



Zoning & Planning Committee **Report**

City of Newton **In City Council**

Monday, October 26, 2020

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

Also Present: Councilors Grossman, Bowman, Kelley, Noel, Humphrey, Kalis, Norton, Malakie, Lipof, Markiewicz, Downs, and Greenberg

Planning & Development Board: Peter Doeringer (Chair), Christopher Steele, Jennifer Molinsky, and Kevin McCormick

City Staff: Andrew Lee, Assistant City Solicitor; Barney Heath, Director of Planning and Development; Jennifer Caira, Deputy Director of Planning and Development; Cat Kemmett, Associate Planner; Zachery LeMel, Chief of Long-Range Planning; Maureen Lemieux, Chief Financial Officer; Nevena Pilipovic-Wengler, Community Engagement Specialist; Jonathan Yeo, Chief Operating Officer; David Olson, City Clerk; Nathan Giacalone, Committee Clerk

#370-20 Appointment of Elizabeth Sweet to the Zoning Board of Appeals

HER HONOR THE MAYOR appointing Elizabeth Sweet, 281 Lexington Street, Newton, as an associate member of the ZONING BOARD OF APPEALS for a term to expire on October 15, 2021. (60 days: 11/20/2020)

Action: **Zoning & Planning Approved 6-0-2 (Councilors Baker and Wright abstained)**

Notes: The Chair welcomed Ms. Sweet to join the Committee and, noting her extensive resume, invited her to express her interest in serving on the Zoning Board of Appeals (ZBA). Ms. Sweet said that she grew up in Newton and after many years of engaging communities nationally and internationally through her work and teachings in urban planning, several years ago moved back to Newton. She said that she sees it as her duty to support the governance of Newton. Ms. Sweet holds a PhD in urban planning and policy and currently is a professor at UMass Boston. She believes she could bring a different perspective to the ZBA.

Several Committee members and other Councilors thanked Ms. Sweet for her willingness to serve on the ZBA and complimented her extensive resume.

Discussion:

Committee Questions:

C: What are your thoughts on how urban planning can promote more sustainable cities with the ongoing zoning redesign efforts?

A: Sustainability is a broad term that applies to building institutions, cultures, and societies' resilience to climate change. The effects of this changing climate are not only seen in heat waves and floods, but how communities grow and how their members work to support each other in the face of these challenges.

Q: Has the City offered training in ZBA matters? Would you find that useful?

A: I have not had specific training yet, but I have received many ZBA materials already and have studied past cases, observing the issues raised around them. I take advantage of any opportunity to learn and more training would be great.

C: Your resume is impressive, and my vote would be an easy "yes" for the Planning Board or Energy Commission, but these may not be the right skills for the ZBA. Be aware that ZBA is not a legislative body, but an adjudicative body that often has to say No to the items before it. There is often not a negotiation like in other situations.

C: Your resume is impressive, but I have received some calls from residents with concerns. You say that you want to do anti-racist work, but the ZBA does not deal with advocacy but rather considers detailed legal questions and is usually made up of lawyers and architects. However, as ZAP continues to discuss zoning redesign anti-racism should be included in these discussions.

A: You are right about the ZBA position and I am aware of its nature as well. I feel that since there are already lawyers on the ZBA, my perspective would be useful to consider how ZBA discussions can impact the community.

C: For some perspective, the current Chairwoman of the Zoning Board of Appeals, Brooke Lipsitt. She is neither a lawyer nor an architect, but clearly understands the ZBA mission and legal standards they are obliged to meet. It is important to have a range of relevant expertise on the ZBA. The City is fortunate that there are many talented people in Newton willing to volunteer their time, understanding that it is important to have volunteers who can follow the legal requirements that must guide their decisions.

C: Ms. Sweet's graduate and PhD work has been in urban planning and policy. By studying planning, Ms. Sweet has learned all the components of building a city, making her eminently qualified for the position.

Other Councilor Questions:

Q: Some appointments, such as the ZBA warrant particular scrutiny because of the authority they have. Can you explain more about why you have the right skills to serve on a quasi-judicial body such as the ZBA?

A: I bring a strong set of critical thinking skills and can ask good questions. My teachings and studies have covered issues similar to those that come before the ZBA.

Q: The anti-racist approach you mentioned is positive, however some people in Newton have taken this approach too far and used it to quash debate and insult their opponents on certain projects. Is this a concern for you?

A: No, I am a careful listener and getting a dialogue going is a strength of mine. Though my academic work has covered topics such as race, gender, and violence, it will not influence my committee work as I am not an ideologue.

Q: How many ZBA meetings have you attended? What would your approach be to a variance petition?

A: I have sat through several ZBA sessions, though not sure of the exact number. As for the variance petition, I would need more information on a specific case before giving an opinion.

Councilor Krintzman moved Approval which carried 6-0-2 (Councilors Baker and Wright abstained)

Referred to Zoning & Planning and Finance Committees

#419-20 Authorization to enter into an intergovernmental service agreement

HER HONOR THE MAYOR requesting authorization to enter into an intergovernmental service agreement (the “Global Participation Agreement”) for the purpose of joining MassDocs.

Action: **Zoning & Planning Approved 8-0**
Finance Approved 6-0

Notes: The Committee was joined on this item by the Finance Committee as well as Barney Heath, director of Planning and Development, and Andrew Lee, Assistant City Solicitor.

Mr. Heath and Atty. Lee each said that the intergovernmental agreement that would allow Newton to join MassDocs would be a significant time saving mechanism. Many other communities have joined MassDocs. Providers of affordable housing normally seek funding from a variety of sources, with multiple application forms and sets of requirements. By joining MassDocs, a single application that synthesizes requirements is provided.

Atty. Lee said that the Law Department has reviewed the draft agreement and forms and spoken to other communities that have joined. These communities told the Law Department that they have found MassDocs to be extremely convenient. This agreement places all the different funding sources under a single closing attorney as the point-person. The lawyer’s fee is borne by the developer/property owners receiving the funds. Atty Lee noted that developers have found that savings from the increased efficiency will be significant. Joining MassDocs will be immediately helpful to some large affordable housing projects currently seeking funding.

