



Zoning & Planning Committee Agenda

City of Newton In City Council

Monday, November 23, 2020

7:00 PM

The Zoning and Planning Committee will hold this meeting as a virtual meeting on Monday, November 23, 2020 at 7:00 PM. To view this meeting using Zoom use this link: <https://us02web.zoom.us/j/85614570074> or call 1-646-558-8656 and use the following Meeting ID: 856 1457 0074

Items Scheduled for Discussion:

- #403-20** **Appointment of Eryn-Ashlei Bailey to the Economic Development Commission**
HER HONOR THE MAYOR appointing ERYN-ASHLEI BAILEY, 161 Edinboro Street, Newtonville, as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire on November 30, 2023. (60 Days: 12/18/2020)
- #404-20** **Appointment of Lisa Adams to the Economic Development Commission**
HER HONOR THE MAYOR appointing LISA ADAMS, 40 Converse Avenue, Newton, as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire on November 30, 2023. (60 Days: 12/18/2020)

Chair's Note: To address the matter of non-conformities created by the proposed amendment to zoning related to garages, Attorney Andrew Lee will present the protections afforded "legally nonconforming" structures under state law, and the review process for proposed changes to a "legally nonconforming" property under Newton's current zoning. The Planning Department will then present case studies to illustrate various circumstances as they may be affected by the proposed ordinance amendment.

- #448-20** **Proposal to amend Newton Zoning Ordinances Chap. 30. Sec 3.4 Garages**
COUNCILOR CROSSLEY, on behalf of the Zoning & Planning Committee proposing to amend Chapter 30, City of Newton Zoning Ordinances, by repealing Ordinance No. A-78 and amending the regulation of garages in residential zoning districts as set forth in Chapter 30, Section 3.4. The objectives are to prevent garages from

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 or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

dominating the streetscape, improve safety along the public way for all modes of travel and achieve consistency with climate action goals.

Respectfully Submitted,

Deborah J. Crossley, Chair



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#403-20

Telephone
(617) 796-1100

Fax

(617) 796-1113

TDD/TTY

(617) 796-1089

Email

rfuller@newtonma.gov

October 5, 2020

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to appoint Eryn-Ashlei Bailey of 161 Edinboro Street, Newtonville as a member of the Economic Development Commission. Her term of office shall expire on November 30, 2023 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

CITY CLERK
NEWTON, MA. 02459

2020 OCT 13 PM 12: 24

RECEIVED

Application Form

Profile

Eryn-Ashlei Bailey
First Name Middle Initial Last Name

[Redacted]
Email Address

161 Edinboro Street
Home Address Suite or Apt

Newtonville MA 02460
City State Postal Code

What Ward do you live in?

[X] Ward 2

[Redacted] Home:
Primary Phone Alternate Phone

Ballentine Partners Chief of Staff
Employer Job Title

Which Boards would you like to apply for?

Economic Development Commission: Submitted

Interests & Experiences

Please tell us about yourself and why you want to serve.

Why are you interested in serving on a board or commission?

I am interested in serving on the Board for the Economic Development Commission because it's an ideal opportunity to become an active member of the wonderful city that I now call home. Moreover, it's an excellent chance to apply my professional experience and academic achievements to keep Newton a thriving city during an unprecedented time. I want to think creatively about how we can keep businesses open, and how we can increase our tax base, despite the looming uncertainty of COVID-19. In the future, I want to run for public office. I want to start locally, and eventually, I want to be the first African-American female president of the United States. Undoubtedly, all politics is local. My work in my local community will shape the future world that I live in, where I may be serving at the state or federal level of office. Working on the Board will expose me to an enthusiast and talented Board that can teach me invaluable skills along this journey.

Resume - Eryn-Ashlei Bailey - June 2020.pdf
Upload a Resume

ERYN-ASHLEI BAILEY

161 Edinboro Street, Newton, MA 02460 | [REDACTED]

EDUCATION**THE WHARTON SCHOOL, UNIVERSITY OF PENNSYLVANIA**

Philadelphia, PA

Master of Business Administration Candidate; Major in Management

2018-2020

- Co-Vice President of Sponsorships of The Wharton Africa Student Association, Co-President of The Wharton Christian Fellowship, Editor of The Wharton Journal, Panel Manager for Wharton Private Equity & Venture Capital Conference, Wharton Women in Business, Wharton African-American MBA Association, Adam Grant's Authors@Wharton Student Committee
- Joseph Wharton Fellowship recipient

ST. JOHN'S UNIVERSITY

Jamaica, NY

Bachelor of Arts; Major in Psychology

2004-2008

EXPERIENCE**BALLENTINE PARTNERS**

Boston, MA

Chief of Staff

June 2020

CAMBRIDGE ASSOCIATES

Boston, MA

Private Markets Specialist

Summer 2019

- Conducted a comprehensive due diligence of Denham Capital's Oil and Gas Fund II, including an on-site visit.
- Assessed the co-investment program of a major private client and firm owner to further build out this facet of the portfolio.
- Short-listed potential niche venture-capital managers suitable for a client in the Endowments and Foundations practice.
- Participated in the Diversity Working Group to improve inclusion at the firm.

