



Zoning & Planning Committee Report

City of Newton In City Council

Monday, November 28, 2022

Present: Councilors Crossley (Chair), Albright, Danberg, Wright, Leary, Baker, Krintzman, and Ryan

Also Present: Councilors Lucas, Lipof, Downs, Greenberg, Laredo, Oliver, Malakie, Humphrey, and Norton

Planning & Development Board: Kelley Brown (Chair), Kevin McCormick, and Peter Doeringer

City Staff: Barney Heath, Director of Planning; Jennifer Caira, Deputy Director of Planning; Zachery LeMel, Chief of Long Range Planning; Jonathan Yeo, Chief Operating Officer; and Jaclyn Norton, Committee Clerk

For more information regarding this meeting, a video recording can be found at the following link: [11-28-22 Zoning & Planning Committee Meeting](#)

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

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

Action: Zoning & Planning Held 8-0

Note: Tim Love, Consultant from Utile, and Jen Caira, Deputy Director of Planning were introduced and began presenting the preliminary text of the village center zoning. Mr. Love provided an overview of the zoning approach used to create these districts (attached). It was noted that the five thousand (5,000) sf maximum building footprint in the Village Center 1 (VC1) district has been reduced to four thousand (4,000) sf subsequent to feedback received and further study since the October 24th ZAP meeting. ([10-24-22 Planning Presentation on Draft Village Center Maps](#))

Lot Size

Previous iterations of this proposal required that lots greater than $\frac{3}{4}$ acre would require a special permit. This dimensional standard was rounded down to thirty thousand (30,000) square feet for simplicity. When lots are twenty thousand (20,000) sf or more, but less than

thirty thousand (30,000) sf site plan review by the Planning & Development Board would be required.

Building Setbacks

Mr. Love noted that in previous presentations the side and rear setbacks were proposed at ten (10) ft in all districts for lots abutting a non-residential district. These have been modified with the side and rear setbacks being reduced to five (5) ft in zones VC2 (Village Center 2) and VC3 (Village Center 3), because this would be more consistent with what we see now in a typical business center district. VC1 kept the ten (10) ft side and rear setbacks to better fit within the reduced scale of what will in most cases be a single or two family residential context. When abut a residential zone, the side and rear setbacks are proposed increased to fifteen (15) ft.

The draft requires front setbacks in a VC1 district to be a minimum of ten (10) ft and a maximum of twenty (20) ft. In VC2 and VC3 front setbacks must be a minimum of zero (0) ft and a maximum of fifteen (15) ft or ten (10) ft respectively. Later in the discussion Mr. Love noted that VC1 and VC2 both allow for the front setback to be the average of abutting properties which is also how it works in the current zoning ordinance.

Building Separation

These dimensional standards are applicable to lots that contain multiple buildings with VC1 requiring a minimum of fifteen (15) ft between buildings and VC2 and VC3 requiring a minimum of twenty-five (25) ft. The team examined development test sites conducted in Newton Centre and one in Newtonville to determine optimal requirements. It was also noted that, according to state building code, a minimum building separation of fifteen (15) ft allows for up to twenty-five (25) percent fenestration in the facade and twenty-five (25) ft allows for up to seventy (70) percent fenestration. The lesser of the two is good practice for Passive House standards. The building separation at Langley Terrace Apartments was shown as an example of a similar building separation.

Facade Build-Out

Earlier materials suggested that the build-out ratio of the front facade should be seventy-five (75) % of the frontage to help facilitate continuity along the street wall. This was revised to accommodate lots where a driveway to a rear parking lot would be necessary. Therefore, the facade build-out ratio for all village center districts is seventy-five (75) % or Lot Width within side setbacks minus fifteen (15) ft, whichever is less.

Building Footprint

Mr. Love reiterated the maximum by-right building footprint in VC1 districts is now 4,000 sf. The recommended by-right building footprint in VC2 and VC3 remain at ten thousand (10,000) sf and fifteen thousand (15,000) sf respectively. City staff and consultants continue to deliberate the potential requirements for projects seeking increased building footprint through a special permit. Examples of residential buildings with a building footprint allowed in a VC1 district were presented to the Committee (attached).

Building Height/ Number of Stories

The by-right maximum number of stories proposed in the framework presented at the library was presented with two proposed changes. The first is that an all residential building in a VC3 district by-right, may be only a maximum height of two and a half (2.5) stories. The second is that mixed-use development in VC1 districts would only be permissible by special permit. It is also noted that developments in VC3 districts within fifty (50) ft of a lot line abutting a residential district must reduce the maximum building height reduced by one story (from 4.5 to 3.5 stories). This is to aid in a more gradual transition to residential districts.

