



Zoning & Planning Committee Report

City of Newton In City Council

Monday, December 11, 2023

Present: Councilors Baker (Chair), Oliver, Albright, Wright, Krintzman, Getz, Danberg, and Kalis

Also Present: Councilor Farrell

City Staff: Barney Heath, Director of Planning; Jennifer Ciara, Deputy Director of Planning; Zachary LeMel, Chief of Long Range Planning; Olivia James, Community Engagement Specialist; John Sisson, Economic Development Director; Andrew Lee, Senior Assistant City Solicitor; Anthony Ciccariello, Commissioner of Inspectional Services; Andrew Mavrelis, Deputy Commissioner of Inspectional Services; and Jaclyn Norton, Committee Clerk

Planning & Development Board: Kelley Brown (Chair), Peter Doeringer, Kevin McCormick, Lee Breckenridge, Barney Heath, Jennifer Molinsky, and Amy Dain

For more information regarding this meeting, a video recording can be found at the following link: [Zoning and Planning Committee - January 8, 2024 \(youtube.com\)](https://www.youtube.com/watch?v=...)

#21-24 Discussion concerning ZAP Committee workplan for the new term
COUNCILORS BAKER AND OLIVER requesting a discussion with Zoning and Planning Committee concerning the work plan of the ZAP Committee for the new 2024-2025 term.

Action: Zoning & Planning Held 8-0

Note: The Committee was joined by the Planning & Development Board and the chair asked that Councilors, Planning & Development Board members, and staff introduce themselves to each other and the public as new members have joined the Committee. The Chair noted that this discussion will be used to determine items that can be taken up by the Committee before budget discussions. In the backup material for this meeting, there was a memo from the Chair and Vice-Chair outlining a variety of topics for consideration. The Clerk in advance of the meeting also received a memo from Councilors Albright and Danberg that outlined items that have been or are set to be docketed for referral to the Zoning & Planning Committee. (attached) For discussion at this meeting, the Clerk shared a compiled version that organized the items from Councilors Albright and Danberg's memo with the topics in the memo from the Chair and Vice-Chair. (attached)

The compiled memo that was presented is broken down into the below substantive sections.

Current Zoning

The Committee discussed potentially taking up an item related to reducing the incidences of demolition of older homes. A Councilor noted that an item in the memo regarding potential revisions to the metrics of the multi-residence districts could be taken up during this discussion. This section included a study of the Manufacturing Zone which would be focused on the work done along California Street and beginning to look at Nonantum and other manufacturing areas. Councilors also expressed interest in having an initial conversation regarding grade changes in new construction resulting in buildings that are significantly taller than nearby homes.

Regarding potential updates to the Inclusionary Zoning (IZ) Ordinance, the Chair noted previous discussions on whether 7 units is an appropriate threshold for the ordinance. Two items docketed are in the attached memo and focus on potential updates to this threshold and how to mitigate bias against residents of IZ units. A Councilor on the Committee noted that Cambridge had done a study regarding this bias and the information from that study could be helpful for this conversation. Barney Heath, Director of Planning, noted that this term would be an appropriate time to examine the IZ ordinance.

MBTA Communities

The Chair noted that the City has submitted the ordinance for review to the Executive Office of Housing and Livable Communities (EOHLC). Zachary LeMel, Chief of Long-Range Planning, added that the City is still waiting on the complete compliance package which includes an economic feasibility analysis from MAPC. This feasibility analysis is currently being completed and the City and MAPC are in communication with EOHLC to ensure that the City is not penalized. Once this analysis is completed a copy will be shared with the City Council. Committee members were also in favor of taking up an item in the attached memo regarding quarterly check-ins on the Village Center Overlay District (VCOD). Later in the discussion Jennifer Caira, Deputy Director of Planning, described that the Planning Department is working with ISD to flag projects within the VCOD to ensure accurate reporting.

A Councilor earlier in the discussion proposed two potential amendments to the zoning passed last term to satisfy compliance with the MBTA Communities Act. These amendments are to increase both usable open space requirements and MRT lot frontage. They also asked the Law Department to respond on how the recommendation on the voting threshold of an amendment to the zoning ordinance is determined. Andrew Lee, Senior Assistant City Solicitor, noted that this determination would be made once there is ordinance language of the amendment to review.

Measurement and Reporting

Councilors expressed support for having a future conversation regarding data that should be collected and reported on and how it can be best shared with the public. Kelley Brown, Chair of the Planning and Development Board, noted that this information being public could help dispel some misinformation.

Regarding the status of Newton reaching Safe Harbor, Ms. Caira noted that as of that morning, the City had reached the threshold of the Subsidized Housing Index (SHI) to enact Safe Harbor.

A Councilor asked if the Planning could give an update on the process for 40B projects at a future meeting not that Safe Harbor has been enacted. A Councilor mentioned that Brookline has a 40B status webpage ([Chapter 40B Status | Brookline, MA - Official Website \(brooklinema.gov\)](https://www.brooklinema.gov/40B-Status)) and a 40B project dashboard. ([Large Projects Update 11-8-23.xlsx \(brooklinema.gov\)](#)) Other Councilors noted that similar information being shared publicly for Newton could be useful.

Housing

Regarding the items for consideration in this section, both the Planning and Law Departments will need time to look at potential remedies to these questions.

Enforcement Work by ISD

For ensuring compliance with the zoning ordinance and special permit conditions it is primarily driven by complaints. Anthony Ciccariello, Commissioner of Inspectional Services, noted the difficulty in enforcing some special permit conditions and that knowing the conditions requires that each special permit be read by staff. A Councilor noted that they have filed some complaints previously regarding street-side fences and have seen some changes. Commissioner Ciccariello also noted that the enforcement officer for the leaf blower ordinance has been very effective at ensuring compliance.

The Committee also discussed that an item has been docketed for an update regarding compliance and enforcement of the short-term rental ordinance. Councilors indicated a preference for this to be taken up sooner to allow them to better understand the enforcement process.

Energy Conservation and Climate

Director Heath noted that the Mayor had docketed an item to adopt an electrification ordinance and that it is ready to come before the Committee. Adoption of this ordinance is required for participation in the Ten Communities Program which would allow Newton to require that all new construction and substantial renovation be all-electric. An item has also been docketed from Councilors Albright, Danberg, and Leary regarding the discussion and adoption of a Building Emissions Reduction and Disclosure Ordinance (BERDO) which would create additional requirements for major projects.

Economic Development

An item has been docketed regarding aiding small businesses impacted by development. A Councilor noted that Somerville has done a report on this and would like to see if there is anything similar that could be done by Newton. John Sission, Economic Development Director, noted that he attended a seminar on this report and will need to do more research to figure out potential solutions for Newton. The Planning Department has internally discussed construction impact mitigation measures along with ideas on how to prevent displacement of small businesses.