THE CITY OF PHILADELPHIA BOARD OF PENSIONS & RETIREMENT

Philadelphia, PA

Investment Officer

2017-2018

- Recommended \$25M allocation to Deerpath Capital's unlevered Fund IV vehicle targeting a 6% - 9% return. Analyzed the impacts of leverage on the risk/return profile and calculated expected inflation-adjusted returns after the 10-year lock up.
- Renegotiated fees from 75bps to 50bps on a recommended \$75M allocation to Franklin Park's Raspberry Street Fund II, saving The City \$18.75M in annual GP expenses.
- Restructured one of the City's co-investment vehicles to a more suitable co-investment with better risk-adjusted returns for the Board.
- Presented \$25M allocation recommendation to a Subcommittee of the Board of Trustees. Answered sub-committee questions on performance metrics, scrutiny of financial statements and fit of the investment with the overall portfolio.
- Acted as a member *The Institutional Limited Partners Association's* Diversity and Inclusion Board which led to ILPA expanding its due diligence questionnaire to include questions about GP firm's commitment to diversity.
- Collaborated with the Chief Compliance Officer and created diversity questionnaire that was sent to the City's alternative fund managers, which standardized GP diversity reporting to ensure compliance with the Mayoral Charter.

THE VANGUARD GROUP

Malvern, PA

Financial Advisor

2015-2017

Investor Education & Guidance Team

2014-2015

Customer Relationship Associate

2013-2014

- Ran Monte Carlo analysis on client portfolios, assessed capital gain and loss implications on transactions.
- Promoted three times in four years and received "Distinguished" ranking within first year of employment.
- Awarded "Manager to Crew" accolade in 2016 for leading weekly staff meetings, scheduling speakers, and equipping team members with helpful resources.
- Received "Women's Initiative for Leadership Success" award in 2015 for spearheading first-ever retail services diversity panel, addressing diversity at the company in its past, current and future state.
- Selected for a "Spot Award" and nominal bonus for going "Above and Beyond for Clients" and a Retail Services Recognition Award for customer service excellence, outstanding metrics and teaching best practices to the team.

ADDITIONAL INFORMATION

- **Interests:** Hiking, Kayaking, Surfing, and Fashion
- **Publications:** *Investing in the Global Water Crisis* – The Washington Post, January 2, 2011; *The COPD Epidemic: Stealing a New Yorker's last breath* - The New York Daily News, November 4, 2010
- **Qualifications:** Acquired FINRA Series 7, Series 63 and Series 65 licenses



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#404-20

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Newton, MA 02459

To the Honorable City Councilors:

I am pleased to appoint Lisa Adams of 40 Converse Avenue, Newton as a member of the Economic Development Commission. Her term of office shall expire on November 30, 2023 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

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2020 OCT 13 PM 12:24
CITY CLERK
NEWTON, MA. 02459

Application Form

Profile

Lisa C Adams
First Name Middle Initial Last Name

[Redacted]
Email Address

40 Converse Ave
Home Address Suite or Apt

Newton MA 02458
City State Postal Code

What Ward do you live in?

[X] Ward 2

[Redacted] Home:
Primary Phone Alternate Phone

Commonwealth of Massachusetts Director, Investigations Center of Expertise
Employer Job Title

Which Boards would you like to apply for?

Economic Development Commission: Submitted

Interests & Experiences

Please tell us about yourself and why you want to serve.

Why are you interested in serving on a board or commission?

Dear Members: I am excited to apply to serve on Newton's Economic Development Commission. As an attorney with prior practice in municipal law, I value the work of the Commission and look forward to lending both my professional and personal experiences. Since leaving legal practice sixteen years ago, I have worked for the Massachusetts Commission Against Discrimination as a legal writer and the Massachusetts Municipal Association as a Legislative Analyst representing cities and towns in Massachusetts, including Newton. I currently work for the Commonwealth directing the investigations unit for executive branch employees, but I miss my municipal work and would like to stay engaged in local government. I have served on various boards and advisory councils and value the importance of collaborative work, creative thinking, and subject knowledge. I hope to join Commission members to effectively carry out the Commission's mission to promote and develop Newton's businesses and industries in order to strengthen our local economy with an eye on maintaining and enhancing service levels. My family has lived in Newton since 2010 and our three sons have attended Newton Public Schools, with our first son entering his senior year this fall. I am familiar with all aspects of the City and am invested in its success. I look forward to hearing from you and would be happy to discuss my application further. Sincerely, Lisa Adams

LISA C. ADAMS

40 Converse Ave., Newton, MA 02458 • [REDACTED]

EXPERIENCE

Commonwealth of Massachusetts, Investigations Center of Expertise

2020 - Present

Director

- Manage a team of 8 investigators in a relatively new investigations unit for executive branch employees.
- Analyze and present data to steering committee comprised of executive branch secretariats and the Governor's office.
- Track trends in complaint filings among various workplaces.
- Review and edit investigation reports.
- Conduct investigations.