Mr. Love presented the two sections of the chart showing maximum building height in feet for projects with a pitched roof and flat roof respectively (see slide 15 of attached presentation). These heights are predicated on a maximum floor-to-floor height of fifteen (15) ft on the first floor of residential developments in VC1 districts. The first floor may increase to eighteen (18) ft in VC2 and VC3 districts. Commercial/Mixed Use developments have a maximum ground story height of eighteen (18) ft in all village center districts. The half-story height may be twelve (12) feet if the top story is set back seven feet with a flat roof, or eighteen (18) ft to the ridge of a pitched roof. See slide 16 in the attached presentation.

Similar to the building footprint, city staff is exploring whether the special permit allowance of one additional story can be tied to specific criteria requiring more affordable housing.

Facade Length

Within all village center districts, a design standard would limit maximum facade length to one hundred (100) ft. If the length of a building is greater than one hundred (100) ft, then it must be divided vertically by a recess or offset at least seven (7) ft deep and ten (10) ft wide. Proposed design standards also require that the building sections be designed as two (2) or more distinct facades using differing architectural treatment and/or materials, so the building appears to be multiple buildings. Examples of Trio and 28 Austin St were provided to show the implementation of recesses being used to give the illusion of multiple buildings.

Design Standards

The design standards require various dimensional and material standards for village center districts and explain how to measure these standards. When presenting on these Mr. Love noted that design standards must be objective and non-discretionary. Numerous standards are built into the zoning to assure variations in massing and design that would lend interest and texture to a streetscape, and to help build confidence in the by-right zoning.

For example, various architectural elements such as porches, projecting entries, cross gables, and balconies are allowed, but within clear dimensional constraints. These would be features allowed by-right, but not contribute to the building footprint so as to help promote further architectural articulation. It was also noted that lots greater than thirty thousand (30,000) sq in VC1 and VC2 districts will be required to provide open space accessible to the public totaling at

least five (5) percent of the total lot area. (larger setback requirements in VC1 ensure a much greater amount of open space). In addition, a minimum sidewalk width of twelve (12) ft must be achieved in all village center districts. If a development on a lot abutting a sidewalk less than the standard width will be required to be setback an additional distance to provide at least the standard width.

Design Guidelines

Draft design guidelines were provided as a separate document. These are proposed provide guidance to developers and review boards, etc. for proposed developments within the village center districts. Such things as facade articulation and building entrance guidelines are used to help control the type/color of materials and prevent monotonous and repetitive storefronts. Other guidelines recommend low-impact development practices be implemented for stormwater management and that mechanical equipment be architecturally integrated to minimize adverse effects on the public. It was emphasized that the guidelines would be published outside of the zoning text, that further study and discussion is needed and that the intention here is to provide property owners with some additional direction before they get too far into design.

Conclusion

Ms. Caira detailed current efforts of the Planning Staff regarding meetings with Councilors from each ward to discuss the maps and draft text, and that seven public information sessions, beginning November 29, will also be taking place, each focusing on different village centers. Staff will also be working on refining the draft text and maps in response to ongoing feedback and further analyses so that they may be ready to present version two (2) in February.

Discussion

Multiple Councilors acknowledged that this is a good start on the draft ordinance and look forward to seeing future iterations. There were also questions from Councilors on how these zoning efforts may contribute to compliance with MBTA Communities Law. The compliance model was only released the day before Thanksgiving and Planning Staff will begin using the model according to Ms. Caira and Mr. Love to assess the draft maps. ([MBTA Communities Compliance Model](#)).

A couple of Councilors expressed concern that this new zoning could incentivize teardowns. One Councilor sought clarification on the inclusion of the Newtonville Historic District in the current draft mapping. Ms. Caira noted that Planning Staff is working on incorporating adaptive reuse (currently shown as “reserved”) into the zoning text to incentivize restoration and reuse, preventing teardowns. She also noted that landmarked buildings and those within an historic district already have the greatest degree of protection; modifications to those structures must be approved by the local or citywide Historic Commission.

Director Heath, in response to a question about VC1 allowing multifamily housing, where currently there may be only one or two family housing allowed, noted that property owners would need to elect to be under the VC1 zoning instead of the existing zoning for their lot.

Another Councilor later in the discussion elaborated that the overlay district is being used rather than a rezone to prevent teardowns.

Clarification was also sought by Councilors regarding the setback provisions allowing 'averaging' and setbacks to residential zones. Mr. Love explained that the averaging provision for VC1 and VC2 is to allow new development to fit within the context of current front setbacks of abutting properties. The increased setbacks for lots abutting a residential district were to aid in the transition to these districts.

