

ACKNOWLEDGMENTS

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In April 2001, the City of Newton published “A Framework for Newton’s Planning” (The Framework Plan). Designed as the first step in an assessment of Newton’s planning and development goals, the Framework Plan highlights the special qualities of the city. Among these characteristics are the system of villages and neighborhoods, the diversity of residents, and the perception of Newton as a “garden city.” The City of Newton possesses an acute awareness of its unique attributes, and a strong desire to protect and enhance them.

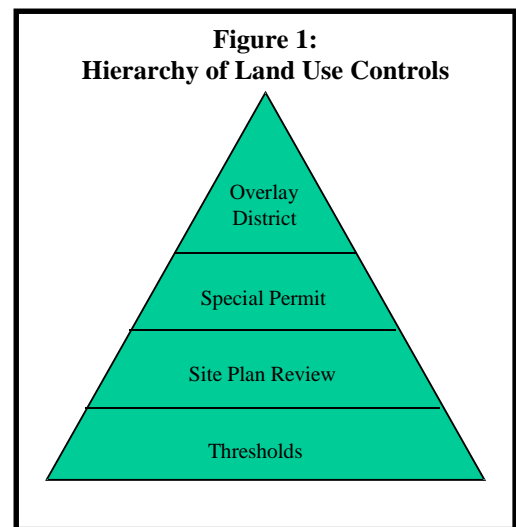
However, the mere identification of these qualities does not ensure that they can be sustained into the future. The Framework Plan also identifies planning objectives designed to safeguard Newton’s unique traits. Among these objectives is the following:

In all cases, development standards should be predictable and understandable. If we know what we want, we should let those who are planning development know what that is.¹

With the completion of the Framework Plan, the City of Newton is in the enviable position of having clearly identified its future development goals. The challenge is now to enshrine these objectives in a zoning and permitting process that can protect the cherished qualities of Newton while enhancing future development.

Newton’s zoning and permitting process does not currently reflect the community’s unique characteristics. By adopting a more comprehensive and tailored system of land use controls, residents of Newton can improve their ability to protect the desirable qualities of Newton while simultaneously informing developers of the type and quality of projects envisioned for the community. Ultimately, this can create a zoning and permitting process designed to sustain and create the type of community clearly desired, as expressed through the Newton Framework Plan.

This report focuses on four land use controls that could be adopted by Newton to enhance the current zoning and permitting process. These include development and submission thresholds, expanded site plan review, focused special permits, and village-specific overlay districts. As shown in Figure 1, these land use controls can be envisioned in a hierarchy. Each level up from the bottom represents an increased level of scrutiny over development and land use decisions. For example,



¹ “A Framework for Newton’s Planning” (2001), 18.

a project may be subject to site plan review but not require a special permit; all projects that activate a special permit must also undergo site plan review.

The recommendations in this report draw on these four specific land use controls, as outlined below.

- **Thresholds:** Serving as the gateway to the permitting process, thresholds can be used within site plan review to determine the review process for a development proposal or activate special requirements within an overlay district. In addition, thresholds can specify submission materials for different types of development projects.
- **Site Plan Review:** Designed to ensure appropriate design considerations and siting of buildings, structures, and uses, the objective of site plan review is to maintain and enhance desired qualities and encourage innovative land use development.
- **Special Permit:** This device is used to review the location, site development, or conduct of certain land uses that may positively or negatively affect the built and natural environment.
- **Overlay Districts:** This tool entails a place-specific set of thresholds, site plan requirements, design criteria, and special permits that protect the important existing qualities of the encompassed area, while providing for compatible new development.

The findings and recommendations outlined in this report follow the order of this hierarchy of land use controls. This structure allows for the presentation of zoning and permitting enhancements in order of increasing level of land use control. * Each chapter presents an overview of the specific land use control followed by a discussion of its application in Newton. In addition, each section contains a set of short-term and long-term steps for their implementation.

* Thresholds serve as the gateway to the permitting process. They determine which phase of the review process is applicable for a proposed development project. In addition, they are an integral component of both the site plan review process and the overlay district. As a result, they will be discussed in the applicable sections of the report.

Site plan review criteria are the standards by which individual development proposals are judged as to their compliance with Newton's stated guidelines and objectives for growth and development. These guidelines and objectives often include protection of adjacent properties, preservation of the natural environment, provision for adequate public facilities such as sewers and other utilities, traffic impact, parking requirements, and physical design considerations. To the casual observer, site plan review may appear to be simply another step in the administrative process of obtaining a building permit. This view arises from the fact that the recommendations resulting from site plan review are usually non-binding. However, non-binding site plan review can be a powerful tool for Newton when wielded properly. Providing and elucidating clear and comprehensive site plan review criteria, Newton can effectively communicate to applicants and developers its key considerations and concerns, thereby increasing the chances that developers and applicants will address these issues before their projects reach the site plan review stage. This result has the dual benefit of assuring better development projects that correspond with the Newton's goals and objectives, and streamlining the development process.

Currently, the City of Newton's site plan review criteria in Section 30-23 of the zoning ordinance are vague. In addition, other elements and provisions of effective site plan review are scattered in other sections of the ordinance, such as the Parking Requirements section. We believe that these criteria could be improved substantially by making them clearer and more specific, as well as adding several additional criteria that would fill in the missing pieces in the site plan review process. Therefore, we propose that Newton not only augment its current list of criteria as the "General Standards," but also include a second tier of scrutiny for "Use-Specific" site plan review.

SITE PLAN REVIEW THRESHOLDS

Thresholds for submission of additional site plan review materials are critical for enabling the city to fully appreciate the impact of a particular proposed development. Setting thresholds that trigger requirements for materials like traffic reports has a three-fold purpose. First, they compel an applicant or developer to provide documented evidence of the substantial on- and off-site impacts of a project that might not be evident from simply looking at a site plan. Second, these thresholds provide an increased level of scrutiny on projects that may have a substantial impact on the city as a whole and/or an individual neighborhood by providing an additional tool that the city can use to evaluate a project. Third, by setting thresholds, the city forces an applicant or developer to consider the potential impacts of their proposed project while still in the planning phase, enabling the applicant or developer to refine the project before it is too far along in the development process.

Currently, the City of Newton provides no thresholds for the submission of additional materials under Section 30-23. We believe that the absence of thresholds in the site plan review process deprives the City of Newton of a valuable and powerful tool that could significantly increase the quality of new development in the city.

DESIGN GUIDELINES

New aesthetic consciousness in land use control has encouraged local municipalities to adopt design review processes for the evaluation of new development projects. The purpose of design review is to inject aesthetic values into the land use approval process, while also addressing traditional use compatibility issues.