Discussion:

Zoning & Planning Committee Comments

Q: Who chooses the closing attorney since this process is not subject to public bidding?

A: Often it is a state agency that decides or the stakeholder with the most money involved. The attorney handling the closing coordination receives feedback and approval from all participating funding sources. The Law Department and Planning Department ensure that all the legal aspects and items in the funding agreement or restriction are properly there.

Q: I'm in favor of doing this as it is about time. Could MassDocs be used for a project involving the West Newton Armory?

A: Yes, it could be used for this project.

Q: Who bears the cost of this service?

A: Developers have brought MassDocs to the city attention and they would bear the cost of it.

Finance Committee Comments

C: Does MassDocs save both time and money?

A: There is no financial cost to the City so money stays the same but it will save time.

Q: Why has Newton not joined MassDocs sooner and is there a downside?

A: It has been a long time since there has been a finance proposal with multiple funding sources (federal, state, and local) that would have made use of MassDocs. So far there are no apparent downsides nor causes for concern reported from other communities.

Q: Is it an option to use the documents provided but for Newton to use its own attorney if it wanted to? And what is the fee for these closing attorneys?

A: The city will not have a choice between the documents and closing attorney because the objective of MassDocs is to coordinate these processes. In these situations, Newton funding would usually be on the smaller level. However, the agreement does not require Newton to use MassDocs for any particular project.

Q: So MassDocs allows that within one contract there can be several different funding sources with unique requirements that will be maintained? How does MassDocs work for the comingling of funds?

A: Yes. The restrictions for funding sources work together to be met for the particular funding source, they are not simply lumped together. In the past a closing has involved several different contracts and MassDocs eliminates this.

Councilor Danberg moved Approval for ZAP which carried 8-0.

Councilor Noel moved Approval for Finance which carried 6-0.

#88-20 Discussion and review relative to the draft Zoning Ordinance

DIRECTOR OF PLANNING requesting review, discussion, and direction relative to the draft Zoning Ordinance.

Action: Zoning & Planning Held 8-0

Notes: Mr. Heath, Deputy Director of Planning Jennifer Caira, Chief of Long-Range Planning Zachery LeMel, Associate Planner Cat Kemmett, and Community Engagement Specialist Nevena Pilpovic-Wengler joined the Committee to briefly summarize (PowerPoint attached) the status and objectives behind proposed revisions to the garage ordinance as well as its outline for community engagement on Zoning Redesign. The Committee was also joined by two groups of building professionals who have been volunteering their time to analyze the proposed ordinance and offer recommendations. The Chair explained that these two groups have been meeting and working in parallel. They will each present their own work and proposed revisions to the garage ordinance. The presentations for each group are attached to this report. At the end of the meeting Planning shared its outline for community engagement on Zoning Redesign.

Ms. Kemmett began with a brief update on the objectives of revisions to section 3.4.4, which are to prevent garages from dominating the streetscape, protect the public way, and align with climate action goals. The task now is to see what elements of the proposed ordinance can be included as amendments to the current ordinance. Since October 1, ISD and Long-Range Planning have been meeting to discuss this.

Jay Walter and Lisa Monahan presented on behalf of Group 1.

(Group 1 volunteers: Jay Walter, Lisa Monahan, Russ Feldman, Jonathan Kantar, Treff LaFleche, Dan Powdermaker, Marc Sangiolo, Steve Siegel, Rachel White)

The goals of the garage ordinance are to minimize the negative visual impact, to promote walkability, to promote sustainable climate goals, and to enhance public safety by ensuring that outdoor and indoor living areas are more prominent than car space. These goals should be accomplished with as little prescriptive regulation as possible. This group has studied the history of garages in Newton with the earliest examples being the 1600s era carriage houses at the Jackson Homestead. Later examples are from the 1930s as free-standing automobile garages emerged. The 1960s brought modest carports and garages in the front of the property. Today there are creative and sensitive remodels of old homes that include alternative dwelling units (ADUs), but there are also many houses being built with the front façade being dominated by a garage door (commonly referred to as the snout-house design). Larger garages often mean more driveway paving as well, something else that needs to be limited. While many older homes have narrow curb cuts and driveways, newer homes are supersized and overpower the streetscape.

The first proposal to address this problem is to alter the measurements of garage doors. Under the current (deferred) code, the length of the garage wall facing the street may be up to 40

percent of the width of the main building. We propose to change the measurement to only the garage door. Up to three 9-foot-wide single bay garages or one 16-foot-wide double bay and one 9-foot single bay should be allowed. This contrasts with an earlier proposal to eliminate the double door and limit garages to two bays. We do not see a reason to be concerned with whatever is behind the garage door and trying to measure the garage element accurately is complex. We suggest allowing the garage door or doors to be no more than 50 percent of the main structure. By our analysis, under this proposal, most lots would be able to accommodate front facing garages.

The current code Sec. 3.4.4.C requires that where more than one garage bay is provided side-by-side, there shall be living area above both garages. Our group recommends removing this section in its entirety. The Planning Department noted that this is already their recommendation.

We recognize there are many different types of garages and propose categories. The first is the garage where the front wall of the garage must be set back from the front elevation of the building. We recommend keeping this standard, though support exceptions allowing the plane of the garage to align with the front of the house when components such as a front porch or overhanging roof are used to make the garage less dominant.

Further recommendations for other garage types include that side-facing garages may be forward of the main house and should only be limited by setback requirements, front facing garages should be allowed to project forward of the front elevation if they are 1.5 stories or less, down-under garages should not be more than 50 percent of the façade measured at grade, and garages which are set back at least 70 feet from the street be exempted from these requirements. The group agrees that paving areas and curb cuts will also need to be controlled, but recommends holding this work for the new ordinance.

Robert Fizek, Peter Sachs, Deborah Pierce, and Treff LaFleche presented on behalf of Group 2.

Mr. Fizek began with a prepared statement, outlining the group's review process, expressing concern that there has not been enough communication with this group to date and that the timeline seems to be too rushed. He affirmed that the group affirmed that it remained committed to offering its insight on the zoning redesign process going forward.