Massachusetts Municipal Association, Boston, MA

2018 - 2020

Senior Legislative Analyst

- Represent the MMA before legislators, legislative staff, the administration and state agencies.
- Analyze policy proposals, legislation, and regulations affecting local government.
- Meet with legislators and executive branch officials to promote and advance municipal issues.
- Meet regularly with municipal officials to develop local government positions on policy and legislative issues.
- Speak at meetings of municipal officials and provide legislative updates to member groups.
- Draft legislation, legislative alerts and position letters and testimony on legislation and regulations.
- Write articles for publication in the MMA's monthly Beacon newsletter and the website.
- Serve as lead staff for the MMA Personnel and Labor Relations Policy Committee.
- Use social media for member outreach and as an advocacy tool.
- Manage internship program for the legislative division.

Massachusetts Commission Against Discrimination, Boston, MA

2008 - 2018

Legal Writer

- Reviewed appeals to the Full Commission.
- Researched and drafted Full Commission Decisions and memoranda of law to the Full Commission.
- Drafted Hearing Commissioner Decisions and assisted with other writing as needed.

Massachusetts Hearing Aids for Children Coalition, Boston, MA

2005 - 2017

President and Founding Member

- Formed coalition to pass legislation for mandated insurance coverage for hearing aids for children in Massachusetts.
- Led a seven-member board to grow a grassroots movement in support of legislation.
- Worked closely with legislators, State House leadership, doctors at Children's Hospital Boston and the Massachusetts Eye and Ear Infirmary, families of children with hearing loss, and lobbyists to pass law.
- Co-drafted law passed as Chapter 233 of the Acts of 2012, "An Act Providing Hearing Aids for Children."
- Conducted legislative briefing for legislators at State House.
- Conducted public relations campaign through marketing, media and social media outlets.
- Coordinated with doctors, audiologists, speech-language pathologists, parents and children with hearing loss to prepare for public hearing at the State House.
- Testified at the State House before the Joint Committee on Children, Families and Persons with Disabilities in support of the bill.
- Advocated at the Division of Insurance during implementation phase of law in 2013.
- Assist families of children with hearing loss to interpret law.

Kopelman & Paige, P.C., Boston, MA

Contract Attorney

2006

- Conducted independent investigations for towns following charges of inappropriate or illegal conduct of town employees and officials.
- Prepared reports for towns following investigations.

Associate

April 2001 - June

2004

- Represented municipalities in labor and employment matters before the Labor Relations Commission, the Civil Service Commission, the Massachusetts Commission Against Discrimination, private arbitrators and in court.
- Drafted opinion letters to clients on issues of municipal law, labor and employment, including the FMLA, ADA, FLSA, HIPPA, USERRA, civil service and collective bargaining.
- Advised town boards and managers in all areas of labor and employment law and their interrelation to municipal laws, including the open meeting law and the public records law.
- Served as town-appointed Hearing Officer for employment disputes and labor grievances.
- Lectured on labor and employment law topics for the Massachusetts Municipal Association.

Commonwealth of Massachusetts, Human Resources Division, Boston, MA
March 1998 - April 2001

Labor Counsel

- Represented state agencies in labor and employment matters before private arbitrators, the Labor Relations Commission, the Civil Service Commission and the Massachusetts Commission Against Discrimination.
- Provided legal counsel in labor and employment law, including matters related to FMLA, FLSA, ADA, collective bargaining and other human resources issues to the Executive Office of Administration and Finance, the Governor's Office, state and municipal appointing authorities and agency managers.
- Assisted the General Counsel in formulating policy positions, drafting legislation and in performing legal and administrative responsibilities.
- Served as legal department's FMLA liaison to state agency managers.

EDUCATION

Suffolk University Law School, Boston, MA
May 1996

Juris Doctor, cum laude

- Suffolk University Law Review, Note Editor, 1995-96; Staff Member, 1994-95
- Justinian Law Society Scholarship, 1995-96
- Phi Delta Phi Legal Fraternity, Philanthropy Chair, 1994-95
- Street Law Program, Founder and Director, 1993-95
- Criminal Law Supplemental Instructor, 1994-95

University of Massachusetts, Amherst, MA
February 1992

Bachelor of Arts, cum laude, History

Minor in Philosophy

- Phi Beta Kappa
- Mortar Board Honor Society
- Golden Key National Honor Society
- Phi Alpha Theta History Honor Society, President, 1990-91
- Simon Ermonian History Scholarship, 1991
- Kappa Kappa Gamma Women's Fraternity, President, 1991-92; Vice President, 1990-91

Università di Firenze, Florence, Italy

Spring 1988

Coursework in Italian

Florida State University Florence Program, Florence, Italy
Fall 1987

Concentration in Art History

VOLUNTEER WORK

**National Institute on Deafness and Other Communication Disorders (NIDCD)
Advisory Council, Washington, D.C.**

September 2016 - May 2020

- Appointed by Secretary of Health and Human Services to serve on 18-member council with representatives of health and scientific disciplines in the areas of deafness and communication disorders, the Secretary, the Director of the NIDCD, the Chief Medical Director of the Department of Veterans Affairs, and the Assistant Secretary of Defense for Health Affairs.
- Advise, assist, consult with and make recommendations to the Secretary, the Assistant Secretary for Health, the Director of the National Institute of Health, and the NIDCD on policy and matters related to the Institute.
- Review cooperative agreements for research and training and applications for projects, and collected information about national and international studies and other programs related to normal and disordered communication for possible dissemination to public and private health entities, health personnel and scientists, and to the general public.

