

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

MONDAY FEBRUARY 14, 2011

7:45pm Room 202

ITEMS SCHEDULED FOR DISCUSSION:

- #122-09 ALD. SANGIOLO on behalf of Armando Rossi requesting a discussion of the proliferation of signage in the city.
- #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]
- #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 (B) establish a minimum period of delay for full demolition if the structure is found to be preferably preserved; and (C) extend the existing period of delay, as has occurred in other communities, for structures proposed for full demolition if the structure is found to be preferably preserved. [8/30/10 @3:19PM]
- #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

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.

Solar Energy Array on the Flowed Meadow site similar to the one in Brockton. [09/07/10 @ 8:31pm]

#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]

#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]

ITEMS NOT YET SCHEDULED FOR DISCUSSION:

#26-11 HIS HONOR THE MAYOR submitting in accordance with Section 7-2 of the City Charter an amendment to the 2007 Newton Comprehensive Plan to include a Mixed-Use Centers Element [01-07-11 @ 4:20 PM]
REFERRED TO PLANNING AND DEVELOPMENT BOARD (to be reported back on April 1, 2011)

#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”.

#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)

#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]
- #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. **(Recommended 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.
- #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]
- #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

#122.09

From: Linda Finucane <lfinucane@newtonma.gov>
To: "sangiolo" <sangiolo@rcn.com>
Subject: RE: Armando Rossi docket item
Date sent: Wed, 15 Apr 2009 10:49:07 -0400

hmmn, section 20-21 allows ISD to ticket among others: outdated signs, portable signs, excessive area of window signs, string lights, illegal temporary signs, illegal campaign signs, streamer, display signs and section 20-58 prohibits posting printed matter on private property without the consent of the owner (which I believe includes utility poles not owned by the city) nor upon the property of the city without the consent of the DPW commissioner. Section 20-58 is not ticketable, but a criminal, i.e., the \$300 per day in court, but the BOA could amend that section. I'm just not sure what ZAP can do for Mr. Rossi.....



11 FEB 11 A 10: 21

CITY CLERK
NEWTON, MA. 02159**PLANNING & DEVELOPMENT BOARD****Works Closely with**

The Mayor, Planning & Development Director, Commissioner, Inspectional Services, City Engineer, and Law Department

Interacts with

The Land Use Committee and the Zoning and Planning Committee of the Board of Aldermen

Key Accountabilities

- Reviews and votes on petitions involving [special permits] rezoning and amendments to the zoning ordinances.
- Reviews and approves subdivision plans
- Oversees and makes recommendations to the Mayor on the Housing and Community Development Program Acts as the Community Development Advisory Board
- Serves as the advisory Board to the Newton Community Development Authority, which is the entity that issues loans for the Housing and Community Development Program Acts as the Newton Community Development Authority Advisory Board
- Considers and makes recommendations on proposed historic landmark decisions, scenic road regulations, Comprehensive Plan, proposals for acquisition of real property, and considers requests for waivers of the light ordinance.
- Takes initiative to become educated on items before Zoning & Planning that will require Planning & Development Board review and approval.

Desired Membership

Membership of The Planning & Development Board should consist of a balanced mix of the following areas of experience and expertise. In addition members should represent those who own/rent their homes and a cross-section of the City of Newton's eight wards.

Desired Experience/Expertise:

- Real Estate/Land Use Law
- City Planning, including Traffic Planning
- Community Development
- Human Services
- Affordable Housing Advocate
- Local Business Owner
- Service on neighborhood, or community advisory board/committee

Desired Competencies

- Integrity & trust
- Ability to deal with paradox & possessing sound judgment
- Interpersonal awareness
- Sense of urgency & achievement
- Political Savvy

- Drive for improvement in public services

DRAFT



10 SEP -3 P 1:44

CITY CLERK
NEWTON, MA. 02159

ZONING BOARD OF APPEALS

Works Closely with

The Planning & Development Director, Commissioner of Inspectional Services, and Law Department

Interacts with

The City Clerk and Planning and Development Board

Key Accountabilities

Using knowledge of/expertise in the technical aspects of zoning law, regulations, and construction/site plans:

- Hears and acts upon technical requests for dimensional and use variances under the provisions of Chapter 40A, as well as Comprehensive Permits under the provisions of Chapter 40B.
- Hears and acts on appeals of technical decisions made by the Commissioner of Inspectional Services actions with regard to building permits and with respect to [on] compliance with the City's zoning ordinances.

Desired Membership

Members of The Zoning Board of Appeals should consist of a balanced mixture of the following areas of experience and expertise. In addition members should represent those who own/rent their homes and a cross-section of the City of Newton's eight wards.

Desired Experience/Expertise:

- Zoning/Land Use Law
- Building/Construction
- Design Professional (architecture, engineering, landscape design, or similar)
- Real Estate Broker/Development
- Service on neighborhood, or community advisory board/committee

Desired Competencies

- Integrity & trust
- Ability to deal with paradox & possessing sound judgment
- Interpersonal awareness
- Sense of urgency & achievement
- Political Savvy
- Drive for improvement in public services

THIS SUN

WEDNESDAY

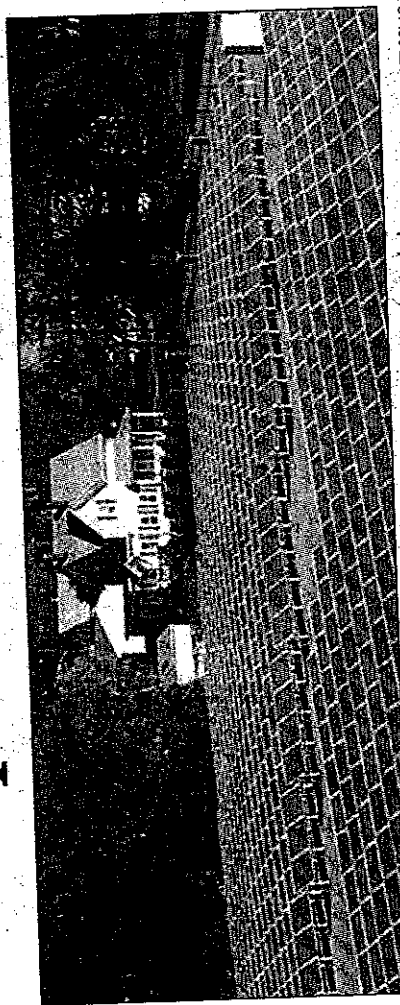
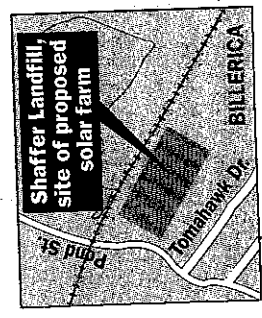
lowellsun6.com

June 27, 2007 Lowell, Massachusetts

The plan: Help Billerica harness the sun

City puts a bright idea to work

- Brockton's "brightfield" solar farm at a glance:
- A 425-kilowatt photovoltaic solar energy system on 3.7 acres of a 27-acre former Brownfield site.
 - Generates 535 megawatt hours of electricity annually, enough to power 71 homes.
 - The clean energy produced by the solar panels results in a reduction of 589,570 pounds of carbon dioxide per year, the equivalent to removing 51 cars from the roads.
 - It also results in the removal of 1,086 pounds of sulfur dioxide and 289 pounds of nitrogen oxide from the air each year.
- Source: Mass. Technology Collaborative's Renewable Energy Trust



Brockton's 3.7-acre "brightfield" is made up of 1,395 solar modules. COURTESY SCHOTT SOLAR

The landfill is part of the 106-acre Iron Horse Park Superfund site in North Billerica. The landfill operated as a dump for commercial and solid waste from 1946 to 1986. It was closed in 1986 as part of a 1984 settlement with the Environmental Protection Agency, and capped in 2003.

"We do have an interest, but it is very

preliminary," said Carl Landerholm, of Landerholm Electric in Brockton. "There will not officially be a project until it is presented to the town boards. Right now, it is just a consideration, but the town manager is very enthusiastic

Please see **SOLAR/8**

By Jennifer Amy Myers
jmyers@lowellsun.com

BILLERICA — The future looks bright in Billerica. A Brockton company has contacted Town Manager Rocco Longo about building a solar "brightfield" on 7 acres of the 60-acre Shaffer Landfill.

Former treasurer



SPELL'S STRONG



t goes on, check out the d Jack Kerouak show, "Leaving wn for the city."

INSIDE



lowellsun6.com

Plan calls for solar-power farm at old Billerica landfill

SOLAR/From Page 1

about the program."

He added that his company has not yet scheduled a date to meet with selectmen.

The solar-farm proposal comes at an interesting time, with many residents clamoring for alternative energy initiatives such as solar and wind power in opposition to the construction of a power plant proposed by DG Clean Power.

The 248-megawatt natural-gas-fired plant, slated for 13.8 acres off Billerica Avenue in North Billerica, would run during peak demand periods, for about 1,600 hours per year. It has the ability to run on ultra-low sulfur diesel fuel during periods when natural gas is unavailable due to high residential demand. The developer is currently wading through a lengthy state and federal environmental permitting process.

