



Finance Committee Report

City of Newton In City Council

Monday, March 12, 2018

Present: Councilors Gentile, Norton, Cote, Rice, Noel, Grossman, and Lappin

Absent: Councilor Ciccone

Also present: Councilors Albright, Auchincloss, Downs, Greenberg, Kalis, and Krintzman

City staff present: Karen Glasgow (Director of Human Resources), Liam Hurley (Assistant Superintendent/ Chief Administrative and Financial Officer; School Department), Jim McGonagle (Commissioner of Public Works), Ouida Young (Acting City Solicitor), Lou Taverna (City Engineer) Nick Read (Chief Procurement Officer), Jason Sobel (Acting Director of Transportation; DPW), Ted Jerdee (Superintendent of Utilities), Barney Heath (Director of Planning & Development), Marie Lawlor (Assistant City Solicitor), Maureen Lemieux (Chief Financial Officer), and Sue Dzikowski (Comptroller)

#171-18 Appointment of Karen Glasgow as Human Resources Director

HER HONOR THE MAYOR appointing KAREN GLASGOW as the Human Resources Director for the City of Newton effective March 12, 2018 pursuant to §3-3 of the City Charter. (30 days 04/04/18)

Action: Finance Approved 7-0

Note: Maureen Lemieux introduced Karen Glasgow to the Committee and stated that she is thrilled that Ms. Glasgow is joining the City as the Director of Human Resources. The Human Resources Director position has been vacant since 2013 except for a six-month period with a Director that did not work out. When the previous Mayor announced in November 2016 that he would not be seeking reelection for the 2018 term, it made any chance of filling the position nil. One of the top priorities of the newly elected Mayor Fuller was to fill the position. The City recently re-advertised the position and Ms. Glasgow applied. With Ms. Glasgow's expertise in labor relations, background in human resources, and knowledge of municipal law, she has the skillset that the City is looking for and the Mayor offered her the position.

Ms. Glasgow joined the discussion and stated that she is excited to be working for the City and feels it is an amazing opportunity. She reviewed her experiences working for the City of Boston in three different roles. Ms. Glasgow started her 17-year career with the City of Boston as Corporation Counsel in the Law Department. She represented the City in civil litigation in both state and federal courts. From Boston's Law Department, she moved to the position of Deputy Fire Commissioner, Labor/Legal at Boston Fire Department where she was responsible for Human Resources, Medical, and Personnel Divisions. She managed a staff of fifteen people within her division in the Fire Department. Her latest position was at the Boston Public Schools as the Director of Labor Relations where she managed a team of nine people.

Ms. Glasgow feels that by working for a smaller municipality she will have more of an opportunity to interact with employees and develop relationships. She is looking forward to familiarizing herself with the day-to-day operations of the Human Resources Department and getting to know her staff, as well as, working with all of the City Departments.

The Committee previously reviewed Ms. Glasgow resume, which was attached to the agenda for the meeting. Members were impressed with Ms. Glasgow's background particularly her strong labor relations and negotiating skills. Committee members welcomed her to the City and wished her well. With that, Councilor Norton moved approval of the appointment, which carried by a vote of seven in favor and none opposed.

#168-18 Authorize submittal of Lincoln Eliot statement of interest to the MSBA

SUPERINTENDENT FLEISHMAN requesting a vote of the City Council to complement the vote of the School Committee to authorize the Superintendent of Schools to submit to the Massachusetts School Building Authority (MSBA) the FY 18 Statement of Interest no later than April 5, 2018 for the consideration of Lincoln-Eliot Elementary School as a major school Building project after Cabot Elementary School.

Action: **Finance Approved 7-0**

Note: Assistant Superintendent of Schools Liam Hurley joined the Committee to discuss the request that the City Council authorize the Superintendent of Schools to submit a Statement of Interest (SOI) to the Massachusetts School Building Authority (MSBA) for the Lincoln-Eliot Elementary School. The SOI is due no later than April 5, 2018 and requires votes from both the School Committee and City Council to authorize the submittal of the SOI. The School Department has previously submitted two SOI in 2015 and 2017 for this school, which were not accepted.

Although it is unlikely that the MSBA will accept this SOI as the MSBA continues to provide funding for the ongoing Cabot School Project, the School Department cannot pass up an opportunity to apply for up to 40% in reimbursement for the Lincoln Eliot Elementary School Project. Members of the School Department have been in touch with the MSBA, and the MSBA informally stated that Newton should apply even if it is unlikely that the project will be accepted. There is no expectation that reapplying will hurt Newton's chances for funding in the future. The School Committee unanimously supported submittal of the SOI on March 5, 2018.

The SOI application is essentially the same, as the needs and deficiencies of the school have not changed. There is one minor change to the SOI as there was a decrease in enrollment numbers for Newton and the new SOI reflects these numbers. The submittal to the SOI is available on the City website by following this link: <http://www.newtonma.gov/civicax/filebank/documents/88268/03-12-18%20Finance%20Agenda.pdf>. Maureen Lemieux added that in the near future the Finance Committee would receive a request for funding for the Lincoln-Eliot School to update the HVAC system at the site of the current Lincoln-Eliot School to improve the heating system in the building. The HVAC project will take pace whether the SOI is accepted or not.

The Committee was satisfied with the information provided and Councilor Lappin moved approval. The Committee voted unanimously to approve the motion.

Referred to Public Facilities and Finance Committees

#172-18 Appropriate \$500,000 for snow and ice removal expenses

HER HONOR THE MAYOR requesting authorization to appropriate the sum of five hundred thousand dollars (\$500,000) from Free Cash to supplement the Department of Public Works' snow and ice operations budget.

Personnel Costs – Overtime (0140110-513001).....	\$150,000
Rental Vehicles (0140110-5273-5273)	\$350,000

Public Facilities to Meet

Action: **Finance Approved as Amended 7-0 @ \$1,939,987**

Note: Chief Financial Officer Maureen Lemieux provided the attached letter requesting that the item be amended by increasing the requested amount by appropriating an additional \$939,987 from the Inclement Weather Reserve Fund and an addition \$500,000 from Free Cash. The additional funds include \$500,000 for tree services and \$1,439,987 to supplement the Public Works Department's snow and ice removal budget. The City is anticipating a snowstorm with high winds resulting in tree damage and a significant amount of snow on Tuesday, March 13, 2018.

Commissioner McGonagle reviewed the numbers for snow and ice removal to date. The City has seen 53.5 inches of snow/ice over 23 events this winter and expended \$5,354,928 for removal. The number of events and amount of snowfall is well above average. The removal costs are approximately \$100,000 per inch of snow. A breakdown of the snow budget, current expenses, and the balance in the snow accounts is attached.

A Committee member suggested that the Administration look at doing all snow and ice removal in-house instead of contracting out a portion of the plowing. It would be a significant capital investment, but the City would not have to rely on contractors and would most likely save money over time. The Administration is looking at different approaches to snow and ice removal including doing it in-house. The City is also considering moving from paying contractors per inch to paying them per event. If the City goes in this direction, the Finance Chair suggested that the City meet with its current contractors to explain why the City is going in this direction before going out to bid for snow removal services.

The Committee understood the need for the requested funds including the additional funds and Councilor Rice moved approval as amended at \$1,939,987. Committee members requested that

the Comptroller provide the balance in Free Cash after the amended appropriation. The attached from the Comptroller provides a recap of the Free Cash funds.

#153-18 Discussion with Procurement Officer on criteria for bidding contracts

COUNCILORS GENTILE, MARKIEWICZ, AND NORTON requesting a discussion with the Chief Procurement Officer regarding the City's process for hiring consultants. Discussion should focus in particular on 1) the criteria which determines whether a consulting contract is put out for public bid; and 2) when there is no bid process, what criteria are used to choose consultants.

Action: Finance Held 7-0

Note: The item was docketed by the Councilors in response to the rising costs of design and engineering service contracts that are not sent out to bid. For example, the West Newton Square and Auburndale Square projects design costs are substantially over the estimated budget for these services. The Chair added that he believes in the public bid process especially for large contracts. The bid process promotes competitive pricing and the City may find a firm that provides better services.

Chief Procurement Officer Nick Read explained that Massachusetts General Law Chapter 30B exempts architectural, engineering, and related services that are not associated with a building construction projects from the requirement of going out to bid, as these firms are generally selected based on quality of work rather than price. These types of contracts are handled by the Law Department and do not go through the Purchasing Department resulting in two separate procurement processes. The Chair felt that the Purchasing Department, particularly the Chief Procurement Officer, should be aware of all large contracts that the City enters into. Mr. Read added that the City has a requirement that all contracts over \$50,000 go out to bid but the Executive Department has the ability to waive the requirement, which is common practice.

Chief Financial Officer Maureen Lemieux stated that the City uses a vetting process for non-bid contracts. She added that when the City goes out to bid and receives responses to Request for Proposals (RFPs), the price proposals are in separate envelopes. The other content in the RFP responses, including qualifications, are reviewed before the price proposals are opened. Contractors are chosen on their ability to do the work rather than price.

Commissioner of Public Works Jim McGonagle and City Engineer Lou Taverna explained that when the Public Works Department needs to hire a design or engineering firm for services they look for a qualified professional firm that is familiar with the area. The City expects a certain level of expertise and in most cases prefers to have a firm's principal working on a project to ensure a high quality of work. The City likes to work with the same firms for similar projects because it results in a partnership between the City and the firms. There are benefits to the City by not going out to bid on design and engineering services. The City realizes savings when it works with the same firms, as those firms have background information and previous studies to refer to and the firms understand what the city is looking for on projects.

Design and engineering service contracts are based on hourly rates for each level of expertise available within a firm and the hourly rates between firms are very similar. Before entering into a contract with a firm, the City works with the contractor to develop a scope of work and negotiate the price. The Administration also reviews its expectations in terms of anticipated outcome and costs. As the contracts are based on hourly rates, if there a number of requests for information or redesign, as is the case with the West Newton Square projects, the costs increase. The City has learned a valuable lesson with the West Newton Square Project. The Administration will be taking a different approach for future projects by getting public input and consensus between City departments before involving the contractor. The Administration will also inform the Council as soon as there is a need for additional funding.

Councilor Norton pointed out that MGL Chapter 30B states that using the competitive bidding process even for exempt contracts is a best practice because it allows the municipality to obtain the best value. She added that the open bidding process protects taxpayers and provides an open process. She does not see a downside to going through the bid or RFP process. Mr. Read responded that MGL 30B is written as a general principle and does not address individual situations. There are times when it is appropriate not to send a contract out to bid.

Acting City Solicitor Ouida Young added that MGL 30B is written with a broad brush. Many of the exemptions provided are ones where she would question whether the best practice is to go out to bid. There are hosts of services that have different solicitation processes than the quote/bid or RFP process. The exemptions are in place for a reason. It is important to look at the context of what the City is looking for in terms of qualifications and the project before determining whether it should go through the bid process. Sometimes there are a limited number of firms that provide or are qualified to provide a particular service and there is no point in going through the bid process.

The City is doing unprecedented amounts of work and requiring an RFP for design/engineering services would delay a project by up to two months. The City goes out bid for most services but it is important that the City retain flexibility in procuring certain professional services. The City selects these professionals based on quality and not price, as the quality of their work determines the success of the entire project. Commissioner McGonagle will provide additional written reasons for not going out to bid for some contracts.

The consensus of the Committee is to hold the item for further discussion. There are still a number of issues to consider including whether to create a process for these types of contracts. A process would include clear policies and procedures for all contracts. The Committee may also consider proposing an ordinance. Although Massachusetts General Law allows the City to enter into certain contracts without going out to bid, it may make sense for all contracts that meet a certain estimated cost point go out to bid, which can be achieved through an ordinance. Councilor Cote moved hold on the item, which carried unanimously.

Referred to Zoning & Planning and Finance Committees**#85-18 Appropriate funds to develop an action plan for Washington Street Corridor**

HER HONOR THE MAYOR requesting authorization to appropriate and expend five hundred thousand dollars (\$500,000) from Free Cash for the purpose of developing an actionable plan for the Washington Street Corridor that addresses land use, economic development, transportation, fiscal impacts, and other issues that may arise, as well as a new zoning district(s).

Zoning & Planning Approved 8-0 on 02/12/18

Action: **Finance Approval Failed to Carry 2-4-1 (Gentile, Lappin, Rice, Norton opposed; Noel abstaining)**

Note: The Finance and Zoning & Planning Committee met jointly to discuss the above item on January 22, 2018 and held the item for further information and discussion. The report for that portion of the meeting is attached. At that meeting, the Chair of Finance requested that the Zoning & Planning Committee discuss sole source procurement as it relates to this contract and how the Planning Department will manage the budget for the project during its next discussion of the item. The Zoning and Planning met on February 12, 2018 to discuss the item and approved it by a unanimous vote. The report of the Zoning and Planning Committee's discussion is attached.

Director of Planning & Development Barney Heath joined the Committee to discuss the item. He began by explaining that the Washington Street Corridor is the Planning Department's top priority. In preparation for expected redevelopments along the corridor, the Administration would like to have the action plan and specific zoning to direct what is an appropriate development for the Washington Street Corridor in place. It is important that the City engage all of the stakeholders including residents, businesses, and developers during the process developing the plan and zoning. The timeframe for the completion of the action plan and proposed zoning amendments is thirteen months.

The Planning Department identified the Principle Group as a firm with the expertise in zoning, planning, design development and community engagement and began meeting with Principle Group to understand how they would approach the project, their work with other communities in the area, and ability to meet the 13-month timeline. After determining that the Principle Group was the appropriate firm to provide the scope of work that the Planning Department identified, the Planning Department and Executive Office negotiated a \$500,000 contract that covers all work required as part of the scope of services and funding for sub-consultants. The attached memo from the Director of Planning provides details on how the decision to offer a contract to Principle Group without going out to bid or going through an RFP process was arrived at. The memo also includes a budget for the project, an explanation on why the Planning Department cannot undertake this project, and answers to the questions raised at the January 22, 2018 meeting.

Committee members raised concerns that this project is not being sent out to bid. The Chair voiced concern that the City is proposing this project based on what development may happen. Any

large-scale redevelopment along the corridor would almost certainly require a special permit and a petition for zone changes, which gives the City some control over redevelopment projects.

Although members of the Committee understood the urgency to complete the project and the need for a consultant, they felt that by not going out to bid, it is impossible to know if there is a more qualified firm or better pricing out there. The Principle Group has only done one project in Massachusetts in the City of Somerville and there may be other firms that provide the same services with more experience in Massachusetts. In addition, the City is currently in the process of working with a consultant to redesign the zoning ordinances and it would seem that zoning for the corridor could be incorporated into the redesign. The attached memo addresses why the zoning redesign project cannot incorporate this work.

It was suggested that the Planning Department could develop the action plan and recommend proposed zoning for the corridor. Mr. Heath explained that the Planning Department is currently involved in multiple projects including zoning redesign, Needham Street visioning, and the Austin Street Project. The Planning Department does not have the in-house capacity to complete the work for the Washington Street Corridor in the required 13-month timeframe.

