

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

WEDNESDAY, SEPTEMBER 16, 2015

7:45 PM

Aldermanic Chamber/Room 205

ITEMS SCHEDULED FOR DISCUSSION:

A public hearing will be held on the following item. See attached public hearing notice:

#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]

#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]

#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]

#195-15 ALDERMAN BAKER, FULLER, LAREDO, DANBERG, AND BLAZAR requesting discussion of possible City acquisition of land, or rights therein, located west of Hammond Pond Parkway, which land was formerly owned as public open space by the Metropolitan District Commission until conveyed into private ownership in 1954, and which abuts existing Newton conservation land. [08/31/15 @ 4:50 PM]

#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]

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 Jini Fairley, at least two days in advance of the meeting: jfairley@newtonma.gov, or 617-796-1253. For Telecommunications Relay Service dial 711.*

- #194-15 HIS HONOR THE MAYOR reappointing James Freas as the Interim Director of Planning and Development effective August 31, 2015 pursuant to Section 3-6 of the City Charter, until a permanent replacement is hired or until November 29, 2015 when the temporary appointment may be extended with Board of Aldermen approval. [08-31]
- #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]

ITEMS NOT SCHEDULED FOR DISCUSSION:

Public Hearing to be assigned for October 26, 2015:

#196-15 TAMMY ARCURI et. al. petition to rezone land known as Section 41, Block 6, Lots 11, 12, and a Lot 13 1B located at 132 CHARLES STREET, AUBURNDALE, from MULTI RESIDENCE 2 to MANUFACTURING .

Public Hearing to be assigned for October 26, 2015:

#227-15 SEANA GAHERIN et al. petition to rezone land known as Section 51, Block 041, Lot 0011 from MULTI RESIDENCE 1 to BUSINESS 1. [09/03/15 @ 1:15 PM]

#222-13(2) THE ZONING AND PLANNING COMMITTEE proposing to amend **Chapter 30**, City of Newton Zoning Ordinances, to regulate the dimensions and setbacks of front facing garages in residential zoning districts. [08/03/15 @ 10:15AM]

#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]

#168-15 THE NEWTON-NEEDHAM CHAMBER OF COMMERCE requesting a discussion of the Metropolitan Area Planning Council's 2015 Wells Avenue Market Study. [07/06/15 @ 5:34PM]

#169-15 ALD. SANGIOLO requesting a zoning amendment which would require any residential structures in Single Residence or Multi Residence zoning districts built after the demolition of an existing structure conform to new lot standards. [07/02/15 @ 3:20PM]

#170-15 ALD. HESS-MAHAN, JOHNSON, CROSSLEY AND ALBRIGHT requesting a discussion relative to the HUD Settlement with Supporters of Engine 6, the Fair Housing Center of Greater Boston and the Disability Law Center in conjunction with the Law and Planning Departments, to explain the settlement and possible implications for the Zoning Board of Appeals and the Board of Aldermen in terms of the City's obligation to identify sites and facilitate the creation of, and issue permits for, affordable housing for 9-12 chronically homeless persons in Newton. [07/06/15 @4:18PM]

#80-13 THE PLANNING DEPARTMENT requesting update discussions of the zoning reform project. [02/25/13 @ 12:31 PM]

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]

REFERRED TO PROG. & SERVICES AND ZONING & PLANNING COMMITTEES

- #127-15 ALD. SANGIOLO requesting discussion with Health Department, Inspectional Services Department and the Economic Development Commission regarding the policy of food truck operations in the City of Newton. [05/11/15 @ 10:22AM]
- #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]
- #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]
- #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]
- #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]
- #447-14 ALD. SANGIOLO proposing an ordinance requiring the submission of building plans with applications for full or partial demolitions. [11/13/14 @ 2:03pm]

- #446-14 ALD. SANGIOLO requesting a discussion with the Commission on Disability regarding the status of City compliance with ADA regulations. [11/13/14 @ 2:03pm]
- #445-14 ALD. SANGIOLO requesting an update with members of the Newton Fair Housing Committee on the status of housing opportunities in the City of Newton. [11/13/14 @ 2:03pm]
- #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]
- #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]

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

- #315-14 ALD. HESS-MAHAN, ALBRIGHT, CROSSLEY AND DANBERG proposing an amendment to Chapter 2 of the City of Newton Ordinances setting forth requirements for procurement of materials and services by non-governmental recipients of federal, state or local funds administered by the City, such as CDBG and CPA funds. In order to encourage non-profit and other private organizations to participate in affordable housing, cultural and other public-private collaborations, such procurement requirements should accommodate the needs of non-governmental recipients for flexibility given the multiple public and private

sources of funds necessary for any project by not placing undue or unreasonable burdens on them. [08/04/14 @ 5:08PM]