Mr. Sachs continued the presentation by describing some specific recommendations. This group agrees with Group 1 in recommending measuring only the garage door relative to the front elevation, because features such as mudrooms and side entries should not be included as part of the garage. Mr. Sachs' comments then focused on the content within the current (deferred) zoning ordinance rather than any proposals. He showed examples of thoughtful designs where the garage is forward of the façade in that under the proposed ordinance would not be possible. The special permit process should be adequate to discourage poor design as well. The setbacks for primary structures are good enough as they are. The exemptions outlined in the deferred ordinance should be removed, as it is inappropriate to ask the building commissioner to make

subjective judgements. Overall this group recommends avoiding micromanaging the facades of houses.

Architect Deborah Pierce next focused on how garages can contribute to an accessible home. Based on extensive experience specializing in designing for accessible environments, Ms. Pierce said that garages need to consider function over aesthetics. The garage is a transitional space that can utilize features to improve conditions for those with physical disabilities. These features work to limit the path of travel to its safest and most efficient route possible, and small details are incredibly important. Often garages need to be set closer to the street to accommodate such needs, especially on narrow and irregular lots. Narrowing curb cuts are one important tool as they both limit the amount of asphalt and make it better for pedestrians to maneuver. It is not a worthwhile goal to limit the visibility of garages, rather the effort should be spent on improving their design.

Treff LaFleche then read from a written statement which is attached to this report. He described Newton as “exurban”, meaning that it contains both urban and suburban characteristics. Because Newton is exurban, Mr. LaFleche said that it affords Newton a great deal of flexibility in how to accommodate the needs of all homeowners.

A member from Group 2 later said that a common house design in Newton is the 1950s era multi-level in which a bedroom above the garage sits slightly forward from the garage, which is also pulled a few feet forward to avoid taking too much space from the backyard. As a prevalent and contextual building type, it should not be denied as a matter of right.

The builders’ group presentations concluded, and several Councilors and Committee members thanked them for volunteering their time with zoning redesign.

Discussion:

Committee Comments

C: The group discussion has been a great benefit. If the special permit weeds out bad design, what happens in cases where the special permit is not used such as with the “snout house” development at Tanglewood Road?

A: Current zoning does not regulate the relationship of garage doors and the front of the building. This is the subject of the deferred garage ordinance. We need to find consensus on the rules for these structures.

C: On old lots the garages are built away from the house as initially vehicles were fire hazards. It is now ok to have them close and attached, especially considering Mr. LaFleche’s comments on how we mostly live in our backyard areas.

C: It is important to start with a baseline of the deferred ordinance, which expands upon the prior one which has two limitations. These are the three-bay limit and the 700 square foot cap. Anything more now requires a special permit. Other reasons for this deferral was the setback of

the garage and the 40 percent of frontage limit. It has not been persuasive that a front facing garage should be built into the ordinance. The garage door should not be the metric to measure with as this can lead to a street dominated by large garages, or the percentage should be adjusted. The zoning needs to set the basic dimensions of garages and cannot deal with design.

A: Mr. LaFleche's letter shows that the desirability of attached garages needs to be dealt with. The proposal is a set of rules to give the homeowner maximum flexibility. The number of projects requiring a special permit should be reduced. These recommendations will help meet the goal of reclaiming the streetscape for people from cars.

C: The Committee should think about how to accommodate accessibility concerns into the revised ordinance.

A: Ms. Pierce presented about this in June. Attached garages should not be too burdensome to build as they are great for accessibility. The first floor should also be closer to ground level and ramps should be easy to build as well. Ordinances also cannot be written to prevent specific designs.

Q: When is the double garage door appropriate?

A: Many 50s era houses have double doors and the builders' group sees no reason to outlaw them. Depending on the garage design, the double door allows for smaller garages and can make the perceived size smaller than when using two separate doors.

Q: Both architect groups want to remove section 3.4.4.C about side-by-side garages requiring living area above, why was this in there?

A: This originated from what was called "dog bone" structures which consisted of a two-family building where the middle part was not supposed to be lower than the rest of the massing of the project. This law was so poorly written that it was difficult for ISD to properly enforce. Section 3.4.4.C is in the deferred ordinance and what the architects were likely referring to was how living space was interpreted for two-family detached.

Q: Will staff return to releasing the Planning Memo a week in advance?

A: The Planning Department hopes to return to this schedule; however this is tough when meetings are one week apart.

C: Garages are very versatile, but streets need to be taken back for people and dominant garages can be discouraging to pedestrians. Is there a better way to make use of the Design Review Team in this process?

A: The Chair noted that the Design Review Team is normally engaged only when a project requires relief, such as for a special permit.

C: It should still be possible for people not to have garages if they do not want them.

Other Councilor and Planning Board Comments:

Q: As cars become less central to our lives, has climate change been considered for garage design? Are garages getting smaller as people buy fewer cars?

A: This would include plug in spots for electric cars. It is hard to develop zoning that treats cars as inherently negative, though pedestrians can be focused on more, but eliminating cars is short sighted. Newton has the winter parking ban and if parking is not provided, cars will be plentiful until there is robust public transit. Cars are a simple fact of life for the time being, although people are also spending more time living more out in their yards as a result of COVID.

C: Ms. Pierce raised many new points on garages such as practicality over aesthetics and Mr. LaFleche's thoughts as well speak to the usefulness of garages. The Council needs to be flexible. The special permit process as is does not address design and zoning must set some of these parameters. We have not talked about paving and pervious surfaces yet.

Planning Board: It is good that Land Use does not address design, but it is up to the applicant to talk with their neighbors to address design impact on them from their project.

Nevena Pilpovic-Wengler, Community Engagement Specialist, presented the community engagement plan for zoning redesign (PowerPoint attached).

