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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

DATE: June 5, 2015

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

FROM: James Freas, Acting Director of Planning and Development

RE: #23-15 - ACTING DIRECTOR OF PLANNING & DEVELOPMENT
requesting amendments to the official zoning map in order to correct discrepancies between Board of Aldermen actions and the boundaries of zoning districts as shown on the map and to better align zoning district boundaries with property lines and other features to reduce the number of split lots and other map anomalies.

MEETING DATE: June 8, 2015

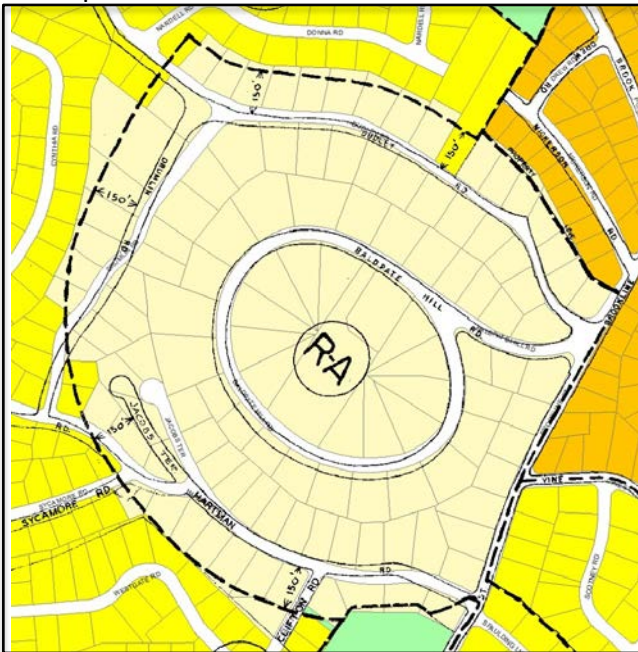
CC: Board of Aldermen
Planning and Development Board
Donnalyn Kahn, City Solicitor

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

Split Lots

Newton's Zoning Ordinance generally directs that the boundaries between zoning districts run along parcel lines or streets. Such rules for zoning district boundaries are common as it is generally easier to enforce zoning rules where only one district applies to a piece of property. There are a number of exceptions on Newton's current Official Zoning Map though where the district boundaries are set by a measurement from the street – see the example below.

Example 1



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

Staff is recommending that in the majority of these situations, the district boundary line be moved to the nearest parcel line. The result of this action would be to make these split lot parcels entirely in the zoning district making up the majority of the parcel. There will be no impact on these properties.

Other Situations

There are three unique situations proposed for correction along with this overall set of rezoning actions.

1. There is a commercial property on Saw Mill Parkway zoning Business 1 where a small sliver of land is zoned Business 2. Based on aerial photos and property information, there is no apparent reason for this difference and staff recommends that this small Business 2 area be removed.
2. The property at 1522 Washington Street was rezoned into both Single Residence 2 and Single Residence 3 in 2004, likely by mistake. As the parcel is owned by the same property owner as the Single Residence 3 property across the street and is not contiguous to the nearby Single Residence 2 area, staff recommends that the parcel be rezoned into Single Residence 3.
3. There are two properties on Simms Court in West Newton that staff is recommending be rezoned from manufacturing. The manufacturing district these properties were once a part of was eliminated when Route 90 was created. Physically, each property has on it a single family house. Staff's initial recommendation has been to rezone these properties to Single Residence

2, consistent with the area across the street. Investigation into the current use of the properties has indicated that at least one may be an office, suggesting that the Business 2 district may be a better option, consistent with the neighboring property. At the time of this memo, staff's investigation is incomplete, but if staff determines that the Business 2 designation is the better option, these two properties would be removed from this rezoning and a separate action docketed.

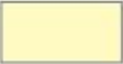
















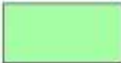

Recommendation

Staff recommends approval of the submitted rezonings so that the final Official Zoning map update may be completed.