The Chair opened the meeting up to public comment and four citizens spoke on the item. A summary of their statements follow. Kathleen Kouril Greiser, Mill Street, is concerned that this did not go through the public bid process. She has been in contact with people in Somerville and not everyone was pleased with the Principle Group. In addition, she pointed out that the City's zoning is restrictive and development along corridor would likely require special permits and zone changes. The City Council does not have to approve applications for special permits. Peter Harrington, Lowell Avenue, added that one of the nodes that could be redeveloped is one of the last manufacturing zones in the City and that should be taken into consideration. Mr. Harrington stated that the City should look to the community to find out what it wants in terms of redevelopment. In the past, neighborhoods have made it clear that they do not want five story buildings. He suggested that the City do a survey of the neighborhoods along Washington Street to get input on what they are looking for in terms of development. Maryanne Louderback, Elgin Street, pointed out that there are other firms in the area that are able to provide the requested scope of services for this project. Julia Malakie, Murray Road, has spoken with people in Somerville who are disappointed with the process for development taking place in their city. She believes that the neighborhood charrettes do not have impact on the decisions made regarding redevelopment.

Councilor Gentile offered two amendments to item that would stipulate that there be a public bidding process to select the consultant for the Washington Street Corridor and that the wording be changed to "up to \$500,000." Councilor Grossman was hesitant to support the amendment as it would delay the project up to two months and she feels there is urgency and that it has been made clear that the Council would like to see these types of projects bid out in the future. Councilor Noel also understands the urgency but is very concerned that the project was not sent out to bid. Councilor Norton stated that if the stipulation to bid this project is not approved, the project will go over the

\$500,000 price and the City will continue to do more contracts without going through the bid process. The Committee took a vote on the proposed amendments, which failed to carry by a vote of three in favor (Gentile, Noel, Rice) three opposed (Cote, Lappin, Grossman) and one abstention (Norton). Councilor Cote motioned approval of the item, which failed to carry by a vote of two in favor (Cote, Grossman) four opposed (Gentile, Lappin, Rice, Norton) and one abstention (Noel).

#154-18 **Accept MGL C. 64N Sec 3 to impose local sales tax on recreational marijuana**
COUNCILORS KRINTZMAN, ALBRIGHT, DOWNS, LEARY, DANBERG, BROUSAL-GLASER, GENTILE AND KALIS requesting acceptance of Massachusetts General Law Chapter 64N, Section 3, and further requesting that the city impose a local sales tax of 3% on the sales of recreational marijuana and marijuana products by a licensed marijuana retailer to a consumer in the City.

Action: **Finance Approved 7-0**

Note: Assistant City Solicitor Marie Lawlor presented the docket item, which is a request to accept Massachusetts Law Chapter 64N, Section 3, as amended by Chapter 53, Section 13 of the Acts of 2017, which gives the City the ability to charge a local sales tax on recreational marijuana and marijuana products of up to 3%. In addition, the docket item requests the City Council to set the local sales tax at 3%. Sales of medical marijuana or marijuana products by a licensed medical marijuana facility are exempt from the sales tax. If the Council approve the acceptance and sets the tax rate at 3%, the tax will become effective on the first day of the calendar quarter following 30 days after its acceptance by the City, which would be July 1, 2018.

Ms. Lawlor also noted that Massachusetts General Law allows the City to charge an impact fee of up to 3% of retail sales of any medical or recreation marijuana establishment to defray costs imposed upon the City by the operation of the marijuana establishment. It is not a sales tax but part of the community host agreement between the City and the marijuana establishment.

The Committee was supportive of accepting the law and setting the local sales tax at 3% and Councilor Norton moved approval, which carried unanimously.

Referred to Programs & Services, Zoning & Planning and Finance Committees

#59-18 **Ordinance amendment for licensing and criteria for lodging houses**
COUNCILORS CROSSLEY, ALBRIGHT, NORTON, DANBERG, LEARY, KALIS, AND BAKER requesting amendments to Chapters 17 and 20 of the City of Newton Ordinances to establish criteria, licensing requirements, and fees for lodging house owners and resident supervising agents.

Zoning & Planning voted No Action Necessary on 02/26/18

Programs & Services Approved 5-0 on 03/12/18

Action: **Finance Approved 7-0**

Note: Assistant City Solicitor Marie Lawlor joined the Committee to discuss the proposed ordinance amendments to establish criteria, licensing requirements, and update fines and fees for lodging houses. The Programs & Services Committee reviewed the criteria and licensing criteria included in the proposed ordinance and unanimously approved the proposed amendments. The primary focus of the Finance Committee is the fees and fines associated with the proposed ordinance. The Committee had the opportunity to review the attached draft ordinance as it was included with the agenda for the meeting. The proposed ordinance creates individual fees for dormitory and lodging house licenses. There is no change to the current fee of \$50 for either license. The \$50 inspection fee is no longer under the fees for the Fire Department but is under a new interdepartmental fee section in Chapter 17 and the inspection fee was increased to \$300 to better capture the cost of multi-department inspections.

The proposed ordinance includes fines for violations of health, building or fire codes and violations of city ordinances. If a lodging house has more than three violations that are not addressed with 30 days of inspection, they are subject to a \$300 fine from either the Inspectional Services Department or the Fire Prevention Bureau. In addition, there are \$300 fines for more residents than allowed and/or too many vehicles stored at a lodging house.

A Committee member questioned whether the proposed ordinance would apply to air bed and breakfasts. Ms. Lawlor stated that the proposed ordinance does not apply. With that, Councilor Rice moved approval, which carried unanimously.

All other items before the Committee were held without discussion and the Committee adjourned at 10:45 PM.

Respectfully submitted,

Leonard J. Gentile, Chair



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#172-18

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March 12, 2018

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Council amend Docket # 172-18 by transferring an additional \$500,000 from June 30, 2017 Certified Free Cash to the Parks and Recreation Department Forestry Tree Service Acct # 0160203-5243 and authorize the transfer and appropriation of \$939,987 from the Inclement Weather Reserve Fund to the Department of Public Works as follows:

DPW Personnel Costs – Overtime – Acct # 0140110-513001	\$ 300,000
DPW Rental Vehicles (Contractors) – Acct# 0140110-5273	\$ 639,987

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller

Ruthanne Fuller
Mayor

RECEIVED
Newton City Clerk
2018 MAR 12 PM 4:44
DAVID A. CHSON, CMC
Newton, MA 02459

From: [Jack Cowell](#)
To: [Shawna Sullivan](#)
Cc: [James Mcgonagle](#); [Maureen Lemieux](#)
Subject: Snow Backup
Date: Monday, March 12, 2018 4:44:18 PM
Attachments: [image002.png](#)

Hi Shawna,

Here is the latest breakdown of costs for snow this season. Maureen will be amending the docket item. To date we have had 53.5 inches of snow.

	Budgeted	Expenses	Balance
Total Personnel	\$ 1,633,300.00	\$ 1,052,240.19	\$ 581,059.81
Total Contractors	\$ 3,632,037.65	\$ 2,632,497.91	\$ 999,539.74
Salt	\$ 258,030.00	\$ 925,317.69	\$ (667,287.69)
Equipment	\$ 244,923.85	\$ 744,873.08	\$ (499,949.23)
Total	\$ 5,768,291.50	\$ 5,354,928.87	\$ 413,362.63

Jack Cowell
Sr. Financial Analyst – City of Newton, MA
617-796-1082

Free Cash as of March 14, 2018

	<u>Free Cash Balance</u>	<u>Appropriations</u>	<u>Notes</u>
July 1, 2017 Certified free cash	<u>\$ 11,153,092</u>		
 Minus Fiscal Year 2018 Free Cash Appropriations Approved by City Council			
#354-17 Toughbooks (Police)		(106,000)	
#350-17 Financial Software- Munis		(1,507,105)	
#87-18 West Newton Sq Rehab Design & Engineering		(120,000)	
#128-18 Snow removal plowing/overtime		(500,000)	
Total Fiscal Year 2018 Appropriations Approved by City Council		<u>(2,233,105)</u>	20% has been approved for appropriation by City Council
 Free Cash Remaining Balance as of 3/14/18	<u>\$ 8,919,987</u>		80% has not yet been approved for appropriation by the City Council
 Minus Pending Appropriations as of 3/14/18			
#110-17 Snow removal plowing/overtime		(500,000)	
#85-18 Washington Street Corridor Action Plan		(500,000)	
#155-18 Snow removal plowing/overtime/tree service		(1,850,000)	
#172-18 Snow removal plowing/overtime/tree service		(1,000,000)	
#88-18 Walnut/Wash Sts. Newtonville Imprv (amended from \$380K - NEW)		(147,411)	
Total Pending Appropriations		<u>(3,997,411)</u>	36% of free cash is in pending appropriations
 Certified Free Cash Available for Appropriation	<u>\$ 4,922,576</u>		44% of free cash remains available for new appropriations



Finance Committee Report

City of Newton **In City Council**

Monday, January 22, 2018

Present: Councilor Gentile, Ciccone, Norton, Cote, Rice, Noel, Grossman, and Lappin

Also present: Councilor Albright, Baker, Brousal-Glaser, Danberg, Downs, Kalis, Krintzman, Leary, Crossley, Scibelli Greenberg, and Kelley

City staff present: Barney Heath (Director of Planning & Development), James Freas (Deputy Director of Planning & Development), Alice Ingerson (Community Preservation Planner), Angela Smagula (Deputy City Solicitor), Lou Taverna (City Engineer), Sue Dzikowski (Comptroller), Maureen Lemieux (Chief Financial Officer) and Jonathan Yeo (Chief Operating Officer)

Referred to Zoning & Planning and Finance Committees

#85-18 Appropriate funds to develop an action plan for Washington Street Corridor

HER HONOR THE MAYOR requesting authorization to appropriate and expend five hundred thousand dollars (\$500,000) from Free Cash for the purpose of developing an actionable plan for the Washington Street Corridor that addresses land use, economic development, transportation, fiscal impacts, and other issues that may arise, as well as a new zoning district(s).

Zoning & Planning Held 8-0 on 01/22/18

Action: **Finance Held 8-0**

Note: The Zoning & Planning and Finance Committees met jointly to discuss this item. Members of both Committees voiced their disappointment that no supporting material was provided for the item. The City Council Rules and Orders require a suspension of the rules to allow an item for which no supporting documentation was supplied at least 48 hours prior to the meeting to be discussed in Committee. Councilor Baker stated that he was making the motion in the Zoning & Planning Committee to suspend the rules but would not be willing to do it again for any other item. The Zoning & Planning Committee voted unanimously to support suspending the rules to discuss the item. Councilor Cote moved suspension of the rules in the Finance Committee in order to discuss the item, which carried by a vote of seven in favor and one opposed. Councilor Norton voted against the motion because she feels it is inappropriate to discuss the item without having the proper backup at least 48 hours in advance of discussion.

Director of Planning & Development Barney Heath introduced the item to the Committees. The Administration would like to engage a consultant to create a vision plan and address zoning along the Washington Street Corridor from West Newton up to Newton Corner. As the Council is aware, a number of parcels along Washington Street have been the subject of redevelopment proposals in recent years and the trend is likely to continue. A number of grouped parcels along the corridor are actively being assembled for redevelopment. It would be beneficial for the City to take a proactive

approach to redevelopment. The goal is to have the ability to make decisions on the Washington Street corridor in the next 12 to 18 months.

While the whole of the Washington Street Corridor would be the subject of the study, the three potential locations (see attached map included in the Planning Department's presentation) for redevelopment would get detailed attention. The vision plan would allow the City to get out in front of the redevelopment plans and have that community vision supported by appropriate zoning. Undertaking a community-lead vision process translates into policy and zoning that ensure redevelopment is consistent with the established community vision. The project also includes looking at the public realm, which includes the roadway the sidewalk, open space, and potential future improvements to that realm as part of the vision plan.

The Planning Department is recommending hiring a consultant because the work needs to begin immediately and be complete by the end of the calendar year. In addition, the process requires expertise in a number of areas including community involvement, urban design, finance, fiscal impact, and transportation. The Planning Department is also recommending that the City use the sole source procurement process to hire Principle Group, as the firm has the expertise and the ability to provide the vision plan and proposed zoning amendments in the compressed timeframe. Principle Group has experience working on behalf of municipalities and knows how to work with a community to turn ideas into a vision plan. In addition, Principle Group is familiar with Newton and does not require a learning period before starting the project. The Planning Department reviewed the Principle Group's price for services and feels that the charges are appropriate given the 12-month timeline for the project, the inclusion of sub-consultants in the areas of transportation, economic and fiscal impacts, and the quality of product.

Russ Preston of Principle Group provided the attached presentation. Mr. Preston highlighted his firm's experience with working with communities in Massachusetts, Rhode Island, and Maine to develop plans for building communities. His firm has deep expertise in working with communities to respond to development pressure and create places that are beneficial to both the community and developer. Principle Group works to develop plans for communities to retain the feel, character, and beloved aspects of areas when facing development pressure. They do this by coordinating the planning process with the community and organizing communication. The process also includes engaging all the stakeholders through crowdsourcing events, interview, and surveys and laying out the goals and objectives before the design phase begins. Principle Group also works with stakeholders through the design phase with multi-day charrettes, pop-up planning studios, and focus groups. The result is a vision report that includes proposed zoning for implementation. Community engagement creates better plans and fosters place making. The more minds involved in planning the better the plan, which brings communities together and creates private sector alignment.

Mr. Preston concluded the presentation with a review of the below budget summary.

Washington Street Corridor Budget Summary

Updated: 1/22/18		
Task	Description	Cost
Task 0.0	Project Management	\$ 31,855.00
Task 1.0	Existing & Emerging Conditions Research	\$ 70,335.00
Task 2.0	Community Connectors	\$ 2,920.00
Task 3.0	Community Crowdsourcing	\$ 21,625.00
Task 4.0	Multi-Day Planning Event (Charrette)	\$ 121,290.00
Task 5.0	Plan Open House (Public Draft #1)	\$ 143,335.00
Task 6.0	Forums	\$ 18,455.00
Task 7.0	Revise Plan & Zoning Code (Public Draft #2)	\$ 38,190.00
Task 8.0	Final Plan & Zoning Code (Public Draft #3)	\$ 20,255.00
Team Cost		\$ 468,260.00
Direct Cost		\$ 31,740.00
TOTAL		\$ 500,000.00
	Summary by Company	
	Principle	\$ 366,260.00
	Transportation & Active Mobility	\$ 50,000.00
	Fiscal Impact	\$ 40,000.00
	Economic Impact	\$ 12,000.00

As noted, the budget also includes \$102,000 in funding for sub-consultants to work with Principle Group throughout parts of the project. The sub-consultants will provide expertise in transportation, fiscal impact and economic impact. This budget covers the costs for Newton to get to an action plan that includes zoning changes.

