

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

MONDAY, FEBRUARY 8, 2010

Room 202  
7:45 PM

**ITEMS SCHEDULED FOR DISCUSSION:**

#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]

*Note: Attached, is a summary of GL 43D prepared by the Executive Office of Housing  
and Economic Development.*

#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]

#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.

#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]

**ITEMS NOT YET SCHEDULED FOR DISCUSSION:**

*Public Hearing assigned for February 22, 2010:*

- #164-09      ALD. HESS-MAHAN proposing the following amendments to the accessory apartment ordinances: (1) amend Sections 30-8(d)(1)a and 30-9(h)(1)a to explicitly allow the homeowner to live in the accessory apartment; (2) amend Section 30-9(h)(1) to allow accessory apartments in a single family residence located in Multi Residence 1 and Multi Residence 2 zoned districts; and (3) amend the provisions of Sections 30-8(d)(1)b and 30-9(h)(1)b to allow accessory apartments in residential buildings built 10 or more years before an application for a permit is submitted; (4) delete the provisions of Sections 30-8(d)(1)(h) and 30-9(h)(1)(h) that require landscape screening for fewer than 5 parking stalls; (5) amend Sections 30-8(d)(1)(d), 20-8(d)(1)(e), 30-8(d)(2)(b) and 30-9(h)(1)(d) to allow exterior alterations and add that any exterior alterations, other than alterations required for safety, are subject to FAR provisions. [06/09/09 @ 4:55 PM]
- #18-10      ALD. YATES requesting a report from the Conservation Commission as to whether the Commission feels that the ticketing process for violation of wetlands laws proposed in docket #168-02, approved by Zoning & Planning in 2004 and subsequently voted No Action Necessary by the Board in 2009, would still be valuable in preserving the City's environment. [01/04/10 @ 8:16 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.

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

- #376-09      HIS HONOR THE MAYOR submitting the FY11-15 Capital Improvement Program, totaling \$140,377,285 and the FY10 Supplemental Capital budget, which require Board of Aldermen approval to finance new capital projects over the next five years.
- #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]

- #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]
  
- #122-09 ALD. SANGIOLO on behalf of Armando Rossi requesting a discussion of the proliferation of signage in the city.
  
- #336-08 ALD. LAPPIN requesting a discussion re the creation of an index for the zoning ordinances. [9/12/08 @ 10:31 AM]
  
- #365-06 ALD. YATES requesting the establishment of an education program for realtors concerning properties in historic districts.
  
- #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.

**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.
  
- #10-06 ALD. JOHNSON, DANBERG, SANGIOLO, BAKER, & HESS-MAHAN requesting the adoption of legislation to enable the establishment of neighborhood conservation districts in Newton.
  
- #440-04 ALD. JOHNSON, BAKER & LAPPIN proposing a definition of “accessory structure” which will include mechanical equipment.
  
- #294-03 ALD. BAKER, YATES, JOHNSON AND MANSFIELD requesting analysis and discussion of possible remedies for demolition of modest housing and replacement with oversized structures out of character with the surrounding neighborhood, including examining the experience of other communities, including those out of state, who have worked to address this problem. **(Recommitted by Full Board 8-14-06)**
  
- #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.
  
- #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.

#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.

# 7-99      ALD. PARKER requesting discussion of possible zoning amendments to create additional residential districts with different FAR and lot size requirements.

#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]

Respectfully submitted,

Marcia Johnson, Chairman