Because of advanced air-pollution control technology and greater efficiency, proponents say the emissions of the Billerica Energy Center will be hundreds of times lower than existing power plants in Salem and Framingham. Landerholm has experience in the solar-

energy field, having designed and overseen the construction of the largest solar array in New England, a 425-kilowatt photovoltaic solar-energy system on 3.7 acres of a 27-acre former Brownfield site in Brockton. That site, completed last October, is expected to eventually expand to a site across the street, growing to a 1-megawatt capacity.

The current site is constructed of 1,395 solar modules produced by Schott Solar of Billerica. It generates 535 megawatt hours of electricity annually, enough to power 71 homes.

"There are no moving parts, no odor, no noise," Landerholm said.

According to the Massachusetts Technology Collaborative's Renewable Energy Trust, the clean energy produced by the Brockton solar panels results in a reduction of 589,570 pounds of carbon dioxide per year, equivalent to removing 51 cars from the roads. It also results in the removal of 1,086 pounds of sulfur dioxide and 289 pounds of nitrogen oxide from the atmosphere each year.

The Brockton "brightfield," constructed on a contaminated site that once housed the Brockton Gas Light Co.'s gas works, cost \$3

million. The city contributed a \$1.6 million bond, \$789,000 came from a grant from the U.S. Department of Energy, and more than \$1 million was granted from the Renewable Energy Trust.

Between the sale of electricity to Constellation New Energy and Renewable Energy Credits generated at the site, Brockton anticipates taking in \$130,000 annually to pay debt service on the bond and cover operation and maintenance costs. The project is expected to be paid off in 15 to 20 years.

"It is not a financial investment but an environmental investment, and the payback is huge," Brockton Mayor James Harrington said. "We were able to take a piece of property that couldn't be used for anything else and put it to work."

Harrington is in Los Angeles this week receiving a "livability" award from the U.S. Conference of Mayors. Brockton has steamed ahead with several solar projects, including New England's first fully solar-powered condo complex (26 units), and the installation of solar panels on Brockton High School and a school that is under construction.

The Brockton "brightfield" also includes a

"learning plaza," where visitors can read about how solar energy works, view real-time electricity generation data on an LED display and touch a real solar module.

Landerholm said he has taught several classes about solar energy at the site to young schoolchildren, as well as students from Stonehill College interested in renewable-energy technology.

"We have had people from China and England visit the site," Harrington added. "It is about the message it sends. I have six grandchildren and worry every day about what we will be leaving them."

Landerholm and Harrington said they expect to see many more solar projects popping up across the state given Gov. Deval Patrick's strong support of clean-energy initiatives and a push to lower the cost of solar panels. Landerholm said panels can cost \$1,300 to \$1,500 each depending on their output.

Earlier this month, Patrick announced a \$9 million plan, covered partially by federal Clean Renewable Energy Bonds, to install solar panels at 12 state-owned sites this year, including several state colleges and prisons.

Former treasurer avoids jail in theft

THEFT/From Page 1

Department and other Dracont employees discovered he was skimming money from the town sewer fund, according to prosecutors.

He was fired as soon as he was indicted in Middlesex Superior Court on charges of larceny over \$250 and embezzlement by a town officer. He pleaded guilty to both counts yesterday in Middlesex Superior Court in Cambridge.

Judge Stephen Neel sentenced Doukzewicz to three

POTTER/From Page 1

her life. She's not kidding.

Harry Potter and the Order of the Phoenix, the fifth book and latest movie, comes to theaters on July 13 and it's hard to determine what fans are more excited about. The release of another movie or the final novel from English author J.K. Rowling.

Chelmsford's Alex Dews, 15, will dress up as a Hogwarts student — sporting stockings and a full robe — when she attends the movie's midnight premiere.

"I like going to the midnight showings," said Dews, who works part time at Chelmsford Public Library. "All the funny people go. It's going to be funny."

Dews next week plans to

start reading all six books for what she calls the "sixth or seventh time" in preparation for the new movie and *Deathly Hallows*. She figures, depending on her work schedule, to finish the series in about a week.

Dews thinks Rowling is ending the Potter series at just the right time — stretching a mystery or fantasy series too long makes it vulnerable and uninteresting, she said.

"I have a feeling she's (Rowling) not done completely in the Harry Potter universe," said Dews. "I've read books where authors will use the same universe to create new characters. There might be a new character who runs into Harry, but it (the story) wouldn't be about Harry."

Harry Potter fan Paul Oliver, 13, of Wilmington,

also doesn't sound too disappointed that the end is near.

"I'm going to read them all over again," he said of the books. "It's always a new adventure to me."

Oliver is a regular guest of Harry Potter discussion groups held at the Wilmington Memorial Library, where everyone makes predictions about the series' conclusion.

Susan MacDonald, Wilmington's children's librarian, runs the discussions and hasn't found anyone who is really upset that the end is near. She also indicated that most readers believe Harry will survive.

"I haven't seen anyone depressed yet," she said.

Still, there's help for anyone needing a Potter fix as the library tonight at 7 will host a predictions and support group. Maureen Foley, head of



With all six installments of the Harry Potter series in their collection, Peter Dew, 10, and his sister Alex, 15, of Chelmsford, have plenty to feed their addiction. There's even more on the way next month, with a new book and movie set for release.

SUN / JAMIE FAIRSTONE

the end will be known. That's why the speculation is fascinating — Is Snape good or evil? Will Harry live? Becky Krupkoski's mom, Dew, will also be there in

Brightfield Benefits:

Environmental

- The 535 Megawatt hours of clean electricity generated from the Brightfield will result in a reduction of 589,570 lbs. of carbon dioxide (a greenhouse gas), 1,086 pounds of sulfur dioxide and 289 pounds of nitrogen oxide emitted into the atmosphere each year.
- No noise, odor, pollution, or traffic

Aesthetic

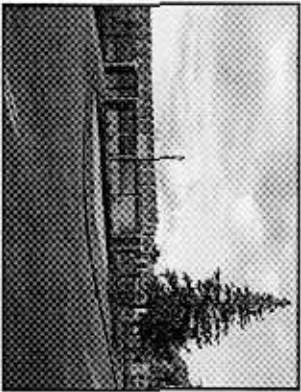
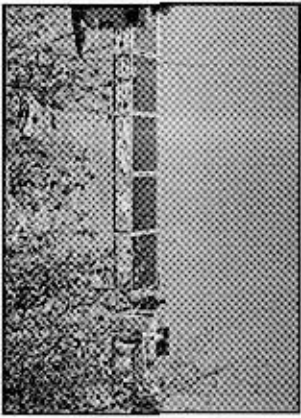
- Converts a blighted industrial brownfield into a clean energy showcase
- Enhances local property values and encourages reinvestment
- Improves Brockton's image - innovative, cleaner and greener

Educational

- Educational opportunities for children and the general public

Economic

- Converts an idle brownfield into a productive, revenue generating asset
- Jobs for local installers (IBEW Local 223)
- Revenues to Massachusetts-based renewable energy businesses



For more information:

City of Brockton
Office of the City Planner
Lori Ribeiro, Brightfields Project Director
(781) 648-2605
LoriRibeiro@aol.com



BROCKTON BRIGHTFIELDS
Generating Clean Energy for Brockton

City of Brockton
Massachusetts Renewable Energy Trust
Global Solar Energy Inc.
SCHOTT Solar
Fat Spaniel Technologies
Satcon Technology
Landerholm Electric Co.
J. Derenzo Company
Coler & Colantonio
Bay State Gas Company
Constellation New Energy

www.brockton.ma.us
www.massstech.org
www.globalsolar.com
www.us.schott.com/solar/english
www.fatspaniel.com
www.satcon.com
www.landerholmelectric.com
www.jderenzo.com
www.col-col.com
www.baystategas.com
www.newenergy.com

11 FEB - 8 P 3:56

CITY CLERK
NEWTON, MA 02159

Brockton Brightfields



The City of Brockton has redeveloped a former manufactured gas plant site, or brownfield, into a *brightfield* — a solar energy generating station that converts sunlight to electricity.



BROCKTON BRIGHTFIELDS
Generating Clean Energy for Brockton

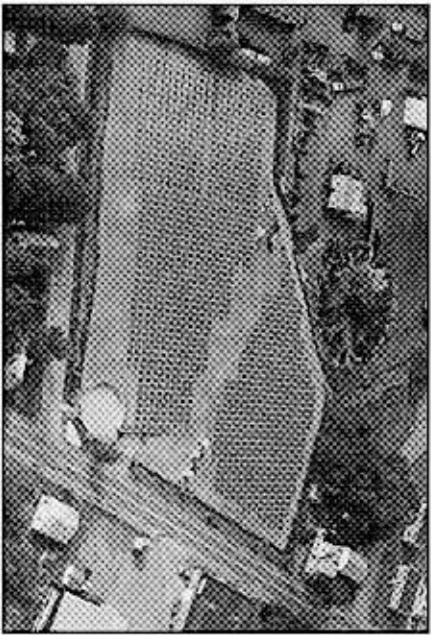
About the Brightfield:

The Brockton Brightfield consists of 1,395 SCHOTT Solar modules manufactured in Billerica, MA.

At 425 kW, it's the largest solar array in New England and the largest brightfield nationwide.

The brightfield will generate over 535 Megawatt hours of electricity per year — enough to power over 70 homes.

The solar modules are south-facing and installed at a 42 degree angle to maximize electricity generation.

**About the Site:**

The Brockton Brightfield is owned by the city of Brockton. It is installed on a 3.7-acre parcel of land leased from Bay State Gas Company.

