

To: Councilor Deborah Crossley, Chair, Zoning and Planning Committee

From: Peter Doeringer, Planning and Development Board Member

cc. Jaelyn Norton, Committee Clerk; Zachery LeMel, Chief of Long Range Planning

Re: Amendments to VCD Zoning

I am in favor of the direction that the most recent version of the VCD Zoning proposal is taking. However, I have concerns about a couple of issues affecting residential neighborhoods that could arise under special circumstances. I would appreciate clarification about how the current zoning proposal applies in these situations and have proposed the following zoning amendments if the current zoning proposal does not adequately address these circumstances.

- Throughout the proposed VCD zoning there are references to special considerations, such as setbacks, stepbacks, and limits on the number of stories and heights for properties using the Affordable Housing Bonus when a VCD zone is “abutting a Residential District”. I understand and endorse these considerations when VCD zones abut a residential zone. But how do these regulations apply when the VCD zones abut a roadway that separates them from residential zones, as is the case on Court Street in Newtonville? If it is legally recognized that the regulations for VCD zones that abut residential zones also apply in situations when there is a roadway separating the two zones, then I am satisfied with the proposed zoning language. If not, I would recommend an amendment to the VCD zoning that would clearly extend the setbacks, stepbacks, and other special considerations to include situations where residential and VCD zones are “*adjacent to and separated by roadways, except for wide corridors such as Washington St., Boylston St. and the Mass Pike*”.
- Up to 6 units are allowed in the MRT zone when an existing building is reused and Section 2.6.B.8 (g) on “Adaptive Reuse” provides that:

*No exterior alterations of the building along the Front Elevation except those necessary to comply with applicable Health, Building, and Fire codes.*

I expect Newton’s Fire code will require additional entrances for the additional units created by adaptive reuse. Owners or developers of these properties may elect to meet this requirement by providing entrances with external stairways for units located above the ground floor, rather than locating them within the building. In my experience, external entrance stairways are likely to adversely affect the character of neighborhoods if they are visible from the street and abutters may experience adverse effects as well. The current zoning proposal does not explicitly address this issue, but there are some provisions that may be interpreted as allowing such external stairways. For example, Section 2.6.B.9 (a) (Architectural Features) allows structural and architectural features (possibly including external stairways) to project into front setbacks and Section 2.6.B.12 (Building Entrances) encourages entrances on street frontages and side walls.

I recommend that the following text be added to Section 2.6.B.12 on Building Entrances:

*d. Entrances for additional residential units created under Section 2.6.B.8 shall either be located within the building or as external staircases that are fully enclosed and do not encroach on any setback.*

- In addition, Section 2.6.B.4 (b) dealing with Half-Story Step-Back for Flat Roofs may need editorial clarification. I think it should read.

*b. Buildings on any lot with a Lot Width of seventy (70) feet or less are exempt for the upper story Step-Back requirement along the Side Lot Line(s), except when abutting a Residential District. The facade of the building facing the Residential District is not exempt from the upper story Step-Back requirement.*

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