



Zoning & Planning Committee Agenda

City of Newton In City Council

Thursday, May 7, 2020

The Zoning and Planning Committee will hold this meeting as a virtual meeting on Thursday, May 7, 2020 at 7:00 pm. To view this meeting, use this link at the above date and time <https://us02web.zoom.us/j/92360294374>. To listen to the meeting via phone dial 1-646-558-8656 and use the Meeting ID 923 6029 4374.

Items Scheduled for Discussion:

Public Hearing

#178-20 Adoption of the Open Space and Recreation Plan Update

DIRECTOR OF PLANNING requesting discussion of the 2020-2027 Open Space and Recreation Plan, a letter stating that the Zoning and Planning Committee reviewed the Plan, and adoption of the plan as an amendment to the 2007 Comprehensive Plan.

Zoning and Planning Held 8-0 on 03/23/2020

Chair's Note: *The section of chapter 22 dealing with landmarking, as amended by the assigned Working Group, will be presented for review and adoption. It is anticipated that a Committee vote could be taken at the next meeting.*

#29-20 Review and possible amendment of Demolition Delay and Landmark Ordinances

COUNCILORS KELLEY, ALBRIGHT, AUCHINCLOSS, CROSSLEY, GREENBERG, KALIS, KRINTZMAN, LEARY, LIPOF, MARKIEWICZ, BOWMAN, HUMPHREY, RYAN AND NORTON requesting a review and, if appropriate, an update of Chapter 22, Sections 22-50 to 22-76 that relate to demolition delays, historic designation, and landmarking.

Zoning & Planning Held 8-0 on 04/13/2020

Respectfully Submitted,

Deborah J. Crossley, Chair

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.



Ruthanne Fuller
Mayor

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

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

MEMORANDUM

DATE: April 29, 2020

TO: Councilor Crossley, Chair of the Zoning and Planning Committee
Members of the Zoning and Planning Committee

FROM: Barney Heath, Director of Planning and Development
Jennifer Steel, Chief Environmental Planner

RE: **#178-20 Adoption of the Open Space and Recreation Plan Update**
DIRECTOR OF PLANNING requesting discussion of the 2020-2027 Open Space and Recreation Plan, a letter stating that the Zoning and Planning Committee reviewed the Plan, and adoption of the plan as an amendment to the 2007 Comprehensive Plan.

MEETING DATE: May 7, 2020

CC: Luis Perez-Demorizi, Open Space Coordinator
Nicole Banks, Commissioner of Parks, Recreation, and Culture
Jonathan Yeo, Chief Operating Officer

Background

The Open Space and Recreation Plan (OSRP) is an important municipal planning document and required for state grant eligibility. It provides an inventory of all existing areas of recreational use and natural open space (City-owned and privately owned) and a list of goals and priorities for municipal actions regarding recreational facility and open space improvements, land acquisitions, and accessibility improvements. Each OSRP must conform with the state's required format and is reviewed and approved by the state Department of Conservation Services, a part of the Executive Office of Energy and Environmental Affairs. Once approved, the OSRP is valid for 7 years. The City's current OSRP is valid from 2013-2020 and has an expiration date of May 31, 2020.

The priorities for this update of the OSRP are updating the inventory of Newton's open space resources and establishing realistic priority goals, objective, and action items that align with the community's needs.

2020 - 2027 Update

To assist with this OSRP update, the City hired a team of graduate students (Rowan Cignoni, Cara Montague, and Samantha Peikes) from the Conway School for Landscape Design to manage the bulk of the OSRP update process. Additionally, the Mayor approved the formation of an OSRP Advisory Committee with representation from City staff, Boards and Commissions, and relevant community organizations.

Community Engagement

The Conway team worked diligently to collect information on Newton's current interests and needs with a robust community engagement process. This started with an online survey available to all residents' and a separate survey, sent out by City staff, to Newton's youth. The surveys featured a variety of questions designed to: (1) gather demographic information regarding family size, relative ages, and which village they resided in; (2) gauge current use of open space and recreational resources; (3) determine what residents feel is lacking from those resources; and (4) provide an opportunity for feedback about desired improvements to Newton's open space resources. The community-wide survey garnered over 1,200 responses in the weeks that it was open, and the youth survey garnered 27 responses from the Youth Commission and students at Newton North and Newton South High Schools.

