

APPENDIX A: Questions and Concerns on Zoning Ordinance Version 3 by Councilor Pam Wright

#88-20

No.	Section	Proposed Zoning Code v080720 or PD comment	Question/Concern	Recommendation/Comment
1	Overall	Proposed new zoning code	Understanding implications for existing Housing Stock	Build out analysis
2	Overall	Proposed new zoning code	Understanding property tax and infrastructure costs for Newton residents	Financial, traffic and infrastructure impacts
3	Overall	Proposed new zoning code	Understanding implications for existing Housing Stock	Tear down analysis
4	Mayor	According to the mayor's email to me "The City Council is in charge of writing the zoning and, when asked, the Planning Department provides the Council with their professional opinion."	In my opinion the Zoning & Planning Committee is not "in charge" of the writing of a new zoning code. Please explain why we as a Committee are not following the process delineated to me by the Mayor.	Define and follow process
5	Planning Department Memo dated 080720 -p2	The goals and objectives changed from the straw vote goals, specifically from "Context: Preserve and protect what we like in our neighborhoods. Encourage new development to fit in the context of our neighborhoods and villages" to "Ensure new development, and renovations, respect the physical character and scale of existing neighborhoods and align with adopted visions"	This is a major shift and never agreed upon by the committee.	Change goal back to "Context: Preserve and protect what we like in our neighborhoods. Encourage new development to fit in the context of our neighborhoods and villages."
6	ZAP meetings	Attainable housing	What is the definition of "attainable" housing which replaces affordable housing in recent ZAP discussions. Please provide examples with defined cost ranges.	Definition and data
7	overall	Present versus proposed zoning ordinance	Please provide a comparison of today's zoning ordinance vs. what is proposed in version 3.	Comparison table
8	Architect letters	The Focus Group Architects expressed a concern that the proposed new zoning code will increase nonconformity.	How many houses will become nonconforming with the increased setbacks, especially for houses currently in SR2 shifting to R1 Districts?	Non conformity calculation
9	Architect letters	Suggestions from architects	The new ordinance would remain fundamentally flawed and likely to have unforeseen consequences that could have significant deleterious effects on our city and our homes. Have you address their concerns?	Respond to Architects' concerns
10	Architect letters	Suggestions from architects	This ordinance does not make the review or permit process simpler or easier. Have you addressed their concerns?	Define simpler review and permit process
11	General	House Type Conversions	If you have a house C, can you convert it to a house B by right? What is that process?	Define the process for House Type conversion.
12	Non conforming	Non conforming house or driveway	zoning code, is the property owner able to expand the building by right? If the driveway does not conform, would a property owner be able to modify the driveway? Will a property owner be able to grandfather pre-existing driveways and setbacks?	Define non-conformity for existing homes; and what does grandfathering mean

APPENDIX A: Questions and Concerns on Zoning Ordinance Version 3 by Councilor Pam Wright

