

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING AGENDA

MONDAY, NOVEMBER 26, 2001

7:45 PM  
Room 202

**NOTE: All items on the agenda will be discussed. Those not acted upon will be either referred to the 2002-03 Board or voted No Action Necessary. If anyone feels strongly either way about his or her item(s), please call the Chairman.**

**NEW BUSINESS:**

#397-01      CONSERVATION COMMISSION requesting acceptance of a Conservation Restriction at 180 ELGIN STREET on land located next to the Charles Cohen Conservation Area and an MDC open-space parcel. The Grantor will retain the fee interest in the lot, dividing it into two parts. The restricted portion includes Thompsonville Brooke and an adjacent wooded wetland. The remainder of the lot will remain a "limited building site" which may be developed for residential use in the future.

**NOTE:      BACKUP ATTACHED.**

#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.

#373-01      ALD. SANGIOLO proposing an ordinance requiring setbacks for athletic fields and structures occupying athletic fields from abutting residential properties.

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

#395-01      HIS HONOR THE MAYOR submitting the FY03-FY07 CAPITAL IMPROVEMENT PROGRAM, pursuant to Section 5-3 of the NEWTON CITY CHARTER, which requires Board of Aldermen approval of a plan to finance new local capital projects totaling \$164,339,428 over the next several years:

SUMMARY

PUBLIC WORKS (GRANT/FEE FUNDED).....\$ 51,675,171  
PUBLIC WORKS (CITY FUNDED).....\$ 7,215,000

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PUBLIC SAFETY.....	\$ 2,296,000
PUBLIC BUILDINGS.....	\$ 2,260,650
PUBLIC EDUCATION.....	\$ 92,243,907
PARKS & RECREATION.....	\$ 3,951,900
OTHER.....	\$ 4,696,800
<b>TOTAL.....</b>	<b>\$164,339,428</b>

**PUBLIC HEARING ASSIGNED FOR DECEMBER 10, 2001:**

#398-01 ALD. SALVUCCI, BULLWINKLE, GENTILE requesting that **Sec. 30-19. Parking and loading facility requirements**, paragraph (d), **Number of Parking Stalls.**, be amended by adding a new subsection (21) as follows: “One stall for each 100 square feet or fraction thereof of gross floor area for use in any health and/or fitness club. In addition, one stall shall be provided for each employee on the largest shift.”

**PUBLIC HEARING ASSIGNED FOR DECEMBER 10, 2001:**

#399-01 ALD. SALVUCCI, BULLWINKLE, GENTILE requesting that **Sec. 30-19. Parking and loading facility requirements**, paragraph (d), **Number of Parking Stalls.**, be amended by adding a new subsection (21) as follows: “One stall for each three persons allowed within the maximum occupancy load, as prescribed by the State Building Code, of the gross floor area for use in any health and/or fitness club. In addition, one stall shall be provided for each employee on the largest shift.”

**UNFINISHED BUSINESS:**

#315-01 ALD. SANGIOLO requesting that notification to abutters for zone changes and special permits be increased to 600 feet.

#316-01 ALD. SANGIOLO requesting discussion with the Conservation Commission regarding future plans for 20.2 acres formerly part of the Rumford Avenue Landfill in light of the recommendations of the Mayor’s Flowed Meadow Advisory Group.

#317-01 ALD. JOHNSON, O’HALLORAN, TATTENBAUM proposing that Sec 30-11(d)(9), requiring a special permit for “...businesses of whatever size which hold a Common victualler-All Alcoholic or Common Victualler-Wine/Malt Beverages license issued by the licensing authority of the city;” be amended by deleting such provision.

