



Finance Committee Agenda

City of Newton In City Council

Monday, March 25, 2024

The Finance Committee will hold this meeting as a virtual meeting on Monday, March 25, 2024, at 7:00 pm. To view this meeting using Zoom use this link:

<https://newtonma.gov.zoom.us/j/85146155572> or call 1-646-558-8656 and use the following Meeting ID: 851 4615 5572

Items scheduled for discussion:

#131-24 **Accept and expend an Emergency Management Preparedness Grant**
HER HONOR THE MAYOR requesting authorization to accept and expend a reimbursement grant of twenty-five thousand, six-hundred dollars (\$25,600) from the Massachusetts Emergency Management Agency (MEMA) for an Emergency Management Preparedness Grant (EMPG) to improve operations of Newton's Emergency Operations Center.

Referred to Zoning & Planning and Finance Committee

#87-24 **Discussion and possible amendments to update project review fees**
HER HONOR THE MAYOR requesting discussion and possible ordinance amendments to update fees related to special permit, zone change and site plan review fees requested by the Planning Department, City Clerk's Office, and Law Department.

Zoning & Planning Approved 7-0

#129-24 **Update on plans for remaining ARPA funds**
COUNCILORS MALAKIE, LUCAS. OLIVER, FARRELL, GETZ, BIXBY, AND BLOCK requesting an update from the Mayor's Office on plans for utilizing remaining ARPA funds, opportunity for new public input and potential changes in anticipated uses, and the plan for the December 31, 2024 contracting deadline, including how subsequent cost overruns or underruns will be handled.

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

Referred to Land Use and Finance Committees

#157-24

Request for proposals from outside special counsel to ensure compliance and enforcement of applicable permits at the Turtle Lane site in Auburndale.
Councilors Gentile, Block, Laredo, and Krintzman requesting that the Mayor through the Law Department solicit proposals from outside special counsel to assist the City in the analysis of the City's rights and remedies to ensure compliance with, and enforcement of, applicable permits and approvals at the Turtle Lane site in Auburndale.

#37-24

Discussion and possible ordinance amendment concerning noticing requirements COUNCILORS MALAKIE, LAREDO, AND LUCAS requesting a discussion about change and/or policy change to include renters and tenants in addition to property owners when notification is required for special permits, Traffic Council items, and other proposed changes.

Respectfully submitted,

Leonard Gentile, Chair



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

131-24

Telephone
(617) 796-1100

Fax

(617) 796-1113

TDD/TTY

(617) 796-1089

Email

rfuller@newtonma.gov

February 26, 2024

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

Dear Councilors:

I respectfully submit a docket item to your Honorable Council requesting authorization to accept and expend a reimbursement grant of twenty-five thousand, six-hundred dollars \$25,600 from the Massachusetts Emergency Management Agency (MEMA) for an Emergency Management Preparedness Grant (EMPG) to improve operations of Newton's Emergency Operations Center.

The funding will be used for the following four purposes:

- Purchase laptops for the Emergency Operations Center (EOC) at Fire Headquarters. The existing laptops are not capable of running Windows 11.
- Purchase a router to be used with Starlink dish to allow wireless connections and VPN network in the event of a failure from another location within the City.
- Purchase a flat high-performance Starlink dish for emergency access to the internet during disaster response in the EOC.
- Improve internet connection for the EOC.

The Grant is a reimbursement grant; therefore, we would respectfully request authorization to expend the funds now, and, when refunded by MEMA, replenish our accounts of expenditure.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller
Mayor



Gregory J. Gentile
Chief

CITY OF NEWTON, MASSACHUSETTS
FIRE DEPARTMENT HEADQUARTERS
1164 Centre Street, Newton Center, MA 02459-1584
Chief: (617) 796-2210 Fire Prevention: (617) 796-2230
FAX: (617) 796-2211 EMERGENCY: 911



Ruthanne Fuller
Mayor

February 21, 2024

Maureen Lemieux
Chief Financial Officer
City of Newton
1000 Commonwealth Ave
Newton, MA 02459

Maureen,

I respectfully request to docket funding of \$25,600.00 from the Massachusetts Emergency Management Agency (MEMA) Emergency Management Preparedness Grant (EMPG)

The funding is going to be used to purchase laptops for the EOC, the existing laptops are not capable of running windows 11. Purchase a router to be used with Starlink dish that will allow wireless connections and VPN network in the event of a failure from another location within the City. Purchase flat high performance Starlink dish for emergency access to the internet during disaster response in the EOC. Lastly, internet connection for the EOC.

The Grant is a reimbursement grant; therefore, we would respectfully request authorization to expend the grant and when refunded by MEMA to replenish our account of expenditure.

Thank you for your consideration to this request.

Respectfully,

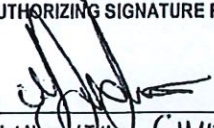
Greg Gentile
Chief of Department

A handwritten signature in black ink, appearing to read "Greg Gentile". The signature is written over the printed name and title.



COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM

This form is jointly issued and published by the Office of the Comptroller (CTR), the Executive Office for Administration and Finance (ANF), and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. The Commonwealth deems void any changes made on or by attachment (in the form of addendum, engagement letters, contract forms or invoice terms) to the terms in this published form or to the [Standard Contract Form Instructions, Contractor Certifications and Commonwealth Terms and Conditions](#) which are incorporated by reference herein. Additional non-conflicting terms may be added by Attachment. Contractors are required to access published forms at CTR Forms: <https://www.macomptroller.org/forms>. Forms are also posted at OSD Forms: <https://www.mass.gov/lists/osd-forms>.

CONTRACTOR LEGAL NAME:(and d/b/a): NEWTON, City of		COMMONWEALTH DEPARTMENT NAME: Massachusetts Emergency Management Agency (MEMA)	
Legal Address: (W-9, W-4): 100 Commonwealth Ave, Newton, MA 02459-1400		Business Mailing Address: 400 Worcester Rd, Framingham, MA 01702	
Contract Manager: Greg Gentile	Phone:	Billing Address (if different): same	
E-Mail: GJGentile@newtonma.gov		Contract Manager: EM Grants Unit	Desk #:508-820-1407
Contractor Vendor Code: VC6000192120		E-Mail: EM.Grants@mass.gov	Desk #: 508-561-0449
Vendor Code Address ID (e.g. "AD001"): (Note: The Address ID must be set up for EFT payments.)		MMARS Doc ID(s): FY24EMPG230000NEWTO	
		RFR/Procurement or Other ID Number: FFY2023EMPG	
<p style="text-align: center;">X_ NEW CONTRACT</p> <p>PROCUREMENT OR EXCEPTION TYPE: (Check one option only)</p> <p>Statewide Contract (OSD or an OSD-designated Department)</p> <p>Collective Purchase (Attach OSD approval, scope, budget)</p> <p><input checked="" type="checkbox"/> Department Procurement (Includes all Grants - 815 CMR 2.00) (Solicitation Notice or RFR, and Response or other procurement supporting documentation)</p> <p>Emergency Contract (Attach justification for emergency, scope, budget)</p> <p>Contract Employee (Attach Employment Status Form, scope, budget)</p> <p>Other Procurement Exception (Attach authorizing language, legislation with specific exemption or earmark, and exception justification, scope and budget)</p>		<p style="text-align: center;">CONTRACT AMENDMENT</p> <p>Enter Current Contract End Date <i>Prior to</i> Amendment: _____.</p> <p>Enter Amendment Amount: _____.</p> <p>AMENDMENT TYPE: (Check one option only. Attach details of amendment changes.)</p> <p>Amendment to Date, Scope or Budget (Attach updated scope and budget)</p> <p>Interim Contract (Attach justification for Interim Contract and updated scope/budget)</p> <p>Contract Employee (Attach any updates to scope or budget)</p> <p>Other Procurement Exception (Attach authorizing language/justification and updated scope and budget)</p>	
The Standard Contract Form Instructions, Contractor Certifications and the following Commonwealth Terms and Conditions document is incorporated by reference into this Contract and are legally binding: (Check ONE option): <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services			
<p>COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00.</p> <p>Rate Contract. (No Maximum Obligation) Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.)</p> <p><input checked="" type="checkbox"/> Maximum Obligation Contract. Enter total maximum obligation for total duration of this contract (or new total if Contract is being amended). \$ 25,600.00</p>			
<p>PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days % PPD; Payment issued within 15 days % PPD; Payment issued within 20 days % PPD; Payment issued within 30 days % PPD. If PPD percentages are left blank, identify reason: agree to standard 45 day cycle statutory/legal or Ready Payments (M.G.L. c. 29, § 23A); <input checked="" type="checkbox"/> only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)</p>			
<p>BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT:</p> <p>Funding for this grant is provided via a Federal Fiscal Year 2023 Emergency Management Performance Grant (EMPG), Assisting Listing #97.042 and has a required dollar-for-dollar match. Funds may only be used for activities outlined in the subrecipient's approved FFY2023 EMPG Subgrant Application and in accordance with attached Federal Standard Terms and Conditions, Commonwealth Terms and Conditions, and MEMA Special Conditions and Reporting Requirements.</p>			
<p>ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations:</p> <p><input checked="" type="checkbox"/> 1. may be incurred as of the Effective Date (latest signature date below) and <u>no</u> obligations have been incurred <u>prior</u> to the Effective Date.</p> <p><input type="checkbox"/> 2. may be incurred as of _____, 20____, a date <u>LATER</u> than the Effective Date below and <u>no</u> obligations have been incurred <u>prior</u> to the Effective Date.</p> <p><input type="checkbox"/> 3. were incurred as of _____, 20____, a date <u>PRIOR</u> to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.</p>			
<p>CONTRACT END DATE: Contract performance shall terminate as of June 30, 2024, with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.</p>			
<p>CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor certifies that they have accessed and reviewed all documents incorporated by reference as electronically published and the Contractor makes all certifications required under the Standard Contract Form Instructions and Contractor Certifications under the pains and penalties of perjury, and further agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, this Standard Contract Form, the Standard Contract Form Instructions, Contractor Certifications, the applicable Commonwealth Terms and Conditions, the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in <u>801 CMR 21.07</u>, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.</p>			
<p>AUTHORIZING SIGNATURE FOR THE CONTRACTOR:</p> <p>X:  Date: <u>2/21/24</u></p> <p>Print Name / Title: <u>CHIEF GREGORY J. GENTILE</u></p>		<p>AUTHORIZING SIGNATURE FOR THE COMMONWEALTH:</p> <p>X: _____ Date: _____</p> <p>Print Name / Title: <u>Randall Lul, CFO</u></p>	

