

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

MONDAY, APRIL 13, 2015

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

**ITEMS SCHEDULED FOR DISCUSSION:**

*A Public Hearing will be held on the following item:*

#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]

#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]

#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]

#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]

---

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.

- #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.

**ITEMS NOT SCHEDULED FOR DISCUSSION:**

Re-appointment by His Honor the Mayor

- #80-15      VINCENT FARINA, 24 Manemet Road, Newton Centre, re-appointed as a member of the ZONING BOARD OF APPEALS for a term to expire September 1, 2017 (60 days 6/5/15)
- #86-15      ALD. CROSSLEY, ALBRIGHT, HESS-MAHAN, & JOHNSON requesting a review and discussion of Community Development Block Grant expenditures and past years' accounting to assess progress in meeting citywide program goals as adopted in the consolidated plan, including creating and sustaining affordable housing, as well as facilities improvements in approved neighborhood districts. [03/30/15 @ 6:02 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]
- #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]
- #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]
- #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]
- #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]

#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]

#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]

#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]

- #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]
- #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*.

**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 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 Intent 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

#376-14  
Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

James Freas  
Acting Director

---

## PUBLIC HEARING MEMORANDUM

**DATE:** April 10, 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:** April 13, 2015

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

---

The City of Newton's Zoning Ordinance is a critically important set of regulations as it is the primary determinant of what residents, business owners, and developers can do with the land they own in the City and it therefore sets the bounds for the future development of the City, affecting economic development, quality of life, and neighborhood character. The Zoning Reform Group was created in the winter of 2010/2011 to consider the existing ordinance and recommend a process for revisions that would bring it into greater consistency with Newton's *Comprehensive Plan* and address identified problems in the ordinance impacting its administration and application. Those recommendations, provided in a report released in December 2011, set in motion the Newton Comprehensive Zoning Reform project, representing the first such reform process in 25 years. The Public Hearing on April 13, 2015 is to consider a draft Zoning Ordinance reflecting the conclusion of Phase 1 of this process.

As defined in the Zoning Reform Group report, Phase 1 focused on reorganizing and clarifying the existing zoning ordinance, setting the stage for future substantive regulatory changes in Phase 2. The primary scope of changes involved the introduction of a greater array of illustrations and tables as well as greater organization and coherency. A number of inconsistencies in the ordinance were addressed and some basic language supporting zoning administration introduced. Overall, the

submitted draft ordinance is a significant improvement to the appearance and use ability of Newton's Zoning Ordinance.

### Docketed Items

A number of existing docket items were identified as issues that could be addressed in the Phase 1 revisions. The table below shows these items and how each was resolved.

	Issue	Docket Number	Resolution
1	Definitions: Common roof & wall connectors & dwelling, two-family	222-13	Not phase 1
2	Clarify definitions of attached dwellings	129-13	Not phase 1
3	Clarify lot width, area, & frontage	220-12	Lot width changed to frontage, table re-organized and clarified.
4	Clarify definition of structure	219-12	Fixed
5	Clarify sideline distance	218-12	Changed to side lot lines
6	Clarify tandem parking stalls	217-12	Fixed
7	Define usable open space	216-12	No Change
8	Define flat & sloped roofs	65-11	Done
9	Revise lot line & structure	154-10(2)	No Change
10	Define lot area and setback line	154-10	Done

### Significant Amendments

As the intent of the Phase 1 revision was strictly organization and presentation of the Zoning Ordinance, there are very few changes that might be considered significant or substantive. Two of the more important changes are switching to a GIS based digital official zoning map, consistent with the objective to modernize and internet-enable Newton's Zoning Ordinance, and the introduction of specific language to guide the interpretation of land uses, which is relatively standard administrative language that did not previously exist in Newton's ordinance.

