

CITY OF NEWTON
IN BOARD OF ALDERMEN
ZONING & PLANNING COMMITTEE AGENDA
MONDAY JUNE 25, 2012

7:45PM Room 202

ITEMS SCHEDULED FOR DISCUSSION:

- #162-11 ALD. YATES requesting a report from the Director of Planning and Development on the status of the update of the *Open Space and Recreation Plan*, particularly as it pertains to the Charles River Pathway. [05/12/11 @ 10:16AM]
- #150-09(3) ALD. ALBRIGHT, JOHNSON, LINSKY proposing that a parcel of land located in Newtonville identified as Section 24, Block 9, Lot 15, containing approximately 74,536 square feet of land, known as the Austin Street Municipal Parking Lot, currently zoned Public Use, be rezoned to Business 4. [12/10/10 @9:21AM]
- #162-12 THE ECONOMIC DEVELOPMENT COMMISSION requesting a one-year moratorium, starting immediately, where no bank shall be allowed to be built or opened for business on the ground floor of any building in any Business District within the city unless granted a Special Permit from the Board of Aldermen. [05-17-12 @ 4:18 PM]

ITEMS NOT YET SCHEDULED FOR DISCUSSION:

- #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]
- #60-10 ALD. HESS-MAHAN proposing that sections 30-15(s)(10) and 30-24(b) of the City of Newton Ordinances be amended to substitute a 3-dimensional computer model for the scaled massing model in order to facilitate compliance with recent amendments to the Open Meeting Law and that sections 30-23 and 30-24 be amended to reflect the filing

The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, contact the Newton ADA Coordinator Trisha Guditz at 617-796-1156 or tguditz@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting.

procedures in Article X of the Rules & Orders of the Board of Aldermen.
[02/23/10 @ 3:24 PM]

#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]

#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.

REFERRED TO ZONING AND PLANNING AND FINANCE COMMITTEES

#102-11 ALD. HESS-MAHAN, JOHNSON, COMMISSIONER LOJEK & CANDACE HAVENS requesting an amendment to Chapter 17 to establish a fee for filing a notice of condo conversion. [03-29-11 @ 4:55PM]

FINANCE REFERRED BACK TO ZAP COMMITTEE 3/26/2012

REFERRED TO ZONING AND PLANNING AND FINANCE COMMITTEES

#95-11 ALD. HESS-MAHAN proposing an ordinance requiring that a notice of conversion to condominium ownership be filed with the Inspectional Services Department and that the property be inspected to determine compliance with all applicable provisions of the state and local codes, ordinances and the rules and regulations of all appropriate regulatory agencies. [03-24-11 @ 9:30AM]

FINANCE REFERRED BACK TO ZAP COMMITTEE 3/26/2012

#64-12 ALD. HESS-MAHAN requesting an amendment to Newton Revised Ordinances Sec 30-24(f)(8)b) to clarify the inclusionary zoning preference provisions for initial occupancy of units for households displaced by the development thereof and for units to serve households that include persons with disabilities. [03-14-12 @8:54AM]

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

#79-12 COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of nine hundred thirty eight thousand sixty-three dollars (\$938,063) to the Planning & Development Department for the creation of seven units of affordable rental housing at 12 and 18-20 Curve Street, West Newton, as described in the proposal submitted by Myrtle Village, LLC. [03/01/12 @ 5:00 PM]

#49-11 ALD. JOHNSON, Chair of Zoning and Planning Committee, on behalf of the Zoning and Planning Committee requesting that the Director of Planning & Development and Commissioner of Inspectional Services review with the Zoning & Planning Committee the FAR data collected

during the eight months prior to the new FAR going into effect and the 12 months after. This committee review should occur no less than bi-monthly but could occur as frequently as monthly, based on the permits coming into the departments. [02-15-2011 @8:44AM]

- #25-12 TERRENCE P. MORRIS, G. MICHAEL PEIRCE, JASON ROSENBERG, JOHN LOJEK proposing a zoning ordinance amendment to amend section 30-15(c)(3)(b) by inserting the word “*subject*” before the word “*lot*”, the word “*and*” before the word “*such*” and the word “*adjoining*” after the word “*such*” so that the paragraph reads as follows: *(b) if the subject lot was held in common ownership at any time after January 1, 1995 with an adjoining lot or lots that had continuous frontage on the same street with the subject lot and such adjoining lot had on it a single-family or two-family dwelling.* [01/30/2012 @ 3:14PM]

- #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]

- #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]