**Massachusetts Emergency Management Agency
FFY 2023 EMPG Application**

APPLICANT INFORMATION

TOWN/CITY/TRIBE:	NEWTON		
UEI # (required):	604430397	SAMs Registration Expiration Date (required):	10/1/2024

POINT OF CONTACT (Emergency Manager/Director)

NAME:	GREGORY J. GENTILE		
TITLE:	CHIEF OF DEPARTMENT / EMERGENCY MANAGMENT DIRECTORY		
EMAIL:	GJGENTILE@NEWTONMA.GOV	PHONE:	617-796-2210

STATEMENT OF WORK

Description of your project (who, what, when, where, why, and how)
<p>This year the City of Newton Emergency Management Director has identified a couple of projects to complete:</p> <p>Project 1: Internet Connection for Emergency Operations Center. This internet connection is setup to provide wireless access to users in our EOC and is separate from our normal City internet. This allows us to provide our own secure connections for activations and trainings in our EOC.</p> <p>Project 2: Purchase flat high performance Starlink dish for emergency access to internet during disaster responses within the City of Newton. Will be setup to allow for internet communications as a backup to our EOC if we lose connectivity via local providers. Dish is portable and does not require physically installing any equipment. Will be connected to existing physical infrastructure on an on-demand basis.</p> <p>Project 3: Purchase a router to be used with StarLink dish that will allow wireless connections and VPN back to emergency operations center network in the event of a failure from another location within our city.</p> <p>Project 4: Purchase replacement laptops for Emergency Operation Center with the obsolescence of Windows 10 approaching, Newton needs to replace laptops which are not capable of running Windows 11. Newton will follow whatever prescribed procedure for replacement of devices purchased on grant equipment that can no longer be used.</p>

Will anything be installed? (yes / no)	No
Are you purchasing any communication equipment? (yes / no)	No
Are you purchasing a SUAS (drone) or accessories? (yes / no)	No
Are you purchasing sonar equipment? (yes / no)	No

CITY OF NEWTON

IN CITY COUNCIL

DRAFT

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chair Leonard Gentile, the authorization to accept and expend a reimbursement grant of twenty-five thousand, six-hundred dollars (\$25,600) from the Massachusetts Emergency Management Agency (MEMA) for an Emergency Management Preparedness Grant (EMPG) to improve operations of Newton's Emergency Operations Center, is hereby approved.

Under Suspension of Rules
Readings Waived and Approved
DRAFT

(SGD) CAROL MOORE
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date: _____



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#87-24

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(617) 796-1100

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(617) 796-1113

TDD/TTY

(617) 796-1089

Email

rfuller@newtonma.gov

January 29, 2024

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

Honorable City Councilors:

I respectfully submit this docket item to the Honorable Council requesting the review and possible updating of special permit, zone change, and site plan review fees related to the review of projects. The update of fees would require an ordinance amendment to Chapter 17. The Planning Department, City Clerk's Office and Law Department have been thinking about the legalities and conducting a preliminary review of internal expenditures related to special permits, such as public noticing requirements. They have also reviewed neighboring communities' fees. It has been over ten years since these fees have been adjusted (Sections 17-3 and 17-11 of the [Newton Ordinances](#)).

Thank you for your consideration of this matter.

Sincerely,

Mayor Ruthanne Fuller



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

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(617) 796-1120
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www.newtonma.gov

Barney Heath
Director

MEMORANDUM

TO: Mayor Ruthanne Fuller
Jonathan Yeo, Chief Operating Officer

FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning
Alyssa Sandoval, Deputy Chief Planner for Current Planning

DATE: January 29, 2024

RE: Docket Request to Consider Updates to the Special Permit, Zone Change, and Site Plan Review Fees—Chapter 17 of General Ordinances

CC: Alissa O. Giuliani, City Solicitor
Jonah Temple, Deputy City Solicitor
Andrew Lee, Assistant City Solicitor
Carol Moore, City Clerk
Cassidy Flynn, Deputy City Clerk
Scott Matthews, Assistant Clerk of the Council

The Planning, City Clerk, and Law Departments respectfully request that you docket this item to review and potentially update special permit, zone change, and site plan review fees related to the review of projects. The update of fees would require an ordinance amendment to Chapter 17. The Planning Department, City Clerk's Office and Law Department have been conducting a preliminary review of internal expenditures related to special permits, such as public noticing requirements as well as a review of neighboring communities' fees. The analysis indicates that permit and review fees may need further consideration as it has been over 10 years since these fees have been adjusted (Sections 17-3 and 17-11 of the [Newton Ordinances](#)). In addition, a new process implemented as a result of the new Village Center Overlay Zoning will now require a separate site plan review through the Planning Board and consideration of a fee should be done in a timely manner.¹

¹ For any construction or substantial reconstruction of one or more buildings in the VC2 or VC3 zones on a lot fifteen-thousand (15,000) square feet or larger but less than thirty-thousand (30,000) square feet.

Background for Request

Typically, the City of Newton regulates projects through the issuance of special permits for a project that requires relief from the Newton Zoning Ordinance (NZO). Special permits can be issued for projects of any size, from a driveway that may have a non-conforming setback or an oversized dormer to a very large residential and/or commercial project involving many residential units, commercial square footage, site development, and/or other transportation-related changes. Special permit applications are reviewed by the Land Use Committee of the Newton City Council and review is managed by the Planning and Development Department's Current Planning staff.

A new site plan review requirement has been recently adopted by the City Council through the Village Center Overlay Zoning (VCOD) district. While site plan review is expected to only be required for projects within a certain size, planning staff review/effort and Planning Board review will be required for projects meeting these criteria. At this time, there is no fee specified in the Newton Ordinances for the site plan review requirement under VCOD.

A detailed analysis of fees will be presented to the Council in advance of the committee meeting.

City of Newton Planning and Development



Docket Item #87-24

Update Project Review Fees

2/26/2024

1

Background

- + Need to review updating planning permit fees because...
 - They often do not even cover the direct costs of the public noticing requirements
 - Over a decade since they were last reviewed/updated
 - May not be in line with other neighboring communities
 - New VCOD ordinance has a new site plan review component that needs to be included in fee schedule

2

Planning Analysis of Internal Expenditures/Effort for Planning Permit Fees

- + Analysis for Special Permits and Site Plan Review
 - Review Effort for Projects varies based on projects of different sizes - may include transportation, engineering/stormwater, affordable housing, legal, etc.
 - Memo includes the typical staff level of effort/time for various sized projects - small, medium, large, and very large
 - Estimate of Planning, Law, and City Clerk's Staff time included
- + Public Noticing
 - Expenses for public noticing - hearing, abutters notice, advertising, and mailing exceed \$400 per special permit

3

Planning Analysis of Internal Expenditures/Effort for Planning Permit Fees (continued)

- + New Site Plan Review for VCOD
 - Need to include a new fee for projects that fall under this new category of review due to the new ordinance
- + Review of Other Communities Permitting Fee Structures (Cambridge, Brookline, Burlington, Somerville, Watertown)
 - Fees mostly higher in other communities than City of Newton because they differentiate project review based on size of project - the larger the project, the larger the fee

4

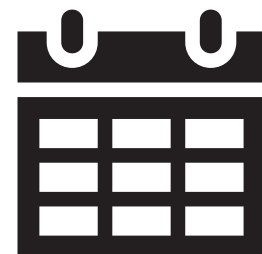
Existing and Proposed Fees

Type of Filing	Current	Proposed
Special Permit and/or Site Plan approval in Residential District (except accessory apartments)	\$350; plus \$100 for each new unit to a max of \$2,500;	\$1,000; plus \$50 per 1,000 sq. ft. of gross floor area (GFA) in Residential/VCOD/Business/Mixed Use/Manufacturing Districts
Special Permit and/or Site Plan approval in Business/Mixed Use/Manufacturing Districts	\$750	\$1,000; plus \$50 per 1,000 sq. ft. of GFA in Residential/VCOD/Business/Mixed Use/Manufacturing Districts
Change of Zone Petitions	\$350	\$1,000
Administrative Site Plan Review	\$350	\$500
Signs Special Permit	\$350	\$500
Accessory Apartments Special Permit	\$250	\$500
(New) Site Plan Review fee for Village Center Overlay District	None	\$1,000; plus \$50 per 1,000 sq. ft. of GFA in VCOD District
(New) Parking waiver of 10 or fewer spaces	Does not exist as separate special permit criteria	\$500
(New) Special Permit in Residential districts for extension of non-conforming only or FAR only	Does not exist as separate special permit criteria	\$500
(New) Project Revision Fee (Requiring Renoticing)	None	\$500

5

Next Steps

- Policy input and recommendations from the Zoning and Planning Committee
- Presentation, review, and decision by the Finance Committee



