

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

MONDAY, MARCH 9, 2015

7:45 PM
Room 205

- #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]
- #265-14 ALD. BLAZAR, YATES AND DANBERG requesting:
1. 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;
 2. 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;
 3. 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;
 4. 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]
- #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]

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, or 617-796-1064. For Telecommunications Relay Service dial 711.

ITEMS NOT SCHEDULED FOR DISCUSSION:

- #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]
- #266-14 ALD. BLAZAR, YATES AND DANBERG requesting:
1. 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;
2. 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]
- #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]
- #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 again 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

- #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]
- #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



Setti D. Warren
Mayor

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

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James Freas
Acting Director

MEMORANDUM

DATE: March 6, 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: March 9, 2015

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

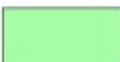
During the March 23, 2015 Zoning and Planning Committee meeting staff shared the results of work done to identify discrepancies between the Official and GIS (unofficial) Zoning Maps as well as identifying rezoning actions by the Board of Aldermen that had not been recorded on the Official Zoning Map. In the course of this work, staff also identified various locations where rezoning by the Board would help to clean up and clarify the zoning map and address the challenges created by split lots (single lots split between two zoning districts). The following pages show before and after images of these proposed rezoning actions and include the addresses for all lots that would be rezoned.

Next Steps

If the Zoning and Planning Committee agrees with some or all of the proposed rezonings staff will begin that process and a public hearing date can be set.

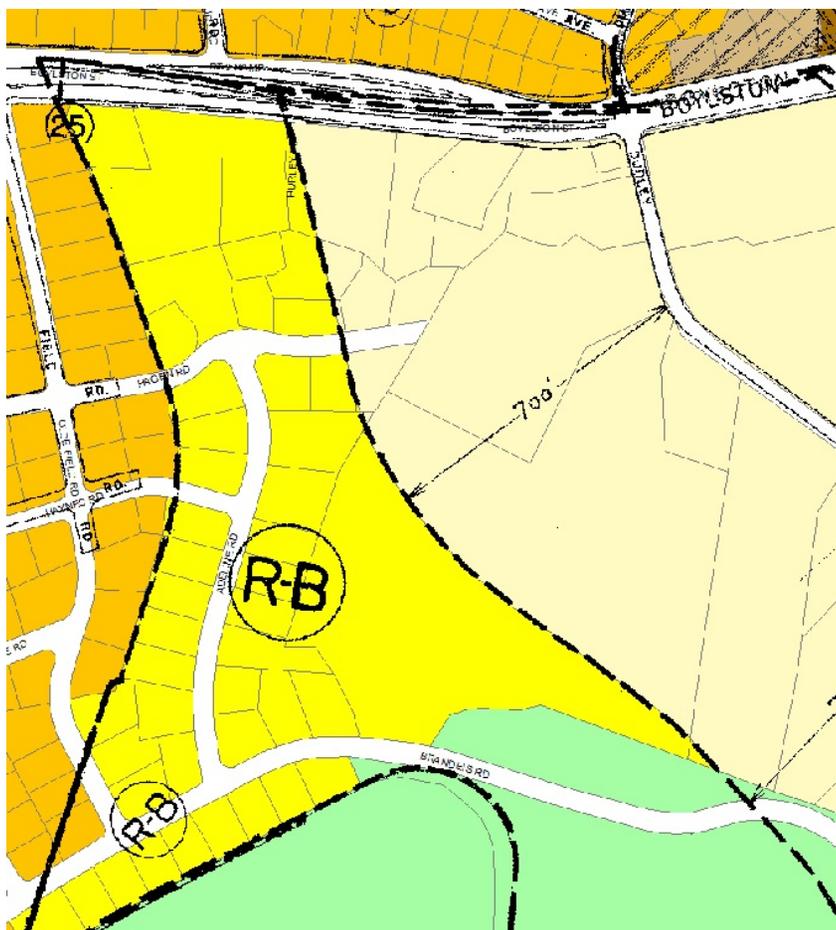
Rezoning

Legend for maps

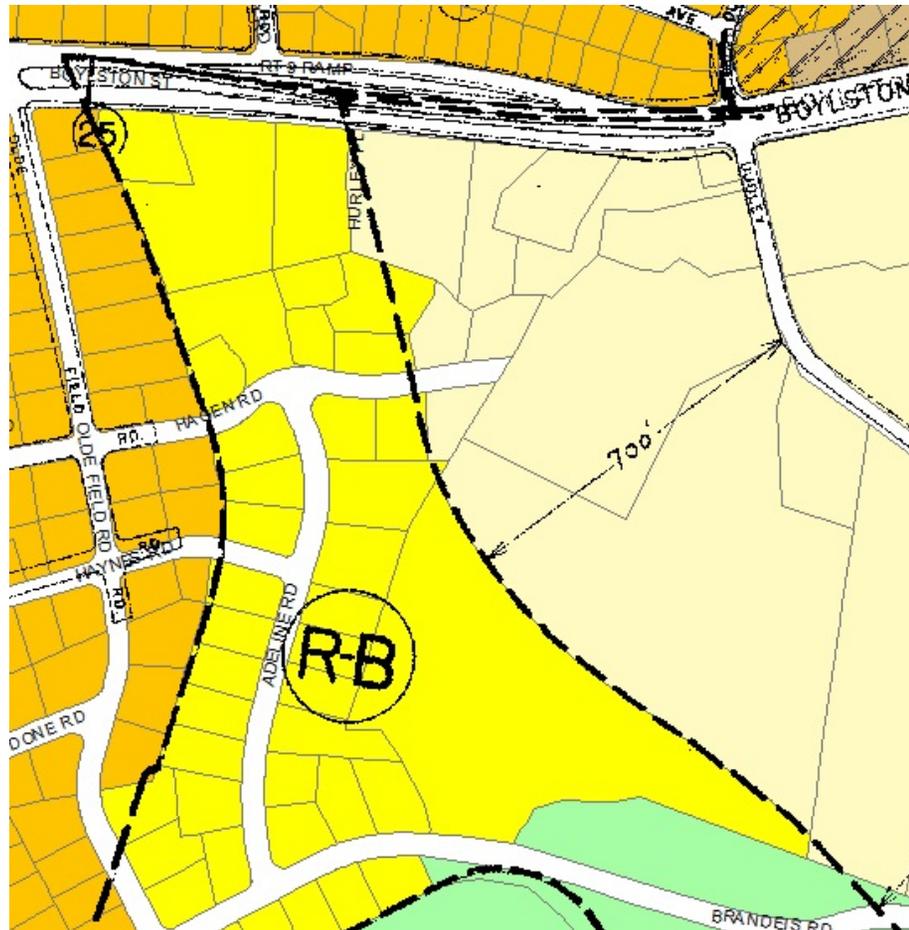
	Single Residence 1		Business 5
	Single Residence 2		Limited Manufacturing
	Single Residence 3		Manufacturing
	Multi-Residence 1		Mixed Use 1
	Multi-Residence 2		Mixed Use 2
	Multi-Residence 3		Mixed Use 3
	Multi-Residence 4		Mixed Use 4
	Business 1		Open Space/Recreation
	Business 2		Public Use
	Business 4		

