

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

MONDAY, SEPTEMBER 14, 2009

7:45 PM
Room 202

NOTE: *The Committee will receive an update re the progress to date of the FAR working group.*

Re-appointment by His Honor the Mayor

#212-09 BARBARA WALES, 5 Rotherwood Road, Newton Centre, re-appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire January 1, 2013 (60 days 10/9/09).

Change in Appointment by His Honor the Mayor

#184-09 VINCENT FARINA, 24 Manemet Road, Newton Centre, currently an *associate member* of the ZONING BOARD of APPEALS, appointed as a full member, filling the position vacated by Bernard Shadrawy, for a term to expire September 1, 2011 (60 days 9/11/09).

Re-appointment by His Honor the Mayor

#185-09 HILLARY S. BROWN, 39 Crescent Avenue, Newton Centre, re-appointed as an *associate member* of the ZONING BOARD OF APPEALS for a term of office to expire September 1, 2010 (60 days 9/11/09).

Re-appointment by His Honor the Mayor

#186-09 SELMA URMAN, 90 Shady Hill Road, Newton Highlands, re-appointed as a member of the ZONING BOARD OF APPEALS for a term to expire September 30, 2012 (60 days 9/11/09)

Change in Appointment by His Honor the Mayor

#187-09 ZACK BLAKE, 66 Eddy Street, West Newton, currently an *alternate member* of the NEWTON HISTORICAL COMMISSION, appointed as a regular member for a term to expire January 1, 2010 (60 days 9/11/09).

Re-appointment by His Honor the Mayor

#188-09 DANIEL GREEN, 46 Glen Avenue, Newton Centre, re-appointed as a member of the CONSERVATION COMMISSION for a term to expire April 30, 2012 (60 days 9/11/09).

Appointment by His Honor the Mayor

#211-09 JONATHAN SALES, 1429 Centre Street, Newton Centre, appointed as an associate member of the ZONING BOARD OF APPEALS for a term to expire September 1, 2010 (60 days 10/9/09).

Please see memo dated 8/14/09, attached.

#103-09 ALD. MANSFIELD & PARKER proposing amendments to Chapter 30 to update criteria and regulations pertaining to development in Mixed Use Zoning Districts.

#346-07(2) ZONING & PLANNING COMMITTEE proposing that subsection 22-40(h), *Exclusions*, of **Chapter 22-40, Historic district; purpose, governance, appointments, officers**, , be amended by excluding from historic district commission review (i) Exterior-mounted antennas, with a power source, no higher than ten (10) feet and solely for municipal use on existing municipal structure in public use districts; and (j) elements of wireless mesh networks allowed by the review process under section 30-18(A)(g).

#48-04 ALD. GENTILE requesting that subsection (c) (1) of Chapter 22-44, **Demolition of historically significant buildings or structures**. be amended to affect a building or structure which is in whole or in part 100 or more years old.

#127-07 ALD. BURG, HESS-MAHAN requesting to amend Section 22-38 of the Revised Ordinances by adding a provision to create term limits for members of the Newton Historical Commission. [5-1-07 @2:23 PM]

#128-00(3) ZONING & PLANNING COMMITTEE requesting that the Planning, Law and Inspectional Services Departments develop an effective way to prevent in the historic districts the construction of structures that do not require building permits but nonetheless have impact on the historic character of the districts.

#334-04 ALD. HESS-MAHAN proposing that Sections 30-1, 30-8(d) and 30-9(h) relative to accessory apartments be amended.

#9-05 PRESIDENT BAKER & YATES reporting on proposed Massachusetts Land Use Reform Act and discussion of possible aldermanic endorsement.

#345-07 ALD. BURG, VANCE, HESS-MAHAN, SALVUCCI, DANBERG requesting revision of the special permitting process for signs.

#231-02 ZONING & PLANNING COMMITTEE requesting that further studies be done by the Planning and Public Works Departments with maximum feasible participation by the neighborhood (using special permit mitigation money to hire consultant(s) if necessary) to answer questions and address issues raised in Zoning & Planning Committee on 6/10/02 about how to reduce the possibility of further over development in Thompsonville and ways to measure its impact.

#287-01 ALD. SANGIOLO proposing an ordinance to require a permitting process for the construction of parking lots.

**REFERRED TO PROG. & SERV., ZONING & PLANNING, PUB. FACIL.,
PUB. SAFETY AND FINANCE COMMITTEES**

#273-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that the Executive and Human Resources Departments develop a comprehensive human capital strategy for the city to include: performance management, talent development, succession planning, and compensation.

#354-04 ALD. BAKER AND SANGIOLO proposing that the Zoning Ordinances be amended in order to address building mass and height, better reflect usable floor area in attic and basement spaces, clarify measurement of building height when the roof line is changed, address upper story additions involving dormers and finished attic areas, and address large additions significantly increasing building size and mass, through amending the following provisions including but not limited to Section 30-1 definitions pertaining to “attic”, “height”, “story, half”, floor area, gross”, “space, habitable”, adding new definitions as appropriate pertaining to dormers and roof types, and amending Section 30-15, Table 1, Footnote 7(3) pertaining to calculation of FAR in the case of existing structures and such other related provisions as may apply. **(Item referred to Task Force)**

#219-06 ALD. PARKER, MANSFIELD, HESS-MAHAN & FISCHMAN requesting discussion of an ordinance to require builders of large new structures and/or major expansions of existing structures to use natural plantings to screen the view of those structures from any abutting residences.

