

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

MONDAY, MAY 11, 2015

7:45 PM

Room 205

PLEASE BRING YOUR BUDGET AND CIP BOOKS

ITEMS 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)

#97-15 HIS HONOR THE MAYOR requesting Board of Aldermen approval of a conservation restriction for the Waban Hill Reservoir property located in Chestnut Hill, pursuant to the provision of Chapter 153 of the Acts of 2013, as a condition of sale to the City. [04/13/15 @ 11:32AM]

BUDGET AND CIP DISCUSSION

CPA ADMINISTRATION

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

#375-14(2) HIS HONOR THE MAYOR submitting in accordance with Section 5-1 of the City of Newton Charter the FY16 Municipal/School Operating Budget totaling \$361,997,264 passage of which shall be concurrent with the FY16-FY20 Capital Improvement Program (#375-14). [04/15/15 @ 5:08 PM]
EFFECTIVE DATE OF SUBMISSION 04/21/15; LAST DATE TO PASS THE BUDGET 06/05/15

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 FINANCE AND APPROPRIATE COMMITTEES

#375-14(4) HIS HONOR THE MAYOR submitting the FY 2016 – FY 2020 Supplemental Capital Improvement Plan. [04/15/15 @ 4:57 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.

#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]

#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]

Public Hearing continued 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]

#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]

#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 YET SCHEDULED FOR DISCUSSION:

- #107-15 HIS HONOR THE MAYOR requesting discussion of approaches to create middle income housing as a means of allowing City of Newton employees the opportunity to live in the community in which they work. [04/24/15 @ 2:38PM]
- #108-15 HIS HONOR THE MAYOR requesting consideration of changes to the Zoning Ordinance that would facilitate the creation of accessory apartment units, supportive of Newton’s seniors. [04/24/15 @ 2:38PM]
- #109-15 HIS HONOR THE MAYOR requesting consideration of changes to the inclusionary housing provisions of the Zoning Ordinance to increase the required percentage of affordable units to 20% with the additional 5% set aside for middle income households. [04/24/15 @ 2:38PM]
- #110-15 HIS HONOR THE MAYOR requesting discussion of The Smart Growth Zoning Overlay District Act M.G.L. Chapter 40R and its potential application in Newton. [04/24/15 @ 2:38PM]
- #95-15 ALD. CROSSLEY, JOHNSON, LEARY, HESS-MAHAN, DANBERG, ALBRIGHT AND BLAZAR requesting a discussion with the Planning Department to consider the mix of uses in the Wells Avenue Office Park, with and without a second egress to the site, pursuant to the recent MAPC study recommending a strategic introduction of retail and restaurant uses to attract and sustain healthy commercial uses, and some number of residential units sufficient to support an economically viable and vibrant mixed use environment. [04/13/15 @ 2:46PM]
- #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]

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

- #103-15 COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of one million fifty-seven thousand dollars (\$1,057,000) from the Community Preservation Fund to the control of the Director of Planning & Development, to create additional units of permanently affordable housing through the Newton Homebuyer Assistance Program, as described in the proposal submitted in March 2015. 04/13/15 @ 10:18 AM]

REFERRED TO ZONING & PLANNING, LAND USE AND FINANCE COMMITTEES

- #104-15 ALD. JOHNSON, LAREDO, AND GENTILE requesting a report from the Planning Department with the following information: How many of the affordable units developed at Commonwealth Avenue, Pearl Street, and Eddy Street qualify to be included on the State's Subsidized Housing Inventory List. If a property is not currently on the list, what can be done to make it eligible. [04/09/15 @ 12:00PM]
- #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]
- #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 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]
- #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, 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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February 6, 2015

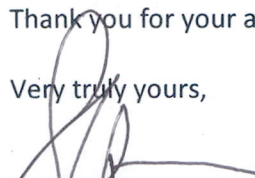
Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to reappoint Vincent Farina of 24 Manemet Road, Newton as a member of the Zoning Board of Appeals. His three year term of office shall expire September 1, 2017 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Very truly yours,


Setti D. Warren
Mayor

RECEIVED
Newton City Clerk
2015 FEB -6 AM 11:07
David A. Olson, CMC
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

Vincent Farina
24 Manemet Road
Newton, MA 02459

OBJECTIVE: To continue to utilize my experience as a residential broker in the City of Newton and surround communities

EXPERIENCE:

2005-present COLDWELL BANKER RESIDENTIAL REAL ESTATE BROKER

1991-2005 PARSONS BRINCKERHOFF QUADE AND DOUGLAS

1998-2005 Field Engineer

Provide construction oversight and quality control for the immersed tube tunnel construction portion of Boston's Central Artery Third Harbor Tunnel Project. Monitored construction activities associated with dredging the Fort Point Channel, drilled shaft construction, immersed tube tunnel construction including float out and docking procedures and attached cast in place cut and cover concrete construction.

1991-1998 Property Management Supervisor

Responsible for providing overall activities and services in the area of Facilities Management. Responsibilities include, but are not limited to: management of services for and coordinate use of Right of Way properties with construction, Massachusetts Highway Department, Massachusetts Port Authority, the City of Boston, Massachusetts Bay Transportation Authority and the Massachusetts Turnpike Authority; lease negotiations for and management of Central Artery/Third Harbor Tunnel Project occupied buildings; administration of property management contracts; coordination of major office relocations. Act as General Contractor for office build out for Bechtel/Parsons Brinckerhoff and Massachusetts Highway Department Right of Way and project leased properties.

WANG LABORATOREIS, INC. 1984-1991

1988-1991 Regional Facilities Manager, Northeast Region

Actively managed over 22 facilities from Maine to Delaware. Particular responsibilities included consolidations, relocations, lease negotiations and administration, construction and building maintenance contracts.

1987-1988 Facility Manager

Managed the Boston and Lawrence facilities. Responsible for contract negotiations with all vendors utilized in the operation of both facilities. Assumed responsibility for the departmental budget. Managed a staff of 23 electric, HVAC, general maintenance and custodial personnel.

- 1985-1987 **Manager, Corporate Mail Service****
Redesigned corporate mail services department. Developed a cost cutting, time sensitive method for the distribution of internal/external mail.
- 1984-1985 **Facilities Supervisor****
Responsible for general maintenance of the Lowell Towers Headquarters. Responsibilities included construction, consolidation and relocation of personnel, office systems and furniture.
- 1978-1984 **DUNKIN DONUTS FRANCHISE****
Owned and operated a Dunkin Donuts franchise. Responsible for the financial reporting, inventory, production and development of extensive retail business.
- 1964-1978 **JAMES FARINA CORPORATION****
Started as a Field Engineer. Responsible for building and road layouts, lines and grades. Developed my construction career to the position of Superintendent. Overall manager of the Harvard Garage construction, Everett Street, Cambridge. Managed the concrete sub-contract for the New England Medical Center Dental Tower, Boston, and St. Joseph's Hospital addition, Lowell.

EDUCATION: Wentworth Institute – 1961
Construction Management

ADDITIONAL COURSES: Harvard University Graduate School of Design – 1990
Fundamentals of Real Estate Investment Analysis – 1990
Managing at Wang – 1987
Managing Effective communications, Wang Laboratories – 1986
Conflict Management, Wang Laboratories – 1985
Several classes through Bechtel/Parsons Brinckerhoff
Several management courses with Parsons Brinckerhoff

LICENSE: Mass. Construction Supervisor, License No. 024113

Mass. Real Estate Brokers License

Activities Current associate member Newton Zoning Board of Appeals

Zoning Boards of Appeals

5 members, 5 alternate members

A zoning board of appeals is established and shall consist of five (5) members to be appointed by the mayor, subject to confirmation by the board of aldermen.

Each member shall be appointed for a term of three (3) years. Vacancies shall be filled for the balance of the unexpired term in the same manner in which original appointments are made. The zoning board of appeals shall annually elect a chairman from its members and a clerk. No member shall act in a case in which he is in any way interested.

The mayor shall annually appoint for a term of one year, subject to confirmation by the board of aldermen, five (5) associate members of the zoning board of appeals. The associate members shall be sworn and shall qualify in the same manner as regular members. In the case of a temporarily unfilled vacancy, inability to act, or interest on the part of a regular member, the chairman shall designate one of the associate members to fill such vacancy or serve in place of such regular member, as the case may be. Members and associate members of such board shall serve without compensation.

Current:

Harvey Creem, member, 2-01-2016
Retired CPA and Certified Fraud Examiner

Vincent Farina, member, 9-01-2014
Real Estate Broker with Facilities background

Brooke Lipsitt, member, 9-30-2014
Former President, BOA

William McLaughlin, member, 11-07-2015
Real Estate Developer

Barbara Huggins, associate, 3-15-2015
Municipal and Land Use Lawyer

Treff LaFleche, associate, 3-15-2015
Architect

Michael Rossi, associate, 3-15-2015
Civil litigation attorney

Michael Quinn, associate, 12-31-2014
Construction/Developer/Realtor

1 Member Opening
1 Associate Opening

CITY OF NEWTON
IN BOARD OF ALDERMEN

February 22, 2011

BE IT RESOLVED:

Whereas, the Zoning Board of Appeals works closely with the Planning & Development Director, Commissioner of Inspectional Services, City Engineer, and Law Department and interacts with the Planning & Development Board and uses its knowledge of/expertise in the technical aspects of zoning law, regulations and construction/site plans and hears and acts upon technical requests for dimensional and use variances under the provisions of G.L. Ch. 40B; hears and acts on appeals of technical decisions made by the Commissioner of Inspectional Services with regard to building permits and with respect to compliance with the city's zoning ordinances, membership of the zoning Board of Appeals should, if possible, consist of a mix of the following areas of experience and expertise.

Desired Experience/Expertise

Zoning/Land Use Law
Building/Construction
Design Professional (architecture, engineering, landscape design, or similar)
Real Estate Broker/Development
Service on neighborhood, or community advisory board/committee

Desired Competencies

Integrity & trust
Ability to deal with paradox & possessing sound judgment
Interpersonal awareness
Sense of urgency & achievement
Political Savvy
Drive for improvement in public services

In addition, members should, if possible, represent those who own/rent their homes and a cross-section of the City of Newton's eight wards.

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 absent (Alderman Swiston)

(SGD) DAVID A. OLSON, City Clerk



City of Newton, Massachusetts
Office of the Mayor

SETTI D. WARREN
MAYOR

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E-mail
swarren@newtonma.gov

April 13, 2015

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

RECEIVED
Newton City Clerk
2015 APR 13 AM 11:32
David A. Olson, CMC
Newton, MA 02459

Ladies and Gentlemen:

I respectfully request approval of a conservation restriction for the Waban Hill Reservoir property. This property shall be acquired by the City in accordance with Board Order #15-15 and pursuant to the provisions of Chapter 153 of the Acts of 2013. Said legislation requires a conservation restriction on the property as a condition of the sale to the City.

Very truly yours,

Setti D. Warren

Mayor

LAW DEPARTMENT



CITY OF NEWTON, MASSACHUSETTS
CITY HALL

1000 COMMONWEALTH AVENUE
NEWTON CENTRE, MA 02459
TELEPHONE (617) 796-1240
FACSIMILE (617) 796-1254

CITY SOLICITOR
DONNALYN B. LYNCH KAHN
ASSOCIATE CITY SOLICITOR
OUIDA C.M. YOUNG

ASSISTANT CITY SOLICITORS

MARIE M. LAWLOR
ANGELA BUCHANAN SMAGULA
ROBERT J. WADDICK
MAURA E. O'KEEFE
JEFFREY A. HONIG
ALAN D. MANDL
JULIE B. ROSS
JILL M. MURRAY

May 5, 2015

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

Re: Waban Hill Reservoir Conservation Restriction-Docket #97-15

Dear Aldermen:

Submitted herewith for your approval is a Conservation Restriction for the Waban Hill Reservoir property.

The Board voted to acquire the Waban Hill Reservoir property from the Commonwealth of Massachusetts on March 16, 2015 (Board Order #15-15). The acquisition of the property by the City of Newton is authorized by special legislation, namely, Chapter 154 of the Acts of 2013. A copy of the special legislation is attached to the Conservation Restriction as Exhibit B.

The special legislation requires that the property is conveyed to the city "subject to a conservation restriction with the benefit of section 32 of chapter 184 of the General Laws limiting the use of the parcel to open space or active or passive recreation purposes." The stated purposes of the Conservation Restriction are to ensure that the Waban Hill Reservoir property will (1) provide parkland in perpetuity; (2) provide public access and further park, conservation and open space uses, and (3) prevent uses that will interfere with conservation, open space and recreation values.

The City of Newton and the Newton Conservator's, Inc., the organization which will hold the Conservation Restriction, negotiated and agreed upon the terms of the document. The Newton Conservators also hold the conservation restriction on the Newton Commonwealth Golf Course. The Conservation Restriction submitted for your approval has received preliminary approval from the Executive Office of Energy and Environmental Affairs ("EOEEA") of the Commonwealth and has been endorsed by the Newton Conservation Commission. The document must now be approved by the Board of Aldermen and signed by the Mayor and the Newton Conservators before it can be forwarded to the Secretary of EOEEA for final approval and execution.

The Conservation Restriction will be recorded at the Middlesex South District Registry of Deeds along with the deed of the property to the City of Newton.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Robert J. Waddick". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Robert J. Waddick
Assistant City Solicitor

Grantor: City of Newton
1000 Commonwealth Avenue
Newton Centre, MA 02459

Grantee: Newton Conservators, Incorporated
P.O. Box 590011
Newton Centre, MA 02459

Grantor's Title:
Middlesex South Registry of Deeds
Book _____, Page _____

WABAN HILL RESERVOIR CONSERVATION RESTRICTION

The City of Newton, acting by and through its Mayor, with a mailing address at 1000 Commonwealth Avenue, Newton Centre, Massachusetts 02459, being the sole owner, for its successors and assigns (hereinafter referred to as the "Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, hereby grants to Newton Conservators Incorporated, having an address of P.O. Box 590011, Newton Centre, Massachusetts 02459 and its permitted successors and assigns (hereinafter referred to as the "Grantee"), with quitclaim covenants, for nominal consideration, in perpetuity and exclusively for open space, active and/or passive recreation purposes as permitted pursuant to Chapter 154 of the Acts of 2013, the following Conservation Restriction located on a parcel of land off of Manet Road in the City of Newton, Massachusetts constituting approximately 5.09 acres more fully described in Exhibit A attached hereto (the "Premises"). For Grantor's title see deed from the Commonwealth of Massachusetts recorded herewith as Instrument No. _____, Book _____, Page _____. This conveyance is made subject to the provisions of Chapter 154 of the Acts of 2013, a copy of which is attached hereto as Exhibit B.