Attachment: Proposed Rezoning Maps and Effected Properties

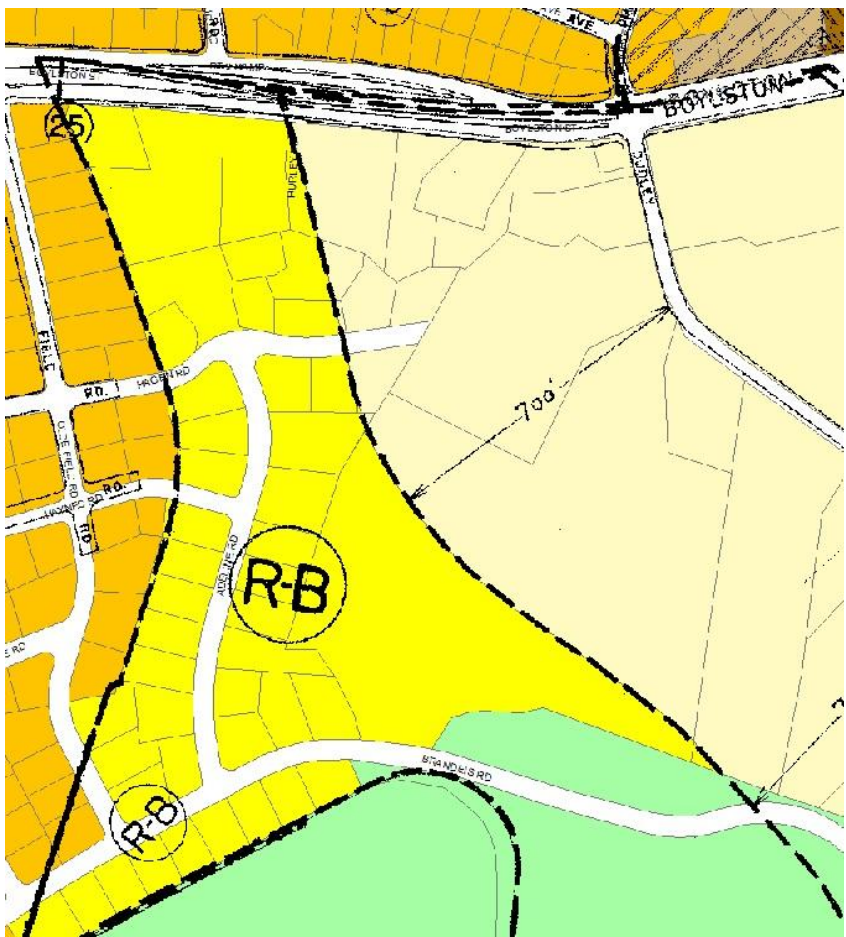
Rezoning

Legend for maps

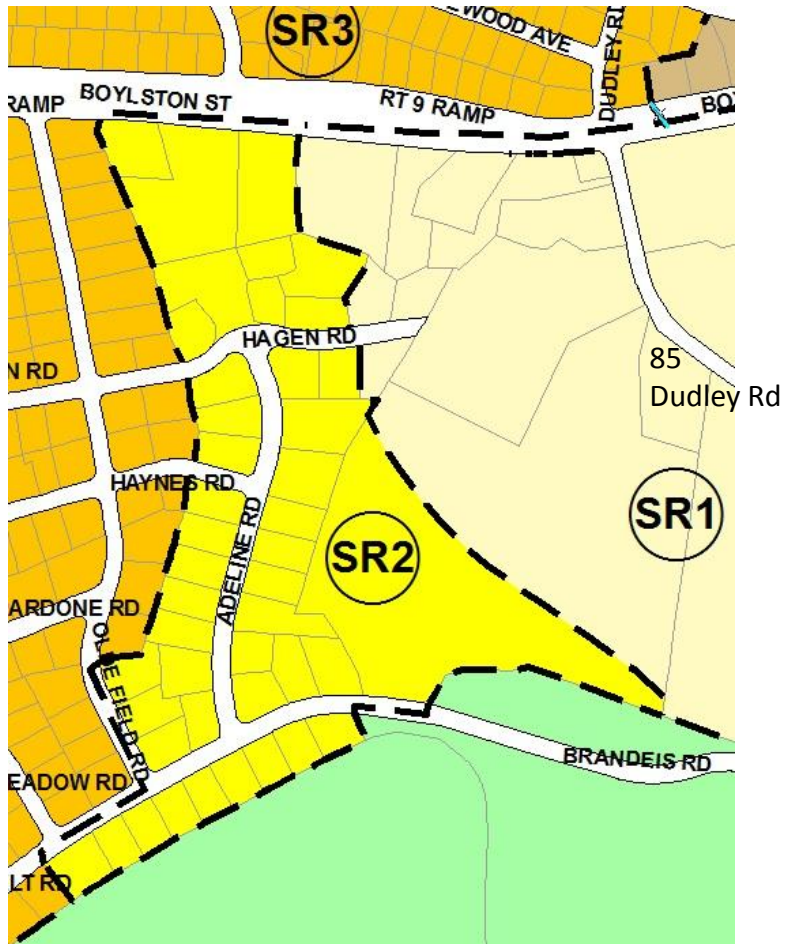
| | | | |
|---|--------------------|---|-----------------------|
|  | Single Residence 1 |  | Business 5 |
|  | Single Residence 2 |  | Limited Manufacturing |
|  | Single Residence 3 |  | Manufacturing |
|  | Multi-Residence 1 |  | Mixed Use 1 |
|  | Multi-Residence 2 |  | Mixed Use 2 |
|  | Multi-Residence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

Dudley Road – boundary is currently 700' from road - to conform to lot lines, except behind 823 Dudley Rd

Before



After



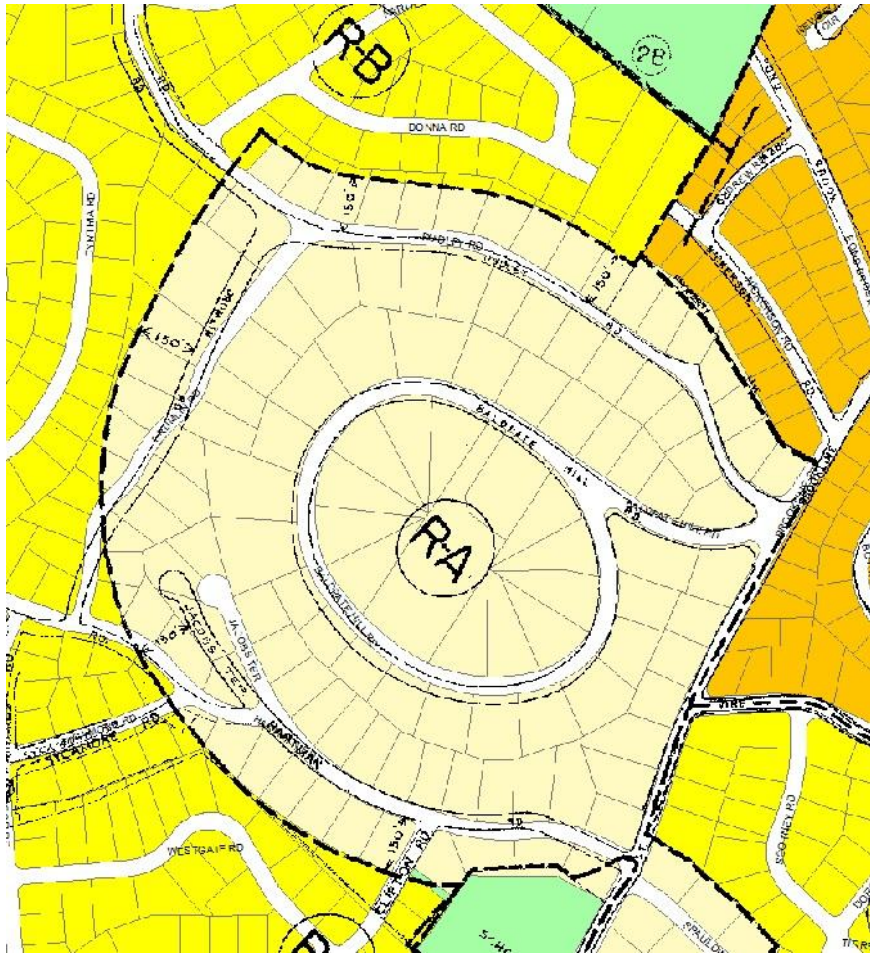
List of properties affected

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

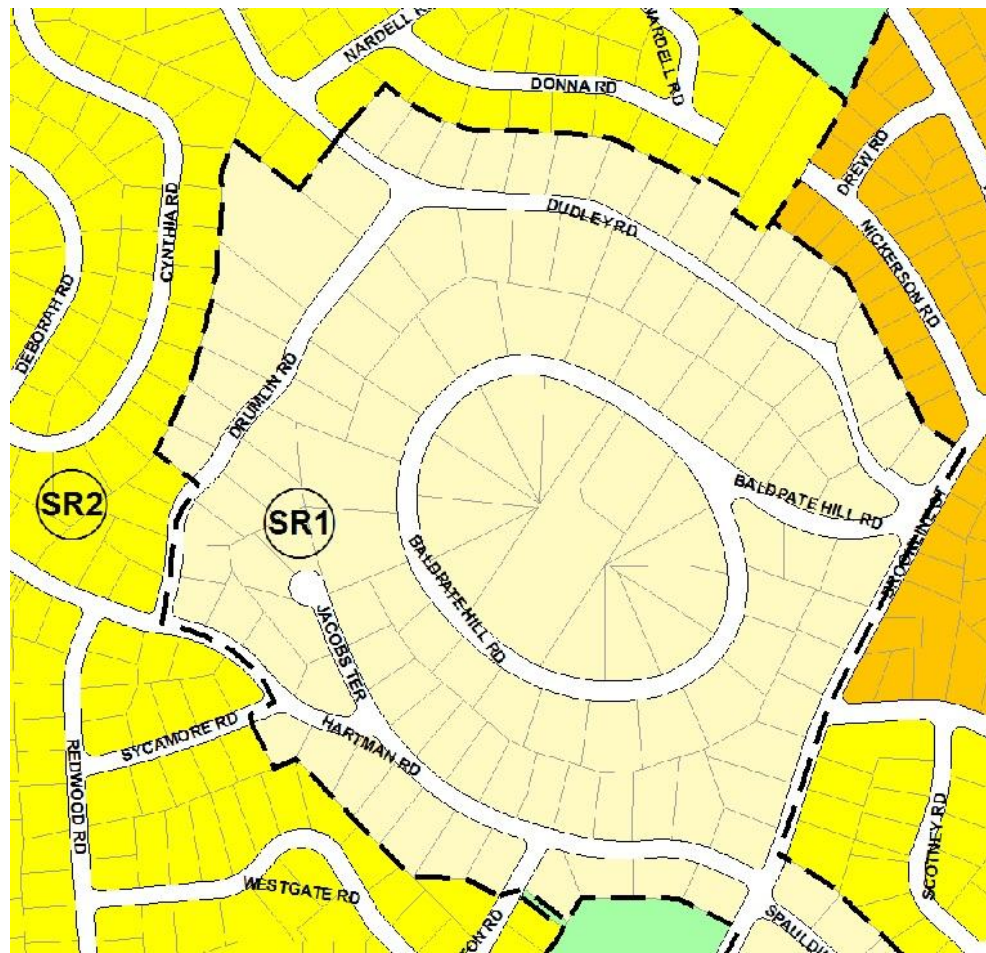
Baldpate Hill area – boundary is currently 100 or 150' from curved roads - to conform to lot lines

