

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

MONDAY, OCTOBER 25, 2010

7:45pm- Room 202

ITEMS SCHEDULED FOR DISCUSSION:

- #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]
- #216-10 KSKIM UBS EQUITY PARTNERS LLC, owners of property at 19-31 Needham Street, proposing that chapter 30 section §30-13(a) *Allowed Uses in Mixed Use 1 Districts*, be amended by adding a new subsection (5) as follows: “(5) Service establishment;” and that existing subsection (5) be re-numbered (6) and that section §30-13(b) *Special Permits in Mixed Use 1 Districts* be amended by deleting subsection “(4) service establishment;” and re-numbering subsequent subsections (4) through (15). 7/26/10 @2:26 PM] 90 days from pub hearing- Dec 26, 2010
- #336-08 ALD. LAPPIN requesting a discussion re the creation of an index for the zoning ordinances. [9/12/08 @10:31 AM]
- #10-06 ALD. JOHNSON, DANBERG, SANGIOLO, BAKER, & HESS-MAHAN requesting the adoption of legislation to enable the establishment of neighborhood conservation districts in Newton.

ITEMS NOT YET SCHEDULED FOR DISCUSSION:

- #142-09(5) 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. December 31, 2010 to February 28, 2011.

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.

#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]

#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]

The following item was filed after the close of the Docket and requires a suspension of the Rules to be referred to Committee:

#92-10(2) ZONING & PLANNING COMMITTEE proposing a RESOLUTION to His Honor the Mayor providing selection criteria guidance for membership on the *Planning & Development Board* 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 service to the City. [9-13-10@11:41AM]

The following item was filed after the close of the Docket and requires a suspension of the Rules to be referred to Committee:

#93-10(2) ZONING & PLANNING COMMITTEE proposing a RESOLUTION to His Honor the Mayor providing selection criteria guidance for membership on the *Zoning Board of Appeals* 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 service to the City. [9/13/10 @ 11:41AM]

#253-10 ALD. YATES proposing a RESOLUTION to the Conservation Commission and the Mayor’s Advisory Committee on Renewable Energy requesting that they investigate the possibility of establishing a Brightfield Solar Energy Array on the Flowed Meadow site similar to the one in Brockton. [09/07/10 @ 8:31pm]

#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 (1) reduce the number of applications filed and allow smaller projects to

occur without review; (2) establish a minimum period of delay for full demolition if the structure is found to be preferably preserved; and (3) 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]

- #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]
- #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.
- #152-10 ALD. BAKER, FULLER, SCHNIFFER, 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

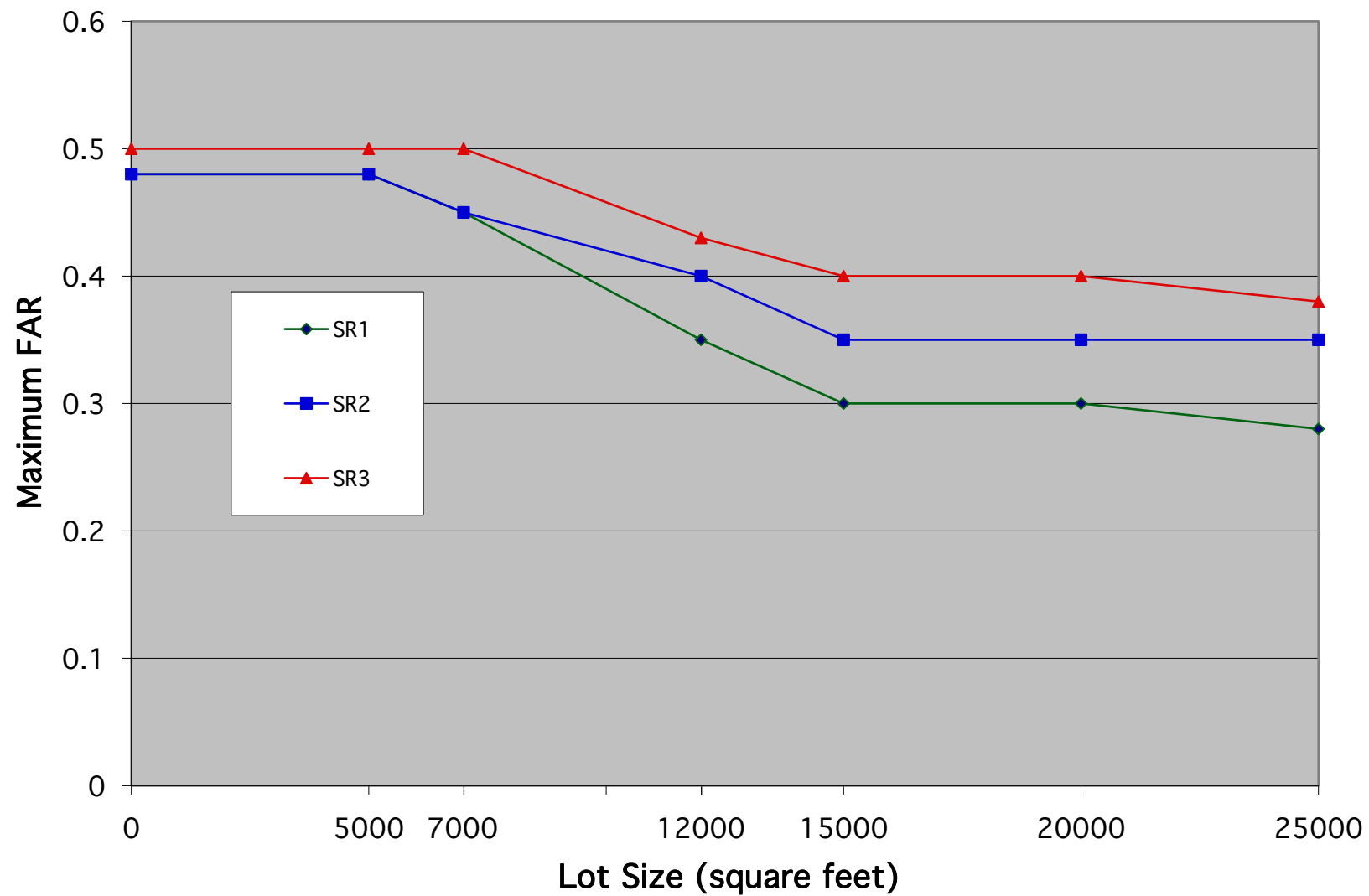
procedures in Article X of the Rules & Orders of the Board of Aldermen.
[02/23/10 @ 3:24 PM]