MA **Alexander Graham Bell Association for the Deaf and Hard of Hearing**, Boston, 2011 - Present

Massachusetts Chapter, Board Member

Co-Interim President, August 2019 - Present

Advocacy Director, January 2017 - Present

- Monitor and analyze relevant activity on Beacon Hill, Capitol Hill and among national organizations.
- Brief board members on policy matters or pending legislation affecting membership or goals of national organization.
- Provide strategic analysis for advancing organization's goals with the key decision-makers in the legislative and executive branches.
- Develop and lead implementation of advocacy strategies.
- Create and manage advocacy team among membership and in cooperation with other groups to advance goals of organization, when needed.
- Communicate with and brief legislators, their staff, and agency officials through in-person meetings, written communications and phone calls.
- Perform duties as board member, including assisting in creation and scheduling of annual programming, planning and participating in fundraising, and representing the organization to the community.

Kids' Director,

2013 - 2017

- Planned and ran events and activities for deaf and hard of hearing children ages 8-12 in Massachusetts.

School Council, F.A. Day Middle School, Newton, MA

2014 -

2017

Member

- Served as member of state-mandated school council.
- Assisted principal by reviewing the school building budget and developing the school improvement plan, which is submitted to the school committee for review and approval.
- Developed parent survey on technology use during 2016-17 school year, and planned and participated in parent event at middle school to discuss concerns surrounding students' technology use.

- Assisted council to develop parent poll for 2014 - 2015 school year and analyzed data with council members.
- Developed after-school activities for students.

F.A. Day Parent-Teacher Organization, Inc., Newton, MA

2016 - 2017

Secretary

- Advise executive board in revision and updating of organization's bylaws.
- Keep minutes of PTO meetings and post to school community.

Cabot Elementary School Parent-Teacher Organization, Inc., Newton, MA

2011 - 2015

Welcoming Committee, 2011-2012; Secretary, 2012-2013; Vice-President Political Issues, 2013-2014;

Political Issues Committee & Fifth Grade Activities Committee Co-Chair, 2014-2015

- Planned events for new families to school community.
- Followed current educational issues and legislation on both local and state level to keep school community informed.
- Advocated on behalf of school community to city boards regarding educational issues, including redistricting policy, new school building, technology policy, teacher gift policy and state ethics law, and equity policy.
- Supervised volunteer staff as Co-Chair of 5th Grade Activities Committee to fundraise and to organize class social action project, class gift and transition ceremony.
- Communicated with media regarding newsworthy events at school.

Massachusetts Mothers of Twins Association, Inc., Arlington, MA

May 2007 - May 2008

President, Founding Chapter

- Presided over 260-member non-profit organization designed to broaden the understanding of child development and childrearing relating to multiple-birth children through the interchange of information between parents, educators, doctors and others with a direct interest.
- Planned and directed monthly board meetings, led monthly general meetings, appointed all standing committee chairpersons, approved all bills and served as delegate to the state association.

PUBLICATION

Note, The Admissibility of DNA Typing and Statistical Probability Evidence, 29 Suffolk U.L. Rev. 473 (1995).

