan. It should also contemplate bike utilization.

Atty. Buchbinder noted that the petitioner would compile data from the Newton Corner facility relevant to this petition and continue to talk to the neighbors.

The Newton Corner project ultimately had some significant stepping down; this design still looks rather bulky. The Newton Corner design stepped back 4 to 3 to 2; this projects steps back 5-4-3.

Committee members urged the petitioner to come to some kind of agreement with The Residences community before coming back before the Committee, or be prepared to stipulate they cannot come to a resolution. If this design is going to change, it's more beneficial if it's been vetted by all stakeholders.

Q: Will this project create more or the same amount of stormwater?

A: There will be a reduction in the rate of runoff leaving the site. A portion will be infiltrated and overflows leaving the site will use the culvert through the easement out to Tanglewood. There will also be reductions to Florence Street.

Q: Are we looking at a waiver of the parking stall sizes?

A: Our requirement is 40 stalls and we have 46. All of the stalls are conforming in length and width.

Concern was expressed relative to whether the right model has been developed for Inclusionary Zoning units. Currently developers are required to subsidize the housing but the cost of the services for care is on residents. How is it going to work in this facility? How has it worked with the Newton Corner facility?

A: Given that the majority of expenses for these resident (rent, transportation, activities) are already paid for, we have not had an issue with financials with them so far.

Councilors urged the petitioner to provide an assessment of how this IZ model is working with the Newton Corner facility. We want to ensure that the model we develop allows residents to be able to afford the care they need.

The Planning & Development Board Chair accepted a motion to hold items #355-22 and #356-22 until the next P & D Board meeting scheduled on August 1, 2022. The motion carried unanimously.

Councilor Laredo motioned to hold and continue the Public Hearing on items #355-22 and #356-22. The motion carried 5-0.

**#357-22 Request to Rezone 3 parcels to MU4**

HQ, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone 3 parcels as follows: 1314 Washington Street (Section 33 Block 10 Lot 01), 31 Davis Street (Section 33 Block 10 Lot 11) and 33 Davis Street (Section 33 Block 10 Lot 12) from BUSINESS 1 TO MIXED USE 4.

**Action:** Land Use Held 5-0; Public Hearing Continued

**#358-22 Special Permit Petition to allow development at 1314 Washington Street and 31, 33 Davis Street**

HQ, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a building in excess of 20,000 sq. ft., to allow a mixed-use residential building with five stories and 60 feet in height, to allow reduced lot area per unit, to exceed the maximum front setback, to allow a FAR of 2.45 in a five-story building, to waive the setback requirement for the portions of the building exceeding 40 ft. in height, to waive entrance and façade transparency requirements, to allow a restaurant with more than 50 seats with extended hours of operation, to allow ground floor residential use, to waive the requirement of using the A+B+C parking formula, to waive 115 parking stalls, to allow assigned parking, to allow reduced parking stall width and depth, to allow reduced accessible stall depth, to waive end stall maneuvering space requirements, to allow reduced aisle width at 1314 Washington Street and 31, 33 Davis Street, Ward 3, Newton, on land known as Section 33 Block 10 Lots 01, 11, 12 containing approximately 30,031 sq. ft. of land in a district zoned BUSINESS USE 1 (rezone to MIXED USE 4 proposed). Ref: Sec. 7.3.3, 7.4, 4.2.2.A.2, 4.2.5.A.3, 4.2.2.B.1, 4.2.3, 4.2.5.A.4, 4.2.2.B.3, 4.2.5.A.2, 4.2.5.A.4.c, 4.2.5.A.6.a, 4.2.5.A.6.b, 4.4.1, 6.4.29.B.1, 6.4.29.C.6, 6.2.4, 5.1.3.B, 5.1.13, 5.1.4, 5.1.3.E, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.B.6, 5.1.8.C.1, 5.1.8.C.2 of the City of Newton Rev Zoning Ord, 2017.

**Action:** Land Use Held 5-0; Public Hearing Continued

**Note:** Attorney Stephen Buchbinder, of Schlesinger and Buchbinder, with offices at 1200 Walnut Street, Newton, represented the petitioner, HQ, LLC, an affiliate of Mark Development. Atty. Schlesinger presented the proposed plans, which can be found at the following link: <https://www.newtonma.gov/home/showpublisheddocument/87428/637939942939200000>.

Atty. Buchbinder was joined by David Roach of Mark Development in the chambers. Other members of the team joining virtually included Robert Korff, principal, Architect Stephanie Moresco, Mark Development, Robert Adams, Halvorson Design Partnership and Randy Miron, Civil Engineer, Bohler Engineering.

Atty. Buchbinder noted that the petitioner has engaged in outreach to neighbors, holding a community meeting on March, 31, 2022, and meeting also with the Urban Design Commission, Newton Housing Partnership, and Green Newton.

Architect Stephanie Moresco reviewed the building design and discussed the inclusionary zoning proposal, which can be found at the following link: <https://www.newtonma.gov/home/showpublisheddocument/87428/637939942939200000>.

Ms. Moresco noted the original bank building would be retained, with a five-story addition in the rear of the site. There will be 50 residential parking stalls and an additional 19 stalls for the retail space.

Rob Adams, of Halverson Design Partnership, discussed proposed landscaping, which can be found at the following link: <https://www.newtonma.gov/home/showpublisheddocument/87428/637939942939200000>.

Randy Miron, Civil Engineer, Bohler Engineering, provided an overview of stormwater and civil engineering issues, which can be found at the following link: <https://www.newtonma.gov/home/showpublisheddocument/87428/637939942939200000>.

Atty. Buchbinder summarized the waivers the petitioner is seeking in connection with the project, including design waivers and a waiver of 115 parking stalls. The petitioner is in discussions with the First Unitarian Universalist Church across Highland Street to potentially use some of their parking on a shared basis.

Atty Buchbinder concluded by stating the petitioner is reserving discussions transportation, sustainability, and construction management for upcoming meetings.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown in the attached presentation. Mr. Gleba noted the Planning Department is awaiting a peer review analysis on transportation. The Planning Department's Housing staff will be reviewing the petitioners Inclusionary Housing Plan.

The Public Hearing was Opened.

Annette Seaward, 17 Davis Street, expressed concern in connection with the proposed plans, including the proposed setbacks, the lack of space for delivery van drop off/pick up, restaurant deliveries. Ms. Seaward urged the Committee to ensure that Davis Street is not used for staging during construction. Ms. Seaward would like to see where dumpster placement will be located.

Amanda Caruso, 6 Tolman Street, expressed concern regarding the entrance/exit placement along Highland Street. Traffic backs up from Washington Street along this part of the site and it is going to be very hard to take a turn from Davis Street onto Highland Street due to increased traffic.

Other neighbors/abutters expressed similar concern, noting that the common use of side streets to avoid West Newton because it is unmanageable. This will make it even worse.

Dr. Neil Epstein, Newton resident, noted he owns an abutting dental practice on Washington Street. Dr. Epstein spoke before the Committee 3 years ago about this proposed project and existing parking concerns in West Newton Square. Mr. Epstein noted that three years later, the petitioner is now asking for a much larger restaurant with fewer parking spots proposed. The existing parking situation in West Newton is terrible. This project will make parking in the square almost non-existent. It will be detrimental

to all the small businesses in the square and will certainly affect all the residential streets abutting the square.

Ned Notis-McConarty, 122 Temple Street, echoed these concerns. The petitioner is proposing 1/3 of the parking spaces that would be required by zoning rules.

This isn't creating affordable housing.

Dr. Matthew Epstein, member of the dental practice on Washington Street, Jean Notis-McConarty, 122 Temple Street, Nancy Mazzapica, 46 Harding Street, and many other neighbors echoed similar concerns. Lack of parking will be detriment to the businesses in the square. Anyone who uses Chestnut Street or Highland Street down to Washington Street knows how much impact this project will have on traffic.

Damien Croteau, 32 Orchard Avenue, lives a 10 minute walk from the proposed development. Mr. Croteau expressed support for the petition. This is an attractive transit-oriented development.

Zachary Steinberg, 120 Valentine Street, echoed similar support. This will also be in walking distance of the redesigned MBTA 61 bus.

Randall Block, 45 Lafayette Street, noted the proposed development raises concerns regarding the capacity of the road system around West Newton square to absorb additional vehicular traffic. Mr. Block noted the VHB traffic study (p. 43) reports that the intersection at Washington and Highland streets currently has an F level of service rating. Mr. Block hopes the peer reviewer report will consider ways of minimizing the impact of this development on traffic flow, including reducing its size.

Sachiko Isihara, 15 Davis Street, is a direct abutter. Mr. Isihara opposes the scale of the development. This is too large and too dense in an already congested and somewhat dangerous intersection.

Eric Thorne, 23 Davis Street, is a direct abutter to the project. Mr. Thorne noted concerns with regard to the lack of screening plantings and the size of the project. Davis Street families will be looking at a wall.

#### Councilor Questions and Comments

Committee members expressed concern regarding the proposed parking waivers. The petitioner is proposing a very small amount of parking for a relatively large restaurant. 19 parking spaces for a restaurant with 225 seats is not sufficient, especially factoring in employee parking needs.

This site currently consists of a large parking lot that until recently has served the businesses in the area, movie theater, restaurants, medical practices. Although the parking has not necessarily been provided by the city or legally, we can't ignore the fact that we are going to be losing parking spaces.

Committee members noted the recent announcement of the West Newton Cinema sale to the petitioner. The petitioner will be controlling over 1000 rental units in the City when all is said and done.

Concern was noted relative to the deviation from the standards of an MU4 district, in terms of the setbacks and what is required on the first floor of an MU4 development. All of this is significant deviation

from what the City puts in its zoning ordinance. Inquiry was also made about the lack of open space. The Committee would like to understand these deviations better.

Committee members agreed that additional information was needed on the traffic movements on the ramp entrances and exist on both Highland and Davis streets.

Could the petitioner provide some views of the project as it would be seen from the Davis Street homes?

Interest was expressed in discussing village center parking with Planning. What role does the City have in providing parking for folks using the village centers. This is an important discussion.

The new 61 bus will run more frequently than service today, and will be seven days a week, so public transportation could improve over the longer term.

Councilors discussed the skepticism of parking and noted it would be worth a discussion to look to improve public parking.

The petitioner noted that the proposed plans include historic preservation of the bank, which meant compromising on other things that could have been done in terms of green space. The alternative is to remove the bank from the residential program and have no restaurant.

The petitioner reiterated their efforts to work on a shared parking arrangement with the church across the street.

The Planning & Development Board Chair accepted a motion to hold items #357-22 and #358-22 until the next P & D Board meeting scheduled on August 1, 2022. The motion carried unanimously.

Councilor Laredo motioned to hold and continue the Public Hearing on items #357-22 and #358-22. The motion carried 5-0.

---

The Committee adjourned at 10:42 p.m.

