

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

MONDAY, FEBRUARY 23, 2015

7:45 PM
Room 205

ITEMS SCHEDULED FOR DISCUSSION:

Re-appointment by His Honor the Mayor

#38-15 BROOKE LIPSITT, 54 Kirkstall Road, Newton, re-appointed as a member of the ZONING BOARD OF APPEALS for a term to expire September 30, 2017 (60 days 04/18/15) [02/03/15 @ 10:25AM]

#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]

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: jllojek@newtonma.gov, or 617-796-1064. For Telecommunications Relay Service dial 711.

- #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]
- #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]
- #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]
- #80-13 THE PLANNING DEPARTMENT requesting update discussions of the zoning reform project. [02/25/13 @ 12:31 PM]

ITEMS NOT SCHEDULED FOR DISCUSSION:

- #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]
- #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 Intents and Purposes of the Zoning Ordinance in Phase II of Zoning Reform. [01/05/15 @ 9:53PM]
- #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]

- #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]
- #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, SCHNIFFER, 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



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

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swarren@newtonma.gov

February 3, 2015

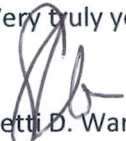
Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to reappoint Brooke Lipsitt of 54 Kirkstall Road, Newton as a member of the Zoning Board of Appeals. Her three year term of office shall expire September 30, 2017 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Very truly yours,


Setti D. Warren
Mayor

DAVID A. OLSON, CMC
Newton, MA 02459

2015 JAN 31 AM 10:25

RECEIVED
Newton City Clerk

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

BROOKE K. LIPSITT
54 Kirkstall Road
Newtonville MA 02460

Personal

50-year Newton resident
Married to Paul Lipsitt, LL.B., Ph.D., a forensic
psychologist
Mother of Sarah Lipsitt, M.A., teacher, Newton Public
Schools
Graduate of Newton High School, 1959
A.B. from Pembroke College, Brown University (major in
International Relations), 1963
2006 recipient (with husband, Paul D. Lipsitt) of the
Community Service and Training Award, presented by the
Massachusetts School of Professional Psychology

Newton Board of Aldermen

Alderman-at-Large, Ward 7, 1992-2003
President, 1998-2003
Chairman, Post Audit & Oversight Committee, 1994-5
Vice Chairman, Land Use Committee, 1992-3; 1996-7

Current Community Involvement

Newton Zoning Board of Appeals, Associate Member, 2005-08;
Member, 2008-; Vice Chair, 2009-; Chair, 40B Task
Force, 2009-
Green Decade Coalition/Newton, Founding Member; Steering
Committee, 1990-; Clerk, 2008-
High Performance Building Coalition, Founding Co-Chairman,
2004-08; member, 2008-
Newton Communications Access Center, Inc., Board of
Directors, 2004-; Finance Committee, 2006-; Vice
President, 2006-; Executive Committee, 2006-
Newton Historical Society, Strategic Planning Committee,
2004; Board of Directors, 2005-2008, 2009-; Clerk,
2010-; Executive Committee, 2010-; Chair, Durant
Kenrick Transition Committee, 2010-
Jewish Alliance for Law and Social Action, Board of
Directors, 2007-2008; Advisory Committee, 2008-;
REACH (Refuge, Education, Advocacy, and Change) Beyond
Domestic Violence, Advisory Committee, 2003-
UCHAN (Uniting Citizens for Housing Affordability in
Newton), Member, 2002-; Treasurer, 2004-05
Strategic Planning Committee, 2011-
Social Science Club of Newton, 1993-; Auditor, 1995-96;
Chairman, Scholarship Committee, 1996-97;
Vice President, 2002-04; President, 2004-06;