Dudley Road – Zoning boundary is 700' from road

Before



After



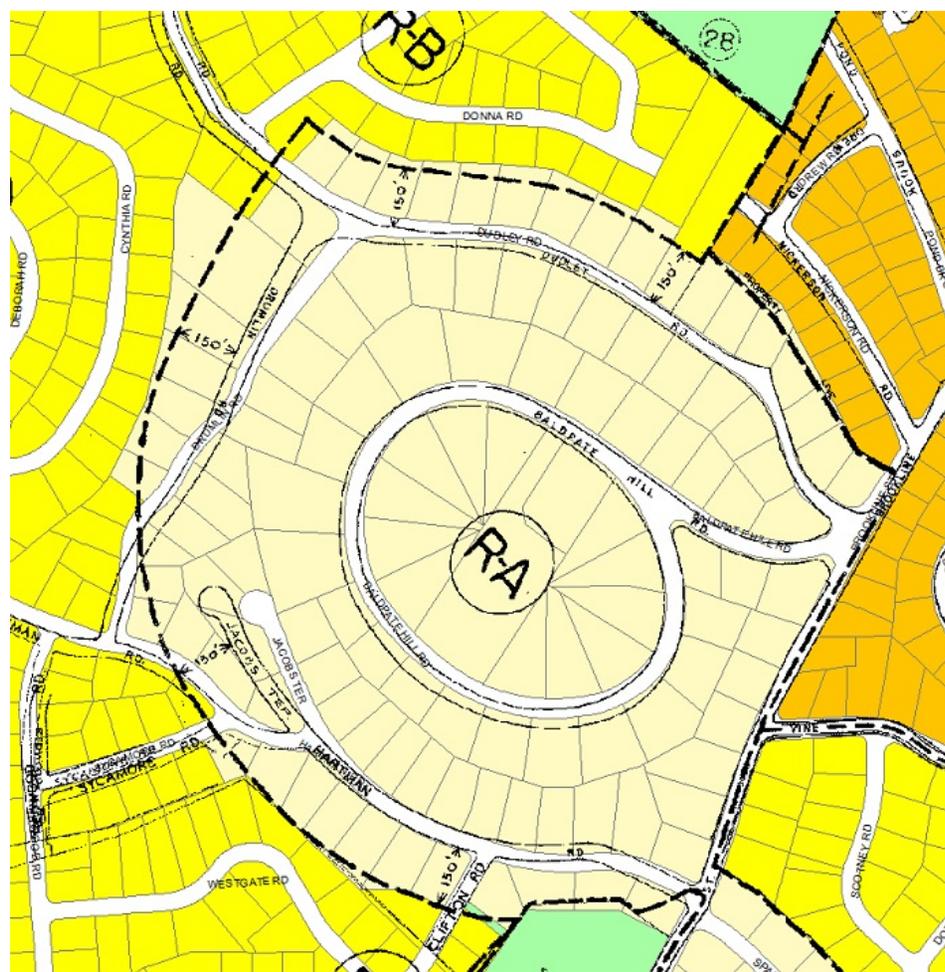
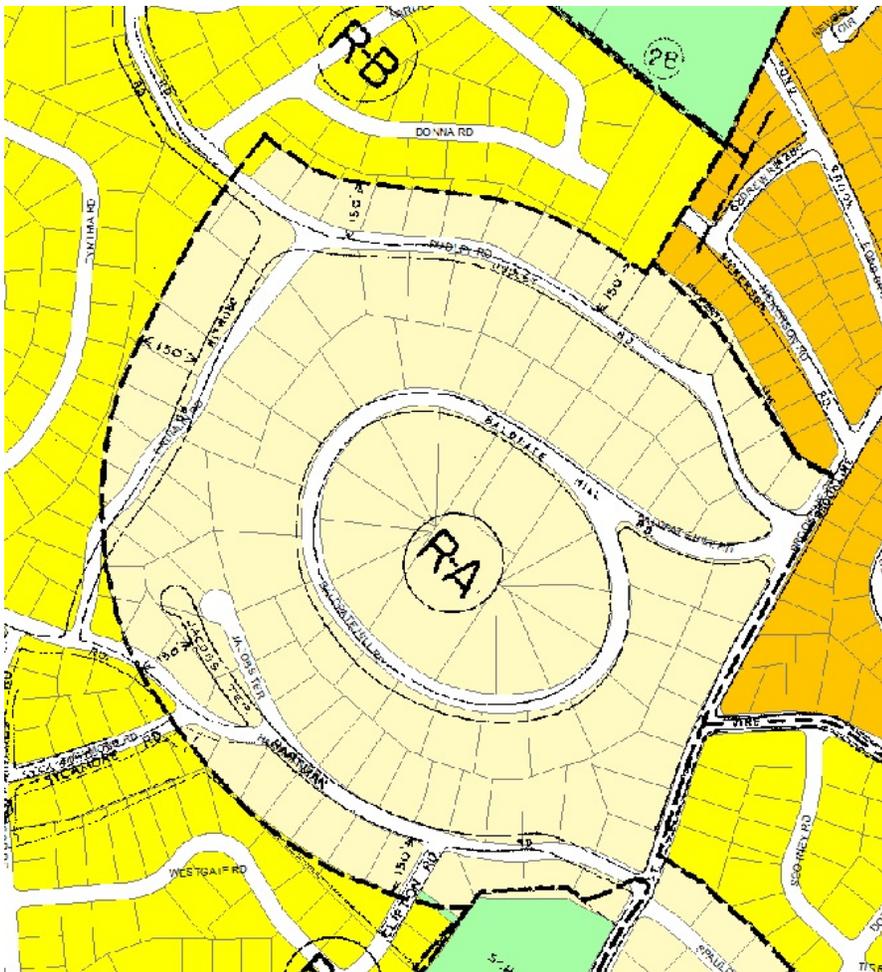
List of properties affected

SBL	Address
81051 0001C	0 Boylston St
81051 0003A	0 Dudley Rd
81051 0004	95 Dudley Rd
81051 0081	64 Adeline Rd
81051 0083	137 Hagen Rd
81051 0084	145 Hagen Rd
81051 0087	132 Hagen Rd
81051 0088	24-26 Hurley Pl