Community Preservation

The Committee currently has before it a request from the Community Preservation Committee (CPC) regarding the restoration of the Second Church in Newton. The Chair noted a preference

for discussing this item at an upcoming meeting. A Councilor noted that more Community Preservation Act (CPA) funding should be allocated towards housing. Mollie Hutchings, CPA Program Administrator, stated that this allocation is currently at 35% and the CPC is meeting on Tuesday, January 9th to set goals for the year. Councilors also asked if during the discussion on the CPC request the current balance available for each CPA allocation could be provided.

Boards and Commissions

The Chair indicated a preference for taking appointments and reappointments up promptly. An item has also been docketed to request periodic updates from the Municipal Affordable Housing Trust.

Response to State Legislation

The item in this category refers to legislation in the General Court that would allow for more ease in constructing Accessory Dwelling Units (ADUs) and remove the owner occupancy requirement. The Committee will be able to decide if they would like to issue a formal response to this proposed legislation. A Councilor noted that Newton could provide useful information due to the recently revised ADU ordinance on the frequency in which they are developed.

Recodification

The Chair noted that this is worked on with the City Clerk's Office to incorporate zoning amendments into the official ordinances.

Public Education

Regarding public education, multiple Councilors noted support for the development of a primer for the public on what zoning is. One Councilor mentioned a previous brochure by the Planning Department that has some helpful information and would be a good start. (attached)

Committee Process

Regarding the process of the Committee, the Chair outlined that reports from Committee meetings will remain factual to the information discussed at the meeting. The Chair also requested that Councilors and staff attend these meetings in person and let the Committee Clerk know if they are unable to attend. Advance notice will be provided to the Committee regarding the process for public hearings along with information regarding the legal constraints regarding amendments to the zoning ordinance.

Pre-budget Department Interviews and Questions

The Chair noted that these discussions will help serve the purpose of informing the Council about the workings of each department along with better knowing what resources they need.

Parking Minimums

Councilors Albright and Danberg in their memo had included an item on potentially extending the reduction of parking minimums to non-VCOD villages. Amy Dain, Member of the Planning & Development Board, recommended that the Committee also look at options for providing parking if no parking is provided on-site.

Committee members voted 8-0 on a motion to hold item #21-24, #22-24, #23-24, and #24-24 from Councilor Krintzman.

#23-24 Update on Short-term rental ordinance compliance and enforcement
COUNCILORS MALAKIE, WRIGHT, KELLEY, LAREDO, LIPOF, HUMPHREY, LUCAS, ALBRIGHT, DANBERG, AND OLIVER requesting an update on Short-term Rental ordinance compliance and enforcement, including data on registrations, complaints, investigations and fines issued; types of violations being found (e.g. non-owner occupied, room limits, annual time limits, other code violations like noise, health & safety, trash); ability to compare STRs registered with the city vs registered with the state vs listings on public platforms; ability to obtain listing information from STR companies; adequacy of resources or other obstacles to enforcement.

Action: Zoning & Planning Held 8-0

Note: This item was discussed concurrently with item #21-24. A written report can be found with item #21-24.

#24-24 Request for discussion and possible ordinance amendments relative to aiding small businesses impacted by development
COUNCILORS ALBRIGHT AND KELLEY request the Planning Department with the assistance of the Economic Development Commission, research and develop mechanisms including ordinance changes or other means to assist local businesses impacted by development similar to the Somerville work. The goal of this docket item will be to help small commercial/retail/independent and locally-owned businesses remain in Newton as development occurs.

Action: Zoning & Planning Held 8-0

Note: This item was discussed concurrently with item #21-24. A written report can be found with item #21-24.

#22-24 Referred to Zoning & Planning & Finance Committees
CPC Recommendation to appropriate \$125,000 in CPA funding
COMMUNITY PRESERVATION COMMITTEE recommending appropriation of \$125,500 in Community Preservation Act funding from the FY24 Historic Resource Reserve Funds to the control of the Planning & Development Department for a grant to the Second Church in Newton for the restoration.

Action: Zoning & Planning Held 8-0

Note: This item was discussed concurrently with item #21-24. A written report can be found with item #21-24.

The meeting adjourned at 8:44pm.

Respectfully Submitted,

R. Lisle Baker, Chair



To: Members of the Zoning & Planning Committee
From: Councilors Susan Albright and Vicki Danberg
Re: Docket Items Brought Over From Last Term
Date: January 8, 2023

Memorandum

I sent this email to Lisle early last week. These were docketed for the new docket for this coming Monday's meeting. In light of the planning nature of this meeting – Lisle suggested I bring this list to the meeting tonight. BTW – the button asking other councilors to co-docket was broken last week. If anyone wants to join on to any of these docket items, please let the clerk's office know.

Hello Lisle, et al.,

Vicki and I have reviewed the items that were not taken up last term which are still important and relevant. I've put 5 of them into the docket tracker and Vicki has another 3-4 to go. In light of the first agenda item on zaps agenda for Monday - we felt like you ought to see these well in advance of that meeting. We can send along the actual docket language.

these items deal with

1. a new retaining wall ordinance
2. BERDO
3. electrification ordinance
4. update from planning on VCOD activity
5. update on the climate action plan
6. amendments to the setbacks in MR districts to help restrict the size of newly constructed homes
7. Various aspects of inclusionary zoning - including the look-back provision that I believe is already on the planning depts to do list
8. Extending the reduction of parking minimums into other villages
9. review of manufacturing districts (to be filed by ward 1 councilors)
10. Assistance to businesses displaced by development - how to help them?
11. Updates from Municipal Affordable Housing Trust

And here are the actual docket items

1. Retaining wall

COUNCILORS ALBRIGHT, LIPOF, WRIGHT, AND LEARY requesting a discussion with the Planning Department to address concerns relative to the trend of significantly raising grade elevations on lots, using retaining walls, terracing, and other means to add soil to conceal a raised basement, which can lead to new buildings that are significantly taller than nearby existing houses in the area and cause denuding of wooded areas and increase stormwater runoff. This discussion may result in an ordinance change to Chapter 30 section 5.4.2 which would require a special permit or other means of city review of all retaining walls over 4 feet on a site.

2. BERDO

COUNCILORS ALBRIGHT, DANBERG, AND LEARY, on behalf of the Newton Citizens Commission on Energy (NCCE), requesting discussion and an ordinance that would require large property owners (campuses and large commercial buildings) to report energy use and associated greenhouse gas emissions annually to the city of Newton, to be used to encourage reductions in said energy use and greenhouse gas emissions in accordance and support of the goals set forth in the Newton Climate Action Plan.