- #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.
- #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]
- #365-06 ALD. YATES requesting the establishment of an education program for realtors concerning properties in historic districts.
- #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.
- #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]
- #122-09 ALD. SANGIOLO on behalf of Armando Rossi requesting a discussion of the proliferation of signage in the city.
- #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.

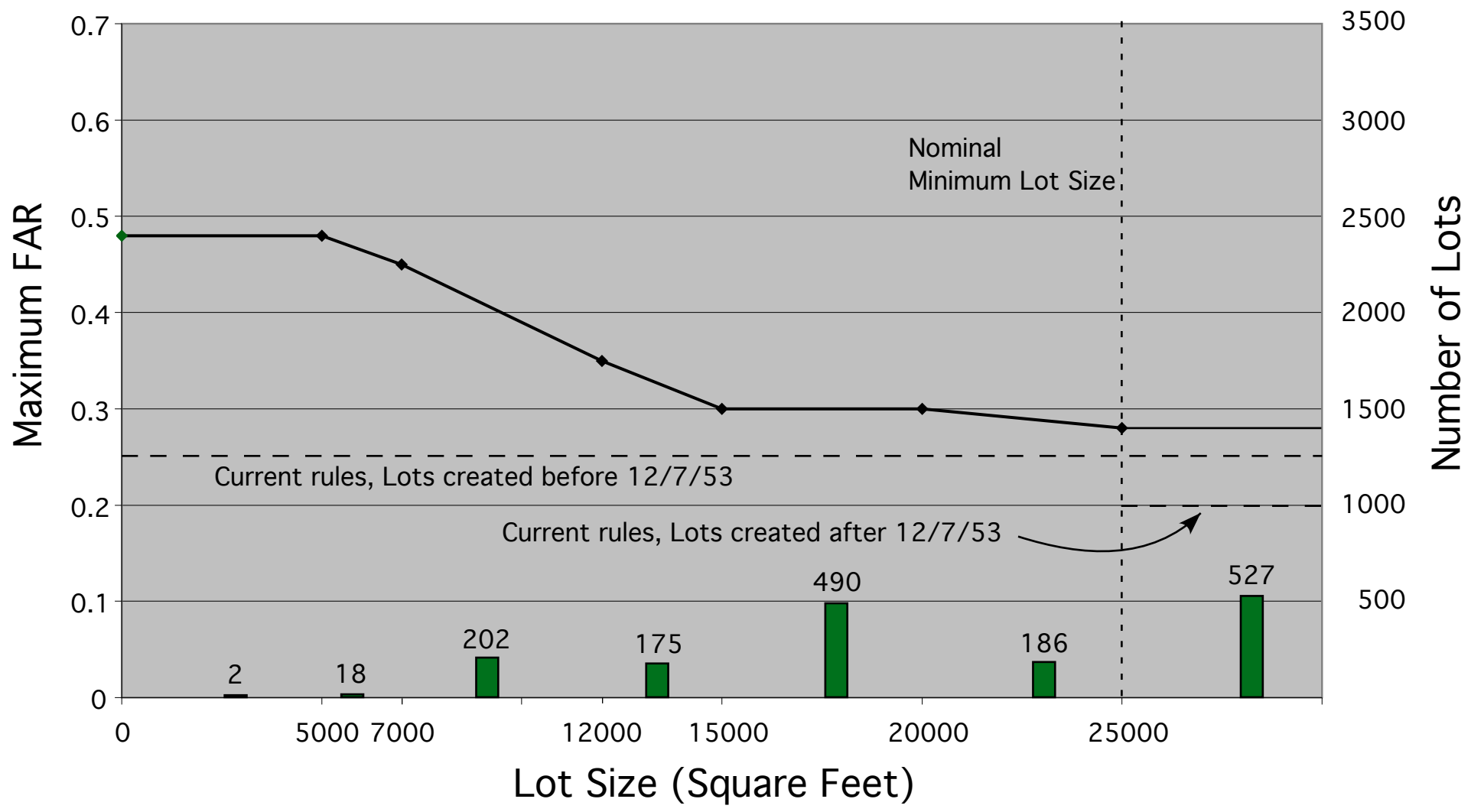
Respectfully Submitted,

Marcia Johnson, Chairman

Proposed Sliding FAR Limits



SR1 Lots



142-09(4)