6

Fees Examples Based on Project Type

Type of Project	Examples	Current Planning Permit Fee	Proposed Planning Permit Fee (Under Proposal)
Change of Zone and Special Permit in Commercial District	Large Development: 34 Crafts St, New Senior Living Facility -214,764 gross floor area -rezoning from Manufacturing to Business Use 4	\$750 (special permit) + 350 (rezoning)= \$1,100	\$11,738.20 (special permit) + \$1,000 (rezoning) = \$12,738.20
Change of Zone and Special Permit in Residential District	Large Development: 11 Florence St, New Senior Living Facility -91,133 gross floor area -rezoning from Multi-Residence 1 to Business Use 4	\$350 (special permit in residential district) + \$350 (rezoning)= \$700	\$5,556.65 (special permit) + \$1,000 (rezoning) = \$6,556.65
Change of Zone and Special Permit in Commercial District	Medium Project: 1314 Washington St, New Residential Development -74,518 gross floor area -rezoning from Business Use 1 to Mixed Use 4	\$750 (special permit in commercial district) + \$350 (rezoning)= \$1,100	\$4,725.90 (special permit) + \$1,000 (rezoning)= \$5,725.90
Special Permit in Residential District	Medium Project: 2202 Commonwealth Ave, New Residential Development -four single-family attached dwellings -7,278 gross floor area -Multi-residence district	\$350 (special permit in residential district)	\$1,363.90 (special permit in residential district)
Parking Waiver (10 Stalls or Less)	Minor Project: 47 Lincoln St, New Small Business -Small yoga studio needed a parking waiver when the site did not have enough parking	\$750 (special permit in commercial district)	\$500 (parking waiver of 10 stalls or less)
Sign Special Permit	Minor Project: 269-286 Grove St, New Sign -new free-standing sign is proposed for an existing business	\$350 (sign special permit)	\$500 (sign special permit)
Special Permit in Commercial District and Rezoning	Very Large Project (1M sf), such as Northland Development	\$750 (special permit) + \$350 (rezoning): \$1,000.00	\$51,000 (special permit) + \$1,000 (rezoning)= \$52,000.00
Special Permit in Residential District	Medium Residential Project (10-50 units; approx. 20,000 sf)	\$350 (special permit)	\$2,000 (special permit)
Special Permit for FAR or extension of non-conformity only	Minor Project: FAR or extension of non-conformity only for residential home	\$350 (special permit)	\$500 (special permit)



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

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Barney Heath
Director

MEMORANDUM

TO: Councilor R. Lisle Baker, Chair, Zoning & Planning Committee
Members of the Zoning & Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director Department of Planning and Development
Katie Whewell, Chief Planner, Department of Planning and Development
Alyssa Sandoval, Deputy Chief Planner, Department of Planning and Development

DATE: February 23, 2024

RE: **#87-24 Update Project Review Fees**
HER HONOR THE MAYOR requesting discussion and possible ordinance amendments to update fees related to special permit, zone change and site plan review fees requested by the Planning Department, City Clerk's Office, and Law Department.

MEETING: February 26, 2024

CC: City Council
Planning Board
Jonathan Yeo, Chief Operating Officer
Alissa Giuliani, City Solicitor

The Planning and Law Departments and City Clerk's Office have been conducting a review of internal expenditures related to special permits, such as public noticing requirements as well as a review of neighboring communities' fees. The analysis indicates that planning permit fees should be raised commensurate to the expenses incurred and review necessary.

The following changes to the planning permitting fees are proposed.

City of Newton Planning Permit Fee Schedule Summary of Proposed Changes

Type of Filing	Current	Proposed
Special Permit and/or Site Plan approval in Residential District (except accessory apartments)	\$350; plus \$100 for each new unit to a max of \$2,500;	\$1,000; plus \$50 per 1,000 sq. ft. of gross floor area (GFA) in Residential/VCOD/Business/Mixed Use/Manufacturing Districts
Special Permit and/or Site Plan approval in Business/Mixed Use/Manufacturing Districts	\$750	\$1,000; plus \$50 per 1,000 sq. ft. of GFA in Residential/VCOD/Business/Mixed Use/Manufacturing Districts
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(New) Parking waiver of 10 or fewer spaces	Does not exist as separate special permit criteria	\$500
(New) Special Permit in Residential districts for extension of non-conforming only or FAR only	Does not exist as separate special permit criteria	\$500
(New) Project Revision Fee (Requiring Renoticing)	None	\$500

The following analysis has been prepared for further review as part of consideration for this request.

Background

The City of Newton regulates the fees for special permits and planning review fees for development projects that require additional Planning review and/or public hearing and noticing before a building permit can be issued. While the exact year is unknown, city staff estimates the City of Newton has not reviewed or raised its permitting fees in over a decade. This memo outlines the standard process for planning review for special permits and site plans including staff time and public noticing costs as a basis for considering raising the fees for projects depending on the type of project. In addition, a new process which has been implemented as a result of the new Village Center Overlay Zoning (VCOD) will require a

separate site plan review through the Planning Board.¹ The VCOD also requires a special permit for sites over 30,000 square feet.

Planning Review for Special Permits

Planning may include a variety of reviews depending on the size and scale of the project. Typically, the City of Newton regulates projects through the issuance of special permits for a project that requires relief from the Newton Zoning Ordinance (NZO). Special permits can be issued for projects of any size, from a single-family dwelling with an addition that may have a non-conforming setback to a very large residential and/or commercial project involving many residential units, commercial square footage, site development, and/or other transportation-related changes. Special permit applications are reviewed by the Land Use Committee of the Newton City Council and review is managed by the Planning and Development Department's Current Planning staff, who see special permits through from application to building permit to occupancy ensuring they are consistent and compliant with approved plans. Special permits involve several different planning reviews as outlined below.

Project of any size typically undergo:

- development review team includes a pre-application meeting with the applicant and the Current Planning staff prior to the special permit application.
- specialized zoning review by the Chief Zoning Code Official to determine the zoning relief required for all special permits, comprehensive permits, and variances. This analysis is summarized in a Zoning Memorandum to the applicant which informs their application.
- an analysis of the project by Current Planning staff including site, zoning, access, transportation, and neighborhood impacts summarized in a Planning memorandum with a subsequent draft Council Order.

Projects that are larger in size undergo further planning review including:

- affordable housing review for residential projects that are over a certain size to determine affordable housing plans, compliance, and regulatory agreements.
- transportation impact review including analysis of traffic studies, and Transportation demand management measures.
- sustainability analysis including review of sustainability features such as electric vehicle charging, solar, and other green technologies.
- peer reviews for special subject areas including stormwater infrastructure/engineering and transportation. Peer reviews are paid for by the applicant but are managed by the Current Planning staff.
- additional special permit conditions and legal review.

¹ For any construction or substantial reconstruction of one or more buildings in the VC2 or VC3 zones on a lot fifteen-thousand (15,000) square feet or larger but less than thirty-thousand (30,000) square feet.

- additional public hearings.

Should a special permit project be approved, Current Planning staff remain involved and review the building permit plans against the special permit plans. Once the project is complete, staff review occupancy prior to Inspectional Service's final inspection and are responsible for ensuring compliance with unique conditions of the special permit.

Public Noticing

In addition to the varying levels of planning review required for projects of different scales, projects that require special permits have public noticing requirements for abutters and the public. The noticing requirements are managed by the City Clerk's Office and typically involve:

- Public notice in a local newspaper (Boston Herald) two weeks before the public hearing
- Mailing of public hearing notice to abutters within 300 feet of a project

According to the City Clerk's office, the printing, mailing, and advertising costs of each special permit project regardless of size average over \$400 per special permit.

Estimated Staff Time on Projects

Planning has consulted with Law and the City Clerk's Office. Based on a review of projects and typical staff timing on project review, Planning has provided a rough estimate of hours of staff time (combined) on projects of various scales before a building permit is issued. As seen from the range below, there is a wide range depending on the type of project as larger projects often require further departmental and staff coordination with further consultants, additional legal review, coordination with applicants, answering questions from the public, and public hearings. The types of projects are listed below according to increasing levels of effort.

- Small projects, such as house additions, extension of non-conformities, FAR, and individual signs typically require about 16 hours of Planning and Legal Staff time and 2 hours of City Clerk's time
- Medium-sized projects, such as four to 50-unit housing projects, typically require over 50 hours of Planning and Legal Staff time and 4 hours of City Clerk's time
- Large projects that also require a rezoning and multiple hearings, such as new senior living facilities or over 100-unit housing/mixed use developments typically require over 150 hours of Planning and Legal Staff time and 5 hours of City Clerk's time
- Very large projects, such as the Northland Project (over 1+M square foot mixed use development) are less frequent projects but involve a significant amount of staff time including legal reviews, peer reviews, and public hearings, which are difficult to estimate in terms of time spent. Some projects at this scale include planners and law staff that work almost full-time on these projects for extended periods of time.

New Site Plan Review Standards

A new process for site plan review has been adopted by the City Council through the Village Center Overlay Zoning (VCOD) district, which was adopted in December 2023. Site plan review

is required for mixed use and multifamily projects on lots that are between 15,000 square feet and 30,000 square feet and for small adaptive reuse residential projects with multiple buildings. The Planning Board is the decision-making body and Planning staff will also be responsible for the public noticing requirements for site plan review for a project under the VCOD. At this time, there has been no mechanism for the collection of permit fees for site plan review under VCOD as it will require an ordinance amendment to Chapter 17 to include a fee. The level of staff time devoted to VCOD site plan review is anticipated to be the same level of effort for special permits depending on the size of the project. Like special permits, these projects will require a zoning review, analysis and Planning Memorandum by Planning staff, and at least one hearing by the Planning Board. Projects may also require Affordable Housing Review for residential projects over a certain size.

It is important to note that these are just estimates, however, and sometimes seemingly minor projects, such as a new commercial sign or a retaining wall, may result in more effort if there are complicated underlying issues, and/or concerns from members of the public.

Comparison Communities

Staff researched other nearby communities to review existing permit fee structures and whether the City of Newton's are in line with these. In many instances, the permit fees for other communities are higher than the City of Newton's because many communities differentiate fees based on the size of the project (in the case of Cambridge, Somerville, Brookline, and Watertown). The table below provides a summary of planning permit fees in Cambridge, Brookline, Burlington, Somerville, Watertown, and Newton.