Design guidelines are three-dimensional design controls (as opposed to two-dimensional guidelines usually adopted in site plan review) used to address the aesthetic impacts that renovation or new construction could have on the surrounding environment. Design guidelines are usually included in site plan review, further augmenting the review process to consider the surrounding characteristics of the built environment, which would not otherwise be addressed in a standard site plan evaluation. For example, design guidelines often regulate outdoor advertising, exterior design of buildings, and historic preservation. Aesthetic considerations of the structure, building, or land are essential to design review controls. These guidelines are not intended to be prescriptive or to stifle creativity in building design. Rather, design review provides a means for Newton to convey desired urban design values to potential developers.

In the last decade, cities have increasingly empowered themselves with legal means to safeguard their environment, heritage, and neighborhoods. In *Berman v Parker*, 348 U.S. 26 (1954), the Court accepted 'aesthetics alone' as a justification for regulation. In Justice Douglas's ruling on this case, he states that:

[T]his Court has recognized, in a number of settings, that States and cities may enact land-use restrictions or controls to enhance the quality of life by preserving the character and desirable aesthetic features of a city²

A challenge in drafting standards for design review within a city ordinance is to avoid prescribing standards to such a minute level of detail that they defeat the very purpose of the regulation. A good design guideline clearly conveys the purpose of the regulation and the control without dictating architectural style. On the other hand, a vague guideline may confer substantial flexibility for building design, but often makes interpretation difficult.

² Mandelker, Cunningham and Payne. (1990) Planning and Control of Land Development. Michie Law Publishers. Pg 706

Meaningful and effective design review guidelines and standards should be stated explicitly in the zoning ordinance. The review process allows communities to preserve the unique architectural features and built environment for the area, while also forming part of the basis for site plan review. Clearly stating the guidelines and standards in the zoning ordinance will ensure that the review process will be even more effective and predictable for the residents, decision-makers and those proposing development.

Design review could certainly enhance the development approval process in Newton. The addition of specific place-based design guidelines will strengthen the site plan development evaluation process to ensure that new development both corresponds appropriately with the overall character of Newton's treasured villages and neighborhoods, and respects the existing built environment.

IMPLEMENTATION

In order to bring the full benefit of site plan review to Newton, we divided our recommendations into short-term and long-term actions.

Short-term Site Plan Review Actions:

1. Draft a site plan review purpose statement.
2. Record and compile the "as-practice" site plan evaluation criteria by city department (engineering, planning, fire and safety).
3. Synthesize the list of current review criteria and revise as necessary.
4. Inventory current development categories in Newton, such as restaurants and gas stations.
5. Create a list of use-specific evaluation criteria for appropriate categories.
6. Identify design parameters and create a list of design guidelines.
7. Revise Newton Zoning Ordinance Section 30-23 to reflect a more comprehensive site plan review evaluation criteria and thresholds.

Recommendation 1: Draft a site plan review purpose statement.

The current applicability statement in Section 30-23 does not address why a city should use site plan review, or more specifically, what site plan review means in Newton. The first action Newton should undertake is to write a purpose statement. Purpose statements create a relationship between community plan policy and implementation through zoning regulation. As zoning ordinances are expected to cover more areas of

governance than in the past, community goals, objectives, and policies set the tone for understanding the context of the specific sections of the ordinance.³

A proposed site plan review purpose statement for Newton might read as follows:

As Newton is a community of integrated villages, the purpose of site plan review is to assure appropriate design considerations and siting of buildings, structures, uses, access, parking, landscaping, and other site development features to maintain and enhance the village qualities and encourage innovative land use development.

We suggest that the Planning Department work with the Land Use Committee to draft and approve this language into the city's zoning ordinance.

Recommendation 2: Record and compile the “as-practice” site plan evaluation criteria by city department.

Section 30-23 currently lists seven general evaluation criteria to be used in all site plan reviews. While providing adequately on a broad scale for general health and welfare of the public, in practice, more criteria are used to evaluate site plans. By identifying and clarifying the *de facto* evaluation criteria, the Planning Department and Land Use Committee of the Board of Aldermen can create an internal diagnostic of the “as-practice” site plan review.

Recommendation 3: Synthesize the list of current review criteria.

Once a detailed list of current evaluation criteria is compiled, it can be compared against criteria that may exist informally in other departments, such as with the City Engineer. These criteria can be refined and included in the zoning ordinance, resulting in an institutionalized set of standards to aid petitioners prior to submission of plans and assist the Land Use Committee in its review process.

Recommendation 4: Inventory current development categories in Newton.

If Newton chooses to adopt use-specific evaluation criteria, it will then be necessary to inventory current development patterns. Newton might wish to include the following categories of development in use-specific evaluation criteria: gas stations, restaurants, nursing homes, cell towers, schools, religious institutions and downtown village business district retail establishments.

³ Wack, Paul. “The Purpose of Purpose Statements in Zoning Ordinances”. Zoning News, American Planning Association, March 2000.

Recommendation 5: Create a list of use-specific evaluation criteria and thresholds for appropriate categories.

Following an inventory of current development patterns, and reflecting upon the values expressed in the Newton Framework Plan, a proposed set of expanded site plan criteria should be drafted for public comment. The Planning Department should take the lead in drafting these criteria for review. Use-specific criteria delineate the evaluation criteria based upon their use in Newton. Any number of specific uses could be included in the zoning ordinance. For example, use-specific site plan review criteria might contain the following items:

Bed and Breakfast

- The use shall be located in an owner occupied single family detached dwelling.
- The use shall consist of maximum of ten (10) guest rooms.
- Guestrooms shall not have separate cooking facilities.
- Access to guestrooms must be through normal main entry to single-family dwelling, requiring no structural change.
- Signage shall be limited to one freestanding occupant sign or low ground sign not exceeding four (4) square feet in area and one occupant sign on the building face not exceeding one (1) square feet in area.
- The activity shall not cause disturbance, traffic congestion, or otherwise become a nuisance to the immediate area.

Places of Worship

- The site shall be adequate for proper building, drainage, water supply, and sewage disposal.
- Sufficient amounts of usable space shall exist for open space areas, parking, loading.
- The site shall be separated from excessive noises, odors, smoke, dirt, dust, and traffic congestion.
- Pedestrian and vehicular circulation shall be designed for safety and efficiency to achieve separation of vehicular and pedestrian traffic.

Schools and Similar Educational Institutions

- The site shall be adequate for proper building, drainage, water supply, and sewage disposal.
- Sufficient amounts of usable space shall exist for recreation areas, parking, loading, etc.
- The site shall be separated from excessive noises, odors, smoke, dirt, dust, and traffic congestion.
- The site shall be located and planned in such a manner that it can be used for both school and general community functions.

