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## Zoning & Planning Committee Agenda

### City of Newton In City Council

Monday, January 9, 2017

7:45PM  
Council Chamber

#### Items Scheduled for Discussion:

*A Public Hearing will be held on this item:*

- #53-16(2) Zoning ordinance technical amendments**  
DIRECTOR OF PLANNING requesting technical amendments to the Newton Zoning Ordinance, **Chapter 30**, in order to address edits related to missing or incorrectly transcribed ordinance provisions. [12/13/16 @ 11:15 AM]
- #415-16 Zoning amendment to conform with M.G.L. changes to special permit requirement**  
COUNCILOR HESS-MAHAN requesting to amend Chapter 30, Section 7.3.2.E. to conform with recent amendments to M.G.L. Chapter 40A, Section 9 relative to period of time in which to exercise a special permit. [11/28/16 @ 1:28 PM]

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The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

**Not Scheduled for Discussion at this meeting:**

- #343-16      Zoning amendment relative to accessory apartments**  
HIS HONOR THE MAYOR, COUNCILOR HESS-MAHAN, ALBRIGHT, CICCONE, CROSSLEY, AND NORTON proposing to amend Chapter 30 Section 6.7.1 Accessory Apartments and Section 5.1.4 Number of Parking Stalls in order to create a new accessory apartment ordinance that expands the availability of accessory apartments. [10/07/16 @ 10:03 AM] **Hearing closed 11/14/16 (90 days 2/12/17)**
- #108-15      Zoning amendment for accessory apartments supportive of seniors**  
HIS HONOR THE MAYOR requesting consideration of changes to the Zoning Ordinance that would facilitate the creation of accessory apartment units, supportive of Newton's seniors. [04/24/15 @ 2:38 PM]
- #64-13      Permitting for conversion of historic barns/carriage houses to accessory apts**  
HISTORICAL COMMISSION requesting the creation of an administrative permitting process for converting historic barns and carriage houses into accessory apartments to assist in their preservation.
- #61-10      Discussion relative to bringing existing accessory apartment into compliance**  
ALD. CICCONE, SWISTON, LINSKY, CROSSLEY AND HESS-MAHAN requesting a discussion relative to various solutions for bringing existing accessory and other apartments that may not meet the legal provisions and requirements of **Chapter 30** into compliance.
- #164-09(2)      Request for amendments to dimensional requirements for accessory apartments**  
ALD. HESS-MAHAN requesting that the Planning Department study the dimensional requirements for lot and building size for accessory apartments and make recommendations for possible amendments to those dimensional requirements to the board of Aldermen that are consistent with the Newton Comprehensive Plan.
- #3-17      Proposed ordinance to create a Newton Housing Partnership**  
COUNCILORS CROSSLY, ALBRIGHT, AND HESS-MAHAN proposing an Ordinance to create a Newton Housing Partnership with members jointly appointed by the City Council and Mayor, to continue the mission of the Newton Housing Partnership that was advisory to the Mayor, and which the Mayor has disbanded. [12/23/16 @ 8:37 AM]
- #222-13(8)      Zoning amendment to delay effective date of Garage Ordinance for further study**  
COUNCILOR HESS-MAHAN requesting amendments to Ordinance A-78, which amends Chapter 30, Section 3.4.4 of Revised Ordinances, to implement a deferred effective date for the Ordinance of December 31, 2017 or such other appropriate

date, for the purpose of allowing the Planning Department to complete a comprehensive study thereof. [11/28/16 @ 5:45PM]