The site is the former home of Brockton Gas Light Company's gas works, a manufactured gas plant that operated from 1898-1963. Bay State Gas Company completed remediation of the property in August 2004.

The site had limited redevelopment opportunities due to contaminants capped below the surface. The brightfield is an ideal, low impact development for the property.

**Brightfield Financials:**

The cost to construct the Brockton Brightfield is \$3.037 million.

The project was paid for through state and federal grants, a municipal bond, and proceeds from a land sale.

The electricity and *Renewable Energy Certificates* are being sold to Constellation NewEnergy.

The project will produce over \$131,000 in annual revenues, which will pay for debt service and operations and maintenance costs.

Project Partners:

The City of Brockton's partners in transforming the site include:

Bay State Gas Company, which owns the property and contributed technical assistance, fencing, landscaping, and other site improvements.

The Massachusetts **Technology Collaborative's Renewable Energy Trust**, **US Department of Energy**, **US Environmental Protection Agency**, and **NISource** provided grant funds and technical assistance.

Global Solar Energy, Inc. designed and installed the system using local subcontractors **Landerholm Electric Company**, **J. Derenzo Company**, and **Coler and Colantonio**. The array includes **SCHOTT Solar modules**, **Sat-Con** inverters, and **Fat Spaniel Technologies** data acquisition system.

Constellation NewEnergy is purchasing the electricity and **Renewable Energy Certificates** from the Brockton Brightfield.

National Grid provided **interconnection** services.



Brownfields and Land Revitalization

11 FEB -8 P 4: 10
You are here: [EPA Home](#) [Brownfields](#)

CITY CLERK
NEWTON, MA. 02159

http://www.epa.gov/swerosps/bf/
Last updated on Thursday, January 27, 2011

Brownfields Quickfinder

2009 Action Plan	Brownfields Conference: April 3-5, 2011	Job Training Grants	Success Stories
ACRES	Brownfields Law	Land Revitalization	Sustainability
All Appropriate Inquiries	Cleanup Grants	Recovery Act	Tax Incentive
Apply for Funding	Grant Fact Sheets	Revolving Loan Fund Grants	Urban Agriculture
Assessment Grants	Grantee Reporting	States & Tribes	

EPA Brownfields Program Benefits

The Brownfields Program creates many benefits for local communities, as highlighted below. For additional details, read the summary of EPA Brownfields Program Benefits (PDF) (1 pg, 92K, about PDF).

- Projects leveraged \$17.39 per EPA dollar expended
- Leveraged 67,403 jobs nationwide
- Stormwater runoff from brownfields redevelopment is 47 to 62 percent lower than alternative greenfields scenarios
- Can increase residential property values 2 to 3 percent when nearby brownfields are addressed
- Promotes area-wide planning

Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Cleaning up and reinvesting in these properties protects the environment, reduces blight, and takes development pressures off greenspaces and working lands. On this site, you can find information about US EPA's Brownfields Program including the [Brownfields Law](#), [Brownfields Grants](#), [Land Revitalization Information](#), and [more....](#)

- **Grants & Funding:** Find resources that can be used for brownfields activities, technical information on brownfields financing matters, and awardee fact sheets using the [Brownfields Grant Fact Sheet Search Tool](#).
- **Laws & Statutes:** Learn about "the Brownfields Law" and other related laws and regulations.
- **Success Stories:** Find Brownfields grantee accomplishments from across the country.
- **Tools & Technical Information:** Find technologies, technical help, contacts, and other resources to aid in the assessment and cleanup of brownfield properties.
- **Partnerships:** Discover the wide range of stakeholders to promote the cleanup and reuse of Brownfields.
- **Initiatives:** Learn about initiatives that explore sector-based solutions, enhance environmental quality, spur economic development, and revitalize communities.

Related Links

- [Land Revitalization](#)

News & Highlights

- [State and Tribal Response](#)

Brownfields Recovery Act Activities

- Solid Waste and Emergency Response
- Cleanups in My Community

11 FEB -8 P 4:11

CITY CLERK
NEWTON, MA. 02159

- Program Highlights,
Sep/Oct 2010
- FY11 Brownfields State & Tribal Grant Guidelines now available
 - Proposed Environmental Workforce Development and Job Training Grant Application Guidelines Available for Comment
 - FY11 Brownfields Assessment, Revolving Loan Fund, and Cleanup Grant Guidelines now available

- Brownfields Recovery Act Reporting Guidance
- Supplemental Revolving Loan Fund Grants funded by the Recovery Act
- Job Training Grants funded by the Recovery Act

more...

more...



Brownfields and Land Revitalization

You are here: [EPA Home](#) [Brownfields](#) [Newsroom](#) Energy Department Announcement -
Brownfields into Brightfields

Energy Department Announces National Initiative to Redevelop Brownfields with Renewable Energy

Innovative New Approach Utilizes Solar Energy To Turn Brownfields Into "Brightfields"

"Incorporating solar and other renewable energy technologies into the reuse of industrial properties makes economic and environmental sense. This effort can serve as a national, even international model for the kind of development that promotes livable communities."

-Energy Secretary Bill Richardson

Brightfields is a revolutionary concept that addresses three of the nation's biggest challenges -- urban revitalization, toxic waste cleanup, and climate change -- by bringing pollution-free solar energy and high-tech solar manufacturing jobs to brownfields. The Brightfields approach offers a range of opportunities to link solar energy to brownfields redevelopment and thereby transform community hazards and eyesores into productive, green ventures. This unprecedented campaign will help our nation put its hundreds of thousands of brownfields back into productive use and at the same time create high-tech jobs in blighted urban neighborhoods, improve air quality, and reduce greenhouse gas emissions.

What is a Brightfield?

- The term "brightfields" refers to the conversion of contaminated sites into usable land by bringing pollution-free solar energy and high-tech solar manufacturing jobs to these sites, including the placement of photovoltaic arrays that can reduce cleanup costs, building integrated solar energy systems as part of redevelopment, and solar manufacturing plants on brownfields.
- Solar energy technologies, and photovoltaic systems in particular, are well-suited to application on brownfields sites. They require very little maintenance and can stand directly on the ground without penetrating the surface or disturbing any existing contamination. The systems can be installed to function on or off the local power grid, depending upon the needs of the site and existing infrastructure without adding pollution to the site.
- Each brightfield, like each brownfield, will vary in terms of the use of solar energy systems - power generation, solar manufacturing, solar lighting - according to the size of the site, redevelopment plans, and market conditions, among other factors.

What is the Brightfields Initiative?

- In an effort to encourage productive use of brownfields and advance the use of clean and climate-friendly energy technologies, the Department of Energy is working with local governments and industry to link solar energy technologies to brownfields redevelopment.
- In addition to bringing brightfields to Chicago, DOE has begun work with cities in California, Virginia, Minnesota, New York, and Connecticut, to explore how brightfields

Rebecca Smith

From: **Brian Yates <BYates@comteam.org>**
To: **Rebecca Smith <rsmith@newtonma.gov>**
Date sent: **Thu, 10 Feb 2011 16:12:16 -0500**
Subject: **FW: Solar array on Rumford / Flowed Meadow**

11 FEB 11 A 10:54

CITY CLERK
NEWTON, MA 02459

Please include with the ZAP packet and please doublecheck with David Tarron in Public Buildings to make sure that

-----Original Message-----

From: Eric Olson [mailto:eolson@brandeis.edu]
Sent: Thursday, February 10, 2011 4:09 PM
To: byates@newtonma.gov
Subject: Solar array on Rumford / Flowed Meadow

Dear Alderman Yates,

I am so pleased to see that this coming Monday evening, at the Planning and Zoning Committee meeting, you will be taking up a topic strongly supported by the Energy Commission and other groups here in Newton: the possibility of mounting a large solar array on the Rumford landfill site. In the docketed item language you refer to the Flowed Meadow site, by this I presume you mean the abutting landfill. Is that correct? I think the whole area was once called Flowed Meadow, but currently I know that name to apply to the conservation land that abuts the landfill and extend toward the Auburndale Cove.

As you likely know, with the support of the Mayor, the School Committee, the Department of Public Buildings and Public Works and others, Peter Barrer and others on the Renewable Resources Committee have worked with the City in publishing an RFP seeking a private firm interested in partnering with the City in a Power Purchase Agreement (PPA) that would include the Rumford landfill site. Late last year the three (of five) finalists for this partnership presented their proposals, and it is now in the City's court to determine if and with whom to partner with.

I am not the primary volunteer activist keeping tabs on this situation, there is really a group of us taking the lead at various times as the City considers this partnership. My understanding, however, is that the PPA offer made by the City made clear that the City was very interested in the solar array on appropriate sections of the fully capped Rumford Landfill, in close coordination with Elaine Gentile and other managers of that site.

=

Could we talk briefly by phone prior to the Monday meeting?

Sincerely,

Eric Olson, Chair
Newton Citizens Commission on Energy

Rebecca Smith

Date sent: Fri, 11 Feb 2011 12:20:30 -0500
 Subject: Re: (Fwd) RE: item in p&S
 From: David Tannozzini <gtannol@gmail.com>
 To: Rebecca Smith <rsmith@newtonma.gov>

11 FEB 11 P 1:19

CITY CLERK
NEWTON, MA. 02159

Becca.