3. Electrification

COUNCILORS ALBRIGHT, LEARY, DANBERG AND request review and adoption of the electrification ordinance to enable the City to participate in the State's Fossil Fuel-Free Demonstration Project, 225 CMR 24.00, to which Newton was conditionally accepted in December 2023. The purpose of the Fossil Fuel-Free Demonstration Project is to restrict and prohibit new building construction and Major Renovation Projects that are not fossil fuel-free in ten communities in Massachusetts.

4. Update on VCOD activity

COUNCILORS ALBRIGHT AND DANBERG requesting updates on any potential projects brought to the Planning Department under the new Village Center Overlay District. The updates should include indications of interest and actual permits filed; for which villages and under which zoning districts; number of stories and units.

5. Update on climate action plan

THE PUBLIC FACILITIES COMMITTEE AND THE ZONING AND PLANNING COMMITTEE requesting an update from the Sustainability Team and appropriate staff on the status of implementing Climate Action Plan measures, expanding municipal energy efficiency and renewable energy programs as follows:

Newton Power Choice participation rates, municipal power purchasing contracts for gas and electricity; Solar Power Purchase Agreement including operational and PV installations under construction, municipal energy consumption (DOER report) Green Communities grant funded efficiency projects to date, Energy Coach/ "4 our Future" program and zoning ordinances both to increase building energy efficiency/renewables in the private sector and foster sustainable development patterns.

6. Amendments to MR districts

COUNCILORS ALBRIGHT, DANBERG, KRINTZMAN, AND LEARY seeking a discussion with the Planning Department to consider ordinance amendments that would revise the metrics in the multi-residence (MR1, MR2 and MR3) zones, to regulate the size of new buildings better, enable a wider range of housing options close to public transit, and better incentivize preservation and renovation of existing housing stock.

7. Inclusionary zoning

DANBERG AND... requesting a discussion with the Planning and Development Department and the Newton Housing Partnership about the City's Inclusionary Zoning Ordinance and possible amendments to the ordinance to include 4-6 units, including raising the requirements for the number of affordable units in large developments.

DANBERG AND... requesting discussion and possible amendment to require that developers and property managers provide training for their employees regarding bias toward residents of the IZ units and how to mitigate this bias.

8. Expand reduction of parking minimums

To extend reduction of parking minimums to non-vcod villages – not yet docketed

9. Review manufacturing districts

To be added by Ward 1 councilors and others

10. Assistance to small businesses facing relocation

COUNCILORS ALBRIGHT, KELLEY, AND DANBERG request the Planning Department with the assistance of the Economic Development Commission, research and develop mechanisms including ordinance changes or other means to assist local businesses impacted by development similar to the Somerville work. "The Somerville Small Business Displacement Committee members will work with City staff to research and develop policy and programming recommendations aimed at reducing the rate of displacement of Somerville's small businesses over a year-long period. " The goal of this docket item will be to help small commercial/retail/independent and locally-owned businesses remain in Newton as development occurs.

11. Affordable Housing Trust

COUNCILORS DANBERG AND ALBRIGHT requesting periodic progress reports on establishing the Municipal Affordable Housing Trust



To: Members of the Zoning & Planning Committee (2024-25)
From: Councilor Lisle Baker, Chair; Councilor John Oliver Vice-Chair
Cc: Newton City Council; Newton Planning and Law Departments
Re: Planning the work of the Committee – Initial discussion #21-24
Date: December 28, 2023

Memorandum

For the first meeting of the ZAP Committee, it would be helpful to spend some time in a preliminary discussion about where the Committee might spend its time over the next few months before budget discussions begin.

Below are possible matters for discussion and possible action; please bring additional topics that you want the committee to consider in our first few months. This discussion will help us in planning the upcoming Committee agendas. Other than those items already docketed, we anticipate framing docket items growing out of this list, as it is important to use the Committee’s time wisely. (Note that while some matters have already been docketed, they are not part of the formal agenda for this meeting, though it will be helpful to understand enough about them so we can plan for when best to take them up.)

Our plan is to avoid special Zoning and Planning meetings, and regularly conclude discussions by 10 p.m., except where a public hearing may require more time. To assist your planning, below is a list of the dates anticipated for ZAP meetings in 2024, recognizing that some meetings will occur on a Tuesday because of a Monday holiday.

Finally, at our first meeting before we discuss the items below, we would like to ask each member of the Committee, staff, and the Planning & Development Board, who we have invited to join us, to introduce themselves and their background for information of each other and the public which may be watching. As a general matter, we hope that as many of us on the Committee can attend in person as it is easier to see and be heard, though we recognize that there will be exceptions.

We are looking forward to working with you in the coming term.

Topics for initial consideration

Current Zoning:

- What modifications can be made to existing residential zoning to reduce the incidence of demolition of older homes that are usually more affordable than the new ones that replace them?
- COUNCILORS ALBRIGHT, DANBERG, KRINTZMAN, AND LEARY seeking a discussion with the Planning Department to consider ordinance amendments that would revise the metrics in the multi-residence (MR1, MR2 and MR3) zones, to regulate the size of

new buildings better, enable a wider range of housing options close to public transit, and better incentivize preservation and renovation of existing housing stock.

- Manufacturing Zone study – current status and planned next steps?
 - Item set to be docketed
- Response to grade changes in new construction resulting in homes elevated next to neighboring properties not part of natural topography.
- COUNCILORS ALBRIGHT, LIPOF, WRIGHT, AND LEARY requesting a discussion with the Planning Department to address concerns relative to the trend of significantly raising grade elevations on lots, using retaining walls, terracing, and other means to add soil to conceal a raised basement, which can lead to new buildings that are significantly taller than nearby existing houses in the area and cause denuding of wooded areas and increase stormwater runoff. This discussion may result in an ordinance change to Chapter 30 section 5.4.2 which would require a special permit or other means of city review of all retaining walls over 4 feet on a site.
- What modifications might be made to our inclusionary zoning ordinance to respond to smaller than six-unit development?
 - DANBERG AND... requesting a discussion with the Planning and Development Department and the Newton Housing Partnership about the City's Inclusionary Zoning Ordinance and possible amendments to the ordinance to include 4-6 units, including raising the requirements for the number of affordable units in large developments.
 - DANBERG AND... requesting discussion and possible amendment to require that developers and property managers provide training for their employees regarding bias toward residents of the IZ units and how to mitigate this bias.

MBTA Communities:

- Are there adjustments needed to the new MBTA Communities Act Overlay Zoning text and maps to comply with state guidelines?
- Should we include any additional elements, such as minimum parking requirements in select locations not already covered by such requirements?
- What is the status of the financial viability study (by MAPC) for the City regarding the MBTA compliance requirements? How is it being conducted?