Questions and Answers

Q. Washington Street Corridor is made up of at least three distinct areas. How are you going to handle the community engagement in the distinct areas?

A. Very sensitively with the communities in each of those areas. They each have different problems and different opportunities. Principle Group and the Planning Department has discussed how to localize those aspects of Washington Street. There are ways to assemble folks from each neighborhood and get into a local dialogue at a neighborhood level.

Q. By going with one group through sole source procurement, the City is going to get breadth but is it getting depth? Can Principle Group do traffic studies as well?

A. That is what Mr. Preston alluded to with the sub-consultants that will be brought in to work on the project. Principle Group works with a team of sub-consultants that they have great faith in and they are included in the proposal.

Q. What is community crowdsourcing?

A. Crowdsourcing for Principle Group is having an understanding of the networks in the neighborhood and what groups or people are missing from meetings. Principle Group asks neighborhood groups who else needs to be included in the planning process, how to get them involved and the best way to have a conversation with them.

Q. Can you give examples of completed projects and the outcomes?

A. Most of Principle Group's projects have resulted in either new zoning for the municipalities or new zoning ordinances specific to an area or neighborhood.

Q. Does the funding include working with the Planning Department and Zoning & Planning Committee to come up with what zoning might be need to accomplish whatever is decided for the Washington Street Corridor?

A. Yes, this will result in a draft zoning code for the corridor.

Q. When you say private sector alignment, is that related to making sure that the developers of the projects along Washington Street like what is being proposed? What exactly does private sector alignment mean?

A. Principle Group works with the city, community and developer to make sure development meets community needs but still addresses developer's needs. It is balance between the needs of the community and developers. It requires making sure that anyone with an interest is included in the dialogue. Ideally, things that are not solvable with public dollars could be solvable in other ways. It is important that all of the community is aware and involved in planning. The goal is to find the best solutions for everyone.

Q. When did the Planning Department start talking with the Principle Group and has Principle received any money from the City?

A. The second week of January and Principle Group has received no money.

Q. How does Planning know that it is getting a quality product without going through the Request for Qualifications process?

A. Mr. Heath knows what consulting firms are out there and what their abilities are. He is convinced that Principle Group has everything the City is looking for and can meet the one-year timeline.

Q. How does this project fit in with the proposed improvements on Washington Street from Harvard Street to Lowell Avenue?

A. This Washington Street Corridor project relates to zoning and development. The Washington Street, Newtonville project is primarily a streetscape project.

Q. Why is there a compressed timeframe for this project?

A. There are large scale developments in process and there will be additional large projects coming in for special permits. The Planning Department wants to be in front of those upcoming developments.

Q. Why does the City need a consultant for this work?

A. This is a very large project that the department cannot take on without a consultant and sub-consultants. The consultant is an advocate for the City and community. The Planning Department is currently working on number of large projects including visioning for Needham Street and zoning reform. The Planning Department staff is stretched thin due to the number in-house projects and initiatives

Q. Is this addressing the request for proactive planning?

A. Yes.

Q. Why is the Washington Street Corridor different from other areas of the City?

A. The Planning Department is aware of specific development nodes on Washington Street. There may be a need in the future to look at other areas of the city but the current need is this corridor.

Comments

C. The Planning Department is about three times the size of the Inspectional Services Department. In addition, the Inspectional Services Department has no zoning enforcement officer because the salary is too low to get somebody that is competent. Yet, the Administration is going to make out a

check for \$500,000 for an outside consultant rather than taking care of some of our internal needs first.

C. It is surprising to learn that the Planning Department has already had three or four meetings with Principle Group. It makes it feel like the decisions have been made without any input from the Councilors.

C. It is hard to see any harm in going out to bid for this project. The Planning Department may be surprised with another firm's response.

There needs to be more information on what the City is getting terms of scope of service. There does not appear to be anything unique about the approach that the Principle Group described.

C. The Newtonville Area Council (NAC) started a citizen-based initiative for Washington Street Corridor. NAC did a wonderful job reaching out to residents. The attached memo from Marc Kaufman of NAC summarizes their initiative.

Outstanding Questions

Q. What is the implicit cost of acting on the proposed vision plan and zone changes?

Q. What is the impact on the City's cash flow position and what are some of the other claims on Free Cash?

Q. How does this project fit with Phase II of the city's zoning reform project?

Q. This question relates to the cost inside the whole system. If the Council were to take an existing proposal that came before it, they could ask for consultant money to be paid for by the developer or could look at tax increment financing or a variety of other funding sources. This is a significant amount of money to ask to frontend as opposed to having a sense of if the City is going to recapture the money, or what is the net gain. How is the City going to recapture the money and how is it going to justify this expenditure?

Q. Given the examples that Principle Group provided in the presentation, do they have a proclivity to recommend development over non-development.

Q. How does Principle Group manage very different community opinions? How do they find common ground? Do they have an example?

Q. Can the consultants articulate their certainty that the budgeted amount is adequate? Have their past projects come in at budget?

Q. What is the transportation and streetscape scope of the project? What is included, and how will this piece be coordinated with past plans and current staff and community work on transportation and streetscape?

Requests for Information

R. Provide a better understanding of why the Planning Department makes the decision to use outside consultants instead of developing in-house staff for these types of projects. It seems that the City should be doing more in-house. Provide detailed information on why the City needs a consultant.

There were no further questions. The Chair of the Zoning and Planning Committee stated that Councilors should submit any further questions they may have to the Clerk's Office. The Chair of Finance requested that the Zoning & Planning Committee discuss sole source procurement as it relates to this contract and how the Planning Department will manage the budget for the project. With that, Councilor Baker moved hold in the Zoning & Planning Committee and Councilor Ciccone moved hold in the Finance Committee. The motions carried unanimously in both Committees.

Referred to Zoning & Planning and Finance Committees

#86-18 Add a full-time position in the Planning Department

HER HONOR THE MAYOR requesting authorization of the addition of one full-time employee position in the Planning & Development Department to create a Director of Transportation Planning position.

Zoning & Planning Approved 7-0-1 (Krintzman abstaining) on 01/22/18

Action: Finance Approved 6-0-2 (Ciccone, Lappin abstaining)

Note: The Zoning & Planning and Finance Committees met jointly on this item. Councilor Cote moved approval of the item in the Finance Committee with the understanding that the Planning Department would provide a job description and salary for the new position and the Department of Public Works would provide the job description for the existing Transportation Director and Deputy Transportation Director in the Public Works Department before the full Council meeting on Monday, February 5, 2018. The Committee voted six in favor with two abstentions to support the motion. Please refer to the January 22, 2018 Zoning and Planning Report for details of the discussion.

#58-18 CPA funding request for \$60,000 to repair a fence at Newton Cemetery

COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of sixty thousand dollars (\$60,000) from the Community Preservation Fund's historic resources budget reserve and fund balance to the Planning & Development Department for a grant to the Newton Cemetery to restore and rehabilitate the Whipple-Beal cast iron fence, as described in the proposal submitted to the Community Preservation Committee in September 2017.

Action: Finance Approved 8-0



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

MEMORANDUM

DATE: February 9, 2018

TO: City Council Zoning and Planning Committee

FROM: Barney Heath, Director of Planning & Development
James Freas, Deputy Director of Planning & Development
Rachel Blatt, Long-Range Planner

SUBJECT: Washington Street Corridor Vision and Zoning Plan Request – Docket# 85-18

I. Overview of Request

Mayor Fuller stressed the need for Newton to pro-actively develop a community-driven vision and accompanying zoning plan for the Washington Street corridor in her inaugural remarks. Shortly after taking office, Mayor Fuller requested the Planning Department begin this effort as soon as possible in light of proposed property redevelopment requests along the corridor. Given the timeline for delivering a community plan with supporting zoning and the wide-variety skill-sets required to engage genuinely with the many stakeholders and to produce thoughtful zoning, the Planning Department in consultation with the Mayor and Executive Office concluded that a consulting contract would be both an expeditious and effective approach.

Drawing upon our department's collective in-depth knowledge of high quality design firms, with specific expertise in comprehensive planning, community engagement, architectural design and zoning, we selected the Principle Group to be interviewed. Following multiple discussions with Principle Group about our intended work product and gaining a deep understanding of their team approach, experience in other communities, proposed scope of services, and general cost parameters, we had the Principle Group in to present to the Mayor and Executive Office. After their presentation, a decision was made to initiate negotiations with Principle Group to provide a scope of services and fee to undertake the work, to be completed in a thirteen-month time period. The Planning Department met with the Principle Group on three subsequent occasions to review scope

and negotiate their fee, including utilizing a collaborative approach. The \$500,000 fee proposal represents undertaking a full scope for the project (see attached) accessing the skills and talents of the Principle Group combined with a hands-on approach from the Planning Department and shaped throughout by in-depth input by residents, businesses, and elected officials.

II. Rationale for Contracting Services

The Planning Department is fully cognizant of the requisite skills and time required to complete a vision plan and an adoption-ready zoning amendment for the Washington Street corridor. We did consider an in-house approach, but the scope of this project is unique and specialized. For example, the Planning Department does not have an architect with development expertise, which is essential for this undertaking. Nor does it have the specific skill sets to undertake real estate market feasibility, fiscal impact analysis and public improvement financing alternatives, all of which are necessary to produce a well-rounded plan. With respect to zoning, the Planning Department does not have the expertise to develop an ordinance-ready, form-based zoning code amendment, reflective of the community vision plan for the Washington Street corridor.

The Planning Department is fully capable of running a community process to engage the community as it is currently doing with the Needham Street area. However, it does not have the services of an architect on-hand to produce multiple detailed vision sketches to immediately respond to community suggestions nor the bandwidth to undertake the extensive level of community engagement (six-day charrette) as planned by the Principle Group.

It is common for municipalities to employ consultants on an as-needed basis for specialized skill sets to extend capacity and undertake multiple projects simultaneously. It is entirely appropriate for the Planning Department to hire a firm for help with a project of this size, urgency and importance. A partial list of current Planning Department projects is attached for reference.

III. Connection to Overall Zoning Redesign

The City's overall Zoning Redesign is moving forward in parallel with this effort. It is important, however, to distinguish that the goal and product of the Zoning Redesign effort will be a new baseline Zoning Ordinance, to be presented fully as a draft in the fall of this year. The need for specific zoning for the Washington Street corridor is immediate. The goal for this project is to articulate a specific vision plan for this corridor, particularly focused on the anticipated nodes of development. It is expected that the proposed zoning amendment for the Washington Street corridor can be an amendment under our current zoning ordinance and will be designed to be made part of the new ordinance once it has been enacted.

IV. **Scope of Services Sought**

To reflect the community's vision for future development along the Washington Street corridor from West Newton Square east to approximately Adams Street, the following set of services were sought:

- ❖ Architectural and Design Expertise with specialized experience in comprehensive planning and master planning and experience working with municipalities to assist in achieving development outcomes consistent with the community's vision.
- ❖ Effective and Proven Community Engagement Techniques that provide multiple opportunities for input, offer clear unambiguous plan visuals that reflect the community vision. Experience working with various point of views and building consensus.
- ❖ Team Competence and Expertise to undertake attendant issues involving many areas including transportation (all modes) and parking, real estate market feasibility, fiscal impacts, and public improvement financing.
- ❖ Zoning Code Expertise to develop adoption-ready zoning ordinance language.

V. **30B Waiver for Design Professionals**

Massachusetts State Purchasing specifically recognizes and provides for an exemption to normal purchasing requirements when it comes to procuring certain design services with architects, engineers and related professionals. The inherent rationale as stated in MGL §30B is that selection of professional services is to be based on quality rather than price, consistent with exemptions for lawyers, accountants and medical professionals. In much the same way municipalities might look to hire a known attorney with expertise in a particular field, so have we approached this undertaking by first identifying a well-suited firm and negotiating to set a fee.

VI. **Selection of Principle Group**

After identifying the scope of services sought for the Washington Street Corridor Vision and Zoning Plan, the Planning Department undertook an internal analysis and discussion of the best candidates for this work. Key considerations in identifying a potential partner included Architectural Design expertise, firm grounding in Community Engagement, Vision Plan Production, Zoning Code production and local knowledge. We were aware of the Principle Group's work in a similar capacity for the City of Somerville. Following a conversation with Somerville officials and a review of their substantial content on the Principle firm website, we focused our effort on determining whether this firm was an appropriate fit to undertake the identified scope of services. In addition, a discussion was held with the City's Chief Financial Officer to understand the cost and the City's financial capacity to invest in the services. After multiple interactions, including a well-received presentation to the Mayor and Executive Office, we asked the Principle Group to provide a fee proposed for the work. At subsequent meetings with the firm, the fee proposal and scope of work was negotiated to \$500,000, an amount that covered all of the necessary components and was within our project budget. It is our considered opinion that given the

high level of expertise required, the complexity and breadth of the project scope, the number of hours and level of engagement necessary to effectively involve the public, the fee established is appropriate.

VII. Principle Group Proposal

Attached you will find a detailed description of the planned scope of services to be provided by the Principle Group along with their detailed budget. At a base cost of \$366,260, the Principle Group is providing 2,509 hours toward this undertaking at an average of \$145/hr., which is in-line with industry standards. Additionally, the Principle Group has reserved funding in the amount of \$102,000 to employ sub-consultants in the fields of transportation/ mobility (\$50, 000), fiscal impact analysis (\$40,000) and economic analysis (\$12,000).

We have provided a number of attachments to further support this request.

