

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

MONDAY, JULY 20, 2015

Present: Ald. Johnson (Chairman), Baker, Kalis, Leary, Yates, Danberg and Hess-Mahan

Absent: Ald. Sangiolo

Also Present: Ald. Albright and Crossley

City Staff Present: James Freas (Acting Director, Planning Dept.), Marie Lawlor (Assistant City Solicitor), Maura O'Keefe (Assistant City Solicitor), Karyn Dean (Committee Clerk)

Appointment by His Honor the Mayor

#167-15 MEGAN RISEN, 47 Grafton Street, Newton, appointed as a member of the
PLANNING & DEVELOPMENT BOARD for a term to expire February 1, 2017.
[06/19/15 @ 11:39PM]

ACTION: **APPROVED 5-0-2 (Ald. Baker and Hess-Mahan abstaining)**

NOTE: Ms. Risen joined the Committee. She explained that the Planning & Development Board makes many choices about the future of Newton and she thinks about the impact that will have on her, her family and her neighbors. She feels the City is at a crossroads and the decisions being made now will determine what it will look like in 20 years. Ms. Risen mentioned that she is in real estate development, mostly in Detroit. She has seen communities that have gone through difficult times and what it has taken to rebuild them. Her interests also include historic preservation, affordable housing and she has a background in gerontology.

Committee Questions/Comments

A Committee member asked how she would evaluate projects while on the Planning & Development Board. She said her decision making philosophy is to collect as many points of view and as many points of data as possible as she has a research background. Her decisions are made based on processing that information and she feels decisions should not be made quickly. They will have long-term impact and talking more about that will help form the Newton that is most desirable to the residents. There are many paths the City can take so forming some consensus and then taking the appropriate steps is necessary.

The replacement of the smaller housing stock with larger homes in the City has been a topic of discussion lately. A Committee member asked Ms. Risen her opinion on that. She felt that she did not have enough data at this point in time, but as a resident of the City, and as a developer, she understands there are impacts, both positive and negative, on both sides. She does feel the character of Newton is so unique and she would like to see that preserved because she is very interested in historic preservation. All the villages have individual character and that needs to be considered. She is interested in people coming to Newton to build and work as long as there is a solid contribution that adds to the unique character of the City and doesn't detract from it. It is

imperative to hear from the residents of the different villages because all things will not translate well to all villages.

A Committee member asked based on her interests, if she would like to serve on the Council on Aging or the Historical Commission. She answered that she did have interest in the Historical Commission as well but was told she could not serve on both.

Mr. Risen was asked how she would keep transportation, diverse housing options and sustainability in mind when making decisions on the Planning & Development Board. She said incorporating issues of the environment into any new building is a must and should be part of any contract with a developer. She noted that she lived in Newton Corner, Newton Centre and just moved to Waban. Those experiences have shown her many different sides of the City and the how transportation issues impact everyone in different ways. The traffic has gotten so much worse in the last 10 years in her opinion. Looking back at old reports she noted that transportation was problematic in 1996 and 1986 as well.

A Committee member asked about parking in the City. In Newton Centre, for example, the parking has overrun the neighborhoods and there need to be some new ideas for dealing with the issue. Ms. Risen said when she lived in Virginia, the City she lived in built a new parking structure that was 3-level's high. The skyline was maintained and the need was met. She notices that the traffic and parking situation in Newton Centre has gotten much worse and she feels the solution would be to build a parking structure in the triangle parking lot. It can be done in an aesthetically pleasing way and does not need to detract from the charm of Newton Centre.

Ms. Risen was asked about adding residential density to villages and her experience or thoughts on that. She said it depended on the village and the project. She thought the new condos on Adams Street in Nonantum were a fantastic project and they are attractive and work well. A huge condo complex on Short Street in Waban may not be the best idea, but she would need more data. Again, it's important to maintain the charm of the City, village by village.

It was asked if Ms. Risen had any familiarity with CDBG funds. She said she's not that knowledgeable but would be learning more. She is particularly interested in what is happening with senior citizens in the City and finding ways to allow them to stay in their homes, financially.

Ald. Yates moves to approve Ms. Risen's appointment and the Committee voted in favor. Ald. Hess-Mahan and Baker abstained.

#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]

ACTION: **HELD 7-0**

NOTE: James Freas, Acting Director of the Planning Department addressed the Committee. He had provided an updated draft RFP for the Phase 2 zoning reform project which was included with the agenda. He apologized for some errors that mention “transportation” as he did use some language from another document when putting the RFP together and those references were meant to be changed.