City	Special Permit - Type Fees
Cambridge	<p><u>Special Permit through Planning Board:</u></p> <p>Largest fee of any of these calculations:</p> <p>(a) The fee is ten cents (\$0.10) per square foot of total proposed Gross Floor Area noted in the Dimensional Form.</p> <p>(b) The fee is one thousand dollars (\$1,000.00) if Flood Plain Special Permit is sought as part of the Application and the amount determined above is less than \$1000.</p> <p>(c) The fee is one hundred fifty dollars (\$150.00) if the above amounts are less than \$150.</p> <p><u>Zoning Relief through ZBA:</u></p> <p>Parking: \$200.00 per space for which relief is requested</p> <p>Sign: \$200.00 per sign plus \$5.00 per square foot of signage requiring relief</p> <p>Additions, Structural Alterations, Dimensional Violations, Alteration of Non-Conforming Structure for Variance/Special Permits: \$200.00 plus \$50.00 per 100 square feet of construction requiring relief</p> <p>Subdivision: \$500.00 plus \$200.00 per new lot proposed.</p>

City	Special Permit - Type Fees
	<p>Use Variance or Use Special Permit for non-conforming uses: \$200 plus an additional fee of \$.50 per square foot of new construction.</p> <p>Ongoing Conditions fee: certification for compliance with those conditions on an annual or other appropriated basis. The fee for such certification shall be \$100.00 per year.</p>
Brookline	<p><u>Special Permit:</u> Residential, Commercial or Institutional Project: \$350.00, plus \$50.00 per 1,000 s.f. of additional GFA</p> <p><u>Variance:</u> \$350.00, plus \$50.00 per 1,000 sq.ft. of additional GFA</p>
Burlington	<p><u>Site Plan Review:</u> \$500 Major change: \$500 Minor change: \$250 Rezoning fee: \$500/acre Change in Non-Conforming Commercial Use: \$500</p> <p><u>Special Permits:</u> Residential: \$300 R2 Districts: \$800 Commercial (differs by type) \$800 to \$1,800</p>
Somerville	<p>ISD Plan Review: \$250 Special Permit: \$250 Site Plan Approval: \$250 plus \$0.08 per square foot of new gross floor area or plus \$0.06 per square foot of new gross floor area if subject to a Master Plan Special Permit</p>
Watertown	<p>Special Permit (Residential): \$150 base fee + \$75/new dwelling unit; Max: \$10,000 Special Permit (Commercial): \$150 base fee + \$150 up to 4,000 sf.; \$250: 4,001-10,000 sf; \$250 each additional 10,000 sf; Maximum \$10,000 per type Affordable Housing Review: \$150 new development; \$100 amendment to existing agreement Public noticing including Newspaper; paid by developer Abutters List: \$15 per list</p>
Newton (CURRENT)	<p>Special Permit and/or Site Plan approval of non-conforming structure (has not been changed for a decade). Residential Districts: \$350; plus \$100 for each new unit to a max of \$2,500; Business/Mixed Use/Manufacturing Districts: \$750; Accessory Apts. \$250; Signs: \$350 Change of Zone Petitions: \$350 Administrative Site Plan Review: \$350</p>

Recommendations

As a result of a review of the staff time, neighboring communities' fee structures, and the direct public noticing expenses for special permits and site plans, Planning recommends that these fees are raised depending on the type and size of project. For many projects, Planning recommends an incremental increase in the fees based on the size of the project. The current fee for special permits and site plans does not even cover the required public noticing for these projects, which averages over \$400 or more per petition according to the City Clerk's office. After analyzing several models and scenarios, Planning recommends a model similar to the Town of Brookline's noted in the table above with a base fee and then an incremental charge of \$50 based on the additional 1,000 sf of GFA. Smaller projects that may not include additional GFA would have commensurately lower fees.

The following recommendations and rationales for permit fee adjustments are provided below:

- **Raise base fee for special permits in residential and commercial districts and consolidate the special permit type for Residential/VCOD/Mixed Use and Manufacturing Districts.** Base fee would be \$1,000; plus \$50 per 1,000 square feet of gross floor area (GFA) in Residential/VCOD/Mixed Use and Manufacturing Districts.
 - Rationale: special permit fees for residential/mixed use and commercial projects need to be raised to better reflect increased staff time and the expenses of public noticing. Adding a tiered level of increased fees based on additional gross floor area will help to capture the additional expenses / review time associated with larger projects. Staff recommends that the special permit fee and incremental charge be the same across the residential/VCOD/business/mixed use and manufacturing zoning districts to streamline processes. There is an exception for minor projects by homeowners noted in the next bullet.
- **(New) Special Permit in Residential districts for extension of non-conformity only or FAR only** (increase by \$150): \$500.
 - Rationale: many homeowners may have smaller projects where their homes on smaller lots (before Newton Zoning was adopted) often result in non-conformities and FAR non-compliance. Having a slightly lower fee for these types of projects helps reduce the burden on individual homeowners. There is often typically less staff time involved because these requests are fairly routine.
- **(New) Site Plan Review fee for Village Center Overlay District:** Base fee is \$1,000 Base fee would be \$1,000; plus \$50 per 1,000 square feet of GFA in VCOD Districts requiring site plan review.
 - Rationale: there is currently no fee proposed for site plan review under VCOD zoning. A fee for site plan review is needed to cover staff time and the expenses of public noticing. Adding a tiered level of increased fees based on additional gross floor area will help to capture the additional expenses/review time associated with larger projects.

- **(New) Parking waiver of 10 or fewer spaces** would be \$500 (as opposed to \$1,000 in the current proposal)
 - Rationale: this allows homeowners or businesses, such as small retailers or restaurants, that may need a small number of parking stall waivers (10 or fewer spaces) to apply for a special permit at a lesser fee to reduce the burden on small business owners and homeowners.
- **Administrative Site Plan Review fee** (increase fee by \$150): \$500
 - Rationale: the fee for administrative site plan review, which are projects such as daycares or schools covered by the Dover waiver, should be raised slightly to cover staff time and potential community meetings.
- **Change of Zone fee** (increase fee by \$650): \$1,000
 - Rationale: the existing fee for a rezoning petition is low and should be raised to cover public noticing requirements, staff time, which includes additional time for GIS support and the updating of city maps and online databases, such as the assessor's database.
- **Sign Special Permit fee** (increase fee by \$150): \$500
 - Rationale: the fee for sign special permits, which are generally free-standing signs or other oversized signs, should be raised slightly to cover public noticing requirements and staff time.
- **Accessory Apartments Special permit fee** (increase by \$250): \$500
 - Rationale: should be raised slightly to cover public noticing requirements and staff time.
- **(New) Project Revision Fee Requiring Re-noticing:** \$500
 - Rationale: during the review process, applicants may change their projects substantially to require new public noticing. This might include new relief for additional FAR, setbacks, retaining walls, or parking that was not previously anticipated. In addition to the staff time required to review changes, it costs at least \$400 at a minimum in direct expenses to re-notice the project as required. Staff suggests a new fee for Project Revisions that require re-noticing.

Fees Examples Based on Project Type

As an example of how projects of different scales might play out under the existing fee structure versus the new proposed fee structure, Planning analyzed scenarios from real projects that been reviewed as well as hypothetical projects as noted in the table below.

Type of Project	Examples	Current Planning Permit Fee	Proposed Planning Permit Fee (Under Proposal)
Change of Zone and Special Permit in Commercial District	Large Development: 34 Crafts St, New Senior Living Facility -214,764 gross floor area -rezoning from Manufacturing to Business Use 4	\$750 (special permit) + 350 (rezoning)= \$1,100	\$11,738.20 (special permit) + \$1,000 (rezoning) = \$12,738.20
Change of Zone and Special Permit in Residential District	Large Development: 11 Florence St, New Senior Living Facility -91,133 gross floor area -rezoning from Multi-Residence 1 to Business Use 4	\$350 (special permit in residential district) + \$350 (rezoning)= \$700	\$5,556.65 (special permit) + \$1,000 (rezoning) = \$6,556.65
Change of Zone and Special Permit in Commercial District	Medium Project: 1314 Washington St, New Residential Development -74,518 gross floor area -rezoning from Business Use 1 to Mixed Use 4	\$750 (special permit in commercial district) + \$350 (rezoning)= \$1,100	\$4,725.90 (special permit) + \$1,000 (rezoning)= \$5,725.90
Special Permit in Residential District	Medium Project: 2202 Commonwealth Ave, New Residential Development -four single-family attached dwellings -7,278 gross floor area -Multi-residence district	\$350 (special permit in residential district)	\$1,363.90 (special permit in residential district)
Parking Waiver (10 Stalls or Less)	Minor Project: 47 Lincoln St, New Small Business -Small yoga studio needed a parking waiver when the site did not have enough parking	\$750 (special permit in commercial district)	\$500 (parking waiver of 10 stalls or less)
Sign Special Permit	Minor Project: 269-286 Grove St, New Sign -new free-standing sign is proposed for an existing business	\$350 (sign special permit)	\$500 (sign special permit)
Special Permit in Commercial District and Rezoning	Very Large Project (1M sf), such as Northland Development	\$750 (special permit) + \$350 (rezoning): \$1,000.00	\$51,000 (special permit) + \$1,000 (rezoning)= \$52,000.00
Special Permit in Residential District	Medium Residential Project (10-50 units; approx. 20,000 sf)	\$350 (special permit)	\$2,000 (special permit)

Type of Project	Examples	Current Planning Permit Fee	Proposed Planning Permit Fee (Under Proposal)
Special Permit for FAR or extension of non-conformity only	Minor Project: FAR or extension of non-conformity only for residential home	\$350 (special permit)	\$500 (special permit)

Next Steps:

- Policy input and recommendations from the Zoning and Planning Committee
- Presentation, review, and decision by the Finance Committee

Attachments:

Attachment A : Chapter 17 with current special permit and zone change fees
Attachment B : Section 17-11 with current administrative site Plan review fee

Chapter 17

FEES FOR LICENSING AND PERMITS; AND CIVIL FINES GENERALLY*

- Art. I. In General, §§ 17-1**
- Art. II. Fees for licenses and permits, 17-2—17-20**
- Art. III. Civil Fines/Non-criminal Disposition, §§ 17-21—17-23**

**ARTICLE I.
IN GENERAL**

Sec. 17-1. Licensing authority.

