

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

MONDAY, APRIL 12, 2010

7:45 pm - Room 202

ITEMS SCHEDULED FOR DISCUSSION:

- #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]
Public Hearing notice attached.
- #46-10 ALD. CROSSLEY, HESS-MAHAN & LINSKY requesting adoption of an ordinance to provide for as-of-right siting of renewable or alternative energy generating facilities, renewable or alternative energy research and development facilities, or renewable or alternative energy manufacturing facilities in designated locations in order to satisfy the requirements to qualify as a Green Community under MGL Chapter 25A, §10 (c). [02/09/10 @ 7:25 PM]
- #46-10(2) ALD. CROSSLEY, HESS-MAHAN & LINSKY requesting adoption of an ordinance to create an expedited application and permitting process under which renewable or alternative energy generating facilities, renewable or alternative energy research and development facilities, or renewable or alternative energy manufacturing facilities may be sited within the municipality and which shall not exceed one year from the date of initial application to the date of final approval, in order to satisfy the requirements to qualify as a Green Community under MGL Chapter 25A, §10(c). [02/09/10 @ 7:25 PM]

ITEMS NOT YET SCHEDULED FOR DISCUSSION:

- #93-10 ALD. JOHNSON AND SANGIOLO requesting revision of **Section 30-27** of the City of Newton Ordinances governing membership of the Zoning Board of Appeals by providing selection criteria guidance and process 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 level of service to Newton. [03/26/10 @ 12:31 PM]
- #92-10 ALD. JOHNSON AND SANGIOLO requesting revision of **Section 22-3(a)** of the City of Newton Ordinances governing membership of the Planning Board by providing selection criteria guidance and process 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 level of service to Newton. [03/26/10 @ 12:29 PM]
- #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]
- #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]
- #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]
- #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.

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.
- #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]
- #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]

- #336-08 ALD. LAPPIN requesting a discussion re the creation of an index for the zoning ordinances. [9/12/08 @10:31 AM]
- #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]
- #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.
FINANCE VOTED NO ACTION NECESSARY ON 3/8/10
- #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

CITY OF NEWTON
PUBLIC HEARING NOTICE
FOR
MONDAY, FEBRUARY 22, 2010

A Public Hearing will be held on Monday, February 22, 2010 at 7:45 PM, Second Floor, NEWTON CITY HALL before the ZONING & PLANNING COMMITTEE and the PLANNING & DEVELOPMENT BOARD, for the purpose of hearing the following petition, at which time all parties interested in this item shall be heard. Complete text is on file in the office of the clerk of the board of aldermen, first floor of Newton City Hall and on the city's website at www.ci.newton.ma.us under board of aldermen/committees/zoning & planning/2010.

Notice will be published Monday, February 8, 2010 and Monday, February 15, 2010 in the NEWS TRIBUNE and Wednesday, February 17, 2010 in the NEWTON TAB, with a copy of said notice posted in a conspicuous place at Newton City Hall.

#164-09 ALD. HESS-MAHAN proposing the following amendments to Chapter 30 of the City of Newton Revised Zoning Ord, as amended, 2007, relative to accessory apartments:

- (1) amend Sections 30-8(d)(1), 30-8(d)(1)a, 30-9(h)(1), and 30-9(h)(1)a) to explicitly allow the homeowner to live in the accessory apartment;
- (2) amend Section 30-9(h)(1) and 30-9(h)(2) to allow accessory apartments in a detached structure associated with a single-family residence in a Multi Residence 1 and Multi Residence 2 district and to clarify that accessory apartments are allowed in detached structures associated with two-family residences; and amend 30-9(h)(1) to clarify that a single-family dwelling located in a Multi Residence 1 or Multi Residence 2 district may be divided into a two-family dwelling according to other provisions of the zoning ordinance;
- (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), 30-8(d)(1)e), 30-8(d)(2)b), 30-9(h)(1)d), and 30-9(h)(1)e) to allow limited exterior alterations or additions, subject to FAR or other dimensional controls, to accommodate an accessory apartment; amend the conditions, where a special permit is required, for approval of exterior alterations or additions; and to remove the time limit before which additions and exterior alterations must be completed to meet the requirements of Table 30-8;
- (6) amend 30-1, definition of "accessory apartment" to be consistent with the changes listed above.

#46-10, #46-10(2)

DRAFT RESOLUTION for consideration by the Zoning & Planning Committee
4/12/2010

That - in order to fulfill the criteria to merit MA DOER designation of the City of Newton as a "Green Community", and therefore so as to make the City of Newton eligible for DOER funding that may be used for needed capital investments which can further help to reduce energy use and emissions, ...

The Board of Aldermen of the City of Newton supports and requests that the administration **document all by-right development opportunity that exists within the city where clean energy business** (research and development and/or manufacturing pertaining to renewable and/or alternative energy) may locate within the city of Newton, which does not require discretionary permitting and which can be permitted expeditiously as per the Guidelines established by the MA DOER, and therefore request that the administration implement and maintain these measures.

And further, that in order to maintain Green Communities status, and therefore to retain eligibility for DOER funding available each year under the terms of the Green Communities Act, the Board of Aldermen requests that the City of Newton administration comply with DOER annual reporting and review requirements.