

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

MONDAY, NOVEMBER 23, 2015

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

**ITEMS SCHEDULED FOR DISCUSSION:**

- #293-15      11 JOHN STREET LLC petition to rezone land known as Section 65, Block 8, Lot 70 at 11 JOHN STREET from MULTI RESIDENCE 1/BUSINESS 1 to BUSINESS 1. [10/09/15 @1:00PM]
- #196-15      TAMMY ARCURI et al. petition to rezone land known as Section 41, Block 6, Lots 11, 12, and Lot 13 1B located at 132 CHARLES STREET, AUBURNDALE, from MULTI RESIDENCE 2 to MANUFACTURING .

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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](mailto:jfairley@newtonma.gov), or 617-796-1253. For Telecommunications Relay Service dial 711.*

**ITEMS NOT SCHEDULED FOR DISCUSSION:**

**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]
- #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]
- #195-15(3) ALD. ALBRIGHT, BAKER, BLAZAR, BROUSAL-GLASER, CICCONE, COTE, CROSSLEY, DANBERG, FULLER, GENTILE, HESS-MAHAN, JOHNSON, KALIS, LAPPIN, LEARY, LAREDO, LENNON, LIPOF, NORTON, RICE, SANGIOLO, SCHWARTZ, AND YATES requesting that, in order to preserve the conservation and recreation values of the land, and to protect existing adjacent public open spaces, the Board of Aldermen vote to acquire for the City of Newton either the undeveloped portion of the land at 300 Hammond Pond Parkway or a conservation restriction on such land. [10/23/15 @ 2:55 PM]

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

- #288-15 HIS HONOR THE MAYOR submitting the FY 2017-FY 2021 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter. [10/01/15 @ 1:53 PM]

**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]
- #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]
- #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]
- #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]

- #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]
- #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]
- #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]
- #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.
- #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 Intent and Purposes of the Zoning Ordinance in Phase II of Zoning Reform.
- #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

**ROSENBERG, FREEDMAN & LEE LLP**  
ATTORNEYS AT LAW

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Newton, Massachusetts 02460-1639

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\*admitted in MA and NY  
Elizabeth Baum, P.C.

November 19, 2015

Karyn Dean, Clerk  
Zoning and Planning Committee  
Board of Aldermen  
City of Newton  
1000 Commonwealth Avenue  
Newton, Massachusetts 02459

Re: 11 John Street, Newton, MA

Dear Karyn:

Please accept this letter on behalf of 11 John Street, LLC, owner of the above-referenced property, as a notice of withdrawal of the petition to the Board to modify the zoning boundary line of said property.

Please call my office should you have any questions.

Sincerely,

  
Laurance S.L. Lee



Setti D. Warren  
Mayor

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

**#196-15**  
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**James Freas**  
Acting Director

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**MEMORANDUM**

**DATE:** November 20, 2015

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

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

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

**MEETING DATE:** November 23, 2015

**CC:** Board of Aldermen  
Planning and Development Board  
Donnalyn Kahn, City Solicitor  
John Lojek, Commissioner of Inspectional Services

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The petitioner is requesting to rezone a portion of the property owned from Multi-Residence 1 and Multi-Residence 2 (MR1 & MR2) to Manufacturing (M) in order to have consistent zoning across the area of the property devoted to commercial uses and to address a previous violation.

The properties in this area are constrained by the Mass Pike and commuter rail lines such that there is only a single access/egress point through a tunnel under the highway. With the constraints imposed by the location, and the range of uses already present in the existing commercial building, the Planning Department does not believe the proposed rezoning is the correct solution and instead would recommend that the Department work with the petitioner and neighboring property owners to determine the appropriate zoning district for this area while also seeking a special permit for the petitioner's commercial building that will allow continuation of the current uses present there and predictability for the owner in identifying new tenants, while also setting appropriate use limitations and conditions to address impacts on the larger neighborhood area. The Planning Department recommends that the requested rezoning be found "no action necessary" (NAN).

## Background and Context

Lots 41 06 11, and 12 are zoned MR1 and lots 41 06 13 is zoned MR2. These three lots are owned by the same owner as 132 Charles Street, which is zoned MAN. The subject lots are unimproved. The lot at 132 Charles Street contains a 20,000 square foot building built in 1927, which houses various office, retail and service uses. The legality of some of these uses is in question, as retail and service uses are not allowed in the MAN district without the benefit of a special permit.