- Schools and educational institutions shall provide yard areas sufficient to conform to the general character of the area in which they are proposed to be located and shall provide attractive grading, landscaping, and pleasing views.
- Buffer strips shall be provided.
- The site shall not be located on an arterial street.

Recommendation 6: Identify design parameters and create a list of design guidelines for general applications.

In the short term, the planning department could convene a task force to identify a list of critical design parameters, such as façade articulation, materials and building height. Possible design review guidelines for Newton are outlined below:

Relation of Buildings with Environment

Height

The height of a building shall be compatible with the surrounding buildings. Maximum building height shall not be greater than the taller of the two abutting structures on each side of the building site. Minimum building height of a street façade shall not be less than the lower of the two abutting structures on each side of the building site.

Proportion

The relationship among the dimensions of various elements shall be compatible with the surrounding buildings. For example, the relationship of the width of a building to the height of the front elevation shall be compatible with the surrounding buildings.

Rhythm

Architectural styles should be compatible with the character of the neighborhood/village center and/or existing structures. The pattern resulting from repeated elements such as window and door openings, columns, arches, and other façade elements shall be carried across the façade of new developments.

Materials

Materials should be chosen carefully and it is generally more desirable to use as few differing materials as possible. The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features should be consistent with other signs in the area.

Preservation and Enhancement of Landscaping

- The landscape shall be preserved in its natural state, as far as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of the neighboring developed areas;
- The planting of street trees should be considered for projects that impact the streetscape. Wherever possible, street trees shall be retained;
- Landscaping in the interior of parking lots, where allowed, should be provided, incorporating existing trees, berms and other landforms where possible;
- Plant materials should be chosen for longevity, low maintenance requirements, attractive appearance, ability to survive and potential screening. Indicate on plans the sizes and types of plant materials proposed; and
- Evergreens are an effective year-round buffer between business and residential areas.

Open Space

- All open space (landscaped and usable) should be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties,
- Proposed developments should not detract from existing open space areas nearby and existing landscaping and land forms should be incorporated into plans and used to the advantage of the design
- Trees should be planted along streets and sidewalks, and ample parking lot landscaping and screening should be provided, to enhance buildings and surrounding areas.
- Deploy creative means to protect the remaining undeveloped open space that are privately owned during the development process.

Recommendation 7: Revise Newton Zoning Ordinance Section 30-23 to reflect a more comprehensive set of site plan review evaluation criteria and thresholds.

Criteria

Currently, Newton's zoning ordinance provides general guidance regarding the evaluation of site plans (in summary):

- a) Convenience and safety of vehicular and pedestrian movement;
- b) Adequacy of methods for disposal of sewage, refuse and other wastes and of the methods of regulating surface water drainage;
- c) Provision for off-street loading and unloading of vehicles incidental to the servicing of the buildings and related uses on the site;
- d) Screening of parking areas and structure(s) on the site;

- e) Avoidance of major topographical changes;
- f) Location of utility service lines underground wherever possible.
- g) Consideration of site design, including the location and configuration of structures and the relationship of the site's structures to nearby structures in terms of major design elements;
- h) Avoidance of the removal or disruption of historical resources.

Additions to the general criteria listed above will strengthen the evaluation process. Examples of criteria Newton may wish to consider including are listed below:

- i) All developments must meet the city's provisions for emergency vehicle access, the State Building Code, and the requirements of the Americans with Disabilities Act (ADA), as they pertain to the site.
- j) All developments must provide adequate and safely designed pedestrian and vehicular access arranged in such a way as to prevent potentially hazardous interactions between vehicles and pedestrians. When determining whether or not a particular project meets this standard, the following elements of the site plan should be carefully considered:
 - number, location and dimensions of driveways, sidewalks, exits and entrances;
 - width, grade and alignment of driveways, sidewalks, exits and entrances;
 - distance of exits and entrances to intersections, crosswalks, and areas of public assembly;
 - visibility from access points.
- k) All developments must provide adequate and safely designed parking and patterns of vehicular circulation that minimizes traffic congestion both on the site and in the surrounding area. Incentives for shared parking and rear lots will be encouraged. When determining whether or not a particular project meets this standard, the following elements of the site plan should be carefully considered:
 - Traffic impact on abutting streets;
 - Patterns of pedestrian and vehicular circulation;
 - Adequacy of traffic signalization, turning lanes and street width;
 - location and number of pedestrian drop-offs and bus stops;
 - Handicapped accessible parking, including 12 foot-wide spaces.
- l) All developments must provide adequate and properly located landscaping and screening elements. When determining whether or not a particular project meets this standard, the following elements of the site plan should be carefully considered:

- Preservation of existing large caliper and/or specimen trees in front and buffer areas;
 - Screening of parking areas from residential areas during all seasons of the year;
 - Location, size and type of screening vegetation and building materials;
 - Preservation of watercourses, highly-erodible areas and scenic views.
- m) All developments must provide for the minimization of noise and excessive glare on site. When determining whether or not a particular project meets this standard, the following elements of the site plan should be carefully considered:
- The provision of sound-absorbing elements, such as landscaped mounds or berms, shrubs, trees, walls or fencing, near or around buildings or areas of use that produce excessive noise, so as to minimize sound levels at the site property lines;
 - Location, type and design of any illuminated signage;
 - Height from the ground, distance from property lines, and intensity of all exterior light fixtures;
 - Amount and location of unshielded lighting used on site;
 - Amount and location of any varying-intensity lighting.
- n) All developments must provide for the safe location and operation of utility systems, for the protection of the site and surrounding area from undue pollution, and for the environmental protection of the site. When determining whether or not a particular project meets this standard, the following elements of the site plan should be carefully considered:
- The location and capacity of utility systems;
 - The provision of sedimentation control measures and the steps taken to protect the site from wind and water erosion;
 - The adequacy of the on site drainage system and the impact of drainage on off site areas;
 - The adequacy and design of on site garbage disposal and collection areas, particularly the screening of such areas and their protection from wild animals.

All developments must meet the requirements of the city's Design Guidelines, as provided for in Section 30-23.

Thresholds

The size of a proposed project is a key determinant in the potential off-site impacts that will result. Different size projects have different levels of influence on surrounding neighborhoods. Thresholds enable the city to require additional materials for review when a proposed development reaches a certain size, adding heightened scrutiny to the approval process when it is expected that a project will have a significant impact on the surrounding community. Thresholds for Newton could be similar to, or contain elements of, the following:

Drainage Report

A drainage report must be submitted for any project with twenty-five (25) or more new or additional off-street parking spaces or 10,000 gross square feet or more in a new structure or an addition to an existing structure. The drainage report must include existing and projected runoff calculations for both a twenty-five and one hundred year flood and a site map indicating the location and layout of the proposed development on site drainage system. The drainage system must be designed to achieve at least a zero impact runoff for a twenty-five year storm.

