

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

MONDAY MARCH 28, 2011

7:45pm Room 202

ITEMS SCHEDULED FOR DISCUSSION:

- #17-11 TERRENCE P. MORRIS, JOSEPH PORTER, BRUCE BRADFORD, GEORGE COLLINS, VERNE T. PORTER, JR., MICHAEL PEIRCE proposing an amendment to the zoning ordinance for the purpose of changing the definition of “Grade Plane” and adding a new definition for “Average Grade”. [12-28-10 @ 10:22AM]
- #65-11 TERRENCE P. MORRIS & JOSEPH PORTER proposing an amendment to the zoning ordinance to change the definition of “height” with a concomitant increase in the height to the pre-1997 limits; to make height exceptions in accessory buildings subject to special permit rather than a variance. [03-01-11 @ 1:27PM]
- #81-11 ALDERMEN JOHNSON, CROSSLEY, HESS-MAHAN, LAPPIN & DANBERG requesting the Director of Planning & Development and the Chair of the Zoning Reform Scoping Group provide updates on the Scoping Group’s Progress. These updates will occur at the frequency determined by the Chair of the Scoping Group and the Chair of the Zoning and Planning Committee. [3/14/2011 @ 11:16PM]
- #49-11 ALD. JOHNSON, Chair of Zoning and Planning Committee, on behalf of the Zoning and Planning Committee requesting that the Director of Planning & Development and Commissioner of Inspectional Services review with the Zoning & Planning Committee the FAR data collected during the eight months prior to the new FAR going into effect and the 12 months after. This committee review should occur no less than bi-monthly but could occur as frequently as monthly, based on the permits coming into the departments. [02-15-2011 @8:44AM]

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.

ITEMS NOT YET SCHEDULED FOR DISCUSSION:

- #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]
SECTION (B), APPROVED 7-0-1 (Lennon abstaining)
SECTION (C), APPROVED 6-2 (Lennon and Lappin opposed)
RECOMMITTED ON 2/22/11
- #365-06 ALD. YATES requesting the establishment of an education program for realtors concerning properties in historic districts.
- #64-11 HIS HONOR THE MAYOR, in coordination with the Director of Planning and Development, requesting to amend Section 30-15, Table 4, Dimensional Controls for Rear Lot Development in Residential Zones as they pertain to floor area ratio. [02-22-11 @ 6:47PM]
- #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]
- #253-10(2) ZONING & PLANNING COMMITTEE supporting the establishment of a Brightfield Solar Energy Array, subject to neighborhood input, on the Flowed Meadow site similar to the one in Brockton. [02-15-2011 @10:01am]
- #122-09 ALD. SANGIOLO on behalf of Armando Rossi requesting a discussion of the proliferation of signage in the city.
- #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)
- #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)

- #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]
- # 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.
- #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

DRAFT
11 MAR -1 # 1:27
CITY CLERK
NEWTON, MA. 02159

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROPOSED ORDINANCE NO. _____

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2009, as amended, be and are hereby further amended with respect to Chapter 30, Zoning, as follows:

1. By deleting from Section 30-1 **Definitions**, the definition of *Grade Plane*, and inserting in its place the following language:

Grade Plane: A horizontal reference plane for a building as a whole, passing through the elevation of the finished Average Grade around the perimeter of a building, from which building height is determined.

2. By adding to Section 30-1 **Definitions**, the following new definition:

Average Grade: The average of the grade elevations around the perimeter of a building, as determined by the following length-weighted mean formula: the sum of $[(e1 + e2) / 2 \times L] / P$, where S is a segment of the building perimeter with a consistent grade or slope; e1 and e2 are the grades at the respective ends of the segment; L is the corresponding length of the segment; and P is the length of the total building perimeter. In calculating said average, the elevation of each point used to define each segment shall be determined by using the lowest elevation of finished ground level within the area immediately adjoining the building and either the lot line or a distance six (6) feet from the building, whichever is closer to the building, as illustrated in the diagrams below.

Approved as to legal form and character:

City Solicitor

GRADE PLANE CALCULATION WORKSHEET **MAR -1 P 1: 27**

Sample

CITY CLERK
NEWTON, MA. 02159

A	B	C	D	E	F
Segment	Length of Segment (feet)	Height of High Point of Segment	Height of Low Point of Segment	$E=(C+D)/2$ Average Segment Height	$F=B \times E$
1	42.10	103.75	103.75	103.75	4367.875
2	16.80	103.90	103.85	103.88	1745.10
3	6.60	101.50	101.30	101.40	669.24
4	7.00	101.50	101.40	101.45	710.15
5	28.10	99.04	99.04	99.04	2783.02
6	7.00	101.50	101.40	101.45	710.15
7	6.60	101.50	101.30	101.40	669.24
8	16.80	103.90	103.90	103.90	1745.52
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
Total	131.00 Lin Ft of Bldg				13400.30

Total Col. F / Total Col. B = Height

102.29

11 MAR -1 P 1:27

CITY CLERK
NEWTON, MA. 02159DRAFT
#65-11CITY OF NEWTONIN BOARD OF ALDERMEN

PROPOSED ORDINANCE NO. _____

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEWTON
AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2009, as amended, be and are hereby further amended with respect to Chapter 30, Zoning, as follows:

1. By deleting from Section 30-1 **Definitions**, the first sentence of the definition of *Height*, and inserting in its place the following language:

Height: The vertical distance between the elevations of the Average Grade and the highest point of the ridge on the main building roof.

2. By deleting the number "30" as it now appears under the column headed "BUILDING HEIGHT" in section 30-15 Table 1 and inserting in its place the number "36".
3. By deleting the number "36" as it now appears under the column headed "BUILDING HEIGHT" in section 30-15 Table 1 and inserting in place thereof the number "42".
4. In section 30-15(m)(2), by deleting the words "eighteen (18) feet." at the end of the first sentence and the words, "No space above this maximum height shall be habitable" beginning the second sentence and inserting in place thereof the following language: "twenty-four (24) feet and no space above the first story shall".

Approved as to legal form and character:

City Solicitor