#2816

Before



After

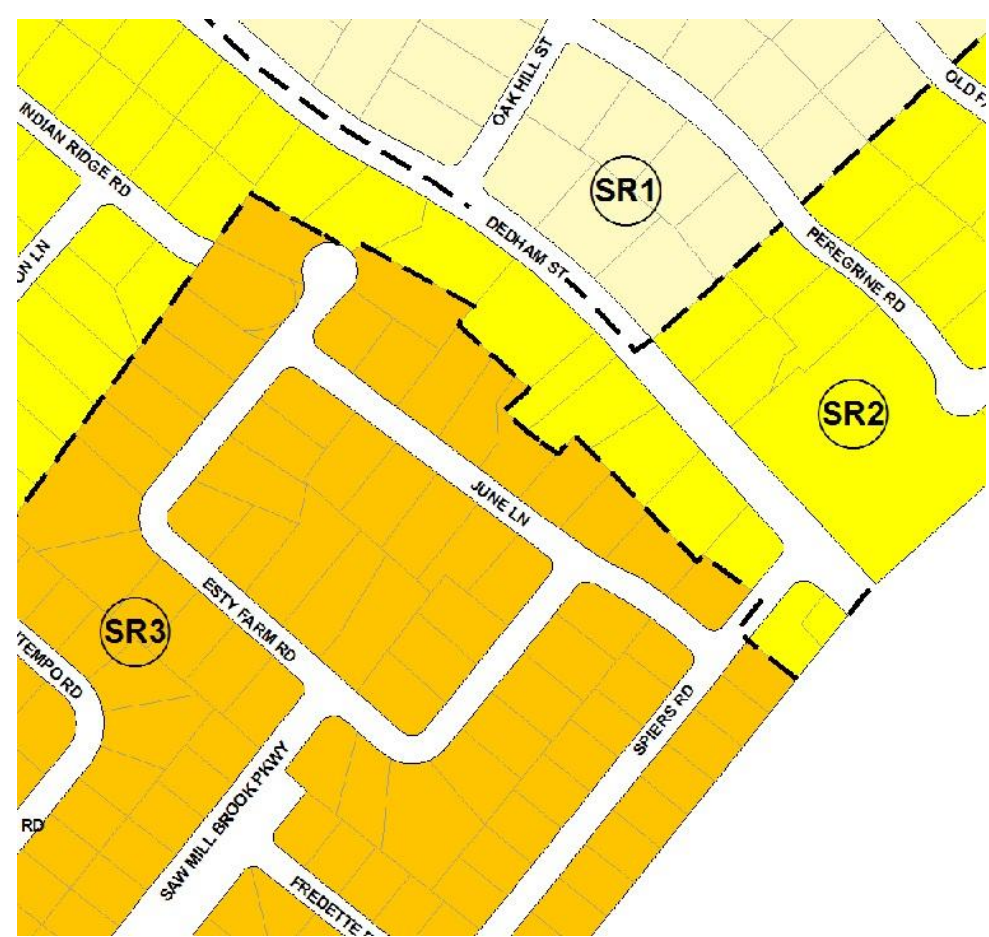
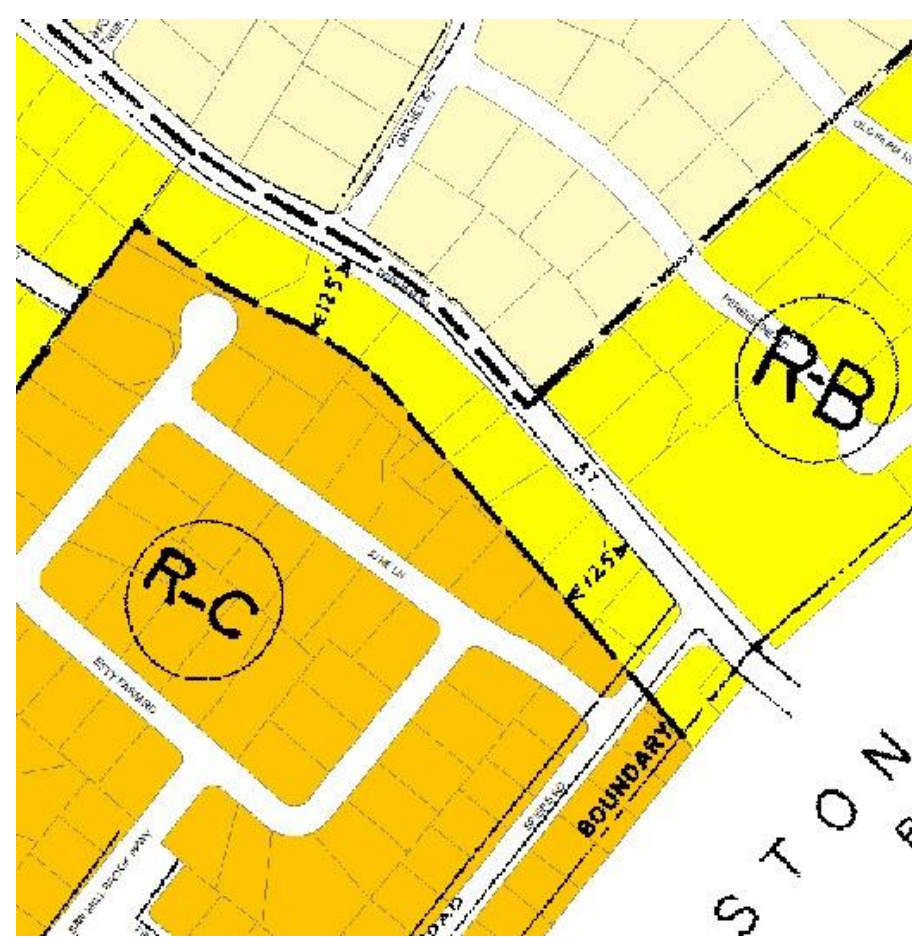


| | | | | | | | |
|------------|---------------|------------|----------------|------------|----------------|------------|----------------|
| 82006 0001 | 9 Nardell Rd | 82006 0013 | 472 Dudley Rd | 82007 0040 | 63 Drumlin Rd | 82023 0007 | 267 Hartman Rd |
| 82007 0046 | 411 Dudley Rd | 82006 0012 |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