- #238-14 ALD. SANGIOLO requesting the Executive Department and Planning Department work with the Board of Aldermen to develop a Housing Production Plan in accordance with 760 CMR 56.03(4) and guidelines adopted by the Department of Housing and Community Development as soon as possible. [06/09/14 @ 11:55AM]
- #212-14 BOARD OF ALDERMEN requesting a discussion with the Executive and Inspectional Services Departments and the Commission on Disability regarding the creation of full-time positions to address the city's need re 1) ADA requirements and 2) zoning enforcement, including State building code, Newton's zoning ordinance, and special permits. [05/23/14 @ 11:03AM]
- 140-14 ALD. CROSSLEY AND HESS-MAHAN requesting to amend **Chapter 30**, City of Newton Zoning Ordinances, to include a "lodging house" ordinance to promulgate rules requiring annual fire, safety and health inspections and licensing of buildings providing single room occupancy and/or congregate living arrangements. [04/04/14 @ 6:29 PM]
- #429-13 ALD. HESS-MAHAN requesting repeal and/or amendment of Zoning Ordinances Section 30-1, Definitions, 30-8(b)(2), Special Permits in Single Family Residential Districts, and 30-10(d)(4), Number of Parking Stalls, concerning "Congregate Living Facility", as required by federal and state anti-discrimination and fair housing laws and regulations. [12/06/13 @ 9:51 AM]
- #428-13 ALD. HESS-MAHAN requesting periodic updates on complaints of discrimination filed 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 Intents and Purposes of the Zoning Ordinance in Phase II of Zoning Reform. [01/05/15 @ 9:53PM]

#323-14 ALD. YATES, NORTON, COTE AND SANGIOLO proposing to amend Chapter 30 to require that the front doors of single-family homes, two-family homes and other residential structures face the street on which their lots are located. [08/25/14 @ 11:42AM]

#139-14 ALD. ALBRIGHT requesting to amend **Chapter 30**, City of Newton Zoning Ordinances, to clarify rules relative to retaining walls. [04/09/14 @ 8:32 AM]

Public Hearing to be assigned:

#404-13 NATASHA STALLER et al. requesting a revision to the zoning District boundary Lines so as to transfer from Multi-Residence 1 District to a Single Residence 3 District the following properties:

Assessors' parcels SBL nos. 61-037-0004 through 61-037-0013; 61-042-0007 through 61-042-0023; 65-019-0001; 65-019-0007 through 65-019-0012; 65-019-0014 through 65-019-0022; 65-019-0009A; 65-019-0017B and 65-019-0022A. Also requesting transfer from a Single Residence 2 District to a Single Residence 3 District SBL no. 65-019-0015A. [11/01/13 @ 12:57 PM]

A MOTION TO AMEND THE PREVIOUSLY APPROVED POSTPONEMENT OF DOCKET ITEM #404-13 TO APRIL 7, 2014 TO SUBSTITUTE RECOMMITTAL OF THE ITEM TO THE ZONING & PLANNING COMMITTEE WAS APPROVED BY VOICE VOTE ON MARCH 17, 2014.

#267-13 LAND USE COMMITTEE proposing to amend Section 30-21(c) to permit de minimis relief for alterations, enlargements, reconstruction of or extensions to lawfully nonconforming structures in which the nonconformity is due to Floor Area Ratio (FAR) requirements set out in section 30-15(u) Table A, subject to administrative review by the Planning Department.

#264-13 ALD. YATES requesting that the Zoning Reform Group or its successor consider amending City of Newton Zoning Ordinances Chapter 30 to develop additional residential districts reflecting the small lots in older sections of the City and map

changes to bring the zones of more residential sections of the City into conformity with the existing land uses. [08/05/13 @ 12:28PM]

- #81-13 DIRECTOR OF PLANNING & DEVELOPMENT on behalf of the Newton Housing Partnership requesting consideration of naturally affordable compact housing opportunities in MR1 zones. [02/22/13 @ 1:13 PM]
- #65-13 ALD. YATES, FISCHMAN, KALIS requesting that Chapter 30 be amended to require a special permit for major topographic changes. [02/12/13 @ 12:30 PM]
- #64-13 NEWTON HISTORICAL COMMISSION requesting the creation of an administrative permitting process for converting historic barns and carriage houses into accessory apartments to assist in their preservation. [02/05/13 @ 11:35 AM]
- #153-11 ALD. DANBERG, ALBRIGHT, HESS-MAHAN, JOHNSON requesting that Chapter 30 be amended by adding a new Sec. 30-14 creating certain Retail Overlay Districts around selected village centers in order to encourage vibrant pedestrian-oriented streetscapes which would allow certain uses at street level, including but not limited to financial institutions, professional offices, and salons, by special permit only and require minimum transparency standards for street-level windows for all commercial uses within the proposed overlay districts. [05/10/11 @ 3:19 PM]
- #152-10 ALD. BAKER, FULLER, SCHNIPPER, SHAPIRO, FISCHMAN, YATES AND DANBERG recommending discussion of possible amendments to **Section 30-19** of the City of Newton Ordinances to clarify parking requirements applicable to colleges and universities. [06/01/10 @ 4:19 PM]
- #164-09(2) ALD. HESS-MAHAN requesting that the Planning Department study the dimensional requirements for lot and building size for accessory apartments and make recommendations for possible amendments to those dimensional requirements to the board of Aldermen that are consistent with the Newton Comprehensive Plan. [01/07/10 @ 12:00 PM]
- #142-09(7) ALD. HESS-MAHAN AND JOHNSON proposing a Resolution to request that the Director of Planning and Development and the Commissioner of Inspectional Services reconvene a Floor Area Ratio working group to review and analyze the definition of “*Floor area, gross*” for residential structures as it is used in the definition and calculation of “*Floor area ratio*” in **Section 30-1** with respect to actual usage, and, if necessary, make recommendations for amendments thereto and in the dimensional regulations contained in **Section 30-15(u)** and *Table A* of **Section 30-15(u)**, the purpose of which is to regulate the size, density and intensity of use in the construction or renovation of, or additions to a residential structure, to more accurately reflect and be compatible with neighborhood