Baldpate Hill area – Zoning boundary is 150' from curved roads

Before

After

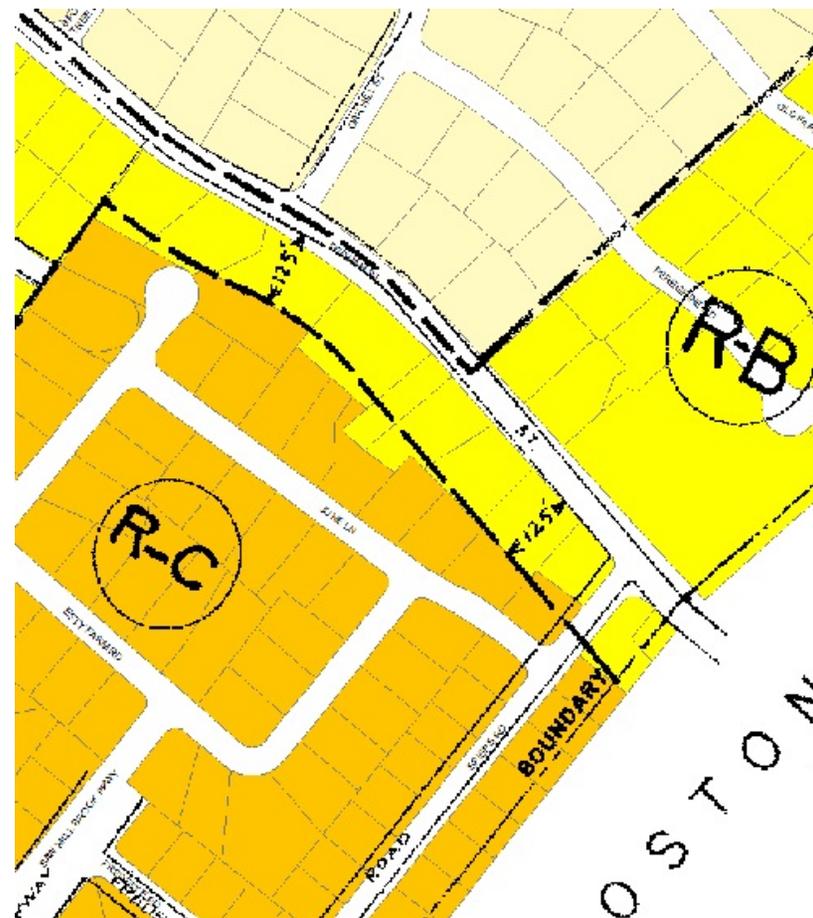
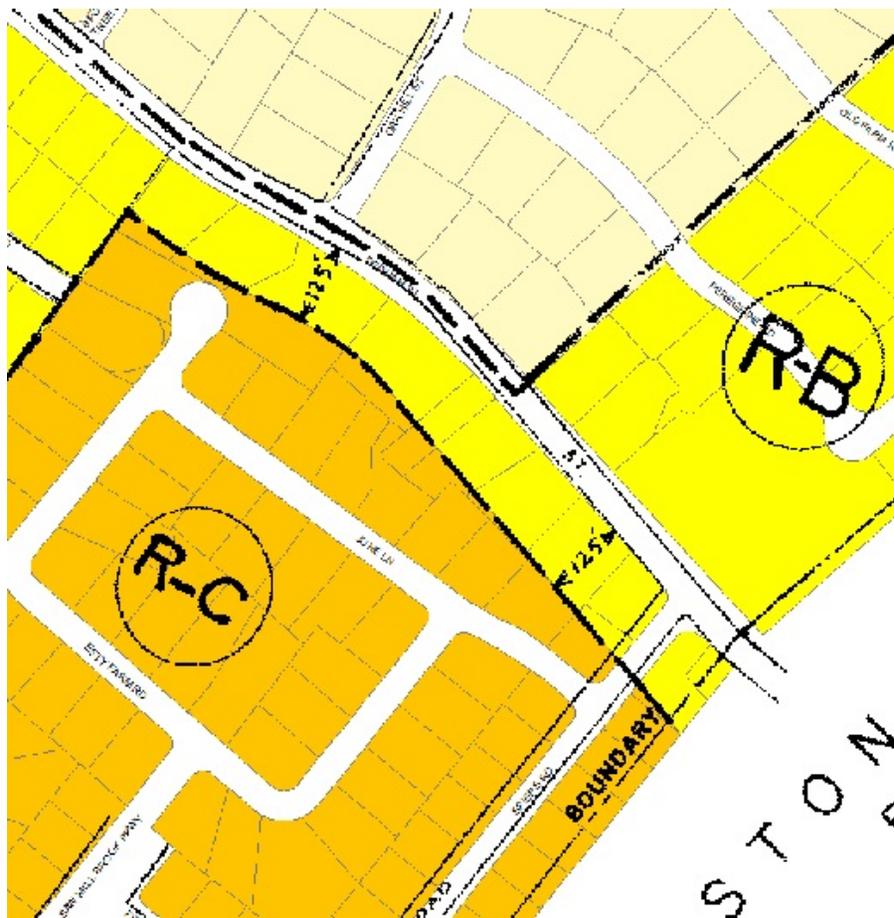


82006 0001	9 Nardell Rd	82006 0013	472 Dudley Rd	82007 0040	63 Drumlin Rd	82023 0007	267 Hartman Rd
82007 0046	411 Dudley Rd	82006 0012	480 Dudley Rd	82007 0041	55 Drumlin Rd	82023 0008	275 Hartman Rd
82006 0019	420 Dudley Rd	82006 0010	490 Dudley Rd	82007 0042	43 Drumlin Rd	82023 0009	287 Hartman Rd
82006 0018	428 Dudley Rd	82025 0027	100 Drumlin Rd	82007 0043	35 Drumlin Rd	82023 0010	293 Hartman Rd
82006 0017	436 Dudley Rd	82025 0028	96 Drumlin Rd	82007 0044	25 Drumlin Rd	82023 0011	303 Hartman Rd
82006 0016	446 Dudley Rd	82025 0029	86 Drumlin Rd	82025 0026	238 Hartman Rd		
82006 0015	454 Dudley Rd	82007 0038	79 Drumlin Rd	82024 0004	245 Hartman Rd		
82006 0014	464 Dudley Rd	82007 0039	71 Drumlin Rd	82023 0006	259 Hartman Rd		

Dedham St– Zoning boundary is 150' from road

Before

After



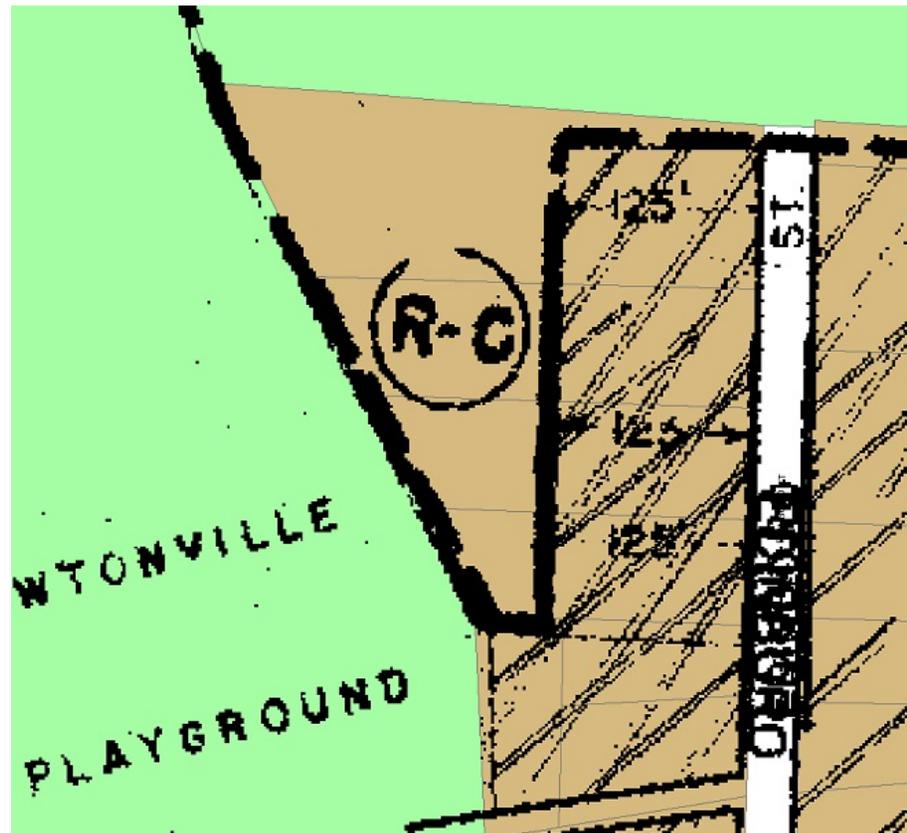
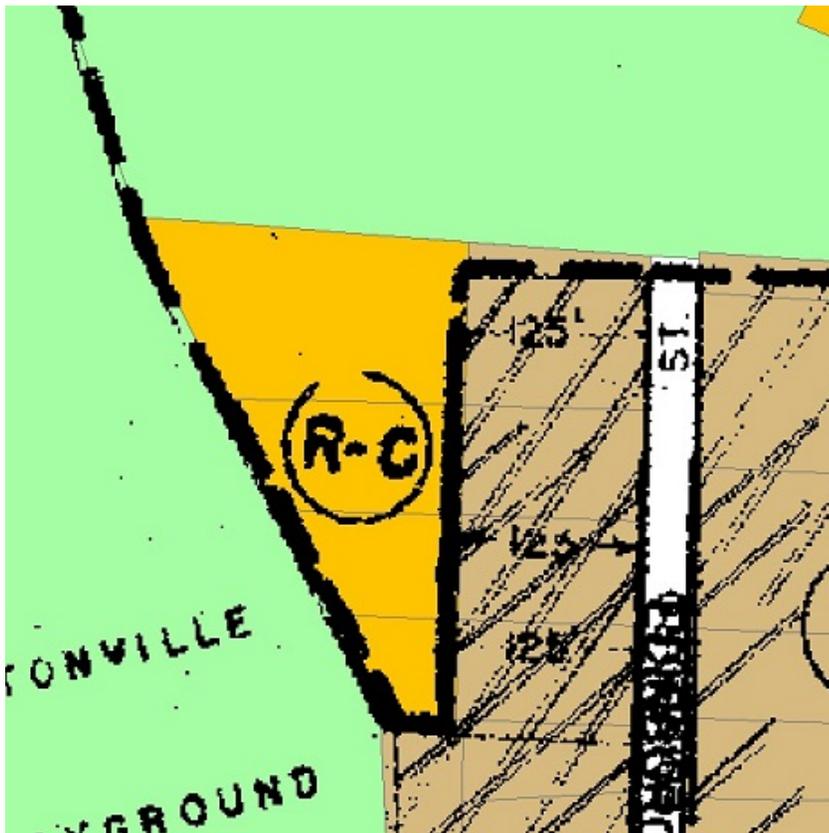
List of properties affected