I am able to attend and there will also be representatives of the renewable committee and energy commission including Eric Olsen, Chair of the Newton Citizens Commission on Energy. It would be great to have an approximate time the agenda item will be discussed.

Written Report

A request for qualifications was published see Purchasing Dept current bids Bid #11-17. Here is the link to the RFQ:

<http://www.newtonma.gov/purchasing/bids/fy11/11-17%20Solar%20panel%20RFQ-rd.pdf>

An evaluation committee has been established and there will be representatives of the committee at the meeting.

The committee has selected three vendors based on their Responses and interviewed same. They are:
 Ameresco
 Borrego
 Solar Power Partners

The committee has also interviewed two consultants to be the City's owner's agent and recommended Cadmus Group of Watertown.

Cadmus quotation for their work through vendor selection and negotiation of a power purchase agreement is not to exceed \$15K. This Power Purchase Agreement anticipates a \$10 million dollar project through a land/lease of the Southerly slope of the Rumford Ave capped landfill and lease of roof areas at at least six buildings that have recently received new roofs. The City would not own the equipment or maintain for a number of years (up to 20 years) at which time the equipment would transfer to City ownership or be removed at no cost to City.

On Fri, Feb 11, 2011 at 11:09 AM, Rebecca Smith <rsmith@newtonma.gov> wrote:

Again please see below.

Thank you!

Becca

----- Forwarded message follows -----

From: Brian Yates <BYates@comteam.org>
 To: Rebecca Smith <rsmith@newtonma.gov>
 Date sent: Fri, 11 Feb 2011 11:08:39 -0500
 Subject: RE: item in p&S

Can he give us a written status report on the bidding process for the site as mentioned in Mr. Olsen's e-mail?

-----Original Message-----

From: Rebecca Smith [mailto:rsmith@newtonma.gov]
 Sent: Friday, February 11, 2011 11:06 AM
 To: Brian Yates
 Subject: RE: item in p&S

Hi Brian,
 Anne Phelps is going to come as a representative for the Conservation Commission. Dave Tannozzini is unable to attend that night but has notified the Renewable Resources Committee.

can help their communities address concerns about land use, economic development, energy, air quality and climate change.

How Will The Brightfields Initiative Help Invigorate Communities Nationwide?

- Brightfields are a clean and green option for serving local energy needs without adversely affecting air quality and climate. Solar energy systems provide a clean and reliable energy source that can be used to serve community businesses, residential homes, local transit, among other energy users.
- Brightfields also provide an opportunity to attract environmentally conscious businesses that are interested in supporting green investments or locating in more environmentally friendly industrial parks. For example, locating solar module manufacturers on brownfields, as one type of brightfields redevelopment approach, provides a great opportunity to create new jobs and spur local markets for solar energy systems.
- Solar power provides environmental benefits that are especially attractive to urban areas with air quality concerns. With zero emissions, solar energy systems can offset emissions from other energy sources particularly during peak hours when utilities often rely on older systems that pollute more heavily.

What Is Chicago Doing as the First City in the Brightfields Initiative?

- The city of Chicago, working with the Department of Energy and Commonwealth Edison, has developed an extensive plan that uses the brightfields approach to collectively advance their economic development, climate change, air quality, and electricity reliability goals.
- As a first effort, the city has attracted Spire Corporation to manufacture solar panels on one of its brownfields. As a result, over 100 new jobs will be created. In addition, a solar energy system will be installed at the brownfield, both to supply some of the company's electricity needs and to serve as a demonstration and educational site.
- The city of Chicago and Commonwealth Edison jointly have committed \$8 million to purchase solar systems in the next five years. The solar systems will be installed on other brownfield sites as well as schools, office buildings, transportation routes, and municipal and commercial properties. School applications will provide real-life opportunities to teach kids about science, technology, energy, and environmental issues.

News Media Contact: Penny Adams, 202/586-5806

L-99-008

333-97(2)



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development
Michael J. Kruse, Director

Telephone
(617)-796-1120
Telefax
(617) 796-1142
E-mail

mkruise@ci.newton.ma.us

David B. Cohen
Mayor

Public Hearing Date: September 24, 2007
Zoning and Planning Action Date: October 16, 2007
Board of Aldermen Action Date: November 19, 2007
90-Day Expiration Date: December 10, 2007

2007 SEP 20 AM 10:16
CITY CLERK
NEWTON, MA 02459

TO: Ald. Brian E. Yates, Chairman, and
Members of the Zoning and Planning Committee
Planning and Development Board

FROM: Michael Kruse, Director of Planning and Development
Juris Alksnitis, Chief Zoning Code Official

SUBJECT: Petition #333-97(2) of ALD. YATES proposing that Chapter 30 be amended to prohibit without 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 subdivision 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.

CC: Mayor David B. Cohen
Board of Aldermen
Clint Schuckel, City Traffic Engineer
Philip B. Herr, Chair, Comprehensive Planning Advisory Committee

RECOMMENDATION: *Close public hearing and request the Planning Board acting as the Board of Survey to review, and if necessary, to update and strengthen, traffic management standards articulated in its Rules, section V.B.2, while Zoning and Planning Committee articulates additional traffic standards for use in conjunction with designated categories of use and/or development.*

The purpose of this memorandum is to provide the Board of Aldermen, Planning Board, and the public with technical information and planning analysis which may be useful in the decision making process of the Boards. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Zoning and Planning Committee of the Board of Aldermen will consider its discussion at a subsequent Working Session.

I. BACKGROUND

This docket item is a successor petition to Petition #333-97, which was initially presented at a public hearing before the Zoning and Planning Committee and Planning Board on September 25, 2006. As the 90-day action period expired on December 24, 2006, statutory requirements pertaining to public hearings apply. (*MGL c.40A, s.5 states that if a vote to adopt any proposed zoning ordinance is not taken within ninety days after the public hearing, no action shall be taken thereon until after a subsequent public hearing is held.*) The petitioner subsequently scheduled the item for rehearing on January 22, 2007. While this hearing was continued to March 26, 2007, the item again expired on June 24, 2007. The current petition #333-97(2) brings forward a more specific version of a Level of Service (LOS) traffic impact trigger mechanism for utilization with subdivisions.

II. EXISTING ORDINANCE AND PROPOSED AMENDMENT

Although this petition does not identify any specific sections of the City's Zoning Ordinance ("Ordinance") for alteration or provide proposed text changes, it is our understanding that the intended purpose of the amendment is to make subject to the Special Permit process any subdivision accessed by any public way where the intersection at the point of access is rated LOS (Level of Service) D, E, or F, or where the additional traffic generated by the subdivision would reduce the LOS rating to D, E, or F.

III. PREVIOUS INFORMATION PROVIDED BY THE PLANNING DEPARTMENT

The Planning Department has provided the following four prior memoranda to the Board of Aldermen and Planning and Development Board on this subject:

- Memorandum prepared for public hearing September 25, 2006
- Memorandum with supplemental information dated December 8, 2006
- Memorandum prepared for rehearing January 22, 2007
- Memorandum prepared for the continuation hearing on March 26, 2007

These memoranda are enclosed herewith.

In addition for a quick reference to a description of LOS, see *ATTACHMENT A - Definition of Level of Service*.

IV. ANALYSIS

While the current docket item is similar in intent to the initial petition (#333-97), the subject petition inserts more specific LOS rating criteria with respect to an intersection, which may be affected by a contemplated new subdivision as follows:

- Special Permit is triggered if the affected intersection is already rated D, E, or F for at least one hour per week.
- Special Permit is triggered if the affected intersection will experience a reduction in LOS to D, E, or F for at least one-hour per week.

The City's Transportation Planner advises that the above-listed criteria raise a question as to the potential for unintended consequences. For example, in the case of any substantial residential subdivision, it makes more sense to channel additional new traffic to major arterials (*which are more likely to have a poorer LOS rating*) rather than sending such traffic through neighborhood streets (*and which are likely to have a better LOS rating*). In addition, as previously pointed out by the City's Traffic Engineer, a subdivision generating less than 60 vehicle trips at peak hour, would have no appreciable adverse impact on the LOS of a particular intersection. Consequently, even a subdivision of 50 residences, which typically generates about 25 vehicle trips at peak hour, would have little effect on such intersection with an existing roadway absorbing the additional traffic. Yet in both cases, pre-and post-development LOS evaluations would be required, necessitating procedures to identify evaluation sectors and define traffic study parameters, which may involve further traffic studies, as well as peer reviews, regardless of the scale of development.

In addition, the City's Traffic Engineer has noted that it is likely that sections of major arterials such as Needham Street and Route 9 already operate at LOS levels E or F at peak hours. As of right development in such areas would not be subject to any additional traffic reviews, while development requiring site plan approval or Special Permit is already subject to review practices which include traffic impact and mitigation studies.

As discussed in previous Planning Department memoranda, subdivisions are governed by separate statutes which empower the Planning Board in its capacity as Board of Survey, to review subdivisions and to apply the regulations established in Rules and Regulations of the Planning Board Acting as a Board of Survey, 1984. These regulations include traffic considerations as articulated in *Section V.B.2*. Inserting the Board of Aldermen into subdivision control procedures through a Special Permit requirement would add an extensive submittal and review layer to an existing process defined by another statute.

