

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

MONDAY, JUNE 14, 2010

7:45 pm - Room 202

ITEMS SCHEDULED FOR DISCUSSION:

#89-10(2) HIS HONOR THE MAYOR re-appointing CANDACE HAVENS as Interim Director of Planning and Development effective July 1, 2010 until a permanent replacement is hired, but not to exceed 90 days when the temporary appointment may be extended with Board of Aldermen approval pursuant to §3-6 of the City Charter. [06/01/10 @ 6:18 PM]

#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]

#141-10(2) ZONING & PLANNING COMMITTEE requesting discussion with the Planning Department regarding changes in the City of Newton Ordinances **Section 22-22 Floodplain/watershed protection provisions**. [05/25/10 @ 10:23 AM]

#142-10 THE PLANNING AND DEVELOPMENT BOARD requesting adoption of an amendment to **Chapter 20, Offenses and Miscellaneous Provisions**, of the City of Newton Ordinances relative to regulation of scenic roads. [05/10/10 @ 5:18 PM]

Public Hearing assigned for June 28, 2010:

#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]

ITEMS NOT YET SCHEDULED FOR DISCUSSION:

- #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]

- #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]

- #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.

- #142-09(3) ZONING & PLANNING COMMITTEE proposing that subsection 30-15(u) of Chapter 30 relative to floor area ratio, as established by Ordinance Z-51, dated August 10, 2009, be amended by extending the provisions of paragraph nos. 1. 2. and 3. from July 30, 2010 to October 31, 2010. [05/11/10 @ 10:10 AM]
Public Hearing assigned for June 28, 2010

- #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]

- #294-03 ALD. BAKER, YATES, JOHNSON AND MANSFIELD requesting analysis and discussion of possible remedies for demolition of modest housing and replacement with oversized structures out of character with the surrounding neighborhood, including examining the experience of

other communities, including those out of state, who have worked to address this problem. **(Recommitted by Full Board 8-14-06)**

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

#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.

#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]

#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]
- #365-06 ALD. YATES requesting the establishment of an education program for realtors concerning properties in historic districts.
- #10-06 ALD. JOHNSON, DANBERG, SANGIOLO, BAKER, & HESS-MAHAN requesting the adoption of legislation to enable the establishment of neighborhood conservation districts in Newton.
- #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.
- #440-04 ALD. JOHNSON, BAKER & LAPPIN proposing a definition of “accessory structure” which will include mechanical equipment.
- #336-08 ALD. LAPPIN requesting a discussion re the creation of an index for the zoning ordinances. [9/12/08 @ 10:31 AM]
- #122-09 ALD. SANGIOLO on behalf of Armando Rossi requesting a discussion of the proliferation of signage in the city.

Respectfully Submitted,

Marcia Johnson, Chairman



**City of Newton, Massachusetts
Office of the Mayor**

#89-10(2)

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SETTI D. WARREN
MAYOR

June 1, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

10 JUN - 1 PM 5
CITY CLERK
NEWTON, MA 02459

Ladies and Gentlemen:

This letter is to request an extension of Candace Havens as the Interim Director of Planning and Development effective July 1, 2010 pursuant to Section 3-6 of the City Charter. This appointment will be until a permanent Director is selected but not to exceed ninety days without further Board approval.

During the period of this temporary appointment Candace's duties will include the administration of the Planning and Development Department and all duties and functions of the position as governed by the City of Newton Ordinances and Massachusetts General Laws.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

cc Candace Havens, Interim Director of Planning and Development
Bob Rooney, Chief Operating Officer
Dolores Hamilton, Director of Human Resources

Andrew
1103



Setti D. Warren
Mayor

CITY OF NEWTON, MASSACHUSETTS
Department of Planning and Development

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March 31, 2010

Leslie Burg, Chair
Scenic Roads Subcommittee
City of Newton Planning & Development Board

RE: Proposed Scenic Road Regulations


Dear Ms. Burg;

At their regular meeting on February 25th, 2010, the members of the Newton Conservation Commission heard your presentation on the proposed regulations for the designation of scenic roads, and for alterations of trees and stone walls within the layout of designated scenic roads.

