

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

MONDAY, NOVEMBER 26, 2012

7:45 PM
Room 202

ITEMS SCHEDULED FOR DISCUSSION:

Appointment by His Honor the Mayor

#309-12 JESSICA ALPERT, 14 Fuller Avenue, West Newton, appointed as a member of the URBAN DESIGN COMMISSION for a term to expire September 17, 2015 (60 days 12/14/12). [10/03/12 @ 12:17 PM]

Appointment by His Honor the Mayor

#326-12 FRANK McGEHEE, 20 River Street, West Newton, appointed as a member of THE ECONOMIC DEVELOPMENT COMMISSION for a term to expire October 18, 2015 (60 days 01/04/13) [10-22-12 @3:17PM]

Appointment by His Honor the Mayor

#327-12 ROBERT FINKEL, 6 Stearns Street, Newton Centre, appointed as a member of THE ECONOMIC DEVELOPMENT COMMISSION for a term to expire October 18, 2014 (60 days 01/04/13) [10-25-12 @4:14PM]

Appointment by His Honor the Mayor

#389-12 ROGER WYNER, 16 Pettee Street, Newton Upper Falls, appointed as a member of PLANNING & DEVELOPMENT BOARD for a term of office to expire October 18, 2017 (60 days 01-18-13). [11-01-12@4:28PM]

Appointment by His Honor the Mayor

#390-12 CHARLES RUDNICK, 41 Lombard Street, Newton, appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire October 18, 2015 (60 days 01-18-13). [10-25-12 @4:14 PM]

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, please contact the Newton ADA Coordinator Trisha Guditz, 617-796-1156, via email at TGuditz@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

#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]

#162-11(2) DIRECTOR OF PLANNING & DEVELOPMENT requesting a letter of support from the Board of Aldermen for the Draft *2013-2020 Recreation and Open Space Plan*. [08-06-12 @11:53AM]

Clerk's Note: **The Plan update can be found on the City's website by following this link:**
<http://www.ci.newton.ma.us/gov/planning/lrplan/os/default.asp>

ITEMS NOT YET SCHEDULED FOR DISCUSSION:

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]
- #328-12 DINO ROSSI, 362 Watertown Street, Newton, requesting that the current Table A in Section 30-15 of the City of Newton Ordinances be replaced with the Sliding FAR Scale Table that was presented by the FAR Working Group in their Final Report. [10-26-12 @ 11:08AM]
- #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]
- #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. [07-09-12]
- #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]

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

#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]

#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]

REFERRED TO PUB.FAC, ZONING&PLANNING, PROG & SERV COMMITTEES

#316-12 DEPARTMENT HEADS HAVENS, ZALEZNIK, LOJEK requesting amendments to **Sec. 26-30. Licenses for cafe furniture on sidewalks.** to streamline the procedure allowing businesses to place café furniture on public sidewalks. [09/24/12 @3:17 PM]

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

#322-12 HIS HONOR THE MAYOR submitting the FY14-FY18 Capital Improvement Program pursuant to section 5-3 of the Newton City Charter. [10/09/12 @ 2:38 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*. [09-09-12]

#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]

#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]

#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. [07-17-12 @2:55PM]

- #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.
- #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.
- #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.
- #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.”
- #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.”
- #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 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.
- #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]
- #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]

- #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]

- #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

309. 12 #309-12



City of Newton, Massachusetts
Office of the Mayor

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(617) 796-1100

Facsimile
(617) 796-1113

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(617) 796-1089

E-mail
swarren@newtonma.gov

SETTI D. WARREN
MAYOR

September 17, 2012

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

RECEIVED
Newton City Clerk
2012 OCT -3 PM 12: 17
David A. Oison, CMC
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to appoint Jessica Alpert of 14 Fuller Avenue, Newton as a member of the Urban Design Commission. Her term of office shall expire September 17, 2015 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Sincerely yours,

Setti D. Warren
Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

#309.12
#309-12

JESSICA ALPERT

CONTACT

Snail Mail: 14 Fuller Ave. Newton, MA 02465
Cellular: 1.617.223.1800
E-Mail: jessicasalpert@gmail.com
Link: jessalpert.com

SUMMARY

Animated team member with strengths in dynamic thinking and collaborative solving. Fascinated with the science of people: how the brain behaves with objects and environments. Seeking to explore creative possibilities that delight human emotions.

EDUCATION

Syracuse University B.I.D. May 2011
College of Visual and Performing Arts, Syracuse, NY.
Major: Industrial and Interaction Design
Minor: Child and Family Studies

American Real Estate Academy (AREA) October 2011
Massachusetts Salesperson License Course, Waltham, MA.

University of New South Wales (UNSW) February- July 2010
Faculty of the Built Environment, Sydney, AU.
Study Abroad Australia

SKILLS

Software: • Microsoft Office • Adobe Illustrator, Photoshop, InDesign • Alias • Rhino • KeyShot

Design: • Researching • Co-creating • Ideating • Sketching • Prototyping • Evaluating

Personal: • Motivating teammates • Improvising • Dynamic thinking

DESIGN EXPERIENCE

Real Estate 109: Rental Agent & Designer October 2011- present
Residential and Commercial Real Estate, Belmont, MA
•Guiding relationships between landlord and tenant to successfully arrange agreements.
•Communicating a vision for renovation design to optimize rental values.

Global Balance: Graphic Designer September 2011- present
Environmentally responsible products, Boston, MA
•Currently designing graphics for product labels sold locally at Whole Foods in MA.

Urban Verde: Contract Designer May- August 2011
B.E.A.N. Projects (Becoming Environmentally Aware Nationwide), Syracuse, NY
•Drafted preliminary sketches for a vermi-composting unit for apartment dwellers.

VF Sportswear, Inc.: Visual Intern June-August 2009
John Varvatos, New York, NY
•Assisted Visual Director with retail display, design and assembly.
•Collected inspirational images, rendered mock-ups, sought out materials, built designs, learned quickly.

ACHIEVEMENTS

Colgate: Finalist Concept Designer June 2010
•Included in top three student finalists chosen for Dynamo detergent bottle design.

Bus Wrap Design: Team Member December 2008
•First place in full-scale group bus wrap design competition.

Jefferson Row Charrette: Team Member November 2008
•First place in 36-hour interdisciplinary experience.

Golden Mean Logo: Designer October 2008
•First Place in logo design competition.

OTHER EXPERIENCE

WWOOF Australia July 2010
Organic Farming. Blue Mountains, AU

Appethaizing, Thai Cuisine April 2009-July 2011
Waitress. Syracuse, NY

Kaleidoscope, Arts & Sciences Camp June-August 2008
Art Elective Instructor. Newton, MA

June-August 2003-2007
Camp Counselor. Newton, MA

ADDITIONAL INTERESTS

Making: watercolor painting, ceramics, metalsmithing, home improvement.
More: animal behavior, being in nature, hiking, biking, caving, snorkeling, playing in the snow.

326.12



City of Newton, Massachusetts
Office of the Mayor

#326-12 phone
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Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

SETTI D. WARREN
MAYOR

October 18, 2012

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton Center, MA 02459

Ladies and Gentleman:

I am pleased to appoint Frank McGehee of 20 River Street, Newton as a member of the Economic Development Commission. His term of office shall expire October 18, 2015 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Sincerely yours,

Setti D. Warren
Mayor

RECEIVED
Newton City Clerk
2012 OCT 22 PM 3:17
David A. Olson, CMC
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

Frank McGehee

fmcgehee3@alumni.nd.edu (773) 484-6361

20 River St
Newton 02465

Executive Summary

Accomplished marketing strategy professional with experience in generating incremental revenue from existing consumers leveraging digital and offline campaigns and platforms. Core competencies include:

- Integrated/Interactive Marketing
- Acquisition/Retention Campaigns
- Loyalty/E-commerce Marketing
- Product Management/Launches
- CRM
- Budget Management

Professional Experience

Marketing Manager, Upromise Rewards Marketing

November, 2010 – Present

Upromise by Sallie Mae Marketing - Newton, MA

Upromise is a loyalty rewards program that enables members to earn cash back for college by shopping online or with participating retailers.