Dedham St– Current boundary is 150' from road - to conform to lot lines #23-15

Before

After



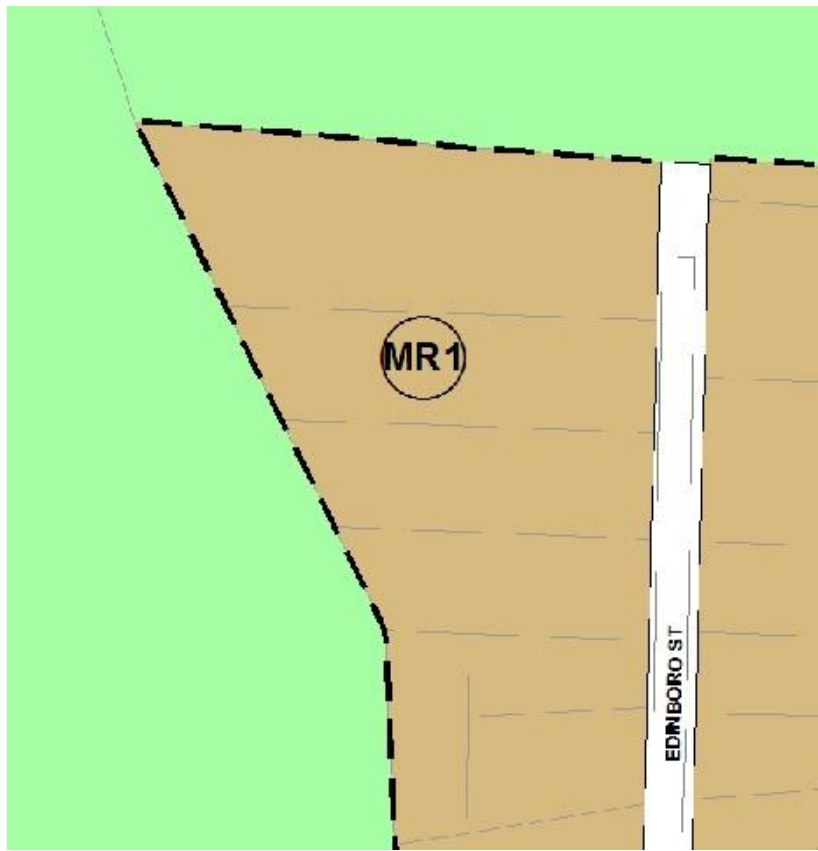
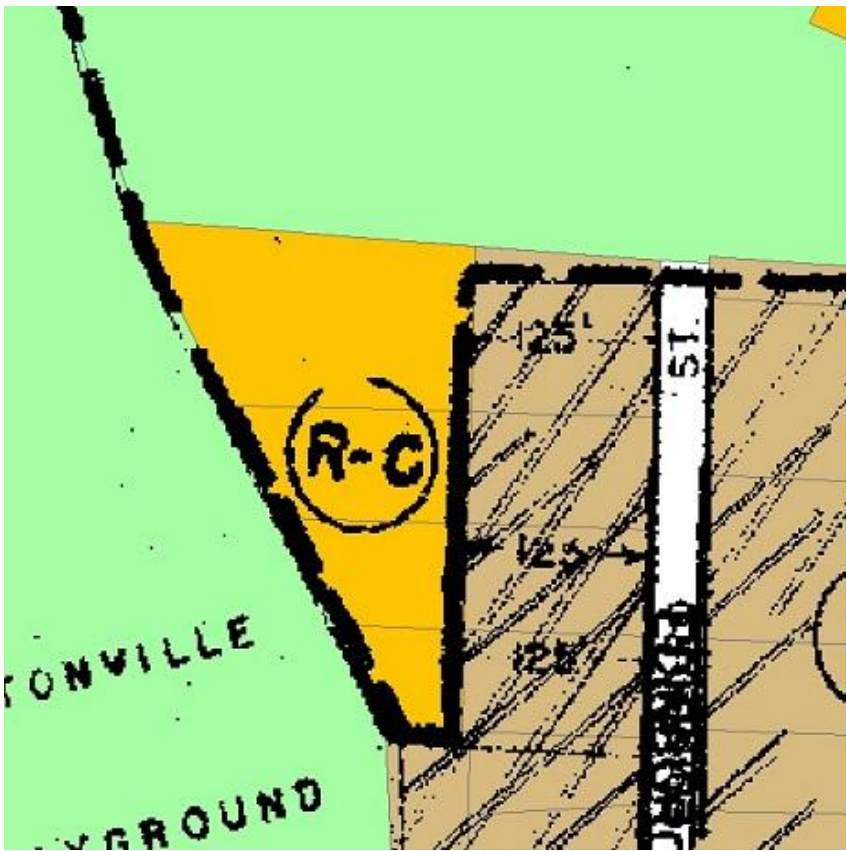
List of properties affected

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

Edinboro St – Current boundary is 125' from road – to conform to lot lines removing SR3 area in back #2813

Before

After

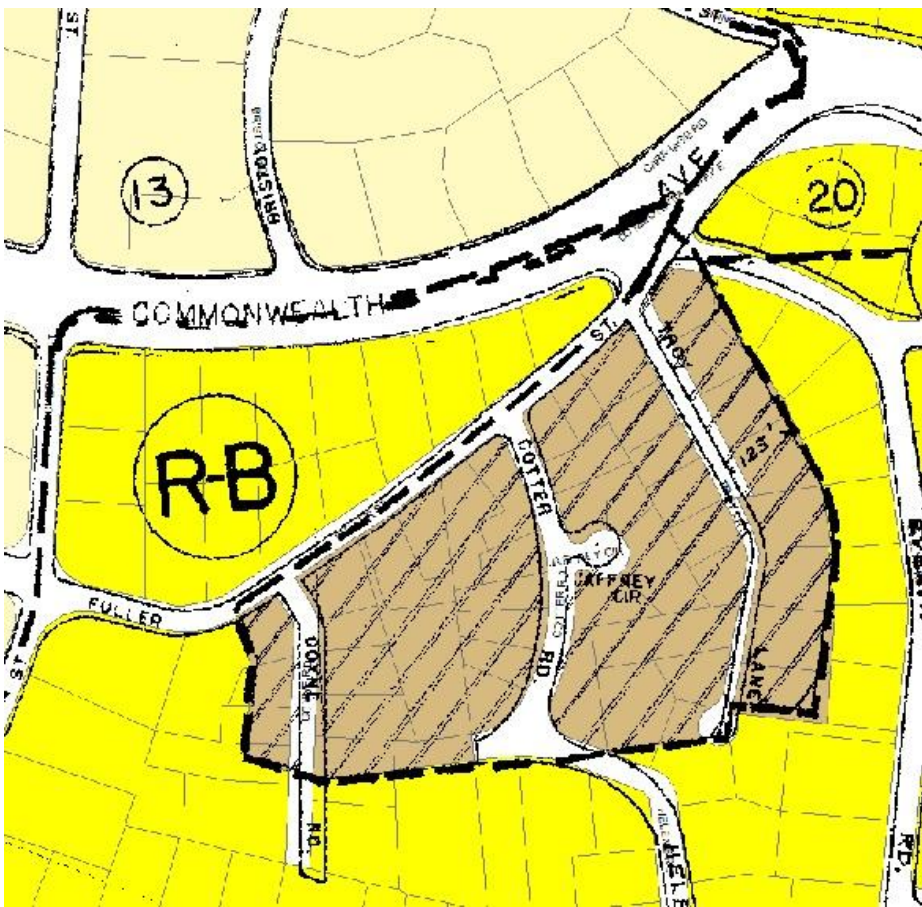


List of properties affected

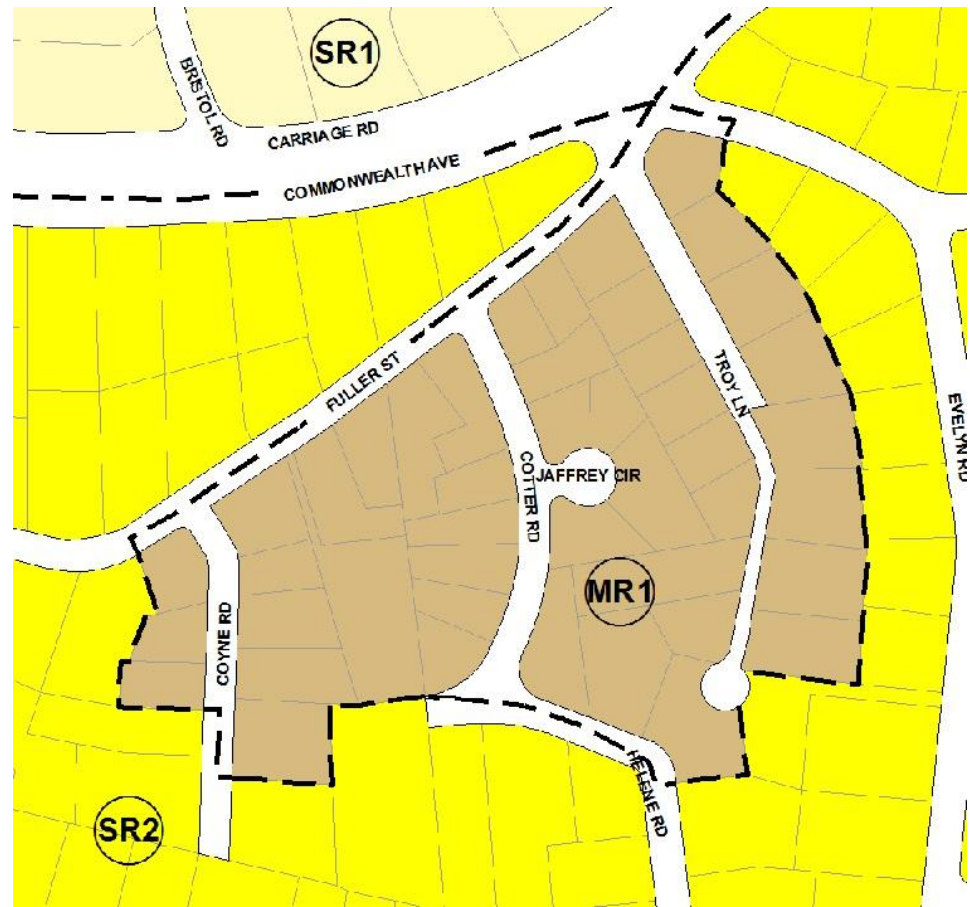
| SBL | Address |
|------------|---------------------|
| 21022 0018 | 172 Edinboro St |
| 21022 0019 | 166 Edinboro St |
| 21022 0020 | 160 Edinboro St |
| 21022 0021 | 154-156 Edinboro St |