Content of RFP

Ald. Baker was concerned because he wasn’t sure what should be in the place of the references to transportation and was disappointed with the errors. He noted that there were many good ideas in the document as well, but wanted to be sure there would be no errors to detract from quality of the document. He was also concerned that the problems that have been highlighted in Committee over the past several months are not addressed in the RFP, including neighborhood based planning to build on the work of the Comprehensive Plan. He was not sure this document is adequately or accurately presenting what the City would like the consultant to do.

Mr. Freas said the intent of the RFP is not to ask a consultant to propose solutions right from the start. The point is to have them come to the community, get feedback from the community and then develop solutions based on that information. The role of the consultant is to facilitate the discussion and the public engagement and their first task is to listen. Mr. Freas said the intent is to have conversations about what is to remain intact and what needs to change in terms of the future.

Ald. Baker is trying to figure out what the output will be when the process is done. A lot of work has gone into the zoning ordinance to provide the platform for the next round, but he is not seeing the connection based on the information in the current draft of the RFP. It is an 18-month process that will take significant resources, so he wants to be sure they are delivered the product they actually want. Part of the challenge is to set out a work plan with responsibilities and accountability.

Ald. Johnson said they need a new, corrected version of the RFP in order to comment appropriately. She wanted to be sure that the thoughts from the Zoning & Planning Committee’s previous discussions are included in the document. For instance, Committee members mentioned that the smaller houses being replaced with larger houses has been an issue. The current ordinance has been unable to address this sufficiently. If the consultant can directly address this problem, and others that have been mentioned, then that would be the desired output. Those issues should be highlighted in the RFP document as well as the Phase 2 items that remain on the agenda. Ald. Johnson noted quite a bit of information has been gathered for a consultant to leverage including work from the Zoning Reform group and that should be mentioned in the RFP.

Master Planning vs. Pattern Book

A couple of Committee members wondered if village master planning would be connected to this process. Mr. Freas said he had come away from previous meetings of Zoning & Planning with the impression that there was not an interest in doing master or neighborhood planning. The original master planning and village proposal suggested that they work on the City piece by piece and the message he received from various channels as well as Zoning & Planning, was that was not the desired approach. In response to that, the notion of the pattern book was substituted for the master planning process as a data driven, more quantitative analysis of the City an approach to produce the zoning ordinance. This would include a sampling of the built environment and turning that data into dimensional standards of the various building types that would be in the pattern book. Ald. Albright would like to see more detail regarding the pattern book and how that would be developed relative to the community engagement process.

A Committee member said Needham has been doing master planning since 2001 and he has spoken to people there and it was a key issue for him. He noted that the Mayor had spoken of doing some master planning. Another Committee member felt that there had been some concern with starting in one area and taking each area as a separate piece. It would take years to finish the process. Mr. Freas said the RFP is directed towards producing a zoning ordinance as opposed to master planning which looks at a whole range of issues. The other way to look at this is to get the zoning ordinance into a good place, and then pursue much smaller master plans.

Another Committee member felt that whether it's a Master Planning process or a Pattern Book, the limiting or deciding factor should not be the timeline. If one takes longer than the other, but is the better choice, that is fine.

Ald. Johnson said that there seem to be conflicting points of view in Committee and the RFP needs to be very clear in order to get the best result. Mr. Freas said he believes the pattern book approach is the best approach to upgrading the zoning ordinance. Master planning should be set aside and when the capacity is there to pursue it, it can be taken on.

Next Steps

- Ald. Johnson would like to know how other communities have been implementing this mode of zoning and would like Mr. Freas to bring some examples to Committee. It would helpful to know how it's working in the real world.
- An updated version of the RFP needs to be provided incorporating the suggestions from the discussion this evening and from previous discussions as well, including references to available resources such as Zoning Reform Group report, Village Studies, etc.

The Committee voted to hold this item.

#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]

ACTION: **HELD 7-0**

NOTE: Ald. Hess-Mahan explained that this originally arose from a two-family home that was built in Newton, which was essentially two single-family homes connected by garages with nominal living space behind the garages. That was enough to conform to the current definition of a two-family based on the "common wall connector" requirement. He had heard from a developer that he hoped to build many more of those types of "two-family" houses in the City. He looked for a definition of a two-family which was more in-line with a traditional two-family one would typically find in Newton. The definition he is proposing is: "A building that contains two dwelling units and is either divided vertically so that units are side-by-side but separated by a shared wall extending the entire height of one or both units; or divided horizontally so that one unit is above the other." He included the term "a shared wall *extending the entire height of one or both units*" because this would avoid the design that employs two single-family houses connected by garages that was described earlier.