**Respectfully Submitted,**

**Richard Lipof, Chair**

# City of Newton Planning and Development

## **Petition #354-22**

SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing dwelling and construct three single family attached dwellings, to waive the required minimum lot area, to allow a driveway within 10 feet of a rear lot line; to allow parking within 20 feet of the front and rear lot lines, and to allow parking within front setbacks

***July 19, 2022***



**157 Langley Road**

# Zoning Relief

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Requested Relief</i>	<i>Action Required</i>
§3.4.1	To allow attached single-family dwellings	S.P. per §7.3.3
§3.2.4	To allow reduced lot area	S.P. per §7.3.3
§5.1.7.A §5.1.13	To allow parking in the front setback	S.P. per §7.3.3
§6.2.3.B.2	To allow a driveway within 10 feet of the rear lot line and parking within 20 feet of the front and rear lot lines	S.P. per §7.3.3

# Criteria to Consider

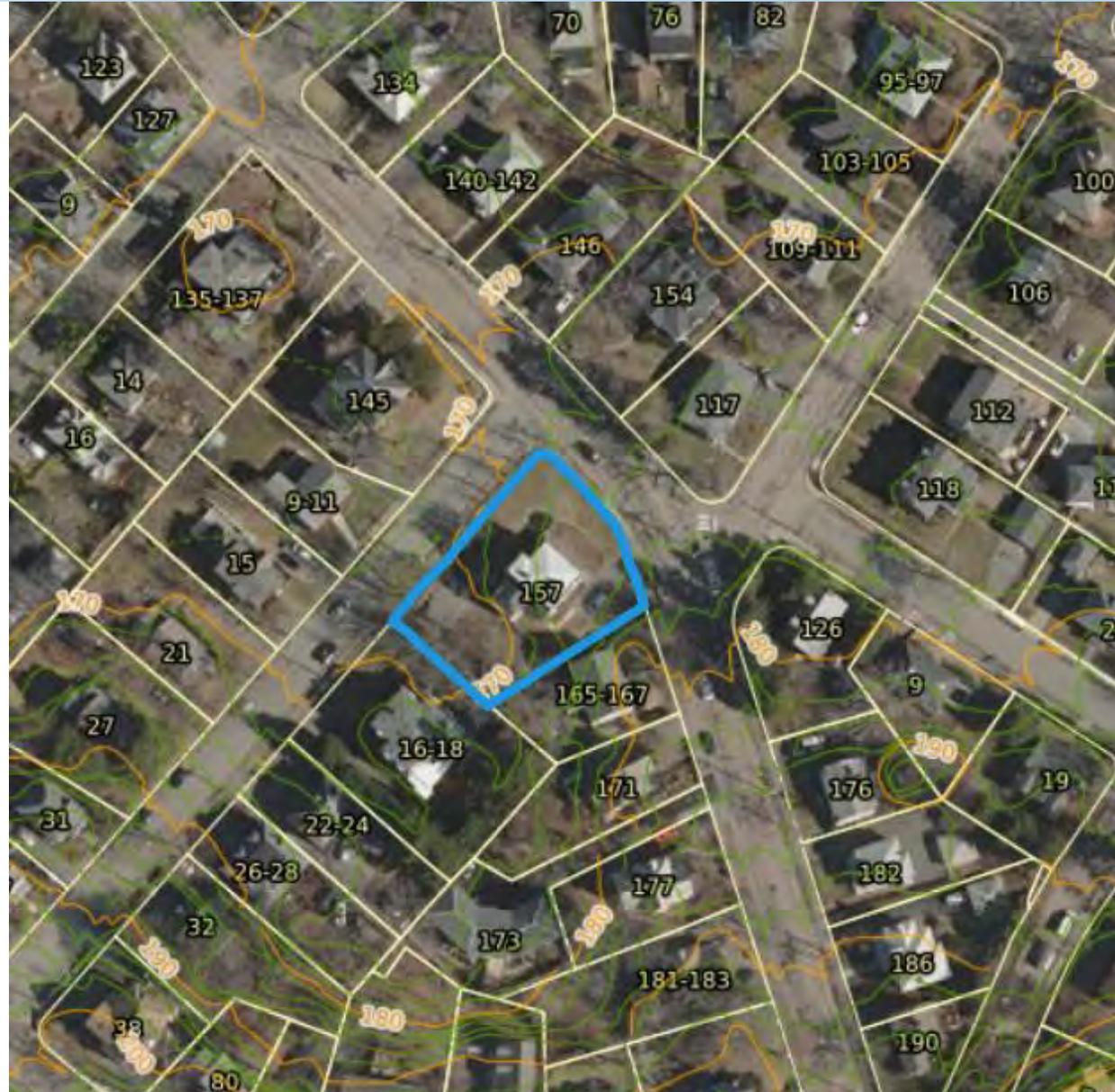
## When reviewing this request, the Council should consider:

- The site in a Multi-Residence 1 (MR1) district with 14,886 square feet (114 square feet less than the required 15,000 square feet minimum for an attached single-family dwelling use) is an appropriate location for the proposed three single-family attached dwellings as designed (§7.3.3.C.1)
- The proposed three single-family attached dwellings on a 14,886 square foot lot (114 square feet less than the required 15,000 square feet minimum for an attached single-family dwelling use) as designed will adversely affect the neighborhood (§7.3.3.C.2)
- The proposed three single-family attached dwellings on a 14,886 square foot lot (114 square feet less than the required 15,000 square feet minimum for an attached single-family dwelling use) as designed will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

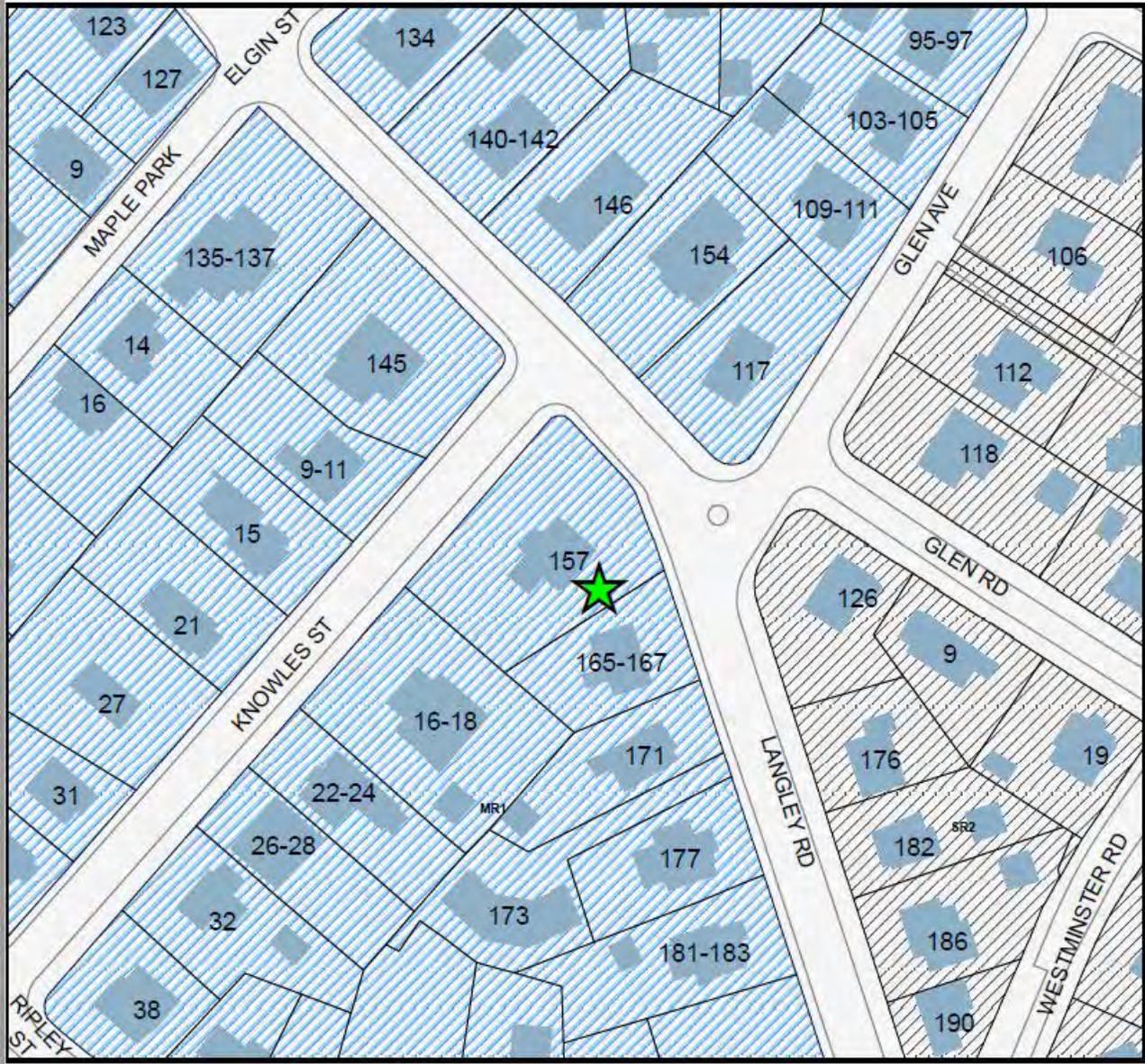
# Criteria to Consider (cont.)

- Granting an exception to the provisions of Sec 5.1.7.A requiring that no parking stall within a front setback appropriate as literal compliance is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety or protection of environmental features. (§5.1.13)
- Granting an exception to the provisions of Sec 6.2.3.B.2 requiring that no parking space be located within 20 feet of a boundary line side or rear lot line is appropriate as literal compliance is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety or protection of environmental features (§ 6.2.3.B.2)
- Granting an exception to the provisions of Sec 6.2.3.B.2 requiring that no driveway be located within 10 feet of a side or rear lot line is appropriate as literal compliance is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety or protection of environmental features (§ 6.2.3.B.2)

# Aerial Map



# Zoning



## ATTACHMENT B

### Zoning

157 Langley Rd.

*City of Newton,  
Massachusetts*

### Legend

- Single Residence 2
- Multi-Residence 1



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Roxanne Fuller  
GIS Administrator - Douglas Greenfield



Map Date: July 11, 2022

# Land Use



## ATTACHMENT A

### Land Use

1314 Washington St.

City of Newton,  
Massachusetts

### Land Use

#### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Open Space
-  Vacant Land



The information shown on this map is from the Geospatial Information System (GIS). The City of Newton cannot guarantee the accuracy of the information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Kathleen Fuller  
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 Feet

Map Date: July 11, 2022



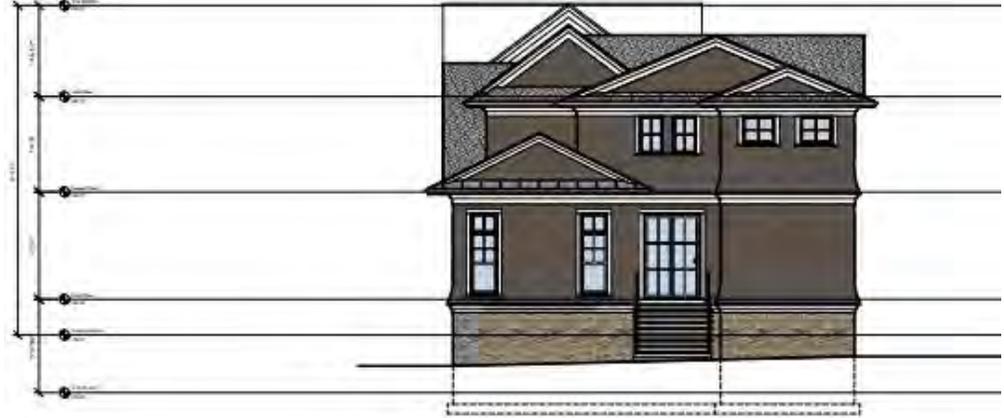




# Elevations



Knowles Street Elevation



Rear Elevation



Langley Road Elevation

# Rendering



# Photos



# Photos



# Photos



# Findings

1. The site in a Multi-Residence 1 (MR1) district with 14,886 square feet (114 square feet less than the required 15,000 square feet minimum for an attached single-family dwelling use) is an appropriate location for the proposed three single-family attached dwellings as designed as it is located in a neighborhood with a mix of single-, two- and multi- family dwellings (§7.3.3.C.1)
2. The proposed three single-family attached dwellings on a 14,886 square foot lot (114 square feet less than the required 15,000 square feet minimum for an attached single-family dwelling use) as designed will adversely not affect the neighborhood as the lot is amongst the largest in the area (§7.3.3.C.2)
3. The proposed three single-family attached dwellings on a 14,886 square foot lot (114 square feet less than the required 15,000 square feet minimum for an attached single-family dwelling use) as designed will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