WALTHAM

WATERTOWN

NONANTUM

WEST
NEWTON

NEWTON CORNER

NEWTONVILLE

BOSTON

SR1 7-12K
Along Somerset Road

WESTON

AUBURNDALE

CHESTNUT HILL

NEWTON
LOWER FALLS

WABAN

NEWTON
CENTRE

NEWTON
HIGHLANDS

THOMPSONVILLE

WELLESLEY

NEWTON
UPPER FALLS

BROOKLINE

OAK HILL

OAK HILL PARK

NEEDHAM

BOSTON

Legend

- Villages





142-09(4)

WALTHAM

WATERTOWN

NONANTUM

WEST
NEWTON

NEWTON CORNER

NEWTONVILLE

BOSTON

WESTON

AUBURNDALE

CHESTNUT HILL

NEWTON
CENTRE

WABAN

NEWTON
LOWER FALLS

NEWTON
HIGHLANDS

THOMPSONVILLE

BROOKLINE

NEWTON
UPPER FALLS

WELLESLEY

SR1 15-20K
Between Broken Tree Road
and Oak Hill Street

OAK HILL

OAK HILL PARK

NEEDHAM

BOSTON

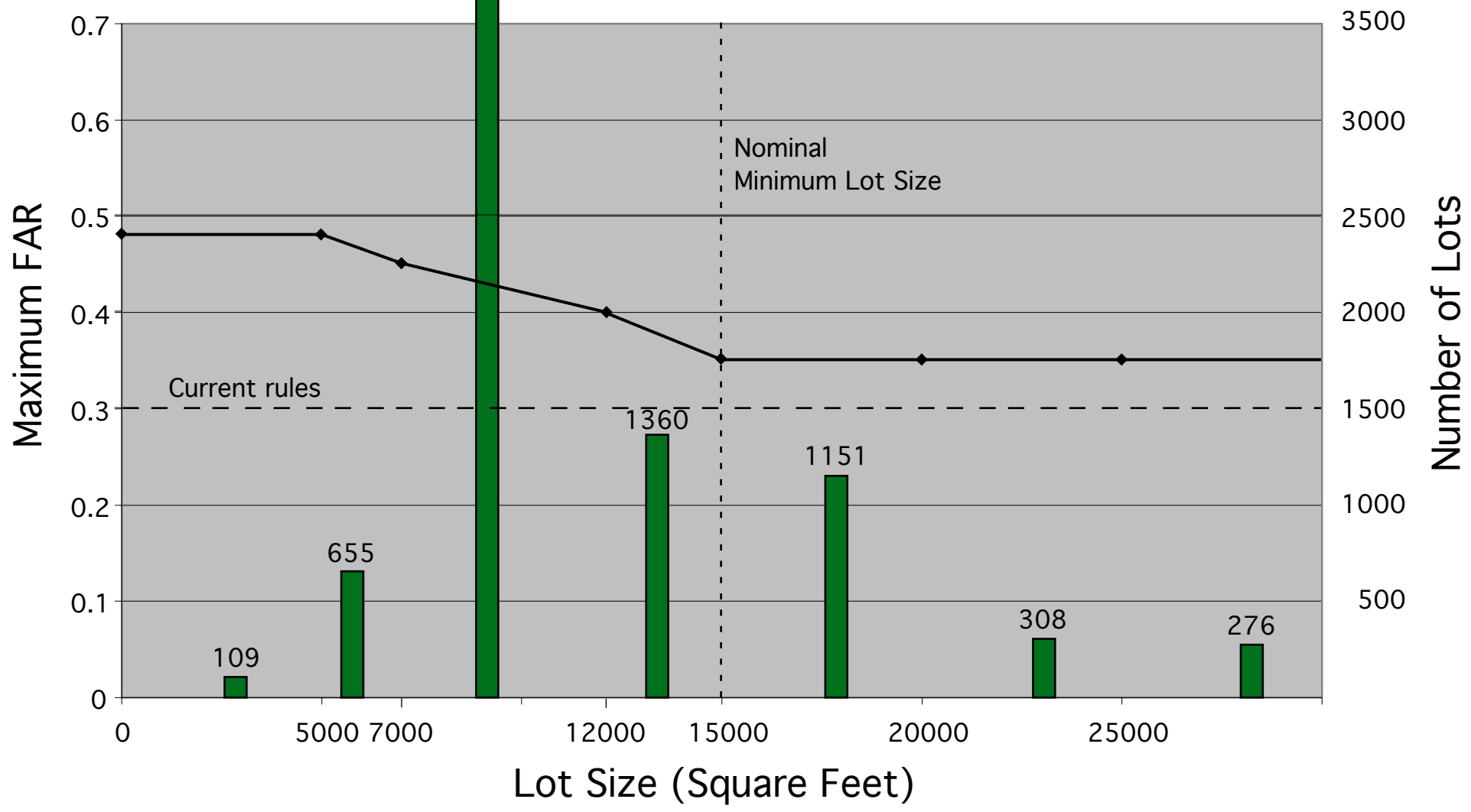
Legend

-  Villages





SR2 Lots



142-09(4)