84001C0002	5 June Lane	84001C0016	975 Dedham St
84001C0003	11 June Lane	84001C0017	983 Dedham St
84001C0013	949 Dedham St	84001C0048	925 Dedham St
84001C0014	961 Dedham St	84001C0049	915 Dedham St
84001C0015	965 Dedham St	84010 0002	295 Spiers Rd

Edinboro St – Zoning boundary is 125' from road

Before

After

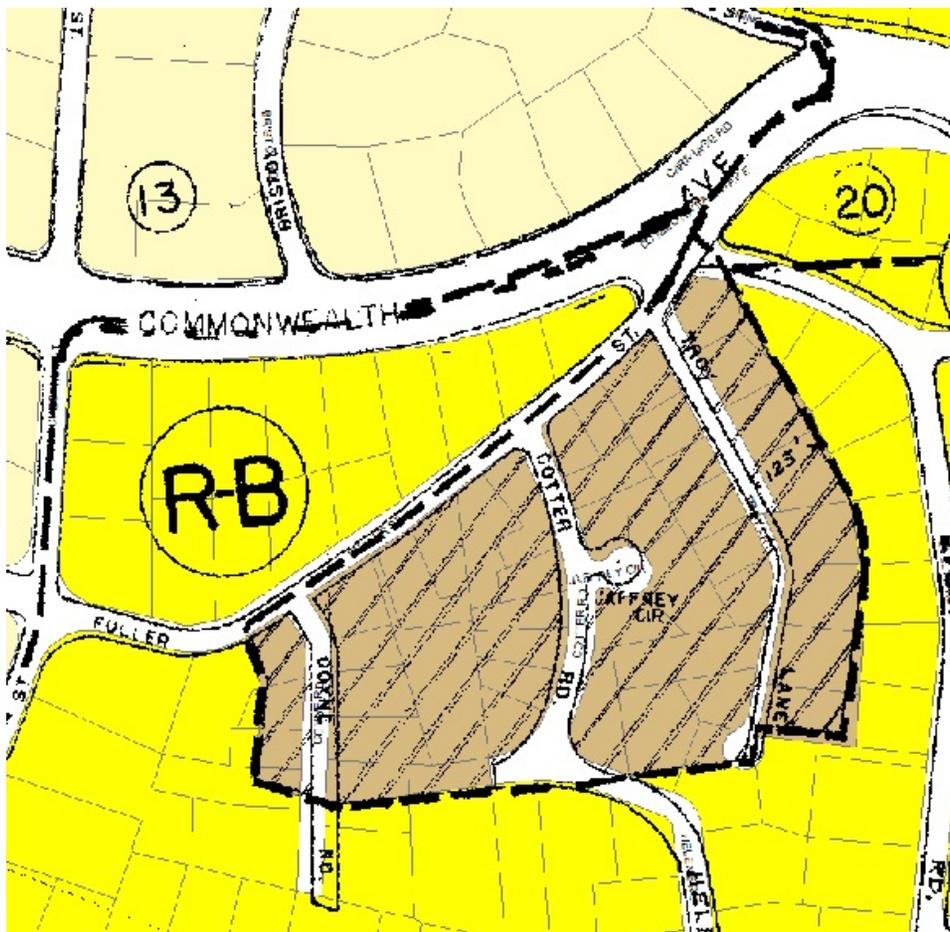


List of properties affected

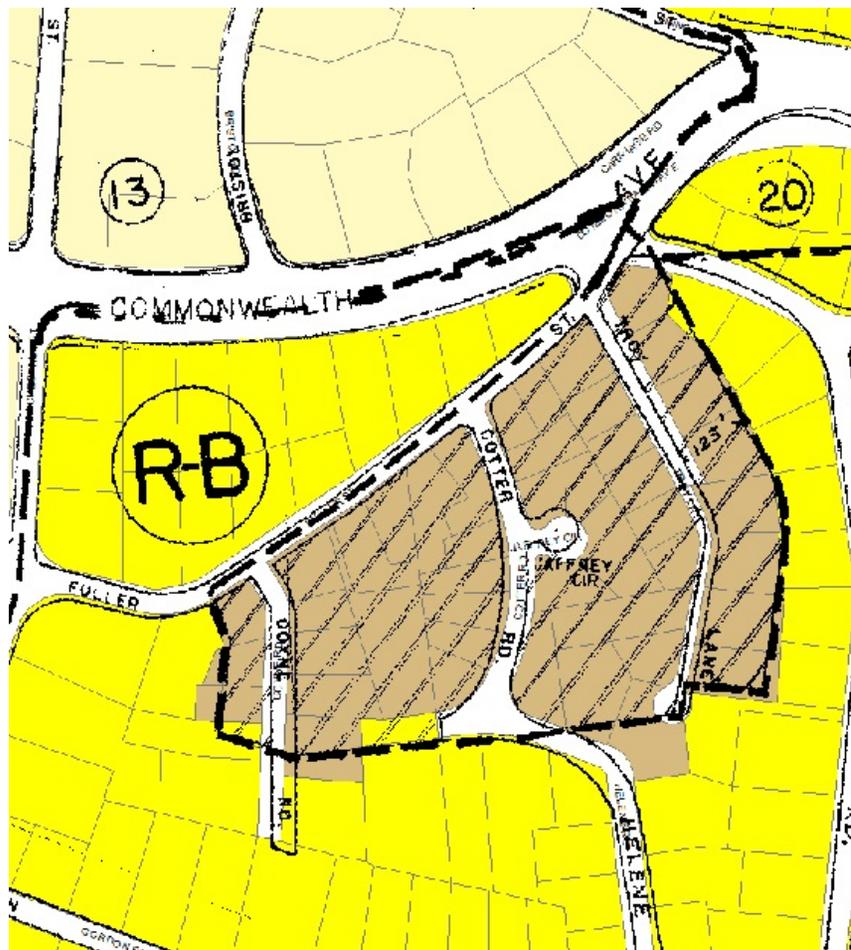
SBL	Address
21022 0018	172 Edinboro St
21022 0019	166 Edinboro St
21022 0020	160 Edinboro St
21022 0021	154-156 Edinboro St