Beginning in November, community engagement for the Listening Tour will begin to finish by December 2020. The intent is that the Listening Tour will be used to have a public forum on Zoning Redesign in January. Throughout 2021, the public engagement process will mirror the work of ZAP as it moves through each Article of the proposed ordinance. It will seek to meet residents where they are and get the main themes for zoning redesign across. There will be a public survey as well, focusing on stakeholders. These presentations would begin with staff members explaining the history and purpose of Zoning Redesign before moving into breakout events where most of the work would take place.

C: The Council is not yet in agreement over what Article 3 should look like and this outreach should wait until a broader Committee and Council consensus. The work in Committee needs to do more than just respond to presentations.

C: Will Planning post a clean standalone version of Article 3 draft for people to read? There should be other materials released ahead of time for residents to become better informed. Many people do not know enough on the specifics to go into the breakout rooms.

A: The Planning Department is not ready to provide this yet but is working to get as much general information out as possible.

The Chair said that there will be more conversations about this topic soon. She said that the City website needs to be developed and made more accessible to help engage people, so they could be read ahead of time.

C: With close to 90,000 people in Newton, inviting groups/organizations will not be good enough to reach most of Newton. Prior (October 2018-Spring 2019) ward-based meetings had high attendance, so just two of these sessions is not enough. Zoning Redesign began about two years ago, and it seems redundant to start these information sessions over from the beginning.

C: Zoning Redesign is not being rushed. With other big issues going on people are distracted and more than two rounds are needed, and perhaps we need a second timeline as well.

C: At some point all the zoning redesign history and documents should be accumulated into one accessible place.

The Chair suggested that the Committee visit the website which is also accessible via a link on the City of Newton home page.

Councilor Krintzman moved Hold which carried 8-0.

The meeting adjourned at 10:49 pm.

Respectfully Submitted,

Deborah J. Crossley, Chair

Garage Ordinance Goals



- Limit the visual impact and dominance of garages in the public realm
- Promote walkability and public safety
- Align with climate and sustainability goals

Garage Ordinance - Next Steps



- Hear input from building professionals
- Refine draft
- In-depth conversation at ZAP in November

Garages Recommendations for the Garage Ordinance

Building Professionals Zoning Redesign Working Group

Russell Feldman
Jonathan Kantor
Treff LaFleche

Lisa Monahan
Dan Powdermaker
Mark Sangiolo

Steve Segal
Jay Walter
Rachel White

ZAP hearing presentation
10/26/2020

Goals of Garage Ordinance:

To limit the negative visual impact and dominance of garages within
Newton's neighborhoods

Promote walkability and enhance public safety by ensuring the location
and amount of living areas are more prominent than areas for motor
vehicle

Working Group's goals:

To achieve the above with a minimum of prescriptive requirements

adapted from

Zoning Memo to ZAP

September 25, 2020

History of garages:

#88-20



Colonial Mansion of the Jackson family, built in 1809. The L dates back to 1660



Buy Your Garage When You Buy Your Home
It's Better to Buy It Now Than to Buy It Later



Garages

Dominant garages,
dominant paving

#88-20



Garage Door Width definition:

For the purposes of regulating the residential building facades, define garages by the width of the garage doors

Current code:

The length of a garage wall facing a street may be up to 40 percent of the total length of the building parallel to the street, inclusive of the garage wall, or 12 feet, whichever is greater. This requirement does not apply to detached garages.

Recommendation:

Forward-facing, single garage doors may be up to 16' wide. Up to three 9' wide, single-bay garage doors are allowed on front-facing garages. Alternately, one 16' wide and one 9' wide door are allowed together on front-facing garages.



Front-Facing Garage: Width

Current code:

The width of a garage wall... may be 40% of the total length of the building... inclusive of the garage.

Redesign:

The width of a garage wall... may be 50% of the total width of the building... inclusive of the garage.

Recommendation:

The total width of front-facing garage **doors**, as measured jamb to jamb, may be not greater than 50% of the total width of front face of the building, inclusive of the garage doors.



Garages too wide

Garages: Relative width

Recommendation:

The total width of front-facing garage **doors**, *as measured jamb-to-jamb*, may be not greater than 50% of the total width of the front of the building, inclusive of the garage doors.

Consequence:

Houses must be a minimum of 36 ft. wide to include a front facing, two 9' door garage.

Lots that can accommodate a 36 ft. wide house:

- R1 - 90% of existing lots
- R2- 80% of existing lots
- R3- 70% of existing lots
- R4- 70% of existing lots

Houses must be a minimum of 18' wide to include a front facing, one 9' door garage.

Lots that can accommodate a 18 ft. wide house:

- R1 - 100% of existing lots
- R2- 90% of existing lots
- R3- 90% of existing lots
- R4- 90% of existing lots

Garage - Definition

Current code:

Sect. 3.4.4.C: Where more than one garage is provided... and they are placed side-by-side, there shall be living area connected by a shared wall above both garages

Recommendation:

This should be removed.



Locating garages:

- Set-Back Garages
- Aligned-Plane Garages
- Projecting Garages
- Side-Facing Garages
- Down-Under Garages
- Down-Under, Projecting
- Down-Under, No. of Stories
- Street Setback

Locating garages:

Set-Back Garages

Current code:

This is the base case.

Garage plane must be set back from the face of the main building

Recommendation:

Garage plane must be set back from the face of the main building

with some exceptions:

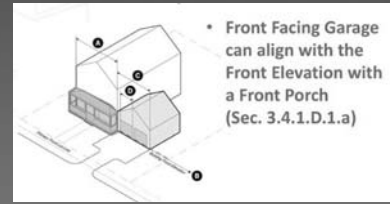


Locating garages:

Aligned-Plane Garages

Recommendation:

Garage plane may align with the face of the building that includes one or more architectural features such as porches, open or enclosed entry canopies, recessed entries or roofs that mitigate the visual impact of the garage doors.



Locating garages:

Side-Facing Garages

Recommendation:

Don't limit other than by setbacks



Locating garages:

Projecting Garages

Recommendation:

Garages may project forward of the main building if limited to 1 or 1-1/2 stories
Depth of projection needs further study.



Locating garages:

Down-Under Garages

Recommendation:

Down-under garages on the front face of the building should include one or more architectural features that mitigate the visual impact of the garage doors such as projecting masses and/or strong horizontal elements. Details need further study.