Traffic Study

A traffic study must be submitted for any project with thirty-five (35) or more new or additional off-street parking spaces, 20,000 gross square feet or more in a new structure, or an addition to an existing building of 10,000 gross square feet or more. The traffic study must include existing and projected average daily traffic (ADT), AM peak and PM peak volumes on all streets surrounding the site, roadway capacities and levels of service (LOS) for all streets surrounding the site, and calculations of volume to capacity ratios for all surrounding streets.

Sewerage Report

A sewerage report must be submitted for any project that proposes extending an existing public sewer line, a common sewer line to serve two or more properties, a new pumping station, or any project that contains multifamily housing. The sewerage report must include calculations of the projected outflow from the site, the existing volume of the downstream main sewer line to which the outflow would run and the capacity of the aforementioned main sewer line, as well as taking into account any pumping stations or other sewer facilities located along the path of the projected outflow.

Archeological Report

An archeological report must be submitted for any project that lies within five hundred (500) feet of any known Native American or prehistoric settlement, proposes regrading, excavating, or otherwise disturbing land area of 20,000 square feet or more, or falls

within any area designated by the City of Newton as having significant archeological importance. The archeological report must include an investigative report, description of on-site inspection, documentation of any artifacts found, and a recommendation on the archeological significance of the site, if any.

Sedimentation and Erosion Control Report

A sedimentation and erosion control report must be submitted for any project where land area of 20,000 square feet or more is proposed to be regraded, excavated, or otherwise disturbed, that lies directly adjacent to a waterway, or any steeply graded site that, at the discretion of the city, requires further scrutiny. The sedimentation and erosion control report must include a description of the measures to be taken to protect the site, both during and after construction, from air or water erosion or runoff of soil into waterways, as applicable.

Long-term Site Plan Review Actions:

1. Continue to review and revise criteria and thresholds as necessary to reflect changing land use and development patterns in Newton.
2. Refine criteria and thresholds into “major” and “minor” site plan review, with an appropriate set of standards for each.
3. Entrust Planning Board to act upon minor site plan review.
4. Establish a Design Review Advisory Board

Recommendation 1: Review and revise site plan criteria and thresholds as necessary.

Change in land use is continuous and impossible to wholly prevent. Thus, to preserve and protect Newton’s heritage, the zoning ordinance should reflect the changing nature of development pressures. Definitions and purpose statements should likewise keep pace with changing uses to maintain a current, living document.

Recommendation 2: Refine criteria and thresholds into “major” and “minor” site plan review, with an appropriate set of standards for each.

Once thresholds are introduced into Newton’s zoning ordinance, additional evaluation criteria may be established and codified. Currently, the Land Use Committee of the Board of Aldermen conducts all non-administrative site plan review. In order to utilize the resources of the Planning Board and streamline⁴ the land use review process in Newton, we recommend that smaller projects that are unlikely to have a significant impact on the community be subjected to a minor site plan review process. Currently,

⁴ We wish to emphasize that the goal is to streamline, not accelerate the process.

the evaluation criteria and threshold standards for a review process outside the Land Use Committee lack the capacity to withstand proper scrutiny. However, with augmented evaluation criteria and clear, documented thresholds and accompanying submission requirements, a portion of projects could be directed to the Planning Board.

The first step in implementing minor and major site plan review standards is to write a purpose statement that clearly defines the goals of creating the two categories. This would aid the zoning administrator, who would make the threshold determination upon receiving applications whether a project is major or minor. Distinctions between major and minor site plan review could include some of the following:

The following site plans shall be subject to minor site plan review:

- Single-family dwellings;
- Multi-family developments with four (4) or fewer dwelling units;
- Private driveways located within public rights-of-way, with the approval of the City Engineer in accordance with the Subdivision Regulations;
- Public, professional, commercial, industrial or other nonresidential use occupying not more than 5,000 square feet of floor area; and
- Steep slope developments resulting in disturbance of not more than 10,000 square feet of the land surface.

Major site plan review would be followed for projects that do not meet the criteria set forth above (or any other set of criteria the City of Newton may wish to include in accordance with village specific plans).

Recommendation 3: Entrust Planning Board with minor site plan review.

The entire city benefits from a clear and cohesive land use review process, and we submit that the Board of Aldermen is faced with limited time resources. We believe the Land Use Committee's resources would be better spent on more significant, complex projects that require a greater depth of understanding and scrutiny. Our goal in introducing minor and major site plan review is to establish a higher standard of scrutiny for projects that deserve such attention while redirecting small but time-consuming projects to an alternative review body.

Recommendation 4: Establish a Design Review Advisory Board

After adopting clear design guidelines, the City of Newton could then create an independent Design Review Advisory Board (DRAB) to oversee the evaluation of all applications requiring design review. The DRAB could be appointed jointly by the Mayor and then Board of Aldermen to serve as auxiliary advisors in the special permit

approval process. In addition to creating a more intense design review process, the DRAB public meetings could serve a dual purpose, providing the public with an opportunity to comment on proposals before the Land Use Committee of the Board of Aldermen opens any public meetings.

After the design review process, the Design Review Board would submit a report with recommendations on the follow-up required for the project. The Planning Department would incorporate the recommendations of the Design Review Board with those of other departments and submit them all to the appropriate permit-granting authority for approval.

At present, the special permit is the cornerstone of the City of Newton's development approval process. Traditionally, the special permit provides a means to allow "maybe" uses, which are approved only after a rigorous review of their impacts on the surrounding areas. It also provides an opportunity to inject additional flexibility into the zoning ordinance. Inherent in the idea of a "special" permit is that the mechanism be reserved for unusual occasions when the underlying zoning cannot provide sufficient regulation. In Newton, however, the special permit has taken on a much wider role, with most development proposals subject to special permits under current zoning.⁵ In effect, the special permit has become the standard permit in Newton.

Two factors account for the high volume of special permits: zoning district designations do not match the city's current land use patterns (resulting in large numbers of pre-existing non-conforming uses); and current zoning allows only a limited number of by-right uses because the ordinance lacks rigorous development requirements without the added scrutiny of special permit review. Essentially, the current zoning code is problematic because it fails to reflect Newton as a place.

The special permit section outlined in Section 30-24 is emblematic of this problem. Currently, Section 30-24 outlines the special permit process: subsection (a) directs applicants to submit applications to the city clerk; subsection (b) states the contents of the application; subsection (c) outlines the approval process per Chapter 40A of the state zoning enabling legislation; subsection (d) provides the general evaluation criteria for special permit applications; subsection (e) addresses the approval of uses related to recombinant DNA research and technology; subsection (f) mandates the provision of low income housing in exchange for increased residential density; and subsection (g) concludes with some basic conditions that may be placed on special permit approvals. The text of Section 30-24 comprises less than seven pages and nothing, with the exception of the inclusionary housing requirement, provides any indication of Newton's place-based values.