Measurement and Reporting

- What should be collected and reported on, how frequently, and how should the information be shared?
- Progress being made on newton's Climate Action Plan (CAP)?
 - THE PUBLIC FACILITIES COMMITTEE AND THE ZONING AND PLANNING COMMITTEE requesting an update from the Sustainability Team and appropriate staff on the status of implementing Climate Action Plan measures, expanding municipal energy efficiency and renewable energy programs as follows: Newton Power Choice participation rates, municipal power purchasing contracts for gas and electricity; Solar Power Purchase Agreement including operational and PV

installations under construction, municipal energy consumption (DOER report) Green Communities grant funded efficiency projects to date, Energy Coach/ "4 our Future" program and zoning ordinances both to increase building energy efficiency/renewables in the private sector and foster sustainable development patterns.

- How will Newton capture, report data with regards to development in MBTA / non-MBTA zones to gauge progress toward our goals.
 - COUNCILORS ALBRIGHT AND DANBERG requesting updates on any potential projects brought to the Planning Department under the new Village Center Overlay District. The updates should include indications of interest and actual permits filed; for which villages and under which zoning districts; number of stories and units.
- What is the status of Newton's progress in reaching required amounts of units or land area devoted to affordable housing sufficient to avoid chapter 40B bypassing Newton zoning?

Housing:

- May Newton devote CPA funds, or other funds, set aside for housing to aid Newton municipal and school employees to live in the City they serve? If so, how?
- May Newton limit the purchase of existing housing by investors to preserve the home-buying opportunities for individuals and families? If so, how?

Enforcement work by ISD:

- Zoning compliance generally.
- Special permit conditions.
- Short-term rental ordinance compliance and possible amendments.
 - **#23-24 Update on Short-term rental ordinance compliance and enforcement**
COUNCILORS MALAKIE, WRIGHT, KELLEY, LAREDO, LIPOF, HUMPHREY, LUCAS, ALBRIGHT, DANBERG, AND OLIVER requesting an update on Short-term Rental ordinance compliance and enforcement, including data on registrations, complaints, investigations and fines issued; types of violations being found (e.g. non-owner occupied, room limits, annual time limits, other code violations like noise, health & safety, trash); ability to compare STRs registered with the city vs registered with the state vs listings on public platforms; ability to obtain listing information from STR companies; adequacy of resources or other obstacles to enforcement.
- Leaf-blower ordinance.
- Street side fence approvals.

Energy Conservation and Climate:

- What additional steps are required to continue the City's qualification as one of the Ten Communities?
 - COUNCILORS ALBRIGHT, LEARY, DANBERG AND request review and adoption of the electrification ordinance to enable the City to participate in the State's

Fossil Fuel-Free Demonstration Project, 225 CMR 24.00, to which Newton was conditionally accepted in December 2023. The purpose of the Fossil Fuel-Free Demonstration Project is to restrict and prohibit new building construction and Major Renovation Projects that are not fossil fuel-free in ten communities in Massachusetts.

- What additional energy conservation/electrification requirements should be considered for major projects and renovations?
- COUNCILORS ALBRIGHT, DANBERG, AND LEARY, on behalf of the Newton Citizens Commission on Energy (NCCE), requesting discussion and an ordinance that would require large property owners (campuses and large commercial buildings) to report energy use and associated greenhouse gas emissions annually to the city of Newton, to be used to encourage reductions in said energy use and greenhouse gas emissions in accordance and support of the goals set forth in the Newton Climate Action Plan.

Economic Development:

- **#24-24 Request for discussion and possible ordinance amendments relative to aiding small businesses impacted by development**
COUNCILORS ALBRIGHT AND KELLEY request the Planning Department with the assistance of the Economic Development Commission, research and develop mechanisms including ordinance changes or other means to assist local businesses impacted by development similar to the Somerville work. The goal of this docket item will be to help small commercial/retail/independent and locally-owned businesses remain in Newton as development occurs.
- What additional measures are likely to be proposed to increase the “vibrancy” of new commercial development in Village Centers not part of the Overlay zones?

Community Preservation:

- What is likely to be forthcoming this term?
Referred to Zoning & Planning & Finance Committees
- **#22-24 CPC Recommendation to appropriate \$125,000 in CPA funding**
COMMUNITY PRESERVATION COMMITTEE recommending appropriation of \$125,500 in Community Preservation Act funding from the FY24 Historic Resource Reserve Funds to the control of the Planning & Development Department for a grant to the Second Church in Newton for the restoration.
- What is the current balance available for projects not already set aside, and what is set aside by category (open space, recreation, housing, historic preservation)

Boards and Commissions:

- Appointments and Reappointments as they occur.
- Role of the Boards and Commissions that advise or implement ordinances for which the Committee is responsible.

- COUNCILORS DANBERG AND ALBRIGHT requesting periodic progress reports on establishing the Municipal Affordable Housing Trust

Response to state legislation:

- Preserving our accessory apartment ordinance as recently amended.

Recodification:

- Making sure zoning changes are part of the official Newton ordinances.

Public Education:

- A Newton Zoning primer for the public.
- Occasional public information about upcoming matters?

Committee Process:

- The importance of involving Ms. Norton and Clerk’s office about Committee matters to assist preparation and follow up on Committee work.
- How agendas are prepared and attachments – meeting with Planning the week before.
- How reports are prepared – factual, so that’s the Council and the public can be informed.
- Attendance of staff and consultants as much as possible in person.
- Committee member attendance – if absent please notify the Clerk.
- Receiving oral and written testimony at public hearings – advance notice of process?
- Understanding legal constraints on zoning changes compared to other ordinances – public hearings, uniformity requirements, variable council votes, role of the Planning Board.

Pre-budget Department Interviews and Questions?

- Planning
- Inspectional Services
- CPA Administration

Parking Minimums

- Extending reduction of parking minimums to non-VCOD villages.