WALTHAM

WATERTOWN

NONANTUM

WEST
NEWTON

NEWTON CORNER

NEWTONVILLE

BOSTON

WESTON

AUBURNDALE

CHESTNUT HILL

NEWTON
CENTRE

SR2 5K or less
Oak Terrace

WABAN

NEWTON
HIGHLANDS

THOMPSONVILLE

NEWTON
LOWER FALLS

BROOKLINE

NEWTON
UPPER FALLS

WELLESLEY

OAK HILL

OAK HILL PARK

NEEDHAM

BOSTON

Legend

-  Villages





142-09(4)

142-09(4)

WALTHAM

WATERTOWN

NONANTUM

WEST
NEWTON

NEWTON CORNER

NEWTONVILLE

BOSTON

WESTON

AUBURNDALE

SR2 7-12K
East of City Hall
Between Commonwealth and Homer

NEWTON
CENTRE

CHESTNUT HILL

NEWTON
LOWER FALLS

WABAN

NEWTON
HIGHLANDS

THOMPSONVILLE

BROOKLINE

WELLESLEY

NEWTON
UPPER FALLS

OAK HILL

NEEDHAM

OAK HILL PARK

BOSTON

Legend
● Villages





142-09(4)

30

30

30

Ellison Rd

Ellison Rd

Commonwealth Ave

Commonwealth Ave

Commonwealth Ave

Bothfeld Rd

Bothfeld Rd

Manemet Rd

Fenno Rd

Fenno Rd

Burr Rd

Manemet Rd

Fenno Rd

Homer St

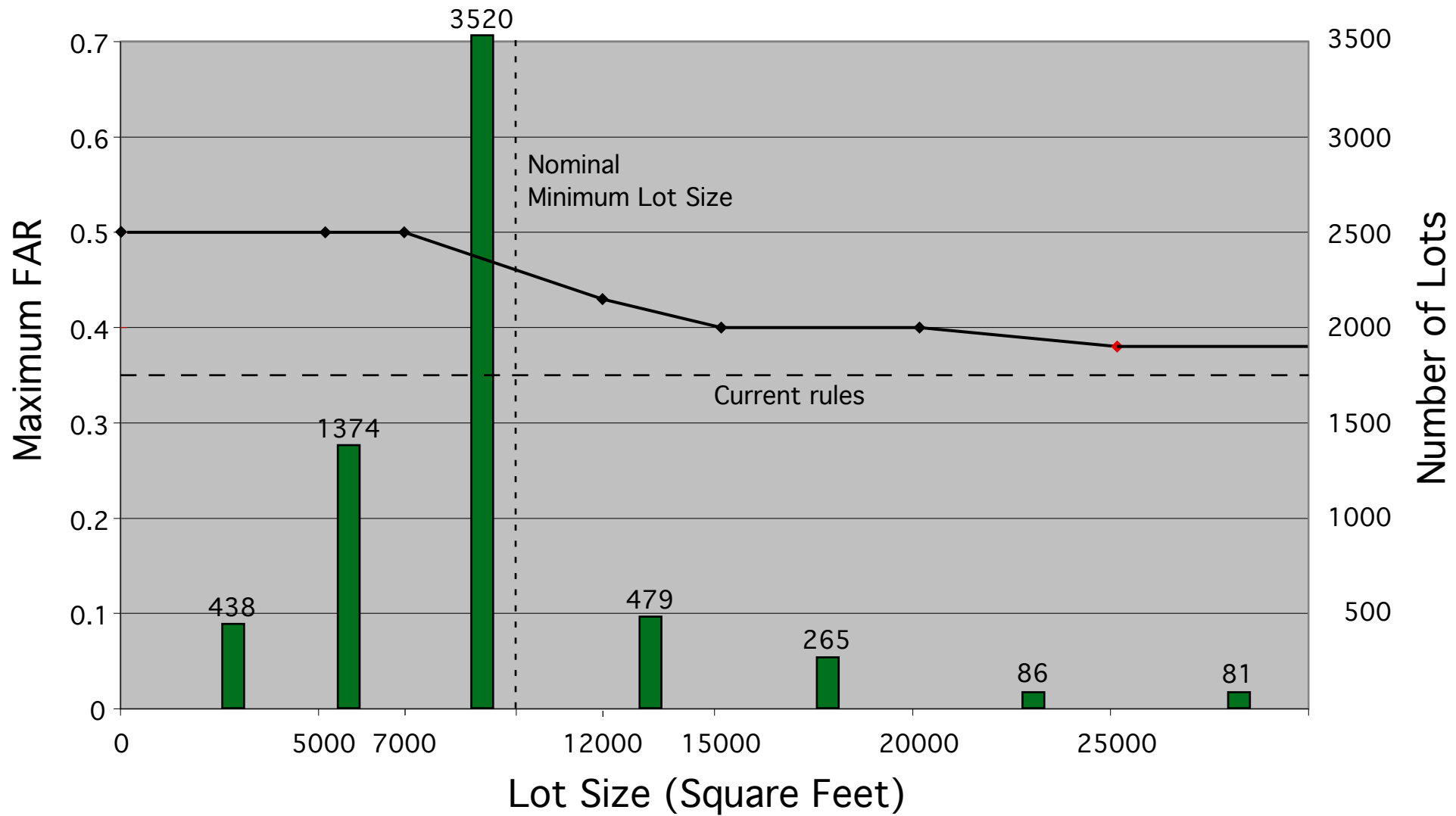
Homer St

Homer St

Garland Rd

Homer St

SR3 Lots



142-09(4)