#88-20

No.	Section	Proposed Zoning Code v080720 or PD comment	Question/Concern	Recommendation/Comment
13	Non conforming	Non conforming house or driveway	What if you keep up one corner of the house, can you keep the non compliant driveways and patio and expand the house to the max allowed?	Define non-conformity for existing homes; do you have to meet new regs with teardown?
14	3.1.1.D	The Planning Department recommends that the discussion on who is the Special Permit Granting Authority, and at what scale of project, to happen when taking up Article 11 – Administration.	Why, it's part of Article 3. "The Special Permit Granting Authority is determined by the thresholds listed in the table below"	To be discussed as part of the Article 3 deliveries
15	3.1.2.B.2	"To permit contextual modifications of existing detached residential buildings in a predictable manner for homeowners and neighbors"	What is meant by this ? Please provide some examples. It's used in other districts	Define and example
16	3.1.2.B.4	"To promote, through building and lot design, community connections."	Define and explain as it is repeated throughout the proposed code.	Define and example
17	3.1.2.D.1.e	Civic Building	Why has civic building removed from R1, R2, R3, R4, N?	Explanation
18	3.1.2.E.2	"Multi-Unit Conversions (Sec.3.5.2) are permitted in the Residence 1 District. Depending on the scale of the project, a Special Permit may be required."	Define scale of project and when a SP is needed	Define and provide examples
19	3.1.3.C	Contextual front setback	Why removed contextual front setback in R2, R3, R4?	Explanation
20	3.1.3.D.2.a	Ranch home in R2	Why is a ranch still a special permit in R2? There are ranches in R3 now – why not allow? A ranch is a good option for a senior. In general, I would expect only a homeowner to build a ranch, not a speculative builder.	Explanation
21	3.1.3.D.2.B.iii	"The site and building as designed, constructed, and operated will contribute significantly to the efficient use and conservation of natural resources and energy"	What does this actually mean? Its vague.	Explanation
22	3.1.4.A	R3 is described "frequently within walking distance to transit" but R2 and R1 are not described that way, in fact "many of these neighborhoods are remote from the walkable village centers."	Both of those areas do include many areas walking distance to transit. Why the switch in wording?	Explanation
23	3.1.4.B.1	"Permit the development of detached residential buildings on individual lots in scale and context with these neighborhoods"	Why is a large house B allowed, 4375 sf by right? The average size is ~2500 sf. In places like Oak Hill Park the average house size is 1000 sf. House B is 4 times bigger and very out of context.	Discussion
24	3.1.4.D.2.b.ii	"Design and management strategies achieve compatibility with the neighborhood and adjacent residential properties?"	Why only in R3 and R4. What is meant by by it? Please give examples.	Explanation and provide examples
25	3.1.4.D.2.b.iii	Triple Decker parking requirements	Why have parking requirements removed for triple decker? Are there no parking requirements for a triple decker?	Clarify
26	3.1.5.D.2.b.iii	4-8 unit parking parking requirements	Is parking removed for 4-8 unit building. This is implied here.	Clarify

APPENDIX A: Questions and Concerns on Zoning Ordinance Version 3 by Councilor Pam Wright

#88-20

No.	Section	Proposed Zoning Code v080720 or PD comment	Question/Concern	Recommendation/Comment
27	3.1.5.E.2	Multi building assemblages	What does multi building assemblages look like in R4? What about side set backs?	Clarify and provide examples
28	3.1.6.C **	Neighborhood general frontage	Frontage in version 2 was 50'. In Version 3 30' is redlined and replaced with 40'. Nothing noting this in the changelog	Update the change log
29	3.2.1.A	"Building types are a way of organizing standards for the size, shape, and scale of principal buildings."	Building types are defined here but Planning said it's not really a building type but a volume of house. What is correct?	Clarify
30	3.2.3.B	House A	Why no special permit for very large house A?	Discussion
31	3.2.3.C	Fenestration	Review fenestration – is this a good number? What have the architects say?	Discussion
32	3.2.3.E.3	Increase building footprint	Why are building components – rear and side additions not part of original footprint? This will incentivize teardowns	Discussion
33	3.2.3.E.3	Increase building footprint	Not clear - other building components don't count toward increase of footprint – only side and rear additions in House A? Also are any allowed in setback?	Clarification
34	3.2.4.E.2	Maximum 2 units in house B for new build	Allowing 2 units to be built in house B will increase teardowns. Also, many sampled homes in Appendix C will be bigger than allowed today by FAR. Whenever a developer can build more than 1 unit he did except for 2 extreme conditions More details in Appendix C.	Discussion
35	3.2.4.E.3	increase building footprint	Why are side wings and rear additions allowed to increase footprint? This will cause more tear downs, especially for house B and now 4375 sf, much bigger than 3800 sf; similar for house D	Discussion
36	3.2.6.B	Ranch size decrease	Why did ranch go down in size and why isn't there one by right in R2?	Explanation and discussion
37	3.2.6.B	Ranch in R3	Why not ranch in R3? Special permit? In case someone wants to build a family compound.	Discussion
38	3.2.6.E.2	2 units in ranch	Allowing 2 units to be built in house D will increase teardowns; per data collected whenever possible developer built 2 units	Discussion
39	3.2.7.B **	Building Dimensional Standards	Marked up building dimensional standards is NOT in the previous table. The previous one has 3 stories for 2 unit. Now it's 2.5 stories and no change log NOW	Update change log