Calendar:

Here are dates anticipated for Regular Zoning and Planning Committee meetings; Mondays unless otherwise noted:

January: 8th and 22nd

July: At the discretion of Chair and Committee

February: 12th and 26th

August: At the discretion of Chair and Committee

March: 11th and 25th

September: 9th and 23rd

April: 8th and Wednesday, April 24th

May: 13th and Tuesday, May 28th

June: 10th and 24th

October: Tuesday, October 15th and 28th

November: Tuesday, November 12th and 25th

December: 9th and 23rd

Zoning Redesign Booklet

Created by the City of Newton's Department of Planning & Development, on March 31, 2021

City of Newton's Current Zoning Ordinance Map

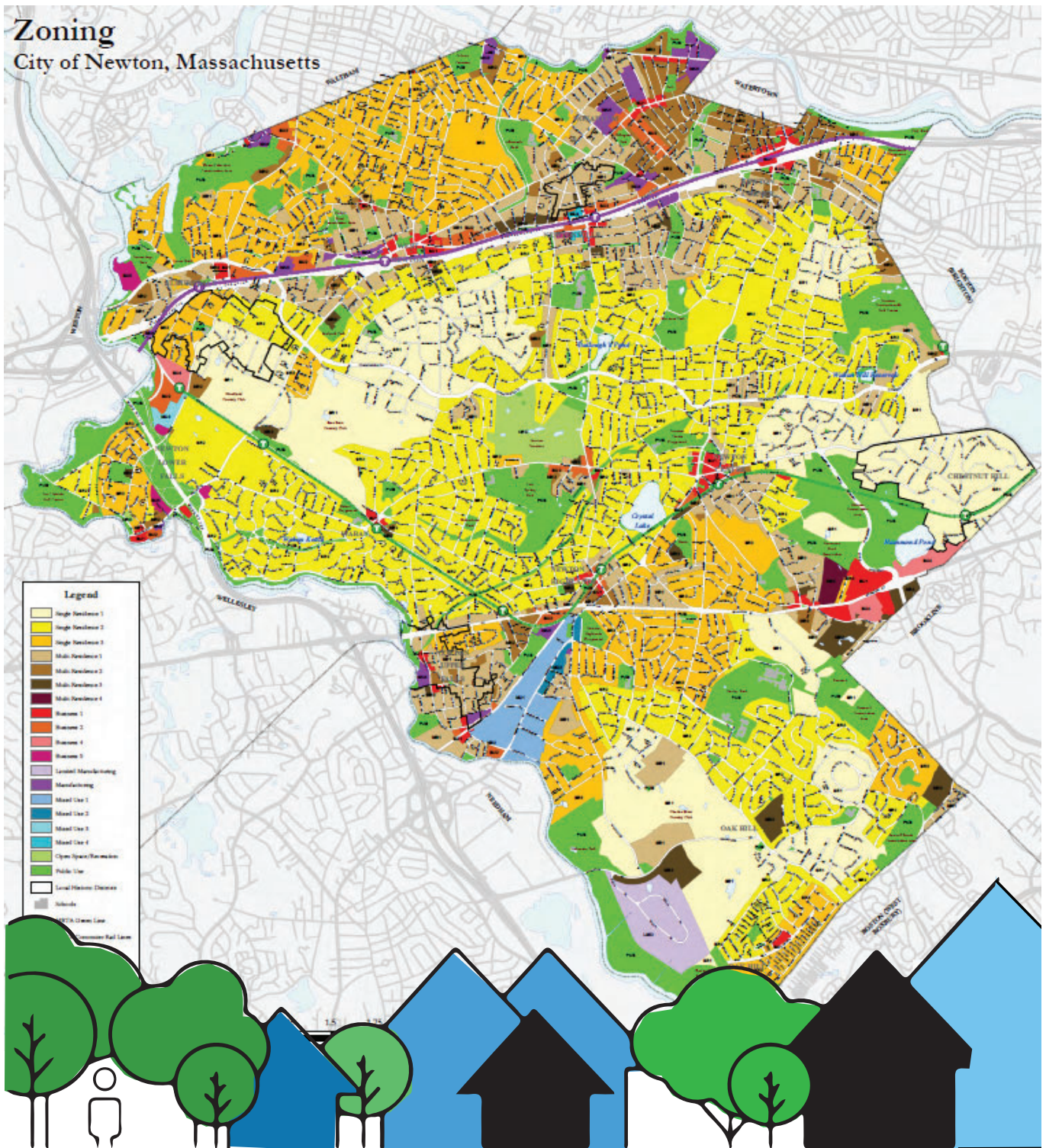


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Introduction

This Zoning Redesign booklet was created in partnership with NextGen Voices, a group of high schoolers from Newton North High School's Center for Civic Engagement, as part of the Planning Department's community engagement with Newton's young people. This version was completed on March 30th, 2021.

This booklet serves as an introduction to zoning generally and the Zoning Redesign project - please learn more and get involved at newtonma.gov/zoningredesign!

Tip: When you come across a word that is **bold**, it is defined in the 'Dictionary' section – flip to page 16 to learn it's meaning!



What is Zoning?

Zoning is a set of laws that regulate how land is used across the community and shapes buildings, homes, blocks, neighborhoods, and village centers. It includes the regulations in the zoning **ordinance** text and a map that organizes the community into **zoning districts**. Each district has its own set of rules. Zoning matters for sustainability, housing, economic **development**, and how our city looks and feels.

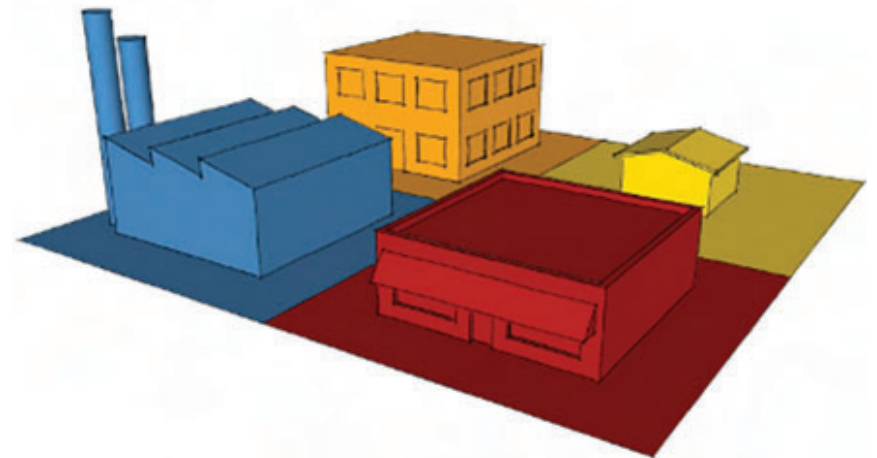
Zoning rules can be complex, but these are the main things they control:

- Zoning determines the category of use for every **lot** in the city. Much of the land in Newton is zoned for residential uses (like housing), but some zones allow for commercial use (like stores and businesses), mixed uses (like an apartment building with stores on the ground floor), institutional uses (like colleges and hospitals), or open space (like parks and recreation areas)
- Zoning creates rules for the general size and shape of new buildings, and how you can change existing buildings
- Zoning also provides the rules for how new buildings or structures, or a change to the uses within a building, are approved. Some things do not need any

additional review if they fully comply with zoning regulations. Some things always require review and approval (currently by the City Council). And sometimes the zoning allows for certain deviations from the regulations if approved by the City Council

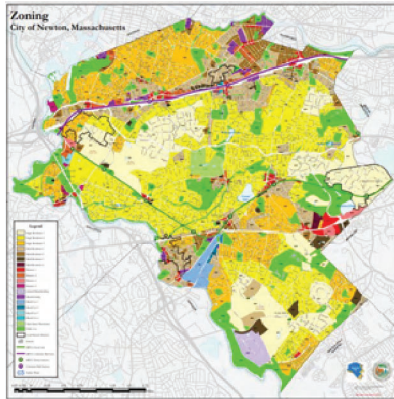
Tip: look up '**by-right**' and '**special permit**' in the Dictionary on p.16

Zoning is not set in stone forever- it can be adjusted over time to adapt to the changing needs and desires of the city. When zoning rules are changed or updated, it doesn't apply retroactively on structures that already exist. But a zoning change does alter the rules that developers and builders follow, which means that it plays an important role in shaping the future of our communities.