# Findings (cont.)

5. *Granting an exception to the provisions of Sec 5.1.7.A requiring that no parking stall within a front setback appropriate as literal compliance is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety or protection of environmental features. (§5.1.13)*
6. *Granting an exception to the provisions of Sec 6.2.3.B.2 requiring that no parking space be located within 20 feet of a boundary line side or rear lot line is appropriate as literal compliance is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety or protection of environmental features (§ 6.2.3.B.2)*
7. *Granting an exception to the provisions of Sec 6.2.3.B.2 requiring that no driveway be located within 10 feet of a side or rear lot line is appropriate as literal compliance is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety or protection of environmental features (§ 6.2.3.B.2)*

# Conditions

- Standard Building Permit Condition.
- Pest Control Plan
- O&M Plan
- Construction Management Plan
- Standard Final Inspection/Certificate of Occupancy Condition.
- All landscaping shall be maintained in good condition and shall be replaced with similar material as necessary.

# City of Newton Planning and Development

Petition: #359-22

**Special Permit/Site Plan Approval** to allow construction of a detached garage with an accessory apartment that does not meet principal setbacks, to allow oversized dormers, and further exceed the nonconforming FAR

*July 19, 2022*



**33 Berkeley Street**

# Zoning Relief

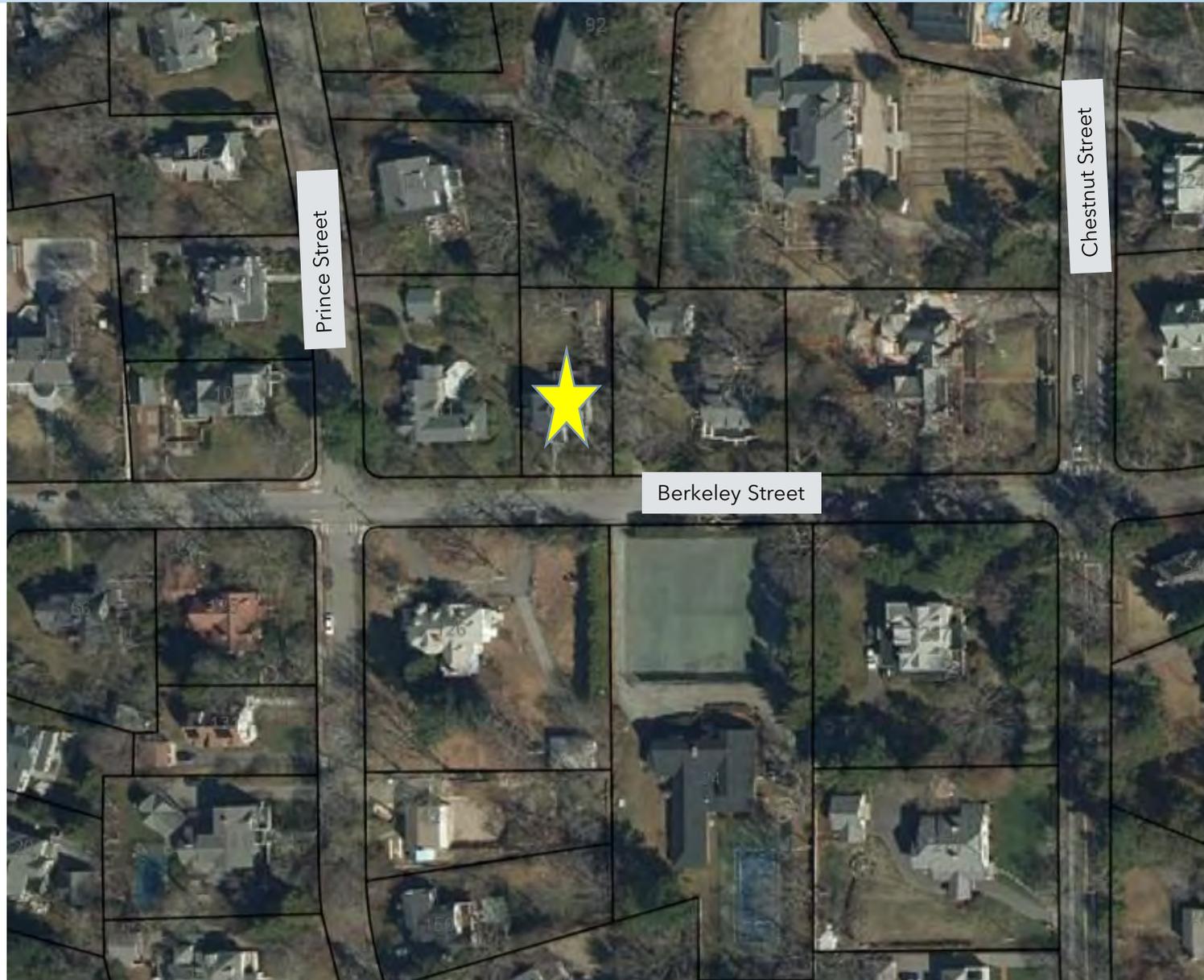
Zoning Relief Required		
Ordinance		Action Required
§6.7.1.E.1.a	To allow a detached accessory apartment	S.P. per §7.3.3
§6.7.1.E.4	To allow a detached accessory apartment that does not meet principal setbacks	S.P. per §7.3.3
§1.5.4.G.2.b	To allow oversized dormers	S.P. per §7.3.3
§3.1.3 §3.1.9 §7.8.2.C.2	To further exceed nonconforming FAR	S.P. per §7.3.3

# Criteria to Consider

When reviewing this request, the Council should consider whether:

- The site is an appropriate location for the proposed detached accessory apartment with oversized dormers in a structure that does not meet principal setbacks. (§6.7.1.E.1.a, §6.7.1.E.4, §1.5.4.G.2.b, §7.3.3.C.1)
- The proposed detached accessory apartment with oversized dormers in a structure that does not meet principal setbacks will adversely affect the neighborhood. (§6.7.1.E.1, §6.7.1.E.5, §7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§6.7.1.E.1, §6.7.1.E.5, §7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§6.7.1.E.1, §6.7.1.E.5, §7.3.3.C.4)
- The proposed increase in the nonconforming FAR from .37 to .45, where .33 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.1.3 §3.1.9 §7.8.2.C.2)

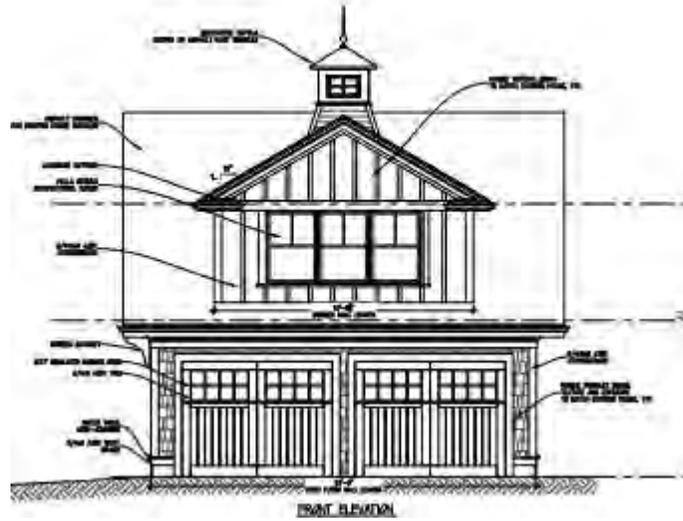
# Aerial Map





# Elevations

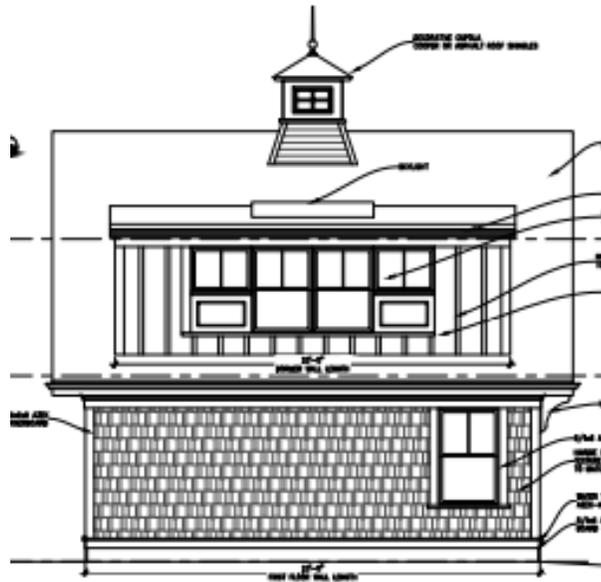
Front



Right



Rear



Left



# Findings

1. The site is an appropriate location for the proposed detached accessory apartment with oversized dormers in a structure that does not meet principal setbacks because the setbacks for accessory structures is being maintained at five feet. (§6.7.1.E.1.a, §6.7.1.E.4, §1.5.4.G.2.b, §7.3.3.C.1)
2. The proposed detached accessory apartment with oversized dormers in a structure that does not meet principal setbacks will not adversely affect the neighborhood because the structure is set back further into the site and will be minimally visible from the street. (§6.7.1.E.1, §6.7.1.E.5, §7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians because the driveway location is being maintained. (§6.7.1.E.1, §6.7.1.E.5, §7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§6.7.1.E.1, §6.7.1.E.5, §7.3.3.C.4)
5. The proposed increase in the nonconforming FAR from .37 to .45, where .33 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood because the FAR is broken up between two structures. (§3.1.3 §3.1.9 §7.8.2.C.2)

# Conditions

1. Plan Referencing
2. Standard Building Permit Condition
3. Standard Occupancy Condition

# City of Newton Planning and Development

**Petition 355-22:** to rezone 11 Florence Street from MR1 to BU4 and to rezone 318 Boylston Street from BU2 to BU4

**Petition 356-22:** to allow elder housing with services in a structure with more than 20,000 square feet, five stories, and associated relief.