As outlined in Section 30-24, the special permit is a blunt instrument, which relies too heavily on the Board of Aldermen (especially those on the Land Use Committee) to compensate for the broad, generic language and insufficient evaluation criteria.⁶ In our effort to suggest refinements to the special permit process in Newton, we first looked at how other communities use special permits to understand the realm of possibilities for Newton. Then, based on conversations, observations and analysis, we divided our ideas into short and long-term possibilities.

⁵ "A Framework for Newton's Planning," (2001), p. 4.

⁶ The Board of Aldermen, acting as both a legislative and quasi-judicial body, is the Special Permit Granting Authority (SPGA) in the City of Newton.

To gain a sense of how the special permit could potentially be used in Newton, we conducted a review of national special permit practices. Not surprisingly, most communities describe the special permit review process using overly broad and general language, similar to Newton's Section 30-24. In our review, however, we also encountered a small number of communities that had created comprehensive, explicit special permit review processes. The ideas embodied in these alternative processes provide compelling examples for how the special permit review process could be approached in Newton.⁷

Findings

- A concise definition of a special permit provides a clear foundation for outlining the process.
- A thoughtful purpose statement orients petitioners and the SPGA to how the special permit is specifically used in the community.
- Comprehensive, community-specific criteria allow for place-based evaluation.
- Additional criteria for each use district can also promote more informed decision-making.
- Submission requirements should reinforce the evaluation criteria and facilitate the decision-making process.
- Detailed lists of likely conditions for special permit approval alert petitioners of what to expect if the special permit is granted.
- The section of the ordinance outlining the special permit review process should be long enough to allow for a clear, detail-oriented description. Twenty pages of clearly written, specific directives can be easier to navigate than ten pages of broadly written, ambiguous principles.

SHORT-TERM OPTIONS FOR NEWTON

Our proposed short-term improvements to Section 30-24 include the insertion of a definition and purpose statement, expanded lists of general criteria and conditions of approval, as well as more detailed site plan and design submission and review requirements.

The special permit definition could be inserted at the beginning of Section 30-24 as a clear introduction to the section. The definition could be similar to the following:

The special permit is a zoning instrument used primarily to review the location, site development, or conduct of certain land uses that may positively or negatively

⁷ Our review focused on the communities of Lexington, Brookline, Cambridge, Amherst, and the communities governed by the Cape Cod Commission in MA, Sausalito and Sacramento, CA, Boulder, CO, Portland, OR, Charleston, SC, Ames, IA, Cumberland, MD, Durham, NC and Edina, MN.

affect Newton's built and natural environment, including but not limited to neighborhood diversity, public facilities, and village centers.

This definition provides an effective introduction because it grounds the general definition of a special permit in Newton-specific considerations.

The purpose statement would then follow the introduction to provide further explanation of how the special permit is used in Newton. For example, the purpose statement could build on the following language:

The special permit is a set of procedures and standards for specified uses of land or structures that will accurately reflect and augment the inherent characteristics embodied in Newton's neighborhoods, villages and commercial corridors.

The most effective purpose statements ground the application of the special permit in the place. A thoughtful place-based purpose statement could be developed through a collaborative community process.

The general criteria included in Section 30-24 are applied to all special permit applications throughout the city, regardless of use. Currently the introduction and criteria used to evaluate every special permit application are as follows:

The Board of Aldermen shall not approve any application for a special permit unless it finds, in its judgment, that use of the site will be in harmony with the conditions, safeguards and limitations herein set forth, and the application meets the following criteria:

- 1. The specific site is an appropriate location for such use, structure;*
- 2. The use as developed and operated will not adversely affect the neighborhood;*
- 3. There will be no nuisance or serious hazard to vehicles or pedestrians; and*
- 4. Access to the site over streets is appropriate for the type(s) and number(s) of vehicles involved.⁸*

These criteria address the basic goal of nuisance prevention, but in no way proactively foster more positive land use.

Although the criteria in Section 30-24 must be generally applicable to the entire city, the language could advance the community's goals for the built and natural environment

⁸ Newton Zoning Ordinance, Section 30-24 (d), p. 497.

(as outlined in “A Framework for Newton’s Planning”) more proactively. For example, additional citywide criteria could include the following:

- Proposed development respects pedestrian scale through augmentation and/ or addition of pedestrian connections;
- Design, scale, materials and orientation of proposed development facilitate harmonious, active integration into the existing built form and development patterns;
- Landscaping of proposed development seeks to preserve and improve the natural environment of the surrounding area through the protection of existing trees and plantings and the addition of appropriate new trees and plantings reflective of the surrounding natural environment;
- Location of proposed structures seeks to build upon existing natural assets of the site including waterways, view corridors and topography; and
- The proposed development is sensitive to nearby historic structures and districts through its siting, materials, scale and landscaping.

A comprehensive review of the special permit criteria in Section 30-24 could begin by updating the language of the existing criteria to be more Newton-specific. Then, additional criteria could be added to address community values not currently included, such as historic preservation, building design, landscaping and the natural environment.

Along with augmenting the approval criteria, the “Conditions of Approval” outlined in Section 30-24 (g) could also be expanded and invigorated. Of course, the conditions listed in the ordinance are not expected to be comprehensive. However, a list more clearly reflecting community values will alert petitioners to the rigorous, place-specific conditions that are commonly placed on the approval of special permits in Newton.

Furthermore, the addition of improved site plan and design review standards will also aid in the special permit review process. Any work updating the general criteria should be done in conjunction with these additional standards to ensure that all of the processes reinforce each other in a productive way. This process of evaluating and improving the existing criteria, while identifying and prioritizing additional considerations, could be carried out as part of either a public, community, comprehensive planning process or as independent public process.

It is important to note that while many of these ideas are already considered by the Board of Aldermen as they make their decisions on special permits, it is critical for these ideas to be articulated in the ordinance so that all petitioners and evaluators are operating from the same set of clearly stated assumptions.

LONG-TERM OPTIONS FOR NEWTON

Zone and overlay district-specific review criteria and a comprehensive review of by-right uses and standards in the existing zoning ordinance also have the potential to strengthen the special permit review process in Newton. However, because creating these standards will require much more intensive effort, the timeline for implementing these kinds of changes is much longer.