What is Zoning in Newton?

There are two major components of zoning in Newton. The first is the Zoning Ordinance text which lays out specific rules and regulations for each zoning category. The second is the zoning map, which is a city map overlaid with colors showing the type of zoning that applies to each property.



Newton's Current Zoning Map

Zoning Districts in the Zoning Map

Residential zones occupy most of the city. These zones allow for housing primarily, but community amenities like schools, parks, and places of worship are also permitted. There are 7 kinds of residential zones in the city that range in what they allow, from only **single-family** detached houses (SR1) to higher-density apartment buildings (MR4)

Tip: also look up 'duplex' & 'multi-family' in the Dictionary on p.16



Single-family home in Auburndale (SR-1 zoning district)



Multi-family housing near Oak Hill (MR-3 zoning district)

Business zones are where you'll find commercial buildings. These can include offices, shopping malls, restaurants, grocery stores, banks, boutiques, and many other similar establishments. There are five business zones, BU1 - BU5.

The business zones also allow for housing (such as apartment buildings), but the ground floor is typically reserved for commercial uses such as shops and restaurants.



Small retail stores in Newton Center

Mixed Use zones include the areas along Needham Street which primarily include large commercial uses and some manufacturing and office buildings, the proposed new development at the Riverside T station, and new mixed use buildings in village centers such as Austin Street and Trio in Newtonville. There are four mixed use zones, MU1 - MU4. However, MU1 and MU2, located along Needham Street, do not actually allow for a large mix of uses and only allow very limited amounts of housing.



Mixed-use building at 28 Austin Street (MU-4 zoning district)



Manufacturing zones are reserved for industrial structures and other uses that might not be compatible with residential uses. Things like warehouses, scrap yards, factories, and autobody shops can all be found in manufacturing zones.

Newton has two manufacturing zones, Limited Manufacturing and Manufacturing. The Limited Manufacturing zone consists primarily of office buildings and other commercial uses.



Industrial building on California Street (Manufacturing zoning district)

Open space/Recreation/Public Use Zones include public parks and conservation areas, athletic fields, playgrounds, community gardens, and golf courses.

Development is strictly regulated in these zones, with residential uses not permitted at all and other things like schools, museums, day cares, or agriculture allowed by **special permit** or subject to certain standards



Webster Woods (Public Use zoning district)

What is Zoning Redesign?

Today's effort at updating the city's zoning began in 2011 with the formation of the Zoning Reform Group, which was formed in response to broad sentiment, including from the 2007 Comprehensive Plan, that the Zoning Ordinance was difficult to understand and did not always lead to desirable outcomes. This group released their report confirming the need for a zoning rewrite and providing guidance on how to carry the project out. Since then, this effort has been overseen by the City Council Zoning and Planning Committee (ZAP).



Community engagement event with the Pattern Book, 2017

What kinds of issues merit a zoning rewrite? Newton's Zoning Ordinance was last significantly updated in 1987 (mostly related to commercial uses), with the last major updates to residential neighborhoods dating back to the 1950s. Since these major zoning changes, the average housing unit size in Newton has increased, while the average amount of people per household has decreased. In addition, land in Newton is very expensive and thus incentivizes the desire to build larger homes, as allowed by the current zoning. Rising median sales prices for homes in Newton also mean many homeowners could not buy their home today, seniors have limited options for downsizing, and it is increasingly difficult for young adults to stay in Newton when they move out of their family home.

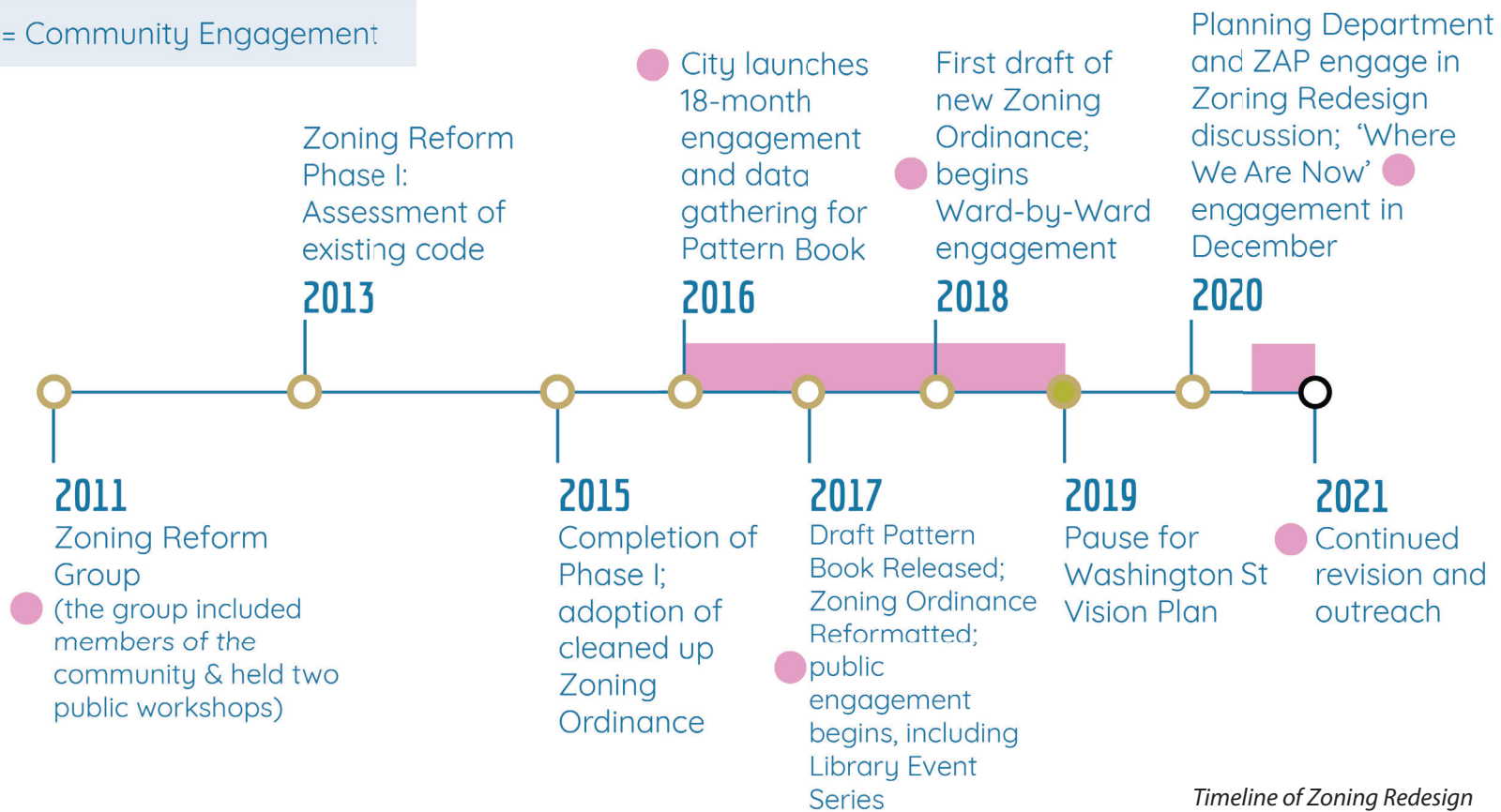
Tip: look up 'affordability' in the Dictionary on p.16