When in these Revised Ordinances or any other ordinance of the city anything is prohibited from being done without the license or permission of a certain officer or board, such officer or board shall have the power to license or permit such thing to be done. (Rev. Ords. 1973, § 11-1)

**ARTICLE II.
FEES FOR LICENSING AND PERMITS**

Sec. 17-2. Fees for places storing gasoline over one hundred twenty gallons.

Fees for licenses for public garages, gasoline stations, private garages and all gasoline tanks over one hundred twenty (120) gallon capacity, and fees for renewal of licenses or certificates of continuation, are established as follows:

- (1) Public garages with or without gasoline permit\$10.00
- (2) Gasoline stations and gasoline or fuel oil permits, with authority to sell gasoline or fuel oil\$20.00
plus for each hose\$5.00
- (3) Renewal of permit for year, or certificate of continuation of above described permits
..... \$5.00
- (4) Permit for garage for more than three (3) cars or gasoline tank over one hundred twenty (120) gallon capacity, private use\$2.00
- (5) Renewal of permit for one year, or certificate of continuation of above described permit\$5.00

(Rev. Ords. 1973, § 11-2; Ord. No. 257, 12-19-77)

Cross references—Fire protection and prevention, Ch. 10; hours for gas stations, § 20-55

Sec. 17-3. Fees for certain licenses, permits and fees.

Notwithstanding any contrary provision in any other section of these Revised Ordinances, there shall be paid a fee on an annual basis or unless otherwise noted to the city clerk for each of the following applications, permits, licenses

or charges, the sum set forth as follows:

- (1) Motor vehicle dealer's license first, second and third class \$200.00
- (2) Billiard, pool tables, bowling centers (non-coin operated).....\$15.00 each
- (3) Dealer in second-hand articles (antique, consignment or pawn broker shops)..... \$50.00
- (4) Reserved
- (5) Blasting bond permits (G.L. c. 148, § 19).....\$10.00
- (6) Junk collector's license\$100.00
- (7) Junk dealer's license (storage yards)\$100.00
 - a) Dealers in secondhand articles\$50.00
- (8) Lodging house licenses\$50.00
- (9) Dormitory license.....\$50.00
- (10) Musical instrument performers and street singers
 - a) Commercial applicants per event\$20.00
 - b) Non-profit applicants per event.....\$5.00
- (11) Public Auto/Van/Limousine permit fee, each vehicle.....\$25.00
- (12) Taxi license, each vehicle.....\$25.00
 - a) Taxi license, each driver.....\$25.00
 - b) Replacement for lost taxi license, each driver.....\$10.00
- (13) Taxi stand, each location.....\$15.00
- (14) Sale of municipal ordinances per copy.....\$75.00
 - a) Sale of zoning ordinances per copy.....\$25.00
 - b) Sale of government and officers booklet, per copy.....\$3.00
- (15) Auction permits:
 - a) Auction house, annual permit.....\$100.00
 - b) Auctioneers, per diem\$20.00

(16) Special permits:

a) Residential district.....	\$350.00
plus \$100.00 for each new unit, not to exceed \$2500 total	
b) Business, mixed use, manufacturing, limited manufacturing.....	\$750.00
c) All other districts.....	\$2.00
d) Accessory apartments,.....	\$250.00
(City Council—§30 6.7.1.E.1)	
e) Signs.....	\$350.00
(17) Zone change petition	\$350.00
(18) Curb-cut petitions (all districts).....	\$100.00
(19) Offers for city-owned land (all districts).....	\$250.00
(20) Public utility petitions:	
a) Petitions for facilities other than wireless communications facilities per location.....	\$35.00
b) A single petition for wireless communications facilities to be attached to a single utility-owned or City-owned pole, streetlight pole or other structure located within a public way.....	\$500.00
c) A single petition covering multiple sites:	
for the first five sites	\$500.00
for each additional site.....	\$100.00
d) Multiple separate petitions filed at the same time, each petition for one or more sites:	
for the first five sites	\$500.00
for each additional site.....	\$100.00
(21)Recording order granting location of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in the number of wires and cables or attachments under the provisions of G.L. c. 166, § 22	\$25.00
(22) Creditor filings:	
a) Filing & indexing assignment for the benefit of creditors.....	\$10.00
b) Bulky property attachment.....	\$10.00
Dissolution.....	\$5.00

§ 17-11 NEWTON ORDINANCES – LICENSING, PERMITS; & CIVIL FINES GENERALLY § 17-12

(4) Pumping water from basement due to inclement weather:

- a) First visit per calendar year\$0.00
- b) Second visit per calendar year..... \$50.00 per hour

(d) Certificates:

(1) Smoke detectors:

- a) Up to 5 units\$50.00
- b) 6 to 25 units..... \$10.00 per unit
- c) 26 or more units.....\$250.00 plus
- d) \$5.00 per each unit over 26

(2) Review of plans/prints and/or specifications:

- a) Per stamp, under 100,000 square feet.....\$50.00
- b) Per stamp, over 100,000 square feet.....\$100.00

(Ord. No. T-7, 1-17-89; Ord. No. T-168, 9-3-91; V-14, 4-3-95; Ord. No. B-7, 03-19-18)

Sec. 17-11. Fees to be paid to the planning department.

(a) Any person(s) filing an application for administrative site plan review pursuant to section 30-5(a)(2)(a) shall pay a fee of three hundred fifty dollars (\$350.00) at the time of the filing of such application.

(b) Any person(s) filing an application for review of accessory apartment petition ("RAAP") pursuant to section 30-22 shall pay a fee of one hundred dollars (\$100.00) at the time of the filing of such application.

(c) Any person(s) filing an application for wetlands protection shall pay a filing fee of fifty dollars (\$50.00) at the time of the filing of such application. (Ord. No. S-338, 11-7-88; Ord. No. T-168, 9-3-91)

Sec. 17-12. Permit for a temporary street closure for block parties, street festivals and neighborhood functions.

(a) An application for a permit for temporary street closure for a block party, street festival or other neighborhood function shall be made upon a form provided by the police department and shall contain the following information:

- (1) The name, residence and business, and phone number of each person and organization sponsoring a temporary street closure.
- (2) The date, or dates, and beginning and ending hours of such temporary street closure.
- (3) Such other information as the chief of police deems reasonably necessary in order to carry out the provisions of this article.



Ruthanne Fuller
Mayor

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Barney Heath
Director

MEMORANDUM

TO: Councilor Leonard Gentile, Chair, Finance Committee
Members of the Finance Committee

FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director Department of Planning and Development
Katie Whewell, Chief Planner, Department of Planning and Development
Alyssa Sandoval, Deputy Chief Planner, Department of Planning and Development

DATE: March 21, 2024

RE: **#87-24 Update Project Review Fees**
HER HONOR THE MAYOR requesting discussion and possible ordinance amendments to update fees related to special permit, zone change and site plan review fees requested by the Planning Department, City Clerk's Office, and Law Department.

MEETING: March 25, 2024

CC: City Council
Planning Board
Jonathan Yeo, Chief Operating Officer
Alissa Giuliani, City Solicitor

The Planning and Law Departments and City Clerk's Office have been conducting a review of internal expenditures related to special permits, such as public noticing requirements as well as a review of neighboring communities' fees. The analysis indicates that planning permit fees should be raised commensurate to the expenses incurred and review necessary. The Zoning and Planning Committee (ZAP) voted to recommend approval of the new fees at their February 26, 2024 meeting. The ZAP Committee noted that areas for further research would be to review fees for historic district and conservation commission review, which the Planning Department will begin to review but is not the subject of the project review fee proposal put forward at present.

The Planning and Law Departments have worked on a proposed order to institute the new fees (Attachment A), and recommends the Finance Committee approve the new proposed fees in

the Order as outlined below. The Planning Memo dated February 23, 2024 (Attachment B) provides a full analysis of the proposed fees including background, additional research, and rationale for proposed fees.

The following changes to the planning permitting fees are proposed:

City of Newton Planning Permit Fee Schedule Summary of Proposed Changes

Type of Filing	Current	Proposed
Special Permit and/or Site Plan approval in Residential District (except accessory apartments)	\$350; plus \$100 for each new unit to a max of \$2,500;	\$1,000; plus \$50 per 1,000 sq. ft. of new gross floor area (GFA) in Residential/VCOD/Business/Mixed Use/Manufacturing Districts
Special Permit and/or Site Plan approval in Business/Mixed Use/Manufacturing Districts	\$750	\$1,000; plus \$50 per 1,000 sq. ft. of new GFA in Residential/VCOD/Business/Mixed Use/Manufacturing Districts
Change of Zone Petitions	\$350	\$1,000
Administrative Site Plan Review	\$350	\$500
Signs Special Permit	\$350	\$500
Accessory Apartments Special Permit	\$250	\$500
(New) Site Plan Review fee for Village Center Overlay District	None	\$1,000; plus \$50 per 1,000 sq. ft. of GFA in VCOD District
(New) Parking waiver of 10 or fewer spaces, Special Permit	Does not exist as separate special permit criteria	\$500
(New) Special Permit for extension of non-conforming only or FAR only	Does not exist as separate special permit criteria	\$500
(New) Project Revision Fee (Requiring Re-noticing)	None	\$500

Background

The City of Newton regulates the fees for special permits and planning review fees for development projects that require additional Planning review and/or public hearing and noticing before a building permit can be issued. While the exact year is unknown, City staff estimates the City of Newton has not reviewed or raised its permitting fees in over a decade.

As part of the research, Planning reached out to City Clerk’s staff which estimates actual public noticing costs at over \$400 per project, which in some cases is not covered by the special permit fee. In addition, some projects require re-noticing if there are project changes, which is also not covered under the current fee schedule. The amount of City staff time to review and present projects to committees is also not covered under the current fees.

