

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

WEDNESDAY OCTOBER 13, 2010

Present: Ald. Johnson (Chairman), Yates, Baker, Shapiro, Swiston, Lappin

Absent: Ald. Sangiolo,

Also Present: Ald. Crossley, Albright, Linsky

City Staff: Candace Havens (Interim Director of Planning and Development), John Lojek (Commissioner, Inspectional Services Department), Rebecca Smith (Committee Clerk)

FAR Working Group Members: Chris Chu, Alan Schlesinger, Peter Sachs, Treff

LaFleche, Thomas Greytak, Henry Finch

- #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]

**ACTION:**     **HELD 6-0**

**NOTE:**        Tom Greytak, FAR Working Group member, presented to the Committee the proposed sliding FAR limits. The FAR Working Group, in conjunction with the Planning Department, determined an adjustment to the FAR limits and calculated how these adjustments would affect the building potential of lots in SR1, SR2, and SR3 districts. The point of these adjusted figures is to give relief to the smaller lots in the City that, with the new changes to FAR, would have the hardest time expanding; if the FAR limits remain the same then these smaller lots will need to obtain permits for minimal and reasonable construction. This proposal is to ensure that smaller lots are not unduly burdened by these changes.

The smaller lots in the three districts would be given the largest boost in FAR compared to what they are allowed now. The boost in FAR for a given lot would decrease gradually with the increase in the size of the lots, though the FAR limit of all lots will be higher than it currently is. This increase in FAR will reduce the number of nonconformities in the most prevalent areas of the City where there is an abundance of small to mid-sized lots. In exchange for this, though, there will be a minor increase in nonconformities of the larger lots (20,000sq.ft.-25,000+sq.ft) in all three districts. Ald. Johnson asks the Working Group to provide some information at the next meeting on why there will be an increase in nonconformities in these areas.

Mr. Greytak shared with the Committee that the adjustment to the FAR would keep the total unrealized building potential of the City essentially the same; the largest lots would have a slight decrease in their building potential, though that number would change by no more than 2%.

Peter Sachs spoke in support of this proposal stating that smaller lots deserve this increase so that they don't have to apply for special permits for modest changes. FAR, as a concept, works well but it can and should be tweaked in order to make it fairer for the smaller lots. Any concern about overdevelopment of the smaller lots is not warranted because there are other dimensional controls that would keep this in check.

John Lojek, Commissioner of Inspectional Services, reminded the Committee and the Working Group that before the deletion of Footnote 7 about a year and a half ago preexisting structures did not have to comply with FAR. The compliance with FAR was unanticipated by many of these homeowners with small lots since modest additions had been as-of-right for them. Footnote 7 was removed because developers were abusing the section of the footnote that stated that FAR didn't apply to any structure where less than 50% of was demolished. The removal of Footnote 7 stopped this overdevelopment but also created a problem for the lots that had never dealt with FAR before. The FAR Working Group is trying to accomplish a permanent solution to the problem that suits everyone in the community.

The application of this system would begin on a test basis. This would take place over the course of one year. Current standards would apply but data would be collected to determine if this process would in fact work.

This item was held by the Committee until the next meeting on October 25<sup>th</sup>. This meeting will be dedicated to this item.

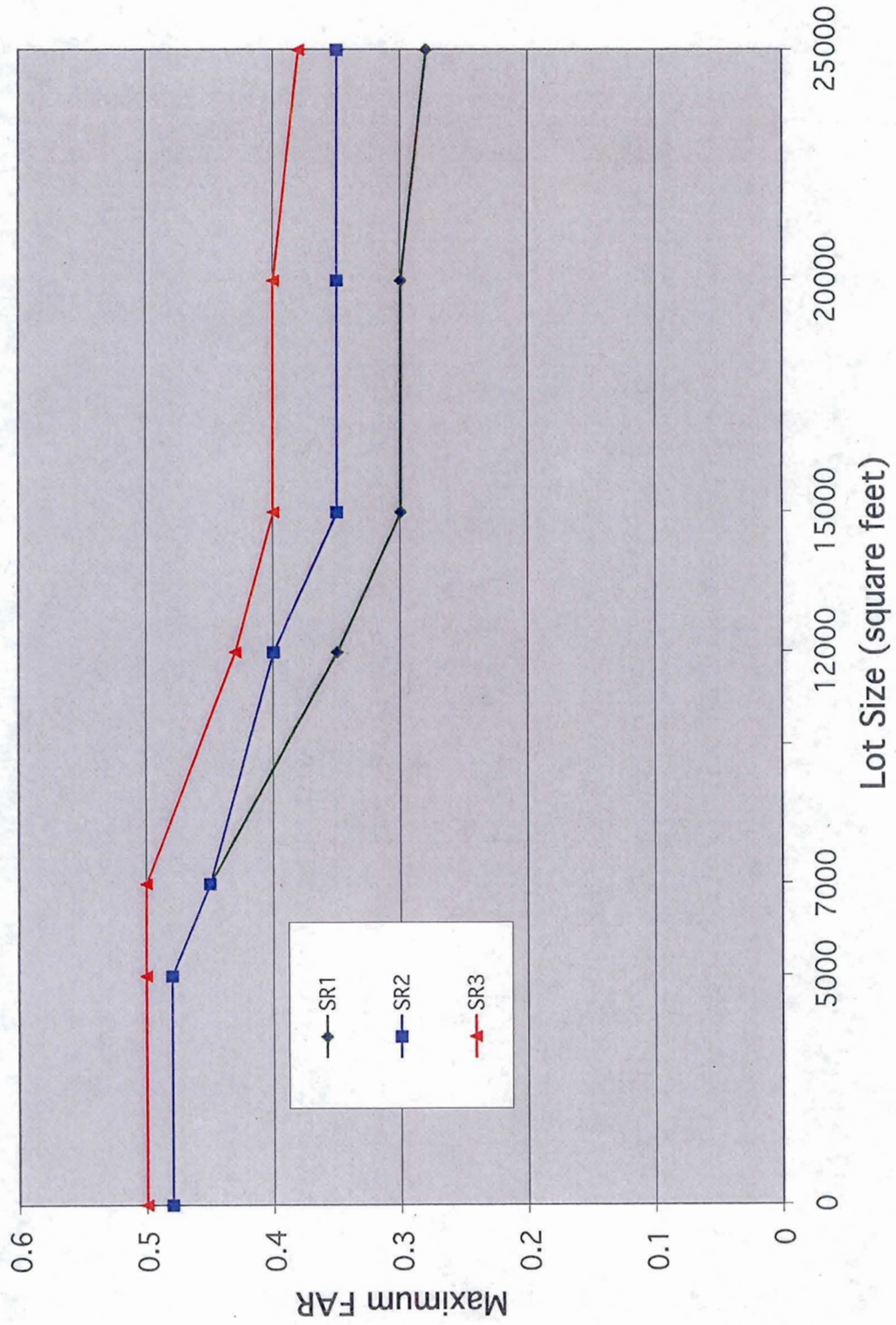
*Actions to be taken:*

1. Candace Havens will look at the special permits applied for throughout the last year to see if this system would have eliminated the need for these permits. Peter Sachs warns against relying on the data from the recent past as he believes the economy has a lot to do with the changes and believes this data would be inaccurate.
2. Ald. Johnson would like the Working Group to provide a similar presentation for multi residences.
3. The Committee plans for this item, along with #153-10, #154-10, and #183-10, to go to public hearing on Nov. 22. Marie Lawlor and Candace Havens must work on the language that will be advertised for these items.