In addition, over the past 15 years the City has set forward many goals around land use, housing, transportation, economic development and climate action through multiple guiding planning and policy documents. Many of these goals are not reflected in the current version of the Zoning Ordinance.

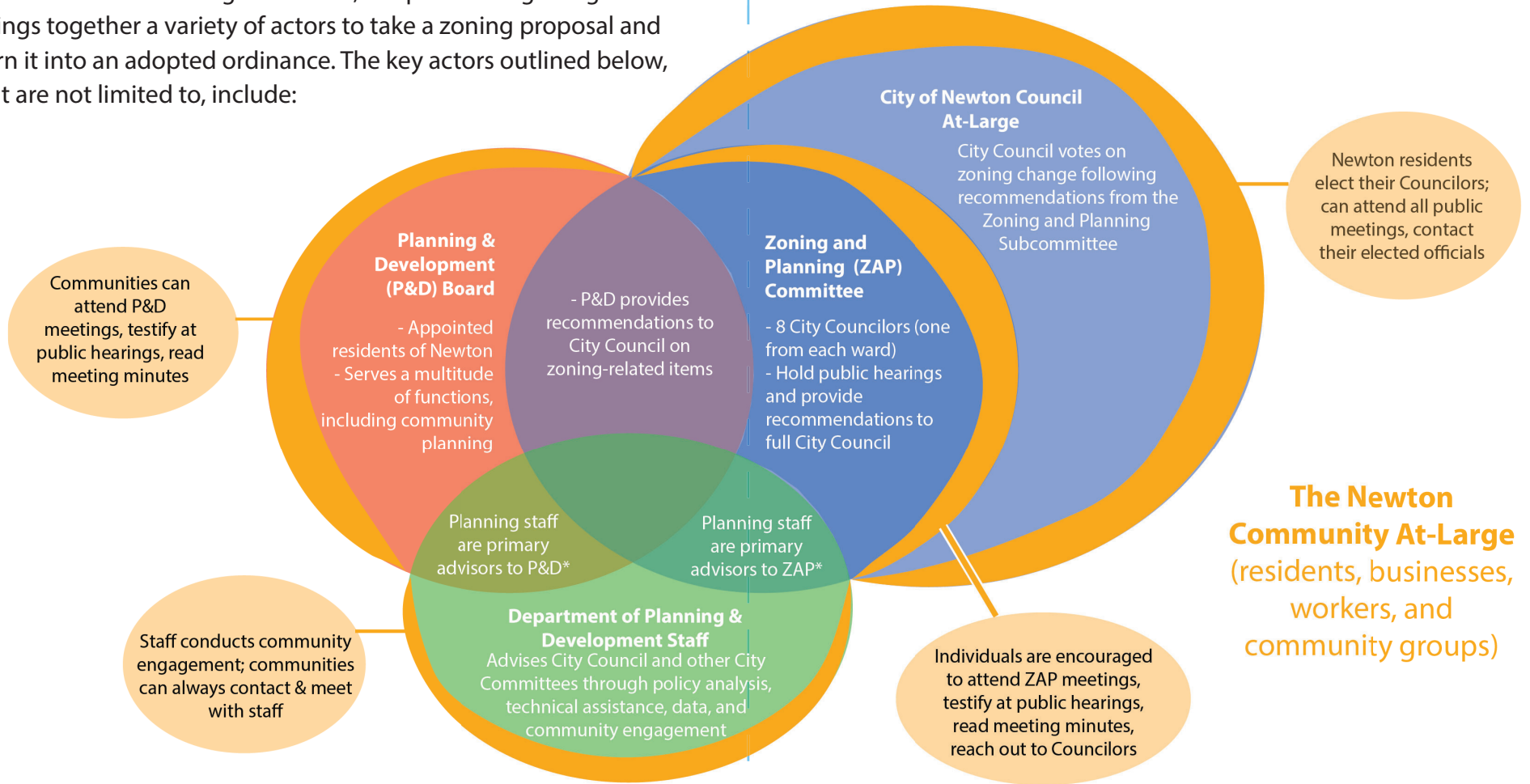
Since zoning is how we regulate what gets built and where, defining the right set of tools is important for ensuring that the new buildings built - for housing, businesses, and more - align with these goals of Newton. Staff are working closely with ZAP and are building upon previous work, such as the Pattern Book (an extensive overview of the patterns of development that have shaped Newton over time), to move the Zoning Ordinance's rewrite closer to such goals.

● = Community Engagement



What is the process?