APPENDIX A: Questions and Concerns on Zoning Ordinance Version 3 by Councilor Pam Wright

#88-20

No.	Section	Proposed Zoning Code v080720 or PD comment	Question/Concern	Recommendation/ Comment
40	3.2.7.A	2 unit (duplex) definition	Interesting - 2 family is either duplex (on top of each other) or Philadelphia style – not townhouse style. Must have 2 Residential Units, one on the first floor and one on the second floor. Alternatively, may have 2 Residential Units with the first unit comprised of the first floor and a portion of the second floor, and the second unit comprised of the remainder of the second floor.	
41	3.2.7.B	Duplex footprint	Why 1800 sf footprint? Missing middle recommends 2 and 3 unit builds same footprint as single family (1400 sf)	Discussion
42	3.2.7.C	Fenestration	Review fenestration. Are the numbers appropriate?	Explanation
43	3.2.8.B	Triple decker footprint	Per the missing middle, triple decker footprint should be the same size as a house – 1400 sf.	Discussion
44	3.2.8.B **	Change log issue with number of stories	Marked up building dimensional standards is NOT in the previous table. The previous one has 2.5 stories for 3 unit. Now it's 3 stories and no change log	Update change log
45	3.2.8.C	Fenestration	Review fenestration. Are the numbers appropriate?	Explanation
46	3.2.9.B	Town house footprint	Max footprint is large – will result in 4500 sf townhouse – bigger than house B. 4 townhomes could be 18,000 sf mass. Being next to the village center, they should be much smaller. Need to discuss an appropriate number	Discussion
47	3.2.9.C	Fenestration	Review fenestration. Are the numbers appropriate?	Explanation
48	3.2.9.E.2	"Maximum of 2 Residential Units are permitted per townhouse section."	Townhouse can be 2 units; page 5 of memo doesn't note it and maximum 8 sections or 16 units. Why reduced from 3 to 2?.	Explanation
49	3.2.10.C	Fenestration	Review fenestration. Are the numbers appropriate?	Explanation
50	3.2.10	Inclusionary zoning	Small apartment house 4-8 units doesn't say anything about inclusionary zoning starting at 7 units.	Clarification
51	3.2.10.E	Town house vs small apartment house	Small apartment house – it can be townhouse – side by side – don't see anything in the definition stopping it. 900 sf footprint	Clarification
52	3.2.10.E.4	"The following Building Components may be used to increase the maximum Building Footprint by no more than 10 percent"	Why allow 10% increase? If allowing bigger footprint, just increase foot print.	Explanation
53	3.2.11.C	Fenestration	Review fenestration. Are the numbers appropriate?	Explanation
54	3.2.11.E.4.b	"100% affordable/Sustainable design standard"	What is the definition of "100% affordable/Sustainable design standard". Are both required or just 1? It's not clear.	Definition, clarification
55	3.2.11.E.6	"The following Building Components may be used to increase the maximum Building Footprint by no more than 10 percent"	Why allow 10% increase? If allowing bigger footprint, just increase foot print.	Explanation

APPENDIX A: Questions and Concerns on Zoning Ordinance Version 3 by Councilor Pam Wright

