

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

WEDNESDAY, JULY 17, 2013

Present: Ald. Johnson, Baker, Yates, Kalis and Sangiolo

Absent: Ald. Lennon, Danberg, Swiston

Others Present: David Olson (City Clerk), John Lojek (Commissioner, Inspectional Services), Maura O-Keefe (Assistant City Solicitor), Brian Lever (Historic Preservation Planner), James Freas (Chief Long Range Planner), Karyn Dean (Committee Clerk)

Appointment by His Honor the Mayor

#239-13 ROGER S. WYNER, 16 Pettee Street, Newton Upper Falls, appointed as a *full* member of the PLANNING AND DEVELOPMENT BOARD for a term to expire June 3, 2018. (60 days 09/06/13) [06/12/13 @ 9:02 AM]

ACTION: **APPROVED 4-0 (Ald. Sangiolo not voting)**

NOTE: Mr. Wyner joined the Committee. He explained that he had moved from Newton and since he has returned he would like to involve himself in service to the community again. He has served on the Board in the past, primarily with non-CDBG issues. Members of the Committee were pleased that he would be bringing his time and talents to the Planning and Development Board once again. Ald. Yates moved to approve Mr. Wyner's appointment and the Committee voted in favor.

#406-12 ALD. JOHNSON requesting a discussion to review City of Newton Zoning Ordinances Chapter 30-20(h)(6) regarding campaign signs, and the failure of candidates to comply with current removal requirements. [11/19/12 @ 9:24AM]

ACTION: **HELD 4-0 (Ald. Sangiolo not voting)**

NOTE: Ald. Johnson explained that the current ordinance calls for campaign signs to be removed within 48 hours of an election. She felt that timeframe was too restrictive and would like to suggest a 7-day removal period. Originally, she felt the onus should fall on the various campaigns to remove their signs but ultimately, this is a homeowner issue as this is in within the zoning ordinances. The local campaigns seem to be pretty diligent about removing signs in a timely manner, but the state and national campaigns seem to be less so. Enforcement of the ordinance is complaint driven. Ald. Johnson thought there could be some sort of education for homeowners on the restriction.

David Olson, City Clerk, said he contacted the Senate campaign offices during the recent elections about signs in Newton that were oversized and not allowed. He noted that the campaigns were not aware of the restriction and once they had the information, the situation was corrected. He felt getting the information to various campaigns about the restrictions would be

helpful. Other communities, such as Brookline, have a 7-day removal period for campaign signs and he felt that would be appropriate for Newton. It would also provide some consistency for state campaigns, making it logistically easier for them to comply with removal restrictions.

Commissioner of Inspectional Services, John Lojek also felt that there could be some work done on changing the size restrictions on signs to make them more standard. There is also a restriction regarding the number of signs allowed and he felt perhaps that should be looked at as well. A docket item will be filed for that discussion and Commissioner Lojek will send some suggestions to the Committee Clerk for this new item.

The Committee was comfortable with changing the ordinance to provide a 7-day removal period from 2 days, as was Commissioner Lojek. A parens (2) docket item will be formed to address the change and a public hearing will be scheduled for September. A parens (3) will be formed to address the discussion relative to size and number of signs. The Committee voted to hold this item.

#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]

ACTION: **HELD 5-0**

NOTE: Brian Lever, Historic Preservation Planner joined the Committee along with Donald Lang of the Newton Historical Commission. Mr. Lang explained that he was in favor of the idea to create an administrative permitting process for converting historic carriage houses and barns into accessory apartments. This would be a positive vehicle for preservation and could preserve diversity in the City. It could also provide a use for homeowners and developers for these buildings that are quite special but can be challenging in terms of site planning. It would also discourage demolition by neglect when people don't really know what to do with them and can't fund improvements to them. Mr. Lang received letters in support of this proposal from the four historic district commissions in Newton.

Brian Lever gave a presentation which is attached to this report. He explained that carriage houses, stables, barns and "auto-houses" were a common sight in the City in the late 19th and early 20th centuries. As the buildings fell out of use due to the advent of cars and the subdivision of properties, many were lost to demolition. Maintaining and/or restoring these structures is challenging and can be costly as they were not built to meet current building code standards. The special permit process can also be complicated and expensive and deters owners from the process of preservation and restoration. The result is they end up being neglected and they deteriorate, ultimately leading to demolition. In 1917 there were about 1,400 of these accessory buildings in the City and only about 330 remain today. The Historical Commission would like to create an incentive to save these unique, historic buildings by encouraging conversion to accessory apartments.