Cotter Rd/Coyne Rd/Troy Lane – Zoning boundary 125' from Troy Lane

Before



After

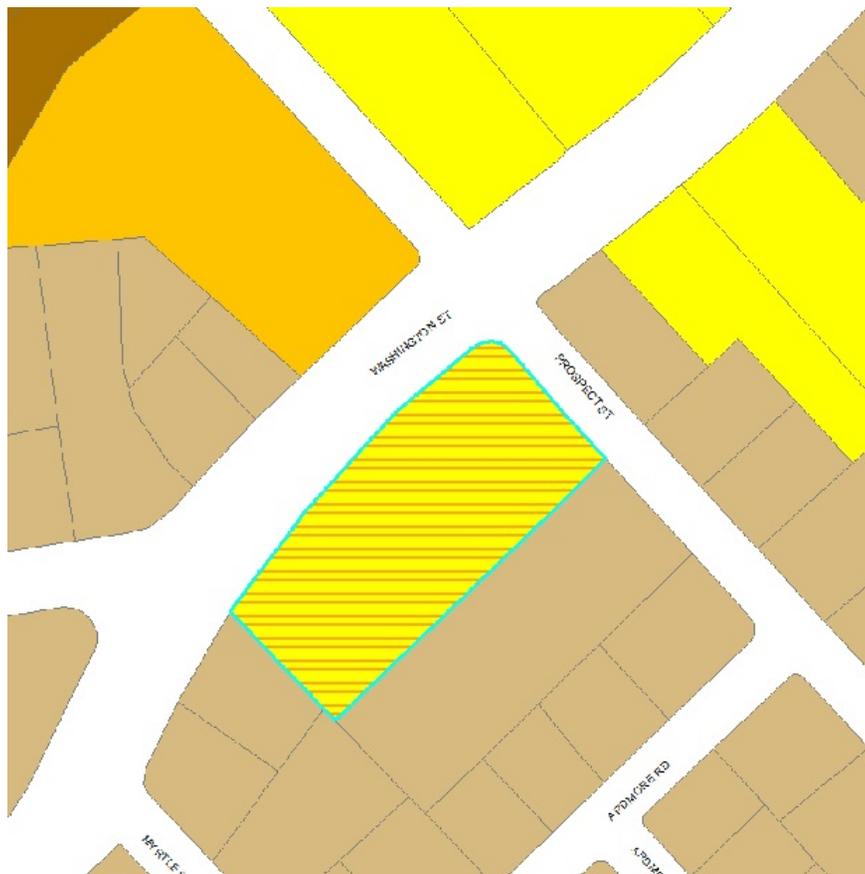


List of properties affected

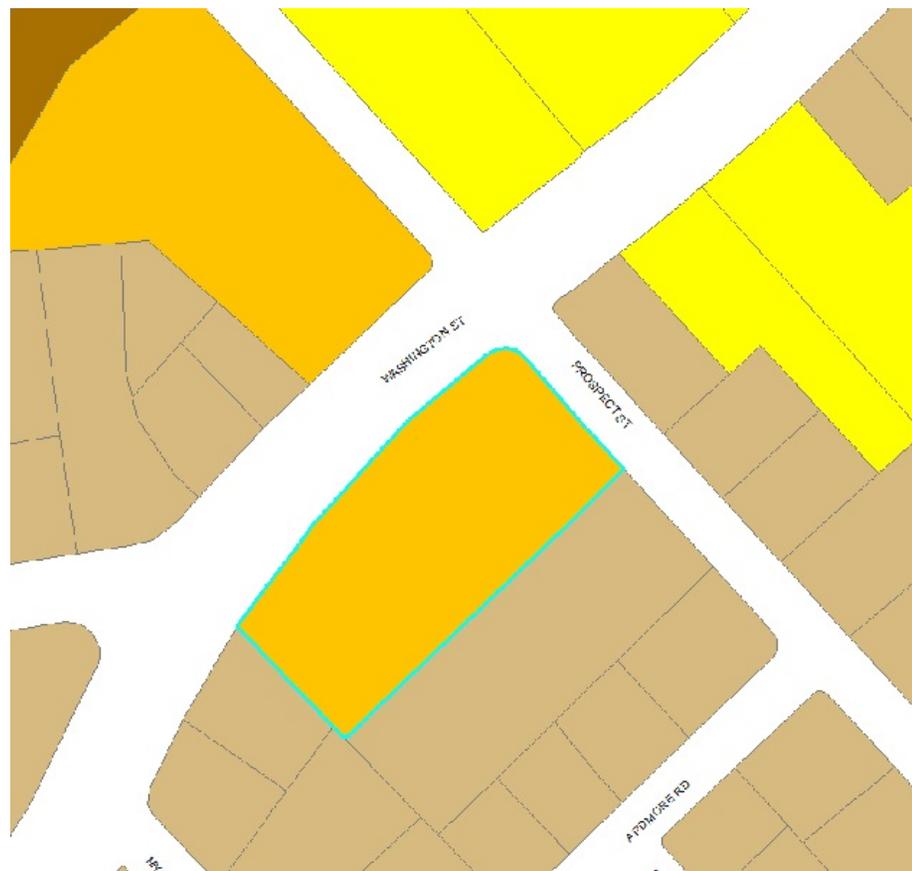
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|------------|-----------------|-------------|----------------|
| 53003 0002 | 202 Evelyn Rd | 53005 0040 | 15 Coyne Rd |
| 53003 0001 | 210 Evelyn Rd | 53005 0041 | 21 Coyne Rd |
| 53004 0012 | 49-51 Helene Rd | 53005 0042 | 29 Coyne Rd |
| 53004 0011 | 41 Helene Rd | 53005 0001A | 28-30 Coyne Rd |
| 53005 0015 | 70 Helene Rd | | |

1522 Washington St – Zoning district is listed as both SR2 and SR3 in Ordinance X-94 (July 12, 2004)

Before



After



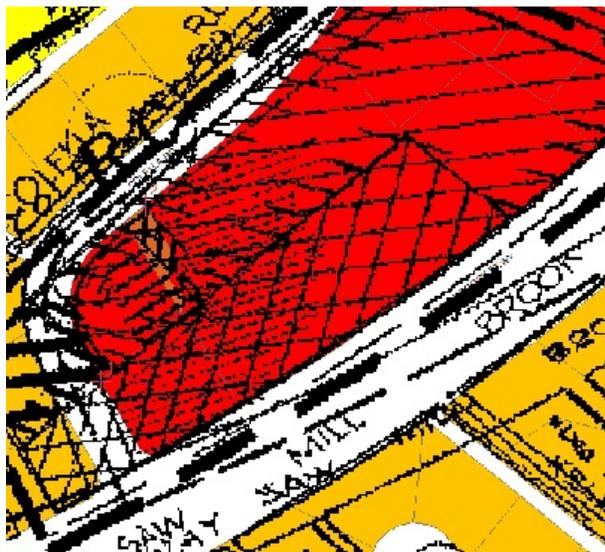
List of properties affected

SBL
32017 0001

Address
1522 Washington St

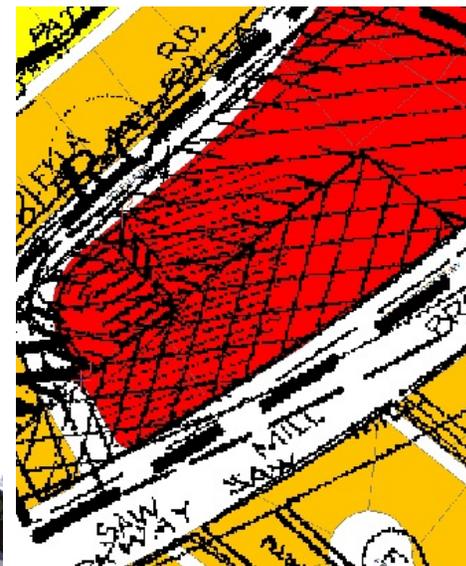
655 Saw Mill Brook Parkway– Small BU2 driveway area created in Business 1 area – Ord. 111 (Aug 1, 1966)

