



# Zoning & Planning Committee Report

## City of Newton In City Council

**Monday, May 13, 2019**

Present: Councilors Albright (Chair), Baker, Krintzman, Kalis, Downs, Danberg, Brousal-Glaser and Leary

Also Present: Councilors Kelley, Auchincloss, Lappin, Crossley and Greenberg

City Staff Present: Barney Heath (Director, Planning Dept.), James Freas (Deputy Director, Planning Dept.), John Lojek (Commissioner, Inspectional Services), Amanda Berman (Director, Housing and Community Development), Eamon Bencivengo (Housing Development Planner), Karyn Dean (Committee Clerk)

### Referred to Zoning & Planning and Finance Committees

**#149-19**      **Appropriation of \$100,000 for consulting services for the Planning Department**  
HER HONOR THE MAYOR requesting authorization to appropriate and expend one hundred thousand dollars (\$100,000) from Free Cash for the purpose of funding consulting services for the Planning Department to enable the department to hire subject matter expert for projects.

#### **Finance to Meet**

**Action:**      **Zoning & Planning Approved 6-0-2 (Councilors Kalis and Krintzman abstaining)**

**Note:** Barney Heath, Director of Planning explained that this request for \$100,000 for outside consulting services to the Planning Department arose from discussions about the work program for FY2020. The Department needs to extend its capacity in a number of areas and has had good success with consultants on previous projects. He anticipates needing consulting services in a number of areas including updating the housing needs assessment as part of the Housing Strategy due to HUD in early 2020; updating the required City's Open Space and Recreation Plan; undertaking conceptual design relating to traffic calming and bike lane feasibility; and continuing outside review, graphic production, and build-out analysis of the draft zoning ordinance. These funds will augment the \$50K in the current budget.

### Committee Comments/Questions

It was asked how the money will be allocated. Mr. Heath said it will be as needed for a number of projects. A Committee member noted that there is no scope of services presented and would like more details. He understands that the Planning Department is working at full, or beyond full capacity and wonders why more staff is not being added. Mr. Heath said this is similar to the

Department of Public Works in that they have a consulting line for engineering projects that come up during the year. He has a sense of the areas that will need help, as noted earlier, but others come up from time to time that require consultants. It has been asked if hiring another person full-time would be as effective, but it would be difficult to find one person with all these areas of expertise. Subject matter experts are needed to extend the capacity of the department. For example, RKG Consultants have been extremely helpful on determining the financial implications of the inclusionary zoning ordinance. Mr. Heath said he could provide more details about various projects at another time.

The Chair agreed that the Department could use more staff, but this is a great short-term solution and she supports the request.

A Committee member noted that the Mayor was looking at getting an Engineer to help with the transportation engineering study for Complete Streets on a number of arteries in the City. Mr. Heath said they would like to have an expert on call for concepts then an engineer would fully engineer plans.

The last Open Space plan was done in-house with the help of a former employee who came back to assist with that project. A new one is due as the current one is expiring. It was asked if someone would be hired as a consultant to produce the entire plan. Mr. Heath explained that Jennifer Steele, the Environmental Planner, has already started working on the Plan and pulling together a number of people in the community with expertise. The consultant would be used to do some mapping, graphics or other various parts, and pull the entire document together, which can be the most time-consuming element. The plan needs to be done in order to be eligible for a number of funding sources.

A Committee member said that there are a variety of other projects that need will need an extra hand for completion. Mr. Heath said traffic-calming has been discussed and he can see a consultant assisting with that efforts. The Councilor agreed that it made sense to allocate funds to the department to get the work done. She and the Chair felt this amount was probably not enough but supported the request.

It was asked if the consultants were subject to bidding. Mr. Heath said most of the projects would require 3 quotes. He works closely with Purchasing to be sure it is all done correctly.

Councilor Leary moved approval and the Committee voted in favor 6-0-2 with Councilors Kalis and Krintzman abstaining.

**#91-19      Adoption of Hazard Mitigation Plan**  
**DIRECTOR OF PLANNING** requesting discussion and adoption of the Hazard Mitigation Plan.  
**Action:      Zoning & Planning voted No Action Necessary 8-0**

**Note:** Mr. Heath explained that the Hazard Mitigation Plan required updating and the department hired a subject matter expert to take on that task. That consultant completed this task faster and better than could have been accomplished in-house.