Promoted from Upromise Rewards to Sallie Mae Core product team in April 2012.

- **Current Role:** Sallie Mae Cross-sell Marketing - Responsible for the development and implementation of the online marketing strategy using website, email and other channels to cross-sell Sallie Mae's core product - Smart Option Student Loan - to existing the Upromise customer base. Duties include test marketing campaigns through post mortem analysis for optimization of product penetration per customer and household
- **Former Role:** Upromise Rewards Marketing – Consumer Experience Strategy: Developed monthly tactical campaigns for driving revenue and customer engagement online through promotions, email and mobile. Strategies included testing and optimization of campaigns through analysis to ensure consumer goals.
 - *Significant accomplishment:* Lead the conversion of Upromise Rewards into a fully integrated consumer segmentation platform including all strategic and tactical marketing across all targeted channels. Goal: Create more earnings opportunities/value for members, simplify the service and enhance alignment of Upromise brand with Sallie Mae. Program successfully launched in January 2012.

Director, Consumer Marketing

February, 2007- November, 2009

GSN INTERACTIVE – Newton, MA

GSN Interactive – the country's largest publisher of prize-based casual games and the digital component of parent company Game Show Network LLC (GSN), a dedicated game shows and casino game shows cable television channel.

- Developed and managed full scope of marketing initiatives for consumers. Responsibilities included consumer segmentation/reinvestment campaigns (CRM), directing cross-functional teams and vendors, day-to-day operations, consumer research, acquisition and conversion campaigns (SEM and SEO) and approval of consumer promotional campaigns and social media communications. Accountable for campaign ROI and MROI including the review and presentation of offline and online analytics for campaigns. Key success metrics included: 154% increase in average daily net revenue, 167% increase in average top line revenue and 160% increase in average player cash deposits.
- Developed and launched a loyalty program designed to reward consumers for their behavior, including spend and frequency. Incentives for players included: exclusive access to beta launches of new games, a dedicated player services program, a scalable rewards program and access to online message boards. In 18 months, the loyalty program garnered more than 50,000 members generating over 45% of monthly revenue and an 85% retention rating.

Director, Marketing and Business Development

July, 2006 – February, 2007

SKYBOXSMS.COM – Newton, MA. (Chicago, IL based company)

SkyboxSMS - a start up SMS service provider targeted toward professional sports teams and consumer-product companies. Parent company MTS, Inc.

- Pitched and awarded new business to build an interactive exhibit for the World of Coca-Cola Museum established in May 2007. The project enabled Coca-Cola to expand its consumer database while gaining additional insight about its consumers' key preferences. The exhibit also enhanced consumers' awareness on the wide scope of Coca-Cola products offered globally.

Director, New Ventures

January, 2006 – May, 2006

BLUE CROSS BLUE SHIELD OF MASSACHUSETTS – Boston, MA.

BCBSMA - an independent licensee of the Blue Cross Blue Shield Association providing quality health care coverage to approximately 3 million members.

- Responsible for the internal and external sourcing, valuation and negotiation of new business opportunities with the aim of creating cost efficiencies.
- Provided strategic management and analytic support for selected new ventures being evaluated by the executive board of BCBSMA.
- Managed New Ventures collaborative effort with external consulting team during deal evaluation process including business development and marketing strategies.

Assistant Director of Marketing

HARRAH'S ENTERTAINMENT, Inc. – Chicago, IL and Las Vegas, NV.

September, 2003 – November, 2005

Promoted to Assistant Director November 2004. Lead team of 11 reports and managed 5 budgets totaling \$8.95MM, accountable for marketing strategy, promotions, special events, advertising and entertainment at the casino. These efforts resulted in a direct contribution to the casino achieving \$270 MM in gross sales revenue for FY '04, 20% above yearly plan and a 20% return on sales in a 70% gross tax environment.

- Developed interactive promotional campaigns, unique special event themes and managed reinvestment levels for customer segments. Promotional strategies led to the following year-over-year metrics: a 32% increase in response rates for VIP customers resulting in 2 MM in incremental gross sales revenue on promotional and special events days.
- Collaborated with VP of Marketing on the development of a marketing segmentation calendar program. Leveraged internal data to create revenue, geographic, and frequency components for the program. Program relied on components to differentiate the reinvestment levels for customers who were marketed to primarily through direct marketing (mail). Program contributed to reduction in reinvestment layering expense to 35% in Q2 '05, down 18 pts from Q4 2004.

HARRAH'S ENTERTAINMENT, Executive Associate - Marketing

- Created a merchandising/marketing strategy for Video Poker product offering in FY'04 for Eastern Division. "Play it here, Play it first - Win cash, Reward Credits and Prizes" positioning strategy combined socialization, service and rewards with Harrah's branded product offering (including tie-ins to World Series of Poker Brand) to drive loyalty card penetration. Strategy led to higher loyalty card enrollment and play volume for Video Poker.
- Managed customer segmentation database enhancement project. (EDW: electronic data warehouse). Project designed to create synergies for casino operations and marketing initiatives. Findings led to successful divisional launch of a "drill down" program that offered target marketing while managing operational performance levels. Program resulted in several casinos maintaining or generating incremental gross sales revenue. Harrah's Joliet FY '04 Q2 gross sales revenue was 4.3MM (5.8%) over their target goal.

Senior Marketing Consultant

JOHN HANCOCK, Boston, MA

October, 2002 – July, 2003

- Collaborated with several departments on the re-branding of John Hancock's long-term care (LTC) insurance product. Responsibilities included business to business collateral for consultants and brokers and business to consumer materials aimed at driving membership enrollment.
- Developed marketing campaign strategy and relationship management for targeting approximately 2,000 contacts and 10,500 brokers. Responsibilities included:
 - Communication positioning, messaging, and tone.
 - Scheduling and approval of direct mail, email and print.
 - Direct and indirect follow up communications.Efforts lead to long-term care division hitting 2003 Q2 sales goals

Senior Marketing Manager

FLEETBOSTON FINANCIAL| BANK OF AMERICA, Boston, MA

June, 2000 – February, 2002

- Managed the launch strategy for *Fleet HomeLink Online Banking and Investing* product extension. Responsibilities included managing a cross functional team inclusive of all bank product and service lines. Directed the internal communications team on customer and prospect positioning strategies. Created an internal communications and training program for management and customer service teams. Product extension successfully launched.
- Co-managed the 2001 Fleet HomeLink Online Banking customer acquisition campaign. Collaborated with the internal communication team on developing a multi-media channel execution to support the acquisition campaign. Leveraged internal product line groups and negotiated alliances with external vendors to developed several consumer acquisition promotions. Managed P and L with monthly cost center reviews. Final acquisition campaign numbers reached over 2MM by 12/31/01 from 1.3MM prior to the campaign, exceeded acquisition campaign goal.

Marketing/ Strategic Partnerships Manager

STOCKPOWER.COM, Newton, MA

September, 1999 – June, 2000

A VC funded e-Commerce start-up that specialized in consumer Stock Ownership/Purchase Rewards Program.