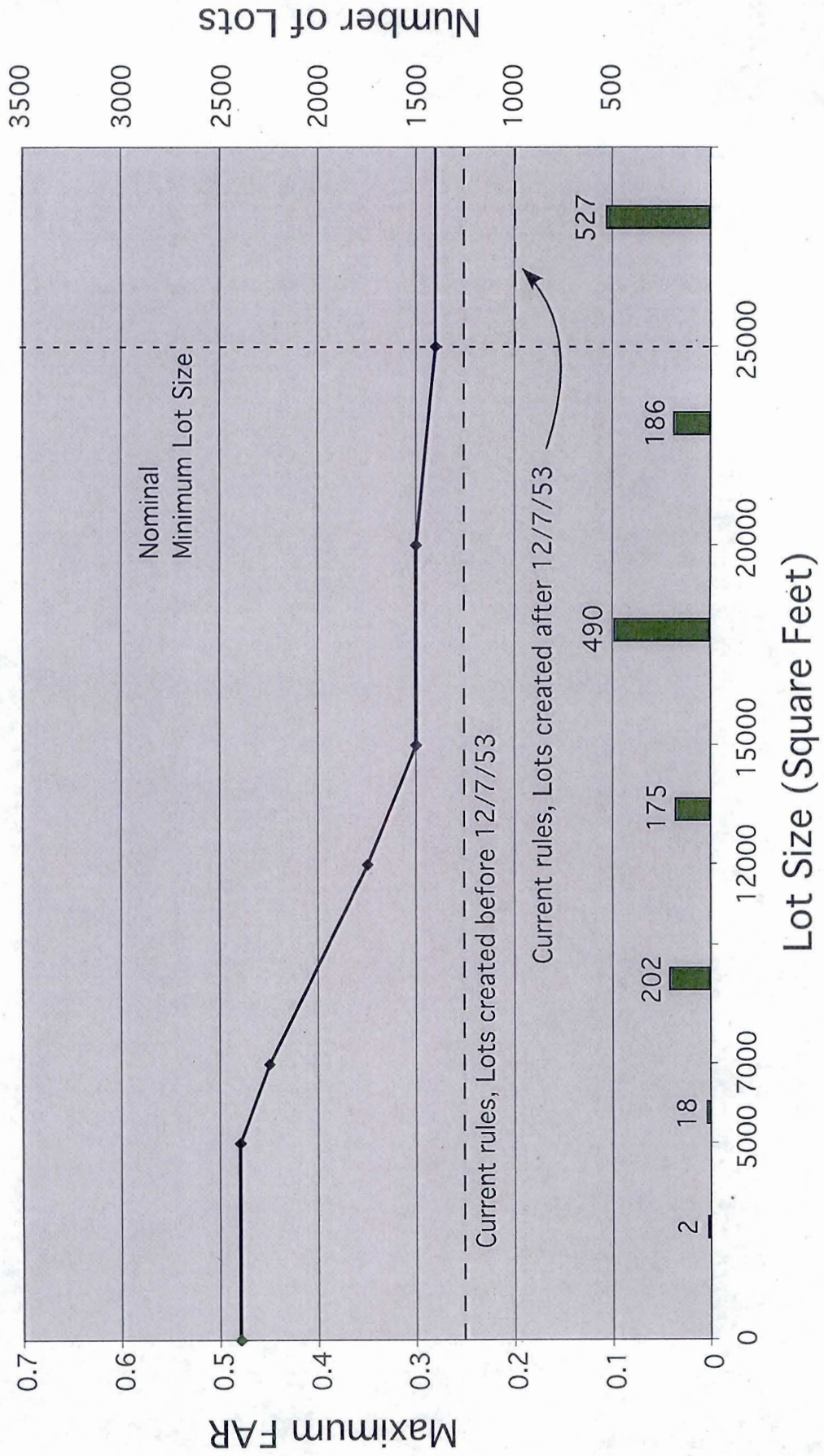
Respectfully Submitted,

Marcia Johnson, Chairman

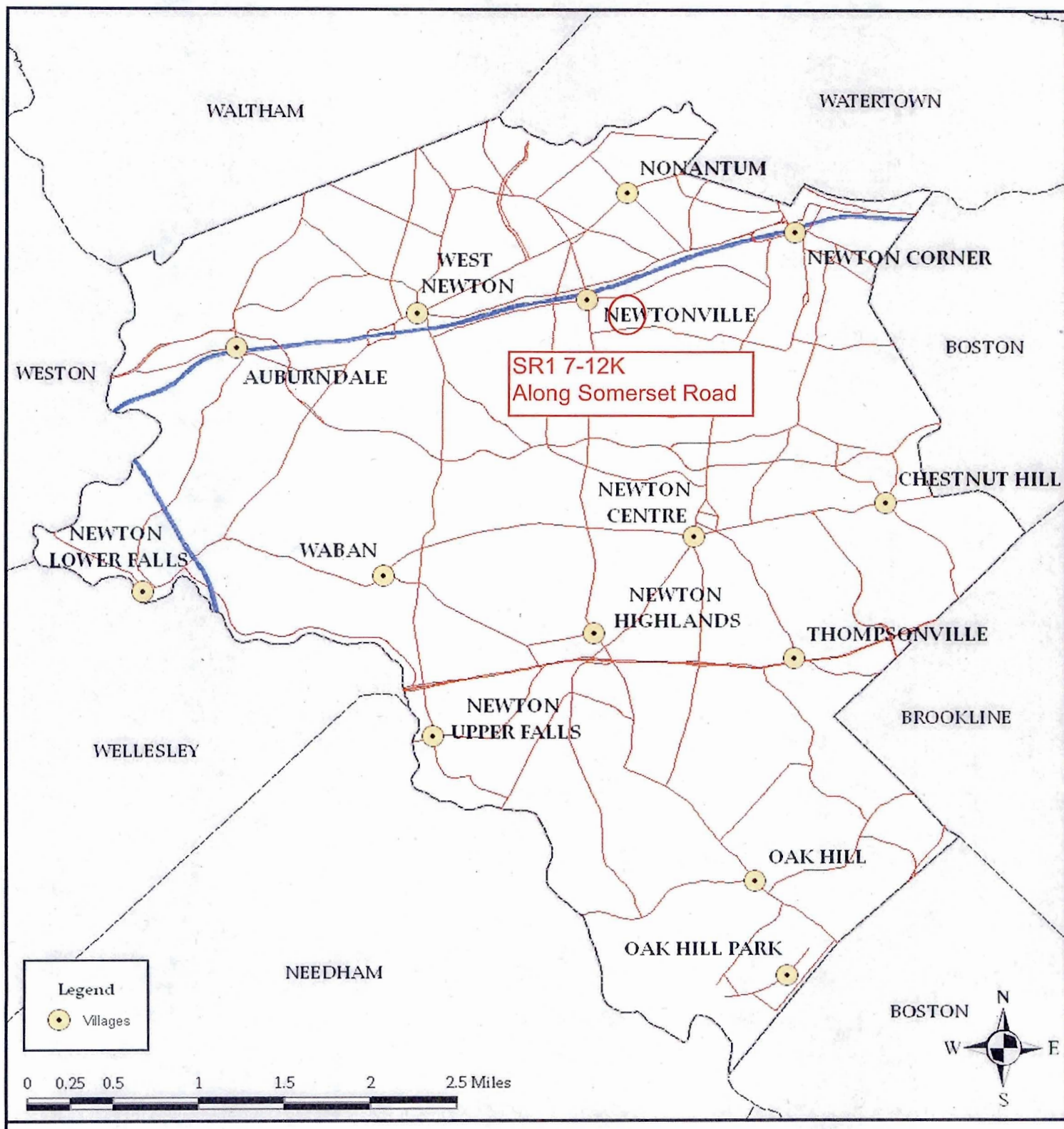
# Proposed Sliding FAR Limits



# SR1 