Cotter/Coyne Rd, Troy Lane – Current boundaries split lots and 125' from Troy Lane -to conform to lot lines #23-15

Before



After



List of properties affected

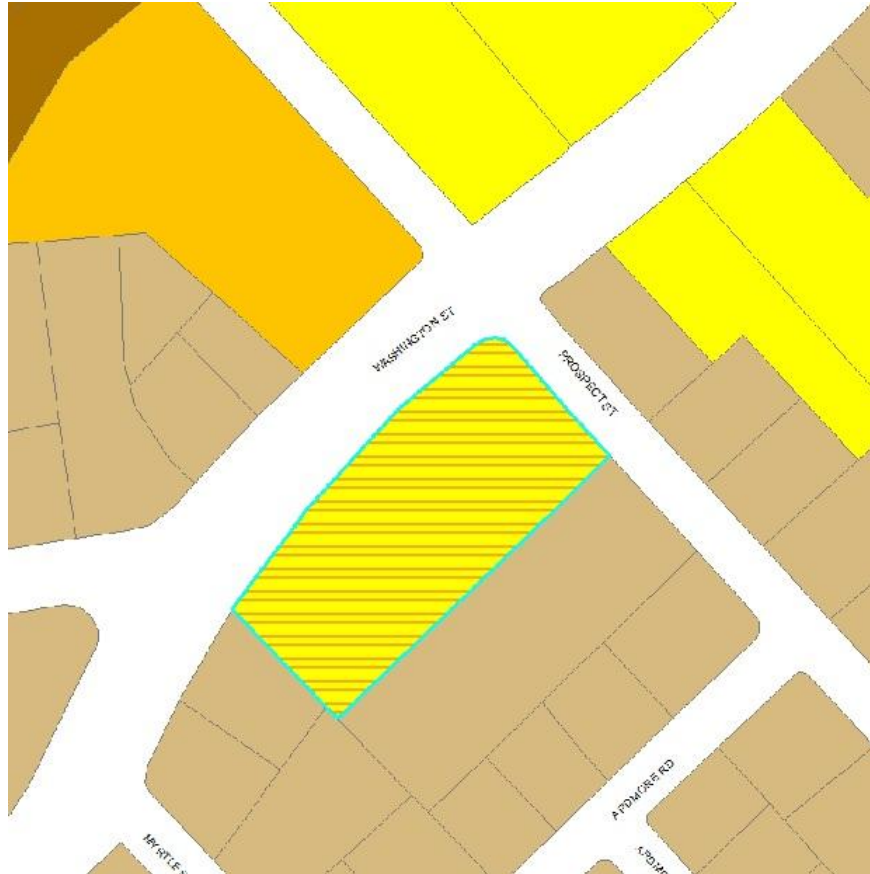
- | | | | |
|------------|-----------------|-------------|----------------|
| 53003 0002 | 202 Evelyn Rd | 53005 0040 | 15 Coyne Rd |
| 53003 0001 | 210 Evelyn Rd | 53005 0041 | 21 Coyne Rd |
| 53004 0012 | 49-51 Helene Rd | 53005 0042 | 29 Coyne Rd |
| 53004 0011 | 41 Helene Rd | 53005 0001A | 28-30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

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

#23-15

Before

After



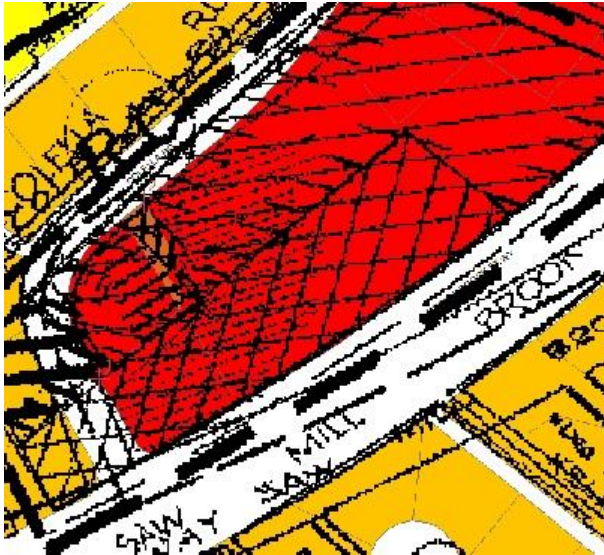
List of properties affected

SBL
32017 0001

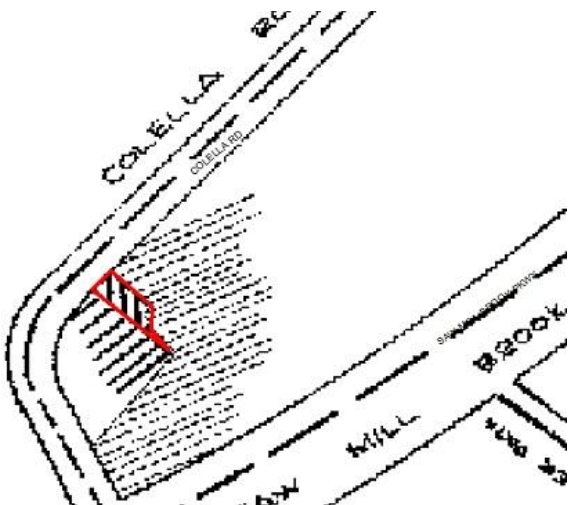
Address
1522 Washington St

655 Saw Mill Brook Parkway– Small Business 2 driveway area created in Business 1 area – Ord. 111 (Aug 1, 1966) Remove area and make all Business 1