**#222-13(5) Zoning amendment to Garage Ordinance**

COUNCILOR HESS-MAHAN proposing to amend Chapter 30, Section 3.4.4. of Revised Ordinances as amended by Ordinance A-78, as follows: (1) allow front facing garages that are no closer to the front lot line than the longest front facing wall, or a front porch at least 6 feet wide, to be the greater of up to 12 feet wide or 50% of the total length of the building parallel to the street; (2) allow front-facing garages that are closer to the front setback than the rest of the building and at least 24 feet from the front lot line to be up to 40% of the total length of the building parallel to the street; (3) delete Sec. 3.4.4.F "Exemptions"; and (4) add a provision grandfathering permits requested or construction begun on or after the date of the notice of public hearing on Ordinance A-78 [08/01/16 @ 4:58 PM]

**Public Hearing Closed on 9/26/16; 90 Days: 12/26/16**

**#222-13(7) Additional zoning amendment to Garage Ordinance**

COUNCILORS ALBRIGHT, LENNON, CROSSLEY, DANBERG, LIPOF, FULLER AND COTE proposing to amend Chapter 30, Section 3.4.4. of the Revised Ordinances as amended by Ordinance A-78, as follows: (1) limit the application of a maximum (45%) proportional width of garage to total building to all lots in MR districts; and/or (2) limit the application of a maximum (45%) proportional width of garage to total building to lots in SR districts having a maximum frontage of 70 feet; and/or (3) use the special permit process to determine exceptions providing clear and specific guiding criteria, such as preservation of historic properties, topography, odd lot configurations, preservation of certain natural features, etc., where such features may prohibit otherwise safe access to or parking on a site. [10/31/16 @ 3:51 PM]

**#222-13(3) Review of Garage Ordinance**

COUNCILOR LENNON, LIPOF, ALBRIGHT, CROSSLEY, LAPPIN, LAREDO, GENTILE AND CICCONE requesting a review of Ordinance A-78, which amends Chapter 30, Section 3.4.4 of the Revised Ordinances, for the purpose of amending, clarifying, and/or interpreting the Ordinance. [08/01/16 @ 4:53 PM]

**#109-15 Zoning amendment for inclusionary housing provisions from 15% to 20%**

HIS HONOR THE MAYOR requesting consideration of changes to the inclusionary housing provisions of the Zoning Ordinance to increase the required percentage of affordable units to 20% with the additional 5% set aside for middle income households. [04/24/15 @ 2:38 PM]

**#22-15            Zoning amendment to allow rental voucher program re: inclusionary zoning**  
ALD. YATES requesting that utilization of the Massachusetts Rental Voucher Program be added as an allowable means of complying with the inclusionary zoning provision in Phase II of Zoning Reform. [01/05/15 @ 9:53 PM]

**#220-16           Discussion relative to regulating Airbnb-type companies**  
COUNCILORS FULLER, HESS-MAHAN, LAPPIN, COTE AND NORTON requesting a discussion with the Planning, Inspectional Services and Fire Departments regarding appropriate regulations, permits, licensing and/or taxes for residential owners who host short-term guests through house-sharing companies such as Airbnb.[06/06/16 @ 2:19 PM]

**#291-16           Zoning Amendment relative to nonconforming single- and two-family dwellings**  
COUNCILOR SANGIOLO proposing to amend Chapter 30, Section 7.8.2.A.1.a. regarding nonconforming buildings, structures and uses, to also require that if an existing nonconforming single- or two-family structure is demolished, and the lot on which that structure existed does not meet current lot area or lot frontage requirements, then a special permit or variance would be required for any alteration, reconstruction, extensions or structural changes from the original structure. [08/22/16 @ 2:08 PM]

**#169-15           Zoning amendment to require new lot standards after demolition**  
ALD. SANGIOLO requesting a zoning amendment which would require any residential structures in Single Residence or Multi Residence zoning districts built after the demolition of an existing structure conform to new lot standards. [07/02/15 @ 3:20 PM]

**#447-14           Proposing an ordinance to require building plans with demolition applications**  
ALD. SANGIOLO proposing an ordinance requiring the submission of building plans with applications for full or partial demolitions. [11/13/14 @ 2:03 PM]