Zone-specific special permit criteria provide an important opportunity to improve the special permit review process. At present, all special permits, including those related to specific uses, rely on Section 30-24's broad criteria. The addition of criteria specifically tailored to address issues related to certain uses could provide additional standards for the approval of these developments. For example, special permit criteria for commercial and industrial zones could include the following requirements:

- The proposed development shades at least 30% of constructed impervious surfaces with landscape features;
- Proposed development seeks to mitigate negative externalities on surroundings including noise, light and night sky pollution, storm water run-off and air quality; and
- Design of proposed retail development conforms to dominant building typology existing in the retail area, including height, setbacks, and façade treatment.

Additional residential zone criteria could require a special permit if a homeowner wishes to demolish an existing house in order to rebuild a house with a gross floor area greater than 15% larger than the original. This kind of criterion could be used to ensure that new residential development respects the scale of the existing development pattern. Currently, the Newton zoning ordinance lacks comprehensive zone specific criteria, making the creation of specific, place-based criteria for each zone or even type of zone (residential, commercial/industrial) a significant undertaking.

In addition, a comprehensive review of the standards for by-right uses provides another opportunity to enhance the special permit review process. Improving the design standards for by-right development through overlay districts and other requirements could facilitate the thoughtful review of by-right uses. For example, no multifamily housing with more than two units is allowed by-right anywhere in Newton, including the multifamily zoning districts [1, 2 and 3]. Allowing expanded multifamily development options provides an important avenue for the provision of lower-cost, more affordable housing options, a value the Framework Plan strongly promotes. In addition, shifting some uses that are currently by-right to special permit could promote other community values, such as restricting the construction of warehouse and wholesale businesses to prevent the development of “big box” retail in Newton.

Finally, the accessory apartment language in sections 30.8 (d) (1) and 30.22 provides an example of how specific uses can be shifted from special permit to administrative review if the standards are outlined very clearly and precisely to ensure the review can be purely administrative rather than discretionary as in the case of special permits.

Newton's structure as a community of villages, along with its diverse residents and land uses, informs its unique sense of place. According to the Framework Plan, "no one of these [villages] is dominant over the others, and no two are quite alike."⁹ As a result, continuity of the land uses within each of the villages as well as the villages' overall relationship to each other will be a key consideration in future planning efforts. Due to the importance of maintaining the character of Newton's neighborhoods and villages, the zoning ordinance and permitting processes that control and direct development within the city should protect these key areas. Specifically, the Framework Plan points to the importance of:

[m]anaging the location and densities of business and residences, the pattern of circulation in all its modes, the location of public facilities, and the protection of both open space and cultural resources should all serve to protect and reinforce that pattern.¹⁰

Controlling the relationship between these various factors is difficult and requires the focused use of several tools of land use controls. Consequently, Newton should adopt a system of land use controls tailored to the specific needs of each village area or neighborhood.

Creating an overlay district is a zoning technique that establishes place specific development guidelines used to protect or enhance the unique characteristics of a targeted area. Typically, overlay districts are used when "there is a special public interest in a geographic area that does not coincide with the underlying zone boundaries."¹¹ Because of the importance of the village areas to the overall nature of the City of Newton, their protection represents a clear public interest and should be reflected in the zoning ordinance and permitting process.

The use of an overlay district system could be an effective way for Newton to preserve the treasured characteristics of its neighborhoods and villages. The new requirements imposed by the overlay district would be in addition to those associated with the existing zoning. As a result, developments proposed within the overlay district would have to comply with both the original standards as well as the place-specific requirements. Furthermore, designing the overlay districts for a discrete area allows the creation of thresholds, standards, and design criteria that are neighborhood and/ or village-specific. The combination of increased project scrutiny and place-based flexibility associated with overlay districts allows Newton to protect the important existing qualities of the villages while providing for compatible new development.

⁹ "A Framework For Newton's Planning", April 2, 2001, pg. 5.

¹⁰ "A Framework For Newton's Planning", April 2, 2001, pg. 9.

¹¹ Meshenberg, M., "The Administration of Flexible Zoning Techniques", pg. 33., (Planning and Control of Land Development, Mandelker, D., et. al., 1995, pg. 523.)

Purpose Statement

The creation of a focused purpose statement for the new overlay district system serves two roles. First, it could facilitate the development of the various required thresholds and criteria. In addition, the purpose statement could serve as an introduction to the new process within the zoning ordinance, while also providing developers with a clear understanding of the type of development envisioned for the villages.

In developing the purpose statement, it is important to articulate the goals of the process and how it is designed to work. Since “protecting and reinforcing” the current nature of the villages is the primary objective, this could be reflected in the purpose. In addition, once the system of land use controls employed by the overlay district is determined, a summary could be provided in the statement. Incorporating the various controls previously discussed in this document a sample purpose statement for Newton could be:

To create village-specific overlay districts with thresholds, site plan requirements, design criteria, and special permits that protect the important existing qualities of the villages while providing for compatible new development.

This statement clearly states the objective of the overlay districts and provides information on how the process will work.

Beyond the purpose statement, the development of village-specific overlay districts involves the creation of thresholds, site plan review standards, design guidelines, and special permit criteria that are tailored to the unique characteristics of each targeted village or neighborhood area.

Thresholds

The threshold portion of the overlay district would be straightforward. The use of overlay districts is predicated on the assumption that the protection or enhancement of the areas covered in the districts serve a clear public purpose. Consequently, all proposed development or changes in land use patterns within the designated areas could be evaluated based on the overlay district requirements. Therefore, the threshold for overlay district evaluation would be simply proposing a development in a designated overlay district.

Site Plan Review

Each overlay district would contain village or neighborhood specific site plan review guidelines. These could be focused on both protecting the current nature of the village as well as promoting changes to enhance the targeted area. For example, review standards could require new development to conform to the height of existing

structures. If parking in front of stores is to be discouraged, the standards could require all parking to be sited to the rear of all new developments.¹²

Using the village of Newton Centre as an example, it is possible to see how village specific site plan review standards could be created for Newton. Newton Centre is predominantly composed of two- and three-story buildings with retail uses on the ground floor. If it was determined that the overall height of structures was important, then a realistic site plan review standard could be:

The height of a building shall be compatible with the surrounding buildings. Generally, maximum building height shall not be greater than the taller of the next two (2) abutting structures on each side of the building site.

This standard is quite specific with respect to place. In fact, from the standard, it is possible to envision what the targeted area would look like, and indicates the strength of a proposed review standard.

Design Criteria

Design criteria are also an important element of overlay districts. The villages of Newton are unique not only in how structures are sited but also in their overall appearance. Consequently, it is important to create guidelines that will protect existing structures while encouraging the development of compatible new projects. Design criteria can be simple, such as “Blank walls will not be allowed.”

This is a photo from the village of Auburndale. It clearly shows that building design and the relationship between structures are important characteristics in this village. Consequently, design criteria for the Auburndale overlay district should protect these traits while encouraging new projects to be compatible.