It should also be noted, that by unanimous votes taken both on September 25, 2006, and on January 22, 2007, the Planning Board twice affirmed its intent to review, update, and if necessary, strengthen the traffic impact and management standards in the above-referenced section. This would affect all definitive subdivision plans, regardless of whether a specific development might trigger the need for zoning relief, site plan approval or special permit.

Moreover, as previously discussed, the Board of Aldermen may specify and adopt additional traffic standards and requirements in relation to selected major categories of use. This may be exercised within already available powers and procedures for review of site plans and Special Permits, such as in the case of commercial projects having gross floor area 20,000 sq. ft. or more. Another previously mentioned approach is found in the Town of Westford, Massachusetts Zoning By-Law, updated July 28, 2006, which applies a series of performance standards to categories of "Major Commercial Projects and Major Retail Projects." Section 9.3A4.6, *Pedestrian and Vehicular Access; Traffic Management* includes, among other factors, LOS standards within paragraph "E. Level of Service Maintenance or Improvement." illustrating concepts which merit further exploration. (**SEE ATTACHMENT B – Excerpts from Town of Westford Zoning By-Law.**)

The Planning Department believes that this matter has two components, each of which may be suitably addressed concurrently without creating new and unduly complex overlapping procedures or jurisdictions. The Planning Board may address traffic requirements applicable to subdivisions, while the Board of Aldermen should consider additional traffic standards for application to major developments or defined categories of use. Therefore, the Planning Department continues to suggest a two-part approach, each addressing a respective area of jurisdiction.

- **Planning Board** – review, update, and strengthen traffic requirements within Board of Survey Regulations; and
- **Board of Aldermen** acting through the Zoning and Planning Committee – identify major categories of use or scale of development needing additional traffic standards; consider appropriate traffic standards.

As part of the above undertaking, the respective boards may wish to consider the traffic impact mechanisms mentioned in the October 2006 Draft *Newton Comprehensive Plan* and such other standards and requirements as appropriate as well as to seek technical assistance from the City's Traffic Engineer as well as the City's Transportation Planner.

V. RECOMMENDATION

The Planning Department continues to suggest a two-part approach, with the Planning Board and Board of Aldermen addressing its respective area of jurisdiction, as discussed above. Should the Zoning and Planning Committee concur, the next step would be for the Committee to develop consensus on the types of traffic impact measures and standards to utilize along with categories of use leading to articulation of actionable text amendments to the City's Zoning Ordinance. In addition, it is suggested that the work of the Zoning and Planning Committee be coordinated with the work of the Planning Board, with the objective of developing a compatible and coordinated outcome.

RECOMMENDATION: Close public hearing and request the Planning Board acting as the Board of Survey to review, and if necessary, to update and strengthen, traffic management standards articulated in its Rules, section V.B.2 while Zoning and Planning Committee articulates additional traffic standards for use in conjunction with designated categories of use and/or development.

ATTACHMENTS:

ATTACHMENT A – Definition of Level of Service

ATTACHMENT B - Excerpts from Town of Westford Zoning By-Law



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

Michael J. Kruse, Director

David B. Cohen
Mayor

Telephone
(617)-796-1120

Telefax
(617) 796-1142

E-mail
mkruse@ci.newton.ma.us

Public Hearing Date:	September 25, 2006
Zoning and Planning Action Date:	November 27, 2006
Board of Aldermen Action Date:	December 4, 2006
90-Day Expiration Date:	December 24, 2006

TO: Ald. Brian E. Yates, Chairman, and
Members of the Zoning and Planning Committee
Planning and Development Board

FROM: Michael Kruse, Director of Planning and Development
Juris Alksnitis, Chief Zoning Code Official

SUBJECT: Petition # 333-97 of ALD. YATES proposing to amend the Newton Zoning Ordinance to require a special permit for the subdivision of property where such subdivision would reduce the level of service for traffic at the intersection of the subdivision with a public way by one level of service or more.

CC: Board of Aldermen
Mayor David B. Cohen
Philip B. Herr, Chair, Comprehensive Planning Advisory Committee

RECOMMENDATION: *Request the Board of Survey to review, and if necessary, update and strengthen, traffic impact and management standards and criteria articulated in its Rules, section V.B.2.*

The purpose of this memorandum is to provide the Board of Aldermen, Planning and Development Board, and the public with technical information and planning analysis which may be useful in the decision making process of the Boards. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Zoning and Planning Committee of the Board of Aldermen will consider its discussion at a subsequent Working Session.

I. BACKGROUND

This petition has been carried on the Board of Aldermen docket since it was filed some time ago in 1997. While the item has received informal discussion within the Zoning and Planning Committee from time to time, Ald. Brian Yates, the sponsor of this item has requested a public hearing which has been scheduled September 25, 2006. While the enclosed memorandum prepared by the Planning and Development Department provides an initial review and analysis of the petition, further study may be needed with regard to certain aspects.

II. EXISTING ORDINANCE AND PROPOSED AMENDMENT

The petition does not identify any specific sections of the Newton Zoning Ordinance ("Ordinance") for alteration or provide proposed text changes, which might serve to enact the contemplated special permit mechanism.

III. LEVEL OF SERVICE (LOS)

Level of service ("LOS") is a measure of the ability of an intersection to handle traffic flow, graded on a letter scale from "A" to "F", with "A" being the highest and "F" being the lowest. At LOS A, traffic flows freely, at LOS F, the traffic volume has exceeded the capacity of the roadway to handle it and there are no passing opportunities. LOS D is generally considered to be the lowest tolerable level of service for roadways. Roadway designs attempt to operate at LOS D in only the worst-case situations and preferably at higher levels of service.

The Transportation Research Board (TRB) has provided the following definitions for the respective levels of service:

- LOS A represents free flow. Individual users are virtually unaffected by the presence of others in the traffic stream. Freedom to select desired speeds and to maneuver within the traffic stream is extremely high. The general level of comfort and convenience provided to the motorist, passenger, or pedestrian is excellent.
- LOS B is in the range of stable flow, but the presence of other users in the traffic stream begins to be noticeable. Freedom to select desired speeds is relatively unaffected, but there is a slight decline in the freedom to maneuver within the traffic stream from LOS A. The level of comfort and convenience provided is somewhat less than at LOS A, because the presence of others in the traffic stream begins to affect individual behavior.
- LOS C is in the range of stable flow, but marks the beginning of the range of flow in which the operation of individual users becomes significantly affected by interactions with others in the traffic stream. The selection of speed is now affected by the presence of others, and maneuvering within the traffic stream requires substantial vigilance on the part of the user. The general level of comfort and convenience declines noticeably at this level.
- LOS D represents high-density, but stable, flow. Speed and freedom to maneuver are severely restricted, and the driver or pedestrian experiences a generally poor level of comfort and convenience. Small increases in traffic flow will generally cause operational problems at this level.
- LOS E represents operating conditions at or near the capacity level. All speeds are reduced to a low, but relatively uniform value. Freedom to maneuver within the traffic stream is extremely difficult, and it is generally accomplished by forcing a vehicle or pedestrian to "give way" to accommodate such maneuvers. Comfort and convenience levels are extremely poor, and driver or pedestrian frustration is generally high. Operations at this level are usually unstable, because even small increases in flow or minor perturbations within the traffic stream will cause breakdowns.

- LOS F is used to define forced or breakdown flow. This condition exists wherever the amount of traffic approaching a point exceeds the amount, which can traverse it, and queues begin to form. Operations within the queue are characterized by stopping and starting. Over and over, vehicles may progress at reasonable speeds for several hundred feet or more, then be required to stop. Level-of-service F is used to describe operating conditions within the queue, as well as the point of the breakdown. It should be noted, however, that in many cases once free of the queue, traffic may resume to normal conditions quite rapidly.

The City's Traffic Engineer advises that several data components are necessary in order to calculate LOS, including vehicle turning movement counts, turning lanes, and signal timing. While turning movement counts have been obtained, additional resources not currently available would be needed in order to input turning lanes and signal timing data into computer software capable of generating LOS outputs for particular intersections.

IV. EXISTING PROVISIONS

A. Newton Zoning Ordinance

Section 30-1, "Definitions," of the Ordinance contains no definitions pertaining to subdivisions, traffic, or traffic related impacts. Section 30-24, *Special Permits*, describes the conditions upon which a special permit may be granted, and in paragraph 30-24(d) lists four criteria which must be satisfied, including the following in (d)(4):

"Access to the site over streets is appropriate for the type(s) and number(s) of vehicles involved."

As a result, each petition for special permit must meet a traffic related criterion to the satisfaction of the Board of Aldermen (Board). It has been standard practice of the Board and of the City to require traffic studies and peer reviews of such studies for major projects needing special permits and which have significant traffic implications. However, this Zoning Ordinance-based provision does not affect subdivisions, which are separately regulated by Massachusetts statutes known as the "Subdivision Control Law" as articulated in MGL C41, Sections 81K-81GG, and are administered by the Planning Board acting as a Board of Survey.

B. Subdivision Control Law

MGL c.41, Sections 81K-81GG authorize the Planning Board acting as a Board of Survey to execute and administer the purposes of this statute. As part of this authority, the Board of Survey is empowered to ensure that subdivisions result in safe and efficient traffic. This aspect is further articulated within the Rules and Regulations of the Board of Survey as discussed below in IV.C., below. It is further noted that the Law Department indicates that it is unclear whether this statute provides any authority for the Board of Aldermen to act in the area of subdivision control. However, Law Department staff is currently looking into this issue and will provide guidance at a subsequent time.