**Referred to Finance and Appropriate Committees**

**#359-16           Submittal of the FY 2018 to FY 2021 Capital Improvement Plan**  
HIS HONOR THE MAYOR submitting the Fiscal Years 2018 to 2022 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter. [10/11/16 @ 11:28 AM]

**#34-16           Zoning amendment for large house review process**  
COUNCILORS SANGIOLO, KALIS AND DANBERG proposing an amendment to Chapter 30 for a large house review ordinance requiring design review and approval of by-right single and multi-residence residential structures exceeding certain dimensional limits. [01/19/16 @ 2:35 PM]

**#238-14 Request for development of Housing Production Plan**

ALD. SANGIOLLO requesting the Executive Department and Planning Department work with the Board of Aldermen to develop a Housing Production Plan in accordance with 760 CMR 56.03(4) and guidelines adopted by the Department of Housing and Community Development as soon as possible. [06/09/14 @ 11:55 AM]

**#238-16 Zoning amendment for exempt lots definition**

COUNCILOR HESS-MAHAN proposing to amend Chapter 30: Zoning Ordinance, Section 7.8.4.C by amending the definition of “exempt lots” to include lots changed in size or shape as a result of an adverse possession claim. [06/30/16 @ 4:12 PM]

**#264-13 Zoning amendment to develop residential districts for small lots**

ALD. YATES requesting that the Zoning Reform Group or its successor consider amending City of Newton Zoning Ordinances **Chapter 30** to develop additional residential districts reflecting the small lots in older sections of the City and map changes to bring the zones of more residential sections of the City into conformity with the existing land uses. [08/15/13 @ 12:28 PM]

**#265-14 Request to increase several time periods for demolition delays**

ALD. BLAZAR, YATES AND DANBERG requesting:

1. to amend Section 22-50 to increase the time period for determinations of historical significance to 30 days, and to increase the time period for hearings, rulings and written notice on appeals from historical significance determinations to 60 days;
2. to amend Section 22-50 to increase the time period to hold a public hearing as to whether or not a historically significant building or structure is preferably preserved to 60 days;
3. to amend Section 22-50 to increase the demolition delay period for buildings and structures on or eligible for listing in the National Register of Historic Places to 30 months;
4. and to amend Section 22-50 to increase the demolition delay period for all other preferably preserved buildings or structures to 24 months. [7/07/14 @ 12:35 PM]

**#54-16 Zoning ordinance amendment relative to Health Club use**

ACTING DIRECTOR OF PLANNING proposing amendments to the Newton Zoning Ordinance to allow the “Health Club” use in Business 1, Business 2 and Business 4 districts; and to clarify the definition of “Personal Service” as it relates to health and fitness uses. [02/09/16 @ 4:24 PM]