*July 19, 2022*



**11 Florence St**  
*proposed*

# Zoning Relief

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
	Request to rezone parcel to BU4	
§4.4.1 §6.2.10	To allow an Elder Housing with Services facility	S.P. per §7.3.3
§4.1.2.B.1	Development of 20,000+ square feet of gross floor area	S.P. per §7.3.3
§4.1.2.B.3 §4.1.3	To allow a building with five stories	S.P. per §7.3.3
§5.4.2.B	To allow a retaining wall in excess of 4 feet in a setback	S.P. per §7.3.3
§5.1.8.A.1 §5.1.13	To allow parking within the front setback	S.P. per §7.3.3
§5.1.10.A §5.1.13	To waive lighting requirements	S.P. per §7.3.3
§5.2.13	To allow a free-standing sign	S.P. per §7.3.3

# Criteria to Consider

## Standard Special Permit

When reviewing this request, the Council should consider whether:

- The site is an appropriate location for the proposed elderly housing facility with more than 20,000 square feet in gross floor area and five stories (§7.3.3.1).
- The site is an appropriate location for the proposed retaining wall greater than four feet in height within a setback (§7.3.3.1).
- The site is an appropriate location for the proposed free-standing sign (§7.3.3.1).
- The proposed elderly housing facility with more than 20,000 square feet in gross floor area and five stories as developed will adversely affect the neighborhood (§7.3.3.2).
- There will be a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.3).
- Access to the site is appropriate for the types and numbers of vehicles involved (§7.3.3.4).
- The site and buildings as designed, constructed, and operated will contribute significantly to the efficient use and conservation of natural resources and energy, including through some or all of the following: (a) minimizing operating energy; (b) minimizing the use of fossil fuels; (c) implementing a transportation plan that will minimize carbon footprint. (§7.3.3.C.5)

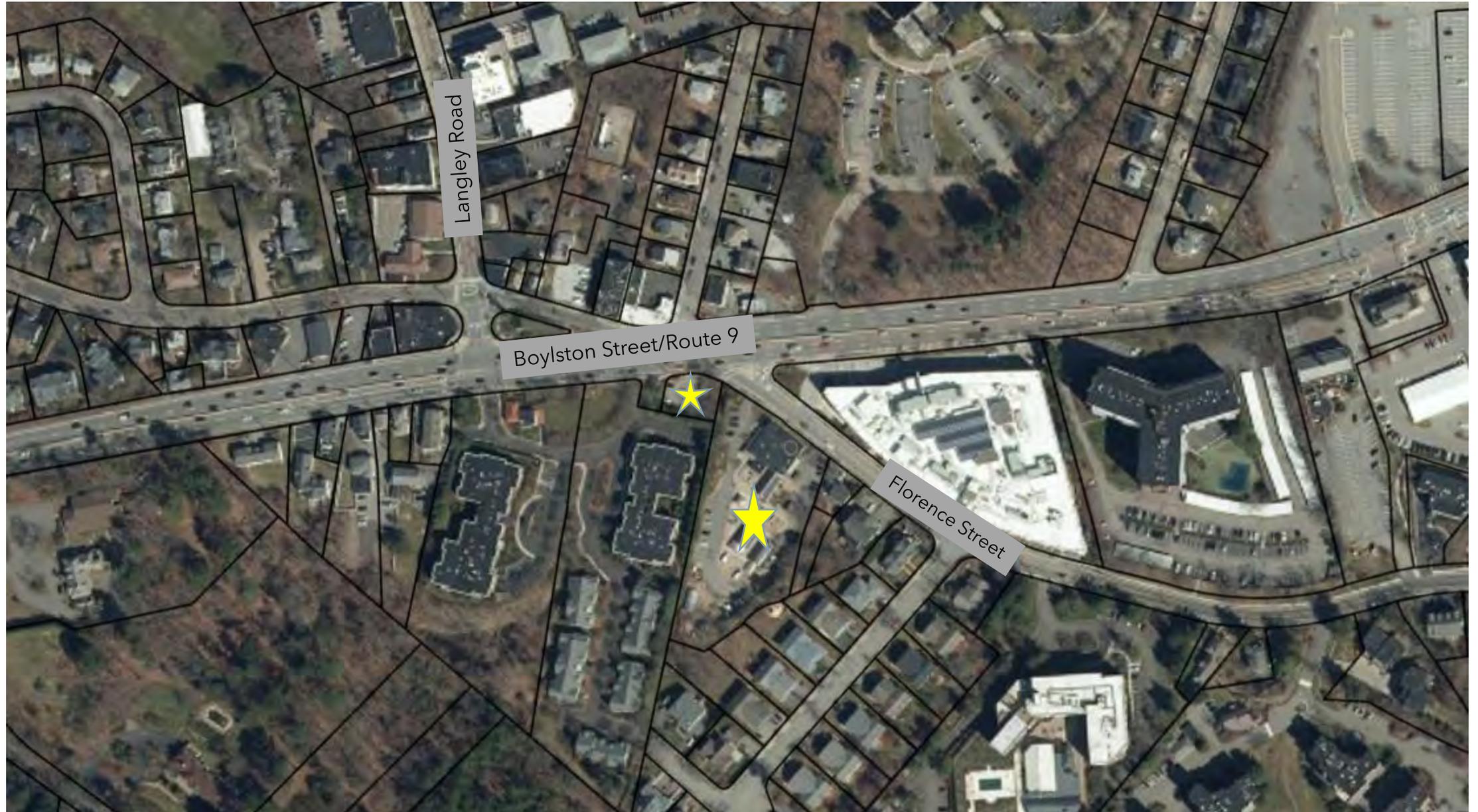
# Criteria to Consider

## Section 5 Relief (Parking, Lighting, Signs)

When reviewing this request, the Council should consider whether:

- Literal compliance with the dimensional parking requirements is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features. (§5.1.13)
- Literal compliance with the lighting requirements for parking facilities over five stalls is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features. (§5.1.13)
- The proposed free standing sign should be permitted and is appropriate due to the nature of the use of the premises, the architecture of the buildings or their location with reference to the street is such that such exceptions are in the public interest. (§5.2.13)

# Aerial Map



# ATTACHMENT A

## Zoning

### 11 Florence Street

*City of Newton,  
Massachusetts*

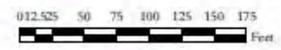
## Zoning

-  Single Residence 1
-  Single Residence 3
-  Multi-Residence 1
-  Multi-Residence 2
-  Multi-Residence 3
-  Multi-Residence 4
-  Business 1
-  Business 2
-  Public Use

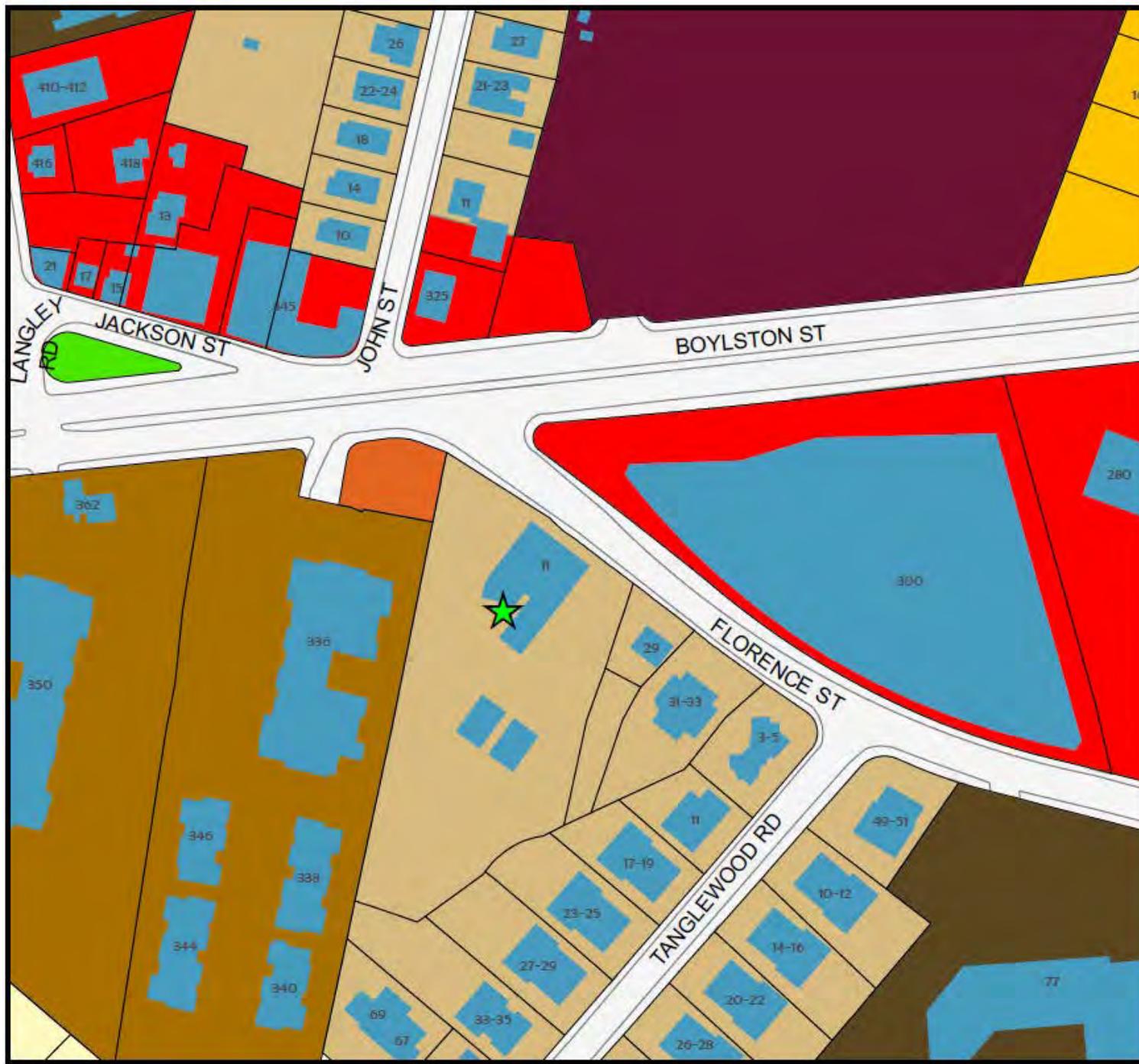


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield



Map Date: July 14, 2022



# ATTACHMENT B

## Land Use

### 11 Florence Street

*City of Newton,  
Massachusetts*

#### Land Use

#### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Industrial
-  Mixed Use
-  Open Space
-  Vacant Land