Would benefit from mitigating elements

Locating garages:

Down-Under, Projecting Garages

ward Garages

Recommendation:

The total width of the garage doors may not exceed 50% of the total width of the facade measured at grade



Locating garages:

Down-Under, No. of Stories

ward Garages

Recommendation:

An exposed basement story along the front elevation is considered the ground story if it exceeds 50% of the width of the front elevation. An exposed basement story along the front elevation not exceeding 50% of the front elevation width is not counted toward the maximum number of

stories. (Sect. 2.6.3.A.2.b 8/7 draft ordinance)
The width of the garage between the retaining walls is greater than 50% of the total width. Therefore the basement would be considered a third story and not be allowed.



Locating garages:

Street Setback 70' from Front Lot Line

Recommendation:

Garages in all districts that are setback at least 70 ft. from the street are exempt from the preceding requirements.



Paving

- Side yard buffers, Multiple curb cuts, Width of driveways

Recommendation:

The City Council regulate paving as part of the later zoning redesign.



District	Minimum Distance Into Property (C)
R1, R2	30 ft.
R3, R4, N	5 ft.

• The maximum width of a driveway is set from the property line and maintained a certain distance into property based on the district (C) (Sec. 3.7.1.E.5)



Dear Counselor Crossley and members of the ZAP Committee & City Council:

After several months of almost no engagement with your Committee, we are pleased to have this opportunity to present our collective review and recommendations regarding the Residential Parking and Garage sections of Newton's Zoning Ordinance.

We are each longtime residents of various villages, and our Professional work is here with a diversity of Newton homeowners at various locations and financial means. Therefore, we are intimately aware of the purposes, content, and effects of the Zoning Ordinance in the real world of our Clients and our Community.

After sampling locations throughout the city, and with subsequent review and discourse (-such as it is under COVID era constraints), we believe this portion can be appropriately and efficiently modified in accordance with the current zoning ordinance.

We are here to support and encourage you to do so.

It is clear that even this small portion of the Ordinance deserves more thoughtful consideration and detailed evaluations to properly set the standards appropriate to each zoning district and various lot conditions.

However, we must also note that the question becomes much more complicated under the proposed re-write or re-zoning of the entire City now being pursued by your Committee. Under that scenario we find the Committee's methods are confused and the timeline is entirely inadequate and inappropriate.

Your Committee and the Council received our letter of September 30, in advance of your last meeting. Therein we provided a comprehensive overview of our concerns, which are shared by a growing number of professionals and Citizens in our city as they become more aware of ZAP's agenda and proposals. We received no particular acknowledgment of that letter. Nor was it -or any related meeting discussion- even mentioned in the publicly posted meeting notes.

Therefore, we must here again express our discomfort at the pace, purpose, and conduct of the process as managed by your Committee, and expedited by the Planning Department. These efforts are also occurring at an extraordinarily difficult time for us and our Community to fully comprehend and wisely participate.

Never-the-less,

We remain committed to helping our City and Community adapt, change, and improve in many respects under a careful, creative, and inclusive process. -whenever that opportunity is truly, fully, available.

Thank you

So... Let us take a look at a few images of why we are all here...

1



2



3

#88-20



4



5



6



7

#88-20



8



1

Rewrite of the current zoning ordinance

Sec. 3.4. Allowed Uses | Article 3. Residence Districts

3.4.2. Accessory Uses Allowed

A. By Right in All Residence Districts. Such accessory purposes as are proper and usual with detached single-family dwellings or detached two-family dwellings, including but not limited to:

- Housing of resident domestic employees;
- Renting of rooms for not more than 3 lodgers;
- Parking or storage of recreational trailers or vehicles, provided that if not parked or stored within a garage or other enclosed structure, such trailer or vehicle shall not be parked or stored within the area between any front line of the principal building and the street line, or stored within the side or rear setback, and further provided that such trailer or vehicle may be parked in the side or rear setback for a period not to exceed 7 days;
- Parking or storing of not more than 1 commercial vehicle per lot, subject to Sec. 6.7.3;
- Home businesses subject to Sec. 6.7.3, and
- Accessory apartments, subject to Sec. 6.7.1.

B. By Special Permit in All Residence Districts.

The text of section 3.4.2.B.1 is in effect until December 31, 2019. After that date refer to section 3.4.4.

- A private garage with provision for more than 3 automobiles, or a private garage of more than 700 square feet in area, or more than 1 private garage per single-family dwelling;
- Internal and detached accessory apartments subject to provisions of Sec. 6.7.1;
- Home businesses subject to the provisions of Sec. 6.7.3, and
- Accessory purposes as are proper and usual with the preceding special permit uses and are not rigorous to a neighborhood as a whole for single-family residences.

(Ord. No. 8-200, 08/03/07; Ord. No. 5-202, 07/11/08; Ord. No. 7-114, 11/18/09; Ord. No. 1-274, 12/09/09; Ord. No. A-78, 06/20/16; Ord. No. A-96, 12/08/16; Ord. No. A-99, 01/17/17; Ord. No. A-108, 03/06/17)

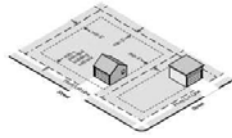
Chapter 20: Zoning Ordinance | Newton, Massachusetts 3-27

- Keep Section 3.4.1 A-1 thru 3
- 3.4.1 A.4.a- to read as: no more than a 3-car garage per single-family property regardless of the existence of an accessory unit.

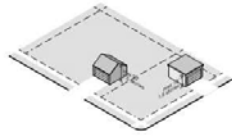
3.4.3. Accessory Buildings

A. Except as provided in Sec. 6.9, accessory buildings shall conform to the following requirements:

- An accessory building shall be no nearer to any side or rear lot line than 5 feet, and no nearer to any front lot line than the distance prescribed for the principal building.



- An accessory building with a sloping roof shall have a maximum height of 20 feet. An accessory building with a flat roof shall have a maximum height of 15 feet. An accessory building shall have no more than 1½ stories.