character, and to ensure that a proposed residential structure is consistent with and not in derogation of the size, scale and design of other existing structures in the neighborhood, and is not inconsistent with the City's Comprehensive Plan.
[07/03/14 @ 9:10AM]

Respectfully Submitted,

Marcia T. Johnson, Chairman

CITY OF NEWTON
LEGAL NOTICE
WEDNESDAY, SEPTEMBER 16, 2015

A Public Hearing will be held on Wednesday, September 16, 2015 at 7:45 PM, Second Floor, NEWTON CITY HALL before the ZONING & PLANNING COMMITTEE and the PLANNING & DEVELOPMENT BOARD, for the purpose of hearing the following petition, at which time all parties interested in this item shall be heard. Notice will be published Wednesday, September 2, 2015 and Wednesday, September 9, 2015, in The Boston Globe and Wednesday, September 9, 2015 in the Newton Tab, with a copy posted online @www.newtonma.gov and in a conspicuous place at Newton City Hall.

#376-14 PLANNING & DEVELOPMENT DEPARTMENT requesting that **Chapter 30** be deleted in its entirety and replaced with a new **Chapter 30 Zoning** consisting of the Zoning Reform Phase 1 Zoning Ordinance (Phase 1). Phase 1 reorganizes and reformats Chapter 30, makes stylistic changes in language, adds explanatory diagrams, clarifies previously confusing or conflicting language throughout the ordinance, removes redundant language, adds new definitions, deletes some definitions, including, among others, the definitions of “common roof connector” and “common wall connector”, amends some definitions, including, among others, the definition of “dwelling, two-family”, adds a use table, and makes substantive changes pertaining to administrative review of those accessory apartments that do not require special permits. Copies of the proposed changes are available at the City Clerk’s office or can be found online at:
<http://www.newtonma.gov/gov/planning/lrplan/zoning/zoningref.asp>





December 5, 2008

Members of the Community Preservation Committee
c/o Alice Ingerson, Newton Planning Department
Newton City Hall,
Newton, MA 02459

Re: Possible Open Space Proposal

Dear Members of the Committee:

This letter is to indicate the possibility of a proposal for use of Community Preservation Act funds to acquire further rights, or even full title, to a portion of land adjacent to the Webster Conservation area off Hammond Pond Parkway in the Chestnut Hill village of Newton. More specifically, the land at 300 Hammond Pond Parkway is currently owned by the Trustees of Congregation Mishkan Tefila. It was initially acquired in 1954 from the Metropolitan District Commission (MDC), and consists of approximately 23 acres, principally wooded at the western end, described more particularly in the attached assessing map and plan. The eastern portion is occupied by the Temple and associated structures and parking areas. The western end contains a vernal pond as well as numerous hiking trails used by members of the public for many years, as well as utility easements. The Temple Land is currently bounded on the north and west by land owned by the City of Newton and on the south by land owned by the Department of Conservation and Recreation (DCR), the successor to the Metropolitan District Commission. When the land was acquired by the Trustees, the MDC retained a 99 year restriction limiting the use of the land only "for religious or educational purposes and for non-profit recreational activities in connection therewith." The restriction also provided that a small part of the land next to the Parkway was not to be built upon. The parcel is currently assessed in two parts by Newton's Assessors for a combined total of about \$15.5 million.

Temple representatives have indicated some interest in working with the City of Newton on the future of the land, including the possibility of public acquisition of further rights in, or even full title to, some of the land principally at the western end. I received this expression of interest in informal conversations only this week, so the author, scope, timing, amount, and extent of a possible application for CPA funds are exploratory only, and still to be determined. Mindful of today's deadline for applications, yesterday I was authorized by one of the Temple members and its informal legal counsel, Stephen Buchbinder, to communicate this preliminary expression of interest to the CPC. I am pleased to do this, and I hope it will be succeeded by a more detailed and formal application for appropriate funding.