Attachments

Planning Department Current Projects

Answers to Outstanding Questions (1/22/18)

Principle Group Scope of Services/Detailed Budget

Sample Work Products

Planning Department Current Team Initiatives
February 2018

- ❖ Zoning Redesign/ Zoning Discussion Series
- ❖ Needham Street Area Vision Plan/ Engagement Group Meetings
- ❖ Inclusionary Zoning Amendment
- ❖ Street Design Guide
- ❖ Austin Street Liaison Committee
- ❖ West Newton Square Streetscape
- ❖ Walnut Street Enhancement
- ❖ Crescent Street Housing and Reverend Ford Park/ Playground Expansion
- ❖ Newton Centre Parking Plan Implementation
- ❖ Needham Street Mass DOT Project
- ❖ Economic Development Strategy Plan
- ❖ Webster Woods Advisory Panel Support
- ❖ Recreational Marijuana

Outstanding Questions (1/22/18)

- Q.) What is the implicit cost of acting on the proposed vision plan and zone changes?
- a. Without a clear, well-articulated version for the anticipated nodes of redevelopment along the Washington Street corridor, the City cannot dictate what it desires in terms of future development but instead will be forced to react and decide on an ad hoc basis what is possible. The cost of not acting is not ensuring a defined outcome that would come as a result of zoning.
- Q.) What is the impact on the City's cash flow position and what are some of the other claims on Free Cash?
- a. Maureen Lemieux is best suited to answer this question. She was part of the selection process throughout and approved of the negotiated fee.
- Q.) How does this project fit with Phase II of the City's zoning reform project?
- a. This project actually fits well with respect to the overall Zoning Redesign project. Zoning Redesign will establish overall base zoning districts for areas of the City. It was likely that the Washington Street Corridor merited its own special district plan, with specific prescriptive zoning for certain parcels, that this effort will fulfill. The final zoning package for this effort will be able to work with our current ordinance as well as the new ordinance.
- Q.) This question relates to the cost inside the whole system. If the Council were to take an existing proposal that came before it, they could ask for consultant money to be paid for by the developer or could look at tax increment financing or a variety of other funding sources. This is a significant amount of money to ask to frontend as opposed to having a sense of it the City is going to recapture the money, or what is the net gain. How is the City going to recapture the money and how is it going to justify this expenditure?
- a. The expenditure of the funds now, as opposed to waiting to undertake this as part of a future project puts the City in a pro-active mode as opposed to reacting to an already preconceived project, which might be vastly different from the community's vision. In addition, part of this process will identify how best to leverage approved development to achieve community benefits.
- Q.) Given the examples that Principle Group provided in the presentation, do they have a proclivity to recommend development over non-development.
- a. The Principle Group is to be hired to undertake a community driven process to generate a vision for the Washington Street corridor.
- Q.) How does Principal Group manage very different community opinions? How do they find common ground? Do they have an example?
- a. One of the strengths of the Principle Group is their attention and effort given to the community engagement aspect of the work. They specialize in bringing concepts and ideas into physical visions so that citizens can visualize places. They also stress that the process is interactive so that ideas are constantly updated and modified to reflect prevailing sentiment.

- Q.) Can the consultants articulate their certainty that the budgeted amount is adequate? Have their past objects come in a budget?
- a. The budget developed was proposed by the Principal Group. They are aware of the budget cap and deliverables for the project.
- Q.) What is the transportation and streetscape scope of the project? What is included, and how will this piece be coordinated with past plans and current staff and community work on transportation and streetscape?
- a. The Principle Group identifies issues of transportation and parking as key to understanding community desires. They will work closely with the City's existing plans and transportation team to coordinate efforts.
- Q.) Provide a better understanding of why the Planning Department makes the decision to use outside consultants instead of developing in-house staff for these types of projects. It seems that the City should be doing more in-house. Provide detailed information on why the City needs a consultant.
- a. The Planning Department recognizes that this task is too specialized in terms of skill sets (architecture, development finance, market study) and too time-sensitive to handle in-house. The Planning Department will be working alongside the Principle Group during the entire process to assist and learn from their process. It is best and common practice for Planning Departments to seek outside assistance, when warranted, to produce certain specialized deliverables within an expedited timeframe.

Washington Street Corridor Budget 20180122

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1	Washington Street Corridor Vision Plan & Zoning Code												
2	Updated: 1/20/18												
3													
4	Task	Description	Cost										
5	Task 0.0	Project Management	\$ 31,856.00										
6	Task 1.0	Existing & Emerging Conditions Research	\$ 70,336.00										
7	Task 2.0	Community Connectors	\$ 2,920.00										
8	Task 3.0	Community Crowdsourcing	\$ 21,626.00										
9	Task 4.0	Multi-Day Planning Event (Charrette)	\$ 121,290.00										
10	Task 5.0	Plan Open House (Public Draft #1)	\$ 143,336.00										
11	Task 6.0	Forums	\$ 18,456.00										
12	Task 7.0	Revise Plan & Zoning Code (Public Draft #2)	\$ 38,190.00										
13	Task 8.0	Final Plan & Zoning Code (Public Draft #3)	\$ 20,256.00										
14													
15	Team Cost		\$ 468,200.00										
16	Direct Cost		\$ 31,740.00										
17													
18	TOTAL		\$ 500,000.00										
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NEWCASTLE, MAINE CHARACTER-BASED CODE

**PUBLIC DRAFT
06.30.2017**

CONTRIBUTORS

NEWCASTLE LOCAL STEERING COMMITTEE

ALSO A THANKS TO THE FOLLOWING CONTRIBUTORS.

The Newcastle Character-Based Code is the result of a collaborative effort led by MAINE DESIGN WORKSHOP & PRINCIPLE.

**Vanessa Farr, Maine Design Workshop
Sara Sremac, Maine Design Workshop
Russell Preston, Principle
Scott Douglass, Principle
Kara Wilbur, Principle
Irene Miller, Principle**

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10. Commercial Street
11. Shared Street
12. Avenue
13. Parkway
14. Footpath
15. Crossweave

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2. Yard Sign
3. Plaque Sign
4. Multi-Business Sign
5. Canopy Sign
6. Suspended Sign
7. Sidewalk Sign
8. Window Sign
9. Outdoor Display Case
10. Blade Sign
11. Awning Sign
12. Vertical Banner Sign
13. Band Sign
14. Marquee Sign
15. Wall Mural
16. Roof Sign

ARTICLE 1 GENERAL PROVISIONS

PURPOSE

- To implement the Comprehensive Plan of the Town of Newcastle.
- To coordinate development and redevelopment according to plans collaboratively developed with community members from the Town of Newcastle.
- To equitably balance the regulation of real property with the interests of the community as a whole.
- To preserve and enhance the existing character of Newcastle's traditional walkable villages, to continue to promote neighborly activity, respect the existing built form, and honor the historic development pattern inherent in the villages.
- To protect and enhance unique ecological habitats, including Damariscotta Lake, the rivers, Great Salt Bay, and Deer Meadow Brook.
- To conserve and enhance human access to Newcastle's greatest amenities, the rivers, marshes, forest, farms, and other natural areas.
- To require a strong connection and appropriate transition between the public realm (streets and sidewalks) and the private realm (yards and buildings).
- To promote the adaption and preservation of existing buildings.
- To permit redevelopment and infill construction that contributes to and preserves the character of Newcastle.
- To provide a range of housing types, unit sizes, and price points to accommodate diverse household sizes, income levels, and stages of life, paying particular attention to affordable housing to individuals and families with low and moderate incomes.
- To capture a fiscal return on investments made in transportation and public utilities infrastructure by locating higher intensity development within walkable villages.
- To preserve and promote a full range of thoroughfare types, including narrow, low-impact, and inexpensive streets that promote Newcastle's village and rural character.
- To resolve design conflicts between vehicular and pedestrian movement in favor of the pedestrian.
- To preserve and enhance the availability and design of Newcastle's public realm, including access to nature, parks, streets, and other civic space.
- To allow for a range of business activity that supports the local interest in promoting Newcastle as a center for entrepreneurial activity, both in the villages and rural areas.

APPLICABILITY

- Unless otherwise specified, this Ordinance is applicable throughout the Town of Newcastle as shown on the Town of Newcastle Official Zoning Map.
- All departments, boards, and authorities of the Town of Newcastle must comply with the procedural requirements of this Ordinance.
- Real property used or occupied by the Town of Newcastle is exempt from the provisions of this Ordinance.
- Real property used or occupied by the State of Maine is exempt from the provisions of this Ordinance.



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Article 1 General Provisions

1. CODE INSTRUCTIONS

A. TITLE

1. This Ordinance is known as the "Municipal Land Use Ordinance of the "Town of Newcastle" and may also be cited and referred to as the "Town of Newcastle Land Use Ordinance."

B. MEANING & PURPOSE

1. Words, phrases, and terms used in this Ordinance are defined in Article 7: Definitions.
2. Words, phrases, or terms not defined in this Ordinance must be accorded their commonly accepted meanings as defined in the most recent edition of the Webster's Unabridged Dictionary.
3. The terms "standards," "regulations," and "requirements" are used to mandate a specific course of action or built outcome.
4. The words "must," "will", and "may not" are mandatory and when used require compliance with standards, regulations, and requirements of the Ordinance.
5. The words "may" and "should" are permissive.
6. The words "building", "building type", "land", "lot", "building lot", "parcel", "premises", "site", "structure", and "thoroughfare" also refer to any portion thereof.
7. The word "description" is synonymous with "definition" when used in this ordinance.

C. TEXT & GRAPHICS

1. Illustrations, graphics, pictures, and flowcharts are included in this Ordinance to help illustrate the purpose and requirements of the text. In the case of a conflict between the text of this Ordinance and any illustration, graphic, picture, or flowchart, the text must govern.
2. All metrics included in tables must be interpreted as text under this Ordinance and must govern.

D. ORGANIZATIONAL STRUCTURE

1. The burden is on the applicant for complying with all the terms of this Ordinance.
2. All of the terms in this Ordinance are legally binding, whether or not they are numbered. Purpose and Applicability sections are binding regulations.
3. Descriptions provided within this Ordinance are considered to be definitions and are legally binding.

2. ZONING MAP

1. The boundaries of districts are applied to real property as shown on the Official Zoning Map of the Town of Newcastle, Maine.
2. This map may be cited and referred to as the "Official Zoning Map" or "Zoning Map."
3. District boundary lines are intended to follow lot lines, be parallel or perpendicular to them, and follow centerlines of private rights-of-way or public thoroughfares, as indicated on the Zoning Map.
4. Where the Zoning Map indicates a District boundary line that approximately coincides with a lot line, the lot line is the official boundary between Districts.
5. Where the Zoning Map indicates a district boundary line that divides a platted lot or undivided parcel of land, the boundary between districts must be determined using the scale of the Official Zoning Map.
6. Lots divided between two or more character districts must observe the rules of the most restrictive district across the entire lot.
7. Special Requirements are shown on the Zoning Map as a line that applies to abutting parcels, which are regulated according to the standards contained in this Ordinance.

Article 1 General Provisions

3. AUTHORITY & COMPLIANCE

A. AUTHORITY

1. This Ordinance is adopted under the authority granted by Article [REFERENCE TO LOCAL ORDINANCE].

B. COMPLIANCE

1. No real property may be occupied or used, no use of an existing building or land may change, no building or structure may be constructed, altered, expanded, or enlarged in whole or in part for any purpose except as specifically authorized by this Ordinance.
2. This Ordinance allows waivers from the provisions of this Ordinance if the Code Enforcement Officer determines that:
 - a. Allowance of the waiver is consistent with the purpose of this Ordinance; and
 - b. The waiver does not exceed the allowed metric variations or qualitative criteria described in the section where the waiver is authorized.
3. Allowance of a waiver under this Ordinance is considered an integral part of the application of this Ordinance and is not considered the granting of a variance, as that term is defined under Maine law.

C. RELATIONSHIP TO OTHER PROVISIONS

1. This Ordinance does not abrogate, annul, or otherwise interfere with any easement, covenant, and/or other private agreements.
2. Where the provisions of this Ordinance impose a greater restriction than required by other ordinances, regulations, resolutions, rules, easements, covenants, or agreements, the provision of this Ordinance must apply.
3. The provisions of this Ordinance must take precedence over those of other codes, ordinances, regulations, and standards that may be in conflict with this Ordinance.
4. All development activity must comply with relevant Federal and State law and regulations. Where the provisions of this Ordinance impose a greater restriction than required by Federal or State law, the provisions of this Ordinance must apply unless otherwise prohibited by law.

4. ADOPTION & EFFECT

A. ADOPTION DATE

1. This Ordinance is adopted under the Municipal Home Rule Powers of the Maine Constitution, Article VIII-A and 30-A MRSA Chapter 141, and Chapter 187. Specific chapters of this Ordinance are also adopted under specific statutory provisions, including Mobile Home Parks, under 30-A MRSA Section 4358; Subdivisions, under 30-A MRSA Section 4404; Shoreland Standards, under 38 MRSA Sections 435449, and Floodplain Management, under PL. 90-488, the National Flood Insurance Act of 1968.

B. IN EFFECT

1. This Ordinance must take effect upon its passage and supersedes the Zoning Ordinance of the Town of Newcastle as enacted on March 27, 2001 and updated June 2013.

C. CLAIM OF INVALIDITY

1. No claim of invalidity of this Ordinance must be made in any legal proceeding after 90 days have passed following the publication of notice of adoption.
2. Notice specifying the court, parties, claim of invalidity, and date of filing must be submitted to the Board of Appeals within 7 days after commencement of such action.

D. PREVIOUS APPROVALS

1. All valid permits issued on or before the date of adoption of this ordinance will remain valid.

E. SEVERABILITY & INVALIDITY

1. If any provision of this Ordinance or the application of any provision to any person, partnership, corporation, or circumstance is declared unconstitutional or otherwise held invalid, the validity of the remaining provisions of this Ordinance and their application to any other person, partnership, corporation, or circumstance must not be affected.

