

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

WEDNESDAY, DECEMBER 9, 2013

Present: Ald. Johnson (Chairman), Danberg, Baker, Lennon, Yates and Swiston

Absent: Ald. Kalis and Sangiolo

Also Present: Ald. Hess-Mahan

Others Present: James Freas (Chief Planner, Long Range Planning), Maura O'Keefe (Assistant City Solicitor), Karyn Dean (Committee Clerk)

**Clerk's Note:** For all items voted No Action Necessary, there were discussions with the docketers either prior to, or at the meeting and they supported the action. All other items were referred to the 2014-2015 Board of Aldermen with little or no discussion, and were also reviewed prior to the meeting to determine their appropriate status.

#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]

**ACTION:**      **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**

#406-12(3)      ZONING & PLANNING COMMITTEE requesting a discussion to review City of Newton Zoning Ordinances Chapter 30-20(h)(6) regarding the size and number of campaign signs allowed on lots. [08/15/13 @ 4:37PM]

**ACTION:**      **NO ACTION NECESSARY 6-0**

#260-12      ALD. YATES proposing amendments to Sec. 30-19 to increase the vitality of village centers without adverse impacts on the residential neighborhoods around them. [08-17-12 @ 1:01 PM]

**ACTION:**      **NO ACTION NECESSARY 6-0**

#215-12      ALD. YATES proposing a RESOLUTION requesting that the Planning Department and the Economic Development Commission develop a Main Streets Program following the model of the National Trust for Historic Preservation to revitalize the Newtonville and Newton Centre business districts.

**ACTION:**      **NO ACTION NECESSARY 6-0**

- #48-12 ALD. ALBRIGHT requesting a discussion with the Executive Office and the Planning Department on the creation of a housing trust. [02/10/2012 @ 9:13AM]  
**ACTION:** **NO ACTION NECESSARY 6-0**
- #183-10 ALD. JOHNSON, CROSSLEY AND HESS-MAHAN requesting to amend **Section 30-13(a) Allowed Uses in Mixed Use 1 Districts** by inserting a new subsection (5) as follows: “(5) Dwelling units above the first floor, provided that the first floor is used for an office or research and development use as described above;” and renumbering existing subsection (5) as (6). [06/07/10 @ 12:00 PM]  
**ACTION:** **NO ACTION NECESSARY 6-0**
- #153-10 ALD. JOHNSON, CROSSLEY AND HESS-MAHAN requesting to amend **Section 30-15 Table 1** of the City of Newton Ordinances to allow a reasonable density for dwellings in Mixed Use 1 and 2 districts. [06/01/10 @ 9:25 PM]  
**ACTION:** **NO ACTION NECESSARY 6-0**
- #152-10 ALD. BAKER, FULLER, SCHNIFFER, 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]  
**ACTION:** **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**
- #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.  
**ACTION:** **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**
- #153-11(2) ALD. DANBERG, ALBRIGHT, HESS-MAHAN, JOHNSON requesting the map changes necessary to establish certain Retail Overlay Districts around selected village centers. [05-10-11@3:16 PM]  
**ACTION:** **NO ACTION NECESSARY 6-0**
- #407-13 HIS HONOR THE MAYOR requesting discussion relative to establishing a Regional Technology Center in Newton under the state’s Economic Development Incentive Program. [11/12/13 @ 4:47 PM]  
**ACTION:** **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**
- #128-13 ALD. ALBRIGHT, FULLER, CROSSLEY, LAREDO requesting the creation a comprehensive, 10-year strategic plan for Newton’s conservation lands which would include a multi-year prioritized list of short-term and long-term projects with appropriate estimated budget. This plan should be finished in time to include high priority item(s) in the FY15 Budget, with any project exceeding \$75,000 added to the Capital Improvement Plan. [03/15/13 @ 10:56 AM]  
**ACTION:** **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**

- #408-13 ALD. BAKER requesting discussion of potential impacts resulting from recent changes in the National Flood Insurance Program as it may relate to Newton properties. [10/19/13 @ 4:25 PM]  
**ACTION:** **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**
- #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]  
*Public Hearing assigned for January 13, 2014*  
**ACTION:** **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**
- #296-13 ALD DANBERG proposing amendment to **Sec. 30-24(f) Inclusionary Zoning** by reorganizing and clarifying the provisions regarding purchaser and renter income limits and sale and rental price limits. [08/26/13 @ 12:30PM]  
**ACTION:** **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**
- #294-13 ALD. DANBERG proposing amendment to **Sec.30-24(f) Inclusionary Zoning** to clarify the limitation on use of public funds in constructing inclusionary units and to expand on where the use of public funds for inclusionary units will be allowed. [08/26/13 @ 12:30PM]  
**ACTION:** **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**
- #214-12 ALD. DANBERG, BLAZAR, SCHWARTZ proposing an ordinance which would enable the city to respond to properties which are so inadequately cared for, often by absentee owners, as to constitute a nuisance, not only to properties nearby but also to the public at large, with the understanding that timely intervention may help prevent the loss of such properties to severe neglect, excess accumulation of trash or unsightly collectables, inside or out, or even eventual abandonment.  
**ACTION:** **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**
- #267-13 LAND USE COMMITTEE proposing to amend Section 30-21(c) to permit de minimis relief for alternations, 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.  
**ACTION:** **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**