The chair noted that deliberations on the zoning text will continue into the first several months of 2023, and that it is her intention to open the two January meetings to informal public comment.

The Committee voted 8-0 on a motion to hold from Councilor Krintzman.

#507-22 Reappointment of Denise Chicoine to the Zoning Board of Appeals

HER HONOR THE MAYOR reappointing Denise Chicoine, 275 Islington Road, Newton as an associate member of the Zoning Board of Appeals for a term of office to expire on January 10, 2024. (60 Days: 01/20/2023)

Action: Zoning & Planning Approved 7-0 (Councilor Albright not voting)

Note: This item was discussed concurrently with #509-22.

#508-22 Reappointment of Lei Reilley to the Zoning Board of Appeals

HER HONOR THE MAYOR reappointing Lei Reilley, 130 Pine Street, Newton as an associate member of the Zoning Board of Appeals for a term of office to expire on January 10, 2024. (60 Days: 01/20/2023)

Action: Zoning & Planning Approved 7-0 (Councilor Albright not voting)

Note: This item was discussed concurrently with #509-22.

#509-22 Reappointment of Daphne Romanoff to the Newton Upper Falls Historic District Commission

HER HONOR THE MAYOR reappointing Daphne Romanoff, 36 Canterbury Road, Newton as a full member of the Newton Upper Falls Historic District Commission for a term of office to expire on December 24, 2025. (60 Days: 01/20/2023)

Action: Zoning & Planning Approved 7-0 (Councilor Albright not voting)

Note: The Chair read items #507-22, 508-22 and 509-22 into the record. Committee members expressed no concerns relative to the reappointments and voted 7-0 (Councilor Albright not voting) on a motion to approve from Councilor Krintzman.

The meeting adjourned at 10:08pm.