- The ground floor area of an accessory building shall not exceed 700 square feet.

The text of section 3.4.3.A.4 is in effect until December 31, 2019. After that date refer to section 3.4.4.

- If the accessory building is a garage, unless a special permit is granted, for each dwelling unit there shall be:
 - No more than 1 garage, whether or not it is located in an accessory building.

2

3.) 3.4.1.A.4.d to read as- the separation distance between an accessory building (garage) and an principle structure (house) can be no less than 5' from any portion of the structure of the garage or house.

4.) 3.4.4 Garages A.3 defined- the measurement of the width for a front facing garage to establish the percentage that the garage opening is of the total width of the building including the garage parallel to the street is measured from the inside of the garage door jamb of a single door or multiple doors entering the garage. Strike Diagram. The measurement of width for side facing garages is from outside to outside of the wall facing the street.

Article 3. Residence Districts | Sec. 3.4. Allowed Uses

- A garage shall provide for not more than 3 automobiles; and
- The ground floor area of a garage shall not exceed 700 square feet.

B. Accessory structures other than accessory buildings referenced above must conform to the applicable setback requirements for the principal building.

(Ord. No. 1-272, 12/09/09; Ord. No. 2-91, 08/08/11; Ord. No. A-78, 06/20/16; Ord. No. A-84, 10/17/16; Ord. No. A-108, 03/06/17; Ord. No. 8-14, 12/17/16)

The requirements of Section 3.4.4 Garages do not become effective until July 1, 2020.

3.4.4. Garages

A. Defined

1. An attached or detached structure intended primarily for the storage or parking of one or more automobiles. A detached garage is an accessory building.

2. A garage wall is any wall enclosing a garage including that wall containing the garage entrance.

B. For each dwelling unit there shall be no more than 1 garage and a garage shall provide for no more than 3 automobiles, except by special permit.

C. Where more than one garage is provided as part of a building and they are placed side-by-side, there shall be living area connected by a shared wall above both garages.

D. Garage setback. A garage wall may be no closer to the front lot line than the longest street-facing wall of the dwelling unit, measured at ground level.

E. Garage Dimensions

1. The length of a garage wall facing a street may be up to 40 percent of the total length of the building parallel to the street, inclusive of the garage wall, or 12 feet, whichever is greater. This requirement does not apply to detached garages.



- On corner lots, only one street-facing garage wall must meet the standard above.
- The ground floor area of an accessory building containing a garage or an attached garage shall not exceed 700 square feet, except by special permit.

F. Exemptions

1. The Commissioner of ISD, in consultation with the Director of Planning and Development and/or the Urban Design Commission, may grant an exemption, subject to such conditions as he may require, to the garage setback (section 3.4.4.D) and garage wall length facing the street (section 3.4.4.E.1) requirements where, based on one or more of the following factors, strict adherence to these requirements would be infeasible:

- Irregular lot shapes;
 - Topography of the lot;
 - Configuration of existing structures on the lot;
 - Protection of the historic integrity of a building; and
 - Preservation of mature trees or similar natural features.
2. Any exemption request shall be reviewed relative to the intent of minimizing the amount of building footage devoted to garage walls and ensuring a clear connection between the front

3-28

Chapter 20: Zoning Ordinance | Newton, Massachusetts

3

Description here-

- 3.4.4. I am unsure of what this means and how it is applied
- 3.4.4 D. to read as: A front facing or side facing garage may be setback the same distance from a front, side or rear lot line as the required setback for the principle structure
- 3.4.4 E Garage Dimensions 1. To read as- "the length of a Garage door facing a street may be up to 50 percent of the total length" and garage dimensions 4. An attached garage may have living space above to the height of 2-1/2 stories as part of the principle structure.
- Definitions- 1. Accessory Buildings are (garages, sheds, at grade play houses) and must be no less than 5' from rear and side setbacks or the required front setback.
 - Accessory Structures- pools, tennis courts, basketball courts, play courts and tree houses must be setback the same as a principle structure (house). Play Structures- Swing sets, climbing structures must be no less than 5' from rear and side setbacks or the required front setback
- 3.4.4. F: to Read as: the requirements for relief in the current zoning ordinance and State Statutes as they apply to MGL A-40 regarding all requirements for a Special Permit.

Language to Limit the overpowering double garage doors

Single family or Multi unit Townhouses or Duplexes with garage doors for 4 car parking, require a Special Permit

4

Article 3. Residence Districts | Sec. 3.4. Allowed Uses

entrance and living space of a dwelling and the street, meeting the requirements of this section to the greatest extent possible. All exemption requests shall present design features including, but not limited to windows, architectural details, screening, and landscaping and these shall be generally consistent with the remainder of the house.

3. A request for exemption shall be on such form and shall provide such information as the Commissioner of ISD may require.

4. The applicant shall provide written notice of an exemption request and shall provide a copy of the request application to neighboring properties within 300 feet fronting on the same street.

5. Where the house is more than 70 feet from the street, the garage setback (section 3.4.4.D) and garage wall length facing the street (section 3.4.4.E.1) requirements shall not apply.

(Ord. No. A-78, 06/20/16; Ord. No. A-84, 06/20/16; Ord. No. A-96, 12/08/16; Ord. No. A-108, 03/06/17; Ord. No. 8-6, 03/18/16)

3.4.5. Accessory Apartments

See Sec. 6.7.1

3.4.6. Temporary Uses Allowed

[reserved]

Chapter 20: Zoning Ordinance | Newton, Massachusetts

3-29

9a



DESCRIPTION HERE- the garage is forward of the front façade and is designed in this way because of limitations with the rear lot setback. This could not be done with the garage ordinance as written

10



DESCRIPTION HERE- the garage is forward of the front façade and is designed in this way because of limitations with the slope rear lot setback. This could not be done with the garage ordinance as written

11

#88-20



DESCRIPTION HERE- the garage is forward of the front façade by 4' due the rear lot setback

9b



DESCRIPTION HERE- see above

12



DESCRIPTION HERE- the garage is forward of the front façade by 4' due the rear lot set back and also is too wide

13



DESCRIPTION HERE- the garage is forward of the front façade by 3' due to the slope and rear lot setback

14



15

#88-20



16



17



18



Newton Zoning / Garage A78 Ordinance Macro Issues

10.23.20

I have lived and practiced in the City of Newton for nearly 30 years now and I would like to share 4 macro-level issues that I feel should shape the discussion of the Garage A78 Ordinance. These are:

- The Ex-Urban or "Middle" Environment
- Evolving Historic Fabric - Parts A and B
- Finding Balance
- Future-Proofing the value of our Homes

1) The Ex-Urban or "Middle" Environment:

Since incorporation in 1874, I believe the City of Newton could be properly characterized as an "Ex-Urban" environment. What this means to me is that there are clearly parts of our city that feel more urban and other parts that feel more suburban, yet the City is not fully one nor the other...we are, in effect, in the "middle".