**ITEM SPLIT INTO PART A AND PART B:**

**PART A – To allow Health Club use in BU1, BU2 and BU4;**

**PART B – To clarify the definition of Personal Services as it relates to health and fitness issues.**

**Approved Part A 6-0**

**Held Part B 6-0**

- #35-16**      **Creation of policy to require posting of materials of boards/commissions**  
COUNCILOR SANGIOLO requesting a discussion with the Planning Department relative to creating a policy to require audio recordings of all meetings of boards and commissions and posting of same to the City’s website, as well as posting of all documentation that is reviewed by boards and commissions and/or by their designated City staff member. [01/19/16 @ 2:35 PM]
- #80-13**      **Updates on the zoning reform project**  
THE PLANNING DEPARTMENT requesting update discussions of the zoning reform project. [02/25/13 @ 12:31 PM]
- #170-15**      **Discussion of HUD settlement relative to creating 9-12 affordable units**  
ALD. HESS-MAHAN, JOHNSON, CROSSLEY AND ALBRIGHT requesting a discussion relative to the HUD Settlement with Supporters of Engine 6, the Fair Housing Center of Greater Boston and the Disability Law Center in conjunction with the Law and Planning Departments, to explain the settlement and possible implications for the Zoning Board of Appeals and the Board of Aldermen in terms of the City’s obligation to identify sites and facilitate the creation of, and issue permits for, affordable housing for 9-12 chronically homeless persons in Newton. [07/06/15 @ 4:18 PM]
- #110-15**      **Discussion of the Smart Growth Zoning Overlay District Act in Newton**  
HIS HONOR THE MAYOR requesting discussion of The Smart Growth Zoning Overlay District Act M.G.L. Chapter 40R and its potential application in Newton. [04/24/15 @ 2:38 PM]
- #323-14**      **Zoning amendment to require front-facing front doors in residential zones**  
ALD. YATES, NORTON, COTE AND SANGIOLO proposing to amend **Chapter 30** to require that the front doors of single-family homes, two-family homes and other residential structures face the street on which their lots are located. [08/25/14 @ 11:42 AM]
- #142-09(7)**      **Resolution to reconvene Floor Area Ratio working group**  
ALD. HESS-MAHAN AND JOHNSON proposing a Resolution to request that the Director of Planning and Development and the Commissioner of Inspectional Services reconvene a Floor Area Ratio working group to review and analyze the definition of “*Floor area, gross*” for residential structures as it is used in the definition and calculation of “*Floor area ratio*” in **Section 30-1** with respect to actual usage, and, if necessary, make recommendations for amendments thereto and in the dimensional regulations contained in **Section 30-15(u)** and *Table A* of **Section 30-15(u)**, the purpose of which is to regulate the size, density and intensity of use in

the construction or renovation of, or additions to a residential structure, to more accurately reflect and be compatible with neighborhood character, and to ensure that a proposed residential structure is consistent with and not in derogation of the size, scale and design of other existing structures in the neighborhood, and is not inconsistent with the City's Comprehensive Plan.

### **Referred to Zoning & Planning, Land Use and Finance Committees**

- #104-15** **Qualification of affordable units on Comm Ave, Pearl and Eddy Streets**  
ALD. JOHNSON, LAREDO, AND GENTILE requesting a report from the Planning Department with the following information: How many of the affordable units developed at Commonwealth Avenue, Pearl Street, and Eddy Street qualify to be included on the State's Subsidized Housing Inventory List. If a property is not currently on the list, what can be done to make it eligible. [04/09/15 @ 12:00 PM]
- #107-15** **Discussion of middle income housing supportive of City employees**  
HIS HONOR THE MAYOR requesting discussion of approaches to create middle income housing as a means of allowing City of Newton employees the opportunity to live in the community in which they work. [04/24/15 @ 2:38 PM]
- #81-13** **Request for naturally affordable compact housing opportunities**  
DIRECTOR OF PLANNING & DEVELOPMENT on behalf of the Newton Housing Partnership requesting consideration of naturally affordable compact housing opportunities in MR1 zones. [02/22/13 @ 1:13 PM]
- #86-15** **Discussion and review of CDBG fund expenditures and citywide goals**  
ALD. CROSSLEY, ALBRIGHT, HESS-MAHAN, & JOHNSON requesting a review and discussion of Community Development Block Grant expenditures and past years' accounting to assess progress in meeting citywide program goals as adopted in the consolidated plan, including creating and sustaining affordable housing, as well as facilities improvements in approved neighborhood districts. [03/30/15 @ 6:02 PM]
- #427-13** **Discussion of CDBG, HOME and ESG funds and fair housing**  
ALD. HESS-MAHAN requesting discussion and periodic updates of steps the City of Newton is taking to ensure that its implementation of the Consolidated Plan, Annual Action Plan and Citizen Participation Plan and use of CDBG, HOME and ESG funds comply with federal and state fair housing and anti-discrimination laws and regulations, and its duty to affirmatively further fair housing. [12/06/13 @ 9:51 AM]
- #308-12** **Discussion of policies relative to CDBG fund expenditures**  
ALD. HESS-MAHAN & ALBRIGHT requesting a discussion with the Mayor's office and the Planning & Development Department of policies, procedures, and criteria relating to determinations concerning expenditures of Community Development Block Grant (CDBG) funds. [10/09/12 @ 3:59 PM]