Respectfully Submitted,

Deborah J. Crossley, Chair

City of Newton
Zoning & Planning Committee



Village Center Rezoning Phase 3: Draft Zoning

November 28, 2022

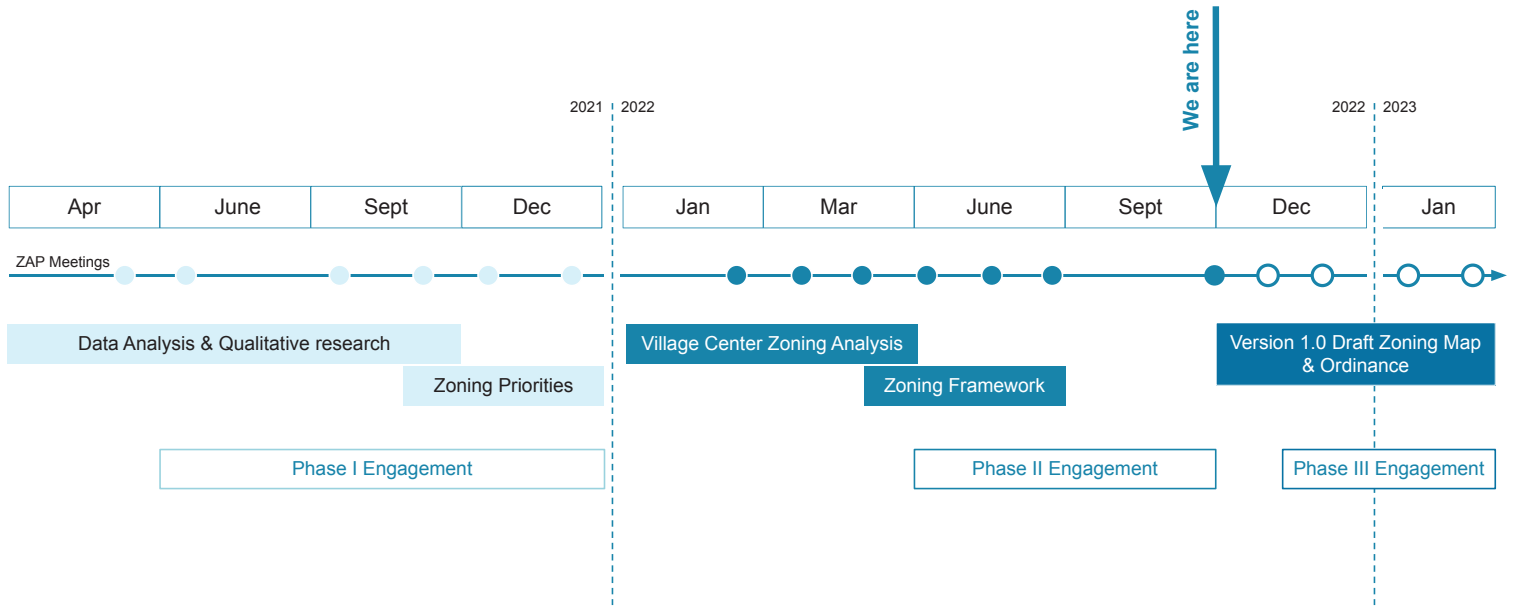
Docket #

Agenda

1. Where we are
2. Recap of Zoning Approach
3. Draft Village Center Zoning Ordinance
4. Next Steps
 - a. Workshop ordinance and maps
 - b. Calendar

Timeline: Where we are

Building Upon A Multi-Year Effort



Zoning Approach

Intended Outcomes

- Diverse housing options
- New local businesses
- Active gathering spaces
- Safe sidewalks / streets
- Sustainable / accessible buildings



Zoning Approach

This code regulates urban form through the following principal mechanisms:

1 Building Footprint
Sets the maximum area per story

2 Building Height
Sets the maximum height in stories/feet

3 Roof Form
Provides options for a flat or pitched roof half-story

Zoning Approach

*The figures below represent proposed by-right zoning allowances

Village Center 1 (VC1)

2.5 Stories
48 Feet tall, max.
4,000 SF, max. footprint
Residential development allowed

Village Center 2 (VC2)

3.5 Stories
62 Feet tall, max.
10,000 SF, max. footprint

Mixed Use/Commercial, & Residential development allowed

Village Center 3 (VC3)

4.5 Stories
75 Feet tall, max.
15,000 SF, max. footprint

Mixed Use/Commercial, & Residential development allowed

Proposed Development



Existing Development



Draft Village Center Zoning Ordinance

- 1. Timeline: where we are
- 2. Recap of Zoning Approach
- 3. **Draft Village Center Zoning**
- 4. Next Steps

The following pages present updates to the draft zoning for the Village Center Overlay Districts.

Dimensional Standards included are:

- Building Massing: Lot Size and Site Plan Review
- Building Setbacks
- Building Separation for Multiple Buildings on a Lot
- Facade Build-Out Ratio
- Building Footprint
- Building Height: in stories and feet
- Facade Articulation

Draft Village Center Zoning Ordinance

Lot Size

	VC1	VC2	VC3
Lot Size (By-Right / Special Permit)			
-	Less than 30,000 sf / Greater than or equal to 30,000 sf		
Site Plan Review (By-Right / Special Permit)			
Lot Size	Greater than or equal to 20,000 sf but less than 30,000 sf		

Notes:

- Previously proposed that lots were By-Right if they were less than ¼ acre, and lots greater than ¼ acre would need a Special Permit.
- To be consistent with the units in the rest of the zoning ordinance, proposed By-Right and Special Permit lot size thresholds have been adjusted to be in feet.
- The Planning Board will conduct Site Plan Review at the proposed threshold. The Site Plan Review process will review conditions related to site layout, pedestrian safety, internal circulation, and other public safety considerations.

Draft Village Center Zoning Ordinance
Building Setbacks

	VC1	VC2	VC3
Front (min. / max.)			
-	10' / 20' or Average	0' / 15' or Average	0' / 10'
Side (min.)			
Abutting a Party Wall in non-R District		0'	
Abutting a building without a Party Wall in non-R District	10'	5'	5'
Abutting an R District		15'	
Rear (min.)			
Abutting a non-R District	10'	5'	5'
Abutting an R District		15'	



28 Austin Street would require a Special Permit, but its setbacks match those desired in the proposed VC districts.

Notes:

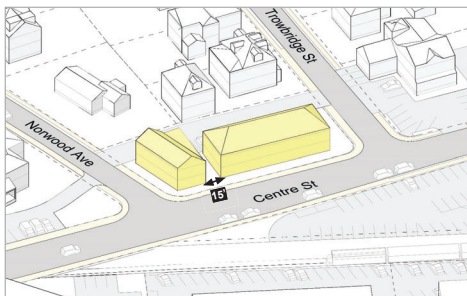
- The front setbacks in the VC2 and VC3 districts encourage a more continuous street wall.
- VC1 districts have greater setback distances relative to the VC2 and VC3 districts in order to better match the reduced scale of their surrounding context.