Work was also put into consolidating and more clearly defining land uses as there were a number of inconsistencies and conflicts that became apparent with all land uses were put into tables. One of the better examples of this type of change was the consolidation of manufacturing type uses into one manufacturing category. Another example is in the 'places of assembly', which was defined as clubs, theatres, halls and similar uses. In other parts of the ordinance, clubs, theatres, and halls were spelled out individually, leading to inconsistencies. As a result, 'places of assembly' was removed as a use and a definition and the individual uses are now used throughout the ordinance.

### Look-up Table

The Planning Department has created a Look-Up Table on the Zoning Reform website, that can be used as a cross referencing tool for the Zoning Reform - Phase I project to look up content from the City's existing Zoning Ordinance and see where it can be found in the proposed Phase 1 Zoning Ordinance. <http://www.newtonma.gov/gov/planning/lrplan/zoning/zoningref.asp>

### Next Steps

Following the public hearing, the Planning Department will generate a final Phase 1 Zoning Ordinance. The Department recommends that the Zoning and Planning Committee vote on this project at a following working session meeting.



Setti D. Warren  
Mayor

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

**#426-13**  
Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
[www.newtonma.gov](http://www.newtonma.gov)

James Freas  
Acting Director

---

## MEMORANDUM

**DATE:** April 10, 2015

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

**FROM:** James Freas, Acting Director of Planning and Development  
Eve Tapper, Acting Associate Director of Planning and Development  
Judith Menon, Community Development Programs Manager  
Lydia Scott, Community Development Planner

**RE:** #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.

**MEETING DATE:** April 13, 2015

**CC:** Board of Aldermen  
Planning and Development Board

**BACKGROUND:**

During the spring and early summer of 2014, Community Development and Housing Division staff held a series of meetings to assess the needs of the community with regard to affordable housing, homelessness and homelessness prevention, persons with disabilities, older adults, neighborhood improvements and low- and moderate-income (LMI) households. These needs were confirmed by the Planning and Development Board at its October 21<sup>st</sup> meeting. During the subsequent fall and early winter, staff developed a combination of strategies to use our Community Development Block Grant (CDBG), HOME, and Emergency Solutions Grant (ESG) funding to meet the community's priority needs. These strategies were presented to the Planning and Development Board at its February 10<sup>th</sup> meeting. At that time, the Board made several suggested revisions. Staff incorporated the Board's comments into the final draft of the Consolidated Plan and the Board recommended approval of the Plan on March 2<sup>nd</sup>. Following this action there was a 30-day public comment period which closed on April 1<sup>st</sup>. The current draft of the Plan (on the Consolidated Plan page of the City's website and not attached because it is over 250 pages long) incorporates additional changes made based on consideration of the many comments received. The Consolidated Plan can be found at <http://www.newtonma.gov/civicax/filebank/documents/65555>

**EXECUTIVE SUMMARY OF FY16-20 CONSOLIDATED PLAN:**

Community Development Block Grant (CDBG) funding in Newton has traditionally been allocated first to five general categories: Housing/Homelessness; Human Services/Public Services; Accessibility; Neighborhood Improvements; and Program Administration. Within these categories, specific projects or activities are funded based on the priorities established in our Consolidated Plan and Annual Action Plans. There was some discussion during the planning process that these general allocations should be changed. However, there was no consensus among the interested parties as to what is a more appropriate division of funds among these broad categories. Therefore, staff recommends that these percentages remain the same in the FY16-20 Plan. Nonetheless, except for Human Services/Public Services and Program Administration for which spending is capped, funding can be moved in and out of other general categories as needed for particularly crucial or time sensitive projects through the substantial amendment process.

Human Services/Public Services

For both Program Administration and Human Services/Public Services, we intend to maximize our allotments to meet the caps allowed by HUD – 20% and 15%, respectively. For FY16-20, our Human Services/Public Services allocations will be based on an analysis of responses to annual Request for Proposals (RFPs). The FY16 RFP reiterated the City's priority needs for programs and services, which will help LMI residents move toward self-sufficiency. The City recently adopted the Brookings Institute's "Benchmarks for Success from the Social Genome Model." The RFP asked respondents to indicate how each of their programs would help children and families meet these benchmarks as well as to set measurable outcomes that would be met using CDBG funding. In subsequent fiscal years, applications from these same respondents will be judged on how well these outcomes and benchmarks have been met.