The Commission has voted unanimously to support the proposed regulations, provided that a qualifying sentence is added under Section 3, that the regulations do not affect private property.

Thank you for taking on the leadership role for this effort to protect the scenic roads of Newton.

Sincerely,


Anne Phelps
Sr. Environmental Planner

conserva\corr\scenic roads supp ltr

#142-10



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development
Newton Historical Commission

Telephone
(617)-796-1120
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(617) 796-1142

Setti D. Warren
Mayor

March 22, 2010

Planning and Development Board
Tabetha McCartney, Chair
1000 Commonwealth Avenue
Newton, MA 02459

RE: Proposed Scenic Road Regulations

Dear Ms. McCartney,

At its February meeting, the Commission voted unanimously to support the efforts of the Planning and Development Board to establish regulations for Newton's scenic roads. Commission members noted that other natural features such as rock outcroppings within the public right of way contribute to the character of these roads and recommends that the proposed regulations protect these features if possible. The Commission looks forward to continuing to work with the Board on the designation of scenic roads in Newton.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brian Lever".

Brian Lever
Senior Preservation Planner
Newton Historical Commission Staff

Newton Historical Commission
1000 Commonwealth Avenue, Newton, Massachusetts 02459
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www.ci.newton.ma.us

ITALO S. VISCO
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February 10, 2010

Newton Planning and Development Board
Tabetha McCartney, Chair
Newton City Hall
1000 Commonwealth Ave.
Newton, MA 02459

Dear Ms. McCartney:

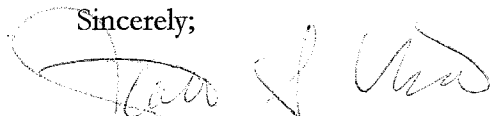
I am writing to you in support of the Draft Scenic Road Regulations which will be considered at your upcoming meeting in March.

It is my understanding that – passing within the Auburndale Historic District – Woodland Road, Hancock Street, and Grove Street have already been designated as scenic roads. Therefore these proposed regulations would provide additional protection (beyond the existing jurisdiction of the Auburndale Historic District Commission) regarding the widening of these roads and the removal of trees and stone walls. Speaking for the Commission, I am sure that we would welcome this assistance in preserving our shared historic heritage.

I thought I'd also pass along one additional comment from a commission member. Recognizing that we value stone walls and elegant, mature trees – it would seem that the Criteria for Designation as a Scenic Road (Section 4) might be difficult to define. We all know scenic roads when we experience them, but their qualities are hard to describe in words and could be prone to subjectivity. I trust that you and your board will do your best to make this designation process as fair and rational as possible.

Thank you for your efforts.

Sincerely;



Italo S. Visco
Chairman, Auburndale Historic District Commission

JOHN C. WYMAN
47 Old Orchard Road
Chestnut Hill, MA 02467

April 1, 2010

Newton Planning and Development Board
Tabetha McCartney, Chair
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Dear Ms. McCartney:

At its March 18, 2010 monthly meeting the Chestnut Hill Historic District Commission voted unanimously to support the adoption of the proposed Regulations for the Designation of Scenic Roads and Alterations and Stone Walls Thereon. The Commission felt that the proposed Regulations would be an important adjunct to its existing Historic District regulations in protecting stone walls within historic districts and will provide much needed protection that does not presently exist for trees along scenic roads in historic districts. In addition, in areas of Newton outside of historic districts they will provide protection for trees and stone walls on historic roads that does not exist. Trees and stone walls on scenic roads in Newton are an important City asset that we strongly believe should be preserved. I will try to be at your April 5 meeting to personally express my support and answer any questions that the Board may have.

Sincerely,



John C. Wyman
Chairman, Chesnutt Hill Historic District
Commission

DRAFT PROPOSED LANGUAGE

JUNE 3, 2010

PLANNING & DEVELOPMENT BOARD

The members of the board shall so far as practicable be selected to provide expertise in the fields of real estate/land use, law, city planning, community development/human services, architecture/engineering and so far as practicable be selected to provide representation from as many wards as possible.

ZONING BOARD OF APPEALS

The members of the board shall so far as practicable be selected to provide expertise in land use/zoning law, building construction, architecture and engineering and so far as practicable be selected to provide representation from as many wards as possible.