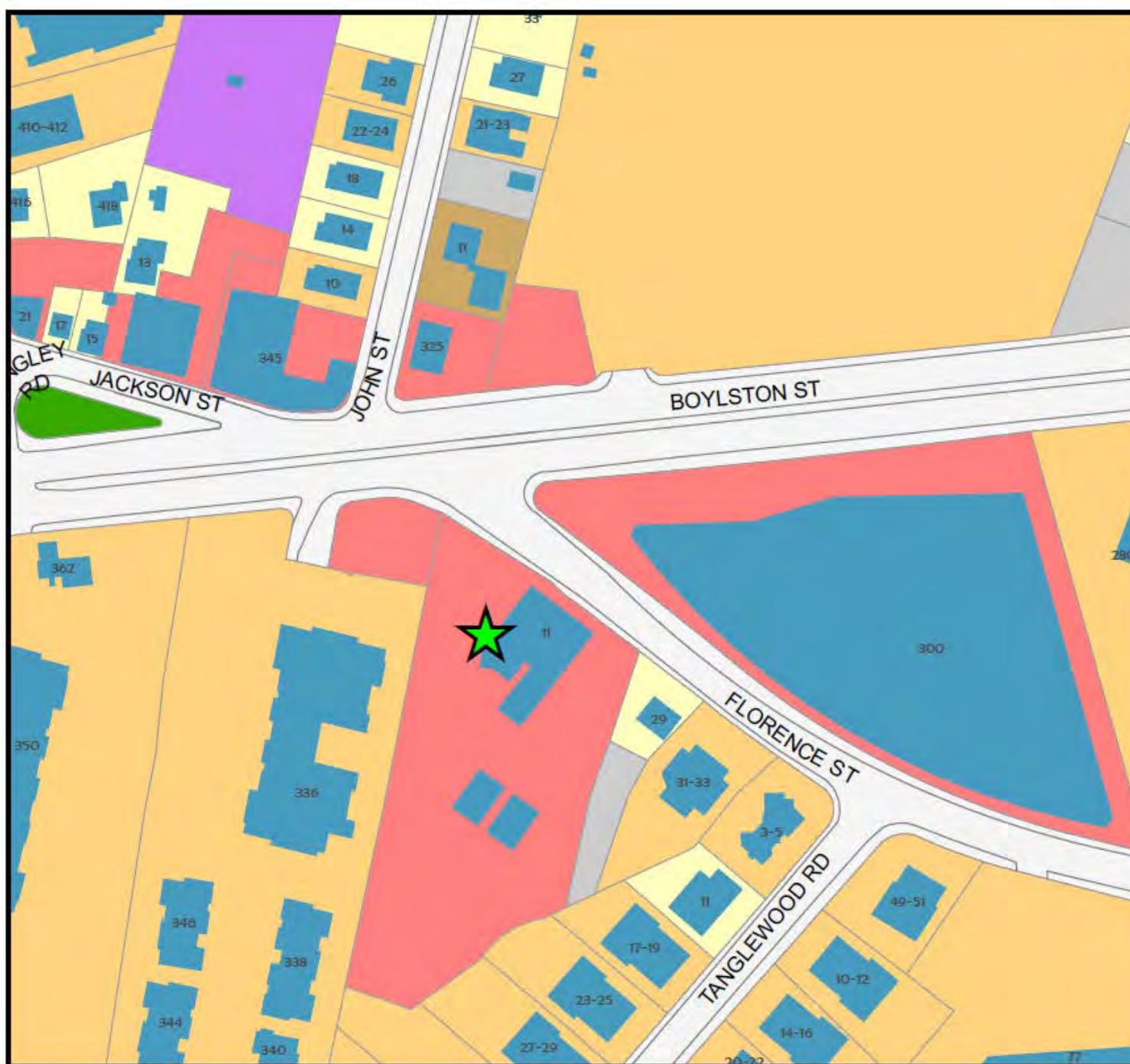
The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