Article 1 General Provisions

EXHIBIT 1.1 NEWCASTLE ZONING MAP

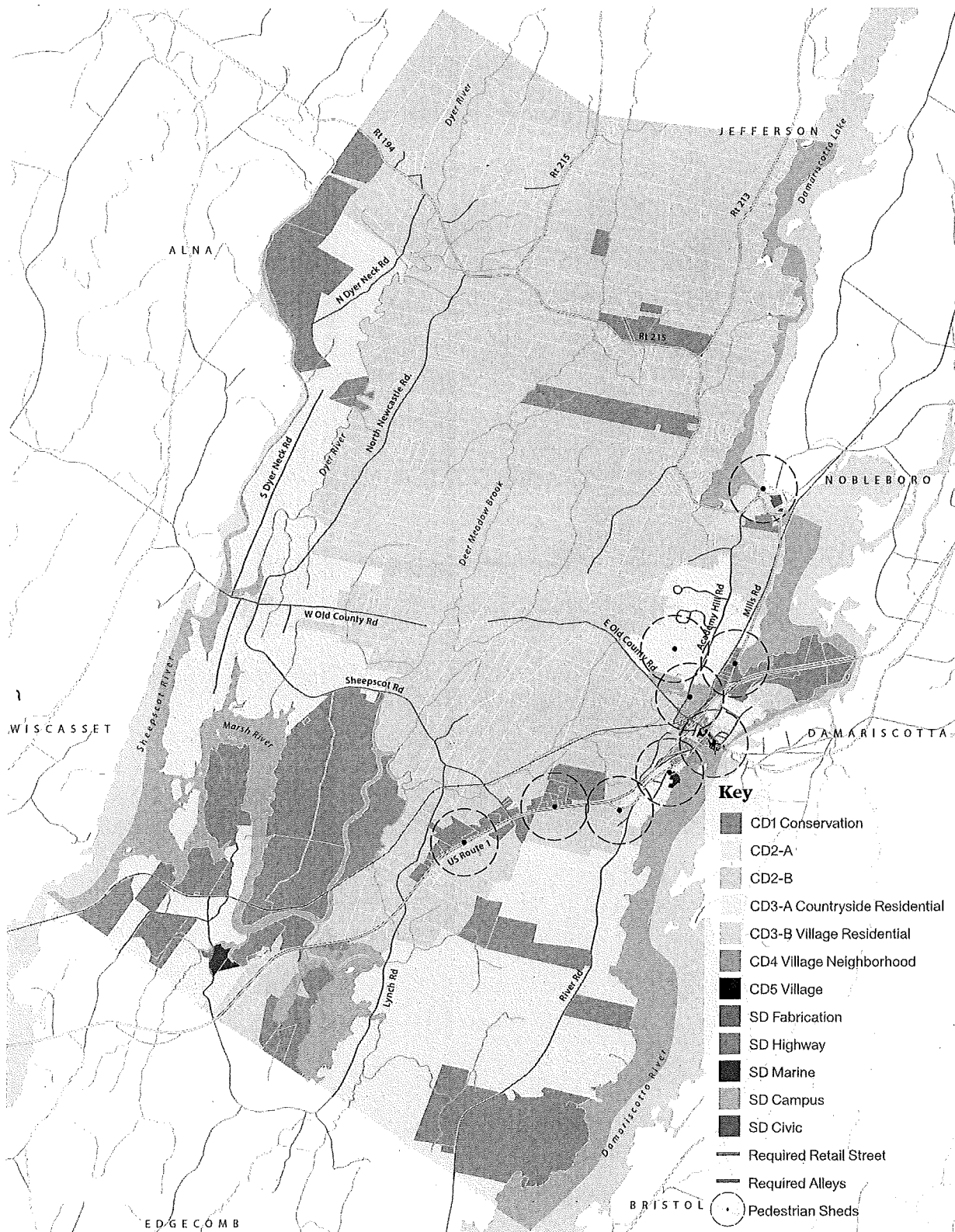
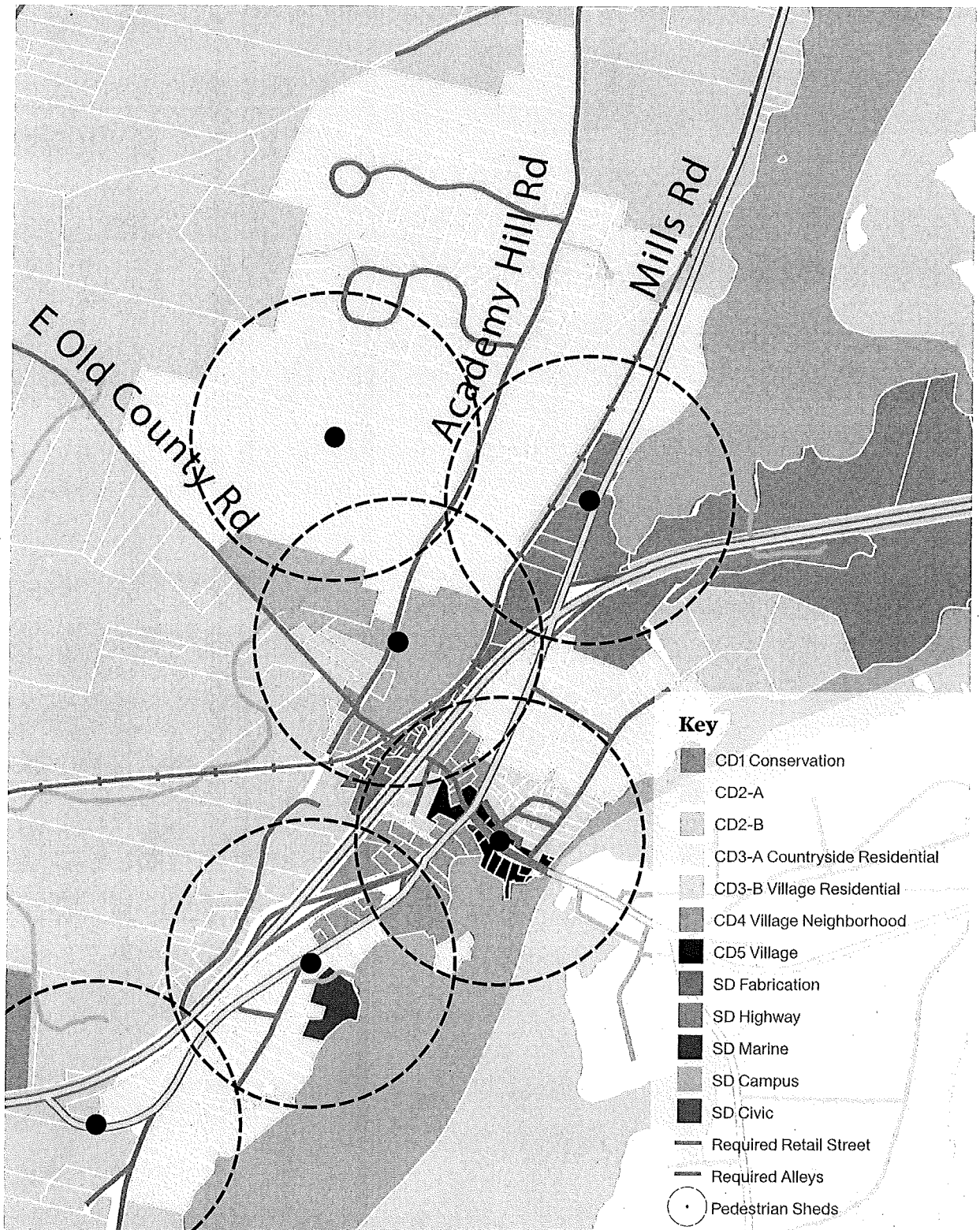


EXHIBIT 1.2 NEWCASTLE ZONING MAP INSET





Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
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Barney S. Heath
Director

MEMORANDUM

DATE: March 2, 2018

TO: City Council Finance Committee

FROM: Barney Heath, Director of Planning & Development
James Freas, Deputy Director of Planning & Development
Rachel Blatt, Long-Range Planner

Cc: Maureen Lemieux, Chief Financial Officer
Jonathan Yeo, Chief Operating Officer

SUBJECT: Washington Street Corridor Vision and Zoning Plan Request – Docket# 85-18

I. Overview of Request

Mayor Fuller stressed the need for Newton to pro-actively develop a community-driven vision and accompanying zoning plan for the Washington Street corridor in her inaugural remarks. Shortly after taking office, Mayor Fuller requested the Planning Department begin this effort as soon as possible in light of anticipated property redevelopment requests along the corridor. Given the expedited timeline for delivering a community plan with supporting zoning and the wide-variety skill-sets required to engage genuinely with the many stakeholders, the Planning Department in consultation with the Mayor and Executive Office concluded that a consulting contract would be both an expeditious and effective approach.

Drawing upon the department's collective in-depth knowledge of high quality design firms, with specific expertise in comprehensive planning, community engagement, development design and zoning, we identified the Principle Group to be interviewed. Following multiple discussions with Principle Group about our intended deliverables and after gaining a deep understanding of their team approach, experience in other communities, proposed scope of services, and general cost parameters, we had the Principle Group in to present to the Mayor and Executive Office. After their presentation,

a decision was made to initiate negotiations with Principle Group to provide a scope of services and fee to undertake the work, to be completed in a thirteen-month time period. The Planning Department met with the Principle Group on three subsequent occasions to review scope and negotiate their fee, including utilizing a collaborative approach. The \$500,000 fee proposal represents undertaking a full scope for the project (see attached) accessing the skills and talents of the Principle Group combined with a hands-on approach from the Planning Department and shaped throughout by in-depth input by residents, businesses, and elected officials.

II. Rationale for Contracting Services

The Planning Department is fully cognizant of the requisite skills and time required to complete a vision plan and an adoption-ready zoning amendment for the Washington Street corridor. We did consider an in-house approach, but the scope of this project is unique and specialized. For example, the Principle Group team has specific expertise in translating community desires into specific visuals, which is essential for this undertaking. In addition, the Principle Group has assembled its regular team of subconsultants with specific expertise in real estate market feasibility, fiscal impact analysis and public improvement financing alternatives, all of which are necessary to produce a well-rounded plan. With respect to zoning, the Planning Department does not have the in-house capacity to develop an ordinance-ready, form-based zoning code amendment, reflective of the community vision plan for the Washington Street corridor.

The Planning Department is fully capable of running a community process to engage the community as it is currently doing with the Needham Street area. However, it does not have the services of a design team on-hand to produce multiple detailed vision sketches to immediately respond to community suggestions nor the bandwidth to undertake the extensive level of community engagement (six-day charrette) as planned by the Principle Group.

It is common for Planning Departments, juggling multiple projects simultaneously, to employ consultants on an as-needed basis for specialized skill sets to extend capacity. A partial list of current and upcoming Planning Department undertakings is attached for reference.

III. Connection to Overall Zoning Redesign

The City's overall Zoning Redesign is moving forward in parallel with this effort. It is important, however, to distinguish that the goal and product of the Zoning Redesign effort will be a new baseline Zoning Ordinance, to be presented fully as a draft in the fall of this year. The need for specific zoning for the Washington Street corridor is immediate. The goal for this project is to articulate a specific vision plan for this corridor, particularly focused on the anticipated nodes of development. It is expected that the proposed zoning amendment for the Washington Street corridor can be an amendment under our current zoning ordinance and will be designed to be made part of the new ordinance once it has been enacted.

IV. Scope of Services Sought

To reflect the community's vision for future development along the Washington Street corridor from West Newton Square east to approximately Adams Street, the following set of services were sought:

- ❖ Architectural and design expertise with specialized experience in comprehensive planning and master planning as well as specific experience working with municipalities to assist in achieving development outcomes consistent with the community's vision.
- ❖ Effective and proven community engagement techniques that provide multiple opportunities for input and, offer clear unambiguous plan visuals that reflect the community vision. Experience working with various point of views and building consensus.
- ❖ Team competence and expertise to undertake attendant issues including transportation (all modes) and parking, real estate market feasibility, fiscal impacts, and public improvement financing.
- ❖ Zoning code expertise to produce adoption-ready zoning ordinance language.

V. 30B Waiver for Design Professionals

Massachusetts State Purchasing specifically recognizes and provides for an exemption to normal purchasing requirements when it comes to procuring certain design services with architects, engineers and related professionals. The inherent rationale as stated in MGL §30B is that selection of professional services is to be based on quality rather than price, consistent with exemptions for lawyers, accountants and medical professionals. In much the same way municipalities might look to hire a known attorney with expertise in a particular field, so have we approached this undertaking by first identifying a well-suited firm and negotiating to a set fee.

VI. Selection of Principle Group

After identifying the scope of services sought for the Washington Street Corridor Vision and Zoning Plan, the Planning Department undertook an internal analysis and discussion of the best candidates for this work. Key considerations in identifying a potential partner included architectural design expertise, firm grounding in community engagement, vision plan production, zoning code expertise and local knowledge. We were aware of the Principle Group's work in a similar capacity for the City of Somerville and the City of Providence. Following a conversation with Somerville and Providence officials and a review of their substantial content on the Principle firm website, we focused our effort on determining whether this firm was an appropriate fit to undertake the identified scope of services. In addition, a discussion was held with the City's Chief Financial Officer to outline the scope of the work and be apprised the City's financial capacity to invest in the services. After multiple interactions, including a well-received presentation to the Mayor and Executive Office, we asked the Principle Group to provide a fee proposed for the work. At

subsequent meetings with the firm, the fee proposal and scope of work was negotiated to \$500,000, an amount that covered all of the necessary components and was within the previously scoped project budget. It is our considered opinion that given the high level of expertise required, the complexity and breadth of the project scope, the number of hours and level of engagement necessary to effectively involve the public, the fee established is appropriate.

VII. Principle Group Proposal

Attached you will find a detailed description of the planned scope of services to be provided by the Principle Group along with their detailed budget. At a base cost of \$366,260, the Principle Group is providing 2,509 hours toward this undertaking at an average of \$145/hr., which is in-line with industry standards. Additionally, the Principle Group has reserved funding in the amount of \$102,000 to employ sub-consultants in the fields of transportation/ mobility (\$50,000), fiscal impact analysis (\$40,000) and economic analysis (\$12,000), all of which are critical components.

We have provided a number of attachments to further support this request.

Attachments

Planning Department Undertakings

Answers to Outstanding Questions (1/22/18)

Principle Group Scope of Services/Detailed Budget

Sample Work Products of Principle Group

Partial Listing of Planning Department Undertakings
March, 2018

- ❖ Zoning Redesign/ Ordinance
- ❖ Needham Street Area Vision Plan
- ❖ Inclusionary Zoning Amendment
- ❖ Street Design Guide
- ❖ Austin Street Coordination
- ❖ Walnut Street Enhancement Design
- ❖ Webster Woods Advisory Panel Support
- ❖ Crescent Street Housing and Reverend Ford Park/ Playground Expansion
- ❖ Newton Centre Parking Plan Implementation
- ❖ Auburn St./West St./Stanton Ave Affordable Housing
- ❖ Economic Development Strategy Plan
- ❖ Recreational Marijuana Ordinance
- ❖ Planning Analysis for Anticipated Major Redevelopment Proposals for Washington Street Corridor, Riverside, Needham Street

Outstanding Questions (1/22/18)

- Q.) What is the implicit cost of acting on the proposed vision plan and zone changes?
- a. Without a clear, well-articulated version for the anticipated nodes of redevelopment along the Washington Street corridor, the City cannot dictate what it desires in terms of future development but instead will be forced to react and decide on an ad hoc basis what is possible. The cost of not acting is not ensuring a defined outcome that would come as a result of zoning.
- Q.) What is the impact on the City's cash flow position and what are some of the other claims on Free Cash?
- a. Maureen Lemieux is best suited to answer this question. She was part of the selection process throughout and approved of the negotiated fee.
- Q.) How does this project fit with Phase II of the City's zoning reform project?
- a. This project actually fits well with respect to the overall Zoning Redesign project. Zoning Redesign will establish overall base zoning districts for areas of the City. It was likely that the Washington Street Corridor merited its own special district plan, with specific prescriptive zoning for certain parcels, that this effort will fulfill. The final zoning package for this effort will be able to work with our current ordinance as well as the new ordinance.
- Q.) This question relates to the cost inside the whole system. If the Council were to take an existing proposal that came before it, they could ask for consultant money to be paid for by the developer or could look at tax increment financing or a variety of other funding sources. This is a significant amount of money to ask to frontend as opposed to having a sense of it the City is going to recapture the money, or what is the net gain. How is the City going to recapture the money and how is it going to justify this expenditure?
- a. The expenditure of the funds now, as opposed to waiting to undertake this as part of a future project puts the City in a pro-active mode as opposed to reacting to an already preconceived project, which might be vastly different from the community's vision. In addition, part of this process will engage the community in identifying how desired community improvements might be financed.
- Q.) Given the examples that Principle Group provided in the presentation, do they have a proclivity to recommend development over non-development.
- a. The Principle Group is to be hired by the City of Newton to undertake a community driven process to generate a vision for the Washington Street corridor. Their vision will be reflective of that community process.
- Q.) How does Principle Group manage very different community opinions? How do they find common ground? Do they have an example?
- a. One of the strengths of the Principle Group is their attention and effort given to the community engagement aspect of the work. They specialize in bringing concepts and ideas into physical visions so that citizens can visualize places. They also stress that the

process is interactive so that ideas are constantly updated and modified to reflect prevailing sentiment.