Director, 2006-08; Chairman, Finance Committee, 2008-10

Prior Community Involvement

Comprehensive Plan Mixed Use Task Force, 2010
 Sustainable Newton Advisory Committee, 2003-09
 Newton Symphony Orchestra, Board of Trustees, 1996-2006
 Newton Free Library, Policy & Planning Committee, 2004
 Massachusetts Municipal Association, member, Environmental
 Policy Committee, 2003
 Brown University, National Alumni Schools Program volunteer,
 1982-98; Alumnae President, Class of 1963, 1973-78;
 Vice President, 1998-2003
 Traveling Meals, volunteer, 1993-99
 Cooperative Living of Newton, Advisory Board, 1995-98
 Bicycle-Pedestrian Task Force, Founding Chairman, 1994-96
 Day Junior High School PTA Board, 1992-3
 Underwood Elementary School PTA, Board Member, 1985-91;
 Treasurer, 1987-91
 Chairman, Mayor's Steering Committee on the Peace Dividend,
 1990
 Watertown Cooperative Nursery School, Board of Directors,
 1983-85; President, 1984-85
 People's Theatre, Cambridge, Board of Directors, 1982-84;
 Clerk, 1983-84

Political Involvement

Ward 2, Democratic City Committee, member, 2008-; Treasurer,
 2011-
 Ward 7, Democratic City Committee, member, 1988-2008;
 Secretary, 1991-96; Vice President, 1996-2006
 Mass Equality, Board of Directors, 2005-08; Chair,
 Nominating Committee, 2006-07
 Newton Action for Nuclear Disarmament, 1981-92; Political
 Action Coordinator, 1982-84; Treasurer,
 1985-88; President, 1986-91
 Massachusetts Sane Freeze, Board of Directors, 1986-1990
 Massachusetts Freeze Voter Education Fund, President,
 1986-89
 Massachusetts Freeze Voter, Co-Founder; Executive
 Committee, 1983-88
 Disarmament Action Network, Steering Committee, 1985-88
 Arms Control Advisory Committee to Senator John F. Kerry,
 1985-87
 Peace Boutique, Newton, Steering Committee, 1974-75
 Campaign "junkie": volunteer or staff member on numerous
 local and national political and issues campaigns

Professional Experience

The First Years, Avon, MA

Marketing Manager, 1978-80
Product Manager, 1977-78

Committee to Elect U.S. Congressman Robert F. Drinan
Assistant Campaign Manager, Administration, 1976
Office Manager, 1974

Eve of Roma, Division of the Gillette Company, Boston
Sales Promotion Coordinator, 1970-71
Assistant Product Manager, 1968-70

Selame Associates, Newton
Program Coordinator, 1967-68

Buyers Laboratory, Inc., New York, NY
Assistant Director, 1966-67
Director of Research, 1966-67
Assistant Director of Research, 1964-66

Policy interests

Affordable housing, environment, civil liberties, education,
transportation

August, 2011

11 NOV 12 A 11:46
CITY CLERK
NEWTON, MA 02459



Setti D. Warren
Mayor

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Department of Planning and Development
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James Freas
Acting Director

MEMORANDUM

DATE: February 20, 2015

TO: Alderman Marcia T. Johnson, Chairman
Members of the Zoning and Planning Committee

FROM: James Freas, Acting Director of Planning and Development

RE: #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.

MEETING DATE: February 23, 2015

CC: Board of Aldermen
Planning and Development Board
Donnalyn Kahn, City Solicitor

Newton's official Zoning Map was first printed in 1951. That same copy is currently used today and it is in poor condition, difficult to use and update, and appears to have a number of errors. As part of the general cleaning up and modernizing effort of the Zoning Reform, Phase 1 effort, staff from Planning, Law, and ISD, with the essential assistance of the City's GIS tech, reviewed the map, comparing it to the more geospatially accurate GIS version and to the history of board rezoning actions dating back to the original map creation. As a result of that work, staff is proposing a number of changes to the map that will allow for the creation of a new, accurate and legible, official zoning map. These changes span a range of those that can be done administratively under the authorities in the Zoning Ordinance to a number that will require action by the Board of Aldermen.

The types of corrections staff reviewed can be placed into four categories:

1. GIS Map Corrections

2. Minor Corrections Reflecting More Accurate Mapping Technology
3. Errors in the Official Map as Compared to the Legislative History
4. Proposed Map Amendments

GIS Map Corrections

The original GIS data layer (the map) was not created with the intention of being the official zoning map and was therefore based on the zoning information provided in the assessor's database rather than on the official zoning map. As a result, a range of errors exist in this datalayer reflecting what are likely scrivener's errors in the original database and conventions on assigning zoning to given parcels. These corrections do not require any action by the Board as this map is not currently the official map; staff includes it here only for the purposes of notification as many people rely on the digital maps to find out the zoning of their properties given the inaccessibility of the official maps and therefore may believe their zoning has changed where staff have only corrected the map.