- #81-11 ALDERMEN JOHNSON, CROSSLEY, HESS-MAHAN, LAPPIN & DANBERG requesting the Director of Planning & Development and the Chair of the Zoning Reform Scoping Group provide updates on the Scoping Group’s Progress. These updates will occur at the frequency determined by the Chair of the Scoping Group and the Chair of the Zoning and Planning Committee. [3/14/2011 @ 11:16PM]

- #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]

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

Respectfully Submitted,

Marcia Johnson, Chairman

162-12



CITY OF NEWTON, MASSACHUSETTS
Economic Development Commission

Alderman Marcia Johnson, Chair, Zoning and Planning Committee
Alderman Ted Hess-Mahan, Chair, Land Use Committee
Alderman Victoria Danberg, Vice-Chair, Zoning and Planning Committee
Alderman Mitch Fishman, Vice-Chair, Land Use Committee

City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

May 18, 2012

Re: Village Center Zoning and Parking Regulation

Dear Alderman Johnson, Alderman Hess-Mahan, Alderman Danberg, and Alderman Fishman,

The EDC respectfully submits this letter to suggest a course of action regarding revitalization of the Village centers.

During our joint meeting of the Board of Aldermen and the Economic Development Commission on February 16, several Aldermen suggested that enhancing the economic vitality of the Village centers should be a key economic development goal of the City. We agree.

Drawing on our ongoing conversations with village restaurants and merchants (as well as our own observations) we have identified the interrelationship of zoning and parking as critical to the continued vitality of the village centers. A vital neighborhood center caters to the needs of pedestrians and automobile-based shoppers alike. As such it is different from other forms of isolated, strip- or one-off retail developments in that it requires parking, but that parking is shared for the center as a whole, and is not dictated by the use of any one space.

Moreover – as is shown in studies by the Urban Land Institute and National Trust for Historic Preservation, the density and mix of development in such spaces is directly correlated to its overall vitality and its overall economic sustainability. Our February 29, 2012 letter to the Board of Aldermen suggesting a temporary (12-month) moratorium on permitting new banking facilities as-of-right is intended to provide our village centers the chance to rebuild their diversity of development. Still, such a moratorium is only a stop gap measure.

Our commission has spent some time examining the situation and suggests that the concepts of a Village Overlay District with an associated parking plan – a concept already advanced within the Zoning and Planning Committee – are key steps towards reinvigorating Newton's village centers.

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Newton City Clerk
2012 MAY 18 PM 12:19
DAVID A. OLSON, CMC
Newton, MA 02459

Setti D. Warren
Mayor

Candace Havens
Director
Planning & Development

Amanda Stout
Senior Economic
Development Planner

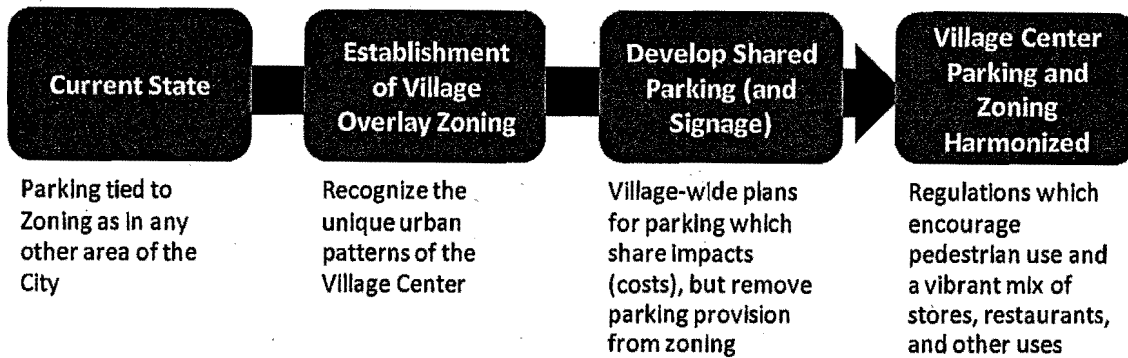
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As noted above, several docket items already exist which cover some of the issues mentioned above notably docket item # 153-11, #153-11(2) for Retail overlay districts and #391-09 for Payment in-lieu for parking (which could be used to establish broader Village parking plans). The EDC would like very much to work with both the Land Use Committee and Zoning and Planning Committee to move forward on a broader plan towards revitalization of the village centers.

Please let us know how we can best support these efforts towards revitalization through enhancing the regulatory environment. We believe that clear signals from the City towards more dense, mixed use development, and a parking policy which does not adversely impact individual selected uses will spur market forces in a positive direction.

Sincerely,

Christopher Steele, Chair
Newton Economic Development Commission

CC: Candace Havens, Director, Department of Planning and Development