#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.
- #121-01 ALD. O’HALLORAN requesting that Chapter 30, **ARTICLE III. PARKING AND LOADING FACILITIES**, of the Rev Zoning Ordinances, 1995, be amended as follows: Amend Sec. 30-19(d), *Number of Parking Stalls*, to call for an increase in the required number of parking stalls to be provided for each residential dwelling unit depending on the size (gross floor area) of each unit. (Public Hearing 9/24/01)
- #185-01 PLANNING & DEVELOPMENT BOARD proposing that the definitions for “*Dwelling, attached*”, “*Dwelling, two-family*”, “*Common roof connector*” and “*Common wall connector*” in Sec.30-1 **Definitions**. be amended. (Public Hearing 9/24/01)
- #225-01 ALD. LIPSITT requesting that Sec. 30-15(b)(4) of the Zoning Ordinance be amended to require that all rear lot subdivisions have 20’ of frontage upon a way. (Public Hearing 9/24/01)
- #128-00 ALD. YATES proposing an amendment to the ordinance governing the Upper Falls Historic District to make failure to complete a project approved by the Commission within one year of the issuance of the permit a violation of the ordinance.
- #128-00(2) ZONING & PLANNING COMMITTEE requesting the Law Department and the Inspectional Services Department develop an ordinance based on the City’s Home Rule powers requiring property owners to complete reconstruction once begun in a reasonable time and
- #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.
- #287-01 ALD. SANGIOLO proposing an ordinance to require a permitting process for the construction of parking lots.

- #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.
- #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.
- #366-98 ZONING & PLANNING COMMITTEE requesting discussion and possible recommendation of further ordinance or statutory amendments to enhance the enforcement of Newton Zoning and other Land Use Ordinances.
- # 7-99 ALD. PARKER requesting discussion of possible zoning amendments to create additional residential districts with different FAR and lot size requirements.
- # 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.
- #82-99(3) ZONING & PLANNING COMMITTEE requesting provision of Ordinance V-111 clarifying definition of height for residential districts be extended to clarify its application to other zoning districts.
- REFERRED TO LAND USE AND ZONING & PLANNING COMMITTEES**
- #139-99 ALD. TATTENBAUM requesting discussion with Commissioner of Inspectional Services re enforcement of zoning ordinances and of special permit conditions.  
**LAND USE NAN'D 4-0 ON 11/13/01**
- #169-00 ALD. YATES proposing an amendment to Chapter 30 to prohibit granting permits for telecommunications and antennae to providers which hold more than 1000 unused telephone numbers or which have not filed a binding agreement to not seek more than 1000 numbers at a time in the future.
- #326-99 ALD. YATES proposing amendments to Chapter 30 to encourage railroad related uses in Mixed Use Districts land adjacent to railroad.
- #518-99 ALD. BAKER & YATES requesting presentation and discussion of planning and zoning ideas regarding the Route 9/Hammond Street corridor prepared for the joint Newton/Brookline Chestnut Hill Village Alliance by three teams of MIT students as part of their fall semester coursework.

- # 26-00 ALD. SANGIOLO requesting discussion with Planning, Law, and Inspectional Services Departments regarding amending certain sections of Chapter 30 to be consistent with Chapter 40A of the Massachusetts General Laws.
- #106-00 ALD. MANSFIELD & PARKER on behalf of a petition signed by 70 residents, requesting that the Planning and Development Department undertake a study of the impacts of the potential build-out of the Bowen-Thompsonville area as it is currently zoned, including effects upon traffic, utilities, schools, and other infrastructure. **HELD PENDING RECEIPT OF STUDY FROM PLANNING DEPARTMENT**
- #127-00 ALD. YATES proposing an amendment to the ordinance governing the Upper Falls Historic District to prohibit the construction of attached garages facing public ways or facing private ways but visible from a public way.
- #422-00 ALD. SANGIOLO requesting adoption of an ordinance that would require filings every two years by non-profit and educational institutions of a growth management or master development plan.

**ITEMS REFERRED TO THE “30-15 TASK FORCE:”**

- #216-00 ALD. YATES requesting that Chapter 30 be amended to require a special permit to demolish an existing single-family dwelling on a pre-1953 lot that does not meet the current dimensional requirements for a lot in a Multi Residence District and replace it with a two-family dwelling.
- #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.
- #297-00 ALD. YATES & SAMUELSON proposing that Chapter 30 be amended to require a minimum lot area of 5,000 square feet for a single-family dwelling and 7,500 square feet for a two-family dwelling in Multi Residence Districts.

**ITEM REFERRED TO THE “INCLUSIONARY ZONING TASK FORCE:”**

- #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.

**ITEMS REFERRED TO ECONOMIC DEVELOPMENT COMMISSION:**

#366-95      ALD. YATES proposing the establishment of a "Recycling Market Development Zone."

#367-95      ALD. YATES proposing the establishment of a subzone of the "Foreign Trade Zone of the Port of Boston" within Newton.

Respectfully submitted,

Ald. Brian Yates, Chairman