Draft Village Center Zoning Ordinance
Building Separation

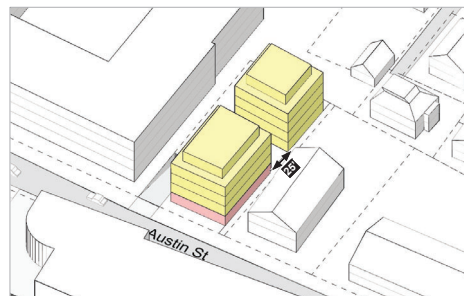
	VC1	VC2	VC3
Building Separation for Multiple Buildings on a Lot (min.)			
-	15'	25'	25'

Notes:

- A minimum building separation distance of 15' allows for 25% fenestration of the facade, which is good practice for Passive House standards.
- A minimum building separation distance of 25' allows for 70% fenestration of the facade.
- Above a building separation distance of 30', facade openings are unlimited.



VC1 Example, Newton Centre
 Building Separation Distance: 15'

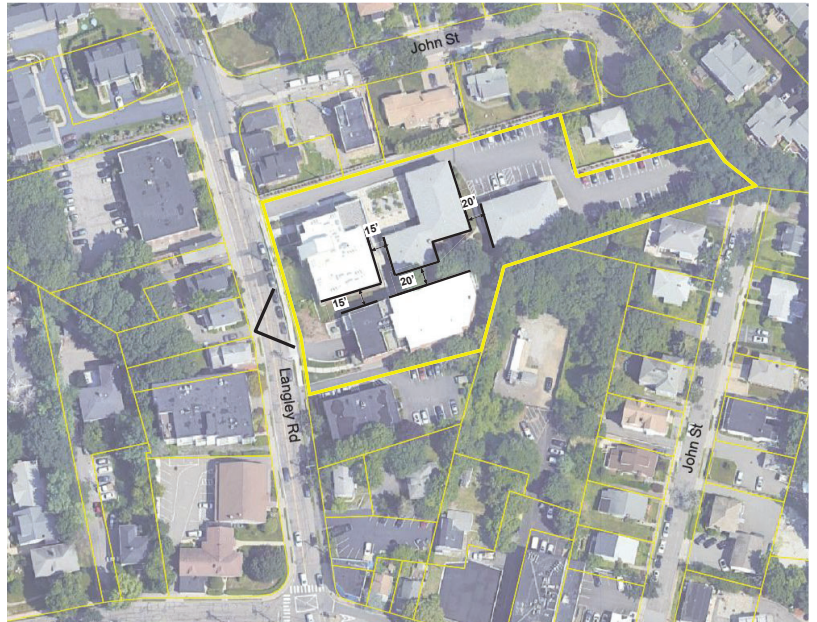


VC3 Example, Newtonville
 Building Separation Distance: 25'

Building Separation Example



Langley Terrace Apartments, Thompsonville



Facade Build-Out

VC1

VC2

VC3

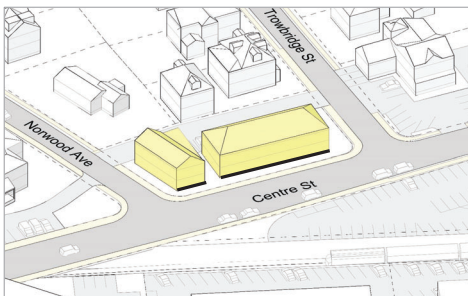
Facade Build-Out Ratio (min.)

Facing a public right-of-way

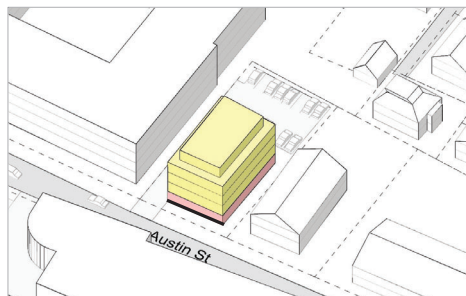
75%, or Lot Width within side setbacks minus 15', whichever is less

Notes:

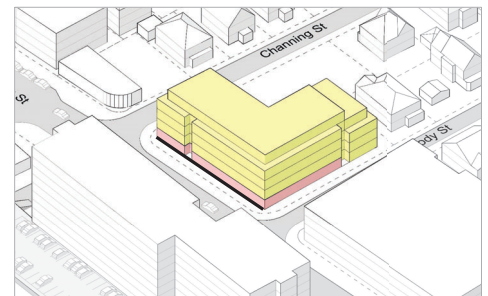
- A minimum facade build-out of 75% encourages positive urban design and an activated streetfront.
- Narrow lots that cannot meet the 75% build-out can instead build to the side setbacks minus 15', which allows for a driveway if no secondary lot access is possible.