**Referred to Zoning & Planning and Finance Committees**

- #315-14** **Ordinance amendment for procurement requirements for non-profits**  
ALD. HESS-MAHAN, ALBRIGHT, CROSSLEY AND DANBERG proposing an amendment to Chapter 2 of the City of Newton Ordinances setting forth requirements for procurement of materials and services by non-governmental recipients of federal, state or local funds administered by the City, such as CDBG and CPA funds. In order to encourage non-profit and other private organizations to participate in affordable housing, cultural and other public-private collaborations, such procurement requirements should accommodate the needs of non-governmental recipients for flexibility given the multiple public and private sources of funds necessary for any project by not placing undue or unreasonable burdens on them.  
[08/04/14 @ 5:08 PM] Finance voted NAN
- #446-14** **Discussion with Commission on Disability regarding the City's ADA compliance**  
ALD. SANGIOLO requesting a discussion with the Commission on Disability regarding the status of City compliance with ADA regulations. [11/13/14 @ 2:03 PM]
- #140-14** **Zoning amendment for lodging house ordinance**  
ALD. CROSSLEY AND HESS-MAHAN requesting to amend **Chapter 30**, City of Newton Zoning Ordinances, to include a "lodging house" ordinance to promulgate rules requiring annual fire, safety and health inspections and licensing of buildings providing single room occupancy and/or congregate living arrangements.  
[04/04/14 @ 6:29 PM]
- #429-13** **Zoning amendment for Congregate Living Facility parking requirements**  
ALD. HESS-MAHAN requesting repeal and/or amendment of Zoning Ordinances **Section 30-1**, Definitions, 30-8(b)(2), Special Permits in Single Family Residential Districts, and 30-10(d)(4), Number of Parking Stalls, concerning "Congregate Living Facility", as required by federal and state anti-discrimination and fair housing laws and regulations. [12/06/13 @ 9:51 AM]
- #129-13** **Zoning amendment for special permits for attached dwellings**  
ALD. HESS-MAHAN proposing to amend and/or clarify definition and provisions for granting a special permit for "attached dwellings" in the City of Newton Zoning Ordinances, **Chapter 30-1, 30-8(b)(13) and 30-9(b)(5)**. [05/25/13 @ 5:14 PM]
- #65-13** **Zoning amendment to require special permit for major topographic changes**  
ALD. YATES, FISCHMAN, KALIS requesting that **Chapter 30** be amended to require a special permit for major topographic changes.]
- #139-14** **Zoning amendment to clarify rules for retaining walls**  
ALD. ALBRIGHT requesting to amend **Chapter 30**, City of Newton Zoning Ordinances, to clarify rules relative to retaining walls.