Lots









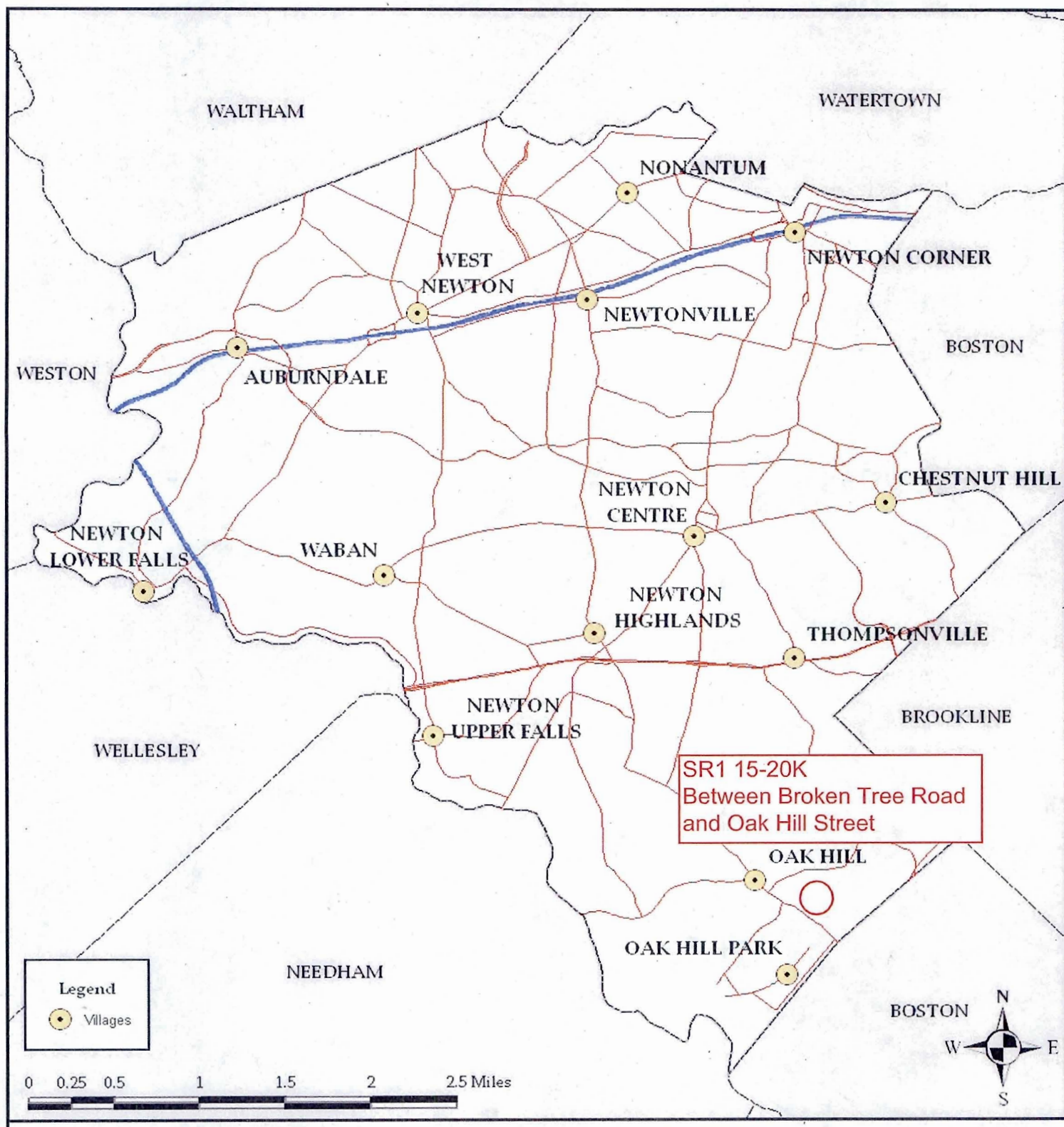


W 2D 3D Road Aerial



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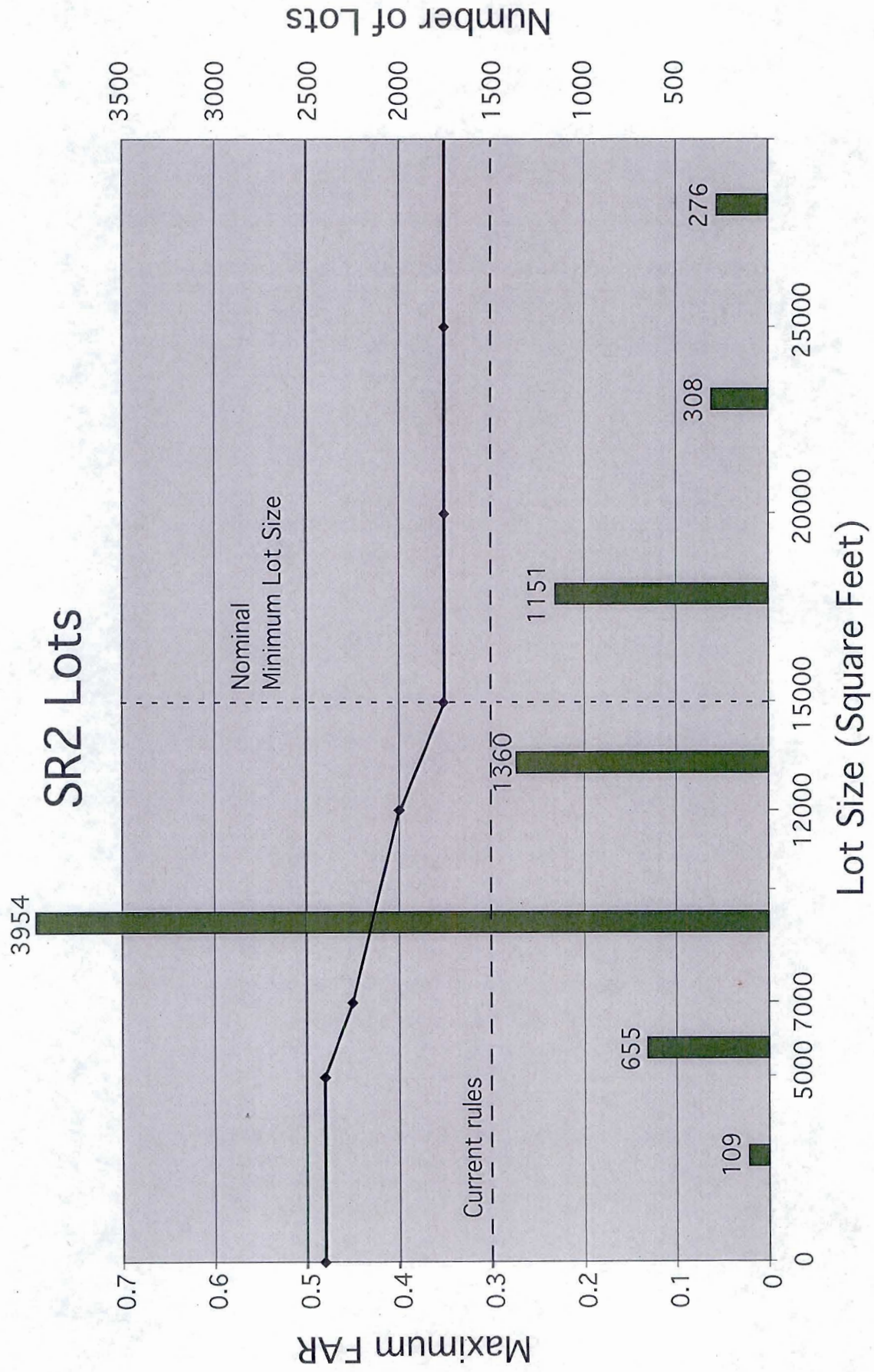