I. PURPOSES

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the Massachusetts General Laws ("the Act") and otherwise by law. The purpose of this Conservation Restriction is to ensure that the Premises will (1) provide parkland in perpetuity

designed and used for open space, active and/or passive recreation purposes or a combination thereof; (2) provide appropriate public access; and/or further park, conservation and open space uses consistent with Chapter 154 of the Acts of 2013, and (3) prevent any use of the Premises that will significantly impair or materially interfere with the conservation, open space, passive and/or active recreation values thereof.

II. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, PERMITTED USES

A. Prohibited Acts and Uses

This Conservation Restriction will at all times be held, used and conveyed subject to the following restrictions, and the Grantor shall not perform or permit the following acts or uses on, above and below the Premises except as allowed under Permitted Uses, Reserved Rights and Exceptions, Section II (B):

1. Constructing, placing or allowing to remain any temporary building, landing strip, mobile home, asphalt or concrete pavement sign, fence, billboard or other advertising display, antenna, utility pole, tower, conduit line or other temporary or permanent structure or facility on, above or under the Premises;
2. Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock, or other mineral resource or natural deposit or otherwise make topographical changes to the area;
3. Placing, filling, storing or dumping on the Premises of refuse, trash, vehicle parts or bodies, rubbish, debris, junk, snow, brush (or other landscaping debris), hazardous substances, oil, waste, or any other substances or materials whatsoever including the installation of underground storage tanks;
4. Use, parking or storage of vehicles including snowmobiles, motorcycles, mopeds, all-terrain vehicles, or other motor vehicles of any kind on the Premises except for vehicles required for public safety (i.e., fire, police, ambulance, park rangers or other officials in carrying out their lawful duties) and individual transportation vehicles (ITV) necessary for the mobility of persons with disabilities;
5. Subdivision or conveyance of a part or portion of the Premises alone, or a division or subdivision of the Premises (as compared to conveyance of the premises in its entirety which shall be permitted) and no portion of the Premises may be used towards building or development requirements on this or any other parcel;
6. Activities detrimental to drainage, flood control, water conservation, erosion control, or soil conservation;

7. Cutting removing or otherwise destroying trees, grasses or other vegetation;
8. The storage or application of pesticides, herbicides, insecticides, fungicides or other chemicals, on or under the Premises, excluding customary chemicals used in the treatment and care of landscaping, arboriculture or insect control;
9. The installation and maintenance of groundwater extraction wells and associated equipment and pipelines and similar equipment for use in extracting groundwater and/or transporting said water for sale;
10. Tillage or sheltering of livestock on the Premises; and
11. Any other use of the Premises or activity thereon which would be inconsistent with the purposes of this Conservation Restriction or materially impair the significant open space or recreation interests of the Premises.

B. Permitted Uses, Reserved Rights and Exceptions

The Grantor reserves the right to conduct or permit activities and uses as contemplated by Chapter 154 of the Acts of 2013, including but not limited to the following activities and uses otherwise prohibited in Section II (A), but only if such activities and uses do not materially impair the values or purposes of this Conservation Restriction, further significant park, conservation, open space, active and/or passive recreation goals and are consistent with the special act referenced above:

1. Athletic or recreational uses or events that do not require alteration of the topography including cross-country skiing, biking, walking, jogging, wildlife observation and other health and fitness activities and public events such as wedding ceremonies, group gatherings, educational field trips, graduation ceremonies, picnics, and spectator attractions;
2. Removal of or addition of gravel, sand, soil, rocks and other natural or man-made materials and structures from or to the Premises to facilitate the construction, maintenance, repair and improvement of the land and structures, walking paths, parking areas, historic structures, landscaping, and all similar uses of the Premises permitted hereunder or authorized by Chapter 154 of the Acts of 2013, provided Grantor uses adequate erosion control measures and restores the Premises to a park-like condition;
3. Installation, replacement, maintenance or repair of underground utility systems to serve the Premises including a drainage system to maintain and/or adjust water levels, provided that excavated areas are restored;

4. Cutting, pruning, mowing, and removal of trees, shrubs, invasive species and other vegetation in accordance with established forestry practices or as necessary for maintenance, including the use of goats for such purposes;
5. The erection and maintenance of signs which identify the ownership of the Premises, list the rules and regulations regarding the use of the Premises, display descriptions and maps regarding the features of the Premises and areas of interest, and other like information for the education, safety and convenience of the public;
6. The control and management of nuisance animals, such as rodents and Canada Geese, and of invasive vegetation and non-native species all in accordance with best management practices appropriate for public park use and all applicable state and federal laws;
7. The construction, maintenance and repair of recreational facilities and structures accessory thereto such as comfort stations;
8. Conducting archaeological investigations and activities, including without limitation surveys, excavation and artifact retrieval, under the direction of a qualified organization or person, following submission of an archaeological field investigation plan and its approval by the State Archaeologist of the Massachusetts Historical Commission, and in accordance with Massachusetts Regulations 950 CMR 70.00;
9. Construction of new or reconstruction, maintenance and repair of existing pathways, parking areas, associated access ways, including but not limited to the use of asphalt, concrete, pavers or other hardscape materials, said hardscape materials not to exceed fifteen (15%) percent of the area of the Premises (except that granite block riprap covering the sides of the existing reservoir structure and any rubberized playground surfaces shall not be included in said 15% calculation) and underground utility systems to serve the Premises and only in relation to permitted purposes;
10. Placement and maintenance of trash barrels, receptacles, light poles, benches, fences or other furniture typically found in a public park;
11. Use of the existing structures and construction and use of additions, such as comfort stations picnic shelters, playgrounds, water features, and temporary structures necessary in connection with permitted uses such as tents or stages, or similar structures, except that the foregoing structures and additions (not including water features) together with the hardscape materials included in the calculation under paragraph 9, above, shall not exceed twenty (20%) percent of the area of the Premises;

12. The right to enter upon and use the Premises for park, conservation, open space, passive and/or active recreation purposes such as walking, hiking, jogging, use of playground equipment, wildlife observation and other similar activities or recreational uses by the general public;
13. The use of individual transportation vehicles (ITV) necessary for the mobility of persons with disabilities to enable persons with disabilities access the Premises, and the use of maintenance vehicles, public safety vehicles or vehicles related to permitted uses of the site;
14. The use, maintenance, repair or demolition of the existing gatehouse structure on the Premises; and
15. Any other activities that further the significant open space, active and/or passive recreation uses as contemplated by Chapter 154 of the Acts of 2013.

III. NOTICE PROVISIONS

1. Grantor shall notify Grantee prior to the removal of natural materials for construction purposes under Section II (B) 2 and prior to the and prior to the construction of recreation areas, parking areas, walking paths and pathways, water features, the installation of underground utility systems and the removal of trees under Sections II (B) 2, 3, 7, 9 and 11.
2. Whenever notice to the Grantee is required under the foregoing provisions, Grantor shall notify Grantee in writing not less than 60 days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Notice required hereunder shall be in writing and either served personally or sent by certified mail, return receipt requested and postage prepaid.

IV. LEGAL REMEDIES OF THE GRANTEE

A. Legal and Injunctive Relief

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of (it being agreed that the Grantee may have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction. The Grantee shall attempt to resolve issues concerning violations through negotiations with the Grantor prior to resorting to legal means.

The Grantor covenants and agrees to reimburse the Grantee all reasonable costs and expenses (including reasonable counsel and survey fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a violation of this Conservation Restriction is acknowledged by the Grantor, or determined by a court of competent jurisdiction, to have occurred.

B. Non-Waiver

Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

C. Disclaimer of Liability

By acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts which are not caused by the Grantee or its agents. Without limiting the foregoing, to the extent permitted by law and subject to the limitations set forth in Chapter 258 of the Massachusetts General Laws, Grantor shall hold harmless, indemnify and defend Grantee and Grantee's members, directors, officers, employees, agents and contractors, and the heirs, personal representatives, successors and assigns of each of them, from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including without limitation reasonable attorneys' fees, arising from or in any way connected with the presence or release of hazardous material or substance of any kind at or from the Premises.

D. Reimbursement of Costs of Enforcement

All reasonable costs and expenses (including reasonable counsel and survey fees) incurred in enforcing this Conservation Restriction in the event of any violation thereof or in taking reasonable measures to prevent, remedy, abate or correct any violation thereof shall be reimbursed to the Grantee pursuant to the terms of an Escrow Agreement established between the Grantor and the Grantee and funded by the Grantor. The parties acknowledge and agree that Grantee shall be entitled to reimbursement of all costs and expenses consistent with this Paragraph IV. D. and that reimbursement shall not be limited to the funds contemplated in said Escrow Agreement.

E. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from

causes beyond the Grantor's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. The parties to this Conservation Restriction agree that in the event of damage to the Premises from acts beyond the Grantor's control, that if it is desirable that the Premises be restored, the parties, at no expense to the Grantee will cooperate in attempting to restore the Premises if feasible.

V. ACCESS

The Grantor hereby grants to the Grantee, or its duly authorized agents or representatives, the right to enter the Premises at reasonable times and in a reasonable manner, including access for the purpose of inspecting the Premises to determining compliance with or to enforce the terms of this Conservation Restriction. The Grantor also grants to the Grantee, after notice of a violation and failure of the Grantor to cure said violation, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including but not limited to the right to perform a survey of boundary lines.

This Conservation Restriction also reserves to the Grantor and grants to the general public and to the Grantee the right to enter upon and use the grounds of the Premises for park, conservation, open space, passive and/or active recreation purposes and activities as described hereinabove provided that such activities shall not involve the use of motorized vehicles (except for use of individual transportation vehicles (ITV) necessary for the mobility of persons with disabilities and maintenance vehicles, public safety vehicles and vehicles related to permitted uses of the site), shall not be detrimental to the purposes of or violate the terms of this Conservation Restriction, and shall not unreasonably interfere with Grantor's use and enjoyment of the Premises. The terms and conditions of public access, such as hours of access, shall be determined by Grantor.

VI. EXTINGUISHMENT

A. Termination

If circumstances arise in the future such as to render the purpose of this Conservation Restriction impossible to accomplish, this Conservation Restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law.

B. Grantor/Grantee Cooperation Regarding Public Action

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee

shall join in appropriate proceedings and cooperate in recovering the full value of all direct and incidental damages resulting from such action. All expenses reasonably incurred by the Grantor and the Grantee shall be paid out to the Grantor and Grantee of any recovered proceeds. Grantor and Grantee shall be respectively entitled to compensation from the balance of the recovered proceeds in conformity with the provisions of any grant, agreement and state law. Any funds so received as compensation shall be used for purposes consistent with the provisions of Chapter 154 of the Acts of 2013.

VII. ASSIGNABILITY

A. Running of the Burden

The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments

The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction. The Grantor, on behalf of itself and its successors and assigns agrees to execute any such instruments upon request.

C. Running of the Benefit

The benefits of this Conservation Restriction shall be in gross and shall not be assignable by the Grantee, except in the following instances:

As a condition of any assignment, the Grantee shall require that the purpose of this Conservation Restriction continues to be carried out; and the Assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws. Any assignment will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VIII. SUBSEQUENT TRANSFERS

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee within 20 days of such transfer. Failure to do so shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantor shall not be liable for violations occurring after its ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

IX. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within twenty (20) days, execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance with any obligation of the Grantor contained in this Conservation Restriction.

X. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction to ensure that merger does not occur.

XI. AMENDMENT

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31-33 of Chapter 184 of the Massachusetts General Laws. Any amendments to this Conservation Restriction shall occur only in exceptional circumstances. The Grantee will consider amendments only to correct an error or oversight, to clarify an ambiguity, or where there is a net gain in conservation value. All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the purposes of this Conservation Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs, and shall comply with the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable, and with any gifts grants or funding requirements. Any amendment shall be recorded in the Middlesex South District Registry of Deeds.

XII. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts

General Laws have been obtained, and it has been timely recorded in the Middlesex South District Registry of Deeds.

XIII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

Grantee: Newton Conservators Incorporated
 P.O. Box 590011
 Newton Centre, MA 02459

Grantor: Mayor
 City of Newton
 City Hall
 1000 Commonwealth Avenue
 Newton Centre, MA 02459

With a Copy to Grantor's Counsel:

 City Solicitor
 City of Newton
 City Hall
 1000 Commonwealth Avenue
 Newton Centre, MA 02459

or to such other address as any of the above parties shall designate from time to time by written notice to the other or that is reasonably ascertainable by the parties.

XIV. GENERAL PROVISIONS

A. Controlling Law

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purposes of Massachusetts General Laws Chapter 184, Sections 31-33. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability

If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement

This instrument sets forth the entire agreement of the parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction, all of which are merged herein.

XV. PRE-EXISTING PUBLIC RIGHTS

Approval of this Conservation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

IN WITNESS WHEREOF Grantor and Grantee have set their hands under seal on the dates set forth below, no Massachusetts deed excise stamps being affixed hereto since none are required.

**GRANTOR:
CITY OF NEWTON**

Date

By: _____
Setti D. Warren
Its: Mayor

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss:

On this _____ day of _____, 2015, before me, the undersigned notary public, personally appeared Setti D. Warren proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily, in such capacity, for its stated purpose.

Notary Public
My Commission Expires:

**APPROVAL AND ACCEPTANCE BY BOARD OF ALDERMEN
CITY OF NEWTON**

I the undersigned Clerk of the Board of Aldermen of the City of Newton, Massachusetts, hereby attest and certify that at a meeting duly held on _____, 2015 the Board of Aldermen voted to approve the foregoing Conservation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Attest: Clerk of the Board of Aldermen, City of
Newton, Massachusetts:

David A. Olson

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this _____ day of _____, 2015, before me, the undersigned notary public, personally appeared David A. Olson, proved to me through satisfactory evidence of identification, which was _____ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily, in such capacity, for its stated purpose.

Notary Public
My Commission Expires:

**ACCEPTED BY GRANTEE:
NEWTON CONSERVATORS, INCORPORATED**

_____ Date

By: _____
Beth Wilkinson
Its: President

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this _____ day of _____, 2015, before me, the undersigned notary public, personally appeared Beth Wilkinson, proved to me through satisfactory evidence of identification, which was _____ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily, in such capacity, for its stated purpose.