Infrastructure Improvements

Allocations for Accessibility and Neighborhood Improvement projects are primarily spent on infrastructure improvements. A total of 10% of each year's annual CDBG grant will be allocated towards these types of projects. Five percent is earmarked for accessibility improvements, which include upgrading sidewalks, curb cuts, intersections, parks and public facilities and buildings to make them manageable for persons with disabilities. Neighborhood Improvement projects (5%) dovetail well with these accessibility improvements and are used to upgrade facilities and community amenities in target neighborhoods – defined in this plan as areas with a relatively high percentage of LMI in the City.

Housing

Approximately 55% of Newton's annual CDBG funding is allocated to the Affordable Housing/Homelessness category. This funding is used primarily to facilitate rehabilitation and conversion of existing housing into deed-restricted affordable housing units for LMI. The City also administers an extensive rehabilitation grant and loan program which allows income-eligible homeowners to bring their homes into health, safety and building code compliance. For

FY16-20, this program will be expanded to target code compliance for pre-existing accessory apartments. Rental income from these apartments can help LMI owners make payments to keep their homes and also offer “naturally affordable” small housing units that are identified in the Needs Assessment chapter as a means toward encouraging diversity in the City’s housing stock. Amendments to the City’s Zoning Ordinance can also be an effective way to encourage the production of new and converted affordable housing units. Over the next five years, City officials will continue to pursue changes to the Ordinance with regard to inclusionary housing fees, by-right multi-family housing and the creation of a housing trust fund. Many of these changes will not require the appropriation of federal funds, but will go a long way toward complementing the City’s other strategies and funding allocations to create affordable housing units.

Finally, Economic Development activities in Newton are proposed to be funded through existing revolving loan funds and are not recommended in this Consolidated Plan to receive an annual allocation from the federal grant. Nonetheless, the primary economic activity need identified in the planning process is job training for both LMI and persons with disabilities. This Consolidated Plan proposes the design and implementation of a public-private partnership geared toward job training/job creation.

#### **FY16 ANNUAL ACTION PLAN:**

In addition, each year the Division staff must submit an Annual Action Plan to the Department of Housing and Urban Development (HUD) outlining how we intend to spend our federal entitlement funds. This memo also includes an Executive Summary of the Annual Action Plan (AAP), which was written after the Consolidated Plan chapters were vetted and approved by the Planning Board.

#### **EXECUTIVE SUMMARY:**

In FY16 CDBG funding will be divided into five general categories: Housing/Homelessness (55%), Human Services/Public Services (15%), Neighborhood Improvements (5%), Architectural Access (5%), and Program Administration (20%). In addition, we will reprogram our existing economic development revolving loan funds. Selected projects are funded based on the priorities and needs determined for each category in our FY16-20 Consolidated Plan as follows:

##### *Housing/Homelessness*

In FY16, CDBG funding allocated to the City of Newton will continue be used for a variety of activities with respect to affordable housing. First and foremost, the City’s Planning and Development Department will work to develop a City-wide Housing Strategy. This strategy will identify approaches and actions that will enable the City to reach its goal of achieving 10% of Newton’s housing stock affordable to low- and moderate-income households by 2021. It is the City’s expectation that the strategy will identify desirable locations for affordable housing and will consider financing strategies to support affordable housing development. The strategy will also identify potential sites for the location of nine to twelve units of permanent supportive housing for chronically homeless individuals with disabilities. These units could be created either on one site or on several scattered sites throughout the City.

