

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

MONDAY JANUARY 10, 2011

7:45pm- Aldermanic Chamber

ITEMS SCHEDULED FOR DISCUSSION:

- #18-11 HIS HONOR THE MAYOR requesting the confirmation of Candace Havens as the Director of Planning and Development, effective January 1, 2011 pursuant to Section 3-3 of the City Charter. [12/23/2010 @ 4:49PM]
- #142-09(6) INTERIM DIRECTOR OF PLANNING AND DEVELOPMENT requesting to amend Chapter 30, §30-15(u) and TABLE 1 regarding Floor Area Ratio (FAR) to institute a new method of calculating maximum FAR for single and two family structures in residential districts based on a sliding scale tied to lot size and zoning district; to amend § 30-1 definitions of “gross floor area” and “floor area ratio” to include additional building features, accessory structures, and mass below first story; to amend § 30-1 to add definitions of “carport”, “porch,” “enclosed porch”, and “mass below first story”; to delete the reference to §30-15 Table 1 contained in §30-21(c) and replace it with a reference to §30-15(u); to determine a date, between six (6) and twelve (12) months from date of passage, that the above amendments will become effective; and to extend the expiration dates of §30-15(u) paragraphs 1, 2, and 3 so they remain in effect until such date that the above amendments become effective. [12/15/10 @ 4:37PM]
- #235-10 ALD. BAKER & YATES on behalf of the Newton Historical Commission requesting updates to §22-50, **Demolition of historically significant buildings or structures.**, to minimize inconveniences to homeowners proposing modest changes and to enhance protections for historic structures proposed for demolition, with specific amendments designed to (1) reduce the number of applications filed and allow smaller projects to occur without review; (2) establish a minimum period of delay for full demolition if the structure is found to be preferably preserved; and (3) extend the existing period of delay, as has occurred in other communities,

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 Kathleen Cahill, 617-796-1125, via email at KCahill@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

for structures proposed for full demolition if the structure is found to be preferably preserved. [8/30/10 @3:19PM]

ITEMS NOT YET SCHEDULED FOR DISCUSSION:

#17-11 TERRENCE P. MORRIS, JOSEPH PORTER, BRUCE BRADFORD, GEORGE COLLINS, VERNE T. PORTER, JR., MICHAEL PEIRCE proposing an amendment to the zoning ordinance for the purpose of changing the definition of “Grade Plane” and adding a new definition for “Average Grade”.

Appointment by His Honor the Mayor

#19-11 RONALD C. LIPOF, 10 Hammond Pond Parkway, #101, Chestnut Hill, appointed as a member of the Economic Development Commission for a term of office to expire December 31, 2013. [12/28/2010 @ 9:47PM]

Appointment by His Honor the Mayor

#20-11 JOYCE MOSS, 229 Franklin Street, Newton, appointed to the Economic Development Commission for a term to expire December 31, 2013. [12/28/2010 @ 9:47PM]

Appointment by His Honor the Mayor

#21-11 DARRYL SETTLES, 52 Hood Street, Newton, appointed to the Economic Development Commission for a term of office to expire December 31, 2013. [12/28/2010 @ 9:47PM]

#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)

#142-09(4) INTERIM DIRECTOR OF PLANNING AND DEVELOPMENT requesting discussion of findings of Floor Area Ratio Working Group and consideration of recommended revisions to Chapter 30 regarding FAR limits tied to lot sizes and definitions of “gross floor area”, “carport”, “mass below first story”, “porch”, “enclosed porch”, and “floor area ratio” as well as phasing of ongoing changes. [05/11/10 @ 7:07 PM]

#92-10(2) ZONING & PLANNING COMMITTEE proposing a RESOLUTION to His Honor the Mayor providing selection criteria guidance for membership on the *Planning & Development Board* so that the level of expertise in related areas or the equivalent combination of experience and/or education is present in order to enhance the ability of the Board to increase its service to the City. [9-13-10@11:41AM]

- #93-10(2) ZONING & PLANNING COMMITTEE proposing a RESOLUTION to His Honor the Mayor providing selection criteria guidance for membership on the *Zoning Board of Appeals* so that the level of expertise in related areas or the equivalent combination of experience and/or education is present in order to enhance the ability of the Board to increase its service to the City. [9/13/10 @ 11:41AM]
- #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]
- #311-10 HIS HONOR THE MAYOR submitting the FY’ 12-FY’ 16 Capital Improvement Program, totaling \$174,246,135 pursuant to section 5-3 of the Newton City Charter and the FY’ 11 Supplemental Capital budget which require Board of Aldermen approval to finance new capital projects over the next several years. [10/18/10 @ 5:24PM]
- #253-10 ALD. YATES proposing a RESOLUTION to the Conservation Commission and the Mayor’s Advisory Committee on Renewable Energy requesting that they investigate the possibility of establishing a Brightfield Solar Energy Array on the Flowed Meadow site similar to the one in Brockton. [09/07/10 @ 8:31pm]
- #474-08 ALD. HESS-MAHAN & VANCE proposing that Chapter 30 be amended to transfer from the Board of Aldermen to the Zoning Board of Appeals and/or the Planning & Development Board the special permit granting authority for special permit/site plan petitions not classified as Major Projects pursuant to Article X of the Board Rules. [12/09/08 @ 3:26 PM]
- #30-10(2) POST AUDIT & OVERSIGHT COMMITTEE requesting a discussion with the Planning & Development Department relative to the governance process of the Newton Community Development Authority (NCDA), including recommendations and potential changes to the NCDA. [01/26/09 @ 9:00 PM]