The owner of 132 Charles and the subject lots was recently subject to an enforcement action by the City for zoning violations. The property has been rented to Charles River Canoe and Kayaks for storage of their vessels outside, as well as a space inside the building used for retail and rentals. These uses are not allowed in the district, but it remains to be determined whether the uses are legally nonconforming or noncompliant. The property for many years had been the site of Edna's Attic, an antiques store, and the owner contends that the retail use never ceased. There is no evidence that this is such, which puts the current use by Charles River Canoe and Kayak in violation. Further, they are storing their vessels outside and in storage containers on Lots 11 and 12 (zoned MR1), which is also in violation of the Ordinance.

The abutting parcel at 126 Charles Street is separately owned. It contains a two-family dwelling and a home day care use. This parcel is zoned MAN (see map). Residential uses are prohibited in the Manufacturing district, while day care uses are allowed in any zone with an administrative review. However, it is likely these uses are legally nonconforming.

The parcels in question are bordered to the north by the MA Pike, to the east by the MBTA, and to the west by the private residence at 126 Charles Street. The Massachusetts Department of Conservation and Recreation owns the land across the street, which includes park space, a small building used for office/meetings, and a boat launch.

There are three parcels proposed for re-zoning in this petition. The two parcels (lots 11 and 12) behind 132 Charles are zoned MR1, and are probably remnants from when the Pike was created.

Lot 13 is bowtie-shaped and surrounds 126 Charles Street on the side and rear. The lot is 13,648 square feet in the MR2 district. The applicant intends to subdivide lot 13 maintaining a 10,000 square foot lot with frontage on Charles Street to remain in the MR2 district. This 10,000 square foot MR2 lot would allow for a 2-family residence or a three-unit multi-family dwelling by special permit. The remaining 3,648 square feet is subject to the re-zoning petition to go from the existing MR2 to MAN. Rezoning this portion would allow manufacturing related uses behind the residential use at 126 Charles Street.

## Discussion

While there are many instances where having mixed use areas, places with residential and commercial uses, is overall beneficial, in this case there are a number of challenges to commercial uses in this area. The primary challenges are access and the relative isolation of the location.

The petitioner’s parcel can only be reached by driving through a residential neighborhood and a tunnel in order to reach a small, dead end road. Truck access for deliveries appears to be difficult and parking to serve businesses and the park is limited. The isolation of the location makes it low visibility and not walkable to supporting amenities limiting the attractiveness of the property to commercial tenants. The long-term viability of commercial uses here is questionable.

At the same time, the building at 132 Charles does offer the rare commodity of low-cost commercial space in Newton. A consistent challenge for the City is the lack of space for small start-ups and other small businesses seeking low-cost office space. Businesses with a small number of employees and less reliant on central, accessible or highly visible spaces could find this space attractive. With proper conditions, a business oriented towards the adjacent park and boat launch, like Charles River Canoe and Kayak, might also make sense.

As Newton’s Zoning Ordinance is currently designed, the Manufacturing District is not the correct zoning district for this property or area of the City. The Manufacturing District is oriented towards traditional heavy industry uses, which, for the most part no longer exist in Newton and would not be appropriate in this location. The current uses in the building, and any potential future commercial uses as outlined above, are similarly not likely to be manufacturing uses as anticipated by Newton’s Zoning Ordinance. The current uses are office, service, and retail oriented and of these, only the office use is permitted in the Manufacturing District by right. Over time, staff anticipates residential uses will be most viable in this area, with no more than a limited to no commercial presence.

The Planning Department recommends that the entire area bound by the Mass Pike, commuter rail tracks, and Charles Street be zoned into a single district, likely MR2, and that the building at 132 Charles St apply for a special permit to allow for or extend the current uses within the building. This special permit should be structured to offer the building owner predictability and flexibility in finding future tenants so that a new special permit is not required for every change in tenancy. The special permit should include conditions that limit the impacts of future uses on the surrounding neighborhood, recognizing the residential nature of the area and the limitations of the location for accessibility and parking.