Notary Public
My Commission Expires:

**APPROVAL BY SECRETARY, EXECUTIVE OFFICE OF ENERGY
AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary, Executive Office of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Deed of Conservation Restriction has been approved in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Date: _____

Secretary Executive Office of Energy
and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

Suffolk County, ss:

On this _____ day of _____, 2015, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she/he signed it voluntarily for its stated purpose as Secretary of Energy and Environmental Affairs for the Commonwealth of Massachusetts.

Notary Public
My Commission Expires:

EXHIBIT A

**CONSERVATION RESTRICTION FROM
CITY OF NEWTON TO NEWTON CONSERVATORS, INC.**

Legal Description

Beginning at the point at which the northwesterly line of Manet Road meets the northeasterly line of Ward Street, the said point being at the southwesterly end of the arc of a circle forty-one and eighty-four one-hundredths (41.84) feet in length and having a radius of twenty-eight (28) feet, forming the southwesterly extremity of said northwesterly line, and from said point of beginning running north 71° 23' 30" west by the northeasterly line of said Ward Street four hundred and two and seventy-one one-hundredths (402.71) feet;

then northwesterly forty-six and thirteen one hundredths (46.13) feet by the arc of a circle having a radius of twenty-eight (28) feet and forming the southwesterly extremity of the southeasterly side of a private street adjoining the Premises on the west and north;

then northerly two hundred ninety-three and forty-three one-hundredths (293.43) feet by a line curving to the left and having a radius of six hundred seventy-seven and ninety-six and one-hundredths (677.96) feet;

then northeasterly forty-four and forty-four one-hundredths (44.44) feet by a line curving to the right and having a radius of forty (40) feet;

then easterly two hundred eighty-seven and eighty-seven one-hundredths (287.87) feet by a line curving to the right and having a radius of three hundred fifty (350) feet;

then south 71° east two hundred fifty-one and thirty-two one-hundredths (251.32) feet;

then southeasterly twenty-four and sixty-one one-hundredths (24.61) feet by a line curving to the right, having a radius of fifteen (15) feet, the last six courses being by the line of a private street upon the westerly and northerly sides of the Premises;

then running south 23° west by the northwesterly line of said Manet Road four hundred twenty-seven and forty-six one-hundredths (427.46) feet to the northeasterly end of the arc of a circle first herein mentioned, near the junction of Manet Road with Ward Street;

then southwesterly by said arc forty-one and eighty-four one-hundredths (41.84) feet to the point of beginning.

Said parcel containing 5.09 acres and shown on a plan inscribed "Commonwealth of Massachusetts, Metropolitan Water Board, Plan of Waban Hill Reservoir lot, NEWTON, Mass." dated October 3, 1900, and recorded with the Middlesex South District Registry of Deeds, Book of Plans 126, Plan 36.

EXHIBIT B**Chapter 154 of the Acts of 2013
AN ACT AUTHORIZING THE COMMISSIONER OF CAPITAL ASSET MANAGEMENT AND
MAINTENANCE TO CONVEY CERTAIN LAND TO THE CITY OF NEWTON.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide for the conveyance of certain land from the commonwealth to the city of Newton, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the commissioner of capital asset management and maintenance may convey a certain parcel of state owned land in the city of Newton to the city of Newton; provided, however, that any deed conveying the parcel shall contain the restriction required pursuant to section 2. The parcel, known as the Waban Hill reservoir, and also known as the Manet road reservoir, is located on the east side of Manet road in the city of Newton and the exact boundaries of the parcel shall be established prior to such conveyance by a survey commissioned by the commissioner. The parcel is further described in a deed from the city of Newton to the Metropolitan Water Board dated October 20, 1900 and recorded in the Middlesex south district registry of deeds in book 2853, page 42. The consideration for the conveyance shall be the full and fair market value of the parcel as determined by the commissioner pursuant to an independent professional appraisal.

SECTION 2. The parcel described in section 1 shall be conveyed subject to a conservation restriction with the benefit of section 32 of chapter 184 of the General Laws limiting the use of the parcel to open space or active or passive recreation purposes. If at any time the property ceases to be used for the purposes described in this section, the commissioner of capital asset management and maintenance shall give written notice to the city of the unauthorized use. The city shall, upon receipt of the notice, have 30 days to respond and a reasonable time to establish an authorized use of the parcel. If an authorized use of the parcel is not thereafter established, the title to

the parcel, upon the recording of a notice thereof by the commissioner in the appropriate registry of deeds, shall revert to the commonwealth and any further disposition of the property shall be subject to Article XCVII of the amendments to the constitution and chapter 7C of the General Laws.

SECTION 3. The inspector general shall review and approve the appraisal conducted pursuant to section 1. The review shall include an examination of the methodology utilized for the appraisal. Within 30 days of receiving the appraisal, the inspector general shall prepare a report of such review and file the report with the commissioner of capital asset management and maintenance. Within 15 days of receiving the inspector general's report and not later than 15 days before the execution of any agreement or other document relating to the conveyance, the commissioner shall submit it to the house and senate committees on ways and means and the joint committee on bonding, capital expenditures and state assets.

SECTION 4. The city of Newton shall be responsible for all costs and expenses including, but not limited to, costs associated with any engineering, surveys, appraisals and deed preparation related to the transfers and conveyances authorized in this act as such costs may be determined by the commissioner of capital asset management and maintenance. Upon conveyance of the parcel, the city shall be solely responsible for all costs, liabilities and expenses of any nature and kind for the development, maintenance, use and operation of the parcel.

Approved, November 25, 2013.

Newton Conservation Area Management Plans (2015-2025)

1-Page Summaries for 20 Conservation Areas

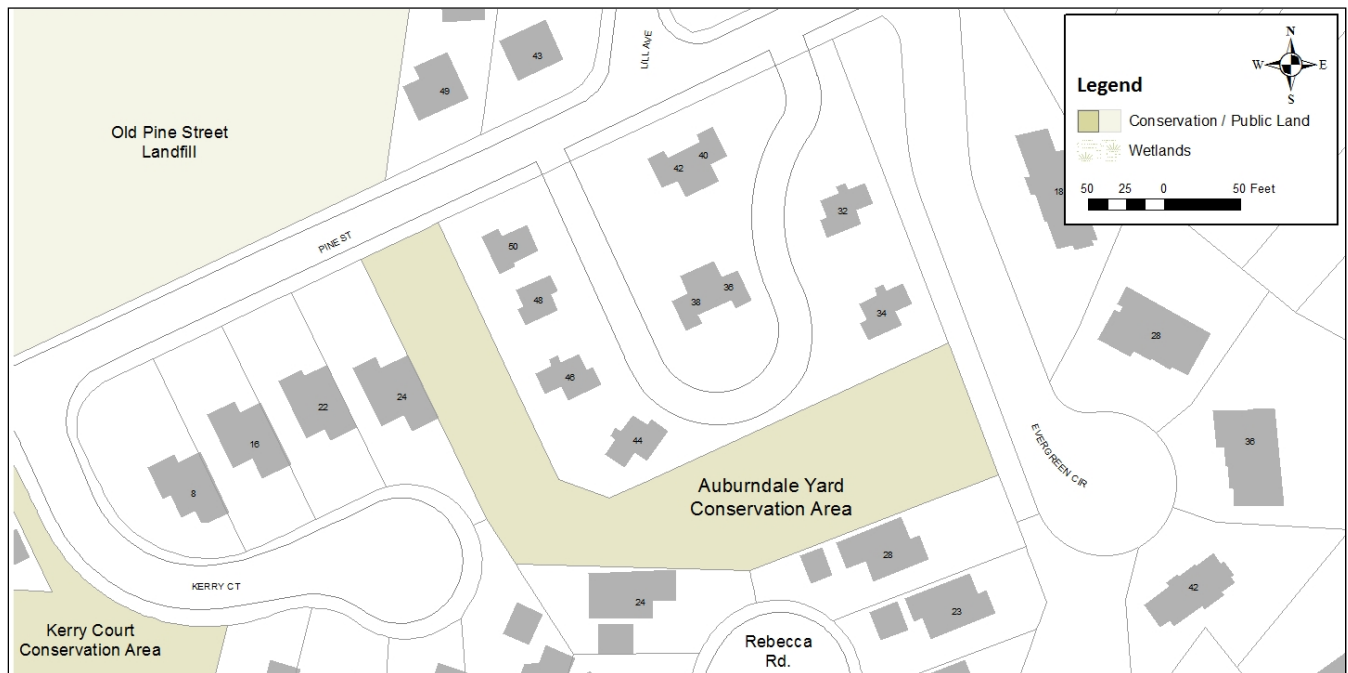


May 8, 2015

Auburndale Yard Conservation Area	
Acres	0.78
Year Acq.	1987
Trailheads	0
Trails (ft)	0
Natural Character	woods
Signs	2
Boardwalks	0
Bridges	0
Parking lots	0
Benches	0
Trash Cans	0

Management Plan	
<u>Annual Maintenance</u>	
• Street-side cleanups:	1
<u>2015 Goals (Special Projects)</u>	
• Install 2 signs	
<u>2017 Goals (Special Projects)</u>	
•	
<u>2025 Goals (Special Projects)</u>	
•	

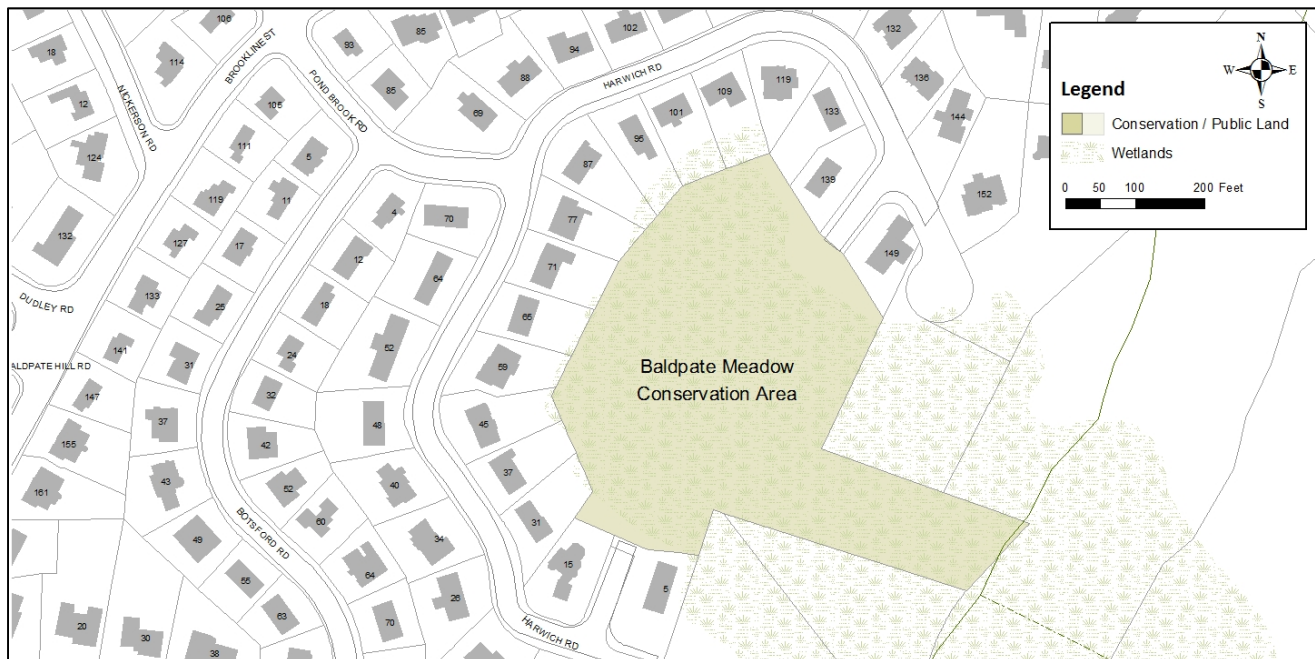
This crescent-shaped parcel surrounding the Pine Street Condominiums is a 0.78-acre development buffer donated to the Newton Conservation Commission around 1987 as an open-space buffer zone.



Baldpate Meadow Conservation Area	
Acres	4.86
Year Acq.	1974
Trailheads	0
Trails (ft)	0
Natural Character	wooded wetland
Signs	2
Boardwalks	0
Bridges	0
Parking lots	0
Benches	0
Trash Cans	0

Management Plan	
<u>Annual Maintenance</u>	
• Street-side cleanups:	1
<u>2015 Goals (Special Projects)</u>	
• Install 2 signs	
<u>2017 Goals (Special Projects)</u>	
•	
<u>2025 Goals (Special Projects)</u>	
•	

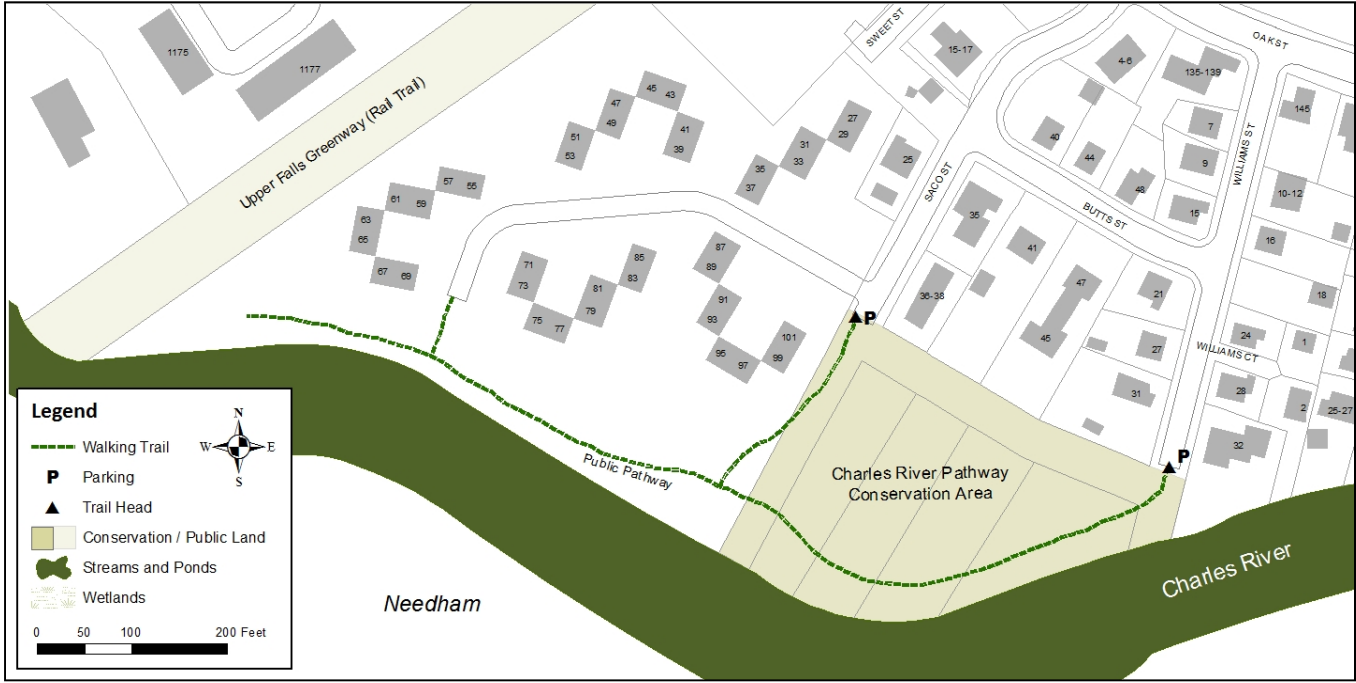
The 4.86-acre parcel was acquired by the City from a private owner in 1974, and can be accessed from either end of Harwich Road. Located in Chestnut Hill, the area is comprised of floodplain and peat swamp associated with Saw Mill Brook. There are no trails, pathways, or picnic areas because it is so wet. It does, however, provide a rich habitat for wildlife.