- Developed consumer acquisition/retention strategy and marketing rollout plan. Prospected and identified potential corporations for alliances. Assisted in development of white papers/term sheets. Conducted industry/competitive analyses.

Education**Master in Business Administration (MBA) - Brand Management - University of Wisconsin****Bachelor of Business Administration (BBA) - Accountancy - University of Notre Dame*****Career Prior to Business School - Financial Analyst: Commercial Banking***

BANK OF AMERICA/LASALLE NATIONAL BANK, Chicago, IL

August, 1994 – July, 1997

- (Formal Credit Training) Underwrote middle market commercial lending reports. Responsibilities included developing deal structure, performing industry analyses, creating cash flow statements and projections.

Professional Association and Personal Notes of Interest:

- Notre Dame Alumni Association: Elected and served a three-year term on the National Board of Directors (2001-2004).
- Black Alumni of Notre Dame: Elected and served a three-year term (2006-2009).
- Alumnus: 2001 Associate class of The Partnership, Inc. of Boston, MA
- Chairman: Upromise Employee Activity Committee (2011) – Led first Newton Upromise/Sallie Mae Summer Activity
- Advocate for dieting and exercising: Marathon Runner - Boston 2003, Chicago 2008, Chicago 2010 and New York City Marathon 2010, swimmer and a very frustrated golfer.
- Sallie Mae Honor Roll Recipient - May 2012: work related to ConnectEDU partnership nominated by SVP for Student Lending & Marketing Sales



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

327.12

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swarren@newtonma.gov

October 18, 2012

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

RECEIVED
Newton City Clerk
2012 OCT 22 PM 3:17
David A. Olson, CMC
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to appoint Robert Finkel of 6 Stearns Street, Newton as a member of the Economic Development Commission. His term of office shall expire October 18, 2014 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Sincerely yours,

Setti D. Warren
Mayor



Robert A. Finkel, Partner

ATTORNEYS

Milton L. Kerstein

E. Steven Coren

Mark Lichtenstein

Robert A. Finkel

Andrew L. Hyams

Andra J. Hutchins

Jonathan Davis

Kenneth S. Federman

Geoffrey H. Lewis

Alan R. Goodman

Charles E. Gould



Robert A. Finkel ~ Biography:

Phone: (781) 997-1600 | Email: rfinkel@kcl-law.com | vCard

Attorney Finkel's areas of specialty include general business and corporate matters; employment law, residential and commercial real estate; and non-profit law.

Attorney Finkel has substantial experience working with entrepreneurs as they launch and grow their new businesses. He has represented many clients in connection with their incorporation, LLC formation, shareholder agreements, equity financings, bank financings, employment agreements, stock option plans, contracts, licensing and IP matters. He also has an active practice representing private and institutional lenders and investors in connection with their business and real estate backed financings. His clients are based in Massachusetts, throughout the U.S. and worldwide.

Attorney Finkel has assisted many clients with the acquisition, development, leasing, refinance and sale of residential and commercial real estate properties. He performs real estate transactional work and closes loans for a number of area lenders. He has particular experience representing commercial real estate lending

Practice Areas:

Real Estate; Business & Corporate Law, Nonprofit and Charitable Organizations.

Education:

Brandeis University, B.A., 1991,
Cornell University Law School, J.D., 1994

Search

#327-12

Memberships:

Boston Bar Association;
Massachusetts Bar
Association; Real Estate Bar
Association of Massachusetts;
Newton Needham Chamber of
Commerce;
New England Israel Business
Council.

Admissions:

1995, Massachusetts

institutions providing conventional and SBA financing for owner occupied commercial real estate in New England and throughout the country.

Attorney Finkel is Chair of the firm's Non-Profit Practice Group. He has expertise in incorporating and establishing non-profit foundations and public charities and in providing ongoing corporate counsel.

Attorney Finkel has a B.A. from Brandeis University and a J.D. from Cornell Law School where he concentrated in Business Law and Regulation and was an editor of the Cornell Journal of Law and Public Policy. He is a founding partner of Kerstein, Coren & Lichtenstein, LLP.

Representative Experience:

Representing buyers and sellers in connection with the purchase, financing and sale of Massachusetts real estate.

Serving as lender counsel in connection with SBA, conventional and private financings.

Representing buyers of owner occupied and investment real estate throughout the country.

Assisting landlords and tenants in connection with drafting and negotiation of commercial office and retail leases.

Serving as corporate counsel to many businesses and nonprofits.

Representing US parents of Israeli technology companies in connection with venture capital financings.

Representing buyers and sellers in connection with the sale of businesses.

Helping new nonprofits to obtain exemption from tax under section 501 (c)(3) of the Internal Revenue Code.

Representing employees in connection with employment and severance agreements.

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#389.12 #389-12



City of Newton, Massachusetts
Office of the Mayor

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SETTI D. WARREN
MAYOR

E-mail
swarren@newtonma.gov

October 23, 2012

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to appoint Roger Wyner of 16 Pettee Street, Newton as an alternate member of the Planning and Development Board. His term of office shall expire October 18, 2017 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Sincerely yours,

Setti D. Warren
Mayor

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Newton City Clerk
2012 NOV - 1 PM 4: 28
David A. Olson, CMC
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

Planning
Dev
Board

ROGER S. WYNER
16 Pettee Street, Newton Upper Falls, MA 02464
phone: (617) 686-9470 fax: (617) 916-9632
Email: RogerWyn@gmail.com

SUMMARY

Thirty-seven years of in-depth experience in real estate law, planning and business

PROFESSIONAL EXPERIENCE

Real Estate Attorney

1982-2012

Roger S. Wyner, Attorney at Law, Boston, MA
Sole Practitioner in all real estate matters, including commercial and residential loan transactions, construction, leasing, zoning, land use, conveyancing, business and estate planning, landlord/tenant, workouts and foreclosures, and environmental law. (Office in Newton, MA 1982-2009.)

Founder, President & CEO

1982-2001

International Property Development Corporation, Newton, MA
President and founder of real estate firm specializing in residential land development, custom-designed single-family construction and property management for commercial and multi-family buildings in Boston and Newton. Homes featured in both national publications and television commercials.

Attorney/Real Estate Associate

1978-1982

Hochberg & Schultz, P.C., Boston, MA
Managed real estate department for boutique law firm. Handled all aspects of commercial and residential loan transactions and mortgage foreclosures for major Greater Boston lending institutions. Represented real estate developers in planning and construction of subdivisions and shopping centers, negotiated and drafted leases. Counsel to municipalities in zoning, planning and land use.

Independent Contractor

1976-1978

Army Corps of Engineers
Performed on-site analysis and title examination for the acquisition of property for flood plan control and conservation purposes. Concurrently worked as sole practitioner in real estate law.

Attorney

1975-1976

Rackemann, Sawyer & Brewster
First-year attorney with a Boston law firm specializing in real estate. Job involved client contact and significant legal research, memo writing and court briefs.

EDUCATION

Boston University School of Law, Boston, MA

1975

Juris Doctor

University of Rochester, Rochester, NY

1972

Bachelor of Arts in History

COMMUNITY AND BAR ASSOCIATIONS

- Former Chairman, City of Newton Planning Board
- Massachusetts Bar Association
- Massachusetts Conveyancers Association
- Licensed Builder
- Licensed Real Estate Broker

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2



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

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E-mail
swarren@newtonma.gov

October 18, 2012

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton Center, MA 02459

Ladies and Gentleman:

I am pleased to appoint Charles Rudnick of 41 Lombard Street, Newton as a member of the Economic Development Commission. His term of office shall expire October 18, 2015 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Sincerely yours,

Setti D. Warren
Mayor

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Newton City Clerk
2012 OCT 25 PM 4: 14
David A. Olson, CMC
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

H

#390-12
10:00 am

CHARLES S. RUDNICK

41 Lombard St., Newton MA 02458
Tel. (617) 557-7324 (W), (617) 875-9388(M), email: csrudnick@yahoo.com

9-21

SUMMARY

Extensive leadership, communications, and strategic planning experience in political, private sector, international, legal and academic environments.