Sincerely,

R. Lisle Baker
Ward Alderman, Ward Seven

Cc: Stephen Buchbinder, Esq.; Ruthanne Fuller, Pres. Chestnut Hill Assoc.; Dr. Octo Barnett, Newton Conservators; Mayor David B. Cohen; Ward 7 Aldermen Vance and Schnipper; Newton Conservation Commission, c/o Ann Phelps, Newton Planning Dept.

Assessor's Map For:
CONGREGATION MISHKAN TEFILA
300 HAMMOND POND PKWY
Neighborhood: 4



Map for Reference Only

NOT A LEGAL DOCUMENT

Because of different update schedules, current property assessments may not reflect recent changes to property boundaries. Check with the Board of Assessors to confirm boundaries used at time of assessment.



CITY OF NEWTON
MASSACHUSETTS
ASSESSING DEPARTMENT
1000 COMMONWEALTH AVE.
NEWTON CENTRE, MA 02459
PHONE: 617-796-116012/5/2008.

September 10, 2015

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Mayor Setti Warren
 Members of the Board of Aldermen
 City of Newton
 1000 Commonwealth Avenue
 Newton Centre, MA 02459

Dear Mayor Warren and Members of the Board of Aldermen,

The members of the Board of Directors of the Newton Conservators are concerned that the potential sale of the open space behind Temple Mishkan Tefila will endanger a beautiful 28-acre parcel that has great environmental value. The temple has been a good custodian of the land, and we want to see that care continue. We request that you act to protect that land from development and to preserve it for the citizens of Newton.

The Mishkan Tefila land has environmental features that should be saved: it contains a vernal pool that is home to tadpoles and breeding salamanders in the spring and also notable sandstone ledges and outcroppings of Roxbury puddingstone. Except for the front third of the land that contains the temple buildings and parking lots that are adjacent to the temple, it is wild, open area.

The Mishkan Tefila land is surrounded by conservation areas. Not only is it adjacent to those public spaces, but also it is functionally integral with them. As climate change begins to have greater effects on our environment, having this kind of connection between our conservation areas will become more important, allowing stressed plants and other wildlife to migrate to more hospitable areas in which they will be more likely to survive.

In 1916, Edwin Webster gave this parcel of land to the State. In 1954, the State sold it to Mishkan Tefila for \$1, with the proviso that the land be used for only educational or religious purposes for ninety-nine years. That proviso will be in effect for the next thirty-seven years, but it does not protect the land from development.

The actual vernal pond and the one hundred feet surrounding it have the standard wetlands protection offered by the Conservation Commission, but there is no protection for the rest of the property. A cluster of buildings or parking lots could be constructed around the pond and could cover the rest of the land.

We strongly encourage the City of Newton to take action to protect this unique and irreplaceable tract of land. The following scenarios are possibilities:

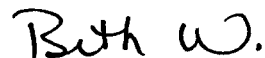
- **Buy the entire site outright** from the current owner, Mishkan Tefila, with money obtained through the Community Preservation Act or other public funds.

- **Buy only the open-space part of the site and the western parking lot, leaving the already-developed area to be used for religious or educational purposes, as mandated by the state regulations.**
- **Advocate for a conservation restriction and a public-access easement on all of the undeveloped land as well as on the western parking lot (which is surrounded by undeveloped land). This would leave the currently built-up land and the adjacent parking lots for the owner to use.**

For decades, our members and other Newton residents have enjoyed hiking through the woods of the Mishkan Tefila land. Long-time member Octo Barnett is an ardent admirer of the land and wrote that he sees history written in its stones. More recently, Boston University Professor Richard Primack told the attendees at our 2015 annual meeting that he learned how to be a biologist by exploring those same woods. Brandeis University sustainable biologist Dr. Eric Olson leads annual Newton Conservators' walks to find the salamanders in the vernal pond. With Dr. Olson's instruction, the land serves as an important tool to teach children and adults about nature.

It is our concern that if the City does not take action to protect this land now, its treasures might not exist for the citizens of Newton in future decades. Please help us to preserve this very important open space