VC1 Example, Newton Centre
Facade Build-Out: 72%



VC2 Example, Newtonville
Facade Build-Out: 63%



VC3 Example, Newton Corner
Facade Build-Out: 85%

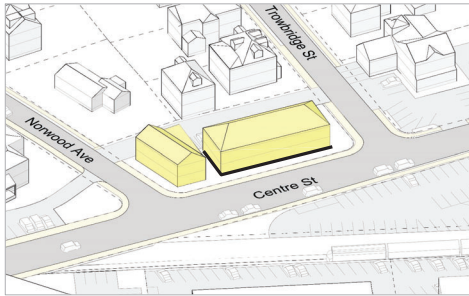
Draft Village Center Zoning Ordinance
Building Footprint

VC1 **VC2** **VC3**

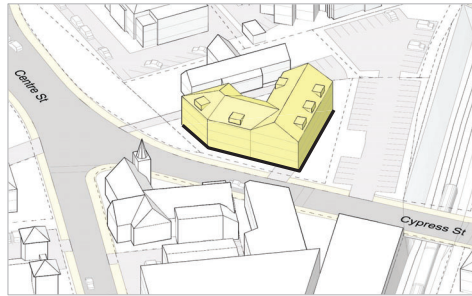
Building Footprint, max. (By-Right / Special Permit)			
-	4,000 sf / 6,000 sf	10,000 sf / 12,500 sf	15,000 sf / 17,500 sf

Notes:

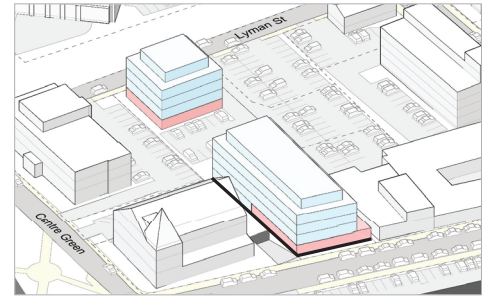
- The proposed maximum footprint for VC1 has been reduced to 4,000 sf (previously 5,000 sf).
- It is possible to increase the maximum building footprint according to the Special Permit thresholds proposed.



VC1 Example, Newton Centre
 Footprint: 3,800 sf

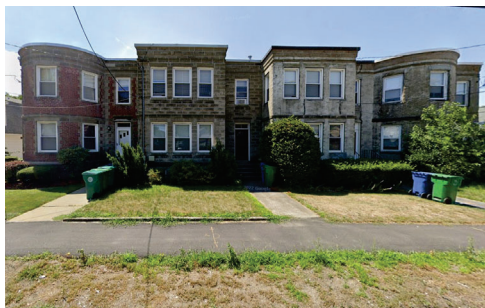


VC2 Example, Newton Centre
 Footprint: 8,800 sf



VC3 Example, Newton Centre
 Footprint: 14,970 sf

Draft Village Center Zoning Ordinance
Residential Building Comparison for VC1



Multi-Family Residential:
 Townhouse (with duplex)
 674-680 Boylston St (Route 9)
Footprint: 4,400 sf



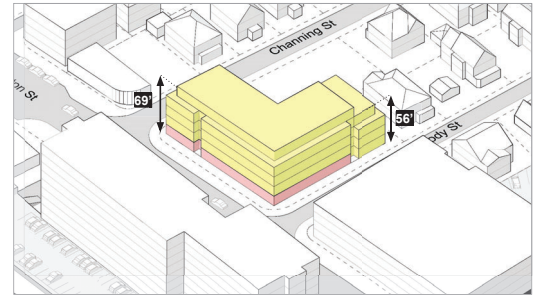
Multi-Family Residential:
 6-unit converted Victorian
 11 Washington St, Newton Corner
Footprint: 3,831 sf



Multi-Family Residential:
 Garden Apartments
 55-75 Wyman St, Waban
Footprint: 2,200 sf

Building Height

	VC1	VC2	VC3
Building Height in Stories, max. (By-Right / Special Permit)			
Commercial / Mixed Use	- / 2.5	3.5 / -*	4.5 / -*
Residential	2.5 / -*	3.5 / -*	2.5 / -*
Development within 50' of lot line abutting R District	No Change	No Change	Same as VC2
Pitched Roof, Building Height in Feet (By-Right / Special Permit)			
Commercial / Mixed Use ⁵	- / 48'	62' / -*	75' / -*
Residential	45' / -	60' / -*	48' / -*
Development within 50' of lot line abutting R District	No Change	No Change	Same as VC2
Flat Roof, Building Height in Feet (By-Right / Special Permit)			
Commercial / Mixed Use	- / 42'	56' / -*	69' / -*
Residential	39' / -	54' / -*	42' / -*
Development within 50' of lot line abutting R District	No Change	No Change	Same as VC2