Planning review of projects may include a variety of reviews depending on the size and scale of the project. Typically, the City of Newton regulates projects through the issuance of special permits for a project that requires relief from the Newton Zoning Ordinance (NZO). Special permits can be issued for projects of any size, from a single-family dwelling with an addition that may have a non-conforming setback to a very large residential and/or commercial project involving many residential units, commercial square footage, site development, and/or other transportation-related changes.

The Planning analysis provided to ZAP in Attachment B concludes that the increase in fees proposed are reasonable and would help the City to cover the direct costs of public noticing and indirect costs of staff time associated with review of projects of varying sizes. The Planning Department recognizes that some projects, such as smaller residential projects, may not involve as much staff review and proposes a lower special permit fee for these types of projects including extensions of non-conformities only, floor area ratio (FAR) only, accessory dwelling units, signs, and small parking waivers for 10 spaces or less.

Proposed Order

The Planning and Law Departments have worked on proposed changes to *Chapter 17 Fees for Licensing and Permits; and Civil Fines Generally*, provided in **Attachment A**. In summary, the proposed changes include providing new or revised sections on special permits, zone changes, administrative site plan review and site plan review as further outlined below.

I. Special Permit Fees:

This includes a new section replacing the old section in *Section (16) Special Permits* for the following:

- Special permit fees would be \$1,000 in residential, business, mixed use, manufacturing, limiting manufacturing, and village center overlay districts. For new gross floor area (square footage), additional charges of \$50 per 1,000 sq. ft. of new gross floor area would also be charged.
- Special permits for smaller residential projects including, non-conforming buildings, structures, or uses only; floor area ratios (FAR) only, and accessory dwelling units that require a special permit would be \$500.¹
- Special permits for small parking waivers (10 or fewer spaces) and signs would be \$500.

¹ The special permit fee for accessory dwelling units is only for those units that require a special permit for dimensional relief, not for those that are allowed by right.

- Projects that require public re-noticing (because there have been significant enough changes to require it) will incur a \$500 fee to cover the cost of this direct expense and staff time.

II. Zone changes:

This section under subsection (17) *Zone change petition*, raises the zone change petition fee from \$350 to \$1,000.

III. Site Plan Review:

This section replaces subsection (b) of Sec. 17-11. *Fees to be paid to the planning department* to address administrative site plan review increase from \$350 to \$500. It also includes the new site plan review requirements under Village Center Overlay District Zoning, which would \$1,000. For new gross floor area (square footage), additional charges of \$50 per 1,000 sq. ft. of new gross floor area would also be charged.

Next Steps

Recommendation is that the proposed order is adopted by the Finance Committee as presented in **Attachment A**, on *Chapter 17 Fees for Licensing and Permits; and Civil Fines Generally*.

Attachment A: Proposed changes to Chapter 17 with current special permit and zone change fees.

Attachment B: Planning Department Memo to ZAP dated February 23, 2024

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO.

, 2024

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON that the Revised Ordinances of Newton, Massachusetts, 2017, as amended, be and are hereby further amended with respect to **Chapter 17 Fees for Licensing and Permits; and Civil Fines Generally** as follows:

- I. **DELETE subsection (16) Special Permits of Sec. 17-3. Fees for certain licenses, permits and fees** in its entirety and **INSERT** in place thereof the following new subsection (16):

(16) Special Permits:

- a) Residential, business, mixed use, manufacturing, limiting manufacturing, village center overlay districts.....\$1,000.00
Plus \$50 per 1,000 sq. ft. of new gross floor area.
- b) All other districts\$2.00
- c) Nonconforming buildings, structures or uses, only
(Sec. 30-7.8.2.C)\$500.00
- d) Floor area ratios, only (Sec. 30-3.1.9.A.2).....\$500.00
- e) Accessory apartments, only (Sec. 30-6.7.1.E.1).....\$500.00
- f) Parking waivers of ten (10) or fewer spaces, only
(Sec. 30-5.1.3.D)\$500.00
- g) Signs, only.....\$500.00
- h) Project changes requiring additional legal public noticing.....\$500.00

- II. **DELETE** the fee of “\$350.00” where it appears in **subsection (17) Zone change petition of Sec. 17-3. Fees for certain licenses, permits and fees** and **INSERT** in place thereof the fee of “\$1,000.00”.

- III. **DELETE subsection (a) of Sec. 17-11. Fees to be paid to the planning department** in its entirety and **INSERT** in place thereof the following new subsection (a):

a) Any person(s) filing an application for administrative site plan review pursuant to Sec. 30-7.5 shall pay a fee of five hundred (\$500.00) dollars at the time of filing of such application.

IV. **DELETE subsection (b) of Sec. 17-11. Fees to be paid to the planning department** in its entirety and **INSERT** in place thereof the following new subsection (b):

b) Any person(s) filing an application for site plan review pursuant to Sec. 30-9.2.9.B shall pay a fee of one thousand (\$1,000.00) dollars, plus fifty (\$50.00) dollars per 1,000 sq. ft. of new gross floor area, at the time of filing of such application.

DRAFT



Ruthanne Fuller
Mayor

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Barney Heath
Director

MEMORANDUM

TO: Councilor R. Lisle Baker, Chair, Zoning & Planning Committee
Members of the Zoning & Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director Department of Planning and Development
Katie Whewell, Chief Planner, Department of Planning and Development
Alyssa Sandoval, Deputy Chief Planner, Department of Planning and Development

DATE: February 23, 2024

RE: **#87-24 Update Project Review Fees**
HER HONOR THE MAYOR requesting discussion and possible ordinance amendments to update fees related to special permit, zone change and site plan review fees requested by the Planning Department, City Clerk's Office, and Law Department.

MEETING: February 26, 2024

CC: City Council
Planning Board
Jonathan Yeo, Chief Operating Officer
Alissa Giuliani, City Solicitor

The Planning and Law Departments and City Clerk's Office have been conducting a review of internal expenditures related to special permits, such as public noticing requirements as well as a review of neighboring communities' fees. The analysis indicates that planning permit fees should be raised commensurate to the expenses incurred and review necessary.

The following changes to the planning permitting fees are proposed.

City of Newton Planning Permit Fee Schedule Summary of Proposed Changes

Type of Filing	Current	Proposed
Special Permit and/or Site Plan approval in Residential District (except accessory apartments)	\$350; plus \$100 for each new unit to a max of \$2,500;	\$1,000; plus \$50 per 1,000 sq. ft. of gross floor area (GFA) in Residential/VCOD/Business/Mixed Use/Manufacturing Districts
Special Permit and/or Site Plan approval in Business/Mixed Use/Manufacturing Districts	\$750	\$1,000; plus \$50 per 1,000 sq. ft. of GFA in Residential/VCOD/Business/Mixed Use/Manufacturing Districts
Change of Zone Petitions	\$350	\$1,000
Administrative Site Plan Review	\$350	\$500
Signs Special Permit	\$350	\$500
Accessory Apartments Special Permit	\$250	\$500
(New) Site Plan Review fee for Village Center Overlay District	None	\$1,000; plus \$50 per 1,000 sq. ft. of GFA in VCOD District
(New) Parking waiver of 10 or fewer spaces	Does not exist as separate special permit criteria	\$500
(New) Special Permit in Residential districts for extension of non-conforming only or FAR only	Does not exist as separate special permit criteria	\$500
(New) Project Revision Fee (Requiring Renoticing)	None	\$500

The following analysis has been prepared for further review as part of consideration for this request.

Background

The City of Newton regulates the fees for special permits and planning review fees for development projects that require additional Planning review and/or public hearing and noticing before a building permit can be issued. While the exact year is unknown, city staff estimates the City of Newton has not reviewed or raised its permitting fees in over a decade. This memo outlines the standard process for planning review for special permits and site plans including staff time and public noticing costs as a basis for considering raising the fees for projects depending on the type of project. In addition, a new process which has been implemented as a result of the new Village Center Overlay Zoning (VCOD) will require a

separate site plan review through the Planning Board.¹ The VCOD also requires a special permit for sites over 30,000 square feet.

Planning Review for Special Permits

Planning may include a variety of reviews depending on the size and scale of the project. Typically, the City of Newton regulates projects through the issuance of special permits for a project that requires relief from the Newton Zoning Ordinance (NZO). Special permits can be issued for projects of any size, from a single-family dwelling with an addition that may have a non-conforming setback to a very large residential and/or commercial project involving many residential units, commercial square footage, site development, and/or other transportation-related changes. Special permit applications are reviewed by the Land Use Committee of the Newton City Council and review is managed by the Planning and Development Department's Current Planning staff, who see special permits through from application to building permit to occupancy ensuring they are consistent and compliant with approved plans. Special permits involve several different planning reviews as outlined below.

Project of any size typically undergo:

- development review team includes a pre-application meeting with the applicant and the Current Planning staff prior to the special permit application.
- specialized zoning review by the Chief Zoning Code Official to determine the zoning relief required for all special permits, comprehensive permits, and variances. This analysis is summarized in a Zoning Memorandum to the applicant which informs their application.
- an analysis of the project by Current Planning staff including site, zoning, access, transportation, and neighborhood impacts summarized in a Planning memorandum with a subsequent draft Council Order.

Projects that are larger in size undergo further planning review including:

- affordable housing review for residential projects that are over a certain size to determine affordable housing plans, compliance, and regulatory agreements.
- transportation impact review including analysis of traffic studies, and Transportation demand management measures.
- sustainability analysis including review of sustainability features such as electric vehicle charging, solar, and other green technologies.
- peer reviews for special subject areas including stormwater infrastructure/engineering and transportation. Peer reviews are paid for by the applicant but are managed by the Current Planning staff.
- additional special permit conditions and legal review.

¹ For any construction or substantial reconstruction of one or more buildings in the VC2 or VC3 zones on a lot fifteen-thousand (15,000) square feet or larger but less than thirty-thousand (30,000) square feet.

- additional public hearings.