We will also continue to consider funding the creation of new affordable housing units as developments are proposed and as resources are available. Further, if the Tenant-Based Rental Assistance (TBRA) pilot program initiated in FY15 proves to be successful, the Division will issue another voucher in FY16. The TBRA Program is designed to help formerly homeless families living in overflow emergency shelters to be able to afford to live in the City. Staff will continue to explore opportunities to partner with the Massachusetts Rental Voucher Program. Finally, staff will continue marketing and administering the Housing Rehabilitation program and will expand the program to target the rehabilitation of existing accessory apartments that require repairs to ensure resident health, safety and building code compliance.

In addition to the specific construction and rehabilitation projects noted above, in FY16 staff will develop a program to encourage production of more affordable housing units through inclusionary zoning. City staff will also be trained in the fair housing obligations of the City and will in turn develop and host programs to educate elected officials, decision makers and the general public about these obligations.

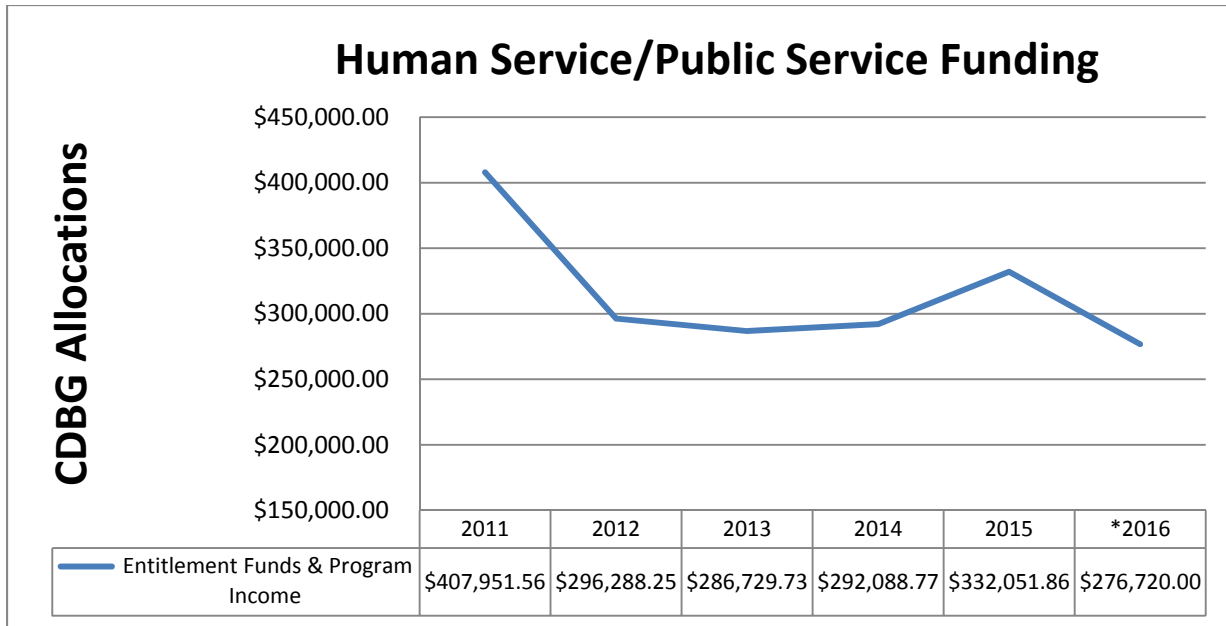
With respect to the Emergency Solutions Grant (ESG), this funding will be distributed through an RFP process for local agencies to provide shelter services, supportive services, rapid re-housing and transitional housing to homeless individuals and families and those who are at-risk of homelessness.

#### *Human Service Grant Allocations*

The FY16-20 Consolidated Plan changed Human Service grant funding from five years to one year. This change allows the City greater flexibility to direct funds to organizations and projects that best meet the needs of Newton LMI residents.

