

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

MONDAY, JUNE 12, 2006

7:45 PM

ALDERMANIC CHAMBER

**A Public Hearing will be held on the following item:**

#102-06 KESSELER DEVELOPMENT, LLC proposing to amend to Section 30-15, DENSITY & DIMENSIONAL CONTROLS IN RESIDENTIAL DISTRICTS AND FOR RESIDENTIAL USES, by inserting in Table 1 the following new footnote 9 as follows:

(9) allow by special permit in a Multi-Residence 3 District a multi-family dwelling structure to have a maximum building height of 48 feet and a maximum number of stories of 4, provided that there is a minimum lot size of 10 acres, the distance from the street to such multi-family dwelling structure is no less than 150 feet and the distance between such structure and abutting properties is no less than 75 feet.

**(1<sup>st</sup> Public Hearing 3/14/06; 90 days 6/12/06**

**Zoning & Planning approved on 4/10/06 w/the addition of MR 4 setbacks 4-2-1 (Baker, Lappin, Danberg, Sangiolo voting in the affirmative; Burg and Weisbuch opposed; Yates abstaining)**

**Item recommitted by the Full Board on 4/18/06)**

**After the hearing, the committee will hold a working session in room 202 to discuss items #102-06 and #229-06.**

**REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES**

#229-06 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$48,987 from Budget Reserve for the purpose of supplementing the Inspectional Services salary accounts for the remainder of FY06.

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**BUSINESS NOT YET SCHEDULED FOR DISCUSSION:**

**REFERRED TO PROGRAMS & SERVICES, ZONING & PLANNING & FINANCE**

#119-06 ALD. SALVUCCI requesting revocation of the Community Preservation Act (accepted by the Board of Aldermen as item #64-01(2) on 7/9/01 and approved by public vote at the 11/6/01 election) by vote by the Board of Aldermen and referral to the voters of Newton, pursuant to GL chapter 44B, Sec.16.

**PROGRAMS & SERVICES DENIED 6-0 on 5-10-06**

**REFERRED TO PROGRAMS & SERVICES, ZONING&PLANNING & FINANCE**

- #119-06     ALD. SALVUCCI requesting revocation of the Community Preservation Act (accepted by the Board of Aldermen as item #64-01(2) on 7/9/01 and approved by public vote at the 11/6/01 election) by vote by the Board of Aldermen and referral to the voters of Newton, pursuant to GL chapter 44B, Sec.16.
- #239-06     JONATHAN SALES, 1429 Centre Street, Newton Centre, appointed by His Honor the Mayor as an *Alternate Attorney Member* of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term to expire July 1, 2009 (60 days 8/4/06).
- #219-06     ALD. PARKER, MANSFIELD, HESS-MAHAN, & FISCHMAN requesting discussion of an ordinance that would 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.
- #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.
- #194-06     NEWTON HISTORICAL COMMISSION recommending that the Demolition Delay Ordinance, Section 22-44, be amended in an effort to:
- Reflect actual administrative practices vs. those specified in the current ordinance,
  - Reduce the number of non-historic properties or building elements that the Commission reviews, while re-enforcing the intent of the original ordinance, which is to protect and enhance historically and architecturally significant properties, that are not otherwise protected through local historic districts and local landmark designation, through the creation of additional criteria, beyond just age of the building, based on the Commission's and staff's experiences over the past few years and through the use of building surveys, etc., and
  - Help reduce ambiguities in the ordinance, such that both staff and members of the public have a better understanding of the types of structures and/or elements of structures that would fall under the purview of the Commission.

- #312-05 ALD. HESS-MAHAN & DANBERG proposing that §22-44 be amended to exempt portions of buildings less than 50 years old from the procedure set forth in § 22-44(c).
- #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.
- #133-06(2) ALD. YATES requesting a RESOLUTION to the Commonwealth of Massachusetts that funds provided in the Transportation Bond Bill of 2004 be used to replace the historic railings on the top of Echo Bridge.

**REFERRED TO ZONING & PLANNING AND PUBLIC FACILITIES COMMITTEES**

- #127-06 ALD. YATES requesting a RESOLUTION to His Honor the Mayor to authorize the HISTORICAL COMMISSION to submit applications to the Mass Historic Commission and the National Park Services to place the Crafts Street stables on the National Register of Historic Sites.
- #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.
- #153-04 ALD. SANGIOLO proposing that Sec. 22-93, designation of Landmark, be amended by adding a provision to notify the property owner when the proposal for landmarking is initially filed.
- #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.
- #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.
- #309-05 ZONING AND PLANNING COMMITTEE requesting a report from the Director of Planning & Development on the status of staffing of Historical District Commissions.
- #10-06 ALD. JOHNSON, DANBERG, SANGIOLO, BAKER, & HESS-MAHAN requesting the adoption of legislation to enable the establishment of neighborhood conservation districts in the City of 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.
- #50-06 ALD. SAMUELSON proposing that private contractors be required by ordinance to obtain a permit from Inspectional Services prior to installing outdoor lighting on public property.
- #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) of the Revised Zoning Ordinances 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 of the Revised Zoning Ordinances 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.
- #152-04 ALD. SANGIOLO proposing that Chapter 30 be amended by adding a definition of “kitchen facilities.”
- #304-01 ALD. SANGIOLO proposing an ordinance that would detail what percentage of new building or additions would trigger a special permit in residential districts.
- #334-04 ALD. HESS-MAHAN proposing that Sections 30-1, 30-8(d) and 30-9(h) relative to accessory apartments be amended.