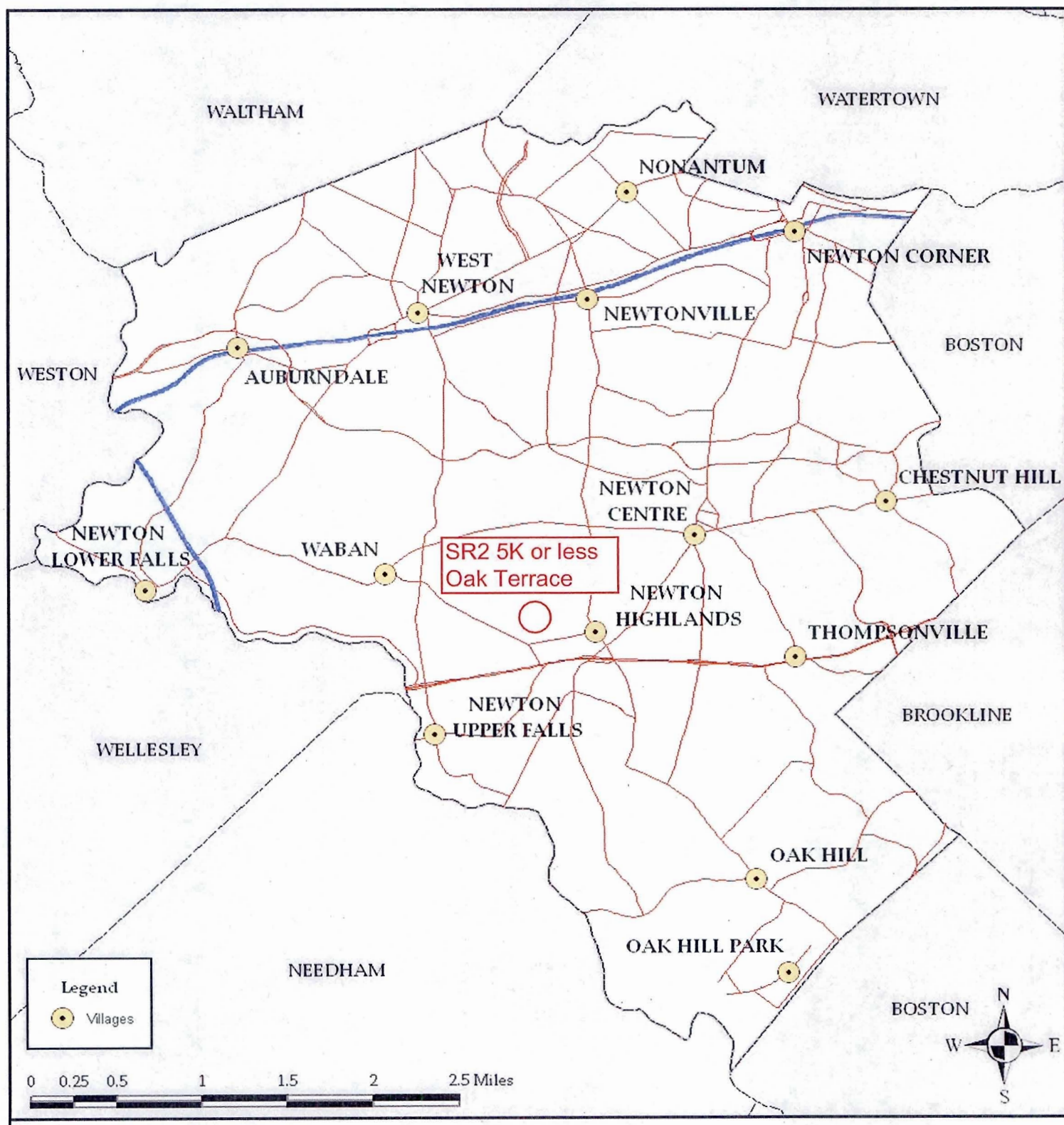




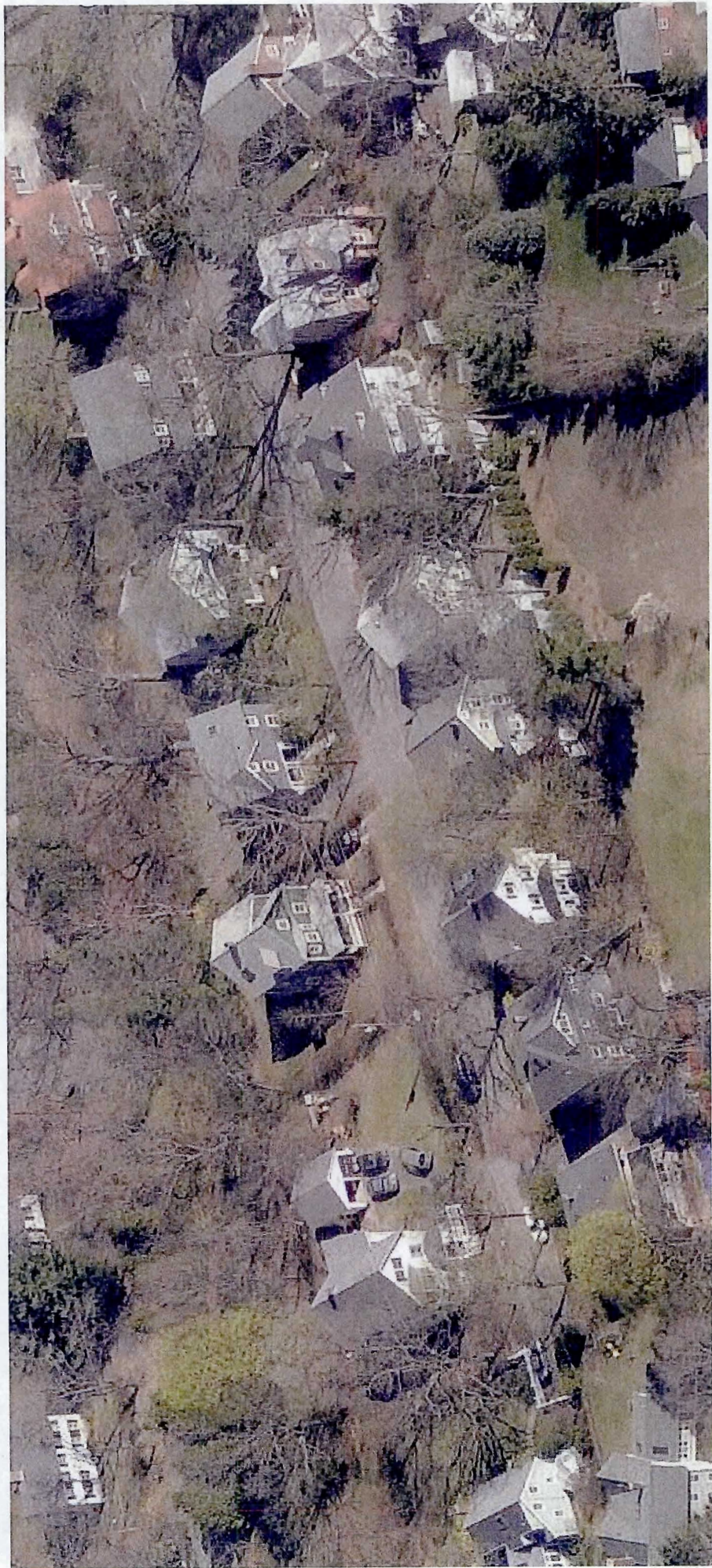