Charles River Pathway Conservation Area	
Acres	1.57
Year Acq.	1980
Trailheads	2
Trails (ft)	1313
Natural Character	woods
Signs	2
Boardwalks	0
Bridges	0
Parking lots	0
Benches	1
Trash Cans	0

Management Plan
<u>Annual Maintenance</u>
<ul style="list-style-type: none"> Trail & trailhead cleanups: 3-4 Mowing: 3-4
<u>2015 Goals (Special Projects)</u>
<ul style="list-style-type: none"> Install 2 signs
<u>2017 Goals (Special Projects)</u>
<ul style="list-style-type: none">
<u>2025 Goals (Special Projects)</u>
<ul style="list-style-type: none">

The City of Newton acquired the Charles River Pathway in 1980. Located in Newton Upper Falls, this 1.57-acre area is accessible from the ends of Saco Street, Williams Street and Abbott Street (all off of Oak Street). The footpath follows the contour of the river, providing serene views and an easy stroll. A very rough connection to the Upper Falls Greenway rail trail exists.



Dolan Pond Conservation Area	
Acres	10.02
Year Acq.	1979
Trailheads	5
Trails (ft)	2040, handicapped accessible
Natural Character	woods, wetland, pond
Signs	5
Boardwalks	2 (500')
Bridges	1
Parking lots	1
Benches	0
Trash Cans	1

Management Plan	
<u>Annual Maintenance</u>	
• Trail & trailhead cleanups:	3-4
• Mowing:	3-4
<u>2015 Goals (Special Projects)</u>	
• Install 2 signs	
<u>2017 Goals (Special Projects)</u>	
• Pond clean-up, remove invasive control plastic (&kiosk?)	
• Fallen trees at cul-de-sac	
• Fix fence at cul-de-sac	
<u>2025 Goals (Special Projects)</u>	
• Boardwalk improvements/repairs	

The City of Newton acquired Dolan Pond in 1979. Located in West Newton, this 10.02-acre area is accessible from Cumberland Road, Stratford Road, Auburndale Avenue, and from Webster Park. This area actually has four ponds interlaced with wetlands and an intermittent stream. The trail in from Webster Park crosses Banana Pond as a boardwalk. The boardwalk takes a right turn after crossing and continues toward Quinn Pond near Auburndale Avenue and Stratford Road – this is the largest of the four ponds. Or, after crossing Banana Pond, take the trail left to Dolan Pond, closest to Cumberland Road, where a large overlook “dock” area provides a quiet place for bird-watching.



Flowed Meadow Conservation Area

Acres	32.55
Year Acq.	1983-2008
Trailheads	3
Trails (ft)	6119
Natural Character	Woods, kettle hole, wetlands
Signs	4
Boardwalks	5
Bridges	0
Parking lots	0
Benches	1
Trash Cans	0

Management Plan

Annual Maintenance

- Trail & trailhead cleanups: 2

2015 Goals (Special Projects)

- Install 2 signs

2017 Goals (Special Projects)

-

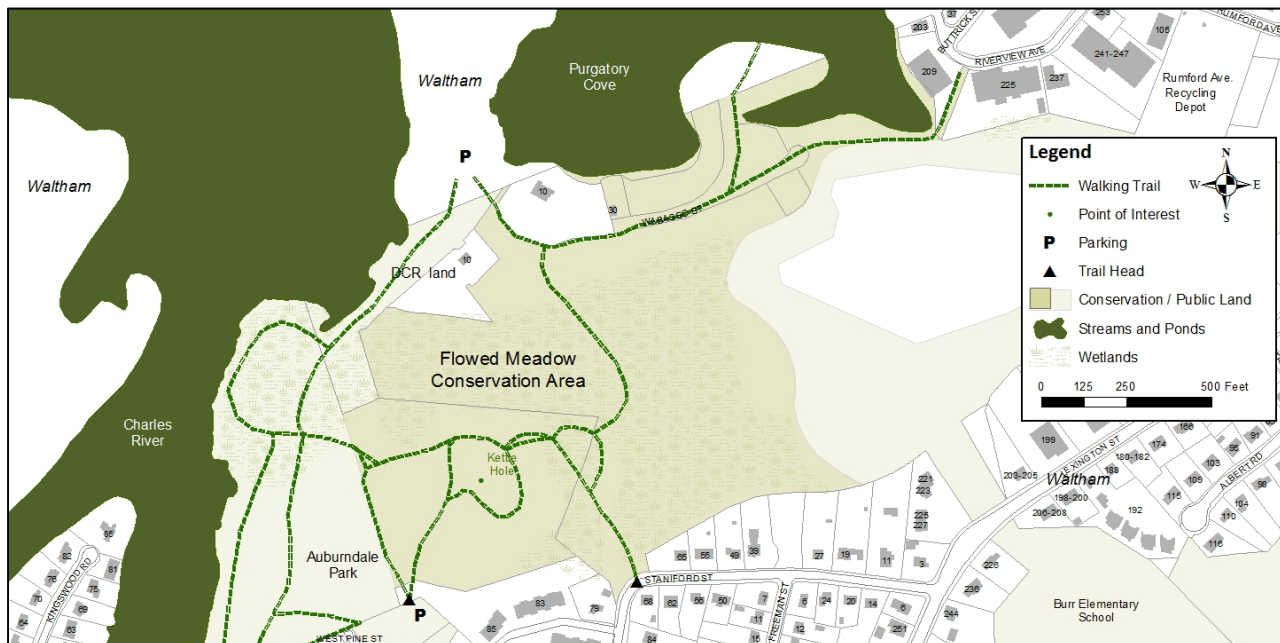
2025 Goals (Special Projects)

- Refurbish boardwalks
- Refurbish wood chipped paths

Newton acquired its first portion of Flowed Meadow in Auburndale in 1983. Five lots are included in this conservation area (including the former #30 Wabasso Street, acquired in 2007), three of which are “co-owned” with Parks and Recreation, for a total area of 32.55 acres. It is accessible from Staniford St., from Riverview Ave. (next to #225), from the West Pine St. parking lot, and from Forest Grove Road in Waltham.

Some of this area was once farmland, in an area formerly called the “Lakes District of the Charles River.” The Moody Street Dam, used to slow the flow of the Charles River, promoted upstream flooding in this low-lying area.

Flowed Meadow Conservation Area contains open water, deep marsh, wooded swamp, mixed upland forests, shallow marsh, and shrub marsh. The Nature Trail loop passes through private land and land owned by the State of Massachusetts, in addition to City of Newton property, and is a “Nature Interpretive Area” of the Charles River Pathway.



Frank Barney Conservation Area	
Acres	1.57
Year Acq.	1975, 1996
Trailheads	3
Trails (ft)	637
Natural Character	Wooded
Signs	3
Boardwalks	0
Bridges	0
Parking lots	0
Benches	0
Trash Cans	0

Management Plan
<u>Annual Maintenance</u>
<ul style="list-style-type: none"> Trail & trailhead cleanups: 2
<u>2015 Goals (Special Projects)</u>
<ul style="list-style-type: none"> Install 3 signs
<u>2017 Goals (Special Projects)</u>
<ul style="list-style-type: none">
<u>2025 Goals (Special Projects)</u>
<ul style="list-style-type: none">

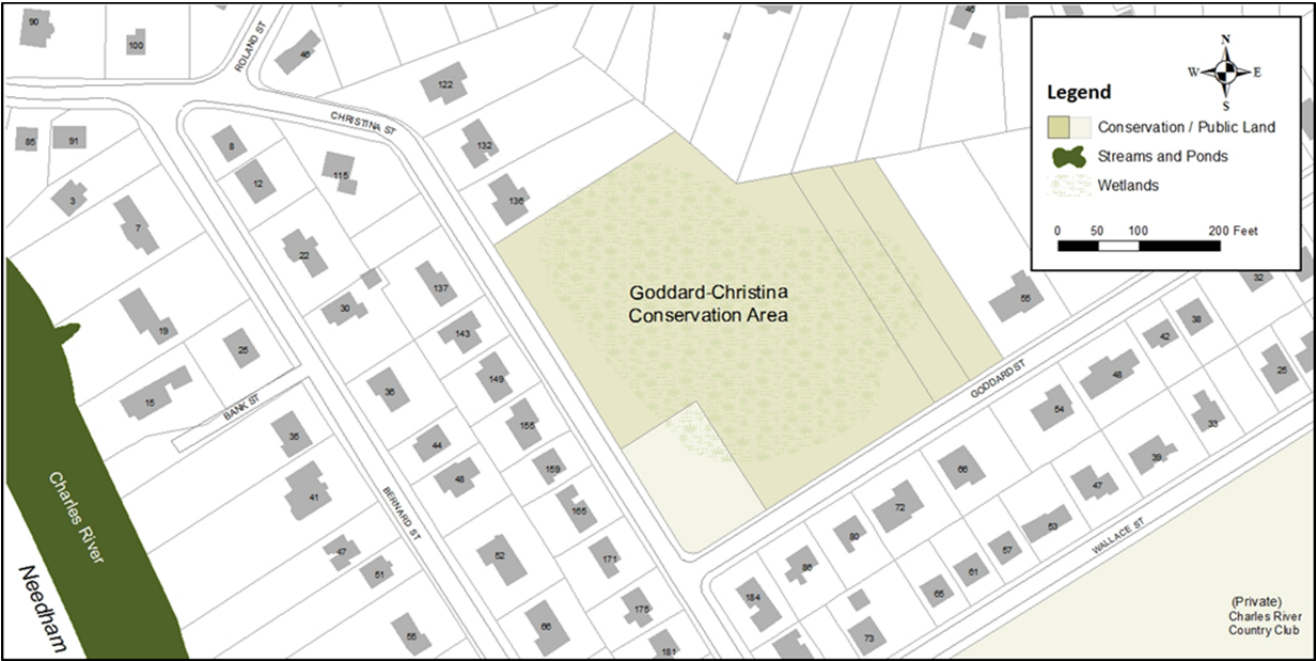
The City of Newton first acquired the Frank Barney Conservation Area in 1975, but it increased in size in 1996 when the children of the previous landowners sold additional land to the city after their parents' deaths. Located in Upper Falls, the total size is 1.57 acres, accessible from Circuit Avenue and Thurston Road off of Route 9, or from Elliot Street. This is a steeply wooded area with interesting cliff formations. Keep your eyes open for a native wildflower that can be seen in its bloom from May-June: the Gaywings Fringed Polygala.



Goddard-Christina Conservation Area	
Acres	3.94
Year Acq.	1986
Trailheads	0
Trails (ft)	0
Natural Character	Wooded wetland
Signs	2
Boardwalks	0
Bridges	0
Parking lots	0
Benches	0
Trash Cans	0

Management Plan	
<u>Annual Maintenance</u>	
• Street-side cleanups:	3-4
<u>2015 Goals (Special Projects)</u>	
• Install 2 signs	
<u>2017 Goals (Special Projects)</u>	
•	
<u>2025 Goals (Special Projects)</u>	
•	

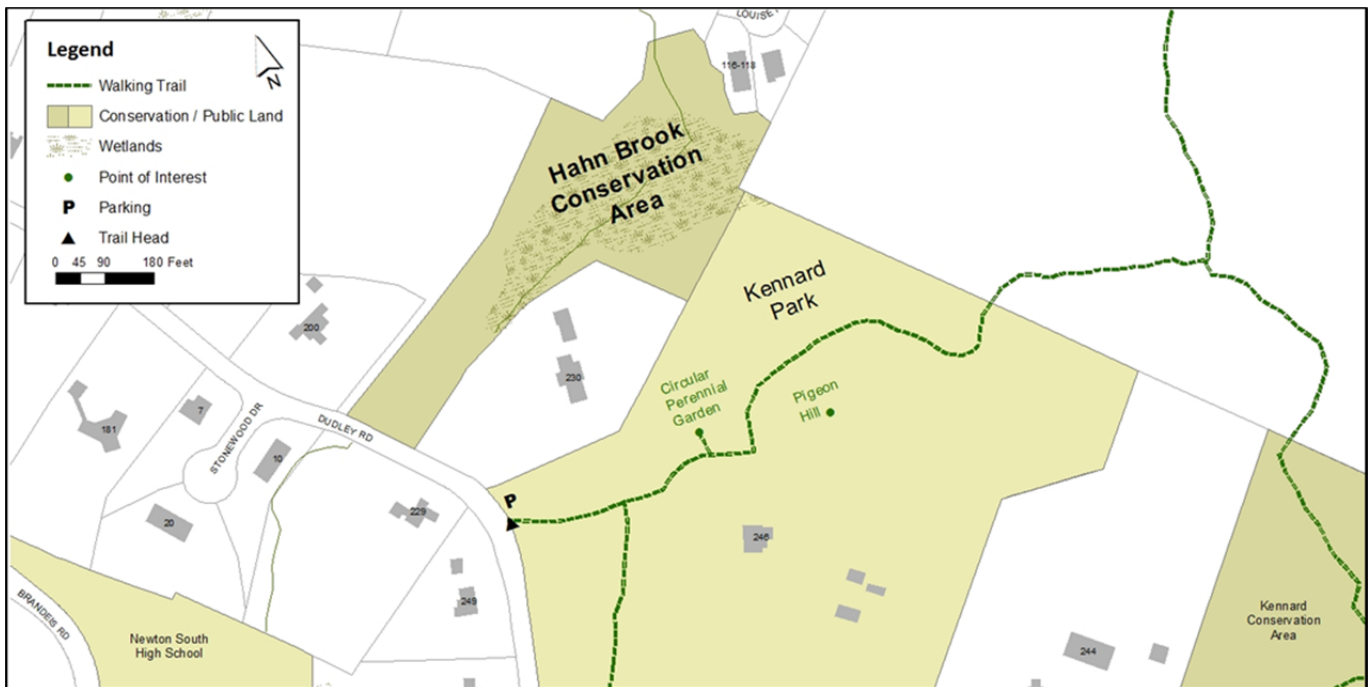
The City of Newton officially turned general City-owned land into Goddard-Christina Conservation Area in 1986. Located in Newton Highlands at the intersection of Goddard Street and Christina Street, this 3.94-acre (three parcels) area is protected by a permanent restriction order (Inland Wetlands Restriction Act and its regulations at 310 CMR 13.00) prohibiting certain alterations. A fourth parcel (right on the corner) is owned by the Newton Housing Authority. The area undoubtedly experiences a ground-water connection with the Charles River, which is only two blocks away, and may re-connect during extreme flood events. While there are no trails, the area provides a green retreat for wildlife and a restful sight for neighbors in the area.



