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MEMORANDUM

DATE: January 19, 2023

TO: Councilor Deborah Crossley, Chair, Zoning & Planning Committee
Members of the Zoning & Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director Department of Planning and Development

RE: **#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)

MEETING: January 23, 2023

CC: City Council
Planning Board
Jonathan Yeo, Chief Operating Officer

Village Center Zoning

The Planning Department spent the end of 2022 presenting the version 1.0 drafts of the Village Center Overlay District [zoning text](#) and [maps](#) and discussing with the Zoning and Planning Committee as well as the community through a series of input sessions and an online input form. Planning staff and their consultant Utile are now working on responses to the feedback received, including a number of revisions, new visuals, and additional analysis. This work will be presented at the February ZAP meetings for discussion in advance of releasing version 2.0 of the zoning text and maps.

Summary of Feedback

There was a wide range of feedback regarding the initial draft of the zoning text and maps and both support and opposition to the proposals. Comments generally fall into the following categories:

- MBTA Communities – there were questions about how this proposal complies with MBTA Communities
- Housing – there was support for additional housing, particularly in village centers and near transit given the housing crisis. Comments cited the critical need for housing of all types, for affordable housing, and for accessible housing. The need for more dense housing in walkable areas and near transit was also cited as critical for climate change. While there were concerns expressed about building sizes and the possibility of incentivizing teardowns of existing

residential properties, at the same time there were suggestions that the VC1 zoning encompass larger areas around the village centers.

- Preservation and reuse of existing buildings – there was strong support for preserving older homes, predominantly located in the VC1 district, and historic buildings within village centers that are not currently protected through a local historic district or landmarking while incentivizing the conversion to multiple units or other uses. There were also numerous concerns raised about the churches within village centers and making sure the zoning allowed flexibility in the use but did not incentivize the demolition of the structure.
- Parking – the comments related to parking included both concern that there be sufficient public parking within village centers to support businesses and support for the parking requirement reductions as well as some support to further reduce parking requirements, especially village centers with access to transit.
- Economic development – comments included support for adding additional housing, which could help support existing and new businesses as well as concern that new development would result in the displacement of existing local businesses. There were also suggestions for more extensive outreach to businesses.
- Design – there were concerns raised regarding the transitions to residential neighborhoods (including what would be considered residential), concerns regarding the height of buildings vs. the width of the street, and questions about whether the setbacks were too low in some places and too high in others. There were also numerous requests for more visuals to better understand what buildout might look like.
- Open Space – there is a strong desire for additional public open space, green space, trees, and wider sidewalks in village centers.
- VC1 – many comments focused on the VC1 district. Comments included concerns that the buildings allowed would be too big and out of scale with the surrounding neighborhood, that demolition of existing homes would be incentivized, that VC1 goes too far in some village centers and should be applied further in others. There was also broad support for eliminating the ability to have commercial uses in VC1 by special permit, however there were some comments that there could be areas along busier streets where certain commercial uses might be appropriate.
- Special permit thresholds – there was both support for allowing more housing by-right and concerns that eliminating special permits for some projects would result in inferior design.
- City owned properties – there was generally support for rezoning city-owned surface parking lots to be consistent with surrounding zoning, but opposition to rezoning any other municipal buildings including schools
- Village Center locations – there were questions regarding the village center locations chosen and why MBTA stations such as Chestnut Hill and Boston College were not included and why some areas not adjacent to transit were included. There were also comments that higher density should be focused along the Green Line.

Items Under Exploration

Planning staff along with Utile are currently exploring several of these topics and will start to present this analysis to ZAP at their February meetings. Here is a list of some of the items under consideration:

- VC1 – there has been a lot of focus on revising the VC1 district to achieve the goals of facilitating more, smaller units near village centers while also incentivizing the preservation of existing homes and contributing towards compliance with the MBTA Communities requirements. Staff are working on a revised proposal and coordinating with the state to better understand if and how conversion of existing buildings to multi-family housing could count towards MBTA Communities unit capacity.
- MBTA Communities Multi-Family Zoning – along with the above item, Utile is working on a rough estimate of the extent to which the proposed village center zoning satisfies Newton's zoning capacity requirements under the MBTA Communities law. Based on this analysis staff and Utile will concurrently work on additional proposals (such as looking at housing near MBTA stations that are not traditionally considered village centers) for how Newton could supplement the village center zoning proposal to come into compliance, while continuing to move forward with the village center zoning.
- Updated visuals – Utile is preparing hypothetical perspective drawings for several village centers which will incorporate the standards included in the zoning and will show what a street might look like with different levels of development.
- Historic preservation – staff are working to address the issues raised around the proposed zoning relative to local historic districts and historically significant properties. This includes better identifying these on the next iteration of maps, describing how the zoning and historic review processes interact, and creating stronger incentives for the preservation and reuse of significant properties.
- Churches – village center churches present a unique condition where churches with shrinking congregations are often looking for new uses for the building but running into zoning hurdles once the zoning exemptions provided to religious uses no longer apply. Staff are exploring how the zoning could provide more flexibility for churches to adapt over time, while not incentivizing demolition.
- Parking – staff are looking at opportunities to further reduce residential parking requirements based on local data and whether requirements should be tiered based on proximity to transit, reuse of existing buildings, and affordable housing.
- Affordable housing incentives – staff are working with Utile and the Newton Housing Partnership to explore the ability to permit additional building height and/or footprint in the VC2 and VC3 districts when affordable housing is expanded beyond the current zoning requirements.
- Comparison to existing zoning – staff are working on a more detailed comparison of the proposed zoning and the existing zoning, focusing on areas of concern such as setbacks and open space requirements.
- Mixed-use vs. Residential – the proposed draft incentivizes mixed-use in the VC3 district by allowing 4.5 stories by-right for mixed-use and 2.5 stories for entirely residential developments.

This is because the MBTA Communities guidelines do not allow for a mixed-use requirement. Staff are looking at fine-tuning this proposal to potentially be specific to certain streets rather than including all of the VC3 district, as well as applying to streets outside of the VC3 district such as Watertown Street in Nonantum. Staff are also considering a special permit option to allow the full height for fully residential projects in these areas.

Next Steps

Planning staff and Utile will present additional visuals and VC1 analysis at the February 13 ZAP Meeting.