Anne Herbst from the MAPC joined the Committee to speak to the Plan which complements the climates studies that have been done such as the Climate Change Vulnerability Assessment and the draft Climate Action Plan. The update is necessary for eligibility for a state grant program called the MVP Program. Ms. Herbst has been working since last fall with Jennifer Steel, the Fire Department and Department of Public Works on this update. It was noted that this is not an emergency response plan.

Ms. Herbst addressed the Committee and provided a presentation which is attached. The final draft is being presented and will be available for public comment for two weeks. MAPC has been providing technical assistance and works with all communities on their Plans. Please refer to the attached presentation for details of her comments.

#### Committee Comments/Questions

A Councilor asked if an updated map exists of where hazardous materials are stored in the city. Ms. Herbst said that there is such a map included in the plan.

A Committee member said that after Hurricane Katrina there was extensive contamination by paints and pesticides stored in residents' basements. She would like to find a way for the City to educate residents and communicate the hazards posed by storing these materials.

It was asked if more water rescue equipment would be purchased as indicated in the plan. Ms. Herbst said that was a typo and should read "purchased" instead of "purchase". There are no plans for more equipment at this time.

A Councilor noted that there is a list of at-risk sites in the plan. She asked how they would be categorized, what the specific risks are, and how specific the recommendations might be from MAPC. Ms. Herbst said the critical infrastructure was mapped and categorized by flood risk, fire risk etc. Part of that is to provide a tool for other planning purposes such as the Emergency Management Plan for the City. The mitigation measures are meant to be items that could be accomplished within a 5-year period to reduce hazards in the City. Ms. Herbst said the 19 items in the capital plan are listed specifically as to what the action should be. Those items were generated by City staff.

A Councilor noted that this is the first time climate risk has been incorporated into this document. Moody's has established a rating system for corporations and municipalities to assess their planning efforts against their climate risk. This is something that will start to affect the City's rating. She noted that the Town of Falmouth is really under the thumb of FEMA to enforce certain

regulations on developments. These issues are really having an affect on communities and the plan cannot be put on the shelf.

A Committee member said that many of the grants are provided in response to events and wondered what was available for mitigation. Ms. Herbst said some funding comes available when a disaster strikes. For instance, after Hurricane Sandy, communities with Plans could apply for funds but the reasons did not actually have to be Sandy related. There are grants that are meant for prevention as well. FEMA looks at whether costs for prevention/mitigation would be lower than the costs for damages in response to an event. If they are, they will provide funding. FEMA grants tend to be more infrastructure-focused and potentially significantly sized. The grants are funneled through MEMA.

It was asked if there is a particular grant the City has in mind, related to the Plan. Mr. Heath said that there is a list of projects and the MVP (Municipal Vulnerability Preparedness) program opens up the City for many of the climate change vulnerability and change issue related grants. Those range from \$25K up to \$200K or so. This work in the plan will be very helpful in securing funds.

The Chair invited public comment:

Ellie Goldberg asked how the plan takes account of many of the chemical hazards in the City and how to reduce those hazards. She also noted the Newton is in a watershed along with neighboring communities and wondered how the City will work with them and their mitigation plans. Ms. Herbst said these individual plans do not preclude watershed planning and Newton is cooperating with those other communities. Hazardous materials locations were mapped, as was mentioned earlier. There is funding to do work in this area and the Office of Chemical Safety is also doing targeted work by reaching out to communities about the heightened climate risks around chemical safety. The Climate Vulnerability Plan discusses issues with gas companies and pipelines. MAPC has suggested ways to have DPWs and gas companies work together more efficiently.

Ms. Goldberg had concerns about the gas lines and if there is a map of turn off valves in case of explosions due to events. Ms. Herbst said she does not know of maps for that and it may not be something that would be made public for other safety reasons. A Councilor said that the DPW noted that valves at dams and other areas are so old that they are afraid to touch them until they are ready to replace them in case they break. She wondered if some of the gas valves might also be in the same state of disrepair. Ms. Herbst noted that MAPC could assist in this type of work.

Mr. Franklin, 106 Washington Park said that other cities have included radon mitigation in their plan. Ms. Herbst said that did not come up in Newton's Plan, but she can look into that.

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Mr. Heath explained that this Plan is reviewed by state authorities and then is returned to the City for adoption by the Mayor. The City Council does not take action on the Plan. This meeting was meant to be an informational

session for the Council and for the public. Councilor Krintzman moved No Action Necessary and the Committee voted in favor, unanimously.