ASSOCIATIONS

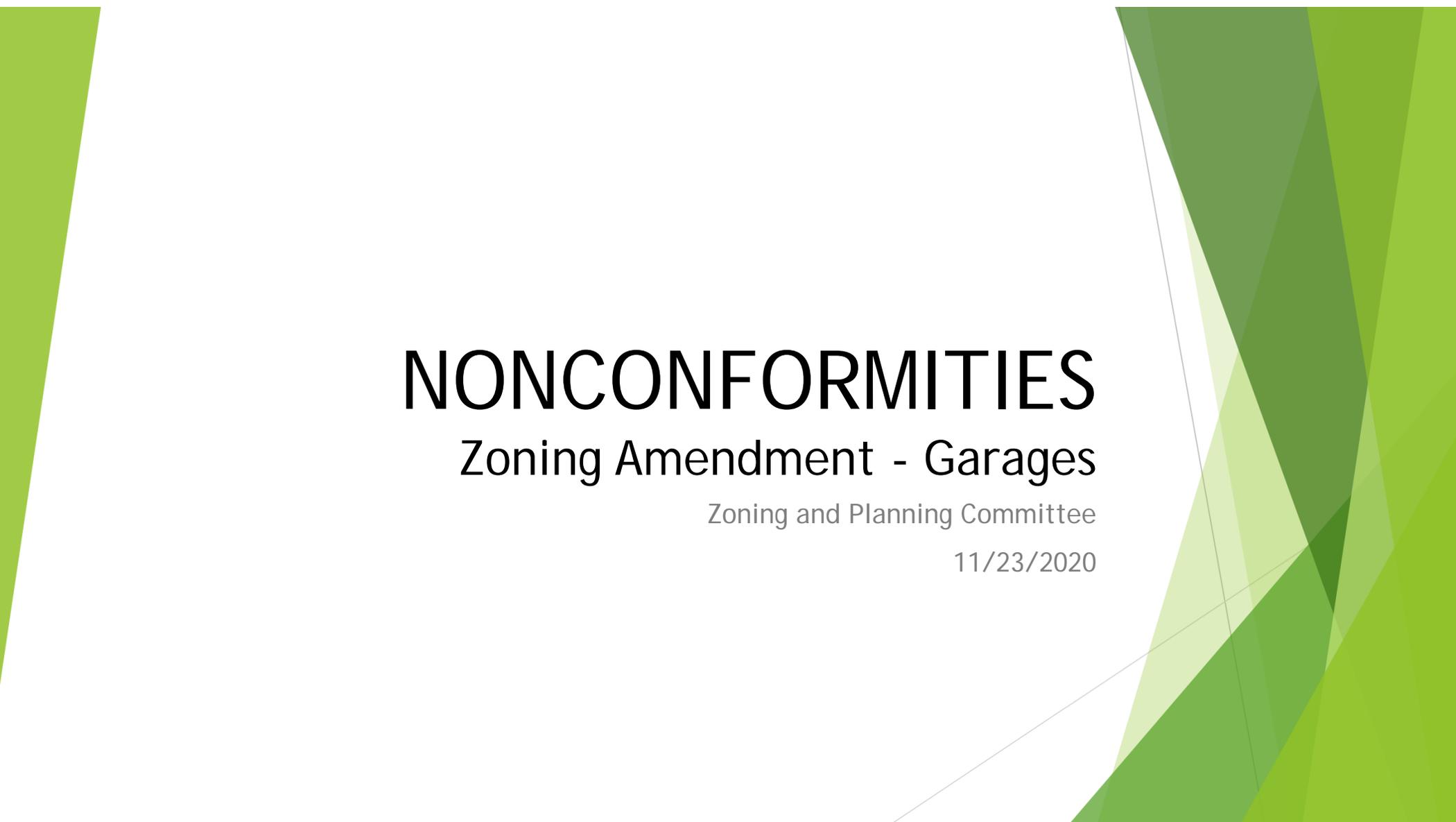
Alexander Graham Bell Association for the Deaf and Hard of Hearing
Hearing Loss Association of America

LANGUAGES

Italian and Spanish proficiency.

ACTIVITIES AND INTERESTS

Knitting, cooking, biking, yoga; local government, legislation, developments, and advocacy impacting the deaf and hard of hearing community.



NONCONFORMITIES

Zoning Amendment - Garages

Zoning and Planning Committee

11/23/2020

Definition - Nonconforming

- ▶ Uses and structures may be nonconforming
- ▶ The use or structure must have lawfully begun or lawfully existed prior to the zoning change
- ▶ “Lawfulness” means that the use or structure complied with zoning laws at the time the use first commenced or the structure was first constructed

Protections for Nonconformities

- ▶ Massachusetts General Laws Chapter 40A, Sec. 6, provides a baseline level of protection for nonconformities
 - ▶ A lawful nonconforming use or structure does not need to comply with requirements of a zoning change
 - ▶ A lawful nonconforming use automatically acquires the protections
- ▶ Single and two family residential structures
 - ▶ Additional protections - State law allows as of right the alteration, reconstruction, extension or structural change of such a structure, so long as the extended or altered structure does not increase its nonconforming nature

Proposed Alteration or Addition

- ▶ If there is a proposed alteration or addition to a nonconforming structure, the City would identify the nature of the nonconformity and make an initial determination as to whether the proposed alteration or addition would intensify the existing nonconformity or result in additional ones
 - ▶ If the answer is “no”, the applicant may proceed in compliance with the current Zoning Ordinance
 - ▶ If the answer is “yes”, the applicant must obtain a “Section 6 finding” or seek a variance

Section 6 Finding

- ▶ A proposed extension or alteration of a nonconforming structure that would intensify the existing nonconformity may be permitted by the Permit Granting Authority of a municipality
- ▶ The PGA must find that the proposed change, extension or alteration is not substantially more detrimental to the neighborhood than is the existing nonconforming use or structure
- ▶ An alteration that would create a new nonconformity may not be permitted by a Section 6 finding

Variance

- ▶ If a Section 6 Finding is not granted, the current Zoning applies to the proposed alteration and the applicant must seek a variance
- ▶ To create an additional or new nonconformity, an applicant must seek a variance



Newton - Current Zoning Nonconformities - Section 7.8

- ▶ The City's current zoning ordinance explicitly provides the floor protection to nonconforming uses and structures required by state law
- ▶ The current zoning ordinance also permits Section 6 findings and designates the Special Permit Granting Authority as the body to make such findings
 - ▶ A nonconforming building or structure may be structurally or substantially altered or reconstructed or may be altered or enlarged to permit the extension of a nonconforming use...provided that a special permit is obtained. In granting such a permit, the City Council shall make a finding that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood and shall impose such conditions as may be necessary to protect the neighborhood from injury.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

MEMORANDUM

DATE: November 20, 2020

TO: Councilor Deborah Crossley, Chair, Zoning & Planning Committee
Members of the Zoning & Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director, Department of Planning and Development
Zachery LeMel, Chief of Long Range Planning
Nevena Pilipović-Wengler, Community Engagement Manager
Cat Kemmett, Planning Associate

RE: **#448-20 Discussion and review relative to the draft Zoning Ordinance**
COUNCILOR CROSSLEY, on behalf of the Zoning & Planning Committee proposing to amend Chapter 30, City of Newton Zoning Ordinances, by repealing Ordinance No. A-78 and amending the regulation of garages in residential zoning districts as set forth in Chapter 30, Section 3.4. The objectives are to prevent garages from dominating the streetscape, improve safety along the public way for all modes of travel and achieve consistency with climate action goals.