Before

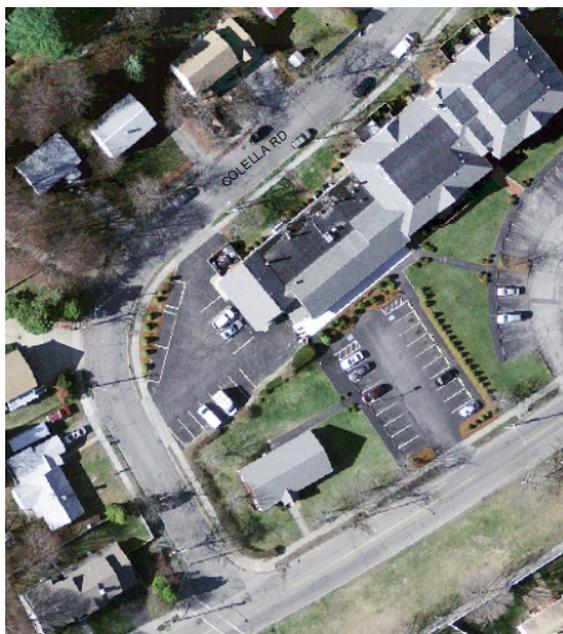


Original Zoning Map

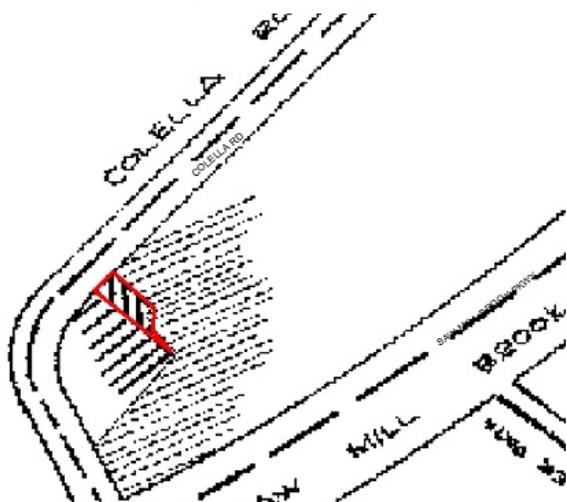
After



Aerial View



List of properties affected



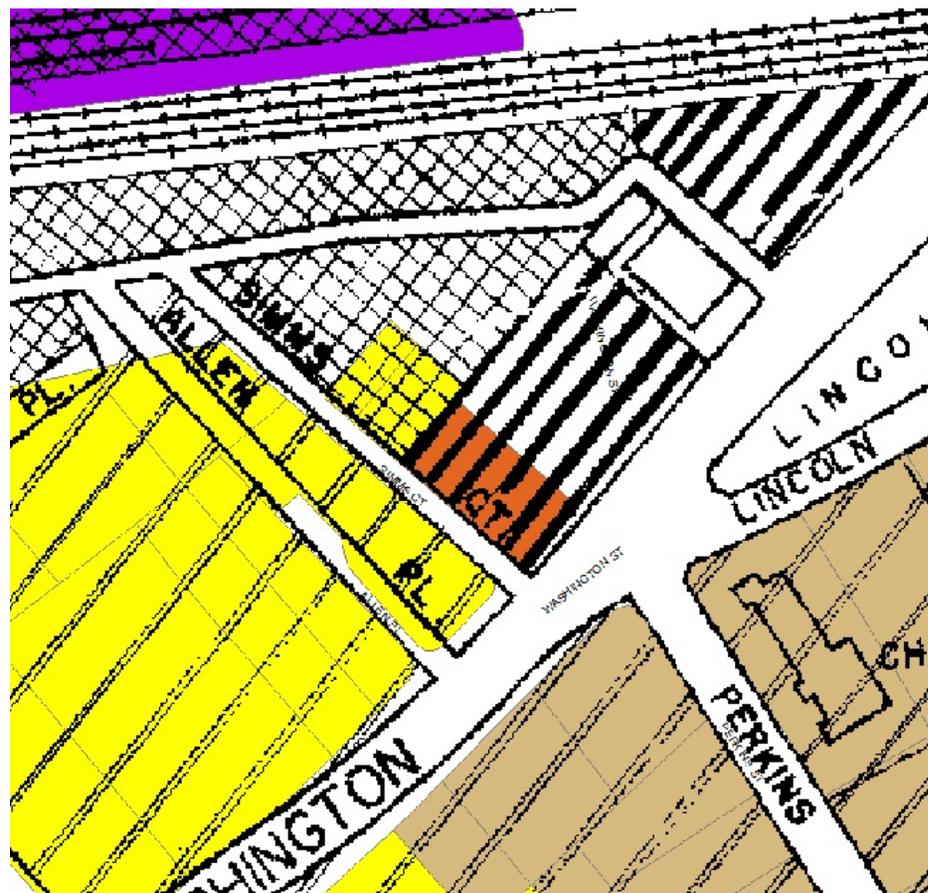
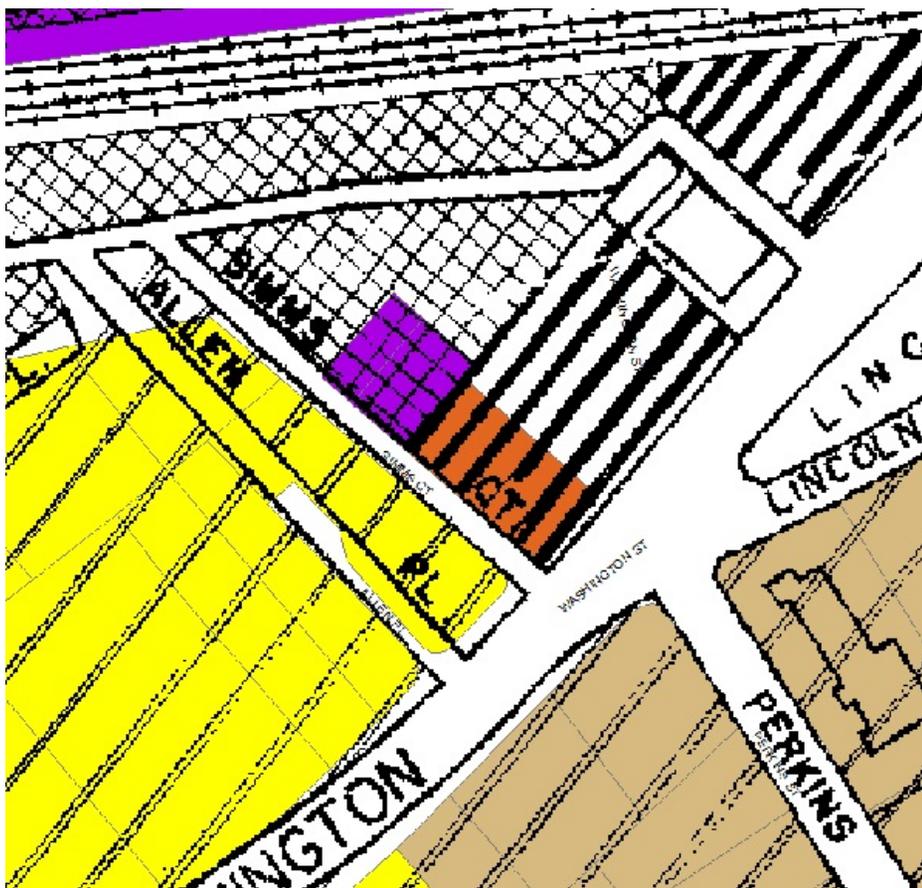
SBL
84015 0006