Recommendation

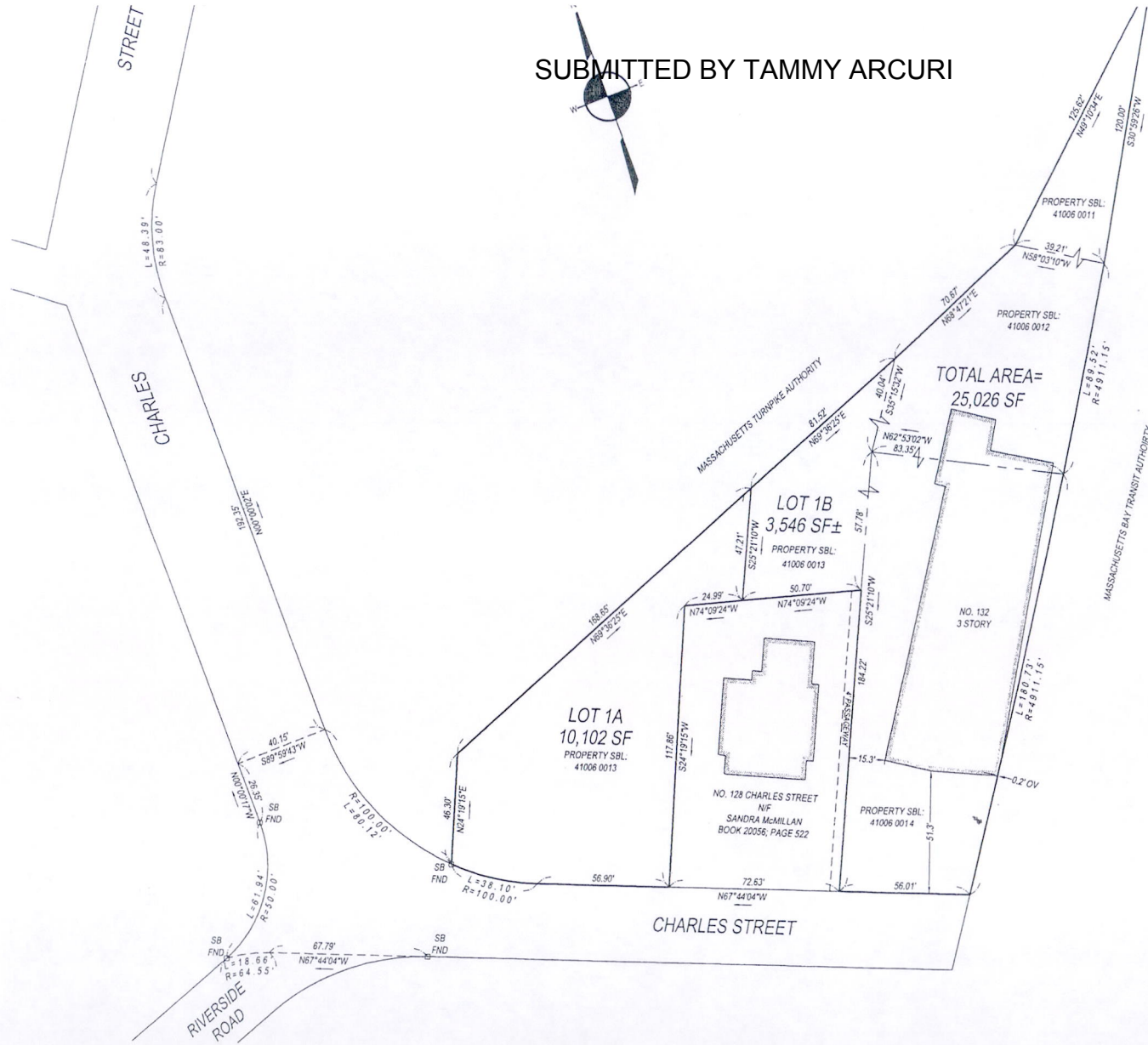
The Planning Department recommends that the requested rezoning be “NANed”. The Department will work with the petitioner and area residents and property owners to establish the appropriate zoning district and special permit attributes for the area and the property at 132 Charles Street.

Attachments:

- Attachment A: Map
- Attachment B: Existing Zoning Map
- Attachment C: Existing Land Use Map
- Attachment D: Proposed Zoning Map