- #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]  
**ACTION:**      **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**
- #265-13      ALD. YATES requesting a report from the Law Department on the decision by the U.S. Supreme Court on the *Koontz vs. St. Johns River Water Management District* and its possible impact on the City's zoning ordinances. [08/05/13 @ 12:28PM]  
**ACTION:**      **NO ACTION NECESSARY 6-0**
- #263-13      ALD. JOHNSON & ALBRIGHT requesting that the Planning Department document a clear and transparent process for the establishment of housing that complies with Massachusetts Chapter 40B statute so that citizens are knowledgeable of the steps needed, decision making points and decision makers. [07/15/13 @ 2:09PM]  
**ACTION:**      **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**
- #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]  
**ACTION:**      **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**
- #80-13      THE PLANNING DEPARTMENT requesting update discussions of the zoning reform project. [02/25/13 @ 12:31 PM]  
**ACTION:**      **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**
- #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:**      **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**
- #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]  
**ACTION:**      **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**

#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*. [09-09-12]

**ACTION:** **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**

**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. [09/10/12 @ 1:17 PM]

**ACTION:** **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**

#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]

**ACTION:** **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**

#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]

**ACTION:** **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**

**ZONING REFORM - PHASE 1:**

#222-13 ALD. HESS-MAHAN, ALBRIGHT, BAKER, CROSSLEY, DANBERG, FISCHMAN & JOHNSON proposing to amend the definitions of "Common roof connector", "Common wall connector", and "Dwelling, two-family" in **Chapter 30, Section 30-1** of the City of Newton Zoning Ordinances. [06/07/13 @ 1:31 PM]

**ACTION:** **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**

#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]

**ACTION:** **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**

#220-12 RECODIFICATION COMMITTEE recommending that the table in Sec. 30-8(b)(10)a) be clarified with respect to "lot width," "lot area," or "lot frontage."

**ACTION:** **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**

#219-12 RECODIFICATION COMMITTEE recommending that Sec. 30-5(b)(4) as most recently amended by Ordinance Z-45, dated March 16, 2009, be amended to reconcile the apparent discrepancy relative to the definition of “structure.”

**ACTION:** **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**

#218-12 RECODIFICATION COMMITTEE recommending that Sec. 30-19(g)(1) be amended to clarify “sideline” distance, which is a reference to an undefined concept.

**ACTION:** **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**

#217-12 RECODIFICATION COMMITTEE recommending that Secs. 30-19(d)(1) and 30-19(g)(1) relative to the number of tandem parking stalls allowed in the side setback (two) and the number of tandem parking stalls (one) allowed in the setback for parking facilities containing less than five stalls be amended to make the both sections consistent.

**ACTION:** **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**

#216-12 RECODIFICATION COMMITTEE recommending that the definition of “Space, usable open” in Sec. 30-1 be amended by removing the exemption for exterior tennis courts as they are now classified as structures.

**ACTION:** **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**

#65-11(3) ZONING AND PLANNING COMMITTEE requesting that the terms “flat roof” and “sloped roof” be defined in the zoning ordinance.

**ACTION:** **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**

#154-10(2) ZONING AND PLANNING COMMITTEE requesting to amend **Section 30-1 Definitions** by inserting revised definitions for “lot line” and “structure” for clarity. [04-12-11 @ 11:34AM]

**ACTION:** **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**

#154-10 ALD. JOHNSON, CROSSLEY and HESS-MAHAN requesting to amend **Section 30-1 Definitions**, by inserting a new definition of “lot area” and revising the “setback line” definition for clarity. [06/01/10 @ 9:25 PM]

**ACTION:** **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**

**ZONING REFORM - PHASE 2:**

#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]

**ACTION:** **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**

#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]

**ACTION:** **REFERRED TO 2014-1015 BOARD OF ALDERMEN 6-0**

Respectfully Submitted,

Marcia T. Johnson