Address
655 Saw Mill Brook Pkwy

Simms Court – Manufacturing district eliminated by Mass Pike

Before

After



List of properties affected

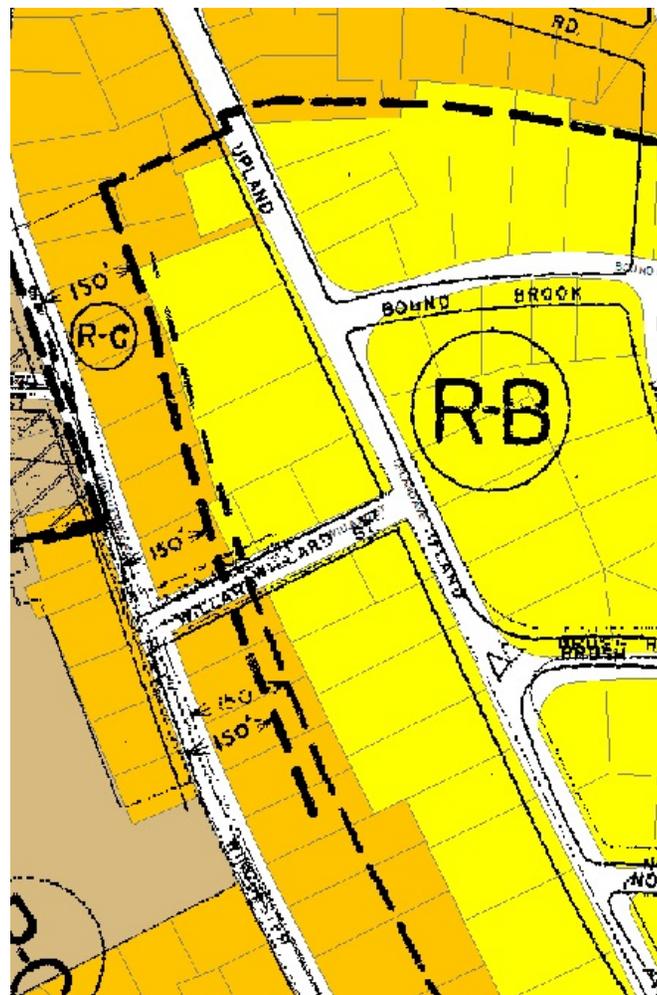
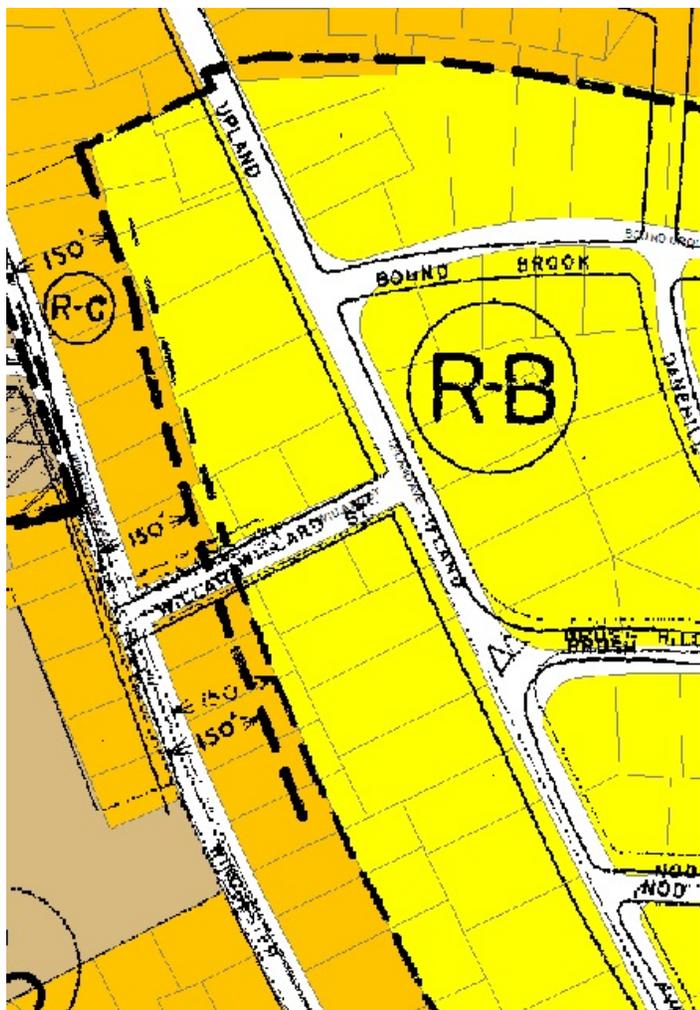
- 33005 0005 15 Simms Ct
- 33005 0006 19 Simms Ct

Winchester St– Zoning boundary is 150' from road

Before

North Section

After



List of properties affected

83020 0020	83 Bound Brook Rd
83020 0019	91 Bound Brook Rd
83020 0018	97 Bound Brook Rd

83019 0012	222 Winchester St
83019 0011	230 Winchester St
83027 0024	284 Winchester St
83027 0023	290 Winchester St
83027 0022	296 Winchester St
83027 0021	302 Winchester St

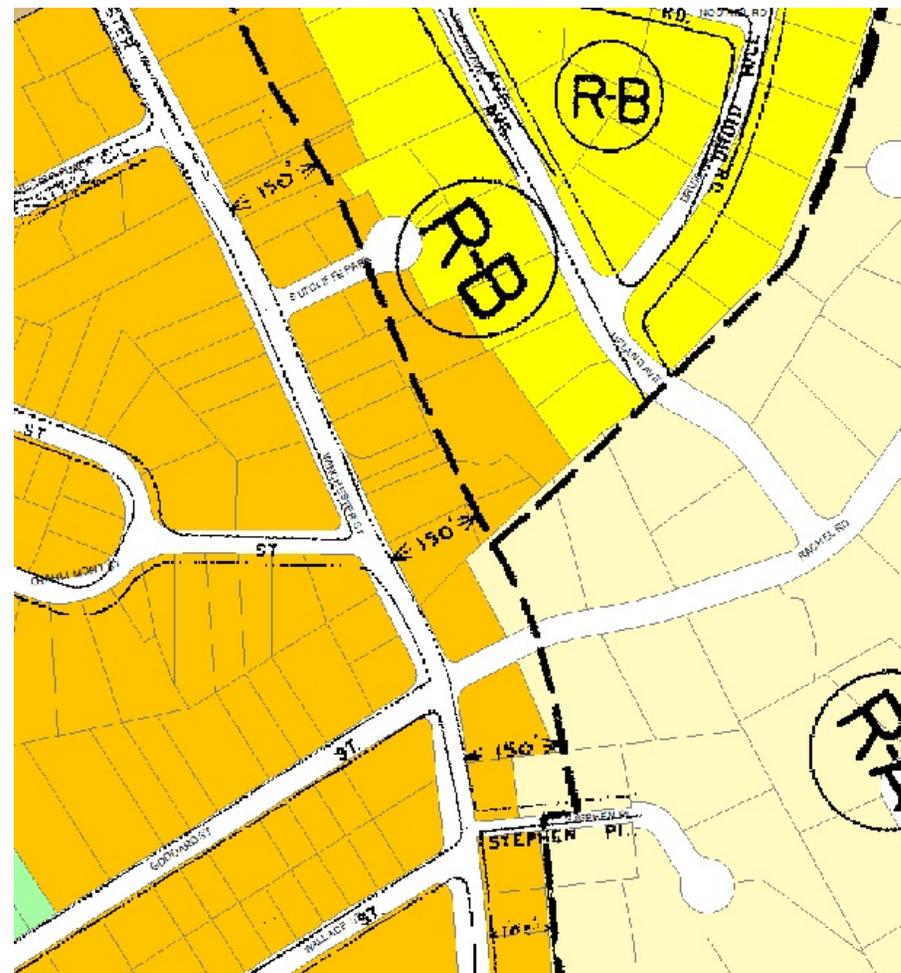
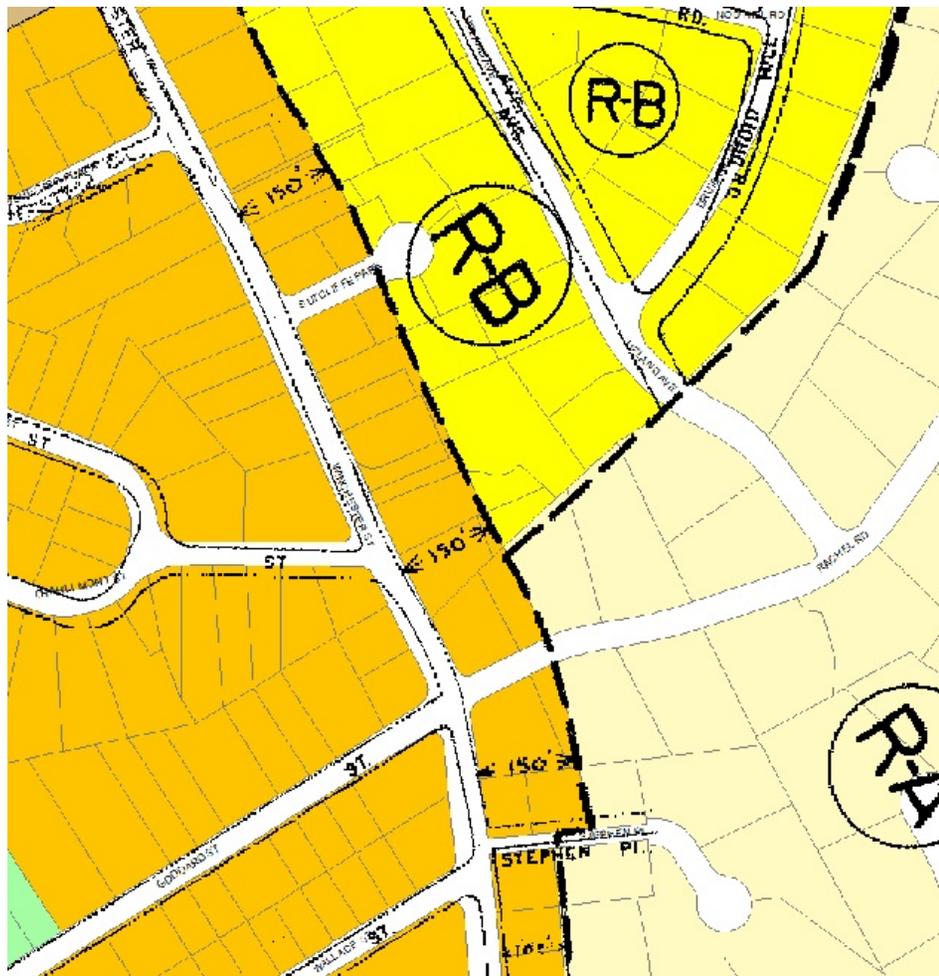
83027 0020	308 Winchester St
83027 0019	316 Winchester St
83027 0018	322 Winchester St
83020 0012	184 Upland Ave
83019 0019	185 Upland Ave

