

# CANCELLED

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

MONDAY, JANUARY 26, 2015

**7:45 PM**  
**Room 205**

## ITEMS SCHEDULED FOR DISCUSSION:

- #426-13      ALD. HESS-MAHAN requesting periodic updates on development of the Consolidated Plan for the City of Newton Housing and Community Development Program and the WestMetro Home Consortium. [12/06/13 @ 9:51 AM]
- #338-14      ALD. HESS-MAHAN, KALIS, SANGIOLO AND DANBERG proposing a Large House Review ordinance requiring design review and approval of by-right single and multi-residence residential structures exceeding certain dimensional limits to be determined, to expire by December 31, 2015. [09/05/14 @ 9:39AM]
- #222-13      ALD. HESS-MAHAN, ALBRIGHT, BAKER, CROSSLEY, DANBERG, FISCHMAN & JOHNSON proposing to amend the definitions of "Common roof connector", "Common wall connector", and "Dwelling, two-family" in **Chapter 30, Section 30-1** of the City of Newton Zoning Ordinances. [06/07/13 @ 1:31 PM]
- #278-14      ALD. YATES proposing to amend Chapter 30 of the City of Newton Ordinances to restrict the two-unit structures allowed by-right in the multi-residence districts to structures with the two units side-by-side in a single structure, or one above the other as in double-deckers. [07/31/14 @ 12:03PM]
- #80-13      THE PLANNING DEPARTMENT requesting update discussions of the zoning reform project. [02/25/13 @ 12:31 PM]
- #376-14      PLANNING & DEVELOPMENT DEPARTMENT requesting that **Chapter 30 ZONING** be deleted in its entirety and replaced with the Zoning Reform Phase 1 Zoning Ordinance. [10/22/14 @ 7:48PM]

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The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, please contact John Lojek, at least two days in advance of the meeting: [jlojek@newtonma.gov](mailto:jlojek@newtonma.gov), or 617-796-1064. For Telecommunications Relay Service dial 711.

**ITEMS NOT SCHEDULED FOR DISCUSSION:**

- #23-15      ACTING DIRECTOR OF PLANNING & DEVELOPMENT requesting amendments to the official zoning map in order to correct discrepancies between Board of Aldermen actions and the boundaries of zoning districts as shown on the map and to better align zoning district boundaries with property lines and other features to reduce the number of split lots and other map anomalies. [01/09/15 @ 10:09AM]
- #22-15      ALD. YATES requesting that utilization of the Massachusetts Rental Voucher Program be added as an allowable means of complying with the inclusionary zoning provision in Phase II of Zoning Reform. [01/05/15 @ 9:53PM]
- #21-15      ALD. YATES requesting that priority be given to completing the Intent and Purposes of the Zoning Ordinance in Phase II of Zoning Reform. [01/05/15 @ 9:53PM]
- #6-15        ALD. BAKER, HESS-MAHAN, ALBRIGHT requesting a discussion by the Zoning and Planning Committee with the Acting Director of Planning and Development of how Phase 2 of Zoning Reform might be undertaken, including the contents of the proposed Village and Master Planning and Zoning Reform Request for Proposals, including the planning process and ordinance revision process the RFP anticipates, as well as the staffing and funding needed to enable both in-house and contracted work under the RFP to be both well done and appropriately supervised. [12/29/14@4:00 PM]
- #448-14     ALD. SANGIOLO requesting a discussion with the Newton Historical Commission regarding their process and policy of reviewing demolition applications. [11/13/14 @ 2:03pm]
- #266-14     ALD. BLAZAR, YATES AND DANBERG requesting to amend Section 22-50 to require that in the event there is a transfer of legal or beneficial ownership of a preferably preserved property during the demolition delay period, the full demolition delay period will restart from the date of the transfer of ownership; and further requesting to amend Section 22-50 to require that in the event a transfer of legal or beneficial ownership of a preferably preserved property occurs after the expiration of a demolition delay period but prior to the issuance of a demolition permit, no demolition permit shall issue until the new owner complies with the procedures of Section 22-50(c)(5). [07/07/14 @ 12:35PM]
- #265-14     ALD. BLAZAR, YATES AND DANBERG requesting to amend Section 22-50 to increase the time period for determinations of historical significance to 30 days, and to increase the time period for hearings, rulings and written notice on appeals from historical significance determinations to 60 days; to amend Section 22-50 to increase the time period to hold a public hearing as to whether or not a

historically significant building or structure is preferably preserved to 60 days; to amend Section 22-50 to increase the demolition delay period for buildings and structures on or eligible for listing in the National Register of Historic Places to 30 months; and to amend Section 22-50 to increase the demolition delay period for all other preferably preserved buildings or structures to 24 months. [07/07/14 @ 12:35PM]

- #447-14 ALD. SANGIOLO proposing an ordinance requiring the submission of building plans with applications for full or partial demolitions. [11/13/14 @ 2:03pm]
- #446-14 ALD. SANGIOLO requesting a discussion with the Commission on Disability regarding the status of City compliance with ADA regulations. [11/13/14 @ 2:03pm]
- #445-14 ALD. SANGIOLO requesting an update with members of the Newton Fair Housing Committee on the status of housing opportunities in the City of Newton. [11/13/14 @ 2:03pm]