Sincerely,



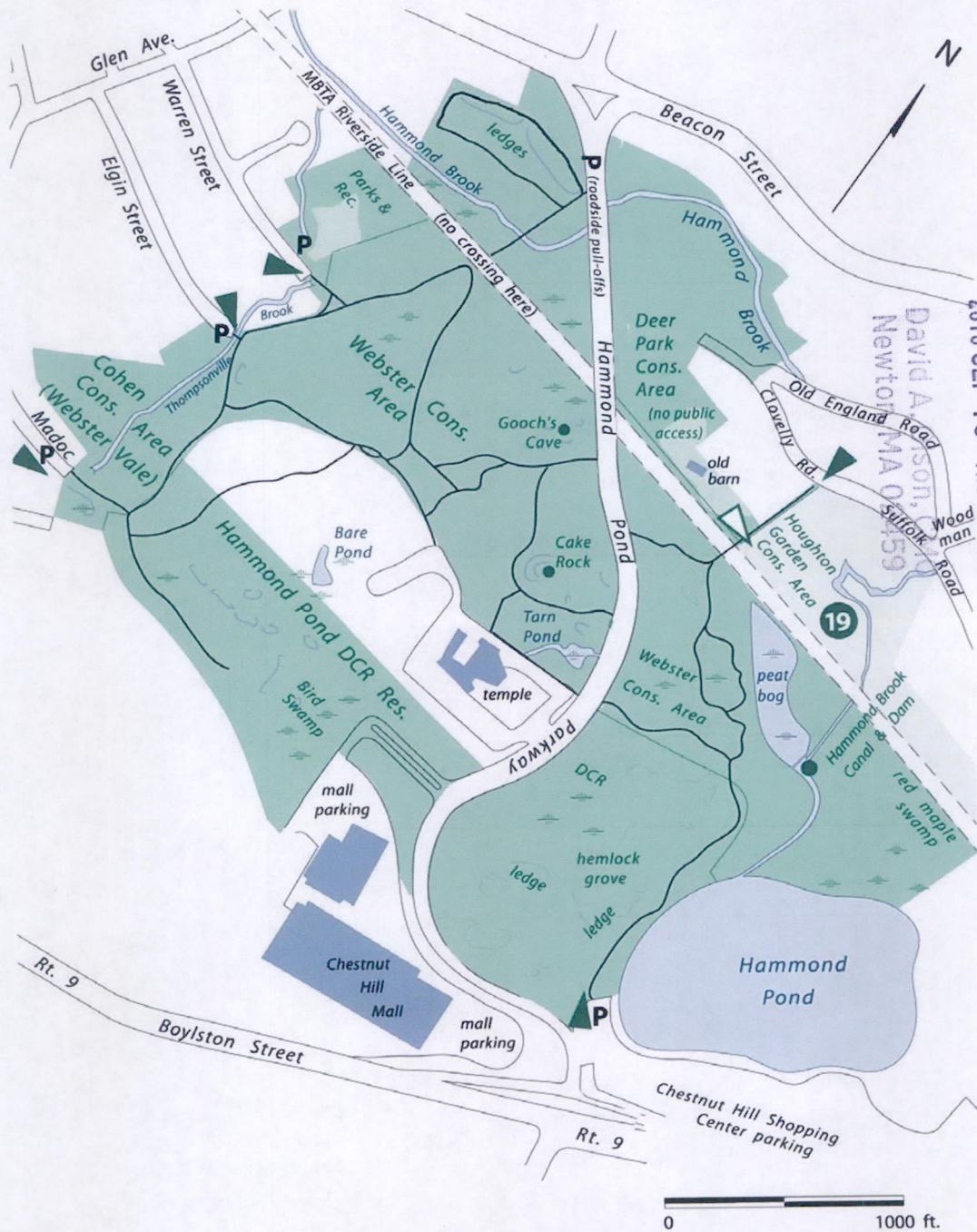
Beth Wilkinson, President

On behalf of the Board of Directors
of the Newton Conservators



Newton Conservators

18 Webster Conservation Area and Hammond Pond Reservation



RECEIVED
Newton City Clerk

2015 SEP 10 AM 11:28

David A. ...
Newton, MA 02459

www.newtonconservators.org

This map, by Judy Hepburn, is from the 2013 edition of **Walking Trails in Newton's Park & Conservation Lands**, © 2003, 2013 Newton Conservators, Inc.

Please visit our website to buy a copy of the guide, or to learn more about our parks and conservation areas.

PROPOSED LARGE HOUSE PLAN REVIEW PROCESS

1. Notwithstanding the floor area ratio requirements set forth within the zoning ordinances, any new construction or alteration, expansion, extension, enlargement, reconstruction or replacement of an existing residential building or structure which results in an increase of 25% or more in the gross floor area of the original or previously existing structure may not be permitted absent review as follows. This threshold does not nullify the applicability of any of the other area regulations set forth in the zoning ordinances that may or may not have an impact upon the calculation of gross floor area.

2. Where the gross floor area exceeds these limits, the proposed work shall be submitted for a Large House Plan Review conducted by the Urban Design Review Committee. The Urban Design Review Committee shall review and discuss the proposed Large House Plan with the applicant and abutters, toward the objective of making the proposed plan harmonious with the existing streetscape in the area.

3. A person applying for a Large House Plan Review shall file an application with the Urban Design Review Committee, including copies of a site plan and a filing fee, as required by the Urban Design Review Committee. The application and site plan shall include the elements to be reviewed by the Urban Design Review Committee and shall also include such further information as the Planning Board shall reasonably require by rule or regulation. Not less than two permanent survey monuments shall be located on the property in question and shown on the plan, unless waived by the Urban Design Review Committee. In subsequent applications concerning the same subject matter, the Urban Design Review Committee may waive the filing of plans and documents to the extent they duplicate those previously filed. Copies of the rules and regulations concerning the Large House Plan Review shall be filed with the City Clerk.