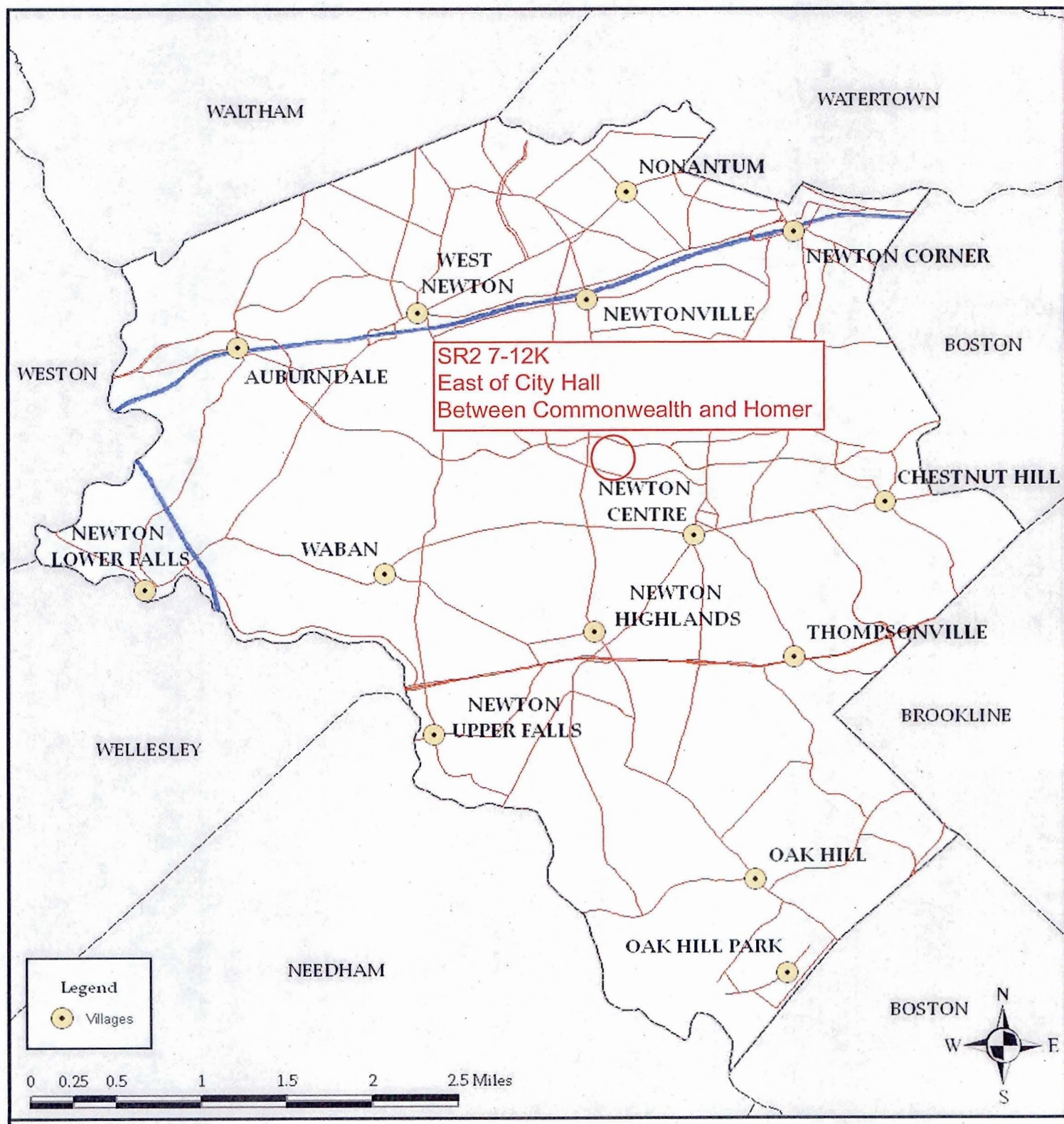










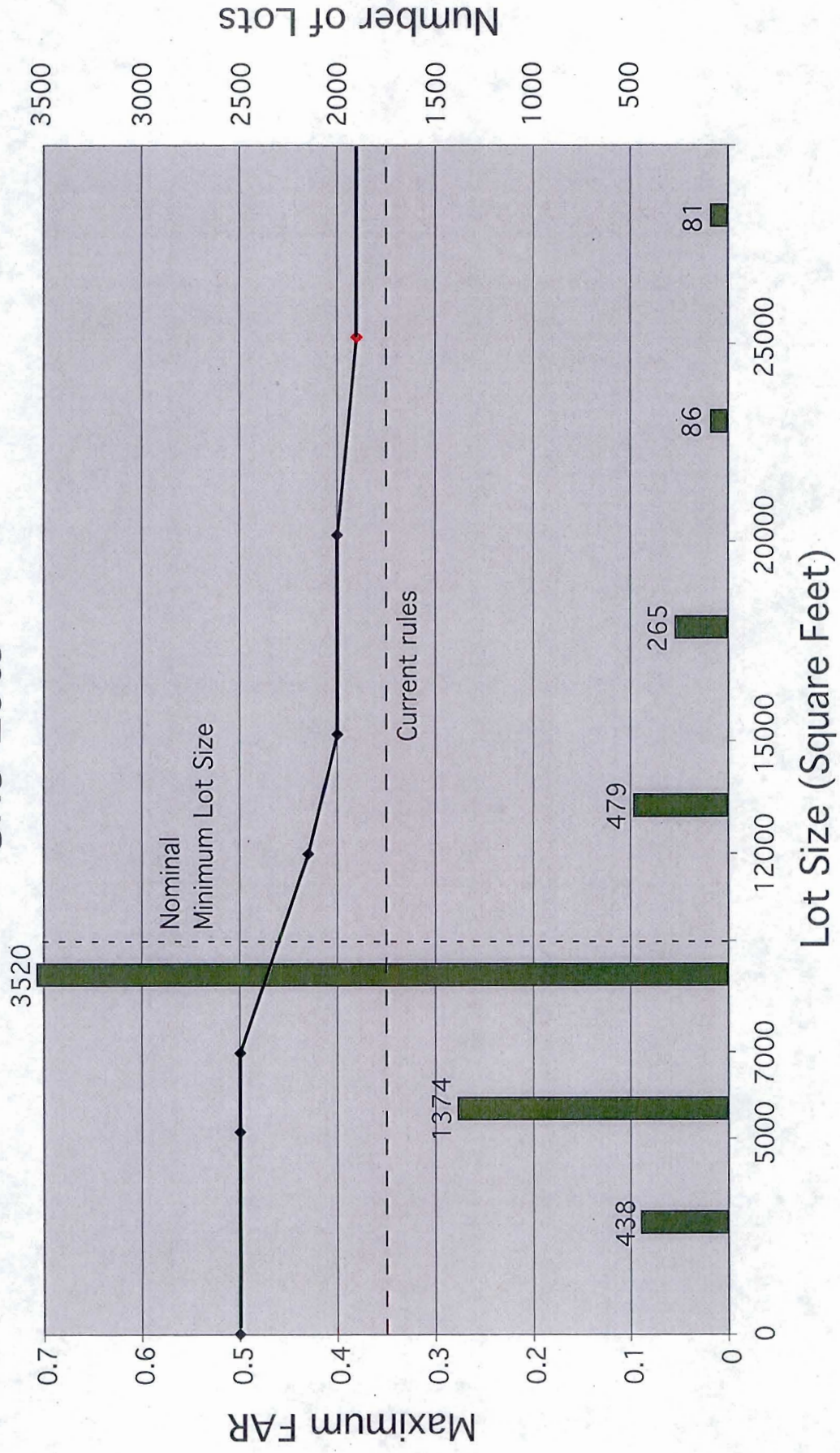




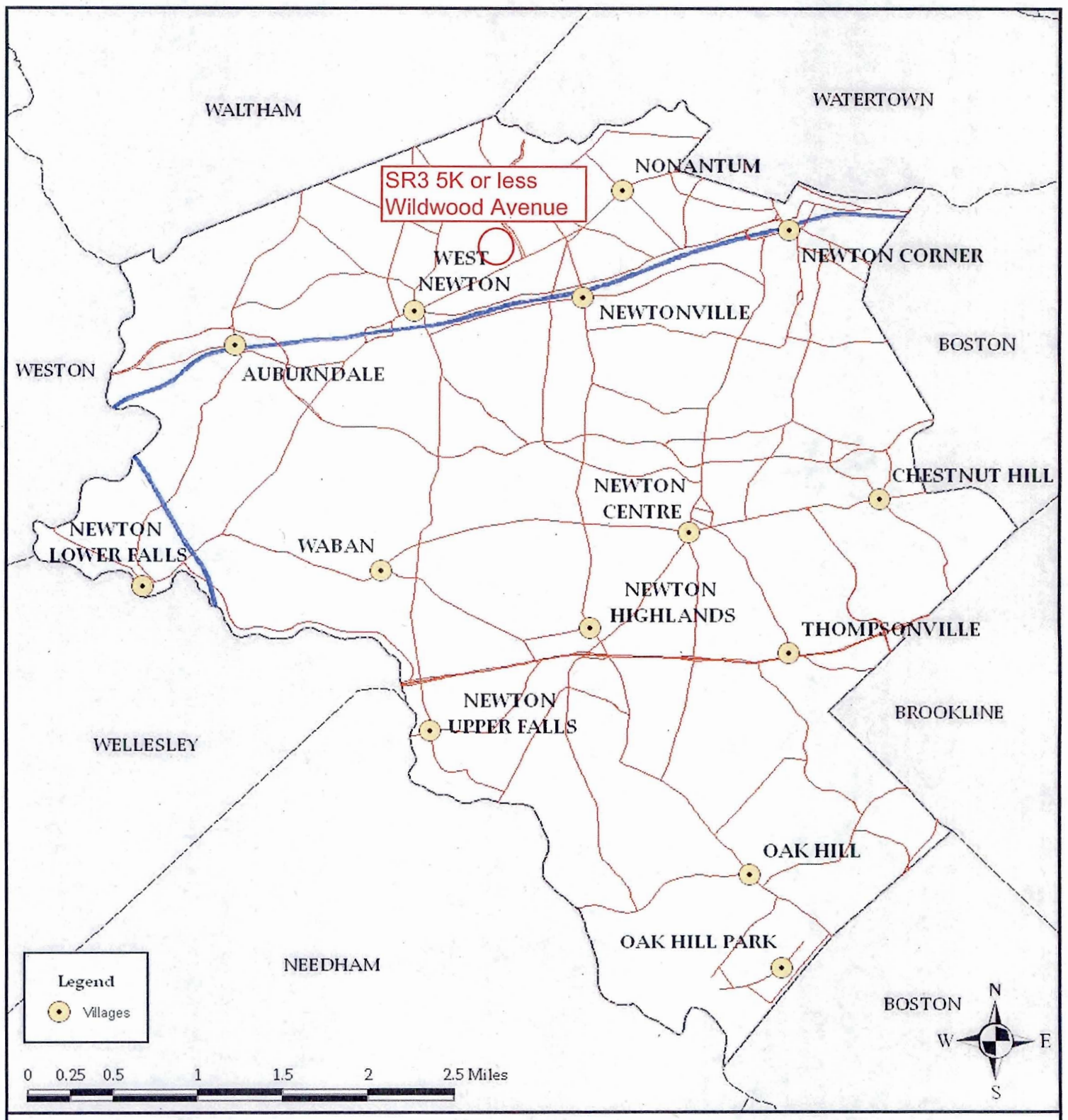