#88-20

No.	Section	Proposed Zoning Code v080720 or PD comment	Question/Concern	Recommendation/Comment
56	3.2.12.C	Ground story fenestration decrease	Why did ground story fenestration decreased for small multi use building (12,000 sf footprint)? Review	Explanation
57	3.2.12.E.3.b	"100% affordable/Sustainable design standard"	What is the definition of "100% affordable/Sustainable design standard". Are both required or just 1? It's not clear.	Definition, clarification
58	3.2.12.E.5	"The following Building Components may be used to increase the maximum Building Footprint by no more than 10 percent"	Why allow 10% increase, just increase foot print?	Explanation
59	3.2.13	Location of small shop	Why not allow small shop in very narrow locations – like Needham st. Could be by special permit.	Discussion
60	3.2.14	Civic building	Why is civic building being removed?	Explanation
61	3.3.1/3.3.2	Building components	What is the relationship between “building components” and “architectural components?”	Explanation
62	3.3.1	Side wing and rear additions	Side wing and rear addition by right on House A-D plus duplex- 25% BUT triple decker and larger are by special permit. Additions are implied by right in earlier section but doesn't state it. Need to be clear	Clarification
63	3.3.2.B.3.a	“opaque enclosure at the bottom of the guardrail”	Is this statement needed? Isn't “views of the public realm through the posts and rails” enough?	Explanation
64	3.3.2.C	Porches: Planning stated if a porch has a roof then it counts in the footprint.	I don't see definition of stated by planning here. If it doesn't have a roof then I think it's a deck. Please clarify and also what's in the footprint.	Clarification
65	3.3.2.C.3.b	“opaque enclosure at the bottom of the guardrail”	Is statement needed? Isn't “views of the public realm through the posts and rails” enough?	Explanation
66	3.3.2.C	“front porch”	Need to remove “front” from porch from text – at least 4 of them	Update text
67	3.3.2.E	“A side wing added to a principal building that does not exceed the maximum building footprint for that building type shall be part of the main massing of the building”	Same statement for rear addition. If one has a 2000 sf House B colonial (800 sf footprint) then one can add 600 sf footprint (1400 sf total space) to get max house size and then add 25% more by right with side wing and rear addition for a 1750 sf footprint or 4375 sf house. One still needs to maintain setbacks and lot coverage. Can this also be done with a 1000 sf ranch? Can it be changed into a 1400 sf house B and then a 25% increase with side and rear setbacks?	Discussion
68	3.3.2.E.2	Dimension chart "Depth"	Please explain “depth” which is “100% of the front elevation width.” A drawing would be helpful.	Explanation
69	3.3.2.E.2	Side addition width can be up to 50% of the front elevation	This seems large. Why was that number chosen? Is it based on any standards?	Explanation
70	3.3.2.E.3.a	"Side wings must have similar style roof as the Principal Building."	Side wings must have similar style roof. This may exclude an 1 story addition with a roof deck above it which many homes have. Is this what we want?	Discussion

APPENDIX A: Questions and Concerns on Zoning Ordinance Version 3 by Councilor Pam Wright

#88-20

No.	Section	Proposed Zoning Code v080720 or PD comment	Question/Concern	Recommendation/Comment
72	3.3.2.F	Rear addition	Uses "side wing" need to correct in section F	Update text
73	3.3.3.A	Dormer	Should a minimum percentage of fenestration be required for a dormer?	Explanation
74	3.3.3.C.2.c	Roof Deck: <400 sf or 20% footprint; width not > 50% building width except flat roof; must be back 5' from all edges and 10' from front elevations (can be waived for parapet wall is guardrail)	Are the roof deck dimensions a standard? Why were they chosen?	Explanation
75	3.3.4	Accessory Structures	Backyard fireplaces are not addressed here	Explanation
76	3.3.5.A.3.a	Accessory Building Placement	Garage or accessory building can be 5' from side or rear setback – so in the setbacks. Is this a standard or just what was done in the past? Is this a good number?	Explanation
77	3.3.5.A.3.b	"Accessory buildings must be separated from the principal building by at least 6 feet"	Is 6' a standard? If an enclosed breezeway is added, is the accessory building part of the footprint? And if a garage is now less than 6' from the principal building, is it part of the footprint?	Explanation
78	3.4.1.A	Building Design Standards	Why was contextual front setback removed?	Explanation
79	3.4.1.D.1.a	Front facing garage placement	Garage is recessed from house by 8' but for a front porch at its elevation if it's 6' deep. Good design practice would have this recessed with porch.	Discussion
80	3.4.1.D.4	"Where the building Front Elevation is less than 22 feet long, an attached garage is not allowed as part of that elevation"	How was 22' determined? There should be some similar statement for duplex or house with 2 units.	Explanation
81	3.4.1.F.1	"The length of an attached garage, or attached garages, facing the Primary Front Lot Line may be up to 50% of the total Front elevation or 24 feet, whichever is greater."	Doesn't remove snout houses for 2 units. Allows all front garages in 2 unit buildings if the house is 24' wide (and there are some duplexes today that wide). If the house is 30' then 80% of garage is the front.	Change 24' to 12' and this will remove snout house from 2 units
82	3.4.1.F.2.c	"By Special Permit, a detached garage of more than 700 sf may be located within the setback, provided a minimum of 5' from the property line is maintained."	Very large detached garages are allowed in setback at least 5' from property line.	Discussion
83	3.5.1.B.5	Why remove the requirement that 50% of building in a rear lot has to face the street?	Why was this requirement removed?	Explanation
84	3.5.2.B	Text correction	Number of units allow is 3.5.2.D not 3.5.2.C	Update text