Though the City Council of Newton has the sole authority to amend Newton's Zoning Ordinance, the process of getting there brings together a variety of actors to take a zoning proposal and turn it into an adopted ordinance. The key actors outlined below, but are not limited to, include:



**In many cases City staff are the primary advisors to ZAP and P&D, while in other cases (like Zoning Redesign) outside consultants, expert groups or individuals, etc., are brought in to guide ZAP as well*



In terms of process, the State's Zoning Act (Massachusetts General Law Chapter 40A), provides a specific procedure that a municipality, like Newton, must follow when adopting or amending its Zoning Ordinance:

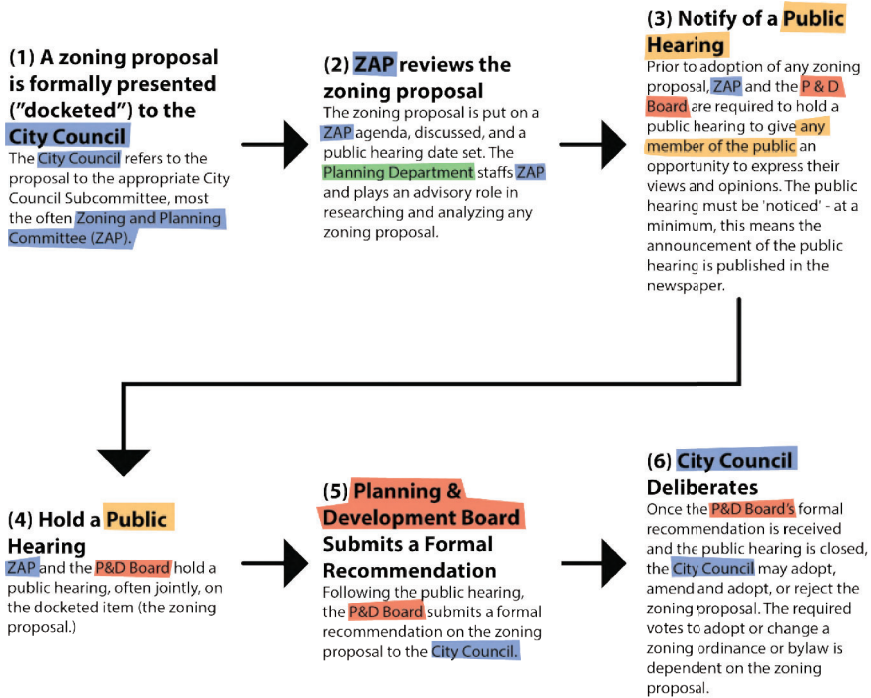


Diagram #1, of the MA State Process

For the past 10 years, Zoning Redesign has sat within steps (1) and (2) in diagram #1. The Zoning Redesign Project is currently docketed as **Docket Item #88-20**. Diagram #2 better describes the day-to-day process of Zoning Redesign as it remains a docketed item and as ZAP works towards submitting a draft to the full City Council:



Diagram #2, of Day-to-Day Process of Zoning Redesign

Learn More

You can learn more about Zoning Redesign and find the comprehensive 'Zoning Redesign FAQ' at newtonma.gov/zoningredesign!



Dictionary

Many definitions of terms related to zoning can be found in Newton's current Zoning Ordinance (Chapter 30 of the City Ordinances.) Here are some basics to get familiar with:

Accessory Apartment: An accessory apartment is also often called an accessory dwelling unit (ADU) or an in-law apartment. An accessory apartment is a separate dwelling unit included either within an existing single family or two-family home, or located in a detached building, such as a garage, on the same lot. Accessory apartments in Newton cannot be sold as a separate house.

Affordability: Affordable Housing is generally defined as housing that is available to households with gross annual incomes that do not exceed 80 percent of the area median income (AMI) and at a cost that does not exceed 30 percent of their monthly gross income, including utilities. Affordable housing can also be synonymous with low- or moderate-income housing. The 'area median income' (AMI) is the median income, adjusted for household size, within a given statistical area, updated annually by the U.S. Department of Housing & Urban Development (HUD). Newton is part of the Boston-Cambridge-Quincy, MA-NH HUD Metro Area. 'Median Income' is the income amount that divides a population into two equal groups: half having an income above that amount, and half having an income below that amount. You can learn more about the income limits for Newton at the city's Housing & Community Development website.

Building Footprint: The area contained within the outside edges of a structure at the ground level.

By-right: The term "by-right" or "as-of-right", refers to land uses/developments that are allowed in a particular district without discretionary review. So long as these developments abide by other local and state regulations such as environmental regulations, and building codes, they cannot be prohibited. By-right development in Newton is regulated by the Inspectional Service Department (ISD).

Development: Development encompasses several different activities relating to property and real estate. Development might include things like building new structures like homes or retail spaces, or renovating existing ones, or tearing them down entirely to build something new. Developers need to work with the city's planners, inspectors, surveyors, and more to move through the development process.

Docketed item: When an item is submitted for consideration to the City Council it is "docketed" with the Council. Docketing involves giving the item a unique number, assigning it the appropriate committee(s) for discussion, and placing the item on the "Docket." A docketed item can be tracked through the City Clerk's archive.

Duplex: Also known as two-family: a building that contains 2 dwelling units. Per Massachusetts' state definition, as well as the zoning ordinance, a duplex does not count as multi-family.



Lot size: The land area contained within a parcel, or lot.

Multi-family: A building or structure containing 3 or more dwelling units, per Massachusetts' state definition.

Ordinance: This term is often used for law passed by a local political body, such as a city, county, village or town (in this case, it is the City of Newton.) Ordinances may address a wide variety of local issues, from local government structure to speed limits and sign sizes.

Parcel: Parcels are how land is divided up for ownership, use, and taxes. The use of each parcel of land is guided by the zoning code.

Setback: The distance the building or structure must be set back from the property lines. Setbacks differ based on the zoning district and the type of building.

Single-family: A building or structure that contains only one dwelling unit. A single-family home is detached, which means there is nothing attached to that one building.

Special Permit: A Special Permit grants permission to construct a building or establish a use that is not allowed by-right. Special Permits are granted by the City Council in Newton. It usually consists of a set of plans that are accompanied by a list of findings and conditions for their approval. Special permits are always required for multi-family housing and larger commercial projects

in Newton. They often are required when special site characteristics or design features warrant a deviation from the zoning standards for a typical lot. The Zoning Ordinance states when a Special Permit is required and when a regulation can be waived by Special Permit. Common requests for exceptions to these standards include variations in floor area ratios (FARs) and the number of parking spaces provided. Sometimes a proposed use has unique characteristics that warrant special review to make sure it will be compatible with other uses nearby. When the Zoning Ordinance does not allow for a deviation from a regulation by Special Permit, a Variance would be required.

Variance: A variance grants permission to deviate from zoning regulations that have not been identified in the Zoning Ordinance as being eligible for Special Permit. Variances are granted by the Zoning Board of Appeals. Variances are much harder to grant than a Special Permit and require that there be very unusual circumstances on a parcel related to the soil conditions, shape of the land, or topography (for example a steep hill).

Zoning: Zoning is a set of rules that govern how land can or cannot be used through areas called zoning districts.

Zoning district: A zoning district is an area of the city within which zoning regulations control how the land is used and the bulk of the structure. All zoning districts can be found in the city zoning map.



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The Center for Urban Pedagogy

http://welcometocup.org/file_columns/0000/0530/cup-whatiszoning-guidebook.pdf

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