Q.) Can the consultants articulate their certainty that the budgeted amount is adequate? Have their past projects come in a budget?

a. The budget developed was proposed by the Principle Group. They are aware of the budget cap and deliverables for the project.

Q.) What is the transportation and streetscape scope of the project? What is included, and how will this piece be coordinated with past plans and current staff and community work on transportation and streetscape?

a. The Principle Group identifies issues of transportation and parking as key to understanding community desires. They have plans to bring an experienced partner with transportation expertise to assist and help shape the vision. They will work closely with the City's existing plans and transportation team to coordinate efforts.

Q.) Provide a better understanding of why the Planning Department makes the decision to use outside consultants instead of developing in-house staff for these types of projects. It seems that the City should be doing more in-house. Provide detailed information on why the City needs a consultant.

a. The Planning Department recognizes that this task is too specialized in terms of required skill sets (architecture and design capacity, a record of community-based planning, inhouse zoning form-based zoning code capability, and team capacity to undertake transportation, market feasibility, fiscal impact and public improvement financing analyses) and too time-sensitive to handle in-house. The Planning Department will be working alongside the Principle Group during the entire process to assist and learn from their process. It is best and common practice for Planning Departments to seek outside assistance, when warranted, to produce certain specialized deliverables within an expedited timeframe.

Washington Street Corridor Budget 20180122

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	A	B	C	D	E	F	G	H	I	J	K	L	M
1	Washington Street Corridor Vision Plan & Zoning Code												
2	Updated: 1/20/18												
3													
4	Task	Description	Cost										
5	Task 0.0	Project Management	\$ 31,856.00										
6	Task 1.0	Existing & Emerging Conditions Research	\$ 70,336.00										
7	Task 2.0	Community Connectors	\$ 2,920.00										
8	Task 3.0	Community Crowdsourcing	\$ 21,626.00										
9	Task 4.0	Multi-Day Planning Event (Charrette)	\$ 121,290.00										
10	Task 5.0	Plan Open House (Public Draft #1)	\$ 143,336.00										
11	Task 6.0	Forums	\$ 18,456.00										
12	Task 7.0	Revise Plan & Zoning Code (Public Draft #2)	\$ 38,190.00										
13	Task 8.0	Final Plan & Zoning Code (Public Draft #3)	\$ 20,256.00										
14													
15	Team Cost		\$ 468,200.00										
16	Direct Cost		\$ 31,740.00										
17													
18	TOTAL		\$ 500,000.00										
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Description	Notes	Principle													TOTALS			Total Time	Type of Work
		Director	S. Associate III	S. Associate II	Associate I	Designer II	Designer I	Graphics	Illustrator	Logistics	Mobility	Fiscal	Economic	Team Cost	Direct Cost				
Project Management		210	155	155	115	95	80	80	200	65				\$ 468,260.00	\$ 31,740.00				
Setup																			
Ongoing Team Coordination																	18 Deliverable		
Existing & Emerging Conditions Research		5,250.00	3,720.00	1,395.00	4,255.00	2,280.00		720.00		715.00		40,000.00	12,000.00	70,335.00			136 Deliverable		
Background Information																	16 Deliverable		
Prepare Analysis Maps	City provides																8 Deliverable		
Synoptic Survey	City support																16 Deliverable		
Complete Neighborhood & Placemaking Assessment																	26 Deliverable		
Fiscal Impact																	14 Deliverable		
Economic Impact																	14 Deliverable		
Residential Market Study																	20 Deliverable		
Community Connectors		1,260.00	1,240.00					180.00		260.00				2,920.00					
Organize Connector Group	City takes on																0 Public Engagement		
Communication Platform	City takes on																0 Public Engagement		
Community Connectors Workshop																	14 Public Engagement		
Community Crowdsourcing		7,560.00	8,625.00			1,520.00		840.00		3,380.00				21,625.00	1,850.00				
Campaign Branding																	26 Public Engagement		
Branding Test																	4 Public Engagement		
Marketing Collateral & Launch Public Campaign	City takes on																0 Public Engagement		
Facebook Setup	City takes on																0 Public Engagement		
Marketing Copy	City takes on																0 Public Engagement		
Media Partners	City takes on																0 Public Engagement		
Press Release	City takes on																0 Public Engagement		
Print Marketing Collateral																	3 Public Engagement		
Community Connector Media Kit	City takes on																0 Public Engagement		
Distribute Launch Materials	City takes on																0 Public Engagement		
Media Outreach	City takes on																0 Public Engagement		
One on One Interviews																	52 Deliverable		
Interview Summary																	26 Deliverable		
Community Crowdsourcing Public Workshop																	20 Public Engagement		
Multi-Day Planning Event (Charrette)		14,070.00	11,935.00	11,625.00	7,475.00	8,380.00	5,200.00	2,800.00	13,000.00	8,825.00	40,000.00			121,200.00	27,000.00				
Charrette Coordination																	32 Deliverable		
Organize Focus Groups & Schedule																	21 Deliverable		
Coordinate Charrette Team																	17 Deliverable		
Visioning Prep	Move to C																30 Deliverable		
Multi-Day Planning Event																	475 Public Charrette		
Plan Open House (Public Draft #1)		10,290.00	39,525.00	34,410.00	12,850.00	14,250.00	8,000.00	8,000.00	9,000.00	2,210.00	5,000.00			143,335.00	800.00				
Internal Draft Corridor Plan & Zoning Code																	655 Deliverable		
Plan & Code Review Coordination																	30 Deliverable		
City Interdepartmental Review																	8 Deliverable		
Open House Production																	4 Public Engagement		
Produce Open House Gallery																	25 Public Engagement		
Process Open House Results																	30 Public Engagement		
Edit Corridor Plan & Zoning Code																	60 Deliverable		
Publish Public Draft #1 of Plan & Zoning Code																	4 Deliverable		
Forums		1,680.00	6,200.00	3,100.00	4,600.00	1,600.00				975.00				18,455.00					
Organize & Host Zoning Code Forums																	120 Public Engagement		
Organize & Host Vision Plan Forums	City takes on																15 Public Engagement		
Organize & Host Technical Forums	City takes on																0 Public Engagement		
Revise Plan & Zoning Code (Public Draft #2)		4,200.00	8,835.00	8,835.00	5,520.00	4,370.00				1,430.00	5,000.00			38,100.00					
Process Public Comments & Edit Drafts																	104 Deliverable		
Client Team Workshop and Final Edits																	30 Deliverable		
Post Public Draft #2																	6 Deliverable		
Final Plan & Zoning Code (Public Draft #3)		2,730.00	6,665.00	5,890.00	2,300.00			720.00		1,950.00				20,255.00	2,000.00				
Host "Decision Workshop"																	18 Deliverable		
Coordinate Printer																	9 Deliverable		
Final Copy Editing & Production																	60 Deliverable		
Packaging & Posting Final Documents																	25 Deliverable		
Total Person Hours		285	685	414	301	329	165	184	110	413	0	0	0						
Total Fee per Person		\$ 58,800.00	\$ 103,895.00	\$ 65,410.00	\$ 36,915.00	\$ 32,775.00	\$ 13,200.00	\$ 13,120.00	\$ 22,000.00	\$ 20,345.00	\$ 80,000.00	\$ 40,000.00	\$ 12,000.00						

SUMMARY BY COMPANY	
Principle	\$ 366,260.00
Mobility	\$ 50,000.00
Fiscal	\$ 40,000.00
Economic	\$ 12,000.00
Direct	\$ 31,740.00
TOTAL	\$ 500,000.00



NEWCASTLE, MAINE CHARACTER-BASED CODE

**PUBLIC DRAFT
06.30.2017**

CONTRIBUTORS

NEWCASTLE LOCAL STEERING COMMITTEE

ALSO A THANKS TO THE FOLLOWING CONTRIBUTORS.

The Newcastle Character-Based Code is the result of a collaborative effort led by MAINE DESIGN WORKSHOP & PRINCIPLE.

**Vanessa Farr, Maine Design Workshop
Sara Sremac, Maine Design Workshop
Russell Preston, Principle
Scott Douglass, Principle
Kara Wilbur, Principle
Irene Miller, Principle**

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3. CD2-B
4. Countryside Residential (CD3-A)
5. Village Residential (CD3-B)
6. Village Neighborhood (CD4)
7. Village Center (CD5)

SPECIAL DISTRICTS

1. Highway Special District (SD-H)
2. Campus Special District (SD-C)
3. Marine Special District (SD-M)
4. Fabrication Special District (SD-F)
5. Civic Space (SD-CS)

BUILDING TYPES

1. Country House
2. Small house
3. House
4. Bungalow
5. Duplex
6. Apartment House
7. Small Apartment Building
8. Apartment Building
9. Townhouse
10. Live/Work Flex
11. Inn
12. Shop
13. Shophouse
14. Mixed-Use Building
15. Lined Parking Garage
16. Fabrication Building
17. Civic Building

ACCESSORY BUILDINGS

1. Barn
2. Farmstand
3. Back cottage
4. Garage
5. Fabrication Shop
6. Accessory Shop

COMPONENTS

1. Porch
2. Gallery
3. Side Wing
4. Rear Addition
5. Stoop
6. Connector
7. Cross Gable
8. Penthouse
9. Shed Dormer
10. Dormer Window
11. Bay
12. Balcony
13. Extended Shopfront
14. Turret
15. Arcade
16. Porte-Cochere
17. Portico
18. Canopy
19. Deck
20. Tower
21. Roof Deck
22. Cupola

CIVIC SPACES

1. Regional Park
2. Recreation Fields
3. Greenway
4. Community Park
5. Neighborhood Park
6. Public Common
7. Public Square
8. Green
9. Plaza
10. Pocket Park
11. Playground
12. Dog Park
13. Community Garden
14. Court
15. Landmark

THOROUGHFARES

1. Rural Road
2. Road
3. Natural Lane
4. Paved Lane
5. Curbed Lane
6. Opportunistic Street
7. Yield Street
8. Neighborhood Street
9. Thin Commercial Street
10. Commercial Street
11. Shared Street
12. Avenue
13. Parkway
14. Footpath
15. Crossweave

BIKEWAY TYPES

1. Paved Shoulder
2. Shared Use Path
3. Neighborhood Greenway
4. Shared Use Lane
5. Buffered Bike Lane
6. Protected Bike Lane

SIGNAGE

1. Address Sign
2. Yard Sign
3. Plaque Sign
4. Multi-Business Sign
5. Canopy Sign
6. Suspended Sign
7. Sidewalk Sign
8. Window Sign
9. Outdoor Display Case
10. Blade Sign
11. Awning Sign
12. Vertical Banner Sign
13. Band Sign
14. Marquee Sign
15. Wall Mural
16. Roof Sign

ARTICLE 1

GENERAL PROVISIONS

PURPOSE

- To implement the Comprehensive Plan of the Town of Newcastle.
- To coordinate development and redevelopment according to plans collaboratively developed with community members from the Town of Newcastle.
- To equitably balance the regulation of real property with the interests of the community as a whole.
- To preserve and enhance the existing character of Newcastle's traditional walkable villages, to continue to promote neighborly activity, respect the existing built form, and honor the historic development pattern inherent in the villages.
- To protect and enhance unique ecological habitats, including Damariscotta Lake, the rivers, Great Salt Bay, and Deer Meadow Brook.
- To conserve and enhance human access to Newcastle's greatest amenities, the rivers, marshes, forest, farms, and other natural areas.
- To require a strong connection and appropriate transition between the public realm (streets and sidewalks) and the private realm (yards and buildings).
- To promote the adaption and preservation of existing buildings.
- To permit redevelopment and infill construction that contributes to and preserves the character of Newcastle.
- To provide a range of housing types, unit sizes, and price points to accommodate diverse household sizes, income levels, and stages of life, paying particular attention to affordable housing to individuals and families with low and moderate incomes.
- To capture a fiscal return on investments made in transportation and public utilities infrastructure by locating higher intensity development within walkable villages.
- To preserve and promote a full range of thoroughfare types, including narrow, low-impact, and inexpensive streets that promote Newcastle's village and rural character.
- To resolve design conflicts between vehicular and pedestrian movement in favor of the pedestrian.
- To preserve and enhance the availability and design of Newcastle's public realm, including access to nature, parks, streets, and other civic space.
- To allow for a range of business activity that supports the local interest in promoting Newcastle as a center for entrepreneurial activity, both in the villages and rural areas.

APPLICABILITY

- Unless otherwise specified, this Ordinance is applicable throughout the Town of Newcastle as shown on the Town of Newcastle Official Zoning Map.
- All departments, boards, and authorities of the Town of Newcastle must comply with the procedural requirements of this Ordinance.
- Real property used or occupied by the Town of Newcastle is exempt from the provisions of this Ordinance.
- Real property used or occupied by the State of Maine is exempt from the provisions of this Ordinance.



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1. Code Instructions.....	
2. Zoning Map	
3. Authority & Compliance.....	
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Article 1 General Provisions

1. CODE INSTRUCTIONS

A. TITLE

1. This Ordinance is known as the "Municipal Land Use Ordinance of the "Town of Newcastle" and may also be cited and referred to as the "Town of Newcastle Land Use Ordinance."

B. MEANING & PURPOSE

1. Words, phrases, and terms used in this Ordinance are defined in Article 7: Definitions.
2. Words, phrases, or terms not defined in this Ordinance must be accorded their commonly accepted meanings as defined in the most recent edition of the Webster's Unabridged Dictionary.
3. The terms "standards," "regulations," and "requirements" are used to mandate a specific course of action or built outcome.
4. The words "must," "will", and "may not" are mandatory and when used require compliance with standards, regulations, and requirements of the Ordinance.
5. The words "may" and "should" are permissive.
6. The words "building", "building type", "land", "lot", "building lot", "parcel", "premises", "site", "structure", and "thoroughfare" also refer to any portion thereof.
7. The word "description" is synonymous with "definition" when used in this ordinance.

C. TEXT & GRAPHICS

1. Illustrations, graphics, pictures, and flowcharts are included in this Ordinance to help illustrate the purpose and requirements of the text. In the case of a conflict between the text of this Ordinance and any illustration, graphic, picture, or flowchart, the text must govern.
2. All metrics included in tables must be interpreted as text under this Ordinance and must govern.

D. ORGANIZATIONAL STRUCTURE

1. The burden is on the applicant for complying with all the terms of this Ordinance.
2. All of the terms in this Ordinance are legally binding, whether or not they are numbered. Purpose and Applicability sections are binding regulations.
3. Descriptions provided within this Ordinance are considered to be definitions and are legally binding.