Hahn Brook Conservation Area	
Acres	4.36
Year Acq.	1994
Trailheads	0
Trails (ft)	0
Natural Character	Woods, stream, wetlands
Signs	1
Boardwalks	0
Bridges	0
Parking lots	0
Benches	0
Trash Cans	0

Management Plan	
<u>Annual Maintenance</u>	
• Street-side cleanups:	1
<u>2015 Goals (Special Projects)</u>	
• Install 2 signs	
<u>2017 Goals (Special Projects)</u>	
•	
<u>2025 Goals (Special Projects)</u>	
•	

This intermittent stream and surrounding wetland area, with a substantial percentage of the associated upland buffer zone, can be accessed from the end of Louise Road, off of Florence Street. There are no official trails and most of the 4.36 acre parcel is too wet to walk (unless you have rubber boots!), but the area provides a green view for the neighborhood and a refuge for local wildlife.



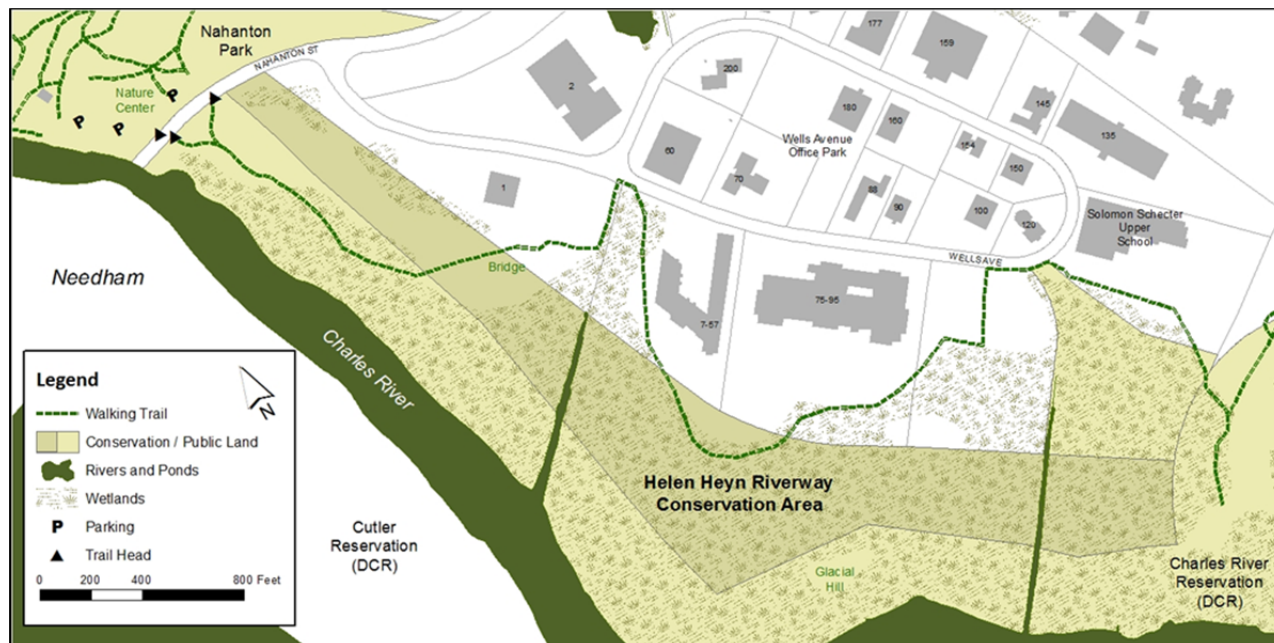
Helen Heyn Riverway Conservation Area	
Acres	33.58
Year Acq.	1980
Trailheads	3
Trails (ft)	1030 (6167 w/ DCR)
Natural Character	Woods, wetland, river
Signs	4
Boardwalks	0
Bridges	1
Parking lots	0
Benches	0
Trash Cans	0

Management Plan
<u>Annual Maintenance</u>
<ul style="list-style-type: none"> Trail & trailhead cleanups: 3
<u>2015 Goals (Special Projects)</u>
<ul style="list-style-type: none"> Install 4 signs
<u>2017 Goals (Special Projects)</u>
<ul style="list-style-type: none">
<u>2025 Goals (Special Projects)</u>
<ul style="list-style-type: none"> Repair/replace bridge

The City of Newton acquired this long, narrow strip of land in 1997. Sandwiched between a DCR parcel bordering the Charles, and the commercial lots along Wells Avenue, this parcel is part of the Great Plain Marsh, a forested floodplain associated with the Charles River.

The parcel is not all marsh, but is cut by at least two streams, the larger of which is Country Club Brook originating on the Charles River Country Club. A pathway on the DCR property meanders onto Helen Heyn Conservation Area in some places, and trail-heads on Nahanton Street provide direct access.

This conservation area was named to honor Mrs. Helen A. Heyn for her many years of service to the Conservation Commission, for her commitment to wetlands protection, and her persistent efforts to acquire and protect open space for Newton residents. Mrs. Heyn was the founder and secretary of the Newton Conservators and received the "Most Valuable Contribution to Conservation through Volunteer Activity Award for 1979" from the Massachusetts Conservation Council.



Houghton Gardens Conservation Area

Acres	11.06
Year Acq.	1968, 1979
Trailheads	3
Trails (ft)	4440
Natural Character	Woods, stream, pond
Signs	4
Boardwalks	0
Bridges	2
Parking lots	0
Benches	1
Trash Cans	1

Management Plan

Annual Maintenance

- Trail & trailhead cleanups: 2

2015 Goals (Special Projects)

- Install 2 signs
- Install boardwalks
- Remove dead/dying hemlocks
- Remove phragmites

2017 Goals (Special Projects)

-

2025 Goals (Special Projects)

-

Located in Chestnut Hill near Hammond Pond, the 11.06-acre parcel is accessible from Suffolk Road. Mrs. Clement S. Houghton first started work on Houghton Gardens in 1906. Mr. and Mrs. Houghton were members of the Chestnut Hill Garden Club. The garden was restored in 1956 after Mrs. Houghton’s death and the City gained official ownership of much of what is now Houghton Garden Conservation Area in 1968 when the Houghtons gave a section of their estate to the City (additional land was acquired by the City in 1979). Houghton Gardens consists of several separate gardens, including a Rock Garden, an Alpine Garden, a Conifer Garden, the Botanical Gardens, Houghton Pond, and a bridge over Hammond Brook. There are three color-coded trails, with markers and labels on much of the vegetation.

Just beyond the rear entrance to Houghton Garden is a pedestrian crossing across the MBTA Green Line that allows walkers to connect to a meandering path through the Webster (East) Conservation Area and DCR land abutting the west side of Hammond Pond and the Chestnut Hill Shopping Center parking lot. Bird species observed here include herons, hawks, doves, woodpeckers, swallows, gulls, thrushes, warblers, finches, and sparrows.



Hunnewell Woods Conservation Area

Acres	1.63
Year Acq.	1979
Trailheads	2
Trails (ft)	716
Natural Character	Woods
Signs	2
Boardwalks	0
Bridges	0
Parking lots	0
Benches	0
Trash Cans	0

Management Plan

Annual Maintenance

- Trail & trailhead cleanups: 2

2015 Goals (Special Projects)

- Install 2 signs
- Communicate with condos to ensure no more dumping

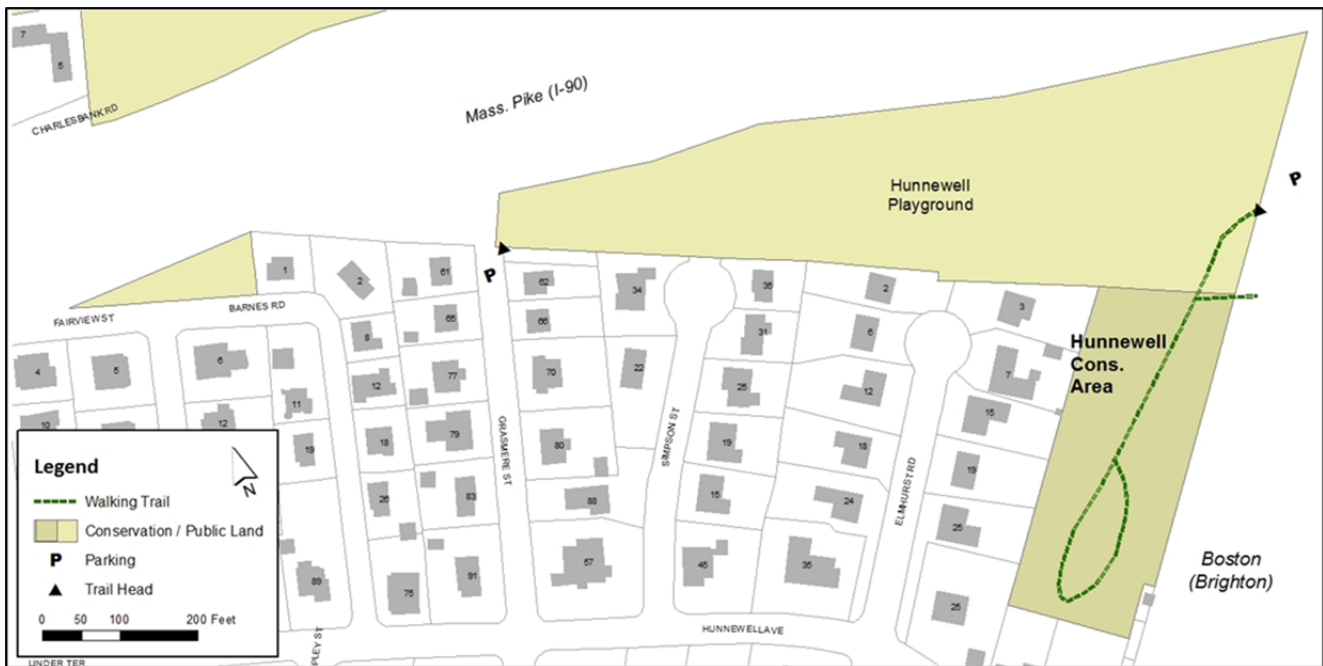
2017 Goals (Special Projects)

-

2025 Goals (Special Projects)

-

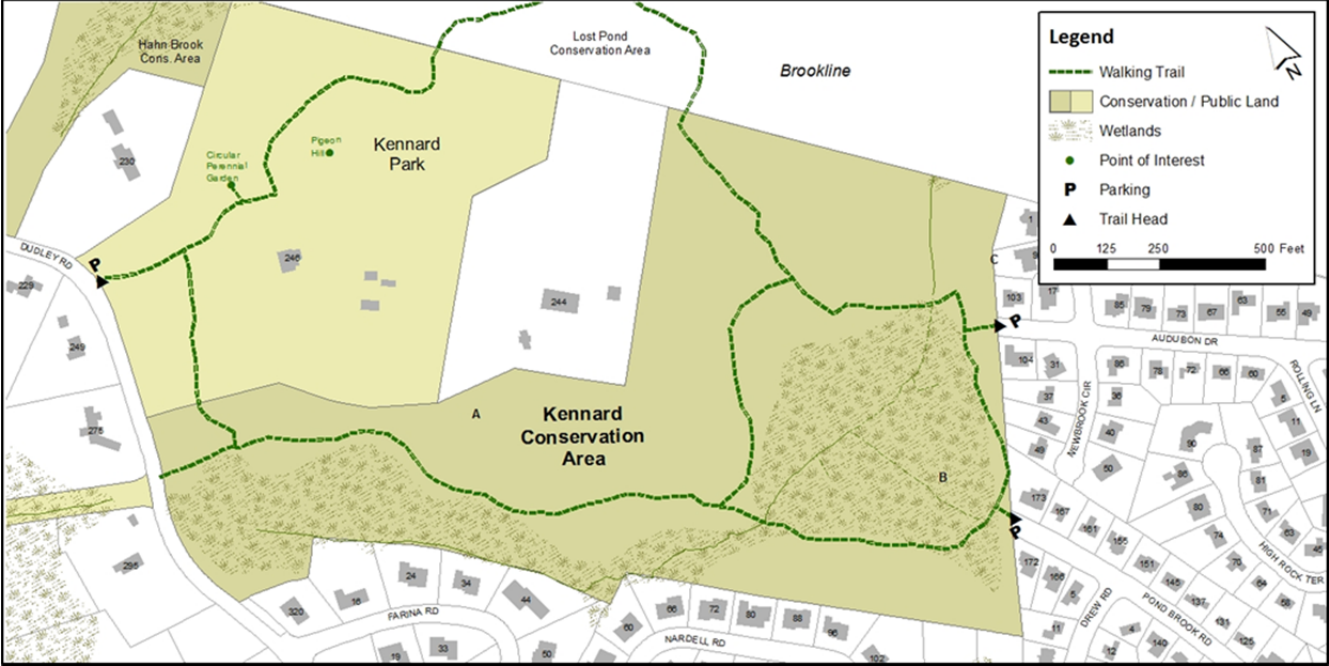
The City of Newton acquired Hunnewell Woods in 1979. Located in Newton Corner near the border with Brighton, this 1.63-acre area is accessible through Hunnewell Park, at the north end of Grassmere Street, off of Hunnewell Avenue. Parking is also available at the New Balance parking lot at the west end of Newton Street in Brighton, or on Newton Street, itself. Located on a wooded hillside, local residents report occasional sightings of coyotes, as well as raccoons and a variety of birds.