Before

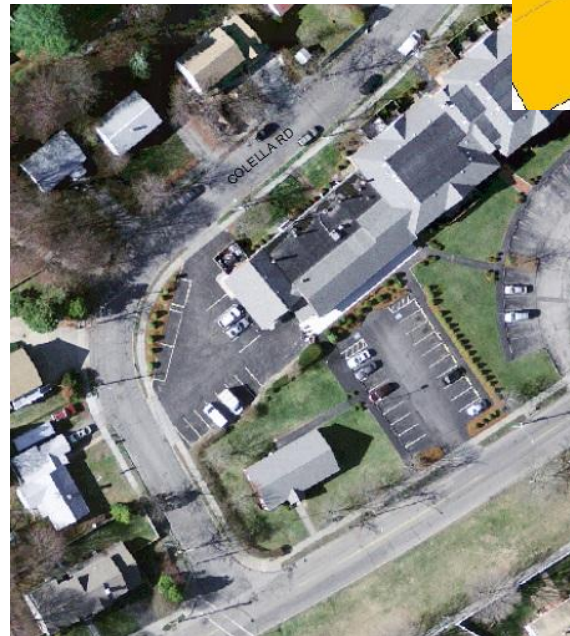


Original Zoning Map

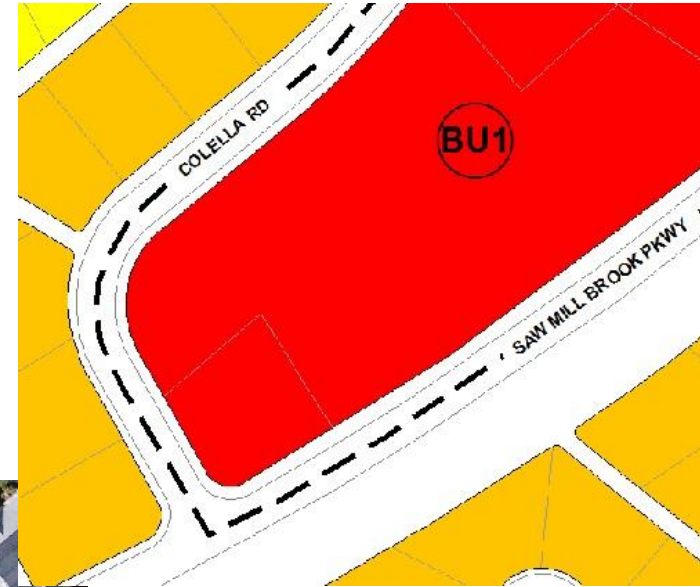


List of properties affected

Aerial View



After



SBL
84015 0006

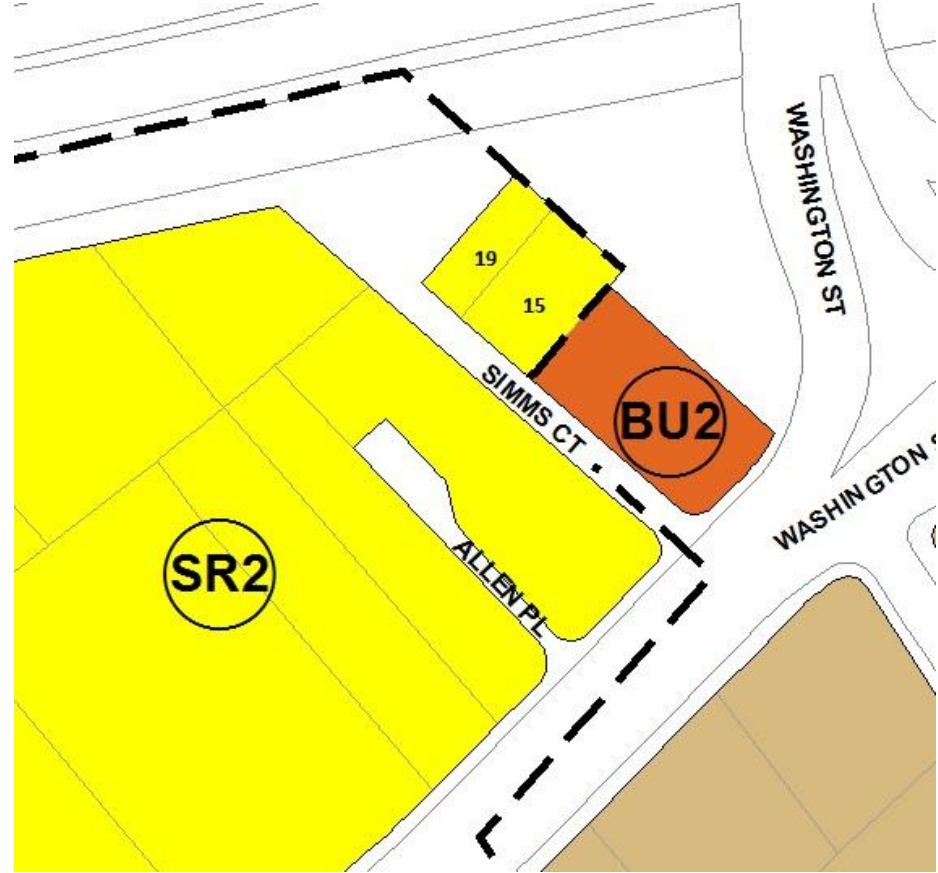
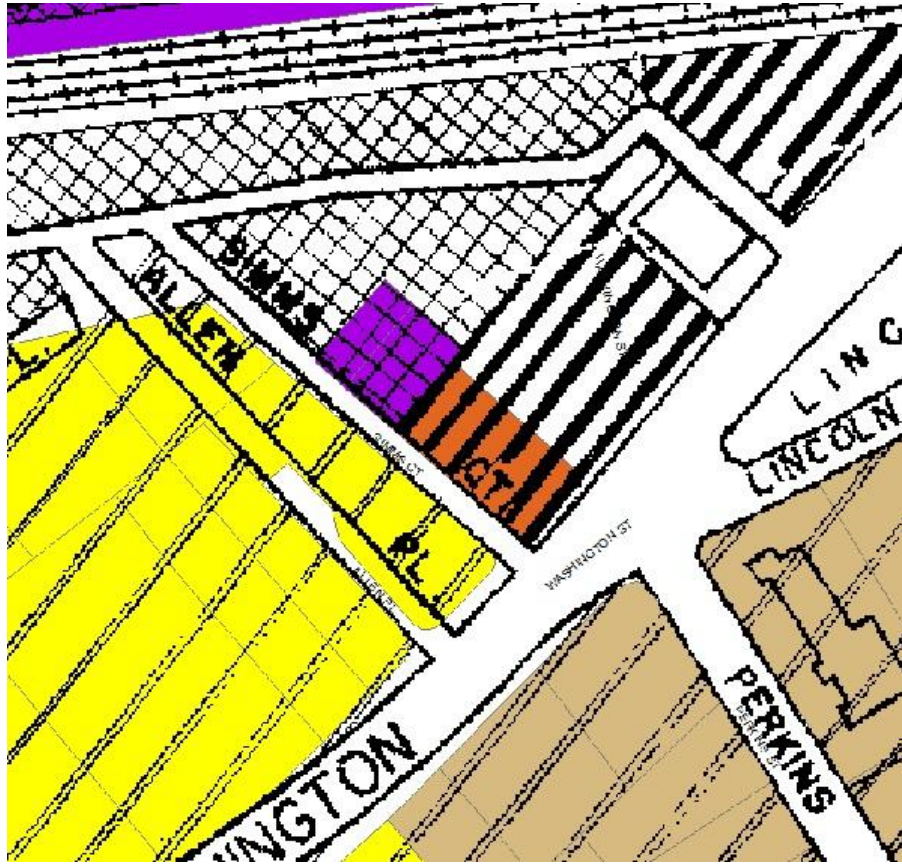
Address
655 Saw Mill Brook Pkwy

Simms Court – Manufacturing district eliminated by Mass Pike. Residential area, make SR2