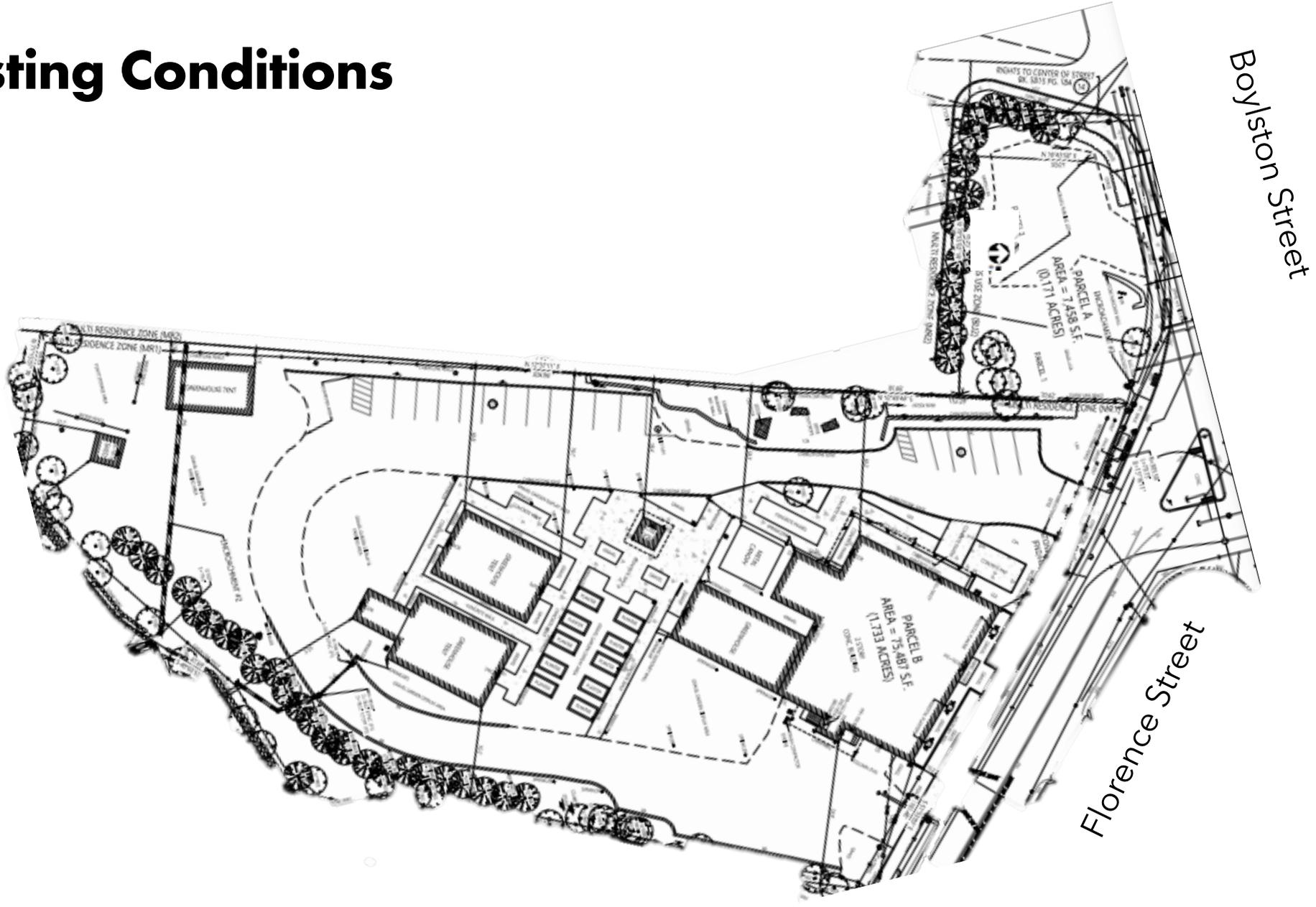
0 12.525 50 75 100 125 150 175 Feet



Map Date: July 14, 2022



# Existing Conditions

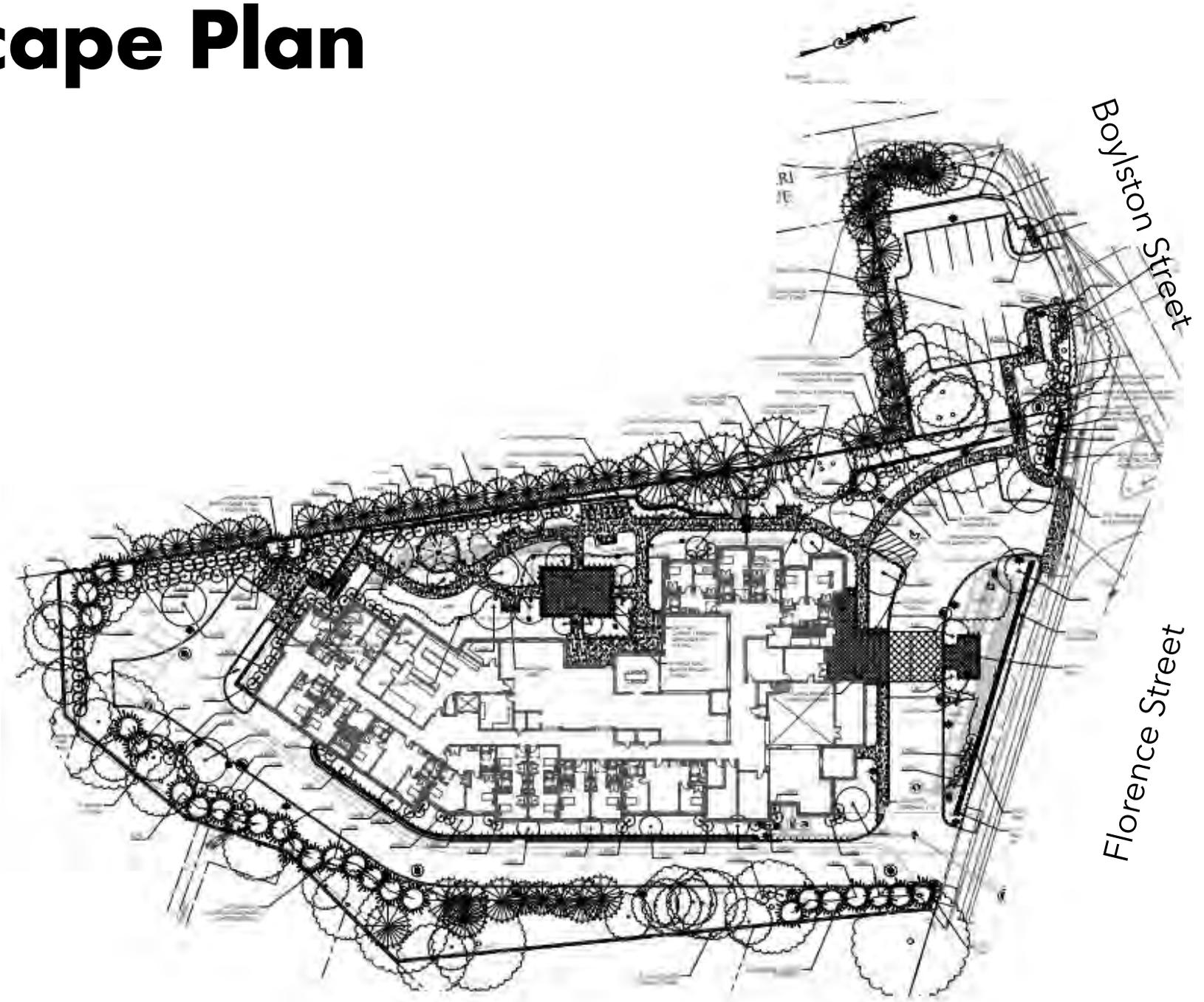


# Proposed Rezoning

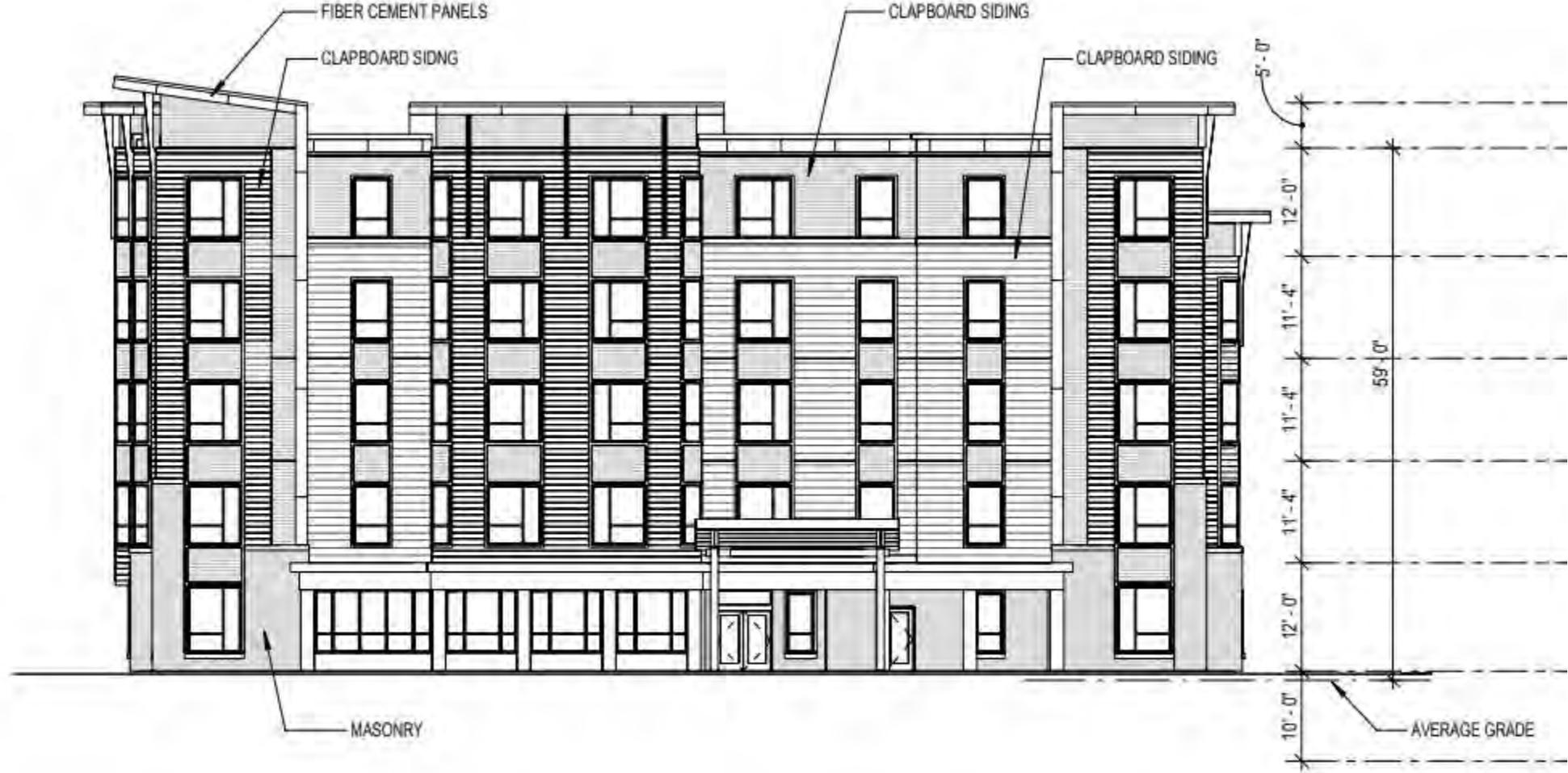




# Landscape Plan



# Front Elevation, Florence Street



1 NORTH ELEVATION  
1/16" = 1'-0"

# Side Elevation

East



↑  
Garage entrance

Building  
entrance  
Florence St.

# Side Elevation

West



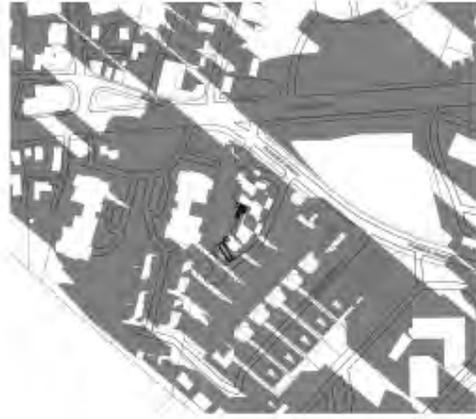
Building  
entrance  
Florence St.

Rear of the  
building

# Rear Elevation



# Shadow Study



① WINTER SOLSTICE - 8am



② WINTER SOLSTICE - 10am



③ WINTER SOLSTICE - 12pm



④ WINTER SOLSTICE - 2pm



⑤ WINTER SOLSTICE - 4pm

# Analysis

Proposed Rezoning to BU-4	As of Right	Special Permit	Proposed
Use	<ul style="list-style-type: none"> <li>• Retail</li> <li>• Personal services</li> <li>• Office</li> <li>• Bank</li> <li>• Health club</li> </ul>	<ul style="list-style-type: none"> <li>• Elder Housing with Services</li> <li>• Multifamily</li> </ul>	120 beds, 95 units - Elder Housing with Services
Height	36 feet 3 stories	96 feet 8 stories	60 feet 5 stories
<b>Comprehensive Plan Highlights</b>			
<ul style="list-style-type: none"> <li>• <b>Route 9</b> - regional corridor: moderate, controlled, and responsible growth</li> <li>• Review zoning regulations to encourage mixed, residential and commercial uses in the commercial corridors. Mid-density residential construction-including for seniors or assisted-living facilities-may offer economic and social advantages so long as its siting can effectively integrate commercial and residential uses</li> <li>• Smart Growth principles</li> </ul>			

# Pending

- Transportation Review - future hearing
- Signage plans
- Confirm caliper inch analysis
- Engineering Request for I&I calculation
- Housing: remove references to IZ units from plans
- Subsequent Hearings (incl. but not limited to)
  - Transportation
  - Sustainability
  - Items identified tonight which require follow up.

# City of Newton Planning and Development

**Petition #357-22** for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone 3 parcels BUSINESS 1 TO MIXED USE 4.

**Petition #358-22** for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a building in excess of 20,000 sq. ft., to allow a mixed-use residential building with five stories and 60 feet in height, to allow reduced lot area per unit, to exceed the maximum front setback, to allow a FAR of 2.45 in a five-story building, to waive the setback requirement for the portions of the building exceeding 40 ft. in height, to waive entrance and façade transparency requirements, to allow a restaurant with more than 50 seats with extended hours of operation, to allow ground floor residential use, to waive the requirement of using the A+B+C parking formula, to waive 115 parking stalls, to allow assigned parking, to allow reduced parking stall width and depth, to allow reduced accessible stall depth, to waive end stall maneuvering space requirements, to allow reduced aisle width

**July 19, 2022**



**1314 Washington Street  
and 31, 33 Davis Street**

# Zoning Relief

Zoning Relief Required		
Ordinance		Action Required
	Request to rezone to MU4	
§4.2.2.A.2 §4.2.5.A.3	Request to allow reduced lot area per unit	S.P. per §7.3.3
§4.2.2.B.1	Request to allow a building in excess of 20,000 square feet	S.P. per §7.3.3
§4.2.3 §4.2.5.A.4	Request to exceed the maximum front setback	S.P. per §7.3.3
§4.2.3 §4.2.2.B.3 §4.2.5.A.2	Request to allow a mixed-use residential building with five stories and 60 feet in height	S.P. per §7.3.3
§4.2.2.B.3 §4.2.3	Request to allow an FAR of 2.44 in a five-story building	S.P. per §7.3.3
§4.2.5.A.4.c	Request to waive the setback requirement for the portions of the building exceeding 40 feet in height	S.P. per §7.3.3

# Zoning Relief (cont.)

§4.2.5.A.6.a	Request to waive entrance requirements	S.P. per §7.3.3
§4.2.5.A.6.b	Request to waive façade transparency requirements	S.P. per §7.3.3
§4.4.1 §6.4.29.B.1 §6.4.29.C.6	Request to allow a restaurant with more than 50 seats with extended hours of operation	S.P. per §7.3.3
§4.4.1 §6.2.4	Request to allow ground floor residential use	S.P. per §7.3.3
§5.1.3.B §5.1.13	Request to waive the requirement of using the A-B+C parking formula	S.P. per §7.3.3
§5.1.4 §5.1.13	Request to waive 115 required parking stalls	S.P. per §7.3.3
§5.1.3.E §5.1.13	Request to allow assigned parking	S.P. per §7.3.3
§5.1.8.B.1 §5.1.13	Request to allow reduced parking stall width	S.P. per §7.3.3
§5.1.8.B.2 §5.1.13	Request to allow reduced parking stall depth	S.P. per §7.3.3
§5.1.8.B.4 §5.1.13	Request to allow reduced accessible stall depth	S.P. per §7.3.3
§5.1.8.B.6 §5.1.13	Request to waive end stall maneuvering space requirements	S.P. per §7.3.3
§5.1.8.C.1 §5.1.8.C.2 §5.1.13	Request to allow reduced aisle width	S.P. per §7.3.3

# Criteria to Consider

**When reviewing this request, the Council should consider whether:**

## ***Special Permit criteria***

- a FAR of 2.44 in a five-story building (§4.2.2.B.3, §4.2.3)
- a restaurant with more than 50 seats with extended hours of operation (§4.4.1, §6.4.29.B.1, §6.4.29.C.6), and
- ground floor residential use (§4.4.1, §6.2.4),

are/is appropriate as:

- The specific site is an appropriate location for such use, structure (§7.3.3.C.1)
- The use as developed and operated will not adversely affect the neighborhood (§7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4),

and, as the proposed building is in excess of 20,000 square feet (§4.2.2.B.1), whether

- the site and buildings as designed, constructed and operated will contribute significantly to the efficient use and conservation of natural resources and energy, including through some or all of the following: (a) minimizing operating energy; (b) minimizing the use of fossil fuels; (c) implementing a transportation plan that will minimize carbon footprint (§7.3.3.5)

# Criteria to Consider

## ***Regarding additional standards in an MU4 zoning district, whether:***

- by allowing reduced lot area per unit, the proposed density creates a beneficial living environment for the residents, does not adversely affect the traffic on roads in the vicinity, and better achieves the purposes of this district than strict compliance with these standards (§4.2.2.A.2, §4.2.5.A.3).
- by allowing the development to exceed the maximum front setback, the proposed plan does not create shadows or blocked views that have material and adverse effects on its surroundings, supports pedestrian vitality, and advances the purposes of the MU4 district (§4.2.3, §4.2.5.A.4)
- the proposed building with five stories and 60 feet in height is compatible in visual scale to its surroundings, does not create shadows or blocked views that have material and adverse effects on its surroundings, and advances the purposes of the MU4 district (§4.2.3, §4.2.2.B.3, §4.2.5.A.2)
- with the requested waiver of the setback requirement for the portions of the building exceeding 40 feet in height, the proposed plan does not create shadows or blocked views that have material and adverse effects on its surroundings, supports pedestrian vitality, and advances the purposes of the MU4s district (§4.2.5.A.4.c)

# Criteria to Consider

- with the requested waiver of entrance requirements, the proposed design better enables appropriate use of the site, supports pedestrian vitality, and achieves the purposes of this district than strict compliance with that standard (§4.2.5.A.6.a)
- with the requested waiver of façade transparency requirements, the proposed design better enables appropriate use of the site, supports pedestrian vitality, and achieves the purposes of this district than strict compliance with that standard (§4.2.5.A.6.b)