Annually, 15 percent of CDBG allocation and CDBG program income from the prior year is used to fund Human Service Programs. During FY16, staff estimates there will be \$276,720 in CDBG funding. This is a 16% decrease from the \$332,051 allocated in FY15. The chart below compares funding levels for Human Service Programs over the last six years.





In December 2014, a request for proposals (RFP) for the FY16 CDBG Human Service Grant Program was issued for the purpose of soliciting applications from nonprofit and municipal organizations providing public service activities to low-and moderate-income individuals and families in Newton. The focus of the RFP was to meet the needs identified during the needs assessments. The deadline to submit proposals was January 12, 2015. The City received 25 applications, totaling \$693,000 in requests.

The Planning Board approved funding to 15 different organizations in support of 20 programs to assist low- and moderate-income residents as well as persons with disabilities and seniors. A list of the recipients is included as Appendix A attached to this memo.

*Neighborhood Improvements & Architectural Access*

Throughout the Consolidated Plan process, staff considered making revisions to the process for funding infrastructure improvement projects (including neighborhood improvements and architectural access). Various proposals were presented during public meetings throughout early 2015 to receive feedback and comments from the existing citizen advisory bodies for these project categories. The changes discussed included a consolidation of the funding pools and advisory committees to better serve unmet needs across the City. However, staff received many public comments on this issue, and will keep the funding pools and advisory roles for neighborhood improvements and accessibility projects separate. An additional target neighborhood and advisory committee for the newly-eligible area of Upper Falls will be created, and the five-year funding cycle will be revised accordingly.

Since the process for approval of any changes to funding structure was being developed for the City’s Citizen Participation Plan and FY16-20 Consolidated Plan, any revisions to the system were not in place in time to choose specific projects to be funded in FY16 in time for their

inclusion in the FY16 Annual Action Plan. Nonetheless, there was agreement to commit 5% of the total CDBG grant allocation to neighborhood improvements projects, and 5% to accessibility projects. The specific projects will be determined within the first quarter of FY16 and will be approved by substantial amendment. Upper Falls will be the target neighborhood to receive funding in FY16.

*Economic Development*

Finally, the FY16-20 Consolidated Plan sets a goal for job training and job creation for low- and moderate-income individuals (LMIs). In FY16, staff will forge partnerships with local businesses and institutions and will develop a program to train LMIs individuals for available jobs in the community. It is our goal to capitalize this program in FY17 and beyond.

**STAFF RECOMMENDATION:**

Approve the FY16-20 Consolidated Plan for Newton and the WestMetro HOME Consortium and the Annual Action Plan for Newton and the WestMetro HOME Consortium for submittal the US Department of Housing and Urban Development.

**NEXT STEPS:**

The Mayor will submit both Plans to HUD on or before May 15, 2015 in order for the City and the HOME Consortium members to continue to receive CDBG, HOME and ESG funding.