WALTHAM

WATERTOWN

SR3 5K or less
Wildwood Avenue

NONANTUM

WEST
NEWTON

NEWTON CORNER

NEWTONVILLE

BOSTON

WESTON

AUBURNDALE

CHESTNUT HILL

NEWTON
CENTRE

WABAN

NEWTON
LOWER FALLS

NEWTON
HIGHLANDS

THOMPSONVILLE

BROOKLINE

NEWTON
UPPER FALLS

WELLESLEY

OAK HILL

NEEDHAM

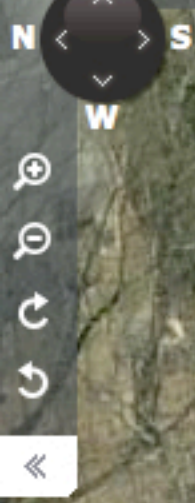
OAK HILL PARK

BOSTON

Legend

- Villages





142-09(4)

WALTHAM

WATERTOWN

NONANTUM

WEST
NEWTON

NEWTON CORNER

NEWTONVILLE

BOSTON

WESTON

AUBURNDALE

CHESTNUT HILL

NEWTON
CENTRE

WABAN

NEWTON
LOWER FALLS

NEWTON
HIGHLANDS

THOMPSONVILLE

WELLESLEY

NEWTON
UPPER FALLS

BROOKLINE

SR3 7-12K
Selwyn Road Area

OAK HILL

OAK HILL PARK

NEEDHAM

BOSTON

Legend

-  Villages

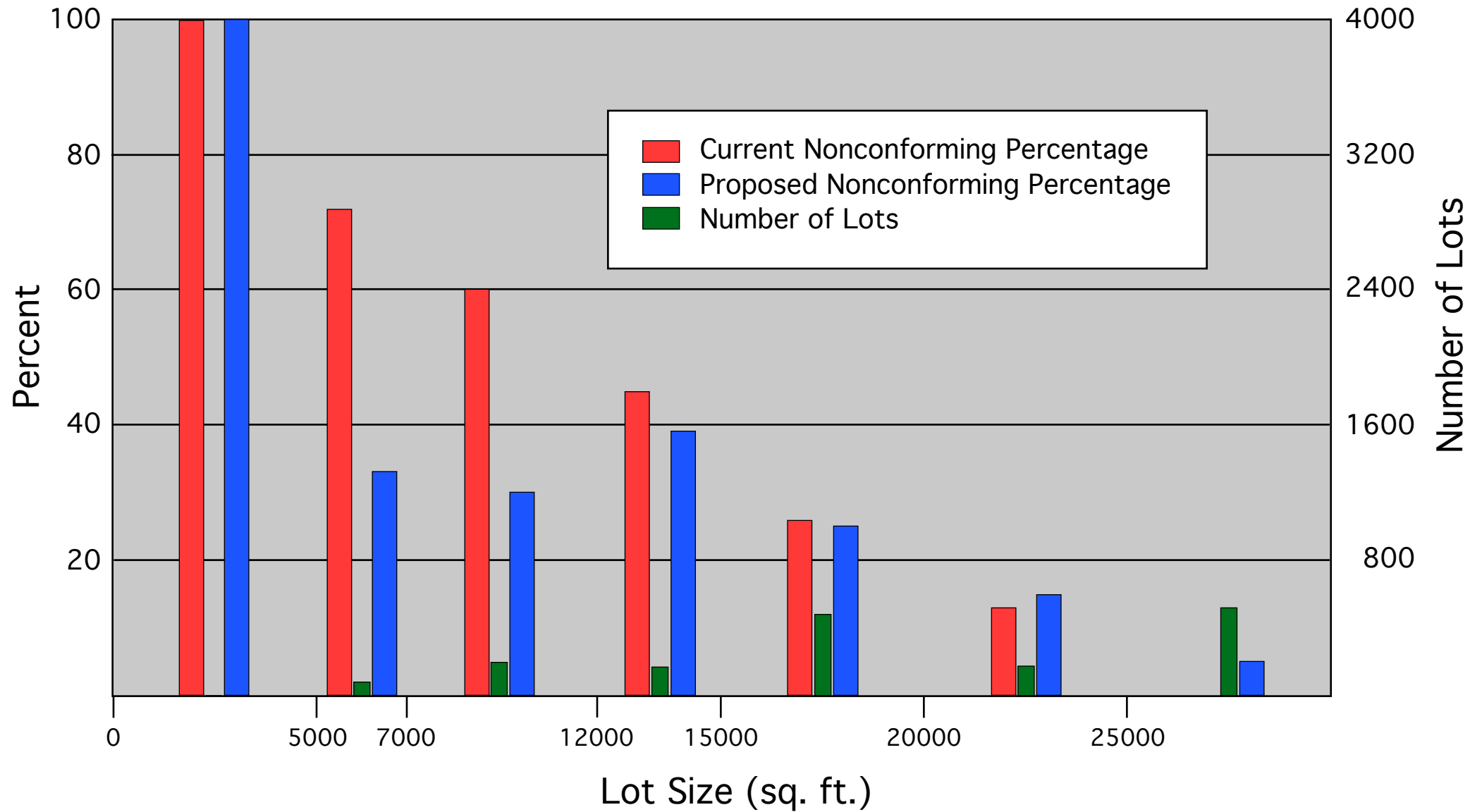




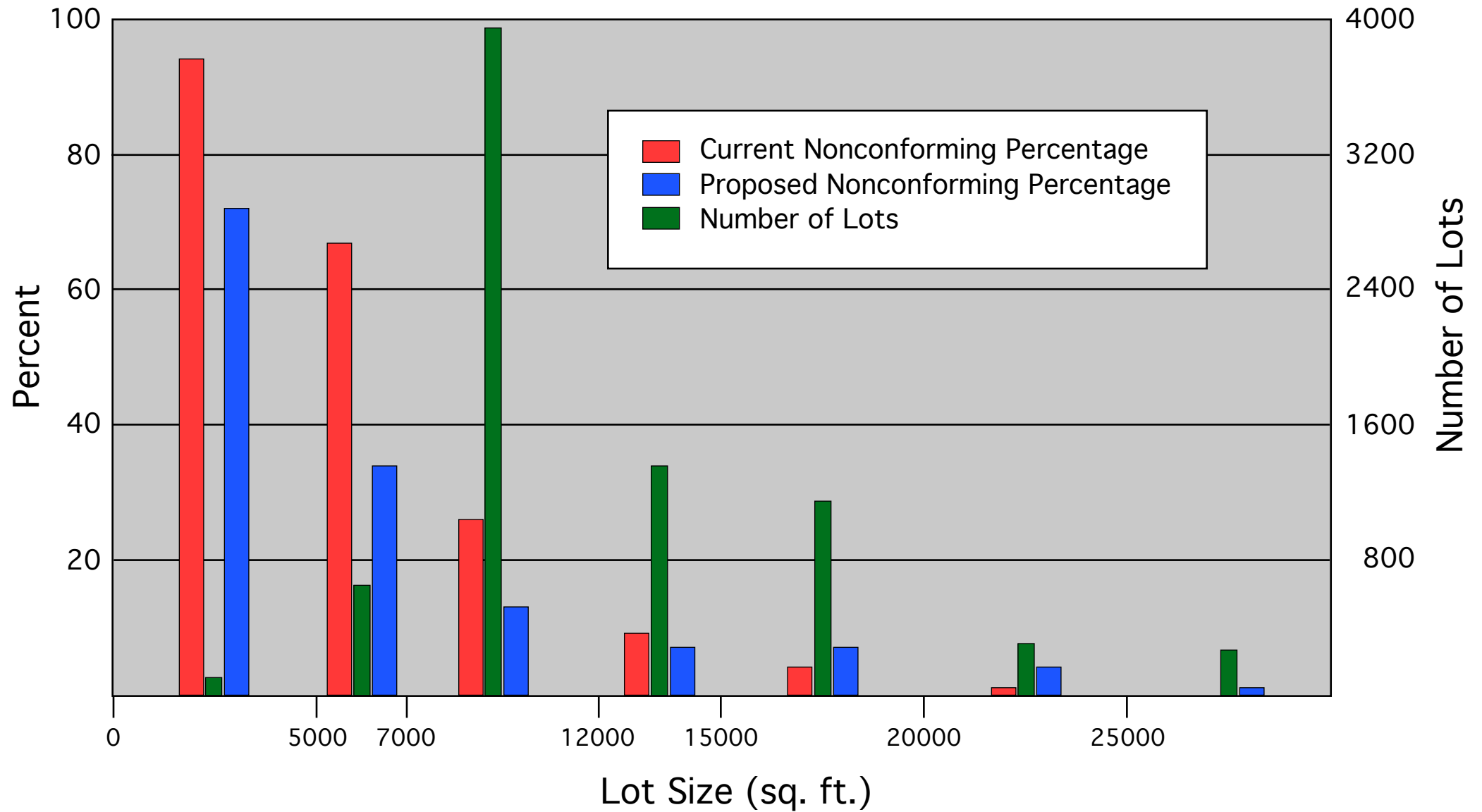
142-09(4)

Elinor Rd
 Woodcliff Rd
 Selwyn Rd
 Truman Rd
 Mildred Rd
 Park Dr
 Linda Ln
 Walnut St
 Dedham St
 Woodcliff Rd
 Selwyn Rd
 Truman Rd
 Truman Rd
 Parker Rd
 Truman Rd
 Placid Rd
 Boulder Rd