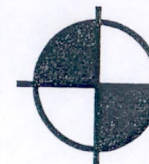
SUBMITTED BY TAMMY ARCURI

Exhibit #2  
#196-15  
#196-15

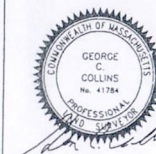


**PLAN OF LAND**  
 LOCATED AT  
**132 CHARLES STREET**  
 NEWTON, MA

PREPARED FOR:  
 JOSEPH T. ARCURI  
 132 CHARLES STREET  
 NEWTON, MA

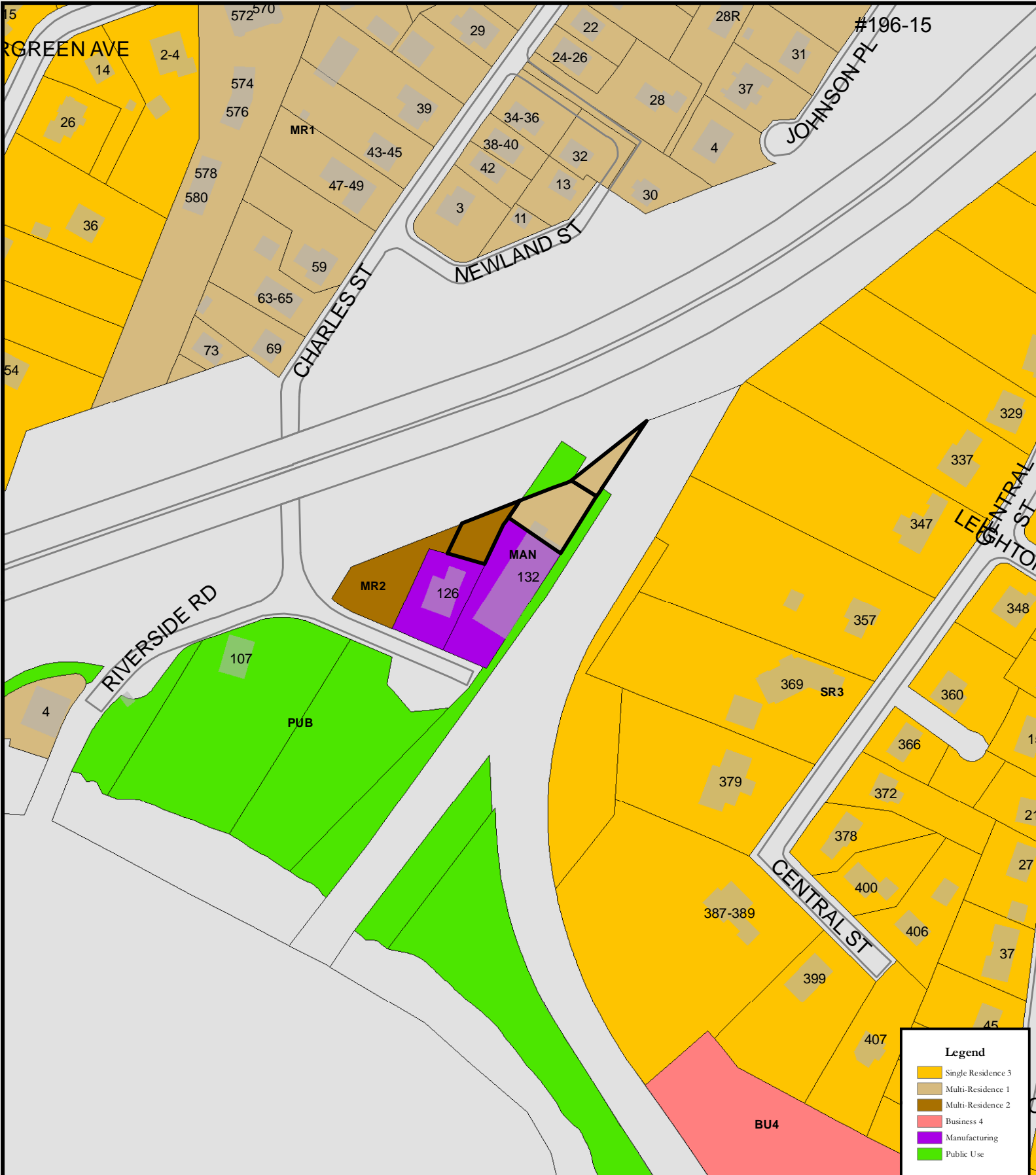


**BOSTON**  
**SURVEY, INC.**  
 UNIT C-4 SHIPWAY PLACE  
 CHARLESTOWN, MA 02129  
 (617)242-1313



JOB # 15-00506

FILE # 15-00506 PLAN OF LAND - 08/07/15



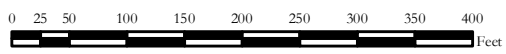
**Legend**

- Single Residence 3
- Multi-Residence 1
- Multi-Residence 2
- Business 4
- Manufacturing
- Public Use

