

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

MONDAY, OCTOBER 26, 2009

**7:30 PM – Please note time
Room 202**

Business to be discussed:

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) *Resume attached.*

Re-appointment by His Honor the Mayor

#293-09 LAURIE MALCOM, 95 Algonquin Road, Chestnut Hill, re-appointed as an *Alternate realtor* member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term to expire July 1, 2012. (60 days 12/04/09) [09/28/09 @ 10:34 AM]. *Resume attached.*

Re-appointment by His Honor the Mayor

#332-09 JONATHAN SALES re-appointed as an *alternate attorney* member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term to expire July 1, 2012 (60 days: 12/18/09). *Resume attached.*

Re-appointment by His Honor the Mayor

#333-09 BETH CORR, 240 Elliot Street, Newton Upper Falls, re-appointed as an alternate resident member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term to expire July 1, 2012 (60 days: 12/18/09). *Resume attached.*

A public hearing will be held in the aldermanic chamber at 7:45 PM on the following item:

#294-09 ALD. VANCE AND BAKER requesting that the Board of Aldermen adopt 780 CMR Appendix 120AA, known as the Massachusetts Stretch Energy Code, so as to take effect in the City of Newton, as of this coming January 2010, as provided by state regulation. [09/25/09 @ 3:36 PM]

Following the public hearing, the Committee will convene in room 202 to discuss the following item, which will not be acted upon, and to receive an update from the Planning Department on the continuing work of the FAR Working Group.

#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.

Items not yet scheduled for discussion:

#295-09 ALD. VANCE AND BAKER requesting a resolution to His Honor the Mayor urging that he approve the adoption of 780 CMR Appendix 120AA, known as the Massachusetts Stretch Energy Code in the City of Newton, as required by state regulation. [09/25/09 @ 3:36 PM]

Appointment by His Honor the Mayor

#331-09 REVEREND HOWARD HAYWOOD, 69 Walker Street, Newtonville, appointed as a member of the PLANNING & DEVELOPMENT BOARD for a term to expire February 1, 2014 (60 days: 12/18/09).

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

#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.

#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