VC3 Adjacent to R-District Example, Newton Corner

Notes:

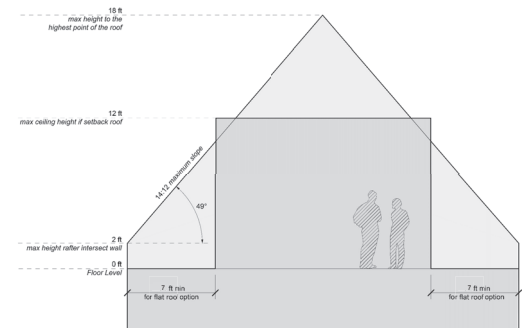
- VC3 maximum building heights step down by one (1) story within 50' of a lot line abutting a Residential District to transition to the residential context.

*Staff is exploring a Special Permit allowance of an additional one-story with specific criteria tied to an increase in affordable housing

⁵ Additional analysis needed if limited commercial ground floor uses may be allowed by Special Permit in the VC1 or if it should only allow multi-family residential

Building Height

	VC1	VC2	VC3
Ground Story Height in Feet (min. / max.)			
Commercial / Mixed Use		15' / 18'	
Residential	12' / 15'	12' / 18'	12' / 18'
Half-Story Height in Feet (max.)			
Flat Roof	12'	12'	12'
Pitched Roof	18'	18'	18'
Half-Story Step-Back in Feet (min.)			
Flat Roof	7' along all Lot Lines, see Sec. 2.6.B.4.		
Pitched Roof	N/A, see fig. #		



Roof Half-Story Diagram

From Section 2.6.B.4.:

Half-Story Step-Back

- a. A required distance that certain upper stories of a building must be recessed from the plane of the facade of the stories below.
 - i. Required Step-Backs must be provided for all stories as specified for each VCOD tier.
 - ii. Buildings on any lot with a Lot Width of Less than seventy (70) feet are exempt for the upper story Step-Back requirement along the Side Lot Line.
 - iii. Buildings on any lot with an average lot depth less than seventy (70) feet are exempt from the upper story Step-Back requirement along the Rear Lot Line.

Notes:

- Max. ground floor heights of 18' allow for diverse market-viable uses in commercial and mixed use buildings. In residential buildings, it provides flexibility to adapt to future mixed uses.
- VC1 has a reduced resi. max. ground floor height of 15' to better match its residential context.

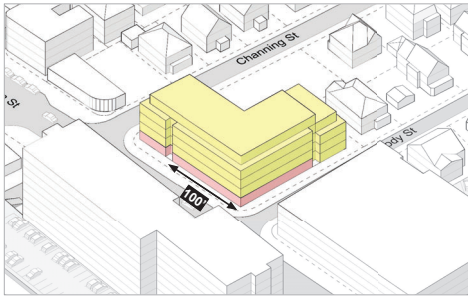
Facade Length

VC1 VC2 VC3

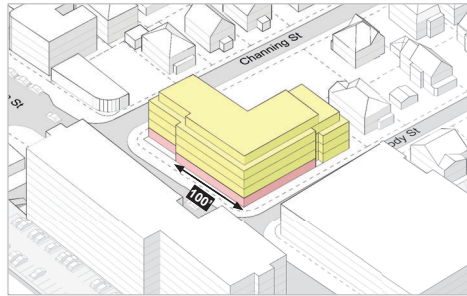
Articulation	
Length of continuous facade (max.)	100'

Notes:

- The facade of any building greater than 100 feet in width must be divided vertically by a recess or an offset at least seven (7) feet deep and ten (10) feet wide and designed as two (2) or more distinct facades of differing architectural treatment so that the building appears to be multiple buildings.



VC3 Example, Newton Corner
Facade Articulation: Recess



VC3 Example, Newton Corner
Facade Articulation: Offset

Facade Length Building Examples



Trio, Newtonville



28 Austin St, Newtonville

Design Standards Examples

● **Ground Story Active Uses:**

- Retail
- Restaurant / bar / specialty food service
- Brewery / distillery / winery with an accessory retail component
- Place of amusement
- Personal service
- Day care center
- Public art / gallery / arts studio
- Live/work space
- Community use space
- Semi-active accessory uses, such as lobbies and common areas associated with office, hotel, or residential uses

● **Minimum Sidewalk Width:**

- When development occurs on any lot abutting a sidewalk that is less than twelve (12) feet in total width, inclusive of the Furnishing Zone, buildings must be set back an additional distance such that a paved area meeting City sidewalk standards of at least twelve (12) feet in width is provided, inclusive of the Furnishing Zone. The minimum and maximum front setbacks are increased accordingly.