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

- #375-14 HIS HONOR THE MAYOR submitting the FY16-FY20 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter. [10/15/14 @ 3:01 PM]

**REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES**

- #315-14 ALD. HESS-MAHAN, ALBRIGHT, CROSSLEY AND DANBERG proposing an amendment to Chapter 2 of the City of Newton Ordinances setting forth requirements for procurement of materials and services by non-governmental recipients of federal, state or local funds administered by the City, such as CDBG and CPA funds. In order to encourage non-profit and other private organizations to participate in affordable housing, cultural and other public-private collaborations, such procurement requirements should accommodate the needs of non-governmental recipients for flexibility given the multiple public and private sources of funds necessary for any project by not placing undue or unreasonable burdens on them. [08/04/14 @ 5:08PM]
- #238-14 ALD. SANGIOLO requesting the Executive Department and Planning Department work with the Board of Aldermen to develop a Housing Production Plan in accordance with 760 CMR 56.03(4) and guidelines adopted by the Department of Housing and Community Development as soon as possible. [06/09/14 @ 11:55AM]
- #212-14 BOARD OF ALDERMEN requesting a discussion with the Executive and Inspectional Services Departments and the Commission on Disability regarding the creation of full-time positions to address the city's need re 1) ADA requirements and 2) zoning enforcement, including State building code, Newton's zoning ordinance, and special permits. [05/23/14 @ 11:03AM]

- #140-14     ALD. CROSSLEY AND HESS-MAHAN requesting to amend **Chapter 30**, City of Newton Zoning Ordinances, to include a "lodging house" ordinance to promulgate rules requiring annual fire, safety and health inspections and licensing of buildings providing single room occupancy and/or congregate living arrangements. [04/04/14 @ 6:29 PM]
- #429-13     ALD. HESS-MAHAN requesting repeal and/or amendment of Zoning Ordinances Section 30-1, Definitions, 30-8(b)(2), Special Permits in Single Family Residential Districts, and 30-10(d)(4), Number of Parking Stalls, concerning "Congregate Living Facility", as required by federal and state anti-discrimination and fair housing laws and regulations. [12/06/13 @ 9:51 AM]
- #428-13     ALD. HESS-MAHAN requesting periodic updates on complaints of discrimination filed against the City of Newton under Section 504 of the 1973 Rehabilitation Act, the Fair Housing Act, and Title II of the Americans with Disabilities Act, based on the City's denial of housing and exclusion from participation by people with disabilities in the Newton HOME and CDBG programs filed with the U.S. Department of Housing and Urban Development. [12/06/13 @ 9:51 AM]
- #427-13     ALD. HESS-MAHAN requesting discussion and periodic updates of steps the City of Newton is taking to ensure that its implementation of the Consolidated Plan, Annual Action Plan and Citizen Participation Plan and use of CDBG, HOME and ESG funds comply with federal and state fair housing and anti-discrimination laws and regulations, and its duty to affirmatively further fair housing. [12/06/13 @ 9:51 AM]

**REFERRED TO ZAP, PROG & SERV AND FINANCE COMMITTEES**

- #397-13(3)     ALD. SANGIOLO AND DANBERG requesting creation of an ordinance to protect trees deemed ~~historie~~ significant by the ~~Historical Commission and the City's Tree Warden~~ with the advice and counsel of the Urban Tree Commission. [05/05/14 @ 4:32 PM] **AMENDED IN PROGRAMS & SERVICES 11/19/14**
- #266-13     ALD. YATES requesting that the Law Department provide the Zoning & Planning and Land Use Committees and other interested members of the Board with legal advice on what parties have standing to challenge zoning ordinances and the relevant court cases involving uniformity. [08/05/13 @ 12:28PM]
- #129-13     ALD. HESS-MAHAN proposing to amend and/or clarify definition and provisions for granting a special permit for "attached dwellings" in the City of Newton Zoning Ordinances, **Chapter 30-1, 30-8(b)(13) and 30-9(b)(5)**. [05/25/13 @ 5:14 PM]
- #128-13     ALD. ALBRIGHT, FULLER, CROSSLEY, LAREDO requesting the creation a comprehensive, 10-year strategic plan for Newton's conservation lands which

would include a multi-year prioritized list of short-term and long-term projects with appropriate estimated budget. This plan should be finished in time to include high priority item(s) in the FY15 Budget, with any project exceeding \$75,000 added to the Capital Improvement Plan. [03/15/13 @ 10:56 AM]

#308-12 ALD. HESS-MAHAN & ALBRIGHT requesting a discussion with the Mayor's office and the Planning & Development Department of policies, procedures, and criteria relating to determinations concerning expenditures of Community Development Block Grant (CDBG) funds. [10/09/12 @3:59 PM]

#282-12 ALD. JOHNSON, CROSSLEY, DANBERG, SANGIOLO requesting quarterly reports, starting the last month of the quarter beginning December 2012, Re-implementation of *Ramping Up: Planning for a More Accessible Newton*. [09-09-12]

**REFERRED TO ZONING & PLANNING, LAND USE & FINANCE COMMITTEES**

#273-12 ALD. CROSSLEY & HESS-MAHAN requesting a restructuring and increase in fees for permits charged by the Inspectional Services Department and fees charged by the Planning Department and City Clerk to assure that fees are both sufficient to fund related services provided and simple to administer.