Examples of this type of change:

- A number of misidentified zoning on particular lots.
- A number of split lots where it appears a single zoning district was assigned to parcels where there were two.

Minor Corrections Reflecting More Accurate Mapping Technology

The Zoning Ordinance defines the boundaries of the zoning districts and empowers the Commissioner of Inspectional Services to determine that location where there is uncertainty, as shown below. Under this authority, and understanding that the true boundary line is meant to be lot lines and streets, all district boundaries, unless otherwise specified, will be snapped to the those lines. In some places where the old maps are particularly inaccurate, these may appear to be large changes but there is no practical impact on property owners as no one will experience a change in zoning as a result of these fixes.

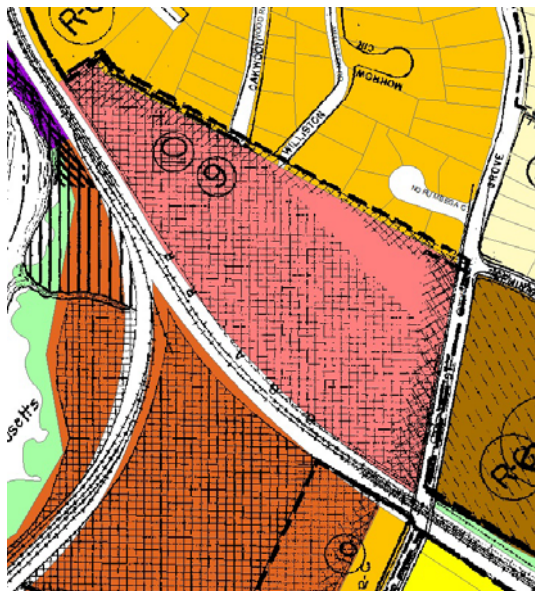
1.3.3. Interpretation of District Boundaries

- A. The boundaries of the districts are streets, property or lot lines, or other lines shown on the zoning plans adopted by Sec. 1.3.1. Where boundaries are indicated as property or lot lines and the exact position of such lines are not defined by measurements, the true locations of the property or lot lines shall be taken as the boundary lines. Where boundary lines are fixed by distances from street, property or lot lines, such measurements shall control.
- B. Whenever any uncertainty exists as to the exact location of a boundary line, the location shall be determined by the Commissioner of Inspectional Services in consultation with the Director of Planning and Development; provided, that any person affected by his decision may appeal to the Zoning Board of Appeals in the manner provided in Sec. 7.1.6.

Errors in the Official Map as Compared to the Legislative History

In researching every single rezoning action by the Board of Aldermen since the creation of the official zoning map in 1951, there are 16 examples of approved rezonings that were found to have never been recorded on the Official Map, beginning in the late 1990s through to today. This situation is

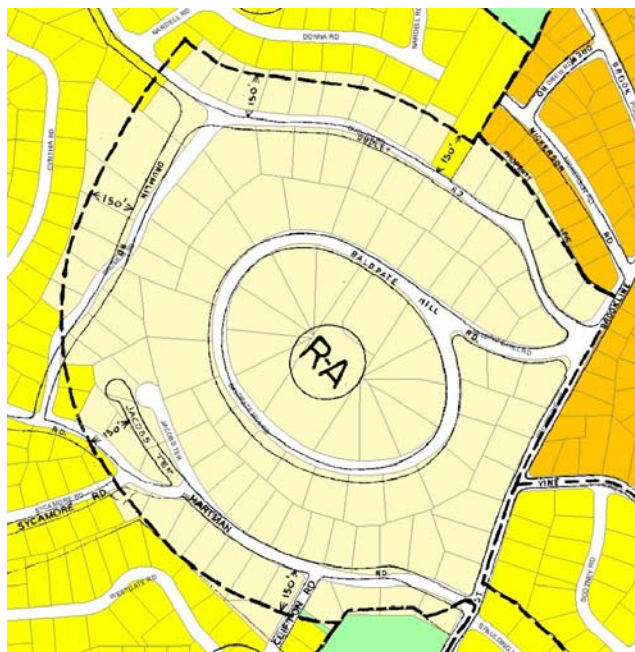
equivalent to having never published an amendment to the text of the ordinance in the Zoning Ordinance. An example is shown below and instances of these errors will be presented at the meeting. As these changes reflect past actions of the Board, no action is necessary unless desired.