APPENDIX A: Questions and Concerns on Zoning Ordinance Version 3 by Councilor Pam Wright

#88-20

No.	Section	Proposed Zoning Code v080720 or PD comment	Question/Concern	Recommendation/Comment
85	3.5.2.C.1	"No exterior alterations of the structure are allowed, except: Building Components"	Please clarify – My understanding a side wing and rear addition which are building components can be added up to 25% of max footprint to make a multi unit conversion. For a small house B (footprint 800 sf and house 2000 sf) the house can be added on for a 1400 sf footprint and then 25% added for side wing and rear addition so the 2000 sf house is now at the maximum 4375 sf with a 1750 sf basement. Can 60% of the basement be used to get over 5400 sf and allow 6 units by right? If the lot is big enough, that 2000 sf house can now be converted into 6 units. Is this logic correct? How will this be regulated? Who will determine the extent of allowable “exterior alterations” and how the “building components” will be allowed?	Clarification and examples
86	3.5.2.C.2	“alterations of the structure... necessary to comply with applicable Health, Building and Fire Codes.”	How will this be regulated? Who will determine the extent of allowable “exterior alterations” and how the “building components” will be allowed? Please provide examples and rough sizes	Clarification and examples
87	3.5.2.D.2	"100% Affordable/Sustainable"	What is the definition of “affordable” and “sustainable”. Please provide specifics numbers too.	Definition and data
88	3.5.2.E **	" Depending on the scale, a Multi-Unit Conversion may be by-right or require a Special Permit"	Multi unit conversion ADDED by right 6 units and defined special permit but not in version 2. Wrong paragraph cited in attachment B. This is a big change and it should be highlighted better – it is just “normal” text.	Correct Change Log
89	3.5.3.C.1	Courtyard cluster: 50’lot frontage for a ¾ acre	50’ seems very small for courtyard cluster. Is this a correct number?	Explanation
90	3.5.3.C.1 **	R4 lot coverage	R4 lot coverage changed from Version 2 but not noted anywhere. Appendix B stated there was no R4 requirements in V2 but that is wrong – it was there	Correct change log
91	3.5.4.C.4	"Townhouse Sections must be in a series of at least 2 but no more 8 sections. "	Why change to 2 townhouses – shouldn’t it be at least 3? Should it be a maximum width and not “8”? You may have very narrow townhouses	Discussion
92	3.5.4.D.1	"By Right. An assemblage is by-right if it includes no more than 6-8 dwelling units "	This can be 6 townhomes and 27,000 sf. This is a very large building that can be built by right. In the past anything over 20,000 sf needed a special permit.	Discussion


APPENDIX A: Questions and Concerns on Zoning Ordinance Version 3 by Councilor Pam Wright