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

#257-12 RECODIFICATION COMMITTEE recommending (1) review of the Fees, Civil Fines/Non-Criminal Disposition contained in Chapter 17 LICENSING AND PERMITS GENERALLY and Chapter 20 CIVIL FINES/NON-CRIMINAL DISPOSITION CIVIL FINES to ensure they are in accordance with what is being charged and (2) review of the acceptance of G.L. c. 40 §22F, accepted on July 9, 2001, which allows certain municipal boards and officers to fix reasonable fees for the issuance of certain licenses, permits, or certificates.

#11-12 ALD. HESS-MAHAN & LINSKY requesting discussion on the implementation and enforcement of the provisions of Section 30-5(c)(1) of the Newton Ordinances which requires that "[w]henver the existing contours of the land are altered, the land shall be left in a usable condition, graded in a manner to prevent the erosion of soil and the alteration of the runoff of surface water to or from abutting properties." [1/11/12 1:01PM]

#61-10 ALD. CICCONE, SWISTON, LINSKY, CROSSLEY AND HESS-MAHAN requesting a discussion relative to various solutions for bringing existing accessory and other apartments that may not meet the legal provisions and requirements of Chapter 30 into compliance. [02/23/10 @ 2:48 PM]

#391-09 ALD. DANBERG, MANSFIELD, VANCE AND HESS-MAHAN requesting an amendment to §30-19 to allow payments-in-lieu of providing required off-street parking spaces when parking spaces are waived as part of a special permit application.

**ZONING REFORM – PHASE 1**

- #220-12      RECODIFICATION COMMITTEE recommending that the table in Sec. 30-8(b)(10)a be clarified with respect to “lot width,” “lot area,” or “lot frontage.”
  
- #219-12      RECODIFICATION COMMITTEE recommending that Sec. 30-5(b)(4) as most recently amended by Ordinance Z-45, dated March 16, 2009, be amended to reconcile the apparent discrepancy relative to the definition of “structure.”
  
- #218-12      RECODIFICATION COMMITTEE recommending that Sec. 30-19(g)(1) be amended to clarify “sideline” distance, which is a reference to an undefined concept.
  
- #217-12      RECODIFICATION COMMITTEE recommending that Secs. 30-19(d)(1) and 30-19(g)(1) relative to the number of tandem parking stalls allowed in the side setback (two) and the number of tandem parking stalls (one) allowed in the setback for parking facilities containing less than five stalls be amended to make the both sections consistent.
  
- #216-12      RECODIFICATION COMMITTEE recommending that the definition of “Space, usable open” in Sec. 30-1 be amended by removing the exemption for exterior tennis courts as they are now classified as structures.
  
- #65-11(3)      ZONING AND PLANNING COMMITTEE requesting that the terms “flat roof” and “sloped roof” be defined in the zoning ordinance.
  
- #154-10(2)      ZONING AND PLANNING COMMITTEE requesting to amend **Section 30-1 Definitions** by inserting revised definitions for “lot line” and “structure” for clarity. [04-12-11 @ 11:34AM]
  
- #154-10      ALD. JOHNSON, CROSSLEY and HESS-MAHAN requesting to amend **Section 30-1 Definitions**, by inserting a new definition of “lot area” and revising the “setback line” definition for clarity. [06/01/10 @ 9:25 PM]

**ZONING REFORM – PHASE 2**

- #323-14      ALD. YATES, NORTON, COTE AND SANGIOLO proposing to amend Chapter 30 to require that the front doors of single-family homes, two-family homes and other residential structures face the street on which their lots are located. [08/25/14 @ 11:42AM]
  
- #139-14      ALD. ALBRIGHT requesting to amend **Chapter 30**, City of Newton Zoning Ordinances, to clarify rules relative to retaining walls. [04/09/14 @ 8:32 AM]