Kennard Conservation Area	
Acres	32.28
Year Acq.	1978
Trailheads	3
Trails (ft)	4590
Natural Character	Woods, stream, wetland
Signs	4
Boardwalks	1 long stretch
Bridges	2
Parking lots	1
Benches	0
Trash Cans	0

Management Plan
<u>Annual Maintenance</u>
<ul style="list-style-type: none"> Trail & trailhead cleanups: 3
<u>2015 Goals (Special Projects)</u>
<ul style="list-style-type: none"> Install 4 signs Remove weed-block fabric Repair stonedust steps Remove bollards and install box steps
<u>2017 Goals (Special Projects)</u>
<ul style="list-style-type: none"> Invasives control Fix fences at cul-de-sacs
<u>2025 Goals (Special Projects)</u>
<ul style="list-style-type: none"> Invasives control Refurbish boardwalks and bridges

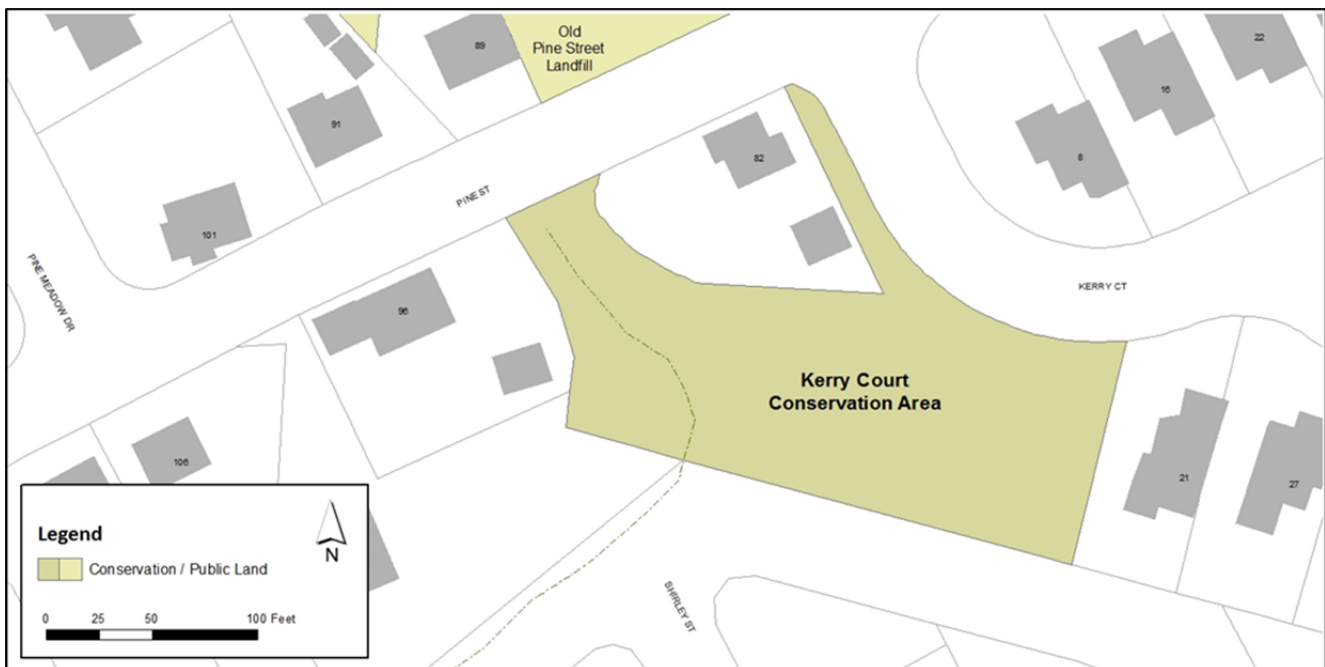
Kennard Conservation Area was bequeathed to the City of Newton between 1977-1978 in the will of Mr. Harrison E. Kennard, who loved the varied woods and wetland areas associated with South Meadow Brook. Located in Newton in the area adjacent to Brookline, its 32.28 acres contain marked trails, including those through the woods and wetlands that connect to Brookline’s “Lost Pond Reservation” and “Lost Pond Conservation Area.” Access is off of Dudley Road from the paved entrance to the old Kennard Estate (Parks and Recreation land), and from the end of Pond Brook Drive and Audubon Drive.



Kerry Court Conservation Area	
Acres	0.66
Year Acq.	1986
Trailheads	0
Trails (ft)	0
Natural Character	Woods, stream, wetland
Signs	2
Boardwalks	0
Bridges	0
Parking lots	0
Benches	0
Trash Cans	0

Management Plan	
<u>Annual Maintenance</u>	
• Street-side cleanups:	2
<u>2015 Goals (Special Projects)</u>	
• Install 2 signs	
<u>2017 Goals (Special Projects)</u>	
•	
<u>2025 Goals (Special Projects)</u>	
•	

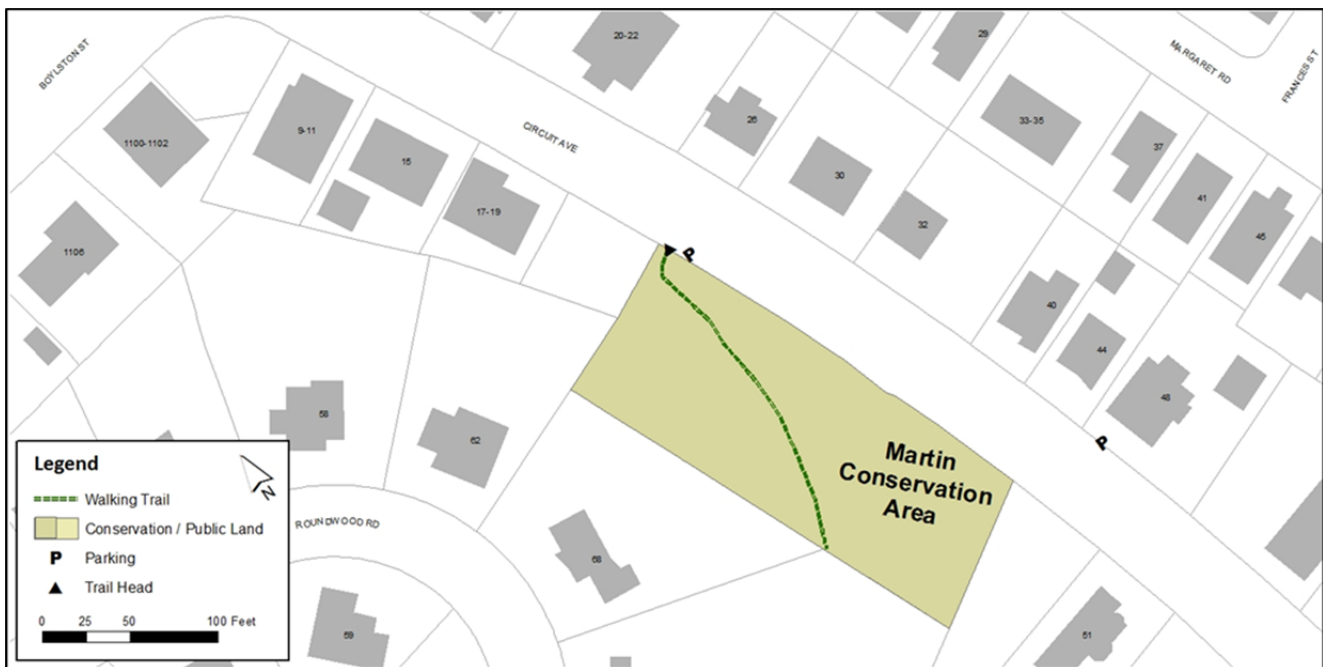
Oddly-shaped, this 0.66-acre parcel surrounds #82 Pine Street, and includes a small section of Brunnen Brook before it enters a culvert under Pine Street. There are no trails, but you can access the parcel from Kerry Court behind #82 Pine Street.



Martin Conservation Area	
Acres	0.55
Year Acq.	1976
Trailheads	3
Trails (ft)	200
Natural Character	Wooded hillside
Signs	1
Boardwalks	0
Bridges	0
Parking lots	0
Benches	0
Trash Cans	0

Management Plan
<u>Annual Maintenance</u>
<ul style="list-style-type: none"> Trail & trailhead cleanups: 2
<u>2015 Goals (Special Projects)</u>
<ul style="list-style-type: none"> Install 2 signs
<u>2017 Goals (Special Projects)</u>
<ul style="list-style-type: none">
<u>2025 Goals (Special Projects)</u>
<ul style="list-style-type: none">

The City of Newton acquired this area in 1976. Located in Upper Falls, this area is one of two conservation areas located on, and accessible from, Circuit Avenue. Comprised of four small lots, the total area is only 0.55 acres with a narrow pedestrian path running through this upland wooded area.



Norumbega Park Conservation Area

Acres	13.27
Year Acq.	1976
Trailheads	4
Trails (ft)	5000
Natural Character	Woods, field, river, "arboretum"
Signs	4
Boardwalks	0
Bridges	0
Parking lots	"2"
Benches	2
Trash Cans	2

Management Plan

Annual Maintenance

- Trail & trailhead cleanups: 3-4
- Mowing: 3-4
- Large-scale mowing: 1

2015 Goals (Special Projects)

- Install 4 signs

2017 Goals (Special Projects)

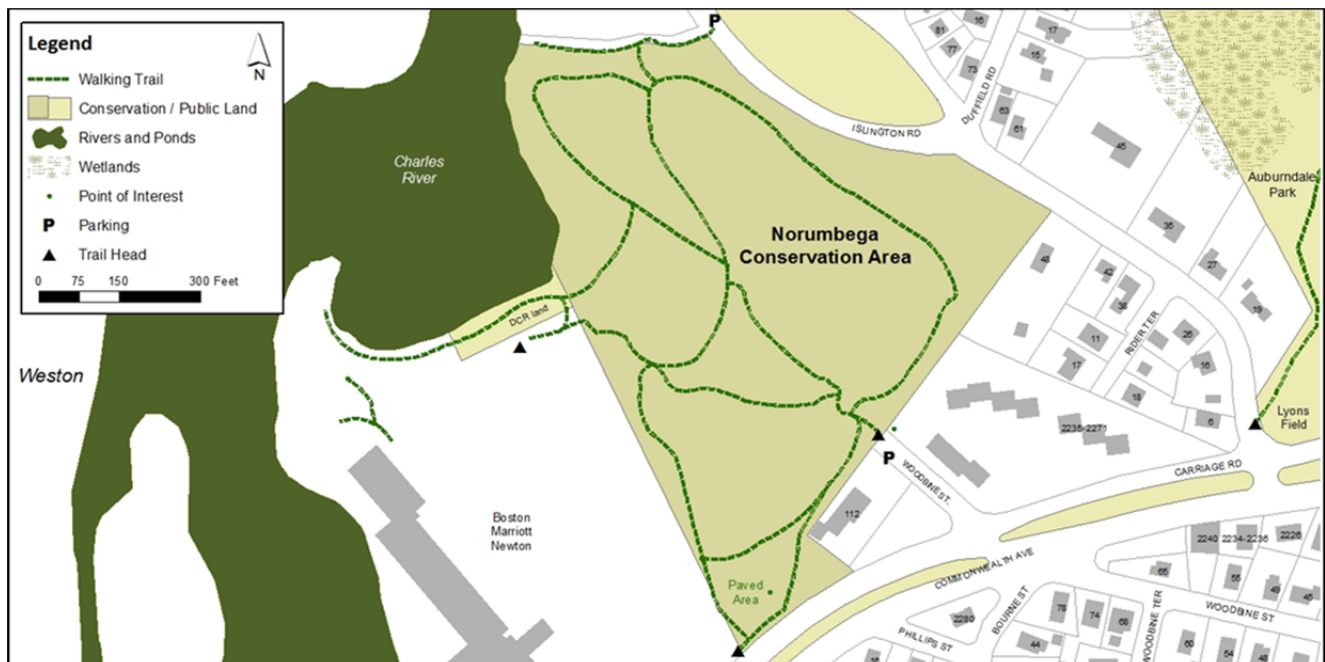
- Woodchip paths
- Field/path restoration

2025 Goals (Special Projects)

- Fence removal
- Eroded hill restoration
- Asphalt removal

Located in Auburndale, access to the 13.27 acres is available on Woodbine Street off of Commonwealth Avenue near the Marriott and off Islington Road (near the oval park). Norumbega Park was acquired by the City of Newton in 1976. Norumbega Park is a recommended picnic site of the Charles River Pathway.