4. a. The Urban Design Review Committee shall hold a hearing within 35 days of the filing of an application with the City Clerk for a Large House Plan Review with respect to a residential building or structure having an RGFA exceeding the threshold established above.

b. The Urban Design Review Committee shall, within one week of receipt of site plan application, transmit to appropriate city boards and departments, for review, one copy of the application and site plan.

c. Notice of such hearing shall be given to the applicant and all abutters.

d. Within 21 days after the conclusion of the public hearing, the Urban Design Review Committee shall inform the Commissioner of Inspectional Services that the hearing has been completed and furnish the Commissioner, in writing, with any recommendations, which are relevant to the issuance of the building permit.

Proposed Large House Review Permitting Process

Prior to filing, Applicant to schedule a preliminary meeting with Planning Department.

Applicant submits complete Large House Review application to the Planning Department and the City Clerk.

The Planning Department forwards complete Application to the Urban Design Commission who conducts their review.

The Planning Department forwards drainage design to the City Engineer and City's Tree Warden for review.

The Planning Department forwards application on to other boards/commissions/departments (if appropriate – eg. Newton Historic, Conservation Commission) for their review or approval.

Upon completion by all boards/commissions/departments of their review – they submit their comments back to the Urban Design Commission.

The Urban Design Commission completes its review.

If the proposal would otherwise require a special permit, the Urban Design Commission forwards its review/comments/decision onto the Board of Aldermen as part of the special permit process.

If the proposal would not require a special permit, the Urban Design Commission can render its decision.

Approval – applicant files notice of decision with the Registry of Deeds. Approval is forwarded onto ISD to issue building permit.

Approval with conditions – applicant files notice of decision with Registry of Deeds.

Approval is forwarded on to ISD – ISD Commission verifies that building permit plans submitted include all conditions and then issues building permit.

Denial – Applicant can resubmit application with any changes or can appeal.

Timeframes: 90 days from the date of submission of completed application.

30 days for Urban Design Commission and all other departments to complete their reviews and render a decision.

Thresholds:

1. Any alteration of an existing residence in which the FAR of the residence following completion of the proposed will increase the FAR of the residence by more than 25%.
2. Multiple building permits that increase the FAR at the same location within any three-year period shall be collectively considered as one project for the purposes of the Large House Review thresholds.

Submittal requirements:

Any project that exceeds the Large House Review thresholds is subject to review. The Urban Design Commission may not waive the review; however, the Urban Design Commission has the discretion to waive certain application material and procedural requirements. Requests for waivers must be made in writing and establish one or more of the conditions found in the Application Materials tables below (Tables 2 and 3). The waiver request should also identify any materials that may be submitted in lieu of the application requirements. The Urban Design Commission will consider a waiver requires at its next scheduled meeting or a special meeting, with all decisions being made within 21 days from the day the request is made. A waiver may be granted in full or with conditions, which means that the Urban Design Commission will require the applicant to submit alternate materials with the Large House Review application. The conditions under which waivers are granted must be incorporated into the final written decision of the Urban Design Commission.

Application Requirements:

To be submitted to the Planning Director:

Application Form

FAR Affidavit: Complete Affidavit must be signed by the Building Inspector prior to submitting the LHR application.

Fee: All checks should be made out to the City of Newton
New Construction = \$2500
Addition - % of FAR increase x \$2500

Plans: All site plans must be stamped and signed by a Licensed Professional Engineer registered in the Commonwealth of Massachusetts.

Plan Size: All plans must be drawn to a uniform scale preferably 1" = 10', 1" = 20' or 1" = 30'). All plans shall be a minimum size of 11" x 17" (preferred) and a maximum size of 24" x 36", with 3/4" borders. Letter sizes on plans should be no smaller than 1/8". At least two full size sets of plans at no less than 1/4" scale shall be submitted.

Copies: X sets of the application materials shall be submitted unless instructed otherwise by the Planning Department.

Electronic Submittals: All plans shall be submitted on a CD in a PDF format. Photos should be organized and contain clear explanatory captions. Total photo file size should not exceed 2 MB.

Additional Material: The Planning Board may request that the applicant submit additional materials for consideration before issuing a decision. Requested items may include, but are not limited to, a construction mitigation plan if the site warrants erosion and sedimentation control measures; the requirement that building plans be stamped, dated, and signed by a Registered Architect in the Commonwealth of Massachusetts; and/or that the landscape plan be stamped, dated and signed by a Registered Landscape Architect in the Commonwealth of Massachusetts.

Review Requirements:

A. Planning Department's Role

The Planning Department must meet at least once with the applicant to ensure completeness of the application.