C. Rules and Regulations of the Planning Board Acting as a Board of Survey, 1984 (Rules)

These Rules apply to the submittal, review and approval of subdivision plans governed by Subdivision Control Law. However, there is also a division of land not requiring formal

approval by the Board of Survey, which are known as "approval not required plans", i.e. "A.N.R. plans". Such plans generally involve the further subdivision of property already having frontage on existing approved streets and receive review by the City Engineer. Subdivision plans requiring approval by the Planning Board acting as a Board of Survey must meet certain plan submittal requirements and as well as standards established in the Rules, *Section V. Design Standards*. In particular, Subsection V.2. "*Access From and to Adjacent Ways and Land*", subparagraph (b) states:

b. No proposed subdivision will be approved unless, as submitted or as modified, the proposed subdivision will not (1) create dangerous traffic conditions in the public and private ways adjacent to the proposed subdivision, (2) create inadequate and dangerous access to the subdivision through such adjacent public and private ways, and (3) utilize public and private ways adjacent to the proposed subdivision which already contain dangerous traffic conditions, and which would be further aggravated by the proposed subdivision and thereby pose hazards to either the residents of the proposed subdivision, or those using or residing next to those existing public ways. The Planning Board will determine whether the aforementioned dangerous traffic conditions or inadequate access are applicable by utilizing recent traffic data and current traffic control and planning standards.

The Law Department has advised that the Board of Survey has the clear authority to promulgate subdivision control requirements which ensure safe and efficient traffic in ways and intersections directly adjacent to a proposed subdivision, and may clarify or update such requirements as needed from time to time.

Finally, it is also noted that the Rules, Section II. Administration, paragraph K provides that the Board of Survey "...shall attempt to hold joint hearings and working sessions with the Board of Aldermen acting as a special permit granting authority for developments which fall within the jurisdiction of both boards." The text goes on to mention "cluster subdivisions" and certain residential configurations as examples prompting such coordinated action.

V SUMMARY OF RESEARCH

In spring 2004, the Planning and Development Board considered whether to undertake development of a new ordinance relating traffic to development and subdivisions. Following extended discussions, the Board concluded that the existing language within Board of Survey Regulations, subsection V.2 (see above) provided a necessary measure of control. David Banash, Chairman of the Ordinance Subcommittee of the Planning and Development Board in his memorandum dated March 10, 2004, titled *Traffic Standards in Non-Residential and Large Residential Development* while noting that LOS is used in various communities, also points out comments by others that the "...number of vehicle trips generated or the percentage that development increases traffic on the street would be more precise and useful."

Research to date suggests that the mechanism contemplated in the subject petition, while well intended, is unlikely to be of significant help in the management of traffic impacts generated by new subdivisions. Review of definitive subdivision plans reviewed and approved by the Board of Survey during the last five years indicates only 5 cases as follows:

<u>Location</u>	<u>#Lots</u>	<u>Zoning</u>
Atkinson St.	2	SF
Ivy Drive	2	SF
Kessler Way	10	SF
Pine Meadow Drive	4	SF
Pine Meadow Extension	3	SF

In addition, the City Engineer, acting on behalf of the Board of Survey reviews approximately 8-10 "approval not required" plans per year. As noted previously, these divisions of land typically involve the further division of property with frontage on existing ways.

From approximately 1991-2004, the Board of Aldermen approved 15 special permits for rear lot subdivisions containing: 10 - SF homes, 4 - 2F homes, and 1 site with 6 attached dwelling units. No cases were approved in 2005, and one case is being proposed at this time pursuant to the new rear lot subdivision Ordinance X-123, adopted December 6, 2004. In each of the above-approved cases the Board had opportunity to consider any traffic impacts through the site plan review and special permit process.

During the Comprehensive Plan preparation process Philip Herr, Chairman of the Comprehensive Plan Advisory Committee (CPAC), proposed a mechanism to link developable gross floor area with peak hour vehicle trip generation limits per 10,000 sq. ft. of lot area. (P. Herr & Associates memo dated May 27, 2003, last revised June 30, 2004, titled *Performance Zoning for Trip Generation Limits*). Certain trip generation levels would be allowed as of right, while higher rates would require a finding by the Board of Aldermen that the proposed levels meet certain traffic operation and safety standards to be incorporated as future amendments within the Ordinance, all subject to special permit and any applicable traffic mitigation requirements. This mechanism is mentioned in the *Draft Newton Comprehensive Plan*, dated November 2, 2005 within the *Transportation and Mobility* component. While the Planning and Development Board at one time considered further studying this approach, it has elected to focus on other issues at this time.

Reid Ewing, a noted expert on transportation and land use in his text, *Transportation and Land Use Innovations: When You Can't Pave Your Way out of Congestion*, APA (American Planning Association), 1997, suggests an approach shifting emphasis away from attempting to maximize LOS and traffic speed at individual intersections. Instead, Ewing favors a broader strategy seeking to manage vehicle hours of travel (VHT) per capita traveled within a region. Ewing goes on to suggest that public dollars are better spent on strategic improvements designed to maintain a certain area wide LOS rather than a minimum LOS, such as a "D" rating at every intersection.

Finally, it may also be noted that earlier this year Governor Tim Kaine of Virginia announced a statewide Transportation Initiative, which proposed a package of technical, funding, and planning approaches to better manage growth and traffic. The package included proposed bills, currently under consideration by the Virginia legislature, to require a traffic impact study for every rezoning request and to empower local governments to decline rezoning requests, which might overwhelm the local transportation infrastructure.

VI. ANALYSIS

The subject Petition #337-97 seeks to amend the Newton Zoning Ordinance by inserting a linkage mechanism between subdivision approval and traffic impact. While no specific amendatory text is provided, the intent is to trigger the special permit requirement whenever a subdivision development is shown to degrade the LOS of a nearby intersection by one level. At present, the Board of Survey has statutory authority to review and approve subdivisions, which fall under the Subdivision Control statutes. The Board of Aldermen have jurisdiction with respect to subdivisions in certain instances only, such as projects seeking "cluster plan" approval under Section 30-15(k), *Open Space Preservation Development*, and projects seeking rear lot subdivision approval under Section 30-15(r), *Requirements for Creation of Rear Lots in Residential Districts*. In addition, the Board of Aldermen has authority to adjust lot area and frontage up to 5% pursuant to Section 30-26(c) and (d). It is noted that "The Terraces" development, which is accessed from Langley Road, was approved by special permit granted pursuant to Section 3-15(k), and involved review of traffic impacts.

The City Traffic Engineer has advised that any subdivision generating less than one vehicle per minute in the peak hour, or 60 vehicles, would not create a measurable or adverse traffic impact. Furthermore, a rule of thumb indicates that vehicle trips generated in the peak hour are approximately half the corresponding number of dwelling units. As a result, the City Traffic Engineer believes that subdivisions having 50 or fewer dwelling units, i.e. generating approximately 25 vehicle trips per hour, are unlikely to have any effect on the LOS of a nearby intersection. Consequently, only subdivisions presenting quite large-scale development within the City would affect LOS. Given the general lack of large developable tracts of land within Newton, the proposed mechanism would not be needed, unless significant development were to be proposed on any of the remaining golf courses, which contain the remaining large land holdings in the City.

Existing statutes empower the Board of Survey as the primary review and approval agency for subdivisions and the existing Rules establish certain traffic related criteria and standards which are applied by the Board in its review. Creating a LOS/special permit link as proposed, would insert the Board of Aldermen into subdivision control procedures, adding an extensive submittal and review layer to the existing process. Given that Newton is a mature, developed community and has experienced a very low rate of subdivision plan submittals over the past five years, this raises a question as to the need for such a mechanism. In addition, as noted by the Law Department, it is not clear that the subdivision control statute authorizes a role for the Board of Aldermen in this regard. However, the Board of Aldermen may wish to refer a request to the Board of Survey to review its traffic standards and criteria, and if necessary, strengthen its Rules as to traffic impact and management.

It should also be noted that the City through its Comprehensive Plan preparation process has considered growth, development, and traffic impact issues at some length. The *Draft Newton Comprehensive Plan* provides extensive analysis and recommendations in the section titled *Transportation and Mobility*. In particular, the strategy subsection titled "*Establish Transport-Sensitive Design Guidance for Development*", paragraph C, states:

C. Systematic limits on traffic impacts onto nearby streets need to be made as much a part of the usual rules of development as lot area and floor area controls are now.

Accordingly, adopt land use controls assuring that development intensity will be consistent with the capacity and characteristics of the transportation infrastructure as it is planned to be. For example:

- (1) Make rezoning or permit approval subject to meeting explicit transportation performance standards based upon, among other things, roadway capacity and public transportation service as proposed in this Plan..*
- (2) Above some trip-generation threshold, require that project approvals are to be based on an approved Transportation Access Plan, supported by thorough technical analysis.*

This approach would establish an "as of right" trip generation level, which, if exceeded, would necessitate a special permit. While not be specifically linked to subdivision control, it would operate in a more comprehensive manner across a range of residential and non-residential uses, and include future expanded traffic safety and operations requirements to be articulated within the Ordinance.