And for the last 150 years we have been experimenting with what it means to be in the middle. The good thing is that this "middle" environment has provided us the flexibility and opportunity to take appropriate risk with investing in our properties and creatively solve the demands of our ever-changing modern lives...leaving us with a community that enjoys high livability with high land values.

Nurturing both livability and high land value and not one at the expense of the other is critical in our evaluation of the Garage ordinance to maintain the strength and growing diversity of our community.

2) Our Evolving Historic Fabric- Part A: The emerging value of the Garage

The program of spaces that make up the Newton home have been evolving over the generations.

At one time, the carriage house, kitchen, and bathroom were detached or semi-detached from the Newton home because the functions were regarded as unsafe or unappealing. Over time, and with the embrace of technology, the kitchen and bath have become fully integrated and essential components of the Newton home today.

The garage, the post WW1 version of the carriage house, is on that same path of full integration. The garage is highly valued as the staging room for many of the important activities of each homeowners' life outside the home...work or play.

And as it has become such an essential aspect of modern life, homeowners are motivated more than ever before to achieve a garage that provides easy and accessible use.

As aging in place becomes an important aspect of our community, we should also find ways to allow for accessible garages on smaller, narrower properties for down-sizing citizens who require year-round safe and function access to their bikes, motorcycles and autos.

3) Our Evolving Historic Fabric- Part B: The front versus back of the home

The way in which the interior rooms of the typical Newton home physically and experientially connect to their surrounding property has changed significantly since WW2.

In the 19th and early 20th century much of first floor daily life was experienced at the "front" of the home. That is, the important rooms were the porches, foyers, parlors, sunrooms, and living room where they gathered and socialize with family and friends. The front yard was important at that time as the transition between street and these important spaces of social interaction.

Today we live in the "back" of our homes. Newton homeowners now aspire to the open-concept kitchen/dining/family room connected to the back yard with good natural light and easy movement between inside and outside.

This enhanced importance of the rear yard, free of other competing structures is driving the trend to bringing garages to the side...or front of the house.

4) Finding Balance:

Architects and builders are on the front line of understanding, interpreting, and implementing the often conflicting and opposing design goals coming from homeowners. And yet, there are certain fundamental spaces and features that most homeowners wish to achieve on the first floor of their homes that transcend the diversity of the marketplace. Those spaces or features are a functional front and back door, an elegant kitchen, family room, mudroom, dining space, office, good natural light, a usable back yard...and a garage.

Our challenge of finding balance between all these essential components is magnified with the wide diversity of property size, shape and topography and the equally wide variety of architectural styles that occupy our ex-urban environment.

The zoning regulations need greater as-of-right flexibility to enable all of us to achieve balance between these desired components on each property in a fair, egalitarian and democratic way so that no homeowner feels denied the opportunity to achieve these same goals.

5) Future-proofing our Homes:

I think it is fair to share that ALL Newton homeowners see their home as both dwelling and investment...they are indeed the stewards of their properties.

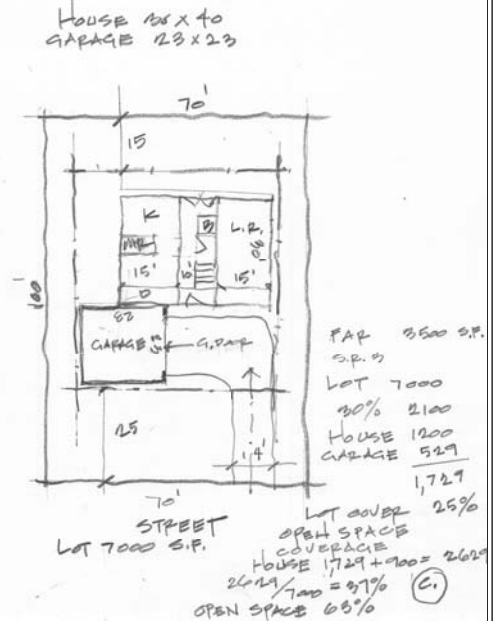
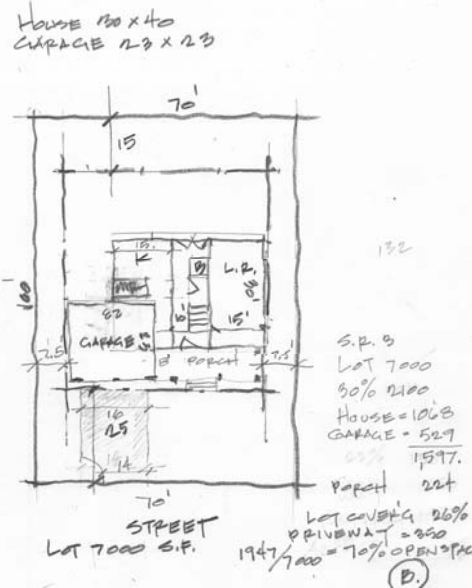
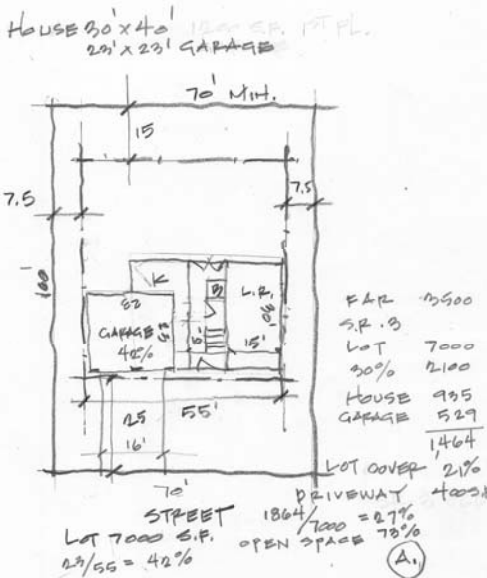
And as stewards, we all aspire to maintain and invest in our homes in such a way that the value of our home rises, not falls. This is the concept of futureproofing...that the things we may do today to and in our homes will be valued by the next generation of home buyers.