Should a special permit project be approved, Current Planning staff remain involved and review the building permit plans against the special permit plans. Once the project is complete, staff review occupancy prior to Inspectional Service's final inspection and are responsible for ensuring compliance with unique conditions of the special permit.

Public Noticing

In addition to the varying levels of planning review required for projects of different scales, projects that require special permits have public noticing requirements for abutters and the public. The noticing requirements are managed by the City Clerk's Office and typically involve:

- Public notice in a local newspaper (Boston Herald) two weeks before the public hearing
- Mailing of public hearing notice to abutters within 300 feet of a project

According to the City Clerk's office, the printing, mailing, and advertising costs of each special permit project regardless of size average over \$400 per special permit.

Estimated Staff Time on Projects

Planning has consulted with Law and the City Clerk's Office. Based on a review of projects and typical staff timing on project review, Planning has provided a rough estimate of hours of staff time (combined) on projects of various scales before a building permit is issued. As seen from the range below, there is a wide range depending on the type of project as larger projects often require further departmental and staff coordination with further consultants, additional legal review, coordination with applicants, answering questions from the public, and public hearings. The types of projects are listed below according to increasing levels of effort.

- Small projects, such as house additions, extension of non-conformities, FAR, and individual signs typically require about 16 hours of Planning and Legal Staff time and 2 hours of City Clerk's time
- Medium-sized projects, such as four to 50-unit housing projects, typically require over 50 hours of Planning and Legal Staff time and 4 hours of City Clerk's time
- Large projects that also require a rezoning and multiple hearings, such as new senior living facilities or over 100-unit housing/mixed use developments typically require over 150 hours of Planning and Legal Staff time and 5 hours of City Clerk's time
- Very large projects, such as the Northland Project (over 1+M square foot mixed use development) are less frequent projects but involve a significant amount of staff time including legal reviews, peer reviews, and public hearings, which are difficult to estimate in terms of time spent. Some projects at this scale include planners and law staff that work almost full-time on these projects for extended periods of time.

New Site Plan Review Standards

A new process for site plan review has been adopted by the City Council through the Village Center Overlay Zoning (VCOD) district, which was adopted in December 2023. Site plan review

is required for mixed use and multifamily projects on lots that are between 15,000 square feet and 30,000 square feet and for small adaptive reuse residential projects with multiple buildings. The Planning Board is the decision-making body and Planning staff will also be responsible for the public noticing requirements for site plan review for a project under the VCOD. At this time, there has been no mechanism for the collection of permit fees for site plan review under VCOD as it will require an ordinance amendment to Chapter 17 to include a fee. The level of staff time devoted to VCOD site plan review is anticipated to be the same level of effort for special permits depending on the size of the project. Like special permits, these projects will require a zoning review, analysis and Planning Memorandum by Planning staff, and at least one hearing by the Planning Board. Projects may also require Affordable Housing Review for residential projects over a certain size.

It is important to note that these are just estimates, however, and sometimes seemingly minor projects, such as a new commercial sign or a retaining wall, may result in more effort if there are complicated underlying issues, and/or concerns from members of the public.

Comparison Communities

Staff researched other nearby communities to review existing permit fee structures and whether the City of Newton’s are in line with these. In many instances, the permit fees for other communities are higher than the City of Newton’s because many communities differentiate fees based on the size of the project (in the case of Cambridge, Somerville, Brookline, and Watertown). The table below provides a summary of planning permit fees in Cambridge, Brookline, Burlington, Somerville, Watertown, and Newton.

City	Special Permit - Type Fees
Cambridge	<p><u>Special Permit through Planning Board:</u></p> <p>Largest fee of any of these calculations:</p> <p>(a) The fee is ten cents (\$0.10) per square foot of total proposed Gross Floor Area noted in the Dimensional Form.</p> <p>(b) The fee is one thousand dollars (\$1,000.00) if Flood Plain Special Permit is sought as part of the Application and the amount determined above is less than \$1000.</p> <p>(c) The fee is one hundred fifty dollars (\$150.00) if the above amounts are less than \$150.</p> <p><u>Zoning Relief through ZBA:</u></p> <p>Parking: \$200.00 per space for which relief is requested</p> <p>Sign: \$200.00 per sign plus \$5.00 per square foot of signage requiring relief</p> <p>Additions, Structural Alterations, Dimensional Violations, Alteration of Non-Conforming Structure for Variance/Special Permits: \$200.00 plus \$50.00 per 100 square feet of construction requiring relief</p> <p>Subdivision: \$500.00 plus \$200.00 per new lot proposed.</p>

City	Special Permit - Type Fees
	<p>Use Variance or Use Special Permit for non-conforming uses: \$200 plus an additional fee of \$.50 per square foot of new construction.</p> <p>Ongoing Conditions fee: certification for compliance with those conditions on an annual or other appropriated basis. The fee for such certification shall be \$100.00 per year.</p>
Brookline	<p><u>Special Permit:</u> Residential, Commercial or Institutional Project: \$350.00, plus \$50.00 per 1,000 s.f. of additional GFA</p> <p><u>Variance:</u> \$350.00, plus \$50.00 per 1,000 sq.ft. of additional GFA</p>
Burlington	<p><u>Site Plan Review:</u> \$500 Major change: \$500 Minor change: \$250 Rezoning fee: \$500/acre Change in Non-Conforming Commercial Use: \$500</p> <p><u>Special Permits:</u> Residential: \$300 R2 Districts: \$800 Commercial (differs by type) \$800 to \$1,800</p>
Somerville	<p>ISD Plan Review: \$250 Special Permit: \$250 Site Plan Approval: \$250 plus \$0.08 per square foot of new gross floor area or plus \$0.06 per square foot of new gross floor area if subject to a Master Plan Special Permit</p>
Watertown	<p>Special Permit (Residential): \$150 base fee + \$75/new dwelling unit; Max: \$10,000 Special Permit (Commercial): \$150 base fee + \$150 up to 4,000 sf.; \$250: 4,001-10,000 sf; \$250 each additional 10,000 sf; Maximum \$10,000 per type Affordable Housing Review: \$150 new development; \$100 amendment to existing agreement Public noticing including Newspaper; paid by developer Abutters List: \$15 per list</p>
Newton (CURRENT)	<p>Special Permit and/or Site Plan approval of non-conforming structure (has not been changed for a decade). Residential Districts: \$350; plus \$100 for each new unit to a max of \$2,500; Business/Mixed Use/Manufacturing Districts: \$750; Accessory Apts. \$250; Signs: \$350 Change of Zone Petitions: \$350 Administrative Site Plan Review: \$350</p>

Recommendations

As a result of a review of the staff time, neighboring communities' fee structures, and the direct public noticing expenses for special permits and site plans, Planning recommends that these fees are raised depending on the type and size of project. For many projects, Planning recommends an incremental increase in the fees based on the size of the project. The current fee for special permits and site plans does not even cover the required public noticing for these projects, which averages over \$400 or more per petition according to the City Clerk's office. After analyzing several models and scenarios, Planning recommends a model similar to the Town of Brookline's noted in the table above with a base fee and then an incremental charge of \$50 based on the additional 1,000 sf of GFA. Smaller projects that may not include additional GFA would have commensurately lower fees.

The following recommendations and rationales for permit fee adjustments are provided below:

- **Raise base fee for special permits in residential and commercial districts and consolidate the special permit type for Residential/VCOD/Mixed Use and Manufacturing Districts.** Base fee would be \$1,000; plus \$50 per 1,000 square feet of gross floor area (GFA) in Residential/VCOD/Mixed Use and Manufacturing Districts.
 - Rationale: special permit fees for residential/mixed use and commercial projects need to be raised to better reflect increased staff time and the expenses of public noticing. Adding a tiered level of increased fees based on additional gross floor area will help to capture the additional expenses / review time associated with larger projects. Staff recommends that the special permit fee and incremental charge be the same across the residential/VCOD/business/mixed use and manufacturing zoning districts to streamline processes. There is an exception for minor projects by homeowners noted in the next bullet.
- **(New) Special Permit in Residential districts for extension of non-conformity only or FAR only** (increase by \$150): \$500.
 - Rationale: many homeowners may have smaller projects where their homes on smaller lots (before Newton Zoning was adopted) often result in non-conformities and FAR non-compliance. Having a slightly lower fee for these types of projects helps reduce the burden on individual homeowners. There is often typically less staff time involved because these requests are fairly routine.
- **(New) Site Plan Review fee for Village Center Overlay District:** Base fee is \$1,000 Base fee would be \$1,000; plus \$50 per 1,000 square feet of GFA in VCOD Districts requiring site plan review.
 - Rationale: there is currently no fee proposed for site plan review under VCOD zoning. A fee for site plan review is needed to cover staff time and the expenses of public noticing. Adding a tiered level of increased fees based on additional gross floor area will help to capture the additional expenses/review time associated with larger projects.

- **(New) Parking waiver of 10 or fewer spaces** would be \$500 (as opposed to \$1,000 in the current proposal)
 - Rationale: this allows homeowners or businesses, such as small retailers or restaurants, that may need a small number of parking stall waivers (10 or fewer spaces) to apply for a special permit at a lesser fee to reduce the burden on small business owners and homeowners.
- **Administrative Site Plan Review fee** (increase fee by \$150): \$500
 - Rationale: the fee for administrative site plan review, which are projects such as daycares or schools covered by the Dover waiver, should be raised slightly to cover staff time and potential community meetings.
- **Change of Zone fee** (increase fee by \$650): \$1,000
 - Rationale: the existing fee for a rezoning petition is low and should be raised to cover public noticing requirements, staff time, which includes additional time for GIS support and the updating of city maps and online databases, such as the assessor's database.
- **Sign Special Permit fee** (increase fee by \$150): \$500
 - Rationale: the fee for sign special permits, which are generally free-standing signs or other oversized signs, should be raised slightly to cover public noticing requirements and staff time.
- **Accessory Apartments Special permit fee** (increase by \$250): \$500
 - Rationale: should be raised slightly to cover public noticing requirements and staff time.
- **(New) Project Revision Fee Requiring Re-noticing:** \$500
 - Rationale: during the review process, applicants may change their projects substantially to require new public noticing. This might include new relief for additional FAR, setbacks, retaining walls, or parking that was not previously anticipated. In addition to the staff time required to review changes, it costs at least \$400 at a minimum in direct expenses to re-notice the project as required. Staff suggests a new fee for Project Revisions that require re-noticing.