2. ZONING MAP

1. The boundaries of districts are applied to real property as shown on the Official Zoning Map of the Town of Newcastle, Maine.
2. This map may be cited and referred to as the "Official Zoning Map" or "Zoning Map."
3. District boundary lines are intended to follow lot lines, be parallel or perpendicular to them, and follow centerlines of private rights-of-way or public thoroughfares, as indicated on the Zoning Map.
4. Where the Zoning Map indicates a District boundary line that approximately coincides with a lot line, the lot line is the official boundary between Districts.
5. Where the Zoning Map indicates a district boundary line that divides a platted lot or undivided parcel of land, the boundary between districts must be determined using the scale of the Official Zoning Map.
6. Lots divided between two or more character districts must observe the rules of the most restrictive district across the entire lot.
7. Special Requirements are shown on the Zoning Map as a line that applies to abutting parcels, which are regulated according to the standards contained in this Ordinance.

Article 1 General Provisions

3. AUTHORITY & COMPLIANCE

A. AUTHORITY

1. This Ordinance is adopted under the authority granted by Article [REFERENCE TO LOCAL ORDINANCE].

B. COMPLIANCE

1. No real property may be occupied or used, no use of an existing building or land may change, no building or structure may be constructed, altered, expanded, or enlarged in whole or in part for any purpose except as specifically authorized by this Ordinance.
2. This Ordinance allows waivers from the provisions of this Ordinance if the Code Enforcement Officer determines that:
 - a. Allowance of the waiver is consistent with the purpose of this Ordinance; and
 - b. The waiver does not exceed the allowed metric variations or qualitative criteria described in the section where the waiver is authorized.
3. Allowance of a waiver under this Ordinance is considered an integral part of the application of this Ordinance and is not considered the granting of a variance, as that term is defined under Maine law.

C. RELATIONSHIP TO OTHER PROVISIONS

1. This Ordinance does not abrogate, annul, or otherwise interfere with any easement, covenant, and/or other private agreements.
2. Where the provisions of this Ordinance impose a greater restriction than required by other ordinances, regulations, resolutions, rules, easements, covenants, or agreements, the provision of this Ordinance must apply.
3. The provisions of this Ordinance must take precedence over those of other codes, ordinances, regulations, and standards that may be in conflict with this Ordinance.
4. All development activity must comply with relevant Federal and State law and regulations. Where the provisions of this Ordinance impose a greater restriction than required by Federal or State law, the provisions of this Ordinance must apply unless otherwise prohibited by law.

4. ADOPTION & EFFECT

A. ADOPTION DATE

1. This Ordinance is adopted under the Municipal Home Rule Powers of the Maine Constitution, Article VIII-A and 30-A MRSA Chapter 141, and Chapter 187. Specific chapters of this Ordinance are also adopted under specific statutory provisions, including Mobile Home Parks, under 30-A MRSA Section 4358; Subdivisions, under 30-A MRSA Section 4404; Shoreland Standards, under 38 MRSA Sections 435449, and Floodplain Management, under PL. 90-488, the National Flood Insurance Act of 1968.

B. IN EFFECT

1. This Ordinance must take effect upon its passage and supersedes the Zoning Ordinance of the Town of Newcastle as enacted on March 27, 2001 and updated June 2013.

C. CLAIM OF INVALIDITY

1. No claim of invalidity of this Ordinance must be made in any legal proceeding after 90 days have passed following the publication of notice of adoption.
2. Notice specifying the court, parties, claim of invalidity, and date of filing must be submitted to the Board of Appeals within 7 days after commencement of such action.

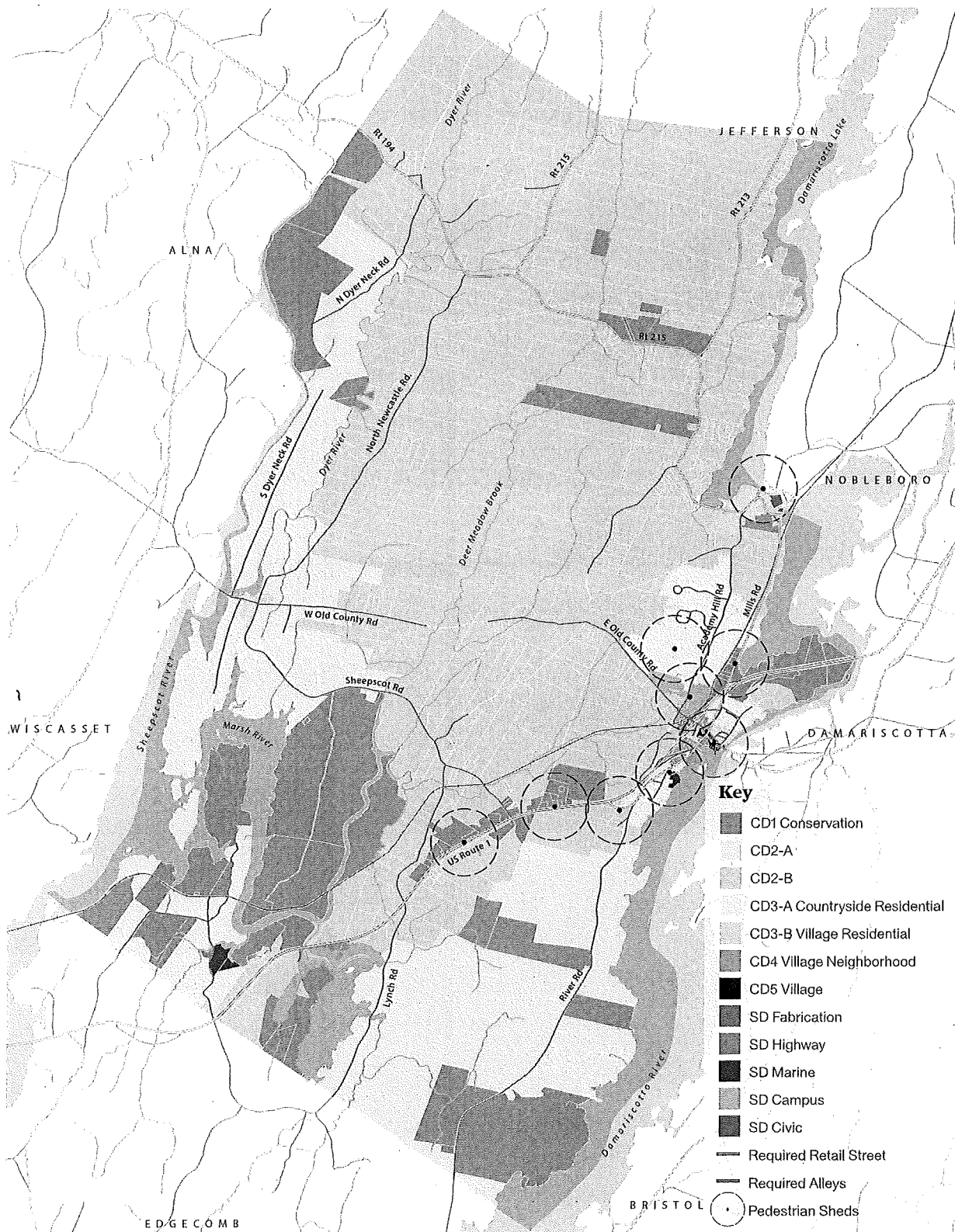
D. PREVIOUS APPROVALS

1. All valid permits issued on or before the date of adoption of this ordinance will remain valid.

E. SEVERABILITY & INVALIDITY

1. If any provision of this Ordinance or the application of any provision to any person, partnership, corporation, or circumstance is declared unconstitutional or otherwise held invalid, the validity of the remaining provisions of this Ordinance and their application to any other person, partnership, corporation, or circumstance must not be affected.

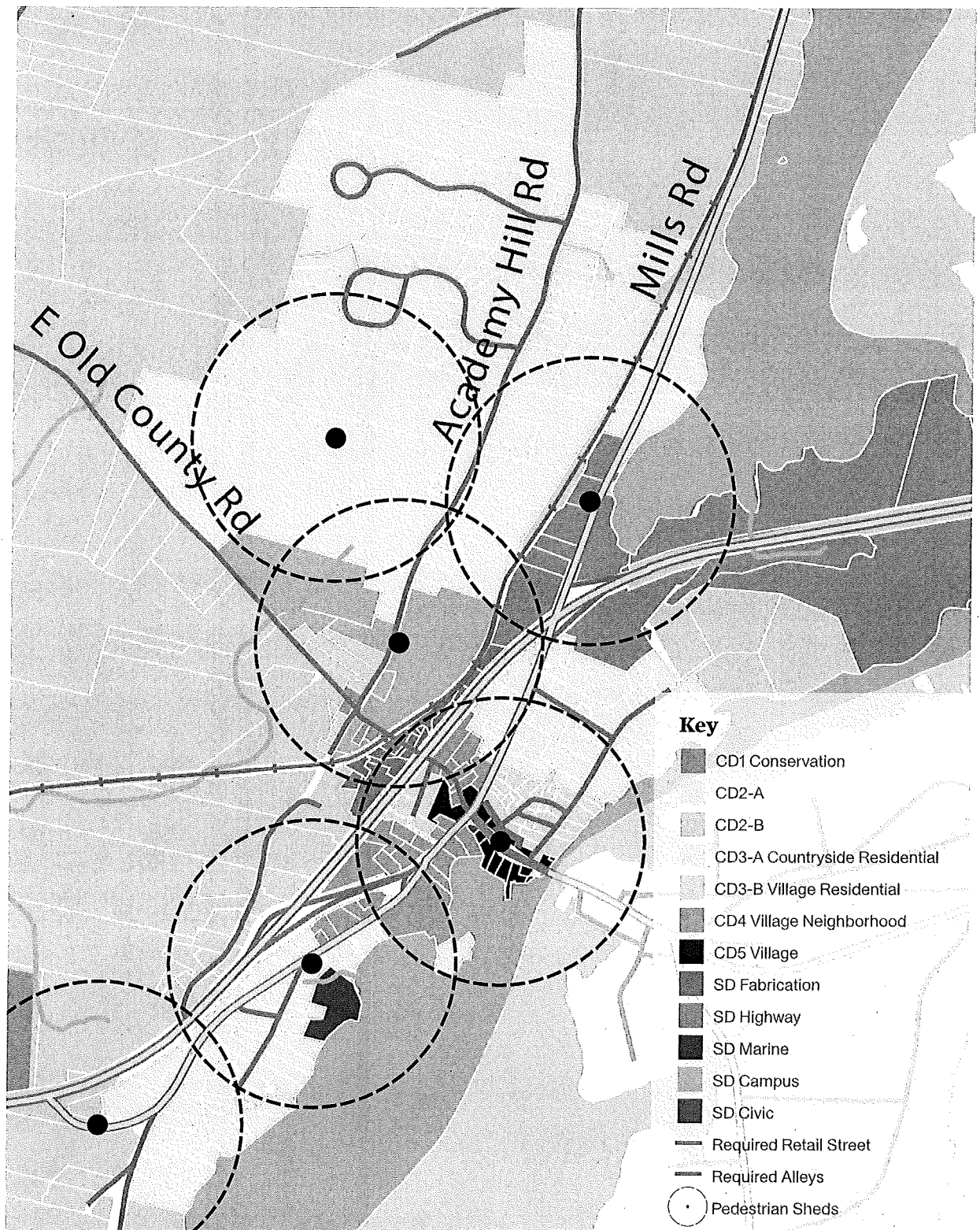
EXHIBIT 1.1 NEWCASTLE ZONING MAP



Key

- CD1 Conservation
- CD2-A
- CD2-B
- CD3-A Countryside Residential
- CD3-B Village Residential
- CD4 Village Neighborhood
- CD5 Village
- SD Fabrication
- SD Highway
- SD Marine
- SD Campus
- SD Civic
- Required Retail Street
- Required Alleys
- Pedestrian Sheds

EXHIBIT 1.2 NEWCASTLE ZONING MAP INSET



CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO.

March 19, 2018

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON AS FOLLOWS:

I. That the Revised Ordinances of Newton, Massachusetts, 2017, as amended, be and are hereby further amended with respect to **Article II** of **Chapter 17 FEES FOR LICENSING AND PERMITS** as follows:

A. DELETE the words “and dormitory” where they occur in paragraph (8) of Sec. 17-3.

B. INSERT after Paragraph (8) of Sec. 17-3 a new Paragraph (9) as follows:

(9) Dormitory license\$50.00

AND

RENUMBER Paragraphs (9) through (39) as Paragraphs (10) through (40) accordingly.

C. DELETE Paragraph (10) of Sec. 17-10 in its entirety AND RENUMBER Paragraphs (11) through (14) as Paragraphs (10) through (13) accordingly.

D. INSERT a new Sec. 17-18 as follows:

Sec. 17-18 Fees for Interdepartmental Inspections.

Notwithstanding any contrary provision in any other section of these Revised Ordinances, there shall be a fee paid on an annual basis or unless otherwise noted to the Commissioner of Inspectional Services for each of the following interdepartmental inspections:

(1) Lodging House Inspection Fee\$300.00

II. That the Revised Ordinances of Newton, Massachusetts, 2017, as amended, be and are hereby further amended with respect to **Chapter 20 MISCELLANEOUS ORDINANCES** as follows:

A. INSERT at the end of the caption for Chapter 20 the following:

Art. VIII. Lodging Houses, §§20-148 – 20-159

Div. 1. Generally, §§20-148 – 20-152

Div. 2. Licenses, §§20-153 – 20-159

B. INSERT a new Article VIII as follows:

**Article VIII.
LODGING HOUSES**

DIVISION 1. GENERALLY

Sec. 20-148. Definitions.

- a) Lodger: A person who occupies space for living and sleeping purposes without separate cooking facilities, paying rent, which may include an allowance for meals; and who is not a member of the housekeeping unit.
- b) Lodging House: Any dwelling designed, occupied, or intended for occupancy by 4 or more lodgers. Includes rooming house, boarding house. It shall not include convalescent, nursing or rest homes; group homes; dormitories of charitable, educational, or philanthropic institutions; fraternity houses; or hotels.
State law reference – M.G.L. c. 140, §22, minus fraternity houses and dormitories of educational institutions
- c) Rooming Unit: The room or group of rooms rented to an individual or household for use as living and sleeping quarters.
- d) Enhanced Single Room Occupancy Units (E-SROs): Any Rooming Unit in a Lodging House that provides cooking facilities within the rooming unit.
State law reference - M.G.L. c.140, §22A – cooking facilities

Sec. 20-149. Requirements for all Lodging Houses.

- a) Common facilities. At minimum the following common facilities are required:
 - i. Kitchen for use by all residents that includes food storage and cooking facilities in compliance with the State Sanitary Code.
 - ii. Bathrooms shall be provided in compliance of all applicable codes. Bathrooms shall be provided on the same floor as the associated rooming unit.
- b) Facilities in Rooming Units.
 - i. Rooming Units, unless considered E-SROs, shall not include cooking facilities (convection microwaves, stoves, ranges, toasters, etc.) but may include food storage and non-cooking appliances (e.g. mini-fridge, coffee maker, blender,

non-convection microwave) in compliance with the licensee's approved electrical policy (see Sec. 17-144).