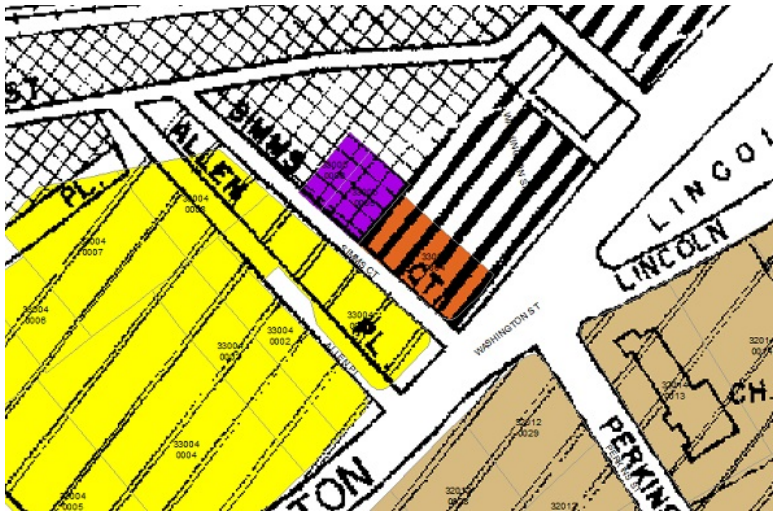
This property was rezoned from Manufacturing to Business 4 in 1997 (Ord V118). The crosshatch pattern on the image to the left indicates the Manufacturing zoning district still on the Official Map.

Proposed Map Amendments

In reviewing the official map, staff identified a number of amendments that would simplify the zoning map. These include reducing the number of split lots created by defined distances from streets and addressing some clear conflicts between existing land uses and zoning. Some examples are shown below.



The area shown on the image to the left shows the SR1 District in tan and the SR2 District in yellow. The dashed line is the boundary between these districts on the Official Map, shown as 150 feet from streets. As a result of that line established by distance rather than property line, there are a number of split lots. In this instance, it would appear to make sense rezone areas to eliminate the splits where practical.



In some places, the Zoning is incongruent with the existing land use and there is potentially no longer a reason to maintain that Zoning. In this case, the two properties shown in purple are zoned Manufacturing but occupied by single family homes. The crosshatch is the symbol for Manufacturing on the Official Zoning Map and, from the image, it is clear that these two properties were once part of a larger Manufacturing District. The uncolored area in this image is now

occupied by Route 90 and therefore, there is no longer a large Manufacturing District here and it is unlikely that use will locate here in the future.

Within this category of proposed legislative changes there are two special cases. The first are public lands, which, after review of the legislative history, should, for the most part, be shown on the Official Map as Public Land, though they are currently not. The action that created this rezoning is not clear in the record though, so staff is recommending that the Board clearly rezone these properties into the Public Lands District.

The second issue is reflected in the last image above – the Official Zoning Map does not include the highway and therefore still shows zoning applied to areas that are no longer subject to zoning. For the purposes of cleaning up the Official Zoning Map in order to create a new map that will show the highway, Staff would propose that Zoning be removed from these areas.

Next Steps

Staff is currently requesting guidance on two questions:

- 1) What rezoning actions, if any, would the Committee like to pursue?
- 2) For those changes not requiring legislative action, what level of notification to property owners does the Committee believe to be necessary?

Staff's intention is to use this work to produce a new Official Zoning Map, which would be brought back to this Committee when it is complete. As necessary, staff would like to schedule a public hearing concurrent with the hearing for the Phase 1 Zoning Ordinance.