#88-20

No.	Section	Proposed Zoning Code v080720 or PD comment	Question/Concern	Recommendation/ Comment
93	3.6.2	It appears to me commercial vehicle parking is permitted without limitation in all zones.	I believe that at present only one commercial vehicle is allowed per lot in single-family residence zones. There are also no size restrictions - a commercial vehicle could be anything from a pickup truck with commercial plates, to a moving van, to a cement mixer, to an oil truck capable of holding more than 11,000 gallons. Please clarify.	Clarification
94	3.7.1.E.1=3	"permeable areas"	What is the definition of "permeable" areas. Some material is better than other.	Clarification
95	3.7.1.E.1	"Driveways may be located within the required side setback area provided the driveways are located at least 3 feet from the side lot line."	Why 3' used? Is this the standard or used now?	Explanation
96	3.7.1.E.4	"No parking stall may be located within any required setback area...No parking stall may be located between the building front elevation and the street."	Is this for new builds only and everyone else grandfathered in? Presently many people park in this area.	Discussion
97	3.7.1.E.4	"No parking stall may be located within any required setback area...No parking stall may be located between the building front elevation and the street."	Can someone park on their lawn? It doesn't seem to prohibit it	Clarification
98	3.7.1.E.5	"For a minimum of 10 feet measured from the lot line where the driveway is accessed into the lot, driveways may be no wider than 10 feet if providing one-way access to a parking area for residential Building Types with eight-units or less"	Why only one way drive for 8 or less units? What standard is this based on?	Explanation
99	3.7.1.E.5.a	"Driveway widths may increase beyond the minimum 10' measured from the lot line where the driveway is accessed to allow for motor vehicles to back-in and back-out"	What does this mean – can you show a diagram?	Explanation and provide examples
100	3.7.1.E.8.	"Curb cuts for residential driveways should be at least 20' from an unsignalized intersection and at least 40' from a signalized intersection"	Are these standards – 20' and 40'?	Explanation
101	3.7.2.B.4	"That parking provided in excess of any maximum permitted must be paved with paving stones, grass pavers, pervious concrete, or porous asphalt"	Why no special permit for excess parking and impervious material?	Discussion
102	map question	Lodging house/ Rooming house	Please add 1 rooming house with x (for discussion) units per village center or N to add affordable housing. Do we have any now? Why not? It's allowed in the present ordinance	Discussion
103	map question	Districts	How were districts determined – computer, person driving neighborhoods, looking at maps?	Explanation
104	question	Lots needed to change district	How many lots needed to change to another district?	Explanation
105	map question	Change district process	How can one petition to change their zoning on their lot and/or neighborhood – what's the process?	Explanation

APPENDIX A: Questions and Concerns on Zoning Ordinance Version 3 by Councilor Pam Wright

#88-20

No.	Section	Proposed Zoning Code v080720 or PD comment	Question/Concern	Recommendation/Comment
106	random question	Minimum house size	There is a minimum apartment/condo size in multi unit conversion and accessory apartments. What is the minimum apartment size for house A, B, C, D duplex, triple decker and 4-8 unit apartment building? What is the minimum size of 2 units in house A, B and D?	Clarification
107	random question	Breezeway	What defines a breezeway and when does it connect the garage to the house and then include the garage in the footprint?	Clarification
108	random question	Breezeway	Can an open breezeway have enclosed space on the 2 nd floor connecting to the finished space above the detached garage? That space isn't counted in the footprint but lot coverage only- correct?	Clarification
109	random question	"should" usage	"Should" should not appear in a law. If you don't want to say "must" or "shall", leave it out.	
110	random question	The practice of "Grandfathering"	If a house is torn down (or maybe 50% demolished) it should adhere to the new zoning ordinance for a new build, and not be grandfathered in. Is this correct?	Explanation
111	random question	 <p>Recently built two-family home in Newton Corner (does not match any House Type)</p>	<p>Page 10 in intro letter states this house doesn't match any style. I heard there's no "style" now but a footprint and max height. If they added a porch with roof up to the garage edge (in red) and made the garage doors 2 single doors, wouldn't this pass as a 2 unit in house B if it met the max footprint? I can't find anything in the ordinance not allowing it. Or can this be a 2 unit town house now?</p>	Clarification