- #294-03 ALD. BAKER, YATES, JOHNSON AND MANSFIELD requesting analysis and discussion of possible remedies for demolition of modest housing and replacement with oversized structures out of character with the surrounding neighborhood, including examining the experience of other communities, including those out of state, who have worked to address this problem. **(Recommitted by Full Board 8-14-06)**
- # 7-99 ALD. PARKER requesting discussion of possible zoning amendments to create additional residential districts with different FAR and lot size requirements.
- #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]
- #411-09 ALD. DANBERG, MANSFIELD, PARKER requesting that §30-19(d)(13) be amended by adopting the Board of License Commissioners' current informal policies, which waive parking stall requirements for a set maximum number of seasonal outdoor seats in restaurants and require that indoor seats be temporarily reduced to compensate for any additional outdoor seats while they are in use, by establishing a by-right limit based on a proportion of existing indoor seats that will allow seasonal outdoor seats to be used without need for additional parking.
- #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 & PLANNING AND FINANCE COMMITTEES

- #391-09(2) ALD. DANBERG, MANSFIELD, VANCE AND HESS-MAHAN requesting the establishment of a municipal parking mitigation fund whose proceeds, derived from payments-in-lieu of providing off-street parking spaces associated with special permits, will be used solely for expenses related to adding to the supply of municipal parking spaces, improving existing municipal parking spaces, or reducing the demand for parking spaces.
- #207-09(2) ALD. PARKER, DANBERG & MANSFIELD, proposing that chapter 30 be amended to allow additional seating in restaurants. [07/07/09 @ 12:42 PM]

- #150-08 ALD. GENTILE proposing that Chapter 30 be amended to clarify that for a commercial vehicle to be parked legally at a residential property, it must be registered to the owner/occupant of that residential property. [4/15/08 @ 2:17PM]
- #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]

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

- #48-06 ALD. HESS-MAHAN, BURG, JOHNSON, DANBERG, PARKER & WEISBUCH proposing that the city provide financial incentives to rent accessory apartments to low- to moderate-income households at affordable rates that can serve housing affordability goals.
FINANCE VOTED NO ACTION NECESSARY ON 3/8/10
- #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]
- #475-08 ALD. HESS-MAHAN, DANBERG, JOHNSON, SWISTON, & PARKER proposing that the City of Newton accept the provisions of GL chapter 43D, a local option that allows municipalities to provide an expedited permitting process and promote targeted economic development. [12/09/08 @ 9:41 AM]
- #288-06 ALD. MANSFIELD, DANBERG, PARKER proposing that Sec 30-11(a), (b), and (d) of Chapter 30 be amended to allow banks and other financial institutions only by special permit in Business 1, 2, 3 and 4 districts.
- #133-03 ALD. YATES proposing an amendment to Chapter 30 requiring a special permit for a so-called "snout house" (one with excessive/intrusive garage on the front) following the example of Fort Collins, Colorado.

- #333-97(2) ALD. YATES proposing that Chapter 30 be amended to prohibit without a special permit in any zoning district the approval of a subdivision that would be accessed by any public way on which the Level of Service at the point of access is already a D, E, or F, for at least one hour per week or if the additional traffic to be generated by the subdivisions would cause the Level of Service at the point of access to a public way to fall to D, E, or F for at least one hour per week. [8-7-07 @2:05 PM]
- #365-06 ALD. YATES requesting the establishment of an education program for realtors concerning properties in historic districts.
- #217-00 ALD. YATES requesting that Chapter 30 be amended to require a special permit for the demolition of a structure aged 100 years or more, containing one or more residential units in any residential district.
- #114-10 ALD. YATES AND RICE requesting reports from the Conservation Commission and Board of Survey on compliance with condition of permits given to allow the development of the Laura Road subdivision. [04/07/10 @ 10:59 PM]
- #122-09 ALD. SANGIOLO on behalf of Armando Rossi requesting a discussion of the proliferation of signage in the city.
- #440-04 ALD. JOHNSON, BAKER & LAPPIN proposing a definition of “accessory structure” which will include mechanical equipment.
- #20-99 ALD. YATES proposing that Chapter 30 be amended by removing radio and television towers as allowed uses in the Mixed Use 1 district.