#347-07 ALD. PARKER, SANGIOLO, VANCE requesting an amendment to **§30-20, Signs and other advertising devices.**, to bring the ordinance into compliance with court ruling regarding the protection of free speech as it applies to signs expressing opinions.

#339-06 ALD. PARKER proposing an amendment to Chapter 30 to require that residential developments over 36 feet in height include a minimum of 25% affordable ('inclusionary') units.

#10-05 PRESIDENT BAKER recommending discussion and possible recommendations about amendments to historic district state law proposed by the Massachusetts Historical Commission, including suggested enhancement to facilitate local review and effective compliance.

Items not yet scheduled for discussion:

Appointment by His Honor the Mayor

#248-09 JANE SENDER, 47 Kingswood Road, Auburndale, appointed as an *alternate* member of the NEWTON CONSERVATION COMMISSION for a term to expire April 30, 2012 (60 days: 11/7/09)

#207-09(2) ALD. PARKER, DANBERG & MANSFIELD, proposing that chapter 30 be amended to allow additional seating in restaurants.

#303-07(2) ALD. YATES asking consideration of an amendment to the inclusionary zoning ordinance, 30-8(f), that if adopted by the Board of Aldermen will provide that fee payments be allocated in the first instance to the Planning & Department, while still preserving the ability of the Newton Housing Authority or others to apply for to use such funds.

#322-08 Ald. BAKER, YATES, & COMMISSIONER LOJEK requesting discussion of possible amendments to the City of Newton Ordinances to assist in assuring that properties that appear abandoned or severely dilapidated can be appropriately maintained or restored.

#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.

#122-09 ALD. SANGIOLO on behalf of Armando Rossi requesting a discussion of the proliferation of signage in the city.

- #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]
- #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.
- #111-07 ZONING TASK FORCE recommending amendments to 30-21(3)(c), referred to as the de minimis rule, by amending the existing language with provisions: (1) clarifying the applicability to and effect of the rule on (a) the minimum distance between buildings; and (b) all applicable dimensional controls; and (2) creating a new procedure for approving a de minimis extension of the nonconforming nature of a structure. [04-10-07 @4:17 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.
- #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)**
- #10-06 ALD. JOHNSON, DANBERG, SANGIOLO, BAKER, & HESS-MAHAN requesting the adoption of legislation to enable the establishment of neighborhood conservation districts in Newton.

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.
- #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.
- #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.
- #291-95 ALD. PARKER, BALSER, LIPSITT, MANSFIELD, & SAMUELSON requesting that Sec. 30-24 of the City of Newton Rev. Ords., 1995, be amended to require all large commercial development(s) to make a cash payment to be used for affordable/low-income housing. Such payments to be calculated individually for each development on the basis of costs incurred by the city; demands on infrastructure and services; increased need for area affordable housing; and other impositions to the city and community that result from the construction of such projects.
- #440-04 ALD. JOHNSON, BAKER & LAPPIN proposing a definition of "accessory structure" which will include mechanical equipment.
- #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] **(Hearing closed September 24, 2007; 90 days 12/23/07)**
- #193-06 ALD. VANCE proposing an ordinance that would require the owner of any residential property who is not otherwise required to give written notice to abutters and others of proposed modifications of the owner's residential structure to provide such written notice prior to the filing by such owner of an application for the building permit to construct such proposed modifications.

- #237-01 ALD. MANSFIELD proposing to amend Secs. 30-1, 30-11, 30-12, and 30-13 of the Revised Zoning Ordinances to clarify the definitions of and specify the distinctions between restaurants, retail food establishments, fast food establishments, and food processing and preparation as allowed and permissive uses in Business, Manufacturing and Mixed Use Districts.
- #238-01 ALD. MANSFIELD & SAMUELSON proposing to amend Sec. 30-1 and 30-11(g)(5) to clarify the definition of and restrict the permissive use “drive-in food service establishment” to Limited Manufacturing Districts only.
- #239-01 ALD. MANSFIELD proposing to amend Secs. 30-1, 30-11, 30-12, and 30-13 to establish a definition of and to specify appropriate zoning districts in which to conduct food catering businesses.
- # 86-02 ALD. MANSFIELD proposing to amend Secs. 30-11(a)(9) and 30-11(d)(9) to require a special permit for restaurants having not more than 50 seats that are within 300 feet of a Residence District.
- # 7-99 ALD. PARKER requesting discussion of possible zoning amendments to create additional residential districts with different FAR and lot size requirements.
- #59-03 ALD. SANGIOLO proposing amendments to Chapter 30-19 Section (j), *Lighting, Surfacing, and Maintenance of Parking Facilities*.
- #371-01 ALD. PARKER, YATES, SANGIOLO, BASHAM, LIPSITT proposing an ordinance to require an appropriate review and approval process to control drainage and other environmental impacts in cases of major excavation or other topographic changes.

Respectfully submitted,
Brian Yates, Chairman