Fees Examples Based on Project Type

As an example of how projects of different scales might play out under the existing fee structure versus the new proposed fee structure, Planning analyzed scenarios from real projects that been reviewed as well as hypothetical projects as noted in the table below.

Type of Project	Examples	Current Planning Permit Fee	Proposed Planning Permit Fee (Under Proposal)
Change of Zone and Special Permit in Commercial District	Large Development: 34 Crafts St, New Senior Living Facility -214,764 gross floor area -rezoning from Manufacturing to Business Use 4	\$750 (special permit) + 350 (rezoning)= \$1,100	\$11,738.20 (special permit) + \$1,000 (rezoning) = \$12,738.20
Change of Zone and Special Permit in Residential District	Large Development: 11 Florence St, New Senior Living Facility -91,133 gross floor area -rezoning from Multi-Residence 1 to Business Use 4	\$350 (special permit in residential district) + \$350 (rezoning)= \$700	\$5,556.65 (special permit) + \$1,000 (rezoning) = \$6,556.65
Change of Zone and Special Permit in Commercial District	Medium Project: 1314 Washington St, New Residential Development -74,518 gross floor area -rezoning from Business Use 1 to Mixed Use 4	\$750 (special permit in commercial district) + \$350 (rezoning)= \$1,100	\$4,725.90 (special permit) + \$1,000 (rezoning)= \$5,725.90
Special Permit in Residential District	Medium Project: 2202 Commonwealth Ave, New Residential Development -four single-family attached dwellings -7,278 gross floor area -Multi-residence district	\$350 (special permit in residential district)	\$1,363.90 (special permit in residential district)
Parking Waiver (10 Stalls or Less)	Minor Project: 47 Lincoln St, New Small Business -Small yoga studio needed a parking waiver when the site did not have enough parking	\$750 (special permit in commercial district)	\$500 (parking waiver of 10 stalls or less)
Sign Special Permit	Minor Project: 269-286 Grove St, New Sign -new free-standing sign is proposed for an existing business	\$350 (sign special permit)	\$500 (sign special permit)
Special Permit in Commercial District and Rezoning	Very Large Project (1M sf), such as Northland Development	\$750 (special permit) + \$350 (rezoning): \$1,000.00	\$51,000 (special permit) + \$1,000 (rezoning)= \$52,000.00
Special Permit in Residential District	Medium Residential Project (10-50 units; approx. 20,000 sf)	\$350 (special permit)	\$2,000 (special permit)

Type of Project	Examples	Current Planning Permit Fee	Proposed Planning Permit Fee (Under Proposal)
Special Permit for FAR or extension of non-conformity only	Minor Project: FAR or extension of non-conformity only for residential home	\$350 (special permit)	\$500 (special permit)

Next Steps:

- Policy input and recommendations from the Zoning and Planning Committee
- Presentation, review, and decision by the Finance Committee

Attachments:

Attachment A : Chapter 17 with current special permit and zone change fees
Attachment B : Section 17-11 with current administrative site Plan review fee

Chapter 17

FEES FOR LICENSING AND PERMITS; AND CIVIL FINES GENERALLY*

- Art. I. In General, §§ 17-1
- Art. II. Fees for licenses and permits, 17-2—17-20
- Art. III. Civil Fines/Non-criminal Disposition, §§ 17-21—17-23

**ARTICLE I.
IN GENERAL**

Sec. 17-1. Licensing authority.

When in these Revised Ordinances or any other ordinance of the city anything is prohibited from being done without the license or permission of a certain officer or board, such officer or board shall have the power to license or permit such thing to be done. (Rev. Ords. 1973, § 11-1)

**ARTICLE II.
FEES FOR LICENSING AND PERMITS**

Sec. 17-2. Fees for places storing gasoline over one hundred twenty gallons.

Fees for licenses for public garages, gasoline stations, private garages and all gasoline tanks over one hundred twenty (120) gallon capacity, and fees for renewal of licenses or certificates of continuation, are established as follows:

- (1) Public garages with or without gasoline permit\$10.00
- (2) Gasoline stations and gasoline or fuel oil permits, with authority to sell gasoline or fuel oil\$20.00
plus for each hose\$5.00
- (3) Renewal of permit for year, or certificate of continuation of above described permits
..... \$5.00
- (4) Permit for garage for more than three (3) cars or gasoline tank over one hundred twenty (120) gallon
capacity, private use\$2.00
- (5) Renewal of permit for one year, or certificate of continuation of above described permit\$5.00

(Rev. Ords. 1973, § 11-2; Ord. No. 257, 12-19-77)

Cross references—Fire protection and prevention, Ch. 10; hours for gas stations, § 20-55

Sec. 17-3. Fees for certain licenses, permits and fees.

Notwithstanding any contrary provision in any other section of these Revised Ordinances, there shall be paid a fee on an annual basis or unless otherwise noted to the city clerk for each of the following applications, permits, licenses

or charges, the sum set forth as follows:

- (1) Motor vehicle dealer's license first, second and third class \$200.00
- (2) Billiard, pool tables, bowling centers (non-coin operated).....\$15.00 each
- (3) Dealer in second-hand articles (antique, consignment or pawn broker shops)..... \$50.00
- (4) Reserved
- (5) Blasting bond permits (G.L. c. 148, § 19).....\$10.00
- (6) Junk collector's license\$100.00
- (7) Junk dealer's license (storage yards)\$100.00
 - a) Dealers in secondhand articles\$50.00
- (8) Lodging house licenses\$50.00
- (9) Dormitory license.....\$50.00
- (10) Musical instrument performers and street singers
 - a) Commercial applicants per event\$20.00
 - b) Non-profit applicants per event.....\$5.00
- (11) Public Auto/Van/Limousine permit fee, each vehicle.....\$25.00
- (12) Taxi license, each vehicle.....\$25.00
 - a) Taxi license, each driver.....\$25.00
 - b) Replacement for lost taxi license, each driver.....\$10.00
- (13) Taxi stand, each location.....\$15.00
- (14) Sale of municipal ordinances per copy.....\$75.00
 - a) Sale of zoning ordinances per copy.....\$25.00
 - b) Sale of government and officers booklet, per copy.....\$3.00
- (15) Auction permits:
 - a) Auction house, annual permit.....\$100.00
 - b) Auctioneers, per diem\$20.00

(16) Special permits:

a) Residential district.....	\$350.00
plus \$100.00 for each new unit, not to exceed \$2500 total	
b) Business, mixed use, manufacturing, limited manufacturing.....	\$750.00
c) All other districts.....	\$2.00
d) Accessory apartments,.....	\$250.00
(City Council—§30 6.7.1.E.1)	
e) Signs.....	\$350.00
(17) Zone change petition	\$350.00
(18) Curb-cut petitions (all districts).....	\$100.00
(19) Offers for city-owned land (all districts).....	\$250.00
(20) Public utility petitions:	
a) Petitions for facilities other than wireless communications facilities per location.....	\$35.00
b) A single petition for wireless communications facilities to be attached to a single utility-owned or City-owned pole, streetlight pole or other structure located within a public way.....	\$500.00
c) A single petition covering multiple sites:	
for the first five sites	\$500.00
for each additional site.....	\$100.00
d) Multiple separate petitions filed at the same time, each petition for one or more sites:	
for the first five sites	\$500.00
for each additional site.....	\$100.00
(21)Recording order granting location of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in the number of wires and cables or attachments under the provisions of G.L. c. 166, § 22	\$25.00
(22) Creditor filings:	
a) Filing & indexing assignment for the benefit of creditors.....	\$10.00
b) Bulky property attachment.....	\$10.00
Dissolution.....	\$5.00

§ 17-11 NEWTON ORDINANCES – LICENSING, PERMITS; & CIVIL FINES GENERALLY § 17-12

(4) Pumping water from basement due to inclement weather:

- a) First visit per calendar year\$0.00
- b) Second visit per calendar year..... \$50.00 per hour

(d) Certificates:

(1) Smoke detectors:

- a) Up to 5 units\$50.00
- b) 6 to 25 units..... \$10.00 per unit
- c) 26 or more units.....\$250.00 plus
- d) \$5.00 per each unit over 26

(2) Review of plans/prints and/or specifications:

- a) Per stamp, under 100,000 square feet.....\$50.00
- b) Per stamp, over 100,000 square feet.....\$100.00

(Ord. No. T-7, 1-17-89; Ord. No. T-168, 9-3-91; V-14, 4-3-95; Ord. No. B-7, 03-19-18)

Sec. 17-11. Fees to be paid to the planning department.

(a) Any person(s) filing an application for administrative site plan review pursuant to section 30-5(a)(2)(a) shall pay a fee of three hundred fifty dollars (\$350.00) at the time of the filing of such application.

(b) Any person(s) filing an application for review of accessory apartment petition ("RAAP") pursuant to section 30-22 shall pay a fee of one hundred dollars (\$100.00) at the time of the filing of such application.

(c) Any person(s) filing an application for wetlands protection shall pay a filing fee of fifty dollars (\$50.00) at the time of the filing of such application. (Ord. No. S-338, 11-7-88; Ord. No. T-168, 9-3-91)

Sec. 17-12. Permit for a temporary street closure for block parties, street festivals and neighborhood functions.

(a) An application for a permit for temporary street closure for a block party, street festival or other neighborhood function shall be made upon a form provided by the police department and shall contain the following information:

- (1) The name, residence and business, and phone number of each person and organization sponsoring a temporary street closure.
- (2) The date, or dates, and beginning and ending hours of such temporary street closure.
- (3) Such other information as the chief of police deems reasonably necessary in order to carry out the provisions of this article.