● **Open Space and Public Realm:**

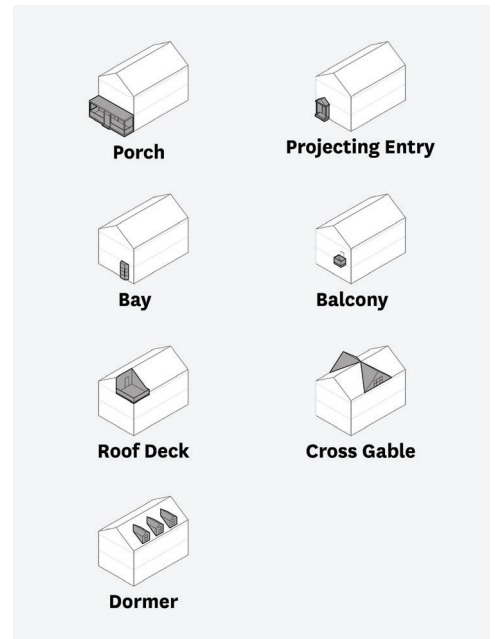
- Lots greater than 30,000 sf within the VC1 and VC2 districts must provide Usable Open Space accessible to the public totaling no less than five (5) percent of the total lot area.
- Buildings may provide shared Usable Open Space as exterior spaces (patio, roof deck, roof terrace, yard, Forecourt, plaza).

● **Parking Setbacks**

- All parking spaces and structures must be located at or behind any required parking setback as specified for each VCOD tier.
- Parking lots must be separated from the public right of way by a building or landscaped strip with a depth equal to the parking setback as specified in the Lot Standards for each VCOD Tier.

● **Architectural Features:**

- **Bay.** A Bay is a window assembly extending from the main body of a building to permit increased light, provide multi-direction views, and articulate a building wall. Two Bays can connect around corners to create distinctive living space or terminate in an important axis.
- **Balcony.** An unenclosed platform with a railing that provides outdoor amenity space on upper stories.
- **Awning.** A roof-like covering of canvas or other material attached to a metal or other frame and supported entirely from a building or other structure.
- **Canopy.** A wall-mounted structure that provides shade and weather protection over a storefront or building entrance.



Design Guidelines Examples

● **Frontage Types:**

- Frontage types provide access to principal entrances and serve as the interface and transition between the private realm (building interiors) and the public realm (sidewalks and public spaces) and are defined by a combination of site features and façade characteristics.

● **Facade Articulation:**

- The type and color of materials should be kept to a minimum, preferably three (3) or fewer.

● **Building Entrances:**

- Monotonous and repetitive storefront or lobby systems, awnings, canopies, sign types, colors, or designs should be avoided.

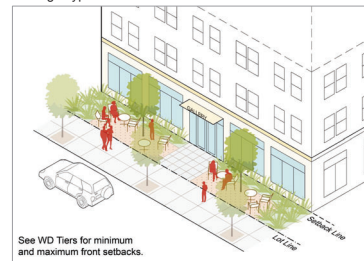
● **Landscape and Stormwater Management:**

- Low-Impact-Development practices consistent with state law, such as Rain Gardens and bioswales, should be installed to treat and infiltrate runoff from parking lots, thoroughfares, entry plazas, dining patios, and other impervious surfaces.

● **Mechanical Equipment:**

- Vents, exhausts, and other utility features on building facades should be architecturally integrated into the design of the building and should be located to minimize adverse effects on pedestrian comfort along sidewalks and within open spaces.

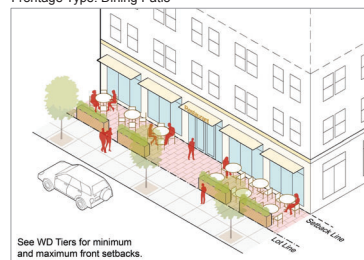
Frontage Type: Front Garden



Sustainable Design



Frontage Type: Dining Patio



Source: Beverly Design Standards Utile, 2022

Facade Treatment



Source: Watertown Design Guidelines Gamble Associates, 2015

Calendar Towards Potential Adoption

- 1. Where we are
- 2. Recap of Zoning Approach
- 3. Draft Village Center Zoning Ordinance
- 4. **Next Steps**

This first draft of the Village Center Zoning Ordinance is meant to be reviewed and updated. Moving forward, the team will work with the City Council and the broader community to refine the zoning text.

Next Steps

Calendar