**A report on the following items will be available May 24<sup>th</sup>:**

**#187-18      Zoning Amendment for Inclusionary Zoning**

DIRECTOR OF PLANNING requesting amendments to the Inclusionary Housing provisions of Chapter 30, Newton Zoning Ordinance, to increase the required percentage of affordable units; to require that some affordable units be designated for middle income households; to create a new formula for calculating payments in lieu of affordable units; and to clarify and improve the ordinance with other changes as necessary.

**Action:**            **Zoning & Planning Held 8-0**

**#128-19      Zoning Amendment for short-term rentals**

DIRECTOR OF PLANNING proposing to amend Chapter 30, City of Newton Zoning Ordinances, in order to create a short-term rental ordinance that defines the short-term rental and bed & breakfast uses, identifies what zoning districts they would be allowed in and under what criteria, conditions, limitations and permitting process.

**Action:**            **Zoning & Planning Held 8-0**

**Referred to Zoning & Planning, Public Safety, and Finance Committees**

**#136-19      Short-term rental ordinance with fees**

DIRECTOR OF PLANNING proposing amendments to Chapter 20 and 17 of the Revised Ordinances of the City of Newton to create a short-term rental ordinance with fees that would require registration of short-term rentals with the City's Inspectional Services Department and fire inspections to protect public health and safety.

**Action:**            **Zoning & Planning Held 8--0**

**Respectfully Submitted,**

**Susan S. Albright, Chair**

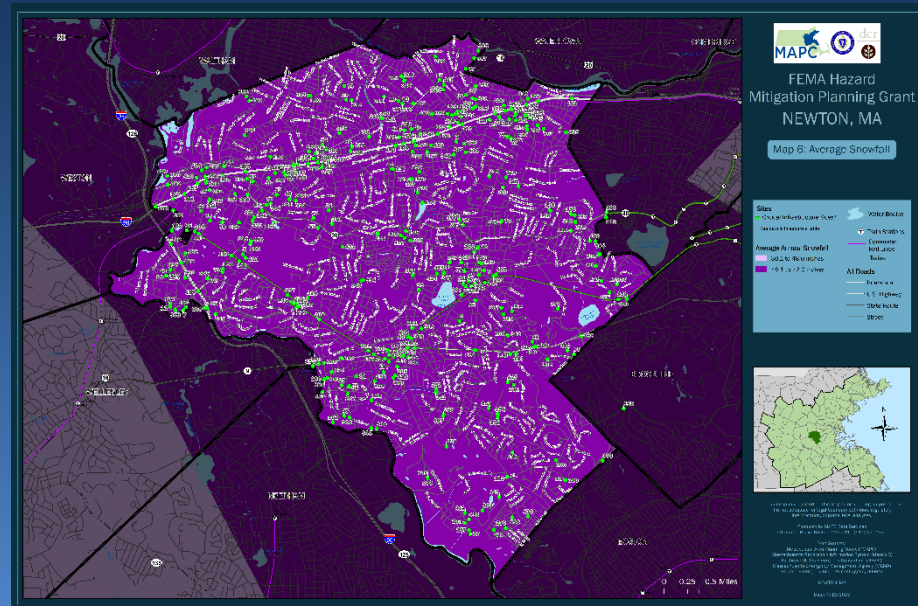


# Newton Natural Hazards Mitigation Plan Update

**Newton Local Hazard Mitigation Team  
Public Meeting  
Zoning and Planning Committee  
May 13, 2019**

# Why is Newton doing this Plan Update?

- The Federal Disaster Mitigation Act requires cities to adopt and update a Hazard Mitigation Plan to be eligible for FEMA mitigation grants.
- Newton's first plan was adopted in 2013 and now must be updated
- This Plan will meet FEMA's requirement and help the city make good use of its resources



# What Is Hazard Mitigation?

- Flooding
- High winds, hurricanes, tornadoes
- Winter storms, snow and ice
- Earthquakes, landslides
- Extreme temperatures
- Brush fires
- Drought