One particular trait that is clear from the photo is the importance of signage for the retail establishments. A design criterion to protect and encourage this characteristic could be:

All new retail stores must use awnings and display signs consistent in design with those of adjacent establishments.

¹² The following is an example of a site plan review standard from Saratoga Springs, New York: “New development will enhance pedestrian circulation to and within Downtown, where practical.” *City of Saratoga Springs Zoning Ordinance*, Article II, pg. 16.

Additional design criteria could require new development to have consistent facades with respect to articulation or window treatments.

Special Permit

Special permits are among the most powerful land use controls included in the overlay district system. They allow for close scrutiny for uses that are inconsistent or inappropriate for the specific village or neighborhood, such as drive-in establishments or automotive sales. In addition, special permits allow control of structures based on height, size, or other characteristics by subjecting them to additional review.

This photo shows the overall building size and circulation pattern of Newton Centre. A review of the footprint of the existing buildings shows that most of them are less than 10,000 sf. Consequently, a special permit could be required if a proposed structure is greater than 10,000 sf. It is important to note that this does not mean that such a building is prohibited in Newton Centre. Rather, it means that the permit granting authority wants to have control over its design and development.



Beyond these four methods of land use control, additional tools can be added to the overlay district package. These could include performance standards, bonuses, or other incentives to encourage development that is consistent with the cherished characteristics of the village or neighborhood. In addition, a pictorial reference for each overlay district is a useful tool. This image at the right from Saratoga Springs, New York.¹³ It clearly demonstrates the overall image of the district, as well as indicating the specific requirements within the village. This reference tool is not only useful to developers in designing a project for a specific district but also assists individuals in the review process by providing a point of reference for evaluating proposed projects.



It is also worth noting that the overlay district model could be applied to areas other than Newton's village centers. Retail corridor overlay districts could be created to promote larger scale retail in specified areas. This

¹³ Please refer to Appendix IV for a larger image.

would allow for increased retail services while simultaneously protecting the smaller stores found in the villages and neighborhoods.

Therefore, the development of the overlay district system should be a long-term process for Newton. The steps in the process could include:

- Analysis of Village and Neighborhoods;
- Development of site plan standards, design criteria, and special permits; and
- Generation of pictorial reference tool.

The analysis of the village and neighborhoods could be carried out through a community process in each of the proposed overlay districts. By drawing on the residents of the villages, planners are certain to protect the qualities most important to the residents. Following the analysis, the various standards and criteria could be developed collectively.



Site plan review, design review, overlay districts, and even the special permit are all valuable processes in their own right, but they are elements that fit into a larger development approval process. At present, Newton has delegated authority over most of this process to the Board of Aldermen. We recognize the value of elected officials' strong participation in the approval process, and we believe that they should continue to play an active role in important development decisions. Indeed, if our recommendations are to be truly effective, creative input from members of the Board of Aldermen, and particularly the Land Use Committee (LUC), will be required.

At the same time, we believe that the current development approval process is overburdened because it treats all applications – whether major or minor, complex or simple – the same way. Restructuring the process to allow different levels of scrutiny according to projects' anticipated impacts would not only streamline the process, but it would also ensure that the effort expended on a given development application would be worth the possible outcome. Thus, powerful tools like design review and overlay districts could be applied to development applications with the potential to cause substantial impacts on surrounding areas. At the same time, projects with smaller potential impacts would still need to be reviewed and evaluated, but to a lesser degree.

Restructuring the development approval process is a long-term effort, as described below, but all the recommendations we have presented in the preceding sections of this report do not need to wait until this has occurred. Therefore, in this section we describe how our recommendations could take effect in the short and long terms. First, however, we provide an overview of the current development approval process.

OVERVIEW OF THE CURRENT PROCESS

The following outlines the steps of Newton's current special permit process:

- All applications are written on forms provided by the city clerk. All special permits require site plan approval, so the application must be accompanied by twenty-five (25) sets of plans. The application is filed with the city clerk who, in turn, transmits copies of the application to the Board of Aldermen, the Planning Board, and the Planning Department.
- Within 65 days of filing, the LUC and the Planning Board hold a public hearing on the application. The public hearing remains open for one day on any given

application. On the Friday prior to the public meeting, the Planning Department issues a technical report on the impacts of the proposed development.

- After the applicant has resolved all outstanding issues raised at the public hearing, the LUC reviews the application in working sessions. Thereafter, the LUC votes on whether to recommend that the Board of Aldermen grant a special permit with any applicable conditions. The public is permitted to observe the LUC working sessions, but not to participate in them, unless called upon by the Chairman of the LUC.
- Within 90 days following the public hearing, the Board of Aldermen votes on the application. Special permits are granted upon a two-thirds vote in favor of the application.

RECOMMENDATIONS FOR SHORT-TERM ADJUSTMENTS TO NEWTON'S PROCESS

In the short-term, the structure of the development permitting process would remain essentially the same, but the individual phases of the process could be strengthened with the introduction of the short-term steps described in each of the preceding sections. In general, most short-term improvements entail making the intent of - and criteria relating to - each phase of the permitting process clear, explicit, and Newton-specific, as well as undertaking preparatory work for longer term steps.

Thresholds

In order to effectively implement all of the following steps, the development of a clear and comprehensive set of thresholds for each level of review and evaluation is essential. This will give applicants a clear sense of what to expect from the process, and it will ensure that they know which materials to submit with their applications.

Site Plan Review

The LUC would continue to conduct all site plan review, but they would use an expanded and strengthened set of criteria for their evaluation. As described above, representatives of the LUC and the Planning Department would compile a comprehensive list of current and new criteria for site plan review, including use-specific evaluation criteria, to aid the LUC in conducting site plan review. These representatives would also draft a purpose statement for Section 30-23 that would elucidate the manner in which Newton uses site plan review.

Design Review

As with site plan review, the LUC would continue to oversee all design related matters in the short-term. However, when design review is required, the LUC would evaluate the application according to additional sets of design review criteria (both general and specific) as part of the site plan review process. These criteria would need to be developed by a task force that should include representatives of the Board of Aldermen and the LUC, the Planning Department, the citizens of Newton, as well as design professionals. The task force would also need to identify areas in Newton of particular aesthetic and architectural value and concern in order to develop area-specific guidelines. Newton's zoning ordinance would have to be updated to include a description, purpose statement, and criteria for design review. The extent of design review would have to be limited in the short-term because it would remain under the oversight of the LUC.

Special Permit

Once again, the LUC and Board of Aldermen would continue to oversee all special permits in the short-term. Section 30-24 would be updated to include a definition and purpose statement, as described above, as well as expanded lists of general criteria and conditions of approval. Representatives of the LUC and the Planning Department would be responsible for developing the new definition, purpose statement, criteria and conditions of approval.