# Existing Zoning - 132 Charles Street

*City of Newton, Massachusetts*

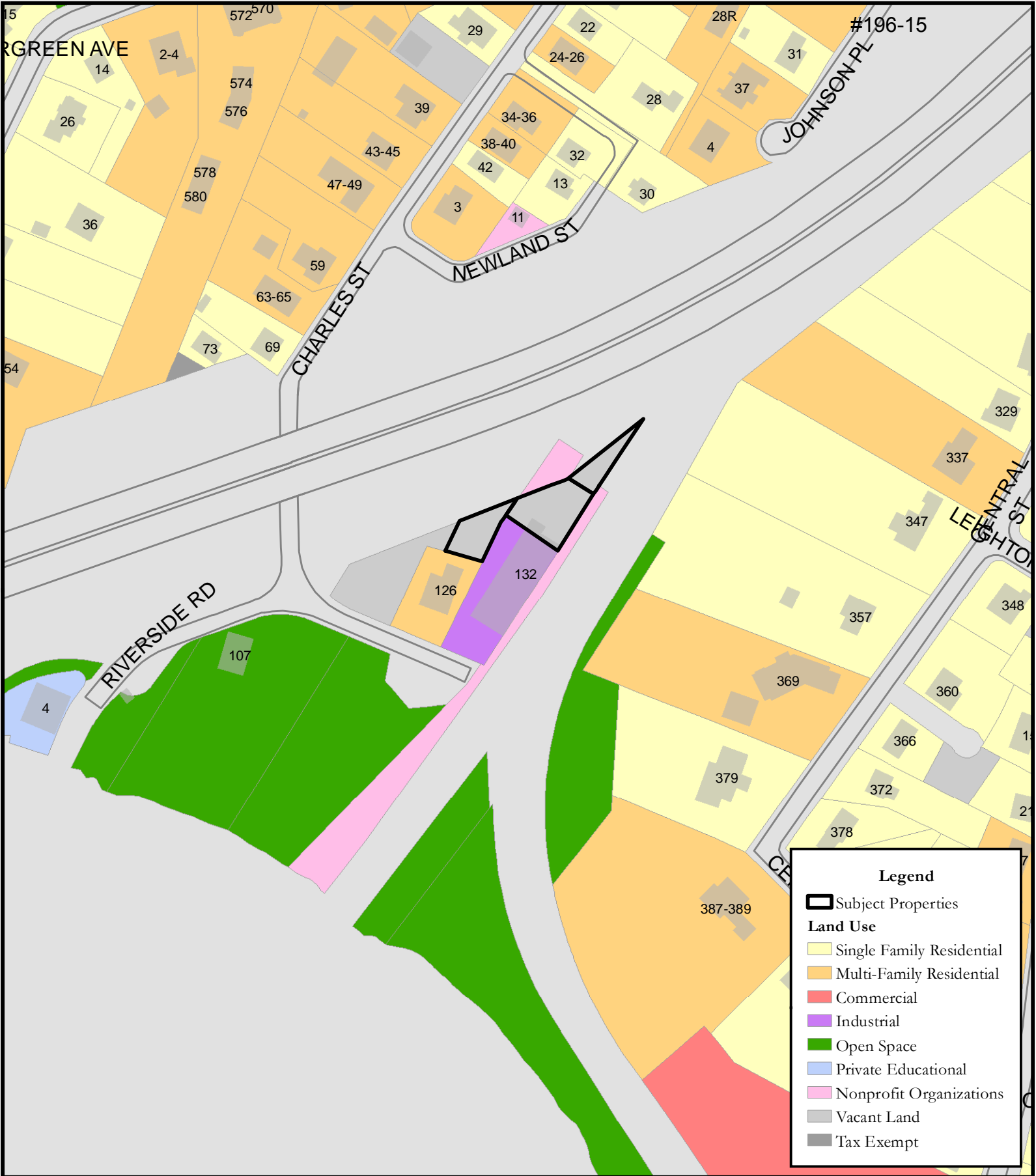
CITY OF NEWTON, MASSACHUSETTS  
 Mayor - Setti D. Warren  
 GIS Administrator - Douglas Greenfield



Map Date: November 19, 2015



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.



