

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

MONDAY, JANUARY 22, 2007

**7:30 PM**

**ROOM 202 – PLEASE NOTE TIME**

Appointment by His Honor the Mayor

#469-06 JAMES H. MITCHELL, 83 Countryside Road, Newton Centre, appointed as an *associate* member of the ZONING BOARD OF APPEALS (filling the associate member position vacated by Catherine Clement) for a term of office to expire on February 1, 2008. (Board action 2-9-07) [12-6-06@3:03PM]

**See attachment.**

7:45 PM

ALDERMANIC CHAMBER

PUBLIC HEARINGS WILL BE HELD ON THE FOLLOWING ITEMS:

#333-97 ALD. YATES proposing to amend the zoning ordinance to require a special permit for the subdivision of property where such subdivision would reduce the level of service for traffic at the intersection of the subdivision with a public way by one level of service or more.

#391-06 ALD. VANCE & BAKER proposing that Chapter 30 be amended as follows:  
*Amend Zoning Section 30-2 by revising item (c), inserting a new item(d), and re-designating current items (d) through (i) as items (e)through (j) so that it reads as follows **(proposed (d) in bold)**:*

1. Sec. 30-2. Purpose of chapter; short title.

The provisions of this chapter are ordained by the city for the purpose of promoting the health, safety, convenience and welfare of its inhabitants by: (a) Encouraging the most appropriate use of land, including the consideration of the comprehensive plan adopted by the planning board and the board of aldermen; (b) Preventing overcrowding of land and undue concentration of population; (c) Conserving the value of land and buildings, including the prevention of blight and pollution of the environment; **(d) Promoting sustainable practices and the conservation of natural resources and energy;** (e) Lessening the congestion of traffic; (f) Assisting in the adequate provision of transportation, water, sewerage, schools, parks, open spaces and other public facilities; (g) Preserving and increasing the amenities and aesthetic qualities of the city; (h) Encouraging housing for persons of all income levels; (i) Reducing hazards from fire and other dangers; and (j) Providing for adequate light and air.

2. ZONING SECTION 30-24(d) (special permit decision criteria)

Amend Section 30-24(d) by adding a new paragraph (5) so that subsection (d) reads as follows (proposed new (5) in bold):

(d) The board of aldermen may grant a special permit when, in its judgment, the public convenience and welfare will be served, and subject to such conditions, safeguards and limitations as it may impose. The board of aldermen shall not approve any application for a special permit unless it finds, in its judgment, that the use of the site will be in harmony with the conditions, safeguards and limitations herein set forth, and that the application meets all the following criteria

[statutory language re uses accessory to scientific research omitted for brevity]

- (1) The specific site is an appropriate location for such use, structure;
- (2) The use as developed and operated will not adversely affect the neighborhood;
- (3) There will be no nuisance or serious hazard to vehicles or pedestrians;
- (4) Access to the site over streets is appropriate for the type(s) and number(s) of vehicles involved;
- (5) In cases involving construction, the site planning, building design, construction, maintenance, and long-term operation of the premises will go beyond applicable city, state, and federal standards in achieving efficient use and conservation of natural resources and energy. Evidence of commitment to meeting environmental efficiency criteria and standards such as those articulated in the Leadership in Energy and Environmental Design (LEED), Energy Star, Advanced Buildings, or similar programs are regarded as one means of demonstrating that commitment.**

3. NEW ZONING SECTION 30-24(g) (Administering special permit Energy considerations)

Re-designate the present Section 30-24(g) as Section 30-24(h), and insert the following as new Section 30-24(g):

**(g) Natural resources and energy. All applications for a special permit authorizing construction of new building(s) and/or structure(s), or additions to existing building(s) and/or structure(s), if containing individually or in the aggregate 20,000 or more square feet in gross floor area, shall submit evidence that the site planning, building design, construction, maintenance, and long-term operation of the premises will go beyond applicable city, state, and federal standards in achieving efficient use and conservation of natural resources and energy.**

- (1) One means of demonstrating compliance would be commitment to meeting environmental efficiency criteria and standards such as those articulated in the Leadership in Energy and Environmental Design (LEED), Energy Star, Advanced Buildings, or similar programs.**
- (2) The following are examples of ways in which such efficient use and conservation might be achieved:**
  - a) Facilitation of access by public transportation, car or van-pooling, walking, bicycling, or other form of alternative to drive-alone access;**
  - b) Reduced site disturbance by building footprint and parking, or through resource protection and regenerative restoration;**
  - c) Design of landscape and building exterior to reduce heat islands;**
  - d) Landscaping which is water-efficient;**
  - e) On-site composting of organic wastes;**
  - f) Enhanced building energy performance through location on the site, configuration, and orientation;**
  - g) Enhanced building energy performance through its design, equipment, and specifications;**
  - h) Building reuse or conservative deconstruction;**
  - i) Solar, wind, geothermal or other on-site regenerative energy production;**
  - j) Water use reductions through efficient fixtures and recycling;**
  - k) Diversion of construction waste for recycling;**
  - l) Use of materials and products produced nearby;**
  - m) Use of rapidly renewable materials;**
  - n) Reuse content in building materials.**

*(4) ZONING SECTION 30-23(c)(2) (site plan approval criteria).*

*Amend Section 30-23(c)(2) by adding a new item (h) thereto so that that subsection would read as follows (**proposed new (h) in bold**):*

(2) When conducting a site plan approval, the board of aldermen shall consider the application in light of the following criteria:

- a) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, properties or improvements, including regulation of the number, design and location of access driveways and the location and design of handicapped parking. The sharing of access driveways by adjoining sites is to be encouraged wherever feasible;
- b) Adequacy of the methods for disposal of sewage, refuse and other wastes and of the methods of regulating surface water drainage;
- c) Provision for off-street loading and unloading of vehicles incidental to the servicing of the buildings and related uses on the site;
- d) Screening of parking areas and structure(s) on the site from adjoining premises or from the street by walls, fences, plantings or other means. Location of parking between the street and existing or proposed structures shall be discouraged;
- e) Avoidance of major topographical changes; tree and soil removal shall be minimized and any topographic changes shall be in keeping with the appearance of neighboring developed areas;
- f) Location of utility service lines underground wherever possible. Consideration of site design, including the location and configuration of structures and the relationship of the site's structures to nearby structures in terms of major design elements including scale, materials, color, roof and cornice lines;
- g) Avoidance of the removal or disruption of historic resources on or off-site. Historical resources as used herein include designated historical structures or sites, historical architectural elements or archaeological sites.

**h) For projects containing 20,000 or more square feet in gross floor area of new construction of buildings and/or structures, and/or of additions to existing buildings and/or structures, a showing that the site planning, building design, construction, maintenance, and long-term operation of the premises will go beyond applicable city, state and federal standards in achieving efficient use and conservation of natural resources and energy through such means as:**

**\*facilitation of access by public transportation, car or van-pooling, walking, bicycling, or other form of alternative to drive-alone access; \*reduced site disturbance by building footprint and parking, or through resource protection and regenerative restoration;\* design of landscape and building exterior to reduce heat islands;\* landscaping which is water-efficient; \* on-site composting of organic wastes; and/or \* enhanced building energy performance through its location on the site, configuration, and orientation.**

Respectfully submitted,  
Brian Yates, Chairman