#2815

Before

After



List of properties affected

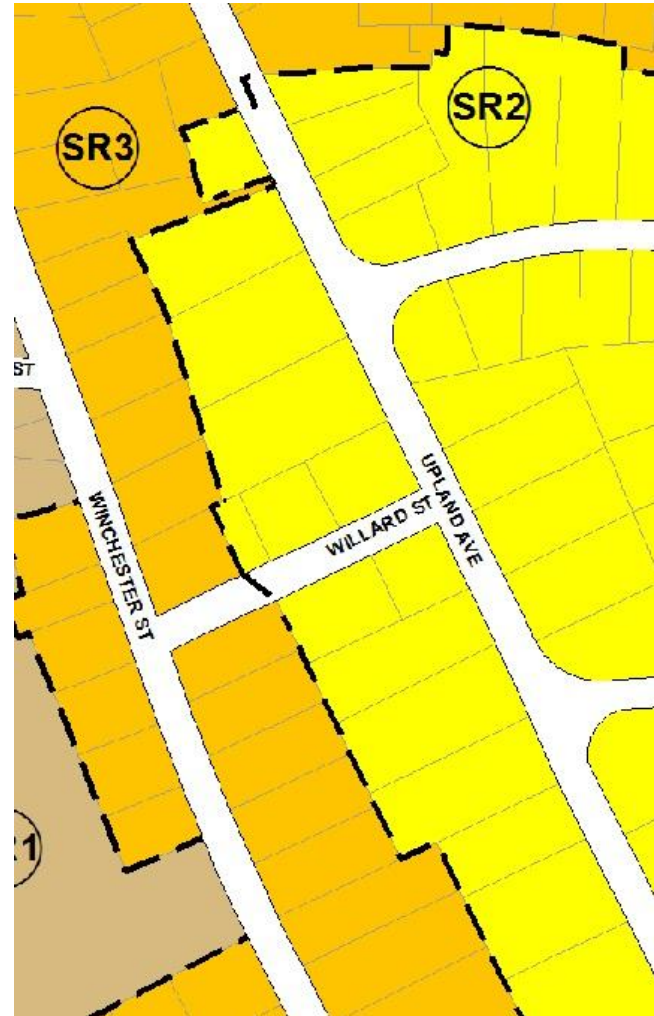
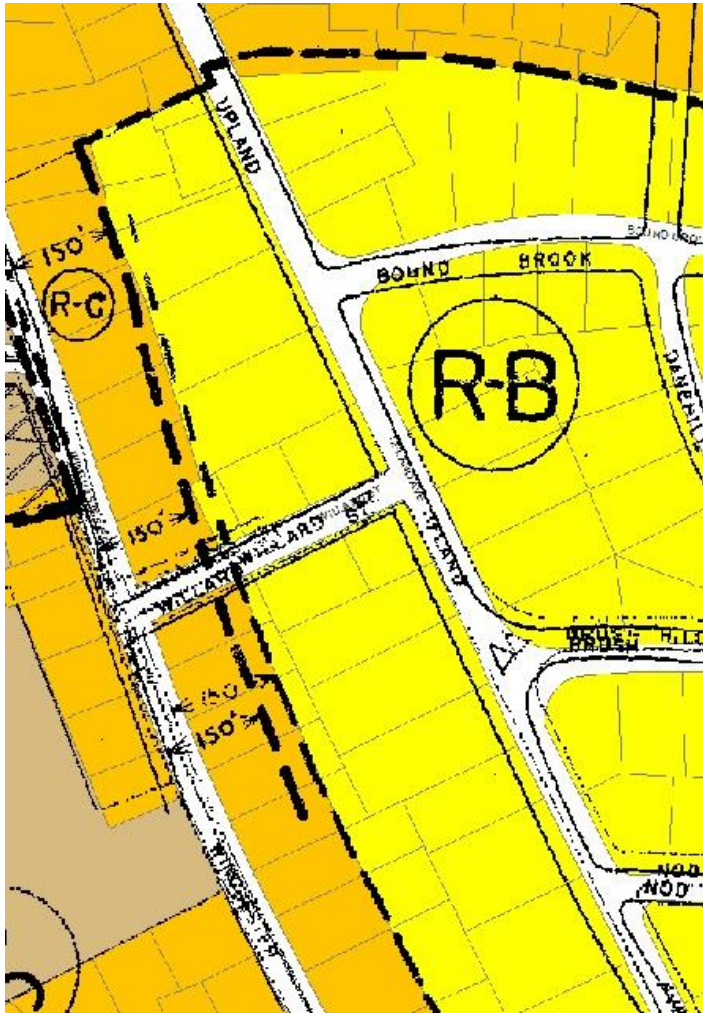
- | | |
|------------|-------------|
| 33005 0005 | 15 Simms Ct |
| 33005 0006 | 19 Simms Ct |

Winchester St— Current boundary is 150' from road, other lots are split - to conform to lot lines #2395

Before

North Section

After



List of properties affected

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

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

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

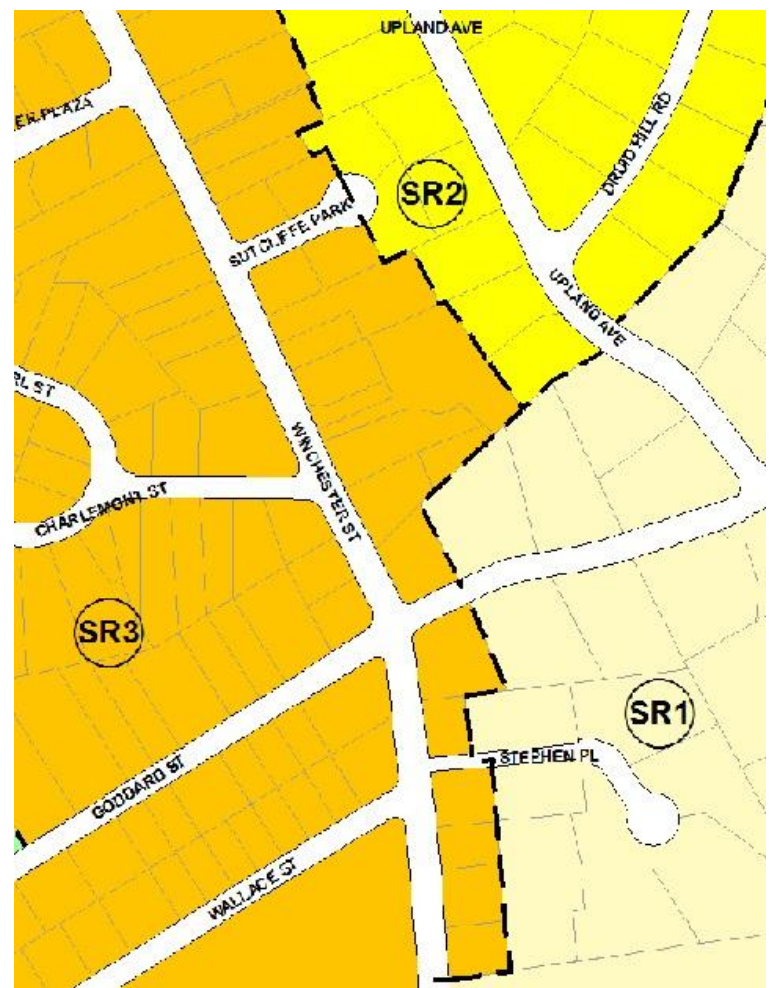
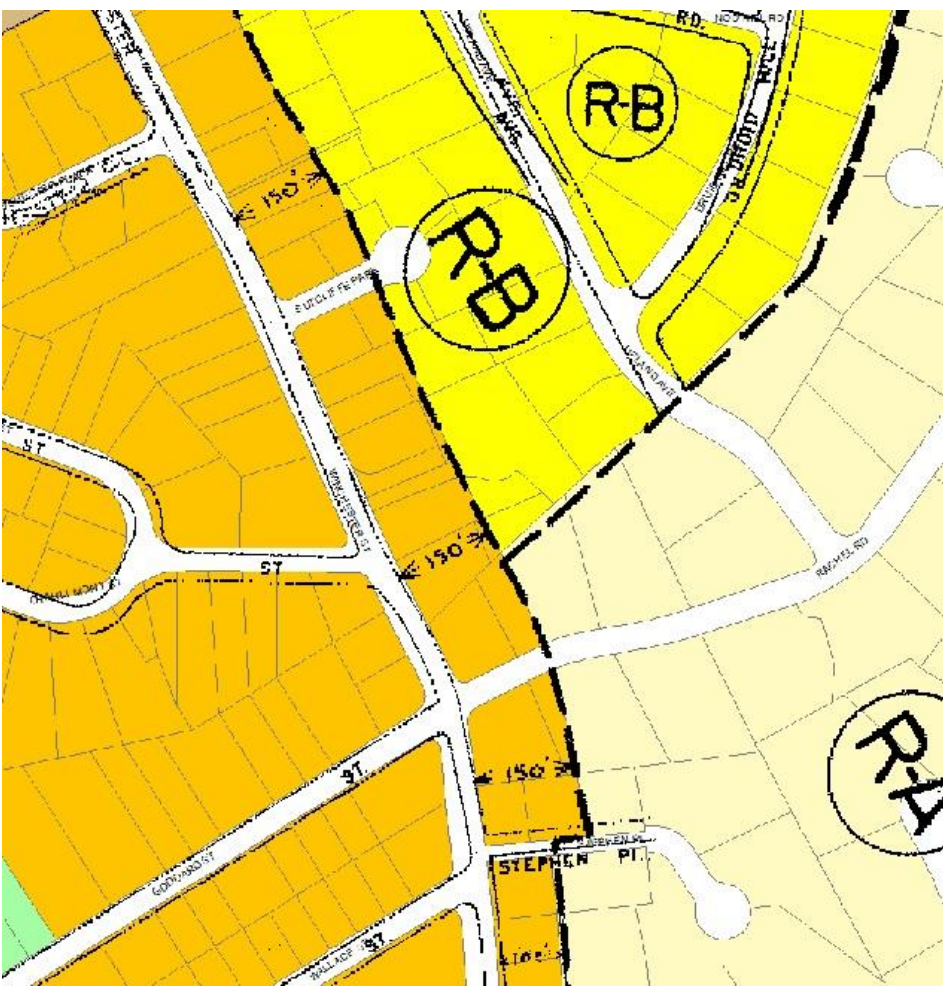
Winchester St– Zoning boundary is 150' from road - to conform to lot lines