CURRENT POSITION

GREATER BOSTON CHAMBER OF COMMERCE, April 2011 – present Boston, MA

Vice President of Communications. Responsible for communications and marketing for leading business advocacy organization representing more than 1,500 Boston-area businesses. Oversee media relations and partnerships; communications strategy for Chamber initiatives such as public policy agenda and leadership programs; marketing and advertising strategy, including online and social media; leadership speeches. Represent Chamber and speak at events, committee meetings, forums. Serve on Chamber management team.

RECENT EXPERIENCE

RUDNICK FOR STATE SENATE, April – September 2010 Newton, MA

Candidate for State Legislature. Ran for Massachusetts State Senate in Democratic primary against 12-year incumbent. Grassroots organization knocked on more than 12,000 doors, called more than 15,000 homes, held house parties attended by hundreds of voters. Used innovative technology such as Telephone Town Halls and social media to promote campaign priorities of accountability, accessibility and leadership. Generated considerable media attention in local and Boston media, including televised debate. Campaign team included five staff members, dozens of volunteers and 25 student summer interns with a budget of \$180,000.

BOSTON SCIENTIFIC CORPORATION, April 2003 – April 2010 Natick, MA

Director, Corporate Communications. Managed media relations and employee communications for 25,000-employee, \$8 billion medical device company. Led communications strategy for major announcements and transactions, including \$27 billion acquisition and integration of Guidant Corp. Created and directed Global Communications Council to coordinate media outreach and internal communications for company's business units, geographic regions and corporate functions. Responsible for crisis communications process. Served as speechwriter for CEO. Oversaw company intranet and co-chaired website editorial board. Managed eight-person staff and relationships with PR and internal communications agencies.

TOLMAN FOR GOVERNOR, April 2001 – October 2002 Watertown, MA

Campaign Director. Managed all aspects of groundbreaking Democratic gubernatorial primary campaign under state Clean Elections law. Responsibilities included overall campaign plan and strategy, communications and media relations, television and radio advertising, field operations, personnel and hiring. Directed legal strategy for successful lawsuit before state Supreme Judicial Court to force implementation of Clean Elections law. Coordinated strategy with public interest groups. Created and managed systems for decision-making and information flow among staff, consultants, steering committees and candidate. Managed budget of \$4.2 million and staff of 24 full-time employees, 10 interns, other volunteers.

CHICAGO-KENT COLLEGE OF LAW, Dec. 1997 – March 2001 Chicago, IL

Assistant Dean for International Law & Policy Development. Created and directed new office to oversee international programs at 1200-student law school, including Masters Program in International and Comparative Law, J.D. Certificate Program, and Rule of Law Externships. Directed Global Law & Policy Initiative, a public forum on international issues. Supervised student-run programs to strengthen the rule of law using Internet technology. Spoke on foreign policy issues to media, community groups, conferences. Taught courses on American legal system, international business, human rights and rule of law. Managed ten-person office and additional volunteers. Responsible for department budgets and grant accounts. Led task force to revamp Development & Alumni office.

CENTRAL & EAST EUROPEAN LAW INITIATIVE, *Dec. 1995 – Dec. 1997* *Sarajevo, Bosnia*

Bosnia Rule of Law Liaison. Directed judicial and legal reform activities for American Bar Association's CEELI program in Bosnia and Herzegovina. Designed and implemented programs to help develop post-war, post-Socialist legal system consistent with democratic principles. Helped establish new Federation Constitutional and Supreme Courts and assisted in creating first professional judges' association, preliminary judicial code of ethics, and proposal to reform judicial appointment process. Chaired monthly legal reform coordination meeting of international organizations.

ADDITIONAL EXPERIENCE

Political/Governmental:

STATE SENATOR WARREN TOLMAN, *Jan. - Dec. 1995* *Boston, MA*

Chief of Staff. Managed seven-person office of newly elected state Senator. Developed legislative, political, and press strategy. Supervised work of Joint Committee on State Administration chaired by Senator. Developed office structure and handled personnel issues.

ROOSEVELT FOR GOVERNOR, *Sept. - Dec. 1994* *Boston, MA*

Finance Director. Directed post-primary fundraising for gubernatorial campaign. Supervised three-person finance staff to generate operating and media budget for general election. Managed activities of Finance Chair and Finance Committee. Major events included 400-person lunch with Vice President Gore.

BACHRACH FOR GOVERNOR, *March - Sept. 1994* *Watertown, MA*

Deputy Campaign Manager. Responsible for daily operation of primary election campaign, including political work, field activities, financial administration, compliance with campaign finance laws, and personnel issues. Managed floor operation for Democratic state convention. Assisted in developing campaign and media strategy.

U.S. SENATOR DONALD RIEGLE, *1986 - 1988* *Washington, DC*

Legislative Correspondent; Campaign Aide. Responded to constituent inquiries regarding international policy, defense, energy, federal budget. Prepared legislative proposals, speeches, Congressional Record statements, issue briefs (full time, 1986-87). Assisted with fundraising and Federal Election Commission reports (during law school, 1987-88).

Legal/International:

INTERNATIONAL INDEPENDENT COMMISSION ON KOSOVO, *1999-2001* *Chicago, IL*

Deputy Legal Counsel for Human Rights. Co-directed drafting of human rights sections of report on Kosovo crisis by international body, led by former UN war crimes prosecutor Justice Richard Goldstone. Coordinated collection and analysis of human rights violations data from Kosovo conflict. Part-time while at Chicago-Kent.

CENTRAL & EAST EUROPEAN LAW INITIATIVE, *Aug. – Oct. 1999* *Pristina, Kosovo*

Kosovo Rule of Law Legal Specialist. During two-month assignment, established rule of law technical assistance program in Kosovo for American Bar Association CEELI program. Projects included establishing new Kosovo Judicial Institute; advising United Nations and local authorities on new legislation; assisting Pristina Law Faculty with curriculum reform; supported commission on proposed judges' and prosecutors' association. Named to UN Joint Advisory Council on Legislative Matters and Advisory Judicial Commission.

HAIGHT, GARDNER, POOR & HAVENS, *Jan. 1991 - Feb. 1994* *New York, NY*

Litigation Associate. Concentrated on international environmental, commercial and insurance litigation. Worked on all aspects of trial preparation, including depositions, discovery, motion practice, and settlement negotiations. Second-seated major insurance defense trial. Coordinator of Summer Associate Program, 1993.

COMMUNITY SERVICE

SUMMER INK (formerly The Writer's Express), 2002-2011

Brookline, MA

Member, Board of Directors. Served on board of nonprofit organization that runs educational summer camps using custom "Writer's Express" approach to writing as a tool of empowerment for students.