*Public Hearing to be assigned:*

- #404-13     NATASHA STALLER et al. requesting a revision to the zoning District boundary Lines so as to transfer from Multi-Residence 1 District to a Single Residence 3 District the following properties:  
Assessors' parcels SBL nos. 61-037-0004 through 61-037-0013; 61-042-0007 through 61-042-0023; 65-019-0001; 65-019-0007 through 65-019-0012; 65-019-0014 through 65-019-0022; 65-019-0009A; 65-019-0017B and 65-019-0022A.  
Also requesting transfer from a Single Residence 2 District to a Single Residence 3 District SBL no. 65-019-0015A. [11/01/13 @ 12:57 PM]  
**A MOTION TO AMEND THE PREVIOUSLY APPROVED POSTPONEMENT OF DOCKET ITEM #404-13 TO APRIL 7, 2014 TO SUBSTITUTE RECOMMITTAL OF THE ITEM TO THE ZONING & PLANNING COMMITTEE WAS APPROVED BY VOICE VOTE ON MARCH 17, 2014.**
- #267-13     LAND USE COMMITTEE proposing to amend Section 30-21(c) to permit de minimis relief for alterations, enlargements, reconstruction of or extensions to lawfully nonconforming structures in which the nonconformity is due to Floor Area Ratio (FAR) requirements set out in section 30-15(u) Table A, subject to administrative review by the Planning Department.
- #264-13     ALD. YATES requesting that the Zoning Reform Group or its successor consider amending City of Newton Zoning Ordinances Chapter 30 to develop additional residential districts reflecting the small lots in older sections of the City and map changes to bring the zones of more residential sections of the City into conformity with the existing land uses. [08/05/13 @ 12:28PM]
- #81-13     DIRECTOR OF PLANNING & DEVELOPMENT on behalf of the Newton Housing Partnership requesting consideration of naturally affordable compact housing opportunities in MR1 zones. [02/22/13 @ 1:13 PM]
- #65-13     ALD. YATES, FISCHMAN, KALIS requesting that Chapter 30 be amended to require a special permit for major topographic changes. [02/12/13 @ 12:30 PM]
- #64-13     NEWTON HISTORICAL COMMISSION requesting the creation of an administrative permitting process for converting historic barns and carriage houses into accessory apartments to assist in their preservation.  
[02/05/13 @ 11:35 AM]
- #153-11     ALD. DANBERG, ALBRIGHT, HESS-MAHAN, JOHNSON requesting that Chapter 30 be amended by adding a new Sec. 30-14 creating certain Retail Overlay Districts around selected village centers in order to encourage vibrant pedestrian-oriented streetscapes which would allow certain uses at street level, including but not limited to financial institutions, professional offices, and salons,

by special permit only and require minimum transparency standards for street-level windows for all commercial uses within the proposed overlay districts.  
[05/10/11 @3:19 PM]

#152-10 ALD. BAKER, FULLER, SCHNIPPER, SHAPIRO, FISCHMAN, YATES AND DANBERG recommending discussion of possible amendments to **Section 30-19** of the City of Newton Ordinances to clarify parking requirements applicable to colleges and universities. [06/01/10 @ 4:19 PM]

#164-09(2) ALD. HESS-MAHAN requesting that the Planning Department study the dimensional requirements for lot and building size for accessory apartments and make recommendations for possible amendments to those dimensional requirements to the board of Aldermen that are consistent with the Newton Comprehensive Plan. [01/07/10 @ 12:00 PM]

#142-09(7) ALD. HESS-MAHAN AND JOHNSON proposing a Resolution to request that the Director of Planning and Development and the Commissioner of Inspectional Services reconvene a Floor Area Ratio working group to review and analyze the definition of “*Floor area, gross*” for residential structures as it is used in the definition and calculation of “*Floor area ratio*” in **Section 30-1** with respect to actual usage, and, if necessary, make recommendations for amendments thereto and in the dimensional regulations contained in **Section 30-15(u)** and *Table A* of **Section 30-15(u)**, the purpose of which is to regulate the size, density and intensity of use in the construction or renovation of, or additions to a residential structure, to more accurately reflect and be compatible with neighborhood character, and to ensure that a proposed residential structure is consistent with and not in derogation of the size, scale and design of other existing structures in the neighborhood, and is not inconsistent with the City’s Comprehensive Plan.  
[07/03/14 @ 9:10AM]

Respectfully Submitted,

Marcia T. Johnson, Chairman



**CANCELLED**

## SECTION XVID. LARGE HOUSE REVIEW

## A. PURPOSE

This Section is adopted by the Town to provide pre-construction and post-construction review of single family dwellings which meet the applicability standards set forth below.

## B. DEFINITIONS

Total Living Area plus Garage Space - This term includes:

- (i) The sum of the horizontal area(s) of the above-grade floors, including portions of attics, in the residential building(s) on a lot, measured from the exterior face of the exterior walls; and
- (ii) Area(s) of attic(s) measured from the floor to the interior roofline if 7 ft. or greater in height, and 5 ft. or greater in height on a sloped interior roofline; and
- (iii) Garage and storage space, whether in principal or accessory structures, in excess of 600 sq ft.; and
- (iv) Basement areas multiplied by a fraction, the numerator of which is the external above ground surface of basement walls and the denominator of which is the total surface (both above and below ground) of external basement walls, provided that if such fraction is less than .25, then the basement areas shall not be included.

Calculations shall be determined in accordance with the Rules and Regulations adopted by the Planning Board.

## C. APPLICABILITY

The provisions of this Section shall apply to all building permits issued after January 1, 2008 for new single family dwellings where the Total Living Area plus Garage Space of the dwelling, after completion, exceeds:

3,600 square feet for dwellings within the Single Residence 10,000 Square Foot Area Regulation District;

4,300 square feet for dwellings within the Single Residence 15,000 Square Foot Area Regulation District;

5,900 square feet for dwellings within the Single Residence 20,000 Square Foot Area Regulation District; and

7,200 square feet for dwellings within the Single Residence 30,000 and 40,000 Square Foot Area Regulation Districts.