- #391-09**      **Zoning amendment to allow payments-in-lieu of parking spaces: special permits**  
ALD. DANBERG, MANSFIELD, VANCE AND HESS-MAHAN requesting an amendment to **§30-19** to allow payments-in-lieu of providing required off-street parking spaces when parking spaces are waived as part of a special permit application.  
 [09/09/09 @ 3:53 PM]
- #152-10**      **Zoning amendment to clarify parking requirements for colleges and universities**  
ALD. BAKER, FULLER, SCHNIPPER, SHAPIRO, FISCHMAN, YATES AND DANBERG recommending discussion of possible amendments to **Section 30-19** of the City of Newton Ordinances to clarify parking requirements applicable to colleges and universities.
- #153-11**      **Zoning amendment for Retail Overlay Districts around village centers**  
ALD. DANBERG, ALBRIGHT, HESS-MAHAN, JOHNSON requesting that **Chapter 30** be amended by adding a new **Sec. 30-14** creating certain Retail Overlay Districts around selected village centers in order to encourage vibrant pedestrian-oriented streetscapes which would allow certain uses at street level, including but not limited to financial institutions, professional offices, and salons, by special permit only and require minimum transparency standards for street-level windows for all commercial uses within the proposed overlay districts.
- #168-15**      **Discussion of Metropolitan Area Planning Council's Wells Avenue Market Study**  
THE NEWTON-NEEDHAM CHAMBER OF COMMERCE requesting a discussion of the Metropolitan Area Planning Council's 2015 Wells Avenue Market Study.  
 [07/06/15 @ 5:34 PM]
- #95-15**      **Discussion to consider mix of uses at Wells Avenue Office Park**  
ALD. CROSSLEY, JOHNSON, LEARY, HESS-MAHAN, DANBERG, ALBRIGHT AND BLAZAR requesting a discussion with the Planning Department to consider the mix of uses in the Wells Avenue Office Park, with and without a second egress to the site, pursuant to the recent MAPC study recommending a strategic introduction of retail and restaurant uses to attract and sustain healthy commercial uses, and some number of residential units sufficient to support an economically viable and vibrant mixed use environment. [04/13/15 @ 2:46 PM]
- Referred to Zoning & Planning, Land Use and Finance Committees**
- #273-12**      **Request to restructure and increase of fees for various permits**  
ALD. CROSSLEY & HESS-MAHAN requesting a restructuring and increase in fees for permits charged by the Inspectional Services Department and fees charged by the Planning Department and City Clerk to assure that fees are both sufficient to fund related services provided and simple to administer. [09/10/12 @ 1:17 PM]  
Finance and Land Use voted NAN

**Referred to Finance and Appropriate Committees**

**#257-12**

**Review of fees in Chapter 17 and Chapter 20**

RECODIFICATION COMMITTEE recommending (1) review of the Fees, Civil Fines/Non-Criminal Disposition contained in Chapter 17 LICENSING AND PERMITS GENERALLY and Chapter 20 CIVIL FINES/NON-CRIMINAL DISPOSITION CIVIL FINES to ensure they are in accordance with what is being charged and (2) review of the acceptance of G.L. c. 40 §22F, accepted on July 9, 2001, which allows certain municipal boards and officers to fix reasonable fees for the issuance of certain licenses, permits, or certificates. Finance voted NAN

**#195-15(3)**

**Request to acquire land at 300 Hammond Pond Parkway**

ALD. ALBRIGHT, BAKER, BLAZAR, BROUSAL-GLASER, CICCONE, COTE, CROSSLEY, DANBERG, FULLER, GENTILE, HESS-MAHAN, JOHNSON, KALIS, LAPPIN, LEARY, LAREDO, LENNON, LIPOF, NORTON, RICE, SANGIOLO, SCHWARTZ, AND YATES

requesting that, in order to preserve the conservation and recreation values of the land, and to protect existing adjacent public open spaces, the Board of Aldermen vote to acquire for the City of Newton either the undeveloped portion of the land at 300 Hammond Pond Parkway or a conservation restriction on such land.

[10/23/15 @ 2:55 PM]

**#404-13**

**Request for rezoning in Newton Centre**

NATASHA STALLER et al. requesting a revision to the zoning District boundary Lines so as to transfer from Multi-Residence 1 District to a Single Residence 3 District the following properties:

Assessors' parcels SBL nos. 61-037-0004 through 61-037-0013; 61-042-0007 through 61-042-0023; 65-019-0001; 65-019-0007 through 65-019-0012; 65-019-0014 through 65-019-0022; 65-019-0009A; 65-019-0017B and 65-019-0022A. Also requesting transfer from a Single Residence 2 District to a Single Residence 3 District SBL no. 65-019-0015A.

**Respectfully Submitted,**

**Ted Hess-Mahan, Chair**