MEETING: November 23, 2020

CC: City Council
Planning Board
John Lojek, Commissioner of Inspectional Services
Neil Cronin, Chief of Current Planning
Alissa O. Giuliani, City Solicitor
Jonathan Yeo, Chief Operating Officer

Recap of Previous ZAP Meetings

Over the past year, the Garage Ordinance rules and regulations have been discussed at numerous ZAP meetings (April 27, May 19, October 1) within the context of the larger Zoning Redesign initiative. However, on the recommendation of the ZAP Committee, the City Council voted to take up the Garage Ordinance as a standalone amendment within the current Zoning Ordinance, and it has now been docketed separately as item #448-20. Since this recommendation, the ZAP Committee has heard from the building professional community (October 26) and from staff on how and what should be prioritized within this amendment (November 5). Committee members are encouraged to review the [November 5 ZAP Report](#) for detailed descriptions on areas of consensus and areas that required additional analysis.

Introduction to Upcoming ZAP Meeting

Staff have revised the Garage Ordinance based on feedback from ZAP, building professionals, community members, and other city departments. The upcoming ZAP meeting on November 23rd will include a presentation on the revised ordinance text (Attachment A). The Law Department will also present on how non-conformities are handled under State Law (M.G.L. Ch. 40A Section 6) and within our current Zoning Ordinance more generally. Following this, Planning staff will present case studies illustrating the impacts on existing properties made legally non-conforming by the proposed Garage Ordinance and what options are available to these homeowners if they want to renovate. Building off of the goals and mechanisms discussed at previous ZAP meetings, the draft Garage Ordinance establishes rules for residential projects to provide garages for all lot sizes and configurations, increasing predictability and flexibility for developing garages as part of new construction or additions. Highlighted below are some of the key mechanisms and standards proposed in the Garage Ordinance draft.

Width

Garage Width

The most important goal of the Garage Ordinance is to limit the prominence of the garage. Setting standards to effectively regulate garage width, relative to the total width of the structure, is the most impactful way to ensure this. Under the proposal, the width of a Front Facing Garage is limited to either:

- A. 45% if providing Single Garage Doors (Sec. 3.4.4.C.2.a)
- B. 40% if providing a Double Garage Door (Sec. 3.4.4.C.2.b)

The total garage length is measured as the sum of the length of all garage doors on a Front Facing Garage, measuring each door from jamb to jamb (Sec. 3.4.4.B.4).

This method of measurement, recommended by the building professionals and approved by the the Inspectional Services Department, is simple and focuses on garage doors, which have the most impact from the street. Excluding elements such as mudrooms or storage areas from the maximum width calculation provides flexibility for garage design. However, it also means that garages will represent a smaller percentage of the total Front Elevation than if the full width of the garage was measured from wall to wall, which is why the maximum width was reduced from 50% of the Front Elevation in a previous version.

Given this shift in measurement method, staff looked at existing conditions to determine the percentage of lots that could accommodate a two-car Front Facing garage within each zoning district. Based on the lot frontage of existing lots and district setback standards, a two-car Front Facing Garage could reasonably be accommodated as follows:

Zoning District	Existing Conditions Existing Lot Frontage (width)	Standards* Side Setbacks (total)	Two 9 ft Garage Doors @ 45% One 16 ft Garage Door @ 40% Minimum Lot Frontage Required
SR1 1839 Lots	25% conforming - 148 ft	Old Lot - 25 ft	Old Lot - 65 ft New Lot - 80 ft ≈80% of lots
	50% conforming - 110 ft	New Lot - 40 ft	
	75% conforming - 88 ft		
SR2 8404 Lots	25% conforming - 105 ft	Old Lot - 15 ft	Old Lot - 55 ft New Lot - 70 ft ≈75% of lots
	50% conforming - 86 ft	New Lot - 30 ft	
	75% conforming - 70 ft		
SR3 6803 Lots	25% conforming - 86 ft	Old Lot - 15 ft	Old Lot - 55 ft New Lot - 60 ft ≈70% of Lots
	50% conforming - 72 ft	New Lot - 20 ft	
	75% conforming - 60 ft		
MR1 4144 Lots	25% conforming - 85 ft	Old Lot - 15 ft	Old Lot - 55 ft New Lot - 60 ft ≈60% of lots
	50% conforming - 65 ft	New Lot - 20 ft	
	75% conforming - 50 ft		
MR2 1390 Lots	25% conforming - 75 ft	Old Lot - 15 ft	Old Lot - 55 ft New Lot - 60 ft ≈50% of lots
	50% conforming - 60 ft	New Lot - 20 ft	
	75% conforming - 45 ft		
MR3 107 Lots	25% conforming - 84 ft	Old Lot - 15 ft	Old Lot - 55 ft New Lot - 55 ft ≈55% of lots
	50% conforming - 65 ft	New Lot - 15 ft	
	75% conforming - 40 ft		