## ***Regarding exceptions to parking requirements:***

and, whether granting exceptions to certain parking facility requirements to:

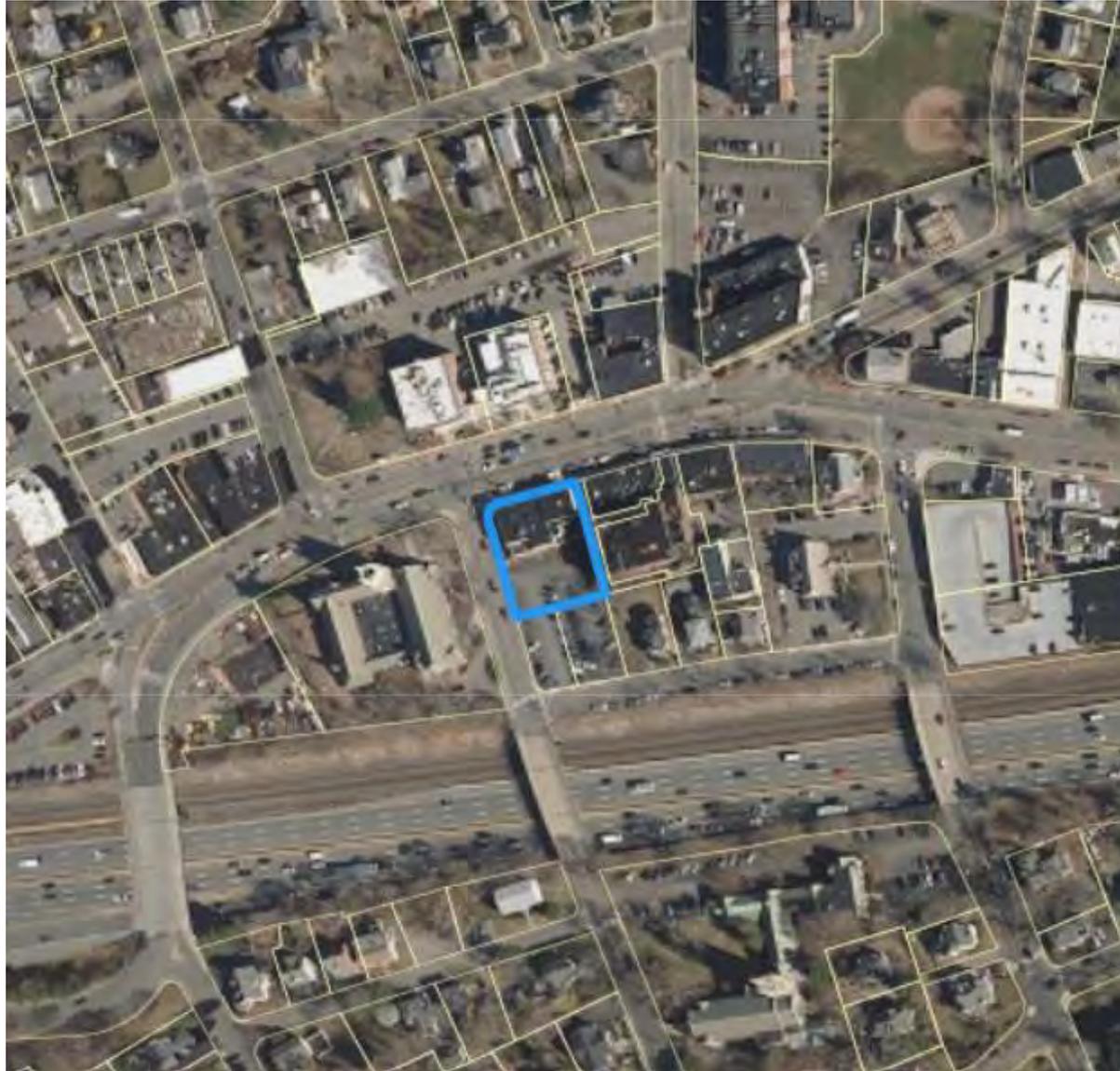
- use the A-B+C parking formula (§5.1.3.B, §5.1.13), and
- provide 115 required parking stalls (§5.1.4, §5.1.13)

and, further, to allow:

- assigned parking (§5.1.3.E, §5.1.13)
- reduced parking stall width (§5.1.8.B.1, §5.1.13)
- reduced parking stall depth (§5.1.8.B.2, §5.1.13)
- allow reduced accessible stall depth (§5.1.8.B.4, §5.1.13)

is appropriate as literal compliance with said requirements is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features.

# Aerial Map



# Zoning



## ATTACHMENT B

### Zoning

1314 Washington St.

*City of Newton,  
Massachusetts*

#### Legend

-  Single Residence 2
-  Single Residence 3
-  Multi-Residence 1
-  Multi-Residence 2
-  Multi-Residence 3
-  Business 1
-  Manufacturing
-  Public Use



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

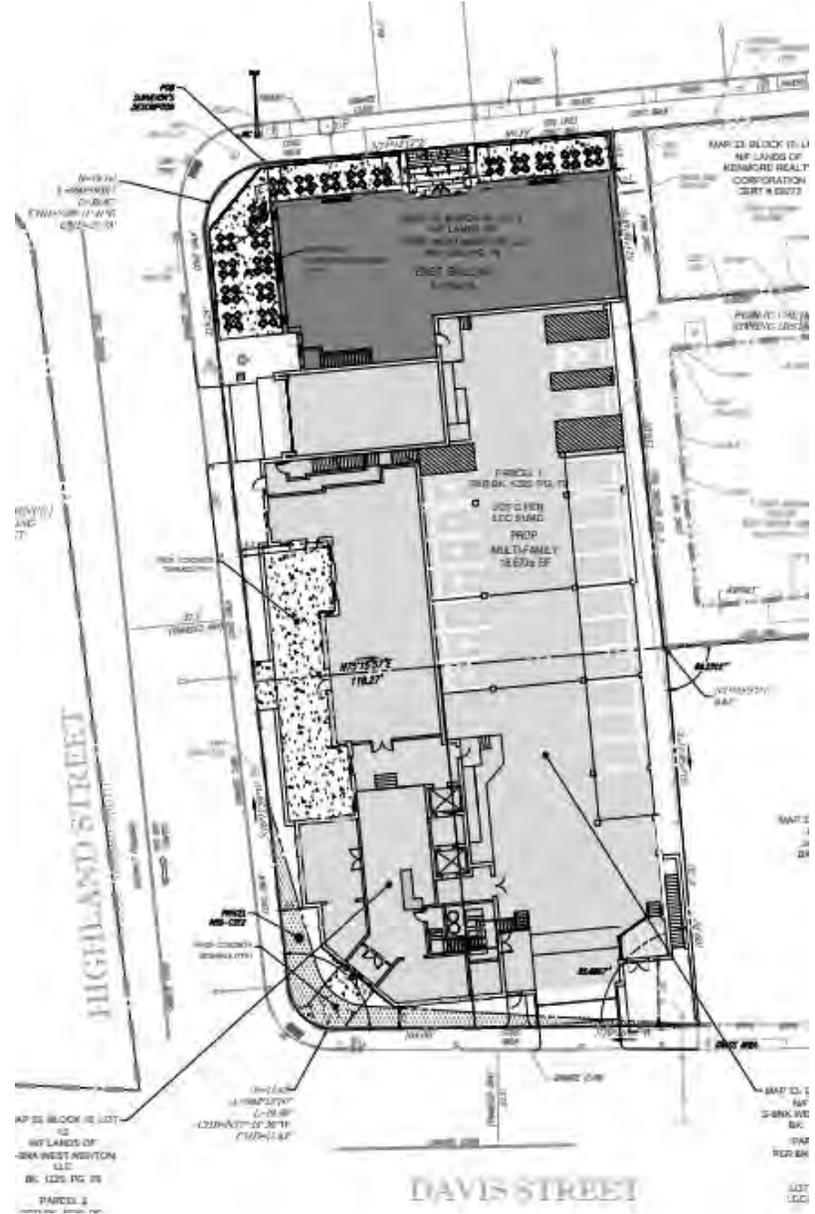
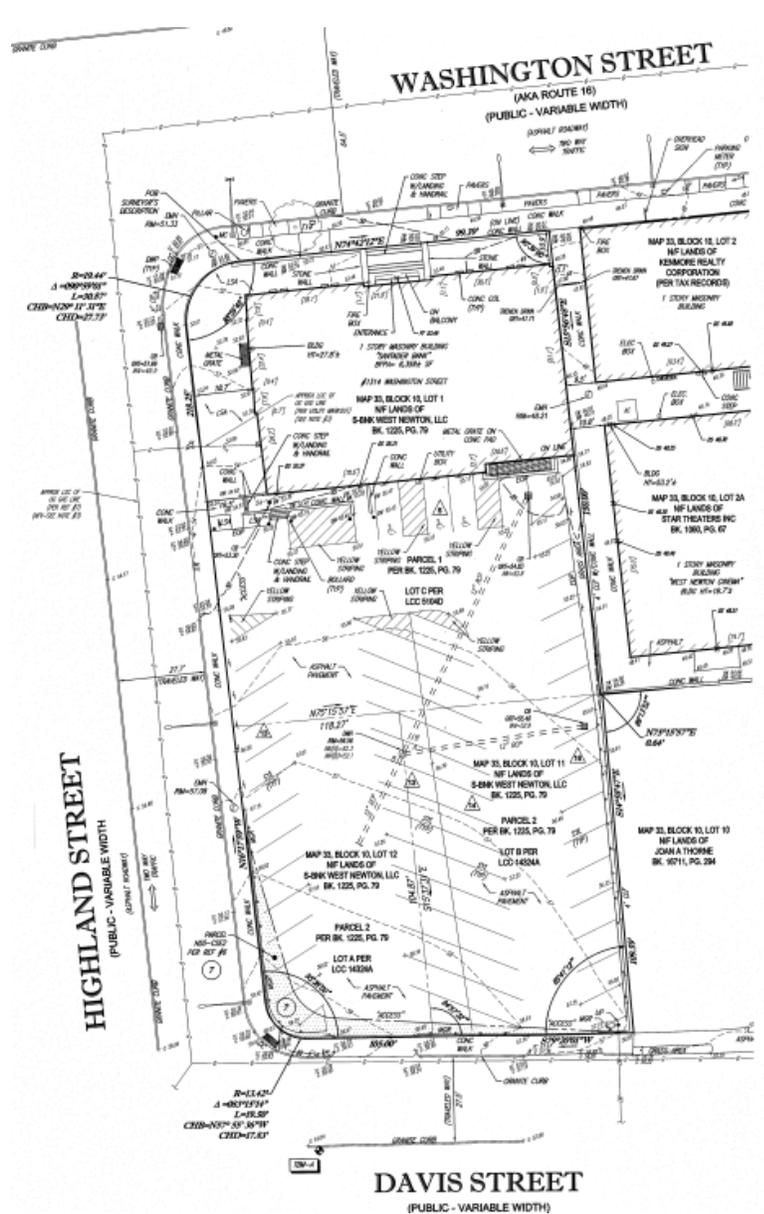
CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

