

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

THURSDAY, AUGUST 16, 2012

Present: Ald. Johnson (Chairman), Ald. Baker, Swiston, Yates, and Danberg; absent: Ald. Kalis, Lennon, and Sangiolo; also present: Ald. Hess-Mahan  
Staff: Seth Zeren (Chief Zoning Code Official) Candace Havens (Director of Planning & Development), Maura O'Keefe (Assistant City Solicitor), Linda Finucane (Assistant Clerk of the Board)

#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]

ACTION: NO ACTION NECESSARY 5-0

NOTE: This item was subsumed in item nos. 150-09(7) and 150-09(8), a proposed map change to create a Mixed Use 4 District and an accompanying text amendment both scheduled for public hearings on September 10, 2012. This evening the Committee reviewed the Planning Department working session memo dated August 10 and draft #4 of the proposed text amendment. Included in the memo is a summary of revisions made to the draft since the last meeting on July 16: more specific language requiring universal accessibility adapted from language in the Mixed Use 3/TOD zone; more specific special permit criteria incorporating additional language from the Mixed-Use Centers Element of the *2007 Comprehensive Plan*; new text and graphic re setback regulations; revisions to the 20,000 square foot special permit requirement allowing sites to be integrated with adjoining parcels.

In subsection (5) **Design Standards for the Mixed Use District**, the draft states *“The design of the building(s) and the site plan shall give due consideration to the issues of accessibility, adaptability, visitability, and universal design.”* Universal design is the concept of designing all products and the built environment to be aesthetic and usable to the greatest extent possible by everyone, regardless of age, ability, or status in life; an example is the dropped curb for people with mobility issues, which is now a standard feature of the built environment. Visitability includes specific features in new construction that make it easy for all mobility impaired people to live and work in and visit. Those issues may be better addressed with developers during the RFP process, when the City can push for preferred features. Mr. Herr's points out in his memo dated August 13 that the term “universal design” has very broad implications that could actually become a major determinant not only of details but of concepts. The City must be careful not to preempt the law. After talking with members of the Commission on Disabilities, Mr. Zeren this evening offered the following alternative language for **Design Standards for the Mixed Use District** (5) *“Accessibility. The design of the building(s) and the site plan shall comply with the*

*Americans with Disability Act and the rules and regulations of the Massachusetts Architectural Access Board.*” The Committee agreed it preferred the alternative language

In subsection **(6) Transparency**, the Committee questioned the use in c) of the word “must” before “regularly updated and maintained to create an active window display...” Why not “shall” or “may?” Who will regulate? Alderman Hess-Mahan reiterated his concern in b) about interior window box displays that block windows.

In Sections 30-13(i) and (j), the Committee suggested that the proposed last sentence “*However, nothing herein prohibits phased development of a property, shared open space, pedestrian or vehicular connections between parcels. shared parking between the parcel(s) and other parcels in the vicinity, and/or similar design features that are in keeping with the City’s vision for the subject parcel.*” have inserted after the words “design features” the words “including but not limited to” and that the intention to prevent owners from using small lots to circumvent the provision, thereby avoiding the resulting legal fiction, be clarified. Members also suggested that the words “City’s vision” be deleted and that perhaps “Comprehensive Plan and/ or similar document(s)” be inserted instead.

At Mr. Herr’s suggestion Mr. Zeren will clarify further the graphic illustrating setback requirements. Finally, the Committee made some minor edits relative to punctuation and consistency with language in other sections of Chapter 30. Alderman Yates moved No Action Necessary on item #150-09(3), which motion carried 5-0.

#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]

ACTION:        HELD 5-0

NOTE: Subsequent to the July 16 meeting, the Planning Department met with representatives of local banks that included Cambridge Savings Bank, Century Bank, Dedham Savings Bank, Needham Bank, People’s Federal Bank, Rockland Trust, Watertown Savings Bank, Village Bank, and the Chamber of Commerce, which facilitated the meeting. Economic Development Commission Chairman Chris Steele also attended the meeting to explain the Commission’s intent in docketing the item. The EDC is concerned about maintaining vitality and a diversity of businesses in the community. Is non-retail saturating the village centers? Bank representatives pointed out that besides providing lending services to customers, local merchants and property owners, banks provide significant foot traffic that can benefit other local businesses. Traditional “bankers hours” have been extended to evenings and weekends. They perceive themselves as part of an active community; stable tenants and anchors. Several banks have community rooms that can be made available to community groups for meetings. Some areas such as Newton Highlands and Nonantum have unmet banking demands. They all agree they wish to maintain, preferably by right, a presence at street level. Ms. Havens said it was a productive meeting. Committee members noted that, although one can’t differentiate, all the banks in attendance were community banks, some of which have deep roots and involvement in the community.

The Planning Department asked the Committee for its guidance as to the next steps. Should the Committee wish to implement the one-year moratorium, the Planning Department will craft language for a public hearing. However, if the Committee wishes to hold the item and work within the context of several other items on its agenda, the Planning Department will develop a planning strategy to do so. Each village may perceive itself differently, e.g., some with entertainment venues and/or more upscale dining may be livelier at night while others with largely brunch/lunch-type restaurants and more service/retail uses may be livelier in the day. Because vitality means different things to different people the Planning could identify Department in addition to the existing docket items current conditions and future expectations in each village to create village plans, either legislative or non-legislative. These could coincide with the zoning reform work that is contemplated within the next two years.

The Planning memo addressed the Main Streets Program, of which Alderman Yates is an enthusiastic proponent. Essentially, it is an accredited program combining regulatory reform with non-regulatory coordination and promotion. There are specific requirements that must be met to achieve accreditation, including incorporating the organization in coordination with the regional coordinating program, hiring a full time Main Streets Coordinator, appointing a Board of Directors, etc. The Planning Department believes that many of the tools and concepts employed by Main Streets are well understood in downtown planning practice and, whether or not Newton chooses to become an official participant, City staff can employ information and techniques to implement its strategies.

The Committee discussed its options. Alderman Danberg leant towards approving the moratorium. She cited an example of a vacant space in Newton Centre that almost became a bank, but within a space of 30 days, she met with the property owner, a restaurant expressed interest, leased the space, and ultimately obtained a special permit. She also pointed out that Highland Park Illinois and Huntsville, New York had similar issues. Both communities instituted permit processes to locate non-retail in street level space. The unexpected outcome was that second-floor space became the sought after space.

Several Committee members wondered if the existing docket items are too narrow in scope. Alderman Baker also wondered if they can address this particular problem. The Chairman pointed out that members are free to docket additional items. The question is where the effort is better spent. Alderman Yates suggested reviewing the parking credit formula. The Chairman moved to hold the item to allow the Planning Department to focus on other items and strategies, which motion carried 5-0.

**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]

**ACTION:** NO ACTION NECESSARY 5-0

**NOTE:** Because one of the managing partners in the project has a conflict of interest, there is - as it were - a one-year moratorium before the project can go forward. Alderman Yates moved No Action Necessary, which motion carried 5-0.

The meeting was adjourned at approximately 9:05 PM

Respectfully submitted,

Marcia T. Johnson, Chairman