Respectfully Submitted,

Marcia Johnson, Chairman



CANDACE HAVENS, MPA, AICP

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Newton, MA 02458

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EDUCATION

HARVARD UNIVERSITY, JOHN F. KENNEDY SCHOOL OF GOVERNMENT

Master of Public Administration, 1994

Course work in economics, real estate development, corporate finance and accounting, public dispute resolution, land use policy and politics, and strategic management

UNIVERSITY OF CALIFORNIA, RIVERSIDE

Bachelor of Arts, Liberal Studies, 1977

Major: Sociology; Minor: Urban Studies

Exchange student at American University of Beirut, Lebanon and Dartmouth College

EXPERIENCE

URBAN PLANNING CONSULTANT

1990 - present

- Performed research and prepared reports and presentations for President of First Community Bank of Bank of Boston including Draft 1994 Annual Report, Marketing Plan, Emerging Markets Report, and information for staff, public officials, and general public
- Worked with City staff, City Council, County Board of Supervisors and property owners of the City of San Luis Obispo, CA to reach agreement on controversial annexation
- Co-authored Transportation Management Association Feasibility Study for Business Improvement Association in San Luis Obispo, California
- Assisted another planning firm in rewriting Code of Ordinances for Avila Beach Harbor District
- Mediated in District Courts of Newton, Massachusetts and San Luis Obispo, California
- Developed negotiations and problem-solving seminars for special interest groups
- Reviewed innovations for the Ash Institute of Innovations at Kennedy School of Government
- Advised and represented clients on land use matters

Owner of Office Suites of San Luis Obispo, California

1997 - 2001

- Developed and operated business to provide professionals with short-term office spaces
- Supervised reception, managerial and property management staff

CITY OF SAN LUIS OBISPO

1977 - 1989

Independent full-service city of 43,000 on the central coast of California; 300 employees; \$40 million annual budget

Special Assistant to the City Administrative Officer

1989-1990

- Analyzed issues, prepared reports, acted as liaison between staff, City Council, commissioners and public on a variety of civic matters
- Advised Engineering Division on operation of parking program and construction of parking facilities
- Worked with County staff, contractor, and architect to oversee construction of City/County Library
- Coordinated efforts of the City of SLO, County of SLO, Economic Opportunities Commission and local volunteers to construct a homeless shelter and provide related food service
- Represented Office of Administration at meetings of the Human Relations Commission
- Initiated review of public art projects for parking structures and participated in art selection
- Acted as Interim Transit Manager

Parking Program Coordinator/Parking and Planning Consultant 1986-1988

- Worked with citizen groups and City leaders to achieve consensus on controversial parking program
- Developed and implemented Parking Management Plan for the City of San Luis Obispo
- Managed \$12 million budget for parking program, including construction of two parking facilities
- Administered contracts for project architects, archaeologists and contractor
- Supervised operation and maintenance of City parking structures, meters, lots, citation processing and other parking-related matters with staff of five
- Prepared reports on parking matters and represented City at meetings of the City Council, Parking Committee, Planning Commission, and Architectural Review Commission
- Coordinated planning and construction of new City/County Library with County staff

Associate Planner/Assistant Planner/Planning Enforcement Technician 1977-1986

- Reviewed development proposals for compliance with planning and environmental laws
- Prepared reports for and made presentations to the City Council, Planning Commission and Architectural Review Commission on current planning issues and development proposals
- Coordinated review of development proposals with other departments and jurisdictions
- Enforced planning laws and created non-traffic citation
- Reviewed five-year Capital Facilities Budget for conformance to planning/environmental regulations

PROFESSIONAL AFFILIATIONS AND RECOGNITION

- Member of the American Institute of Certified Planners, American Planning Association, Institute of Transportation Engineers, Association for Conflict Resolution, International Parking Institute, Sierra Club
- Recognized by Bank of Boston for exceptional performance during internship
- Student representative to Harvard MPA Mid-Career Admissions Committee
- Graduate of San Luis Obispo Chamber of Commerce Leadership Training Program and former Chamber task force member
- On behalf of City of San Luis Obispo, accepted Helen Putnam Award for Excellence (honorable mention) from League of California Cities for the City's parking program
- Awarded Resolution of Appreciation from City Council of San Luis Obispo for service to City

VOLUNTEER ACTIVITIES

- Chair of Traffic Council for the City of Newton, MA from 2002 - present
- Member of Comprehensive Planning Advisory Committee for the City of Newton, MA 2002 - present
- Member of Newton Centre Task Force; Newton, MA 2005 - present
- Founding president of San Luis Obispo Children's Museum; former chair of Operations, Fundraising, Chief Financial Officer and Co-chair of Future Sites Committee 1989 - 1993
- PTO Co-president at Underwood School in Newton, MA 1999 - 2001
- Classroom volunteer in San Luis Obispo, CA and Newton, MA 1986 - 2001
- Supporter of numerous San Luis Obispo and Boston-based organizations

OTHER INTERESTS AND SKILLS

Hobbies: Photography, running, cooking, gardening, playing the harmonica & piano (not at the same time)

Special interests: Music, arts, architecture, international foods, travel, and languages

Computer skills: Quattro Pro, Excel, Quicken, WordPerfect, Word, Lotus 123 and PowerPoint

**References available upon request*