The provisions of this section shall also apply to all building permits issued after January 1, 2008 for alteration of single family dwellings where the alteration will increase the Total Living Area Plus Garage Space of the dwelling in question by more than 10%, and the Total Living Area Plus Garage Space of the dwelling, after completion of the project, will exceed the applicable threshold, as listed above.

Notwithstanding the foregoing, the following are exempt from Planning Board review:

1. Changes to non-conforming single-family dwellings which are subject to a Finding in accordance with Section 6 of Chapter 40A M.G.L and SECTION XVII. PRE-EXISTING NON-CONFORMING USES, STRUCTURES AND LOTS., of this Zoning Bylaw,
2. The reconstruction of pre-existing, non-conforming buildings, damaged or destroyed by accidental cause, including fire, or otherwise damaged or destroyed without the consent of the owner, in accordance with SECTION XVII. PRE-EXISTING NON-CONFORMING USES, STRUCTURES AND LOTS., C. DISASTER REBUILD.
3. Attics that are determined by the Building Inspector to remain unfinished in perpetuity due to the slope or construction of the roof; and
4. The completion or finishing of attics in existing structures where there are no exterior alterations or changes.

#### D. PROCEDURE

1. General. Any applicant for a single family residential dwelling which is subject to this Section shall submit the required information, including plans indicating the delineation of the neighborhood, existing and proposed site conditions, photographs, topography, building elevations, proposed grading and landscape design described in the Rules and Regulations to the Planning Board through the Planning Director and shall not be entitled to the issuance of a building permit unless and until the dwelling is approved in accordance with this Section.
2. Waivers. The Planning Board may, in any particular case where it determines such action to be consistent with the purpose and intent of the Zoning Bylaw and otherwise in the public interest, waive strict compliance with certain application and review requirements contained in this Section and with the Rules and Regulations adopted by it under this Section if it finds that the proposed construction, or certain aspects of the construction are de minimus based on the Standards and Criteria contained in Part E of this Section. Waiver requests must be made in writing and shall be addressed in a preliminary meeting between the Planning Board and the prospective applicant, held not later than 21 days after receipt of the waiver request. An applicant who makes a waiver request shall not submit an application until after meeting with the Planning Board on the waiver request.

- CANCELLED**
3. Review and Timing. The Planning Board and Design Review Board shall each meet separately with the applicant to discuss the applicability of the Standards and Criteria set forth in Part E of this Section after receipt of the submission to discuss the project. Although a public hearing is not required, notice of the Planning Board meeting shall be sent by mail, postage prepaid, to the abutters and abutters to the abutters within 300 feet of the property line of the applicant, as they appear on the most recent applicable tax list at least 10 days prior to the public meeting. Owners of land directly opposite the applicant on any public or private street or way shall be considered abutters under this Section. Written comments from abutters will be received and considered, and oral comments will be considered only at the discretion of the Planning Board. The Design Review Board shall prepare comments and recommendations as it deems appropriate and shall submit these to the Planning Board. The Planning Board shall prepare its decision and provide it to the applicant within 90 days of the submission as well as to the Building Inspector and Zoning Board of Appeals as may be appropriate. The Planning Board may seek the recommendations of other Town Departments depending on the nature of the application. If the Planning Board has not issued its decision within 90 days of receipt of the submission from the applicant, the project, as described in the submission, shall be deemed approved. The 90-day time limit may be extended by written agreement between the Planning Board and the applicant, signed by, or on behalf of, the applicant.
  4. Approval. The Planning Board shall determine whether the Standards and Criteria for Review set forth below have been satisfied. In reaching its decision, the Planning Board shall consider the recommendations of the Design Review Board and other applicable Boards and Departments, and all other materials submitted to the Planning Board. If the Planning Board finds that the Standards and Criteria for Review have been satisfied, it shall approve the project as set forth in the submissions, provided that it may approve the project subject to conditions or plan modifications specified by the Planning Board in writing. A construction mitigation plan may be required if the site warrants erosion and sedimentation control measures. If the Planning Board finds that the Standards and Criteria for Review have not been satisfied, it shall disapprove the project, and shall state in writing the basis for its decision.
  5. Issuance of Building Permit and Certificate of Occupancy. The Building Inspector shall not issue a building permit unless and until the project is approved by the Planning Board or is deemed approved in accordance with this Section and is filed at the Registry of Deeds. The Building Inspector shall verify compliance with all required conditions or plan modifications prior to the issuance of a Certificate of Occupancy. The Building Inspector shall inform the Planning Director and the applicant of any failure to comply with conditions of plan approval or plan modifications pursuant to this section.
  6. Revision and Amendment of Plans. Any revision, amendment or new information relating to an LHR application shall be considered as follows:

- CANCELLED**
- a. Pending LHR Application. Revisions or amendments relating to a pending LHR application that is before the Planning Board for review shall be accepted by the Planning Board as part of the original submission.
  - b. Previously Approved LHR Applications. Revisions or amendments to an LHR Application that has previously been approved by the Planning Board must be submitted to the Planning Director who shall make a determination as to whether the revisions are major or minor and shall be processed as follows:
    - i. **Minor.** If the Planning Director determines the proposed revisions or amendments to be minor, he or she shall determine the consistency of the revisions with the Planning Board's previous findings and the Standards and Criteria for Review, and either approve or deny the revisions accordingly. If denied, the Planning Director shall notify the applicant and the Planning Board within five (5) business days of the applicant's submittal of such revisions. The applicant may submit denied minor revisions to the Planning Board for their consideration; the Board shall either accept or reject the proposed revisions as part of the approved LHR application.
    - ii. **Major.** If the Planning Director determines the proposed revisions or amendments to be major, the Director shall notify the applicant and Planning Board within five (5) business days of the applicant's submittal to such revisions. The applicant may then submit the proposed revisions to the Planning Board, which shall either accept or reject the proposed revisions as part of the approved LHR application.

#### E. STANDARDS AND CRITERIA FOR REVIEW

1. Preservation of Landscape. The landscape shall be preserved in its natural state insofar as practicable by minimizing use of wetlands, flood plains, hilltops, any grade changes and vegetation and soil removal. Unique natural areas, topographic features such as ledge outcrops, significant trees and landscaping, and historic features shall be saved or enhanced insofar as practicable.
2. Scale of Buildings. All new construction shall be sited and implemented in a manner that is consistent with the scale of other structures in its vicinity through the use of appropriate massing, screening, lighting and other architectural techniques such as variation in detail, form and siting. Consideration shall be given to the need for vegetated buffers. To the extent practicable this shall be based on the "Intent, Policy and Recommendations" specified in Part II. Design Criteria. of the "Design Guidelines Handbook" adopted by the Design Review Board and otherwise applying good architectural and aesthetic principles. Structures shall be arranged insofar as practicable to avoid casting shadows onto abutting property.

- CANCELLED**
3. Lighting. Exterior lighting shall be only as needed to accomplish safety and design objectives and shall be arranged so as to minimize the impact on neighboring properties.
  4. Open Space. Open space shall be as extensive as is practicable and designed so as to add to the visual amenities of the neighborhood for persons passing the site or overlooking it from nearby properties. To the extent practicable this shall be based on the “Intent, Policy and Recommendations” specified in Part II. Design Criteria. of the “Design Guidelines Handbook” adopted by the Design Review Board
  5. Drainage. The development shall incorporate measures that are adequate to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, and to prevent changes to groundwater levels, increased rates of runoff, and minimize potential for flooding. Drainage shall be designed so that groundwater recharge is maximized, and so that the rate of runoff shall not be increased at the project boundaries.
  6. Circulation. Walkways, drives and parking shall be safe and convenient and, insofar as practicable, not detract from the use and enjoyment of adjacent properties and Town streets.

#### F. FEES

Any applicant seeking plan approval under this section shall submit an application and pay such fees as shall be determined by the Planning Board, to cover any expenses connected with public notice and review of plans, including but not limited to the costs of any engineering or planning consulting services necessary for review purposes.

#### G. RULES AND REGULATIONS

The Planning Board may promulgate or amend Rules and Regulations which pertain to the plan approval process under this section, and shall file a copy of said rules in the office of the Town Clerk. Such rules may prescribe the size, form, contents, style, and number of copies of plans and specifications, and the procedure for the submission and approval of such review so long as the Rules and Regulations conform to this SECTION XVID. LARGE HOUSE REVIEW of the Zoning By-law. The adoption or amendment of Rules and Regulations shall be after a public hearing to receive comments on the proposed or amended Rules and Regulations. The public hearing shall be advertised once in a newspaper of general local circulation, at least 14 days prior to the date of the public hearing.

#### H. APPEALS

An applicant, or any person receiving notice under paragraph D., 4. above, may appeal the Planning Board’s approval, denial, conditions or plan modifications to the Zoning Board of Appeals in accordance with SECTION XXIV. PERMIT GRANTING AUTHORITY.

**CANCELLED**

§ 30-1

NEWTON ORDINANCES — ZONING

§ 30-1

similarly located within such zone and further provided that the lot area covered by such building, structure, driveways and required parking shall not exceed fifty percent (50%).

*Commercial vehicle:* Any vehicle, conveyance or piece of mechanized equipment which is used to further any business, trade, profession or employment, and which meets any one (1) or more of the following criteria:

- (a) There is affixed on it any writing or logo that designates an affiliation with any business, trade, profession or employment;
- (b) It is used to store in a manner or place that is visible from outside of the vehicles any tools, equipment, accessories, body height extensions or other things used to further any business, trade, profession or employment;
- (c) It is used to transport persons, their luggage, and/or their animals or other materials for any kind of fee or charge;
- (d) Its length is more than eighteen (18) feet;
- (e) Its width is more than seven (7) feet;
- (f) It has a mechanized dumping capability;
- (g) It has a plow blade or plow blade frame or other device attached thereto, or a plow blade or other device is stored on the premises.