Finally, further thought is also needed to ascertain the most useful measure of traffic intensity and impact. As noted by the City Traffic Engineer and Philip Herr, traffic indicators other than LOS may be more appropriate. In addition, R. Ewing points out that LOS is oriented to increasing traffic speed, which in turn has other effects, such as facilitating sprawl. Moreover, R. Ewing suggests a more regional traffic management approach utilizing VHT/capita and allowing more traffic (and congestion) in certain central areas implying a lower LOS rating, while requiring lesser traffic elsewhere implying a higher LOS rating.

VII. SUMMARY AND RECOMMENDATIONS

Existing statutes establish the Board of Survey as the primary review and approval agency for subdivisions with the power to adopt applicable Rules establishing certain traffic related standards and criteria, which are applied by the Board in its formal subdivision review. Inserting the Board of Aldermen into subdivision control procedures through a special permit requirement would add an extensive submittal and review layer to the existing process. In addition, as noted by the Law Department, it is not clear that the subdivision control statute authorizes a role for the Board of Aldermen in this regard.

Moreover, the Board of Aldermen already has the authority, and has established certain practices requiring traffic impact studies as well as peer review of such studies in situations involving major projects triggering site plan review and special permit procedures. The Board may elect to exercise this practice at its discretion with regard "cluster development" or "rear lot" projects where site plan approval and special permit are already required.

In addition, questions have been raised as to the utility of a LOS/special permit mechanism both as to the low traffic generation potential of small developments as well as to whether measures other than LOS may be more applicable or practical.

As a result, it makes sense to leave the subdivision control process and traffic impact considerations in the domain of the authorized agency, the Board of Survey. However, the Board

of Aldermen may wish to refer a request to the Board of Survey to review, and if necessary, update and strengthen its traffic related standards and criteria in the context of the issues discussed above.

Finally, the Board of Aldermen may wish to further explore the traffic/zoning linkage mechanisms raised in the Draft Newton Comprehensive Plan.

RECOMMENDATION: *Request the Board of Survey to review, and if necessary, update and strengthen, traffic impact and management standards and criteria articulated in its Rules, section V.B.2.*

References

- Rules and Regulations of the Planning Board Acting as a Board of Survey, 1984
- Transportation and Land Use Innovations: When You Can't Pave Your Way Out of Congestion, Reid Ewing, American Planning Association, 1997.
- Memorandum: *Traffic Standards in Non-Residential and Large Residential Development*, David Banash, Chairman, Ordinance Subcommittee, Planning and Development Board, March 10, 2004
- Memorandum: *Performance Zoning for Trip Generation Limits*, Philip B. Herr Associates, last rev. June 30, 2004.
- Draft Newton Comprehensive Plan, Comprehensive Plan Advisory Committee, November 2, 2005
- "Kaine Transportation Plan", Gov. Tim Kaine website, www.governor.virginia.gov/Initiatives

Similarly, the Board may wish to specify applicable traffic requirements in cases involving defined categories of residential use, such as cluster type development found in Section 30-15(k), *Open Space Preservation Development*. In addition, there may be opportunities for incorporating traffic standards with respect to commercial developments with buildings having gross floor area 10,000 – 19,999 sq. ft. currently requiring site plan approval. However, such standards would need to be carefully crafted to suit the more restricted scope of site plan approval authority as established by case law.

As proposed, the change would also affect residential and commercial subdivisions qualifying for "Approval not required" (ANR) status. It is highly questionable whether a special permit under the Zoning Ordinance may be legally determinative as to whether a lot otherwise meeting ANR requirements is or is not allowable. In addition, as proposed, the LOS link would establish a low "tripwire" threshold potentially throwing cases, including small business situations normally entitled to "as-of-right" treatment into the special permit process. Moreover, it is doubtful whether such a limitation on "as-of-right" uses which may in effect "take away" or significantly reduce the availability of this use classification, would be legally sustainable.

SUMMARY

The subject petition does not identify any specific sections of the City's Zoning Ordinance ("Ordinance") for alteration or provide proposed text changes. However, for the reasons noted above and also discussed in the prior Planning Department memorandum, the proposed special permit mechanism to override subdivision approvals based on LOS raises a number concerns and problems.

At present, two approaches are available to the City for the management of traffic impacts associated with development: use of Board of Survey Rules and Regulations when triggered by new residential or commercial subdivisions involving definitive plans, and use of special permit authority when triggered by projects needing zoning relief and special permits from the Board of Aldermen. As previously discussed, while these processes are available under two separate sets of statutes and are administered by two separate entities, Board of Survey Rules, Section II. Administration, paragraph K provides that the Board of Survey "...shall attempt to hold joint hearings and working sessions with the Board of Aldermen acting as a special permit granting authority for developments which fall within the jurisdiction of both boards."

The review and regulatory procedures for both jurisdictions may be enhanced as follows:

1. The Planning Board has indicated willingness to review, update, and as needed strengthen its Rules and Regulations of the Planning Board Acting as a Board of Survey, 1997 (Rules), section *V.B.2.* which articulates traffic requirements. This would affect all definitive plan subdivisions, regardless of whether a specific development might trigger the need for zoning relief, site plan approval or special permit. For example, while the subdivision of a large tract of land such as a golf course would not need a special permit, it would nevertheless be subject to subdivision requirements, including traffic regulations.
2. The Board of Aldermen may specify and adopt additional traffic standards and requirements in relation to selected major categories of use. An existing review and approval process is currently available within the Ordinance in relation to special permit requirements already established for developments such as commercial projects having gross floor area 20,000 sq. ft. or more, and such as open space preservation (i.e. residential cluster) development.

The respective boards may wish to consider the traffic impact mechanisms mentioned in the *Draft Newton Comprehensive Plan* and such other standards and requirements as appropriate as well as to seek technical assistance from the City's Traffic Engineer and Transportation Planner.

Enhancement of appropriate traffic requirements within each of the above areas of jurisdiction would achieve many of the petitioner's goals while avoiding interagency layering, possibly confusing procedural complexity, and questionable legal effects potentially arising with the "LOS override" approach. A two-pronged approach should serve to broaden the range of available traffic provisions thereby strengthening traffic review and implementation of traffic requirements while facilitating the application of the right scale of traffic impact mitigation measures in relation to subdivision or project size. Moreover, in cases where zoning relief or special permit approvals might not be triggered, Board of Survey Rules as enhanced would nevertheless apply to definitive plan subdivisions, assuring consideration of potential traffic impacts.

Should the Zoning and Planning Committee concur with the approach suggested above, the next step would be for the Committee to develop consensus on the types of traffic impact measures and standards to utilize along with categories of use leading to articulation of actionable text amendments to the Ordinance.

References

- Planning and Development Department memorandum re: Petition #333-97 for public hearing, September 25, 2006.
- *Rules and Regulations of the Planning Board Acting as a Board of Survey, 1997*
- *Draft Newton Comprehensive Plan*, Comprehensive Plan Advisory Committee, November 2, 2005

Attachments

ATTACHMENT "A" – Excerpt of Public Hearing Minutes, September 25, 2006, Planning and Development Board



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development
Michael J. Kruse, Director

Telephone

(617)-796-1120

Telefax

(617) 796-1142

E-mail

mkruse@ci.newton.ma.us

David B. Cohen
Mayor

Public Hearing Date:	January 22, 2007
Zoning and Planning Action Date:	March 26, 2007
Board of Aldermen Action Date:	April 3, 2007
90-Day Expiration Date:	April 22, 2007

TO: Ald. Brian E. Yates, Chairman, and
Members of the Zoning and Planning Committee
Planning and Development Board

FROM: Michael Kruse, Director of Planning and Development
Juris Alksnis, Chief Zoning Code Official

SUBJECT: SECOND PUBLIC HEARING (REHEARING) FOR:

Petition # 333-97 of ALD. YATES proposing to amend the Newton Zoning Ordinance to require a special permit for the subdivision of property where such subdivision would reduce the level of service for traffic at the intersection of the subdivision with a public way by one level of service or more.

CC: Board of Aldermen
Mayor David B. Cohen
Philip B. Herr, Chair, Comprehensive Planning Advisory Committee

BACKGROUND/UPDATE

The subject Petition #333-97 was initially presented at a public hearing before the Zoning and Planning Committee (ZAP) and Planning and Development Board on September 25, 2006. Upon request of Ald. Yates, the petition sponsor, ZAP voted 7-0-0 to hold the item at its working session on December 11, 2006 without further discussion. As the 90-day action period expired on December 24, 2006, statutory requirements pertaining to public hearings apply. (*MGL c.40A, s.5 states that if a vote to adopt any proposed zoning ordinance is not taken within ninety days after the public hearing, no action shall be taken thereon until after a subsequent public hearing is held*). The petitioner has scheduled the item for rehearing on January 22, 2007.

To date, the Planning Department has provided two memoranda to assist the Board of Aldermen, Planning and Development Board, and the public with technical information and planning analysis which may be useful in the decision making process of the Boards enclosed herewith as follows:

- Memorandum prepared for public hearing September 25, 2006
- Memorandum with supplemental information dated December 8, 2006

As noted in the Planning Department's December 8, 2006 memorandum, the Planning Board has indicated willingness to review, update, and as needed strengthen its Rules and Regulations of the Planning Board Acting as a Board of Survey, 1997 (Rules), section *V.B.2.* which articulates traffic requirements. This would affect all definitive plan subdivisions, regardless of whether a specific development might trigger the need for zoning relief, site plan approval or special permit.