- ii. Rooming units shall have individual keyed locks. Resident supervising agent shall keep the master key (Resident Supervising Agent defined in Sec. 17-144).
 - iii. Rooming Units may include private bathrooms.
- c) Number of Residents. The maximum number of residents in any rooming unit shall be determined by the State Sanitary Code. The maximum number of adult residents at any Lodging House shall be in accordance with requirements in the Zoning Ordinance, Chapter 30 of the Revised Ordinances of the City.

Sec. 20-150. Requirements for Enhanced Single Room Occupancy Units (E-SROs).

Licensed lodging houses may provide E-SROs under the following requirements and in accordance with the City's Zoning Ordinance, Chapter 30 of the Revised Ordinances of the city.

- a) Life Safety. Inclusion of one or more E-SRO unit in a lodging house shall trigger compliance with minimum life safety requirements applicable to new construction for R-1 occupancies as required in the State Building Code. All E-SRO units shall have two independent means of egress from the unit.
- b) Cooking facilities. Cooking facilities in E-SRO units shall consist of a mini-kitchen providing a sink with hot and cold water, food storage area, refrigerator, and electric cook top with a maximum of 2 burners. Ovens and ranges shall not be permitted. Microwaves with or without convection and other accessory appliances shall be permitted in compliance with the licensee's approved electrical use policy.
- c) Dimensional requirements. Each E-SRO shall have a minimum of 175 square feet.
- d) Max. number of E-SROs. In accordance with MGL c. 140 §22A, only a lodging house letting to more than 5 but less than 20 persons may furnish individual cooking facilities.
- e) Inclusionary Units. E-SRO units that include full living, cooking, and washing facilities, shall be subject to the Inclusionary Housing Section of the Zoning Ordinance (Chapter 30, Section 5.11).

Sec. 20-151. Compliance with City Ordinances and State and Local Codes.

- a) All lodging houses shall comply with the City's Zoning Ordinance, Chapter 30 of the Revised Ordinances of the City.
- b) All lodging houses shall comply with all applicable ordinances and local, state, and federal codes applying generally to residential properties in the city.

Sec. 20-152. Reserved.

DIVISION 2: LICENSES

Sec. 20-153. License Required.

- a) No person shall operate or cause to be operated a Lodging House unless licensed by the Licensing Board of the City of Newton.
- b) Transfer/Sales of Licenses. No licensee may transfer to another person or entity a license issued pursuant to these regulations except upon application to and approval of the transfer by the Licensing Board. Any such transfer shall be subject to the terms and conditions of the original license, unless otherwise ordered by the Board.

All Licenses are specific to an individual property and shall not be transferred between properties without approval of the Licensing Board.

- c) Display of Licenses. All licenses issued by the City pursuant to these regulations shall be displayed on the premises in a conspicuous place where they can be easily read.
- d) Taxes and Charges. All taxes and charges owed to the City by the Licensee must be paid on a current basis to receive or renew a license. The City may deny a license or license renewal if such charges or property taxes are not current.

Sec. 20-154. Requirements for Licensees and Agents.

- a) Licensee, defined. That person(s) or entity listed on the lodging house license and the owners of the land and building where the lodging house is operated.
- b) Resident Supervising Agent, defined. That person designated by the licensee to carry out day to day responsibilities.
- c) Responsibility of Licensee. The licensee shall be responsible for the proper supervision, operation, and maintenance of the lodging house in accordance with the requirements of these ordinances and all other pertinent laws, regulations, and codes. The appointment of an agent shall in no way relieve the licensee from responsibility for full compliance with the law.
- d) On-site supervision of the premises. Licensed premises must have supervision from a resident who shall be available on a 24-hour basis via phone, or similar mobile communication device, for residents and city staff. In the event that the licensee does not reside on the premises, the licensee shall designate one or more resident supervising agents who do reside at the property. The Licensing Board shall approve such agent(s).

Contact information for the resident supervisor, including cell phone or similar mobile communication device, as applicable, shall be posted in a conspicuous place inside the lodging house and provided to the Police Department, Health and Human Services Department, Fire Department, and Inspectional Services Department.

Resident supervisor, whether licensee or resident supervising agent, must respond to calls from City officials within a reasonable time: within one hour for emergencies and within 24 hours with respect to all other issues.

In the event that no resident supervisor will be at the property for more than 48 hours, e.g. for a vacation, the licensee shall be responsible for ensuring continuity of management by informing residents and the City of Newton Health and Human Services Department and Police Department of the short-term change, and by assuming the role of central point of contact should any issues arise.

- e) Mandatory Certification for Licensees and Agents.
 - i. All Licensees and their resident supervising agent(s) shall complete a two-step certification program to acquaint them with important aspects of their roles with regard to ensuring resident safety and compliance with City ordinances. Certification program materials will be developed by the Newton Inspectional Services Department along with representatives from the Health and Human Services Department, and Fire Department.
 - ii. All applicants for new licenses shall review guidance materials and complete a written certification test. Their completed test shall be submitted along with their application for review by the certifying departments and the Licensing Board.
 - iii. All applicants shall be required to complete an in-person certificate training program within the first year of their licensure. Such in person training shall be offered at least once per year and will be an instructional program that will educate the licensee and the agent(s) with regard to the requirements of these regulations and other laws or related topics that the City may deem necessary for the safe and proper operation of lodging houses.
 - iv. The Licensing Board may at its discretion allow an extension to allow a licensee or agent to complete the in-person certification training in the 2nd year of licensure. Failure to complete the in-person training may result in a fine of the licensee not to exceed \$500.00 or the suspension or revocation of the lodging house license, as the Licensing Board, after notice and hearing, may determine.
- f) Timeliness Requirements when there is a change of Licensee or Resident Supervising Agent. If at any time there is a change in the Licensee or Agent, the newly designated person(s) shall be required to notify the Licensing Board at least 48 hours prior to assuming responsibilities and receive their license within 60 days.

Sec. 20-155. Responsibilities of Licensees and Resident Supervising Agents regarding Residents.

- a) Agreements with Residents. Licensees shall have written agreements with lodgers and supply the Licensing Board a copy of agreements with lodgers and any related documents. Licensees may not enter into agreements with residents that are inconsistent with the terms of these regulations, including, but not limited to, the regulations requiring

licenses to inspect occupied and unoccupied rooming units and requiring licensees to institute certain House Rules.

- b) Minors. No room shall be let to any unemancipated person who is younger than eighteen (18) years of age.
- c) Occupancy. No licensee shall vary the occupancy of the licensed premises as certified by the Inspectional Services Department.
- d) Resident and Guest Registries. The licensee of every lodging house shall keep or cause to be kept, in permanent form, a registry of residents. Such register shall contain the true name or name in ordinary use and the last residence of every person engaging or occupying a private room together with a true and accurate record of the room assigned to such person and of the day and hour of move-in and move-out. The entry of names of the residents shall be made by the residents themselves. Copies of these records shall always be maintained and be available for inspection by any City official.

Guests shall be registered in a separate guest registry with day and time of entry and exit listed.

- e) House Rules. Licensees and their agent(s) shall institute house rules as necessary to prevent the lodging house from being a cause of complaint to the Police Department or a cause of nuisance or annoyance to the neighbors or neighborhood.
 - i. House rules should make residents aware of the City's ordinances and the licensee's policies, which shall be in writing and be reviewed by the Inspectional Services and Planning Departments. At a minimum, house rules shall adequately address the following:
 1. Noise control, including use of audio equipment that may disturb the peace;
 2. Adherence to laws regarding disorderly behavior;
 3. Proper garbage disposal and sanitary storage of food;
 4. Cleanliness of rooming units and common areas;
 5. Unobstructed egress paths.
 6. Compliance with Electrical Use Policy.
 7. Prohibition of use of fire escapes for general access to rooming units.
 8. Prohibition of tampering or removal of life safety devices.
 9. Guest policy.
 10. Pet policy.
 11. Any other provisions as may be required by the Licensing Board or City Officials.
 12. Consequences for repeat violations of the House Rules or the requirements of these regulations, up to and including eviction.
 - ii. Licensees or agents shall ensure all residents are aware of the rules by distributing them at move-in, posting them in a visible place in the common area, and distributing updated copies when changes are made.
 - iii. Any change to the house rules shall be submitted to the Inspectional Services and Planning Departments for review.

- f) Electrical Use Policy. Licensees and their agent(s) shall institute an electrical use policy to prevent the lodging house from being a fire risk to the residents and neighborhood.
- i. Licensees and their agent(s) shall institute an electrical use policy to be approved by the Fire Prevention Bureau and Inspectional Services Departments. At a minimum, electrical use policies shall adequately address the following:
 1. Prohibition of use of portable heaters.
 2. Prohibition of use of candles or other items that require burning (incense, odor oils, etc.).
 3. Prohibition of use of cooking appliances other than non-convection microwaves in rooming units, including prohibition of: toasters, toaster ovens, electric hot plates, gas plates, ovens, stoves (including stoves using sterno or other fuel), or grills. The licensee may, at his/her discretion, prohibit the use of non-convection microwaves in rooming units.
 - ii. Licensees or agents shall ensure all residents are aware of the electric use policy by distributing it at move-in, posting it in a visible place in the common area, and distributing updated copies when changes are made.
 - iii. Any change to the electrical use policy shall be submitted to the Inspectional Services Department and Fire Prevention Bureau for review.

Sec. 20-156. Responsibilities of Licensees and Agents regarding Property Maintenance & Management.

- a) Egress from and Access to Building. Licensees and Agents shall be responsible for ensuring that adequate egress is provided. A minimum of two means of egress shall be provided from each occupied story of a lodging house. No private room shall be used as access to a required fire escape except that additional egress shall be provided to E-SROs in accordance with Sec. 17-140.

Licensees and Agents shall promptly remove any obstacle that may interfere with the means of egress or escape from any building or other premises, or access to any part of the building or premises by the fire department. Doors and windows designated as exits shall be kept clear at all times.

- b) Egress Route Information. Licensees and Agents shall be responsible for ensuring that egress routes are clearly marked and identified.

Licensees or Agents shall establish and post an Evacuation Plan in compliance with the National Fire Protection Association Protocol for residential occupancies on all levels of the building and near all exits. The facility is required to conduct at least four Evacuation Drills a year held quarterly and submit documentation to Fire Prevention showing that they have been done.

Licensees or Agents shall ensure that exit signs and emergency lighting along the egress routes are in good working order at all times.

- c) Maintenance. The building and all parts thereof shall be kept in good general repair and properly maintained.

Sec. 20-157. License Application and Renewal Requirements.

- e) Application Requirements. The Licensing Board shall establish application forms and procedures for application filing that at minimum adequately address the following:
 - i. Incomplete applications shall not be accepted.
 - ii. Submission of an application containing false information shall be cause for refusing the application or for suspending, canceling, or revoking a license already granted.
 - iii. No person or entity shall obtain or renew a license unless the applicant can demonstrate proof of a legal right to the licensed premises for the term of the license.
 - iv. At minimum the application for a Licensee must contain the following documents:
 - i. Personal information for the licensee and any resident supervising agent(s) at the time of application
 - ii. Contact information for resident supervisor whether licensee or agent
 - iii. Resume
 - iv. Professional References
 - v. Copy of House Rules
 - vi. Copy of Electrical Use Policy
 - vii. Copy of Evacuation Plan
 - viii. Application filing fee
 - v. At a minimum, the application for a Resident Supervising Agent shall include:
 - i. Personal information
 - ii. Contact information
 - iii. Resume
 - iv. Professional References
 - v. Application filing fee
- f) Fees. Inspection and License fees shall be in an amount established by the City Council. Licensing Board Filing fees shall be in an amount established by the Licensing Board.
 - vi. Inspection fees are non-returnable once an application has been accepted by the Inspectional Services Department.
 - vii. Annual license fees shall be paid upon application for License or License Renewal.
- g) City Inspections and Reports. All licensed premises shall be inspected by the City of Newton prior to initial license, and annually thereafter. Annual Inspections shall be conducted by the Inspectional Services Department, Health and Human Services Department, and Fire Department coordinated as a one-time inspection. The above departments may conduct additional inspections as may be required to ensure safety and

compliance with local ordinances, including zoning. All inspecting departments shall keep records of annual inspections and visits to the property throughout each year.

The following City departments shall provide a report to the Licensing Board prior to license renewal, Inspectional Services, Fire, Police, Health and Human Services, Treasurer/collector, and Planning Department as appropriate.

- h) Licensing Board Process Requirements. The Licensing Board shall establish procedures for assessing Lodging House License applications and conduct the meetings in accordance with established rules. The Licensing Board shall approve/deny applications for both licensees and their resident supervising agent(s).

The Licensing Board shall hold a public hearing on each application for a new licensee or agent. Public hearing notice requirements shall mirror those for special permits.

The Board shall not reconsider any matter already determined by the City Council or any other Department of the City.

Renewal schedule to be set by the Licensing Board.

- i) Denial of Licenses or Renewal Applications. The Licensing Board may deny an application for a license or renewal or may suspend a license where there is just cause for doing so, including non-compliance with these regulations. A public hearing must be held prior to denial of an application. Public hearing notice requirements shall mirror those for special permits.

Sec. 20-158. Violations.

- a) Violations of building, health, or fire code, may result in license review by the Licensing Board. Violation notices for licensed lodging houses from Inspectional Services, Fire, Police, Health and Human Services, Treasurer/collector, and Planning Department, as appropriate, shall be promptly forwarded to the Licensing Board for consideration.
- b) In addition to the penalties for code and ordinance violations established by the Commonwealth of Massachusetts and City of Newton, the Licensing Board shall have the authority to issue the following penalties for violations of these regulations after notice of hearing and opportunity to be heard.
 - i. More than three (3) code violations not addressed within 30 days of inspection unless a correction plan is approved by the Inspectional Services Department or Fire Prevention Bureau as appropriate...\$300 Fine
 - ii. More vehicles stored on the premises than allowed on the premises by zoning on (3) or more occasions as recorded by the Inspectional Services Department...\$300 Fine
 - iii. More residents on the premises than allowed on two (2) or more occasions as recorded by the Inspectional Services Department...\$300 Fine

- iv. If two (2) or more of the above fines are warranted in any 12-month period or if three (3) or more of the above fines are warranted in a 36-month period...Denial of License Renewal.

Sec. 20-159. Reserved.

Approved as to legal form and character:

OUIDA C.M. YOUNG
Acting City Solicitor

Under Suspension of Rules
Readings Waived and Adopted

EXECUTIVE DEPARTMENT
Approved:

(SGD) DAVID A. OLSON
City Clerk

(SGD) RUTHANNE FULLER
Mayor