CABOT ELEMENTARY SCHOOL

Newton, MA

- **Cabot After School Program.** Member of Board of Directors (2011-12)
- **Cabot School Council.** Served as parent representative on formal advisory body to principal (2009-11)
- **Parent-Teacher Organization.** Active in PTO and Chair of Public Relations committee (2009-12)
- **School Library.** Volunteer in school library (2008-12)

NEWTON WARD 1 DEMOCRATIC COMMITTEE, 2005-present

Newton, MA

Treasurer. Active in local Democratic Party organization, served as elected Treasurer since 2005. Elected as Ward 1 delegate to numerous state Democratic Party conventions, most recently June 2011 meeting in Lowell.

NEWTON CENTRAL LITTLE LEAGUE, 2009-present

Newton, MA

Baseball Coach. Coached baseball teams in NCLL Rookie, Farm, AA, AAA and two summer leagues. Also helped coach NCLL tee-ball. Previously coached several Newton soccer teams and YMCA soccer and tee-ball.

CHILDREN'S HOSPITAL BOSTON, 2006

Boston, MA

Member, Miles for Miracles Marathon Team. Ran 2006 Boston Marathon to benefit Children's Hospital.

EDUCATION

GEORGETOWN UNIVERSITY LAW CENTER, J.D. May 1990

Washington, DC

Journal: *International Environmental Law Review*.

Honors: Selected to teach Legal Research and Writing.

Law Clerk at D.C. firm of Akin Gump Strauss Hauer & Feld during third year of law school.

HARVARD COLLEGE, A.B. *cum laude*, June 1986

Cambridge, MA

Major: European and African History

Honors: Harvard College Scholarships for academic achievement.

Course Coordinator and Research Assistant for Law School Professor Roger Fisher and Harvard Negotiation Project (part-time during college, 1982-86).

BAR ADMISSIONS: *New York, Massachusetts, District of Columbia*

LANGUAGES: *Proficient in Bosnian/Croatian/Serbian* (former Serbo-Croatian language)



Setti D. Warren
Mayor

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Department of Planning and Development
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Candace Havens
Director

WORKING SESSION MEMORANDUM

DATE: November 21, 2012

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

FROM: Candace Havens, Director of Planning and Development 
James Freas, Chief Planner for Long-Range Planning
Seth Zeren, Chief Zoning Code Official

RE: #49-11 Ald. Johnson, Chair of Zoning and Planning Committee, on behalf of the Zoning and Planning Committee requesting that the Director of Planning and Development and Commissioner of Inspectional Services review with the Zoning and 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.

MEETING DATE: November 26, 2012

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

EXECUTIVE SUMMARY

On October 22, 2012, the Planning Department presented an analysis of the impact of the new FAR regulations for single- and two-family dwellings, which went into effect in October, 2011. Overall the results of that analysis demonstrate no discernible impact given the short period of time since the new regulation was adopted and the ongoing effects of the recession on housing construction and renovation in the City. As a result of these findings the Department recommends collecting additional data over the course of another year and considering changes to the FAR at that time, potentially in conjunction with the second phase of the Zoning Reform process, which is expected to begin next fall.

The purpose of this memorandum is to respond to questions and concerns raised during the October 22 meeting. The issues identified were:

1. The potential that the new regulations imposed negative impacts to the development of two-family condominium homes
2. The completeness of the data provided
3. The difficulty of consistent application/interpretation of the regulations in the consideration of Special Permit requests by the Land Use Committee
4. Identification and discussion of other regulatory tools used for similar purposes as the FAR regulations in Newton

(For more information on the history and implementation of the new FAR regulations, see the Planning Department memorandum dated October 19, 2012).

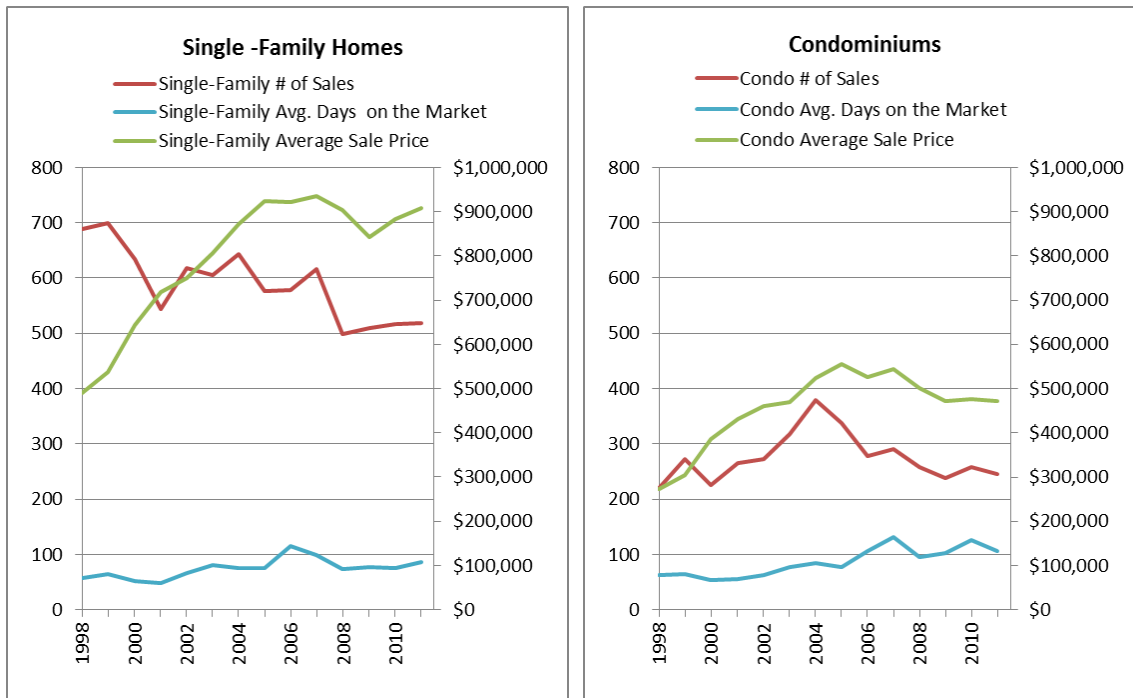
The Planning Department worked with the Inspectional Services Department (ISD) and the Assessing Department staff to compile additional data on building, permitting, and property value trends, broken out by zoning district and property type. ISD permit data shows an increase in overall permit activity with the rate of new construction and major additions roughly constant over the past four years and across the SR1, SR2, SR3, MR1, and MR2 zones. Staff did not find sufficient evidence to indicate a particular harm on the development of new two-family condominiums from the FAR regulations distinct from overall market fluctuations. Much of the data that the City has available for review trails the present by one to two years, making it difficult to see specific impacts from regulatory changes over the past year. For example, new homes sold this year were constructed last year and permitted the year before; similarly, tax assessments are set January 1 and based on sales from the previous year. Therefore, Planning staff continues to believe that there is insufficient data to determine at this time whether or not the new FAR regulations are working as intended or what specific amendments might be desirable.

ANALYSIS

Potential for Impacts on the Development of Two-Family Homes

A specific concern was raised at the October 22, 2012 meeting that the new FAR regulations were having a disproportionate and negative impact on the construction of new condominiums in two-family structures in the MR1 and MR2 zoning districts as demonstrated by declining sales of such new construction condominiums in the City even as the sale of new construction single-family homes has increased. Planning Department analysis indicates that this apparent decline is likely the result of a range of factors with the City's FAR regulations unlikely to be a significant contributing factor.

First, the overall condominium market in Newton and the region is only beginning to recover from the recession. Planning Department staff obtained sales data for single-family and condominium units in Newton over 1998-2011 using data compiled from the Multiple Listing Service. The following charts show the average sale price, volume of sales, and average days on the market for both single-family homes and condominiums. In both charts the impacts of the financial crisis can be seen in 2007-10. After this period, single-family prices returned to near the pre-crisis peak, while the prices for Condominiums have remained low. Combined with the increase in days on the market after the peak of sales in 2004, the declining sale price for condominiums suggests that a softening market may be more responsible for a decline in construction than a change in the zoning regulations for MR1 and MR2 zones.