He would also like to see the Philadelphia style home considered a two-family as well (see illustrations attached). He spoke to Commissioner of Inspectional Services, John Lojek and he felt certain the Philadelphia style would be encompassed in the definition.

Ald. Hess-Mahan noted that other things such as wings, ells and gables could be added, as allowed, but these would be the basic designs with the ridge line as the common roof for both units for any side-by-side building. People have been getting around that by having the common roof over the garage, or doing "linguine" passageways.

Committee Questions/Comments

Committee members liked the illustrations and felt it made things clearer. Ald. Hess-Mahan said it was best to keep this simple and not include things someone could *not* do. Once you start pointing out things that can't be done, it basically allows all other things that aren't listed. This could have some terrible unintended consequences.

It was asked if Ald. Hess-Mahan looked at other communities. He explained that most define it very simply and it seems to work well. In Newton, however, there have been so many examples of developers finding odd ways around the definition and producing buildings that are undesirable.

A Committee member said that garages are now desirable in a way that they were not 75 years ago. That drives developers to find ways to include them in their designs, no matter how untraditional the final design may be. Ald. Hess-Mahan said he doesn't like "snout houses" or other bad designs that incorporate garages, and he would like to address that in a different way. He thinks requiring the setback for a garage to be greater than the setback for the house would

solve many problems; or limiting to 50% the area of the front façade that may be occupied by a garage. The Committee would like to docket an item to address the garage issue for all residential districts.

There was some question whether “Attached” or “Detached” should be used in the definition. While the two units are “attached” to each other, they are “detached” from any other structure. That is how this term has been used in the Newton ordinance.

Ald. Johnson asked the Law and Planning Departments, as well as Committee members of Zoning & Planning and Land Use, to consider these definitions to determine if there might be any vulnerabilities or situations that could circumvent the intent.

Next Steps

- Mr. Freas will provide clarity on the “attached” versus “detached” usage in the definition
- Include #278-14 in the next discussion of this item
- Report back any vulnerabilities to the intent of the definition
- The Committee will docket an item to address garages, drafted by Ald. Hess-Mahan and Ald. Baker

The Committee voted to hold this 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]
RECOMMITTED TO ZONING & PLANNING ON 7/13/15

ACTION: **HELD 7-0**

NOTE: This item was held with no discussion.

Meeting adjourned.

Respectfully Submitted,

Marcia T. Johnson, Chairman

#278-14

Sec. 1.5. Rules of Measurement

1.5.1. Building Types

A. Single-Family, Detached.

A building or structure that contains only one dwelling unit.

B. Two-Family, Detached.

A building that contains 2 dwelling units and is either: (i) divided vertically so that the units are side by side but separated by a shared wall extending the entire height of one or both units; or ~~is~~ (ii) divided horizontally so that one unit is above another.

Comment [t1]: "Height" is defined as: "The vertical distance between the elevations of the following: (a) the average grade plane and (b) the highest point of the roof."

C. Single-Family, Attached.

A building or structure that either:

1. Contains 3 or more dwelling units, attached to one another at the ground level and each having a separate primary and secondary access at ground level; or
2. Contains 2 dwelling units and is not a two-family detached dwelling.

D. Multi-Family.

A building or structure containing 3 or more dwelling units.

E. Dwelling Unit.

One or more rooms forming a habitable unit for 1 family, with facilities used or intended to be used, in whole or in part, for living, sleeping, cooking, eating and sanitation.