# SR3 Lots







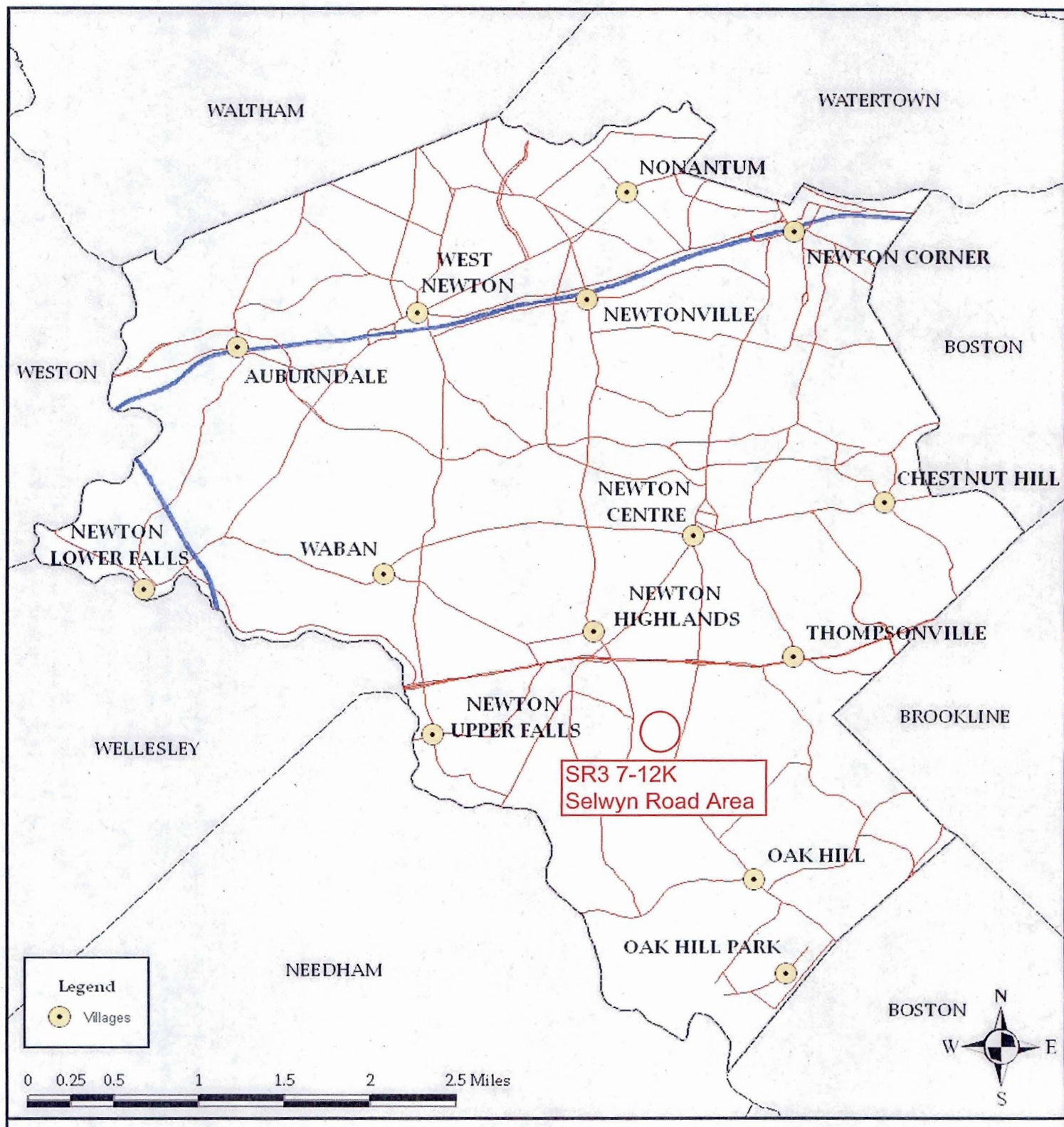




2D 3D Road Aerial