The revisions to the garage ordinance should embrace this concept and allow for more homes to achieve garages attached to their homes.

A

B

C



Garages for an Age-Friendly Newton: Integral accessibility, not an afterthought



Deb Pierce, AIA
26 October 2020



Pierce Lamb Architects, West Newton
Homeowner, West Newton

Plan for varied disabilities

- Mobility
- Dexterity
- Vision
- Hearing
- Cognitive
- Cardio-Pulmonary



Typical Newton site hazards



- Trip-hazards in path of travel
- Unsafe stairs
- Wide curb-cuts
- Uncovered parking
- Cracked uneven paving



Elements of an age-friendly site

- Bed/bath/laundry on first floor^{#88-20}
- Attached garage with ramp/lift
- Short paths of travel
- Generous parking and loading
- Zero-step entry
- Paved gently-sloped pathways
- Covered landings



Front-setback garages on Shallow sites



126-128 Westland Ave, West Newton

Irregular-shaped sites

Minimum frontage.
Irregular site shape.
Depth = min. 2x frontage.

334-336 Linwood Ave, Newtonville



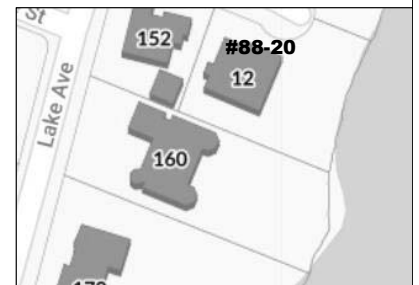
Narrow sites



Narrow lot.
Wetlands.
Preserve views of natural features.
Flat grades only at street.

40 Kingswood Rd., Auburndale

Abutting wetlands or natural features



Front-facing garage plus circular drive keep vehicular land-use at streetside, where it belongs, prevent cars from backing up into the street, and leave back yard for landscape and pedestrian use. Here, it also protects Lake water from possible contamination by oil/gas.

16- Lake Ave, Newton Center



With narrow curb-cuts, generous turning space



Adequate onsite turning space
No backing out into traffic
Provide landscape screening

3-car garage (staggered front wall)
305 Cherry Street, West Newton



Allow 4-car+ garages with deep setbacks



Meet dimensional controls
Single-width curb cuts
On-site turnaround space

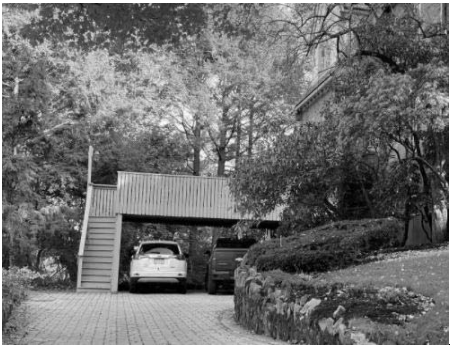
Left: 261 Melrose St, Auburndale
Right: 298 Lexington Street, Auburndale



Exempt covered un-enclosed parking

- Low-cost amenity
- Reduced site mass
- Maintain & frame views
- Accentuate/reflect house architecture

*West Newton, Newton Center,
and Newtonville*



Zoning Redesign

Community Engagement Strategy Proposal

10.26.20

Timeline

Nov 2020	Community engagement for Listening Tour
Dec 2020	Listening Tour
Jan 2021	Synthesis of Learnings from Listening Tour
	Public Forum on Article 3
Feb 2021 - Sep 2021	Comprehensive engagement strategy for each Article
Oct 2021 - Dec 2021	Council votes on redesigned Zoning Ordinance <i>(pending)</i>

Listening Tour: Purpose

- **To provide context on Zoning Redesign**
 - How have we arrived at this point?
 - What are the Zoning Redesign goals?

- **To listen to residents**
 - What do you know about Zoning Redesign?
 - What are your current concerns? Hopes?
 - How do you resonate with the Zoning Redesign goals?
 - What would make you feel most engaged?

Listening Tour: Actions

Nov

Community outreach for the Listening Tour

Meet people where they're at: Community Engagement Planner begins to schedule presentations at stakeholders' meetings (stakeholders include organizations, commissions, boards, neighborhood groups, etc.)

Dec

Listening Tour

Public events: 2x Listening Tour public Zoom events:

- Wednesday, December 2nd, 7-9pm EST
- Thursday, December 3rd, 12-2pm EST

Public video presentation: Post online for public to view at their convenience & encourage Stakeholders to screen at their respective December meetings

Public survey: Disperse survey for public to provide input on Zoning Redesign information & 2021 Community Engagement Strategy

Listening Tour: Draft Agenda

- **Presentation (to provide context on Zoning Redesign) ~ 35 minutes**
 - How did we get here?
 - History of Newton zoning
 - Timeline of Zoning Redesign
 - Why we need Zoning Redesign
 - Zoning Redesign goals
 - Decision-making processes
- **Breakout groups (to listen to residents) ~ 45 minutes**
 - What about Zoning Redesign is clear? What do you need more clarification on?
 - What did you know about the Zoning Redesign goals prior to this meeting? Now that we have gone over them, which ones are most important to you? Which articles feel most relevant to these goals?
 - How would you like to be engaged for Zoning Redesign in 2021?
- **Breakout groups share-out ~ 40 minutes**

Timeline