There was concern in Committee that some of these structures are quite close to property lines and could create problems in that way. The special permit process helps differentiate properties that are appropriate for certain uses and if that process were not in place, it could cause problems for the neighborhood. Because of that, some members were not in favor of this proposal. It was felt there were other vehicles with which to preserve these buildings. There was a suggestion that there could be restrictions for setbacks, etc. in the administrative review process and that could solve this problem. It was also felt that the special permit process was not the biggest drawback in the preservation of these structures. Mr. Lever noted that 1 or 2 special permits are granted per year for these conversions. Another 3 or so come in for initial discussions but don't come back to continue the process.

Commissioner Lojek explained that some of the original uses of the carriage houses were residential so bringing them back to that use was not an unreasonable idea. He pointed out that hiring an architect and a lawyer to go through the design and special permit process is expensive, especially not knowing if it will be granted in the end. Some Committee members pointed out, however, that very few special permits are denied. There is an intense review process before the petition comes to Land Use so many applications that would not or could not meet the standards are weeded out early. Mr. Lang felt that a more streamlined process could definitely be helpful but realized an across the board administrative process could elicit some concern.

Mr. Lever noted that Somerville, for example, has widened their options. Not only could one convert a carriage house to a dwelling unit, but bed and breakfasts or offices are also options. Brookline published a book to educate the public on the importance of the historic buildings and how to preserve them. Commissioner Lojek added that Brookline allowed replication of the historic buildings. Some of them are so far deteriorated that rehabilitation is untenable. Arlington has a preservation trust available to homeowners for a low to no interest loan to help preserve such buildings.

Follow Up

The Committee asked how long the special permit process has been for these conversions and Mr. Lever said he would gather that information. The Committee also would like to find out, if possible, what the reasons were behind the demolition of these structures in the past.

Some Committee members felt it would be helpful to take some of the burden from the Land Use Committee and figure out a process that could work for carriage house conversions. Mr. Lever said he would work on developing a set of standards and criteria that might work for the administrative process to address setback and other concerns. The Committee asked if a request could be made to the Committee Preservation Committee for a preservation trust. Mr. Lever said it was certainly possible to ask but he did not know what the outcome would be. The Committee would like some thought given to any other options as well including landmarking.

Ald. Baker moved to hold this item and the Committee voted in favor.

#423-12 ALD. JOHNSON AND SANGIOLO requesting that the Director of Planning & Development and the Commissioner of Inspectional Services review with the Zoning & Planning Committee their analysis of the FAR regulations and assessment of the possible impact on housing construction and renovation in the City. [12/03/12 @ 9:14 AM]

ACTION: **HELD 4-0 (Ald. Kalis not voting)**

NOTE: James Freas, Long Range Planner, addressed the Committee to give a short update on data compiled since the last discussion of this item. He explained that there has been an increase in the number of building permits and special permit requests since the FAR regulations went into effect in October 2011. The trend has continued through July 1, 2013. (A list is attached to this report.) This is believed to be consistent with the improving economy and housing market. There are more special permit requests to exceed the allowed FAR but the time frame has been relatively short and no significant conclusions are being drawn from these numbers so far. Also, many existing homes are already built up to or over what would be allowed under the FAR regulations, so any additions would require a special permit. The eight special permit requests in the last 6 months would have required special permits prior to the October 2011 change. The other impact of the changes in the regulations is building design. For example, flatter roofs are being used in order to maximize the useable square footage that is counted towards the FAR limit. Some builders and architects seem to be manipulating their designs in order to avoid the special permit process. It was pointed out that most special permits are granted. There is a significant design review process through several City departments, architects and lawyers, which weeds out projects that would be unlikely to be approved.

Several members of the Zoning Advisory Group were present. They expressed that some of their desired goals were achieved through the new regulations. The numbers were oriented towards allowing larger houses on smaller lots than was previously allowable, and avoiding even larger houses on large lots. They also felt the process was streamlined which provided for more helpful review prior to reaching the Land Use Committee. Bad design can still trump good planning, but for the most part they felt this was a policy success. Some members of the Committee felt that there should be a way to track a project through the process to see what is altered and what has changed from the beginning to the final result. Some felt that existing houses and new construction should be dealt with equally in terms of special permits for FAR. One member felt that the public hearing process for special permits, while a necessary part, can often be detrimental to neighborly relations. Neighbors can sometimes express very negative comments about a home or homeowner and that some education for the abutters about what is allowed in the ordinance might be a positive step towards mitigating that. There was also a comment that other communities notice abutters even on by-right projects and involves the neighborhood in conversations. Committee members thought this was an interesting idea.