* The majority of existing lots in Newton are Old Lots

Lot sizes in the city generally range from large lots in SR districts to smaller lots in the MR districts. Given this, and the understanding that two-car Front Facing garages are features that align more closely with the built fabric that exists today in the SR districts than in the MR districts, staff believe it is appropriate that the percentage of existing lots that can accommodate a two-car Front Facing garage decreases from about 80% of lots in SR1 to roughly 55% of lots in MR3. The required building width necessary for a two-car Front Facing garage that features either two 9 foot wide bays or a single 16 foot wide bay is 40 feet, which the vast majority of lots in any residential zoning district can accommodate.

Door Width

To ensure garage doors are limited to a reasonable size, the ordinance proposes limiting the overall width of each garage door. Doors used for a single automobile to access a Garage may be up to 9 feet wide each (Sec. 3.4.4.B.4.a). In order to allow for flexibility, the draft also allows for a Double Garage Door up to 16 feet wide (Sec. 3.4.4.B.4.b) used for two automobiles to access a Garage. These numbers were chosen to align with established construction standards and based on feedback from the Building

Professional working groups. A garage is still limited to a maximum of 700 square feet or three cars, except by Special Permit.

Front Elevation

Because the maximum Front Facing Garage width relies on the measurement of the total front facade, the draft includes a definition and method of measurement for Front Elevation (Sec. 3.4.4.B.6). The Front Elevation is the exterior wall of a building oriented in whole or in part toward the Primary Front Lot Line. Parts of the Front Elevation set back more than 10 feet from the front of the house are excluded from this measurement as they are less visible from the street and will be less effective at mitigating the visual impact of a garage.

Placement

Front Facing Garages

The question of whether to require Front Facing Garages to be set back from the main facade of the house, and if so, how much, has been a topic of discussion at a number of previous ZAP meetings. Though there seems to be a general agreement that the placement is important, there has been no clear consensus on how that placement should be regulated.

Based on suggestions that some amount of differentiation in articulation of the facade is generally preferred, this draft proposes that Front Facing Garages be set back no less than 2 feet behind the Front Elevation of the house (Sec. 3.4.4.C.1). This is a fairly modest setback that the building professionals have put forward as a sufficient amount to create differentiation between the home and the garage.

Garage placement regulation is further complicated by the potential effect of mitigating elements such as porches and canopies to offset the impact of a garage that either aligns or projects forward of the Front Elevation. After analysis and consultation with the Inspectional Services Department and other city departments, staff determined that creating effective and comprehensive standards that could be implemented under the current ordinance that could account for garages to align with specific architectural features under specific circumstances would require a number of highly prescriptive and detailed rules, which are not practical at this time.

While the committee has seen desirable designs that include a projecting Front Facing garage, if the placement of a garage is to be regulated by-right staff's recommendation is to limit the regulation to a small setback. This will reduce the prominence of all Front Facing garages without trying to codify architectural style. If there is a strong desire to allow for projecting Front Facing garages, the Committee might consider the following options:

1. The Garage Ordinance could focus on regulating the width of garages and the garage doors and not regulate placement for Front Facing garages. Staff believes the overall width is the most important factor in reducing the prominence of garages.
2. Alternatively, if the Committee decides that a setback should be required in most cases, garages that align with or project forward of the Front Elevation could be allowed through the Special Permit

process. This option provides for flexibility and some level of control over projecting garages, however it puts the City Council in the position of having to review design.

Detached Front Facing Garages

The proposal has added more clarity on how detached Front Facing garages will be treated. The draft ordinance includes the detached garage in the Front Elevation calculation and regulates the width of the garage in the same way as attached garages, as long as the garage is not set back more than 10 feet from the front of the house. If the garage is set back more than 10 feet, the detached garage would be exempt from the maximum width, however the garage door size regulations would still apply (Sec. 3.4.4.C.2.C). Additionally, at the recommendation of the Commissioner of Inspectional Services, Section 3.4.3 has been amended to require a minimum six foot separation between all accessory buildings and other accessory buildings or principal buildings. This has been a long standing issue and it ensures that a detached garage which is exempt from the maximum width regulations will have reduced prominence due to the setback as well as the separation from the main structure.

Side Facing Garages

The proposal recommends that Side-Facing Garages may be located in front of the main house, but not within the front setback. (Sec. 3.4.4.D.1). A minimum of 10% fenestration is required on the Garage Wall elevation facing the Primary Front Lot Line only in the case of Side Facing Garages that project out in front of the house. This modest fenestration requirement will ensure there is some visual interest on the side of the garage that faces the street, and roughly aligns with the amount of fenestration that is typically provided for Side Facing Garages today.

Exemptions

As in previous drafts, this version proposes that garages of any orientation that are located more than 70 feet from the Primary Front Lot Line are exempt from the standards of the Garage Ordinance (Sec. 3.4.4.G.1). All other exemptions, including the exemption for slope, have been removed.