OSRP Table of Contents

- Section 1: Plan Summary
- Section 2: Introduction – Provides definitions for frequently used terms and a statement of purpose for the plan. There is a summary of planning and public participation processes, which is detailed more in Section 6 and Appendix B.
- Section 3: Community Setting -- Provides demographic information about Newton and a history of its growth and development patterns.
- Section 4: Environmental inventory and Analysis -- Provides a detailed description of the environmental characteristics of Newton, along with a discussion of environmental challenges faced by the community. The majority of the Maps in the plan are found in this section.
- Section 5: Inventory of Lands -- Tabular data regarding open space resources, both publicly and privately owned, in Newton.
- Section 6: Community Vision – Provides a more detailed look at the public participation process and the first statement of goals.
- Section 7: Analysis of Needs -- Reviews public feedback from the surveys, public forums, and Advisory Committee input about Newton's open space needs. The second statement of goals.
- Section 8: Goals and Objectives – Describes in more detail the goals and identifies the objectives that will help the City achieve its goals.
- Section 9: Seven Year Action Plan -- Details prioritized actions that will help the City achieve its goals and objectives. A final table lists for each objective lead implementation bodies, potential funding sources, and timelines.

Summary of OSRP 2020-2027 Goals

The following list provides a title and a short description of each of the 6 goals of Newton's 2020-2027 OSRP Update. While many issues and needs were discussed and considered during the update process, these 6 themes and goals emerged as warranting immediate action and follow-through.

- Goal 1: Coordinated planning and adequate funding for the management of all open space resources

Continuing to ensure appropriate funding and integration of climate change mitigation and adaptation into open space stewardship, connectivity, protection, and accessibility efforts.

- Goal 2: Maintenance and Improvement of the City's open space resources
Maintaining and improving natural areas, athletic fields, parks, water resources, and the urban tree canopy to ensure that healthy and resilient open space in Newton can persist for future generations. This will entail collaborations between City departments, Friends groups, organizations, and volunteers to foster additional public-private partnerships, meet funding needs, and develop master plans.
- Goal 3: Maximized accessibility of Newton's open space resource.
Expanding universal accessibility, within parks and along pedestrian trails.
- Goal 4: Minimized Gaps in the Availability of Newton's Open Space Resources
Increasing diverse, open spaces resources in the parts of the city that have fewer conservation areas and parks and reduced tree cover.
- Goal 5: Connectivity to and between open space resources
Developing more bicycle and pedestrian linkages to open spaces by expanding existing trail networks and building new connections where possible.
- Goal 6: Protection and expansion of Newton's open space resource inventory
Permanently protecting natural areas and parks for wildlife and passive recreation.

Going Forward

The 4-30-20 OSRP draft is being released on April 30th to City Councilors and the general public for a 2-week review period which is due to end on May 14th. All public comment should be forwarded to concom@newtonma.gov.

The draft is in near final form, but please note that work continues on some text and on the maps and figures. Some figure number references are therefore out of order and will be corrected in the final draft.

During the public review period, the draft will be presented to Planning and Development and Zoning and Planning, on 5/4/20 and 5/7/20, respectively. The P&D meeting will be a public meeting. The ZAP meeting will be a public hearing, as required by the state. The request is for ZAP to support the OSRP's adoption as an amendment to the City's 2007 Comprehensive Plan.

Once public comment and Board and Committee comments have been received, City staff will incorporate needed edits, finalize Section 10: Public Comment, and provide the revised draft for ZAP for a vote to adopt as an element of Newton's Comprehensive Plan.

Electronic Link: City of Newton Open Space and Recreation Plan 2020-2027, dated 4/30/20
<http://www.newtonma.gov/gov/planning/lrplan/os/default.asp>



Ruthanne Fuller
Mayor

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

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

MEMORANDUM

DATE: May 5, 2020

TO: Councilor Deborah Crossley, Chair, Zoning & Planning Committee
Members of the Zoning & Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
Andrew Lee, Law Department
Katy Hax Holmes, Chief, Preservation Planning

RE: **#29-20 Review and possible amendment of Demolition Delay and Landmark Ordinances**
COUNCILORS KELLEY, ALBRIGHT, AUCHINCLOSS, CROSSLEY, GREENBERG, KALIS, KRINTZMAN, LEARY, LIPOF, MARKIEWICZ, BOWMAN, HUMPHREY, RYAN AND NORTON requesting a review and, if appropriate, an update of Chapter 22, Sections 22-50 to 22-76 that relate to demolition delays, historic designation, and landmarking.

MEETING: May 7, 2020

CC: John Lojek, Commissioner of Inspectional Services
Alissa O. Giuliani, City Solicitor
Jonathan Yeo, Chief Operating Officer

Established in 1993 under City Ordinance Chapter 22, Sections 22-60 through 22-75, Newton's Local Landmark Ordinance was created to serve as a municipal tool to preserve the City's most historically significant buildings. The Landmark Ordinance in the City of Newton provides the highest level of protection for properties determined to be the most architecturally or historically significant. Under the Landmarks program, the Newton Historical Commission identifies buildings, structures, landscapes, and places that define the historic character of the city and have, over time, helped to establish a sense of place.

