

Introduction

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 has also outlined planning objectives to safeguard these traits. 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.

The findings and recommendations outlined in this report follow the order of a hierarchy of land use control that encapsulates four types of tools: development and submission thresholds¹, expanded site plan review, focused special permits, and village-specific overlay districts.

Site Plan Review

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. By 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.

Key Findings

1. Newton’s current site plan review criteria could be improved substantially by making them clearer and more specific, and by adding several additional criteria. Therefore, we propose that Newton not only augment its current list

¹ Discussed in the Introduction and throughout the rest of the report

of criteria (which would be part of the list of “General Standards”), but also include a second tier of scrutiny for “Use-Specific” site plan review.

2. Adopt site plan review thresholds for submission of additional materials to enable the developer to consider – and the city to fully appreciate - the impact of a particular proposed development.
3. Adopt design guidelines as part of site plan review to address the aesthetic impacts that renovation or new construction could have on the surrounding environment, and to ensure that new development integrates well with the surrounding characteristics of the built environment. Clearly stating the guidelines and standards in the zoning ordinance will ensure that the review process will be more predictable for the residents, decision-makers and those proposing development.

Recommended Steps in the Short-Term

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.

Recommended Steps in the Long-Term

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

Special Permit

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.² In effect, the special permit has become the standard permit in Newton. Additionally, the current provisions for the special permit in the zoning code are problematic because they fail to reflect Newton as a place. Finally, the special permit process in Newton 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.

Recommended Steps in the Short-Term

1. A concise definition of a special permit provides a clear foundation for outlining the process.
2. A thoughtful purpose statement orients petitioners and the Special Permit Granting Authority to how the special permit is specifically used in the community.
3. Comprehensive, community-specific criteria allow for place-based evaluation.
4. Additional criteria for each use district can also promote more informed decision-making.
5. Submission requirements should reinforce the evaluation criteria and facilitate the decision-making process.
6. Detailed lists of likely conditions for special permit approval alert petitioners of what to expect if the special permit is granted.

Recommended Steps in the Long-Term

1. Develop zone and overlay district-specific review criteria.
2. Conduct a comprehensive review of by-right uses and standards in the existing zoning ordinance.

Village Overlay District

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. Because of the importance of the village areas and specific retail corridors to Newton, their protection represents a clear public interest and the creation of village overlay districts seems appropriate.

² “A Framework for Newton’s Planning,” (2001), p. 4.
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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.

In laying the groundwork for the creation of village overlay districts, Newton's zoning ordinance would need to be updated to incorporate the following:

1. Purpose Statement
2. Defined Thresholds
3. Village-specific site plan review guidelines
4. Village-specific design review criteria
5. Village-specific special permit criteria

To complement these tools, we recommend the use of additional tools, like pictorial references, performance standards, bonuses, or other incentives to encourage development that is consistent with the cherished characteristics of the village or neighborhood.

Recommended Steps in the Long-Term

1. Analysis of villages and neighborhoods to define overlay districts;
2. Development of site plan standards, design criteria, and special permits; and
3. Generation of pictorial reference tool.

The Development Approval Process

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. However, we believe that the current development approval process is overburdened because it treats all applications – whether major or minor – 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.

Restructuring the development approval process is a long-term effort but some of the recommendations in this report could begin almost immediately. While the structure of the development permitting process would remain essentially the same in the short term, work could begin on 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.

Recommended Long-Term Steps

1. Develop a two-track development approval process. A defined set of criteria would be used to direct applications into a track for applications with limited potential impacts (“minor projects”), or a track for applications with considerable potential impacts (“major projects”). 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.
2. Establish a Design Review Advisory Board to provide recommendations to the permit granting authority
3. Take advantage of provisions under 40(A) to keep the Public Hearing open longer, to enable greater public input into the process, and to provide applicants with the opportunity to modify their proposals to address concerns raised by the public or representatives of the City.

Conclusion

The process of creating a true comprehensive plan must continue if Newton is to develop a coherent vision for how it wants to grow and evolve. 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. We strongly encourage the active participation of all stakeholders in this process including, but not limited to: residents, business representatives, the Planning Department, and the Board of Aldermen. Indeed, if our recommendations are to be truly effective, creative input from these stakeholders will be necessary.