Sales trends are not likely to be the best measure of any potential impact from the new FAR regulations because houses that were sold in 2012 would have most likely been permitted in 2011 or 2010, under the interim FAR regulations. Houses permitted under the new FAR rules are still under construction and will not be on the market for at least another year from their permit date. With only one year of data under the new rules, it is impossible to say whether the new regulations have altered the pre-existing market trends. It is clear, however, that the real estate market has affected the sale price of condominium units. With lower condo sale values but only a small decline in assessed property values, it is not surprising that fewer developers think it makes sense to build new construction.

To determine if the number, size, and other characteristics of parcels in the MR zones could be another limiting factor on the development of new condominiums, Planning staff used the GIS database to identify specific parcels suitable for construction of new by-right, two-family dwellings. There are a total of 4,143 parcels in the MR1 and 1,375 parcels in the MR2 zone that range widely in size, age, and value. Staff selected for appropriate properties using the following assumptions:

- House built prior to 1990
- Lot area between 7,000 and 15,000 square feet
- 70 feet of frontage
- An assessed value of less than \$500,000

These assumptions provide for lots that may be developed by right into two-family dwellings that are also likely priced low enough to allow profitable condominium development, based on sales prices derived from the Multiple Listing Services data. The database showed 246 parcels that meet these requirements. Staff also performed another search to identify properties large enough to accommodate two larger, approximately 2,400 square foot units by right, using the following assumptions:

- House built prior to 1990
- Lot area between 10,000 and 15,000 square feet
- 70 feet of frontage

- An assessed value of less than \$500,000

There are only 86 properties that meet these criteria. Based on this analysis, staff suggests that in the long run the overall number of parcels appropriate for redevelopment into by-right two-family condominiums may represent a key constraint on the overall potential for new two-family condominium development.

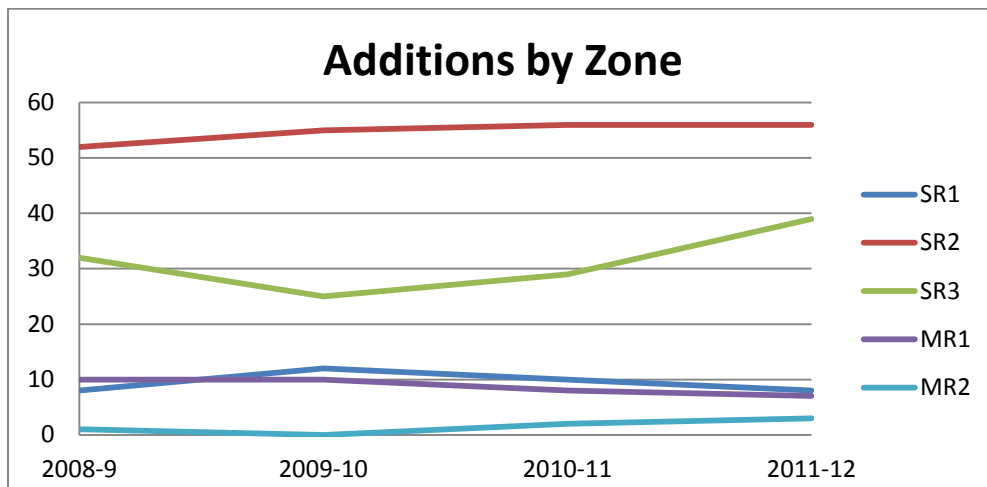
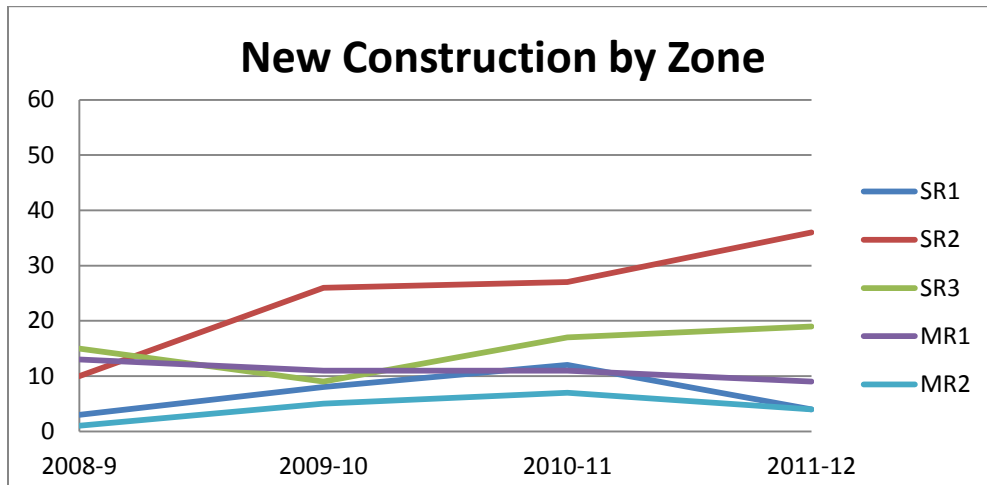
Staff also considered the specific recommendation relative to the issue of potential impacts on the construction of two-family condominium buildings to increase FAR limits by .02 in the MR1 and MR2 zones. Using a representative 10,000 square foot lot in the MR1 zone with a finished basement and third floor and no accessory structures, staff considered what the limits on by-right development would be under the interim rules and the new rules, as shown in the following table. Staff determined that under these assumptions, the by-right allowed area of each dwelling unit has declined by 250 square feet from 3,650 square feet to 3,400 square feet. An additional .02 FAR would raise the maximum area of each dwelling unit in this hypothetical example by 100 square feet to 3,500 square feet.

Assume new development on flat lot with attached garage	Pre Oct. 15 Interim Rules	Post Oct. 15 New Rules
Lot area	10,000	10,000
Allowed FAR	0.40	0.48
Allowed Building Area	4,000	4,800
Additional Exempt 3rd Floor Area	1,300	0
Additional Exempt Finished Basement	2,000	2,000
Area per Dwelling Unit	3,650	3,400

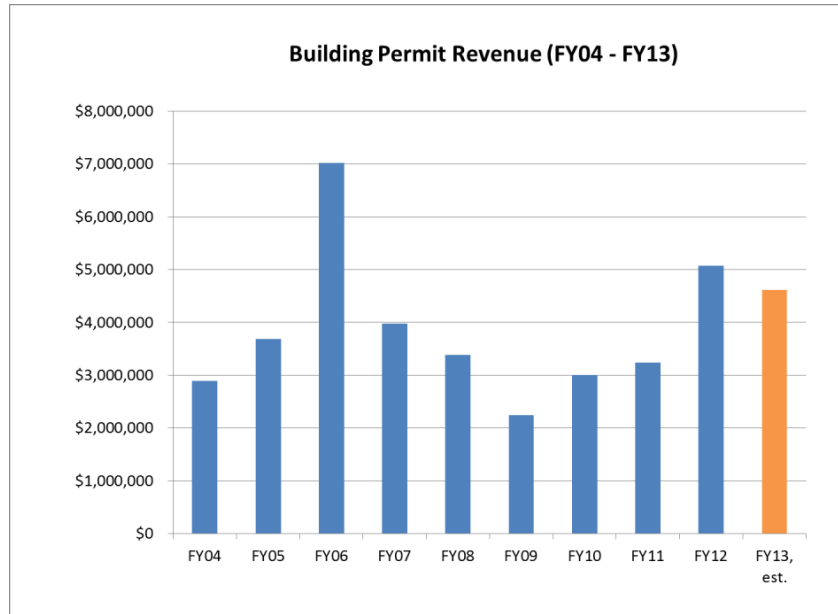
Completeness of Data

At the October 22, 2012 meeting Planning Department Staff presented data in a memo dated October 19, 2012 supporting the Department’s recommendation that more data be collected over the next year and changes to the FAR regulations be considered at that time. That data included the number of building permits issued over the last two years, building permit revenues from FY04 to FY12, and the number of special permits to exceed FAR limits requested over the last year. The ZAP Committee requested additional information relative to this data including the number of building permits issued by building type and zoning district, complete permit revenue data for FY12. The Committee also requested data relative to the change in assessed value by zoning district over the last several years in residential districts.