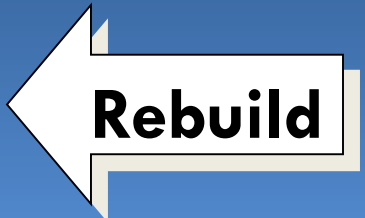
***Not an Emergency  
Response Plan***



*Lyons Field, Auburndale, March 15, 2010 Gail Spector*



# Breaking the Cycle of Disaster & Rebuilding



# Plan Update Development Steps #91-19

1. Update Hazard Identification and Mapping

2. Update and Map Critical Facilities

3. Update Assessment of Risks & Vulnerabilities

4. Updated Review of Existing Mitigation

5. Update and Prioritize Mitigation Strategies

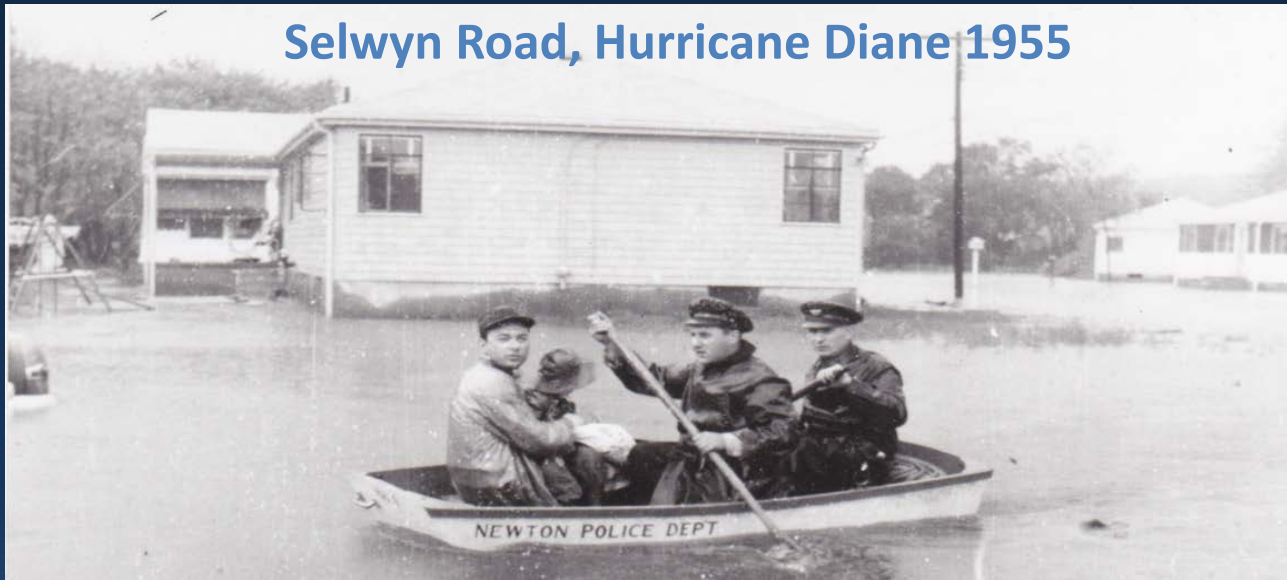
6. Plan Approval and Adoption

7. Implement and Update the Plan



*public input*

# Locally-Identified Hazard Areas #91-19



Jackson Homestead and Museum

## **FLOODING**

Old Farm Road  
Wayne Road  
Homer Street  
Albermarle Park  
Quinobequin Road  
Lyons Field  
Parker St. (Rt. 9)  
Tanglewood

Beaconswood Rd  
Hammond Brook  
Oldham Road  
South Meadow Brook  
Harwich Road  
Judkins St  
Harvard St  
Cold Spring Park

Lower Oak Hill  
Placid Rd

## **FIRE**

Hammond Pond Woods  
Newton/Needham line  
Fields near Holyhood Cemetery  
Kennard Park and Conservation land  
Commuter Rail Pedestrian Tunnel  
Norumega Park  
Along the MBTA Green Line