#23-15

Before

South Section

After



List of properties affected

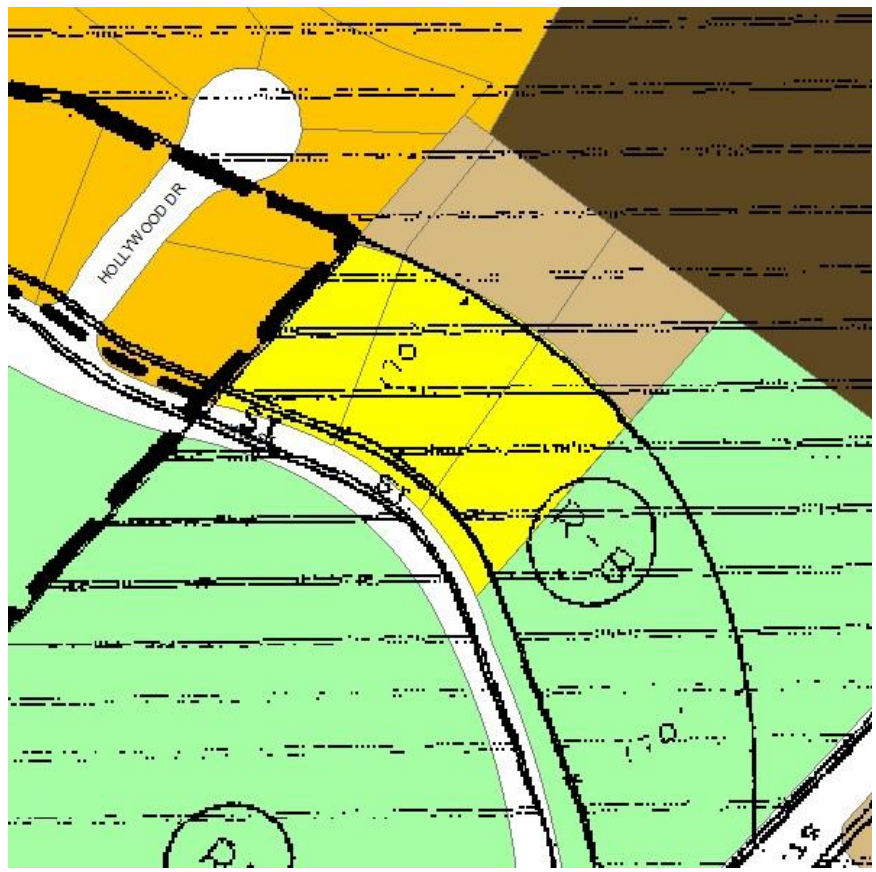
| | |
|------------|-------------------|
| 83036 0020 | 120 Rachel Rd |
| 83036 0043 | 121 Rachel Rd |
| 83027 0008 | 11 Sutcliffe Park |
| 83027 0011 | 12 Sutcliffe Park |

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

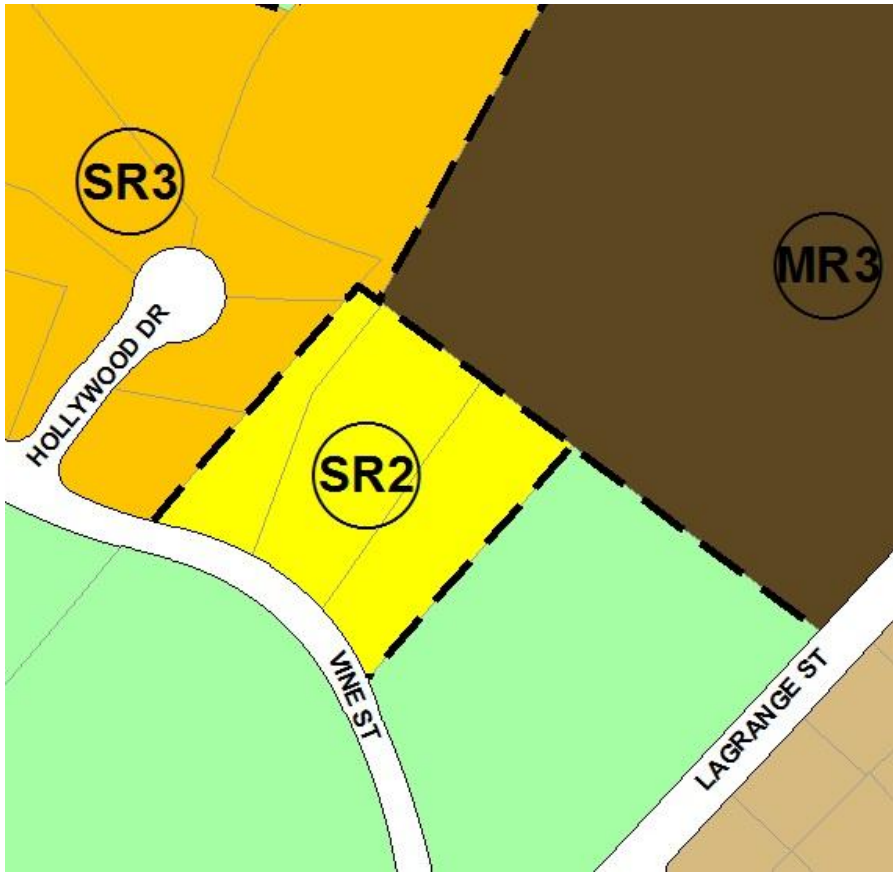
| | |
|------------|-------------------|
| 83027 0006 | 368 Winchester St |
| 83027 0039 | 386 Winchester St |
| 83027 0003 | 390 Winchester St |
| 83027 0001 | 0 Winchester St |
| 83036 0016 | 14 Stephen Place |

130-140 Vine St. – Current boundary 170' from roadway, - to conform to lot lines and remove MR1 in back

Before



After



List of properties affected

| | |
|------------|-------------|
| 82037 0006 | 130 Vine St |
| 82037 0005 | 134 Vine St |
| 82037 0004 | 140 Vine St |