Special Permit

The proposed draft carries forward the ability to seek a Special Permit for a garage with more than three cars or 700 square feet, as is included in the current zoning ordinance. The current ordinance also requires a Special Permit to have more than one garage. The proposed draft allows for up to two garages, one attached and one detached, by-right. It is not uncommon that a house with an older, attached single car garage will seek to add an additional detached garage and this draft would allow that by-right, as long as the overall garage area did not exceed 700 square feet or provide space for more than three cars.

Looking Ahead

Following this meeting staff will reach out to the Building Professional Groups for final input. Staff hope to have a final draft of the ordinance ready for discussion at ZAP in mid-December so that the Committee feels confident to set a public hearing date for January.

Attachments

Attachment A Revised Garage Ordinance draft

3.4.3 Accessory Buildings

- A. Except as provided in Sec. 6.9, accessory buildings shall conform to the following requirements:
1. An accessory building shall be no nearer to any side or rear lot line than 5 feet, and no nearer to any front lot line than the distance prescribed for the principal building.
 2. At no point shall any accessory building be less than six feet from any point on any other accessory building or principal building.
 3. An accessory building with a sloping roof shall have a maximum height of 22 feet. An accessory building with a flat roof shall have a maximum height of 18 feet. An accessory building shall have no more than 1½ stories.
 4. The ground floor area of an accessory building shall not exceed 700 square feet.

3.4.4 Garage Design Standards

A. Applicability

Garage Design Standards apply in all Residence Districts

B. Definitions

1. **Garage.** An attached or detached structure, or portion of a structure, that is able to be accessed by an automobile and is used or intended to be or used primarily for the storage or parking of one or more automobiles. A detached garage is an Accessory Building (See Sec. 3.4.3).
2. **Front Facing Garage.** A garage with a primary door or doors through which automobiles enter the garage facing the Primary Front Lot Line.
3. **Side Facing Garage.** A garage with a primary door or doors through which automobiles enter the garage facing the Primary Front Lot Line at an angle between 60 and 90 degrees.
4. **Garage Door.** The door to a garage that provides access for an automobile. Garage door length is measured as the exposed dimension between the door jambs from the exterior of the jamb.
 - a. Single Garage Doors are Garage Doors used for a single automobile to access a Garage. A Single Garage Door may be up to 9 feet wide.
 - b. Double Garage Doors are Garage Doors used for 2 or more automobiles to access a Garage. A Double Garage Door may be up to 16 feet wide.

Attachment A

5. **Garage Wall.** Any wall enclosing a garage including that wall containing the garage entrance.
6. **Front Elevation.** The exterior wall of a principal building oriented in whole or in part toward the Primary Front Lot Line. The Front Elevation does not include any exterior wall of a building more than 10 feet behind the frontmost exterior wall oriented in whole or in part toward the Primary Front Lot Line.
7. **Front Lot Line.** Any lot line abutting a street or right of way is a front lot line.
8. **Primary Front Lot Line.** Where there are multiple front lot lines, one is designated a Primary Front Lot Line.
 - a. At time of application for a building permit or other municipal approval for which the location of the Front Lot Line must be established, the property owner of such a lot may designate a Primary Front Lot Line.
9. **Fenestration.** The openings in a Front Elevation of a building, including windows and doors, but excluding entrances for parking, loading, and service facilities. Fenestration is measured from the exterior edge of any window or door trim.

C. Standards for Front Facing Garages

1. A Garage Wall of a Front Facing Garage may be no closer to the Primary Front Lot Line than 2 feet behind a minimum of 50% of the Front Elevation.
2. The sum of the length of all garage doors on a Front Facing Garage may be up to the following:
 - a. A Front Facing Garage that includes only Single Garage Doors may be up to 45% of the total width of the Front Elevation.
 - b. A Front Facing Garage that includes a Double Garage Door may be up to 40% of the total width of the Front Elevation.
 - c. A detached Front Facing Garage that is set back more than 10 feet from the frontmost wall of the Front Elevation is exempt from this requirement.

D. Standards for Side Facing Garages

1. A Side Facing Garage may be located in front of the building Front Elevation, but not within the front setback, if it meets the following:
 - a. A minimum of 10% Fenestrations on the Garage Wall elevation facing the Primary Front Lot Line as measured from the exterior.
2. On Corner Lots, a garage facing a Front Lot Line that is not the Primary Front Lot Line is considered a Side Facing Garage.

E. Standards for residential buildings with one unit

Attachment A

1. There may be no more than 700 square feet in total garage space on a lot providing for no more than 3 automobiles, between a maximum of one attached garage and one detached garage.

F. Additional Standards for residential buildings with two-units

1. Parking spaces in garages are counted toward the minimum number of accessory parking spaces required by Sec. 5.1.4. Garages may be attached or detached.
 - a. For each residential unit, there shall be no more than one garage and each garage shall provide for no more than 2 automobiles.

G. Exemptions

1. Garages that are located more than 70 feet from the Primary Front Lot Line are exempt from the standards of this section.

H. By Special Permit

1. A private garage with provision for more than 3 automobiles, or a private garage of more than 700 square feet in area, or more than 2 private garages per single-family dwelling.