B. Engineering Division Role

The Planning Department will forward a set of the application materials to the City Engineer for review by the Engineering Division. The Engineering Division will consider the slope of the property, the amount of land to be disturbed, the impact of drainage plans on neighboring properties, and any other relevant issues in its review of the drainage standard. The applicant is not required to meet with the Engineering Department but an applicant may contact the Engineering Division to set up a pre-application meeting. If the Engineering Division fails to transmit its comments to the Urban Design Commission within 30 days of the filing of the application, the Urban Design Commission will have discretion not to include the Engineering Division's recommendations in their decision.

C. Tree Warden's Role

The Planning Department will forward a set of the application materials to the Tree Warden for review. The Tree Warden will review the application for compliance with the City's tree preservation ordinance and will review mature trees that are proposed to be removed and may make recommendations or provide conditions with regard to tree preservation as part of the proposal.

D. Role of other Boards/Commissions/Departments

The Planning Department will forward a set of the application materials to other boards/commissions/departments (if appropriate) that have jurisdictional review or if the proposed development requires additional approvals (eg. Newton Historic Commission, appropriate local historic district commission, and the Conservation Commission). Within 30 days of receipt of the application materials, each of these

boards/commissions/departments will consider any relevant issues within its jurisdiction and will either transmit comments to the Urban Design Commission or will forward a copy of the permit granted (along with any conditions issued) or a copy of the denial.

E. Public Comment

Notice of the Urban Design Commission's first scheduled meeting with an applicant shall be mailed, via first class mail, to all abutters and abutters to abutters within 300 feet of the property line of a subject property, as they appear on the most recent tax list at least 10 days prior to the meeting. Owners of parcels directly opposite the subject property on any public or private street will be considered abutters. Notice will be sent to properties via street address if it appears the notice would not reach the occupant of an abutting dwelling from the tax list.

If abutters or persons receiving notice submit written comments, the Urban Design Commission must receive these comments at least 4 business days prior to the scheduled meeting for consideration. The Urban Design Commission will forward the written comments to the applicant at least 3 business days prior to the meeting.

F. Urban Design Commissions Role

As-of-right Development:

The Urban Design Commission will review the LHR application materials at one of its regularly scheduled meetings. The Commission will evaluate the proposed project against a set of criteria specified below. The Board may consider recommendations from other relevant departments and commissions from which assistance is requested.

Development that would require a special permit:

If the development proposal would require a special permit, the Urban Design Commission will review the LHR application and provide a recommendation to the Land Use Committee of the Board of Aldermen. The UDC recommendations must be submitted in writing to the Land Use Committee within 30 days from the referral of the application. If the Land Use Committee does not receive the UDC recommendation within 30 days it does not need to include the UDC's recommendation in their decision.

Decision

The Urban Design Commission must vote, prepare a written decision and provide it to the applicant within 90 days of submission of a completed application. If the applicant fails to respond in a timely manner to any of the boards/commissions/department requests for additional materials, the Urban Design Commission may deny the application. However, the Urban Design Commission may extend the 90 day time limit if the applicant and the Board agree in writing prior to the deadline. The application shall be deemed approved after the 90-day review

period expires if the Urban Design Commission fails to issue a decision or approve an extension.

A. Approvals

If the Urban Design Commission approves the project, the Planning Department will file the written decision with the City Clerk to initiate the 20-day appeal period. After the 20-day appeal period expires, the applicant may collect the decision and shall sign and notarize it before recording it at the Registry of Deeds.

B. Denials

If the Urban Design Commission denies the application, notice of the denial shall be sent to the applicant, the Commissioner of Inspectional Services and the Zoning Board of Appeals. An applicant may modify and resubmit the application within 30 days without having to resubmit a fee; however, all resubmitted applications will be treated as a new application.

Appeals

Applicants and any person receiving notice may appeal the decision of the Urban Design Commission to the Zoning Board of Appeals.

Applying for a Building Permit

The Registry of Deeds will issue an instrument of recording showing book and page upon recording of the LHR Approval Agreement. This document shall serve as proof of satisfaction of LHR procedural requirements and must be presented to the Building Department at the time an application of a building permit is made. All other zoning bylaws and zoning and building requirements must still be met prior to receipt of a building permit. The plans filed with the building permit application shall be the same plans approved by the Urban Design Commission and construction shall occur in accordance with the approved plans.