In addition, as further discussed in the above memorandum, the Board of Aldermen may specify and adopt additional traffic standards and requirements in relation to selected major categories of use. An existing review and approval process is currently available within the Zoning Ordinance in relation to special permit requirements already established for developments such as commercial projects having gross floor area 20,000 sq. ft. or more, and such as open space preservation (i.e. residential cluster) development. Should the Zoning and Planning Committee concur with the suggested concurrent two-part approach, the next step would be for the Committee to develop consensus on the types of traffic impact measures and standards to utilize along with categories of use leading to articulation of actionable text amendments to the Ordinance.

As part of the above undertaking, the respective boards may wish to consider the traffic impact mechanisms mentioned in the October 2006 Draft Newton Comprehensive Plan and such other standards and requirements as appropriate as well as to seek technical assistance from the City's Traffic Engineer and Transportation Planner.



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development
Michael J. Kruse, Director

Telephone

(617)-796-1120

Telefax

(617) 796-1142

E-mail

mkrose@ci.newton.ma.us

David B. Cohen
Mayor

Public Hearing Cont. Date: March 26, 2007
Zoning and Planning Action Date: May 14, 2007
Board of Aldermen Action Date: June 4, 2007
90-Day Expiration Date: June 24, 2007

TO: Ald. Brian E. Yates, Chairman, and
Members of the Zoning and Planning Committee
Planning and Development Board

FROM: Michael Kruse, Director of Planning and Development
Juris Alksnitis, Chief Zoning Code Official

SUBJECT: CONTINUATION OF SECOND PUBLIC HEARING (REHEARING) FOR:
Petition # 333-97 of ALD. YATES proposing to amend the Newton Zoning Ordinance to require a special permit for the subdivision of property where such subdivision would reduce the level of service for traffic at the intersection of the subdivision with a public way by one level of service or more.

CC: Board of Aldermen
Mayor David B. Cohen
Clint Schuckel, City Traffic Engineer
Philip B. Herr, Chair, Comprehensive Planning Advisory Committee

BACKGROUND/UPDATE

The subject Petition #333-97 was initially presented at a public hearing before the Zoning and Planning Committee (ZAP) and Planning and Development Board on September 25, 2006. Upon the request of Alderman Yates, the petition sponsor, ZAP voted 7-0-0 to hold the item at its working session on December 11, 2006 without further discussion. As the 90-day action period expired on December 24, 2006, statutory requirements pertaining to public hearings apply. (*MGL c.40A, s.5 states that if a vote to adopt any proposed zoning ordinance is not taken within ninety days after the public hearing, no action shall be taken thereon until after a subsequent public hearing is held*). The petitioner subsequently scheduled the item for rehearing on January 22, 2007. At this hearing, the petitioner briefly summarized the item and proposed that the hearing be continued to March 26, 2007.

To date, the Planning Department has provided the following three memoranda to the Board of Aldermen and Planning and Development Board on this subject:

- Memorandum prepared for public hearing September 25, 2006
- Memorandum with supplemental information dated December 8, 2006
- Memorandum prepared for rehearing January 22, 2007

As noted in the Planning Department's December 8, 2006 and January 22, 2007 memoranda, the Planning Board has indicated willingness to review, update, and as needed strengthen its Rules and Regulations of the Planning Board Acting as a Board of Survey, 1997 (Rules), section *V.B.2.* which articulates traffic requirements. This would affect all definitive plan subdivisions, regardless of whether a specific development might trigger the need for zoning relief, site plan approval or special permit.

In addition, as further discussed in the above memorandum, the Board of Aldermen may specify and adopt additional traffic standards and requirements in relation to selected major categories of use. An example of this approach is found in the *Town of Westford, Massachusetts Zoning By-Law*, updated July 28, 2006, which applies a series of performance standards to the categories "Major Commercial Projects and Major Retail Projects." One of the standards listed within Section 9.3A.4.6, *Pedestrian and Vehicular Access; Traffic Management* is an LOS standard titled "E. Level of Service Maintenance or Improvement." While the technical details of the Westford standard may or may not be applicable in the Newton context, this illustrates a concept, which merits further investigation and consideration.

As previously noted, a review and approval process is currently already provided within the Zoning Ordinance in relation to special permit requirements established for developments such as commercial projects having gross floor area 20,000 sq. ft. or more, and open space preservation (i.e. residential cluster) development projects. Should the Zoning and Planning Committee concur with the suggested concurrent two-part approach, the next step would be for the Committee to develop consensus on the types of traffic impact measures and standards to utilize along with categories of use leading to articulation of actionable text amendments to the City's Zoning Ordinance.

As part of the above undertaking, the respective boards may wish to consider the traffic impact mechanisms mentioned in the *October 2006 Draft Newton Comprehensive Plan* and such other standards and requirements as appropriate as well as to seek technical assistance from the City Traffic Engineer.

6. Pedestrian and Vehicular Access; Traffic Management

A. Access. To the extent feasible, access to nonresidential uses and structures shall be provided via one of the following (i) Access via a common driveway serving adjacent lots or premises; (ii) Access via an existing side street; (iii) Access via a cul-de-sac or loop road shared by adjacent lots or premises;

(1) Access via roadways abutting residential districts shall be avoided where possible.

(2) Access and egress to a development with frontage on more than one street shall be in a manner that causes the least impact to the surrounding neighborhoods as determined by the Planning Board.

(3) Access shall be obtained from existing driveways where such access is safe and efficient. Where two or more access ways now exist, the Planning Board may limit access to the more safe and efficient location.

B. Curb Cuts. Curb cuts shall be limited to the minimum width for safe entering and exiting, and shall in no case exceed 30 feet in width unless waived by the Planning Board for commercial truck traffic.

C. Interior Circulation. The proposed development shall ensure safe interior circulation within its site by accommodating and separating pedestrian, bike ways, and vehicular traffic and ensure safe access to all users of the buildings.

D. Transportation Plan Approval. The proposed development shall be subject to a Transportation Plan approved by the Planning Board. The Transportation Plan shall be prepared by a qualified traffic consultant and consist of the following information:

(1) A plan showing the proposed parking, loading, and traffic circulation within the site; access and egress points; and other features related to traffic generated by the proposed use.

(2) A Transportation Impact And Access Study (TIAS), detailing the expected traffic impacts. For proposed development in excess of 25,000 gross square feet or in

excess of 20 peak hour vehicle trips, the required traffic study shall substantially conform to Town of Westford Guidelines for Preparation of a Transportation Impact Assessment and the Institute of Transportation Engineers' "Traffic Access and Impact Studies for Site Development: A Recommended Practice," latest edition. The Planning Board shall approve the geographic scope and content of the study. In addition, the applicant shall submit a Transportation Demand Management (TDM) plan tailored to the specific uses and the geographic location of the site.

(3) Proposed mitigation measures, if any, such as left-turn lanes, roadway widening, signage, signalization of intersections.

E. Level of Service Maintenance or Improvement.

The suggested Level of Service (LOS) of intersections impacted by the traffic generated the development shall be:

1. For newly constructed floor area, LOS "D" or better
2. For all other projects subject to special permit— present LOS if present level of service is "D" or lower

where such suggested standard is not met, or where a proposed project will result in an increase of 10 seconds of delay to a signalized intersection, the PB may require the applicant to provide detailed plans (including reconstruction concepts) that when implemented would result in a intersection LOS as set forth above, or a return to existing conditions, whichever is applicable.

F. Dangerous Intersections. The Planning Board may require safety improvements for any net increase in traffic volumes of 10% or more at an intersection that has an accident history of more than 5 accidents in the last three years for which data is available.

G. Sight Distance. Adequate sight distance shall be provided and maintained at all access locations, egress locations, and all intersections affected by the Development. At a minimum, these site distances shall meet the stricter of the Massachusetts Highway Department and American Association of State Highway Transportation Officials standards for safe-stopping sight distances as detailed in the Town of Westford Traffic and Pedestrian Safety Manual.

H. Pedestrian and Bicycle Safety. Pedestrian and bicycle circulation, and the amenities required thereof, on and off site, shall be in accordance with the following requirements:

- (1) All development and redevelopment shall provide for pedestrian and bicyclist connections on the property, and allow for possible future connections with adjoining

Current edition is dated 1991 and is available through the Institute of Transportation Engineers, 1099 14th Street, NW, Suite 300 West, Washington, DC 20005-3438 USA, Telephone: 202-289-0222

properties, where deemed appropriate by the Planning Board.

(2) Pedestrian access shall connect to all building entrances with further connections to local pedestrian arteries.

(3) All road and intersection widening and new traffic signals or modification of existing traffic signals required as part of a Development or Redevelopment shall include appropriate bicycle and pedestrian accommodation.

(4) The Planning Board may require proposed development and redevelopment to provide sufficient rights-of-way on their properties to accommodate expected needs for bicycle and pedestrian use in conformance with the general guidelines in the Route 110 Master Plan, Sidewalk Master Plan, and other Master Plans as adopted by the Town.

(5) If the property abuts a public bikeway/ right-of-way, a paved access route to the bikeway may be required.

I. Location of Parking Areas. Where feasible, the Planning Board may require parking areas to be located to the side or behind buildings so as to provide an appropriate setting for the building within the context of the site and neighborhood:

J. Traffic Calming Features. Traffic calming measures such as crosswalks, bike lanes, rumble strips and landscaped islands may be required.