The Planning Department was able to distinguish permits issued for new home construction and additions by zoning district over the period from October 2008 to October 2012 (see Attachment A for complete breakdowns). Over the four years, the general trend across all zones was an increase in the number of new homes in the SR2 and SR3 while the number of additions remained roughly flat (see the table below) across all zones. There was no significant difference between the zoning districts over those years when adjusted for the relative number of parcels within each zone—for example, across all zones, approximately 1% of the lots were developed with new homes over the past four years. With only one year of data under the new regulations it is impossible to say whether the new regulations have changed the prior trend.



Planning and ISD staff have examined building permit revenue data for Fiscal Years 2004 to 2013 (see the chart below) which suggest that overall real estate market trends are the driving factor in permit revenues. ISD staff noted that a small number of large commercial permit fees in 2012 (relating to Chestnut Hill Square and Chestnut Hill Shopping Center) increased the overall permit revenue relative to 2013 where fewer large commercial permit fees are expected. This variability limits the City’s ability to detect a smaller, long-term impact that might be caused by changes in residential zoning.



To determine if the new regulations have negatively impacted property tax revenue, Planning staff worked with the Assessor’s Department to determine if there was any observable change in assessed property values. The following table shows the percentage change in median assessed property value, by zoning district, over the past eight years for approximately 24,000 single- and two-family houses and condominiums. Assessing sets values on January 1 of the year and uses sales from the previous year, therefore, the change in values trails market trends by one to two years. The following general trends can be observed. Over the past eight years property values for houses in single residence (SR) zones have generally increased while those in multi-residence (MR) zones have declined. Condominiums in the MR zones increased significantly in value over the past eight years, particularly among the smaller sample of approximately 600 units located in the MR2 zone.

	Single- and two-family			Condominiums		
	Change in Assessed value over 8 years (2005-2012)	Change in Assessed value over 3 years (2009-2012)	Change in Assessed value over 1 year (2011-2012)	Change in Assessed value over 8 years (2005-2012)	Change in Assessed value over 3 years (2009-2012)	Change in Assessed value over 1 year (2011-2012)
SR1	8.13%	-1.16%	0.56%	2.41%	0.41%	2.44%
SR2	4.67%	-0.56%	1.23%	1.30%	1.92%	3.95%
SR3	4.05%	-1.87%	-0.37%	9.37%	-1.58%	1.13%
MR1	-1.87%	-2.55%	-0.86%	8.22%	0.15%	1.68%
MR2	-8.07%	-2.77%	-1.13%	24.26%	2.89%	3.46%
* Assessment values are a set Jan 1, the year before the fiscal year and are based on sales in the previous year. Therefore, assessed values lag current sales by approximately two years						

* Change in assessed value for condominiums in the MR2 zone reflects an unusually small sample size of only 600 units with the addition of 58 expensive units over that period, specifically 336-350 Boylston Street and the newer units at 391 Walnut Street.

Land Use Committee Review

Members of the Land Use Committee present at the October 22, 2012 meeting expressed the challenges they face with regard to interpreting and applying the special permit criteria when considering special permit waivers of the FAR regulations. The Land Use Committee must make a finding that “the proposed structure is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood.” Interpretation of these criteria can be difficult for many cases with questions raised around what constitutes the neighborhood, whether size and scale should be measured just from how they appear from the street, and other considerations. Alderman Ted Hess-Mahan has docketed an item for the Land Use Committee to discuss

this issue and consider new requirements for application materials that would assist the Land Use Committee in their deliberations.

Other Regulatory Tools

The FAR regulations used in the City of Newton Zoning Ordinance are one approach among many to achieve similar policy objectives for housing and residential neighborhoods as identified in the FAR Working Group Report and the *Comprehensive Plan*. The ZAP Committee requested that Planning Department Staff provide information relative to these other tools and approaches.

Discussions around changes to the FAR regulations have centered on a number of purposes and policy objectives identified in a number of different reports. The original purposes of the FAR Working Group, as articulated in their Final Report, were to:

- Ensure a fairer application of FAR limits by more clearly defining what is included in the calculations of gross floor area and by eliminating exemptions to gross floor area; and
- Ensure a fairer distribution of massing to ensure that smaller lots have some opportunities for minor expansions that would be compatible with the existing character within their neighborhoods.

The policies relative to residential development identified in the *2007 Comprehensive Plan* that have relevance to issues of density and design include:

- Preserving housing diversity to meet different social, economic, and life-cycle needs
- Increasing the number of rental and home-ownership opportunities for low, moderate, and middle income families and senior citizens
- Assuring that lot area per unit, FAR, setbacks, height, and coverage standards are reasonable
- Providing clear guidance about what constitutes excellence of design in each neighborhood
- Avoiding zoning changes that displace existing housing in favor of newer and more costly units in infill development

The new FAR rules were crafted out of a goal of procedural fairness and outcome consistency. The objectives expressed in the *Comprehensive Plan* suggest a larger scope for incremental transformation or preservation of some residential areas to provide for specific housing types and demographics. Furthermore, the Plan suggests a need for guidance around excellence of design, an objective for which FAR is not an appropriate tool. If the City were to implement the recommendations of the *Comprehensive Plan*, a broader reform of residential zoning would be required, along the lines of the comprehensive approach suggested below.

The Zoning Reform Group included the following recommendation for Phase 2 of zoning reform, to begin in the fall of 2013:

- “Consider how to preserve the historic character and scale of Newton’s residential neighborhoods while allowing homeowners to make improvements without undue restrictions. In achieving this, a zoning reform process could examine not only FAR, but also Newton’s old lot/new lot distinction, setbacks, allowed height/stories, frontage, lot size, and/or residential district mapping to ensure that each street or neighborhood is zoned appropriately to its desired character and scale.”

This ZRG recommendation echoes the *Comprehensive Plan*’s goal of balancing preservation of neighborhood character with allowances for reasonable additions and redevelopment, but is more specific in calling for a re-examination of residential districts and every aspect of dimensional and design controls.

While the new calculation of gross floor area is fairer because it includes more aspects of the massing of structures and the sliding scale of FAR limits creates a fairer distribution of development potential, particularly for by-right additions to more modest sized houses on small lots, the new regulations do not specifically address compatibility with the existing character of their neighborhoods or design. To specifically address these concerns, a more comprehensive approach to residential zoning would be required.

At the working session on October 22, the Planning Department expressed a preference for a more comprehensive approach to addressing residential development as part of Phase 2 of zoning reform over further changes to the FAR rules alone at this time. In their initial analysis of residential neighborhoods and development patterns, the FAR Working Group noted that Newton's residential neighborhoods and architectural styles do not fit neatly within existing zoning classifications or regulations. Therefore, additional adjustments to the existing FAR rules or other features of residential zoning without considering the structure of residential districts would perpetuate the problem of unintended and disparate impacts on properties that differ in lot size and shape.