Under the current ordinance, in addition to the Newton Historical Commission, the Mayor, members of the City Council, the Director of Planning and Development or the Commissioner of Inspectional Services may nominate properties as Landmarks. Landmarks are designated at a public hearing of the Newton Historical Commission by a 3/4 vote of the Commission. In order to be eligible for Landmark status a property must be listed in or eligible for listing in the National Register of Historic Places.

Once a property becomes a local Landmark, the Newton Historical Commission reviews proposed changes to Landmarked properties as though they were included in a local historic district. This means that any alterations to the exterior of the structure, such as demolition, additions, renovations, deterioration by neglect, or new construction, must be reviewed and approved by the Newton Historical Commission. Designation of a local Landmark means that the decision is filed with the Registry of Deeds.

In practice, the Local Landmarks ordinance has been invoked when the city's historically significant buildings become the subjects of applications for full demolition. Newton currently has 23 Local Landmarks.

The Working Group was formed to examine issues City Councilors raised with regards to the City's current Landmark designation process. The Working Group is comprised of President Albright, City Councilors Crossley, Kelley, and Baker, Doug Cornelius from the Newton Historic Commission, and is assisted by Barney Heath and Katy Hax Holmes from the Planning Department, and Andrew Lee for the Law Department. Issues with the current local Landmark Ordinance included concerns that it is poorly organized and difficult to interpret.

The Working Group met weekly over the past three months to review and recommend changes to the Local Landmark Ordinance. In its review of the ordinance the Working Group examined National Landmark practices, undertook comparisons of other communities' local Landmark provisions and sought to incorporate best practices. The Working Group's recommendations include:

- (i) restructuring the organization of the ordinance so that it sequentially sets forth the process including identification of properties that are eligible for nomination, the nomination process, the designation process, and appeals options;
- (ii) setting requirements that provide sufficient notice periods for interested parties, including the owner of a nominated property, through all steps of the Landmarking process; and
- (iii) defining clear and objective criteria for eligibility of properties for nomination, acceptance or rejection of a nominated property, and designation of a property as a local Landmark.

The complete redlined version and clean version of the Working Group's proposed amendments to the Landmark ordinance are attached for your review. Identified below are sections of the ordinance which received the most attention:

Purpose (reorganized)

"This division is enacted pursuant to the authority derived from section 6 of the Home Rule Amendment to the Constitution of the Commonwealth of Massachusetts, and Charter of the City of Newton.

The purpose of this enactment is to promote the educational, cultural, economic and general welfare of the public through:

- (a) the preservation and protection of the distinctive architecture and other characteristics of buildings, structures, landscapes, and places significant in the history and prehistory of the city of Newton, Commonwealth of Massachusetts or the United States of America;

- (b) the maintenance and improvement of settings for such buildings, structures, landscapes, and places; and
- (c) the discouragement of destruction of or damage to such resources and the encouragement of compatible development. (Ord. T-288, 9-9-93)”

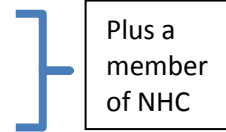
Criteria for Nomination/Designation (Revised)

- Remove Massachusetts Historical Commission from eligibility process
- Adopt National Park Service criteria language used for designating National Landmarks in guiding the Newton Historic Commission for both the nomination and designation phases of the local landmark process.

Nomination (Revised)

- WHO CAN NOMINATE? Owners of property or two members of the NHC
or

City Council members, or Mayor, or Director of Planning and Development, or Commissioner of Inspectional Services



- WHEN? NHC must hold meeting to consider nomination. Meeting must be held 45 to 90 days from date of receipt
- WHAT THEN? NHC must determine to accept or reject any nomination. Additional investigation by NHC will follow

Designation (Revised)

- Public hearing must be held 30 to 90 days from vote to accept nomination.
- Minimum of 14 days’ notice of public hearing
- Notice by publication and certified mail to owner
- Notify Planning and Development Board (PB) upon acceptance of nomination
- PB recommendation in concert with City’s policies and adopted plans
- NHC by 3/4 vote of members present, must be minimum 4 affirmative votes

Notice (Revised)

- Notice sent at least 14 days after NHC receives nomination. Certified mail to owner and regular mail to immediate abutters
- Notice must include petition and date of commission meeting to review nomination

Appeals (Pending)

- Law office waiting to hear from MAPC
- Retain superior court language and provision

This item was originally docketed as #244-30 in July 2019 and was subsequently held by the Council. The item was re-docketed this year as #37-20. The current landmark suspension is slated to expire on June 30, 2020.