One of the most beautiful, and certainly most popular, "trolley" parks in New England, Norumbega Park opened in 1897 in Auburndale (a village of Newton) Massachusetts and closed for good on Labor Day weekend 1963. The amusement park was built by the directors of the Commonwealth Avenue Street Railway in an attempt to increase patronage and revenues on the trolley line running between Boston and Auburndale. Norumbega was tremendously successful, attracting hundreds of thousands of patrons each season. Its location on the Charles River meant that the park was accessible by water as well as by land. In the early years of the twentieth century, the Lakes District of the Charles was the most heavily canoed stretch of water on earth, with more than 5000 canoes berthed along its 5.8 mile length. Norumbega's success continued through the 1920s, with new attractions added frequently. (<http://www.norumbegapark.com>)



Oakdale Woods Conservation Area

Acres	2.81
Year Acq.	1979
Trailheads	2
Trails (ft)	2110
Natural Character	Woods
Signs	2
Boardwalks	0
Bridges	0
Parking lots	1
Benches	0
Trash Cans	0

Management Plan

Annual Maintenance

- Trail & trailhead cleanups: 2

2015 Goals (Special Projects)

- Install 2 signs

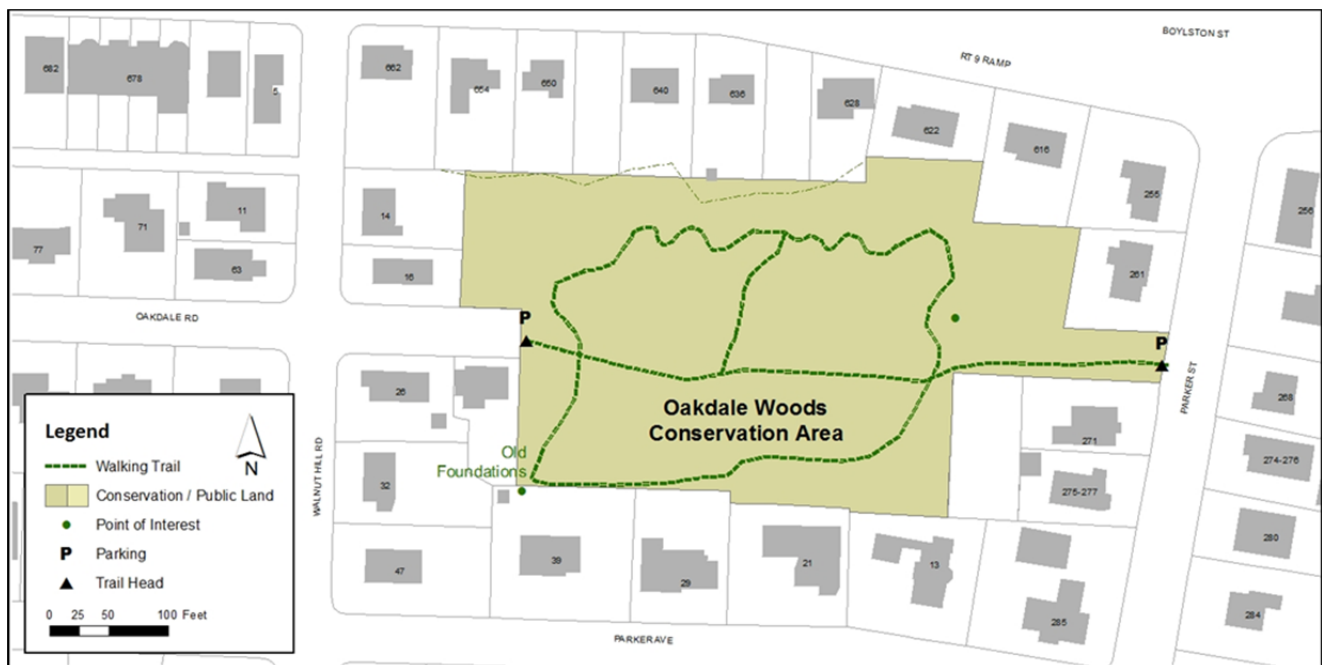
2017 Goals (Special Projects)

-

2025 Goals (Special Projects)

-

Oakdale Woods was acquired by the City of Newton in 1979. It is a lovely lush parcel traversed by attractive footpaths. Located in Newton Highlands, access to the 2.81 acres is available on Oakdale Road (off of Walnut Hill Road) and Parker Street.



Sawmill Brook Conservation Area

Acres	30.94
Year Acq.	1979-1985
Trailheads	2
Trails (ft)	2690
Natural Character	Woods, stream, wetland
Signs	4
Boardwalks	0
Bridges	0
Parking lots	1
Benches	0
Trash Cans	0

Management Plan

Annual Maintenance

- Trail & trailhead cleanups: 2

2015 Goals (Special Projects)

- Install 2 signs

2017 Goals (Special Projects)

- New boardwalks and trail improvements
- Reduce parking lot area and plant

2025 Goals (Special Projects)

- Invasive removals

Saw Mill Brook Conservation Area was acquired by the City of Newton “by pieces”. The parcel extends along a section of the perennial stream for which it was named. The area can be accessed from a parking lot on Vine Street or from the end of Marla Circle. The two access points are connected by an attractive footpath, with boardwalks laid down to reduce damage to the wetland areas through which the path wanders.

Keep your eyes open for puddingstone outcrops (Roxbury puddingstone or Roxbury conglomerate, is a mix of fine-grained sediments and rock).

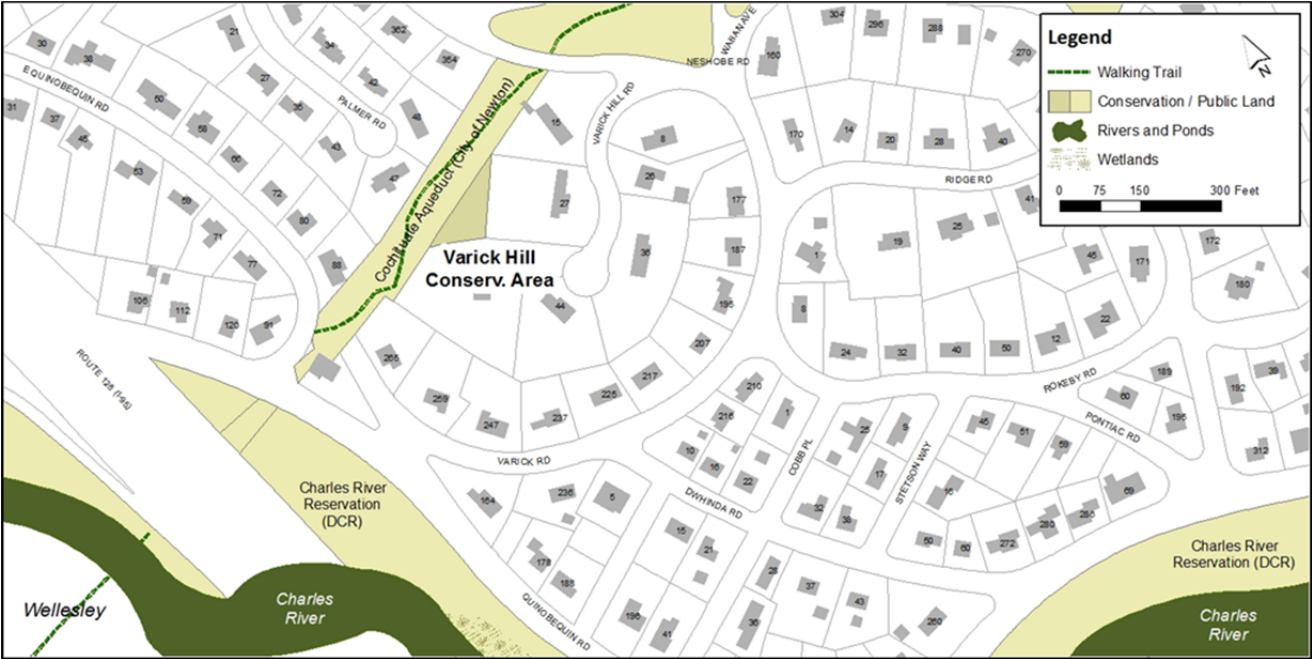
The “Vine Street-West Kessler” parcel on the east side of Vine St. is one of the Commission’s most recent acquisitions. It is thickly wooded, with very uneven ground and wetlands along Saw Mill Brook as it flows toward Lagrange Street. This wetland is part of Massachusetts Inland Wetland Restriction Area #7.



Varick Hill Conservation Area	
Acres	0.19
Year Acq.	1977
Trailheads	0
Trails (ft)	0
Natural Character	Woods
Signs	0
Boardwalks	0
Bridges	0
Parking lots	0
Benches	0
Trash Cans	0

Management Plan	
<u>Annual Maintenance</u>	
• Street-side clean-up:	0
<u>2015 Goals (Special Projects)</u>	
•	
<u>2017 Goals (Special Projects)</u>	
•	
<u>2025 Goals (Special Projects)</u>	
•	

The City of Newton acquired Varick Hill Conservation Area in 1977. Located in Waban, the 0.19 acre triangular parcel abuts the Cochituate Aqueduct, at the rear of #27 and #47 Varick Hill Road. The City of Newton owns the Cochituate Aqueduct, under which runs a Newton sewer line. The aqueduct and the Varick Hill Conservation Area can be accessed from Varick Road or Quinobequin Road.



Webster Conservation Area

Acres	105.47
Year Acq.	1968-1975
Trailheads	5
Trails (ft)	19,000
Natural Character	Woods, wetland, bog, cliffs, stream
Signs	8
Boardwalks	0
Bridges	0
Parking lots	0
Benches	1
Trash Cans	0

Management Plan

Annual Maintenance

- Trail & trailhead cleanups: 2

2015 Goals (Special Projects)

- Install 2 signs
- Install trail intersection markers
- Fix fencing and gates at Deer Park

2017 Goals (Special Projects)

- Control off-leash dogs

2025 Goals (Special Projects)

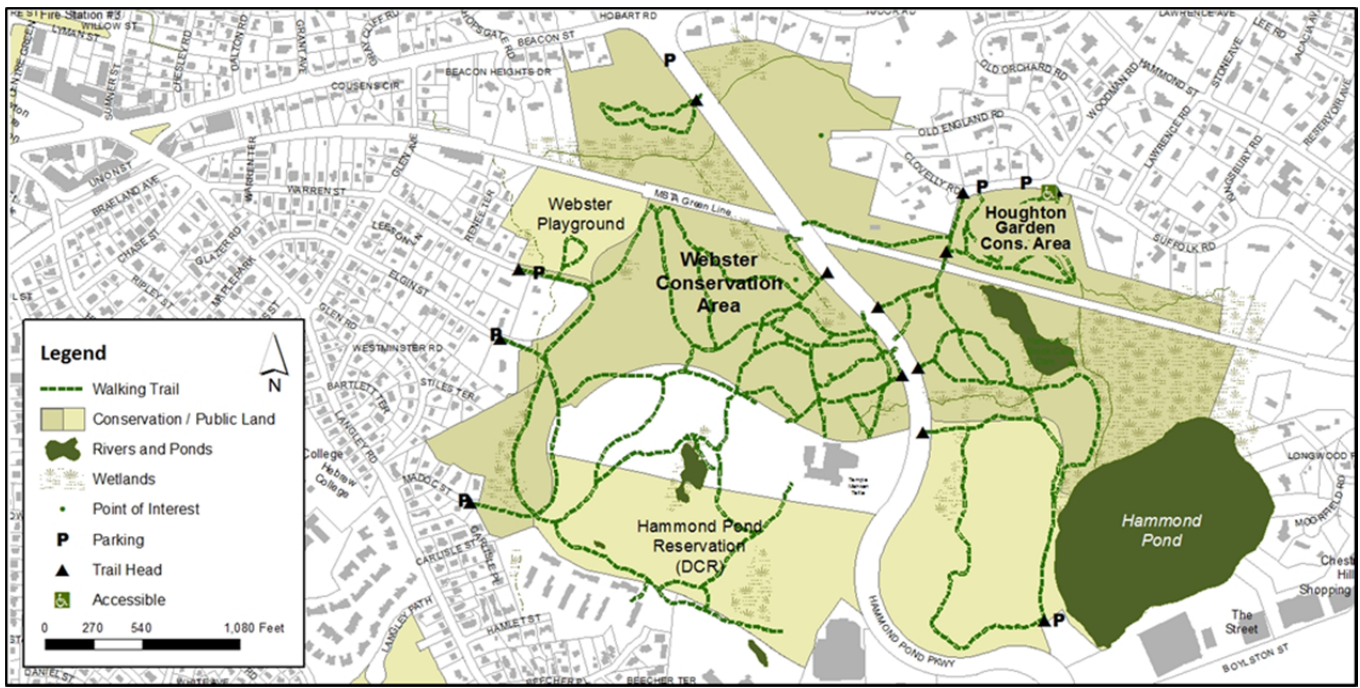
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The City of Newton acquired a number of parcels, mostly through eminent domain from the former Webster and Houghton 'estates.' The parcels are located immediately to the east and west of Hammond Pond Parkway, and on either side (north and south) of the MBTA track. Parcels on the west side of Hammond Pond Parkway are usually combined under the label 'Webster-West,' including two large parcels at the end of Warren Street on the south side of the MBTA track, and four parcels north of the MBTA track. Two additional abutting areas were acquired along Thompsonville Brook (Elgin Conservation Area and Cohen Conservation Area).

Webster-East is a large parcel to the north and west of Hammond Pond, and south of the MBTA track. On the west end of Houghton Garden, a lane leads from Suffolk Road to the MBTA track where there is a pedestrian crossing. From the crossing, the path can be followed through Webster-East and across land owned by MA Department of Conservation and Recreation to the Chestnut Hill Shopping Center. See also: Deer Park and Houghton Garden.

The 7.59-acre Cohen parcels, and an additional 1.6-acre Cohen annex, is located at the end of Madoc Street. It is wooded with rock outcrops, and includes the upstream end of Thompsonville Brook and associated bordering vegetated wetland. It abuts the Elgin Street Conservation Area and the Webster (West) Conservation Area, as well as a parcel of land owned by Department of Conservation and Recreation.

The Deer Park (part of Webster-East) site is bordered by Hammond Pond Parkway on the west. A 14.06-acre parcel that once contained close to 40 deer, when acquired, it was with an understanding that the city would care for the deer. When MA Wildlife took note of the situation, it wanted the deer released, but the City instituted a birth-control program, instead, darting the females with contraceptive implants each spring. The last of the herd perished during the winter of 2010-2011, and the Conservation Commission is currently assessing the area for new uses.



Wilson Conservation Area	
Acres	0.5
Year Acq.	1986
Trailheads	0
Trails (ft)	50
Natural Character	wooded
Signs	1
Boardwalks	0
Bridges	0
Parking lots	0
Benches	0
Trash Cans	0

Management Plan
<u>Annual Maintenance</u>
<ul style="list-style-type: none"> Trail & trailhead cleanups: 2
<u>2015 Goals (Special Projects)</u>
<ul style="list-style-type: none"> Install 1 sign
<u>2017 Goals (Special Projects)</u>
<ul style="list-style-type: none">
<u>2025 Goals (Special Projects)</u>
<ul style="list-style-type: none">

The Wilson family donated this parcel from their holdings at 15 Bracebridge Road to the Conservation Commission around 1992. Located in Newton Centre between Hancock Avenue and Park Lane and between Greenlawn Avenue and Bracebridge Road, this 0.5-acre wooded lot is accessible from Greenlawn Avenue or Bracebridge Road. The parcel is adjacent to or lies over parts of the Cochituate Aqueduct and the Sudbury Aqueduct.