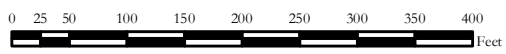
**Legend**

- Subject Properties
- Land Use**
- Single Family Residential
- Multi-Family Residential
- Commercial
- Industrial
- Open Space
- Private Educational
- Nonprofit Organizations
- Vacant Land
- Tax Exempt

# Land Use - 132 Charles Street

*City of Newton, Massachusetts*

CITY OF NEWTON, MASSACHUSETTS  
 Mayor - Setti D. Warren  
 GIS Administrator - Douglas Greenfield

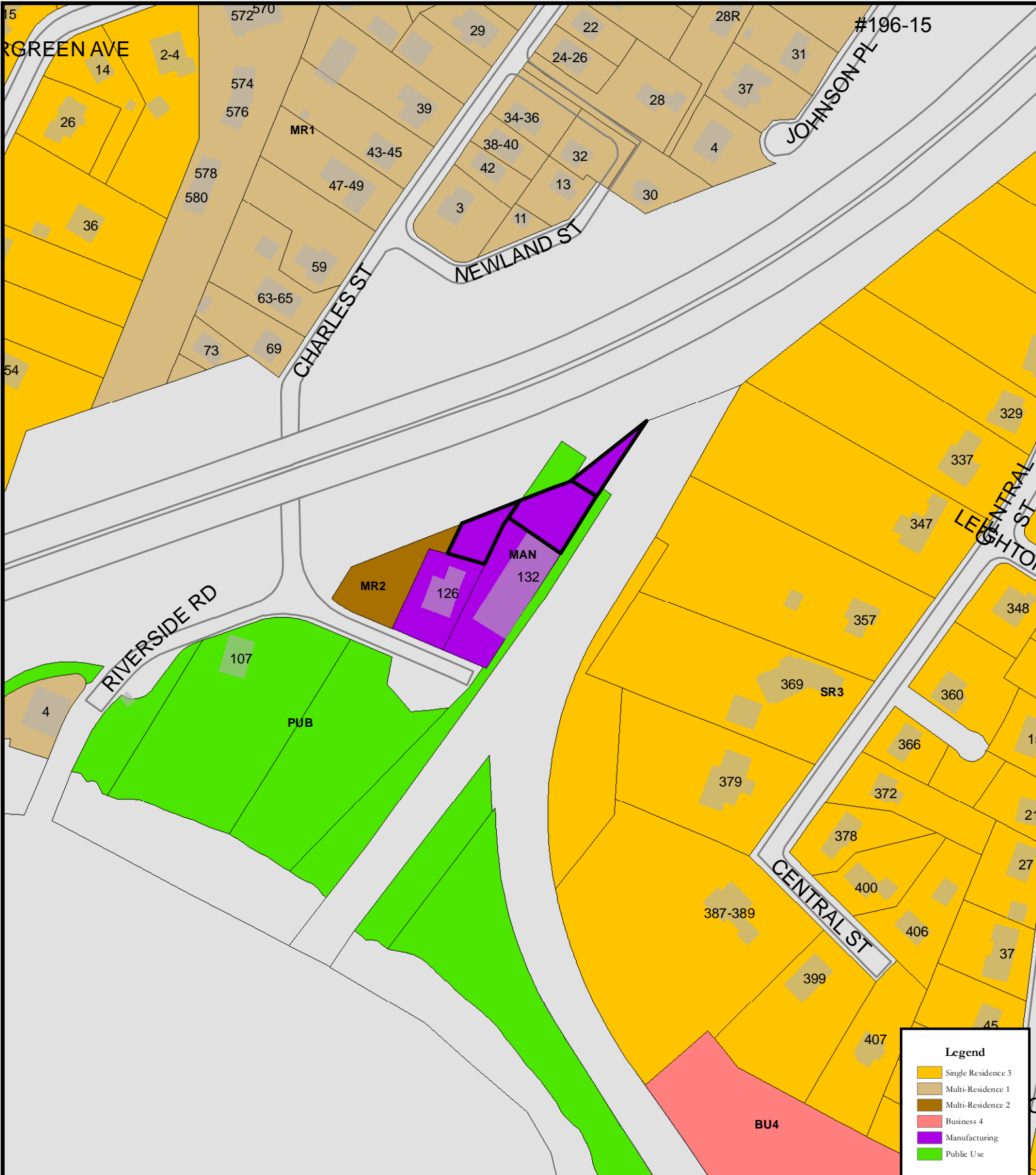


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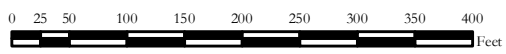




# Proposed Zoning - 132 Charles Street

*City of Newton, Massachusetts*

CITY OF NEWTON, MASSACHUSETTS  
 Mayor - Setti D. Warren  
 GIS Administrator - Douglas Greenfield



Map Date: November 19, 2015



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