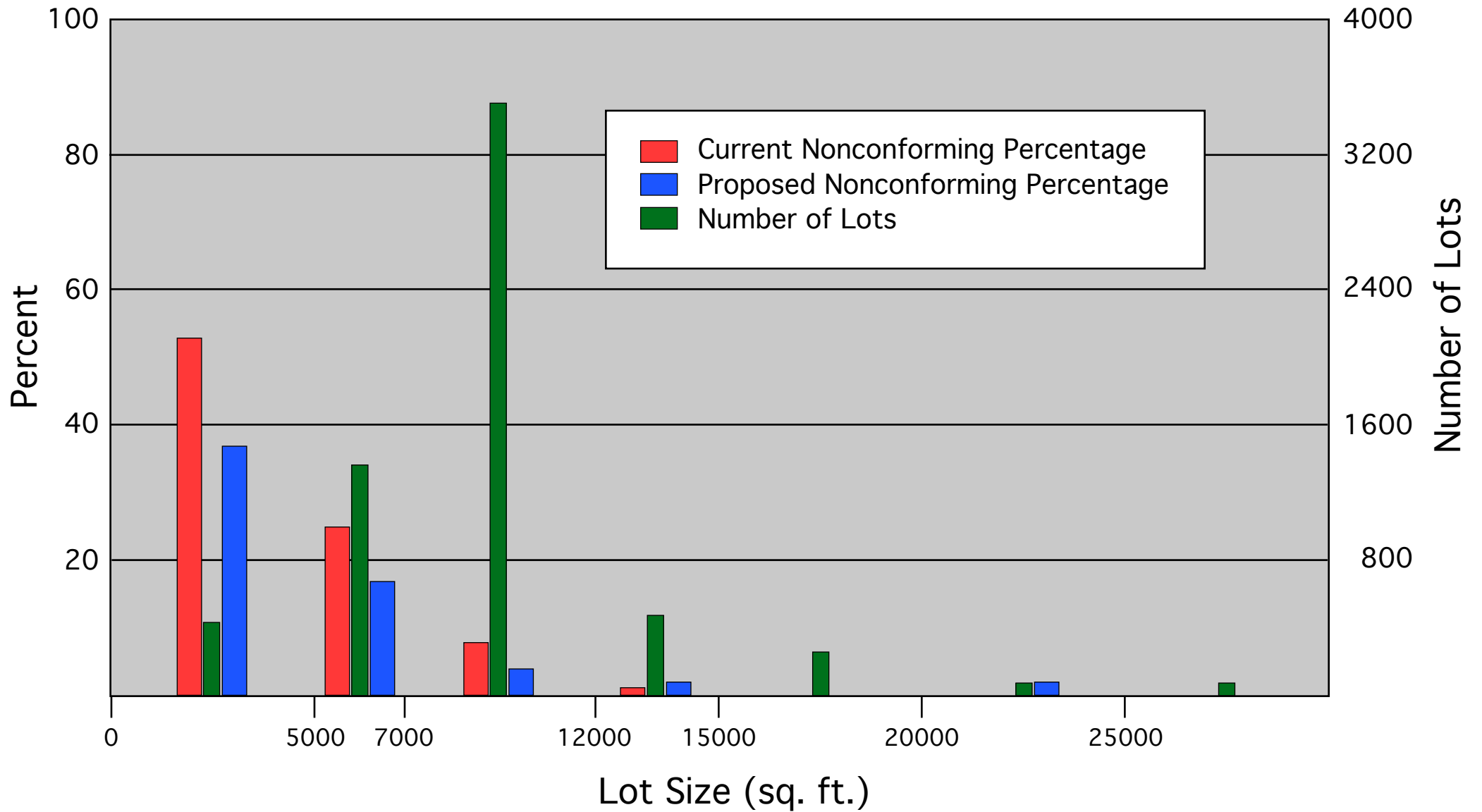
Percent of Nonconforming Lots SR1



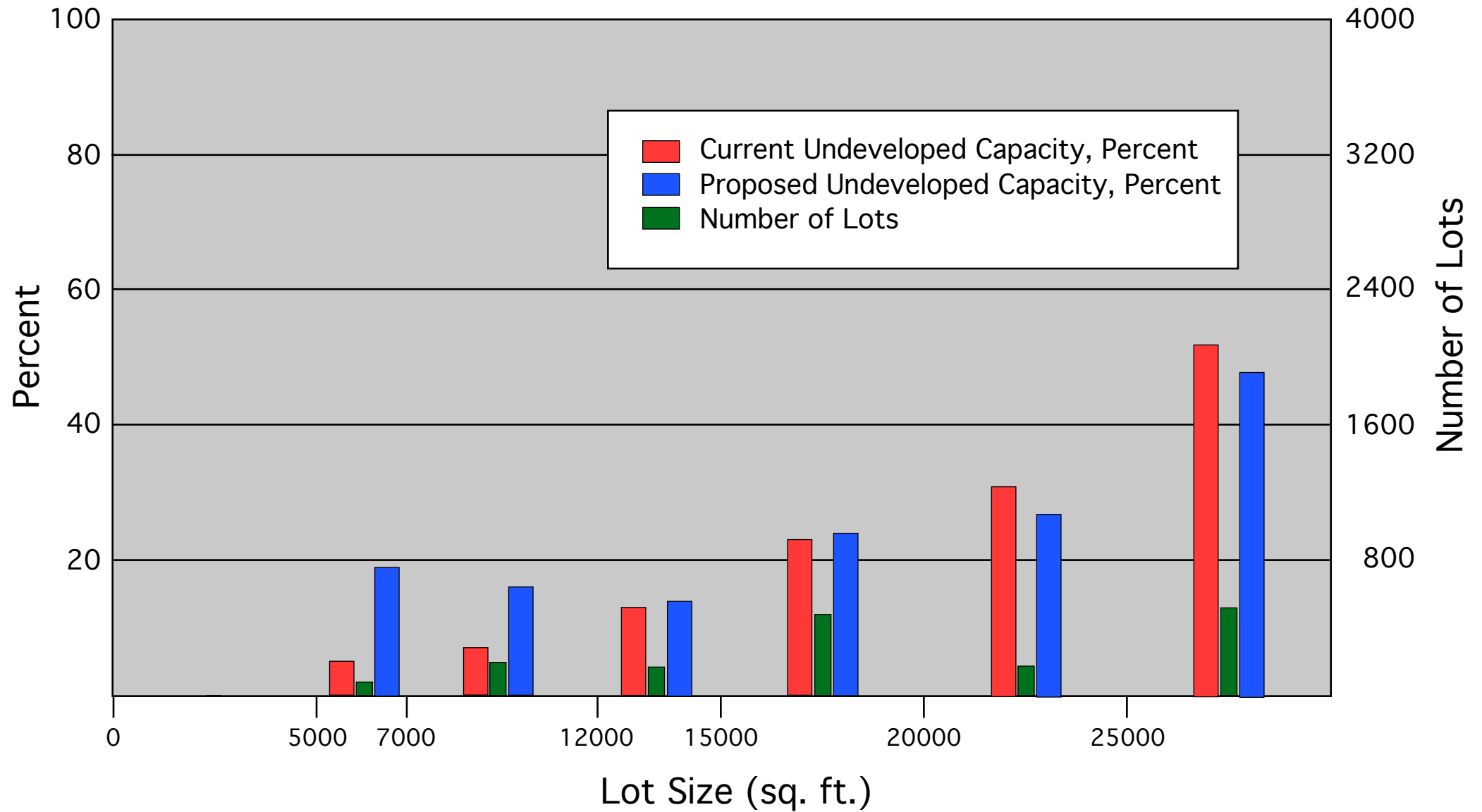
Percent of Nonconforming Lots SR2



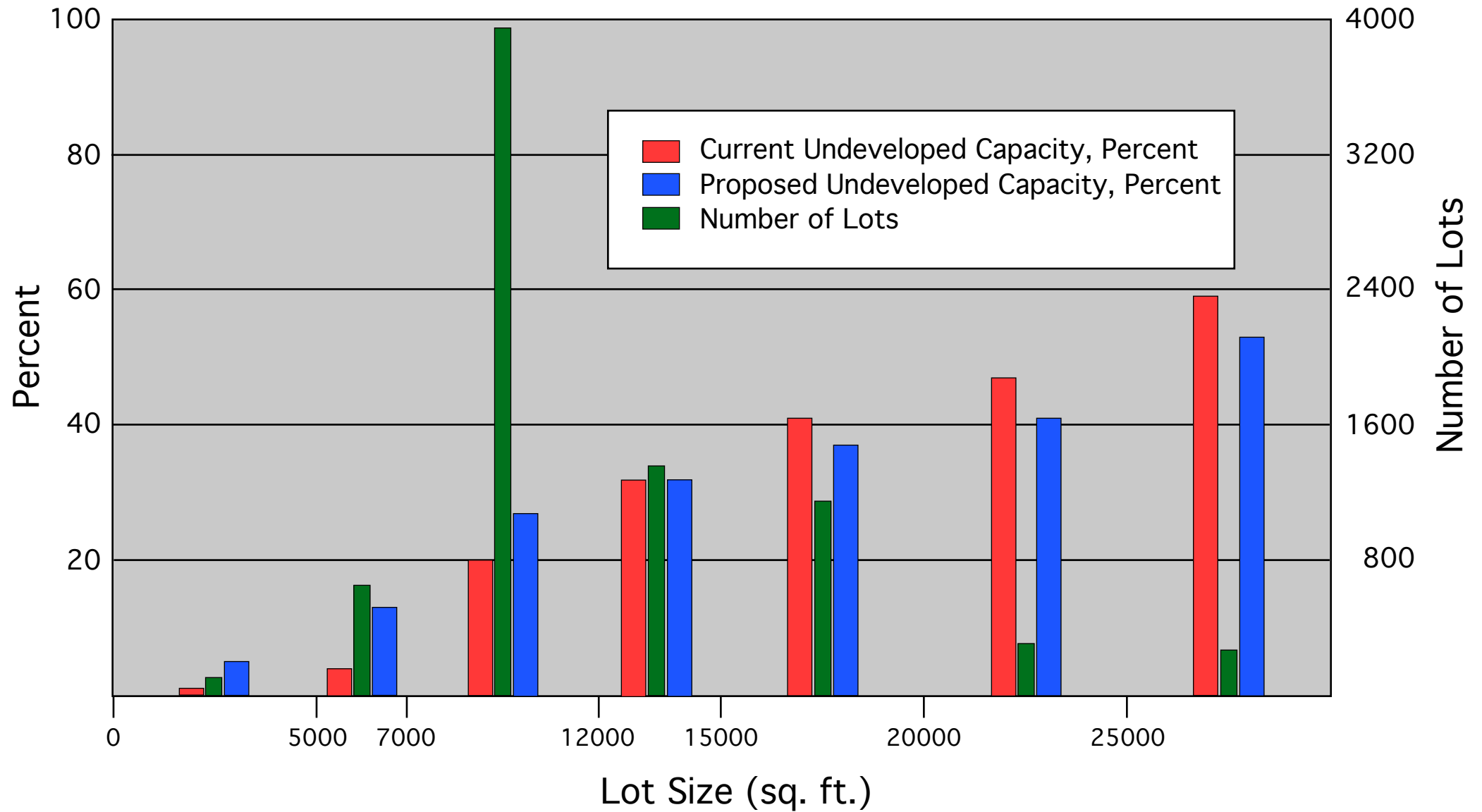
Percent of Nonconforming Lots SR3



Percent of Total Capacity Undeveloped SR1



Percent of Total Capacity Undeveloped SR2



Percent of Total Capacity Undeveloped SR3