Setti D. Warren
Mayor

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Department of Planning and Development
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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

DATE: May 8, 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: May 11, 2015

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

The process of completing phase 1 of zoning reform is nearly complete. At each stage, there has been a refinement of the draft ordinance, beginning with the conceptual ideas for phase 1 laid out in the Zoning Ordinance Assessment document and proceeding through to the final edits of the last several months. On April 13, 2015 the Zoning and Planning Committee opened a public hearing on the draft ordinance document and members of the public had an opportunity to ask questions and identify corrections in the document consistent with the intent of phase 1. With this final refinement, the Zoning Ordinance is ready to move on to adoption.

Staff met with several members of the public on April 29 to review comments and questions on the draft ordinance. Those questions, plus all those received at the public hearing and any others received since then are documented in attachment A along with the answer provided.

The current draft may be found online at
<http://www.newtonma.gov/gov/planning/lrplan/zoning/zoningref.asp>

Staff is recommending that the adoption of this ordinance be effective July 1, 2015. This date allows time to make corrections to the official Zoning Map and corresponds to the new fiscal year.

A couple notes on future amendment to the new ordinance:

- Under this new approach, the format of the text and accompanying illustrations, and tables is as important as word choice in the text itself, in terms of understanding the content of the ordinance. All future amendments will be presented to the Zoning and Planning Committee and Board of Aldermen as they would appear in the final ordinance, so that the Committee and Board can review both text and format together.
- Staff will maintain a list over the course of the year of potential minor corrections, clarifications, or changes to the ordinance. At the end of each year, this list will be presented to the Zoning and Planning Committee for consideration. Items on this list might range from simple corrections to wording or grammar to small changes identified through experience that will improve project review or enforcement consistent with ordinance intent.

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Planning Department Responses to Public Comment

Accessory Apartments

1. Section 6.7.1.A defines two cases of accessory apartments, internal and external. Instead it should start by specifying that it is a dwelling unit since it is presumably important that it meet the “dwelling” definition. The original definition seems to give a clearer description of the concept and is a better starting point. The internal-external distinction is useful but subordinate.

The current draft provides the definition of an accessory apartment before the “internal” and “external” and then defines “internal accessory apt” and “external accessory apt”. This maintains most of the existing definition for accessory apartment.

2. Section 6.7.1.A.1. uses a different definition of dwelling unit than that used elsewhere in the ordinance. The word “unit” is in red and has presumably been inserted though the context is that this is referring to a structure that contains two dwelling units. How can an accessory Apartment be “located within a dwelling unit”? A dwelling unit is only a “..habitable unit for one family,…” It seems the word unit should be deleted. It also would be clearer if “residential structure” were used instead (and also in 6.7.1.A.2). Section goes on to refer to the accessory apartment as a dwelling unit.

The current draft notes an internal accessory apartment in a single or two-family dwelling, which should eliminate this confusion and is consistent with the existing language. An accessory apartment is a dwelling unit that is accessory to a principal dwelling unit, whether internal to it or in a detached structure. The language is important because it is not a structure with two separate dwelling units.

3. Section 6.7.1 would be clearer if it consistently referred to the principal dwelling unit as the “main dwelling unit” when that is its meaning.

The latest version refers to it as principal dwelling.

4. Section 6.7.1.C. is mostly deleted and now has only one subsection that is labelled #2 in the draft and should be changed to “1.”

Number relabeling happens automatically when the struck-through text is removed.

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5. In the beginning of section 6.7.1.C.2. it mentions “single-family” dwelling but does not specify whether it applies to “detached,” or “attached” or both. What is intended? Should this be made explicit?

The latest version included the word “internal”.

6. Section 6.7.1.C.2. covers cases that can be approved by administrative site plan review for single family dwellings. Later in subsection F it only shows this administrative review as applicable in single resident districts. Assuming only single resident districts are covered by this administrative process, it would be helpful to make this explicit the text of this subsection where the authority is created.

In the latest version 6.7.1.C.2.1 says a single or two-family dwelling in a Single Residence District.

7. In the beginning of 6.7.1.C.2. it mentions “administrative site plan review.” It would be helpful to capitalize this and provide a citation to this process since it presumably is referring to Sec. 7.5.

The Administrative site plan review has been removed - this comment no longer applies.

8. Section 6.7.1.C.2. c. states, “Stairs **must** be located within the setback” (emphasis added). This is the worst case. If the main structure exceeds the setback requirement, e.g., has more than a 25 foot front setback, the stairs need not extend out to the setback. The intended meaning may be to simply provide this option and if so, “must” could be changed to “may.”

This requirement should read as “stairs shall not be located within the setback”

9. Section 6.7.1.C.2. e. states, “No more than one accessory apartment shall be allowed per lot;...” A conforming single-family detached dwelling could be part of a merged property that had two non-conforming lots. The obvious intent is to permit only one accessory apartment for such a property and if so, this could be changed to read, ““No more than one accessory apartment shall be allowed per single family detached dwelling.” This change is consistent with the Phase 1 goal of making the ordinance clearer but not changing its intended meaning.

6.7.1.C.1 states that an internal accessory apartment is allowed in a single-family dwelling, so we don’t believe there is a need to repeat that statement. The noted statement is clearly unnecessary and should be considered for elimination.

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10. Section 6.7.1.D.1 By Special Permit, contains the text “...a dwelling in a Multi-Residence District...” whereas the predecessor existing ordinance does not seem to give this authority in districts MR3 and MR4. Is this expansion of authority intended? Is it a policy change that should be reserved for Phase 2? Given all the other options for multiple units in MR3 and MR4, this expansion seems unwarranted

The latest draft specifies that this only applies to MR1 and MR2 districts.

11. Section 6.7.1.D.1.a. Allows the maximum size to be “...1200 square feet or 33% of the total building size of the dwelling whichever is **more**” (emphasis added). The parallel section 2.a. that covers situations covered under administrative review uses similar text but has the word “less” where this section uses “more.” Since this section applies to Special Permit situations in multi-resident districts where much larger building sizes are permitted, very large accessory apartments would be permitted if “more” is operative. Is this the intent?

By right accessory apartments in SR districts allow the “lesser of”, whereas special permits allow the “greater of”. This is consistent with the existing language. In an MR district the accessory apartment is limited to 1,200 sf.

12. Sec. 6.7.1.F, “Lot Size and Building Size.” contains a table with a column labelled “Building Size **(Max SF)**.” (emphasis added). The **MaxSF** is new test though not indicated as such with red text color and this may be an incorrect change. For most zoning district there are lines for both “Admin. Rev.” and “Special Permit.” It is unclear as to what the values under the heading **MaxSF** pertain to. For Admin. Rev. it would seem from the column heading that these are the maximums that can be approved. For the Special Permits are these also the maximum sizes SPs can grant? Or do the SP values have a different meaning from the Admin Rev. values? It seems some text should be added to aid in the proper interpretation of this table. It is also may be notable that the text “**Max SF**” is **new text** in this draft (though **not noted in red**), and may not be what was intended in the original (predecessor) Table 30-8 (p.39).

The previous draft had an error, as the square footage requirements in the table are minimums. This has been changed in the latest draft. We do not think that additional language is needed in the text as the table clearly says minimum. The idea behind these standards was to locate accessory apartments on larger lots and within larger houses so that they were clearly accessory to the principal structure. This has been consistently applied since it was added to the zoning ordinance.

13. The existing Ordinance does not allow accessory apartments in MR 1 & 2 zones to exceed 1,200 square feet. However, because the new ordinance has combined the

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standards for SR and MR zones, it now allows accessory apartments in MR zones to exceed 1,200 square feet.

This was an error in the previous draft and has been corrected.

14. The table in subsection 6.7.1.F carries over the predecessor existing footnote indicating that Special Permits can only be granted in single resident districts for lots created prior to 12/7/1953 though this is the only place in the accessory apartment section where this limitation is noted. It would add clarity to include this limitation in prior text.

We believe that this is the correct location for this language and do not think adding it to the text would bring greater clarity. Rethinking pre/post 1953 standards should be addressed as part of Phase II.

15. Sec. 6.7.1.G.1. provides guidance for how building size is to be measured in terms of gross floor area. It includes "...living area in basement..." Is this basement area only counted if it meets the gross floor area inclusion standards of Sec. 1.5.5.D.? Likewise, does the "finished attic" only count if it meets the gross floor area inclusion standards of Sec. 1.5.5.B.3.b.?

No. This is a separate standard in the accessory apartment section and may not equal the floor area calculation under FAR rules.

16. Section 6.7.1F (accessory apartments): In the table of lot size and building size, under lot size there are asterisks on all of the lot sizes for Special Permits where the asterisks reference old lots, yet it does not list a lot size for new lots. What's the lot size minimum for new lots as I don't think it's defined anywhere. Is it the larger SF as per that for admin review? This should be clarified.

The lot size requirements for Admin Rev are the new lot (post 1953) standards in Chapter 3. We do not suggest any changes at this point as the accessory apartment should be revisited as part of Phase II.

Parking

17. Parking for 1 and 2 family homes (Section 5.1.4 and 5.1.7): In section 5.1.4D it states "For onefamily and two-family dwellings, 2 tandem parking spaces are permitted within the side yard setback. And in section 5.1.7A it states "No parking stall shall be located within any required setback distances from a street and side lot lines, except that, in conjunction with a one- or two-family dwelling, one two parking stalls per dwelling unit may be located within required setback and sideline distances." These seem to conflict,

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with the latter seemingly allowing for 4 tandem parking spaces in a single side setback. I believe the maximum allowed is two (unless existing).

There is an inconsistency in the existing ordinance. ZAP agreed that it should allow a total of 2 parking stalls in the side setback. For a 2-family dwelling this would equal one stall per dwelling unit.

18. (2) Parking for accessory apartments (Section 5.1.4). The size of accessory apartments at 1,000 sq ft by admin or 1,200 by SP means that many of these units could be 2-3 bedrooms and hence reasonable size for a family as opposed to a single person. I therefore believe that the parking requirements could be insufficient in some cases. A possible solution might be to require 2 parking spaces for the larger units, say those over 500-600 sq ft. Specifically I'm relating this to the City's desire for all resident vehicles to have adequate off-street parking provided so this seems contrary to that. That said, I believe that the allowed maximum size for (new construction) accessory apartments is too large since it provides for a space large enough for a family and in essence is allowing for single family zoned properties to become two-family dwellings.

There is no substantive change from current ordinance. Altering the parking requirements for accessory apartments would be a Phase II issue.

19. How many commercial vehicles are allowed on a residential site?

The existing ordinance is clear on the use of commercial vehicles on lots with single-family dwellings, however it does not address commercial vehicles on lots with two or more units. Current ordinance is interpreted as one commercial vehicle per lot.

20. Are there two parking stalls allowed in the setback per unit or per lot? For example, are you allowed to have 4 cars in the side setback for a two-family?

As discussed in #17, a total of two cars are allowed in the side setback.

21. Sec. 3.1.10 and 3.2.11. The new draft ordinance seems to reduce parking requirements in both single residence and multi-residence zones for some two-family dwellings (see subsections 3.1.10 and 3.2.11 for single and multi-residence zones respectively). Reducing required parking from four spaces to two is a substantial (50%) change. Given Newton's issues with overnight off-street parking problems during the period where it is prohibited, this seems like a policy matter better suited for Phase 2. Phase 1 should retain the current requirement.

The requirement for parking is two stalls per dwelling unit as required in the parking section (Sec 5.1). There is no change from the existing ordinance.

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Other

22. I am concerned with the proposed change in Section 6.1, Use Classification, that the Commissioner of ISD would have the sole authority to interpret and rule on uses not listed in current zoning. Having a single person making such decisions does not seem right to me. While I assume most of these would be insignificant and not impact abutters, I believe the BOA should be consulted and additionally abutters should be notified so that they have time to consider any potential impact on their homes and livelihood and be able to weigh in on any proposed use change.

There is no change from the existing Ordinance in terms of the Commissioner's ability to make use determinations, as this is state law. The criterion that is being added in the reorganization is meant to provide parameters to the Commissioner in making his decision.

23. Section 3.1.3: The tables for Lot Dimensions and Principal Building Setbacks for SF have newly added text "On or after 12/7/1953" or "Before 12/7/1953" in parenthesis relating to whether these are old or new lots. Ideally it should provide greater clarity and state "On a lot created before (or after) 12/7/1953". This is particularly true of the table on building setbacks since this could be interpreted as the building age rather than the lot age. Same for section 3.2.3 dealing with multi-unit properties.

We have added language at the beginning of article 3 to provide greater clarity to the pre/post 1953 lots.

24. Are "Garden Apartments" also considered "Accessory Apartments", and if so what is the difference in parking

Garden apartments are different than accessory apartments and have been removed. They also have different parking requirements (1 for accessory and 2 for Garden Apt).

25. There is a concern with the authority given to the Commissioner with Use Determinations and with Lot Determinations. The question is whether this authority exists, and for use determinations what the "actionable" step is for an appeal. For an example, an abutter could appeal a building permit, but how/when would they appeal a use determination.

The question of use determinations are addressed in #21. In terms of lot determinations a good ordinance would eliminate/reduce ambiguity that would require lot determinations. We agree that this issue should be a focus of Phase II.

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26. The definition of a corner lot is confusing and should be clarified.

The Planning Department does not believe this is part of Phase I since there are different ways to define corner lot. This should be addressed in Phase II.

27. Questions on 7.8.5 and its consistency with the existing Ordinance.

Paragraphs B and C (in the latest draft) were separated from the paragraph (a) (in the existing ordinance). 7.8.5.D.2 was also separated from 30-26.(b)(1)(b). In both cases there is no substantive change to the ordinance.

As for the references, there are few instances where the latest draft uses more specific references than the last draft in order to be consistent with the existing ordinance. In this section the existing ordinance references the dimensional Table in 30-15 multiple times. Those have been changed to "this Chapter", which is more conservative in terms of capturing requirements of other sections of the ordinance.

28. In Sec. 1.5 Rules of Measurement, at 2.c.ii. a) and b) there is reference to " the mean grade slope". Is this the same as the "avg. grade plane", referred to at 1.5.4.D. Basement 1. & 2. ? Or am I missing something ? Neither shows up at Sec. B.3. Defined Terms.

These are two separate definitions. Mean grade relates to the determination of whether two-family has a common roof connector, whereas average grade plain is used to calculate whether the basement counts as a story (in general). Average grade plain is defined clearly in article 1 and since it is measurement standard it's not defined again in definitions. The mean grade slope is not defined in our existing ordinance.