- #137-05(2) ZONING & PLANNING COMMITTEE proposing that Footnote 7 of Section 30-15 be deleted and replaced with the following language:  
"FAR requirements shall apply only to one or two family residential structures and only in the following instances:  
(1) to all above-grade new construction of a one or two family residential structure, including reconstruction or replacement of an existing one or two family residential structure or other structure being converted to a one or two family residential structure; or  
(2) to alteration or enlargement of an existing one or two family residential structure, or other structure being converted to a one or two family residential structure, that adds gross floor area which lies in whole or in part outside the walls, i.e., the existing footprint, of such structure; or  
(3) in a multi-residential zoning district, to construction of any residential dwelling unit which lies in whole or in part outside the walls, i.e., the existing footprint, of any existing residential dwelling unit, regardless of whether such construction does or does not increase the number of dwelling units on the lot."
- #137-05(3) ZONING & PLANNING COMMITTEE proposing that the definitions of *Gross Floor Area* and *Half Story* be amended
- #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.
- # 7-99 ALD. PARKER requesting discussion of possible zoning amendments to create additional residential districts with different FAR and lot size requirements.
- #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.
- #311-02 ALD. JOHNSON & SANGIOLO requesting that Section 30-23 be amended by including design guidelines to address aesthetic impacts that renovation or new construction have on the surrounding environment.
- #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 and Planning Committee on June 10, 2002 about how to reduce the possibility of further over development in Thompsonville and ways to measure its impact.

- #330-02      ALD. JOHNSON, BULLWINKLE, LINSKY requesting a discussion regarding revamping the home business ordinance to reflect current uses (allowable/not allowable).
  
- # 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.
  
- #128-02      ALD. JOHNSON & LINSKY requesting a discussion regarding protection of residential areas abutting Business and Manufacturing districts, e.g., required screening.
  
- #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.
  
- #376-04      ALD. YATES requesting an amendment to Sec. 22-75 to allow the Economic Development Commission to exercise all the powers of an economic development and industrial corporation under Chapter 121 C of the General Laws upon a finding by the Board of Aldermen that there exists in the city conditions of unemployment or threat of future unemployment.
  
- #267-03      ALD. SANGIOLO, JOHNSON, STEWART, & SAMUELSON proposing that Sec 30-5(a)(3) of the Zoning Ordinance be amended to include public safety concerns and a cap on the number of students based on lot size.
  
- #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.
  
- #373-01      ALD. SANGIOLO proposing an ordinance requiring setbacks for athletic fields and structures occupying athletic fields from abutting residential properties.
  
- #59-03      ALD. SANGIOLO proposing amendments to Chapter 30-19 Section (j), *Lighting, Surfacing, and Maintenance of Parking Facilities*.
  
- #287-01      ALD. SANGIOLO proposing an ordinance to require a permitting process for the construction of parking lots.

- #432-01 ALD. SANGIOLO proposing to add a definition for “recreational facilities” to Sec. 30-1.
- #306-04 ALD. SANGIOLO & JOHNSON on behalf of George Foord proposing either an amendment or new ordinance re: living fences.
- #9-05 PRESIDENT BAKER & YATES reporting on proposed Massachusetts Land Use Reform Act and discussion of possible aldermanic endorsement.
- #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.
- #372-01 ALD. SANGIOLO proposing that the requirement for a special permit for a grade change of more than 3 feet be moved from Section 30-5 to 30-15.
- #440-04 ALD. JOHNSON, BAKER & LAPPIN proposing a definition of “accessory structure” which will include mechanical equipment.
- #323-05(2) ZONING & PLANNING COMMITTEE establishing a Task Force of persons knowledgeable about the Newton Zoning Ordinance to advise the consultant proposed in #323-05, the Committee, the full Board, the Planning, Law, and Inspectional Services Departments about the problems with the Zoning Ordinance in item #354-04 and the Report of the Inspectional Services Commissioner in response to item #340-05 and ways in which the Ordinance could be improved.  
**TASK FORCE APPOINTED**

**ITEM REFERRED TO TASK FORCE**

- #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**

#340-05     ALD. YATES requesting a report from the Commissioner of Inspectional Services on what provisions of the zoning ordinance are most difficult to implement because of lack of clarity or other reasons.

Respectfully submitted,

Brian Yates, Chairman