An ideal comprehensive approach would include some or all of the following components:

- **New residential zoning districts**—larger number of districts better matched to specific areas of the city
- **A pattern book**—that documents existing and historic architectural styles and materials and serves as a guide for crafting regulations and illustrating preferred design approaches to residents and developers (for more information see <http://www.urbandesignassociates.com/servicespatternUDA.htm>)
- **Specific neighborhood plans**—that elaborate on the broader vision of the comprehensive plan but prescribe a preferred build out and urban form for each area of the City
- **Form-based standards**—new zoning regulations that incorporate traditional regulations of height, setbacks, lot coverage, FAR, etc. but with more emphasis on design and the relationship of buildings to the street and to each other; form-based zoning employs specific requirements for siting, rooflines, fenestration, articulation, front yard features, etc., rather than subjective architectural review boards to make the process clear and predictable (for more information see <http://www.formbasedcodes.org/> and <http://www.cecilgroup.com/wordpress/news/article-conventional-zoning-vs-form-based-code/>)

This process would require substantial dedicated staff time with the support of expert consultants over a period of one to two years to collect data on neighborhood characteristics, develop a pattern book, create specific development plans for each area, and prepare a new zoning map and form-based regulations. The result would be zoning regulations that respect the character of each neighborhood while permitting new development that furthers the vision of the *Comprehensive Plan* and neighborhood plans.

Staff has recommended that this process should be a key element of Phase 2 of zoning reform because of the time and expertise required for research, engagement, analysis, and drafting and the need for a comprehensive and integrated approach. Furthermore, these new tools would need to be integrated into the new ordinance structure and format that will be created in Phase 1 of zoning reform—which will begin later this fall. The Planning Department does not currently have the resources to undertake the comprehensive approach described above without the consultant resources proposed for Phase 2 of zoning reform. Devoting the staff time and City resources to this issue at this time would delay progress on the larger reform effort. The Zoning Reform Group considered this approach of addressing large issues incrementally in topical clusters, but determined that this approach would ultimately take longer than a single comprehensive reform effort.

RECOMMENDATION

The additional analysis performed by staff relating to development impacts by zoning district has not demonstrated a significant impact on new development, City revenues, or property values as a result of the new FAR regulations. Staff believes that more information is required before it is possible to discern whether the new rules will have a significant negative impact or to recommend specific changes to the FAR regulations. Staff believes that energy committed now to ensuring a successful Phase 1 of zoning reform and collecting additional data will be the best way to address residential zoning comprehensively as part of Phase 2 of zoning reform. Staff recommends that #49-11 be held for incorporation into Phase 2 of zoning reform.

ATTACHMENT A: Building Permit Breakdown by Zoning District

ATTACHMENT A: Building Permit Breakdown by Zoning District

* "addition" and "special permit" represent key word searches among the building permits

SR1	New Construction	Building Permits	"addition"	"special permit"
2008-9	3	115	8	1
2009-10	8	143	12	0
2010-11	12	158	10	2
2011-12	4	151	8	2
TOTAL	27	567	38	5

SR2	New Construction	Building Permits	"addition"	"special permit"
2008-9	10	517	52	2
2009-10	26	607	55	2
2010-11	27	619	56	3
2011-12	36	693	56	5
TOTAL	99	2436	219	12

SR3	New Construction	Building Permits	"addition"	"special permit"
2008-9	15	315	32	1
2009-10	9	361	25	2
2010-11	17	412	29	1
2011-12	19	462	39	0
TOTAL	60	1550	125	4

MR1	New Construction	Building Permits	"addition"	"special permit"
2008-9	13	203	10	0
2009-10	11	228	10	0
2010-11	11	245	8	0
2011-12	9	262	7	4
TOTAL	44	938	35	4

MR2	New Construction	Building Permits	"addition"	"special permit"
2008-9	1	48	1	0
2009-10	5	50	0	0
2010-11	7	54	2	1
2011-12	4	64	3	0
TOTAL	17	216	6	1



Setti D. Warren
Mayor

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Candace Havens
Director

WORKING SESSION MEMORANDUM

DATE: October 19, 2012

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

FROM: Candace Havens, Director of Planning and Development
James Freas, Chief Planner for Long Range Planning 

RE: # 162-11(2): The Director of Planning and Development requesting a letter of support for the City of Newton Recreation and Open Space Plan Update, which may be viewed online at <http://www.newtonma.gov/gov/planning/lrplan/os/>.

MEETING DATE: Working Session on October 22, 2012

CC: Board of Aldermen
Donnalyn Kahn, City Solicitor

The City of Newton is nearing completion in the process of updating its *Recreation and Open Space Plan Update*. The *Plan Update* expresses our collective vision for the City's open space and sets out priorities to enhance and protect our natural and recreational resources. An updated plan is also necessary to make the City eligible to apply for certain State funding programs. At this time, City staff is requesting a letter of support (attached) from the Board of Aldermen. If the Board agrees, this will be included as a part of the *Plan* for final submittal of the *Plan* to the Metropolitan Area Planning Council (MAPC) for comment. Following MAPC's review, the *Plan* will be submitted to the Massachusetts Executive Office of Energy and Environmental Affairs, Division of Conservation Services for approval.

Following conclusion of an extended public comment period, the Recreation/Open Space Plan Advisory Committee reviewed the feedback and incorporated changes in the current document version. The Planning and Development Board held a public hearing on the *Draft Recreation and Open Space Plan Update* and, on August 6, 2012, approved the *Plan Update*. Materials relevant to the planning process and a copy of the final draft plan may be viewed at <http://www.newtonma.gov/gov/planning/lrplan/os/>.

ATTACHMENT A: Draft letter of Support for the *City of Newton Recreation and Open Space Plan Update* from the Board of Aldermen, dated October 22, 2012

Draft letter of support for Recreation/Open Space Plan

Candace Havens
Director of Planning and Development
City Hall
1000 Commonwealth Ave.
Newton, MA 02459

Dear Candace:

The Board of Aldermen is pleased to support the Recreation and Open Space for 2013-2019 Plan Update for submission to the Massachusetts Executive Office of Energy and Environmental Affairs. We understand that acceptance of the Plan will enable the City to apply for several Recreation and Open Space grants from the Commonwealth.

We appreciate that your Department conducted an extensive outreach plan to seek input from as many interested citizens and groups as possible and that such input included a public workshop, a public survey, input from neighborhoods and others throughout the advisory committee work, a public hearing with an extended comment period. The planning process was guided by a broad-based advisory committee with representatives from a range of natural resource conservation, environmental, and recreation organizations, along with regional and City agencies.

The results of the broad citizen participation include an increased emphasis on maintaining the City's recreation and open spaces including the City's street trees. The Plan Update also supports new initiatives like the Upper Falls Greenway, access to it from the Charles River Pathway, the restoration of the Quinobequin Road trails, the use of the Cochituate Aqueduct Land and the Sudbury Aqueduct Land to establish new loop trails, and the establishment of new pathways across the Charles River in the Lower Falls/Auburndale area. We are pleased to see that the Plan Update encourages the establishment of new Friends groups to help carry out the purposes of the Plan Update in partnership with the City.

Congratulations on the completion of this Plan Update. We look forward to working with you and your Department on its implementation.

Sincerely,

Scott F. Lennon
President of the Board of Aldermen