*Common roof connector:* An exterior roof surface on a two-family dwelling that meets all of the following requirements:

- (a) It extends over the common wall a minimum of twelve (12) feet over the interior space(s) in one dwelling unit and a minimum of twelve (12) feet over the interior space(s) in the other dwelling unit;
- (b) The roofing material over each dwelling unit has identical materials and color;
- (c) The roof surfaces do not have any vertical separation, subject to the following exceptions:
  - (1) A dormer shall not be deemed a vertical separation;
  - (2) A vertical separation between the roof surface of one dwelling unit and the roof surface of the other dwelling unit may be allowed if all of the following conditions are met:
    - a) The difference between the mean grade slope of one dwelling unit and the mean grade slope of the other dwelling unit is more than three (3) feet;
    - b) The vertical separation between the roof surface of one dwelling unit and the roof surface of the other dwelling unit does not exceed the difference between the mean grade slope of each of the two dwelling units;
    - c) The roof surfaces may have varied roof slopes, but if so, they shall conform to the requirements stated in subsections (c)(2)a) and b) above.
- (d) It is designed to give the appearance that it connects the two dwelling units to each other.

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*Common wall connector:* An interior wall that is shared by and separates the two dwelling units of a two-family dwelling and meets all of the following requirements:

- (a) It is no less than twelve (12) feet in length;
- (b) It exists at the ground story level and is at least one (1) story in height;
- (c) It separates enclosed interior space(s) in each of the dwelling units;
- (d) It is designed to give the appearance that it connects the two dwelling units to each other.

*Community Use Space:* Space that is open to the public and used for, but not limited to, ball courts, gymnasias, play areas, community meeting rooms, community gardens, social services, outdoor play areas, playgrounds, related seating areas, and similar uses.

*Congregate living facility:* An association of persons living together in a shared living environment which integrates shelter and service needs of elderly, functionally impaired and/or functionally isolated persons who are otherwise in good health and can maintain a semi-independent lifestyle and who do not require constant supervision or intensive health care as provided by an institution. Each resident may have a separate bedroom, living room, kitchen, dining area or bathroom, or may share living, dining, and bathroom facilities with other persons. Such facility shall be deemed an association of persons living together in a single dwelling and not a lodging house.

*Corner lot:* See Lot, corner.

*Day care center:* As defined and licensed under G.L. c. 28A, a facility which on a regular basis receives for temporary custody and care more than ten (10) children at a time.

*Development Parcel:* The real property on which a Planned Multi-Use Business Development or a Mixed-Use Development (including any appurtenant easement areas benefiting a Mixed-Use Development) is located in connection with a special permit under Section 30-15(s) or 30-13(g).

*Dormer:* A projection built out from a sloping roof, usually containing a window or vent.

*Dormitory:* A building owned or controlled directly or indirectly by a religious or educational non-profit institution (excepting a nonprofit hospital) providing sleeping quarters for five (5) or more unrelated persons.

*Drive-in business:* A retail or consumer use of land or a building in which all or part of the business transacted is conducted by a customer from within a motor vehicle.

*Drive-in food service establishment:* A fast food establishment which provides convenient vehicular access and may provide service to customers while in their vehicles.

*Driveway:* An area on a lot which is designed or used to provide for the passage of motor vehicles to and from a street or way.

*Dwelling:* A building or structure used for human habitation.

*Dwelling, attached:* A building or structure that either:

- (a) contains three (3) or more dwelling units, attached to one another at the ground level and each having a separate primary and secondary access at ground level; or

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(b) contains two (2) dwelling units and is not a “dwelling, two family,” as defined in section 30-1.

*Dwelling, multi-family:* A building or structure containing three (3) or more dwelling units.

*Dwelling, two-family:* A building or structure that meets all of the following requirements:

(a) It contains two (2) dwelling units;

(b) It contains either:

(1) a common floor-ceiling assembly between the upper and lower level dwelling units; or

(2) a common wall connector and a common roof connector, as defined in section 30-1.

*Dwelling unit:* One (1) or more rooms forming a habitable unit for one family, with facilities used or intended to be used, in whole or in part, for living, sleeping, cooking, eating and sanitation.

*Family child care home:* See *Child care home, family.*

*Fast food establishment:* An establishment whose primary business is the sale of food for consumption on or off the premises which is:

(a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals;

(b) available upon a short waiting time; and

(c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

*Floor area ratio:*

(a) For residential structures in residential districts, gross floor area of all buildings on the lot divided by total lot area.

(b) For all others: Gross floor area of all buildings on the lot divided by total lot area. Any portion of a basement not used for storage, parking or building mechanicals shall be included in determining the floor area ratio.

*Floor area, gross:*

(a) For residential structures and buildings accessory to residential structures in residential districts, the sum of the floor area of all principal and accessory buildings whether or not habitable, except as excluded below. Floor area measurements shall be taken from the exterior face of the exterior walls of each building without deduction for garage space, hallways, stairs, closets, thickness of walls, columns, atria, open wells and other vertical open spaces, or other features as defined in this section.