Amendments

Pending Applications

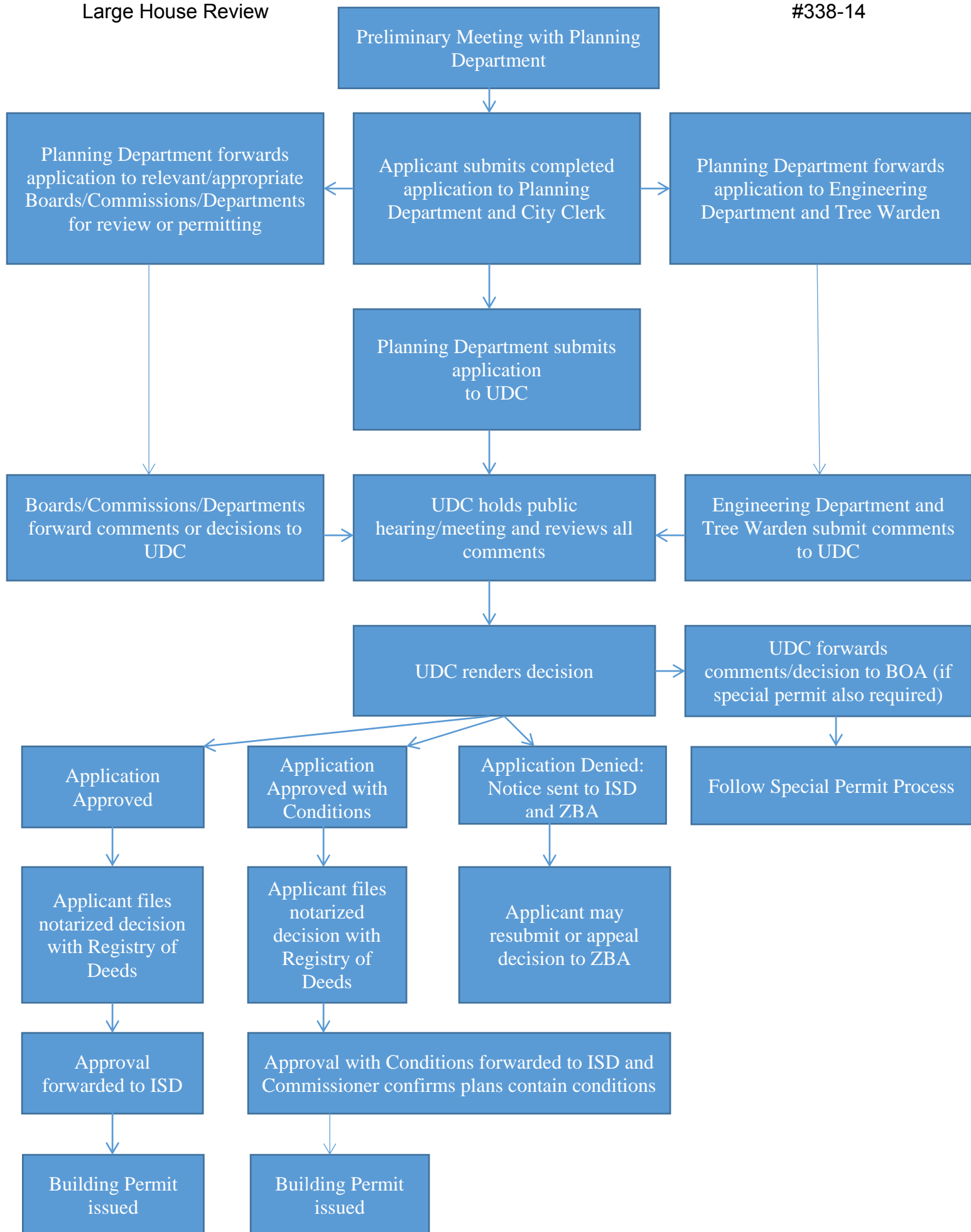
Revisions or amendments relating to a pending application that is before the Urban Design Commission shall be accepted by the Commission as part of the original submission.

Approved Applications

Revisions or amendments to an approved application shall be submitted to the Planning Director. Once submitted, the Director will determine whether the revisions

are major or minor in scope as they relate to the Urban Design Commissions findings and the Standards and Criteria for Review.

1. **Minor Revisions:** Approved minor revisions shall be noted in a letter from the Planning Director to the Commissioner of Inspectional Services. If the Planning Director denies the proposed minor revisions, the Director shall notify the applicant and the Urban Design Commission within 5 business days. The applicant may submit denied revisions to the Urban Design Commission for their consideration.
2. **Major Revisions:** Revisions determined by the Planning Director to be major in scope due to the extent of the changes proposed to such elements as exterior architectural features, alterations in landscaping elements, or changes in material selection shall be reviewed by the Urban Design Commission. The Planning Director shall notify the applicant and the Urban Design Commission within 5 business days after receipt of the revisions as to whether the submittal materials are sufficient and the date of the meeting. The Urban Design Commission shall review all major revisions at a public meeting and shall mail notice 10 days prior to such meeting to abutters within 300 feet. Major revisions may require alteration to the decision filed with the Registry of Deeds.



#174.15



SETTI D. WARREN
MAYOR

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Office of the Mayor

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August 31, 2015

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

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to extend my appointment of James Freas as Interim Director of the Planning and Development Department effective August 31, 2015 pursuant to Section 3-6 of the City Charter. The appointment will be effective until a permanent Director is selected but not to exceed ninety days without further Board approval.

Thank you for your consideration of this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Setti D. Warren".

Setti D. Warren
Mayor

RECEIVED
Newton City Clerk
2015 AUG 31 PM 3:08
David A. Oison, CMC
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



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