Section 1.5.1.B. Two-Family, Detached

Illustrations

Fig. 1 Vertical crosswise

Fig.2 Horizontal

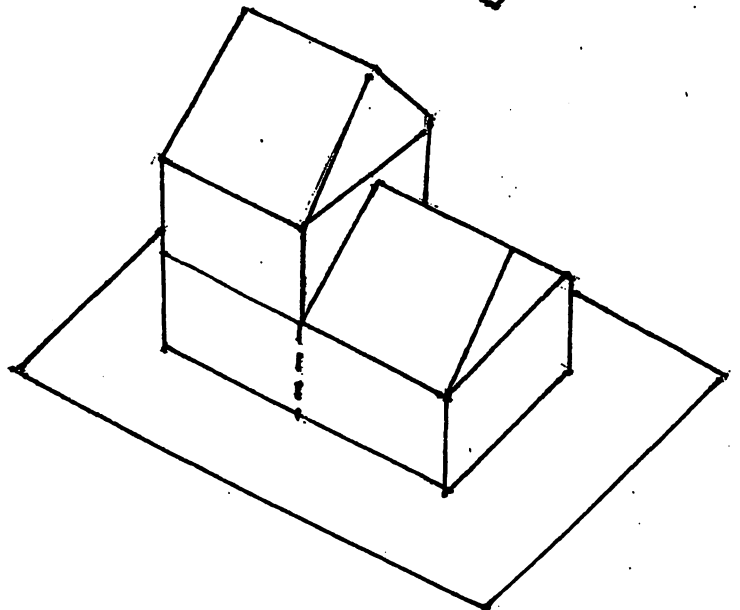
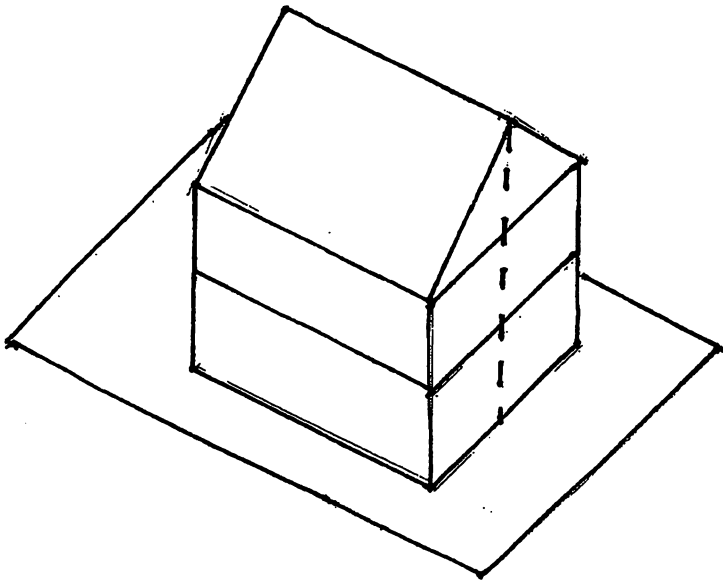
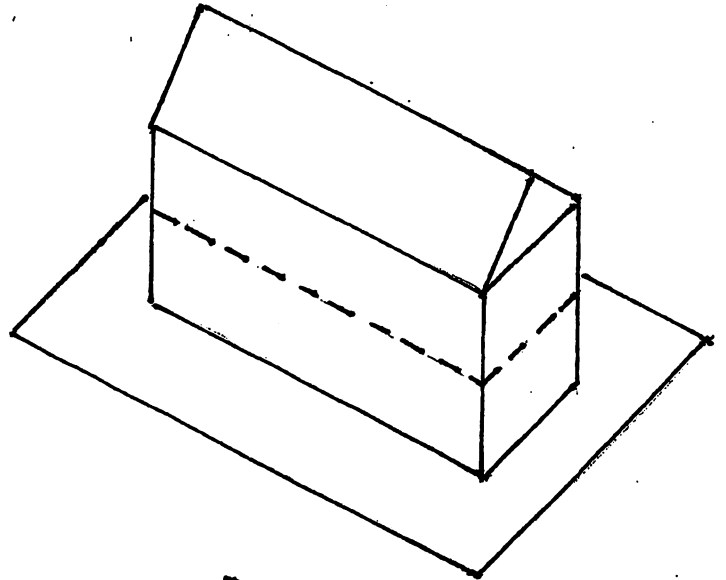
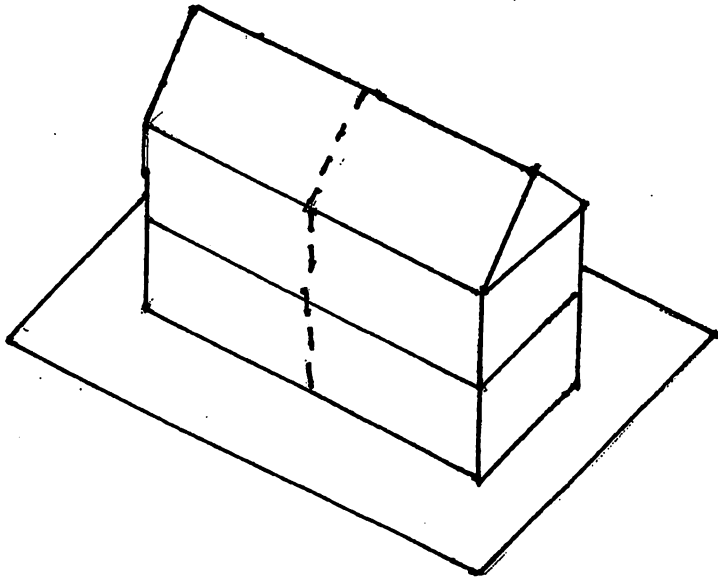


Fig. 3 Vertical Lengthwise

Fig. 4 Vertical 2.5 & 1.5 story units