0 25 50 75 100 125 150 175 200 225 Feet

Map Date: July 11, 2022



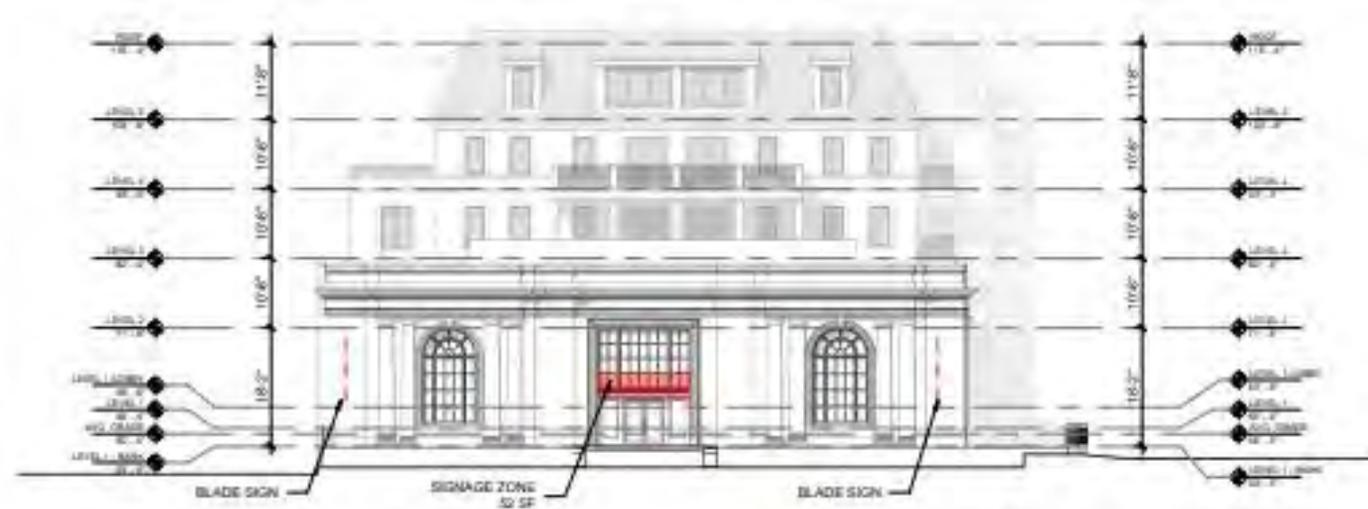
# Site plans- existing & proposed



# Elevations- north (Washington St.) & south (Davis St.)



**SOUTH ELEVATION - SIGNAGE** 3  
SCALE: 1/16" = 1'-0"



**NORTH ELEVATION - SIGNAGE** 2  
SCALE: 1/16" = 1'-0"

# Elevations- west (Highland St.) & east



WEST ELEVATION - SIGNAGE 1



EAST ELEVATION 1  
SCALE: 1/16" = 1'-0" AB

# Shadow study- Dec. 21 (Winter solstice)



# Transportation Peer Review

- Currently underway

# Photos



# Photos



# Photos



# Photos



# UDC memo (7/15/2022)

- The UDC comments include:
  - “the project looks great”
  - “strongly support the concept for the approach to the site and the preservation of the bank building”
  - Noted need for some focus/attention on certain issues, incl.:
    - retail parking, service, etc.
    - restaurant rooftop equipment and venting
    - front façade and how balcony relates to roof
    - “softening along Highland and Davis?”

# Comparison to Washington Street Vision Plan

- Building heights aligns with Vision Plan's "Height Principles Diagram" incorporating lower village character heights (1-4 stories) along Washington Street frontage and for medium village character heights (3-6 stories) closer to Davis Street (Vision Plan pg. #84)
- Preserves and protects bank building's iconic historic façade (Vision Plan pg. #80)
- Provides housing near transportation - steps away from Express Bus and West Newton Commuter Rail Station (Vision Plan pg. #59)
- Places parking underground and behind building consistent with site planning principles (Vision Plan pg. #89)
- Promotes low-carbon living by stipulating project will meet LEED Gold Certification and include all-electric HVAC (Vision Plan pg. #64)
- Will incorporate opportunities for outdoor dining (Vision Plan pg. #21)

# Comparison to Proposed Village Center Zoning Framework

- Proposed project as designed, under proposed Village Center Zoning framework, still require a Special Permit for height (over 4.5 stories) and building footprint (over 15,000 sq. ft.)
- Would align with proposed By-Right Village Center zoning framework in the following respects:
  - Lot size (under  $\frac{3}{4}$  acre)
  - Floor Area Ratio (under 2.5)
  - Residential Parking (1 to 1)
  - Ground floor commercial parking (19 provided where none would be mandated)

## PLANNING & DEVELOPMENT BOARD MEETING MINUTES

August 1, 2022



Ruthanne Fuller  
Mayor

Barney Heath  
Director  
Planning & Development

Cat Kemmett, Planning  
Associate

### Members

Peter Doeringer, Chair  
Kelley Brown, Vice Chair  
Kevin McCormick, Member  
Jennifer Molinsky, Member  
Barney Heath, *ex officio*  
Lee Breckenridge, Member  
Laxmi Rao, Alternate  
Amy Dain, Alternate

1000 Commonwealth Ave.  
Newton, MA 02459  
T 617-796-1120  
F 617-796-1142  
[www.newtonma.gov](http://www.newtonma.gov)

### Members present:

Peter Doeringer, Chair  
Kelley Brown, Vice-Chair  
Kevin McCormick, Member  
Lee Breckenridge, Member  
Amy Dain, Alternate  
Barney Heath, *ex officio*

**City Staff:** Cat Kemmett, Planning Associate

Meeting held virtually by Zoom Meeting

### 1. Continuation of public hearing for #355-22 Request to Rezone 2 Parcels to BU4

Chair Doeringer opened the meeting at 7:00 pm, and then opened the public hearing for the first item.

Attorney Steve Buchbinder, of Schlesinger and Buchbinder, was present on behalf of the petitioner. He relayed that the city's Law Department has requested that a vote on this matter be held for now to give the city time to confirm whether this project does or does not qualify for the simple majority vote.

The state Executive Office of Housing & Economic Development has provided guidance for municipalities in determining this threshold. Atty Buchbinder read an excerpt from that guidance, which says "It is recommended that the planning board, after consultation with municipal legal counsel, include in this report a determination of which voting threshold applies to the zoning proposal." Director Heath noted that the Board has provided a determination in this vein for a past project on Walnut Street, where a mixed-use project in close proximity to the Newton Highlands MBTA stop was deemed to meet the threshold for a simple majority vote.

Atty Buchbinder said that the developer has been in negotiation with the representation from the Board of Trustees of the Residences at Chestnut Hill Condominium Trust, which is the organization of unit owners at a residential condominium that directly abuts the proposed project. The Trust opposes the proposed rezoning of 11 Florence Street (and associated special permit with waivers). Attorney Ed Allcock of Marcus, Errico, Emmer & Brooks, P.C. was present on behalf of the Trust, and said that this matter can be discussed outside of the public hearing, and that the negotiation process has been largely positive. Any outstanding issues can be discussed at the September meeting.

Upon a motion by Ms. Breckenridge and unanimously approved, the Board voted to hold this item.

## **2. Continuation of public hearing for #357-22 Request to Rezone 3 parcels to MU4**

Attorney Steve Buchbinder, of Schlesinger and Buchbinder, was present on behalf of the petitioner. He outlined some of the key details of the project. Mark Development proposes to build a mixed-use development with restaurant and retail space spanning three sites at Washington Street, 31 Davis Street, and 33 Davis Street. All three parcels are in the BU-1 district. As proposed the project requires rezoning all three parcels to the MU-4 district, and will require a special permit as well.

Atty Buchbinder explained that this project should qualify for a simple majority vote rather than 2/3 majority. The justification for that is that the site is located approximately 700 feet from the West Newton commuter rail stop and is also located within the West Newton village center. Therefore the zone change to MU-4 should qualify for the majority vote quantum. He requested that the Planning Board should make the determination of whether this site is an eligible location and whether the proposed zoning change qualifies for the majority vote threshold

Chair Doeringer then opened the public hearing.

Sachiko Isihara of 15 Davis Street said that she is a direct abutter to this proposed project. Ms. Isihara said that the change in zoning is not appropriate. This proposed development does not reflect the tenets in the Washington Street Vision Plan. She said that this area needs pedestrian-oriented development with setbacks that allow for better walking paths and do not negatively impact local businesses.

Annette Seaward of 17 Davis Street then spoke. She said that this is already a congested area in terms of traffic and parking, and this project will make congestion worse. Public transit is bad from other parts of the city and there is already a lack of parking- this will only create more traffic.

Mr. Brown motioned to close the public hearing, which was approved 5-0-1 with Director Heath abstaining.

Ms. Breckenridge voiced concern about some aspects of the proposed design, including the potential for this plan to compound existing congestion issues and lack of adequate parking. Atty Buchbinder said that those concerns are important but will be addressed in the special permit process, not the rezoning process.

Mr. McCormick said that adding more businesses can potentially compound parking issues, but the benefits are likely to outweigh the negative impact on parking. He would like to see wider sidewalks. Overall, this type of project is likely to benefit village centers. Mr. Brown said this is a good location for a project like this.

Ms. Breckenridge said it is important to consider the spillover effects of projects like this on parking and as we consider making other changes in village centers- it would be good to find a way to address parking issues more holistically in village centers in the city.

Ms. Dain thanked the neighbors for sharing their thoughts and concerns. She said that she thinks this is a good location for a project like this, and the traffic and parking challenges are present but can be addressed. Those concerns are not significant enough in her opinion to stop pursuing the project.

Mr. Brown said that in his mind, the only reason to hold off on voting on the rezoning is if the Board wants to share thoughts and concerns on things like the setbacks and width of sidewalks. Ms. Breckenridge said that it is

## City of Newton Planning and Development Board

important for the Board to express recommendations about some aspects of the special permit to the City Council.

Chair Doeringer said that in preparation for future discussion of this item, Board members should come prepared with a list of questions and things they would like to see from the petitioner to feel comfortable getting to a vote.

### 3. Village Center Zoning Update

For this item Board members edited the draft recommendation he had previously shared for the zoning recommendations for Village Centers.

Ms. Breckenridge asked how final this recommendation is meant to be. Director Heath explained that the Board will be able to review and vote on the final language of the ordinance, this is not the final say that the Board has on the matter.

After making a number of changes to the draft recommendation memo, Mr. Brown moved to accept the revised recommendations, which passed 5-0-1 with Director Heath abstaining.

Ms. Kemmett added that staff are finalizing material for the library exhibit, communications materials for network members, and finishing up the feedback tool for public engagement.

Director Heath said that the finer details of the mapping process are still being worked out, but staff are likely to propose using overlay zoning in village centers, which offers flexibility for property owners.

### 4. Minutes

Upon a motion by Mr. Brown the following minutes were approved.

- June 6: Mr. Brown, Mr. McCormick, Ms. Breckenridge, and Chair Doeringer voted in favor, with Ms. Dain abstaining.
- June 13: Mr. Brown, Mr. McCormick, Ms. Breckenridge, and Chair Doeringer voted in favor, with Ms. Dain abstaining.
- July 11: The Board voted unanimously 5-0-0 to approve the minutes as amended, with a small edit to reflect more accurately the difference between what ZAP voted on and what the Board voted on.

### 5. Adjournment

Upon a motion by Mr. McCormick and unanimously approved, the meeting was then adjourned.