FY16 Human Services Program		July 1, 2015-June 15, 2016				
FY16 Estimated CDBG \$ (including Program Income)		\$ 276,720.00				
Organization	Project	Amount Requested	Previous Allocation	Staff Recommendation	HSAC Recommendation	P&D Final Recommendation
Boys and Girls Club of Newton, Inc.	Summer Camp Financial Aid	\$ 5,500.00	\$ 2,274.00	\$ 5,500.00	\$ 5,500.00	\$ 5,500.00
Boys and Girls Club of Newton, Inc.	Teen Programming	\$ 7,000.00	\$ 4,490.00	\$ 7,000.00	\$ 7,000.00	\$ 7,000.00
Charles River Association for Retarded Citizens, Inc.	Stipends for Moderate and Low-Income Newton Families	\$ 10,000.00	\$ -	\$ -	\$ 3,000.00	\$ 3,000.00
Newton Dept. of Hlth and Human Svc	Riverside Newton Youth Outreach Program	\$ 32,000.00	\$ 14,494.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
Family Access of Newton (Newton Community Service Center)	Counseling and Consultation Services	\$ 24,000.00	\$ 23,703.00	\$ 24,000.00	\$ 24,000.00	\$ 24,000.00
Family Access of Newton (Newton Community Service Center)	The Early Learning Center Scholarship Fund	\$ 50,000.00	\$ 15,574.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00
Family Access of Newton (Newton Community Service Center)	Early Literacy Services, School Readiness and Parent Support for At-Risk Families	\$ 5,000.00	\$ 4,092.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
Horace Cousens Industrial Fund	Payment of Rent and Utility Bills	\$ 15,000.00	\$ 13,432.00	\$ 7,500.00	\$ 10,000.00	\$ 10,000.00
Jewish Community Housing for the Elderly	CaringChoices	\$ 15,000.00	\$ 10,095.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
Jewish Family & Children's Service	Stabilization and Recovery Service for People with Persistent Mental Illness	\$ 30,554.00	\$ -	\$ 20,000.00	\$ 17,500.00	\$ 17,500.00
Newton Community Development Foundation	NCDF Resident Services Program	\$ 36,000.00	\$ 19,473.00	\$ 22,000.00	\$ 22,000.00	\$ 22,000.00
Newton Department of Senior Services	Newton Senior Services Program Coordinator	\$ 21,000.00	\$ 17,620.00	\$ 17,500.00	\$ 16,250.00	\$ 16,250.00
Newton Department of Senior Services	Social Services Case Management Program	\$ 86,488.00	\$ 24,578.00	\$ 24,500.00	\$ 23,250.00	\$ 23,250.00
NWW Committee For Community Living, Inc.	NWW Wednesday Night Drop-In	\$ 7,100.00	\$ 4,996.00	\$ 7,100.00	\$ 7,100.00	\$ 7,100.00
REACH Beyond Domestic Violence, Inc.	Individual Support and Advocacy Program, including Emergency Hotline	\$ 10,000.00	\$ 3,809.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
Riverside Community Care	Riverside Outpatient Center at Newton Mental Health and Substance Abuse Recovery Program	\$ 17,620.00	\$ 17,620.00	\$ 17,620.00	\$ 17,620.00	\$ 17,620.00
Riverside Community Care	Riverside Family Crisis Stabilization Team	\$ 5,500.00	\$ 4,263.00	\$ 5,500.00	\$ 5,500.00	\$ 5,500.00
The Second Step	Residential and Community Programs	\$ 70,000.00	\$ -	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
West Suburban YMCA	Newton Teen Center	\$ 39,500.00	\$ 33,144.86	\$ 33,000.00	\$ 33,000.00	\$ 33,000.00
The Newton Partnership	Child Care Scholarship Fund	\$ 25,000.00	\$ 11,471.00	\$ 12,000.00	\$ 12,000.00	\$ 15,000.00
<b>TOTAL</b>		<b>\$ 512,262.00</b>	<b>\$ 225,128.86</b>	<b>\$ 273,220.00</b>	<b>\$ 273,720.00</b>	<b>\$ 276,720.00</b>





Setti D. Warren  
Mayor

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

#6-15  
Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

James Freas  
Acting Director

---

## PUBLIC HEARING MEMORANDUM

**DATE:** April 10, 2015

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

**FROM:** James Freas, Acting Director of Planning and Development

**RE:** #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.

**MEETING DATE:** April 13, 2015

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

---

Many planners and urban designers talk about the idea of “The right building in the right place,” basically referring to the simple principle that building design matters and one should not place buildings in locations where they are entirely out of context with their surroundings. In a number of ways, many of the issues raised about development activity in Newton relate back to this principle. Large houses, inappropriate two-family designs, and similar issues are a product of Newton’s current zoning ordinance which is significantly out of date and lacks the tools necessary to address these issues.

Based on the discussion at the Zoning and Planning Committee meeting on February 9, 2015, the Planning Department has developed an RFP seeking consultant support for a Context-Based Zoning Ordinance. The basic idea of a context-based zoning ordinance is that property owners should not be surprised by the building that is built next door. Unless an area is subject to a clear decision to transform, one should be able to predict the character of new buildings based on what is already there.