Winchester St– Zoning boundary is 150' from road

Before

South Section

After



List of properties affected

83036 0020	120 Rachel Rd
83036 0043	121 Rachel Rd
83027 0008	11 Sutcliffe Park
83027 0011	12 Sutcliffe Park

83027 0017	332 Winchester St
83027 0016	338 Winchester St
83027 0014A	0 Winchester St
83027 0014	346 Winchester St
83027 0013	350 Winchester St

83027 0006	368 Winchester St
83027 0039	386 Winchester St
83027 0003	390 Winchester St
83027 0001	0 Winchester St
83036 0016	14 Stephen Place



Setti D. Warren
Mayor

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James Freas
Acting Director

MEMORANDUM

DATE: March 6, 2015

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

FROM: James Freas, Acting Director of Planning and Development

RE: #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.

MEETING DATE: March 9, 2015

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

There are two remaining issues for discussion relative to the Zoning Reform Phase 1 draft ordinance; whether to continue to have the Official Zoning Map in paper format or switch to a digital, GIS-based map and whether to include definitions for the terms "lot" and "site" within the ordinance.

Paper or Digital Official Zoning Map

Newton, like many communities, has relied on a paper Official Zoning Map, which is supposed to be periodically updated. Many communities are switching over to digital maps. The benefits of digital maps include:

- A digital map can be viewed from anywhere through a computer or mobile device. The paper map may only be viewed in the one location where it exists.
- A digital map is more easily updated.
- A digital map cannot be lost, damaged, or simply allowed to deteriorate over time.

Newton's GIS data protocols include password protection and daily back-ups to remote servers. As required by the proposed zoning ordinance text, a paper copy will always be kept on file.

Defining Lot and Site

Newton's current zoning ordinance does not define the term "lot" which, as one of the basic units of land use regulation, is a very important term. The current ordinance also lacks a definition for "site," another important term in certain regulatory situations where it must be distinguished from a "lot." Both definitions are proposed for inclusion in the reformatted zoning ordinance for the purpose of clarity. The question was raised as to how these terms were intended to be used and how they might affect other parts of the existing ordinance.

Basically, a "lot" is the single piece of land or property that a person owns, whether it is their intention to live or conduct business there, rent the property to someone else, or develop the property. Owning a lot does not necessarily entitle one to the right to develop that lot. A "site" is one or more lots controlled by one entity or person assembled or acquired specifically for the purpose of development. Site becomes an important term where the ordinance is clearly intending to regulate future development that might occur on one or more assembled lots such as the Open Space Preservation District. In those situations, it is important to be able to differentiate between those requirements that apply to the entire site as opposed to those applying to an individual lot within or created as a part of the development of the site. Again, the fact that one has property that might constitute a site by the definition in no way imparts the right to develop that property.

Proposed Language

Lot

A. Defined. A parcel of land either vacant or occupied intended as a unit for the purpose, whether immediate or for the future, of transfer of ownership, or possession, or for development.

Site

A. Defined. A site is any lot or group of contiguous lots owned or controlled by the same person or entity, assembled for the purpose of a single development.

Other Examples

Lot:

1. A bounded area of land with appropriate frontage on and undivided by a public way intended for the purpose of sale, legacy, or development at any time.
2. A contiguous parcel of land in common ownership throughout, described on the most current plan or written description of metes and bounds filed in the Registry of Deeds bounded on all sides by lot lines.
3. A designated parcel, tract or area of land having its principal frontage upon a street or a place.
4. A single area of land, in one ownership throughout, defined by metes and bounds or boundary lines as shown in a recorded deed or on a recorded plan. The area of a lot shall not include any part of a way, public or private, which adjoins the lot.

5. A parcel of land recorded in a deed or on a plat of record, and fronting on and having access to a public right-of-way, unless otherwise allowed by this ordinance; a lot may include parts of, or be a combination of abutting lots; for the purposes of townhouse and multiple dwelling development, the lot shall be that land enclosed by the project property lines, as defined herein.
 - a. **Project property line.** The boundaries of an entire multi-family, townhouse, or mixed-use development. [This definition approximates the same intent as has been proposed for the Newton Zoning Ordinance through use of the word site.]

6. A “lot” is any individual lot, tract or parcel of land, intended as a single Building site or unit, having an assigned number or numbers, letter or letters, or other name through which it may be identified for development purposes. A “lot” may also be any combination of lots, tracts, parcels or other areas of land established by acceptable legal joinder, delineated by a closed boundary and assigned a number, letter or other name through which it may be identified, intended as a single unit for development purposes.

Next Steps

The Zoning and Planning Committee should decide what form of map to require as the Official Zoning Map and whether to include definitions for the words “lot” or “site”. With that direction, staff will be able to produce the final draft of the Phase 1 Zoning Ordinance for the March 23rd meeting of the Committee.