The Committee will take up this discussion again in September and so voted to hold this item.

#221-13 THE COMMISSION ON DISABILITIES requesting to amend the name of the "Commission on Disabilities" to the "Commission on Disability" in **Chapter 22, Section 22-100** of the City of Newton Ordinances. [06/07/13 @ 9:59 AM]

ACTION: **APPROVED 4-0 (Ald. Sangiolo not voting)**

NOTE: Rob Caruso, Co-chair of the Commission on Disability addressed the Committee. He explained that when the Commission was formed, they had voted to use the name Commission on Disability and they have done so but it somehow ended up in the ordinances as Commission on Disabilities. He asked that the name be corrected. Ald. Yates moved approval and the Committee voted in favor.

Respectfully Submitted,

Marcia T. Johnson, Chairman

Department of Planning and Development

1

Zoning and Planning Committee

Petition #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.

Background

2

Historic Accessory Buildings:

- Barns – for storage of agricultural / mechanical equipment, crops, and housing of animals
- Carriage Houses – for storage of carriages, sleighs, and housing 1 -2 horses
- Stables – for housing multiple horses
- Auto-houses – for storage of early automobiles

Background

3

Preservation Concerns:

- Expensive to repurpose
- Easily neglected resulting in deterioration and demolition

Existing preservation tools ineffective:

- Demolition Delay is easy to wait out
- Local Historic Districts have no maintenance requirements
- Landmark Ordinance cannot be used broadly across the City

Lost Accessory Buildings

4



- 320 Mount Vernon Street – Carriage House

Lost Accessory Buildings

5



- 112-116 Dedham Street – Barn

Lost Accessory Buildings

6



- 37 Beechcroft Road – Auto House

Lost Accessory Buildings

7

- 1878 Map of Newton Corner
- Red: lost
- Green Present



Proposal

8

- Punitive regulatory measures have proven ineffective
- The Historical Commission proposes creating a repurposing incentive through an administrative permitting process managed by the Historical Commission and Planning Department
- Existing Review of Accessory Apartment Petitions can be used to permit conversion of historic accessory buildings into accessory dwelling units meeting detailed criteria

Case Studies

9

- 15 Webster Street neglected and deteriorated leading to demolition and across the street



22 Warren Avenue subdivided from original parcel and repurposed into housing

Case Studies

10

- 51 Hyde Street unused and in need of repair when the owners applied for a Special Permit to repurpose the building into an accessory apartment taking what was a financial liability and turning it into an asset

Keeping Newton's architectural history alive



Newton Preservation Awards Ceremony

Help us celebrate
at the 4th annual
awards ceremony
November 30, 2011
6:30 to 8:30 pm

HISTORIC
Newton



Support for Proposal

11

- The following Commissions have written letters of support:

Newton Upper Falls Historic District Commission

Chestnut Hill Historic District Commission

Newtonville Historic District Commission

Auburndale Historic District Commission

- *The Newton Housing Partnership has also been contacted and is expected to support the proposal as well