### **What is context based zoning?**

Context-based zoning places greater emphasis on the design elements of zoning over more traditional zoning ordinances such as Newton's. This type of ordinance is more specific about issues of building scale, setback, and height – rather than simply setting minimums or maximums, in many cases precise ranges are identified. Generally, these ordinances do not regulate architectural style, addressing only the aspects of building design relating to scale, mass, and placement relative to the street. Land uses are still regulated in these codes similar to traditional zoning ordinances.

### **What are building types and how are they used as a tool for regulation in a Zoning Ordinance?**

One of the principle tools of a context-based zoning ordinance is the use of “building types.” The basic idea behind the use of building types to regulate development is the recognition that a given use, such as a bookstore, can be developed as a small storefront in a village-like setting or as a big-box store surrounded by parking. While a traditional zoning ordinance would essentially treat these two examples as essentially the same and allow them in the same places, a context-based zoning ordinance recognizes that they are very different and belong in different places. Building types are used to indicate, for example, that a ‘small retail building type’ belongs in the area zoned as a village center and the ‘big box retail building type’ belongs out by the highway.

### **What is a pattern book?**

A “pattern book” is a common term for a document that provides an analysis of a community's built form. Beginning at a citywide level, the document would describe the development patterns of the City such as the way different neighborhoods or villages vary in their lot sizes, densities, and building scale. This analysis forms the basis for understanding neighborhood context and therefore becomes the means of defining zoning district boundaries that correspond to Newton's built environment. From the City-wide level, a pattern book then drills down to individual buildings, describing each of the basic building types that make up the City's neighborhoods and commercial areas. Lot size, height, building mass, and setbacks are all explored. With this information, a palette of building types is created that can then be codified into the Zoning Ordinance. Beyond being the raw material from which a context-based zoning ordinance can be created, a Pattern Book can also be used as the basis for forming conservation districts or other policies or regulations that might spring from a clearer understanding of Newton's existing buildings and neighborhoods.

### **Resources**

One of the better examples of a context-based zoning ordinance is the new Denver Zoning Ordinance. Their website has a short video on the concept and a number of resources explaining their code.

<https://www.denvergov.org/cpd/CommunityPlanningandDevelopment/Zoning/DenverZoningCode/tabid/432507/Default.aspx>

The City of Norfolk, VA has used patterns books to guide infill development and shape the redevelopment of strategically important areas of the City. While the example pattern books on their website are tailored to their needs, and are therefore different than what is proposed for Newton, they provide examples of the concept and how this tool can be used.

<http://www.norfolk.gov/index.aspx?NID=1086>

The Hampton, VA Buckroe Pattern Book was used as the basis for a new zoning district.

<http://www.hampton.gov/DocumentCenter/View/88>

# DRAFT

## City of Newton Zoning Reform Project

### NARRATIVE DESCRIPTION

The City of Newton, Massachusetts seeks a qualified consultant(s) to provide expertise and assistance to the City of Newton Planning and Development Department and Board of Aldermen in developing a context-based zoning ordinance. The selected consultant(s) must have expertise in the theory and practice of urban/suburban design and zoning.

#### Project Context

A city of approximately 85,000 people adjacent to Boston, Newton benefits from a prime location with good transportation access to the region's job centers in Boston, Cambridge, and the Route 128 corridor and an excellent public school system. The City also represents an ideal mixture of good community design with a number of historic walkable and transit-oriented village centers, attractive neighborhoods, and beautiful parks. These amenities have made Newton a highly desirable community and, coupled with the strong regional economy, there is a high demand for new residential and business development. The fact that the community is changing under these influences, and will continue to do so as the City's demographics, transportation choices, and businesses evolve over time, has led to the understanding that the City needs a detailed planning effort, beyond that of the 2007 Comprehensive Plan, that prepares the City for these changes and results in a new context-based zoning ordinance that provides fair and predictable control to protect Newton's essential character and quality of life.