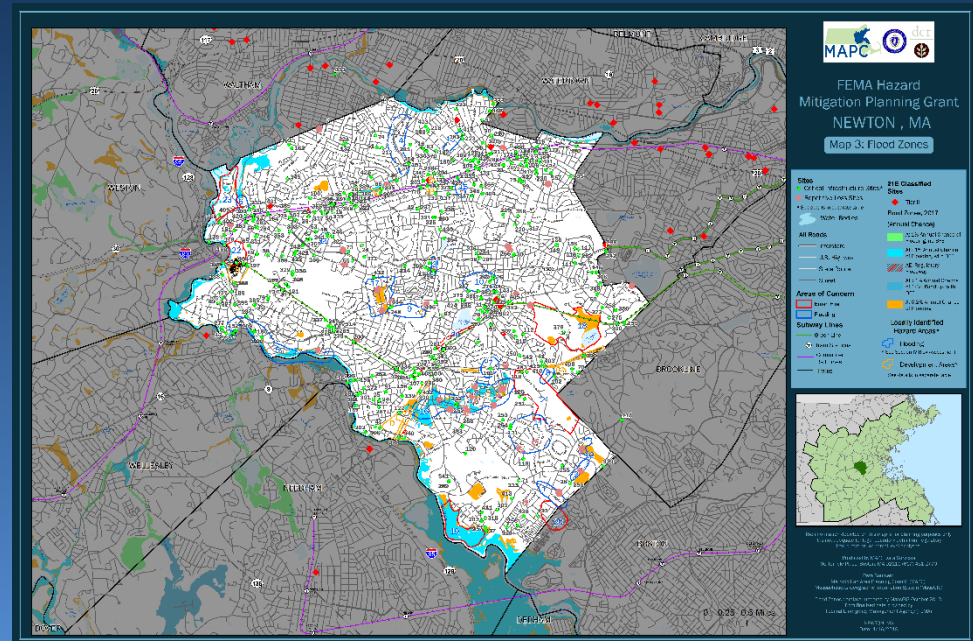
# Critical Facilities

#91-19

## Database & GIS maps of critical facilities, infrastructure

391 sites identified including:

- Disaster response sites such as fire and police stations
- Sites that might need assistance such as elderly housing
- Critical infrastructure (Dams, pump stations, communications, bridges)
- Municipal facilities



# Existing Mitigation Measures #91-19

## **MULTI-HAZARDS**

- Comprehensive Emergency Management Plan (CEMP)
- Enforcement of State Building Code
- Newton Emergency Mgmt Working Group
- Public Education
- Emergency Communications
- Multidepartment review of developments
- Generators at City facilities
- Schools as Emergency Shelters
- Medical Reserve Corps Volunteers
- Volunteers in Police Service
- Outreach to Residents for Emergency Preparedness
- FEMA deployment

## **FLOOD RELATED HAZARDS**

- National Flood Insurance Program (NFIP)
- Stormwater system mapped
- Drainage system maintenance
- Floodplain/watershed Protection District
- Wetlands Protection Act/Stormwater Regulations
- Stormwater utility
- Open Space Districts/Open Space purchases/CPA
- Drainage system improvement program
- Subdivision/Site Plan Drainage Design Controls
- NPDES Phase II Stormwater program

## **WINTER-RELATED HAZARDS**

- Snow plowing operations
- Snow removal requirements
- Overnight parking ban

## **GEOLOGIC HAZARDS**

- Shelters and backup facilities
- Evacuation plan
- Maximum slopes in subdivisions
- Slope stabilization requirements

## **FIRE RELATED HAZARDS**

- Open burning prohibited
- Fire Dept. review of development
- Public education
- Backup firefighting water supplies
- Statewide Fire Mobilization Plan

## **DAM HAZARDS**

- DCR Dam Safety Regulations
- Construction permits required

## **WIND-RELATED HAZARDS**

- City tree maintenance program
- Urban Tree Commission
- Tree Inventory
- Stable Communications systems
- Eversource tree maintenance program



# Progress Under the Existing Plan #91-19

## *Excerpt of Mitigation Measures from the 2013 Plan*

### Flooding:

- Replacement and upgrades to stormwater infrastructure
- Open Space protection and Land Acquisition
- Culvert upgrade at Needham Street
- Public education on flooding issues and protection
- Sewer replacement at Old Farm and Wayne Roads