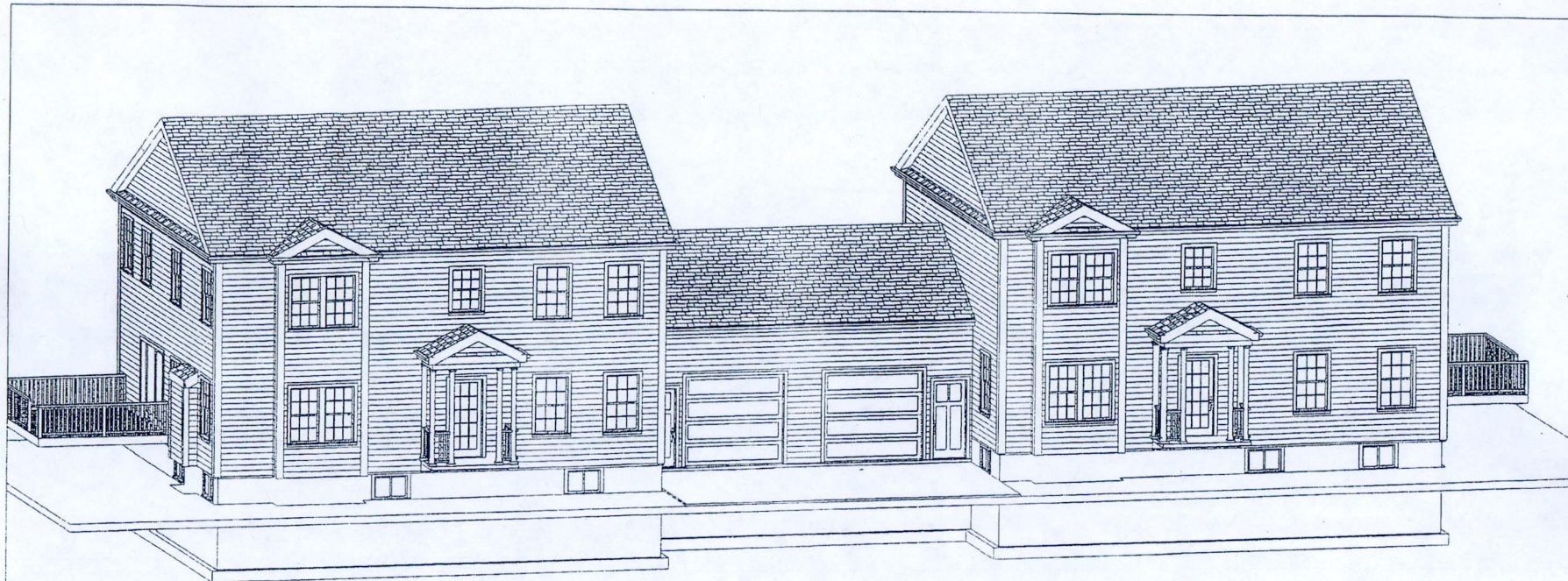
a) Gross floor area shall include:

i. First and second stories;

ii. Any floor area above the second story, whether finished or unfinished, that meets all of the following criteria:



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Density Control Calculations:  
 Old lot 13,268 SF in MR1 zone.

Max FAR .48 + Bonus .02 for using new lot setbacks.

Max allowed: 13,268x.50=6,634

Total proposed: 6,617

House: 41'x35'8"x4=5,849

Attached Garage: 31'x24'=744

Bays: 1'6"x8'x2=24

Total: 5,849+744+24=6,617

No FA for 1st floor Bays:

Wall area 22'8"x41'=929, living room bay area 11'x8'=88SF<10%

Wall area (35'8"x22'8"=806)+(35'8"x9/2=160)=968 FP bay area 5'x7'=35SF<10%

Max lot coverage: .30

Max allowed: .30x13,268=3,980

Total proposed: 3,669

House: 41'x35'8"x2=2,925

Attached garage: 31'x24'=744

Total: 2,925+744=3,669

Max open space: .50

Max allowed: .50x13,268=6,634

Total proposed: 6,540

House: 41'x35'8"x2=2,925

Attached garage: 31'x24, =744

Decks: 18'x12'x2=384

Driveway: (100'x14'=1,400)+(31'x33'=1,023)=2,423

Porches: 4'x8'x2=64

Total: 2,925+744+384+2,423+64=6,540

Max building height: 36'

Proposed: 33' from average grade.

See Cross section.

No Fa above 2nd floor: Roof is a 6/12 pitch no area more than 6'10" wide at 7' from rafters to subfloor. see cross section.

No FA below 1st floor: No exterior wall from 1st level subfloor grader than 3'10" from grade.

ALL THE FOLLOWING MUST BE REVIEWED AND ACCEPTED BY THE BOARD

- FIRE RESISTING POINTS ONLY
- FIRE RESISTING JOINTS ONLY
- FIRE RESISTING APPROVAL ONLY
- FIRE RESISTING ONLY
- FIRE RESISTING APPROVAL ONLY
- FIRE RESISTING TO BE DESIGNED & SUBMITTED BY DESIGNER
- NO FIRE PROTECTION REQUIRED - BASED ON PLANS SUBMITTED
- OTHER

Project: 648 Watertown Street, Newton MA 02460

Title Sheet

Nick Zagorianakos 617-285-7992

Scale 1/4"

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