Next Steps

12

- Additional research by staff
- Outreach to stakeholders

ATTACHMENT: Special Permit Projects (Oct 15, 2011 to July 1, 2013)														
Date	Address	Zone	Waivers	Size of Lot (sq. ft.)	Allowed FAR	Bonus	Existing FAR	Proposed FAR	Existing (sq. ft.)	Size of Addition (sq. ft.)	Number of sq. ft. over allowed FAR	SP under old rule	SP under interim rule	Notes
Oct-11	56 Waldorf Road	MR1	FAR, ext NC	5,403	0.57	No	0.36	0.60	1,945	1,297	162.09	Yes	Yes	Large two-story addition on a small lot
Nov-11	14 Loring Street	SR2	FAR	8,500	0.40	No	0.48	0.54	4,080	510	1,190.00	Yes	Yes	Replace existing screened porch with large home office on existing large house, modest lot
Nov-11	143 Lincoln Street	SR2	FAR, change NC	11,775	0.36	No	0.24	0.42	2,826	2,120	706.50	Yes	Yes	Doubling the size of a modest two-family to create two attached dwellings
Dec-11	39-41 Clarendon Street	MR1	FAR	11,130	0.50	Yes	0.55	0.58	6,122	334	890.40	No	Yes	Enclose existing porches on a two large attached dwellings, built under the 50% demo rule in 2006
Dec-11	43 Hillside Avenue	SR2	FAR, ext NC	8,365	0.41	No	0.54	0.66	4,517	1,004	2,091.25	Yes	Yes	3.5-story addition to large Victorian on a lot sloping to the rear
Jan-12	1841 Commonwealth Avenue	SR2	FAR, ext NC	8,475	0.40	No	0.34	0.48	2,882	1,187	678.00	Yes	Yes	Two-story addition and one car garage replacing existing two car garage
Mar-12	111 Pleasant Street	SR2	FAR, ext NC	5,628	0.45	No	0.72	0.76	4,052	225	1,744.68	Yes	Yes	Enclose rear porches on nonconforming two-family and structure on small lot
Mar-12	112 Exeter Street	SR1	FAR, 3rd story	16,080	0.32	Yes	0.29	0.36	4,663	1,126	643.20	Yes	Yes	Submitted under pre-Oct 15 rules, large split level ranch looking for 3rd story addition
Mar-12	112-116 Dedham Street #4 (new)	SR3	FAR, rear lot sub	15,033	0.24	No	n/a	0.36	n/a	5,412	1,803.96	Yes	Yes	Large home on rear lot subdivision with FAR waiver under Section 30-15, Table 4 for rear lots
Apr-12	150 Countryside Road (new)	SR1	FAR	25,000	0.26	No	n/a	0.28	n/a	7,000	500.00	No	No	Large new 2.5-story home with some exposed basement and enclosed porches
Apr-12	35 Norwood Avenue (new)	SR2	FAR	9,573	0.39	No	n/a	0.45	n/a	4,308	574.38	Yes	Yes	Large new 2.5 story home on modest lot with some exposed basement
Apr-12	258 Nevada Street	MR1	FAR, ext NC	11,122	0.48	No	0.31	0.57	3,448	2,892	1,000.98	Yes	Yes	Conversion of two-family to attached dwellings, new addition nearly doubling size of structure
Jun-12	97 Hillside Avenue	SR2	FAR	12,551	0.35	No	0.48	0.52	5,024	502	2,133.67	No	Yes	Demolition of existing garage, new attached garage on large 4-story Victorian

423.12

Aug-12	54 Oxford Road	SR3	FAR	7,681	0.48	Yes	0.71	0.73	5,454	154	1,920.25	No	Yes	Large nonconforming house on modest lot making small addition
Dec-12	37 Columbine Road	SR1	FAR	15,415	0.33	Yes	0.33	0.36	5,125	440	462.45	Yes		Addition and deck
Jan-13	55 Alban Road	SR2	FAR	13,020	0.35	No	0.38	0.40	4,999	190	651.00	Yes		Addition to west corner of house, fill in 2nd story deck to expand master suite
Feb-13	105 Nonantum Street	SR2	FAR	5,872	0.45	No	0.41	0.53	2,400	678	469.76	Yes		Renovate attic into master bedroom and bath suite
Feb-13	12 Fellsmere Road	SR2	FAR	8,500	0.40	No	0.39	0.50	3,338	945	850.00	Yes		Addition to west corner of house, fill in 2nd story deck to expand master suite
Mar-13	132 Hammond Street	SR2	FAR	13,561	0.34	No	0.36	0.43	4,905	880	1,220.49	Yes		1-story addition to rear, adding family room, kitchen area, deck, 2nd garage bay behind existing single car garage
Apr-13	99-101 Atwood Road	MR1	FAR	7,434	0.54	Yes	0.56	0.65	4,831	510	817.74	Yes		Expand 1st floor unit to include master bedroom, bathroom, screened-in porch at rear, built over carport for 2 cars
Apr-13	140 Church Street	MR1	FAR, decrease OS, exceed LC	9,070	0.51	Yes	0.76	0.77	6,896	109	2,358.20	Yes		Add mudroom off rear kitchen entry. Fill in corner in rear of kitchen
Apr-13	20 Burrage Road	SR2	FAR	5,771	0.45	No	0.45	0.48	2,789	210	173.13	Yes		2-car garage in lower basement level

#423.12