A context-based zoning ordinance is understood as one that recognizes the current built environment of the City, embodies that in Newton's code, and provides guidance and rules for development, redevelopment, and expansion that is consistent with that existing context, or with the desired context in those areas where more significant change is necessary. Newton's current ordinance is based on a 1953 model and has little relationship to the existing built environment of the City, resulting in development out of context with surrounding neighborhoods and a community that is estimated at being 80% nonconforming. Across the City, large "monster" homes dwarf neighboring homes; large two-family homes are awkwardly squeezed onto narrow lots; hard transitions between areas of different densities or intensities of use mar the quality of neighborhoods, especially where commercial areas meet residential; commercial redevelopment projects present inconsistent design quality; and the decision-making process presents uncertainties and significant expenses for small businesses and residents.

The City has already completed Phase 1 of the Zoning Reform project which was to modernize, clarify, and reorganize the existing Newton Zoning Ordinance. Information on this project can be found at <http://www.newtonma.gov/gov/planning/lrplan/zoning/zoningref.asp>.

#### Project Description

The City envisions a four part process for the completion of Newton's Zoning Ordinance. Ultimately, there will be two major deliverables, a Newton Pattern Book describing the existing patterns of development and building types in the City that make up its urban fabric and the Zoning Ordinance itself, based on the findings of the pattern book.

1. Project Initiation. This project will be led jointly by the Board of Aldermen and Planning Department. Initial meetings will be necessary to identify the specifics of the scope of work, with a particular emphasis on a community engagement program that includes robust online tools, community workshops, and other tools for collecting input. This scope of work and community engagement program will be presented to the Board of Aldermen.
  - a. While the City anticipates this process to move forward expeditiously, there are a number of issues that require immediate attention. The consultant will work with the Board to identify those issues and develop short term strategies to address them. These strategies may be subject to change as the process unfolds and a coherent and consistent new zoning ordinance is developed.
2. Newton Pattern Book. The pattern book serves as the foundation of the context-based zoning ordinance as well as a guide for property owners on appropriate design considerations for Newton's diverse neighborhoods and village centers.



# DRAFT

- a. Beginning at the city-wide scale, it should look at development patterns embodied in land uses (village scales, commercial corridors, neighborhoods with similar lot and building characteristics, etc). The areas identified would form the basis for zoning districts in the ordinance. A transect-based approach may be appropriate.
  - b. The pattern book should also inventory building types present in Newton, describing common characteristics in lot and building dimensions and other pertinent features. This information would form the basis for dimensional regulations assigned to building types in the zoning ordinance. Additional building types potentially appropriate for Newton but not currently present should also be considered.
  - c. This work should include a multi-day workshop or charrette that shares with the community these design ideas and creates an opportunity to explore variations on the City's development patterns. Identifying areas where change to the existing context might be desired should be part of this exercise.
3. Draft Zoning Ordinance. The primary task in this part is to codify the results of the pattern book into a context-based zoning ordinance, incorporating ideas and approaches from Form-Based Codes. Some of the particular issues that will need to be addressed include updating and consolidating the use table, updating the sign regulations, incorporating landscape standards, updating parking requirements, better management of institutional uses as allowed under Massachusetts law, creating better transitions between districts, clarification of review processes, and improved site development and environmental regulations.
  4. Final Zoning Ordinance. The selected consultant will participate in the final adoption process after the draft zoning ordinance is submitted. This process will include a series of meetings with the Zoning and Planning Committee of the Board of Aldermen, a public hearing, and a presentation of the final ordinance to the entire Board of Aldermen.

## Timeline

Subject to negotiation, the City anticipates the Newton Pattern Book to be completed within six months of project initiation. The draft zoning ordinance should be complete within 18 months of project initiation.