

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

MONDAY NOVEMBER 8, 2010

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

Also present: Ald. Crossley

Absent: Ald. Sangiolo, Swiston

City Staff: Marie Lawlor (Assistant City Solicitor), Jennifer Molinsky (Interim Chief Planner for Long Term Planning), Rebecca Smith (Committee Clerk)

FAR Working Group members: Tom Greytak, Chris Chu, Henry Finch, Treff LaFleche, Peter Sachs, Alan Schlesinger

Planning and Development Board members: David Banash, Joyce Moss, Howard Haywood, Scott Wolf

A public hearing has been scheduled for the following item:

#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

ACTION: **APPROVED 6-0**

NOTE: The Committee briefly discussed this item. Some members of the Committee questioned whether or not a date certain was necessary, but the Chairman confirmed that this is the proper and necessary process. Ald. Johnson then opened the public hearing. With no members of the public choosing to speak, the hearing was closed and Ald. Yates moved approval of the item which was carried unanimously by the Committee.

#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 5-0 (Lappin not voting)**

NOTE: The Committee again took up the issue of FAR to discuss how they should proceed with it. Tom Greytak, FAR Working Group member, began the meeting with a presentation on the application of the FAR numbers proposed by the Working Group. The Committee had requested this presentation in an effort to better understand the effects of the proposed sliding scale.

After Mr. Greytak's presentation, Marie Lawlor, Assistant City Solicitor, and Jen Molinsky, Interim Chief Planner for Long Term Planning, joined the table to present draft language for the public hearing advertisement as well as for the zoning amendment. It was the intension of the Chairman to schedule a public hearing on the item on the 29th, but the majority of Committee members made it clear that they did not feel ready to present this to the public, nor are they comfortable enough yet with their own understanding of the implications of the adjustments to FAR.

Throughout the meeting there was the reoccurrence of three distinct topics. The first topic was raised by Ald. Baker; it is the issue of whether or not we want to settle on the numbers proposed. The numbers presented to us are the ones that are recommended by the FAR Working Group, but Ald. Baker and Ald. Shapiro wonder whether it would be beneficial to look at the numbers on the more conservative end of the spectrum. Ald. Baker also raised the question of whether we want to keep a model similar to the one we already have and increase FAR by a certain amount across the board instead of implementing a sliding scale.

The second is the more significant increase to FAR given to smaller lots. Alderman Yates expressed his concern about this. His concern stems from the notion that giving smaller lots a larger increase in FAR will produce a boom in construction on those smaller lots. This concern was refuted by the FAR Working Group who continued to remind the Committee that there are many other dimensional controls that would keep this overdevelopment from occurring. Additionally, Henry Finch, FAR Working Group member, reminded the Committee that until the deletion of Footnote 7 FAR didn't apply to existing houses and excessive construction on these lots was never a problem then.

The third topic was the application of the pilot program and what, if any, extra financial burden it may put on the resident. Should the pilot program be instated, the resident would need to provide 2 sets of FAR calculations, one for the current FAR and one for the proposed. The FAR Working Group and Ald. Crossley informed the Committee that the FAR needs to be calculated anyway. To do the additional calculations would probably be about an hour of extra work and would therefore the additional cost to the resident would be very minimal.

Ald. Lappin moved to hold the item because of the uncertainty still present within the Committee. Ald. Johnson, in an effort to expedite the decision process at the Committee's next meeting, asked the Aldermen to compile a list of questions that they feel they need answered before they can come to a conclusion about how to proceed. She requested that the Committee members submit all their questions to Rebecca. The answers to these questions will be determined throughout the next couple of weeks and presented to the Committee at our meeting on the 29th (the meeting on the 22nd has been canceled).

Respectfully Submitted,

Marcia Johnson, Chairman