Overlay District

The creation of overlay districts is a long-term strategy, but preparations for this important step could start in the short-term. In particular, we encourage the Planning Department to use the momentum created by these projects to convene one or more task forces to begin identifying potential overlay districts, and to develop a unified vision of the purpose and goals of these districts. These task forces should involve all interested stakeholders.

SAMPLE CASE

In order to demonstrate how these modifications to the review process would play out in practice, we describe here a hypothetical case in which a developer bought a parcel of land, bounded by Washington Street and Davis Court in West Newton.



For illustrative purposes, imagine that the developer decided to build a single-story storage facility, like the one presented at the left. Even though this type of facility would be considerably less than ideal for the West Newton commercial area, the proposal

would be allowed by-right according to Newton's current zoning ordinance. However, with the adoption of a set of development thresholds and criteria for site plan review, design review, and special permit, the LUC could prevent the development of the storage facility as proposed. Depending on how Newton decided to set its thresholds, in the short term this type of development would likely require site plan and design review and a special permit. The developer would understand from the start that the design and use of the building would be a serious consideration in the permitting process. Therefore, the developer would have to incorporate elements of design into the proposal to convince the LUC and the public that the development would address the community's concerns about preserving and enhancing the area's character.



While the modifications to the review process in the short-term would probably be less effective than the long-term changes, they would still be able to improve the quality of development in Newton.

LONG-TERM RECOMMENDATIONS FOR NEWTON

Over the longer-term, changes to the administration of the special permit could significantly enhance the development approval process by allowing more thorough review of applications and expanding opportunities for public comment. The first step in the long-term restructuring of the process would be to divide the process into two tracks. After an application is filed with the City Clerk, the zoning administrator would use a defined set of criteria to direct the application into either the track for applications with limited potential impacts ("minor projects"), or the track for applications with considerable potential impacts ("major projects"). The criteria to direct applications into each of these tracks would also be developed by the task force dealing with site plan review criteria. As Appendixes II and III show, each of these tracks would still require a public hearing and site plan review. However, special permits for minor projects would be granted by the Planning Board, while the Board of Aldermen would continue to grant special permits for major projects.

Design Review Advisory Board (DRAB)

Under Chapter 40A of the state zoning enabling legislation, special permit public hearings must be scheduled within 65 days of filing special permit applications. This 65-day period provides ample opportunity for a comprehensive public review of special permit applications before the public hearing. As described above, Newton could capitalize on this review period to activate a formal Design Review Advisory Board (DRAB) to review the design of all development proposals requiring a special permit through public meetings.

The Planning Department could assume a formalized role as coordinator of this expanded review process. In addition to actively coordinating the internal review of special permit applications by city departments, the Planning Department could coordinate the internal efforts with the DRAB's external, public review of special permit applications. The Planning Department could then compile these various comments and concerns for transmission to the applicant. Providing a coherent review of proposals during the period before the public hearing allows applicants to address potential issues before formally presenting their special permit petitions at the public hearing.

Design review could be undertaken for applications in either the major or minor tracks. However, the DRAB would have to develop substantially different design review processes for each track in order for the two-track process to serve its purpose. Design review in the "minor" track would need to be a simple and brief process compared to that in the "major" track.

Public Hearings

By opening and closing all land use public hearings in one night, Newton does not currently take advantage of the important flexibility 40A allows in the public hearing process. Under 40A, communities can legally keep a public hearing open for a reasonable amount of time (as defined by the community) to allow applicants to revise their special permit applications and to provide the public with the opportunity to comment on the revisions. The LUC working sessions could continue while the public hearing is open to provide a forum for public discussion and analysis of proposals. Then, once this specified period of time has elapsed, the public hearing would be closed. The LUC could then compile all of the information from Newton's various technical departments, the DRAB public meeting, the LUC public hearing, and the LUC working sessions to issue its formal recommendations on the final development proposal to the Board of Aldermen. The Board of Aldermen would then consider these recommendations and vote on the special permit within 90 days of the close of the public hearing.

Expanding the timeline for the development approval process runs the risk of creating a needlessly protracted process. However, taking full advantage of the legally allowed timeline could facilitate a more transparent, coherent process that would enable the LUC and the Board of Aldermen to make the most informed decisions possible on special permit applications. Expanding the time available to match the effort devoted to special permit review could ensure that the arm of the SPGA would never be forced to consider a decision on an incomplete or hastily reviewed application and that petitioners would have the opportunity to respond to and modify proposals to address concerns raised during the process, both of which facilitate a stronger special permit review process.

SAMPLE CASE, REVISITED

To illustrate the way the long-term modifications to the review process could influence development in Newton, we return to the hypothetical redevelopment of the parcel in West Newton bounded by Washington Street and Davis Court.

Under the newly revised, zone-specific special permit criteria, any kind of storage facility proposed for this site would require a special permit.¹⁴ The development proposal would then be subject to design review by the DRAB as well as review by city departments. The review findings would then be presented at the LUC public hearing and analyzed at the LUC working sessions. The public meeting would then be closed, and the Board of Aldermen would evaluate whether the special permit for the storage facility building and use were appropriate for the given the surroundings.

If the petitioner failed to obtain a special permit, they could re-petition with alternative design for the site depicted at the right.

This development proposal would be more consistent with the vision for the redevelopment of West Newton as articulated in the village overlay district. The size of the development would still trigger a special permit, however, and the proposal would still be subject to the same stringent review and public hearing requirements to ensure that this proposal would be an acceptable addition to the West Newton village neighborhood.



¹⁴ We presume that this project would be directed into the “major” track of the development approval process.

Expanding and clarifying criteria and standards are essential to improving the development approval process in Newton. Creating more explicit site plan review standards by enhancing the current system and adding an additional design review component will provide a systematic means of evaluating development proposals. In the case of the special permit, clarifying the criteria for its use will make it easier for the SPGA to determine whether the special permit application is worthy of approval. More specific criteria can also direct applicants and evaluators to the important and potentially problematic issues that certain kinds of development may generate. Finally, implementing overlay districts will allow for a more place-specific layer of review.

CONCLUSION

To take advantage of these land use regulation tools, Newton first needs to determine a coherent vision for how it wants to grow and evolve. The Framework Plan is an important step toward creating this vision. However, the process of creating a true comprehensive plan must continue. Therefore, as the Newton community continues this process of articulating and adopting its land use plan, the zoning ordinance and the development approval process should also be revised to foster and protect desired development outcomes. Of course, the ideas outlined in this report could be adopted as ad hoc changes, but that could simply create a more cumbersome process. Instead, Newton should move forward to develop a comprehensive plan and a system of land use regulation and development approval that will complement this vision.