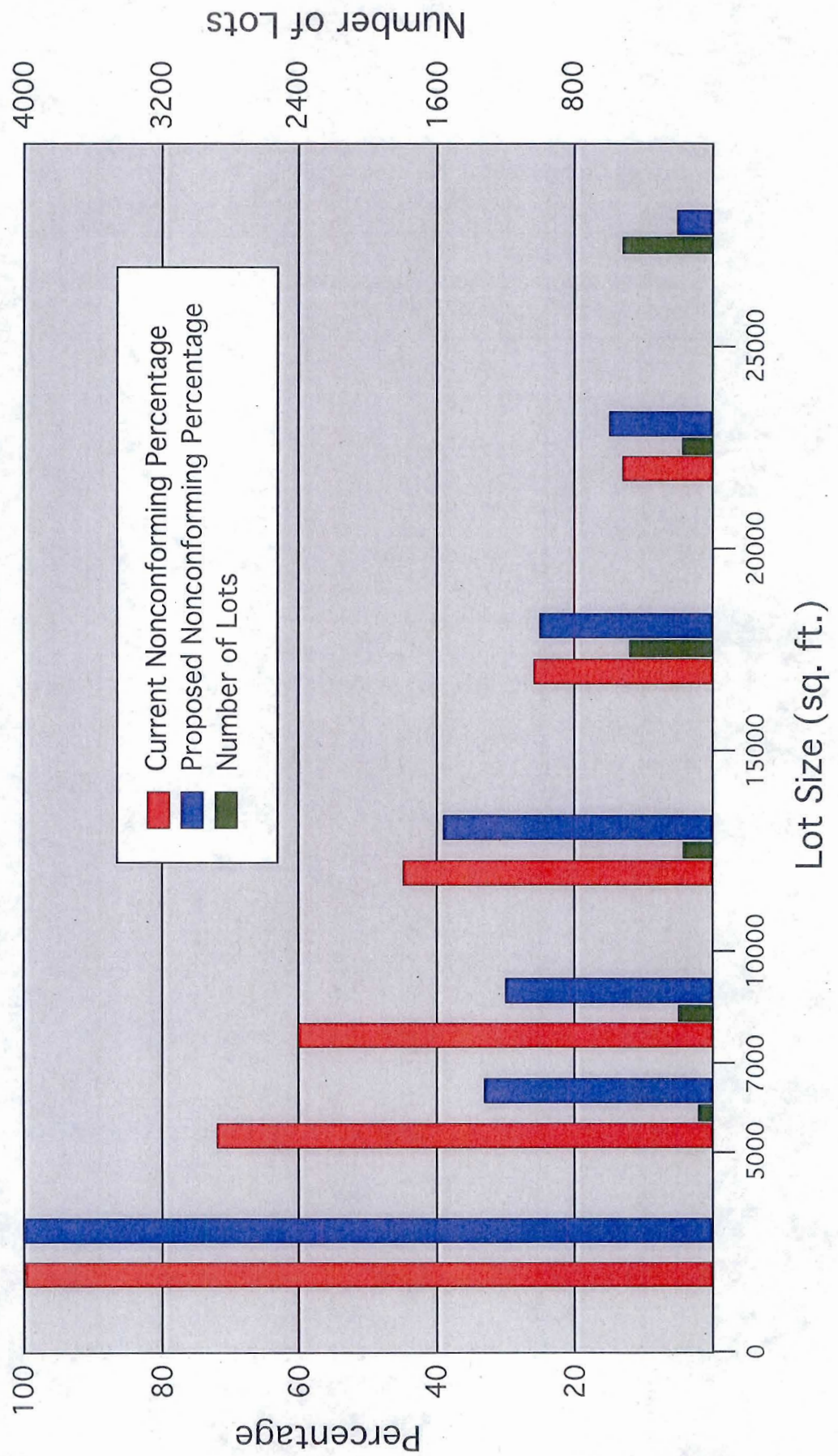






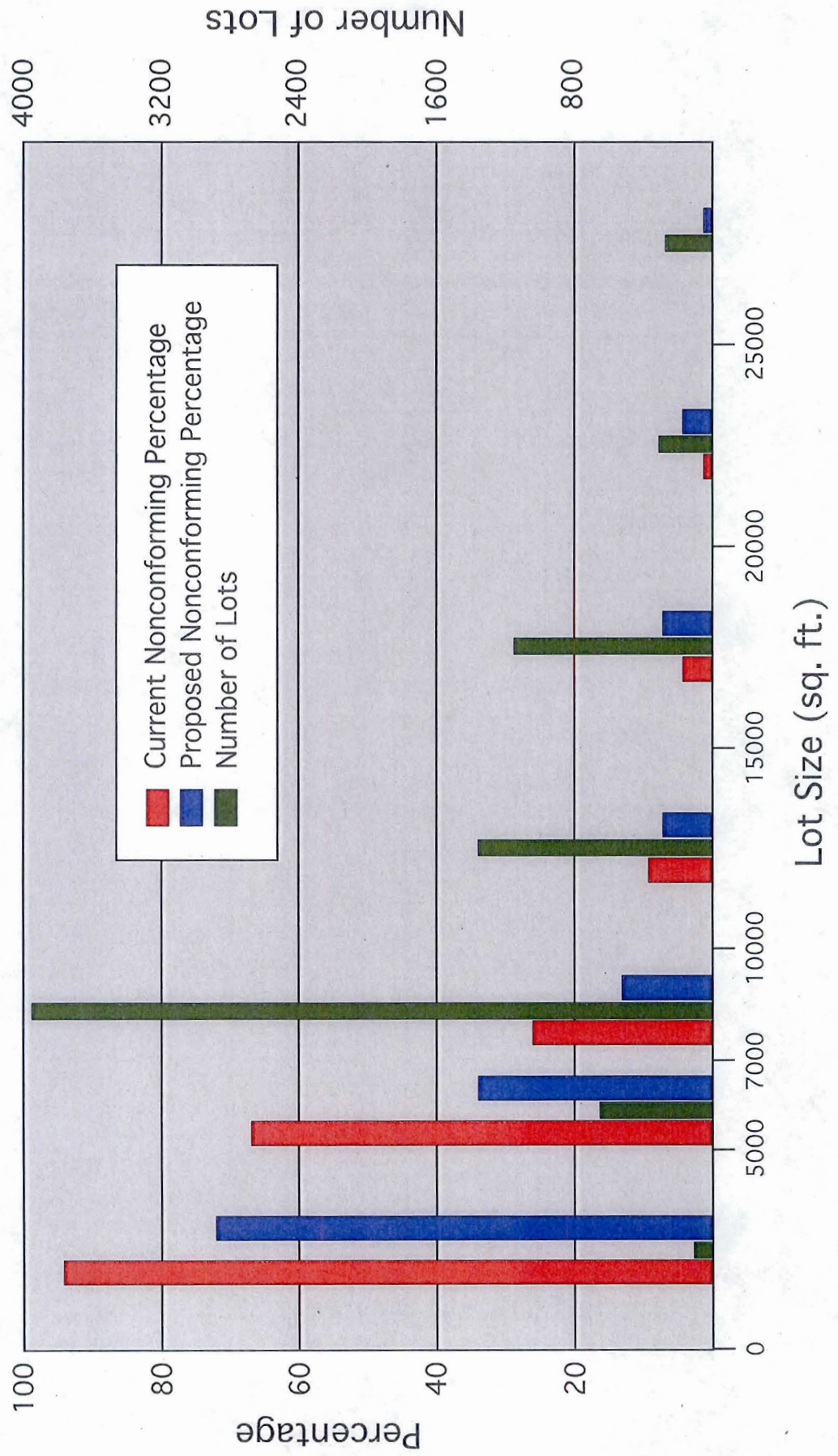


# Percentage of Nonconforming Lots SR1





# Percentage of Nonconforming Lots SR2





# Percentage of Nonconforming Lots SR3