### Fire:

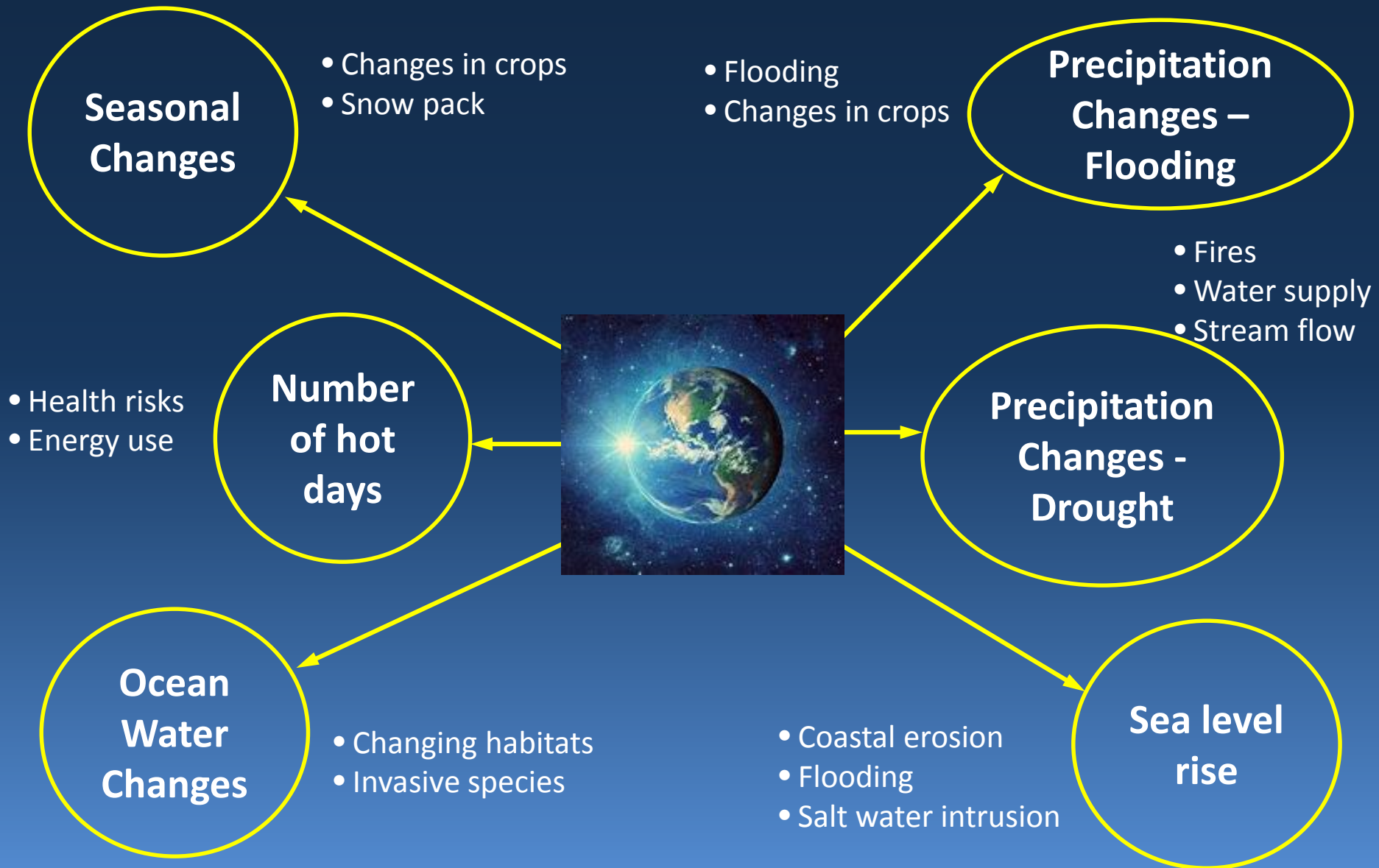
- Prevention program in the schools

### Multihazards:

- Purchase water rescue equipment
- High band radio communication system

# Incorporating Climate Impacts

#91-19





# Mitigation Measures for the Plan Update

#91-19

- Implement the SIIIP: 17 projects identified in the Capital Improvement Plan
- Public outreach regarding flooding outside of FEMA flood zones
- Consider regulatory strategies to protect areas outside of FEMA flood zones
- Clear access roads to areas of brushfire risk
- Update the tree inventory and assess wind/winter storm risk
- Ensure redundancy in the emergency communications structure
- Develop advance shelter-in-place strategies for residents who can't evacuate
- Include heat and flood resilient strategies in zoning redesign
- Ensure bridge and culvert repairs take into account future precipitation projections.



# Plan Approval and Adoption <sup>#91-19</sup>

- Draft plan reviewed by MEMA and FEMA, revisions if needed
- FEMA issues notice of “Approval Pending Adoption”
- Mayor adopts the plan
- FEMA issues formal plan approval
- Approved plan in effect for 5 years
- City is eligible for FEMA mitigation grants



## *What happens after the plan is approved?*

- Establish a local implementation group
- Integrate the plan's recommendations with other local plans and policies
- Identify funding sources and other resources for implementation
- Mid-term Survey of plan progress, Year 3
- Prepare for plan update, Year 4
- Conduct Plan Update, Year 5

## **Implement the Plan**

# Draft Plan Review

The draft plan is on the City website at:

**Planning Department**  
**Planning for Climate Change**  
**Hazard Mitigation Plan**

<http://www.newtonma.gov/civicax/filebank/documents/96948>

Please send any comments by **May 27** to:

**[aherbst@mapc.org](mailto:aherbst@mapc.org)**