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Barney S. Heath
Director

MEMORANDUM

DATE: May 25, 2018

TO: Councilor Albright, Chairman
Members of the Zoning and Planning Committee

FROM: Barney S. Heath, Director of Planning and Development
James Freas, Deputy Director of Planning and Development
Rachel Nadkarni, Long Range Planner

RE: **#203-18 Zoning amendment for moratorium on zone changes/construction Washington St.**
COUNCILOR GENTILE AND NORTON requesting amendments to Chapter 30, Newton Zoning Ordinance, to adopt an immediate moratorium on any zone changes and/or construction/development along both sides of Washington Street, including abutting properties, from the intersection of Commonwealth Avenue Washington Street in Auburndale/West Newton, to the intersection of Washington Street and Centre Street in Newton Corner. This moratorium shall remain in place until Zoning Redesign and the proposed "actionable plan for the Washington Street Corridor" are completed. This moratorium does not apply to by right construction/development that is currently allowed by the Newton Zoning Ordinances. This moratorium shall expire on September 30, 2019.

MEETING DATE: May 29, 2018

CC: Ouida Young, City Solicitor
Planning Board

Moratoriums can be used to temporarily halt specified types of development activities while plans and/or regulatory changes are developed and implemented to address the concerns identified. The idea is that the issue is of such a scale or level of concern that a time-out is necessary so that controls or mitigation measures can be put in place.

As drafted, the proposed moratorium applies to projects seeking discretionary special permits issued by the City Council and variances issued by the Zoning Board of Appeals. The effect of this moratorium would be the prevention of any new special permit or variance applications for the next 18 months or until the completion of the Zoning Redesign and Washington Street Vision processes. Typically,

moratoriums are applied to issues that do not otherwise have a discretionary process, i.e. by-right development, and not to development for which a case-by-case discretionary decision can be made. As written, the proposed moratorium removes discretionary authority.

In considering whether or not to establish a moratorium, there are three “best practices” to consider:

1. Clearly defined timeframe and endpoint;
2. A precise target such that the issue is narrowly defined and only that development activity which necessarily must be halted to address the issue is subject to the moratorium; and
3. Identified objectives – what will be the outcome of the work? – a plan, policy, regulation or other action and a scope of work for getting there.

The proposal includes a proposed timeframe and endpoint as well as identified objectives.

The Planning Department recommends that the Zoning and Planning Committee first focus its discussion on the second moratorium “best practice” identified above; what is the issue to be addressed? Some important questions to consider:

1. What is the specific issue of concern?
2. Is a moratorium necessary in order to effectively address the issue?
3. What additional data is necessary to guide decision making?
4. What are the impacts of a moratorium on residents, businesses, and the City overall?

Are all special permit and variance requests included in the moratorium? For instance – would special permits related to a change of use (e.g. retail to restaurant), addition to an existing property, or special permits amendments be subject to the moratorium?
5. What would be the outreach plan to follow up with individual property owners regarding the moratorium?